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SENATE—Thursday, April 9, 1992

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

Eternal God, all wise, all powerful, You know better than we our present condition. What we call anger is probably, more accurately, frustration. The people express anger and blame leadership because they are frustrated in themselves and see their own weaknesses and failures reflected in leadership. Leadership is frustrated because it is experiencing the powerlessness of the powerful.

Gracious God our Father, help us hear clearly the Word of Jesus, " * * * With men it is impossible, but not with God: for with God all things are possible."—Mark 10:27. " * * * The things which are impossible with men are possible with God."—Luke 18:27.

Forgive our inclination to look everywhere except to God for a way out. Help us to see that, out of touch with God, we are like a compass without its magnetic north. We are disoriented, we are lost, we are directionless. Somehow, mighty God for whom "nothing is too hard," give us grace to acknowledge our limitations, our frustration, our powerlessness, and to turn to You and find the direction, the support, the way so desperately needed at this time.

In the name of Jesus who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, the time for the two leaders will extend until 10 a.m., at which time the Senate will resume consideration of Senate Concurrent Resolution 106, the budget resolution, with the Exon amendment as the pending amendment.

When the Senate disposes of the Exon amendment, Senator BROWN is to be recognized to offer an amendment, and when that is disposed of, Senator BRADLEY will be recognized to offer an amendment. Senators can expect roll-call votes to occur relative to these amendments, as well as others which may be offered during the course of the consideration of the budget resolution.

Mr. President, let me again reiterate the point I made several times this week about the Senate schedule. The Senate will remain in session until action is completed on the budget resolution. We must pass a budget resolution prior to the forthcoming Easter recess. Therefore, we will remain in session as long as it is necessary to pass a budget resolution.

THE UDALL FOUNDATION ACT

Mr. MITCHELL. Mr. President, on March 19 the President signed into law,

as Public Law No. 102-259, S. 2184, the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992.

I applaud the President's decision to sign the measure, and congratulate the senior Senator from Arizona [Mr. DECONCINI] who took the lead in working with the House of Representatives and the White House to ensure that legislative action would be completed on this bill early this session, following the President's ill-advised attempt to pocket veto a related bill during the last adjournment. I also congratulate the junior Senator from Arizona [Mr. MCCAIN] who joined in sponsoring this bipartisan legislation to honor our friend from Arizona, Mo Udall. The Senators from Arizona are to be commended for continuing Congressman Udall's work to protect our environment and also to improve the health of native Americans and Alaska Natives.

Enactment of this law is a fitting and proper tribute to the great legacy of Mo Udall, and now the important work of the foundation created by this law can begin.

However, as we await the President's nominations to trusteeships of this foundation, one disturbing aspect of the President's statement, upon signing S. 2184 into law, requires a response. In his statement, which is printed in volume 28 of the Weekly Compilation of Presidential Documents, at page 507, the President labeled as a "serious deficiency in the bill" the provision of the law prescribing qualifications for trustees of the Udall Foundation who are to be appointed by the President, by and with the advice and consent of the Senate.

The required qualifications, which are stipulated in section 5(b)(3) of the law, are, first, that 5 of the 11 trustees "have shown leadership and interest" in environmental issues, or in the improvement of native American and Alaska Native health and in the strengthening of tribal self-governance, the subjects that are to be the work of this foundation. The second

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

statutory requirement, intended to promote the nonpartisanship which was important in the Congress' bipartisan support of this measure, is that not more than three of these five trustees be of the same political party.

The President's signing statement asserts that the statutory specification of qualifications for Government officials violates the appointments clause of the U.S. Constitution. The President announced that he views those provisions of the Udall Foundation Act as precatory, meaning that he views himself as free to ignore them if he so chooses.

The President's assertion is wrong and without any basis in history or law. It cannot stand unchallenged. Further, in the event that the President's assertion presages an effort on his part to bring independent administrative agencies under partisan political control, it is important to stop that effort now, and to make clear that his statement has no support in our Nation's jurisprudence and history.

The legal basis for the statutory specification of qualifications for officers of the United States could not be stronger. Toward the end of the first session of the First Congress, President Washington signed into law the Judiciary Act of 1789. That law provided for the appointment of an Attorney General of the United States and specified the qualification for that officer by requiring that the President appoint "a meet person, learned in the law." (Act of Sept. 24, 1789, c. 20, 35, 1 Stat. 73, 93.)

No law now requires that the Attorney General be "learned in the law," but that requirement survives to this day for the United States' principal advocate before the Supreme Court, the Solicitor General, who, by statute, is required to possess that qualification. (28 U.S.C. 505 (1988).)

In 1926, Chief Justice Taft, himself a former President of the United States, authored *Myers versus United States*, one of the Supreme Court's seminal opinions on the meaning of the appointments clause and its allocation of power between the legislative branch and the President. Chief Justice Taft's opinion for the Court, while denying the Senate the power to participate in the removal of executive officers, stated, in language that cannot be misunderstood today, that the Constitution gives Congress the legislative power of "prescribing * * * reasonable and relevant qualifications and rules of eligibility of appointees." (272 U.S. 52, 129 (1926).)

The Chief Justice observed that Congress' "power to prescribe qualifications for office" had "been often exercised" and stated that there was no conflict between such legislation and the President's constitutional prerogatives regarding appointment and removal, as long as "the qualifications do not so limit selection and so trench

upon executive choice as to be in effect legislative designation." (Id. at 128.)

In a separate opinion dissenting from the Court's ruling on the removal question, Justice Louis Brandeis elaborated on the Court's observations on the prescribing of qualifications for Federal office in statute. Justice Brandeis noted that Congress had legislated such qualifications "continuously since the foundation of the Government," that "[e]very President has approved one or more of such acts," and that "[e]very President has consistently observed them." (Id. at 265.)

Justice Brandeis supported these conclusions with an exhaustive enumeration of literally hundreds of laws stipulating qualifications such as citizenship, residency in a particular state or territory, and professional attainment or occupational experience, to name just a few of the scores of examples documented in his opinion. (Id. at 265-69.)

Justice Brandeis also traced legislation on diverse political representation as a qualification for office on multi-member boards and commissions—the specific provision that President Bush has singled out for objection in this statute—back to the 1880's. (Id. at 269-71.) When Congress acted legislatively in 1883 to curtail the spoils system and institute a professional, competitive public service in the Federal Government, it did so by creating the Civil Service Commission and requiring that there be three commissioners, "not more than two of whom shall be adherents of the same party." (Act of Jan. 16, 1883, c. 27, 1, 22 Stat. 403.)

The continuous exercise by Congress of the statutory power to prescribe qualifications for office from the very organization of our Government, which Justice Brandeis noted in 1926, has continued unabated in the years since he wrote down to the present. Today, the United States Code is replete with provisions specifying qualifications required for officers charged to serve in the gamut of Departments, Agencies, Boards, and Commissions of the Federal Government.

To describe a few examples in policy areas similar to the Udall Foundation Act, Federal law requires that the officer appointed by the President, with the advice and consent of the Senate, to serve as Director of the U.S. Fish and Wildlife Service be "by reason of scientific education and experience, knowledgeable in the principles of fisheries and wildlife management." (16 U.S.C. 742b(b)(1988).) Similarly, three of the four commissioners of the Great Lakes Fishery Commission, who are appointed by the President, are required to be "knowledgeable regarding the fisheries of the Great Lakes." (16 U.S.C. 932(a)(1)(B) (1988).)

Plainly, the requirement that the trustees of the Udall Foundation "have shown leadership and interest" in nat-

ural resource and environmental matters or native American health and self-government issues is not unique. There is nothing in our constitutional history or the logic of our system of separated powers that could be read even to suggest that it is somehow suspect or improper for Congress to specify by law that the President's appointee to a particular office possess a modicum of knowledge about the work to be performed by that office.

As for the particular requirement for the Udall Foundation trustees which was singled out by President Bush, the act provides that five of the President's appointees be fairly evenly balanced politically, specifying that not more than three shall be of the same political party. Identical statutory provisions may be found from near the beginning to near the end of the 50 titles of the United States Code. They govern the President's appointments to the Federal Election Commission, 2 U.S.C. 437c(a)(1) (1988); to the Federal Trade Commission, 15 U.S.C. 41 (1988); to the Securities and Exchange Commission, 15 U.S.C. 78d(a) (1988); to the International Trade Commission, 19 U.S.C. 1330(a) (1988); to the Nuclear Regulatory Commission, 42 U.S.C. 5841(b)(2) (1988); to the Federal Communications Commission, 47 U.S.C. 154(b)(5) (1988); and to the Interstate Commerce Commission, 49 U.S.C. 10301(b) (1988), to name a number of the boards and commissions with specifications regarding political balance under current law.

Congress power to establish independent, nonpartisan commissions and boards like these was upheld by the Supreme Court more than 50 years ago in another of the great appointments and removal decisions, *Humphrey's Executor versus United States*. While arguing that the President should be permitted to dismiss commissioners without cause, a position which the Court rejected, the Solicitor General conceded the long history of statutory requirements "that not more than a bare majority of the members of the Commission shall belong to the same political party." (295 U.S. 602, 615 (1935).)

Indeed, as far back as 1903, in *Shurtleff versus United States*, the Supreme Court reviewed an 1890 law that established Federal offices known as General Appraisers of Merchandise to be filled by Presidential appointees subject to the identical party balance requirement. The Court's unanimous opinion stated that there was "no doubt" of Congress' power to create an office including those statutory specifications. 189 U.S. 311, 313 (1903).

More recently, in 1989, the Supreme Court upheld the constitutionality of the statute providing for the appointment of the members of the U.S. Sentencing Commission. The party challenging the Sentencing Reform Act of 1984 sought to present every challenge that, in good faith, could be raised on

separation of powers grounds against the Sentencing Reform Act of 1984. But while the act expressly provides that no more than four of the seven members of the Sentencing Commission be of the same political party, a fact expressly noted in the Court's opinion, *Mistretta v. United States*, 109 S.Ct. 647, 652 (1989), no one imagined that a credible question could be asserted against the kind of provision to which the President now objects.

I have devoted some time to this historical exposition because history is important in constitutional law. What this history shows is that, for more than 200 years, beginning with the First Congress, Congress has enacted numerous Federal statutes prescribing qualifications required for appointees to Federal offices that Congress has created. The qualifications prescribed in such laws were completely analogous to those included with respect to the Udall Foundation Board.

Over that 200-year period, Presidents have approved and abided by provisions like those found in the Udall Foundation Act, and their constitutional advocates, the Solicitors General, have recognized the validity of such provisions in their presentations to the Supreme Court. Further, the Supreme Court has consistently noted the legitimacy of these provisions.

The Supreme Court has held, in such cases as *Myers* versus *United States* which I described earlier in these remarks, that, in interpreting the appointments clause, the decisions of the First Congress are entitled to great weight. That is because that First Congress had the responsibility to launch the Government and had among its members many of the delegates to the Convention that framed the Constitution. When such an early legislative decision, requiring construction of the appointments clause, has been acquiesced in by the political branches over a number of years, the Supreme Court has stated, that construction of the Constitution is fixed in law.

It would be difficult to imagine a stronger instance of an early legislative decision than the decision of the First Congress that the first Attorney General be "learned in the law." It would also be difficult to find a stronger instance of a consistent pattern that has been established and acquiesced in by the political branches than Congress' statutory prescription of qualifications for Federal offices, particularly, in the last century, in relation to nonpartisan boards and commissions.

We do not reinvent our Constitution every 4 years. No President, any more than a Member of Congress, or a judge, is free to discard 200 years of constitutional history and law and seek to create from scratch new principles about the organization of our Government under the Constitution.

With regard to this question, the construction of the Constitution has become fixed over the past 200 years.

As I noted at the beginning of these remarks, the President's statement on the Udall Foundation Act states that he will treat the provisions of the law on qualifications as precatory. There is no legal basis for the President to make that assertion or to act in that manner. Like every other citizen, the President must obey the law. Indeed, the President is charged under the Constitution with the duty faithfully to execute the laws of the United States. We are all entitled to expect, consequently, that in performing his appointment responsibilities under this statute the President will faithfully execute the law not because he chooses to follow its provisions on an advisory basis, but because it is the law, which it is his sworn duty to uphold. Moreover, if the President reflects on the history which I have described in these remarks, I believe he will be reassured that his compliance with the Udall Foundation Act would be firmly rooted in our Nation's constitutional experience.

I look forward to the President's nominations of qualified trustees, in accord with the specifications that are the law of the land, in order that the trustees may commence the important work of the Udall Foundation.

Mr. President, I ask unanimous consent that the distinguished Republican leader be allocated as much time as I used since I believe I went over the time allotted to me.

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

The Chair recognizes the minority leader.

J.C. "CHICK" TILLOTSON

Mr. DOLE. Mr. President, throughout its history, Kansas has been fortunate to have citizens willing to dedicate themselves to improving their community and their State. Such a man was J.C. "Chick" Tillotson, of Norton, KS. Chick passed away at the age of 86 last month, leaving behind a rich record of public service.

Chick began his career in 1934, when he was elected Norton County attorney. Subsequently, he would serve four terms as president of the Kansas County Attorney's Association.

And, over the years, the people of Norton would time and again turn to Chick for leadership. 12 years on the Norton Community High School Board, three terms in the Kansas House of Representatives, two terms in the Kansas State Senate, where he served as chairman of the judiciary committee, and spearheaded the modernization of the Kansas court system, State president of the Native Sons of Kansas, vice president of the Kansas State Chamber of Commerce, the list goes on and on.

There is no doubt, Mr. President, that the Jayhawk State is for the better because of the difference that my friend Chick Tillotson made throughout his life.

My sympathies are extended to his wife, Maxine, his son John, his daughter, Carolyn, and the other family members and friends who were privileged to know this true servant of the public.

Mr. President, I suggest the absence of a quorum, and I reserve the remainder of my time.

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

The legislative clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Concurrent Resolution 106, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the United States Government for fiscal years 1993, 1994, 1995, 1996, and 1997.

The Senate resumed consideration of the concurrent resolution.

Pending:

Exon amendment No. 1763, to reduce the fiscal year 1993 defense budget authority.

MAINTAIN A STRONG DEFENSE

Mr. DOLE. Mr. President, first let me make it clear what the issue is when we are talking about the amendment by the distinguished Senator from Nebraska [Mr. EXON]. Contrary to what has been stated by the proponents, this amendment is not about saving, it is not about budget discipline, and it is not about deficit reduction. This amendment is about spending and politics.

But I think the American people see this for what it really is—an attempt to slash defense this year in order to begin a new spending spree—next year.

And let us be clear, this amendment is not offered because the world is a safe place, but for partisan political gain.

I remind my colleagues that while it is easy to make tough speeches and vote against defense spending, they should be just as willing to accept responsibility for the impact that additional cuts will have on their own State and local economies. If we are going to cut more, we must accept the pain. And according to the Congressional Budget Office, these cuts will be very painful. So, let us face up to it. You can't have it both ways.

I am often amazed by some of the short memories in this body. To some, history must not exist. Not everyone in this Chamber remembers World War II. Some of us do. The last time I looked, it was still in the history books. For America, World War II began at Pearl Harbor.

But by 1945, America stood victorious and towered over the world like a colossus.

In 1945, we possessed the strongest military force ever assembled. Yet, in 5 short years, America was nearly defeated by tiny Korea. And during that conflict thousands of Americans—once again—paid the ultimate price for our unpreparedness.

Following Vietnam, when the political courage to maintain a strong defense waned once again, our military force became a basket case. Our ships couldn't put to sea, our Army was hollow, poorly trained, and underequipped.

But in 1980, Ronald Reagan sounded the wake-up call and the American people responded. They gave President Reagan a mandate to restore our confidence, our forces, our technology, and our security. True, it was expensive. But the simple fact is, it costs far more to rebuild from weakness than it does to maintain strength.

President Reagan proved that strength has its own dividend. Through strength we won the cold war, liberated Grenada and Panama, defeated communism, crushed Saddam Hussein, and now stand poised, just as in 1945, as the most powerful nation on earth.

Just 2 short years ago, we were deliberating similar budget proposals—most of which called for radical cuts in our national defense. At the time, the Berlin Wall had just fallen, the term "peace dividend" surfaced, Saddam Hussein was unknown to most of the world, and the rush was on to slash defense spending. But Saddam Hussein sounded another wake-up call, and this time, America was prepared.

Today, we have come full circle—as if Saddam Hussein had never invaded Kuwait and threatened the entire region—as if over 500,000 American men and women were not called upon to fight a war to protect American interests and defeat the fourth largest army in the world—as if Mikhail Gorbachev were not overthrown by hardliners and no one knew for sure who controlled the nuclear button—as if the world were not a dangerous and uncertain place. There seems to be some pretty short memories around here.

But the question before us is about the future. How certain are we about the course of world events? I will confess that I don't know. I cannot predict what will happen in the world next week, or next month, or 5 years down the road. Some of my colleagues think they can. Certainly the collapse of the Warsaw Pact and the breakup of the Soviet Empire are encouraging signs.

The threat to Europe is greatly diminished. Saddam Hussein's Army has been crushed. Democracy and freedom have won hard fought battles against communism.

Today, as in 1945, America stands as the world's superpower. And we are faced with many of the same choices and many of the same demands on our limited resources. Secretary Cheney and General Powell have correctly noted that each time America has faced this moment in history, we have gone the wrong direction. And every time, we have paid the price in both blood and treasure.

The President, Secretary Cheney, and General Powell have proposed a responsible build-down of our national defense. A build-down that is consistent with both the reduced threat and the great uncertainty that exists in this dangerous world.

I commend Senators Hollings and Domenici for their courage, leadership, and foresight. They have hammered out a solid defense program that makes the tough choices, but in my view, the right choices. This resolution strikes a balance between our pressing domestic needs, and our future security. We have the opportunity to do it right this time.

I support this budget resolution and encourage my colleagues to put partisan politics aside and reject these drastic cuts in our defense.

The ACTING PRESIDENT pro tempore. Twenty-three minutes remains for debate on the resolution.

The Senator from Nebraska controls that time.

Mr. EXON. Mr. President, I ask what time may be necessary at this time to be yielded off of the resolution itself?

The ACTING PRESIDENT pro tempore. The Senator may yield time off the resolution, if he so chooses.

Mr. EXON. Mr. President, I just listened, with interest and with sadness, to the minority leader's explanation, or attempted explanation, of the Exon amendment before us. I sat through, yesterday, a whole series of diatribes that have totally falsely interpreted the Exon amendment. I listened yesterday in astonishment and amazement to some of those who this Senator has stood shoulder to shoulder with for the last 13 years to build up our national defense, and while they did not say so in so many words, the total accumulation of the remarks about the Exon amendment yesterday were not about the Exon amendment. It was about the philosophy of the build-down of our national security forces and interests.

You would have thought, Mr. President, that the Exon amendment was some wholesale slash or reduction in the amount of money we are spending on defense. I say it once again: The central feature of the Exon amendment is that it is one that is offered by one who has stood foursquare for a sound

defense since he has been here, one that has worked very hard on the Armed Services Committee, Budget Committee, and elsewhere, and by one who on many occasions have found myself marching arm and arm in lockstep with many of the people who came to the floor yesterday to attack the Exon amendment and suggest that it be voted down. That was followed up on this morning by the minority leader.

Let me try and put it back into perspective. What we are going to vote on, hopefully this morning sometime, and I suspect, Mr. President, that in the end the Exon amendment will fail, primarily because either it is not understood, or the U.S. Senate does not want to understand it. All that the Exon amendment does is reduce by 2 percent, approximately, the President's scheduled outlay for fiscal 1993.

We should all understand, Mr. President, that the Exon amendment is not an irresponsible wholesale slashing of the defense budget. It reduces, basically, the President's figure for outlays for defense by about \$4 to \$5 billion over what the President has recommended. To put it another way, the defense budget is roughly in the range of \$288 billion for 1 year. The President of the United States says that we can save about \$5 billion. The Senator from Nebraska says we can save about \$4 to \$5 billion on top of that out of a \$288 billion budget.

Those among us, regardless of our experience in life, whether we have been a farmer, businessman, a housewife, if we have ever had a checking account, certainly know that 9 times out of 10, you can save 2 percent for a year, if you have to. But, no, not this time, they say. A well-respected Member of the Senate on this side of the aisle, yesterday, said that, well, he realized that the Senator from Nebraska was trying to do the right thing, and he realized that we had to make some reduction in the national defense numbers. But he just felt that the way the Senator from Nebraska was going about it was the wrong way. In other words, he said, there are different ways to land an airplane.

There sure are. If you will just step outside of this body, you will see what the people back home are saying. You will listen to what the people are saying that are listening to this broadcast on television. If you get the feel of the American people, they are trying to tell us to wake up. They are looking at the U.S. Senate today, and I am very fearful that once again, they are going to be keenly disappointed, if indeed they understand what the Senator from Nebraska is trying to do, and that is only to make a tiny, tiny microscopic reduction, 2 percent below what the President has recommended. Yet, I have been clearly cast, Mr. President, as one of those who simply wants to wreck the defense budget. The minor-

ity leader said something this morning about "this is politics," something about the fact that this is just more of the old same spending game.

I reject that. It is simply not true. Why cannot we put it in perspective? Even the little bit of saving that the Senator from Nebraska is proposing in this amendment goes to only one thing and that is reduction of the deficit and, hopefully, the national debt. It is only a small step in the right direction but it is about time we start.

I suspect, Mr. President, we are not going to start. Any time you start dealing with the ramifications of the military-industrial complex which is still alive and well and I guess today we will be taking that thermometer and putting it in the mouth of the U.S. Senate and see whether or not the temperature has risen enough. If the pressure has been brought forth vividly enough on the Members of the U.S. Senate, whether they be Democrats or Republicans, that they might finally wake up to the realities of the situation and at least say that the Senator from Nebraska has not been, other than making a small, small dent of 2 percent below what the President had wanted, and if we want to, we can do that without making wholesale charges and wholesale statements about the fact that we are trying and must be worried about returning to a hollow army.

The Senator from Nebraska does not want that and I will do everything that I can to see that that does not happen. But if it is a choice between the rhetoric that has been exhibited on this floor by Democrats and some Republicans alike, I would simply say that we are not being realistic and it is about time the U.S. Senate be realistic on defense spending.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). Who yields time?

The Senator from Tennessee.

Mr. SASSER. Mr. President, the senator from Nebraska, if I could just state one word, is quite right. The Senator from Nebraska has offered for this body's consideration an amendment which represents really an exceedingly modest reduction in military spending. As he said, it is a reduction of about 2 percent below the President's mark in outlays. According to my mathematics I think it is a little less than a 2-percent reduction, slightly over a 1-percent reduction, of the President's outlays in military spending.

All of a sudden, it is just as if someone opened the petcock on a dam. People are coming out of the woodwork. The lobby out here I am told is filled with liaison people from the Defense Department, who are paid by the taxpayers, out there lobbying the representatives of the taxpayers on taxpayers' time not to reduce the military budget.

Is that not ironic?

The Senator from Nebraska is simply trying to make a statement here that we desperately need to reduce the budget deficit and he is simply asking that a little more than 1 percent be taken out of the military budget below what the President asked.

When we look at this military budget for fiscal year 1993 under the President's request, we have budget authority of \$182 billion, and under the spending curve of the administration by fiscal year 1997 it will still be in excess of \$280 billion if memory serves me correctly.

I think the Senator from Nebraska is to be commended for trying to make some reduction and showing some concern about this deficit. We hear all kinds of speeches here on the floor of this body about the dangers of the Federal deficit. I saw one very eloquent statement that was made here on the floor in opposition to taking down the walls between military and domestic spending. That statement really against the deficit was so eloquent and so persuasive it even appeared on the op-ed of the Washington Post. That Senator felt very strongly about reducing the deficit when he was speaking in terms of letting us keep the wall up between domestic and military spending because if you take down that wall, they are going to want to take some of this military spending and rather than applying it to the deficit reduction, they are going to want to spend it for domestic needs.

Let us see how those Senators feel this morning when we vote. Are they still going to feel that strongly about the deficit? Are they going to still want to take that military saving and put it on the deficit reduction as they said they did when they voted against taking down the walls between military spending and domestic spending? Or are they going to obey the siren call of the military-industrial complex as Senator EXON referred to a moment ago, the same military-industrial complex that a distinguished Republican President warned this country about when he left office in 1958, Gen. Dwight David Eisenhower?

President Dwight David Eisenhower was the first to use the term "military-industrial complex" and he knew what it was about. He knew what it was because his whole career had either been in it or on the periphery of it and he served with great distinction. But we developed a military-industrial complex during the 1950's really following our intervention and our buildup in the Korean war. It is with us today and it is a very powerful thing.

Let us see if our Senators who were so concerned just a week ago, a week and a half ago about making sure that savings in the military budget be allocated to deficit reduction. Let us see if they are concerned today about taking

those same savings and allocating the deficit reduction as they were a week-and-a-half ago.

Yes, there is a network of groups, industries, who are interested in keeping the military budget high, and I do not disparage them for that. They make their living out of the manufacture of weapons and weapons systems, and many fine people are employed on the assembly line. We are concerned about what is going to happen to them as these operations shut down.

But for decades we have heard the argument that we have to keep military spending high to protect the national security, to protect us against the threat of that colossus of the Soviet Union that has hundreds of thousands of troops and thousands of tanks cocked, primed, and ready to go in Eastern Europe to overrun our allies there, overrun our troops there. That was the justification.

Now that superpower is dead. It has fallen from its own weight. It collapsed economically and I think economic historians will say primarily as a result of spending itself into bankruptcy on its military.

Now that that has collapsed, we now hear the statement we cannot reduce this military spending because it will cost too many people their jobs. So now the old cold warriors are reduced to saying that the military is a jobs program, a WPA Program, perhaps.

All of the studies indicate that a spending of dollars in the military or for military goods is a very inefficient and ineffective and very non-cost-efficient way of producing jobs.

So are we to go on down the path now and justify the military spending on the basis that it is a jobs bill? I am starting to hear some of that around here. If that is the case, let us get it out.

The Office of Technology Assessment, however, in their study, a very learned study, very exhaustive study entitled "After the Cold War," states:

Military spending is an expensive, unreliable, and unfocused way of providing support to technologies and industries of great commercial importance.

I do not think that military spending is a very effective way of creating jobs from the point of view of giving the taxpayers a real maximum return on their dollar, Mr. President.

We have had a lot of discussion in this country over the period of the last few years, as we have become concerned about our inability to compete as effectively as we would wish to with our trading partners and trading adversaries across the Pacific and across the Atlantic: Japan, Germany, France, et cetera.

There has been a lot of discussion about an industrial policy, a lot of statements and discussion on one side or the other. Some favor it; some do not; some want a modification. But let

us face it. We have had an industrial policy in this country since 1951 or 1952, and it has been run by the Pentagon. It is the industrial policy of employing people and manufacturing weapons, weapons of war. That has been the industrial policy of the United States of America.

I think it is time we curbed that industrial policy—I think it is time to start letting it curb down in response to what is going on in the world. If this Government and if some of my colleagues in this body really want to continue an industrial policy, as we have been doing for the past 40, 45 years, let us take that industrial policy out of the hands of the Pentagon and let us put it somewhere else so that we can stop planning and manufacturing the most exotic, sophisticated, and effective—I might say—weapons in the world.

This industrial policy has worked, I say to my friend from New Mexico. Using the Pentagon's industrial policy and their planners, harnessing the engineering and scientific genius of this country, we have manufactured the most effective weapons in the world. The war against Iraq was nothing more than a showcase for American military technology. Nobody comes even close to us. So, the industrial policy of the Pentagon has been effective in producing the finest.

Now, some would argue it has not been very cost-efficient, it has not been very cost-effective, and there have been a lot of cost overruns and a lot of waste in the process. But in the end result, they produced exceedingly fine weapons. Now, the time has come to put that Pentagon or military industrial policy behind us. And the time has come now to pursue a different kind of industrial policy, an industrial policy that will make the United States once again the leader, the leader in manufacturing, the leader in scientific innovation that can be used to produce products, value-added products, to be sold around the world, products that can be used to produce other products.

So let me say to my friend from Nebraska—I see he has left the floor now—I think he is doing the country a great service in coming out here and saying, "My colleagues, let us reduce this military budget another 1, 1½ percent. Let us apply it to the deficit. Let us reduce some of that budget authority so in the outyears some of these funds that would have been going to produce new, highly sophisticated, exotic weaponry that nobody needs or wants, let us use that to reduce our budget deficit and make ourselves economically and fiscally stronger."

Well, Mr. President, I will not go on. The distinguished Senator from Maine [Mr. COHEN] has been waiting here for some time to speak, and I now yield the floor.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I yield myself 1 minute off the resolution just to see if we can do some house-keeping in terms of the amount of time we want to use.

Senator COHEN wants to speak. I gather he wants to speak about 10 or 15 minutes.

Mr. COHEN. Yes.

Mr. DOMENICI. I say to the chairman, I have Senator COHEN, Senator STEVENS, Senator GRAMM, and Senator SYMMS who wish to speak. None of them want to speak a long time. I wonder if we might determine an outside amount of time, after which we will vote on this issue. I would accommodate with plugging in my side with a given amount of time.

I am not trying to cut off debate, but there are 20 amendments, and I think they deserve some time.

Mr. SASSER. Mr. President, I quite agree with the Senator from New Mexico. We have to get on with this resolution, no question about it. We spent all day yesterday debating this amendment.

Frankly, I know of no one on this side of the aisle that I am aware of that wishes to speak further, other than the distinguished President pro tempore. I know that he wishes to speak this morning. I am not advised as to the length of his address, but I think it will probably be fairly substantial in content—I know it will be very substantial in content—and he may want to speak for some length of time; I do not think an inordinate amount of time.

I cannot tell my friend at this point how long the Senator does wish to speak. He did express to me the interest last evening of not being bound by a time constraint, although he was not going to speak at undue length.

Mr. DOMENICI. Mr. President, I obviously do not want to try to put anyone under any kind of time burdens that are not reasonable. Frankly, I hope that you might ask your friend and mine, the distinguished leader of the Appropriations Committee, Senator BYRD, approximately how much time he may wish. I think once we have that, we could set an outside time and we could accommodate our Senators within a reasonable amount here.

Mr. SASSER. I think that is an excellent suggestion, I say to my friend from New Mexico, and I will proceed on that basis.

Mr. DOMENICI. I yield up to 15 minutes to the distinguished Senator from Maine [Mr. COHEN].

The PRESIDING OFFICER. The Senator from Maine is recognized for a period not to exceed 15 minutes.

Mr. COHEN. I thank the Senator for yielding.

The Senator from Tennessee recently made the comment that we have had an industrial policy in this country for many, many years and that is the making of weapons of war. I would respectfully like to dissent from that judgment. We have had a policy of keeping this Nation safe and prosperous and free. There has been an assumption that, because the Berlin Wall is down, because the Soviet Union has disintegrated, somehow the world is a much more stable and safe place for all of us to exist in.

It has been said that the Persian Gulf war was simply a showcase for our weapons. I would like to ask the Senator from Tennessee and anyone else what our fighting men and women might have thought; whether it was simply a showcase for weapons. What would have been the reaction if we had not invested in the Stealth fighter, if we did not have the cruise missile technology that was demonstrated? Without our superior technology, how many men and women would have died in that so-called showcase war? In my judgment, Saddam Hussein would still be standing astride the oil reserves in Saudi Arabia and we would have a crisis of greater dimension than anyone would like to admit at this point.

The Senator from Nebraska, who has a history of standing for a strong national defense—I have worked with him closely for many years and in no way wish to be critical of his approach to this at this time—but he said something which I think requires rebuttal. He said the President's budget is an inherently dishonest snow job and that he sees it as his mission to drag DOD, kicking and screaming, into fiscal responsibility.

I think what is dishonest is the notion that you can cut dollars out of any budget, but this budget in particular, and not touch the major weapons programs, not touch manpower, the Guard, the Reserves, the Active Forces, and not hurt national defense by cutting programs that have not yet reached the stage of high-rate production.

I would like to hear from the Senators from Connecticut and Rhode Island, or Massachusetts, even, what they think about cutting out the Seawolf, in terms of whether that is going to hurt or not hurt our national security, whether that will undermine our industrial production capacity.

So the suggestion that was just floated is that we can have a "2 percent solution"—just take 2 percent out of this bloated budget. There are many ways you can achieve it. For some it is easy. You can simply reduce secondary items. We have had some testimony that there is excessive purchasing on the part of some of the branches of our services. And that is true. But you have to be careful about secondary items.

There was, I assume, an excessive amount of 16-inch shells on hand at the time of the Persian Gulf war for our battleships. I assume there probably was, if you made an analysis, an excessive amount of body bags on hand. I assume we had an excessive amount of cots for our soldiers to sleep on prior to the Persian Gulf war. And I am told that they were used up within a period of about 2 or 3 weeks, even though they may have been stored in some warehouse and been classified by GAO or someone else as being excessive.

We are living in a world of great change, rapid change, unpredictable change. Think back just a couple of years ago when we were celebrating what was taking place in Poland, when the Polish people went to the polls and they overwhelmingly elected members of Solidarity to lead them in the future. A few months ago we saw something quite different. A few months ago we saw that those Poles who even bothered to go to the polls voted in a combination of democrats and demagogues and nationalists and religionists—and a degree of cynicism has begun to seep into their own electoral system.

Boris Yeltsin stirred the pride and imagination of so many people last year when he stood atop a tank and shook his fist at those who would seek to overthrow the revolution that he has been leading. Today he is standing astride a Republic, a country on the verge of total disintegration, of material scarcity. And if he is waving his fist today, he must be wondering what the sound of one fist waving is.

Vaclav Havel came out of prison, walked on a velvet carpet into the Presidency, claimed he was going to halt the sale of weapons internationally and finds, 2 years later, that is not quite an achievable objective on his part. And I want to say something else about Havel. It has been suggested that our policy has simply been to make weapons of war. I recall when Havel came to a joint session of Congress, he stood at that podium and he said, "Thank you, America. Thank you for all that you have borne over the years, the burdens, the taxes, the handicaps that you have had to suffer in helping to preserve freedom, helping to promote freedom. Thank you for measuring up to your responsibility."

I think those who argue that we are not living in a more stable world are the same ones—let me clarify that—some of the same ones who would have allowed Saddam Hussein to go unchallenged militarily for another year or so. They now come to the floor and say how lousy our Patriot missile is. That was yesterday's attack. The Patriot missile did not achieve what the Army or the Pentagon said it achieved in terms of kills. They denigrate the Patriot in order to denigrate the SDI Program. The Patriot was not 100 percent perfect.

But go tell that to the Israelis. Ask them whether they would have been better off with no Patriots at all. Let all the Scuds come in and let them fend for themselves. That is the argument that is being made—the Patriot was not good, it was not perfect, therefore we should remain naked unto our enemies, to their Scuds or to their ICBM's.

A few years ago, there was an effort made to prohibit any testing of cruise missiles in our State; a very controversial measure. A referendum was passed, as a matter of fact, to prohibit the Navy from testing any cruise missiles in our State. People were motivated by the best of intentions. They did not like cruise missiles flying over the State of Maine, even the remote parts of Maine under secure conditions.

But there was another objective. It was not stated, but there was another objective, too: If you could just prevent the testing of the cruise missile, then you would eventually prevent its continued deployment. If you cannot test it, if you cannot determine accurately what needs to be done to make it effective, then obviously you are not going to put it in the hands of our men and women who are out there in the frontlines. And the rationale, of course, is if you do not have the weapons, you will not go to war. And that is the solution on the part of some. If you are ill-prepared or unprepared to fight a war, you will simply not get into wars. That is the way to keep the United States out of entanglements.

I think that is very shortsighted. The best way to try to avoid wars is to try to negotiate diplomatically with other nations, but, in the final analysis, we better be prepared to fight the wars that cannot be prevented.

This amendment offered by my friend from Nebraska has been called a forward-looking amendment. While others like myself, who are charged with having caved in to the lobbies that are said to exist out in the hall out there—that I do not know, no one has contacted me, no one has lobbied me from any defense industry—we are supposed to be looking in the rearview mirror. We are turned around looking at the past, while everyone who is supporting this amendment is forward looking—into the future.

I think you have to turn around and look at the past. I think we have to hold up the lamp of history to find out where we have been to make sure we do not go back there again. We are in the baseball season, and people talk about seventh inning stretches or a stretch from the mound. I would equate this with a Nebraska stretch, because the Exon amendment would simply stretch out a number of those procurement programs, those which are other than each service's big 10. And, as a result of stretching out those programs by preventing any procurement line item

from increasing, it means we are going to have low rates of production that are notoriously inefficient. We went through that back in the eighties. But if we listen to the siren calling, "Do not fully fund the program, stretch it out," we will have low rates of production, and, ultimately, it is going to cost the taxpayer more money.

Some of the stretchouts would be for the laser hell fire missile, the medium tactical vehicles, heavy tactical vehicles, the pedestal-mounted Stinger, the JSTARS airborne radar system, and many other programs.

They get no increase in funding; just keep them at current levels. To highlight the folly of this approach, I would like to quote from the 1987 CBO study, "Effects on Weapons Procurement Stretch-Outs on Costs and Schedules":

Buying proven weapons at low rates of production makes poor use of industrial resources; it also adds to weapon costs, discourages potential suppliers and delays the flow of new technology to military forces.

We have been down this road before. We have stretched out systems before. We have increased the cost to the taxpayers of these systems, which we have found to be effective in wartime. So I think at a time when we are seeing the shrinking of budgets, we should do everything in our capability to minimize the cost to the taxpayers in terms of efficiency, and this amendment would do precisely the opposite.

I want to say that the Senator from Nebraska is not the only one who has been in the forefront of trying to have a military defense capability at responsible levels of funding. As a matter of fact, several years ago, I joined with Senator MCCAIN in such an effort. We were very critical of the Pentagon's budget as being unrealistic in the face of dramatic changes in the world. We proposed much deeper cuts in the defense budgets, and we did so by targeting specific programs. In April of 1990, we set forth a proposal to reorient the military to a post-cold-war world, significantly shrink the defense budget, and drastically scale down our weapons-buying plan.

I believe the administration has made a good faith effort to go in exactly that direction with this proposed budget. I think we can probably cut more in future years, but we cannot cut and should not cut any faster.

So this approach that has been taken by the Senator from Nebraska I would call a procrustean approach, a procrustean amendment. It does not matter what size your body is. It has to fit into the bed that is being fashioned by the Budget Committee. If you are shorter than the bed, we will stretch out your limbs to fit the bed. If your body happens to be bigger than the bed, we will just lop off your legs and your arms, and you will conform to the size of that bed.

We are told it takes great courage to cut off those arms and legs. I think the

courage is less than what the advocates suggest because you can stand up here, you can beat your chest and say you stood tall against the military industrial complex. The Senator from Nebraska says you can cut around the margins, touch those programs that have not yet reached full rate production levels. The Senator from Michigan says we can cut the secondary items. The Senator from Arkansas says let us cut SDI—he is opposed to that—the Patriot failed, so get rid of SDI.

I simply want to suggest to my colleagues, if we shorten the bed in this 2-percent fashion or 1.1 or 1.5 percent, as the Senator from Tennessee suggests, and we send it off to those of us who are going to be wielding the knives and the axes on the Armed Services Committee and the Defense Appropriations Subcommittee, do not be heard to complain when your base is closed. Do not be heard to complain when we terminate a submarine program. And do not be heard to complain when we start to terminate the service of those who are in our Guard and Reserve units. It is easy to stand up here on the floor and say it is only a 2-percent solution, come on, everybody can deal with 2 percent. It is easy until you get down to the details.

We can make specific cuts when it comes before the Armed Services Committee, but we do so based upon professional military judgments presented to the committee. We work weeks, we work months into the year and we are the ones who are charged with the responsibility of making the kinds of tradeoffs that are going to be necessary to preserve a strong national defensive system. Not this way, just take 2 percent off and go deal with it.

I think we can come in below the President's 5-year proposal. I think we will come in below the President's 5-year proposal. But we should not engage in the kind of behavior that says "I stood tall, I am the one who is fighting the military industrial complex" and then the moment the cuts start coming down, rush to the well to complain or get on the phone to the Secretary of Defense, "Save my base, save my submarine, save our Guard and Reserve units." I think that is the kind of action we do not want. I hope this amendment will be defeated. I can pledge to my colleague from Nebraska that I will work with him on the Senate Armed Services Committee to achieve a responsible military budget.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. I yield myself time from my time remaining.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSER. Parliamentary inquiry, Mr. President. How much time does the Senator from Nebraska have?

The PRESIDING OFFICER. The Senator from Nebraska has just about 23 minutes.

Mr. SASSER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for such time as he uses.

Mr. EXON. Mr. President, I listened with keen interest and appreciation to the remarks of my colleague from the State of Maine who I have had the pleasure of working with ever since I came on the Armed Services Committee. In most instances, I think we have agreed more than we have disagreed.

I simply want to correct one part of his remarks from my perspective so that he understands what I was saying. He indicated in his remarks that I said that the President's budget was insincere, dishonest, and so forth and so on. I will simply say that I do not believe that is the right context. I will quote from my remarks as of the RECORD yesterday wherein I say:

I am convinced that the defense budget can be cut further, it can be cut significantly and it can be cut without pink slipping troops by the tens of thousands, as many in the administration would have Congress believe if we dare cut a penny below the President's numbers.

Continuing the quote immediately thereafter:

There is an artful, emotionally charged, yet inherently dishonest snow job going on as the future of our Nation's military is debated. The Bush defense plan is based upon the flawed premise that the administration's proposed 6-year \$50 billion cut from defense spending cannot be further reduced without causing harm to the national security.

I therefore submit, Mr. President, that the reference with regard to inherently dishonest has specifically to do with the way that the Pentagon and, yes, the administration, is falsely attacking the Exon amendment with regard to what it would do with regard to reducing troops, to reducing bases, and all of these other things that have been on the floor of the Senate.

Time and time again, as example of what would happen, the dire consequences of the Exon amendment that would cut somewhere between 1 and 2 percent from the President's numbers—all I am trying to emphasize is, argue if you will that we cannot cut 1 or 2 percent. Argue if we will that we should do it later rather than now. Argue if you will that I think we can do it sometime but not now. I ask, why not now? This is the budget resolution. This is where we put in the caps. This, indeed, is the time to do it. When we come to our authorization process and our appropriations process, indeed, we will likely cut more.

Time and time again, that has been hinted but I think it has been said forthrightly and directly by the Senator from Maine just a few moments ago. I guess what they are saying is let the wise men decide how to do it and when to do it later. Exactly. That is

what the budget resolution is all about and once again we should understand that all we are doing with all of the numbers that we have been citing and suggesting is that this is just a way that it can be done because anyone who understands the budget process should understand that there is no way that the Budget Committee or individual Members on the floor of the Senate, by any kind of action, can protect for sure, can cut for sure or can say where the money is going to go.

Our fundamental duty here is to set an overall limit on what we can spend on national defense. All that the Exon amendment does is reduce somewhere between 1 and 2 percent from the President's suggested numbers, and by the law, if that takes place, after the appropriations and after the authorizers get through with it, whatever money is left would go to reduce the deficit.

In sum and substance, that is it. If you think we can cut 1 or 2 percent below what the President suggested, if you can cut 1 or 2 percent below a \$283-billion annual expenditure—if you do not think we can cut below that, if you do not think the people of the United States want to cut below that, then by all means vote against the Exon amendment. On the other hand, if you believe it is reasonable and proper and if you believe even someone, a fifth grader in arithmetic, could probably figure out of 288, yes, we might be able to save 1 or 2 percent without the whole thing collapsing, then vote for the Exon amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I yield myself 10 minutes off the bill.

Mr. DOMENICI. Mr. President, I yield 10 minutes off the bill to Senator SYMMS.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes off the bill.

Mr. SYMMS. Mr. President, I hope I can complete my remarks in less than 10 minutes, but to somewhat summarize what was pointed out yesterday on the floor, Mr. President, this entire debate is based on a faulty premise. When the distinguished majority leader, the distinguished chairman of the committee, and others say we can fix out problems with the budget by taking money out of the defense budget, it is a faulty premise.

The one part of the Federal budget that is under control is the defense budget. The Senator from Maine just made, I think, an excellent statement on this subject and how further cuts will impact people.

I have the same experience as the Senator from Maine. People recognize

as shown in charts that the Senator from Idaho showed yesterday, that the defense budget has been reduced since 1985 by 37 percent while mandatory spending programs have gone up by 33 percent.

Any rational person, it seems to me, who wants to address the problems of the budget would say defense spending is under control. There still is a threat in the world. The military has tried to evaluate the threat assessment and analyze what we need. That is exactly what General Powell and Secretary Cheney and the other chiefs of the services have done. They tried to go from the ground up and figure the mission that respective services will have to carry out during the next 25-year period, then try to build a defense that can fulfill that mission.

Now that the defense budget is under control, we have to get the rest of the budget in order. The domestic budgets have gone up, military has gone down, and mandatory programs are going through the roof.

I just want to give my colleagues some facts to back up that general premise. We are debating an amendment that, in my opinion, is not the most important amendment.

I do not happen to agree with my friend from Nebraska about his amendment. I think the premise of it is wrong. It misses the point of where this debate should be.

This debate ought to be focused on the big part of the budget. As I said yesterday, when Willie Sutton was caught robbing the banks, he was asked: "Why do you rob the banks?" He said: "That is where the money is." If we want to do something for the American people to fix this budget, we need to look at mandatory spending, Mr. President, entitlements and interest on the debt. Sixty-five percent of the budget is consumed by mandatory spending and interest on the debt.

I want to point out some facts. Outlays for the defense budget will be \$40 billion less in the next 5 years than the previous 5 years. That is \$40 billion in real dollars. Outlays for domestic spending will increase \$200 billion in the next 5 years over the previous 5-year period. That is under the current budget that is before us. Entitlement programs will, in the next 5 years, cost \$1 trillion over the past 5 years. Interest on the debt will be approximately \$300 billion.

Adding all of these categories over the next 5 years, it is \$1.5 trillion in U.S. Government spending increases in this budget proposal. It has nothing to do with defense, not a bit to do with defense, Mr. President, nothing. It is nondefense spending that is escalating, skyrocketing.

So when people say: Oh, we are going to cut the defense budget to try to fix this budget, it is pure nonsense Mr. President. That is what it is. It is non-

sense. It is unrealistic. It sends a terrible message to the young men and women in the military who are under contract. It is not good for the future to recruit the kind of young men and women who were so successful in Desert Storm and then turn our back on them.

It is a tremendous risk that we put the country in by accepting the premise that is being debated today. In my view, what the Senate should be doing is spending this time debating the 65 percent of the budget that is mandatory spending and interest on the debt. We should be complimenting those people who run the military organizations of the country for the job they have done to shoulder the responsibility to have an organized, methodical build-down of our defense capability. We need to remember we are already talking about losing over 1 million people out of our military organization, civilian and uniformed personnel, and that is already a big chunk to absorb in the coming 4 or 5 years.

If you add all these categories—I want to say again it is \$1.5 trillion of Government spending in the next 5 years—it has nothing to do with defense. The budget authority for 1990 offered up \$180 billion in defense reductions.

To date, we have realized \$165 billion in budget authority savings in defense and we will get the remainder in fiscal year 1993. Other discretionary accounts cannot show these savings and the deficit has increased dramatically, but it is not due to defense spending.

I want to say again there will be a reduction in civilian and military personnel in the neighborhood of 1.2 million people. One million people in the defense-related independent industries are being displaced in these reductions.

Finally, Mr. President, the budget process does not require that domestic accounts choose and prioritize programs. The defense account lives with a ceiling and prioritizes what must be spent. The Senator from Maine made an excellent point. What we are talking about is sawing off the feet of the person so they will fit in the bed. It just does not make any sense. It begs reason.

Mr. President, I want to say again between 1985 and 1997, defense spending will have declined 37 percent in real terms. At that point, Mr. President, defense will only be 3.4 percent of GNP, the lowest of any time since prior to Pearl Harbor and prior to the Korean war.

If we want to cut the defense budget more, I would only remind my colleagues that this is nothing new. It is not new. We have repeated this mistake time and time again in the history of this great Republic. As soon as there is an appearance that maybe we would not have to have a threat to us, everyone wants to dismantle our capa-

bility to defend the country. As soon as it happens, some problem arises somewhere and we lose unnecessary casualties due to unpreparedness.

By 1993, the defense budget share will only be 16.3 percent of this budget. Under this plan, and if we vote to adopt the Exon amendment, will make the percentage lower, and, it will be reduced to real terms to an even lower level by 1997.

Mr. President, I think this is a tragic mistake for this Congress, and this Senate to waste all of this time on this amendment that has been debated, and debated. I have heard my colleagues say it takes courage to vote for the Exon amendment.

That is nonsense. What it takes is courage to stand up to the popular appeal that people have to cut the defense budget. The facts are if the story was straight to the American people, they would tell us, "Why don't you look where the money is, Mr. Senator, and Mr. Congressman? Why don't you look where the deficit is really coming from the mandatory entitlement programs? Why don't you reform those programs and get the budget back in balance instead of making some noise that you can cut another \$5 billion out of the defense budget which will hurt in real terms in our defense capabilities."

I made the point yesterday. We now have three marine expeditionary forces at sea. They were in two places in Africa, they were in Iraq rescuing Kurds last year, and they were in Bangladesh rescuing people from the floods. Any further reduction in the defense budget could jeopardize the current three MEF's and require that they be cut back.

What is happening here is this is an unnecessary, unneeded, risky cut that should not be made. It will be harmful to the peace and freedom of the world and of our own security.

I urge my colleagues to vote down the Exon amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, might I inquire?

First, let me indicate that I hope everyone in the Senate knows that while this is a very important amendment, it is not the only amendment. I am looking at a list that says there are 20 Senators who want to offer amendments. They deserve an opportunity. Their amendments are important. I do not know how much more we can say about this amendment. But, clearly, if Senators want to add some additional discussion and debate, I would like to know how much time remains first on the amendment, either in favor of it or opposed to it, if any.

The PRESIDING OFFICER. On the amendment, the Chair would advise the Senator from New Mexico, there are 16 minutes 51 seconds for the proponent.

Mr. DOMENICI. Is there any time on the opposition on the amendment?

The PRESIDING OFFICER. There is no time in opposition.

Mr. DOMENICI. How much time is left in toto on the resolution, including remaining time on the amendment.

The PRESIDING OFFICER. There is 16½ hours remaining.

Mr. DOMENICI. That is about equally divided.

The PRESIDING OFFICER. It is about equally divided.

Mr. DOMENICI. Senators should know that seems like a lot of time. We would not have much time on each amendment if we do not get on to voting on this.

Having said that, I understand Senator CHAFEE desires to speak. I also add that Senator STEVENS desires to speak and Senator GRAMM desires to speak. We will inform them to try to be brief. I understand in addition on the other side the chairman of the Appropriations Committee wishes to speak.

Mr. SASSER. Yes. We would be pleased to let Senator CHAFEE move ahead and then perhaps move to the distinguished President pro tempore. If those are all the speakers, I think we can go on for a vote.

May I inquire of my friend from New Mexico? Does he have any other speakers other than the distinguished Senator from Rhode Island?

Mr. DOMENICI. Yes. I have Senator STEVENS, Senator GRAMM, and Senator HOLLINGS. I talked to Senator STEVENS. He wishes about 10 minutes. Senator GRAMM will clearly do his in 10 minutes. I have not talked to Senator HOLLINGS yet. I would think once Senator CHAFEE is finished, we are talking in the neighborhood of 30 to 45 minutes.

Mr. SASSER. I say to my friend, why do we not proceed with Senator CHAFEE and just move along as fast as we can.

Mr. DOMENICI. Mr. President, before I yield, I would like to take 1 minute on the resolution, and then I yield up to 15 minutes to Senator CHAFEE.

Mr. President, I want to repeat an argument that I am not so sure I made as well as I should. There can be a lot of reasons for not wanting to further cut defense, but I would like to just remind the Senate and the American people that history reveals that the United States, this marvelous country that goes to war for ideals and principles—we did it in the First World War, Second World War, the Korean war, the Vietnam war, the immediate past war in the Middle East. We have a propensity that history reveals to think that once we have prevailed in the immediate controversy that we build down America's military might as rapidly as we can only to find that each and every time it was a mistake. We found that within 3 to 5 to 6 years this very complex world has changed again, and America to be a player in the world, involved in order, peace, and democracy, has to build back rapidly.

Frankly, I do not believe there can be an argument based on fiscal policy and deficits—and I think I know as much about where they are really coming from as anyone in this place—there cannot be an argument based on fiscal policy that we should rapidly cut defense more than the Budget Committee recommended.

As a matter of fact, if we do, we will spend more money in the next decade or so when the world gets troublesome, wars break out, and revolutions break out. We will build back certain aspects, and we will spend more than we will ever save in expediting the reduction in a disorderly manner.

Having said that, I yield to Senator CHAFEE.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished floor manager.

Mr. President, I would like to discuss the reasons why I am voting against the Exon amendment which would cut defense spending below the levels recommended by the Budget Committee by \$7.6 billion.

Mr. President, last week I spoke for and voted for the provision that all savings from cuts in defense be used to reduce the deficit. I believe this is right. These are the so-called firewalls.

Why not carry this even further? Why not cut defense deeper and thus reduce the deficit by even more?

Mr. President, let us examine the budget before us, and what it proposes to do. We are currently in this year spending \$295.6 billion. The budget before us for next year—that is what we are debating—proposes spending \$281 billion, a cut from this year's figure of \$14.6 billion.

I might also note that is \$1 billion below what the President is recommending. Is this a magic figure? Could it possibly be cut some more? Perhaps it could, without causing too much turmoil or without significantly affecting the readiness of our forces.

But could it be cut by the sum that the Senator from Nebraska is suggesting without being extremely harmful? In other words, could it be cut by an additional \$7.6 billion? I do not think so. Why?

Mr. President, the only way rapid savings in dollars can be obtained is to cut people. That is the way we save money—cut people, cut our military forces, and cut our civilian employees. Yet today, we have fewer men and women in uniform than at any time since the Korean war.

Plans have been made to cut these forces even more as we head to the date of 1995. By that time, 1 million military and civilian personnel will have lost their jobs since 1990. Over 700 military installations worldwide will have been closed. Our forces in Europe will have been reduced by over 50 per-

cent. The Army has already eliminated four divisions and will eliminate two more within the next 2 years.

By 1995, the Navy will have 450 ships. Remember that magic term, 600 ships? We were once going to build a 600-ship Navy.

So much for the 600-ship Navy. There will be 450 ships. The Air Force will cut 1,000 aircraft from its inventory. That is why we have the ironic situation of trained military pilots manning desks, because there are not enough planes for them to fly. Defense, as previously has been pointed out, will be 3.4 percent of gross national product, which is amazing. I had the privilege of working in the Pentagon in the late 1960's and early 1970's, and defense spending was consistently 8 percent of GNP. Under the Budget Committee plan, defense will consume 3.4 percent of gross national product, the lowest figure since before Pearl Harbor.

Mr. President, the Secretary of Defense, and the Chairman of the Joint Chiefs, have constantly stressed, warned, if you will, that the draw down of the military forces must be done in an orderly manner. They cannot—they, the ones we have entrusted with our military forces—have combat ready units if we have a pell-mell reduction of our troops.

Mr. President, is this anything to be worried about? Well, we have seen it happen. Let me just review a little history, if I might. The United States ended World War II in the summer of 1945, with the most powerful military machine the world has ever seen. That force was dismantled with no consideration for the future. No one could stem the rush back to civilian life of 11 million men in uniform. That force was just reduced to a shadow of its former self over a period of some 9 months.

The army was so weakened, that 5 years after being the most powerful army the world has ever seen, that army was driven by a third world country, the entire length of the Korean peninsula to a tiny perimeter where they hung on by their fingernails in an area called Pusan. As in those post-World War II years, voices now raise the song that there are no present or future threats to the world, that the former Soviet Union is fractured into a series of chaotic enemies, chiefly marked by poverty.

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

Mr. CHAFEE. Yes.

Mr. SASSER. I listen very carefully when my friend from Rhode Island talks about Korea, because the distinguished Senator from Rhode Island was in the marine corps, if I am not mistaken, during Korea. I was too young to serve there, but my father was a officer, as was the Senator from Rhode Island, and serve many years in the South Pacific, and was almost activated to Korea along with some of his

fellow officers; and some of them lost their lives in Korea.

But is my friend from Rhode Island aware that there is a difference here between the almost total demobilization that occurred after World War II and what we are discussing here today? Under the proposal advanced by the administration, in the 5-year period leading up to 1993, in current dollars, we will spend \$1.487 trillion in military. Under the administration's proposal, in the 5-year period from 1993 to 1997, we will also spend approximately \$1.430 trillion, which is about \$50 billion below, in current dollars, what we spend in the 5-year period leading up to 1993.

I simply say that to make my friend aware, or is my friend aware, that we still are going to maintain a very substantial military, as opposed to the total demobilization that occurred after World War II? My friend is correct, and I remember the dark days of Korea. This, I think, is a little different situation. I wanted to know if my friend was aware of those figures: Approximately \$1.480 trillion in the 5 years leading up to 1993, and approximately \$1.427 trillion, in the 5 years of 1993 to 1997.

Mr. CHAFEE. Yes. If I might continue the conversation with the distinguished Senator from Tennessee, the figures he is quoting are the figures that the President has proposed. I subscribe to the President's program. I am not suggesting that the program that the President has suggested, nor the program that has come out of the Budget Committee, is going to create this total chaos that we saw at the end of World War II. That is not the point. What we are debating here is a resolution that would further cut, what the Budget Committee has proposed. That is where I worry.

Mr. SASSER. Is my friend aware that even under the Exon amendment, in the 5 years from 1993 to 1997, we would be spending almost \$1.400 trillion, falling just under, I would estimate it to be something like \$1.380 trillion in the 5-year period, and those are in current dollars for defense. So, still, I want to reassure my friend that even under the amendment of the Senator from Nebraska, there would be a very substantial outlay for the military.

Mr. CHAFEE. I appreciate that. I am not suggesting that the Senator from Nebraska is reducing us to mere platoon-size forces, not at all. But I worry about the trend. Is the Budget Committee figure exactly right? Who knows? Can it be reduced somewhat? Probably. I do not think there is anything magic by coming down some, if need be, below that. But it seems to me that what the Senator from Nebraska has proposed is a \$7.6 billion reduction. He has suggested that you can lengthen out the procurement schedules and so forth.

But I think we all know that the way you get dollars is to reduce people.

That is the only quick way to get dollars. The proposal of the Senator from Nebraska is to take place within 1 single year, within 12 months, on top of what the military is already proposing to reduce.

So, Mr. President, I think it is important to remember that this is still a dangerous world we live in. Who knows what is going to happen? It seems to me that it behooves our Nation to have a trained ready force that can meet the possible threats that could arise. Some say that the cuts that are already planned are too deep, and some question whether we could mount an operation similar to Desert Storm, as we did a year ago, with the troop levels that are foreseen under the President's budget.

I believe the defense figure that the committee reported is a good one and will permit the orderly reductions that are urged by Secretary Cheney and Chairman of the Joint Chiefs, General Powell.

Let me just make a further point. The further cuts proposed, it seems to me, could well endanger the industrial base that is important to this Nation.

There is one area that I am particularly familiar with, namely the submarine construction business. We have a situation there where it is quite possible we are going to lose our industrial base. The submarine construction business is not something that has a private component to it. If you build aircraft you can build fighter aircraft and you can build commercial aircraft. There is a possibility to switch back and forth with jobs. But there is no commercial or private demand for submarines and the only entity in the world that is ordering submarines is the military and, in our country, the U.S. Navy.

It is not solely the skills that are required to build those submarines, it is the skills that are required to build the parts for those submarines, pumps, valves, all the equipment that goes in them.

Mr. President, we are clearly in danger of losing that industrial base because a suggestion is being made that we no longer construct submarines in this country once these currently under order are completed.

That really worries me. Yes, it worries me because submarines are built in my area. But it further worries me because of this industrial base that I believe is so important to maintain. It is in danger of being terminated and clearly will be terminated if deeper reductions are made than already proposed.

Let me close by noting we are dealing with human beings here. We are dealing with human beings, those in uniform and those in civilian jobs. It behooves us to treat those individuals with as much concern as possible, giving them lead time to plan for their future.

Many of these soldiers, sailors, airmen, marines, and civilian employees planned their career in the military or with the military. That no longer will be possible, we recognize that, because of these reductions.

But let us make those reductions in an understanding fashion. Such would not be true I believe, or could possibly not be true, under the proposed amendment. Therefore, I hope it will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. As the Senator managing the time I would like 10 or 15 minutes.

Mr. CHAFEE. I yield up to 15 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 15 minutes.

Mr. STEVENS. Mr. President, I do not usually get involved in these arguments on the budget resolution because, having been a member of the Appropriations Committee now for many years. I recognize that the Senator will set a target for us, and we have abided by that target in the Senate Appropriations Committee on Defense. Last year, as a matter of fact, we came in almost a billion dollars under the recommendation of the Senate.

This time, however, we have before us an amendment that I think would seriously harm our present defense posture, and there is no way to handle it without some recognition of the job we do on the Armed Services Committee and on the Defense Appropriations Subcommittee.

The assumptions that are being made here are just assumptions. For instance, we are told that Senator EXON's amendment would not harm force structure, does not plan any cut. It is not a question of whether they plan a cut. There is no plan associated with his. We work many, many months on a plan, together with the Armed Services Committee and Defense Appropriations Subcommittee, to come in, and together with the Department of Defense, present a program that will fund a planned defense strategy. This amendment is not part of a planned defense strategy.

Last evening I had the privilege of attending the dinner at which the Secretary of Defense, Dick Cheney, was awarded the Medal of the American Defense Preparedness Association. It is the association that is concerned with our industrial base. As I sat there I started thinking about the problems we face now compared to the problems the country faced when I came out of the military after World War II. I was a draftee. I was lucky enough to pass the flight physical to become a pilot and officer, but I was drafted. When I came back, as all my friends realized and I realized, we were going to get out of the service. We had not made a career decision to be part of the service.

We do not have any draftees now, Mr. President. We have a volunteer service made up of young men and women who made career decisions to serve their country at a time when we were still in the longest sustained military effort that the world has known, 45 years of a cold war, and we were committed to destroying communism and we have been able to do that.

Now the question is, do we destroy ourselves as we fail to recognize the period we are in, a transition period? As we came out of the World War II there was still a buildup toward maintaining Europe, not only the Marshall plan but the increase in forces over there, first to occupy and bring back those areas that had been so devastated by World War II, but then to meet the challenge of the Soviets as we entered into the period of the cold war.

As we came out of Korea there was still that problem in Europe. As we came out of the Vietnam there was still the problem in Europe. In other words, we had an ongoing need for a military force. Now we are coming to the end of the cold war. We realize we are transitioning into the period we all hoped and dreamed for since World War II, that is, coming into a century of peace. Do we do it in the right way or do we do it in the wrong way?

We had briefings from my good friend, the chairman of the Joint Chiefs of Staff, Colin Powell, in which he outlined for us—and I wish everyone could have heard his comments—the number of tents that surround Moscow, where people who are career military people are living in tents. There is not enough housing for them. They have had to leave people in the former Warsaw Pact countries because they did not have housing, they did not have ability to bring them home. We have even seen them leave people in space for an extra period of time because they did not have the resources to bring them home.

Is that the symbol we want? Do we want a tent city in Washington? We are already, today, bringing out of Europe 500 military families a day. Every day 500 more military families come home. We have a peaceful transition coming home. We have our people cleaning up the bases that they occupied.

I am sure you all watched on television the great sight of the standing down of one division. We did it with honor; we did it with honor to our flag and to our people. Every person was contacted. The schedule was changed where some people had children in school; they had to be left there a little bit longer. But we have an orderly withdrawal and we have an orderly transition to a peacetime military. That takes time.

If we are going to keep our commitments to these people who made career decisions to serve our country in the military, and to the civilians that

worked to support them, and to the people in the industrial base that supported both of them, we have to take our time. It is going to cost a little money to have an orderly transition. If we do not have an orderly transition the sons and daughters of those who have their promises broken, that are frustrated with the decisions we make here, are going to tell their grandchildren do not ever enter the military service of the United States. Do not trust your Government.

We are taught all over the country people say you cannot trust his Government. What are we doing now? We are proving it to them if we pass the Exon amendment. Already the President has reduced his own plan that he presented to us by \$50 billion. Now, Senator EXON wants to reduce that even further.

I tell you I cannot support an amendment that would leave us in the position that we would break the commitment to the people who made career decisions to enter the service of this Government. Already, the decisions we have supported, will by the end of 1994 affect the lives of 1.8 million people. They will be totally into a new career if there are jobs available for them.

Senator EXON says that he will not have any affect on force structure. That is not true, it is absolutely not true. There is no way to absorb the outlay cut of this magnitude solely through procurement and R&D costs. There is no way.

There is a decision here to enter into a precipitous decline in manpower, breaking the commitments we made to these people. There is not one Member, including my good friend from Nebraska, Senator EXON, that does not come to the Appropriations Committee and say you must support the National Guard. You must support it.

We support the National Guard. We all do. What is this going to do to the National Guard? It is going to eviscerate it. It is going to just absolutely challenge the ability to maintain the peacetime force. We have to do it in a scheduled way and it has to be done in a way that restores confidence in our system, not destroy it.

I do not believe that we ought to forget the fact that this is round 2, this is round 2. We had the firewall question. The question was whether we abrogate the 1990 agreement on firewalls. The Senate and the House have both taken a position on that, against it.

Now the question is, do we now cut further than the Secretary of Defense, Gen. Colin Powell, and the President have recommended? They have recommended that we reduce, as I said, another \$50 billion. That is a total of \$220 billion that those three have recommended to this Congress, in about a year, in a change from the plans as they were announced last year.

That is a twin line that I think we should support. If we can go further, we

will. The peace dividend, Mr. President, is peace. The question is, can we maintain it? We are the last remaining power that has the ability to keep its promises.

I want to ask the Senate, have you looked at the commitments we have made around the world? We still have vast commitments: NATO and all of the Pacific agreements. We have agreements in terms of the United Nations, as I pointed out here at the time we debated the question of the resolution on the Persian Gulf war. That was a resolution to support our commitment to send forces with the United Nations when requested to do so. That is still our commitment.

I do not feel, after having spent well over 20 years in reviewing defense appropriations, that it is possible to support the Exon amendment and at the same time maintain the credibility of our armed services and the commitments we have made.

The compromise that is here, that was presented by Senator HOLLINGS and Senator DOMENICI, is a good faith effort to provide the men and women of the armed services a predictable, steady, defense plan that will give the leaders in the Pentagon the opportunity to downsize the military in a sensible way keeping in mind all of the family values that are associated with a volunteer force.

I remember the time Senator HOLLINGS and I, as young Senators, went to Europe at the request of Senator John Stennis, who was then the chairman of our committee. He wanted us to go look at how our people were getting along over there. I distinctly remember walking up to a third floor, what they called a cold water walk-up flat, that a young couple was occupying with their two little babies. He was a draftee. He had been sent to Europe unaccompanied, and his wife had followed him with the children. They had no allowances; they had no homes on base.

We were part of the group of Senators who recommended a change in that policy, Mr. President. We insisted that if our families go abroad on accompanied tours, that we build places there where the families could have schools, that we build places there so that they could have a family life while they kept our commitment to NATO. The length of the tour was extended at the request of Senator HOLLINGS and me.

Now, when we looked at it, we knew it would cost more money. We never dreamed we would reach the day during our service in the Senate when we would help bring them back. And now we want to have them brought back in a similar way. We want them brought back with the full recognition of the family values of those people who committed their lives to the defense of our country.

Now their careers must change. Their careers must change. The impact of

what Senator EXON has suggested, in my opinion, is going to end up with even the heroes of Desert Storm knocking at our door within a year saying what did you do to us? We went over there, 450,000 people, in response to the overwhelming support of the American people, and you have brought us home without any plan at all.

There is a plan right now. It is a very scheduled plan and it is a humane plan. I cannot tell the Senate in strong enough words how I feel about this, because, yesterday, I listened to the people who had opposed the Patriot, tried to stop the appropriations for the Patriot, now telling us the Patriot did not work. Now what is happening in this country? The Patriot did work beyond all expectations. As a matter of fact, it was in this Senate where we accelerated the funding to try to make sure the Patriot did work, and thanks to the ingenuity of the American industry, it was upgraded. It was then a ground-to-air missile in terms of aircraft, and it was made a ground-to-missile missile in a very short period of time, and it succeeded, and the world knows how fast we did that.

Some people say, well, you can cut the B-2 or you can cut SDI or you can cut the Seawolf. I see people that are voting, intending, according to the list I have seen, to vote for this, who want to support the Seawolf money. Now if I ever heard of an inconsistent position, that is it, because Seawolf is a cut in the President's budget. You have to add money back in to get the Seawolf, not take it out. You cannot take it out and get the Seawolf. And if you leave the Seawolf cuts in and you put this cut in too, you are going to find that you are going to be cutting manpower, and by cutting it, destroying the ability of the Department of Defense to provide a scheduled reduction in forces that will still enable us to keep our commitments.

I hope I have not prejudged the outcome of the votes on this, but as I listened yesterday I got a little worried. I got a little worried because we have sat through a whole series of hearings now in the Appropriations Subcommittee on the 1993 request that will be authorized by this budget resolution. We have heard Member after Member after Member question the decision of the President on the Seawolf, on aircraft, on missiles, on artillery, on various other munitions, on weapons systems. Almost every Member that has something involved in his own State has come to us and said, "Well, I am going along with the cuts, but can't you help us put that money back?"

Now there will be no discretion left in the Appropriations Committee if this amendment passes, because it is an outlay reduction we are looking at now, an outlay reduction.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. The distinguished Senator would like 5 more minutes off the bill. That would be fine.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 more minutes.

Mr. STEVENS. Mr. President, I thank the Senator.

I have the feeling that the Senate ought to wake up. The resolution that is before us now is a bipartisan solution to a difficult problem of setting defense levels. It is less than the President's request. It is less than the President's reduction of \$50 billion, but it does give us the flexibility to deal with the overall requests of the Department of Defense.

The Exon amendment would leave us with both hands tied behind our back. We could not respond to the requests we have had from individual Members. We could not try to adjust the procurement schedule. I know of some instances where we could buy down the line and actually end up with more materials in our storehouse and actually have less costs than just terminating programs.

There is a cost to terminating programs without negotiations. The way you get the ability to negotiate is to have the ability to fund a program and then say, "Look, if we work together we can end this line. We don't need it anymore. Let's make a compromise. You produce x of items and we will both agree the production will close down on a specific date." It will be less than the money they totally have to spend.

We have seen that happen time and time again where they give the Department of Defense flexibility. Where you tell them no, you cannot spend the money, they have to cancel the contracts and pay the damages.

Now that is what happens when people do not understand what they are doing. And as far as outlays, I have to say I do not think that either the people who are supporting the budget resolution on this matter from the Budget Committee or from the Armed Services Committee understand what they are doing in terms of the appropriations process. This is an outlay matter that we are dealing with, it is not a budget matter; it is not an authorization matter; it is a matter of spending dollars, dollars that we have to spend because of past authorizations that have not been repealed.

Incidentally, the President has \$7.2 billion in rescissions pending before us, too. If you add the \$7.2 billion of the President's rescission request to the reduction he has already made added to the Exon rescission, it really amounts to a reduction in authority to spend money this year. Despite authorization, I think we will end up with absolute chaos.

In other words, I want the Senate to know I do not support all the Presi-

dent's requests for rescissions. I do not think they should be totally rescinded. I do think we can adjust some of them, we can reduce some of them. I do not come from a State that is affected by procurement. I do not come from a State that is affected by the stated intention of the Exon amendment in any way.

But I do say, as one who has spent a great deal of time trying to understand the defense policy of this country, that this is not the right thing to do. What is more, the Budget Act itself is no place to try it. I think it is high time we thought about getting rid of this Budget Act.

Ever since we got the Budget Act we have never balanced the budget. We spent more time arguing about what expenditures would be than we have examining what the expenditures are. This is typical of it. We have been all week on this bill and we will spend 1 day on the appropriations bill that spends the \$291 billion.

In my judgment it is wrong. I am hopeful the debate will go on. I am prepared to have the debate and participate in it fully. But next time someone comes to me and says support the National Guard, despite what Secretary Cheney and the President and Colin Powell say, I am going to ask them how they voted on the Exon amendment. Because you cannot vote for the Exon amendment and preserve the National Guard. You cannot do it.

You cannot support the Exon amendment and assure that we will keep 12 active divisions out of the 18 we have now. By the way, the current plan again is already letting go of 1.8 million people to get down from 18 to 12 divisions; to reduce our air wings, to reduce our Navy as suggested by the Joint Chiefs of Staff, approved by the Secretary of Defense and approved by the President.

We cannot maintain our defenses if we start having amendments that come out of the air, have no plan attached to them, no plan at all. I say I hope those who are listening to me who were thinking about the Exon amendment would read it. I hope they would look at some of the analysis we have provided. It does not do what the letter that I received says it would do. It does not maintain force structure, and we cannot maintain force structure under this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Nebraska.

Mr. EXON. Mr. President, I yield myself such time I may need off the remainder of the time.

I ask at this time how much time does the Senator from Nebraska have left?

The PRESIDING OFFICER. The Senator from Nebraska has 16 minutes and 40 seconds.

Mr. EXON. I thank the Chair.

Mr. President, I have been in the Senate for 13 years and I have listened to debates that I thought were far, far off mark. But I guess I have never listened to debate like that over the last day and a half on the Exon amendment, where I have seen my colleagues, probably not intentionally, but totally misrepresent the position of the Senator from Nebraska. I can only say, after listening to my friend and colleague from Alaska, that I am glad this debate is going on. Because the longer this debate goes on, the more we hear these statements that I can simply say from my perspective, and from my amendment, are totally untrue, then the better chance that we have to have a better understanding by the Senate as a whole.

I am quite pleased. Yesterday I did not think we had a chance at agreeing to this amendment. I did not think we had a chance this morning. But I am encouraged a little bit right now, Mr. President, because since last night we have advanced our position in places that I was not sure that we could count on. And when we have this vote today I suggest it is going to be much closer than I had originally thought. I think the reason for that is there is beginning to be some understanding by people on both sides of the aisle as to what the amendment offered by the Senator from Nebraska does and does not do.

It does not do, I assure you, what the Senator from Alaska alleged that it does. We talk about past service. I do not know what that has to do with the issue at hand except maybe to focus the ability and the dedication that we have had in the past.

Let me mention briefly, I was not drafted in World War II. I was a volunteer in World War II. And ever since that time of my service overseas, I have been very much interested in the military. And I would say that even those who have been the main detractors of the Exon amendment by and large would say that JIM EXON has stood probably second to none in either the House or the Senate in the support or the buildup of our military forces.

Contrary to what has been said, this amendment would not guarantee a reduction in the Guard and the Reserve, even the way the President of the United States and the President's Secretary of Defense wanted done. There has been a dramatic, unreasonable reduction in the Guard and Reserve by the President of the United States and the President's Secretary of Defense. At least I am taking a look at what they recommend, but I do not like it.

Then I hear statements on the floor, if you go along with the Exon amendment, boy, you really are going to have some trouble with the Guard and Reserve.

I was the Governor of my State for 8 years and commander of the National Guard. I guess I probably know as

much about the National Guard and the Reserve as most of the other people who have continued to be their great defender—which I think is very justifiable. Likewise, any statement that is made that the Seawolf cannot be funded if you go along with the Exon amendment, any statement that you are going to reduce force if you accept the Exon proposal, is wrong. I just am delighted we are going ahead with this kind of debate.

Once again I would like to say—I will have more to say on this later, Mr. President. But all the Exon amendment does is reduce, somewhere between 1 and 2 percent, the total expenditures recommended by the President himself. In other words, the President of the United States in outlays for fiscal year 1993 is suggesting \$285.9 billion. The Senator from Nebraska is suggesting that be reduced roughly by \$4 billion, down to \$281 billion.

And if anyone thinks that all of these dire circumstances would come to pass that have alleged this amendment would do by reducing the total defense from \$285 billion for next year down to \$281 billion, then I think he or she has not taken an accurate look and is reacting out of fear and not having studied it through, to reach some conclusions that might help in the argument. Even to the talk of the Russians abandoning their man in space; to the fact that in Moscow today they have tent camps around Moscow to take care of their military people. That is a clever way of saying: Do not vote for the Exon amendment or you are likely to have the same thing happen in America.

I hope my distinguished friend from Alabama, the man who now occupies the Chair, who is very knowledgeable about national defense issues, would take a look at this himself as I think many Senators are today, and recognize that the frontal attack on the Exon amendment is nothing more and nothing less—nothing more and nothing less, Mr. President—than the fact that the President of the United States told us in January that he was going to cut national defense but he challenged us, all of us: no lower than that.

Basically that is what we are doing today. Basically what the opponents of the Exon amendment are saying is, even though it is a modest amendment, they are heaping everything that you can imagine on the faults issue, outlandish interpretations that make no sense, to try to defeat it. The longer we go, the stronger we get, and I am delighted that we are continuing the discussion.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I yield the Senator from Texas 10 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. GRAMM. Mr. President, I rise in opposition to the Exon amendment. I would like to begin by reminding my colleagues where we are in defense and what we have already done. I would like to talk about what we are doing in the budget that is before us, and to remind people of the cold reality that defense expenditures do not simply represent abstract numbers; they represent dollars being spent on people in uniform or defense contractors, and they ultimately represent an impact on real people.

Finally, I would like to talk a little bit about our Nation's history, about the mistakes we have made in the past, and, finally, exhort my colleagues to look at our history, and to look at the Exon amendment and made a decision as to whether we want to go down this road again.

Mr. President, let me first remind our colleagues that in the 1991 budget, we initiated a dramatic reform in the American military. We reduced defense spending over a 5-year period by \$170 billion, representing roughly a 25-percent reduction in defense spending, a dramatic change in public policy. We have in the budget before us, that is, the number that is in the budget which Senator EXON seeks to reduce dramatically, another \$50 billion reduction in defense over a 5-year period. Nobody here knows what \$1 billion is, much less than \$220 billion, which is the cumulative 5-year running total of defense cuts that we are committed to by past action and by the budget, before us.

But let me just give a number that I think brings it to life. The cuts that are already committed to, plus the cuts in the budget before us, will mean, at a minimum, that 1 million Americans that were either in uniform or working in the defense industry in some job in 1991 will no longer be in uniform or no longer be working in the defense industry of America by the end of 1996. One million jobs is what we are talking about.

The reductions proposed by Senator EXON would impose another \$62.5 billion cut on top of that, and we are talking about a dramatic change in policy. It might be a good change, it might be a bad change, and obviously it depends on who you are listening to. But nobody can say that is a modest amendment. That is a dramatic change in public policy.

Mr. President, basically our situation is as follows: The policy of containment, which we followed for 45 years to keep Ivan back from the gate, worked. Americans' strength worked. We deterred aggression. We kept Ivan back from the gate. And, ultimately, the superiority of the American system has started to emerge.

We have responded to that by reducing defense spending by 30 percent. I would argue that that is enough, and it is enough for two important reasons.

First, it is enough as of today because we are talking about real people. We are talking about volunteers who joined the Army, and the Navy, the Air Force, and the Marine Corps, and committed themselves to a career. We have to have some flexibility in helping those people readjust their life to the fact that the world has changed. It is going to be difficult enough to institute a 30-percent change based on actions already taken. If we come in on top of that with another dramatic reduction, we are adding to the burden of putting people out of the service who volunteered.

Mr. SASSER. Just on that point, will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. SASSER. I thank the distinguished Senator.

Mr. GRAMM. I would like to yield having the time come off the Senator's time.

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

Mr. SASSER. I noted, on January 3, 1992, my friend from Texas had a press conference in the Capitol. At that time, he suggested that we reduce defense spending about \$74 billion, roughly a 5-percent reduction per year over the next 5 years. He was advocating at that time that the savings be used to offset a permanent increase in the personal income tax exemption and also to contribute some of the savings to deficit reduction. The caps on defense would be lowered, as I understood it, under his suggestion in fiscal years 1993, 1994, and 1995 for that purpose.

When the Senator from Texas was proposing a 53-percent reduction in defense in January of this year in order to finance a tax cut and for deficit reduction, this amounted to roughly a 5-percent reduction per year over the next 5 years. In that proposal, how did he intend to deal with the problem of not reducing the force?

Mr. GRAMM. Mr. President, reclaiming my time, I would like to remind my colleague—and I am grateful that he remembers the press conference. I wish he had supported the concept. Unfortunately, what has happened in the budget which is before us is we have taken the President's defense savings that he proposed, but we have not funded the peace dividend raising the personal exemption by \$500 per person.

The distinguished Senator will have an opportunity to speak when I get through. I would like to go ahead and finish my speech. I will address the point. But let me just respond to the point in two ways. First of all, my press conference and the position I took and the position that I advocate today is that we ought to dedicate any funds saved on defense reductions now and in the future to giving the money back to the long suffering American taxpayer who, after all, let us use the money to win the cold war. If we now

simply go out and spend the money and we decide we need it again, the taxpayer is not going to have it to let us use, and we are going to end up having to further raise the tax burden to defend the Nation in the future.

Second, I simply picked a figure out based on what would produce a round number in terms of raising the personal exemption. But a point I made in the press conference, a point that I support today, is that we have to make defense decisions based on the threat, based on the economic practicality. I think the President is most qualified to judge the threat and I support his defense spending level. But the point which I strongly support today is the first claimant on defense savings should not be the Congress of the United States, it should be the long suffering American taxpayer.

The defense savings in the budget before us, which basically reflects the President's numbers, do not have a corresponding tax cut for the American taxpayer, do not give the money back to the taxpayer so that the taxpayer could invest that money in the taxpayer's future and, therefore, in the country's future.

But getting back to the two points I was making, first of all, we have \$170 billion of cuts already agreed to. We have another roughly \$50 billion built into the budget before us. It is going to be a very difficult process in carrying these cuts out because we are affecting real people in real jobs and I think we have to rely on people who are experts in this area to look at what is feasible, to minimize the costs we are imposing on the people who wore the uniform of the country, who worked in the defense industries, and who won the cold war.

I think the problem with the Exon amendment is that we are already in a difficult adjustment period and this is going to add to it.

The second point I think is equally relevant and, in the long run, far more important. We have a long and undistinguished history in this country of disarming when the threat appears to have disappeared, and we have almost always regretted it when we have done it.

I am very concerned that we are forgetting the lessons of our long history.

I remember, because my father was a career soldier and a sergeant in the Army and participated in the Louisiana maneuvers in 1940, where they had wooden guns; they had stovepipe cannons; they had cardboard tanks. The Japanese sent observers; the Congress sent observers. The Japanese learned from the experience in the Louisiana maneuvers; Congress did not.

I think it is very important for us to remember, as delighted as we are at what the world looks like today, we do not have guarantees about the future. At the end of World War II, the future looked great. We disarmed America,

and 5 years later, a third-world country, North Korea, almost pushed us off the Korean peninsula.

My argument is simply this: Before we start slashing defense, I think it is important to remember that we are not at the end of history. As much as we might dream that there might never be another tyrant, there are tyrants today; there will be tyrants in the future. Despite the best efforts of diplomacy, reason will fail. And when reason fails, it is important that we have an Army, a Navy, an Air Force, and a Marine Corps that do not fail.

I do not argue that we cannot or that we should not try to save money on defense. I think we can, we are, and we should be doing that. But I think we have to look very carefully at what we are doing, because even if the biblical admonition that the lion and the lamb are about to lie down in the world—and I pray they are—even if that comes true, it is important that the United States of America be the lion because only if America is the lion can we be certain that the lamb is going to be safe.

So I believe this is an unwise amendment. It is an unwise amendment because we can stand here and say to each of our Members: You can vote for this additional cut on top of a 30-percent cut, and we can still keep all these Army Reserves and all of these National Guard outfits in operation.

The reality, which we all know but which nobody wants to admit politically, is we are keeping too many of them in operation today given the cuts to which we have already agreed. But the Senator from Nebraska can, in all honesty, say there is nothing in these cuts that will make you shut them down. He can say to the people who want to build the Seawolf, knowing in cutting another \$62 billion—

Mr. President, I yield myself 5 additional minutes.

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

Mr. GRAMM. That there is nothing in these cuts in the Exon amendment that would make us do away with the Seawolf submarine. You can pick any weapon system and say it is still possible to protect it.

Mr. President, all of that is true, but it all misses the point that if we cut another \$62 billion on top of the \$220 billion we have already cut, clearly you are going to affect procurement at all levels to some extent, and ultimately cutting dollars being spent means cutting spending.

I think it is important that we not deceive ourselves. I am ready to see defense built down on an orderly basis. I do not believe this amendment represents building down on an orderly basis.

Finally, I would be more sympathetic to this proposal if it had a procedure that locked in the savings for the next

4 or 5 years to assure it was not going to be spent. But we all know—we have heard it over and over in the debate that has already occurred—the reason this cut is being considered by so many of our colleagues is that they salivate when they look at the \$62.5 billion that starting next year, when there are no firewalls between defense and non-defense, Congress can spend.

If we had a commitment that this savings could be invested in the future by giving it back to the taxpayers, so that taxpayers could invest it in their future and the country's future, I would be more favorably inclined. If we had a commitment that we could lock into law to change the overall deficit reduction targets to assure it would go to deficit reduction, and therefore would reduce borrowing, and therefore would mean over the next 5 years we would be borrowing less and the private sector could borrow to invest in creating new jobs and building new farms, new factories, and generating new economic growth, I think the argument would be stronger.

But I want to urge my colleagues to take a long, hard look at this amendment; to look at the lessons of America in terms of our disarmament after World War I, our disarmament after World War II; at the long and difficult and painful and expensive lessons that we have learned. And let us try in a prudent way to build down defense, knowing that as certain as history repeats itself, there will be times in the future when we will need a strong and vibrant defense.

We hope that if we are called upon to use our defense again, we will have the same superiority we had in the gulf war. If we do not, we will pay for it in terms of treasure in building defense back up, and we will pay for it in terms of American blood. Both of those costs are high.

I think this is not a wise amendment. I hope my colleagues will reject it.

I yield the floor.

The PRESIDING OFFICER (Mr. KERREY). Who yields time?

Mr. SASSER. Mr. President, let me say to my colleagues, we want to move forward as rapidly as we can to try to get to a vote on this particular amendment. To my knowledge there is only one additional speaker on our side of the aisle, and that is the distinguished President pro tempore. He is in his office and, I think, is on call to come here and speak.

The distinguished ranking Member is not on the floor at this moment, but it is my understanding there may be one other speaker on his side. So I am hopeful we can soon dispense with the debate and get to a vote.

Let me say to my colleagues we have about 20 additional amendments that have to be dealt with today and perhaps tomorrow. I think if we would really get moving here, there is a

chance we could get this resolution perhaps behind us this evening. I may be overly optimistic, but we could try.

Mr. President, as we await the arrival of other Senators on the floor, let me say that I always listen to the distinguished junior Senator from Texas with great interest. He arrived here on the floor this morning in opposition to the Exon amendment, and he cited a number of reasons for his opposition. One, some concern about whether or not the military establishment—if we followed the advice and counsel of our distinguished friend from Nebraska, whether or not our military capability would be sufficient to meet the threat that was there.

I call attention to a proposal the Senator from Texas made on January 3, 1992, that we reduce defense spending by \$74 billion.

That was the proposal of Senator GRAMM, that we reduce defense spending by \$74 billion, roughly 5 percent, over the next 5 years. He said that those savings would be used to pay for a permanent tax cut, and he did say it would contribute to the deficit reduction.

Mr. President, I cannot imagine that the threat to this country has increased between January 1992 and April of the same year. And if the \$73 billion, 5 percent cut in defense, as proposed by the Senator from Texas [Mr. GRAMM] was viable in January 1992, why is it not equally as viable here in April 1992?

So, the conclusion is inescapable that it is all right with the Senator from Texas to reduce defense for a tax cut, but it is not all right to reduce defense, as the distinguished Senator from Nebraska proposes, just to reduce the budget deficit.

I disagree very strongly with our friend from Texas on that. I think in poll after poll after poll the American people have said, if they had the choice between taking the so-called peace dividend and giving themselves a tax cut or taking the peace dividend and reducing the budget deficit, by overwhelming margins, when given just those two choices, the American people have said they would prefer to use the peace dividend or defense savings to be used to reduce the budget deficit.

There has been a lot of conversation here as if this minuscule cut that Senator EXON is proposing is simply going to amount to unilateral disarmament, that we are going to go back to the days when they drilled in Louisiana in 1940 with wooden rifles, as the Senator from Texas indicated.

Under the President's proposal, over the 5-year period from 1993 to 1997, we would spend \$1.423 trillion on the military in this country—\$1.423 trillion would be spent over the next 5 years on the military. Under the Exon proposal—some are advertising this as unilateral disarmament; we will be drilling with wooden rifles again as we

did in 1940—under the Exon proposal, over the 5-year period, we would spend \$1.364 trillion on the military establishment in this country.

Let me give you another example of what we are talking about. In the period from 1988 to 1992, in current dollars, we spent \$1.478 trillion on the military. How has the administration reacted to the collapse of the Soviet Union, the collapse of the Warsaw Pact and the fact we are the only remaining superpower in the world? They want to spend \$1.423 trillion over the next 5 years. So \$1.423 trillion is what the administration wants to spend on defense over the next 5 years.

I say to my colleagues, I think Senator EXON's \$1.324 trillion is too much, but I am going to support him because I think that is the best we can do. I want to take that money and try to reduce this gargantuan budget deficit. I think that is a bigger threat than any external military threat to the United States.

Mr. President, I see my friend from New Mexico on the floor. In his absence, I indicated to the Chair that, to my knowledge, there is only one additional speaker on our side. I am advised there might be one additional speaker on the other side. I want to counsel with the distinguished President pro tempore, find out how much time he wishes, and then perhaps we could enter into a time agreement and get a vote on this because time is simply getting away from us here.

Mr. DOMENICI. I think that is an excellent idea. From what I know, Senator HOLLINGS desires to speak, and, clearly, he was the proponent in the Budget Committee of this number for defense. I want to accommodate him. I will be trying to find out from him how much time he will need while the Senator is trying to find out from Senator BYRD.

Mr. SASSER. If the distinguished Senator will indulge me, I will suggest the absence of a quorum and see if we cannot discuss this with the distinguished President pro tempore and arrive at some agreement but ask the time be charged equally to both sides.

Mr. DOMENICI. Mr. President, does the Senator intend to talk with the distinguished Senator BYRD himself.

Mr. SASSER. I am going to try to get him on the phone.

Mr. DOMENICI. I do not think I am needed. I will be glad to accompany you. I am prepared to put a quorum call in in 2 minutes. Let me speak for 2 minutes. I will put the quorum call in.

Mr. President, I would like to share a couple of observations with the Senate with reference to the notion of deficit reduction and who is doing more for deficit reduction because it is very interesting how this is evolving.

Let me take the Senate back to last week when the issue was the cap on de-

fense which we had grown to call the wall. Almost every Senator that is going to vote for the reduced defense number voted to tear down the wall and spend it all. I just coined that—tear down the wall and spend it all. That is what those Senators that wanted to take the wall down were saying that we needed all of this money for these desperately essential domestic programs. There is no question that, if you took that wall down, whatever you saved on defense would have been in one single bushel basket to be used by defense and domestic spending, and I believe it would have all been spent.

So I think it is fair to say that the majority of the Senators that want to reduce defense more were in favor of spending the defense savings. Point No. 1.

How can that be turned, all of a sudden, into the deficit reduction team? Is that credible? Of course not. Second point.

The way the law currently is, Mr. President, the only moneys that are going to the deficit are 1993 savings because the wall is there. What you do not spend on defense goes to the deficit by legal definition. But, Mr. President, in 1994, in 1995, the remnants of the 5-year agreement, and thereafter, under the ordinary budget law, there are no walls. We will decide from the whole package of money how much for defense and how much for all the rest.

It seems to me that it is not quite Hoyle to tout deficit reduction and use the full year's estimates when, as a matter of fact, the present dominant view of those who want to cut more want to spend it all on other programs.

Having said that, I will only make one other point. The military-industrial complex that existed and was alluded to by President Eisenhower has been used so much that it almost is as if we really understand what he had in mind. But, frankly, I believe it is a hoax to talk about the military-industrial complex holding up this defense budget and buttressing Senators so they will vote for the high numbers. I just honestly believe it is Senator to Senator talking about this. It is facts. It is an analysis of where things are going and what is going to happen that is going to judge our votes.

Surely, the President has an interest and the Secretary of Defense has an interest. But I just do not believe that we ought to leave the record with some indication that there are some ghosts around that are really out there controlling us because of programs or expenditures that will help the so-called military-industrial complex.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I yield myself such time as I might need, not to exceed 2 minutes on my time.

I would like to ask a question of my friend who has just talked. I have

heard a great deal, I say to my friend from New Mexico, about insincerity. I have heard a great deal about the Exon amendment, and that people do not want to cut the budget. I have heard reference to the fact that let us go back to last week and see how we voted on the wall matter, because the implication, while not being stated, is that somehow if you voted for taking down the wall last week, you are some kind of a hypocrite if you then vote for the Exon amendment.

I would like to ask, for the record, of my friend from New Mexico, if there is any intention to draw that conclusion from the remarks that he just made, would he be good enough to exclude the Senator from Nebraska, who did not commit that terrible act, evidently, of voting to knock down the wall last week. Would the Senator verify that?

Mr. DOMENICI. Sure. I say that I do not think I ever used the words everyone who voted to tear down the wall. The distinguished Senator from Nebraska did not do that.

Mr. EXON. So I am a good guy?

Mr. DOMENICI. I did not say good, bad, hypocritical, or not. I merely stand for the proposition that I think is right, which is, had we torn down the wall, we would have spent the defense savings on domestic programs. The Senator might not have voted for it.

Mr. EXON. I reserve the remainder of my time.

I yield the floor.

Mr. DOMENICI. I ask how much time Senator HOLLINGS needs.

Mr. HOLLINGS. 5 minutes.

Mr. DOMENICI. I yield 10 minutes to Senator HOLLINGS.

Mr. HOLLINGS. Mr. President, the amendment misses the Hollings-Domenici mark, which is a mark I feel very good and strongly about. It has been tested by the military industrial complex. When I turned on the TV during the debate yesterday afternoon, I heard a lot of fanciful talk that somehow there had been a conspiracy to arrive at this figure.

My arrival at the figure begins with current policy, Mr. President. I never had bought that sorry 1990 summit agreement. That crowd of summiters said we were headed in the right direction; that we would reduce the deficit \$500 billion in 5 years. The truth is, to the contrary, we are increasing the deficit \$500 billion in a single year, this year, and we are headed in the wrong direction. So I do not assign any sanctity to the silly summit and the summiters. I can tell you that right now.

I started with current policy. Under current policy, what we do is take the 1992 defense 050, or defense number, and extrapolate out with respect to the commitments made under contract and inflation. When I got to a figure, I looked and found out that I was pretty well on target with the President's fig-

ure. I arrived at this, actually, in the first part of February, over 2 months ago.

I began to talk to my colleague from Nebraska, and others, about formulating a budget, because that is what we really have at hand. In trying to arrive at that budget, I first considered certain fundamentals. We had to show some austerity and discipline at the congressional level here, and what we needed to do was to take a surgical knife right to the bureaucracy itself, which has grown and sprawled. I reasoned, why not do just exactly as we did under President Reagan 10 years ago and cut some 10 percent, or an amount equal to that, over a 3-year period, by attrition. We would not be exacerbating, in any sense, unemployment, which is a big problem out there in the economy. But that 10 percent cut would demonstrate some awareness of what is happening in America's industry everyday.

Thereupon, I once again proposed the budget freeze, and the body has heard me ad nauseam advocating a budget freeze, which is exactly what a mayor of a city or a Governor of a State would readily do. Those of us who have served as Governors know what I am talking about. You do not print dollars back at the State capitol like you do here in Washington. Instead, you just take this year's budget for next year. You do not let go of any essential personnel in law enforcement in schools, or otherwise. You do not cut back any basic services, but likewise you do not expand.

And so we look to the distinguished chairman of our Budget Committee, we look at the chairman's mark, and we see that it takes two very formidable steps with a bureaucracy cut and a freeze in budget authority. And then we got the two points at issue, namely, how we are going to allocate the money saved, and what is going to be the size of the defense cut, how big will the peace dividend be?

I differed with my distinguished chairman in that I thought we still needed the stimulation. But having fought for the cuts in the deficit, I certainly was not going to be bound again when only a minimal amount was involved. I think that minimal amount is a substantial amount when it comes to stimulation, but only minimal when it comes to the deficit itself. In fact, I stated in committee that if we were running deficits of \$20 and \$30 billion, rather than \$400 and \$500 billion, then under these circumstances we could well increase our deficit in order to stimulate the economy, which would be good economic sense at this particular point.

But the chairman and the committee have to get out a budget, and I said at the time that if my figure on defense did not prevail, I would go along with the chairman's mark, even though I

might disagree with it, because I realize that he is doing yeoman's work in trying to get a budget out and form a consensus.

In that light, we now have coming with current policy under the Hollings-Domenici mark, an actual cut of defense outlays of \$15.6 billion. That might not seem a good amount, or a large amount, but I can tell you I have been in the budget process where we struggled over \$2 billion in the context of the entire budget. And it comes from defense itself, to mandate on top of rescissions an additional \$15.6 billion. And there seems to be a solid consensus, that we will be in the vicinity of cutting some \$7.7 billion in rescissions. If that were to occur, then we would be looking at a total defense cut of \$23.3 billion in 1 year.

Let us assume it is anywhere between \$15 and \$20 billion. I think our mark here, which I was glad to join in sponsoring with the distinguished ranking member, the Senator from New Mexico—and to say let us go forward with that one, realizing that, yes, we could all list certain contracts for termination. But we find out, on closer study, that the feasible cuts in contracts do not correspond to the amount you need. And in that light, you find out you are having to delve into personnel cuts in a traumatic fashion. For example, you find yourself going up to a top kick in Europe, who has 16 years in the service, and who is looking for his 4 more additional years in order to get full retirement, and you end up saying, oh, no, look, you won the war in Desert Storm, but now you are the loser.

You are not the winner. You either take the \$50,000 in severance and get out by the 1st of June or chances are we are going to kick you out by the 1st of September. That fundamentally is unfair and wrong. I would like to be the lawyer and bring that case before a jury back home. I could win that case.

Everyone in this body would agree that is unfair, but that is what is being required when you add on another couple of billion under the pending amendment. I do not want to do that. I do not want to cut it that drastically. I think we are already cutting deeply now, and what is misleading the colleagues is this cap. They say they want to cut instead of \$5.3 billion up to \$8.—something billion, and it only looks like a few billion more.

Caps or no caps, I never did agree with the 1990 summit agreement. I voted against it. Instead, I am getting down to the real world of current policy. The current policy is at \$15.6 billion, which we have marked and reported out in this concurrent budget resolution. We only put it in for a year, because we learned the hard lesson that these 5-year plans are about like Soviet 5-year plans. They do not last beyond the first year. Namely the sum-

mit agreement has not lasted more than a year in the right direction. It has gone in the opposite direction. I do not think we ought to break ranks and try to just identify more with the peace dividend, or against the military, or against the Pentagon, or against defense.

On the contrary, I have a different view. I am differing with respect to the National Guard. I differ with them with respect to Europe. We fought in the defense appropriation subcommittee where the NATO command and the Defense Department said we had to have an air field in Crotona, in southern Italy, at a cost of \$800 million. We as politicians prevented that. We find out in Desert Storm that you can fly a plane, even the relatively slow A-10's, all the way in due time to the gulf, or in this case to Turkey, because the former field at Crotona was nothing more than a staging field for planes to be deployed to Turkey.

I want to reaffirm my strong commitment to the Hollings-Domenici mark in this concurrent budget resolution and I want to oppose the Exon amendment on the merit itself. We save that money. I only give that as an example.

I differ with respect to the National Guard. I am differing right now with respect to actions taken in my own backyard for political reasons, moving the mincraft base from Charleston to Texas when the mincraft unit does not want to move and the Navy does not want to move. It is going to cost extra money to move. So I have a long list of differences with the Pentagon leadership and this was not put in other than for the good of the order.

You can get a budget resolution. But if you go that extra couple billion, or looked at in another light, another \$4 billion and in that case I am afraid we are not going to get a budget resolution.

The proponents on the floor today may have won a battle but have lost the war, and it is not all that big a difference except that it strikes right to the personnel. If we could hold all the personnel in there right now I would do so. I want to cut back on the R&D. I want to cut some on the material. I want to cut back on the missilery. I want to cut back on stealth. I can give you a long list of things I previously supported, the MX, Midgetmans, B-2's and so on, that I am now willing to cut. But I will not agree to a pandemonium, panic, pell-mell rush down the road saying we have to cut \$2 billion more out of personnel, because that is what this amendment amounts to, and I hope it will be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I yield myself what time I may use off the bill to answer and enter into debate with my

great friend and colleague from South Carolina, whom this Senator has stood on this floor with on more occasions than I think anyone else seeing eye to eye.

Would you please take back the statement that the Senator just made, at least as I understood it that if the Exon measure passes we would reduce personnel. Is that what the Senator said?

Mr. HOLLINGS. That is exactly what I said. I know the Senator is looking at it differently. He has in his own mind his own little cut. I have in my mind my little cuts. The Secretary of Defense has his little cuts. I can tell the Senator having looked at all those from my experience of over 20 years of defense appropriations, I can tell the Senator you are harshly into personnel and there is no question in my mind.

Mr. EXON. You are entitled to your opinion.

Mr. HOLLINGS. Thank you.

Mr. EXON. Even though your opinion, I must say to my friend, is very definitely wrong.

I would also like to ask the Senator what has changed so dramatically in the last 30 days that we find ourselves necessary to not make the cuts that the Senator has agreed to make and I agreed to cosponsor.

If the Senator will look at the record of the U.S. Senate March 10, S. 3099, the Senator from South Carolina came on the floor and introduced a cut in the defense budget, and cosponsors, EXON, HEFLIN, D'AMATO, to stimulate the economy.

Basically when I came up with my cut, I thought I was letting the Senator down. He was proposing a cut of about \$10 billion and the cut that Senator EXON proposes in this measure is only \$8.8 billion, and now I hear you get up on the floor of the U.S. Senate and say that the Exon measure would cut personnel when I guess the Senator's would not.

It seems to be a lot of changing winds of war going on today with regard to the budget, and I simply say that the Senator from Nebraska might be wrong and there may be others who had a lot more experience in these budgetary matters and they might be right. At least I am convinced that my proposal does not get into personnel cuts.

I would certainly say that if my amendment would get into personnel cuts then the cuts that you suggested months ago in the official RECORD of the U.S. Senate would go far beyond that, and you have the right to change your mind.

The PRESIDING OFFICER. The Chair would ask the Senator to direct the comments to the Chair.

Mr. EXON. I reserve the remainder of my time and I yield the floor.

Mr. HOLLINGS. May I have yielded a minute?

Mr. STEVENS. I yield a minute to the Senator.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. The change is really in essence not a change at all. What happens in the March 10 figures that we used were against the caps. We did not have the Congressional Budget Office figures. We were trying and trying, and quite a task, to formulate those figures and instead of taking them taking a similar figure and figure that way, I realized, and the distinguished Senator from Nebraska realized, \$15.6 billion and the figure is no change or surprise that the distinguished Senator asked of me in this moment.

We debated this last week and he knows there is a plan using our Congressional Budget Office figures, and the amount is the \$15.6 billion figure, so there are no dramatic figures in winds of war whatever it is. What we have to change is the nonsense of summit caps and by leading the party you can get a \$5 or \$8 or \$9 billion cut. Members of the Senate, you are dealing with anywhere from \$15 to \$20 billion. And when you are going on up beyond that you do to the \$19 billion and then add another \$7 billion, you are way up. It is going to be an impossible task. I am glad I am not the Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

Mr. EXON. Mr. President, I yield myself 1 minute off my time.

To somewhat maybe reassure the Senator from South Carolina and others I would cite that part of the resolution that says it is the sense of the Congress that the levels in section 6 of this resolution are consistent with the assumption that the defense reductions required shall not result in reducing military personnel below those levels set forth in the President's fiscal 1993 budget. That is the sense of the Senate.

In that same context, Mr. President, the whole budget process is a sense of the Senate because it addresses the problem to the appropriators and the authorizers. No one can guarantee anything, but our intent is not to cut personnel further and I believe that will be the end results, even if the Exon amendment is accepted.

I reserve the remainder of my time and I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I have been discussing the perspective proceedings with the distinguished Senator from New Mexico. I would like to propound a unanimous-consent request at this time.

I ask unanimous consent that the Senator from West Virginia be recognized next in the ordinary course of business and be allowed to speak on this amendment without time limitation; that the time he consumes be

charged against the resolution; that after the Senator from West Virginia concludes, the Senator from New Mexico be recognized for 10 minutes; that after the Senator from New Mexico concludes, the Senator from Nebraska be recognized for such time as he may have remaining on the amendment; and that thereafter the Senate proceed without intervening debate to vote on the Exon amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.

Parliamentary inquiry, Mr. President. How much time remains on the amendment for the proponent of the amendment, on the amendment itself?

The PRESIDING OFFICER. Five minutes and fifty-four seconds.

Mr. DOMENICI. Further parliamentary inquiry. If the unanimous consent is granted and if the distinguished Senator from West Virginia were to speak for 1 hour, is it the interpretation of the Chair that that entire 1 hour would come off of the time allotted Chairman SASSER as a designee of the majority leader to manage the bill?

The PRESIDING OFFICER. The Chair's understanding is the consent would be to divide the time equally.

Mr. DOMENICI. That is not the understanding of the Senator from New Mexico. Senator BYRD is going to speak in opposition to the defense number. I would not agree that it was open-ended for the Senator from West Virginia, as much as I respect him, and then agree to take it out of our time not knowing how long he might speak.

Mr. SASSER. Mr. President, let me amend the unanimous-consent request to say that the time that might be consumed by the distinguished Senator from West Virginia be taken out of the majority leader's time on the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving right to object, I note that Senator BYRD is on the floor. Might I just discuss for a moment a concern I have?

First of all, this entire budget resolution is under a statutory time limitation. I am being asked to agree to the unanimous-consent agreement, which I am leaning very, very strongly in doing, but we are not limiting the distinguished Senator from West Virginia to any amount of time albeit whatever he uses will be charged against Senator SASSER's time as the Democratic designee for the floor management.

I hope Senator BYRD understands that I do that because I truly have confidence that he understands that there is not a lot of time left for many amendments and that he will, in his typical way, be judicious with us and yet make his points. Is that a fair assessment, I ask the chairman?

Mr. BYRD. My typical way might not be too brief.

Mr. DOMENICI. I understand that. But to the extent that it is not, there will be no time left on the Senator's side for the remainder of the proposals. But I will agree to the unanimous-consent agreement, understanding that that is not very typical on my part or of a unanimous-consent agreement. I nonetheless will agree.

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

Mr. SASSER. Mr. President, parliamentary inquiry. How much time is remaining on the resolution?

The PRESIDING OFFICER. Fifteen hours and three minutes.

Mr. SASSER. And how much time is remaining on our side?

The PRESIDING OFFICER. Eight hours and twenty minutes.

Mr. SASSER. And how much on the other side?

The PRESIDING OFFICER. The difference.

Mr. SASSER. The Chair has a quicker mind in addition and subtraction than I do.

The PRESIDING OFFICER. Six hours and forty-three minutes.

Mr. SASSER. I thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the Budget Committee, Mr. SASSER, for his courtesy and his consideration. I also thank the distinguished ranking member, Mr. DOMENICI, for his equal courtesy and consideration.

Mr. President, this has been a good debate. And as one who came here a good many years ago when we had the Dick Russells, the Spessard Hollands, the Lister Hills, the Harry Byrd, Srs., and the Everett Dirksens, and many others, I have to say those were the days in which we engaged in good debates and in great debates in this Senate.

Of course, back over the history of the Senate, this body has been noted for its being the forum of the States and the forum of American constitutional liberty. And, as I see it, it is still the forum.

I congratulate those on both sides of the aisle and those on both sides of the question who have participated in this debate. I think it has been enlightening and informative. I respect the views of all sides and all Senators. Each has his own opinions. Each has to proceed in his own lights. But I compliment the Senate. This is the Senate at its best when it debates the larger issues at length.

Mr. President, I imagine that this will be one of the most debated of the amendments that will have been taken up during the whole debate on this matter.

Mr. President, the budget resolution, as reported from the committee endorses the President's proposed defense

budget, a totally unrealistic allocation of resources in light of the changed world that our Nation faces. The President's budget was constructed, and the forces it supports were designed prior to the collapse of the Soviet Union. The result of that collapse is a consensus that the threat that underpinned those budgets has now evaporated, gone. The President's recommendation suggests that the military-industrial complex has him pinned to the wall.

I was here in the days when President Eisenhower was in the White House, and he spoke of the military-industrial complex. Well, that is what we are talking about here.

The President's recommendation suggests that the military-industrial complex has him pinned to the wall. Even as we cry out for a reduction in the monstrous deficits that are consuming our budgets, the President is prepared to field forces grossly disproportionate to the threat the Nation faces. Indeed, the administration seems to have been busy constructing threat scenarios to justify what it calls a one superpower world. We read about that a few days ago in the press. All of this needs careful reflection, I believe, because the nature of power in the world, the currents of influence, and the pillars of national strength have been transformed. Those currents and pillars are in the economic domain, and the fielding of large military forces simply erodes our national strength.

The President's numbers for defense remain about where they were a year ago. The revision he has recommended for fiscal years 1993 through 1997 saves a little bit on the margin, some \$44 billion in budget authority and \$27 billion for outlays—something around \$50 billion, if we include the proposed rescissions that the President will send up dealing with the 1992 budget. This is just a drop in the bucket of the approximately \$1.4 trillion in defense expenditures proposed for that 5-year period. The administration's vision of the future is a vision that appears only in the rearview mirror. The administration seems to be posturing America as the praetorian guard of a future world order, but we cannot afford it and it is not called for as the world is busy competing with us on the economic playing field. We are focusing on irrelevancies in trying to maintain this huge military establishment. It is not anchored to reality. If we cannot adjust to change, much less lead change, we are going to be sitting on the sidelines of the playing field.

Now, Mr. President, we keep hearing the argument that reductions below that proposed by the President for fiscal year 1993 cannot be taken because they will result in throwing people out of the military onto a sterile job market. We keep hearing that a million jobs will be lost in the armed services and another million lost in the defense

industry. The administration is promoting a picture of the Congress just throwing people out of work, throwing people out of the military by proposing a modest reduction, such as that contained in the amendment offered by Senator EXON, in the fiscal year 1993 budget. This is an argument without solid substance; it is just not true.

No one disputes the need for an orderly drawdown, both in terms of force structure, strategic and conventional systems, and personnel. Of great concern to all of us is the effect on personnel, including active duty military service men and women, DOD civilian personnel, and the civilian work force employed by the defense industry. But we must remember why the military exists and why it has existed from the very beginning, from the very first Congress, when the Secretary of War, Knox, was appointed by George Washington to serve as the Secretary for the Department of War.

Why did it exist then? Why does it exist now?

Our Defense Department was created to defend the Nation, and to field forces and develop the necessary plans and preparations to deter the enemy and to engage that enemy if absolutely necessary.

The Defense Department, and the War Department and the Navy Department before it, were never—they have never been and they should not now be—viewed as an employment agency. Military spending is generally an inefficient way to allocate resources, and over the past decades we have dedicated those precious resources to the military complex because of a serious threat to our Nation's survival. Now that threat is gone. Now, some of those resources can certainly be more productively spent improving our infrastructure here at home, and strengthening our civilian technological and human base.

Certainly, Mr. President, there is legitimate concern over the effect on the people, industries, and communities which must make the transition to the civilian sector. We must be concerned and we must take action to help the transition, to plan for it, and to use this opportunity to strengthen and improve our economy. Fortunately, we now have an excellent study, the first of two parts, by the Congressional Office of Technology Assessment. The report, entitled "After the Cold War: Living with Lower Defense Spending," should be required reading for every Member of this body.

The key point that I derive from this analysis is that, with careful planning and an understanding of the range of factors that go into the problem of the transition away from massive defense expenditures, we can effectively manage that transition. We need not be afraid of some dire consequences of our defense drawdown and, therefore,

shrink from taking advantage of the new world situation to reform the American economy. But we must begin to plan now. The drawdown is manageable, and in terms of sheer numbers, more modest than in previous periods of our experience in this century.

The OTA study concludes that the "current cutbacks in defense spending do not loom very large." From a historical perspective and from the overall size of our economy, the cuts included in the President's revised 5-year defense budget, and even the deeper cuts begin proposed by a variety of analysts, can be managed if we plan aggressively and dedicate the necessary resources and attention to the transitions that will be necessary. The distinguished chairman of the Armed Services Committee has indicated that the cuts from the President's proposal, will include 1 million jobs in the Defense Department and another million in the defense industrial base by 1996, over the next 4 years.

But, in fact, according to the Department of Defense, the actual drawdown of people in the 5 years, future 5 years, is not 1 million people. It is not even half that. It actually amounts to a total of 281,000 active military and DOD civilians and Reserves.

So, Mr. President, three-quarters of the million-man drawdown has already occurred. Those people are already out in the civilian economy.

The pending amendment, if adopted, would not result in any more cuts in personnel this year. That is correct, is it not?

Mr. EXON. That is correct, Mr. Chairman.

Mr. BYRD. Nor any more significant cuts to the industrial base in 1993 than would the President's budget?

Mr. SASSER. Mr. Chairman, if I might interrupt just a moment?

Mr. BYRD. Yes.

Mr. SASSER. The Exon amendment certainly should not be cause for any additional cuts in personnel in fiscal year 1993. As the chairman knows, and as the chairman has outlined, the President's plans are, under his budget, to reduce the force by 90,000 people in fiscal year 1993.

Every year the force loses 200,000 individuals just by attrition. And the President's program calls for reducing the force from 1.8 million, which the chairman has outlined, to 1.6 million over the next 3 or 4 years.

And I might say, his force structure proposals were put in place even before the collapse of the old Soviet Union. There has been virtually no increase in the number of personnel that will be displaced even after the collapse of the Soviet Union.

So the chairman is quite correct in his assumption that the Exon amendment would not result in additional personnel being discharged.

Mr. BYRD. I thank the distinguished Senator for his observations, his comments, and his contribution.

So what we have been hearing is an argument without merit for fiscal year 1993. The Exon cut will not result in additional reductions of servicemen or servicewomen.

As for the next 10 years, through the year 2001, the OTA study indicates that overall job loss in the defense establishment, including the whole industrial complex, might drop from the current 6 million in 1991 to as low as 3.5 million. In other words, over the entire decade, while this is a substantial number, it represents only, as has been pointed out, about 250,000 people per year, or two-tenths of 1 percent of the 119 million jobs in the U.S. economy.

We have some time in which to put conversion and transition programs into place, to shift that base to a more relevant, efficient, and productive civilian economy. The current adjustment will not be as steep as we experienced after World War II when, although there were virtually no transition programs, the economy absorbed over 10 million servicemen, another 2 million civilian workers in the military, and about 12.4 defense industry workers over a period of 3 years, and it did it rather easily.

Taking a more recent experience of the Vietnam war into account, again we find that the adjustment we currently face is not as large. And again, according to the OTA report, defense-related employment dropped from 8.1 million in 1968, the peak year of the Vietnam war, to 4.8 million in 1976, dropping 1.8 million in just the 2 years from 1969 to 1971.

Furthermore, we are more prepared than ever before to manage a smooth adjustment because some programs are already in place. As the OTA study says:

A source of optimism is that there exist choices for Government policies that could both ease the adjustment and build a stronger foundation for an expanding economy and rising incomes. There are possibilities for new public investments, in areas ranging from environmental protection to advanced transportation and communication systems, that could spur new technologies, support new businesses, and create new jobs.

So it is important to recognize, Mr. President, that most of the active duty personnel drawdown can be attained through normal attrition. The OTA study finds that by 1995, the U.S. active duty military forces will be 23 percent smaller than in 1990, "shrinking from 2.1 million to 1.6 million" and that "because of the high rate of turnover, especially in the enlisted ranks, most of the manpower reduction is likely to be accomplished through normal attrition combined with reduced levels of accession. * * * Involuntary separations are not expected to exceed 100,000 or about 20 percent of the total reductions."

So 80 percent of the draconian personnel reduction that has been bandied about will occur anyway through normal attrition. Let us not raise false fears unnecessarily on this matter.

From another perspective, we can compare the potential job losses due to the defense reductions to unrelated worker displacement in recent years. Over the 5-year period, 1985 to 1989, some 9.2 million workers lost their jobs because of plant closings and relocations, or other reasons—some 1.8 million workers per year. Thus, the normal displacement rates in the recent period "accounted for considerably more job loss than can be expected from the defense cutbacks that are coming." As for the effect on communities, while the national impact of defense industry closings is not disruptive, the effect on particular communities and some regions must be a cause of concern and we need to put more attention on transition assistance to those communities, and to the conversion of some of those industries to civilian uses.

The OTA study estimates that of the Nation's 3,137 counties, some 138 are "most at risk with * * * high unemployment (over 6 percent * * *) and moderate to high defense dependency * * * these counties were home to 4.9 million workers, or 4 percent of employed people."

The programs of retraining and assistance that are in place, including the economic dislocation and worker adjustment assistance, EDWAA Program, need broadening and will require strengthened funding. Some \$527 million was allocated to the EDWAA Program in fiscal year 1991 and some \$577 million in fiscal year 1992. We need, Mr. President, to put into place this year a roadmap for transition that will give hope—and the means to plan for the future—to those people and industries which will suffer from the defense reductions. The military industrial complex has attracted some of the best and some of the brightest of our people and our technology, and we cannot afford to allow those important resources to go to waste. They are needed to breathe the new life and vigor into our economy.

Mr. President, I am not among those who, when they look closely at this problem, fear the transition to an economy less dependent on the military industrial complex. The problem appears to be manageable. There is a need to focus on the improvement and expansion of our transition programs. The study released by the Office of Technology Assessment is a major contribution to our thinking on that subject, and I recommend it to my colleagues.

A second OTA volume is due shortly, and I am hopeful that it will add more suggestions and perspectives on how we can best handle this issue.

Mr. President, the 1993 defense reduction proposed by the able senior Senator from Nebraska will go directly toward reducing our deficit. In hearings that I conducted before the Appropriations Committee in February, five

prominent economists, including Dr. Herbert Stein and Dr. Charles Schultz, who had served in administrations of both parties, agree on the absolute need to get a handle on spending and to reduce the deficit.

Mr. President, there has been apparently some wonderment why Senators who voted to take down the wall a few days ago, so that defense resources could be placed into domestic discretionary initiatives, there seems to be some puzzlement as to why we now would be seeking to reduce defense and divert the moneys into deficit reduction.

Mr. President, the economists said that we need to build up our economy, reinvest in our country and its infrastructure, both physical and human, and that we also need to reduce the deficit. Therefore, Mr. President, we tried a few days ago to take down the wall. It will come down next year in any event, based on the agreement of 1990. We tried to take down the wall. We failed. We did not fail to get a majority, but we failed to get the 60 votes to cut off cloture.

Having failed then, we come to the second part of the economists' recommendations: Reduce the deficit. That is what we are trying to do here. Here is the 100-percent pure chance, not like Ivory Soap, 99-percent pure; it will float. This is a 100-percent pure chance to do so, since every dollar of the Exon amendment goes to reducing the deficit.

(Mr. DODD assumed the chair.)

Mr. BYRD. So I hope that all those brave souls who went up to the wall and voted not to break it down a few days ago because defense savings would not go for deficit reduction, will join us today and help to reduce the deficit.

So today we take up their battle cry, their then battle cry: "Let us reduce the deficit." Now is their chance.

The Pentagon certainly does not need it. The Pentagon is bloated. Bloated. Let us return these precious dollars to the Treasury. A vote for this amendment is a 100-percent redemption on our promise to the American people to get spending under control and start easing down our deficit.

This is a key part of any strategy to promote economic growth and increase productivity and competitiveness. For those who want to reduce Government spending, here is your chance. Seize it. Embrace it. Clasp it to thy bosom. For those who want to reduce the Federal deficit, here is your chance. Here is your chance.

Mr. President, I said earlier I had listened with a great deal of interest to the debate. It has been good debate. We have heard concerns addressed to the drawdown of our military forces. Reference is made to the World War II drawdown and the Korean and Vietnam drawdowns and the present drawdown.

Mr. President, as one who well remembers World War II, who built Vic-

tory ships and Liberty ships as a welder in the shipyards in Baltimore, MD, and Tampa, FL, as one who witnessed the World War II drawdowns, I can remember that we had over 12 million men under arms in World War II. The chart here indicates the rapid buildup, very steep, and an almost equally rapid, or perhaps more so, build down. We have heard talk about a precipitous drop in the build down in military forces that would result from the Exon amendment. On the chart we see a real precipitous drop after World War II.

Mr. President, I can remember the "wanna go home" rallies that occurred in Tokyo, Calcutta, Paris, Frankfurt, Germany. "Bring our boys home," was the hue and cry. The mail came to Capitol Hill in a deluge. "We want our boys brought home." And so we saw that precipitous drop in manpower as shown on the chart to my left.

Mr. President, the drop will not be as precipitous now, and neither will the threat be as real as it was at the end of World War II when that drawdown took place. There were 20 million men in the Red army and its associated forces during the war. Those numbers were pretty much secret, but I think there have been good indications that there was about 20 million in the Soviet military. And when the war was over and our boys were conducting "wanna go home" rallies—and we brought them home—there are still 10 million men in the Red army. Stalin insisted on controlling the Dardanelles. He wanted a slice of Turkey. He also wanted a strip of Caspian territory to protect his oil fields in Baku. He wanted a role in the occupation of Japan. He wanted his army to have a physical presence in the Ruhr Valley. That is what we faced from the Soviets at a time when the mighty U.S. military was changing to civilian status.

What did we have here at home? We had a precipitous drop. What else did we have? We had strikes. Five million workers, all told, struck in 1946. That is the year I ran for the House of Delegates in West Virginia. Five million. The General Motors strike. And then there was wave after wave of strikes in the oil, the lumber, the textile, and the electrical industries. When the GM strike was over, 750,000 steelworkers banked their fires. The northern panhandle of West Virginia is noted as a steelmaking area, like Pittsburgh. And about the time the steelworkers went back—they went back after 80 days—then 400,000 coal miners left the pits in 21 States of this country, including West Virginia. When they came out, the railroad brotherhoods said, we are going to bring our people off the job.

So what we saw was some real chaos. It was not all due to the precipitous military drawdown. There was a black market, there was a wave of strikes, and we did not have the programs that we have today available for a transition.

Now let us look at the defense manpower reductions that are shown on the chart to my left.

We have listed military personnel, DOD civilian personnel, defense industry workers, employment manpower, and percent of employment, and so on. The drawdown in World War II, 1945–1947, was 10.6 million military personnel, 1.8 million DOD civilian personnel, and 12.4 million defense industry workers, a total of 24.8 million—not just 2 million, as we are hearing today. And when Senators talk about 2 million, they are really reaching back to include those military personnel who have been cut out over the past 5 years. We listen to all their talk, and it sounds as if we are going to have 2 million drawdown in the next 5 years. But in reality the 2 million manpower figure includes the drawdown that has already occurred over the past 5 years.

What size was our labor force in those days? It was not 119 million, as we have today. The total employment of manpower was 60.8 million.

The World War II drawdown of 24.8 million constituted 40.8 percent of the total manpower of 60.8 million in this country. That was a real problem. Of course, there were pent-up consumer demands, people had saved up a lot of money. I can remember the electric dishwashers and the electric clothesdryers coming on the market at the close of that war.

Now let us go to Korea. In 1953–1956, the drawdown of military personnel was 750,000, DOD civilian personnel 150,000, defense industry workers 1.6 million, a total of 2.5 million, and an employment manpower pool of 63.9 million. In other words, the military and civilian drawdown was 3.9 percent of the total manpower pool.

Vietnam, 1968 to 1974, military personnel in that reduction was 1.4 million, DOD civilian personnel, 250,000, defense industry workers 1.4 million, total manpower reduction, 3,050,000, which constituted 3.7 percent of the total employment pool of 82.8 million.

Let us see what we have here today. The administration's proposed reduction, 1993–1997, is 237,000 drawdown in military personnel, 54,000 DOD civilian personnel, and a range of 500,000 to 1 million in defense industry workers; in other words a total manpower reduction, using the range again, depending on whether we accept the figure of 500,000 or 1 million or somewhere in between, the total manpower reduction, 791,000 to 1,291,000. If it is 500,000, that would be seven-tenths of 1 percent of the 119 million. If it is the upper range of 1 million, it would be 1.1 percent of the 119 million. Contrast that with the percentages that are shown on the chart which occurred in World War II, the Korean war, and the Vietnam war.

Mr. SASSER. Will the distinguished President pro tempore yield for a question at this juncture?

Mr. BYRD. Yes.

Mr. SASSER. I note on this very highly informative chart that he brings before the Senate today that on the line entitled "Percent of Employment," that the percent of those employed who would be affected by the defense reductions through 1993–1997 amounts to only seven-tenths of 1 percent of the total work force under one scenario, and 1.1 percent of the total work force under another scenario.

Mr. BYRD. That is correct.

Mr. SASSER. When you compare that with the percent of the work force that were affected after World War II, Korea, and Vietnam, it appears to be a relatively insignificant, although highly significant to those who are affected, number with regard to the total employment.

For example, am I right, I say to the distinguished President pro tempore, in saying that even after the war in Vietnam, when that had concluded, and the drawdown began, 3.7 percent of the total work force was affected, and even under the largest drawdown under the scenario following this war, only 1.1 percent would be affected. So over 300 percent more of the work force was affected following Vietnam than it would be under the largest drawdown that might be anticipated here. Is that correct?

Mr. BYRD. It is correct. The contrast is startling and would amount to about 3½ times as much, under the upper range, 1.1 percent.

Mr. SASSER. So this would be characterized then, I assume by the Office of Technology Assessment which made this very excellent study, as the mildest so-called conversion from a military economy to a civilian economy that we have experienced in any of the three military conflicts we had in the latter part of the 20th century.

Mr. BYRD. That is absolutely correct. There is no question about it from the standpoint of the manpower reduction, and the total employment pool.

Mr. EXON. Before the Senator leaves that chart, will the distinguished Senator from West Virginia put that chart back up for just one moment so that I might ask a question?

Mr. BYRD. Yes.

Mr. EXON. Let us make this doubly clear, so that all understand. The figures on the right there, the administration-proposed reduction, those are the only reductions in personnel of any kind that I have heard about, and those are accurate I believe with regard to what the administration is proposing in their part of the budget that we have been addressing today, and yesterday, with regard to the Exon amendment. So those are the administration's proposals. They are likely to happen. And what the Senator is saying is that even if they happen, and it is going to cause some harm and pain and suffering, but from the standpoint

of what we have gone through previously in the country with previous drawdowns they are much less painful.

Then I would also say, to make sure that the Senator from West Virginia in his very excellent presentation agrees with the statement, that even those figures that are quite evidenced here as not as startling as some might think them to be, the Exon amendment though would not affect one way or the other because the Exon amendment does not make that situation even worse, as has been so dramatically outlined by the Senator from West Virginia. Is that correct?

Mr. BYRD. Yes. I think that is correct. These are DOD figures. This is the Office of Technology Assessment. I think the Senator has correctly analyzed what is being shown on the chart as well as the impact of his amendment.

Mr. EXON. I thank my friend.

Mr. SASSER. Before we leave this whole question here of manpower and manpower reductions, if the distinguished President pro tempore would yield for just one observation, some of our bright young economists have been listening very carefully to the distinguished President pro tempore's presentation.

They advised me that there will be a displacement under the drawdown that is being anticipated, even under the Exon amendment, of about 200,000 per year. They further advise me that in the ordinary course of business, as this economy comes out of a recession, it creates 300,000 new jobs per month.

So we are talking about a displacement here of 200,000 per year.

But coming out of a recession, if we really behave as in past recessions, we would be creating 300,000 new jobs per month. I wanted to call that to the distinguished President pro tempore's attention. I think this further reinforces the line of logic that he is following that this reduction here is very minimal from historic standards.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I thank the young economists to whom he has alluded for their timely contribution.

Mr. President, references have been made to the defense and domestic outlay totals of the 5 years, and it has been rightly said by Senators—I believe the chairman of the Armed Services Committee made the point—that there would be a reduction in total defense spending in 1993 through 1997—as compared with the period of 1988 through 1992—of something like \$41 billion.

Whereas, as Senator NUNN also correctly stated, there will be an increase in domestic spending in 1993 to 1997 of \$238 billion, over the previous 5 years. In other words, in 1988 through 1992, total defense spending, excluding the \$50 billion Desert Storm-Desert Shield, was \$1.478 trillion. In 1993 through 1997

it will be \$41 billion less—\$1.437 trillion, to be exact. And domestic in 1988 through 1992 was \$922 billion. And in 1993 through 1997 it will be \$1.160 trillion; in other words, \$238 billion more than in the 1988 through 1992 period.

Mr. President, we can do a lot of things with figures and with charts. Sometimes we have to note that the inclination is to choose the period that is most advantageous to the argument that one is making.

But I thought it best to go back over the larger period of 1973 through 1977, and take all of these 5-year periods.

Let us begin with 1973. In the period of 1973 through 1977, defense outlay totals amounted to \$455 billion, and domestic outlay totals amounted to \$367 billion, the difference being \$88 billion. That is not a large difference in the whole context of the billions that we are talking about. The outlay totals for defense as I say, were \$88 billion more than the outlay totals for domestic.

In the period of 1978 through 1982, defense outlays were \$700 billion, domestic outlays were \$613 billion, the difference being \$87 billion. Still, there is not a lot of difference, not a great deal in terms of the overall massive numbers of billions.

But let us go now to 1983 through 1987, take a look at what happened during the Reagan buildup of defense. Defense outlay totals amounted to \$1.247 trillion. Domestic discretionary initiatives amounted to \$706 billion. In other words, defense over domestic nearly doubled. It was close to doubling it, the difference being \$541 billion.

"Now we are getting into real money," as Everett Dirksen said. "A billion here and a billion there, and pretty soon it adds up to a lot of money."

When we get to 1983 through 1987, then we find that defense was \$541 billion over domestic.

Then in 1988 through 1992, defense was \$1.478 trillion; domestic, \$922 billion. Defense, therefore, was \$556 billion in excess of domestic discretionary outlays—still big difference, big money.

In 1993 through 1997, defense is going to be reduced from 1988 through 1992 by \$41 billion. That is not a lot of money in this context when we are talking about trillions. In domestic, as Senator NUNN and others have pointed out, there will be an increase amounting to \$238 billion in 1993-97 over 1988-92. The total amount will be \$1.160 trillion for domestic. That is for operating our Government. That is for all of the programs that benefit our infrastructure needs, both human and physical. That is the whole thing: the war on crime, national forests, Park Service, war on drugs, veterans programs, environment cleanup, highways, bridges. That is it: \$1.160 trillion.

So they say, "Look, the increase is \$238 billion." But keep in mind that de-

fense still would have \$1.437 trillion, even in the light of the reduced need for defense spending, still \$1.437 trillion.

How long does it take to count a trillion dollars at a rate of \$1 per second? Thirty-two thousand years.

I have here in my pocket a few bills. Let me take a \$1 bill. How long is that \$1 bill? Six inches. It takes two, end to end, to make one foot. How far would we go with a trillion dollars in \$1 bills stretched out end to end? Well, the Sun is 93 million miles away. I have not calculated it, but I expect it to be around a trillion \$1 bills placed end to end to go from here to the Sun. That is rough calculating. And keeping in mind that our national debt is almost \$4 trillion, or will be by the beginning of the new fiscal year in October, how far would that stretch?

I can remember Mr. Reagan when he first came into office—and I am sure my colleagues remember that, too—he pointed to a chart that he presented on national television. He pointed to a chart showing that, on the day he took office, the national debt stood at \$932 billion, and he told the Nation that a stack of one thousand dollar bills 4 inches thick would amount to a million dollars.

Mr. SASSER. Will the distinguished Senator yield?

Mr. BYRD. Let me finish this thought.

I think it was about a million dollars. Four inches thick. Four inches is one-third of a foot, and if a million dollars in thousand dollar bills is 4 inches thick, \$3 million would be 1 foot thick, you could carry on arithmetical computations and you would find that, as President Reagan pointed out, a stack of thousand dollar bills representing a trillion dollars would be 63 miles high. The debt was actually \$932 billion—a stack of thousand dollar bills 59 miles high.

On April 2, with a national debt of \$3.781 trillion, the stack would be 239 miles high. Remember, it was 59 miles high when Mr. Reagan took office. I said at that time, he would never put that chart on television again, because it was 59 miles high when he became President, after 39 administrations and 39 Presidents—Grover Cleveland having been elected twice—not consecutively. I said then that Mr. Reagan would never show that chart again, because by the time he went out of office the debt was about three times that amount.

So now we are talking about a \$4 trillion national debt by October 1. If we take that amount in \$1 bills and stretch them out, I figure in my mind that they would extend to the Sun and back—93 million miles away, to the Sun and back—about two times. That is the kind of money we are talking about regarding the national debt. So we are trying to reduce that deficit

today, and we may not make much of a dent in it. At least, it is a start.

Now, the Senator from Tennessee wanted me to yield to him.

Mr. SASSER. Yes, Mr. President. I thank the distinguished President pro tempore for yielding. He brings to the Senate today a very valuable and informative chart, and I note, if I read the chart correctly, that during the period from 1993 to 1997, in current dollars, under the proposals that have been brought to us by the administration, we will spend \$1.437 trillion on the military. This will be more than the \$1.247 trillion that we spent between 1983 and 1987, when we were experiencing the very large buildup that became known as the Reagan buildup.

So I ask my friend from West Virginia, even after the collapse of the Warsaw Pact, even after the implosion of the old Soviet Union, which no longer exists, even after the withdrawal of the nonexistent Red army from Western Europe, even after the Soviet fleets or the fleets of the old Soviet Union are withdrawn from the oceans of the world—tied up, crews demoralized, no fuel—even after the Soviet Union has ceased to exist, we are going to spend over \$200 billion more on the military over a 5-year period than we did from 1983 to 1987; is that correct?

Mr. BYRD. Yes.

Mr. SASSER. The point I make to my distinguished friend is we are going to be spending more on military, more of the taxpayers' hard-earned dollars on the military in the 5 years from 1993 to 1997 than we spent when the Evil Empire was going full blast and Ronald Reagan was in the White House, presiding over the largest defense buildup since the Korean war. We are going to be spending more in the next 5 years than we spent in the 5-year period from 1983 to 1987.

Mr. BYRD. The Senator is correct. These figures are current dollars, but the Senator is preeminently correct.

According to the charts, \$238 billion more will be spent in the period 1993-1997 on domestic needs than was spent in the period 1988-1992. But look what was taken out of domestic's hide prior to the period 1993-1997. Domestic will not even catch up with the losses it sustained over those years.

Even saying that, look what defense is going to have: \$1.437 trillion, with domestic at \$1.160 trillion. That is for everything—\$1.160 trillion—everything that keeps the people and the Government operating: The departments, the executive branch, the legislative branch, the judicial branch, the whole kit and caboodle; \$1.160 trillion.

Mr. SASSER. Mr. President, if I could inquire of my friend from West Virginia on one additional matter. The distinguished President pro tempore was very careful in bringing this chart and this data to the Senate, and indi-

cated that you can prove a lot by charts and by statistics and by numbers. So we are grateful to him for going back as far as 1973 to make the contrast between defense spending, and domestic spending, and to show us the growth in defense spending. And I note that his source is the Supplement to the Budget of the United States of Fiscal Year 1993.

Mr. BYRD. Yes.

Mr. SASSER. So the source is the official document of the U.S. Government.

Mr. BYRD. Yes.

Mr. SASSER. But under these figures, I note that from 1973 to 1977, during the years of the Nixon-Ford administration, we spent \$455 billion in constant dollars on defense.

Mr. BYRD. In current dollars.

Mr. SASSER. In the years 1993 to 1997, we will be spending \$1.437 trillion.

Mr. BYRD. Yes.

Mr. SASSER. So in current dollars, we will be spending well over 300 percent more in 1993-1997 than we did in 1973 to 1977 during the administrations of President Nixon and President Ford.

Mr. BYRD. Yes.

Mr. SASSER. I thank the Senator.

Mr. BYRD. Let me take down the chart. Before I do so, I should point out again the convenience of choosing the period 1988 to 1992 and comparing that with the period 1993-1997. In other words, 1988 was at the height of the Reagan military buildup. And I voted for about everything in that buildup, so I am not casting any reflection. But in starting with the period 1988-1992, at the height of the buildup, the difference for the 1993-1997 period does show a rather small cut of \$41 billion for the military.

But if we go back to the beginning of the buildup and prior thereto, starting with fiscal year 1973, we then can see a truer picture of how much more of the people's money has been placed into defense spending than into domestic spending. A clearer picture spreads over a greater amount of time, which lessens the distortion that can appear in picking out selected dates where the buildup was high and now is coming down; whereas before, it was not high, it was low; went up and then came down.

Mr. President, now for a few other observations. We are dealing with "real people," they say, in the military drawdown. And that is true, we are dealing with real people.

Mr. President, those were "real people" when we saw the steel workers bank their fires permanently in the northern panhandle of West Virginia a few years back.

Those were real people who lost their jobs when the mines closed down, when the machinery came to the coal industry, when we lost 100,000 coal miners in West Virginia as a result. Between the last census and the 1990 census, West

Virginia's population has been reduced 8 percent, the highest percentage of loss of population of any State in the Union. Those were real people who left the State.

When General Motors lays off thousands and when the IBM or United Technologies lay off thousands, we hear from the administration, "This is normal; just the market adjusting. Let the law of supply and demand take care of them." The administration says, "Well, it is just the market adjusting. Don't worry. Let our supply and demand take care of it. Don't meddle. That is capitalism."

But when the world changes and we do not need to be armed to the teeth anymore, we hear from the administration and Senators that we cannot let this happen, this will be a catastrophe. We are talking about real people—real people. And we are.

How can this country ever adjust? Catastrophe is around the bend, they say. What happened to all that faith in capitalism? What happened to all the faith in the American system? When will we plan to unshackle ourselves from this mindless spending for a force that we no longer need?

We insult our career fighting men and women when we tell them that we cannot think of anything for them to do in a civilian economy. I have more faith in this country and in its resilience and in the men and women in our Armed Forces than that. These are real people. We are dealing with human beings here. But, Mr. President, we were also dealing with human beings when we had to pass an emergency unemployment compensation bill three times—three times—to deal with those whose unemployment compensation had run out. But the administration was hard to convince that they were real people.

I have heard Senators say, we destroyed communism, and now we are getting ready to destroy ourselves.

Mr. President, we did not destroy communism. Soviet communism destroyed itself when it overextended itself. The Soviet Union did not provide the consumer goods or the lines of communication and conveyance and distribution necessary to a strong economy. Instead, it placed too much emphasis on its bloated military. And we have seen it come crashing down. It put its resources into swords; not into pruning hooks. Soviet communism destroyed itself.

Yes, we are destroying ourselves if we continue down the same road. If we continue to put our moneys into swords and not into pruning hooks, then we are going to do the same thing. We will see our own economy collapse.

Now, Senators are saying, look at history. Well, we have talked about history already today, Mr. President, and we can talk some more. The Peloponnesian War ended in 404 B.C.

Sparta was the winner in that war. And no one would have foreseen at that time that a victorious Sparta was headed for the greatest failure in its history—the complete destruction of its military and economic power—which would occur 33 years later. It was easy for Thebes to deliver the knockout punch to Sparta at the battle of Leuctra in 371 B.C.

For almost 200 years Sparta had been the dominant land power in Greece. Then all of a sudden, it was all over. Why? One major reason was that Agesilaus, the Spartan King, would not face up to the rapidly changing internal and external realities.

And that is what we had better do. We had better face up to the rapidly changing internal and external realities that face our own country. If we want to look at history, we can draw a lesson therefrom, the lesson of Sparta, as well as from the recent lesson of the Soviet Union.

Mr. President, in listening to the debate, it sounds as if we are almost sorry that the Soviet Union has collapsed, because we are going to have to bring a lot of people home. We will not be able to spend as much money on the U.S. military as during the cold war. Some of us do not want to spend as much money on the military. We want to cut back, and we think we can cut back a little faster.

Another argument that we hear is that we will be breaking commitments to the people who entered the military; that we are not at the end of history; there will be new challenges, and the drawdown must be slower.

What is the logical conclusion to that argument if it is carried far enough. we cannot cut back any faster because there will be new challenges in the future. When are we ever going to be at the end of history? Jesus said to his disciples, as they asked him for a sign, "Ye shall hear of wars and rumors of wars * * * but the end is not yet * * * nation shall rise against nation, and kingdom against kingdom * * * all these are the beginning of sorrows."

So, the world will continue to have its troubles, but I do not think any of us would argue that the Soviet Union is likely to rise like the sphinx from the ashes again. It will be a long time, if it ever does.

But to carry that argument to its logical conclusion, when are we ever going to cut back if we say there will always be troublemakers?

Mr. SASSER. Could I ask my distinguished friend to yield on that particular point?

Mr. BYRD. Yes.

Mr. SASSER. The question is when will we ever cut back? And the distinguished President pro tempore, with his very rich knowledge of history, points out what happened to Sparta, to the Soviet Union, after excessive military spending. There are other exam-

ples in history. The collapse of the Spanish Empire was caused, many historians say, by overextension and overspending.

Mr. BYRD. And the collapse of the Roman Empire. It overextended its strength and its power.

Mr. SASSER. And the Roman Empire.

But where does it end? It ends, I say to my distinguished friend from West Virginia, with the bankruptcy of the nation state. And then they find that all of these enemies that were out there, all of these threats that were going to take them over, all of a sudden they do not seem to exist anymore. They are not the virulent threat that they thought they were. And the people of the old Soviet Union are now coming to the United States, their old enemy, asking for aid.

So it ends when the nation state spends itself into bankruptcy. Is that the path, I ask my friend from West Virginia, that this country is on? Are we bankrupting ourselves on military spending, or are we on the verge of doing so, I ask, when I look around and I see our cities crumbling, when I see our streets not maintained, when I see our children not getting an adequate education? And I say that because I know that is the passion in the President pro tempore's life, now, educating the next generation, because he knows the value of education.

When I see these things being neglected and the great military spending that is going on, I wonder where our country is headed.

Mr. BYRD. The Senator has put his finger on the central point of what ought to be our goal. This is what we ought to be thinking about, the Bible says:

To every thing there is a season, and a time to every purpose under the heaven:
 * * * * *
 A time to plant, and a time to pluck up that which is planted;
 * * * * *
 A time to break down, and a time to build up;
 * * * * *
 A time of war, and a time of peace.

Mr. President, it is time to plant. We have been plucking up that which is planted. It is time now to plant.

It is time to build. We have been tearing down too long. And of necessity, to a considerable degree, because we were faced with a deadly adversary. But it is time now to plant, time to build up, a time of peace, not a time of war. We are not saying that we are going to abolish the Military Establishment. We are just saying we do not need an establishment of this size, as we look, now, to the future.

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

Mr. BYRD. Yes.

Mr. EXON. I think it is exactly on the point the Senator is talking about.

I want to congratulate our President pro tempore for a very interesting presentation. I guess I am fearful not enough people have listened to it to get the picture.

This may be a good time to put in some figures that I think are more on point than anything else that substantiates the difficult position that this Nation finds itself in, looking into the future and not out the rearview mirror, as the President pro tempore has said so eloquently.

The President of the United States has a much heralded \$50 billion cut in the defense budget that he announced in his State of the Union Address. And the people have been playing with that—is that not wonderful?

The fact of the matter is, as I said on many occasions, 65 percent of the \$50 billion over a 5-year period is a cut in two weapons programs, the B-2 and Seawolf, neither of which are systems that are now operative.

But the key figures I think have been overlooked, and I want to put those figures in the RECORD now and then ask the President pro tempore if these accurate figures, with regard to the President's budget, do not simply substantiate the seriousness of the situation that he has so eloquently outlined today with regard to doing something about the budget deficit?

The President has taken a lot of credit for a \$50 billion reduction in military expenditures over 5 years. I would simply point out that these are the key figures. In budget authority for this fiscal year 1992, the best, most accurate figure we can obtain is we are going to expend \$291 billion for fiscal 1992 for national defense.

The President has recommended that for fiscal 1993, next year, the budget for next year we are principally debating now, that figure will be reduced to \$281 billion. But then if you look at the 5-year out programs, the same budget authority for 5 years out in fiscal 1997, these are all from the President's budget figures. Budget authority is \$290.6 billion under the President's budget. Or what you basically show here is that under the President's proposal, \$291 billion that we are spending this fiscal year, if you follow the President's recommendation, it will be magnificently reduced to \$290.6 billion, a saving of about \$400 million out of budget figures in the \$290 billion area. Those are constant dollars. But those are dollars for dollars for dollars.

I just wonder what the American people are really thinking.

If the American people come to find out, as they will sooner or later, that even with the collapse of everything, mostly, that we have pointed to for this magnificent buildup in the defense which was necessary when the Soviet Union was a major threat, the President of the United States and the majority of the U.S. Senate—unless they

vote to accept the Exon amendment—will be saying this is just about right. We are going to go on spending. The majority of the U.S. Senate, if it does not accept the Exon amendment, is going to go on saying: Yes, sir, the President is just about right. We are going to keep on spending the same dollar amount, give or take, each and every year for the next 5 years when, unless something dramatic happens, we are certainly going to be at a significantly less challenge to any significant threat regarding the national security interests of the United States.

Those figures I have just cited, it seems to me, puts the picture that the President pro tempore has addressed so eloquently here today, up against where the rubber meets the road. And that is where the people are concerned about it.

They say why can you not do something about the expenditures of the Federal Government? I say we are trying.

I say we might not win today. We cannot win on a modest amendment that says we are going to do a little bit better than the President by making a little bit more reduction by somewhere between 1 and 2 percent from the President's numbers to get the job done that the American people want and expect us to do.

I simply say that unless the Exon amendment is agreed to, we will be sending a clear signal that not only are we not capable as a U.S. Senate to do something about addressing the problems that the President pro tempore has suggested, not only are we not going to do anything about it, but basically, unfortunately we do not care. That is a pretty strong statement, but I really believe that if we cannot accept a modest amendment like this to begin to address the problems that the President pro tempore has so adequately presented, then I think we are failing the institution, and I think we are failing the people who expect and want us to do something, and are crying out to say why will you not do anything? I hope they are listening and I hope that the vote we are going to take might be tallied as an indication that if it is not adopted then maybe we do not care as an institution.

The figures I have just cited tie directly, do they not, in with the bigger picture of what the problem is that the Senator from West Virginia has so adequately pointed out?

Mr. BYRD. They do. And I congratulate the distinguished Senator for offering the amendment. Yesterday, we discussed his offering the amendment. I said to the Senator from Nebraska: You will probably lose, but do what you think is right. You will recall, I said to him, the days when we Democrats were in the minority. I was the minority leader and many times I would say to my colleagues in the mi-

nority: Go out there and offer your amendments. You probably will not win, but offer your amendments. Think not of how it will fare today but of how it will look a year-and-a-half from today. Offer your amendments; stand on your principles.

So I say to the Senator from Nebraska, he may not win but he has done the right thing by offering the amendment, putting this matter to a debate and to a vote.

Mr. President, the final point that I wish to address briefly is the word "commitment." We have heard it said here that we have a commitment to these people in the Armed Forces. We have a commitment to those who are engaged in defense work. Mr. President, we do have a commitment to them. And I have already addressed what we need to do. We need to plan and we need to take some action in terms of providing the funding for programs that will enable those people to take their places in the civilian work force.

Mr. President, the word "commitment" is one we ought to think a little about. Yes, those individuals volunteered, and we are all proud of them. But, Mr. President, we cannot commit ourselves to continue siphoning the resources of this country from the country's vital domestic needs and continuing down the road of noninvestment in our country. We cannot continue to do that. We also have a commitment to the country. We do not have to commit ourselves, I hope, from now on, to people who go into the military just to follow a career, when the need is no longer there.

We have a commitment. I like to use that word, too. We have a commitment to our country. We have a commitment to its people. We have a commitment to the young people of this country who are being deprived of the kind of education that they are capable of. We have a commitment to build up our country's infrastructure, its highways, its waterways; a commitment to provide water and sewage facilities; a commitment to environmental clean-up; a commitment to provide hospital care, health services to our people.

We have a commitment to our children; and that is the last commitment I want to address here. They are not here today to vote. It is a commitment to our children, our grandchildren, and to their children who will have to carry the massive debt burden we are passing on to them.

Much reference has been made to the entitlement and mandatory programs that are going through the hole in the ozone layer. They need to be addressed. That is going to take leadership. That will take leadership from the White House. We are not getting that leadership now. We will talk about that another day.

We have a commitment, Mr. President, to our children. Their voices can-

not be heard here today. Only our voices can be heard. Now to whom do we owe the greatest commitment? To our children or to ourselves? Do we want to go on living for today at the expense of tomorrow? That is how we got where we are. That is how we came upon these triple-digit deficits that run into the hundreds of billions of dollars and a national debt that is rapidly approaching \$4 trillion.

We heard the feel-good message during the Reagan years: There is a free lunch; there is no pain; you can have your lunch and eat it, too. Living today at the expense of tomorrow. The American people enjoyed those feel-good messages. But we need to tell the people the truth. That is what they are hungering for.

Some people do not want to hear the truth. There is pain in it. They want instant gratification. They are accustomed to the 30-second sound bite. I came up in the old school of politics. We did not have the 30-second sound bite in those days. We did not have television. It just made its real entry along about 1946 or 1947. But nowadays that is what wins for people in politics, the 30-second sound bite; tell us what is wrong in 30 seconds; then tell us how we can solve our problems in 30 seconds.

The feel-good message of the Reagan era has run its course, and it has left us with huge deficits and a mountain of debt. We are stewards of the future. And that is what we are talking about today. We want to make an orderly cutback of the military forces and military spending because we do face a new world, a new map of the world, with the Soviet Union gone.

Jesus told the parable of the talents. He said there was a certain man who went into a far country and called his servants about him and delivered unto them, each according to his ability, his goods. To one he gave 5 talents, to another 2, to another 1.

After a long time, the lord of those servants returned, and there was a reckoning. He called in his servants. The servant to whom he had given 5 talents said, "Lord, you gave me 5 talents. Behold, I have taken them and gained 5 talents more." His Lord said, "Well done, thou good and faithful servant. Thou hast been faithful over a few things; I will make thee ruler over many. Enter thou into the joy of thy Lord."

The servant to whom he gave 2 talents had likewise doubled the amount.

The Lord called in the third servant, to whom he had given 1 talent, and that servant said, "Lord, I knew that thou art a hard man, reaping where thou hast not sown and gathering where thou hast not straved, and I was afraid. And I went and hid thy talent in the Earth. Here it is. Take that which is thine." And the Lord of the house answered, saying, "Thou wicked and

slothful servant. Thou knewest that I was a hard man, reaping where I had not sown, gathering where I had not strawed. Why didst thou not lend my money to the exchangers, so that upon my return I would have received mine own with usury. Take, therefore, the talent from him and give it to him who hath 10 talents, for unto everyone that hath shall be given, but from him that hath not shall be taken away even that which he hath."

Now, Mr. President, we ought to take that parable to our hearts. We are stewards for our children. Our commitment is to them. Are they going to rise up and call us blessed?

Lothrop Stoddard, in his book "The Rising Tide of Color," said something which I think is appropriate and worth remembering. He said,

We are links in a vital chain, charged with high duties, both to the dead and the unborn. In very truth, we are at once the sons of sire who sleep in calm assurance that we will not betray the trust they confided to our hands, and sires of sons who in the Beyond wait confident that we shall not cheat them of their birthright.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to speak for up to 10 minutes.

Mr. DOMENICI. Mr. President, I would like to ask if the Senator from New Mexico yields back his time, would whatever time remains on the other side be yielded back so we could vote?

Mr. SASSER. I say to my friend from New Mexico, the Senator from Nebraska has some time left and the request would have to be addressed to him.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I would certainly agree to expedite things. I have 5 or 6 minutes left. If I could have 2 minutes for a brief summary, to try to set straight what the Exon amendment is one last time, if you give me 2 minutes, I will yield back the rest of the time if the other time would be yielded back on a similar proportionate proposition.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Did the Senator suggest that we each use 2 minutes? I am more than willing.

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

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum and that it be charged to our side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, might I say to the distinguished chairman, I

have had a request—while I am conferring with Senator DOLE, I have been asked if Senator SIMPSON might speak 2 minutes as if in morning business regarding the death of a former Senator from his State.

Mr. SASSER. No objection, of course. Mr. DOMENICI. I so request.

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

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Chair.

DEATH OF SENATOR GALE MCGEE

Mr. SIMPSON. Mr. President, a very dear friend of mine and a very remarkable U.S. Senator known to many in this body—and I know particularly to Senator BYRD, who worked with him—Senator Gale McGee died this morning. He served the Senate for 18 years.

He was a professor of mine at the University of Wyoming when my wife Ann and I were students there. My father was on the board of trustees of the university when he was selected to teach there.

He served this Government beautifully. He was Ambassador to the Organization of American States. He then went into private counseling and business in 1981.

He was truly a remarkable man, very loved and deeply respected in the State of Wyoming. He served our State with great distinction.

I want to pay tribute to him and to his wife Loraine, to his fine stalwart sons, David and Robert, his two daughters, Mary Gale and Lori Ann, and to his six grandchildren.

This was one of Wyoming's finest, and it was my great personal privilege, along with that of my wife Ann, to have been under his tutelage and guidance when we were young. When I came here, he was of great assistance to me in a Democratic administration and helped smooth my path in this fascinating area. I want to pay tribute to him and share this sad information with my colleagues.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

Mr. DOMENICI. I ask for the yeas and nays on the amendment, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I wonder if we could now agree that I will take no more than 2 minutes, yield

back the remainder of my time, and the Senator from Nebraska will do the same. Is that satisfactory?

Mr. EXON. That is correct.

Mr. LAUTENBERG. Mr. President, I want to commend my distinguished colleague from Nebraska, Senator EXON, for this amendment to reduce the level of defense spending in this budget resolution. I intend to support the amendment, which would make a real improvement in the resolution. However, I also want to emphasize that I believe we can achieve even more substantial savings in the defense budget, without in any way sacrificing our national security.

Mr. President, under the Exon amendment, defense spending would be reduced to a level \$7.6 billion below that proposed in this resolution. That will still leave defense spending at levels significantly higher than historical peacetime levels—even during the cold war.

Specifically, the Exon amendment would leave defense spending at \$273.4 billion. By contrast, the average peacetime defense budget during the cold war was only \$236.6 billion, \$36.8 billion lower than the amendment.

Mr. President, it is absolutely essential that this Nation change direction. The world is a very different place than it was only a few years ago. The Soviet Union no longer exists. The cold war is over.

At the same time, there are tremendous unmet needs right here in our own country. Americans are struggling economically. Millions are unemployed or underemployed. Millions of others, while working, are having great difficulty making their mortgage or rent payments, saving for their children's education, and making ends meet.

Mr. President, we need to rebuild the American economy. To do that, we are going to have to focus more resources on domestic needs. We need investment in our physical infrastructure. Investment in education. Investment in health care and our children.

None of that will be possible if we continue to squander billions of dollars of our Nation's wealth to subsidize the security of our allies, and to buy non-essential weapons systems.

We simply have to scale back, and in a very substantial way.

Mr. President, I will be speaking on these matters again later in the debate on the resolution. In fact, I am working with Senator BRADLEY and Senator HARKIN on efforts for deeper cuts in defense, and to lay the groundwork for greater domestic investments.

While the amendment offered by Senator EXON, in my view, does not go far enough, it is a step in the right direction.

So I will support the amendment, and I urge my colleagues to do the same.

• Mr. WALLOP. Mr. President, I rise to express my opposition to the Exon amendment.

As the debate over the budget resolution has unfolded, Senator after Senator has risen to condemn the deficit. With few exceptions, however, my colleagues have failed to acknowledge the central source of this problem or demonstrate the political courage needed to deal with it. So we are faced today with an amendment that calls for substantial cuts in defense. Apparently, the sponsors of this amendment believe that such cuts can make a significant contribution to deficit reduction. There is also an implication that in any event further cuts are worth making since defense spending is still too high. They are wrong on both accounts.

With two-thirds of the Federal budget dedicated to mandatory domestic spending, there is no way that defense cuts can make more than a marginal contribution to reducing the deficit. Even if we completely eliminated the defense budget, we would still be running a deficit of about \$100 billion. The Senator from Nebraska has proposed that we cut \$8.8 billion in budget authority and \$4.2 billion in outlays from the President's fiscal year 1993 defense budget. In the larger context of our budget dilemmas, this is but a drop in the bucket.

This is not to say that we should not seek savings wherever possible. Wasteful and unnecessary Federal spending is never justified. The real question is this: "Does the administration's budget request provide for a level of defense in excess of what is needed to protect American national interests?"

Mr. President, as I argued 2 weeks ago when the Senate considered the firewalls legislation, the United States must maintain a global military presence and can afford to do so. Remaining engaged on a selective basis around the world is not a matter of charity—we do not seek to be the world's policeman as some have suggested. Our global presence is a matter of American national interests. Defending our trading lifelines and preventing the emergence of regional power vacuums directly contributes to U.S. national security.

Some have attempted to argue that preserving our superpower status is inconsistent with greater cooperation with allies and international institutions. But setting up a false dichotomy between collective security and pax Americana is a genuine red herring. In fact, collective security requires a strong American military component if it is to be a genuine deterrent and an instrument of international order.

Mr. President, those who advocate slashing the defense budget act as if the administration has failed to make significant reductions. In fact, the Pentagon has set a course to reduce the military by over 25 percent by 1997. Anyone who has looked at the details of what this entails must realize that this is a massive reduction. We are already putting some 2 million people

out of defense related jobs over the next several years. Additional cuts will add to this number at a time when we will have great difficulty implementing cuts already planned. Further defense cuts will merely jeopardize a fragile economic recovery and exacerbate unemployment.

The Senator from Nebraska suggests that the bulk of the cuts he advocates can be taken out of procurement. But under the administration's future years defense plan, procurement is already being drastically reduced. In the last 2 years alone, for example, the Army's procurement budget has been reduced by 50 percent. The administration has canceled program after program, causing as much consternation as joy on Capitol Hill. Ironically, it has been Members of Congress who have sought to keep many of these programs funded despite strenuous objections of the White House and the Pentagon.

Mr. President, if we cut \$5.2 billion in procurement funding from the fiscal year 1993 defense budget as called for in the Exon amendment, we will disrupt numerous programs that are now entering production. A random distribution of procurement cuts will only ensure that many programs are unable to proceed at efficient rates and in a sensible manner.

In proposing an arbitrary cut to defense, the proponents of this amendment have not adequately explained what is wrong with the administration's budget request. In this Senator's view, it was unwise and unnecessary to cut an additional \$50 billion over 5 years. Our ability to preserve American global military strength is tenuous already. But if Congress cuts even more, we will be irreversibly on the path to military retreat.

Mr. President, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have articulated a coherent military strategy and force posture for the post-cold war world. This new plan also represents truly massive cuts in defense spending. For the Congress to now demand additional cuts is irresponsible and shortsighted. We should join the administration in restructuring our military in a measured and coherent manner.

The amendment before us is simply a recipe for incoherence and disruption. It will not accomplish what its proponents argue. It will not help our economic situation; in fact it will exacerbate our problems in this area. This amendment is little more than a convenient excuse for not doing what is actually needed if we are serious about the deficit. •

Mr. SIMON. Mr. President, I fully support the efforts by the Senator from Nebraska to reduce the defense spending levels in the budget resolution.

The Exon amendment would reduce the 050 defense discretionary spending level by \$7.6 billion in budget authority

in fiscal year 1993, and by \$3.5 billion in outlays in fiscal year 1993. While I would support even deeper cuts, I believe the Exon proposal has a great deal of merit. All savings under this plan would go to deficit reduction.

I was deeply disappointed with the defense spending levels that the Senate Budget Committee adopted during markup of the budget resolution. The levels currently in the budget resolution are almost identical to those in President Bush's budget request. More importantly, these defense levels are not consistent with the realities of the world we live in today.

We can make a reasonable cut in the defense budget without endangering our national security. We must begin the long overdue process of restructuring our military forces. Substantial savings can be realized, but only if Congress acknowledges what the American people acknowledge: That the Soviet Union has collapsed and the threats to our national security are greatly reduced.

Let me give a few examples. First, the United States and the Western nations are now pledging about \$24 billion in assistance to the former Soviet Union. Yet, at the same time, roughly half of our defense budget goes to defend Western Europe from a Soviet attack. In addition, prior to the defense buildup under President Reagan, defense spending in the cold war peacetime years averaged \$236.6 billion in constant 1993 dollars. Yet our defense budget for fiscal year 1993 under this budget resolution will exceed this figure by \$43.8 billion, and at the end of the 5-year plan defense spending will still be \$15 billion higher in constant dollars.

These levels of defense spending make even less sense when we consider the Federal budget deficit. We must make every effort to get our Federal budget deficit under control. According to CBS, the deficit will reach \$372 billion in fiscal year 1992, setting new records for the deficit for the second year in a row. By 1997, we will still have a deficit of \$216 billion. In addition, next year we will spend \$316 billion in gross interest on the debt. We are spending more on our past than on our future. We need to do better.

I urge my colleagues to support the Exon amendment.

Mr. DURENBERGER. Mr. President, the Senate has thoroughly debated the Exon amendment which would mandate additional cuts in the defense budget, over and above those proposed by President Bush and those approved by the Budget Committee.

Although I am not fully persuaded at this time that the President's proposal is necessarily the most appropriate bottom line spending figure, I am convinced that we are already cutting defense spending at a pace that is taxing our ability to draw down the Defense

Establishment in an orderly way. In our desire to cut defense spending we must ensure that we do not damage our force structure.

As such, I rise to oppose the Exon amendment. Let me be clear, however, that my opposition to the Exon amendment does not necessarily imply support for the President's proposal. I am most concerned about the pace and manner of the cuts required by the Senator from Nebraska.

President Bush, Secretary Cheney, General Powell, the military services, and congressional defense experts such as Chairman NUNN are emphatic that the current pace of reductions is already stretching our practical capacity.

In my view we must make the necessary cuts rationally, sensibly, and prudently. The meat cleaver approach does not meet these criteria. Mr. President, let us not forget the lessons of our own history. After each military build up and major historical transition, we have consistently built down too far, too fast, only to have to build up yet again in the future, at considerable costs. Let us not make the same mistake again.

Mr. President, I am also concerned about the manner in which the Senator from Nebraska would make these further cuts. Very briefly, it is my understanding that the premise of the Exon plan is that increases in any procurement line items are subject to freezes or reductions. This is an unusual manner in which to manage line items. It is my understanding that this is not done in any other budgets, such as domestic discretionary.

Further, the Senator from Nebraska bases his plan on freezing or cutting what are called nonmajor procurement programs. That is, cutting a little from a lot of programs.

This may sound reasonable on the surface, but it isn't necessarily the most sensible or serious way to cut the budget. Different programs are at different levels or stages of production. Some are just beginning, with increases planned for out years.

Freezing these arbitrarily would only increase their per-unit costs through decreased production efficiency. Other programs are toward the end of their run and could possibly be reduced or eliminated without major cost increases. The Exon plan would not permit the kind of flexibility that is required for rationally reducing the defense budget.

Mr. President, although the Exon plan might seem appealing on the surface because it identifies what appear to be relatively easy, painless cuts as a way to reduce the budget deficit, it is important to remember just how deep we are already cutting defense.

I would note that the defense budget is essentially the only source of real deficit reduction. No other Federal

spending—not domestic discretionary, not foreign assistance, and certainly not entitlements—is contributing to deficit reduction. And the defense budget is already slated to absorb even more substantial cuts.

So, Mr. President, I must oppose the Exon amendment for these reasons. As the Armed Services Committee considers the defense authorization bill during the next several months, the Senate will have ample opportunity to review with intense scrutiny the defense spending plans. The Senate will have the opportunity to study the President's proposals, to identify potential areas of sensible additional cuts. I look forward to participating in this debate. I urge my colleagues to oppose the Exon amendment.

Thank you, Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I rise today in support of the national defense function recommendation in Senate Concurrent Resolution 106, the fiscal year 1993 budget resolution reported by the Senate Budget Committee. This resolution includes a defense budget recommendation for function 050 which is essentially the President's budget proposal for fiscal year 1993.

While the resolution does assume a small reduction from the President's proposal in fiscal year 1993, I believe we will be able to find \$2 billion in reductions during the detailed review in the Armed Services and Appropriations Committees. I urge my colleagues to support the defense number in the committee-reported resolution, but I urge also that we exercise extreme caution in considering amendments to reduce the level further.

Mr. President, I remind my colleagues that the principal reason for maintaining military forces is to ensure the security of our Nation and its citizens. The President has submitted a defense budget request which he believes will accomplish this goal, while producing some additional savings to help reduce the Federal deficit.

Chairman NUNN and I have both advised the Senate Budget Committee that we cannot support further cuts in the fiscal year 1993 defense budget level. We recognize, however, that greater defense cuts may be possible in the future if developments in the former Soviet Union and the rest of the world continue to move toward a more peaceful world. But that is the future, and we cannot predict the future. Therefore, I again urge my colleagues to support the Senate Budget Committee-reported resolution which essentially endorses the President's level of defense funding.

Mr. President, I would like to spend a few moments to remind my colleagues of some important facts about the defense budget which should be considered carefully during our debate today.

THE DEFENSE BUDGET HAS ALREADY BEEN CUT

Mr. President, only 1½ years ago, when Congress agreed to the 1990 budget summit, we agreed to a ceiling on domestic spending and a ceiling on defense spending. The defense spending ceiling has resulted in cuts of over \$470 billion from the defense budget plan which was the baseline at that time. The President just this year identified an additional \$64 billion in defense budget authority that will no longer be required. This cut in budget authority will result in over \$200 billion in reduced spending by 1995, all of which will be used to reduce the Federal deficit.

Under the President's current plan, defense spending will continue to decline at an average of 4 percent per year through 1997. Since its peak in 1985, defense spending has declined by almost 30 percent in real terms.

Defense spending in fiscal year 1993 will consume 19 percent of all Federal spending in this country, compared to nearly 23 percent during the 1970's—the decade of neglect which produced the hollow force. By fiscal year 1997, only 17 percent of all Government spending will be for national defense, less than at any time since the late 1930's.

As a percent of GNP, defense spending under the current plan will fall nearly a whole percentage point in the next 5 years. Currently, defense spending equates to 4.7 percent of GDP, the lowest level since World War II.

The President and Congress have funded defense within the agreed caps. The decisions required to realize these savings have caused the President and Congress to make hard choices—prioritizing among important weapons systems and modernization programs, as well as choosing which personnel to retain in a smaller force and which could be eliminated from the force without degrading essential military capability. These choices have not been made without consequences to Americans.

IMPACT OF DEFENSE BUDGET REDUCTIONS ON PEOPLE AND THE INDUSTRIAL BASE

Mr. President, I would like to reiterate a very important point which I brought to the attention of this body during the debate on the motion to proceed to the so-called firewalls bill. I believe there is a real firewall in the defense budget itself. This firewall is made up of the military and civilian personnel of the Department of Defense, as well as the many citizens of this country who work in defense-related industries. These people are the real heart of our Defense Establishment; without them, our forces are just systems and equipment that cannot function. And there is a point—a firewall—below which defense cannot be cut in any particular fiscal year without irreparably harming the morale, spirit, training, and expertise of the remaining military and civilian personnel of our defense establishment.

Mr. President, the 1990 summit agreement required massive cuts in the defense budget. In order to achieve these reductions and because of the very encouraging changes in the world which began over 2 years ago, DOD initiated a 25-percent reduction in military force structure to be completed by 1995. Today, less than halfway through that process, the United States has fewer people in uniform than at any time since the Korean war. By 1995, nearly 1 million DOD military and civilian personnel will lose their jobs.

Over 500,000 military personnel will be released, voluntarily or involuntarily, from military service. The Army alone will release over 85,000 active duty military personnel in the next 8 months. Over 200,000 civilian employees of the Department of Defense will lose their jobs; 85,000 DOD civilian jobs have already been eliminated.

And as part of this overall reduction in force structure, DOD has proposed reducing the National Guard and Reserve forces by nearly 250,000 personnel. If as some predict, Congress does not allow these cuts to occur, the cost of keeping these Guard and Reserve personnel could be as much as \$12 billion over the next 5 years, which means that cuts will have to be made in other vital defense programs just to meet the existing budget targets.

Mr. President, Secretary Cheney announced on March 26 that approximately 140,000 personnel in the reserve components of our Armed Forces will be released from their units by the end of fiscal year 1993. These personnel are assigned to 830 individual National Guard and Reserve units that are being reduced in size or inactivated due to the changes in the threats we face. These proposed reductions have an impact on the citizens in every State in the union.

I should emphasize, however, that these types of cuts are required even if we fully fund the President's overall budget request as submitted. Should Congress reduce defense spending significantly in fiscal year 1993, then more personnel—both active and reserve component—will have to be removed from the Armed Forces. In fact, Secretary Cheney has indicated that, should Congress authorize defense spending at the levels recommended by Congressman ASPIN and House Budget Committee, then DOD will have to force an additional 300,000 personnel out of military service during the next fiscal year.

Mr. President, even at the overall funding level recommended by the President, the reductions in defense spending for fiscal year 1993 will have a serious impact on the defense industrial base. By one estimate, we are looking at a reduction of 1 million in the number of people employed directly in the defense industry by 1997. If the budget is reduced below the cur-

rent administration plan, we are looking at 15 direct jobs and 35 indirect jobs lost for each \$1 million in additional reductions. Using this formula, even the small reduction in the Senate Budget Committee-reported resolution would result in the elimination of 100,000 additional jobs in defense and defense-related industry.

The defense budget project recently released a report which addressed this same topic, entitled "Potential Impact of Defense Spending Reductions on the Defense Industrial Labor Force by State." In this study, the authors estimate that the level of defense reductions in the House budget resolution would result in the loss of nearly 350,000 jobs in defense industry in 1 year, fiscal year 1993.

An article in the February 24, 1992, issue of Business Week reports one estimate that additional defense cuts of \$150 billion over 5 years—as some in Congress have proposed—could result in the loss of 3.3 million jobs in defense industry, excluding the DOD military and civilian jobs lost. The same article cites a DRI/McGraw-Hill study which estimates that 25 percent of American jobs lost in the recession since July 1990 were defense-related jobs, held in many cases by highly trained engineers, technicians, and other specialists who will be hard-pressed to find similar jobs at equivalent salaries which would allow them to use and perfect their technical skills.

These statistics are staggering.

Mr. President, we must also consider the impact of the planned reductions on the production and research and development capabilities in the base itself. Norman R. Augustine, chairman and CEO of Martin Marietta, recently provided testimony to the Senate Budget Committee about the serious financial condition of the defense industry generally. Defense industry stock is now discounted at 62 percent of the market average. Debt ratings for most of the industry have been dropped. Companies are now reducing their capital spending on efficient factories, cutting research and development, and laying off engineers and scientists. These trends complicate enormously the ability of these companies to transition from the defense marketplace to more commercial work.

We clearly should not maintain a higher level of defense spending merely to preserve jobs and capabilities in an industry that we may not need. However, if further defense cuts are mandated by Congress, we would accelerate the breakup of our industrial base while denying defense contractors the necessary time to reconfigure their companies to pursue effectively opportunities in the commercial sector. In the short run, unemployment in communities around the country will grow, and in the long run we risk losing vital capabilities through the pressures caused by over hasty reductions.

The Director of the Congressional Budget Office testified to the Senate Armed Services Committee on February 19 of this year, about the studies CBO has done of the possible economic impact of reducing defense spending. Generally, CBO concludes that larger defense spending cuts could impair the sluggish economic recovery which is just now beginning. One CBO study states:

The substantial defense spending reductions being proposed [in Congress] will result in additional unemployment, business failures, and temporarily depressed communities in the areas around shuttered military bases.

Mr. President, I stress again that ensuring our national security must be the principal issue in determining the size of the U.S. defense budget and the structure of our military forces. But it would be irresponsible to ignore the reality of the economic consequences of drastic reductions in defense spending, especially when these reductions could also impair the ability of our military to carry out their primary mission of ensuring the security of this country.

CAN WE CUT DEFENSE FURTHER NOW?

Mr. President, I fear that some of my colleagues have not fully considered the expert advice of our Commander in Chief and his senior military advisors concerning deeper reductions in defense spending. President Bush, Secretary Cheney, General Powell, and other senior military advisors have stated repeatedly that further cuts beyond those proposed by the President could have serious consequences for our military forces and our national security.

President Bush said, in his State of the Union Message, that defense could be cut "This deep and no deeper." He went on to say, "To do less would be insensible to progress, but to do more would be ignorant of history." General Powell said, in testimony to the Senate Armed Services Committee last month, that "we are reducing as fast as we can, we cannot go any faster or we will break the force." In a letter dated March 19, 1992, Secretary Cheney stated:

In light of the current fiscal environment, it would be inappropriate to analyze [additional defense budget reductions]. If available, [additional savings] would be used to ease the painful transition the Department of Defense must make as it executes the most dramatic drawdown since that following World War II.

As I stated earlier, I believe that there is a real firewall of people in the defense budget itself, which effectively establishes the bottom line of the defense budget. Greater cuts in manpower could mean the destruction of the All-Volunteer Force. Military personnel would have to be separated involuntarily from service, breaking faith with the people who have made a commitment to a career of service. It is important to protect the interests

and morale of the men and women in uniform, because they are the force who will be called upon to defend our Nation in times of crisis.

But all areas of the defense budget will be affected if greater reductions are made to the President's recommendation. Training operations—flying hours, steaming days, and ground operations—have been reduced already. Greater cuts would jeopardize the fighting edge of our military forces provided by intensive training and well-maintained equipment, which would result in higher casualties in times of war; greater cuts would also jeopardize the excellent safety record of peacetime training. Our forces cannot be permitted to return to the unacceptable level of readiness of the hollow force of the late 1970's.

Investment in weapons procurement is already down by 60 percent since 1985, and DOD has proposed—although the Congress has not always agreed—to terminate over 100 major weapons systems. Further cuts would threaten the viability of our industrial base and eliminate our ability to return to defense production in the event of a crisis.

Greater cuts in research and development funding will mean the loss of the scientific and technical expertise of those currently engaged in defense-related research, much of which may have civilian applications as well.

Over 700 military installations worldwide have been or are scheduled to be closed under the current plan. Greater defense cuts would require a more stringent assessment of the need for existing domestic bases, as well as remaining installations overseas.

These are issues that I hope my colleagues will consider when casting their votes on proposals to cut defense further. Every one of these areas could have a negative impact on the ability of our military forces to respond in a time of crisis.

INVESTMENT IN DEFENSE PAID OFF IN THE PERSIAN GULF CONFLICT

Mr. President, during the early 1980's, this country invested in an overhaul of our military forces, following a decade of neglect in the 1970's. The Persian Gulf conflict proved the value of that investment.

Our forces were equipped with advanced technology weapons systems which provided the advantage and an early, favorable conclusion to both the air and land campaigns and which contributed directly to the low levels of United States and allied casualties throughout the conflict. The training and professionalism of our All-Volunteer Force, and the dedication and ability of the military leadership, were exemplary.

The accomplishments of our forces in the multinational coalition in the gulf would not have been possible without the substantial investment of dollars

over the past decade and more which produced the exceptional U.S. military force we saw in the gulf conflict. Reducing defense below the President's level in fiscal year 1993 will risk the quality and capabilities of this superb American military force.

POSSIBILITY OF DEFENSE CUTS IN THE FUTURE

Mr. President, we all realize that the world is an unpredictable place, and we can never know when a crisis might arise which could challenge the security interests of our Nation. The past few years have seen unprecedented change and a lessening of the perceived threats to the United States. But these same changes have resulted in greater uncertainty about potential future threats and the intentions of other nations, including the successor states of the former Soviet Union.

The President's defense budget plan is designed to implement an orderly drawdown of our military forces commensurate with the reduction in threats to the United States. By the end of this decade, our military forces will be very different than they are today. In his testimony before the SASC at the end of March, General Powell described the 1999 force as "more agile, smaller in structure and with fewer platforms * * * capable of dealing with the challenges of an uncertain world."

But this force requires a commitment to adequate funding and the time to implement changes and reductions in the most rational and least disruptive way. The President's long-term budget plan contains the funding and sets out the path toward achieving the force described by General Powell.

General Powell expressed to the Armed Services Committee his concerns about great defense cuts in this way:

It takes a long time to build a force of the quality that we have today, unmatched in our Nation's history—one that we can be proud of and depend on to answer any challenge we throw at it. To develop strong leaders, produce the best equipment, and train the forces to the peak of readiness takes decades, but the force, can be broken overnight. And that is one of my greatest concerns today. If you go too fast, if you stray too far from the carefully crafted plan we have put together to draw down the force, you will break it. And if you break the force we may not be able to fix it in time, the next time it is needed.

Mr. President, I urge my colleagues to consider carefully the issues I have brought before the Senate. I believe that the committees of jurisdiction over defense matters can recommend to the Senate a defense program which is adequate to ensure our national security under the defense budget level recommended by the Senate Budget Committee. But our task will not be easy to find \$2 billion in savings in an already austere budget. Greater cuts in the defense will, in my view, jeopardize the superb military organizations

which we have developed over the past decade. I urge my colleagues to vote against any further reductions in the defense budget.

Mr. CONRAD. Mr. President, the Exon amendment represents extremely modest cuts relative to the President's defense budget request. Specifically in fiscal year 1993, the Exon plan is \$8.8 billion below the President's plan in budget authority, a 3.1 percent reduction, and \$4.2 billion below in outlays, a 1.4 billion reduction. It should be emphasized that the Exon amendment still provides \$288 billion in defense spending next fiscal year. Considering the momentous changes in our world over the last year, including the collapse of the Soviet Union and the Warsaw Pact, I believe the Exon amendment cuts represent a minimum level of adjustment.

Last year, on the heels of the gulf war, the President proposed a 3 percent per year cut in defense spending. This year, having declared the cold war over, he is only willing to cut 1 percent from last year's plan—or 4 percent per year—leaving us \$15 billion over the cold war defense spending average when his plan is fully implemented in 1997. Clearly, there is room for additional savings.

It is time for a change in our priorities. I believe we can and should cut defense spending significantly beyond the Exon amendment in the coming year—aiming at a minimum for the cold war average. We must tell our allies that we can no longer afford to pay their bills when we cannot pay our own. We must go beyond burden sharing and move to burden shedding.

We must keep in mind that the budget resolution only establishes limits for subsequent appropriations to specific program areas. Although I support the defense budget reductions included in the Exon amendment, I do not concur with the underlying methodology. I believe that decisions regarding specific programs should be made based on individual merit and circumstances. Exempting the 30 most expensive defense programs from cuts, as suggested by the amendment, does not necessarily represent prudent procurement policy in my view. In addition, cuts in operations and maintenance may not be desirable. As we all know, the Appropriations Committee will distribute the funds as they believe they should be distributed.

Senator EXON is absolutely correct in his application of the savings from defense to deficit reduction. I firmly believe that we must reduce the Federal budget deficit to boost savings and investment. Huge Government debts lower private investment by raising the cost of capital relative to our competitor's costs. To maintain investment in our economy in the long run we must reduce our budget deficits and reorder our spending priorities toward

investment. The Exon amendment makes a vital first step in this direction and I am proud to be a cosponsor.

Mr. PELL. Mr. President, the Congress, in recognition of the extraordinary changes that have taken place in the world, should reduce defense spending. The collapse of the Soviet Union as a military, political and economic power has reduced enormously the dangers of military actions or threats against the United States, and the existing level of defense expenditures can no longer be justified.

Reductions in defense spending must be accomplished in a way that is most productive, most efficient and least damaging to the economy of the United States. The pending amendment to the budget resolution, in my view, fails this test, and I will vote against it.

For example the pending amendment by the distinguished Senator from Nebraska [Mr. EXON] assumes elimination of funding for the second and third Seawolf submarines. This halting of previously authorized work on the Seawolf submarine would result in sudden and severe economic disruption of the economy of my own State of Rhode Island as well in our neighboring State of Connecticut. And the reduction would be wasteful because most of the projected savings would be offset through contract and project cancellation costs. In addition, this course of action would threaten the preservation of the industrial base necessary for the future production of any submarines, and rebuilding that base would be very expensive and very time consuming.

There is an additional important reason why I will vote against the Exon amendment. This amendment makes no provision to use any of the defense savings for high-priority nondefense programs. Our Nation remains in the grips of a persistent economic recession. Most economists agree that a major and early increase in Federal Government spending for education and public works would be extremely helpful in putting our economy back on course, reducing the number of jobless Americans, and restoring economic growth.

The pending amendment regrettably does not permit use of defense savings for these purposes.

For the reasons cited I oppose the pending amendment.

Mr. HATCH. Mr. President, I have reviewed very closely the implications of the proposed defense reductions in the amendment offered by the distinguished Senator from Nebraska. I have traveled to the former Soviet Union with Senator EXON, he has been my friend for many years, and I have long admired his Armed Services Committee leadership. There is no doubt whatsoever in my mind, and I really don't believe in any other Member's mind, of the sincere, patriotic, and well-meaning intentions in every defense-related

measure he has ever associated himself with, including the current amendment.

Let me say in the defense of the Senator from Nebraska that he is looking realistically at a stark future in which high levels of defense spending will not be tolerated by the American people if the threat continues to disappear. Our best information, that provided by CIA Director Robert Gates just last week to the Senate Intelligence Committee, is encouraging. The prospect of a military threat from the former Soviet Union is vastly diminished. The Warsaw Pact is no longer a viable adjunct to aggression; the former Soviet military is demoralized, as we have heard repeated on the floor yesterday and today; strategic and conventional arms production, where it continues, has been carefully circumscribed—Senator GORE and I met independently several weeks ago with a Russian military delegation sent here by President Yeltsin to discuss submarine demilitarization, and I know the National Security Council is taking under serious consideration a proposal to demilitarize Russian nuclear-grade and plutonium warheads—a proposal, I add, made by two distinguished physicists from Brigham Young University. There is much other evidence regarding the former Soviet threat's demise.

There are current and future threats that we need to consider. And I believe the Senator from Nebraska has done that, and satisfied himself that the defense budget that his amendment would leave in place is sufficient, in military terms, to provide an objective force strategy to manage it.

Mr. President, where I differ with my friend from Nebraska is in his analysis. We have heard Senators GRAMM and NUNN develop arguments challenging the capabilities of the residual force structure under the Exon scenario; I agree with their assessments. And we have heard Senator STEVENS express his concerns about the state of the defense industrial base that would come out of the Exon amendment. It is the industrial base issue upon which I want you to expand.

The private defense sector is the source of our military technological genius. Except for our military laboratories, the so-called military technology base is in private hands. Very little science and engineering is done directly by DOD. We redesigned the defense base after World War II with the conscious determination to harness our industrial skills into defense production.

Unplanned defense cuts have, in my judgment, no less a harmful effect in the private as in the public defense sector—on which most of this debate has centered. Once a defense contractor decides to eliminate a military specialty, whether it is airframe production, guidance system development, radi-

ation hardened communications systems, or others, the work force scatters—over 80 percent will enter new professional pursuits, most unrelated to their previous military specialty. Worse, many defense contractors, more than 70 percent according to one source, have not been able to diversify out of defense in any reasonable time. This means that there is no incentive to keep highly skilled workers, like R&D scientists and engineers of which defense industries hire over 18 percent, nor is there any expectation on the part of such workers to hope for recall by the firms laying them off.

The Nebraska Senator's proposal would deepen the defense cut by just under 20 percent over the remainder of the so-called FYDP—or the 5-year defense plan from 1993-97. Let me provide some statistics on what this will mean in the private defense sector alone. And I should mention that I have had some help compiling this data from a recent report, which arrived on my desk only yesterday, from the defense budget project in Washington. I am not normally a reader of this group's material, although I respect its director and funder, Gordon Adams, as a man of unimpeachable reliability and integrity.

The Exon amendment will hasten the loss of scientists and engineers, along with other highly paid defense production workers, weakening still further this already distressed industrial sector, while even reducing revenue bases at the State level. It is the grassroots effect of the Exon amendment that troubles me the most. Take my own State of Utah: under the President's budget, Utah stands to lose 31 percent of its private defense work force by 1997. The Exon proposal would add 601 workers to that number, for total losses of 7,752.

In the State of Nebraska, which has only 9,512 private defense workers, the Exon amendment would add 239 skilled workers, making the projected 1997 losses 2,828—or 30 percent of this important sector.

But, Mr. President, let's take States with very large defense employment:

California's losses are raised by 16,530 workers to 166,530 by 1997.

Massachusetts' losses will rise 4,113 to 45,759—in a State already suffering the most from the defense slowdown.

Connecticut, with the loss of its submarine industry staring it in the face, will experience another 2,850 job reductions under the Exon amendment, placing its level of private defense cutbacks at 37,850 by 1997.

Like every other Senator in this Chamber, I fear for my own State, but I also fear for the national technology base. On these grounds, this is not a sensible move. It tends to add disorder to an already hasty military reduction and heightens the fears of the highly skilled persons affected.

Mr. President, I hope that my good friend from Nebraska will reexamine

his measure and, on the basis of this reassessment, withdraw it from consideration.

Mr. DOMENICI. Mr. President, I do not think I will use mine, because some of our Senators are very pushed. Let me just suggest that when you take all the numbers, really look at 1992 versus 1993, it is very simple to analyze what is happening. I know it is being described as a rather trivial amendment in terms of its impact.

Mr. President, we are going to cut defense, 1993 versus 1992, under the President's proposal, \$20 billion. Someone will say that is budget authority, not outlays; that is programs. That is how you measure cuts, \$20 billion in cuts in 1 year. The amendment says that is not enough; add \$8 billion more. So the issue is, is it enough to cut defense \$20 billion in 1 year, as recommended by the President, as recommended by the Armed Services Committee, the chairman of the committee, or should we make it \$28 billion?

All the arguments have been made why we should do one or the other. But I submit another \$8 billion in program reductions is not what we should do. Frankly, we ought to build it down orderly, in a manner that is consistent with the commitments we have made to the men and women in the military, consistent with our commitments to the economy of the United States, and I believe \$20 billion is enough.

I yield the remainder of my time.

Mr. EXON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of the Dear Colleague letter that I sent to my colleagues on April 7.

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

U.S. SENATE,
Washington, DC, April 7, 1992.

DEAR COLLEAGUE: During debate on Senate Concurrent Resolution 106, the Fiscal Year 1993 Budget Resolution, I will be offering an amendment to reduce defense spending for the upcoming year. On March 31st, after considerable evaluation of the President's defense budget, I gave a detailed statement on the floor of the Senate on how much and where we can make cuts in our defense budget and still maintain a credible national defense posture. I would like to take this opportunity to summarize my amendment and ask for your support as the Senate debates the appropriate level of defense spending in this changing world.

Summary of the Exon Amendment to the 1993 Budget Resolution:

The Exon amendment reduces the Senate Budget Committee defense number by \$7.6 billion in FY 1993 Budget Authority and \$3.5 billion in FY 1993 Outlays (\$8.8 billion in Budget Authority and \$4.2 billion in Outlays below the President's proposed defense numbers). Under the existing budget agreement, savings would go toward deficit reduction.

Two-thirds of the President's 1993-97 defense cuts come from the early termination of two weapons systems—the B-2 bomber and the SSN-21 attack submarine—not even part of our present operational forces.

The Exon Plan does not cut any funding from the President's military personnel request. Therefore, no personnel reductions are required below the level recommended by the President.

The Exon Plan does not cut any of each service's top ten most-expensive program requests (30 weapons systems in all).

The Exon Plan does not cut any procurement program below the approved 1992 spending level. Cuts are taken only from large increases over present spending levels.

The Exon Plan does recommend a \$5.2 billion reduction in the President's proposed \$54.4 billion procurement budget. This reduction can be realized by freezing at 1992 levels spending in hundreds of smaller dollar line items (none of the top 30 weapons systems) where large increases are proposed.

The Exon Plan does recommend a \$2.1 billion reduction in the President's proposed \$39 billion research and development budget. This reduction can be realized by cutting SDI spending by \$1 billion, from \$5.3 billion to \$4.3 billion, higher still than last year's \$4.1 billion level. Another \$1 billion in savings can be achieved simply by freezing the Air Force research and development budget, which is proposed to increase by 6.9%, and the Director of Test and Evaluation budget at 1992 levels.

The Exon Plan does recommend a modest 1% reduction from the President's Military Construction, Family Housing and Operations and Maintenance requests.

The Exon Plan does freeze Department of Energy spending at the 1992 spending level.

My plan outlines where modest cuts can be made to the defense budget, not necessarily what cuts will be made. The Budget Resolution is designed to establish spending caps; it is not meant to specifically address funding levels for defense accounts or programs. My plan is an illustrative list of cuts that show one way reasonable reductions can be made in defense without compromising our national security.

Majority Leader Mitchell, Appropriations Committee Chairman Byrd, Budget Committee Chairman Sasser and other senators have joined me as cosponsors of this amendment. Please contact Andy Johnson at 224-5463 if you have any questions or wish to be added as a cosponsor.

Sincerely,

JIM EXON,
U.S. Senator.

Mr. EXON. Mr. President, the issue here is simply whether or not we are going to make more of a reduction than the President of the United States outlined in his budget.

I simply say again that in budget authority in 1992 we are going to spend \$291 billion. If we accept the President's recommendations we are going to reduce that sum down to \$281 billion. But if we accept the President's numbers, or those similar to it, 5 years from now, in 1997, we are still going to have a budget authority expenditure of about \$290 billion, which means dollar-wise, we are not going to have a significant reduction, and certainly no peace dividend, which the people are expecting.

I simply say that the key factor is that President Bush has \$285 billion for outlays for fiscal 1993; the Exon amendment cuts that between 1 and 2 percent only, down to \$281 billion, about a \$4

billion cut out of a \$280-plus billion budget. It is a step in the right direction. It is not enough, but this is what the people of the United States expect us to do.

I yield the remainder of my time. I assume that under that condition we are prepared for the rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1763) offered by the Senator from Nebraska [Mr. EXON].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROTH (when his name was called). Mr. President, on this vote I have a pair with the Senator from Wyoming [Mr. WALLOP]. If the Senator from Wyoming were here, he would vote "no." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. PELL (when his name was called). Mr. President, on this vote I have a pair with the Senator from Colorado [Mr. WIRTH]. If he were present he would vote "yea." If I were permitted to vote, I would vote "no." Therefore, I withhold my vote.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

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

I further announce that, if present and voting, the Senator from Ohio [Mr. METZENBAUM] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

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

The result was announced—yeas 45, nays 50, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—45

Adams	DeConcini	Leahy
Akaka	Exon	Levin
Baucus	Ford	Mikulski
Bentsen	Fowler	Mitchell
Biden	Gore	Moynihan
Bingaman	Grassley	Packwood
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bryan	Jeffords	Riegle
Bumpers	Johnston	Rockefeller
Burdick	Kennedy	Sarbanes
Byrd	Kerry	Sasser
Conrad	Kerry	Simon
Cranston	Kohl	Wellstone
Daschle	Lautenberg	Wofford

NAYS—50

Bond	Cochran	Dodd
Boren	Cohen	Dole
Brown	Craig	Domenici
Burns	D'Amato	Durenberger
Chafee	Danforth	Garn
Coats	Dixon	Glenn

Gorton	Lott	Sanford
Graham	Lugar	Seymour
Gramm	Mack	Shelby
Hatch	McCain	Simpson
Heflin	McConnell	Smith
Helms	Murkowski	Specter
Hollings	Nickles	Stevens
Inouye	Nunn	Symms
Kassebaum	Pressler	Thurmond
Kasten	Robb	Warner
Lieberman	Rudman	

PRESENT AND GIVING A LIVE PAIR, AS
PREVIOUSLY RECORDED—2

Pell, against Roth, for

NOT VOTING—3

Metzenbaum Wallop Wirth

So the amendment (No. 1763) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. SIMON. Mr. President, last week the Senate Budget Committee reported out Senate Concurrent Resolution 106, the concurrent resolution on the budget. There are two issues related to the budget resolution that are of great concern to me and that deserve further discussion: Funding for the State Legalization Impact Assistance Grant Program and funding for American Indian programs.

SLIAG

The State Legalization Impact Assistance Grant Program [SLIAG] is designed to fulfill the Federal Government's commitment to assist States in serving those residents who gained legal status through the Immigration Reform and Control Act of 1986. We cannot fulfill our commitment if we consistently reduce or defer adequate funding for the program.

In 1986, Congress authorized and appropriated \$1 billion annually for fiscal years 1988-91, to be allocated to States using a formula based on the number of aliens gaining legal status residing in that State. These payments were designed to reimburse State and local governments for the costs of adult and basic education, health care, and public assistance directly attributable to these individuals.

Instead of providing the funds necessary to reimburse State and local governments for these costs, the Federal Government has withheld \$1.123 billion, over 25 percent of the SLIAG moneys that were to be provided. Any further deferral of SLIAG moneys in fiscal year 1993 will prove detrimental to the States of California, Florida, Texas, Colorado, Nevada, Massachusetts, New York, Washington, and the District of Columbia. According to the General Accounting Office, these governments will have greater costs serving their communities than moneys allocated through SLIAG.

SLIAG deferral ill serves not only the interests of the communities of le-

galized aliens who are less able to obtain needed health, education and related services, but also U.S. citizens in these geographical areas who are required to compete unnecessarily for services. Deferral of funding does not come with deferral of the costs. The Federal Government should honor the obligations it assumed when Congress passed and the President signed into law the 1986 immigration law. The Federal Government should restore, and not defer, further SLIAG funding.

AMERICAN INDIAN PROGRAMS

During the past several years, the Senate Select Committee on Indian Affairs has analyzed Federal spending trends and the relative status of programs for native Americans as compared with programs for other Americans. Without question, the results show that Indians, the population group which suffers the worst conditions of unemployment, poor health, inadequate education, and other social and economic conditions, are the people who, over the past decade, have also suffered the deepest cuts in Federal spending for programs designed for their benefit. This fact is undoubtedly due in large measure to the lack of political power of the disparate 310 tribes and 197 Alaska Native villages. But these same powerless first Americans are the very people to whom this Government owes its first responsibility, based on treaties, statutes, and Federal court rulings.

Yet, given these bleak statistics, and the growing problems in Indian country, the President's total request for Indian spending for fiscal year 1993 falls far short of supporting an expectation that conditions will be improving in the coming year. Indeed, according to the most recent study prepared by the Congressional Research Service, the President's fiscal year 1993 budget request for Indian programs proposes a decrease of \$480,100,000 in constant dollars allowing for inflation from the fiscal year 1992 appropriated level—an overall decrease in Indian spending of 14.4 percent.

I ask my colleagues to join me in assuring that Indian people are not required to bear the burden of reductions compelled by the budget deficit. I urge the Appropriations Committee to reject the President's proposed reductions and to restore spending to fiscal year 1992 level of program effort, adjusted for inflation as determined by the Congressional Budget Office. Based on these objectives, I support the recommended levels of funding proposed for Indian programs for fiscal year 1993 as follows: Bureau of Indian Affairs, \$2,171,993; Indian Health Service, \$1,938,952; and the Department of Education—Indian Education Programs, \$810,200.

Finally, in an effort to facilitate the consideration of the recommendations of the select committee, the committee

has identified a few fundamental priorities that are based upon Federal policy as articulated by President Bush on June 14, 1991, in his statement of Indian policy. Specifically, the committee's priorities for the Bureau of Indian Affairs account are designed to assure: First, the protection of natural resources, including water rights, hunting and fishing rights, irrigated agriculture, and timber management; second, support for economic development activities on Indian lands; third, assistance to assure the stability of programs administered by tribal governments, including employment programs and tribal government services; and fourth, maintenance of the previous year's level of effort in education programs.

The committee's priorities for the Indian Health Service are based on the implementation of new programs in the following areas: First, mental health and child abuse prevention and treatment efforts; second, self-determination efforts of tribal governments; third, addressing health manpower shortages in IHS hospitals and clinics; fourth, alcoholism and substance abuse program initiatives; and fifth, alternative health care delivery approaches.

The PRESIDING OFFICER. Under the previous order, a Republican Senator will now be recognized to offer an amendment.

Mr. SASSER. Mr. President, could we have order? I cannot hear the Chair.

The PRESIDING OFFICER. Order in the Senate.

Mr. SASSER. Mr. President, under the previous order, as I understand it, the Senator from Colorado [Mr. BROWN] will propose the next amendment, and thereafter under the previous order, the Senator from New Jersey, [Mr. BRADLEY] will be recognized to offer his amendment.

Let me say that I expect we will be able to clear or deal with the Brown amendment, as modified, by a voice vote, if I am not mistaken. The Bradley amendment will probably require a rollcall vote, Mr. President.

Let me say this to my colleagues while many of them are in the Chamber. We now have before us about 20 additional amendments, if memory serves me correctly, 18 to 20 additional amendments. I would ask those who have amendments, let us move on them just as expeditiously as possible. We are going to have to do that, I think, if we are going to conclude this resolution, have any hope of concluding it tomorrow or certainly late this evening.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I might ask the chairman, what is his intention or his pleasure with reference to this evening? Did he want to carry this over until the morning or does he want to try to finish? I do not see how we can finish tonight.

Mr. SASSER. I think that is a matter that should be addressed to the majority leader, and I have not had an opportunity to discuss this matter with him until just this moment.

Mr. MITCHELL. Mr. President, if it is at all possible, I hope we can finish this evening. I do not intend that the Senate remain in session all night or anything like that. It will really be up to Senators to decide when they want to complete action.

Might I inquire of the Chair how much time is remaining?

The PRESIDING OFFICER. Approximately 13 hours.

Mr. MITCHELL. It is obvious, if Senators choose to use all that time, that we will be back here tomorrow. As I indicated on several prior occasions, up to and including earlier today, we must complete action on this resolution prior to leaving for the Easter recess. I intend to stay here this evening if there is any hope or prospect or possibility of finishing this evening, because I think that is the wish of more Senators than not. But it will depend upon Senators.

I will yield the floor and let the Republican leader gain the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I think we spent about 9 hours on this past amendment. Hopefully, we can do all the others in less time than that. This was a significant amendment. This was a key amendment. Maybe some of the amendments will not be offered on defense matters. Maybe they will fall by the wayside, because this was a key amendment. I know the Senator from New Mexico and others have an important amendment.

I agree with the majority leader, we would like to finish this bill early this evening. We have at least two or three Members here who have other commitments away from the city starting tomorrow. So if people are looking for votes, they may be shy a few if we do not finish tonight.

Mr. REID. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. REID. Mr. President, I say to the chairman of the committee, I am wondering if we can have some agreements as to the order of amendments that are going to be offered. I have been here off and on the floor since Tuesday wanting to offer an amendment. I would think it would be to the interest of the Senate if we could have some agreement on the order that the amendments would be offered in the future.

Mr. SASSER. Mr. President, following the disposition of the Bradley amendment, or even prior to that, I would be pleased to enter into a unanimous-consent agreement to try to dispose or to lay the amendments out in an orderly fashion and try to dispose of them, if that seems to make sense at

this particular time. I would suggest that we dispose of the Brown amendment, then take up the Bradley amendment, and in the interim see if we cannot work out some orderly way to take up these amendments as rapidly as possible. I am cognizant of the fact that the distinguished Senator from Nevada has been on the floor off and on for 2 days inquiring about when he might be able to offer his amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me indicate that I will be pleased to sit down with the chairman and then present to the leadership some idea on how to sequence the amendments. I am not sure that I have an amendment listed, but I think I do. I will give that a different name. That will become the Domenici-Nunn amendment and it will be a major amendment. So we are going to save some time to make sure we get to debate that. So we will be ready to go with that shortly. I intend for those who are already sequenced by unanimous consent to proceed and then we will discuss where we might be after that.

Mr. SASSER. May I inquire of my friend from New Mexico? He said the Domenici-Nunn amendment will take some time. May I inquire as to the content of that amendment?

Mr. DOMENICI. I would suggest that it is a substitute for the entire budget resolution, assuming the defense number as it is, and beyond that will have significant differences from the one that is currently pending. And we will, as soon as we can, give you an outline of it, I say to the chairman, and give Senators an outline of it.

Mr. SASSER. I thank the Senator.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Colorado [Mr. BROWN] is recognized.

AMENDMENT NO. 1764

(Purpose: To express the sense of the Senate that, as part of the effort to reduce the Federal budget deficit, subsidies should not be paid to those who are not in need and that a study should be conducted by the Office of Management and Budget to identify such subsidies)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. DOMENICI, proposes an amendment numbered 1764.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE THAT CERTAIN GOVERNMENT SUBSIDIES SHOULD NOT GO TO THOSE WHO ARE NOT IN NEED AND THAT A STUDY SHOULD BE CONDUCTED TO IDENTIFY SUCH SUBSIDIES.

(a) FINDING.—The United States Government needs an accurate understanding of the subsidies it pays to those who are not in need.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as part of the effort to reduce the Federal budget deficit and to set spending priorities, subsidies should not be paid to those who are not in need and that a study should be conducted, as provided in paragraph (c), to identify such subsidies.

(c) STUDY OF UNITED STATES GOVERNMENT MANDATORY SPENDING BY INCOME CATEGORIES.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, and concurrently Director of the Congressional Budget Office, in consultation with the Bureau of the Census and the Internal Revenue Service (both of which would provide statistical data) and other executive branch departments and agencies, should prepare an estimate by agency and account of the dollar value (as measured by outlays) of assistance payments from United States Government mandatory spending programs under current law and regulations to recipients by income category for the current and five succeeding fiscal years.

(2) METHODOLOGY.—The study described in paragraph (c), to establish appropriate income categories, shall use for individuals the sum of the individual's adjusted gross income plus any United States Government assistance payment not already included in such adjusted gross income and shall use for persons other than individuals the sum of the person's taxable income plus any such payment not already included in such taxable income.

(3) DEFINITIONS.—

(A) The term "assistance payments from United States Government mandatory spending programs" means any payment, including payments-in-kind and loans, made by the United States Government directly, indirectly, or through payment to another on the individual's or person's behalf from the mandatory spending programs. The term does not mean payments of Social Security benefits.

(B) The term "recipients" means the individuals or persons on whose behalf the assistance payments are made.

(4) REPORTING.—The study described in subsection c of paragraph 1 shall be submitted to the Congress, and updated annually, as part of the budget message of the President.

Mr. BROWN. Mr. President, the subject of the amendment is a request that we conduct a study of mandatory spending programs that are provided by this Congress, and that those mandatory spending programs, except for Social Security and interest payments which would not be studied, be analyzed as to who is the recipient of those benefits and assistance payments.

The measure is in the form that has been circulated prior to its introduction here with one exception and that is that the study would be conducted concurrently, including both the Director of the Office of Management and Budget and the Director of the Congressional Budget Office. So it is

thought that this study would be conducted concurrently with both of those. That is the only change from the version I think that was available to Members prior to its introduction.

Mr. President, excluding both Social Security and interest, the Congressional Budget Office indicates that mandatory spending programs or entitlement programs will reach \$600 billion by 1997. It is an enormous portion of our budget.

This resolution simply asks that we study the people who receive those benefits, evaluate what income categories that those assistance payments are given in. I like it because I believe it will provide us a better basis upon which to judge the validity of those programs and to judge the need for various recipients to receive those benefits.

Mr. President, I believe this has been reviewed and approved by both sides.

I yield to the distinguished chairman of the Budget Committee.

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

Mr. SASSER. I was distracted momentarily when the distinguished Senator from Colorado was speaking. The amendment, as I understand it, as originally presented directed that the Director of the Office of Management and Budget conduct a study. Has the Senator modified his amendment?

Mr. BROWN. It has been modified. At the Senator's suggestion, we have also added the Director of the Congressional Budget Office. I thought it was an excellent recommendation. I think it is important that the results of this study have the confidence of everyone in this Chamber, and having both of those people involved and their agencies involved I think lends validity and credibility to the study. So I was happy to include that. And that is included in the version that went to the desk.

Mr. SASSER. I thank my friend from Colorado.

Mr. President, let me say I have no problem with the amendment. I have no problem with the study that the Senator wants.

But if I might just ask the Senator a question or two about this particular amendment. The amendment says that it is the sense of the Senate that Government subsidies should not go to those who are not in need. What does the Senator mean by those not in need? Does he mean wealthy individuals and large corporations, as had been expressed I think in an earlier draft?

Mr. BROWN. As the chairman is familiar, my focus on in need did not prove to be a universal definition, recalling the amendment that I offered in the Budget Committee relating to agricultural assistance.

This resolution, or this study, does not include that offending language. It merely asks for a study to indicate the

income categories of people who receive the assistance payments.

Mr. SASSER. Could the distinguished Senator enlighten us as to what programs would be studied? The amendment asks that OMB, and now concurrently CBO—of which I very much approve, that addition—to conduct a study to identify the subsidies. But it appears it is a limited group of specific programs, as I understand it. Quoting the amendment, it says, "assistance programs from the Government in mandatory spending programs."

Most of these programs are means tested, and are targeted at the very poor.

Could the Senator give us some idea what programs he intends to have studied through this amendment?

Mr. BROWN. I would be happy to. Virtually every mandatory spending program that the Government has would be included in this study except for interest payments, for obvious reasons, and Social Security payments. I think the Senator has correctly identified the fact that many of these are means tested.

What I was surprised to learn from the Congressional Budget Office was that, for example, in fiscal 1991, CBO claims that individuals with income above \$150,000 received \$50 million in food stamps, aid to families with dependent children, and supplemental security income.

I, frankly, understanding the means test applied to those programs, find that hard to believe. This study will give us, I think, a clear picture as to whether that analysis is truly correct. If it is correct, my guess is we may want to tighten the eligibility standards, or clear up any ambiguities that might be there. But it is meant to cover virtually everything except Social Security and interest payments.

Mr. SASSER. So the amendment of the Senator from Colorado would cover the whole mandatory spectrum other than those two that has just indicated would not be covered? So it would include things like military retirees, the military retirement fund, which is a mandatory program? Veterans compensation, which I think is also a mandatory program? We get into every one of them?

Mr. BROWN. Indeed, that is correct. I might say, at least speaking for myself, that it is certainly my sense of the thing that military retirees have earned that pay. This should not be interpreted as any effort to curtail those benefits which I view as earned and paid for.

A Civil Service retirement would be another example. There is a wide variety of them. So this study is not meant to suggest an answer as to policy in that area but merely to identify income categories.

Mr. SASSER. But merely to study the programs in the mandatory area

and identify the various items that might need to be corrected; is that correct?

Mr. BROWN. That is correct.

Mr. President, I have no further comments, and I yield.

Mr. SASSER. Mr. President, we yield back what time we might have.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1764) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order the Chair recognizes the Senator from New Jersey [Mr. BRADLEY].

AMENDMENT NO. 1765

Mr. BRADLEY. Mr. President, on behalf of myself, Senator SIMON, Senator ADAMS, and Senator LAUTENBERG, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mr. SIMON, Mr. ADAMS, and Mr. LAUTENBERG, proposes an amendment numbered 1765.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On Page 3, line 16, decrease the amount by \$3,500,000,000.

On Page 3, line 17, decrease the amount by \$7,200,000,000.

On Page 3, line 18, decrease the amount by \$6,300,000,000.

On Page 3, line 19, decrease the amount by \$5,550,000,000.

On Page 3, line 20, decrease the amount by \$3,800,000,000.

On Page 3, line 23, decrease the amount by \$1,350,000,000.

On Page 3, line 24, decrease the amount by \$5,300,000,000.

On Page 3, line 25, decrease the amount by \$6,500,000,000.

On Page 4, line 1, decrease the amount by \$6,800,000,000.

On Page 4, line 2, decrease the amount by \$6,250,000,000.

On Page 4, line 5, decrease the amount by \$1,350,000,000.

On Page 4, line 6, decrease the amount by \$5,300,000,000.

On Page 4, line 7, decrease the amount by \$6,500,000,000.

On Page 4, line 8, decrease the amount by \$6,800,000,000.

On Page 4, line 9, decrease the amount by \$6,250,000,000.

On Page 4, line 12, decrease the amount by \$1,300,000,000.

On Page 4, line 13, decrease the amount by \$6,600,000,000.

On Page 4, line 14, decrease the amount by \$13,100,000,000.

On Page 4, line 15, decrease the amount by \$19,900,000,000.

On Page 4, line 16, decrease the amount by \$26,100,000,000.

On Page 5, line 20, decrease the amount by \$1,350,000,000.

On Page 5, line 21, decrease the amount by \$5,300,000,000.

On Page 5, line 22, decrease the amount by \$6,500,000,000.

On Page 5, line 23, decrease the amount by \$6,800,000,000.

On Page 5, line 24, decrease the amount by \$6,250,000,000.

On Page 7, line 13, decrease the amount by \$7,000,000,000.

On Page 7, line 14, decrease the amount by \$2,700,000,000.

On Page 7, line 22, decrease the amount by \$14,400,000,000.

On Page 7, line 23, decrease the amount by \$10,000,000,000.

On Page 8, line 7, decrease the amount by \$12,000,000,000.

On Page 8, line 8, decrease the amount by \$11,800,000,000.

On Page 8, line 16, decrease the amount by \$11,100,000,000.

On Page 8, line 17, decrease the amount by \$11,400,000,000.

On Page 8, line 25, decrease the amount by \$7,600,000,000.

On Page 9, line 1, decrease the amount by \$9,500,000,000.

On page 40, line 21, decrease the amount by \$300,000,000.

On page 40, line 22, decrease the amount by \$300,000,000.

On page 41, line 5, decrease the amount by \$600,000,000.

On page 41, line 6, decrease the amount by \$600,000,000.

On page 41, line 14, decrease the amount by \$1,100,000,000.

On page 41, line 15, decrease the amount by \$1,100,000,000.

On page 41, line 23, decrease the amount by \$1,500,000,000.

On page 41, line 24, decrease the amount by \$1,500,000,000.

On page 42, line 15, increase the amount by \$3,500,000,000.

On page 42, line 16, increase the amount by \$1,350,000,000.

On page 42, line 24, increase the amount by \$7,200,000,000.

On page 42, line 25, increase the amount by \$5,000,000,000.

On page 43, line 8, increase the amount by \$6,300,000,000.

On page 43, line 9, increase the amount by \$5,900,000,000.

On page 43, line 17, increase the amount by \$5,550,000,000.

On page 43, line 18, increase the amount by \$5,700,000,000.

On page 44, line 2, increase the amount by \$3,800,000,000.

On page 44, line 3, increase the amount by \$4,750,000,000.

On page 42, line 8, decrease the amount by \$300,000,000.

On page 42, line 9, decrease the amount by \$600,000,000.

On page 42, line 10, decrease the amount by \$1,100,000,000.

On page 42, line 11, decrease the amount by \$1,500,000,000.

Mr. BRADLEY. Mr. President, the amendment that I offer on behalf of myself and Senator SIMON, Senator ADAMS, and Senator LAUTENBERG starts the process of reordering the priorities established in the budget summit agreement of 1990.

A year-and-a-half ago, I said that I did not believe that those long-term choices that were embodied in the budget summit were well thought out. I did not believe that they reflected the priorities of America's families, and I did not believe that they gave sufficient flexibility to respond to crises as they emerge.

I still do not believe that the budget agreement reflected those priorities and I see no reason not to pursue our real priorities.

This amendment shifts those priorities. It cuts defense spending by an additional \$7 billion next year and \$11 billion a year over the following 4 years. It channels half of the savings to high priority domestic spending, such as education, health care and cleanup of the environment. The balance of the savings is used for deficit reduction.

A lot has happened since the budget summit was agreed to in late 1990. Since that agreement, we have fought a war in the Persian Gulf that not only dramatically demonstrated the effectiveness of our military weaponry, but also changed the geopolitical circumstances in the region in a way that will enable us to reduce defense spending.

In addition, we have seen the dissolution and disappearance of the Soviet Union. This budget fails to take full advantage of the material changes in our relationship with the former Soviet Union and its capacity to harm United States interests. Although Russian military power should, and will, remain a long-term concern, it will not generate the threats in the 1990's comparable to those we faced in earlier years.

The President's defense budget continues, in my view, to waste taxpayer dollars on military luxuries and oversized Armed Forces. It squanders resources that could not be justified in the past, instead of revamping programs to meet actual American security needs in the future. We can safely concentrate our defense priorities on the many lesser challenges America faces. We can ensure our security with a much smaller defense budget.

The budget agreement continues to provide insufficient resources to repair the bonds of community in our cities and improve education and clean up our environment. Half of the \$50 billion in 5-year defense savings that we obtain from this amendment are used for high priority domestic programs.

This amendment provides the Senate Appropriation Committee with, on average, about \$5 billion a year in additional funds for critical domestic needs.

We all know where we need to place more resources. The Women, Infants and Children Feeding Program reaches less than two-thirds of the poor families in need of nutritious food supplements. Head Start only reaches about a

quarter of the eligible population. Tens of thousands of pregnant women do not have access to quality prenatal care. Thousands of young children got measles just last year because they were not adequately immunized. Middle income and lower income families are finding it increasingly hard to send their children to college and move up the ladder. Our cities are in desperate shape. Our infrastructure, our roads, and transit systems, need sizable investment. And we need to do more to restore our environment.

Mr. President, will this amendment meet all the needs I have discussed? The answer is clearly no, it will not solve all our problems, but it will provide some additional resources so more of our pressing domestic needs can be met. Just as important, Mr. President, the amendment reduces the cumulative deficit over the 1993-97 period by an additional \$25 billion. We all know that big steps are needed in the years ahead to reduce our gaping deficit. We should not wait to take these steps if we can obtain defense savings now.

Mr. President, in summary, I think this is an appropriate amendment. I expect that a point of order will be raised that the amendment violates the 1990 budget summit deal, and to the charge I, in advance, lead guilty.

As I have said before, I believe the budget deal set us on the wrong course with the wrong choices and the wrong priorities. I hope that the Senators who support our efforts to shift priorities will support this amendment and endorse our efforts to change the budget rules that stop us from moving forward effectively to what I believe are America's real priorities.

Mr. President, how much time remains on the side of the proponents of the amendment?

The PRESIDING OFFICER. The Senator has 54 minutes and 22 seconds remaining.

Mr. LAUTENBERG. I ask, will the Senator yield 15 minutes?

Mr. BRADLEY. I yield 15 minutes.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

Mr. LAUTENBERG. Mr. President, I am pleased to join with my colleague, Senator BRADLEY, in offering this amendment. I think he stated the case very clearly in that we have to deal with several things, not the least of which is to reduce the level of spending we presently have allocated with defense and deal with the problems of the deficit as well as the sorely needed investments that are required for our domestic programs.

Mr. President, this amendment would reduce the level of defense spending in the Budget Committee's budget resolution by \$7 billion. The savings would be allocated to both domestic initiatives and deficit reduction.

We are here today, Mr. President, to say emphatically that we need to

change the direction of this country. Reality calls for it and the American people are demanding it. And yet, Mr. President, the budget resolution before us represents little more than the old, fatigued status quo. Its priorities are the priorities of yesterday and the past; its vision of the future is a vision of yesterday.

For decades, Mr. President, the greatest threat to the security of the United States came from the Soviet Union. To respond to that threat, we have built the greatest military force in the history of mankind. The quality of our Armed Forces is unequalled. Also unparalleled, Mr. President, is the size of our defense budget.

How much money are we spending on defense? Let us get some historical perspective. According to the Budget Committee, the average peacetime level of defense spending during the cold war was \$236.6 billion in 1993 dollars; \$236.6 billion. The budget resolution before us proposes to spend \$290.9 billion on defense. In other words, we would now be spending \$54 billion over the cold war levels, and everyone knows the cold war is over.

Mr. President, the practical effect of this resolution is that we would continue to spend billions of dollars subsidizing the security of our European allies and billions of dollars for a range of weapons programs that serves no useful purpose.

The American people have been asked to tighten their belts in these tough economic times. There is no reason why the Pentagon cannot do at least as much and still protect our national security. We can save billions by eliminating spending for exotic weapons systems like the B-2. We can save billions more by scaling back SDI and limited nuclear testing. We have seen some questions raised about SDI as a result of the examination of the Patriot antimissile performance of the Persian Gulf war, questions that ought to have us examining how much we are going to spend on SDI.

We can save further billions by eliminating excess purchases for spare parts and supplies by the Pentagon.

Mr. President, perhaps it was mentioned, but it is worth mentioning again. There was an interesting "60 Minutes" show on the Pentagon. Lesley Stahl was the reporter, and she was pictured in the midst of a complex Government warehouse. The film showed virtually thousands of tires piled as high as the eye could see. It also featured inventory untouched for decades, some crates unopened, untouched since 1950.

Ms. Stahl reported:

The world's biggest shopping spree. That is what the Pentagon has been on almost since the day they opened the building; \$100 billion of everything, from nuts and bolts to sliced ham and Maalox, all gathering dust in military depots.

The GAO says that \$35 billion of that \$100 billion is stuff that is of little use to any-

body. And then in the next 10 years, to add insult to injury, they will spend another \$35 billion just to store it. That is about \$10 billion more than the entire budget of the Department of Education.

Mr. President, wasteful defense spending is always an outrage, but given the fiscal condition of our Nation, it is obscene. We are now the largest debtor Nation on the face of the Earth, not a title we are proud of. The budget deficit this year is projected to approach \$400 billion, and we are spending \$200 billion a year just on interest.

Mr. President, it is one thing to borrow to make investments that yield long-term dividends. But it makes absolutely no sense to borrow in order to maintain a huge military. Buying bombs and ammunition does not improve our national productivity. While the American troops in Europe and Asia pump plenty of money into those countries, they do virtually nothing for our own economy. Our European allies and Japan are beating our pants off in the marketplace while we pay for a far-reaching defense umbrella they can afford to pay for and ought to be required to pay for.

The huge military budgets of recent years are a luxury that we cannot afford. Many of our military allies are our economic competitors, on many occasions unfairly. Let them pay for their own defense. Our needs at home are too great. Our economy is in the longest recession since the Great Depression. Job openings are scarce. Unemployment is over 7 percent, and ordinary middle-class Americans are finding it increasingly hard to pay their bills, send their kids to college, and to keep their heads above water.

Under these circumstances, we cannot afford to go along with the status quo. It is past time to shift directions.

Mr. President, I opposed the priorities that were locked into place by the 1990 budget agreement. That agreement ignored the investments we must make at home and provided for a higher defense budget than we need. The Senate recently voted against this agreement, but efforts to repeal it were stymied by a filibuster.

The minority is blocking action that we desperately need. It is past time to change budget priorities. We need to take some of the billions that we are spending on defense and put them to work building the American economy, providing jobs and a more hopeful future for our citizens.

In fact, we have a lot of catching up to do. While our competitors have invested substantial sums in their infrastructure and in the education and training of their people, we have not, and we will be paying the price of that neglect for decades to come.

Mr. President, to appreciate the extent to which the United States is underinvested, let us take a look at our friends, Japan and Germany. Between

1973 and 1985, Japan invested 5.1 percent of its gross domestic product in public physical infrastructure—5.1 percent. Germany's figure was 2.5 percent of its GDP. The U.S. figure? .3 percent. So Japan was investing some 17 times what we were investing and Germany some 8 times.

Mr. President, investment in physical infrastructure leads directly to productivity, and Japan's willingness to invest led to productivity growth of 3 percent between 1973 and 1985. German productivity growth was 2.4 percent. And here in our country our rate was a mere .6 percent. How in the world are we going to be competitive? We have to make these investments for a better future for our country.

Mr. President, just as we have underinvested in our infrastructure, we have devoted inadequate resources to education and training. For example, we know that \$1 invested in Head Start yields several dollars of future savings in public assistance, special education, and crime costs. We also know that smaller classes substantially increase reading and math scores, and yet we continue to underfund Head Start. Our economic competitors continue to invest more than we do in the education of our children.

Mr. President, a well-educated, technologically literate work force is critical if America is to compete economically in the future, and yet we have not done enough to ensure that American workers can get trained and then retrained throughout their careers as the need requires.

While American industry searches for skilled workers in Japan or Germany, we have legions of displaced, unemployed, dispirited workers here at home desperately seeking jobs. It is another consequence of misplaced priorities.

We also need a greater commitment to policies that stoke the fires of advancement, through continued support of our national laboratories and health science institutes. We need to get a better partnership between government and business, because the high costs of R&D often mean that private industry will not be able to bear the costs and the risks alone. As long as we continue deemphasizing civilian research, American industry will be walking into the world's economic boxing ring with one hand tied behind its back.

Unfortunately, Mr. President, many of our best scientists and engineers have been focused not on developing new products but on new weapons. Why? Largely because that is where we put the money. And unless we change those priorities, we will continue to lose more and more market to the Japanese and the Europeans. And as those markets go, so will go the jobs of millions of Americans.

Mr. President, we have also underinvested in another area that gets too

little attention in this body, our cities. Funds to States and localities have been slashed dramatically, while businesses and middle-class residents have moved to the suburbs. Cities are left with few resources, and without a solid tax base and facing mounting economic and social problems, many urban areas have descended into virtual chaos.

We can continue to ignore that problem and continue to write off the millions of young Americans who grow up in these war zones, but these are the people who have to carry our Nation into the future, and we ignore them at our own cost and peril.

Another area we have underinvested in is the WIC program, which provides needed food and nutrition counseling to pregnant women, infants and children. The Department of Agriculture says that for every dollar we invest in WIC, we can save more than \$4 in Medicaid costs. And yet more than 3.5 million eligible individuals are not being served. It is a penny-wise pound-foolish policy that is a direct result of our skewed budget priorities, and it is costing lives, children's lives.

Mr. President, the litany of needs that require greater domestic investment is long, from health care to day care, from housing to environmental protection, from research and development to drug treatment.

Mr. President, none of these needs can be met if we continue to spend billions of dollars on outdated weapons systems and on the security of our economic competitors, nor is it possible to meet these needs if the outmoded budget agreement remains in place.

It is past time for change. It is past time to focus on America's needs and America's future. The clock is ticking, time is passing, and we simply have to shift resources from defense to domestic programs.

I point out, Mr. President, that this amendment calls not only for shifting of resources to domestic investment, it also would use some of the savings from defense for deficit reduction.

That is important. Reducing our debt, or at least the rate of the increase in debt, would mean less dependence on foreign borrowing, less crowding out of private investment, greater influence in international affairs, and fewer demands on the resources of our children and our grandchildren.

We hear a lot of talk around here about reducing the deficit. If we really care about the deficit, then we ought to stop talking because here is our chance to do something.

In sum, I say to my colleagues, if you want to invest in America's future, if you want to cut the deficit, if you want to change the direction of this country, this amendment deserves your support. It will reduce the budget deficit and shift, more importantly perhaps, budget priorities. It is an investment in our future. I commend my colleague, Sen-

ator BRADLEY, for his work on this important issue, and I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I yield myself 2 minutes.

Mr. President, I will be very brief. I say to my colleagues that we have debated this issue thoroughly yesterday and today up until the previous vote. It is very clear that the Senate has spoken twice now on the firewall and twice now on the defense number that the distinguished Senator from Georgia, the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Senators from Alaska and Louisiana, who are senior on the Appropriations Military Subcommittee, have all spoken to. We just had a vote of 50 to 41, I believe it was. At any rate, it was defeated.

So, at the appropriate time, when all time is yielded back, I intend to make a point of order because, in effect, this amendment, in addition to having been already voted on by the Senate and turned down, this amendment is in violation of 601(b) of the Budget Act. So at the appropriate place, I will register a point of order against the amendment. I think Senator BRADLEY wishes to speak.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I think, as we consider this amendment, we should think a little bit about what has happened in the last couple of years. Let us start maybe with last April. Last April, I proposed an amendment that was similar to this, which called for a cut of about 2 percent over the budget summit defense number. The amendment was opposed. It was said it would break a solemn agreement of the budget summit, and the amendment failed. Yet the numbers that are in this year's defense budget, the President's defense budget, are exactly the numbers that I offered last year on this budget resolution, except it is 1 year later, once again, behind the events that are breaking around the world.

Last September, I offered an amendment on the defense authorization bill that would have asked the Department of Defense to plan the impact of deeper cuts than were envisioned in last year's budget, and that, of course, was opposed as well. The Defense Department and the supporters of the defense budget number in the agreement of the budget summit did not even want to consider lower defense numbers. They would not even study deeper cuts.

Mr. President, I believe that people fear what is happening in our cities

more than they fear Russia, and I believe people are more concerned about the deficit than they are the defense capabilities of the Ukraine. We have to begin to face up to a changed reality. The cold war is over. We are no longer defending ourselves against a hostile Communist nation. Our leadership in the world would depend much more on the example we set, and the example is in the kind of society we build, in the kind of economy we have.

So it is quite appropriate to cut defense spending more, \$50 billion more, over 5 years; use half of that money to try to improve the quality of life for people in our cities, and elsewhere in America to clean up our environment, to give everyone a better chance. And it is quite appropriate to use the other half of that deeper defense cut to reduce our budget deficit which is our country's unquestioned biggest problem.

Mr. President, it is a very simple amendment. It reiterates a point, that we have made on this floor on a number of occasions. I hope that we are going to be able to do better than we did last year. I hope someday that the Senate will be ahead of the curve as opposed to constantly behind the curve.

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

Mr. WELLSTONE. Mr. President, first of all, I just wanted to add to what the Senator BRADLEY from New Jersey had to say. He mentioned cities. I wanted the Senator to know that in Minnesota—I think I can speak for Illinois, I see Senator SIMON here on the floor—these issues that the Senator has described that have so much to do with security in our own country, and the way in which people have started to think about our Nation, what they know we need to do to be a great and strong nation, are also rural.

I have to tell the Senator that when he goes out in his State—and I will use Minnesota as an example, because I am struggling to try to make a connection between what people tell me when I get home, and what they want me to do, and what we do.

What I hear is we do not have the resources to support our schools. Our kids are not making it. Senator, can we please make sure there is more for chapter I. Senator, even before our kids get to school, you know, what is it, a third, a fifth of Head Start kids that could be in Head Start are in Head Start or, Senator, we just do not know what we are going to do about health care, jobs and all the rest.

I want the Senator to know that all too often we think about these bread-and-butter issues as urban and they are every bit as much rural issues. I see the same thing.

I want to ask the Senator this question. I know he has given speeches on the floor, but that is not what really impresses me because anybody can give

a speech on the floor. I know that he has attempted to live the words he uttered on the floor. He has spent a lot of time in cities, cares fiercely about what is happening in urban America, and he wants to see us respond to the needs and circumstances of people's lives.

When my colleague meets with teachers or meets with young kids, whether they be African-American, Spanish, we have a large Indian population in Minnesota, or whites, they say to him, we do not have enough books, we do not have enough facilities to work with, and our neighborhoods are rotting away, there is not enough police protection, there is not enough adequate housing, there is too much crime, what does he say to them? When they say where are the resources, what is his response?

Mr. BRADLEY. Senator, I tell them—lamenting, I tell them about the commitments that I have tried to offer on the floor of the Senate. I lament the fact that the Senate seems to be behind the curve, behind what I believe most of the American people want, which is cutting the defense budget more and using some of that money for the deficit, using the other part to try to improve the quality of life of the citizens in this country.

I tell them not to lose hope, that there will come a time when we will be able to adjust the defense budget to a more realistic number, one that is more consistent with what the real threat is out there, one that is not still targeted upon the threat that no longer exists, that we will finally be able to get the Defense Department to spend money in a way that is aimed at a real threat, the target, and not at a threat that was much larger because it is the threat of yesteryear.

I tell them that they are more in tune with the future of America than some defense planners in Washington. I tell them that they understand, because of the quality of their lives, or the absence of that quality, whether children are raised in families that are stable and have enough to eat, have a chance to go to school, and have a stake in the system, is more important to the long-term health of our country than one additional MX missile or one additional B-2 bomber.

I tell them that unfortunately the Senate has not yet reached that point, but that every time this amendment is offered on the floor of the Senate we get a few more votes and we get a little closer to the time when we will be addressing the real problems of America.

I tell them that the future of America in the 21st century depends upon rejuvenation of America at home in the 1990's. And the fundamental part of that is reducing this budget deficit, and having some additional funds for programs that will improve their lives and give all Americans a better chance.

Mr. WELLSTONE. Let me ask my colleague this, if I could. I want to ask a more difficult question because I have proposed amendments like this as well on the floor. I know we are running out of time. I want to make this point because I am here on the floor right now. It is important for me to say this.

I have proposed similar kinds of amendments. I proposed an amendment with Senator WIRTH, a sense-of-the-Senate resolution, about the need to waive the budget agreement. This was just on education. We would commit some of that to Head Start, we would commit some of it to WIC, which I think is an important education program, and some to chapter 1. Then I think we also talked about the students who do not go on to college or vo-tech for transfer, some money that would enable them to make some transition to the job market.

Here is the question: When students say that to the Senator—because about every 2 weeks I am in a school in Minnesota—and then the Senator tells them what he just told me, what do they then say?

I mean, when the Senator says, listen, I think you are ahead of the curve, I think you are right, I think we are going to make a commitment to education to young people in our country, I think you are the future, I think we will do well economically when we have a trained, skilled, literate work force, I think we will be stronger as a Nation when we are stronger within, I think we can do so much more to bring people together and not have people so divided, I think the national security of our country is the security of local communities, I believe all of that.

But then when the students say to him, well, if you believe all of that, Senator BRADLEY, you keep proposing these amendments, why are they not agreed to, then what do you say?

Mr. BRADLEY. I then talk about the inertia of an institution that is slow to change. I talk about the caution, the excessive caution that characterizes many people's perception of our world. I talk about the lethargy that has descended upon institutions in other times and in other places, and how the failure of institutions to adjust to changing times in the long run endangers the institutions themselves.

Finally, I tell them that they can make a difference, and that they need to get out there and participate in the democratic process in order to show that things can change.

I then begin to talk about the number of people in America who are not registered to vote. I talk about the one-third of the American population who, if they wanted to vote on election day, would not be allowed to vote because they are not registered. I talk about the obstacles in the path of that registration and I tell them to come

out and make a difference—participate, register, and then change the priorities of the country.

Mr. WELLSTONE. Mr. President, I am going to add one other point and then I will be finished, although I would like to go on with this conversation. Believe me. I would.

I thank my colleague, Senator BRADLEY, for bringing this amendment back to the floor. There is going to be a point of order raised against it, and it is not going to pass. As I have told him, I will have another amendment that goes along the same lines. This is why I would like to thank him.

I want to say this especially with the Senator from Illinois on the floor here because he is someone that I have always looked up to. I look up to my friend, Senator BRADLEY, too, for two reasons, one having to do with respect and one having to do with height.

I met with some people the other day from around the country, small business people who are interested in renewable energy policy. They believe that part of the future for our country, in terms of concern about environment, is that we will produce and consume energy differently and that we will really get serious about conservation and renewal.

So I said to them—this was really an interesting lesson to me—How has it been going? They said fine. I said what was the high point and what was the low point?

They said the high point was when we talked to some people in the Senate and they did not have that much interest in energy policy when we started talking to them, but we thought they were really listening to us.

I said what was the low point? They said the low point was when we went in and we met with Senators and Representatives who agree with us, are our friends, they are our friends and they told us there is nothing they can do, nothing is going to happen here. They had the sort of sense of powerlessness that they actually projected to people who came here.

What I want to say to the Senator is, if he does not win this amendment, fine, he is absolutely right in what he is doing. And there is going to come a point in time, and the sooner the better, where the vast majority of the people in this country who really are, really are at this moment, saying, look, we want to keep the strong national defense.

I mean, my dad was from the Soviet Union. Nobody needs to tell me about the importance of what we did over the years because of Communists. But now it is post-cold war. It is not a cold war now. It is a new era. Can we not invest in our own communities? People want to see that happen. Those people you meet within your State—and I see students here, young people—if you do not keep proposing these amendments and

essentially say what you honestly and truthfully believe we need to do as a nation to be stronger, then we will not have that voice here.

We have to keep doing it and keep doing it, and my prediction is that the Senator's amendment will be adopted, and the sooner the better, even if not today. We will reorder our priorities, and when we do, we will be better for it as a nation.

Mr. BRADLEY. I thank the Senator from Minnesota for his questions and for his comments.

I yield 5 minutes to the distinguished Senator from Illinois.

Mr. SIMON. Mr. President, we have all talked informally among ourselves, if not on the floor, about the cynicism that is out there today in the public about Congress, about government. A certain amount of skepticism is healthy.

Cynicism is not healthy, and it has reached the point of cynicism. Why are people cynical about government? Well, bounced checks in the House may be part of it, but let me tell you, that is the icing on the cake. The real problem is that the American people sense—and sense accurately—that we are not responding to the world of today. We ought to be responding to a world that has changed dramatically in the last 2 years, and we are not doing it.

I am pleased to be a cosponsor of the Bradley amendment. But let me tell you, there is a major defect in the Bradley amendment, with all due respect to the chief sponsor; and the major defect is that the amendment does not go nearly far enough. Where are we today? Oh, we hear big speeches from the administration on how the President is going to cut \$50 billion in defense, and then you look at the numbers, the budget authority numbers 5 years out, and we are going to be spending more dollars than we are spending right now. That is called a \$50 billion cut in defense.

We are spending, this year, \$292 billion on defense. What was the defense expenditure in 1992 dollars at the height of the cold war? If you exclude Vietnam and Korea, pre-1980, at the height of the cold war when we faced a threat from the Soviet Union, we spent an average of \$235 billion. Now the Soviet Union has collapsed, and we are spending \$292 billion. Depending on whose figures you believe, we are spending somewhere between \$120 billion and \$160 billion this year to protect Western Europe from a Soviet Union attack. There is only one problem: There is not a Soviet Union.

We have to face reality. What is the long-term threat to this country? Is it a military threat? That is not the threat. Our long-term threat is that we are not facing our economic problems, the deficit. Our long-term threat is that we are not making our people pro-

ductive. Economists do not agree on very much, but they agree on this: You are either going to compete with the rest of the world with high skills or low wages. And we are following the low-wage route.

In fiscal year 1949, we spent 9 percent of our Federal budget on education. Do you know what we are spending this year? Three percent. Does that recognize the world that we are in today? If the Senator from New Jersey will forgive me when I say I think he is old enough to remember the GI bill along with me. If you take that old GI bill after World War II and you put an inflation factor on it, do you know what that is worth today? The other Senator from New Jersey certainly is old enough to remember along with me the GI bill. But if you put the inflation factor on, you know what that amounts to in the GI bill? It would be a grant of \$8,100 a year. What are you getting as a grant today if you go to college? At the most, if you are impoverished, if you happen to be the small minority that is qualified, you can get \$2,400.

We have to give people more. The senior Senator from New Jersey has been talking on this floor about the issue of race, and there is a new book out by Studs Terkel of interviews with people on this issue. It is a cutting issue in this Nation. But let me tell you, my friends, the great division in our country is not between black and white, not between Hispanic and Anglo, not even between rich and poor; the great division is between people who have hope and people who do not have hope.

We are not giving people hope. Two things can give people hope, and that is a job, where they feel like they are productive in doing something to contribute, or education. We have to give people hope. The Bradley amendment is a small step in the right direction. I know it is not going to be adopted, but at least I am going to join those who are going on record and saying: Let us live in the real world; let us look at tomorrow, not just today. Let us go beyond the immediate pressures that are around here to spend money for this defense, and interest in that defense, and let us do something for our country that really meets our long-term needs.

This is what this amendment does. I am pleased and proud to be a cosponsor and to vote with the minority on this.

I yield whatever time I may have left.

Mr. ADAMS. Mr. President, I am pleased to support the amendment offered by my friend Senator BRADLEY. The Senate's inability to invoke cloture on the firewall legislation last month and the failure of Senator EXON's amendment earlier today make me pessimistic about the chances for this amendment. But I am convinced of the correctness of this approach.

I outlined my concerns with this budget resolution and with our structural deficit yesterday. Today I would simply like to reiterate my concern for our citizens. That is the upshot of the Bradley amendment. Enabling us to help our children, our students, our elderly, and our workers, by investing in education, infrastructure, healthcare, and training. Fiscal year 1993 is the tightest year under the budget agreement caps. Unfortunately, given the prolonged recession and years of underinvestment by this and the previous administration, it is also a year in which our domestic programs are most in need of an infusion of funds.

I said it yesterday and I will say it again today. It is unconscionable to me that we are unable to agree on breaking the budget firewall 1 year early. Just 1 year early. To hear the debate on the floor yesterday, one would think that the firewall was the only thing preventing Congress from embarking on a frenzied deficit spending spree. A spree that would gut our defense budget. A spree that would imperil our national security.

I strongly disagree with that assessment. Breaking the firewall in no way affects the budget caps. And our national security depends on far more than massive weapons expenditures. Our security depends on the health of our economy and the well-being of our citizens.

Our economy needs it. Our cities need it. And our people need it. Mr. President, I urge the adoption of the Bradley amendment.

Mr. BRADLEY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. SYMMS. I yield the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

Mr. SYMMS. Mr. President, the adoption of the pending amendment would cause the budget resolution to exceed the domestic discretionary spending limit for fiscal year 1993. Pursuant to 601(b) of the Budget Act, I raise a point of order against the pending amendment.

Mr. BRADLEY. Mr. President, pursuant to section 904(c) of the Budget Act of 1974, I move to waive section 601 of that act for the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the Budget Act, there is 1 hour of debate, equally divided, on the motion to waive.

Who yields time?

Mr. BRADLEY. Mr. President, I am prepared to yield the remainder of my time.

Mr. SYMMS. Mr. President, I yield the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on the motion to waive section 601(b) of the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. WIRTH] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

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

The yeas and nays resulted—yeas 36, nays 62, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—36

Adams	Dixon	Mikulski
Akaka	Fowler	Moynihan
Baucus	Harkin	Packwood
Biden	Hatfield	Pell
Boren	Kennedy	Reid
Bradley	Kerrey	Riegle
Burdick	Kerry	Rockefeller
Byrd	Kohl	Sarbanes
Conrad	Lautenberg	Simon
Cranston	Leahy	Specter
Daschle	Levin	Wellstone
DeConcini	Metzenbaum	Wofford

NAYS—62

Bentsen	Garn	McConnell
Bingaman	Glenn	Mitchell
Bond	Gore	Murkowski
Breaux	Gorton	Nickles
Brown	Graham	Nunn
Bryan	Gramm	Pressler
Bumpers	Grassley	Pryor
Burns	Hatch	Robb
Chafee	Heflin	Roth
Coats	Helms	Rudman
Cochran	Hollings	Sanford
Cohen	Inouye	Sasser
Craig	Jeffords	Seymour
D'Amato	Johnston	Shelby
Danforth	Kassebaum	Simpson
Dodd	Kasten	Smith
Dole	Lieberman	Stevens
Domenici	Lott	Symms
Durenberger	Lugar	Thurmond
Exon	Mack	Warner
Ford	McCaIn	

NOT VOTING—2

Wallop
Wirth

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. SASSER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair will now rule on the point of order. The amendment of the Senator from New Jersey would cause the allocation of budget authority to domestic discretionary categories set forth in section 601(b) of the Budget Act to be exceeded in violation of that section. Therefore, the point of order is sustained, and the amendment falls.

Mr. SASSER. Madam President, I would like to yield to the Senator from North Carolina for a very brief unanimous-consent request.

The PRESIDING OFFICER. The Senator from North Carolina.

COMMENDING THE BLUE DEVILS OF DUKE UNIVERSITY

Mr. SANFORD. Madam President, I ask unanimous consent I be allowed to send forward a resolution with the request that it be held at the desk for immediate consideration and agreed to. The title of the resolution is to commend the Blue Devils of Duke University for winning the 1992 National Collegiate Athletic Association Men's Basketball Championship.

The PRESIDING OFFICER. Is there objection to the immediate consideration of this resolution?

Mr. NICKLES. Reserving the right to object, and I am straining to object, but is the Senator absolutely sure that his alma mater, the Duke Blue Devils—

Is he absolutely sure that they are the best team in the country?

Mr. SANFORD. I waited until Indiana and Kentucky were off the floor.

Certainly I would say it is marginally better than the Oklahoma team.

Mr. NICKLES. I have serious reservations about the Senator's resolution, but I shall not object.

Mr. FOWLER. Will the Senator yield? I will be glad to break the tie and make it two to one for the Blue Devils. An impartial State can attest to the fact that they won it fair and square. They are the best.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 284) to commend the Blue Devils of Duke University for winning the 1992 National Collegiate Athletic Association Men's Basketball Championship.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, it is, as they say in North Carolina, a pure delight to cosponsor this resolution commending Duke University on its winning, for the second year in a row, the NCAA men's basketball championship.

Coach K—as he is known to North Carolinians—his great team, Christian Laettner, Bobby Hurley, Grant Hill, Antonio Lang, Thomas Hill, Brian Davis, and others, and the coaching staff all have demonstrated that they are indeed champions.

The Blue Devils occasionally bring their fans perilously close to cardiac arrest, but they hang in there. Not only are they great athletes—their academic achievements set an example for students across the Nation.

The Duke Blue Devils began the season at the top of the polls. They were

the first team in more than 15 years to remain No. 1 throughout an entire season.

Duke won the Atlantic Coast Conference title in regular season games, then won the ACC championship title in the playoffs, and then won the NCAA tournament championship for the second straight year.

It is interesting that no team from outside of North Carolina defeated Duke. The Blue Devils' two losses came at the hands of Wake Forest University—my alma mater—and UNC Chapel Hill—which is Dot Helms' alma mater. But both Dot and I were cheering the Blue Devils on to victory.

We congratulate the Blue Devils for being the first team to win two consecutive NCAA championship titles since UCLA's great record that ended in 1973. I am proud that the State of North Carolina is home to Duke University.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 284

Whereas the Duke University Blue Devils' men's basketball team has had another outstanding season;

Whereas the Duke Blue Devils maintained the Nation's Number One ranking from the beginning of the season to the end;

Whereas the Duke Blue Devils, in compiling a 34-2 record, won the 1992 Atlantic Coast Conference Regular Season Championship;

Whereas the Duke Blue Devils also won the 1992 Atlantic Coast Conference Tournament Championship;

Whereas the Duke Blue Devils reached the NCAA final four for the fifth consecutive year;

Whereas Duke Coach Mike Krzyzewski now holds the highest NCAA tournament winning percentage among all coaches with 15 or more wins in the tournament with a 33-7 record;

Whereas Duke Coach Mike Krzyzewski received the 1992 Naismith Award as men's college basketball coach of the year;

Whereas the Duke University Blue Devils won the 1992 NCAA men's basketball championship; and

Whereas the Duke Blue Devils are the first team in 19 years to win consecutive NCAA men's basketball championships: Now, therefore, be it

Resolved, That the Senate commends the Blue Devils of Duke University for winning the 1992 National Collegiate Athletic Association Men's Basketball Championship.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Will the Senator yield a minute to me off the bill?

Mr. SASSER. Madam President, I am pleased to do that.

The PRESIDING OFFICER. Will the Senator withhold? It is difficult to hear the Senator.

Mr. SASSER. Madam President, I am pleased to yield my friend from Arkansas 1 minute. The amendment of the Senator from Oklahoma is ready, and he is next to go, under a previous agreement.

I yield 1 minute to my friend from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMBERS. Madam President, I thank the Senator from Tennessee for yielding. I simply want to say that on the last vote, I would have happily voted for half of that amendment. The other half caused me serious reservations.

I thought it was perfectly appropriate to say we ought to cut defense below the committee-reported level for defense spending. I objected to the part that said 50 percent of the savings would go for deficit reduction and 50 percent would go for nondefense domestic discretionary spending.

It is not that I would not vote for additional domestic discretionary spending, but I would want to evaluate that on a case-by-case basis. For the time being, what, in my opinion, this body should have done is simply adopt the spending cuts of the Bradley amendment. We have the next 5 years to decide what, if anything, to do with the savings other than deficit reduction. I can just simply say, Madam President, my obsession with the deficit is total and we ought to be dealing with that first. We can deal with the rest of it later on. It would be very comforting to the people of this country to know we had cut \$50 billion over the next 5 years and had not immediately decided to turn right around and spend half of it.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, before yielding to the Senator from Oklahoma to take up his amendment, I am hopeful to get a unanimous-consent agreement here very shortly with our colleague from New Mexico, stating the order of precedence in which various outstanding amendments can be taken up. I think that would streamline our operation and expedite bringing this matter to a conclusion.

I see my friend from New Mexico on the floor now. And I think that he may have a copy of the various amendments that are presently outstanding: So I will now propound the unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that the following Senators be recognized in order to offer first-degree amendments in the following order: An amendment by Senator NICKLES; an amendment by Senator HARKIN; an amendment by Senator ROTH; an amendment by Senator FOWLER; an amendment by Senator

D'AMATO; an amendment by Senator WELLSTONE; an amendment by Senator SEYMOUR; an amendment by Senator DECONCINI; an amendment by Senator DOMENICI; an amendment by Senator REID.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. And also an amendment by Senator GLENN.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Madam President, I have to have more information as to how long they will take before I can agree. So if we do not get some time, we will just have to flip a coin as they come up. I am not going to agree that the last three amendments have 5 minutes each. Maybe that will be the fate of the amendments.

Mr. SASSER. Let me say to my friend from New Mexico, it may very well be. We are not in a posture at this time to—

Mr. DOMENICI. I would have no objection to Senator NICKLES and Senator HARKIN. They are the next ones. Senator NICKLES was next in any event and Senator HARKIN was on everybody's list as the next one; is that correct?

Mr. SASSER. He is on my list as the next one.

Mr. DOMENICI. I will agree to those two at this point and then we can talk a little more.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Will the Senator state what has been agreed to by the Senator from New Mexico?

Mr. SASSER. Let me amend my unanimous-consent request, Madam President, in this fashion. I ask unanimous consent that the following Senators be recognized to offer first-degree amendments in the following order: Senator NICKLES and Senator HARKIN.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, but I will not object, does that exclude second-degree amendments?

Mr. SASSER. It does not exclude second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object. Will those second degrees have to be relevant and germane?

Mr. DOMENICI. I did not hear the Senator.

The PRESIDING OFFICER. Will the Senator from Minnesota state his question again?

Mr. WELLSTONE. Madam President, I wanted to know, first of all, whether second-degree amendments will be in order. The Senator from Kentucky asked that question. If so, I want to know whether they have to be relevant and germane.

The PRESIDING OFFICER. The Chair wishes to advise that the Budget

Act requires these amendments to be germane.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. Is there further objection? Then the Senator's unanimous-consent request is agreed to. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to thank the Senators from Tennessee and New Mexico for their courtesy.

AMENDMENT NO. 1766

(Purpose: To express the sense of the Senate that the Senate should adopt on or before June 5, 1992, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget)

Mr. NICKLES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. DOLE, Mr. BOND, Mr. KASTEN, Mr. SIMON, Mr. SYMMS, Mr. BURNS, Mr. SHELBY, Mr. MURKOWSKI, Mr. DECONCINI, Mr. LOTT, Mr. BOREN, Mr. PRESSLER, Mr. HEFLIN, Mr. GARN, Mr. HELMS, Mr. MCCAIN, Mr. BROWN, and Mr. CRAIG, proposes an amendment numbered 1766.

Mr. NICKLES. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(1) It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget, and that the adoption of such joint resolution should occur on or before June 5, 1992.

Mr. NICKLES. Madam President, on behalf of myself and Senator BOND, also Senator KASTEN, Senator SIMON, Senator SYMMS, Senator BURNS, Senator SHELBY, Senator MURKOWSKI, Senator DECONCINI, Senator LOTT, Senator BOREN, Senator PRESSLER, Senator HEFLIN, Senator GARN, Senator HELMS, Senator MCCAIN, Senator BROWN, and Senator CRAIG, I have sent an amendment to the desk which is very simple, but it is very important.

This amendment reads as follows:

It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget, and that the adoption of such joint resolution should occur on or before June 6, 1992.

Madam President, I offer this amendment because I think we can no longer afford the continuing hemorrhage of enormous deficit spending. I do not know that people really care who is at fault, but I know they do not like the results. They do not like the fact that we are looking at enormous Federal deficits, deficits that are climbing and

escalating totally and completely out of control.

It is interesting to note that several of our colleagues who have announced their retirements have announced their frustrations and almost always in their statements they have announced their frustration over the inability to be able to control these enormous Federal debts.

Madam President, I look at the balanced budget amendment which many of us have proposed and I look back to when the Senate passed on August 4, 1982, a joint resolution calling for a constitutional amendment to balance the budget. We passed it with 69 votes. As all my colleagues know, it takes two-thirds in both Houses. Unfortunately, later that year, on October 1, 1982, it failed in the House. They had a majority vote. They had 236 votes in the House in 1982, but it required 290 votes.

On March 25, 1986, we had another attempt to pass a constitutional amendment in the Senate, and we failed by one vote. That vote on the amendment was 66 to 34. We needed 67 votes.

On July 17, 1990, an effort was made in the House to pass a constitutional amendment to balance the budget. It failed as well but it came very close. It had 279 votes; 279 to 150. It only needed 290. I would venture to say to my colleagues and to the American people that if we have this vote today, I hope that we will get the two-thirds vote. I hope that we will be saying, yes, we want to vote, we want to pass, we want to adopt a constitutional amendment to make us balance the budget. And my guess is if we can get two-thirds vote in the Senate, our colleagues in the House can get two-thirds of a vote in the House.

Right now we have a balanced budget amendment that is proposed by Senator SIMON and others which is sitting on the calendar. As a matter of fact, his joint resolution was reported on July 9, 1991, but it is yet to be considered by the full Senate. I think we need to vote on it, and other people may have other ideas. There are a lot of different ideas proposed for a constitutional amendment, different language. I am amenable to any. I think we need to have it on the floor of the Senate, and if colleagues want to try and improve it, that is the legislative process. I think that is important.

I look back at the votes that we had in 1982 when we passed it in the Senate. We had a gross public debt of a little over \$1 trillion. When we voted in 1986, we had a public debt of a little over \$2 trillion, and it saddens me to say that today we are looking at by the end of 1992 that we will have a total Federal debt right at \$4 trillion.

Madam President, if you just look at this chart, it is quite obvious that the Federal debt is ballooning, it is increasing, it is increasing out of control.

And, again, we hear a lot of people say, that is the President's fault or it is Congress' fault.

You might see the rate of growth back in the seventies, the rate of growth in the early eighties and now we see the rate of growth in the last several years and it has been ballooning. We talk about trillions of dollars and figures so large most people cannot comprehend them, but I will tell you, Madam President, when we are talking about gross Federal debt, we are looking at a per capita basis in excess of \$16,000 for every man, woman, and child in the United States today; \$16,000. That compares back to 1980 of a level of a little less than \$4,000. It has quadrupled in those last 12 years. So we need to get our Federal debt under control.

I see my colleague from Kentucky may be grinning. He thinks it is funny. I do not think it is funny.

Mr. FORD. Madam President, my name was used. He said it was not funny. I would like for him to understand why I am smiling.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. NICKLES. I have the floor, Madam President. I will be happy to answer a question if the Senator has a question.

Mr. FORD. Who has been in charge of the Federal budget for the last 11 years?

Mr. NICKLES. I will be happy to answer that question.

Mr. FORD. I am sitting here with a smile on my face and you do not know what I am thinking, so you do not need to use my name because I am smiling. I may be happy about something.

Mr. NICKLES. I hope the Senator from Kentucky is happy. I appreciate his concern. I did not mean to—

Mr. FORD. Madam President, may I ask the Senator a question?

Mr. NICKLES. I will be happy to answer a question.

Mr. FORD. Does the Senator set out how he wants the balanced budget to be carried out once it is passed by the legislatures in various States, or does he just have a balanced budget amendment with no instructions?

Mr. NICKLES. I will go into that in just a moment because we have several different options, Madam President, all of which are preferable to the situation in which we find ourselves today.

My point is that we have a budget ballooning out of control and we need to get it under control.

I will say there is a lot of frustration on both sides. I have been very frustrated in serving in this body at our inability to get control over Federal budgets. I serve now on the Budget Committee, and I am totally dissatisfied with the budget resolution we have before us today. I was totally dissatisfied with the budget summit that came out of Andrews Air Force Base. I think

it left a lot to be desired, and I will get into that in just a moment.

Madam President, if we look at the record, some people say we need to raise taxes and other people say we need to cut spending. I think it is quite obvious, if you look over the last 20 years, outlays are racing upward. They are racing and compounding at unbelievable rates of growth. Receipts have continued to rise but they have not been able to keep up with the outlays.

And so you see the deficit widening, out of control.

We need to get it under control. Most people would say this is what we are doing with the Federal budget. That is the purpose of the Budget Committee, that is the purpose of these Senate budget resolutions. Frankly, we have not been successful. The budget we have before us today, we called for a freeze on domestic discretionary spending, we called for cuts in defense spending, but we had no reductions, to speak of, on mandatory spending, no real reductions on entitlements.

If my colleagues will look at this chart, it shows that interest has risen and risen rather significantly. It shows domestic outlays have risen and now are somewhat flat although we have increased a little bit in the last year or so. It shows defense spending having some significant increases during the early 1980's and now flattening out and actually decreasing in the nineties, and it shows a rapid increase in mandatory spending or entitlement spending. Frankly, we have not controlled those. We have not touched them. We have not even looked at them as far as this Senator is concerned and that is over half of our Federal budget.

I understand that the Senator from New Mexico and maybe the Senator from Tennessee are going to talk about in a minute some type of a cap or some proposal to limit the growth of entitlements. I am excited about that concept. I think we need to pursue it. I hope that we would. I hope that we would in a bipartisan fashion try to manage every dollar in the budget and not say we are not going to touch this half of the budget. That is over \$700 billion in 1992. It is half of the budget that, frankly, we just excluded, ignored, and it has been compounding at unbelievable rates of growth in spending.

Mr. SASSER. Will the Senator yield for a question on his chart?

Mr. NICKLES. Yes.

Mr. SASSER. I note in the Senator's chart that we see increases beginning really in the middle of the 1970's and continuing up into 1992 for defense spending. We see the domestic outlays relatively flat but now starting to course up somewhat. The interest outlays are starting to go up in an alarming fashion.

With regard to the mandatory outlays, I wonder if my friend from Okla-

homa—and he is correct. I think we do need to look at some means of trying to control those mandatory outlays over a period of time. But I wonder if my friend from Oklahoma is aware of the fact that the so-called mandatory programs produced 40 percent of the revenues that flow into the Federal Treasury while they account for 50 percent of the outlays that the Treasury outlays. Conversely, the defense budget produces no revenues, and to my knowledge domestic discretionary spending produces no revenues either, nor does, obviously, interest outlays.

So when we look at that mandatory outlay line, sometimes it is deceiving because that includes, of course, Social Security, as my friend knows. And this year that will produce almost a \$70 billion surplus.

Mr. NICKLES. I appreciate my colleague's comment.

To go into the enormous or rapid rate of growth of programs, I want to include several charts for the information of my colleagues. I have charts that are done by the Congressional Budget Office and also the Office of Management and Budget, and sometimes these figures are a little different. But we have had an explosion in cost of these mandatory outlays. I will just touch on a few of them. The earned income tax credit this year is going to increase 46.9 percent. These are CBO figures. Medicaid this year will increase 30.3 percent. Last year it increased 27.7 percent. I might mention, too, a lot of States are figuring our schemes, including my State, I might add, to my friend from Kentucky—and I do not know if all the States are doing it, but a lot of States are figuring out schemes. Medicaid has always been in the past kind of a State/Federal share program, but more and more States are figuring out ways they can dump more and more and more of it on the Federal Government. We have a proposal in my State that says, wait a minute, for every \$10 million that we raise, we are going to get another \$30 or \$40 million back from Uncle Sam. It is a great deal for our State. State after State is doing it, as if, if it comes from Uncle Sam, if it comes from the Federal Government, it does not cost anything. Madam President, that does not make sense.

Mr. FORD. Madam President, will the Senator yield for a minute.

Mr. NICKLES. The Federal Government cannot give anybody a dime, a thin dime that it first does not take from somebody else. And this idea that, well, if it is from the Federal Government it is free is wrong. As a matter of fact, that is responsible for this enormous hemorrhage of Federal spending and enormous hemorrhage of Federal debt that is not done in any one State.

I want to touch on a few of the other rapid growing entitlement programs.

Unemployment compensation, in 1991, grew at 43 percent; in 1992, it grew at 55 percent. Food stamps, in 1991, grew at 24.7 percent; in 1992, they are estimated to grow at an additional 18.7 percent. And I could go on and on. Medicare last year did not grow very much, 6.3 percent. This year it is projected to grow at 12.3 percent. Family support, AFDC, last year grew at 10.7 percent, 1992 it is estimated to grow 11.9 percent. And I could go on and on and on. The point is, Madam President, we have had an explosion, an explosion in mandatory spending.

OMB figures state that in 1992, total mandatory spending will increase by 23.9 percent. Domestic spending will increase by 10.6 percent. International and foreign aid will increase by 2 percent, and defense will decline by 2.1 percent.

So when we are talking about the Federal budget, I think when we look at our real problems we see that we have not been successful in capping or controlling or containing the growth of these mandatory or entitlement programs. I think we need to change that. I think probably the way we are really going to have to change it, to answer my friend and colleague from Kentucky, is to have us under the constraint of a constitutional amendment that makes us balance the budget, where we do not have an option.

My State of Oklahoma has a constitutional amendment to make them balance the budget, and they have to make tough decisions every year. We have not had to do that at the Federal level. We can continue to pile on debt and pile on debt and, yes, you are more popular giving to people than taking it a way and so we spend more than we tax. I think the inequity does not mean we are undertaxed. I think the problem is we have overspent. But we need to wrestle those problems out in this body and in the House as well. We need to get the White House involved and we need to get these figures together. We need to get the outlays down. We need to constrain the growth of Federal Government. For every dollar that we spend, we are either taking it away from individuals in the form of taxation today or we are borrowing from them, which takes away some of their future and obligates future generations as well.

Madam President, I will conclude by two comments from Thomas Jefferson. Thomas Jefferson said:

I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of administration of our government to the genuine principles of its Constitution—I mean an additional article taking from the Federal Government the power of borrowing.

And one final quotation from Thomas Jefferson, one of my favorites.

The question whether one generation has the right to bind another by the deficit it

imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle prosperity with our debts and morally bound to pay them ourselves.

Madam President, I think Thomas Jefferson said it very well. I hope that my colleagues will join in this resolution. I hope they will vote for it which basically will be permitting us to adopt, not just vote for, a constitutional amendment to make us balance the budget no later than June 7, 1992.

Madam President, I ask unanimous consent that Senator BRYAN be added as a cosponsor.

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

Mr. NICKLES. Madam President, I have several charts that I wish to be included at this point in the RECORD, including one that has gross Federal debt, and also per capita Federal debt, as well as other charts showing the growth of entitlement programs.

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

Mr. NICKLES. I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

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

FEDERAL SPENDING CATEGORIES

[In billions of nominal dollars]

Year	Outlays	Growth	Growth (percent)
Mandatory (except Social Security):			
1980	174.4		
1981	202.7	28.3	16.2
1982	218.8	16.1	7.5
1983	243.1	24.3	11.1
1984	230.2	(12.9)	-5.3
1985	263.6	33.4	14.5
1986	263.2	(.4)	-.2
1987	265.1	1.9	.7
1988	277.4	12.3	4.6
1989	296.8	19.4	7.0
1990	320.0	23.2	7.8
1991	369.2	49.2	15.4
1992	425.4	56.2	15.2
International:			
1980	12.8		
1981	13.6	.8	6.2
1982	12.9	(.7)	-5.1
1983	13.6	.7	5.4
1984	16.3	2.7	19.9
1985	17.4	1.1	6.7
1986	17.7	.3	1.7
1987	15.2	(2.5)	-14.1
1988	15.7	.5	3.3
1989	16.6	.9	5.7
1990	19.1	2.5	15.1
1991	19.5	.4	2.1
1992	20.0	.5	2.6
Social Security:			
1980	117.1		
1981	137.9	20.8	17.8
1982	153.9	16.0	11.6
1983	168.5	14.6	9.5
1984	176.1	7.6	4.5
1985	186.4	10.3	5.8
1986	196.5	10.1	5.4
1987	205.1	8.6	4.4
1988	216.8	11.7	5.7
1989	230.4	13.6	6.3
1990	246.5	16.1	7.0
1991	266.7	20.2	8.2
1992	284.5	17.8	6.7
Domestic:			
1980	129.1		
1981	136.5	7.4	5.7
1982	127.4	(9.1)	-6.7
1983	130.0	2.6	2.0
1984	135.3	5.3	4.1
1985	145.7	10.4	7.7
1986	147.5	1.8	1.2
1987	147.2	(.3)	-.2
1988	158.4	11.2	7.6

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars]

Year	Outlays	Growth	Growth (percent)
1989	169.0	10.6	6.7
1990	182.5	13.5	8.0
1991	195.7	13.2	7.2
1992	215.0	19.3	9.9
Defense:			
1980	134.6		
1981	158.0	23.4	17.4
1982	185.9	27.9	17.7
1983	209.9	24.0	12.9
1984	228.0	18.1	8.6
1985	253.1	25.1	11.0
1986	273.8	20.7	8.2
1987	282.5	8.7	3.2
1988	290.9	8.4	3.0
1989	304.0	13.1	4.5
1990	300.1	(3.9)	-1.3
1991	317.0	16.9	5.6
1992	313.0	(4.0)	-1.3
Net interest:			
1980	52.5		
1981	68.8	16.3	31.0
1982	85.0	16.2	23.5
1983	89.8	4.8	5.6
1984	111.1	21.3	23.7
1985	129.5	18.4	16.6
1986	136.0	6.5	5.0
1987	138.7	2.7	2.0
1988	151.8	13.1	9.4
1989	162.2	17.4	11.5
1990	183.8	14.6	8.6
1991	196.3	12.5	6.8
1992	201.0	4.7	2.4
Earned income tax credit:			
1980	1.3		
1981	1.3	0	0
1982	1.2	(.1)	-7.7
1983	1.2	0	0
1984	1.2	0	0
1985	1.1	(.1)	-8.3
1986	1.4	.3	27.3
1987	1.4	0	0
1988	2.7	1.3	92.9
1989	4.0	1.3	48.1
1990	4.4	.4	10.0
1991	4.9	.5	11.4
1992	7.2	2.3	46.9
Unemployment compensation:			
1980	16.9		
1981	18.3	1.4	8.3
1982	22.3	4.0	21.9
1983	29.7	7.4	33.2
1984	17.0	(12.7)	-42.8
1985	15.8	(1.2)	-7.1
1986	16.1	.3	1.9
1987	15.5	(.6)	-3.7
1988	13.6	(1.9)	-12.3
1989	13.9	.3	2.2
1990	17.5	3.6	25.9

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars]

Year	Outlays	Growth	Growth (percent)
1991	25.1	7.6	43.4
1992	38.9	13.8	55.0
Medicare:			
1980	34.0		
1981	41.3	7.3	21.5
1982	49.2	7.9	19.1
1983	55.5	6.3	12.8
1984	61.0	5.5	9.9
1985	69.7	8.7	14.3
1986	74.2	4.5	6.5
1987	79.9	5.7	7.7
1988	85.7	5.8	7.3
1989	94.3	8.6	10.0
1990	107.4	13.1	13.9
1991	114.2	6.8	6.3
1992	128.3	14.1	12.3
Medicaid:			
1980	14.0		
1981	16.8	2.8	20.0
1982	17.4	.6	3.2
1983	19.0	1.6	9.2
1984	20.1	1.1	5.8
1985	22.7	2.6	12.9
1986	25.0	2.3	10.1
1987	27.4	2.4	9.6
1988	30.5	3.1	11.3
1989	34.6	4.1	13.4
1990	41.1	6.5	18.8
1991	52.5	11.4	27.7
1992	68.4	15.9	30.3
Food stamps:			
1980	9.1		
1981	11.3	2.2	24.2
1982	11.0	(.3)	-2.7
1983	11.8	.8	7.3
1984	11.6	(.2)	-1.7
1985	11.7	.1	.9
1986	11.6	(.1)	-.9
1987	11.6	0	0
1988	12.3	.7	6.0
1989	12.8	.5	4.1
1990	15.0	2.2	17.2
1991	18.7	3.7	24.7
1992	22.2	3.5	18.7
Family support (AFDC):			
1980	7.3		
1981	8.2	.9	12.3
1982	8.0	(.2)	-2.4
1983	8.4	.4	5.0
1984	8.9	.5	6.0
1985	9.2	.3	3.4
1986	9.9	.7	7.6
1987	10.5	.6	6.1
1988	10.8	.3	2.9
1989	11.2	.4	3.7
1990	12.2	1.0	8.9
1991	13.5	1.3	10.7
1992	15.1	1.6	11.9

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars]

Year	Outlays	Growth	Growth (percent)
Farm price supports:			
1980	2.8		
1981	4.0	1.2	42.9
1982	11.7	7.7	192.5
1983	18.9	7.2	61.5
1984	7.3	(11.6)	-61.4
1985	17.7	8.1	142.5
1986	25.8	8.4	45.8
1987	22.4	(3.4)	-13.2
1988	12.2	(10.2)	-45.5
1989	10.6	(1.6)	-13.1
1990	6.5	(4.1)	-38.7
1991	10.1	3.6	55.4
1992	11.4	1.3	12.9
Federal retirement and disability:			
1980	26.6		
1981	31.2	4.6	17.3
1982	34.3	3.1	9.9
1983	36.5	2.2	6.4
1984	38.0	1.5	4.1
1985	38.5	.5	1.3
1986	41.3	2.8	7.3
1987	43.7	2.4	5.8
1988	46.8	3.1	7.1
1989	49.1	2.3	4.9
1990	51.9	2.8	5.7
1991	56.0	4.1	7.9
1992	58.7	2.7	4.8
Veterans benefits and services:			
1980	14.0		
1981	15.4	1.4	10.0
1982	15.8	.4	2.6
1983	15.9	.1	.6
1984	16.0	(.1)	-.6
1985	15.9	(.1)	-.6
1986	15.7	(.2)	-1.3
1987	15.7	0	0
1988	17.6	1.9	12.1
1989	17.7	.1	.6
1990	15.9	(1.8)	-10.2
1991	17.3	1.4	8.8
1992	19.5	2.2	12.7
Other mandatory:			
1980	75.0		
1981	86.1	11.1	14.8
1982	82.2	(3.9)	-4.5
1983	82.7	.5	.6
1984	87.1	4.4	5.3
1985	99.8	12.7	14.6
1986	83.5	(16.3)	-16.3
1987	80.7	(2.8)	-3.4
1988	92.0	11.3	14.0
1989	97.7	5.7	6.2
1990	100.0	2.3	2.4
1991	112.9	12.9	12.9
1992	114.4	1.5	1.3

Source: Congressional Budget Office, April 2, 1992.

HISTORICAL AND PROJECTED BUDGET DATA

(In billions of nominal dollars)

Budget actuals	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Revenues	193	187	207	231	263	279	298	356	400	463	517	599	618	601	667	734	769	854	909	991	1,031	1,054	1,088	1,173
Defense	82	79	79	77	81	88	90	98	105	117	135	158	186	210	228	253	274	283	291	304	300	317	313	297
International	4	4	5	5	6	8	8	8	9	9	13	14	13	14	16	17	18	15	16	17	19	20	20	21
Domestic	39	44	49	53	56	67	78	92	106	114	129	137	127	130	135	146	148	147	158	169	183	196	215	225
Total	125	127	133	135	143	163	176	197	219	240	277	308	326	354	380	416	439	445	465	490	502	532	548	543
Social Security	30	35	39	48	55	64	73	84	92	103	117	138	154	169	176	186	197	205	217	230	247	267	285	301
Medicaid	3	3	5	5	6	7	9	10	11	12	14	17	17	19	20	23	25	27	31	35	41	53	68	80
Medicare	7	8	8	9	11	14	17	19	22	26	31	38	45	51	56	64	68	73	77	83	96	102	128	143
Unemployment	3	6	7	5	6	13	19	14	11	10	17	18	22	30	17	16	16	16	14	14	17	25	39	26
Other	27	31	38	46	50	67	73	80	93	98	113	130	134	143	137	161	154	149	156	166	166	190	190	202
Total	69	83	97	112	127	164	190	207	228	248	292	341	373	412	406	450	460	470	494	527	567	636	710	751
Offsetting receipts	(12)	(14)	(14)	(18)	(21)	(18)	(20)	(22)	(23)	(26)	(29)	(38)	(36)	(45)	(44)	(47)	(46)	(53)	(57)	(64)	(58)	(108)	(69)	(67)
Deposit insurance	(1)	(0)	(1)	(1)	(1)	1	(1)	(3)	(1)	(2)	(0)	(1)	(2)	(1)	(1)	(2)	2	3	10	22	58	66	65	69
Net interest	14	15	16	17	21	23	27	30	36	43	53	69	85	90	111	130	136	139	152	169	184	196	201	214
Total	196	210	231	246	269	332	372	409	459	504	591	678	746	808	852	946	990	1,004	1,064	1,144	1,252	1,323	1,455	1,510
Outlays	196	210	231	246	269	332	372	409	459	504	591	678	746	808	852	946	990	1,004	1,064	1,144	1,252	1,323	1,455	1,510
Deficit	(3)	(23)	(23)	(15)	(6)	(53)	(74)	(54)	(59)	(40)	(74)	(79)	(128)	(208)	(185)	(212)	(221)	(150)	(155)	(154)	(221)	(269)	(368)	(336)

Source: Congressional Budget Office, Apr. 7, 1992.

HISTORICAL AND PROJECTED BUDGET DATA

[Annual change in percent]

	70-71	71-72	72-73	73-74	74-75	75-76	76-77	77-78	78-79	79-80	80-81	81-82
Revenues	-3.0	10.8	11.3	14.0	6.0	6.8	19.3	12.4	15.9	11.6	15.9	3.1
Defense	-3.5	0.4	-2.8	4.7	8.6	2.6	8.5	7.3	11.7	15.2	17.4	17.7
International	-5.0	21.1	4.3	29.2	32.3	-8.5	6.7	6.3	7.1	40.7	6.2	-5.1
Domestic	14.5	11.1	7.7	4.9	20.0	17.2	17.0	15.3	8.2	13.1	5.7	-6.7
Total	2.0	4.7	1.4	5.6	14.0	8.0	12.3	11.0	9.7	15.2	11.4	5.9
Social Security	18.6	12.3	22.3	14.1	15.6	14.3	15.1	10.4	11.0	14.1	17.8	11.6
Medicaid	25.9	35.3	0.0	26.1	17.2	26.5	15.1	8.1	15.9	12.9	20.0	3.6
Medicare	10.3	12.0	7.1	18.9	31.8	19.9	10.1	17.2	17.0	21.6	22.3	19.5
Unemployment	87.1	15.5	-26.9	14.3	128.6	45.3	-23.1	-23.8	-10.1	72.4	8.3	21.9
Other	16.6	22.0	20.7	9.9	34.2	8.6	9.9	15.6	5.7	14.9	15.3	3.2
Total	20.4	17.0	15.9	13.3	29.3	15.4	8.9	10.6	8.7	17.4	16.8	9.4
Net Interest	2.8	4.7	11.6	23.7	8.4	15.1	12.0	18.7	20.0	23.2	31.0	23.5
Outlays	7.5	9.8	6.5	9.6	23.3	11.9	10.1	12.1	9.8	17.4	14.8	10.0
Deficit	721.4	1.7	-36.3	-59.1	772.1	38.5	-27.1	10.2	-32.1	83.6	7.0	62.0

	82-83	83-84	84-85	85-86	86-87	87-88	88-89	89-90	90-91	91-92	92-93	93-94
Revenues	-2.8	11.0	10.1	4.8	11.1	6.4	9.0	4.1	2.2	3.2	7.8	7.6
Defense	12.9	8.6	11.0	8.2	3.2	3.0	4.5	-1.3	5.6	-1.3	-5.1	NA
International	5.4	19.9	6.7	1.7	-14.1	3.3	5.7	15.1	2.1	2.6	5.0	NA
Domestic	2.0	4.1	7.7	1.2	-0.2	7.6	6.7	8.0	7.2	9.9	4.7	NA
Total	8.4	7.4	9.6	5.5	1.3	4.5	5.3	2.5	6.1	3.0	-0.9	-1.1
Social Security	9.5	4.5	5.8	5.4	4.4	5.7	6.3	7.0	8.2	6.7	5.7	5.7
Medicaid	9.2	5.8	12.9	10.1	9.6	11.3	13.4	18.8	27.7	30.0	16.4	11.8
Medicare	13.0	9.4	14.5	6.7	7.3	4.8	7.5	15.8	6.5	25.8	11.2	11.4
Unemployment	32.7	-42.5	-7.1	1.9	-3.7	-12.3	2.2	23.0	46.8	55.0	-32.4	-3.8
Other	7.1	-4.3	17.4	-4.5	-3.2	5.1	5.9	0.2	14.2	0.2	6.3	2.1
Total	10.4	-1.3	10.8	2.2	2.3	5.1	6.7	7.5	12.3	11.7	5.8	6.1
Net Interest	5.6	23.7	16.6	5.0	2.0	9.4	11.5	8.6	6.8	2.4	6.5	8.4
Outlays	8.4	5.4	11.1	4.6	1.4	6.0	7.5	9.4	5.7	10.0	3.8	1.3
Deficit	62.3	-10.8	14.5	4.2	-32.3	3.6	-1.1	43.6	21.9	37.0	-8.7	-20.5

Source: Congressional Budget Office, Apr. 7, 1992.

	Gross Federal debt (millions)	Per capita		Gross Federal debt (millions)	Per capita		Gross Federal debt (millions)	Per capita
1940	50,696	\$384	1959	287,465	1,617	1978	776,602	3,489
1941	57,531	431	1960	290,525	1,608	1979	828,923	3,683
1942	79,200	587	1961	292,648	1,593	1980	908,503	3,989
1943	142,648	1,043	1962	302,928	1,624	1981	994,298	4,320
1944	204,079	1,469	1963	310,324	1,640	1982	1,136,798	4,889
1945	260,123	1,859	1964	316,059	1,647	1983	1,371,164	5,840
1946	270,991	1,917	1965	322,318	1,659	1984	1,564,110	6,600
1947	257,149	1,784	1966	328,498	1,671	1985	1,816,974	7,594
1948	252,031	1,719	1967	340,445	1,713	1986	2,120,082	8,774
1949	252,610	1,693	1968	368,685	1,837	1987	2,345,578	9,615
1950	256,853	1,687	1969	365,769	1,805	1988	2,600,760	10,559
1951	255,288	1,648	1970	380,921	1,858	1989	2,867,537	11,527
1952	259,097	1,645	1971	408,176	1,966	1990	3,206,347	12,754
1953	265,963	1,660	1972	435,936	2,077	1991	3,598,993	14,253
1954	270,812	1,661	1973	466,291	2,200	1992	4,077,520	16,020
1955	274,366	1,653	1974	483,893	2,263	1993	4,542,976	17,714
1956	272,693	1,614	1975	541,925	2,509			
1957	272,252	1,583	1976	628,970	2,885			
1958	279,666	1,599	1977	706,398	3,207			

MONTHLY TREASURY STATEMENT ANALYSIS

	Receipts	Cumulative	Outlays	Cumulative	Deficit/(surplus)	Cumulative
Fiscal year 1991:						
October	76,986	76,986	108,350	108,350	31,364	31,364
November	70,507	147,493	118,230	226,580	47,723	79,087
December	101,900	249,393	109,287	335,867	7,387	86,474
January	100,713	350,106	99,062	434,929	(1,650)	84,824
February	67,657	417,763	93,848	528,777	26,191	111,015
March	64,805	482,568	105,978	634,755	41,173	152,188
April	140,380	622,948	110,371	745,126	(30,009)	122,179
May	63,560	686,508	116,925	862,051	53,367	175,546
June	103,389	789,897	105,968	968,019	2,579	178,125
July	78,593	868,490	119,424	1,087,443	40,831	218,956
August	76,426	944,916	120,076	1,207,519	43,649	262,605
September	109,345		116,232		6,887	
Fiscal year 1991 total		1,054,260		1,323,752		269,492
Fiscal year 1992:						
October	78,068	78,068	114,082	114,082	36,014	36,014
November	73,194	151,262	117,748	231,830	44,555	80,569
December	103,662	254,924	106,198	338,028	2,536	83,105
January	104,091	359,015	119,742	457,770	15,650	98,755
February	62,056	421,071	110,815	568,585	48,759	147,514
March						
April						
May						
June						
July						
August						
September						
Fiscal year 1992 total						

MONTHLY TREASURY STATEMENT ANALYSIS—Continued

	Receipts	Cumulative	Outlays	Cumulative	Deficit/(surplus)	Cumulative
Fiscal year 1992 compared to fiscal year 1991 (percent):						
October	1.4	1.4	5.3	5.3	14.8	14.8
November	3.8	2.6	-4	2.3	-6.6	1.9
December	1.7	2.2	-2.8	6	-65.7	-3.9
January	3.4	2.5	20.9	5.3	1,048.5	16.4
February	-8.3	.8	18.1	7.5	-86.2	32.9
March						
April						
May						
June						
July						
August						
September						
Fiscal year 1992, 1991						
Fiscal year 1990:						
October	68,420	68,420	94,503	94,503	26,084	26,084
November	71,174	139,594	100,906	195,409	29,732	55,816
December	89,122	228,716	103,893	299,302	14,772	70,588
January	99,524	328,240	91,242	390,544	(8,282)	62,306
February	65,141	393,381	100,348	490,892	35,207	97,513
March	64,805	458,186	118,128	609,020	53,324	150,837
April	139,604	597,790	97,775	706,795	(41,829)	109,008
May	69,186	666,976	111,668	818,463	42,482	151,490
June	110,601	777,577	121,706	940,169	11,105	162,595
July	72,329	849,906	98,253	1,038,422	25,924	188,519
August	78,462	928,368	131,181	1,169,603	52,719	241,238
September	102,939		82,171		(20,768)	
Fiscal year 1990 total		1,031,308		1,251,776		220,469
Fiscal year 1991:						
October	76,986	76,986	108,350	108,350	31,364	31,364
November	70,507	147,493	118,230	226,580	47,723	79,087
December	101,900	249,393	109,287	335,867	7,387	86,474
January	100,713	350,106	99,062	434,929	(1,650)	84,824
February	67,657	417,763	93,848	528,777	26,191	111,015
March	64,805	482,568	105,978	634,755	41,173	152,188
April	140,380	622,948	110,371	745,126	(30,009)	122,179
May	63,560	686,508	116,925	862,051	53,367	175,546
June	103,389	789,897	105,968	968,019	2,579	178,125
July	78,593	868,490	119,424	1,087,443	40,831	218,956
August	76,426	944,916	120,076	1,207,519	43,649	262,605
September	109,345		116,232		6,887	
Fiscal year 1991 total		1,054,260		1,323,752		269,492
Fiscal year 1991 compared to fiscal year 1990 (percent):						
October	12.5	12.5	14.7	14.7	20.2	20.2
November	-9	5.7	17.2	16.0	60.5	41.7
December	14.3	9.0	5.2	12.2	-50.0	22.5
January	1.2	6.7	8.6	11.4	-80.1	36.1
February	3.9	5.3	-6.5	7.7	-25.6	13.8
March			-10.3	4.2	-22.8	9
April	6	4.2	12.9	5.4	-28.3	12.1
May	-8.1	2.9	4.7	5.3	25.6	15.9
June	-6.5	1.6	-12.9	3.0	-76.8	9.6
July	8.7	2.2	21.5	4.7	57.5	16.1
August	-2.6	1.8	-8.5	3.2	-17.2	8.9
September	6.2		41.5		-133.2	
Fiscal year 1991, 1990		2.2		5.7		22.2

Mr. SASSER. Madam President, I listened very carefully to my friend from Oklahoma as he has made his presentation here today. He makes a convincing presentation. We are all concerned, of course, about the rise in the Federal deficit. I certainly know I am. I spend a lot of time as chairman of the Budget Committee trying to arrest the increase in the Federal deficit.

We thought we made some substantial progress on it 2 years ago, and we did, really, with regard to policy changes that are affected by what we do here in this body. Unfortunately, our efforts were washed away by the economic recession that occurred and has gone on now for long enough to be the longest economic recession we have had since the Second World War.

I read the Senator's amendment with interest, including the cosponsors of the amendment. And this amendment, as I read it, has 16 or 17 cosponsors. Unfortunately, 14 of these cosponsors, who are so concerned about the deficit that they want to institute amending the Constitution and put a balanced

budget amendment on the Constitution, 14 of these Senators that are so concerned they want to tamper with this document that served us well for over 200 years, voted on the floor of the U.S. Senate not over an hour ago to raise the deficit by some \$60 billion over 5 years.

They failed to support a very modest amendment by the Senator from Nebraska to reduce defense spending down from \$1.457 trillion over the next 5 years, lower it to the modest amount of, I think, \$1.375 trillion.

With that vote, they voted to impose on future generations an additional \$60 billion in debt. If they had not done that, Madam President, I would be a little more impressed with this effort now to come in and balance the budget with a balanced budget amendment.

It reminds me very much of those Senators who rushed out and wanted to pass this Gramm-Rudman-Hollings law—you will recall that. That was the law that was going to balance the budget and to reduce Federal spending. Many of the same Senators were out

here voting against various and sundry cuts.

Yes, there has been a substantial growth in the so-called mandatory or entitlements. There is no question about that.

But when you peel all of that back and you see where that growth is, I say to my colleagues, 85 percent of the projected growth in entitlements or mandatories, for the next 5 years will be in Medicare and Medicaid.

What is causing the explosion in entitlement spending is health care costs. There is no question about it. Just as health care costs are exploding for private industry, in the private sector of the economy, it is happening in the public sector. That is what is driving up the so-called mandatories or entitlements.

I did indicate to my friend from Oklahoma a moment ago that all is not lost with the so-called mandatories or entitlements because, let us give the devil its due: They do produce a revenue.

I am looking here at a Congressional Budget Office analysis which indicates that in fiscal year 1993, the so-called social insurance portion of the entitlements will produce \$448 billion. Of course, that includes a whole list of things, down the line, and that does not include the Medicare payments that come in under Medicare part A, as I recall. That is the hospital portion.

So, yes. There has been a growth in entitlements. But they produce 40 percent of the revenue of the U.S. Government. They account for about 50 percent of the outlays. The difference there between what they produce and what they outlay is just slightly less or maybe slightly more than the defense budget.

The defense budget produces nothing. It produces no revenues at all. That is what we were trying to cut on the floor of the Senate earlier today. That is what we were trying to reduce, \$60 billion off of this defense budget that produces no revenues for the Federal Treasury.

So if my colleagues had been more supportive of that, those who are cosponsoring the Nickles amendment here, I would be more persuaded that this effort to try to do something about the Federal deficit is meritorious and is something that we could consider seriously.

But I must say to my colleagues, as one who looks at these numbers day in and day out, you have to make some difficult choices sometimes. At some point you have to forget about the Rotary Club rhetoric, about the deficits, and actually cast a vote occasionally, you know, to try to reduce the deficit, to actually cast a vote to reduce some spending on something.

We just had that opportunity, I say to my friend from Kentucky, not over an hour and a half ago. I am pleased to say that my friend from Kentucky stood with those Senators who were concerned about the deficit, and voted down here to reduce this deficit by some \$60 billion over the last 5 years.

We did not prevail. We failed by a small margin, but we will be back again and again and again, those of us who are seriously concerned about this deficit.

In the interim, we can introduce balance-the-budget amendments. We can reintroduce Gramm-Rudman-Hollings 3, or whatever we want to call it. We can come up with all these mechanistic approaches to try to do something about the deficit; but, my colleagues, nothing is going to work until we develop the will to do something about it. Until that will is developed, in concert with the administration, the deficits are not going to be reduced.

The national debt now stands in the neighborhood of about 50 percent of gross national product. I suppose if you knock off, as some economists do, the payments for the insurance fund—that

is, the S&L bailout and the bank fund—it reduces it down to somewhere in the neighborhood of about 42 percent of gross national product. That is very high.

Italy has a debt-to-GNP ratio of 110 percent. Of the developed, industrialized countries in Western Europe, including Japan, some have a little higher debt-to-GNP ratio than we have, and some have a little lower. But I worry about the debt that all of these countries carry that trade with each other, because I fear, as these debt-to-GNP ratios go up and up and up, I would not be surprised if one of these days we wake up and find that we have a worldwide recession, or worldwide depression, because all of the industrialized countries have simply overextended themselves.

I know my friend from Oklahoma is well-meaning, and I may end up supporting him. But what I am saying here today is that fine speeches and fine mechanistic approaches are simply not going to substitute for us making the really difficult votes to try to reduce the deficits, and trying to make those reductions in a fair and in an equitable way with regard to the people of the United States.

I am concerned about entitlements, but I do not believe that I can go back to the people of my State, the older citizens there who rely on Medicare, and say to them: Your Medicare is too high, and we are going to have to reduce it; because they are all telling me that the doctors are telling them now they will not treat them on just Medicare. The hospitals are telling me that they lose money on Medicare patients, and they do not want to take them.

I do not want to go back and face my Governor and my State legislators—I see the distinguished Senator from Missouri on the floor, and he was a very able Governor of his State; he achieved nationwide recognition in that role as Governor of the State of Missouri—but I do not want to go back to my Governor and State legislators and say that we are going to reduce the Medicaid payments and, “By the way, Governor and you fellows in the legislature have to pick up the difference,” because they are all the time saying to us, “You fellows in the Federal Government are sending us these mandates, and it is absolutely bankrupting us. You Federal people are not doing your share.”

So these are things that I think we have to consider as we consider the amendment of my friend from Oklahoma. There is more to it, really, than just passing a bill that says we are going to balance the budget, that says we are going to reduce the deficit. I have been down that road many times.

I remember when our old friend, Harry Byrd of Virginia, was here. Maybe Senator NICKLES remembers Senator Byrd. In fact, I saw Senator

Byrd just the other day. He is fit as a fiddle, and his first question to me was, “What are you going to do about the deficit?” I remember Senator Harry Byrd standing right back here and offering amendment after amendment, and we passed one piece of legislation after another trying to deal with the deficit.

Unfortunately, Harry Byrd's efforts went unrewarded. So these are things to be considered.

I thank my friend from Oklahoma.

Mr. NICKLES. I yield to the Senator from Missouri such time as he may consume.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Missouri.

Mr. BOND. Madam President, I thank my colleague from Oklahoma. I am proud to join with him in cosponsoring this resolution, because I believe the time has come for us to take some serious steps to develop an approach that will get us a balanced budget.

I commend the chairman of the Budget Committee for having been engaged in establishing what I would have to call a mechanistic approach in the summit agreement. All of us have differences with that agreement. I do not exactly agree with all of the things in it. Certainly, there have been some of the taxes that have been proven in retrospect not to work well. But the fact that we have had to work under caps has given this body, this Congress, some discipline it has not had before.

It has been kindly pointed out that I did have the pleasure of serving as chief executive of my State, and I found that the inability of my State to borrow without getting a vote of the people put our backs to the wall when it came to spending. We had to make sure that our spending matched up with our income.

As I travel around my State now, I sense a growing feeling of frustration. People are beginning to say: Why is it that you cannot get this increasing Federal deficit under control?

I talk about the things we have tried to do and the things we have started on, and we have tried to make some progress. Then they say: Why do you not impose the same discipline on the Federal Government that our State constitution imposes on our State? Maybe, just maybe, we have come to the time when we ought to be seriously debating that approach.

There are a number of ways we can go, and a number of different approaches to dealing with special problems that the Federal Government can have. But I think, given the sense of concern in this country about how Congress manages its business and manages the budget, and given the growing recognition in this country that we are losing jobs because we cannot keep our deficits under control; that we are in danger of ruining the economy for the future; that we are passing down to our

children a tremendous credit-card bill that they are going to have to pay, I believe the time has come to develop some real discipline.

I found in this body, as we deal with appropriated items where there is a cap, and I have found in State government where we have a constitutional prohibition on deficit spending, if your back is against the wall, you can have a stiff spine.

There are some things that I think are good in this budget resolution, and I commend both sides for working on a budget that cuts travel, reduces the Federal work force, and cuts discretionary funds. The budget resolution before us calls for a first-year cut of 5 percent for the legislative branch, the executive office of the President, and the offices of all the Cabinet Secretaries, and reduces rehire rates, replacing only four or five departures, as well as reduces agency travel. I think in times of annual deficits approaching \$400 billion, these steps are reasonable.

But we need an aggressive 5-year approach. I think this budget's approach over 5 years makes some sense. It calls for a 5-year freeze in domestic spending; a 5-year freeze in international spending; and defense cuts of about \$20 billion more than the President recommends. As one who already outlined additional defense cuts above the President's outyear numbers, I believe that is a fair approach.

But there is one item I think we ought to call attention to. This is the fiscal year 1996-97 plug put into function 920: Allowances.

This plug puts \$50 billion in cuts from other areas, particularly cuts in the defense budget and makes them available to be spent. I believe they should be put toward reducing the deficit. Doing that could reduce the deficit to under \$200 billion a year. This resolution, unfortunately, includes in it allowances, and thus assumes it will be spent.

That is sort of like quitting the doctor's ordered diet after losing the first 10 pounds, leaving the last 30 pounds for some other year and hoping the heart attack risk is taken care of. I think we should simply stick to the 5-year freeze for all three accounts, and I hope we can. However, as good as the freeze is, it only brings the deficit down to \$200 billion in fiscal 1997, and the trend line is going back up, not down.

So, what is the solution?

Some may argue, and in fact have argued, that deficit spending is not so bad because it stimulates the economy in the short term and can be financed over the long term by a now growing economy.

Unfortunately, this sort of thinking never seems to recognize there comes a time to start paying off the debt accrued, rather than just adding to it.

As I understand the original Keynesian economics, it was you can use the

accelerator in times of downturn so long as you use the brake in times of good economic activity. But the braking has never happened.

As a result, the Federal debt is now almost \$4 trillion, over \$14,000 for every man, woman, and child in the country. If we were like an American family, we would have to start looking for ways to cut costs, cancel vacation plans, get a second job, in order to start paying off the principal, not simply the interest.

Everyone with a credit card, I trust, has experienced a time or two when their credit card bills came and they could only afford to pay the minimum while at the same time watching with great dismay as the interest charges were adding up faster than the minimum payment was paying them down. That is where the Federal Government is right now, paying only the minimum, piling up the debt, and not really thinking twice about it.

That is why we now spend more on interest on the debt than every other Federal program or Federal responsibility except for two: defense and Social Security.

We spend more on interest than on children's health, more on interest than on veterans' programs, more on interest than on highways, bridges, and mass transit, more than on education, more than on agriculture, space, science, or cancer research.

In fact, we spend more on interest payments than we do on all these programs combined.

The interest payment on the debt alone in the current fiscal year will be \$201 billion. This is only slightly less than the \$215 billion that the Government spends on all domestic discretionary programs combined. These are very important programs. They include everything from education and child care to highways, mass transit, to health research and soil conservation. What is now occurring is that interest payments on the debt are rapidly becoming not only the fastest growing but the largest Federal expenditure.

That money is not buying us anything. We are not providing any services; we are not providing research; we are not constructing anything with that money. It is simply lost paying for the borrowings of the past. Congress is doing what millions of American households are trying to avoid doing, and that is paying only the minimum on our credit card while we watch our unpaid balances getting larger and larger.

The big difference, of course, is that Uncle Sam has no credit card limit. So when Congress and the administration spend and spend, the debt just keeps piling more on interest than domestic discretionary spending as soon as next year, if not 1994. That means that for every dollar spent on education, or highways, or child care, \$1 will be going to pay for spending decisions of

the past, that is interest. In short, when we should be looking to the future, we will be spending our precious resources paying for the past.

Mr. President, allowing the interest payment portion of our budget to become larger and larger, means we have fewer and fewer funds to spend on our priorities and to spend on fulfilling our Nation's unmet needs. That is why I have come to the conclusion that we cannot wait any longer to attack the deficit.

That is why I feel so strongly that Congress must get serious about a balanced budget amendment. That is the best way to curb this body's destructive habit of using our children's credit card to spend on items we want today.

Now, I believe the budget before us may be the best we can do right now, but it is not enough. And it has taken a lot of work to get here, and I commend my colleagues who worked on it.

Unfortunately, it continues to borrow more money to pay the interest on the money we already borrowed. No wonder CBO projects a possible trillion dollar annual deficit by the year 2010.

Mr. President, what is the solution, you may ask? There are two paths. We can cut spending and address in particular mandatory spending, or we can raise taxes. But there is no other way.

I think the balanced budget requirement is the best way to assure that we get it done.

But simply reducing the deficit is not the answer. Reducing the debt as well must be the answer. And to do that we have to reach a surplus. That is tough to get to at any time much less an election year, some will say. We cannot do anything that might alienate voters in an election year. We should wait until next year, or maybe 1994 or 1995 or 1996 or 1997 or 1998 or after we are all gone, maybe.

Two of our very distinguished colleagues, Senator WARREN RUDMAN and Senator KENT CONRAD, who have been consistently concerned about the deficit have chosen to retire. We are going to miss them and we are going to miss their concern and their commitment. Both of them cited their frustration with the deficit when they made their announcements.

The deficit is the biggest frustration, too, for some of us who hope to stay around as well. It is frustrating, not because it limits the kind of good things we can pass or because it limits our creativity in developing new ideas or new programs. No, it is frustrating because our children's future is being sold out and most of us know it. We simply lack the will or lack the discipline to take the personal and political risks to end it.

A good many of my colleagues rightfully have stood on this floor and praised Senators RUDMAN and CONRAD for their courage and single mindedness of purpose. It is kind of difficult,

though, to find a majority or a supermajority to stand with them. I understand my friend, the Senator from New Mexico, is going to make a real effort and I commend him.

Mr. President, I cannot tell you how many letters I have already gotten before his proposal has even come out, before the Senator from New Mexico has made his proposal, saying, "Oppose the Domenici cap proposal." It has already gotten known and has generated opposition before he has formally introduced it. None of the opponents is quite sure what the Domenici cap proposal is or how it would work or whether it is good for the country or not. They are just writing because somebody told them it is going to be a bad idea and they better get on it. You can see some groups around Washington thinking, "I thought we had that worry about the deficit licked. I thought it was OK to call for big increases again. Now the Senator from New Mexico comes along and we better get on the stick." They are thinking it means we have to stop this Domenici cap thing right now before people get serious and actually review how tax dollars are being spent.

Thus, special interest groups from all across Washington are earning their fees cranking these letters out. We are delighted to hear from them. We get lots of letters and calls. They are telling their members back home, "Write your Congressmen and tell them: Don't review my program; we were already cut once; we need increases—not a freeze or a slower rate of growth."

Now, nearly all letters include the paragraph about how they, too, are concerned about the deficit. They all say, "We are concerned about the deficit," but it is not their particular program that is to blame. It is someone else's or it is the defense buildup or tax cut of eighties or the dog ate their homework. It is always somebody else who has the responsibility.

But it is safe to say no one has written in to my office yet saying it is a good idea; while you are at it take a look at this program—it worked in 1958, but it is a bit out of step today. Nor has anyone told me, "Yes, for the good of the country we can handle some sacrifices and we can reform our programs and cut back on spending."

Thus, we are struck with status quo thinking, paralyzed by special interest groups pressuring us on pet programs, waiting for the grand moment when it is time to end the budget deficit.

I have only been here 5 years, but in that time I have seen budgets come and go, budget summits come and go, Presidents come and go while the budget deficit gets larger every year.

Mr. President, I believe it is time to act. I am proud to have been a cosponsor of the alternative budget resolution developed by my friend from New Mexico which basically says it is time to

get serious. No more waiting until next year. Let us freeze domestic and international spending. Let's cut defense. And let us look to slow the growth of mandatory spending. This is a serious proposal.

Everyone knows the costs of entitlements and mandatory spending is rising too fast for our economy to sustain. We are borrowing from our Nation's pension funds. We are borrowing from the Germans, the Japanese, and the British.

We are borrowing from the Social Security trust fund, the highway trust fund, and the airport trust fund—and if we do not control the growth rate of entitlements, we will not be able to pay these trust funds back, our pension funds or anyone else for that matter.

Mr. President, I believe the time has come to get serious about the deficit and in particular about the rapid growth of mandatory spending.

To do less is to cheat all the other programs which compete for the Federal dollar not once, but twice. First by squeezing programs such as education, childcare, or immunizations because of ever-increasing interest payments; then squeezing them again by diverting more and more resources to runaway entitlements.

This means that every year the portion of the dollar available for children gets smaller and smaller, and the bill left for them to pay when they become taxpayers becomes larger and larger. This cannot be allowed to continue.

I believe we must take the first painful steps to reversing this course—and like any addict, the first thing Congress should do is admit there is a problem.

And I suggest that is precisely what we should do if we are willing to belly up and say, yes, we need a balanced budget amendment.

Yes, we are going to have to look at health care costs. Everywhere I go people are concerned about the high cost of health care. Whether it is a family budget, a small business, local or State government, or the Federal Government, the problem facing them all is the same. Drastically rising premiums, out-of-pocket expenses, or reimbursements to providers.

Congress must act to reform health care, bringing these costs under control and easing the squeeze being placed on everyone's budget, while continuing to provide quality care.

Health care now consumes 15 percent of the average family's income. States see the Medicaid Program squeezing and eating up funds so rapidly they have no flexibility to meet any other problem.

We face that in my State. In the early 1980's Medicaid was one of the things that was driving our State's budget out of control and it forced us to cut programs in mental health and other vital services. In Missouri now,

the Governor has been facing the question of funding education or funding Medicaid, and most States have faced similar questions.

We cannot just turn the tab over for more Medicaid spending to the States because that squeezes badly needed State programs as well.

At the Federal level we see that both Medicare and Medicaid are projected to double in cost by 1997, and not surprisingly overall health expenditures are also projected to double from 1990 to 1997.

As health care costs continue to skyrocket, growing twice the rate or more than the economy itself, it is obvious that left unchecked these costs will bankrupt the economy as well as the budget.

These health cost increases are simply not sustainable, and Congress must face up to these facts. Otherwise we will be left with a situation where as a society we are paying more, receiving less, and continuing to ignore other unmet needs as health care costs continue to consume larger and larger proportion of our economy and our tax dollars.

I believe we have many good ideas available right now. We could fairly quickly adopt legislation to enact malpractice reform to stop useless and expensive defensive medicine and stop waste on litigation costs. Most believe that this could save as much as \$15 billion per year.

Second, eliminate wasteful administrative costs and the blizzard of paperwork; according to the New England Journal of Medicine study anywhere from \$75-\$110 billion are wasted each year, and of course this is part of the appeal of a single payor system, but I believe it can be done otherwise.

Third, we need to crack down on fraudulent claims, excessive procedures which some claim are as high as \$50 billion per year in Medicare.

Fourth, we must make smarter use of our health care dollar: more funds for immunizations and prenatal care; and finally make better use of managed care plans.

Mr. President, we need a mechanism to force us to make these tough but necessary decisions.

I have been told this is political poison—well, maybe so. But we just cannot continue like this year after year, pretending there is no problem, waiting for that grand moment when we are ready to act, all the while silently sacrificing this country's future.

Just listen to the siren call of the interest groups "not me, not me, don't touch my program. Not this year, wait until next year." It is at a low wail already. Soon it will be time for Congress to give in again, and pull out that no-limit credit card again.

What I am saying and what my colleague from Oklahoma is saying is we need to impose a discipline on this

body that will put a limit on that credit card saying, "You can't continue to run it up, you can't continue to raid the credit card of our children, you can't just gun the charges and not pay the costs."

For the sake of our country and our children, I hope we can get started.

Mr. President, I thank my colleague from Oklahoma, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, how much time do the opponents of the amendment have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 47 minutes.

Mr. NICKLES. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Oklahoma has 22 minutes remaining.

Mr. SASSER. Mr. President, I yield 10 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland has 10 minutes.

Mr. SARBANES. Mr. President, I listened very carefully to my able colleague from Missouri. He is obviously touching on a very important issue.

I think it is very important to be careful about our analysis, because if we do not really understand where the problem has come from, we are not going to be able to figure out what the appropriate solution ought to be. There are a lot of assertions being made that I think need to be examined very carefully.

On the spending side, the Federal Government has two kinds of outlays: those that are considered discretionary in that they reflect annual appropriations, and those considered mandatory because they reflect contractual obligations or because they provide a defined level of benefits according to a legislative formula. Examples of contractual obligations are deposit insurance and debt service. Examples of mandatory spending based on a legislative formula are Social Security, Medicare, and unemployment insurance.

The principal changes in spending that have occurred over the last decade indicate that the aggregate of domestic and defense discretionary spending has been on a downward path as a share of GNP. However, during most of the 1980's, discretionary spending for defense and international affairs rose significantly as a share of GDP, while domestic discretionary spending fell substantially.

I want to repeat that. During most of the 1980's, discretionary spending for defense and international affairs rose significantly as a share of GDP, while domestic discretionary spending fell substantially.

If military spending in the 1980's had followed the same downward path, as domestic discretionary spending, the

huge annual deficit to the 1980's would have largely disappeared. In fact, the sum of the rising share of military expenditures and the interest payment on the debt used to finance this rise together account for the entire deficit of the 1980's.

This chart shows the growth in defense spending versus the growth in the deficit for the years 1981 through 1990.

The first column in each year is defense spending, and the second is the increase in the deficit. What you can see is that in some years the deficit grew more than defense spending, and in other years defense spending grew more than the deficit. In fact, the years in which the deficit tended to outgrow defense spending were the recessionary years. This occurs because, if you get a downturn in the economy the deficit goes up. The total for this 10-year period is an increase in defense spending of \$1.142 trillion; and in increase in the deficit of \$1.167 trillion.

So, all of the increase in the deficit is matched by an increase in defense spending except for \$25 billion. This is from the 1980 levels, growth-in-defense/growth-in-deficit in billions of dollars.

We have a serious deficit problem. But if you are going to try to address it you have to know where it comes from.

Mr. SASSER. Will the Senator just yield on that point?

Mr. SARBANES. Certainly. Certainly.

Mr. SASSER. The Senator from Maryland brings to us today a very valuable study. I am confident that this is the result of the distinguished Senator's service as chairman of the Joint Economic Committee, because that committee does have substantial responsibility for studying the overall Federal fiscal activities.

But as I look at this chart here, in 4 of the years that the Senator has outlined there—in fact in more than 4 of the years—in 5 of the 10 years the growth in defense spending was larger than the growth in the deficit. Is that correct?

Mr. SARBANES. That is correct.

Mr. SASSER. This follows on precisely, I say to my friend from Maryland, with something I was saying on the floor just before his arrival.

We had a vote here 1½ hours ago that would have reduced defense spending by \$60 billion over a 5-year period. Yet it did not carry. It did not carry. And 14 of the 17 cosponsors of the Nickles amendment voted against that. They voted against reducing the deficit by \$60 billion over 5 years because they did not want to reduce the defense budget.

The Senator brings to us, I think, here, a very simple explanation as to how there is no free lunch and defense spending does increase the deficit. And there is a correlation between the increase in the deficit and the increase in defense spending.

I thank the Senator.

Mr. SARBANES. I would say to the Senator that this is just comparing the defense increase. If you then attribute to defense spending the interest charges on the debt that were incurred in order to run these high defense figures, the total cost of that almost equals the deficit.

I also want to address the entitlements issue. It is an important question. We have to understand what the facts are.

It is constantly asserted that the programs which provide defined benefits to individuals—Social Security is the biggest and most important by far—have been a major source of the increasing deficit. On the contrary, most of these programs, often called entitlements, are funded with dedicated tax receipts which have generally kept pace with outlays.

I want to repeat that. These entitlement programs, generally speaking, have been funded with dedicated tax receipts which have generally kept pace with outlays. By far the largest entitlement programs are Social Security, Medicare, and unemployment insurance, which together account for two-thirds of entitlements spending.

Yet these programs are all funded by dedicated taxes. There is a tax associated with each of those programs. Those taxes have been more than adequate to meet the needs of the programs.

The PRESIDING OFFICER. The Chair reminds the Senator he has gone beyond the 10 minutes, and the Chair asks who yields time?

Mr. SARBANES. Will the Senator yield me an additional 3 minutes?

Mr. SASSER. I am pleased to yield an additional 3 to 5 minutes to my friend from Maryland.

The PRESIDING OFFICER. The Senator from Maryland has an additional 5 minutes.

Mr. SARBANES. I thank the chairman.

Mr. President, what happened over the course of the 1980's is that the growth in outlays for entitlements leveled off, and on balance the funded entitlements had an excess of revenue over expenditures. Instead of contributing to the deficit they acted to reduce it. All other entitlements which include Civil Service and veterans' retirement, Medicaid, and food stamps have declined from 4.2 percent of GNP in 1979 to 3.5 percent in 1989.

As you look ahead, one of the problems you can see coming is the question of health care costs. That is a broader problem than this entitlement question. As we look ahead, we can see rising health care costs in both the private and the public sector, which only underscores the necessity of doing something broadly on the health care issue. That is another matter that is before this body. That is an issue where

we need to address a problem of health costs, both in the public and the private sector.

People get out and they fulminate about entitlements. They say there has been growth in entitlements, and then they show charts that show a rise in entitlements spending.

What they do not show is that for the major entitlement programs, there has been a corresponding rise in the payments into the trust funds to support that entitlement spending. For example, there has been an increase in terms of expenditures for the Social Security System, but what you need to show is that there is also an increase for the revenues into the system on the basis of the dedicated taxes. In the instance of the Social Security System, it has produced a significant surplus each year.

The payments have risen but there has been no contribution to the deficit out of the Social Security System. In fact, the administration has been using the large surplus which the Social Security trust fund has been running as an offset, as an accounting device, to the size of the deficits.

Mr. SASSER. Will the Senator yield just on that point?

Mr. SARBANES. Certainly.

Mr. SASSER. I think the Senator from Maryland makes a very excellent point. I do not know if the Senator was on the floor a moment ago when I made the point that revenues flowing into the Federal Treasury from the so-called entitlements, or mandatories, amounted to 40 percent of all Federal revenues. I do not know if the distinguished Senator was aware of that or not.

As a matter of fact, just out of the so-called social insurance portion of the mandatory or entitlement programs, over \$448 billion last year, actually predicted for fiscal year 1993, will flow into the Federal Treasury. So the entitlements account for 40 percent of all Federal revenues falling in the Treasury. Conversely, they account for 50 percent of the outlays. But you see they are very, very close there.

Interestingly enough, you look down through some of these so-called mandatories and you find railroad retirement, for example, contributes \$3.5 billion. Civil service retirement contributes almost \$5 billion. Of course, the old-age survivor and insurance trust fund, the real big one, \$296 billion, and this does not include the funds coming in from Medicare, et cetera.

So this is a very substantial amount of money. I think the Senator makes a very excellent point.

When we are concerned about the rise in entitlement payments, as we all are, there is concurrently a rise in revenues coming in from these mandatories. Granted, the military retirement system pays nothing in. That is paid for

out of the Treasury, military retirements are, and that is one of the mandatories. That is just something we reach down in the hip pocket of the taxpayer and we lay that out. There is nothing coming in, and there are some others like that.

Food stamps is another one. But as my friend outlined, food stamps are declining as a percentage of the mandatories and, as a matter of fact, food stamps are remaining rather stable in the outlay provision, as you see the predicted outlays over the next 5 years.

I just wanted to make the point. I was not sure my friend was aware that the so-called mandatories or entitlements account for 40 percent of the dollars coming into the Federal Treasury.

Mr. SARBANES. My colleague is making a very important point. Any analysis is faulty if you talk about a program which has a funding source connected to it and do not link the program funding and the program expenditures.

The fact of the matter is that the American people are willing to carry what most economists describe as a regressive tax burden under the Social Security System in order to fund the program. In fact, we made adjustments in both the revenue and expenditure side not too many years ago when the trust fund balance was insufficient. Consequently the Social Security trust fund has been running a larger and larger balance.

So you can show a rise in the spending for Social Security. But if you want to talk about the deficit problem, you have to talk also about what has happened to the rise in the funding that is associated with the Social Security System.

That is not true of all mandatory programs. So you have to separate them. As my colleague just pointed out, military retirement does not carry a funding device with it. It does not have a tax associated with it the way Social Security does and the way unemployment insurance does.

Where were the taxes connected to the growth in military expenditures over the 10-year period? People are complaining about the explosion of entitlements. Seventy percent of the entitlements—unemployment insurance, Medicare, and Social Security—have a funding source connected to them and over the eighties have produced surpluses, not deficits.

So where did the deficit come from? The domestic discretionary spending went down during the 1980's. If the military spending had gone down the way the domestic discretionary spending went down during the 1980's, we would not have had a deficit problem.

The PRESIDING OFFICER. The Senator has used the 5 minutes.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I thank the Senator from Maryland. He brings to the Senate today I think a very important message, and this is a very illuminating analysis. I am sure our colleagues are grateful to him for the work he has done on the Joint Economic Committee to develop these particular statistics.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield the Senator from Idaho 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, I thank my colleague from Oklahoma for yielding time to debate Senate Concurrent Resolution 106. I am extremely pleased that he has had the foresight to bring it to the floor as an amendment, to be discussed today and of course to be voted on, a resolution that speaks to a specific date in which this body will hopefully bring forth a balanced budget amendment resolution, debate it and make that decision so that all the American people can understand what we really mean.

I have been here a few years. I am in my 12th year of service to the State of Idaho in the U.S. Congress.

Mr. President, it did not take me very long, once I got here, to recognize that there was a phenomenal game being played. I do not mean it in the sense that it was insincere. No, I think all of my colleagues who stand on the floor today to debate the budget and talk about discretionary spending, mandatory, domestic outlays, all of those kinds of things, they are most sincere in what they do. I have never questioned their sincerity.

But I think at this time when we see those long red lines on the chart that my colleague from Maryland has just displayed, the red in those lines is every bit as reflective as the red on the face of very angry taxpaying Americans who have said: We no longer buy the game that is being played in Washington, the shuffle between mandatory, the shuffle between discretionary. Did defense get too much or not enough? What we know is that we are unemployed and what we know about our unemployment is it was caused by an economy that could no longer produce. And what we know about the economy that could no longer produce is that it was strangled by a group of politicians in Washington who simply could not say no to spending and deficits got out of control and debt got so large that the overhang of Federal debt today over the economy of this country has produced an economy that struggles along at no greater than 1 to 1.5 percent growth of GDP annually.

Mr. SARBANES. Will the Senator yield?

Mr. CRAIG. No, I will not yield at this time. I will be happy to at the end

of my statement. I appreciate my colleague but I also recognize there is a limit on time so we can move out of here this evening.

We are not going to solve this problem tonight. But I think it is very important for those who might be listening or might even stumble into reading the CONGRESSIONAL RECORD to understand that there are two very clear schools of thought on this and at some point in the future we are going to have to choose which one of those schools of thought will lead this country as relates to economic policy.

But the American people are red faced with anger today, whether they are unemployed or underemployed because the economy is not producing at the level it ought to. Some economists say with current debt structure it will not be able to produce beyond 1.2 percent growth GDP. We cannot hit the 2, 2.5, 3, 3.5, to 4 that it will really take for us to get back to a level of productivity, where young men and women, married or not, can enjoy buying a home, having the strength of a job in the economy, buying a new car, saving money for their children's education or doing exactly what they want to do without the fear that their job may be jerked out from under them because the economy struggles because the Government has simply gone beyond its ability to support the programs that it wishes to have for the citizens of this country.

The charts that were also seen a minute ago, let me tell you, marvelous things can be done with charts; marvelous things can be done with figures. I look at the figures for 1989 and 1990 from the Congressional Budget Office. Defense was a minus 1.3 percent; subtracted from a 43.6-percent increase, the deficit increased 42.3 percent.

Where did the growth come from? It did not come from defense spending. In 1990 and 1991, the deficit grew at 21.9 percent; defense grew at 5.6 percent. Simple subtraction; a 16.3-percent growth in deficit. It did not come from defense.

In 1991-92, a minus 1.3 percent growth in defense again, over the year before; a 37-percent growth in deficit. Simple subtraction; a 35.7-percent growth in deficit. It did not seem to come from defense.

The point I am trying to make is quite simple. I do not care what game you play with the figures or the charts. The bottom line is this Congress, this Senate, has lost the political will to be fiscally responsible. And it has demonstrated that lack of will for the last decade very, very clearly, as debt has grown and the deficit has grown, to today where we are talking about a responsible budget resolution that has over a \$300 billion deficit built into it.

Now, I cannot go home to the citizens of Idaho and suggest to them that we are being fiscally responsible, that

that is a beginning to an end, when in 1990, all wise men and women came together in this Congress with the great budget resolution of 1990 and convinced the American people that taxes ought to go up and that spending was going to come down and we were going to have diminishing deficits, and this last year's deficit was the highest on record.

They do not believe us anymore, Mr. President. They do not care about the charts. They do not care about the hypothesis, the projection of who is on first and who is on second, and whether it is an entitlement or whether it is an entitled or dedicated tax.

One thing they do know is that whether the tax comes from their salary or their payroll, whether their employer pays for it or whether they pay for it, whether it comes from a form that they fill out or whether it is taken from their check at their workplace, it is coming from their labor.

The PRESIDING OFFICER. The Senator has used his 5 minutes that was allotted to him.

Mr. NICKLES. Mr. President, I yield the Senator 2 additional minutes.

Mr. CRAIG. I thank my colleague. If it is coming from their labor, they know they are less productive today to spend for themselves and their children.

That is why I am standing tonight strongly supporting a resolution that simply moves us to a point of trying to consider a balanced budget resolution that would go to the American people for their consideration.

The House is ready. I served 10 years in the House. Tonight in the other body, there are enough cosponsors on a balanced budget resolution to equal two-thirds of that body, and I believe in their current circumstance they are ready to 'fess up to their sins of over-expenditure and put forth for the Americans to consider a balanced budget resolution.

Frankly, I think we ought to do the same. I am through playing the games. I am extremely tired of the charts, because I know what the citizens of this country are saying, young and old alike, employed or unemployed: Give us a job; allow us to earn at our capacity, to have what we would like to have.

The only way we can do that is once again gain a political will to be fiscally responsible. The only way we can gain that will here is to have a "no pass go," to have a resolution and then a constitutional amendment which forces us to make the tough political decisions that bring about the fiscal responsibility for which our citizens cry out.

I applaud my colleague from Oklahoma for his wisdom. I hope this body can pass this amendment, and on June 5, we can in fact muster the strength and the political will necessary to pass

a balanced budget constitutional amendment resolution by a two-thirds vote of this Senate.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleague from Idaho. I think he made an outstanding statement. I hope that my colleagues hear it.

Mr. President, I yield the Senator from Montana 3 minutes. The Senator from Montana is recognized.

Mr. SASSER. Mr. President, parliamentary inquiry. How much time is remaining to the opponents and proponents?

The PRESIDING OFFICER. The Senator from Oklahoma has 13½ minutes remaining; the Senator from Tennessee has 26 minutes remaining.

Mr. SASSER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my friend from Oklahoma.

Mr. President, I am pleased to be an original cosponsor of this sense-of-the-Senate amendment calling for action on the balanced budget amendment to the Constitution this Congress.

I want to commend Senators NICKLES and BOND for taking the lead on this important issue.

The Senate Judiciary Committee reported a joint resolution proposing a balanced budget amendment on July 9, 1991. The reported version does not include tax limitation—a necessary component on my mind—but that is an issue to be debated when we consider the joint resolution.

Today we have the opportunity to go on record in support of having that debate this Congress, and I hope we will actually pass a balanced budget amendment this Congress. With a balanced budget amendment in place, Congress will be forced to make the budget process work, or to come up with a process that does work.

It is crucial that we get our yearly budget operations into balance as soon as possible so that we can start to tackle the deficit and the debt.

Under this budget resolution, the fiscal year 1993 deficit will be \$328 billion. The gross Federal debt is projected to exceed \$4 trillion this year and we are paying \$214 billion to serve that debt. These are some big numbers, and they are indicative of the magnitude of our budget problems.

Senate adoption of this resolution will be the first step toward a real commitment to deal with this issue. I hope it passes this body unanimously.

Mr. President, what is wrong with a balanced budget? I guess I cut my teeth in county government, and it was there that I learned firsthand that government closest to the people is the best government of all.

Not only did we have to balance a budget at the county level, but we also

had to maintain reserves and the integrity of those reserves, because taxes only came in twice a year and you had expenditures to make. So we maintained reserves, but we also maintained those reserves for some of the hard times.

In Montana, our property values went down in the 1980's. We had an initiative out there that we could not levy more taxes to operate county government. The impact of Federal mandates and this type of thing put our budget under quite a lot of constraint.

So I say this to the Members of the Senate: I think it sends a message not only to this body but through this Government that yes, we have to operate with a balanced budget; and yes, it would not hurt us to maintain some reserves for tough times.

I appreciate the work that the Senator from Oklahoma has done on this, and my colleagues who have worked on this balanced budget amendment, because I am almost like the fellow who recommends oatmeal: It is the right thing to do.

I think this country is expecting us to work within our means of balancing this budget and letting this country grow again economically, because there are two kinds of freedoms, Mr. President. There are political freedoms, and there are also economic freedoms. One impacts the other severely.

I thank the Senator from Oklahoma. The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield the Senator from Illinois 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I join in supporting this sense-of-the-Senate resolution, though I add to my colleagues that I have discussed this.

At one point, I was about to offer the constitutional amendment. In the Judiciary Committee, it came out 11 to 3. I was about to offer it on the bill. And the leader of the Senate, our distinguished leader, Senator MITCHELL, said that he was going to make a good-faith effort to have this up by June 1. So that I think between this sense-of-the-Senate resolution and the commitment of my colleague, who said he would make a good-faith effort to bring it to the floor, we are going to get a vote.

I would add one other thing. If we do not splinter off into too many different directions, we do have, I believe, for the first time in the history of the Senate, the votes to pass this. I have been going around contacting people who have not been certain on this, explaining why this is important. Let me just underline why this is important.

When we list interest now, one of the things is that even the interest we list is a little bit phony because it is not interest. The real interest is gross interest. Net interest, we subtract the in-

terest earned by the Social Security trust funds and the other trust funds before we list interest. The real interest is gross interest.

In fiscal year 1980, we spent \$4 billion on interest. This coming fiscal year, the OMB estimate is that we will spend \$316 billion on interest.

This next fiscal year, for the first time in the Nation's history, the No. 1 expenditure of the Federal Government will be interest, and that is eroding the industrial base of this country. I asked CBO and CRS what the budget deficit's impact is on the trade deficit. They came back with studies showing that 37 to 55 percent of the trade deficit is caused by the budget deficit.

That means that the budget deficit is causing the loss of millions of jobs in this country.

Let me add also, I understand that someone has said that part of a balanced budget amendment would be an entitlement cap. Frankly, the balanced budget amendment does not deal directly with that. There is no question that, as we look to balancing the budget, we will have to look at entitlements. I do not favor an entitlement cap without looking at this whole question very, very carefully.

But there is no question we are going to have to take a stand on this. We will have to vote on this. We ought to do it before too long.

I am grateful to the majority leader of the U.S. Senate, who I have to say in fairness is one of the opponents of this balanced budget amendment. But he has said he would make a good-faith effort to bring this up by June 1, to schedule it, and I assume we are going to have it scheduled by June 1.

This sense-of-the-Senate resolution, simply underscores the need to move ahead. So I will vote for this.

And I thank the chief sponsor, Senator NICKLES. I thank the Presiding Officer, who is about to tell me my time is up.

The PRESIDING OFFICER (Mr. HARKIN). The Senator's time has expired.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator SIMON, for his leadership on this issue, for cosponsoring this resolution, and also for the tireless work he has done in the Judiciary Committee.

I am well aware of the fact that it is his resolution that passed the Judiciary Committee by an 11-to-3 vote, I believe, almost a year ago.

So I am really hopeful that we will be able to vote on that resolution or a substitute resolution to address this in the very near future.

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

The PRESIDING OFFICER. The Senator has 6 minutes, 35 seconds.

Mr. NICKLES. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Tennessee has 25 minutes, 50 seconds.

Mr. SASSER addressed the Chair.

Mr. SARBANES. Will the Senator yield so I may ask a question of the main sponsor?

Mr. SASSER. I am pleased to yield to the Senator from Maryland.

Mr. SARBANES. I would like to address this to the Senator from Oklahoma, who, I take it, is the principal sponsor of the amendment.

I take it his amendment is not that we should vote on this issue, but vote and adopt it. Is that correct?

Mr. NICKLES. The Senator is correct.

Mr. SARBANES. How is it one does that?

Mr. NICKLES. It is a sense-of-the-Senate resolution that the Senate will adopt a constitutional amendment to balance the budget by no later than June 5.

Mr. SARBANES. I can understand a resolution that says that it is the sense of the Senate that we ought to vote on this issue before June 5. But how does one predetermine the outcome of a vote on the issue, which is what the Senator is trying to schedule for some time between now and June 5?

Mr. NICKLES. I wanted this vote to mean something, not just have a vote on a balanced budget amendment. I want us to adopt the balanced budget amendment.

Mr. SARBANES. I understand that. That is not what the amendment does. The amendment does not adopt it. The amendment talks about some vote in the future, does it not? The Senator is not talking about a vote here now that adopts it, is he?

Mr. NICKLES. My amendment is very plain. It says, "The Senate should adopt a joint resolution proposing a balanced budget amendment to the U.S. Constitution." "Should" adopt. If a person is against adopting a balanced budget amendment, they should vote no; if they are in favor of a President doing a balanced budget amendment, there are several different proposals.

Mr. SARBANES. Which balanced budget amendment is the Senator talking about?

Mr. NICKLES. Again, I think I explained this. There are several different proposals. Senator SIMON has one on the calendar. I might mention Senator KASTEN has another one. Senator KASTEN's is very close but a little bit different than the balanced budget amendment that we passed in 1982. We voted on a balanced budget amendment that was slightly different than that in 1986.

Frankly, I would vote for probably any of the three. I think all of them would be a giant step in the right direction. So I did not try to define

which one. I just said I think we should adopt a balanced budget amendment.

I am very frustrated with our inability to do more toward getting our Federal debt under control, toward balancing the budget. So I wanted to put some pressure on us to really take this issue up on the floor of the Senate in the next couple of months, and, hopefully, we will adopt it.

Mr. SARBANES. I tried to distinguish between the question of taking the issue up and having predetermined the outcome. I do not know what it is that the Senator wants to adopt. I take it he does not know himself at this point. There are a number of different proposals out there that are floating around. Does the Senator have a preference amongst the proposals?

Mr. NICKLES. I tell my colleagues and friend, I do. I think Senator KASTEN has an outstanding balanced budget amendment.

Mr. SARBANES. That is not what this calls for.

Mr. NICKLES. That is right. If the Senator is in favor of Senator KASTEN's approach, Senator SIMON's approach, or Senator THURMOND's approach—there may be additional approaches—if the Senator favors any one of those, I think he would want to favor this.

Mr. SARBANES. Suppose I favor one and not another?

Mr. NICKLES. If the Senator would like to see one become law, a constitutional amendment adopted, then he should vote in favor of this resolution.

Mr. SARBANES. That does not follow the way this is worded because what this does, the Senator's position, I understand, his position is he is for any of them, whatever. He is for any one of them no matter what it is. He is not exercising the substantive judgment amongst the proposals, as I hear him. Is that correct?

Mr. NICKLES. If the Senator will yield, we have had a joint resolution for a balanced budget constitutional amendment on the calendar for almost a year. We have not voted on it yet.

We have not voted on one since 1986. Some of us have been trying to get a vote on it every year. So it is about high time we vote again, and maybe we will be instructing people that now is the time. Let us get serious. This is not a gain. This is not a vote for election purposes. This is a time to say let us get serious.

I mentioned in my opening statement—the Senator probably did not hear it—that, in 1990, the House voted on one, and they came within a few votes of passing it.

So I would like very much for the Senate to pass one. We have not had a vote in the Senate in the last 6 to 7 years. So it is high time that we vote again.

I am trying to put some pressure on this body to bring this issue to the forefront and vote on it so we can actu-

ally have a balanced budget amendment. That amendment may say it will not be balanced in the year 1997, or 3 years after it is ratified by three-fourths of the States, or whatever. But at least we will have it on the table, we will have it on our agenda, and maybe we can reverse this disastrous trend of \$350 billion deficits.

Mr. SARBANES. I simply say to my colleague he says, "Let us get serious." I think it is a serious issue, but I do not think he is being serious about it if he does not focus on a particular substantive proposal. This is, in effect, a sense of the Senate for anything, so to speak, upon which you can put the label "balanced budget amendment," whether in fact it is a good one or a bad one.

Mr. NICKLES addressed the Chair. The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. SARBANES. Who has the floor? The PRESIDING OFFICER. The Senator from Oklahoma has the floor. The Senator from Maryland yields the floor. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, while my colleague, the Senator from Maryland, is on the floor, he made several statements that showed when defense spending was going up, deficit spending was going up; therefore, defense spending was responsible for the deficit.

Mr. President, I want to just throw out some facts; nothing but facts. In 1987, we spent a little over \$1 trillion. We spent \$1.4 trillion. Defense spending was \$283 billion. The budget resolution that we have today, 1993, 6 years later: Defense spending is \$291 billion in outlays. I might mention that the total outlays are \$1.51 billion.

So we have a 50-percent increase in outlays of \$506 billion, and defense spending has gone up by \$8 billion.

So over the last 5 years defense spending is increasing by \$8 billion.

Total Federal spending has increased by almost \$500 billion. Defense spending in the last 6 years is not responsible for our deficit. I mention that, in the last 6 years, the deficit has increased from \$150 to \$336 billion under this resolution. So defense spending has hardly increased any the last 6 years, but total defense spending increased by 50 percent. That is a fact.

I reserve the remainder of my time.

Mr. SARBANES. Will the Senator yield?

Mr. SASSER. I yield 3 minutes to the Senator from Maryland.

Mr. SARBANES. Mr. President, I welcome these comments by the Senator from Oklahoma, because I think we ought to discuss this issue and try to identify the problem. What happened is that the large runup in defense costs in the 1980's, particularly in the first 5 or 6 years, without any revenues to pay for it, ran the deficit up, and added to the debt; which has grown

from \$1 to \$4 trillion over the 1980's. Interest charge on the debt has become a larger and larger component of the Federal budget, and that is a debt that has resulted, in large part, from this runup in defense costs that was not paid for.

That is the fact that has to be recognized. The entitlements grew, but most of them were being paid for by the revenue source. That is clearly the case with the Social Security System. Defense costs went up but they were not being paid for. Therefore, the deficit resulted; the debt grew, and now the interest charge on the debt has become a major component of the budget. And interest, therefore, is a major contributor to the deficit we confront each year. Does the Senator disagree with that analysis?

Mr. NICKLES. Yes; I do. Mr. SARBANES. What is the Senator's view about it?

Mr. NICKLES. The essence of the Senator's statement was that—I am assuming I am on the time of the Senator from Maryland or of the Senator from Tennessee—the essence was, well, defense spending increased in the early 1980's. I guess the Senator would agree that defense spending has been relatively flat since 1987. But I will just say—and the Senator might notice I have another chart—the defense spending, as a share of Federal outlays, peaked at 27 percent in 1987, and in 1993 will be down to 18 percent, and in 1997 it is going to be down to 16 percent.

Mr. SARBANES. What does the Senator's chart show about the interest on the debt as a component of the budget and its contribution to the deficit?

The PRESIDING OFFICER. The Chair reminds the Senator from Maryland that he has used up his 3 minutes of allotted time.

Mr. SARBANES. If the Senator will yield 30 seconds, I will yield then.

Mr. SASSER. I yield 30 more seconds to the Senator from Maryland.

Mr. SARBANES. What the Senator's chart would show is that the growth in the debt, which resulted from defense spending in the first part of the 1980's resulted in a growth in interest charges on the debt, which is now a big component of the budget and a major contributor to the deficit.

You have to understand where the deficit came from in order to know how to bring it down.

One assertion is that it came from the entitlements. What I have contended today is that a substantial part of the entitlements are funded with a committed revenue source, and they have more than paid their way. In fact, they have run a surplus, so they have not contributed to the deficit. Domestic discretionary spending was on a downward trend; defense spending went up.

Another contributor besides defense spending was a slack economy. Every

time you go into a recession, the deficit increases automatically and, therefore, you encounter a deficit problem.

Mr. DOMENICI. Will the Senator from Oklahoma yield 1 minute to the Senator from New Mexico for a question that I have for the Senator from Maryland?

Mr. NICKLES. Yes; I yield 1 minute to the Senator from New Mexico.

Mr. DOMENICI. I wonder if the Senator from Maryland has run a 10-year-from-now number out and put defense down as low as he would like it, wherever he wants to put it, and see if we come close to a balanced budget, without doing something about the entitlements or dramatically raising revenues. Can we cut the deficit enough to get the deficit under control?

Mr. SARBANES. Out into the future?

Mr. DOMENICI. Yes.

Mr. SARBANES. It depends on whether we can get the economy out of a recession.

Mr. DOMENICI. Assume that we do.

Mr. SARBANES. The recession is contributing \$100 billion to the deficit.

Mr. DOMENICI. We are out of time, but we are going to grow at 3 percent a year, on average—2½ percent growth for the next 5 years, and 2 percent for the next 5 after that. Does the Senator know whether we could have a balanced budget out of defense alone, leaving entitlements alone like they are?

Mr. SARBANES. It depends on how you pay for entitlements, and it depends whether you have had a revenue source to go with them.

Mr. DOMENICI. Leave them like they are, is what I am saying. Current policy. What would the Senator assume?

Mr. SARBANES. I would have to take them one at a time and analyze the entitlements.

The PRESIDING OFFICER. The time of the Senator has expired.

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

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds remaining.

Mr. DOMENICI. Let me suggest that the deficits will be over \$450 billion.

Mr. SARBANES. On what assumption?

Mr. DOMENICI. What I just gave the Senator. About 2½ percent growth; get defense as low as you want, and see where you are in terms of the deficit.

Mr. NICKLES. Mr. President, I reserve the remainder of my time.

Mr. SARBANES. What did the Senator do with the savings and loans?

Mr. DOMENICI. It is over within 10 years.

Mr. SASSER. Mr. President, I yield the Senator from Maryland an additional minute, if he requires it.

Mr. SARBANES. Mr. President, I think that this is a helpful exchange, because it underscores the importance

of analyzing and figuring out exactly what we are doing.

My understanding of the current deficit—and if the ranking member of the budget committee disagrees, I would like to hear it—is that one component is the recession, contributing \$100 billion, and another component is the payment on the S&L's and the banks, another \$100 billion, and that leaves us with approximately \$190 billion.

Mr. DOMENICI. I assume.

Mr. SARBANES. Is that correct?

Mr. DOMENICI. I think that is the arithmetic, if that is the case. I was not doing the arithmetic; maybe the Senator was.

Mr. SARBANES. Mr. President, I point out to the body that one of the problems is that we have a big payment of interest on the debt as a big item in the Federal budget and that essentially resulted from heavy defense spending in the 1980's without taxes to pay for it.

And as a consequence we ran these large deficits. We built up the debt. We now have to service that debt and those interest charges have become a big item in the budget and a big contributor to the deficit. Once you recognize that then you start looking at how to close this deficit problem.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. NICKLES. Mr. President I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

If no one yields time, time will be deducted equally.

Mr. NICKLES. Mr. President, I ask unanimous consent that my 2 minutes remain.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask the distinguished chairman. I saw conflicting signals. I thought he was saying he was going to accommodate for a yea-and-nay vote. Then I did not see his hand go up.

Is the Senator literally planning not to grant the Senator from Oklahoma a vote?

Mr. SASSER. No; the Senator from Oklahoma is certainly entitled to a vote. I would certainly be pleased to see him get that.

We have a Senator on his way here who wishes to speak, and that is our problem.

Mr. NICKLES. Mr. President, if the Senator will yield, I would like to reserve at least 2 minutes of my time.

Mr. SASSER. We will not agree to that, Mr. President.

The PRESIDING OFFICER. If no one yields time, time will be deducted equally from both sides.

The Senator from Oklahoma.

Mr. DOMENICI. Mr. President, I will yield the Senator 2 minutes off the bill.

I do not know about the bill. Maybe they want to amend that and do not want to have the yeas and nays before the Senator amends it. Maybe the Senator should send an amendment up there.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am going to submit a chart. It has facts. Does not have all the rhetoric behind it but it has facts.

The facts are that defense spending for the last 5 or 6 years has been relatively flat: In 1987, \$283 billion; in 1993, \$291 billion. Defense spending has not gone up in the 7 years. It is relatively flat. But total Federal spending has increased by 50 percent and the deficits during those years have ballooned from \$150 billion to, in 1992, \$368 billion, and projected in 1993, \$336 billion.

Those deficits did not increase because of the defense spending. They increased because of other things.

I heard my colleagues say domestic discretion has not increased. It was increasing from \$137 to \$225 billion.

I will mention all the other things. Entitlements have increased. Social Security has increased from \$205 billion to \$301 billion, Medicaid from \$27 billion to \$80 billion. And that is not just helping people. That is a lot of States dumping on the Federal Government their liability. Medicare increased from \$73 billion to \$143 billion, almost doubled in those 6 years.

Unemployment compensation—that is interesting—goes from \$14 billion to \$39 billion in 1992, and an estimated \$26 billion in 1993. Other entitlement programs increased from \$149 billion to \$202 billion.

So we have a dramatic increase in outlays under the so-called mandatory and entitlement programs.

Mr. President, we need a balanced-budget amendment because we have not shown the courage or conviction to do so on our own.

Mr. President, I reserve the remainder of my time. And, Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. I thank the Chair.

The PRESIDING OFFICER. The Chair will inform the Senator from Oklahoma that Senator DOMENICI yielded him 2 minutes off the bill, so there are 2 minutes and 11 seconds remaining to the Senator from Oklahoma. The Senator from Tennessee has 13 minutes and 28 seconds.

Who yields time?

Mr. KASTEN. Mr. President, I support a balanced budget/tax limitation

amendment to the U.S. Constitution. I am pleased that the Senate is likely to consider and vote on proposed balanced budget amendments later this spring.

This year the budget deficit will approach \$400 billion and the national debt will approach \$4 trillion. This is outrageous. The American people have had enough. They are sick and tired of high taxes, out of control congressional spending and massive budget deficits and debt that will be passed on to their children. Tinkering with the Budget Act has proven to be a failure in restraining Congress' appetite to spend taxpayers' dollars. The time for action on fundamental congressional budget reform is now.

Last July, I introduced Senate Joint Resolution 182, a balanced budget/tax limitation amendment to the U.S. Constitution. Presently, Senators BROWN, LOTT, COATS, SYMMS, BURNS, SMITH, HELMS, D'AMATO, SPECTER, MACK, GARN, MURKOWSKI, MCCAIN, PRESSLER, ROTH, and SEYMOUR are cosponsoring this constitutional amendment. The amendment requires a three-fifths supermajority vote of both the House and Senate in order to deficit spend. However, to prevent Congress from balancing the budget on the backs of taxpayers, it also requires a three-fifths vote of both Houses of Congress in order to increase taxes above the rate of economic growth.

A strong provision is needed to limit tax increases, otherwise a balanced budget amendment could give Congress an excuse to continually raise taxes rather than reduce the growth rate of Government spending. History shows that each \$1 in higher taxes generates \$1.59 in congressional spending. Today, the Federal Government will spend nearly 25 percent of the Nation's annual wealth, the highest level since the Second World War. Higher levels of Government taxes and spending as a percentage of GNP would lead to an unbalanced economy with higher unemployment, lower productivity, and reduced private sector activity.

The balanced budget/tax limitation amendment has the support of a broad-based coalition of small business, farm, and taxpayer organizations including Citizens for a Sound Economy, National Tax Limitation Committee, U.S. Chamber of Commerce, U.S. Business and Industrial Council, American Legislative Exchange Council, National Federation of Independent Business, American Farm Bureau Federation, National Cattleman's Association, Council for Citizens Against Government Waste, and Americans for a Balanced Budget. I urge the Senate to support a balanced budget amendment with a strong tax limitation provision when the Senate considers the issue later in the spring.

Mr. BRYAN. Mr. President, I rise in support of the Nickles amendment and am a cosponsor of Senate joint Resolu-

tion 18, which will amend the Constitution to require a balanced Federal budget.

It has been over 20 years since the Federal Government ran a surplus. Over the past decade, the national debt has grown to an unprecedented level—\$4 trillion. This is four times the size of the debt at the start of the Reagan administration. Nevertheless the Bush administration continues the tradition of submitting deficit-spending budgets to the Congress, and the Congress lacks the political determination to make the necessary spending reductions to balance the budget.

Mr. President, our burgeoning Federal deficit is the greatest problem facing our Nation today. The interest payments consume dollars that could otherwise go for urgent needs such as infrastructure. It is necessary to force Congress and the President to set priorities and determine what is a critical need and what would be nice to fund. Forty-eight State Governors face constitutional provision limiting deficit spending and make those tough decisions every time they submit a budget to the legislature. For 6 years, as Governor of Nevada, I submitted balanced budgets to the State legislature.

Mr. President, a balanced budget amendment is not a panacea, it will not solve all of our fiscal difficulties. A balanced budget amendment will, however, compel both the President and Congress to evaluate those difficult choices necessary to bring Federal spending under control.

Mrs. KASSEBAUM. Mr. President, proclaiming one's opposition to a sense of the Senate resolution calling for adoption of the balanced budget constitutional amendment is a risky pastime for elected officials. The amendment has taken on a symbolic significance that far surpasses any possible economic significance.

To be against a constitutional prohibition on deficit spending is to be perceived as being for big government, for big budgets, and for big deficits. Those are not perceptions around which successful reelection campaigns are designed.

For at least the last 20 years, public opinion polls have consistently indicated that a huge majority of all voters support the idea of a balanced budget amendment. Until recently, a popular support for the general proposition has been overwhelming.

That being the case, it would be logical to assume that politicians, in their eagerness to champion the most popular economic issue of the 1990's, would be falling all over each other in a rush to cut Federal spending. In case anyone hasn't noticed—that hasn't happened. It isn't going to happen, and a constitutional amendment isn't going to change that fact. I make those statements categorically and without qualification. Let me tell you why.

Although public support for a balanced budget is overwhelming, public support for the large cutbacks in specific programs that would be required to balance the budget is almost nonexistent.

Americans oppose significant cutbacks in Social Security and other retirement programs—that's one-fourth of the budget. A majority of Americans oppose major reductions in spending for national defense—that's almost one-fifth of the budget. Americans are against significant reductions in spending for health and Medicare—that's 15 percent of all spending. By majorities of 3 to 1 up to 9 to 1, the public opposes reductions of any size in student aid, farm programs, unemployment benefits, roads, highways, aid to small business, spending on child benefits, and public transportation. Interest payment on the debt, which equal almost one-seventh of the budget, can't be arbitrarily reduced. Together these programs represent approximately 90 percent of all Federal spending.

Those programs that the public believes should be cut—food stamps, foreign aid, and welfare in general—could be completely eliminated with negligible long-term effect on the deficit. The general public perception, however, is that the elimination of unjustified give-away programs, combined with the elimination of waste, fraud, and abuse, would easily balance the budget.

In short, the public has demonstrated an extremely strong and remarkably consistent political preference for two mutually exclusive policy objectives—increased Federal spending for over 90 percent of all Federal programs and a balanced Federal budget. To make the picture complete, it should be noted parenthetically that over the past 10 years a majority of all voters have also believed that their taxes were too high.

The political implications of this fiscal policy dilemma are not difficult to understand. Elected Federal officials are facing growing hostility from an electorate that is demanding more in Government services and more in public benefits at a time when public willingness to pay for those services is decreasing dramatically. Americans want a strong defense, guaranteed security in old age, protection against rising medical costs, drug abuse enforcement, safe skies, clean air, and free public education. They do not want lax enforcement of antitrust laws, uninsured bank failures, deteriorating interstate highways, unsafe pharmaceuticals, or rampant financial fraud and business abuse of the consuming public. Americans also want lower taxes.

The honest solution to this problem of public demands and public perceptions requires a healthy dose of political courage. Elected public representatives have a duty and an obligation to help shape, as well as react to, public

opinion. Education goes hand-in-hand with representation. Unfortunately, on the subject of deficits, political courage has taken a back seat to political expediency—the result is the balanced budget constitutional amendment.

The political appeal of the constitutional approach to deficit reduction is obvious. It permits strong public advocacy of a balanced Federal budget without necessitating public advocacy of extremely unpopular steps necessary to accomplish the goal. The balanced budget constitutional amendment is a politician's delight—it's popular, it's safe, and so far it's fooled most of the people most of the time.

If and when the Federal budget is ever again balanced, it won't be because of constitutional prohibitions against deficits. As long as huge majorities of Americans continue to demand security in old age, government-provided medical care, a strong national defense, and the myriad of other services that have proven immensely popular, elected representatives will ensure that those services continue. Circumvention of the balanced budget amendment will not only be possible, it will be routine.

Proponents of the balanced budget amendment would have the American public believe that Congress—given a constitutional mandate—would cut spending by \$400 billion in a single year. If defense, Social Security and other pensions, and Medicare are held harmless against reductions in spending, along with net interest payments on the debt which can't be arbitrarily reduced, then Congress would have to eliminate all other Federal spending to balance the budget. Clearly that is not going to happen.

Even with sizable cutbacks in education, highways, drug enforcement, and all other Federal activities, the bulk of a \$400 billion deficit reduction would have to come in large part from national defense and old-age pensions. The savings required would necessitate actual dollar reductions in benefit checks to those receiving old-age benefits, elimination of all cost-of-living adjustments, massive cutbacks in military procurement and readiness, and most likely complete elimination of all Federal grants to State and local governments. That, also, is not going to happen.

The priorities of the American public are seldom a mystery to politicians. Those priorities will provide a strong—more likely irresistible—motive to circumvent any constitutional prohibition against deficits. And, circumvention will not be difficult.

The experience of State and local governments having self-imposed legal or constitutional prohibitions against deficits is instructive. Such governments are frequently cited as models, demonstrating the workability of a Federal prohibition on deficit spend-

ing. A close examination of State and local budgeting provides a prescription for circumvention.

Virtually every State government has adopted a system of budgeting that separates operating expenses for capital expenditures. While State operating budgets are generally in balance, State and local borrowing for capital expenditures has—over the past 25 years—been increasing at a rate faster than Federal borrowing. State borrowing for capital expenditures is usually accomplished through the issuance of long-term bonds—as is a good portion of Federal borrowing.

This dramatic increase in State and local borrowing has resulted in a series of legislative and statutory caps designed to limit total debt accumulation. State governments facing such limitations on long-term indebtedness have turned to the use of "special authorities," such as turnpike authorities and housing authorities, which are empowered to finance construction and operations through special bond issues. The use of special authorities not only circumvents legal prohibitions against deficit financing, it also results in the exclusion of Government expenditures from public view.

I also believe that with a balanced budget amendment Congress would also be highly likely to revise its system of expenditure accounting. The definition of budget outlays is not as cut-and-dried as is commonly supposed. For instance, the Federal Government receives payments and user-fee receipts from a variety of activities such as airline passenger ticket taxes, leasing of Federal lands, and the sale of Federal property. These receipts are presently treated as negative budget outlays—a practice which serves to reduce the total level of Federal outlays. The expanded use of this accounting practice could greatly reduce the reported level of Federal outlays.

Tax expenditures, Tax Code provisions granting special tax treatment and thereby subsidizing certain activities, could also be expected to proliferate in reaction to limitations on direct subsidies. In addition to circumventing spending limitations, increasing tax expenditures would add further inequity to the Tax Code.

Perhaps the most detrimental of all approaches to evading limitations on Federal spending would be the increased use of Federal regulation to force private industry or State and local governments to further Federal objectives. Possible regulatory approaches to achieving Federal goals could include requirements that employers finance a portion of Medicare payments through employee retirements plans, or that all federally mandated antipollution efforts be accomplished through more stringent, and costly, efforts by private industry.

The temptation to believe that this long list of objections and indictments

on the constitutional amendment issue is overblown, or apologetic, may be great, but they must be taken seriously. If the American public was truly ready to sacrifice existing Federal services in exchange for elimination of the deficit, that exchange would have in fact already occurred. If Congress possessed the courage to cut Federal services or raise taxes to a level sufficient to eliminate deficits—public opposition to such actions notwithstanding—that, too, would have already happened.

It hasn't happened. A constitutional prohibition against deficits isn't going to reduce the public demand for services, nor is it going to give Congress the courage to act against the mandate of the electorate. If Congress had the courage to balance the budget, a constitutional amendment wouldn't be needed. In the absence of such courage, an amendment will simply prove an embarrassment to the Nation.

If we are to rationalize our fiscal policy and get our spending house in order, the first step is to cease looking for easy solutions. We must, instead, begin making some hard choices. We must decide if we—as a nation—want our Government to continue providing medical and retirement benefits at current levels with complete protection against inflation. We must decide if we want to continue providing for national defense at currently planned levels. We must decide if we want adequately maintained roads and bridges, if we want flood protection, drug interdiction, banking regulation, and free education. If we decide the answer to those, and similar, questions is "yes," then we must decide if we are willing to pay for those services through increased taxes.

As a nation we have not, as yet, answered these questions. The result is our national annual budget deficit. Our ultimate success depends upon a clear understanding of the problems we face and our ability to find consensus solutions. A constitutional amendment to balance the budget will not assist us in this difficult undertaking—procedural panaceas seldom do.

Mr. HELMS. Mr. President, I commend Senators NICKLE and BOND for offering this very important amendment.

In North Carolina, like all other States, both State and local governments are experiencing tremendous budgetary problems and are being forced to find ways to cut spending. It is a painful process, but eventually they must adopt balanced budgets to comply with constitutional provisions requiring their respective governing bodies to operate within a balanced budget. By doing so, they do not waste billions of dollars in debt service like the Federal Government does every year. Forty-eight States have constitutional requirements for balanced budgets.

Many economic analysts contend that the United States has reached a point in accumulated public debt as to be in actual, if not undeclared, bankruptcy. I agree with them. Federal bankruptcy laws exist to protect businesses and individuals who are too deeply in debt to meet their obligations. No such law exists to protect the U.S. Government from financial collapse. If only we will admit it, our salvation from such ultimate collapse can now come only from new constitutional restrictions that force an end to Congresses reckless record of spending that routinely stretches many billions beyond supporting revenues.

Mr. President, despite the 1990 budget agreement, this year's record breaking deficit by reaching over \$4 billion—that's a 4 followed by 9 zeros. The annual per capita interest payment for every man, woman and child in America is expected to rise to almost \$1,200 in 1992.

Mr. President, this is a national disgrace—a symbol of profligacy and cowardice, or political ambition run amuck. The activities of Congress, the timidity of Congress, the recklessness of Congress, the inclination to play politics with the public purse—all of this has brought us to a Federal debt, as of close of business on Tuesday, April 7, stood at \$3,891,976,495.534.38. I simply cannot understand how anyone can seriously suggest that there is not a crying need for a constitutional limitation on Federal spending. We should have had it long ago.

Mr. President, too often we forget that the Federal Government has no funds except money taken from the American people. The Government either takes the earnings of the consumers of this country, or it takes funds through the far more insidious and destructive route Congress has taken—by deficit financing, by borrowing money, by mortgaging the future of our children and grandchildren.

I certainly do not suggest that the ratification of this constitutional amendment requiring a balanced Federal budget will solve all the economic problems facing our Nation, but it will bring a degree of honesty and discipline that has been long needed in Congress. The discipline will be there, the discipline which the U.S. Constitution will impose on the Congress and the President. This discipline is imperative, cost of not balancing the Federal budget is too high.

All of us can contrive excuses for what we do or what we fail to do. But if we are unwilling at this crucial time to accept a discipline that will be difficult—some will even say impossible—then Congress will be saying there is no remedy. I say there is.

It will be tough, and there will be some screaming. But it is really a matter of doing what we were elected to do. Question: Were we elected to play a

shell game, to deceive the American people, to try to buy popularity with the taxpayers' own money, to push our own priorities forth, pretending that it does not matter how much they cost? No indeed we were not.

Since I first set foot in the U.S. Senate, I have been dedicated to reducing Federal spending. Congress has proven beyond any doubt that a constitutional amendment is the only way this body will even maintain a balanced Federal budget once it is attained.

Mr. President, the time has come for Senators to put up or shut up. I doubt there is a Senator who has not traveled his or her State preaching the virtues of balancing the Federal budget. Yet year after year, this body votes to increase spending into the stratosphere, and has resisted all efforts to impose even the most modest restraint on spending. I call upon Senators and Members of the House of Representatives to acknowledge publicly the real danger which our debt-hobbled Nation now confronts. I call upon Senators to forswear political and partisan interests, and support this resolution endorsing a balanced budget constitutional amendment.

Mr. LEVIN. Mr. President, I am just as distressed about the huge budget deficits that we have been running up year after year as are the sponsors of this amendment. I am just as sickened as I know they are by the prediction of the Congressional Budget Office that deficits of those magnitudes cripple economic growth by reducing national saving and capital formation. And, I am just as saddened as we all are by our failure to heed the advice of the "Book of Proverbs" that a good person "leaveth an inheritance to his children's children." Instead of an inheritance, we are leaving them with a national credit card bill.

Only a few weeks ago, I offered an amendment to strike the middle-income tax cut from the Finance Committee's tax bill and use that money to reduce the budget deficit. I am continuing to work to fashion a bipartisan approach to comprehensive deficit reduction.

However, I do not support the Nickles amendment that expresses the sense-of-the-Senate that we should adopt a constitutional amendment to balance the budget by June 6. I voted for the Byrd amendment that required a constitutional amendment for a balanced budget to include a provision calling for the President to submit a balanced budget. It is only appropriate that if the Congress is required to pass a balanced budget, then the President should be required to submit a balanced budget.

But, I don't believe that the Senate should set a deadline to pass an amendment to the Constitution without knowing the text of that amendment. We recently celebrated the 200th anni-

versary of the Constitution. It deserves more than being put under a 60-day clock. The Founding Fathers made the amendment process difficult in order to encourage thoughtful consideration. Deadlines such as the one in the Nickles amendment are inconsistent with their intent. For that reason, I will vote against waiving the Budget Act to permit the passage of the Nickles amendment.

Mr. NICKLES. Mr. President, I yield the remainder of my time back on the amendment.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

The Senator from Tennessee has 13 minutes and 28 seconds.

Mr. SASSER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Does the Senator yield time?

Mr. SASSER. I yield back the remainder of my time and the Senator from West Virginia was seeking recognition.

The PRESIDING OFFICER. All has been yielded back.

The Senator from West Virginia is recognized.

AMENDMENT NO. 1767 TO AMENDMENT NO. 1766

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1767 to amendment No. 1766.

In the pending amendment, strike all after the word "SEC." and insert the following:

SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(1) It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to the Federal balanced budget, and requiring the President of the United States to annually submit a balanced budget, and that the adoption of such joint resolution should occur on or before June 5, 1992.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I believe under the law I would control 30 minutes. Am I correct?

The PRESIDING OFFICER. The Senator is correct. There would be 1 hour equally divided.

Mr. BYRD. I thank the chair.

Mr. President, my amendment would require the President to annually submit a balanced budget. We are all aware of the tremendous increase in the annual deficits over the past 12 years, accompanied by the increased national debt and the interest on that debt.

As I stated earlier today, shortly after taking office President Reagan addressed the Congress and he pointed out that the national debt on January 20, 1981, stood at nearly \$1 trillion. He

said that it would take a stack of \$1,000 bills 63 miles high in order to add up to \$1 trillion. On April 2, 1992, after 8 years under President Reagan's administration and over 3 years under the Bush administration, the national debt stood at \$3,781,000,000,000.

Mr. President, if we want to know how much money that is, it is \$3,781 for every minute since Jesus Christ was born. The President is fond of blaming Congress for this massive increase in the national debt, and some of our colleagues enjoy it as well.

It is interesting to note that neither President Reagan nor President Bush has ever submitted to Congress a balanced budget. In fact, the last balanced budget that was submitted to Congress was President Carter's fiscal year 1981 budget. President Carter's January submission of that budget showed a deficit of \$15,773,000,000.

There was a sharp negative reaction both in Congress and in the financial markets. This caused President Carter to send forth amendments to his original budget in March 1980, mainly in the form of revenue increases. These amendments not only brought his fiscal year 1981 budget into balance, they also resulted in a \$16,489,000,000 surplus.

In President Bush's supplement to the budget to the U.S. Government for fiscal year 1993, one will find that not only did President Bush not propose a balanced budget for fiscal year 1993, he has in fact proposed huge deficits for the next 5 years, as well as a 56.5-percent increase in the national debt by 1997. On the chart here, beside me, we see 2 bars, one representing the bar which President Reagan pointed to when he made his nationally televised address, at which time he pointed at the bar and said if these were \$1,000 bills, in a stack 4 inches high, you would have a million dollars. But to illustrate just where we are with respect to the national debt today, he said, if that stack of \$1,000 bills were extended into the stratosphere, it would reach 63 miles into the stratosphere. It was \$932 billion. Mr. President, that represented the paying off of the Revolutionary War debts, the War of 1812, the Mexican War, 1846-1848, the Civil War, the Spanish American war in 1898, World War I, World War II, the Korean war, the Vietnam war, the panic of 1873, the panic of 1893, and the Great Depression—of which I am a child—in the early thirties. I do not have to read about it. I do not have to have my mom and pop, or my great uncle, or my grandmother or grandfather, or somebody else tell me about it. I was there and wore tennis shoes in the snow. I know the Great Depression.

But, to go ahead with the story, that represented 39 administrations, under 38 Presidents, Grover Cleveland having been elected twice but not consecutively.

So there were 39 administrations, starting with Washington, John

Adams, Jefferson, Madison, Monroe, John Quincy Adams, Andrew Jackson, Van Buren, William Henry Harrison, Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Andrew Johnson, Grant, Hayes, Garfield, Arthur, Cleveland, Benjamin Harrison, Cleveland again McKinley, Roosevelt, Taft, Wilson, Harding, Coolidge, Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Nixon, Ford, and Carter, all of those administrations, all of them, \$932 billion, less than \$1 trillion, 192 years.

But came Mr. Reagan riding into town, the great balanced-budget man. And he pointed out to the Nation's viewers the monstrous bar that reached 63 miles in the stratosphere and said that it where we are. That is how much debt we owe.

Well, lo and behold, I said after that, "Well, you will never see Mr. Reagan on television again using that chart."

Well, to make a long story short, on April 2 of this year, the debt was \$3.781 trillion and that represents a stack of thousand dollar bills that would reach into the stratosphere 239 miles—239 miles into the stratosphere.

So that will indicate to observers the size of our national debt and how it has grown since January 20, 1981, the date on which Mr. Reagan took office.

The President is required to present annual budgets to the Congress, but Presidents have not shown much leadership in making the difficult proposals that would be necessary in order to achieve a balanced budget.

Instead, again this year, the President proposed modest increased revenues totaling \$701 million in fiscal year 1993, \$2.702 billion for fiscal year 1994, \$414 million for fiscal year 1995, \$283 million for fiscal year 1996 and minus \$1.936 billion for fiscal year 1997.

For entitlement programs, President Reagan proposes total reductions over the fiscal year 1993-1997 period of approximately \$34 billion.

There were other changes proposed which would shift certain programs such as Deposit Insurance and Pension Benefit Guarantee Corporation to an accrual basis, but those were book-keeping transactions and not real savings.

Now, Mr. President, I have in my hand the Supplement to the Budget of the United States Government for fiscal year 1993, submitted in February 1992. On the chart to my left, we can see that in the President's budget—this is his budget, it is not my budget, this is President Bush's budget. What does he propose?

On page part one-3, the President lays out his budget and we can see that his 1992 budget estimate shows a deficit of \$449.1 billion.

It is easy to think in terms of a billion dollars. If we think of the time that has transpired from the birth of Jesus Christ to the present day, which is nearly 2,000 years, it amounts to 1 billion minutes.

So we are talking about \$449.1—\$449.1 billion for fiscal year 1992. That is the deficit.

Fiscal year 1993, \$411.7 billion. Getting a little better, \$411.7 billion.

Fiscal year 1994, \$286.8 billion. It is coming down a little bit.

Fiscal year 1995, the President proposes in his 5-year budget, a \$279.5 billion deficit.

For 1996, the chart shows that the deficit in the administration's proposal is \$283.1 billion.

And, in 1997, \$303.6 billion.

So we can see that for the next 6 years, including the year 1992, the deficits—you can add that up—about \$2.014 trillion, just roughly counting.

Now let us take the next chart.

Now here is the national debt, as proposed in the President's budget proposal.

Mr. CRAIG. Will the Senator yield for a moment?

Mr. BYRD. Would the Senator mind waiting until I finish? I would then be happy to yield.

Now here is the national debt. As I said a little earlier today, we anticipate that the national debt will reach \$4 trillion by the beginning of the new fiscal year on October 1.

Here is the chart that shows the national debt as laid out in the President's budget supplement over the period 1992-1997. And this we find in the Budget of the United States Government Supplement, February 1992, signed on page 3 by George Bush and written on White House stationery.

Now here is the national debt that we can anticipate: \$4,050,300,000,000 in 1992; \$4,513,200,000,000 in fiscal year 1993; fiscal year 1994, projected to be \$4,856,900,000,000; 1995, projected to be \$5,201,500,000,000; 1996 is projected to be \$5,549,900,000,000; and fiscal year 1997, \$5,917,700,000,000.

Read it and weep.

What does it mean when we have that kind of debt? Well, we have to pay interest on it. And the interest on the national debt, when Mr. Reagan came to Washington on his steed, came in like a white knight, the interest on the national debt at that time was \$69 billion; a lot of money. A lot of money.

This year, it is going to be \$212 billion; \$212 billion this year. That is more than all of the domestic discretionary funding that we will have. It does not buy a single pencil, not a pencil, not an eraser to go on a pencil for our school kids. And we owe a lot of that interest to investors from overseas.

Here is the net interest on the U.S. debt that the administration proposes for the period 1992-1997. That is also here in the President's budget supplement. Here is the interest on the national debt.

In 1992, \$198.8 billion; 1993, I said a moment ago \$212 billion plus, but it is \$213.7 billion; fiscal year 1994, \$230.9 bil-

lion; fiscal year 1995, \$242.2 billion; fiscal year 1996, \$253 billion; and fiscal year 1997, \$263.5 billion.

As one can easily see, the interest on the national debt alone is going to amount to over a trillion dollars in these next 6 years, including the fiscal year we are now in. Over \$1 trillion—nothing but interest on the national debt.

Mr. SASSER. Will the distinguished President pro tempore yield for just one observation?

Mr. BYRD. If the Senator will allow me, I promised to yield to this Senator first, and then I will be happy to yield. Will the Senator mind?

Mr. SASSER. I thank the Senator.

Mr. BYRD. Let me finish my statement, briefly.

So what we have, Mr. President, is a need for leadership from the White House. Congress cannot provide leadership. We have 535 Members of Congress. We cannot provide it. We all have a bully pulpit, but it is not like the bully pulpit in the Oval Office, in the East Room, in the White House. I have been down there. I have seen that pulpit. That is a bully pulpit.

So what we need is leadership from the Oval Office in the White House. Because unless we have that leadership, I do not think we are going to come up with the tough decisions, and make them stick, that are needed. We need the President to make the tough decisions and face up to the fact that these deficits and the national debt that are bankrupting this country will never be brought under control without leadership from the White House.

I listen to these candidates, these candidates out on the hustings. My, all the programs that they are promulgating. They are going to do this and they are going to do that; they are going to do this and going to do that. I wonder where is all this money coming from?

The President is having a lot of fun bashing the Congress. That is his program, bashing the Congress. He needs to provide leadership here with this terrible debt and the interest thereon. If he will provide that leadership, I think a lot of people would be surprised at the followership that he could get here. There would be some of us, I am sure, who would follow him if he would provide the leadership and—get this—consult with us, bring us in on the takeoff as well as on the crash landing, and we might be able to work out something to deal with these budget deficits.

So my amendment is a simple amendment. It would simply require that kind of leadership. It would require the President to send up a balanced budget. I urge the Senate to adopt my amendment.

Mr. President, I ask unanimous consent that a table showing 5-year defense and domestic outlay totals be printed in the RECORD.

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

5-YEAR DEFENSE AND DOMESTIC OUTLAY TOTALS
(In billions of current dollars)

Fiscal years	Defense	Domestic	Difference	Percent defense higher than domestic
1973-77	455	367	88	24
1978-82	700	613	87	14
1983-87	1,247	706	541	77
1988-92	1,478	922	556	60
1993-97	1,437	1,160	277	24

¹ Excludes \$50 billion Desert Storm/Shield.
Source: Table 8.1, Supplement to the Budget of the United States, Fiscal Year 1993.

Mr. BYRD. I yield to the distinguished Senator who first asked me to yield.

Mr. CRAIG. I thank the Chairman for yielding. Let me join, I am sure, with others, in support of the Senator's amendment to the resolution of our colleague from Oklahoma.

I spent 10 years over in the other body. At least 8 of those 10 years, I worked with my colleague from Texas, CHARLIE STENHOLM, in building a bipartisan coalition to propose a resolution of the kind that the Senator is talking about. It was without question, in our minds, that you had to include the executive branch of government in this process.

I understand what our Constitution says now. It does not include the executive branch in the budgeting process. I think it was not until the mid-1970's—and I will have to bow to my colleague on his knowledge of history here—that we did finally say that the executive branch of government would submit a budget and become a part of the process.

Mr. BYRD. It was long before that, Senator.

Mr. CRAIG. Was it not by statute?

Mr. BYRD. It was long before that.

Mr. CRAIG. Executives were submitting budgets. We will not debate the requirement by law.

One of the things that I think is significant to recognize with the Senator's substitute is that we are talking about debating a resolution that would significantly change the Constitution. And I think it ought to change. And I think it ought to incorporate the executive branch of government, which it now does not, because it is true that it is not just the Congress of the United States that exerts fiscal responsibility and budgetary leadership. It clearly is the executive branch that has to work with us in a cooperative manner.

The points the Senator makes are valid. The charts he demonstrates are vivid, without doubt. And those are charts that are proposed by an executive branch, based on what the legislative branch does, and in cooperation.

So I commend the Senator on his substitute. I think it is appropriate we bring the executive branch into it. The

amendment in the other body today, that has over two-thirds cosponsorship, speaks to the responsibility of the executive branch of government.

And if we were to pass a similar document here and the House could concur, I think we could send to the American people a major reform in this Constitution that is so important to us, that would bring these bodies together on a most important issue.

I commend the chairman, the President pro tempore of the Senate, for his leadership in this area.

Mr. BYRD. Mr. President, I thank my distinguished friend, Senator CRAIG, for his observations, and for his comments. I have been very impressed with this Senator. We have stood together on several proposals and amendments since he has come to the Senate. I know that he will make a fine contribution as we go forward in the months and years to come.

I believe the Senator from Tennessee asked me to yield next, and then I will be happy to yield to my colleague.

Mr. SASSER. I thank the distinguished Senator from West Virginia.

The Senator from West Virginia referred to the deficit when the Reagan administration came in office in 1981. I have some figures here that my friend from West Virginia might find interesting. And I am not sure he was aware of this, although his knowledge of the budget and fiscal policy is so very substantial and he probably does know.

Mr. BYRD. I would like to have them. I think the Senator from Tennessee is the preeminent authority on the budget here.

Mr. SASSER. I will say to my friend from West Virginia that these figures were compiled in 1989 by the Office of Management and Budget of then President Ronald Reagan. According to these figures, the so-called Economic Recovery Act of 1991, which President Reagan, as you know, campaigned vigorously on and was one of his first polls in the Congress. We knew it as the Kemp-Roth tax cut.

The Economic Recovery Tax Act of 1981, according to President Reagan's own Office of Management and Budget, between 1982 and 1989, deprived the Federal Treasury of \$1.441 trillion in revenues; \$1.441 trillion in revenues were lost through this one legislative act.

According to President Reagan's own Office of Management and Budget, had that tax cut, the Kemp-Roth tax cut not been enacted into law as it was at President Reagan's insistence, but if it had not been enacted into law, the budget surplus in 1989 would have amounted to about only \$220 billion and we would have begun running a balanced budget in 1987, culminating in a surplus of \$120 billion in 1989.

I thought my friend from West Virginia, in reviewing the history of the 1980's, would be interested in that par-

ticular item. Of course, there has been a lot of controversy this afternoon about charts and who produces them, et cetera. But these figures that I have just shared with my friend from West Virginia were compiled, as I say, by the Office of Management and Budget under the Reagan administration.

Mr. BYRD. Now what period did those figures cover?

The PRESIDING OFFICER. The Chair will just remind the Senator he has 2 minutes left.

Mr. BYRD. I thank the Chair for his courtesy.

Mr. SASSER. Perhaps I can yield some time off the resolution and yield myself such time as I may consume off the resolution.

But these figures began in fiscal year 1982 and they conclude in fiscal year 1989.

Mr. BYRD. If they were carried on up to the present time, as they should be, because we are talking about deficits that begin on the chart in 1992, they would be over \$2 trillion, and add to that the massive military spending from 1981 through 1991 of \$2.799 trillion, about \$2.8 trillion. And I voted for most of it—the MX mobile missile, SDI. I am not sure I will vote for the SDI this year, but I voted for most of them. But when you look at the massive buildup plus the 1981 tax cut for which I also voted—and I have been sorry for it ever since, but I voted for it—then you can see what is really contributing to the deficit. And on top of that now, we have the massive savings and loan bailout and, in addition to that, a recession. I thank the Senator.

Mr. SASSER. I thank the Senator from West Virginia.

Mr. BYRD. I yield to the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. I just want to comment on the Senator's amendment. I have no objection to his amendment. I am happy on this side to accept your amendment. I do not know what the procedure is, if the Senator wants to vote on it, accept it and then vote on the underlying amendment. I will be happy to work with my colleague, but I think he has offered a good addition to the underlying amendment.

Mr. BYRD. I thank my friend, and he is my friend. He is the ranking member on the Appropriations Subcommittee on the Interior. He works with me there. He is a fine Senator, and I get wonderful cooperation out of him.

Mr. NICKLES. I thank the Senator.

Mr. BYRD. For me, we can have a rollcall vote or have a voice vote. May I ask the distinguished chairman of the committee, Mr. SASSER, what his thoughts are? Should we have a rollcall vote on this or should we have a voice vote? The Senator from Oklahoma is willing to accept it.

Mr. SASSER. I say to my friend from West Virginia, and the Senator from Oklahoma, there is going to be a roll-

call vote, as I understand it, on his amendment. So I suggest we might as well have a rollcall vote on the Byrd amendment.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. I wonder if the distinguished floor manager of the bill will yield me some time before we go to a vote on it.

Mr. SASSER. If I can yield the Senator just a couple of minutes, there is not enough time on our side. I might want to discuss this in a moment.

Mr. GLENN. I might want to make a longer speech than that. I waited all day. We had a separate amendment which was going to be put in. I will just put the statement in the RECORD. It is in support of this proposal and some others that I had, a proposal that I was going to put in to accomplish basically the same thing.

Mr. SASSER. Will the Senator yield?

Mr. GLENN. I will bring it up later in the year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SASSER. Mr. President, I think we are ready to return to the regular order.

The PRESIDING OFFICER. If there is no opposition, then time of the opposition is yielded back?

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

The PRESIDING OFFICER. The Senator from Oklahoma has 30 minutes.

Mr. NICKLES. If the Senator from Tennessee will yield, what is his intention, a vote on the Byrd second-degree amendment to my underlying amendment?

Mr. SASSER. It is our intention to vote on the Byrd second-degree amendment and then I assume we would go directly to a vote on the underlying amendment.

Mr. NICKLES. I might mention to the chairman of the committee, I do not think that will be necessary. I am willing to vote on the Byrd amendment, assuming that it is agreed to and then I will ask that the vote on my underlying amendment be vitiated because I think his amendment complements the underlying amendment.

Mr. President, I have no objection to the Byrd second-degree amendment to my amendment. Let me read it for my colleagues so they will know what in essence it says:

It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and requiring the President of the United States to annually submit a balanced budget and that the adoption of such joint resolution should occur on or before June 5, 1992.

Mr. President, I think that says it all. I hope my colleagues will adopt it, and I hope that we will seriously engage in trying to make a constitutional amendment pass the Senate and the House and be ratified by three-fourths of the States. I personally think we desperately, desperately need to do it.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1767 offered by the Senator from West Virginia to amendment No. 1766. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announced that the Senator from Illinois [Mr. DIXON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent. I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The result was announced—yeas 84, nays 11, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—84

Akaka	Exon	McCain
Baucus	Ford	McConnell
Bentsen	Fowler	Mikulski
Biden	Garn	Moynihan
Bingaman	Glenn	Murkowski
Bond	Gore	Nickles
Boren	Gorton	Nunn
Breaux	Graham	Packwood
Brown	Grassley	Pell
Bryan	Harkin	Pressler
Bumpers	Hatch	Pryor
Burdick	Hatfield	Reid
Burns	Heflin	Robb
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Coats	Inouye	Rudman
Cochran	Johnston	Sanford
Cohen	Kasten	Seymour
Conrad	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Smith
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Durenberger	Mack	Wofford

NAYS—11

Adams	Lautenberg	Sarbanes
Bradley	Metzenbaum	Sasser
Cranston	Mitchell	Wellstone
Kassebaum	Riegle	

NOT VOTING—5

Dixon	Jeffords	Wirth
Gramm	Wallop	

So the amendment (No. 1767) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I raise a point of order that the pending Nickles amendment violates section 305(b) of the Congressional Budget Act of 1974.

Mr. NICKLES. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the section 305(b) point of order pertaining to germaneness against the pending amendment.

The PRESIDING OFFICER. Under the act there is now time for 1 hour for debate, under the motion offered by the Senator from Oklahoma.

Mr. SASSER. Mr. President, this amendment has been fairly extensively debated, and I would be willing to yield back my time or enter into a time limitation if that is agreeable with the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I had already stated I really do not see the need for another vote. I said I would vitiate the yeas and nays.

The Senator from Tennessee, I guess, had a request or someone would make a point of order that it is in violation of the Budget Act and not germane.

I think calling for a balanced budget amendment is germane, and I would hope that my colleagues would agree. I accepted and the Senate has voted overwhelmingly for the Byrd modification to my amendment. I think that is a good modification. We voted overwhelmingly. I do not know why we are going to have another vote. I am happy to do so.

I do move to waive section 305 of the Budget Act and if the Senator requests, I guess, we will ask for the yeas and nays. If he wants to do it on voice vote, I would be happy to do it on voice vote.

The PRESIDING OFFICER. The Chair would inform the Senator that it requires a 60-vote prevailing majority in order to accomplish that.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, let me inquire once again of my friend: Is he willing to yield back all time on this amendment or does he want to debate it?

Mr. NICKLES. I am happy to yield back. We already had the debate and we passed the Nickles-Byrd amendment and I hope we will pass it again.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I am prepared to yield back all time and move to an immediate vote.

Mr. NICKLES. Mr. President, we had, I believe, 84 votes before. That is more than the 60-vote requirement.

Mr. SASSER. Mr. President, I am not going to yield back the time if we are going to get into a debate. The Senator from Oklahoma has been arguing and debating the merits of this issue. If he wants to debate the merits of the issue, I will debate it with him. If he wants to yield back the time and let our colleagues vote and get on with their business, I am willing to do that. I leave the option with the Senator from Oklahoma.

Does the Senator from Oklahoma wish to yield back all of his time?

Mr. NICKLES. My good friend from Tennessee took the words out of my mouth. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on the motion to waive the Budget Act.

On this question, the yeas and nays have been ordered and the clerk will call the roll. The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

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

The yeas and nays resulted—yeas 63, nays 32, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—63

Biden	Exon	Murkowski
Bond	Ford	Nickles
Boren	Fowler	Nunn
Breaux	Garn	Packwood
Brown	Gorton	Pell
Bryan	Graham	Pressler
Burdick	Grassley	Reid
Burns	Harkin	Robb
Chafee	Hatch	Roth
Coats	Hatfield	Rudman
Cochran	Heflin	Sanford
Cohen	Helms	Seymour
Conrad	Hollings	Shelby
Craig	Kassebaum	Simon
D'Amato	Kasten	Simpson
Danforth	Kohl	Smith
Daschle	Lott	Specter
DeConcini	Lugar	Stevens
Dole	Mack	Symms
Domenici	McCain	Thurmond
Durenberger	McConnell	Warner

NAYS—32

Adams	Dodd	Leahy
Akaka	Glenn	Levin
Baucus	Gore	Lieberman
Bentsen	Inouye	Metzenbaum
Bingaman	Johnston	Mikulski
Bradley	Kennedy	Mitchell
Bumpers	Kerrey	Moynihan
Byrd	Kerry	Pryor
Cranston	Lautenberg	

Riegle	Sarbanes	Wellstone
Rockefeller	Sasser	Wofford

NOT VOTING—5

Dixon	Jeffords	Wirth
Gramm	Wallop	

The PRESIDING OFFICER. On this question the yeas are 63, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order is rendered moot.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1766 offered by the Senator from Oklahoma [Mr. NICKLES] as amended, by the adoption of amendment No. 1767. The yeas and nays have been ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn. The Senator from Oklahoma has requested that the yeas and nays be vitiated. Hearing no objection, the request is agreed to.

The question is on agreeing to the amendment, as amended.

The amendment (No. 1766), as amended, was agreed to.

Mr. SASSER. Mr. President, I want to express my appreciation to the distinguished Senator from New York for withdrawing his objection and that will allow us to move forward and expedite business.

Mr. President, under a previous unanimous-consent agreement, the next amendment to be taken up, I believe, will be the amendment of the Senator from Iowa [Mr. HARKIN].

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the Senator from Iowa [Mr. HARKIN] is recognized.

AMENDMENT NO. 1768

(Purpose: To reduce amounts allocated to defense and, if legislation is enacted to eliminate the separate budget categories, to increase spending on urgent domestic needs.)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. LAUTENBERG, Mr. DASCHLE, Mr. WELLSTONE, Mr. ADAMS, Mr. SIMON, and Mr. CRANSTON, proposes an amendment numbered 1768.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 16, decrease the amount by \$8,100,000,000.

On page 3, line 17, decrease the amount by \$8,500,000,000.

On page 3, line 18, decrease the amount by \$9,000,000,000.

On page 3, line 19, decrease the amount by \$9,500,000,000.

On page 3, line 20, decrease the amount by \$10,200,000,000.

On page 3, line 23, decrease the amount by \$4,800,000,000.

On page 3, line 24, decrease the amount by \$7,200,000,000.

On page 3, line 25, decrease the amount by \$8,500,000,000.

On page 4, line 1, decrease the amount by \$9,200,000,000.

On page 4, line 2, decrease the amount by \$10,200,000,000.

On page 4, line 5, decrease the amount by \$4,800,000,000.

On page 4, line 6, decrease the amount by \$7,200,000,000.

On page 4, line 7, decrease the amount by \$8,500,000,000.

On page 4, line 8, decrease the amount by \$9,200,000,000.

On page 4, line 9, decrease the amount by \$10,200,000,000.

On page 4, line 12, decrease the amount by \$4,900,000,000.

On page 4, line 13, decrease the amount by \$12,000,000,000.

On page 4, line 14, decrease the amount by \$20,500,000,000.

On page 4, line 15, decrease the amount by \$29,700,000,000.

On page 4, line 16, decrease the amount by \$39,900,000,000.

On page 5, line 20, decrease the amount by \$4,900,000,000.

On page 5, line 21, decrease the amount by \$7,100,000,000.

On page 5, line 22, decrease the amount by \$8,500,000,000.

On page 5, line 23, decrease the amount by \$9,200,000,000.

On page 5, line 24, decrease the amount by \$10,200,000,000.

On page 7, line 13, decrease the amount by \$8,000,000,000.

On page 7, line 14, decrease the amount by \$4,700,000,000.

On page 7, line 22, decrease the amount by \$8,000,000,000.

On page 7, line 23, decrease the amount by \$6,700,000,000.

On page 8, line 7, decrease the amount by \$8,000,000,000.

On page 8, line 8, decrease the amount by \$7,500,000,000.

On page 8, line 16, decrease the amount by \$8,000,000,000.

On page 8, line 17, decrease the amount by \$7,700,000,000.

On page 8, line 25, decrease the amount by \$8,000,000,000.

On page 9, line 1, decrease the amount by \$8,000,000,000.

On page 40, line 12, decrease the amount by \$100,000,000.

On page 40, line 13, decrease the amount by \$100,000,000.

On page 40, line 21, decrease the amount by \$500,000,000.

On page 40, line 22, decrease the amount by \$500,000,000.

On page 41, line 5, decrease the amount by \$1,000,000,000.

On page 41, line 6, decrease the amount by \$1,000,000,000.

On page 41, line 14, decrease the amount by \$1,500,000,000.

On page 41, line 15, decrease the amount by \$1,500,000,000.

On page 41, line 23, decrease the amount by \$2,200,000,000.

On page 41, line 24, decrease the amount by \$2,200,000,000.

On page 42, line 7, decrease the amount by \$100,000,000.

On page 42, line 8, decrease the amount by \$500,000,000.

On page 42, line 9, decrease the amount by \$1,100,000,000.

On page 42, line 10, decrease the amount by \$1,500,000,000.

On page 42, line 11, decrease the amount by \$2,200,000,000.

At the end of the resolution, add the following new section:

SEC. . BUDGET LEVELS FOR DEFENSE AND DOMESTIC NEEDS IF LEGISLATION IS ENACTED COMBINING THE DEFENSE AND THE DOMESTIC CATEGORIES.

If legislation is enacted combining the defense and domestic categories established in section 601(a)(2)(C) of the Congressional Budget Act of 1974 for fiscal year 1993 the appropriate levels of budget authority and budget outlays in this resolution are modified as follows:

On page 3, line 16, increase the amount by \$8,100,000,000.

On page 3, line 17, increase the amount by \$8,400,000,000.

On page 3, line 18, increase the amount by \$8,900,000,000.

On page 3, line 19, increase the amount by \$8,700,000,000.

On page 3, line 20, increase the amount by \$9,200,000,000.

On page 3, line 23, increase the amount by \$2,600,000,000.

On page 3, line 24, increase the amount by \$6,500,000,000.

On page 3, line 25, increase the amount by \$8,400,000,000.

On page 4, line 1, increase the amount by \$9,200,000,000.

On page 4, line 2, increase the amount by \$10,200,000,000.

On page 4, line 5, increase the amount by \$2,700,000,000.

On page 4, line 6, increase the amount by \$6,500,000,000.

On page 4, line 7, increase the amount by \$8,400,000,000.

On page 4, line 8, increase the amount by \$9,200,000,000.

On page 4, line 9, increase the amount by \$10,300,000,000.

On page 4, line 12, increase the amount by \$2,700,000,000.

On page 4, line 13, increase the amount by \$9,200,000,000.

On page 4, line 14, increase the amount by \$17,600,000,000.

On page 4, line 15, increase the amount by \$26,800,000,000.

On page 4, line 16, increase the amount by \$37,100,000,000.

On page 5, line 20, increase the amount by \$2,700,000,000.

On page 5, line 21, increase the amount by \$6,500,000,000.

On page 5, line 22, increase the amount by \$8,400,000,000.

On page 5, line 23, increase the amount by \$9,200,000,000.

On page 5, line 24, increase the amount by \$10,300,000,000.

On page 21, line 10, increase the amount by \$3,000,000,000.

On page 21, line 11, increase the amount by \$600,000,000.

On page 21, line 19, increase the amount by \$3,100,000,000.

On page 21, line 20, increase the amount by \$1,800,000,000.

On page 22, line 3, increase the amount by \$3,200,000,000.

On page 22, line 4, increase the amount by \$2,400,000,000.

On page 22, line 11, increase the amount by \$3,300,000,000.

On page 22, line 12, increase the amount by \$2,700,000,000.

On page 22, line 21, increase the amount by \$3,400,000,000.

On page 22, line 22, increase the amount by \$3,000,000,000.

On page 23, line 7, increase the amount by \$1,000,000,000.

On page 23, line 8, increase the amount by \$200,000,000.

On page 23, line 17, increase the amount by \$1,000,000,000.

On page 23, line 18, increase the amount by \$600,000,000.

On page 24, line 2, increase the amount by \$1,100,000,000.

On page 24, line 3, increase the amount by \$1,000,000,000.

On page 24, line 12, increase the amount by \$1,100,000,000.

On page 24, line 13, increase the amount by \$1,100,000,000.

On page 24, line 22, increase the amount by \$1,100,000,000.

On page 24, line 23, increase the amount by \$1,100,000,000.

On page 25, line 9, increase the amount by \$2,500,000,000.

On page 25, line 10, increase the amount by \$700,000,000.

On page 25, line 18, increase the amount by \$2,600,000,000.

On page 25, line 19, increase the amount by \$2,200,000,000.

On page 26, line 2, increase the amount by \$2,700,000,000.

On page 26, line 3, increase the amount by \$2,600,000,000.

On page 26, line 11, increase the amount by \$2,800,000,000.

On page 26, line 12, increase the amount by \$2,700,000,000.

On page 26, line 20, increase the amount by \$2,900,000,000.

On page 26, line 21, increase the amount by \$2,800,000,000.

On page 27, line 6, increase the amount by \$500,000,000.

On page 27, line 7, increase the amount by \$300,000,000.

On page 27, line 15, increase the amount by \$500,000,000.

On page 27, line 16, increase the amount by \$500,000,000.

On page 27, line 24, increase the amount by \$500,000,000.

On page 27, line 25, increase the amount by \$500,000,000.

On page 28, line 8, increase the amount by \$600,000,000.

On page 28, line 9, increase the amount by \$500,000,000.

On page 28, line 17, increase the amount by \$600,000,000.

On page 28, line 18, increase the amount by \$600,000,000.

On page 30, line 24, increase the amount by \$1,000,000,000.

On page 30, line 25, increase the amount by \$800,000,000.

On page 31, line 8, increase the amount by \$1,000,000,000.

On page 31, line 9, increase the amount by \$1,000,000,000.

On page 31, line 17, increase the amount by \$1,000,000,000.

On page 31, line 18, increase the amount by \$1,000,000,000.

On page 32, line 2, increase the amount by \$1,100,000,000.

On page 32, line 3, increase the amount by \$1,100,000,000.

On page 32, line 11, increase the amount by \$1,100,000,000.

On page 32, line 12, increase the amount by \$1,100,000,000.

On page 40, line 12, increase the amount by \$100,000,000.

On page 40, line 13, increase the amount by \$100,000,000.

On page 40, line 21, increase the amount by \$400,000,000.

On page 40, line 22, increase the amount by \$400,000,000.

On page 41, line 5, increase the amount by \$900,000,000.

On page 41, line 6, increase the amount by \$900,000,000.

On page 41, line 14, increase the amount by \$1,400,000,000.

On page 41, line 15, increase the amount by \$1,400,000,000.

On page 41, line 23, increase the amount by \$2,100,000,000.

On page 41, line 24, increase the amount by \$2,100,000,000.

On page 42, line 7, increase the amount by \$100,000,000.

On page 42, line 8, increase the amount by \$400,000,000.

On page 42, line 9, increase the amount by \$900,000,000.

On page 42, line 10, increase the amount by \$1,400,000,000.

On page 42, line 11, increase the amount by \$2,100,000,000.

On page 42, line 20, increase the amount by \$300,000,000.

On page 43, line 8, increase the amount by \$500,000,000.

On page 43, line 9, increase the amount by \$100,000,000.

On page 43, line 18, increase the amount by \$300,000,000.

On page 44, line 3, increase the amount by \$400,000,000.

Furthermore, all of the number of dollar figures in this amendment are multiplied by .75.

Mr. BYRD. Will the distinguished Senator from Iowa yield to me for a unanimous-consent request?

Mr. HARKIN. Yes, I will yield.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute as in morning business.

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

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the introduction of S. 2570 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. I thank the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this amendment is offered on behalf of Senator LAUTENBERG, Senator WELLSTONE, Senator SIMON, Senator ADAMS, Senator DASCHLE, and Senator CRANSTON.

The purpose of this amendment is to put our spending priorities in line with the new realities of the post-cold-war world. There are two parts to this amendment.

First, this amendment would reduce the Budget Committee's defense number by \$6 billion to \$275 billion for fiscal year 1993. My amendment would reduce defense spending by \$1.6 billion less than Senator EXON's amendment which we considered earlier today.

Second, this amendment provides that if the budget firewalls are eliminated, the \$6 billion defense savings would be invested in programs for children, public infrastructure, and economic development in our cities and rural areas.

Specifically, my amendment would transfer \$3 billion to various children's programs, including Chapter 1, Head Start, Impact Aid, immunizations, Maternal and Child Health and Child Care Block Program, and the WIC [the Women, Infants and Children Program]. Another \$2.25 billion will be invested in transportation and construction projects for Federal highways, mass transit airports and \$750 million will go to the community development block grant and rural development projects.

Last, my amendment would also reduce the deficit by \$1.6 billion in 1993 if the firewalls go down. If they do not come down, the \$6 billion defense savings will all go toward deficit reduction.

Over the past 2 months, Member after distinguished Member have taken to the floor to ask one simple question: Why is America falling behind the rest of the world? Why was United States productivity growth from 1973 to 1985 worse than six of our economic rivals, including Japan, West Germany, France, Canada, and Italy?

Why, according to the Organization of Economic Cooperative Development, do we rank 17th out of 18 industrial countries in gross capital infrastructure investment? Why do we rank 19th behind Cuba, Libya, and Lebanon in the number of school age children to teach? Why do we rank 19th in mortal-

ity rates of infants and children under 5; 17th in the percentage of children immunized against polio; 29th in the percentage of low birth weight babies?

Mr. President, here is a simple chart that shows where we are ranked in the world, how we compare to other countries. In gross national product, we are No. 1. We are the richest country in the world. But in infant mortality, we are 19; childhood deaths under age 5, we are 19; low birth weight babies, 29; polio immunization, 17; in number of school age children to teacher, 19. This raises the question: If we are so rich, how come we are so poor? The answer lies in the fact that we are not investing our money and our wealth in the right places.

Because, Mr. President, while we invested in our military, our economic competitors invested in long-term economic growth. While we created missiles that could hit a postage stamp from 1,000 miles away, Japan was developing the VCR, which we invented, and was pushing the United States out of the worldwide market. While we built an army that beat the world's fourth largest army in 43 days, using one-third of our ground forces and 15 percent of our total forces, our competitors were making their infrastructure more efficient, their people healthier, and their work forces smarter.

For the past 10 years, we disinvested in programs the world spent the last 10 years investing in, and today we are seeing the results. Chairman BYRD compared our nondefense public investment and productivity increase versus the productivity of other major industrialized nations from 1973 to 1985. Over this 12-year period, Japan invested 5.1 percent of GDP in domestic programs and increased its productivity by 3 percent. The Federal Republic of Germany invested 2.5 percent and increased its productivity 2.4 percent. France increased their productivity 2.3 percent; the United Kingdom increased its 1.8 percent; and the United States invested a paltry three-tenths of 1 percent, and we had a growth of six-tenths of 1 percent.

This declining rate of productivity did not happen by accident. It was a direct result of a policy to disinvest in America while investing in the cold war. Now there are those who say we had to, we had to beat the Soviet Union, we were at war, the cold war and it paid off. We won. Yes, we did win and the American people should be proud of that figure.

Mr. President, after we won World War II, did we continue to build a bigger military or did we invest in education, housing, and economic development to win the peace afterward? We invested to win the peace, but today we are making no such plans to win the peace. We will move full steam ahead with cold war spending despite the fact

that there is no Soviet Union anymore. We will continue to spend \$160 billion a year defending Europe from Russia. And Russia is now asking us for food and other aid.

So, Mr. President, this makes no sense at all. This is nonsense. We know that the battles of the foreseeable future will be economic and not military. If we do not start investing in America today, in our infrastructure, in our work force and businesses, America will enter the 21st century as a second- or third-class economic power. But we do have a window of opportunity today to make the changes we need to make. We know what we have to do to fix it. The American people know we know, and they are angry and frustrated because we are not taking those steps to put America back on the right track.

Last week, 100 of America's leading economists called for increased public investments in infrastructure and education as "an essential key to the future productivity and competitiveness of Americans."

The bipartisan Competitiveness Council, appointed by the President and Congress, agrees, and calls for investments in education, infrastructure and improvements in technology and industrial policy as essential for preparing America for the economic challenge of Germany and Japan. Business Week magazine recently wrote:

We need to inject billions of new investment in the economy * * * and both private and public investment need help.

I further quote:

Higher productivity growth requires two kinds of public investment. The first is physical investment in revamping the Nation's crumbling infrastructure * * * the second is investment in human capital. We know that some kinds of education expenditures, ranging from the Head Start program for preschool children to apprenticeship programs for high school graduates, are effective. We should not be afraid to fund them generously.

This is a quote right out of Business Week.

Again, that was not some sociology journal. That was Business Week magazine.

So why does Congress seem to be the only institution in the United States that does not see what we need to do?

The fact is America is ready to go. We have infrastructure projects on the shelf ready to go. Our children are ready to go. We need to invest the resources necessary to get them and our economy back on the path. We do not need to spend one dime more. We just need to change our priorities.

For instance, we know we can make the private sector more efficient and more productive and create over 280,000 jobs in our cities and rural communities if we invest just \$8 billion in rebuilding the Nation's infrastructure.

But we cannot. Why can we not? Because the administration needs \$8 billion to spend on the B-2 and star wars,

two outdated cold war weapons that will do nothing for our long-term growth and security.

We know we can begin the process of economic conversion, putting our best and brightest in the cold war to work building commercial ships, the next generation of aircraft, high speed rails, clean, renewable energy systems, new technologies that will make us more competitive and productive. Again, we cannot.

Why? Because the administration wants to continue to research and develop weapons for the cold war.

The same is happening to our work force. Last year Motorola announced that it would site its plant to build the important 64 million byte semiconductor in Kuchu, Japan—not in Silicon Valley, not anywhere in America but in Kuchu, Japan. Why? Not because they work for lower wages. That is not the case here. But because their production workers in Japan have higher mathematics skills and are easier to train.

The Motorola lesson is exactly the one economic principle emerging from the new global economy of the nineties. In a world where machines and capital can move around the world with the touch of a button, work will go and stay where the best workers are, period.

In the coming years, Mr. President, we are going to have to rely even more on the lower fifth of our population, the lower fifth in income of our population for tomorrow's work force because our labor pool is shrinking and the number of women entering the work force is leveling off.

So what are we going to do to help create this work force for tomorrow? If my Subcommittee on Labor, Health and Human Services of the Appropriations Committee is any indication, we are cutting our own throats.

Under the current budget resolution, if the labor HHS Subcommittee receives the same share of discretionary funding it did in 1992, we would be forced to cut actual levels, budget authority levels, by 3.6 percent, about \$2.2 billion, to stay within the fiscal year 1993 budget allocation.

Instead of teaching the bottom fifth of our population, the bottom fifth in income, we would be forced to eliminate 766,000 children from chapter 1 funding, 22,000 from Head Start. Instead of increasing college availability, we will have to cut 138,000 students from Pell grants. Despite layoffs and increased competition, 49,000 participants will be cut from job training programs.

At the time when health care is vital to a productive work force, our efforts to prevent disease and disability will be affected. Five million fewer doses of polio vaccine will be available to vaccinate children and health centers will serve 147,000 fewer people, all because

we cannot afford \$2.2 billion to improve our work force, and yet this year we are spending \$17 billion to defend Germany from Russia. Germany is growing three times faster than we are. They have a wage rate that averages 144 percent of ours. They have national health insurance, parental leave, child care, a month's paid vacation every year. That's Germany. And we are spending 17 billion of our taxpayers' dollars to defend them from Russia, and Russia is begging us for food and assistance.

So again, Mr. President, it makes no sense.

These are really investment choices we have that I have outlined on this chart. We will either spend a dollar on childhood immunizations or \$10 on later medical costs. We will either spend a dollar on maternal child health care or \$3.38 in later health care costs. We will spend a dollar for preschool education such as Head Start or \$4.75 for special education, welfare, and crime costs later on. We will spend a dollar in supplemental food or the WIC Program or we will spend \$3.13 in Medicaid costs due to low birth weight babies.

Again, Mr. President, lest anyone think these are figures pulled out of a hat, these are all programs which have been in effect for many, many years. These studies are from the Children's Defense Fund. The money over here on this side, the \$10 for medical costs later on, all of these higher levels of spending we are incurring today. We are paying out that money, and we will continue to pay out that money.

When you do not have comprehensive maternity care for pregnant women, they get sick, something happens, they go to the hospital, we are going to pay the money. Make no mistake about it. It is going to come out of Medicaid.

That is the lesson to be learned here. By spending less up front through preventive health care programs, outreach programs, we save a lot more money later on and we have a better educated work force, healthier kids, healthier adults.

So again, Mr. President, it makes no sense the way we are spending our money.

We have a window of opportunity right now to shift priorities and make the changes necessary. No military power on Earth threatens the survivability of the United States as has happened over the last almost 50 years when the Soviet Union existed.

So why do we continue to spend our precious resources, our wealth, on a cold war that no longer exists?

I do not know, Mr. President, what military threats may confront the United States 10, 15, 20 years from now. No one here knows that. But we do know that if we do not invest in our human resources and in our infrastructure increase the rate of productivity growth, make our people healthier,

smarter, better workers, then no matter what challenge a rival military power may confront us in the future, we will not be able to meet it.

So that is why we have this window of opportunity right now, to quit spending so much money on a cold war that is over and start investing it again in our people and our infrastructure.

We are not talking about spending more. We are just talking about spending it differently and smarter. I know the first attempt to take down the budget firewalls failed, but we cannot let that stop us.

The 1990's requires leadership with the ability and long-term vision, as Abraham Lincoln once put it, to "think and act anew," leadership with the ability to forge a new set of priorities and the will to achieve it.

Mr. President, we know what we have to do. We just need the political courage to do it. This amendment provides us once again an opportunity to make the hard choices that I believe the American people want us to make. Mr. President, from having been all over this country in the last few months—people all over this country are asking why, why do we continue to build B-2 bombers and star wars? Why do we continue to spend so much money on the cold war?

Why are we not investing in our kids? Why are we not investing in programs that make our children healthier, happier, smarter? It's because we are not making tough choices around here. This amendment provides us the opportunity to make that tough choice, to say no to the outdated cold war, and yes to the new war on poverty and illiteracy as well as the new economic challenges, here in our own country, and provide for a healthier and smarter world.

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

The PRESIDING OFFICER. The Senator has 42 minutes 56 seconds.

Mr. HARKIN. I yield whatever time the Senator from New Jersey requires.

Mr. LAUTENBERG. I thank the Senator from Iowa.

Mr. SASSER. Mr. President, if the Senator will withhold and yield for a question to our friend from Iowa, may I ask the distinguished Senator from Iowa, does he anticipate consuming all of the time?

Mr. HARKIN. Absolutely not. I have finished my remarks. I think the Senator from New Jersey wants to speak. I do not know who may respond on the other side.

Mr. SASSER. I am not trying to rush the Senator.

Mr. HARKIN. No; I answered the Senator. I have completed my remarks.

I am going to ask for the yeas and nays, but I have no further remarks to make.

Mr. DOMENICI. Mr. President, might I indicate I think I control the time in

opposition to the amendment. I guess I have an hour under the rule; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I have not yet decided how much of the hour I desire to use.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Iowa for yielding me the time. I join with him as a prime cosponsor in offering this amendment. It is a very important amendment, Mr. President.

What we have seen is a series of, to some of us, relatively disappointing outcomes, because we look at defense and it seems to be the Holy Grail. We have heard all kinds of speeches about how we have to get the deficit under control. Yet when we had an opportunity to start toward that path, we could not carry the votes.

Everybody who was in opposition as we discussed the balanced budget amendment and various other things—those were the folks who were talking about getting this deficit down. But every time we had a chance to do it, there was always a reason that defense could not come down, the only account that has kind of held its level of funding regardless of need.

This amendment would reduce defense spending by \$6 billion in fiscal year 1993. Since the Budget Enforcement Act, which I voted against, prevents shifts from defense to domestic programs, all of these funds would at first be applied to deficit reduction, essentially—if I can use the terminology—parking it until we are able to get to an even greater purpose than, serving in times like these, the reduction of the deficit.

The amendment provides that if the budget law can be amended to allow transfers, the money saved would be invested in education, health care, transportation, and economic development.

Mr. President, I opposed that budget amendment in 1990, and looking back, that decision only looks better to me each and every day. It was a wrong-headed decision; it was the wrong outcome.

I do not want in any way to denigrate the efforts of my distinguished colleagues from the other side of the aisle who worked hard to fashion something. But it just has not worked, as we see the burgeoning deficit and by the inability to apply funding to areas that we think can make a difference by providing jobs and promoting competitiveness. By blocking funding shifts between defense and domestic programs, the agreement has frozen into place the misplaced priorities of an earlier era. These misplaced priorities are reflected in the budget resolution before us today.

Mr. President, the world is a different place. In 1990, while dramatic change was already underway in the

Soviet Union, many in the United States still feared the U.S.S.R., and we were still thinking in terms of the cold war. Today, of course, the Soviet Union does not even exist, and the cold war is in our past.

Yet, Mr. President, while the world around us has changed so dramatically, the budget priorities remain in a time warp. We are still spending close to \$300 billion a year on defense. We are still spending billions defending our European allies from a threat that most believe no longer exists. And we are still committed to a range of weapons systems that are not necessary.

Meanwhile, our needs here at home grow greater than ever. Unemployment is 7.3 percent. The health-care system has broken down. Cities and towns are suffering from the wave of violent crime and drug abuse. And ordinary, middle-class Americans are finding it increasingly difficult to pay their bills, to be able to send their kids to college, or to make ends meet; in many cases, to keep the roof that they purchased some time ago, amply provided for, over their heads.

Mr. President, for the past decade, we have been ignoring these types of needs, largely because we are shifting so many resources into the Pentagon. Between 1981 and 1991, we increased the defense budget by \$624 billion over baseline levels. At the same time, domestic discretionary spending has been cut by \$395 billion.

The goal of this amendment is to reverse this trend and allow for funding in several vitally important areas. First, education. The future of our economy, the future of our being, frankly, as the Nation that we are, will depend on the quality of education available to our children. This amendment would help by providing almost \$2 billion for Head Start, chapter 1, special education, child abuse prevention, and impact aid.

Second, Mr. President, an area that I have worked on very diligently is transportation. I said it over and over again on this floor: We must invest more in our transportation infrastructure. Our roads and bridges are crumbling; our mass transit systems are in desperate need of repair; almost 60 percent of our highways are in desperate need of rehabilitation; 39 percent of our bridges are functionally obsolete. We cannot ignore these problems anymore.

And if one noticed, in the last week or so, we saw a statement by 100 economists, very prominent people, for the most part—six Nobel laureates—who said yes, deficit reduction is important; but it is not anywhere near as important in a recessionary period as investment in infrastructure. Maybe that would jump start the economy, create jobs, improve our competitiveness, improve the air quality, reduce the dependency on foreign oil—all of those things.

We have a chance to swap old ideas, commitments, that are way past their need in defense, and talk about investing in our society in a way that encourages people to believe that there is some hope for them.

The amendment targets assistance to a variety of important transportation programs, including mass transit, Amtrak, highways, and FAA. Obviously, the amounts actually provided for these programs will depend upon the amount of money available to the Appropriations Committee and the subcommittee which I chair, the Transportation Subcommittee.

Third, economic development. Mr. President, over the past decade, the Federal Government has abandoned our cities and towns. As a result, municipalities throughout our country are strapped for funds, forced to raise taxes, increasing the flight from the cities, as it is taking place and has been for some time—increasing that pace—unable to meet the needs of their people, unable to protect their citizens adequately.

This amendment addresses that lack by directing funding to the Community Development Block Grant Program. CDBG is an essential tool for promoting community development initiatives. And yet the program has suffered substantial cuts, real cuts, over the past decade.

Fourth, health, Mr. President. It should be obvious to anybody who talks with the American people that they desperately need and want health care to be a priority for us, especially the health care provided to our children. This amendment would help by directing funding to the maternal child health block grant, school health, immunization, and tobacco and alcohol prevention programs. In addition, there is funding for WIC and child care.

Mr. President, these programs are important social needs that, for the most part, have been badly neglected for too long. Why? To a large extent, it is because we have been giving even higher priority to defending our allies abroad, spending in the multiple hundreds of billions of dollars and buying every exotic weapon system imaginable. It is past time for a change. It is past time to shift priorities.

It is made so obvious to us in so many ways. We are all stunned and depressed to hear that Arthur Ashe has AIDS. Arthur Ashe got his exposure in a blood transfusion. All of us know people who have been exposed to AIDS in one way or another. The one thing we can do, despite the debate that goes on here so often where some people try to accuse the victims of AIDS that they are at fault, is to help our fellow human beings, in the way we all value and cherish life, and to make the kind of investments that are necessary to stop this horrible disease. We ought to be spending everything available to

solve that problem before we are overwhelmed by the problem.

We spend a lot more on tobacco, a lot more on the health costs resulting from tobacco, which costs upward of \$50 billion a year in lost productivity and medical costs. Despite these facts, tobacco gets a deduction for advertising their poison. AIDS, we do not have enough money to adequately fight it; let us take it out of Defense; that is where we ought to take it from and give it to the people who need assistance.

When the President was inaugurated, he said he was going to start a war on drugs, and the scourge of drugs would soon be off of the American landscape. You know what people say about that. I do not want to use that kind of language. The fact is that we do have drugs still plaguing our society with one in seven, perhaps, being able to be treated. If you want to declare war, then get the weapons systems; I do not mean B-2, star wars, or faulty Patriot missiles. I am talking about providing the personnel, the will, and providing the advertising necessary to acquaint our schoolchildren with the problems.

I go out in New Jersey on a program called DARE, a cooperative program between the education system and law enforcement personnel, where police personnel teach kids how difficult their life becomes if they use drugs. I am talking about 10- and 11-year-olds, who have been approached to use drugs; that is where our priorities ought to be.

Get jobs for America. Give hope to so many families that their children can do better than they have, because they are educated and because their education depends on only one thing; their ability to learn, and not on whether or not they can afford to buy it.

So, Mr. President, it is time for a change. It is time to shift the priorities. It is time to put the focus on America's real needs and America's future. We have to take it from defense and put it where it is going to build strength that will be long term, and it will provide the leadership and competitiveness that our country needs. We are not going to get it in the Defense Department.

Mr. President, I hope my colleagues will support this amendment, and I commend the Senator from Iowa for his leadership and thoughtfulness on these basic fundamental issues.

Mr. HARKIN. Mr. President, I thank the Senator from New Jersey for his comments and his statement and for his leadership as chairman of the Transportation Appropriations Subcommittee. I bring to his attention the latest issue of Business Week magazine, which includes an entire section there on the industrial policy in America. Just apropos of what the Senator was saying, and clearly in his jurisdiction on his Subcommittee on Transportation, this one article states:

Take a drive around New York or Los Angeles, and it will not come as a surprise that the U.S. has neglected its infrastructure. Public infrastructure spending is down from 2.3 percent of gross domestic product two decades ago to 1.3 percent in the 1980's. The cost isn't just in lost tempers and missed appointments. It affects the bottom line. According to estimates by David Aschauer, an economist at Bates College in Maine, approximately 50 percent of the falloff in productivity growth, from an average of 2.8 percent a year from 1953 to 1969 down to 1.4 percent a year now, can be blamed on the lower rate of public investments. Clearly, the Government needs to refurbish decaying roads, harbors and bridges.

I came across a figure the other day that 80 percent of U.S. commerce flows on our highways and our streets. How can we get people to understand the bottom line investing in the infrastructure helps our private sector become more competitive and more productive in the world market. Yet, we are not doing this. People think if we build roads and bridges, fine; it puts a few people back to work. When the job is over with, these people go home, and that is the end of it. As the Senator knows, if you improve the roads and the flow of traffic, the private sector becomes more efficient and productive. How do we get people to understand that?

Mr. LAUTENBERG. If the Senator will yield, they are sure not going to understand this, if we listen to the tales that we hear on this floor and frankly, some of the theatrics of people who scream about deficit reduction. I asked for a group of volunteers. I said, "Why don't you turn in your State transportation projects to my subcommittee, because I can use them in places that have more urgent needs." Not one volunteer Senator has come by. I hope one will come by, and maybe we can start the ball rolling so that everybody will volunteer to give their State projects back, and whether they are bridges, sewage treatment plants, or any of the infrastructure that we need, maybe then we can balance this budget.

But let me tell the Senator something. Not only will it improve productivity very significantly—we have heard eloquent testimony from experts, from economists, from industrialists—but it will also give us that job effect immediately. There are projects sitting on the shelf already designed. If you have to repair a highway, repair a bridge, you do not have to wait for the engineering to get going. All you have to do is call on that large unemployed work force of skilled people out in the construction industry. They get to work immediately, and we start to meet what looks like an impossible task in many places, which is the Clean Air Act. We have to do that. If we do not, under the law, we are going to stop commerce altogether in many places. So we have a chance to do that.

Finally, we also have a chance to say to those countries that we defended so

valiantly in the Persian Gulf, "Listen, keep some more of your oil. We do not need it or want it." We put our kids' lives on the line, but we would like to be free of the obligation that we have there. So we ought to be able to get the message across. And there is one way to do it. That is on the vote tonight. When people stand up there and cast their vote, I think the public ought to be aware of those who are saying, "No, let us stay with the status quo and build more SDI systems. Let us continue to enlarge, for instance, upon the success of the Patriot missile." It, unfortunately, missed its mark significantly. To continue to invest in systems like that that do not have a need, I think, is what is wasting America's future. Here is a chance to be reported as we should be and stand up and see whether we are voting for an America of the future or for those things of the past that cost us so much of our resources.

Mr. HARKIN. I appreciate the Senator's contribution and his fine leadership on the Transportation Committee. Again, I point out that the U.S. Conference of Mayors estimated that they had plans on the shelf ready to go. They could put people to work right now in 300 cities, creating 280,000 jobs, for \$8 billion—280,000 jobs right now.

Also, further, I am advised that Japan has recently committed itself in the 1990's to invest \$3 trillion in their infrastructure—\$3 trillion. What are we doing?

Mr. LAUTENBERG. They know they have to stay ahead of the curve. They know that unless they provide the infrastructure—we are talking about the physical infrastructure at this moment, and let us call it the human infrastructure—to train people, nourish people, people who are fed, because youngsters cannot learn, you cannot learn on an empty stomach. That has been proven time and time again.

And the cost for crime later on far exceed the cost for education. The costs of society go up as we provide less of an opportunity to obtain skills and to become effectively employed. But the Japanese understand that. They have stolen our bacon, to use the expression, and we ought to get back on track. They are continuously investing. They spend 15 times per year that which we spend proportionally on infrastructure in Japan, and it has paid off for them.

I have a bill, I think the Senator knows, that I have introduced in our committee which is called start up. It is 7 billion dollars' worth of immediate funding for transportation projects. It has to wait upon the House to come over with a vehicle for us and out of the Appropriations Committee.

The mayors, the communities, and the Governors have pleaded for it. They have said that is the way to get this economy of ours rolling again and we want to do it.

The Senator has a package right here which I shared and cosponsoring that I think could make a world of difference, and I hope it is adopted.

Mr. HARKIN. Mr. President, I appreciate the Senator's comments and his support of the amendment and his leadership in this area.

I shall close my comments by saying we have been talking a lot about physical infrastructure. The Senator also mentioned the human infrastructure. It will be my responsibility at a later time this year, probably in September, to bring out to the Senate floor the Labor, Health Human Services, and Education appropriations bill.

If we use the allocation in this budget, we will have to cut my bill by 3.6 percent across the board.

Last year, if I am not mistaken, I believe that I received somewhere in the neighborhood of 400 requests from Senators to increase spending for their particular programs.

I suppose I will get a lot of request again this year. I just want Senators to know when I bring that bill out in September I will be referring to this evening. I will refer to this vote. And when Senators want me to put more money into their special programs we will refer back to tonight and just check the record and see how people voted tonight. We will have to live with our votes around here as we always do.

I hope this amendment is adopted so that we can use this money for investments in physical infrastructure and human resources under the subcommittee of the distinguished Senator from New Jersey [Mr. LAUTENBERG] and the Subcommittee on Labor, Health, and Human Services, which I have the privilege to chair.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, could I inquire from the Parliamentarian, how much time remains on the amendment and how much time remains on the budget resolution on each side, please?

The PRESIDING OFFICER. The Senator from New Mexico has a little under an hour on the amendment, the proponent has a little bit under 19 minutes on the amendment, and the Chair wishes to notify the Senator from New Mexico that all together there are a little over 9 hours remaining on the resolution.

Mr. DOMENICI. Mr. President, the distinguished senior Senator from Hawaii desires to speak on this amendment and I want to yield 15 minutes off my time in opposition to the amendment to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I rise to speak against the amendment and, Mr. President, I do so with much anguish

and pain, because I find myself in opposition to some of my dearest friends in this body.

But as chairman of the Subcommittee on Defense of the Appropriations Committee, I am certain that many of my colleagues would expect me to rise to share with them my thoughts on this matter.

Mr. President, what is happening in our Nation today is in keeping with the history of this Nation. It just happens that after every major war the people of this Nation gather to say that peace is upon us, so therefore let us reduce our military.

In fact, in our earliest days of the Republic, in 1794, after the great victory of Gen. George Washington, when the Congress convened they decided the time had come for dismantling of the military. I think it is well for us to recall that at the height of the Revolutionary War, General Washington had in his command about 30,000 troops. Soon after the victory he maintained a force of about 800 and he felt that this force was necessary to maintain the security of this new and budding Nation. But when the Congress concluded its debate and voted upon the measure, the Continental Army of the United States consisted of 80 men, 55 assigned to West Point and 25 to the headquarters in Pittsburgh.

And as all of us know and as schoolchildren know, it was not too long after that that the British returned to the new United States and did much damage to our Capitol.

We entered World War I with great reluctance, but when we did this Nation responded and built a formidable force that joined our allies in Europe to bring about democracy once again.

We were victorious, but soon after that victory once again the cry for the dismantling of our military was heard throughout the land, because peace was upon us and peace was secure and democracy was secure.

And, so, Mr. President, it may be of interest to my colleagues to know that 2 years before December 7 the Armed Forces of the United States, the Army, Navy, Air Corps, Marines and Coast Guard numbered less than 400,000. And on the eve of December 7, just about a year before December 7, by a vote of 1 the Selective Service law was passed.

It should interest some of my colleagues to know that in 1940 when Gen. George Patton, and I think most of us have seen that movie, was assigned to Fort Benning, to take over the American Armored Corps, he was greeted by 325 tanks and most of these tanks could not move.

He called upon the War Department for funds to repair these broken down tanks, and this was the heart and the gut of our Armored Corps. The War Department responded, "We have no funds."

But, fortunately, General Patton was a very wealthy person. He was from a

very distinguished Virginia family. And so he took out his checkbook, and he took his staff—and I am not trying to be facetious, Mr. President—to Sears Roebuck and there he bought parts and was able to rehabilitate these tanks. And that was the beginning of our armored corps, 2 years before December 7.

At about the same time, a general who was destined to become the commander of the largest force in our Nation's history was called upon to assume command at Fort Leavenworth. And there he was greeted by 200 men—cooks, clerks, drivers; over half of them had no sidearms or rifles. And those of us who are old enough to recall remember these pictures of men training with wooden rifles. That general was George Marshall.

In 1945, he was in command of 12½ million men and women in uniform. But on December 7, the troops in Hawaii on the island of Oahu constituted about 25 percent of the combat trained troops of the United States. I think it would be sad but true to suggest that we were not prepared. And the cost of not being prepared all of us know was very high.

Well, as Admiral Yamamoto suggested, the sleeping dragon suddenly woke up. And our factories began moving, our men put on uniforms, and we had 12½ million men and women in the greatest victory in the history of mankind became part of our history.

But then soon after the signing of the surrender in Yokohama Bay, once again the cry was heard throughout this land—peace is upon us and democracy is secure. And once again the Congress acted.

By 1949, the troop level had come down to a million, from 12½ million. Most of these men and women were not fighting soldiers or sailors, they were part of the occupation forces. We had large numbers of troops to maintain administrative law and order in Europe and in Japan.

On June 25, 1950, the North Koreans crossed the border and we found ourselves once again in a horrible war. And we found ourselves sending to Korea men who were not trained and men who were not properly equipped.

And now we are told by analysts that of the first 10,000 casualties, about 50 percent could have been avoided if we had sent men who were trained and properly equipped. But, we did not have the time and the resources to do that.

Now, Mr. President, we find ourselves victorious. Yes, although we do not fight a shooting war, it was a major war against communism. It was a war that took 40 years. And so, as history tells us, Americans will too, once again Congress is being told that peace is upon us and democracy is secure.

But, Mr. President, as chairman of the subcommittee on defense, I feel compelled to look upon this matter

with grave seriousness. For one thing, I do not wish to chair a committee that will bring about June 25, 1950, or December 7, 1941.

Yes, the wall has crumbled. The Warsaw Pact is no more. That is a matter of history. In fact, the Soviet Union is ancient history.

But, Mr. President, even if the intent to commit war has diminished, the capability of war is still here—30,000 nuclear warheads. President Yeltsin most magnanimously announced to the world that he would take out 500 ICBM's from ready alert—500. But, Mr. President, there are 1,400 missiles, ICBM's in Russia. Five-hundred are no longer on alert but 900 are still on alert. And I ask the question: why? And while this Congress is debating not whether we will help the Soviets or the Russians but how much, I think it should be well that we know that at this moment the Soviets are spending money to modernize their intercontinental ballistic system.

I do not wish to discuss these matters but I think as chairman of the committee I should make these known.

Mr. President, it is true that the foe we knew as Communists are no longer around, but we have a mightier foe—uncertainty, instability. We seem to be content that we know everything.

It is with some reluctance that I remind my colleagues, because it was only yesterday, January of 1990—that is not too long ago—that the Pentagon was in the process of retiring General Schwarzkopf. The Pentagon was in the process of dismantling the Central Command.

And for those who have forgotten, General Schwarzkopf was the man who led Desert Storm. Central Command was the command in charge of Desert Storm. As chairman of the committee, I called the general. He came to my office. I asked him, "Is it true you are now being processed for retirement?" He said, "Yes sir." Why? Because our policymakers felt that everything was fine in the Middle East. In fact, it must have been so fine that at the same time the Department of Commerce was in the process of setting up a trade fair in Baghdad to sell the Iraqis aerospace technology and computer technology. That is how certain we were.

And, Mr. President, I am certain some of my colleagues recall some of the trips that Members of this body took to Baghdad to visit Saddam Hussein. Came back with glowing accounts.

And so, in June of 1990, when I submitted a bill to impose economic sanctions upon Saddam Hussein, I was told by the administration and by my colleagues, "Don't do this. We can work with him." And Mr. President, up until August 2, Saddam Hussein was a beneficiary of a \$4 billion agriculture aid program and a line of credit of \$200 million from the Export-Import Bank.

That is what I mean by uncertainty. We were all certain that here was our friend.

We were all certain that peace was upon the Middle East.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. Mr. President, I yield 5 additional minutes to the Senator from Hawaii.

Mr. INOUE. Mr. President, in all the years as I have served here—I have had the privilege of serving as chairman of the Intelligence Committee, now as chairman of the Defense Subcommittee—yet I have not found the secret to predicting the future.

If someone should ask me, what is the future of Russia? Notwithstanding what the CIA tells me, I am not able to tell you.

If you should ask me, what will Saddam Hussein do tomorrow? I have no idea.

What is the future of Yeltsin? I wish him the best. Will Kim Il-song of North Korea order an attack on South Korea? I do not know. I hope not.

What is the future in Cambodia? I have no idea, Mr. President.

So, during this period of uncertainty, we are hoping we can work with the Pentagon—yes, to draw down the military. In 5 years, 25 percent of our force will be cut out. Beyond that, it may be cut further.

There is another aspect of cutting that I do not suppose too many of us have discussed. On one side of the ledger, we will say we made heroic cuts. But on whose ledger will we note unemployment compensation? Welfare payments? Food stamp payments? And the cost of crime? All of us know there is a correlation between crime and unemployment. Whose ledger will show that? It will not show on DOD.

Yes, we can take pride and tell our constituents we cut defense. The Senator from California will tell you that this painful drawdown will result in about 300,000 men and women in California finding themselves on the street as unemployed people.

We have gone through base closure exercises. I have yet to see a Member of this body concur with base closure decisions if they reflect on his or her State. I have yet to see one such Senator come forward and say "I concur with the Base Closure Committee." None of us want to see unemployment.

The chairman of the Armed Services Committee has to make heroic decisions. But let us deliberate and not charge in and precipitously make decisions that we may regret in years to come.

Mr. President, I can assure you the Subcommittee on Defense working together with the Armed Services Committee will come forth with a lean, mean, military organization. We will trim the fat as much as possible. We are already taking decisions to cut out massive weapons systems.

I want to see more money for education. I would like to see money for aid, for health, for the homeless. But it is my responsibility as chairman of the Defense Subcommittee to make certain that the citizens of this Nation can go to bed tonight secure in the feeling that they are safe. I pledged to do my job in that capacity.

Mr. President, I hope my colleagues will vote this down.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I ask the proponent of the amendment, Senator HARKIN, I surely do not want to hurry the matter along if the Senator desires to use additional time, but I am prepared to yield back our time if the Senator is prepared to yield back his. I would just like 1 minute to put some numbers before the Senate and then I will yield back my time.

The Senator has 19 minutes remaining; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. And I have about 45, and I will yield back all but 1 minute of mine if the Senator is prepared to also do so.

Mr. HARKIN. I have maybe 3 to 5 minutes more.

Mr. DOMENICI. Does the Senator want to go ahead? I only have a minute at some point but I would rather—

Mr. HARKIN. I will finish.

Mr. DOMENICI. Mr. President, I want to tell the Senate that essentially, in terms of reductions in defense, we have essentially voted on this amendment. And it was voted down. This amendment, in fact, cuts a little bit more out of defense than the Exon amendment.

If my numbers are right, the Harkin amendment cuts \$8 billion in budget authority in the first year. That makes it \$28 billion with the \$20 billion the President has, a \$28 billion reduction.

Mr. HARKIN. Will the Senator just yield on that point? My amendment reduces military spending by \$6 billion—\$1.6 billion less than Senator EXON's amendment.

I did modify my amendment this afternoon. It is a \$6 billion reduction.

Mr. DOMENICI. Mr. President, I will have the staff look at the number. I believe we got our number from the amendment that is pending at the desk. So I assume that is the amendment of the Senator.

Did the Senator amend it after he sent it to the desk?

Mr. HARKIN. No; it is \$6 billion.

Mr. DOMENICI. We are just reviewing that amendment, but it seems to us it is not 6. But we will check into it.

We are told it is \$8 billion—\$8.1 billion in budget authority reduction. When you add the President's \$20 billion, it is \$28 billion. But, nonetheless, essentially we have voted in terms of the defense reduction. We have voted this amendment down.

But that is not all. This amendment then says we are going to spend the money, and that makes it very different than the previous amendment.

With that, I am prepared, after hearing the Senator give his remarks, I am prepared to yield back our time.

I will not yield it back now.

The PRESIDING OFFICER (Mr. LEVIN). Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to get this matter cleared up. I do not want to have a mistake on how much money is involved here. I changed the amendment to read a \$6 billion cut in BA.

I want to ask the Parliamentarian if that is correct or not. This is a factual matter.

The PRESIDING OFFICER. The Chair is informed the Chair has no authority to assess the legislative impact of an amendment.

Mr. HARKIN. Mr. President, this is a factual matter. It should not be open to debate. The numbers are written on the amendment. It was a \$6 billion cut in budget authority. There should not be any question about that. We may argue about what the impact is but we can't on the amount.

Mr. DOMENICI. Mr. President, there is a handwritten statement at the end of the amendment that says what the Senator has indicated. The original text did not have it. There is written handwriting. The Senator is correct.

Mr. HARKIN. I thank the Senator.

As I said earlier, I changed the amendment to reflect a \$6 billion cut in BA. I just wanted to get that cleared up.

Mr. President, I listened to the speech by the distinguished chairman of the Appropriations Subcommittee on Defense, the distinguished Senator from Hawaii, an individual for whom I have the greatest respect and admiration. I know it comes from deep within his heart when he talks both about the need to protect our country and his responsibilities as the chairman of that subcommittee.

I also know it comes deep from his heart that he also wants to make sure that our children are the best fed and best educated, that our people are the healthiest, that our work force is the best trained. I know that. Because I have known him for a long time and I know that he does not want to short-change those with the lowest fifth of our incomes who need these programs so they can become healthy, productive workers.

I listened to his speech with mixed emotions, because the Senator has such a distinguished record here in the Senate, and such a distinguished military record himself, in service to this country.

I will respond, Mr. President, by saying that in no way is this Senator's amendment dismantling the military,

nor is this a precipitous cut. This amendment would cut \$6 billion, or 2.1 percent of the DOD budget. Mr. President, I might just point out this is much less than previous cuts during the cold war era. After the Korean war in 1953, there was a 14.6 percent cut in DOD; in 1954, a 29 percent cut; and in 1955, a 15.7 percent cut. After Vietnam, in 1970, there was a 10.1 percent cut; and in 1971, a 9.2 percent cut.

What I am proposing in this amendment is a 2.1 percent cut. And these cuts made after the Korean war and Vietnam were at the height of the cold war, when the very survival of our Nation was at stake because of the threat of the Soviet Union.

My cut is less than one-tenth of 1 percent of the GNP. Compare it with past cuts. In 1953, it was a 1.7-percent cut of GNP; 1954, a 3.2-percent cut; in 1970, a seven-tenths of 1-percent cut. My cut of \$6 billion would be less than one-tenth of 1 percent of our GNP. In other words, Mr. President, my \$6 billion cut is 17 times smaller a percent of GNP than the 1953 cut; 32 times smaller than the 1954 cut; and seven times smaller than the 1970 reduction, again all made at the height of the cold war.

I would compare it also in constant dollars, in 1993 dollars. During the height of the cold war, we reduced military spending, in 1993 dollars, in 1948 to \$100 billion in 1955, to \$236 billion; and in 1975, to \$228 billion. Again, this was while the cold war still raged. The President has asked for \$280 billion in those constant dollars for next year, or \$40 billion to \$50 billion more than at the height of the cold war.

As I traveled around the country, people have seen that the world has changed, and changed dramatically. Here are the former Republics of the Soviet Union, who still have strategic nuclear warheads now asking us for food, loans, and other assistance. The cold war is over.

Let us take a look at the comparison of our military budget with our potential enemies'. And yes, we do have potential enemies out there. Let me just list a few of them: Iraq, Iran, Libya, North Korea, Cuba, and China; all potential enemies of the United States. If you add up all of the military budgets of those potential enemies, it comes to less than \$70 billion.

In other words, Mr. President, we are being asked to provide over 4 times the sum of the military budgets of all our potential adversaries for next year. So in no way can this amendment be seen as dismantling the military, or as making any kind of a precipitous cut at all. It is reasonable in light of the dramatic changes in the world today, and it will better prepare us to deal with today's and tomorrow's economic threats.

Mr. President, I ask unanimous consent to include in the RECORD two tables from DOD. One was given in testimony before the Armed Services Com-

mittee on February 4, 1991; the other one on January 29, 1992. The first one was offered before the disintegration of the Soviet Union; the other one after the fall.

The DOD's force structure for fiscal year 1995 that it proposed over a year ago—before the Soviet Union was dismantled—similar to force structure they are proposing for 1995, after the dismantling of the Soviet Union, but except for one less bomber. In other words, we are going to save the cost of just one strategic bomber because of the disintegration of the Soviet Union.

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

FORCE STRUCTURE

	Fiscal year—	
	1990	1995
Before disintegration of the Soviet Union:		
Army divisions	28 (18 active)	18 (12 active).
Aircraft carriers	13	12.
Carrier air wings	15 (13 active)	13 (11 active).
Battle force ships	545	451.
Tactical fighter wings	36 (24 active)	26 (15 active).
Strategic bombers	268	181.
After disintegration of the Soviet Union:		
Army divisions	28 (18 active)	18 (12 active).
Aircraft carriers	15 plus 1 training	12 plus 1 training.
Carrier air wings	15 (13 active)	13 (11 active).
Battle force ships	546	451.
Tactical fighter wings	36 (24 active)	26 (15 active).
Strategic bombers	268	180.

¹ Excludes 2 cadre divisions.

Mr. HARKIN. Mr. President, again let me explain the difference between this amendment and the ones offered earlier: The Exon amendment included \$1.6 billion more of a cut than mine. It cut defense by \$7.6 billion; mine reduces defense by \$6 billion. Senator EXON's amendment would have gone all toward deficit reduction. My amendment shifts these military savings to investment in our children, physical infrastructure, and economic development—but only if the firewalls come down.

So this amendment would really only take a 51-vote margin to pass, rather than the 60-vote margin that applied to Senator BRADLEY's amendment offered earlier today.

Mr. GRASSLEY. Mr. President, I share my Iowa colleague's deep concerns about the welfare and education of our children, as well as the need to help our struggling unemployed by investing in our infrastructure to boost our economy.

And I agree that major defense cuts should be made. That is why I voted to cut an additional \$24.5 billion out of the President's defense budget last week during committee consideration. And that is why I voted earlier today for an additional cut of \$38 billion in defense spending, once I was assured it could be done without increasing the unemployment of our Nation's service men and women—including the 20,000 or more sons and daughters of our home State of Iowa.

Mr. President, my colleague from Iowa has proposed an amendment, however, which raises a difficult dilemma.

That amendment poses a hypothetical situation—a very big "if" that will not occur. It has already become obvious it will not occur because of the Budget Enforcement Act of 1990 which set up these firewalls, and because of opposition to eliminating these firewalls as evidenced by votes of this body on two occasions in as many weeks.

Nonetheless, my colleague from Iowa asks us to cast a vote based on the assumption that the so-called firewalls which restrict the transfer of funds between defense, international, and domestic discretionary spending categories were somehow removed prior to the onset of fiscal year 1993.

The Senator further complicates the situation by suggesting that, under these fictitious circumstances, we cut some \$6 billion from the defense budget and reallocate those funds to a variety of domestic programs—programs which, I might add, I have been supportive of in the past and continue to support.

So I am supportive of more funding for these programs, but let's look at the programs which the Senator suggests says he intends to fund via his amendment.

In the President's budget proposal for fiscal year 1993, he suggests spending \$2.8 billion on the Head Start Program in the next year. That's a \$600 million increase over the current year—the largest single year funding increase in the history of the program. On a percentage basis, that represents a 27-percent increase.

For immunizations, the President's budget proposal calls for the expenditure of \$349 million in the upcoming year—a \$52 million increase over the current year. This 18-percent increase will provide 6.7 million polio vaccinations, 4.1 million measles-mumps-rubella vaccinations and 2.6 million hepatitis B vaccinations, just to name a few.

Furthermore, the President's budget calls for spending an additional quarter of a billion dollars next year for the Women, Infants, and Children Nutrition Assistance Program. The truth is that this level of support represents a 47-percent increase over the last 2 years alone and pushes funding for the program to \$2.84 billion.

And we can say the same sorts of things about maternal and child health and child care block grants. Both have been targeted to receive increases of about \$25 million in the upcoming fiscal year.

Mr. President, the point is this. I am supportive of providing increases to these worthy programs and to many others for that matter; however, as we can plainly see, each of these programs is already projected to receive significant increases over last year's budget levels.

Now, I'm on record as supporting greater cuts in the military budget. In fact I voted earlier today to cut the defense budget even deeper than my colleague from Iowa proposes. I cast that vote with the knowledge that we do have a Budget Enforcement Act which requires these savings to be devoted to deficit reduction in fiscal year 1993.

The deficit is out of control. We have to remember that it is all too easy for Congress to spend more. That is why every time we increase taxes by a dollar, we find ways of spending another dollar and a half.

Consequently, this is not a vote against Head Start, immunizations, WIC or any of the other worthy programs raised in the Senator's amendment.

This is a vote against further burdening our children with increased Federal debt.

My colleague from Iowa will be pleased to know, however, there exist some outrageous defense spending programs under the domestic program category. I am speaking of cargo preference, which by OMB's estimate, costs us over \$500 million per year. It comes out to around \$250,000 per seafarer job or billet. In sharp contrast, we only spend an average of \$32,000 for regular active duty service positions.

Talk about gold-plated defense spending. I hope my colleague from Iowa will join me in diverting these cargo preference funds and other unacceptable maritime spending into child welfare and education programs.

Mr. DOMENICI. Mr. President, does the Senator yield back the remainder of his time? I want to yield mine back.

Mr. HARKIN. We yield back the remainder of time; yes.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I move to table.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question in on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Illinois [Mr. DIXON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Mississippi [Mr.

Lott], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

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

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—53

Akaka	Garn	Nickles
Bond	Glenn	Nunn
Brown	Gorton	Packwood
Bryan	Graham	Pell
Burns	Grassley	Pressler
Chafee	Hatch	Robb
Coats	Heflin	Roth
Cochran	Helms	Rudman
Cohen	Hollings	Seymour
Craig	Inouye	Shelby
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Smith
DeConcini	Lieberman	Specter
Dodd	Lugar	Stevens
Dole	Mack	Symms
Domenici	McCain	Thurmond
Durenberger	McConnell	Warner
Ford	Murkowski	

NAYS—40

Adams	Fowler	Mitchell
Baucus	Gore	Moynihan
Bentsen	Harkin	Pryor
Biden	Hatfield	Reid
Bingaman	Johnston	Riegle
Boren	Kennedy	Rockefeller
Bradley	Kerry	Sanford
Bumpers	Kerry	Sarbanes
Burdick	Kohl	Sasser
Byrd	Lautenberg	Simon
Conrad	Leahy	Wellstone
Cranston	Levin	Wofford
Daschle	Metzenbaum	
Exon	Mikulski	

NOT VOTING—7

Breaux	Jeffords	Wirth
Dixon	Lott	
Gramm	Wallop	

So the motion to lay on the table, the amendment (No. 1768) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 1769

(Purpose: To reduce function 800 (General Government) by 25 percent over FY 1993 and FY 1994 for Legislative Branch expenditures)

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR], for himself, Mr. BROWN, Mr. SYMMS, Mr. BOND, and Mr. NICKLES, proposes an amendment numbered 1769.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 16, reduce the amount by \$310,000,000.

On page 3, line 17, reduce the amount by \$332,000,000.

On page 3, line 18, reduce the amount by \$329,000,000.

On page 3, line 19, reduce the amount by \$326,000,000.

On page 3, line 20, reduce the amount by \$326,000,000.

On page 3, line 23, reduce the amount by \$203,000,000.

On page 3, line 24, reduce the amount by \$475,000,000.

On page 3, line 25, reduce the amount by \$453,000,000.

On page 4, line 1, reduce the amount by \$427,000,000.

On page 4, line 2, reduce the amount by \$420,000,000.

On page 4, line 5, reduce the amount by \$203,000,000.

On page 4, line 6, reduce the amount by \$475,000,000.

On page 4, line 7, reduce the amount by \$453,000,000.

On page 4, line 8, reduce the amount by \$427,000,000.

On page 4, line 9, reduce the amount by \$420,000,000.

On page 5, line 20, reduce the amount by \$203,000,000.

On page 5, line 21, reduce the amount by \$475,000,000.

On page 5, line 22, reduce the amount by \$453,000,000.

On page 5, line 23, reduce the amount by \$427,000,000.

On page 5, line 24, reduce the amount by \$420,000,000.

On page 38, line 15, reduce the amount by \$310,000,000.

On page 38, line 16, reduce the amount by \$203,000,000.

On page 38, line 24, reduce the amount by \$332,000,000.

On page 38, line 25, reduce the amount by \$475,000,000.

On page 39, line 8, reduce the amount by \$329,000,000.

On page 39, line 9, reduce the amount by \$453,000,000.

On page 39, line 17, reduce the amount by \$326,000,000.

On page 39, line 18, reduce the amount by \$427,000,000.

On page 40, line 2, reduce the amount by \$326,000,000.

On page 40, line 3, reduce the amount by \$420,000,000.

Mr. SEYMOUR. Mr. President, before I begin on this amendment, I ask the chairman if we might reach a time agreement. All I would need would be 15 minutes. If we could have an understanding 15 minutes on my side—

Mr. SASSER. I would be willing to take 15 minutes equally divided.

Mr. REID. I object.

The PRESIDING OFFICER. No unanimous-consent agreement has yet been propounded.

The Senator from California has the floor.

Mr. SEYMOUR. Mr. President, I offer this amendment on behalf of myself Senator BROWN, Senator SYMMS, Senator BOND, Senator NICKLES, and Senator HELMS. I am offering this amendment today, and I think it is very

straightforward. What it does is very simply reduce the budget of the Congress by 25 percent below fiscal year 1992 over the next 2 years.

In essence, Mr. President, this amendment makes real reductions that bring our own spending in Congress under control. We all know that our country's current fiscal condition is nothing less than staggering. We have come to the point that our Federal deficit is growing at a rate of \$1 billion a day. Think about that: \$1 billion every day.

Why, in 2 months, this Government runs a deficit the size of the entire annual California State budget. In 4 months we overspend by an amount equal to the total annual sales of General Motors, our Nation's largest company. For me, this is mind boggling, Mr. President. Quite simply, it is frightening. I fear for the well-being of my six children, their generation, and the generations beyond. I worry for their future standard of living, because it is our children and our grandchildren who will be forced to pay for the fiscal irresponsibility of Congress.

My story is not unique to this body. I do not doubt in the slightest that everyone is concerned about the size of our deficit. We have had plenty of debate on that today. It is an issue that is continuously debated in these halls. Everyone recognizes that our deficit is out of control, and everyone recognizes that the root cause of our free-for-all spending is the excess. Everyone recognizes that what must be done is to control and eliminate excessive government spending.

Of course, Mr. President, cutting is not very pretty. It requires hard choices, I know. I have had to make those choices as both a mayor of a city in California, the city of Anaheim, as well as a State Senator in the California State legislature. I know of those hard choices at the State level of government and the local level of government, because by law, at those two levels of government, you are required to balance your budget. So tough choices have to be made.

They are made every day, not just in local government, but in every business and family struggling to make ends meet. In fact, this is the only place, Mr. President, that I know where we do not have to make those hard choices. In these economic times, those hard choices can be extremely difficult. But, nevertheless, those decisions have to be made.

We are seeing tough decisions being made with respect to defense spending, and we have been debating that today. Those are extremely tough for me, because those particular decisions involve thousands of hardworking Californians, who through their efforts contributed to the defeat of Communist tyranny and to victory in the deserts of Iraq. These kinds of choices

will hopefully go far toward bringing our fiscal house in order.

Taking action to reduce defense spending does not replace or lessen our commitment to control spending in other areas. Therefore, we must begin our renewed commitment by setting an example right here on Capitol Hill, right here in the U.S. Senate; an example quite different than the one we have been setting over the past 10 years, because the evidence strongly suggests that when it comes to controlling our own spending, Congress is part of the problem, not the solution.

Mr. President, this chart behind me plots the growth of spending for all the functions within the legislative branch during the fiscal years 1981 to 1993. As you can see, spending moved in one direction: up, straight up. Even if you ignore the estimate for fiscal year 1993, the total spending in that period more than doubled, from \$1.2 billion in fiscal year 1981 to \$2.6 billion in fiscal year 1992.

But let me focus for a moment on the spending of our own operations here, Mr. President, right here in the U.S. Senate. The first chart does not reflect it very well but this next chart does.

What this chart shows is that the cost of operating the U.S. Senate also rose dramatically. In fiscal year 1981, the cost of operating the U.S. Senate to the American taxpayer was roughly \$160 million. This year, it will cost the American taxpayers \$488 million.

In short, the nominal cost to the taxpayer for operating the U.S. Senate has tripled. In fact, the total percentage growth in the Senate exceeded that of many vital Federal programs, surpassing Head Start, Federal job training, and emergency homeless assistance services.

Indeed, to truly understand why we need to control our own spending, I would divert my colleague's attention to the next chart which compares the average growth rates in legislative operations with other crucial programs or sets of programs.

As you can see, the rate of spending growth in the operation of the U.S. Senate exceeds the growth of Medicare, Medicaid and agriculture are the only programs listed here that exceed the annual spending growth of the U.S. Senate.

So, Mr. President, as you can see, the U.S. Senate spending exceeds many vital programs, programs that assist the elderly, families in poverty, the unemployed, Federal retirees, and at-risk youth. Most have increased in the past decade but taken all together they did not increase at an average rate greater than the spending of the Senate.

The operations of Congress taken together grew faster from 1981 to 1992 than the growth of all of our mandatory spending programs combined. These programs include Medicare, the earned income tax credit, veterans ben-

efits, housing assistance and food and nutrition assistance for our children. And, of course, the cost growth of congressional operations exceeded growth in defense programs during the same period.

This is in a time when the cost of the Federal budget, Mr. President, to the American taxpayers of this and future generations must be controlled. It is time that the Congress no longer serve as an example of what is wrong with our spending policies.

In a time of billion dollar a day deficits and limited Government resources, Congress must prove itself capable of controlling its own spending. In a time when the defense industry is in the midst of a build-down, it is time that the Congress engage in a build-down of its own.

In a time when more and more State and local governments are containing cost growth and making some tough decisions, it is time we make some tough decisions to contain our own costs.

That is what this amendment will do, Mr. President. Very simply, it reduces the budget of the Congress by a total of 25 percent below the level in fiscal year 1992 over a 2-year period.

But let us get to the bottom line. This amendment, if enacted, would save the American taxpayer nearly \$2 billion over 5 years.

Is a 25 percent cut too draconian? Mr. President, as many know, before I came here a year ago, I was a State senator in the California State Legislature. While there, I supported an initiative that was overwhelmingly passed by the people of California that not only set term limitations for members of the legislature, but also cut the legislature's budget by 40 percent. Was that draconian? Some would say yes.

But, Mr. President, the California legislature survived that 40 percent cut and it is still in session today.

I understand that the distinguished chairman of the Budget Committee has included in the budget resolution a 4½ percent cut in outlays in the legislative branch for fiscal year 1993. I commend him for his leadership in trying to put the brakes on excessive growth in spending by and for the Congress.

Mr. SASSER. Mr. President, if the Senator will yield, it is a 5 percent cut as opposed to 4½ percent.

Mr. SEYMOUR. I certainly accept the chairman's statement that it is 5 percent instead of 4½ percent, Mr. President, and I do commend him for that. But with all due respect, if we are really going to control spending, we have to correct wrongful and excessive spending in past years and we have to do it at greater than even 5 percent. We need to make tough choices on programs that have just grown out of control. Spending for Congress, as indicated, is moving nowhere but up.

In short, the chairman's recommendations are commendable, but

they are just not enough. A 5-percent reduction just does not cut it.

In closing, I just want to reiterate the words spoken 8 years ago by the distinguished Senator from Nebraska, Senator EXON, who at the time was speaking for the repeal of a pay raise, and I quote him. "We are going to have to do some belt-tightening of our own here as Members of the Senate to set an example for the belt-tightening we must do" in the Federal budget.

Those words ring true today. Tough but necessary decisions are being made with respect to defense programs and tough but necessary decisions must be made with controlling the growth of the budget and the budget deficit.

But we must make tough but necessary decisions, Mr. President, with the spending being made in this very body as well as the House and the entities under the legislative branch. Yes, they are tough but they must be made and they must be made now.

Let us set the example. Let us show some leadership. Let us demonstrate that we have the will to change.

I thank my friends and colleagues from Idaho, Missouri, Oklahoma, Colorado, and North Carolina for joining with me today to bring this amendment to the floor.

I thank you, Mr. President.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. AKAKA). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield 10 minutes to the Senator from Nevada, and then we will see where we are at the end of 10 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I would have to submit that offering of this amendment will not be placed in the book "Profiles in Courage." The reason I suggest that is that it is easy with the legislative branch receiving all the notoriety it has of late to step in here tonight and try to kick it around a little more.

I ask each Senator to recognize that he or she has a stake in the outcome of this proposal. I have had a large number of Senators over the past year come to me and say: Is there anything that we can do to get more caseworkers, or is there something we can do to get more help with the computers? They are not fulfilling the requirements that I have.

Every Senator should realize that if this amendment is adopted, there are caseworkers they have back in the State—people who work on Social Security cases, immigration cases, IRS cases, and all the other cases involving the Federal Government. These men and women work on these cases for long hours. Senators, the Senate sim-

ply will not be able to keep up with this caseload if we cut the legislative budget 25 percent. I would suggest that those Senators who take pride in their staff being able to answer their phones promptly would find it hard to maintain that standard.

I think that the alternative to defend this institution is to yield to the hot wind of political demagoguery and accept this amendment. Perhaps that is the easiest course in today's toxic political atmosphere. But the Senate should decide whether that is the right course. I am not going to be the sole defender of the legislative branch of Government. It is up to the other Members of the Senate to step forward and defend this institution. They have to decide whether they want to cut 25 percent of their personnel. It is up to the Senate to decide that for the legislative branch of Government which, in fact, is so small in the overall scheme of things.

Mr. President, the total of the budgets in the legislative branch constitutes only 0.59 percent of the deficit of the United States. It represents 0.66 percent of the interest on the national debt.

The sponsor of the amendment points out that the legislative branch of Government, according to his charts, has gone up significantly. But what we have to understand is that the legislative branch of Government started from a very small amount to begin with. And if you add 10 employees and you have a base of 100 or 200, it jumps up significantly. You talk about the Agriculture Department, with thousands of employees. The Senator from California indicates that there are 38,000 employees in the legislative branch of Government. That compares to 2.2 million employees that are in the executive branch of Government. And the 38,000 employees, Mr. President, are not those that are of the Senate and the House. It is made up of employees in a number of other agencies such as the Library of Congress.

For example, the proposed budget for the Federal Government for fiscal year 1993 is \$1.5 trillion, approximately. The national debt in fiscal year 1982 stood at \$919 billion. It is now over \$3 trillion, an increase of 235 percent. The deficit for fiscal year 1992 is now estimated to be about \$400 billion, an increase of 212 percent over the shortfall for fiscal 1982.

So what we are saying here is we all want to save money. We have acknowledged—and we have already prepared figures to meet the ceilings that have been set by the Budget Committee—that we will cut 5 percent. That will not be easy, Mr. President, but we have agreed to do that.

But let us talk about some of the things that are necessary. As the majority leader, Howard Baker, indicated when the Economic Recovery Tax Act

passed, also known as the Gramm-Latt tax bill, the majority leader then said, "We are embarked on a riverboat gamble." And he certainly was prophetic in that announcement. Mr. Stockman later wrote a book indicating that he had pulled the wool over the eyes of Congress.

We are not only talking about the Senate and the House; what we are also talking about are the institutions like the Library of Congress. The Library of Congress, Mr. President, is something that we should all be very proud of. It is the finest library in the world, bar none. It has collections that are absolutely incredible.

The total amount appropriated at the Library of Congress in fiscal year 1992 is \$304 million. That represents about 13 percent of the total appropriated in the legislative branch bill. It is two-hundredths of 1 percent of the total budget of the United States for this fiscal year. It is eight-hundredths of 1 percent of the estimated \$400 billion deficit for this fiscal year.

We are talking about slashing the Library of Congress 25 percent. Let us get real, Mr. President. Let us talk about doing something that is meaningful to the American public, like providing health care, being concerned about jobs where people are unemployed, underemployed; people who have been out of work for a long, long period of time.

But what we are talking about doing tonight is whacking the Library of Congress, among other things, 25 percent. It is a national treasure. It is the foremost vessel of intellectual and cultural heritage in the world. It reaches out to every State in the Nation.

We have here, Mr. President, a couple of exhibits from the Library of Congress. During this era, these are the only two pictures of President Lincoln and his wife. But for the Library of Congress, there would be none in existence.

We have here also an art collection of one Nikolaus Thomas Host. The problem is people have come in the library and stolen all but one picture out of this book. We have been trying to preserve, during these past few years, these invaluable things that are collected in the Library of Congress. We have done that, and I think we have done a very good job.

The Library of Congress includes things other than books: Musical, photographic, broadcasting, recording manuscripts; and we are trying to save those. Two years ago, we provided the Library of Congress with 170 positions—that sounds like a lot—and really jumped up the chart that my friend from California has; 170 positions in this relatively small organization really kicked up that chart.

But why did we do it? Because there are 36 million items in the Library of Congress that are laying there being destroyed. Mildewed; rotting. Should

we just get a truck in there and haul them to the dump? That is what we are going to have to do; 36 million items. With these 170 positions, we have been able to correct some of these deficiencies.

Unless we maintain the support for the Library, it will strangle on its acquisitions. Perhaps the author of this amendment believes we should simply stop acquiring materials and allow the Library to slide into second, third, and fourth or below rank of national libraries—Third World countries, rather than being the premier library in the world.

Mr. President, there are many other things in this Library that is right across the street. What should we do? Should we furlough the Library of Congress employees? Should we keep the Library open on Mondays and Tuesdays and close it the rest of the time?

We have guides that take around the millions of visitors that come to this Capitol every year; we have people that have guided tours around the Capitol. Maybe we should get rid of all those people.

I think the time has come for this body to stand up for its own. Do we want to do away with the Library of Congress and make it a second-rate operation?

The Congressional Reference Service is a very important service. When a constituent writes and wants to know about something CRS responds. The Congressional Reference Service is something that has been there for many, many years, and it helps us. Maybe our constituents should have to wait for 6 months, 8 months, and not have that.

The Copyright Office processes over 600,000 claims to copyright each year. We make money from that. If this amendment is adopted, we will lose about \$7 million a year because we will not be able to keep up with the copyrights. We will drop behind significantly. It will cripple this very valuable service.

Going back briefly to the Library again, Mr. President, we have services there for the blind and physically handicapped. Should we eliminate those; eliminate 25 percent of that?

Cataloging efforts would be knocked out. We would have a 500-percent increase in the backlog of claims for the copyright service. The backlog would go up to 450,000. I said it would be a loss of \$7 million. It would be a loss of \$7.5 million in copyright receipts.

We have not spoken of the Secretary of the Senate. Most of the obligations of the Secretary of the Senate are—

I would ask unanimous consent that the chairman yield me an additional 7 minutes.

Mr. SASSER. Mr. President, I am pleased to yield to the distinguished Senator an additional 7 minutes.

Mr. REID. Mr. President we have not discussed the Secretary of the Senate.

The Office of Secretary of the Senate is responsible for functions set forth in statutes and in the rules of this Senate. They have things that they must fulfill, not for individual Senators, but for the people that we serve, the people that come to this Capitol on business, people that come to see the Capitol for the first time.

The Sergeant at Arms, provides the security for this facility. The Office of Technology Assessment, one of the finest small agencies that we have developed, is also an agency of the legislative branch of government. We could probably do away with that. But would that be the right thing to do?

The Congressional Budget Office. Should we whack that 25 percent? The Congressional Budget Office has given us an independent analysis and evaluation of the budget that the executive branch pours on us. Remember, we have a total of 38,000 employees; the whole legislative branch; the executive branch, 2.2 million employees. The Congressional Budget Office gives us the ability to respond intelligently to the massive programs and activities of the executive branch of government.

Mr. President, one of the pleasant things that I have had during my tenure as chairman of the Legislative Branch Committee is working with individuals who have been fair and non-partisan. I cannot say enough about the ranking member of the Legislative Branch Appropriations Committee. That is the junior Senator from the State of Washington. He has been fair. He has been impartial. I yield to my friend from the State of Washington.

Mr. GORTON. I am delighted at the offer, but I would just as soon let someone speak on the other side.

Mr. REID. I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. SASSER. Mr. President, parliamentary inquiry. How much time is remaining to the opponents of this amendment?

The PRESIDING OFFICER. The opponents control 47 minutes.

Mr. SASSER. And the proponents have how much time left?

The PRESIDING OFFICER. Forty-six minutes and twenty-four seconds.

Mr. SASSER. I am hopeful, Mr. President, we can shorten this debate because we have another couple of amendments and that others can follow the example of the Senator from Washington and let us move on as expeditiously as possible.

Mr. SYMMS. Mr. President, will the Senator from Tennessee yield?

Mr. SASSER. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I rise in support of this amendment as a cospon-

sor. I believe that if we are going to talk about budget cuts and fiscal restraint we ought to start right here at home.

This amendment reduces the legislative branch portion of the budget by a total of 25 percent over the next 2 years below the 1992 level. This cut is above and beyond the proposed 5-percent cut in the budget resolution.

The legislative branch budget has increased 102 percent from 1982 to 1992. Outlays for the legislative branch increased from \$1.367 billion in fiscal year 1982, to \$2.760 billion in fiscal year 1992.

The legislative branch staff now totals more than 38,000. This is the largest staff of any deliberative body in the world—10 times larger than that of Great Britain, Germany, Canada, and Japan.

Expenditures for Congress are out of sight. Expenditures for the Congress in fiscal year 1993 are estimated to be \$5.05 million per Senator and \$1.97 million per Representative.

Taxpayers cannot afford such a fiscally irresponsible Congress. In this time of \$400 billion deficits and limited resources, Congress should be an example of fiscal responsibility, but has proven itself incapable of controlling its own spending.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota seeks recognition.

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

The PRESIDING OFFICER. The Senator from Minnesota is yielded 5 minutes.

Mr. WELLSTONE. Mr. President, I thank the Senator from Tennessee.

Mr. President, I actually have not had all the graphs and charts before me, and I have not had an opportunity to go through all of the numbers of the Senator from California. But I would like to echo the remarks of the Senator from Nevada.

This is a very easy thing to do, to come out here with an amendment and say out the budget of the Congress by a third, or whatever. I heard the Senator from California point to the graph and say that the increase in the Senate budget had gone up by a higher percentage than the increase in Head Start and Chapter 1 and other such programs. It will be very interesting for the voters to look at how we voted, to find just who on this floor has been a strong advocate for those programs and who has not.

What I want to say, and the reason I rise to speak tonight with some anger, is that I do not feel this is necessarily an attack on myself, but I think it is an attack on a lot of people who work with us. Some of them are here tonight.

I go to my office every single night, 10, 11 at night, and I am absolutely amazed at the number of women and

men who are working there, who care about public policy, who care about serving people. I am not ashamed to say on the floor of the Senate that I would not be able to do a good job representing people in my State if I did not have people who were working with me to provide me with information that I need, to help me go over policy so that I can make intelligent decisions.

There may be Senators who do not agree with me on the other side of the aisle. But I cannot believe there are not Senators on both sides of the aisle who know full well that there are many, many people—Mr. President, could I have order on the floor, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. I cannot believe there are not Senators on both sides of the aisle who know full well we would not be able to do a good job of serving people—and we care about that—without the kind of support we have in our offices. I believe this is an attack on that.

Let me go on, Mr. President, and make one other point because I will not take all night. I do not remember when it was, it was not that long ago, I went back home and in 1 hour I was to meet with people who had called the office. I would like to compare notes with other Senators on this—3,000 people showed up to meet with me. Do you know why? These were people who had concrete problems. They called our office because people in this big, impersonal world expect us to come through for them at a personal level. I am not ashamed to say, on the floor of the Senate, I cannot return all of their phone calls and I cannot do all that case work and I cannot come through for people. I depend upon people in my office back in Minnesota to help me out.

I think this whole argument that we need to cut down on these people and these budgets and public service is tiresome. I think it is tiring. I think it is beside the point. I think it is irrelevant. And I think it simply is an attempt to do well politically. But it sure does not have much to do with why we are here, which is to serve people.

Mr. President, I will not take any more of my time except just to say to Senators on both sides of the aisle I really hope you will vote against this amendment because I think this amendment is really a challenge to, presumably, what we stand for and what we are trying to do as Senators, which is to do for people; which is to do well for people.

The PRESIDING OFFICER. Who yields time? The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, the Senator from Minnesota made a very emotional plea. I certainly commend him for feeling so strongly about his

staff, wanting to do just as good a job as he is capable of doing for his constituents. I believe that every one of us on the floor wants the same. That is not what this is all about. You should not mistake this as an attack.

What this is really all about is leadership—leadership that is willing to make the cuts up front, the willingness and leadership to demonstrate that we have the courage to cut our own budget.

We have been debating cuts in our defense budget. That is easy, debating cuts in other areas of the budget. Now we are talking about us. And, oh how difficult it is when it gets in our own pocket.

I can tell you my people, the people I represent in California, are fed up. They are fed up with this. They are fed up with this kind of budget growth, especially when the Senate's budget is growing faster than the budgets of Medicare, than people who are unemployed, than all the mandatory programs, than food stamps, than Social Security, than defense programs; for welfare, for Federal retirement disability, for domestic programs, for veterans benefits. They are fed up. They want change. And I intend, as long as I am in this body, to be an agent of that change.

I do not mean to insult the Senator or any Member here, certainly not the staffs. His staff works hard, my staff works hard, they all work hard. But it is time we stand up and say no to unnecessary spending increases.

It has been suggested by Senator REID that all these cuts have to come out of the Library of Congress, that all the cuts have to come out of the staff here, 20,000 of them between the House of Representatives and what we have in the Senate—20,000. That is not so.

The Appropriations Committee can determine where to make, not a 25-percent cut in 1 year, but a 25-percent cut over 2 years. That is 12.5 percent a year. We so casually debate cutting the Department of Defense's budget—now well over 30 percent is what I am hearing debated when you take into consideration the 1990 budget agreement. It is OK to talk about cutting that over 30 percent. But do not talk about touching ours. That is sacrosanct.

So the Appropriations Committee is the committee that can determine where these cuts will be made over the 2-year period. They could come out of the Congressional Budget Office, the General Accounting Office, Architect of the Capitol, the Library of Congress, yes, Congressional Research Service, the Government Printing Office, the Botanical Gardens, the Copyright Office or, yes, the U.S. Senate or the House of Representatives. This is not so draconian, believe me, as one might think.

Let me also add, I showed the dramatic growth that has taken place

since 1981. Let me also put it in perspective for you from a little different view.

The staff that works in the legislative branch is the largest staff of any deliberative body in the world. It is 10 times larger than that of Great Britain. It is 10 times larger than that of Germany and Canada and Japan. So it is not a question of being a demagog; it is not a question of being uncaring; it is not a question of not wanting to serve our constituents. I have 30 million of them. In fact, I run interns, volunteer interns, up to 35 of them at one time, to handle 15,000 pieces of mail a week I get. Thank God for those interns. So it is not about wanting to lash out or bash Congress. It is about leadership. It is about stepping up and saying I will tighten my belt first.

And so I suggest to my colleagues that this is not Congress bashing. Rather, I think it is responsible leadership.

I reserve the remainder of my time, Mr. President.

Several Senators addressed the Chair.

Mr. SASSER. Mr. President, who is seeking recognition?

Mr. REID. Mr. President, I would like 5 minutes.

Mr. SASSER. How much time does the Senator from Washington request?

Mr. GORTON. Ten minutes.

Mr. SASSER. How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has 42 minutes.

Mr. WELLSTONE. Mr. President, I would like 5 minutes.

Mr. SASSER. I yield 5 minutes to the Senator from Washington—10 minutes? How much time is he requesting?

Mr. GORTON. Ten minutes.

Mr. SASSER. Ten minutes to the Senator from Washington; 10 minutes to the Senator from Nevada; and 5 minutes to the Senator from Minnesota. How much time would I have remaining, Mr. President?

The PRESIDING OFFICER. Sixteen minutes.

Mr. SASSER. I hope that we can conclude this debate at the expiration of the time that will be consumed by these three Senators.

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

The PRESIDING OFFICER. The Senator from California has 40 minutes remaining.

Mr. SEYMOUR. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. GORTON. Mr. President, tonight, in the view of this Senator, is fantasy time. Tomorrow morning, we will get a reality check. Tomorrow morning for the first time in several years in this body, we will deal with the true nature of the budget deficit. Tomorrow morn-

ing the distinguished Senator from New Mexico and our colleague from Georgia will give Members of this body the first opportunity they will have had in years to deal with the reality of budget deficits as against the illusion.

It is the view of this Senator that through most of the debate on this budget resolution so far we have dealt with the illusion and not with the reality, and that the amendment proposed by my good friend from California simply continues that illusion.

It is not the view of this Senator that continue self-flagellation by Members of this body of themselves and of their colleagues is likely either to reduce the budget deficit, which so horribly burdens the people of this country, nor will it lessen public criticism of the Congress and of its operations. Firing 25 percent of each Member's staff, discharging the competent young man assisting the Senator from California this evening, lessening his or her ability to deal with casework from home States or reducing his or her knowledge of the questions and issues debated on the floor of this Senate is not likely, in the view of this Senator at least, to improve either the performance or the perception of the Congress of the United States.

My friend and colleague from Nevada, who is the chairman of the Legislative Subcommittee of the Appropriations Committee, has pointed out that one of the largest single elements of the appropriations into the legislative branch goes to the Library of Congress. Neither we nor most of our constituents think of that library as being peculiarly the possession of the Congress of the United States, but it falls within the ambit of this amendment. It is the single most preeminent collection of knowledge and of history ever to have existed in the world.

I do not really believe that the Senator from California wants to inhibit the collections of the Library of Congress, to lessen its hours, to lessen its ability to acquire new materials, to lessen its ability to preserve those which it has at the present time and, indeed, he said in response to the Senator from Nevada, oh, no, we do not have to take the money there. Presumably, instead of taking money from there, we can take 33 percent from our staffs and make up for that.

I suppose he probably does not think that we should close down the Botanical Gardens, gardens which I confess I have not visited for several years but which I know have been visited by literally thousands of my constituents and the constituents of others.

I do not know whether or not he regards the way in which this Capitol Building itself is maintained as being overly luxurious, as being something which the people of the United States are offended by because of the art work it includes or the guides which lead

them about it, or even the nature and the lighting and the facilities in this Chamber itself.

But he can avoid those questions by simply stating that he is not making any real decisions, he is just going to require an overall 25-percent cut.

We debate issues like that all too frequently, Mr. President, issues brought up by Members who are unwilling to say precisely what it is they want to do and, therefore, come up with mere percentages.

I am not here to defend every element of the appropriations for the legislative branch. I was critical last year and I remain critical this year of the operations of the General Accounting Office. I suspect if this amendment had been aimed at it and a few other elements within the legislative branch, that I might well have supported the Senator from California. But he does not give us that choice. He just says let us beat ourselves about the head and body once again in some highly generalized statement and we will all feel better.

Moreover, he knows that Members can vote for this amendment, look like they are doing something, with the full confidence that it will never actually become law or actually become a part of the policy of the United States because it will disappear somewhere along in the process.

Across the board percentage cuts, Mr. President, are an attempt to escape from reality both in Congress and in the Government as a whole.

When we see thoughtful criticisms of the way in which the Congress operates, pleased to deal with budget deficits, pleased with fiscal response from scholars and economists from the most liberal and most conservative, they do not ask us for 25-percent cuts in the legislative branch because they know it will not have any effect on the budget deficit at all. They ask us to be responsible in the fashion we will ask to be responsible by the Senators from New Mexico and Georgia tomorrow. To lessen our ability and deal with the executive branch, to lessen our ability to deal with the jobs we have here, to lessen the glory which is the Capitol of the United States, the Library of Congress and many other institutions which are under our jurisdiction, is not the way to make the United States of America a brighter and a better and a more responsible place.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 10 minutes.

Mr. REID. No doubt, Mr. President, this amendment is intended as a symbolic gesture. And so it is. But I believe it symbolizes something more than what the author intends. It is in its way almost the perfect emblem for the kind of silly political posturing that contributes to policy deadlock and

feeds public cynicism about our democratic political system.

It is no wonder that the American public doubts the seriousness and purpose of its elected leadership when the Senate of the United States is required to spend time debating this kind of meaningless proposal. While millions of people in this country are without health insurance, we debate 25-percent cuts to the legislative branch. Today we had a presentation that now it has arrived at 40 million people with no health insurance. That does not count those who are underinsured. Millions are unemployed, millions are underemployed, and millions have dropped entirely out of the labor force because they are too discouraged even to look for work.

At the same time, a series of sea changes have swept the international political and economic landscape. Mr. President, we no longer have anyone to go to war with. And then is it any wonder that we are talking about cutting the defense budget?

Yet, we as a Nation have no plan for confronting the challenges to our national security. And remember, Mr. President, our national security includes educated children, healthy children, healthy women who can have babies that are healthy, and economic welfare that meets the demands of this burgeoning population.

But, of course, we have time to spend discussing unrealistic and potentially destructive amendments like this. No wonder, Mr. President, so many of our colleagues have decided to hang it up. This is not a profile in courage. This is not leadership. This is political campaigning.

We talk about this being the largest legislative branch in the world, and it is. But you cannot compare it to parliamentary systems of government. They are two totally different systems. In a parliamentary system, the chief executive is a committee of the legislators, with all the resources of the civil service at its disposal.

We have an independent legislature. We have 38,000 people who make up the entire legislative branch of Government. A part of those, about half of them, consist of employees of this body and the other body. These people that my friend from the State of Minnesota talked about as an example, my friend from the State of Washington talked about, are people who have to be prepared on a minute's notice to respond to the 2.2 million people who make up the executive branch of Government. It is a different system. Of course, it is a large legislative body, but it is independent. Any time the Senator from California wants to cut his budget 25 percent, he can do that. He does not have to spend the money. There are people in this body who return money every year, some more than others.

The legislative branch of Government these past years has been very re-

sponsible. One of the public outcries, and rightfully so, was with franking. We have not solved all those problems, but we have done a lot toward making franking something that is reasonable. We have public disclosure. Anyone at any time now in this body or in the other body can find out how much mail someone sends out under the frank. Those were reforms that we have developed the last few years. We have cut franking costs by millions and millions of dollars. We, of course, can perhaps do better, but we are working on that. We have had hearings in relation to that.

I have people talk to me. I know my friend, the senior Senator from Kentucky, chairman of the Rules Committee, has people talking to him, and Senator STEVENS, the ranking member on Rules, about security. People are being killed, staff people are being killed within walking distance of the Capitol, the office buildings. Personnel of this legislative branch are being raped, and mugged, and robbed and we need to supply security. That is what part of this money is, Mr. President. Do we want to cut security? Do we want to have fewer police officers when everybody is demanding more?

I respectfully submit to the junior Senator from California that this amendment is ill-advised, that we should be debating the weighty measures which have come before us this day and yesterday and will come tomorrow dealing with how we should divide up the savings we are going to get because we no longer are at war with the former Soviet Union. That is what these debates should be about.

If there are ways we can cut this legislative branch budget more than 5 percent, we will do it. But to have this draconian suggestion, 25 percent cuts, so that somebody can get their name in the newspaper tomorrow is irresponsible. If this amendment is adopted, I repeat, people who have caseworkers at home will no longer have those caseworkers at home. People who want to use the finest library in the world will have to use it under restricted conditions. People who depend on the Congressional Budget Office to give us figures in relation to the 2.2 million people who work for the executive branch of Government will not be able to get that information, and on and on and on. This amendment is an amendment that is not well taken and it should be defeated.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. SEYMOUR. Mr. President, I would yield the Senator from Alaska 3 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, my name was used in the debate, and I was going to stay out of this, but I want to

state that contrary to what has been raised here on the floor, when Senator Baker became the leader in 1981, we did reduce these expenses by 15 percent. We then reduced them the next year also. If you look at the chart, it will show that in 1982 and 1983 it was practically level. There were some increases.

We did not touch the Library of Congress and we did not touch these other agencies that people are mentioning, but we did reduce our own salaries. We did reduce our staff salaries on the committees. Despite the fact that we were in the majority, we took two-thirds of the reduction on the majority side.

I intend to support the Senator's amendment. I think it would be difficult for the Appropriations Committee to handle it, but it does have a precedent and it is time that we considered this action. It is necessary, whether we like it or not.

I am sad to say I disagree with my friend from Nevada. It is time we recognize the tremendous feeling in this country against this body. People believe we have too many people to help us; that we are spending too much of their money.

I do not think it is right to attack the amendment as being inflexible because it will be flexible. None of the budget resolution is specific. There is nothing here that is specifically saying, take it out of the Library of Congress, or take it out of GAO, or something else. It is strictly a cut and says to those of us on the Appropriations Committee cut this function, Function 800 by 12½ percent this year and 12½ percent next year.

I tell you, my memory is we did that well at least by order of the newly elected leader in 1981 and 1982. So I intend to support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, I guess I just have not been back here long enough. When I started out in public service as a councilman and mayor, I dealt in millions of dollars in our budget. When I became a State Senator in the California State Legislature, we dealt with billion-dollar budgets, and back here we deal with trillions of dollars.

It has been suggested this amendment really is an illusion; it will do nothing. I remind my colleagues that what this amendment would do over a period of 5 years is save \$2 billion. Now, which one of us would not want to have \$2 billion to help out veterans, or maybe \$2 billion to help out battered women?

We talk about the Library of Congress. That is included in the legislative branch. However, Congress' budget has not been growing significantly; in

programs and agencies outside of the operations of Congress. It is in our budget, the U.S. Senate, and it is in the House budget that has been driving the total cost of the legislative branch upward.

So let me suggest that this is not an illusion. This is real money. It is \$2 billion of real money.

To my colleague, for whom I have the greatest respect for, from Washington, he says this will not become law. Maybe it will not. Maybe it will not, but I am not going to stop trying.

If this should be defeated tonight, I will be back on the appropriations bill. Maybe then I will succeed.

It was suggested that these percentages in the underlying resolution are not a good idea. It also has been said that Senator DOMENICI tomorrow is going to make us think a great deal because he is going to talk about the bigger problem. He is going to talk in percentages.

I think talking percentages gives the Appropriations Committee the flexibility to be sensitive to the cuts, whether or not they be in the U.S. Senate, in our staff, the House of Representatives, or combine, or whether it is in the Copyright Office, or the CBO, or the GAO. And my amendment also provides the flexibility to the Appropriations Committee to do what they think is best.

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

Mr. SEYMOUR. Certainly, if I may finish.

The budget in the U.S. Senate is \$488 million. If my math is correct, I divide that by 100, that is \$4.88 million per Member. That is substantial.

Mr. FORD. Will the Senator yield, Mr. President?

Mr. SEYMOUR. I think Senator REID wanted me to yield to him, and then I will be happy to yield.

Mr. FORD. Mr. President, he left the impression that every Senator in here has \$4.8 million in his office. That is not true. The Senator is charging us the same as with the Library of Congress, Botanical Gardens, and with everything else. And that is not true, and the inference is wrong.

Mr. SEYMOUR. Mr. President, what I said was the budget of the U.S. Senate, not the Library of Congress, not the Government Printing Office, not the Botanical Gardens, not CBO, not the House of Representatives. The U.S. Senate is \$488 million.

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

Mr. SEYMOUR. Yes.

Mr. REID. Will the Senator from California tell us how much money he returned last year of this Senate budget, which is one of the largest of the Senate?

Mr. SEYMOUR. I know I represent 30 million people in the State of California, much larger than any State in the

country. I cannot answer the Senator from Nevada's question, but I will be happy to match the budget of the Senator for 30 million people to many Members' budgets here.

Mr. REID. The question was, how much money did the Senator return last year?

Mr. SEYMOUR. I cannot answer the question, Mr. President.

Mr. REID addresses the Chair.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. REID. I thought he yielded.

The PRESIDING OFFICER. Is the Senator from California yielding the floor?

Mr. SEYMOUR. Yes; I yield the floor. The PRESIDING OFFICER. Who yields time?

Mr. REID addressed the Chair.

Mr. SASSER. Mr. President, I yield 2 minutes to the Senator from Nevada.

Mr. REID. Mr. President, I want the record to reflect that the legislative branch Appropriations Committee during the tenure of Senator REID, Senator NICKLES, who was ranking member for a period of time—we have a good relationship. And then Senator GORTON has been one—where we have been very frugal.

The point of the matter, as I indicated in the initial statement, there were increases that we made. For example, we talked about the 170 employees for the Library of Congress. Those are important.

I think that we have established during these past few years that it has been necessary to cut down what comes out of this body.

I repeat what I said when I made my opening statement. I am chairman of the legislative branch Subcommittee on Appropriations. It is up to the individual Senators of this body to determine whether they have 25 percent too much staff, and whether the Library of Congress should be cut, the Botanical Gardens, Secretary of the Senate, Sergeant at Arms. That is a decision they have to make. If they make that decision, I as chairman of the legislative branch Appropriations Committee will do my very best to be fair in the distribution of the 25-percent less money that is garnered in this appropriations season.

Mr. LAUTENBERG. Mr. President, I agree with the message of this amendment. The distinguished Senator from California is right—Congress is not doing as good a job as it should. The people are angry with Congress, and they have every right to be. We still are stuck hopelessly in the status quo, unwilling to respond to changes in the world and to the pressing needs of our country.

The votes earlier today in opposition to a modest reduction in the defense budget prove that better than anything.

However, Mr. President, while the message is right, the amendment does not accomplish what it intends to do.

The amendment aims at Congress, but it misses its mark. Instead, I will tell you where it is going to hit.

First, it is going to hit the Library of Congress.

Mr. President, the Library of Congress is one of the great institutions of this Nation. The Library's collection is available not only to Congress itself, but to every American. To scientists seeking to find a cure for deadly diseases. To historians exploring the origins of our great country. To scholars seeking answers to society's greatest problems.

Mr. President, we ought to be proud of the Library of Congress. We ought to support it. If the Library's budget contains some things that can be cut, by all means let us cut it. But a blind, 25-percent cut adopts a foolish, meat-ax approach that will bloody a truly great American institution.

Mr. President, this amendment will also devastate another institution within the legislative branch that is absolutely essential to effective oversight of the Government bureaucracy—the General Accounting Office.

Mr. President, a lot of Americans may not have heard of the General Accounting Office. But each and every American has benefited by the Office's work. GAO investigators have rooted out fraud and inefficiencies throughout Government. They have saved taxpayers countless billions of dollars.

Mr. President, to cut the GAO is penny-wise and pound-foolish in the extreme. It would mean that Government bureaucrats would be much more free to waste taxpayer money. More free to ignore statutory directives. More free to abuse the rights of the Americans they are supposed to serve.

That makes no sense, Mr. President, and I will not support it.

Mr. President, there are other important agencies that would be cut severely under this amendment, such as the Congressional Budget Office, which provides a crucial function in overseeing the fiscal condition of the Government. In addition, the Botanical Gardens would be slashed.

In sum, Mr. President, the amendment will hit not so much the Members of Congress, who may well deserve a cut, but other important agencies. If adopted, the ultimate losers will be the American people.

The PRESIDING OFFICER. Who yields time?

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, let me ask, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 32 minutes remaining.

Mr. SEYMOUR. I am prepared to yield back the remainder of my time if the chairman is willing to do the same.

Mr. SASSER. Mr. President, I am prepared to, in the event that the Senator from California yields back his time, yield back my time.

Mr. SEYMOUR. Are we prepared to go to a vote?

The PRESIDING OFFICER. Is all time yielded back?

Mr. SASSER. Mr. President, I yield back the remainder of my time, but I send to the desk a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. STEVENS. Wait just a minute. The understanding was we yield back the time and go to a vote.

Mr. SASSER. That is not the understanding of the chairman, the manager of the bill.

The PRESIDING OFFICER. The second-degree amendment cannot be offered until all time is yielded back.

Mr. SASSER. Has all time been yielded back?

The PRESIDING OFFICER. All time has been yielded back.

AMENDMENT NO. 1770 TO AMENDMENT NO. 1769

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes an amendment numbered 1770.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 1, line 1 of the amendment, increase the amount by \$137,000,000.

On page 1, line 2 of the amendment, increase the amount by \$147,000,000.

On page 1, line 3 of the amendment, increase the amount by \$146,000,000.

On page 1, line 4 of the amendment, increase the amount by \$145,000,000.

On page 1, line 5 of the amendment, increase the amount by \$145,000,000.

On page 1, line 6 of the amendment, increase the amount by \$110,000,000.

On page 1, line 7 of the amendment, increase the amount by \$145,000,000.

On page 1, line 8 of the amendment, increase the amount by \$146,000,000.

On page 1, line 9 of the amendment, increase the amount by \$145,000,000.

On page 1, line 10 of the amendment, increase the amount by \$145,000,000.

On page 1, line 11 of the amendment, increase the amount by \$110,000,000.

On page 1, line 12 of the amendment, increase the amount by \$145,000,000.

On page 1, line 13 of the amendment, increase the amount by \$146,000,000.

On page 1, line 14 of the amendment, increase the amount by \$145,000,000.

On page 1, line 15 of the amendment, increase the amount by \$145,000,000.

On page 1, line 16 of the amendment, increase the amount by \$110,000,000.

On page 1, line 17 of the amendment, increase the amount by \$145,000,000.

On page 1, line 18 of the amendment, increase the amount by \$146,000,000.

On page 1, line 19 of the amendment, increase the amount by \$145,000,000.

On page 1, line 20 of the amendment, increase the amount by \$145,000,000.

On page 2, line 1 of the amendment, increase the amount by \$137,000,000.

On page 2, line 2 of the amendment, increase the amount by \$110,000,000.

On page 2, line 3 of the amendment, increase the amount by \$147,000,000.

On page 2, line 4 of the amendment, increase the amount by \$145,000,000.

On page 2, line 5 of the amendment, increase the amount by \$146,000,000.

On page 2, line 6 of the amendment, increase the amount by \$146,000,000.

On page 2, line 7 of the amendment, increase the amount by \$145,000,000.

On page 2, line 8 of the amendment, increase the amount by \$145,000,000.

On page 2, line 9 of the amendment, increase the amount by \$145,000,000.

On page 2, line 10 of the amendment, increase the amount by \$145,000,000.

Mr. SASSER. Mr. President, what I am offering, I say to my colleagues, is simply a simple 25-percent cut of the Executive Office of the President, and each of the agency management offices. If it is a good idea to cut the legislative branch—and maybe it is—then it strikes me as an appropriate signal to send to the American people that we also reduce the executive branch.

The Executive Office of the President has certainly engaged in their fair share of waste in Government. Just the day before yesterday, two reports came out detailing how travel expenses of senior White House staff have been, to say the least, somewhat lavish.

Yesterday, the Office of Government Ethics released a report concluding that senior White House staff were using military aircraft for personal travel, including vacations. And this keeps coming out day after day.

If the goal is to control the size of Government—and I sympathize with that, we have a 5-percent reduction in the legislative branch in our resolution—let us look and see where the growth is. The number of full-time employees of the executive branch has grown, in terms of numbers of employees by 8 percent from 1981 to 1991, while the size of legislative branch has declined by 5 percent during the same 10-year period.

The executive branch is over 5 times bigger than the legislative branch. I do not see why we should take a big hunk out of a small pie and just nibble at the edges of the executive branch.

So would the Senator from California be willing to accept this second-degree amendment?

Mr. SEYMOUR. Yes; I certainly would. And further, if it were to be accepted on a voice vote, I would like to have a rollcall on mine.

Mr. SASSER. We would be willing to accept the amendment of the Senator from California without a rollcall.

Mr. SEYMOUR. I would like to have a rollcall.

Mr. SASSER. Mr. President, I yield back all time on my amendment.

Mr. DOMENICI. I yield back our time in opposition to the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to the Sasser amendment.

The amendment (No. 1770) was agreed to.

Mr. SASSER. Is the Senator from California insisting on a rollcall to his amendment? We will be able to accept it.

The PRESIDING OFFICER. The yeas and nays have been ordered. All time has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. PRYOR], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea".

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

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—52

Bentsen	Ford	Murkowski
Bond	Fowler	Nickles
Boren	Garn	Nunn
Breaux	Grassley	Packwood
Brown	Hatch	Pressler
Bumpers	Heflin	Roth
Burns	Helms	Seymour
Chafee	Kassebaum	Shelby
Coats	Kasten	Simpson
Cohen	Kerrey	Smith
Craig	Kohl	Specter
D'Amato	Lott	Stevens
Danforth	Lugar	Symms
Dodd	Mack	Thurmond
Dole	McCain	Warner
Domenici	McConnell	Wofford
Durenberger	Mikulski	
Exon	Moynihan	

NAYS—42

Adams	Bingaman	Cochran
Akaka	Bryan	Conrad
Baucus	Burdick	Cranston
Biden	Byrd	Daschle

DeConcini	Johnston	Reid
Glenn	Kennedy	Riegle
Gore	Kerry	Robb
Gorton	Lautenberg	Rockefeller
Graham	Leahy	Rudman
Harkin	Levin	Sanford
Hatfield	Lieberman	Sarbanes
Hollings	Metzenbaum	Sasser
Inouye	Mitchell	Simon
Jeffords	Pell	Wellstone

NOT VOTING—6

Bradley	Gramm	Wallop
Dixon	Pryor	Wirth

So the amendment (No. 1769), as amended, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Tennessee.

ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m.; that following the prayer, the Journal of the proceedings be deemed as approved to date; the time for the two leaders be reserved for their use later in the day; and that the Senate resume consideration of the pending business, the concurrent resolution on the budget, with Senator DOMENICI to be recognized to offer an amendment in the nature of a substitute to the budget resolution.

The PRESIDING OFFICER. Is there objection?

Mr. DANFORTH. Mr. President, reserving the right to object. Mr. President, I wonder if I could inquire of the chairman: This means that we would be on the budget at 9:30 in the morning?

Mr. SASSER. It is my understanding, following the prayer, that we would move directly to the consideration of the resolution.

Mr. DANFORTH. And that there is 2 hours on an amendment, and that amendment presumably will take the 2 hours.

I am wondering if it would be possible to move the schedule up, either by having some of the debate tonight, or perhaps yielding back some of the time, or perhaps starting the debate earlier in the morning.

For those who have plane reservations or who have changed plane reservations, I can see us having quite a long day. I do not know how much time we have left, 7 hours, or something, I guess. When you factor in the votes, which are not counted, it could be late afternoon, I suppose, tomorrow before we finish this up.

I wonder if we could do either some of the debating tonight or run some of the time tonight or start earlier in the morning.

Mr. SASSER. No, I do not think so, I say to my friend from Missouri. We were surprised a little earlier today with the first notification we had of a substitute for the resolution that would be offered. There was a press conference that was held by the distinguished ranking members and others in this body. As result of that, I think you are going to find that the entire time remaining will be consumed. And when the Domenici substitute is laid down tomorrow, and as we proceed through that, I think Members ought to be aware that we will exhaust, in my judgment, all the time remaining on the resolution. And we could be in session until late tomorrow afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I regret to tell my friend that I do not see how we can accommodate him. I am not sure how the morning will evolve once the amendment is laid down. But I do not see how we can agree to debate it this evening. The purpose of the debate tomorrow literally, as I see it, is for three or four Senators who have an idea to thoroughly discuss it. I do not think we can do that tonight and I do not think we can do it in 10 minutes.

But we will not abuse the time. We have been waiting for a long time. We had many other amendments. I am not critical, but we took over 9 hours on one amendment on a defense cut. I think it was 9 hours.

We may not need an hour, but I think we ought to count on it for the morning. And I apologize. I know the Senator has a schedule that makes this difficult, but I cannot do it any other way.

Mr. DANFORTH. Further reserving the right to object, I wonder if the managers have an idea as to how many more amendments there will be.

Mr. SASSER. I am afraid we do, I say to my friend from Missouri. There are 12 amendments. I think eight of these amendments perhaps we can dispose of after we dispose of this unanimous-consent request. I think eight of them can perhaps be disposed of very quickly this evening.

Mr. DANFORTH. This evening?

Mr. SASSER. Yes. We are going to attempt to do that.

Mr. DANFORTH. Just one further question, if I might. Nine thirty is what might be called bankers' hours. I wonder if perhaps the debate might start at perhaps 8 o'clock so that the first vote could be at 10 o'clock.

Mr. SASSER. Mr. President, I would like to accommodate my friend from Missouri but some of us have been standing on this floor, now, for 3 days. And almost 20-hour days. I think in my judgment we ought to stick with the 9:30 hour of coming in tomorrow.

It is hardly banker's hours to be adjourning here at 11:30 in the evening. As my friend from Missouri knows, we start late. I suppose our motto is here: We work late. We may doze but we never close, here in the U.S. Senate. So we will be here, I suspect, fairly late tomorrow.

Mr. DECONCINI. Will the distinguished chairman yield?

Mr. SASSER. I will be pleased to yield.

Mr. DECONCINI. I appreciate the agony the distinguished chairman and ranking member are going through here trying to get us out. I have a simple amendment. I know the committee is even willing to accept it, but I do want a vote on it. Can I get some assurance from the distinguished chairman I will get a chance for a vote, the body will get a chance to vote on this amendment sometime within an hour or 2 hours after the Domenici amendment is disposed of?

I have to leave town. I would like to get out of here. I understand that is not the chairman's problem; that is my problem. But I have been waiting since yesterday morning to offer this amendment. It is no fault of the Chairman.

Mr. SASSER. Let me say to my friend from Arizona, I am unable to give an iron-clad assurance. But I tell him, we will do everything humanly possible tomorrow to make sure that the Senator gets a vote early in the day on his amendment.

Mr. DECONCINI. I thank the chairman.

Mr. DOMENICI. We will take it tonight, and we will stipulate you have 100 votes if you would like that.

Mr. DECONCINI. I understand the Senator wants to make a point of that. I will be glad to argue with him about his amendment being offered in the wee hours of the evening, for the press conference here, and keeping us here all that time.

Mr. DOMENICI. I am sorry, Senator, I did not mean that. I just looked at the amendment. I think everybody accepts it. That is all I meant.

Mr. DECONCINI. If the Senator from New Mexico will give me the same assurance as did the Senator from Tennessee, I will be glad to sit down.

Mr. DOMENICI. I will be glad to. Indeed I will.

The PRESIDING OFFICER. If there is no objection, the unanimous-consent request is agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to the resolution:

A Fowler-Exon amendment on veterans affairs;

A Roth amendment stating the sense of the Congress on a Government Reform Commission;

A Wellstone amendment stating the sense of the Congress on defense conversion;

A Seymour amendment stating the sense of the Congress on defense dislocated workers;

A DeConcini-Johnston-Chafee amendment stating the sense of the Congress on levels for the WIC Program;

A D'Amato amendment on the importing of vans;

A Reid amendment stating the sense of the Congress on authorizing committee analysis of programs;

A D'Amato amendment on welfare shopping;

A Glenn-Sanford amendment stating the sense of the Congress regarding the President's submission of a balanced budget;

A Grassley sense-of-the-Congress amendment on deficit reduction from defense cuts;

A Riegle sense-of-the-Congress amendment regarding investment and competitiveness; and

A Domenici-Nunn-Rudman-Robb substitute, and germane first-degree amendments thereto;

And that debate on the Glenn and DeConcini amendments be limited to 20 minutes each equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, and I do not believe I will object.

The PRESIDING OFFICER. The Senator from New Mexico.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Mr. President, I ask unanimous consent to proceed as in morning business.

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

DEATH OF FORMER SENATOR GALE W. MCGEE

Mr. PELL. Mr. President, I note with sadness the death of Gale W. McGee today, and extend my sympathies to his wife Loraine and their four children, including Gale's son Bob who I enjoy working with here in Washington. He served for 18 years as a distinguished U.S. Senator from Wyoming, and was an effective and respected colleague of mine on the Committee on Foreign Relations. He served on the Committee on Foreign Relations from 1966 to 1967 and again from 1969 to 1977. He was chairman of the Subcommittee on Western Hemisphere Affairs, and continued his distinguished contributions to our Nation's foreign policy after leaving the Senate as the U.S.

Ambassador to the Organization of American States.

During his distinguished career in the Senate, Gale McGee was a strong and effective advocate of a strong U.S. leadership role in international organizations, particularly the United Nations. He took this courageous and far-sighted position in the face of much opposition and criticism of the United Nations and the U.S. role in it at that time.

With the new challenges facing the international community in the aftermath of the cold war, the United Nations is the institution upon which the global community is relying increasingly to deal with local and regional crises from Cambodia, to Angola, to Yugoslavia, to El Salvador. The United Nations proved indispensable to the success of the United States-led coalition's efforts to reverse Saddam Hussein's aggression against Kuwait during the Persian Gulf war of a year ago.

Gale McGee's belief in, and commitment to, a viable United Nations has been more than vindicated as that institution shoulders the primary responsibility for not only international peacekeeping, but peacemaking as well.

While the nature of U.S. leadership in the international community will have to accommodate a rapidly changing world, there is a fundamental reality which remains—a reality that Gale McGee was particularly effective in compelling us to confront as a Nation. And that reality is the simple fact that in order to deal effectively with the new challenges to global stability a continued, active, U.S. leadership role in the world is required.

If there is one lesson of history that Gale McGee taught us so well and which we should heed, particularly during these times, it is that if the United States forgoes its international leadership role in helping to manage change, then the change will manage us. Gale McGee's is the leadership role we should strive to emulate. After all, the end to the cold war is a triumph of the leadership of democracy and democratic values. This triumph would not have been achieved if the world's pre-eminent democracy had not carried out its responsibilities as a world power.

Gale McGee made a distinguished contribution to this triumph of democracy and democratic values, a contribution we remember with pride on this sad day for his family and his colleagues in the Senate.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. There is a pending unanimous-consent request propounded by the Senator from Tennessee. Is there objection?

Mr. DOMENICI. I have no objection. The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That during the further consideration of S. Con. Res. 106, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1993, 1994, 1995, 1996, and 1997, the following amendments be the only first degree amendments in order to the resolution:

D'Amato: An amendment regarding the importing of vans;

D'Amato: An amendment on welfare shopping;

DeConcini/Johnston/Chafee: An amendment stating the sense of the Congress on levels for the WIC program, on which there shall be 20 minutes debate, equally divided;

Domenici/Nunn/Rudman/Robb: A substitute amendment and germane first-degree amendments thereto;

Glenn/Sanford: An amendment stating the sense of the Congress regarding the President's submission of a Balanced Budget, on which there shall be 20 minutes, equally divided;

Grassley: An amendment stating the sense of the Congress on deficit reduction from Defense cuts;

Roth: An amendment stating the sense of the Congress on a Government Reform Commission;

Seymour: An amendment stating the sense of the Congress on Defense dislocated workers; and

Wellstone: An amendment stating the sense of the Congress on Defense conversion.

Mr. DOMENICI. Mr. President, I assume we are going to try to dispose of some of the amendments yet this evening?

Mr. SASSER. Yes. That is correct.

Mr. DOMENICI. Before we do that, might I just ask consent to proceed for 3 minutes as in morning business, 2 minutes for myself and 1 minute for Senator SPECTER?

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

(The remarks of Mr. DOMENICI and Mr. SPECTER pertaining to the introduction of S. 2612 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who seeks recognition?

Mr. SASSER. Mr. President, the Senator from Nevada has an amendment which I think he wishes to call up that will be acceptable on both sides, as I understand it.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1771

Mr. REID. Mr. President, I send an amendment to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DASCHLE, proposes an amendment numbered 1771.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the resolution add the following new section:

"SEC. . PROGRAM BUDGET EVALUATION.

"(A) Findings—

"(1) The current national debt stands at \$3.1 trillion;

"(2) The federal deficit for fiscal year 1993 is projected to add another \$350 billion to that debt; and

"(3) It is crucial to the well being of future generations of Americans that federal deficits be eliminated and the national debt reduced;

"(B) Sense of the Senate—

"It is the Sense of the Senate that prior to the commencement of the 104th Congress, each authorizing committee of the Senate should conduct a comprehensive reexamination and evaluation of existing programs under its jurisdiction which result in the expenditure of federal dollars, and report its findings to the Senate.

"Such committee reports should consider the following matters:

"(1) an identification of the objectives intended for the program and the problem it was intended to address.

"(2) an identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address.

"(3) an identification of any other program having potentially conflicting or duplicative objectives.

"(4) a statement of the number and types of beneficiaries or persons served by the program.

"(5) an assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved.

"(6) an assessment of the cost effectiveness of the program.

"(7) an assessment of the relative merits of alternative methods which could be considered to achieve the purpose of the program."

Mr. REID. Mr. President, my amendment states that it is the intent of the Senate to take the first step to get to the job of real deficit reduction. There will be many amendments offered to this budget resolution to reduce spending. I will support some of them because they will have merit. However, one important ingredient will be missing from the deliberation of all these proposals. We will be deciding these proposals in a vacuum. There will be no way to measure their worth against the relative worth of other spending programs.

Mr. President, we need to know more about what we are doing when we make decisions on Federal programs. For example, there are more than a dozen executive branch agencies that have responsibility for providing assistance to the homeless. I am sure that most of my colleagues did not know this, and I imagine even fewer know what these agencies actually do. How much do these programs cost? How much money is wasted due to bureaucratic infighting? How much more efficiently and economically could these programs be managed if they were consolidated?

These are issues that are not being considered by the Senate because there is no comprehensive and organized body of information available to answer these questions.

I do not mean to single out programs for the homeless as being particularly inefficient. In fact, I am a strong supporter of providing aid for these unfortunate Americans. I merely wish to point out that with the homeless programs, as with many other Federal programs, Congress' left hand does not know what its right hand is doing. Congress is, in many cases, wasting the time of executive branch agencies and the money of taxpayers because we do not spend the time necessary to occasionally make a comprehensive examination of existing programs. In an era when every penny must be stretched to the limit, this state of affairs cannot be allowed to continue.

What the Senate needs to make intelligent decisions on its spending priorities is a comprehensive and organized evaluation of the various spending programs under our jurisdiction. My amendment will get us moving in that direction.

Mr. President, my amendment is only one section of a comprehensive budget reform package that I will be introducing in the near future. With the exception of Social Security, Medicare, Federal pensions, and certain other programs, this legislation will force Congress to evaluate and reauthorize nearly every Federal spending program at least once every 10 years if these programs are to continue.

The first step in this direction is to require our committees to review and evaluate the programs under their jurisdiction. I cannot imagine anyone questioning the need for such review and evaluation. However, Congress, and in particular the Senate, has become a firehouse. Instead of proactive work we are performing reactive work. As things stand now, Congress has come to rely on gimmicks to consolidate and streamline programs. We have the infamous budget deal of 1990 which has tied Congress' hands and made it nearly impossible to adjust funding to meet the Nation's needs in the changed world of 1992. And we have the mindless rush to surrender accountability to the private sector in the name of an economic theory: privatization. What concerns me more than these legislative fads, however, is a phenomenon that has driven several Senators to quit this body in frustration. This body has become a legislative crisis management team. The Congress no longer seems to be able to put forward thoughtful, ordered, and comprehensive solutions to our national needs. Instead, we rush down here on the Senate floor day in and day out and vote on emergency, Band-aid proposals to our serious national problems.

I firmly believe that many of these crises can be prevented by a systematic

reauthorization of our major national policies. The bill I intend to introduce, by requiring a periodic comprehensive review of Federal spending programs, will enable Congress to become more proactive and a lot less reactive. It will allow us to return to enacting long-term policies.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 1771) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1772

(Purpose: To increase funding for veterans' programs)

Mr. SASSER. Mr. President, on behalf of Senators FOWLER, EXON, and CRANSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for Mr. FOWLER (for himself, Mr. EXON, and Mr. CRANSTON), proposes an amendment numbered 1772.

Mr. SASSER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 34, line 17, increase the figure by \$1,800,000,000.

On page 34, line 18, increase the figure by \$1,100,000,000.

On page 42, line 15, decrease the figure by \$1,800,000,000.

On page 42, line 16, decrease the figure by \$1,100,000,000.

Mr. SASSER. Mr. President, this is an amendment offered by Senators FOWLER, EXON, and CRANSTON dealing with the question of veterans affairs. This amendment, as I understand it, is acceptable on both sides.

Mr. FOWLER. Mr. President, I rise today to offer an amendment which I believe is in keeping with the long-standing commitment made to our Nation's veterans. The amendment is co-sponsored by my distinguished colleagues Senator CRANSTON, chairman of the Senate Veterans' Affairs Committee and Senator EXON, who authored an amendment practically identical to this one last year during the budget resolution debate.

I know I do not have to point out the very difficult choices the Congress has to make in this budget process. We are being so reminded everyday as we go back to our states, to our constituents and hear the real-life stories of hardships and despair. Some of the loudest

cries we are hearing are from our veterans and while I know this amendment will not alleviate all their suffering, I offer it today to demonstrate to our veterans that they are not forgotten; to show that we will not turn our backs on them; to show that when the parade is over the Congress will marshal all the resources we can to improve the medical care they receive and to help speed up delivery of services and processing of claims to veterans and their loved ones. We owe them no less.

Last month I visited the veteran's hospital in Dublin, GA, and I spent time talking to the men and women at the facility. I went there because the administration had threatened to reduce the level of care offered through the center's surgical unit. The facility served 67,000 veterans in 1991 and has one of the finest staff and administrators in this country. Yet they continue to struggle to provide decent, quality health care to the men and women they serve. They do so out of their own sense of public service and commitment. It is in that same spirit that I invite all my colleagues to join with me today in supporting this effort.

We have all heard from veterans in our State about dramatic cuts in services at veterans' hospitals and those of us who visit these facilities at home know of the effects of these cuts first hand. Many of our veterans are literally being turned away from these hospitals because of budget cutbacks. This, I say to you, cannot be allowed to continue. It cannot stand. The Congress must act and we must act now. And I propose we act under the guidance of the authorizing committee, Veterans' Affairs, and leadership by a member whose dedication to our veterans is unmatched—Senator ALAN CRANSTON.

Specifically, my amendment follows the recommendation the Veterans' Affairs Committee made to the Budget Committee with regard to discretionary spending for veterans' programs by adding \$1.8 billion in budget authority and \$1.1 billion in outlays to Function 700, Veterans' Benefits and Services. This increase represents an increase over the President's budget by \$982 million in budget authority and \$673 million in outlays. Now the funding level for veteran's programs in the budget resolution before us today is even less than that proposed by the President. The \$1.8 billion in BA and \$1.1 billion in outlays in this amendment represents the difference between the Veterans' Affairs Committee's recommendation and the pending budget resolution. The recommendation of the authorizing committee was a bipartisan one—enjoying the support of the distinguished Senator and ranking minority member from Pennsylvania, Mr. SPECTER. In sum, the amendment would raise the budget for domestic

discretionary spending for veterans' programs to \$17.5 billion in budget authority and \$16.8 in outlays.

The increase contained in this amendment will enable the VA to take steps to reduce the \$864 million backlog of wornout and outdated equipment that exists in its medical facilities. These additional resources will help provide more hospital-based home care, traumatic brain-injury care, blind rehabilitation services, and veterans homeless services.

I have to stop here for a moment because it does trouble me a great deal to know that any American is homeless but to use the phrase I just used—homeless veterans—gives me a chill. Some experts estimate that about one-third of the homeless are veterans—mostly Vietnam-era servicepeople. To know that we can house a serviceman or woman while in the Persian Gulf—thousands of miles away in a foreign culture and land—and to come home and have no home at all—nowhere to live—should give every Member of Congress and the President, our Commander-in-Chief, cause to consider just what our commitment to our veterans means.

Many veterans in my State have called me to complain that VA pharmacies no longer carry medication they need and they cannot get a prescription filled through the VA for certain drugs. Mr. President, we all recall that the Senate just recently chose not to adopt an amendment offered by Senator PRYOR to the tax bill which I supported and which I believe would have resulted in the substantial lowering of the cost of prescription drugs. I am not here to continue that debate today. But this action by the VA is the direct result of the skyrocketing cost of certain drugs and we in the Congress now find ourselves in the position of having to pay—one way or another—for these excesses. My amendment will allow increased funding for pharmaceuticals.

In addition to these discretionary medical-care related areas, we have got to make provision for areas not adequately accounted for in the President's budget such as services for veterans with posttraumatic stress disorder [PTSD], mental illness research, hospice services and rural health-care clinics and counseling for Persian Gulf war veterans.

The additional resources provided in this amendment will also allow the VA to improve the timeliness and quality of its services in answering and processing veterans' compensation, pension, and education claims. Right now, more than 25 percent of callers seeking assistance from a veterans benefits counselor cannot get through on the telephone lines. The VA estimates that it will conduct 8.3 million telephone interviews in fiscal year 1993. This number represents over 80 percent of the VA's public contacts. The ability

to deliver these services simply must be improved.

I know that I must offer an offset to pay for this increase in funding and I am prepared to do so. My amendment would take \$1.8 billion in budget authority and \$1.1 billion in outlays from function 920, the allowances function.

This proposal puts forth the real question today: Are we in the Congress willing to make the sacrifices we have asked our veterans to make? This amendment will require the appropriators, of which I am one, to make up these savings. We will have to make the Government more efficient in order to provide better quality health care for our veterans; we will have to recognize our priorities to give our veterans their just due.

I pledge myself to this task and Members supporting this amendment signal their willingness to make the same sacrifices.

Should any of us feel any hesitation or pause in supporting increased funding for veterans' programs, I would remind you that our service men and women have risked their all so that even those who doubt the extent of the debt we owe our veterans can stand here as a free American and say whatever you care to about it. This, we take for granted but we must never forget that freedom cost and veterans have paid the ultimate price. I argue not that you have no right to express your views. You are quite free to do that. I simply remind you that it 'twas a veteran—who may or may not be here today—who has kept your treasured freedom secure.

In putting forth this amendment, I proudly continue the precedent followed by Senator EXON last year when he successfully added a similar amendment to the fiscal year 1992 budget resolution. This body has long recognized the needs of our veterans and we have singled them out in this process in years prior and with good reason. This year is no different—their needs are just as great; their fears just as real; and, sadly, their cries ever as loud.

Mr. President, I urge my colleagues, as they prepare to return home next month in observance of Memorial Day, I urge them to reaffirm their support for our Nation's veterans by supporting this amendment.

Mr. EXON. I am pleased to join with my good friend from Georgia in offering an amendment to increase funding for veterans programs. This amendment is very similar to an amendment I offered to last year's budget resolution to help meet our legitimate commitment to our Nation's veterans. I was happy to work closely with Senator FOWLER to craft this amendment.

Now that the parades of Desert Storm are a memory, and the victories of the gulf war logged in the history books, there continues to be a tragic neglect of the commitments this Na-

tion made to the thousands of men and women who over the decades served under arms.

The persistent squeeze on veterans programs has forced the U.S. Government to break faith on a daily basis with countless American veterans, many in their twilight years. Medical care is increasingly restricted, education, training and rehabilitation opportunities for veterans are being trimmed and facilities are financially strapped across the Nation. Men and women who justifiably relied on the promises of their Government in exchange for dangerous service are finding their expectations dashed.

Our Nation must never forget the men and women who have risked their lives to protect our freedoms. Our veterans are unsung heroes. They are indeed largely responsible for the good life we all enjoy.

As an election draws near, many candidates will rekindle the glory of the Persian Gulf victory and boast how they supported the decision to send American men and women into harm's way as the benchmarks of patriotism. I suggest that another true test of patriotism is how willing we are to undertake the unglamorous tasks of mending the wounds of war, of giving a job to those who served, and of caring for old soldiers.

Mr. President, while the Budget Enforcement Act places certain limits on what can be done, the Fowler-Exon amendment sends the American people, the brave men and women who served their country and perhaps, most importantly, the Appropriations Committee that the U.S. Senate considers funding of veterans programs one of the Nation's top priorities.

This amendment is fiscally responsible. It is paid for with a reduction in the offset function. I encourage my colleagues to join with us in showing support and solidarity with America's veterans.

Thank you, Mr. President.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to join with the distinguished Senator from Georgia [Mr. FOWLER] in proposing this amendment to the fiscal year 1993 budget resolution to provide badly needed discretionary funding for veterans' programs. Before addressing the specifics of the amendment, I would like to congratulate Senator FOWLER for his leadership. As a member of the VA-HUD Subcommittee of the Appropriations Committee, he often plays an important role in obtaining adequate funding for veterans programs, in spite of the inadequate budget requests from the current and previous administrations. The amendment he offers today demonstrates once again that he is an important advocate of our Nation's veterans.

Mr. President, on March 4, our committee recommended to the Budget

Committee funding for the veterans' programs in function 700 that was \$1.9 billion in budget authority and \$1.6 billion in outlays more than the President's budget request. Almost \$1 billion of each of those amounts was solely to reject various administration proposals to achieve deficit reductions by cutting veterans' benefits and increasing fees charged to veterans. Real improvements in veterans' services—primarily veterans' health care—accounted for only about half of our committee's recommended increase.

The discretionary-spending part of the increase over the President's budget was \$982 million in budget authority and \$673 million in outlays. Since the funding for veterans' discretionary programs under the reported budget resolution is even less than the President's budget, the difference between our committee's recommendation and the pending budget resolution is \$1.8 billion in budget authority and \$1.1 billion in outlays. These are the figures represented in the Fowler amendment. Our committee's 55-page report to the Budget Committee provides detailed justification for this level of funding.

Mr. President, our committee's recommendations had the support of a bipartisan majority of our committee, including the ranking Republican member, Senator SPECTER; every Democrat; and one other Republican, Senator JEFFORDS.

Mr. President, Senator FOWLER's amendment would increase the fiscal year 1993 budget for veterans' programs in function 700 to \$36.5 billion in budget authority and \$35.8 billion in outlays. These are the figures necessary to provide for adequate levels of discretionary spending for VA health-care programs and the operation of VA benefits offices.

There is no doubt that the resolution as reported must be modified in order to provide for fair treatment for America's veterans. Its spending levels for veterans are \$800 million in budget authority and \$600 million in outlays below the President's request, which itself is inadequate.

For example, under the President's budget, VA's deplorable backlog of broken-down, worn-out, and outdated medical equipment that must be replaced would increase to over \$860 million. Waiting periods of several months for outpatient care in several locations would grow even longer. Programs to help the shamefully large number of homeless veterans would receive no real increase over last year's inadequate funding. The terribly long waiting lists for treatment for veterans suffering from post-traumatic stress disorder would grow still longer. In addition, the already-too-slow processing and adjudication of veterans' claims for benefits would worsen and keep veterans and their survivors waiting longer for the benefits they deserve.

Mr. President, adoption of our amendment is essential to ensure that the numbers in the resolution reflect the policy expressed by Congress when it adopted last year's budget resolution. Section 13(1) of that resolution stated:

It is the sense of the Congress that * * * veterans' programs are a top national priority and that there are critical needs, particularly in the area of veterans medical care[,] which must be addressed; the Congress urges the Committees on Appropriations, while acting within the limits of the discretionary caps, to give maximum consideration to veterans' benefit programs. * * *

Section 13 was adopted last year in the Budget Committee by a unanimous vote of 21 to 0. It did two things: It recognized the top national priority attached to veterans programs, and it urged the Appropriations Committees to embody that priority in the actual funding decisions those committees make. These principles are just as important today as they were last year.

Our amendment is consistent with these objectives, and our amendment goes beyond simply giving moral support to veterans' programs. It would raise the budget for domestic discretionary spending on veterans' programs to \$17.5 billion in budget authority and \$16.8 in outlays, the levels recommended in our committee's bipartisan report to the Budget Committee.

As I indicated earlier, this would mean a much-needed \$982 million increase over the President's appropriations request. However, if this amendment is rejected, the Senate's budget for veterans—as I have stated—would be more than \$800 million below the President's request for VA discretionary spending—primarily VA medical care—and nearly \$1 billion less than what's needed just to keep pace with inflation. That kind of a budget clearly would not treat veterans' programs as a top national priority.

Mr. President, our amendment complies with the domestic discretionary spending cap by requiring offsetting reductions. Consistent with the Budget Act and the sense of the Senate provision in last year's budget resolution, however, our amendment would give the Appropriations Committees maximum flexibility to determine appropriate offsets.

Mr. President, I would add that this amendment makes the resolution more realistic. It is totally unrealistic to leave the budget for veterans' programs at a level that is \$800 million below the President's request, which itself is far too low. Congress certainly will not cut veterans programs in that fashion. Thus, our amendment corrects a major defect in the resolution.

Again, I congratulate and thank Senator FOWLER for offering this amendment and I strongly urge all of my colleagues to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1772) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I moved to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1773

(Purpose: To express the sense of the Senate with respect to increased productivity and regarding the competitive edge the United States economy enjoyed in the past)

Mr. SASSER. Mr. President, I send to the desk on amendment on behalf of the distinguished Senator from Michigan [Mr. RIEGLE] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Tennessee [Mr. SASSER] for Mr. RIEGLE, proposes an amendment numbered 1773.

Mr. SASSER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING INCREASING PRODUCTIVITY.

(a) FINDING.—The Senate finds that—
(1) failure to meet the challenge of international economic competitiveness would seriously jeopardize our national security, standard of living, and quality of life in the coming decades; and
(2) increased productivity is the key to meeting the challenge and regaining the competitive edge the United States economy enjoyed in the past.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funds should be allocated to allow this Nation to commit to an increase in productivity and international competitiveness through a program of long-term strategic investment in—

- (1) the development of its human resources;
- (2) the physical infrastructure that supports economic activity;
- (3) the development and commercialization of technology; and
- (4) productive plants and equipment.

Mr. SASSER. Mr. President, this is an amendment offered on behalf of Senator RIEGLE expressing a sense of the Congress regarding investment and competitiveness. This amendment has been cleared on both sides of the aisle and is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1773) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I moved to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed for 3 minutes as in morning business.

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

ANNOUNCEMENT OF CONGRESSMAN VIN WEBER

Mr. DURENBERGER. Mr. President, many Minnesotans were surprised and saddened by the announcement by Second District Congressman VIN WEBER that he would not seek reelection to the House of Representatives this year, and I rise to share a few thoughts on his decision.

VIN WEBER has made a choice that is very personal and very simple. It says a lot about who he is.

He weighed the benefit he could bring to the people of his district against the cost to his family's future. Even as one of the most able and effective Members in the whole Congress, he decided that his family deserves the higher value.

It is ironic, but his reason for leaving makes me want him to stay all the more. Washington is a mess because there are no priorities here. By leaving VIN WEBER affirms that his family comes first.

VIN WEBER was born in Slayton, MN, in 1952 and was educated in the public schools of his hometown. He attended the University of Minnesota and began his political career with an internship in the State Republican Party headquarters.

He then did four jobs in 6 years that brought him from poli sci major to Congressman in 1980. He was press secretary to Representative Tom Hagdorn; copublisher of the Murray County Herald; director of the campaign of Senator Rudy Boschwitz; and Senator Boschwitz' chief of staff.

VIN WEBER is greatly respected on both sides of the political aisle, in both wings of the Capitol and at both ends of Pennsylvania Avenue. Few Members of Congress have such an acute sense of politics and he used that sense to help his district and his country through very difficult times.

I have appreciated his advice and insight, even though I have not always seen issues the same way. And particularly in recent years I have valued his personal support and friendship.

Mr. President, VIN WEBER is a Minnesota success story: A person nurtured in a small town, who is bright, knows what he wants, and then applies himself to go out and get it.

He will be greatly missed as a leader in southwestern Minnesota and here in Washington as well. I wish him and his family well.

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

Mr. FORD. Will the Senator withhold his request?

Mr. DURENBERGER. Yes.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent there now be a period for morning business, with Senators permitted to speak therein.

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

REGISTRATION OF MASS MAILINGS

The filing date for 1992 first quarter mass mailings is April 27, 1992. If your office did no mass mailings during this period, please submit a letter to that effect.

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7716.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on 202-224-0322.

THE 75TH ANNIVERSARY OF ALTRUSA INTERNATIONAL

Mr. MITCHELL. Mr. President, Americans have a tradition of organizing to help meet the needs of their communities. Service organizations have played a significant role in addressing problems in our society. One such organization, Altrusa International, will celebrate its 75th anniversary on April 11. This is a fitting time to acknowledge and thank Altrusa for its humanitarian work.

During its 75-year history, tens of thousands of business and community leaders have joined Altrusa International to help resolve social problems. The results are immeasurable. Altrusa International has been active worldwide in promoting literacy and vocational education. It has also provided financial assistance to women in graduate programs in lesser developed nations who otherwise would have been unable to continue their studies. Our

Nation and the world are improved for their efforts.

Altrusa International currently has over 17,000 members. Their concern for others and their determination to improve societal conditions is an invaluable resource. I have no doubt that as Altrusa International continues to build on this tradition of service and compassion that its next 75 years will be as successful and helpful as its first 75 years. I commend the members of Altrusa for their accomplishments as they celebrate the 75th anniversary of this fine service organization and wish Altrusa International well in all of its future endeavors.

RETIREMENT OF CONGRESSMAN CLAUDE HARRIS

Mr. HEFLIN. Mr. President, a good friend and colleague in the other Chamber, Congressman CLAUDE HARRIS of Alabama's Seventh District, announced his retirement from the House on April 2. First elected in 1986, Congressman HARRIS has proven to be a dedicated and principled leader for the people of his district.

They say that the Deep South doesn't get much deeper than central Alabama, including the expanse of land from the steel mills of Birmingham, across the university town of Tuscaloosa, to the Black Belt and Selma, all of which comprise the State's Seventh Congressional District. This is a highly diverse region, one that could arguably be called a microcosm of the entire South. Representing the various interests of this district is a challenge for any legislator, but, since 1987, CLAUDE HARRIS has not only met that challenge, he has set a standard for whoever follows him, redistricting notwithstanding.

CLAUDE HARRIS, JR., was born in Bessemer, AL, attended the University of Alabama, and became assistant district attorney for Tuscaloosa at the tender age of 25. He later served as circuit judge, serving as presiding judge of Alabama's Sixth Circuit from 1980-83. He was a practicing attorney from 1985 through 1987, when he began his first term in Congress. He is also a lieutenant colonel in the Alabama Army National Guard, of which he has been an active member since 1967.

CLAUDE's tenure in Congress has been highlighted by his work on the Energy and Commerce and Veterans' Affairs Committees. Alabama's military veterans know Congressman HARRIS to be a true friend. As a member of the House veterans panel and third ranking Democrat on its Hospitals and Health Care Subcommittee, he has been instrumental in preserving funding for and enhancing the quality of veterans' health care facilities.

The Alabama congressional delegation is losing an important voice and experienced leader in CLAUDE HARRIS, and we will miss him. I am confident,

however, that we have not heard the last of him. Anyone with his energy, drive, and sincere desire to serve will most likely continue to channel that unique experience and leadership ability into valuable and much needed public service.

I congratulate and commend CLAUDE HARRIS for his hard work on behalf of his constituents, as well as for his service to the Nation over the last 6 years. I wish CLAUDE and his family all the best for a bright and healthy future.

GREG BUTRUS AS PRESIDENT OF NOTRE DAME UNIVERSITY STUDENT BODY

Mr. HEFLIN. Mr. President, I wish to congratulate an outstanding young man from my State, Gregory P. Butrus, upon his election as student body president at Notre Dame University. A graduate of Mountain Brook High School, near Birmingham, Greg's academic and leadership skills have been impeccable over the years. When one looks back at his school years, it is not surprising at all that his fellow students at Notre Dame would place such a high degree of trust in Greg's capabilities.

While in high school, Greg Butrus was involved in a wide range of student activities and held numerous positions of leadership that carried tremendous responsibilities. He served as president of the Key Club, earning its praise as the Most Outstanding Key Club president in the State of Alabama in 1989. Captain of the debate team, Greg was a delegate to the National Forensic League Tournaments during 1989 and 1990. He was also president of the Builders Club and a participant in the Birmingham Youth Leadership Forum in 1988.

When Greg Butrus won Mountain Brook High School's Leadership Award in 1989, it came with the inscription, "The quintessential leader *** perhaps the best we've ever had *** one who takes charge, asserts himself, guides and directs others and brings out the best in what others have to offer." This description is perhaps what best summarizes the reasons for Greg's extraordinary success, and these same traits are what have propelled him to the pinnacle of student leadership at Notre Dame as well. I wish him all the best for what I know will be a successful and productive term as the school's student body president.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at \$3,891,976,495,534.38, as of the close of business on Tuesday, April 7, 1992.

As anybody familiar with the U.S. Constitution knows, no President can

spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or \$785 million every day.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

JOHN HEINZ—A YEAR LATER

Mr. D'AMATO. Mr. President, this past week was the anniversary of the sudden and tragic death of our colleague, John Heinz.

I have read in the RECORD the moving statements of Senators DURENBERGER and DOLE, given here last Thursday; the gracious remarks of John's successor, Senator WOFFORD; and especially those poignant observations of my good friend, Senator STEVENS, who knows this kind of catastrophe firsthand.

I am proud to be an original cosponsor of the fitting tribute Senator STEVENS has introduced, the Heinz Excellence in Competitiveness Award, and pledge here today that as a senior member of the Banking Committee I will do everything I can to ensure its rapid enactment. I make that promise to Teresa Heinz, and to my friend from Alaska.

Mr. President, it doesn't seem like a year. I admit that I still sometimes turn a corner or walk into the Banking Committee half expecting to see that famous grin, or hear that focused intellect, or feel that notoriously impatient energy. But they're not there. And we are poorer for it even than we expected to be.

Why do I say that? Over the weekend, Mr. President, I had some time to reflect on my conversations with John over the years. It's ironic to note the issues that are now the focus of our legislative and, in this election year, political attention, the issues we now recognize as absolutely critical. They include: health care for all Americans; the problem of aging; efficient and effective reform of our financial institutions; and our competitiveness in fair trade around the world.

It's ironic, because these are the very issues which John Heinz made his own; his attention to which earned him the respect and overwhelming loyalty of his constituents in Pennsylvania; and on which we could sorely use his expertise and foresight. He was ahead of us, Mr. President, and he was—in this Senator's view—right on these issues.

He was right especially in his view that partisanship was irrelevant and obstructive to their solution. He knew,

and told us when we listened, that if we failed to address them boldly and in time, if instead we played party line politics, they would bring down on us fiscal disaster and the wrath of the American people. Does anyone here doubt that now?

Last year, after John's death, I and others stood in this Chamber and spoke of John's intelligence, his commitment, his integrity. And what has the intervening year brought to this Congress? Disrepute, disarray, and the dissatisfaction of those who sent us here. The polls, the pundits, the papers all say that the American people have never thought less of us. Incumbent is a dirty word.

It wasn't when it applied to John Heinz. His personal probity and relentless commitment to the welfare of Pennsylvanians kept incumbency honorable—honorable because it was honest, and constantly earned.

That's his legacy, and our lesson. I hope we can live up to the one, and learn the other. Then, perhaps, some good may come of how much we all, certainly this Senator, miss him.

Thank you, Mr. President.

NATIONAL INSTITUTES OF HEALTH REAUTHORIZATION

Mr. ROTH. Mr. President, last week the Senate passed legislation which when enacted will have monumental effect on the nation's biomedical research community. I rise today to discuss my support for the National Institutes of Health Reauthorization, H.R. 2507, which was passed by the House of Representatives last July and by the Senate last week.

For over 100 years, the National Institutes of Health have been on the cusp of innovative breakthroughs for cures to diseases and human health. These breakthroughs include advances in development of immunizations which have helped eradicate worldwide epidemics, advancements in diagnostic and treatments of diseases, and many other areas of research. I doubt that there is any way we could quantify how many hundreds of millions of lives throughout the world that have been improved and saved over the years because of the work done at NIH.

While I support many aspects of the legislation, I would like to take this opportunity to highlight some of the provisions in the bill that I found especially important. I am particularly pleased with the sections of the bill regarding women's health. It is clear that NIH scientists have made a great many advances which have, as I mentioned helped millions, however, both biomedical and behavioral research performed under NIH have been deficient in taking women into account in their research. In particular, there has been a dearth in the research of conditions and diseases that are most likely

to strike women such as breast cancer and ovarian cancer, and how diseases affect women as opposed to men such as heart disease.

Several years ago, recommendations from a task force were made in an attempt to address the inherent gender bias in research caused by the standard practice of only using white males in clinical studies. Women just were not part of the basic research. In attempting to reduce variables in research, traditionally a standard male model to study from was considered appropriate, and yet I am told that important information on the subtle and even dramatic differences a treatment for a disease has on a woman versus a man is lacking. Although some steps were made at NIH to expand the inclusion of women of all ages as well as minorities, the provisions in this bill will further redress current research anomalies.

It has been pointed out by the scientific community that the failure to include women as subjects of research at NIH for diseases such as heart disease, in fact, has had some negative consequences. Heart disease is the cause of more deaths among women than any other disease. Yet, as I mentioned earlier, all research performed at NIH on heart disease up until now has been based on information on causes and prevention derived from the male based clinical models. I found the following information included in the Senate Labor Committee report very telling regarding these practices:

A 1988 study of 22,000 physicians funded by the Heart, Lung and Blood Institute found that aspirin could prevent heart attacks in men. Doctors subsequently recommended that older men at increased risk for heart disease take an aspirin every other day. They specifically stated, however, that they could not offer women the same advice.

This kind of scientific testimony has made it clear that it is time that federally sponsored research needs to change its current practices and protocols in clinical research—and I am pleased to have added my support towards these advancements.

Scientific testimony has also borne out that there is an increased need for research in diseases that are prevalent among women such as breast cancer, ovarian cancer, osteoporosis, Paget's disease, and others. And this bill responds to the need to examine these problems as they relate to women.

Last October, I was profoundly moved when a large group of Delaware women came to meet with me to discuss breast cancer. I have since learned that one of the women who was 27 at the time she met with me died from breast cancer 3 weeks after her visit to Washington. I believe that the provision in this bill that relates to increased research strategies will help us better address the current trend of increased cases of breast cancer, and perhaps even get us a step closer toward eradicating this disease. The bill in-

cludes over \$365 million in an earmarked increase in the funds authorized to be spent on breast cancer. Including funding in the National Institute on Cancer, total authorized funding for breast cancer in fiscal year 1993 under this bill is \$465 million.

The other section of this bill that I would like to take a moment to discuss is the provision lifting the current administrative ban on human fetal tissue transplantation. I support this provision because as it is drafted, it does include strict guidelines to establish important safeguard in research in both public and private sector research. It is important to note that currently, there are no Federal guidelines regulating private sector sponsored research—this legislation will provide the needed safeguards to the private sector.

Prior to passage of the legislation, I heard from many Delawareans both for and against the lifting of the current ban on fetal transplantation. I heard from many individuals suffering from or who had loved ones suffering from diabetes, Parkinson's disease, Alzheimer's disease, Huntington's disease, and many other conditions. Of these people who called my office and wrote to me, some had children who were suffering from genetic disorders, and they appealed to me to support this legislation to allow the research.

Many medical advances have already been made based on fetal tissue research. In fact, human tissue cells provided the basis for research which lead to the development of the polio vaccine. Today, this research continues to hold great promise for what have been seen as incurable diseases and conditions such as Alzheimer's disease, Parkinson's, diabetes, epilepsy, leukemia, spinal cord injuries, and others.

In 1988, federally funded human fetal tissue transplantation research was halted until a panel of experts appointed by the Reagan administration including theologians, physicians, scientists, and lawyers reviewed the ethical, legal and scientific implications of the research. This bioethics panel, known as the Adams' panel recommended by a majority of 18 to 3 that as long as "the research in question is intended to achieve significant medical goals, research using human fetal tissue transplant is acceptable public policy." The legislation recently approved by the Senate included the recommendations of the Adams' panel, and went a step further by extending the strict restrictions to the private sector.

I believe that this bill is truly in the best interest of the public health and will continue to promote sound science. In addition, the research on women's health will help improve women's health and well-being and, in particular, help to get us a step closer in finding a cure to breast cancer. With the help of this bill, research per-

formed at the National Institutes of Health will continue to develop and seek out the improvement of health status in our nation and throughout the world.

HAPPY 65TH BIRTHDAY, HARVEY HARDISON

Mr. SEYMOUR. Mr. President, I rise today in recognition of the 65th birthday of my friend and constituent, Harvey Hardison.

Harvey was born on April 7, 1927, and attended San Jacinto High School in Houston, TX. He attended college at the New Mexico Institute of Mining and Technology and the Colorado School of Mines.

Harvey Hardison, a U.S. Marine Corps sergeant, served his country in World War II and the Korean war. He has been a diligent community servant throughout his life, including 39 years as a volunteer in service to the Boy Scouts of America.

Harvey met Reita Maricle on a blind date in 1951, and they were married in 1952. They reside today in Costa Mesa, CA. Harvey plans to retire this year after a long and successful career in electromechanical engineering, including service to the National Aeronautics and Space Administration.

It's said that while we can choose our friends, we can't choose our relatives. The Seymour and Hardison families became relatives when our son Jack married Harvey and Reita's daughter Kathy, and Judy and I can say without hesitation, we could not have chosen better friends.

Please join me in extending our congratulations and best wishes to an outstanding American, Harvey Hardison.

COSPONSORSHIP OF S. 2550—UMWA RETIREE BENEFITS

Mr. SIMPSON. Mr. President, I am pleased to join my colleagues as a cosponsor of legislation which responds to the highly complex and emotional circumstances surrounding the United Mine Workers of America [UMWA] retiree health benefits trust funds.

As many of my colleagues are aware, the UMWA retiree health benefit trust funds are suffering a large deficit and significant cash-flow problems, primarily because of reduced coal company contributions to those funds. During the 1988 national bituminous coal wage agreement negotiations, the bituminous coal operators association [BOCA] won a 58 percent reduction in its contribution rates to the UMWA health benefit funds. Though the UMWA initially balked at the reduced rate, it settled for a clause in the contract which guaranteed that BOCA would adjust its contributions over the life of the contract to whatever levels the fund trustees deemed necessary to assure actuarial soundness. BOCA re-

cently tried to wriggle out from under that agreement, but a Federal District Court has enforced the contractual obligation and ordered the BOCA to replenish trust fund assets by the end of this calendar year.

Despite the court's decision, some current and future UMWA retirees are deeply concerned that their retirement health benefits may be in jeopardy. They point to the declining number of companies which now contribute to the UMWA/BCOA health benefit trust funds and the corresponding increase in those companies' required contribution rates. They worry that these remaining BOCA signatory companies will simply stop paying for retiree health benefits because of the cost. Indeed, in an effort to drum up support for a Federal bailout effort, the BOCA companies have threatened to do precisely that.

I do not believe that any Federal court in America would allow the BOCA to unilaterally renege on the promises it made during the collective bargaining process. That would just be absurd. Collective bargaining is the most venerated cornerstone of American labor policy—for Congress or the courts to intercede willy-nilly in fully ratified collectively bargained agreements would be to subvert the most fundamental principle of privately negotiated contracts in one single stroke. That just will not happen.

All of us here agree on one thing: The retiree health benefits promised to the UMWA miners by the BOCA companies are a contractually established entitlement. The UMWA miners were promised lifetime retiree health benefits in exchange for lower wages than they might otherwise have commanded over their working lives. Further, every UMWA/BCOA wage agreement since 1978 has reaffirmed that promise—even to miners whose employing companies have since gone out of business or ceased participation in the BOCA. The remaining BOCA companies have always agreed to contribute enough money to the trust funds to pick up the slack. That, too, is right there in the contract. In fact, the 1988 NBCWA established for the first time a withdrawal liability against companies which cease participation in the UMWA/BCOA agreement while they still have retirees in the fund, and the courts have upheld this contractual provision as well.

The legislation we are introducing today should allay the fears of the UMWA miners. It is designed to secure the long-term financial stability of the UMWA benefit plans by simply incorporating into statute the terms of the UMWA/BCOA contract.

Let me repeat: This legislation does nothing more than enforce the terms already agreed to by the UMWA and the BOCA in collective bargaining. It imposes a statutory, pro rata withdrawal liability against companies that

cease to contribute to the health benefit plans while they still have retirees enrolled, and it enforces the contractual guarantee of fully funded benefits. This legislation in no way interferes with the rights and obligations of the UMWA and BCOA to bargain in the future about the specific terms or benefits of the health plans. It simply requires the BCOA to continue to fund whatever benefits are agreed to.

The legislation does one more thing: It authorizes the transfer of \$180 million in excess pension plan assets from the overfunded UMWA pension plan to the UMWA health benefit plans. Authority for this transfer—which would otherwise be prohibited under other Federal statutes—has been requested by both the UMWA and the BCOA. We are assured by both parties, as well as by the funds' trustees and the labor department, that these pension fund assets are in fact surplus and will not be needed to pay pension benefits at any time in the future.

This transfer of assets into the health benefit fund as originally sought to eliminate the fund's \$120 million current deficit. However, that short-term problem has been resolved by a Federal court ruling which ordered the BCOA to increase its contributions to levels sufficient to amortize the deficit by year's end. It is now our hope and expectation that these excess funds will be viewed by the BCOA as a partial offset against future health benefit obligations, thus reducing the cost to BCOA members of maintaining these important benefits when the new NBCWA is negotiated in January.

Mr. President, this legislation has been carefully drafted to protect the financial integrity of the BCOA/UMWA health benefit trust funds without interfering in current or future collective bargaining agreements. I commend my colleague, Senator BOREN, for his skillful and precise approach to this complex issue, and I urge my colleagues to support the bill. Thank you, Mr. President.

REALITY VERSUS THE EARTH SUMMIT

Mr. HELMS. Mr. President, before anyone in the Senate urges President Bush to go to Rio de Janeiro in June to attend the so-called Earth summit, I believe that we should inject some reality into all the curious rhetoric surrounding this event.

This summit is not about protecting the environment. That's just a smoke screen. The real issue is the transfer of the American taxpayers' money from the United States to countries which have been ruined by Government-controlled economies. In other words, the wealth created by Americans, working in a freer market, would be given to countries that persist in socialism. This is wrong. And, covering the whole

business with a pretense of helping the environment is dishonest.

Ben Wattenberg has written an excellent article describing just how this fraud is being perpetrated. His answer to the serious problem of environmental pollution should be heeded: "Liberty works. Free markets and free politics yield prosperity. Only free countries are rich; only rich countries can pay the price of environmental cleanliness." So, we should tell the United Nations and the socialized countries of the world that their request for alms will not work this time. As Mr. Wattenberg says, "Green beggar socialism is not the wave of the future."

Mr. President, I ask unanimous consent that the article, from the April 8, edition of the Washington Times be printed in the RECORD at the conclusion of my remarks.

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

[From the Washington Times, Apr. 8, 1992]

HIDDEN FUNGUS AMONG US

(By Ben Wattenberg)

In Michigan, scientists have discovered a 10,000-year-old fungus, weighing as much as a whale, 30 acres large, hidden under the ground, with only pretty, little mushrooms poking above the surface.

In New York at the United Nations, another huge, old and hidden fungus has been vegetating, but the mushrooms are threatening to sprout bigger and uglier. Preparations have been going on for two years for "The Earth Summit," a spectacular U.N. conference scheduled for Rio de Janeiro in June.

A domestic political fight about it is already under way. Environmentalists want President Bush to attend the ES gala and announce that it's a grand idea.

But it isn't. It's an old hidden, U.N. fungus, painted green. In earlier times, the U.N. mushrooms were called, among other things, "The New International Economic Order," "The Law of the Sea" and "The Brundtland Report." But the theme is always the same: The United Nations gets power, the Third World gets money.

The generic argument has gone this way: Poor nations are poor because rich nations are rich. Rich nations should pay poor nations reparations. The transfer should proceed under a cloak of crisis ("the sea," "the environment"). The terms of transfer should be centrally regulated by U.N. bureaucrats.

The more definite ES idea, still mostly hidden beneath mountains of platitudinous and weasel-worded documents, goes this way: We need general environmental cleanup and, particularly, emissions control to deal with "global warming." Poor nations are too poor to do it. Rich nations must pay them to do it. Rich nations will raise the money by taxing their citizens for energy use.

Two years of negotiations toward these goals ended in fuzzy stalemate on April 4. An intense green propaganda campaign can now be expected to gain favorable resolution during the Rio meeting. So far, the United States has been recalcitrant.

Why? The ultimate costs are about \$70 billion per year in new foreign aid. And the biggest donors would be nations where energy is used for such ignoble pollutions as single-family houses, two cars per household and air-conditioning. Like—surprise!—America.

It is sad to see the United Nations go down the rip-off road again, using environmentalism as the mushroom of choice. The environment is one realm where some global regulation makes some theoretical sense. If, for example, "global warming" should ever evolve from environmental theology to serious science, it could only be dealt with worldwide.

What to do? Rethink from scratch. The intellectual basis for the Earth Summit runs counter to what the human species has learned recently. This: Centrally directed economies don't work, and dependency harms the people it is supposed to help. Thus, the communist centralized economies yielded poverty and pollution. Government-to-government foreign aid mostly helped scruffy tyrants. Yet the ES agenda tends to sanctify both ideas.

There is a better way. For we have learned something positive as well: Liberty works. Free markets and free politics yield prosperity. Only free countries are rich; only rich countries can pay the price of environmental cleanliness.

So Mr. Bush should not go to Rio just to give the poor nations and the environmentalists a condescending pat on the head for a bad idea. Ideas have consequences. Legitimizing this discredited philosophy would yield a world both poor and polluted.

There is one other strategy. The president could go to Rio and tell the truth. Which would go something like this:

"Friends, there is no free lunch. There is no payoff in panhandling. Green beggar socialism is not the wave of the future. There are no magic mushrooms, only the magic of the market, which works because it comes from liberty, both political and economic. It can cure both poverty and pollution. If you're interested, we in America will try to help. If the U.N. is interested, let's all plan a new summit, for a new world order."

F/A-18E/F DEVELOPMENT

Mr. D'AMATO. Mr. President, in the fiscal year 1991 Department of Defense request, \$8 million fed the musings of a handful of engineers charged with improving the performance of the F/A-18C/D. Overnight, those musings took on the nightmare aspects of a feverish dream. Born of the panic caused by the spectacular demise of the A-12, the F/A-18E/F became, in the fiscal year 1992 request, a colossus commanding \$351 million in what was then projected to be a \$4 billion development program. This year, the Pentagon is requesting over \$1 billion for the F/A-18E/F. The meteoric rise of this aircraft is unrivaled in the annals of naval aviation.

Unhappily for the Navy, and American taxpayers, frantic actions, even if only a major modification of an existing system, often spell disaster. Like a child caught in a funhouse, the faster F/A-18E/F supporters race for initial operational capability, the faster that goal diminishes into the distance. Since the authorization and appropriations conferences completed their bills last November:

First, F/A-18E/F development costs jumped from \$3.3 billion to \$3.9 billion to \$4.9 billion;

Second, 18 F/A-18C/D's to be procured between fiscal years 1994-96 were de-authorized to save the appetite of the F/A-18E/F for additional dollars—this is a double whammy in that it will also increase the unit cost of the F/A-18C/D's that avoided the maw of the "E/F";

Third, preliminary design review, critical design review, and first flight all slipped 1 year to the right, a "time is money" violation that will drive up costs;

Fourth, the total buy of F/A-18E/F's has been reduced from 1,000 to 600-800, increasing the unit cost of each aircraft;

Fifth, initial delivery of F/A-18E/F's has slipped to 1,998 or beyond, and low-rate initial production has been stretched out to 4 years or more, two more changes guaranteed to increase total program cost; and,

Sixth, the Defense Acquisition Board [DAB] review of the F/A-18E/F, the critical acquisition hurdle, has slipped from last December, to last March, to the last week of April.

The DAB delay appears grounded in growing Pentagon concerns that the F/A-18E/F will not perform as advertised. In that vein, I ask unanimous consent that a memorandum, currently featured in the trade press, and reputed to be out of Secretary Cheney's program analysis and evaluation shop, be inserted into the RECORD at this point.

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

F-18E

PERFORMANCE UNCERTAINTIES—MARCH 26, 1992

This paper applies to the fighter escort mission, but concerns apply to the interdiction mission (as would be different).

Goal: 28.4% increase in combat radius over F-18C Loc XV (425 versus 331 NM) p31 growth potential for future capabilities (1,810 lbs. incr. weight):

Current design	F-18E	F-18C	Source
Wing area (sqft)	500	400	Cand 92-01.
T/O gross weight (lbs)	47,881	37,708	Navy prog office Mar. 17, 1992
Internal fuel (lbs)	14,460	10,860	Do.
Thrust (lbs-inst. SL TRP)	12,807	10,180	Do.
TFSC @ cruise air & mach	1.0956	1.0378	Do.
TFSC @ max A/B & 20k	2.063	1.9829	Do.
Cruise mach number	0.839	0.855	Do.
			ratios
Wing Loading @ T/O (#/sqft)			96 95
Fuel fraction @ T/O			.302 .298
Thrust-to-weight @ T/O (IRP)			.50 .54

KEY CONCERNS

Risky program because OSD can not answer two questions:

1. Can a 0.014 (4.9%) increase in Fuel Fraction be converted into a 28% increase in combat radius (OR is 410 NM or 243)?

COMPARISON:

- a. Cruise TFSC interior to F-18C (smaller is better).
- b. Thrust-to-Weight is less than F-18C.
- c. Wing Loading is about same as F-18C.
- d. F-18E has small increase in fuel fraction.

CAVEATS

a. Navy claims F-18E has about 7% better Lift-to-Drag (L/D) ratio (wind tunnel data).

b. Navy claims digital fuel control will offset some of F-18E's engine disadvantages, particularly in non-cruise portion of flight—spurious comparison because F-18C might be modified to have equivalent digital fuel control.

PROBLEM

Range is function of TFSC, L/D, Mach #, fraction of fuel available for cruise. Only unknown is L/D.

Implication of known quantities: If all internal fuel were available for cruise, and assuming a 7% improvement in F-18E's L/D, then Breguet range eq. predicts that F-18E range > F-18C by only 7.3%. This implies the F-18E's 28% in *** in combat radius (OR = 24%) depends critically on superior fuel consumption rates in non-cruise portion of mission (i.e., takeoff, climb, descent, combat, and landing) to free up fuel for cruise.

The DAB has no insight into how this can be done, and OSD has not done an independent performance analysis to verify Navy/McAir ***.

RECOMMENDATION

Doley CMD decision for several months pending independent performance review by panel of disinterested experts.

NATIONAL

High cost and diminution of threat make 2-3 month delay managerially prudent in a time of limited resources, with no addition to military risk.

2. Does the F-18E have sufficient margins over F-18C to account for normal development uncertainties as well as PBI?

PROBLEM

Margins in fuel fraction and wing loading are minimal for F-18E, and margins in thrust-to-weight and TFSC are already worse for F-18E than those of F-18C. Therefore, a deterioration in the margins during EMD could have consequences to range, payload, and maneuverability that result in a design that is worse than F-18C.

a. Potential for excessive weight growth is high for at least 3 reasons:

(1) Allowance for weight growth is below average—F-18E design has only 1050 lbs (3.6%) of weight reserve, while contractor normally budgets 4-1.5% and

(2) Structural design is essentially that of a new a/c with major changes in material composition.

(3) McAir has history of range/weight problems: F-18 programs has track record of weight growth, and McAir did not meet range specifications for either F-18 or initial version of F-15 (which required 2000 lbs of additional fuel).

b. Engine risk is significant:

- (1) Engine may have a weight problem.
- (2) Engine has not been tested in full-up configuration.

c. Impact of planned weight growth (PSI an additional 1810 lbs) on requirement for larger engine and wing has not been analyzed.

(1) Assuming same engine and wing, addition of 1810 lbs of PSI weight would reduce thrust-to-weight from .50 to .486, increase wing loading from 96 to 99 lbs/sq ft, and reduce fuel fraction from .302 to .291.

d. OSD has not compared F-18E to advance tech, F-18C:

(1) Could increase fuel efficiency of F-18C with upgraded digital control.

(2) Could spend R&D \$ to develop lighter avionics and secondary structures, and thereby permit improvements in T/W, wing loading, and fuel fraction.

(3) Could reallocate all or part of F-18E's R&D budget to procure additional F-18Cs.

CONCLUSION

Absence of margins makes the F-18E very risky from a performance and growth perspective, even if "paper design" met range specs.

RECOMMENDATION

Independent panel of disinterested experts should perform an in-depth risk analysis, to include:

Independent verification of crucial design assumptions.

Apples versus apples force comparisons with lighter weight adv, tech, F-18C.

Tradeoffs between alternative force mixes to include impact of increased spotting factor of F-18E on deployable force structure versus that of upgraded F-18C force.

F-18E/F CHARACTERISTICS

[Source: NavAir Mar. 1, 1992]

Wing area	F-18E/F	F-18C/D	Percent change
	500	400	25.0
Weights (pounds)			
Structural weight	18,331	12,750	28.3
A/C unit weight	22,299	?	?
Empty weight	30,564	24,395	25.3
T/O weight—Fighter Escort	47,881	37,708	27.0
T/O weight—Interdiction	60,643	50,792	19.4
Combat Wt.—Ftr Escort (60 percent useable)	42,097	33,364	28.2
Max design weight	88,000	51,800	27.2
Fuel (pounds)			
Max internal fuel	14,460	10,860	33.1
Max external fuel			
F-18E: 3480 gal tnks	9,792		
F-18E & C: 3320 gal tnks	6,732	6,732	
Thrust/engine (pounds)			
IRP—SLS inst	12,087	10,180	18.7
Max A/B—SLS inst	18,045	15,172	18.9
Best cruise @ alt, full int fuel	4,335	8,710	16.8
Mil pwr @ M=7, 20K, 60% int fuel	7,403	6,054	22.3
Max A/B @ M=9, 20K, 80% int fuel	14,321	12,138	18.0
TFSC—best cruise, full int fuel, alt & mach	1.0956	1.0578	2.6
TFSC—mil pwr @ M=7, 20K, 60% int fuel	1.0618	1.0383	2.3
TFSC—max A/B @ M=9, 20K, 60% int fuel	2.063	1.983	4.0
Performance indicators:			
Thrust-to-Weight (T/W):			
T/W (take off, ftr escort @ IRP)	.50	.54	6.5
T/W Max A/B (T/O, ftr escort, full int fuel)	.75	.80	-6.3
T/W Mil pwr (M=7, 20k alt, 60% int fuel)	.35	.36	-3.1
T/W Max A/B (M=9, 20k alt, 60% int fuel)	.88	.73	-6.5
Wing Loading (lbs/sq ft):			
Fighter Escort—Take off, full internal fuel	98	94	1.6
Ftr Escort—Combat wt., 60% int fuel	84	83	.9
Fuel Fraction:			
Fuel Fraction—T/O wt (ftr escort)	.302	.288	4.9
Fuel Fraction—max fuel	.44	.42	5.5

¹ Tanks: 3330/3330.

² Less total pounds required.

Range comparison: 1st out—assume F-18E & F-18C @ cruise alt with full int fuel.

How far can each fly?

Breguet Comparison: ftr escort, full int fuel, opt cruise alt & Mach.

Range=[Vel./TFSC] [L/D] ln[1/(1-Fuel Frac)].

[Vel.=k Mach (k=speed of sound, same @ those alt.)]

Altitude	35,482	36,435
Cruise Mach	.839	.855
TFSC	1.0056	1.0578
Fuel Fraction	.302	.288
F/Drag (L/D)	?	?
Breguet range multiple of (L/D)	.275	.275
Range ratio multiple (F-18E/F-18C)	1.003	1.3
Range ratio goal (F-18E/F-18C)	1.28	

¹ Percent.

Mr. D'AMATO. This document reaches a number of devastating conclusions:

First, F/A-18E design improvements may result in only a small increase in combat radius over the short-legged F/A-18C; and,

Second, F/A-18E design margins, already worse than the F/A-18C or only marginally better, if compromised during full-scale development, could result in an F/A-18E with range, payload, and maneuverability that is worse than the F/A-18C.

If correct, the taxpayer is being asked to fund a make-work project costing billions of dollars that will do little more than subsidize a handful of corporations over the lean times ahead while providing the Navy with no more capability than it had the day the F/A-18E/F development program started. In fact, the Navy will come up with less than zero, because the F/A-18E/F will certainly consume funding that might have gone to the AX or to ever-more desperately needed support aircraft.

Mr. President, all this being said, I have every confidence that eventually the Navy juggernaut will roll right over everyone who stands in the way of the F/A-18E/F. Attempts by the Senate Defense Appropriations Subcommittee to apply a brake to the program last year were brushed aside with alarming ease. If I've learned anything in 12 years in the Senate, it is that the Navy will not be denied.

While I may not be able to stop the F/A-18E/F, I can limit the damage to the taxpayer. Taking a page from the B-1B experience, let me put the Navy on notice today: I will offer an amendment capping the total cost of F/A-18E/F development to the first available piece of legislation the Senate considers. A cost cap will, at the very least, prevent the kind of misallocation of funds we saw with the A-12 program. Overruns simply will not be tolerated.

ARTHUR ASHE

Mr. COHEN. Mr. President, I think all of us were stunned yesterday with the announcement by Arthur Ashe that he has AIDS. I do not think that anyone could possibly look at that picture on the front page of the Washington Post this morning and not see a man of great pride and principle who was forced to disclose that he has a life-threatening disease. Few people could look at that picture or witness his press conference and not share the pain of his forced disclosure.

There was a poignant piece in the Post sports section, as well, that was written by Mike Wilbon. He wrote about the important part that Arthur Ashe has played in his life as a role model, not only for him, but for other blacks as well. He described how Arthur Ashe's triumph on the tennis court allowed him to leave the baseball field and the basketball court to try his hand at a game that had, up to that point, been reserved for whites only.

Arthur Ashe remains a hero, not only to the blacks of this country, but to millions of whites as well, not only because he was gifted at hitting tennis

balls over a net, but because he was and continues to be good at being a human being. He has never sacrificed his honor for fame, whether on the court or off, and he has remained true to a higher principle of promoting civil rights for everyone, black and white, in this country and abroad.

What struck me this morning was that equal importance to the fact that he had contracted this disease was given to the way in which he contracted it—apparently from a blood transfusion. But we have to ask, what does it matter? A great man has been brushed by the wing of death and our reaction should not be shaded or slanted or poisoned by moral pieties. AIDS strikes the anointed and the anonymous with equal deadliness.

So, while we share his pain and we can send him our prayers, the most important thing we can do is find a cure and stop hurling moral judgments at those who are afflicted.

ESTELLE HOSKINS LISTON—A GRACIOUS LADY MARKING 100 YEARS

Mr. SANFORD. Mr. President, I am pleased to offer these remarks which celebrate the life and accomplishments of an exceptional individual who has devoted her entire life to others. She is a most distinguished native North Carolinian.

Estelle English Hoskins, the youngest child of Sally and Daniel Hoskins, was born on April 26, 1892, in Camden, SC. At the age of 4, she moved with her family to Charlotte, NC, where she would later be educated in some of our State's leading black institutions, including Myers Street School and Scotia Seminary—now Barber-Scotia College. She would later establish a long and distinguish career as a teacher in both public and church-related schools.

On June 28, 1916, she was married in Charlotte to Hardy Liston of Fairfield County, SC. The 40 years of their marriage were spent as a union of two educators devoted to the pursuit of excellence in higher education for African-Americans as they served together at Slater State Normal School—later Winston-Salem State Teachers College, Knoxville College in Knoxville, TN, and Johnson C. Smith University in Charlotte. To their marriage were born six children. Their family also included the nurturing of a niece and nephew and countless college students who were all the beneficiaries of the moral, emotional, and economic support of these two very special people. This far-flung family now includes daughters and sons-in-law, 14 grandchildren, 20 great-grandchildren, 3 great-great-grandchildren, and a host of other relatives and friends.

Upon answering the call to return to Charlotte in 1943 as her husband assumed the role of vice president and

then president of Johnson C. Smith University, Estelle Hoskins Liston continued a life of service to the campus and local community, enveloping the faculty and staff and their families with her elegance and grace—always with an attentive eye for an opportunity to teach, nurture, and challenge those she touched to strive for excellence. She was an active participant on the boards of the Bethlehem Center, the Girl Scouts, Parent Teacher Associations, and the Young Women's Christian Association. Her participation in the Presbyterian Church has extended through local, Presbyterial, Synod, and national levels. An individual of boundless faith and religious conviction, her association with Seventh Street Presbyterian Church, now First United Presbyterian, dates from 1896 to this day.

A variety of alumni associations, societies, literary, and social organizations have also enriched her life and she theirs. She has continued to live in Charlotte since being widowed in 1956 and to the extent that progressive blindness and advancing age have allowed, she has continued a life filled with interest in the issues of the day and concern for people everywhere. I am pleased to join hundreds in the State of North Carolina and others around the Nation in celebrating the centennial birthday of my constituent Estelle English Hoskins Liston.

DEATH OF CARMEN TURNER

Mr. SARBANES. Mr. President, today I was notified of the death of one of this Nation's most respected and beloved public servants, Carmen Turner, Under Secretary of the Smithsonian Institution and former general manager of the Washington Metropolitan Area Transit Authority.

Carmen Turner spent most of her adult life in public service, and her career and her life are examples that others will be emulating for many years to come. Extraordinarily effective in every public position she ever held, Carmen had the ability to achieve her goals with wit, charm, graciousness, as well as a keen and incisive intelligence. I remember our efforts to reauthorize the completion of Washington's Metrorail system in the last Congress. At each difficult juncture, we would call on Carmen and she would calmly and serenely help us overcome any obstacle. We simply could not have passed that legislation absent the superb reputation of the Metrorail system and her wise counsel.

Carmen was a long-time resident of Washington, DC. She attended Dunbar High School, received her undergraduate degree from Howard University, and her master's degree from the American University. Among her many responsible positions before joining Metro were Deputy Director of Civil

Rights for the Urban Mass Transportation Administration and Acting Director of Civil Rights for the U.S. Department of Transportation.

In 1977, she came to WMATA as the first assistant general manager for administration, and in 1983 she became the general manager of the system. She concentrated her energies on securing a firm commitment to completing the full 103-mile Metrorail system, controlling costs, operating the bus and rail systems efficiently, and making public transportation available to all. Under her stewardship, WMATA was recognized in the transit industry as the No. 1 transit system in the country, and she was named No. 1 transit manager by the American Public Transit Association.

The death of Carmen Turner saddens all those who were fortunate to work with her, to know her and her family, and to be exposed to her gracious manner. She contributed enormously to the public welfare in our Nation, and I wanted to share with my colleagues my great sense of loss on hearing today that she had died.

SAM WALTON

Mr. PRYOR. Mr. President, America lost one of her giants with the recent passing of Sam Walton. A self-made billionaire, Sam Walton proved that hard work and using your noodle can still pay off.

An unassuming man, Sam Walton shunned publicity and any show of his substantial wealth. He remained the same down-to-earth businessman who knew the value of friendships and trust.

We in Arkansas were proud to call Sam our own, one of the foremost American treasures that our State has ever produced.

I was fortunate to be a part of the last public appearance that Sam made when the President bestowed the Medal of Freedom on him in Bentonville, AR, on March 17. Though Sam may have been in physical pain, it certainly did not dampen or lessen his spirit or enthusiasm that day. He was then and his memory now remains an inspiration to all of us.

Mr. President, America has lost a giant. His example brings home to all of us that the American dream is indeed alive.

Mr. President, I ask to have printed in the RECORD several tributes that were made to Sam Walton.

The articles follow:

[From the Arkansas Democrat Gazette, Apr. 6, 1992]

BILLIONAIRE SAM WALTON, 74, DIES

(By Andrea Harter)

Sam Walton, who piloted Wal-Mart Stores Inc. to heights never before reached in the world of retailing, died Sunday from complications related to cancer.

Walton, 74, who had been at University Hospital in Little Rock since March 26, died at 8 a.m. Sunday.

The family has requested a private funeral service. Walton will be buried Tuesday in Bentonville.

No public memorial service has been announced.

Wal-Mart President and Chief Executive Officer David D. Glass notified the 380,000 employees of Walton's death over the Wal-Mart radio network, which links more than 2,000 Wal-Mart related stores and subsidiaries by satellite.

Flags at the general offices in Bentonville and Wal-Mart stores across the nation were lowered to half-staff.

"I speak for Wal-Mart associates across the nation when I say we have lost more than our chairman and founder . . . we have lost a friend. For many of us, a mentor," Glass said in a prepared statement.

"Only his family meant more to Sam Walton than his beloved associates. Literally, his second home was a Wal-Mart store somewhere in America," Glass said.

"Sam said many times he was always comfortable there, surrounded by associates and customers," he added.

"We miss him deeply," Glass said.

"But what he taught us, instilled in us—to respect the value of each individual, that the customer is always right, and the love for God and country—will live on forever."

The family asked that memorials be made to the Arkansas Cancer Research Center or the First Presbyterian Church Endowment Fund for Missions. Accounts have been established at the Bank of Bentonville.

Walton's son, S. Robson Walton, issued a statement saying the family would not sell any of its stock. The Waltons own an estimated 38 percent of the outstanding shares, valued at between \$20 billion and \$23 billion.

The company said no management changes are planned.

In 1982, Sam Walton was diagnosed with hairy-cell leukemia, but interferon treatments helped him send the disease into remission.

In 1989, Walton was diagnosed with multiple myeloma, or bone marrow cancer. In his second bout with cancer, he underwent extensive chemotherapy, radiation treatments and took experimental medicine.

Walton's last public appearance was in front of his employees, or "associates" as he called them, when the retailer accepted the Presidential Medal of Freedom from President Bush on March 17 at corporate headquarters in Bentonville.

Using a wheelchair and struggling for strength to speak, Walton called Bush's visit the "highlight of our career, my career and of our entire company. It is a memorable day for Bentonville, and we will always remember it."

Walton had been hospitalized several times in Houston and Arkansas since January.

He is survived by his wife, Helen; a brother, J.L. "Bud" Walton of Bentonville; three sons, S. Robson Walton and James Walton of Bentonville, and John Walton of National City, Calif.; a daughter, Alice Walton of Lowell, and 10 grandchildren.

At news of his death, many employees at central Arkansas Wal-Mart stores on Sunday donned black ribbons on their work clothes and displayed photographs of Walton at their stores.

Samuel Moore Walton was known as "Mr. Sam" to employees and customers alike. He defied conventional retailing wisdom in the 1960s when he put discount stores in small towns, which other retailers had ignored while looking for larger markets.

What resulted is a retailing empire stretching across 43 states in 1,735 Wal-Mart

stores and 212 Sam's Club wholesale warehouse stores. Wal-Mart has more than 400,000 employees.

At Walton's death, Wal-Mart had more than \$43.8 billion in annual sales and was the nation's largest retail chain, surpassing Kmart and Sears Roebuck & Co.

His success made him one of the wealthiest people in America. In recent years, he spread his wealth among family members.

From Wal-Mart's headquarters in Bentonville, Walton built his retailing empire with a blend of sharp business sense, boundless energy and a common touch that set him apart as a business leader.

"He was a man who never wanted the store lights to go out," Gary Reinboth, a retired Wal-Mart Stores Inc. regional vice president, said. Reinboth was handpicked by Walton in 1964 to nurture the then-infant concept of nationwide discount stores.

IN THE BEGINNING

Sam and Bud Walton operated a chain of 15 Ben Franklin Stores when, in 1962, they opened the first Wal-Mart Discount City store in Rogers.

Working with their Ben Franklin stores, Walton and his brother learned that they could operate large stores in small towns.

In a 1987 interview for the 25th anniversary of Wal-Mart World, a company publication, Walton said they were doing an inordinate amount of business in a 15,000-square foot store. The volume was out of character for a town of 2,000 people, he said.

The Waltons approached Ben Franklin executives with an idea of putting large stores in rural centers that would sell a high volume of goods at very low margins. Company officials, who scoffed at them, couldn't see any value in it, Sam Walton recalled.

DISAPPOINTMENT

Disappointed with the lack of enthusiasm at Ben Franklin, the Waltons decided to go out on their own. Their 16,000-square-foot Rogers store was stocked with anything Sam Walton could buy at discounted wholesale prices. It did \$975,000 in sales the first year.

In a 1979 interview, Sam Walton said he did not decide he was going to have a string of discount department stores in small towns. He added that early on he did not set a sales goal.

Rather, he said, he started out with one store, and it did well. It was then a challenge to see if he could do well with a few more. When he did well with them, he opened a few more, he said.

It was two years before the second Wal-Mart was opened in Harrison, but the pace picked up as the chain opened store after store.

The company targeted rural towns, creating epicenters of commerce that reshaped Main Street America in the South.

With Walton's increasing buying power and knowledge of exactly what was needed for a healthy profit margin, Wal-Mart was able to undercut most Main Street merchants' prices. Many of those merchants became bitter critics of the Wal-Mart phenomenon.

MOVING UP

In calendar 1970, the company had 38 stores and \$44 million in sales. Moving rapidly, the company in 1980 climbed to 246 stores and \$1.248 billion in sales. By fiscal 1985, it had 745 stores and \$6.4 billion in sales, and in fiscal 1990, 1,402 stores and \$25.8 billion in sales.

At the company's 1991 annual meeting in Fayetteville, Walton said the company would likely have \$100 billion in sales by the end of the decade. The company has a goal of \$54 billion in sales for the current fiscal year.

Underwritten by Stephens Inc. of Little Rock and White, Weld & Co., New York, Wal-Mart had its first stock offering in 1970.

In recent years, Walton set up a management team that is expected to keep the company strong and on the path he cleared long before he died.

Walton's first-born, Rob Walton, is vice chairman of the company. Bud Walton, Sam Walton's younger brother, is a senior vice president and director.

A charismatic man—known to wear moderately priced suits, casual shoes and an ever-present Wal-Mart baseball cap—Sam Walton said there was no genius involved in his success. It was more a matter of circumstance and luck, he said.

But many observers noted that he combined luck with great retaining talent and a solid corporate culture that transformed small-town America and mass merchandising.

Discounting was a tolerated stepchild to mainstream retailing when Sam Walton started his chain. By the 1980s, however, he and his Wal-Mart team had put together stores that drew customers in furs and high heels, as well as those in sneakers and sweat shirts.

"Wal-Mart has certainly written the most significant chapter in retailing history, and they've done it in an extremely quick fashion," said Don Spindel, an analyst with A.G. Edwards & Sons in St. Louis. "Their meteoric rise to the top has not been paralleled."

Despite its success, Wal-Mart has had its share of difficulties.

For example, Wal-Mart was underfinanced to the point of panic at times during the early years. One of its saviors was James H. Jones, a former New Orleans banker who is now on the Wal-Mart board of directors, according to author Vance Trimble in his unauthorized biography of Sam Walton. To see how Walton built his company requires a look at his origins.

Sam Walton was born in Kingfisher, Okla., the son of Nancy and Thomas Walton. His mother died in 1950 of cancer at age 52. His father died at age 92.

OVERACHIEVING NATURE

Sam Walton showed signs of being an overachiever at an early age.

Thomas Walton was quoted by Trimble as saying that his main goal as a father was "teaching the boys to work, work and work."

The Waltons moved from Oklahoma to Columbia, Mo., while Sam Walton was still young.

He was voted "Most Versatile Boy" by his Missouri high school classmates.

His leadership ability was seen as early as 1936 when, in spite of the nickname, "Stumbling Sam," he quarterbacked his high school football team to an unbeaten, untied season.

After high school, he stayed in Columbia, where he attended the University of Missouri and earned a degree in economics in 1940.

He was labeled a "tough scrapper" and "Hustler Walton" by his University of Missouri fraternity brothers.

His plan had been to go into insurance, but during college he became interested in retail. Upon graduation, he joined J.C. Penny Co. Inc. as a trainee.

Walton's career at Penney's ended when he joined the Army, where he served as a captain in the Army Intelligence Corps. He married Helen Robson on Feb. 14, 1943, in Claremore, Okla.

Walton took up retailing again when he left the service in 1945, buying the Ben

Franklin franchise in Newport, Ark. By 1947, he had opened a second store in Newport called the Eagle store.

"When Sam came to Newport, he wanted to learn from everybody," said Tom Jefferson, district manager of a Sterling Variety Store across the street from the Walton-franchised Ben Franklin store.

"He believed in people and those who worked for him. Well, he wanted them to have everything he had—drive and success," Jefferson said.

Jefferson joined Wal-Mart in 1972 and worked for the company for 15 years, most of the time as a Walton confidant and executive vice president of store operations.

TURNING POINT

Sam Walton reached a turning point in 1950 when he lost the lease on the Ben Franklin store in Newport. Details of the event are told by Trimble in his book.

Walton achieved success in Newport from 1945-50 with a \$25,000 initial investment from his father-in-law. The growth of his business eventually caused its demise.

Walton was in competition with P.K. Holmes, a businessman who owned a department store and the building for Walton's Ben Franklin store. When Walton's lease was up for renewal, Holmes refused to negotiate an additional term.

Before leaving Newport in 1950, Walton rented a building next to the Sterling store, another of his competitors, to block its expansion. He then turned to Siloam Springs.

A Siloam Springs shopowner wanted \$5,000 more for his shop than Walton was willing to pay, so Walton headed north to Bentonville, where he found an aging merchandiser looking to sell his town-square business.

Walton bought a Bentonville store for \$15,000 and opened a Walton's five-and-ten-cent store.

The building still stands today, and in May 1990 was reopened by Wal-Mart as a visitors center with displays and information on the history of the company.

Walton moved his wife and four children into a rented house and nailed an orange crate to the wall at the Bentonville store for use as a bookshelf. With two sawhorses and a sheet of plywood, he fashioned a desk.

It was in Bentonville that the idea for a national chain of discount stores began to take shape, corporate historians say.

'BIG ACCOMPLISHMENT'

On May 11, 1950, the Benton County Democrat (later purchased by Walton and renamed the Benton County Daily Record), hailed the arrival of the new retailer, saying, "It is a big accomplishment to have people such as the Waltons come here to live. This is a fine family, and their progressive plans mean much to the business life of this city."

With a twist of fate and timely financial backing, Walton could have made Little Rock his home, and mall developing his life's focus.

Early in his career, he tried to develop Arkansas' first shopping mall in Little Rock, where Park Plaza now stands. He failed for lack of capital.

W.R. "Witt" Stephens, founder of Little Rock's Stephens Inc. and another Arkansas business legend, bought out Walton and developed the project.

Walton has received numerous prestigious retailing and business awards since 1978.

In 1984, he received the Horatio Alger Award from the Horatio Alger Association of Distinguished Americans, based in Alexandria, Va.

The annual award is presented to individuals whose initiative and efforts led to significant career success.

A compulsive worker, Walton carried his work with him on quail-hunting fields and onto the tennis courts, his two main non-Wal-Mart hobbies, said Ron Loveless, a retired Wal-Mart executive who has known Walton for most of his life.

"He was 100 percent business 100 percent of the time," Loveless said.

Loveless' mother was the Walton housekeeper, and Ron Loveless was privy to an inside glimpse of the man who is credited with rewriting the standards for retail sales and customer service, now known as the "Wal-Mart way."

"It wasn't hard to know his routine. In the early days he was at work about 4 a.m., checked the mail and paperwork until about 7 a.m., then he hit the stores," Loveless said.

When the Sam's Club wholesale concept emerged in 1983, "It was an exciting time for the company," Loveless said.

"People often asked, 'Was he just ambitious, or was he power hungry?' . . . I say no. He just wanted to be the best at everything," Loveless said. "I've seen entire company policy change in one day over one constructive comment submitted by a stockman."

IMMENSE IMPACT

Walton had an immense impact on Arkansas, especially the northwestern corner of the state.

"Every man, woman and child who understands how the economy works should thank Sam Walton for our prosperity in Northwest Arkansas," said George Westmoreland, a first vice president for Merrill, Lynch, Pierce Fenner & Smith.

Walton served on the Bentonville City Council and was president of the Bentonville Chamber of Commerce.

Loveless, who declined a college education promised by Walton, decided to enter the Wal-Mart chain as a pet department worker.

"It got into your blood. You just wanted to be like him," Loveless said. Loveless retired five years ago as head of the Sam's Club division.

While Wal-Mart was making money in the late 1970s and early 1980s, organizers unsuccessfully tried to unionize company employees.

UNION TALK

In response to union talk, Walton devised a profit-sharing plan that has made several Northwest Arkansas residents millionaires, or at the very least, handsomely wealthy.

Still, the retail company has drawn criticism over the years for employing many part-time workers not privy to health-care insurance benefits.

More recently, manufacturers' sales representatives have begun a national campaign to try to change Wal-Mart's relatively new policy of dealing only with most vendors' top officials, bypassing the sales representatives.

Walton entered banking in 1961 when he bought, with a loan co-signed with his wife, Helen, the Bank of Bentonville for \$350,000.

The Bank of Bentonville is now the flagship bank for the Walton bank holding company, Arvest Bank Group, which has 10 banks stretching from Fayetteville to Bella Vista.

Arvest also has a half interest in a Norman, Okla., bank and in August 1991 bought State Bank N.A. in Tulsa in an attempt to gain a large business stake in the oil town's economy.

ARVEST BANK GROUP

Arvest Bank Group has assets in excess of \$1 billion, with the Bank of Bentonville holding about \$300 million in assets.

In February, Walton announced that he had signed a deal with Doubleday, a New

York publishing house, to write his autobiography with the help of John Huey, senior editor of *Fortune* magazine.

Walton reported received an advance of \$4 million for the rights to his story, which company officials said would be donated to charity.

In a 1982 company publication about his life-threatening illness, Walton told his employees:

"If I'm to have a health problem, I'm really fortunate to have this type of disorder," he wrote.

"I am completely confident, too, that with the right treatment, I'll be able to continue doing things I enjoy most for at least another 20 or 25 years."

"The last thing I need or want would be undue sympathy or undue conversation concerning my health."

[From the Washington Post, Apr. 6, 1992]

SAM WALTON, FOLKSY FOUNDER OF WAL-MART STORES, DIES

(By Richard Pearson)

Sam Walton, 74, the folksy but hard-driving business pioneer who built Wal-Mart from a single general store to the largest retail chain in the nation, died yesterday at a hospital in Little Rock, Ark. He had bone cancer and leukemia.

The growth and success of Wal-Mart are the stuff of business legend. What started as a single general store in 1962 grew to an operation that now includes more than 1,700 Wal-Mart stores in 40 states. Wal-Mart sales have increased from \$6.4 billion in 1984 to \$43.9 billion last year, when it replaced Sears as the nation's largest retailer.

Wal-Mart recently opened its first stores in the Washington area, including one in Manassas. It plans to open an additional 160 stores across the country this year.

As he built his retail empire, Samuel Moore Walton became one of the nation's richest individuals. In October 1991, *Forbes* magazine placed him and his four children as Nos. 3 to 7 on its list of the wealthiest Americans, with a net worth of \$4.4 billion each. *Fortune* magazine once said that the Walton family was worth \$21.1 billion.

But the wealth seemed to make little impression on Walton. He maintained that the wealth was largely "paper," consisting of stock in his company. In the mid-1980's his salary was about \$300,000 a year.

Walton, with an enviable reputation as a shrewd businessman and innovator, made no secret of his formula for success. He created a modern version of the old smalltown general store with the neighborly proprietor. His Wal-Marts, although largely in out-of-the-way parts of the country, often were huge. But they were staffed by friendly, helpful salesclerks who sold brand name products at discount prices.

In March, President Bush traveled to Bentonville, Ark., the home of Walton and Wal-Mart, to present the retailer with the Presidential Medal of Freedom, the nation's highest civilian honor. Addressing a crowd of about 900 at the company's headquarters, the president hailed him as "an American original" who "embodies the entrepreneurial spirit and epitomizes the American dream."

Walton was born in Kingfisher, Okla. As a boy, he milked cows and delivered papers. After graduating from the University of Missouri in 1940 with an economics degree, he became a management trainee with the JC Penny Co. in Des Moines at \$85 a month.

After serving in the Army during World War II, he and his brother, J.L. Walton, went into business together.

They opened a Walton's 5&10 and became franchisees for 15 Ben Franklin variety stores in Arkansas.

Ben Franklin's corporate officials in Chicago turned down Sam Walton's ideas for a discount chain keyed to small towns in the South and Midwest: Walton opened his first Wal-Mart Discount City store in Rogers, Ark., in 1962. Seven years later, he had 18 stores. By 1989, he had 1,367 Wal-Marts. A year later, he had 1,537, and as of March 31, 1992, the number had grown to 1,735.

As he once observed, "There was a lot more business in those towns than people ever thought."

Wal-Marts undersold competitors by combining such technology as bar-code scanners—to track inventory and run cash registers—with a fanatical dedication to customer service. The company also maintained tight control on expenses and started a state-of-the-art distribution system.

Wal-Mart workers, or "associates," as Walton called them, were encouraged to make suggestions and were rewarded with what are by all accounts generous stock options, wages, bonuses and other benefits.

"Our philosophy is that management's role is simply to get the right people in the right places to do a job and then to encourage them to use their own inventiveness to accomplish the task at hand," he said in a 1983 interview.

The company went public in 1970, and Walton encouraged his workers and neighbors to buy it. The Washington Post reported that \$1,500 invested in 1972 was worth \$300,000 by 1985.

Walton made surprise visits to stores across the country, flying in his own plane and displaying a legendary knack for remembering names. He was known to lead employees and customers in a cheer of "Give me a W, give me an A. . . ."

He often visited the store in Bentonville, where he lived. Attired in a baseball cap with the Wal-Mart logo, he was often seen chatting with customers while waiting in line to purchase shotgun shells.

Walton retired as Wal-Mart's chief executive officer in 1988 but continued to be active in the company.

He had always avoided the trappings of the rich and famous. He and his wife of 49 years, the former Helen Robson, lived off an old country road and got their mail from a rural box labeled simply "Sam and Helen Walton." He raised his four children in Bentonville, a town with a population of about 9,900, 45 miles from the nearest interstate highway in the Ozarks of northwest Arkansas.

He drove an old Ford pickup truck and a battered Chevy sedan, which one reporter noted had teeth marks on the steering wheel made by Walton's hunting dog. He often drove to the Bentonville town square, where he had breakfast at a coffee shop, shopped for groceries with his wife, got his haircuts and traded gossip with townfolk.

He summed up his career in a 1984 interview, saying: "Anyone willing to work hard, study the business and apply the best principles can do well. I worked at it. I walked into competitors' stores. And I wandered into more stores than anyone else. I was fortunate in getting some smart people to work for me, and we avoided mistakes that the others made. We learned from everyone else's book and added a few pages of our own."

Another measure of his career was a story he told about driving through town one day and passing his store. He became so engrossed counting the cars in the store lot

that he crashed into the back of a Wal-Mart truck. The unamused truck driver leapt from his truck. The driver was wearing a company safe-driving pin on his lapel that celebrated 10 years of driving without an accident. Walton apologized.

Then, on Oct. 8, 1983, Bentonville staged a "Sam and Helen Walton Appreciation Day." Among the people lining the parade route were Arkansas' two U.S. Senators; the University of Arkansas' legendary football coach, Lou Holtz; a 190-member marching band; and 22 floats. One of the floats was a crashed car welded to the back of a Wal-Mart truck.

[From the New York Times, Apr. 6, 1992]

SAM WALTON IS DEAD AT 74, HAVING BUILT TOP RETAILER IN UNITED STATES

(By Thomas C. Hayes)

Sam Walton, the founder of Wal-Mart Stores Inc. and the most successful merchant of his time, died yesterday at the University of Arkansas Medical Science Hospital in Little Rock. He was 74 years old.

A spokeswoman at the hospital, where Mr. Walton was admitted a week ago, said that the cause of death was being withheld at the request of the family. Mr. Walton had long struggled against two types of cancer, hairy-cell leukemia, which weakens the immune system by attacking white blood cells, and a bone-marrow cancer called multiple myeloma.

Mr. Walton opened the first Wal-Mart Discount City in 1962 in Rogers, Ark., a small city in the Ozarks. By 1991 the chain passed Sears, Roebuck & Company to become the nation's largest retailer. On April 1, it had 1,735 stores in 42 states, as well as 2 in Mexico. Mr. Walton assembled a management team that will carry on, and the company said yesterday that it foresaw no changes in corporate policy or control.

Mr. Walton created Wal-Mart with the idea, once mocked by retailers, that large discount stores could thrive in small towns and rural areas. A gifted, homespun orator, he entranced legions of low-paid loyal workers with a simple refrain—help customers, cut costs and share profits. Wal-Mart's headquarters, in contrast to the 110-story Sears Tower on the edge of Chicago's Loop remain a box-like warehouse and general office in Bentonville, Ark.

Wal-Mart began to sell its stock to the public in 1970. As Wall Street discovered the company's unbroken pattern of high profits and fast growth, the price of Wal-Mart's stock began to soar in the late 1970's, and the Walton Family's wealth with it.

The family fortune includes \$23 billion in Wal-Mart stock alone, which provides more than \$90 million in annual dividends. The Waltons also own seven banks in Arkansas and Oklahoma and five newspapers in Arkansas. While the Walton name is hardly as well known as Rockefeller or Getty, the family is believed to be the nation's wealthiest.

Investors in Wal-Mart stock also enjoyed a bounty. From 1981 to 1991, the company's shares produced an astounding average yearly return of 46.8 percent, including dividends and increases in the share price. A \$3,000 investment in Wal-Mart stock in January 1981 was worth \$105,600 in January 1991, the company calculated. By last week, it would have been worth \$179,000.

HIGH VOLUME, LOW PRICES

Wal-Mart's rapid growth, built on high sales volume and low prices, brought financial ruin to hundreds of small-town merchants on Main Streets across the South and

Midwest. And as Wal-Mart's reputation grew, Mr. Walton often faced bitter resistance in communities where he planned to open stores. Yet, his promises to attract shoppers, assist charities and provide jobs almost always prevailed.

Mr. Walton always worked hard at shaping his work force, using cheers, rap songs and payment policies to urge employees to be frugal in their jobs and friendly toward customers. Bonuses were paid to all employees in stores where stealing and other inventory losses were kept below 2 percent of sales. Scholarships were established at colleges in names of employees who crafted better ways to handle merchandise.

Mr. Walton set the tone, often beginning his mornings at 4:30 and working long days from a cramped, spartan office in Bentonville, in northwestern Arkansas.

This is a man who was at work at 4:30 in the morning, had warmth and charm throughout the day, an interest in his customers, and who treated his associates well as persons, not just as clerks and salespeople," said Walter F. Loeb, a retailing consultant who first met Mr. Walton in 1976. Mr. Walton always referred to Wal-Mart employees as his associates.

BORN IN OKLAHOMA, RAISED IN MISSOURI

Samuel Moore Walton was born in Kingfisher, Okla., on March 29, 1918, the first child of a rural banker, Thomas Walton, and Nancy Lee Walton. An Eagle Scout, quarterback of the state champion football team and student council president, Mr. Walton was voted "most versatile boy" by his graduating classmates at Hickman High School in Columbia, Mo., in 1936.

Working his way through the University of Missouri at Columbia, he delivered newspapers, waited on tables and clerked at a five-and-dime store while taking classes in the Army's Reserve Officer Training Corps and serving as president of the senior class and the honor society. After graduating in 1940 with a degree in economics, he worked briefly as a management trainee in Des Moines with the J.C. Penney Company, then a small-town retailer with 1,500 stores.

During World War II, Mr. Walton served as an Army captain, working in intelligence. In 1945, he acquired his first store, a Ben Franklin franchise in Newport, Ark., with a \$25,000 loan from his father-in-law, Leland Stanford Robson, a small-town Oklahoma banker. By the early 1960's, Mr. Walton and his brother, James L. (Bud) Walton, owned 15 Ben Franklin franchises.

STRIKING OUT ON HIS OWN

In 1962, when Ben Franklin executives in Chicago turned down his plan to open bigger stores in rural areas, with discount prices and smaller profit margins, he began to form what eventually became Wal-Mart Stores.

In a 1989 interview with *Financial World* magazine, Mr. Walton said of his disagreement with Ben Franklin, "They didn't want to give on their end to the degree that it took for the prices to be as low as I felt they should be." Operating costs at Ben Franklin were as much as 25 percent of sales, but Mr. Walton thought they could be much lower.

He said: "If they had been able to sell to me on a 12 percent range, I probably would not have put together the organization that we did. Aren't I glad they didn't accept the idea, because I was forced to build our own team and program?"

ONE TEMPORARY RETIREMENT

Mr. Walton remained the chairman of Wal-Mart until his death. He relinquished the titles of president and chief executive in 1988.

He retired briefly from the chief executive's post in 1974 but reclaimed it two years later.

Last month, he was awarded the Presidential Medal of Freedom, the nation's highest civilian honor, and hailed as "an American original" who "embodies the entrepreneurial spirit and epitomizes the American dream."

Rejecting occasional advice to sell part of his family's shares and spread his investments, Mr. Walton kept 39 percent of Wal-Mart's common stock under family control in five trusts he established in 1954. Since it became a public company, Wal-Mart has issued more than 1.1 billion shares of common stock.

The five Walton trusts hold Wal-Mart stock collectively valued at \$23 billion, about \$4.6 billion apiece, at current market value. Annual dividends on the family stock amount to \$93.5 million.

HATED DISTINCTION AS WEALTHIEST

In 1985, *Forbes* magazine declared Mr. Walton the wealthiest person in America, a distinction Mr. Walton often said he hated. "All that hullabaloo about somebody's net worth is just stupid, and it's made my life a lot more complex and difficult," he told *Fortune* magazine. Although he disliked doing it, he autographed dollar bills for customers and employees and smiled for their cameras.

Mr. Walton displayed scant interest in the social whirl of the fashionably rich. And on business trips that often included visits to six Wal-Mart stores in day, he rented subcompact cars and spent nights at budget motels, or in the homes of store managers. He was notoriously absent-minded. Driving once, he was distracted by counting cars in a competing store's parking lot and rammed into the rear of a Wal-Mart tractor trailer. No one was hurt.

And Mr. Walton had his business failures. Wal-Mart's ventures into selling discount drugs, do-it-yourself building supplies and arts-and-craft supplies were all abandoned after mixed results. His huge Hypermart stores, which have sold groceries along with Wal-Mart's traditional fare since 1988 under a roof that could cover five football fields, have apparently proved too large to manage. The company is trying a similar formula in scaled-down stores called Supercenters.

AVOIDED LABOR UNIONS

On occasion, Mr. Walton sparred with labor unions that tried unsuccessfully to organize clerks in his stores or drivers in his vast trucking fleet. But he mostly avoided labor clashes by placing stores and distribution centers away from cities where unions were powerful.

He also installed profit-sharing plans that enabled hundreds of workers with low wages to retire with comfortable and occasionally lucrative, pensions because of the rising price of Wal-Mart stock. A cashier who retired in 1989 with \$262,000 in retirement benefits, Shirley Cox, earned \$7.10 an hour on her last day of work after 24 years with the company, said Vance H. Trimble, author of an unauthorized biography of Mr. Walton published by Dutton in 1990.

Mr. Walton was an avid hunter, particularly of quail, and a frequent patron of local restaurants in Bentonville. He was an active worshiper at the First Presbyterian Church, where he once taught Sunday school. In recent years he drove a red 1985 Ford pickup. Bentonville, which now has a population of 10,825, named the local junior high school after him in 1983 and the local day-care center for his wife, Helen Robson Walton.

Mrs. Walton, 72, controls the trust she shared with Mr. Walton. The other four

trusts are controlled by the Waltons' four children: S. Robson, 47, one of three Wal-Mart vice chairmen; John T., 45, owner of a boat-making business in San Diego; James C., 43, president of Walton Enterprises, which includes family-controlled newspapers, banks and other businesses and charitable activities, and Alice, 42, who heads a private investment firm, the Llama Company, in Fayetteville, Ark.

Mr. Walton's brother, James, 70, owns more than 20 million shares and is a senior vice president and director of Wal-Mart. Mr. Walton is also survived by 10 grandchildren.

IDEAS THAT BUILT THE NO. 1 RETAILER

One of Wal-Mart's biggest strengths was the streamlined, sophisticated logistics it created for replenishing products as its universe of stores expanded, management advisers at the Boston Consulting Group said.

In the early years, Mr. Walton insisted on building stores no more than a day's drive from distribution centers. Now, Wal-Mart fills merchandise orders within two days, compared with an average of two weeks among its rivals.

The company has 19 cavernous distribution centers, with an average of six miles of rack space in each; nearly 2,000 trucks; a satellite video system for relaying sales trends to executives, buyers, store managers and clerks, and a fleet of aircraft—purchased second-hand—to ferry managers across the Wal-Mart system.

Eighty-five percent of the merchandise Wal-Mart sells is shipped from its distribution centers, compared with 50 percent at its biggest competitor in discounting, Kmart, which relies on suppliers to ship the rest of its merchandise.

UPSETTING CONVENTIONAL WISDOM

In the March-April 1992 issue of *The Harvard Business Review*, three officers at Boston Consulting—George Stalk, Philip Evans and Lawrence E. Shulman—said Mr. Walton had turned on its ear the conventional retailing approach of having senior executives make purchasing and stocking decisions.

"Instead of the retailer pushing products into the system, customers 'pull' products when and where they need them," they wrote. "The job of senior management at Wal-Mart, then, is not to tell individual store managers what to do but to create an environment where they can learn from the market—and from each other."

Some executives at the company and consultants said Mr. Walton was a fair-minded leader, but hard-driving and demanding. "He was a man who extracted and expected a great deal from others because he himself always gave 100 percent," said Kurt Barnard, an industry consultant.

UNAUTHORIZED BIOGRAPHY

Mr. Trimble wrote that Rod Loveless, former head of the company's wholesale-club division, retired in 1986 at age 42 partly because of job stress.

"If you don't produce, you'll be gone," Mr. Loveless, who did not talk to Mr. Trimble, told *The Arkansas Gazette* in 1986. David D. Glass, who succeeded Mr. Walton as chief executive in 1988, suffered a heart attack a year after being promoted to president in 1984.

With the economy in recession during 1991, Wal-Mart continued to flex its muscle. Although Mr. Walton was slowed by cancer treatments, he continued piloting himself, often alone, in a twin-engine Cessna to visit dozens of stores each week as he pursued plans to push Wal-Mart's yearly sales beyond \$100 billion by the turn of the century.

The company opened more than 150 new and mostly bigger stores, expanded into Northeastern states and accelerated openings of its wholesale subsidiary, known as Sam's Clubs, which in 1991 increased sales by 43 percent, to more than \$9 billion. Over all, Wal-Mart's sales rose 35 percent last year, to \$43.9 billion, and profits jumped by 24.8 percent, to \$1.6 billion.

DELIGHTED CROWDS AS A SHOWMAN

Mr. Walton's enthusiasm knew few bounds. In 1983, after Wal-Mart's profits exceeded expectations, he kept a promise to employees and donned a grass skirt to dance a hula on Wall Street.

At the Wal-Mart annual stockholders' meeting each spring, the charismatic Mr. Walton played barker, preacher, cheerleader and company visionary to ever-larger crowds. On June 7, 1991, more than 10,000 people filled the basketball arena at the University of Arkansas, 30 miles south of Bentonville, for what was Mr. Walton's last performance in a role that began that day at 7 A.M. and continued until noon.

"A lot of believers are here today," he shouted to an approving roar from the crowd of stockholders, executives of Wal-Mart suppliers, and more than 2,000 employees who has traveled to Fayetteville at company expense from stores across the country. Later that day, Sam and Helen Walton held their annual barbecue for the employees on the lawn of the 5,500-square-foot house they built in Bentonville and lived in since 1959.

THE SPIRIT OF PROSPERITY

Mr. Walton orchestrated the annual meeting to underscore his managerial doctrine that the close links among suppliers, shareholders and employees determined Wal-Mart's prosperity.

During the meeting, Mr. Walton urged each of these three constituent groups to stand separately as applause filled the arena. Then he called on employees who served in the military during the Persian Gulf conflict to stand. "Good God, let's get the lights on them," he commanded. Among Wal-Mart's 380,000 employees at the time, 582 reservists and members of the National Guard were activated for the fighting.

A Wal-Mart executive announced that 80,000 jobs had been created in the United States by Wal-Mart merchandise orders since Mr. Walton's "Buy America" campaign began in 1985. The reigning Miss U.S.A., Kelli McCarty, the daughter of a Wal-Mart manager, smiled, posed and exchanged a "high five" with Mr. Walton. Paul Harvey, the radio commentator whose sponsors included Wal-Mart, proclaimed on stage that the Wal-Mart way was "something better than capitalism: enlightened consumerism." Then the entertainer Lee Greenwood, sang "God Bless the U.S.A."

"HIGH EXPECTATIONS ARE THE KEY"

"There is nothing like it in the annals of retailing," Mr. Walton shouted as the spectacle unfolded. "High expectations are the key to everything." When Mr. Glass announced that the value of all Wal-Mart shares had increased to \$45 billion from \$150 million in 1976, Mr. Walton interrupted him. "And it's only just begun," he declared. "Do you believe it? Let me hear you say it!" And a chant immediately filled the hot auditorium: "And it's only just begun."

Industry analysts say Mr. Walton gained the edge in sales over other retailers by taking risks, adopting approaches that worked for competitors and getting the most from his employees. In 1988, for instance, Wal-Mart averaged \$103,000 in sales for each employee, while Kmart averaged \$82,000.

In the 1989 interview with Financial World, which named him chief executive of the decade, Mr. Walton said: "I probably have traveled and walked into more variety stores than anybody in America. I am just trying to get ideas, any kind of ideas that will help our company. Most of us don't invent ideas. We take the best ideas from someone else."

The family has planned a private funeral in Bentonville.

[From the Los Angeles Times, Apr. 6, 1992]

WALTON, FOUNDER OF WAL-MART DIES; TOP U.S. RETAILER

(By Myrna Oliver)

Sam Walton, a self-made multi-billionaire who parlayed and Arkansas five-and-dime into the mega-merchandising empire of discount stores he called Wal-Mart, died Sunday. He was 74.

Walton had been treated in the early 1980s for leukemia and was found to have bone cancer in 1990. A Wal-Mart spokesman said Walton died at the University of Arkansas Medical Sciences Hospital in Little Rock, where he had been for more than a week.

Perennially at the top of Forbes magazine's annual list of America's richest people, last October Walton was No. 3, followed by his four children, each with a net worth of \$4.4 billion. Last year, ringing up \$43.89 billion in sales, Wal-Mart unseated Sears, Roebuck & Co. as the country's largest retailer.

Walton was a paradox who shunned publicity, yet once honored a promise to employees to dance the hula on Wall Street when they turned a higher profit than he had predicted.

Tapping an eager small-town market for discount merchandise, Walton kept his empire centered in tiny Bentonville, Ark., where he drove an old pickup truck and regularly stopped by the local coffee shop for breakfast with townfolk.

"Y'all are real good. We couldn't have done it without your support and without your buying a little merchandise from that old five-and-dime," he told the Ozark citizenry on Oct. 8, 1983, when Bentonville staged a "Sam and Helen Walton Appreciation Day."

"I had no vision of the scope of what I would start," Walton once said of his Southern and Midwestern chain that numbers 1,735 stores. "But I always had confidence that as long as we did our work well and were good to our customers, there would be no limit to us."

"Mr. Sam," as his neighbors called him, was criticized by some labor groups for buying foreign products after announcing a "buy-America" policy, for failing to promote women into management ranks, and for putting some of Main Street's smaller shops out of business.

But Walton, whose autobiography is due for publication in June, was generally revered by his neighbors and employees, whom he always referred to as "associates."

When Walton received the Medal of Freedom last month, President Bush called him "an American original" who "embodies the entrepreneurial spirit and epitomizes the American dream."

Gov. Bill Clinton's office in Little Rock issued a statement: "Hillary and I treasured Sam Walton's friendship and we will miss him very much. He was a remarkable human being, a wonderful family man and one of the greatest citizens in the history of the state of Arkansas."

Walton maintained a generous profit-sharing plan for his employees and spent two or three days each week talking to them in their stores, eager to hear their problems and suggestions. He knew the names of his

hundreds of stores managers, and the names of 90% of their wives.

"We like to let folks know we're interested in them and that they're vital to us. Cause they are," he said.

Sam Moore Walton was born in Kingfisher, Okla., March 29, 1918, the elder of two sons of farm mortgage broker Thomas Walton. During the depression, the family moved to Columbia, Mo., where Sam worked his way through the University of Missouri with a paper route.

His down-home folksiness masked a clear talent for business administration and economics, his major. That skill and insight led him to develop Wal-Mart into one of the most state-of-the-art computerized companies in the world.

After his graduation in 1940, Walton spent more than two years as a J.C. Penney trainee in Des Moines, Iowa. He was drafted into the Army in 1942, and spent the remainder of World War II in the United States with the military police.

On Valentine's Day, 1943, Walton married his equally unassuming wife, Helen, the mother of his three sons, S. Robson, Jim C. and John T., and daughter, Alice L.

Using all his savings and a small loan, Walton bought his first store—a franchise Ben Franklin five-and-dime in Newport, Ark.—when he was 27.

He moved his growing family to Bentonville in 1950 after losing the Newport franchise, and opened Walton's five-and-dime. With his brother, James L. (Bud) Walton, he built that store into a franchised chain of 17 Ben Franklin variety stores.

But Walton saw the friendly small town as more than a pleasant place to live and sell small quantities of mundane goods. He viewed it insightfully as an untapped market for discounted name-brand merchandise.

In 1962, unable to persuade owners of the Ben Franklin chain to join him, he founded Wal-Mart with his brother and became chairman. Their first store was Wal-Mart Discount City in Rogers, Ark.

By 1970 he had 30 stores. He took the company public and built it over the next couple of decades to more than 1,700 stores ranging in size from 30,000 to 60,000 square feet.

Many of his Bentonville neighbors bought stock when it cost \$2, learning to appreciate the new method of large-scale merchandising when that stock split six times in its first dozen years. The stock closed Friday at \$51.62 per share on the New York Stock Exchange.

By 1991, Forbes said Walton would have been the richest man in the world had he not divided about \$18 billion equally among his four children. And he continued to build stores, further reducing his capital.

It seemed indeed that, as he had once predicted, "there would be no end to us."

Mr. BOND. Mr. President, earlier today the Senator from New York introduced into the RECORD a copy of a paper questioning the performance of the F/A-18E/F.

This document, which is purported to be an internal Pentagon memorandum, apparently was leaked to the media—perhaps by the same opponents who have continued to try to sink it with rumors and misstatements.

It is important to note from the start that the document does not set forth the official position of the Secretary of Defense or the Navy. Frankly, I am confident it will never be accepted as

an official document because it is based on flawed calculations which lead to its inaccurate outcome.

The report purports to show that the range of F/A-18E is significantly overstated. It goes on to suggest that the program is thus too risky and ought to be delayed.

The calculations in the report are flawed because the equation used to calculate the aircraft's range, the Breguet equation, is not applicable to the F/A-18E mission.

The Breguet equation is used to estimate the range of an aircraft while flying at cruise conditions. The equation is completely applicable only when its calculations are limited to the fuel used under cruise conditions. This makes the equation a useful tool for estimating ranges for airliners which use most of their fuel for cruising. However, the equation is less-than-accurate when used to estimate ranges for tactical aircraft. For example, the typical Navy fighter escort mission includes takeoff, landing, climbs, descents, cruise, an allowance for air combat, and a fuel reserve. For the F/A-18, this means that less than half of the aircraft's fuel is used during the cruise segment of a mission. Therefore, in using the equation, it is inappropriate to assume—as the report's author has done—that all internal fuel would be used during cruise.

While the Breguet equation is not an appropriate tool for accurately estimating the overall range of an F/A-18 combat mission, it can be applied to the cruise segment of the mission to verify the Navy's calculated cruise improvements.

With fuel amounts for other mission segments removed, the amount of fuel available for the cruise segment of a fighter escort mission is 3,756 pounds for the F/A-18C and 6,180 pounds for the F/A-18E. Applying these numbers to the Breguet equation provides an estimated fighter escort range improvement of 194 nautical miles. When divided by two we end up with a mission radius of 97 nautical miles which is better than the Navy's calculated mission radius improvement of 92 NM for the F/A-18E over the F/A-18C—423 NM versus 331 NM. So, when applied properly the Breguet equation actually verifies the Navy's estimated range improvement in the F/A-18E.

The improper use of the Breguet equation in calculating the aircraft's range results in the false implication that there may be problems with the F/A-18E's payload and maneuverability as well. Several studies have verified the projected increases in maneuverability and payload, and a current independent review now underway is likely to confirm it yet again.

It is unfortunate that the leak of this factually incorrect document by those who wish to kill the F/A-18E in favor of the F-14—a plane which has been re-

jected by the Pentagon and by Congress, is forcing DOD to spend scarce dollars to conduct yet another study to verify the plane's performance.

As always, the Senator's comments on this issue provide a lot of entertaining reading, but not much in the way of useful information. Contrary to the charges put forward, the Navy has put forth a solid cost estimate of \$4.88 billion which they say is a number they can stand behind. The F/A-18E/F program has not been delayed due to any technical or performance issues. The development program is planned to last 42 months, and first flight is still scheduled for 1995 with production deliveries in 1998.

The F/A-18E/F is exactly the kind of low-risk, low-cost program that the services ought to be pursuing in this time of declining defense budgets. The Navy is taking a proven, battle-tested weapon system that has performed in an outstanding manner; and is upgrading it to meet changing requirements. Without this program, the Navy will not be able to afford enough aircraft to fill the decks of its aircraft carriers. Only an air wing based around the multirole *Hornet* with its relatively low procurement cost and its low life-cycle costs can meet the Navy's long-term power projection and force structure requirements.

Contrary to the never-ending complaints of F/A-18 opponents, this is neither a new program nor a knee-jerk reaction to the cancellation of the A-12. Navy and contractor development studies on an upgraded *Hornet* began more than 5 years ago at the request of then-Secretary of Defense Caspar Weinberger, who foresaw the need for affordable, multirole aircraft to fill carrier decks and complement the expensive stealth attack aircraft planned at the time.

The F/A-18 system has been—and continues to be—an outstanding investment for this country. It was the only Navy aircraft to shoot down enemy fighters during the Gulf war, and it is the only aircraft in history to have done so laden with more than 8,000 pounds of ordnance. In fact, in just one Desert Storm mission, two F/A-18's downed more enemy aircraft and dropped more bombs than the entire F-14 fleet did for the duration of the war. When I shared with President Bush—himself a former Naval aviator—the story of how these two fliers from the U.S.S. *Saratoga* had downed two Migs without jettisoning their bombs, he was truly impressed.

The E/F version of the F/A-18 will capitalize on the Navy's long-standing investment in the *Hornet* by retaining more than 90 percent of the avionics and weapons systems of the F/A-18C/D. Its larger wing and fuselage and more powerful engines will give it increased range and payload capabilities, improve its growth potential, and en-

hance overall combat performance. It will be capable, in fact, that it will allow the Navy to reduce the number of aircraft types aboard its aircraft carriers, thus saving billions of dollars in operation and support costs.

Last year, Secretary Cheney wrote to me to set forth some of the reasons for his support for the F/A-18E/F. He wrote:

In the final analysis, the F/A-18E/F was the clear choice over the F-14. It is three times more reliable, twice as easy to maintain, has a safety record which is 50 percent better, requires about 25 percent fewer maintenance personnel, and costs about 25 percent less to operate per flight hour. When combined, these factors clearly show that the F/A-18E/F is the most cost effective aircraft.

Later in his letter the Secretary added:

This decision was not an easy one to make. It is, however, the only one which is supportable within the current fiscal constraints. Should we be forced to deviate from the course described above by having to purchase additional F-14's, the result may well be an inability to achieve our overall goal of a modernization and a fully equipped carrier force to meet our Nation's projection of power needs.

It is clear that the F/A-18E/F program is not—as the Senator has charged—a “frantic” effort to slip a new system past Congress and the taxpayers.

Mr. President, this program has been reviewed, scrubbed and scrutinized. Every one of the cost and technical risk evaluations performed to date have reached the same conclusion—that this is a low-to-moderate risk program. The more than 1,000 F/A-18's in the fleet have given the Navy and industry a substantial technical data base for understanding the aerodynamic characteristics of this aircraft. In addition, as part of predevelopment risk reduction activities, more than 3,000 hours of wind tunnel test data have been collected on the F/A-18E/F. Based on these extensive data bases, sufficient margins for any unknown development factors have been included in all key technical areas, further increasing confidence that the program will be a success.

The F/A-18E/F is a worthwhile, cost-effective program based on a proven system. It is clearly the best system for filling the Navy's multirole aircraft requirements. That is why the Navy supports it, that is why Secretary Cheney supports it, and that is why this Congress has supported it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of George J. Terwilliger III, to be Deputy Attorney General re-

ported today by the Committee on the Judiciary.

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

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

The nomination considered and confirmed is as follows:

George J. Terwilliger III, of Vermont, to be Deputy Attorney General.

EXECUTIVE SESSION

RECOMMITTAL OF PROMOTIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed into executive session; that Calendar 561, certain promotions of the U.S. Army, be recommitted to the Committee on Armed Services; and that the Senate return to legislative session.

Mr. DURENBERGER. No objection.

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

LEGISLATIVE SESSION

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 200

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Public Law 92-463; 5 U.S.C. App. 2, sec. 6(c)), I

hereby transmit the Twentieth Annual Report on Federal Advisory Committees for fiscal year 1991.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

ACCOUNTABILITY IN GOVERNMENT ACT—MESSAGE FROM THE PRESIDENT—PM 201

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Accountability in Government Act of 1992."

The legislation would extend to the Congress and the White House the relevant portions of five laws that apply to the private sector. The laws in question are the Fair Labor Standards Act of 1938 (minimum wage law), the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and the damages remedy created by the Civil Rights Act of 1991. The proposal also makes available the remedies currently available to other employees for violations of these laws, rather than special remedial schemes based entirely or in large part on internal congressional grievance mechanisms.

The legislation would also extend to the analogous portions of Congress five laws that presently apply to various portions of the executive branch. The laws in question are Title VI of the Ethics in Government Act, conflicts of interest laws, the Hatch Act, the Freedom of Information Act, and the Privacy Act. The scope of this proposal has been carefully tailored to take into account the unique characteristics of the Congress and its Members. Moreover, none of the provisions of this legislation except those implicating criminal penalties calls for executive branch enforcement. Rather, all are to be enforced either by private suit, entities within the General Accounting Office (an instrumentality of the legislative branch), or both. This legislation therefore does not present the constitutional separation-of-powers questions that might be presented by general executive branch administration of laws applied to the legislative branch.

I urge the Congress to give this legislation prompt and favorable consideration.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 202

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$60.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT
NATIONAL GUARD AND RESERVE EQUIPMENT
Of the funds provided under this heading in Public Law 102-172, \$60,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 203

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$15.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT
NATIONAL GUARD AND RESERVE EQUIPMENT
Of the funds provided under this heading in Public Law 102-172, \$15,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 204

The PRESIDING OFFICER laid before the Senate the following message from the President of the United

States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$4.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

Of the funds provided under this heading in Public Law 102-172, \$4,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 205

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$3.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Of the funds provided under this heading in Public Law 102-172, \$3,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 206

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred

jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$248.8 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Of the funds provided under this heading in Public Law 102-172, \$248,800,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 207

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$5.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

Of the funds provided under this heading in Public Law 102-172, \$5,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 208

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$20.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 209

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$15.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

NATIONAL GUARD AND RESERVE EQUIPMENT

Of the funds provided under this heading in Public Law 102-172, \$15,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 210

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$45.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT

NATIONAL GUARD AND RESERVE EQUIPMENT
Of the funds provided under this heading in Public Law 102-172, \$45,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 211

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$9.3 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT

NATIONAL GUARD AND RESERVE EQUIPMENT
Of the funds provided under this heading in Public Law 102-172, \$9,300,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 212

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$67.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT

NATIONAL GUARD AND RESERVE EQUIPMENT
Of the funds provided under this heading in Public Law 102-172, \$67,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 213

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$799.3 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT

NATIONAL GUARD AND RESERVE EQUIPMENT
Of the funds provided under this heading in Public Law 102-172, \$799,300,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 214

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$21.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT

NATIONAL GUARD AND RESERVE EQUIPMENT
Of the funds provided under this heading in Public Law 102-172, \$21,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 215

The PRESIDING OFFICER laid before the Senate the following message from the President of the United

States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$6.5 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT

PROCUREMENT, MARINE CORPS
Of the funds provided under this heading in Public Law 102-172, \$6,500,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 216

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$2.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE
PROCUREMENT

OTHER PROCUREMENT, NAVY
Of the funds provided under this heading in Public Law 102-172, \$2,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 217

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$4.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

OTHER PROCUREMENT, NAVY

Of the funds provided under this heading in Public Law 102-172, \$4,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 218

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$10.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

OTHER PROCUREMENT, NAVY

Of the funds provided under this heading in Public Law 102-172, \$10,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 219

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totalling \$60.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of

this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

WEAPONS PROCUREMENT, NAVY

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 101-511, \$60,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 220

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$4.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

WEAPONS PROCUREMENT, NAVY

Of the funds provided under this heading in the subdivision "Other Ordnance" in Public Law 102-172 \$4,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 221

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$130.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

WEAPONS PROCUREMENT, NAVY

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 102-172, \$130,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 222

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$8.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, NAVY

Of the funds provided under this heading in Public Law 102-172, \$8,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 223

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$15.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, NAVY

Of the funds provided under this heading in Public Law 102-172, \$15,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 224

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$17.6 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Of the funds provided under this heading in Public Law 102-172, \$17,600,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 225

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$196.3 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Of the funds provided under this heading in Public Law 102-172, \$46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101-511, \$150,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 226

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$133.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

Of the funds provided under this heading in Public Law 102-172, \$133,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 227

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$225.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Of the funds provided under this heading in Public Law 102-172, \$225,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 228

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$6.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

Of the funds provided under this heading in Public Law 102-172, \$6,000,000 are rescinded.

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 229

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$70.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

Of the funds provided under this heading in Public Law 102-172, \$70,000,000 are rescinded.

MESSAGES FROM THE HOUSE

At 9:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide

for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The message also announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker appoints as members of the United States Delegation to the Mexico-United States Interparliamentary Group for the second session of the 102d Congress, the following Members on the part of the House: Mr. DE LA GARZA, Chairman, Mr. YATRON, Vice-Chairman, Mr. RANGEL, Mr. GLICKMAN, Mr. GEJDENSON, Mr. COLEMAN of Texas, Mr. TALLON, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. DELAY, Mr. GOODLING, and Mr. KOLBE.

MEASURES PLACED ON THE CALENDAR

The Committee on Commerce, Science, and Transportation was discharged from the further consideration of the following bill, which was placed on the calendar:

S. 2557. A bill to require candidates who are eligible to receive amounts from the Presidential Election Campaign Fund to prepare television commercials with closed captioning of the oral content.

The following bill, which was previously received from the House of Representatives for concurrence was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3292. An Act to require candidates who are eligible to receive amounts from the Presidential Election Campaign Fund to prepare television commercials with closed captioning of the oral content.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 9, 1992, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 271. Joint resolution expressing the sense of the Congress regarding the peace process in Liberia and authorizing limited assistance to support this process.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC 2962. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for two years; to the Committee on Agriculture, Nutrition, and Forestry.

EC 2963. A communication from the Secretary of Housing and Urban Development,

transmitting, pursuant to law, the annual report on the Supportive Housing Demonstration Program for fiscal year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC 2964. A communication from the Chairman of the Competitiveness Policy Council, transmitting, pursuant to law, the first annual report of the Council; to the Committee on Commerce, Science, and Transportation.

EC 2965. A communication from the Assistant Secretary of Commerce (Tourism Marketing), transmitting, pursuant to law, the detailed marketing plan of the United States Travel and Tourism Administration to stimulate and encourage travel to the United States in fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC 2966. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC 2967. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC 2968. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC 2969. A communication from the Secretary of Energy, transmitting, pursuant to law, the second annual report on programs, projects, and joint ventures under the Renewable Energy and Energy Efficiency Technology Competitiveness Act covering calendar year 1991; to the Committee on Energy and Natural Resources.

EC 2970. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for two years; to the Committee on Environment and Public Works.

EC 2971. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to extend certain provisions of the Safe Drinking Water Act, as amended, for two years; to the Committee on Environment and Public Works.

EC 2972. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

EC 2973. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on progress in conducting environmental remedial action at federally-owned or operated facilities; to the Committee on Environment and Public Works.

EC 2974. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

EC 2975. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation entitled the "Environmental Research, Development, and Demonstration Authorization Act of 1992"; to the Committee on Environment and Public Works.

EC 2976. A communication from the Senior Vice President of the Tennessee Valley Authority (Communications and Employee Development), transmitting, pursuant to law, the statistical summaries required as part of the annual report of the Tennessee Valley Authority for fiscal year 1991; to the Committee on Environment and Public Works.

EC 2977. A communication from the Board of Trustees of the Federal Hospital Insurance Fund, transmitting, pursuant to law, the 1992 annual report of the Board; to the Committee on Finance.

EC 2978. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, a report on the financial outlook for the Disability Insurance Trust Fund; to the Committee on Finance.

EC 2979. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, the 1992 annual report of the Board; to the Committee on Finance.

EC 2980. A communication from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, the 1992 annual report of the Board; to the Committee on Finance.

EC 2981. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of the authorization of the use of funds from the U.S. Emergency Refugee and Migration Assistance Fund to meet the urgent refugee and migration needs of Cambodians and Burmese; to the Committee on Foreign Relations.

EC 2982. A communication from the Director of the Information Security Oversight Office, transmitting, pursuant to law, the annual report of the Office for fiscal year 1991; to the Committee on Governmental Affairs.

EC 2983. A communication from the Administrator of the Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the annual report of the Bonneville Power Administration, the report on internal control structure, and the report on the evaluation of internal controls and financial management; to the Committee on Governmental Affairs.

EC 2984. A communication from the Chairman and President of the National Railroad Passenger Corporation, transmitting, pursuant to law, the first annual management report of AMTRAK covering fiscal year 1991; to the Committee on Governmental Affairs.

EC 2985. A communication from the Executive Vice President of the Commodity Credit Corporation, transmitting, pursuant to law, the annual management report of the Corporation for fiscal year 1991; to the Committee on Governmental Affairs.

EC 2986. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on decisions of the Board for fiscal year 1991; to the Committee on Governmental Affairs.

EC 2987. A communication from the Employee Benefits Manager of the Farm Credit Bank of Columbia, transmitting, pursuant to law, the audit report on the Retirement and

Thrift Plans of the Bank for the year ended August 31, 1990; to the Committee on Governmental Affairs.

EC 2988. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to delay 1993 pay increases for Federal executive branch civilian officers and employees; to the Committee on Governmental Affairs.

EC 2989. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to extend the duration of the Patent and Trademark Office user fee surcharge through 1997; to the Committee on the Judiciary.

EC 2990. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report of the Small Business Administration under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC 2991. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department of Housing and Urban Development under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC 2992. A communication from the Secretary of Education transmitting pursuant to law, final regulations—National Science Scholars Program; to the Committee on Labor and Human Resources.

EC 2993. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 1991; to the Committee on Labor and Human Resources.

EC 2994. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on the Natural Resource Development Program for fiscal year 1991; to the Committee on Small Business.

EC 2995. A communication from the Secretary of Veterans Affairs, transmitting, for the information of the Senate, notice of the continued support of the Department for certain legislative proposals to the Committee on Veterans' Affairs.

EC 2996. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend Title I of the Marine Protection Research, and Sanctuaries Act, as amended, for two years; to the Committee on Environment and Public Works.

EC 2997. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the annual reports on the Airport and Airway Trust Fund, the Asbestos Trust Fund, the Black Lung Disability Trust Fund, the Harbor Maintenance Trust Fund, the Hazardous Substance Superfund, the Highway Trust Fund, the Inland Waterways Trust Fund, the Leaking Underground Storage Tank Trust Fund, the Nuclear Waste Trust Fund, the Reforestation Trust Fund, and the statement of liabilities and other financial commitments of the United States Government; to the Committee on Finance.

EC 2998. A communication from the Assistant Secretary of Health and Human Services (Health) and the Acting Assistant Secretary of Agriculture (Science and Education), transmitting, pursuant to law, the plan for a Human Nutrition Research and Information Management System; to the Committee on Agriculture, Nutrition, and Forestry.

EC 2999. A communication from the Secretary of Energy and the Deputy Secretary

of Defense, transmitting jointly, a report of the Defense Science Board on warhead pit-reuse; to the Committee on Armed Services.

EC 3000. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on an transaction involving United States exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC 3001. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide for the restructuring of the public housing, housing voucher and certificate, and other HUD programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC 3002. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a pay-as-you-go report; to the Committee on the Budget.

EC 3003. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on H.J. Res. 456, the Further Continuing Appropriations for Fiscal Year 1992; to the Committee on the Budget.

EC 3004. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on enforcement actions and comprehensive status of Exxon and stripper well overcharge funds for the first quarter of fiscal year 1992; to the Committee on Energy and Natural Resources.

EC 3005. A communication from the Secretary of the Interior, transmitting, pursuant to law, a draft of proposed legislation to authorize an exchange of lands in the States of Arkansas and Idaho; to the Committee on Energy and Natural Resources.

EC 3006. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Water Pollution Control Act, as amended, for two years; to the Committee on Environment and Public Works.

EC 3007. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice that a reward has been paid; to the Committee on Foreign Relations.

EC 3008. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notification of certain eligibility under the Foreign Assistance Act for the Czech and Slovak Federal Republic, Hungary, and Poland; to the Committee on Foreign Relations.

EC 3009. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "United States Postal Service: Pricing Postal Services in a Competitive Environment"; to the Committee on Governmental Affairs.

EC 3010. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1993, and for other purposes; to the Committee on the Judiciary.

EC 3011. A communication from the Assistant Secretary of the Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the annual financial report of the Association for calendar year 1991; to the Committee on the Judiciary.

EC 3012. A communication from the Deputy Director of Central Intelligence (Administration), transmitting, pursuant to law, the annual report of the Central Intelligence Agency under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC 3013. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Eisenhower Mathematics and Science Education Program—State Grant Program; to the Committee on Labor and Human Resources.

EC 3014. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, a determination of the Railroad Retirement Account's ability to pay benefits in each of the next five years; to the Committee on Labor and Human Resources.

EC 3015. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, 39 recommendations for legislative action; the Committee on Rules and Administration.

EC 3016. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase, effective as of December 31, 1992, the rates of and limitations on disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of certain disabled veterans; and to lengthen the period of wartime service required to qualify for improved pension; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following report of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1275. A bill to reauthorize funding for the Office of Educational Research and Improvement, and for other purposes (Rept. No. 102 269)

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2569. An original bill to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; to provide joint duty credit for certain service; and to provide for the temporary continuation of the current Deputy National Security Advisor in a flag officer grade in the Navy (Rept. No. 102 270).

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2524. A bill to provide for the temporary continuation of the current Deputy National Security Advisor in a flag officer grade in the Navy.

S. 2525. A bill to amend title 10, United States Code, to make the Vice Chairman a member of the Joint Chiefs of Staff, to provide joint duty credit for certain service.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2567. An original bill to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff.

S. 2568. An original bill to provide joint duty credit for certain service members of the Armed Forces in connection with Operations Desert Shield and Desert Storm.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:
George J. Terwilliger, III, of Vermont, to be Deputy Attorney General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORE (by request):

S. 2558. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMPSON (for Mr. WALLOP (for himself and Mr. SIMPSON)):

S. 2559. A bill to require the sale of Naval Petroleum Reserve Numbered 3 (Teapot Dome); to the Committee on Armed Services.

By Mr. SIMON (for himself, Mr. RUDMAN, Mr. PELL, Mr. CRANSTON, and Mr. MOYNIHAN):

S. 2560. A bill to reclassify the cost of international peacekeeping activities from international affairs to national defense; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DURENBERGER:

S. 2561. A bill to amend the Harmonized Tariff Schedule of the United States to exempt certain railway locomotives and railway freight cars from entry and release requirements established in sections 448 and 484 of the Tariff Act of 1930; to the Committee on Finance.

By Mr. SANFORD:

S. 2562. A bill to improve rural housing programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY:

S. 2563. A bill to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2564. A bill to change the date of Federal elections to the first Saturday after the first Monday of November in even-numbered years; to the Committee on Rules and Administration.

By Mr. BREAUX (for himself, Mr. PACKWOOD, and Mr. BOREN):

S. 2565. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax rate, to provide a mecha-

nism to pay for such reduction if it results in a decrease in Federal revenues, and for other purposes; to the Committee on Finance.

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. FORD, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. SEYMOUR, and Mr. SHELBY):

S. 2566. A bill to establish partnerships involving Department of Energy laboratories and educational institutions, industry, and other Federal agencies, for purposes of development and application of technologies critical to national security and scientific and technological competitiveness; to the Committee on Energy and Natural Resources.

By Mr. NUNN:

S. 2567. An original bill to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; from the Committee on Armed Services; placed on the calendar.

By Mr. NUNN:

S. 2568. An original bill to provide joint duty credit for certain service members of the Armed Forces in connection with Operations Desert Shield and Desert Storm; from the Committee on Armed Services; placed on the calendar.

By Mr. NUNN:

S. 2569. An original bill to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; to provide joint duty credit for certain service; and to provide for the temporary continuation of the current Deputy National Security Advisor in a flag officer grade in the Navy; from the Committee on Armed Services; placed on the calendar.

By Mr. BYRD:

S. 2570. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on April 9, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended; to the Committee on the Budget and the Committee on Appropriations, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, with instructions that the Budget Committee be authorized to report its views to the Appropriations Committee, and that the latter alone be authorized to report the bill.

By Mr. MITCHELL (for himself, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. PRYOR, Mr. RIEGLE, Ms. MIKULSKI, Mr. SIMON, Mr. PELL, Mr. ADAMS, Mr. BURDICK, and Mr. GLENN):

S. 2571. A bill to amend the Social Security Act to assure universal access to long-term care in the United States, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. CRAIG, Mr. PRYOR, and Mr. SYMMS):

S. 2572. A bill to authorize an exchange of lands in the States of Arkansas and Idaho; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. STEVENS) (by request):

S. 2573. A bill to provide for the continued improvement and expansion of the Nation's airports and airways, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 2574. A bill to reduce until January 1, 1995, the duty of certain watch glasses; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. AKAKA, and Mr. DASCHLE):

S. 2575. A bill to amend chapter 74 of title 38, United States Code, to revise certain pay

authorities that apply to nurses and other health care professionals, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SIMON:

S. 2576. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to establish an ethnic and minority affairs section; to the Committee on Commerce, Science, and Transportation.

By Mr. GARN (for himself and Mr. HATCH):

S. 2577. A bill to provide for the exchange of certain federal lands within the State of Utah, between the State of Utah and the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. BRYAN, and Mr. LEVIN):

S. 2578. A bill to prohibit the receipt of advance fees by unregulated loan brokers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself and Mr. JEFFORDS):

S. 2579. A bill to improve battery recycling and disposal; to the Committee on Environment and Public Works.

By Mr. MCCAIN:

S. 2580. A bill to approve the President's rescission proposals submitted to the Congress on April 9, 1992; to the Committee on the Budget and the Committee on Appropriations, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, with instructions that the Budget Committee be authorized to report its views to the Appropriations Committee, and that the latter alone be authorized to report the bill.

By Mr. MCCAIN:

S. 2581. A bill to approve the President's rescission proposals submitted to the Congress on April 9, 1992; to the Committee on the Budget and the Committee on Appropriations, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, with instructions that the Budget Committee be authorized to report its views to the Appropriations Committee, and that the latter alone be authorized to report the bill.

By Mr. MCCAIN:

S. 2582. A bill to approve the President's rescission proposals submitted to the Congress on April 9, 1992; to the Committee on the Budget and the Committee on Appropriations, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, with instructions that the Budget Committee be authorized to report its views to the Appropriations Committee, and that the latter alone be authorized to report the bill.

By Mr. MCCAIN:

S. 2583. A bill to approve the President's rescission proposals submitted to the Congress on April 9, 1992; to the Committee on the Budget and the Committee on Appropriations, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, with instructions that the Budget Committee be authorized to report its views to the Appropriations Committee, and that the latter alone be authorized to report the bill.

By Mr. MCCAIN:

S. 2584. A bill to approve the President's rescission proposals submitted to the Congress on April 9, 1992; to the Committee on the Budget and the Committee on Appropriations, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, with instructions that the Budget Committee be authorized to report its views to the Appropriations Committee, and that the latter alone be authorized to report the bill.

By Mr. MCCAIN:

S. 2585. A bill to approve the President's rescission proposals submitted to the Con-

tee on Commerce, Science, and Transportation.

By Mr. WOFFORD (for himself, Ms. MIKULSKI, Mr. CRANSTON, Mr. KASTEN, Mr. BURDICK, Mr. SIMON, Mr. DECONCINI, Mr. DIXON, Mr. DURENBERGER):

S. 2609. A bill to direct the Comptroller General, in consultation with the Small Business Administration, to conduct a survey to obtain data on the experiences of business firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety companies, and for other purposes; to the Committee on Small Business.

By Mr. METZENBAUM (for himself, Mr. BROWN, and Mr. SIMON):

S. 2610. A bill to amend the antitrust laws to provide a cause of action for persons injured in United States commerce by unfair foreign competition; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Mr. DIXON):

S. 2611. A bill to amend chapter 93 of title 31, United States Code, to provide additional requirements for a surety corporation to be approved by the Secretary of the Treasury, to provide for equal access to surety bonding, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. SPECTER):

S. 2612. A bill to amend the Internal Revenue Code of 1986 to provide short-term economic growth incentives which would create a million new jobs in 1992 and for no other purpose; to the Committee on Finance.

By Mr. GARN (for himself and Mr. HATCH):

S.J. Res. 291. A joint resolution to designate June 10, 1992, through June 16, 1992, as "International Student Awareness Week"; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. KERRY, Mr. SYMMS, Mr. HELMS, Mr. COCHRAN, Mr. GRASSLEY, Mr. KASTEN, Mr. MURKOWSKI, Mr. CHAFEE, Mr. THURMOND, Mr. BOREN, Mr. CONRAD, Mr. SPECTER, Mr. RUDMAN, Mr. REID, Mr. BRADLEY, Mr. WARNER, Mr. DIXON, Mr. DECONCINI, Mr. INOUE, Mr. RIEGLE, Mr. BYRD, Mr. HEFLIN, Mr. SHELBY, Mr. CRAIG, Mr. LEVIN, Mr. DURENBERGER, Mr. LOTT, Mr. MACK, Mr. GARN, Mr. D'AMATO, Mr. SEYMOUR, Mr. FOWLER, Mr. MCCAIN, Ms. MIKULSKI, Mr. PRESSLER, Mr. WALLOP, Mr. BURDICK, Mr. HOLLINGS, Mr. DOLE, Mr. GORTON, Mr. COHEN, Mr. HATCH, Mr. BOND, Mr. JOHNSTON, Mr. KENNEDY, Mr. SIMPSON, Mr. ROTH, Mr. AKAKA, Mr. KOHL, Mr. DASCHLE, Mr. BREAUX, Mr. BURNS, Mr. MOYNIHAN, and Mr. WOFFORD):

S.J. Res. 292. A joint resolution to provide for the issuance of a commemorative postage stamp in honor of American prisoners of war and Americans missing in action; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANFORD (for himself and Mr. HELMS):

S. Res. 284. A resolution to commend the Blue Devils of Duke University for winning the 1992 National Collegiate Athletic Association Men's Basketball Championship; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. KERRY, Mr. LAUTENBERG, Mr. HATCH, and Mr. D'AMATO):

S. Res. 285. A resolution calling for compliance with United Nations sanctions against Libya for harboring the suspects in the bombing of Pan Am flight 103, and for other purposes; to the Committee on Foreign Relations.

By Mr. FORD (for himself and Mr. STEVENS):

S. Res. 286. A resolution providing for the payment of fees by individuals authorized to utilize the services of the Attending Physician and to use the Senate health and fitness facilities; considered and agreed to.

By Mr. MACK:

S. Con. Res. 108. A concurrent resolution expressing the sense of the Congress regarding the Kurds in northern Iraq; to the Committee on Foreign Relations.

By Mr. FORD (for Mr. MITCHELL):

S. Con. Res. 109. A concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, April 10, 1992, or Saturday, April 11, 1992, until Tuesday, April 28, 1992, and an adjournment of the House on the legislative day of Thursday, April 9, 1992, until Tuesday, April 28, 1992; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORE (by request):

S. 2558. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT

• Mr. GORE. Mr. President, today I am introducing, by request, the President's proposed legislation for authorizing funds for the National Aeronautics and Space Administration for fiscal year 1993.

The bill requests a total of \$14.993 billion, an increase of some \$640 million in budget authority over the current fiscal year. This represents an increase of 4.5 percent.

I am pleased to note that important NASA programs such as the Earth observing system and the space station Freedom are continued in the President's proposed funding bill. However, I remain dismayed by the decision to terminate funding for the vitally important advanced solid rocket motor, which is needed to provide additional capacity and safety to future space shuttle launches.

In addition, the bill proposes language that would provide authority to protect, such as by withholding from public disclosure, certain information resulting from research and development activities conducted under a cooperative agreement entered into by NASA. This authority is similar to that provided in the National Competitiveness Technology Transfer Act of

1989, Public Law 101-189, for the protection of information that results from cooperative research and development agreements and other Federal laboratories.

It is my hope that when the Senate reconvenes after the Easter recess, we will be ready to take a NASA authorization bill to the full Commerce Committee for its consideration. As Chairman of the Subcommittee on Science, Technology, and Space, I will do my best to preserve funding for the essential parts of the civil space and aeronautics program, establishing priorities that reflect congressional interest in these programs within the realities of our constrained fiscal situation.

Mr. President, I ask unanimous consent that the President's bill, be printed in the RECORD at this point.

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

S. 2558

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

TITLE I—FISCAL YEAR 1993 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

SEC. 101. That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1992:

(a) For "Research and development," for the following programs:

- (1) Space Station Freedom, \$2,250,000,000;
- (2) Space transportation capability development, \$863,700,000;
- (3) Physics and astronomy, \$1,113,500,000;
- (4) Life sciences, \$177,200,000;
- (5) Planetary exploration, \$487,200,000;
- (6) Space applications, \$1,207,100,000;
- (7) Technology utilization, \$31,700,000;
- (8) Commercial use of space, \$139,900,000;
- (9) Aeronautical research and technology, \$890,200,000;
- (10) Transatmospheric research and technology, \$80,000,000;
- (11) Space research and technology, \$332,000,000;
- (12) Space exploration, \$31,800,000;
- (13) Safety, reliability and quality assurance, \$32,500,000;
- (14) Tracking and data advanced systems, \$23,200,000;
- (15) Academic Programs, \$71,400,000;

(b) For "Space flight, control and data communications," for the following programs:

- (1) Space Shuttle production and operational capability, \$1,012,800,000;
- (2) Space Shuttle operations, \$3,115,200,000;
- (3) Expendable launch vehicles, \$217,500,000;
- (4) Space and ground network, communications and data systems, \$921,000,000;
- (c) For "Construction of facilities," including land acquisition, as follows:

- (1) Construction of Space Station Processing Facility, Kennedy Space Center, \$24,000,000;
- (2) Modifications for Payload Operations Integration Center, Marshall Space Flight Center, \$1,800,000;
- (3) Replace Aircraft Operations Support Facilities, Johnson Space Center, \$1,600,000;
- (4) Modify Electrical and Mechanical System, Utility Annex, Kennedy Space Center, \$4,400,000;

(5) Rehabilitate Explosive Safe Area-60 High Bays Support System, Kennedy Space Center, \$2,000,000;

(6) Rehabilitate LC-39 Area Fire Alarm Reporting System, Kennedy Space Center, \$4,300,000;

(7) Replace Boiler House Components, Michoud Assembly Facility, \$2,300,000;

(8) Restoration of High Pressure Gas Facility, Stennis Space Center, \$6,800,000;

(9) Rehabilitation of Crawlerway, Kennedy Space Center, \$2,000,000;

(10) Restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center, \$5,000,000;

(11) Rehabilitation and Expansion of Communications Duct Banks, Kennedy Space Center, \$1,500,000;

(12) Replace Central Plant Chilled Water Equipment, Johnson Space Center, \$4,000,000;

(13) Restoration of Underground Communication Distribution System, Stennis Space Center \$2,200,000;

(14) Restoration/Modernization of Electrical Distribution System, Goddard Space Flight Center, \$4,500,000.

(15) Construction of Earth Observing System Data Information System Facility, Goddard Space Flight Center, \$22,300,000;

(16) Modernization of Unitary Plan Wind Tunnel Complex, Ames Research Center, \$8,000,000;

(17) Modifications to 14 by 22-Foot Subsonic Wind Tunnel, Langley Research Center, \$2,200,000;

(18) Repair and Modernization of the 12-Foot Pressure Wind Tunnel, Ames Research Center, \$21,400,000;

(19) Rehabilitation of Icing Research Tunnel, Lewis Research Center, \$2,700,000;

(20) Modernization of 16-Foot Transonic Tunnel, Langley Research Center, \$3,600,000;

(21) Rehabilitation of Central Air System, Lewis Research Center, \$12,200,000;

(22) Construction of 34-Meter Multifrequency Antenna, Canberra, Australia, Jet Propulsion Laboratory, \$15,600,000;

(23) Construction of 34-Meter Multifrequency Antenna, Madrid, Spain, Jet Propulsion Laboratory, \$16,200,000;

(24) Restoration and Modernization of Infrared Telescope Facility, Mauna Kea, HI, \$2,000,000;

(25) Repair of Facilities at Various Locations, Not in Excess of \$1,000,000 Per Project, \$31,900,000;

(26) Rehabilitation and Modification of Facilities at Various Locations Not in Excess of \$1,000,000 Per Project, \$34,000,000;

(27) Minor Construction of New Facilities and Additions to Existing Facilities at Various Locations, Not in Excess of \$750,000 Per Project, \$14,000,000;

(28) Environmental Compliance and Restoration Program, \$40,000,000;

(29) Facility Planning and Design, \$26,700,000.

(d) For "Research and program management," \$1,660,027,000;

(e) For "Inspector General," \$15,900,000.

(f) Notwithstanding the provisions of subsection 101(i), appropriations hereby authorized for "Research and development" and "Space flight, control and data communications" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional re-

search facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$750,000, unless the Administrator or the Administrator's designee has notified the Committee on Science, Space and Technology of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate, of the nature, location, and estimated cost of such facility.

(g) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development," for "Space flight, control and data communications" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts may be entered into under "Inspector General" and "Research and program management" for training, investigations, and costs associated with personnel relocation and for other services to be provided, during the next fiscal year.

(h) Appropriations made pursuant to subsection 101(a) may be used, but not to exceed \$35,000, for official reception and representation expenses.

(i)(1) Funds appropriated pursuant to subsections 101 (a) and (b) may be used for the construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities, provided the cost of each such project, including collateral equipment, does not exceed \$200,000.

(2) Funds appropriated pursuant to subsections 101 (a) and (b) may be used for unforeseen programmatic facility project needs, provided the cost of each such project, including collateral equipment, does not exceed \$750,000.

(3) Funds appropriated pursuant to subsections 101 (a) and (b) may be used for repair, rehabilitation or modification of facilities controlled by the General Services Administration, provided the cost of each project, including collateral equipment, does not exceed \$500,000.

ADMINISTRATOR'S REPROGRAMMING AUTHORITY

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (29), inclusive, of subsection 101(c)—

(a) at the discretion of the Administrator or the Administrator's designee, may be varied upward 10 percent, or

(b) following a report by the Administrator or the Administrator's designee to the Committee on Science, Space and Technology of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate, on the circumstances of such action, may be varied upward 25 percent, to meet unusual cost variations. The total cost of all work authorized under paragraphs (a) and (b) shall not exceed the total of the amounts specified in Section 101(c).

SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES

SEC. 103. Where the Administrator determines that new developments or scientific or

engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed ½ of 1 percent of the funds appropriated pursuant to Section 101(a) and 101(b) to the "Construction of facilities" appropriation for such purposes. The Administrator may also use up to \$10,000,000 of the amounts authorized under Section 101(c) for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science, Space and Technology of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a written report describing the nature of the construction, its cost and the reasons therefore.

LIMITATIONS ON AUTHORITY

SEC. 104. Notwithstanding any other provision of this Act—

(a) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science, Space and Technology or the Senate Committee on Commerce, Science and Transportation,

(b) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 101(a), 101(b) and 101(d),

(c) no amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt by each such committee, of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

TITLE

SEC. 105. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1993."

TITLE II—AMENDMENT TO THE SPACE ACT ON PROTECTION OF INFORMATION DEVELOPED UNDER SPACE ACT AGREEMENTS

SEC. 201. Section 303 of the National Aeronautics and Space Act of 1958, as amended, is amended by adding "(a)" after "303", by removing "and" before "B.", and by adding after "national security" the following: ", and (C) information described in subsection (b), below." At the end of subsection 303(a), add the following new section:

(b) The Administrator, for a period of up to five years after the development of information that results from activities conducted under an agreement entered into under the authority of section 203(c)(5) and section 203(c)(6) of this Act, and that would be a trade secret or commercial or financial information that is privileged or confidential

under the meaning of section 552(b)(4) of Title 5, United States Code, if the information had been obtained from a non-Federal party participating in such an agreement, may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of Chapter 5 of Title 5, United States Code.

By Mr. SIMPSON (for Mr. WALLOP, for himself and Mr. SIMPSON):

S. 2559. A bill to require the sale of Naval Petroleum Reserve No. 3 (Teapot Dome); to the Committee on Armed Services.

SALE OF PETROLEUM RESERVE NO. 3

• Mr. WALLOP. Mr. President, with Senator SIMPSON as a cosponsor, I am today introducing the Naval Petroleum Reserve No. 3 Sale Act.

Mr. President, the first two naval petroleum reserves were created back in 1909 by President Taft to assure a supply of oil for the U.S. Navy, which was beginning the conversion of its warships from coal to oil. Naval Petroleum Reserve No. 3, more commonly referred to as Teapot Dome, was created by President Wilson in 1915 for the same reason. Teapot Dome is located in Wyoming.

Once upon a time it made sense for the U.S. Government to own reserves of crude oil for national security purposes. At the turn of the century we did not have a well-established oil production, refining and delivery system. Nor was there much foreign oil production available at the time.

But times have changed. Today, Teapot Dome produces 2,000 barrels of oil per day. That is only three one-hundredths of 1 percent of U.S. crude oil production, and four one-thousandths of 1 percent of worldwide oil production. Moreover, we now have in place a strategic petroleum reserve, which presently contains 569 millions of barrels of oil. That is 700 times the annual amount of oil produced from Teapot Dome.

Mr. President, if there were good national security reasons for the Federal Government to hold onto Teapot Dome, I would be the first to resist its sale to the private sector. But there are not. The sale of Teapot Dome will not stop oil from being produced from it, and, in fact, the opposite is more likely the case. In private sector hands there is no question that the oil contained in Teapot Dome will be extracted more economically and efficiently, and production output will be maximized. Moreover, if sold we will no longer need to pay Federal bureaucrats to oversee Teapot Dome's operation.

Out of concern for this Nation's national security, however, section * of the bill gives the President the authority to waive the sale requirement if he finds that continued Government ownership of Teapot Dome is in the national interest. I have no doubt that this authority will not be exercised,

but out of caution I am including it in my legislation.

Mr. President, its for these reasons that I am today introducing this legislation. I ask unanimous consent that the bill be printed in the RECORD at this point.

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

S. 2559

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Naval Petroleum Reserve No. 3 Sale Act".

SEC. 2. SALE REQUIRED.

The Secretary of Energy shall sell all right, title, and interest of the United States in and to Naval Petroleum Reserve No. 3.

SEC. 3. PRESIDENTIAL WAIVER.

The President may waive the requirement of section 1 upon a finding that the control and use of Naval Petroleum Reserve No. 3 by the United States is necessary in the national security interests of the United States.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) **PROCEEDS OF SALE.**—The Secretary of Energy is authorized, subject to appropriations, to use the proceeds of the sale to satisfy any contractual obligations directly related to the sale, and to pay any liability of the Department of Energy arising under any relevant Federal statute concerning the environment with respect to the interests sold. The funds received from the sale shall be covered into the United States Treasury as miscellaneous receipts.

(b) **FAIR MARKET VALUE REQUIRED.**—Naval Petroleum Reserve No. 3 may not be sold for less than the fair market value, as determined by the Secretary of Energy.

(c) **CONTRACTING AUTHORITY.**—In order to arrange and conduct the sale of Naval Petroleum Reserve No. 3, the Secretary of Energy may enter into contracts, including contracts for investment banking and other professional services, and may waive the applicability to any such contract of any law that provides procedures to be followed in the formation or performance of, or the terms or conditions to be included in, contracts entered into by the Federal Government: *Provided*, That the Secretary of Energy shall transmit to Congress, in advance, a written notification of any waiver of any such law under this subsection.

(d) **PURCHASER TO BE HELD HARMLESS.**—No purchaser of any right, title, or interest of the United States in Naval Petroleum Reserve No. 3 shall be liable for any claim of liability arising exclusively from or during the ownership of the interest by the United States. Such a claim or liability may be asserted only against the United States to the extent and in the manner provided by law.

(e) **CONGRESSIONAL CONSULTATION.**—The congressional consultation provisions of sections 7431 (a) and (b) of title 10, United States Code, shall not apply to the sale required by this Act. •

By Mr. DURENBERGER:

S. 2561. A bill to amend the Harmonized Tariff Schedule of the United States to exempt certain railway locomotives and railway freight cars from entry and release requirements established in section 448 and 484 of the Tar-

iff Act of 1930; to the Committee on Finance.

ELIMINATION OF CERTAIN TARIFF BARRIERS

• Mr. DURENBERGER. Mr. President, the United States and Canada has eliminated the tariffs on railroad locomotives and most freight cars as part of the implementation of the U.S.-Canada Free Trade Agreement. The intent was to permit railroads to make more efficient use of equipment by being able to operate Canadian equipment in domestic service within the United States on the same basis as U.S. equipment is able to be used in Canada. Unfortunately, certain non-tariff barriers remain which make such use impractical, if not impossible. The Treasury Department supports efforts to correct the problem, but has taken the position that a legislative solution is required.

The legislation I am introducing today is designed to resolve this problem. It provides for the elimination of entry and release requirements on railroad locomotives and freight cars on which the tariff has already been removed. Under current law, railroad equipment which is subject to the entry and release requirements is also liable for a Merchandise Processing Fee. Under this bill, eliminating the entry and release requirement automatically eliminates the liability for the Merchandise Processing Fee.

Currently, there is no Merchandise Processing Fee imposed on trains which transport goods to a destination in the United States. A train carrying cargo from Canada, which drops cars on its way to Chicago, would pay no fee. If, however, that same train picks up some cars in the United States which are bound for Chicago, the train is then subject to the ad valorem Merchandise Processing Fee. Mr. President, this is not an efficient use of resources.

The Fee for 1992 is .068 percent of the value of the railroad equipment. When applied to a \$2,000,000 diesel locomotive crossing the border for use in U.S. domestic service once each week, the annual fee would be \$72,800. When applied to a large number of locomotives and freight cars, the fee quickly becomes prohibitive.

The revenue impact of any legislation is obviously a major concern to all Members of Congress. Because of the financial burden of the Merchandise Processing Fee, Canadian locomotives and freight cars are rarely used in United States domestic service and, therefore, only a negligible fee is being paid. •

By Mr. SANFORD:

S. 2562. A bill to improve rural housing programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

RURAL HOUSING IMPROVEMENT ACT

• Mr. SANFORD. Mr. President, I rise today to introduce the Rural Housing

Improvement Act of 1992. I believe this legislation is very important and will go a long way toward addressing the tremendous housing needs of rural America.

For years now, media and public attention has focused on the serious housing crisis which plagues our urban areas. However, the shortage of affordable housing stock, lack of mortgage credit and a large amount of substandard housing have left the housing problems of our rural communities equally troublesome. According to the National Housing Task Force, 4.3 million rural households are facing housing problems of some type, and 2 million rural households are substandard dwellings which lack basic necessities.

In 1989, I introduced the Rural Housing Revitalization Act, and many of the proposals from this legislation were included in the National Affordable Housing Act of 1990. The increased funding and new programs included in this legislation represented a great step by Congress to begin to address our country's desperate rural housing needs.

However, now more action is needed. Huge backlogs in applications for the popular Farmers Home Administration [FmHA] housing programs persist. At the beginning of 1990, FmHA had close to four times the fiscal year 1990 appropriation for section 515 rural rental housing funds, and less than one-third of eligible applicants for section 502 direct loans received assistance in 1991.

Meanwhile, our rural residents continue to live in overcrowded and substandard dwellings with leaky roofs, inadequate plumbing, and faulty heating systems.

The U.S. Congress must continue the work it began 2 years ago by increasing funding for current FmHA rural housing programs and by creating new, innovative ways to address the specific housing needs of rural communities. I believe the Rural Housing Improvement Act of 1992 will accomplish these goals.

First, this legislation increases authorization levels for the highly effective Farmers Home Administration housing programs. The bill calls for a \$300 million increase in the section 502 authorization level and a \$250 million in the section 515 authorization level. In addition, this legislation includes funding increases for farmworker housing, self help housing and housing preservation grant programs in order to improve the ability of these innovative programs to meet the needs of our country's rural residents.

This legislation also makes positive changes in rural housing programs to increase the ability of the Farmers Home Administration, private developers, and nonprofit providers to address rural housing needs.

First, this bill modifies the Section 533 Housing Preservation Grant Pro-

gram to include replacement housing. In many cases, the dilapidated rural housing owned by low-income individuals who qualify for the Section 533 Program is simply beyond rehabilitation, and replacement is the only viable option. Thus, this change will give the Housing Preservation Grant Program the flexibility to better address the needs of these individuals by allowing grants to be used to replace housing when rehabilitation becomes economically infeasible.

The Rural Housing Improvement Act of 1992 creates a self-help housing inventory program through which FmHA and nonprofit organizations will be able to help low-income rural residents achieve homeownership by purchasing property currently held in FmHA's single family inventory and rehabilitating it using the self-help method.

Also, this legislation creates a new FmHA program to provide grants to nonprofit housing agencies to establish revolving loan funds to cover the acquisition and preparation of building sites for low-income housing. These funds will provide tremendous resources to nonprofit providers during the early phases of housing development when few Federal resources are available.

In addition, this bill reauthorizes several provisions of the National Affordable Housing Act in order that the Section 502 Deferred Mortgage Program, the Underserved Areas Program, and the nonprofit set-aside of section 515 funds can continue to serve rural communities.

This bill permanently authorizes the section 515 and section 523 FmHA programs. These are the only two FmHA programs which lack permanent authorization, and the efficiency of the programs have been compromised by repeated disruptions in funding availability. Permanent authorization will give the section 515 and 523 programs uniformity with other FmHA housing programs and allow them to operate most effectively.

Finally, this legislation makes needed changes in the HOME Investment Program created by the National Affordable Housing Act. While the HOME Program provides great opportunities for public/private/nonprofit partnerships to create more affordable housing, rural areas have had difficulty utilizing the program because of inadequate funds and burdensome restrictions which disregard the specific needs of rural areas. Thus, this bill ensures rural areas will receive their fair share of HOME funds by requiring that States allocate funds to regions in proportion to the needs of each region and also amends the HOME Program to allow rural areas to be eligible to use funds received through the HOME Program for new construction.

Mr. President, the rural housing crisis in America remains acute, and we

in Congress must continue our fight to improve housing conditions in rural communities. Thus, I urge my colleagues to support the Rural Housing Improvement Act of 1992. •

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2563. A bill to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

SANDY HOOK COMMUNITY PARTNERSHIP ACT

Mr. BRADLEY. Mr. President, I rise to introduce the Sandy Hook Community Partnership Act. I'm very pleased that Senator LAUTENBERG is joining me as a sponsor of this simple but critical legislation.

Mr. President, for more than a decade New Jersey's Monmouth County and the Sandy Hook Unit of Gateway National Recreation Area have cultivated a mutually beneficial relationship. The park has allowed the county's school district to use several of its buildings to administer its Marine Academy of Science and Technology, and in return, the school has renovated many of the park's historic, but dilapidated and worn buildings. To date, Monmouth County has completed more than 2 million dollars' worth of renovation. If not for this money, the decline of these structures would have continued with a sad steadiness. Clearly, this has been a rewarding arrangement for both sides.

Recently, the school and the park have discovered that legislation is required in order for them to maintain their relationship. My bill will allow the Secretary of the Interior to enter into an agreement with the school thereby permitting the school to use certain park facilities for the purpose of development and operations, without cost to the National Park Service.

Mr. President, I am in full support of this effort for two basic reasons. First, over the past 10 years, the Marine Academy has grown from a part-time institution into a demanding 4-year program for boys and girls in grades 9-12. The academy is truly unique. By emphasizing marine science technology and marine trades, the school has successfully prepared hundreds of its students for work or study in the important field of marine environmental science. Second, the renovation that has been made to park buildings is substantial and positive. For years, scores of historical buildings at Sandy Hook have been decaying as a result of neglect caused by budgetary limitations. Monmouth County has remedied this problem by instilling life into many buildings that were on the verge of condemnation.

Mr. President, the Sandy Hook-Monmouth County partnership has bene-

fitted many people: the students who attend the Marine Academy, the tourists who visit the park and of course the State and Federal governments responsible for the maintenance and operation of the facility. We must ensure that this relationship will continue to prosper. I urge my colleagues to join me in support of this legislation.

I ask unanimous consent to have the text of my legislation printed in the RECORD following my remarks.

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

S. 2563

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

SECTION 1. MARINE ACADEMY AGREEMENT.

(a) **IN GENERAL.**—In order to further the revitalization, rehabilitation, and utilization of Fort Hancock within the Sandy Hook Unit of Gateway National Recreation Area, the Secretary of the Interior may enter into an agreement with the Monmouth County Vocational School District or a successor (referred to in this Act as the "District"), to permit the use by the District of properties situated along Gunnison Road and Magruder Road for the purpose of developing and operating, without cost to the National Park Service, a secondary school program to be known as the Marine Academy of Science and Technology.

(b) **DESIGN OF FACILITIES.**—The design of new facilities and landscape improvements, and the rehabilitation of existing facilities for school and administrative use, shall be subject to the approval of the Director of the National Park Service. In determining whether to approve the design and rehabilitation, the Director shall use standards for rehabilitation and National Park Service guidelines and policies that are approved by the Secretary of the Interior.

SEC. 2. REVERSION.

If the properties, facilities, and improvements referred to in section 1 are not used by the District for a secondary school program, the agreement authorized by section 1 shall be terminated and all use of the properties, facilities, and improvements shall revert, without consideration, to the National Park Service.

SEC. 3. REIMBURSEMENT.

(a) **REHABILITATION.**—As a condition of entering into the agreement authorized by section 1, the Secretary of the Interior may—

(1) accept reimbursement expenses, of not more than \$500,000, to cover the cost of rehabilitating other property within the Sandy Hook Unit of Gateway National Recreation Area for park uses that are displaced from facilities used by the District under the agreement authorized by section 1; or

(2) require the District to rehabilitate other property for the park uses—

(A) under the direction of the National Park Service; and

(B) at a cost of not more than \$500,000.

(b) **FEES FOR SERVICES.**—The Director of the National Park Service may collect and retain reasonable fees for services provided to the District by the National Park Service, including alarm monitoring, permit compliance, fire and police protection, and snow removal.

By Mr. BREAUX:

S. 2564. A bill to change the date of Federal elections to the first Saturday

after the first Monday in November in even-numbered years; to the Committee on Rules and Administration.

HOLDING FEDERAL ELECTIONS ON SATURDAY

• Mr. BREAUX. Mr. President, I rise today to introduce a simple piece of legislation that would have a major impact on voter turnout in this country. My bill would move the Federal election day from the first Tuesday in November to the first Saturday in November.

Article 1, Section 4 of the Constitution states that "the Time, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing [sic] Senators." Article 2, Section 4, in reference to Presidential elections, states: "The Congress may determine the Time of chusing [sic] the Electors, and the Day on which they shall give their Votes, which Day shall be the same throughout the United States."

Based on these two provisions, an Act of Congress in 1845 designated the Tuesday following the first Monday in November as the Federal Presidential election day. A similar measure was passed in 1875 for congressional elections.

Back in 1845 there was a logical reason for holding elections on the first Tuesday of the month. Customarily, the first Monday of the month was the day on which courts were in session in county seats. The holding of elections on the next day, Tuesday, kept activities in town from getting too hectic on court day and gave citizens from outlying towns an extra full day in which to travel after the Sunday Sabbath.

This logic obviously does not apply in the 1990's. Travel to the polls is a matter of minutes, rather than days. Most importantly, Tuesday is a work day for the vast majority of the American people. Based on a May 1985 Current Population Survey by the Labor Department's Bureau of Labor Statistics, we know that only 25 percent of full-time employees working in their primary job regularly go to work on Saturday. For the other 75 percent, Saturday is essentially a free day. Moving elections from Tuesday to Saturday would get rid of one of the most obvious hurdles that can make voting difficult for working people.

Mr. President, voter turnout for Federal elections has declined continuously for 30 years. The 1990 congressional elections saw a national voter turnout of only 36.4 percent of the eligible voting age population. The 1988 Presidential election saw a turnout of only 50 percent. I will now ask unanimous consent to insert at the end of my statement a table describing voter turnout in both Presidential and Non-Presidential Federal election years.

The information it contains comes primarily from a CRS Report written in 1989. The figures on 1990 election turnout are derived from other sources.

The United States is the greatest democracy in the world. There is no doubt about that. Nevertheless, in a survey conducted in 1987 by the Congressional Research Service of 28 of the developed democratic nations throughout the world, the United States has the lowest voter turnout. It should be noted that differences in the way that voter participation statistics are measured and in the nature of offices to be filled make exact comparisons between U.S. elections and those in other countries somewhat tenuous. It is interesting to note, however, that Canada, Great Britain, Denmark, Ireland, Israel, the Netherlands and, on occasion, Portugal, are the only nations in this survey which hold elections during the work week. Again, I would like to illustrate my point with a table based on work done by CRS, entitled "A sampling of voter turnouts in recent elections from around the world." I ask unanimous consent that this table be inserted in the RECORD at the end of my statement.

Congress has attempted to address this issue in the past with proposals to move Federal elections from Tuesday to Saturday or Sunday, or to create a Federal holiday on election day. The costs associated with this latter proposal are very high and completely unnecessary. Louisiana has held gubernatorial elections on Saturdays for many years and turnout levels have tracked those of the rest of the country for Presidential elections. Indeed, it is my feeling that turnout will improve if elections are moved to Saturday and the inconvenience to employers and employees alike will be reduced—all without adding the costs to the Federal Treasury and to private business that would be associated with the creation of an additional Federal holiday.

Mr. President, I ask the support of my colleagues for this very simple measure. It is purely a matter of common sense. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2564

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

SECTION 1. ELECTION OF THE PRESIDENT.

Section 1 of title 1, United States Code, is amended by striking "Tuesday" and inserting "Saturday".

SEC. 2. ELECTION OF SENATORS, REPRESENTATIVES, AND DELEGATES.

Section 25 of the Revised Statutes (2 U.S.C. 7) is amended by striking "Tuesday" and inserting "Saturday".

NATIONAL VOTER TURNOUT: 1948-1990

	Presidential election years		Non-Presidential election years	
	Number	Percent	Number	Percent
1990				36.4
1988	91,594,693	50.11		
1986			64,991,128	36.41
1984	92,652,680	53.10		
1982			67,615,576	39.78
1980	86,515,221	52.56		
1978			58,917,938	37.20
1976	81,555,789	53.55		
1974			55,943,834	38.23
1972	77,718,554	55.21		
1970			58,014,338	46.60
1968	73,211,875	60.84		
1966			56,188,046	48.17
1964	70,644,592	61.92		
1962			53,141,227	47.05
1960	68,838,204	62.77		
1958			47,202,950	45.13
1956	62,026,648	60.37		
1954			43,850,995	43.75
1952	61,551,543	62.98		
1950			41,684,212	43.12
1948	48,261,189	51.30		

A SAMPLING OF VOTER TURNOUTS IN RECENT ELECTIONS AROUND THE WORLD

Country	Date/day	Turnout percentage*
Australia**	December, 1984 (Sat.)	94.17
New Zealand	July, 1984 (Sat.)	93.71
Belgium**	October, 1985 (Sun.)	93.59
Turkey	November, 1983 (Sun.)	92.27
Sweden	September, 1985 (Sun.)	89.85
Germany	March, 1983 (Sun.)	89.09
Italy**	June, 1983 (Sun.)	89.00
Venezuela**	December, 1983 (Sun.)	87.75
Norway	September, 1985 (Sun.)	81.21
Greece	June, 1985 (Sun.)	80.19
Israel	July, 1984 (Mon.)	78.78
France	March, 1986 (Sun.)	78.29
Canada	September, 1984 (Tues.)	75.66
Ireland	November, 1982 (Wed.)	72.86
Great Britain	June, 1983 (Thurs.)	72.81
Japan	July, 1986 (Sun.)	71.40
India	December, 1984 (over several days)	63.53
United States	November 1984 (Tues.)	52.63

* Percentages given are of voting-age population.
 ** In these countries, voting is compulsory.
 Source: Congressional Research Service, Library of Congress.

By Mr. BREAUX (for himself, Mr. PACKWOOD, and Mr. BOREN):

S. 2565. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax rate, to provide a mechanism to pay for such reduction if it results in a decrease in Federal revenues, and for other purposes; to the Committee on Finance.

CAPITAL FORMATION TAX ACT

• Mr. BREAUX. Mr. President. I rise with my colleagues Senators PACKWOOD and BOREN to reintroduce legislation to reduce the capital gains tax rate and to provide a safety net in the event such a capital gains tax cut loses revenue.

Now that the President has vetoed the recently passed Economic Growth and Tax Fairness Act, the Congress and the administration need to put their political differences aside and set about doing the business of this country. I believe a capital gains tax reduction is a key component to stimulating long-term economic growth and believe we need to enact such a reduction as soon as possible.

This bill is a clear compromise. It is similar to a bill that Senator BOREN and I introduced last October, S. 1857. Since that time, we have been working to revise the bill to reflect many of the comments and concerns we have heard regarding its specifics.

This bill adopts the President's original capital gains proposal of providing a 30-percent exclusion for assets held 3 or more years, yielding a maximum effective capital gains tax rate of 19.6 percent; a 20-percent exclusion for assets held 2 to 3 years, yielding a maximum effective capital gains tax rate of 22.4 percent; and a 10-percent exclusion for assets held 1 to 2 years, yielding a maximum effective capital gains tax rate of 25.2 percent. For taxpayers in the 15-percent tax bracket the corresponding maximum capital gains tax rate would be 10.5 percent, 12 percent, and 13.5 percent.

The joint committee has estimated this proposal to lose \$11.4 billion over 5 years and the Treasury Department has estimated this proposal to gain \$12.5 billion over 5 years. This question of whether the capital gains proposal raises or loses revenue has blocked enactment of a meaningful capital gains tax cut.

Moreover, there are those that say a capital gains tax cut only helps the wealthy. This argument is made despite the fact that 60 percent of all taxpayers that declare capital gains report other income of \$50,000 or less. For example, middle-income taxpayers that benefit include those that sell property, that are under the age of 55 and sell their home to move to a cheaper home, and retirees that sell stock.

Together these arguments have blocked enactment of a meaningful capital gains tax cut. The bill we are introducing today says enough is enough. Let's not rely on what may happen in terms of revenue gains or losses, instead let's try something novel, let's look at what actually happens in terms of revenue gains or losses. This bill attempts to break the deadlock and do so in a way that does not force choosing sides between two very capable revenue estimating teams and that ensures that if there is a revenue loss from capital gains, the middle income taxpayer will not foot the bill.

This bill, as the earlier bill did, provides a safety net. This means that if there is an actual revenue loss from a capital gains tax reduction, a new top rate would be imposed to pay for the lost revenue. The mechanics of this trigger mechanism are what have been revised from the earlier bill.

To determine whether there is a revenue loss or gain, the bill contains a "baseline"—what capital gains would be realized over the coming 5 years under the current capital gains tax rate. This baseline would be fixed into law and constitutes projected gains. The baseline is not CBO's nor is it OMB's, it is intended to be neutral. It is created by multiplying actual capital gains realized in 1990, as determined by the Treasury Department's annual statistics of income, by the percentage increase in nominal GNP each year. This figure is then multiplied by

the 28 percent current maximum capital gains tax rate.

In 1994, 3 years after the capital gains tax cut goes into effect, a determination will be made whether the proposal gained or lost revenue. Using routine data collected by the Treasury Department, the Secretary of the Treasury will multiply the highest capital gains tax rate of 28 percent by the total amount of actual capital gains realizations in 1994 minus the total amount of capital gains deductions or exclusions claimed in 1994. This process is called actual gains. Since the Secretary of the Treasury is required to use actual data and must apply a formula set in the law, there will be no dispute over who gets to decide whether there is a revenue gain or loss—the numbers will speak for themselves.

The Secretary will then compare actual gains realized to projected gains and if there is a revenue loss, a new rate would be triggered, if there is no revenue loss, no new rate would be triggered.

Under the first bill, S. 1857, if after making the comparison between actual gains and projected gains, there is any revenue loss a new top rate of 36 percent would be imposed on joint filers earning \$500,000 and single filers earning \$250,000. This was true regardless of the actual amount of revenue lost. The bill we are introducing today would tailor the rate increase to the actual amount of revenue lost. The new tax rate would be applicable to married filers earning \$500,000 or more and individuals earning \$300,000 or more. The bill contains a chart which matches ranges of revenue loss with the applicable rate increase.

This bill also responds to the concern raised about S. 1857 that if there is an unusual year in the economy, for example a slow stock market, then a new fourth rate could be triggered permanently. Under this new bill, there will be three test years, 1994, 1995, and 1996. At the end of the third test year, the Secretary will determine the final revenue shortfall. The "Final Revenue Shortfall" would mean comparing the 3-year average of actual gains realized under the new capital gains rates with the 3-year average of projected gains realized under current capital gains rates. The Secretary will then adjust the new top marginal tax rate so that it properly reflects actual gains or losses and the behavior of the economy.

Included in this bill is a provision that has always been in the President's capital gains proposal, the recapture of depreciation on real estate property. I believe this provision unfairly penalizes real estate investment and represents a stark departure from 30-year-old depreciation rules. I am hopeful that as the Senate considers this bill we can work to strike the depreciation recapture rules. I know that my col-

leagues Senators BOREN and PACKWOOD also share my concern about the depreciation recapture provision.

Mr. President, I believe this to be a fair compromise on capital gains. Moreover, I believe that the top rate will never be triggered. Overall, this bill will be good for the economy, revenue neutral, and would benefit all taxpayers while not burdening the middle income taxpayer if there is a revenue shortfall. I hope the Congress will enact this provision this year.●

● Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague from Louisiana, Senator JOHN BREAU, in introducing a bill that takes a novel approach to capital gains.

Mr. President, the bill we are introducing today includes the capital gains proposal advocated by President Bush for the last several years, which is designed to reward long-term investment. It lowers the capital gains tax rate on assets owned for 1, 2, and 3 or more years to 25.2 percent, 22.4 percent, and 19.6 percent respectively. Assets owned at least 3 years would be taxed at roughly the same rate as before 1987.

This proposal will unlock investment, provide capital for businesses, and lead to economic growth—which in turn will result in more jobs for Americans, more profits for businesses, and more revenue for the Treasury. I have heard about the benefits of lower capital gains rates from Oregonians from all walks of life—retirees who invested their life savings in property they now want to sell, tree farmers who spend years and years nurturing timber for harvest, entrepreneurs who have started high-technology firms, and small business owners.

I am especially concerned about Oregonians who have worked hard all their life to build a nest egg, only to be faced with a high tax upon retirement. For example, take the individual who makes his living by starting a newsstand and eventually expanding to a full service bookstore. His income tax on his annual earnings average 20 percent. But when he sells his bookstore at retirement, he must pay a 28-percent tax on the gain—a higher tax than he ever had to pay during his working years. That isn't right. Someone should not be thrown in a higher tax bracket when they make a once-in-a-lifetime sale like this. Under our bill, this one-time gain would be taxed at 19.6 percent, preserving a larger nest egg for retirement.

The unique feature of this bill is that it resolves one of the major disagreements over a lower capital gains tax—the long-term revenue consequences. For several years now, the Department of Treasury and Joint Committee on Taxation have been at loggerheads over this. The Treasury firmly believes a lower capital gains rate will raise revenue, while the Joint Committee on Taxation estimates it will lose revenue.

Our bill settles this issue by putting in place a "trigger." If the lower capital gains rates in fact results in a revenue loss, then a new tax rate for wealthy individuals will automatically go into effect to make up the revenue loss. In other words, if this approach to capital gains loses revenue, that shortfall will be made up by those who benefited the most by the lower capital gains rates. The bottom line is that the Treasury will not lose revenue from a capital gains deduction.

I do have one concern about the capital gains proposal in this bill. It includes a provision requiring all depreciation of real estate to be recaptured as ordinary income. This is a stark departure from longstanding tax law. I would like to see this aspect of the President's capital gains proposal dropped.

The bill we are introducing today lays the foundation for a bipartisan approach to capital gains. American businesses need help now to get the capital they need to grow their businesses and create jobs. I hope we act swiftly to enact this as part of the economic growth measure now pending before Congress.

Mr. President, I urge our colleagues to join us in cosponsoring this bill.●

● Mr. BOREN. Mr. President, I am pleased to join today with my colleagues Senators BREAU and PACKWOOD in reintroducing our capital gains legislation. This legislation is similar to a provision contained in my comprehensive tax bill, the Tax Fairness and Competitiveness Act of 1992. A capital gains proposal like this one, with its unique trigger mechanism, represents the best opportunity to enact a meaningful capital gains tax reduction in the tax package that we will pass in the next few weeks.

As we discuss the proper way to increase economic growth in both the short- and long-term, bipartisan agreement is growing that a reduction in the capital gains tax is an essential element of that stimulus. Such a proposal must be properly structured with graduated rates and holding periods so that it rewards long-term investment, rather than speculation and opportunistic behavior. The Breaux-Packwood-Boren bill accomplishes this goal.

A capital gains tax reduction promises to increase investment and employment substantially. For example, American entrepreneurs hoping to embark on productive small- and medium-sized ventures would benefit greatly from a reduction in the capital gains tax. Because these tend to be riskier investments, they rely on equity, rather than debt, financing. Their importance to our economy is apparent; during the 1980's new business enterprises created 17 million jobs. Yet since the 1986 act eliminated the capital gains differential, institutional venture capital investments in new, developing

companies have fallen from \$4.3 billion in 1987 to \$1.9 billion in 1990 and an estimated \$1 billion in 1991.

Mr. President, I believe that this proposal represents the best opportunity to enact capital gains tax cuts as soon as possible because it includes a fallback provision. This provision is designed to address the argument that a capital gains tax reduction will decrease revenues, thereby surmounting the logjam that has been blocking enactment of such legislation in the past. I remain convinced that a capital gains cut will stimulate the economy to such an extent that the proposal will actually result in increased revenue for the Treasury. But we all know that others are persuaded by contrary estimates that a tax cut will cause a net loss in revenue.

The way to move forward with capital gains tax reform in the face of this uncertainty is to establish a fallback position. If this proposal results in a loss of money to the Treasury—a result I do not anticipate—a fourth tax rate of 36 percent will be triggered that will raise sufficient revenue to offset any loss. Hopefully, this innovation, refined in this version of the bill, will allow us to overcome the stalemate of opposing revenue estimates and to proceed with this important legislation.●

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. FORD, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. SEYMOUR, and Mr. SHELBY):

S. 2566. A bill to establish partnerships involving Department of Energy laboratories and educational institutions, industry, and other Federal agencies, for purposes of development and application of technologies critical to national security and scientific and technological competitiveness; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY LABORATORY
TECHNOLOGY PARTNERSHIP ACT

● Mr. JOHNSTON. Mr. President, today I am introducing a bill entitled the "Department of Energy Laboratory Technology Partnership Act of 1992". The bill is a result of the efforts of the members of the Committee on Energy and Natural Resources, which I chair, particularly of Senators BINGMAN and DOMENICI, who have really led the committee in this area. For many years, Senators BINGMAN and DOMENICI have labored to push the Department of Energy laboratories to join together with industry to develop technologies critical to this country. They have introduced bills, held hearings and tirelessly worked to educate the rest of us as to the importance of the department's laboratories.

Almost 2 years ago Secretary of Energy James Watkins and many of the Department of Energy laboratory di-

rectors appeared before the committee. All of them testified what tremendous national assets the department's laboratories constitute. Secretary Watkins referred to them as the crown jewels of the Nation's research establishment. These labs, however, have kept to themselves. For most of their existence, the laboratories have been prohibited from joining with industry and universities to develop new technologies important to this country.

Early in the 102d Congress, Senators BINGAMAN and DOMENICI introduced bills calling for increased collaboration by the laboratories with industry and universities. Senator BINGAMAN introduced S. 979, the "Department of Energy Critical Technologies of 1991". Senator DOMENICI introduced S. 1351, the "Department of Energy Science and Technology Partnership Act". The committee held hearings on the bills. Witnesses from industry, the educational community, the Department of Energy, and the laboratories came forward to provide support for the bills as well as to offer ways to improve them. Based on the hearings, and continued input from all of these people, we worked to merge the two bills together. The bill I am introducing today is the result of this process.

The bill would direct the Secretary of Energy to ensure that the department's laboratories enter into partnerships with industry, the educational community and other Federal agencies. These partnerships would seek to develop technologies that are critical to the Nation's economic and national security.

With the cold war coming to an end, we are at a crossroads. As funding for nuclear weapons declines, Department of Energy National Laboratories such as Los Alamos must be either scaled back or redirected to help American industry and universities. Some may think that we should simply let these laboratories fade away as they are no longer needed. The fact is, however, that the department's laboratories already do more civilian research than weapons research. For decades, Department of Energy laboratories have built up a research establishment unequalled anywhere in the world. The laboratories have preeminent expertise in virtually every facet of science and technology. Industry has long sought to have access to these laboratories. It has only been recently that the laboratories have had the legal authority to pursue relationships with industry to do joint research.

This bill would broaden the existing legal authority and encourage the laboratories to collaborate with industry and universities to develop technologies that are critical to the U.S. economic and national security. The idea is to push the laboratories further into areas of technology such as high-performance computing, advanced ma-

terials, advanced manufacturing, transportation, and the environment.

This bill creates a close working relationship among the laboratories, industry, the educational community and other Federal agencies. Industrial partnerships are required to have jointly set objectives; to provide greater accessibility to industry to the laboratories; to be cost-shared and develop commercially valuable technologies. University partnerships are to expand the opportunities for access to the laboratories to the educational community. Partnerships with other Federal agencies are to address areas where missions are shared. A close working relationship between the laboratories, industry, universities, and other Federal agencies will ensure that technologies important to this country's long-term survival will be developed.

As this country faces a shortage of scientists and engineers in many areas of science and technology, the bill directs the Secretary to provide for the education and training of personnel needed for future research and development of technologies important to this country.

The operation of these partnerships is to be guided by input from industry, educational institutions, Federal laboratories and professional and technical societies.

The bill establishes a Career Path Program. Right now, any employee of a federal laboratory can transfer freely within the agency operating the laboratory, or even to other agencies, except for employees of Department of Energy laboratories. Because of the unique structure surrounding the Department's laboratories, a Department of Energy laboratory employee would violate criminal post federal employment restrictions by working for the Department and returning to a Department of Energy laboratory. The department desperately needs the uniquely qualified personnel found in the laboratories to help operate its programs. The Career Path Program will allow the Department to employ a person from one of its laboratories without fear of violating a criminal statute.

These laboratories could not be constructed from scratch in today's budget climate. We have these laboratories as a legacy from the time when the Nation invested heavily in the infrastructure of science for defense. We now have the opportunity to use these laboratories to solve the problems of today. This bill would redirect the resources of the laboratories to do just that. We expect to report this legislation very soon to the full Senate.

I ask unanimous consent that a section-by-section analysis and the text of the bill be printed in the RECORD.

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

S. 2566

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

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Laboratory Technology Partnership Act of 1992".

SEC. 2. FINDINGS, PURPOSES, AND DEFINITIONS.

(a) FINDINGS.—Congress finds that—

(1) the United States Department of Energy has developed excellent scientific and technical capabilities at its laboratories and has assisted in the development of such capabilities at educational institutions with which it has been associated;

(2) the Department's laboratories have contributed significantly to the national security for almost fifty years through nuclear weapons research, development and testing;

(3) the Department's laboratories have contributed significantly to the nation's preeminence in basic research with innovative fundamental and interdisciplinary research programs and national user research facilities;

(4) the Department's laboratories have contributed significantly to the development of energy technologies and other important commercial technologies.

(5) recent domestic and international developments make it imperative that the capabilities of the laboratories be strengthened and the interaction of the laboratories with industry and educational institutions be expanded;

(6) the United States must maintain a leadership role in the development and application of technologies that are critical to national security and must exercise a leadership role in the development and application of technologies that are critical to economic prosperity; and

(7) there are formidable challenges facing the United States that the Department's laboratories can address, including—

(A) development of technologies to provide adequate supplies of clean, dependable, and affordable energy;

(B) understanding changes to the environment, especially those associated with energy supply, distribution, and use;

(C) development of improved processes to minimize and manage waste;

(D) promotion of international competitiveness and improvement of the exchange of technology among industry, the academic community, and government; and

(E) the need to facilitate greater application of dual-use military and commercial technologies.

(b) PURPOSES.—The purposes of this Act are—

(1) to utilize more effectively the research and development capabilities of departmental laboratories by fostering new partnerships between such laboratories and—

(A) industry, to provide market orientation to the Department's programs and to ensure the timely commercialization of technology;

(B) educational institutions, to provide for mutual benefit from scientific and technological advances and to optimize the use of the facilities of the departmental laboratories; and

(C) other Federal agencies, to address shared missions;

(2) to maximize the effectiveness of the resources of each participant in these partnerships, to reduce the risk inherent in long-term investments in technology development, and to provide continued support for the core competencies developed by the departmental laboratories; and

(3) to improve the coordination of the research, development, and demonstration activities of departmental laboratories in support of basic research and critical national objectives, in support of economic competitiveness, and to address the formidable challenges facing the United States.

(c) DEFINITIONS.—For the purposes of this Act, the term—

(1) "core competency" means an area in which the Secretary determines a laboratory has developed expertise and demonstrated capabilities;

(2) "critical technology" means a technology identified in the National Critical Technologies Report;

(3) "Department" means the United States Department of Energy;

(4) "departmental laboratory" means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. § 3710a(d)(2)).

(5) "disadvantaged" means a socially or economically disadvantaged individual that would be considered disadvantaged as that term is defined in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6)).

(6) "educational institution" means a college, university, or elementary or secondary school. The term also includes any not-for-profit organization, which is dedicated to education, that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

(7) "minority college or university" means a historically black college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or any other institution of higher education where enrollment includes a substantial percentage of students who are disadvantaged;

(8) "National Critical Technologies Report" means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

(9) "partnership" means an arrangement under which one or more departmental laboratories undertakes research, development, or demonstration activities for the mutual benefit of the partners in cooperation with one or more participants from among the following: an educational institution, private sector entity, State governmental entity, or other Federal agency; and

(10) "Secretary" means the Secretary of the Department of Energy;

SEC. 3. THE DEPARTMENT OF ENERGY PARTNERSHIP PROGRAM.

(a) LABORATORY-DIRECTED PARTNERSHIPS.—The departmental laboratories are authorized to enter into partnerships under any existing legal authority. The Secretary shall ensure, to the maximum extent practicable and desirable, that departmental laboratories enter into such partnerships. Each partnership shall establish goals and objectives for the partnership that are consistent with the purposes of this Act and establish a plan to achieve such goals and objectives.

(1) INDUSTRIAL PARTNERSHIPS.—In general, partnerships between departmental laboratories and industry shall be established for the purpose of developing the technologies in any of the areas identified in subsection (e) and shall be developed based on jointly set objectives that take advantage of the scientific and technical capabilities of the de-

partmental laboratories. Such partnerships shall also provide protection for existing or jointly developed information and existing intellectual property rights while also ensuring the partners appropriate access to government-financed research results. In addition, such partnerships shall, to the maximum extent practicable,—

(A) be cost-shared in accordance with guidelines developed by the Secretary;

(B) seek to provide greater accessibility to industry to the personnel, facilities, and capabilities of the departmental laboratories;

(C) seek to encourage the commercial application of technologies developed primarily for defense applications;

(D) seek to encourage the maintenance and continued development of the core competencies of the departmental laboratories; and

(E) seek to develop technologies that offer potential commercial value.

(2) EDUCATIONAL PARTNERSHIPS.—Partnerships between departmental laboratories and educational institutions shall be established for the purpose of developing the technologies in any of the areas identified in subsection (e). The Secretary shall provide the opportunity for graduate students to participate in partnerships and shall expand the opportunities for access to equipment and user facilities at departmental laboratories.

(3) AGENCY PARTNERSHIPS.—The Secretary shall, where appropriate, enter into memoranda of understanding with other Federal agencies for research, development, or demonstration at departmental laboratories in areas identified in subsection (e) that are related to the mission responsibilities of such agencies, including protection of the environment; development of technologies for high-performance computing, medical applications, transportation, manufacturing, and space applications; and development of other critical technologies.

(b) SECRETARY OF ENERGY PARTNERSHIPS.—In addition to the partnerships described in subsection (a), the Secretary is authorized and encouraged to establish Secretary of Energy Partnerships as he deems necessary or appropriate to carry out the purposes of this Act. Such partnerships shall be established for the purpose of developing technologies in any of the areas identified in subsection (e) and shall be established in accordance with the following requirements—

(1) SUBMISSION OF PROPOSALS.—Each proposal for the establishment of a Secretary of Energy Partnership shall be submitted to the Secretary.

(2) PARTICIPANTS.—Each Secretary of Energy Partnership shall be composed of one or more departmental laboratories and two or more participants from industry. Participants may also include educational institutions, other Federal agencies, State entities, or any other entities the Secretary considers appropriate.

(3) SELECTION CRITERIA.—The Secretary shall establish partnerships from among the proposals submitted pursuant to subsection (b)(1). In establishing any such partnership, the Secretary shall take into account the following criteria—

(A) the extent to which the partnership demonstrates promise of achieving one or more of the purposes of this Act;

(B) the extent to which the partnerships activities would be relevant to the Department's missions and to the missions of other Federal Government participants;

(C) the technical merit of the partnership's proposed program;

(D) the qualifications of the personnel who are to participate in the partnership;

(E) the potential for private sector investment in activities where such investment is otherwise lacking;

(F) the level of participation and financial commitment of the industry participants;

(G) the potential for commercial benefits from development of technologies in the areas listed in subsection (e);

(H) the potential for effective transfer of technology among the participants; and

(I) such other criteria as the Secretary may prescribe.

(c) PARTNERSHIP PREFERENCE.—A partnership that would be given preference under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. § 3710a(c)(4)(B)) were it a cooperative research and development agreement shall be given similar preference for the purposes of this Act.

(d) MINORITY PARTNERSHIPS.—The Secretary shall encourage partnerships that involve minority colleges or universities and private sector entities owned or controlled by disadvantaged individuals.

(e) AREAS OF RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—The partnerships entered into under the provisions of this Act may address research, development, and demonstration activities in those areas listed in the biennial National Critical Technologies Report or in any of the following areas—

(1) energy efficiency, including efficiency in power generation, transmission, and utilization; process technologies; and transportation;

(2) energy supply, including alternative fuels; advanced forms of renewable energy; advanced clean coal technologies; coal liquefaction and synthetic fossil fuels; advanced oil and gas recovery; advanced nuclear reactor technologies; fusion technologies; biofuel technologies; electricity transmission, distribution, and storage; and energy forecasting;

(3) high-performance computing, including programs to develop and use new computer architectures such as large scale parallel computers, real-time visualization, powerful scientific workstations, high-speed networking, new computer software and algorithms; programs to develop advanced materials for the communication and computing industry such as new memories, optical switches or optical storage disks; programs to address complex scientific challenges such as understanding global climate change, hydrologic modeling, and fundamental combustion processes; and programs with other agencies and the private sector for the development and use of high-performance computer research networks;

(4) the environment, including global climate change; protection of ecological systems; environmental restoration and waste management; and development of technologies for biogeochemical dynamics, toxicology, remote sensing, biotechnology, risk analysis, and environmental assessment;

(5) human health, including radio-pharmaceutical and laser applications; mapping of the human genome; structural biology; development of technologies for nuclear and diagnostic medicine and radiation biology; and development of sensors, electronics and information systems to lower health care costs;

(6) advanced manufacturing technologies, including laser technologies, robotics and intelligent machines; semiconductors, superconductors, microelectronics, photonics, optoelectronics, and advanced displays; x-ray lithography; sensor and process controls; and those technologies that may affect energy

production, energy efficiency, environmental protection or waste minimization;

(7) advanced materials, including materials that may increase efficiency in energy generation, conversion, transmission and use; synthesis and processing for improved and new materials; materials to promote waste minimization and environmental protection; and new and improved methods, techniques, and instruments to characterize and analyze properties of materials;

(8) transportation technologies, including those that will improve the efficiency of and reduce the energy consumption and environmental impact associated with conventional transportation technologies;

(9) space technologies, including space-based sensors for environmental monitoring, climate modeling, and radio-biological studies;

(10) quality technologies, including reliability engineering, failure analysis, statistical process control, nondestructive testing and inspection techniques, concurrent engineering and design practices for reliability and testability used to ensure product and process quality specifications are met;

(11) technologies listed in the annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2522 of title 10, United States Code; and

(12) any other generic, precompetitive technology or other critical technology identified by the Secretary.

(f) EXCHANGES.—The Secretary shall encourage the exchange of scientists and engineers among departmental laboratories, educational institutions, industry, and other Federal agencies to facilitate the transfer of ideas and technology. In carrying out the requirements of this subsection, the Secretary shall provide for fellowships for personnel from departmental laboratories, industry, educational institutions and other Federal agencies.

(g) EDUCATION AND TRAINING.—The Secretary shall provide support for education and training to develop the personnel resources needed for future research, development, or demonstration in areas addressed by partnerships, and strengthen and expand upon existing partnerships, to educate and train students and faculty in the areas identified in subsection (e), including environmental technologies and waste management.

(h) EVALUATION.—The Secretary shall develop mechanisms for evaluation of the accomplishments of the partnership program. The Secretary shall evaluate annually the performance and responsiveness of the departmental laboratories and program managers within the Department in carrying out the purposes of this Act.

(i) MANAGEMENT PLAN.—Within 180 days of the date of enactment of this Act, and after consultation with the Laboratory Partnership Advisory Board established by section 4, the Secretary shall prepare and publish a management plan describing the Secretary's implementation of this Act. The plan shall be regularly updated and published not less than once every five years. Partnerships and other activities required by this Act may be pursued during preparation and publication of the management plan. The management plan shall—

(1) establish goals and priorities for the partnership program;

(2) establish mechanisms for coordination of partnerships with other research, development, and demonstration activities at departmental laboratories;

(3) establish mechanisms for the directors of the departmental laboratories to have

input into the formulation and operation of the partnership program;

(4) establish mechanisms for coordination of partnerships pursued under this Act;

(5) establish policies to encourage industry and educational institutions to participate in the partnership program;

(6) establish procedures to facilitate collaboration between the departmental laboratories and other Federal agencies in areas of common interest or expertise;

(7) establish procedures to facilitate international cooperative activities involving scientists from government, industry, and the academic community;

(8) specify the extent to which the Department provides support for the research, development, or demonstration of technologies in the areas identified in subsection (e), specify the goals and objectives of the programs and activities that support these technologies, and provide a summary of the budgets for such programs and activities for the time period covered by the plan; and

(9) establish policies that encourage directors of departmental laboratories to include among their laboratory-directed research and development activities projects that will contribute to maintaining and extending the vitality of each laboratory's core competencies.

(j) REPORT.—The Secretary shall report to Congress two years after the date of enactment of this Act and biennially thereafter on the implementation of this Act. Such report shall evaluate—

(1) the progress in achieving the goals and purposes of the partnership program;

(2) the effect of the partnership program on the development and commercialization of technologies in the areas identified in subsection (e); and

(3) the progress in encouraging personnel exchanges as described in subsection (f).

SEC. 4. DEPARTMENT OF ENERGY LABORATORY ADVISORY BOARD.

(a) LABORATORY PARTNERSHIP ADVISORY BOARD.—The Secretary shall establish within the Department an advisory board to be known as the "Laboratory Partnership Advisory Board," which shall provide the Secretary with guidance on the implementation of this Act.

(b) COMPOSITION.—The membership of the Laboratory Partnership Advisory Board shall consist of prominent representatives from industry, educational institutions, Federal laboratories, and professional and technical societies in the United States who are qualified to provide the Secretary with advice and information on the partnership program.

(c) INPUT FROM DEPARTMENTAL LABORATORIES.—The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories on the implementation of this Act.

(d) DUTIES.—The Laboratory Partnership Advisory Board shall provide the Secretary with advice and information on the Department's partnership program, including a periodic assessment of—

(1) the management plan required by section 3(i);

(2) the progress made in implementing the plan;

(3) any need to revise the plan; and

(4) any other issue related to the goals and purposes of this Act.

(e) USE OF EXISTING ADVISORY BOARDS.—Nothing in this section is intended to preclude the Secretary from utilizing existing advisory boards to achieve the purposes of this section.

SEC. 5. DOE MANAGEMENT.

(a) UNDER SECRETARIES.—(1) Section 202(a) of the Department of Energy Organization Act (42 U.S.C. 7132(a)) is amended by striking "Under Secretary" and inserting in its place "Under Secretaries".

(2) Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows—

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by and with the advice and consent of the Senate, and who shall perform functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code."

(b) ASSISTANT SECRETARIES.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "eight Assistant Secretaries" and inserting in its place "eleven Assistant Secretaries".

SEC. 6. RECOMMENDATIONS REGARDING THE ESTABLISHMENT OF AN OFFICE OF TECHNOLOGY RESEARCH.

Within 180 days of enactment of this Act, the Secretary shall transmit to Congress the Secretary's recommendations for the establishment of an office within the Department to support generic, precompetitive technology research considered critical for the future economic competitiveness of the United States. The recommendations shall address the organization of such an office, the scope of responsibility of such an office, and the appropriate funding level for such an office.

SEC. 7. CAREER PATH PROGRAM.

The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended:

(a) by inserting after section 625 the following new section:

"LABORATORY CAREER PATH PROGRAM.

"SEC. 626. (a) The Secretary shall establish a career path program under which the Secretary shall recruit employees of departmental laboratories to serve in positions in the Department.

"(b)(1) The post-Federal employment restrictions in section 27 of the Office of Federal Procurement Policy Act, and section 207 of title 18, United States Code, shall not apply to any employee recruited as part of the career path program while that person is employed at a departmental laboratory.

"(2) The Secretary shall exercise the waiver authorities of section 208(b) of title 18, United States Code, and section 602(c) of this Act to the fullest extent in order to facilitate the recruitment of individuals for the career path program, and such waiver authorities shall be available for this purpose.

"(3) The Secretary shall promulgate rules determining the extent to which section 27 of the Office of Federal Procurement Policy Act shall apply to negotiations or agreements regarding future employment between a career path employee recruited under subsection (a) and a Department contractor who operates a departmental laboratory.

"(4) In each case in which, after service in a position in the Department, a career path employee proposes to enter a position in a departmental laboratory, the Secretary, in consultation with the Director of the Office of Government Ethics, shall conduct an assessment of the duties anticipated in the new position in the laboratory. Based on this assessment, the Secretary shall impose such

terms, conditions, or limitations on the activities of that employee in the new position in the departmental laboratory as the Secretary determines are necessary and appropriate to ensure in the context of laboratory service that the Government receives the integrity of service that the post-Federal employment restrictions referenced in this section are intended to achieve. Any individual who violates any term, condition, or limitation so imposed by the Secretary shall be subject to a civil penalty as assessed by the Secretary, not to exceed \$10,000 for each violation." and

(b) in section 608(d) (42 U.S.C. 7218(d)) by striking "title" and inserting "part".

SEC. 8. INTERPRETATION.

Nothing in this Act limits the use of existing technology transfer mechanisms available under other applicable law. The authority to enter into partnerships established pursuant to this Act supplements and does not supplant those existing technology transfer mechanisms.

SECTION BY SECTION ANALYSIS

SECTION 1. establishes the short title, the "Department of Energy Laboratory Technology Partnership Act of 1992".

SEC. 2. establishes the findings of Congress, the purposes of the Act and contains the definitions of terms used in the Act.

The Congress finds that the Department of Energy has developed excellent scientific and technical capabilities at its laboratories. These laboratories should be used to help the United States to develop technologies critical to national security and scientific and technological competitiveness.

It is the purpose of this Act to foster new partnerships involving Department of Energy laboratories and educational institutions, industry, and other Federal agencies; to reduce the risk in long-term investments in technology development; and to better coordinate the research and development activities of departmental laboratories in support of technologies critical to the United States.

SEC. 3. establishes the Department of Energy Partnership Program. Departmental laboratories are authorized to enter into partnerships under any existing legal authority. The Secretary of Energy is to ensure that departmental laboratories enter into partnerships between industry, educational institutions and other federal agencies in such areas as energy efficiency, energy supply, high-performance computing, the environment, human health, advanced manufacturing, advanced materials, transportation, and space.

Industrial partnerships are required to meet certain criteria such as having research objectives jointly established by industry and the laboratories; protecting intellectual property rights; providing greater accessibility to industry to the laboratories; being cost-shared; and developing commercially valuable technologies. University partnerships are required to provide access to the user facilities at departmental laboratories.

The Secretary is directed to establish Secretary of Energy Partnerships. These partnerships are to be established by the Secretary from proposals submitted to the Secretary that best meet certain selection criteria. The criteria include such factors as the potential for commercial benefits, the potential for the transfer of technology, the level of financial commitment of industry participants and the extent to which the partnership would carry out activities relevant to the Department's missions.

Partnerships that would be given preference under the Stevenson-Wylder Tech-

nology Innovation Act of 1980 are given preference under this Act.

The Secretary is encouraged to establish partnerships involving minority colleges or universities and business entities.

The Secretary is to provide support for the education and training of personnel needed for future research and development in the areas of technology established by the Act.

The Secretary is to prepare and publish a management plan outlining the implementation of the Act. Among other things, the management plan is to establish the goals and priorities for the partnerships and establish coordination mechanisms. The Secretary is to develop mechanisms to evaluate the accomplishments of the partnerships and report to Congress biennially.

SEC. 4. creates the Laboratory Advisory Board. The Board consists of representatives from industry, educational institutions, Federal laboratories, and professional and technical societies. The Board is to provide the Secretary with guidance on the implementation of the Act.

SEC. 5. would create within the Department of Energy an additional two Under Secretaries and three Assistant Secretaries.

SEC. 6. directs the Secretary to recommend to Congress whether an office should be created within the Department to support generic, precompetitive technologies critical for future economic competitiveness of the United States.

SEC. 7. creates the Career Path Program. This program will allow employees of Department of Energy laboratories to work for the Department and return to departmental laboratories without violating criminal post-federal employment statutes.

SEC. 8. provides that this Act supplements and does not supplant existing technology transfer mechanisms available under other laws.

● Mr. WALLOP. Mr. President, the legislation we introduce today recognizes that there are incomparable scientific and technological capabilities lodged within the national treasures we know as the Department of Energy's laboratories. More importantly, however, the bill urges the laboratories to share their expertise with the private sector through partnerships. These partnerships will provide access to the incredible wealth of resources within the laboratories with a view to enhancing the Nation's economic competitiveness and energy security. These notions dovetail with the Administration's recently announced National Technology Initiative which has been developed to promote a better understanding of the opportunities for industry to commercialize new technological advances.

Recognizing that the laboratories should take an active role in encouraging industry and educational institutions to work together with the labs to solve the problems of the future, Senator DOMENICI took a leadership role in this area in the early 1980's when he was Chairman of the Subcommittee on Energy Research and Development. He has continued his advocacy for these programs as Ranking Republican member on the Subcommittee. The partnership concept was given added impetus last year when Senator DOMENICI introduced S. 1351, The Department of En-

ergy Science and Technology Partnership Act. During the 2 days of hearings on that bill, there was unanimity among the witnesses about the notion that the Nation has an enormous amount to gain from these alliances between the laboratories and the private sector. Admiral Watkins, Dr. Bromley, Director of the President's Office of Science and Technology Policy, and all of the representatives from the laboratories and industry jointly proclaimed the value of the partnership concept in bringing together our laboratories, industry and educational institutions. They also agreed on the importance of explicitly giving recognition to the numerous scientific and technology areas crucial to our national security and economic competitiveness in which the laboratories have developed expertise.

The legislation we introduce today builds on the premises of S. 1351 with ideas from Senator BINGAMAN's Critical Technology bill, S. 979, and from Senators CRAIG and SEYMOUR, both of whom have taken an active role on our committee in raising the awareness of the significance of the laboratories to our future national security and economic well-being. I commend all of my colleagues on the committee who have laboratories in their States for their tireless efforts in promoting an awareness of the worth of these laboratories and in fostering legislation to take advantage of their capabilities.

The other aspects of this legislation, the Career Path Program and the increase in the number of Under Secretaries and Assistant Secretaries within the Department of Energy, are intended to provide the Secretary with additional administrative flexibility to tailor the structure of the Department in a way that will facilitate achieving the goals of the laboratory partnership program. I must note, however, that I have some reservation about the need for expanding our burgeoning bureaucracy with additional Under Secretaries and Assistant Secretaries unless it is critical to the effective management of the Department's programs. Good government does not necessarily translate into more government. The burden is on the Secretary to demonstrate the compelling need for these new positions.

I encourage Senator JOHNSTON to move this important legislation quickly through our committee so that it can be considered as soon as possible by the full Senate.

● Mr. BINGAMAN. Mr. President, I am delighted to be an original cosponsor of the Department of Energy Technology Partnership Act. I commend the chairman and the ranking minority member for their leadership in forging a broad bipartisan consensus on the need for action in this area.

As the Federal laboratories prepare for a rapidly changing world, it is es-

essential that their future activities be focused on meeting a number of significant challenges facing this Nation. Many of these challenges are within the traditional purview of the DOE laboratories and many others can be readily addressed by the unique and extraordinary capabilities of the DOE laboratories.

It is well recognized, both nationally and internationally, that the Department of Energy does indeed possess unique and extraordinary capabilities in its laboratories. As Secretary Watkins has said so often, the DOE laboratories are the treasures—the crown jewels of the Department. They have successfully demonstrated that when tasked with clarity and urgency—as they were in the nuclear weapons and nuclear energy areas—they can be world-class producers.

Unfortunately, too often in the past the labs carried out their missions separate from the private sector. That may have been acceptable when the capabilities of the labs far exceeded those of the private sector. But today, the private sector can match the DOE laboratories in many areas of technology and have common interests in these technologies. To carry out their missions, which today are broadening into new areas such as environmental clean-up, the DOE labs must work with the private sector as never before and laboratory partnerships can and must serve as a means of leveraging the best capabilities of government and industry to serve both DOE mission needs and the competitiveness of American industry.

In the past, industry has expressed strong doubts about the relevancy of the work carried out at the Federal laboratories to meet their needs. For example, a 1988 report from the private sector Council on Competitiveness, "Gaining New Ground," stated, "Although the nation spends approximately \$20 billion on the Federal labs, their current culture and direction do not adequately support technology development that strengthens national economic performance." This bill is part of an ongoing effort to resolve those doubts, an effort that commenced with the 1989 National Cooperative Technology Transfer Act.

Since that legislation became law, over 2 years ago, we have started to see change. Sandia, for example, now has over 20 Cooperative Research And Development Agreements [CRADA's] with the private sector and has over twice that many under negotiation. The Specialty Metals Consortium at Sandia National Laboratories and the Superconductivity Pilot Centers at Los Alamos are two examples where the DOE laboratories have been responsive to industry needs while strengthening their ability to carry out their own missions.

However, I am convinced that existing laboratory partnerships with indus-

try need to be encouraged on a much broader and deeper scale than at present. We have a long way to go to make the labs more responsive to industry's needs, and to capture the interest of industry in the laboratories capabilities.

This bill is aimed at just that—fostering additional cooperation between the DOE Laboratories and the private sector by providing for the establishment of partnerships with industry, with our educational institutions and with other Federal laboratories. These would be partnerships in the strongest sense of the word. Partnerships in which industry is a true participant with respect to selection of technologies, with respect to planning technology programs, sharing risks by committing resources, and providing advice and counsel concerning the management and progress of the partnerships.

Two types of partnerships are proposed in this legislation. The first, laboratory directed partnerships, provide the directors of the DOE labs with the authority and flexibility to enter into collaborative activities with industry, academia, and other Federal labs. The second type of partnership, Secretary of Energy Partnerships, provide a mechanism in which the laboratories and their industrial partners compete for departmental funds to be used for establishing collaborative programs.

These partnerships, particularly those with industry, have the potential to represent the engine that drives the economy of this nation, and New Mexico in particular, by transforming current and emerging technological capabilities into new manufacturing opportunities.

The bill represents the culmination of activity initiated last spring, building upon S. 979, "Department of Energy Critical Technologies Act of 1991," which I was proud to have Senators JOHNSTON and DOMENICI as cosponsors, and last summer with the introduction of S. 1351, "Department of Energy Science and Technology Partnership Act," by Senator DOMENICI, and which Senator JOHNSTON and I cosponsored.

This partnership bill represents a logical and evolutionary development of these prior bills, and has a legacy of prior legislation enacted by Congress, as I previously mentioned. I refer to the National Cooperative Technology Transfer Act which Senator DOMENICI and I sponsored, and to section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, which requires that the Secretary of Energy, " * * * shall ensure, to the maximum extent practicable," that R&D activities relating to dual-use critical technologies of the DOE Defense Program labs, excluding the Naval nuclear propulsion program, be carried out within the framework of partnerships with the private sector. This means that the entire DOE De-

fense Program budget is available for partnerships with the private sector whenever there is a mutual interest.

Yesterday, before a hearing of the Defense Industry and Technology Subcommittee of the Senate Armed Services Committee, Dr. Allan Bromley, the President's Science Advisor, said:

One of the major themes of the NTI [National Technology Initiative] is the need to foster a much greater array of partnerships among all of the institutions involved in our national competitiveness: our businesses, our universities, our national laboratories, our various levels of government. The initiative is designed to act as a catalyst to combine the very real strengths apparent in each component of our R&D enterprise.

These partnerships can take many different forms: consortia such as SEMATECH or the U.S. Advanced Battery Consortium, university-industry agreements, cooperative research and development agreements between federal laboratories and the private sector, and so on. Many of the institutional barriers to establishing these partnerships were removed during the 1980s. Now we face the much more difficult task of changing the cultural barriers within these institutions so that we can take advantage of new ways of thinking.

One focus of this effort must be the personnel, expertise, and infrastructure resident in our over 700 federal laboratories. The federal government invests over \$20 billion a year in these laboratories. They embrace an astonishing breadth and depth of science and technology, including some of the best science and technology to be found anywhere in the world.

Many of these laboratories were established in the immediate post-World War II period, and they originally had very specific missions and objectives. Many of these original missions were satisfied years ago, so that the laboratories are adjusting their programs to remain in close touch with evolving national needs.

One change that I have been advocating is the involvement of potential partners early in the process of planning Federal laboratory activities. Many of the labs have panels of distinguished academics and industrialists who review the scientific merit and applicability of R&D done at the lab. But these reviews usually occur after the work has been planned or undertaken. The involvement of these panels from the beginning, as the programs at the lab are being planned, would be much more effective in tying the work of the laboratories to the needs of potential users.

This bill is entirely consistent with Dr. Bromley's call for flexible arrangements between the Government labs and the private sector. It is entirely consistent with his call for the private sector to have a greater influence in the process of planning Federal lab activities at an early stage. I hope, therefore, the Johnston-Wallop bill will receive strong administration support.

There is a sense of urgency associated with the role of the DOE laboratories in this post-cold-war era. The syndicated columnist, Robert Kuttner expressed this urgency in an article in the March 30 edition of the Washington Post in the following manner—"We must either acknowledge the value of having national laboratories work with civilian industry or gradually lose this unique resource."

I believe this is an important bill which provides the DOE laboratories with additional flexibility and with a broader mandate to forge lasting partnerships with industry, our universities, and other Federal laboratories. It will facilitate achieving Secretary Watkins' stated objective of establishing 1,000 cooperative ventures between the DOE labs and the private sector by the end of this year. I hope the bill will be promptly reported by the Energy Committee, and it deserves the support of the entire Senate. ●

● Mr. DOMENICI. Mr. President, every year the United States invests approximately \$33 billion in research conducted at over 700 Federal laboratories. The results of this research are incomparable and the capabilities and knowledge that reside in our labs are world renowned. Basic science research conducted by the Department of Energy alone has resulted in DOE scientists being awarded 20 Nobel Prizes.

During the 1980's, the contributions laboratories such as Los Alamos and Sandia could make outside their traditional defense mission were recognized as valuable scientific and economic resource. Congress passed legislation to facilitate the transfer of technology out of the laboratories. The Stevenson Wydler Act of 1980, the Federal Technology Transfer Act of 1986, and the National Competitive Technology Transfer Act of 1989 represent the evolution of our thinking on this matter. Today we are introducing legislation that represents another leap forward in our understanding of technology transfer.

The Department of Energy's defense laboratories are under intense pressure to meet the needs of a rapidly changing national defense mission. Today their defense technologies are being applied to confront the proliferation of nuclear weapons, the dismantlement of weapons from the former Soviet Union, and assuring the security of nuclear weapons worldwide. When Admiral Watkins testified before the Energy Committee last year during hearings on my legislation that serves as the basis of the bill being introduced today, he made one point very clear: A world in which international power is shifting from bipolar to multipolar requires that we maintain the technical strength of the DOE weapons laboratories as an important ingredient in world security.

But our experience during the 1980's has also shown that, while maintaining their defense mission, DOE laboratories can make significant contributions to our economic competitiveness. We have learned that contribution involves more than simply transferring a "widget" developed in a lab to a commercial enterprise. Now, the most promising and successful technology transfer results from partnerships between laboratories, industry, and academia.

The term "partnership" embodies what technology transfer is about today. We are no longer simply trying to get added value out of technology produced in Federal labs. We are asking our labs to bring their full range of expertise to bear in helping industry to be more competitive and in improving our educational system.

Last year, I introduced legislation, the "Department of Energy Science and Technology Partnership Act," which served as an important framework for consideration of the bill introduced today.

Previously, Congress has provided mechanisms through which the labs can work with industry and academia. Now we are directing DOE to engage in these partnerships as an integral part of the labs' missions. Whether it be in transportation, materials science, health science, computer science, or a host of other areas in which these labs lead the world, the DOE should have no doubt that the Congress wants DOE to do as much collaborative research as possible with industry and our universities.

If we have truly ended the cold war, the United States now has an opportunity that has been missing for the last 50 years. We have the opportunity to develop the real potential of our national laboratories while preserving our national security. We have the opportunity to turn our efforts in science and research toward the environment, health care, our energy needs . . . areas of research that can lead directly to a better world. A world in which people can lead better lives. ●

● Mr. CRAIG. As we introduce this legislation encouraging the Department of Energy's laboratories to join forces with the private sector in meeting the challenges of the future, I want to emphasize how important it is that, as a nation, we recognize that our economic competitiveness in the international community is central to our survival as a world leader. We have amassed a tremendous pool of scientific and technological talent within the national laboratories over the years. It would be folly to forgo the opportunity to reap the economic harvest of our investment in that pool of talent. This course will result in not only new and valuable products and services, but will ensure numerous additional employment opportunities at the Idaho National Engineering Laboratory, as well as elsewhere.

This legislation validates the notion that the laboratories have a mission to share their expertise with our business and educational communities. I am strongly supportive of that concept. I want to emphasize that in my view, the laboratories should rightfully exercise every option open to them to contribute to development of technologies that will prove useful to our economic health and the well-being of our citi-

zens. They should not be limited in that regard to only those scientific and technological areas where they have demonstrated expertise historically. Rather, they should be allowed to develop spinoff technologies that invariably come to light through their scientific endeavors. I will continue the active role I have taken in the committee to ensure that any legislation enacted will allow the maximum amount of scientific flexibility.

Mr. President, this is good legislation that will allow our national laboratories to play a vital role in our increasingly technical world. ●

By Mr. BYRD:

S. 2570. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on April 9, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended; pursuant to the order of April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

RESCISSION OF CERTAIN BUDGET AUTHORITY

● Mr. BYRD. Mr. President, today the Senate has received additional rescission requests from the President totaling \$2.1 billion in budget authority. As with the rescission requests of March 10, March 20, and April 8, I can assure my colleagues that the Appropriations Committee will give serious consideration to these requests.

I send to the desk a bill which contains today's rescission request, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority are made, namely:

DEPARTMENT OF DEFENSE

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

Of the funds provided under this heading in Public Law 102-172, R92-103, \$133,000,000 are rescinded.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Of the funds provided under this heading in Public Law 102-172, R92-104, \$225,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-105, \$46,300,000 are rescinded; and of the funds provided under this heading in Public Law 101-511, \$150,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-106, \$17,600,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

Of the funds provided under this heading in Public Law 102-172, R92-107, \$15,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-108, \$8,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 102-172, R92-109, \$130,000,000 are rescinded.

Of the funds provided under this heading in the subdivision "Other Ordnance" in Public Law 102-172, R92-110, \$4,000,000 are rescinded.

Of the funds provided under this heading in the subdivision "Other Missile Programs" in Public Law 102-511, R92-111, \$60,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

Of the funds provided under this heading in Public Law 102-172, R92-112, \$10,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-113, \$4,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-114, \$2,000,000 are rescinded.

PROCUREMENT, MARINE CORPS

Of the funds provided under this heading in Public Law 102-172, R92-115, \$6,500,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

Of the funds provided under this heading in Public Law 102-172, R92-116, \$21,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-117, \$799,300,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-118, \$67,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-119, \$9,300,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-120, \$45,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-121, \$15,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-122, \$20,000,000 are rescinded: Provided, That section 8104(b) of Public Law 102-172 is repealed.

Of the funds provided under this heading in Public Law 102-172, R92-123, \$60,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-124, \$15,000,000 are rescinded.

DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

Of the funds provided under this heading in Public Law 102-172, R92-125, \$4,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Of the funds provided under this heading in Public Law 102-172, R92-126, \$3,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-127, \$248,800,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

Of the funds provided under this heading in Public Law 102-172, R92-128, \$5,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-129, \$6,000,000 are rescinded.

Of the funds provided under this heading in Public Law 102-172, R92-130, \$70,000,000 are rescinded.●

By Mr. MITCHELL (for himself, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. PRYOR, Mr. RIEGLE, Ms. MIKULSKI, Mr. SIMON, Mr. PELL, Mr. ADAMS, Mr. BURDICK, and Mr. GLENN):

S. 2571. A bill to amend the Social Security Act to assure universal access to long-term care in the United States, and for other purposes; to the Committee on Finance.

LONG-TERM CARE FAMILY SECURITY ACT

Mr. MITCHELL. Mr. President, I am pleased to join my colleagues in introducing the Long-Term Care Family Security Act of 1992. This legislation is the result of a cooperative effort with Senators ROCKEFELLER and KENNEDY, and Congressmen WAXMAN and GEPHARDT, and others in the House and Senate.

In 1988, as Chairman of the Senate Finance Subcommittee on Health, I introduced the first comprehensive long-term care legislation in the Senate. Senator KENNEDY and Congressman WAXMAN also sponsored long-term care bills during the 100th Congress.

Since that time, a great deal has changed. But, the need for a comprehensive long-term care policy has not changed. The need for long-term care benefits is as critical as ever, and becoming more critical as our population ages and persons over age 85 become the fastest growing age group in our nation.

But long-term care should not be viewed as an elderly issue. The absence of a viable long-term care policy affects persons of all ages. It affects young adults who become disabled in automobile accidents. It affects the middle-aged children of the elderly who must choose between caring for a parent or putting a child through college, and it can sometimes affect children who are born with serious disabilities which require chronic home care.

This Nation must find a way to develop a rational, affordable, long-term care program to meet the needs of those Americans who cannot fully care for themselves.

Whether that assistance comes in the form of occasional respite care—so important to relieve the informal caregiver—or as a nursing home benefit for those persons unable to remain at home—care must be made available based on the needs of the patient rather than what services are reimbursable.

Developing and financing such a program will be very difficult. Our experience with the catastrophic legislation has illustrated just how careful we must be to develop and pay for expanded health care benefits in a way that is both equitable and politically acceptable to the majority of Americans.

Fortunately, medical advances have enabled us to live longer and adapt to greater levels of disability during our lifetime. But it is also a well-docu-

mented fact that the largest portion of health care is consumed during the closing years of life. So the implications for the American health care system are clear: A greater demand than ever before for acute and chronic care.

We as a nation must decide if we are willing to provide a meaningful long-term care benefit for elderly and disabled Americans—and if so what will be the limitations on those benefits and how will the burden be shared between government and private payers?

The legislation we are introducing today represents a significant step toward reaching consensus among Members of Congress about the development of a national long-term care policy. The bill does not represent the ideal policy for me or for any single sponsor.

Some will say the benefits are too limited. Others will say it costs too much. They'll both be wrong.

This legislation will provide a range of needed services to the elderly and disabled, while controlling the costs of providing that care.

This legislation differs in several significant respects from the bill I introduced in 1988. It covers persons of all ages rather than be limited to the Medicare population. It contains cost containment mechanisms which are consistent with those contained in the HealthAmerica bill. It contains a front-end nursing home benefit rather than a back-end benefit as in my original bill. And finally, it significantly increases the level of asset protection under the Medicaid component of the bill.

While the legislation differs in these respects, it remains consistent with the underlying concepts contained in my earlier legislation. It provides for a wide range of benefits based on the need of the individual rather than on what may currently be reimbursable. It requires that individuals share in the cost of the program through copayments from home and community-based care and nursing home care. It includes care management and quality assessment provisions. And, finally, it reserves a role for private long-term care insurance.

This bill also includes provisions clarifying current law tax treatment of long-term care insurance. These clarifications complement the Federal program which is not designed to address all long-term health care needs. The legislation recognizes that private long-term care insurance must play a key role in providing long-term health care protection to the Nation's elderly. That market is just now developing but its continued growth is inhibited by the uncertainty of the tax treatment of long-term care insurance benefits and premiums. Many of the provisions in this bill regarding the tax treatment of long-term care insurance are already part of current law but the clarifications provided in this legislation should stimulate the private market

and encourage individuals and employers to plan now for future long-term care needs.

This bill provides a special rule with respect to contracts under which payments are made to—or on behalf of—a chronically ill individual on a per diem or other periodic basis without regard to expenses incurred during the period to which the payments relate. This special rule applies both to per diem contracts—providing a specified benefit for each day or other period for which the individual qualifies for benefits—and to service based indemnity contracts—which provide a specified benefit for qualified services rendered to the individual qualifying for benefits.

Pursuant to this special rule, payments under such contracts are to be treated as payments made with respect to qualified long-term care services. Thus, such contracts are considered to provide coverage of qualified long-term care services.

America's health care system has two large gaps—lack of affordable health insurance for up to 37 million of our citizens, and a total absence of a comprehensive long-term care program for the elderly and disabled. The Senate version of this legislation is intended to be a companion to the HealthAmerica bill a number of us introduced last year. That bill will provide access to affordable health care for all Americans.

Enactment of comprehensive long-term care legislation will be difficult. While this bill includes a number of significant cost containment provisions, intended to control the escalating cost of overall health care, the bill also expands coverage for home and community-based care and nursing home care to the elderly and disabled.

We recognize that this legislation will not be enacted this year. It will ultimately have to be phased-in over time in order to manage the cost. While the Senate version of the bill does not include specific financing mechanisms, financing of such a comprehensive new program will need to be broad-based.

Since the repeal of Medicare Catastrophic, the debate over how much the elderly are willing to pay for long-term care coverage has been heightened. Several new studies have been published in this regard. The common findings are that the elderly want long-term care coverage and are willing to pay something for it. But the question remains as to how much people are willing to pay and how comprehensive the benefits must be to garner support for a Federal long-term care program.

We will continue to pursue the answer to this question as we work to build consensus for a comprehensive long-term care policy.

I continue to believe there is an important and appropriate role for private long-term care insurance. The

cost of insuring the elderly and disabled against the expenses of long-term care must be shared by the public and private sectors. Both the current and future elderly must share the responsibility of providing for themselves if the need for long-term care arises.

But, if private long-term care insurance is to play a part in protecting elderly and disabled Americans from the financial devastation of chronic illness, policies must be affordable and of good quality. It is important that the private insurance industry develop policies that are balanced in that regard.

Enactment of a comprehensive long-term care program will not be easy. But to ignore the problem because it is too difficult to solve will not make it go away. Those who will be eligible for this program are the most frail among us. They are the elderly and disabled. They need our help to live the most productive lives possible. For them, we must continue to develop a workable public policy to assure that no American—young or old—rich or poor—is denied quality care or is deprived of dignity.

I look forward to working with all who share our concern to move toward this important goal.

Mr. President, I ask unanimous consent that the text of the bill that we are introducing today be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2571

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Long-Term Care Family Security Act of 1992".

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

Sec. 1. Short title; table of contents.

TITLE I—COMMUNITY CARE AND NURSING FACILITY CARE

Sec. 101. Community care and nursing facility care

"TITLE XXI—COMMUNITY CARE AND NURSING FACILITY CARE

"PART A—ENTITLEMENT TO BENEFITS

"Sec. 2101. Entitlement to benefits.

"Sec. 2102. Scope of community care.

"Sec. 2103. Limits on hours of community care.

"Sec. 2104. Scope of nursing facility care.

"Sec. 2105. Limits on short-term nursing facility care.

"PART B—ASSESSMENTS AND CERTIFICATIONS

"Sec. 2111. Request for and performance of assessments.

"Sec. 2112. Certifications.

"Sec. 2113. Appeals.

"Sec. 2114. Assessment agencies.

"Sec. 2115. Care managers.

"PART C—PAYMENT

"Sec. 2121. Community care.

"Sec. 2122. Nursing facility care.

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"Sec. 2187. Secretarial enforcement authority.

"Sec. 2188. Long-term care insurance policy defined.

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"TITLE XXVII—LONG-TERM CARE INSURANCE STANDARDS

"Sec. 2701. Promulgation of standards and model benefits.

"Sec. 2702. Application of long-term care insurance standards.

"Sec. 2703. Standards for approval of State regulatory programs.

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PART I—GENERAL PROVISIONS

Sec. 311. Qualified long-term care services treated as medical care.

Sec. 312. Treatment of long-term care insurance or plans.

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PART II—TREATMENT OF ACCELERATED DEATH BENEFITS, DISABILITY INCOME PAYMENTS, AND CERTAIN OTHER BENEFITS

Sec. 321. Tax treatment of accelerated death benefits disability income payments, and certain other benefits.

Sec. 322. Tax treatment of companies issuing riders providing qualified accelerated death benefits, disability income payments, and certain other benefits.

Sec. 323. Applicants or recipients under public assistance programs not to be required to make election respecting certain pre-death benefits under life insurance policies.

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TITLE IV—ADDITIONAL GRANTS AND DEMONSTRATION PROJECTS

Sec. 401. Establishment of grant program in Public Health Service Act.

Sec. 402. Grants for long-term care services.

Sec. 403. Additional funding for long-term care ombudsmen programs under the Older Americans Act.

Sec. 404. Additional funding for information and referral services for persons under the Developmental Disabilities Act.

Sec. 405. Expansion of information and counseling under the Protection and Advocacy for the Mentally Ill Act.

TITLE V—REVIEW OF PHARMACEUTICAL BENEFITS

Sec. 501. Pharmaceutical Payment Assessment and Policy Review Commission.

Sec. 502. Establishment of long-term care pharmaceutical benefits demonstration projects.

TITLE I—COMMUNITY CARE AND NURSING FACILITY CARE

SEC. 101. COMMUNITY CARE AND NURSING FACILITY CARE.

The Social Security Act is amended by adding at the end the following new title:

"TITLE XXI—COMMUNITY CARE AND NURSING FACILITY CARE

"PART A—ENTITLEMENT TO BENEFITS

"ENTITLEMENT TO BENEFITS

"SEC. 2101. (a) ENTITLEMENT OF MODERATELY OR SEVERELY DISABLED INDIVIDUALS TO COMMUNITY CARE AND NURSING FACILITY CARE.—

"(1) IN GENERAL.—Subject to the provisions of this title, if an eligible individual (as defined in subsection (c)) is determined under part B to be a moderately or severely disabled individual (as defined in subsection (b)(1)), the individual is entitled to have payment made on his behalf under this title—

"(A) for community care (as defined in section 2102(a)), subject to the limits established in section 2103;

"(B) for nursing facility care (as defined in section 2104(a)), subject to the limits established in section 2105; and

"(C) for long-term nursing facility care (described in paragraph (3)(B)), subject to paragraph (2), as elected by the individual.

"(2) FINANCIAL ELIGIBILITY REQUIREMENT FOR LONG-TERM NURSING FACILITY CARE.—An eligible individual is entitled to benefits for long-term nursing facility care under paragraph (1)(C) only when the individual's resources (as determined under section 2132(b)) are at or below the protected resource level specified under section 2132(a).

"(3) REFERENCES TO SHORT-TERM AND LONG-TERM NURSING FACILITY CARE.—In this title—

"(A) any reference to 'short-term nursing facility care' is a reference to nursing facility care which is not long-term nursing facility care (described in subparagraph (B)) and for which an entitlement is established under paragraph (1)(B); and

"(B) any reference to 'long-term nursing facility care' is a reference to nursing facility care which is not subject to the limits established in section 2105 and which is provided to an individual who is entitled to benefits for such care consistent with paragraph (2).

"(b) DEFINITIONS RELATING TO MODERATELY OR SEVERELY DISABLED INDIVIDUALS.—In this title:

"(1) IN GENERAL.—The term 'moderately or severely disabled individual' means—

"(A) in the case of an individual 6 years of age or older, an eligible individual who (without regard to income or employment status)—

"(i) needs substantial assistance or supervision from another individual with at least 3 activities of daily living (described in paragraph (5));

"(ii) needs substantial supervision due to cognitive or other mental impairment and needs substantial assistance or supervision from another individual with at least 1 activity of daily living or in complying with a daily drug regimen; or

"(iii) needs substantial supervision from another individual due to behaviors that are dangerous (to themselves or others), disruptive, or difficult to manage; or

"(B) in the case of an individual under 6 years of age, an eligible individual who suffers from any medically determinable physical, cognitive, or other mental impairment of comparable severity to that which would make an individual 6 years of age or older meet the requirement of clause (i), (ii), or (iii) of subparagraph (A).

"(2) COMPARABLE SEVERITY DEFINED.—In paragraph (1)(B), the term 'comparable severity' means that a child's physical, cognitive, or other mental impairment or impairments so limit the child's ability to function independently, appropriately, and effectively, in an age-appropriate manner that any impairments and limitations resulting from them are comparable to those which would disable an adult.

"(3) DETERMINATIONS OF DISABILITY.—For purposes of this title, an individual is considered to have been determined under part B to be—

"(A) a moderately or severely disabled individual if there is an affirmative certification in effect for the individual under that part;

"(B) a moderately disabled individual if there is such an affirmative certification in effect and a determination under such part that the individual has a moderate impairment; or

"(C) a severely disabled individual if there is such an affirmative certification in effect and a determination under such part that the individual has a severe impairment.

"(4) CERTIFIED INDIVIDUAL DEFINED.—The term 'certified individual' means an individual who has been determined under part B to be a moderately or severely disabled individual and, with respect to long-term nursing facility care, to be entitled to benefits for such care consistent with subsection (a)(2).

"(5) ACTIVITY OF DAILY LIVING DEFINED.—Each of the following is an activity of daily living: bathing, dressing, transferring, toileting, and eating.

"(c) ELIGIBLE INDIVIDUAL DEFINED.—In this title, the term 'eligible individual' means an individual who is—

"(1)(A) a citizen or national of the United States, (B) an alien lawfully admitted for permanent residence, or (C) an alien otherwise residing permanently in the United States under color of law, and

"(2) a resident of the United States.

"(d) EFFECTIVE DATE OF TITLE.—

"(1) NO BENEFITS FOR CARE PROVIDED BEFORE EFFECTIVE DATE.—

"(A) IN GENERAL.—No benefits are available under this part for items or services furnished before the effective date of this title.

"(B) DEFINED.—In this title, the term 'effective date of this title' means January 1, 1994.

"(2) PHASE-IN OF BENEFITS.—

"(A) FIRST EFFECTIVE YEAR.—In the case of services furnished during the 12-month period that begins on the effective date of this title—

"(i) the number of hours specified in subsections (a) and (b)(2) of section 2103 shall be 15 percent of the number of hours specified in those subsections, and

"(ii) no benefits are available under this part for nursing facility care.

"(B) SECOND EFFECTIVE YEAR.—In the case of services furnished during the 12-month period that begins 1 year after the effective date of this title—

"(i) the number of hours specified in subsections (a) and (b)(2) of section 2103 shall be 30 percent of the number of hours specified in those subsections, and

"(ii) no benefits are available under this part for nursing facility care.

"(C) THIRD EFFECTIVE YEAR.—In the case of services furnished during the 12-month period that begins 2 years after the effective date of this title—

"(i) the number of hours specified in subsections (a) and (b)(2) of section 2103 shall be 50 percent of the number of hours specified in those subsections, and

"(ii) benefits are available under this part for nursing facility care.

"(D) SUBSEQUENT EFFECTIVE YEARS.—In the case of services furnished after such 12-month period—

"(i) the number of hours specified in subsections (a) and (b)(2) of section 2103 shall be 100 percent of the number of hours specified in those subsections, and

"(ii) benefits are available under this part for nursing facility care.

"SCOPE OF COMMUNITY CARE

"SEC. 2102. (a) IN GENERAL.—In this title, the term 'community care' means items and services which are—

"(1)(A) home-based services (as defined in subsection (b)),

"(B) community-based services (as defined in subsection (c)),

"(C) respite care (as defined in subsection (d)(1)), or

"(D) hospice respite care (as defined in subsection (d)(2));

"(2) furnished to an individual by a community care agency (as defined in subsection (e)) or by others under arrangements made by the agency;

"(3) furnished under a written plan of care (for furnishing such items and services and other related items and services to such individual) which—

"(A) is established and periodically reviewed and revised by a care manager (as defined in section 2115(a)(1)),

"(B) is developed with the participation of the individual,

"(C) reflects the individual's needs identified in the assessment under section 2111 and the types of community care necessary to maintain the individual outside a nursing or other health care facility, and

"(D) takes into account the coverage levels under section 2103; and

"(4) in the case of services furnished in a small community setting or large community setting (as defined in subsection (g)(1) or (h)(1), respectively, of section 1929), furnished in a setting that meets the minimum requirements for such a setting under subsection (g)(2) or (h)(2) of such section.

"(b) HOME-BASED SERVICES DEFINED.—In this title, the term 'home-based services' means, with respect to an individual, the following items and services which are provided in a place of residence used as the individual's home (or, in the case of services described in paragraphs (3), (6), and (7), which may be provided outside the individual's residence) to the extent they are not respite care or hospice respite care (as defined in subsection (d)):

"(1) Nursing care provided by or under the supervision of a registered professional nurse.

"(2) Services of a homemaker/home health aide who has successfully completed a training and competency evaluation program that meets minimum standards established by the Secretary under section 1891(a)(3)(D).

"(3) Personal assistance services furnished by an individual who has successfully completed a training and competency evaluation program that meets minimum standards established by the Secretary.

"(4) Medical social services.

"(5) Physical, occupational, or respiratory therapy or speech-language pathology.

"(6) Medical supplies (other than drugs and biologicals), assistive technologies, and equipment that assist in the performance of activities of daily living.

"(7) Patient and caregiver (including family caregiver) education and training to develop skills necessary to permit the individual to remain in the home setting.

"(8) Such other home-based items and services as the Secretary may approve.

"(c) COMMUNITY-BASED SERVICES DEFINED.—In this title, the term 'community-based services' means the following (to the extent they are not respite care or hospice respite care, as defined in subsection (d)):

"(1) Adult day care services provided by an adult day care program that meets such standards (including the provision of at least 1 meal a day and the provision of necessary transportation) established by the Secretary.

"(2) In the case of individuals with chronic mental illness, day treatment or other partial hospitalization services, psychosocial rehabilitation services, and clinic services (whether or not furnished in a facility), but only insofar as such services are equivalent to services described in paragraph (1) and do not include individual therapy.

"(3) Such other community-based items and services as the Secretary may approve.

"(d) RESPITE CARE AND HOSPICE RESPITE CARE DEFINED.—In this title:

"(1) RESPITE CARE.—The term 'respite care' means the following:

"(A) Services of the type described in subsections (b) and (c) provided on an occasional basis for the purpose of providing relief for an unpaid, regular caregiver.

"(B) The training of family members in how to deliver effectively home-based services.

"(C) Support counseling for family caregivers.

"(2) HOSPICE RESPITE CARE.—The term 'hospice respite care' means services of the type described in subsections (b) and (c) provided for the purpose of assisting terminally ill individuals.

"(e) COMMUNITY CARE AGENCY DEFINED.—In this title, the term 'community care agency' means a public agency or private organization, or a subdivision of such an agency or organization, which has entered into a participation agreement described in section 2163(a), which meets participation standards established under section 1891, and which—

"(1) is a home health agency (as defined in section 1861(m)); or

"(2)(A) is primarily engaged in delivering, or arranging for the delivery of, homemaker/home health services and personal assistance services,

"(B) maintains clinical records on all patients,

"(C) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, (i) is licensed pursuant to such law, or (ii) is approved, by the agency of such State or locality, responsible for licensing agencies or organizations of this nature, as meeting the standards established for such licensing, and

"(D) meets such additional requirements as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by such agency or organization or as may be necessary for the effective and efficient operation of the program under this title.

"LIMITS ON HOURS OF COMMUNITY CARE

"SEC. 2103. (a) INDIVIDUAL ENTITLEMENT BASED ON LEVEL OF IMPAIRMENT.—Subject to subsection (c) and section 2101(d)(2), coverage under this title for community care may not exceed, subject to subsection (b), in any month—

"(1) 52 hours in the case of a moderately disabled individual, or

"(2) 88 hours in the case of a severely disabled individual.

"(b) ADDITIONAL, POOLED COVERAGE FOR INDIVIDUALS WITH GREATER NEED.—

"(1) IN GENERAL.—Subject to the aggregate limit established under paragraph (2) consistent with guidelines established under paragraph (3) and subject to individual limits under paragraph (4), the number of hours of community care for certified individuals may be increased under this subsection (above the maximum number permitted under subsection (a)) to provide for the greater needs of the individual.

"(2) LIMIT ON AGGREGATE ADDITIONAL HOURS FOR A CARE MANAGER.—Subject to section 2101(d)(2), the total number of additional hours of community care made available under this subsection to certified individuals under the care of a care manager (as defined in section 2115(a)) may not exceed the sum of—

"(A) 13 multiplied by the average number of certified moderately disabled individuals

receiving community care under the care of the manager during the month; and

"(B) 22 multiplied by the average number of certified severely disabled individuals receiving community care under the care of the manager during the month.

"(3) ALLOCATION.—

"(A) ESTABLISHMENT OF GUIDELINES.—The Secretary shall establish guidelines for the allocation of additional hours of community care under this subsection.

"(B) APPLICATION OF GUIDELINES.—Each care manager shall establish standards for the allocation of additional hours of community care under this subsection consistent with such guidelines.

"(C) DISCRETION.—Except as may be provided by a care manager under such standards (consistent with such guidelines), no individual is entitled to additional hours of community care under this subsection. An individual who is dissatisfied with a care manager's allocation of hours under this subsection may file a complaint with the assessment agency (as defined in section 2114(a)(1)) with responsibility for monitoring the care manager.

"(4) INDIVIDUAL LIMIT.—The total of the number of hours of community care provided under subsection (a), and the number of additional hours of community care provided under this subsection, with respect to an individual for a month may not exceed such level as would permit the total payment rate for such community care for the month to exceed the payment rate that would apply under this title if the individual were provided benefits for long-term nursing facility care under this title during the entire month.

"(c) ADJUSTMENT IN COMPUTATION OF HOURS OF COMMUNITY CARE TO ACCOUNT FOR VARIATION IN INTENSITY OF TYPES OF CARE.—

"(1) DIVISION OF COMMUNITY CARE BY TYPE; COMPUTATION OF WEIGHTING FACTOR FOR EACH TYPE.—Based on the relative intensity of (or payment rates under part C for) different types of community care, the Secretary shall—

"(A) assign similar community care to a type of services, and

"(B) for each such type of community care assign an appropriate weighting factor that—

"(i) reflects the relative intensity of services (or payment level) of that type compared to the average mix of community care, and

"(ii) has an average value of 1.0.

"(2) ADJUSTMENT IN COMPUTING HOURS OF CARE.—In applying the limit on number of hours of community care under subsections (a) and (b), each hour of a given type of service shall be adjusted by the weighting factor (established under paragraph (1)(B)) for that type.

"(d) SPECIAL RULE FOR ITEMS.—In applying the hourly limits of the previous subsections in the case of community care that is an item (rather than a personal or professional service), the Secretary shall provide for a method for converting units of such care into hours of community care based on factors reflecting the payment level for such items compared to the payment levels for community care consisting of services.

"SCOPE OF NURSING FACILITY CARE

"SEC. 2104. (a) NURSING FACILITY CARE DEFINED.—In this title, the term 'nursing facility care' means the following items and services furnished to a resident of a nursing facility (as defined in subsection (b)) and (except as provided in paragraphs (3) and (6)) by such facility, excluding, however, any such

item or service if it would not be included under section 1861(b) if furnished to an inpatient of a hospital:

"(1) Nursing care provided by or under the supervision of a registered professional nurse.

"(2) Bed and board in connection with the furnishing of such nursing care.

"(3) Physical, occupational, or respiratory therapy, or speech-language pathology, furnished by the facility or by others under arrangements with them made by the facility.

"(4) Medical social services.

"(5) Such drugs, biologicals, supplies, appliances, and equipment, furnished for use in the facility as are ordinarily furnished by such facility for the care and treatment of residents.

"(6) Medical services provided by an intern or resident-in-training of a hospital with which the facility has in effect a transfer agreement (meeting the requirements of section 1861(1)), under a teaching program of such hospital approved as provided in the last sentence of section 1861(b), and other diagnostic or therapeutic services provided by a hospital with which the facility has such an agreement in effect.

"(7) Such other services necessary to the health of the residents as are generally provided by nursing facilities.

"(b) NURSING FACILITY DEFINED.—In this title, the term 'nursing facility' means—

"(1) a skilled nursing facility (as defined in section 1819(a)), or

"(2) a facility that is a nursing facility (as defined in section 1919(a)) which meets the requirements of section 1819(b)(4)(C) (relating to required nursing care),

which has entered into a participation agreement under section 2163(a). Such term does not include an intermediate care facility for the mentally retarded (as defined in section 1905(d)).

"LIMITS ON SHORT-TERM NURSING FACILITY CARE

"SEC. 2105. (a) IN GENERAL.—Coverage under this title for short-term nursing facility services under section 2101(a)(1)(B) for an individual may not exceed 180 days of nursing facility services in each of 2 episodes of care in each individual's lifetime.

"(b) EPISODE OF CARE DEFINED.—In subsection (a), the term 'episode of care' means, subject to subsection (c), a 180-day period—

"(1) which begins with the first day an individual elects to receive benefits with respect to short-term nursing facility care under this title, and

"(2) subject to subsection (d), immediately preceding which there was a period of noninstitutionalization (as defined in subsection (e)).

"(c) RELATION TO MEDICARE DAYS.—Any day in which an individual is receiving benefits with respect to extended care services under part A of title XVIII shall not be included in an episode of care.

"(d) TRANSITION.—In the case of an individual who is a resident of a nursing facility on the first date on which benefits are available under this part for nursing facility care (under section 2101(d)(2)) and who elects to receive benefits with respect to short-term nursing facility care under this title, the individual is deemed to be in an episode of care as of such date, but the number of days of benefits available under this title for the episode shall be reduced by 1 day for each day during the period ending on such first date and beginning at the end of the individual's last previous period of noninstitutionalization.

"(e) PERIOD OF NONINSTITUTIONALIZATION DEFINED.—In this section, the term 'period of

noninstitutionalization' means, with respect to an individual, a period of 180 consecutive days during each of which the individual was not a resident of a nursing facility.

"PART B—ASSESSMENTS AND CERTIFICATIONS

"REQUEST FOR AND PERFORMANCE OF ASSESSMENTS

"SEC. 2111. (a) REQUESTS FOR ASSESSMENT.—Each eligible individual (as defined in section 2101(c)) (or another person on such individual's behalf) may request an assessment agency (as defined in section 2114(a)(1)) to conduct an assessment (or, if previously certified under section 2112(a), a reassessment) under this section with respect to the individual.

"(b) BENEFICIARY ASSESSMENT CHARGES.—Subject to section 2131—

"(1) INITIAL ASSESSMENT.—The charge for an initial assessment under this section shall be \$25. The Secretary may, from time to time, modify the amount of such charge, but only insofar as the relative costs of conducting assessments under this section have changed over time.

"(2) SUBSEQUENT BENEFICIARY ASSESSMENT CHARGE.—The charge for a subsequent assessment (or reassessment) under this section shall be an amount, not to exceed the amount provided under paragraph (1), specified by the Secretary.

"(3) APPLICATION OF CHARGES.—Charges collected under this subsection with respect to assessments conducted by an assessment agency shall be retained by such agency and will be applied (in accordance with section 2114(e)(1)(B)) against the payments otherwise due such agency under section 2114(e)(1)(A).

"(c) PERFORMANCE OF ASSESSMENTS.—

"(1) LOCATION AND PROMPTNESS.—To the extent practicable, assessments shall be conducted on the individual in the individual's home with any primary caregiver present and shall be conducted within 14 days after the date of the request for the assessment.

"(2) TIMING OF ASSESSMENT IN RELATION TO NURSING FACILITY CARE.—

"(A) IN GENERAL.—To the extent practicable, assessments shall be conducted before the date an individual is admitted to a nursing facility. In no case shall payment be made under this title for nursing facility care furnished an individual earlier than 14 days before the date the individual has an assessment under this section.

"(B) TRANSITION.—

"(1) IN GENERAL.—If an individual is a resident of a nursing facility on the first date on which benefits are available under this part for nursing facility care (under section 2101(d)(2)) and has resided in the facility for at least 180 consecutive days before such date, the individual is deemed to have had an assessment under this section (and an affirmative certification under section 2112) as of such first date.

"(ii) VALIDITY OF CERTIFICATION.—An affirmative certification shall be deemed valid for a period of 1 year beginning on such effective date.

"(iii) FINANCIAL ELIGIBILITY STILL REQUIRED.—Nothing in this paragraph shall be construed as waiving the requirement of section 2101(a)(2) that an individual's resources be at or below the protected resource level in order to be entitled to benefits under this title for long-term nursing facility care.

"(3) FREQUENCY OF ASSESSMENTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, a request for an assessment under this section may be made at any time.

"(B) LIMITATION ON FREQUENCY.—If an individual, based on an assessment under this section, has an affirmative or negative cer-

tification under section 2112(a) (and, if affirmative, a determination of degree of impairment under such section), no further assessment (or reassessment) under this section shall be valid with respect to the individual unless—

"(i) subject to subparagraph (C), it is conducted at least 3 months after the date of the previous assessment, or

"(ii) a physician certifies that there has been a significant change in the individual's condition that may affect the certification or the determination of the degree of impairment.

"(C) REASSESSMENT AT TIME OF DISCHARGE FROM NURSING FACILITY.—

"(1) IN GENERAL.—Subject to clause (ii), in the case of a certified individual who is discharged from a nursing facility, if the individual desires to remain eligible for benefits under this title after the date of such discharge the individual must obtain a new assessment under this section at the time of the discharge. Any previous affirmative certification under section 2112(a) shall not remain valid after the date of the discharge unless such an assessment has been conducted; and, if such assessment has been conducted, the previous certification shall not remain valid after the date of the new certification pursuant to such assessment.

"(i) EXCEPTIONS.—The Secretary may provide for such exceptions to clause (1) as may be appropriate with respect to particular circumstances or timing of discharges from nursing facilities.

"(d) ASSESSMENT TEAMS.—Each assessment under this section shall be conducted by a multidisciplinary team of such appropriately trained individuals designated by the assessment agency as may be required to evaluate properly the disability of an individual.

"(e) UNIFORM ASSESSMENT INSTRUMENT AND METHODOLOGY.—In making assessments under this section, assessment agencies shall use a standard, reproducible, uniform assessment instrument and methodology designated by the Secretary. The Secretary shall first designate such instrument and methodology by not later than 6 months before the effective date of this title.

"CERTIFICATIONS

"SEC. 2112. (a) AFFIRMATIVE OR NEGATIVE CERTIFICATION.—Based on an assessment of an eligible individual conducted under section 2111, an assessment agency shall determine and certify whether or not the individual is a moderately or severely disabled individual (as defined in section 2101(b)(1)). In this title, the terms 'affirmative certification' and 'negative certification' mean, with respect to an individual, a certification under the previous sentence that the individual is, or is not, respectively, a moderately or severely disabled individual.

"(b) CONTENTS OF AFFIRMATIVE CERTIFICATION.—If the agency makes an affirmative certification, the agency—

"(1) shall—

"(A) include in the certification a determination, consistent with the guidelines established under subsection (c)(1), as to whether the degree of impairment is moderate or severe;

"(B) specify, consistent with guidelines established under subsection (c)(2), the period (not to exceed 12 months) during which the certification will be effective and before the end of which the individual must be reassessed to continue to remain eligible for benefits under this title;

"(C) if the individual elects to receive community care under this title, provide the individual with a referral to one or more care

managers (as defined in section 2115(a)) who may establish a plan of care for community care, consistent with the benefit level available under section 2103 with respect to that degree of impairment; and

"(D) if the individual is receiving community care under this title at the time of a recertification, include a review of, and instructing the care manager to make an appropriate revision of, the plan of care established with respect to such care; and

"(2) may identify (in accordance with criteria which the Secretary may establish and which are consistent with the guidelines under section 2103(b)(3)(A)) those factors (such as the availability of a primary unpaid caregiver) that might influence the selection of individuals who may need the additional hours of community care under section 2103(b) and the allocation of such additional hours of care among such individuals.

"(c) SECRETARIAL GUIDELINES.—By not later than 6 months before the effective date of this title, the Secretary shall establish—

"(1) guidelines for determining degrees of impairment under subsection (b)(1)(A), and

"(2) guidelines for specifying the period of effectiveness of affirmative certifications under subsection (b)(1)(B).

"APPEALS

"SEC. 2113. (a) IN GENERAL.—The provisions of section 1869 shall apply—

"(1) to determinations of whether an individual is entitled to benefits under this title, and

"(2) to the determination of the amount of benefits under this title, including a negative certification under section 2112 or the determination of a level of impairment under section 2112(b)(1)(A), but not including the allocation of additional hours of community care under section 2103(b).

In the same manner as they apply to such benefits under part B of title XVIII.

"(b) RESTRICTION ON COURT REVIEW.—A negative certification or a determination of a level of impairment shall not be overturned or modified by a court on the basis of the facts in any particular case unless the court finds that there is no reasonable basis for the factual determination and the certification or determination was arbitrary and capricious.

"ASSESSMENT AGENCIES

"SEC. 2114. (a) DEFINED.—

"(1) IN GENERAL.—In this title, the term 'assessment agency' means a nonprofit or public agency or organization, or a nonprofit or public subdivision of such an agency or organization, which the Secretary determines—

"(A) is capable of performing directly (or, with respect to conducting assessments and reviewing plans of care, directly or through contracts under subsection (d)) efficiently and effectively the duties of an assessment agency described in subsection (c);

"(B) demonstrates capability—

"(i) in conducting assessments (or contracting for the conduct of assessments),

"(ii) in reviewing the quality of community care, and

"(iii) in making determinations under part D with respect to low-income assistance and financial eligibility for long-term nursing facility care; and

"(C)(i) does not provide community care or nursing facility care and does not have a direct or indirect ownership or control interest in, or direct or indirect affiliation or relationship with, an entity that provides such care, and (ii) except as provided in paragraph (2), does not have a direct or indirect owner-

ship or control interest in, or direct or indirect affiliation or relationship with, a care manager.

"(2) WAIVER OF RESTRICTION OF CARE MANAGERS.—At the request of an assessment agency, the Secretary may waive the restriction of paragraph (1)(C)(ii) and section 2115(a)(1)(C)(i) for the assessment agency to be (or be related to) a care manager if the Secretary is satisfied that—

"(A) there is a qualified independent entity that will review and assure the quality of the care management functions otherwise reviewed by the agency, and

"(B) the number of individuals with respect to whom the agency will make affirmative certifications is consistent with the number of such individuals the agency would make if it were not related to a care manager.

"(b) SELECTION.—

"(1) IN GENERAL.—The Secretary shall, for each State, enter into a contract with an assessment agency to perform duties of such an agency with respect to residents of the State. Such a contract shall only be entered into with an agency if the Secretary determines that the agency will perform such duties in a manner consistent with the efficient and effective administration of this title. Subject to paragraph (4), the period of each such contract shall be 3 years.

"(2) BASIS FOR SELECTION.—Subject to paragraph (3), the Secretary shall select the qualified assessment agency to enter into a contract under this subsection for a State on the basis of a competitive bidding process which takes into account the costs and quality of services to be provided under the contract.

"(3) PRIORITY FOR STATE OR STATE AGENCY.—If more than one agency is qualified to enter into a contract with the Secretary under this subsection for the performance of duties in a State, priority shall be given to any such organization which is the State or an agency of the State.

"(4) TERMINATION.—The Secretary may terminate a contract with an assessment agency under this subsection, upon reasonable notice to the agency, if the Secretary determines that the agency has failed substantially to carry out its duties under the contract.

"(c) DUTIES OF ASSESSMENT AGENCIES.—

"(1) REQUIREMENTS.—Each assessment agency shall be responsible for—

"(A) conducting assessments under section 2111;

"(B) in cooperation with care managers, reviewing periodically the quality of care provided under this title;

"(C) monitoring the performance of care managers with respect to individuals certified by the agency, including receiving complaints respecting their performance; and

"(D) making determinations under part D with respect to (i) determining eligibility for low-income assistance, (ii) determining the amount of resources of individuals, (iii) verifying under section 2131(c)(6) information supplied in applications for assistance under that part, and (iv) establishing resident-specific deductibles under section 2133.

"(2) RECOMMENDATIONS.—

"(A) CARE MANAGERS.—With respect to community care, each assessment agency shall inform, and may make recommendations to, certified individuals respecting care managers that are qualified to plan and coordinate their care under this title.

"(B) NURSING FACILITIES.—With respect to nursing facility care, each assessment agen-

cy shall inform, and may make recommendations to, certified individuals respecting nursing facilities from which they may obtain covered services under this title.

"(d) CONTRACTING OUT CERTAIN FUNCTIONS.—The Secretary shall permit an assessment agency, to the extent necessary to carry out duties under this title and except as provided in subsection (a)(2), to provide for assessments through contracts with nonprofit or public organizations which do not provide community care or nursing facility care and which do not have a direct or indirect ownership or control interest in, or a direct or indirect affiliation or relationship with, an entity that provides, community care or nursing facility care or with a care manager.

"(e) PAYMENT TO ASSESSMENT AGENCIES.—

"(1) FOR ASSESSMENTS.—

"(A) IN GENERAL.—Each assessment agency shall be paid under this title, for conducting an assessment under section 2111, a per assessment payment amount in accordance with a schedule established by the Secretary. Such schedule shall take into account costs that are reasonable and related to the cost of performing such assessments.

"(B) OFFSETTING ASSESSMENT CHARGES COLLECTED.—Amounts otherwise payable to an assessment agency under this paragraph shall be reduced by the amount of assessment charges collected by the agency under section 2111(b).

"(2) FOR QUALITY REVIEW.—Each assessment agency shall be paid under this title, for reviewing the quality of care provided under this title, an amount that the Secretary determines is reasonable and related to the costs of conducting such reviews.

"(3) FOR LOW-INCOME ASSISTANCE AND ELIGIBILITY DETERMINATIONS.—Each assessment agency shall be paid under this title, for—

"(A) making determinations under part D with respect to low-income assistance under section 2131 (including verifying under section 2131(c)(6) information supplied in applications for assistance under that part),

"(B) computing resources under section 2132, and

"(C) establishing resident-specific deductibles under section 2133,

an amount that the Secretary determines is reasonable and related to the costs of conducting such activities.

"CARE MANAGERS

"SEC. 2115. (a) DEFINED.—

"(1) IN GENERAL.—In this title, the term 'care manager' means an individual or nonprofit or public agency or organization, or a nonprofit or public subdivision of such an agency or organization, which the appropriate assessment agency determines—

"(A) is capable of performing directly, efficiently, and effectively the duties of a care manager described in subsection (c);

"(B) demonstrates capability—

"(i) in establishing and periodically reviewing and revising plans of care for community care,

"(ii) in arranging for and monitoring the provision and quality of (or, in the case described in paragraph (2), in providing) community care, and

"(iii) in allocating, in accordance with the guidelines established under section 2103(b)(3)(A), additional hours of community care under section 2103(b) among different certified individuals whose plans of care are being monitored by the individual, agency, or organization;

"(C) in the case of an agency or organization—

"(i) except as provided in section 2114(a)(2), is not designated as an assessment agency and is not an affiliate of an agency so designated.

"(ii) except as provided in subsection (b), does not provide community care or nursing facility care and does not have a direct or indirect ownership or control interest in, or direct or indirect affiliation or relationship with, an entity that provides such care, and

"(iii) if the agency or organization is in a State in which State or applicable local law provides for the licensing of care managers, (I) is licensed pursuant to such law, or (II) is approved, by the agency of the State or locality responsible for licensing care managers, as meeting the standards established for such licensing; and

"(D) in the case of an individual, is in a State in which State or applicable local law provides for the licensing of individuals as care managers and (i) is licensed pursuant to such law, or (ii) is approved, by the agency of the State or locality responsible for licensing individual care managers, as meeting the standards established for such licensing.

"(2) WAIVER OF RESTRICTION ON PROVISION OF CARE.—The Secretary may waive the restriction of paragraph (1)(C)(ii) for a care manager if the Secretary is satisfied that—

"(A) there is a qualified independent entity that will review and assure the quality of the care that is furnished by the manager (or by the entity affiliated with the manager) and that otherwise is subject to review by the manager, and

"(B) the allocation of additional hours of community care under section 2103(b) will be done in a manner that treats individuals equitably without regard to whether or not the manager (or an entity affiliated with the manager) is providing the care.

"(b) SELECTION.—

"(1) BY INDIVIDUALS.—Subject to paragraph (2), each certified individual may select the care manager who will provide care management services with respect to the individual.

"(2) RESTRICTIONS ON SELECTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), a State may limit care managers that may be selected under paragraph (1) to—

"(i) a care manager that is a public agency or organization,

"(ii) a limited number of such managers, or

"(iii) managers that meet additional qualifications.

"(B) FREEDOM OF CHOICE.—A State may not restrict an individual's choice among the care managers that may be selected consistent with subparagraph (A).

"(3) DISQUALIFICATION.—If an assessment agency determines that a care manager has not performed (or is no longer capable of performing) directly, efficiently, and effectively the duties of a care manager described in subsection (c) or otherwise no longer meets the qualifications of such a manager, the agency, after notice to the manager, may disqualify the manager from serving as a care manager under this title until such time as the assessment agency determines that such qualifications are met.

"(c) DUTIES OF CARE MANAGERS.—Each care manager shall be responsible for—

"(1) establishing and periodically reviewing and revising plans of care for community care,

"(2) arranging for and monitoring the provision and quality of (or, in the case described in subsection (a)(2), in providing) community care and authorizing payment for care, and

"(3) allocating, in accordance with the guidelines established under section

2103(b)(3)(A), additional hours of community care under section 2103(b) among different certified individuals whose plans of care are being monitored by the care manager.

In carrying out paragraph (2), the care manager shall assure that the care is responsive to the preferences of patients in how the care is provided.

"(d) PROHIBITING CONTRACTING OUT DUTIES.—The Secretary shall not permit a care manager to contract out any of its duties.

"(e) PAYMENT TO CARE MANAGERS.—

"(1) FOR ESTABLISHING PLANS OF CARE.—Each care manager shall be paid under this title, for establishing a plan of care for a certified individual, a per capita amount in accordance with a schedule established by the Secretary.

"(2) FOR MONITORING CARE AND REVIEWING AND REVISING PLANS OF CARE.—Each care manager shall be paid under this title, for monitoring community care furnished to a certified individual and for periodically reviewing and revising the plans of care of such individuals, a monthly per capita fee in accordance with a schedule established by the Secretary.

"(3) BASIS FOR SCHEDULES.—The Secretary shall establish fee schedules under paragraphs (1) and (2) in a manner that—

"(A) does not vary the fee based on the degree of an individual's disability, and

"(B) takes into account costs that are reasonable and related to the cost of establishing plans of care or of monitoring care and reviewing and revising such plans of care, respectively.

"PART C—PAYMENT "COMMUNITY CARE

"SEC. 2121. (a) IN GENERAL.—

"(1) GENERAL RULE.—Subject to the succeeding provisions of this part, there shall be paid from the Federal Long-Term Care Trust Fund (established under section 2141), in the case of each certified individual who incurs expenses for community care with respect to which benefits are payable under this title, amounts equal to—

"(A) the amount determined under a fee schedule (or other prospectively-determined reimbursement mechanism) established and annually adjusted by the Secretary under subsection (b), or

"(B) the actual charges for such care,

whichever is less, reduced by the coinsurance amount established under subsection (c).

"(2) CARE MANAGER APPROVAL REQUIRED.—No payment may be made under this title for community care, furnished under a plan of care of a care manager, unless—

"(A) the provider furnishing the care has provided the care manager with a statement of the number of hours and type of community care furnished, and

"(B) the care manager has authorized payment for such care.

"(b) PROSPECTIVE PAYMENT METHODOLOGY.—

"(1) ESTABLISHMENT OF FEE SCHEDULES.—The Secretary shall establish—

"(A) a fee schedule (or other prospectively-determined reimbursement mechanism) for home-based services (as defined in section 2102(b)),

"(B) such a schedule or mechanism for community-based services (as defined in section 2102(c)), and

"(C) such a schedule or mechanism for respite care and hospice respite care (as defined in section 2102(d)),

consistent with paragraphs (2) through (4).

"(2) NATIONAL SCHEDULES.—Except as adjusted under paragraph (4), the schedules or

mechanisms under paragraph (1) shall provide for uniform national rates that vary among different types of services based on the skill level required in providing the services, the resources required to provide the services, or similar measure of intensity of services.

"(3) ANNUAL UPDATE.—The Secretary shall provide for an annual adjustment in the rates under such schedules or mechanisms based on the Secretary's estimate, before the beginning of the calendar year involved, of the percentage by which the cost of the mix of goods and services covered by the schedule (based on an index of appropriately weighted indicators of changes in wages and prices which are representative of such mix of goods and services) for the year will exceed the cost of such mix of goods and services for the preceding year.

"(4) ADJUSTMENT FOR DIFFERENT AREA WAGE LEVELS.—The Secretary shall adjust the proportion (as estimated by the Secretary from time to time) of payment amounts under such a schedule or mechanism which are attributable to wages and wage-related costs of services covered by the schedule or mechanism for area differences in wage levels by a factor (established by the Secretary) reflecting the relative wage level for such services in the geographic area in which the services are provided compared to the national average wage level for such services. At least every 36 months, the Secretary shall update the factor under the preceding sentence on the basis of a survey conducted by the Secretary (and updated as appropriate) of the wages and wage-related costs for different services in the United States. To the extent determined feasible by the Secretary, such survey shall measure the earnings and paid hours of employment by occupational category.

"(c) 20 PERCENT COINSURANCE.—Subject to section 2131, in the case of a community care agency (or other entity acting under an arrangement with such agency) furnishing community care under this title, the agency (or entity) shall impose a charge for the community care in an amount equal to 20 percent of—

"(1) the amount determined under the fee schedule or mechanism under subsection (b) for the care, or

"(2) the agency's or entity's charge for the care,

whichever is less.

"NURSING FACILITY CARE

"SEC. 2122. (a) PAYMENT RATES.—

"(1) IN GENERAL.—

"(A) PER DIEM PROSPECTIVE PAYMENTS FOR ADMINISTRATIVE COSTS AND PERSONAL CARE.—Subject to the succeeding provisions of this part, there shall be paid from the Federal Long-Term Care Trust Fund (established under section 2141), in the case of each certified individual who incurs expenses for a day of nursing facility care with respect to which benefits are payable under this title, an amount equal to the sum of the following (reduced to the extent provided under subparagraph (B)):

"(i) ADMINISTRATIVE PER DIEM.—The administrative per diem rate specified under subsection (b)(1).

"(ii) PERSONAL CARE PER DIEM.—The product of—

"(I) the personal care per diem rate specified in subsection (c), and

"(II) the weighting factor for the classification of the individual (as established under subsection (d)).

“(iii) CAPITAL PER DIEM.—The capital per diem amount determined under subsection (e)(1).

“(iv) RETURN-ON-EQUITY PER DIEM.—The return-on-equity per diem amount (if applicable) specified in subsection (f).

“(B) REDUCTION FOR COINSURANCE, RESIDENT-SPECIFIC DEDUCTIBLE.—The amount otherwise payable under this paragraph to a nursing facility shall be reduced by the coinsurance or resident-specific deductible, as appropriate, required under paragraph (2).

“(2) COINSURANCE; RESIDENT-SPECIFIC DEDUCTIBLE.—

“(A) SHORT-TERM NURSING FACILITY CARE.—

“(i) IN GENERAL.—Subject to section 2131, a nursing facility shall impose a charge for each day of short-term nursing facility care (as defined in section 2101(a)(3)(A)) in an amount equal to 20 percent of the average per diem rate determined under clause (ii) for the geographic area in which the facility is located.

“(ii) DETERMINATION OF AVERAGE PER DIEM RATE.—For purposes of clause (i) for nursing facility care in a geographic area, the Secretary shall determine before the beginning of each year for which benefits are available under this title for nursing facility care (pursuant to section 2101(d)(2)) with respect to nursing facility care to be provided in the year, an average per diem rate based on the Secretary's estimate of the weighted average (converted into an average per diem amount) of the sums described in paragraph (1)(A) (determined without regard to any reduction under paragraph (1)(B)) for the area.

“(B) LONG-TERM NURSING FACILITY CARE.—A nursing facility shall impose charges for long-term nursing facility care in the amount of the coinsurance and resident-specific deductible specified under subsection (a)(2) and section 2133.

“(b) ADMINISTRATIVE PER DIEM RATE.—

“(1) IN GENERAL.—For purposes of subsection (a)(1)(A)(i), the administrative per diem rate for a facility in a State in a cost reporting period ending in a basing period (as defined in subsection (g)(2)) is equal to the sum of—

“(A) the lesser of—

“(i) the base facility administrative per diem rate (determined under paragraph (2)) for the facility, or

“(ii) the limiting administrative per diem rate (determined under paragraph (3)) for facilities in the State applicable to the period; and

“(B) the base efficiency incentive per diem amount (specified in paragraph (4)),

increased (or decreased), for a cost reporting period ending after the first year of the basing period, by the percentage increase (or decrease), respectively, in the administrative marketbasket index (established under paragraph (6)) from the midpoint of the cost reporting period ending in the first year of the basing period to the midpoint of the cost reporting period involved, and adjusted to reflect area wage levels in the manner specified in paragraph (5).

“(2) BASE FACILITY ADMINISTRATIVE PER DIEM RATE.—

“(A) FIRST BASING PERIOD.—The Secretary shall determine, for each nursing facility for the first year of the basing period beginning in 1996 a base facility administrative per diem rate equal to—

“(i) the facility-specific administrative per diem described in subparagraph (C) computed for the cost reporting period which ended in 1991,

“(ii) if the cost reporting period referred to in clause (i) ended before December 31, 1991,

updated by the estimated average rate of change of administrative costs of nursing facilities industry-wide in the State between the midpoint of the cost reporting period and July 1, 1991, and

“(iii) further updated for 1992, 1993, 1994, 1995, and 1996 by the percentage change in the administrative marketbasket index between July 1, 1991, and July 1 of the year involved, as estimated by the Secretary before the beginning of the basing period.

For an examination of the update provided under clause (iii), see section 2125(c)(2).

“(B) SUBSEQUENT BASING PERIOD.—The Secretary shall determine, for each nursing facility for the first year of each subsequent basing period, a base facility administrative per diem rate equal to the sum of the following:

“(i) MOST RECENT COST REPORTING PERIOD.—The product of .5 and the facility-specific administrative per diem for the most recent cost reporting period ending at least 1 year before the first year of the basing period, increased by the percentage change in the administrative marketbasket index between the midpoint of that cost reporting period and July 1 of the first year of the basing period, as estimated by the Secretary before the beginning of the basing period.

“(ii) SECOND MOST RECENT COST REPORTING PERIOD.—The product of .375 and the facility-specific administrative per diem for the most recent cost reporting period ending at least 2 years before the first year of the basing period, increased by the percentage change in the administrative marketbasket index between the midpoint of that cost reporting period and July 1 of the first year of the basing period, as estimated by the Secretary before the beginning of the basing period.

“(iii) THIRD MOST RECENT COST REPORTING PERIOD.—The product of .125 and the facility-specific administrative per diem for the most recent cost reporting period ending at least 3 years before the first year of the basing period, increased by the percentage change in the administrative marketbasket index between the midpoint of that cost reporting period and July 1 of the first year of the basing period, as estimated by the Secretary before the beginning of the basing period.

“(C) FACILITY-SPECIFIC ADMINISTRATIVE PER DIEM.—

“(i) IN GENERAL.—In this subsection, the ‘facility-specific administrative per diem’ for a facility for a cost reporting period is—

“(I) the facility's total administrative costs (as defined in subsection (g)(1)) for such period, divided by

“(II) the total number of resident days of nursing facility care at the facility in the period,

standardized by the Secretary in order to adjust for variations among facilities by area within a State in the average facility wage level.

“(ii) USE OF MEDICAID COST REPORTS FOR FIRST BASING PERIOD.—The Secretary shall determine facility-specific administrative per diems for the basing period beginning with 1996 based on cost reports filed under title XIX (with appropriate adjustments to reflect ratios of reported costs to costs that would be allowed after audit).

“(3) LIMITING ADMINISTRATIVE PER DIEM RATE.—The Secretary shall determine, for nursing facilities in each State for the first year of each basing period, a limiting administrative per diem rate equal—

“(A) in the case of the basing period beginning in 1996, to the rate corresponding to the 80th percentile (weighted by resident days) of the base facility administrative per diem

rates determined under paragraph (2)(A) for facilities in the State for the first year of that basing period, or

“(B) in the case of a subsequent basing period, the rate described in subparagraph (A) increased by the percentage change in the administrative marketbasket index between the midpoint of the first year of the first basing period and the midpoint of the first year of the basing period involved.

In applying such rate to any specific facility the cost reporting period of which is not a calendar year, the Secretary shall adjust the rate, using changes in the administrative marketbasket index, to reflect appropriately the difference between the midpoint of the facility's cost reporting period and July 1.

“(4) BASE EFFICIENCY INCENTIVE PER DIEM AMOUNT.—For purposes of paragraph (1)(B), the base efficiency incentive per diem amount for a facility in a State for a basing period is equal to ½ of the product, determined for the first year of the basing period, of—

(A) the ratio of (i) the facility's base facility administrative per diem rate (determined under paragraph (2)), to (ii) the limiting administrative per diem rate (determined under paragraph (3) for facilities in the State); and

(B) the amount (if any) by which (i) the limiting administrative per diem rate (determined under paragraph (3) for facilities in the State), exceeds (ii) the facility's base facility administrative per diem rate (determined under paragraph (2)).

“(5) ADJUSTMENT FOR DIFFERENT AREA WAGE LEVELS.—The Secretary shall adjust the proportion (as estimated by the Secretary from time to time) of a facility's administrative costs which are attributable to wages and wage-related costs for area differences in facility wage levels by a factor (established by the Secretary) reflecting the relative facility wage level in the geographic area of the facility compared to the State-wide average facility wage level. At least every 36 months, the Secretary shall update the factor under the preceding sentence on the basis of a survey conducted by the Secretary (and updated as appropriate) of the wages and wage-related costs of nursing facility care in States. To the extent determined feasible by the Secretary, such survey shall measure the earnings and paid hours of employment by occupational category.

“(6) ADMINISTRATIVE MARKETBASKET INDEX.—The Secretary shall establish an index which measures, through appropriately weighted indicators of wages and prices, the change in the cost of the mix of goods and services (including personnel costs but excluding nonoperating costs) comprising administrative costs of nursing facility care. In this subsection, the term ‘administrative marketbasket index’ means the index established under this paragraph.

“(c) PERSONAL CARE PER DIEM RATE.—

“(1) FORMULA.—

“(A) IN GENERAL.—Subject to the personal care per diem floor specified in paragraph (4), for purposes of subsection (a)(1)(A)(ii)(I) the personal care per diem rate for a facility in a State in a cost reporting period ending in a basing period is—

“(i) the lesser of the amounts specified in subparagraph (B), increased (or decreased), for a cost reporting period ending after the first year of the basing period, by the percentage increase (or decrease), respectively, in the personal care marketbasket index (established under paragraph (6)) from the midpoint of the cost reporting period ending in the first year of the basing period to the

midpoint of the cost reporting period involved; or

"(ii) the facility's actual per diem personal care costs for the previous cost reporting period increased (or decreased) by the percentage income (or decrease) in the personal care marketbasket index from the midpoint of the previous cost reporting period to the midpoint of the cost reporting period involved,

whichever is less, adjusted to reflect area wage levels in the manner specified in paragraph (5).

"(B) AMOUNTS.—The amounts specified in this subparagraph for a facility in a State are as follows:

"(i) The base facility personal care per diem rate (determined under paragraph (2)) for the facility.

"(ii) The limiting personal care per diem rate (determined under paragraph (3)) for facilities in the State.

"(2) BASE FACILITY PERSONAL CARE PER DIEM RATE.—The Secretary shall determine, for each nursing facility for each basing period, a base facility personal care per diem rate. Such rate shall be determined in the same manner as the Secretary determines administrative per diem rates under subsection (b)(2) (assuming that 'personal care' were substituted for 'administrative' each place it appears in such subsection).

"(3) LIMITING PERSONAL CARE PER DIEM RATE.—The Secretary shall determine, for nursing facilities in each State for the first year of each basing period, a limiting personal care per diem rate. Such rate shall be determined in the same manner as the Secretary determines a limiting administrative per diem rate under subsection (b)(3) (assuming that 'personal care' were substituted for 'administrative' each place it appears in such subsection). Such rate shall be adjusted and applied with respect to cost reporting periods of specific facilities in the manner described in such subsection.

"(4) BASE FLOOR PERSONAL CARE PER DIEM AMOUNT.—

"(A) IN GENERAL.—Subject to subparagraph (C), in no case shall the personal care per diem rate for a facility in a State under paragraph (1)(A) in a cost reporting period in a basing period be less than the base floor personal care per diem amount (specified in subparagraph (B)) increased (or decreased), for a cost reporting period ending after the first year of the basing period, by the percentage increase (or decrease), respectively, in the personal care marketbasket index from the midpoint of the cost reporting period ending in the first year of the basing period to the midpoint of the cost reporting period involved and adjusted to reflect area wage levels in the manner specified in paragraph (5).

"(B) BASE FLOOR PERSONAL CARE PER DIEM AMOUNT.—For purposes of subparagraph (A), the base floor personal care per diem amount for a facility in a State for any part of a cost reporting period occurring during—

"(i) the first 12-month period in which this title is effective, is equal to—

"(I) the rate corresponding to the 20th percentile (weighted by resident days) of the base facility personal care per diem rates (determined under paragraph (2)) for all facilities in the State for portions of cost reporting periods occurring the 12-month period, or

"(II) the rate corresponding to the 20th percentile (weighted by resident days) of the base facility personal care per diem rates (determined under paragraph (2)) for all facilities in the United States for portions of

cost reporting periods occurring the 12-month period,

whichever is greater; or

"(ii) a succeeding 12-month period, is equal to—

"(I) the rate corresponding to the 30th percentile (weighted by resident days) of the base facility personal care per diem rates (determined under paragraph (2)) for all facilities in the State for portions of cost reporting periods occurring the 12-month period, or

"(II) the rate corresponding to the 30th percentile (weighted by resident days) of the base facility personal care per diem rates (determined under paragraph (2)) for all facilities in the United States for portions of cost reporting periods occurring the 12-month period,

whichever is greater.

"(C) MUST SPEND FUNDS TO GET BASE FLOOR.—Subparagraph (A) shall not apply to a facility for a cost reporting period if the facility's actual per diem personal care costs for the period is less than the base floor personal care per diem amount specified in subparagraph (B).

"(5) ADJUSTMENT FOR DIFFERENT AREA WAGE LEVELS.—The Secretary shall adjust a proportion of a facility's personal care costs which are attributable to wages and wage-related costs for area differences in facility wage levels in the same manner as such an adjustment is made under subsection (b)(5).

"(6) PERSONAL CARE MARKETBASKET INDEX.—The Secretary shall establish an index which measures, through appropriately weighted indicators of wages and prices, the change in the cost of the mix of goods and services (including personnel costs but excluding nonoperating costs) comprising personal care costs (as defined in subsection (g)(4)) of nursing facility care. In this subsection, the term 'personal care marketbasket index' means the index established under this paragraph.

"(d) WEIGHTING FACTORS.—

"(1) ESTABLISHMENT OF CLASSIFICATION LEVELS.—The Secretary shall establish a classification of individuals receiving nursing facility care based on individuals' level of impairment and need for personal care services under a plan of care. The Secretary shall establish, by not later than 6 months before the effective date of this title, at least 3 classification levels under this paragraph.

"(2) WEIGHTING FACTORS.—For each such classification level, the Secretary shall assign an appropriate weighting factor which reflects the relative costs of personal care services expected to be used with respect to individuals who are classified at that level compared to individuals who are classified at other levels.

"(3) ADJUSTMENTS.—The Secretary may, from time to time, adjust the classifications and weighting factors established under this subsection to reflect changes in treatment patterns, technology, and other factors which may change the relative use of nursing facility resources.

"(e) CAPITAL PER DIEM PAYMENT AMOUNT.—

"(1) COMPUTATION.—Subject to paragraph (6), the Secretary shall determine for each nursing facility for each cost reporting period a capital per diem payment amount equal to the capital adjustment percentage (specified in paragraph (3)) for the facility multiplied by the lesser of—

"(A) the facility-specific capital per diem payment amount (specified in paragraph (2)) for the facility, or

"(B) the limiting capital per diem payment amount (determined under paragraph (4)).

Such per diem amount shall be preliminarily determined on a prospective basis, but is subject to retrospective adjustment to reflect actual costs, actual capital cost/assessed value ratios, and actual resident days of care provided.

"(2) FACILITY-SPECIFIC CAPITAL PER DIEM PAYMENT AMOUNT.—For purposes of paragraph (1), the facility-specific capital per diem payment amount for a facility is the actual costs of capital-related items (as defined in subsection (g)(3)) of the facility relating to nursing facility services, divided by the greater of—

"(A) the total number of resident days of nursing facility care provided in the period in the facility, or

"(B) the total number of resident days of nursing facility care that could have been provided in the period in the facility if the facility had an average occupancy rate of 85 percent during the period.

"(3) CAPITAL ADJUSTMENT PERCENTAGE.—

"(A) IN GENERAL.—For purposes of paragraph (1), if the capital cost/assessed value ratio (as defined in subparagraph (B)) of a facility in a State is—

"(i) less than a ratio that corresponds to the 33rd percentile of such ratio for such nursing facilities (determined State-wide on a bed weighted basis), the capital adjustment percentage for the facility is 102 percent;

"(ii) not less than a ratio that corresponds to the 33rd percentile, but less than the 66th percentile, of such ratio for such nursing facilities (determined State-wide on a bed weighted basis), the capital adjustment percentage for the facility is 100 percent;

"(iii) not less than a ratio that corresponds to the 66th percentile, but less than the 90th percentile, of such ratio for such nursing facilities (determined State-wide on a bed weighted basis), the capital adjustment percentage for the facility is 98 percent; or

"(iv) at least equal to a ratio that corresponds to the 90th percentile of such ratio for such nursing facilities (determined State-wide on a bed weighted basis), the capital adjustment percentage for the facility is 95 percent.

"(B) CAPITAL COST/ASSESSED VALUE RATIO.—

"(1) DEFINED.—In subparagraph (A), the term 'capital cost/assessed value ratio' means, for a facility, the ratio of (I) the costs of fixed capital-related items (computed on a per bed basis) of the facility, to (II) the assessed value of such items (as determined in accordance with standards and methods specified by the Secretary).

"(ii) METHOD OF DETERMINATION.—The capital cost/assessed value ratio shall be determined in a manner that—

"(I) takes into account major capital improvements of a facility in a timely manner,

"(II) provides for assessments of value of fixed capital-related items of each nursing facility not less often than every 5 years, and

"(III) provides (in the determination of percentiles of State-wide ratios) for the application of appropriate trend factors to effect valuation comparisons on an equitable basis.

"(4) LIMITING CAPITAL PER BED AMOUNT.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the Secretary shall determine, for nursing facilities in each State for the first year of each basing period, a limiting capital per bed amount equal to the amount corresponding to the 80th percentile (weighted by resident days) of the capital per bed ratio (as defined in subparagraph (B)) for facilities in the State for the first year of that

basing period. The limiting capital per bed amount applied to any specific facility for a cost reporting period is equal to the amount determined under the previous sentence adjusted to reflect the Secretary's estimate of the average change in capital per bed ratio, for facilities in the State, between the midpoint of the year for which such amount was most recently determined and the midpoint of the cost reporting period of the facility in which the limiting amount will be applied. However, the Secretary may adjust such amount as applied to facilities in an area to reflect differences between the State-wide average cost of capital-related items and such average cost for facilities in the area.

"(B) CAPITAL PER BED RATIO DEFINED.—In subparagraph (A), the term 'capital per bed ratio' means, for a year or period, for a facility the ratio of (i) the costs of capital-related items for nursing facility services in the facility during the year or period, to (ii) the average number of licensed nursing beds in the facility during the year or period.

"(5) DETERMINATION OF CAPITAL COSTS.—
 "(A) IN GENERAL.—For purposes of this subsection, costs for a facility for capital-related items shall be determined based on the historical costs of the items, recognizing interest, depreciation, and rent and, except as provided in subparagraph (C), not subject to adjustment as a result of the sale, transfer, or refinancing of the items (or of the corporation or other entity that owns the items).

"(B) LIMITATION ON RENT.—In no case shall costs for rent determined under subparagraph (A) for a capital-related item be greater than the interest and depreciation with respect to such item if the item were owned, rather than rented.

"(C) ADJUSTMENT OF HISTORICAL CAPITAL COSTS.—In the case of the sale, transfer, or refinancing of a capital-related item, the Secretary shall permit the depreciation and interest for the item to be adjusted to take into account the value of such item in such financial transaction, except that such adjustment may not be made more often than once every 10 years.

"(6) REDUCTION FOR INCREASE IN BED-TO-USER-RATIO.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), if the Secretary determines that, as of October in a year, the bed-to-user-ratio described in subparagraph (B) for the State exceeds the greater of—

"(i) such ratio for the State as of October 1991, or

"(ii) such ratio for the United States as of October 1991,

the capital payment amount under this subsection, and any return-on-equity per diem amount under subsection (f), for days in the following year shall be eliminated.

"(B) BED-TO-USER-RATIO DESCRIBED.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the 'bed-to-user-ratio' described in this subparagraph, for a State or the United States for a month, is the sum, for each age-cohort (described in clause (ii)), of the ratios of—

"(I) the number of licensed nursing facility beds in the State or United States, respectively, as of the month, to

"(II) the product of the use-weighting factor for individuals in the age-cohort (as determined under clause (iii)) and the average number of thousands of individuals in the age-cohort residing in the State or United States, respectively, as of such month.

"(ii) AGE-COHORTS.—For purposes of this subparagraph, individuals within each of the

following age ranges are considered to be in a separate age-cohort:

"(I) Under age 65.

"(II) Age 65 through age 70.

"(III) Age 71 through age 75.

"(IV) Age 76 through age 80.

"(V) Age 81 through age 85.

"(VI) Over age 85.

"(iii) COMPUTATION OF USE-WEIGHTING FACTOR.—The Secretary shall determine use-weighting factors for individuals in each age-cohort which reflect (using data as of October 1991) the likelihood of individuals in the cohort receiving nursing facility care in a month.

"(C) EXCEPTION IF NO INCREASE IN LICENSED BEDS.—Subparagraph (A) shall not apply to a State for days in a year if the number of licensed nursing facility beds in the State as of October of the previous year does not exceed such number as of October 1991.

"(f) RETURN ON EQUITY FOR FOR-PROFIT NURSING FACILITIES.—

"(1) IN GENERAL.—With respect to a nursing facility (other than a public or nonprofit private nursing facility) that receives payment for nursing facility services under this title, subject to subsection (e)(6), for purposes of subsection (a)(1)(A)(iv) the return-on-equity per diem amount for the facility for a cost reporting period under this subsection is equal to—

"(A) the average rate of return during such period of the Federal Long-Term Care Trust Fund of the Federal share (as defined in paragraph (2)) of the equity in the facility, divided by

"(B) the total number of resident days of nursing facility care provided in the period in the facility.

"(2) FEDERAL SHARE DEFINED.—In paragraph (1), the term 'Federal share' means, with respect to a facility for a cost reporting period, the ratio of (A) the total number of resident days of nursing facility care in the facility for the period for which payment is made under this title, to (B) the total number of resident days of nursing facility care in the facility for the period.

"(3) DETERMINATION OF EQUITY.—For purposes of paragraph (1), the equity in a nursing facility shall be determined in accordance with standards established by the Secretary and consistent with rules for the adjustment of historical capital costs.

"(g) GENERAL DEFINITIONS.—In this section:

"(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' means costs of nursing facility care other than personal care costs (as defined in paragraph (4)) or costs of capital-related items.

"(2) BASING PERIOD.—The term 'basing period' means a 3-calendar-year period beginning with 1996 or beginning with each 3rd calendar year thereafter.

"(3) CAPITAL-RELATED ITEMS.—The term 'capital-related items' does not include any return on equity capital.

"(4) PERSONAL CARE COSTS.—The term 'personal care costs' means costs associated with direct resident care which the Secretary identifies as varying by needs of residents and includes costs of raw food, food preparation, and laundry services.

"CERTIFICATION FOR PAYMENT; CONDITIONS OF PAYMENT

"SEC. 2123. (a) IN GENERAL.—Payment for care under this title may be made only to providers and facilities that meet conditions of participation established under this title and only if—

"(1)(A) in the case of community care provided under the supervision of a care man-

ager, the manager has filed written authorization for payment for such care, or, in the case of nursing facility care provided to an individual, a written request (signed by such individual, except in cases in which the Secretary finds it impracticable for the individual to do so) is filed for such payment, in such form, in such manner, and by such person or persons as the Secretary may specify, no later than the close of the period of 1 calendar year following the year in which such care is furnished (deeming any care furnished in the last 3 calendar months of any calendar year to have been furnished in the succeeding calendar year); and

"(2) an assessment agency certifies (and recertifies, where such care is furnished over a period of time, in such cases, with such frequency, and accompanied by such supporting material, appropriate to the individual involved, as may be provided by the Secretary) that—

"(A) in the case of community care or nursing facility care provided to an individual, the individual is a certified individual, and

"(B) in the case of community care provided to an individual, a plan for furnishing such care to such individual has been established and is periodically reviewed and revised by such agency and the care is provided pursuant to the plan of care.

"(b) SPECIAL PROVISIONS.—To the extent provided by the Secretary, the certification and recertification requirements of subsection (a)(2) shall be deemed satisfied where, at a later date, an assessment agency makes an affirmative certification of the kind required, but only where such certification is accompanied by such evidence as may be required by the Secretary.

"(c) INFORMATION REQUIRED.—No payment shall be made to any community care agency, nursing facility, or other person under this title unless there has been furnished such information as may be necessary in order to determine the amounts due such agency, facility, or other person under this title for the period with respect to which amounts are being paid.

"(d) FEDERAL PROVIDERS.—

"(1) IN GENERAL.—Subject to paragraph (2), no payment may be made under this title to any Federal agency or facility, except an agency or facility which the Secretary determines is providing services to the public generally as a community agency or facility; and no such payment may be made to any agency, facility, or other person for any item or service which such agency, facility, or person is obligated by a law of, or a contract with, the United States to render at public expense.

"(2) EXCEPTION FOR INDIAN HEALTH SERVICES.—As provided by the Secretary, payment may be made under this title for covered services provided by facilities of the Indian Health Service in the same manner in which, pursuant to section 1880, payment under title XVIII is permitted to be made to facilities of such Service.

"USE OF CARRIERS

"SEC. 2124. The Secretary is authorized to enter into contracts with carriers (described in subsection (f) of section 1842) to perform functions under this title of the type described in such section, in the same manner as the Secretary is authorized to enter into contracts under such section. The amount of any payment made by a carrier for services provided under this title shall be based exclusively on payment methodologies provided under this title and not on those methodologies described in such section or title XVIII.

"LONG-TERM CARE PAYMENT ASSESSMENT COMMISSION

"SEC. 2125. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director of the Congressional Office of Technology Assessment (in this section referred to as the 'Director' and the 'Office' respectively) shall provide for appointment of a Long-Term Care Payment Assessment Commission (in this section referred to as the 'Commission'), to be composed of independent experts appointed by the Director. The provisions of title 5, United States Code, governing appointment in the competitive service, shall not apply to such appointments.

"(2) NUMBER OF MEMBERS.—The Commission shall consist of 13 individuals. Members of the Commission shall first be appointed no later than July 1, 1993, for a term of 3 years, except that the Director may provide initially for such shorter terms as will insure that (on a continuing basis) the terms of no more than 5 members expire in any one year.

"(3) COMPOSITION.—The membership of the Commission shall include (but need not be limited to) providers of community care and of nursing facility care, health care professionals, individuals skilled in the conduct and interpretation of biomedical, health services, and health economics research, and representatives of consumers and the recipients of community care and nursing facility residents.

"(b) GENERAL DUTIES.—The Commission shall—

"(1) make recommendations to the Secretary and Congress annually regarding the appropriate payment rates to be established for community care and nursing facility care under this part, and

"(2) conduct studies regarding the delivery and payment for community care and nursing facility care under this title.

"(c) CONSIDERATIONS IN MAKING RECOMMENDATIONS.—In making its recommendations under subsection (b)(1), the Commission shall examine—

"(1) the methodology used in establishing payment rates for community care;

"(2) the factor used in making year-to-year updates in payment rates (including the updates provided under section 2122(b)(2)(A)(iii));

"(3) adjustments made on the basis of location of community care agencies and nursing facilities; and

"(4) costs reports used in determining payment for nursing facility care and the consistency of definitions used in establishing allowable costs of such care.

"(d) STUDIES.—The Commission shall provide for the following studies (and reports to Congress respecting such studies):

"(1) STUDY OF ADMISSIONS.—A study of the factors influencing nursing facility admissions with respect to individuals who are entitled to benefits under this title. Such study shall include an examination of the length of the period between the date of such an individual's application for admission and the date of admission and the occupancy rate of facilities during that period. The Commission shall report to Congress by not later than January 1, 1997, on the results of such study.

"(2) STUDY OF BED-TO-USER-RATIOS.—A study of the appropriate ratio of the number of licensed nursing facility beds to the number of thousands of individuals in different age groups in the population required to provide cost effective care for moderately or severely disabled individuals. The Commission shall report to Congress by not later than January 1, 1994, on the results of such study

and shall include such recommendations for changes in legislation (including section 2122(e)(6)) as may be appropriate to provide for the appropriate number of nursing facility beds.

"(3) STUDY OF PAYMENT RATES FOR NURSING FACILITY CARE.—A study, based on cost reports provided under this title, on whether the payment rates provided under section 2122 for nursing facility care reflect the costs that are necessary in the efficient delivery of needed nursing facility care. The Commission shall report to Congress by not later than January 1, 1997, on the results of such study and shall include such recommendations for changes in payment rates under such section as may be appropriate.

"(4) STUDY OF LEVELS OF IMPAIRMENT.—A study of the number of levels of impairment, and amount of services for which payment may be made for such levels, under this title, to determine whether the services and payment levels are appropriate to meet the care needs of moderately or severely disabled individuals. The Commission shall report to Congress by not later than January 1, 1997, on the results of such study and shall include such recommendations for changes in the number of (or amount of) services with respect to such levels under this title as may be appropriate.

"(e) INCORPORATION OF CERTAIN ADMINISTRATIVE PROVISIONS.—The following provisions of section 1886(e)(6) shall apply to the Commission in the same manner as they apply to the Prospective Payment Assessment Commission:

"(1) Subparagraph (C) (relating to staffing and administration).

"(2) Subparagraph (D) (relating to reimbursement for travel expenses).

"(3) Subparagraph (F) (relating to access to information).

"(4) Subparagraph (G) (relating to use of funds).

"(5) Subparagraph (H) (relating to periodic GAO audits).

"(6) Subparagraph (J) (relating to requests for appropriations).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Such sums shall be payable from the Federal Long-Term Care Trust Fund.

"PART D—LOW-INCOME ASSISTANCE AND FINANCIAL ELIGIBILITY FOR LONG-TERM NURSING FACILITY SERVICES

"ASSISTANCE FOR LOW-INCOME INDIVIDUALS FOR COINSURANCE FOR COMMUNITY CARE AND SHORT-TERM NURSING FACILITY CARE AND CHARGES FOR ASSESSMENTS

"SEC. 2131. (a) INDIVIDUALS WITH INCOME BELOW THE POVERTY LEVEL.—Except as otherwise provided in this section, in the case of a certified individual whose family adjusted total income (as defined in subsection (f)(2)) does not exceed 100 percent of the official poverty line (as defined in subsection (f)(4)), the low-income assistance under this part shall consist of waiver of—

"(1) the coinsurance under section 2121(c) for the individual with respect to community care and coinsurance under section 2122(a)(2)(A) for the individual with respect to short-term nursing facility care, and

"(2) charges for assessments and reassessments under section 2111(b).

"(b) INDIVIDUALS WITH INCOME BELOW TWICE THE POVERTY LEVEL.—

"(1) IN GENERAL.—In the case of a certified individual whose family adjusted total income exceeds 100 percent but is less than 200 percent, of the official poverty line, the low-

income assistance under this part shall consist of—

"(A) the percentage coinsurance applied under sections 2121(c) and 2122(a)(2) being reduced by the subsidy percentage multiplied by the percentage coinsurance otherwise applied, and

"(B) charges for assessments and reassessments under section 2111(b) being reduced by the subsidy percentage multiplied by the charges otherwise applicable.

"(2) SUBSIDY PERCENTAGE DEFINED.—In this subsection, the term 'subsidy percentage' means the number of percentage points (rounded to the nearest multiple of 5 percentage points) by which the family's adjusted total income (expressed as a percent of the applicable official poverty line) is less than 200 percent.

"(c) APPLICATIONS FOR ASSISTANCE.—

"(1) IN GENERAL.—Subject to subsection (d), any individual who seeks assistance under this section (with respect to himself or herself or a family member) shall submit a written application, by person or mail, to the assessment agency which made the affirmative certification under part B.

"(2) BASIS FOR DETERMINATION.—

"(A) IN GENERAL.—Subject to subparagraph (B) and subsection (d), eligibility for assistance under this part shall be based on 4 times the family adjusted total income during the 3 months preceding the month in which the application is filed.

"(B) EXCEPTIONS PROCESS.—The Secretary shall establish a process under which individuals who experience an unforeseen and significant change of income in a month may have eligibility for assistance under this part based on the family adjusted total income projected for the 3 months beginning with the month in which the application is filed, if the application of subparagraph (A) would otherwise create a significant hardship and unreasonably delay the provision of needed care.

"(C) TIMELINESS.—The assessment agency shall make a determination on an application for assistance under this part within 14 days after the date of submission of the application.

"(3) FORM AND CONTENTS.—An application for assistance under this section shall be in a form and manner specified by the Secretary and shall require the provision of information necessary to make the determinations described in paragraph (2).

"(4) FREQUENCY OF APPLICATIONS.—

"(A) IN GENERAL.—An application for assistance under this section may be filed at any time during the year and may be resubmitted (but not more frequently than once every 3 months) based upon a change of income or family composition.

"(B) NEED TO REAPPLY.—In order to remain eligible for assistance under this section, an individual must resubmit an application for assistance at the time of each reassessment under section 2111, but in no case less often than once every six months. The Secretary shall provide for notice by assessment agencies, at least 30 days (to the extent practicable) before the date of assistance under this section will otherwise terminate, reminding individuals of the requirement of this subparagraph.

"(5) TIMING OF ASSISTANCE.—

"(A) IN GENERAL.—If an application for assistance under this part is filed during a month, assistance under this section shall be available for coinsurance for expenses incurred on or after the first day of the month.

"(B) WELFARE RECIPIENTS.—In the case of an individual with respect to whom an appli-

cation for assistance is not required because of subsection (d), in applying subparagraph (A), the date of approval of assistance described in such subsection shall be considered the date of filing of an application for assistance under this section.

"(6) VERIFICATION.—In the case of an application for assistance under this section for individuals who have been certified under part B by an assessment agency, the agency shall provide for verification, on a sample basis or other basis, of the information supplied in those applications.

"(7) FILING OF APPLICATION DEFINED.—Except as provided in paragraph (5)(B), for purposes of this subsection, an application under this section is considered to be 'filed' on the date on which the complete application, including all documentation required to act on the application, has been filed with the appropriate assessment agency.

"(d) TREATMENT OF CERTAIN CASH ASSISTANCE RECIPIENTS.—In the case of a family that has been determined to be eligible for aid under part A or E of title IV or an individual who has been determined to be eligible for supplemental security income benefits under title XVI, the family or individual is deemed, without the need to file an application for assistance under this subsection, to have adjusted total income below 100 percent of the official poverty line applicable to a family of the size involved.

"(e) PENALTIES FOR INACCURATE INFORMATION.—

"(1) INTEREST FOR UNDERSTATEMENTS.—Each individual who knowingly understates income reported in an application for assistance under this section or otherwise makes a material misrepresentation of information in such an application shall be liable to the Federal Government for excess payments made based on such understatement or misrepresentation, and for interest on such excess payments at a rate specified by the Secretary.

"(2) PENALTIES FOR MISREPRESENTATION.—Each individual who knowingly misrepresents material information in an application for assistance under this section shall be liable to the Federal Government for \$1,000 or, if greater, three times the excess payments made based on such misrepresentation.

"(f) DEFINITIONS.—In this section:

"(1) ADJUSTED TOTAL INCOME DEFINED.—

"(A) IN GENERAL.—The term 'adjusted total income' means—

"(i) adjusted gross income (as defined in section 62(a) of the Internal Revenue Code of 1986), determined without the application of paragraphs (6) and (7) of such section and without the application of section 162(l) of such Code, plus

"(ii) the amount of social security benefits (described in section 86(d) of such Code) which is not includable in gross income under section 86 of such Code.

"(B) REDUCTION FOR EXTRAORDINARY MEDICAL EXPENSES.—The Secretary shall provide for the reduction of the adjusted total income for a family by extraordinary and disproportionate expenses for medical care (other than care for which benefits are provided under this title) for family members.

"(2) FAMILY ADJUSTED TOTAL INCOME.—The term 'family adjusted total income' means, with respect to a certified individual who—

"(A) is married or over 18 years of age, the sum of the adjusted total income for the individual and the individual's spouse (if any); or

"(B) is unmarried and under 19 years of age and—

"(i) is a resident of a nursing facility, the adjusted total income for the individual, or

"(ii) is not a resident of a nursing facility, the adjusted total income for the individual and for the individual's parents or guardians.

"(3) FAMILY SIZE.—In determining the family size to be applied under this section, with respect to a certified individual who—

"(A) is married or over 18 years of age, the family is considered to include the individual, the individual's spouse (if any), and any unmarried dependent child (or legal ward) of the individual or spouse; or

"(B) is unmarried and under 19 years of age and—

"(i) is a resident of a nursing facility, the family size is 1, or

"(ii) is not a resident of a nursing facility, the family is considered to include the individual, the individual's parent or parents (or legal guardian or guardian) with whom the individual resides, and any unmarried dependent children (or legal wards) of such a parent (or guardian).

"(4) OFFICIAL POVERTY LINE.—The term 'official poverty line' means, for an individual in a family, the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"RESOURCE PROTECTION FOR LONG-TERM NURSING FACILITY CARE

"SEC. 2132. (a) PROTECTED RESOURCE LEVEL.—

"(1) IN GENERAL.—With respect to benefits under this title for a certified individual for long-term nursing facility care, subject to paragraph (2), the protected resource level is—

"(A) \$30,000 in the case of an unmarried individual, or

"(B) \$60,000 in the case of a married individual.

"(2) INDEXING DOLLAR AMOUNTS.—For care furnished during a calendar year after 1992, the dollar amounts specified in paragraph (1) shall be increased by the same percentage as the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) between September 1991 and the September before the calendar year involved.

"(b) DETERMINATION OF RESOURCES.—

"(1) IN GENERAL.—For purposes of this title, except as otherwise provided in this section, resources shall be computed in a manner specified by the Secretary, except that—

"(A) resources shall not include the home (including the land or family farm that appertains thereto), and

"(B) an individual's resources shall include the resources of the individual's spouse.

"(2) TREATMENT OF TRANSFERRED RESOURCES AND RESOURCES IN TRUSTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C) and paragraph (3), the Secretary shall include in an individual's resources—

"(i) resources of the individual disposed of for less than fair market value during or after the 5-year period ending on the date the individual (or the individual's spouse) was admitted to a nursing facility; and

"(ii) resources in a trust, or resources the control or disposition of which is governed by another written legal instrument or mechanism, if the individual (or any family member of the individual, as defined by the Secretary) may derive benefit from the resources and if the trust, instrument, or mechanism was designed, intended, or has the intended effect of removing the resources (and income therefrom) from otherwise being

included in determining eligibility for (or amount of) benefits for long-term nursing facility care under this title and medical assistance under title XIX.

"(B) EXCEPTIONS.—Subparagraph (A)(i) shall not apply to—

"(i) a transfer described in subparagraph (B) of section 1917(c)(2);

"(ii) a transfer of resources if a satisfactory showing is made to the appropriate assessment agency (in accordance with any standards established by the Secretary) that (I) the individual intended to dispose of the resources either at fair market value or for other valuable consideration, or (II) the resources were transferred exclusively for a purpose other than to qualify for benefits under this title or title XIX; or

"(iii) the appropriate assessment agency determines (in accordance with criteria established by the Secretary) that the inclusion of the resource would work an undue hardship.

"(C) GRANDPARENT PROVISION.—Subparagraph (A)(ii) shall not apply to a resource transferred before October 1, 1989.

"(D) VALUATION.—

"(i) TRANSFERRED RESOURCES.—In the case of resources described in subparagraph (A)(i), the resources shall be valued at the difference between the fair market value at the time of disposal and the value of the compensation received in the transfer.

"(ii) TRUST.—In the case of resources described in subparagraph (A)(ii), the resources shall be valued, in accordance with standards established by the Secretary, based on the maximum benefit which the individual may derive.

"(3) TREATMENT OF QUALIFYING LONG-TERM CARE INSURANCE POLICIES.—

"(A) IN GENERAL.—In the case of a qualifying long-term care insurance policy (as defined in subparagraph (C)) that provides benefits with respect to an individual, in applying this section the amount of the individual's resources shall be reduced by the resource value of the policy (as valued under subparagraph (B)) or the amounts paid out on the individual's behalf under the policy, whichever is greater.

"(B) DETERMINATION OF RESOURCE VALUE OF POLICY.—The Secretary shall establish standards for the valuation of qualifying long-term care insurance policies. Such standards shall provide for valuation based on the product of—

"(i) the number of months of benefits provided for long-term nursing facility care under the policy, and

"(ii) a reasonable valuation of such benefits on a monthly basis, which valuation may be based on the average monthly payment amount for long-term nursing facility care under this title in the State in which the nursing facility (in which the individual is a resident) is located monthly or such other measure as the Secretary identifies.

For purposes of this subparagraph, in the case of a lapsed policy the value of the policy shall be zero.

"(C) QUALIFYING LONG-TERM CARE INSURANCE POLICY DEFINED.—In this paragraph, the term 'qualifying long-term care insurance policy' means a long-term care insurance policy that meets the standards specified in section 2186.

"(d) NO LIENS.—No lien may be imposed against the property of any individual on account of benefits paid or to be paid under this title except pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual.

"AMOUNT OF RESIDENT-SPECIFIC DEDUCTIBLE
"SEC. 2133. (a) APPLICATION OF COUNTABLE
INCOME.—

"(1) IN GENERAL.—In the case of a certified individual who is a resident of a nursing facility in a month, the resident-specific deductible for nursing facility care for the month is the amount of the individual's countable income for the month (as computed under paragraph (2)), less any housing allowance permitted under subsection (b) and any amounts excluded from income under the operation of subsection (c).

"(2) DETERMINATION OF COUNTABLE INCOME.—For purposes of this section, except as otherwise provided in this section, countable income shall be computed in a manner specified by the Secretary.

"(b) 1-YEAR TRANSITIONAL HOUSING ALLOWANCE AND SPOUSAL HOUSING ALLOWANCE.—

"(1) TRANSITIONAL ALLOWANCE.—During the first 12 months during which a married or unmarried individual is receiving benefits for long-term nursing facility services under this title, the countable income of the individual shall be reduced by 30 percent (in order to provide an allowance to maintain the individual's housing during that period in case the individual may return home). In the case of an institutionalized spouse, in applying section 1924(d)(1), the reduction under this paragraph shall be made before the reduction described in subparagraph (A) of such section.

"(2) SPOUSAL ALLOWANCE.—During any subsequent month in which the individual's spouse is residing outside an institution, the countable income of the individual shall be reduced by 30 percent (in order to provide an allowance to maintain the spouse in community housing).

"(c) PROTECTION OF INCOME FOR PERSONAL NEEDS AND NONINSTITUTIONALIZED SPOUSES.—

"(1) RULES FOR TREATMENT OF INCOME.—Except as provided in this subsection and subsection (b)(1), the provisions of subsections (b) and (d) of section 1924 (relating to rules for treatment of income and protecting income for community spouse) shall apply under this title (to the determination of the income to be applied toward the costs of long-term nursing facility services) in the same manner as they apply under title XIX.

"(2) INCREASE IN PERSONAL NEED ALLOWANCE.—In applying section 1924(d)(1)(A) pursuant to paragraph (1), \$100 and \$200 (subject to adjustment under subsection (d)) shall be deemed to have been substituted for \$30 and \$60, respectively, in section 1902(q)(2).

"(3) CHANGE IN MINIMUM MONTHLY MAINTENANCE NEEDS ALLOWANCE.—In applying subsection (d) of such section pursuant to paragraph (1)—

"(A) there shall be no excess shelter allowance (specified in paragraph (3)(A)(i) and defined in paragraph (4) of such subsection),

"(B) the applicable percent (described in paragraph (3)(B) of such subsection) applied under paragraph (3)(A)(i) of such subsection is 200 percent, and

"(C) the cap on minimum monthly maintenance needs allowance (specified in paragraph (3)(C) of such subsection) and the court-ordered support exception (specified in paragraph (5) of such subsection) shall not apply.

"(4) TREATMENT OF INCOME FROM TRANSFERRED RESOURCES AND RESOURCES IN TRUSTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall include, in an individual's income, income produced by a resource which is included as a resource under section 2132(b)(2)(A)(ii).

"(B) VALUATION.—In the case of a resource described in subparagraph (A), the income from the resource shall be valued, in accordance with standards of the Secretary, based on the maximum benefit which the individual may derive.

"(d) INDEXING DOLLAR AMOUNTS.—For services furnished during a calendar year after 1992, the amounts of \$100 and \$200 specified in subsection (c)(2) shall be increased by the same percentage as the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) between September 1991 and the September before the calendar year involved.

"PART E—FINANCING

"FEDERAL LONG-TERM CARE TRUST FUND

"SEC. 2141. (a) ESTABLISHMENT.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Federal Long-Term Care Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and amounts as may be deposited in, or appropriated to, such fund as provided in this title.

"(b) FUNDING.—There are hereby appropriated to the Trust Fund for each fiscal year, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

"(1) the amounts paid by States under section 202 of the Long-Term Care Family Security Act of 1992, and

"(2) such additional amounts, provided under section 201 of such Act, as may be required to carry out this title.

"(c) INCORPORATION OF SIMILAR TRUST FUND PROVISIONS.—

"(1) IN GENERAL.—The provisions of subsections (b) through (e), (g), (h), and (i) of section 1817 shall apply to the Trust Fund and this title in the same manner as they apply to the Federal Hospital Insurance Trust Fund and to part A of title XVIII, respectively.

"(2) INCORPORATION OF BORROWING AUTHORITY.—Section 201(i) shall apply to the Trust Fund and this title in the same manner as it applies to the Federal Old-Age and Survivors Insurance Trust Fund and title II, respectively, except that under this paragraph—

"(A) the borrowing authority may be exercised prior to January 1996;

"(B) there shall be substituted for the OASDI trust fund ratio as of a month, the ratio of (i) the balance in the Trust Fund reduced by the outstanding amount of any loan (including interest thereon) theretofore made to such Trust Fund under this paragraph, as of the last day of the second month preceding the month, to (ii) the amount obtained by multiplying by 12 the total amount which (as estimated by the Secretary) will be paid from the Trust Fund during the month for which the ratio is to be determined (other than payments of interest on, or repayments of loans from another Trust Fund under this paragraph); and

"(C) in applying section 201(i)(3)(C) under this paragraph, references to 1987, 1989, and 1990, are deemed references to 1996, 1998, and 1999, respectively.

"(d) PROJECTED ANNUAL RATES OF INCREASE FOR BENEFITS.—In October of 1992 and October of every 5th year thereafter, for purposes of section 2186(g)(2), the Board of Trustees of the Trust Fund shall issue a report which specifies the Board's best estimate of the following:

"(1) The average annual percentage rate of increase projected for payment rates for community care under this title during the

20-year period beginning with the year following the year in which the report is made.

"(2) The average annual percentage rate of increase projected for payments rates for nursing facility care under this title during the 20-year period beginning with the year following the year in which the report is made.

Such estimates shall apply for purposes of part H to policies issued in the 5-year period beginning in the year after the year in which the report is issued.

"(e) ANNUAL INCREASE IN NURSING FACILITY COSTS.—In October of each year, for purposes of 7702B(b)(5)(D) of the Internal Revenue Code of 1986, the Board of Trustees of the Trust Fund shall issue a report which specifies the Board's best estimate of the annual percentage increase or decrease in the average per diem costs in nursing facilities during the year.

"PART F—(RESERVED)

"PART G—DEFINITIONS AND MISCELLANEOUS PROVISIONS

"(RESERVED)

"SEC. 2161.

"COVERAGE STANDARDS

"SEC. 2162. (a) IN GENERAL.—No payment shall be made under this title for any expenses incurred—

"(1)(A) in the case of community care, for items and services which are not reasonable and necessary to assure that the health and functional capacity of an individual is maintained in the individual's noninstitutional residence, or

"(B) in the case of nursing facility care, for items and services which are not reasonable and necessary to assure that the health and functional capacity of an individual is maintained in the individual's institutional residence;

"(2) for items and services for which the individual furnished such items or services has no legal obligation to pay;

"(3) for items and services which are paid for directly or indirectly by a governmental entity (other than under this title), except in such cases as the Secretary may specify;

"(4) for items and services which are not provided in the United States;

"(5) for items and services which are required as a result of war, or of an act of war, occurring after the effective date of such individual's current coverage under this title; or

"(6)(A) where such expenses constitute charges imposed by the individual's spouse or parent, or

"(B) except pursuant to demonstration projects under section 2165(c), where such expenses constitute charges imposed by another immediate relative of the individual.

"(b) PAYMENT SECONDARY TO MEDICARE AND LONG-TERM CARE INSURANCE POLICIES.—No payment may be made under this title with respect to any items or services furnished an individual—

"(1) to the extent that such individual is entitled (or would be entitled except for sections 1813 and 1833) to have payment made with respect to such items or services under title XVIII, or

"(2) to the extent that payment may be made with respect to such items or services under a long-term care insurance policy that meets the standards specified in section 2186.

"PROVIDER AGREEMENTS; INCORPORATION OF ADDITIONAL CONDITIONS OF PARTICIPATION

"SEC. 2163. (a) PROVIDER AGREEMENTS.—

"(1) IN GENERAL.—A community care agency or nursing facility is qualified to partici-

pate under this title and eligible for payments under this title only if it files with the Secretary an agreement that provides for the following:

"(A) LIMITATION ON CHARGES UNDER TITLE.—The agency or facility agrees—

"(i) not to charge, except as provided in paragraph (2), any individual or any other person for items or services for which such individual is entitled to have payment made under this title (or for which the individual would be so entitled if the agency or facility had complied with the procedural and other requirements under or pursuant to this title);

"(ii) not to charge any individual or any other person for items or services for which such individual is not entitled to have payment made under this title because payment for expenses incurred for such items or services may not be made by reason of section 2162(a)(1), but only if such individual was without fault in incurring such expenses; and

"(iii) to make adequate provision for return (or other disposition in accordance with regulations) of any moneys incorrectly collected from such individual or other person.

"(B) LIMITATION ON CHARGES FOR SERVICES NOT COVERED UNDER TITLE (ALL PAYOR RATE SCHEDULE).—

"(1) COMMUNITY CARE.—In the case of a community care agency, the agency agrees not to charge for community care for which payment may not be made under this title more than, and accept as payment in full, the amount determined under the schedule or mechanism established under section 2121(b).

"(ii) NURSING FACILITY CARE.—In the case of a nursing facility, the facility agrees—

"(I) not to charge for nursing facility care for which payment may not be made under this title more than, and to accept as payment in full, the payment rates established under section 2122 for that care, and

"(II) to report, on an annual basis in a manner specified by the Secretary, such information respecting the facility's costs relating to the provision of nursing facility care as the Secretary determines to be appropriate in order to carry out this title.

"(C) LIMITATION ON EMPLOYMENT.—The agency or facility agrees to notify promptly the Secretary of its employment of an individual who, at any time during the year preceding such employment, was employed in a managerial, accounting, auditing, or similar capacity (as determined by the Secretary) by an organization which serves as a carrier under this title with respect to the agency or facility.

"(D) RELEASE OF DATA.—The agency or facility agrees to release data with respect to patients of the agency or residents of the facility upon request to an assessment agency or care manager as may be necessary to allow the agency or manager to carry out its functions under this title.

"(E) ADVANCE DIRECTIVES.—The agency or facility agrees to comply with the requirements of section 1866(f) (relating to maintaining written policies and procedures respecting advance directives), as made applicable under paragraph (3), in the same manner as such requirements apply to home health agencies and skilled nursing facilities under title XVIII.

"(2) PERMISSIBLE CHARGES.—

"(A) IN GENERAL.—A community care agency or nursing facility may charge an individual or other person—

"(i) the coinsurance amounts specified in section 2121(c) and 2122(a)(2)(A), with respect to community care and short-term nursing facility care, and

"(ii) with respect to long-term nursing facility care, the resident-specific deductible (specified in section 2133(a)(1)) which an individual is otherwise responsible for under this title.

"(B) ADDITIONAL REQUESTED SERVICES.—Where an agency or facility has furnished, at the request of an individual, items or services which are in excess of the items or services with respect to which payment may be made under this title, the agency or facility may also charge such individual or other person for such items or services but only if the charges do not exceed its customary charges (which customary charges may not exceed the rates provided for such services under this title). In order to apply the previous sentence, the Secretary shall promulgate regulations respecting the scope of items and services that are covered under this title.

"(3) INCORPORATION OF ENFORCEMENT AND OTHER PROVISIONS.—Subsections (b), (c)(1), (f), and (h) of section 1866 shall apply to agreements under this subsection in the same manner as they apply to agreements under such section and title XVIII.

"(b) STANDARDS FOR COMMUNITY CARE AGENCIES.—

"(1) USE OF STATE AGENCIES IN DETERMINING QUALIFICATIONS.—Sections 1863 and 1864(a) shall apply to community care agencies under this title in the same manner as they apply to home health agencies under title XVIII. In applying the previous sentence, any reference in such sections to section 1861(o) is deemed a reference to section 2102(e)(1).

"(2) CONDITIONS OF PARTICIPATION FOR COMMUNITY CARE AGENCIES; COMMUNITY CARE QUALITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the provisions of section 1891 shall apply to community care agencies in the same manner as they apply to home health agencies.

"(B) REFERENCES.—In applying subparagraph (A) with respect to community care agencies:

"(i) Any reference in section 1891 to a home health agency or to a home health aide is deemed a reference to a community care agency or to a homemaker/home health aide or individual providing personal assistance services (described in section 2102(b)(3)), respectively.

"(ii) Subject to clause (iii), any reference in such section to section 1861(m), section 1861(o) (or paragraph (3) thereof), section 1864 or 1864(a), or title XVIII is deemed a reference to section 2102(a), section 2102(e)(1) (or subparagraph (B) thereof), paragraph (1) of this subsection, or this title, respectively.

"(iii) Any reference in subsection (a)(1) of such section to 'this title' is deemed a reference to title XVIII and this title.

"(c) STANDARDS FOR NURSING FACILITIES.—

"(1) CONDITIONS OF PARTICIPATION FOR NURSING FACILITIES.—Except as provided in this subsection, the provisions of section 1919 shall apply to nursing facilities under this title in the same manner as they apply to nursing facilities under title XIX.

"(2) MODIFICATION OF ENFORCEMENT.—In applying section 1919 under paragraph (1)—

"(A) any reference in subsection (b)(4)(C)(i) of such section to a State is deemed a reference to the Secretary;

"(B) any reference in subsections (c)(1)(B)(iv), (c)(2)(A)(v), (c)(5), (e)(6), (g)(5)(A)(ii), and (i) of such section to title XVIII or XIX is deemed to include a reference to this title;

"(C) subsections (c)(2)(D) and (c)(7) of such section shall not apply;

"(D) subsection (e)(7) of such section shall be applied in a manner so that if the requirements of that subsection were not complied with in a State with respect to an individual in a nursing facility, the amount of the payment required of the State under section 204 of the Long-Term Care Family Security Act of 1992 shall be increased, under subsection (d) of that section, by the full Federal cost of nursing facility care provided to the individual under this title;

"(E) instead of applying subsection (g) of such section, the provisions of section 1819(g) and 1864 shall apply to nursing facility care under this title in the same manner as they apply to extended care services under title XVIII; and

"(F) subsection (h) of section 1819 shall be deemed to be substituted for subsection (h) of section 1919.

"APPLICATION OF CERTAIN FRAUD AND ABUSE PROVISIONS

"SEC. 2164. The following provisions shall apply to community care agencies and nursing facilities under this title in the same manner as they apply to home health agencies or skilled nursing facilities under title XVIII:

"(1) Section 1124 (relating to disclosure of ownership and related information).

"(2) Section 1126 (relating to disclosure by institutions, organizations, and agencies of owners and certain other individuals who have been convicted of certain offenses).

"(3) Sections 1128, 1128A, and 1128B (relating to exclusion of certain individuals and entities from participation in medicare and State health care programs, civil monetary penalties, and criminal penalties for acts involving medicare or State health care programs).

"DEMONSTRATION PROJECTS; WAIVER AUTHORITY

"SEC. 2165. (a) IN GENERAL.—

"(1) AUTHORIZATION.—The Secretary may conduct such demonstration projects as may be appropriate to evaluate changes in the delivery and financing of community care and nursing facility care under this title. There are authorized to be appropriated from the Federal Long-Term Care Trust Fund such sums as may be necessary in order to carry out demonstration projects under this section.

"(2) WAIVER AUTHORITY.—The Secretary may waive such requirements of this title as may be necessary in order to conduct such projects.

"(3) REPORTS.—The Secretary shall report periodically to the Congress on demonstration projects conducted under this section and shall include in such reports recommendations for legislative changes in this title that may be appropriate.

"(4) LIMITATION ON MEDICAID DEMONSTRATION PROJECT AUTHORITY.—The Secretary shall not approve a demonstration project under section 1915 for community care for which benefits are provided under this title.

"(b) WAIVER OF REQUIREMENTS TO PERMIT CONTINUATION AND EXPANSION OF CERTAIN DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary shall waive such requirements of this title as may be necessary to permit—

"(A) continuation of demonstration projects in effect as of the date of the enactment of this title, including the social health maintenance demonstration projects referred to in section 2355 of the Deficit Reduction Act of 1984 (as amended by section 4207(b)(4)(B)(i) of the Omnibus Budget Reconciliation Act of 1990) and the On Lok and

related frail elderly demonstration projects referred to in section 603(c) of the Social Security Amendments of 1983 or in section 9412(b) of the Omnibus Budget Reconciliation Act of 1986 (as amended by section 4744(a) of the Omnibus Budget Reconciliation Act of 1990), and

"(B) additional demonstration projects provided for under the succeeding provisions of this section.

Subparagraph (A) shall not be construed to apply to the state-wide Arizona demonstration project conducted under section 1115 to the extent such demonstration project provides for community care or nursing facility care.

"(2) EXPANSION OF DEMONSTRATION PROJECTS.—Not later than 12 months after the date of the enactment of this title, the Secretary shall approve applications or protocols submitted under subsection (a) of section 2355 of the Deficit Reduction Act of 1984 for an additional 10 demonstration projects described in subsection (b) of that section. Any reference in such section to a project conducted as a result of the amendments made by a section of the Omnibus Budget Reconciliation Act of 1990 is deemed to include a reference to a project conducted as a result of the previous sentence.

"(c) DEMONSTRATION PROJECTS ON PAYMENT OF RELATIVES AS CAREGIVERS.—The Secretary shall provide for demonstration projects under which the exclusion of section 2162(a)(6)(B) is waived in order to demonstrate the efficacy and appropriateness of permitting adults who are fully qualified under this title to provide community care to be compensated for such care provided to relatives. Such projects shall specifically examine—

"(1) the effect on costs and provision of unpaid services of permitting payment for community care provided by such relatives,

"(2) whether the appropriate amount of payment in such circumstances should be based on a percentage of the payment amount otherwise permitted, and

"(3) whether payment should be limited to cases in which the relative has terminated (or forsakes) employment in order to care for the individual.

"(d) CASH EQUIVALENT DEMONSTRATION PROJECT.—The Secretary shall provide for a demonstration project, over a period of 3 years, under which a certified individual, instead of receiving benefits under this title, is paid periodically amounts based upon the level of impairment of the individual, but not to exceed the estimated actuarial value of benefits under this title to a certified individual with such level of impairment. The payments under the project may be used to pay for such benefits or for any other appropriate services and such payment shall be not subject to approval by any care manager.

"SEC. 2166. GLOSSARY OF TERMS USED IN PARTS A THROUGH G.

"(a) GENERAL TERMS.—

"The term 'activity of daily living' is defined in section 2101(b)(5).

"The term 'adjusted total income' is defined in section 2131(f)(1).

"The term 'affirmative certification' is defined in section 2122(a).

"The term 'assessment agency' is defined in section 2114(a)(1).

"The term 'care manager' is defined in section 2115(a).

"The term 'certified individual' is defined in section 2101(b)(4).

"The term 'community-based services' is defined in section 2102(c).

"The term 'community care' is defined in section 2102(a).

"The term 'community care agency' is defined in section 2102(e).

"The term 'comparable severity' is defined in section 2101(b)(2).

"The term 'effective date of this title' is defined in section 2101(d)(1)(B).

"The term 'eligible individual' is defined in section 2101(c).

"The term 'family adjusted total income' is defined in section 2131(f)(2).

"The 'family size' is determined under section 2131(f)(3).

"The term 'home-based services' is defined in section 2102(b).

"The term 'hospice respite care' is defined in section 2102(d)(2).

"The term 'long-term nursing facility care' is defined in section 2101(a)(3)(B).

"A 'moderately disabled individual' is described in section 2101(b)(3)(B).

"The term 'moderately or severely disabled individual' is defined in section 2101(b)(1).

"The term 'negative certification' is defined in section 2112(a).

"The term 'nursing facility' is defined in section 2104(b).

"The term 'nursing facility care' is defined in section 2104(a).

"The term 'official poverty line' is defined in section 2131(f)(4).

"The 'protected resource level' is specified in section 2132(a).

"The term 'qualifying long-term care insurance policy' is defined in section 2132(c)(3)(C).

"The 'resident-specific deductible' is specified in section 2133(a)(1).

"The term 'respite care' is defined in section 2102(d)(1).

"The term 'short-term nursing facility care' is defined in section 2101(a)(3)(A).

"A 'severely disabled individual' is described in section 2101(b)(3)(C).

"(b) PAYMENT-RELATED TERMS USED ONLY IN PART C.—

"The term 'administrative costs' is defined in section 2122(g)(1).

"The term 'administrative marketbasket index' is defined in section 2112(b)(6).

"The 'administrative per diem rate' is specified in section 2112(b)(1).

"The 'base efficiency incentive per diem amount' is specified under section 2122(b)(4).

"The 'base facility personal care per diem rate' is determined under section 2122(c)(2).

"The 'base floor personal care per diem amount' is specified in section 2122(c)(4)(B).

"The term 'basing period' is defined in section 2122(g)(2).

"The term 'bed-to-user-ratio' is defined in section 2122(e)(6)(B).

"The 'capital adjustment percentage' is specified in section 2122(e)(3)(A).

"The term 'capital cost/assessed value ratio' is defined in section 2122(e)(3)(B).

"The term 'capital per bed ratio' is defined in section 2122(e)(4)(B).

"The 'capital per diem payment amount' is determined under section 2112(e)(1).

"The term 'capital-related items' is defined in section 2122(g)(3).

"The term 'facility-specific administrative per diem' is defined in section 2122(b)(2)(C).

"The 'facility-specific capital per diem payment amount' is specified in section 2122(e)(2).

"The term 'Federal share' is defined in section 2122(f)(2).

"The 'limiting administrative per diem rate' is determined under section 2122(b)(3).

"The 'limiting capital per diem payment amount' is determined under section 2122(e)(4).

"The 'limiting personal care per diem rate' is determined under section 2122(c)(3).

"The term 'personal care costs' is defined in section 2122(g)(4).

"The term 'personal care marketbasket index' is defined in section 2112(c)(6).

"The 'personal care per diem rate' is specified in section 2112(c)(1)(A).

"The 'resident-specific deductible' is specified in section 2133.

"The 'return-on-equity per diem amount' is specified in section 2112(f)(1)."

SEC. 102. AMENDMENTS TO NURSING FACILITY REQUIREMENTS.

(a) NONDISCRIMINATION IN ADMISSIONS.—Sections 1819(c)(4) and 1919(c)(4)(A) of the Social Security Act (42 U.S.C. 1395i-3(c)(4), 1396r(c)(4)(A)) are each amended by inserting "admission," after "regarding".

(b) CLARIFICATION OF NO CHARGES FOR BASIC SERVICES.—

(1) Section 1819(c)(5)(A) of such Act (42 U.S.C. 1395i-3(c)(5)(A)) is amended—

(A) by striking "and" at the end of clause (i),

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

(C) by adding at the end the following new clause:

"(iii) in the case of an individual who has an affirmative certification under part B of title XXI, not to charge, solicit, accept, or receive, in addition to any amount otherwise required to be paid under such title, any gift, money, donation, or other consideration as a precondition of admitting (or expediting the admission of) the individual to the facility or as a requirement for the individual's continued stay in the facility."

(2) Section 1919(c)(5)(A) of the Social Security Act (42 U.S.C. 1396r(c)(5)(A)) is amended—

(A) by striking "and" at the end of clause (ii),

(B) by striking the period at the end of clause (iii) and inserting "; and", and

(C) by adding at the end the following new clause:

"(iv) in the case of an individual who has an affirmative certification under part B of title XXI, not to charge, solicit, accept, or receive, in addition to any amount otherwise required to be paid under such title, any gift, money, donation, or other consideration as a precondition of admitting (or expediting the admission of) the individual to the facility or as a requirement for the individual's continued stay in the facility."

(c) NOTICE AT TIME OF DISCHARGE.—Sections 1819(c)(2)(B) and 1919(c)(2)(B) of such Act (42 U.S.C. 1395i-3(c)(2)(B), 1396r(c)(2)(B)) are each amended—

(1) in clause (i), by adding at the end the following:

"Before effecting a discharge of a resident who is a certified individual (within the meaning of section 2101(b)(4)), the facility must notify the assessment agency under title XXI of the impending discharge."; and

(2) in clause (iii), by adding at the end the following:

"Each such notice with respect to a discharge of a resident who is a certified individual (within the meaning of section 2101(b)(4)) shall include a statement that, in order for the individual to remain eligible for benefits under title XXI, a new reassessment must be conducted under section 2111."

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on January 1, 1994, and the amendments made by subsection (b) shall take effect on January 1, 1996, without regard to whether

regulations to implement such amendments are promulgated by such date.

SEC. 103. COORDINATION WITH MEDICAID.

(a) IN GENERAL.—

(1) LIMITING FEDERAL FINANCIAL PARTICIPATION UNDER MEDICAID FOR SERVICES COVERED UNDER TITLE XXI.—Section 1903(l) of the Social Security Act (42 U.S.C. 1396b(l)) is amended—

(A) in the paragraph (10) inserted by section 4401(a)(1)(B) of Omnibus Budget Reconciliation Act of 1990, by striking all that follows "1927(g)" and inserting a semicolon;

(B) by redesignating the paragraph (10) added by section 4701(b)(2) as paragraph (11), by transferring and inserting it after the paragraph (10) inserted by section 4401(a)(1)(B) of Omnibus Budget Reconciliation Act of 1990, and by striking all that follows "with respect to hospitals or facilities" and inserting a semicolon;

(C) by transferring and inserting the paragraph (12) inserted by section 4752(a)(2) of Omnibus Budget Reconciliation Act of 1990 after paragraph (11), as redesignated by subparagraph (B), and by striking the period at the end and inserting a semicolon;

(D) by redesignating the paragraph (14) inserted by section 4752(e) of Omnibus Budget Reconciliation Act of 1990 as paragraph (13), by transferring and inserting it after paragraph (12), and by striking the period at the end and inserting a semicolon;

(E) by redesignating the paragraph (11) inserted by section 4801(e)(16)(A) of Omnibus Budget Reconciliation Act of 1990 as paragraph (14), by transferring and inserting it after paragraph (13), and by striking the period at the end and inserting "; or"; and

(F) by inserting after paragraph (14), as so redesignated, the following new paragraph:

"(15)(A) on or after the first day of the 12-month period that begins 2 years after the effective date of title XXI (as defined in section 2101(d)(1)(B)), with respect to nursing facility care (as defined in section 2104(a)); or
 "(B) on or after the first day of the 12-month period that begins 3 years after such effective date, with respect to—

"(i) services described in subsection (b)(3), (b)(7), (b)(8), (c), or (d) of section 2102,

"(ii) other services described in section 2102(b) provided to an individual entitled to benefits under title XXI unless the individual is determined to require such services for treatment of an acute illness under certification standards (established by the State) that are comparable to the certification standards used under title XVIII for coverage of home health services, or

"(iii) case management services for individuals entitled to benefits under title XXI."

(2) CLARIFICATION OF NONDUPLICATION OF MEDICAL ASSISTANCE WITH BENEFITS UNDER TITLE XXI.—Title XIX of such Act is amended by adding at the end the following new section:

"NONDUPLICATION OF BENEFITS WITH TITLE XXI

"SEC. 1931. Notwithstanding any other provision of this title, a State is not required under its plan under section 1901(a) to provide medical assistance—

"(1) on or after the first day of the 12-month period that begins 2 years after the effective date of title XXI (as defined in section 2101(d)(1)(B)), for nursing facility care (as defined in section 2104(a)); or

"(2) on or after the first day of the 12-month period that begins 3 years after such effective date, for—

"(A) services described in subsection (b)(3), (b)(7), (b)(8), (c), or (d) of section 2102,

"(B) other services described in section 2102(b) provided to an individual entitled to benefits under title XXI unless the individual is determined to require such services for treatment of an acute illness under certification standards (established by the State) that are comparable to the certification standards used under title XVIII for coverage of home health services, or

"(C) case management services for individuals entitled to benefits under title XXI."

(b) CONTINUATION OF MEDICAID BENEFITS NOT COVERED UNDER PUBLIC HEALTH INSURANCE PLAN.—Nothing in this Act shall be construed as—

(1) changing the eligibility of individuals for medical assistance under title XIX of the Social Security Act, or

(2) subject to the amendments made by subsection (a), changing the amount, duration, or scope of medical assistance required (or permitted) to be provided under such title.

(c) LIMITATION ON WAIVER AUTHORITY.—Section 1915(h) of the Social Security Act (42 U.S.C. 1396n(h)) is amended—

(1) by inserting "(1)" after "(h)", and

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

"(2) The Secretary shall not approve a demonstration project under this section which provides for medical assistance for care for which benefits are provided under title XXI."

SEC. 104. MISCELLANEOUS AMENDMENTS.

(a) CHANGES TO MEDICARE SKILLED NURSING FACILITY BENEFIT.—

(1) Section 1812(a) of the Social Security Act (42 U.S.C. 1395d(a)) is amended by striking "100 days" in subsections (a)(2)(A) and (b)(2) and inserting "20 days".

(2) Section 1813(a) of such Act (42 U.S.C. 1395e(a)) is amended by striking paragraph (3).

(b) TREATMENT OF HOSPICE PATIENTS.—Section 1812(d)(2)(A) of such Act (42 U.S.C. 1395d(d)(2)(A)) is amended—

(1) by striking "and" at the end of clause (i),

(2) by striking the semicolon at the end of clause (ii) and inserting ", and", and

(3) by inserting after clause (ii) the following new clause:

"(iii) community care under title XXI";

(c) MISCELLANEOUS.—(1) Section 201(i)(1) of such Act (42 U.S.C. 401(i)(1)) is amended by striking "and the Federal Supplementary Medical Insurance Trust Fund" and inserting "the Federal Supplementary Medical Insurance Trust Fund, and the Federal Long-Term Care Trust Fund".

(2) Section 1101(a)(1) of such Act (42 U.S.C. 1301(a)(1)) is amended—

(A) by striking "and XIX" and inserting "XIX, and XXI", and

(B) by striking "title XIX" and inserting "titles XIX and XXI".

SEC. 105. EFFECTIVE DATE; WAIVER OF PAPERWORK REQUIREMENTS.

(a) EFFECTIVE DATE.—The amendments (and provisions) of this title shall apply to community care and nursing facility care provided on or after January 1, 1994.

(b) WAIVER OF PAPERWORK REQUIREMENTS.—Chapter 35 of title 44, United States Code, and Executive Order 12291 shall not apply to information and regulations required for purposes of carrying out this title and the amendments made by this title.

TITLE II—FINANCING PROVISIONS

SEC. 201. PROGRESSIVE FINANCING OF PUBLIC PROGRAM.

The public program of long-term care insurance under title XXI of the Social Security Act shall be funded through one or more funding means in a manner that—

(1) is progressive in the aggregate,

(2) is sufficient, each year, over time, and in the aggregate, to cover the net costs of the program, and

(3) is not derived from any one age group of society.

SEC. 202. STATE MAINTENANCE OF EFFORT PAYMENT REQUIRED.

(a) IN GENERAL.—Notwithstanding any other provision of the Social Security Act, as a condition of payment to a State (as defined in subsection (e)(3)) under title V or XIX of such Act for a calendar quarter beginning during or after the first maintenance year (as defined in subsection (e)(2)), the State must provide (in a manner and at a time specified by the Secretary of Health and Human Services) for payment to the Federal Long-Term Care Trust Fund (established under section 2141 of such Act) of the sum of the amounts specified in subsections (b), (c), and (d) for the quarter.

(b) AMOUNT BASED ON MEDICAID PLAN EXPENDITURES FOR COVERED SERVICES.—

(1) FIRST MAINTENANCE YEAR.—Subject to paragraph (3), the amount specified in this subsection for a State for a quarter in the first maintenance year is $\frac{1}{4}$ of the amount by which the payments (net of Federal payments) made by a State under its State plan under title XIX of the Social Security Act for 1992 for medical assistance would have been reduced if the law (as amended by this Act and in effect during the first maintenance year) had been in effect during all of 1992, increased by the compounded sum of the increase in the medical care component of the consumer price index for all urban consumers (all items; U.S. city average, as published by the Bureau of Labor Statistics of the Department of Labor) for each year after 1992 and up to the year in which the quarter occurs.

(2) SUCCEEDING YEARS.—Subject to paragraph (3), the amount specified in this subsection for a State for a quarter in a year following the first maintenance year is $\frac{1}{4}$ of the amount by which the payments (net of Federal payments) made by a State under its State plan under title XIX of the Social Security Act for 1992 for medical assistance would have been reduced if the law (as amended by this Act and in effect during the year following the first maintenance year) had been in effect during all of 1992, increased by the compounded sum of the increase in the medical care component of the consumer price index for all urban consumers (all items; U.S. city average, as published by the Bureau of Labor Statistics of the Department of Labor) for each year after 1992 and up to the year in which the quarter occurs.

(3) ADJUSTMENT FOR CHANGES IN STATE MATCHING RATES.—

(A) IN GENERAL.—The amount specified in this subsection for a State for a quarter in a year shall be adjusted by the ratio of (i) the weighted average State matching rate (as defined in subparagraph (B)) that applied in 1992, to (ii) the weighted average State matching rate that the Secretary of Health and Human Services estimates would have applied in the year involved if this Act had not been enacted.

(B) WEIGHTED AVERAGE STATE MATCHING RATE DEFINED.—In subparagraph (A), the term "weighted average State matching rate" means, for a State, the average proportion, of the total payments for medical assistance and administrative costs for community care and nursing facility care under

title XIX of the Social Security Act, that are not paid for by the Federal Government under section 1903(a) of such Act.

(c) SHARE OF EXCESS EXPENDITURES FOR LONG-TERM NURSING FACILITY CARE.—

(1) IN GENERAL.—The amount specified in this subsection, for a State for a quarter in a 12-month period (beginning at least 1 year after the end of the first maintenance year), is 1/4 of the product of—

(A) the amount by which—
(i) the expenditures under title XXI of the Social Security Act in the State in the previous 12-month period for long-term nursing facility care, exceeded

(ii) the projected long-term nursing facility care expenditure amount (as determined under paragraph (2)) for the State for such previous period; and

(B) the State matching percentage (as defined in paragraph (3)) applicable to the State for the quarter.

(2) PROJECTED EXPENDITURE AMOUNT DEFINED.—For purposes of this subsection, the "projected long-term nursing facility care expenditure amount" for a State for a 12-month period is—

(A) the amount of expenditures under title XXI of the Social Security Act for long-term nursing facility care for residents of the State for the first maintenance period (as projected by the Secretary), increased by

(B) the percentage change in the average per diem payment rate for nursing facility care in the State in the year (as determined under section 2122 of such Act) from the previous 12-month period to the 12-month period involved.

(3) STATE MATCHING PERCENTAGE DEFINED.—

(A) IN GENERAL.—In paragraph (1)(B), the term "State matching percentage", for a State for a quarter in a fiscal year, is equal to 1 minus the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) applicable to the State for the quarter, if, in determining such Federal medical assistance percentage, the per capita income per aged person (as defined in subparagraph (B)) were substituted for per capita income.

(B) PER CAPITA INCOME PER AGED PERSON.—In subparagraph (A), the term "per capita income per aged person" means, for a State or the United States—

(i) the per capita income of the State or United States, respectively, multiplied by
(ii) the total population of the State or United States, respectively, and divided by
(iii) the population of individuals 65 years of age or older in the State or the United States, respectively.

In this subparagraph, the term "United States" means the continental United States (including Alaska) and Hawaii

(d) ADDITIONAL AMOUNT FOR FAILURE TO PERFORM REQUIRED PREADMISSION SCREEN AND RESIDENT REVIEW.—The amount specified in this subsection for a State is the full Federal cost under title XXI of the Social Security Act of nursing facility care provided to an individual with respect to whom the State has failed to comply with the preadmission screening and resident review requirements of section 1919(e)(7) of such Act (as incorporated under section 2163(c)(2)(D) of such Act).

(e) DEFINITIONS.—In this section:

(1) COMMUNITY CARE; NURSING FACILITY CARE; LONG-TERM NURSING FACILITY CARE.—The terms "community care", "nursing facility care", and "long-term nursing facility care" have the meanings given such terms in title XXI of the Social Security Act.

(2) FIRST MAINTENANCE YEAR.—The term "first maintenance year" means the cal-

endar year beginning 2 years after the effective date of title XXI of the Social Security Act (as defined in section 2101(d)(1)(B) of such Act).

(3) STATE; UNITED STATES.—Except as provided in the last sentence of subsection (c)(3)(B), the terms "State" and "United States" have the meaning given such term for purposes of title XXI of the Social Security Act.

TITLE III—TREATMENT OF LONG-TERM CARE INSURANCE

Subtitle A—Establishment of Standards for Long-Term Care Insurance Policies

SEC. 301. ESTABLISHMENT OF STANDARDS UNDER THE SOCIAL SECURITY ACT.

Title XXI of the Social Security Act, as added by the previous provisions of this Act, is amended by adding at the end the following new part:

"PART H—LONG-TERM CARE INSURANCE STANDARDS

"PROMULGATION OF STANDARDS AND MODEL BENEFITS

"SEC. 2181. (a) APPLICATION OF STANDARDS.—

"(1) NAIC.—If, within 12 months after the date of the enactment of this title, the National Association of Insurance Commissioners (in this part referred to as the 'NAIC') promulgates model standards that incorporate the requirements of this part, such standards shall apply under section 2182.

"(2) DEFAULT.—If the NAIC does not promulgate the model standards under paragraph (1) by the deadline established in that subsection, the Secretary shall promulgate, within 12 months after such deadline, a regulation that provides standards that incorporate the requirements of this part and such standards shall apply under section 2182.

"(3) SUBSEQUENT REFERENCE TO STANDARDS.—In this part, the term 'Standards' means all standards established under this section that apply in a State under section 2182.

"(b) ITEMS INCLUDED IN STANDARDS.—

"(1) IN GENERAL.—The Standards promulgated under subsection (a) shall incorporate standards that specify the requirements of this part for long-term care insurance policies (as defined in section 2188(a)), for the approval of State regulatory programs, for the issuers of such policies, for the sale of such policies, for the contents of such policies, and for the disclosure of certain information.

"(2) SPECIFIC STANDARDS RELATING TO STATE REGULATORY PROGRAMS.—Such Standards shall include (with respect to State regulatory programs), the information to be required by such programs under section 2183(e)(2)(B) with respect to proposed premium increases for long-term care insurance policies.

"(3) SPECIFIC STANDARDS RELATING TO SALES OF POLICIES.—Such Standards shall include the following (with respect to the sale of long-term care insurance policies):

"(A) The training required in order for an sales agent to be certified under section 2184(a).

"(B) The information to be provided under section 2184(f)(1)(B).

"(C) The contents of outlines of coverage under section 2184(f)(2).

"(D) The manner of disclosure of financial arrangements under section 2184(h).

"(4) SPECIFIC STANDARDS RELATING TO ISSUERS.—Such Standards shall include the following (with respect to issuers of long-term care insurance policies):

"(A) The procedures for appeals of denied claims (under section 2185(c)(3)).

"(B) The additional information required to be reported by issuers under section 2185(e)(1), and the format for reporting of such information.

"(5) SPECIFIC STANDARDS RELATING TO POLICIES.—Such Standards shall include the following (with respect to long-term care insurance policies):

"(A) The uniform language and definitions and uniform format for outlines of coverage under section 2186(a).

"(B) The process for appeals of assessments under section 2186(f)(3).

"(C) The premium adjustment for those electing to modify inflation protection under section 2186(g)(3).

"(D) Methods for the allocation of premium elements and means of evaluating actuarial value to carry out section 2186(h)(3)(A).

"(E) The nonforfeiture protection to be provided under section 2186(i).

"(F) Limitations on underwriting restrictions under section 2186(j)(3).

"(6) SPECIFIC STANDARDS RELATING TO DISCLOSURE.—Such standard shall include the disclosure required of certain policies under section 2188(d).

"(c) MODEL BENEFITS.—In order to promote consumer understanding and to facilitate benefit and price comparison among long-term care policies, the NAIC is requested to establish models for benefits (including the specification of benefit levels and cost-sharing as well as the grouping of benefits) under long-term care insurance policies which are consistent with the requirements of section 2186(b).

"(d) CONSULTATION.—In establishing Standards and models of benefits under this section, the NAIC or Secretary shall provide for and consult with an advisory committee chosen by the NAIC or Secretary, respectively, and composed of—

"(1) a chairman (who is not a representative of issuers of long-term care insurance policies or providers of long-term care services);

"(2) 3 individuals who are representatives of issuers of long-term care insurance policies;

"(3) 3 individuals who are representatives of consumer groups;

"(4) 3 representatives who are representatives of providers of long-term care services; and

"(5) 3 other individuals who are not representatives of issuers of long-term care insurance policies or of providers of long-term care services and who have expertise in the delivery and financing of such services.

"(e) RELATION TO STATE LAW.—

"(1) IN GENERAL.—The Standards established under this section preempt provisions of State law which conflict with such Standards, but nothing in this part shall be construed as preventing a State from applying standards that provide greater protection to policyholders of long-term care insurance policies.

"(2) GRANDPARENTING OF CURRENT POLICIES.—Except as a State may provide, such Standards shall not apply to policies issued before the date specified in section 2182(b).

"APPLICATION OF LONG-TERM CARE INSURANCE STANDARDS

"SEC. 2182. (a) IN GENERAL.—No long-term care insurance policy (as defined in section 2188(a)) may be issued, sold, or offered for sale in a State on or after the date specified in subsection (b) unless—

"(1) the Secretary determines that—

"(A) the State has established a regulatory program that meets the requirements of section 2183, by the date specified in subsection (b), and

"(B) the policy has been approved by the State commissioner or superintendent of insurance under such program; or

"(2) in the case of a State that does not have a regulatory program approved under section 2183, the policy has been certified by the Secretary (in accordance with such procedures as the Secretary establishes by regulation) as meeting the Standards (insofar as they relate to the contents of a long-term care insurance policy).

For purposes of this subsection, the advertising or soliciting with respect to a long-term care insurance policy, directly or indirectly, shall be deemed the offering for sale of the policy.

"(b) DEADLINE FOR APPLICATION OF STANDARDS IN STATES.—

"(1) IN GENERAL.—Subject to paragraph (2), the date specified in this subsection for a State is—

"(A) the date the State adopts the Standards, or

"(B) 1 year after the date the Standards are first established, whichever is earlier.

"(2) STATE REQUIRING LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

"(A) requiring State legislation (other than legislation appropriating funds) in order for the Standards to be applied, but

"(B) having a legislature which is not scheduled to meet in 1994 in a legislative session in which such legislation may be considered,

the date specified in this subsection is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1994. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"STANDARDS FOR APPROVAL OF STATE REGULATORY PROGRAMS

"SEC. 2183. (a) APPROVAL.—

"(1) IN GENERAL.—The Secretary may not approve a State regulatory program for purposes of section 2182(a), unless the Secretary determines that the program—

"(A) provides for the application and enforcement of the Standards, and

"(B) complies with the requirements of—

"(i) subsection (b) (relating to enforcement),

"(ii) subsection (c) (relating to provision of toll-free telephone system),

"(iii) subsection (d) (relating to publication and public access to compliance information),

"(iv) subsection (e) (relating to a process for the approval of premiums), and

"(v) subsection (f) (relating to annual reports).

"(2) PERIODIC REVIEW OF STATE REGULATORY PROGRAMS.—The Secretary periodically shall review State regulatory programs to determine if they continue to meet the requirements for approval under paragraph (1). Before making a final determination that a State regulatory program no longer meets such requirements, the Secretary shall provide the State a hearing and an opportunity to adopt such a plan of correction as would permit the program to continue to meet such requirements. If the Secretary makes a final

determination that the State regulatory program, after such a hearing and opportunity, fails to meet such requirements, the Secretary shall assume responsibility under section 2182(a)(2) with respect to certifying policies in the State and shall exercise full authority under section 2187 for persons and entities in the State.

"(b) ENFORCEMENT.—

"(1) IN GENERAL.—The enforcement process under each State regulatory program—

"(A) shall be designed in a manner so as to secure compliance with the Standards within 30 days after the date of a finding of non-compliance with such Standards, and

"(B) shall provide for notice to the Secretary in cases where such compliance is not secured within such 30-day period.

"(2) PROCESS.—The enforcement process under each State regulatory program shall provide for—

"(A) procedures for individuals and entities to file written, signed complaints respecting alleged violations of the Standards;

"(B) responding on a timely basis to such complaints;

"(C) the investigation of—

"(i) those complaints which, on their face, have a substantial probability of validity, and

"(ii) such other alleged violations of the Standards as the program finds appropriate;

"(D) notice and opportunity for a hearing before executing sanctions; and

"(E) the imposition of appropriate sanctions (which include, in appropriate cases, the imposition of a civil money penalty) in the case of a person or entity determined to have violated the Standards.

"(c) TOLL-FREE TELEPHONE SYSTEM.—Each State regulatory program shall provide a toll-free telephone system which provides for—

"(1) a mechanism for the receipt and disposition of consumer complaints or inquiries regarding compliance with the requirements of this part, and

"(2) information to consumers about issuers that offer long-term health care policies in the area covered by the regulatory authority.

Such system shall provide for the recording of consumer complaints in accordance with a uniform methodology developed by the NAIC or the Secretary.

"(d) PUBLICATION AND PUBLIC ACCESS TO COMPLIANCE INFORMATION.—

"(1) PUBLICATION OF INFORMATION.—Each State regulatory program shall publish annually a summary—

"(A) by issuer, of (i) the types of long-term health care policies issued and (ii) the types of complaints filed concerning such policies, and

"(B) of the information reported by policy under section 2185(e).

"(2) ACCESS TO INFORMATION ON COMPLAINTS.—

"(A) IN GENERAL.—Each State regulatory program shall provide for consumer access to complaints filed with the State commissioner or superintendent of insurance with respect to long-term care insurance policies.

"(B) CONFIDENTIALITY.—The access provided under subparagraph (A) shall be limited to the extent required to protect the confidentiality of the identity of individual policyholders.

"(c) PROCESS FOR APPROVAL OF PREMIUMS.—

"(1) IN GENERAL.—Each State regulatory program shall—

"(A) provide for a process for approving or disapproving proposed premium increases

with respect to long-term care insurance policies, and

"(B) establish a policy for receipt and consideration of public comments before approving such a premium increase.

"(2) CONDITIONS FOR APPROVAL.—No such premium increase shall be approved (or deemed approved) unless the proposed increase is accompanied by an actuarial memorandum which—

"(A) includes a description of the assumptions which justify the increase,

"(B) contains such information as may be required under the Standards, and

"(C) is made available to the public.

"(f) ANNUAL REPORTS.—Each State regulatory program shall provide for annual reports to the Secretary on the implementation and enforcement of the Standards in the State.

"(g) INCREASE IN FUNDING FOR LONG-TERM CARE INSURANCE, INFORMATION, COUNSELING, AND ASSISTANCE THROUGH STATE REGULATORY PROGRAMS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated, under section 4360(f) of the Omnibus Budget Reconciliation Act of 1990, \$20,000,000 for each of fiscal years 1993, 1994, and 1995, to fund grant programs under such section for the purpose of providing information, counseling, and assistance relating to long-term care benefits under this title and the procurement of adequate and appropriate long-term care insurance.

"STANDARDS RELATING TO SALES PRACTICES

"SEC. 2184. (a) CERTIFICATION OF TRAINING OF SALES AGENTS.—A person may not sell or offer for sale a long-term care insurance policy unless the person has been certified under the State regulatory program or by the Secretary as having received training with respect to such policies in accordance with the Standards.

"(b) DUTY OF GOOD FAITH AND FAIR DEALING.—

"(1) IN GENERAL.—Each person who is selling or offering for sale a long-term care insurance policy has the duty of good faith and fair dealing to the purchaser or potential purchaser of such a policy.

"(2) UNFAIR PRACTICES.—A person is considered to have violated paragraph (1) if the person engages in any of the following practices:

"(A) TWISTING.—Knowingly making any misleading representation or incomplete or fraudulent comparison of any long-term care insurance policy, issuer of such a policy, or the program under part A or low-income assistance under part D for the purpose of inducing, or tending to induce, any person to retain or effect a change with respect to a long-term care insurance policy.

"(B) HIGH PRESSURE TACTICS.—Employing any method of marketing having the effect of, or intending to, induce the purchase of long-term care insurance policy through undue pressure.

"(C) COLD LEAD ADVERTISING.—Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

"(D) ADDITIONAL PRACTICES.—Such sales practices as the Secretary may specify in regulations.

The NAIC shall periodically report to the Secretary on improper sales practices that should be treated (under subparagraph (D)) as violations of paragraph (1). Any additional unfair sales practices specified in regulations

referred to in subparagraph (D) shall only apply to activities occurring after the date of promulgation of the regulations.

"(c) PROHIBITION OF COMPLETION OF MEDICAL HISTORIES.—A person who is selling or offering for sale a long-term care insurance policy may not complete the medical history portion of an application for any other individual (other than a relative of the person).

"(d) PROHIBITION OF SALE OR ISSUANCE TO MEDICAID BENEFICIARIES AND INDIVIDUALS RECEIVING LONG-TERM CARE NURSING BENEFITS UNDER PART A.—A person may not knowingly sell or issue a long-term care insurance policy to an individual who—

"(1) is eligible for medical assistance (other than only as a qualified medicare beneficiary) under title XIX, or

"(2) is a certified individual (as defined in section 2101(b)(4)).

"(e) PROHIBITION OF SALE OR ISSUANCE OF DUPLICATE POLICIES.—A person may not sell or issue a long-term care insurance policy—

"(1) knowing that the policy provides for coverage that duplicates coverage already provided in another long-term care insurance policy (unless the policy is intended to replace such other policy), or

"(2) for the benefit of an individual unless the individual (or a representative of the individual) provides a written statement to the effect that the coverage—

"(A) does not duplicate other coverage in effect under a long-term care insurance policy, or

"(B) will replace another long-term care insurance policy.

"(f) PROVISION OF OUTLINE OF COVERAGE AND OTHER INFORMATION.—

"(1) OUTLINE OF COVERAGE.—A person may not sell or offer for a sale a long-term care insurance policy for the benefit of an individual without providing to the individual (or a representative of the individual)—

"(A) an outline of coverage that includes the information required under paragraph (2); and

"(B) information (specified under the Standards) describing—

"(i) benefits available under this title,

"(ii) the right of individuals to turn down the policy in 3 days, and

"(iii) the right of individuals to cancel a policy, and receive a refund on premiums paid, within 30 days after the date the policy is issued.

In applying this paragraph in the case of a group long-term care insurance policy, the issuer of the policy is responsible for the provision of the outline and information to each certificate holder before the policy takes effect with respect to that certificate holder.

"(2) CONTENTS OF OUTLINE OF COVERAGE.—The outline of coverage for each long-term care insurance policy shall include (in accordance with the Standards) at least the following:

"(A) A description of the principal benefits and coverage under the policy and how such benefits and coverage compare to the range of potential benefits and coverage available under such policies.

"(B) A statement of the principal exclusions, reductions, and limitations contained in the policy.

"(C) A statement of the terms under which the policy (or certificate in the case of a group policy) may be continued in force or discontinued, the terms for continuation or conversion, and any reservation in the policy of a right to change premiums.

"(D) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy (or master

policy) contains the contractual provisions that govern.

"(E) A description of the terms, specified in 2185(a)(1), under which a policy may be returned and the premium refunded.

"(F) A statement of the percentage limit on annual premium increases that is provided under the policy pursuant to section 2186(h).

"(G) Information on the average costs for community care and nursing facility care in the State of residence and information on the relationship of the benefits provided under the policy to such national and State average costs.

"(H) Information (in graphic form) on the projected effect of inflation on the value of benefits provided under the policy during a period of at least 20 years.

"(I) Information on the relationship of the benefits under the policy to the benefits under part A of this title and on low-income assistance available under part D of this title.

"(J) Information on the resource value of the policy (as established under paragraph (3)(B) of section 2132(b) for purposes of that section).

"(g) OFFERING OF POLICY WITH MINIMUM BENEFITS.—A person may not sell or offer for sale a long-term care insurance policy to an individual unless the person has offered for sale to the individual a long-term care insurance policy that only provides the minimum benefits for long-term nursing facility care consistent with section 2186(b).

"(h) INFORMATION ON FINANCIAL ARRANGEMENTS WITH GROUPS.—A person may not sell or offer for sale a long-term care insurance policy with respect to a member of an organization with which the person (or the issuer of the policy) has a financial arrangement of any type unless the person discloses (in accordance with the Standards) the nature of the financial arrangement.

"(i) PENALTIES.—In addition to sanctions provided under State regulatory programs, any person who sells, offers for sale, or issues a long-term care insurance policy in violation of this section is subject to sanctions under section 2187.

"STANDARDS RELATING TO ISSUERS

"SEC. 2185. (a) FREE LOOK; REFUND OF PREMIUMS.—

"(1) RIGHT TO RETURN (FREE LOOK).—Each applicant for a long-term care insurance policy shall have the right to return the policy within 30 days of the date of its delivery (and to have the premium refunded) if, after examination of the policy, the applicant is not satisfied for any reason.

"(2) REFUND OF PREMIUMS.—If an application for a long-term care insurance policy is denied or an applicant returns a policy within 30 days of the date of its issuance pursuant to paragraph (1), the issuer shall refund to the applicant, not later than 30 days after the date of the denial or return, any premiums paid with respect to such a policy.

"(b) MAILING OF POLICY.—If an application for a long-term care insurance policy is approved, the issuer shall transmit to the applicant the policy of insurance not later than 30 days after the date of the approval.

"(c) CLAIMS DENIALS.—

"(1) INFORMATION ON DENIALS OF CLAIMS.—If a claim under a long-term care insurance policy is denied, the issuer shall, within 60 days of the date of a written request by the policyholder (or a representative of the policyholder)—

"(A) provide a written explanation to the individual of the reasons for the denial,

"(B) make available to the individual all information directly relating to such denial, and

"(C) inform the individual of the process established under paragraph (3) for the appeal of the claim denial.

"(2) LIMITATION ON BASIS FOR DENIAL.—

"(A) IN GENERAL.—No claim under such a policy may be denied on the basis of a failure to disclose information at the time of delivery (and issuance for delivery) of the policy if the application for the policy failed to request such information.

"(B) TREATMENT OF INDIVIDUALS 75 YEARS OF AGE OR OLDER.—In the case of a policyholder who was 75 years of age or older at the time of delivery (and issuance for delivery) of a long-term care insurance policy, no claim under such a policy may be denied on the basis of a failure to disclose information at the time of delivery (and issuance for delivery) of the policy if the policyholder truthfully disclosed documentation obtained under subsection (g).

"(3) PROCESS FOR APPEAL OF DENIAL OF CLAIMS.—Each issuer of a long-term care insurance policy shall establish and maintain procedures (which meets the Standards) under which a policyholder will be granted an opportunity for a fair hearing by the issuer in any case where the amount in controversy is at least \$500 when claims under the policy are denied, when such claims are not acted upon with reasonable promptness, or when the amount of such payment is in controversy.

"(d) LIMIT OF PERIOD OF CONTESTABILITY.—An issuer of a long-term care insurance policy may not cancel such a policy or deny a claim under the policy based on fraud or misrepresentation relating to the issuance of the policy unless notice of such fraud or misrepresentation is provided within 6 months after the date of the delivery (and issuance for delivery) of the policy.

"(e) REPORTING OF INFORMATION; ACCESS TO INFORMATION.—

"(1) REPORTING OF INFORMATION.—Each issuer of a long-term care insurance policy shall periodically (not less often than annually) report to the Commissioner or superintendent of insurance of each State in which the policy is sold, and shall make available to the Secretary, upon request, information respecting the following:

"(A) The long-term care insurance policies of the issuer that are in force.

"(B) The most recent premiums for such policies and the premiums imposed for such policies during the previous 5-year period.

"(C) The lapse rates, replacement rates, and rescission rates for policies (by agent). For purposes of this subparagraph, there shall not be included as a lapse of policy such a lapse due to the death of the policyholder.

"(D) The claims denied (as a percentage of claims submitted) for such policies. For purposes of this subparagraph, there shall not be included as a denied claim such a claim that is denied solely because of the failure to meet a deductible, waiting period, or exclusionary period.

"(E) The rate of appeal of denied claims (as a percentage of claims denied) for such policies.

"(F) The rate of reversal of denied claims on appeal (as a percentage of claim denials appealed) for such policies.

"(G) Such other information as is specified in the Standards.

Information under this paragraph shall be reported in a format specified in the Standards.

"(2) ACCESS TO INFORMATION.—Each such issuer shall make available to the Secretary and the Commissioner or superintendent of insurance of each State in which the policy is sold such additional information as the Secretary, Commissioner, or superintendent, may request.

"(f) PROVISION OF OUTLINE OF COVERAGE FOR RENEWALS.—Each issuer of a long-term care insurance policy shall provide, at the time of renewal of such a policy or, in the case of a policy issued through a group, the anniversary date of purchase of the policy an outline of coverage described in section 2184(f)(2) to each policyholder.

"(g) MEDICAL DOCUMENTATION FOR THE ELDERLY.—Each issuer of a long-term care insurance policy shall, with respect to an applicant who is 75 years of age or older, obtain one of the following before issuing the policy:

"(1) A report of a contemporaneous physical examination.

"(2) A contemporaneous assessment of functional capacity.

"(3) Copies of contemporaneous medical records.

The issuer shall maintain the information obtained in its files.

"(h) LIMITS ON COMPENSATION FOR SALE OF POLICIES.—

"(1) IN GENERAL.—An issuer of a long-term care insurance policy may not provide a commission or other compensation to an agent or other representative for the sale of such a policy in an amount that exceeds 200 percent of the commission or other compensation paid for selling or servicing such a policy in the second or subsequent year.

"(2) COMPENSATION DEFINED.—In paragraph (1), the term 'compensation' includes pecuniary or nonpecuniary remuneration of any kind relating to the sale or renewal of the policy or certification, including deferred compensation, bonuses, gifts, prizes, awards, and finders fees.

"(i) PENALTIES.—In addition to sanctions provided under State regulatory programs, any issuer of a long-term care insurance policy that—

"(1) fails to make a refund in accordance with subsection (a),

"(2) fails to transmit a policy in accordance with subsection (b),

"(3) fails to provide, make available, or report information in accordance with subsections (c) and (e),

"(4) cancels a policy or denies a claim in violation of subsection (d),

"(5) fails to provide an outline of coverage in violation of subsection (f), or

"(6) issues a policy without obtaining certain information in violation of subsection (g), or

"(7) provides a commission or compensation in violation of subsection (h), is subject to sanctions under section 2187.

"STANDARDS RELATING TO POLICIES

"SEC. 2186. (a) USE OF STANDARD DEFINITIONS AND TERMINOLOGY AND UNIFORM FORMAT.—Each long-term care insurance policy shall, pursuant to the Standards—

"(1) use uniform language and definitions, and

"(2) use a uniform format for presenting the outline of coverage under such a policy.

"(b) LIMITING CONDITIONS ON BENEFITS; MINIMUM BENEFITS.—

"(1) IN GENERAL.—A long-term care insurance policy may not—

"(A) condition or limit eligibility for benefits for a type of services to the need for or receipt of any other services;

"(B) condition or limit eligibility for any benefit on the medical necessity for such benefit;

"(C) condition or limit eligibility for benefits furnished by licensed providers on compliance with conditions which are in addition to those required for licensure under State law or required under this title; or

"(D) deny payment for any benefits on the basis that the individual is eligible for or otherwise entitled to benefits under part A.

"(2) COMMUNITY CARE.—If a long-term care insurance policy provides benefits for community care, the policy—

"(A) may not limit such benefits to services provided by registered nurses or licensed practical nurses;

"(B) may not require benefits for such services to be provided by a nurse or therapist that can be provided by a home health aide or other licensed or certified home care worker acting within the scope of the worker's licensure or certification;

"(C) may not limit such benefits to services provided by agencies or providers certified under title XVIII; and

"(D) shall provide benefits for—

"(i) home-based items and services described in paragraphs (2) and (3) of section 2102(b) in an individual's home,

"(ii) community-based items and services described in section 2102(c), and

"(iii) respite care and hospice respite care described in section 2102(d),

furnished by qualified providers (as determined for purposes of part A).

"(3) NURSING FACILITY CARE.—

"(A) REQUIREMENT.—Each long-term care insurance policy shall provide that in the case of a policyholder who would be entitled to benefits under part A with respect to long-term nursing facility care but for the individual's failure to have been found to be financially eligible for such care under section 2132, benefits under the policy shall include either—

"(i) benefits for long-term nursing facility care of the type provided under part A, without regard to any coinsurance or resident-specific deductible established under sections 2122(a)(2) and 2133(a)(2), at a dollar level (for a day of nursing facility care) not less than 80 percent of the average cost of a day of nursing facility care in the State at the time of sale of the policy, increased for inflation consistent with subsection (g), or

"(ii) payment of a dollar amount equivalent to the amount provided under clause (i).

"(B) NO RESTRICTION ON COVERED FACILITIES.—To the extent to which a long-term care insurance policy provides benefits for nursing facility care, the policy shall provide such benefits with respect to all nursing facilities (as defined in section 2104(b)).

"(4) MINIMUM PERIOD OF COVERAGE.—Each long-term care insurance policy—

"(A) that provides benefits with respect to community care, shall provide benefits for such care over a period of at least 12 consecutive months, and

"(B) shall provide benefits for nursing facility care over a period of at least 48 consecutive months, or, beginning with the second year that begins after the effective date of this title (as defined in section 2101(d)(1)(B)), over a period of consecutive months that is not less than 12 months and that is a multiple of 12 months.

"(d) PROHIBITION OF DISCRIMINATION.—A long-term care insurance policy may not treat benefits under the policy in the case of an individual with Alzheimer's disease, with any related progressive degenerative dementia of an organic origin, or with any organic

or inorganic mental illness differently from an individual having another medical condition for which benefits may be made available.

"(e) LIMITATION ON USE OF PREEXISTING CONDITION LIMITS.—

"(1) INITIAL ISSUANCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), a long-term care insurance policy may not exclude or condition benefits based on a medical condition for which the policyholder received treatment or was otherwise diagnosed before the issuance of the policy.

"(B) 6-MONTH LIMIT.—A long-term care insurance policy may exclude benefits under a policy, during its first 6 months, based on a condition for which the policyholder received treatment or was otherwise diagnosed during the 6 months before the policy became effective.

"(C) REFERENCE TO MEDICAL DOCUMENTATION REQUIREMENT.—For provision requiring a medical documentation for individuals 75 years of age or older at the time of policy issuance, see section 2185(g).

"(2) REPLACEMENT POLICIES.—If a long-term care insurance policy replaces another long-term care insurance policy, the replacing policy shall waive any time periods (including waiting periods, elimination periods, and probationary periods) applicable to pre-existing conditions in the new policy for similar benefits to the extent such time was spent under the original policy.

"(f) USE OF FUNCTIONAL ASSESSMENT.—

"(1) IN GENERAL.—Each long-term care insurance policy—

"(A) shall provide for eligibility for, and level of, benefits available under the policy based on an assessment of the policyholder's functional ability that—

"(i) is conducted by an assessment agency (as defined in section 2114(a)(1)), or by another qualified individual (as specified by the Secretary in regulations consistent with paragraph (2)), and

"(ii) uses the same assessment instrument and methodology as is used in making assessments under section 2111;

"(B) shall specify the level (or levels) of functional impairment required under such an assessment to obtain benefits under the policy; and

"(C) shall provide for the determination of such level based on the individual's inability to perform (without substantial assistance from another individual) because of physical, cognitive, or other mental impairment a number (or combination) of activities of daily living specified in section 2101(b)(1)(A)(i) and, in the case of individuals with cognitive or other mental impairment or under 6 years of age, based on a standard of comparable level of disability described in subparagraph (A)(ii) or (B) of section 2101(b)(1).

"(2) CONDUCT OF ASSESSMENT.—Such assessment may not be conducted by an individual—

"(A) who has a direct or indirect ownership or control interest in the issuer of the policy or an entity that provides services for which benefits are available under the long-term care insurance policy, or

"(B) who has a direct or indirect affiliation or relationship with such an issuer or entity if there is a financial incentive that is related to the results of the assessment determination.

"(3) APPEALS PROCESS.—Each long-term care insurance policy shall provide for an appeals process, meeting the Standards, for individuals who dispute the results of an assessment conducted under this subsection.

including any determination of eligibility, level of functional impairment, or level of benefits.

"(4) DEEMED ENTITLEMENT FOR REQUIRED NURSING FACILITY CARE BENEFITS IF AFFIRMATIVE CERTIFICATION IS ISSUED.—With respect to benefits for nursing facility care required to be covered under long-term care insurance policies, an individual covered under the policy is deemed to be eligible for such benefits if the individual has in effect an affirmative certification under section 2112.

"(g) INFLATION PROTECTION OPTION.—

"(1) IN GENERAL.—At the option of the policyholder at the time of sale of a long-term care insurance policy, the policy shall provide, at the time of each annual renewal, for a percentage increase (which is not less than the applicable percentage increase specified in paragraph (2)) in the dollar payment levels and any maximum payment limit on benefit coverage above the levels or limit in effect during the previous policy year. In applying this subsection, the increases shall be compounded annually and the policy may provide for rounding such an increase to the nearest multiple of \$1 (in the case of dollar payment levels) or \$100 (in the case of a maximum payment limit).

"(2) SPECIFICATION OF PERCENTAGE INCREASE.—For purposes of paragraph (1), with respect to policies issued each year, the applicable percentage increase specified in this paragraph—

"(A) with respect to benefits for community care is the average annual percentage rate of increase for payment rates for community care under this title projected, most recently before the date of issuance of the policy, under section 2141(d)(1) by the Board of Trustees of the Federal Long-Term Care Trust Fund, and

"(B) with respect to benefits for nursing facility care is the average annual percentage rate of increase for payments rates for nursing facility care under this title projected, most recently before the date of issuance of the policy, under section 2141(d)(2) by the Board of Trustees of the Federal Long-Term Care Trust Fund.

"(3) OPTION TO ADJUST POLICY FOR ACTUAL INFLATION.—At the option of the policyholder, at the time of each annual renewal, the policy may be modified to reflect a change in inflation projections, referred to in paragraph (2), with a premium adjustment as determined under the Standards.

"(h) SPECIFICATION OF LIMITS ON PREMIUM INCREASES; LIMIT ON PREMIUM INCREASES AFTER AGE 75; PREMIUMS FOR POLICY UPGRADES.—

"(1) SPECIFICATION OF LIMITS ON ANNUAL PREMIUM INCREASES.—Each long-term care insurance policy shall specify a limit on the percentage increase in premiums for a policy that may be made between one policy year and the subsequent policy year.

"(2) LIMIT ON PREMIUM INCREASE AFTER AGE 75.—Each long-term care insurance policy shall not provide for any increase in premiums for a policyholder who is 75 years of age or older other than an annual increase (of not more than 5 percent) at the beginning of each policy year.

"(3) CLASSIFICATION OF PREMIUMS FOR POLICY UPGRADES.—

"(A) IN GENERAL.—In the case of a long-term care insurance policy issued to an individual who is provided an upgraded long-term care insurance policy by the same issuer, consistent with the Standards, the premiums charged with respect to such upgraded policy for those elements that are the same as those under the policy being re-

placed shall be consistent with the premiums that would be charged if the individual had purchased such upgraded policy at the time of issuance of the original (or previous) policy.

"(B) UPGRADED POLICY DEFINED.—In subparagraph (A), the term 'upgraded policy' means a policy that, in relation to a previously issued policy, has benefits with an anticipated actuarial value (for individuals within the same actuarial class or similar demographic characteristics) that is greater than the actuarial value of the previously issued policy.

"(1) NONFORFEITURE.—

"(1) PROTECTION.—

"(A) PROTECTION.—Each long-term care insurance policy shall provide such nonforfeiture protection as shall be included in the Standards. Such Standards shall provide no less protection than requiring that a policyholder, at the time of sale of a long-term care insurance policy, be offered the option of nonforfeiture protection described in subparagraph (B).

"(B) BASE NONFORFEITURE PROTECTION.—The nonforfeiture protection described in this subparagraph under a policy would provide that if the policy lapses after the policy has been in effect for at least 5 years, the policy will provide without payment of any additional premiums benefits equal to a percentage (specified under the Standards) of the benefits otherwise available at term, or an equivalent cash amount (as determined under the Standards).

"(2) ESTABLISHMENT OF STANDARDS.—The Standards may provide that the percentage or cash amount under paragraph (1)(B) must increase based upon the period of time in which the policy was in effect.

"(j) RENEWABILITY AND UPGRADES.—

"(1) IN GENERAL.—No long-term care insurance policy may be canceled or nonrenewed for any reason other than nonpayment of premium, material misrepresentation or fraud.

"(2) CONTINUATION AND CONVERSION RIGHTS FOR GROUP POLICIES.—

"(A) IN GENERAL.—Each group long-term care insurance policy shall provide covered individuals with a basis for continuation or conversion in accordance with this paragraph.

"(B) BASIS FOR CONTINUATION.—For purposes of subparagraph (A), a policy provides a basis for continuation of coverage if the policy maintains coverage under the existing group policy when such coverage would otherwise terminate or when benefits under such policy are reduced and which is subject only to the continued timely payment of a premium when due. A group policy which restricts provision of benefits and services to or contains incentives to use certain providers or facilities, may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy.

"(C) BASIS FOR CONVERSION.—For purposes of subparagraph (A), a policy provides a basis for conversion of coverage if the policy entitles each individual—

"(i) whose coverage under the group policy would otherwise be terminated for any reason or whose benefits under the group policy would otherwise be reduced, and

"(ii) who has been continuously insured under the policy (or group policy which was replaced) for at least 6 months before the date of the termination or reduction,

to issuance of a policy providing benefits identical to, substantially equivalent to, or in excess of, those of the policy being termi-

nated (or the benefits being reduced), without evidence of insurability.

"(D) GROUP REPLACEMENT OF POLICIES.—If a group long-term care insurance policy is replaced by another long-term care insurance policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all individuals covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the old group policy being replaced.

"(3) UPGRADES FOR CURRENT POLICIES.—If an issuer of a long-term care insurance policy continues to issue such a policy after the effective date specified under section 2182(b), the issuer shall permit each policyholder of such a policy as of such date to purchase a long-term care insurance policy that meets all the applicable Standards. In offering such a policy, the issuer may impose additional underwriting restrictions only for benefits not held under the previously issued policy, in accordance with the Standards.

"SECRETARIAL ENFORCEMENT AUTHORITY

"SEC. 2187. (a) IN GENERAL.—The Secretary shall exercise authority under this section—

"(1) in the case of a State which does not have a regulatory program approved under section 2183,

"(2) in the case of a State which has such an approved program, to the extent specified by the Secretary (under a look-behind program), to determine whether or not individual long-term health care policies in the State have failed to comply with the applicable requirements of this part and whether persons or entities are otherwise in compliance with the requirements of this part, and

"(3) in carrying out sections 2184(i) and 2185(i) (relating to penalties).

"(b) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(1) for individuals and entities to file written, signed complaints respecting alleged violations of the requirements of this part,

"(2) for responding on a timely basis to such complaints, and

"(3) for the investigation of—

"(A) those complaints which, on their face, have a substantial probability of validity, and

"(B) such other alleged violations of the requirements of this part as the Secretary determines to be appropriate.

In conducting investigations under this section, agents of the Secretary shall have reasonable access to examine evidence of any person or entity being investigated.

"(c) HEARINGS.—

"(1) IN GENERAL.—Before imposing an order described in subsection (d) against a person or entity under this section for a violation of the requirements of this part, the Secretary shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Secretary by regulation) of the date of the notice, a hearing respecting the violation.

"(2) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge under section 201. If no hearing is so requested, the Secretary's imposition of the order shall constitute a final and unappealable order.

"(3) AUTHORITY IN HEARINGS.—In conducting hearings under this subsection—

"(A) agents of the Secretary and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated, and

"(B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Secretary, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(4) ISSUANCE OF ORDERS.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated the requirements of this part, the administrative law judge shall state the findings of fact and issue and cause to be served on such person or entity an order described in subsection (d).

"(d) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the order under this subsection—

"(A) shall require the person or entity—

"(i) to cease and desist from such violations, and

"(ii) to pay a civil penalty in an amount not to exceed \$25,000 for each such violation; and

"(B) may require the person or entity to take such other remedial action as is appropriate.

The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(2) CORRECTIONS WITHIN 30 DAYS.—No order shall be imposed under this subsection by reason of any violation if the person or entity establishes to the satisfaction of the Secretary that—

"(A) such violation was due to reasonable cause and was not intentional and was not due to willful neglect, and

"(B) such violation is corrected within the 30-day period beginning on the earliest date the person or entity knew, or exercising reasonable diligence could have known, that such a violation was occurring.

"(3) WAIVER BY SECRETARY.—In the case of a violation which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the civil money penalty imposed by paragraph (1)(A)(ii) to the extent that payment of such penalty would be grossly excessive relative to the violation involved and to the need for deterrence of violations.

"(4) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the Secretary unless, within 30 days, the Secretary modifies or vacates the decision and order, in which case the decision and order of the Secretary shall become a final order under this subsection.

"(5) JUDICIAL REVIEW.—A person or entity adversely affected by a final order issued under this subsection may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(6) ENFORCEMENT OF ORDERS.—If a person or entity fails to comply with a final order issued under this subsection against the person or entity after opportunity for judicial review under paragraph (5), the Secretary shall file a suit to seek compliance with the

order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(7) USE OF AMOUNTS COLLECTED.—Civil money penalties collected under this subsection shall be credited to the Federal Long-Term Care Trust Fund.

"(e) ESTABLISHMENT OF TOLL-FREE TELEPHONE HOTLINE.—In the case of a State without a regulatory program approved under section 2183(a), the Secretary shall provide for the establishment of the toll-free telephone information and complaint system described in section 2183(c) in carrying out this section in the State.

"LONG-TERM CARE INSURANCE POLICY DEFINED

"SEC. 2188. (a) IN GENERAL.—In this part, except as otherwise provided in this section, the term 'long-term care insurance policy' means any insurance policy, certificate, or rider advertised, marketed, offered, or designed to provide coverage for each covered individual on an expense incurred, indemnity, prepaid, or other basis, for one or more diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes a group or individual annuity or life insurance policy or rider which provides directly (or which supplements) long-term care insurance described in the previous sentence.

"(b) POLICIES EXCLUDED.—Except as provided in subsections (c) and (d), in this part the term 'long-term care insurance policy' does not include any medicare supplemental policy (as defined in section 1882(g)) and any insurance which is offered primarily to provide—

"(1) basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, or major medical expense coverage,

"(2) disability income or related asset-protection coverage,

"(3) accident only coverage,

"(4) specified disease or specified accident coverage, or

"(5) limited benefit health coverage.

"(c) INCLUSION OF POLICIES MARKETED AS LONG-TERM CARE INSURANCE.—In this part, the term 'long-term care insurance policy' also includes any product which is advertised, marketed, or offered as long-term care insurance.

"(d) DISCLOSURE REQUIREMENTS FOR CERTAIN DISABILITY INCOME POLICIES AND LIFE INSURANCE POLICIES.—

"(1) IN GENERAL.—In this part, the term 'long-term care insurance policy' includes—

"(A) a policy described in subsection (b)(2) under which the eligibility or amount of benefits are based on an assessment of functional ability (based on activities of daily living or otherwise) and the amount of benefits is paid only a per diem basis, or

"(B) a life insurance policy described in paragraph (3),

if the disclosure requirements of paragraph (2) are not met.

"(2) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this paragraph for a policy are that—

"(A) the policy discloses (in a form and manner specified in the Standards) the fact that the policy is not a long-term care insurance policy;

"(B) the policy outlines how the benefits in the policy differ from the benefits required to be provided under the Standards of a long-term care insurance policy and the benefits provided under part A; and

"(C) in the case of a life-insurance policy described in subsection (c), at the time of

policy delivery there is provided to the purchaser and the beneficiary a policy summary that includes—

"(i) an explanation of how the long-term care benefits interact with other components of the policy (including deductions from death benefits);

"(ii) a description of the amount and length of benefits and the guaranteed lifetime benefits (if any) for each covered individual; and

"(iii) any exclusions, reductions, and limitations on benefits of long-term care.

"(3) CERTAIN LIFE INSURANCE POLICIES.—A life insurance policy described in this paragraph is one—

"(A) which accelerates the death benefit specifically for—

"(i) one or more of the qualifying events of terminal illness,

"(ii) medical conditions requiring extraordinary medical intervention, or

"(iii) permanent institutional confinement;

"(B) which provides the option of a lump-sum payment for those benefits; or

"(C) which provides benefits based on the use of nursing facility care."

SEC. 302. ESTABLISHMENT OF STANDARDS UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by redesignating title XXVII as title XXVIII;

(2) by redesignating sections 2701 through 2714 as sections 2801 through 2814, respectively; and

(3) by inserting after title XXVI the following new title:

"TITLE XXVII—LONG-TERM CARE INSURANCE STANDARDS

"PROMULGATION OF STANDARDS AND MODEL BENEFITS

"SEC. 2701. (a) APPLICATION OF STANDARDS.—

"(1) NAIC.—If, within 12 months after the date of the enactment of this title, the National Association of Insurance Commissioners (in this title referred to as the 'NAIC') promulgates model standards that incorporate the requirements of this title, such standards shall apply under section 2702.

"(2) DEFAULT.—If the NAIC does not promulgate the model standards under paragraph (1) by the deadline established in that subsection, the Secretary shall promulgate, within 12 months after such deadline, a regulation that provides standards that incorporate the requirements of this title and such standards shall apply under section 2702.

"(3) SUBSEQUENT REFERENCE TO STANDARDS.—In this title, the term 'Standards' means all standards established under this section that apply in a State under section 2702.

"(b) ITEMS INCLUDED IN STANDARDS.—

"(1) IN GENERAL.—The Standards promulgated under subsection (a) shall incorporate standards that specify the requirements of this title for long-term care insurance policies (as defined in section 2708(a)), for the approval of State regulatory programs, for the issuers of such policies, for the sale of such policies, for the contents of such policies, and for the disclosure of certain information.

"(2) SPECIFIC STANDARDS RELATING TO STATE REGULATORY PROGRAMS.—Such Standards shall include (with respect to State regulatory programs), the information to be required by such programs under section 2703(e)(2)(B) with respect to proposed pre-

mium increases for long-term care insurance policies.

"(3) SPECIFIC STANDARDS RELATING TO SALES OF POLICIES.—Such Standards shall include the following (with respect to the sale of long-term care insurance policies):

"(A) The training required in order for a sales agent to be certified under section 2704(a).

"(B) The information to be provided under section 2704(f)(1)(B).

"(C) The contents of outlines of coverage under section 2704(f)(2).

"(D) The manner of disclosure of financial arrangements under section 2704(h).

"(4) SPECIFIC STANDARDS RELATING TO ISSUERS.—Such Standards shall include the following (with respect to issuers of long-term care insurance policies):

"(A) The procedures for appeals of denied claims (under section 2705(c)(3)).

"(B) The additional information required to be reported by issuers under section 2705(e)(1), and the format for reporting of such information.

"(5) SPECIFIC STANDARDS RELATING TO POLICIES.—Such Standards shall include the following (with respect to long-term care insurance policies):

"(A) The uniform language and definitions and uniform format for outlines of coverage under section 2706(a).

"(B) The process for appeals of assessments under section 2706(f)(3).

"(C) The premium adjustment for those electing to modify inflation protection under section 2706(g)(3).

"(D) Methods for the allocation of premium elements and means of evaluating actuarial value to carry out section 2706(h)(3)(A).

"(E) The nonforfeiture protection to be provided under section 2706(i).

"(F) Limitations on underwriting restrictions under section 2706(j)(3).

"(6) SPECIFIC STANDARDS RELATING TO DISCLOSURE.—Such standard shall include the disclosure required of certain policies under section 2708(d).

"(c) MODEL BENEFITS.—In order to promote consumer understanding and to facilitate benefit and price comparison among long-term care policies, the NAIC is requested to establish models for benefits (including the specification of benefit levels and cost-sharing as well as the grouping of benefits) under long-term care insurance policies which are consistent with the requirements of section 2706(b).

"(d) CONSULTATION.—In establishing Standards and models of benefits under this section, the NAIC or Secretary shall provide for and consult with an advisory committee chosen by the NAIC or Secretary, respectively, and composed of—

"(1) a chairman (who is not a representative of issuers of long-term care insurance policies or providers of long-term care services);

"(2) 3 individuals who are representatives of issuers of long-term care insurance policies;

"(3) 3 individuals who are representatives of consumer groups;

"(4) 3 representatives who are representatives of providers of long-term care services; and

"(5) 3 other individuals who are not representatives of issuers of long-term care insurance policies or of providers of long-term care services and who have expertise in the delivery and financing of such services.

"(e) RELATION TO STATE LAW.—

"(1) IN GENERAL.—The Standards established under this section preempt provisions

of State law which conflict with such Standards, but nothing in this title shall be construed as preventing a State from applying standards that provide greater protection to policyholders of long-term care insurance policies.

"(2) GRANDPARENTING OF CURRENT POLICIES.—Except as a State may provide, such Standards shall not apply to policies issued before the date specified in section 2702(b).

"APPLICATION OF LONG-TERM CARE INSURANCE STANDARDS

"SEC. 2702. (a) IN GENERAL.—No long-term care insurance policy (as defined in section 2708(a)) may be issued, sold, or offered for sale in a State on or after the date specified in subsection (b) unless—

"(1) the Secretary determines that—

"(A) the State has established a regulatory program that meets the requirements of section 2703, by the date specified in subsection (b), and

"(B) the policy has been approved by the State commissioner or superintendent of insurance under such program; or

"(2) in the case of a State that does not have a regulatory program approved under section 2703, the policy has been certified by the Secretary (in accordance with such procedures as the Secretary establishes by regulation) as meeting the Standards (insofar as they relate to the contents of a long-term care insurance policy).

For purposes of this subsection, the advertising or soliciting with respect to a long-term care insurance policy, directly or indirectly, shall be deemed the offering for sale of the policy.

"(b) DEADLINE FOR APPLICATION OF STANDARDS IN STATES.—

"(1) IN GENERAL.—Subject to paragraph (2), the date specified in this subsection for a State is—

"(A) the date the State adopts the Standards, or

"(B) 1 year after the date the Standards are first established, whichever is earlier.

"(2) STATE REQUIRING LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

"(A) requiring State legislation (other than legislation appropriating funds) in order for the Standards to be applied, but

"(B) having a legislature which is not scheduled to meet in 1994 in a legislative session in which such legislation may be considered,

the date specified in this subsection is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1994. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"STANDARDS FOR APPROVAL OF STATE REGULATORY PROGRAMS

"SEC. 2703. (a) APPROVAL.—

"(1) IN GENERAL.—The Secretary may not approve a State regulatory program for purposes of section 2702(a), unless the Secretary determines that the program—

"(A) provides for the application and enforcement of the Standards, and

"(B) complies with the requirements of—

"(i) subsection (b) (relating to enforcement),

"(ii) subsection (c) (relating to provision of toll-free telephone system),

"(iii) subsection (d) (relating to publication and public access to compliance information),

"(iv) subsection (e) (relating to a process for the approval of premiums), and

"(v) subsection (f) (relating to annual reports).

"(2) PERIODIC REVIEW OF STATE REGULATORY PROGRAMS.—The Secretary periodically shall review State regulatory programs to determine if they continue to meet the requirements for approval under paragraph (1). Before making a final determination that a State regulatory program no longer meets such requirements, the Secretary shall provide the State a hearing and an opportunity to adopt such a plan of correction as would permit the program to continue to meet such requirements. If the Secretary makes a final determination that the State regulatory program, after such a hearing and opportunity, fails to meet such requirements, the Secretary shall assume responsibility under section 2702(a)(2) with respect to certifying policies in the State and shall exercise full authority under section 2707 for persons and entities in the State.

"(b) ENFORCEMENT.—

"(1) IN GENERAL.—The enforcement process under each State regulatory program—

"(A) shall be designed in a manner so as to secure compliance with the Standards within 30 days after the date of a finding of non-compliance with such Standards, and

"(B) shall provide for notice to the Secretary in cases where such compliance is not secured within such 30-day period.

"(2) PROCESS.—The enforcement process under each State regulatory program shall provide for—

"(A) procedures for individuals and entities to file written, signed complaints respecting alleged violations of the Standards;

"(B) responding on a timely basis to such complaints;

"(C) the investigation of—

"(i) those complaints which, on their face, have a substantial probability of validity, and

"(ii) such other alleged violations of the Standards as the program finds appropriate;

"(D) notice and opportunity for a hearing before executing sanctions; and

"(E) the imposition of appropriate sanctions (which include, in appropriate cases, the imposition of a civil money penalty) in the case of a person or entity determined to have violated the Standards.

"(c) TOLL-FREE TELEPHONE SYSTEM.—Each State regulatory program shall provide a toll-free telephone system which provides for—

"(1) a mechanism for the receipt and disposition of consumer complaints or inquiries regarding compliance with the requirements of this title, and

"(2) information to consumers about issuers that offer long-term health care policies in the area covered by the regulatory authority.

Such system shall provide for the recording of consumer complaints in accordance with a uniform methodology developed by the NAIC or the Secretary.

"(d) PUBLICATION AND PUBLIC ACCESS TO COMPLIANCE INFORMATION.—

"(1) PUBLICATION OF INFORMATION.—Each State regulatory program shall publish annually a summary—

"(A) by issuer, of (i) the types of long-term health care policies issued and (ii) the types of complaints filed concerning such policies, and

"(B) of the information reported by policy under section 2705(e).

"(2) ACCESS TO INFORMATION ON COMPLAINTS.—

"(A) IN GENERAL.—Each State regulatory program shall provide for consumer access to complaints filed with the State commissioner or superintendent of insurance with respect to long-term care insurance policies.

"(B) CONFIDENTIALITY.—The access provided under subparagraph (A) shall be limited to the extent required to protect the confidentiality of the identity of individual policyholders.

"(e) PROCESS FOR APPROVAL OF PREMIUMS.—

"(1) IN GENERAL.—Each State regulatory program shall—

"(A) provide for a process for approving or disapproving proposed premium increases with respect to long-term care insurance policies, and

"(B) establish a policy for receipt and consideration of public comments before approving such a premium increase.

"(2) CONDITIONS FOR APPROVAL.—No such premium increase shall be approved (or deemed approved) unless the proposed increase is accompanied by an actuarial memorandum which—

"(A) includes a description of the assumptions which justify the increase,

"(B) contains such information as may be required under the Standards, and

"(C) is made available to the public.

"(f) ANNUAL REPORTS.—Each State regulatory program shall provide for annual reports to the Secretary on the implementation and enforcement of the Standards in the State.

"(g) INCREASE IN FUNDING FOR LONG-TERM CARE INSURANCE, INFORMATION, COUNSELING, AND ASSISTANCE THROUGH STATE REGULATORY PROGRAMS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated, under section 4360(f) of the Omnibus Budget Reconciliation Act of 1990, \$20,000,000 for each of fiscal years 1993, 1994, and 1995, to fund grant programs under such section for the purpose of providing information, counseling, and assistance relating to long-term care benefits under title XXI of the Social Security Act and the procurement of adequate and appropriate long-term care insurance.

"STANDARDS RELATING TO SALES PRACTICES

"SEC. 2704. (a) CERTIFICATION OF TRAINING OF SALES AGENTS.—A person may not sell or offer for sale a long-term care insurance policy unless the person has been certified under the State regulatory program or by the Secretary as having received training with respect to such policies in accordance with the Standards.

"(b) DUTY OF GOOD FAITH AND FAIR DEALING.—

"(1) IN GENERAL.—Each person who is selling or offering for sale a long-term care insurance policy has the duty of good faith and fair dealing to the purchaser or potential purchaser of such a policy.

"(2) UNFAIR PRACTICES.—A person is considered to have violated paragraph (1) if the person engages in any of the following practices:

"(A) TWISTING.—Knowingly making any misleading representation or incomplete or fraudulent comparison of any long-term care insurance policy, issuer of such a policy, or the program under part A of title XXI of the Social Security Act or low-income assistance under part D of such title for the purpose of inducing, or tending to induce, any person to retain or effect a change with respect to a long-term care insurance policy.

"(B) HIGH PRESSURE TACTICS.—Employing any method of marketing having the effect of, or intending to, induce the purchase of long-term care insurance policy through undue pressure.

"(C) COLD LEAD ADVERTISING.—Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

"(D) ADDITIONAL PRACTICES.—Such sales practices as the Secretary may specify in regulations.

The NAIC shall periodically report to the Secretary on improper sales practices that should be treated (under subparagraph (D)) as violations of paragraph (1). Any additional unfair sales practices specified in regulations referred to in subparagraph (D) shall only apply to activities occurring after the date of promulgation of the regulations.

"(c) PROHIBITION OF COMPLETION OF MEDICAL HISTORIES.—A person who is selling or offering for sale a long-term care insurance policy may not complete the medical history portion of an application for any other individual (other than a relative of the person).

"(d) PROHIBITION OF SALE OR ISSUANCE TO MEDICAID BENEFICIARIES AND INDIVIDUALS RECEIVING LONG-TERM CARE NURSING BENEFITS UNDER PART A.—A person may not knowingly sell or issue a long-term care insurance policy to an individual who—

"(1) is eligible for medical assistance (other than only as a qualified medicare beneficiary) under title XIX, or

"(2) is a certified individual (as defined in section 2101(b)(4) of the Social Security Act).

"(e) PROHIBITION OF SALE OR ISSUANCE OF DUPLICATE POLICIES.—A person may not sell or issue a long-term care insurance policy—

"(1) knowing that the policy provides for coverage that duplicates coverage already provided in another long-term care insurance policy (unless the policy is intended to replace such other policy), or

"(2) for the benefit of an individual unless the individual (or a representative of the individual) provides a written statement to the effect that the coverage—

"(A) does not duplicate other coverage in effect under a long-term care insurance policy, or

"(B) will replace another long-term care insurance policy.

"(f) PROVISION OF OUTLINE OF COVERAGE AND OTHER INFORMATION.—

"(1) OUTLINE OF COVERAGE.—A person may not sell or offer for sale a long-term care insurance policy for the benefit of an individual without providing to the individual (or a representative of the individual)—

"(A) an outline of coverage that includes the information required under paragraph (2); and

"(B) information (specified under the Standards) describing—

"(i) benefits available under title XXI of the Social Security Act,

"(ii) the right of individuals to turn down the policy in 3 days, and

"(iii) the right of individuals to cancel a policy, and receive a refund on premiums paid, within 30 days after the date the policy is issued.

In applying this paragraph in the case of a group long-term care insurance policy, the issuer of the policy is responsible for the provision of the outline and information to each certificate holder before the policy takes effect with respect to that certificate holder.

"(2) CONTENTS OF OUTLINE OF COVERAGE.—The outline of coverage for each long-term

care insurance policy shall include (in accordance with the Standards) at least the following:

"(A) A description of the principal benefits and coverage under the policy and how such benefits and coverage compare to the range of potential benefits and coverage available under such policies.

"(B) A statement of the principal exclusions, reductions, and limitations contained in the policy.

"(C) A statement of the terms under which the policy (or certificate in the case of a group policy) may be continued in force or discontinued, the terms for continuation or conversion, and any reservation in the policy of a right to change premiums.

"(D) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy (or master policy) contains the contractual provisions that govern.

"(E) A description of the terms, specified in 2705(a)(1), under which a policy may be returned and the premium refunded.

"(F) A statement of the percentage limit on annual premium increases that is provided under the policy pursuant to section 2706(h).

"(G) Information on the average costs for community care and nursing facility care in the State of residence and information on the relationship of the benefits provided under the policy to such national and State average costs.

"(H) Information (in graphic form) on the projected effect of inflation on the value of benefits provided under the policy during a period of at least 20 years.

"(I) Information on the relationship of the benefits under the policy to the benefits under part A of title XXI of the Social Security Act and on low-income assistance available under part D of such title.

"(J) Information on the resource value of the policy (as established under paragraph (3)(B) of section 2132(b) of the Social Security Act for purposes of that section).

"(g) OFFERING OF POLICY WITH MINIMUM BENEFITS.—A person may not sell or offer for sale a long-term care insurance policy to an individual unless the person has offered for sale to the individual a long-term care insurance policy that only provides the minimum benefits for long-term nursing facility care consistent with section 2706(b).

"(h) INFORMATION ON FINANCIAL ARRANGEMENTS WITH GROUPS.—A person may not sell or offer for sale a long-term care insurance policy with respect to a member of an organization with which the person (or the issuer of the policy) has a financial arrangement of any type unless the person discloses (in accordance with the Standards) the nature of the financial arrangement.

"(i) PENALTIES.—In addition to sanctions provided under State regulatory programs, any person who sells, offers for sale, or issues a long-term care insurance policy in violation of this section is subject to sanctions under section 2707.

"STANDARDS RELATING TO ISSUERS

"SEC. 2705. (a) FREE LOOK; REFUND OF PREMIUMS—

"(1) RIGHT TO RETURN (FREE LOOK).—Each applicant for a long-term care insurance policy shall have the right to return the policy within 30 days of the date of its delivery (and to have the premium refunded) if, after examination of the policy, the applicant is not satisfied for any reason.

"(2) REFUND OF PREMIUMS.—If an application for a long-term care insurance policy is denied or an applicant returns a policy with-

in 30 days of the date of its issuance pursuant to paragraph (1), the issuer shall refund to the applicant, not later than 30 days after the date of the denial or return, any premiums paid with respect to such a policy.

"(b) MAILING OF POLICY.—If an application for a long-term care insurance policy is approved, the issuer shall transmit to the applicant the policy of insurance not later than 30 days after the date of the approval.

"(c) CLAIMS DENIALS.—

"(1) INFORMATION ON DENIALS OF CLAIMS.—If a claim under a long-term care insurance policy is denied, the issuer shall, within 60 days of the date of a written request by the policyholder (or a representative of the policyholder)—

"(A) provide a written explanation to the individual of the reasons for the denial,

"(B) make available to the individual all information directly relating to such denial, and

"(C) inform the individual of the process established under paragraph (3) for the appeal of the claim denial.

"(2) LIMITATION ON BASIS FOR DENIAL.—

"(A) IN GENERAL.—No claim under such a policy may be denied on the basis of a failure to disclose information at the time of delivery (and issuance for delivery) of the policy if the application for the policy failed to request such information.

"(B) TREATMENT OF INDIVIDUALS 75 YEARS OF AGE OR OLDER.—In the case of a policyholder who was 75 years of age or older at the time of delivery (and issuance for delivery) of a long-term care insurance policy, no claim under such a policy may be denied on the basis of a failure to disclose information at the time of delivery (and issuance for delivery) of the policy if the policyholder truthfully disclosed documentation obtained under subsection (g).

"(3) PROCESS FOR APPEAL OF DENIAL OF CLAIMS.—Each issuer of a long-term care insurance policy shall establish and maintain procedures (which meets the Standards) under which a policyholder will be granted an opportunity for a fair hearing by the issuer in any case where the amount in controversy is at least \$500 when claims under the policy are denied, when such claims are not acted upon with reasonable promptness, or when the amount of such payment is in controversy.

"(d) LIMIT OF PERIOD OF CONTESTABILITY.—An issuer of a long-term care insurance policy may not cancel such a policy or deny a claim under the policy based on fraud or misrepresentation relating to the issuance of the policy unless notice of such fraud or misrepresentation is provided within 6 months after the date of the delivery (and issuance for delivery) of the policy.

"(e) REPORTING OF INFORMATION; ACCESS TO INFORMATION.—

"(1) REPORTING OF INFORMATION.—Each issuer of a long-term care insurance policy shall periodically (not less often than annually) report to the Commissioner or superintendent of insurance of each State in which the policy is sold, and shall make available to the Secretary, upon request, information respecting the following:

"(A) The long-term care insurance policies of the issuer that are in force.

"(B) The most recent premiums for such policies and the premiums imposed for such policies during the previous 5-year period.

"(C) The lapse rates, replacement rates, and rescission rates for policies (by agent). For purposes of this subparagraph, there shall not be included as a lapse of policy such a lapse due to the death of the policyholder.

"(D) The claims denied (as a percentage of claims submitted) for such policies. For purposes of this subparagraph, there shall not be included as a denied claim such a claim that is denied solely because of the failure to meet a deductible, waiting period, or exclusionary period.

"(E) The rate of appeal of denied claims (as a percentage of claims denied) for such policies.

"(F) The rate of reversal of denied claims on appeal (as a percentage of claim denials appealed) for such policies.

"(G) Such other information as is specified in the Standards.

Information under this paragraph shall be reported in a format specified in the Standards.

"(2) ACCESS TO INFORMATION.—Each such issuer shall make available to the Secretary and the Commissioner or superintendent of insurance of each State in which the policy is sold such additional information as the Secretary, Commissioner, or superintendent, may request.

"(f) PROVISION OF OUTLINE OF COVERAGE FOR RENEWALS.—Each issuer of a long-term care insurance policy shall provide, at the time of renewal of such a policy or, in the case of a policy issued through a group, the anniversary date of purchase of the policy an outline of coverage described in section 2704(f)(2) to each policyholder.

"(g) MEDICAL DOCUMENTATION FOR THE ELDERLY.—Each issuer of a long-term care insurance policy shall, with respect to an applicant who is 75 years of age or older, obtain one of the following before issuing the policy:

"(1) A report of a contemporaneous physical examination.

"(2) A contemporaneous assessment of functional capacity.

"(3) Copies of contemporaneous medical records.

The issuer shall maintain the information obtained in its files.

"(h) LIMITS ON COMPENSATION FOR SALE OF POLICIES.—

"(1) IN GENERAL.—An issuer of a long-term care insurance policy may not provide a commission or other compensation to an agent or other representative for the sale of such a policy in an amount that exceeds 200 percent of the commission or other compensation paid for selling or servicing such a policy in the second or subsequent year.

"(2) COMPENSATION DEFINED.—In paragraph (1), the term 'compensation' includes pecuniary or nonpecuniary remuneration of any kind relating to the sale or renewal of the policy or certification, including deferred compensation, bonuses, gifts, prizes, awards, and finders fees.

"(1) PENALTIES.—In addition to sanctions provided under State regulatory programs, any issuer of a long-term care insurance policy that—

"(1) fails to make a refund in accordance with subsection (a),

"(2) fails to transmit a policy in accordance with subsection (b),

"(3) fails to provide, make available, or report information in accordance with subsections (c) and (e),

"(4) cancels a policy or denies a claim in violation of subsection (d),

"(5) fails to provide an outline of coverage in violation of subsection (f), or

"(6) issues a policy without obtaining certain information in violation of subsection (g), or

"(7) provides a commission or compensation in violation of subsection (h),

is subject to sanctions under section 2707.

"STANDARDS RELATING TO POLICIES

"SEC. 2706. (a) USE OF STANDARD DEFINITIONS AND TERMINOLOGY AND UNIFORM FORMAT.—Each long-term care insurance policy shall, pursuant to the Standards—

"(1) use uniform language and definitions, and

"(2) use a uniform format for presenting the outline of coverage under such a policy.

"(b) LIMITING CONDITIONS ON BENEFITS; MINIMUM BENEFITS.—

"(1) IN GENERAL.—A long-term care insurance policy may not—

"(A) condition or limit eligibility for benefits for a type of services to the need for or receipt of any other services;

"(B) condition or limit eligibility for any benefit on the medical necessity for such benefit;

"(C) condition or limit eligibility for benefits furnished by licensed providers on compliance with conditions which are in addition to those required for licensure under State law or required under title XXI of the Social Security Act; or

"(D) deny payment for any benefits on the basis that the individual is eligible for or otherwise entitled to benefits under part A.

"(2) COMMUNITY CARE.—If a long-term care insurance policy provides benefits for community care, the policy—

"(A) may not limit such benefits to services provided by registered nurses or licensed practical nurses;

"(B) may not require benefits for such services to be provided by a nurse or therapist that can be provided by a home health aide or other licensed or certified home care worker acting within the scope of the worker's licensure or certification;

"(C) may not limit such benefits to services provided by agencies or providers certified under title XVIII; and

"(D) shall provide benefits for—

"(i) home-based items and services described in paragraphs (2) and (3) of section 2102(b) of the Social Security Act in an individual's home,

"(ii) community-based items and services described in section 2102(c) of such Act, and

"(iii) respite care and hospice respite care described in section 2102(d) of such Act,

furnished by qualified providers (as determined for purposes of part A of title XXI of such Act).

"(3) NURSING FACILITY CARE.—

"(A) REQUIREMENT.—Each long-term care insurance policy shall provide that in the case of a policyholder who would be entitled to benefits under part A of title XXI of the Social Security Act with respect to long-term nursing facility care but for the individual's failure to have been found to be financially eligible for such care under section 2132 of such Act, benefits under the policy shall include either—

"(i) benefits for long-term nursing facility care of the type provided under such part A, without regard to any coinsurance or resident-specific deductible established under sections 2122(a)(2) and 2133(a)(2) of such Act, at a dollar level (for a day of nursing facility care) not less than 80 percent of the average cost of a day of nursing facility care in the State at the time of sale of the policy, increased for inflation consistent with subsection (g), or

"(ii) payment of a dollar amount equivalent to the amount provided under clause (i).

"(B) NO RESTRICTION ON COVERED FACILITIES.—To the extent to which a long-term care insurance policy provides benefits for nursing facility care, the policy shall provide

such benefits with respect to all nursing facilities (as defined in section 2104(b) of the Social Security Act).

"(4) MINIMUM PERIOD OF COVERAGE.—Each long-term care insurance policy—

"(A) that provides benefits with respect to community care, shall provide benefits for such care over a period of at least 12 consecutive months, and

"(B) shall provide benefits for nursing facility care over a period of at least 48 consecutive months, or, beginning with the second year that begins after the effective date of title XXI of the Social Security Act (as defined in section 2101(d)(1)(B) of such Act), over a period of consecutive months that is not less than 12 months and that is a multiple of 12 months.

"(d) PROHIBITION OF DISCRIMINATION.—A long-term care insurance policy may not treat benefits under the policy in the case of an individual with Alzheimer's disease, with any related progressive degenerative dementia of an organic origin, or with any organic or inorganic mental illness differently from an individual having another medical condition for which benefits may be made available.

"(e) LIMITATION ON USE OF PREEXISTING CONDITION LIMITS.—

"(1) INITIAL ISSUANCE.—

"(A) IN GENERAL.—Subject to subparagraph (B), a long-term care insurance policy may not exclude or condition benefits based on a medical condition for which the policyholder received treatment or was otherwise diagnosed before the issuance of the policy.

"(B) 6-MONTH LIMIT.—A long-term care insurance policy may exclude benefits under a policy, during its first 6 months, based on a condition for which the policyholder received treatment or was otherwise diagnosed during the 6 months before the policy became effective.

"(C) REFERENCE TO MEDICAL DOCUMENTATION REQUIREMENT.—For provision requiring a medical documentation for individuals 75 years or age or older at the time of policy issuance, see section 2705(g).

"(2) REPLACEMENT POLICIES.—If a long-term care insurance policy replaces another long-term care insurance policy, the replacing policy shall waive any time periods (including waiting periods, elimination periods, and probationary periods) applicable to pre-existing conditions in the new policy for similar benefits to the extent such time was spent under the original policy.

"(f) USE OF FUNCTIONAL ASSESSMENT.—

"(1) IN GENERAL.—Each long-term care insurance policy—

"(A) shall provide for eligibility for, and level of, benefits available under the policy based on an assessment of the policyholder's functional ability that—

"(i) is conducted by an assessment agency (as defined in section 2114(a)(1) of the Social Security Act), or by another qualified individual (as specified by the Secretary in regulations consistent with paragraph (2)), and

"(ii) uses the same assessment instrument and methodology as is used in making assessments under section 2111 of such Act;

"(B) shall specify the level (or levels) of functional impairment required under such an assessment to obtain benefits under the policy; and

"(C) shall provide for the determination of such level based on the individual's inability to perform (without substantial assistance from another individual) because of physical, cognitive, or other mental impairment a number (or combination) of activities of daily living specified in section

2101(b)(1)(A)(i) of the Social Security Act and, in the case of individuals with cognitive or other mental impairment or under 6 years of age, based on a standard of comparable level of disability described in subparagraph (A)(i) or (B) of section 2101(b)(1) of such Act.

"(2) CONDUCT OF ASSESSMENT.—Such assessment may not be conducted by an individual—

"(A) who has a direct or indirect ownership or control interest in the issuer of the policy or an entity that provides services for which benefits are available under the long-term care insurance policy, or

"(B) who has a direct or indirect affiliation or relationship with such an issuer or entity if there is a financial incentive that is related to the results of the assessment determination.

"(3) APPEALS PROCESS.—Each long-term care insurance policy shall provide for an appeals process, meeting the Standards, for individuals who dispute the results of an assessment conducted under this subsection, including any determination of eligibility, level of functional impairment, or level of benefits.

"(4) DEEMED ENTITLEMENT FOR REQUIRED NURSING FACILITY CARE BENEFITS IF AFFIRMATIVE CERTIFICATION IS ISSUED.—With respect to benefits for nursing facility care required to be covered under long-term care insurance policies, an individual covered under the policy is deemed to be eligible for such benefits if the individual has in effect an affirmative certification under section 2112 of the Social Security Act.

"(g) INFLATION PROTECTION OPTION.—

"(1) IN GENERAL.—At the option of the policyholder at the time of sale of a long-term care insurance policy, the policy shall provide, at the time of each annual renewal, for a percentage increase (which is not less than the applicable percentage increase specified in paragraph (2)) in the dollar payment levels and any maximum payment limit on benefit coverage above the levels or limit in effect during the previous policy year. In applying this subsection, the increases shall be compounded annually and the policy may provide for rounding such an increase to the nearest multiple of \$1 (in the case of dollar payment levels) or \$100 (in the case of a maximum payment limit).

"(2) SPECIFICATION OF PERCENTAGE INCREASE.—For purposes of paragraph (1), with respect to policies issued each year, the applicable percentage increase specified in this paragraph—

"(A) with respect to benefits for community care is the average annual percentage rate of increase for payment rates for community care under title XXI of the Social Security Act projected, most recently before the date of issuance of the policy, under section 2141(d)(1) of such title by the Board of Trustees of the Federal Long-Term Care Trust Fund, and

"(B) with respect to benefits for nursing facility care is the average annual percentage rate of increase for payments rates for nursing facility care under this title projected, most recently before the date of issuance of the policy, under section 2141(d)(2) of such title by the Board of Trustees of the Federal Long-Term Care Trust Fund.

"(3) OPTION TO ADJUST POLICY FOR ACTUAL INFLATION.—At the option of the policyholder, at the time of each annual renewal, the policy may be modified to reflect a change in inflation projections, referred to in paragraph (2), with a premium adjustment as determined under the Standards.

"(h) SPECIFICATION OF LIMITS ON PREMIUM INCREASES; LIMIT ON PREMIUM INCREASES

AFTER AGE 75; PREMIUMS FOR POLICY UPGRADES.—

"(1) SPECIFICATION OF LIMITS ON ANNUAL PREMIUM INCREASES.—Each long-term care insurance policy shall specify a limit on the percentage increase in premiums for a policy that may be made between one policy year and the subsequent policy year.

"(2) LIMIT ON PREMIUM INCREASE AFTER AGE 75.—Each long-term care insurance policy shall not provide for any increase in premiums for a policyholder who is 75 years of age or older other than an annual increase (of not more than 5 percent) at the beginning of each policy year.

"(3) CLASSIFICATION OF PREMIUMS FOR POLICY UPGRADES.—

"(A) IN GENERAL.—In the case of a long-term care insurance policy issued to an individual who is provided an upgraded long-term care insurance policy by the same issuer, consistent with the Standards, the premiums charged with respect to such upgraded policy for those elements that are the same as those under the policy being replaced shall be consistent with the premiums that would be charged if the individual had purchased such upgraded policy at the time of issuance of the original (or previous) policy.

"(B) UPGRADED POLICY DEFINED.—In subparagraph (A), the term 'upgraded policy' means a policy that, in relation to a previously issued policy, has benefits with an anticipated actuarial value (for individuals within the same actuarial class or similar demographic characteristics) that is greater than the actuarial value of the previously issued policy.

"(i) NONFORFEITURE.—

"(1) PROTECTION.—

"(A) PROTECTION.—Each long-term care insurance policy shall provide such nonforfeiture protection as shall be included in the Standards. Such Standards shall provide no less protection than requiring that a policyholder, at the time of sale of a long-term care insurance policy, be offered the option of nonforfeiture protection described in subparagraph (B).

"(B) BASE NONFORFEITURE PROTECTION.—The nonforfeiture protection described in this subparagraph under a policy would provide that if the policy lapses after the policy has been in effect for at least 3 years, the policy will provide without payment of any additional premiums benefits equal to a percentage (specified under the Standards) of the benefits otherwise available at term, or an equivalent cash amount (as determined under the Standards).

"(2) ESTABLISHMENT OF STANDARDS.—The Standards may provide that the percentage or cash amount under paragraph (1)(B) must increase based upon the period of time in which the policy was in effect.

"(j) RENEWABILITY AND UPGRADES.—

"(1) IN GENERAL.—No long-term care insurance policy may be canceled or nonrenewed for any reason other than nonpayment of premium, material misrepresentation or fraud.

"(2) CONTINUATION AND CONVERSION RIGHTS FOR GROUP POLICIES.—

"(A) IN GENERAL.—Each group long-term care insurance policy shall provide covered individuals with a basis for continuation or conversion in accordance with this paragraph.

"(B) BASIS FOR CONTINUATION.—For purposes of subparagraph (A), a policy provides a basis for continuation of coverage if the policy maintains coverage under the existing group policy when such coverage would oth-

erwise terminate or when benefits under such policy are reduced and which is subject only to the continued timely payment of a premium when due. A group policy which restricts provision of benefits and services to or contains incentives to use certain providers or facilities, may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy.

“(C) BASIS FOR CONVERSION.—For purposes of subparagraph (A), a policy provides a basis for conversion of coverage if the policy entitles each individual—

“(i) whose coverage under the group policy would otherwise be terminated for any reason or whose benefits under the group policy would otherwise be reduced, and

“(ii) who has been continuously insured under the policy (or group policy which was replaced) for at least 6 months before the date of the termination or reduction,

to issuance of a policy providing benefits identical to, substantially equivalent to, or in excess of, those of the policy being terminated (or the benefits being reduced), without evidence of insurability.

“(D) GROUP REPLACEMENT OF POLICIES.—If a group long-term care insurance policy is replaced by another long-term care insurance policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all individuals covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

“(3) UPGRADES FOR CURRENT POLICIES.—If an issuer of a long-term care insurance policy continues to issue such a policy after the effective date specified under section 2702(b), the issuer shall permit each policyholder of such a policy as of such date to purchase a long-term care insurance policy that meets all the applicable Standards. In offering such a policy, the issuer may impose additional underwriting restrictions only for benefits not held under the previously issued policy, in accordance with the Standards.

“SECRETARIAL ENFORCEMENT AUTHORITY

“SEC. 2707. (a) IN GENERAL.—The Secretary shall exercise authority under this section—

“(1) in the case of a State which does not have a regulatory program approved under section 2703,

“(2) in the case of a State which has such an approved program, to the extent specified by the Secretary (under a look-behind program), to determine whether or not individual long-term health care policies in the State have failed to comply with the applicable requirements of this title and whether persons or entities are otherwise in compliance with the requirements of this title, and

“(3) in carrying out sections 2704(1) and 2705(1) (relating to penalties).

“(b) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

“(1) for individuals and entities to file written, signed complaints respecting alleged violations of the requirements of this title,

“(2) for responding on a timely basis to such complaints, and

“(3) for the investigation of—

“(A) those complaints which, on their face, have a substantial probability of validity, and

“(B) such other alleged violations of the requirements of this title as the Secretary determines to be appropriate.

In conducting investigations under this section, agents of the Secretary shall have rea-

sonable access to examine evidence of any person or entity being investigated.

“(c) HEARINGS.—

“(1) IN GENERAL.—Before imposing an order described in subsection (d) against a person or entity under this section for a violation of the requirements of this title, the Secretary shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Secretary by regulation) of the date of the notice, a hearing respecting the violation.

“(2) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge under section 201. If no hearing is so requested, the Secretary's imposition of the order shall constitute a final and unappealable order.

“(3) AUTHORITY IN HEARINGS.—In conducting hearings under this subsection—

“(A) agents of the Secretary and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated, and

“(B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Secretary, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

“(4) ISSUANCE OF ORDERS.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated the requirements of this title, the administrative law judge shall state the findings of fact and issue and cause to be served on such person or entity an order described in subsection (d).

“(d) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY.—

“(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the order under this subsection—

“(A) shall require the person or entity—

“(i) to cease and desist from such violations, and

“(ii) to pay a civil penalty in an amount not to exceed \$25,000 for each such violation; and

“(B) may require the person or entity to take such other remedial action as is appropriate.

The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

“(2) CORRECTIONS WITHIN 30 DAYS.—No order shall be imposed under this subsection by reason of any violation if the person or entity establishes to the satisfaction of the Secretary that—

“(A) such violation was due to reasonable cause and was not intentional and was not due to willful neglect, and

“(B) such violation is corrected within the 30-day period beginning on the earliest date the person or entity knew, or exercising reasonable diligence could have known, that such a violation was occurring.

“(3) WAIVER BY SECRETARY.—In the case of a violation which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the civil money penalty

imposed by paragraph (1)(A)(ii) to the extent that payment of such penalty would be grossly excessive relative to the violation involved and to the need for deterrence of violations.

“(4) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the Secretary unless, within 30 days, the Secretary modifies or vacates the decision and order, in which case the decision and order of the Secretary shall become a final order under this subsection.

“(5) JUDICIAL REVIEW.—A person or entity adversely affected by a final order issued under this subsection may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

“(6) ENFORCEMENT OF ORDERS.—If a person or entity fails to comply with a final order issued under this subsection against the person or entity after opportunity for judicial review under paragraph (5), the Secretary shall file a suit to seek compliance with the order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

“(7) USE OF AMOUNTS COLLECTED.—Civil money penalties collected under this subsection shall be credited to the Federal Long-Term Care Trust Fund.

“(e) ESTABLISHMENT OF TOLL-FREE TELEPHONE HOTLINE.—In the case of a State without a regulatory program approved under section 2703(a), the Secretary shall provide for the establishment of the toll-free telephone information and complaint system described in section 2703(c) in carrying out this section in the State.

“LONG-TERM CARE INSURANCE POLICY DEFINED

“SEC. 2708. (a) IN GENERAL.—In this title, except as otherwise provided in this section, the term ‘long-term care insurance policy’ means any insurance policy, certificate, or rider advertised, marketed, offered, or designed to provide coverage for each covered individual on an expense incurred, indemnity, prepaid, or other basis, for one or more diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes a group or individual annuity or life insurance policy or rider which provides directly (or which supplements) long-term care insurance described in the previous sentence.

“(b) POLICIES EXCLUDED.—Except as provided in subsections (c) and (d), in this title the term ‘long-term care insurance policy’ does not include any medicare supplemental policy (as defined in section 1882(g)) and any insurance which is offered primarily to provide—

“(1) basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, or major medical expense coverage,

“(2) disability income or related asset-protection coverage,

“(3) accident only coverage,

“(4) specified disease or specified accident coverage, or

“(5) limited benefit health coverage.

“(c) INCLUSION OF POLICIES MARKETED AS LONG-TERM CARE INSURANCE.—In this title, the term ‘long-term care insurance policy’ also includes any product which is advertised, marketed, or offered as long-term care insurance.

“(d) DISCLOSURE REQUIREMENTS FOR CERTAIN DISABILITY INCOME POLICIES AND LIFE INSURANCE POLICIES.—

"(1) IN GENERAL.—In this title, the term 'long-term care insurance policy' includes—

"(A) a policy described in subsection (b)(2) under which the eligibility or amount of benefits are based on an assessment of functional ability (based on activities of daily living or otherwise) and the amount of benefits is paid only a per diem basis, or

"(B) a life insurance policy described in paragraph (3), if the disclosure requirements of paragraph (2) are not met.

"(2) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this paragraph for a policy are that—

"(A) the policy discloses (in a form and manner specified in the Standards) the fact that the policy is not a long-term care insurance policy;

"(B) the policy outlines how the benefits in the policy differ from the benefits required to be provided under the Standards of a long-term care insurance policy and the benefits provided under part A; and

"(C) in the case of a life-insurance policy described in subsection (c), at the time of policy delivery there is provided to the purchaser and the beneficiary a policy summary that includes—

"(i) an explanation of how the long-term care benefits interact with other components of the policy (including deductions from death benefits);

"(ii) a description of the amount and length of benefits and the guaranteed lifetime benefits (if any) for each covered individual; and

"(iii) any exclusions, reductions, and limitations on benefits of long-term care.

"(3) CERTAIN LIFE INSURANCE POLICIES.—A life insurance policy described in this paragraph is one—

"(A) which accelerates the death benefit specifically for—

"(i) one or more of the qualifying events of terminal illness,

"(ii) medical conditions requiring extraordinary medical intervention, or

"(iii) permanent institutional confinement;

"(B) which provides the option of a lump-sum payment for those benefits; or

"(C) which provides benefits based on the use of nursing facility care."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Public Health Service Act is further amended—

(1) in section 406(a)(2), by striking "2701" and inserting "2801";

(2) in section 465(f), by striking "2701" and inserting "2801";

(3) in section 480(a)(2), by striking "2701" and inserting "2801";

(4) in section 485(a)(2), by striking "2701" and inserting "2801";

(5) in section 497, by striking "2701" and inserting "2801";

(6) in section 505(a)(2), by striking "2701" and inserting "2801"; and

(7) in section 926(b), by striking "2711" each place it appears and inserting "2811".

SEC. 303. REPORT ON SOLVENCY PROTECTION.

Within 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on standards that may be applied to assure the solvency of insurers with respect to long-term care insurance policies.

SEC. 304. WAIVER OF PAPERWORK REQUIREMENTS.

Chapter 35 of title 44, United States Code, and Executive Order 12291 shall not apply to information and regulations required for purposes of carrying out this subtitle and the amendments made by this subtitle.

Subtitle B—Clarification of Tax Treatment of Long-Term Care Services and Long-Term Care Insurance Policies

PART I—GENERAL PROVISIONS

SEC. 311. QUALIFIED LONG-TERM CARE SERVICES TREATED AS MEDICAL CARE.

(a) GENERAL RULE.—Paragraph (1) of section 213(d) of the Internal Revenue Code of 1986 (defining medical care) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified long-term care services (as defined in subsection (g)), or".

(b) QUALIFIED LONG-TERM CARE SERVICES DEFINED.—Section 213 of such Code (relating to deduction for medical, dental, etc. expenses) is amended by adding at the end thereof the following new subsection:

"(g) QUALIFIED LONG-TERM CARE SERVICES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified long-term care services' means community care and nursing facility care (as defined for purposes of title XXI of the Social Security Act) for an individual who—

"(A) is 6 years of age or older and (i) needs substantial assistance or supervision from another individual with at least 2 activities of daily living (described in section 2101(b)(5) of such Act), (ii) needs substantial supervision due to cognitive or other mental impairment and needs substantial assistance or supervision from another individual with at least 1 activity of daily living or in complying with a daily drug regimen, or (iii) needs substantial supervision of another individual due to behaviors that are dangerous (to themselves or others), disruptive, or difficult to manage; or

"(B) is under 6 years of age and suffers from any medically determinable physical, cognitive, or other mental impairment of comparable severity to that which would make an adult meet the standard described in subparagraph (A).

"(2) CERTAIN SERVICES PROVIDED BY RELATIVES NOT INCLUDED.—The term 'qualified long-term care services' shall not include any services provided to an individual by a relative unless the relative is a physician, registered professional nurse, or other licensed health care practitioner with respect to such services. For purposes of this paragraph, the term 'relative' means an individual bearing a relationship to another individual which is described in paragraphs (1) through (8) of section 152(a)."

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (D) of section 213(d)(1) of such Code (as redesignated by subsection (a)) is amended to read as follows:

"(D) for insurance (including amounts paid as premiums under part B of title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged)—

"(i) covering medical care referred to in subparagraphs (A) and (B), or

"(ii) covering medical care referred to in subparagraph (C), but only if such insurance is provided under a qualified long-term care insurance contract (as defined in section 7702B(b))."

(2) Paragraph (6) of section 213(d) of such Code is amended—

(A) by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)", and

(B) by striking "paragraph (1)(C)" in subparagraph (A) and inserting "paragraph (1)(D)".

SEC. 312. TREATMENT OF LONG-TERM CARE INSURANCE OR PLANS.

(a) GENERAL RULE.—Chapter 79 of the Internal Revenue Code of 1986 (relating to definitions) is amended by inserting after section 7702A the following new section:

"SEC. 7702B. TREATMENT OF LONG-TERM CARE INSURANCE OR PLANS.

"(a) GENERAL RULE.—For purposes of this title—

"(1) a qualified long-term care insurance contract shall be treated as an accident or health insurance contract,

"(2) any plan of an employer providing coverage of qualified long-term care services shall be treated as an accident or health plan with respect to such services,

"(3) amounts received under such a contract or plan with respect to qualified long-term care services, including payments described in subsection (b)(5), shall be treated—

"(A) as amounts received for personal injuries or sickness, and

"(B) for purposes of section 105(c), as amounts received for the permanent loss of a function of the body, and

"(4) payments described in subsection (b)(5) shall be treated as payments made with respect to qualified long-term care services.

Paragraph (3)(B) shall not apply in the case of amounts attributable to (and not in excess of) deductions allowed under section 213 (relating to medical etc., expenses) for any prior taxable year and also shall not apply for purposes of section 105(f).

"(b) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—

"(1) IN GENERAL.—For purposes of this title, the term 'qualified long-term care insurance contract' means any insurance contract if—

"(A) the only insurance protection provided under such contract is coverage of qualified long-term care services, and

"(B) such contract meets the requirements of paragraphs (2), (3), and (4).

"(2) PREMIUM REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to a contract if such contract provides that—

"(i) premium payments may not be made earlier than the date such payments would have been made if the contract provided for level annual payments over the life of the contract (or, if shorter, 20 years), and

"(ii) all refunds of premiums, and all policyholder dividends or similar amounts, under such contract are to be applied as a reduction in future premiums or to increase future benefits.

A contract shall not be treated as failing to meet the requirements of clause (i) solely by reason of a provision providing for a waiver of premiums if the insured becomes an individual described in section 213(g)(1).

"(B) REFUNDS UPON DEATH OR COMPLETE SURRENDER OR CANCELLATION.—Subparagraph (A)(ii) shall not apply to any refund on the death of the insured, or on any complete surrender or cancellation of the contract, if, under the contract, the amount refunded may not exceed the amount of the premiums paid under the contract. For purposes of this title, any refund described in the preceding sentence shall be includable in gross income to the extent that any deduction or exclusion was allowed with respect to the refund.

"(3) BORROWING, PLEDGING, OR ASSIGNING PROHIBITED.—The requirements of this paragraph are met with respect to a contract if such contract provides that no money may be borrowed under such contract and that

such contract (or any portion thereof) may not be assigned or pledged as collateral for a loan.

"(4) COORDINATION WITH MEDICARE.—The requirements of this paragraph are met with respect to a contract if such contract does not reimburse expenses incurred to the extent that such expenses are reimbursable under title XVIII of the Social Security Act.

"(5) PER DIEM AND OTHER PERIODIC PAYMENTS PERMITTED.—For purposes of paragraphs (3) and (4) of subsection (a), payments are described in this paragraph for any calendar year if, under the contract, such payments are made to (or on behalf of) an individual described in section 213(g)(1) on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate.

"(c) SPECIAL RULES FOR TAX TREATMENT OF POLICYHOLDERS.—For purposes of this title, solely with respect to the policyholder under any qualified long-term care insurance contract, such contract shall not be treated as a qualified long-term care insurance contract during any period on or after the date on which the contract (or any portion thereof) is assigned or pledged as collateral for a loan.

"(d) TREATMENT OF COVERAGE AS PART OF A LIFE INSURANCE CONTRACT.—Except as provided in regulations, in the case of coverage of qualified long-term care services provided as part of a life insurance contract, the requirements of this section shall apply as if the portion of the contract providing such coverage was a separate contract.

"(e) QUALIFIED LONG-TERM CARE SERVICES.—For purposes of this section, the term 'qualified long-term care services' has the meaning given such term by section 213(g).

"(f) SPECIAL RULES.—
 "(1) CONTINUATION COVERAGE RULES NOT TO APPLY.—The health care continuation rules contained in section 4980B (and contained in part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and in title II of the Public Health Service Act) shall not apply to—

"(A) qualified long-term care insurance contracts, or

"(B) plans described in subsection (a)(2).
 "(2) EMPLOYER PLANS NOT TREATED AS DEFERRED COMPENSATION PLANS.—For purposes of this title, a plan of an employer providing coverage of qualified long-term care services shall not be treated as a plan which provides for deferred compensation by reason of providing such coverage.

"(3) CONTRACTS COVERING PARENTS.—For purposes of this title, if a qualified long-term care insurance contract purchased by or provided to a taxpayer provides coverage with respect to one or more of the taxpayer's parents (or, in the case of a joint return, of either spouse), such coverage and all payments made pursuant to such coverage shall be treated in the same manner as if the parents were dependents (as defined in section 152) of the taxpayer. For purposes of this paragraph, the term 'parent' includes any step-mother or step-father, and any relationship that exists by virtue of a legal adoption shall be recognized to the same extent as relationships by blood.

"(4) WELFARE BENEFIT RULES NOT TO APPLY.—For purposes of subpart D of part I of subchapter D of chapter 1 (relating to treatment of welfare benefit funds), qualified long-term care services shall not be treated as a welfare benefit or a medical benefit.

"(5) DEDUCTIBILITY.—For purposes of this title, no payment of a premium for a long-term care insurance contract shall fail to be

deductible in whole or in part merely because such premium is paid pursuant to a schedule that satisfies subsection (b)(2).

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the requirements of this section, including regulations to prevent the avoidance of this section by providing qualified long-term care services under a life insurance contract."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of such Code is amended by inserting after the item relating to section 7702A the following new item:

"Sec. 7702B. Treatment of long-term care insurance or plans."

SEC. 313. EFFECTIVE DATES.

(a) SECTION 311.—The amendments made by section 311 shall apply to taxable years beginning after the date of the enactment of this Act.

(b) SECTION 312.—

(1) IN GENERAL.—The amendments made by section 312 shall apply to contracts issued after the date which is 6 months after the date of the enactment of this Act.

(2) CONTRACTS ISSUED BEFORE EFFECTIVE DATE.—Pursuant to rules issued by the Secretary of the Treasury or his delegate, a contract issued on or before the date which is 6 months after the date of the enactment of this Act shall be treated as meeting the requirements of section 7702B of the Internal Revenue Code of 1986 (as added by section 312) if such contract satisfies requirements reasonably similar to the requirements of such section 7702B.

(c) TRANSITION RULE.—If, after the date of the enactment of this Act and before January 1, 1994, a contract—

(1) which is similar to a qualified long-term care insurance contract (as defined in section 7702B of the Internal Revenue Code of 1986), and

(2) which is issued on or before January 1, 1993,

is exchanged for a qualified long-term care insurance contract (as so defined), such exchange shall be treated as an exchange to which section 1035 of such Code applies.

PART II—TREATMENT OF ACCELERATED DEATH BENEFITS, DISABILITY INCOME PAYMENTS, AND CERTAIN OTHER BENEFITS

SEC. 321. TAX TREATMENT OF ACCELERATED DEATH BENEFITS, DISABILITY INCOME PAYMENTS, AND CERTAIN OTHER BENEFITS.

Section 101 of the Internal Revenue Code of 1986 (relating to certain death benefits) is amended by adding at the end thereof the following new subsection:

"(g) TREATMENT OF CERTAIN PRE-DEATH BENEFITS.—

"(1) IN GENERAL.—For purposes of this section, any amount paid or advanced to an individual under—

"(A) a life insurance contract on the life of an insured who is a terminally ill individual,

"(B) a policy described in section 2188(b)(2) of the Social Security Act under which the eligibility or amount of benefits are based on an assessment of functional ability (based on activities of daily living or otherwise) and the amount of benefits is paid only a per diem basis, or

"(C) a life insurance contract described in section 2188(d)(3) of the Social Security Act, shall be treated as an amount paid by reason of the death of such insured if the disclosure requirements of section 2188(d)(2) of such Act are met with respect to the contract or policy.

"(2) SPOUSAL CONSENT.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any payment or advance unless—

"(i) the spouse of the insured who is a qualified beneficiary consents to such payment or advance, or

"(ii) it is established that the consent required under clause (i) may not be obtained because such spouse may not be located, or because of such other circumstances as the Secretary may by regulations prescribe.

"(B) TIME FOR CONSENT.—Any consent under subparagraph (A) shall occur during the 90-day period ending on the date of the payment (or in the case of a series of periodic payments, the date of the first of such payments).

"(C) QUALIFIED BENEFICIARY.—For purposes of this paragraph, the term 'qualified beneficiary' means an individual who—

"(i) is the spouse of the individual on the last day of the period described in subparagraph (B), and

"(ii) at any time during the 1-year period ending on such last day, was a beneficiary under the life insurance contract.

"(3) TERMINALLY ILL INDIVIDUAL.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a physician as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less.

"(4) PHYSICIAN.—For purposes of this subsection, the term 'physician' has the meaning given to such term by section 213(d)(4)."

SEC. 322. TAX TREATMENT OF COMPANIES ISSUING RIDERS PROVIDING QUALIFIED ACCELERATED DEATH BENEFITS, DISABILITY INCOME PAYMENTS, AND CERTAIN OTHER BENEFITS.

(a) CERTAIN BENEFIT RIDERS TREATED AS LIFE INSURANCE.—Section 818 of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end thereof the following new subsection:

"(g) CERTAIN BENEFIT RIDERS TREATED AS LIFE INSURANCE.—For purposes of this part—

"(1) IN GENERAL.—Any reference to a life insurance contract shall be treated as including a reference to a qualified benefit rider on such contract.

"(2) QUALIFIED BENEFIT RIDERS.—For purposes of this subsection, the term 'qualified benefit rider' means any rider or addendum on, or other provision of a life insurance contract—

"(A)(i) which provides for payments to an individual upon the insured becoming a terminally ill individual (as defined in section 101(g)(2)),

"(ii) which is described in section 2188(b)(2) of the Social Security Act and under which the eligibility or amount of benefits are based on an assessment of functional ability (based on activities of daily living or otherwise), or

"(iii) which is described in section 2188(d)(3) of the Social Security Act, and

"(B) which meets the disclosure requirements of section 2188(d)(2) of such Act.

"(3) SPOUSAL CONSENT.—

"(A) IN GENERAL.—A rider or addendum on, or other provision of, a life insurance contract shall not be treated as a qualified benefit rider unless such contract provides that—

"(i) the spouse of the insured who is a qualified beneficiary must consent to such rider, or

"(ii) it is established that the consent required under clause (i) may not be obtained because such spouse may not be located, or because of such other circumstances as the Secretary may by regulations prescribe.

"(B) TIME FOR CONSENT.—Any consent under subparagraph (A) shall occur during the 90-day period ending on the date of the payment (or in the case of a series of periodic payments, the date of the first of such payments).

"(C) QUALIFIED BENEFICIARY.—For purposes of this paragraph, the term 'qualified beneficiary' means an individual who—

"(i) is the spouse of the individual on the last day of the period described in subparagraph (B), and

"(ii) at any time during the 1-year period ending on such last day, was a beneficiary under the life insurance contract."

(b) DEFINITIONS OF LIFE INSURANCE AND MODIFIED ENDOWMENT CONTRACTS.—

(1) RIDER TREATED AS QUALIFIED ADDITIONAL BENEFIT.—Paragraph (5)(A) of section 7702(f) of such Code is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified benefit rider (as defined in section 818(g)(2)), or"

(2) TRANSITIONAL RULE.—For purposes of determining whether section 7702 or 7702A of the Internal Revenue Code of 1986 applies to any contract, the issuance of any qualified benefit rider (as defined in section 818(g)(2) of such Code (as added by this section) on a life insurance contract or of any other provision of a life insurance contract permitting benefits which may be provided by such a rider shall not be treated as a modification or material change of such contract.

SEC. 323. APPLICANTS OR RECIPIENTS UNDER PUBLIC ASSISTANCE PROGRAMS NOT TO BE REQUIRED TO MAKE ELECTION RESPECTING CERTAIN PRE-DEATH BENEFITS UNDER LIFE INSURANCE POLICIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end thereof the following new section:

"TREATMENT OF CERTAIN PRE-DEATH BENEFITS

"SEC. 1144. (a) IN GENERAL.—Notwithstanding any other provision of law, no individual who is an applicant for or recipient of aid or assistance under a State plan approved under title IV, X, XIV, XVI, or XIX, of assistance funded by payments under title V or XX, or of benefits under the Supplemental Security Income program established by title XVI shall—

"(1) be required, as a condition of eligibility for (or of continuing to receive) such aid, assistance, or benefits, to make an election to receive any specified pre-death benefit under a policy of life insurance, or

"(2) by reason of failure to make such an election, be denied (or suffer a reduction in the amount of) such aid, assistance, or benefits.

"(b) SPECIFIED PRE-DEATH BENEFIT.—For purposes of this section, the term 'specified pre-death benefit' means any payment made under the terms of a life insurance policy, while the insured individual is alive, as a result of—

"(1) a recalculation of the insured individual's life expectancy,

"(2) an assessment of the individual's functional ability (based on activities of daily living or otherwise), or

"(3) any circumstance for which benefits may be paid during such individual's life under a policy described in section 2188(b)(3)."

SEC. 324. EFFECTIVE DATES.

(a) SECTIONS 321 AND 322.—The amendments made by—

(1) section 321 shall apply to taxable years beginning after December 31, 1993, and

(2) section 322 shall apply to contracts issued before, on, or after December 31, 1993, except that any spousal consent requirement shall not apply before January 1, 1994.

(b) SECTION 323.—The amendment made by section 323 shall take effect on January 1, 1994.

TITLE IV—ADDITIONAL GRANTS AND DEMONSTRATION PROJECTS

SEC. 401. ESTABLISHMENT OF GRANT PROGRAM IN PUBLIC HEALTH SERVICE ACT.

Subpart IV of part D of title III of the Public Health Service Act (42 U.S.C. 255) is amended by adding at the end the following new section:

"COMMUNITY CARE AGENCIES

"SEC. 339A. (a) IN GENERAL.—The Secretary may make grants to community care agencies for the purpose of assisting such agencies in providing community care to low-income individuals.

"(b) REQUIREMENT OF AVAILABILITY OF EACH COMMUNITY CARE SERVICE.—The Secretary may not make a grant under subsection (a) unless the community care agency involved agrees to make available, directly or through contracts with other public or private nonprofit entities, each of the services described in section 2102(a) of the Social Security Act.

"(c) ELIGIBLE SERVICE AREAS.—The Secretary may not make a grant under subsection (a) unless the community care agency involved agrees to provide community care under the grant in a medically underserved area (designated under section 330(a)(4)).

"(d) MINIMUM QUALIFICATION OF GRANTEE FOR CERTAIN FISCAL YEARS.—The Secretary may not make a grant under subsection (a) after the effective date of title XXI of the Social Security Act (as defined in section 2101(d)(1)(B) of such Act), unless the community care agency involved is a community care agency with a participation agreement in effect under title XXI of the Social Security Act.

"(e) PREFERENCES IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to any community care agency that is a migrant health center or a community health center, as defined in sections 329(a) and 330(a), respectively.

"(f) LIMITATION ON IMPOSITION OF CHARGE FOR SERVICES.—The Secretary may not make a grant under subsection (a) unless the community care agency involved agrees that, if the agency will routinely impose a charge for the delivery of community care, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income and resources of the individual involved; and

"(3) will not be imposed on any individual with an income less than 100 percent of the official poverty level.

"(g) RELATIONSHIP TO SERVICES UNDER OTHER PROGRAMS.—The Secretary may not make a grant under subsection (a) unless the community care agency involved agrees that the agency will not expend the grant to pay for any community care to the extent that payment has been made, or can reasonably be expected to be made, with respect to such care—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(h) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(i) TEMPORARY TREATMENT AS COMMUNITY CARE AGENCY UNDER TITLE XXI.—For purposes of title XXI of the Social Security Act, an entity with a grant under subsection (a) shall be deemed to meet the requirements to be a community care agency, but only for services furnished before October 1, 1995.

"(j) DEFINITIONS.—For purposes of this section:

"(1) The term 'community care' has the meaning given such term in section 2102(a) of the Social Security Act.

"(2) The term 'community care agency' means a public or nonprofit private entity that is a community care agency (within the meaning of section 2102(e) of the Social Security Act) or that will provide community care pursuant to receiving a grant under subsection (a).

"(3) The term 'official poverty level' means the official poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$200,000,000 for fiscal year 1994, \$250,000,000 for fiscal year 1995, \$300,000,000 for fiscal year 1996, and such sums as may be appropriate for fiscal years 1997 and 1998."

SEC. 402. GRANTS FOR LONG-TERM CARE SERVICES.

Title III of the Public Health Service Act is amended by adding at the end the following new part:

"PART M—LONG-TERM CARE SERVICES

"GRANTS FOR PROVIDERS OF HOME HEALTH, HOMEMAKER, AND PERSONAL ASSISTANCE SERVICES

"SEC. 399D. (a) IN GENERAL.—

(1) IN GENERAL.—The Secretary shall make grants to public or private entities to develop and conduct programs to train individuals in the provision of homemaker and home health aide services and personal assistance services for which payment may be made under title XXI of the Social Security Act.

"(2) PREFERENCES.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that establish programs that are affiliated with one or more community care agencies (as defined in section 2102(e) of the Social Security Act), nursing care facilities (as defined in section 2104(a) of such Act), senior citizen centers, adult day health care centers, and other institutions providing health and social services to persons with physical, cognitive, or other mental impairments, for the purpose of providing in-service training to individuals receiving training under the program and for providing technical assistance to the agency, facility, or other institution.

"(b) PROGRAM QUALIFICATIONS.—The Secretary may not make a grant under subsection (a) for the development and conduct of a program that—

"(1) trains homemaker/home health aides unless the entity has provided the Secretary satisfactory assurances that the program will meet the minimum standards established by the Secretary under section 1891(a)(3)(A) of the Social Security Act, or

"(2) trains personal attendants unless the entity has provided the Secretary satisfactory assurances that the program will meet standards established by the Secretary, including requirements relating to areas to be covered in the program, content of the curriculum, minimum course hours, qualification of instructors, and competency evaluation.

"(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under subsection (a) unless the entity agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(d) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(e) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 1994, \$20,000,000 for fiscal year 1995, \$25,000,000 for fiscal year 1996, and such sums as may be appropriate for each of fiscal years 1996 and 1997."

SEC. 403. ADDITIONAL FUNDING FOR LONG-TERM CARE OMBUDSMEN PROGRAMS UNDER THE OLDER AMERICANS ACT.

(a) EXPANDING ACTIVITIES TO COVER TITLE XXI.—Section 307(a)(12)(A)(i) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)(A)(i)) is amended by inserting "(including nursing facilities under title XXI of the Social Security Act) or receiving community care under such title" after "long-term care facilities".

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—Section 303(a)(2) of such Act (42 U.S.C. 3023(a)(2)) is amended by adding at the end the following new sentence: "In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated an additional \$10,000,000 for each fiscal year to carry out section 307(a)(12)."

SEC. 404. ADDITIONAL FUNDING FOR INFORMATION AND REFERRAL SERVICES FOR PERSONS UNDER THE DEVELOPMENTAL DISABILITIES ACT.

(a) EXPANDING ACTIVITIES TO COVER TITLE XXI.—Section 142(a)(2)(A)(ii) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042(a)(2)(A)(ii)) is amended by inserting "(including the program under title XXI of the Social Security Act)" after "programs".

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—Section 143 of such Act is amended by adding at the end the following: "In addition to the amounts authorized by the previous sentence, there are authorized to be appropriated for each fiscal year such additional amounts as may be necessary to increase the amount of the allotments to provide for the systems to provide for information on and referral to the program established under title XXI of the Social Security Act."

SEC. 405. EXPANSION OF INFORMATION AND COUNSELING UNDER THE PROTECTION AND ADVOCACY FOR THE MENTALLY ILL ACT.

Section 105(a)(1) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10805(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B),

(2) by adding "and" at the end of subparagraph (C), and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) provide information on and referral to programs (including the program established under title XXI of the Social Security Act) and services addressing the needs of mentally ill individuals;"

TITLE V—REVIEW OF PHARMACEUTICAL BENEFITS

SEC. 501. PHARMACEUTICAL PAYMENT ASSESSMENT AND POLICY REVIEW COMMISSION.

(a) ESTABLISHMENT.—The Director of the Congressional Office of Technology Assessment shall provide for the appointment of a Pharmaceutical Payment Assessment and Policy Review Commission (in this section referred to as the "Commission"), to be composed of individuals with expertise in the provision and financing of inpatient and outpatient drugs and biologicals. The provisions of title 5, United States Code, governing appointments in the competitive service shall not apply to the appointment of members of the Commission.

(b) COMPOSITION.—(1) The Commission shall consist of 11 individuals. Members of the Commission shall first be appointed no later than one year after the date of the enactment of this Act, for a term of 3 years, except that the Director may provide initially for such shorter terms as will insure that (on a continuing basis) the terms of no more than 4 members expire in any one year.

(2) The membership of the Commission shall include—

(A) recognized experts in the fields of health care economics and quality assurance, medicine, pharmacology, pharmacy, pharmaceutical pricing, patent law, and prescription drug reimbursement,

(B) other health care professionals, and

(C) at least one individual who is an advocate of recipients of services from Federal government health care programs.

(c) ANNUAL REPORT.—The Commission shall submit to the Congress an annual report (by not later than January 1 of each year beginning with 1994) which shall include information and recommendations regarding national and international drug policy issues. Such report shall include, if appropriate, information concerning the following:

(1) Trends and changes in prices, and cost containment mechanisms, for prescription and nonprescription drugs in inpatient and outpatient settings in the United States.

(2) Trends and changes in prices for prescription drugs in other industrialized nations.

(3) The scope of coverage, reimbursement, and financing under Federal health care programs, and other programs that directly provide or receive Federal funds to provide coverage for or reimbursement of prescription drugs.

(4) The availability and affordability of prescription drugs for various population groups in the United States, and the accessibility and affordability of public and private insurance programs for prescription drugs for such population groups.

(5) Changes in the level and nature of use of prescription drugs by recipients of benefits under Federally-funded health care programs, taking into account the impact of such changes on aggregate expenditures under such programs.

(6) Suggestions to make prescription drugs more affordable and cost-effective for third-party insurers, including State-based pharmaceutical assistance and general assistance programs.

(7) Evaluation of technologies available for efficient third-party prescription drug program administration, including electronic claims management and payment technologies.

(8) Methods of providing reimbursement under Federal health care programs to providers for drug products and pharmacists' services.

(9) Evaluation of the use and efficiency of all Federal tax credits and subsidies given to the pharmaceutical industry for various purposes, including the research and development tax credit and the tax credit allowed under section 936 of the Internal Revenue Code of 1986.

(10) Evaluation of the impact on total health care expenditures in other industrialized nations of switching prescription drugs to non-prescription status, and the role of various health professionals in the distribution of such non-prescription drugs.

(d) SPECIAL REPORTS.—The Commission shall submit to the Congress special reports as requested by the Congress.

(e) ADMINISTRATIVE PROVISIONS.—Section 1845(c)(1) of the Social Security Act shall apply to the Commission in the same manner as it applies to the Physician Payment Review Commission.

(f) APPROPRIATIONS.—

(1) IN GENERAL.—There are appropriated equally from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund an amount determined under paragraph (2) for each fiscal year to carry out the purposes of this section.

(2) AMOUNT DETERMINED.—

(A) IN GENERAL.—For purposes of paragraph (1), the amount determined under this paragraph is—

(i) for fiscal year 1993, \$3,000,000, and

(ii) for each fiscal year beginning after fiscal year 1993, the dollar amount under this subparagraph for the previous fiscal year, increased by the administrative adjustment under subparagraph (B).

(B) ADMINISTRATIVE ADJUSTMENT.—For purposes of subparagraph (A), the administrative adjustment for any fiscal year is the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the previous year.

SEC. 502. ESTABLISHMENT OF LONG-TERM CARE PHARMACEUTICAL BENEFITS DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall establish no fewer than 10 demonstration projects to assess the impact on cost, quality of care, and access to prescription drugs and pharmaceutical services of developing a prescription drug benefit for individuals that are receiving benefits for long-term care under title XXI of the Social Security Act.

(b) DESIGN.—The demonstration projects shall use various eligibility criteria, delivery mechanisms, and program designs, including eligibility based on inability to perform certain activities of daily living, total annual expenses for prescription drugs, and certification for benefits under such title.

(c) **ESTABLISHMENT OF COMMITTEE.**—The Secretary shall establish a Long-Term Care Prescription Drug Use Review Committee, which shall consist of physicians, pharmacists, and other health care professionals knowledgeable in the use of chronic medications in special populations, including the elderly. The Committee shall advise the Secretary regarding the demonstration projects under this section and shall be responsible for—

(1) overseeing the development and implementation of demonstration projects under this section,

(2) educating practitioners regarding trends in the prescribing and dispensing of prescription drug products to individuals in need of long-term care services,

(3) developing appropriate criteria for drug utilization for chronic medications,

(4) establishing a retrospective drug use review program for the projects, and

(5) evaluating and reporting on the relative efficacy of currently-available pharmaceutical and biological products (and new products) for chronic medical conditions, and making recommendations for the appropriate use of these products.

(d) **REIMBURSEMENT FOR MEDICATION MANAGEMENT.**—In no less than 5 of the demonstration projects, the Secretary shall provide for a separate payment to pharmacists for providing ongoing drug utilization management (including medication management and regimen review) to insure that prescriptions are appropriate, medically necessary, and unlikely to result in adverse medical results.

(e) **DURATION OF PROJECTS.**—The projects under this section shall be conducted for a period of 5 fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the project is not in compliance with the terms of the application approved by the Secretary.

(f) **REQUIREMENT OF APPLICATION.**—The Secretary may not make a grant for a demonstration project under subsection (a) unless—

(1) an application for the grant is submitted to the Secretary;

(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

(g) **EVALUATION AND REPORT.**—The Secretary shall fund an independent evaluation of the demonstration projects under this section and shall report to Congress on the results of the evaluation by not later than 5 years after the date of the enactment of this Act. The report shall include recommendations on the most cost effective benefit design to provide pharmaceuticals and pharmaceutical services to individuals receiving services under title XXI of the Social Security Act.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated equally from the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund \$100,000,000 for each of fiscal years 1993 through 1997 to carry out the demonstration projects established under this section.

Mr. ROCKEFELLER. Mr. President, I am very pleased and proud to be introducing the Long-Term Care Family Se-

curity Act of 1992, along with Senate Majority Leader MITCHELL and my other highly distinguished Senate colleagues. In 1989, Congress called upon the Pepper Commission to recommend legislation that would ensure all Americans coverage for health care and long-term care. As Chairman of that Commission, I worked with other elected leaders to make hard choices and to build a consensus on the direction to take to achieve these critical goals. The introduction of this bill is the final step of laying out the Commission's blueprint for developing a national system of health and long-term care protection. It is truly time to enable all Americans to have peace of mind in the face of long-term care needs.

I also want to note the significance of the support for this bill. Joined together in offering this bold plan includes some of the most recognized leaders in health care, in seniors' issues, and other vital concerns facing our country. While some of the original cosponsors have offered long-term care plans of their own in the past, today we collectively offer this bill as a common plan of action that we intend to pursue.

And in the House of Representatives, Congressman HENRY WAXMAN and Majority Leader RICHARD GEPHARDT are spearheading the introduction of companion legislation. Personally, I am especially grateful for the role that Congressman WAXMAN has played over the years in drawing the public's attention to the long-term care crisis and forging pragmatic, responsive solutions. He is a true leader in this field, and Americans of every age are fortunate that he continues to forge ahead on behalf of their day-to-day concerns and priorities. I know that all of the cosponsors of this legislation share the fervent hope that this bill will take a bold leap toward passage of a long-term care system that Americans want and so desperately need.

The lack of protection against the need for long-term care is one of the most widespread health-related problems in America today. Between 9 and 11 million Americans of all ages are chronically disabled and must depend on others for help in the basic tasks of daily living. Yet, there is very little in place to help individuals and their families cope with their disabilities. Because most citizens cannot afford paid care at home, the burden falls onto family members at great economic, physical, and emotional cost.

With the aging of our citizens and the majority of disability in the elderly, our future needs for long-term care will expand dramatically. Between now and 2030, the size of the elderly population is expected to double. The number of persons age 85 and older will increase almost fivefold, from 2.5 million to as many as 12 million. If current rates of disability persist, the number

of elderly disabled persons will increase from 6 million to 13.8 million, and the number requiring institutional care will increase from 1.5 million to 5.3 million. Clearly, a comprehensive strategy is needed to protect these vulnerable citizens.

As Chairman of the Pepper Commission, I worked hard with other members to develop a program that would guarantee all Americans financial security in the face of long-term care needs. Our solution, the Long-Term Care Family Security Act of 1992, achieves this goal through a limited social insurance approach that avoids the development of the two-tiered system that exists today in our health care delivery system.

NEED FOR LONG-TERM CARE

Long-term care refers to a wide variety of medical and personal services needed by individuals who have lost some capacity for self-care because of a chronic illness or condition. These services range from skilled treatment and management of chronic diseases to assistance with basic activities of daily living [ADLs] such as eating, bathing, dressing, transferring and toileting and instrumental activities of daily living [IADLs] such as meal preparation and housekeeping. Services can be provided in an individual's home or community, or in an institution.

Of the 9 million to 11 million Americans who require help, two-thirds are elderly and the remaining one-third are under age 65. These people are physically and/or cognitively impaired as a result of congenital diseases, trauma or chronic physical and mental conditions. Currently, approximately 2.3 million Americans—1.8 million elderly and 500,000 under age 65—need substantial support because of three or more ADL limitations or cognitive impairment. In addition, another 1.6 million Americans—1.3 million elderly and 0.3 million under age 65—live in nursing homes or other institutions.

The need for long-term care can be a financial, as well as physical and emotional, catastrophe for individuals and their families. Unlike major medical expenses, most Americans lack adequate public or private insurance coverage to limit the financial burden. Less than 10 percent of Americans have public or private coverage, and public coverage has focused on institutional care.

The cost of long-term care is beyond the resources of most Americans. The average cost of nursing home care exceeds \$2,500 per month. After private resources for nursing home care have been exhausted, Medicaid serves as the payer of last resort. In 1990, Medicaid paid about half of the roughly \$50 billion spent on nursing home care. Medicare, which only covers short stays for individuals who need daily skilled nursing care or rehabilitative services, provided less than 2 percent of nursing home revenues.

Private insurers are now beginning to market policies to protect against the cost of long-term care. Currently, almost 2 million policies are in effect. Although there are increasing efforts by States to develop standards for issuers, sales practices and policy content, current consumer protections vary from State to State. Mechanisms to ensure compliance with standards are often inadequate, so that reports of unscrupulous sales practices are frequent.

Families provide the bulk of long-term care received by disabled persons living in the community. Public programs provide only limited support for home and community based care, and private long-term care insurance for noninstitutional care is just emerging. Almost three-fourths of noninstitutionalized disabled elderly receiving long-term care rely solely on family members or other unpaid helpers. Over 7 million Americans—three-fourths female—provide unpaid long-term care to disabled elder relatives, friends or neighbors, and many more provide similar assistance to nonelderly disabled persons. In addition to the direct financial costs associated with providing care, many of these individuals bear opportunity costs from foregone employment. Decreasing fertility rates, delayed childbearing patterns, and increasing female labor force participation rates lead to uncertainty about the number of family members—daughters in particular—who will be able to provide long-term care in the future.

Medicare pays for home health care only for persons needing skilled nursing care on an intermittent basis, or physical or speech therapy. Unless a beneficiary needs skilled care or therapy, it does not reimburse for less skilled, nonmedical services such as a homemaker—the very services disabled persons are most likely to need.

Medicaid allows States to cover medically oriented home health care. There is a limited optional personal care program and a limited home and community based care waiver program as well. Other Federal programs supported through the Older Americans Act, title XX, and the Rehabilitation Act, and State and local governments finance some home and community based care. In 1985, 850,000 disabled persons of all ages were served by these programs.

RECOMMENDATIONS OF THE PEPPER COMMISSION

The Pepper Commission recommended developing an integrated public program that would meet the diverse needs of severely disabled people and support private insurance for those seeking broader protection. The following nine specific recommendations are the blueprint of this act:

1. Social insurance for home and community based care and for short term nursing home care, for all Americans, regardless of income;

2. For people with long nursing home stays, a floor of protection against impoverishment—protection of assets, income for spouses, home maintenance, and an allowance for personal needs;

3. Measures to promote long-term care insurance, subject to Federal and State oversight;

4. To qualify for benefits, individuals need to meet one of three disability criteria: (a) assistance with 3 ADLs (b) supervision because of cognitive impairment (c) supervision because of behavior that is dangerous, disruptive, or difficult to manage;

5. Home care services, developed and overseen by case managers, should include: personal care, homemaker/chore services, shopping and other support services, day care, respite care, and training of family care givers, as well as skilled nursing and rehabilitative care;

6. The social insurance portion of the program should be fully financed by the Federal Government, while the long nursing home stay is a shared financial responsibility of the Federal Government and States. Using Federal guidelines and standards, the States will administer the plan;

7. The Federal Government will establish provider payment mechanisms and determine appropriate rates. Case managers allocate services and monitor delivery of services within a budget set by the Federal Government;

8. The plan should be put into place incrementally over several years;

9. Federally funded research and development programs should be aimed at preventing, delaying, and dealing with long-term illnesses and disabilities.

SUMMARY OF LONG-TERM CARE FAMILY PROTECTION ACT

Modeled on the Pepper Commission recommendations, our plan achieves universal coverage for long-term care for disabled persons of all ages. A public program provides protection for home and community based care and short-term nursing facility stays, without regard to income. The public program also provides a floor of income and asset protection for long stays in nursing homes. All benefits are subject to cost containment and quality assurance mechanisms. Private long-term care insurance policies for additional benefits are made eligible for favorable tax treatment if they meet Federal consumer protection requirements.

PUBLIC PROGRAM

Eligibility

All persons are eligible for either home and community-based or nursing facility care (regardless of their age, income or employment status) if they demonstrate any of the following:

Need for human assistance (including supervision) with three or more activities of daily living [ADLs] (bathing, dressing, transferring, toileting and eating);

Need substantial supervision due to cognitive or mental impairment and have at least one ADL limitation or require assistance managing their medications;

Need substantial supervision due to behaviors that are dangerous (to themselves or others), disruptive, or difficult to manage.

All persons who demonstrate any of the above needs and require long nursing facility stays are eligible for benefits when their incomes and assets reach protected levels.

BENEFITS

Home and Community-Based Care

Full range of home-care services (including skilled and unskilled services, personal assistance, and equipment to assist with ADLs); community-based services (including adult day care); and respite care services are available.

Benefits vary with degree of impairment:

Eligible persons with limitations in fewer than four ADLs ("moderately disabled") are entitled to 52 hours of service per month;

Eligible persons with limitations in four or more ADLs ("severely disabled") are entitled to 88 hours of service per month.

Additional hours may be made available to individuals with greater needs from pooled benefit hours (13 hours per month allotted to pool for each moderately disabled person; 22 hours per month allotted to pool for each severely disabled person).

Benefits are subject to 20 percent cost-sharing requirements, adjusted by sliding-scale for low-income assistance.

Short-Term Nursing Facility Care

Coverage is available for two episodes of up to 6 months of nursing facility care.

Benefits are subject to 20 percent cost-sharing requirements, adjusted for sliding-scale low-income assistance.

Long-Term Nursing Facility Care

Asset protection is provided (in addition to the value of homes) in amounts up to \$30,000 for individuals; \$60,000 for couples.

Income for spouses, home maintenance, and personal needs is also protected.

PAYMENT AND COST CONTAINMENT

Payment rates for homes and community-based services are federally determined and are based on a fee schedule or prospective payment system developed by the Secretary.

Payment rates for nursing facilities are based on a specified prospective payment system, adjusted for severity of residents' impairments ("case-mix" system).

Payment rates for all types of services apply not only to services covered by the LTC Plan, but to any services delivered by participating providers ("all-payer" system).

Expenditures for home and community-based services may not exceed costs of entitlement hours, plus pooled benefit hours.

Supply of nursing facility beds is limited to current bed-to-user ratio in a State or the national average ratio, whichever is greater.

A Long-term Care Payment Assessment Commission is established to review and recommend to the Congress and the Secretary appropriate policy regarding rates, methods, and adjustments for payment for all services.

A Pharmaceutical Payment Assessment Commission is established to examine prescription drug costs and to explore issues relating to coverage of prescription drugs under government health care programs.

ADMINISTRATION AND QUALITY ASSURANCE

Designated assessment agency in each State determines functional and financial eligibility for benefits, and ensures specified quality of care standards.

Certified care managers, in cooperation with individual beneficiaries, develop plans of care for home and community-based services; arrange for, and oversee quality of, service delivery; and manage payment for services consistent with the limitations on expenditures.

Subject to Federal requirements, states certify and license care managers and providers.

Nursing home reform standards [OBRA '87] are unchanged.

RELATION OF PRIVATE INSURANCE TO THE PUBLIC PLAN

Private long-term care insurance remains available for persons seeking protection of assets above the level specified in the LTC Plan; for additional home care services; for cost-sharing requirements under the LTC Plan; and for service needs associated with impairment levels less than those specified under the LTC Plan.

Purchase of private long-term care insurance ensures protection of assets above the levels specified under the LTC Plan equivalent to the amount of insurance purchased.

STANDARDS

The National Association of Insurance Commissioners [NAIC] or, in its absence, the Secretary, is required to develop standards for State programs to regulate long-term care insurance policies; and for the insurers, sales practices, and content of such policies.

Standards for insurers include provision for examination of policy ("free look") and full refund; explanation of benefits relative to the LTC Plan; information on experience with claims denials; and limitations on agent compensation.

Standards for sales practices include requirements for agent certification and consumer education; prohibitions

against unfair tactics, including "twisting," cold lead advertising, and high pressure techniques; and prohibitions against specified sales, including sales of duplicate policies and sales to Medicaid recipients.

Standards for policy content include coverage for a minimum benefit protection for long nursing facility stays; optional development of standardized policies; protection against inflation, forfeiture, and use of pre-existing condition limits and premium increases; and guarantees of renewability, continuation, conversion, and upgrade rights.

ENFORCEMENT

States are required to establish mechanisms to secure compliance with specified standards, including the imposition of sanctions such as civil monetary penalties.

Secretary is required to establish mechanisms to ensure presence and operation of effective State regulatory programs ("look behind" authority).

TAX CLARIFICATIONS

Private long-term care insurance policies are provided the same preferred tax treatment as non-wage replacement disability insurance.

Expenditures for long-term care services are provided the same preferred tax treatment as medical expenditures.

RELATION TO OTHER FEDERAL PROGRAMS

Medicare remains primary payer for persons eligible for Medicare benefits.

Medicare benefits remain unchanged, except coverage for skilled nursing facility care is limited to 20 days.

Medicaid long-term care benefits are replaced by the LTC Plan, except for intermediate care facility services for the mentally retarded ["ICFs/MR"].

Long-term care programs supported through the Older Americans Act and Title XX remain unchanged, except for enhanced financing for the Ombudsman Program under the Older Americans Act.

IMPACT ON DISABLED AMERICANS

3.1 million severely disabled Americans over age 65 are eligible for benefits.

800,000 severely disabled Americans under age 65 are eligible for benefits.

COST AND FINANCING

Preliminary CBO cost estimate for Public Program for first full year of implementation is \$45 billion (\$25 billion for home and community-based care; \$20 billion for nursing facility care).

Home and community-based care and short-term nursing facility benefits are fully federally financed.

States are required to maintain current levels of financial commitment under Medicaid for population groups and long-term care services covered by the LTC Plan (indexed for increases in the medical CPI).

At full implementation, Federal and State governments share costs for in-

creases in the costs of the long-term nursing facility benefit in excess of the increase in the nursing facility market basket.

PHASE-IN SCHEDULE

Year 1: Development and publication of implementing regulations.

Year 2: Provision of limited number of hours of home and community-based care.

Year 3: Provision of additional hours of home and community-based care.

Year 4: Full provision of nursing facility care.

Year 5: Full provision of home and community-based care.

Mr. President, with this long explanation of this major legislation, I conclude my remarks. I urge all of my colleagues to join us as cosponsors and to press forward in bringing about the security and protection that Americans are painfully aware they lack.

Mr. KENNEDY. Mr. President, today marks another major step toward the goal of accessible and affordable health care and long-term care for all Americans. Our HealthAmerica legislation will reform the Nation's health care system by dealing with the key problems of inadequate access and sharply rising costs.

The Long-Term Care Family Security Act we are introducing today deals with the other major aspect of the Nation's worsening health crisis—protecting elderly and disabled Americans against the staggering costs of long-term care.

Today, 3 million elderly Americans need home care or nursing home care. They are unable to perform two or more of the five basic activities of daily living without assistance—bathing, eating, dressing, using the bathroom, or moving from a bed to a wheelchair. As many as a million younger citizens are similarly disabled.

The need for assistance is already great today, and as Americans live longer, the need will be even greater. According to the Brookings Institute, 35 to 50 percent of today's senior citizens will enter a nursing home at some point in their lives. Almost half of all American families have been touched—and often touched hard—by the need for long-term care.

Long-term care is not just a crisis for persons with disabilities. It is a major burden for their families as well. Few sons and daughters are prepared—either financially or emotionally—to take on the heavy responsibility of providing long-term care for their parents who need it, whether that care is provided in a nursing home or in their own home.

How much longer will this Nation stand silent, while sons or daughters live lives of unbearable desperation in an uncaring society—and are sometimes driven over the edge and forced to abandon an 82-year-old father at a dog racing track, with a name pinned

to his shirt. We're not talking about Paddington bear—this is happening to real families facing real hardships that no family should have to endure.

Protection against the inexcusable high cost of long-term care is the urgent unfinished business of Social Security and Medicare. This is not just an ordinary bill. It is also a "peace of mind" bill for millions of families struggling to make ends meet and care for their loved ones.

In a sense, the challenge we face today is as old as civilization. As the poet Pindar in ancient Greece wrote, "A graceful and honorable old age is the childhood of immortality." And 2,000 years later, we still have not found a way to secure it. I hope with this effort we begin today, we will finally succeed.

There are certain features of the legislation we are introducing today that deserve special emphasis.

First. This bill, together with HealthAmerica, is a comprehensive response to the health care crisis. Enactment of HealthAmerica will ensure coverage for acute care hospital and medical services for all Americans. Passage of the Long-Term Care Family Security Act will ensure against the costs of long-term care for persons with temporary or permanent disabilities.

Second. The coverage of home and community based care and nursing home care in the bill will apply to persons of all ages. Eligibility for benefits would be based on a person's level of impairment, and will not be restricted to any age group.

In addition, the legislation guarantees a strong citizen and consumer role in the development of care plans, and emphasizes flexibility in the kinds of services covered and the actual delivery of these services.

Third. The proposal has a role for private insurance, under strict standards to see that policies provide adequate coverage and consumer protection is provided.

Studies by the Brookings Institute have shown, however, that private long-term care insurance cannot possibly reach all the elderly who need help. The reason is obvious. Private insurance that is not sold on a group basis inevitably skims off the cheapest clients and dumps the heaviest burdens on government.

Society is already paying for long-term care, but in harsh and irrational ways. Medicaid now contributes more than \$20 billion a year for nursing home care—almost half the national total. But these public dollars are available only after persons have been forced to pauperize themselves, and that impoverishment is unacceptable.

A main source of rising costs in long-term care is that such care is often not provided in the most cost-effective setting. Too many patients stay in hos-

pitals too long, because insurance fails to cover nursing home care. Too many citizens with disabilities are forced into nursing homes permanently because home care is not feasible or available. The result is higher costs for the Nation, and a lower quality of life for those who need help the most.

My mother will be 102 in July. My family has been fortunate in being able to afford the best in home care for her, as we did for my father for many years after his stroke. Decent long-term care should be available to every family that needs it. America must no longer turn its back on the millions of citizens who deserve this kind of help.

Mr. PRYOR. Mr. President, I am pleased to join my esteemed colleagues, Senators MITCHELL, ROCKEFELLER, KENNEDY, RIEGLE, ADAMS, BURDICK, GLENN, MIKULSKI, PELL, and SIMON in introducing the Long-Term Care Family Security Act of 1992. Long-term care has all too frequently been overlooked in most discussions on health care reform, and I am pleased that we are bringing it back into the debate.

At the outset, I would like all my colleagues to know that the long-term care issue would not be receiving the attention it so desperately needs and deserves without the tireless leadership of our majority leader, GEORGE MITCHELL, the former Chairman of the Pepper Commission, JAY ROCKEFELLER, the chairman of the Senate Labor and Human Resources Committee, TED KENNEDY, the House majority leader, RICHARD GEPHARDT, and chairman of the House Committee on Energy and Commerce Subcommittee on Health and the Environment, HENRY WAXMAN. As chairman of the Special Committee on Aging, I know that there are millions of Americans around the Nation who are extremely grateful for the work and commitment that this significant legislation represents.

The bill we are introducing, which would provide universal coverage for long-term care for disabled persons of all ages, is based on the recommendations of the Pepper Commission. During our deliberations on the Commission, we focused much needed attention on the great unmet need across this Nation for long-term care. Today, the American public is finally seeing our recommendations being translated into legislation.

Just how great is the need for long-term care? Between 9 million and 11 million Americans of all ages need some type of long-term care. Two-thirds of them are elderly, and the other third are under age 65. Most of these people are living at home, being cared for by families and friends. And while most caregivers consider their responsibilities a labor of love, it can be an enormous burden. For many people, there is little or no relief in sight, either because of financial constraints

or the unavailability of care in the community. Access to affordable home and community-based long-term care is almost nonexistent for most people. Nursing home care is more readily available for those who cannot be cared for at home, but at a cost of over \$30,000 per year, it does not take long for most people to spend their life savings—and become eligible for Medicaid.

In February, I held a field hearing in Fort Smith, AR on the issues of long-term care and prescription drugs. What we witnessed was a powerful illustration of the enormous interest and need for these services. Hundreds of people packed into a small auditorium to share their frustrations and make their moving appeals for help.

The hearing's witnesses talked about how important their caregiving responsibilities were to them, but how much better their lives would be if they could just get a little bit of help in the home. Many asked why, if their loved one became so ill that nursing home care was the only alternative, did they have to spend all of the money they had worked so hard to save so that they could become eligible for Medicaid. Everyone wanted to know just what the Congress planned to do about this problem. I am happy to report back to the people in Arkansas and around the Nation that today we are taking a step in the right direction.

The Long-Term Care Family Security Act provides for a 5-year, carefully phased-in package of long-term care benefits. Consistent with the Pepper Commission's recommendations, which received bipartisan support on an 11-to-4 vote, the initiative represents a public-private partnership aimed at addressing as many needs as possible.

Specifically, the bill incorporates a broad range of home- and community-based care for the chronically ill. Short-term nursing home stays of up to 6 months are also covered. For those with longer stays, assets up to \$30,000 for single persons and up to \$60,000 for couples are protected, so that people do not have to impoverish themselves in order to become eligible for assistance. Significantly, this package of benefits is subjected to strict, cost-containment provisions.

Mr. President, we often forget that the primary long-term care expense for many of our elderly Americans is paying for prescription drugs. While the average American under 65 only takes about 4 to 5 prescriptions a year, the average elderly American over 65 takes about 15 to 16 medications each year, year after year. Up to 7 of every 10 prescriptions filled for elderly patients are to treat chronic, long-term medical conditions, such as high blood pressure, heart problems, glaucoma, diabetes, and an array of other conditions that afflict our elderly. Therefore, there can be no question that prescription drug costs represent a truly burdensome

long-term care expense. For this reason, I am particularly pleased that this bill includes the establishment of a Prescription Drug Policy and Payment Assessment Commission.

We know all too well that after over 12 years of unrelenting and unjustified drug manufacturer price increases, many of our elderly go without their medications. That is because for three of four elderly, paying for their prescription drugs is their highest out-of-pocket medical cost. As chairman of the Senate Aging Committee, this situation is unacceptable. The Prescription Drug Commission will be charged with determining mechanisms to make prescription drugs more accessible and affordable to our elderly populations and to all citizens. I hope that this Commission will help this Congress develop strong, effective mechanisms to contain the escalating costs of medications as we consider reforming our health care system.

The legislation also establishes demonstration projects to determine the most effective and efficient mechanism to eventually provide drug benefits under the long-term care program we are proposing today. Once we have effective drug cost containment in place, we can begin to talk about bringing back a drug benefit for the elderly, without being forced to pay for unnecessary drug manufacturer price increases and excessive profits. Other industrialized nations have found a way to provide comprehensive drug benefits to their elderly at reasonable costs. If they can do it, so can we.

Also of great importance are the provisions in this legislation that strengthen and encourage the development of a responsive, private long-term care insurance market. To achieve this goal, the bill we are introducing today incorporates important consumer protections that makes important strides toward assuring that Americans can have confidence in the private long-term care insurance products they are purchasing. To assist the further expansion of the private long-term care insurance market, the bill also provides tax clarifications that have been requested by the insurance industry. As a sponsor of similar legislation that I have previously introduced, I am pleased about most of these provisions and look forward to working with interested parties to ensure that any movement in this area is even more responsive to the legitimate needs of consumers, insurers, agents, regulators, health care providers, and others.

Mr. President, whether our legislative effort today to address the long-term care challenge facing our Nation is the right response has yet to be answered. I submit, however, we will not know for sure until we start the process moving. Up to now, the silence has been deafening.

I doubt that anyone associated with this bill will make the claim that this legislation is perfect. I certainly will not. I still have great concerns about this bill's costs, the lack of stronger provisions related to the containment of prescription drug costs, and the bill's current provisions related to the private long-term care insurance market. Despite my concerns, I believe it is essential that we do not continue to ignore the long-term care issue. We must start the process toward progress.

I look forward to working with my colleagues in the Congress, the administration, State and local governments, consumers and their representatives, insurers, regulators, agents, and the health care provider community in making this an even stronger, more viable initiative. I urge all my colleagues to join us in this effort.

Mr. RIEGLE. Mr. President, last summer, some of my colleagues and I introduced HealthAmerica, a comprehensive health care reform proposal which addresses the access and cost containment problems that plague our health care system. We are also equally concerned about the challenges our elderly and disabled population face in their daily lives, and felt that these should be addressed through separate, comprehensive legislation.

Today, I join my colleagues, Senators MITCHELL, ROCKEFELLER, KENNEDY, and PRYOR, and other Members, in introducing legislation to create a national long-term care program. The elderly and disabled in this country should be protected against the high cost of long-term care and should not have to impoverish themselves or their families in order to get help.

LONG-TERM CARE IN MICHIGAN

Almost all of us have personal knowledge of the devastating financial and emotional effect that caring for an elderly or disabled relative or friend has on families and communities. I've included accounts from Michigan residents of some recent cases that illustrate the effect that providing long-term care has on families.

Robert and Virginia Moore, of Ada, MI, have a personal assistant who comes to their home for 4 hours each day to help Mrs. Moore care for her husband, who is completely paralyzed. Having a personal assistant means that Mr. Moore can stay at home, and the Moore's can lead a fairly normal life. They get help paying for part of the assistant's fee from a community agency, but they pay a large amount out of their own pocket. When Mrs. Moore became ill a few years ago, Mr. Moore had to enter a nursing home until she was well. Despite the hard work Mrs. Moore puts into care for her husband, and despite the fact that getting home care help has cost them almost their whole life savings, their family is committed to keeping Mr. Moore at home instead of in a nursing home.

Under this bill, the Moore's would get the regular home and community care they need without forcing them to pay substantial amounts out of their own pocket. It would provide short-term nursing home stays—like Mr. Moore needed while Mrs. Moore was ill—without forcing them to pay. Had home care provisions like the ones in this bill been available when Mrs. Moore was ill, he could have avoided staying in a nursing home.

Kathleen and Harold McCarthy are in their seventies, and they live in Cannonsburg, MI. For 19½ years, Kathleen has been caring for Harold in their home. He has Parkinson's disease, and has also had heart valve replacements and bypass surgery. Harold could be a candidate for a nursing home, but his family wants to keep him at home. To help Kathleen, they applied for home care, and were on a waiting list for 1½ years before they received services. Now, they have someone who comes into their home twice a week and provides bath service and helps Kathleen with other things like moving her husband, dressing him, and feeding him.

Under the legislation we are introducing today, they would not have to wait for the critical and cost-saving home care they so desperately needed.

Mary and Stone Brown are from Battle Creek, MI. Mr. Brown is in his eighties and has Parkinson's disease. Mrs. Brown would be unable to take care of her husband by herself in their home. He has been in a nursing home for the past 2 years. The Brown's had to spend their \$35,000 life savings on nursing home care before they qualified for nursing home care under Medicaid.

Under the bill we are introducing today they would not have to spend down their life savings in order to receive the needed nursing home care services.

Arnora and Richard Brown, from Battle Creek, MI, are 50 and 60 years old, respectively. Both of them are disabled: Richard is a stroke victim and Arnora suffers from postpolio syndrome. They don't want to have to go to a nursing home, and fortunately have been able to stay at home with the help of home and community services. They currently have a visiting nurse, physical and occupational therapy, bathing services for Richard, and chore services. The Brown's need more services to be able to live, and are on the verge of being put in a nursing home.

Under the bill we are introducing, the Brown's would receive the support they need to complement what they are receiving now so that they may continue to live at home.

NEED FOR COMPREHENSIVE REFORM

Our goal with this important legislation is to provide a comprehensive strategy for long-term care reform which incorporates the roles of both

the public and private sector, and allows individuals flexibility to best meet their own needs by building on the existing support they get from their family and community.

My own State of Michigan ranks eighth among all States in the number of people over 65 years old. Michigan has over 1 million residents who are 65 and over, and more than 100,000 of these are over 85. The Lansing State Journal reported that 1.5 million residents of the State of Michigan have disabilities. These statistics illustrate how many people will need long-term care. Yet few people are planning for these needs by buying long-term care insurance because private insurance policies are often limited and expensive. Government funding for long-term care through the Medicaid Program is primarily limited to nursing home care, and people must spend down their assets to near-poverty just to qualify.

LEGISLATION MEETS KEY GOALS FOR REFORM

Over the past several years, I have held numerous hearings in Michigan and written to over 400 groups to solicit suggestions for long-term care reform. Listening to their concerns has made it clear to me that any long-term care strategy must address the following issues: financial protection against the high cost of long-term care; expansion of the range of services covered, including home health care, nursing home care, respite and hospice care, and other social support services, while building on existing family and community support; and methods to ensure that costs are controlled in the long run.

This legislation meets all of these goals. It allows people of all ages who are disabled access to affordable home and community based care and short-term nursing home care, regardless of their income. It also protects individuals and their families from the high cost of long-term nursing home stays by providing a generous safety net for their assets and income.

This legislation also maintains a role for private insurance and encourages companies to develop affordable policies. It incorporates some of the private long-term care insurance safeguards included in a bill introduced by myself and Senators DASCHLE and PRYOR. These reforms, similar to those in the Medigap supplemental insurance market, will protect seniors who purchase private policies and ensure that those policies meet their needs.

More and more people in this country will incur tremendous long-term care costs. The anticipated increases in the number of people needing these services underscores the need for a sound and efficient long-term care system. That is why we must act now to implement the Long-Term Care Family Security Act. It will provide the combination of home and community based

services and nursing home care that will give people the highest quality of life possible and not subject them to impoverishment. It will enable elderly people, and the millions of chronically disabled, to meet their long-term care needs.

I commend the majority leader, GEORGE MITCHELL, for his strong leadership and his commitment to comprehensive health and long-term care reform. In addition, Senators ROCKEFELLER, KENNEDY, and PRYOR have displayed outstanding dedication to improving our health and long-term care systems. I urge my colleagues to join us in cosponsoring this important legislation to make a commitment to long-term care.

Mr. GLENN, Mr. President, it is a rare family that has not had some experience with trying to care for a parent, a spouse, a child or other family member who is disabled. Each person should think of their own family—of those who may need care and of the problems it entails. It strikes terror in the hearts of Americans to realize that they may be bankrupted in order to take care of a loved family member who needs long-term care. If you have plenty of money, it may not be a problem, but for most Ohioans and Americans long-term care is an area of growing concern.

Today it can take all of a family's resources to try and keep a loved one at home and provide the care they need because of their physical or mental disabilities. Families often become impoverished trying to provide in-home and community-based care for disabled members; and nursing home care, paid for by Medicaid, becomes the only option available to them. In some cases, nursing home care is appropriate, but the decision to place someone in a nursing home should not be made because there are no other alternatives available.

The Long-Term Care Security Act of 1992, which I am pleased to cosponsor, is an important starting point in determining the best way to provide and finance long-term care services for elderly and disabled Americans. It will heighten the public dialog and help us find a resolution to this major challenge. And it will help develop a consensus on how to pay for long-term care services. For we cannot kid ourselves, the costs are high and we do not have a way to finance them at this time.

S. 2571, the Long-Term Care Security Act of 1992 establishes a program of home- and community-based care and short-term nursing home care for all elderly and disabled Americans; and it provides increased asset and income protection for people needing long-term nursing home care and their spouses. In addition, it sets standards for private long-term care insurance policies and makes these policies eligi-

ble for favorable tax treatment if they meet Federal consumer protection requirements.

I am pleased that this legislation provides assistance for family caregivers, because family caregivers play such an important role in providing long-term care for older and disabled Americans. Services such as respite care and training help prevent caregiver "burnout," and in turn help prevent the otherwise unnecessary institutionalization of the elderly and disabled.

Long-term health care for the elderly and disabled has been an issue of great interest and concern to me for many years, especially as a member of the Senate Special Committee on Aging. There is virtually no protection available, short of Medicaid, for the elderly and disabled who need long-term care either in their homes or in nursing homes. This is an important issue that must be addressed during our debate on health care reform.

I commend Senate Majority Leader GEORGE MITCHELL and Senator JAY ROCKEFELLER, who headed the Pepper Commission, for their leadership in developing a comprehensive long-term care proposal. The legislation we are introducing today will go a long way in helping us meet the long-term care challenge presented by our growing elderly population and by the disabled of all ages. It will give disabled Americans and their families the option of having their needs met at home without the fear of bankruptcy.

Mr. ADAMS, Mr. President, the American people need, want, and deserve long-term care coverage. That's why I am pleased to cosponsor Senator MITCHELL and Senator ROCKEFELLER's Long-Term Care Security Act of 1992. I also commend Representatives WAXMAN and GEPHARDT on their companion bill. Long-term care is an issue of utmost importance. It is essential that it be a part of our overall health care reform.

Few chronically ill and disabled Americans have access to affordable or adequate long-term care services. For most, the real issue is the extraordinary cost of long-term care. Medicare provides home health care only if the individual is home bound and has a skilled nursing need. Few people who are living at home meet these requirements. And, if they do, the coverage is only available for a limited period of time.

A long stay in a nursing home is possible for most Americans only after they have become impoverished. Even a relatively short stay in a nursing home can endanger the assets an individual or a family has worked a lifetime to build.

A recent Congressional Research Service survey, that I requested, demonstrated that budgetary problems are causing a number of States to pull

back from their commitment to long-term care. The States cannot carry the load. Federal action in long-term care is essential.

As chairman of the Subcommittee on Aging, I held two hearings on long-term care in the past year as well as a hearing on Alzheimer's disease and its long-term care implications. These hearings underscored the fact that long-term care is a major concern of many Americans. In response to these hearings, I improved the long-term care related provisions in my Older Americans Act reauthorization legislation, which is now approaching final action by the Congress.

I also introduced S. 2193, the Long-Term Home Care Act, which focuses on providing home and community-based services to chronically ill and disabled individuals. The home and community-based services provided in the legislation being introduced today are very similar to those in my bill. When I introduced S. 2193, I spoke about the need for comprehensive legislation that includes nursing home care. The bill being introduced today provides such coverage.

There are some areas of the bill, however, about which I am especially concerned. The first involves the number of hours of home and community-based service to which an eligible recipient is entitled. The bill provides up to 13 hours of care a week to an individual needing assistance with three activities of daily living. These activities include eating, bathing, toileting, dressing, and transferring. Many such individuals, for instance disabled individuals who need attendant care, need many more than 13 hours of service a week. I am concerned that the American people will perceive this as a limited amount of care and not rally behind this bill. I realize that the bill takes a step to address this problem by allowing pooled benefits hours that can be allocated as needed. However, more is needed and we must work to address this need.

Next, this bill's provisions that address regulation of private long-term care insurance are not adequate. Consumers must be assured the strongest possible protection when they purchase long-term care insurance. The provisions in this legislation do not provide strong enough protection. I support Senator KENNEDY'S S. 2141, the Long-Term Care Insurance Improvement and Accountability Act, which is the right way to go in long-term care insurance protection. I will work to strengthen the consumer protection provisions in the legislation being introduced today.

Another concern relates to the eligibility requirements. The eligibility for home and community-based care should be impairment with two daily activities, as in my bill, rather than three as in this legislation. Also, the quality assurance mechanisms that I

laid out in my bill are needed to ensure the quality of long-term care services. In addition, I think we need to bite the bullet and include a financing mechanism for this bill, as I have done in S. 2193.

I commend Senators MITCHELL and ROCKEFELLER and Representatives WAXMAN and GEPHARDT for their work in this area. I am pleased that this bill is based on the fine work of our friend and colleague, the late Claude Pepper. Although this legislation does not address all of the long-term care needs, and more needs to be done, it certainly represents a major commitment to ensure comprehensive long-term care for all Americans who need it.

By Mr. BUMPERS (for himself, Mr. CRAIG, Mr. PRYOR, and Mr. SYMMS):

S. 2572. A bill to authorize an exchange of lands in the States of Arkansas and Idaho; to the Committee on Energy and Natural Resources.

ARKANSAS-IDAHO LAND EXCHANGE ACT

• Mr. BUMPERS. Mr. President, I rise today to introduce the Arkansas-Idaho Land Exchange Act of 1992. I am pleased to have Senators CRAIG, PRYOR, and SYMMS join me as original cosponsors of this legislation.

The Potlatch Corp., a diversified forest products company located in Arkansas, Idaho, and Minnesota, has offered to convey to the United States land from among 56,000 acres of bottomland hardwoods located in Arkansas in exchange for an equal value of approximately 18,500 acres of public land in Idaho. This land exchange will provide significant environmental benefit by protecting rare wetlands in Arkansas without adding to the budget deficit.

ARKANSAS LANDS

The Arkansas lands to be transferred are within the Cache River and White River Basins and have been designated a "wetland of international importance" under the convention on Wetlands of International Importance—the Ramsar Convention—1 of only 10 such areas in the United States. These lands will be added to the existing Cache River and White River National Wildlife Refuges.

Mr. President, it is essential that we protect this environmentally sensitive area. These river basins provide wintering habitat for approximately 10 percent of the Mississippi flyway mallard population and are also important habitat for wood ducks. A number of threatened or endangered species are located in these river basins including: the bald eagle, least tern, fat pocket-book pearly mussel, and pond berry. In addition, there are populations of native wildlife and rare animals, such as the black bear. Many species of migrant songbirds nest in the Potlatch bottomland hardwoods.

Upon the completion of the land exchange, the Arkansas lands will be managed by the Fish and Wildlife Service to conserve and enhance their wetland and fish and wildlife values. These areas will be removed from sustained timber production and other development.

IDAHO LANDS

According to the Fish and Wildlife Service, the Idaho lands to be conveyed to Potlatch do not contain fish, wildlife, or wetlands of similar value. No threatened or endangered species are resident. These lands would be managed by Potlatch for long-term sustained timber production. Some of the lands are scattered pockets within larger blocks of mixed Federal and private ownership. Federal management of these scattered tracts is difficult.

In addition, Potlatch will convey 280 acres of its land in the Lolo Creek Management Area and 680 acres within the Grandmother Mountain Wilderness Study Area in Idaho to the Bureau of Land Management [BLM]. This 680 acres and another 4,000 acres of BLM land within the Grandmother Mountain Wilderness Study Area will then be transferred to the Forest Service.

In order to reduce management problems related to scattered tracts of Federal lands, the BLM will transfer an additional 4,346 acres of land to the Forest Service which will in turn transfer an equal value of its land in other scattered tracts in the same area to the BLM. These areas will be included in the land transferred to Potlatch.

Mr. President, this bill would result in a wonderful addition for Arkansas, for Idaho, and for the entire country. It was drafted by and has the support of the administration. I look forward to working with my colleagues in enacting this important legislation.

Mr. President, I ask unanimous consent that a letter of transmittal from the Department of Interior, a section-by-section analysis, and a copy of the legislation appear in the RECORD at this point.

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

S. 2572

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Arkansas-Idaho Land Exchange Act of 1992."

SEC. 2. FINDINGS, PURPOSE, AND DEFINITIONS.

(a) FINDINGS.—The Congress hereby finds that—

(1) The Potlatch Corporation has offered an exchange of lands, under which it would receive 18,500 acres of scattered tracts of public land in the State of Idaho in return for conveying to the United States lands of an equal value from among approximately 56,000 acres of undisturbed bottomland hardwoods owned by Potlatch in the State of Arkansas.

(2) The lands to be selected by the United States are surrounded by Federal and State lands on the Cache and White Rivers which

are designated as a "Wetland of International Importance" under the Convention on Wetlands of International Importance (commonly known as the Ramsar Convention), one of only ten areas in the United States so designated.

(3) Acquisition of these lands by the United States will remove the lands from sustained timber production and other development in the heart of this critical wetland ecosystem.

(4) These lands, if acquired, will qualify for inclusion in the Wetland of International Importance.

(5) The lands offered to the United States are outstanding fish and wildlife habitat.

(6) The lands the United States would convey to Potlatch do not contain comparable fish, wildlife or wetland values.

(7) Potlatch would also convey to the United States lands in Idaho with important recreational and fisheries value.

(b) PURPOSE.—It is the purpose of this Act to provide for an exchange of lands that will provide environmental and economic benefits to the States of Arkansas and Idaho, and the Nation.

(c) DEFINITIONS.—For purposes of this Act.—

(1) The term "Potlatch" means the Potlatch Corporation, chartered in the State of Delaware.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The terms "land" and "lands" mean both the surface and subsurface estates whenever both estates are owned by the United States or Potlatch.

SEC. 3. AUTHORIZATION OF EXCHANGE.

(a) INTER-AGENCY LAND TRANSFERS.—(1)(A) Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976, the Secretary shall transfer to the jurisdiction of the Secretary of Agriculture for inclusion within the National Forest System approximately 8,346 acres of public land, as identified upon a map entitled "Arkansas-Idaho Land Exchange—Idaho Lands", dated April 1992 and available for inspection in appropriate offices of the Secretary.

(B) Subsequent to the exchange provided in subsection (d), the Secretary shall transfer to the Secretary of Agriculture for inclusion in the National Forest System jurisdiction over the approximately 680 acres of land designated for post-exchange transfer in the map referenced in subparagraph (A).

(2) Within six months of the enactment of this Act, the Secretary of Agriculture shall transfer to the Secretary, for conveyance to Potlatch pursuant to section 3(d) of this Act, jurisdiction over an amount of land within the National Forest System that is approximately equal in value to those lands transferred to him pursuant to paragraph (1) and that is located within the area depicted upon the map referenced in such paragraph.

(b) FEDERAL LANDS TO BE CONVEYED.—The lands to be conveyed to Potlatch shall consist of approximately 10,265 acres of public land in the State of Idaho, as depicted for transfer to Potlatch in the map referenced in subsection (a)(1) of this section, and all lands transferred to the Secretary pursuant to subsection (a)(2).

(c) PRIVATE LAND TO BE ACQUIRED.—(1) The Secretary is authorized and directed to select for acquisition by exchange lands equal in value to those lands identified in subsection (b), less the value of the lands identified in paragraph (2) of this subsection, from among approximately 56,000 acres of land in the State of Arkansas owned by Potlatch, as identified upon a map entitled "Arkansas-Idaho Land Exchange—Arkansas Selection

Area," dated April 1992 and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(2) The Secretary shall acquire from Potlatch through the exchange provided in subsection (d) approximately 920 acres of Potlatch lands in Idaho, as identified for transfer to the Bureau of Land Management in the map referenced in subsection (a)(1) of this section.

(d) EXCHANGE OF LANDS.—Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*), the Secretary is authorized and directed to convey to Potlatch in accordance with the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742 *et seq.*) and subject to valid existing rights, those lands identified pursuant to subsection (b) at such time as Potlatch conveys to the United States clear title, in accordance with the Department of Justice standards for the preparation of title evidence in land acquisitions by the United States, to the lands selected pursuant to subsection (c)(1) and those lands identified in subsection (c)(2).

(e) GENERAL PROVISIONS.—(1) DETERMINATIONS OF VALUE AND CLEAR TITLE.—The Secretary shall utilize applicable existing authorities in determining the value of the lands to be exchanged and the validity of the title(s) to the Potlatch lands, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) and in accordance with the standards of the Department of Justice referred to in section 3(d) of this Act.

(2) MAPS CONTROLLING.—To ensure the management benefits of consolidating isolated tracts of land, any conflict between the acreage figures cited and the maps referenced in the Act shall be resolved in favor of the maps.

(3) CANCELLATION.—Prior to implementation of the exchange provided for in subsection (d) of this section, if Potlatch notifies the Secretary in writing that it no longer intends to complete the exchange, the lands referenced in subsection (a) of this section shall revert to their status as of the date of enactment of this Act, and shall be managed in accordance with the management plans in effect for those areas at the date of the reversion.

(4) FINAL MAPS.—Within 6 months of the conclusion of the exchange provided for in subsection (d) of this section, the Secretary shall transmit to the House Committee on Interior and Insular Affairs, the House Committee on Merchant Marine and Fisheries, the Senate Committee on Energy and Natural Resources and the Senate Committee on Environment and Public Works maps accurately depicting the lands transferred and conveyed pursuant to this Act, and the acreages of such transfers and conveyances.

SEC. 4. USE OF ACQUIRED LANDS.

(a) NATIONAL WILDLIFE REFUGE SYSTEM.—(1) The Secretary shall add to the lands described in section 3(c)(1) to the Cache River and White River National Wildlife Refuges, as depicted upon the map described in such section. The Secretary shall manage such lands in accordance with the provisions of the National Wildlife Refuge System Administration Act, as amended (16 U.S.C. 668dd-668ee).

(b) PUBLIC LANDS.—(1) Except as provided in paragraph 2 of this subsection in the lands described in section 3(c)(2) shall be public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*), and

shall be managed in accordance with the provisions of that Act.

(2) The Secretary shall transfer the lands described in section 3(a)(1)(B) as provided in that subparagraph.●

By Mr. MCCAIN (for himself and Mr. STEVENS) (by request):

S. 2573. a bill to provide for the continued improvement and expansion of the Nation's airport and airways, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AVIATION SAFETY AND CAPACITY EXPANSION ACT AMENDMENTS

● Mr. MCCAIN. Mr. President, today I am pleased to introduce, by request, the administration's proposal for reauthorization of the Federal Aviation Administration. The Aviation Safety and Capacity Expansion Act Amendments of 1992 are directed toward assuring the safe, efficient operation of our Nation's aviation system.

I look forward to working with the administration and my colleagues on the Senate Committee on Commerce, Science, and Transportation to move legislation in this area. While I do not specifically endorse all of the provisions in the administration's legislation, I congratulate the Secretary of Transportation, Andrew Card, for his work in putting this bill together.

It is my earnest desire that, along with reauthorizing the Federal Aviation Administration this year, Congress can also pass legislation that addresses the anticompetitive environment in the airline industry today. It is critical that Congress move before we are left with a monopoly of just three airlines.

Mr. President, I ask unanimous consent that a copy of this bill appear in the RECORD, along with a section-by-section analysis and a letter from the Secretary of Transportation to the President of the Senate.

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

S. 2573

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

TITLE I—AVIATION SAFETY AND CAPACITY EXPANSION ACT AMENDMENTS OF 1992

SECTION 101. SHORT TITLE.

This Act may be cited as the "Aviation Safety and Capacity Expansion Act Amendments of 1992".

SEC. 102. AIRPORT ACCESS THROUGH INTERMODAL PROJECTS.

Section 503(a)(2) of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2202(a)(2)), is amended by adding a new subparagraph (F) to read as follows:

"(F) Any off-airport project, or portion thereof, which the Secretary determines directly improves access of passengers and freight to airports, and which is related to an airport layout plan approved by the Secretary and consistent with an area-wide transportation plan. Only funds authorized

by section 507(a)(1) or 507(a)(2) of this title may be used for this purpose, and fees may not be imposed under section 1113(e) of the Federal Aviation Act of 1958, as amended, for this purpose."

SEC. 103. AIRPORT IMPROVEMENT PROGRAM.

Section 505 of the Airport and Airway Improvement Act of 1982 [49 U.S.C. App. 2204], is amended:

(1) In subsection (a), by striking the word "and" which appears immediately before "\$13,916,700,000" and inserting the following immediately after the phrase "October 1, 1992":

"\$, 15,816,700,000 for fiscal years ending before October 1, 1993, \$17,716,700,000 for fiscal years ending before October 1, 1994, and \$19,616,700,000 for fiscal years ending before October 1, 1995."; and

(2) In subsection (b), by striking "September 30, 1992" and inserting "September 30, 1995" in lieu thereof.

SEC. 104. AIRWAY IMPROVEMENT PROGRAM.

Section 506(a) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2205(a)], is amended by:

(1) Striking the remainder of the sentence after "Trust Fund" and adding the following in lieu thereof:

"\$, 2,700,000,000 for fiscal years ending before October 1, 1993, \$5,600,000,000 for the fiscal years ending before October 1, 1994, and \$8,400,000,000 for the fiscal years ending before October 1, 1995."; and

(2) Striking subsection (a)(2) and inserting in lieu thereof a new subsection (a)(2) to read as follows:

"(2) CAPITAL INVESTMENT PLAN AUGMENTATION AUTHORIZATION.—If the Federal Aviation Administrator determines that it is necessary to augment or substantially modify elements of the Federal Aviation Administration Capital Investment Plan, including, but not limited to, a determination that it is necessary to establish more than 23 Area Control Facilities, there are authorized to be appropriated from the Trust Fund for fiscal years beginning after September 30, 1993, aggregate amounts not to exceed \$100,000,000, and for the fiscal years beginning after September 30, 1994, \$200,000,000. Amounts appropriated under the authorization in this subsection shall remain available until expended."

SEC. 105. RESEARCH, ENGINEERING, AND DEVELOPMENT, AND DEMONSTRATIONS.

Section 506(b) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2205(b)], is amended by:

(1) Striking everything after the term "Trust Fund" in paragraph (2) and inserting the following in lieu thereof:

"for fiscal years ending before October 1, 1993, aggregate amounts not to exceed \$230,000,000 for the fiscal years ending before October 1, 1994, \$483,000,000, and for the fiscal years ending before October 1, 1995, \$761,000,000"; and

(2) Striking paragraphs (3) and (4) and renumbering paragraph (5) as paragraph (3).

SEC. 106. OTHER EXPENSES.

Section 506 of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2205], is amended by striking subsection (c) and inserting the following new subsection (c) in lieu thereof:

"(c) Other Expenses.—The balance of the moneys available in the Trust Fund may be appropriated for costs incurred by the Federal Aviation Administration in operating and maintaining the aviation system in a safe and efficient manner. The total of amounts made available and appropriated from the Trust Fund for purposes specified in

sections 505 and 506 of this Act in each fiscal year shall equal 85 percent of the total amount made available and appropriated to the Federal Aviation Administration for all purposes in that fiscal year, except for liquidating cash for aircraft loan guarantees."

SEC. 107. WEATHER SERVICES.

Section 506(d) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2205(d)], is amended by striking the second sentence and inserting the following in lieu thereof:

"Expenditures for the purposes of carrying out this subsection shall be limited to \$35,596,000 for fiscal year 1993, \$37,800,000 for fiscal year 1994, and \$39,000,000 for fiscal year 1995."

SEC. 108. NOISE SET-ASIDE.

Section 508(d) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2207(d)(2)], is amended by substituting "12.5 percent" for "10 percent" and by adding the following proviso at the end thereof:

"Provided However, that not less than 2.5 percent of the funds designated by this section shall be made available on a priority basis to sponsors of primary airports and to contiguous political jurisdictions at locations where the Federal Aviation Administrator determines that compatible land use control measures have been adopted."

SEC. 109. MILITARY AIRPORT PROGRAM.

(a) Section 508(d)(5) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2207(d)(5)], is amended by striking the phrase "1.5 percent" and substituting in lieu thereof the phrase "2.0 percent".

(b) Section 508(f)(1) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2207(f)(1)], is amended by striking the number "8" and substituting in lieu thereof the number "25", and by striking the second sentence.

(c) Section 508(f)(5) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2207(f)(5)], is amended by redesignating it as section 508(f)(5)(A) and adding a new section 508(f)(5)(B) to read as follows:

"(B) Notwithstanding the provisions of section 513(c)(1), not to exceed \$6,000,000, in the aggregate, of the sums to be distributed at the discretion of the Secretary under section 507(c) for any three continuous fiscal years may be used by the sponsor of a current or former military airport designated by the Secretary under this subsection for construction, improvement, or repair of surface parking lots, fuel farms, and utilities."

SEC. 110. INTEGRATED URBAN TRANSPORTATION PLANNING.

Section 508 of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2207], is amended by adding a new paragraph (g) to read as follows:

"(g) Not less than one-half of one percent of the funds made available by section 507(a)(1) of this title to an airport sponsor, which is located in a metropolitan area with a population in excess of one million persons, shall be used by an airport sponsor to support aviation-related planning activities of the metropolitan planning organization. *Provided* However, that the required contribution to a metropolitan planning organization shall not exceed \$100,000 in a fiscal year, and, in the case of a metropolitan planning area served by more than one airport receiving funds under section 507(a)(1), the proportionate share of each airport shall be relative to the amount made available to it pursuant to section 507(a)(1)."

SEC. 111. DISADVANTAGED BUSINESS ENTERPRISE.

(a) Section 511(a)(17) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2210(a)(17)], is amended by

(1) Inserting after the phrase "or other consumer products" the phrase "or which provide ground transportation, baggage carts, automobile rentals or other consumer services"; and

(2) Adding at the end thereof the following: "Air carriers, in their normal passenger or freight-carrying capacities, and other businesses that conduct an aeronautical activity at the airport shall not be included in the goal for the participation of small business concerns specified by this section. The Secretary may determine that a portion of the business conducted with management contractors or other firms may count toward the goal specified by this section."

(b) Section 505(d)(2)(A) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2204(d)(2)(A)], is amended to add an inflation adjustment by deleting "\$14,000,000" and inserting in lieu thereof "\$16,015,000".

SEC. 112. MAXIMUM OBLIGATION OF THE UNITED STATES.

Section 512(b) of the Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2211(b)], is amended by deleting the period at the end of paragraph (3) and adding the following in lieu thereof:

"except that, for fiscal year 1993 and thereafter, the maximum obligation of the United States may be increased for an airport, other than a primary airport, by an amount not to exceed 50 percent of the total increase in allowable project costs attributable to an acquisition of land or interests in land, based on current credible appraisals or a court award in a condemnation proceeding."

SEC. 113. STATE BLOCK GRANT PROGRAM.

The Airport and Airway Improvement Act of 1982, as amended [49 U.S.C. App. 2201 et seq.], is amended by repealing the current Section 534 and adding a new Section 534 to read as follows:

"SEC. 534. STATE BLOCK GRANT PROGRAM."

"(a) Subject to the requirements of subsection (c), States may administer block grants of funds made available under section 507(a)(3) for projects at general aviation airports, other than relievers and those designated under section 508(f).

"(b) Subject to the requirements of subsection (c), States which have demonstrated an ability to administer block grants for general aviation airports for a period of not less than one year may administer block grants for reliever and nonprimary commercial service airports, and allowances for the small airport fund, cargo entitlements, noise set-asides, and other discretionary funds related to such nonprimary airports.

"(c) The Secretary may approve an application submitted by a State only if the Secretary determines that the State—

"(1) has an agency or organization capable of intergovernmental project coordination and administering effectively any block grant made under this section;

"(2) uses a satisfactory airport system planning process which addresses airport development and land use controls in political jurisdictions adjacent to airports and has agreed to satisfy airport planning responsibilities of the Secretary under section 511(a)(15) of this title;

"(3) uses a capital improvement programming process acceptable to the Secretary;

"(4) has agreed to comply with Federal procedural and other standard requirements

for administering any such block grant, including airport sponsor compliance with grant assurances; and

"(5) has agreed to provide the Secretary with such program information as the Secretary may require.

"Before determining that any planning process is satisfactory or any programming process is acceptable, the Secretary shall ensure that such process provides for meeting critical safety and security needs and that the programming process ensures that the needs of the national airport system will be addressed in deciding to which projects funds will be provided.

"(d) When the Secretary approves a block grant application pursuant to subsection (b), the offer shall, upon request of the State, provide for obligation of allowances to the State pursuant to sections 507 and 508 of this title for the current and next fiscal years.

"(e) As a condition precedent to approval of a block grant application submitted by a State under this section, the Secretary shall receive assurances, in writing, that the State will assume Federal environmental protection responsibilities as determined by the Secretary.

"(f) Subject to requirements established by the Secretary, the Secretary shall conduct reviews of the programs established by this section.

"(g) Subject to requirements established by the Secretary, not more than one percent of the funds apportioned to a State may be used to defray a State's program administration costs, except that, if one percent of the apportioned funds administered by a State is less than \$75,000, \$75,000 shall be available to defray such costs of administration.

"(h) The Secretary may establish such guidelines and requirements as may be necessary to effectuate the purposes of this section."

TITLE II—FEDERAL AVIATION ACT OF 1958 AMENDMENTS

SEC. 201. PROCUREMENT REFORM.

Section 303 of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1344] is amended by:

(1) Adding a new subsection (g) to read as follows:

"(g) LIMITED SOURCES OF PROCUREMENT.—The Administrator is authorized to exercise the procurement authority of section 2304 of title 10, United States Code, in the same manner and under the same circumstances as the agencies listed in section 2303(a) of title 10, United States Code.";

(2) Adding a new subsection (h) to read as follows:

"(h) CONTRACT TOWER PROGRAM.—The administrator may enter into a contract on a sole source basis with a State or political subdivision thereof for the purpose of permitting such State or political subdivision to operate an airport traffic control tower classified no higher than a Level I VFR Tower by the Administrator. Any such contract shall require that the State or political subdivision comply with all applicable safety regulations in its operation of the facility and with applicable competition requirements in the subcontracting of any work to be performed under the contract, and the Administrator shall satisfy himself that the State or political subdivision has the capability to comply with these requirements."

SEC. 202. AVIATION SECURITY TRAINING.

Section 316(c) of the Federal Aviation Act of 1958, as amended [49 U.S.C. 1357] is amended by redesignating section 316(c) as section 316(c)(1) and adding a new subsection (2) to read as follows:

"(2) At the discretion of the Administrator, reimbursement may be made for travel, transportation, and subsistence expenses for the training of non-federal domestic and foreign security personnel whose services will contribute significantly to carrying out civil aviation security programs under this section."

SEC. 203. MILITARY CONTROLLER TRANSITION PROGRAM.

(a) This section may be cited as the "Military Air Traffic Controller Transition Act of 1992".

(b) Title III of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1341 et seq.], is amended by adding a new section 322 to read as follows:

"SEC. 322. (a) Notwithstanding any other provision of law and without regard to maximum entry age provisions which would otherwise apply to original appointment as an air traffic controller in the Federal Aviation Administration, the Administrator may appoint in the excepted service retired military air traffic controllers of the United States Armed Forces, who have not attained the age of 46, to air traffic controller positions in such auxiliary flight service stations and at terminal air traffic control facilities designated as Level 1 or Level 2 by the Administrator.

"(b) Retired military air traffic controllers appointed by the Administrator to such air traffic controller positions, as authorized in subsection (a), shall:

"(1) meet such qualifications, including length and type of air traffic control experience, as the Administrator establishes;

"(2) be eligible for such benefits and, except as provided in paragraph (5), entitled to such tenure and appeal rights as are available to other retired military personnel serving in the excepted service of the Federal Government;

"(3) be eligible to serve only at such facilities and in such positions as identified in section (a), except that the Administrator may permit, in his discretion, individuals appointed to such facilities to continue to serve at such facilities if those facilities are upgraded;

"(4) not be entitled to use such service in an excepted appointment with the Federal Aviation Administration as a basis for securing a competitive appointment as an air traffic controller in the Federal service;

"(5) not be considered as air traffic controllers for the purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code; and

"(6) be separated from the service on the last day of the month in which they attain 56 years of age.

"(c) The Administrator may prescribe such administrative guidelines and regulations as he determines necessary to implement the provisions of this section.

"(d) For purposes of this section "air traffic controller" has the meaning set forth in section 2109 of title 5 of the United States Code."

SEC. 204. AIRPORT CERTIFICATION.

Section 612(a) of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1432(a)], is amended by deleting the phrase "more than 30 seats" and by inserting in lieu thereof the phrase "ten or more passenger seats".

SEC. 205. CIVIL PENALTY ASSESSMENT PROGRAM.

(a) Section 609 of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1429], is amended in subsections (a) and (c)(3):

(1) By adding the phrase ", but shall be bound by the Federal Aviation Administra-

tion's interpretations of its regulations and the statutes it administers, unless it is shown that the interpretations are arbitrary, capricious, or otherwise not in accordance with the law" immediately following the phrase "In the conduct of its hearings the Board shall not be bound by findings of fact of the Administrator" in subsection (a) and immediately following the phrase "In the conduct of its hearings, the National Transportation Safety Board shall not be bound by findings of fact of the Administrator" in subsection (c)(3); and

(2) By adding the phrase "Administrator or the" immediately after the word "The" where it first appears in the last sentence.

(b) Section 1006 of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1486], is amended:

(1) In subsection (a) by adding the phrase "the Administrator, in the case of an order of the Board, or by" immediately following the phrase "filed within sixty days after the entry of such order, by"; and

(2) In subsection (e) by adding the phrase "and the Federal Aviation Administration's interpretations of its regulations or the statutes it administers, unless determined to be arbitrary, capricious, or otherwise not in accordance with the law," immediately after the phrase "the findings of fact by the Board or the Administrator, if supported by substantial evidence."

(c) Section 905 of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1475], is amended by:

(1) Striking the word "DEMONSTRATION" in the heading;

(2) Striking the phrase "(1) which involves an amount in excess of \$50,000;" in subsection (c);

(3) Renumbering "(2)", "(3)" and "(4)" in subsection (c) as "(1)", "(2)", and "(3)", respectively; and

(4) Striking subsections (d)(3) and (d)(4).
(d) Section 304(d) of the Independent Safety Board Act of 1974, as amended [49 U.S.C. App. 1902(d)], is amended by adding the phrase "the Federal Aviation Administrator or by" immediately following the phrase "filed within sixty days after the entry of such order, by".

SEC. 206. SANITARY LANDFILL NOTIFICATION.

Section 1101(a) of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1501(a)], is amended by:

(1) Inserting after the phrase "of the construction or alteration," the phrase "or the establishment or expansion,";

(2) Inserting after the phrase "or of the proposed construction or alteration," the phrase "or of the proposed establishment or expansion,"; and

(3) Inserting the phrase "or sanitary landfill" after the word "structure".

SEC. 207. AVIATION INSURANCE.

Section 1312 of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1542], is amended by deleting the date "September 30, 1992" and inserting in lieu thereof the date "September 30, 2002".

SEC. 208. CREDIT FOR FEES OUTSIDE THE UNITED STATES.

Section 313(f)(4) of the Federal Aviation Act of 1958, as amended [49 U.S.C. App. 1354(f)(4)], is amended by adding the phrase "or as a charge permitted by section 334 of title 49, United States Code," immediately after the word "subsection".

SECTION-BY-SECTION ANALYSIS OF THE AVIATION SAFETY AND CAPACITY EXPANSION ACT AMENDMENTS OF 1992

TITLE I

SEC. 101. This section provides that this Act may be cited as "The Aviation Safety

and Capacity Expansion Act Amendments of 1992."

SEC. 102. This section expands AIP eligibility to include projects or portions of projects off the airport property that directly improve access to airports. Entitlement funds, but not discretionary funds or passenger facility charges, would be available for this purpose and all projects would have to be adequately related to the airport layout plan and be consistent with the area-wide transportation plan.

SEC. 103. This section extends contract authority through Fiscal Year 1995 for airport improvement grants and provides authorization levels for such grants.

SEC. 104. This section provides new authorizations for the FAA's Facilities and Equipment (F&E) program through Fiscal Year 1995. This section also establishes a new authorization in the event that it is necessary for the FAA to augment or substantially modify elements of its Capital Investment Plan, including the possible need to establish more than the currently-planned 23 Area Control Facilities.

SEC. 105. This section provides new authorizations for the FAA's Research, Engineering, and Development (R,E,&D) program through Fiscal Year 1995.

SEC. 106. This section restates the purposes for which the Trust Fund may be used and establishes that 85 percent of the FAA's total budget, which is made available and appropriated in a particular fiscal year, shall be funded from the Airport and Airway Trust Fund.

SEC. 107. This section establishes the amounts authorized from the Airport and Airway Trust Fund for the provision of aviation weather services by the National Oceanic and Atmospheric Administration.

SEC. 108. This section increases the noise set-aside from 10 percent to 12.5 percent to further reduce the environmental effect of airports on surrounding communities. The additional 2.5 percent would go by priority to those airports with noncompatible development.

SEC. 109. This section expands the scope of the Military Airports Program from eight airports to up to 25 airports, increases the funding for such airports from "at least 1.5 percent" to "at least 2.0 percent" of AIP funds and adds parking lots, fuel farms and utilities as eligible projects as long as no more than \$6 million is obligated per airport for these purposes over any three-year period.

SEC. 110. This section requires airport sponsors in metropolitan areas with over one million persons to support the urban transportation planning process by using a percentage of AIP entitlement funds up to a maximum obligation of \$100,000. If two or more airports serve the same metropolitan area, their shared obligation of not to exceed \$100,000 to the metropolitan planning organization shall be funded on a proportional basis, with each airport contributing a share based on the relative amount available to it in entitlement funds.

SEC. 111. This section resolves an unintended ambiguity of the 1987 legislation on disadvantaged business enterprise goals that appeared to narrow the then-existing program under Part 23 of title 49, and addresses management contracts and suppliers for the first time. The existing \$14,000,000 ceiling for participation would be adjusted for inflation in the same manner that Congress used for the similar ceiling in surface transportation programs in the "Intermodal Surface Transportation Efficiency Act of 1991."

SEC. 112. This section authorizes up to a 50 percent increase in AIP funding for land acquisition costs for a nonprimary airport based on either a credible appraisal or a court award in a condemnation proceeding.

SEC. 113. This section amends the State Block Grant Pilot Program to allow all States to participate in a block grant program, with up to one percent of funds administered to be used for administrative costs. Initially, any State can take over responsibility for general aviation airports after meeting specified criteria. If a State successfully manages the program, it may seek FAA approval after one year to assume responsibility for reliever and small commercial service airports.

TITLE II—FEDERAL AVIATION ACT OF 1958 AMENDMENTS

SEC. 201. This section would authorize limited competition in FAA procurements when unique supplies or services are available from only a limited number of sources, consistent with current Coast Guard, NASA, and Department of Defense authority. The section also provides authority for sole source contracts with States or political subdivisions for the operation of Level 1 VFR air traffic control towers.

SEC. 202. This section would authorize the reimbursement of travel and per diem expenses of non-federal domestic and international personnel to undertake FAA civil aviation security training.

SEC. 203. This section would establish a program for hiring in the excepted service retired military air traffic controllers to work as FAA air traffic controllers in Level 1 and 2 terminal facilities and auxiliary Flight Service Stations.

SEC. 204. This section would expand the airports certificated by the FAA to include commuter airports serving scheduled air carriers with aircraft designed for 10 or more seats because of the safety benefits that accrue from having crash, fire and rescue equipment.

SEC. 205. This section would make permanent the FAA's Civil Penalty Assessment Program, and would remove the \$50,000 ceiling for civil penalty cases that can be administratively heard before Administrative Law Judges. It would also provide for statutory deference to FAA of its interpretations of its regulations and statutes by the National Transportation Safety Board and the courts of appeal, and for an FAA right of appeal of adverse decisions of the NTSB, as called for by the Administrative Conference of the United States.

SEC. 206. This section would require persons to notify the FAA in order to establish or expand a sanitary landfill operation in the vicinity of an airport. Sanitary landfills attract large numbers of birds. When located in close proximity to an airport, a landfill site can result in an unsafe condition for aircraft operations because of the increased risk of bird strike incidents.

SEC. 207. This section would extend the Aviation Insurance Program through September 30, 2002.

SEC. 208. This section would authorize the FAA to retain and use fees collected for airman and repair station certification activities outside the United States. Such authority is currently provided through annual appropriations acts.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, March 4, 1992.

HON. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for introduction and referral to the appropriate com-

mittee is a draft bill entitled "The Aviation Safety and Capacity Expansion Act Amendments of 1992."

The Federal Aviation Administration's (FAA) mission is to ensure the safety and efficiency of the nation's airspace, to promote civil aviation and a national system of airports, and to develop and operate a common system of air traffic control and air navigation for both civilian and military aircraft. The enclosed legislation will combine increased levels of overall spending for FAA programs with a series of program improvements that emphasize capacity expansion, to give the FAA needed tools to continue to fulfill its mandate.

This proposal advances many important tenets of our National Transportation Policy: investment in infrastructure, improved intermodal connections, greater reliance on user fees, stronger partnerships with state, local and private entities, improvement of technology, and sensitivity to the environment.

Our proposal seeks more than \$15 billion over the next three years for capital and research projects and is designed to build upon the major programs authorized in the 1982-1990 timeframe to provide system-wide capacity growth. The proposal significantly increases funding for the FAA's comprehensive plan for modernizing and improving air traffic control and airway facilities to increase safety, efficiency, and capacity. The Capital Investment Plan constitutes a multi-year, complex combination of projects to modernize and expand the air traffic system, including the Advanced Automation System and the Voice Switching and Control System. A total of \$8.6 billion is sought to support these programs.

The proposal also addresses the system's need for capacity through the Airport Improvement Program (AIP). In addition to seeking nearly \$6 billion, the program would be improved in a number of significant ways. The successful program established in 1990 to convert former military air bases to civilian and joint use would be expanded to provide further capacity enhancement. AIP entitlement funds would be available for intermodal projects that directly improve access to airports. This is consistent with the principles of the NTP and is important to a number of airports where capacity is constrained by access to the airport.

In 1987, Congress authorized a pilot State Block Grant Program to let a limited number of states administer AIP funds that are apportioned to them for smaller airports. Based on the success of that program in states with adequate capabilities, we propose to expand the Block Grant Program to allow all states to participate once minimum standards have been met. The existing 10% set-aside for noise planning and mitigation would be increased to 12.5% to reduce further the environmental effect of airports on the surrounding communities. The new 2.5% would be designated on a priority basis for airports with compatible land-use controls in surrounding jurisdictions.

The proposal seeks more than \$750 million for Research, Engineering, and Development over the three years of the bill to plan for the next generation air traffic control system fully exploit satellite technology, and increase levels of automation. We recognize that R&D investments can be some of the best investments made with public funds.

In conjunction with our proposal to increase FAA's capital and research funding over the next three years by 25% compared to the amounts made available over the past

three years, we propose to finance 85% of FAA's budget from the Airport and Airway Trust Fund. This funding is consistent with civil use of the system.

An important element of this proposal is to improve further the procurement process relied upon by the FAA to achieve its mission. Accordingly, we seek the authority to undertake procurements with a limited number of sources when unique supplies or services are available from only a limited group of sources.

Our proposal contains many other important program improvements for the FAA. Among them are extension of the airport certification program to airports regularly served by smaller commercial aircraft, consistent with General Accounting Office recommendations; extension of the "war risk" aviation insurance program heavily relied on in Desert Shield/Desert Storm; making permanent the FAA's discretionary authority to reimburse some expenses of non-federal personnel attending FAA aviation security courses; opening up special excepted service appointments to retired military air traffic controllers who may be affected by defense cutbacks, and a permanent extension and modification of the civil penalty assessment program.

The proposed changes to current law are explained in the enclosed section-by-section analysis.

The FAA continues to excel in assuring the safe, efficient operation of our nation's aviation system, and it needs the resources to continue this work. Enactment of the enclosed proposal will provide the FAA with the means to meet the aviation challenges of today and tomorrow. I look forward to working with Congress to achieve our common objective.

The Office of Management and Budget advises that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

ANDREW H. CARD, JR. ●

● Mr. STEVENS. Mr. President, I join my colleagues in introducing the Aviation Safety and Capacity Expansion Act Amendments of 1992, which would reauthorize funding for the Federal Aviation Administration through 1995.

This legislation is of particular importance to Alaskans. The FAA serves a critical role in our State.

Alaska's transportation needs are unique. With one-fifth the land mass of the entire United States, we have only 12,000 miles of road—many of those unpaved. Roads do not connect our coastal communities with one another or with our interior. Only one road, the 50-year-old Alaska Highway, goes beyond the borders of our State into neighboring Canada.

More than 70 percent of our communities can be reached only by air. There isn't even a road into Juneau, our State capital. This means that mail, and even food, is delivered to most rural communities exclusively by air.

Because of this lack of roads, Alaska is vitally dependent on air transport. We have more pilots, private planes, and commuter aircraft per capita than any other State.

The FAA reauthorization bill proposes \$14.8 billion over 3 years for the

FAA's three capital programs: The Airport Improvement Program; facilities and equipment; and research engineering and development. This amounts to a funding increase of 25 percent over the past 3 years.

I want to congratulate the FAA, and our new Secretary of Transportation Andy Card, on preparing this bill.

However, I have concerns about a number of provisions, most significantly those dealing with the Civil Penalty Demonstration Program. Those provisions will have to be examined closely.

A greater concern, and one not addressed in this bill, is the overall state of the aviation industry in this country.

Over the past few years, the Nation has witnessed an unprecedented number of airline bankruptcies. Five airlines now control nearly 80 percent of the U.S. market. This situation poses a grave threat to America's rural communities.

The special needs of rural America are currently being met by a dwindling number of regional carriers. Yet, these carriers continue to be denied access to domestic and foreign markets crucial to their survival. Such a situation is unacceptable.

Senators MCCAIN and DANFORTH have joined other Members in introducing the Airline Competition Enhancement Act of 1992.

I believe this bill begins to address some of the concerns I have raised. But I also believe that more needs to be done. We in Congress cannot simply allow the regional air carriers to die off one by one. It cannot be allowed.

I look forward to working with Senators FORD and MCCAIN, not only on this important reauthorization bill, but also on additional legislation which will ensure that the needs of rural America will not be forgotten. ●

By Mr. D'AMATO:

S. 2574. A bill to reduce until January 1, 1995, the duty on certain watch glasses; to the Committee on Finance.

REDUCTION OF DUTY ON WATCH GLASSES

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to amend the the Harmonized Tariff Schedule of the United States by reducing until January 1, 1995, the duty on certain watch glasses. My colleague, Congressman HORTON, is introducing companion legislation in the House.

This bill will simply clarify the Tariff Schedule for fancy shaped watch glasses by adjusting the tariffs placed on these glasses to the level of the tariffs placed on round glasses.

Having different tariff schedules for these types of crystals is neither necessary nor practical. The extra time and work entailed for invoices and customs forms by customs agents when determining whether a watch crystal is round or shaped is burdensome and costly.

The enactment of this duty reduction would make the tariffs on watch crystals the same, regardless of the design, configuration, or curvature of the crystal. Further, this reduction would lower costs to consumers by reducing manufacturing costs.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

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

S. 2574

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

SECTION 1. WATCH GLASSES OTHER THAN ROUND WATCH GLASSES.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.70.16 Watch glasses other than round watch glasses (provided for in subheading 7015.90.20) 4.9%	No change	No change	On or be- fore 12/ 31/94".
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SEC. 2. APPLICABILITY.

The amendment made by section 1 applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act. ●

By Mr. CRANSTON:

S. 2575. A bill to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS NURSE PAY AMENDMENTS

● Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I have introduced today the proposed "Department of Veterans Affairs Nurse Pay Amendments of 1992." I am pleased that committee members DENNIS DECONCINI, DANIEL K. AKAKA, and THOMAS A. DASCHLE have joined me in introducing this measure.

The purpose of this legislation is to improve the Department of Veterans Affairs Nurse Pay Act of 1990, Public Law 101-366, so as to further the act's goal of providing VA with the tools necessary to establish appropriate locally competitive salary rates for registered nurses [RN's] and certified registered nurse anesthetists [CRNA's] and for certain other health-care personnel for whom VA may see a need to implement a system of locally competitive wages. In addition to the nurse pay provisions, the legislation contains provisions which would extend or make permanent VA's authority to carry out various health-care programs and health professional education programs.

SUMMARY OF PROVISIONS

Mr. President, I would first like to summarize the provisions of the bill.

NURSE PAY AMENDMENTS

This legislation contains amendments to the Department of Veterans Affairs Nurse Pay Act of 1990 that would enhance VA's ability to establish rates of pay that are sufficient for every VA health-care facility to recruit and retain appropriate numbers of highly qualified employees in covered positions. Specifically, these provisions would:

First, replace the current four-grade nurse pay schedule with a schedule of five grades, designated nurse I through nurse V.

Second, authorize the Secretary to establish and adjust the rates of basic pay for employees in covered positions at the Veterans Memorial Medical Center in the Philippines and the VA Medical Center in San Juan, PR, and its satellite facilities in order to provide rates of pay necessary to recruit and retain sufficient numbers of employees at those facilities.

Third, authorize the Secretary to permit the director of a VA health-care facility, in conducting a survey to establish locally competitive rates of pay for covered positions, to use data on beginning rates of compensation for employees in comparable positions at non-VA facilities in comparable, but not geographically coterminous, labor-market areas, if the director can demonstrate that sufficient data cannot be obtained within the local labor-market area to establish competitive salaries.

Fourth, authorize the director of a VA health-care facility to use, in accordance with regulations of the Secretary, data on compensation received by CRNA's employed by firms that provide anesthesia services on a contract basis within the local labor-market area, if the director can demonstrate that data on salaries paid to CRNA's employed by health-care facilities in that area are not sufficient to establish competitive salary rates.

Fifth, require the director of a VA health-care facility to survey the minimum rates of pay actually paid to—rather than established for—employees in covered positions by non-VA facilities in the local labor-market area.

Sixth, authorize the Secretary to increase the rate of basic pay paid to an employee in a covered position who transfers, upon the request of the Secretary, to a comparable position at a VA health-care facility at which the rate of pay for the position is lower than that paid by the VA facility at which the employee was previously employed.

Seventh, require VA to include information about the use of this transferred-employee pay authority in the annual report to Congress on the implementation of the VA Nurse Pay Act of 1990.

MISCELLANEOUS HEALTH-CARE, HEALTH-CARE PERSONNEL, AND EDUCATION PROVISIONS

The legislation also contains provisions that would extend or make per-

manent certain expiring VA authorities, as follows:

First, make permanent VA's authority to waive the restrictions on receipt of military retirement pay where a waiver is necessary for VA to meet special or emergency RN needs resulting from a critical shortage of well-qualified candidates.

Second, make permanent VA's authority to furnish respite care to veterans who are eligible to receive VA hospital, nursing home, or domiciliary care.

Third, extend for 4 years and 3 months, through December 31, 1996, VA's authority to contract with the Veterans Memorial Medical Center in the Philippines to furnish care to certain U.S. veterans.

Fourth, make permanent VA's authority to carry out the Department of Veterans Affairs Health Professional Scholarship Program.

Fifth, make permanent VA's authority to make grants to States for the construction or renovation of State veterans homes.

BACKGROUND

Mr. President, as the largest health-care system in the United States, employing over 35,000 nurses, VA experiences to a magnified degree the difficulties our Nation's health-care facilities face in nurse recruitment and retention. These difficulties are caused by a number of factors including a dramatic decline in enrollment in nursing schools during the 1980's, increasing use of complicated technology which requires advanced training, and increasing administrative burdens on nurses resulting from cutbacks in clerical personnel. Recent increases in nursing school enrollment and the ongoing recession have combined to mitigate VA's RN recruitment and retention difficulties but by no means have eliminated them.

Once VA's nurse recruitment and retention difficulties became apparent in the late 1980's, the House and Senate Committees on Veterans' Affairs began working on legislation to improve VA's ability to recruit and retain adequate numbers of highly qualified RN's and CRNA's. Those efforts culminated in the enactment of the Department of Veterans Affairs Nurse Pay Act of 1990, Public Law 101-366, on August 15, 1990. The act replaced VA's national salary schedule for RN's and CRNA's with a locality-pay system under which salaries for RN's and CRNA's at each VA health-care facility are established in relation to salaries and other benefits provided to RN's and CRNA's by non-VA health-care facilities in the same local labor-market area and authorizes VA to establish locality pay systems for certain additional health-care occupations.

Overall, the act appears to be a success. Since its implementation in April 1991, recruitment and retention of RN's

and CRNA's has improved significantly at many VA health-care facilities. As is often the case with new endeavors, however, some problems persist. For example, officials at individual VA health-care facilities made a number of serious errors in conducting surveys of salaries paid by non-VA facilities in their local labor-market areas prior to the effective date of the new salary rates. Many of these errors have been corrected and VA officials believe that the second round of local labor-market surveys—conducted in December 1991—generally yielded more accurate results. However, certain widespread complaints about the survey process appeared to be attributable to VA's implementing regulations or the legislation rather than human error. In addition, hundreds of RN's and CRNA's have called the committee or written to me to express concerns regarding certain of the act's provisions. Many of my colleagues have also received complaints from RN's and CRNA's employed by VA health-care facilities in their States.

As part of my efforts to address these concerns, the committee staff, at my request, met with members and staff of organizations representing VA RN's and CRNA's, including the Nurses Organization of Veterans Affairs, the Association of VA Nurse Anesthetists, the American Association of Nurse Anesthetists, and the American Nurses Association. I also wrote to VA Secretary Edward J. Derwinski to request his views in response to complaints from individual RN's and CRNA's. In general, the Secretary and other VA officials have been quite responsive to inquiries from myself and other Members and I greatly appreciate their efforts.

Sensing a need for a comprehensive, objective analysis of VA's efforts to implement the act, the committee's ranking Republican member, Senator SPECTER, and I wrote to the Comptroller General on October 29, 1991, to request that GAO evaluate VA's implementation of the act. Also, late last summer, Secretary Derwinski established a task force composed of nursing service and personnel officials and representatives from VA health-care facilities to review the implementation of the act and formulate recommendations for its improvement. GAO evaluators presented their preliminary findings to the committee in mid-February and expect to complete a final report later this year. On January 30, 1992, I received from Secretary Derwinski a list of the VA task force's suggestions for improving the legislation and VA's implementing regulations. I understand that VA officials are presently evaluating these suggestions to determine what further action VA will take or propose.

FINDINGS AND POSSIBLE ADMINISTRATIVE SOLUTIONS

Mr. President, the preliminary findings of both GAO and the VA Nurse

Pay Task Force confirm many of the RN's and CRNA's complaints and suggest that improvements need to be made in both the legislation and VA's implementing regulations.

For example, with respect to VA regulations, GAO found that VA did not fully utilize Bureau of Labor Statistics methods for surveying salaries paid to employees in covered positions at non-VA health-care facilities in a VA facility's local labor-market area. In addition, a lack of central office guidance regarding RN and CRNA participation in data collection led to wide variations in their participation. At some VA health-care facilities, RN's and CRNA's had little or no opportunity to consult with personnel administrators regarding the survey process. Lack of RN and CRNA participation at these facilities appears to have contributed to the collection of inaccurate data on salaries paid by non-VA health-care facilities and, hence, to the detriment of the act's goals, the establishment of inadequate salary rates.

Mr. President, I am quite concerned about the problems RN's and CRNA's are experiencing with the survey process. However, I note that, in the main, these problems are regulatory rather than legislative in nature and, thus, are not addressed directly in the legislation I am introducing today. Rather, I am continuing to work with VA officials and organizations representing VA RN's and CRNA's to address these problems, and I look forward to their resolution.

LEGISLATIVE RELIEF

Mr. President, the legislation I am introducing today would mandate several important changes in the act in order to improve VA's ability to establish locally competitive salary rates and reduce the salary compression experienced by RN's in the intermediate and senior grades under the current system. With respect to the compression problem, about which numerous concerns have been expressed, the legislation would replace the current four-grade RN salary schedule with a five-grade schedule. An additional grade for RN positions would establish additional coordinates within the nurse salary matrix and should, therefore, enable VA to make more equitable distinctions in rates of compensation paid to an extensive range of clinical and supervisory nurses. For example, a separate grade could be created for assistant chief nurse and nurse supervisor positions. It is my intent that, in implementing the new grade, VA would revise the qualification standards for the various grade for RN's in order to alleviate the pay-compression problems for affected categories of RN's.

Other provisions of this legislation address complaints I have received regarding the survey process. For example, many CRNA's have criticized the act for providing for VA to survey only

salaries paid by non-VA health-care facilities in local labor-market areas. These CRNA's have pointed out that many non-VA health-care facilities do not employ CRNA's but instead procure their services through arrangements with firms that provide anesthesia services on a contract basis. In local labor-market areas in which the majority of non-VA health-care facilities employ CRNA's through contracts with these firms, anesthesia contractors compete directly with VA facilities for CRNA's. To address this concern, the bill would give VA the authority to survey compensation paid to CRNA's by anesthesia contractors in those local labor-market areas.

Two other provisions of the proposed legislation would provide VA with additional tools for establishing more appropriate, locally competitive salary rates for all employees in covered positions. Directors of VA health-care facilities would be authorized to use data on beginning salary rates for employees in comparable positions at non-VA facilities in comparable, but not geographically coterminous, labor-market areas, if they can demonstrate that sufficient data cannot be obtained from non-VA facilities within the local labor-market area to establish competitive rates. This provision would be of considerable use to directors of VA health-care facilities in local, labor-market areas in which few non-VA facilities are located or in which no non-VA facilities employ personnel in certain covered positions.

Another provision would require the director of a VA health-care facility to survey the minimum rates of pay actually paid, commonly referred to as "transaction rates," to employees in covered positions by non-VA facilities in the local, labor-market area in which the VA facility is located. The act requires VA to survey the minimum rates of pay established for corresponding positions. However, many non-VA facilities routinely negotiate starting salaries for individual employees that are significantly higher than the established minimum rates of pay for the positions these employees occupy. Because data on transaction rates more accurately reflect salaries paid to employees in covered positions by non-VA health-care facilities, use of such data should improve VA's ability to establish locally competitive salary rates.

CONCLUSION

Mr. President, I plan for the committee to consider this legislation at a hearing in May. At that hearing, I also expect that the committee will receive testimony from GAO based on its study of the implementation of the 1990 act. I look forward to working with the Ranking Republican Member of our committee, Senator ARLEN SPECTER, and other members of the committee in the development of this legislation.

RN's and CRNA's play very important roles in the furnishing of VA health-care services and we must do all we can to ensure that VA has the tools it requires to recruit and retain highly qualified individuals for these positions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

S. 2575

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

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Nurse Pay Amendments of 1992".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. REVISION TO NURSE PAY GRADE SCHEDULE.

(a) REVISION.—Section 7404(b)(1) is amended in the matter relating to "NURSE SCHEDULE" by striking out "Director grade." and all that follows through "Entry grade." and inserting in lieu thereof the following:

"Nurse V.
"Nurse IV.
"Nurse III.
"Nurse II.
"Nurse I."

(b) CONFORMING AMENDMENT.—Section 7451(b) of such title is amended by striking out "four" and inserting in lieu thereof "five".

SEC. 3. PERMANENT AUTHORITY TO WAIVE CERTAIN LIMITATIONS APPLICABLE TO RECEIPT OF RETIREMENT PAY BY NURSES.

Section 7426(c) is amended by striking out the second sentence.

SEC. 4. AUTHORITY TO ESTABLISH SPECIAL RATES OF PAY FOR EMPLOYEES OF FACILITIES LOCATED OUTSIDE THE CONTIGUOUS UNITED STATES, ALASKA, AND HAWAII.

Section 7451(a)(3) is amended—

(1) by striking out "(3) The rates" and inserting in lieu thereof "(3)(A) Except as provided in subparagraph (B), the rates"; and

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

"(B) Under such regulations as the Secretary shall prescribe, the Secretary shall establish and adjust the rates of basic pay for covered positions at the following health-care facilities in order to provide rates that enable the Secretary to recruit and retain sufficient numbers of health-care personnel in such positions at such facilities:

"(i) The Veterans Memorial Medical Center in the Republic of the Philippines.

"(ii) Department of Veterans Affairs health-care facilities located outside the contiguous States, Alaska, and Hawaii."

SEC. 5. AUTHORITY TO CARRY OUT CERTAIN SURVEYS OF LABOR MARKETS IN DETERMINING RATES OF COMPENSATION OF HEALTH CARE PROFESSIONALS.

Section 7451(d)(3) is amended—

(1) by redesignating subparagraph (C) and (D) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraphs (C) and (D):

“(C) In the event that the director of a Department health-care facility who conducts a survey of beginning rates of compensation for corresponding health-care professionals in the labor-market area of the facility under subparagraph (B) determines (under regulations prescribed by the Secretary) that the size or composition of the labor-market area provides information that is not sufficient to permit the adjustments referred to in that subparagraph for the applicable covered positions, the director may conduct a survey of such rates of compensation in other comparable labor-market areas (as so determined). Any survey under this subparagraph shall be conducted in accordance with the provisions of subparagraph (B).

“(D) In the event that the director of a Department health-care facility who conducts a survey of beginning rates of compensation for certified registered nurse anesthetists in the labor-market area of the facility under subparagraph (B), and, if appropriate, a survey of such rates of compensation for such nurse anesthetists in comparable labor-market areas under subparagraph (C), determines (under regulations prescribed by the Secretary) that neither of the survey methods described in such subparagraphs is sufficient to permit the adjustments referred to in subparagraph (B) for such nurse anesthetists employed by the facility, the director may use data on the compensation paid to such nurse anesthetists under contracts with entities that provide anesthesia services through such nurse anesthetists in the labor-market area.”

SEC. 6. REVISION OF BASIS FOR CALCULATION OF COMPENSATION OF CORRESPONDING HEALTH CARE POSITIONS.

Section 7451(d)(6)(A)(i) is amended by striking out “established” and inserting in lieu thereof “paid”.

SEC. 7. ADJUSTMENT IN GRADE OR STEP OF CERTAIN HEALTH-CARE PROFESSIONALS WHO TRANSFER TO OTHER DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) AUTHORITY TO ADJUST.—Subsection (e) of section 7452 is amended—

(1) by striking out “(e) An employee” and inserting in lieu thereof “(e)(1) Except as provided in paragraph (2), an employee”; and

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

“(2) The Secretary may establish for an employee referred to in paragraph (1) who transfers (upon the request of the Secretary) to that facility a rate of basic pay that is higher than the rate of basic pay otherwise paid by that facility to an employee of that grade and step if the Secretary determines that such rate of pay is necessary to recruit the employee for employment in that facility. Whenever the Secretary exercises the authority under the preceding sentence relating to the rate of basic pay of a transferred employee, the Secretary shall, in the next annual report required under section 7451(g) of this title, provide justification for doing so.”

(b) CONFORMING AMENDMENT.—Section 7451(g) is amended by adding at the end the following new paragraph:

“(9) The justification required by section 7452(e)(2) of this title.”

SEC. 8. PERMANENT AUTHORITY TO FURNISH RESPITE CARE.

Section 1720B is amended by striking out subsection (c).

SEC. 9. EXTENSION OF AUTHORITY TO ENTER INTO CONTRACTS WITH RESPECT TO THE VETERANS MEMORIAL MEDICAL CENTER IN THE PHILIPPINES.

Section 1732(a) is amended in the matter above paragraph (1) by striking out “September 30, 1992,” and inserting in lieu thereof “December 31, 1996.”

SEC. 10. PERMANENT AUTHORITY TO CARRY OUT HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

(a) PERMANENT AUTHORITY.—Subchapter II of chapter 76 is amended by striking out section 7618.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter 76 is amended by striking out the item relating to section 7618.

SEC. 11. PERMANENT AUTHORITY TO MAKE GRANTS TO STATES RELATING TO STATE HOMES.

Section 8133(a) is amended in the first sentence by striking out “through September 30, 1992,” and inserting in lieu thereof a period.

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

By Mr. SIMON:

S. 2576. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to establish an ethnic and minority affairs section; to the Committee on Commerce, Science, and Transportation.

ETHNIC AND MINORITY AFFAIRS CLEARINGHOUSE ACT

• Mr. SIMON. Mr. President, since the beginning of the electronic media age, America has struggled with the portrayals of minorities and those of different ethnic backgrounds on television, cable and the radio. Vast segments of America's diverse population have either been unrepresented, underrepresented or inaccurately represented. This is not healthy for our multicultural society.

Complaints made to the Federal Communications Commission [FCC] about offensive portrayals go into the general pool and are lost. No tracking mechanism currently exists to document complaints about negative stereotyping, inappropriate comments and other unacceptable actions. This makes it impossible to develop an accurate sense of the extent and source of the problem.

I believe this tracking problem is easily corrected with a minimum of bureaucracy. Today, I am introducing legislation that is the companion to a bill already introduced in the House by Representative ELIOT ENGEL. I applaud his leadership in this area.

The legislation would create a department within the FCC to collect, analyze, and prepare information on the portrayal of ethnic and minority groups in the media. This information would then be made available upon request and without charge. The bill additionally calls for an annual conference to focus attention on the image of ethnic and minority groups in the

media. The FCC would be required to prepare an annual report detailing the activities of the ethnic and minority affairs office, including a compilation of all complaints, grievances, and opinions.

According to a former director of the FCC Office of Congressional and Public Affairs, the goals of this legislation can be accomplished through the creation of a newly created branch chief, and a secretary and with assistance from existing division staff. A computer system and program are already in place in the Consumer Assistance and Small Business Division of the Office of Public Affairs. It is my understanding that, because this office already handles similar functions for religious broadcasting, the addition of the ethnic and minority concerns should not be burdensome.

I believe this information is necessary in order for us to begin eliminating ethnic and minority stereotypes in the media. There is no question of the impact the media has on our society; we therefore, need to be particularly vigilant. This tracking system will aid organizations in directing efforts at the center of the problem instead of around the edges.

As has been said many times before: Information is power. The information gained through the statistic gathering will take us one step further down the road of eradicating bigotry. We must show the American people that the Federal Government cares. I urge my colleagues to move quickly and enact this legislation.

Mr. President, I ask that the text of the bill be printed at the conclusion of my remarks.

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

S. 2576

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ethnic and Minority Affairs Clearinghouse Act of 1992”.

SEC. 2. ESTABLISHMENT OF ETHNIC AND MINORITY AFFAIRS SECTION.

(a) IN GENERAL.—Section 5 of the Communications Act of 1934 is amended by inserting after subsection (d) the following new subsection:

“(e)(1) There shall be established within the Commission an ethnic and minority affairs section. Such ethnic and minority affairs section shall—

“(A) establish a clearinghouse for complaints, grievances, and opinions relating to radio, television, and cable television broadcast programming and their depiction of ethnic and minority groups;

“(B) collect, analyze, and prepare information from public and private agencies relating to the portrayal of ethnic and minority groups by radio, television, and cable television broadcast programming, and furnish such information, upon request and without charge, to public and private agencies that serve the needs and interests of such groups;

“(C) conduct an annual conference which shall be designed to focus public attention

upon the images of ethnic and minority groups depicted by radio, television, and cable television broadcast programming, discuss the impact which these images have on such groups, and encourage the participation of such individuals and public and private organizations that serve the interests of such groups; and

"(D) prepare and transmit to Congress an annual report which details the activities of the ethnic and minority affairs section, including a compilation of all complaints, grievances, and opinions filed under paragraph (1).

"(2) The chairman of the Commission shall establish an advisory committee to assist the ethnic and minority affairs section in implementing the annual conference pursuant to paragraph (1)(C).

"(3) The committee shall be composed of 15 members chosen from among radio and television broadcasters and program producers, educators, representatives from the mental health community, and leaders from ethnic and minority communities."

(b) TIME LIMIT.—The Commission shall establish the ethnic and minority affairs section referred to in subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$200,000 for each of the fiscal years 1993, 1994, 1995, and 1996 for carrying out the amendments made by this Act.♦

By Mr. GARN (for himself and Mr. HATCH):

S. 2577. A bill to provide for the exchange of certain Federal lands within the State of Utah, between the State of Utah and the Secretary of the Interior; to the Committee on Energy and Natural Resources.

UTAH FEDERAL LANDS EXCHANGE

Mr. GARN. Mr. President, I am pleased to rise today to introduce legislation to redress an unfortunate circumstance in my State. That circumstance results from conditions placed upon the State of Utah by the Federal Government at the time it entered the Union in 1896. I appreciate Senator Hatch for joining me in this effort to help the people of Utah. I am especially grateful to Governor Norm Bangertter for his tireless efforts to build support for this proposal at home.

Stated simply, at the time of statehood, the Congress granted Utah four one-square-mile land sections " * * * for the support of the common schools * * * " A quick glance at a Utah State map reveals a blue pox of hodgepodge State inholdings within Federal lands. This configuration is inefficient, cumbersome and deprives the school system of Utah tens, if not hundreds of millions of dollars. If properly managed, the income generating capability of these lands would significantly reduce the tax burden of every person in the State.

Today, Mr. President, this checkerboard scheme has the effect of giving management decision power over these school sections to the managers of these Federal lands which surrounds them.

For example, when the U.S. Forest Service or the Bureau of Land Management decide certain lands containing developable coal or other resources are better suited for other purposes, then, despite the wishes of the State, the Federal land manager can effectively veto those wishes. As a result of this dilemma, in 1991, State lands generated less than 2 percent of Utah's school budget. Two percent. The 98-percent difference is made up by the people paying inordinately high property taxes.

Utah spends more on education as a percent of the total State budget than any other State, Mr. President. Yet per capita expenditures on students is the lowest of the lowest of the fifty States. You may ask how can this be? Well, it's really very simple. The people of Utah have more kids per family than any other State. We don't complain about the kids because they represent our future. But it is no longer possible to sit idly by while the Federal Government's land management policies actively deprive Utah's State school trust lands of their revenue producing potential. Parents, teachers and administrators in PTAs throughout Utah are telling their elected representatives to fix the problem, obtain Utah's fair share of its legacy. Our legislation aims to do just that.

The bill we are introducing involves the exchange of State lands located within certain National Forests in Utah for Federal mineral interests in other Forest Service lands in Utah. It also includes an exchange of State lands located within units of the National Park System and the Navajo and Goshute Indian Reservations and adjacent Bureau of Land Management lands. In short, the effect of this legislation would be to remove the State inholdings from within each of these areas in exchange for revenue producing lands or royalties for the benefit of the State school trust.

Mr. President, Governor Norm Bangertter has recommended these proposals to generate revenues for Utah's school system. In 1896, the Congress specifically set aside these lands for that purpose. Now, 96 years later, the taxpaying parents of Utah's schoolchildren are demanding of their Representatives in Congress that this Statehood promise be carried out. Senator HATCH and I are confident that our colleagues will give this proposal a fair hearing. All we ask is that Utahans be allowed to benefit from their own lands. We ask for no hand out. We simply want what has been taken away from us de facto by the Federal land management agencies, whose objectives often differ from the legal mandate of the State to provide for the education of its children. Mr. President, I hope the Senate Energy and Natural Resources Committee will hold hearings on this initiative very soon.

Mr. HATCH. Mr. President, when Utah gained its statehood, it was given one-ninth of all acres in the State for the support of the public schools. Out of every 36 square mile township, Utah was given 4 sections. Unfortunately, much of that land now lies in the middle of Indian reservations, Forest Service units, National Parks, Monuments, Recreation areas, and land managed by the Bureau of Land Management. These lands, referred to as inholdings, are scattered throughout the State in remote, inaccessible areas.

The isolated nature of these sections has made it impossible for the State to control the management or economic development of its land, and as a result, the Utah school trust fund has been deprived of much needed revenues.

The revenues from school trust lands sales, mineral leases, and mineral royalties goes into a permanent account. Interest earnings from that account go into the State's annual education budget. At the end of 1991, Utah's permanent school trust fund contained \$44 million. When compared to its other school trust fund neighbors of Arizona, Colorado, Idaho, New Mexico, and Wyoming, Utah is far behind. Colorado's trust fund, which is the next smallest, is over \$200 million. New Mexico has over \$2.5 billion in its trust fund.

This bill will provide a process to exchange Utah's inholdings for Federal lands and part of the royalties the Federal Government receives from mineral leases in Utah. I believe this exchange would be beneficial to both the Federal Government and the State of Utah. The Federal Government would gain ownership of lands of great scenic value while the State would be able to better manage its school lands and generate revenues that are desperately needed by Utah school districts.

Mr. President, I am pleased to join with my colleague in introducing this legislation and I look forward to working with him in an effort to pass this bill that is so vital to Utah.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. BRYAN, and Mr. LEVIN):

S. 2578. A bill to prohibit the receipt of advance fees by unregulated loan brokers; to the Committee on Banking, Housing, and Urban Affairs.

ADVANCE FEE LOAN SCAM PREVENTION ACT

♦ Mr. LIEBERMAN. Mr. President, I am pleased today to be joined by Senators DODD, BRYAN, and LEVIN in introducing the "Advance-Fee Loan Scam Prevention Act of 1992." Congressman Schumer is also introducing a companion measure. This bill combats a type of scam being perpetrated by the bottom feeders of our society, who are preying upon people's desperation during hard times. The Governmental Affairs Committee's Ad Hoc Subcommittee on Consumer and Environmental

Affairs, which I chair, held a hearing to examine this problem this past December. What we learned proves that when the going gets tough, the swindlers get going.

These schemes are devilishly simple. The perpetrator takes out an ad in the paper advertising his or her ability to help people secure a loan. When the consumer, who is usually down on his luck and being hounded by creditors, calls, he or she is told that to get a loan they must pay a "processing" or "good faith" fee of anywhere from \$100 to \$100,000. The con artist then takes the money and runs. To add insult to injury, some of these con artists are even using "300" numbers to bilk even more money from the desperate. During my investigation, I received a letter from one woman who paid \$50 just for the initial, 3-minute call to a 900 number in response to an ad promising easy credit cards.

I also learned that you can't even defend yourself by asking good questions. One loan broker shut down by Connecticut Attorney General Richard Blumenthal told potential victims:

—He was a member of the Greater Hartford Chamber of Commerce—he wasn't;

—His fees for services were refundable—most weren't;

—He guaranteed he would procure loans of from \$1,000 to \$10,000—he didn't;

—Loans would come within 14 days—they didn't.

The recession has turned America into a lucrative hunting ground for these scams. Boiler rooms around the country are humming with activity, taking calls from desperate people in need of a loan. The Better Business Bureau has estimated that financially strapped consumers and small businesses are losing a million dollars or more each month to loan broker con artists. That's a million dollars a month that could otherwise be used to help people and businesses stay afloat and ride out the recession. It's a million dollars a month that is not helping to fuel our recovery.

At our hearing, we heard testimony about what States are doing successfully to combat advance-fee loan scams. The State of Florida last year passed a law to prohibit unregulated loan brokers from charging advance fees, and making violations of that law a felony. As a result, Florida has seen an 85 percent drop in the number of boiler rooms operating within its borders. Other States, including my own State of Connecticut, have moved to follow Florida's lead. A bill, modelled on the Florida law, has cleared committee and is now awaiting action in the Connecticut Senate.

But these actions by the States cannot fully address this problem. Many of these loan scammers are sophisticated, and deliberately operate across State

lines in order to attempt to frustrate State law enforcement efforts. Indeed, last December 38 States asked the Federal Trade Commission to facilitate a comprehensive, nationwide strategy to eradicate advance fee loan schemes.

This bill complements that effort. In this bill, we would prohibit unregulated loan brokers from charging fees before closing a loan. An unregulated loan broker who violates this law would be subject to criminal penalties of up to 5 years in prison, fines and civil forfeiture of all ill-gotten gains. This bill also gives the FTC the power to seek refunds for consumers, damages and civil penalties of up to \$10,000 from violators. Federal law enforcement officers will have a powerful tool that they can bring to bear especially to stop interstate advance fee loan fraud. Of course, this bill does not preempt State efforts to combat this problem.

Mr. President, it is my hope that we can move this bill quickly through Congress. Every day we delay is another day that people are being ripped off. I intend to work to try to pass this bill this year.

I request unanimous consent that a copy of the bill and a summary of the bill be reprinted in the RECORD immediately following my remarks.

SUMMARY OF ADVANCE-FEE LOAN SCAM PREVENTION ACT OF 1992 INTRODUCED BY SENATORS LIEBERMAN, DODD, BRYAN, AND LEVIN, AND BY CONGRESSMAN SCHUMER

This bill will protect consumers against unregulated con artists who hold themselves out as loan brokers, but who rarely, if ever, actually secure a loan for consumers. These con artists usually set up a boiler room operation with an 800 or 900 number and place advertisements in the newspaper encouraging consumers to call if they need a loan. When the consumer calls, they are usually told that they must pay a fee in advance. Once the fee is paid, the consumer is lulled until the broker disappears. These scams are purposefully perpetrated across State lines in order to hinder State law enforcement. The Council of Better Business Bureaus has estimated that consumers are losing \$1 million a month to these scams.

The bill prohibits any loan broker who is not regulated by the Federal Government or by the State where the consumer is located from charging any fees to the consumer in advance of closing. The bill specifically exempts banks, savings and loans, credit unions, mortgage banks, and servicers approved by Fannie Mae [FNMA] or Freddie Mac [FHLMC], and others, such as consumer finance companies, real estate agents, attorneys, and loan brokers who are licensed and regulated or supervised by the Federal Government or the State where the consumer is located. Application fees charged by auto dealers and sellers of consumer goods are also not affected by this bill.

The bill does not prohibit bona fide unregulated loan brokers from collect-

ing fees for services provided. The bill only requires that these fees be collected at or after closing of a loan, because of the tremendous amount of fraud being perpetrated now.

Violations of this bill are felonies. Violations carry penalties of up to 5 years in prison, fines, and civil forfeiture.

The Federal Trade Commission is also authorized to enforce this act. The bill allows the FTC to recover refunds for consumers, damages, and civil penalties of up to \$10,000 per violation.

This bill is modeled after successful State legislation. After Florida passed a similar bill, the number of boiler rooms in Florida dropped 85 percent. The Florida law and other similar State laws, however, cannot adequately protect consumers against loan brokers located out of State.

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

S. 2578

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

SECTION 1. SHORT TITLE.

This act may be cited as the "Advance Fee Loan Scam Prevention Act of 1992".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) **LOAN BROKER.**—The term "loan broker"—

(A) means any person who—

(i) offers to find for any individual, consumer credit;

(ii) for, or in expectation of, a consideration, assists or advises an individual on obtaining, or attempting to obtain, consumer credit; or

(iii) acts or purports to act for, or on behalf of, a loan broker for the purpose of soliciting individuals interested in obtaining consumer credit; and

(B) does not include—

(i) any insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act), any insured credit union (as defined in section 101(7) of the Federal Credit Union Act), or any depository institution which is eligible for deposit insurance under the Federal Deposit Insurance Act or the Federal Credit Union Act and has deposit insurance coverage provided by any State;

(ii) any lender approved by the Federal Housing Administration, Farmers Home Administration, or Department of Veterans Affairs;

(iii) any seller or servicer of mortgages approved by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; or

(iv) any consumer finance company, retail installment sales company, securities broker or dealer, real estate broker or real estate salesperson, attorney, credit card company, installment loan licensee, mortgage broker or lender, or insurance company if such person is—

(I) licensed by and subject to regulation or supervision by any agency of the United States or by the State in which the person seeking to utilize the services of the loan broker resides; and

(II) is acting within the scope of that license or regulation.

(2) **ADVANCE FEE.**—The term "advance fee"—

(A) means any fee (including any advance payment of interest or other fees for any extension of consumer credit) which is assessed or collected by a loan broker from any person seeking the consumer credit before the extension of such credit; and

(B) does not include—

(i) any amount that the loan broker can demonstrate is collected solely for the purpose of payment to unaffiliated, third party vendors for actual expenses incurred and payable before the extension of any consumer credit; or

(ii) any application fee or other charge assessed or collected—

(I) by a retail seller of property that is primarily for personal, family, or household purposes or automobiles; and

(II) in connection with a consumer credit transaction in which a purchase money security interest arising under an installment sales contract (or any equivalent consensual security interest) is created or retained against any such property or automobile being sold by the retail seller to the person seeking the extension of credit.

(3) **CONSUMER; CREDIT.**—The terms "consumer" and "credit" have the meanings given to such terms in section 103 of the Truth in Lending Act.

SEC. 3. PROHIBITION ON ADVANCE FEES.

(a) **IN GENERAL.**—No loan broker may receive an advance fee in connection with—

(1) arranging or attempting to arrange consumer credit;

(2) offering to find for any individual consumer credit; or

(3) advising any individual as to how to obtain consumer credit.

(b) **PROHIBITION ON FALSE OR MISLEADING REPRESENTATIONS.**—No loan broker may—

(1) make or use any false or misleading representations or omit any material fact in the offer or sale of the service of a loan broker; or

(2) engage, directly or indirectly, in any act that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a loan broker, notwithstanding the absence of reliance by the person to whom the loan broker's services are offered or sold.

SEC. 4. ENFORCEMENT BY THE FTC.

Any violation of section 3 of this Act shall—

(1) be treated as a violation of a rule of the Federal Trade Commission issued pursuant to section 18(a)(1)(B) of the Federal Trade Commission Act; and

(2) be subject to enforcement by the Federal Trade Commission under the enforcement and penalty provisions applicable to violations of such rules.

SEC. 5. CRIMINAL PENALTY.

(a) **IN GENERAL.**—Whoever knowingly violates section 3 shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

(b) **CIVIL FORFEITURE.**—Section 981(a)(1)(C) of title 18, United States Code, is amended—

(1) by striking "title or a violation" and inserting "title, a violation"; and

(2) by inserting ", or a violation of section 5(a) of the Advance Fee Loan Scam Prevention Act of 1992" before the period.

(c) **NONMAILABLE MATTER.**—For purposes of section 3005(a) of title 39, United States Code, a violation of section 3 by any person shall constitute prima facie evidence that such person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations.●

● Mr. BRYAN. Mr. President, I rise in support of the legislation introduced by Senator LIEBERMAN to eliminate one of the most disagreeable types of consumer abuses: advance fee loan scams.

The economic pressures of the current recession have created fertile ground for this type of consumer scam. At the same time individuals and small businesses across the country are struggling to make ends meet, they are falling prey to these costly scams.

The scams are fairly simple. In most cases, the scam starts with a classified advertisement promising easy availability of unsecured loans, regardless of employment status or past credit history. The victim calls the loan broker, who takes some basic information, and tells the victims that their loans have been approved. Before receiving the funds, however, the victim needs to send the broker a fee—typically several hundred dollars. As you probably expect, the victim rarely hears from the loan broker again.

These scams are being run all over the country, and the amount of money involved is enormous. The Better Business Bureau has estimated that it received over 300,000 complaints about advance fee loan scams in 1991 alone.

Just a few days ago, New York officials indicted three men on charges of running an advance fee loan scam. State attorney general Robert Abrams charged that the scheme involved more than \$900,000 stolen from more than 3,500 loan seekers.

Advertisements for these scams are not hard to find. In today's Washington Times, I found the following classified ad:

BORROW CASH UNSECURED
\$2,500 TO \$25,000 UNSECURED

A member of my staff called the 800 number listed, and asked how to apply for a loan. What followed was a picture perfect script for an advance fee loan scam. My staff was told that he had called a loan broker service, whose review department would find a loan for \$5,000 at a 12-percent interest rate. My staff person mentioned that he had experienced some credit problems, and that the banks had turned him down for a loan. The loan broker advised him that bad credit is not a problem. At the end of the conversation, the loan broker mentioned the fee—\$299, due within 24 hours after the loan was approved. The fee had to be received by the broker before the loan could be released.

While I cannot say for certain that this "loan broker" is not legitimate, it certainly appears that the odds are good that consumers who pay the \$299 fee will never receive their loan, or hear from the "loan broker" again.

A similar classified ad appeared in the Washington Times on both March 1 and February 1. While the promise was the same, "\$5,000 to \$25,000 UNSE-

CURED," the 800 numbers were different. To no great surprise to me, the 800 number advertised in February and March has been disconnected. In fact, of four ads appearing in the Washington Times on February 1 promising easy credit to individuals, three advertisers can no longer be reached at the 800 numbers listed in the advertisements. From the March 1 Washington Times, none of three easy credit advertisers could be reached at the numbers provided.

These scams have been around for years—in fact, in 1977, while I was serving in the Nevada legislature, we passed a statute prohibiting advance fees for loans. The State of Nevada, like many other States, has been vigorously investigating and prosecuting these scams, but there are limits to what the States can do without a Federal statute.

One particularly egregious example has recently been uncovered by the State of Nevada's Financial Institutions Division. On February 14 of this year, the State closed down an advance loan fee scam being operated in Carson City under the name of the "Agape Christian Church." Apparently, this operation is identical to another operation, "Our Father's Congregation," that was shut down in a number of States last year.

Nevada officials estimate that between October 25, 1991 and February 14, 1992, the leader of the Agape Christian Church in Carson City, who referred to himself as a "regional disciple," sent out over 75,000 mail solicitations promising interest free loans. The solicitations were sent to vulnerable individuals gathered from various mailing lists purchased by the scam operators.

The original solicitation promised information about the interest free loans for \$29. Consumers who responded were provided a 50-page book describing the purported church's activities, and outlining how the interest free loans could be obtained. Individuals interested in obtaining loans were required to pay an up front fee of \$300 for every \$100,000 of loan being applied for. Following the initial fee, victims were told they needed to make various types of contributions to the church over the course of a year before the loan could be granted. Often, the total contributions and fees demanded exceeded 20 percent of the value of the loan. According to Nevada officials, no loans were ever granted.

The State of Nevada did its best to fight off this scam. As I mentioned above, Nevada does have a criminal statute banning advance fee loans. These scam operators, however, were careful—they did not solicit business in the State of Nevada. As far as Nevada officials can tell, all of the victims were from outside the State.

The State did issue a cease and desist order on October 25, on the grounds that church officials were not licensed

to provide loans. The church continued to mail solicitations from Carson City, but had the stolen funds mailed to an office in the State of Washington—out of the reach of Nevada officials.

In the end, the scam artist's greed was his downfall. Nevada investigators discovered that while the funds were mailed to Washington, the leader of the scam wanted to deposit the checks himself, so the checks were sent to him in Carson City. The State of Nevada was able to close down the operation, and is currently attempting to recover any assets of the church. The State has seized one bank account with a \$41,000 balance, and has identified several other accounts held by the church. The "regional disciple," however, has filed for bankruptcy, and it is unclear if Nevada will ever be able to recover any of the stolen money. In addition, the State has not yet been able to file any criminal charges against the operator of the scam.

The State is engaged in several other innovative methods of putting these criminals out of business. For example, the State has been purchasing classified advertisements in some newspapers where the advance fee loan scams ads appear. The State's advertisement advises consumers that the advertisements offering easy credit are likely advance fee loan scams, and that individuals should contact the State before sending any money to these operations.

The States are making an effort to eliminate these scams, but the limits to their jurisdiction make it difficult to make any real progress. Several years ago, Florida was one of the most popular States to run advance fee loan scams. Florida then passed a tough advance fee loan scam law, and many of the Florida operations have disappeared. At the same time, however, it appears that the number of scams operating out of Georgia has increased. Faced with government action in Florida, scam operators have simply moved to Georgia.

The Federal Trade Commission has recognized the growing prevalence of these scams, and has been working with the FBI, Secret Service, U.S. Postal Service inspectors, and the State law enforcement and regulatory agencies to increase the sharing of information between the agencies, and to increase consumer awareness of the scams.

In spite of all these efforts, the advance fee loan scam problem continues to grow. Senator LIEBERMAN's bill, which establishes both civil and criminal penalties for operating these scams, will be extremely effective in putting these operations out of business.

Mr. President, I commend Senator LIEBERMAN for the work he has done in preparing this legislation, and I am hopeful that we can pass the bill in the current session of Congress.

I ask unanimous consent that the attached statement be inserted into the record as if read following Senator LIEBERMAN's statement on the introduction of legislation to prohibit advance fees for loans.●

By Mr. LAUTENBERG (for himself and Mr. JEFFORDS):

S. 2579. A bill to improve battery recycling and disposal; to the Committee on Environment and Public Works.

DRY CELL BATTERY MANAGEMENT ACT

● Mr. LAUTENBERG. Mr. Presiding, I rise today to introduce the Dry Cell Battery Management Act of 1992. I am pleased that my colleague from Vermont, Senator JEFFORDS, is cosponsoring this bill.

The Dry Cell Battery Management Act will reduce the amount of mercury used in disposable batteries and will mandate the recycling or proper disposal of used mercuric oxide and rechargeable dry cell batteries containing cadmium and lead. This bill, together with S. 730, the Reduction of Metals in Packaging Act which I introduced last year, will play an important role in reducing the amounts of toxic heavy metals entering our air, water, and soil.

These toxic metals threaten human health. They have been linked to cancer, decreased motor function, memory loss, brain function disorders, kidney, liver and lung disease, damage to the nervous system, and death. They also can pollute drinking water supplies, and poison marine organisms. EPA has identified mercury, cadmium, and lead as 3 of the 17 high priority toxic chemicals on which EPA is focusing pollution reduction efforts because of their toxicity. It is imperative that we reduce the amount of these metals going to our landfills and incinerators where they can be released into the environment.

Mr. President, Americans use approximately 2.5 billion dry cell batteries each year. While this accounts for less than one-tenth of 1 percent of the 180 million tons of garbage we generate each year, dry cell batteries are significant sources of mercury, cadmium, and lead in our solid waste stream today. Dry cell batteries in landfills can break down over time to release their toxic contents and contaminate our water resources. In incinerators, the combustion of dry cell batteries containing toxic metals leads to elevated toxic air emissions, and increases the concentrations of toxic metals in the resulting fly and bottom ash.

Various States including California, Michigan, Minnesota, New York, Connecticut, Vermont, Oregon, and my home State of New Jersey have passed laws either to regulate certain types of dry cell batteries, or to study their disposal.

Mr. President, there's little question that toxic metals can be dangerous.

Unlike many organic toxic substances, toxic metals do not break down into less harmful constituents. Instead, toxic metals such as lead, mercury, and cadmium persist in the environment, where they can be taken up into human, plant, and animal tissues.

Lead, which is used in the electrodes of sealed lead rechargeable batteries, has been classified as a probable human carcinogen by EPA. It has been shown to retard physical and mental development in children, leading one expert to call childhood lead poisoning "the most serious pediatric problem in the United States." But children are not the only ones at risk. Elevated lead exposures also have been linked to high blood pressure and central nervous system and kidney disorders in adults. And EPA says that lead is highly toxic to aquatic life.

Cadmium, which is used in the electrodes of rechargeable nickel-cadmium batteries, can cause kidney and liver damage. And EPA has said that exposure to high levels of airborne cadmium can result in pulmonary edema and even death, while chronic low-level exposure can result in fibrosis of the lung and lung cancer.

In 1976, EPA banned mercury in pesticide applications, after finding that mercury exposure can cause significant damage to the nervous system and kidneys. Mercury also has been linked to decreased motor functions and muscle reflexes, memory loss, headaches, and brain function disorders. And when mercury enters the aquatic environment, it can form methyl mercury which is extremely toxic to both humans and wildlife.

Mr. President, dry cell batteries fall into two major categories. The first are primary batteries—which include the familiar disposable alkaline manganese and zinc carbon types used in flash lights, toys, radios, and similar products. Primary batteries do not rely, in most cases, on toxic metals in their electrodes. Instead, most primary batteries incorporate relatively small amounts of heavy metals to suppress the unwanted formation of gases and to extend battery life.

The exception among primary batteries is mercuric oxide batteries, which are the only primary batteries in significant demand which incorporate toxic metals in their electrodes. Mercuric oxide batteries are unique in that they provide relatively constant voltage over the life of the battery, whereas the voltage from regular primary batteries tends to decrease over time. A substantial amount of medical, military, law enforcement and other equipment, including some papers and hearing aids, require this constant voltage to operate. Although alternative technologies currently are under development, the transition time is expected to be several years or more.

The other type of batteries are the secondary or rechargeable batteries,

which include nickel cadmium and sealed lead rechargeable batteries. These batteries often are marketed separately, with rechargers, for the same uses as primary batteries. Alternatively, rechargeable batteries often are permanent installed into a variety of portable rechargeable tools and appliances, such as drills, flashlights, and hand-held vacuums.

Because of technological constraints, secondary batteries rely on toxic metals in their electrodes, and therefore contain much higher levels of heavy metals than do regular primary batteries. Currently, rechargeable batteries occupy only about 8 percent of the total dry cell battery market—which is about 350,000 batteries a year, but with technological improvements, they are expected to make-up roughly 20 percent of the market within the next decade. Because rechargeables can be re-used for several years, they are relatively less raw materials than disposable batteries, and thus reduce the environmental costs of extracting virgin metals. And Consumer Reports magazine has said, "[i]n the long run, . . . rechargeables are far more economical [to the consumer] than disposables," and that "for now, . . . rechargeable nickel cadmium cells represent the "greenest" [consumer] choice." That's why my bill supports the continued use of rechargeable batteries while at the same time ensuring that they are recycled or properly disposed at the end of their useful life.

Mr. President, both primary and secondary batteries contain toxic heavy metals. However, they incorporate them for different reasons and in different amounts, and that is why my bill will treat them differently within a two-pronged Federal regulatory framework.

The first part of this framework will reduce toxic metals at the source, by prohibiting the sale of alkaline manganese, zinc carbon and consumer mercuric-oxide batteries with mercury concentrations exceeding levels established in the bill. By July 1, 1994, it will be illegal to sell consumer mercuric oxide batteries and by January 1, 1996, it will be illegal to sell most batteries which have had mercury intentionally added to them.

The five companies responsible for most of primary battery sales in the United States—Eveready, Duracell, Rayovac, Panasonic and Kodak—have already begun to reduce their mercury concentrations in line with this schedule, and I commend these companies for their efforts. This part of the bill would focus on those manufacturers who have not yet committed to these reductions.

The second part of this framework would prohibit the improper disposal of mercuric oxide and rechargeable batteries containing cadmium or lead. These batteries pose a special chal-

lenge because current technology does not allow for the toxic metal concentrations in these batteries to be reduced. Yet at the same time, these batteries serve many valuable applications and consumer and environmental benefits.

Therefore, my bill will require the manufacturers of these batteries, along with the manufacturers of products containing or using rechargeable batteries, to submit plans to the EPA within 18 months of enactment, detailing the specific mechanisms and funding sources necessary to keep these batteries out of the municipal solid waste stream. These plans must provide either for the collection and recycling of used mercuric oxide and rechargeable batteries, which is the preferable option, or the collection and disposal of these batteries in hazardous waste landfills. Three years after the bill's enactment, no one will be able to sell a mercuric oxide or rechargeable battery or a rechargeable consumer product unless the manufacturer has an approved battery management plan. EPA would be required to ensure that the plans are being implemented adequately. The disposal of these batteries in municipal landfills or through incineration by any person would be prohibited.

The bills contains a number of other elements designed to aid recycling efforts. As of July 1, 1993, rechargeable consumer products must be manufactured in a manner in which the rechargeable battery can be removable easily from the product or is contained in a battery pack separate from the product. Mercuric oxide and rechargeable batteries and rechargeable consumer products containing cadmium and lead must contain labels advising consumers to recycle or properly dispose of the battery. Manufacturers must report annually on the levels of battery recycling. Manufacturers would be prohibited from refusing to accept spent batteries from their direct customers or municipal solid waste authorities. State solid waste plans must identify efforts to collect these batteries. EPA would be required to establish a battery information dissemination program. And the bill provides for the uniform coding of dry cell batteries to facilitate the manual or automated separation of dry cell batteries.

Most importantly, the bill changes existing law regarding the handling of these batteries. EPA classifies spent mercuric oxide and rechargeable batteries containing cadmium or lead as hazardous and subjects them to hazardous waste regulations. This deters the recycling of these batteries without providing commensurate environmental benefits.

My bill would address this problem by legislatively exempting the collection, storage and disposal of dry cell batteries from the hazardous waste re-

quirements if the batteries are to be recycled. The bill will not exempt these batteries if they are destined for disposal in a hazardous waste landfill.

EPA has already established precedent in this area, by excluding the wet cell lead acid batteries used in automobiles from hazardous waste requirements.

Finally, the bill would give EPA the authority to promulgate rules regulating the sale of other dry cell batteries if they are found to pose a threat to human health or the environment. Penalties are established for violations of the Act. And State battery programs like the one in New Jersey would not be preempted except for the coding and labeling of batteries, consumer products and their packages.

This bill will benefit States like New Jersey which have dry cell battery programs. The bill will further State efforts by: First, requiring the coding of batteries to facilitate separation and recycling of batteries; second, removing the hazardous waste restrictions from collection, transportation and storage of dry cell batteries; and third, establishing a large, consistent supply of mercuric oxide and rechargeable batteries with cadmium and lead which will stimulate the growth of a domestic recycling industry.

Mr. President, toxic heavy metals are a bane to our environment, our wildlife and our people. This bill will provide effective ways to reduce exposure to these dangerous metals.

I want to commend the dry cell battery industry which has worked constructively in the development of this legislation.

I urge my colleagues to cosponsor this important bill. I ask unanimous consent that a copy of the bill, together with letters of support from Portable Rechargeable Battery Association and the Eveready Battery Company, be included in the RECORD.

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

S. 2579

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dry Cell Battery Management Act of 1992".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On the basis of available scientific and medical evidence, exposure to toxic metals, including mercury, cadmium, and lead, is of significant concern to human health and the environment.

(2) The presence of toxic metals in certain dry cell batteries is of significant concern, in light of the substantial quantity of used dry cell batteries discarded annually, and the potential environmental and health consequences associated with such disposal.

(3) It is in the public interest to reduce or eliminate the quantity and toxicity of metals in dry cell batteries, to recycle or properly dispose of dry cell batteries which con-

tain toxic metals, and to educate the public concerning the collection, recycling and proper disposal of such batteries.

(4) It is in the public interest to require each State to include dry cell battery management provisions in the laws of the State that best protect human health and the environment in solid waste management plans developed in accordance with the Solid Waste Disposal Act.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "battery pack" means any combination of dry cell batteries containing one or more rechargeable batteries generally assembled for a particular application and that commonly has wire leads, terminals and dielectric housing.

(3) The term "consumer mercuric-oxide battery" means any button-shaped or coin-shaped mercuric oxide battery that is purchased at retail by a consumer for personal or household use, and includes batteries used in hearing aids.

(4) The term "dry cell battery" means any type of enclosed device or sealed container consisting of one or more voltaic or galvanic cells, electrically connected to produce electric energy, composed of lead, lithium, manganese, mercury, mercuric oxide, silver oxide, cadmium, zinc, copper or other metals, or any combination thereof, of any shape (including button, coin, cylindrical, rectangular, and other), and of a liquid starved or gel electrolyte, weighing 25 pounds or less, that is designed for commercial, industrial, medical, institutional, or household use. Such term shall include any alkaline manganese, lithium, mercuric oxide, silver oxide, zinc-air or zinc-carbon battery, or any rechargeable battery.

(5) The term "easily removable", with respect to a battery or battery pack, means that the battery or the battery pack is either detachable or readily removable from a consumer product by a consumer with the use of common household tools.

(6) The term "lithium battery" means any dry cell battery consisting of lithium and other chemicals, of any shape (including button, coin, cylindrical, rectangular, or other).

(7) The term "manufacturer" means any person who affixes a brand name or private label on a dry cell battery, battery pack, or rechargeable consumer products with non-removable batteries.

(8) The term "mercuric-oxide battery" means a dry cell battery that uses a mercuric oxide electrode, of any shape (including button, coin, cylindrical, rectangular, or other) that is designed or sold for commercial, industrial, medical, military, or institutional use. Such term shall not include consumer mercuric-oxide batteries.

(9) The term "rechargeable battery" means any dry cell battery containing a cadmium or lead electrode, or any combination thereof, of any shape (including button, coin, cylindrical, rectangular, or other) that is designed for reuse, and is capable of being recharged after repeated uses. Such term shall not include any dry cell battery that is used as the principle power source for transportation, including automobiles, motorcycles and boats.

(10) The term "rechargeable consumer product" means any product, including any lap-top computer or cordless electric tool or appliance, containing a rechargeable battery as its primary energy supply, and that is purchased at retail and commonly used for

personal or household purposes. Such term shall not include any product that uses a rechargeable battery as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires constant electrical flow in order to function if the primary energy supply fails or waivers momentarily.

(11) The term "recycle" or "recycling" means any process by which dry cell batteries are collected, diverted from a waste stream, separated by battery chemistry, and processed to reclaim useful materials that are used as either raw material or product. Such term shall not include the combustion of waste for purposes of energy recovery or volume reduction or land disposal of any kind.

(12) The term "silver-oxide battery" means any dry cell battery, of any shape (including button, coin, cylindrical, rectangular, or other) using a silver oxide electrode commonly used in wrist watches and other electrical appliances.

(13) The term "zinc-air battery" means any dry cell battery, of any shape (including button, coin, cylindrical, rectangular, or other), consisting of zinc and potassium hydroxide, that is used in hearing aids, photographic equipment, and electrical appliances.

(14) The term "zinc-carbon battery" means any dry cell battery, of any shape (including button, coin, cylindrical, rectangular, or other), that uses zinc and manganese dioxide in its electrodes and that is commonly used in household and commercial applications.

SEC. 4. LIMITATIONS ON THE SALE OF CERTAIN DRY CELL BATTERIES CONTAINING MERCURY.

(a) IN GENERAL.—

(1) ALKALINE MANGANESE BATTERY.—No person shall sell, offer for sale, or offer for promotional purposes any alkaline manganese battery with a mercury content that was intentionally introduced, and that exceeds the applicable mercury concentration level under paragraph (2) or (3).

(2) OTHER THAN BUTTON- OR COIN-SHAPED.—(A) For any alkaline manganese battery that is not a button-shaped or coin-shaped battery, and that is manufactured on or after January 1, 1993, the applicable mercury concentration level is 250 parts per million by weight.

(B) For any alkaline manganese battery described in subparagraph (A) that is manufactured on or after January 1, 1996, the applicable mercury concentration level is 1 part per million by weight.

(3) BUTTON- OR COIN-SHAPED.—For any button-shaped or coin-shaped alkaline manganese battery manufactured on or after January 1, 1993, the applicable mercury concentration level is 25 milligrams of mercury per battery.

(b) ZINC CARBON.—No person shall sell, offer for sale, or offer for promotional purposes any zinc carbon battery manufactured on or after January 1, 1993, that contains any mercury that was intentionally introduced into the battery at a mercury concentration level greater than 1 part per million by weight.

(c) CONSUMER MERCURIC-OXIDE BATTERIES.—No person may sell, offer for sale, or offer for promotional purposes, any consumer mercuric-oxide battery on or after January 1, 1994.

(d) MERCURIC-OXIDE BATTERIES.—

(1) IN GENERAL.—No person may sell, offer for sale, or offer for promotional purposes, any mercuric-oxide battery on or after July 1, 1993, unless such person complies with the labeling requirements of paragraph (2).

(2) CONTENT.—Each mercuric-oxide battery shall include a label on the battery that contains—

(A) the statement: "CONTAINS MERCURY, MUST BE RECYCLED OR DISPOSED OF PROPERLY"; and

(B) the symbol: "Hg" (the chemical symbol for mercury).

SEC. 5. LIMITATIONS ON THE SALE OF RECHARGEABLE CONSUMER PRODUCTS.

(a) PROHIBITION.—On or after July 1, 1993, no person shall manufacture any rechargeable consumer product unless—

(1) the rechargeable battery—

(A) is easily removable from the rechargeable consumer product; or

(B) is contained in a battery pack that is separate from the product and is easily removable from the product;

(2) the rechargeable battery, battery pack, or rechargeable consumer product with non-removable battery has a brand name affixed to it;

(3) the rechargeable consumer product, the package containing the product, and the rechargeable battery are labeled in accordance with subsection (b) of this section; and

(4) the instruction manual for the rechargeable consumer product includes such information explaining methods to ensure the proper recycling or disposal of the used rechargeable batteries as required under this Act.

(b) LABELING.—

(1) IN GENERAL.—Each rechargeable battery, rechargeable consumer product, battery pack containing one or more rechargeable batteries, and the package for each such product, manufactured after July 1, 1993, shall—

(A) be labeled in a manner that is visible to consumers;

(B) include the standard abbreviation for the chemical composition of the battery or battery pack; and

(C) inform consumers that rechargeable batteries when no longer reusable must be collected, recycled, or disposed in an environmentally sound manner (as required under this Act).

(2) REQUIREMENTS FOR LABELING VISIBLE TO CONSUMERS.—(A) Labeling visible to consumers prior to purchase shall appear on—

(i) each rechargeable consumer product or the package containing the rechargeable consumer product;

(ii) each rechargeable battery or battery pack sold separately from a rechargeable consumer product, or the package containing the rechargeable battery or battery pack; and

(iii) each retail display advertising or offering for sale any rechargeable battery or battery pack.

(B) Labeling visible to consumers at the time of recycling or disposal shall appear on—

(i) each rechargeable consumer product not containing an easily removable rechargeable battery or battery pack;

(ii) each rechargeable battery or battery pack easily removable from a rechargeable consumer product; and

(iii) each rechargeable battery or battery pack sold separately from a rechargeable consumer product.

(3) CONTENT.—The labeling required under paragraph (1) shall include one of the following statements (whichever is applicable), printed in capital letters:

(A) "CONTAINS NICKEL-CADMIUM RECHARGEABLE BATTERY. MUST BE RECYCLED OR DISPOSED OF PROPERLY."

(B) "CONTAINS SEALED LEAD RECHARGEABLE BATTERY. MUST BE RECYCLED OR DISPOSED OF PROPERLY."

(C) "NICKEL-CADMIUM RECHARGEABLE BATTERY. MUST BE RECYCLED OR DISPOSED OF PROPERLY."

(D) "SEALED LEAD BATTERY. MUST BE RECYCLED OR DISPOSED OF PROPERLY."

(c) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2) of this subsection and in accordance with regulations that the Administrator shall promulgate. The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Within 30 days after the receipt of an application under paragraph (1), the Administrator shall approve or deny the application. Upon approval of the application the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that such period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that—

(A) the redesign of the rechargeable consumer product to comply with the requirements of this section would result in significant danger to public health and safety and the environment; or

(B) the rechargeable consumer product cannot reasonably be redesigned and manufactured to comply with the requirements of this section prior to the expiration of the period of the exemption (or, as the case may be, the renewal period).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraph (2). The Administrator may grant a renewal of an exemption to apply for a period of not more than 24 months after the date of granting of the renewal. Upon the expiration of the renewal, an additional renewal may be granted in accordance with the requirements and procedures described in paragraph (2). In addition to making the determinations under subparagraphs (A) and (B) of paragraph (2), in order to grant a renewal under this paragraph, the Administrator must make a determination that there is no feasible or practical alternative or substitute for the rechargeable consumer product that is the subject of the renewal application.

SEC. 6. RESTRICTIONS ON THE SALE OF MERCURIC OXIDE BATTERIES AND RECHARGEABLE BATTERIES.

(a) PROHIBITION.—Beginning on the day after the date that is 36 months after the date of the enactment of this Act, no person shall sell, offer for sale, or offer for promotional purposes—

(1) any mercuric-oxide battery;

(2) any rechargeable battery; or

(3) any rechargeable consumer product with nonremovable batteries,

unless the manufacturer of the battery or product has in effect a battery management plan, approved pursuant to section 7 of this Act, which covers such battery or product.

(b) LIABILITY FOR COSTS.—Notwithstanding any other provision of law, each manufac-

turer of a mercuric-oxide battery or rechargeable battery shall be liable for the costs related to the environmentally sound collection, transportation, and recycling or proper disposal of each mercuric-oxide or rechargeable battery produced by the manufacturer and sold in the United States incurred pursuant to a battery management plan approved pursuant to section 97 of this Act.

SEC. 7. BATTERY MANAGEMENT PLANS.

(a) IN GENERAL.—

(1) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act, the Administrator, with the advice and counsel of a Battery Management Plan Advisory Committee (hereafter in this section referred to as the "Advisory Committee") established pursuant to section 17 of this Act, shall promulgate regulations setting forth the requirements for battery management plans.

(2) PREPARATION.—Before the Administrator promulgates the regulations under paragraph (1), the Administrator, in consultation with the Advisory Committee, shall review, evaluate and compare existing battery management and collection systems, including those used in various States of this Nation, the European Community, and other major industrialized nations, and the Administrator and the Advisory Committee shall consult with the States, manufacturers, and the public to determine the most cost effective and efficient means for battery management. The Advisory Committee shall make recommendations to the Administrator upon completion of its activities under this paragraph before the Administrator promulgates the regulations under paragraph (1).

(3) BATTERY MANAGEMENT PLANS.—Not later than 30 months after the date of the enactment of this Act, each manufacturer of mercuric-oxide or rechargeable batteries or rechargeable consumer products with nonremovable batteries sold or offered for sale or promotional purposes in the United States, shall prepare and submit 1 or more written battery management plans to the Administrator for the batteries or products described in this paragraph manufactured by such manufacturer.

(4) REQUIREMENTS FOR PLANS.—The battery management plans described in paragraph (1) shall provide for environmentally sound collection, transportation, and recycling or disposal, upon termination of use, of each mercuric oxide or rechargeable battery or rechargeable consumer product with nonremovable batteries produced by the manufacturer, and shall meet the requirements of subsection (b).

(5) PROHIBITED METHODS OF DISPOSAL UNDER A PLAN.—No plan described in paragraph (1) may provide for disposal of any mercuric-oxide or rechargeable battery or battery contained in a rechargeable consumer product—

(A) by incineration for the purpose of reducing waste volume or generating energy; or

(B) in a solid waste disposal facility other than a solid waste disposal facility that is the subject of a permit issued in accordance with subpart C of the Resource Conservation and Recovery Act (42 U.S.C. 6921 et seq.).

(6) GROUP PLAN.—Two or more manufacturers subject to the requirements of this section, or an organization or association representing such manufacturer, may submit, with respect to any specific mercuric-oxide or rechargeable battery or rechargeable consumer product with nonremovable batteries manufactured by the manufacturers, one or more group plans that meet the re-

quirements of this section, in lieu of submitting individual plans.

(b) CONTENT OF BATTERY MANAGEMENT PLAN, ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—Each battery management plan described in subsection (a)(1) shall include the following:

(A) A description of the systems to be used for the collection, transportation, and recycling, or disposal of used mercuric-oxide or rechargeable batteries and rechargeable consumer products with nonremovable batteries.

(B) A commitment of financial resources by the manufacturer for the costs of implementing the plan.

(C) A strategy for informing consumers by providing the following information on any store display or advertisement that promotes the sale or use of any mercuric-oxide or rechargeable battery or rechargeable consumer product produced by the manufacturer that:

(i) The battery must be recycled or disposed of properly.

(ii) A convenient mechanism is available to the consumer for the collection, transportation, and recycling, or disposal of the battery upon termination of use.

(2) ADDITIONAL INFORMATION.—The Administrator shall, by not later than 45 days after the receipt of a plan submitted by a manufacturer, request such information as the Administrator considers necessary to review the plan. If the Administrator does not make a request under this paragraph during the 45-day period, the plan shall be deemed completed. If the Administrator makes a request under this paragraph, the plan shall be deemed completed upon receipt by the Administrator of the information requested.

(3) PLAN APPROVAL.—(A) The Administrator, in consultation with the heads of State solid waste management programs, shall approve or deny a plan submitted under this section that has been deemed completed pursuant to paragraph (2), by not later than the date that is 180 days after the date of receipt of the completed plan.

(B) If the Administrator fails to act on a completed plan within the 180-day period described in subparagraph (A), the completed plan shall be deemed approved.

(C) The Administrator shall approve the plan if the plan meets the requirements of paragraph (1) of this subsection and the Administrator determines that the plan incorporates a convenient, economically feasible, and environmentally sound method for the collection, transportation, recycling or disposal of mercuric-oxide or rechargeable batteries and rechargeable consumer products.

(4) PLAN MODIFICATION.—After a plan has been approved, the sponsor of a plan may submit a modification of the plan to the Administrator. The review and approval of a modified plan shall be conducted in the same manner as for the review and approval of a plan under this section, except that the Administrator shall by regulation establish abbreviated review periods for modification. In order to establish an abbreviated review period, the Administrator must determine that the modification to the plan is not significant.

(5) PERIODIC REVIEW.—(A) The Administrator shall review each approved plan by not later than 36 months after the date of the approval of the plan under paragraph (3), and at least every 36 months thereafter.

(B)(i) If, upon completion of a review under subparagraph (A), the Administrator determines that a plan no longer incorporates a convenient, economically feasible, and envi-

ronmentally sound method for the collection, transportation, and recycling or disposal of mercuric-oxide or rechargeable batteries, or rechargeable consumer products with nonremovable batteries or the plan is not being implemented adequately, the Administrator shall issue a written finding, and require the manufacturer to submit a modified plan to remedy the problems identified in the finding.

(ii) During the period of time beginning on the date of issuance of a request by the Administrator for a revision of a plan and the approval by the Administrator of a modified plan, the plan reviewed by the Administrator under subsection (A) shall remain in effect.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, each manufacturer that produces any mercuric-oxide or rechargeable battery shall submit a written report to the Administrator concerning the recovery, recycling, and reclamation rates for all mercuric-oxide and rechargeable batteries and rechargeable consumer products with nonremovable batteries produced by the manufacturer. In lieu of submitting an individual report, the manufacturer may submit a group report with one or more manufacturers of such batteries and products.

(d) REQUIREMENTS.—

(1) IN GENERAL.—For the purposes of carrying out the collection and recycling requirements of this section, with respect to used dry cell batteries the requirements relating to spent lead-acid batteries being reclaimed, described in subpart G of part 266 of title 40, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act), shall apply (in the same manner as for spent lead-acid batteries) to any person who generates, transports, or collects any used mercuric-oxide or rechargeable batteries, or who stores, but does not reclaim any such batteries.

(2) FACILITY OWNERS OR OPERATORS.—For the purposes of carrying out the collection and recycling requirements of this section with respect to used dry cell batteries, the requirements relating to spent lead-acid batteries being reclaimed described in subpart G of part 266 of title 40, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act), shall apply (in the same manner as for spent lead-acid batteries) to any owner or operator of a facility that stores used mercuric-oxide or rechargeable batteries before reclaiming such batteries.

(3) REGULATIONS.—The Administrator may promulgate regulations establishing such additional requirements on the collection, transportation, or storage of mercuric-oxide or rechargeable batteries as are necessary to protect public health and safety and the environment.

SEC. 8. PROHIBITION RELATING TO FAILURE TO CARRY OUT REVERSE DISTRIBUTION.

No manufacturer of rechargeable batteries, battery packs, or rechargeable consumer products may refuse (or otherwise fail to accept) from any direct customer or municipal solid waste collection authority spent rechargeable batteries, battery packs, and rechargeable consumer products with nonremovable batteries sold by the manufacturer.

SEC. 9. PROHIBITION RELATING TO THE DISPOSAL OF USED MERCURIC-OXIDE OR RECHARGEABLE BATTERIES OR RECHARGEABLE CONSUMER PRODUCT WITH NONREMOVABLE BATTERIES.

No person shall recycle or dispose of any used mercuric-oxide battery or rechargeable

battery or rechargeable consumer product with nonremovable batteries in a manner that is inconsistent with section 6, 7 or 8 of this Act (including any regulation promulgated to carry out any such section).

SEC. 10. STATE SOLID WASTE MANAGEMENT PLANS.

The Administrator shall require, by regulation, that each State solid waste management plan developed pursuant to subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) shall, in addition to meeting the minimum requirements under section 4003 of such Act (42 U.S.C. 6943), ensure compliance with this Act (including any regulation promulgated pursuant to this Act). Each such State plan shall provide for a program to collect from consumers and institutions used mercuric-oxide and rechargeable batteries and rechargeable consumer products with nonremovable batteries.

SEC. 11. ADDITIONAL AUTHORITY.

If the Administrator issues a written determination that the continued disposal into the solid waste stream of any dry cell battery (including any used lithium, silver-oxide, zinc-air, alkaline-manganese, nickel-metal hydride or zinc-carbon battery) poses a threat to the environment or public health and safety, the Administrator may issue regulations that establish appropriate activities that any manufacturer of the battery must carry out to reduce the level of risk associated with the disposal of the battery.

SEC. 12. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of appropriate industries and groups, establish an outreach program to provide information to the public concerning the proper handling and disposal of used mercuric-oxide and rechargeable batteries and rechargeable consumer products with nonremovable batteries.

SEC. 13. PENALTIES.

Any person who violates a provision of this Act (other than a State acting pursuant to section 9) shall be subject to a civil penalty in an amount not less than \$1,000 per day for each such violation. Each day of violation shall constitute a separate offense.

SEC. 14. CODING.

(a) IDENTIFICATION OF DRY CELL BATTERY.—Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with State solid waste officials and battery manufacturers, shall issue regulations to require manufacturers of dry cell batteries manufactured or offered for sale in the United States to encode such batteries for the purposes of identifying the brand name and electrode type. The code shall facilitate manual or automated separation of rechargeable consumer products and rechargeable batteries or battery packs. Such code may include color codes or machine-readable bar codes. In preparing battery coding regulations, the Administrator shall review, evaluate and compare battery coding systems in use by various manufacturers, the States, and major industrialized nations, and shall adopt the coding system that will best facilitate international battery recycling and disposal efforts. Such regulations shall apply to dry cell batteries manufactured on or after July 1, 1994.

(b) BUTTON AND COIN CELL BATTERY EXCEPTION.—

(1) IN GENERAL.—Dry cell batteries which resemble buttons and coins in size and shape shall be exempt from the coding regulations issued under subsection (a), except that consumer mercuric-oxide batteries shall be encoded with a plus sign (“+”) inside a circle.

(2) EXCEPTION.—Notwithstanding paragraph (1), if the Administrator determines that the coding of a button or coin battery described in paragraph (1) would not interfere with the electrical conductivity between cell terminals or the electrical contacts in devices with respect to which the cells are used with the battery mechanism of consumer product, and would not cause unfavorable reactions or effects in the battery powered product the Administrator shall, by regulation, require the coding of such battery pursuant to this section.

(c) UNIFORMITY.—No State or political subdivision thereof may enforce any requirement of a State or local law applicable to the coding of any dry cell battery after July 1, 1994, unless such requirement is identical to a provision of this Act.

SEC. 15. INFORMATION GATHERING AND ACCESS.

(a) ACTION AUTHORIZED.—Any officer, employee, or representative of the Administrator is authorized to take action under subsection (b) or (c), or both, at any facility or other place or property where entry is necessary to determine compliance with, or to enforce this Act.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Any officer, employee, or representative of the Administrator may require any person who has (or any person whom such officer, employee, or representative has reason to believe may have) information relevant to the implementation of this Act to furnish, upon reasonable request, information or documents pertaining to such matter. In addition, upon reasonable notice, such person either—

(A) shall grant any such officer, employee, or representative access during regular business hours to such facility or location to inspect and copy all documents and records relevant to such matters; or

(B) shall copy and furnish to the officer, employee, or representative all such documents or records, at the option and expense of such person.

(2) CONFIDENTIALITY.—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

(c) INSPECTION AND SAMPLES.—

(1) IN GENERAL.—Any officer, employee, or representative described in subsection (a) is authorized to inspect and obtain samples from any facility (or other location) described in subsection (a). Any such officer, employee, or representative is authorized to inspect and obtain samples of any materials maintained at such facility or location. Each such inspection shall be completed with reasonable promptness.

(2) SAMPLES.—If the officer, employee, or representative obtains samples pursuant to paragraph (1), before leaving the premises of the facility (or other location) such officer, employee, or representative shall give to the owner or operator of such facility (or other location) a receipt that describes the sample obtained and, if requested, a portion of each sample. A copy of the results of any analysis made of such samples shall be furnished promptly to the owner or operator of the facility (or other location).

(d) COMPLIANCE ORDERS.—

(1) ISSUANCE.—If consent is not granted regarding any request made by an officer, employee or representative under subsection (b) or (c), the Administrator may issue an order to direct compliance with the request. The order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances.

(2) COMPLIANCE.—The Administrator may request the Attorney General to commence a

civil action to compel compliance with a request or order described in paragraph (1). In any case where there is a reasonable basis to believe there may be a violation of this Act, the court shall—

(A) in the case of interference with entry or inspection, enjoin such interference, or direct compliance with any order issued by the Administrator to prohibit interference with entry or inspection (unless under the circumstances of the case, the demand for entry or inspection is arbitrary and capricious, an abuse of discretion, or does not otherwise meet the requirements of applicable laws); or

(B) in the case an order or request for any information or document, enjoin interference with such request or order (unless under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse of discretion, or does not otherwise meet the requirements of applicable laws).

(e) **STATUTORY CONSTRUCTION RELATING TO PREEMPTION.**—Nothing in this section shall be construed so as to preclude the Administrator or a State from securing access or obtaining information in any lawful manner that is not described in this section.

SEC. 16. PREEMPTION.

Except as provided in section 14 of this Act, and in any provision of this Act relating to the labeling of any mercuric-oxide or rechargeable battery, battery pack, or rechargeable consumer product or package containing such product or package, nothing in this Act shall be construed so as to prohibit a State from enacting and enforcing a standard or requirement relating to dry cell batteries that is more stringent than a standard or requirement established or promulgated under this Act.

SEC. 17. ADVISORY COMMITTEE.

(a) **BATTERY MANAGEMENT PLAN ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—Not later than 6 months after the date of the enactment of this Act, the Administrator shall establish a Battery Management Advisory Committee (hereafter in this section referred to as the "Advisory Committee").

(2) **MEMBERSHIP.**—The Advisory Committee shall consist of 11 members. The members of the Committee shall include representatives of State and local governments, national environmental organizations, and organizations representing dry cell battery manufacturers and the battery recycling industry.

(3) **VACANCIES.**—Any vacancy on the Committee shall be filled in the same manner as the original appointment.

(4) **CHAIRMAN.**—A Chairman shall be selected by the Administrator from among the members of the Advisory Committee.

(5) **COMPENSATION.**—(A) Each member of the Committee, who is not an officer or employee of the Federal Government, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or

regular places of business in the performance of services for the Committee.

(6) **DUTIES OF THE ADVISORY COMMITTEE.**—The Committee shall advise the Administrator concerning the development of regulations for the preparation and management of battery plans pursuant to section 7(a) of this Act, and shall advise the Administrator concerning any other matter that the Administrator determines to be appropriate.

(7) **MEETINGS.**—The Advisory Committee shall meet at the call of the Chairman.

(8) **STAFF.**—The Administrator shall provide such staff as may be necessary to enable the Advisory Committee to perform its duties.

(9) **TERMINATION.**—The Advisory Committee shall terminate on January 1, 1998.

(b) **AUTHORIZATION.**—There are authorized to be appropriated \$100,000 to carry out the provisions of this section.

SEC. 18. REPORT TO THE CONGRESS.

(a) **IN GENERAL.**—Not later than 36 months after the date of the enactment of this Act, after opportunity for public comment, the Administrator shall submit a report to the Congress that documents the implementation of this Act, and makes such recommendations as the Administrator determines to be appropriate.

(b) **CONTENTS OF REPORT.**—The report described in subsection (a) shall include the following:

(1) A review of any activities carried out by States in response to this Act, including any administrative actions taken to protect public health and safety and the environment with respect to the collection, transportation, and recycling or disposal of dry cell batteries.

(2) An estimate, for the period beginning on the date of the enactment of this Act, and ending on the date of preparation of the report, of any reduction in the number of dry cell batteries (particularly mercuric-oxide and rechargeable batteries) entering the solid waste stream for disposal in incinerators and municipal solid waste landfills.

(3) An estimate of further reductions that will occur.

(4) A review of the recycling and reclamation rates for mercuric-oxide and rechargeable batteries and rechargeable consumer products with nonremovable batteries and recommendations for improving such rates.

(5) An analysis of costs associated with implementation of dry cell management plans and recommendations as to how such costs can be reduced.

SEC. 19. CONFORMING AMENDMENT.

Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) by striking "or" at the end of subsection (b);

(2) by striking the period at the end of subsection (c) and inserting ", or"; and

(3) by adding at the end of the section the following new subsection:

"(d) The Dry Cell Battery Management Act of 1992."

SEC. 20. AUTHORIZATION OF APPROPRIATIONS.

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

EVEREADY BATTERY COMPANY, INC.,

April 9, 1992.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I understand that you intend to introduce today your bill, the Dry Cell Battery Management Act of 1992.

Eveready Battery Company is the world's largest manufacturer of dry cell battery products, including the Eveready and Energizer brand products.

Eveready Battery Company, through the Dry Battery Section of the National Electrical Manufacturers Association (NEMA), has worked closely with Mr. Ric Erdheim of your staff to hammer out the details of this bill in order to ensure a workable and effective program. The bill contains several environmentally important provisions, as you know, including (a) the reduction or elimination of mercury from alkaline manganese and zinc carbon batteries and (b) collection of mercuric oxide, nickel cadmium and sealed lead batteries.

Based on our discussions with Mr. Erdheim, Eveready supports this legislation. I must emphasize that we have not seen the final language of the legislation, and we must review it carefully and in detail before giving a final endorsement. It will take a period of time to complete the careful review that is needed, and we will provide you more detailed comments at that time.

Again, Eveready has been pleased to work with you and your staff to develop this legislation, and based upon our understanding of the discussions we have had about the proposal, we support it. Thank you for your consideration.

Sincerely,

TERRY N. TELZROW,
Manager, Product Safety and Standards.

PORTABLE RECHARGEABLE
BATTERY ASSOCIATION,

April 9, 1992.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am Chairman of the Legislative Committee of the Portable Rechargeable Battery Association (PRBA). The PRBA membership includes approximately 100 major manufacturers of rechargeable batteries and products powered by rechargeable batteries. The five members of PRBA who manufacture the rechargeable cells that are combined into batteries which power rechargeable products—Gates Energy Products, Panasonic, Saft, Sanyo and Varta—produce ninety percent of the world's rechargeable cells. These cells utilize nickel-cadmium and lead-acid technologies.

I understand that your legislation on batteries may be introduced today in the Senate. On behalf of PRBA, my colleagues and I have worked with your staff since the inception of your proposed legislation, and we very much appreciate their positive attitude.

From a vantage of working in many states on battery legislation, we believe that your bill will greatly facilitate the direction of battery legislation across the United States. This legislation will help keep batteries out of the municipal solid waste stream by recycling these batteries.

My Committee and I fully support your bill as presented to us today, and fully believe that the Board of Directors of the PRBA will ratify our voice of support given your bill on behalf of the PRBA. The Board will vote on this Tuesday. I fully expect to provide you with a letter of support from the PRBA Board at that time, and I look forward to working with the PRBA member companies, with the various states and with environmental groups to assure passage of this important legislation.

Sincerely,

ROBERT L. GUYER,
Chairman, PRBA Legislative Committee.

PORTABLE RECHARGEABLE BATTERY
ASSOCIATION MEMBERSHIP

1. AEG Power Tool Corporation
2. AER Energy Resources, Inc.
3. AIWA America, Inc.
4. Alexander Manufacturing Company
5. American Telephone & Telegraph Company
6. ANDO Corporation
7. Bausch & Lomb Oral Care Division
8. Black & Decker (U.S.) Inc.
9. Bodine Company, Inc., the
10. Braun Inc.
11. Brinkmann Corporation, the
12. BRK Electronics
13. Canon U.S.A., Inc.
14. Casio, Incorporated
15. Cat Eye Company, Ltd
16. Coleman Outdoor Products, Inc.
17. Compaq Computer Corporation
18. Digi-Key Corporation
19. DJ Incorporated*
20. Electronic Industries Association
21. Elpower Corporation (Technacell)
22. Epson America, Inc.
23. Eveready Battery Company, Incorporated
24. FEDCO Electronics Incorporated
25. Fujitsu Limited
26. Freudenberg Nonwovens*
27. Fuji Film America, Inc.
28. Furukawa Battery Co., Ltd., the
29. Gates Energy Products
30. GP Batteries, International, Ltd.
31. GS Battery (U.S.A.) Inc.
32. Hitachi Home Electronics (America), Inc.
33. Hoover Company, the
34. Illinois Tool Works (ITW)
35. INCO Ltd.*
36. Inmetco*
37. Intermec Corporation
38. International Components Corporation*
39. Izumi Products Company
40. Jabro Batteries, Inc.
41. Japan Worksystems Company, Limited
42. John Fluke Mfg. Co., Inc.
43. John Manufacturing Ltd.
44. Librex Computer Systems
45. Makita U.S.A., Inc.
46. Matsushita Electric Corporation
47. Maxell Corporation of America
48. Milwaukee Electric Tool
49. Minolta Corporation
50. Mitsubishi Electric America, Inc.
51. Motorola Inc.
52. National Power Corporation
53. Nikon Americas Inc.
54. Nippondenso Co., Ltd.
55. Noranda Sales Corporation, Ltd.
56. North American Phillips Company
57. OKI Telecom, Inc.
58. Panasonic Industrial Company
59. Pentax Corporation
60. Porter-Cable Corporation
61. Poulan/Weed Eater
62. Pro Battery, Inc.
63. Progressive Technologies
64. Rayovac Corporation
65. Remington Products Inc.
66. Ricoh Corporation
67. Robert Bosch Power Tool Corporation
68. Ryobi North America, Inc.
69. Saft America Inc.
70. Sanyo Energy (U.S.A.) Corporation
71. Sanyo North America Corporation
72. Sharp Electronics Corporation
73. Shin-Kobe Electrical Machinery Company
74. Skil Corporation, Subsidiary of Emerson Electric
75. Sony Corporation of America
76. Streamlight, Inc.
77. Sumitomo Corporation of America*

78. Tamiya America, Inc.
79. Tandy Corporation
80. Teledyne Water Pik
81. Texas Instruments
82. Thomson Consumer Electronics, Inc.
83. Tocad America, Inc.
84. Toro Company, the
85. Toshiba America, Inc.
86. Uniden America Corporation
87. US JVC Corporation
88. Varta Batteries
89. Wen Products, Inc.
90. Windmere Corporation
91. Yamaha Corporation
92. Year by Year Inc. (Manada)
93. Yuasa Battery Company, Ltd.
94. Zenith Electronics Corporation •

• Mr. JEFFORDS. Mr. President, I want to applaud my colleague from New Jersey for the bill he and I are introducing today. Before proceeding with my statement, I want to commend my colleague's staff for the many, many hours spent developing and negotiating this proposal with both the battery manufacturers and environmentalists. My colleague's efforts were instrumental in the bringing this issue to light in the current RCRA debate.

I would also like to commend my constituents. Last year, Mr. President, the Vermont legislature enacted a dry cell battery recycling law requiring manufacturers to take back old dry cell batteries. This law resulted from the efforts of many Vermonters, including the residents of Randolph, VT. Dry cell batteries can contain mercury, cadmium, and nickel. If disposed in a landfill, these toxic heavy metals can leach into ground water. If burned in an incinerator, the metals can end up in the air we breathe or as particulates which can contaminate lands miles away from the incinerator. Keeping batteries out of the waste stream can eliminate a major source of these metals in solid waste. I applaud my constituents, such as Mitch Harness, Karen O'Dato, Frank Reed, and Michael Bender, for their foresight in recognizing the need to remove batteries from the waste stream.

Over the past year, my office has been in contact with both Randolph and more frequently, the Central Vermont Planning Commission; two of the leaders in battery recycling. One of the problems associated with battery recycling is that when collected, the old batteries can be classified as a hazardous waste. This classification can significantly impede the handling of old batteries. For example, when shipped back for recycling, a hazardous waste transporter would be required. The costs of transportation increase significantly. I do not believe it necessary to consider dry cell batteries a hazardous waste if they are being returned for recycling. This bill addresses this important Vermont concern by allowing batteries to be shipped as a nonhazardous waste. A similar exemption already exists for old lead acid batteries which are clearly, in my mind, more a potential risk than a dry cell battery.

I believe this issue should be considered in the current RCRA debate. If RCRA does not pass this year, however, I hope the Environment and Public Works Committee will move this legislation independently. This legislation should not be delayed because of concern over more controversial issues.

Last, I hope to further encourage battery recycling by asking EPA to fund or cooperate in funding pilot-scale or larger battery recycling facility. It is my understanding that the Scandinavians have developed exciting technology that allows the metals to be recycled. I believe demonstrating this technology in our country could greatly enhance recycling.

In closing, Mr. President, I would again like to recognize the efforts of my colleague from New Jersey. I would also like to thank my colleague in the House, Representative SANDERS, for his decision to join our efforts in increasing the recycling of dry cell batteries. •

By Mr. DECONCINI:

S. 2605. A bill to amend title 35, U.S. Code, to harmonize the U.S. patent system with foreign patent systems; to the Committee on the Judiciary.

PATENT SYSTEM HARMONIZATION ACT

• Mr. DECONCINI. Mr. President, I rise to introduce legislation to encourage healthy debate on the complex and far-reaching issue of patent harmonization. Representatives HUGHES and MOORHEAD are introducing the companion version of this legislation in the House.

One of the most significant international developments involving intellectual property laws has been the recent heightened global interest in harmonizing certain aspects of national patent laws. The goal of these efforts is to facilitate protection of inventions in several countries by establishing uniform procedures and standards for protection.

For years the United States has been involved in negotiations with other countries in an effort to harmonize their respective patent laws. Our Patent Office has been engaged in harmonization discussions in the trilateral arrangements with the Japanese Patent Office and the European Patent Office. More importantly, there have been a series of meetings over the years specifically convened on this topic by the World Intellectual Property Organization [WIPO].

Harmonizing is not a simple process. It would require substantive changes to the patent laws of each participating country to conform to any treaty. Harmonization would lead to the most significant change in U.S. patent law since the Patent Act of 1836. Thus, it is my view that such drastic changes to fundamental aspects of our patent system should be examined and considered in Congress and not in a backroom meeting in Brussels or Geneva.

* Denotes Assoc.

The most important change to our system through an harmonization agreement would be to transform our patent system from a first-to-invent to a first-to-file system. This legislation would implement that change. It has been asserted that implementation of a first-to-file system is necessary in order for the United States to obtain beneficial concessions from other countries in the harmonization negotiations.

Under a first-to-invent system, the right to a patent resides with the inventor determined to be the first inventor to make the invention in the United States. Under the first-to-file system, the right to patent resides with the first inventor to file, not necessarily the first to make the invention.

Presently, the United States is the only industrialized country with a first-to-invent system. The first-to-invent system has been used by the United States for 200 years. It is based on the notion that it is more fair and appropriate to award a patent to the first inventor. Abandoning a first-to-invent for a first-to-file system has been a very contentious issue that has yet to develop a widespread consensus.

This legislation would also establish prior user rights for those who use an invention before it is patented by another person, if the user acted in good faith in establishing these prior user rights. This change is needed as a result of the change to first-to-file and it would provide equitable treatment for those who are using an invention but are not the first-to-file.

This legislation would require the Patent Office to open patent applications for public inspection 18 months after they are filed. Currently, the United States keeps a patent application confidential while it is pending before the Patent Office. With early publication, technological progress will be accelerated through disclosure and potential patent conflicts will be more apparent.

The Patent Harmonization Act will offer the opportunity for inventors to request an accelerated search and examination. This bill would also change the patent term from 17 years of date the patent is issued to 20 years from the date of filing. Measuring a patent term from filing date would prevent the issuing of a patent many years after a given industry adopts the technology covered by the patent.

Undoubtedly, many benefits would flow from the international harmonization of the diverse patent laws of the major patent granting countries. A global economy now exists. As the world leader in innovation and cutting-edge technology, U.S. inventors and companies would finally obtain effective patent protection in other countries.

However, harmonization might also entail some burdens. The patent prac-

tices of inventors and companies would be substantially altered by a harmonization treaty. Some claim that independent inventors will lose the incentive to invent because they cannot beat large entities in a race to file at the Patent Office. Universities fear prior user rights will undermine the presumption of a patent's validity.

These are all legitimate concerns that deserve to be addressed. And it is Congress' duty to examine and weigh these benefits and burdens before the administration enters into any harmonization agreement.

Congress must determine if changing our patent system is in the best interest of the United States. By introducing this legislation today, we can begin to debate the changes a harmonization treaty would exact on our domestic patent laws.

Mr. President, I see the introduction of this legislation as the beginning of a long and thorough process. I look forward to hearing the views of the administration, the patent community, industry and the public on this legislation. As chairmen of the subcommittees having jurisdiction on patents, Representative HUGHES and I have scheduled a joint hearing to examine this legislation.

I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

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

S. 2605

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

SECTION 1. SHORT TITLE; REFERENCE.

(a) **SHORT TITLE.**—This Act may be cited as the "Patent System Harmonization Act of 1992".

(b) **REFERENCE.**—Except as expressly provided otherwise, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of title 35, United States Code.

SEC. 2. FEES.

Section 41(a)(1) is amended by adding at the end the following:

"(C) The fees due on filing an application that are required by this paragraph may be paid by an applicant in 2 parts, with the 1st part to be paid at the time of filing in the amount of \$150. The balance shall be paid, if at all, to initiate search and examination and shall be calculated based upon the claims then pending in the application."

SEC. 3. FIRST TO FILE PROVISIONS.

(a) **CONDITIONS FOR PATENTABILITY.**—(1) Chapter 10 is amended by adding at the end the following:

"§ 106. Conditions for patentability; first to file, novelty, nonobviousness, senior priority, and right to patent

"(a) **IN GENERAL.**—An applicant shall be entitled to a patent unless—

"(1) the subject matter was disclosed in the prior art, which for the purposes of this section means that such subject matter was publicly known or publicly used in the United States, or patented or described in a publication in the United States or in a foreign country, before the filing date or priority date of the application for patent,

"(2) though the subject matter is not identically disclosed or described in the prior art, the differences between the subject matter of the claim and the prior art are such that the subject matter as a whole would have been obvious at the time the application for patent for the invention was filed to a person having ordinary skill in the art to which such subject matter pertains, except that patentability shall not be negated by the manner in which the invention was made,

"(3) the subject matter is described in an application for patent of another applicant that has been previously filed in the United States and has been opened to public inspection under section 122, or

"(4) the subject matter—

"(A) was derived from an inventor not named in the application for patent, except that subject matter representing an obvious variant developed by an inventor not named in the application shall not preclude patentability under this subparagraph if such subject matter and the claimed subject matter were, at the time the application for patent is filed, owned by the same person or subject to an obligation of assignment to the same person, or

"(B) was on sale in the United States more than one year before the filing date of the application for patent.

"(b) **GRACE PERIOD.**—Notwithstanding the provisions of subsection (a), subject matter disclosed in the prior art not more than one year preceding the filing date or priority date of the application for patent shall not affect novelty or nonobviousness under this section whenever it results from a disclosure of information obtained directly or indirectly from an inventor named in the application."

(2) The table of sections at the beginning of chapter 10 is amended by adding at the end the following:

"106. Conditions for patentability; first to file novelty, nonobviousness, senior priority, and right to patent."

(b) **INFRINGEMENT.**—(1) Chapter 28 is amended by adding at the end the following:

"§ 273. Rights based on prior use

"(a) **IN GENERAL.**—A person shall not be liable as an infringer under a patent granted to another with respect to any subject matter claimed in the patent that such person has, acting in good faith, commercially used or commercially sold in the United States, or has made effective and serious preparation therefor in the United States, before the filing date or priority date of the application for patent.

"(b) **QUALIFICATIONS.**—(1) The rights based on prior use under this section are personal and shall not be subject to assignment or transfer to any other person or persons except in connection with the assignment or transfer of the entire business or enterprise to which the rights relate:

"(2) A person shall be deemed to have acted in good faith in establishing rights under this section if the subject matter has not been derived from the inventor."

(2) The table of sections at the beginning of chapter 28 is amended by adding at the end the following:

"273. Rights based on prior use."

SEC. 4. APPLICATION FOR PATENT.

(a) **BENEFIT OF EARLIER APPLICATION WITHIN 1 YEAR; RIGHT OF PRIORITY.**—Section 119 is amended to read as follows:

“§ 119. Benefit of earlier application within 1 year; right of priority

“(a) PRIORITY RIGHT IN PRIOR APPLICATIONS.—An application for patent for an invention filed in the United States by an applicant who has, or whose legal representatives, agents, or assigns have, previously regularly filed an application for a patent for the same invention in the United States or a foreign country, if such foreign country affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall be given the same effect as a regularly filed application for patent in the United States filed on the date of the prior application, if—

“(1) the application for patent is made within 1 year after the date of the prior application;

“(2) the prior application contains the information with respect to the invention that is required by the first paragraph of section 112; and

“(3) a claim of priority under this section is made within 16 months after the date of the prior application.

“(b) REQUIREMENTS FOR PRIOR APPLICATIONS FILED IN A FOREIGN COUNTRY.—If the prior application is filed in a foreign country, an application shall not be entitled to the right of priority under this section unless a certified copy of the original foreign application, specification, and drawings upon which the claim is based is filed in the United States before the patent is granted. Such certification shall be made by the patent office of the foreign country in which the prior application was filed and shall specify the date of the prior application and of the filing of the specification and drawings. The Commissioner may require the filing of the certified copy before the patent is granted at any time not earlier than 4 months after the filing date in the United States, may require an English translation of the papers filed, and may require such other information as the Commissioner considers necessary.

“(c) REQUIREMENTS FOR PRIOR APPLICATIONS FILED IN THE UNITED STATES.—If the prior application is filed in the United States, a specific reference to the prior application contained in the application for patent shall be treated as the claim for a right of priority with respect to such prior application if all other requirements for priority that are set forth in this section are met.

“(d) SUBSEQUENTLY FILED APPLICATIONS.—The right provided in this section may be based upon a subsequent regularly filed application in the same country instead of the application that is filed first in that country, if any application filed prior to such subsequent application—

“(1) has been withdrawn, abandoned, or otherwise disposed of, has not been opened to public inspection, and has not left any priority rights outstanding under this title, and

“(2) has not served, and does not thereafter serve, as a basis for claiming a right of priority under this section.

“(e) RIGHTS REGARDING INVENTOR'S CERTIFICATE.—Applications for inventors' certificates filed in a foreign country in which the Stockholm Revision of the Paris Convention is in effect and in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate, shall be treated in the United States in the same manner and have the same effect for purposes of the right of priority under this section as applications for patents, subject to the same conditions and requirements of this section as apply to such applications.”.

(b) BENEFIT OF EARLIER FILING IN THE UNITED STATES.—Section 120 is amended to read as follows:

“§ 120. Benefit of earlier filing date in the United States

“(a) OTHER PRIORITY RIGHTS.—An application for patent for an invention with respect to which the information that is required by the first paragraph of section 112 is contained in an application previously filed in the United States shall have the same effect, as to such invention, as though filed on the date of the prior application, if the application for patent—

“(1) is filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application;

“(2) contains as filed, or is amended to contain, a specific reference to the earlier filed application;

“(3) is filed identifying one or more inventors identified in the previously filed application or is filed by the same applicant for patent as in the previously filed application; and

“(4) is not entitled to assert a right of priority in the previously filed application under section 119.

“(b) AMENDMENTS REGARDING PRIOR APPLICATIONS.—An application for patent may be amended to contain a specific reference to an earlier filed application only if such amendment is made within 16 months after the filing date of the application to which such reference is made.”.

(c) DIVISIONAL APPLICATIONS.—Section 121 is amended by striking the fourth sentence.

(d) OPENING OF APPLICATIONS.—Section 122 is amended to read as follows:

“§ 122. Opening of patent applications; confidential status

“(a) CONFIDENTIALITY.—Applications for patents shall be kept in confidence by the Patent and Trademark Office and no information concerning such applications may be disclosed without authority of the applicant or owner, except as necessary to carry out the provisions of any Act of Congress, as expressly provided in this section, or in such special circumstances as may be determined by the Commissioner.

“(b) PUBLICATION.—The Commissioner shall publish patent specifications and claims promptly at or following the time provided in this section for the opening to public inspection of the application for patent.

“(c) OPENING OF APPLICATIONS.—Beginning 18 months after the filing date of an application for patent, taking into account all claims for priority or benefit of prior applications, such application for patent shall be open to public inspection and copies shall be made available to the public under such procedures as may be determined by the Commissioner.

“(d) OPENING OF APPLICATIONS BY REQUEST.—In any case in which an applicant requests that his or her application for patent be opened to public inspection, the application shall be open to public inspection as of the date of the applicant's request.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”.

(e) CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 11 is amended—

(1) by striking the item relating to section 119 and inserting the following:

“119. Benefit of earlier application within 1 year; right of priority.”; and

(2) by striking the item relating to section 122 and inserting the following:

“122. Opening of patent applications; confidential status.”.

SEC. 5. SEARCH AND EXAMINATION.

(a) SEARCH AND EXAMINATION.—Chapter 12 is amended by adding at the end the following:

“§ 136. Search and examination

“A search and examination with respect to an application for patent shall commence upon payment by the applicant of the balance of the fees under section 41(a)(1)(C). Such payment shall be made within 18 months after the earliest filing date of the application in the United States.

“§ 137. Request for accelerated search and examination

“(a) REQUEST AND FEE.—Upon request accompanied by payment of the regular fee for search and examination and a special fee which the Commissioner shall prescribe at not more than 25 percent of the fee for search and examination, an application for patent shall receive an accelerated search and examination.

“(b) COMPLETION OF SEARCH AND EXAMINATION.—Upon the request of the applicant, the accelerated search and examination under this section, including any appeal to the Board of Patent Appeals and Interferences, shall be completed with special dispatch if—

“(1) the request is made not less than 17 months before the date on which the application would be opened to public inspection under section 122 if still pending at such time;

“(2) the applicant responds to any official action under section 132 within the period for response provided under section 133, and no extension of time has been granted for such response; and

“(3) the applicant meets such other requirements for expediting prosecution as the Commissioner may impose by regulation.”.

(b) The table of sections at the beginning of chapter 12 is amended by adding at the end the following:

“136. Search and examination.

“137. Accelerated search and examination.”.

SEC. 6. ISSUE OF PATENT.

(a) CONTENTS AND TERM OF PATENT.—Section 154 is amended to read as follows:

“§ 154. Contents and term of patent

“(a) CONTENTS AND TERM.—Every patent shall contain a short title of the invention and a grant to the patentee, and his or her heirs or assigns, for a term beginning on the date on which the patent is issued and ending on a date 20 years from the date on which the application for patent is filed in the United States, excluding any claims of priority under section 119 or 365 and subject to the payment of the fees provided in this title—

“(1) of the right to exclude others from making, using, or selling the invention throughout the United States or importing the invention into the United States, and,

“(2) if the invention is a process, of the right to exclude others from using or selling throughout the United States or importing into the United States products made by that process,

referring to the specification for the particulars of the invention. A copy of the specification and drawings shall be annexed to the patent and be a part of the patent.

“(b) PATENTS BASED ON PRIOR PUBLICATION.—If a patent is granted based on an ap-

plication published under section 122(c) before the patent is granted, and to the extent the patent claims are substantially identical with the claims in the published application, the grant to the patentee shall additionally include the right to obtain a reasonable royalty from any other person who, during the period before the grant—

“(1) makes, uses, or sells the claimed invention in the United States, or imports the claimed invention into the United States, or

“(2) if the claimed invention is a process, uses or sells throughout the United States or imports into the United States products made by that process,

if the person had actual knowledge of the published application.”.

(b) **EXTENSION OF PATENT TERM.**—Chapter 14 is amended by inserting after section 155A the following:

“§ 155B. Extension of patent term in the case of secrecy orders

“Notwithstanding the provisions of section 154, the term of a patent granted on an application which was ordered to be kept secret under section 181 shall be extended for the number of years equal to the number of full years during which such order was in effect, but in no case more than 30 years from the date on which the application is filed, or from the priority date of the application. In any such case, the Commissioner shall issue a certificate of extension, setting forth the period of extension, together with the grant of the patent.”.

(c) **STATUTORY INVENTION REGISTRATION.**—Section 157, and the item relating to section 157 in the table of sections at the beginning of chapter 14, are repealed.

(d) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 14 is amended by inserting after the item relating to section 155A the following:

“155B. Extension of patent term in the case of secrecy orders.”

SEC. 7. DESIGN PATENTS.

Section 173 is amended by striking “fourteen years” and inserting “17 years from the date on which the application is filed in the United States, calculated in the manner provided in section 154(a).”.

SEC. 8. INTERNATIONAL STAGE.

Section 365 is amended—

(1) in subsection (a) by striking “which designated at least one country other than the United States”; and

(2) in subsection (b)—

(A) by striking “of the first paragraph”; and

(B) by striking “designating at least one country other than the United States”.

SEC. 9. NATIONAL STAGE.

Section 373, and the item relating to section 373 in the table of sections at the beginning of chapter 37, are repealed.

SEC. 10. TECHNICAL AMENDMENTS.

(a) **APPLICATION FOR PATENT.**—Section 111 is amended—

(1) by amending the section catchline to read as follows:

“§ 111. Application for patent”;

(2) in the second sentence by striking “an oath” and inserting “a request”; and

(3) by striking “oath” each subsequent place it appears and inserting “request”.

(b) **JOINT INVENTORS.**—Section 116 is amended in the first paragraph by striking “and each make the required oath”.

(c) **COMMENCEMENT OF NATIONAL STAGE.**—Section 371 is amended—

(1) in subsection (c) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4); and

(2) in subsection (d)—

(A) in the first sentence—

(i) by striking “, the translation” and inserting “and the translation”; and

(ii) by striking “, and the oath or declaration referred to in subsection (c)(4) of this section”; and

(B) in the fourth sentence by striking “or the oath or declaration referred to in subsection (c)(4) of this section”.

(d) **CLERICAL AMENDMENT.**—The item relating to section 116 in the table of sections at the beginning of chapter 111 is amended to read as follows:

“116. Inventors.”.

SEC. 11. EFFECTIVE DATE AND APPLICABILITY.

(a) **IN GENERAL.**—This Act and the amendments made by this Act shall take effect 6 months after the date on which the Commissioner of Patents and Trademarks certifies to the Congress that an agreement among at least Japan, the countries of the European Patent Convention that are members of the European Community, and the United States has been executed and will come into effect on or before the expiration of such 6-month period, providing for the substantial harmonization of the laws relating to patent filing and examination procedures and patentability standards among such countries, including the doctrine of equivalence.

(b) **PROVISIONS SUPERSEDED.**—On the effective date set forth in subsection (a), the provisions of sections 102, 103, and 104 of title 35, United States Code, are superseded with respect to all patents and applications for patents containing one or more claims entitled to an effective filing date that is on or after such effective date.●

Mr. MITCHELL (for Mr. WIRTH, for himself, Mr. SEYMOUR, Mr. LEAHY, Mr. BROWN, Mr. CRANSTON, Mr. ADAMS, Mr. GORTON, Mr. REID, Mr. BRYAN, Mr. BAUCUS, Mr. BURNS, Mr. CRAIG, Mr. SYMMS, Mr. GARN, Mr. HATCH, Mr. STEVENS, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. WALLOP, Mr. SIMPSON, Mr. DECONCINI, Mr. MCCAIN, Mr. AKAKA, Mr. DOMENICI, Mr. KASTEN, and Mr. DASCHLE):

S. 2606. A bill to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands; to the Committee on Environment and Public Works.

SKI AREA PERMIT ISSUANCE ON NATIONAL FOREST SYSTEM LANDS

● Mr. WIRTH. Mr. President, Senator LEAHY, Senator SEYMOUR, and I are today introducing legislation to simplify the formula under which ski areas pay rental fees to the United States for the use of national forest lands.

Nationwide, there are 132 ski areas on national forest land occupying 90,000 acres, or a mere one-twentieth of 1 percent of the National Forest System. For this use, the ski industry paid an estimated \$15 million in rental fees in 1991.

Skiing is by far the largest industry on Colorado's western slope, and contributes in excess of \$2.5 billion annually to the State's economy. Statewide, it is the largest component of the tour-

ism industry. Skiing generates an estimated 66,000 jobs, approximately 8,000 of which are employees of the ski area themselves. Due to high retail sales, the industry is especially profitable to State and local tax coffers, raising in excess \$110 million per year to these accounts.

But as the employment figures show, the ski areas themselves enjoy only a small part of the economic activity skiing helps generate. Colorado Ski Country USA, our statewide ski trade group, has estimated that ski areas on the average receive only about 10-15 cents of the average out-of-State ski vacationer's dollar. Far larger amounts are spent for airfare, lodging and meals. And although ski area lifts, snowmaking, and trail grooming give the outward impression of a very large and profitable business, ski mountain operations on the whole are a problematical business whose success is heavily dependent on the weather, the national economy and other factors beyond its control. It is a risky business.

The industry estimates one-third of ski areas lose money in many years, one-third are marginally profitable, and one-third make a modest return on investment. This marginal profitability estimate is supported by a 1989 University of Colorado study which indicated that ski area profits before taxes represent only 3.5 percent of gross revenues. In the same year, 1989, ski industry figures show that, on the average, 2.89 percent of revenues were paid to the Forest Service in fees. In other words, the ski areas paid the Forest Service fees equivalent to 80 percent of their profits for that year.

Further, by almost any definition, ski areas, although highly visible nationally, are what the government classifies as small businesses. The nation's largest ski area, Vail in Colorado, had 1990 gross revenues of approximately \$60 million. Most of Colorado's other “large” and well-known areas have gross revenues in the \$20-\$30 million range.

I note these facts, because although the ski industry pays relatively large fees to the United States as compared to other users, it is not a large and profitable industry per se. Rather its contribution and significance to the economy is largely generated by the communities and related services that evolve around it. Our ski areas are an incredible success in terms of creating economic opportunity on our national forests, but most of the ski area itself is only the beginning.

The legislation I am introducing today is largely driven by confusing and ill-advised trends in how the fees the Forest Service charge ski areas are being calculated. These changes run counter to common sense policy, and they threaten the very positive economic effects which our ski areas have had on their communities.

From the outset, we want to make it clear that this new fee proposal is intended to return at least the same rental dollars to the U.S. Treasury as the current system. It will also guarantee increasing revenues in the future by pegging fees to gross receipts. This will be fair to both ski areas and the United States, because as ski area revenues grow, so will the return to public for the use of Federal land.

Why, then, change the way these fees are calculated? The reason for our proposed change in the fee system is threefold.

First and foremost, the existing system has become too complex and subject to interpretation and dispute. The existing system is encompassed in some 40 pages of the Forest Service manual and handbook, as supplemented from time to time by interim directives. Its provisions are so overly broad and vague that it is interpreted differently by forest rangers, supervisors and auditors, and in some cases longstanding rulings and policies approved at one level of the Forest Service are overruled by auditors or supervisors at another level. In addition, policies are unevenly enforced from region to region and some ski areas are finding themselves retroactively billed for utilizing past procedures that they and their local Forest Service personnel thought were proper. Such back-billing can be extremely troublesome to an area, especially smaller areas which often operate on the margin of profitability.

The bottom line is that it should not require 40 pages for the Forest Service to figure out what rent to charge a ski area permittee. But the sad part is that the current system appears to become more like the complex Internal Revenue Code with every passing year. Our bill will change that, and reduce the fee calculation to a simple formula based on gross revenue from clearly defined sources. This simplification will greatly reduce bookkeeping and administrative tasks for both the Forest Service and the ski areas and make business planning simpler. Predictability of costs is important in any business, and especially in an industry where weather and other factors can play havoc with revenues.

The second reason for our proposed new system is that it will clearly limit ski area rental fees to activities located on Forest Service land. This is necessary because in recent years the Forest Service has been assessing fees against hotels, restaurants, ski shops and other activities located entirely on private lands, outside of the national forests.

The theory for this off-site assessment is that "but for" the ski area permit on the national forest land, there would be no ski area, and hence no hotels, restaurants or ski shops on the nearby private lands.

Several examples of this are ongoing in Colorado ski areas, and I think they illustrate how illogical and counter-productive this theory really is.

In Telluride, the ski area pays fees on the gross receipts of a ski shop located on private land in the town of Telluride. Why? Because the building is owned by the ski area president, and the Forest Service sees a "but for" relationship.

In Steamboat Springs, the revenue of several shops and restaurants located in buildings owned by the ski area on private land are included in the ski areas' assessed revenue, even though the shops and restaurants are leased to private operators, completely independent of the ski area.

At the Winter Park ski area, the Forest Service has indicated it will assess fees against any ski-related businesses which may be built on land which the ski area is seeking to acquire from the Forest Service in a land exchange. That would mean that even after the ski area pays fair market value for the land it acquires, it will also pay fees to the Forest Service for the businesses operating there. It is very hard to see how the Government can sell land and then charge a rental fee on lands it no longer owns.

In my view, these and dozens of other efforts to tax private lands for the use of nearby Federal lands is unprecedented and unwise. In late January, after several months of discussion with Colorado Ski Country USA aimed at simplifying the current system, the Forest Service circulated a new draft proposal under which ski areas would be required to pay fees on many activities on private land to the extent the national forest ski permit contributes to the private land revenue. This principle of contribution theory is not only unfair but unworkable, as our State's ski areas contribute to virtually every economic activity in our State.

Should the Forest Service get a cut of Hewlett-Packard's Colorado revenues because that company's officers and employees like to ski, and might have taken the opportunity to ski into consideration when they decided to locate facilities in our State?

No, of course not. But is that so different from the Forest Service saying it should take part of the airline tickets sold by a travel agency affiliated with a ski area? The Forest Service is doing that.

A fee system which takes a cut to activities surrounding a ski area sends all the wrong signals. It says there is no advantage in operating businesses on private land—which puts more pressure on the forests' lands. It penalizes positive economic activity—it creates disincentives to entrepreneurs who want to create jobs in ski country. And, lastly, it has no basis in common sense or the law.

This bill rejects the principle of charging a ski area for the benefits it

gives to other businesses off Forest Service lands. It proposes the only fair system. Fees for ski area use of Forest Service land will be limited to those uses and activities which are located on the national forest.

The final reason for introducing our proposal is to shift some of the fee responsibility from smaller, less profitable ski areas to the larger areas. The smaller areas comprise the majority of the 132 areas located on national forest land. While these areas are not a major component of the \$15 million paid to the Treasury, they are the ones who have the most difficult time surviving. Most are what we would recognize as local or community ski areas. These areas tend to be located where snowfall is less predictable and where local economics do not permit the heavy investment required for snowmaking to overcome weather adversity. The sad fact is that, since 1985, approximately 40 such small areas have gone out of business, with the resultant loss of opportunity for local residents to enjoy the sport of skiing in their community.

Our bill does two things for these smaller areas. First, it would slightly lower their fees in most cases. Second, and perhaps more important, it would greatly reduce bookkeeping and auditing costs by making the fee formula simpler. The latter provision is particularly important, because some small areas indicate they now spend more in bookkeeping and auditing fees to private consultants than they pay in actual rental fees to the Forest Service. Something is wrong where the cost of calculating the fee is more than the fee itself.

The modest revenue shortfall to the Treasury that would result from giving the small areas a break under our bill would be offset nationwide by modest, and in some cases, substantial, increases in the fees paid by the larger sized areas, most of which are located in Colorado and California. The Senators from Colorado and California would normally be reluctant to increase fees to their own ski areas, but we note that our ski areas unanimously support our proposal, and are willing to take the hit because they feel the simplicity and predictability of the new system will be beneficial to everyone in the long run. A great deal of ski area and Forest Service time and money is currently wasted haggling, appealing, and litigating over the ambiguities of the existing system * * * and most of the arguments involve items which comprise a small fraction of the overall revenue stream to the United States. Everyone appears to agree that simplification is in order, and that is precisely what our bill will achieve.

Before closing, there is one other matter which our bill addresses. It withdraws lands within ski area boundaries from the operation of the mining

and mineral leasing laws. This is desirable to avoid conflicts between skiing and mining activities which have evolved at some areas—and to forestall the abuse of the mining laws by pseudo-miners who stake a claim not to mine, but to extort money from a ski area, or from the Government. The Forest Service should have completed withdrawals of all ski areas years ago. This will ensure that this issue is taken care of.

In summary, our bill is mainly about paperwork reduction and fee simplification. We are not seeking to give the ski industry a break in the fees they pay. Indeed, our formula will ensure increasing revenues in the future. Rather, we are seeking to give both the industry and the Forest Service a break from what is becoming a completely unworkable and increasingly complex fee payment system. Calculating rent for the use of national forest land need not be complex, and by linking the fee directly to gross revenue, as our new formula does, the task can be made simple.

I hope that my colleagues will support this bill, and that we can quickly enact it into law.●

● Mr. LEAHY. Mr. President, I rise today in support of Senator WIRTH's bill to clarify the authorities under which the USDA Forest Service issues ski area permits on national forests.

The purpose of this legislation is to provide a simpler method of calculating ski area fees for using our national forests. In simplifying this process, the Forest Service and individual ski areas will have a clear concise formula that can be uniformly implemented across the Nation.

Currently, some confusion exists about what ski area revenues should, or should not, be included in calculating payments. The new formula will clarify this problem by providing a predictable, simple, and long term formula from which ski areas can make long-term decisions. In this way the new formula should also reduce paperwork and other administrative costs to both the Forest Service and ski areas.

I do have one concern that must be addressed before this bill moves forward. The bill—as introduced—includes final fee calculations based on multiplying a ski area's adjusted gross revenues by a percentage figure based on that area's revenues. The legislation includes for different percentages for four different revenue brackets. In authorizing these figures we must be sure that this new fee structure will return the same amount of revenues to the general treasury as the old structure does. Unfortunately, there is currently a difference of opinion on whether the bill actually does so.

I expect these differences to be worked out shortly because the parties have agreed to sit down and work out a formula that is revenue neutral and

fair to the ski area industry. I also expect for the results of this analysis to be built into this legislation before it moves through committee. Failure to do so will force me to rethink my position on this bill.

I commend Senator WIRTH for his leadership role on this issue and look forward to this legislation moving swiftly through Congress.●

● Mr. SEYMOUR. Mr. President, I rise today with the distinguished Senator from Colorado, Mr. WIRTH, to introduce legislation to reform the current ski area permitting system on U.S. Forest Service [USFS] lands.

The ski industry in America is an industry in transition. It is estimated that in my home State of California alone, there are 1.5 million individuals—about 5 percent of the population—who consider themselves avid skiers. The arrival of the second baby-boom and the increasing numbers of physically active middle-aged and senior citizens will fuel a demand that could eclipse anything the industry has experienced to date. In the Lake Tahoe basin alone, the USFS projects a growth rate of 2 to 2.3 percent a year through the year 2030.

As the ski industry prepares to meet these new challenges, it must also face a litany of environmental and economic challenges that threaten to erode a financial return that is marginal at best. For example, the University of Colorado's "Economic Analysis of North American Ski Areas," published in 1989, found that over the decade of the 1980's, the rate of return, or pretax profit of operating a ski area, has dropped by one-third—from a national average of about 5 percent to 3.5 percent. This is among the lowest profit margins in private enterprises.

The ski industry creates an enormous economic benefit, however, to ancillary businesses and is frequently the primary employer in many mountain communities. In California, for example, for every dollar spent on lift tickets, vacationing skiers spend an average of \$4 for lodging, meals, transportation and entertainment.

There are 132 ski areas that occupy 90,000 acres of Forest Service land. The ski companies that manage these areas pay about \$15 million for the right to use these lands—a fee that is far higher on a per acre basis than that paid by most other lessees and users of National Forest lands. Thirty-three of these areas are located in California.

To determine the fees owned by these ski areas, the USFS uses a formula known as the graduated rate fee system [GRFS]. This system is found in the Forest Service manual and handbook and embodies hundreds of complicated definitions, interpretations, rulings and policies. Accounting under this system is extremely complex. This complexity has led to increasing conflicts between ski areas and the Forest

Service as to what items, facilities or concepts should be included as assessable revenue.

The legislation the Senator from Colorado and I are offering today institutes a ski area permit fee which returns fair-market value to the United States while providing permittees with a simple, consistent, predictable and equitable fee formula. This formula eases the administrative and book-keeping costs currently shouldered by the ski areas and makes the process much simpler for the Forest Service to administer and enforce.

This bill establishes a simple formula for calculating the applicant's adjusted gross revenue [AGR]. Once the AGR is calculated, the following percentages determine the permit fees:

First, 1.5 percent for AGR below \$3 million;

Second, 2.5 percent for AGR between \$3 million and \$15 million;

Third, 2.75 percent for AGR between \$15 million and \$50 million; and

Fourth, 4.5 percent for AGR that exceeds \$50 million.

This system is both simple and fair. Large profitable ski areas pay more than their small marginal counterparts. The formula also assures that income to the Treasury increases as profits for ski areas rise.

Mr. President, I would like to commend my distinguished colleague from Colorado for his leadership on this important issue.●

By Mr. JOHNSTON (for himself, Mr. BUMPERS, and Mr. PRYOR):

S. 2607. A bill to authorize regional integrated resource planning by registered holding companies and their regulators, and for other purposes; to the Committee on Energy and Natural Resources.

REGIONAL INTEGRATED RESOURCE PLANNING AUTHORIZATION

● Mr. JOHNSTON. Mr. President, I am today introducing with Senators BUMPERS, and PRYOR a bill affecting the regulation and planning of registered electric utility holding company systems. At the outset, I commend the senior senator from Arkansas, Senator BUMPERS, for his efforts in helping to craft the proposal. Over the years he has been tireless on behalf of Arkansas electric consumers and has played a key role in moving Entergy Corporation—the registered holding company in our region—as well as the Arkansas Public Service Commission [PSC] and the city of New Orleans toward agreement on this proposal.

Senator BUMPERS raised the issue dealt with by this bill during consideration by the Committee on Energy and Natural Resources of our national energy security legislation last May. Unfortunately, negotiations had not then evolved sufficiently to produce a legislative product. When the energy bill was being debated on the Senate floor,

Senator BUMPERS graciously agreed not to offer this proposal as a floor amendment because he and I agreed that it required the full measure of legislative consideration. Instead, he, Senator PRYOR and I engaged in a colloquy underscoring the importance of addressing problems in the resource planning of registered holding companies. I agreed to help champion the bill and schedule it for hearing. Within the next few days I will announce a hearing date before the Committee on Energy and Natural Resources.

Mr. President, this bill deals with the question of how state utility commissions regulate operating subsidiaries of registered holding company systems in the wake of the Supreme Court's 1988 decision in *Mississippi Power & Light Co. v. Mississippi ex rel. Moore*. In that case, the Court ruled that a State commission carrying out its retail rate-making function could not question the prudence of a FERC-approved allocation of capacity purchases among affiliates of a registered holding company system.

State and Federal regulators and utilities debate the wisdom of this decision. State regulators feel strongly that the decision makes it very difficult for them to regulate resource planning by operating subsidiaries of holding companies. FERC has no clear authority in this area either because section 201 of the Federal Power Act prohibits FERC from exercising jurisdiction over generating units.

This proposal resolves the problem by giving clear planning authority to states. It proposes alternative ways to secure a regional integrated resource plan for a registered holding company system. First, it authorizes the creation of a regional board composed of State regulators that could unanimously agree to a regional integrated resource plan. Failing that, each State could adopt a State plan which, if consistent with all other State plans within the region, would become the regional plan. Finally, any State or the holding company could petition FERC to agree to a proposed plan. Once finalized by one of these methods, a plan would be binding upon the holding company, State commissions and the FERC. In his remarks, Senator BUMPERS will describe the proposal in more detail.

Mr. President, I commend Entergy, the Arkansas PSC and especially the City Council of New Orleans for their herculean efforts in reaching an agreeable compromise on this legislative proposal. It is unprecedented for a registered company and its regulators to come to grips with such an extraordinarily contentious issue, and it shows a high degree of good faith and dedication on all sides.

Yet, most of the proponents of this proposal would probably admit that it is not a perfect one. Rationalizing Fed-

eral and State regulation of utilities is a complicated undertaking, and it is especially complex in the area of regulation of registered holding company systems. So reasonable compromises may be necessary. I am hopeful that other registered holding companies and State regulators will play a helpful role in crafting a final legislative product. In any case, I intend the introduction of this bill to send a signal that our effort to resolve the problems posed by the Mississippi decision is a serious one. It is time for interested parties to come to the table.

I look forward to working with our cosponsors, State and Federal regulators, and registered holding companies toward a resolution of these important and complex issues.

• Mr. BUMPERS. Mr. President, I rise today to introduce along with Senators JOHNSTON and PRYOR a bill which deals with an issue of utmost importance to the electric customers in my State and other States served by registered holding companies.

Before I explain this proposal for the benefit of my colleagues, Mr. President, I want to commend the Arkansas Public Service Commission, the city of New Orleans and Entergy Corp. for their efforts in crafting this proposal. The issues addressed are complex ones, and they worked long and hard to come to an unprecedented agreement on this proposed legislation.

BACKGROUND

By way of background, in May of last year the Arkansas Commission and Entergy told me they believed they could negotiate a proposal that would establish a legal framework for least cost planning by registered holding company systems.

As they conceptualized it, the proposal would allow State regulators to reach agreement on a regional integrated resource plan which would make decisions with respect to the building of new generating facilities, the costs and allocation of such facilities, and the implementation of conservation and demand side measures. Once finalized, the plan would be binding upon the State commissions, the registered company, and the Federal Energy Regulatory Commission. FERC could not second guess the provisions of the plan and would be prohibited for example, from reallocating the costs of a generating unit allocated by the plan. In other words, Mr. President, there would be no future FERC decisions like Grand Gulf, where FERC reallocated the costs of a \$3.5 billion nuclear facility, increasing Arkansas' share from 0 percent up to 36 percent.

Every Member of this body knows of my longstanding interest in this issue. And so I strongly encouraged these efforts, Mr. President, and was pleased when the Arkansas Commission and Entergy, joined by the city of New Orleans, asked me to champion this pro-

posal as an amendment to the national energy strategy legislation. The proposal wasn't everything they wanted. There was give and take on both sides. It was a compromise. But of fundamental importance, the proposal would give to State regulators the authority they do not now have and allow them to ensure that registered holding company systems provide electric service at the lowest possible cost.

Mr. JOHNSTON, the distinguished chairman of the Committee on Energy and Natural Resources, and I ultimately agreed that this proposal would proceed as a freestanding bill rather than as an amendment to S. 2166, the National Energy Security Act. On February 6, during pendency of that legislation, Senator PRYOR and I engaged the chairman in a colloquy understanding the importance of this regional planning proposal, and I am particularly pleased that Senator JOHNSTON is an original cosponsor of the bill.

NEED FOR LEGISLATION

The Supreme Court in its 1988 decision in *Mississippi Power & Light* ruled that in the case of an allocation of capacity purchases among affiliated companies of a registered holding company system, a State commission could not later question the prudence of the FERC-ordered purchases.

How is least cost planning, or integrated resource planning, conducted on a registered system? After *Mississippi Power & Light*, no regulatory body has clear authority to regulate resource planning by a registered holding company system. State commissions regulating registered subsidiaries lack clear authority. FERC does not have clear authority either, because section 201 of the Federal Power Act denies FERC authority over generating units.

Thus, Mr. President, State regulators or registered holding companies are between a rock and a hard place: They are subject to FERC preemption. Yet they cannot plan and make it stick.

SUMMARY OF THE LEGISLATION

Our bill gives clear planning authority to State regulators and provides alternative ways by which the adoption of a regional integrated resource plan can be achieved. The five fundamental elements of the legislation can be summarized as follows:

First, the heart of the proposal is its broad definition of a regional integrated resource plan. The plan must evaluate a full range of resources and actions—conservation, construction of facilities, power purchases, renewable energy—and select the set of resources and actions "which will meet expected future demand of the customers of the operating subsidiaries for electricity at the lowest systemwide cost, balancing the interests of shareholders and such customers."

Second, there are three paths to a plan:

The first path involves the creation of a regional board, composed of at least one member from each regulatory jurisdiction. The board has 12 months to agree unanimously on the terms of a plan, which is then filed with FERC. FERC has no authority to change the plan.

Under the second path, where each affected State has in place a State plan, and the plans are consistent with one another, FERC is authorized to approve the combination of plans as a regional integrated resource plan. This is an exemption from the regional board process of the first path.

Under the third path, a State or the registered company may petition FERC for approval of a plan. The company, and any affected State, may propose a plan. FERC has 18 months to choose among the plans submitted and to adopt a just and reasonable plan that is not likely to minimize projected system costs. The formation of a regional board during the pendency of the FERC proceeding will preempt the proceeding for 1 year, during which time the board may agree to a plan.

Third, a final plan adopted under one of the three paths is binding on FERC, the States and the registered company. Company action inconsistent with the plan can be challenged before the regional board or FERC. Inconsistent State commission action may be challenged in U.S. District Court. Inconsistent FERC action may be challenged under existing section 313 of the Federal Power Act.

Fourth, the plan must permit the recovery of all costs associated with purchase power contracts or facilities in operation which have been included in retail rates prior to the adoption of the plan.

And fifth, any person who is aggrieved by the adoption of a regional integrated resource plan may seek review under existing section 313 of the Federal Power Act.

BENEFITS OF REGIONAL INTEGRATED RESOURCE PLANNING LEGISLATION

Mr. President, I think everyone introducing this bill today would agree that the legislation is not perfect. Changes most likely will be needed to simplify the process. However, I am committed to developing a consensus behind the necessary changes and enacting regional integrated resource planning legislation this year.

Who benefits from such legislation, Mr. President? The answer is everyone.

Customers of registered holding companies benefit because a regional integrated resource plan must meet customer demand at the lowest cost. That is the essence of least cost planning. The mix of resources chosen by the plan must meet this standard. There is no such requirement in current law. In addition, customers in States like Arkansas gain the assurance that FERC won't force them to pay for a share of

generating units and resources greater than that share set out in the plan.

State commissions that regulate the operating subsidiaries of registered companies benefit because they may exercise authority denied them by the Mississippi Power & Light decision, and the plan cannot be overturned by FERC just because a majority of FERC commissioners would have preferred a different one. FERC could not reallocate generating units and other resources set out in the plan. State regulators also gain an increased assurance that their approval of resource acquisitions will not be undone by the actions of fellow regulators in neighboring states which are part of the same integrated system.

Registered companies benefit because they get planning certainty they do not now have. They gain a form of preapproval that enhances the likelihood that their operating utilities will recover prudent resource investments. As I have said many times, once the plan is adopted it is binding on the world. Planning will reduce risks for both customers and shareholders.

CONCLUSION

Mr. President, regional integrated resource planning legislation is sorely needed. It has broad support among state regulators.

I commend this legislation to my colleagues, and look forward to Hearings on the proposal in the Committee on Energy and Natural Resources. I believe that we can enact this proposal in the 102d Congress.●

By Mr. EXON (for himself, Mr. HOLLINGS, Mr. KASTEN, Mr. BURNS, Mr. LOTT, Mr. ADAMS, Mr. SIMON, and Mr. BRADLEY):

S. 2608. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AMTRAK AUTHORIZATION ACT OF 1992

● Mr. EXON. Mr. President, as chairman of the Surface Transportation Subcommittee, I am pleased to be joined by the chairman of the full Committee on Commerce, Science, and Transportation, Senator HOLLINGS, in support of the legislation we are introducing today, the Amtrak Authorization Act of 1992. Other cosponsors of this bill include Senators KASTEN, BURNS, LOTT, ADAMS, SIMON, and BRADLEY.

Last year, the National Railroad Passenger Corporation, or Amtrak, marked its 20th anniversary as the Nation's intercity passenger railroad. Amtrak has made great strides since 1971—passenger-miles traveled are up, system route-miles have increased, and passenger service and safety have improved through new equipment, infrastructure, and employee dedication.

Today, Amtrak constitutes a vital part of our national transportation

system. Amtrak serves my home state of Nebraska with stops in Omaha, Lincoln, Hastings, Holdrege, and McCook. As Amtrak moves closer toward its proclaimed goal of self-sufficiency, we should view continuing Federal support for Amtrak as an investment in our Nation's mobility. That investment is crucial to ensuring a vital and viable rail transportation alternative to our highway and aviation modes. However, we also must be mindful that Federal resources are very limited due to the federal budget deficit—I believe that this bill strikes a fair balance of these considerations.

S. 2608, the legislation I am introducing with my cosponsors, provides a 3-year authorization for Amtrak at levels which will continue the current core system while permitting new State-supported service where feasible. The bill authorizes operating expenses for the Amtrak core system of \$331 million for each of the fiscal years [FY] 1993, 1994 and 1995. New State-supported services are authorized separately, at levels of \$5 million for fiscal year 1993, \$7 million for fiscal year 1994, and \$10 million for fiscal year 1995. The bill also authorizes Amtrak capital expenditures of \$300 million for each of the fiscal years 1993, 1994, and 1995. Mandatory payments for Amtrak's contribution for railroad retirement benefits and railroad unemployment insurance obligations required by law above the cost attributable to Amtrak employees are authorized at \$146 million for fiscal year 1993 and such sums as may be necessary in fiscal year 1994 and fiscal year 1995.

In addition to providing for appropriate authorizations for Amtrak for the next three fiscal years, S. 2608 also includes a number of provisions intended to address certain managerial and financial issues, sharpen Amtrak's overall mandate, and improve rail passenger service and safety. For example, the bill would require that one member of the Amtrak Board of Directors—of the two appointed by the preferred stockholders—be qualified to represent the interest of rail passengers. The bill also would amend the Rail Passenger Service Act to create a new position of Chief Executive Officer, who would represent the corporation on the Board of Directors.

Two other provisions in the bill would further facilitate managerial and financial improvements in Amtrak's operation. One section would eliminate Amtrak's need annually to amend the corporate bylaws to authorize issuance of preferred stock to the Federal Government. Such stock is issued each year in an amount equal to newly appropriated Federal support. A second section in the bill would revise current statutory restrictions to permit Amtrak to participate in conventional sale/leaseback equipment transactions, lowering financing and transaction costs to Amtrak.

In order to permit Amtrak greater flexibility in structuring its operations, S. 2608 would permit Amtrak to discontinue, modify or adjust certain rail commuter services operated pursuant to section 403(d) of the Rail Passenger Service Act. If, after October 1993, specific rail commuter service exceeds in any previous 6-month period the average loss per passenger mile for comparable Amtrak services, Amtrak may elect to discontinue, modify or adjust the service not less than 60 days after the expiration of a public comment period of at least 30 days. In view of Federal budget deficits, Federal funds for Amtrak service are limited. We must ensure that Amtrak has flexibility to use its limited funds effectively in a fiscally responsible manner.

S. 2608 also would require Amtrak to channel resources into planning for the future introduction of high-speed rail passenger service in intercity corridors across the United States by developing an overall strategic plan for new technology demonstration. The bill further mandates that Amtrak must encourage efforts by State and regional partnerships, study groups, private sector representatives, and other entities seeking to advance high-speed rail service through equipment upgrades and incremental improvements to existing facilities used by Amtrak outside the Northeast corridor. By September 30, 1993, Amtrak would be required to report to Congress detailing Amtrak's efforts under this section and proposing further activities in support of high-speed rail service outside the Northeast corridor. This report also would summarize the high-speed rail technology demonstration plan required by the bill, including the goals of the demonstration plan, locations for technology demonstration, and a schedule for implementation.

To make further improvements in the safety of rail passenger service, S. 2608 would require Amtrak to make recommendations by September 30, 1993, and periodically thereafter, to the Secretary of Transportation in connection with the at-grade crossing elimination program adopted pursuant to the 1991 surface transportation reauthorization legislation. In addition, the bill would require the Secretary, in consultation with the States along the mainline of the Northeast corridor, to develop a plan for the elimination of all highway at-grade crossings along the Northeast corridor mainline by December 31, 1997, except where such elimination would be impracticable or unnecessary. Amtrak would be required to pay 20 percent of the cost of all at-grade crossings eliminated under this section.

In order to improve the emergency training and response of Amtrak on-board service and operating personnel, S. 2608 would require Amtrak, together with representatives from each of the

on-board service employee and operating crafts and unions, to form a task force to consider recommendations for improving emergency training and performance of on-board crew members. The section includes specific matters for the task force to address, such as whether first-aid and cardiopulmonary resuscitation instruction should be mandatory for all Amtrak train crew members, and mandates a report to Congress on the findings and recommendations of the task force no later than June 1, 1993.

Considered in its entirety, the Amtrak Authorization Act of 1992 represents a vital step forward for rail passenger service, safety, and future improvements. The bill provides a firm foundation for Amtrak's continued progress. I look forward to working with the bill's cosponsors and my distinguished colleagues to ensure the swift passage of this meritorious legislation.

I ask unanimous consent that the full text of the bill I am introducing be printed in the RECORD. •

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

S. 2608

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Amtrak Authorization Act of 1992".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended to read as follows:

"SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

"(a) GENERAL CAPITAL EXPENDITURES.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under this Act \$300,000,000 for each of the fiscal years 1993, 1994, and 1995.

"(b) OPERATING EXPENSES.—

"(1) CORE SYSTEM.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for operating expenses \$331,000,000 for each of the fiscal years 1993, 1994, and 1995. Of the amounts appropriated under this paragraph, not more than 5 percent for each fiscal year shall be used for the payment of operating expenses under section 403(b) of this Act for service in operation as of September 30, 1992.

"(2) NEW STATE-SUPPORTED SERVICE.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for operating expenses under section 403(b) of this Act and for other additional services commencing after September 30, 1992—

"(A) \$5,000,000 for fiscal year 1993; and

"(B) \$7,000,000 for fiscal year 1994; and

"(C) \$10,000,000 for fiscal year 1995.

The expenditure by the Corporation of funds appropriated for operating expenses under section 403(b) of this Act for service commencing after September 30, 1992, shall not be considered to be an operating expense for purposes of calculating the revenue-to-operating expense ratio of the Corporation.

"(c) MANDATORY PAYMENTS.—There are authorized to be appropriated to the Secretary

\$146,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 and 1995, for the payment of—

"(1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in such fiscal years in excess of amounts needed to fund benefits for individuals who retire from the Corporation and for their beneficiaries;

"(2) obligations of the Corporation under section 8(a) of the Railroad Unemployment Insurance Act (45 U.S.C. 358(a)) due in such fiscal years in excess of its obligations calculated on an experience-rated basis; and

"(3) obligations of the Corporation due under section 3321 of the Internal Revenue Code of 1986.

Funds appropriated under this subsection shall not be considered a Federal subsidy of the Corporation.

"(d) ADMINISTRATION OF APPROPRIATIONS.—Funds appropriated pursuant to this section shall be made available to the Secretary during the fiscal year for which appropriated, except that appropriations for capital acquisitions and improvements may be made in an appropriations act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation. Funds appropriated are authorized to remain available until expended. Appropriated sums shall be paid by the Secretary to the Corporation for expenditure by it in accordance with the Secretary's budget request as approved or modified by Congress at the time of appropriation. Payments by the Secretary to the Corporation of appropriated funds shall be made no more frequently than every 90 days, unless the Corporation, for good cause, requests more frequent payment before the expiration of any 90-day period."

BOARD OF DIRECTORS

SEC. 3. Section 303(a)(1)(E) of the Rail Passenger Service Act (45 U.S.C. 543(a)(1)(E)) is amended by adding at the end the following: "One of such members shall be specially qualified to represent the interests of rail passengers and shall be selected from a list of three qualified individuals recommended by the National Association of Railroad Passengers."

CHIEF EXECUTIVE OFFICER

SEC. 4. Section 303 of the Rail Passenger Service Act (45 U.S.C. 543) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking "President" and inserting in lieu thereof "chief executive officer"; and

(B) in paragraph (4), by striking "President" and inserting in lieu thereof "chief executive officer"; and

(2) in subsection (d), by striking "President" each place it appears and inserting in lieu thereof "chief executive officer".

AUTHORIZATION OF PREFERRED STOCK

SEC. 5. Section 304(c) of the Rail Passenger Service Act (45 U.S.C. 544(c)) is amended by adding at the end the following new paragraph:

"(4) No amendment to the articles of incorporation of the Corporation shall be required for the issuance of the preferred stock required to be issued pursuant to this subsection."

PROPERTY FINANCING

SEC. 6. Section 306(n) of the Rail Passenger Service Act (45 U.S.C. 546(n)) is amended to read as follows:

"(n) Neither the Corporation, nor any railroad subsidiary of the Corporation, nor any lessee or lessor of the Corporation or of any such railroad subsidiary shall be required to pay any additional taxes as a consequence of

its expenditure of funds to acquire or improve real property, equipment, facilities, or right-of-way materials or structures used directly or indirectly in the provision of rail passenger service. For purposes of this subsection, 'additional taxes' means taxes or fees (1) on the acquisition, improvement, ownership, or operation of personal property by the Corporation, any railroad subsidiary of the Corporation, or any lessee or lessor of the Corporation or of any such railroad subsidiary; and (2) on real property other than taxes or fees on the acquisition of real property, or on the value of real property which is not attributable to improvements made, or the operation of such improvements, by the Corporation, any railroad subsidiary of the Corporation, or any lessor or lessee of the Corporation or of any such railroad subsidiary."

DISCONTINUANCE, MODIFICATION, OR ALTERATION OF CERTAIN RAIL PASSENGER SERVICE

SEC. 7. Section 403(d) of the Rail Passenger Service Act (45 U.S.C. 563(d)) is amended by striking the second sentence and inserting in lieu thereof the following new sentences: "On any date on or after October 1, 1993, if such service during the previous 6-month period has a loss that exceeds the average loss per passenger mile for service over short-distance routes operated by the Corporation, the Corporation may elect to consider discontinuance, modification, or adjustment of such service. If such election is made, the Corporation shall solicit public comment on alternatives to discontinuance, modification, or adjustment of such service. The public comment period shall be at least 30 days. Within 60 days after the expiration of that comment period, the Corporation may discontinue, modify, or adjust such service so that the applicable criterion is met."

HIGH-SPEED RAIL TECHNOLOGY DEMONSTRATION PROGRAM

SEC. 8. Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) is amended by adding at the end the following new section:

"SEC. 811. HIGH-SPEED RAIL TECHNOLOGY DEMONSTRATION PROGRAM.

"(a) PLAN.—The Corporation shall develop a plan for the demonstration of new technologies in rail passenger equipment. Such plan shall provide that—

"(1) any new equipment procured by the Corporation that may significantly increase train speeds over existing rail facilities shall be demonstrated, to the extent practicable, throughout the national intercity rail passenger system; and

"(2) the Corporation shall, in order to facilitate the Corporation's efforts to increase train speeds, take steps to establish cooperative arrangements with eligible applicants that intend to propose technology demonstrations for financial assistance under section 309(b)(2) of title 49, United States Code.

"(b) REPORT TO CONGRESS.—The Corporation shall, not later than September 30, 1993, transmit to the Congress a report summarizing the plan developed under subsection (a) of this section, including its goals, locations for technology demonstration, and a schedule for implementation of the plan."

HIGH-SPEED RAIL CORRIDOR DEVELOPMENT

SEC. 9. Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 812. HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.

"(a) ENCOURAGEMENT AND ASSISTANCE.—The Corporation shall actively encourage ef-

forts by State and regional partnerships, study groups, private sector representatives, and other entities whose objective is to advance high-speed rail service through equipment upgrades and incremental infrastructure improvements on existing railroad facilities utilized by the Corporation outside the Northeast Corridor. To the maximum extent feasible through appropriate allocation of existing resources, the Corporation shall offer planning assistance, marketing analysis and support, engineering expertise, and other assistance to such entities in pursuit of this objective.

"(b) REPORT TO CONGRESS.—The Corporation shall report to Congress, in connection with the report required under section 811 of this Act, detailing the Corporation's efforts under this section and proposing further activities in support of high-speed rail service outside the Northeast Corridor."

SAFETY IMPROVEMENTS

SEC. 10. Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 813. RAIL AT-GRADE CROSSINGS.

"(a) RECOMMENDATIONS.—The Corporation shall, by June 30, 1993, and periodically thereafter, make recommendations to the Secretary for the elimination of hazards of highway at-grade crossings under section 104(d) of title 23, United States Code.

"(b) ELIMINATION.—

"(1) IN GENERAL.—The Secretary, in consultation with the States along the main line of the Northeast Corridor, shall develop a plan by September 30, 1993, for the elimination of all highway at-grade crossings of such main line by December 31, 1997.

"(2) EXCEPTIONS.—The plan developed under paragraph (1) of this subsection may provide that the elimination of a highway at-grade crossing need not be required if eliminating such crossing is impracticable or unnecessary and the use of the crossing will be consistent with such conditions as the Secretary considers appropriate to ensure safety.

"(3) FUNDING.—The Corporation shall pay 20 percent of the cost of the elimination of each highway at-grade crossing pursuant to the plan developed under paragraph (1) of this subsection."

EMERGENCY TRAINING AND RESPONSE

SEC. 11. Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 814. EMERGENCY TRAINING AND RESPONSE.

"(a) TASK FORCE.—The Corporation, together with representatives from each of the on-board service and operating employee crafts and unions, shall form a task force to consider recommendations for improving emergency training and performance of on-board service and operating crew members.

"(b) MATTERS TO BE CONSIDERED.—The task force formed under subsection (a) of this section shall consider, at a minimum—

"(1) whether the Corporation's emergency training and drill program as presently constituted is adequate, and if not, in what ways it can be augmented or improved;

"(2) whether medical first-aid training, including cardiopulmonary resuscitation, should be required for all on-board crew members;

"(3) whether the Corporation's requirements with respect to employee responsibilities for passenger evacuation, emergency communications, crew coordination, and disaster response should be revised; and

(4) whether Federal certification of the Corporation's emergency training program and evacuation procedures, and certification of the emergency performance of on-board crew members, are warranted.

In considering the issue described in paragraphs (1) through (4), the task force shall address relevant prior recommendations and findings by the National Transportation Safety Board.

"(c) REPORT.—Not later than June 1, 1993, the task force shall report to Congress on its findings in subsection (b) of this section, together with a summary of actions implemented to date and recommendations for future action."

● Mr. HOLLINGS. Today we are introducing legislation to help assure the long-term viability of our national rail passenger system, Amtrak, which celebrated the 20th anniversary of its operation last year.

During a hearing in February, the Surface Transportation Subcommittee reviewed carefully Amtrak's record to determine whether changes in Amtrak's mission and self-concept were appropriate. In this regard, we first reviewed what operating and capital needs must be met to ensure the long-term viability of Amtrak's present system. We also addressed the concern that insufficient capital funding in the past may have prevented Amtrak from investing in equipment and facility improvements necessary for its future viability.

I am pleased to join Senator EXON, Chairman of the Surface Transportation Subcommittee, and other Senators in cosponsoring the Amtrak Authorization Act of 1992. This bill is structured to provide Amtrak with an authorization of funds for operating expenses and for capital expenditures sufficient to maintain the current network of service. In order to provide Amtrak with greater flexibility to promote expansion in areas where ridership potential can be documented, the bill includes a separate authorization for new State-supported and other services. It also includes provisions directing Amtrak to report to Congress regarding high-speed rail technology and corridor development.

An additional provision included in the bill, which I strongly support, calls for the formation of a task force comprised of representatives from Amtrak and each of the onboard service employee and operating crafts to consider recommendations for improving emergency training and performance of on-board crew members. My concern regarding whether Amtrak is providing sufficient emergency training for these employees stems, in part, from questions raised in the aftermath of the Amtrak accident that occurred in Lugoff, SC, last summer about the inadequate response to those injured in that accident. This task force should provide the needed examination in this area.

This legislation is important for the future of rail passenger service, and I

urge my colleagues to join in supporting it.●

● Mr. SIMON. I am proud to join my friends and colleagues, Senator HOLLINGS and Senator EXON, as a cosponsor of the Amtrak Authorization Act of 1992. This bill not only represents a new direction for Amtrak, but it is good for the whole Nation by bringing us closer to having a modern national rail passenger system for the future.

When I introduced a bill last year to separate roads from high speed rail systems, I counted proposals for over 22 systems among 22 States for high speed passenger rail with or without steel wheels and many others who simply want conventional service now.

In the Midwest, my own State of Illinois has joined Iowa, Wisconsin, Minnesota, Indiana, Michigan, Ohio, Pennsylvania, and now New York to plan and promote modern interconnected rail passenger service. This bill will also help service on east coast, the west coast, and along the southern tier of States as well.

The bill will help promote state-of-the-art high speed rail technology such as the tilt train, the gas turbine engine, and electrification of railroads. We can take these off the shelf now and fit them to the needs and pocketbooks of our own States and communities using part of our 130,000-mile rail system already in place. Rail technology can readily be converted into new jobs in both the manufacturing and steel producing sectors and in many related services.

This bill puts a consumer member on the Amtrak Board for the first time, and I cannot think of a more dedicated or better qualified organization to recommend that member than the National Association of Railroad Passengers. Time and time again we have counted on their leadership and support to lead us into the next step of Amtrak service or help us prevent the worst passenger train wreck of all: The administration's call for crippling cuts in Amtrak's budgets.

Up to now, I have been talking about the many people in States that are calling for Amtrak service, but we also know that good downtown to downtown intermodal passenger rail service helps all of us by conserving oil and saving the air as well. Not only are railroads a cleaner way to move more people with much less energy; but they also save miles of unnecessary automobile travel when homes, businesses, and services can remain around stations where we can live, work, shop, go to the doctor, consult our local mayor and go to a movie in the same place.

This bill will further the program I sponsored last year to separate roads and rails now part of the new Intermodal Surface Transportation Efficiency Act. No high speed passenger rail proposal should go forward until we eliminate the risk of collisions be-

tween trains, cars, and trucks at level crossings.●

By Mr. WOFFORD (for himself, Ms. MIKULSKI, Mr. CRANSTON, Mr. KASTEN, Mr. BURDICK, Mr. SIMON, Mr. DECONCINI, Mr. DIXON, and Mr. DURENBERGER):

S. 2609. A bill to direct the Comptroller General, in consultation with the Small Business Administration, to conduct a survey to obtain data on the experiences of business firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety companies, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS ACCESS TO SURETY BONDING SURVEY ACT

● Mr. WOFFORD. Mr. President, today I am introducing, on behalf of myself and Senators MIKULSKI, CRANSTON, KASTEN, BURDICK, SIMON, DECONCINI, DIXON and DURENBERGER, the Small Business Access to Surety Bonding Survey Act of 1992. This legislation will help determine whether there is improper discrimination in the surety bond market.

Surety bonds, which guarantee the performance of a contractor's or subcontractor's work, are often necessary for contractors to get business. For instance, surety bonds are required to bid on all Federal construction in excess of \$25,000 and all federally assisted construction projects in excess of \$100,000, most State and local government projects, and increasing numbers of private projects.

Small businesses have consistently asserted that the businesses decisions of corporate surety firms too frequently impede the development of emerging small businesses, especially those owned by women and minorities. However, only limited surveys regarding access to bonding for small businesses have been conducted to verify these assertions.

The Small Business Access to Surety Bonding Survey Act will require the Comptroller General in consultation with the Small Business Administration, to conduct a survey of business firms, especially those owned by women and minorities, to determine their experiences in obtaining surety bonding from corporate surety firms. The bill establishes a base line of questions to be included in a questionnaire to be sent to such firms in order to ensure a comprehensive review. Finally, the Comptroller General will be required to submit a report on its findings to the House and Senate Small Business Committees within 18 months of enactment.

The Small Business Access to Surety Bonding Survey Act will be part of the Women's Economic Equity Act, which will be introduced by Senator CRANSTON. Representative ELEANOR HOLMES NORTON introduced a companion meas-

ure in the House, which currently has the support of the American Subcontractors Association, the Small Business Legislative Council, Women Construction Owners and Executives, National Minorities Contractors Association and U.S. Hispanic Chamber of Commerce.

I urge my colleagues to support this legislation to determine whether an injustice exists in the marketplace.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the RECORD at this point.

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

S. 2609

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Access to Surety Bonding Survey Act of 1992".

SEC. 2. SURVEY.

(a) IN GENERAL.—The Comptroller General, in consultation with the Small Business Administration, shall conduct a comprehensive survey of business firms, including using a questionnaire described in subsection (b), to obtain data on the experiences of such firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety firms.

(b) CONTENT OF SURVEY QUESTIONNAIRE.—The questionnaire used by the Comptroller General to conduct the survey under subsection (a) shall include such questions as the Comptroller General considers appropriate. To ensure a comprehensive review, such questions shall include questions to obtain information from a business firm on—

(1) the frequency with which the firm was requested to provide a corporate surety bond in fiscal year 1992;

(2) whether the frequency with which the firm was requested to provide a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(3) the frequency with which the firm provided a corporate surety bond in fiscal year 1992;

(4) whether the frequency with which the firm provided a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(5) the average size of corporate surety bonds provided by the firm in fiscal year 1992;

(6) whether the average size of the corporate surety bonds provided by the firm increased or decreased during fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(7) the dollar amount of the largest corporate surety bond provided by the firm in fiscal year 1992;

(8) whether the dollar amount of the largest corporate surety bond provided by the firm increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(9) the dollar amount of work performed by the firm by type of construction owner, including the Federal Government, State and local governments, other public entities, and private entities, in each of fiscal years 1990, 1991, and 1992;

(10) the dollar amount of such work bonded by a corporate surety company for the firm by type of construction owner, including construction owners referred to in paragraph (9), for each of fiscal years 1990, 1991, and 1992;

(11) whether the firm purchased its corporate surety bonds through an insurance agent or directly from a surety company;

(12) the means used by the firm to identify its source for the purchase of corporate surety bonds;

(13) the average corporate surety bond premium (expressed as a percentage of contract amount) paid by the firm in fiscal year 1992;

(14) any increase or decrease in the average corporate surety bond premium (expressed as a percentage of the contract amount) paid by the firm in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(15) whether or not the underwriting requirements (including state of accounts receivable, financial procedures, need for personal indemnification, and requirements for collateral) changed in fiscal year 1990, 1991, or 1992;

(16) the nature of any changes in underwriting requirements experienced by the firm in fiscal years 1990, 1991, and 1992 and the reason for any such changes, if known;

(17) whether or not the source of surety bonds (a surety agent or company) provided reasons for such changes in underwriting requirements and whether these reasons were provided orally or in writing;

(18) whether or not the bonding capacity (total dollar amount and number of bonds) for the firm changed in fiscal year 1990, 1991, or 1992;

(19) whether or not the source of surety bonds (a surety agent or company) provided reasons for any changes in bonding capacity and whether these reasons were provided orally or in writing;

(20) the services provided and advice given by the firm's source of corporate surety bonds in fiscal years 1990, 1991, and 1992;

(21) whether or not the firm obtained a corporate surety bond with the assistance of a Federal program (such as the surety bond guarantee program of the Small Business Administration and the bonding assistance program of the Department of Transportation) or a State or local program in fiscal year 1990, 1991, or 1992;

(22) whether or not the firm used any alternative to corporate surety bonds (such as individual surety bonds, letters of credit, certificates of deposit, and government securities) in fiscal year 1990, 1991, or 1992;

(23) if the firm has not provided any corporate surety bonds in fiscal year 1990, 1991, or 1992, the reasons the firm has not done so;

(24) the number of times the firm has had an application for a corporate surety bond denied in fiscal years 1990, 1991, and 1992, and the reason for any such denial, if known;

(25) whether or not the proposed source for the corporate surety bond (a surety agent or company) provided the reasons for its denial of that application and whether that explanation was provided orally or in writing;

(26) the length of time the firm has been in business;

(27) the approximate annual sales volume of the firm in fiscal years 1990, 1991, and 1992;

(28) the net worth (total assets less total liabilities) of the firm at the close of the firm's most recent fiscal year;

(29) the working capital (current assets less current liabilities) of the firm at the close of the firm's most recent fiscal year;

(30) the average age of the firm's accounts receivable (the average number of days required to collect payments due);

(31) whether the firm made a profit in fiscal year 1990, 1991, or 1992; and

(32) the 4-digit standard industrial classification in which the firm performs the majority of its work.

(c) **FIRMS TO BE SURVEYED.**—The Comptroller General shall develop a statistically valid sample of business firms from the most recent list of construction firms maintained by the Dun and Bradstreet Company (identified as the "DUN Market Identifier" file) for which data regarding sales is available.

SEC. 3. REPORT.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General, in consultation with the Small Business Administration shall conduct an assessment of the data obtained in the survey conducted pursuant to section 2 and submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of such assessment.

(b) **CONTENTS OF THE REPORT.**—

(1) **IN GENERAL.**—The report required by subsection (a) shall contain—

(A) a summary of responses of business firms to the survey conducted pursuant to section 2; and

(B) a description of any trends found by the Comptroller General in such responses.

(2) **INFORMATION ON SMALL BUSINESS CONCERNS.**—In presenting summaries of responses and descriptions of trends pursuant to paragraph (1), the Comptroller General shall provide specific information on the responses and trends of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "fiscal year" means the fiscal year of the business firm being surveyed;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(3) the term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)); and

(4) the term "small business concern owned and controlled by women" has the same meaning as in section 127(d) of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 637 note).

By Mr. METZENBAUM (for himself, Mr. BROWN, and Mr. SIMON):

S. 2610. A bill to amend the antitrust laws to provide a cause of action for persons injured in U.S. commerce by unfair foreign competition; to the Committee on the Judiciary.

INTERNATIONAL FAIR COMPETITION ACT

• Mr. METZENBAUM. Mr. President, I am today introducing a bill to amend existing antitrust laws to safeguard our free markets from anticompetitive conduct originating overseas. I am concerned that foreign companies selling their products in the U.S. market enjoy an unfair advantage over American competitors. Because these foreign companies operate in markets

that are closed to competition, they are able to exploit their market power abroad to injure U.S. businesses.

Mr. President, it is obvious to me that American industry is under attack from anticompetitive behavior initiated from abroad. At a time when our economy is on the rocks, we cannot tolerate this abuse of our free and open competitive markets.

Our markets are the most competitive in the world thanks to our strong antitrust laws. Some argue that our antitrust laws put our own industries at a disadvantage when competing against industries from other countries where there are weak competition laws. These critics suggest that we should weaken our antitrust laws in response. This would be a mistake. Strong antitrust laws make for strong competitors both here and abroad.

However, it is only fair that we apply our own strong antitrust laws, to all who choose to sell in our markets. For too long, we have relied on only our trade laws to protect American business from unfair competition. The trade laws have proven inadequate to the task. It is now time that we add competition laws—the key underpinning of our free market system—to our arsenal.

Let me explain the problem using Japan as an example. Many United States companies complain that Japan engages in unfair trade practices. Often that charge is leveled by those who are being beaten by better products and better competitors. But in other cases the Japanese are winning these market battles because they play by different rules. There has been much talk of Japanese cartels and kieretsus. These business arrangements are tolerated in Japan because Japan does not have strong antitrust laws that prevent the abuse of dominant market positions. In addition to lack of adequate price competition among Japanese companies, other market abuses have resulted in Japan being able to keep American, European, and other competitors out of their markets. Because the Japanese market is isolated from real competition both at home and from abroad, Japanese consumers often pay far too high a price for their products.

Now some may ask why we would care if Japanese consumers pay too much for their purchases. That's their problem, right? Even I might agree if that was the end of the story.

But closed markets in Japan can create big problems in the United States. Because of anticompetitive practices that would not be tolerated in the United States, some Japanese companies operate in real or de facto cartels that charge Japanese consumers super high prices. These prices, born of lack of competition, finance below cost sales to the United States which ravage U.S. industries.

This scenario does not require a conspiracy to predate the market or de-

stroy U.S. industry. It requires only that Japanese companies, insulated from real price competition, use their ill-gotten domestic profits to subsidize their below cost sales in the United States. The result is that Japanese industry is able to compete; ruinously compete, in the United States market. That is the primary reason we no longer have a domestic television industry in this country.

Here is what happened. In the early 1960's television industry cartels in Japan made a concerted and successful effort to take over our television industry. These cartels in Japan kept prices very high to Japanese consumers. In fact, Japanese consumers apparently are still the victims of such efforts. The Wall Street Journal reported on March 26, 1992, that four of Japan's leading electronics companies are being investigated in Japan for "illegally propping up domestic prices of television sets, portable video cameras, and other popular home electronics products."

These high prices had two effects. First, they subsidized below cost sales in the United States by allowing the Japanese manufacturers to recoup their fixed costs in the Japanese market. Furthermore, these high prices also lowered demand in Japan and resulted in tremendous excess capacity which was sent to the United States at depressed prices.

This flood of below cost televisions made it very difficult for American manufacturers to compete on price. The result was television manufacturing in the United States became unprofitable. Today there is no domestic television industry in the United States nor is there a video cassette recorder industry, or a compact disc player industry. In fact, virtually all consumer electronics sold in this country are imported from abroad. Similar stories can be told about our steel industry, our textile industry, and our semiconductor industry and soon may be told about our auto industry.

I am not complaining about fair competition, where a superior product made more efficiently wins the day. I am concerned about products imported into this country at below cost because the manufacturers abroad do not have open and free competition in their own markets. We must demand that those who benefit from our strong competition laws play by those same rules when they compete in the United States.

There are currently two other efforts to deal with this problem. However, neither is likely to be effective soon enough to save key sectors of U.S. industry from ruin. The structural impediments initiative [SII] between the United States and Japan is making only modest progress in promoting the adoption and effective enforcement of antitrust laws in Japan. When Jim

Rill, the antitrust chief at DOJ, testified on this subject on March 13, 1992, it became clear to me that the SII talks will not fix the problem in our lifetime or, more importantly, the lifetime of our threatened industries.

Nor will the administration's effort to enforce our antitrust laws abroad bear much fruit. Attorney General Barr wants to apply our antitrust laws to anticompetitive behavior that occurs in Japan. Comity principles and problems of proof make success unlikely as both former Presidents Carter's and Reagan's antitrust chiefs have said in the press recently. What I propose will focus on the effects in the United States of anticompetitive behavior abroad.

The laws currently on the books will not solve the problem either. The 1916 Antidumping Act should, in theory, prohibit such behavior. But the 1916 act is outdated and virtually never used.

The 1916 act is an antitrust statute which prohibits anticompetitive price discrimination between two comparable products where an imported product is sold at a lower price in the United States than in the exporting country.

The 1916 act is not a viable remedy because of its intent requirement. The anticompetitive behavior which I have described above follows from efforts by foreign industry to cartelize their home markets, but does not necessarily show an intent to hurt U.S. industry. That is just a necessary effect when the foreign home market lacks effective competition and permits an industry to earn super high profits. I therefore have proposed removing the intent requirement from the 1916 act. Because this intent requirement is tied to criminal provisions in the 1916 act, the legislation I am proposing would also remove the criminal provisions in existing law and rely solely on a civil remedy.

Removing intent from the required elements of a substantive violation would conform the language of the act to the language of other antitrust laws, which define a violation in terms of the effects of the challenged anticompetitive conduct and not in terms of its intent.

I should note that this is not the first time that Congress has considered reinvigorating the 1916 act. In the 96th, 97th, and 98th Congresses efforts were made to amend the 1916 act to reinvigorate it. Those efforts also involved deleting the requirement of a specific intent to destroy a domestic industry and the dropping of the criminal provisions. These previous efforts received much criticism because the proposed revisions created a treble damage remedy for dumping.

These criticisms reflected the fact that the pricing test used in the previous proposal was essentially the same as those used in antidumping pro-

ceedings: That is, a comparison between the foreign market value of the product and the U.S. price of a comparable article.

What I propose today is a significant departure from previous proposals on several fronts. First, the bill I am introducing today requires a showing of below cost pricing. My bill includes a test which is grounded in antitrust law rather than trade law. This test is more difficult to meet than the current 1916 act test which requires that the price in the United States be less than the sale price for a comparable product in the offending company's home market. Under my proposal a defendant must be pricing its product in the United States below total average production costs. This would not be possible unless a significantly higher price was being charged in the home market. No company could price at below cost in all its markets and still survive.

This new pricing test is not the only hurdle. A potential plaintiff must show not only: First, below cost pricing; second, common and systematic importation at below cost; third, injury to U.S. commerce; and fourth, that the foreign country's market for such articles is substantially closed to effective competition.

This last test is critical. U.S. antitrust authorities are unlikely, given the bounds of comity, to succeed in enforcing our antitrust laws in foreign countries—those countries will choose for themselves what competition law they will have. But where there is no effective competition law, or where such a law is not enforced, our markets should not be imperiled. The bill I introduce today, therefore, requires that the Federal Trade Commission issue guidelines setting forth standards for evaluating whether the market abroad lacks effective competition.

The FTC would likely look to whether there are significant barriers to entry to the home market, whether that market tends to be highly concentrated and whether there is real price competition in the home market. Lack of these critical competition signposts indicates that competition is not thriving and explains why a company is able to price below its costs in the U.S. market.

This remedy is not discriminatory. Any industry which engages in production in the United States—whether American or foreign transplant—is unaffected because the law applies only to imports. Industries within the United States will still be subject to domestic price discrimination laws under the Robinson-Patman Act.

Industries which import will be treated similarly to domestic industry in that they will now be subject to price discrimination laws as well. The legislation, therefore, does not discriminatorily deny national treatment, it only denies more favorable

treatment currently accorded to imported articles.

The remedy I propose is not a trade remedy, it is an antitrust remedy. It focuses on below cost pricing that occurs in the U.S. market combined with lack of effective competition in the home market. Neither of these tests are elements of antidumping. Where these elements are met and a U.S. industry suffers injury, a cause of action will lie. It is my hope that this bill will inspire foreign markets to open up to robust competition; the kind we enjoy in the United States. Such competition will benefit the consumers of the home country and will make competition in our markets more fair.

I look forward to a time when the global market place operates under strong competition laws. It is unfair for companies based in countries which do not foster free and open competition to enjoy the benefits of markets which do. This legislation recognizes the problem and will bring fairness and strong competition to international markets for the benefit of the world's consumers and our own.●

● Mr. BROWN. Mr. President, American industry today does not need Government handouts and protection from foreign competition. What American industry does need is a device to promote a level international playing field which provides true competition and open markets.

American consumers have benefited greatly from the effect of American antitrust laws which have promoted competition among domestic producers. The time has come to extend those basic tenets of fair competition to the international arena where American markets are also affected.

Without a long term approach to promoting international competition we will not achieve the level playing field upon which American industry may continue to compete and continue to grow.

The result will be that America will ultimately have less jobs, fewer consumers to protect and less powerful tools with which to protect them.

Application of domestic antitrust laws to foreign anticompetitive behavior having an effect on U.S. markets is one potential solution which the Senate should consider.

It is for these reasons that I am pleased to cosponsor Senator METZENBAUM's International Fair Competition Act. It represents an important step in focusing the debate on fair international competition.

Simply stated, Senator METZENBAUM's bill gives American manufacturers a cause of action against a foreign manufacturer who sells articles in the United States at less than the average total cost where the effect is to injure U.S. industry or lessen competition in the market for those articles.

But I wish to stress that the cause of action exists only where the foreign

producer's home market for those articles lacks effective price competition or is substantially closed to effective competition from imports.

The bill is therefore addressed to situations like that encountered in the well-known Matsushita case. It is not protectionist legislation. It seeks to promote open and fair international price competition and open markets.

There are other worthwhile proposals which the Senate should strongly consider. Senator GRASSLEY has introduced S. 2352. While this bill takes a different approach, it is intended to address the same concerns and deserves the Senate's serious consideration.

It is my understanding that Senator METZENBAUM intends to expeditiously hold hearings on this and other proposals to extend the application of American antitrust statutes to foreign anticompetitive activity having an effect in the U.S. market. I look forward to those hearings.

I recognize that American manufacturers are not of one mind with respect to these proposals. There are companies which rely on the availability of quality low-cost components produced by foreign manufacturers. Before acting on any proposal, we must ensure that the concerns of these manufacturers are fully considered.

I look forward to the hearings and to full and open debate on these issues.●

By Mr. SIMON (for himself and Mr. DIXON):

S. 2611. A bill to amend chapter 93 of title 31, United States Code, to provide additional requirements for a surety corporation to be approved by the Secretary of the Treasury, to provide for equal access to surety bonding, and for other purposes; to the Committee on the Judiciary.

EQUAL SURETY BOND OPPORTUNITY ACT

● Mr. SIMON. Mr. President, I am pleased to introduce the Equal Surety Bond Opportunity Requirements Act with my distinguished colleague Senator ALAN DIXON. This bill is designed to ensure that small and emerging construction firms, especially those owned by women and minorities, are treated fairly in the surety bonding process.

Surety bonds, while classified as a line of insurance, are really a form of credit. Surety firms guarantee the owner or prime contractor the financial fitness and capacity of a contractor or subcontractor to complete their project. If the subcontractor or contractor fails to complete the obligations of the project, the surety firm steps in to fulfill the contract. However, unlike insurance policies, surety firms expect the loss or expense to be paid back.

Women and minority contractors face serious problems in obtaining the surety bonds that are required to bid on most Federal, State, and local government projects. Construction firms

must have surety bonds to bid on all Federal construction work in excess of \$25,000 and all federally assisted construction projects in excess of \$100,000. An increasing number of private construction contracts are also requiring contractors to be bonded.

Construction companies that are denied access to surety bonding are essentially denied the opportunity to bid on the majority of Federal, State, and local government construction projects and many private construction projects. Access to surety bonding is essential to the livelihood of construction companies. For women- and minority-owned construction companies that already face obstacles in obtaining capital, difficulties in obtaining bonding further threaten their survival.

The principal source of surety bonding, the for-profit corporate surety firm, determines eligibility of a contractor based on unspecified underwriting standards. Surety firms look at a variety of factors in making their determination of whether a construction company should receive bonding. They base their decisions on what they loosely call the three C's: cash, capacity to do work, and character. The personal character of a contractor can be evaluated in a very subjective manner—one that can often result in discrimination.

Through discussions with members of the Women Construction Owners and Executives [WCOE] and the National Association of Minority Contractors [NAMC], I have learned of practices that are discriminatory. One woman contractor from the Chicago area could not get bonding after her divorce. Her ex-husband, however, who was convicted of bid-rigging, was able to get bonding from the same surety firm that denied her application. When a woman who owns a financially sound construction company cannot get bonding after a divorce, but the ex-husband, a convicted felon, can—something is very wrong.

An Illinois minority subcontractor who never had problems getting bonding for subcontracting jobs suddenly developed a bonding problem when he went to bid on a relatively small, \$80,000 contract as a prime contractor. The surety firm did not have problems bonding the minority subcontractor as long as there was a prime contractor over him. The assumption was that the prime contractor could make sure the minority contractor got his job done. However, once the minority contractor bid for a project as a prime contractor, independent of anybody, the surety firm refused to bond the contractor. This minority contractor never had any problems finishing a project. This contractor had a proven record yet could not get bonding because the surety firm did not trust him.

According to WCOE and the National Association of Minority Contractors,

bonding has been denied simply for not being married, being a woman, or being a minority. These are not acceptable reasons for rejecting a bond applicant. Other women and minority contractors have been rejected without any oral or written explanation of why their application was denied.

The American Subcontractors Association [ASA] has appealed to the Treasury Department, which maintains a list of federally approved surety firms for use on Federal projects, to solve these problems administratively. I have a copy of the ASA petition to the Treasury Department, which is dated February 16, 1990 and two follow-up requests dated August 16, 1990, and September 27, 1990. The National Association of Minority Contractors also petitioned the Treasury Department to make it unlawful for a Treasury-approved surety to discriminate. I ask that these letters be included in the RECORD. Unfortunately, these steps have not met with any results, not even a response from the Treasury Department. It is doubtful that any affirmative action is likely given the lack of a response by the Treasury Department.

The ASA's petition urges the Treasury Department to make it unlawful for a Treasury-approved surety to discriminate against the applicant on the basis of race, color, religion, national origin, sex, or marital status; requires a surety to notify an applicant of his/her status, and entitles a denied applicant to receive a written statement of the reasons for denial.

My simple bill, which is modeled after the Equal Credit Opportunity Act and includes the substance of the ASA petition prohibits surety firms from discriminating on the basis of race, color, religion, national origin, sex, marital status, sexual orientation, or age. The ability to contract should be the sole determination of whether a contractor is considered eligible for a bond.

The bill also prohibits discrimination against an applicant for obtaining a bond through an individual surety or a special program designed to help small and emerging firms obtain surety bonding, or because an applicant has exercised his or her right under this Act.

The U.S. Treasury Department maintains a list of surety firms that have been approved for use on Federal contracts. Under my bill, surety firms that seek to be included on the Treasury-approved list are required, upon request, to provide denied applicants with a full written disclosure of the reasons for their denial.

A written explanation will give construction firms the opportunity to take appropriate corrective action—an opportunity now available to all prospective small business Federal contractors when denied by an agency contracting officer. The written explanation should

also limit the denial of bonding for other than legitimate reasons.

Specifically, the bill requires surety firms or its agent, upon request, to notify a contractor of the status of his/her application within 30 days of receipt of a completed application. Contractors who have been rejected have the right to receive a written explanation of why they were rejected in a fixed amount of time.

The Surety Bond Opportunity Act will soon be included in the women's Economic Equity Act, an omnibus bill aimed at promoting the economic well-being of American women and their families.

This bill is necessary in order for women- and minority-owned business to gain equal footing in the contracting business. The bill will establish a measure of fairness and discipline into the bonding business. This bill ensures that surety firms comply with the same nondiscrimination laws that bind banks and other lending institutions. If a surety firm is in compliance with these laws, it has nothing to fear from this legislation. Mr. President, I urge my colleagues to support this very important, very simple piece of legislation.

I ask unanimous consent that the text of my bill be included at this point in the RECORD, along with the full text of the letters to which I referred.

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

S. 2611

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Surety Bond Opportunity Act of 1992".

SEC. 2. ADDITIONAL REQUIREMENTS REGARDING APPROVAL OF SURETIES.

(a) IN GENERAL.—A company may not be approved as a surety by the Secretary of the Treasury under section 9304 of chapter 93 of title 31, United States Code, or provide any surety bond pursuant to such section unless such company maintains full compliance with the requirements of section 9310 of title 31, United States Code.

(b) REQUIREMENTS RELATING TO ENFORCEABILITY.—

(1) SIGNED STATEMENT OF COMPLIANCE WITH APPLICATION.—Section 9305(a) of title 31, United States Code, is amended—

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

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

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

"(3) a statement of compliance with section 9310 which is signed under penalty of perjury by the president and the secretary of the corporation."

(2) COMPLIANCE AS A CONDITION FOR APPROVAL OF APPLICATION.—Section 9305(b) of title 31, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) the corporation is in full compliance with section 9310."

(3) SIGNED STATEMENT OF COMPLIANCE WITH QUARTERLY REPORTS.—Section 9305(c) of title 31, United States Code, is amended by inserting "and a statement of compliance with section 9310," before "signed and sworn".

(4) ENFORCEMENT AUTHORITY OF SECRETARY OF THE TREASURY.—Section 9305(d) of title 31, United States Code, is amended—

(A) in paragraph (1), by striking "9304 or 9306" and inserting "9304, 9306, or 9310"; and

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

(C) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) may, after the end of the 1-year period beginning on the effective date of any revocation under paragraph (1) of the authority of a surety corporation for noncompliance with section 9310, reauthorize such corporation to provide surety bonds under section 9304."

(5) REVOCATION FOR FAILURE TO PAY CERTAIN JUDGMENTS.—Section 9305(e) of title 31, United States Code, is amended—

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

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) the corporation does not pay a final judgment or order against the corporation for noncompliance with section 9310, or fails to comply with any order under that section; and"

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9304(a)(3) of title 31, United States Code, is amended by striking "9305 and 9306" and inserting "9305, 9306, and 9310".

SEC. 3. INFORMATION FOR BOND APPLICANTS AND NONDISCRIMINATION.

(a) IN GENERAL.—Chapter 93 of title 31, United States Code, is amended by adding at the end the following new section:

"SEC. 9310. INFORMATION FOR BOND APPLICANTS; NONDISCRIMINATION.

"(a) REASONS FOR ADVERSE ACTION; PROCEDURE APPLICABLE.—

"(1) NOTICE REQUIRED.—Not later than 30 days after receipt of a completed application for a bond, any surety under section 9304 of title 31, United States Code, shall notify the applicant of its action on the application.

"(2) STATEMENT OF REASONS.—

"(A) IN GENERAL.—Each applicant against whom adverse action is taken shall be entitled to a statement of reasons for such action from the surety.

"(B) ACCEPTABLE FORMS OF STATEMENT.—A surety satisfies the requirement established under subparagraph (A)—

"(i) by providing a statement of reasons in writing as a matter of course to applicants against whom adverse action is taken; or

"(ii) by giving written notification of adverse action which discloses—

"(I) the applicant's right to a statement of reasons not later than 30 days after receipt by the surety of a request made not later than 60 days after such notification; and

"(II) the identity of the person or office from which such statement may be obtained.

"(C) ORAL STATEMENT PERMITTED.—Such statement may be given orally if the written notification advises the applicant of the applicant's right to have the statement of reasons confirmed in writing upon written request.

"(3) SPECIFICITY OF REASONS.—A statement of reasons meets the requirements of this

section only if it contains specific reasons for the adverse action taken.

"(4) APPLICABILITY IN CASE OF THIRD PARTY APPLICATIONS.—In the case of a request to a surety by a third party to issue a bond directly or indirectly to an applicant, the notification and statement of reasons required by this section may be made directly by such surety, or indirectly through the third party, if the identity of the surety is disclosed to the applicant.

"(5) APPLICABILITY IN CASE OF SURETIES WHICH ACCEPT FEW APPLICATIONS.—The requirements of paragraphs (2), (3), and (4) may be satisfied by verbal statements or notifications in the case of any surety who did not act on more than 100 applications during the calendar year in which the adverse action is taken.

"(b) NONDISCRIMINATION.—

"(1) ACTIVITIES.—It shall be unlawful for any surety to discriminate against any applicant, with respect to any aspect of a surety bond transaction—

"(A) on the basis of race, color, religion, national origin, sex, marital status, disability, or age (if the applicant has the capacity to contract);

"(B) because the applicant has in good faith exercised any right under this chapter;

"(C) because the applicant previously obtained a bond through an individual or personal surety; or

"(D) because the applicant previously obtained a bond through—

"(i) any bonding assistance program expressly authorized by law;

"(ii) any bonding assistance program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iii) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(2) ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It shall not constitute discrimination for purposes of this section for a surety—

"(A) to make an inquiry of marital status if such inquiry is for the purpose of ascertaining the surety's rights and remedies applicable to the granting of a bond and not to discriminate in a determination of bondability;

"(B) to make an inquiry of the applicant's age if such inquiry is for the purpose of determining the amount and probable continuance of bondability; or

"(C) to make an inquiry as to where the applicant has previously obtained a bond, in order to determine bonding history, or other pertinent element of bondability, except that an applicant may not be assigned a negative factor or value because such applicant previously obtained a bond through—

"(i) an individual or personal surety;

"(ii) a bonding assistance program expressly authorized by law;

"(iii) any bonding program administered by a nonprofit organization for its members or an economically disadvantaged class of persons; or

"(iv) any special purpose bonding program offered by a profitmaking organization to meet special needs.

"(3) ADDITIONAL ACTIVITIES NOT CONSTITUTING DISCRIMINATION.—It is not a violation of this section for a surety to refuse to issue a bond pursuant to—

"(A) any bonding assistance program authorized by law for an economically disadvantaged class of persons;

"(B) any bonding assistance program administered by a nonprofit organization for

its members or an economically disadvantaged class of persons; or

"(C) any special purpose bonding program offered by a profitmaking organization to meet special needs,

if such refusal is required by or made pursuant to such program."

(b) DEFINITION OF ADVERSE ACTION.—Section 9301 of title 31, United States Code, is amended—

(1) by striking the period at the end of paragraph (1) and inserting a semicolon;

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

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

"(3) 'adverse action'—

"(A) means a denial of a bond, a change in the terms of an existing bonding arrangement, or a refusal to issue a bond in the amount or on substantially the terms requested; and

"(B) does not include any refusal to issue an additional bond under an existing bonding arrangement where the applicant is in default, or where such additional bond would exceed a previously established bonding limit."

SEC. 4. CIVIL PENALTIES.

Section 9308 of title 31, United States Code, is amended—

(1) in the first sentence by striking "A surety corporation" and inserting the following:

"(a) LIABILITY TO THE UNITED STATES.—A surety corporation";

(2) in the second sentence by striking "A civil action" and inserting the following:

"(c) JURISDICTION.—A civil action";

(3) in the third sentence by striking "A penalty imposed" and inserting the following:

"(d) EFFECT OF PENALTIES ON CONTRACTS.—A penalty imposed"; and

(4) by inserting the following before subsection (c) (as designated by paragraph (2)):

"(b) LIABILITY FOR DISCRIMINATORY ACTION.—

"(1) IN GENERAL.—Any surety corporation that fails to comply with section 9310(b) shall be liable to the aggrieved applicant for—

"(A) any actual damage sustained by such applicant (individually or as a member of a class); and

"(B) in the case of any successful action under this subsection, the costs of the action, together with reasonable attorney's fees, as determined by the court.

"(2) FACTORS TO BE CONSIDERED.—In determining the amount of any damages under paragraph (1), the factors considered by the court shall include—

"(A) the amount of any actual damages awardable under paragraph (1);

"(B) the frequency and persistence of the failures by the surety to comply with the requirements of section 9310;

"(C) the number of persons adversely affected by the failure of the surety to comply with such requirements; and

"(D) the extent to which such failure was intentional."

SEC. 5. REGULATIONS.

The Secretary of the Treasury shall issue such proposed regulations as may be necessary to carry out this Act not later than 270 days after the date of its enactment. The final regulations shall become effective not later than 1 year after the date of enactment of this Act.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall become effective on the earlier of—

- (1) the effective date of the final regulations promulgated pursuant to section 5; or
- (2) the end of the 1-year period beginning on the date of enactment of this Act.

AMERICAN SUBCONTRACTORS ASSOCIATION, INC.,

Alexandria, VA, August 16, 1990.

Commissioner WILLIAM E. DOUGLAS, Financial Management Service, U.S. Department of the Treasury, Liberty Center, Washington, DC.

DEAR COMMISSIONER DOUGLAS: Six months ago, on February 16, 1990, the American Subcontractors Association submitted to you a petition for proposed rulemaking pursuant to the Administrative Procedures Act (5 U.S.C. Sec. 553(e)). That petition made specific recommendations concerning amendment to Part 223 of the Code of Federal Regulations, governing "Surety Companies Doing Business with the United States." A copy of that petition for rulemaking is attached.

Would you please give us an indication of when ASA can expect a formal response to its petition. We note that the APA (5 U.S.C. Sec. 555(e)) requires that agencies conclude matters submitted to them within a reasonable amount of time.

We will look forward to your prompt response.

Sincerely,

E. COLETTE NELSON,

Vice President of Government Relations.

Enclosure.

AMERICAN SUBCONTRACTORS ASSOCIATION, INC.,

Alexandria, VA, September 27, 1990.

Ms. TERRY BOYER,

Manager, Surety Bonds Branch, Financial Management Service, U.S. Department of the Treasury, Liberty Center, Washington, DC.

DEAR TERRY: Last week, representatives of the American Subcontractors Association met with representatives of The Surety Association of America and the National Association of Surety Bond Producers. During the meeting, SAA President Lloyd Provost expressed concern about the petition of rulemaking that ASA submitted to Commissioner Douglas on February 16, 1990. Mr. Provost said that SAA had reviewed the petition, a copy of which he had obtained from your office, and is opposed to its consideration.

While we do not question your right to provide Mr. Provost with a copy of the ASA petition or even to discuss it with him, we are concerned that such discussions have been undertaken when we have not been able to get a response to our letters on the subject. Indeed, recently, my phone calls have not been returned.

I have been informed by a staff member in the Office of Federal Procurement Policy that "Treasury is opposed to the ASA proposal." We would hope that Treasury's opposition does not result in the denial of any response at all.

Terry, I urge you to take steps to formally respond to the ASA petition of rulemaking dated February 16, 1990 (copy enclosed). If there is anything that ASA can do to help expedite consideration of this petition, please do not hesitate to contact me.

Sincerely yours,

E. COLETTE NELSON,

Vice President of Government Relations.

Enclosure.

AMERICAN SUBCONTRACTORS
ASSOCIATION, INC.,

Alexandria, VA, February 16, 1990.

Commissioner WILLIAM E. DOUGLAS,
Financial Management Service,
U.S. Department of the Treasury, Liberty Cen-
ter, Washington, DC.

DEAR COMMISSIONER DOUGLAS: (1) Pursuant to Section 553(e) of the Administrative Procedures Act, the American Subcontractors Association (ASA) petitions for a rulemaking to amend part 223 of the Code of Federal Regulations, governing "Surety Companies Doing Business With the United States." ASA petitions that the regulation be amended to:

Make it unlawful for a Treasury-approved surety to discriminate against any applicant on the basis of race, color, religion, national origin or sex or marital status;

Require such a surety or its agent to notify an applicant for a bond of the action on an application within a time period designated by the applicant if that time is considered reasonable or a longer period that comports with prevailing industry practice; and

Entitle an applicant for a bond whose application has been denied, to receive, upon request, a written statement of reasons for such action from such surety or its agent.

(2) ASA is a national association with more than 8,000 member firms in nearly every construction specialty trade. In addition, ASA represents 20 national associations of specialty trade contractors with members of their own (See Attachment A). Many ASA members serve as prime contractors on federal construction. Thus, ASA has a real and direct interest in any law or regulation that impacts the ability of construction contractor to do business with the federal government.

(3) The 1935 Miller Act requires federal construction contractors with contracts over \$25,000 to provide performance and payment bonds. The Federal Acquisition Regulation provides that if a prime contractor provides a corporate surety bond, the surety company providing that bond must be listed in Department Circular No. 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies."

In the Miller Act, Congress essentially delegated to the surety industry the responsibility for determining whether a construction contractor is qualified to perform a given federal contract. That is, a surety, in practical terms, has assumed the responsibility for "prequalifying" a construction contractor on behalf of the federal contracting agency. Thus, ASA believes that a surety approved by the Treasury Department to provide bonds on federal contracts should undertake this responsibility with the same care, diligence, priorities and policies of the federal government.

(4) Congress repeatedly has stated that it is the policy of the United States to assure that small businesses and small disadvantaged businesses are given every opportunity to compete for federal procurement dollars. Indeed, there are many programs that give small businesses and small disadvantaged businesses a preference in the bidding process for federal contracts.

Yet, complaints about the surety bond process are particularly prevalent from minority-owned and woman-owned businesses. Many of the owners of these firms believe that the reason for their denial of a bond is race or sex discrimination. Yet, it can be acknowledged that because of historical patterns, minority and woman-owned firms are

more likely to be small and relatively new. These are just the type of firms to which many surety companies are reluctant to provide bonds. In addition, because of government preference programs, minority- and woman-owned firms are more likely to be participating in government procurement for which they must provide bonds.

The extent of any discrimination specifically against minority and woman-owned businesses may be difficult to prove. But whether such discrimination actually exists or not, surety companies providing bonds for federal procurement should be specifically prohibited from discriminating on the basis of race, color, religion, national origin, or sex or marital status.

(5) Small businesses selling goods or services, including construction, to the federal government have the right to appeal a contracting officer's finding of "non-responsibility." This appeals process is provided by the Small Business Administration pursuant to Section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)). Under the Certificate of Competency Program, a small business concern found to be otherwise eligible for award which is found to be non-responsible by an agency contracting officer must have such a non-responsibility determination referred to the SBA. Upon application by the small business concern, SBA will review the qualifications of the small business concern to determine if it is a responsible source (41 U.S.C. 403(7)). If SBA finds the prospective contractor is capable of performing the contract in question, it awards the contractor a "Certificate of Competency." The federal contracting officer must accept this COC as confirmation of the contractor's responsibility and must make the award. A recent General Accounting Office Report (RCED-86-120BR) suggests that SBA's COC Program is successful because it permits small business concerns to understand and correct the deficiencies giving rise to the agency's initial non-responsibility determination. A finding of the Report is that COC's reflect the ability of small business concerns to affect necessary corrective action and are not merely "second-guessing" of the facts by SBA.

Construction contractors have no opportunity to appeal the finding of a surety that it is "non-responsible"—that is, it is not qualified to perform a contract on which it has chosen to bid. Indeed, the contractor may not even be told the reason why it was not granted a bond by the surety or its agent.

In 1988, a representative of The Surety Association of America stated before a House subcommittee that:

"* * * being declined does not mean the contractor will be unable to get a bond in the future. The contractor is always free to take steps to fix whatever weaknesses are causing the bond availability problem. Except for serious character problems most weaknesses are curable if the contractor is willing to make the necessary effort." (Statement of Dennis E. Wine, Vice President, The Surety Association of America, to the Subcommittee on Commerce, Consumer Protection and Competitiveness of the House Committee on Energy and Commerce, June 29, 1988.)

This is true, but only if the contractor is aware of what the surety perceives are its weaknesses.

The ASA recommended amendment to Treasury's regulations would provide a construction contractor denied a bond during the surety's prequalification process with the opportunity to make the changes in its

firm necessary to allow it to perform the federal contract—an opportunity now provided to all prospective small business federal contractors when determined non-responsible by an agency contracting officer.

(6) ASA has received increasing numbers of reports from contractors who say they are qualified to perform a given contract but are unable to obtain a bond for the contract. While it is impossible for ASA to judge the qualifications of each of these contractors, they tend to have one thing in common: they are small firms that seldom need to provide bonds or need to provide bonds in only small amounts. Again, these are just the type of firms for which many surety companies are less than eager to provide surety bonds.

Certainly, it is a market decision for a surety company to determine that it does not want to bond certain types of contractors, whether that decision is based on the size of the contractor or the specialty trade of the contractor. However, when Congress passed the 1935 Miller Act—for practical purposes, establishing the surety industry in the United States—it did not require that bonds be provided only by large contractors or by general contractors; it provided that all construction contractors, regardless of size or trade, provide a bond if the federal contract is over \$10,000 (later raised to \$25,000). A surety company that has been approved to provide bonds on federal procurement should provide bonds to any contractor qualified to perform a specific federal contract—not just those who conveniently fit the surety's marketing niche or provide the largest premium income.

The amendment to the Treasury regulations proposed by ASA would help assure that the companies approved by Treasury recognize the seriousness of the responsibilities delegated to them by Congress under the Miller Act.

(7) Pursuant to Section 555(b) of the Administrative Procedures Act, we look forward to a prompt resolution of this petition for rulemaking and publication of a Notice of Proposed Rulemaking incorporating these essential modifications into the existing regulations.

If there is anything that ASA can do to help expedite your consideration of this petition, please do not hesitate to contact us.

Sincerely yours,

E. COLETTE NELSON,
Vice President, Government Relations.

NATIONAL ASSOCIATION
OF MINORITY CONTRACTORS,
Washington, DC, June 6, 1990.

Commissioner WILLIAM E. DOUGLAS,
Financial Management Service, U.S. Department of the Treasury, Washington, DC.

DEAR COMMISSIONER DOUGLAS: (1) Pursuant to Section 553 (e) of the Administrative Procedures Act, the National Association of Minority Contractors (NAMC) petitions for a rulemaking to amend Part 223 of the Code of Federal Regulations, governing "Surety Companies Doing Business with the United States." NAMC petitions that the regulation be amended to:

Make it unlawful for a Treasury-approved surety to discriminate against any applicant on the basis of race, color, religion, national origin or sex or marital status;

Require each Treasury-approved surety to maintain records on and report to Treasury the following:

The number of federal contracts on which it provides bonds;

The total dollar amount of bonds it provides on federal contracts;

The percentage of bonds it provides on federal construction as a total of the firm's surety business;

The number of federally-funded contracts on which it provides bonds;

The total dollar amount of bonds it provides on federally-funded contracts;

The percentage of bonds it provides on federally-funded contracts as a total of the firm's surety business;

The total number of bonds it provides to minority-owned firms;

The total dollar amount of bonds it provides to minority-owned firms; and

The percentage of bonds it provides to minority-owned firms as a total of the firm's surety business;

Requires a Treasury-approved surety who shows a consistent pattern or failure to underwrite bonds for minority-owned firms to establish an outreach program to minority-owned firms; and

Require Treasury to remove from the Treasury list any surety firm that fails to demonstrate a good faith effort to underwrite bonds for minority-owned firms.

(2) The National Association of Minority Contractors (NAMC) established in 1969, to address the needs and concerns of minority construction contractors. It is currently the only national organization representing the interests of the more than 60,000 minority-owned construction firms in America.

NAMC's main function is the providing of managerial and other specialized training of minority contractors in order to increase their competitive viability in the construction marketplace. In conjunction with such function, NAMC also identifies public and private sector procurement opportunities for minority contractors. All of this is for naught if minority contractors are precluded from obtaining surety bonds. Thus, NAMC has a more than urgent interest in this matter.

(3) The 1935 Miller Act requires federal construction contractors with contracts over \$25,000 to provide performance and payment bonds. The Federal Acquisition Regulation provides that if a prime contractor provides a corporate surety bond, the surety bond company providing that bond must be listed in Department Circular No. 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies."

In the Miller Act, Congress essentially delegated to the surety industry the responsibility for determining whether a construction contractor is qualified to perform a given federal contract. That is, a surety, in practical terms, has assumed the responsibility for "prequalifying" a construction contractor on behalf of the federal contracting agency. Thus, NAMC believes that a surety approved by the Treasury Department to provide bonds on federal contracts should undertake this responsibility with the same care, diligence, priorities and policies of the federal government.

(4) Congress repeatedly has stated that it is the policy of the United States to assure that small businesses and small disadvantaged businesses are given every opportunity to compete for federal procurement dollars. Indeed, there are many programs that set goals for the participation of small disadvantaged businesses in the procurement of federal contracts.

Complaints about the surety bond process are particularly prevalent from minority-owned businesses. Many of the owners of these firms believe that the reason for their denial of a bond is race discrimination. Yet,

it can be acknowledged that because of historical patterns, minority-owned firms are more likely to be small and relatively new. These are just the type of firms to which many surety companies are reluctant to provide bonds. In addition, because of government preference programs, minority-owned firms are more likely to be participating in government procurement for which they must provide bonds. It must also be pointed out that even larger, more established minority construction contractors complain of on-going racial discrimination in the surety bond application process.

The extent of any discrimination specifically against minority-owned businesses may be difficult to prove. But whether such discrimination actually exists or not, surety companies providing bonds for federal procurement should be specifically prohibited from discriminating on the basis of race.

(5) One of the principal roles of the surety is to "prequalify" contractors for work on federal construction. In their "prequalification" role, a surety may deal with a minority-owned firm before the federal government does. Indeed, a minority-owned firm may never have the opportunity to approach a government contracting agency unless it first can obtain the bond. As a result, a federal agency with a goal for minority participation may never reach that goal if surety companies determine that most minority contractors are not qualified to perform such federal contracts.

The amendment to the regulation proposed by NAMC would provide information to the federal government about the number of minority-owned firms being "prequalified" by Treasury-approved surety firms. It thus would provide them with the information necessary to determine if there are a sufficient number of minority-owned firms available to meet their goals—or whether additional effort is needed to identify and develop such firms.

(6) NAMC, like other construction associations, has received increasing numbers of reports from contractors who say they are qualified to perform a given contract but are unable to obtain a * * *

By Mr. DOMENICI (for himself and Mr. SPECTER):

S. 2612. A bill to amend the Internal Revenue Code of 1986 to provide short-term economic growth incentives which would create a million new jobs, in 1992, and for no other purpose; to the Committee on Finance.

HIGH VALUE ECONOMIC GROWTH ACT

Mr. DOMENICI. Mr. President, I am going to introduce tonight what I choose to call a high-value economic growth act. I will introduce it for myself and Senator SPECTER. In due course, I will circulate it and see if we cannot get the President of the United States interested in this high-value economic package.

Essentially it is a very simple proposition, to add some stimulus to the economy instead of letting all the work that has been done in the last 4 or 5 months go by the boards. This bill does five things. It includes the passive loss provisions that the President sent up, the 15-percent investment tax allowance, first-time home buyer credit, penalty-free withdrawal for home buy-

ers and automobile purchasers, and incentives for pension funds' investment in real estate.

I believe, while the economy is recovering, we ought to do whatever we can to move it along. I think this package would have no controversy. I think the President could accept it. Congress could accept it. And we all would have accomplished something positive rather than leave our people and the economy without any stimulus because we have been unable to agree on a larger package.

The bill I send to the desk includes a passive loss provision, a 15-percent investment tax allowance, a first time home buyer credit, a penalty free withdrawal for homebuying and automobile purchases and incentives for pension funds to invest in real estate.

The President, in his State of the Union asked Congress to enact a package of short-term investment provisions with the aim of increasing the Nation's good, encouraging economic growth and jobs. He asked us to do what is right.

My bill is what the economy needs now. It provides investment incentives to spur economic growth.

Each of these provisions meets a very high test: They create jobs; reduce the cost of capital; reduce the cost of labor; and act as investment incentives for the here and now to pull us out of the recession. This is my definition of what a high-value economic growth package should be and do.

These provisions would be effective, limited and short term.

The bill is not a middle-income tax cut. It is not a Tax Code simplification proposal. It is not a tax equity proposal. It is not a grab bag of proposals for various members and their constituents. It is an economic growth package for all Americans.

Its single purpose is by design. When there is an important job to do, define the objective—the one objective, and do it well.

If we enacted this short-term package the American public would say, "for once Congress came through."

Two of the five provisions in the bill are the same as the President's. These include the \$5,000 first-time home buyer credit and the provisions to encourage pension funds to invest in real estate.

The other three provisions are variations of the President's proposals and reflect the input of many tax experts who have offered advice since the State of the Union.

It does not rely on any gimmicks to pay for it.

The passive loss provision included in this package was authored by Senator PACKWOOD. It essentially provides the same incentives for real estate professionals to retain ownership of commercial and other property as the Boren bill S. 1257, which has 44 cosponsors in the Senate.

The penalty free withdrawal from IRA's for first time home buyers and automobile purchasers is based on S. 1984 which Senator SPECTER and I introduced.

The investment tax allowance is the additional 15-percent depreciation for productivity enhancing equipment proposed by the President. This provision will promote capital investment, modernization and a more rapid recovery by providing a temporary acceleration of depreciation deductions.

In order to make all of the revenue numbers add up, I have had to provide that an investor would receive the 15-percent ITA on his/her 1993 tax return for investments made in 1992.

This bill costs \$12.5 billion over 5 years and is paid for by a combination of offsets, many of which were recommended by the President. These include extending certain customs fees and collection efforts that were scheduled to expire. The offset package also includes the FCC spectrum auction and several tax changes proposed by the President.

The first-time home buyer credit, the penalty free withdrawal for first time home buyers and automobile purchasers and the investment tax allowance are temporary—by design. They are intended to accelerate investment and job creation in the economy now.

The first-time home buyer credit is a jobs creating policy. The National Association of Homebuilders has estimated that the credit would create 415,000 additional jobs in 1992.

The passive loss provision, and the pension investment provisions are more long term. But they go to the core of what experts believe is the unique but uncertain factor in this recession—the free fall in real estate values.

Within 25 percent of the GNP related to real estate, it only makes sense to focus our attention on this big sector of the economy that is ailing.

FIRST-TIME HOME BUYER CREDIT

The President was correct in focusing on the first-time home buyer for tax relief and economic stimulus. It is a good macroeconomic policy for the country because it provides jobs, and good microeconomic policy for middle-class families because it helps them achieve homeownership—something they want and need.

Homebuilding has traditionally lead us into recessions and it has consistently led us out of them. And first-time home buying is a significant part of that activity. More than one-third of the 4.5 million home sales in a typical year involve first-time home purchases.

Promoting home ownership gives families a real sense of accomplishment and of moving up, as well as obtaining a piece of the good life for the family.

Building those homes provides good jobs, not only in construction, but in

manufacturing, sales, and service of a wide range of consumer products from air-conditioners, zig-zag sewing machines, and Zenith home entertainment centers.

It has been estimated that 708,000 home buyers would be helped by the credit in the first year, 1.2 million by the end of the second.

The National Association of Homebuilders has estimated that the President's credit would stimulate 215,000 housing starts and create 415,000 additional jobs in 1992.

INVESTMENT TAX ALLOWANCE

Investment in equipment is the single most important factor in economic growth and development according to Prof. J. Bradford De Long and Lawrence Summers, both of Harvard University and the National Bureau of Economic Research. They authored a recent growth rate study of various nations and their equipment investment patterns practices and policies. Their conclusion is echoed by a wide range of experts.

The ITA provision should encourage firms to invest in technologically innovative equipment crucial for U.S. economic strength. Examples of eligible equipment include computers, new machine tools, telephone switching equipment, small engine blocks, and instrumentation for research. It would also apply to investments as fundamental as a livestock fence—all are investments to make America more productive.

We need this type of incentive.

Arthur Anderson's 1990 study on alternative tax incentives for capital investment in the United States and five of its major international competitors concluded that the United States now ranks next to last in terms of the present value of cost recovery allowances among its competitors: Canada, Japan, Singapore, South Korea, and West Germany.

In contrast, under pre-1986 law, the United States ranked second internationally.

We need to do something long term, but for now, a step in the right direction is to enact the 15-percent investment tax allowance.

It has been estimated that this 15-percent investment allowance is equal to a 5-percent investment tax credit.

PENALTY FREE IRA WITHDRAWAL

This provision is intended as a consumer confidence booster. It frees up trapped savings.

With the favorable interest rates it is an opportunity to help families get access to the needed down payment for a first-time home.

Down payments are the biggest obstacle to home ownership. By allowing parents and grandparents penalty free withdrawals they can help out.

Consumers will feel that their economic situation is improved, have more cash available. They will feel

more in control of their financial affairs.

Everyone agrees that what the economy needs now is more consumption. This provision encourages investment in a home or automobile. And the consumption will come for private, not public, savings.

This provision has a unique feature. It allows the borrower to either pay the tax over four years or replenish the IRA or pension account.

PASSIVE LOSS PROVISIONS

Under current tax law, the passive loss rules are a disincentive for real estate professionals to hold on to and maintain commercial real estate. While other small businessmen can almost always take a tax deduction for out-of-pocket, necessary business expenses, real estate professionals often can not because of the passive loss rules in the Tax Code.

Denying a tax deduction for out-of-pocket costs is a disincentive for owners to continue to make mortgage payments on money-losing properties.

Reforming the passive loss rules will also encourage owners of unprofitable commercial real estate to hold on to it and maintain it, rather than abandoning it to the financial institutions who hold the mortgages. This will help bring the supply and demand of for sale properties more into balance.

A less glutted market will permit the RTC to sell its properties for a higher price, saving taxpayers' money.

If there are fewer defaults, there will be more credit available to small businesses that want to expand and create more jobs.

ENCOURAGING PENSIONS TO INVEST IN REAL ESTATE

The stabilization of the real estate values is an important precondition for economic growth.

The pension provisions make it easier for this vast pool of capital to invest in real estate.

NEW MEXICO IMPACT

I want to talk about the impact this bill would have on my State.

The first-time home buyer credit will create 2,067 jobs in my State this year.

For each \$1 of new construction, the earnings of households in New Mexico are estimated to grow by approximately 65 cents. Both construction workers and other employees benefit, and the tax base of the State is increased.

CONCLUSION

This is a high value package. It is about the right amount of stimulus that we need for the economy right now. It is also about as much as we can afford to pay for.

It heeds the advice of the economists who urged Congress not to over do it on the fiscal policy.

Frankly, Mr. President, between all the politics, and budget process and procedural hurdles, there is very little time left for enacting good policy.

Enacting this bill would give us an opportunity to do the right thing.

I hope my colleagues will cosponsor this legislation.

I ask unanimous consent that the text of the bill and a section-by-section description be printed in the RECORD.

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

S. 2612

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1986 CODE.

(a) **SHORT TITLE.**—This Act may be cited as the "High Value Economic Growth Act of 1992".

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

Sec. 1. Short title; table of contents; amendment of 1986 Code.

TITLE I—ECONOMIC GROWTH INCENTIVES

Sec. 101. Credit for first-time homebuyers.

Sec. 102. Special depreciation allowance for certain equipment acquired in 1992.

Sec. 103. Penalty-free withdrawals from pension plans through 1992.

Sec. 104. Passive loss equity for real estate professionals.

Sec. 105. Real property acquired by a qualified organization.

Sec. 106. Special rules for investments in partnerships.

TITLE II—REVENUE OFFSETS

Subtitle A—General Provisions

Sec. 201. Elimination of the statute of limitations on collection of guaranteed student loans.

Sec. 202. Increase tax on ozone depleting chemicals.

Sec. 203. Mark to market inventory method for securities dealers.

Sec. 204. Disallowance of interest on certain overpayments of tax.

Subtitle B—Electromagnetic Spectrum Function

Sec. 211. Short title.

Sec. 212. Findings.

Sec. 213. National spectrum planning.

Sec. 214. Identification of reallocable frequencies.

Sec. 215. Withdrawal of assignment to United States Government stations.

Sec. 216. Distribution of frequencies by the Commission.

Sec. 217. Authority to reclaim reassigned frequencies.

Sec. 218. Competitive bidding.

Sec. 219. Definitions.

Subtitle C—Other Provisions

Sec. 221. Extension of current law regarding lump-sum withdrawal of retirement

Sec. 222. Extension of the patent and trademark office user fee surcharge through 1996.

Sec. 223. One-year extension of customs user fees.

Sec. 224. Disclosures of information for veterans benefits.

Sec. 225. Revision of procedure relating to certain loan defaults.

Sec. 226. Application of medicare part B limits to FEHBP enrollee age 65 or older.

(c) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in

this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—ECONOMIC GROWTH INCENTIVES

SEC. 101. CREDIT FOR FIRST-TIME HOMEBUYERS.

(a) **IN GENERAL.**—Subpart A of part IV of chapter 1 is amended by inserting after section 22 the following new section:

"SEC. 23. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

"(a) **ALLOWANCE OF CREDIT.**—If an individual who is a first-time homebuyer purchases a principal residence (within the meaning of section 1034), there shall be allowed to such individual as a credit against the tax imposed by this subtitle an amount equal to 10 percent of the purchase price of the principal residence.

"(b) **LIMITATIONS.**—

"(1) **MAXIMUM CREDIT.**—The credit allowed under subsection (a) shall not exceed \$5,000.

"(2) **LIMITATION TO ONE RESIDENCE.**—The credit under this section shall be allowed with respect to only one residence of the taxpayer.

"(3) **MARRIED INDIVIDUALS FILING JOINTLY.**—In the case of a husband and wife who file a joint return under section 6013, the credit under this section is allowable only if both the husband and wife are first-time homebuyers, and the amount specified under paragraph (1) shall apply to the joint return.

"(4) **OTHER TAXPAYERS.**—In the case of individuals to whom paragraph (3) does not apply who together purchase the same new principal residence for use as their principal residence, the credit under this section is allowable only if each of the individuals is a first-time homebuyer, and the sum of the amount of credit allowed to such individuals shall not exceed the lesser of \$5,000 or 10 percent of the total purchase price of the residence. The amount of any credit allowable under this section shall be apportioned among such individuals under regulations to be prescribed by the Secretary.

"(5) **APPLICATION WITH OTHER CREDITS.**—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year, reduced by the sum of any other credits allowable under this chapter.

"(c) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

"(1) **PURCHASE PRICE.**—The term 'purchase price' means the adjusted basis of the principal residence on the date of the acquisition thereof.

"(2) **FIRST-TIME HOMEBUYER.**—

"(A) **IN GENERAL.**—The term 'first-time homebuyer' means any individual if such individual has not had a present ownership interest in any residence (including an interest in a housing cooperative) at any time within the 36-month period ending on the date of acquisition of the residence on which the credit allowed under subsection (a) is to be claimed. An interest in a partnership, S corporation, or trust that owns an interest in a residence is not considered an interest in a residence for purposes of this paragraph except as may be provided in regulations.

"(B) **CERTAIN INDIVIDUALS.**—Notwithstanding subparagraph (A), an individual is not a first-time homebuyer on the date of purchase of a residence if on that date the running of any period of time specified in section 1034 is suspended under subsection (h) or (k) of section 1034 with respect to that individual.

"(3) **SPECIAL RULES FOR CERTAIN ACQUISITIONS.**—No credit is allowable under this section if—

"(A) the residence is acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b), or

"(B) the basis of the residence in the hands of the person acquiring it is determined—

"(i) in whole or in part by reference to the adjusted basis of such residence in the hands of the person from whom it is acquired, or

"(ii) under section 1014(a) (relating to property acquired from a decedent).

"(d) **RECAPTURE FOR CERTAIN DISPOSITIONS.**—

"(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), if the taxpayer disposes of property with respect to the purchase of which a credit was allowed under subsection (a) at any time within 36 months after the date the taxpayer acquired the property as his principal residence, then the tax imposed under this chapter for the taxable year in which the disposition occurs is increased by an amount equal to the amount allowed as a credit for the purchase of such property.

"(2) **ACQUISITION OF NEW RESIDENCE.**—If, in connection with a disposition described in paragraph (1) and within the applicable period prescribed in section 1034, the taxpayer purchases a new principal residence, then the provisions of paragraph (1) shall not apply and the tax imposed by this chapter for the taxable year in which the new principal residence is purchased is increased to the extent the amount of the credit that could be claimed under this section on the purchase of the new residence (determined without regard to subsection (e)) is less than the amount of credit claimed by the taxpayer under this section.

"(3) **DEATH OF OWNER; CASUALTY LOSS; INVOLUNTARY CONVERSION; ETC.**—The provisions of paragraph (1) do not apply to—

"(A) a disposition of a residence made on account of the death of any individual having a legal or equitable interest therein occurring during the 36-month period to which reference is made under paragraph (1),

"(B) a disposition of the old residence if it is substantially or completely destroyed by a casualty described in section 165(c)(3) or compulsorily or involuntarily converted (within the meaning of section 1033(a)), or

"(C) a disposition pursuant to a settlement in a divorce or legal separation proceeding where the residence is sold or the other spouse retains the residence as a principal residence.

"(e) **PROPERTY TO WHICH SECTION APPLIES.**—

"(1) **IN GENERAL.**—The provisions of this section apply to a principal residence if—

"(A) the taxpayer acquires the residence on or after February 1, 1992, and before January 1, 1993, or

"(B) the taxpayer enters into, on or after February 1, 1992, and before January 1, 1993, a binding contract to acquire the residence, and acquires and occupies the residence before July 1, 1993."

(b) **CLERICAL AMENDMENT.**—The table of sections for subpart A of part IV of chapter 1 is amended by inserting after section 22 the following new item:

"Sec. 23. Purchase of principal residence by first-time homebuyer."

(c) **EFFECTIVE DATE.**—The amendments made by this section are effective on August 1, 1992.

SEC. 102. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN EQUIPMENT ACQUIRED IN 1992.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

“(j) SPECIAL ALLOWANCE FOR CERTAIN EQUIPMENT ACQUIRED IN 1992.—

“(1) ADDITIONAL ALLOWANCE.—Except as provided in paragraph (2), in the case of any qualified equipment—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such equipment is placed in service shall include an allowance equal to 15 percent of the adjusted basis of the qualified equipment, and

“(B) the adjusted basis of the qualified equipment shall be reduced by the amount of such deduction (without regard to paragraph (2)) before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) MAXIMUM FIRST-YEAR DEDUCTION.—Of the aggregate deduction allowable under paragraph (1)—

“(A) 0 percent shall be allowed for the taxable year in which the property is placed in service, and

“(B) 100 percent shall be allowed for the succeeding taxable year.

“(3) QUALIFIED EQUIPMENT.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified equipment’ means property to which this section applies—

“(i) which is section 1245 property (within the meaning of section 1245(a)(3)),

“(ii) the original use of which commences with the taxpayer on or after February 1, 1992,

“(iii) which is—

“(I) acquired by the taxpayer on or after February 1, 1992, and before January 1, 1993, but only if no written binding contract for the acquisition was in effect before February 1, 1992, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into on or after February 1, 1992, and before January 1, 1993, and

“(iv) which is placed in service by the taxpayer before July 1, 1993.

“(B) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified equipment’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(II) after application of section 280F(b) (relating to listed property with limited business use).

“(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(C) SPECIAL RULES RELATING TO ORIGINAL USE.—

“(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property on and after February 1, 1992, and before January 1, 1993.

“(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

“(I) is originally placed in service on or after February 1, 1992, by a person, and

“(II) is sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the lease-back referred to in subclause (II).

“(D) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

“(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified equipment, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i), and decrease each other limitation under subparagraphs (A) and (B) of section 280F(a)(1), to appropriately reflect the amount of the deduction allowable under paragraph (1).

“(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).”

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

“(iii) ADDITIONAL ALLOWANCE FOR EQUIPMENT ACQUIRED IN 1992.—The deduction under section 168(j) shall be allowed.”

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by inserting “(or (iii))” after “(ii)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after February 1, 1992, in taxable years ending on or after such date.

SEC. 103. PENALTY-FREE WITHDRAWALS FROM PENSION PLANS THROUGH 1992.

(a) IN GENERAL.—In the case of any qualified withdrawal—

(1) no additional tax shall be imposed under section 72(t)(1) of the Internal Revenue Code of 1986 with respect to such qualified withdrawal, and

(2) except as provided in subsection (b), any amount includible in gross income by reason of such qualified withdrawal (determined without regard to this section) shall be includible ratably over the 4-taxable year period beginning with the taxable year in which such qualified withdrawal occurs.

(b) ELECTION TO RECONTRIBUTE TO PLAN.—

(1) IN GENERAL.—The amount required to be included in gross income for any taxable year under subsection (a)(2) shall be reduced by any designated retribution.

(2) DESIGNATED RETRIBUTION.—For purposes of paragraph (1), a designated retribution is any contribution to any plan described in subsection (c)(1)(B)—

(A) which the taxpayer designates (in such manner as the Secretary of the Treasury may prescribe) as in lieu of all (or any portion of) any amount required to be included in gross income under subsection (a)(2) for a taxable year, and

(B) which is made not later than the due date (without extensions) for such taxable year.

(3) NO DEDUCTION ALLOWED FOR RECONTRIBUTION, ETC.—For purposes of the Internal Revenue Code of 1986, a designated retribution shall not be treated as a contribution for any taxable year.

(c) QUALIFIED WITHDRAWAL.—For purposes of this section—

(1) IN GENERAL.—The term “qualified withdrawal” means any payment or distribution—

(A) which is made to an individual during 1992,

(B) which is made from—

(i) an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) established for the benefit of the individual, or

(ii) amounts attributable to employer contributions made on behalf of the individual pursuant to elective deferrals described in section 402(g)(3) (A) or (C) or 501(c)(18)(D)(iii) of such Code, and

(C) which is used by the individual for a qualified acquisition not later than the earlier of—

(i) the date which is 6 months after the date of such payment or distribution, or

(ii) the date on which the individual files the individual's income tax return for the taxable year in which such payment or distribution occurs.

(2) QUALIFIED ACQUISITION.—The term “qualified acquisition” means—

(A) the payment of qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is the taxpayer or the child or grandchild of the taxpayer, or

(B) the purchase of a new passenger automobile.

(3) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified withdrawals under paragraph (1) with respect to all plans and amounts of an individual described in paragraph (1)(B) shall not exceed \$10,000.

(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

(A) QUALIFIED ACQUISITION COSTS.—The term “qualified acquisition costs” means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs associated with such qualified acquisition costs.

(B) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—

(i) FIRST-TIME HOMEBUYER.—The term “first-time homebuyer” means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

(ii) PRINCIPAL RESIDENCE.—The term “principal residence” has the same meaning as when used in section 1034.

(iii) DATE OF ACQUISITION.—The term “date of acquisition” means the date—

(I) on which a binding contract to acquire the principal residence to which this subsection applies is entered into, or

(II) on which construction or reconstruction of such a principal residence is commenced.

(C) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in paragraph (1), and

(ii) by reason of a delay in the acquisition of the residence, the requirements of paragraph (1) cannot be met,

the amount so paid or distributed may be paid into an individual retirement plan as provided in section 408(d)(3)(A)(i) of the Internal Revenue Code of 1986 without regard to section 408(d)(3)(B) of such Code, and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) of such Code applies to any other amount.

(D) DISTRIBUTION RULES.—Any qualified withdrawal shall not be treated as failing to meet the requirements of sections 401(k)(2)(B)(i) or 403(b)(1) of such Code.

(d) ORDERING RULES FOR INCOME TAX PURPOSES.—For purposes of the Internal Revenue Code of 1986—

(1) all plans and amounts described in subsection (c)(1)(B) with respect to an individual shall be treated as one plan, and

(2) qualified withdrawals from such plan shall be treated as made—

(A) first from amounts which are includible in gross income of the individual when distributed to such individual, and

(B) then from amounts not so includible.

SEC. 104. PASSIVE LOSS EQUITY FOR REAL ESTATE PROFESSIONALS.

(a) RENTAL REAL ESTATE ACTIVITIES OF PERSONS IN REAL PROPERTY BUSINESS NOT AUTOMATICALLY TREATED AS PASSIVE ACTIVITIES.—Section 469(c) (defining passive activity) is amended by adding at the end thereof the following new paragraph:

“(7) RULES FOR TAXPAYERS IN REAL PROPERTY BUSINESS TO END DISCRIMINATION.—

“(A) IN GENERAL.—If this paragraph applies to any taxpayer for a taxable year—

“(i) paragraph (2) shall not apply to any rental real estate activity of such taxpayer for such taxable year, and

“(ii) this section shall be applied as if each interest of the taxpayer in rental real estate were a separate activity.

Notwithstanding clause (ii), a taxpayer may elect to treat all interests in rental real estate as one activity.

“(B) TAXPAYERS TO WHOM PARAGRAPH APPLIES.—This paragraph shall apply to a taxpayer for a taxable year if more than one-half of the personal services performed in trades or businesses by the taxpayer during such taxable year are performed in real property trades or businesses in which the taxpayer materially participates.

“(C) SPECIAL RULES FOR SUBPARAGRAPH (B).—

“(i) CLOSELY HELD C CORPORATIONS.—In the case of a closely held C corporation, the requirements of subparagraph (B) shall be treated as met for any taxable year if more than 50 percent of the gross receipts of such corporation for such taxable year are derived from real property trades or businesses in which the corporation materially participates.

“(ii) PERSONAL SERVICES AS AN EMPLOYEE.—For purposes of subparagraph (B), personal services performed as an employee (other than as an owner-employee) shall not be treated as performed in real property trades or businesses.”

(b) CONFORMING AMENDMENT.—Section 469(c)(2) is amended by striking “The” and inserting “Except as provided in paragraph (7), the”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after February 1, 1992.

SEC. 105. REAL PROPERTY ACQUIRED BY A QUALIFIED ORGANIZATION.

(a) INTERESTS IN MORTGAGES.—The last sentence of subparagraph (B) of section 514(c)(9) is hereby transferred to subparagraph (A) of section 514(c)(9) and added at the end thereof.

(b) MODIFICATIONS OF EXCEPTIONS.—Paragraph (9) of section 514(c) is amended by adding at the end thereof the following new subparagraph:

“(G) SPECIAL RULES FOR PURPOSES OF THE EXCEPTIONS.—For purposes of subparagraph (B), except as otherwise provided by regulations, the following additional rules apply—

“(i) IN GENERAL.—

“(I) For purposes of clauses (iii) and (iv) of subparagraph (B), a lease to a person described in clause (iii) or (iv) shall be disregarded if no more than 10 percent of the leasable floor space in a building is covered by the lease and if the lease is on commercially reasonable terms.

“(II) Clause (v) of subparagraph (B) shall not apply to the extent the financing is commercially reasonable and is on substantially the same terms as loans involving unrelated persons; for this purpose, standards for determining a commercially reasonable interest rate shall be provided by the Secretary.

“(ii) QUALIFYING SALES OUT OF FORECLOSURE BY FINANCIAL INSTITUTIONS.—In the case of a qualifying sale out of foreclosure by a financial institution, clauses (i) and (ii) of subparagraph (B) shall not apply. For this purpose, a ‘qualifying sale out of foreclosure by a financial institution’ exists where—

“(I) a qualified organization acquires real property from a person (a ‘financial institution’) described in section 581 or 591(a) (including a person in receivership) and the financial institution acquired the property pursuant to a bid at foreclosure or by operation of an agreement or of process of law after a default on indebtedness which the property secured (‘foreclosure’), and the financial institution treats any income realized from the sale or exchange of the property as ordinary income,

“(II) the amount of the financing provided by the financial institution does not exceed the amount of the financial institution’s outstanding indebtedness (determined without regard to accrued but unpaid interest) with respect to the property at the time of foreclosure,

“(III) the financing provided by the financial institution is commercially reasonable and is on substantially the same terms as loans between unrelated persons for sales of foreclosed property (for this purpose, standards for determining a commercially reasonable interest rate shall be provided by the Secretary), and

“(IV) the amount payable pursuant to the financing that is determined by reference to the revenue, income, or profits derived from the property (‘participation feature’) does not exceed 25 percent of the principal amount of the financing provided by the financial institution, and the participation feature is payable no later than the earlier of satisfaction of the financing or disposition of the property.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt-financed acquisitions of real estate made on or after February 1, 1992.

SEC. 106. SPECIAL RULES FOR INVESTMENTS IN PARTNERSHIPS.

(a) MODIFICATION TO ANTI-ABUSE RULES.—Paragraph (9) of section 514(c) (as amended by section 131 of this Act) is amended by adding at the end thereof the following new subparagraph:

“(H) PARTNERSHIPS NOT INVOLVING TAX AVOIDANCE.—

“(i) DE MINIMIS RULE FOR CERTAIN LARGE PARTNERSHIPS.—The provisions of subparagraph (B) shall not apply to an investment in a partnership having at least 250 partners if—

“(I) investments in the partnership are organized into units that are marketed primarily to individuals expected to be taxed at the maximum rate prescribed for individuals under section 1,

“(II) at least 50 percent of each class of interests is owned by such individuals,

“(III) the partners that are qualified organizations owning interests in a class participate on substantially the same terms as other partners owning interests in that class, and

“(IV) the principal purpose of partnership allocations is not tax avoidance.

“(ii) EXCEPTION WHERE TAXABLE PERSONS OWN A SIGNIFICANT PERCENTAGE.—In the case of any partnership, other than a partnership to which clause (i) applies, in which persons who are expected (under the regulations to be prescribed by the Secretary), at the time the partnership is formed, to pay tax at the maximum rate prescribed in section 1 or 11 (whichever is applicable) throughout the term of the partnership own at least a 25-percent interest, the provisions of subparagraph (B) shall not apply if the partnership satisfies the requirements of subparagraph (E).”

(b) PUBLICLY TRADED PARTNERSHIPS; UNRELATED BUSINESS INCOME FROM PARTNERSHIPS.—Subsection (c) of section 512 is amended by striking paragraph (2) (relating to publicly traded partnerships), by redesignating paragraph (3) as paragraph (2), and by striking “paragraph (1) or (2)” in paragraph (2) (as so redesignated) and inserting “paragraph (1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership interests acquired on or after February 1, 1992.

TITLE II—REVENUE OFFSETS

Subtitle A—General Provisions

SEC. 201. ELIMINATION OF THE STATUTE OF LIMITATIONS ON COLLECTION OF GUARANTEED STUDENT LOANS.

Section 3(c) of the Higher Education Technical Amendments of 1991 (Public Law 102-26) is amended by striking out “that are brought before November 15, 1992”.

SEC. 202. INCREASED BASE TAX RATE ON OZONE-DEPLETING CHEMICALS AND EXPANSION OF LIST OF TAXED CHEMICALS.

(a) IN GENERAL.—Paragraph (1) of section 4681(b) (relating to amount of tax) is amended to read as follows:

“(B) BASE TAX AMOUNT.—The base tax amount for purposes of subparagraph (A) with respect to any sale or use during a calendar year before 1996 with respect to any ozone-depleting chemical is the amount determined under the following table for such calendar year:

Calendar year:	Base Tax Amount:
1992	\$1.85
1993	\$2.75
1994	\$3.65
1995	\$4.55.”

(b) CONFORMING AMENDMENTS.—

(1) Rates retained for chemical used in rigid foam insulation.—The table in subparagraph (B) of section 4682(g)(2) (relating to chemicals used in rigid foam insulation) is amended—

(A) by striking “15” and inserting “13.5”, and

(B) by striking “10” and inserting “9.6”.

(2) FLOOR STOCK TAXES.—

(a) Subparagraph (C) of section 4682(h)(2) (relating to other tax-increase dates) is amended by striking “1993, and 1994” and inserting “1993, 1994, and 1995, and July 1, 1992”.

(b) Paragraph (3) of section 4682(h) (relating to due date) is amended—

(i) by inserting “or July 1” after “January 1”, and

(ii) by inserting “or December 31, respectively,” after “June 30”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable

chemicals sold or used on or after July 1, 1992.

SEC. 203. MARK TO MARKET INVENTORY METHOD FOR SECURITIES DEALERS.

(a) GENERAL RULE.—Subpart D of part II of subchapter E of chapter 1 (relating to inventories) is amended by adding at the end thereof the following new section:

“SEC. 475. MARK TO MARKET INVENTORY METHOD FOR DEALERS IN SECURITIES.

“(a) GENERAL RULE.—Notwithstanding any other provision of this subpart, the following rules shall apply to securities held by a dealer in securities:

“(1) Any security which is inventory in the hands of the dealer shall be included in inventory at fair market value.

“(2) In the case of any security which is not inventory in the hands of the dealer and which is held at the close of any taxable year—

“(A) the dealer shall recognize gain or loss as if such security were sold for its fair market value on the last business day of such taxable year, and

“(B) any gain or loss shall be taken into account for such taxable year.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence. The Secretary may provide by regulations for the application of this paragraph at times other than the times provided in this paragraph.

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—Subsection (a) shall not apply to—

“(A) any security held for investment,

“(B) any security described in subsection (c)(2)(C) which is originated or acquired by the taxpayer in the ordinary course of a trade or business of the taxpayer and which is not held for sale, and

“(C) any hedge with respect to—

“(i) a security to which subsection (a) does not apply, or

“(ii) a position or a liability which is not a security in the hands of the taxpayer.

Subparagraph (C) shall not apply to any security held by a person in its capacity as a dealer in securities.

“(2) IDENTIFICATION REQUIRED.—Any security shall not be treated as described in subparagraph (A), (B), or (C) of paragraph (1), as the case may be, unless such security is clearly identified in the dealer's records as being described in such subparagraph before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe).

“(3) SECURITIES SUBSEQUENTLY NOT EXEMPT.—If a security ceases to be described in paragraph (1) at any time after it was identified as such under paragraph (2), this section shall apply to such security as of the time such cessation occurs.

“(4) SPECIAL RULE FOR PROPERTY HELD FOR INVESTMENT.—To the extent provided in regulations, subparagraph (A) of paragraph (1) shall not apply to any security described in subparagraph (D) or (E) of subsection (c)(2) which is held by a dealer in such securities.

“(c) DEFINITIONS.—For purposes of this section—

“(1) DEALER IN SECURITIES DEFINED.—The term ‘dealer in securities’ means a taxpayer who—

“(A) regularly purchases securities from or sells securities to customers in the ordinary course of a trade or business; or

“(B) regularly offers to enter into, assume, offset, assign or otherwise terminate posi-

tions in securities with customers in the ordinary course of a trade or business.

“(2) SECURITY DEFINED.—The term ‘security’ means any—

“(A) share of stock in a corporation;

“(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;

“(C) note, bond, debenture, or other evidence of indebtedness;

“(D) any interest rate, currency, or equity notional principal contract;

“(E) evidence of an interest in, or a derivative financial instrument in, any security described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a security (but not including any contract to which section 1256(a) applies); and

“(F) position which—

“(i) is not a security described in subparagraph (A), (B), (C), (D), or (E),

“(ii) is a hedge with respect to such a security, and

“(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

“(3) HEDGE.—The term ‘hedge’ includes any position which reduces the dealer's risk of interest rate or price changes or currency fluctuations.

“(d) SPECIAL RULES.—For purposes of this section—

“(1) CERTAIN RULES NOT TO APPLY.—The rules of sections 263(g) and 263A shall not apply to securities to which subsection (a) applies.

“(2) IMPROPER IDENTIFICATION.—If a taxpayer—

“(A) identifies any security or position under subsection (b)(2) as being described in such subsection and such security or position is not so described, or

“(B) fails under subsection (c)(2)(F)(iii) to identify a security or position which is described in such subsection at the time such identification is required,

the provisions of subsection (a) shall apply to such security or position, except that any loss under this section prior to the disposition of the security shall be recognized only to the extent of gain previously recognized under this section with respect to such security.

“(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including rules—

“(1) to prevent the use of year-end transfers, related parties, or other arrangements to avoid the provisions of this section, and

“(2) to provide for the application of this section to hedges which do not hedge a specific security, position, or liability.”

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 988(d) is amended—

(A) by striking “section 1256” and inserting “section 475 or 1256”, and

(B) by striking “1092 and 1256” and inserting “475, 1092, and 1256”.

(2) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by adding at the end thereof the following new item:

“Sec. 475. Mark to market inventory method for dealers in securities.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all taxable years ending on or after December 31, 1993.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for any taxable year—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 10-taxable year period beginning with the first taxable year ending on or after December 31, 1993.

SEC. 204. DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS OF TAX.

(a) GENERAL RULE.—Subsection (e) of section 6611 is amended to read as follows:

“(e) DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS.—

“(1) REFUNDS WITHIN 45 DAYS AFTER RETURN IS FILED.—If any payment of tax imposed by this title is refunded within 45 days after the last day prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return) or, in the case of a return filed after such last date, is refunded within 45 days after the date the return is filed, no interest shall be allowed under subsection (a) on such overpayment.

“(2) REFUNDS AFTER CLAIM FOR CREDIT OR REFUND.—If—

“(A) the taxpayer files a claim for a credit or refund for any overpayment of tax imposed by this title, and

“(B) such overpayment is refunded within 45 days after such claim is filed,

no interest shall be allowed on such overpayment from the date the claim is filed until the day the refund is made.

“(3) IRS INITIATED ADJUSTMENTS.—Notwithstanding any other provision, if an adjustment, initiated by or on behalf of the Secretary, results in a refund or credit of an overpayment, interest on such overpayment shall be computed by subtracting 45 days from the number of days interest would otherwise be allowed with respect to such overpayment.”

(b) EFFECTIVE DATES.—

(1) Paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986 (as amended by subsection (a)) shall apply in the case of returns the due date for which (determined without regard to extensions) is on or after July 1, 1992.

(2) Paragraph (2) of section 6611(e) of such Code (as so amended) shall apply in the case of claims for credit or refund of any overpayment filed on or after July 1, 1992 regardless of the taxable period to which such refund relates.

(3) Paragraph (3) of section 6611(e) of such Code (as so amended) shall apply in the case of any refund paid on or after July 1, 1992 regardless of the taxable period to which such refund relates.

Subtitle B—Electromagnetic Spectrum Function

SEC 211. SHORT TITLE.

This subtitle may be cited as the “Emerging Telecommunications Technologies Act of 1992”.

SEC. 212. FINDINGS.

The Congress finds that—

(1) spectrum is a valuable natural resource;

(2) it is in the national interest that this resource be used more efficiently;

(3) the spectrum below 6 gigahertz (GHz) is becoming increasingly congested, and, as a

result entities that develop innovative new spectrum-based services are finding it difficult to bring these services to the marketplace;

(4) scarcity of assignable frequencies can and will—

(A) impede the development and commercialization of new spectrum-based products and services;

(B) reduce the capacity and efficiency of the United States telecommunications system; and

(C) adversely affect the productive capacity and international competitiveness of the United States economy;

(5) the United States Government presently lacks explicit authority to use excess radiocommunications capacity to satisfy non-United States Government requirements;

(6) more efficient use of the spectrum can provide the resources for increased economic returns;

(7) many commercial users derive significant economic benefits from their spectrum licenses, both through the income they earn from their use of the spectrum and the returns they realize upon transfer of their licenses to third parties; but under current procedures, the United States public does not sufficiently share in their benefits;

(8) many United States Government functions and responsibilities depend heavily on the use of the radio spectrum, involve unique applications, and are performed in the broad national and public interest;

(9) competitive bidding for spectrum can yield significant benefits for the United States economy by increasing the efficiency of spectrum allocations, assignment, and use; and for United States taxpayers by producing substantial revenues for the United States Treasury; and

(10) the Secretary, the President, and the Commission should be directed to take appropriate steps to foster the more efficient use of this valuable national resource, including the reallocation of a target amount of 200 megahertz (MHz) of spectrum from United States Government use under section 305 of the Communications Act to non-United States Government use pursuant to other provisions of the Communications Act and the implementation of competitive bidding procedures by the Commission for some new assignments of the spectrum.

SEC. 213. NATIONAL SPECTRUM PLANNING.

(a) PLANNING ACTIVITIES.—The Secretary and the Chairman of the Commission shall, at least twice each year, conduct joint spectrum planning meetings with respect to the following issues—

(1) future spectrum needs;

(2) the spectrum allocation actions necessary to accommodate those needs, including consideration of innovation and marketplace developments that may affect the relative efficiencies of different portions of the spectrum; and

(3) actions necessary to promote the efficient use of the spectrum, including proven spectrum management techniques to promote increased shared use of the spectrum as a means of increasing non-United States Government access; and innovation in spectrum utilization including means of providing incentives for spectrum users to develop innovative services and technologies.

(b) REPORTS.—The Secretary and the Chairman of the Commission shall submit a joint annual report to the President on the joint spectrum planning meetings conducted under subsection (a) and any recommendations for action developed in such meetings.

(c) OPEN PROCESS.—The Secretary and the Commission will conduct an open process under this section to ensure the full consideration and exchange of views among any interested entities, including all private, public, commercial, and governmental interests.

SEC. 214. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

(a) IDENTIFICATION REQUIRED.—The Secretary shall prepare and submit to the President the reports required by subsection (d) to identify bands of frequencies that—

(1) are allocated on a primary basis for United States Government use and eligible for licensing pursuant to section 305(a) of the Communications Act;

(2) are not required for the present or identifiable future needs of the United States Government;

(3) can feasibly be made available during the next 15 years after enactment of this title for use under the provisions of the Communications Act for non-United States Government users;

(4) will not result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from the potential non-United States Government uses; and

(5) are likely to have significant value for non-United States Government uses under the Communications Act.

(b) AMOUNT OF SPECTRUM RECOMMENDED.—

(1) IN GENERAL.—The Secretary shall recommend as a goal for reallocation, for use by non-United States Government stations, bands of frequencies constituting a target amount of 200 MHz, that are located below 6 GHz, and that meet the criteria specified in paragraphs (1) through (5) of subsection (a). If the Secretary identifies (as meeting such criteria) bands of frequencies totalling more than 200 MHz, the Secretary shall identify and recommend for reallocation those bands (totalling not less than 200 MHz) that are likely to have the greatest potential for non-United States Government uses under the Communications Act.

(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary recommends be partially retained for use by United States Government stations, but which are also recommended to be reallocated and made available under the Communications Act for use by non-United States Government stations, may be counted toward the target 200 MHz of spectrum required by paragraph (1) of this subsection, except that—

(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the amount targeted by paragraph (1) of this subsection;

(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to United States Government stations under section 305 of the Communications Act are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by which United States Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential United States Government use to be made; and

(C) the operational sharing permitted under this paragraph shall be subject to procedures which the Commission and the Department of Commerce shall establish and implement to ensure against harmful interference.

(c) CRITERIA FOR IDENTIFICATION.—

(1) NEEDS OF THE UNITED STATES GOVERNMENT.—In determining whether a band of fre-

quencies meets the criteria specified in subsection (a)(2), the Secretary shall—

(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial provider;

(B) seek to promote—

(i) the maximum practicable reliance on commercially available substitutes;

(ii) the sharing of frequencies (as permitted under subsection (b)(2));

(iii) the development and use of new communications technologies; and

(iv) the use of nonradiating communications systems where practicable;

(C) seek to avoid—

(i) serious degradation of United States Government services and operations;

(ii) excessive costs to the United States Government and civilian users of such Government services; and

(iii) identification of any bands for reallocation that are likely to be subject to substitution for the reasons specified in section 405(b)(2)(A) through (C); and

(D) exempt power marketing administrations and the Tennessee Valley Authority from any reallocation procedures.

(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

(A) assume such frequencies will be assigned by the Commission under section 303 of the Communications Act over the course of fifteen years after the enactment of this title;

(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies available for non-United States Government use;

(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

(E) consider the cost to reestablish United States Government services displaced by the reallocation of spectrum during the fifteen year period.

(3) COSTS TO THE UNITED STATES GOVERNMENT.—In determining whether a frequency band meets the criteria specified in subsection (a)(4), the Secretary shall consider—

(A) the costs to the United States Government of reaccommodating its services in order to make spectrum available for non-United States Government use, including the incremental costs directly attributable to the loss of the use of the frequency band; and

(B) the benefits that could be obtained from reallocating such spectrum to non-United States Government users, including the value of such spectrum in promoting—

(i) the delivery of improved service to the public;

(ii) the introduction of new services; and

(iii) the development of new communications technologies.

(4) NON-UNITED STATES GOVERNMENT USE.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(5), the Secretary shall consider—

(A) the extent to which equipment is commercially available that is capable of utilizing the band; and

(B) the proximity of frequencies that are already assigned for non-United States Government use.

(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

(1) SUBMISSION OF REPORTS TO THE PRESIDENT TO IDENTIFY AN INITIAL 50 MHz TO BE

MADE AVAILABLE IMMEDIATELY FOR REALLOCATION, AND TO PROVIDE PRELIMINARY AND FINAL REPORTS ON ADDITIONAL FREQUENCIES TO BE REALLOCATED.—

(A) Within 3 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a report which specifically identifies an initial 50 MHz of spectrum that are located below 3 GHz, to be made available for reallocation to the Federal Communications Commission upon issuance of this report, and to be distributed by the Commission pursuant to competitive bidding procedures.

(B) The Department of Commerce shall make available to the Federal Communications Commission 50 MHz as identified in subparagraph (A) of electromagnetic spectrum for allocation of land-mobile or land-mobile-satellite services. Notwithstanding section 553 of the Administrative Procedure Act and title III of the Communications Act, the Federal Communications Commission shall allocate such spectrum and conduct competitive bidding procedures to complete the assignment of such spectrum in a manner which ensures that the proceeds from such bidding are received by the Federal Government no later than September 30, 1992. From such proceeds, Federal agencies displaced by this transfer of the electromagnetic spectrum to the Federal Communications Commission shall be reimbursed for reasonable costs directly attributable to such displacement. The Department of Commerce shall determine the amount of, and arrange for, such reimbursement. Amounts to agencies shall be available subject to appropriation Acts.

(C) Within 12 months after the date of the enactment of this title, the Secretary shall prepare and submit to the President a preliminary report to identify reallocable bands of frequencies meeting the criteria established by this section.

(D) Within 24 months after the date of enactment of this title, the Secretary shall prepare and submit to the President a final report which identifies the target 200 MHz for reallocation (which shall encompass the initial 50 MHz previously designated under subparagraph (A)).

(E) The President shall publish the reports required by this section in the Federal Register.

(2) CONVENING OF PRIVATE SECTOR ADVISORY COMMITTEE.—Not later than 12 months after the enactment of this title, the Secretary shall convene a private sector advisory committee to—

(A) review the bands of frequencies identified in the preliminary report required by paragraph (1)(C);

(B) advise the Secretary with respect to—
(i) the bands of frequencies which should be included in the final report required by paragraph (1)(D); and

(ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

(C) receives public comment on the Secretary's preliminary and final reports under this subsection; and

(D) prepare and submit the report required by paragraph (4).

The private sector advisory committee shall meet at least quarterly until each of the actions required by section 405(a) have taken place.

(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The private sector adviser committee shall include—

(A) the Chairman of the Commission, and the Secretary, or their designated represent-

atives, and two other representatives from two different United States Government agencies that are spectrum users, other than the Department of Commerce, as such agencies may be designated by the Secretary; and

(B) Persons who are representative of—
(i) manufacturers of spectrum-dependent telecommunications equipment;
(ii) commercial users;
(iii) other users of the electromagnetic spectrum; and

(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum to be chosen by the Secretary.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The private sector advisory committee shall, not later than 12 months after its formation, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, such recommendations as the committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between United States Government users and non-United States Government users, and any dissenting views thereon.

(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—The Secretary shall, as part of the final report required by subsection (d)(1)(D), include a timetable for the effective dates by which the President shall, within 15 years after enactment of this title, withdraw or limit assignments on frequencies specified in the report. The recommended effective dates shall—

(1) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 406(a);

(2) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

(3) be based on the need to coordinate frequency use with other nations; and

(4) avoid the imposition of incremental costs on the United States Government directly attributable to the loss of the use of frequencies or the changing to different frequencies that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequencies.

SEC. 215. WITHDRAWAL OF ASSIGNMENT TO UNITED STATES GOVERNMENT STATIONS.

(a) IN GENERAL.—The President shall—

(1) within 3 months after receipt of the Secretary's report under section 404(d)(1)(A), withdraw or limit the assignment to a United States Government station of any frequency on the initial 50 MHz which that report recommends for immediate reallocation;

(2) with respect to other frequencies recommended for reallocation by the Secretary's report in section 404(d)(1)(D), by the effective dates recommended pursuant to section 404(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a United States Government station of any frequency which that report recommends be reallocated or available for mixed use on such effective dates;

(3) assign or reassign other frequencies to United States Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

(4) publish in the Federal Register a notice and description of the actions taken under this subsection.

(b) EXCEPTIONS.—

(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in section 405(b)(2) exists, the President—

(A) may, within 1 month after receipt of the Secretary's report under section 404(d)(1)(A), and within 6 months after receipt of the Secretary's report under section 404(d)(1)(D), substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

(B) shall publish in the Federal Register a statement of the reasons for taking the action described in subparagraph (A).

(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

(A) the reassignment would seriously jeopardize the national security interests of the United States;

(B) the frequency proposed for reassignment is uniquely suited to meeting important United States Governmental needs;

(C) the reassignment would seriously jeopardize public health or safety; or

(D) the reassignment will result in incremental costs to the United States Government that are excessive in relation to the benefits that may be obtained from non-United States Government uses of the reassigned frequency.

(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified by the final report of the Secretary under section 404(d)(1)(D) unless the substituted frequency also meets each of the criteria specified by section 404(a).

(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the effective dates recommended by the Secretary pursuant to section 404(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 406, the President may—

(A) withdraw or limit the assignment to United States Government stations on a later date that is consistent with such plan, by providing notice to that effect in the Federal Register, including the reason that withdrawal at a later date is required; or

(B) substitute alternative frequencies pursuant to the provisions of this subsection.

(c) COSTS OF WITHDRAWING FREQUENCIES ASSIGNED TO THE UNITED STATES GOVERNMENT; APPROPRIATIONS AUTHORIZED.—Any United States Government licensee, or non-United States Government entity operating on behalf of a United States Government licensee, that is displaced from a frequency pursuant to this section may be reimbursed not more than the incremental costs it incurs, in such amounts as provided in advance in appropriation Acts, that are directly attributable to the loss of the use of the frequency pursuant to this section. The estimates of these costs shall be prepared by the affected agency, in consultation with the Department of Commerce.

(d) There are authorized to be appropriated to the affected licensee agencies such sums as may be necessary to carry out the purposes of this section.

SEC. 216. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.

(a) PLANS SUBMITTED.—

(1) With respect to the initial 50 MHz to be reallocated from United States Government to non-United States Government use under section 404(d)(1)(A), not later than 6 months after enactment of this title, the Commission shall complete a public notice and comment proceeding regarding the allocation of this spectrum and shall form a plan to assign such spectrum pursuant to competitive bidding procedures, pursuant to section 408, during fiscal years 1994 through 1996.

(2) With respect to the remaining spectrum to be reallocated from United States Government to non-United States Government use under section 404(e), not later than 2 years after issuance of the report required by section 404(d)(1)(D), the Commission shall complete a public notice and comment proceeding; and the Commission shall, after consultation with the Secretary, prepare and submit to the President a plan for the distribution under the Communications Act of the frequency bands reallocated pursuant to the requirements of this title. Such plan shall—

(A) not propose the immediate distribution of all such frequencies, but, taking into account the timetable recommended by the Secretary pursuant to section 404(e), shall propose—

(i) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (ii), over the course of a 10-year period beginning on the date of submission of such plan; and

(ii) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

(B) contain appropriate provisions to ensure—

(i) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Communications Act (47 U.S.C. 157); and

(ii) the availability of frequencies to stimulate the development of such technologies; and

(C) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

(b) AMENDMENT TO THE COMMUNICATIONS ACT.—Section 303 of the Communications Act is amended by adding at the end thereof the following new subsection:

“(u) Have authority to assign the frequencies reallocated from United States Government use to non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, except that any such assignment shall expressly be made subject to the right of the President to reclaim such frequencies under the provisions of section 407 of the Emerging Telecommunications Technologies Act of 1991.”

SEC. 217. AUTHORITY TO RECLAIM REASSIGNED FREQUENCIES.

(a) AUTHORITY OF PRESIDENT.—The President may reclaim reallocated frequencies for reassignment to United States Government stations in accordance with this section.

(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

(1) UNASSIGNED FREQUENCIES.—If the frequencies to be reclaimed have not been assigned by the Commission, the President may reclaim them based on the grounds described in section 405(b)(2).

(2) ASSIGNED FREQUENCIES.—If the frequencies to be reclaimed have been assigned by the Commission, the President may reclaim them based on the grounds described in section 405(b)(2), except that the notification required by section 405(b)(1) shall include—

(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for their utilization; and

(B) an estimate of the cost of displacing the licensees.

(c) COSTS OF RECLAIMING FREQUENCIES.—Any non-United States Government licensee that is displaced from a frequency pursuant to this section shall be reimbursed the incremental costs it incurs that are directly attributable to the loss of the use of the frequency pursuant to this section.

(d) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or otherwise affect the authority of the President under section 706 of the Communications Act (47 U.S.C. 606).

SEC. 218. COMPETITIVE BIDDING.

(a) COMPETITIVE BIDDING AUTHORIZED.—Section 309 of the Communications Act is amended by adding the following new subsection:

“(j)(1)(A) The Commission shall use competitive bidding for awarding all initial licenses or new construction permits, including licenses and permits for spectrum reallocated for non-United States Government use pursuant to the Emerging Telecommunications Technologies Act of 1991, subject to the exclusions listed in paragraph (2).

“(B) The Commission shall require potential bidders to file a first-stage application indicating an intent to participate in the competitive bidding process and containing such other information as the Commission finds necessary. After conducting the bidding, the Commission shall require the winning bidder to submit a second-stage application. Upon determining that such application is acceptable for filing and that the applicant is qualified pursuant to subparagraph (C), the Commission shall grant a permit or license.

“(C) No construction permit or license shall be granted to an applicant selected pursuant to subparagraph (B) unless the Commission determines that such applicant is qualified pursuant to section 308(b) and subsection (a) of this section, on the basis of the information contained in the first- and second-stage applications submitted under subparagraph (B).

“(D) Each participant in the competitive bidding process is subject to the schedule of changes contained in section 8 of this Act.

“(E) The Commission shall have the authority in awarding construction permits or licenses under competitive bidding procedures to (i) define the geographic and frequency limitations and technical requirements, if any, of such permits or licenses; (ii) establish minimum acceptable competitive bids; and (iii) establish other appropriate conditions on such permits and licenses that will serve the public interest.

“(F) The Commission, in designing the competitive bidding procedures under this subsection, shall study and include procedures—

(i) to ensure bidding access for small and rural companies,

(ii) if appropriate, to extend the holding period for winning bidders awarded permits or licenses, and

(iii) to expand review and enforcement requirements to ensure that winning bidders continue to meet their obligations under this Act.

“(G) The Commission shall, within 6 months after enactment of the Emerging Telecommunications Technologies Act of 1991, following public notice and comment proceedings, adopt rules establishing com-

petitive bidding procedures under this subsection, including the method of bidding and the basis for payment (such as flat fees, fixed or variable royalties, combinations of flat fees and royalties, or other reasonable forms of payment); and a plan for applying such competitive bidding procedures to the initial 50 MHz reallocated from United States Government to non-United States Government use under section 404(d)(1)(A) of the Emerging Telecommunications Technologies Act of 1991, to be distributed during the fiscal years 1994 through 1996.

“(2) Competitive bidding shall not apply to—

“(A) license renewals;

“(B) the United States Government and State or local government entities;

“(C) amateur operator services, over-the-air terrestrial radio and television broadcast services, public safety services, and radio astronomy services;

“(D) private radio end-user licenses, such as Specialized Mobile Radio Service (SMRS), maritime, and aeronautical end-user licenses;

“(E) any license grant to a non-United States Government licensee being moved from its current frequency assignment to a different one by the Commission in order to implement the goals and objectives underlying the Emerging Telecommunications Technologies Act of 1991;

“(F) any other service, class of services, or assignments that the Commission determines, after conducting public comment and notice proceedings, should be exempt from competitive bidding because of public interest factors warranting an exemption; and

“(G) small businesses, as defined in section 3(a)(1) of the Small Business Act.

“(3) In implementing this subsection, the Commission shall ensure that current and future rural telecommunications needs are met and that existing rural licensees and their subscribers are not adversely affected.

“(4) Monies received from competitive bidding pursuant to this subsection shall be deposited in the general fund of the United States Treasury.”

(b) RANDOM SELECTION NOT TO APPLY WHEN COMPETITIVE BIDDING REQUIRED.—Section 309(i)(1) of the Communications Act is amended by striking the period after the word “selection” and inserting “, except in instances where competitive bidding procedures are required under subsection (j).”

(c) SPECTRUM ALLOCATION DECISIONS.—Section 303 of the Communications Act is amended by adding the following new subsection:

“(v) In making spectrum allocation decisions among services that are subject to competitive bidding, the Commission is authorized to consider as one factor among others taken into account in making its determination, the relative economic values and other public interest benefits of the proposed uses as reflected in the potential revenues that would be collected under its competitive bidding procedures.”

SEC. 219. DEFINITIONS.

As used in this subtitle:

(1) The term “allocation” means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunications services.

(2) The term “assignment” means an authorization given by the Commission or the United States Government for a radio station to use a radio frequency or radio frequency channel.

(3) The term “Commission” means the Federal Communications Commission.

(4) The term "Communications Act" means the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(5) The term "Secretary" means the Secretary of Commerce.

Subtitle C—Other Provisions

SEC. 221. EXTENSION OF CURRENT LAW REGARDING LUMP-SUM WITHDRAWAL OF RETIREMENT CONTRIBUTIONS FOR CIVIL SERVICE RETIREES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8343a(f)(3) of title 5, United States Code, is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1996".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8420a(f)(3) of title 5, United States Code, is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 6, 1996".

SEC. 222. EXTENSION OF THE PATENT AND TRADEMARK OFFICE USER FEE SURCHARGE THROUGH 1996.

Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note) is amended—

(1) in subsection (a) by striking "1995" and inserting "1996";

(2) in subsection (b)(2) by striking "1995" and inserting "1996"; and

(3) in subsection (c)—

(A) by striking "1995" the first place it appears and inserting "1996"; and

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

"(6) \$107,000,000 in fiscal year 1996."

SEC. 223. ONE-YEAR EXTENSION OF CUSTOMS USER FEES.

Paragraph (3) of section 13031(j) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking out "1995" and inserting "1996".

SEC. 224. DISCLOSURES OF INFORMATION FOR VETERANS BENEFITS.

(a) IN GENERAL.—Section 6103(1)(7)(D) (relating to programs to which rule applies) is amended by striking "September 30, 1992" in the last sentence and inserting "September 30, 1998".

(b) CONFORMING AMENDMENT.—Section 5317(g) of title 38, United States Code, is amended by striking "September 30, 1992" and inserting "September 30, 1998".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 1992.

SEC. 225. REVISION OF PROCEDURE RELATING TO CERTAIN LOAN DEFAULTS.

(a) REVISION.—Section 3732(c)(1)(C)(ii) of title 38, United States Code, is amended by striking out "resale," and inserting in lieu thereof "resale (including losses sustained on the resale of the property)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1991.

SEC. 226. APPLICATION OF MEDICARE PART B LIMITS TO FEHBP ENROLLEE AGE 65 OR OLDER.

(a) FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—Subsection 8904(b) of title 5, United States Code, is amended:

(1) by amending paragraph (1) to read as follows:

"(b)(1)(A) A plan, other than a prepayment plan described in section 8903(4) of this title, may not provide benefits under this chapter, in the case of any individual enrolled in the plan who is not an employee and who is age 65 or older, to the extent that—

"(i) a benefit claim involves a charge by a health care provider for a type of service or medical item which is covered for purposes of benefit payments under both this chapter

and title XVIII of the Social Security Act (42 U.S.C. 1395–1395ccc) relating to medicare hospital and supplementary medical insurance, and

"(ii) benefits otherwise payable under such provisions of law in the case of such individual would exceed applicable limitations on hospital and physician charges established for medicare purposes under sections 1886 and 1848 of the Social Security Act (42 U.S.C. 1395ww and 1395w-4), respectively.

"(B)(i) For purposes of this subsection, hospitals, physicians, and other suppliers of medical and health services who have in force participation agreements with the Secretary of Health and Human Services consistent with sections 1842(h) and 1866 of the Social Security Act (42 U.S.C. 1395u(h) and 1395cc), whereby the participating provider accepts medicare benefits in full payment of charges for covered items and services after applicable patient copayments under sections 1813, 1833 and 1866(a)(2) of the Social Security Act (42 U.S.C. 1395e, 1395f, and 1395cc(a)(2)) have been satisfied, shall accept equivalent benefit payments and enrollee copayments under this chapter as full payment for any item or service described under subparagraph (A) which is furnished to an individual who is enrolled under this chapter and is not covered for purposes of benefit payments applicable to such item or service under provisions of title XVIII of the Social Security Act.

"(ii) Physicians and other health care suppliers who are nonparticipating physicians, as defined by section 1842(i)(2) of the Social Security Act (42 U.S.C. 1395u(i)(2)) for purposes of services furnished to medicare beneficiaries, may not bill in excess of the limiting charge prescribed under section 1848(g) of the Social Security Act (42 U.S.C. 1395w-4(g)) when providing services described under subparagraph (A) to an individual who is enrolled under this chapter and is not covered for purposes of benefit payments applicable to those services under provisions of title XVIII of the Social Security Act.

"(iii) The Office of Personnel Management shall notify the Secretary of Health and Human Services if a hospital, physician, or other supplier of medical services is found to knowingly and willfully violate this subsection and the Secretary shall invoke appropriate sanctions in accordance with subsections 1128A(a)(2), 1848(g)(8), and 1866(b)(2) of the Social Security Act (42 U.S.C. 1320a-7a(a)(2), 1395w-4(g)(8), and 1395cc(b)(2)) and applicable regulations."; and

(2) by amending paragraph (3)(B) to read as follows:

"(B) For purposes of this paragraph, the term 'medicare program information' includes—

"(i) the limitations on hospital charges established for medicare purposes under section 1886 of the Social Security Act (42 U.S.C. 1395ww) and the identity of hospitals which have in force agreements with the Secretary of Health and Human Services consistent with section 1866 of the Social Security Act (42 U.S.C. 1395cc); and

"(ii) the annual fee schedule amounts for services of participating physicians and 'limiting charge' information for nonparticipating physicians established for medicare purposes under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) and the identity of physicians and suppliers who have in force participation agreements with the Secretary consistent with subsection 1842(h) of the Social Security Act (42 U.S.C. 1395u(h))."

(b) MEDICARE AGREEMENTS WITH INSTITUTIONAL PROVIDERS.—Section 1866(a)(1) of the

Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (P);

(2) by striking out the period at the end of subparagraph (Q) and inserting ", and"; and

(3) by inserting after subparagraph (Q) the following new paragraph:

"(R) to accept as payment in full the amounts that would be payable under this part (including the amounts of any coinsurance and deductibles required of individuals entitled to have payment made on their behalf) for an item or service which the provider normally furnishes to patients (or others furnish under arrangement with the provider) and which is furnished to an individual who has attained age 65, is ineligible to receive benefits under this part, and is enrolled, other than as an employee, under a health benefits plan described in paragraphs (1) through (3) of section 8903 and section 8903a of title 5, United States Code, if such item or service is of a type that is covered under both this title and chapter 89 of title 5, United States Code."

(c) MEDICARE PARTICIPATING PHYSICIANS AND SUPPLIERS.—Section 1842(h)(1) of the Social Security Act (42 U.S.C. 1395u(h)(1)) is amended, after the second sentence, by inserting the following new sentence: "Such agreement shall provide, for any year beginning with 1993, that the physician or supplier will accept as payment in full the amounts that would be payable under this part (plus the amounts of any coinsurance or deductibles required of individuals on whose behalf payments are made under this title) for an item or service furnished during such year to an individual who has attained age 65, is ineligible to receive benefits under this part, and is enrolled, other than as an employee, under a health benefits plan described in paragraphs (1) through (3) of section 8903 and section 8903a of title 5, United States Code, if such item or service is of a type that is covered under both this part and chapter 89 of title 5, United States Code."

(d) MEDICARE ACTUAL CHARGE LIMITATION FOR NONPARTICIPATING PHYSICIANS.—Section 1848(g) of the Social Security Act (42 U.S.C. 1395w-4(g)) is amended by adding at the end thereof the following paragraph:

"(8) LIMITATION OF ACTUAL CHARGES FOR ENROLLEES OF THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—(A) A nonparticipating physician shall not impose an actual charge in excess of the limiting charge defined in paragraph (2) for items and services furnished after 1992 in any case involving—

"(i) an individual who has attained age 65, is ineligible to receive benefits under this part, and is enrolled, other than as an employee, under a health benefits plan described in paragraphs (1) through (3) or section 8903 or section 8903a of title 5, United States Code; and

"(ii) an item or service of a type that is covered for benefits under both this part and chapter 89 of title 5, United States Code.

"(B) If a person knowingly and willfully bills for physicians' services in violation of subparagraph (A), the Secretary shall apply sanctions against the person in accordance with section 1842(j)(2)."

(e) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall be effective with respect to health care provider charges for items and services furnished to individuals enrolled in plans under chapter 89 of title 5, United States Code, in contract years beginning after December 31, 1992.

(2) The amendment made by subsection (b) applies to agreements for periods after 1991.

DESCRIPTION OF PROVISIONS IN DOMENICI HIGH VALUE ECONOMIC GROWTH ACT

\$5,000 non-refundable credit for first-time homebuyers.

Purpose: The tax credit would assist first-time homebuyers. Stimulates the housing industry in 1992.

Helps 1.2 million homebuyers, provides 415,000 jobs.

10 percent credit, \$5,000 maximum.

One-half of the credit allowed in 1992 and one-half in 1993.

Applicable to existing and new construction.

Effective date: Closing on or after February 1, 1992, and for all binding contracts entered into before December 31, 1992, and closed by June 30, 1993.

Genealogy of the legislative language: The President's proposal.

INVESTMENT TAX ALLOWANCE

Purpose: To promote capital investment, modernization and a more rapid recovery by providing a temporary acceleration of depreciation deductions.

Eligibility: For equipment acquired on or after February 1, 1992 and before January 1, 1993, if the equipment is placed in service before July 1, 1993.

Other specific provisions:

Provides a 15 percent investment tax allowance equal to 15 percent of the purchase price of the productivity enhancing equipment.

Examples of eligible investments include machinery, computers, machine tools, a livestock fence, a wind tunnel in a research facility.

The 15 percent investment allowance would be taken on 1993 tax returns.

Genealogy of the legislative language:

President's proposal modified to meet all Budget Act points of order.

Penalty-free withdrawals from pension plans during 1992 for first-time homebuyers and automobile purchasers.

Purpose: Allowing homebuyers, parents and grandparents of homebuyers a penalty free withdrawal from IRAs would help with down payments or automobile purchases.

Eligibility:

First time homebuyers.

Anyone buying an automobile.

Other specific provisions:

Allows up to \$10,000 in penalty free withdrawals from IRAs, 401(k)s and other pensions by individuals, parents and grandparents to be used for:

Tax consequences or repayment options:

The IRA or pension account owner can replenish his/her account and avoid any tax consequences if the repayments equal at least one-quarter of the amount originally withdrawn.

Alternatively, regular income tax due can be paid over a four-year period.

Effective date: Withdrawals made between February 1, 1992 and December 31, 1992.

Genealogy of the legislative language:

S. 1984, the Domenici-Specter bill as modified. President proposed a similar provision.

Real property acquired by pension funds and other qualified organizations.

Purpose: Removes overly broad restrictions on pension funds investing in real estate to increase number of potential investors in real estate and attracted needed capital.

Genealogy of the legislative language: The President's language included in the Finance Committee bill.

PASSIVE LOSS REFORM

Purpose: Encourages people to retain ownership, rather than default on money losing, declining valued properties.

Strengthen our financial institutions and make more credit available to small businesses wanting to create new jobs.

Eligibility: All real estate professionals actively involved.

Repeals the irrebuttable presumption that real estate rental activities, are per se passive regardless of the taxpayer's participation.

Allows real estate activities to be treated like other trade or business activities.

Genealogy of the legislative language:

S. 2120's passive loss provision, sponsored by Senator Packwood. Accomplishes the same objectives as S. 1257, the Boren bill with 44 cosponsors.

DOMENICI HIGH VALUE ECONOMIC GROWTH ACT POSSIBLE OFFSETS

1. Eliminate sunset provisions on collection efforts for defaulted student loans:

Current law mandates that the federal government or the guarantee agencies for student loans attempt collection for at least six years, and that the IRS be limited to ten years during which a defaulted loan can be collected through the federal income tax offset program. The Higher Education Technical Amendments of 1991 suspended state and federal statutes of limitations for actions brought against federal student loan defaulters before November 15, 1992. This proposal would allow the continuation of collection efforts on all defaulted loans indefinitely. Recommended in President's budget.

2. Increase Excise Tax on Ozone Depleting Chemicals:

On February 11, 1992, President Bush announced that the U.S. will unilaterally accelerate the phaseout of substances that deplete the Earth's ozone layer. The President noted that the tax on ozone depleting chemicals has helped the U.S. achieve a more rapid reduction in the use of such chemicals. The amendment increases the base tax rate and applies the same base tax rate to both initially listed chemicals and newly listed chemicals. Provision contained in House-passed and Senate Finance-reported tax bills; provision supported by the White House.

3. Conform Book and Tax Accounting for Securities Inventories:

The amendment would require securities dealers to compute their taxable income by marking their inventories of securities to market, as they already do when preparing financial statements in accordance with generally accepted accounting principles. Recommended in President's budget.

4. Expansion of 45-Day Interest Free Period:

Interest is paid by the government on a refund arising from an income tax return if the refund is issued more than 45 days after the later of the due date for the return or the date the return is filed. No interest is paid on income tax refunds if they are issued within 45 days. There is no 45-day processing rule for refunds of other taxes such as employment, excise, and estate gift taxes or for refunds arising from amended returns or for claims of refunds. The amendment would provide a 45-day interest-free period in which the IRS may process refunds of any type of tax overpayment, provided the refund arises from an original return. Provision contained in Senate Finance-reported tax bill.

5. FCC Spectrum Auction:

The amendment proposes to transfer government users of the radio spectrum to private sector users. The assignment of the licenses would be done by competitive bidding and the receipts would be deposited in the Treasury. The amendment exempts broad-

casters, small business, Tennessee Valley Authority and the Power Marketing Association from the reallocation and auction process. Recommended in President's budget.

6. Extend the Termination of Civil Service Lump Sum Pension Payment:

In accordance with the provisions of OBRA, lump sum payments offered under the alternative form of annuity provision are suspended until fiscal year 1996, with the exception of certain categories of retirees. The lump sum option had allowed retirees to withdraw the sum of their own retirement contributions to CSRS during the first two years of retirement, then have their monthly annuity reduced by an actuarially equivalent amount based on life expectancy. This proposal would permanently eliminate the lump sum option. Recommended in President's budget.

7. Extend Reconciliation Fees on Patents:

OBRA increased patent surcharge fees by 69 percent through FY 1995, establishing a special fund at the Treasury for the patent surcharge fee. This proposal would extend these fees beyond FY 1995. Recommended in President's budget.

8. Extend U.S. Customs User Fees Due to Expire in FY 1996:

The two primary customs user fees—passenger processing fees, and merchandising fees—were established in 1985, and extended by OBRA of 1990 through September 30, 1995. This proposal would extend existing user fees into the out years. Recommended in President's budget.

9. Access to Tax Information by the Department of Veterans Affairs:

The IRS and Social Security Administration is permitted to disclose self-employment and certain other tax information to the DVA to assist in determining eligibility for, and establishing correct benefit amounts under certain needs-based pension and other programs.

The disclosure provision is scheduled to expire September 30, 1992. The amendment would extend this disclosure provision for six years, through September 30, 1998. Recommended in President's budget.

10. Decrease Foreclosed Property Acquisition by Veterans Housing Administration:

Proposal makes a revision to the formula used to determine cost effectiveness of the VA acquiring and reselling foreclosed property. By evaluating expected losses on the resale of foreclosed property, the VHA will reduce the number of property acquisitions that are not cost-effective. Recommended in President's budget.

11. Apply Medicare Part B Payment Limits to Federal Employees Health Benefits:

Proposal would extend the payment limits that apply under Medicare Part B to services provided to FEHB enrollees age 65 and over who do not have Medicare coverage. Under Medicare, physicians are paid based on a fee schedule and can only charge beneficiaries a specified amount above what Medicare will pay. Physicians getting reimbursed through the FEHB program for non-Medicare patients over age 65 are not constrained in what they can attempt to charge. This proposal would have the effect of lowering the cost of FEHB retiree health coverage. Savings would accrue to both the government and to FEHB beneficiaries in the form of lower premiums. Recommended in President's budget.

DOMENICI HIGH VALUE ECONOMIC GROWTH ACT

[In millions of dollars]

	CBO/JCT scoring	1992-96
	1992	
Growth incentives:		
Homebuyers' tax credit	-300	-6,100
Investment tax allowance		-2,300
President's modified IRA incentives		-172
Passive loss	-75	-3,075
Real estate/pension funds		
Cost of growth package (revenue loss - /gain)	-375	-11,647
Pay-as-you-go offset options:		
Collection of defaulted student loans	-305	-587
Increase excise tax on ozone-depleting chemicals	-20	-1,364
Conform book and tax accounting for securities inventories	-122	-2,014
IRS 45-day processing rule		-200
FCC spectrum auction		-4,300
Extension of expiring provisions:		
Eliminate CSRS lump-sum		-2,063
Patent and Trademark surcharges		-107
Customs user fees		-740
VA pension verification		-289
VA housing reforms		-668
FEHB reforms		-285
Savings from potential offsets (deficit reduction)	-447	-12,617
Net deficit impact	-72	-970

Mr. SPECTER. Mr. President, I am pleased to join the distinguished Senator from New Mexico on this important legislative proposal. There is no doubt about the fact of gridlock here in Washington. There is gridlock between the President and the Congress. The President submitted an economic recovery package to the Congress which was rejected. And the Congress in turn submitted an economic recovery package to the President which was vetoed.

My travels through my State show a tremendous amount of anger at this gridlock and the failure on the part of Washington to do anything about an economic recovery.

What Senator DOMENICI and I are proposing tonight is to take five points which have been agreed upon by both sides. It is my sense that unless Washington acts on the economic recovery, to put millions of Americans back to work, we are soon going to find there will be 537 people in Washington out of work—100 U.S. Senators, 435 House Members, and the President and the Vice President.

Mr. President, I am pleased to join my colleague Senator DOMENICI, the distinguished ranking Republican of the Senate Budget Committee, in introducing an economic recovery program which includes the common elements of the economic recovery program proposed by President Bush and the economic recovery program passed by the U.S. Senate.

No one denies that America faces a serious recession. No one denies that there is a gridlock between the Republican and Democratic parties on the issue of an economic recovery program. No one denies that there is gridlock between the Executive and congressional branches of the U.S. Government on the issue of an economic recovery program.

In order to move ahead promptly with as far-reaching a program as possible, I urge the President and the Congress to move swiftly to enact the portions of the economic recovery program which have been advanced by the President and the Senate. My travels through Pennsylvania's 67 counties have convinced me that action is demanded by an angry citizenry, and action is needed for the millions of Americans who are unemployed and underemployed.

There is enormous dissatisfaction in America with the gridlock between the political parties and between the executive and legislative branches and the public bickering in Washington, DC.

Unless constructive action is taken by both political parties and the executive/legislative branches, 537 Washington officeholders are in jeopardy of being ousted: 100 Members of the U.S. Senate, 435 Members of the U.S. House of Representatives, and the President and the Vice President of the United States.

Mr. President, it is not a perfect approach to take the commonly agreed upon provisions of the President's proposals and the Senate's proposals; but it is, I believe, as far as we can go at the present time and it is vastly preferable to no action at all.

In my judgment, we should enact a reduction in the capital gains tax. Unfortunately, that is not possible given the present opposition. As my colleagues will recall, during the 101st Congress the House of Representatives passed a capital gains tax cut and last year there were 56 votes in the Senate for that tax cut, which was insufficient for cloture. That is an issue, however, which can and will be presented to the American people for their decision this November.

In the immediate term, however, we must attack the recession. The American people should not have to wait for Washington's political gridlock to become unlocked before some constructive action is taken. That is why I am joining in introducing legislation comprised largely of the provisions that both sides agree will spur an economic recovery.

The principal components of this legislation to cause the recovery include: (i) The \$5,000 first-time homebuyer tax credit, proposed by the President and modified by the Senate, which is estimated to stimulate approximately 215,000 housing starts and 415,000 new jobs in 1992; (ii) the Specter/Domenici penalty-free IRA withdrawal proposal for middle-income purchasers of homes and new automobiles, included in the Senate tax bill and estimated to create between \$40 billion and \$120 billion in increased spending in 1992; (iii) the President's 15 percent investment tax allowance proposal, which would promote capital investment, modernization, and more rapid cost recovery; (iv)

passive loss liberalization for real estate professionals intended to help stabilize the real estate market; and (v) liberalization of the debt-financed income rules to facilitate investment in real estate by pension funds, also intended to stabilize real estate market values.

The first two provisions of this legislation, the \$5,000 first-time homebuyers tax credit and the penalty-free IRA withdrawals, would assist tremendously the homebuilding and automobile industries, the two industries that traditionally have led this country out of recessions. Under the credit for first-time homebuyers, a taxpayer would be entitled to a credit equal to 10 percent of the purchase price of the home up to a maximum of \$5,000. This provision differs slightly from the President's proposal in that it is not limited to new construction; the provision would also be available to first-time homebuyers buying older homes. According to the National Association of Home Builders, this provision would stimulate 215,000 housing starts and 415,000 additional jobs in 1992.

Similarly, Mr. President, the penalty-free IRA withdrawal provision would assist the homebuilding industry. It would also assist the automobile industry. This provision would permit individuals with incomes under \$75,000—\$100,000 for married couples filing jointly—to withdraw penalty-free up to \$10,000 from an IRA, 401(k) or Keogh plan, provided that the funds are expended on new automobiles or first-time home purchases within 6 months from withdrawal. The tax on such withdrawal would be due over the succeeding 4 years. However, in each year that the tax is due, taxpayers would have the option to either pay the tax on one-fourth of the withdrawal or re-contribute to their account one-fourth of the withdrawal and avoid such tax. By its terms, the provision would sunset on December 31, 1992.

Mr. President, when Senator DOMENICI and I offered this provision as an amendment to the Senate tax bill, the Joint Committee on Taxation had estimated the cost of this measure as negligible; that is, costing less than \$1 million, over 5 years. The country's return on this investment would be great. I have received consumer spending estimates based on this provision ranging from approximately \$40 billion—from the Board of Governors of the Federal Reserve System Chairman Alan Greenspan—to well over \$120 billion, according to the results of a consumer poll conducted by Interpublic Group of Companies, Inc., in New York. This poll was conducted back in December 1991. Ninety days later, March 1992, Interpublic conducted a second poll refining its questions on S. 984, the predecessor bill, and the results were even more encouraging. As stated by Mr. Philip Geier, chairman and CEO of

Interpublic, in a letter to me dated April 3, 1992—which letter, I am informed, was also mailed to each member of the Senate Finance Committee and House Ways and Means Committee:

Bottom line is that [this] proposal would free up \$32 billion from retirement plan savings to help get our economy moving. When multipliers are included, the money Americans would use to complete their purchases results in a total of \$153 billion—home purchase \$116 billion; new car purchases \$29 billion; home improvement \$8 billion dollars that would move into our economy * * *

Findings in the March 1992 survey make it very conclusive. This is a plan which Americans believe in. A plan from which they and our nation's economy will benefit. Clearly this proposal has a powerful triggering effect. It comes at a time when the effect of lowered interest rates is being blunted by the more restrictive consumer lending policies of our financial institutions. This proposal allows responsible access to funds. These will go to responsible investment. Economic activity will be triggered, jobs ensured and created. It provides a stimulus we need right now.

The investment tax allowance is another provision on which there is much agreement between the political parties as well as Congress and the President on its utility and benefit to the economy. Under this provision, productivity enhancing equipment such as machinery, computers, and machine tools, purchased on or after February 1, 1992, and before January 1, 1993, and placed in service before July 1, 1993, would be eligible for a 15-percent additional depreciation allowance in the first year after the property was placed in service. Many believe, and I do not disagree, that this temporary acceleration of depreciation would promote capital investments by businesses, and when coupled with the consumer investments I have already mentioned, would have a very positive effect on our economy.

Passive loss reform and facilitating pension fund investment in real estate will further this effect. Again, Mr. President, the President, the Senate, and the House agree that these reforms will help our economy. The passive loss provision of the bill we are introducing repeals the irrebuttable presumption that real estate rental activities are per se passive activities regardless of the taxpayer's participation. Thus, it allows real estate activities to be treated like other trade or business activities.

The present passive loss rules prevent real estate professionals from deducting necessary business expenses. This, in turn, exacerbates cash-flow problems they may have with their properties, and is a significant contributing factor in their losing their properties to lenders who hold mortgages on those properties. Reforming the passive loss rules as we propose will encourage these property owners to hold and maintain their property rather than default and relinquish it to their

lenders. Fewer defaults will also facilitate the availability of credit and, in turn, further our economic recovery.

That recovery will also be facilitated by enabling pension funds to invest in real estate. Pension funds are a major source of investment capital in real estate. Making these funds available for investment will assist in the stabilization of real estate values, which is necessary for economic growth. This provision was proposed by the President in his economic recovery plan, and both Houses of the Democratic-controlled Congress have agreed that this provision is important to our economic recovery.

Finally, Mr. President, there are several other provisions that I would like to see legislated, which would also boost our economy. Among such provisions are the extenders, presently scheduled to expire on June 30, 1992. There should be no extended disagreement on the necessity for these well-accepted provisions. Congress and the President already recognize the importance of the R&D tax credit, low-income housing tax credit, mortgage revenue and small issue industrial development bond programs, and the targeted jobs tax credit, among others, to our economy and have heretofore agreed that they should be extended.

I am hopeful that we can repeal the so-called luxury tax, which has turned out to be a job buster in my State. We should also repeal the ACE depreciation adjustment under the alternative minimum tax, requested by the President and agreed to by Congress, which among other things provides a disincentive to capital investment. Certainly, Mr. President, in the current economic climate, we should encourage, not discourage, capital investment.

But, notwithstanding the virtues of enacting these other provisions, this is a carefully crafted bill that can be enacted now and that will encourage economic growth and create jobs.

Mr. President, I submit that it is incumbent upon the Congress and the President to act on the economy and to act now. The bill we have introduced avoids the intensely partisan issues that have prevented the enactment and signing of economic recovery legislation to date. It is a bill that we all agree will help our Nation. Therefore, I call on my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that a letter dated April 3, 1992, from Mr. Philip H. Geier of Interpublic Group of Companies, Inc., which sets forth a detailed survey showing that there would be a substantial infusion of consumer purchasing power with one of the points put forward by Senator DECONCINI and myself on the use of IRA's to stimulate consumer purchasing power.

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

THE INTERPUBLIC GROUP OF
COMPANIES, INC.,

New York, NY, April 3, 1992.

Hon. ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR MR. SPECTER: In December 1991 we commissioned a consumer survey—a national probability sample of 1,000 adults—to learn how Americans would respond to the Specter/Domenici proposal S-1984. We described the proposal to these people, in consumer language. We told them the Senate proposal would permit them to withdraw up to \$10,000 from their IRA's or 401K's without penalty if they used the monies to either buy a new car, make a home improvement or buy a new home within the next six months.

The results were very encouraging. Fully one out of every three households in the country said they'd like to take advantage of this Senate proposal . . . 31 million households said they would act on this proposal . . . if it were passed.

Ninety days later, we conducted a second round of research. This time we beefed up the questionnaire to make sure those Americans who said they would act on this Senate proposal were, in fact, qualified to act on the proposal.

The results of the second round of research are even more encouraging. Among the 26 million families that qualify . . . those who say they have an IRA, a 401K, or a Keough plan and a household income of no more than \$100K (75K for single heads) . . . fully 40%, that is 10.5 million families, say they will take advantage of the Senate proposal to buy a new car, van or truck, make a home improvement or buy a new home.

We also asked everybody we interviewed, regardless of whether they qualify or don't qualify, whether they thought this proposal would be good for the economy.

Sixty-nine percent of all American families think the Senate proposal will have a positive impact on our economy. That is 65,000,000 families favor seeing this proposal passed. Even more impressive is the fact that 74% of America's middle-class families (HH income from \$25K to \$50K) believe the Senate proposal will stimulate our economy.

Both rounds of research say that Americans . . . those qualified and those who wish they were, are very much in favor of seeing this Senate proposal passed. Not once but twice they told us they would use their own funds to get our economy moving.

The proposal is powerful. It stimulates people to spend money; their own money. It motivates people to take action and buy a new home, make a home improvement or buy a new car. The research shows there are 10,500,000 qualified families who would withdraw money from their IRA's, their 401K, or their Keough plan to make these investments.

Nearly 50% of these qualified families, (5,000,000) were motivated to invest in these properties solely by the Senate proposal. That is 5 million families did not intend to buy a new car, a new home or do any home improvements before this Senate proposal made it possible for them to consider taking these actions within the next six months.

These 5 million families say they will withdraw \$32 billion dollars to invest: 2.1 million families investing \$14 billion for new cars; 1.2 million families investing \$10 billion for new homes and 1.6 million families investing \$8 billion in home improvements.

But that's not all. The \$24 billion for new homes and new cars is "seed money". It

needs to be multiplied by the money they would take from their savings or borrow from banks to complete their purchases. (We're making the conservative assumption that the money they withdraw to spend on home improvement is their total investment.)

The average cost of a "new" home last year was \$95,000. The money they would "borrow" from their plans (on average \$7,900) needs to be multiplied by about 11 to equal the balance of the down payment (assuming 20%) and mortgage requirements to complete the purchase cost of a new home. That alone is an additional \$106 billion dollars that would flow from lending institutions to support these intentions.

The average cost of a new car, van or truck last year was \$13,500. In the survey new car buyers "borrowed" \$6,450 (on average) from their plans. The additional funds from savings or a bank loan needed to complete the purchase is \$7,050. The multiplier is 1.1. Therefore, the "seed money" this Senate proposal would put into the economy generates an additional \$15 billion dollars in economic activity.

Bottom line is that the Senate proposal would free up \$32 billion from retirement plan savings to help get our economy moving. When multipliers are included the money Americans would use to complete their purchases results in a total of \$153 billion . . . home purchase \$116 billion; new car purchase \$29 billion; home improvement \$8 billion dollars that would move into our economy.

And 75% of these qualified Americans say they will return the money they borrow from their plans within the time frame required to avoid paying any penalties or additional taxes.

As I indicated, the findings were encouraging when we initially surveyed the issue in December 1991.

Findings in the March 1992 survey make it very conclusive. This is a plan which Americans believe in. A plan from which they and our nation's economy will benefit. Clearly this proposal has a powerful triggering effect. It comes at a time when the effect of lowered interest rates is being blunted by the more restrictive consumer lending policies of our financial institutions. This proposal allows responsible access to funds. These will go to responsible investment. Economic activity will be triggered, jobs ensured and created. It provides a stimulus we need right now.

I urge you to make this opportunity available to our citizens. There is no doubt of their response and there can be little doubt concerning its positive and immediate economic impact.

With regards,

PHILIP H. GEIER, Jr.

By Mr. SMITH (for himself, Mr. KERRY, Mr. SYMMS, Mr. HELMS, Mr. COCHRAN, Mr. GRASSLEY, Mr. KASTEN, Mr. MURKOWSKI, Mr. CHAFEE, Mr. THURMOND, Mr. BOREN, Mr. CONRAD, Mr. SPECTER, Mr. RUDMAN, Mr. REID, Mr. BRADLEY, Mr. WARNER, Mr. DIXON, Mr. DECONCINI, Mr. INOUE, Mr. RIEGLE, Mr. BRYD, Mr. HEFLIN, Mr. SHELBY, Mr. CRAIG, Mr. LEVIN, Mr. DURENBERGER, Mr. LOTT, Mr. MACK, Mr. GARN, Mr. D'AMATO, Mr. SEYMOUR, Mr. FOWLER, Mr. MCCAIN, Ms. MIKULSKI, Mr.

PRESSLER, Mr. COHEN, Mr. HATCH, Mr. BOND, Mr. JOHNSTON, Mr. KENNEDY, Mr. SIMPSON, Mr. ROTH, Mr. AKAKA, Mr. KOHL, Mr. DASCHLE, Mr. BREAUX, Mr. BURNS, Mr. MOYNIHAN, and Mr. WOFFORD):

S.J. Res. 292. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of American prisoners of war and Americans missing in action; to the Committee on Governmental Affairs.

COMMEMORATIVE STAMP IN HONOR OF PRISONERS OF WAR AND AMERICANS MISSING IN ACTION

• Mr. SMITH. Mr. President, on behalf of Mr. KERRY, Mr. SYMMS, Mr. HELMS, Mr. COCHRAN, Mr. GRASSLEY, Mr. KASTEN, Mr. MURKOWSKI, Mr. CHAFEE, Mr. THURMOND, Mr. BOREN, Mr. CONRAD, Mr. SPECTER, Mr. RUDMAN, Mr. REID, Mr. BRADLEY, Mr. WARNER, Mr. DIXON, Mr. DECONCINI, Mr. INOUE, Mr. RIEGLE, Mr. BYRD, Mr. HEFLIN, Mr. SHELBY, Mr. CRAIG, Mr. LEVIN, Mr. DURENBERGER, Mr. LOTT, Mr. MACK, Mr. GARN, Mr. D'AMATO, Mr. SEYMOUR, Mr. FOWLER, Mr. MCCAIN, Ms. MIKULSKI, Mr. PRESSLER, Mr. WALLOP, Mr. BURDICK, Mr. HOLLINGS, Mr. DOLE, Mr. GORTON, Mr. COHEN, Mr. HATCH, Mr. BOND, Mr. JOHNSTON, Mr. KENNEDY, Mr. SIMPSON, Mr. ROTH, Mr. AKAKA, Mr. KOHL, Mr. DASCHLE, Mr. BREAUX, Mr. BURNS, Mr. MOYNIHAN and Mr. WOFFORD, I am today introducing a joint resolution to provide for the issuance of a commemorative postage stamp to honor American prisoners of war and Americans missing in action.

Mr. President, in building our great Nation, American soldiers have made different types of sacrifices in defense of American ideals. A great number of memorials and monuments honor Americans who lost their lives in battle—and it is only appropriate that this should be so. But I believe that American prisoners of war and Americans missing in action should also be commemorated.

The President has declared the POW/MIA issue to be of highest national priority. A postage stamp is a way for family members, friends, and other Americans who care deeply about the POW/MIA issue to honor these Americans, and, at the same time, to generate public awareness.

There are over 88,000 U.S. service personnel still missing from World War II, Korea, Vietnam, and other conflicts. The fate of these brave men and women has justifiably stirred the attention of the American public, and their fate will remain an issue until the American public is satisfied that this Government has done everything that it can reasonably do to find these lost warriors. By enhancing this public awareness, a POW/MIA stamp will assist us in keeping this issue on the front burner.

There are over a dozen proposals in Congress providing for the issuance of

commemorative postage stamps, and each has its own merits. But surely no one is more deserving of this honor than our POW's and MIA's.

Mr. President, for the thousands of Americans who still ponder the whereabouts of their loved ones, a commemorative stamp is not only a token of appreciation for the sacrifices made by these great Americans, but will serve as a constant reminder that there may still be individuals in some remote part of the world, scared and alone, but not forgotten. ●

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 33, a bill to establish the Social Security Administration as an independent agency, and for other purposes.

S. 250

At the request of Mr. FORD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 574

At the request of Mr. CRANSTON, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 574, a bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 914

At the request of Mr. GLENN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 972

At the request of Mr. BRADLEY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 972, a bill to amend the Social Security Act to add a new title under such act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

S. 1128

At the request of Mr. GLENN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1128, a bill to impose sanctions against foreign persons and U.S. persons that assist foreign countries in acquiring a nuclear explosive device or unsafeguarded special nuclear material, and for other purposes.

S. 1698

At the request of Mr. SARBANES, the name of the Senator from Maryland

[Ms. MIKULSKI] was added as a cosponsor of S. 1698, a bill to establish a National Fallen Firefighters Foundation.

S. 1731

At the request of Mr. MCCONNELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

S. 1993

At the request of Mr. CONRAD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1993, a bill to improve monitoring of the domestic uses made of certain foreign grain after importation, and for other purposes.

S. 2041

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 2041, a bill to amend the Petroleum Marketing Practices Act to enhance competition, and for other purposes.

S. 2070

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2070, a bill to provide for the management of judicial space and facilities.

S. 2103

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2104

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2104, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physical assistance, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2106

At the request of Mr. CRANSTON, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2123

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2123, a bill to provide for enhanced reporting to the public of release of toxic chemicals, and for other purposes.

S. 2211

At the request of Mr. NICKLES, the name of the Senator from Florida [Mr. GRAHAM] was withdrawn as a cosponsor of S. 2211, a bill to amend the Internal Revenue Code of 1986 to eliminate tax penalties that apply to oil and gas investments, and for other purposes.

S. 2236

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2236, a bill to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the act.

S. 2244

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2244, a bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict.

S. 2277

At the request of Mr. COHEN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2277, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 2327

At the request of Mr. HATFIELD, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2346

At the request of Mrs. KASSEBAUM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2346, a bill to provide for comprehensive health care access expansion and cost control through standardization of private health care insurance and other means.

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2372

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 2372, a bill to amend 1718 of title 38, United States Code, to provide that the compensation of veterans under certain rehabilitative services programs in State homes not be considered to be compensation for the pur-

poses of calculating the pensions of such veterans.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children (WIC) and of Head Start programs, to expand the Job Corps program, and for other purposes.

S. 2394

At the request of Mr. HARKIN, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Alabama [Mr. SHELBY], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2394, a bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas.

S. 2489

At the request of Mr. DOMENICI, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2489, a bill to amend the Stevenson-Wylder Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes.

S. 2543

At the request of Mr. GORE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2543, a bill to amend the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, to prevent the transfer of certain goods or technology to Iraq or Iran, and for other purposes.

S. 2557

At the request of Mr. MCCAIN, the names of the Senator from Missouri [Mr. DANFORTH], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 2557, a bill to require candidates who are eligible to receive amounts from the Presidential Election Campaign Fund to prepare television commercials with closed captioning of the oral content.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week".

SENATE JOINT RESOLUTION 230

At the request of Mr. REID, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 230, a joint resolution providing for the issuance of a stamp to commemorate the Women's Army Corps.

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day".

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Wisconsin [Mr. KOHL], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day".

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19-25, 1992, as "National Credit Education Week".

SENATE JOINT RESOLUTION 258

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Wisconsin [Mr. KOHL], the Senator from Montana [Mr. BURNS], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Michigan [Mr. LEVIN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 258, a joint resolution designating the week commencing May 3, 1992, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 262

At the request of Mr. KASTEN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution designating July 4, 1992, as "Buy American Day".

SENATE JOINT RESOLUTION 263

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Joint Resolution 263, a joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week".

SENATE JOINT RESOLUTION 266

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 266, a joint resolution designating the week of April 26-May 2, 1992, as "National Crime Victims' Rights Week".

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day".

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day".

SENATE JOINT RESOLUTION 281

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from South Dakota [Mr. DASCHLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 281, a joint resolution designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week".

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. HATCH, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Montana [Mr. BAUCUS], the Senator from Nevada [Mr. REID], the Senator from Mississippi [Mr. LOTT], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Concurrent Resolution 17, a concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. DURENBERGER, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution concerning the U.S. Trade Representative's review of previously rejected generalized system of preferences [GSP] petitions from Central and Eastern European Countries, and the denial of certain petitions for which no review was initiated in the 1990 review.

SENATE RESOLUTION 280

At the request of Mr. GORE, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Resolution 280, a resolution to express the sense of the Senate concerning the tropical rain forests of Malaysia.

AMENDMENT NO. 1763

At the request of Mr. DASCHLE his name was added as a cosponsor of Amendment No. 1763 proposed to Senate Concurrent Resolution 106, an

original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1993, 1994, 1995, 1996, and 1997.

SENATE CONCURRENT RESOLUTION 108—RELATIVE TO THE KURDS IN NORTHERN IRAQ

Mr. MACK submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 108

Whereas the Government of Iraq brutally suppressed a Kurdish uprising in February and March 1991, forcing hundreds of thousands of Kurds to flee across the border into Turkey;

Whereas this sudden, massive refugee flow into Turkey resulted in shortfalls of shelter, food, medicine, and potable water that placed thousands of Kurdish lives at risk;

Whereas the best solution to this humanitarian crisis was to encourage the Kurds to return to their homes in northern Iraq by creating a security zone in northern Iraq in which the United States guaranteed that they would not be attacked by Iraqi aircraft or other forces;

Whereas in response to the extraordinary humanitarian need of the Kurds, the United States took the lead in organizing Operation Provide Comfort, in which the United States and other forces undertook a major relief effort for the Kurds both within Turkey and in the designated security zone in northern Iraq;

Whereas in June 1991 the United Nations High Commissioner for Refugees took over the prime responsibility for all relief operations in northern Iraq;

Whereas the United Nations High Commissioner for Refugees still maintains a large presence in northern Iraq, including over a thousand civilians involved in relief activities as well as hundreds of United Nations guards;

Whereas the United Nations High Commissioner for Refugees is currently negotiating with the United Nations Children's Fund and other United Nations organizations to take over the functions being performed in northern Iraq by the United Nations High Commissioner for Refugees;

Whereas the memorandum of understanding between Iraq and the United Nations which authorizes the United Nations presence expires in June 1992;

Whereas the severe shortages of food within the security zone as a result of the Iraqi blockade of northern Iraq make a continued international relief effort essential in order to prevent famine among the Kurdish population;

Whereas the courageous decision of the Government of Turkey to permit the stationing of United States military forces in southern Turkey, despite the possibility of Iraqi retaliation against Turkey, was essential to the success of Operation Provide Comfort;

Whereas Operation Provide Comfort is still necessary in order to deter Iraqi attacks against the Kurdish population in the security zone in northern Iraq;

Whereas the agreement between the United States and Turkey that permits the stationing of United States military forces in southern Turkey expires in June 1992; and

Whereas if this agreement is not extended and if Operation Provide Comfort is termi-

nated, it is extremely likely that Iraqi forces will attack the security zone, resulting in substantial loss of lives and possibly generating another massive wave of Kurdish refugees into Turkey: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should seek Turkish permission to extend beyond June 1992 the agreement that permits the stationing of United States military forces in southern Turkey for purposes of Operation Provide Comfort;

(2) the Government of Turkey, whose continued commitment to Operation Provide Comfort is essential if the operation is to be continued, should respond positively to a United States request to extend that agreement;

(3) the United Nations presence in northern Iraq should be extended; and

(4) the United States and the international community should attach priority to persuading the Government of Iraq to lift the economic boycott of northern Iraq.

• Mr. MACK. Mr. President, I am gravely concerned about the potential of attacks against the Kurdish peoples of northern Iraq should the United Nations withdraw its forces in June 1992, upon the expiration of the current agreement with the Government of Turkey.

I encourage the administration to maintain the United States' commitment to protecting the Kurds through Operation Provide Comfort as long as necessary. There is ample evidence that Saddam Hussein is prepared to move swiftly against these innocent people should our commitment waiver, including recent reports that Iraqi air defense batteries have begun tracking allied flights within the security zone, and their fighters have begun flying training missions for the first time since Saddam's surrender at the end of Operation Desert Storm.

I recognize that no congressional action is required to extend the commitment of American forces to Operation Provide Comfort. I simply wish to convey, in the strongest possible terms, my recommendation we take all steps required to do so.

To that end, I rise to introduce this resolution, and encourage my colleagues on both sides of the aisle to take a stand on behalf of the Kurdish people of Iraq and support this vital effort.●

SENATE CONCURRENT RESOLUTION 109—PROVIDING FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE

Mr. FORD (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 109

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, April 10, 1992, or Saturday,

April 11, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9:30 a.m. on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, April 9, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock noon on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 284—COMMENDING THE BLUE DEVILS OF DUKE UNIVERSITY FOR WINNING THE 1992 NCAA MEN'S BASKETBALL CHAMPIONSHIP

Mr. SANFORD (for himself and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Whereas the Duke University Blue Devils' men's basketball team has had another outstanding season;

Whereas the Duke Blue Devils maintained the nation's Number One ranking from the beginning of the season to the end;

Whereas the Duke Blue Devils, in compiling a 34-2 record, won the 1992 Atlantic Coast Conference Regular Season Championship;

Whereas the Duke Blue Devils also won the 1992 Atlantic Coast Conference Tournament Championship;

Whereas the Duke Blue Devils reached the NCAA Final Four for the fifth consecutive year;

Whereas Duke Coach Mike Krzyzewski now holds the highest NCAA Tournament winning percentage among all coaches with 15 or more wins in the tournament with a 33-7 record;

Whereas Duke Coach Mike Krzyzewski received the 1992 Naismith Award as men's college basketball Coach of the Year;

Whereas the Duke University Blue Devils won the 1992 NCAA men's basketball championship; and

Whereas the Duke Blue Devils are the first team in 19 years to win consecutive NCAA men's basketball championships: Now, therefore, be it

Resolved, that the Senate commends the Blue Devils of Duke University for winning the 1992 National Collegiate Athletic Association Men's Basketball Championship.

SENATE RESOLUTION 285—RELATIVE TO SANCTIONS AGAINST LIBYA

Mr. LIEBERMAN (for himself, Mr. KERRY, Mr. LAUTENBERG, Mr. HATCH, and Mr. D'AMATO) submitted the following resolution; which was referred

to the Committee on Foreign Relations:

S. RES. 285

Whereas 441 people were murdered as the result of terrorist attacks against Pan Am flight 103 in 1988 and UTA flight 772 in 1989;

Whereas these attacks killed nationals from more than 30 countries;

Whereas Libya has engaged in repeated terrorist actions, either by its own nationals or through proxy terrorist organizations, against not only Western nations, but those of the Third World;

Whereas the United Nations Security Council has called on Libya to cooperate fully with the United States, Britain, and France in the investigation and prosecution of those responsible for the attacks on Pan Am flight 103 and UTA flight 772 and to cease all support for terrorism;

Whereas the United Nations Security Council adopted Resolution 731 on January 21, 1992, calling for Libyan cooperation and, after weeks of fruitless negotiations, the United Nations Security Council adopted Resolution 748 on March 31, 1992;

Whereas United Nations Security Council Resolution 748 mandated sanctions against Libya, including an end to all air service and arms sales to Libya and a significant reduction in the Libyan diplomatic presence abroad; and

Whereas United Nations Security Council Resolution 748 represents the first time that the United Nations has adopted sanctions against a country carrying out terrorist attacks, thereby demonstrating the world community's opposition to such assaults on international security: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Libya should—

(A) comply with all provisions of United Nations Security Council Resolution 748 and release to the United States or the United Kingdom for trial the two Libyan suspects in the bombing of Pan Am flight 103;

(B) cooperate with the French judicial investigation into the bombing of UTA flight 772;

(C) compensate the families of the victims of those aircraft bombings; and

(D) cease support for terrorism;

(2) the United States and United Nations Security Council should consider additional measures against Libya if it does not fully cooperate with the United Nations Security Council Resolutions;

(3) all countries should adhere to the United Nations sanctions against Libya, as embodied in United Nations Security Council Resolution 748;

(4) the United States Government, the United Nations Security Council, and other nations should work together to ensure that the sanctions are adhered to;

(5) the United States, through the Congress and the executive branch of Government, and other nations should consider additional measures against violators of the United Nations sanctions; and

(6) all United States nationals who are contributing to the Libyan economy should leave Libya promptly, and Congress and the executive branch of Government should work together to increase penalties against those United States individuals who choose to remain in Libya in defiance of United States law.

• Mr. LAUTENBERG. Mr. President, today I am joining Senator LIEBERMAN in introducing a resolution calling for international compliance with the

sanctions against Libya approved by the U.N. Security Council.

I was proud to have served as a member of the President's Commission on Aviation Security and Terrorism. As my colleagues know, that Commission was formed to look into the circumstances surrounding the bombing of Pan Am 103, and to make recommendations on improvements to security.

A major recommendation of the Commission was what we called national will. In summary, we were talking about the will to resist terrorism; to fight terrorism; and to cut off terrorism at its source.

The sanctions approved by the United Nations take an important step forward in demonstrating that we and the majority of the world have that will.

U.N. Resolution 748 called on Libya to turn over indicted suspects in the bombing of Pan Am 103 to the United States or Great Britain for trial. It was a call for justice. Unfortunately, Libya has so far ignored that call.

In the event that Libya doesn't comply by April 15, the U.N. resolution calls for sanctions against Libya. The message is simple. If Libya is going to stay in the business of terrorism, the world community isn't going to do business with Libya.

The resolution that we are introducing today supports the U.N.'s actions. Further, it calls on the United States and other nations to consider additional measures—stronger measures—if Libya continues to refuse to cooperate.

It is essential that state sponsors of terrorism understand that the United States and other countries will not tolerate terrorism, and will do what's necessary to stop it.

Mr. President, we and other nations will continue to be victimized by terrorism as long as we allow ourselves to be victims. By insisting that Libya comply with the U.N. resolution, and having the will to act decisively if it doesn't, we can strike out at terrorism.

The United Nations has shown that it is finally willing to take a stand against terrorism. I hope that the international community has the will to back up that position.

I urge my colleagues to join us in supporting this resolution.●

● Mr. LIEBERMAN. Mr. President, while terrorism is ultimately the weapon of the cowardly, it still represents one of the major security threats of our era. This is particularly true of the airline industry. Two decades ago, the airline industry was plagued by a series of hijackings. Thanks to new security measures, hijackings were reduced significantly. But terrorists then switched to high explosives, and succeeded in destroying an Air India aircraft in 1985, killing four people on TWA 840 in 1986, blowing up Pan Am 103 in 1988 and the French aircraft, UTA 772, over Niger in 1989. More than 600 people were killed by these attacks.

It is heartening, therefore, that the United Nations has finally gone on record in condemning Libyan responsibility for the attacks on Pan Am 103 and on French UTA flight 772. The Security Council voted 10 to 0 to apply sanctions. Five nations, India, Zimbabwe, Cape Verde, Morocco, and China, abstained because of a misguided sense of Third World solidarity.

The U.N. Security Council Resolution 748, which was passed on March 31, requires that all nations end air service, arms sales and the sale of aircraft and military spare parts to Libya until it agrees to the following conditions:

Turns over for trial the two Libyan intelligence agents, who were indicated for the attack on Pan Am 103;

Cooperates with French authorities in their investigation into the attack of UTA flight 772, whose victims included Americans;

Compensates the families of the victims; and

Ends all support for terrorism.

Libya's involvement in terrorism goes back to the early 1970's, when Qadhafi publicly offered to help publicly international organizations and dispatched terrorists to Italy to shoot down an Israeli airliner. During the 1980's, Libyan agents, among other operations, killed a Libyan dissident in the United States and killed three individuals, including two United States servicemen, in the La Belle Disco bombing in April 1986.

Libya's support for terrorism has extended to non-Libyan terrorists, such as the Japanese Red army and the Popular Front for the Liberation of Palestine-general command, which have been guilty of attacking United States targets. Libya also harbors one of the most murderous terrorist organizations in the world, the Abu Nidal Organization. Among ANO's reprehensible actions are the machinegun massacres at the Rome and Vienna airports in 1985 and on a Greek tourist boat in 1988. These operations have earned Qadhafi the opprobrium of the world.

I am introducing today a Senate resolution in support of the U.N. resolution and its accompanying sanctions. The Senate resolution also expresses the sense of the Senate that the United States and the United Nations should consider additional measures against Libya if it does not fully cooperate with the U.N. Security Council Resolution. The international community chose not to boycott Libyan oil, but a boycott, some believe, would have represented a decisive blow against Qadhafi's regime. This option, which was used against Iraq, should be studied.

Additional sanctions should also include measures against violators of the U.N. sanctions. Any country or company that tries to skirt the embargo should be made to pay a price through financial penalties or denial of access to the U.S. market. Finally, the sev-

eral hundred United States nationals who still work in the Libyan oil industry, in defiance of existing United States law, should be prosecuted if they remain.

Mr. President, the U.N. resolution will help to deter future terrorist attacks and may offer some small solace to the families, some of whom I have met, who lost loved ones in these vicious attacks. The Senate resolution also puts the Senate on record as condemning these cowardly acts and expressing its willingness to consider additional measures.

The U.N. resolve—and the promise of sterner measures—should demonstrate to other terrorists and their sponsors that they will continue to be treated as international pariahs if they continue in their ways.●

SENATE RESOLUTION 286—PROVIDING FOR PAYMENT OF FEES FOR SERVICES OF THE ATTENDING PHYSICIAN AND USE OF SENATE HEALTH AND FITNESS FACILITIES

Mr. FORD (for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 286

Resolved, That (a) the Committee on Rules and Administration shall promulgate regulations—

(1) pertaining to the services provided by the Attending Physician and the operation and use of the Senate health and fitness facilities; and

(2) requiring the payment of fees for services received from the Attending Physician and for the use of the Senate health and fitness facilities pursuant to such regulations.

(b) The Secretary of the Senate is authorized to withhold fees from the salary of an individual authorized by such regulations to receive such services from the Attending Physician and to use the Senate health and fitness facilities.

(c) The Secretary of the Senate shall remit all fees required by subsection (a)(2) that are collected pursuant to subsection (b) or by direct payment to the General Fund of the Treasury as miscellaneous receipts unless otherwise provided by law.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET

BROWN (AND DOMENICI) AMENDMENT NO. 1764

Mr. BROWN (for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the United States Government for fiscal years 1993, 1994, 1995, 1996, and 1997, as follows:

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE THAT CERTAIN GOVERNMENT SUBSIDIES SHOULD NOT GO TO THOSE WHO ARE NOT IN NEED AND THAT A STUDY SHOULD BE CONDUCTED TO IDENTIFY SUCH SUBSIDIES.

(a) FINDING.—The United States Government needs an accurate understanding of the subsidies it pays to those who are not in need.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as part of the effort to reduce the federal budget deficit and to set spending priorities, subsidies should not be paid to those who are not in need and that a study should be conducted, as provided in paragraph (c), to identify such subsidies.

(c) STUDY OF UNITED STATES GOVERNMENT MANDATORY SPENDING BY INCOME CATEGORIES.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, and concurrently the Director of the Congressional Budget Office, in consultation with the Bureau of the Census and the Internal Revenue Service (both of which would provide statistical data) and other Executive Branch departments and agencies, should prepare an estimate by agency and account of the dollar value (as measured by outlays) of assistance payments from United States Government mandatory spending programs under current law and regulations to recipients by income category for the current and five succeeding fiscal years.

(2) METHODOLOGY.—The study described in paragraph (c), to establish appropriate income categories, shall use for individuals the sum of the individual's adjusted gross income plus any United States Government assistance payment not already included in such adjusted gross income and shall use for persons other than individuals the sum of the person's taxable income plus any such payment not already included in such taxable income.

(3) DEFINITIONS.—

(A) The term "assistance payments from United States Government mandatory spending programs" means any payment, including payments-in-kind and loans, made by the United States Government directly, indirectly, or through payment to another on the individual's or person's behalf from the mandatory spending programs. The term does not mean payments of Social Security benefits.

(B) The term "recipients" means the individuals or persons on whose behalf the assistance payments are made.

(4) REPORTING.—The study described in subsection (c) of paragraph (1) shall be submitted to the Congress, and updated annually, as part of the Budget Message of the President.

**BRADLEY (AND OTHERS)
AMENDMENT NO. 1765**

By BRADLEY (for himself, Mr. SIMON, Mr. ADAMS, and Mr. LAUTENBERG) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

- On page 3, line 16, decrease the amount by \$3,500,000,000.
- On page 3, line 17, decrease the amount by \$7,200,000,000.
- On page 3, line 18, decrease the amount by \$6,300,000,000.
- On page 3, line 19, decrease the amount by \$1* * *.
- On page 3, line 20, decrease the amount by \$3,800,000,000.

- On page 3, line 23, decrease the amount by \$1,350,000,000.
- On page 3, line 24, decrease the amount by \$5,300,000,000.
- On page 3, line 25, decrease the amount by \$6,500,000,000.
- On page 4, line 1, decrease the amount by \$6,800,000,000.
- On page 4, line 2, decrease the amount by \$6,250,000,000.
- On page 4, line 5, decrease the amount by \$* * *.
- On page 4, line 6, decrease the amount by \$5,300,000,000.
- On page 4, line 7, decrease the amount by \$6,500,000,000.
- On page 4, line 8, decrease the amount by \$6,800,000,000.
- On page 4, line 9, decrease the amount by \$6,250,000,000.
- On page 4, line 12, decrease the amount by \$1,300,000,000.
- On page 4, line 13, decrease the amount by \$6,600,000,000.
- On page 4, line 14, decrease the amount by \$13,100,000,000.
- On page 4, line 15, decrease the amount by \$19,900,000,000.
- On page 4, line 16, decrease the amount by \$26,100,000,000.
- On page 5, line 20, decrease the amount by \$1,350,000,000.
- On page 5, line 21, decrease the amount by \$5,300,000,000.
- On page 5, line 22, decrease the amount by \$6,500,000,000.
- On page 5, line 23, decrease the amount by \$6,800,000,000.
- On page 5, line 24, decrease the amount by \$6,250,000,000.
- On page 7, line 3, decrease the amount by \$7,000,000,000.
- On page 7, line 14, decrease the amount by \$* * *.
- On page 7, line 22, decrease the amount by \$* * *.
- On page 7, line 23, decrease the amount by \$10,000,000,000.
- On page 8, line 7, decrease the amount by \$12,000,000,000.
- On page 8, line 8, decrease the amount by \$11,300,000,000.
- On page 8, line 16, decrease the amount by \$11,100,000,000.
- On page 8, line 17, decrease the amount by \$11,400,000,000.
- On page 8, line 25, decrease the amount by \$7,600,000,000.
- On page 9, line 1, decrease the amount by \$9,500,000,000.
- On page 40, line * * *, decrease the amount by \$300,000,000.
- On page 40, line 22, decrease the amount by \$300,000,000.
- On page 41, line 5, decrease the amount by \$600,000,000.
- On page 41, line 6, decrease the amount by \$600,000,000.
- On page 41, line 14, decrease the amount by \$1,100,000,000.
- On page 71, line 15, decrease the amount by \$1,100,000,000.
- On page 11, line 23, decrease the amount by \$1,500,000,000.
- On page 41, line 24, decrease the amount by \$1,500,000,000.
- On page 42, line 15, increase the amount by \$3,500,000,000.
- On page 42, line 16, increase the amount by \$1,350,000,000.
- On page 42, line 24, increase the amount by \$7,200,000,000.
- On page 42, line 25, increase the amount by \$5,000,000,000.

- On page 43, line 8, increase the amount by \$6,300,000,000.
- On page 43, line 9, increase the amount by \$5,900,000,000.
- On page 43, line 17, increase the amount by \$5,550,000,000.
- On page 43, line 18, increase the amount by \$5,700,000,000.
- On page 44, line 2, increase the amount by \$3,800,000,000.
- On page 44, line 3, increase the amount by \$4,750,000,000.
- On page 42, line 8, decrease the amount by \$300,000,000.
- On page 42, line 9, decrease the amount by \$600,000,000.
- On page 42, line 10, decrease the amount by \$1,100,000,000.
- On page 42, line 11, decrease the amount by \$1,500,000,000.

**NICKLES (AND OTHERS)
AMENDMENT NO. 1766**

Mr. NICKLES (for himself, Mr. BOND, Mr. KASTEN, Mr. SIMON, Mr. SYMMS, Mr. BURNS, Mr. SHELBY, Mr. MURKOWSKI, Mr. DECONCINI, Mr. LOTT, Mr. BOREN, Mr. PRESSLER, Mr. HEFLIN, Mr. GARN, Mr. HELMS, Mr. MCCAIN, Mr. BROWN, Mr. CRAIG, Mr. BRYAN, and Mr. DOLE) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(1) It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget, and that the adoption of such joint resolution should occur on or before June 5, 1992.

BYRD AMENDMENT NO. 1767

Mr. BYRD proposed an amendment to amendment No. 1766 proposed by Mr. NICKLES (and others) to the concurrent resolution (S. Con. Res. 106), supra, as follows:

In the pending amendment, strike all after the word "SEC." and insert the following:

SEC. . SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(1) It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget, and requiring the President of the United States to annually submit a balanced budget, and that the adoption of such joint resolution should occur on or before June 5, 1992.

**HARKIN (AND OTHERS)
AMENDMENT NO. 1768**

Mr. HARKIN (for himself, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. ADAMS, Mr. CRANSTON, Mr. SIMON, and Mr. DASCHLE), proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

- On page 3, line 16, decrease the amount by \$8,100,000,000
- On page 3, line 17, decrease the amount by \$8,500,000,000
- On page 3, line 18, decrease the amount by \$9,000,000,000
- On page 3, line 19, decrease the amount by \$9,500,000,000

On page 3, line 20, decrease the amount by \$10,200,000,000.

On page 3, line 23, decrease the amount by \$4,800,000,000.

On page 3, line 24, decrease the amount by \$7,200,000,000.

On page 3, line 25, decrease the amount by \$8,500,000,000.

On page 4, line 1, decrease the amount by \$9,200,000,000.

On page 4, line 2, decrease the amount by \$10,200,000,000.

On page 4, line 5, decrease the amount by \$4,800,000,000.

On page 4, line 6, decrease the amount by \$7,200,000,000.

On page 4, line 7, decrease the amount by \$8,500,000,000.

On page 4, line 8, decrease the amount by \$9,200,000,000.

On page 4, line 9, decrease the amount by \$10,200,000,000.

On page 4, line 12, decrease the amount by \$4,900,000,000.

On page 4, line 13, decrease the amount by \$12,000,000,000.

On page 4, line 14, decrease the amount by \$20,500,000,000.

On page 4, line 15, decrease the amount by \$29,700,000,000.

On page 4, line 16, decrease the amount by \$39,900,000,000.

On page 5, line 20, decrease the amount by \$4,900,000,000.

On page 5, line 21, decrease the amount by \$7,100,000,000.

On page 5, line 22, decrease the amount by \$8,500,000,000.

On page 5, line 23, decrease the amount by \$9,200,000,000.

On page 5, line 24, decrease the amount by \$10,200,000,000.

On page 7, line 13, decrease the amount by \$8,000,000,000.

On page 7, line 14, decrease the amount by \$4,700,000,000.

On page 7, line 22, decrease the amount by \$8,000,000,000.

On page 7, line 23, decrease the amount by \$6,700,000,000.

On page 8, line 7, decrease the amount by \$8,000,000,000.

On page 8, line 8, decrease the amount by \$7,500,000,000.

On page 8, line 16, decrease the amount by \$8,000,000,000.

On page 8, line 17, decrease the amount by \$7,700,000,000.

On page 8, line 25, decrease the amount by \$8,000,000,000.

On page 9, line 1, decrease the amount by \$8,000,000,000.

On page 40, line 12, decrease the amount by \$100,000,000.

On page 40, line 13, decrease the amount by \$100,000,000.

On page 40, line 21, decrease the amount by \$500,000,000.

On page 40, line 22, decrease the amount by \$500,000,000.

On page 41, line 5, decrease the amount by \$1,000,000,000.

On page 41, line 6, decrease the amount by \$1,000,000,000.

On page 41, line 14, decrease the amount by \$1,500,000,000.

On page 41, line 15, decrease the amount by \$1,500,000,000.

On page 41, line 23, decrease the amount by \$2,200,000,000.

On page 41, line 24, decrease the amount by \$2,200,000,000.

On page 42, line 7, decrease the amount by \$100,000,000.

On page 42, line 8, decrease the amount by \$500,000,000.

On page 42, line 9, decrease the amount by \$1,100,000,000.

On page 42, line 10, decrease the amount by \$1,500,000,000.

On page 42, line 11, decrease the amount by \$2,200,000,000.

At the end of the resolution, add the following new section:

SEC. . BUDGET LEVELS FOR DEFENSE AND DOMESTIC NEEDS IF LEGISLATION IS ENACTED COMBINING THE DEFENSE AND THE DOMESTIC CATEGORIES.

If legislation is enacted combining the defense and domestic categories established in section 601(a)(2)(C) of the Congressional Budget Act of 1974 for fiscal year 1993 the appropriate levels of budget authority and budget outlays in this resolution are modified as follows:

On page 3, line 16, increase the amount by \$8,100,000,000.

On page 3, line 17, increase the amount by \$8,400,000,000.

On page 3, line 18, increase the amount by \$8,900,000,000.

On page 3, line 19, increase the amount by \$8,700,000,000.

On page 3, line 20, increase the amount by \$9,200,000,000.

On page 3, line 23, increase the amount by \$2,600,000,000.

On page 3, line 24, increase the amount by \$6,500,000,000.

On page 3, line 25, increase the amount by \$8,400,000,000.

On page 4, line 1, increase the amount by \$9,200,000,000.

On page 4, line 2, increase the amount by \$10,200,000,000.

On page 4, line 5, increase the amount by \$2,700,000,000.

On page 4, line 6, increase the amount by \$6,500,000,000.

On page 4, line 7, increase the amount by \$8,400,000,000.

On page 4, line 8, increase the amount by \$9,200,000,000.

On page 4, line 9, increase the amount by \$10,300,000,000.

On page 4, line 12, increase the amount by \$2,700,000,000.

On page 4, line 13, increase the amount by \$9,200,000,000.

On page 4, line 14, increase the amount by \$17,600,000,000.

On page 4, line 15, increase the amount by \$26,800,000,000.

On page 4, line 16, increase the amount by \$37,100,000,000.

On page 5, line 20, increase the amount by \$2,700,000,000.

On page 5, line 21, increase the amount by \$6,500,000,000.

On page 5, line 22, increase the amount by \$8,400,000,000.

On page 5, line 23, increase the amount by \$9,200,000,000.

On page 5, line 24, increase the amount by \$10,300,000,000.

On page 21, line 10, increase the amount by \$3,000,000,000.

On page 21, line 11, increase the amount by \$600,000,000.

On page 21, line 19, increase the amount by \$3,100,000,000.

On page 21, line 20, increase the amount by \$1,800,000,000.

On page 22, line 3, increase the amount by \$3,200,000,000.

On page 22, line 4, increase the amount by \$2,400,000,000.

On page 22, line 11, increase the amount by \$3,300,000,000.

On page 22, line 12, increase the amount by \$2,700,000,000.

On page 22, line 21, increase the amount by \$3,400,000,000.

On page 22, line 22, increase the amount by \$3,000,000,000.

On page 23, line 7, increase the amount by \$1,000,000,000.

On page 23, line 8, increase the amount by \$200,000,000.

On page 23, line 17, increase the amount by \$1,000,000,000.

On page 23, line 18, increase the amount by \$600,000,000.

On page 24, line 2, increase the amount by \$1,100,000,000.

On page 24, line 3, increase the amount by \$1,000,000,000.

On page 24, line 12, increase the amount by \$1,100,000,000.

On page 24, line 13, increase the amount by \$1,100,000,000.

On page 24, line 22, increase the amount by \$1,100,000,000.

On page 24, line 23, increase the amount by \$1,100,000,000.

On page 25, line 9, increase the amount by \$2,500,000,000.

On page 25, line 10, increase the amount by \$700,000,000.

On page 25, line 18, increase the amount by \$2,600,000,000.

On page 25, line 19, increase the amount by \$2,200,000,000.

On page 26, line 2, increase the amount by \$2,700,000,000.

On page 26, line 3, increase the amount by \$2,600,000,000.

On page 26, line 11, increase the amount by \$2,800,000,000.

On page 26, line 12, increase the amount by \$2,700,000,000.

On page 26, line 20, increase the amount by \$2,900,000,000.

On page 26, line 21, increase the amount by \$2,800,000,000.

On page 27, line 6, increase the amount by \$500,000,000.

On page 27, line 7, increase the amount by \$300,000,000.

On page 27, line 15, increase the amount by \$500,000,000.

On page 27, line 16, increase the amount by \$500,000,000.

On page 27, line 24, increase the amount by \$500,000,000.

On page 27, line 25, increase the amount by \$500,000,000.

On page 28, line 8, increase the amount by \$600,000,000.

On page 28, line 9, increase the amount by \$500,000,000.

On page 28, line 17, increase the amount by \$600,000,000.

On page 28, line 18, increase the amount by \$600,000,000.

On page 30, line 24, increase the amount by \$1,000,000,000.

On page 30, line 25, increase the amount by \$800,000,000.

On page 31, line 8, increase the amount by \$1,000,000,000.

On page 31, line 9, increase the amount by \$1,000,000,000.

On page 31, line 17, increase the amount by \$1,100,000,000.

On page 31, line 18, increase the amount by \$1,100,000,000.

On page 32, line 2, increase the amount by \$1,100,000,000.

On page 32, line 3, increase the amount by \$1,100,000,000.

On page 32, line 11, increase the amount by \$1,100,000,000.

On page 32, line 12, increase the amount by \$1,100,000,000.

On page 40, line 12, increase the amount by \$100,000,000.

On page 40, line 13, increase the amount by \$100,000,000.

On page 40, line 21, increase the amount by \$400,000,000.

On page 40, line 22, increase the amount by \$400,000,000.

On page 41, line 5, increase the amount by \$900,000,000.

On page 41, line 6, increase the amount by \$900,000,000.

On page 41, line 14, increase the amount by \$1,400,000,000.

On page 41, line 15, increase the amount by \$1,400,000,000.

On page 41, line 23, increase the amount by \$2,100,000,000.

On page 41, line 24, increase the amount by \$2,100,000,000.

On page 42, line 7, increase the amount by \$100,000,000.

On page 42, line 8, increase the amount by \$400,000,000.

On page 42, line 9, increase the amount by \$900,000,000.

On page 42, line 10, increase the amount by \$1,400,000,000.

On page 42, line 11, increase the amount by \$2,100,000,000.

On page 42, line 20, decrease the amount by \$300,000,000.

On page 43, line 8, decrease the amount by \$500,000,000.

On page 43, line 9, decrease the amount by \$100,000,000.

On page 43, line 18, decrease the amount by \$300,000,000.

On page 44, line 3, decrease the amount by \$400,000,000.

Furthermore, all of the number of dollar figures in this amendment are multiplied by .75.

**SEYMOUR (AND OTHERS)
AMENDMENT NO. 1769**

Mr. SEYMOUR (for himself, Mr. BROWN, Mr. BOND, Mr. SYMMS, and Mr. NICKLES) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

On page 3, line 16, reduce the amount by \$310,000,000.

On page 3, line 17, reduce the amount by \$332,000,000.

On page 3, line 18, reduce the amount by \$329,000,000.

On page 3, line 19, reduce the amount by \$326,000,000.

On page 3, line 20, reduce the amount by \$326,000,000.

On page 3, line 23, reduce the amount by \$203,000,000.

On page 3, line 24, reduce the amount by \$475,000,000.

On page 3, line 25, reduce the amount by \$453,000,000.

On page 4, line 1, reduce the amount by \$427,000,000.

On page 4, line 2, reduce the amount by \$420,000,000.

On page 4, line 5, reduce the amount by \$203,000,000.

On page 4, line 6, reduce the amount by \$475,000,000.

On page 4, line 7, reduce the amount by \$453,000,000.

On page 4, line 8, reduce the amount by \$427,000,000.

On page 4, line 9, reduce the amount by \$420,000,000.

On page 5, line 20, reduce the amount by \$203,000,000.

On page 5, line 21, reduce the amount by \$475,000,000.

On page 5, line 22, reduce the amount by \$453,000,000.

On page 5, line 23, reduce the amount by \$427,000,000.

On page 5, line 24, reduce the amount by \$420,000,000.

On page 38, line 15, reduce the amount by \$310,000,000.

On page 38, line 16, reduce the amount by \$203,000,000.

On page 38, line 24, reduce the amount by \$332,000,000.

On page 38, line 25, reduce the amount by \$475,000,000.

On page 39, line 8, reduce the amount by \$329,000,000.

On page 39, line 9, reduce the amount by \$453,000,000.

On page 39, line 17, reduce the amount by \$326,000,000.

On page 39, line 18, reduce the amount by \$427,000,000.

On page 40, line 2, reduce the amount by \$326,000,000.

On page 40, line 3, reduce the amount by \$420,000,000.

SASSER AMENDMENT NO. 1770

Mr. SASSER proposed an amendment to amendment No. 1769 proposed by Mr. SEYMOUR (and others) to the concurrent resolution (S. Con. Res. 106), supra, as follows:

On page 1, line 1 of the amendment, increase the amount by \$137,000,000.

On page 1, line 2 of the amendment, increase the amount by \$147,000,000.

On page 1, line 3 of the amendment, increase the amount by \$146,000,000.

On page 1, line 4 of the amendment, increase the amount by \$145,000,000.

On page 1, line 5 of the amendment, increase the amount by \$145,000,000.

On page 1, line 6 of the amendment, increase the amount by \$110,000,000.

On page 1, line 7 of the amendment, increase the amount by \$145,000,000.

On page 1, line 8 of the amendment, increase the amount by \$146,000,000.

On page 1, line 9 of the amendment, increase the amount by \$145,000,000.

On page 1, line 10 of the amendment, increase the amount by \$145,000,000.

On page 1, line 11 of the amendment, increase the amount by \$110,000,000.

On page 1, line 12 of the amendment, increase the amount by \$145,000,000.

On page 1, line 13 of the amendment, increase the amount by \$146,000,000.

On page 1, line 14 of the amendment, increase the amount by \$145,000,000.

On page 1, line 15 of the amendment, increase the amount by \$145,000,000.

On page 1, line 16 of the amendment, increase the amount by \$110,000,000.

On page 1, line 17 of the amendment, increase the amount by \$145,000,000.

On page 1, line 18 of the amendment, increase the amount by \$146,000,000.

On page 1, line 19 of the amendment, increase the amount by \$145,000,000.

On page 1, line 20 of the amendment, increase the amount by \$145,000,000.

On page 2, line 1 of the amendment, increase the amount by \$137,000,000.

On page 2, line 2 of the amendment, increase the amount by \$110,000,000.

On page 2, line 3 of the amendment, increase the amount by \$147,000,000.

On page 2, line 4 of the amendment, increase the amount by \$145,000,000.

On page 2, line 5 of the amendment, increase the amount by \$146,000,000.

On page 2, line 6 of the amendment, increase the amount by \$146,000,000.

On page 2, line 7 of the amendment, increase the amount by \$145,000,000.

On page 2, line 8 of the amendment, increase the amount by \$145,000,000.

On page 2, line 9 of the amendment, increase the amount by \$145,000,000.

On page 2, line 10 of the amendment, increase the amount by \$145,000,000.

**REID (AND DASCHLE) AMENDMENT
NO. 1771**

Mr. REID (for himself and Mr. DASCHLE) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

At the appropriate place in the resolution add the following new section:

"SEC. . PROGRAM BUDGET EVALUATION.

(a) FINDINGS.—

(1) The current national debt stands at \$3.1 trillion;

(2) The federal deficit for fiscal year 1993 is projected to add another \$350 billion to that debt; and

(3) It is crucial to the well being of future generations of Americans that federal deficits be eliminated and the national debt reduced;

(b) SENSE OF THE SENATE.—

It is the Sense of the Senate that prior to the commencement of the 104th Congress, each authorizing committee of the Senate should conduct a comprehensive reexamination and evaluation of existing programs under its jurisdiction which result in the expenditure of federal dollars, and report its findings to the Senate.

Such committee reports should consider the following matters:

(1) an identification of the objectives intended for the program and the problem it was intended to address.

(2) an identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address.

(3) an identification of any other program having potentially conflicting or duplicative objectives.

(4) a statement of the number and types of beneficiaries or persons served by the program.

(5) an assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved.

(6) an assessment of the cost effectiveness of the program.

(7) an assessment of the relative merits of alternative methods which could be considered to achieve the purposes of the program."

**FOWLER (AND OTHERS)
AMENDMENT NO. 1772**

Mr. SASSER (for Mr. FOWLER, for himself, Mr. EXON, and Mr. CRANSTON) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

On page 34, line 17, increase the figure by \$1,800,000,000.

On page 34, line 18, increase the figure by \$1,100,000,000.

On page 42, line 15, decrease the figure by \$1,800,000,000.

On page 42, line 16, decrease the figure by \$1,100,000,000.

RIEGLE AMENDMENT NO. 1773

Mr. SASSER (for Mr. RIEGLE) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

At the end of the resolution, add the following new section:

SEC. . SENSE OF THE SENATE REGARDING INCREASING PRODUCTIVITY.

(a) FINDING.—The Senate finds that—
(1) failure to meet the challenge of international economic competitiveness would seriously jeopardize our national security, standard of living, and quality of life in the coming decades; and

(2) increased productivity is the key to meeting the challenge and regaining the competitive edge the United States economy enjoyed in the past.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funds should be allocated to allow this Nation to commit to an increase in productivity and international competitiveness through a program of long-term strategic investment in—

(1) the development of its human resources;

(2) the physical infrastructure that supports economic activity;

(3) the development and commercialization of technology; and

(4) productive plants and equipment.

INCREASE IN ACREAGE LIMIT FOR ASSATEAGUE ISLAND

BUMPERS AMENDMENT NO. 1774

Mr. FORD (for Mr. BUMPERS) proposed an amendment to the amendment of the House to the bill (S. 1254) to increase the authorized acreage limit for the Assateague Island National Seashore on the Maryland mainland, and for other purposes, as follows:

On page 2, line 23, through page 3, line 8, strike subsection (c) in its entirety and insert in lieu thereof the following:

“(C) The Secretary is authorized to enter into cooperative agreements with local, State, and Federal agencies and with educational institutions and nonprofit entities to coordinate research designed to ensure full protection of the natural and cultural resources of the seashore, consistent with the purposes for which the seashore was established, and other applicable law. The Secretary is also authorized to provide technical assistance to local, State, and Federal agencies and to educational institutions and nonprofit entities in order to further such purposes. The Secretary shall submit a report every two years to the Congress on the results of the coordinated research program authorized by this section and plans to implement the recommendations arising from such research.”

OMNIBUS NUCLEAR PROLIFERATION CONTROL ACT

PELL (AND OTHERS) AMENDMENT NO. 1775

Mr. FORD (for Mr. PELL, for himself, Mr. HELMS, and Mr. GLENN) proposed

an amendment to the bill (S. 1128) to impose sanctions against foreign persons and United States persons that assist foreign countries in acquiring a nuclear explosive device or unsafeguarded special nuclear material, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Omnibus Nuclear Proliferation Control Act of 1992”.

SEC. 2. IMPOSITION OF SANCTIONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—Except as provided in subsection (b)(2), the President shall impose the applicable sanctions described in subsection (c) if the President determines that a foreign person or a United States person, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed—

(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States, or

(B) through the export from any other country of any goods or technology that would be, if they were exported from the United States, subject to the jurisdiction of the United States,

to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device, whether or not the goods or technology is specifically designed or modified for that purpose.

(2) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(3) OTHER SANCTIONS AVAILABLE.—The sanctions which may be imposed for activities described in this subsection are in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) DEFINITION.—For purposes of this subsection, the term “requisite knowledge” includes situations in which a person “knows”, as “knowing” is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has “reason to know” the effect of such person’s actions.

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (3) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) DESCRIPTION OF SANCTIONS ON UNITED STATES PERSONS.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the United States person or any parent, subsidiary, affiliate, or successor entity thereof, as described in subsection (a)(2).

(3) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(C) to—

(i) spare parts which are essential to United States products or production,

(ii) component parts, but not finished products, essential to United States products or production, or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) **TERMINATION OF SANCTIONS.**—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has received reliable assurances from the foreign person or United States person, as the case may be, that such person will not, in the future, aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(e) **WAIVER.**—

(1) **CRITERION FOR WAIVER.**—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) **NOTIFICATION OF AND REPORT TO CONGRESS.**—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(f) **DEFINITIONS.**—For the purposes of this section—

(1) the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States; and

(2) the term "United States person" means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is not a foreign person.

SEC. 3. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(A) **IN GENERAL.**—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any direct or indirect use of the institution's funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any non-nuclear-weapon state.

(b) **DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.**—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read as follows:

"(3) whether the recipient country—

"(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992) or a nuclear explosive device (as defined in section 11(3) of that Act);

"(B) is not a State Party to the Treaty on Non-Proliferation of Nuclear Weapons; or

"(C) has detonated a nuclear explosive device; and"

SEC. 4. AMENDMENTS TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT AND THE FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) **BASIS FOR DECLARATION OF NATIONAL EMERGENCY.**—Section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) is amended by adding at the end thereof the following new subsection:

"(c) For the purpose of this section, the term 'any unusual and extraordinary threat' includes any international event that the President determines may involve the detonation by a non-nuclear-weapon state of a nuclear explosive device (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) or an action or activity that substantially contributes to the likelihood of the proliferation or detonation of such devices, including the acquisition by a non-nuclear-weapon state of unsafeguarded special nuclear material (as defined in section 11(6) of that Act)."

(b) **SANCTIONS ON FINANCIAL INSTITUTIONS.**—The Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by adding at the end thereof the following new title:

"TITLE VI—SANCTIONS ON FINANCIAL INSTITUTIONS

"SEC. 601. PRESIDENTIAL DETERMINATION.

"(a) **IN GENERAL.**—The prohibitions in section 603 shall be imposed on a financial institution if the President determines that such financial institution, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed, through provision of financing or other services, to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device as these standards and terms are defined and would be applied under section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"(b) **PRESIDENTIAL ORDER.**—Whenever the President makes a determination under subsection (a) with respect to a financial institution, the President shall issue an order specifying a date within 180 days of such determination on which the prohibitions in section 603 shall begin to apply to such institution.

"SEC. 602. ADDITIONAL ENTITIES AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.

"The prohibitions described in section 603 shall also be imposed, pursuant to section 601, on—

"(1) any successor entity to the financial institution with respect to which the President makes such determination;

"(2) any foreign person or United States person that is a parent or subsidiary of such financial institution if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of such determination; and

"(3) any foreign person or United States person that is an affiliate of such financial institution if that affiliate materially and

with requisite knowledge assisted in the activities which were the basis of such determination and if that affiliate is controlled in fact by such financial institution.

"SEC. 603. PROHIBITIONS.

"The following prohibitions shall apply to a financial institution subject to a determination described in section 601 and to related entities described in section 602:

"(1) **BAN ON DEALINGS IN GOVERNMENT FINANCE.**—

"(A) **DESIGNATION AS PRIMARY DEALER.**—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

"(B) **GOVERNMENT FUNDS.**—Such financial institution shall not serve as agent of the United States Government or serve as depository for United States Government funds.

"(2) **RESTRICTIONS ON OPERATIONS.**—Such financial institution shall not, directly or indirectly—

"(A) commence any line of business in the United States in which it was not engaged as of the date of the determination; or

"(B) conduct business from any location in the United States at which it did not conduct business as of the date of the determination.

"SEC. 604. CONDITIONS AND TERMINATION OF SANCTIONS.

"The same requirements for consultation with the foreign government of jurisdiction, where appropriate, and for termination of sanctions shall apply under this title as are provided in subsections (b) and (d), respectively, of section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"SEC. 605. WAIVER.

"The President may waive the imposition of any prohibition imposed on any financial institution or other person pursuant to section 601 or 602 if the President determines and certifies to the Congress that the imposition of such prohibition would have a serious adverse effect on the safety and soundness of the domestic or international financial system or on domestic or international payments systems.

"SEC. 606. DEFINITIONS.

"As used in this title—

"(1) the term 'financial institution' includes—

"(A) a depository institution, including a branch or agency of a foreign bank;

"(B) a securities firm, including a broker or dealer;

"(C) an insurance company, including an agency or underwriter;

"(D) any other company that provides financial services; or

"(E) any subsidiary thereof; and

"(2) the term 'requisite knowledge' includes situations in which a person 'knows', as 'knowing' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has 'reason to know' the effect of such person's actions."

SEC. 5. EXPORT-IMPORT BANK.

Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by inserting after "device" the following: "(as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992), or that any country has willfully aided or abetted any such non-nuclear-weapon state (as defined in section 11(4) of that Act) to acquire a nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 11(6) of that Act)."

SEC. 6. ELIGIBILITY FOR ASSISTANCE.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(A) in section 3 of such act, by adding at the end thereof the following new subsection:

“(f) No sales or leases shall be made to any country that the President has determined is in material breach of its commitments to the United States under international treaties or agreements concerning the non-proliferation of nuclear explosive devices (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) and unsafeguarded special nuclear material.”; and

(B) in section 40(d) of such Act, by adding at the end thereof the following new sentence: “For the purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material (as defined in section 11(6) of that Act).”.

(2) Section 47 of such Act is amended—

(A) by striking out “and” at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof “; and”;

(C) by adding at the end thereof the following new paragraph:

“(9) ‘nuclear explosive device’ has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992.”.

(b) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Section 670(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(a)(2)) is amended in the first sentence—

(A) by inserting “in any fiscal year” after “President”; and

(B) by inserting “during that fiscal year” after “certifies in writing”.

(2) Section 670 of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(a)) is further amended by adding at the end thereof the following new subsection:

“(d) As used in this section, the term ‘nuclear explosive device’ has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992.”.

(3) Notwithstanding any other provision of law, Presidential Determination No. 82-7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 670(a)(1) of such Act arising on or after the date of enactment of this Act.

(4) Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) is amended to read as follows:

“(d) The President may waive the prohibitions of section 669 of this act with respect to any grounds for the prohibition of assistance under that section arising before the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.”.

SEC. 7. ADDITIONAL AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) TECHNICAL AMENDMENTS.—Section 670(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(b)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (3)(A) (as so redesignated), by striking “paragraph (3)” and inserting “paragraph (4)”; and

(3) in paragraph (4) (as so redesignated) by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) ADDITIONAL SANCTIONS.—Section 670(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is amended to read as follows:

“(b)(1) Except as provided in paragraphs (3), (4), and (5), in the event that any country, after the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992—

“(A) transfers to a non-nuclear-weapon state—

“(i) a nuclear explosive device, or

“(ii) design information or components known by the transferor to be necessary for the recipient’s completion of a nuclear explosive device,

“(B) is a non-nuclear-weapon state—

“(i) receives a nuclear explosive device,

“(ii) receives design information or components necessary for the completion of a nuclear explosive device, or

“(iii) detonates a nuclear explosive device,

“(C) transfers to a non-nuclear-weapon state any design information or component (other than described in subparagraph (A)(ii)) which is determined by the President to be important to, and known by the transferring country to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

“(D) is a non-nuclear-weapon state and has sought and received any design information or component (other than described in subparagraph (B)(ii)) which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device,

the President shall forthwith impose sanctions against that country, including, as a minimum, those sanctions specified in paragraph (2).

“(2) The sanctions referred to in paragraph (1) are as follows:

“(A) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under this Act, except for urgent humanitarian assistance or food or other agricultural commodities.

“(B) ARMS SALES.—The United States Government shall terminate—

“(i) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

“(ii) licenses for the export to that country of any item on the United States Munitions List.

“(C) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

“(D) DENIAL OF UNITED STATES GOVERNMENT

CREDIT OR OTHER FINANCIAL ASSISTANCE.—The

United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States, except that the sanction of this subparagraph shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).

“(E) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government

shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

“(F) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

“(G) EXPORT PROHIBITION.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of any goods and technology (excluding food and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).”.

(c) CONFORMING AMENDMENTS.—Section 670(b) of such Act (22 U.S.C. 2429a(b)) is further amended—

(1) in paragraph (3)(A) (as redesignated)—

(A) by striking “furnish assistance which would otherwise be prohibited” and inserting in lieu thereof “delay the imposition of sanctions which would otherwise be required”; and

(B) by striking “termination of assistance” and inserting in lieu thereof “imposition of sanctions”;

(2) in paragraph (4) (as redesignated), by striking “termination of such assistance” and inserting in lieu thereof “imposition of such sanctions”;

(3) by redesignating paragraph (5) (as redesignated by subsection (a)) as paragraph (6); and

(4) by inserting after paragraph (4) (as redesignated) the following:

“(5) Notwithstanding any other provision of law, the sanctions which are required to be imposed against a country under paragraph (1)(C) or (1)(D) shall not apply if the President determines and certifies in writing to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives that the application of such sanctions against such country would have a serious adverse effect on vital United States interests. The President shall transmit with such certification a statement setting forth the specific reasons therefor.”.

SEC. 8. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C);

(2) by inserting “(1)” immediately after “(a)”; and

(3) by adding at the end thereof the following:

“(2) For purposes of this subsection, the term ‘act of international terrorism’ includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1991) or any nuclear explosive device (as defined in section 11(3) of that Act) by an individual, group, or non-nuclear-weapon state, as defined in section 11(4) of that Act.”.

SEC. 9. REPORTS.

(a) CONTENT OF ACDA ANNUAL REPORT.—Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2592) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 52.";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting in lieu thereof "and";

(4) by adding at the end of paragraph (5) the following new paragraph:

"(6) a section of the report shall deal with any material noncompliance by foreign governments with their commitments to the United States with respect to the prevention of the spread of nuclear explosive devices by non-nuclear-weapon states or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992), including—

"(A) a net assessment of the aggregate military significance of all such violations;

"(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

"(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with its commitments.";

(5) by adding at the end thereof the following new subsection:

"(b) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to Congress under this section reports that any designated nation is not in full compliance with its nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations."

(b) REPORTING ON DEMARCHES.—(1) It is the sense of Congress that the Department of State should, in the course of implementing its reporting responsibilities under section 602(c) of the Nuclear Non-Proliferation Act of 1978, include a summary of demarches that the United States has issued or received from foreign governments with respect to activities which are of significance from the proliferation standpoint.

(2) For purposes of this section, the term "demarche" means any official communication by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

(C) both the concern and request described in subparagraphs (A) and (B).

SEC. 10. TECHNICAL CORRECTION.

Section 133(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2160c) is amended by striking out "20 kilograms" and inserting in lieu thereof "5 kilograms".

SEC. 11. DEFINITIONS.

For purposes of this Act—

(1) the term "goods and technology" includes nuclear materials and equipment and sensitive nuclear technology (as defined in section 4 of the Nuclear Non-Proliferation Act of 1978), all export items designated by the President pursuant to section 309(c) of such Act, and all technical assistance requiring authorization under section 57b. of the Atomic Energy Act of 1954;

(2) the term "IAEA safeguards" means the safeguards set forth in an agreement be-

tween a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(3) the term "nuclear explosive device" means any device that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(4) the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(5) the term "special nuclear material" has the meaning given to that term by section 11aa of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa); and

(6) the term "unsafeguarded special nuclear material" means special nuclear material which is held in violation of IAEA safeguards or not subject to IAEA safeguards (excluding any quantity of material that could, if it were exported from the United States, be exported under a general license issued by the Nuclear Regulatory Commission).

MERCED RIVER WILD AND SCENIC RIVERS ACT

JOHNSTON AMENDMENT NO. 1776

Mr. FORD (for Mr. JOHNSTON) proposed an amendment to the bill (H.R. 2431) to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System, as follows:

Strike all after the enacting clause and insert:

SECTION 1. DESIGNATION OF THE LOWER MERCED RIVER FOR INCLUSION IN THE WILD AND SCENIC RIVERS SYSTEM.

Section 3(a)(62) of the Wild and Scenic Rivers Act (16 U.S.C. 127(a)(62)) is hereby amended—

(1) by striking "The main stem" and inserting in lieu thereof, "(A) The main stem";

(2) by striking "paragraph" whenever it appears and inserting in lieu there "subparagraph"; and

(3) by adding the following new subparagraph at the end thereof:

"(B)(i) The main stem from a point 300 feet upstream of the confluence with Bear Creek downstream to the normal maximum operating pool water surface level of Lake McClure (elevation 867 feet mean sea level) consisting of approximately 8 miles, as generally depicted on the map entitled 'Merced Wild and Scenic River', dated April, 1990. The Secretary of the Interior shall administer the segment as recreational, from a point 300 feet upstream of the confluence with Bear Creek downstream to a point 300 feet west of the boundary of the Mountain King Mine, and as wild, from a point 300 feet west of the boundary of the Mountain King Mine to the normal maximum operating pool water surface level of Lake McClure. The requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area,

Bakersfield District, Bureau of Land Management. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subparagraph.

"(ii) To the extent permitted by, and in a manner consistent with section 7 of this Act (16 U.S.C. 1278), and in accordance with other applicable law, the Secretary of the Interior shall permit the construction and operation of such pumping facilities and associated pipelines as identified in the Bureau of Land Management right-of-way application CACA 26084, filed by the Mariposa County Water Agency on November 7, 1989, and known as the 'Saxon Creek Project', to assure an adequate supply of water from the Merced River to Mariposa County.

"(C) With respect to the segments of the main stem of the Merced River and the South Fork Merced River designated as recreational or scenic pursuant to this paragraph or by the appropriate agency pursuant to subsection (b), the minerals to Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto."

SEC. 2. STUDY OF THE NORTH FORK OF THE MERCED RIVER.

Section 5(a) of the Wild and Scenic Rivers Act, as amended, (16 U.S.C. 1276(a)), is further amended by adding the following new paragraph at the end thereof:

"() NORTH FORK MERCED, CALIFORNIA.—The segment from its headwaters to its confluence with the Merced River, by the Secretary of Agriculture and the Secretary of the Interior."

SEC. 3. NEW EXCHEQUER PROJECT.

The designation of the river segments referred to in section 1 of this Act as components of the Wild and Scenic Rivers System shall not affect the continued operation and maintenance of the New Exchequer Project (Project No. 2179) as licensed by the Federal Energy Regulatory Commission (including flood control operations) or the Commission's authority to relicense such project within the project boundaries set forth in the license on the date of enactment of this Act: *Provided*, That if the Commission relicenses such project, the normal maximum operating pool water surface level authorized in the project's license shall not exceed elevation 867.0 feet mean sea level.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN, Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on "Efforts to Combat Fraud and Abuse in the Insurance Industry: Part 5."

These hearings will take place on Wednesday, April 29, and Thursday, April 30, 1992, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE, Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding

a markup on Friday, April 9, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1607, the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1991.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research and General Legislation be allowed to meet during the session of the Senate on Thursday, April 9, 1992, at 9:30 a.m., to hold a hearing on U.S.-EC Trade Dispute Over Meat Imports.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, April 9, 1992, at 9:30 a.m., for a hearing on the subject: "Radiological Contamination in the United States."

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on April 9, 1992, at 9:30 a.m., on Global Change Research: Global Warming and the Biosphere.

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

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Thursday, April 9, 1992, at 2 p.m., in open session, to receive testimony on the allocation of fiscal year 1992 funds for the strategic defense initiative [SDI] and the fiscal year 1993 budget request for SDI, in review of the Missile Defense Act of 1991, the amended defense authorization request for fiscal year 1993, and the future years defense plan.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 9, at 10 a.m. to hold a hearing on legislation authorizing assistance to the former Soviet Union.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 9, at 2 p.m. to hold a hearing on "U.S. Assistance to the New Independent States: Recommendations From U.S. Business and Agriculture."

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on homeless veterans legislation and oversight on April 9, 1992, at 10 a.m. in room 418 of the Russell Building.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, April 9, 1992 at 6 p.m.

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

ADDITIONAL STATEMENTS

TRIBUTE TO CHILD CARE PROVIDERS

• Mr. DODD. Mr. President, I rise today, on Child Care Worthy Wages Day, to pay tribute to the child-care providers of America in recognition of their important service to the children of our Nation. This also is the Week of the Young Child—a time to reflect on what our children mean to us and what we want for them in life. So it is appropriate to honor today those individuals who are helping to shape our children's future.

The care and nurturing that children receive in their earliest years is a critical determinant of future health and success. As a nation, we are beginning to understand the important linkage between the investment we make in our youngest citizens and the future productivity of our Nation.

Ten million children in America are in partial or full-day child care. That number is expected to increase in the future. Thus, for a significant portion of the day, child-care providers have responsibility for the safety, health, development, and education of our future workers and leaders. These providers play a significant role in helping the Nation achieve its first national education goal of seeing that every child goes to school ready to learn by the year 2000.

Many parents are struggling financially to pay for quality child care. Those who work in the child-care profession often must face a financial struggle, as well. The average annual wage for a child-care provider is about \$11,000, a 25-percent decrease in real wages from 15 years ago. Even the child-care workers who fulfill State or federally mandated education and training requirements earn between one-third and one-half of what comparably educated workers in other fields earn. Child-care providers generally do not receive health or retirement benefits. It is not surprising, then, that the turnover rate among child-care providers is now at 40 percent. And yet, continuity of quality staff and low staff turnover rates are significant components of quality child care.

There are so many child-care providers throughout the Nation who are dedicated to nurturing and teaching our children. They have touched many lives in a positive way by helping to provide a strong foundation to our youth. These are individuals who are serving our Nation, not in the traditional sense of the phrase, but in an equally important way. They are a critical part of any formula for investing in our youth.

Mr. President, I urge my colleagues to join me in paying tribute to the child-care providers of America who are serving in spite of the profession's low wages and lack of benefits. Ten million of this country's youngest citizens and their families are counting on them. •

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Robert N. Mottice, a member of the staff of Senator MACK, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Mr. Mottice in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Mr. Ashby in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Karen Robb, a member of the staff of Senator DECONCINI, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Ms. Robb in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Charles Pickering, a member of the staff of Senator LOTT, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Mr. Pickering in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for John K. Veroneau, a member of the staff of Senator COHEN, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Mr. Veroneau in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Sam Spina, a member of the staff of Senator GORTON, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Mr. Spina in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Christopher McLean, a member of the staff of Senator EXON, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Mr. McLean in this program, at the expense of the Hong

Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Phyllis G. Hallmon, a member of the staff of Senator SHELBY, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Ms. Hallmon in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Susan Aheron Magill, a member of the staff of Senator WARNER, to participate in a program in Saudi Arabia, Kuwait, and Syria, sponsored by the United States-Arab Chamber of Commerce, the National Council on United States-Arab Relations, domestic organizations and the Saudi Chambers of Commerce and Industry, a private foreign organization, from April 16-26, 1992.

The committee has determined that participation by Ms. Magill in this program, at the expense of the United States-Arab Chamber of Commerce, the National Council on United States-Arab Relations, and the Saudi Chambers of Commerce and Industry is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Danielle M. Pletka, a member of the staff of Senator HELMS, to participate in a program in the Middle East, sponsored by the United States-Arab Chambers of Commerce, the National Council on United States-Arab Relations, and the Council of Saudi Chambers of Commerce from April 16-26, 1992.

The committee has determined that participation by Ms. Pletka in this program, at the expense of the National Council on United States-Arab Relations and the Council of Saudi Chambers of Commerce, is in the interest of the Senate and the United States.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by \$6.5 billion in budget authority and by \$6.1 billion in outlays. Current level is \$2.9 billion above the revenue floor in 1992 and \$0.7 billion below the revenue floor over the 5 years, 1992-96. Since my

last report, the Congress has cleared and the President has signed a joint resolution making further continuing appropriations for fiscal year 1992 (Public Law 102-266), changing the current level estimates of budget authority and outlays.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$354.2 billion, \$3 billion above the maximum deficit amount for 1992 of \$351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 7, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through April 23, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 31, 1992, the Congress has cleared and the President has signed a joint resolution making further continuing appropriations for fiscal year 1992 (P.L. 102-266), changing the current level estimates of budget authority and outlays. This bill provides full year funding for foreign aid programs previously funded in P.L. 102-145 that expired March 31, 1992, and emergency funding for the Small Business Administration disaster loans program.

Sincerely,
ROBERT D. REISCHAUER,
Director.

**THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,
102D CONG., 2D SESS., AS OF APR. 3, 1992**
(In billions of dollars)

	Budget resolution (H. Con. Res. 121)	Current level ¹	Current level +/- resolution
On-budget:			
Budget authority	1,270.7	1,277.2	+6.5
Outlays	1,201.7	1,207.8	+6.1
Revenues:			
1992	850.5	853.4	+2.9
1992-96	4,836.2	4,835.5	-.7
Maximum deficit amount	351.2	354.2	+3.0
Off-budget:			
Debt subject to limit	3,982.2	3,791.3	190.9
Social Security outlays:			
1992	246.8	246.8	.....
1992-96	1,331.5	1,331.5	.....
Social Security revenues:			
1992	318.8	318.8	.....
1992-96	1,830.3	1,830.3	.....

¹ Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS APR. 3, 1992

[In millions of dollars]			
	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending			
legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Mandatory adjustments ¹	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted²	1,260,314	1,199,389	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102-244)	2,706	2,706	
American Technology Preeminence Act (Public Law 102-245)			(3)
Technical correction to the Food Stamp Act (Public Law 102-265)	(3)	(3)	
Further continuing appropriations, 1992 (Public Law 102-266) ⁴	14,178	5,724	
Total enacted this session	16,884	8,430	(3)
Total current level	1,277,199	1,207,820	853,364
Total budget resolution⁵	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,486	6,119	2,863
Under budget resolution			

¹ Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H. Con. Res. 121).

² Excludes the continuing resolution enacted last session (P.L. 102-145) that expired March 31, 1992.

³ Less than \$500,000.

⁴ In accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act, the amount shown for P.L. 102-266 does not include \$107 million in budget authority and \$28 million in outlays in emergency funding for SBA disaster loans.

⁵ Includes revision under Section 9 of the Concurrent Resolution on the Budget (see p. S4055 of "Congressional Record" dated March 20, 1992).

Note.—Detail may not add due to rounding.

AUDIT OF CONTRACTOR ACCOUNTING PRACTICE CHANGES FOR C-17 ENGINEERING COSTS

● Mr. D'AMATO. Mr. President, several weeks ago I placed in the RECORD the sanitized version of Department of Defense Office of Inspector General's report: "Audit of Contractor Accounting Practice Changes for C-17 Engineering Costs."

I say sanitized, because, on the cover of the report, the following appears: "This special version of the report has been revised to omit contractor sensitive data." At the time, I ventured the guess that the omissions covered more than company secrets. Press reports indicated that the real matter being protected by classification was a conscious Air Force plan to bail out financially troubled McDonnell Douglas.

Let me say now, having had an opportunity to review a Defense Week article entitled "Excerpts From Censored Report on C-17 Program," that my deepest suspicions have been confirmed. It is not contractor sensitive data that was excised, it was details on the manipulation of the acquisition system by the Air Force to provide McDonnell Douglas with extraordinary financial support.

I ask that this story, as well as "DOD Weighed 'Extraordinary Relief' for

McDonnell" and "C-17 Flying Again After More Leaks Plugged" from Defense Week and "Pentagon To Study Contractors' Finances Amid Doubts of Defense Industry's Health," and "Pentagon Set Bailout Plan for McDonnell" from the Wall Street Journal, be printed in the RECORD.

The material follows:

[From Defense Week, Apr. 6, 1992]

EXCERPTS FROM CENSORED REPORT ON C-17 PROGRAM

The following are the uncensored portions of the Feb. 13 IG report, which was obtained by Defense Week. The report was provided by a government source who felt the entire story behind the audit should be made public.

The sentences in boldface were deleted in the public version because they were considered to be "contractor confidential or proprietary."

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"Decisions Affecting Contract Financing:"
The contractor's request and the Air Force's subsequent approval to reallocate C-17 development costs to production appeared to be part of an over-all plan to provide additional financing to McDonnell Douglas Corp., of which Douglas Aircraft Co. is a part. This plan was documented in a briefing on the results of a review of the McDonnell Douglas Corporation contract performance problems, financial condition, and actions that could be taken to fix these problems.

Three options could be implemented within DOD and three options required external approval. The internal DOD options included reallocation of cost, unusual progress payments and advance payment. The external DOD options included funds transferred and reprogramming to increase available contract funding and extraordinary financial relief under public law 85-804. Many of the options were pursued in some form.

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"Program Payment Financing:"
In addition to the accounting practice change, other actions were taken that inappropriately provided financing to the contractor. We found particularly disturbing an Oct. 1, 1990 memorandum by the Government Principal Administrative Contracting Officer at Douglas directing the payment of the September progress payment [for \$81 million], PPR No. 97. The memorandum indicated that senior Air Force officials, based on information from the Chairman of the Board and CEO of McDonnell Douglas, had stressed the need for approval of the progress payment based on urgent and pressing financial need at McDonnell Douglas and potential adverse impact to the C-17 program.

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We concluded that the basis of contractor financial need was used to unjustifiably authorize the payment for PPR No. 97 without instituting the loss ratio. The application of the loss ratio did not occur with this or prior progress payments although the FAR [Federal Acquisition Regulation] requires immediate unilateral action in circumstances such as overpayments or unsatisfactory contractor performance.

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In this case, the provisions of the FAR were not properly applied, resulting in additional contracting financing.

The FAR also states that the contracting officer shall avoid any undue risk of monetary loss to the government through contract financing. We believe that concern over contractor financial need motivated ap-

proval of the progress payment without proper approval consideration of the contract loss position. We strongly disagree that the government should have proceeded with production related progress payments based on a contractor EAC [Estimate At Completion] that was seriously in doubt, especially given that the contractor's financial condition had already been determined to be weak.

[From Defense Week, Apr. 6, 1992]

DOD WEIGHED "EXTRAORDINARY RELIEF" FOR MCDONNELL

(By Tony Capaccio and Eric Rosenberg)

The Air Force harbored such doubt about the No. 1 defense contractor's ability to complete the C-17 transport contract that it considered invoking a seldom used federal law to rescue the company from desperate financial straits in 1990 and early 1991.

The provision in question is Public Law 85-804. Known in legal circles as the so-called "extraordinary contractual relief law," it was used in its most celebrated applications to bail out Lockheed Corp. in 1971 with \$623 million and three major shipbuilders in 1978 with \$564 million.

Invoking 85-804 as a final resort was one of six options developed by a multi-agency financial review team. The results were provided to the Pentagon in early October 1990 as part of an overview of the C-17 and the health of McDonnell Douglas Corp., according to unpublicized findings in a Feb. 13 Inspector General report on the C-17.

Mention of 85-804 was excised by the Pentagon from the IG's publicly released version of the report. In the many news stories that have arisen in recent weeks, none has disclosed that the bailout law was under consideration. *Defense Week* obtained the uncensored IG report, which was stamped "contractor confidential."

"The internal DOD options included reallocation of cost, unusual progress payments and advance payment," said a previously confidential section of the report. "The external DOD options included funds transferred and reprogramming to increase available contract funding and extraordinary financial relief under Public Law 85-804. Many of the options were pursued in some form."

According to a Pentagon statement to *Defense Week*, the Air Force pursued two of the options. The first was an uncontroversial reprogram of funds for the C-17.

The second was an accounting change that shifted engineering costs from development to production. This prematurely and—the IG report said—improperly freed up \$148 million. The reallocation was reversed in November "based on a detailed review of the nature of the costs," the Pentagon said. "Neither the original reallocation nor its subsequent reversal resulted in increased costs to the government."

The Pentagon statement downplayed the significance of the bailout options. They "reflected an action that could be taken on the C-17 contract in the event that circumstances on the contract justified action."

Addressing 85-804, the statement said the review team did not propose that any specific relief be granted under the act. "Consideration never went beyond the 'on-paper' stage. Its use was presented strictly as a hypothetical. Senior levels of the DoD did not pursue this during the September-October 1990 time frame."

Since McDonnell Douglas never requested that the law be invoked, "this was not pur-

sued," the Pentagon said. Company spokesman Michael Burch echoed this sentiment. "These were options the Pentagon came up with on their own."

The Pentagon statement notwithstanding, that the bailout law was even considered underscores what had been alluded to in previous congressional hearings: Pentagon officials feared the aerospace giant was mired in such terrible financial trouble it might go belly up.

The Air Force's consideration of 85-804 also is a significant bit of data in a mosaic of quiet, behind-the-scenes actions—only now coming to light—to help its biggest contractor through a rough and tumble period.

A snapshot of the firm's financial condition in late 1990 and early 1991 shows why jittery Pentagon officials were weighing an extraordinary relief package as the firm was under attack on all fronts.

Socked with poor cash flow, it was teetering under record breaking debt, with nearly \$2 billion in projected overruns on military jet programs.

During the third quarter of 1990, McDonnell Douglas' cash flow hit the negative \$35 million mark. Compounding the squeeze was slow commercial sales and the prospect of absorbing huge overruns—running upwards of \$900 million on the C-17 transport and approximately \$100 million on the T-45 trainer. To top it all off, \$500 million owed the IRS in deferred taxes was coming due.

In addition, 1991 didn't start off promising either as debt topped record levels and was nearly equal to equity. The Navy canceled the A-12 bomber because of projected overruns of over \$1 billion, for which its partner, the General Dynamics Corp., took a total writedown of \$724 million by 1991.

McDonnell, on the other hand, only reported a 1990 loss of \$350 million. According to some financial analysts, McDonnell would have been close to the ceiling on loan agreements with creditors if it had taken an equal writedown.

Some financial analysts said the firm has turned the corner because of a major reorganization and cost-cutting effort. One crucial turnaround occurred by the end of last year when the firm cut debt from a high of \$3.3 billion to \$2.3 billion, the lowest level since 1989.

George Shapiro, an analyst with Salomon Brothers in New York, wrote in an assessment of the firm's 1991 public 10K filing that debt likely will be further reduced by \$80 million this year as cash flow probably improves by December.

Still, the company isn't out of the woods yet. "With the weak cash flow in the first half and increased concern about the weakening outlook for MD80 deliveries, we think the stock will remain relatively weak," Shapiro wrote.

The Pentagon in its statement was upbeat about the company's improvement: "At this time, we do not question McDonnell Douglas's ability to perform on DoD contracts."

[From Defense Week, Apr. 6, 1992]

C-17 FLYING AGAIN AFTER MORE LEAKS PLUGGED

The C-17 transport resumed flights tests last Thursday after 24 days of repairs to mend a third round of fuel leaks, the Air Force said last week.

Air Force officials attribute the leaks to the aftermath of much inefficient, out-of-position assembly work performed on the first C-17 aircraft, the T-1 test model, at the Douglas Aircraft Co., Long Beach, Calif., plant.

The latest leaks had sprung up despite a complicated resealing operation within T-1's wings. The plane thus far has been down 76 days for fuel leak repairs since its flight tests started in mid-September.

Gen. Hansford Johnson, commander of the U.S. Transportation Command, failed to mention the leak problem during overly upbeat March 13 testimony before the Senate Armed Services Committee.

"The aircraft is flying well," said Johnson three days after the C-17 had been grounded for the third time. "The test flights are going well. . . . The Douglas Aircraft Co. seems to have its problems behind it."

When asked to square Johnson's statements with the down time associated with the fuel leaks, a TRANSCOM spokesman said: "Fuel leaks are not uncommon on large aircraft at this stage of maturity. The C-17 flight test program is still well ahead of that of any large military aircraft. From a customer's point of view MAC [Military Airlift Command] is satisfied that the C-17's fuel leaks are not a serious problem."

[From the Wall Street Journal, Mar. 24, 1992]

PENTAGON TO STUDY CONTRACTORS' FINANCES AMID DOUBTS OF DEFENSE INDUSTRY'S HEALTH

(By Andy Pasztor)

WASHINGTON.—Concerns about the health of the nation's defense industry have prompted the Pentagon to launch unprecedented, high-level reviews of the financial condition of its top 20 contractors.

The extensive financial assessments, which haven't yet been announced, are designed to assess overall cash flow, profitability, and long-term management goals of the companies—including the contribution of their non-defense businesses.

The initiative partly reflects Pentagon worries about the anticipated industry shakeout expected from shrinking defense budgets. But the financial analyses also are a reaction to severe cash-flow problems that began in 1990 at McDonnell Douglas Corp. They coincide with a report by the Defense Department's inspector general contending that the Pentagon devised a secret plan to provide hundreds of millions of dollars in unusual payments and other financial relief to McDonnell, the Pentagon's largest contractor.

The strongly worded inspector general's report, some details of which were reported first by the Los Angeles Times, concludes that Pentagon officials two years ago conceived a plan to help bail out McDonnell Douglas. The February report, portions of which remain confidential, says the officials then "pursued in some form" various options to funnel extraordinary assistance to the company's beleaguered C-17 transport. The plan was designed to "fix" the company's cash-flow problems by relying on inflated progress payments, accounting changes and other methods the inspector general now believes resulted in "significant noncompliance" with federal laws and contracting regulations.

Since last summer, congressional investigators have alleged that large improper payments were booked on the C-17 program. Pentagon auditors months ago acknowledged that McDonnell Douglas received a \$220 million windfall from premature progress payments and unwarranted shifting of costs between development and production accounts.

But the latest inspector general's report—and documents collected recently by congressional investigators—indicates that the bailout effort was more extensive than pre-

viously thought and that pressure from the company was fierce. At one point, McDonnell Douglas Chairman John McDonnell even threatened to halt work on the C-17, one of the Pentagon's most important and widely-supported projects.

During one conversation in late 1990, according to a person familiar with the issue, Mr. McDonnell warned senior Pentagon acquisition officials that the contractor "might be forced to stop work" altogether on the C-17 unless the government lifted its suspension on progress payments and complied with the contractor's demand for immediate payment.

The documents show that Air Force brass a few days later leaned on contracting officials to resume payments "in light of the urgent and pressing financing need" of the contractor.

In December 1990, when the Air Force accepted the first C-17, it described the aircraft's condition as "assembly complete." But congressional investigators contend that the aircraft was only about 81% finished and didn't even have all of its internal fuel system installed.

House Government Operations Committee Chairman John Conyers (D., Mich.) said lawmakers are determined to "find out who in the Department of Defense conceived, ordered and executed" the bailout plan. "They have got to make a clean breast of this misadventure."

Senior Pentagon officials have maintained that the company didn't benefit from any bailout. Just last month, Pentagon spokesman Pete Williams insisted that any improper payments resulted entirely from accounting errors.

McDonnell Douglas previously acknowledged asking for an extraordinary \$1 billion advance on major defense contracts. But Chief Financial Officer Herbert Lanese yesterday said the company "got no special help"—either in advance payments or other forms. Mr. Lanese said all of the payments and accounting changes involving the C-17 were legitimate and approved by government auditors.

Army Lt. Gen. Charles Henry, who is supervising the financial studies of the industry, confirmed in a recent interview that McDonnell Douglas was in such poor financial shape in mid-1990 that senior Pentagon officials effectively assumed the role of consultants to help the giant contractor draft a rescue plan. By identifying corporatewide problem areas—including an inability to compute overhead on defense contracts properly, poor inventory controls and various production deficiencies—Pentagon troubleshooters prodded company managers to put in place a long-term plan "that will make them absolutely competitive" in both defense and commercial work, Gen. Henry said.

Even McDonnell Douglas's harshest critics concede that the company, after huddling with high-level delegations from the Pentagon in 1990 and 1991, took a variety of cost-cutting steps, including significant layoffs and other overhead reductions.

Now, the Pentagon is setting up formal procedures for conducting detailed financial analyses of other contractors that may be in trouble, and for conferring with management on recommended solutions.

Financial reviews of the overall condition of the top defense contractors will help determine future Pentagon contract awards, according to Gen. Henry. "I will be able to pick up the telephone," he said, and for the first time obtain independent, timely assessments of the overall "corporate health" of the Pentagon's leading suppliers.

Final details of the review procedures are being worked out. The Pentagon intends to announce the effort after it has notified the affected companies of its plans.

Jeff Cole in Los Angeles contributed to this article.

[From the Wall Street Journal, Mar. 25, 1992]

PENTAGON SET BAILOUT PLAN FOR
MCDONNELL

(By Andy Pasztor)

WASHINGTON.—Shortly after providing McDonnell Douglas Corp. unusual financial assistance on the C-17 transport plane in late 1990, the Pentagon authorized a second, more ambitious bailout plan involving the company's other major programs.

The later plan, which hasn't been disclosed until now, was approved by Deputy Defense Secretary Donald Atwood in the winter of 1991, as the company's ability to borrow additional funds dried up, according to a government official.

Concerns about the giant contractor's worsening cash squeeze, these persons said, prompted Mr. Atwood to approve an open-ended plan calling for extraordinarily large progress payments on various weapons programs. The number of contracts and the total amount of assistance would depend on McDonnell Douglas's future cash requirements.

The broader plan never kicked into action. By the time Mr. Atwood gave the green light, government officials said, McDonnell Douglas was in the midst of a corporate-wide campaign to reduce payroll and other costs. That effort improved the company's overall cash position.

The company acknowledged that such a sweeping financial aid package was discussed, and in an interview yesterday, Pentagon spokesman Pete Williams confirmed that the government "explored making higher-than-normal progress payments" on various McDonnell Douglas programs. But Mr. Williams maintained that "what we considered doing was not a bailout" because no advance payments were contemplated and the company would have been required to reduce prices on the affected contracts. During a press briefing earlier in the day, Mr. Williams also insisted that efforts to help the C-17 didn't amount to a bailout plan.

The Defense Department's inspector general has concluded that Pentagon officials tried to "fix" the company's cash problems by paying inflated progress payments and mingling development and production accounts for the C-17. The office is expected soon to release a report criticizing the Air Force for declaring the first C-17 "assembly complete" in December 1990 and paying the company accordingly.

Meanwhile, congressional investigators have collected new information showing a pattern of lax enforcement of C-17 contract requirements by the military over the years. The Air Force, according to one internal Pentagon document, penalized McDonnell Douglas only \$2,700 for using in the plane's main landing gear "understrength" bearings that "must be replaced after 10 landings if certain loads are exceeded." The same undated document indicates that the Air Force withheld only \$2,000 in payments to the contractor after two sections of the C-17's wings failed to meet structural strength requirements.

Other documents being scrutinized by congressional committees and the Pentagon's inspector general are filled with references to dozens of "contract deficiencies" related to the C-17's performance, durability and

safety. A year ago, for example, before the first four-engine transport began test flights, Air Force contracting officials said that certain parts failed to meet Air Force standards, thrust reversers failed to perform properly in ground tests, simulations showed that the C-17 "cannot meet cross-wind landing requirements," and some engine parts weren't "tested to the required shock and vibration levels."

Air Force officials had no comment, but in the past they have said the plane is performing better than expected in flight tests.

The previously undisclosed 1991 bailout plan, more than anything else the Pentagon has done to help McDonnell Douglas, is likely to create political headaches for the Bush administration.

The fact that the plan was approved by Mr. Atwood, the Defense Department's second-ranking official, indicates the high level of Pentagon concern about the condition of McDonnell, the Pentagon's largest contractor, a year ago. Officials said they believed the plan was discussed with Defense Secretary Dick Cheney.

The broader bailout plan—whose existence was confirmed in the past few days by several persons familiar with the original discussions—appears to go against the administration's oft-stated public rejection of any federal "industrial policy" to pick corporate winners and losers. Congressional critics of the Pentagon, furious that they weren't consulted about the issue, are complaining that the Pentagon sidestepped the law and violated its own regulations by rushing to the aid of the No. 1 weapons maker.

Congressional committees previously disclosed that McDonnell Douglas Chairman John McDonnell in January 1991 asked for as much as \$1 billion in advance payments on nine projects, including the C-17. Air Force efforts to offer the company limited help by focusing on the C-17 were reported first by Defense Week, an industry newsletter, and then detailed by the Los Angeles Times earlier this week.

But now, congressional investigators are likely to focus on the role of Secretary Cheney, Mr. Atwood and their top aides in devising a bailout plan potentially affecting many other programs. In the broader plan, officials said, Mr. Atwood authorized as much as 100% progress payments on the F-15, F/A-18 and several other major McDonnell Douglas contracts. Defense firms typically get about 85% in progress payments, and the government pays the balance when the work is completed. The change could have meant hundreds of millions of dollars in accelerated payments for McDonnell Douglas.

Herbert Lanese, the company's chief financial officer, confirmed in an interview Monday that accelerated progress payments were discussed with the Pentagon as a potential "backstop" at the height of the company's credit crunch. McDonnell Douglas, according to Mr. Lanese, told Pentagon officials: "We're not asking for it, but we're asking for you to consider it." McDonnell Douglas withdrew its request for financial help in early April 1991, according to both company and government officials.●

COSPONSORSHIP OF S. 2489, THE
NATIONAL QUALITY COMMIT-
MENT AWARD ACT OF 1992

● Mr. BINGAMAN. Mr. President, I rise today to add my name as a cosponsor of S. 2489, the National Quality Commitment Award Act of 1992, which was

recently introduced by Senator DOMENICI.

The National Quality Commitment Award Act is a bill to promote and recognize the teaching of quality programs at our Nation's institutes of higher education. This is an important goal and one I strongly support. U.S. industry has recognized that the adoption of quality programs among the Nation's manufacturing and service enterprises is a critical component of future competitiveness. Many of America's best companies today are in the process of adopting quality programs. The Nation's very best companies have systems in place, and the success of these companies speaks for the importance of the effort. The Nation's highest award for quality, the Malcolm Baldrige Quality Award, has gained steadily in prominence since it was established, and today is the standard by which private sector quality programs are judged.

More and more companies are developing quality programs and looking to the Baldrige Award for guidance. It is apparent that, if this is to continue, future corporate engineers and managers need a solid grounding in the principles of quality management. However, a gap exists today between the needs of industry and the skills provided in our Nation's institutes of higher education. We need to do a better job of providing training to our college students in quality management, including important areas such as statistical process control, value analyses, and continuous process improvement. This legislation is designed to do just that.

Mr. President, I have one reservation about this bill as introduced. S. 2489 would provide cash awards to institutions deserving of recognition. My concern is that the Baldrige Award, the Nation's highest quality award, does not offer cash awards to the winners. As I understand it, this was a conscious decision by the drafters of the award program, based on a concept that is central the quality programs: quality pays for itself. While I strongly support the intention to provide national recognition to the best quality education programs in the country, I have reservations about the appropriateness of cash awards. I believe that my concern will be thoroughly investigated by the Committee on Commerce, Science, and Technology, and I am ready to stand by and support whatever the committee feels is appropriate in this instance.●

WILMINGTON NATIVE VAL WHIT-
ING, MEMBER OF NCAA CHAM-
PION WOMEN'S BASKETBALL
TEAM

● Mr. ROTH. Mr. President, I rise today to recognize the tremendous achievements of one young woman from my home State of Delaware, Miss

Val Whiting. This past weekend, Val played in her third NCAA women's basketball championship. Val, who plays center, helped carry her Stanford University teammates to victory. This young woman gave a performance that would make Michael Jordan proud.

For anyone who may have missed the chance to see one of the Nation's top women athletes clinch her second NCAA title in her third NCAA tournament, I'd like to briefly review the statistics. Val scored 16 points shooting 4 for 10 from the field and 8 for 9 from the free-throw line while pulling down 13 rebounds. This all came 1 day after a 28-point performance against the University of Virginia.

In Delaware, we have long been aware of this young woman's talent. She is a former all-State player and Ursuline Academy standout. Now, once again in her junior year, she is in the national spotlight, and in my opinion, Mr. President, no one could be more deserving. Congratulations to all the Stanford Cardinals, and especially Delaware's favorite, Val Whiting.●

SOCIETY OF CRITICAL CARE MEDICINE

● Mr. DURENBERGER. Mr. President, as discussion on health care reform takes place here in the Senate and around the country, I would like to just take a minute to note that the Society of Critical Care Medicine recently came to Washington, DC, to hold its first legislative conference.

The Society of Critical Care Medicine, and its president, Frank B. Cerra, M.D. from the State of Minnesota, held its first meeting on February 2-4, 1992. On February 3, 1992 I was honored to deliver a keynote address on health care policy reform.

This 6,000-member society of health care professionals coordinates and delivers critical care services, usually in intensive care units, to patients with life-threatening illnesses following trauma, infection, or the occurrence of a complication after surgery. These problems affect one in five American families; and thanks to this dedicated group of physicians, over 95 percent of the patients survive.

The members of this society are interested in maintaining and preserving a coordinated care delivery system. Their interest and enthusiasm is most welcomed. I strongly encourage them to continue to provide information on critical care needs and to stay involved in the legislative process.●

WESTCHESTER COUNTY WOMAN'S REPUBLICAN CLUB "WOMAN OF THE YEAR"

● Mr. D'AMATO. Mr. President, it is with great pleasure that I rise today to congratulate one of my constituents, Edna M. Sullivan, who is being recog-

nized by the Westchester County Women's Republican Club as their "Woman of the Year."

Mrs. Sullivan has been an active Republican for over 20 years and has worked as manager of the office of her son, Assemblyman Peter M. Sullivan, for the past 15 years. She is a member of the White Plains Republican Club and is an invaluable member of the Westchester County Women's Republican Club, where she is leaned upon heavily for her expertise.

Edna's political energies are paralleled only by her tremendous dedication to the local community. She is an original founder of the Westchester Homemakers Council, serving as vice president and assisting with the council's agenda. She was also vice president of the Armonk Homemakers Community Unit.

Mrs. Sullivan was also a member of the original Home Bureau, which eventually became the Westchester Cooperative Extension. She was a member of the board of directors of COED, an acronym for Cooperative Opportunity for the Economically Disadvantaged. Through the COED Program, she helped develop exhibits for the annual Afro-American Cultural Society fairs. A former director of the White Plains Woman's Club, her impressive list of community involvement also includes volunteer work with the PTA and YWCA.

The many contributions that Mrs. Sullivan has made to New York are nothing short of inspiring. Edna, I congratulate you for this great honor and wish to thank you for your enthusiasm in making the State of New York a better place to be. I wish you more successes in all of your future endeavors.●

THE PLIGHT OF SYRIAN JEWS

● Mr. GRASSLEY. Mr. President, recently I received a letter from the members of the Des Moines Jewish Community Relations Council. This letter drew my attention to a very important time in the Jewish calendar. Last month, the holiday of Purim was observed, and we are coming upon the holiday of Passover. Purim marks an occasion when the very existence of the Jewish people was threatened. And Passover recalls the redemption of the Jewish people from slavery. In the spirit of these holidays, I want to voice my concern for the flagrant human rights violations of Syria, particularly the hostage-like state of the 4,000 members of the Jewish community in Syria.

For many years, Jews have been prohibited from leaving Syria without posting a substantial monetary deposit and leaving behind family members as assurance for their return. In addition to the prohibitions which severely restrict their emigration and travel abroad, Syrian Jews have limited mobility inside Syria and must live in

concentrated areas, much like ghettos. Jews who have sought to leave the country, despite these restrictions, have been subject to extreme reprisals. In 1974, four young Jewish women were brutally murdered while trying to escape from Syria. Their mutilated bodies were dumped outside their family's homes in Damascus. Two Jewish brothers, Eli and Selim Swed, who were tortured and held in isolation without charge from November 1987 to April 1990, were only recently charged with visiting Israel. On June 11, 1991, in closed proceedings and without legal counsel they were sentenced to an additional 3 years in prison. These are not isolated acts of repression against the Syrian Jewish community.

The Syrian secret police engage in 24-hour-a-day surveillance of the Jewish quarter and keep a file on every Jewish person, closely monitoring all contacts and contacts between Jews and foreigners. Mail is read and phones are tapped. Furthermore, Syrian Jews enjoy only limited employment and educational opportunities. Similar to the culturally repressive practices inherent in the former so-called Bantu educational system in South Africa, instruction in Hebrew, as a language, oral or written, is absolutely prohibited.

At this historic time when the United States has entered into dialog with President Assad of Syria about peace in the Middle East, I call on President Assad to show Syria's good faith in the family of peaceful nations by the full observance of human rights for Syrian Jews. The first step toward peace by all parties in the Middle East should be the observance of human rights.●

IN RECOGNITION OF SOUTHERN CALIFORNIA EDISON AND KNOTT'S BERRY FARM

● Mr. SEYMOUR. Mr. President, I rise today in recognition of the partnership formed by Southern California Edison and Knott's Berry Farm to provide a unique educational attraction which will encourage and motivate young future inventors.

This attraction, the Thomas A. Edison Inventors Workshop, is part of a distinctive student educational outreach program called Adventures in Education which was established by Knott's Berry Farm. Southern California Edison, also a strong corporate leader in support of education, designed and built the attraction for the Camp Snoopy theme area using volunteer employees and retirees.

This attraction was designed to provide millions of visitors to Knott's Berry Farm the opportunity to learn about electricity, magnetism, electrical safety, and energy conservation in a fun and exciting manner. This exhibit showcases artifacts and inventions used by Thomas A. Edison in his

experiments, and is the only exhibit in the State of California to have such historic memorabilia on public display.

Education should be the No. 1 priority of this Nation because the youth of today are America's future leaders. Without quality educational programs, such as the Thomas A. Edison Inventors Workshop, our youth will not thoroughly understand and, therefore, succeed. I ask my colleagues to join me in extending highest commendations to both Southern California Edison and Knott's Berry Farm for their efforts to encourage and educate our most precious resource—the children of America.●

SPRING AND MOTORCYCLING

● Mr. McCONNELL. Mr. President, as the weather continues to warm, over 30,000 registered Kentucky motorcyclists will take to our roads and highways. As every motorcycle enthusiast knows, spring marks the beginning of a new riding season.

Although I am not a motorcyclist myself, several members of my staff participate in this sport. On more than one occasion, I have heard them remark that too few automobile drivers seem to notice the increased number of motorcyclists on the road. On more than one occasion, I have heard of their close calls with inattentive car drivers.

The facts appear to bolster my staff's comments and close calls. A study by the University of Southern California found that three-quarters of the motorcycle accidents examined involved a motorcycle colliding with another vehicle. It is extremely disturbing that in two-thirds of these accidents, the other vehicle violated the motorcyclists' right of way.

As I have done in the past, I come to the floor today to offer two suggestions to make the roads safer for everyone. The first is for automobile and truck drivers: Please be alert for motorcyclists. Check your mirrors and look over your shoulder before changing lanes. When you make a left turn, be sure no motorcyclists are in oncoming traffic.

My second suggestion is for the benefit of motorcyclists: Remember to think safety. Dress appropriately for the road and anticipate the potential hazards of traffic. Above all, ride sober—alcohol and motorcycling is a deadly mixture.

Mr. President, let us work together to make this a safe riding season for everyone.●

CHILD CARE WORTHY WAGES DAY

● Mr. ADAMS. Mr. President, I am proud to be a cosponsor of Senate Joint Resolution 274 to declare April 9 Child Care Worthy Wages Day. Last year, child care staff in Seattle marched for better wages and more respect for their

important work. They are marching again today, again with the support of parents, because they still do not receive the compensation and respect they deserve.

The work of child care staff is difficult. It is not babysitting. It is not simple or intuitive. Most early childhood staff have degrees in early childhood education or related disciplines. Despite their accomplishments, they lack professional recognition and accessible continuing education.

I have introduced legislation that will enable States to create comprehensive, cohesive systems of specialized pre-service and in-service training for early childhood staff that will be matched to a career ladder. This legislation is now part of the Senate's higher education reauthorization bill.

Now more than ever we must ensure high quality child care in settings ranging from family care and center-based care to school-based care. This will help us meet the first national education goal: School readiness for all American children. The ability to reach this goal depends on dedicated, well-educated, and well-trained early childhood staff.

We do not presently offer any incentives, monetary or otherwise, for individuals to enter the field of early childhood care or to stay in the profession. Let us consider a few statistics. Over 10 million children are in partial or full day care today, and the numbers are expected to increase. Yet the people who care for children, our Nation's most important resource for the future, earn an average of \$11,000 a year for full-time, specialized work. That is roughly the poverty level for a family of two. It is a national shame. As a result, the turnover rate among staff is nearly 41 percent.

We must find ways to boost child care wages higher and at the same time make child care affordable for families. I fully support the child care and development block grant, but I believe more needs to be done by the private sector as well to ensure accessible and high quality child care for all children and professional respect and compensation for individuals who care for them.●

TRIBUTE TO CAL TURNER, JR.

● Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky businessman, Cal Turner, Jr. As chairman of Dollar General Corp., Mr. Turner carries on the tradition his grandfather began building 52 years ago with J.L. Turner and Son Wholesale.

The first Dollar General Store opened in Springfield, KY, in 1955. The company has been a rich part of the State's retail climate ever since. There are now 142 stores throughout the Commonwealth, located primarily in rural

areas. In addition, the largest of the retailer's own distribution centers and administrative offices are located in Scottsville, KY. The company employs about 1,300 people statewide.

Cal Turner, Jr. says the secret to Dollar General's success is keeping things simple. The store is a no-frills retailer which targets lower income customers. Mr. Turner says his father and grandfather taught him to "first be in touch with fundamental living requirements, then add other things." That formula has apparently worked for Dollar General and the Turners. While many retailers were struggling with poor economic conditions, Dollar General Corp. ended the fiscal year with a record \$754.4 million in sales, an increase of 16 percent. Yearly profits rose 47 percent to \$21.5 million.

Mr. Turner says his secret to success is "nothing but remembering what my father and grandfather had been taught in the hills of Tennessee and Kentucky." Cal Turner, Jr., apparently learned his trade well, as Dollar General Corp. continues to flourish.

Mr. President, I commend Mr. Turner and others at Dollar General for the many successes of that company. I ask that the following article from the Lexington Herald-Leader be printed in the RECORD.

The article follows:

[From the Lexington Herald-Leader, Apr. 6, 1992]

BARGAIN-BASEMENT IMAGE BRINGS GOOD FORTUNE

(By Phil West)

NASHVILLE.—Learning the secrets of success is as simple as understanding the difference between a mule and a man, Dollar General founder J.L. Turner once explained.

"A mule's smarter than a man," he said. "He'll always return to his stall. But a man thinks he can go on to other things."

Forgetting the urge to wander—just concentrating on the everyday—has proven fruitful for Turner's 23-state empire of low-end retail stores. While most retailers grappled with the recession, Dollar General Corp. was ringing up a record \$754.4 million in sales in the fiscal year ended Jan. 31, up 16 percent. Yearly profits rose 47 percent to \$21.5 million.

"By any measure you can look at they had a great year," said Anne Carlisle, an analyst at Equitable Securities in Nashville.

"We're staying in our stalls, thank you," said Cal Turner Jr., company chairman and grandson of the founder.

The no-frills retailer, which competes with the likes of Wal-Mart and K mart, sells items like toothpaste, toilet paper and laundry detergent stacked on shelves or in bins at its 1,535 stores. The most expensive item is winter coats that cost about \$35.

Dollar General targets a narrowly defined market: Its average customer is a working-class, 25- to 45-year-old woman earning less than \$25,000 a year.

"We consider ourselves to have lower-income customers than anybody else in the business," said Turner, 52. It means "our customers are the smartest shoppers in the world," he said.

Other discount retailers have used a similar formula for success.

Family Dollar Stores Inc., which has about 1,800 stores in 29 states, appeals to the same customers. The company, based in Charlotte, N.C., boosted sales more than 20 percent in the last six months.

Some smaller regional discounters also have done well.

But not all downscale retailers are flourishing. McCrory Corp., known for its five-and-dime stores, recently filed for federal bankruptcy protection from its creditors. Part of McCrory's problem is it lacks the narrow focus that has helped Dollar General and Family Dollar thrive.

Dollar General does not honor credit cards and accepts checks for only the amount of purchase. Most of its stores are in towns with 12,000 to 15,000 people.

It does offer some of the cheapest items around. Simple signs lure customers into stores that might offer Levi's jeans for as low as \$15. Four pairs of men's tube socks sell for \$3. Bath towels are three for \$5.

All items are sold in even-dollar amounts. "The even-dollar has zing with the customer. It has operating simplicity," Turner said.

Simplicity is the key to the chain that began 52 years ago with the slogan, "Nothing over \$1."

J.L. Turner had spent 10 years on the road as a wholesale grocery salesman before he and son Cal Turner Sr. put up \$5,000 each to found J.L. Turner and Son Wholesale. The two sold \$65,000 worth of goods in their first year.

The company evolved by 1955 into Dollar General, and went public in 1968. Its stock, traded over the counter, has recently sold for about \$26 a share, up from \$10 at this time last year.

But simplicity remains the company's trademark.

"It's nothing but remembering what my father and grandfather had been taught in the hills of Tennessee and Kentucky," Turner said. "First, be in stock with fundamental living requirements, then add other things."

But "other things"—such as contact lens solutions and automatic dishwashing detergents—don't sell well with the retailer's customers. Company sales figures show Dollar General customers don't wear contact lenses, and they wash dishes by hand.

Dollar General also has benefited from management changes, friendlier store clerks and a smoother distribution system, he said.

In 1988, the company stream-lined the distribution system so store managers could operate on a two-week delivery cycle.

Turner also thinks the recession drove some customers to his no-frills stores.

But stockholders are feeling pretty good about now. Dollar General just declared a 5-for-4 stock split, and analysts predict it will produce earnings of \$1.20 a share this fiscal year compared with \$1.02 last year.

"For all of fiscal '93, Dollar General expects to exceed analysts' projections of \$1.20 by 5 to 7 cents. I'd say Dollar General is very conservative about putting numbers out there they can't reach," Carlisle said. •

TRIBUTE TO BILL ORINSKI, 1992 ARIZONA SMALL BUSINESSMAN OF THE YEAR

• Mr. DECONCINI. Mr. President, I rise today to pay tribute to a remarkable businessman from my home State of Arizona, Mr. William G. Orinski, who is being honored as the Arizona Small Businessman of the Year for 1992.

Mr. Orinski, through his determination, creativity, and tireless energy, has transformed a one-person consulting effort into a \$9 million manufacturing organization in just 7 years.

Vanguard Automation, Inc., designs and manufactures custom robotics and hard automated assembly systems used by companies across the Nation. Vanguard manufactures the only automated machine currently capable of completely assembling computer head suspension assemblies for ultra-high-density drives.

As the president and founder of Vanguard Automation, Bill has served as a model employer. He has been a mentor and a friend to the more than 70 employees of his company. Always committed to developing the most of his employees' talents, he has implemented a strong policy of promoting from within and provides a generous tuition assistance program for those who wish to further their education.

Bill's concern for others is also illustrated by his service to the community of Oro Valley. In addition to his personal involvement in numerous civic and business organizations, Vanguard has sponsored numerous events for the Arthritis Foundation and has established a charity fund for future projects.

The town of Oro Valley is proud of Bill Orinski. He serves as an example of how much our country's small business owners contribute, not only to the economy, but to the communities in which they live and work. I want to congratulate Bill, his wife, and three daughters. Being recognized as Arizona's Small Businessman of the Year is a most distinguished honor and I am pleased to recognize his efforts here today. •

BEST WISHES TO THE SAN DIEGO MULTIPLE SCLEROSIS WALKATHON

• Mr. SEYMOUR. Mr. President, I rise today in recognition of the volunteers who participated on Saturday, April 4, in the annual Bumble Bee Super Cities Walk for Multiple Sclerosis in San Diego.

This was the fourth annual Bumble Bee Super Cities Walk in San Diego. There are approximately 30 MS walks taking place in California, and more than 225 all across the country.

The San Diego Area chapter of the National Multiple Sclerosis Society had nearly 5,000 participants and volunteers to support efforts to raise funds to help find a cure for MS, a disease of the central nervous system that affects nearly 300,000 Americans.

The San Diego walk featured 5-, 10-, and 15-mile routes throughout historic downtown San Diego and along the scenic Embarcadero of San Diego Bay.

Please join me in sending our best wishes for supporting a worthwhile

cause to the San Diego citizens walking for MS on Saturday, April 4. •

THE COST OF CAMPAIGN FINANCE "REFORM"

• Mr. NICKLES. Mr. President, last week, Senate and House conferees reported out the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992.

The Senate had passed S. 3 on May 23, 1991, by rollcall vote of 56 to 42, and the House had passed its version of the bill on November 25 by rollcall vote of 273 to 156.

The Senate is expected to take up the conference report soon after the Easter recess.

The House has wrestled with the conference report this week. On Wednesday the House recommitted the conference report so that the conferees could fix a provision dealing with mail sent under the frank. Earlier today, by rollcall vote of 259 to 165, the House passed the conference report, after defeating another motion to recommit.

Unfortunately, but not surprisingly, the conference report contains spending limits and subsidies to politicians. It also contains different election rules for the Senate and the House. Of special interest in this regard are the different rules governing contributions from political action committees or PAC's.

The President has promised to veto any campaign finance reform bill that looks like this conference report. Last spring, in a letter to Senator McCONNELL, the President wrote:

Spending limits * * * would disadvantage challengers and thereby entrench incumbents further. Ironically, spending limits tend to favor powerful special interests over individuals, because these interests would retain the financial and organizational resources to work around the limits. Therefore, I intend to veto any campaign finance "reform" legislation which features spending limits or taxpayer financing of congressional campaigns.

Further, I am deeply opposed to campaign reform legislation that proposes different rules concerning political action committees for the Senate and House. We must not further balkanize ethics and election reform. * * * 137 Cong. Rec. S6271 (daily ed. May 22, 1991).

Even if the President were to sign this conference report—and I am confident that he will not—the act would not become effective until its costs are covered by some further piece of legislation. Section 902 is the provision that delays implementation of the act until the Democrats can figure out how to pay for these subsidies to politicians without causing a revolution among the taxpayers. This conference report is, therefore, something in the nature of an authorization bill awaiting an appropriations bill.

Because there is no mechanism to cover its costs, the conference report's

friends are going to say that it does not include taxpayer subsidies. That claim will be technically true but misleading and irrelevant. This conference report authorizes the taking of taxpayers' dollars to pay for the election and reelection campaigns of Members of the Senate and the House. If this authorization becomes law, all that will be necessary to move the money is a paragraph or two in a tax bill.

A large majority of Republicans in both Houses have firmly opposed tax subsidies for politicians in Congress. For example, on last year's key rollcall votes in the Senate—votes Nos. 68, 76, and 83—Republicans cast 127 votes against taxpayer subsidies and Democrats cast 4 votes against taxpayer subsidies. On those 3 votes, no Republican Senator voted for taxpayer subsidies for Senate campaigns.

Republicans have philosophical and practical objections to taxpayer subsidies for Senate and House elections. Then, too, there is the cost, which is plenty. The Republican Policy Committee has just completed an estimate of the costs of S. 3 that shows that total costs and public and private sector subsidies will total about \$300 million for the 1994 elections. I will ask that the Policy Committee's cost estimate be inserted in the RECORD at the conclusion of my remarks.

Mr. President, even if spending limits and taxpayer subsidies were good ideas, which they are not, this year and every other year for the foreseeable future—in which the Federal deficit will equal hundreds of billions of dollars—would be a terrible year in which to give hundreds of millions of dollars to candidates for the Senate and House. We cannot afford it. If Congress is going to insist on authorizing a new program that will cost taxpayers and private industry \$300 million in 1993 and 1994 let us authorize a program that will help American workers. Better yet, let us stop authorizing programs that the country doesn't need, that the American people do not want, and that contribute to the idea that Members of Congress are primarily concerned with giving benefits to themselves.

S. 3 is a bad idea. Worse, it is an idea that is both expensive and bad. Gratefully, we have a President who is not going to let it become law.

I ask that the Policy Committee's cost estimate be printed in the RECORD.

The material follows:

[U.S. Senate Republican Policy Committee,
Apr. 9, 1992]

S. 3 WILL COST \$300 MILLION IN 1994

The Senate is expected to take up the conference report on S. 3, the "Congressional Campaign Spending Limit and Election Reform Act of 1992," shortly after returning from the Easter recess. The House passed the conference report on April 9 by roll call vote of 259-to-165 (19 Republicans, 239 Democrats, and one Independent voted yea; 145 Republicans and 20 Democrat voted no). Should the bill appear on the President's desk, a veto is expected.

The Republican Policy Committee estimates that the conference report will cost about \$300 million for the 1994 elections. At \$300 million, subsidies provided by taxpayers would reach about \$250 million and subsidies provided directly by broadcasters would reach about \$50 million.

This \$300 million estimate is about midway between our low estimate of \$245 million and our high estimate of nearly \$364 million. We made four estimates, two for the Senate and two for the House, and in each case we assumed either that both major party candidates would participate in the funding scheme or that only one major party candidate would participate. Our estimates, which appear in detail later in this paper, are summarized in Table 1.

TABLE 1.—*Summary of estimated costs of S. 3*
(In millions of current dollars)

Government subsidies:	
House low	115.7
Senate low	90.9
Subtotal	206.6
Private subsidy	
Total	245.0
House low	115.7
Senate high	66.8
Subtotal	182.5
Private subsidy	
Total	250.2
House high	229.4
Senate low	90.9
Subtotal	320.3
Private subsidy	
Total	358.7
House high	229.4
Senate high	66.8
Subtotal	296.2
Private subsidy	
Total	363.9

As noted, the \$300 million estimate is in about the middle of the range. Actual spending may be higher or lower.

Making estimates is, of course, an inexact science. Our estimates (and everyone else's) depend entirely on the assumptions which underlie the numbers. We have attempted to set out all of our relevant assumptions so that the reader may judge the reasonableness of our numbers. In addition to setting out the major assumptions, we believe our estimates have three major strengths:

First, we include the costs imposed directly on the private sector. S. 3 requires broadcasters to sell time to eligible Senate candidates at 50 percent of an already-reduced rate. When a bill requires an industry to sell its product to Senate candidates at one-half the going rate, we refuse to count that cost as a nullity merely because it does not fall on a government account.

Second, we have included an estimated cost of minor party participation in Senate races. We acknowledge that these estimates are based on assumptions that are little more than educated guesses. However, S. 3 provides strong incentives for participation by candidates or minor parties and costs will indeed be incurred. Our estimates will prove to be a great deal closer to the mark than nothingness—which is the typical way these minor party costs are handled.

Third, we have used conservative assumptions. We have not used minimum assumptions, which generally would be zero, but we have used modest assumptions. For example, we assume a five percent independent expenditure amount. Perhaps time will prove that our assumption is high, but five percent is a conservative assumption in a campaign environment in which direct spending will be capped.

In our conservatism, we have not calculated three costs that will be attributable to House races. We have not estimated the cost of subsidies to minor party candidates in House races. We have not estimated the cost of the "triple match" subsidy which is given to an eligible candidate when his non-participating opponent contributes large sums of money to his own campaign. [Sec. 121-"603(e)(3)."] And, we have not estimated the cost of the \$50,000 subsidy for House candidates in closely contested primary elections. [Sec. 121-"604(f)."]

The rough cost of subsidizing Senate and House races over a six-year (Senate) election cycle can be obtained by multiplying the 1994 costs by three. The actual cost of subsidies for the Senate will vary from election to election because elections featuring large States are more expensive.

Benefits under S. 3 are indexed and will increase with the rate of inflation.

Costs in the House of Representatives were calculated on the basis of 440 elections, not 435. There are 435 Representatives in the House, four delegates, and one resident commissioner. All are eligible for subsidies.

Our estimates and everyone else's depend first on participation rates. Those rates may be speculated on, see, e.g., the helpful CBO Cost Estimate on H.R. 3750, H. Rpt. No. 102-340, pt. 1, 102d Cong., 1st Sess. 62-66 (1991), but they cannot be known ahead of time. Increased participation rates do not necessarily increase costs: Because of the excess expenditure amount which goes to eligible candidates who run against noneligible candidates, a race may actually impose greater costs on the Federal treasury if one candidate does not participate in the funding scheme.

We estimate that additional administrative costs will equal \$2 million per year. This is the number the Federal Election Commission furnished to the Congressional Budget Office and we have adopted it. We will be amazed if the FEC, which will spend about \$18 million this year, can administer S. 3 with only an additional \$2 million per year.

Additional details on our estimates may be found in the notes that follow the numbers.

Section 902 of the conference report is a clever attempt to provide "political cover" for supporters of this conference report. This conference report is designed to extend subsidies to politicians while section 902 says, "Not quite yet."

Subsection (a) of section 902 provides, "The provisions of this Act (other than this section) shall not be effective until the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of subsequent legislation effectuating this Act." (Subsection (b) provides, "It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.") Section 902 is like the misdirection used by a magician: While the magician is working on lifting the wallet from his victim's pocket, the victim is staring intently at the magician's other hand and trying to figure out where the pigeon came from.

S. 3's whole purpose is to provide subsidies to candidates running for Congress and section 902 cannot possibly disguise that fact.

COST ESTIMATE OF THE CONFERENCE REPORT ON S. 3, "CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992"

TABLE 2.—SENATE ONLY¹
(In millions of current dollars)

	Major parties	Minor parties
Subsidies provided by taxpayers:		
Voter communication vouchers	11.8	4.6
Excess expenditure amount (est.)	39.0	9.1
Independent expenditure amount (est.)	2.9	2.3
Special mailing rates	9.3	9.9
Additional administrative cost	2.0	—
Total, subsidies and administrative cost	65.0	25.9
Subsidy provided by the private sector:		
Half-price broadcast rates (est.)	29.3	9.1
Total, all subsidies and costs	94.3	35.0

¹ 1994 Senate races (34 States). One major party candidate in each State eligible, one major party candidate in each State not eligible; total of 12 minor party candidates eligible.

Note.—Combined total, \$129.3.

TABLE 3.—HOUSE OF REPRESENTATIVES ONLY¹

	Millions
Subsidies provided by taxpayers:	
Matching funds	88.0
Independent expenditure amount (est.)	13.2
Special mailing rates	12.5
Additional administrative cost (est.)	2.0
Total	115.7

¹ 1994 House races (440 seats). One major party candidate in each district eligible; one major party candidate in each district not eligible.

TABLE 4.—SENATE ONLY¹
(In millions of current dollars)

	Major parties	Minor parties
Subsidies provided by taxpayers:		
Voter communication vouchers	23.6	4.6
Excess expenditure amount (est.)	0	0
Independent expenditure amount (est.)	5.8	2.3
Special mailing rates	18.6	9.9
Additional administrative cost	2.0	—
Total, subsidies and administrative costs	50.0	16.8
Subsidy provided by the private sector:		
Half-price broadcast rates (est.)	58.6	9.1
Total, all subsidies and costs	108.6	25.9

¹ 1994 Senate races (34 States). Two major party candidates in each State eligible; total of 12 minor party candidates eligible.

Note.—Combined total, \$134.5.

TABLE 5.—HOUSE OF REPRESENTATIVES¹

	Millions
Subsidies provided by taxpayers:	
Matching funds	176.0
Independent expenditure amount (est.)	26.4
Special mailing rates	25.0
Additional administrative cost (est.)	2.0
Total	229.4

¹ 1994 House races (440 seats). Two major party candidates in each district eligible.

NOTES ON SENATE ESTIMATES

Minor Parties: In an attempt to assign some responsible cost estimate to the provisions granting benefits to minor parties, we assumed that there will be one or more eligible minor party candidates in large States. For the 1994 Senate races, we assumed there will be three minor party candidates in California, two minor party candidates in New York, and one minor party candidate in each of Florida, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Texas. We

made no attempt to estimate the participation rates of minor party candidates in House races.

General Election Expenditure Limit (GEEL): Under S. 3's provisions for Senate elections, each State has a GEEL that is based on its population. The GEEL formula is in Sec. 101-502(b). No GEEL appears in this document, but the GEELs for the relevant States were used in computing the costs of the voter communication voucher, the excess expenditure amount, and the independent expenditure amount.

Voter Communication Voucher: The voter communication voucher is equal to 20 per cent of the GEEL for a major party candidate and 10 per cent of the GEEL for a minor party candidate. [Sec. 101-503(c).]

Excess Expenditure Amount: The excess expenditure amount is given to an eligible candidate to meet the "excess" spending of a noneligible opponent. It is doled out on a sliding scale according to the amount raised by the noneligible candidate. [Sec. 101-503(b).] We have assumed that the noneligible major party opponent will raise or spend more than 133 1/3 per cent of the GEEL but less than 166 2/3 per cent of the GEEL. In that case, the eligible major party candidate receives a subsidy equal to two-thirds of the GEEL. Therefore, our column for major parties shows an amount equal to two-thirds of the GEEL. A separate formula applies to minor party candidates. [Sec. 101-503(b)(3)(B).] We assume the cost of the subsidy for minor party candidates will be 20 per cent of the GEEL. The Act allows minor party candidates to receive an excess expenditure amount equal to 50 per cent of the GEEL. When all candidates are eligible, no candidate qualifies for the excess expenditure amount.

Independent Expenditure Amount: The independent expenditure amount is given to an eligible candidate to counter independent expenditures that are made for his opponent or against him. [Sec. 101-503(b)(2) & sec. 133.] For both major party and minor party candidates we assume an independent expenditure amount equal to five percent of the GEEL.

Special Mailing Rates: S. 3 allows eligible Senate candidates to mail at a reduced rate the number of pieces of mail that is equal to the voting age population (VAP) in the State. [Sec. 101-503(a)(2) & sec. 132.] The special postage rate is the third-class rate applicable for nonprofit organizations. The subsidy per piece of mail is estimated to be 6.7 cents. See, United States Postal Service, "Memorandum of Postal Provisions of Campaign Reform Bills" (March 30, 1992) (mimeo) (regular, presort, bulk rate of 16.5 cents per piece minus third-class, nonprofit rate of 9.8 cents per piece equals a subsidy of 6.7 cents per piece). We then simply multiplied the subsidy by the VAP for the relevant States. We were surprised to see that, because of the sizes of the States in which we assumed minor party participation, the mail subsidy for the 12 minor party candidates is estimated to be greater than for the 34 major party candidates.

Subsidy Provided by the Private Sector: During the general election period, S. 3 requires broadcasters to sell eligible Senate candidates broadcast time at no more than 50 percent of "the lowest charge of the station for the same amount of time for the same period on the same date." [Sec. 131 & sec. 101-503(a)(1).] In short, Congress tells broadcasters that they must offer the lowest unit rate and then it tells them that eligible Senate candidates must be given one-half of

that rate during the final weeks of the campaign. Broadcasters will, therefore, provide a subsidy equal to whatever candidates spend. We assume that major party Senate candidates will spend 50 percent of the GEEL on purchases of broadcast time. This is a modest assumption inasmuch as voter communication vouchers worth 20 percent of the GEEL can be spent only on purchases of broadcast time. We assume that minor party candidates will spend 20 percent of their GEELs on purchases of broadcast time.

NOTES ON HOUSE ESTIMATES

Matching Funds: Eligible House candidates are entitled to receive up to \$200,000 to match relatively small contributions from individuals. [Sec. 121-604(a).] We have simply multiplied \$200,000 by 440 House races (and then doubled that number if two candidates are eligible). CBO has pointed out that things are not quite that simple. H. Rpt. 101-340, pt. 1, 102d Cong., 1st Sess. 62-66 (1991). We agree, of course; nothing is ever that simple.

Independent Expenditure Amount: Under S. 3, the general (although flexible) cap on spending for a House race is \$600,000. Sec. 121-601(a). A House candidate is entitled to a subsidy to match independent expenditures above \$10,000. Sec. 121-604(b). We assume independent expenditures equal to the trigger amount plus five percent of the general limit in each of the 440 races.

Special Mailing Rates: S. 3 allows eligible House candidates to mail at reduced rate the number of pieces of mail that is equal to the voting age population (VAP) in the district. Sec. 132. The special postage rate is the third-class rate applicable for nonprofit organizations. The subsidy per piece of mail is estimated to be 6.7 cents. See, United States Postal Service, "Memorandum of Postal Provisions of Campaign Reform Bills" (Mar. 30, 1992) (mimeo) (regular, presort, bulk rate of 16.5 cents per piece minus third-class, nonprofit rate of 9.8 cents per piece equals a subsidy of 6.7 cents per piece). We then simply multiplied the subsidy by the VAP for the 440 districts, i.e. the voting age population of the entire country. ●

EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH

● **Mr. ROCKEFELLER.** Mr. President, I rise today to comment on an article in last week's Washington Post, "In Defense of Pork-Barrel Science," by Daniel Greenberg, editor and publisher of Science & Government Report and a close observer of research funding.

Mr. Greenberg makes an important point about federally funded research and development. Namely, that Federal support for scientific research currently goes to a relatively small number of universities in a few States.

In fact, huge disparities exist. As Mr. Greenberg notes, 5 States receive almost 50 percent of all Federal research dollars. These States, plus 5 more, have virtually monopolized national R&D spending for over 15 years. By contrast, a group of 18 States, plus Puerto Rico, received only 2 percent of all Federal research funds and less than 6 percent of such funds going to universities. Incredible as it may seem, in 1988, these States together received less support than each of the top 5 States.

The current concentration of Federal science dollars is not in our national interest. By limiting the resources available to talented scientists, this concentration restricts the diversity of scientific activities across the country.

This, in turn, contributes to the future lack of skilled scientists and low overall level of science literacy by limiting educational opportunities in States without major research universities. Over 75 percent of all students attend colleges in their home States. Our students, and ultimately our country, would be better served by a system that encourages broader distribution of Federal R&D funding.

Mr. Greenberg makes another important observation: The current system hinders economic growth in States lacking good laboratories and trained manpower—States like West Virginia that typically have high unemployment, low per capita incomes, and weak science education programs. It favors the haves over the have nots, and perpetuates imbalance rather than encouraging greater competition.

I know about such problems through personal experience.

Over the past few years, I have spent time trying to attract advanced materials manufacturers to West Virginia. Studies show that advanced materials manufacturing is expected to reap billions of dollars over the next decade.

West Virginia—it seemed to me, with its abundance of raw materials and strong chemical and glass industry—was a natural for the advanced materials industry. Yet, each and every business I approached about doing advanced materials manufacturing in West Virginia had the same response, "What kind of research are your State universities doing in this area?"

In some sense, we have a classic chicken and egg problem.

But no matter how you look at it, States like West Virginia need a strong research base to retain and attract top quality faculty members, to train young people, and to attract high-tech industry. Unfortunately, West Virginia, like so many States underrepresented in science and engineering research, lacks the resources at the State level to tackle this problem on its own.

In 1989, I authored legislation to continue a little known, but very worthwhile, program at the National Science Foundation called the Experimental Program to Stimulate Competitive Research [EPSCoR].

The purpose of EPSCoR is to build up the research and development infrastructure of States that are presently excluded from the lion's share of Federal R&D dollars. The program provides an infusion of funds which present a tremendous opportunity to States to target research areas like advanced materials that may lead to future economic development.

Participating States must compete for research funding through the peer

review process, and, through a matching fund requirement, must show their commitment to improving their institutions' research and development infrastructures.

The NSF-EPSCoR Program has been shown to work. Over 50 percent of the West Virginia faculty who received EPSCoR funding in 1980 went on to successfully compete for more Federal dollars. Largely as a result of EPSCoR, Alabama achieved important development in superconductivity, Maine has become one of the national leaders in coastal ecology, and the University of South Carolina's chemistry department was selected as one of the six most improved in the Nation. Success stories in the other EPSCoR States abound.

As Mr. Greenberg notes, many approaches have been used to broaden the distribution of Federal research funding, including earmarks, set-asides, and block grants. However, each of these strategies has faults. And, ultimately, no amount of pork-barrelling or entitlements can create what we really need—a system in which every State has a strong science program and the capacity to compete for research funding.

The EPSCoR program, with its emphasis on peer review and cost sharing, addresses the problem in a balanced and effective manner. This year, as we look for ways to make America more competitive, I urge my colleagues to support forward-thinking programs like EPSCoR. Our students, industries, and national interest depend on it.

Mr. President, I ask that a copy of Mr. Greenberg's article be included in the RECORD immediately following my remarks.

The article follows:

IN DEFENSE OF PORK-BARREL SCIENCE

[From the Washington Post, Mar. 31, 1992]

(By Daniel S. Greenberg)

To a chorus of denunciations from the chieftains of the research establishment, the scientific pork barrel rolled last year on Capitol Hill to a record high of 492 projects billed at \$810 million. It's rolling again this year, and, egged on by distressed academicians, the White House and various legislators, small and mighty, have vowed countermeasures. Poised for the task, among others, is a congressional coalition gathered under the banner of "Porkbusters."

But since money is the goal in science's tango with government, why the consternation?

The reason is that the pork-barrel route for laboratories and research eludes the control of an elaborate system that has concentrated federal science money in relatively few parts of this big country. Pork-barrel appropriations, also referred to as "earmarks," are the product of an alternative method of dishing out federal money for research.

The political zest for another way naturally arises from the striking maldistribution of federal research funds in an era in which thriving laboratories often serve as magnets for industry and business. The imbalances show up clearly in the latest numbers reported by the National Science Foundation, keeper of research statistics.

Five states accounted for nearly half of the \$140 billion spent on research and development in 1989—California, Massachusetts, Michigan, New Jersey and New York. Approximately 50 percent of the money came from federal agencies, the rest from industry, reflecting the fact that governmental and industrial R&D tend to cluster.

Two-thirds of national R&D spending is concentrated in those states plus five others: Illinois, Maryland, Ohio, Pennsylvania and Texas. The top 10 spots have gone unchanged since at least 1975. The main reason for the stability is that in the orthodox system, federal R&D money is awarded competitively—which means that those already equipped to do research have a big edge over those trying to break into the business.

Federal science and money for universities is only a small slice of the grand national total of R&D spending, about \$14 billion in 1989. But it's influential money, since it's the mainstay of basic research, which is especially prestigious in the scientific culture. And here, too, the distribution of funds is tightly concentrated.

Of the nation's 3,400 institutions of higher learning, perhaps 300 take part in serious scientific research, if only in one department on campus. In 1989, 20 universities received 32 percent of Washington's funds for academic science; 50 universities accounted for 58 percent; and the top 100 took 82 percent of the science funds. Some of these academic winners play both sides of the street, winning funds in the competitive system while also prodding their congressmen for special appropriations.

With the connivance of cooperative chairman, pork-barrel appropriations are usually slipped into money bills without having gone through committee hearings. They also do not have the collaboration, or even the knowledge, of the research agencies that will have to put up the money.

The standard complaint is that they're rogue appropriations, dished up to satisfy a particular locality or university without having undergone "peer" review, the sacred sifting process of the scientific establishment. Furthermore, the outraged critics contend, projects financed by earmarks disrupt scientific planning and priorities and consume funds that were carefully allotted to other projects.

Some earmarks have been ridiculed as absurd, among them a crackpot, multi-million-dollar scheme in Alaska to tap power from aurora borealis. But in fact most pork-barrel appropriations for research arise from qualified professional aspirations to build a laboratory that will enable a school to compete for grant money.

Quite a few of today's highly regarded research centers were long ago conceived in the pork barrel. And quite a few wastrel projects in the federal research inventory, including the faltering multi-billion-dollar Strategic Defense Initiative, are plastered with approving peer review reports.

Accounting for only 6 or 7 percent of today's federal support for serious research, pork-barrel science is no menace to the established system. It's another way of financing science—and often with good results. ●

THE TRUTH-IN-BUDGETING ACT

● Mr. PACKWOOD. Mr. President, last week I along with 12 of my colleagues introduced the Truth-in-Budgeting Act. The goal of my legislation is simple but very necessary.

Currently, our budget is like a shell game. The Social Security surpluses are used to mask the true size of the deficit. We are all alarmed that the deficit has reached staggering proportions. But does the public know that the deficit is at least \$413 billion for fiscal year 1993, not the \$350 billion figure that is so often cited?

Currently, the money spent and the taxes received by Social Security shows up in many parts of the budget. The money that is brought into the trust fund is placed in three different parts of the budget.

First, Social Security taxes are placed in the revenue section of the budget;

Second, the interest the Social Security trust fund receives is subtracted from total interest payments the interest function of the budget—so the general fund payments for this interest do not show up in the bottom line of the interest section of the budget; and

Third, finally, the contributions the Government makes as an employer show up in an obscure category called undistributed offsetting receipts.

The result of this way of portraying the Social Security trust fund is at best confusion, at worst misrepresentation. Our seniors have been told that Social Security is a budget buster. And when you go to the Federal budget to see if that's true, it's virtually impossible to find the answer. When you see the huge outlays from the trust fund, but don't see the money coming in, it's easy to draw the wrong conclusion. The truth is that there is a surplus in the Social Security trust fund. All my bill does is make this clear in the budget. It does so by including all the money coming into the Social Security trust fund and the money being spent out of the trust fund in the same place in the budget.

Mr. President, we need to be honest with the American public about the size of our obligations to today's seniors, today's workers, and tomorrow's seniors. During the last few months we have seen the American people's confidence in Congress and the operations of the Federal Government deteriorate. When the Social Security Program was in a crisis in 1983, we rescued it by increasing payroll taxes. We could only have increased those taxes with a mandate from the American public that the payroll taxes only be used for the dedicated purpose—Social Security benefits.

Let's not further undermine the public's confidence in Government by using the Social Security surpluses to mask the true size of the deficit.

My proposal merely shows the Social Security trust fund for what it is; a self-sustaining program that generates more revenue than it spends. The Truth-in-Budgeting Act would:

First, give the American public a better understanding of how the Federal

Government spends their hard-earned tax dollars; and

Second, enhance the current budget debate by demonstrating the financial integrity of the Social Security trust fund and other mandatory trust funds.

I encourage my colleagues to join me in cosponsoring this important piece of legislation.●

LAKE SUPERIOR STATE UNIVERSITY

● Mr. LEVIN. Mr. President, While much of the sporting world was focused on Minneapolis this past week, site of the NCCA division 1 basketball playoffs, an equally exciting showdown was occurring in Albany, NY the NCAA division 1 ice hockey championship.

Lake Superior State University [LSSU] from Sault Ste. Marie, MI, claimed the prize, reaching the final matchup by first winning the central Collegiate Hockey Association playoff championship over archrival University of Michigan. They next bested Alaska-Anchorage, the University of Minnesota, and Michigan State University before suiting up against that perennial NCAA powerhouse, the University of Wisconsin, last Saturday night. The Lakers, LSSU's sports moniker, prevailed 5 to 3 in a hard fought battle which wasn't decided until late in the third period.

A school with a student body of only 3,200, Lake Superior took on the goliaths of college hockey and, for the second time in 5 years, brought home the national championship. It was a classic example of a team in a rebuilding year truly pulling together as a unit, setting its sights high and reaching the top.

Fully two-thirds of the Laker team are freshmen and sophomores, with only 4 true seniors of the 27 players in uniform. The players of this remarkable team are Dan Angelelli, Mark Astley, Mike Bachusz, Steve Barnes, Clayton Beddoes, Paul Constantin, Vincent Faucher, David Gartshore, David Gilbert, Tim Hanley, John Hendry, Dean Hulett, Blaine Lacher, Darrin Madeley, Kurt Miller, Sandy Moger, Mike Morin, Jay Ness, Jim Peters, Brian Rolston, Michael Smith, Wayne Strachan, Jason Trzcinski, Rob Valicevic, Jason Welch, Darren Wetherill, and Brad Willner.

They played a tight-checking defense taught by second-year head coach Jeff Jackson, who is ably assisted by Ron Rolston, Paul Pooley, graduate assistant Terry Hossack, and volunteers Anthony Palumbo and Doug Laprade.

Mr. President, it is most refreshing in these difficult times to see a small university team strive to be the best and achieve that goal, with a victorious coach who unabashedly tells the national TV audience, "This one's for my mom." Lake Superior State University has shown that you do not have

to be from a big school or a big town to be the best.

Whenever my visits to the Soo coincide with a Lakers hockey game, I make it a point to go, and I have always been impressed by the skill and determination of these young men. But I have never been prouder of them than I am today. Go Lakers!●

AMERICAN MILITARY WOMEN PRISONERS OF WAR

● Mrs. KASSEBAUM. Mr. President, on March 18, 1992, I was honored to attend the gala salute to all United States of America Military Women Prisoners of War.

Since 1864, when Dr. Mary Walker was taken as a prisoner of war during the Civil War, there have been 99 American military women who have given the utmost in dedication and service to our country as prisoners of war. Fourteen of the women honored were actually able to attend this special event. One of those being honored was Dorothy Arnold of Topeka, KS, who was held as a POW in the Philippines during World War II.

As we currently debate what the role of women should be in the military, we often forget that many women have not only served our country during wartime but have also sacrificed and survived the ultimate test of service—being a POW.

I would like to submit for the RECORD, the keynote address given by Navy Capt. Giles R. Norrington, himself a POW in Vietnam. His address was a very poignant and personal honor to the American military women POW's and one that enriched my understanding and appreciation for all of the men and women who have dedicated their lives in service to our country.

The address follows:

GILES NORRINGTON'S SPEECH—SALUTE TO WOMEN POW'S

Tonight is a piece of history.

Tonight we honor a number of women who served their Nation in the most difficult imaginable circumstances—but, in a larger sense, we honor all women who have gone into harm's way and in so doing became a part of the inexorable flow of history. Being caught in the swift and turbulent flow of history is a bit like whitewater rafting on a river of many forks—we are not sure of where we are going—but the trip certainly is exciting!

Dear sisters, haven't we had an exciting trip!

Each of the women we honor tonight—and I—were caught up in the flow of swift, turbulent—and terrible—events which we did not want. Somehow, we survived—and we thrived—and, finally, we thrived. We grew as human beings in most inhuman circumstances.

We were shaped by the history of which we were a part. As Dr. Martin Luther King explained, "We do not make history—we are made by it."

In some ways, we are footnotes in the history books—and in some cases our passing was not even observed—but that diminishes

in no way the richness of our human qualities—our grit—our determination—our humanity toward those with whom we strived—and our courage.

Heroism is a fleeting thing. It is tough to get your arms around what it is and how it works.

Two of our Presidents had thoughts on the subject—John F. Kennedy—excuse the pun—captured our situations nicely when he responded to a reporter who call him a hero. He said, "It was not heroism—it was involuntary—they sank my boat!"

Well, it may have been involuntary for these incredible women, but—most emphatically—it also was heroism. Many of you survived the incredibly violent campaigns in the Philippines. Gen. Douglas MacArthur said of those who fought in the campaigns, "They fought hard, those savage soldiers—like wounded wolves at bay. They were filthy—and they were lousy—and they stunk—and I loved them all."

And among their number were some of the remarkably courageous women who are among our number tonight—and I love them all! The courage, endurance and steadfastness of this remarkable group of human beings is the stuff of legends. They were then—and they are now—American heroes.

Ronald Reagan said of heroes, that they "aren't braver than others—they are just brave for about 5 minutes longer." Well, those heroes were brave for a lot more than 5 minutes longer!

They were thrust by circumstance into a situation not of their own choosing, and they made the best of their situations. They grew as human beings and they distinguished themselves as human beings—and as Americans.

They knew that they were standing in harm's way, but that did not deter them. As Gen. Alfred Gray, formerly commandant of the Marine Corps, said of himself, "I go where the thunder is." Our comrades went where the thunder was—and they discovered there the verity of another of General Gray's observations, "There is no such thing as a crowded battlefield—battlefields are very lonely places."

How lonely it must have been when they realized that their freedom was at an end—how lonely it must have been as they faced the soldiers into whose hands their very lives had been delivered—as prisoners of war in the broadest and most brutal war in human history. I doubt they realized at that point that their captivity would not last for days or even months—but for years. How lonely their battlefield.

And yet, they did survive—and then they strived—and finally they thrived—as human beings and as Americans. And in the final analysis, weren't they amazing Americans! Tonight, I will share with you some of my own experiences—it was a very different war and mine was a very different role—but I believe that you will agree that ours was very much a shared experience.

Our involvement as a Nation in Vietnam was open to questions from every quarter. Still, in the face of all of the turbulence and doubt at home, literally millions of brave, frightened American men and women served with devotion to the constitutional ideal. We had been called—and by God we would serve!

In describing our role in Vietnam, President Lyndon Johnson observed, "We did not choose to be the guardian of the gate—but there is no one else."

As I flew my combat reconnaissance flights over North Vietnam, I did not think of myself as a guardian of the gate—I just wanted

to complete each mission so that those who flew our fighters and bombers could find the targets and destroy them. American lives, and those of our Vietnamese allies, were at stake, and I meant to go into the thunder to weaken the enemy arrayed against them.

For 21 missions I was successful—I made it back. Then my luck ran out—I was hit by the golden B.B.—the bullet that gets you no matter what you are doing right!

I was shot from the sky, wounded and very afraid for my life. To put it quite honestly, I did not feel at all like Tom Cruise in "Top Gun"—I was scared.

For nearly an hour I evaded capture—then an already bad day took a turn for the worse—I was captured by an armed farm boy. The youngster could not have been more than 17 or so and he was quite small—but he also was armed—and that put him at a real advantage.

As I looked into his eyes, I realized that he probably was almost as afraid of me as I was of him—but he still was armed, and that kept him at an advantage.

My days of fighting for freedom were over—at least my days of flying and fighting for freedom.

I did not know it at the time, but I still had many battles ahead of me—all that had changed was the venue. I was a prisoner of war.

My brave sisters here tonight understand at the roots of their souls that no three words ring with such somber resonance as those three: prisoner—of—war—P.O.W.

Dear God—how miserable the existence—how lonely the new battlefield into which I had been thrust! I felt abandoned, alone and very uncertain.

The terror of the next few weeks, with a 300-mile truck trip to Hanoi, interrogation and torture at the hands of skilled and determined inquisitors did little to foster in my breast any feelings of heroism.

I came face to face with myself in those dreary circumstances, and I found myself to be quite human—subject to failure and to fear. But I was not alone.

It took a very long time for me to establish contact with other American P.O.W.'s, but the effort was worth it. I learned that each of us had reached the point of breaking, and that our resources had been drained by the terror and the torture—but each of us had done the best we could—and little else could be asked of us. We survived—and we also strived—now we had to learn to thrive.

And thrive we did—during the 1,775 days of my captivity, I had more good days than bad—and I laughed more times than I wept. We learned to accept the little blessings as though they were big ones—sunny days, summer thunder showers and hot bowls of soup—all of these things were magnified by the desolation of our situation. But when your desolate situation is the only one you have, you learn to make the best of it.

We talked endlessly of our lives, our families, our adventures—especially our amorous adventures—and of our hopes and dreams for the future. Even though we did not know when our torment would end, we never lost the hope that it would end. We learned to be brothers to one another—but, far more importantly, we learned to be mothers to one another—nurturing, accepting, patient, sympathetic and tolerant. For a group of battle-hardened fighter and bomber pilots, this was no small thing. We had to unlearn all of the macho garbage we had learned over a lifetime—and the new skills we had to learn did not always come easily. Nonetheless, our emotional survival resided in learning those

skills—and we were determined to survive—in every sense of the word!

We had no access to paper or pen, but we learned—we memorized poems and stories, we learned new languages, we studied mathematics, and, in one case, we even learned the theory of sailboating! Can you imagine learning to sail—without a boat—and without enough water to drink—much less sail a boat!

As my sister P.O.W.'s know, when you have time on your hands, anything is possible! We discovered the truth in Susan Brownell Anthony's observation on her 86th birthday, "Failure is impossible!"

We learned in the crucible first to survive—and then we learned to strive—and, finally, we learned to nurture the seeds of human growth in the barren soil of captivity—we learned how to thrive!

When we returned to freedom, we were treated as heroes. Indeed, there were heroes among us—there were those whose acts of determined resistance to the enemy's efforts at exploitation were legendary—the stuff of sagas. For the most part though, we were ordinary people thrust into extraordinary circumstances. And once there, we did the best we could with what we had—and, as it turns out, we did mighty well!

As American prisoners of war, we were a part of a very distinguished company of men and women whose fates were like our own. We are very proud of our service to our Nation—and we are very proud to have had the opportunity to serve among the giants who preceded us—people such as the Americans whose service we honor by this glorious salute—the American women who went to the thunder, and who served with dignity, courage and unshakable steadfastness.

It is a sad commentary on our society that their service has been rendered invisible to many of our history books. They boldly went where few men dared to go—and they revealed themselves to be monumentally courageous—as few men have done! Well, their service may have been overlooked by some—but it certainly has not been overlooked by the women and men gathered here tonight!

The times are changing, to be sure. In some ways, our society is only just now catching up with the pioneers who sit in this room. Our Nation is taking note of the leaders among us who, by accident of birth, happen to have been born female. Our Nation is taking note of the energy, the wit, the wisdom, the genius, the grit and the courage of the women among us. Susan B. Anthony noted over 130 years ago that, "the abolitionists have yet to learn the ABC of women's rights." Amen!

We still have a lot to learn about real equality, to be sure—but with the sheer guts of women such of our sisters here tonight, we will succeed.

Each of them learned what Susan B. Anthony taught us over a century ago: "Woman must learn not to depend upon the protection of man, but must be taught to protect herself."

Our sisters learned that—and the strength, resourcefulness and steadfastness that they discovered was mighty! In the most difficult circumstances imaginable, our sisters survived, and they strived, and, finally, they thrived!

I am honored to have served in circumstances similar to yours. You are, after all, vital proof of Susan B. Anthony's birthday observation: "Failure is impossible!"

SENATOR CRANSTON WRITES ON DEMOCRACY AND DEMOCRATIC INSTITUTIONS FOR ITAR-TASS

• Mr. WOFFORD. Mr. President, as the Congress debates the merits of assisting the 12 new countries formed by the disintegration of the Soviet Union, I am pleased to report that one of our colleagues has taken it upon himself to do so personally.

This February, Senator CRANSTON began writing a free weekly column on democracy and democratic institutions for the main Russian news agency, ITAR-Tass. In these articles he addresses such issues as the role of intelligence services in post-cold war democracies and civil-military relations in democratic regimes.

During his 23 years in the Senate, Senator CRANSTON has made the improvement of United States-Soviet relations a cornerstone of his foreign policy concerns. These articles are the latest of his efforts to improve understanding between what used to be our two nations, and what now has become our 13 nations.

With the collapse of the Soviet empire the people of the Commonwealth of Independent States look to the United States for advice and assistance to rebuild their political and economic systems peacefully and democratically. I commend Senator CRANSTON for sharing the wisdom of his many years of public service with people who are experiencing freedom for the first time, and for taking the initiative to provide personally some of the assistance they so desperately need.

Mr. President, I ask that these first three of Senator CRANSTON'S articles be inserted in the RECORD at this time.

The articles follow:

WHO GUARDS THE GUARDS: CIVIL-MILITARY RELATIONS IN A DEMOCRATIC REGIME

(By Senator Alan Cranston)

Since the democracy was born in ancient Athens centuries ago, political thinkers have pondered the question, "Quis custodiet ipsos custodes?"—who will guard the guards?

The issue of civilian-military relations is one of the most vital policy questions facing the elected leadership of any country, providing as they do a look into the very chamber of the heart of democracy.

In newly-emerging democracies, the issue of civilian control of the military is often the single most important change that must take place. It is also very important in nations whose armed forces have historically been subordinated to the dictates of a single political party.

Without a doubt, the success and prestige of the American military, and that of many other democracies, has been immeasurably advanced by their unquestioned subordination to civilian political authority and their strict adherence to a mission of national defense of territory and sovereignty.

I believe that the American model, in particular, has an important array of lessons in the proper management of civil-military relations.

In the United States, there is a clear and unequivocal direction provided by civilian political leaders of the military structure

and forces. This leadership is not a sometimes thing; many politicians make mastery of the intricacies of military issues a prime objective once they reach Washington, and sometimes before.

The control of the military budget by Congress provides essential oversight by elected officials responsible to the People.

This control over the purse strings has allowed an important check on military autonomy even in time of huge military build-ups. It is an ultimate safeguard of our democracy, ensuring as it does that military policies initiated by the Executive Branch (the president and his representatives, the Secretary of Defense) are debated and, if need be, changed to represent the views of our citizens.

Another important lesson is the existence of close interaction and contact between civilians and military, and between our four armed services, throughout the military command and control structure.

This system of joint command, in which civilians play an important role, reduces the potential for institutional rivalries, and promotions are based—in part—on an officer's ability to operate in an environment of inter-service cooperation.

A fourth aspect is that literally hundreds of privately funded, civilian-run nongovernmental agencies (NGOs) help to inform and shape defense policy.

As a legislator, I frequently reach outside the world of official briefings and Congressional hearings to better understand the complexities of a problem or the advantages—and disadvantages—of a particular approach.

In Washington, the NGOs constitute a virtual "Fourth Branch" of our Executive-Legislative-Judicial triad, helping to inform policymakers and educate the public.

Finally, the American military, which has no law enforcement role except in extreme and unusual circumstances, has therefore remained at the margins of partisan politics.

In a democracy, the armed forces are non-deliberative, which means they can contribute to policy formulation but must not take part in political party activity. This rule has been key to keeping the U.S. military as a respected and professional force throughout our more than 200-year history.

In many emerging democracies, the corps of civilian managers that forms an integral part of military management does not exist, or is tainted by its service to undemocratic parties of the ancient regime.

To all those who seek to strengthen their nation's democratic future, the issue of civil-military relations pose an important immediate challenge. Democratic control over the military cannot be established without empowering civilian managers in defense and security issues, and without circumscribing the role of the armed forces to that of national defense.

In a democracy, the answer to the question, "Who guards the guards?" the answer is easy—the People do.

WHERE DEMILITARIZATION ENHANCES SECURITY: THE COSTA RICAN EXAMPLE

(By Senator Alan Cranston)

I urge the leaders and all the people of the new EurAsian republics in the former Soviet Union who are constructing their new societies to consider the unique, remarkable and wonderful example set by a small country in strife-torn Central America—Costa Rica.

Costa Rica has found that it can get along magnificently without maintaining any army at all.

Costa Rica, nestled amid the war-torn nations of El Salvador, Guatemala, and Nicaragua, provides a useful study of a nation whose political and economic development has been strengthened by its decision to demilitarize.

It has been said that the one thing worse than an army of the unemployed, is an unemployed army—an army that is still in uniform but has no justification for its existence.

In today's world of scarce capital and oversized militaries this truism takes on a critical importance, particularly in new and emerging democracies.

In many of these nations, the primary threat to democratic governance and economic development is the large, and largely useless, standing militaries—the legacy of the Cold War and bipolar superpower struggle.

Because Costa Rica's expenditures on security are relatively small, resources have been freed for other projects that create more jobs and other socially beneficial works. Today Costa Ricans have the longest life expectancy (74 years), the lowest infant mortality (less than 19 per thousand) and the highest caloric consumption per capita in Central America.

They have a truly great education system because they are able to devote strong financial support to their schools—paying teachers well and keeping classes small. They have a relatively prosperous economy—with high living standards—because they invest their resources in civilian production rather than wasting it on military weapons and forces that they don't need. (In comparison, in the period 1972-1988, Costa Rica's neighbors diverted significant resources to their armed forces—Guatemala 1.9 percent of GNP, Nicaragua 9.5 percent, Honduras 3.6 and Panama, 1.4 percent.)

Since 1949, in the aftermath of a brief civil war, the Costa Rican constitution has forbidden the creation of an army, a statute that has reassured its neighbors that it has no designs on their territory. Even during Central America's fratricidal wars in the 1980s, Costa Rica owned no tanks, artillery, warships or helicopter gunships.

In eliminating their military, Costa Ricans also reaffirmed their willingness to play international good citizens, relying on diplomacy and the rule of law to maintain their country's sovereignty and independence.

A signatory to all major human rights treaties and accords, Costa Rica is an active participant in international and regional forums as a voice for moderation, multilateral arbitration and peaceful change.

Because of this, Costa Ricans feel confident that in the (unlikely) event of external aggression, they could count on the active support of international bodies, such as the United Nations and the Organization of American States.

By demilitarizing their country, Costa Ricans have rid themselves of an institution that, in practically every other Latin American nation, and in many other countries around the world, has at one time or another destabilized or threatened democracy.

What is more, because of the absence of an army the political environment is conducive to seek changes through negotiations and compromise, rather than knocking on the barracks' door seeking support.

The fact that Costa Rica does not have an army does not mean it is defenseless. Internal security is carried out exclusively by a 12,000-man national police force. Firmly under civilian control, the police provide

Costa Ricans with a level of security unmatched in neighboring Nicaragua, Honduras, El Salvador and Guatemala.

Other recent democracies have sometimes confused the essential distinction between internal security and national defense, and have given an important role in the former to the military.

This tendency to militarize internal security however, has invariably led to politicized armed forces—they are forced to take part in internal conflicts—and demoralized police, who find their institutions subordinated to the military and often run by officers with little knowledge of, or talent for, police work.

In the United States, which has for several decades shouldered global military burdens, this separation of police and military missions is enshrined in the principle of *posse comitatus*, the Latin for "the force of the country," which prohibits our own military from an internal security role except in the most extraordinary circumstances.

Demilitarization is not the only pillar upon which Costa Rican democracy rests.

The fact that all major political figures and parties accept the rules of the game and respect the rule of law provides important support for this experiment in democratic rule in a harsh environment. Other institutions and practices—such as a free press and competitive multiparty environment—are also of vital importance.

Yet, for many countries in the world today, demilitarization offers the best hope for healthy economic growth and the security of its citizens.

Costa Rica provides an example worth bearing in mind. I think it would be wonderful if some of the new Republics in the former Soviet Union would decide to emulate Costa Rica and get along without military forces.

At least two and hopefully three of the republics that had nuclear weapons on their soil are in the process of getting rid of them, and the fourth, Russia, is drastically reducing its nuclear arsenal.

Why not simply get rid of all weapons, nuclear and conventional?

Or, why not at least greatly reduce weapons and forces. That is what my country, the United States, is now doing as a first step toward a saner and safer more prosperous nation and world.

I am one of those advocating, along with many others, the deepest and swiftest possible reductions in the U.S. military structure.

If we could only start competing in building-down and eliminating military forces, rather than building them up, how much better off we would all be!

THE ROLE OF INTELLIGENCE SERVICES IN POST-COLD WAR DEMOCRACIES

(By Senator Alan Cranston)

A call by U.S. Central Intelligence Agency Director Robert Gates in late February for a new era of "openness" at the CIA is perhaps the most palpable indication of the winds of glasnost and perestroika stirring throughout the inner recesses of the secret world of intelligence.

In the United States, the end of the Cold War has brought a new and exacting set of challenges to the American intelligence community. The CIA and the "intelligence community" as a whole now face a world in which the "enemy" is more elusive.

As intelligence agencies are shifting their focus, they are going through a process of self-examination, and at the prodding of Con-

gress are being forced to reexamine broader policy issues that get at the very essence of how we have defined and provided for our nation's intelligence requirements.

Although there is much that may not be relevant about the American experience to the former Soviet republics and the emerging democracies of Eastern Europe, there are strengths to our system that policymakers in emerging democracies should consider as they restructure their own intelligence agencies.

Civilian control of the intelligence agencies is the hallmark of the American experience. Holding the intelligence agencies accountable to our civilian political leadership has been one of the main policy battles of the last several decades in my country. Because intelligence is by definition a world of secrets and confidences, oversight of those who collect it has been as much an art as a science.

In 1976, the Senate Select Committee on Intelligence was created to ensure greater oversight of the intelligence community, even though it does not itself have the ability to prohibit the actions of any intelligence agency. Nor do the agencies have to reveal the identities of key contacts in other countries.

These safeguards imposed by Congress have sometimes led to complaints by intelligence professionals that interfering politicians are "looking over their shoulders."

Most people agree, however, that the committee's work has provided important public support and input into the workings of what has been described as a "secular priesthood." Even during the Cold War, intelligence agencies advised the committee of their actions and budgets.

In the 1970s, after a set of revelations in the media and elsewhere caused Americans to become concerned about encroachments on their freedom, or on the rights of foreign governments, by our intelligence establishment, several reforms were enacted. Particularly worrisome was the fact that some agencies prohibited by law from spying on Americans were in fact conducting internal surveillance on some of our citizens.

These reforms and the existence of a strong judiciary protect individual citizens from the long arm of the intelligence apparatus. The separation of internal and external security serves as a further protection of the rights of American citizens. Placing internal security in the hands of a domestic law enforcement agency, for the sole purpose of policing criminal activity, as defined by law, has ensured that our intelligence apparatus has not evolved into a secret police, preying on its own people for political purposes.

In the final analysis, the most powerful check the American people have on the clandestine intelligence agencies is the power of the purse. Congress controls the intelligence community's budget, perhaps the most important safeguard in a democratic system. Agencies which engage in wrongdoing know there exists the possibility that their budgets may be cut.

Congress is demanding that intelligence issues receive more public scrutiny than ever before—that policies be debated even as secrets are protected. Although it is unlikely that the entire intelligence budget will be released to the public, there is increasing pressure to reveal the aggregate amount of money spent on intelligence. I favor that and so does the Chairman of the Senate Intelligence Committee, Senator David Boren.

Shrinking federal budgets have compelled America's intelligence community to define

vital interests in need of protection. Agencies without a set of clear and convincing priorities are those likely to lose public support and, just as importantly, public resources. Each expenditure on the intelligence "product" will be measured on the basis of the purpose it is meant to serve as well as its cost.

This process of reassessment is relatively new to intelligence professionals. U.S. intelligence agencies have emerged during the last century in an evolutionary process. In that time, the complex intelligence bureaucracy has become increasingly difficult to manage, but has been marked by a spirit of competition among agencies—a rivalry meant to offer intelligence consumers (i.e. policymakers) a clearly defined set of assumptions from which to make decisions.

For policymakers in emerging democracies facing the daunting task of beginning anew, it is helpful to establish clear goals and objectives for a nation's intelligence agencies at the outset. Determining intelligence needs should shape the intelligence agencies and provide them with a sense of direction for the future. Only then, once these goals have been agreed upon, is it possible to move forward and create a system of checks and balances to protect the democratic nation state and the underlying democratic principles the intelligence agencies are ultimately designed to serve. ●

THE JOB TRAINING AND BASIC SKILLS ACT OF 1992

● Mr. HATFIELD. Mr. President, I would like to take a moment to lend my support to the passage of S. 2055, the Job Training and Basic Skills Act of 1992. As the Nation moves into the 21st century, we are becoming more and more aware that we must be prepared to compete economically on a global scale. The United States has been the economic superpower of the world since the end of World War II, however, I am now concerned that this position is on the verge of collapse.

In order to remain at the pinnacle of the world economy, we must commit ourselves to enhancing and improving the skills, education, and training of our national work force. America's choice is simple, we must choose between high skills or low wages. The Job Training Partnership Act sheds light on our decision; it has been one of the key elements which allows our citizenry to not only become self-sufficient and productive members of society, but also to learn new skills and become better trained.

During the 9 years that the JTPA programs have been offered in Oregon, over 20,000 adults, youth, and dislocated workers have been served. This figure far exceeds Oregon's goal of serving 14,000 individuals in that same period. I am keenly aware that this program has made an immeasurable difference in literally thousands of people's lives in my State alone.

I am also encouraged that the Workforce Quality Council in Oregon is in the process of creating the best educated and trained people in America. Oregon's Workforce Quality Council

has begun to guide the strategies for more than 50 different agencies, boards, and commissions that have been involved in work force training and development. A 13-member subcommittee within the council, called the State Job Training Coordinating Committee is now responsible for guiding JTPA's efforts by making sure that each Oregonian we serve receives the best possible assistance.

Mr. President, last week I introduced legislation, S. 2491, entitled the Endangered Species Employment Transition Assistance Act of 1992 which would amend title III of the JTPA. I would like to tell my colleagues that this bill does not change the Endangered Species Act in any way. I had planned to offer this legislation as an amendment to the pending bill, in an effort to put a human face on the impacts of the Endangered Species Act. However, the Labor Committee has assured me that they will hold a hearing on this legislation in May. I have, therefore, withdrawn my amendment. I would like to thank Senators KENNEDY, SIMON, and their outstanding staff members, for their assistance and support in this matter. I would also like to commend the efforts of Secretary Martin and her staff in recognizing the critical labor situation in the Pacific Northwest due to the listing of the northern spotted owl under the Endangered Species Act.

My bill will provide job search allowances and extended monetary or needs-based payments to people who are displaced from their jobs due to the compliance restrictions of the Endangered Species Act if they are enrolled in a qualified educational or retraining program. S. 2491 addresses the fact that many of the training and educational programs that the JTPA offers take from 1 to 2 years to complete. Unfortunately, unemployment insurance only lasts 26 weeks barring any emergency extensions. Thus the unemployed worker has no assistance to keep financially afloat after their unemployment insurance runs out forcing many workers to conclude their retraining programs early. My legislation will provide some additional resources for these capable individuals.

Mr. President, I intend to return to this floor at some point in the future to discuss S. 2491 or similar legislation. I believe we have an appropriate and necessary role in recognizing the human impacts of Federal regulatory decisions.●

NOMINATION OF DAVID A. BROCK TO THE STATE JUSTICE INSTITUTE

● Mr. SMITH. Mr. President, it gives me great pleasure to speak on behalf of the nomination of David A. Brock to be a member of the board of directors of the State Justice Institute.

One of the Nation's preeminent jurists, David Brock was raised in New

Hampshire and educated at Dartmouth College and the University of Michigan Law School, where he received his LL.B. degree.

He has served as a commissioned officer in the U.S. Marine Corps, rising to the rank of captain in the U.S. Marine Corps Reserve.

David Brock has served as an associate in the law firm of Devine, Millimet, McDonough, Stahl & Branch and a partner in Perkins & Brock. He has served as U.S. attorney for the District of New Hampshire, special counsel to the Governor, legal counsel to the Governor, and associate justice of the New Hampshire Supreme Court.

Since 1986, David Brock has served as the chief justice of the New Hampshire Supreme Court. His professional and civic activities are almost too numerous to mention, but include service to most of the major court-related committees, commissions, and institutes in the State of New Hampshire.

In short, the president has been well-advised in nominating David Brock to the State Justice Institute, and I urge his rapid confirmation.●

POW/MIA COMMEMORATIVE POSTAGE STAMP

● Mr. D'AMATO. Mr. President, I rise today to join my distinguished colleague, Mr. SMITH, as an original cosponsor of legislation calling on the Postmaster General to issue a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

More than 88,000 United States service personnel are still listed as missing from World War II, Korea, Vietnam, and other conflicts. We must do everything possible to ensure that these Americans are not forgotten, and that every reasonable step is taken to find and fully account for our POW/MIA's.

Congress and the President have made it clear that the resolution of the POW/MIA issue is a matter of the highest national priority. But nothing has done more to keep this issue alive than the unwavering dedication of friends, family members, and concerned Americans who simply refuse to abandon the cause of our missing service men and women. The issuance of a POW/MIA stamp will both honor these missing Americans, and enhance the public awareness and concern that is so vital to bringing this issue to a satisfactory resolution.

Mr. President, I commend my colleague from New Hampshire for his leadership on this issue, and urge each of my colleagues to cosponsor his resolution and support its enactment.●

DEPARTMENT OF ENERGY LABORATORY TECHNOLOGY PARTNERSHIP ACT

● Mr. SEYMOUR. Mr. President, I rise today as a sponsor of the Department

of Energy Laboratory Technology Partnership Act. I would like to take this opportunity to praise Senators WALLOP, DOMENICI, CRAIG, JOHNSTON, and BINGAMAN for their leadership on this issue.

I believe the collective genius that resides in the Department of Energy's laboratories can be tapped to enhance our position as the world's leader in basic research and further our preeminence in technology development.

This legislation takes a giant leap toward increasing the role of the laboratories in this process. It gives a clear mandate to the labs to work with the private sector and jointly develop technologies that will ultimately increase our wealth of products and services and benefit our Nation's economic well-being.

California is fortunate to be the home of such prominent National Laboratories as Lawrence Berkeley and Lawrence Livermore. I am gratified that my position on the Energy and Natural Resources Committee has enabled me to take an active role in crafting this bill. I look forward to committee markup and the opportunity to further refine this important legislation.●

KIDNEY FOUNDATION HONORS TWO

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to two of my constituents who are being honored by the National Kidney Foundation of New York/New Jersey next month for their continued support of the foundation. Lewis Burrows, M.D., is receiving the Lester Hoeng Award for his utmost devotion to the Kidney Foundation. Mrs. Iris Feldman is receiving the Woman of the Year Award for her commitment and support of the foundation.

The National Kidney Foundation has been a leader in the continual fight against kidney, urologic, and hypertensive diseases. The progress made by the foundation's research has brought comfort and hope to the lives of many Americans.

Lewis Burrows, M.D., is the director of renal transplantation at the Sinai Hospital and professor of surgery at the Mount Sinai School of Medicine. Mrs. Iris Feldman is an active participant in the fundraising activities at the Mount Sinai Hospital, is also active in the United Jewish Appeal, and is a member of the social action committee of Temple Beth El of Great Neck, NY. She is active in the synagogue's voter registration program and one of the founders of the Russian Resettlement Program.

Today, I would like to recognize these two individuals for their outstanding contributions to the National Kidney Foundation. For it is due to the multifarious efforts of people like Dr. Lewis Burrows and Mrs. Iris Feldman

that advancements are continually made in medical research.●

TRIBUTE TO CURTIS SYKES

● Mr. PRYOR. Mr. President, I rise today to pay tribute to Curtis Henry Sykes of North Little Rock, AR. Curtis Sykes was the originator of an idea that led to the Commission For Black History in Arkansas.

Mr. Sykes took his idea to his State senator, Jerry Jewell, and was to work tirelessly to see his idea become law. His enthusiasm and effort are proof that a good idea coupled with hard work can be brought to fruition.

Curtis Sykes was born and raised during the Depression in North Little Rock. He graduated from Jones High School in North Little Rock and then studied at Dunbar Junior College, Arkansas Baptist College, received a bachelor of science degree from Bishop College, a master of arts in education degree from Texas College and a master of science in education from Harding College. He did postgraduate work at Henderson State University, University of Central Arkansas, the University of Iowa, the University of Arkansas, George Peabody College, and the University of Wisconsin.

Curtis has spent his life educating young people, serving as principal in five different elementary and intermediate schools in the Little Rock School District.

In addition to a stint in the U.S. Army as a sergeant, Curtis has been active in his community as well. He serves as treasurer of the Arkansas Chapter of the NAACP, chairman of the board of the Young YMCA, president of Alpha Phi Alpha, and is a board member of COPE of Central Arkansas, Headstart of Pulaski County, the North Little Rock History Commission, and the NLR Parks and Recreation Commission.

He is also member of the Urban League, Phi Delta Kappa, Prince Hall Masons, NEA, and AEA. Sykes is a trustee and Sunday school teacher at King Solomon Baptist Church in North Little Rock.

Mr. President, this gentleman is a tireless contributor to his community. His idea to establish a Commission for Black History in Arkansas will insure that young blacks in my State will have a better understanding, knowledge, and appreciation of the important role that blacks have played in Arkansas' history.

I commend Curtis Sykes for a life of achievement and service to his fellow man and point to him as living proof that the Government can take an individual's idea and make it a reality.●

U.N. CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

● Mr. MCCONNELL. Mr. President, I want to take a moment to explain my

support for the resolution of the Senator from Massachusetts, Senate Concurrent Resolution 89. This resolution expresses the sense of the Senate that the United States play a strong and active role at the United Nations Conference on Environment and Development [UNCED]. It directs our country to develop international agreements on a wide range of global environmental issues, while taking into account their effect on American jobs and competitiveness.

Consistent with the old maxim there's no free lunch, environmental protection comes at a price. The United States and the world must take steps to mitigate the possibility of global climate change carefully calculated to produce the greatest environmental benefits with the least economic impact. We must focus our limited economic resources on addressing the most pressing environmental risks, not those which are unclear or remote.

In particular, the United States must continue to take a cautious approach before committing to binding agreements on carbon dioxide stabilization. Given the scientific uncertainties and enormous costs in jobs and competitiveness that such targets and timetables could exact, the U.S. position is prudent. It reflects an understanding that our Nation's energy mix is, in the near term, dependent on coal-burning utilities, much more so than other developed nations. To commit ourselves to targets and timetables for carbon dioxide stabilization, without a complete understanding of the magnitude of its effect on global climate change, is a solution in search of a clearly defined problem. The United States has been harshly criticized for not committing to targets and timetables. However, the United States has proposed a plan for voluntary stabilization that would be revisited when more facts are known about global climate change.

I am troubled by critics of the administration who insist we should shackle our economy's energy use and determine later whether carbon dioxide emissions present substantial risks of potential climate change. I am also concerned that in this election year the U.S. position at this very important conference could be undermined by partisan politics back home.

For these reasons, I amended Senator KERRY's original resolution in the Foreign Relations Committee to clarify that the United States should not commit to any measures which would have an adverse impact on American industry, or result in a long-term loss of American jobs. Based on risk assessment, holding off on targets and timetables is the most reasonable approach to ensuring that the nations of the world are able to pool their limited resources to address the most pressing global environmental problems.

Senator KERRY's resolution expresses the duality of the Earth summit. It is

an enormous opportunity to come to grips with international environmental issues. But no one should delude themselves to think that the UNCED Conference will be just about the environment. It's about geopolitics. It's about competitiveness. It's about money. The Kerry resolution recognizes these parameters in advocating an active role for the United States in addressing global environmental concerns in a reasonable, cost-effective manner.

In conclusion, I supported the resolution of the Senator from Massachusetts because the Earth summit will not take place in a political and economic vacuum. Senate Concurrent Resolution 89 reflects these realities.●

COMMENDING MRS. MARGARET ULLRICH AND MRS. JENNIFER KEY

● Mr. MOYNIHAN. Mr. President, may I take a moment of the Senate's time to acknowledge a milestone that has recently taken place on my staff. I wish to recognize and thank Mrs. Margaret Ullrich and Mrs. Jennifer Key of my Washington, DC office on the occasion of their 15th year of service to the U.S. Senate.

As constituent services system operators, Margaret and Jennifer have played a vital role in expediting my correspondence with the citizens of New York State. It is estimated that in the span of their service, they have assisted in my corresponding with over 2 million of my constituents. This kind of dedication and devotion to the people of New York State is most noteworthy. And I do so with much appreciation.

With heartfelt thanks to Margaret and Jennifer for their many contributions, I sincerely hope they will continue to grace us with their service in the years to come.●

CONGRESSIONAL FAILURE TO RE-AUTHORIZE FUNDING FOR THE RESOLUTION TRUST CORPORATION

● Mr. SEYMOUR. Mr. President, I rise to address the failure of the House of Representatives to remove the April 1 restriction on the use of funds appropriated for the Resolution Trust Corporation [RTC]. Congressional inaction will completely shut down the sales of insolvent savings institutions and adversely impact other aspects of the RTC's operations.

The failure by the House of Representatives to remove the deadline for spending \$25 billion in funds already authorized means added costs and more unnecessary delay in completion of this important task.

The cutoff will adversely impact future asset sales activities, halt all new contract awards, delay performance of services under existing contracts, slow

down the planned downsizing of the RTC, and halt all efforts to sell insolvent S&L's.

In my home State of California, as of March 31st, 1,847,000 depositor accounts have so far been saved by the RTC, totalling \$29 billion. People ask where the money Congress has voted for the savings and loan cleanup has gone. It has gone to save depositors—in California alone, almost 2 million of them.

But more remains to be done. Unfortunately the RTC has not yet finished the huge job of cleaning up insolvent S&L's. As of March 31st another 360,000 California depositor accounts were in thrifts that had been placed in conservatorship, and these accounts totaled about \$5 billion. These thrifts are waiting to be closed with loss funds that the Senate has voted to provide, but the House has not.

These and other thrifts in conservatorship are simply being operated at loss until funds are made available by congressional action. The loss, I understand, has been estimated by the RTC's chief executive officer, Mr. Albert V. Casey, at about \$2.8 million a day on a quarterly basis, and this loss began to accrue on April 1. Every day of inaction by the House means more taxpayer money lost.

Mr. Casey has said the S&L sales program will require a minimum of 30 days to restart when funding is resumed. The cost of a 3-month delay to the taxpayers is about \$200 to \$250 million.

In addition, the delay will adversely affect other RTC activities designed to ensure the agency meets the 1996 deadline established by Congress for going out of business. In particular, the downsizing of the RTC now underway will have to be delayed because staff expected to be freed up from the conservatorship and S&L sales program will have to be retained for the restart of the resolution process.

Congressional inaction means additional taxpayer money—plain and simple. Many people have been wondering, and rightly so, how Congress has allowed the Federal budget to become so out of whack. Well, if you add up all of the times Congress has acted to make a tough, but right decision rather than pander to the political winds, you will begin to understand. Fortunately, when the American people begin to comprehend Congress' failure to act in their best interest, they won't be as understanding.●

TRIBUTE TO ALAN COLEMAN ARIZONAN AND PATRIOT

● Mr. MCCAIN. Mr. President, I ask the Senate's indulgence that I may pay tribute to a great Arizonan, a true American, and a real patriot. Mr. Alan Coleman, a Sun City, AZ, resident, is such a person.

An appropriate way to describe Alan Coleman's dedication to his country is

by reading the American's Creed, written by William Page, and adopted by the House of Representatives in 1918. Mr. President, the American's Creed states:

I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign Nation of many sovereign States; a perfect Union one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

Mr. President, my friend, Alan Coleman, has lived the American Creed.

He has worked tirelessly for our Nation, and for Arizona. Mr. President, we owe a debt of gratitude to this Alan Coleman for all his hard work and devotion. I hope he will continue in his efforts.●

SENATE CONCURRENT RESOLUTION 109—PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE CONGRESS

Mr. FORD. Mr. President, on behalf of Senator MITCHELL, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 109) providing for a conditional recess or adjournment of the Senate from Friday, April 10, 1992, or Saturday, April 11, 1992, until Tuesday, April 28, 1992, and an adjournment of the House on the legislative day of Thursday, April 9, 1992, until Tuesday, April 28, 1992.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 109) was agreed to, as follows:

S. CON. RES. 109

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, April 10, 1992, or Saturday, April 11, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9:30 a.m. on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, April 9, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock noon on Tuesday, April 28, 1992, or

until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. FORD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

PAYMENT OF FEES

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 286, submitted earlier today by myself and Mr. STEVENS; that the resolution be agreed to, and the motion to reconsider laid upon the table.

Further, that a statement be placed in the RECORD at the appropriate place.

Mr. DURENBERGER. No objection.

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

Mr. FORD. Mr. President, this resolution directs the Committee on Rules and Administration to promulgate regulations governing the use of the Senate health and fitness facilities and services provided by the Office of the Attending Physician. The resolution also provides for the establishment of fees for use of these facilities and services and authorizes the Secretary of the Senate to provide for payment of fees from participants, including payroll deductions.

This resolution will establish the framework for implementing the policy on these activities announced last week by the Senate leadership.

The resolution (S. Res. 286) as agreed to, is as follows:

Resolved, That (a) the Committee on Rules and Administration shall promulgate regulations—

(1) pertaining to the services provided by the Attending Physician and the operation and use of the Senate health and fitness facilities; and

(2) requiring the payment of fees for services received from the Attending Physician and for the use of the Senate health and fitness facilities pursuant to such regulations.

(b) The Secretary of the Senate is authorized to withhold fees from the salary of an individual authorized by such regulations to receive such services from the Attending Physician and to use the Senate health and fitness facilities.

(c) The Secretary of the Senate shall remit all fees required by subsection (a)(2) that are collected pursuant to subsection (b) or by direct payment to the General Fund of the Treasury as miscellaneous receipts unless otherwise provided by law.

EXTENSION OF DEADLINE

Mr. FORD. Mr. President, I ask unanimous consent that the deadline in Public Law 102-166, section 303(b)(4) for the appointment of the Director of the Office of Senate Fair Employment Practices by the President pro tempore, upon the recommendation of the majority leader in consultation with the minority leaders, be extended through May 1, 1992; and that the Director's appointment take effect within 30 days following that person's appointment, as agreed to by the President pro tempore, upon the recommendation of the majority leader in consultation with the minority leader.

Mr. DURENBERGER. No objection.

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

INCREASE IN ACREAGE LIMIT FOR ASSATEAGUE ISLAND

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1254.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1254) entitled "An Act to increase the authorized acreage limit for the Assateague Island National Seashore on the Maryland mainland, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. INCREASE IN ACREAGE LIMIT FOR ASSATEAGUE ISLAND.

The Act entitled "An Act to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes", approved September 21, 1965 (16 U.S.C. 459f-1), is amended as follows:

(1) Amend the second sentence of subsection (a) of section 2 to read as follows: "The Secretary is authorized to include within the boundaries of the seashore, not to exceed 112 acres of land or interests therein on the mainland in Worcester County, Maryland."

(2) Amend the last sentence of subsection (a) of section 2 to read as follows: "Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for purposes of the seashore."

(3) Add the following at the end of subsection (b) of section 2: "Notwithstanding the acreage limitation set forth in this Act, the Secretary is authorized to accept the donation of a scenic easement covering the parcel of land adjacent to the seashore and known as the 'Woodcock Property'."

(4) Amend the first sentence of subsection (b) of section 2 to read as follows: "When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which the Secretary classifies suitable for exchange or other disposal, and which is located in Maryland or Virginia."

(5) Amend section 6 by adding the following new subsection at the end thereof:

"(c) The Secretary is authorized and directed to enter into cooperative agreements with local, State, and Federal agencies and with educational institutions and nonprofit entities to coordinate research designed to maximize protection for the seashore's natural and cultural resources and to implement the recommendations arising from such research, consistent with the purposes of the seashore. The Secretary is also authorized to provide technical assistance to local, State, and Federal agencies and to educational institutions and nonprofit entities in order to further such purposes."

AMENDMENT NO. 1774

Mr. FORD. Mr. President, I move that the Senate concur in the House amendment with an amendment on behalf of Senator BUMPERS, which I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD, for Mr. BUMPERS, proposes an amendment numbered 1774.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, line 23, through page 3, line 8, strike subsection (c) in its entirety and insert in lieu thereof the following:

"(c) The Secretary is authorized to enter into cooperative agreements with local, State, and Federal agencies and with educational institutions and nonprofit entities to coordinate research designed to ensure full protection of the natural and cultural resources of the seashore, consistent with the purposes for which the seashore was established, and other applicable law. The Secretary is also authorized to provide technical assistance to local, State, and Federal agencies and to educational institutions and nonprofit entities in order to further such purposes. The Secretary shall submit a report every two years to the Congress on the results of the coordinated research program authorized by this section and plans to implement the recommendations arising from such research."

Mr. SARBANES. Mr. President, I rise today to urge final approval of S. 1254, to expand the boundaries of Assateague Island National Seashore. The purpose of this legislation, which I developed and sponsored with Senator MIKULSKI and which has broad support in our congressional delegation, is to preserve and protect the National Seashore for the benefit of future generations.

S. 1254 authorizes the National Park Service to acquire a 96-acre parcel of a 320-acre private estate immediately adjacent to the National Seashore headquarters and planned Barrier Island Visitors' Center. The owner of the property, Mrs. Elizabeth Woodcock, is recently deceased, and her heirs are interested in selling the estate.

I am deeply concerned that the sale and development of this property would threaten the integrity of the National Seashore. First, it would result in a serious visual intrusion for the

seashore and the planned Barrier Island Visitor Center. Second, I am concerned that development along the water would seriously threaten the area's water quality, habitat, and wildlife. The ecosystem of Assateague Island and its coastal bays is extremely fragile, and increased development would negatively impact on the park and its resources.

My bill was first approved by the Senate in October 1991 and sent to the House for consideration. Earlier this year, the measure was considered by the House Committee on Interior and Insular Affairs, which made three changes to the bill—a technical correction; a provision allowing the National Park Service to accept, by donation, a conservation easement over the remainder of the Woodcock property; and a provision to improve the Seashore's Cooperative Research Program. I want to commend the distinguished chairman of the House Interior Subcommittee on National Parks and Public Lands, Mr. VENTO, for his constructive additions to the legislation.

The bill was approved by the full House on March 24 and returned to the Senate for final disposition. The chairman and ranking minority member of the Senate Energy and Natural Resources Subcommittee on Public Lands, Senators BUMPERS and WALLOP, have proposed some further clarifying language to the House-passed measure regarding the Cooperative Research Program, and I would like to acknowledge and express my appreciation for the work of the committee and committee staff on this legislation.

Mr. President, S. 1254 will provide additional protection for Assateague and help insure the integrity of the National Seashore. It is supported by the National Park Service, the State of Maryland, the county commissioners of Worcester County, the Committee to Preserve Assateague Island, and the Worcester County Citizens Coalition. I urge my colleagues to join me in supporting final passage of the legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

OMNIBUS NUCLEAR PROLIFERATION CONTROL ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 348, S. 1128, the Omnibus Nuclear Proliferation Control Act of 1992.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follow:

A bill [S. 1128] to impose sanctions against foreign persons and United States persons that assist foreign countries in acquiring a nuclear explosive device, or unsafeguarded special nuclear material, and for other purposes.

THE PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italics*.)

S. 1128

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Nuclear Proliferation Control Act of 1991".

SEC. 2. IMPOSITION OF SANCTIONS

(a) DETERMINATION BY THE PRESIDENT—

(1) **IN GENERAL.**—Except as provided in subsection (b)(2), the President shall impose the applicable sanctions described in subsection (c) if the President determines that a foreign person or a United States person, on or after the date of the enactment of this section, has knowingly and materially contributed—

(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States, or

(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States,

to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device, whether or not the goods or technology is specifically designed or modified for that purpose.

(2) **PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.**—Within 180 days of a Presidential determination (except as provided in subsection (b)), sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(3) **OTHER SANCTIONS AVAILABLE.**—The sanctions which may be imposed for activities described in this subsection are in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) **DEFINITION.**—For purposes of this subsection, the term "knowingly" includes having reason to know.

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) **CONSULTATIONS.**—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over the foreign person with respect to the imposition of sanctions pursuant to this section.

(2) **ACTIONS BY GOVERNMENT OF JURISDICTION.**—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for the full 180-day period permitted by subsection (a)(2). Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

(3) **REPORT TO CONGRESS.**—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTIONS.—

(1) **DESCRIPTION OF SANCTIONS ON FOREIGN PERSONS.**—The sanctions to be imposed on a foreign person pursuant to subsection (a)(1) are, except as provided in paragraph (3) of this subsection, the following:

(A) **PROCUREMENT SANCTION.**—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the foreign person or any parent, subsidiary, affiliate, or successor entity thereof, as described in subsection (a)(2).

(B) **IMPORT SANCTIONS.**—The importation into the United States of products produced by any foreign person or any parent, subsidiary, affiliate, or successor entity thereof, as described in subsection (a)(2), shall be prohibited.

(2) **DESCRIPTION OF SANCTIONS ON UNITED STATES PERSONS.**—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the United States person or any parent, subsidiary, affiliate, or successor entity thereof, as described in subsection (a)(2).

(3) **EXCEPTIONS.**—The President shall not be required to apply or maintain sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole sources supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the na-

tional security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(C) to—

(i) spare parts which are essential to United States products or production,

(ii) component parts, but not finished products, essential to United States products or production, or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) **TERMINATION OF SANCTIONS.**—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or foreign government in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has reason to believe that the foreign person or United States person, as the case may be, will not, in the future, aid or abet any individual, group, or foreign government in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(e) WAIVER.—

(1) **CRITERION FOR WAIVER.**—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) **NOTIFICATION OF AND REPORT TO CONGRESS.**—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(f) **DEFINITIONS.**—For the purposes of this section—

(1) the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States; and

(2) the term "United States person" means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is created or organized under the laws of the United States or which has its

principal place of business inside the United States.

SEC. 3. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any direct or indirect use of the institution's funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any non-nuclear-weapon state.

(b) DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read as follows:

"(3) whether the recipient country—
 "(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 11(5) of the Omnibus Nuclear Proliferation Control Act of 1991) or a nuclear explosive device (as defined in section 11(2) of that Act);

"(B) is not a State Party to the Treaty on Non-Proliferation of Nuclear Weapons; or

"(C) is a country described in both clauses (A) and (B)."

SEC. 4. BASIS FOR DECLARATION OF NATIONAL EMERGENCY.

Section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) is amended by adding at the end thereof the following new subsection:

"(c) For the purpose of this section, the term 'any unusual and extraordinary threat' includes any international event that the President determines may involve the detonation of a nuclear explosive device (as defined in section 11(2) of the Omnibus Nuclear Proliferation Control Act of 1991) or an action or activity that substantially contributes to the likelihood of the proliferation or detonation of such devices, including the acquisition by a non-nuclear-weapon state of unsafeguarded special nuclear material (as defined in section 11(5) of that Act)."

SEC. 5. EXPORT-IMPORT BANK.

Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by inserting after "device" the following: "(as defined in section 11(2) of the Omnibus Nuclear Proliferation Control Act of 1991), or that any country has willfully aided or abetted any such non-nuclear-weapon state (as defined in section 11(3) of that Act) to acquire a nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 11(5) of that Act)."

SEC. 6. ELIGIBILITY FOR ASSISTANCE.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) Section 3(a) of the Arms Export Control Act is amended—

(A) by striking out "and" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and";

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

"(5) the President has determined that the country or international organization is in full compliance with its international treaty commitments with respect to the non-proliferation of nuclear explosive devices (as defined in section 11(2) of the Omnibus Nuclear Proliferation Control Act of 1991)."; and

(D) in section 40(d) of such Act, by adding at the end thereof the following new sen-

tence: "For the purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals, groups, or non-nuclear-weapon states (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1991) or willfully aid or abet an individual, group, or non-nuclear-weapon state in acquiring unsafeguarded special nuclear material (as defined in section 11(5) of that Act)."

(2) Section 47 of such Act is amended—

(A) by striking out "and" at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(9) 'nuclear explosive device' has the same meaning given to that term by section 11(2) of the Omnibus Nuclear Proliferation Control Act of 1991."

(b) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Section 670(a)(2) of the Foreign Assistance Act of 1961 is amended in the first sentence—

(A) by inserting "in any fiscal year" after "President"; and

(B) by inserting "during that fiscal year" after "certifies in writing".

[(2)(A) Subparagraph (A) of section 670(b)(1) of the Foreign Assistance Act of 1961 is amended by inserting after "device" the following: ", or any component or design information specially designed or prepared for use in such a device."]

[(B) Subparagraph (B)(1) of section 670(b)(1) of such Act is amended by inserting after "device," the following: "or any component or design information specially designed or prepared for use in such a device."]

(2) [(3)] Section 670 of the Foreign Assistance Act of 1961 is further amended by adding at the end thereof the following new subsection:

"(d) As used in this section, the term 'nuclear explosive device' has the same meaning given to that term by section 11(2) of the Omnibus Nuclear Proliferation Control Act of 1991."

(3) [(4)] Notwithstanding any other provision of law, Presidential Determination No. 82-7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 670(a)(1) of such Act arising on or after the date of enactment of this Act.

(4) [(5)] Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) [is repealed] shall cease to apply to any grounds for the prohibition of assistance under section 669 of such Act arising on or after the date of enactment of this Act.

[SEC. 7. ACDA.

Section 26 of the Arms Control and Disarmament Act (22 U.S.C. 2566) is amended by inserting after the first sentence the following: "These responsibilities shall include the provision to the President of advice on measures to reduce, control, or halt the international spread of nuclear explosive devices (as defined in section 11(2) of the Omnibus Nuclear Proliferation Control Act of 1991) and the acquisition by non-nuclear-weapon states of unsafeguarded special nuclear material (as defined in section 11(5) of that Act)."

SEC. 7. ADDITIONAL AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(A) TECHNICAL AMENDMENTS.—Section 670(b) of the Foreign Assistance Act of 1961 922 U.S.C. 2429a(b)) is amended—

(1) in paragraphs (2) and (3), by striking "paragraph (1)" each of the four places it appears and inserting in lieu thereof "paragraph (2)";

(2) in paragraph (2)(A), by striking "paragraph (3)" and inserting "paragraph (4)";

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

(4) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively.

(b) ADDITIONAL SANCTIONS.—Section 670(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is amended to read as follows:

"(b)(1) Except as provided in paragraphs (2) and (3), in the event that any country, after the date of enactment of this section—

"(A) transfers a nuclear explosive device, any design information, or any component specially designed or prepared for use in such a device to a nonnuclear-weapon state, or

"(B) is a non-nuclear-weapon state and either—

"(i) receives a nuclear explosive device, and design information, or any component specially designed or prepared for use in a device, or

"(ii) detonates a nuclear explosive device, the President shall forthwith impose sanctions upon that country, including those sanctions specified in paragraph (2).

"(2) Whenever sanctions against a certain nation are required pursuant to paragraph (1), the President shall, as a minimum, impose the following sanctions:

"(A) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under this Act, except for urgent humanitarian assistance or food or other agricultural commodities.

"(B) ARMS SALES.—The United States Government shall terminate—

"(i) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

"(ii) licenses for the export to that country of any item on the United States Munitions List.

"(C) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

"(D) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

"(E) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

"(F) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(G) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of any goods and technology (excluding food and other agricultural commodities).

"(H) IMPORT PROHIBITION.—The importation into the United States of articles that are the growth, product, or manufacture of that country shall be prohibited."

(c) CONFORMING AMENDMENT.—Section 670(b)(2)(A) of such Act is amended—

(1) by striking "furnish assistance which would otherwise be prohibited" and inserting in

lieu thereof "delay the imposition of sanctions which would otherwise be required"; and

(2) by striking "termination of assistance" and inserting in lieu thereof "imposition of sanctions".

(d) **CONFORMING AMENDMENT.**—Section 670(b)(3) of such Act is amended by striking "termination of such assistance" and inserting in lieu thereof "imposition of such sanctions".

SEC. 8. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C);

(2) by inserting "(1)" immediately after "(a)"; and

(3) by adding at the end thereof the following:

"(2) For purposes of this subsection, the term 'act of international terrorism' includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 11(5) of the Omnibus Nuclear Proliferation Control Act of 1991) or any nuclear explosive device (as defined in section 11(2) of that Act) by an individual, group, or non-nuclear-weapon state, as defined in section 11(3) of that Act."

SEC. 9. REPORTS.

(a) **IN GENERAL.**—Not later than December 1 of each year, the President shall submit to Congress a report on any noncompliance by foreign governments with their commitments to the United States with respect to the prevention of the spread of nuclear explosive devices.

(b) **CONTENTS OF REPORT.**—The President shall specifically include in such report the following:

(1) A net assessment of the aggregate military significance of all such violations.

(2) A statement of the compliance policy of the United States with respect to violations of those commitments.

(3) What actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with its commitments.

(c) **REPORTING CONSECUTIVE NONCOMPLIANCE.**—If the President in consecutive reports submitted to Congress under this section reports that any designated nation is not in full compliance with its nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

(d) **FORM OF REPORTS.**—Each report under this section shall be submitted in both classified and unclassified versions.

(e) **DEFINITION.**—As used in this section, the term "commitments" means formal and informal communications that the United States has received from official representatives of foreign governments conveying the national policies of such governments to forswear the acquisition or proliferation of unsafeguarded special nuclear material or of nuclear explosive devices.

(a) **CONTENT OF ACDA ANNUAL REPORT.**—Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2592) is amended—

(1) by inserting "(a) **IN GENERAL.**—" after "SEC. 52";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(4) by adding at the end of paragraph (5) the following new paragraph:

"(6) a section of the report shall deal with any noncompliance by foreign governments with

their commitments to the United States with respect to the prevention of the spread of nuclear explosive devices, including—

"(A) a net assessment of the aggregate military significance of all such violations;

"(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

"(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with its commitments.";

(5) by adding at the end thereof the following new subsections:

"(b) **REPORTING CONSECUTIVE NONCOMPLIANCE.**—If the President in consecutive reports submitted to Congress under this section reports that any designated nation is not in full compliance with its nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

"(c) **DEFINITION.**—As used in this section, the term "commitments" means formal and informal communications that the United States has received from official representatives of foreign governments conveying the national policies of such governments to forswear the acquisition or proliferation of unsafeguarded special nuclear material or of nuclear explosive devices."

(b)(f) **REPORT ON DEMARCHES.**—(1) Not later than July 1, 1992, the Secretary of State shall submit to the Congress a comprehensive report on the effectiveness of the United States diplomatic demarches intended to halt the proliferation of nuclear explosive devices, including the number of specific demarches issued by the United States, and the number of demarches received by the United States from foreign governments, during the 5 years preceding the date of enactment of this subsection. Such report shall identify the proportion of these demarches that the Secretary has deemed to have been successful in attaining their stated objectives and shall identify all measures taken to improve the effectiveness of such demarches.

(2) For purposes of this section, the term "demarche" means any official communication by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

(C) both the concern and request described in subparagraphs (A) and (B).

SEC. 10. TECHNICAL CORRECTION.

Section 133(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2160c) is amended by striking out "20 kilograms" and inserting in lieu thereof "5 kilograms".

SEC. 11. DEFINITIONS.

For purposes of this Act—

(1) the term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(2) the term "nuclear explosive device" means any device that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(3) the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(4) the term "special nuclear material" has the meaning given to that term by section 11aa of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa); and

(5) the term "unsafeguarded special nuclear material" means special nuclear material which is held in violation of, or not subject to, IAEA safeguards.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to.

AMENDMENT NO. 1775

Mr. FORD. Mr. President, on behalf of Senator PELL, Senator HELMS, and Senator GLENN, I send a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. PELL, for himself, Mr. HELMS, and Mr. GLENN, proposes an amendment numbered 1775.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Nuclear Proliferation Control Act of 1992".

SEC. 2. IMPOSITION OF SANCTIONS.

(a) **DETERMINATION BY THE PRESIDENT.**—

(1) **IN GENERAL.**—Except as provided in subsection (b)(2), the President shall impose the applicable sanctions described in subsection (c) if the President determines that a foreign person or a United States person, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed—

(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States, or

(B) through the export from any other country of any goods or technology that would be, if they were exported from the United States, subject to the jurisdiction of the United States,

to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device, whether or not the goods or technology is specifically designed or modified for that purpose.

(2) **PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.**—Sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person of United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that

person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(3) OTHER SANCTIONS AVAILABLE.—The sanctions which may be imposed for activities described in this subsection are in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" includes situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has "reason to know" the effect of such person's actions.

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (3) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) DESCRIPTION OF SANCTIONS ON UNITED STATES PERSONS.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the United States person or any parent, subsidiary, affiliate, or successor entity thereof, as described in subsection (a)(2).

(3) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(C) to—

(i) spare parts which are essential to United States products or production,

(ii) component parts, but not finished products, essential to United States products or production, or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has received reliable assurances from the foreign person or United States person, as the case may be, that such person will not, in the future, aid or abet any individual group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(e) WAIVER.—

(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States; and

(2) the term "United States person" means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is not a foreign person.

SEC. 3. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any direct or indirect use of the institution's funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any non-nuclear-weapon state.

(b) DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read as follows:

"(3) whether the recipient country—

"(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992) or a nuclear explosive device (as defined in section 11(3) of that Act);

"(B) is not a State Party to the Treaty on Non-Proliferation of Nuclear Weapons; or

"(C) has detonated a nuclear explosive device; and"

SEC. 4. AMENDMENTS TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT AND THE FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) BASIS FOR DECLARATION OF NATIONAL EMERGENCY.—Section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) is amended by adding at the end thereof the following new subsection:

"(c) For the purpose of this section, the term 'any unusual and extraordinary threat' includes any international event that the President determines may involve the detonation by a non-nuclear-weapon state of a nuclear explosive device (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) or an action or activity that substantially contributes to the likelihood of the proliferation or detonation of such devices, including the acquisition by a non-nuclear-weapon state of unsafeguarded special nuclear material (as defined in section 11(6) of that Act)."

(b) SANCTIONS ON FINANCIAL INSTITUTIONS.—The Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by adding at the end thereof the following new title:

"TITLE VI—SANCTIONS ON FINANCIAL INSTITUTIONS

"SEC. 601. PRESIDENTIAL DETERMINATION.

"(a) IN GENERAL.—The prohibitions in section 603 shall be imposed on a financial institution if the President determines that such financial institution, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed,

through provision of financing or other services, to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device as these standards and terms are defined and would be applied under section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"(b) **PRESIDENTIAL ORDER.**—Whenever the President makes a determination under subsection (a) with respect to a financial institution, the President shall issue an order specifying a date within 180 days of such determination on which the prohibitions in section 603 shall begin to apply to such institution.

"SEC. 602. ADDITIONAL ENTITIES AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.

"The prohibitions described in section 603 shall also be imposed pursuant to section 601, on—

"(1) any successor entity to the financial institution with respect to which the President makes such determination;

"(2) any foreign person or United States person that is a parent or subsidiary of such financial institution if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of such determination; and

"(3) any foreign person or United States person that is an affiliate of such financial institution if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of such determination and if that affiliate is controlled in fact by such financial institution.

"SEC. 603. PROHIBITIONS.

"The following prohibitions shall apply to a financial institution subject to a determination described in section 601 and to related entities described in section 602:

"(1) **BAN ON DEALINGS IN GOVERNMENT FINANCE.**—

"(A) **DESIGNATION AS PRIMARY DEALER.**—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

"(B) **GOVERNMENT FUNDS.**—Such financial institution shall not serve as agent of the United States Government or serve as repository for United States Government funds.

"(2) **RESTRICTIONS ON OPERATIONS.**—Such financial institution shall not, directly or indirectly—

"(A) commence any line of business in the United States in which it was not engaged as of the date of the determination; or

"(B) conduct business from any location in the United States at which it did not conduct business as of the date of the determination.

"SEC. 604. CONDITIONS AND TERMINATION OF SANCTIONS.

"The same requirements for consultation with the foreign government of jurisdiction, where appropriate, and for termination of sanctions shall apply under this title as are provided in subsections (b) and (d), respectively, of section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"SEC. 605. WAIVER.

"The President may waive the imposition of any prohibition imposed on any financial institution or other person pursuant to section 601 or 602 if the President determines and certifies to the Congress that the imposition of such prohibition would have a seri-

ous adverse effect on the safety and soundness of the domestic or international financial system or on domestic or international payments systems.

"SEC. 606. DEFINITIONS.

"As used in this title—

"(1) the term 'financial institution' includes—

"(A) a depository institution, including a branch or agency of a foreign bank;

"(B) a securities firm, including a broker or dealer;

"(C) an insurance company, including an agency or underwriter;

"(D) any other company that provides financial services; or

"(E) any subsidiary thereof; and

"(2) the term 'requisite knowledge' includes situations in which a person 'knows', as 'knowing' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has 'reason to know' the effect of such person's actions."

SEC. 5. EXPORT-IMPORT BANK.

"Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by inserting after "device" the following: "(as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992), or that any country has willfully aided or abetted any such non-nuclear-weapon state (as defined in section 11(4) of that Act) to acquire a nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 11(6) of that Act)."

SEC. 6. ELIGIBILITY FOR ASSISTANCE.

"(a) **AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.**—(1) The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

"(A) in section 3 of such Act, by adding at the end thereof the following new subsection:

"(f) No sales or leases shall be made to any country that the President has determined is in material breach of its commitments to the United States under international treaties or agreements concerning the non-proliferation of nuclear explosive devices (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) and unsafeguarded special nuclear material"; and

"(B) in section 40(d) of such Act, by adding at the end thereof the following new sentence: "For the purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material (as defined in section 11(6) of that Act)."

(2) Section 47 of such Act is amended—

(A) by striking out "and" at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "and"; and

(C) by adding at the end thereof the following new paragraph:

"(9) 'nuclear explosive device' has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992."

(b) **AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.**—

(1) Section 670(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(a)(2)) is amended in the first sentence—

(A) by inserting "in any fiscal year" after "President"; and

(B) by inserting "during that fiscal year" after "certifies in writing";

(2) Section 670 of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is further amend-

ed by adding at the end thereof the following new subsection:

"(d) As used in this section, the term 'nuclear explosive device' has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992."

(3) Notwithstanding any other provision of law, Presidential Determination No. 82-7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 670(a)(1) of such Act arising on or after the date of enactment of this Act.

(4) Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) is amended to read as follows:

"(d) The President may waive the prohibitions of section 669 of this Act with respect to any grounds for the prohibition of assistance under that section arising before the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States."

SEC. 7. ADDITIONAL AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) **TECHNICAL AMENDMENTS.**—Section 670(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(b)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (3)(A) (as so redesignated), by striking "paragraph (3)" and inserting "paragraph (4)"; and

(3) in paragraph (4) (as so redesignated), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) **ADDITIONAL SANCTIONS.**—Section 670(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is amended to read as follows:

"(b)(1) Except as provided in paragraphs (3), (4), and (5), in the event that any country, after the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992—

"(A) transfers to a non-nuclear-weapon state—

"(i) a nuclear explosive device, or

"(ii) design information or components known by the transferor to be necessary for the recipient's completion of a nuclear explosive device,

"(B) is a non-nuclear-weapon state and—

"(i) receives a nuclear explosive device,

"(ii) receives design information and components necessary for the completion of a nuclear explosive device, or

"(iii) detonates a nuclear explosive device,

"(C) non-nuclear-weapon state any design information or component (other than described in subparagraph (A)(ii) which is determined by the President to be important to, and known by the transferring country to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

"(D) is a non-nuclear-weapon state and has sought and received any design information or component (other than described in subparagraph (B)(ii) which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device,

the President shall forthwith impose sanctions against that country, including, as a minimum, those sanctions specified in paragraph (2).

"(2) The sanctions referred to in paragraph (1) are as follows:

"(A) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under this Act, except for urgent humanitarian assistance or food or other agricultural commodities.

"(B) ARMS SALES.—The United States Government shall terminate—

"(i) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

"(ii) licenses for the export to that country of any item on the United States Munitions List.

"(C) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

"(D) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States, except that the sanction of this subparagraph shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).

"(E) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

"(F) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(G) EXPORT PROHIBITION.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of any goods and technology (excluding food and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities)."

(c) CONFORMING AMENDMENTS.—Section 670(b) of such Act (22 U.S.C. 2429a(b)) is further amended—

(1) in paragraph (3)(A) (as redesignated)—

(A) by striking "furnish assistance which would otherwise be prohibited" and inserting in lieu thereof "delay the imposition of sanctions which would otherwise be required"; and

(B) by striking "termination of assistance" and inserting in lieu thereof "imposition of sanctions";

(2) in paragraph (4) (as redesignated), by striking "termination of such assistance" and inserting in lieu thereof "imposition of such sanctions";

(3) by redesignating paragraph (5) (as redesignated by subsection (a)) as paragraph (6); and

(4) by inserting after paragraph (4) (as redesignated) the following:

"(5) Notwithstanding any other provision of law, the sanctions which are required to be imposed against a country under paragraph (1)(C) or (1)(D) shall not apply if the

President determines and certifies in writing to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives that the application of such sanctions against such country would have a serious adverse effect on vital United States interests. The President shall transmit with such certification a statement setting forth the specific reasons therefor."

SEC. 8. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C);

(2) by inserting "(1)" immediately after "(a)"; and

(3) by adding at the end thereof the following:

"(2) For purposes of this subsection, the term 'act of international terrorism' includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1991) or any nuclear explosive device (as defined in section 11(3) of that Act) by an individual, group, or non-nuclear-weapon state, as defined in section 11(4) of that Act."

SEC. 9. REPORTS.

(a) CONTENT OF ACDA ANNUAL REPORT.—Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2592) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 52.";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(4) by adding at the end of paragraph (5) the following new paragraph:

"(6) a section of the report shall deal with any material noncompliance by foreign governments with their commitments to the United States with respect to the prevention of the spread of nuclear explosive devices by non-nuclear-weapon states or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992), including—

"(A) a net assessment of the aggregate military significance of all such violations;

"(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

"(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with its commitments."; and

(5) by adding at the end thereof the following new subsection:

"(b) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to Congress under this section reports that any designated nation is not in full compliance with its nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations."

(b) REPORTING ON DEMARCHES.—(1) It is the sense of Congress that the Department of State should, in the course of implementing its reporting responsibilities under section 602(c) of the Nuclear Non-Proliferation Act of 1978, include a summary of demarches that the United States has issued or received from foreign governments with respect to ac-

tivities which are of significance from the proliferation standpoint.

(2) For purposes of this section, the term "demarche" means any official communication by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

(C) both the concern and request described in subparagraphs (A) and (B).

SEC. 10. TECHNICAL CORRECTION.

Section 133(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2160c) is amended by striking out "20 kilograms" and inserting in lieu thereof "5 kilograms".

SEC. 11. DEFINITIONS.

For purposes of this Act—

(1) the term "goods and technology" includes nuclear materials and equipment and sensitive nuclear technology (as defined in section 4 of the Nuclear Non-Proliferation Act of 1978), all export items designated by the President pursuant to section 309(c) of such Act, and all technical assistance requiring authorization under section 57b. of the Atomic Energy Act of 1954;

(2) the term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(3) the term "nuclear explosive device" means any device that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(4) the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(5) the term "special nuclear material" has the meaning given to that term by section 11aa of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa); and

(6) the term "unsafeguarded special nuclear material" means special nuclear material which is held in violation of IAEA safeguards or not subject to IAEA safeguards (excluding any quantity of material that could, if it were exported from the United States, be exported under a general license issued by the Nuclear Regulatory Commission).

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1775) was agreed to.

Mr. PELL. Mr. President, today we have an excellent opportunity to reinvigorate the critically important effort to control the spread of nuclear weapons through the passage of S. 1128, the "Omnibus Nuclear Proliferation Control Act of 1992."

This bill, S. 1128, was introduced by the Senator from Ohio [Mr. GLENN] on May 22, 1991. Following hearings on nuclear proliferation issues and on this

bill, S. 1128 was considered, amended and unanimously reported 19-0 by the Foreign Relations Committee on November 22. The bill has the administration's backing and enjoys wide bipartisan public support. In addition to the Senator from Ohio [Mr. GLENN] and myself, cosponsors include the Senators from North Carolina, New York, Tennessee, Iowa, Mississippi, Colorado, Massachusetts, Arizona, Pennsylvania, California, New Mexico, Vermont, Illinois, Oklahoma, and Rhode Island [Messrs HELMS, D'AMATO, GORE, HARKIN, LOTT, WIRTH, KERRY, DECONCINI, SPECTER, CRANSTON, BINGAMAN, JEFFORDS, SIMON, BOREN, and CHAFFEE].

S. 1128, applies to nuclear proliferation some of the same approaches used in comprehensive chemical weapons legislation enacted last year, the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1992," which I authored with the Senator from North Carolina [Mr. HELMS].

The main purpose of the bill is to create strong barriers against illicit exports that would help nations to acquire nuclear arsenals. Accordingly, the bill targets persons and firms that materially and with requisite knowledge contribute through the export of goods or technology to the efforts by any individual, group or nonnuclear-weapons state to acquire unsafeguarded weapons-grade uranium or plutonium or to use, develop, produce, stockpile, or otherwise acquire a nuclear explosive device. Those engaged in such activities would lose, with certain specified exceptions, the right to sell to the U.S. Government for at least a year. Banks, insurers and other financial institutions that willingly back this dangerous nuclear traffic could also be penalized.

In addition, the bill prohibits U.S. support for multilateral aid that would promote the acquisition of unsafeguarded nuclear materials or the acquisition of nuclear explosive devices; provides expanded Presidential authority to impose economic sanctions against foreign firms under the International Emergency Economic Powers Act, and requires that the President ban Export-Import bank credits to countries that willfully aid and abet other countries in the acquisition of nuclear explosive devices or weapon material.

Moreover, the bill authorizes payment of rewards for information useful in halting nuclear proliferation, eliminates Pakistan's special exemption from the Glenn-Symington amendments of the Foreign Assistance Act, and requires recipients of United States arms to comply with their non-proliferation commitments.

The Senator from North Carolina [Mr. HELMS] and I offered an amendment approved by the committee substantially expanding and toughening

the sanctions that would be applied against nations transferring or receiving nuclear devices and the means to make them.

At present, section 670 of the Foreign Assistance Act of 1961 provides for a cutoff of military and economic assistance, except for humanitarian aid, to any nation that transfers a nuclear explosive device to a nonnuclear weapon state and cuts off aid to any nonnuclear weapon state that either receives such a device or detonates one.

Our experience in recent years has demonstrated that section 670 provision should be made to apply to components and design information as well. Moreover, the Iraq experience and other problems have made it abundantly clear that the list of sanctions must be more far reaching so that no nation could doubt the severity of the price to be paid for nuclear misbehavior. Under these new sanctions any nation giving the wherewithal for a nuclear device to a nonnuclear-weapon state or any such state receiving such help would become a pariah among the world's nations so far as the United States was concerned. I would hope other nations would follow our lead, as they have before in proliferation matters.

The new country sanctions would consist of a ban on all foreign assistance except for humanitarian aid, on arms sales and arms sales financing, denial of U.S. Government credit or other financial assistance; opposition to multilateral bank assistance; a ban on bank loans except to buy agricultural commodities and a prohibition on exports to the sanctioned nations.

Mr. President, we will have a committee amendment making certain changes in the bill. Some of these changes are technical, but others are substantive. A major change is the deletion of import sanctions with regard to both companies and countries. This was done pursuant to discussions with the Senator from Texas [Mr. BENTSEN], the distinguished chairman of the Committee on Finance. Moreover, this change was needed since import sanctions affect public revenue, the bill would not be accepted by the House if sent by the Senate with import sanctions. The Senators from Ohio and North Carolina [Mr. GLENN and Mr. HELMS] and I believe that the bill should include import sanctions, and we intend to do our best to ensure that the conference bill include such sanctions. On the basis of staff-level discussions among the Committee on Foreign Relations, Governmental Affairs and Banking, Housing and Urban Affairs, as well as with the administration, we are incorporating in the committee amendment a Helms-Pell amendment punishing banks, insurers, and other financial institutions that support illicit nuclear commerce. The Senator from Utah [Mr. GARN] and his staff were helping in

making sure that this provision is both strong and workable.

We have worked extensively with the executive branch on this bill. Our amendment today reflects the mutually satisfactory resolution of several issues raised by the executive branch that do not affect the thrust or purpose of the bill.

I am pleased that we have a very satisfactory outcome of one key issue. The administration wanted Presidential waiver authority for country sanctions in cases of the transfer of weapons components and design information, whereas we were fearful of any waiver that would cause miscreant nations to believe they could fool around with the bomb and escape penalties. As it has been worked out, there will be no waiver of sanctions for components and design information that the transferor knows would open the way to the completion of a nuclear device.

There is a second category of design components and information that would be handled differently. The bill provides for sanctions against a country that transfers bomb components or design information determined by the President to be intended for use in the development or manufacture of a nuclear explosive device and known by the transferor to be intended for that purpose. Sanctions would be applied against a country that sought and received such components and design information if the President makes a similar determination regarding importance and intended use. The President is allowed to issue a waiver if he determines and certifies to the Congress that the application of sanctions "would have a serious adverse effect on vital United States interests." This allows the President limited leeway, but requires that a very tough standard be met.

Mr. President, our recent experience with Iraq, the unsettled situation in the former Soviet Union, and the continued activities in maverick states elsewhere, taken together, make a compelling case for enactment of this legislation. I fear that failure to enact this legislation could lead to a very heavy price later.

With regard to Iraq, we have found in the war's aftermath that Iraq had a clandestine weapons program far greater than any outsider suspected. This effort was willfully supported by exports by companies in Western nations not being regulated adequately by their governments. The International Atomic Energy Agency did not have the backing to inspect comprehensively, including inspections at undeclared facilities, and was, thus, ill-informed as to the scope of the program, and it, unfortunately, became the issuer of false reassurances.

According to testimony in October 1991 before the Committee on Foreign Relations, Dr. David Kay, the Deputy

Leader of the IAEA inspection team, his group discovered:

A large number of key centrifuge components at two sites that, if assembled, could have produced about 25 kilograms of high-enriched uranium—about one bomb's worth each year. There would have been more components found, but the Iraqi military destroyed a large number of the centrifuges in an apparent attempt to destroy the evidence.

Small amounts of plutonium from unreported and unsafe guarded reprocessing.

Many calutrons—an improved version of the World War II technology—for separating uranium-235 by electromagnetic means.

Some work on chemical and "nozzle" enrichment techniques.

Work on lithium-six for possible use in thermonuclear weapons.

Indications that Iraq's Scud-type ballistic missiles were being developed to deliver nuclear weapons at ranges of about 700 kilometers.

A high-explosive facility at Al-Atheer which was most likely part of a nuclear weapons program.

Numerous nuclear weapons documents showing that Iraq was moving toward development of uranium and hydrogen nuclear weapons. It is suspected that some of the most sensitive and revealing documents may have been removed or burned.

Evidence that foreign companies knowingly sold materials for the nuclear weapons programs.

About 40 krytrons, specially developed capacitors for initiating nuclear explosions, were illicitly exported to Iraq, but intercepted during their journey to Iraq.

Evidence that about \$4-\$8 billion was spent on the secret nuclear program, which employed some 7,000 scientists and 20,000 workers.

The report of the eighth IAEA onsite inspection in Iraq gave the names of a few of the companies—13 were listed—that had sold equipment destined for the Iraqi nuclear program. Much of this equipment is dual-use in the sense that it could be used for nuclear or nonnuclear purposes, but there is no doubt about its intended use in Iraq. Products from eight of the companies were used for the manufacture of gaseous centrifuges. Most of the manufacturers were German firms. One named American firm pointed out that it was given an export license to ship a special vacuum pump oil by the U.S. Government. Several other firms provided equipment that appears to have been intended for pressing shaped explosive charges for use in nuclear weapons. Also two special video cameras, known as streak cameras, were found which were of "sufficient speed and resolution for weaponization work."

Moreover the German Government determined that some 400 tons of alu-

minum alloy pieces especially designed for use in building centrifuges had been sold by German firms to Iraq. Reportedly, there was enough material for centrifuges capable of producing the nuclear explosive materials for 4 or 5 weapons each year. On January 14, Iraq admitted buying large amounts of components for a previously unknown uranium enrichment complex.

These are precisely the kinds of equipment transfers—with and without export licenses—this legislation is designed to stop.

At this present time, many of these issues remain unresolved in Iraq. The United Nations and the IAEA have destroyed all centrifuge parts it could find, but they have been denied the locations of the additional Iraqi nuclear facilities where they would continue to destroy the Iraqi nuclear equipment. Experts hope that Iraq will, after being threatened with possible further air attacks, yield on the issue and tell where the additional sites are.

Mr. President, there is tremendous potential for difficulty in the former Soviet Union. The administration is pressing the four Republics with nuclear weapons on their soil to resolve a number of nuclear issues in connection with the START Treaty. The United States is working with them on the matter of dismantling and storing thousands of tactical nuclear warheads. We expect that, under START, at least several thousand strategic nuclear warheads will be taken out of the active forces. I would hope we can have an early agreement on much deeper cuts and make arrangements for the destruction of those warheads removed from inventory.

If all goes well, three of the four Republics—Ukraine, Belarus, and Kazakhstan—will become nonnuclear-weapon states party to the Nuclear Non-Proliferation Treaty. Although there remain a number of issues to be resolved, I believe that the way can be opened to this very positive step.

For the nonce, there are very real concerns to be dealt with. For instance, there are 104 SS-18 missiles in Kazakhstan, with a total of 1,040 attributable warheads, each one many times more powerful than the weapons that destroyed Hiroshima and Nagasaki. The diversion of a single one of these warheads would be a disaster. Only its use would be worse.

In addition, we must be alert to the dangers that would be posed if Soviet scientists or design information were to become available to any nation making its own nuclear warhead.

This bill would put necessary safeguards in place. It would make it clear to unscrupulous companies and maverick states throughout the world that the price for nuclear misbehavior has become very high. It would make it unquestionably clear to those seeking good relations and our support that

good behavior with regard to nuclear weapons is an imperative. Finally, the bill will set an example for nuclear weapon control that other nations will be impelled to follow.

Mr. President, in closing, I would like to extend my heartiest congratulations for a job done both thoroughly and well by the Senator from Ohio [Mr. GLENN]. It has been a pleasure working with him on this bill. He was a most productive member of the Committee on Foreign Relations until moving to the Committee on Armed Services in the mid-1980's. No one in the Senate has a better grasp of the problems involved in nuclear proliferation and potential solutions to those problems.

Mr. HELMS. Mr. President, I am pleased to support S. 1128 which is being considered for final passage today. The Congress has already passed, and the President has signed, sanctions against those who would sell chemical and biological weapons, and the ballistic missile systems to deliver them.

That is why it is so important to extend this system of sanctions to those who would spread the ultimate weapon, nuclear, to those who may use it. And that is why I joined with the distinguished Senator from Ohio [Mr. GLENN] as an original cosponsor of this very vital legislation.

One part of this legislation needs some explanation—the sanctions on international banking institutions which further nuclear proliferation. Quite frankly, this legislation developed out of the BCCI hearings held by the Senate Foreign Relations Committee in the summer of 1991.

As Time magazine reported in its September 2, 1991, issue, "BCCI is functioning as the owners' representative for Pakistan's nuclear bomb project."

Our interest in the role of international banking institutions was heightened on October 17, 1991, when Mr. David Kay, then deputy head of the U.N.'s Iraq inspection team, confirmed to the distinguished Senator from Colorado [Mr. BROWN] that the International Atomic Energy Agency is pursuing leads on international institutions that provided guarantees of Iraq's ability to pay key suppliers. This exchange occurred during a hearing before the Senate Foreign Relations Committee.

The sanctions we are proposing on international financial institutions are severe but the issue is critical. Without the facilities of the banks, this nuclear trade cannot take place. Let us be clear: The intention of this Senator is to stop this trade immediately.

The sanctions are triggered by a Presidential determination that a financial institution has materially and knowingly contributed to the acquisition of a nuclear explosive device by any nation. Once that determination is made, the financial institution in ques-

tion is banned from engaging in dealings in government finance or expansion of operations in the United States. The prohibitions apply to U.S. and foreign institutions which meet the President's determination.

These are severe sanctions, not a mere slap on the wrist. As a practical matter, any financial institution hit with this sort of Presidential determination and sanctions would be in deep trouble. Whether it could continue to operate would be questionable, certainly not in its present form.

But, I repeat, these sanctions are intended to be severe. Nuclear weapons in the hands of the antidemocratic regimes of the Middle East are clearly the most significant threat to national security in this decade and beyond.

Mr. President, I urge the passage of the bill.

Mr. GLENN. On January 21, 1983, President Reagan stated: "I think that we're pretty well on our way to, if not entirely eliminating nuclear proliferation, holding it down to where a country might have a weapon or two, but they're not going to have enough to threaten the world."

Eight years later—to the very day—morning readers of the Washington Post and the New York Times were greeted with the following headlines: "U.S. Claims Iraqi Nuclear Reactors Hit Hard" and "U.S. Claims Hits on Iraqi Nuclear and Gas Sites." Literally overnight, we were living in a different world—a nightmarish world, marked by new evidence that Saddam Hussein may even have been pursuing a hydrogen bomb.

While Iraq's nuclear threat to the world has been checked—at least for now—the job of tightening international controls against the global spread of nuclear weapons has only just begun. I am not, however, here today to lecture on the dangers of nuclear proliferation to our national security—I am here instead to address a new, bipartisan plan of action to combat this threat.

I introduced the legislation now before us, the Omnibus Nuclear Proliferation Control Act of 1992 (S. 1128), on May 22 of last year; it has since been the focus of a hearing of the Foreign Relations Committee on October 17 and was unanimously approved by the committee in markup on November 22. This bill largely parallels sanctions that have recently been enacted to halt the proliferation of chemical and biological weapons and missiles. In particular, S. 1128 requires the President to ban U.S. Government procurements from firms that the President determines have, after enactment of this act, knowingly and materially assisted any nation or group to acquire either a nuclear explosive device or unsafeguarded bomb material.

A committee amendment to the bill also directs the President to apply

sanctions against banks, insurers, or other financial institutions that he determines have knowingly assisted non-nuclear-weapon states to acquire any such devices or the special nuclear material needed to make them.

Like the existing CBW sanctions legislation (Public Law 102-138) and missile sanctions legislations (Public Law 101-510), my bill would give the President the authority to trigger sanctions; the President would also be given time to consult with foreign governments before implementing the sanctions. The bill grants the President authority to waive any sanctions against exporters after 1 year, upon certification that a specific sanction would have a serious adverse effect on vital U.S. interests, and other waiver authority for certain types of transfers and banking activities.

THE SUPPLY SIDE OF PROLIFERATION

All of these recent sanctions bills are designed to target what I call the supply side of proliferation—they recognize that proliferation cannot be attacked by only looking at countries that are secretly building bombs; instead, we need to attack the actual incentives that motivate suppliers to meet corrupt demands from around the world. With the enactment of this legislation, illicit nuclear suppliers will be put on notice: if you knowingly sell to such a program, you can forget about doing business with Uncle Sam.

Because nuclear weapons pose an especially grave threat to our security, the global spread of such weapons is a problem that will continue to demand a higher priority on our national security agenda. The immediate and long-term effects of H-bombs are quite unlike the effects of chemical or biological weapons. For these reasons, I have included features in this bill that go beyond those found in recent legislation found in chemical and biological weapons proliferation:

First, the Eximbank and U.S. directors in multilateral funding agencies would be required to oppose any loans that would promote the acquisition of unsafeguarded nuclear material or the development of nuclear explosive devices.

Second, the bill expands the President's powers under the International Emergency Economic Powers Act to impose additional wide-ranging economic sanctions against firms or individuals that engage in illicit nuclear commerce.

Third, nuclear sanctions under the Foreign Assistance Act would be expanded to cover transfers of critical design information and key components of nuclear explosive devices; under existing law, sanctions would only apply if there were a transfer of an actual nuclear explosive device.

Fourth, recipients of U.S. arms exports would have to live up to their commitments to the United States

with respect to nuclear nonproliferation.

Fifth, the Secretary of State would be authorized to pay rewards for information relating to any illicit acquisition of unsafeguarded nuclear material or nuclear explosive devices. At present, such authority only exists for information relating to terrorism.

The bill would also establish two reporting requirements: an annual report assessing the compliance of other nations with their nuclear nonproliferation commitments to the United States, and a requirement for Congress to be kept fully and currently informed about demarches that America has issued or received concerning the global spread of nuclear weapons.

Anybody who thinks there is no need for a reporting requirement on demarches, should recall the remark of a German export control official who was quoted in the European press saying that past United States demarches usually land in my wastepaper basket.

LESSONS FROM DEGUSSA AND LEYBOLD

I do not mean to focus only on Germany here, since the German Government has recently taken some noteworthy steps to crack down on illicit nuclear and missile-related exports. Last September, for example, German officials seized a special furnace on its way to Libya; this furnace, which had potential uses in manufacturing missile parts, was made by Leybold, a subsidiary of the giant industrial firm, Degussa.

Mr. President, I will ask unanimous consent to insert into the RECORD at the end of my remarks a table showing the numerous published reports of nuclear and missile-related exports by Degussa and Leybold to hot spots around the world over the last decade. Given that these firms do business in the United States, including with the U.S. Government, I believe enactment of my bill would serve as a useful deterrent to these types of deals in the future. Indeed, I have recently seen some signs that these particular firms are already moving to tighten up their internal controls on the export of sensitive dual-use goods and technology.

I would like to take just a moment to illustrate what I hope will be a coming trend among companies around the world that export dangerous weapon-related technologies. On October 10, 1991—in response to serious allegations about exports by Degussa and Leybold of sensitive dual-use goods to nations in the Middle East, South Asia, and East Asia—I wrote to Secretary of Defense Cheney and urged his department to investigate these claims. On April 1 of this year, I received a response from Mr. William Rudman, the Deputy Under Secretary for Trade Security Policy, which indicated that the Defense Department believes that, and I quote:

Leybold and its parent Degussa may have provided, without authorization, critical

manufacturing technology, as well as production technology associated with nuclear weapons and missile development, to certain countries including Iraq, India, Pakistan, North Korea, and Romania.

Mr. President, I will also ask unanimous consent to insert into the RECORD the full text of the letters of October 10 and April 1.

Although the Defense investigation is not yet complete, and United States and German Customs authorities are coordinating their efforts in this case, I am pleased to announce today that Leybold is finally taking some concrete steps to tighten proliferation controls.

Mr. President, I ask unanimous consent to insert into the RECORD a document called "Corporate Principles Governing Internal Export Controls on Nuclear Nonproliferation," which was issued last month by Leybold to its domestic and foreign affiliates. According to this document, the executive board of Leybold "both unequivocally and emphatically * * * affirms the policy of nonproliferation regarding nuclear weapons and nuclear-capable delivery systems." Moreover, the firm has now established a policy under which it will not in the future export any commodity—even if such an export is legally permitted—if the firm knows or has reason to believe that any such item will be used for the development or production of nuclear weapons or their means of delivery.

Moving somewhat beyond a mere statement of policy, the firm has also instituted a new system of forms and checklists to put the new policy into practice. The top officials of the firm have also been recently replaced.

Although I remain deeply concerned about past transactions of this firm, I believe the new reforms are important steps in the right direction—steps, I might add, that many other firms in Germany and in other nations, including our own, would do well to follow and implement. The world community will be watching to see if Leybold's reforms are meant to be something more than a public relations exercise. Fortunately, the bill before us today will help to ensure that firms around the world will take seriously America's commitment to halting illicit nuclear deals. The bill's message could not be more clear and direct: Proliferation must not pay.

AMENDMENTS BY FOREIGN RELATIONS COMMITTEE

Mr. President, this bill contains some substantive amendments proposed by the chairman and ranking member of the Foreign Relations Committee; these amendments have been prepared as a result of consultations with the committees on Banking and Governmental Affairs and with the administration. I wish today to state my support for each of these recommended changes to the original bill.

First, banks, financial institutions, and insurers have been included within the scope of persons subject to the possible sanctions of this act. I can see no reason why any such organization that the President has determined to have knowingly bankrolled the proliferation of nuclear weapons should not be subject to the same type of penalties than would apply to an illicit supplier of sensitive equipment or materials to countries developing such weapons.

The second amendment deletes import sanctions from the current bill—this is being done only to permit the House to take up this issue as an original House bill, as consistent with House rules with respect to legislation affecting public revenues. This procedure has been followed with respect to import sanctions for CBW proliferation and should not, therefore, be seen as any weakening of the proposed nuclear sanctions. I fully expect to see these import sanctions introduced in the House.

Third, the committee amendment grants the President authority to waive sanctions in the event of transfers of certain types of components or designs related to the development or manufacture of nuclear explosive devices—this authority, however, would not extend to transfers of critical components or design information necessary to complete any such device. Instead, transfers of such critical bomb parts or design information to a non-nuclear-weapon state would be treated under U.S. sanctions law as equivalent to the transfer of an actual device. In its committee markup of this bill last November, the full committee expanded the sanctions for these particularly dangerous transfers to include the loss not just of foreign and military aid, but also bank loans, multilateral funding, U.S. credits, and other sanctions.

Fourth, instead of a one-time Executive report on the effectiveness of diplomatic demarches as an instrument of nonproliferation, the committee amendment contains a sense of the Congress that such information should be a regular part of the briefings provided by executive agencies pursuant to the Nuclear Non-Proliferation Act.

Fifth, the committee amendment clarifies the meaning of the requisite knowledge needed by a firm to trigger sanctions. The standard adopted by the committee combines the definition of "knowing" as it is used in the Foreign Corrupt Practices Act—a definition that includes actual knowledge in addition to willful neglect, or what is called head-in-the-sand behavior—with the reason to know standard that has been used over the last decade to regulate U.S. nuclear exports.

Mr. President, the reforms I have proposed will surely not eliminate once and for all the threat of nuclear proliferation—their enactment, however,

will herald a new and constructive phase in the evolution of America's efforts to halt the global spread of nuclear weapons. I am pleased to see that my proposal enjoys substantial support in the Senate, and finally, in the administration as well.

In particular, I wish to express my deep appreciation for the work of the distinguished chairman of the Foreign Relations Committee, my friend and colleague from Rhode Island, CLAIRBORNE PELL. Under his leadership, Senator PELL has forged a bipartisan coalition of members committed to the goal of tightening penalties against companies that promote the global spread of chemical weapons, biological weapons, and missiles. Anyone who looks over the legislative record of the Foreign Relations Committee over the last 2 years in the field of sanctions against proliferation cannot help but be impressed and Senator PELL deserves full credit for this progress. My legislation today builds on that record by extending these reforms into the area of nuclear proliferation.

In closing, I would also like to express my appreciation to the majority and minority staff members of the Foreign Relations Committee who have assisted in the legislative process of bringing this bill to the floor for tonight's vote. Nuclear proliferation is one problem that will, to be sure, require a strong bipartisan effort and I am pleased to see such a consensus tonight. I now look forward to working with my colleagues in the House and with the administration to ensure the early enactment of this legislation.

In closing, Mr. President, I ask unanimous consent to insert into the RECORD the table, the letters, and a Department of Energy letter providing some background on the term nuclear explosive device.

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

DANGEROUS LIAISON: DEGUSSA, LEYBOLD, AND THE BUSINESS OF PROLIFERATION

(Compiled from Press Reports, 1981 to September 1991 by U.S. Senate Committee on Governmental Affairs)
[L=Leybold; D=Degussa]

Activity	Typical reference	Publication date
Provided vacuum pumps & equipment for gas purification to Pakistan's nuclear program (L).	Islamic Bomb (book)	1981.
FRG Customs raids firm over Pakistani nuclear deals (L).	London Financial Times	4/20/87.
Involved in attempted shipment of blueprints for uranium enrichment plant to Pakistan (L).	Nuclear Fuel	5/4/87.
Involved in attempted shipment of uranium enrichment equipment to Pakistan (L).	Nucleonics Week	5/7/87.
Unauthorized reexport of United States beryllium and zirconium to India and North Korea (D).	Nuclear Fuel	2/5/90.
Sold recasting furnaces to Al Taji cannon plant in Iraq (L).	Exporture des Todes (FRG book).	8/8/90.
Supplier of Iraqi munitions plants (L).	Exporture des Todes (FRG book).	11/90.
Subject of repeated United States and United Kingdom diplomatic demarches (L).	Bomben-Geschäfte (FRG book).	1991.
Provided vacuum equipment to Iraq's uranium enrichment program (L).	Washington Times	2/5/91.

DANGEROUS LIAISON: DEGUSSA, LEYBOLD, AND THE BUSINESS OF PROLIFERATION—Continued

(Compiled from Press Reports, 1981 to September 1991 by U.S. Senate Committee on Governmental Affairs)
 [L=Leybold; D=Degussa]

Activity	Typical reference	Publication date
Sold high precision welders & machine tools to Iraqi nuclear program via United States affiliate (L)	Der Spiegel	10/7/91.
Equipment supplier to Saad-16 Iraqi missile complex (D).	Daily Telegraph (UK)	2/10/91.

U.S. SENATE,
 COMMITTEE ON GOVERNMENTAL AFFAIRS,
 Washington, DC, October 10, 1991.
 Hon. DICK CHENRY,
 Secretary, Department of Defense, The Pentagon,
 Washington, DC.

DEAR MR. SECRETARY: I have noticed several articles that have recently appeared in the European press containing allegations of illicit exports by the German firm, Leybold, a subsidiary of Degussa, to Libya and (over recent months) to other nations in the Middle East and South Asia. Through its oversight responsibilities under the Nuclear Non-Proliferation Act of 1978, the Committee has long been aware of similar claims against other European companies, but the most recent reports are especially troubling because of the long history of allegations about these two specific firms.

Degussa and/or Leybold, for example, have reportedly: sold special high-temperature furnaces with potential nuclear or missile uses to Pakistan and Iraq; reexported without authorization U.S.-origin beryllium to India and zirconium to North Korea; sold high-vacuum equipment and fuel fabrication equipment to Pakistan's clandestine nuclear weapons program; and most recently, sold equipment described by *Der Spiegel* (September 11, 1991) as a "vacuum induction annealing and smelting furnace" to Libya (a shipment was halted by customs officials).

I strongly urge you to direct the Defense Technology Security Administration (DTSA) and such other offices as you deem appropriate to investigate these most recent claims about new sales by Degussa and Leybold. In addition, I would be most grateful if you could please arrange for my staff to receive a preliminary briefing before Tuesday October 15, on the activities of these firms with respect to foreign sales of technology or equipment related to the production of nuclear weapons, missiles, or chemical and biological weapons, and on any enforcement steps that have been taken by the German government against such transactions. If possible on such short notice, I would also appreciate a brief summary of the extent to which Degussa and Leybold market their products in the United States and engage in business with the U.S. government.

You have my continuing support in your efforts to halt all illicit transfers of weapons-related technology and I am very grateful for your assistance in responding to my request today.

Sincerely,

JOHN GLENN,
 Chairman.

OFFICE OF THE
 UNDER SECRETARY OF DEFENSE,
 Washington, DC, April 1, 1992.

Hon. JOHN GLENN,
 U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: This is a follow-up response to your 10 October 1991 letter to the Secretary of Defense inquiring about the

possible illegal exports by the German firms Leybold AG and its parent Degussa AG to certain countries of concern. Our response also updates our interim briefing to your staff.

Based on our review to date, it appears that Leybold and its parent Degussa may have provided, without authorization, critical manufacturing technology, as well as production technology associated with nuclear weapons and missile development, to certain countries including Iraq, India, Pakistan, North Korea, and Romania. Based on our inquiries, German authorities have initiated investigations into various alleged activities by Leybold and Degussa.

Current information also indicates that the U.S. subsidiary of Leybold exported controlled U.S.-origin technology to Iraq. At the request of the Department of Defense, the U.S. Customs Service, in cooperation with the Department of Commerce, has initiated an investigation of Leybold's U.S. subsidiary. This investigation centers around a 1988 export of an electron beam welder (EBW) to Germany for reexport to Iraq. The EBW is critical in welding components of gas centrifuges used in uranium enrichment.

In the course of our review, we became aware of the integration of a specially designed component into the EBW. The addition of this component left little doubt as to the EBW's direct end-use in support of Iraq's nuclear weapons development program.

The International Atomic Energy Agency has confirmed that this electron beam welder was found in the vicinity of an Iraq-identified centrifuge manufacturing facility, that it came from Leybold, and that it contained the specially designed component. It is impossible that the integration of this component occurred in Germany prior to transshipment to Iraq. For this reason U.S. and German Customs are coordinating their investigations in this case.

It should be noted that the EBW was granted a U.S. license for shipment to Germany for reexport to Iraq subject to restrictions against sensitive nuclear end uses. It is not clear whether the fact that a license was issued will affect the U.S. Attorney's Office decision on whether to prosecute the case if a violation is found. Final results of these investigations will be known in the near future.

As a result of the concerns raised by our analysis, elements of the Department of Defense, for which Leybold is a contractor, are reviewing this information for possible suspension or debarment sanctions.

Sincerely,

WILLIAM N. RUDMAN,
 Deputy Under Secretary,
 Trade Security Policy.

CORPORATE PRINCIPLES GOVERNING INTERNAL EXPORT CONTROLS ON NUCLEAR NON-PROLIFERATION

As a result of global political developments which have occurred since the late 1980s, exports of certain goods—especially those of a highly technical or military nature—have acquired a special significance. Further, because of the possible misuse of some of those products—in particular, so-called "dual-use" items—the relevant export control regulations have been expanded and strengthened. This development has had an especially strong impact on Germany's export-oriented industry.

Leybold AG is primarily active in the area of vacuum technology, vacuum metallurgy and vacuum coating. The company neither manufactures weapons nor any other cat-

egory of military equipment. Nonetheless, the company has developed and does produce certain types of state-of-the-art equipment and advanced technology, which, in today's complex, industrialized world, could be regarded as so-called "dual-use" items.

With the benefit of the experience gained in the last few years—particularly as a result of the Gulf War—and in recognition of its responsibility, the Executive Board of Leybold AG has resolved as follows:

1. Leybold AG's Executive Board affirms its unequivocal and emphatic support for the policies regarding the non-proliferation of nuclear weapons and nuclear-capable delivery systems.

2. Leybold AG and its worldwide subsidiaries endorse and adhere to the export controls established by the Federal Republic of Germany and its allies—in particular, the United States of America—for the purpose of achieving the goal of an effective nuclear non-proliferation policy.

3. All Leybold employees will actively assist in the achievement of this corporate goal.

In particular, Leybold employees involved in the export of the company's commodities, technology or services will be familiar with, and strictly abide by, all applicable provisions of national and foreign export control laws and regulations.

4. Leybold attaches clear-cut and unambiguous priority to the goal of non-proliferation of nuclear weapons and their delivery systems over commercial interests. In practice, this means that even if a particular export transaction is legal, Leybold—in accordance with its corporate policy of voluntary self-restraint in export matters—will neither directly nor indirectly supply commodities, technology or services if the company knows or has reason to believe that such items will be used by its customer or end-user for the development or production of nuclear weapons or nuclear-capable delivery systems. This policy applies to customers and end-users from non-nuclear weapons countries, as set forth in the Treaty of the Non-Proliferation of Nuclear Weapons, if these countries: are not signatories to the Treaty on the Non-Proliferation of Nuclear Weapons, or have not renounced the possession, acquisition and production of nuclear weapons by other acts binding under international law, or do not have in place full-scope safeguards in accordance with International Atomic Energy Agency (IAEA) requirements, or if there is any doubt about their implementation, or if these countries are classified as "sensitive" for other reasons.

5. This policy applies to domestic transactions as well, if Leybold knows or has reason to believe that its products are to be diverted to such countries for sensitive projects.

6. In order to ascertain which countries should be regarded as sensitive for the purpose of this policy, Leybold will establish and maintain contact with all responsible federal agencies, i.e., the Foreign Office (Auswartiges Amt), the Ministry of Economics (Bundesministerium fur Wirtschaft) and the Federal Export Control Authority (Bundesamt fur Wirtschaft).

7. In the event of any doubt, the responsible federal agencies will immediately be asked for information and advice. Likewise, if an item is subject to U.S. jurisdiction due to its specific nature (e.g., intermediate products or components from a U.S. source) the U.S. Department of Commerce will be approached for information and counsel.

In the event of any continuing concern regarding the end-use of items to be exported,

Leybold AG will not conclude the transaction.

8. This policy applies to all divisions and subsidiaries of Leybold AG worldwide. The principles incorporated herein are to be immediately implemented within the framework of Leybold's existing internal export compliance program. This policy will continuously be reviewed and audited. The Executive Board will ensure that the management of all German and foreign subsidiaries will implement this policy by adopting appropriate export control procedures.

DEPARTMENT OF ENERGY,
Washington, DC, February 21, 1990.

Dr. LEONARD WEISS,
Staff Director, Committee on Governmental Affairs,
United States Senate, Washington, DC.

DEAR DR. WEISS: This is in reply to your letters, dated June 29, 1989, to Siegfried Hecker, Director of Los Alamos National Laboratory and John Nuckolls, Director of Lawrence Livermore National Laboratory, concerning certain types of experiments involving high explosives and nuclear materials, often called "hydronuclear" experiments.

We have enclosed a copy of a Los Alamos National Laboratory report, LA-10902-MS, "Hydronuclear Experiments" by Robert N. Thorn and Donald R. Westervelt, issued February 1987, that provides useful background on these nuclear weapons safety-related experiments. In your letters, you asked several questions concerning the nature of these experiments. Although more complete information is contained in the enclosed report, for your convenience, we have answered your specific questions below:

1. How does the laboratory define: (a) a nuclear explosive device and (b) a nuclear explosion? Please specify.

Answer: With regard to the first part of your question, a nuclear explosive device is a device intended to produce a nuclear explosion. The second part of your question (what is a nuclear explosion?) is much more difficult. In fact, no official or generally agreed to definition exists, despite the efforts of many individuals and groups over the years. One possible definition is given in the enclosed report: a nuclear explosion occurs when the energy released in a unit mass of fuel due to nuclear reactions is equal in magnitude to that from a chemical explosive. The report indicates that president Eisenhower agreed that one of these hydronuclear experiments, delivering a total nuclear yield equivalent to less than one pound of high explosives, would not be considered a nuclear explosion. Another potential definition can be derived from the nuclear weapon safety community composed of design and utilization experts from the Department of Energy and its contractors and the Department of Defense. In that context, the nuclear safety criteria states that the nuclear energy release in an accidental detonation of a nuclear weapon should not exceed the equivalent of four pounds of high explosive energy with a probability of one in a million or less. This implies that a nuclear explosion occurs when the nuclear energy release from a detonation exceeds the equivalent of four pounds of high explosive energy.

2. When does a hydronuclear experiment become a nuclear explosion or test of a nuclear explosive device?

Answer: Consistent with the discussion in the enclosed report, if nuclear material were gradually added to one of these test devices and the amount of nuclear energy generated

exceeded the equivalent of one pound of high explosive energy, a "nuclear explosion" could be said to have occurred. As indicated in the report, the greatest nuclear output of the nuclear safety experiments conducted in the early sixties was equivalent to about 4/10 of a pound of high explosive.

Hydronuclear experiments have sometimes been loosely referred to as tests of nuclear explosive devices. In fact, they are not since the devices employed are not intended to produce a nuclear explosion.

3. Are high explosive tests involving fissile nuclear materials ever performed for civil research purposes?

Answer: Yes. Through the years, experiments have been conducted involving high explosives to obtain data on the physical properties of fissile materials under dynamic conditions. Some of these have been discussed in the open literature; e.g., those relating to nuclear reactor accident studies. Such data, of course, could have both civilian and military applicability.

4. Are hydronuclear tests still being performed by the United States? On the basis of unclassified technical publications or other open sources, are such tests now being performed by other nations? If so, which nations?

Answer: Hydronuclear experiments such as those described in the report are not now being conducted by the United States. Our Nevada Test Site program incorporates nuclear weapon safety-related experimentation that replaces and extends the capabilities of these previous laboratory tests.

We are not aware of any current open-literature publication of similar experiments by other nations. The experiments conducted in the early 60's by the U.S. were performed to assess the detailed safety margins of specific nuclear weapons in our stockpile. If comparable experiments were being conducted by other nations, we wouldn't necessarily expect them to be openly discussed.

I hope the enclosed report and the above answers are useful to you.

Sincerely,

J.M. BARR,
Rear Admiral, U.S. Navy.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1128

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Nuclear Proliferation Control Act of 1992".

SEC. 2. IMPOSITION OF SANCTIONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—Except as provided in subsection (b)(2), the President shall impose the applicable sanctions described in subsection (c) if the President determines that a foreign person or a United States person, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed—

(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States, or

(B) through the export from any other country of any goods or technology that

would be, if they were exported from the United States, subject to the jurisdiction of the United States,

to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device, whether or not the goods or technology is specifically designed or modified for that purpose.

(2) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(3) OTHER SANCTIONS AVAILABLE.—The sanctions which may be imposed for activities described in this subsection are in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" includes situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has "reason to know" the effect of such person's actions.

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that

such government has taken specific corrective actions.

(c) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (3) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) DESCRIPTION OF SANCTIONS ON UNITED STATES PERSONS.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the United States person or any parent, subsidiary, affiliate, or successor entity thereof, as described in subsection (a)(2).

(3) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(C) to—

(i) spare parts which are essential to United States products or production,

(ii) component parts, but not finished products, essential to United States products or production, or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has received reliable assurances from the foreign person or United States person, as the case may be, that such person will not, in the future, aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(e) WAIVER.—

(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States; and

(2) the term "United States person" means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is not a foreign person.

SEC. 3. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any direct or indirect use of the institution's funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any non-nuclear-weapon state.

(b) DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read as follows:

"(3) whether the recipient country—

"(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992) or a nuclear explosive device (as defined in section 11(3) of that Act);

"(B) is not a State Party to the Treaty on Non-Proliferation of Nuclear Weapons; or

"(C) has detonated a nuclear explosive device; and"

SEC. 4. AMENDMENTS TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT AND THE FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) BASIS FOR DECLARATION OF NATIONAL EMERGENCY.—Section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) is amended by adding at the end thereof the following new subsection:

"(c) For the purpose of this section, the term 'any unusual and extraordinary threat' includes any international event that the President determines may involve the detonation by a non-nuclear-weapon state of a nuclear explosive device (as defined in section 11(3) of the Omnibus Nuclear Prolifera-

tion Control Act of 1992) or an action or activity that substantially contributes to the likelihood of the proliferation or detonation of such devices, including the acquisition by a non-nuclear-weapon state of unsafeguarded special nuclear material (as defined in section 11(6) of that Act)."

(b) SANCTIONS ON FINANCIAL INSTITUTIONS.—The Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by adding at the end thereof the following new title:

"TITLE VI—SANCTIONS ON FINANCIAL INSTITUTIONS

"SEC. 601. PRESIDENTIAL DETERMINATION.

"(a) IN GENERAL.—The prohibitions in section 603 shall be imposed on a financial institution if the President determines that such financial institution, on or after the date of the enactment of this section, has materially and with requisite knowledge contributed, through provision of financing or other services, to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device as these standards and terms are defined and would be applied under section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"(b) PRESIDENTIAL ORDER.—Whenever the President makes a determination under subsection (a) with respect to a financial institution, the President shall issue an order specifying a date within 180 days of such determination on which the prohibitions in section 603 shall begin to apply to such institution.

"SEC. 602. ADDITIONAL ENTITIES AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.

"The prohibitions described in section 603 shall also be imposed, pursuant to section 601, on—

"(1) any successor entity to the financial institution with respect to which the President makes such determination;

"(2) any foreign person or United States person that is a parent or subsidiary of such financial institution if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of such determination; and

"(3) any foreign person or United States person that is an affiliate of such financial institution if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of such determination and if that affiliate is controlled in fact by such financial institution.

"SEC. 603. PROHIBITIONS.

"The following prohibitions shall apply to a financial institution subject to a determination described in section 601 and to related entities described in section 602:

"(1) BAN ON DEALINGS IN GOVERNMENT FINANCE.—

"(A) DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

"(B) GOVERNMENT FUNDS.—Such financial institution shall not serve as agent of the United States Government or serve as repository for United States Government funds.

"(2) RESTRICTIONS ON OPERATIONS.—Such financial institution shall not, directly or indirectly—

"(A) commence any line of business in the United States in which it was not engaged as of the date of the determination; or

"(B) conduct business from any location in the United States at which it did not conduct business as of the date of the determination.

"SEC. 604. CONDITIONS AND TERMINATION OF SANCTIONS.

"The same requirements for consultation with the foreign government of jurisdiction, where appropriate, and for termination of sanctions shall apply under this title as are provided in subsections (b) and (d), respectively, of section 2 of the Omnibus Nuclear Proliferation Control Act of 1992.

"SEC. 605. WAIVER.

"The President may waive the imposition of any prohibition imposed on any financial institution or other person pursuant to section 601 or 602 if the President determines and certifies to the Congress that the imposition of such prohibition would have a serious adverse effect on the safety and soundness of the domestic or international financial system or on domestic or international payments systems.

"SEC. 606. DEFINITIONS.

"As used in this title—

"(1) the term 'financial institution' includes—

"(A) a depository institution, including a branch or agency of a foreign bank;

"(B) a securities firm, including a broker or dealer;

"(C) an insurance company, including an agency or underwriter;

"(D) any other company that provides financial services; or

"(E) any subsidiary thereof; and

"(2) the term 'requisite knowledge' includes situations in which a person 'knows', as 'knowing' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) or has 'reason to know' the effect of such person's actions."

SEC. 5. EXPORT-IMPORT BANK.

Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by inserting after "device" the following: "(as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992), or that any country has willfully aided or abetted any such non-nuclear-weapon state (as defined in section 11(4) of that Act) to acquire a nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 11(6) of that Act)."

SEC. 6. ELIGIBILITY FOR ASSISTANCE.

(a) **AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.**—(1) The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(A) in section 3 of such Act, by adding at the end thereof the following new subsection:

"(f) No sales or leases shall be made to any country that the President has determined is in material breach of its commitments to the United States under international treaties or agreements concerning the non-proliferation of nuclear explosive devices (as defined in section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992) and unsafeguarded special nuclear material"; and

(B) in section 40(d) of such Act, by adding at the end thereof the following new sentence: "For the purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material (as defined in section 11(6) of that Act)."

(2) Section 47 of such Act is amended—

(A) by striking out "and" at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "and"; and

(C) by adding at the end thereof the following new paragraph:

"(9) 'nuclear explosive device' has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992."

(b) **AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.**—

(1) Section 670(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(a)(2)) is amended in the first sentence—

(A) by inserting "in any fiscal year" after "President"; and

(B) by inserting "during that fiscal year" after "certifies in writing".

(2) Section 670 of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is further amended by adding at the end thereof the following new subsection:

"(d) As used in this section, the term 'nuclear explosive device' has the same meaning given to that term by section 11(3) of the Omnibus Nuclear Proliferation Control Act of 1992."

(3) Notwithstanding any other provision of law, Presidential Determination No. 82-7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 670(a)(1) of such Act arising on or after the date of enactment of this Act.

(4) Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) is amended to read as follows:

"(d) The President may waive the prohibitions of section 669 of this Act with respect to any grounds for the prohibition of assistance under that section arising before the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States."

SEC. 7. ADDITIONAL AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) **TECHNICAL AMENDMENTS.**—Section 670(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a(b)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (3)(A) (as so redesignated), by striking "paragraph (3)" and inserting "paragraph (4)"; and

(3) in paragraph (4) (as so redesignated), by striking "paragraph (2)" and inserting "paragraph (3)".

(b) **ADDITIONAL SANCTIONS.**—Section 670(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2429a) is amended to read as follows:

"(b)(1) Except as provided in paragraphs (3), (4), and (5), in the event that any country, after the date of enactment of the Omnibus Nuclear Proliferation Control Act of 1992—

"(A) transfers to a non-nuclear-weapon state—

"(i) a nuclear explosive device, or

"(ii) design information or components known by the transferor to be necessary for the recipient's completion of a nuclear explosive device,

"(B) is a non-nuclear-weapon state and—

"(i) receives a nuclear explosive device,

"(ii) receives design information or components necessary for the completion of a nuclear explosive device, or

"(iii) detonates a nuclear explosive device,

"(C) transfers to a non-nuclear-weapon state any design information or component (other than described in subparagraph (A)(ii) which is determined by the President to be important to, and known by the transferring country to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

"(D) is a non-nuclear-weapon state and has sought and received any design information or component (other than described in subparagraph (B)(ii) which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device,

the President shall forthwith impose sanctions against that country, including, as a minimum, those sanctions specified in paragraph (2).

"(2) The sanctions referred to in paragraph (1) are as follows:

"(A) **FOREIGN ASSISTANCE.**—The United States Government shall terminate assistance to that country under this Act, except for urgent humanitarian assistance or food or other agricultural commodities.

"(B) **ARMS SALES.**—The United States Government shall terminate—

"(i) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services; and

"(ii) licenses for the export to that country of any item on the United States Munitions List.

"(C) **ARMS SALES FINANCING.**—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

"(D) **DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.**—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States, except that the sanction of this subparagraph shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).

"(E) **MULTILATERAL DEVELOPMENT BANK ASSISTANCE.**—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

"(F) **BANK LOANS.**—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(G) **EXPORT PROHIBITION.**—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of any goods and technology (excluding food and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities)."

(c) **CONFORMING AMENDMENTS.**—Section 670(b) of such Act (22 U.S.C. 2429a(b)) is further amended—

(1) in paragraph (3)(A) (as redesignated)—
(A) by striking "furnish assistance which would otherwise be prohibited" and inserting in lieu thereof "delay the imposition of sanctions which would otherwise be required"; and

(B) by striking "termination of assistance" and inserting in lieu thereof "imposition of sanctions";

(2) in paragraph (4) (as redesignated), by striking "termination of such assistance" and inserting in lieu thereof "imposition of such sanctions";

(3) by redesignating paragraph (5) (as redesignated by subsection (a)) as paragraph (6); and

(4) by inserting after paragraph (4) (as redesignated) the following:

"(5) Notwithstanding any other provision of law, the sanctions which are required to be imposed against a country under paragraph (1)(C) or (1)(D) shall not apply if the President determines and certifies in writing to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives that the application of such sanctions against such country would have a serious adverse effect on vital United States interests. The President shall transmit with such certification a statement setting forth the specific reasons therefor."

SEC. 8. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C);

(2) by inserting "(1)" immediately after "(a)"; and

(3) by adding at the end thereof the following:

"(2) For purposes of this subsection, the term 'act of international terrorism' includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1991) or any nuclear explosive device (as defined in section 11(3) of that Act) by an individual, group, or non-nuclear-weapon state, as defined in section 11(4) of that Act."

SEC. 9. REPORTS.

(a) CONTENT OF ACDA ANNUAL REPORT.—Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2592) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 52.";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(4) by adding at the end of paragraph (5) the following new paragraph:

"(6) a section of the report shall deal with any material noncompliance by foreign governments with their commitments to the United States with respect to the prevention of the spread of nuclear explosive devices by non-nuclear-weapon states or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 11(6) of the Omnibus Nuclear Proliferation Control Act of 1992), including—

"(A) a net assessment of the aggregate military significance of all such violations;

"(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

"(C) what actions, if any, the President has taken or proposes to take to bring any na-

tion committing such a violation into compliance with its commitments."; and

(5) by adding at the end thereof the following new subsection:

"(b) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to Congress under this section reports that any designated nation is not in full compliance with its nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations."

(b) REPORTING ON DEMARCHES.—(1) It is the sense of Congress that the Department of State should, in the course of implementing its reporting responsibilities under section 602(c) of the Nuclear Non-Proliferation Act of 1978, include a summary of demarches that the United States has issued or received from foreign governments with respect to activities which are of significance from the proliferation standpoint.

(2) For purposes of this section, the term "demarche" means any official communication by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

(C) both the concern and request described in subparagraphs (A) and (B).

SEC. 10. TECHNICAL CORRECTION.

Section 133(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2160c) is amended by striking out "20 kilograms" and inserting in lieu thereof "5 kilograms".

SEC. 11. DEFINITIONS.

For purposes of this Act—

(1) the term "goods and technology" includes nuclear materials and equipment and sensitive nuclear technology (as defined in section 4 of the Nuclear Non-Proliferation Act of 1978), all export items designated by the President pursuant to section 309(c) of such Act, and all technical assistance requiring authorization under section 57b. of the Atomic Energy Act of 1954;

(2) the term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency;

(3) the term "nuclear explosive device" means any device that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(4) the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(5) the term "special nuclear material" has the meaning given to that term by section 11aa of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa); and

(6) the term "unsafeguarded special nuclear material" means special nuclear material which is held in violation of IAEA safeguards or not subject to IAEA safeguards (excluding any quantity of material that

could, if it were exported from the United States, be exported under a general license issued by the Nuclear Regulatory Commission).

Mr. DURENBERGER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

JOB TRAINING AND BASIC SKILLS ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 430, S. 2055, a bill to amend the Job Training Partnership Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2055) to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under the act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training and Basic Skills Act of 1992".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Declaration of policy and statement of purpose.
- Sec. 5. Authorization of appropriations.
- Sec. 6. Definitions.
- Sec. 7. Private industry councils.
- Sec. 8. Job training plan.
- Sec. 9. Review and approval of plan.
- Sec. 10. Performance standards.
- Sec. 11. Selection of service providers.
- Sec. 12. Limitation on certain costs.
- Sec. 13. Service delivery area transfer and agreement; reallocation.
- Sec. 14. Governor's coordination and special services plan.
- Sec. 15. State job training coordinating council.
- Sec. 16. State education coordination and grants.
- Sec. 17. Additional requirements.
- Sec. 18. State labor market information programs.
- Sec. 19. General program requirements.
- Sec. 20. Displacement grievance procedure.
- Sec. 21. Advance payment.
- Sec. 22. Fiscal controls.
- Sec. 23. Reports, recordkeeping, and investigations.
- Sec. 24. Discrimination.
- Sec. 25. Establishment of adult opportunity program.
- Sec. 26. Establishment of summer youth opportunity program.
- Sec. 27. Establishment of youth opportunity program.
- Sec. 28. Employment and training assistance for dislocated workers.

- Sec. 29. Native American programs.
 Sec. 30. Migrant and seasonal farmworker programs.
 Sec. 31. Job Corps.
 Sec. 32. National activities.
 Sec. 33. Cooperative labor market information program.
 Sec. 34. National occupational information coordinating committee.
 Sec. 35. Replication of successful programs.
 Sec. 36. Fair Chance Youth Opportunities Unlimited Program.
 Sec. 37. Jobs for employable dependent individuals.

Sec. 38. Effective date; transition provisions.

SEC. 3. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

SEC. 4. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

(a) **DECLARATION OF POLICY.**—In recognition of the training needs of low-income adults and youth, the Congress declares it to be the policy of the United States to—

(1) provide financial assistance to States and local service delivery areas to meet the training needs of such low-income adults and youth, and to assist such adults and youth in obtaining unsubsidized employment;

(2) increase the funds available for programs established under title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.) by not less than 10 percent of the baseline each fiscal year, to provide for growth in the percentage of eligible adults and youth served, in excess of the 5 percent of the eligible population that is currently served; and

(3) encourage the provision of longer, more comprehensive education, training, and employment services to the eligible population, which also requires increased funding in order to maintain current service levels.

(b) **STATEMENT OF PURPOSE.**—Section 2 (29 U.S.C. 1501) is amended to read as follows:

*SEC. 2. STATEMENT OF PURPOSE.

"It is the purpose of this Act to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the work force and enhancing the productivity and competitiveness of the Nation."

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Section 3 (29 U.S.C. 1502) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a)(1)(A) There are authorized to be appropriated to carry out parts A and C of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year.

"(B) Of the sums appropriated to carry out parts A and C of title II for each fiscal year, not less than 40 percent shall be made available to carry out part C of such title.

"(2) There are authorized to be appropriated to carry out part B of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year."

(2) by redesignating subsection (c) as subsection (b);

(3) by inserting after such subsection (b) the following:

"(c)(1) There is authorized to be appropriated to carry out parts A, C, D, E, F, and G of title IV for fiscal year 1993 and each succeeding fis-

cal year an amount equal to not more than 7 percent of the sum of the amounts appropriated for parts A and C of title II for such fiscal year.

"(2) The Secretary shall reserve from the amount appropriated under paragraph (1) for any fiscal year—

"(A) an amount equal to 7 percent of the amount appropriated under paragraph (1) to carry out part C of title IV; and

"(B) \$2,000,000 to carry out part F of title IV.

"(3) There are authorized to be appropriated to carry out part H of title IV \$10,000,000 for fiscal year 1993 and such sums as may be necessary for each succeeding fiscal year.

"(4) There are authorized to be appropriated to carry out part I of title IV \$100,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 through 1996."; and

(4) in subsection (e)—

(A) by striking "(e)(1) Subject to paragraph (2), there" and inserting "(e) There"; and

(B) by striking paragraphs (2) and (3).

(b) **CONFORMING AMENDMENTS.**—

(1) Subsections (a) and (e) of section 302, and section 326(h) (29 U.S.C. 1652 (a) and (e) and 1662e(h)) are amended by striking "3(c)" and inserting "3(b)".

(2) Section 326(h) (29 U.S.C. 1662e(h)) is amended by striking "3(c)" and inserting "3(b)".

SEC. 6. DEFINITIONS.

(a) **IN GENERAL.**—Section 4 (29 U.S.C. 1503) is amended—

(1) in paragraph (5)—

(A) by inserting "Association of Farmworkers Opportunity Programs, literacy organizations, agencies or organizations serving older individuals," after "United Way of America."; and

(B) by inserting "organizations that provide service opportunities and youth corps programs," after "Jobs for Youth.";

(2) in paragraph (8)—

(A) in subparagraph (B)(i), by striking "poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget" and inserting "the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))"; and

(B) in subparagraph (D), by inserting "subsections (a) and (c) of" after "under";

(3) in paragraph (10), by striking "handicapped individual" and inserting "individual with a disability";

(4) in paragraph (22), by striking "and Trust Territory of the Pacific Islands" and inserting "the Freely Associated States, and the Republic of Palau";

(5) in the second sentence of paragraph (24), by—

(A) inserting "drug and alcohol abuse counseling and referral, individual and family counseling," after "health care."; and

(B) striking "materials for the handicapped," and inserting "materials for individuals with disabilities, job coaches,";

(6) in paragraph (29), to read as follows:

"(29) The term 'displaced homemaker' means an individual who has been providing unpaid services to family members in the home and who—

"(A) has been dependent—

"(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (relating to the aid to families with dependent children program); or

"(ii) on the income of another family member and is no longer supported by that income; and

"(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment."; and

(7) by adding at the end the following new paragraphs:

"(31) The term 'basic skills deficient' means, with respect to an individual, that the individual has English reading or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.

"(32) The term 'case management' means the provision, in the delivery of a service, of a client-centered approach designed to—

"(A) prepare and coordinate a comprehensive employment plan, such as a service strategy, for a participant to ensure access to a necessary training and support service; and

"(B) provide job and career counseling during program participation and after job placement.

"(33) The term 'citizenship skills' means skills and qualities, such as teamwork, problem-solving ability, self-esteem, initiative, leadership, commitment to life-long learning, and an ethic of civic responsibility, that are characteristic of productive workers and good citizens.

"(34) The term 'educational agency' means—

"(A) a public local school authority having administrative control of elementary, middle, or secondary schools or providing adult education;

"(B) a public or private institution that provides alternative middle or high school education;

"(C) a public education institution or agency having administrative control of secondary or postsecondary vocational education programs;

"(D) a postsecondary institution; or

"(E) a postsecondary educational institution operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or under the Act of April 16, 1934 (48 Stat. 596; chapter 147; 25 U.S.C. 452 et seq.).

"(35) The term 'family' means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

"(A) A husband, wife, and dependent children.

"(B) A parent or guardian and dependent children.

"(C) A husband and wife.

"(36) The term 'hard-to-serve individual' means an individual who is included in one or more of the categories described in section 203(a)(2) or subsection (b) or (d) of section 263.

"(37) The term 'JOBS' means the Job Opportunities and Basic Skills Training Program authorized under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.).

"(38)(A) The term 'participant' means an individual who has been determined to be eligible to participate in and who is receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) and followup services authorized under section 253(d)) under a program authorized by this Act.

"(B) For purposes of determining whether an individual is a participant, participation shall be deemed to commence on the first day, following determination of eligibility, on which the participant begins receiving subsidized employment, training, or services funded under this Act.

"(39) The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

"(40) The term 'termination' means the separation of a participant who is no longer receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) and followup services authorized under section

253(d) under a program authorized and funded by this Act.

"(4) The term 'youth corps program' means a program, such as a conservation corps or youth service program, that offers productive work with visible community benefits in a natural resource or human service setting and that gives participants a mix of work experience, basic and life skills, education, training, and support services."

(b) CONFORMING AMENDMENTS.—The Act (29 U.S.C. 1501 et seq.) is amended—

(1) in section 4—

(A) in paragraph (5), by striking "the handicapped" and inserting "individuals with a disability"; and

(B) in paragraph (8)(F), by striking "adult handicapped individual" and inserting "individual with a disability";

(2) in the second section 172(b) (as added by Public Law 100-628) (29 U.S.C. 1583(b)), by striking "handicapped individuals" and inserting "individuals with a disability"; and

(3) in section 423(1) (29 U.S.C. 1693(1)), by striking "handicapped individual" and inserting "individual with a disability".

SEC. 7. PRIVATE INDUSTRY COUNCILS.

(a) COMPOSITION.—

(1) MEMBERSHIP.—Section 102(a) (29 U.S.C. 1512(a)) is amended—

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

(B) by striking paragraph (2) and inserting the following:

"(2) representatives of organized labor and community-based organizations, who shall constitute not less than 15 percent of the membership of the council; and

"(3) representatives of—

"(A) educational agencies (which agencies shall be representative of all educational agencies in the service delivery area);

"(B) vocational rehabilitation agencies;

"(C) public assistance agencies;

"(D) economic development agencies;

"(E) the public employment service; and

"(F) local welfare agencies."

(2) NOMINATION.—Section 102(c)(2) (29 U.S.C. 1512(c)(2)) is amended to read as follows:

"(2) Education representatives on the council shall be selected from among individuals nominated by regional or local educational agencies, vocational education institutions, institutions of higher education (including entities offering adult education) or general organizations of such schools and institutions, within the service delivery area."

(3) RECOMMENDATIONS.—Section 102(c)(3) (29 U.S.C. 1512(c)(3)) is amended to read as follows:

"(3) The labor representatives on the council shall be selected from individuals recommended by recognized State and local labor organizations. If the State or local labor organization cannot adequately meet the labor representation on the private industry council, individual workers may be included on the council to complete the labor representation."

(4) ADDITIONAL REPRESENTATIVES.—Section 102(c) (29 U.S.C. 1512(c)) is amended by adding at the end the following new paragraph:

"(4) The remaining members of the council shall include additional representatives from all sectors described in subsection (a)(3) and individuals recommended by interested organizations."

(b) EFFECTIVE DATE.—No private industry council shall be considered to be in violation of the amendments made by subsection (a) of this section until the date 3 years after the date of enactment of this Act.

SEC. 8. JOB TRAINING PLAN.

(a) IN GENERAL.—Section 104(a) (29 U.S.C. 1514(a)) is amended by inserting "under title II" after "appropriated".

(b) CONTENTS.—Section 104(b) is amended to read as follows:

"(b) Each job training plan for the programs conducted under title II shall contain—

"(1) information identifying the entity that will administer the program and be the grant recipient of funds from the State;

"(2) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of the service delivery area program with other programs and service providers in the labor market area, including—

"(A) assessments of needs and problems in the labor market that form the basis for program planning;

"(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

"(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

"(3) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

"(4) a description of linkages, established in accordance with sections 205 and 265, designed to enhance the provision of services and avoid duplication, including—

"(A) agreements with educational agencies;

"(B) arrangements with other education, training, and employment programs serving the disadvantaged that are authorized by Federal law;

"(C) if appropriate, joint programs in which activities supported with assistance under this Act are coordinated with activities (such as service opportunities and youth corps programs) supported with assistance made available under the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.); and

"(D) efforts to ensure the effective delivery of services to participants in coordination with local welfare agencies, other local agencies, community-based organizations, volunteer groups, business and labor organizations, and other training, education, employment, and social service programs;

"(5) goals and objectives for the programs, including—

"(A) a description of the manner in which the program will contribute to the economic self-sufficiency of participants, and the productivity of the local area and the Nation; and

"(B) performance goals established in accordance with standards prescribed under section 106;

"(6) goals for the training and placement of targeted populations, and a description of efforts to be undertaken to accomplish such goals, including—

"(A) efforts to expand outreach to targeted populations who may be eligible for services under this Act;

"(B) efforts to expand awareness of training and placement opportunities for targeted populations; and

"(C) types of services to be provided to address the special needs of targeted populations;

"(7) (A) goals for—

"(i) the training of women in nontraditional employment; and

"(ii) the training-related placement of women in nontraditional employment and apprenticeships; and

"(B) a description of efforts to be undertaken to accomplish the goals described in subparagraph (A), including efforts to increase awareness of such training and placement opportunities;";

"(8) adult and youth budgets for two program years and any proposed expenditures for the

succeeding 2 program years, in such detail as is determined necessary, by the entity selected to administer the portion of the plan corresponding to the budgets in accordance with section 103(b)(1)(B), and to meet the requirements of section 108;

"(9) procedures for identifying and selecting participants, procedures for determining eligibility, and methods used to verify eligibility;

"(10) a description of—

"(A) the assessment process that will identify the skill level and service needs of each participant;

"(B) the competency levels to be achieved by participants as a result of program participation;

"(C) the services to be provided, including the estimated duration of service and the estimated training cost per participant; and

"(D) the procedures for evaluating the progress of participants in achieving competencies;

"(11) a description of the procedures and methods used in carrying out title V, relating to incentive bonus payments for the placement of individuals eligible under such title;

"(12) procedures, consistent with section 107, for selecting service providers, which procedures shall take into account—

"(A) past performance of the providers regarding—

"(i) job training, basic skills training, or related activities;

"(ii) fiscal accountability; and

"(iii) ability to meet performance standards; and

"(B) the ability of the providers to provide services that can lead to achievement of competency standards for participants with identified deficiencies;

"(13) fiscal control (including procurement, monitoring, and management information systems requirements), accounting, audit, and debt collection procedures, consistent with section 164, to assure the proper disbursement of, and accounting for, funds received under title II; and

"(14) procedures for the preparation and submission of an annual report to the Governor, which report shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants;

"(C) information on the extent to which applicable performance standards have been met;

"(D) information on the extent to which the service delivery area has met the goals of the area for the training and training-related placement of women in nontraditional employment and apprenticeships; and

"(E) a statistical breakdown of women trained and placed in nontraditional occupations, including information regarding—

"(i) the type of training received, by occupation;

"(ii) whether the participant was placed in a job or apprenticeship, and, if so, the occupation and wage at placement;

"(iii) the age of the participant;

"(iv) the race of the participant; and

"(v) retention of the participant in nontraditional employment."

SEC. 9. REVIEW AND APPROVAL OF PLAN.

Section 105(a)(1)(B)(ii) (29 U.S.C. 1515(a)(1)(B)(ii)) is amended by inserting "community-based organizations and" after "appropriate".

SEC. 10. PERFORMANCE STANDARDS.

(a) IN GENERAL.—Section 106 (29 U.S.C. 1516) is amended to read as follows:

"SEC. 106. PERFORMANCE STANDARDS.

"(a) CONGRESSIONAL FINDINGS.—Congress finds that—

"(1) job training is an investment in human capital and not an expense; and

"(2) in order to determine whether that investment has been productive—

"(A) it is essential that criteria for measuring the return on the investment be developed; and
 "(B) the criteria should include basic measures of long-term economic self-sufficiency, including measures of increased educational attainment and occupational skills, increased employment and earnings, and reduced welfare dependency.

"(b) PERFORMANCE STANDARDS.—

"(1) ACHIEVEMENT OF BASIC MEASURES.—In order to determine whether the basic measures described in subsection (a)(2)(B) have been achieved by programs under parts A and C of title II, the Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall prescribe performance standards for the programs.

"(2) GENERAL OBJECTIVE.—In prescribing performance standards for programs under parts A and C of title II, the Secretary shall ensure that States and service delivery areas will make efforts to increase services and positive outcomes for hard-to-serve individuals.

"(3) FACTORS FOR ADULT STANDARDS.—The Secretary shall base the performance standards for adult programs under part A of title II on appropriate factors, which may include—

"(A) placement in unsubsidized employment;
 "(B) retention for more than 6 months in unsubsidized employment;

"(C) increase in earnings, including hourly wages;

"(D) reduction in welfare dependency; and
 "(E)(i) acquisition of skills, including basic skills, required to promote continued employability in the local labor market (including attainment of the competency levels described in paragraph (5)), or acquisition of a high school diploma or the equivalent of the diploma; and
 "(ii) one or more of the factors described in subparagraphs (A) through (D).

"(4) FACTORS FOR YOUTH STANDARDS.—

"(A) IN GENERAL.—The Secretary shall base the performance standards for youth programs under part C of title II on appropriate factors described in paragraph (3), and on factors including—

"(i) attainment of employment competencies (including attainment of the competency levels described in paragraph (5));

"(ii) dropout prevention and recovery;

"(iii) secondary and postsecondary school completion or the equivalent of such completion; and

"(iv) enrollment in other training programs, apprenticeships, or postsecondary education, or enlistment in the Armed Forces.

"(B) VARIATIONS.—The Secretary may prescribe variations in the standards described in subparagraph (A) to reflect the differences between in-school and out-of-school programs.

"(5) COMPETENCY LEVELS.—The private industry councils, in consultation with educational agencies, community-based organizations, and the private sector, shall establish youth and adult competency levels, based on such factors as attainment of entry skill levels and other hiring requirements.

"(6) REQUIREMENTS.—The performance standards described in paragraphs (3) and (4) shall include provisions governing—

"(A) the base period prior to program participation that will be used for measurement of the factors described in paragraphs (3) and (4), as appropriate;

"(B) a representative period after termination from the program that is a reasonable indicator of postprogram earnings and cash welfare payment reductions; and

"(C) cost-effective methods for obtaining such data as is necessary to carry out this subsection, which methods—

"(i) notwithstanding any other provision of law, may include access to—

"(I) earnings records;

"(II) State employment security records;

"(III) records collected under the Federal Insurance Contributions Act, chapter 21 of the Internal Revenue Code of 1986;

"(IV) records regarding State aid to families with dependent children;

"(V) statistical sampling techniques; and

"(VI) records or techniques similar to the records and techniques described in subclauses (I) through (V); and

"(ii) shall include appropriate safeguards to protect the confidentiality of the data obtained.

"(7) GROSS PROGRAM EXPENDITURES.—The Secretary shall prescribe performance standards for programs under parts A and C of title II relating gross program expenditures to various performance measures. The Governors shall not take performance standards prescribed under this paragraph into consideration in awarding grants under paragraph (8).

"(8) INCENTIVE GRANTS.—From funds available under section 202(c)(2)(C), and under section 262(c) for providing incentive grants under this paragraph, each Governor shall award incentive grants to service delivery areas conducting programs under parts A and C of title II that—

"(A) exceed the performance standards established by the Secretary under this subsection (except for the standards established under paragraph (7)) with respect to services to all participants;

"(B) exceed the performance standards established by the Secretary under this subsection (except for the standards established under paragraph (7)) with respect to services to hard-to-serve populations;

"(C) serve more than the minimum percentage of out-of-school youth required by section 263(f);

"(D) place participants in employment that provides post-program earnings that exceed the appropriate performance criteria; and

"(E) exceed the performance standards established by the Governor under subsection (e) for programs under title II, except that not more than 25 percent of the incentive grants shall be awarded on performance standards established under subsection (e).

"(c) EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.—

"(1) PERFORMANCE STANDARDS.—The Secretary shall prescribe performance standards for programs under title III based on participant placement and retention in unsubsidized employment.

"(2) NEEDS-RELATED PAYMENTS.—In prescribing performance standards under paragraph (1), the Secretary shall make appropriate allowance for the difference in cost resulting from serving workers receiving needs-related payments under section 314(e).

"(d) VARIATIONS.—

"(1) AUTHORITY OF GOVERNORS.—Each Governor of a State participating in a program governed by standards issued under subsection (b) or (c) shall prescribe, within parameters established by the Secretary, variations in the standards for the State, based on—

"(A) specific economic, geographic, and demographic factors in the State and in service delivery areas and substate areas within the State;

"(B) the characteristics of the population to be served;

"(C) the demonstrated difficulties in serving the population; and

"(D) the type of services to be provided.

"(2) SECRETARY'S RESPONSIBILITIES.—The Secretary shall—

"(A) provide information and technical assistance on performance standards adjustments;

"(B) collect data that identifies hard-to-serve individuals and long-term welfare dependency;

"(C) provide guidance on setting performance goals at the service provider level that encourage increased service to hard-to-serve individuals, particularly long-term welfare recipients; and

"(D) review performance standards to ensure that such standards provide maximum incentive in serving hard-to-serve individuals, particularly long-term welfare recipients, including individuals receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (relating to the aid to families with dependent children program) and individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) (relating to the supplemental security income programs).

"(e) ADDITIONAL PERFORMANCE STANDARDS BY GOVERNORS.—

"(1) IN GENERAL.—A Governor of a State participating in a program under title II or III may prescribe performance standards for the program in addition to standards established by the Secretary under subsections (b) and (c).

"(2) CRITERIA.—Such additional standards may include criteria requiring establishment of effective linkages with other programs to avoid duplication and enhance the delivery of services, the provision of high quality services, and successful service to target groups.

"(3) REPORT.—The additional performance standards established for title II shall be reported in the Governor's coordination and special services plan.

"(f) NATIVE AMERICAN AND JOB CORPS PROGRAMS.—The Secretary shall prescribe performance standards for programs under parts A and B of title IV, and for programs under title V.

"(g) SYSTEM FOR ADJUSTMENTS.—The Secretary shall prescribe a system for adjustments in performance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, disabled and Vietnam era veterans, including veterans who served in the Indochina theater between August 5, 1964, and May 7, 1975, offenders, and displaced homemakers, taking into account their special circumstances.

"(h) MODIFICATIONS.—

"(1) IN GENERAL.—The Secretary may modify the performance standards under this section not more often than once every 2 program years and such modifications shall not be retroactive.

"(2) JOB CORPS.—Notwithstanding paragraph (1), the Secretary may modify standards relating to programs under part B of title IV each program year.

"(i) NATIONAL COMMISSION ON EMPLOYMENT POLICY.—The National Commission on Employment Policy shall—

"(1) advise the Secretary in the development of performance standards under this section for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (d);

"(2) evaluate the usefulness of such standards as measures of desired performance; and

"(3) evaluate the impacts of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the costs of such services in service delivery areas.

"(j) FAILURE TO MEET STANDARDS.—

"(1) UNIFORM CRITERIA.—The Secretary shall establish uniform criteria for determining whether—

"(A) a service delivery area fails to meet performance standards under this section; and

"(B) the circumstances under which remedial action authorized under this subsection shall be taken.

"(2) TECHNICAL ASSISTANCE.—Each Governor shall provide technical assistance to service delivery areas failing to meet performance standards under the uniform criteria established under paragraph (1)(A).

"(3) PROCESS FOR CORRECTION.—Not later than 90 days after the end of each program year, each Governor shall report to the Secretary the final performance standards and performance for each service delivery area within the State, along with the plans of the Governor for providing the technical assistance required under paragraph (2).

"(4) REORGANIZATION PLAN.—

"(A) PLAN REQUIRED FOR CONTINUED FAILURE.—If a service delivery area continues to fail to meet such performance standards for 2 program years, the Governor shall notify the Secretary and the service delivery area of the continued failure, and shall develop and impose a reorganization plan.

"(B) ELEMENTS.—Such plan may restructure the private industry council, prohibit the use of designated service providers, merge the service delivery area into one or more other existing service delivery areas, or make other changes as the Governor determines to be necessary to improve performance, including the selection of an alternative administrative entity to administer the program for the service delivery area.

"(C) ALTERNATIVE ADMINISTRATIVE ENTITY SELECTION.—The alternative administrative entity described in subparagraph (B) may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area or substate area.

"(5) SECRETARIAL ACTION.—

"(A) PLAN.—If the Governor has not imposed a reorganization plan as required by paragraph (4)(A)(i) within 90 days of the end of the second program year in which a service delivery area has failed to meet its performance standards, the Secretary shall develop and impose such a plan, including the selection of an alternative administrative entity to administer the program for the service delivery areas.

"(B) RECAPTURE OR WITHHOLDING.—The Secretary shall recapture or withhold an amount not to exceed one-fifth of the State administration set-aside allocated under section 202(c)(2)(A) and under section 262(c) for the activities described in section 202(c)(2)(A), for the purposes of providing technical assistance under a reorganization plan as described in paragraph (4).

"(6) APPEAL BY SERVICE DELIVERY AREA.—

"(A) TIMING.—A service delivery area that is the subject of a reorganization plan under paragraph (4) may, within 30 days after receiving notice thereof, appeal to the Secretary to rescind or revise such plan.

"(B) RECAPTURE OR WITHHOLDING.—

"(i) DETERMINATION.—If the Secretary determines, upon appeal under subparagraph (A), that the Governor has not provided appropriate technical assistance as required under paragraph (2), the Secretary shall recapture or withhold an amount not to exceed one-fifth of the State administration set-aside allocated under section 202(c)(2)(A) and under section 262(c) for activities described in section 202(c)(2)(A). The Secretary shall use funds recaptured or withheld under this subparagraph to provide appropriate technical assistance.

"(ii) BASIS.—If the Secretary approved the technical assistance plan provided by the Governor under paragraph (2), a determination under this subparagraph shall only be based on failure to effectively implement such plan and shall not be based on the plan itself.

"(7) APPEAL BY GOVERNOR.—A Governor of a State that is subject to recapture or withholding under paragraph (5) or (6)(B) may, within 30 days of receiving notice thereof, appeal such withholding to the Secretary.

"(k) CLARIFICATION OR REFERENCE.—For the purposes of this section, the term 'employment'

means employment for 20 or more hours per week."

(b) CONFORMING AMENDMENT.—Sections 311(a), 311(b)(8), and 322(a)(4) (29 U.S.C. 1661(a), 1661(b)(8), and 1662a(a)(4)) are each amended by striking "106(g)" and inserting "106(c)".

SEC. 11. SELECTION OF SERVICE PROVIDERS.

(a) CHILD CARE.—Section 107(a) (29 U.S.C. 1517(a)) is amended by adding at the end the following: "In addition, consideration shall be given to provision of appropriate supportive services, including child care."

(b) SELECTION OF SERVICE PROVIDERS.—Section 107 is amended by adding at the end the following new subsection:

"(e) The selection of service providers shall be made on a competitive basis, to the extent practicable, and shall include—

"(1) a determination of the ability of the service provider to meet program design specifications established by the administrative entity that take into account the purpose of this Act and the goals established by the Governor in the Coordination and Special Services Plan; and

"(2) documentation of compliance with procurement standards established by the Governor under section 164, including the reasons for selection."

SEC. 12. LIMITATION ON CERTAIN COSTS.

(a) APPLICATION OF COST LIMITATIONS.—Section 108(a) (29 U.S.C. 1518(a)) is amended to read as follows:

"(a) Except as provided in subparagraphs (A) and (B) of section 141(d)(3), funds expended under this Act shall be charged to the appropriate cost categories."

(b) COST CATEGORIES AND LIMITATIONS.—Section 108(b) is amended to read as follows:

"(b)(1) The cost limitations contained in this subsection shall apply separately to the funds allocated for programs under part A of title II, and to the funds allocated for programs under part C of such title.

"(2) Funds expended under parts A and C of title II shall be charged to one of the following categories:

"(A) Administration.

"(B) Training-related and supportive services.

"(C) Direct training services.

"(3) The Secretary shall, consistent with sections 204(b) and 264(c), define by regulation the cost categories specified in paragraph (2).

"(4) Of the funds allocated to a service delivery area for any program year under part A or C of title II—

"(A) not more than 20 percent shall be expended for the costs of administration; and

"(B) not less than 50 percent shall be expended for direct training services.

"(5) Each service delivery area shall ensure that all contracts, grants, or other agreements with a service provider, for services provided to participants, shall include appropriate amounts necessary for administrative costs and supportive services."

(c) REFERENCE TO TITLE III LIMITATIONS.—Section 108 is further amended by amending subsection (c) to read as follows:

"(c) Funds available under title III shall be expended in accordance with the limitations specified in section 315."

SEC. 13. SERVICE DELIVERY AREA TRANSFER AND AGREEMENT; REALLOTMENT.

(a) IN GENERAL.—Part A of title I (29 U.S.C. 1511 et seq.) is amended by adding at the end the following new sections:

"SEC. 109. SERVICE DELIVERY AREA TRANSFER AND AGREEMENT.

"(a) IN GENERAL.—Any service delivery area may enter into an agreement with another service delivery area to share the cost of educating, training, and placing individuals participating in programs assisted under this Act, including

the provision of supportive services. Such agreement shall be approved by an individual representing each private industry council providing guidance to the service delivery area.

"(b) APPLICATION OF APPROPRIATE PERFORMANCE STANDARDS.—Each service delivery area entering into a service delivery area agreement under this section shall be credited under the appropriate performance standards.

"SEC. 110. REALLOCATION AND REALLOTMENT OF UNOBLIGATED FUNDS UNDER TITLE II.

"(a) WITHIN STATE REALLOCATIONS.—

"(1) IN GENERAL.—For each program year beginning on or after July 1, 1993, the Governor shall, in accordance with the requirements of this subsection, reallocate to eligible service delivery areas within the State funds appropriated for such program year that are available for reallocation.

"(2) AMOUNT.—The amount available for reallocation is equal to the amount by which the unobligated balance of the service delivery area allocation under parts A or C of title II at the end of the program year prior to the program year for which the reallocation is made exceeds 15 percent of such allocation for the prior program year.

"(3) REALLOCATION.—The Governor shall reallocate the amounts available under paragraph (2), to eligible service delivery areas within the State that have the highest rates of unemployment for an extended period of time and to the service delivery areas with the highest poverty rates.

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible service delivery area means a service delivery area that has obligated at least 85 percent of the allocation of the area under part A or C of title II for the program year prior to the program year for which the reallocation is made.

"(b) REALLOTMENT AMONG STATES.—

"(1) IN GENERAL.—For each program year beginning on or after July 1, 1993, the Secretary may, in accordance with the requirements of this subsection, reallocate to eligible States funds appropriated for such program year that are available for reallocation.

"(2) AMOUNT.—The amount available for reallocation among States under this subsection shall be equal to the amount by which the unobligated balance of the State allotment under part A or C of title II at the end of the program year prior to the program year for which the reallocation is made exceeds 15 percent of such allotment for the prior program year.

"(3) REALLOTMENT.—From the amount available under paragraph (2), the Secretary shall reallocate to each eligible State an amount based on the relative amount allotted to such eligible State under part A or C of title II for the program year the determination under this subsection is made compared to the total amount allotted to all eligible States under part A or C of title II for such program year.

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State which has obligated at least 85 percent of its allocation under part A or C of title II for the program year prior to the program year for which the reallocation is made.

"(5) PROCEDURES.—The Governor of each State shall prescribe uniform procedures for the obligation of funds by service delivery areas within the State in order to avoid the requirement that funds be made available for reallocation under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and service delivery areas in the event that a State is required to make funds available for reallocation under this subsection."

(b) TECHNICAL AMENDMENT.—The table of contents relating to part A of title I is amended

by adding after the item relating to section 108 the following:

"Sec. 109. Service delivery area transfer and agreement.

"Sec. 110. Reallocation and reallocation of unobligated funds under title II."

SEC. 14. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) IN GENERAL.—Section 121(b) (29 U.S.C. 1531(b)) is amended—

(1) in paragraph (1), by striking "Such criteria" and inserting: "The plan shall also include criteria for coordinating activities under this Act with programs and services provided by State and local agencies on aging, and programs operated under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.). In addition, the plan shall establish criteria for coordinating activities under this Act with programs under the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.). The criteria described in each of the three preceding sentences";

(2) in paragraph (2) to read as follows: "(2) The plan shall describe the measures taken by the State to ensure coordination and avoid duplication of programs between the State agencies administering the JOBS program and programs under title II in the planning and delivery of services. The plan shall describe the procedures developed by the State to ensure that the State JOBS plan is consistent with the coordination criteria specified in the plan and shall identify the procedures developed to provide for the review of the JOBS plan by the State job training coordinating council."

(3) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(4) by inserting the following new paragraph after paragraph (2):

"(3) The plan shall describe the projected use of resources, including oversight of program performance, program administration, program financial management, capacity building, priorities and criteria for State incentive grants, and performance goals for State-supported programs. The description of capacity building shall include the Governor's plans for research and demonstration projects, technical assistance for service delivery areas and service providers, interstate technical assistance and training arrangements, and other coordinated technical assistance arrangements for service delivery areas and service providers under the direction of the Secretary"; and

(5) in paragraph (5) (as redesignated in paragraph (3)) by—

(A) striking "and" at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting a semicolon and "and"; and

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

"(C) services to older workers, including plans for facilitating the provision of services across service delivery areas within the State, as provided in section 104(b)(2)."

(b) COORDINATION AND SPECIAL SERVICES ACTIVITIES.—Section 121(c) is amended—

(1) in paragraph (7), by inserting after the paragraph designation the following: "coordination of activities relating to part A of title II with";

(2) by striking "and" at the end of paragraph (10);

(3) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(12) initiatives undertaken under the State innovation and coordination program described in section 123; and

"(13) making available to service delivery areas appropriate information and technical as-

sistance to assist in developing and implementing joint programs, including youth corps programs, in which activities supported under this Act are coordinated with activities supported under the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.)."

SEC. 15. STATE JOB TRAINING COORDINATION COUNCIL.

Section 122(a)(3)(B)(i) (29 U.S.C. 1532(a)(3)(B)(i)) is amended by inserting "the State Advisory Board established under section 178 of the National and Community Service Act of 1990," after "State veterans' affairs agencies or equivalent,".

SEC. 16. STATE EDUCATION COORDINATION AND GRANTS.

Section 123 (29 U.S.C. 1533) is amended to read as follows:

"SEC. 123. STATE EDUCATION COORDINATION AND GRANTS.

"(a) ALLOTMENT.—

"(1) IN GENERAL.—The Secretary shall allot the funds made available to carry out this section under section 202(c)(2)(D) and under section 262(c) to the Governors for allocation to State educational agencies to pay for the Federal share of carrying out the projects described in paragraph (2).

"(2) PROJECTS.—Funds allocated under paragraph (1) may be used to pay for the Federal share of carrying out projects (in accordance with agreements under subsection (b)) that—

"(A) provide school-to-work transition services of demonstrated effectiveness that increase the rate of graduation from high school, or completion of the recognized equivalent of such graduation, including services that increase the rate at which dropouts return to regular or alternative schooling and obtain a high school degree or equivalent;

"(B) provide literacy and lifelong learning opportunities and services of demonstrated effectiveness that—

"(i) enhance the knowledge and skills of educationally and economically disadvantaged individuals; and

"(ii) result in increasing the employment and earnings of such individuals; and

"(C) provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment; and

"(D) facilitate coordination of education and training services for eligible participants in projects described in subparagraphs (A), (B), and (C).

"(3) FEDERAL SHARE.—The Federal share of the cost of carrying out the projects described in paragraph (2) shall be 50 percent.

"(b) AGREEMENTS REQUIRED.—

"(1) PARTIES TO AGREEMENTS.—The projects described in subsection (a)(2) shall be conducted within a State in accordance with agreements between the State educational agency, administrative entities in service delivery areas in the State, and other entities such as other State agencies, local educational agencies, and alternative service providers (such as community-based and other nonprofit or for-profit organizations).

"(2) CONTENTS OF AGREEMENTS.—

"(A) CONTRIBUTION.—The agreements described in paragraph (1) shall provide for the contribution by the State, from funds other than the funds made available under this Act, of a total amount equal to the funds allotted under this section.

"(B) DIRECT COST OF SERVICES.—Such amount may include the direct cost of employment or training services—

"(i) provided by State or local programs or agencies; or

"(ii) provided by other Federal programs or agencies in accordance with applicable Federal law.

"(c) GOVERNOR'S PLAN REQUIREMENTS.—Any Governor receiving assistance under this section shall include in the Governor's coordination and special services plan, in accordance with section 121, a description developed in consultation with the State educational agency of—

"(1) the goals to be achieved and services to be provided by the school-to-work transition programs specified in subsection (a)(2)(A) that will receive the assistance, which description shall, at a minimum, include information regarding—

"(A) the activities and services that will result in increasing the number of youth staying in or returning to school and graduating from high school or the equivalent;

"(B) the work-based curriculum that will link classroom learning to worksite experience and address the practical and theoretical aspects of work;

"(C) the opportunities that will be made available to participants to obtain career-path employment and postsecondary education;

"(D) the integration to be achieved, in appropriate circumstances, in the delivery of services between State and local educational agencies and alternative service providers, such as community-based and nonprofit organizations; and

"(E) the linkages that will be established, where feasible, to avoid duplication and enhance the delivery of services, with programs under—

"(i) title II and part B of title IV;

"(ii) the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq.);

"(iii) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(iv) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(v) the Adult Education Act (20 U.S.C. 1201 et seq.);

"(vi) the JOBS program;

"(vii) the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 482); and

"(viii) the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.).

"(2) the goals to be achieved and services to be provided by literacy and lifelong learning programs specified in subsection (a)(2)(B) that will receive the assistance, which description shall, at a minimum, include information regarding—

"(A) the activities and services that will increase the knowledge and skills of educationally and economically disadvantaged individuals, and result in increased employment and earnings for such individuals;

"(B) the integration to be achieved between projects assisted under this section and the 4-year State plan (and related needs assessment carried out for the plan) developed in accordance with section 342 of the Adult Education Act (20 U.S.C. 1206a);

"(C) the variety of settings, including workplace settings, in which literacy training and learning opportunities will be provided; and

"(D) the linkages that will be established, where feasible, to avoid duplication and enhance the delivery of services, with programs under—

"(i) titles II and III of this Act;

"(ii) the Adult Education Act;

"(iii) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(iv) the Stewart B. McKinney Homeless Assistance Act;

"(v) the JOBS program;

"(vi) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(vii) the National Literacy Act of 1991 (Public Law 102-73);

"(viii) the Emergency Immigrant Education Act of 1984 (20 U.S.C. 3121 et seq.); and

"(ix) the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.);

"(3) the goals to be achieved and services to be provided by the nontraditional employment for women programs specified in subsection (a)(2)(C) that will receive the assistance; and

"(4) the proportion of funds received under this section that will be used to carry out the programs described in paragraphs (1), (2), and (3), respectively.

"(d) SERVICE REQUIREMENTS.—

"(1) PERMITTED SERVICES.—Services funded under this section to carry out the projects described in subsection (a)(2) may include education and training, vocational education services, and related services, provided to participants under title II. In addition, services funded under this section may include services for offenders, veterans, and other individuals who the Governor determines require special assistance.

"(2) LIMITATIONS ON EXPENDITURES.—

"(A) COORDINATION OF SERVICES.—Not more than 20 percent of the funds allocated under this section may be expended to pay for the Federal share of projects described in subsection (a)(2)(D) at the State and local levels.

"(B) SCHOOL-TO-WORK SERVICES; LITERACY AND LIFELONG LEARNING SERVICES.—Not less than 80 percent of the funds allocated under this section shall be expended to pay for the Federal share of projects conducted in accordance with subparagraphs (A), (B), and (C) of subsection (a)(2).

"(C) ECONOMICALLY DISADVANTAGED INDIVIDUALS.—Not less than 75 percent of the funds allocated for projects under subparagraphs (A), (B), and (C) of subsection (a)(2) shall be expended for projects for economically disadvantaged individuals who experience other barriers to employment. Priority for funds not expended for the economically disadvantaged shall be given to title III participants and persons with other barriers to employment.

"(e) DISTRIBUTION OF FUNDS IN ABSENCE OF AGREEMENT.—If no agreement is reached in accordance with subsection (b) on the use of funds under this section, the Governor shall notify the Secretary and shall distribute the funds to service delivery areas in accordance with section 202(b) for the projects described in subsection (a)(2).

"(f) REPORTS AND RECORDS.—

"(1) REPORTS BY GOVERNORS.—The Governor shall prepare reports on the projects funded under this section, including such information as the Secretary may require to determine the extent to which the projects supported under this section result in achieving the goals specified in paragraphs (1), (2), and (3) of subsection (c). The Governor shall submit the reports to the Secretary at such intervals as shall be determined by the Secretary.

"(2) RECORDS AND REPORTS OF RECIPIENTS.—Each direct or indirect recipient of funds under this section shall keep records that are sufficient to permit the preparation of reports. Each recipient shall submit such reports to the Secretary, at such intervals as shall be determined by the Secretary."

SEC. 17. ADDITIONAL REQUIREMENTS.

(a) IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.—Section 124 (29 U.S.C. 1534) is amended to read as follows:

"SEC. 124. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.

"If a State or service delivery area imposes a requirement, including a rule, regulation, policy, or performance standard, relating to the administration and operation of programs funded by this Act (including requirements based on State or service delivery area interpretation of any Federal law, regulation, or guideline) the State or area shall identify the requirement as a State or service delivery area-imposed requirement."

(b) TECHNICAL AMENDMENT.—The table of contents relating to part B of title I is amended

by striking the item relating to section 124 and inserting the following:

"Sec. 124. Identification of additional imposed requirements."

SEC. 18. STATE LABOR MARKET INFORMATION PROGRAMS.

Section 125(a) (29 U.S.C. 1535(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

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

"(6) provide training and technical assistance to support comprehensive career guidance and participant outcome activities for local programs assisted under this Act."

SEC. 19. GENERAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 141(d)(3) (29 U.S.C. 1551(d)(3)) is amended by—

(1) inserting "(A)" after the paragraph designation; and

(2) adding at the end the following new subparagraphs:

"(B) Tuition charges for training or education provided by an institution of higher education or postsecondary institution that are not more than the charges for such training or education made available to the general public do not require a breakdown of cost components.

"(C) Funds provided from the allocation to a service delivery area for any fiscal year that are expended by any service provider (with the exception of a State or local agency) for the cost of administering services under part A or C of title II shall not be subject to the limitation contained in section 108(b)(4)(A) if—

"(i) such funds are expended under an agreement under which not less than 90 percent of the funds provided to the service provider are to be expended for the costs of direct training and training-related and supportive services;

"(ii) such expenditures are charged to the appropriate cost category; and

"(iii) the service delivery area is in compliance with the requirement under section 108(b)(4)(B) for such fiscal year."

(b) LIMITATION.—Section 141(g) is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) adding at the end the following new paragraphs:

"(2) On-the-job training authorized under this Act for a participant with respect to a position shall be limited in duration to a period not in excess of the period generally required for acquisition of skills needed for the position within a particular occupation. In no event shall the training exceed 6 months unless the total number of hours of such training is less than 500 hours. In determining the period generally required for acquisition of the skills, consideration shall be given to recognized reference material (such as the Dictionary of Occupational Titles), the content of the training of the participant, the prior work experience of the participant, and the service strategy of the participant.

"(3)(A) Each on-the-job training contract shall—

(i) specify the types and duration of on-the-job training to be developed and other services to be provided in sufficient detail to allow for a fair analysis of the reasonableness of proposed costs; and

(ii) comply with the requirements of section 164.

"(B) Each on-the-job training contract that is not directly contracted by a service delivery area with an employer (but instead is contracted through an intermediary brokering contractor), shall, in addition to meeting the requirements of subparagraph (A), specify the outreach, recruit-

ment, participant training, counseling, placement, monitoring, followup, and other services to be provided directly by the brokering contractor within the organization of the contractor, the services to be provided by the employers conducting the on-the-job training, and the services to be provided, with or without cost, by other agencies and subcontractors.

"(C) If a brokering contractor enters into a contract with a subcontractor to provide training or other services, the brokering contractor shall ensure, through on-site monitoring, compliance with subcontract terms prior to making payment to the subcontractor."

(c) DISPOSAL OF ASSETS.—Section 141(k) is amended to read as follows:

"(k) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this Act shall be the Federal requirements generally applicable to Federal grants to States and local governments."

(d) PROGRAM INCOME.—Section 141(m) is amended to read as follows:

"(m)(1) A public or private nonprofit entity administering a program under this Act may retain income under the program if the entity uses such income to continue to carry out such program, and may use the income for such purposes without fiscal year limitation.

"(2) Income subject to the requirements of paragraph (1) shall include—

"(A) receipts from goods or services provided as a result of activity funded under this Act; and

"(B) funds provided to a service provider under this Act that are in excess of the costs associated with the services provided.

"(3) For the purposes of this subsection, each public or private nonprofit entity receiving financial assistance under this Act shall maintain records sufficient to determine the amount of income received and the purposes for which such income is expended."

(e) PUBLIC SERVICE EMPLOYMENT.—Section 141(p) is amended by striking "part B of this title or part A of" and inserting "part A or C of".

SEC. 20. DISPLACEMENT GRIEVANCE PROCEDURE.

Section 144 (29 U.S.C. 1554) is amended by adding at the end the following new subsections:

"(d)(1)(A) If a grievant files a grievance alleging a displacement from employment in violation of paragraph (1) or (3) of section 143(b) and no decision is issued within 60 days of the date on which the grievant filed the grievance, any party to the grievance may submit the grievance to arbitration conducted in accordance with paragraphs (2) through (4) by—

(i) an arbitrator selected in accordance with subparagraph (C); or

(ii) the Governor of the State in which the displacement occurred.

"(B) If a grievant files such a grievance and a decision is issued that is adverse to a party to the grievance, the party may submit the grievance to such arbitration.

"(C) The arbitrator described in paragraph (1)(a)(i) shall be a qualified arbitrator who is independent of the interested parties. The arbitrator shall be jointly selected by the parties. If the parties cannot agree on an arbitrator within 15 days of the date on which the grievance is submitted to arbitration, the Governor shall appoint an arbitrator from a list of qualified arbitrators maintained by the Governor.

"(2) The arbitrator shall conduct an arbitration proceeding not later than 45 days after the date on which a party submitted the grievance to arbitration.

"(3) The arbitrator shall issue a decision concerning such grievance not later than 30 days after the date of such arbitration proceeding.

"(4) The parties to the arbitration shall evenly divide the cost of such arbitration proceeding.

"(e) Remedies available under this section for violations of paragraph (1) or (3) of section 143(b) may include—

"(1) suspension or termination of payments under this Act;

"(2) prohibition of placement of a participant in a program under this Act;

"(3) recapture of payments made under this Act;

"(4) if the grievant requests reinstatement to the position of the grievant prior to displacement, such reinstatement, together with such compensation (including back pay and lost benefits) and such terms, conditions, and privileges of employment, as the grievant enjoyed prior to displacement; and

"(5) such equitable relief as is necessary to make the grievant whole."

SEC. 21. ADVANCE PAYMENT.

Section 162 (29 U.S.C. 1572) is amended by adding at the end the following new subsection:

"(f) When contracting with nonprofit organizations of demonstrated effectiveness, the Secretary, States, and service delivery areas may make advance payments, except that such advance payments shall be based on the financial need of such organizations and shall not exceed 20 percent of the total contract amount."

SEC. 22. FISCAL CONTROLS.

(a) PROCUREMENT.—Section 164(a) (29 U.S.C. 1574(a)) is amended to read as follows:

"(a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the recipient under titles II and III. Such procedures shall ensure that all financial transactions are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.

"(2) The Governor shall prescribe and implement uniform procurement standards to ensure fiscal accountability and prevent fraud and abuse in programs administered under this Act. Such standards shall include provisions to ensure that, for the State, substate areas, and service delivery areas—

"(A) procurements shall be conducted in a manner providing full and open competition;

"(B) the use of sole source procurements shall be minimized to the extent practicable, and in every case shall be justified;

"(C) procurements shall include an analysis of the reasonableness of costs and prices;

"(D) procurements shall not provide excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities), and that appropriate factors shall be utilized in determining whether such income or profit is excessive, such as—

"(i) the complexity of the work to be performed;

"(ii) the risk borne by the contractor; and

"(iii) market conditions in the surrounding geographic area;

"(E) procurements shall clearly specify deliverables and the basis for payment;

"(F) written procedures shall be established for procurement transactions;

"(G) no grantee, contractor, subgrantee, or subcontractor shall engage in any conflict of interest, actual or apparent, in the selection, award and administration of a contract or grant under this Act; and

"(H) all grantees and subgrantees shall conduct oversight to ensure compliance with procurement standards.

"(3) The Governor shall annually conduct on-site monitoring of each service delivery area and substate area within the State to ensure compliance with the procurement standards established under paragraph (2).

"(4) If the Governor determines that a service delivery area or substate area is not in compliance with the procurement standards established under paragraph (2), the Governor shall—

"(A) require corrective action to secure prompt compliance; and

"(B) impose the sanctions described in subsections (b) and (e) in the event of failure to take the required corrective action.

"(5) The Governor shall submit to the Secretary the procurement standards established under paragraph (2), and shall annually certify to the Secretary that—

"(A) the State procurement standards fully satisfy the requirements described in paragraph (2);

"(B) the State has monitored substate areas and service delivery areas to ensure compliance with the procurement standards established under paragraph (2); and

"(C) the State has taken appropriate action to secure compliance under paragraph (4).

"(6) The Secretary shall biennially review the procurement standards established under paragraph (2) and notify the appropriate committees of the Congress whether the requirements contained in paragraph (5) have been satisfied.

"(7) If the Secretary determines that a Governor has not fulfilled the requirements of this subsection, the Secretary shall—

"(A) require corrective action to secure prompt compliance; and

"(B) impose the sanctions provided under subsection (f) in the event of failure of the Governor to take the required corrective action.

"(8) The Secretary, in consultation with the Inspector General, shall review the implementation of this subsection and submit a report to the appropriate committees of the Congress, not later than October 1, 1994, evaluating the effectiveness of the subsection in ensuring fiscal accountability and containing such recommendations as the Secretary determines to be appropriate."

(b) CONSEQUENCES OF FAILURES.—Section 164(b) of the Act is amended to read as follows:

"(b)(1) Whenever, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of this Act, and corrective action has not been taken, the Governor shall—

"(A) issue a notice of intent to revoke approval of all or part of the plan affected; or

"(B) impose a reorganization plan, which may include—

"(i) restructuring the private industry council involved;

"(ii) prohibiting the use of designated service providers;

"(iii) selecting an alternative administrative entity to administer a program for the service delivery area involved;

"(iv) merging the service delivery area into one or more other existing service delivery areas; or

"(v) making such other changes as the Secretary or Governor determines to be necessary to secure compliance.

"(2)(A) The actions taken by the Governor under paragraph (1)(A) may be appealed to the Secretary under the same terms and conditions as the disapproval of the plan and shall not become effective until—

"(i) the time for appeal has expired; or

"(ii) the Secretary has issued a decision regarding an appeal.

"(B) The actions taken by the Governor under paragraph (1)(B) may be appealed to the Secretary, who shall make a final decision within 60 days of the receipt of the appeal.

"(3) If the Governor fails to promptly take the actions required under paragraph (1), the Secretary shall take such actions."

SEC. 23. REPORTS, RECORDKEEPING, AND INVESTIGATIONS.

(a) RECORDS.—Section 165(a) (29 U.S.C. 1575(a)) is amended by adding at the end the following new paragraph:

"(3) In order to allow for the preparation of estimates necessary to meet the requirements of subsection (c), recipients shall maintain standardized records for all individual participants, and provide to the Secretary a sufficient number of such records to provide an adequate random sample."

(b) AUDITS.—Section 165(b) is amended by adding at the end the following new paragraph:

"(3)(A) In carrying out any audit under this Act (other than any initial audit survey or any audit investigating possible criminal or fraudulent conduct), either directly or through a grant or contract, the Secretary, the Inspector General, or the Comptroller General shall furnish to the State, administrative entity, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not fewer than 14 days (or as soon as practicable) prior to the commencement of the audit.

"(B) If the scope, objectives, or purposes of the audit change substantially during the course of the audit, the entity being audited shall be notified of the change as soon as practicable.

"(C) The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding.

"(D) Nothing contained in this Act shall be construed so as to be inconsistent with the Inspector General Act of 1978 (5 U.S.C. App.) or government auditing standards issued by the Comptroller General."

(c) MONITORING.—Section 165(c) is amended by—

(1) striking "and" at the end of paragraph (1), and inserting a semicolon;

(2) striking paragraph (2); and

(3) adding at the end the following new paragraphs:

"(2) prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 167; and

"(3) monitor the performance of service providers in complying with the terms of grants, contracts, or other agreements made under this Act."

(d) REPORT INFORMATION; RETENTION OF RECORDS.—Section 165 is further amended by inserting at the end the following new subsections:

"(d)(1) The reports required in subsection (c) shall include information pertaining to—

"(A) the relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information about enrollees and participants;

"(B) the activities in which participants are enrolled, and the length of time that participants are engaged in such activities;

"(C) program outcomes, including occupations, for participants;

"(D) specified program costs; and

"(E) information necessary to prepare reports to comply with section 167.

"(2) The Secretary shall ensure that all elements required for the reports described in paragraph (1) are defined and reported uniformly.

"(e) Each Governor of a State participating in a program under this Act shall ensure that procedures are developed for retention of all records

pertinent to all grants and agreements made under this Act, including financial, statistical, property, and participant records and supporting documentation. For funds allotted to a State for any program year, records must be retained for 2 years following the date on which the annual expenditure report containing the final expenditures charged to the allotment for such program year is submitted to the Secretary. Records for nonexpendable property shall be retained for a period of 3 years after final disposition of the property."

SEC. 24. DISCRIMINATION.

Section 167 (29 U.S.C. 1577) is amended by adding at the end the following new subsections:

"(e)(1) The head of the office of the Department of Labor referred to as the 'Directorate for Civil Rights' shall annually prepare a report on the administration and enforcement of this section.

"(2) The report required by paragraph (1) shall include—

"(A) an identification of the service delivery areas and States that have determined, during the preceding program year, not to be in compliance with this section;

"(B) for each such identification, the date on which the inquiry was begun and whether the inquiry was initiated on the basis of a complaint or at the initiative of the Department;

"(C) an identification of the service delivery areas and States awaiting findings by the Directorate;

"(D) the number of service delivery areas and States that, during the preceding year, were determined not to be in compliance with this section, and the number for which insufficient data prevented the making of such a determination, and information identifying the type of data that is missing or inadequate;

"(E) a statistical summary, broken down by race, sex, national origin, disability, or age, of the number of inquiries undertaken and the outcomes of the inquiries;

"(F) an identification of any service delivery area or State that has been determined, during the preceding year, to have failed to conduct objective assessments as required by sections 204 and 264 on a nondiscriminatory basis;

"(G)(i) the amount expended by the Department for the administration and enforcement by the Directorate of this section; and

"(ii) the number and percentage of full-time employees, and the full-time equivalent of the part-time employees, engaged in such administration and enforcement;

"(H) the number of onsite visits conducted each year, and whether the visits were initiated by the Department or by complaint;

"(I) the number of cases referred to the Attorney General, and for such cases—

"(i) the civil actions taken by the Attorney General on the cases;

"(ii) the use, by the Secretary, of the authority of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (29 U.S.C. 621 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

"(J) a description of any other actions taken by the Secretary under, or related to the administration and enforcement of, this section.

"(3) The report required by this subsection shall be submitted to the Congress as part of the annual report of the Secretary under section 169(d).

"(f) In addition to any other sums authorized to be appropriated, there are authorized to be appropriated for the operations and expenses of the Directorate such sums as may be necessary for the purpose of increasing the number of full-time equivalent personnel available to the Directorate in order to comply with the requirements of this section."

SEC. 25. ESTABLISHMENT OF ADULT OPPORTUNITY PROGRAM.

(a) IN GENERAL.—Part A of title II (29 U.S.C. 1601 et seq.) is amended to read as follows:

"PART A—ADULT OPPORTUNITY PROGRAM

"SEC. 201. STATEMENT OF PURPOSE.

"It is the purpose of this part to establish programs to prepare adults for participation in the labor force by increasing occupational and educational skills resulting in improved long-term employability, increased employment and earnings, and reduced welfare dependency.

"SEC. 202. ALLOTMENT AND ALLOCATION.

"(a) ALLOTMENT.—

"(1) TERRITORIES.—Of the amount appropriated under section 3(a)(1) for each fiscal year and available to carry out this part, not more than one-quarter of 1 percent shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Freely Associated States, and the Republic of Palau.

"(2) ALLOTMENT TO STATES.—

"(A) IN GENERAL.—After determining the amounts to be allotted under paragraph (1), the Secretary shall allot the remainder to the States in accordance with subparagraph (B) for allocation to service delivery areas within each State in accordance with subsections (b) and (c).

"(B) BASIS.—Subject to paragraph (3), of the remainder described in subparagraph (A) for each fiscal year—

"(i) 33½ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all the States;

"(ii) 33½ percent shall be allotted on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States; and

"(iii)(I) except as provided in subclause (II), 33½ percent shall be allotted on the basis of the relative number of economically disadvantaged individuals within each State as compared to the total number of economically disadvantaged individuals in all States; or

"(II) for any State in which there is any service delivery area described in section 101(a)(4)(A)(iii), 33½ percent shall be allotted on the basis of the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

"(3) LIMITATIONS ON ALLOTMENTS.—

"(A) STATE MINIMUM.—No State shall receive less than one-quarter of 1 percent of the amount available for allotment to the States under this subsection from the remainder described in paragraph (2)(A) for each fiscal year.

"(B) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year for which the determination is made.

"(C) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year for which the determination is made.

"(D) ALLOTMENT PERCENTAGE.—

"(i) IN GENERAL.—For the purposes of this paragraph, the allotment percentage of a State shall be the percentage that the State received of all allotments under this subsection.

"(ii) FISCAL YEAR 1992.—For the purposes of this paragraph, for fiscal year 1992, the allotment percentage of a State shall be the percentage that the State received of all allotments under section 201 as in effect on the day before the date of the enactment of this section.

"(b) ALLOCATION TO SERVICE DELIVERY AREAS.—Of the amounts allotted to each State under subsection (a)(2)(B) for each fiscal year, the Governor shall allocate 77 percent in accordance with this subsection and 23 percent in accordance with subsection (c). Of such 77 percent—

"(1) 33½ percent shall be allocated among service delivery areas within the State on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each service delivery area as compared to the total excess number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(2) 33½ percent shall be allocated among service delivery areas within the State on the basis of the relative excess number of unemployed individuals who reside in each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in the State; and

"(3)(A) except as provided in clause (ii), 33½ percent shall be allocated among service delivery areas within the State on the basis of the relative number of economically disadvantaged individuals within each service delivery area as compared to the total number of economically disadvantaged individuals in the State; or

"(B) for any service delivery area described in section 101(a)(4)(A)(iii), 33½ percent shall be allotted on the basis of the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

"(c) STATE ACTIVITIES.—

"(1) IN GENERAL.—The Governor shall allocate 23 percent of the amounts allotted to each State under subsection (a)(2)(B) for the activities described in paragraph (2).

"(2) USES.—Of the amounts allotted to each State under subsection (a)(2)(B) for each fiscal year—

"(A)(i) except as provided in clause (ii), 5 percent shall be available for overall administration, management, and auditing activities relating to programs under this title and for activities described in sections 121 and 122; and

"(ii) the Secretary shall ensure that the amount available to carry out the activities described in clause (i) is not less than \$500,000 by—

"(I) ratably reducing, by an amount necessary to meet the requirement of subclause (II), the amounts available under clause (i) for the States that have amounts available in excess of \$500,000; and

"(II) allotting the funds available under subclause (I) to the States that would otherwise have amounts available under clause (i) that are less than \$500,000 in amounts necessary to ensure that such States have an amount equal to \$500,000 to carry out the activities described in clause (i);

"(B) 2 percent shall be available for technical assistance and capacity building in developing the overall capability of the job training system within the State, including the development and training of State and local service delivery area staff, service provider staff, the development of information and exemplary program activities, and the conduct of research and other activities designed to improve the level, degree, and goals of programs conducted under this Act;

"(C) 3 percent shall be available to provide incentive grants authorized under section 106(b)(8);

"(D) 8 percent shall be available to carry out section 123; and

"(E) 5 percent shall be available to carry out section 204(d).

"(d) DEFINITIONS AND RULE.—

"(1) DEFINITIONS.—As used in this section:

"(A) **ECONOMICALLY DISADVANTAGED INDIVIDUAL.**—The term 'economically disadvantaged individual' means an individual who is age 22 through 72 and who has, or is a member of a family that has, received a total family income that, in relation to family size, was not in excess of the higher of—

"(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

"(ii) 70 percent of the lower living standard income level.

"(B) **EXCESS NUMBER.**—The term 'excess number' means—

"(i) with respect to the excess number of unemployed individuals within a State—

"(I) the number of unemployed individuals age 22 through 72 in excess of 4.5 percent of the civilian labor force in the State; or

"(II) the number of such unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State; and

"(ii) with respect to the excess number of unemployed individuals within a service delivery area—

"(I) the number of unemployed individuals age 22 through 72 in excess of 4.5 percent of the civilian labor force in the service delivery area; or

"(II) the number of such unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such area.

"(2) **SPECIAL RULE.**—For the purposes of this section, the Secretary shall, as appropriate and to the extent practical, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged individuals.

"SEC. 203. ELIGIBILITY FOR SERVICES.

"(A) **ELIGIBILITY.**—

"(1) **IN GENERAL.**—An individual shall be eligible to participate in the program assisted under this part if such individual is—

"(A) 22 years of age or older; and

"(B) economically disadvantaged.

"(2) **MINIMUM REQUIREMENT.**—Not less than 65 percent of the participants in a program assisted under this part in each service delivery area shall be individuals who, in addition to meeting the requirements of paragraph (1), are included in one or more of the following categories:

"(A) Individuals who are basic skills deficient.

"(B) Individuals who are school dropouts.

"(C) Individuals who are recipients of aid to families with dependent children who either meet the requirements of section 403(l)(2)(B) of the Social Security Act (42 U.S.C. 603(l)(2)(B)) or have been provided an employability plan in accordance with section 482(b) of the Social Security Act (42 U.S.C. 682(b)).

"(D) Individuals with a disability.

"(E) Individuals who are homeless, as defined by subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

"(F) Individuals who are unemployed for the previous 6 months or longer.

"(G) Offenders.

"(H) Individuals who are limited-English proficient.

"(I) Individuals who are in a category established under subsection (b).

"(3) **SPECIAL RULE.**—Not more than 10 percent of all participants in a program assisted under this part in each service delivery area shall be individuals who are not economically disadvantaged if such individuals are age 22 or older and within 1 or more categories of individuals who

face serious barriers to employment. Such categories may include the categories described in paragraph (2), or categories such as displaced homemakers, older workers, veterans, alcoholics, or addicts.

"(b) **ADDITIONAL CATEGORY.**—A service delivery area conducting a program assisted under this part may add one category of individuals who face serious barriers to employment to the categories of eligible individuals described in subsection (a)(2) if—

"(1) the service delivery area submits a request to the Governor identifying the additional category of individuals and justifying the inclusion of such category;

"(2) the Governor approves the request submitted under paragraph (1) and transmits the request to the Secretary, as part of the Governor's coordination and special services plan under section 121; and

"(3) the Secretary approves the request submitted under paragraph (2).

"SEC. 204. PROGRAM DESIGN.

"(a) **IN GENERAL.**—

"(1) **PROGRAM REQUIREMENTS.**—Each program assisted under this part shall include—

"(A) an objective assessment of the skill levels and service needs of each participant, including such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional employment) and supportive service needs, except that a new assessment of a participant is not required if the program determines that a recent assessment of the participant conducted under another education or training program, such as the JOBS program, is an appropriate assessment;

"(B) development of service strategies that shall identify the employment goal (including, in appropriate circumstances, nontraditional employment), the appropriate achievement objectives, and the appropriate sequence of services for participants, taking into account the assessments conducted under paragraph (1), except that a new service strategy is not required if the program determines a recent service strategy developed for the participant under another education or training program (such as the JOBS program) is an appropriate service strategy;

"(C) a review of the progress of each participant in meeting the objectives of the service strategy; and

"(D) basic skills training and occupational skills training if the assessment and the service strategy indicate such training is appropriate.

"(2) **ADDITIONAL REQUIREMENTS.**—

"(A) **MINIMUM INCOME PARTICIPANTS AND APPLICANTS.**—Each service delivery area participating in a program assisted under this part shall ensure that each participant or applicant who meets the minimum income eligibility criteria shall be provided—

"(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including providers receiving funds under this Act; and

"(ii) referral to other appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

"(B) **APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.**—

"(i) **SERVICE PROVIDERS.**—Each service provider shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program of the provider shall be referred to the service delivery area for further assessment, as necessary, and referrals to appropriate programs to meet the basic skills and training needs of the applicant.

"(ii) **SERVICE DELIVERY AREA.**—The service delivery area shall ensure that appropriate refer-

als are made under clause (i) and shall maintain records on the referrals and the reasons for which applicants are referred.

"(b) **AUTHORIZED SERVICES.**—Subject to the limitations contained in subsection (c), services that may be made available to each participant under this part may include—

"(1) direct training services, including—

"(A) basic skills training, including remedial education, literacy training, and English-as-a-second-language instruction;

"(B) institutional skills training;

"(C) on-the-job training;

"(D) assessment of the skill levels and service needs of participants;

"(E) counseling, such as job counseling and career counseling;

"(F) case management services;

"(G) education-to-work transition activities;

"(H) programs that combine workplace training with related instruction;

"(I) work experience;

"(J) programs of advanced career training that provide a formal combination of on-the-job and institutional training and internship assignments that prepare individuals for career employment;

"(K) training programs operated by the private sector, including programs operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply;

"(L) skill upgrading and retraining;

"(M) bilingual training;

"(N) entrepreneurial training, such as training activities for microenterprises;

"(O) vocational exploration;

"(P) training programs to develop work habits to help individuals obtain and retain employment;

"(Q) attainment of certificates of high school equivalency;

"(R) preapprenticeship programs;

"(S) on-site, industry-specific training programs supportive of industrial and economic development;

"(T) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training; and

"(U) use of advanced learning technology for education, job preparation, and skills training; and

"(2) training-related and supportive services, including—

"(A) job search assistance;

"(B) outreach to make individuals aware of, and encourage the use of, employment and training services, including efforts to expand awareness of training and placement opportunities for limited-English proficient individuals and individuals with disabilities;

"(C) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment;

"(D) specialized surveys not available through other labor market information sources;

"(E) dissemination of information on program activities to employers;

"(F) development of job openings;

"(G) programs coordinated with other Federal employment-related activities;

"(H) supportive services, necessary to enable individuals to participate in the program, and to assist the individuals, for a period not to exceed 12 months following completion of training, to retain employment;

"(I) needs-based payments necessary to participate in accordance with a locally developed formula or procedure;

“(J) followup services with participants placed in unsubsidized employment; and

“(K) services to obtain job placements for individual participants.

“(c) SPECIAL RULES.—

“(1) WORKPLACE CONTEXT AND INTEGRATION.—Basic skills training provided under this part shall, in appropriate circumstances, have a workplace context and be integrated with occupational skills training.

“(2) BASIC EDUCATION OR OCCUPATIONAL SKILLS.—

“(A) ADDITIONAL SERVICES.—Except as provided in subparagraph (B), job search, job search skills training, job clubs, and work experience provided under this part shall be accompanied by other services designed to increase the basic education or occupational skills of a participant.

“(B) LACK OF APPROPRIATENESS AND AVAILABILITY.—Each program assisted under this part may provide job search, job search skills training, and job clubs activities to a participant without the additional services described in subparagraph (A) if—

“(i) the assessment and service strategy of a participant indicate that the additional services are not appropriate; and

“(ii) the activities are not available to the participant through the employment service or other public agencies.

“(3) NEEDS-BASED PAYMENTS.—Needs-based payments provided under this part shall be limited to payments necessary for participation in the program assisted under this part in accordance with a locally developed formula or procedure.

“(4) COUNSELING AND SUPPORTIVE SERVICES.—Counseling and supportive services provided under this part may be provided to a participant for a period up to 1 year after the date on which the participant completes the program.

“(5) SERVICE STRATEGY.—The service strategy developed under subsection (a)(2) shall not be considered a contract.

“(6) VOLUNTEERS.—The service delivery area shall make opportunities available for successful individuals who have previously participated in programs under this part to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

“(d) TRAINING PROGRAMS FOR OLDER INDIVIDUALS.—

“(1) IN GENERAL.—The Governor is authorized to provide for job training programs that are developed in conjunction with service delivery areas within the State and that are consistent with the plan for the service delivery area prepared and submitted in accordance with section 104, and designed to assure the training and placement of older individuals in employment opportunities with private business concerns.

“(2) AGREEMENTS.—In carrying out this subsection, the Governor shall, after consultation with appropriate private industry councils and chief elected officials, enter into agreements with public agencies, nonprofit private organizations, including veterans organizations, and private business concerns.

“(3) CONSIDERATIONS.—The Governor shall give consideration to assisting programs involving training for jobs in growth industries and jobs reflecting the use of new technological skills.

“(4) COORDINATION.—In providing the services required by this subsection, the Governor shall make efforts to coordinate the delivery of such services with the delivery of services under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

“(5) SERVICE PROVIDER SELECTION.—In the selection of service providers to serve older individuals under this subsection, the Governor shall give priority to national, State, and local

agencies and organizations that have a record of demonstrated effectiveness in providing training and employment services to such older individuals.

“(6) ELIGIBILITY.—

“(A) ECONOMICALLY DISADVANTAGED.—Except as provided in subparagraph (B), an individual shall be eligible to participate in a job training program under this subsection only if the individual is economically disadvantaged and is age 55 or older.

“(B) SPECIAL RULE.—

“(i) INDIVIDUALS FACING SERIOUS BARRIERS TO EMPLOYMENT.—An individual who is not economically disadvantaged as described in subparagraph (A) shall be eligible to participate in a job training program under this subsection if the individual faces serious barriers to employment, is age 55 or older, and meets income eligibility requirements under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) subject to clause (ii).

“(ii) LIMITATION.—Not more than 10 percent of all participants in a program assisted under this subsection shall be such individuals.

“(7) APPLICABLE REQUIREMENTS.—In the event of a conflict between the requirements of this subsection and other requirements of this part, the requirements of this subsection shall apply with respect to programs conducted under this subsection.

“SEC. 205. LINKAGES.

“(a) IN GENERAL.—In conducting the program assisted under this part, the service delivery area shall establish appropriate linkages with other Federal programs. Such programs shall include, where feasible, programs assisted under—

“(1) the Adult Education Act (20 U.S.C. 1201 et seq.);

“(2) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

“(3) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

“(4) part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.);

“(5) the employment program established under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));

“(6) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

“(7) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

“(8) title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

“(9) chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); and

“(10) the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 482).

“(b) OTHER APPROPRIATE LINKAGES.—In addition to the linkages required under subsection (a), each service delivery area receiving financial assistance under this part shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with local educational agencies, local service agencies, public housing agencies, community-based organizations, literacy organizations, business and labor organizations, volunteer groups working with disadvantaged adults, and other training, education, employment, economic development, and social service programs.

“SEC. 206. TRANSFER OF FUNDS.

“A service delivery area may transfer up to 10 percent of the funds provided under this part to the programs under parts B and C if such transfer is—

“(1) described in the job training plan; and

“(2) approved by the Governor.

“SEC. 207. STUDIES RELATING TO PLACEMENT AND TARGET POPULATIONS.

“The Comptroller General of the United States shall conduct a study to determine the number

and percentage of adults assisted under this part that remain employed for at least 9 months after receiving assistance under this part. The Comptroller General shall submit a report containing the findings resulting from the study to the appropriate committees of Congress not later than 3 years after the date of enactment of this section.”.

(b) TECHNICAL AMENDMENT.—The table of contents relating to part A of title II is amended to read as follows:

“Sec. 201. Statement of purpose.

“Sec. 202. Allotment and allocation.

“Sec. 203. Eligibility for services.

“Sec. 204. Program design.

“Sec. 205. Linkages.

“Sec. 206. Transfer of funds.

“Sec. 207. Studies relating to placement and target populations.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 5(l) of the Food Stamp Act of 1977 (7 U.S.C. 2014(l)) is amended by striking “section 204(5)” and inserting “section 204(b)(1)(C)”.

(2) Section 122 (29 U.S.C. 1532) is amended—
(A) in subsection (a)(1), by striking “section 202(b)(4)” and inserting “sections 202(c)(2)(A) and 262(c)”;

and
(B) in subsection (b)(2), by striking “section 202(a)” and inserting “section 202(b)”.

(3) Section 125(a) (29 U.S.C. 1535(a)) is amended by striking “section 202(b)(4) and”.

SEC. 26. ESTABLISHMENT OF SUMMER YOUTH OPPORTUNITY PROGRAM.

(a) IN GENERAL.—Part B of title II (29 U.S.C. 1631 et seq.) is amended to read as follows:

“PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

“SEC. 251. PURPOSE.

“It is the purpose of programs assisted under this part—

“(1) to enhance the basic educational skills of youth;

“(2) to encourage school completion, or enrollment in supplementary or alternative school programs;

“(3) to provide eligible youth with exposure to the world of work; and

“(4) to enhance the citizenship skills of youth.

“SEC. 252. AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT AND ALLOCATION.

“(a) TERRITORIAL AND NATIVE AMERICAN ALLOCATION.—From the funds appropriated under section 3(a)(2), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Freely Associated States, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the summer youth program in the fiscal year preceding the fiscal year for which the determination is made.

“(b) USE OF PART C FORMULA FOR ALLOTMENT AND ALLOCATION.—The remainder of funds appropriated under section 3(a)(2) shall, for each fiscal year, be allotted among States on the basis of the formula specified in section 202(a)(2)(B) and allocated among service delivery areas on the basis of the formula specified in section 202(b). For purposes of the application of the formulas under this subsection, the term ‘economically disadvantaged individual’ means an economically disadvantaged youth, as defined in section 262(d)(1)(A).

“SEC. 253. USE OF FUNDS.

“(a) IN GENERAL.—Funds available under this part may be used for—

“(1) basic and remedial education, institutional and on-the-job training, work experience programs, youth corps programs, employment counseling, occupational training, preparation for work, outreach and enrollment activities,

employability assessment, job referral and placement, job search and job club activities, activities under programs described in section 265(b), and any other employment or job training activity designed to give employment to eligible individuals or prepare the individuals for, and place the individuals in, employment;

"(2) supportive services necessary to enable such individuals to participate in the program; and

"(3) administrative costs, not to exceed 15 percent of the funds available under this part.

"(b) BASIC AND REMEDIAL EDUCATION.—
 "(1) IN GENERAL.—A service delivery area shall expend funds (available under this Act or otherwise available to the service delivery area) for basic and remedial education as described in the job training plan under section 104.

"(2) EDUCATION OR TRAINING.—The education authorized by paragraph (1) may be provided by—

"(A) the year-round program under this part;

"(B) the Job Corps;

"(C) the JOBS program;

"(D) youth corps programs;

"(E) alternative or secondary schools; or

"(F) other education and training programs.

"(c) ASSESSMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each participant under this part shall be provided with an objective assessment of the skill levels and service needs of the participant, which assessment may include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, and supportive service needs.

"(2) RECENT ASSESSMENTS.—The assessment described in paragraph (1), or a factor of such assessment is not required under a program under this part if the program uses recent assessments conducted under another education or training program (such as the JOBS program).

"(3) SERVICE STRATEGY.—The service delivery area shall develop a service strategy for participants that may identify achievement objectives, appropriate employment goals, and appropriate services for participants, taking into account the assessments conducted under this subsection or under such other education or training program.

"(d) FOLLOWUP SERVICES.—Service delivery areas shall make followup services available for participants if the service strategy indicates such services are appropriate.

"SEC. 254. LIMITATIONS.

"(a) USE DURING SUMMER MONTHS OR EQUIVALENT VACATION PERIOD.—

"(1) SUMMER MONTHS.—Except as provided in paragraph (2), programs under this part shall be conducted during the summer months.

"(2) VACATION PERIOD.—A service delivery area may, within the jurisdiction of any local educational agency that operates schools on a year-round, full-time basis, offer the programs under this part to participants during a vacation period treated as the equivalent of a summer vacation.

"(b) ELIGIBILITY.—An individual shall be eligible to participate in the program assisted under this part if such individual is economically disadvantaged and age 14 through 21.

"(c) CONCURRENT ENROLLMENT.—

"(1) IN GENERAL.—An eligible individual participating in a program assisted under this part may concurrently be enrolled in programs under part C. Appropriate adjustment to the youth performance standards (regarding attainment of competencies) under sections 106(b)(4)(A)(i) and (ii) and 106(b)(5) shall be made to reflect the limited period of participation.

"(2) CONCURRENT ENROLLMENT AND TRANSFERS.—Youth being served under this part or part C youth programs are not required to be terminated from participation in one program in

order to enroll in the other. The Secretary shall provide guidance to service delivery areas on simplified procedures for concurrent enrollment and transfers for youth from one program to the other.

"SEC. 255. APPLICABLE PROVISIONS.

"(a) COMPARABLE FUNCTIONS OF AGENCIES AND OFFICIALS.—Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this part as the private industry councils, chief elected officials, State job training coordinating councils, and Governors have with respect to funds available under parts A and C of title II.

"(b) PROGRAM GOALS AND OBJECTIVES.—In accordance with subsection (a), each service delivery area shall establish written program goals and objectives that shall be used for evaluating the effectiveness of programs conducted under this part. Such goals and objectives may include—

"(1) improvement in school retention and completion;

"(2) improvement in academic performance, including mathematics and reading comprehension;

"(3) improvement in employability skills; and

"(4) demonstrated coordination with other community service organizations such as local educational agencies, law enforcement agencies, and drug and alcohol abuse prevention and treatment programs."

"(b) TECHNICAL AMENDMENT.—The table of contents relating to part B of title II is amended to read as follows:

"PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 251. Purpose.

"Sec. 252. Authorization of appropriations; allotment and allocation.

"Sec. 253. Use of funds.

"Sec. 254. Limitations.

"Sec. 255. Applicable provisions."

SEC. 27. ESTABLISHMENT OF YOUTH OPPORTUNITY PROGRAM.

(a) IN GENERAL.—Title II (29 U.S.C. 1601 et seq.) is amended by adding at the end the following new part:

"PART C—YOUTH OPPORTUNITY PROGRAM

"SEC. 261. STATEMENT OF PURPOSE.

"It is the purpose of the programs assisted under this part to—

"(1) improve the long-term employability of youth;

"(2) enhance the educational, occupational, and citizenship skills of youth;

"(3) encourage school completion or enrollment in alternative school programs;

"(4) increase the employment and earnings of youth;

"(5) reduce welfare dependency; and

"(6) assist youth in addressing problems that impair the ability of youth to make successful transitions from school to work, apprenticeship, the military, or postsecondary education and training.

"SEC. 262. ALLOTMENT AND ALLOCATION.

"(a) ALLOTMENT.—

"(1) TERRITORIES.—Of the amount appropriated under section 3(a)(1) for each fiscal year and available to carry out this part, not more than one-quarter of 1 percent shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Freely Associated States, and the Republic of Palau.

"(2) ALLOTMENT TO STATES.—After determining the amounts to be allotted under paragraph

(1), the Secretary shall allot the remainder to the States in accordance with paragraphs (2) and (3) of section 202(a), except that for purposes of the application of the formula under this subparagraph, the term 'economically disadvantaged individual' means an economically disadvantaged youth.

"(b) ALLOCATION TO SERVICE DELIVERY AREAS.—Of the amounts allotted to each State under subsection (a)(2) for each fiscal year, the Governor shall allocate 82 percent on the basis of the formula specified in section 202(b) and 18 percent in accordance with subsection (c). For purposes of the application of the formula under this subsection, the term 'economically disadvantaged individual' means an economically disadvantaged youth.

"(c) STATE ACTIVITIES.—The Governor shall allocate 18 percent of the amounts allotted to each State under subsection (a)(2) in the same proportions and for the activities, described in subparagraphs (A), (B), (C), and (D) of section 202(c)(2).

"(d) DEFINITIONS AND RULE.—

"(1) DEFINITIONS.—As used in this section:

"(A) ECONOMICALLY DISADVANTAGED YOUTH.—The term 'economically disadvantaged youth' means an individual who is age 16 through 21 and who has, or is a member of a family that has, received a total family income that, in relation to family size, was not in excess of the higher of—

"(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

"(ii) 70 percent of the lower living standard income level.

"(B) EXCESS NUMBER.—The term 'excess number' shall have the meaning given the term in section 202(d)(1)(B).

"(2) SPECIAL RULE.—For the purposes of this section, the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged youth and the size of the youth population in a service delivery area.

"SEC. 263. ELIGIBILITY FOR SERVICES.

"(a) IN-SCHOOL YOUTH.—An individual who is in school shall be eligible to participate in the program under this part if such individual is—

"(1)(A) age 16 through 21; or

"(B) if provided in the job training plan, age 14 through 21; and

"(2) economically disadvantaged, or participates in a compensatory education program under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.).

"(b) TARGETED GROUPS OF IN-SCHOOL YOUTH.—Not less than 70 percent of the in-school individuals who participate in a program under this part shall be individuals who, in addition to meeting the requirements of subsection (a), are included in one or more of the following categories:

"(1) Individuals who are basic skills deficient.

"(2) Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.

"(3) Individuals who are pregnant or parenting.

"(4) Individuals with disabilities, including a learning disability.

"(5) Individuals exhibiting a pattern of disruptive behavior or disciplinary problems.

"(6) Individuals who are limited-English proficient.

"(7) Individuals who are homeless or runaway youth.

"(8) Offenders.

"(9) Individuals within a category established under subsection (h).

“(c) **OUT-OF-SCHOOL YOUTH.**—An individual who is out of school shall be eligible to participate in the program under this part if such individual is—

- “(1) age 16 through 21; and
- “(2) economically disadvantaged.
- “(d) **TARGETED GROUPS OF OUT-OF-SCHOOL YOUTH.**—Not less than 70 percent of the out-of-school individuals who participate in a program under this part shall be individuals who, in addition to meeting the requirements of subsection (c), are included in one or more of the following categories:

- “(1) Individuals who are basic skills deficient.
- “(2) Individuals who are school dropouts (subject to the conditions described in section 264(d)(2)).
- “(3) Individuals who are pregnant or parenting.
- “(4) Individuals with disabilities, including a learning disability.
- “(5) Homeless or run-away youth.
- “(6) Offenders.
- “(7) Individuals who are limited-English proficient.

“(8) Individuals in a category established under subsection (h).

“(e) **EXCEPTIONS.**—Not more than 10 percent of participants in the program assisted under this part in each service delivery area shall be individuals who do not meet the requirements of subsection (a)(2) or (c)(2), if such individuals are within one or more categories of individuals who face serious barriers to employment. Such categories may include the categories described in subsections (b) and (d), or categories such as individuals with limited-English language proficiency, alcoholics, or drug addicts.

“(f) **RATIO OF OUT-OF-SCHOOL TO IN-SCHOOL YOUTH.**—Not less than 50 percent of the participants in the program under this part in each service delivery area shall be out-of-school individuals who meet the requirements of subsection (c), (d), or (e).

“(g) **SCHOOLWIDE PROJECTS FOR LOW-INCOME SCHOOLS.**—

“(1) **IN GENERAL.**—In addition to the individuals described in subsection (e), an individual who does not meet the requirements of subsection (a)(2) may participate in the programs assisted under this part if such individual is enrolled in a public school—

- “(A) that is located in a poverty area;
- “(B) that is served by a local educational agency that is eligible for assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.);

“(C) in which not less than 75 percent of the students enrolled are included in the categories described in subsection (b); and

“(D) that conducts a program under a cooperative arrangement that meets the requirements of section 265(d).

“(2) **DEFINITION.**—For the purposes of paragraph (1), the term ‘poverty area’ means an urban census tract or a nonmetropolitan county with a poverty rate of 30 percent or more, as determined by the Bureau of the Census.

“(h) **ADDITIONAL CATEGORY.**—A service delivery area conducting a program assisted under this part may add one category of youth who face serious barriers to employment to the categories of eligible individuals specified in subsection (b) and one category to the categories of eligible individuals described in subsection (d) if—

“(1) the service delivery area submits a request to the Governor identifying the additional category of individuals and justifying the inclusion of such category;

“(2) the Governor approves the request submitted under paragraph (1) and transmits the request to the Secretary, as part of the Gov-

ernor’s coordination and special services plan; and

“(3) the Secretary approves the request submitted under paragraph (2).

“**SEC. 264. PROGRAM DESIGN.**

“(a) **YEAR-ROUND OPERATION.**—The programs under this part shall be conducted on a year-round basis.

“(b) **ESSENTIAL ELEMENTS.**—

“(1) **IN GENERAL.**—The programs under this part shall include—

“(A) an objective assessment of the skill levels and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), and supportive service needs, except that a new assessment of a participant is not required if the program determines it is appropriate to use a recent assessment of the participant conducted under another education or training program (such as the JOBS program);

“(B) development of service strategies that shall identify achievement objectives, appropriate employment goals (including, in appropriate circumstances, nontraditional employment) and appropriate services for participants, taking into account the assessments conducted under paragraph (1), except that a new service strategy is not required if the program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program (such as the JOBS program);

“(C) a review of the progress of each participant in meeting the objectives of the service strategy; and

“(D) the following services, which shall be provided either directly or through arrangement with other programs to a participant if the assessment and service strategy indicate such services are appropriate:

- “(i) Basic skills training.
- “(ii) Occupational skills training.
- “(iii) Preemployment and work maturity skills training.

“(iv) Work experience combined with skills training.

“(v) Supportive services.

“(2) **ADDITIONAL REQUIREMENTS.**—

“(A) **MINIMUM INCOME PARTICIPANTS AND APPLICANTS.**—Each service delivery area participating in a program assisted under this part shall ensure that each participant or applicant who meets the minimum income eligibility criteria shall be provided—

“(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including providers receiving funds under this Act; and

“(ii) referral to other appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

“(B) **APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.**—

“(i) **SERVICE PROVIDERS.**—Each service provider shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program of the provider shall be referred to the service delivery area for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant.

“(ii) **SERVICE DELIVERY AREA.**—The service delivery area shall ensure that appropriate referrals are made under clause (i) and shall maintain records on the referrals and the reasons for which applicants are referred.

“(c) **AUTHORIZED SERVICES.**—Services which may be made available to youth with funds provided under this part may include—

“(1) direct training services, including—

- “(A) the services described in section 204(b)(1);
- “(B) tutoring and study skills training;
- “(C) alternative high school services within programs that meet the requirements of section 141(o)(1);

“(D) instruction leading to high school completion or the equivalent;

“(E) mentoring;

“(F) limited internships in the private sector;

“(G) training or education that is combined with community and youth service opportunities in public agencies, nonprofit agencies, and other appropriate agencies, institutions, and organizations, including youth corps programs;

“(H) entry employment experience programs;

“(I) school-to-work transition services;

“(J) school-to-postsecondary education transition services; and

“(K) school-to-apprenticeship transition services; and

“(2) training-related and supportive services, including—

“(A) the services described in section 204(b)(2);

“(B) drug and alcohol abuse counseling and referral;

“(C) services encouraging parental, spousal, and other significant adult involvement in the program of the participant; and

“(D) cash incentives and bonuses based on attendance and performance in a program.

“(d) **ADDITIONAL REQUIREMENTS.**—

“(1) **STRATEGIES AND SERVICES.**—In developing service strategies and designing services for the program under this part, the service delivery area and private industry council shall take into consideration exemplary program strategies and practices.

“(2) **SCHOOL DROPOUTS.**—In order to participate in a program assisted under this part, an individual who is under the age of 18 and a school dropout shall—

“(A) reenroll in and attend school;

“(B) enroll in and attend an alternative high school;

“(C) enroll in and attend an alternative course of study approved by the local educational agency; or

“(D) enroll in and attend a high school equivalency program.

“(3) **SKILLS TRAINING.**—

“(A) **PREEMPLOYMENT AND WORK MATURITY SKILLS TRAINING.**—Preemployment and work maturity skills training authorized by this part shall be accompanied by either work experience or other additional services designed to increase the basic educational or occupational skills of a participant. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS program.

“(B) **ADDITIONAL SERVICES.**—Work experience, job search assistance, job search skills training, and job club activities authorized by this part shall be accompanied by additional services designed to increase the basic education or occupational skills of a participant. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS program.

“(4) **NEEDS-BASED PAYMENTS.**—Needs-based payments authorized under this part shall be limited to payments necessary to permit participation in the program in accordance with a locally developed formula or procedure.

“(5) **COUNSELING AND SUPPORTIVE SERVICES.**—Counseling and supportive services authorized under this part may be provided to a participant for a period of up to 1 year after termination from the program.

“(6) **NONCONTRACT TREATMENT.**—The service strategy developed under subsection (b)(1)(B) shall not be considered a contract.

"(7) VOLUNTEERS.—The service delivery area shall make opportunities available for successful individuals who have previously participated in programs under this part to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

"SEC. 265. LINKAGES.

"(a) EDUCATIONAL LINKAGES.—In conducting a program under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include—

"(1) formal agreements with local educational agencies that will identify—

"(A) the procedures for referring and serving in-school youth;

"(B) the methods of assessment of in-school youth; and

"(C) procedures for notifying the program when a youth drops out of the school system;

"(2) arrangements to ensure that the program under this part supplements existing programs provided by local educational agencies to in-school youth;

"(3) arrangements to ensure that the program under this part utilizes, to the extent possible, existing services provided by local educational agencies to out-of-school youth; and

"(4) arrangements to ensure that for in-school participants there is a regular exchange of information between the program and the educational agency relating to participant progress, problems, and needs, including, in appropriate circumstances, interim assessment results.

"(b) EDUCATION AND TRAINING PROGRAM LINKAGES.—In conducting the program under this part, the service delivery area shall establish appropriate linkages with other education and training programs authorized under Federal law. Such programs shall include, where feasible, programs authorized by—

"(1) part B of title IV (the Job Corps);

"(2) parts A through D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.);

"(3) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(4) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(5) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(6) part F of title IV of the Social Security Act (JOBS) (42 U.S.C. 681 et seq.);

"(7) the Food Stamp Act (7 U.S.C. 2011 et seq.);

"(8) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

"(9) the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 482); and

"(10) the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.); and

"(11) this Act.

"(c) OTHER PROGRAMS.—In addition to the linkages required under subsections (a) and (b), service delivery areas receiving financial assistance under this part shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local service agencies, public housing agencies, community-based organizations, business and labor organizations, volunteer groups working with at-risk youth, parents and family members, juvenile justice systems, and other training, education, employment and social service programs, including programs conducted under part A of title II.

"(d) SCHOOLWIDE PROJECTS FOR LOW-INCOME SCHOOLS.—In conducting a program serving individuals specified in section 263(g), the service delivery area shall establish a cooperative arrangement with the appropriate local educational agency that shall, in addition to the other requirements of this section, include—

"(1) a description of the ways in which the program will supplement the educational program of the school;

"(2) identification of measurable goals to be achieved by the program and provision for assessing the extent to which such goals are met;

"(3) a description of the ways in which the program will use resources provided under this part and resources provided under other education programs to achieve the goals identified in paragraph (2);

"(4) a description of the number of individuals to be served; and

"(5) assurances that the resources provided under this part shall be used to supplement and not supplant existing sources of funds.

"SEC. 266. TRANSFER OF FUNDS.

"A service delivery area may transfer up to 10 percent of the funds provided under this part to the program under part A if such transfer is—

"(1) described in the job training plan; and

"(2) approved by the Governor."

(b) TECHNICAL AMENDMENT.—The table of contents in title II is amended by adding after the item relating to section 256 the following:

"PART C—YOUTH OPPORTUNITY PROGRAM

"Sec. 261. Statement of purpose.

"Sec. 262. Allotment and allocation.

"Sec. 263. Eligibility for services.

"Sec. 264. Program design.

"Sec. 265. Linkages.

"Sec. 266. Transfer of funds."

SEC. 28. EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

(a) STATE AGENCY APPROVAL.—Section 314(f) (29 U.S.C. 1661c(f)) is amended—

(1) by inserting "(1)" before "Funds"; and

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

"(2) An eligible dislocated worker participating in training (except for on-the-job training) under this title shall be deemed to be in training with the approval of the State agency for purposes of section 3304(a)(8) of the Internal Revenue Code of 1986."

(b) LIMITATIONS ON USES OF FUNDS.—

(1) RETRAINING SERVICES.—Section 315(a)(1) (29 U.S.C. 1661d(a)(1)) is amended by striking "Not" and inserting "Except for funds expended under section 326, not".

(2) NEEDS-RELATED PAYMENTS AND SUPPORTIVE SERVICES.—Section 315(b) is amended by striking "Not" and inserting "Except for funds expended under section 326, not".

(3) ADMINISTRATIVE COST.—Section 315(c) is amended by striking "Not" and inserting "Except for funds expended under section 326, not".

(c) DEMONSTRATION PROGRAMS.—Section 324(a) (29 U.S.C. 1662c(a)) is amended by striking "1989, 1990, and 1991," and inserting "1992 through 1996."

SEC. 29. NATIVE AMERICAN PROGRAMS.

(a) IN GENERAL.—Section 401 (29 U.S.C. 1671) is amended—

(1) in subsection (a), by striking "Alaskan Native" and inserting "Alaska Native, American Samoan";

(2) in subsection (b)(2)—

(A) by striking "and groups and" and inserting "and groups"; and

(B) by inserting "and to American Samoans residing in the United States" after "descent";

(3) in subsection (c)(1)(B)—

(A) by striking "natives" and inserting "Natives and American Samoans residing in the United States";

(B) by inserting "and State agencies" after "organizations"; and

(C) by striking "their needs" and inserting "the needs of the Hawaiian Natives and American Samoans";

(4) in subsection (e)—

(A) by inserting "(1)" after the subsection designation;

(B) by inserting "and American Samoan" after "Native American"; and

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

"(2) Such procedures and machinery shall include—

"(A) the designation by the Secretary of a single organizational unit that shall have the principal responsibility for the development, coordination, and oversight of all policies (except audit, procurement, and debt collection policies) under which the Secretary regulates or influences the operation of Native American Indian programs under this section; and

"(B) a special effort to recruit Indians, Alaskan Natives, American Samoans, and Hawaiian Natives for employment in the organizational unit identified in subparagraph (A)."; and

(5) in subsection (h)—

(A) by striking "representatives of Indians and other Native Americans" and inserting "the Advisory Council on Native American Indian Job Training Programs";

(B) by inserting "Indian and American Samoan" after "Native American"; and

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

"(3)(A) The Secretary shall establish an Advisory Council on Native American Indian Job Training Programs (referred to in this section as the 'Council'), which shall consist of not fewer than 15 Native American Indians, Alaska Natives, American Samoans, or Hawaiian Natives appointed by the Secretary from among individuals nominated by Native American Indian tribes or Native American Indian, Alaska Native, American Samoan, or Hawaiian Native organizations. The membership of the Council shall represent diverse geographic areas and include representatives of tribal governments and of nonreservation Native American Indian organizations.

"(B) Each Council member may serve for a term of 2 years, and may be reappointed.

"(C) The Council shall be chaired by a Native American Indian, Alaska Native, or Hawaiian Native Council member elected by a majority of the membership of the Council and shall meet not less than twice each program year.

"(D) The Council shall—

(i) solicit the views of a wide variety of tribes and Native American Indian and American Samoan groups, including groups operating employment and training programs funded under this section, on issues affecting the operation and administration of such programs;

(ii) advise the Secretary with respect to all matters concerning the implementation of programs under this section and other programs providing services to Native American Indian youth and adults under this Act;

(iii) advise the Secretary with respect to the design of all aspects of the system of performance standards developed under this section;

(iv) advise the Secretary with respect to services obtained by the Department of Labor through contracts or arrangements with non-Federal agencies or entities, which services involve the provision of technical assistance to, or evaluation of, the programs authorized by this section;

(v) assess the effectiveness of Native American Indian job training programs and make recommendations with respect to the improvement of such programs;

(vi) advise the Secretary with regard to the recruitment of, identification of, and selection criteria for, candidates for the position of chief of the organizational unit described in subsection (e)(2)(A) whenever a vacancy in such position occurs; and

(vii) submit a report to the Congress not later than January 1 of each year on the progress of

Native American Indian job training programs and recommendations for improving the effectiveness of the programs.

"(E) From amounts appropriated to carry out this section, the Secretary shall make available to the Council such sums as may be necessary to carry out the functions of the Council."

(b) RESERVATION.—Section 401(j) is amended to read as follows:

"(j) For the purposes of carrying out this section, the Secretary shall reserve, from funds available for carrying out this title (other than part B) for the fiscal year, an amount not less than 3.5 percent of the total amount of funds appropriated to carry out parts A and C of title II of this Act for such fiscal year."

(c) COMPETITION GRANTS.—Section 401 is further amended by adding at the end the following new subsection:

"(k) The competition for grants under this section shall be conducted every 2 years, except that if a grantee has performed satisfactorily under the terms of an existing grant agreement, the Secretary may waive the requirement for such competition on receipt from the grantee of a satisfactory 2-year program plan for the succeeding 2-year grant period."

SEC. 30. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

(a) RESERVATION.—Section 402(f) (29 U.S.C. 1672(f)) is amended to read as follows:

"(f) For the purposes of carrying out this section, the Secretary shall reserve, from funds available for carrying out this title (other than part B) for any fiscal year, an amount not less than 3.2 percent of the total amount of funds appropriated to carry out parts A and C of title II of this Act for such fiscal year."

(b) COMPETITION FOR GRANTS.—Section 402 is amended by adding at the end the following new subsection:

"(g) The competition for grants under this section shall be conducted every 2 years, except that if a grantee has performed satisfactorily under the terms of an existing grant agreement, the Secretary may waive the requirement for such competition on receipt from the grantee of a satisfactory 2-year program plan for the succeeding 2-year grant period."

SEC. 31. JOB CORPS.

(a) ELIGIBILITY.—Section 427(a)(2) (29 U.S.C. 1697(a)(2)) is amended—

(1) by striking "10 percent" and inserting "20 percent"; and

(2) by adding at the end the following new sentence: "The Secretary shall not reduce the number of residential participants in Job Corps programs under this part during any program year below the number of residential participants during program year 1989 in order to increase the number of individuals who are non-residential participants in the Job Corps."

(b) MANAGEMENT FEES.—Section 437 (29 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(d) The Secretary shall provide all Job Corps contractors with an equitable and negotiated management fee of not less than 1 percent of the contract amount."

SEC. 32. NATIONAL ACTIVITIES.

(a) IN GENERAL.—Part D of title IV (29 U.S.C. 1731 et seq.) is amended—

(1) in section 451, to read as follows:

"SEC. 451. NATIONAL PARTNERSHIP AND SPECIAL TRAINING PROGRAMS.

"(a) STATEMENT OF PURPOSE.—It is the purpose of this section to—

"(1) improve access to employment and training opportunities for individuals with special needs;

"(2) help alleviate skill shortages and enhance the competitiveness of the labor force;

"(3) meet special training needs that are best addressed on a multistate or industry-wide basis; and

"(4) encourage the participation and support of all segments of society to further the purposes of this Act.

"(b) PROGRAM AUTHORIZED.—The Secretary may establish a system of, and award, special grants to eligible entities to carry out programs that are most appropriately administered at the national level.

"(c) PROGRAMS.—Programs that are most appropriately administered at the national level include—

"(1) partnership programs with national organizations with special expertise in developing, organizing and administering employment and training programs at the national, State and local level, such as industry and labor associations, public interest groups, community-based organizations representative of groups that encounter special difficulties in the labor market, and other organizations with special knowledge or capabilities in education and training;

"(2) programs that—

"(A) address industry-wide skill shortages;

"(B) meet training needs that are best addressed on a multistate basis; and

"(C) further the goals of increasing the competitiveness of the United States labor force; and

"(3) programs that require technical expertise available at the national level to serve specialized needs of particular client groups, including at-risk youth, offenders, individuals of limited English language proficiency, individuals with disabilities, women, immigrants, single parents, substance abusers, displaced homemakers, youth, older workers, veterans, individuals who lack education credentials, public assistance recipients, and other individuals whom the Secretary determines require special assistance."

(2) in section 452, to read as follows:

"SEC. 452. RESEARCH, DEMONSTRATION, AND EVALUATION.

"(a) STATEMENT OF PURPOSE.—It is the purpose of this section to assist the United States in expanding work opportunities and ensuring access to such opportunities for all who desire such opportunities.

"(b) PROGRAM ESTABLISHED.—

"(1) IN GENERAL.—The Secretary shall establish a comprehensive program of training and employment research, utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the employment and training problems of the United States.

"(2) STUDIES.—The program established under this section may include studies concerning—

"(A) the development or improvement of Federal, State, local, and privately supported employment and training programs;

"(B) labor market processes and outcomes, including improving workplace literacy;

"(C) policies and programs to reduce unemployment and the relationships of the policies and programs with price stability and other national goals;

"(D) productivity of labor;

"(E) improved means of using projections of labor supply and demand, including occupational and skill requirements and areas of labor shortages at the national and subnational levels;

"(F) methods of improving the wages and employment opportunities of low-skilled, disadvantaged, and dislocated workers, and workers with obsolete skills;

"(G) methods of addressing the needs of at-risk populations, such as youth, homeless individuals and other dependent populations, older workers, and other groups with multiple barriers to employment;

"(H) methods of developing information on immigration, international trade and competition, technological change and labor shortages; and

"(I) methods of easing the transition from school to work, from transfer payment receipt to self-sufficiency, from one job to another, and from work to retirement.

"(c) PILOT AND DEMONSTRATION PROGRAMS.—

"(1) PROGRAM ESTABLISHED.—

"(A) IN GENERAL.—The Secretary shall establish a program of pilot and demonstration programs for the purpose of developing and improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems. The Secretary may award grants and enter into contracts with eligible entities to carry out the programs.

"(B) PROJECTS.—Such programs may include projects in such areas as—

"(i) school-to-work transition;

"(ii) new methods of imparting literacy skills and basic education;

"(iii) new training techniques (including projects undertaken with the private sector);

"(iv) methods to eliminate artificial barriers to employment;

"(v) approaches that foster participation of groups that encounter special problems in the labor market (such as displaced homemakers, teen parents, welfare recipients, and older individuals);

"(vi) processes that demonstrate effective methods for alleviating the adverse effects of dislocations and plant closings on workers and their communities; and

"(vii) cooperative ventures among business, industry, labor, trade associations, or national organizations to develop new and cost-effective approaches to improving work force literacy.

"(2) DEMONSTRATION PROGRAMS.—Demonstration programs assisted under this subsection shall include a formal, rigorous evaluation component.

"(3) SPECIAL RULE.—No pilot program under this subsection shall be assisted under this section for a period of more than 3 years.

"(d) EVALUATION.—

"(1) IN GENERAL.—

"(A) PROGRAMS.—

"(i) JOB TRAINING PROGRAMS.—The Secretary shall provide for the continuing evaluation of programs conducted under this Act, including the cost effectiveness of the program in achieving the purposes of this Act.

"(ii) OTHER PROGRAMS.—The Secretary may conduct evaluations of other federally funded employment-related activities including programs administered under—

"(I) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(II) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

"(III) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(IV) chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); and

"(V) the Federal unemployment insurance program under titles III, IX, and XII of the Social Security Act (42 U.S.C. 501 et seq., 1101 et seq., and 1321 et seq.).

"(B) TECHNIQUES.—

"(i) METHODS.—Evaluations conducted under subparagraph (A) shall utilize sound statistical methods and techniques of the behavioral and social sciences, including random assignment methodologies if feasible.

"(ii) ANALYSIS.—Such evaluations may include cost-benefit analysis of programs, the impact of the programs on community and participants, the extent to which programs meet the needs of various demographic groups, and the effectiveness of the delivery systems used by various programs.

"(iii) EFFECTIVENESS.—The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to—

"(1) the statutory goals;

"(II) the performance standards established by the Secretary; and

"(III) the extent to which such programs enhance the employment and earnings of participants, reduce income support costs, and improve the employment competencies of participants in comparison to comparable persons who did not participate in such programs, and to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs.

"(2) ADDITIONAL EVALUATION.—The Secretary shall evaluate the impact of title II programs on participant employment, earnings, and welfare dependency in multiple sites using the random assignment of individuals to—

"(A) groups receiving services under programs authorized under the Job Training and Basic Skills Act of 1992; or

"(B) groups not receiving such services.";

(3) in section 453, to read as follows:

"SEC. 453. TRAINING AND INFORMATION PROGRAMS.

"(a) STAFF TRAINING.—The Secretary, directly or through grants, contracts, or other arrangements, shall—

"(1) develop curricula and provide appropriate training, technical assistance, staff development and other activities at the national, regional, State, and local levels that will—

"(A) enhance the skills, knowledge, and expertise of the personnel who staff employment and training and other closely related human service systems, including service providers;

"(B) improve the quality of services provided to individuals under this Act and other Federal employment and training programs and encourage integrated service delivery;

"(C) improve the planning, procurement, and contracting practices in accordance with this Act; and

"(D) provide broad human services policy and planning training to private industry council volunteers and members of State human investment coordinating councils;

"(2) prepare and disseminate training curricula and materials for employment and training professionals and support staff, which curricula and materials focus on enhancing staff competencies and professionalism, including instruction on the administrative requirements of this Act, such as procurement and contracting standards and regulations; and

"(3) disseminate innovative and successful models, materials, methods, and program information and provide training in the techniques learned from the sources to foster improved program quality and professional growth among managers, service delivery providers, and administrators, involved in the delivery of employment and training services.

"(b) CLEARINGHOUSE.—The Secretary is authorized to establish a clearinghouse to—

"(1) regularly identify, develop, and disseminate innovative materials that enhance the knowledge and quality of performance of employment and training personnel;

"(2) facilitate effective communications and coordination among employment and training personnel;

"(3) establish a computer communications network to share information among employment and training personnel and institutions; and

"(4) establish linkages with existing human resources clearinghouses, including the Education Research Information Centers and the National Network for Curriculum Coordination in Vocational and Technical Education.

"(c) CONSULTATION.—The Secretary shall consult with the Secretaries of Education and Health and Human Services, as appropriate, to coordinate activities under this section with other relevant institutes, centers, laboratories, clearinghouses, or dissemination networks.";

(4) striking sections 454 through 456; and
(5)(A) redesignating section 457 as section 454; and

(b) striking the heading for section 454 (as redesignated by subparagraph (A)) and inserting "NONTRADITIONAL EMPLOYMENT DEMONSTRATION PROGRAM".

(b) TECHNICAL AMENDMENT.—The table of contents relating to part D of title IV is amended to read as follows:

"PART D—NATIONAL ACTIVITIES

"Sec. 451. National partnership and special training programs.

"Sec. 452. Research, demonstration, and evaluation.

"Sec. 453. Training and information programs.

"Sec. 454. Nontraditional employment demonstration program."

(c) CONFORMING AMENDMENTS.—

(1) Section 161(b)(2) (29 U.S.C. 1571(b)(2)) is amended by striking "452 through 455" and inserting "451 through 454".

(2) Section 433(c)(1) (29 U.S.C. 1703(c)(1)) is amended by striking "452 and 455" and inserting "451 through 454".

SEC. 33. COOPERATIVE LABOR MARKET INFORMATION PROGRAM.

Section 462 (29 U.S.C. 1752) is amended by adding at the end the following new subsection:

"(g)(1) The Secretary may engage in research, demonstration, or other activities, including activities that may be carried out by States, designed to determine the feasibility of various methods of organizing and making accessible nationwide information on the quarterly earnings for all individuals for whom such information is collected by the States.

"(2) The Secretary shall submit a report to Congress based on the findings resulting from the activities described in paragraph (1) concerning the costs and benefits of establishing and maintaining a national longitudinal data base utilizing unemployment insurance wage records. Such report shall also address the feasibility of establishing appropriate safeguards for maintaining the confidentiality of information and privacy of individuals."

SEC. 34. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 464(a)(1) (29 U.S.C. 1754(a)(1)) is amended by striking "not more than \$5,000,000" and inserting "\$6,000,000".

SEC. 35. REPLICATION OF SUCCESSFUL PROGRAMS.

(a) IN GENERAL.—Title IV (29 U.S.C. 1671 et seq.) is amended by adding at the end the following new part:

"PART H—REPLICATION OF SUCCESSFUL PROGRAMS

"SEC. 485. REPLICATION.

"(a) REPLICATION PROGRAM AUTHORIZED.—The Secretary shall make competitive grants to public or private nonprofit organizations for technical assistance, and to States and service delivery areas for planning and program development, associated with the replication of successful programs under this part.

"(b) AWARDS.—

"(1) FACTORS.—In awarding grants for replication of successful programs to public or private nonprofit organizations, States, or service delivery areas under this part, the Secretary shall select programs that are likely to be successful in improving the employment prospects of economically disadvantaged youths and adults and are replicable on a large scale.

"(2) CONSIDERATIONS.—In selecting such programs the Secretary shall consider—

"(A) the size and scope of the program;

"(B) the length of time that the program has been operating;

"(C) the nature and reliability of measurable outcomes for the program;

"(D) the capacity of the sponsoring organization to provide the technical assistance necessary for States and service delivery areas to replicate the program; and

"(E) the likelihood that the program will be successful in diverse economic, geographic, and cultural environments.

"(c) APPLICATIONS.—

"(1) NONPROFIT ORGANIZATION.—Any public or private nonprofit organization with the capacity to provide the technical assistance necessary for program replication may submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall describe the program proposed for replication and available evidence of the success of the program in improving the employment prospects of economically disadvantaged youths and adults.

"(2) STATE; SERVICE DELIVERY AREA.—Any State or service delivery area desiring to receive a grant to participate in a replication effort shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(d) GRANT LIMITATIONS.—

"(1) LIMITATION.—In any 3-year period the Secretary shall not approve grants for the same replication activities in more than 10 States or communities. During this 3-year period, the results of such limited replication efforts shall be carefully evaluated and examined by the Secretary regarding the advisability of replicating the model program in more than 10 States or communities or for longer than 3 years.

"(2) WAIVER.—The Secretary may waive the limitation set forth in paragraph (1) for a program if immediate replication efforts on a larger scale are warranted by extensive evaluation of the program prior to designation as a model program under this section."

(b) TECHNICAL AMENDMENT.—The table of contents relating to title IV is amended by adding after the item relating to section 481 the following:

"PART H—REPLICATION OF SUCCESSFUL PROGRAMS

"Sec. 485. Replication."

SEC. 36. FAIR CHANCE YOUTH OPPORTUNITIES UNLIMITED PROGRAM.

(a) IN GENERAL.—Title IV (29 U.S.C. 1671 et seq.) (as amended by section 157) is further amended by adding at the end the following new part:

"PART I—FAIR CHANCE YOUTH OPPORTUNITIES UNLIMITED PROGRAM

"SEC. 491. STATEMENT OF PURPOSE.

"The purposes of this part include—

"(1) ensuring access to education and job training for youth residing in high poverty areas of urban and rural communities;

"(2) enabling communities with high concentrations of poverty to establish and meet goals for improving the opportunities available to youth within the community;

"(3) making provisions for a comprehensive range of education, training, and employment services to disadvantaged youth who are not currently served or are underserved by Federal education and job training programs; and

"(4) facilitating the coordination of comprehensive services to serve youth in such communities.

"SEC. 492. DEFINITIONS.

"As used in this part:

"(1) PARTICIPATING COMMUNITY.—The term 'participating community' means a city in a metropolitan statistical area, the contiguous nonmetropolitan counties in a rural area, or a Native American Indian reservation or Alaska Native village, participating in the Fair Chance

Youth Opportunities Unlimited Program established under this part.

"(2) **POVERTY AREA.**—The term 'poverty area' means an urban census tract, a nonmetropolitan county, a Native American Indian reservation, or an Alaska Native village, with a poverty rate of 30 percent or more, as determined by the Bureau of the Census.

"(3) **TARGET AREA.**—The term 'target area' means a poverty area or set of contiguous poverty areas that will be the focus of the Fair Chance Youth Opportunities Unlimited Program in a participating community.

"SEC. 493. PROGRAM AUTHORIZED.

"(a) **PROGRAM ESTABLISHED.**—The Secretary may establish a national program to provide Fair Chance Youth Opportunities Unlimited grants to service delivery areas to pay for the Federal share of providing comprehensive services to youth living in poverty areas in the cities and rural areas of the Nation.

"(b) **GRANTS.**—

"(1) **GRANT RECEIPTS.**—The Secretary shall award grants under this part—

"(A) to the service delivery area (on behalf of the participating community) in which a target area is located; or

"(B) in the case of a grant and involving the target area located on a Native American Indian reservation or Alaska Native village, to the grantee designated under subsection (c) or (d) of section 401.

"(2) **NUMBER.**—

"(A) **IN GENERAL.**—The Secretary may award not more than 25 grants in the first fiscal year that the program assisted under this part is authorized, and may award not more than a total of 40 grants over the first 5 fiscal years that the program assisted under this part is authorized.

"(B) **INDIAN RESERVATIONS AND ALASKA NATIVE VILLAGES.**—In awarding grants under this part the Secretary shall award at least 1 grant, and not more than 3 grants, during the first 5 fiscal years that the program is assisted under this part to grantees designated under section 401 representing Native American Indian reservations and Alaska Native villages.

"(c) **GRANT TERM.**—

"(1) **IN GENERAL.**—Grants awarded under this part shall be for a 1-year period. Such a grant shall be renewable for each of the 2 succeeding fiscal years if the Secretary determines the grant recipient complied with conditions of the grant during the previous fiscal year.

"(2) **EXTENSION.**—The Secretary may extend the renewal period set forth in paragraph (1) for an additional 2 fiscal years on reapplication.

"(d) **AWARD CRITERIA.**—

"(1) **CONSIDERATION.**—In awarding grants under this part, the Secretary shall consider the quality of the proposed project, the goals to be achieved by the project, the likelihood of the successful implementation of the project, and the extent of community support for the project.

"(2) **PRIORITY.**—In awarding grants under this part, the Secretary shall give priority to participating communities with the highest rates of poverty.

"SEC. 494. APPLICATION.

"(a) **ELIGIBILITY.**—Participating communities that have the highest concentrations of poverty, as determined by the Secretary based on the latest census estimates, shall be eligible to apply for Fair Chance Youth Opportunities Unlimited grants.

"(b) **APPLICATION.**—

"(1) **IN GENERAL.**—Each participating community desiring a grant under this part shall, through the individuals described in subsection (c), submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(2) **CONTENTS.**—The application described in paragraph (1) shall—

"(A) include a comprehensive plan for a Fair Chance Youth Opportunities Unlimited Program designed to achieve identifiable goals for youth in the target area;

"(B) set forth measurable program goals, which may include increasing—

"(i) the proportion of youths completing high school;

"(ii) the proportion of youths entering into community colleges or other advanced training programs; or

"(iii) the proportion of youths placed in jobs;

"(C) include information on supporting goals for the target area, such as increasing security and safety, or reducing the number of drug-related arrests;

"(D) provide assurances that the applicant will comply with the terms of the agreement described in section 495;

"(E) provide an assurance that all youth in the target areas have access to a coordinated and comprehensive range of education and training opportunities that serve the broadest range of youth interests and needs and simultaneously mobilize the diverse range of education and training providers in the participating community;

"(F) include information demonstrating the manner in which the participating community will make use of the resources, expertise, and commitment of institutions of higher education, educational agencies, and vocational and technical schools and institutes;

"(G) demonstrate how the participating community will make use of the resources, expertise, and commitment of such programs and service providers as—

"(i) community-based organizations providing vocational skills, literacy skills, remedial education, and general equivalency preparation, including community-based organizations serving youth with limited-English proficiency;

"(ii) youth corps programs, including youth conservation and human service corps;

"(iii) Job Corps centers;

"(iv) apprenticeship programs; and

"(v) other projects and programs funded under this Act;

"(H) include an estimate of the expected number of youth in the target area to be served;

"(I) include a description of the resources available in the participating community from private, local government, State, and Federal sources that will be used to achieve the goals of the program;

"(J) include an estimate of funds required to ensure access to appropriate education, training, and support services for all youth in the target area who seek such opportunities; and

"(K) provide evidence of support for accomplishing the stated goals of the participating community from—

"(i) local elected officials;

"(ii) the local school board;

"(iii) applicable private industry councils;

"(iv) local community leaders;

"(v) businesses;

"(vi) labor organizations; and

"(vii) other appropriate organizations.

"(c) **APPLICATION LIMITATION.**—The application described in subsection (b) may only be submitted to the Secretary on behalf of a participating community by—

"(1) in the case of a community comprised of a city in a metropolitan statistical area, the mayor, after the Governor of the State in which such city is located has had an opportunity to comment on the application;

"(2) in the case of a community comprised of contiguous nonmetropolitan counties in a rural area, the Governor of the State in which the counties are located; or

"(3) in the case of a community comprised of an Indian reservation or Alaska Native village, the grantee designated under section 401.

"SEC. 495. GRANT AGREEMENT.

"(a) **IN GENERAL.**—Each service delivery area receiving a grant under this part on behalf of a participating community shall enter into an agreement with the Secretary.

"(b) **CONTENTS.**—Each such agreement shall—

"(1) designate a target area that will be the focus of the program assisted under this part and shall have a population of not more than 25,000;

"(2) contain assurances that funds provided under this part will be used to support education, training, and supportive activities selected from a set of youth program models designated by the Secretary or from alternative models described in the application and approved by the Secretary, such as—

"(A) nonresidential learning centers;

"(B) alternative schools;

"(C) combined activities including—

"(i) summer remediation;

"(ii) work experience and work readiness training; and

"(iii) school-to-work, apprenticeship, or post-secondary education programs;

"(D) teen parent programs;

"(E) special programs run by community colleges;

"(F) youth centers;

"(G) initiatives aimed at increasing rural student enrollment in postsecondary institutions;

"(H) public-private collaborations to assure private sector employment and continued learning opportunities for youth; and

"(I) initiatives, such as youth corps programs, that combine community and youth service opportunities with education and training activities;

"(3) provide that only youth who are age 14 through 21 and reside in the target area shall be eligible to participate in the program;

"(4) contain assurances that the local educational agency and any other educational agency that operates secondary schools in the target area shall provide such activities and resources as are necessary to achieve the educational goals specified in the application;

"(5) contain assurances that the participating community will provide such activities and local resources as are necessary to achieve the goals specified in the application;

"(6) provide that the participating community will carry out special efforts to establish coordination with Federal, State, or local programs that serve the target population; and

"(7) provide assurances that funds provided under this part will be used only to pay the Federal share of the costs of programs and services not otherwise available in the target area and will supplement, and not supplant, funding from other local, State, and Federal sources available to youth in the target area.

"SEC. 496. PAYMENTS; FEDERAL SHARE.

"(a) **PAYMENTS.**—The Secretary shall pay to each service delivery area having an application approved under section 494 the Federal share of the costs of the activities described in the application.

"(b) **FEDERAL SHARE.**—The Federal share of the costs shall be 50 percent for each fiscal year a service delivery area receives assistance under this part.

"(c) **LIMITATION.**—Each service delivery area may provide not more than 50 percent of the non-Federal share of the costs from Federal sources other than funds received under this part.

"SEC. 497. REPORTING.

"The Secretary is authorized to establish such reporting procedures as are necessary to carry out the purposes of this part.

"SEC. 498. FEDERAL RESPONSIBILITIES.

"(a) **IN GENERAL.**—The Secretary shall provide assistance to participating communities in

implementing the projects assisted under this part.

"(b) INDEPENDENT EVALUATION.—

"(1) IN GENERAL.—The Secretary shall provide for a thorough, independent evaluation of the Fair Chance Youth Opportunities Unlimited Program to assess the outcomes of youth participating in programs assisted under this part.

"(2) EVALUATION MEASURES.—In conducting the evaluation described in paragraph (1) the Secretary shall include an assessment of—

"(A) the impact of youth residing in target areas, including the rates of school completion, enrollment in advanced education or training, and employment of the youth;

"(B) the extent to which participating communities fulfilled the goal of guaranteed access to appropriate education, training, and supportive services to all eligible youth residing in target areas who seek to participate;

"(C) the effectiveness of guaranteed access to comprehensive services combined with outreach and recruitment efforts in enlisting the participation of previously unserved or underserved youth residing in target areas;

"(D) the effectiveness of efforts to integrate service delivery in target areas, including systems of common intake, assessment, and case management; and

"(E) the feasibility of extending guaranteed access to comprehensive education, training and support services for youth in all areas of the United States, including possible approaches to incremental extension of such access over time.

"(c) REPORT.—The Secretary shall develop a report detailing the results of the independent evaluation described in subsection (b) and shall submit such report to the President and the appropriate committees of Congress not later than December 31, 1994, along with an analysis of expenditures made, results achieved, and problems in the operations and coordination of programs assisted under this part.

"(d) RESERVATION OF FUNDS.—The Secretary may reserve not more than 10 percent of the amount appropriated under this part in each fiscal year to carry out this section."

(b) TECHNICAL AMENDMENT.—The table of contents relating to title IV is amended by adding after the item relating to section 485 the following:

"PART I—FAIR CHANCE YOUTH OPPORTUNITIES UNLIMITED PROGRAM

"Sec. 491. Statement of purpose.

"Sec. 492. Definitions.

"Sec. 493. Program authorized.

"Sec. 494. Application.

"Sec. 495. Grant agreement.

"Sec. 496. Payments; Federal share.

"Sec. 497. Reporting.

"Sec. 498. Federal responsibilities."

SEC. 37. JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS.

(a) IN GENERAL.—Title V (29 U.S.C. 1791 et seq.) is amended to read as follows:

"TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

"SEC. 501. STATEMENT OF PURPOSE.

"It is the purpose of this title to provide incentives to reduce welfare dependency, promote self-sufficiency, increase child support payments, and increase employment and earnings of individuals by providing to each participating State a bonus for providing job training to—

"(1) absent parents of children receiving aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), who subsequent to such training pay child support for their children; and

"(2) blind or disabled individuals receiving supplemental security income under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.),

who subsequent to such training are successfully placed in and retain employment.

"SEC. 502. PAYMENTS.

"(a) IN GENERAL.—For each program year for which funds are appropriated to carry out this title, the Secretary shall pay to each participating State the amount that State is eligible to receive under this title.

"(b) RATABLE REDUCTIONS.—If the amount so appropriated is not sufficient to pay each State the amount each State is eligible to receive, the Secretary shall ratably reduce the amount paid to each State.

"(c) RATABLE INCREASES.—If any additional amount is made available for carrying out this title for any program year after the application of subsection (b), such additional amount shall be allocated among the States by increasing such payments in the same manner as they were reduced, except that no such State shall be paid an amount that exceeds the amount that the State is eligible to receive under this title.

"SEC. 503. AMOUNT OF INCENTIVE BONUS.

"The amount of the incentive bonus paid to each State shall be the sum of—

"(1) an amount equal to the total of the amounts of child support paid by each individual eligible under section 506(1) within the State, for up to 2 years after the termination of the individual from activities provided under this Act; and

"(2) an amount equal to the total reduction in the Federal contribution to the amounts received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) by each individual eligible under section 506(2) within the State, for up to 2 years after the termination of the individual from activities provided under this Act.

"SEC. 504. USE OF INCENTIVE BONUS FUNDS.

"(a) IN GENERAL.—

"(1) ALLOCATION.—

"(A) ADMINISTRATIVE COSTS.—During any program year, the Governor may use an amount not to exceed 15 percent of the total bonus payments of a State for administrative costs incurred under this title, including data and information collection and compilation, record-keeping, or the preparation of applications for incentive bonuses.

"(B) DISTRIBUTION OF PAYMENTS.—The amount of incentive bonus payments that remain after the deduction of administrative costs under subparagraph (A) shall be distributed to service delivery areas and Job Corps centers within the State in accordance with an agreement between the Governor and representatives of such areas and centers. Such agreement shall reflect an equitable method of distribution that is based on the degree to which the efforts of such area or center contributed to the qualification of the State for an incentive bonus payment under this title.

"(2) SPECIAL RULE.—Not more than 10 percent of the amounts received under this title in any program year by each service delivery area and Job Corps center may be used for the administrative costs of establishing and maintaining systems necessary for operation of programs under this title, including the costs of providing incentive payments described in subsection (b), technical assistance, data and information collection and compilation, management information systems, post-program followup activities, and research and evaluation activities. The balance of funds not so expended shall be used by each service delivery area for activities described in sections 204 and 264, and by each Job Corps center for activities authorized under part B of title IV.

"(b) INCENTIVE PAYMENTS TO SERVICE PROVIDERS.—Each service delivery area or Job Corps center may make incentive payments to service providers, including participating State and local agencies, and community-based organiza-

tions, that demonstrate effectiveness in delivering employment and training services to individuals such as those described in section 506.

"(c) APPLICATION OF SECTION RELATING TO ADMINISTRATIVE ADJUDICATIONS.—Section 166 (relating to administrative adjudication) shall apply to the distribution of incentive bonus payments under this section.

"SEC. 505. NOTICE AND APPLICATION.

"(a) NOTICE OF INTENT TO PARTICIPATE.—Any State seeking to participate in the incentive bonus program established under this title shall notify the Secretary of the intent of the State to participate not later than 30 days before the beginning of the first program year of participation.

"(b) APPLICATION.—

"(1) IN GENERAL.—Any State seeking to receive an incentive bonus under this title shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require in order to ensure compliance with this title.

"(2) CONTENTS.—Each application shall contain, at a minimum—

"(A) a list of the eligible individuals in the State who satisfied the requirements of section 506 during the program year;

"(B) the amount of the incentive bonus attributable to each eligible individual and due the State under section 503; and

"(C) certification that documentation is available to verify the eligibility of participants and the amount of the incentive bonus claimed by the State.

"(c) NOTICE OF APPROVAL OR DENIAL.—The Secretary shall promptly inform a State after receipt of the application as to whether or not the application of the State has been approved.

"SEC. 506. ELIGIBILITY FOR INCENTIVE BONUSES.

"An individual shall be eligible to participate in a program established under this title if—

"(1) the individual—

"(A) is an absent parent of any child receiving aid to families with dependent children under part A of title IV of the Social Security Act at the time such individual was determined to be eligible to participate in activities provided under this Act;

"(B) has participated in education, training or other activities (including the Job Corps) provided under this Act; and

"(C) pays child support for a child specified in subparagraph (A) following termination from activities provided under this Act; or

"(2) the individual—

"(A) is blind or disabled;

"(B) was receiving benefits under title XVI of the Social Security Act (relating to supplemental security income) at the time such individual was determined to be eligible to participate in activities under this Act;

"(C) has participated in education, training, or other activities (including the Job Corps) provided under this Act; and

"(D) earns from employment a wage or income.

"SEC. 507. INFORMATION AND DATA COLLECTION.

"(a) TECHNICAL ASSISTANCE.—In order to facilitate the collection exchange, and compilation of data and information required by this title, the Secretary is authorized to provide technical assistance to the States. Such assistance may include cost-effective methods for using State and Federal records to which the Secretary has lawful access.

"(b) JOINT REGULATIONS.—

"(1) IN GENERAL.—The Secretary and the Secretary of Health and Human Services, shall jointly issue regulations regarding the sharing among public agencies participating in the programs assisted under this title of the data and information necessary to fulfill the requirements of this title.

"(2) SUBJECTS.—Such regulations shall ensure—

"(A) the availability of information necessary to verify the eligibility of participants and the amount of the incentive bonus payable; and

"(B) the maintenance of confidentiality of the information so shared in accordance with Federal and State privacy laws.

"SEC. 508. EVALUATION AND REPORT.

"(a) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct or provide for an evaluation of the incentive bonus program assisted under this title.

"(2) CONSIDERATIONS.—The Secretary shall consider—

"(A) whether the program results in increased service under this Act to absent parents of children receiving aid to families with dependent children under part A of title IV of the Social Security Act and to recipients of supplemental security income under title XVI of the Social Security Act;

"(B) whether the program results in increased child support payments;

"(C) whether the program is administratively feasible and cost effective;

"(D) whether the services provided to other eligible participants under part A of title II are affected by the implementation and operation of the incentive bonus program; and

"(E) such other factors as the Secretary determines to be appropriate.

"(b) REPORT TO CONGRESS.—Not later than January 1, 1997, the Secretary shall submit a report to the appropriate committees of the Congress on the effectiveness of the incentive bonus program assisted under this title. Such report shall include an analysis of the costs of such program and the results of program activities.

"SEC. 509. IMPLEMENTING REGULATIONS.

"The Secretary shall promulgate regulations implementing this title not later than January 31, 1993."

(b) TECHNICAL AMENDMENT.—The table of contents relating to title V is amended to read as follows:

"Sec. 501. Statement of purpose.

"Sec. 502. Payments.

"Sec. 503. Amount of incentive bonus.

"Sec. 504. Use of incentive bonus funds.

"Sec. 505. Notice and application.

"Sec. 506. Eligibility for incentive bonuses.

"Sec. 507. Information and data collection.

"Sec. 508. Evaluation and report.

"Sec. 509. Implementing regulations."

SEC. 38. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect on December 1, 1992.

(b) PERFORMANCE STANDARDS.—The Secretary of Labor shall issue revised performance standards under the amendments made by section 10 as soon as the Secretary determines sufficient data are available, and not later than July 1, 1994.

(c) GUIDANCE.—

(1) IN GENERAL.—The Secretary shall provide guidance and technical assistance to States and service delivery areas relating to the documentation required to verify the eligibility of participants under parts A and C of title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.).

(2) SPECIAL RULE.—The guidance provided under paragraph (1), while maintaining program integrity, shall—

(A) limit the documentation burden to the minimum necessary to adequately verify eligibility; and

(B) ensure, to the extent practicable, that the documentation requirements shall not discourage the participation of eligible individuals.

(3) DATE.—The Secretary shall provide the guidance described in paragraph (1) not later than December 1, 1992.

(d) RULES AND PROCEDURES.—The Secretary of Labor may establish such rules and procedures as may be necessary to provide for an orderly transition to programs established by, and implementation of, the amendments made by this title.

Mr. GRAHAM. Mr. President, I rise in support of S. 2055, the Job Training and Basic Skills Act of 1992. This reform of the Job Training Partnership Act program is long overdue, and I am pleased that the Senate is taking action on the measure today.

During my tenure as Governor of Florida and now as a U.S. Senator, I have been continually impressed with the cooperative efforts between private citizens and the various levels of government toward the goal of developing a skilled work force.

Study after study shows that our young people and people entering the workplace for the first time need to be better educated and trained to enhance productivity. The JTPA programs provide this foundation to thousands of individuals who otherwise might fall through the cracks and spend their lives unemployed or underemployed.

It is my understanding that this legislation, which has been developed over a course of about 4 years, specifically addresses title I and title II of the Job Training Partnership Act. It has support from both State governments, State university and college systems, and private industry councils.

However, I am concerned that the bill does not address title III of the act which directs funds to workers affected by large layoffs in a particular industry. The Economic Dislocated Workers Act, passed in 1986 and embraced in title III, provides emergency retraining funds to dislocated workers. Funds are made available by formula and grants for additional emergency training programs made to States upon State applications by the Secretary of Labor.

The State of Florida has submitted an application for title III funds and, I am pleased to report, has received \$7 million in assistance from the Department of Labor specifically for retraining of workers affected by massive layoffs in the airline industry in south Florida.

Having visited the economic dislocated workers office in Dade County, I can assure Congress that this money is greatly appreciated and will be well spent.

Unfortunately, the restrictions on use of the money may leave many unserved. The Department of Labor has discouraged use of the emergency grant for minor retraining costs. For example, an airline mechanic who worked on one type of an aircraft cannot be retrained to work another aircraft even if the jobs are available in that market. Obviously the cost of providing this sort of minimal retraining is much less than financing training for an entirely new profession.

I realize that the original goal of JTPA titles I and II was to target the

unemployable and the long-term unemployed. Individuals, such as the gentleman in the example I have just given, do already have significant skills. But without minor retraining, I fear he will become part one of the long-term unemployed. And then he will require costly retraining to a new position.

It is also my understanding that the Senate Labor Committee has plans in the future to address the title III program. I intend to work with the committee on this effort.

In the meantime, I encourage the Department of Labor to reconsider its implementation of the Economic Dislocated Workers Act, taking into account the issues I have raised.

Finally, Mr. President, there is a provision in the House companion measure to S. 2055 which I hope the Senate will accept in conference. The House bill would change the allocation of administrative funds for title III. Currently, administrative allocations are made based on expenditures under the title III program, rather than based on the overall program allocation as in the case of title I and title II. However, most programs don't know for certain what their expenditures will be at the beginning of the fiscal year, so figuring administrative expenditures based on total expenditures is very difficult. I hope the Senate will see the merits of the House proposal on this point.

I congratulate the sponsor of this bill, Senator SIMON, for years of hard work on the legislation and am hopeful that we will get a conference bill to the President for his approval quickly.

Mr. SIMON. Mr. President, our Nation is suffering from high unemployment and sluggish increase in productivity. Layoff and downsizings during this recession have affected a wider range of the labor force than ever before. Many working people are in daily fear of losing their jobs. By passing this legislation and improving our primary Federal job training program, we can provide real assistance to the unemployed. S. 2055, the Job Training and Basic Skills Act, amends the Job Training Partnership Act [JTPA] to strengthen employment and training assistance programs and to improve the targeting of services to economically disadvantaged adults and youth. JTPA is our primary Federal job training program, and we must do what we can to structure the program to meet the needs of our society.

Our Nation has been fighting the one enemy no peace-time economy has defeated—unemployment. Achieving full employment is the next logical step for a humane society and a society that intends to squarely confront the issues of global competitiveness and productivity. We cannot be competitive or productive when millions of Americans are out of work and companies are leaving the United States. We must

meet the challenge to put America back to work for a simple reason. As I have said in the past, we have two options—we can pay people to work, or we can pay them for doing nothing. Obviously, we cannot afford to continue paying them not to work.

America's economy is facing critical human resource trend lines—the supply of unskilled and often uneducated labor is going up and the demand for unskilled labor is declining. As we move toward the 21st century, employment in professional, technical and managerial jobs is increasing substantially relative to the remaining service, operative and laborer positions. Our labor force as a whole is being required to attain higher levels of education and broader ranges of skills. In addition, companies have phased out or relocated high wage, specialized manufacturing jobs to other countries leaving behind lower wage service industry positions. We know these trends exist, yet our work force and our human resource programs are woefully unprepared to meet the challenges.

JTPA has accomplished the goals of increased participation in the private sector, higher placement rates and lower costs per placement. Yet we continue to hear complaints about JTPA. Indeed, overemphasis on achieving some of the goals of the program has led to failure in other areas. For example, increased placement rates have been achieved, in part, by focusing training efforts on those who are easiest to place. Thus, to certain extent, the effort to improve placement numbers resulted in a failure to provide training services to those most in need. In addition, while we sought to reduce the cost per placement, we have reduced the costs to levels so low that participants are often not provided with adequate training. The costs are well below what is needed to provide training in most trade and technical programs, and the training periods are increasingly shorter. Average training periods are currently less than 12 weeks, while under CETA it was 20 weeks.

These amendments are designed to address the criticisms of JTPA, while preserving the successful aspects of the program. The focus of the amendments is on targeting services to those most in need, and on improving the quality of services provided to participants. The bill contains important programmatic changes that will improve services and address perception problems that have led to decreases in funding. We have provided for separate adult and youth programs, with targeting for those with multiple barriers, and out-of-school youth. We have retained the Summer Youth Program that has provided much needed employment for impoverished young people. In addition, the bill provides for individual needs assessment and counseling

for each participant, and emphasizes the need for training to provide for long-term employability, not just placement services. The bill also seeks to address concerns about discrimination in the program. Finally, we have included a program for high risk youth—the Fair Chance Youth Opportunities Program. A 1989 report by the National Council of La Raza, "Falling Through the Cracks: Hispanic Underrepresentation in the Job Training Partnership Act," called for the kinds of a JTPA reforms included in the bill. A report by the National Commission on Employment Policy, "Training Hispanics: Implications for the JTPA System," came to similar conclusions.

JTPA has fulfilled an important role since its enactment in 1983. I have a wealth of reports and newsletters from JTPA programs across the country describing the success programs have had in providing the training and supportive services necessary to transition individuals from unemployment or poverty to more stable, productive lives. I was visited recently by members of a consortium of private industry councils [PIC's] in Illinois. This group particularly noted that the local public/private commitment and partnership within JTPA enables this program to be responsive to community needs and produce measurable positive outcomes. While they were very excited about their successes, these PIC members were realistic in looking toward a stronger JTPA system, one that would benefit from the amendments we hope to pass today. Looking to the future they recognized the need for more comprehensive, individualized services and a tighter, better defined operational organization.

JTPA's current structure will not properly respond to current human resource trends or local needs. A program that overall enrolls 37 percent of its participants in short-term training programs will not be able to significantly improve long-term employment and certainly will not be able to meet the goal of providing a productive and skilled work force by the year 2000. Furthermore, the program will not succeed in training the hard to serve if there are no incentives to serve those participants most in need of training and to provide them more comprehensive training services.

We have an opportunity to provide long-term solutions to the very people who suffer first and the most when our Nation experiences economic downturns. If we can provide the basic skills training necessary to enable the chronically unemployed to obtain more stable employment opportunities, we have taken a major step toward full employment and meeting our productivity goals. Mr. President, let's send more than a message to the poor and unemployed, let's pass S. 2055 and send them job training, employment coun-

seling, a support system, and the opportunity to earn a living. The Senate has considered this legislation for over 4 years now, let us not delay the passage of this important legislation any further.

Mr. KENNEDY. Mr. President, these amendments to the Job Training Partnership Act will significantly strengthen the services provided under titles II and IV of the act to economically disadvantaged adults and youth.

This is a significant step forward in our efforts to improve the delivery of training and job placement services to the most underserved members of our population, and I commend my colleagues from Illinois and South Carolina—as well as Senator HATCH, with whom we have worked closely on this legislation—for the leading role they have played in helping to craft these amendments.

JTPA is the largest Federal program we have to address a challenge of fundamental importance to this Nation's economic future: the education and training of our work force.

Because services provided under the act are targeted to those who currently face the greatest barriers to successful, productive participation in the work force, JTPA also plays a central role in our efforts to break the cycle of despair and dependency in which too many of our poorest citizens are trapped, by helping them to acquire skills and secure jobs that will enable them to attain self-sufficiency for themselves and their families.

This bill preserves the best features of JTPA as it was originally conceptualized when we created the program some 10 years ago—the public/private partnership that forms the basic delivery system for JTPA, and the emphasis on program outcomes through the use of performance standards. At the same time, these amendments build on the experience we have gained under the act to refine and sharpen program requirements and provide more focussed and higher quality services to the individuals served.

Key provisions of S. 2055 include:

The separation of services for adults and youth into two distinct programs, tailored to meet the special needs of each group;

Modifications of eligibility criteria to ensure that services are targeted to those most at risk;

Requirements that the education, skill level and service needs of participants be individually assessed, so that the service strategy for each participant can be tailored to his or her particular needs;

Modification of the performance standards to emphasize the acquisition of skills that enhance participants' long-term employability, as opposed to simple job placement, which may be short-term;

New requirements designed to improve fiscal accountability by requir-

ing better documentation and reporting of costs and stronger procurement and contracting procedures; and creation of a new Fair Chance/Youth Opportunities Unlimited Program to provide grants to high poverty communities to enable them to provide comprehensive services to low-income youth.

S. 2055 also amends and restructures the Jobs for Employable Dependent Individuals [JEDI] Program, which provides important incentives to States to reduce welfare dependency, promote self-sufficiency, and increase child support payments.

Under the revised JEDI Program, States that provide job training and placement to absent parents of children receiving AFDC are entitled to a bonus equal to the amount of any child support paid by the absent parent for up to 2 years after the parent completes training under the JTPA Program.

Similarly, any State that provides job training and placement to blind or disabled individuals receiving SSI payments can receive a bonus equal to the amount by which Federal payments to such individuals are reduced as a result of their successful job placement through the JTPA Program.

These incentives encourage States to provide services to individuals who are most in need of such assistance. They also reward States for successful efforts that reduce dependency on Federal assistance programs.

Overall, the JTPA amendments reflect a broad consensus among public and private groups involved in the delivery of JTPA services at the Federal, State, and local level on what needs to be done to improve this important program.

Similar amendments have already been adopted in the House, and we have every reason to believe that we will be able to move promptly to enact these changes into law, so that they can be implemented at the State and local level for the next program year, which begins July 1.

I am confident that with our action today we are taking a positive step to strengthen a program that is an essential element of Federal job training policy.

Mr. METZENBAUM. Mr. President, I rise to express my very strong support for these amendments to the Job Training Partnership Act. My colleague from Illinois, Senator SIMON, has labored intensely to craft a set of amendments which improves delivery of services to those in need. He has done an admirable job, and I congratulate him.

This legislation no longer contains the nontraditional employment for women provisions I introduced last year. I am pleased to report that those provisions were enacted and signed into law last December. They will help

women break out of existing stereotypes and limited opportunities, and into many occupations from which they have traditionally been excluded.

The sense of urgency for improving the Job Training Partnership Act has never been greater. The experts tell us that as many as half of the 1.5 million jobs our economy has lost in the past year will never be restored. We've lost some jobs to foreign competition, others to American companies relocating overseas to exploit cheap labor, and still others due to the massive debt load American businesses assumed during the merger and acquisition frenzy of the 1980's.

Whatever the causes, it is the American worker who pays the price. Nine million American workers are unemployed. Six million are underemployed, and another million are long-term unemployed who have dropped out of the work force. And hundreds of thousands of American servicemen and women will be looking for work as well over the next few years as the military downsizes.

Since its enactment in 1982, JTPA has provided millions of Americans with a fresh start. In program year 1992 alone, roughly \$3 billion was distributed to service delivery areas to help disadvantaged American workers overcome the barriers they face. These funds provide a multitude of services, including job training, education, job referral, counseling, needs related payments, and other supportive services.

These amendments will improve the delivery of services under the act to those who need them most. I pledge to work with Senator SIMON to resolve differences between this bill and the House bill through the conference process as expeditiously as possible.

Mr. SMITH. Mr. President, I support the passage of S. 2055.

Traditionally, my State of New Hampshire has been among the States which have received the least amount of return under this program. I was concerned that proposed formula changes would have further disadvantaged my State, even at a time when it is suffering from a severe recession.

I am happy to report the final compromise—coupled with my State's financial circumstances—will result in an increasing share of money under this program going to the benefit of my State.

My office has also been in touch with the Department of Labor in order to insure that the Department will work with economically depressed States such as my own. I understand this is in accord with the intention of the managers. Is that correct?

Mr. SIMON. The Senator from New Hampshire is correct.

Mr. THURMOND. Mr. President, as the ranking minority member of the Subcommittee on Employment and Productivity of the Labor and Human

Resources Committee, I am pleased to offer my strong support of S. 2055, a bill which strengthens the program of employment and training assistance provided under the Job Training Partnership Act [JTPA].

Since the enactment of JTPA in 1982, the core program of job training services for the economically disadvantaged has remained basically unchanged. In its 9 years of existence, this law has helped many economically disadvantaged Americans develop needed skills for entering the workforce as productive citizens. This bill builds upon that established foundation.

Mr. President, in 1989 the administration submitted a JTPA proposal to the Congress. Many of the proposals set forth in that legislative were later incorporated into S. 543, a bipartisan bill reported from the Labor and Human Resources Committee in September 1989 by a vote of 15 to 1.

In October 1990, a variation of S. 543 passed the Senate as an amendment to the Departments of Labor, Health and Human Services, and Education and Related Agencies appropriations bill. However, the JTPA measure was dropped during conference.

In June of last year, I was pleased to introduce on behalf of the administration, S. 1404, the Job Training Partnership Act Amendments of 1991. That bill was designed to improve the targeting of JTPA to those facing serious barriers to employment. It would also strengthen program accountability, enhance existing job training services, and promote the coordination of a broad range of programs and resources.

The measure before us today, the Job Training and Basic Skills Act of 1991, represents a consensus of all these prior bills. It is a result of bipartisan negotiations with all sides, and it has been a pleasure to work with the Chairman of the Labor and Human Resources Committee—Senator KENNEDY, the ranking member—Senator HATCH, and the chairman of the Employment and Productivity Subcommittee—Senator SIMON, in crafting this legislation. We have had the benefit of the views of the Department of Labor, the National Governors Association, the National Association of Counties, private industry council members, members of State job training councils, and many others. It does not contain everything I would prefer to see in a bill, but I do believe it represents a consensus, and important step forward. One of the things we have not included—largely as an effort to help expedite the bill—is a Human Resource Investment Council. This will give us more time to work out an agreeable compromise, and I look forward to continuing discussions on it during a conference with the House of Representatives. The National Governors Association has provided great leadership on this issue, and I look forward to continuing to work with them

and others in developing workable language.

Some of the things this legislation would do include:

Target services to persons facing serious and multiple barriers to employment;

Enhance program quality through individual assessments and service strategies;

Increase program accountability by enhancing performance standards; and

Continue the public-private partnership and local flexibility that make up the foundation of the current JTPA program.

The House of Representatives passed their version of the JTPA amendments in October 1991 by the overwhelming margin of 420 to 6. Now is the time to move in this body and I am pleased to offer my support.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2055

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training and Basic Skills Act of 1992".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Declaration of policy and statement of purpose.
- Sec. 5. Authorization of appropriations.
- Sec. 6. Definitions.
- Sec. 7. Private industry councils.
- Sec. 8. Job training plan.
- Sec. 9. Review and approval of plan.
- Sec. 10. Performance standards.
- Sec. 11. Selection of service providers.
- Sec. 12. Limitation on certain costs.
- Sec. 13. Service delivery area transfer and agreement; reallocation.
- Sec. 14. Governor's coordination and special services plan.
- Sec. 15. State job training coordination council.
- Sec. 16. State education coordination and grants.
- Sec. 17. Additional requirements.
- Sec. 18. State labor market information programs.
- Sec. 19. General program requirements.
- Sec. 20. Displacement grievance procedure.
- Sec. 21. Advance payment.
- Sec. 22. Fiscal controls.
- Sec. 23. Reports, recordkeeping, and investigations.
- Sec. 24. Discrimination.
- Sec. 25. Establishment of adult opportunity program.

- Sec. 26. Establishment of summer youth opportunity program.
- Sec. 27. Establishment of youth opportunity program.
- Sec. 28. Employment and training assistance for dislocated workers.
- Sec. 29. Native American programs.
- Sec. 30. Migrant and seasonal farmworker programs.
- Sec. 31. Job Corps.
- Sec. 32. National activities.
- Sec. 33. Cooperative labor market information program.
- Sec. 34. National occupational information coordinating committee.
- Sec. 35. Replication of successful programs.
- Sec. 36. Fair Chance Youth Opportunities Unlimited Program.
- Sec. 37. Jobs for employable dependent individuals.
- Sec. 38. Effective date; transition provisions.

SEC. 3. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

SEC. 4. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

(a) DECLARATION OF POLICY.—In recognition of the training needs of low-income adults and youth, the Congress declares it to be the policy of the United States to—

(1) provide financial assistance to States and local service delivery areas to meet the training needs of such low-income adults and youth, and to assist such adults and youth in obtaining unsubsidized employment;

(2) increase the funds available for programs established under title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.) by not less than 10 percent of the baseline each fiscal year, to provide for growth in the percentage of eligible adults and youth served, in excess of the 5 percent of the eligible population that is currently served; and

(3) encourage the provision of longer, more comprehensive education, training, and employment services to the eligible population, which also requires increased funding in order to maintain current service levels.

(b) STATEMENT OF PURPOSE.—Section 2 (29 U.S.C. 1501) is amended to read as follows:

"SEC. 2. STATEMENT OF PURPOSE.

"It is the purpose of this Act to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the work force and enhancing the productivity and competitiveness of the Nation."

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3 (29 U.S.C. 1502) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a)(1)(A) There are authorized to be appropriated to carry out parts A and C of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year.

"(B) Of the sums appropriated to carry out parts A and C of title II for each fiscal year, not less than 40 percent shall be made available to carry out part C of such title.

"(2) There are authorized to be appropriated to carry out part B of title II such

sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year.";

(2) by redesignating subsection (c) as subsection (b);

(3) by inserting after such subsection (b) the following:

"(c)(1) There is authorized to be appropriated to carry out parts A, C, D, E, F, and G of title IV for fiscal year 1993 and each succeeding fiscal year an amount equal to not more than 7 percent of the sum of the amounts appropriated for parts A and C of title II for such fiscal year.

"(2) The Secretary shall reserve from the amount appropriated under paragraph (1) for any fiscal year—

"(A) an amount equal to 7 percent of the amount appropriated under paragraph (1) to carry out part C of title IV; and

"(B) \$2,000,000 to carry out part F of title IV.

"(3) There are authorized to be appropriated to carry out part H of title IV \$10,000,000 for fiscal year 1993 and such sums as may be necessary for each succeeding fiscal year.

"(4) There are authorized to be appropriated to carry out part I of title IV \$100,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 through 1996."; and

(4) in subsection (e)—

(A) by striking "(e)(1) Subject to paragraph (2), there" and inserting "(e) There"; and

(B) by striking paragraphs (2) and (3).

(b) CONFORMING AMENDMENTS.—

(1) Subsections (a) and (e) of section 302, and section 326(h) (29 U.S.C. 1652 (a) and (e) and 1662e(h)) are amended by striking "3(c)" and inserting "3(b)".

(2) Section 326(h) (29 U.S.C. 1662e(h)) is amended by striking "3(c)" and inserting "3(b)".

SEC. 6. DEFINITIONS.

(a) IN GENERAL.—Section 4 (29 U.S.C. 1503) is amended—

(1) in paragraph (5)—

(A) by inserting "Association of Farmworkers Opportunity Programs, literacy organizations, agencies or organizations serving older individuals," after "United Way of America,"; and

(B) by inserting "organizations that provide service opportunities and youth corps programs," after "Jobs for Youth,";

(2) in paragraph (8)—

(A) in subparagraph (B)(i), by striking "poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget" and inserting "the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))"; and

(B) in subparagraph (D), by inserting "subsections (a) and (c) of" after "under";

(3) in paragraph (10), by striking "handicapped individual" and inserting "individual with a disability";

(4) in paragraph (22), by striking "and Trust Territory of the Pacific Islands" and inserting "the Freely Associated States, and the Republic of Palau";

(5) in the second sentence of paragraph (24), by—

(A) inserting "drug and alcohol abuse counseling and referral, individual and family counseling," after "health care,"; and

(B) striking "materials for the handicapped," and inserting "materials for individuals with disabilities, job coaches,";

(6) in paragraph (29), to read as follows:

"(29) The term 'displaced homemaker' means an individual who has been providing unpaid services to family members in the home and who—

"(A) has been dependent—

"(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (relating to the aid to families with dependent children program); or

"(ii) on the income of another family member and is no longer supported by that income; and

"(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment."; and

(7) by adding at the end the following new paragraphs:

"(31) The term 'basic skills deficient' means, with respect to an individual, that the individual has English reading or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.

"(32) The term 'case management' means the provision, in the delivery of a service, of a client-centered approach designed to—

"(A) prepare and coordinate a comprehensive employment plan, such as a service strategy, for a participant to ensure access to a necessary training and support service; and

"(B) provide job and career counseling during program participation and after job placement.

"(33) The term 'citizenship skills' means skills and qualities, such as teamwork, problem-solving ability, self-esteem, initiative, leadership, commitment to life-long learning, and an ethic of civic responsibility, that are characteristic of productive workers and good citizens.

"(34) The term 'educational agency' means—

"(A) a public local school authority having administrative control of elementary, middle, or secondary schools or providing adult education;

"(B) a public or private institution that provides alternative middle or high school education;

"(C) a public education institution or agency having administrative control of secondary or postsecondary vocational education programs;

"(D) a postsecondary institution; or

"(E) a postsecondary educational institution operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or under the Act of April 16, 1934 (48 Stat. 596; chapter 147; 25 U.S.C. 452 et seq.).

"(35) The term 'family' means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

"(A) A husband, wife, and dependent children.

"(B) A parent or guardian and dependent children.

"(C) A husband and wife.

"(36) The term 'hard-to-serve individual' means an individual who is included in one or more of the categories described in section 203(a)(2) or subsection (b) or (d) of section 263.

"(37) The term 'JOBS' means the Job Opportunities and Basic Skills Training Program authorized under part F of title IV of

the Social Security Act (42 U.S.C. 681 et seq.).

"(38)(A) The term 'participant' means an individual who has been determined to be eligible to participate in and who is receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) and followup services authorized under section 253(d) under a program authorized by this Act.

"(B) For purposes of determining whether an individual is a participant, participation shall be deemed to commence on the first day, following determination of eligibility, on which the participant begins receiving subsidized employment, training, or services funded under this Act.

"(39) The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

"(40) The term 'termination' means the separation of a participant who is no longer receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) and followup services authorized under section 253(d) under a program authorized and funded by this Act.

"(41) The term 'youth corps program' means a program, such as a conservation corps or youth service program, that offers productive work with visible community benefits in a natural resource or human service setting and that gives participants a mix of work experience, basic and life skills, education, training, and support services."

(b) CONFORMING AMENDMENTS.—The Act (29 U.S.C. 1501 et seq.) is amended—

(1) in section 4—

(A) in paragraph (5), by striking "the handicapped" and inserting "individuals with a disability"; and

(B) in paragraph (8)(F), by striking "adult handicapped individual" and inserting "individual with a disability";

(2) in the second section 172(b) (as added by Public Law 100-628) (29 U.S.C. 1583(b)), by striking "handicapped individuals" and inserting "individuals with a disability"; and

(3) in section 423(1) (29 U.S.C. 1693(1)), by striking "handicapped individual" and inserting "individual with a disability".

SEC. 7. PRIVATE INDUSTRY COUNCILS.

(a) COMPOSITION.—

(1) MEMBERSHIP.—Section 102(a) (29 U.S.C. 1512(a)) is amended—

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

(B) by striking paragraph (2) and inserting the following:

"(2) representatives of organized labor and community-based organizations, who shall constitute not less than 15 percent of the membership of the council; and

"(3) representatives of—

"(A) educational agencies (which agencies shall be representative of all educational agencies in the service delivery area);

"(B) vocational rehabilitation agencies;

"(C) public assistance agencies;

"(D) economic development agencies;

"(E) the public employment service; and

"(F) local welfare agencies."

(2) NOMINATION.—Section 102(c)(2) (29 U.S.C. 1512(c)(2)) is amended to read as follows:

"(2) Education representatives on the council shall be selected from among individuals nominated by regional or local educational agencies, vocational education institutions, institutions of higher education (including entities offering adult education) or general organizations of such schools and

institutions, within the service delivery area."

(3) RECOMMENDATIONS.—Section 102(c)(3) (29 U.S.C. 1512(c)(3)) is amended to read as follows:

"(3) The labor representatives on the council shall be selected from individuals recommended by recognized State and local labor organizations. If the State or local labor organization cannot adequately meet the labor representation on the private industry council, individual workers may be included on the council to complete the labor representation."

(4) ADDITIONAL REPRESENTATIVES.—Section 102(c) (20 U.S.C. 1512(c)) is amended by adding at the end the following new paragraph:

"(4) The remaining members of the council shall include additional representatives from all sectors described in subsection (a)(3) and individuals recommended by interested organizations."

(b) EFFECTIVE DATE.—No private industry council shall be considered to be in violation of the amendments made by subsection (a) of this section until the date 3 years after the date of enactment of this Act.

SEC. 8. JOB TRAINING PLAN.

(a) IN GENERAL.—Section 104(a) (29 U.S.C. 1514(a)) is amended by inserting "under title II" after "appropriated".

(b) CONTENTS.—Section 104(b) is amended to read as follows:

"(b) Each job training plan for the programs conducted under title II shall contain—

"(1) information identifying the entity that will administer the program and be the grant recipient of funds from the State;

"(2) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of the service delivery area program with other programs and service providers in the labor market area, including—

"(A) assessments of needs and problems in the labor market that form the basis for program planning;

"(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

"(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

"(3) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

"(4) a description of linkages, established in accordance with sections 205 and 265, designed to enhance the provision of services and avoid duplication, including—

"(A) agreements with educational agencies;

"(B) arrangements with other education, training, and employment programs serving the disadvantaged that are authorized by Federal law;

"(C) if appropriate, joint programs in which activities supported with assistance under this Act are coordinated with activities (such as service opportunities and youth corps programs) supported with assistance made available under the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.); and

"(D) efforts to ensure the effective delivery of services to participants in coordination with local welfare agencies, other local agencies, community-based organizations, volunteer groups, business and labor organizations, and other training, education, employment, and social service programs;

"(5) goals and objectives for the programs, including—

"(A) a description of the manner in which the program will contribute to the economic self-sufficiency of participants, and the productivity of the local area and the Nation; and

"(B) performance goals established in accordance with standards prescribed under section 106;

"(6) goals for the training and placement of targeted populations, and a description of efforts to be undertaken to accomplish such goals, including—

"(A) efforts to expand outreach to targeted populations who may be eligible for services under this Act;

"(B) efforts to expand awareness of training and placement opportunities for targeted populations; and

"(C) types of services to be provided to address the special needs of targeted populations;

"(7)(A) goals for—

"(i) the training of women in nontraditional employment; and

"(ii) the training-related placement of women in nontraditional employment and apprenticeships; and

"(B) a description of efforts to be undertaken to accomplish the goals described in subparagraph (A), including efforts to increase awareness of such training and placement opportunities;

"(8) adult and youth budgets for two program years and any proposed expenditures for the succeeding 2 program years, in such detail as is determined necessary, by the entity selected to administer the portion of the plan corresponding to the budgets in accordance with section 103(b)(1)(B), and to meet the requirements of section 108;

"(9) procedures for identifying and selecting participants, procedures for determining eligibility, and methods used to verify eligibility;

"(10) a description of—

"(A) the assessment process that will identify the skill level and service needs of each participant;

"(B) the competency levels to be achieved by participants as a result of program participation;

"(C) the services to be provided, including the estimated duration of service and the estimated training cost per participant; and

"(D) the procedures for evaluating the progress of participants in achieving competencies;

"(11) a description of the procedures and methods used in carrying out title V, relating to incentive bonus payments for the placement of individuals eligible under such title;

"(12) procedures, consistent with section 107, for selecting service providers, which procedures shall take into account—

"(A) past performance of the providers regarding—

"(i) job training, basic skills training, or related activities;

"(ii) fiscal accountability; and

"(iii) ability to meet performance standards; and

"(B) the ability of the providers to provide services that can lead to achievement of competency standards for participants with identified deficiencies;

"(13) fiscal control (including procurement, monitoring, and management information systems requirements), accounting, audit, and debt collection procedures, consistent with section 164, to assure the proper disbursement of, and accounting for, funds received under title II; and

"(14) procedures for the preparation and submission of an annual report to the Governor, which report shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants;

"(C) information on the extent to which applicable performance standards have been met;

"(D) information on the extent to which the service delivery area has met the goals of the area for the training and training-related placement of women in nontraditional employment and apprenticeships; and

"(E) a statistical breakdown of women trained and placed in nontraditional occupations, including information regarding—

"(i) the type of training received, by occupation;

"(ii) whether the participant was placed in a job or apprenticeship, and, if so, the occupation and wage at placement;

"(iii) the age of the participant;

"(iv) the race of the participant; and

"(v) retention of the participant in nontraditional employment."

SEC. 9. REVIEW AND APPROVAL OF PLAN.

Section 105(a)(1)(B)(ii) (29 U.S.C. 1515(a)(1)(B)(ii)) is amended by inserting "community-based organizations and" after "appropriate".

SEC. 10. PERFORMANCE STANDARDS.

(A) IN GENERAL.—Section 106 (29 U.S.C. 1516) is amended to read as follows:

"SEC. 106. PERFORMANCE STANDARDS.

"(a) CONGRESSIONAL FINDINGS.—Congress finds that—

"(1) job training is an investment in human capital and not an expense; and

"(2) in order to determine whether that investment has been productive—

"(A) it is essential that criteria for measuring the return on the investment be developed; and

"(B) the criteria should include basic measures of long-term economic self-sufficiency, including measures of increased educational attainment and occupational skills, increased employment and earnings, and reduced welfare dependency.

"(b) PERFORMANCE STANDARDS.—

"(1) ACHIEVEMENT OF BASIC MEASURES.—In order to determine whether the basic measures described in subsection (a)(2)(B) have been achieved by programs under parts A and C of title II, the Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall prescribe performance standards for the programs.

"(2) GENERAL OBJECTIVE.—In prescribing performance standards for programs under parts A and C of title II, the Secretary shall ensure that States and service delivery areas will make efforts to increase services and positive outcomes for hard-to-serve individuals.

"(3) FACTORS FOR ADULT STANDARDS.—The Secretary shall base the performance standards for adult programs under part A of title II on appropriate factors, which may include—

"(A) placement in unsubsidized employment;

"(B) retention for more than 6 months in unsubsidized employment;

"(C) increase in earnings, including hourly wages;

"(D) reduction in welfare dependency; and

"(E)(i) acquisition of skills, including basic skills, required to promote continued employability in the local labor market (including attainment of the competency levels described in paragraph (5)), or acquisition of a

high school diploma or the equivalent of the diploma; and

"(ii) one or more of the factors described in subparagraphs (A) through (D).

"(4) FACTORS FOR YOUTH STANDARDS.—

"(A) IN GENERAL.—The Secretary shall base the performance standards for youth programs under part C of title II on appropriate factors described in paragraph (3), and on factors including—

"(i) attainment of employment competencies (including attainment of the competency levels described in paragraph (5));

"(ii) dropout prevention and recovery;

"(iii) secondary and postsecondary school completion or the equivalent of such completion; and

"(iv) enrollment in other training programs, apprenticeships, or postsecondary education, or enlistment in the Armed Forces.

"(B) VARIATIONS.—The Secretary may prescribe variations in the standards described in subparagraph (A) to reflect the differences between in-school and out-of-school programs.

"(5) COMPETENCY LEVELS.—The private industry councils, in consultation with educational agencies, community-based organizations, and the private sector, shall establish youth and adult competency levels, based on such factors as attainment of entry skill levels and other hiring requirements.

"(6) REQUIREMENTS.—The performance standards described in paragraphs (3) and (4) shall include provisions governing—

"(A) the base period prior to program participation that will be used for measurement of the factors described in paragraphs (3) and (4), as appropriate;

"(B) a representative period after termination from the program that is a reasonable indicator of postprogram earnings and cash welfare payment reductions; and

"(C) cost-effective methods for obtaining such data as is necessary to carry out this subsection, which methods—

"(i) notwithstanding any other provision of law, may include access to—

"(I) earnings records;

"(II) State employment security records;

"(III) records collected under the Federal Insurance Contributions Act, chapter 21 of the Internal Revenue Code of 1986;

"(IV) records regarding State aid to families with dependent children;

"(V) statistical sampling techniques; and

"(VI) records or techniques similar to the records and techniques described in subclauses (I) through (V); and

"(ii) shall include appropriate safeguards to protect the confidentiality of the data obtained.

"(7) GROSS PROGRAM EXPENDITURES.—The Secretary shall prescribe performance standards for programs under parts A and C of title II relating gross program expenditures to various performance measures. The Governors shall not take performance standards prescribed under this paragraph into consideration in awarding grants under paragraph (8).

"(8) INCENTIVE GRANTS.—From funds available under section 202(c)(2)(C), and under section 262(c) for providing incentive grants under this paragraph, each Governor shall award incentive grants to service delivery areas conducting programs under parts A and C of title II that—

"(A) exceed the performance standards established by the Secretary under this subsection (except for the standards established under paragraph (7)) with respect to services to all participants;

"(B) exceed the performance standards established by the Secretary under this subsection (except for the standards established under paragraph (7)) with respect to services to hard-to-serve populations;

"(C) serve more than the minimum percentage of out-of-school youth required by section 263(f);

"(D) place participants in employment that provides post-program earnings that exceed the appropriate performance criteria; and

"(E) exceed the performance standards established by the Governor under subsection (e) for programs under title II, except that not more than 25 percent of the incentive grants shall be awarded on performance standards established under subsection (e).

"(c) EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.—

"(1) PERFORMANCE STANDARDS.—The Secretary shall prescribe performance standards for programs under title III based on participant placement and retention in unsubsidized employment.

"(2) NEEDS-RELATED PAYMENTS.—In prescribing performance standards under paragraph (1), the Secretary shall make appropriate allowance for the difference in cost resulting from serving workers receiving needs-related payments under section 314(e).

"(d) VARIATIONS.—

"(1) AUTHORITY OF GOVERNORS.—Each Governor of a State participating in a program governed by standards issued under subsection (b) or (c) shall prescribe, within parameters established by the Secretary, variations in the standards for the State, based on—

"(A) specific economic, geographic, and demographic factors in the State and in service delivery areas and substate areas within the State;

"(B) the characteristics of the population to be served;

"(C) the demonstrated difficulties in serving the population; and

"(D) the type of services to be provided.

"(2) SECRETARY'S RESPONSIBILITIES.—The Secretary shall—

"(A) provide information and technical assistance on performance standards adjustments;

"(B) collect data that identifies hard-to-serve individuals and long-term welfare dependency;

"(C) provide guidance on setting performance goals at the service provider level that encourage increased service to hard-to-serve individuals, particularly long-term welfare recipients; and

"(D) review performance standards to ensure that such standards provide maximum incentive in serving hard-to-serve individuals, particularly long-term welfare recipients, including individuals receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (relating to the aid to families with dependent children program) and individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) (relating to the supplemental security income programs).

"(e) ADDITIONAL PERFORMANCE STANDARDS BY GOVERNORS.—

"(1) IN GENERAL.—A Governor of a State participating in a program under title II or III may prescribe performance standards for the program in addition to standards established by the Secretary under subsections (b) and (c).

"(2) CRITERIA.—Such additional standards may include criteria requiring establishment of effective linkages with other programs to

avoid duplication and enhance the delivery of services, the provision of high quality services, and successful service to target groups.

"(3) REPORT.—The additional performance standards established for title II shall be reported in the Governor's coordination and special services plan.

"(f) NATIVE AMERICAN AND JOB CORPS PROGRAMS.—The Secretary shall prescribe performance standards for programs under parts A and B of title IV, and for programs under title V.

"(g) SYSTEM FOR ADJUSTMENTS.—The Secretary shall prescribe a system for adjustments in performance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, disabled and Vietnam era veterans, including veterans who served in the Indochina theater between August 5, 1964, and May 7, 1975, offenders, and displaced homemakers, taking into account their special circumstances.

"(h) MODIFICATIONS.—

"(1) IN GENERAL.—The Secretary may modify the performance standards under this section not more often than once every 2 program years and such modifications shall not be retroactive.

"(2) JOB CORPS.—Notwithstanding paragraph (1), the Secretary may modify standards relating to programs under part B of title IV each program year.

"(i) NATIONAL COMMISSION ON EMPLOYMENT POLICY.—The National Commission on Employment Policy shall—

"(1) advise the Secretary in the development of performance standards under this section for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (d);

"(2) evaluate the usefulness of such standards as measures of desired performance; and

"(3) evaluate the impacts of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the costs of such services in service delivery areas.

"(j) FAILURE TO MEET STANDARDS.—

"(1) UNIFORM CRITERIA.—The Secretary shall establish uniform criteria for determining whether—

"(A) a service delivery area fails to meet performance standards under this section; and

"(B) the circumstances under which remedial action authorized under this subsection shall be taken.

"(2) TECHNICAL ASSISTANCE.—Each Governor shall provide technical assistance to service delivery areas failing to meet performance standards under the uniform criteria established under paragraph (1)(A).

"(3) PROCESS FOR CORRECTION.—Not later than 90 days after the end of each program year, each Governor shall report to the Secretary the final performance standards and performance for each service delivery area within the State, along with the plans of the Governor for providing the technical assistance required under paragraph (2).

"(4) REORGANIZATION PLAN.—

"(A) PLAN REQUIRED FOR CONTINUED FAILURE.—If a service delivery area continues to fail to meet such performance standards for 2 program years, the Governor shall notify the Secretary and the service delivery area of the continued failure, and shall develop and impose a reorganization plan.

"(B) ELEMENTS.—Such plan may restructure the private industry council, prohibit the use of designated service providers,

merge the service delivery area into one or more other existing service delivery areas, or make other changes as the Governor determines to be necessary to improve performance, including the selection of an alternative administrative entity to administer the program for the service delivery area.

"(C) ALTERNATIVE ADMINISTRATIVE ENTITY SELECTION.—The alternative administrative entity described in subparagraph (B) may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area or substate area.

"(5) SECRETARIAL ACTION.—

"(A) PLAN.—If the Governor has not imposed a reorganization plan as required by paragraph (4)(A)(i) within 90 days of the end of the second program year in which a service delivery area has failed to meet its performance standards, the Secretary shall develop and impose such a plan, including the selection of an alternative administrative entity to administer the program for the service delivery areas.

"(B) RECAPTURE OR WITHHOLDING.—The Secretary shall recapture or withhold an amount not to exceed one-fifth of the State administration set-aside allocated under section 202(c)(2)(A) and under section 262(c) for the activities described in section 202(c)(2)(A), for the purposes of providing technical assistance under a reorganization plan as described in paragraph (4).

"(6) APPEAL BY SERVICE DELIVERY AREA.—

"(A) TIMING.—A service delivery area that is the subject of a reorganization plan under paragraph (4) may, within 30 days after receiving notice thereof, appeal to the Secretary to rescind or revise such plan.

"(B) RECAPTURE OR WITHHOLDING.—

"(i) DETERMINATION.—If the Secretary determines, upon appeal under subparagraph (A), that the Governor has not provided appropriate technical assistance as required under paragraph (2), the Secretary shall recapture or withhold an amount not to exceed one-fifth of the State administration set-aside allocated under section 202(c)(2)(A) and under section 262(c) for activities described in section 202(c)(2)(A). The Secretary shall use funds recaptured or withheld under this subparagraph to provide appropriate technical assistance.

"(ii) BASIS.—If the Secretary approved the technical assistance plan provided by the Governor under paragraph (2), a determination under this subparagraph shall only be based on failure to effectively implement such plan and shall not be based on the plan itself.

"(7) APPEAL BY GOVERNOR.—A Governor of a State that is subject to recapture or withholding under paragraph (5) or (6)(B) may, within 30 days of receiving notice thereof, appeal such withholding to the Secretary.

"(k) CLARIFICATION OR REFERENCE.—For the purposes of this section, the term 'employment' means employment for 20 or more hours per week."

(b) CONFORMING AMENDMENT.—Sections 311(a), 311(b)(8), and 322(a)(4) (29 U.S.C. 1661(a), 1661(b)(8), and 1662a(a)(4)) are each amended by striking "106(g)" and inserting "106(c)".

SEC. 11. SELECTION OF SERVICE PROVIDERS.

(a) CHILD CARE.—Section 107(a) (29 U.S.C. 1517(a)) is amended by adding at the end the following: "In addition, consideration shall be given to provision of appropriate supportive services, including child care."

(b) SELECTION OF SERVICE PROVIDERS.—Section 107 is amended by adding at the end the following new subsection:

"(e) The selection of service providers shall be made on a competitive basis, to the extent practicable, and shall include—

"(1) a determination of the ability of the service provider to meet program design specifications established by the administrative entity that take into account the purpose of this Act and the goals established by the Governor in the Coordination and Special Services Plan; and

"(2) documentation of compliance with procurement standards established by the Governor under section 164, including the reasons for selection."

SEC. 12. LIMITATION ON CERTAIN COSTS.

(a) APPLICATION OF COST LIMITATIONS.—Section 108(a) (29 U.S.C. 1518(a)) is amended to read as follows:

"(a) Except as provided in subparagraphs (A) and (B) of section 141(d)(3), funds expended under this Act shall be charged to the appropriate cost categories."

(b) COST CATEGORIES AND LIMITATIONS.—Section 108(b) is amended to read as follows:

"(b)(1) The cost limitations contained in this subsection shall apply separately to the funds allocated for programs under part A of title II, and to the funds allocated for programs under part C of such title.

"(2) Funds expended under parts A and C of title II shall be charged to one of the following categories:

"(A) Administration.

"(B) Training-related and supportive services.

"(C) Direct training services.

"(3) The Secretary shall, consistent with sections 204(b) and 264(c), define by regulation the cost categories specified in paragraph (2).

"(4) Of the funds allocated to a service delivery area for any program year under part A or C of title II—

"(A) not more than 20 percent shall be expended for the costs of administration; and

"(B) not less than 50 percent shall be expended for direct training services.

"(5) Each service delivery area shall ensure that all contracts, grants, or other agreements with a service provider, for services provided to participants, shall include appropriate amounts necessary for administrative costs and supportive services."

(c) REFERENCE TO TITLE III LIMITATIONS.—Section 108 is further amended by amending subsection (c) to read as follows:

"(c) Funds available under title III shall be expended in accordance with the limitations specified in section 315."

SEC. 13. SERVICE DELIVERY AREA TRANSFER AND AGREEMENT; REALLOTMENT.

(a) IN GENERAL.—Part A of title I (29 U.S.C. 1511 et seq.) is amended by adding at the end the following new sections:

"SEC. 109. SERVICE DELIVERY AREA TRANSFER AND AGREEMENT.

"(a) IN GENERAL.—Any service delivery area may enter into an agreement with another service delivery area to share the cost of educating, training, and placing individuals participating in programs assisted under this Act, including the provision of supportive services. Such agreement shall be approved by an individual representing each private industry council providing guidance to the service delivery area.

"(b) APPLICATION OF APPROPRIATE PERFORMANCE STANDARDS.—Each service delivery area entering into a service delivery area agreement under this section shall be credited under the appropriate performance standards.

"SEC. 110. REALLOCATION AND REALLOTMENT OF UNOBLIGATED FUNDS UNDER TITLE II.

"(a) WITHIN STATE REALLOCATIONS.—

"(1) IN GENERAL.—For each program year beginning on or after July 1, 1993, the Governor shall, in accordance with the requirements of this subsection, reallocate to eligible service delivery areas within the State funds appropriated for such program year that are available for reallocation.

"(2) AMOUNT.—The amount available for reallocation is equal to the amount by which the unobligated balance of the service delivery area allocation under parts A or C of title II at the end of the program year prior to the program year for which the reallocation is made exceeds 15 percent of such allocation for the prior program year.

"(3) REALLOCATION.—The Governor shall reallocate the amounts available under paragraph (2), to eligible service delivery areas within the State that have the highest rates of unemployment for an extended period of time and to the service delivery areas with the highest poverty rates.

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible service delivery area means a service delivery area that has obligated at least 85 percent of the allocation of the area under part A or C of title II for the program year prior to the program year for which the reallocation is made.

"(b) REALLOTMENT AMONG STATES.—

"(1) IN GENERAL.—For each program year beginning on or after July 1, 1993, the Secretary may, in accordance with the requirements of this subsection, reallocate to eligible States funds appropriated for such program year that are available for reallocation.

"(2) AMOUNT.—The amount available for reallocation among States under this subsection shall be equal to the amount by which the unobligated balance of the State allotment under part A or C of title II at the end of the program year prior to the program year for which the reallocation is made exceeds 15 percent of such allotment for the prior program year.

"(3) REALLOTMENT.—From the amount available under paragraph (2), the Secretary shall reallocate to each eligible State an amount based on the relative amount allotted to such eligible State under part A or C of title II for the program year the determination under this subsection is made compared to the total amount allotted to all eligible States under part A or C of title II for such program year.

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State which has obligated at least 85 percent of its allocation under part A or C of title II for the program year prior to the program year for which the reallocation is made.

"(5) PROCEDURES.—The Governor of each State shall prescribe uniform procedures for the obligation of funds by service delivery areas within the State in order to avoid the requirement that funds be made available for reallocation under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and service delivery areas in the event that a State is required to make funds available for reallocation under this subsection."

(b) TECHNICAL AMENDMENT.—The table of contents relating to part A of title I is amended by adding after the item relating to section 108 the following:

"Sec. 109. Service delivery area transfer and agreement.

"Sec. 110. Reallocation and reallocation of unobligated funds under title II."

SEC. 14. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) IN GENERAL.—Section 121(b) (29 U.S.C. 1531(b)) is amended—

(1) in paragraph (1), by striking "Such criteria" and inserting: "The plan shall also include criteria for coordinating activities under this Act with programs and services provided by State and local agencies on aging, and programs operated under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.). In addition, the plan shall establish criteria for coordinating activities under this Act with programs under the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.). The criteria described in each of the three preceding sentences";

(2) in paragraph (2) to read as follows:

"(2) The plan shall describe the measures taken by the State to ensure coordination and avoid duplication of programs between the State agencies administering the JOBS program and programs under title II in the planning and delivery of services. The plan shall describe the procedures developed by the State to ensure that the State JOBS plan is consistent with the coordination criteria specified in the plan and shall identify the procedures developed to provide for the review of the JOBS plan by the State job training coordinating council";

(3) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(4) by inserting the following new paragraph after paragraph (2):

"(3) The plan shall describe the projected use of resources, including oversight of program performance, program administration, program financial management, capacity building, priorities and criteria for State incentive grants, and performance goals for State-supported programs. The description of capacity building shall include the Governor's plans for research and demonstration projects, technical assistance for service delivery areas and service providers, interstate technical assistance and training arrangements, and other coordinated technical assistance arrangements for service delivery areas and service providers under the direction of the Secretary"; and

(5) in paragraph (5) (as redesignated in paragraph (3)) by—

(A) striking "and" at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting a semicolon and "and"; and

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

"(C) services to older workers, including plans for facilitating the provision of services across service delivery areas within the State, as provided in section 104(b)(2)."

(b) COORDINATION AND SPECIAL SERVICES ACTIVITIES.—Section 121(c) is amended—

(1) in paragraph (7), by inserting after the paragraph designation the following: "coordination of activities relating to part A of title II with";

(2) by striking "and" at the end of paragraph (10);

(3) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(12) initiatives undertaken under the State innovation and coordination program described in section 123; and

"(13) making available to service delivery areas appropriate information and technical assistance to assist in developing and implementing joint programs, including youth corps programs, in which activities supported under this Act are coordinated with activities supported under the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.)."

SEC. 15. STATE JOB TRAINING COORDINATION COUNCIL.

Section 122(a)(3)(B)(i) (29 U.S.C. 1532(a)(3)(B)(i)) is amended by inserting "the State Advisory Board established under section 178 of the National and Community Service Act of 1990," after "State veterans' affairs agencies or equivalent."

SEC. 16. STATE EDUCATION COORDINATION AND GRANTS.

Section 123 (29 U.S.C. 1533) is amended to read as follows:

"SEC. 123. STATE EDUCATION COORDINATION AND GRANTS.**"(a) ALLOTMENT.—**

"(1) **IN GENERAL.**—The Secretary shall allot the funds made available to carry out this section under section 202(c)(2)(D) and under section 262(c) to the Governors for allocation to State educational agencies to pay for the Federal share of carrying out the projects described in paragraph (2).

"(2) **PROJECTS.**—Funds allocated under paragraph (1) may be used to pay for the Federal share of carrying out projects (in accordance with agreements under subsection (b)) that—

"(A) provide school-to-work transition services of demonstrated effectiveness that increase the rate of graduation from high school, or completion of the recognized equivalent of such graduation, including services that increase the rate at which dropouts return to regular or alternative schooling and obtain a high school degree or equivalent;

"(B) provide literacy and lifelong learning opportunities and services of demonstrated effectiveness that—

"(i) enhance the knowledge and skills of educationally and economically disadvantaged individuals; and

"(ii) result in increasing the employment and earnings of such individuals; and

"(C) provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment; and

"(D) facilitate coordination of education and training services for eligible participants in projects described in subparagraphs (A), (B), and (C).

"(3) **FEDERAL SHARE.**—The Federal share of the cost of carrying out the projects described in paragraph (2) shall be 50 percent.

"(b) AGREEMENTS REQUIRED.—

"(1) **PARTIES TO AGREEMENTS.**—The projects described in subsection (a)(2) shall be conducted within a State in accordance with agreements between the State educational agency, administrative entities in service delivery areas in the State, and other entities such as other State agencies, local educational agencies, and alternative service providers (such as community-based and other nonprofit or for-profit organizations).

"(2) CONTENTS OF AGREEMENTS.—

"(A) **CONTRIBUTION.**—The agreements described in paragraph (1) shall provide for the contribution by the State, from funds other than the funds made available under this Act, of a total amount equal to the funds allotted under this section.

"(B) **DIRECT COST OF SERVICES.**—Such amount may include the direct cost of employment or training services—

"(i) provided by State or local programs or agencies; or

"(ii) provided by other Federal programs or agencies in accordance with applicable Federal law.

"(c) **GOVERNOR'S PLAN REQUIREMENTS.**—Any Governor receiving assistance under this section shall include in the Governor's

coordination and special services plan, in accordance with section 121, a description developed in consultation with the State educational agency of—

"(1) the goals to be achieved and services to be provided by the school-to-work transition programs specified in subsection (a)(2)(A) that will receive the assistance, which description shall, at a minimum, include information regarding—

"(A) the activities and services that will result in increasing the number of youth staying in or returning to school and graduating from high school or the equivalent;

"(B) the work-based curriculum that will link classroom learning to worksite experience and address the practical and theoretical aspects of work;

"(C) the opportunities that will be made available to participants to obtain career-path employment and postsecondary education;

"(D) the integration to be achieved, in appropriate circumstances, in the delivery of services between State and local educational agencies and alternative service providers, such as community-based and nonprofit organizations; and

"(E) the linkages that will be established, where feasible, to avoid duplication and enhance the delivery of services, with programs under—

"(i) title II and part B of title IV;

"(ii) the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq.);

"(iii) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(iv) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(v) the Adult Education Act (20 U.S.C. 1201 et seq.);

"(vi) the JOBS program;

"(vii) the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 482); and

"(viii) the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.).

"(2) the goals to be achieved and services to be provided by literacy and lifelong learning programs specified in subsection (a)(2)(B) that will receive the assistance, which description shall, at a minimum, include information regarding—

"(A) the activities and services that will increase the knowledge and skills of educationally and economically disadvantaged individuals, and result in increased employment and earnings for such individuals;

"(B) the integration to be achieved between projects assisted under this section and the 4-year State plan (and related needs assessment carried out for the plan) developed in accordance with section 342 of the Adult Education Act (20 U.S.C. 1206a);

"(C) the variety of settings, including workplace settings, in which literacy training and learning opportunities will be provided; and

"(D) the linkages that will be established, where feasible, to avoid duplication and enhance the delivery of services, with programs under—

"(i) titles II and III of this Act;

"(ii) the Adult Education Act;

"(iii) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(iv) the Stewart B. McKinney Homeless Assistance Act;

"(v) the JOBS program;

"(vi) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(vii) the National Literacy Act of 1991 (Public Law 102-73);

"(viii) the Emergency Immigrant Education Act of 1984 (20 U.S.C. 3121 et seq.); and

"(ix) the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.);

"(3) the goals to be achieved and services to be provided by the nontraditional employment for women programs specified in subsection (a)(2)(C) that will receive the assistance; and

"(4) the proportion of funds received under this section that will be used to carry out the programs described in paragraphs (1), (2), and (3), respectively.

"(d) SERVICE REQUIREMENTS.—

"(1) **PERMITTED SERVICES.**—Services funded under this section to carry out the projects described in subsection (a)(2) may include education and training, vocational education services, and related services, provided to participants under title II. In addition, services funded under this section may include services for offenders, veterans, and other individuals who the Governor determines require special assistance.

"(2) LIMITATIONS ON EXPENDITURES.—

"(A) **COORDINATION OF SERVICES.**—Not more than 20 percent of the funds allocated under this section may be expended to pay for the Federal share of projects described in subsection (a)(2)(D) at the State and local levels.

"(B) **SCHOOL-TO-WORK SERVICES; LITERACY AND LIFELONG LEARNING SERVICES.**—Not less than 80 percent of the funds allocated under this section shall be expended to pay for the Federal share of projects conducted in accordance with subparagraphs (A), (B), and (C) of subsection (a)(2).

"(C) **ECONOMICALLY DISADVANTAGED INDIVIDUALS.**—Not less than 75 percent of the funds allocated for projects under subparagraphs (A), (B), and (C) of subsection (a)(2) shall be expended for projects for economically disadvantaged individuals who experience other barriers to employment. Priority for funds not expended for the economically disadvantaged shall be given to title III participants and persons with other barriers to employment.

"(e) **DISTRIBUTION OF FUNDS IN ABSENCE OF AGREEMENT.**—If no agreement is reached in accordance with subsection (b) on the use of funds under this section, the Governor shall notify the Secretary and shall distribute the funds to service delivery areas in accordance with section 202(b) for the projects described in subsection (a)(2).

"(f) REPORTS AND RECORDS.—

"(1) **REPORTS BY GOVERNORS.**—The Governor shall prepare reports on the projects funded under this section, including such information as the Secretary may require to determine the extent to which the projects supported under this section result in achieving the goals specified in paragraphs (1), (2), and (3) of subsection (c). The Governor shall submit the reports to the Secretary at such intervals as shall be determined by the Secretary.

"(2) **RECORDS AND REPORTS OF RECIPIENTS.**—Each direct or indirect recipient of funds under this section shall keep records that are sufficient to permit the preparation of reports. Each recipient shall submit such reports to the Secretary, at such intervals as shall be determined by the Secretary."

SEC. 17. ADDITIONAL REQUIREMENTS.

(a) **IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.**—Section 124 (29 U.S.C. 1534) is amended to read as follows:

"SEC. 124. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.

"If a State or service delivery area imposes a requirement, including a rule, regulation,

policy, or performance standard, relating to the administration and operation of programs funded by this Act (including requirements based on State or service delivery area interpretation of any Federal law, regulation, or guideline) the State or area shall identify the requirement as a State- or service delivery area-imposed requirement."

(b) TECHNICAL AMENDMENT.—The table of contents relating to part B of title I is amended by striking the item relating to section 124 and inserting the following:

"Sec. 124. Identification of additional imposed requirements."

SEC. 18. STATE LABOR MARKET INFORMATION PROGRAMS.

Section 125(a) (29 U.S.C. 1535(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

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

"(6) provide training and technical assistance to support comprehensive career guidance and participant outcome activities for local programs assisted under this Act."

SEC. 19. GENERAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 141(d)(3) (29 U.S.C. 1551(d)(3)) is amended by—

(1) inserting "(A)" after the paragraph designation; and

(2) adding at the end the following new subparagraphs:

"(B) Tuition charges for training or education provided by an institution of higher education or postsecondary institution that are not more than the charges for such training or education made available to the general public do not require a breakdown of cost components.

"(C) Funds provided from the allocation to a service delivery area for any fiscal year that are expended by any service provider (with the exception of a State or local agency) for the cost of administering services under part A or C of title II shall not be subject to the limitation contained in section 108(b)(4)(A) if—

"(i) such funds are expended under an agreement under which not less than 90 percent of the funds provided to the service provider are to be expended for the costs of direct training and training-related and supportive services;

"(ii) such expenditures are charged to the appropriate cost category; and

"(iii) the service delivery area is in compliance with the requirement under section 108(b)(4)(B) for such fiscal year."

(b) LIMITATION.—Section 141(g) is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) adding at the end the following new paragraphs:

"(2) On-the-job training authorized under this Act for a participant with respect to a position shall be limited in duration to a period not in excess of the period generally required for acquisition of skills needed for the position within a particular occupation. In no event shall the training exceed 6 months unless the total number of hours of such training is less than 500 hours. In determining the period generally required for acquisition of the skills, consideration shall be given to recognized reference material (such as the Dictionary of Occupational Titles), the content of the training of the participant, the prior work experience of the participant, and the service strategy of the participant.

"(3)(A) Each on-the-job training contract shall—

"(i) specify the types and duration of on-the-job training to be developed and other services to be provided in sufficient detail to allow for a fair analysis of the reasonableness of proposed costs; and

"(ii) comply with the requirements of section 164.

"(B) Each on-the-job training contract that is not directly contracted by a service delivery area with an employer (but instead is contracted through an intermediary brokering contractor), shall, in addition to meeting the requirements of subparagraph (A), specify the outreach, recruitment, participant training, counseling, placement, monitoring, followup, and other services to be provided directly by the brokering contractor within the organization of the contractor, the services to be provided by the employers conducting the on-the-job training, and the services to be provided, with or without cost, by other agencies and subcontractors.

"(C) If a brokering contractor enters into a contract with a subcontractor to provide training or other services, the brokering contractor shall ensure, through on-site monitoring, compliance with subcontract terms prior to making payment to the subcontractor."

(c) DISPOSAL OF ASSETS.—Section 141(k) is amended to read as follows:

"(k) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this Act shall be the Federal requirements generally applicable to Federal grants to States and local governments."

(d) PROGRAM INCOME.—Section 141(m) is amended to read as follows:

"(m)(1) A public or private nonprofit entity administering a program under this Act may retain income under the program if the entity uses such income to continue to carry out such program, and may use the income for such purposes without fiscal year limitation.

"(2) Income subject to the requirements of paragraph (1) shall include—

"(A) receipts from goods or services provided as a result of activity funded under this Act; and

"(B) funds provided to a service provider under this Act that are in excess of the costs associated with the services provided.

"(3) For the purposes of this subsection, each public or private nonprofit entity receiving financial assistance under this Act shall maintain records sufficient to determine the amount of income received and the purposes for which such income is expended."

(e) PUBLIC SERVICE EMPLOYMENT.—Section 141(p) is amended by striking "part B of this title or part A of" and inserting "part A or C of".

SEC. 20. DISPLACEMENT GRIEVANCE PROCEDURE.

Section 144 (29 U.S.C. 1554) is amended by adding at the end the following new subsections:

"(d)(1)(A) If a grievant files a grievance alleging a displacement from employment in violation of paragraph (1) or (3) of section 143(b) and no decision is issued within 60 days of the date on which the grievant filed the grievance, any party to the grievance may submit the grievance to arbitration conducted in accordance with paragraphs (2) through (4) by—

"(i) an arbitrator selected in accordance with subparagraph (C); or

"(ii) the Governor of the State in which the displacement occurred.

"(B) If a grievant files such a grievance and a decision is issued that is adverse to a party to the grievance, the party may submit the grievance to such arbitration.

"(C) The arbitrator described in paragraph (1)(a)(i) shall be a qualified arbitrator who is independent of the interested parties. The arbitrator shall be jointly selected by the parties. If the parties cannot agree on an arbitrator within 15 days of the date on which the grievance is submitted to arbitration, the Governor shall appoint an arbitrator from a list of qualified arbitrators maintained by the Governor.

"(2) The arbitrator shall conduct an arbitration proceeding not later than 45 days after the date on which a party submitted the grievance to arbitration.

"(3) The arbitrator shall issue a decision concerning such grievance not later than 30 days after the date of such arbitration proceeding.

"(4) The parties to the arbitration shall evenly divide the cost of such arbitration proceeding.

"(e) Remedies available under this section for violations of paragraph (1) or (3) of section 143(b) may include—

"(1) suspension or termination of payments under this Act;

"(2) prohibition of placement of a participant in a program under this Act;

"(3) recapture of payments made under this Act;

"(4) if the grievant requests reinstatement to the position of the grievant prior to displacement, such reinstatement, together with such compensation (including back pay and lost benefits) and such terms, conditions, and privileges of employment, as the grievant enjoyed prior to displacement; and

"(5) such equitable relief as is necessary to make the grievant whole."

SEC. 21. ADVANCE PAYMENT.

Section 162 (29 U.S.C. 1572) is amended by adding at the end the following new subsection:

"(f) When contracting with nonprofit organizations of demonstrated effectiveness, the Secretary, States, and service delivery areas may make advance payments, except that such advance payments shall be based on the financial need of such organizations and shall not exceed 20 percent of the total contract amount."

SEC. 22. FISCAL CONTROLS.

(a) PROCUREMENT.—Section 164(a) (29 U.S.C. 1574(a)) is amended to read as follows:

"(a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the recipient under titles II and III. Such procedures shall ensure that all financial transactions are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.

"(2) The Governor shall prescribe and implement uniform procurement standards to ensure fiscal accountability and prevent fraud and abuse in programs administered under this Act. Such standards shall include provisions to ensure that, for the State, substate areas, and service delivery areas—

"(A) procurements shall be conducted in a manner providing full and open competition;

"(B) the use of sole source procurements shall be minimized to the extent practicable, and in every case shall be justified;

"(C) procurements shall include an analysis of the reasonableness of costs and prices;

"(D) procurements shall not provide excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities), and that appropriate factors shall be utilized in determining whether such income or profit is excessive, such as—

"(i) the complexity of the work to be performed;

"(ii) the risk borne by the contractor; and

"(iii) market conditions in the surrounding geographic area;

"(E) procurements shall clearly specify deliverables and the basis for payment;

"(F) written procedures shall be established for procurement transactions;

"(G) no grantee, contractor, subgrantee, or subcontractor shall engage in any conflict of interest, actual or apparent, in the selection, award and administration of a contract or grant under this Act; and

"(H) all grantees and subgrantees shall conduct oversight to ensure compliance with procurement standards.

"(3) The Governor shall annually conduct on-site monitoring of each service delivery area and substate area within the State to ensure compliance with the procurement standards established under paragraph (2).

"(4) If the Governor determines that a service delivery area or substate area is not in compliance with the procurement standards established under paragraph (2), the Governor shall—

"(A) require corrective action to secure prompt compliance; and

"(B) impose the sanctions described in subsections (b) and (e) in the event of failure to take the required corrective action.

"(5) The Governor shall submit to the Secretary the procurement standards established under paragraph (2), and shall annually certify to the Secretary that—

"(A) the State procurement standards fully satisfy the requirements described in paragraph (2);

"(B) the State has monitored substate areas and service delivery areas to ensure compliance with the procurement standards established under paragraph (2); and

"(C) the State has taken appropriate action to secure compliance under paragraph (4).

"(6) The Secretary shall biennially review the procurement standards established under paragraph (2) and notify the appropriate committees of the Congress whether the requirements contained in paragraph (5) have been satisfied.

"(7) If the Secretary determines that a Governor has not fulfilled the requirements of this subsection, the Secretary shall—

"(A) require corrective action to secure prompt compliance; and

"(B) impose the sanctions provided under subsection (f) in the event of failure of the Governor to take the required corrective action.

"(8) The Secretary, in consultation with the Inspector General, shall review the implementation of this subsection and submit a report to the appropriate committees of the Congress, not later than October 1, 1994, evaluating the effectiveness of the subsection in ensuring fiscal accountability and containing such recommendations as the Secretary determines to be appropriate."

(b) CONSEQUENCES OF FAILURES.—Section 164(b) of the Act is amended to read as follows:

"(b)(1) Whenever, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of this Act, and corrective action has not been taken, the Governor shall—

"(A) issue a notice of intent to revoke approval of all or part of the plan affected; or

"(B) impose a reorganization plan, which may include—

"(i) restructuring the private industry council involved;

"(ii) prohibiting the use of designated service providers;

"(iii) selecting an alternative administrative entity to administer a program for the service delivery area involved;

"(iv) merging the service delivery area into one or more other existing service delivery areas; or

"(v) making such other changes as the Secretary or Governor determines to be necessary to secure compliance.

"(2)(A) The actions taken by the Governor under paragraph (1)(A) may be appealed to the Secretary under the same terms and conditions as the disapproval of the plan and shall not become effective until—

"(i) the time for appeal has expired; or

"(ii) the Secretary has issued a decision regarding an appeal.

"(B) The actions taken by the Governor under paragraph (1)(B) may be appealed to the Secretary, who shall make a final decision within 60 days of the receipt of the appeal.

"(3) If the Governor fails to promptly take the actions required under paragraph (1), the Secretary shall take such actions."

SEC. 23. REPORTS, RECORDKEEPING, AND INVESTIGATIONS.

(a) RECORDS.—Section 165(a) (29 U.S.C. 1575(a)) is amended by adding at the end the following new paragraph:

"(3) In order to allow for the preparation of estimates necessary to meet the requirements of subsection (c), recipients shall maintain standardized records for all individual participants, and provide to the Secretary a sufficient number of such records to provide an adequate random sample."

(b) AUDITS.—Section 165(b) is amended by adding at the end the following new paragraph:

"(3)(A) In carrying out any audit under this Act (other than any initial audit survey or any audit investigating possible criminal or fraudulent conduct), either directly or through a grant or contract, the Secretary, the Inspector General, or the Comptroller General shall furnish to the State, administrative entity, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not fewer than 14 days (or as soon as practicable) prior to the commencement of the audit.

"(B) If the scope, objectives, or purposes of the audit change substantially during the course of the audit, the entity being audited shall be notified of the change as soon as practicable.

"(C) The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding.

"(D) Nothing contained in this Act shall be construed so as to be inconsistent with the Inspector General Act of 1978 (5 U.S.C. App.) or government auditing standards issued by the Comptroller General."

(c) MONITORING.—Section 165(c) is amended by—

(1) striking "and" at the end of paragraph (1), and inserting a semicolon;

(2) striking paragraph (2); and

(3) adding at the end the following new paragraphs:

"(2) prescribe and maintain comparable management information systems, in ac-

cordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 167; and

"(3) monitor the performance of service providers in complying with the terms of grants, contracts, or other agreements made under this Act."

(d) REPORT INFORMATION; RETENTION OF RECORDS.—Section 165 is further amended by inserting at the end the following new subsections:

"(d)(1) The reports required in subsection (c) shall include information pertaining to—

"(A) the relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information about enrollees and participants;

"(B) the activities in which participants are enrolled, and the length of time that participants are engaged in such activities;

"(C) program outcomes, including occupations, for participants;

"(D) specified program costs; and

"(E) information necessary to prepare reports to comply with section 167.

"(2) The Secretary shall ensure that all elements required for the reports described in paragraph (1) are defined and reported uniformly.

"(e) Each Governor of a State participating in a program under this Act shall ensure that procedures are developed for retention of all records pertinent to all grants and agreements made under this Act, including financial, statistical, property, and participant records and supporting documentation. For funds allotted to a State for any program year, records must be retained for 2 years following the date on which the annual expenditure report containing the final expenditures charged to the allotment for such program year is submitted to the Secretary. Records for nonexpendable property shall be retained for a period of 3 years after final disposition of the property."

SEC. 24. DISCRIMINATION.

Section 167 (29 U.S.C. 1577) is amended by adding at the end the following new subsections:

"(e)(1) The head of the office of the Department of Labor referred to as the 'Directorate for Civil Rights' shall annually prepare a report on the administration and enforcement of this section.

"(2) The report required by paragraph (1) shall include—

"(A) an identification of the service delivery areas and States that have determined, during the preceding program year, not to be in compliance with this section;

"(B) for each such identification, the date on which the inquiry was begun and whether the inquiry was initiated on the basis of a complaint or at the initiative of the Department;

"(C) an identification of the service delivery areas and States awaiting findings by the Directorate;

"(D) the number of service delivery areas and States that, during the preceding year, were determined not to be in compliance with this section, and the number for which insufficient data prevented the making of such a determination, and information identifying the type of data that is missing or inadequate;

"(E) a statistical summary, broken down by race, sex, national origin, disability, or

age, of the number of inquiries undertaken and the outcomes of the inquiries;

"(F) an identification of any service delivery area or State that has been determined, during the preceding year, to have failed to conduct objective assessments as required by sections 204 and 264 on a nondiscriminatory basis;

"(G)(i) the amount expended by the Department for the administration and enforcement by the Directorate of this section; and

"(ii) the number and percentage of full-time employees, and the full-time equivalent of the part-time employees, engaged in such administration and enforcement;

"(H) the number of onsite visits conducted each year, and whether the visits were initiated by the Department or by complaint;

"(I) the number of cases referred to the Attorney General, and for such cases—

"(i) the civil actions taken by the Attorney General on the cases;

"(ii) the use, by the Secretary, of the authority of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (29 U.S.C. 621 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

"(J) a description of any other actions taken by the Secretary under, or related to the administration and enforcement of, this section.

"(3) The report required by this subsection shall be submitted to the Congress as part of the annual report of the Secretary under section 169(d).

"(f) In addition to any other sums authorized to be appropriated, there are authorized to be appropriated for the operations and expenses of the Directorate such sums as may be necessary for the purpose of increasing the number of full-time equivalent personnel available to the Directorate in order to comply with the requirements of this section."

SEC. 25. ESTABLISHMENT OF ADULT OPPORTUNITY PROGRAM.

(a) IN GENERAL.—Part A of title II (29 U.S.C. 1601 et seq.) is amended to read as follows:

"PART A—ADULT OPPORTUNITY PROGRAM

"SEC. 201. STATEMENT OF PURPOSE.

"It is the purpose of this part to establish programs to prepare adults for participation in the labor force by increasing occupational and educational skills resulting in improved long-term employability, increased employment and earnings, and reduced welfare dependency.

"SEC. 202. ALLOTMENT AND ALLOCATION.

"(a) ALLOTMENT.—

"(1) TERRITORIES.—Of the amount appropriated under section 3(a)(1) for each fiscal year and available to carry out this part, not more than one-quarter of 1 percent shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Freely Associated States, and the Republic of Palau.

"(2) ALLOTMENT TO STATES.—

"(A) IN GENERAL.—After determining the amounts to be allotted under paragraph (1), the Secretary shall allot the remainder to the States in accordance with subparagraph (B) for allocation to service delivery areas within each State in accordance with subsections (b) and (c).

"(B) BASIS.—Subject to paragraph (3), of the remainder described in subparagraph (A) for each fiscal year—

"(i) 33½ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each State as compared to

the total number of such unemployed individuals in all such areas of substantial unemployment in all the States;

"(ii) 33½ percent shall be allotted on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States; and

"(iii)(I) except as provided in subclause (II), 33½ percent shall be allotted on the basis of the relative number of economically disadvantaged individuals within each State as compared to the total number of economically disadvantaged individuals in all States; or

"(II) for any State in which there is any service delivery area described in section 101(a)(4)(A)(iii), 33½ percent shall be allotted on the basis of the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

"(3) LIMITATIONS ON ALLOTMENTS.—

"(A) STATE MINIMUM.—No State shall receive less than one-quarter of 1 percent of the amount available for allotment to the States under this subsection from the remainder described in paragraph (2)(A) for each fiscal year.

"(B) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year for which the determination is made.

"(C) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year for which the determination is made.

"(D) ALLOTMENT PERCENTAGE.—

"(i) IN GENERAL.—For the purposes of this paragraph, the allotment percentage of a State shall be the percentage that the State received of all allotments under this subsection.

"(ii) FISCAL YEAR 1992.—For the purposes of this paragraph, for fiscal year 1992, the allotment percentage of a State shall be the percentage that the State received of all allotments under section 201 as in effect on the day before the date of the enactment of this section.

"(b) ALLOCATION TO SERVICE DELIVERY AREAS.—Of the amounts allotted to each State under subsection (a)(2)(B) for each fiscal year, the Governor shall allocate 77 percent in accordance with this subsection and 23 percent in accordance with subsection (c). Of such 77 percent—

"(1) 33½ percent shall be allocated among service delivery areas within the State on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each service delivery area as compared to the total excess number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(2) 33½ percent shall be allocated among service delivery areas within the State on the basis of the relative excess number of unemployed individuals who reside in each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in the State; and

"(3)(A) except as provided in clause (ii), 33½ percent shall be allocated among service delivery areas within the State on the basis of the relative number of economically disadvantaged individuals within each service delivery area as compared to the total num-

ber of economically disadvantaged individuals in the State; or

"(B) for any service delivery area described in section 101(a)(4)(A)(iii), 33½ percent shall be allotted on the basis of the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

"(c) STATE ACTIVITIES.—

"(1) IN GENERAL.—The Governor shall allocate 23 percent of the amounts allotted to each State under subsection (a)(2)(B) for the activities described in paragraph (2).

"(2) USES.—Of the amounts allotted to each State under subsection (a)(2)(B) for each fiscal year—

"(A)(i) except as provided in clause (ii), 5 percent shall be available for overall administration, management, and auditing activities relating to programs under this title and for activities described in sections 121 and 122; and

"(ii) the Secretary shall ensure that the amount available to carry out the activities described in clause (i) is not less than \$500,000 by—

"(I) ratably reducing, by an amount necessary to meet the requirement of subclause (II), the amounts available under clause (i) for the States that have amounts available in excess of \$500,000; and

"(II) allotting the funds available under subclause (I) to the States that would otherwise have amounts available under clause (i) that are less than \$500,000 in amounts necessary to ensure that such States have an amount equal to \$500,000 to carry out the activities described in clause (i);

"(B) 2 percent shall be available for technical assistance and capacity building in developing the overall capability of the job training system within the State, including the development and training of State and local service delivery area staff, service provider staff, the development of information and exemplary program activities, and the conduct of research and other activities designed to improve the level, degree, and goals of programs conducted under this Act;

"(C) 3 percent shall be available to provide incentive grants authorized under section 106(b)(8);

"(D) 8 percent shall be available to carry out section 123; and

"(E) 5 percent shall be available to carry out section 204(d).

"(d) DEFINITIONS AND RULE.—

"(1) DEFINITIONS.—As used in this section:

"(A) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term 'economically disadvantaged individual' means an individual who is age 22 through 72 and who has, or is a member of a family that has, received a total family income that, in relation to family size, was not in excess of the higher of—

"(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

"(ii) 70 percent of the lower living standard income level.

"(B) EXCESS NUMBER.—The term 'excess number' means—

"(i) with respect to the excess number of unemployed individuals within a State—

"(I) the number of unemployed individuals age 22 through 72 in excess of 4.5 percent of the civilian labor force in the State; or

"(II) the number of such unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State; and

"(ii) with respect to the excess number of unemployed individuals within a service delivery area—

"(I) the number of unemployed individuals age 22 through 72 in excess of 4.5 percent of the civilian labor force in the service delivery area; or

"(II) the number of such unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such area.

"(2) SPECIAL RULE.—For the purposes of this section, the Secretary shall, as appropriate and to the extent practical, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged individuals.

"SEC. 203. ELIGIBILITY FOR SERVICES.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—An individual shall be eligible to participate in the program assisted under this part if such individual is—

"(A) 22 years of age or older; and

"(B) economically disadvantaged.

"(2) MINIMUM REQUIREMENT.—Not less than 65 percent of the participants in a program assisted under this part in each service delivery area shall be individuals who, in addition to meeting the requirements of paragraph (1), are included in one or more of the following categories:

"(A) Individuals who are basic skills deficient.

"(B) Individuals who are school dropouts.

"(C) Individuals who are recipients of aid to families with dependent children who either meet the requirements of section 403(1)(2)(B) of the Social Security Act (42 U.S.C. 603(1)(2)(B)) or have been provided an employability plan in accordance with section 482(b) of the Social Security Act (42 U.S.C. 682(b)).

"(D) Individuals with a disability.

"(E) Individuals who are homeless, as defined by subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

"(F) Individuals who are unemployed for the previous 6 months or longer.

"(G) Offenders.

"(H) Individuals who are limited-English proficient.

"(I) Individuals who are in a category established under subsection (b).

"(3) SPECIAL RULE.—Not more than 10 percent of all participants in a program assisted under this part in each service delivery area shall be individuals who are not economically disadvantaged if such individuals are age 22 or older and within 1 or more categories of individuals who face serious barriers to employment. Such categories may include the categories described in paragraph (2), or categories such as displaced homemakers, older workers, veterans, alcoholics, or addicts.

"(b) ADDITIONAL CATEGORY.—A service delivery area conducting a program assisted under this part may add one category of individuals who face serious barriers to employment to the categories of eligible individuals described in subsection (a)(2) if—

"(1) the service delivery area submits a request to the Governor identifying the additional category of individuals and justifying the inclusion of such category;

"(2) the Governor approves the request submitted under paragraph (1) and transmits the request to the Secretary, as part of the Governor's coordination and special services plan under section 121; and

"(3) the Secretary approves the request submitted under paragraph (2).

"SEC. 204. PROGRAM DESIGN.

"(a) IN GENERAL.—

"(1) PROGRAM REQUIREMENTS.—Each program assisted under this part shall include—

"(A) an objective assessment of the skill levels and service needs of each participant, including such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional employment) and supportive service needs, except that a new assessment of a participant is not required if the program determines that a recent assessment of the participant conducted under another education or training program, such as the JOBS program, is an appropriate assessment;

"(B) development of service strategies that shall identify the employment goal (including, in appropriate circumstances, nontraditional employment), the appropriate achievement objectives, and the appropriate sequence of services for participants, taking into account the assessments conducted under paragraph (1), except that a new service strategy is not required if the program determines a recent service strategy developed for the participant under another education or training program (such as the JOBS program) is an appropriate service strategy;

"(C) a review of the progress of each participant in meeting the objectives of the service strategy; and

"(D) basic skills training and occupational skills training if the assessment and the service strategy indicate such training is appropriate.

"(2) ADDITIONAL REQUIREMENTS.—

"(A) MINIMUM INCOME PARTICIPANTS AND APPLICANTS.—Each service delivery area participating in a program assisted under this part shall ensure that each participant or applicant who meets the minimum income eligibility criteria shall be provided—

"(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including providers receiving funds under this Act; and

"(ii) referral to other appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

"(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.—

"(i) SERVICE PROVIDERS.—Each service provider shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program of the provider shall be referred to the service delivery area for further assessment, as necessary, and referrals to appropriate programs to meet the basic skills and training needs of the applicant.

"(ii) SERVICE DELIVERY AREA.—The service delivery area shall ensure that appropriate referrals are made under clause (i) and shall maintain records on the referrals and the reasons for which applicants are referred.

"(b) AUTHORIZED SERVICES.—Subject to the limitations contained in subsection (c), services that may be made available to each participant under this part may include—

"(1) direct training services, including—

"(A) basic skills training, including remedial education, literacy training, and English-as-a-second-language instruction;

"(B) institutional skills training;

"(C) on-the-job training;

"(D) assessment of the skill levels and service needs of participants;

"(E) counseling, such as job counseling and career counseling;

"(F) case management services;

"(G) education-to-work transition activities;

"(H) programs that combine workplace training with related instruction;

"(I) work experience;

"(J) programs of advanced career training that provide a formal combination of on-the-job and institutional training and internship assignments that prepare individuals for career employment;

"(K) training programs operated by the private sector, including programs operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply;

"(L) skill upgrading and retraining;

"(M) bilingual training;

"(N) entrepreneurial training, such as training activities for microenterprises;

"(O) vocational exploration;

"(P) training programs to develop work habits to help individuals obtain and retain employment;

"(Q) attainment of certificates of high school equivalency;

"(R) preapprenticeship programs;

"(S) on-site, industry-specific training programs supportive of industrial and economic development;

"(T) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training; and

"(U) use of advanced learning technology for education, job preparation, and skills training; and

"(2) training-related and supportive services, including—

"(A) job search assistance;

"(B) outreach to make individuals aware of, and encourage the use of, employment and training services, including efforts to expand awareness of training and placement opportunities for limited-English proficient individuals and individuals with disabilities;

"(C) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment;

"(D) specialized surveys not available through other labor market information sources;

"(E) dissemination of information on program activities to employers;

"(F) development of job openings;

"(G) programs coordinated with other Federal employment-related activities;

"(H) supportive services, necessary to enable individuals to participate in the program, and to assist the individuals, for a period not to exceed 12 months following completion of training, to retain employment;

"(I) needs-based payments necessary to participate in accordance with a locally developed formula or procedure;

"(J) followup services with participants placed in unsubsidized employment; and

"(K) services to obtain job placements for individual participants.

"(c) SPECIAL RULES.—

"(1) WORKPLACE CONTEXT AND INTEGRATION.—Basic skills training provided under this part shall, in appropriate circumstances, have a workplace context and be integrated with occupational skills training.

"(2) BASIC EDUCATION OR OCCUPATIONAL SKILLS.—

“(A) ADDITIONAL SERVICES.—Except as provided in subparagraph (B), job search, job search skills training, job clubs, and work experience provided under this part shall be accompanied by other services designed to increase the basic education or occupational skills of a participant.

“(B) LACK OF APPROPRIATENESS AND AVAILABILITY.—Each program assisted under this part may provide job search, job search skills training, and job clubs activities to a participant without the additional services described in subparagraph (A) if—

“(i) the assessment and service strategy of a participant indicate that the additional services are not appropriate; and

“(ii) the activities are not available to the participant through the employment service or other public agencies.

“(3) NEEDS-BASED PAYMENTS.—Needs-based payments provided under this part shall be limited to payments necessary for participation in the program assisted under this part in accordance with a locally developed formula or procedure.

“(4) COUNSELING AND SUPPORTIVE SERVICES.—Counseling and supportive services provided under this part may be provided to a participant for a period up to 1 year after the date on which the participant completes the program.

“(5) SERVICE STRATEGY.—The service strategy developed under subsection (a)(2) shall not be considered a contract.

“(6) VOLUNTEERS.—The service delivery area shall make opportunities available for successful individuals who have previously participated in programs under this part to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

“(d) TRAINING PROGRAMS FOR OLDER INDIVIDUALS.—

“(1) IN GENERAL.—The Governor is authorized to provide for job training programs that are developed in conjunction with service delivery areas within the State and that are consistent with the plan for the service delivery area prepared and submitted in accordance with section 104, and designed to assure the training and placement of older individuals in employment opportunities with private business concerns.

“(2) AGREEMENTS.—In carrying out this subsection, the Governor shall, after consultation with appropriate private industry councils and chief elected officials, enter into agreements with public agencies, non-profit private organizations, including veterans organizations, and private business concerns.

“(3) CONSIDERATIONS.—The Governor shall give consideration to assisting programs involving training for jobs in growth industries and jobs reflecting the use of new technological skills.

“(4) COORDINATION.—In providing the services required by this subsection, the Governor shall make efforts to coordinate the delivery of such services with the delivery of services under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

“(5) SERVICE PROVIDER SELECTION.—In the selection of service providers to serve older individuals under this subsection, the Governor shall give priority to national, State, and local agencies and organizations that have a record of demonstrated effectiveness in providing training and employment services to such older individuals.

“(6) ELIGIBILITY.—

“(A) ECONOMICALLY DISADVANTAGED.—Except as provided in subparagraph (B), an individual shall be eligible to participate in a

job training program under this subsection only if the individual is economically disadvantaged and is age 55 or older.

“(B) SPECIAL RULE.—

“(1) INDIVIDUALS FACING SERIOUS BARRIERS TO EMPLOYMENT.—An individual who is not economically disadvantaged as described in subparagraph (A) shall be eligible to participate in a job training program under this subsection if the individual faces serious barriers to employment, is age 55 or older, and meets income eligibility requirements under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) subject to clause (ii).

“(ii) LIMITATION.—Not more than 10 percent of all participants in a program assisted under this subsection shall be such individuals.

“(7) APPLICABLE REQUIREMENTS.—In the event of a conflict between the requirements of this subsection and other requirements of this part, the requirements of this subsection shall apply with respect to programs conducted under this subsection.

“SEC. 205. LINKAGES.

“(a) IN GENERAL.—In conducting the program assisted under this part, the service delivery area shall establish appropriate linkages with other Federal programs. Such programs shall include, where feasible, programs assisted under—

“(1) the Adult Education Act (20 U.S.C. 1201 et seq.);

“(2) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

“(3) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

“(4) part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.);

“(5) the employment program established under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));

“(6) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

“(7) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

“(8) title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

“(9) chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); and

“(10) the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 482).

“(b) OTHER APPROPRIATE LINKAGES.—In addition to the linkages required under subsection (a), each service delivery area receiving financial assistance under this part shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with local educational agencies, local service agencies, public housing agencies, community-based organizations, literacy organizations, business and labor organizations, volunteer groups working with disadvantaged adults, and other training, education, employment, economic development, and social service programs.

“SEC. 206. TRANSFER OF FUNDS.

“A service delivery area may transfer up to 10 percent of the funds provided under this part to the programs under parts B and C if such transfer is—

“(1) described in the job training plan; and

“(2) approved by the Governor.

“SEC. 207. STUDIES RELATING TO PLACEMENT AND TARGET POPULATIONS.

“The Comptroller General of the United States shall conduct a study to determine the number and percentage of adults assisted under this part that remain employed for at least 9 months after receiving assistance under this part. The Comptroller General

shall submit a report containing the findings resulting from the study to the appropriate committees of Congress not later than 3 years after the date of enactment of this section.”

(b) TECHNICAL AMENDMENT.—The table of contents relating to part A of title II is amended to read as follows:

“Sec. 201. Statement of purpose.

“Sec. 202. Allotment and allocation.

“Sec. 203. Eligibility for services.

“Sec. 204. Program design.

“Sec. 205. Linkages.

“Sec. 206. Transfer of funds.

“Sec. 207. Studies relating to placement and target populations.”

(c) CONFORMING AMENDMENTS.—

(1) Section 5(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(1)) is amended by striking “section 204(5)” and inserting “section 204(b)(1)(C)”.

(2) Section 122 (29 U.S.C. 1532) is amended—

(A) in subsection (a)(1), by striking “section 202(b)(4)” and inserting “sections 202(c)(2)(A) and 262(c)”;

(B) in subsection (b)(2), by striking “section 202(a)” and inserting “section 202(b)”.

(3) Section 125(a) (29 U.S.C. 1535(a)) is amended by striking “section 202(b)(4) and”.

SEC. 26. ESTABLISHMENT OF SUMMER YOUTH OPPORTUNITY PROGRAM.

(a) IN GENERAL.—Part B of title II (29 U.S.C. 1631 et seq.) is amended to read as follows:

“PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

“SEC. 251. PURPOSE.

“It is the purpose of programs assisted under this part—

“(1) to enhance the basic educational skills of youth;

“(2) to encourage school completion, or enrollment in supplementary or alternative school programs;

“(3) to provide eligible youth with exposure to the world of work; and

“(4) to enhance the citizenship skills of youth.

“SEC. 252. AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT AND ALLOCATION.

“(a) TERRITORIAL AND NATIVE AMERICAN ALLOCATION.—From the funds appropriated under section 3(a)(2), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Freely Associated States, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the summer youth program in the fiscal year preceding the fiscal year for which the determination is made.

“(b) USE OF PART C FORMULA FOR ALLOTMENT AND ALLOCATION.—The remainder of funds appropriated under section 3(a)(2) shall, for each fiscal year, be allotted among States on the basis of the formula specified in section 202(a)(2)(B) and allocated among service delivery areas on the basis of the formula specified in section 202(b). For purposes of the application of the formulas under this subsection, the term ‘economically disadvantaged individual’ means an economically disadvantaged youth, as defined in section 262(d)(1)(A).

“SEC. 253. USE OF FUNDS.

“(a) IN GENERAL.—Funds available under this part may be used for—

“(1) basic and remedial education, institutional and on-the-job training, work experience programs, youth corps programs, employment counseling, occupational training, preparation for work, outreach and enroll-

ment activities, employability assessment, job referral and placement, job search and job club activities, activities under programs described in section 265(b), and any other employment or job training activity designed to give employment to eligible individuals or prepare the individuals for, and place the individuals in, employment;

"(2) supportive services necessary to enable such individuals to participate in the program; and

"(3) administrative costs, not to exceed 15 percent of the funds available under this part.

"(b) BASIC AND REMEDIAL EDUCATION.—

"(1) IN GENERAL.—A service delivery area shall expend funds (available under this Act or otherwise available to the service delivery area) for basic and remedial education as described in the job training plan under section 104.

"(2) EDUCATION OR TRAINING.—The education authorized by paragraph (1) may be provided by—

"(A) the year-round program under this part;

"(B) the Job Corps;

"(C) the JOBS program;

"(D) youth corps programs;

"(E) alternative or secondary schools; or

"(F) other education and training programs.

"(c) ASSESSMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each participant under this part shall be provided with an objective assessment of the skill levels and service needs of the participant, which assessment may include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, and supportive service needs.

"(2) RECENT ASSESSMENTS.—The assessment described in paragraph (1), or a factor of such assessment is not required under a program under this part if the program uses recent assessments conducted under another education or training program (such as the JOBS program).

"(3) SERVICE STRATEGY.—The service delivery area shall develop a service strategy for participants that may identify achievement objectives, appropriate employment goals, and appropriate services for participants, taking into account the assessments conducted under this subsection or under such other education or training program.

"(d) FOLLOWUP SERVICES.—Service delivery areas shall make followup services available for participants if the service strategy indicates such services are appropriate.

"SEC. 254. LIMITATIONS.

"(a) USE DURING SUMMER MONTHS OR EQUIVALENT VACATION PERIOD.—

"(1) SUMMER MONTHS.—Except as provided in paragraph (2), programs under this part shall be conducted during the summer months.

"(2) VACATION PERIOD.—A service delivery area may, within the jurisdiction of any local educational agency that operates schools on a year-round, full-time basis, offer the programs under this part to participants during a vacation period treated as the equivalent of a summer vacation.

"(b) ELIGIBILITY.—An individual shall be eligible to participate in the program assisted under this part if such individual is economically disadvantaged and age 14 through 21.

"(c) CONCURRENT ENROLLMENT.—

"(1) IN GENERAL.—An eligible individual participating in a program assisted under this part may concurrently be enrolled in

programs under part C. Appropriate adjustment to the youth performance standards (regarding attainment of competencies) under sections 106(b)(4)(A) (i) and (ii) and 106(b)(5) shall be made to reflect the limited period of participation.

"(2) CONCURRENT ENROLLMENT AND TRANSFERS.—Youth being served under this part or part C youth programs are not required to be terminated from participation in one program in order to enroll in the other. The Secretary shall provide guidance to service delivery areas on simplified procedures for concurrent enrollment and transfers for youth from one program to the other.

"SEC. 255. APPLICABLE PROVISIONS.

"(a) COMPARABLE FUNCTIONS OF AGENCIES AND OFFICIALS.—Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this part as the private industry councils, chief elected officials, State job training coordinating councils, and Governors have with respect to funds available under parts A and C of title II.

"(b) PROGRAM GOALS AND OBJECTIVES.—In accordance with subsection (a), each service delivery area shall establish written program goals and objectives that shall be used for evaluating the effectiveness of programs conducted under this part. Such goals and objectives may include—

"(1) improvement in school retention and completion;

"(2) improvement in academic performance, including mathematics and reading comprehension;

"(3) improvement in employability skills; and

"(4) demonstrated coordination with other community service organizations such as local educational agencies, law enforcement agencies, and drug and alcohol abuse prevention and treatment programs."

(b) TECHNICAL AMENDMENT.—The table of contents relating to part B of title II is amended to read as follows:

"PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 251. Purpose.

"Sec. 252. Authorization of appropriations; allotment and allocation.

"Sec. 253. Use of funds.

"Sec. 254. Limitations.

"Sec. 255. Applicable provisions."

SEC. 27. ESTABLISHMENT OF YOUTH OPPORTUNITY PROGRAM.

(a) IN GENERAL.—Title II (29 U.S.C. 1601 et seq.) is amended by adding at the end the following new part:

"PART C—YOUTH OPPORTUNITY PROGRAM

"SEC. 261. STATEMENT OF PURPOSE.

"It is the purpose of the programs assisted under this part to—

"(1) improve the long-term employability of youth;

"(2) enhance the educational, occupational, and citizenship skills of youth;

"(3) encourage school completion or enrollment in alternative school programs;

"(4) increase the employment and earnings of youth;

"(5) reduce welfare dependency; and

"(6) assist youth in addressing problems that impair the ability of youth to make successful transitions from school to work, apprenticeship, the military, or postsecondary education and training.

"SEC. 262. ALLOTMENT AND ALLOCATION.

"(a) ALLOTMENT.—

"(1) TERRITORIES.—Of the amount appropriated under section 3(a)(1) for each fiscal year and available to carry out this part, not more than one-quarter of 1 percent shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Freely Associated States, and the Republic of Palau.

"(2) ALLOTMENT TO STATES.—After determining the amounts to be allotted under paragraph (1), the Secretary shall allot the remainder to the States in accordance with paragraphs (2) and (3) of section 202(a), except that for purposes of the application of the formula under this subparagraph, the term 'economically disadvantaged individual' means an economically disadvantaged youth.

"(b) ALLOCATION TO SERVICE DELIVERY AREAS.—Of the amounts allotted to each State under subsection (a)(2) for each fiscal year, the Governor shall allocate 82 percent on the basis of the formula specified in section 202(b) and 18 percent in accordance with subsection (c). For purposes of the application of the formula under this subsection, the term 'economically disadvantaged individual' means an economically disadvantaged youth.

"(c) STATE ACTIVITIES.—The Governor shall allocate 18 percent of the amounts allotted to each State under subsection (a)(2) in the same proportions and for the activities, described in subparagraphs (A), (B), (C), and (D) of section 202(c)(2).

"(d) DEFINITIONS AND RULE.—

"(1) DEFINITIONS.—As used in this section:

"(A) ECONOMICALLY DISADVANTAGED YOUTH.—The term 'economically disadvantaged youth' means an individual who is age 16 through 21 and who has, or is a member of a family that has received a total family income that, in relation to family size, was not in excess of the higher of—

"(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

"(ii) 70 percent of the lower living standard income level.

"(B) EXCESS NUMBER.—The term 'excess number' shall have the meaning given the term in section 202(d)(1)(B).

"(2) SPECIAL RULE.—For the purposes of this section, the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged youth and the size of the youth population in a service delivery area.

"SEC. 263. ELIGIBILITY FOR SERVICES.

"(a) IN-SCHOOL YOUTH.—An individual who is in school shall be eligible to participate in the program under this part if such individual is—

"(1)(A) age 16 through 21; or

"(B) if provided in the job training plan, age 14 through 21; and

"(2) economically disadvantaged, or participates in a compensatory education program under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.).

"(b) TARGETED GROUPS OF IN-SCHOOL YOUTH.—Not less than 70 percent of the in-school individuals who participate in a program under this part shall be individuals who, in addition to meeting the requirements of subsection (a), are included in one or more of the following categories:

"(1) Individuals who are basic skills deficient.

"(2) Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.

"(3) Individuals who are pregnant or parenting.

"(4) Individuals with disabilities, including a learning disability.

"(5) Individuals exhibiting a pattern of disruptive behavior or disciplinary problems.

"(6) Individuals who are limited-English proficient.

"(7) Individuals who are homeless or run-away youth.

"(8) Offenders.

"(9) Individuals within a category established under subsection (h).

"(c) **OUT-OF-SCHOOL YOUTH.**—An individual who is out of school shall be eligible to participate in the program under this part if such individual is—

"(1) age 16 through 21; and

"(2) economically disadvantaged.

"(d) **TARGETED GROUPS OF OUT-OF-SCHOOL YOUTH.**—Not less than 70 percent of the out-of-school individuals who participate in a program under this part shall be individuals who, in addition to meeting the requirements of subsection (c), are included in one or more of the following categories:

"(1) Individuals who are basic skills deficient.

"(2) Individuals who are school dropouts (subject to the conditions described in section 264(d)(2)).

"(3) Individuals who are pregnant or parenting.

"(4) Individuals with disabilities, including a learning disability.

"(5) Homeless or run-away youth.

"(6) Offenders.

"(7) Individuals who are limited-English proficient.

"(8) Individuals in a category established under subsection (h).

"(e) **EXCEPTIONS.**—Not more than 10 percent of participants in the program assisted under this part in each service delivery area shall be individuals who do not meet the requirements of subsection (a)(2) or (c)(2), if such individuals are within one or more categories of individuals who face serious barriers to employment. Such categories may include the categories described in subsections (b) and (d), or categories such as individuals with limited-English language proficiency, alcoholics, or drug addicts.

"(f) **RATIO OF OUT-OF-SCHOOL TO IN-SCHOOL YOUTH.**—Not less than 50 percent of the participants in the program under this part in each service delivery area shall be out-of-school individuals who meet the requirements of subsection (c), (d), or (e).

"(g) **SCHOOLWIDE PROJECTS FOR LOW-INCOME SCHOOLS.**—

"(1) **IN GENERAL.**—In addition to the individuals described in subsection (e), an individual who does not meet the requirements of subsection (a)(2) may participate in the programs assisted under this part if such individual is enrolled in a public school—

"(A) that is located in a poverty area;

"(B) that is served by a local educational agency that is eligible for assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.);

"(C) in which not less than 75 percent of the students enrolled are included in the categories described in subsection (b); and

"(D) that conducts a program under a cooperative arrangement that meets the requirements of section 265(d).

"(2) **DEFINITION.**—For the purposes of paragraph (1), the term 'poverty area' means an

urban census tract or a nonmetropolitan county with a poverty rate of 30 percent or more, as determined by the Bureau of the Census.

"(h) **ADDITIONAL CATEGORY.**—A service delivery area conducting a program assisted under this part may add one category of youth who face serious barriers to employment to the categories of eligible individuals specified in subsection (b) and one category to the categories of eligible individuals described in subsection (d) if—

"(1) the service delivery area submits a request to the Governor identifying the additional category of individuals and justifying the inclusion of such category;

"(2) the Governor approves the request submitted under paragraph (1) and transmits the request to the Secretary, as part of the Governor's coordination and special services plan; and

"(3) the Secretary approves the request submitted under paragraph (2).

"**SEC. 264. PROGRAM DESIGN.**

"(a) **YEAR-ROUND OPERATION.**—The programs under this part shall be conducted on a year-round basis.

"(b) **ESSENTIAL ELEMENTS.**—

"(1) **IN GENERAL.**—The programs under this part shall include—

"(A) an objective assessment of the skill levels and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), and supportive service needs, except that a new assessment of a participant is not required if the program determines it is appropriate to use a recent assessment of the participant conducted under another education or training program (such as the JOBS program);

"(B) development of service strategies that shall identify achievement objectives, appropriate employment goals (including, in appropriate circumstances, nontraditional employment) and appropriate services for participants, taking into account the assessments conducted under paragraph (1), except that a new service strategy is not required if the program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program (such as the JOBS program);

"(C) a review of the progress of each participant in meeting the objectives of the service strategy; and

"(D) the following services, which shall be provided either directly or through arrangement with other programs to a participant if the assessment and service strategy indicate such services are appropriate:

"(i) Basic skills training.

"(ii) Occupational skills training.

"(iii) Preemployment and work maturity skills training.

"(iv) Work experience combined with skills training.

"(v) Supportive services.

"(2) **ADDITIONAL REQUIREMENTS.**—

"(A) **MINIMUM INCOME PARTICIPANTS AND APPLICANTS.**—Each service delivery area participating in a program assisted under this part shall ensure that each participant or applicant who meets the minimum income eligibility criteria shall be provided—

"(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including providers receiving funds under this Act; and

"(ii) referral to other appropriate training and educational programs that have the ca-

capacity to serve the participant or applicant either on a sequential or concurrent basis.

"(B) **APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.**—

"(i) **SERVICE PROVIDERS.**—Each service provider shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program of the provider shall be referred to the service delivery area for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant.

"(ii) **SERVICE DELIVERY AREA.**—The service delivery area shall ensure that appropriate referrals are made under clause (i) and shall maintain records on the referrals and the reasons for which applicants are referred.

"(c) **AUTHORIZED SERVICES.**—Services which may be made available to youth with funds provided under this part may include—

"(1) direct training services, including—

"(A) the services described in section 204(b)(1);

"(B) tutoring and study skills training;

"(C) alternative high school services with programs that meet the requirements of section 141(o)(1);

"(D) instruction leading to high school completion or the equivalent;

"(E) mentoring;

"(F) limited internships in the private sector;

"(G) training or education that is combined with community and youth service opportunities in public agencies, nonprofit agencies, and other appropriate agencies, institutions, and organizations, including youth corps programs;

"(H) entry employment experience programs;

"(I) school-to-work transition services;

"(J) school-to-postsecondary education transition services; and

"(K) school-to-apprenticeship transition services; and

"(2) training-related and supportive services, including—

"(A) the services described in section 204(b)(2);

"(B) drug and alcohol abuse counseling and referral;

"(C) services encouraging parental, spousal, and other significant adult involvement in the program of the participant; and

"(D) cash incentives and bonuses based on attendance and performance in a program.

"(d) **ADDITIONAL REQUIREMENTS.**—

"(1) **STRATEGIES AND SERVICES.**—In developing service strategies and designing services for the program under this part, the service delivery area and private industry council shall take into consideration exemplary program strategies and practices.

"(2) **SCHOOL DROPOUTS.**—In order to participate in a program assisted under this part, an individual who is under the age of 18 and a school dropout shall—

"(A) reenroll in and attend school;

"(B) enroll in and attend an alternative high school;

"(C) enroll in and attend an alternative course of study approved by the local educational agency; or

"(D) enroll in and attend a high school equivalency program.

"(3) **SKILLS TRAINING.**—

"(A) **PREEMPLOYMENT AND WORK MATURITY SKILLS TRAINING.**—Preemployment and work maturity skills training authorized by this part shall be accompanied by either work experience or other additional services designed to increase the basic educational or occupational skills of a participant. The ad-

ditional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS program.

"(B) ADDITIONAL SERVICES.—Work experience, job search assistance, job search skills training, and job club activities authorized by this part shall be accompanied by additional services designed to increase the basic education or occupational skills of a participant. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS program.

"(4) NEEDS-BASED PAYMENTS.—Needs-based payments authorized under this part shall be limited to payments necessary to permit participation in the program in accordance with a locally developed formula or procedure.

"(5) COUNSELING AND SUPPORTIVE SERVICES.—Counseling and supportive services authorized under this part may be provided to a participant for a period of up to 1 year after termination from the program.

"(6) NONCONTRACT TREATMENT.—The service strategy developed under subsection (b)(1)(B) shall not be considered a contract.

"(7) VOLUNTEERS.—The service delivery area shall make opportunities available for successful individuals who have previously participated in programs under this part to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

"SEC. 265. LINKAGES.

"(a) EDUCATIONAL LINKAGES.—In conducting a program under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include—

"(1) formal agreements with local educational agencies that will identify—

"(A) the procedures for referring and serving in-school youth;

"(B) the methods of assessment of in-school youth; and

"(C) procedures for notifying the program when a youth drops out of the school system;

"(2) arrangements to ensure that the program under this part supplements existing programs provided by local educational agencies to in-school youth;

"(3) arrangements to ensure that the program under this part utilizes, to the extent possible, existing services provided by local educational agencies to out-of-school youth; and

"(4) arrangements to ensure that for in-school participants there is a regular exchange of information between the program and the educational agency relating to participant progress, problems, and needs, including, in appropriate circumstances, interim assessment results.

"(b) EDUCATION AND TRAINING PROGRAM LINKAGES.—In conducting the program under this part, the service delivery area shall establish appropriate linkages with other education and training programs authorized under Federal law. Such programs shall include, where feasible, programs authorized by—

"(1) part B of title IV (the Job Corps);

"(2) parts A through D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.);

"(3) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(4) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(5) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(6) part F of title IV of the Social Security Act (JOBS) (42 U.S.C. 681 et seq.);

"(7) the Food Stamp Act (7 U.S.C. 2011 et seq.);

"(8) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

"(9) the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 482); and

"(10) the National and Community Service Act of 1990 (42 U.S.C. 12401 et seq.); and

"(11) this Act.

"(c) OTHER PROGRAMS.—In addition to the linkages required under subsections (a) and (b), service delivery areas receiving financial assistance under this part shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local service agencies, public housing agencies, community-based organizations, business and labor organizations, volunteer groups working with at-risk youth, parents and family members, juvenile justice systems, and other training, education, employment and social service programs, including programs conducted under part A of title II.

"(d) SCHOOLWIDE PROJECTS FOR LOW-INCOME SCHOOLS.—In conducting a program serving individuals specified in section 263(g), the service delivery area shall establish a cooperative arrangement with the appropriate local educational agency that shall, in addition to the other requirements of this section, include—

"(1) a description of the ways in which the program will supplement the educational program of the school;

"(2) identification of measurable goals to be achieved by the program and provision for assessing the extent to which such goals are met;

"(3) a description of the ways in which the program will use resources provided under this part and resources provided under other education programs to achieve the goals identified in paragraph (2);

"(4) a description of the number of individuals to be served; and

"(5) assurances that the resources provided under this part shall be used to supplement and not supplant existing sources of funds.

"SEC. 266. TRANSFER OF FUNDS.

"A service delivery area may transfer up to 10 percent of the funds provided under this part to the program under part A if such transfer is—

"(1) described in the job training plan; and

"(2) approved by the Governor."

(b) TECHNICAL AMENDMENT.—The table of contents in title II is amended by adding after the item relating to section 256 the following:

"PART C—YOUTH OPPORTUNITY PROGRAM

"Sec. 261. Statement of purpose.

"Sec. 262. Allotment and allocation.

"Sec. 263. Eligibility for services.

"Sec. 264. Program design.

"Sec. 265. Linkages.

"Sec. 266. Transfer of funds."

SEC. 28. EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

(a) STATE AGENCY APPROVAL.—Section 314(f) (29 U.S.C. 1661c(f)) is amended—

(1) by inserting "(1)" before "Funds"; and

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

"(2) An eligible dislocated worker participating in training (except for on-the-job training) under this title shall be deemed to be in training with the approval of the State

agency for purposes of section 3304(a)(8) of the Internal Revenue Code of 1986."

(b) LIMITATIONS ON USES OF FUNDS.—

(1) RETRAINING SERVICES.—Section 315(a)(1) (29 U.S.C. 1661d(a)(1)) is amended by striking "Not" and inserting "Except for funds expended under section 326, not".

(2) NEEDS-RELATED PAYMENTS AND SUPPORTIVE SERVICES.—Section 315(b) is amended by striking "Not" and inserting "Except for funds expended under section 326, not".

(3) ADMINISTRATIVE COST.—Section 315(c) is amended by striking "Not" and inserting "Except for funds expended under section 326, not".

(c) DEMONSTRATION PROGRAMS.—Section 324(a) (29 U.S.C. 1662c(a)) is amended by striking "1989, 1990, and 1991," and inserting "1992 through 1996".

SEC. 29. NATIVE AMERICAN PROGRAMS.

(a) IN GENERAL.—Section 401 (29 U.S.C. 1671) is amended—

(1) in subsection (a), by striking "Alaskan Native" and inserting "Alaska Native, American Samoan,";

(2) in subsection (b)(2)—

(A) by striking "and groups and" and inserting "and groups,"; and

(B) by inserting "and to American Samoans residing in the United States" after "descent";

(3) in subsection (c)(1)(B)—

(A) by striking "natives" and inserting "Natives and American Samoans residing in the United States";

(B) by inserting "and State agencies" after "organizations"; and

(C) by striking "their needs" and inserting "the needs of the Hawaiian Natives and American Samoans";

(4) in subsection (e)—

(A) by inserting "(1)" after the subsection designation;

(B) by inserting "and American Samoan" after "Native American"; and

(C) by adding at the end the following new paragraphs:

"(2) Such procedures and machinery shall include—

"(A) the designation by the Secretary of a single organizational unit that shall have the principal responsibility for the development, coordination, and oversight of all policies (except audit, procurement, and debt collection policies) under which the Secretary regulates or influences the operation of Native American Indian programs under this section; and

"(B) a special effort to recruit Indians, Alaska Natives, American Samoans, and Hawaiian Natives for employment in the organizational unit identified in subparagraph (A)."; and

(5) in subsection (h)—

(A) by striking "representatives of Indians and other Native Americans" and inserting "the Advisory Council on Native American Indian Job Training Programs";

(B) by inserting "Indian and American Samoan" after "Native American"; and

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

"(3)(A) The Secretary shall establish an Advisory Council on Native American Indian Job Training Programs (referred to in this section as the "Council"), which shall consist of not fewer than 15 Native American Indians, Alaskan Natives, American Samoans, or Hawaiian Natives appointed by the Secretary from among individuals nominated by Native American Indian tribes or Native American Indian, Alaska Native, American Samoan, or Hawaiian Native organizations. The membership of the Council shall rep-

represent diverse geographic areas and include representatives of tribal governments and of nonreservation Native American Indian organizations.

"(B) Each Council member may serve for a term of 2 years, and may be reappointed.

"(C) The Council shall be chaired by a Native American Indian, Alaska Native, or Hawaiian Native Council member elected by a majority of the membership of the Council and shall meet not more than twice each program year.

"(D) The Council shall—

"(i) solicit the views of a wide variety of tribes and Native American Indian and American Samoan groups, including groups operating employment and training programs funded under this section, on issues affecting the operation and administration of such programs;

"(ii) advise the Secretary with respect to all matters concerning the implementation of programs under this section and other programs providing services to Native American Indian youth and adults under this Act;

"(iii) advise the Secretary with respect to the design of all aspects of the system of performance standards developed under this section;

"(iv) advise the Secretary with respect to services obtained by the Department of Labor through contracts or arrangements with non-Federal agencies or entities, which services involve the provision of technical assistance to, or evaluation of, the programs authorized by this section;

"(v) assess the effectiveness of Native American Indian job training programs and make recommendations with respect to the improvement of such programs;

"(vi) advise the Secretary with regard to the recruitment of, identification of, and selection criteria for, candidates for the position of chief of the organizational unit described in subsection (e)(2)(A) whenever a vacancy in such position occurs; and

"(vii) submit a report to the Congress not later than January 1 of each year on the progress of Native American Indian job training programs and recommendations for improving the effectiveness of the programs.

"(E) From amounts appropriated to carry out this section, the Secretary shall make available to the Council such sums as may be necessary to carry out the functions of the Council."

(b) RESERVATION.—Section 401(j) is amended to read as follows:

"(j) For the purposes of carrying out this section, the Secretary shall reserve, from funds available for carrying out this title (other than part B) for the fiscal year, an amount not less than 3.5 percent of the total amount of funds appropriated to carry out parts A and C of title II of this Act for such fiscal year."

(c) COMPETITION GRANTS.—Section 401 is further amended by adding at the end the following new subsection:

"(k) The competition for grants under this section shall be conducted every 2 years, except that if a grantee has performed satisfactorily under the terms of an existing grant agreement, the Secretary may waive the requirement for such competition on receipt from the grantee of a satisfactory 2-year program plan for the succeeding 2-year grant period."

SEC. 30. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

(a) RESERVATION.—Section 402(f) (29 U.S.C. 1672(f)) is amended to read as follows:

"(f) For the purposes of carrying out this section, the Secretary shall reserve, from

funds available for carrying out this title (other than part B) for any fiscal year, an amount not less than 3.2 percent of the total amount of funds appropriated to carry out parts A and C of title II of this Act for such fiscal year."

(b) COMPETITION FOR GRANTS.—Section 402 is amended by adding at the end the following new subsection:

"(g) The competition for grants under this section shall be conducted every 2 years, except that if a grantee has performed satisfactorily under the terms of an existing grant agreement, the Secretary may waive the requirement for such competition on receipt from the grantee of a satisfactory 2-year program plan for the succeeding 2-year grant period."

SEC. 31. JOB CORPS.

(a) ELIGIBILITY.—Section 427(a)(2) (29 U.S.C. 1697(a)(2)) is amended—

(1) by striking "10 percent" and inserting "20 percent"; and

(2) by adding at the end the following new sentence: "The Secretary shall not reduce the number of residential participants in Job Corps programs under this part during any program year below the number of residential participants during program year 1989 in order to increase the number of individuals who are nonresidential participants in the Job Corps."

(b) MANAGEMENT FEES.—Section 437 (29 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(d) The Secretary shall provide all Job Corps contractors with an equitable and negotiated management fee of not less than 1 percent of the contract amount."

SEC. 32. NATIONAL ACTIVITIES.

(a) IN GENERAL.—Part D of title IV (29 U.S.C. 1731 et seq.) is amended—

(1) in section 451, to read as follows:

"SEC. 451. NATIONAL PARTNERSHIP AND SPECIAL TRAINING PROGRAMS.

"(a) STATEMENT OF PURPOSE.—It is the purpose of this section to—

"(1) improve access to employment and training opportunities for individuals with special needs;

"(2) help alleviate skill shortages and enhance the competitiveness of the labor force;

"(3) meet special training needs that are best addressed on a multistate or industry-wide basis; and

"(4) encourage the participation and support of all segments of society to further the purposes of this Act.

"(b) PROGRAM AUTHORIZED.—The Secretary may establish a system of, and award, special grants to eligible entities to carry out programs that are most appropriately administered at the national level.

"(c) PROGRAMS.—Programs that are most appropriately administered at the national level include—

"(1) partnership programs with national organizations with special expertise in developing, organizing and administering employment and training programs at the national, State and local level, such as industry and labor associations, public interest groups, community-based organizations representative of groups that encounter special difficulties in the labor market, and other organizations with special knowledge or capabilities in education and training;

"(2) programs that—

"(A) address industry-wide skill shortages;

"(B) meet training needs that are best addressed on a multistate basis; and

"(C) further the goals of increasing the competitiveness of the United States labor force; and

"(3) programs that require technical expertise available at the national level to serve specialized needs of particular client groups, including at-risk youth, offenders, individuals of limited English language proficiency, individuals with disabilities, women, immigrants, single parents, substance abusers, displaced homemakers, youth, older workers, veterans, individuals who lack education credentials, public assistance recipients, and other individuals whom the Secretary determines require special assistance."

(2) in section 452, to read as follows:

"SEC. 452. RESEARCH, DEMONSTRATION, AND EVALUATION.

"(a) STATEMENT OF PURPOSE.—It is the purpose of this section to assist the United States in expanding work opportunities and ensuring access to such opportunities for all who desire such opportunities.

"(b) PROGRAM ESTABLISHED.—

"(1) IN GENERAL.—The Secretary shall establish a comprehensive program of training and employment research, utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the employment and training problems of the United States.

"(2) STUDIES.—The program established under this section may include studies concerning—

"(A) the development or improvement of Federal, State, local, and privately supported employment and training programs;

"(B) labor market processes and outcomes, including improving workplace literacy;

"(C) policies and programs to reduce unemployment and the relationships of the policies and programs with price stability and other national goals;

"(D) productivity of labor;

"(E) improved means of using projections of labor supply and demand, including occupational and skill requirements and areas of labor shortages at the national and sub-national levels;

"(F) methods of improving the wages and employment opportunities of low-skilled, disadvantaged, and dislocated workers, and workers with obsolete skills;

"(G) methods of addressing the needs of at-risk populations, such as youth, homeless individuals and other dependent populations, older workers, and other groups with multiple barriers to employment;

"(H) methods of developing information on immigration, international trade and competition, technological change and labor shortages; and

"(I) methods of easing the transition from school to work, from transfer payment receipt to self-sufficiency, from one job to another, and from work to retirement.

"(c) PILOT AND DEMONSTRATION PROGRAMS.—

"(1) PROGRAM ESTABLISHED.—

"(A) IN GENERAL.—The Secretary shall establish a program of pilot and demonstration programs for the purpose of developing and improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems. The Secretary may award grants and enter into contracts with eligible entities to carry out the programs.

"(B) PROJECTS.—Such programs may include projects in such areas as—

"(i) school-to-work transition;

"(ii) new methods of imparting literacy skills and basic education;

"(iii) new training techniques (including projects undertaken with the private sector);

"(iv) methods to eliminate artificial barriers to employment;

"(v) approaches that foster participation of groups that encounter special problems in the labor market (such as displaced homemakers, teen parents, welfare recipients, and older individuals);

"(vi) processes that demonstrate effective methods for alleviating the adverse effects of dislocations and plant closings on workers and their communities; and

"(vii) cooperative ventures among business, industry, labor, trade associations, or national organizations to develop new and cost-effective approaches to improving work force literacy.

"(2) **DEMONSTRATION PROGRAMS.**—Demonstration programs assisted under this subsection shall include a formal, rigorous evaluation component.

"(3) **SPECIAL RULE.**—No pilot program under this subsection shall be assisted under this section for a period of more than 3 years.

"(d) **EVALUATION.**—

"(1) **IN GENERAL.**—

"(A) **PROGRAMS.**—

"(i) **JOB TRAINING PROGRAMS.**—The Secretary shall provide for the continuing evaluation of programs conducted under this Act, including the cost effectiveness of the program in achieving the purposes of this Act.

"(ii) **OTHER PROGRAMS.**—The Secretary may conduct evaluations of other federally funded employment-related activities including programs administered under—

"(I) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(II) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

"(III) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(IV) chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); and

"(V) the Federal unemployment insurance program under titles III, IX, and XII of the Social Security Act (42 U.S.C. 501 et seq., 1101 et seq., and 1321 et seq.).

"(B) **TECHNIQUES.**—

"(i) **METHODS.**—Evaluations conducted under subparagraph (A) shall utilize sound statistical methods and techniques of the behavioral and social sciences, including random assignment methodologies if feasible.

"(ii) **ANALYSIS.**—Such evaluations may include cost-benefit analysis of programs, the impact of the programs on community and participants, the extent to which programs meet the needs of various demographic groups, and the effectiveness of the delivery systems used by various programs.

"(iii) **EFFECTIVENESS.**—The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to—

"(I) the statutory goals;

"(II) the performance standards established by the Secretary; and

"(III) the extent to which such programs enhance the employment and earnings of participants, reduce income support costs, and improve the employment competencies of participants in comparison to comparable persons who did not participate in such programs, and to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs.

"(2) **ADDITIONAL EVALUATION.**—The Secretary shall evaluate the impact of title II programs on participant employment, earnings, and welfare dependency in multiple sites using the random assignment of individuals to—

"(A) groups receiving services under programs authorized under the Job Training and Basic Skills Act of 1992; or

"(B) groups not receiving such services.";

(3) in section 453, to read as follows:

"SEC. 453. TRAINING AND INFORMATION PROGRAMS.

"(a) **STAFF TRAINING.**—The Secretary, directly or through grants, contracts, or other arrangements, shall—

"(1) develop curricula and provide appropriate training, technical assistance, staff development and other activities at the national, regional, State, and local levels that will—

"(A) enhance the skills, knowledge, and expertise of the personnel who staff employment and training and other closely related human service systems, including service providers;

"(B) improve the quality of services provided to individuals under this Act and other Federal employment and training programs and encourage integrated service delivery;

"(C) improve the planning, procurement, and contracting practices in accordance with this Act; and

"(D) provide broad human services policy and planning training to private industry council volunteers and members of State human investment coordinating councils;

"(2) prepare and disseminate training curricula and materials for employment and training professionals and support staff, which curricula and materials focus on enhancing staff competencies and professionalism, including instruction on the administrative requirements of this Act, such as procurement and contracting standards and regulations; and

"(3) disseminate innovative and successful models, materials, methods, and program information and provide training in the techniques learned from the sources to foster improved program quality and professional growth among managers, service delivery providers, and administrators, involved in the delivery of employment and training services.

"(b) **CLEARINGHOUSE.**—The Secretary is authorized to establish a clearinghouse to—

"(1) regularly identify, develop, and disseminate innovative materials that enhance the knowledge and quality of performance of employment and training personnel;

"(2) facilitate effective communications and coordination among employment and training personnel;

"(3) establish a computer communications network to share information among employment and training personnel and institutions; and

"(4) establish linkages with existing human resources clearinghouses, including the Education Research Information Centers and the National Network for Curriculum Coordination in Vocational and Technical Education.

"(c) **CONSULTATION.**—The Secretary shall consult with the Secretaries of Education and Health and Human Services, as appropriate, to coordinate activities under this section with other relevant institutes, centers, laboratories, clearinghouses, or dissemination networks.;

(4) striking sections 454 through 456; and

(5)(A) redesignating section 457 as section 454; and

(B) striking the heading for section 454 (as redesignated by subparagraph (A)) and inserting "NONTRADITIONAL EMPLOYMENT DEMONSTRATION PROGRAM".

(b) **TECHNICAL AMENDMENT.**—The table of contents relating to part D of title IV is amended to read as follows:

"PART D—NATIONAL ACTIVITIES

"Sec. 451. National partnership and special training programs.

"Sec. 452. Research, demonstration, and evaluation.

"Sec. 453. Training and information programs.

"Sec. 454. Nontraditional employment demonstration program."

(c) CONFORMING AMENDMENTS.—

(1) Section 161(b)(2) (29 U.S.C. 1571(b)(2)) is amended by striking "452 through 455" and inserting "451 through 454".

(2) Section 433(c)(1) (29 U.S.C. 1703(c)(1)) is amended by striking "452 and 455" and inserting "451 through 454".

SEC. 33. COOPERATIVE LABOR MARKET INFORMATION PROGRAM.

Section 462 (29 U.S.C. 1752) is amended by adding at the end the following new subsection:

"(g)(1) The Secretary may engage in research, demonstration, or other activities, including activities that may be carried out by States, designed to determine the feasibility of various methods of organizing and making accessible nationwide information on the quarterly earnings for all individuals for whom such information is collected by the States.

"(2) The Secretary shall submit a report to Congress based on the findings resulting from the activities described in paragraph (1) concerning the costs and benefits of establishing and maintaining a national longitudinal data base utilizing unemployment insurance wage records. Such report shall also address the feasibility of establishing appropriate safeguards for maintaining the confidentiality of information and privacy of individuals."

SEC. 34. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 464(a)(1) (29 U.S.C. 1754(a)(1)) is amended by striking "not more than \$5,000,000" and inserting "\$6,000,000".

SEC. 35. REPLICATION OF SUCCESSFUL PROGRAMS.

(a) **IN GENERAL.**—Title IV (29 U.S.C. 1671 et seq.) is amended by adding at the end the following new part:

"PART H—REPLICATION OF SUCCESSFUL PROGRAMS

"SEC. 485. REPLICATION.

"(a) **REPLICATION PROGRAM AUTHORIZED.**—The Secretary shall make competitive grants to public or private nonprofit organizations for technical assistance, and to States and service delivery areas for planning and program development, associated with the replication of successful programs under this part.

"(b) **AWARDS.**—

"(1) **FACTORS.**—In awarding grants for replication of successful programs to public or private nonprofit organizations, States, or service delivery areas under this part, the Secretary shall select programs that are likely to be successful in improving the employment prospects of economically disadvantaged youths and adults and are replicable on a large scale.

"(2) **CONSIDERATIONS.**—In selecting such programs the Secretary shall consider—

"(A) the size and scope of the program;

"(B) the length of time that the program has been operating;

"(C) the nature and reliability of measurable outcomes for the program;

"(D) the capacity of the sponsoring organization to provide the technical assistance necessary for States and service delivery areas to replicate the program; and

"(E) the likelihood that the program will be successful in diverse economic, geographic, and cultural environments.

“(c) APPLICATIONS.—

“(1) NONPROFIT ORGANIZATION.—Any public or private nonprofit organization with the capacity to provide the technical assistance necessary for program replication may submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall describe the program proposed for replication and available evidence of the success of the program in improving the employment prospects of economically disadvantaged youths and adults.

“(2) STATE; SERVICE DELIVERY AREA.—Any State or service delivery area desiring to receive a grant to participate in a replication effort shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

“(d) GRANT LIMITATIONS.—

“(1) LIMITATION.—In any 3-year period the Secretary shall not approve grants for the same replication activities in more than 10 States or communities. During this 3-year period, the results of such limited replication efforts shall be carefully evaluated and examined by the Secretary regarding the advisability of replicating the model program in more than 10 States or communities or for longer than 3 years.

“(2) WAIVER.—The Secretary may waive the limitation set forth in paragraph (1) for a program if immediate replication efforts on a larger scale are warranted by extensive evaluation of the program prior to designation as a model program under this section.”

(b) TECHNICAL AMENDMENT.—The table of contents relating to title IV is amended by adding after the item relating to section 481 the following:

“PART H—REPLICATION OF SUCCESSFUL PROGRAMS

“Sec. 485. Replication.”

SEC. 36. FAIR CHANCE YOUTH OPPORTUNITIES UNLIMITED PROGRAM.

(a) IN GENERAL.—Title IV (29 U.S.C. 1671 et seq.) (as amended by section 157) is further amended by adding at the end the following new part:

“PART I—FAIR CHANCE YOUTH OPPORTUNITIES UNLIMITED PROGRAM

“SEC. 491. STATEMENT OF PURPOSE.

“The purposes of this part include—

“(1) ensuring access to education and job training for youth residing in high poverty areas of urban and rural communities;

“(2) enabling communities with high concentrations of poverty to establish and meet goals for improving the opportunities available to youth within the community;

“(3) making provisions for a comprehensive range of education, training, and employment services to disadvantaged youth who are not currently served or are underserved by Federal education and job training programs; and

“(4) facilitating the coordination of comprehensive services to serve youth in such communities.

“SEC. 492. DEFINITIONS.

“As used in this part:

“(1) PARTICIPATING COMMUNITY.—The term ‘participating community’ means a city in a metropolitan statistical area, the contiguous nonmetropolitan counties in a rural area, or a Native American Indian reservation or Alaska Native village, participating in the Fair Chance Youth Opportunities Unlimited Program established under this part.

“(2) POVERTY AREA.—The term ‘poverty area’ means an urban census tract, a non-metropolitan county, a Native American Indian reservation, or an Alaska Native village, with a poverty rate of 30 percent or more, as determined by the Bureau of the Census.

“(3) TARGET AREA.—The term ‘target area’ means a poverty area or set of contiguous poverty areas that will be the focus of the Fair Chance Youth Opportunities Unlimited Program in a participating community.

“SEC. 493. PROGRAM AUTHORIZED.

“(a) PROGRAM ESTABLISHED.—The Secretary may establish a national program to provide Fair Chance Youth Opportunities Unlimited grants to service delivery areas to pay for the Federal share of providing comprehensive services to youth living in poverty areas in the cities and rural areas of the Nation.

“(b) GRANTS.—

“(1) GRANT RECEIPTS.—The Secretary shall award grants under this part—

“(A) to the service delivery area (on behalf of the participating community) in which a target area is located; or

“(B) in the case of a grant and involving the target area located on a Native American Indian reservation or Alaska Native village, to the grantee designated under subsection (c) or (d) of section 401.

“(2) NUMBER.—

“(A) IN GENERAL.—The Secretary may award not more than 25 grants in the first fiscal year that the program assisted under this part is authorized, and may award not more than a total of 40 grants over the first 5 fiscal years that the program assisted under this part is authorized.

“(B) INDIAN RESERVATIONS AND ALASKA NATIVE VILLAGES.—In awarding grants under this part the Secretary shall award at least 1 grant, and not more than 3 grants, during the first 5 fiscal years that the program is assisted under this part to grantees designated under section 401 representing Native American Indian reservations and Alaska Native villages.

“(c) GRANT TERM.—

“(1) IN GENERAL.—Grants awarded under this part shall be for a 1-year period. Such a grant shall be renewable for each of the 2 succeeding fiscal years if the Secretary determines the grant recipient complied with conditions of the grant during the previous fiscal year.

“(2) EXTENSION.—The Secretary may extend the renewal period set forth in paragraph (1) for an additional 2 fiscal years on reapplication.

“(d) AWARD CRITERIA.—

“(1) CONSIDERATION.—In awarding grants under this part, the Secretary shall consider the quality of the proposed project, the goals to be achieved by the project, the likelihood of the successful implementation of the project, and the extent of community support for the project.

“(2) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to participating communities with the highest rates of poverty.

“SEC. 494. APPLICATION.

“(a) ELIGIBILITY.—Participating communities that have the highest concentrations of poverty, as determined by the Secretary based on the latest census estimates, shall be eligible to apply for Fair Chance Youth Opportunities Unlimited grants.

“(b) APPLICATION.—

“(1) IN GENERAL.—Each participating community desiring a grant under this part shall, through the individuals described in

subsection (c), submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

“(2) CONTENTS.—The application described in paragraph (1) shall—

“(A) include a comprehensive plan for a Fair Chance Youth Opportunities Unlimited Program designed to achieve identifiable goals for youth in the target area;

“(B) set forth measurable program goals, which may include increasing—

“(i) the proportion of youths completing high school;

“(ii) the proportion of youths entering into community colleges or other advanced training programs; or

“(iii) the proportion of youths placed in jobs;

“(C) include information on supporting goals for the target area, such as increasing security and safety, or reducing the number of drug-related arrests;

“(D) provide assurances that the applicant will comply with the terms of the agreement described in section 495;

“(E) provide an assurance that all youth in the target areas have access to a coordinated and comprehensive range of education and training opportunities that serve the broadest range of youth interests and needs and simultaneously mobilize the diverse range of education and training providers in the participating community;

“(F) include information demonstrating the manner in which the participating community will make use of the resources, expertise, and commitment of institutions of higher education, educational agencies, and vocational and technical schools and institutes;

“(G) demonstrate how the participating community will make use of the resources, expertise, and commitment of such programs and service providers as—

“(i) community-based organizations providing vocational skills, literacy skills, remedial education, and general equivalency preparation, including community-based organizations serving youth with limited-English proficiency;

“(ii) youth corps programs, including youth conservation and human service corps;

“(iii) Job Corps centers;

“(iv) apprenticeship programs; and

“(v) other projects and programs funded under this Act;

“(H) include an estimate of the expected number of youth in the target area to be served;

“(I) include a description of the resources available in the participating community from private, local government, State, and Federal sources that will be used to achieve the goals of the program;

“(J) include an estimate of funds required to ensure access to appropriate education, training, and support services for all youth in the target area who seek such opportunities; and

“(K) provide evidence of support for accomplishing the stated goals of the participating community from—

“(i) local elected officials;

“(ii) the local school board;

“(iii) applicable private industry councils;

“(iv) local community leaders;

“(v) businesses;

“(vi) labor organizations; and

“(vii) other appropriate organizations.

“(c) APPLICATION LIMITATION.—The application described in subsection (b) may only be submitted to the Secretary on behalf of a participating community by—

"(1) in the case of a community comprised of a city in a metropolitan statistical area, the mayor, after the Governor of the State in which such city is located has had an opportunity to comment on the application;

"(2) in the case of a community comprised of contiguous nonmetropolitan counties in a rural area, the Governor of the State in which the counties are located; or

"(3) in the case of a community comprised of an Indian reservation or Alaska Native village, the grantee designated under section 401.

"SEC. 495. GRANT AGREEMENT.

"(a) IN GENERAL.—Each service delivery area receiving a grant under this part on behalf of a participating community shall enter into an agreement with the Secretary.

"(b) CONTENTS.—Each such agreement shall—

"(1) designate a target area that will be the focus of the program assisted under this part and shall have a population of not more than 25,000;

"(2) contain assurances that funds provided under this part will be used to support education, training, and supportive activities selected from a set of youth program models designated by the Secretary or from alternative models described in the application and approved by the Secretary, such as—

"(A) nonresidential learning centers;

"(B) alternative schools;

"(C) combined activities including—

"(i) summer remediation;

"(ii) work experience and work readiness training; and

"(iii) school-to-work, apprenticeship, or postsecondary education programs;

"(D) teen parent programs;

"(E) special programs run by community colleges;

"(F) youth centers;

"(G) initiatives aimed at increasing rural student enrollment in postsecondary institutions;

"(H) public-private collaborations to assure private sector employment and continued learning opportunities for youth; and

"(I) initiatives, such as youth corps programs, that combine community and youth service opportunities with education and training activities;

"(3) provide that only youth who are age 14 through 21 and reside in the target area shall be eligible to participate in the program;

"(4) contain assurances that the local educational agency and any other educational agency that operates secondary schools in the target area shall provide such activities and resources as are necessary to achieve the educational goals specified in the application;

"(5) contain assurances that the participating community will provide such activities and local resources as are necessary to achieve the goals specified in the application;

"(6) provide that the participating community will carry out special efforts to establish coordination with Federal, State, or local programs that serve the target population; and

"(7) provide assurances that funds provided under this part will be used only to pay the Federal share of the costs of programs and services not otherwise available in the target area and will supplement, and not supplant, funding from other local, State, and Federal sources available to youth in the target area.

"SEC. 496. PAYMENTS; FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each service delivery area having an application approved under section 494 the Fed-

eral share of the costs of the activities described in the application.

"(b) FEDERAL SHARE.—The Federal share of the costs shall be 50 percent for each fiscal year a service delivery area receives assistance under this part.

"(c) LIMITATION.—Each service delivery area may provide not more than 50 percent of the non-Federal share of the costs from Federal sources other than funds received under this part.

"SEC. 497. REPORTING.

"The Secretary is authorized to establish such reporting procedures as are necessary to carry out the purposes of this part.

"SEC. 498. FEDERAL RESPONSIBILITIES.

"(a) IN GENERAL.—The Secretary shall provide assistance to participating communities in implementing the projects assisted under this part.

"(b) INDEPENDENT EVALUATION.—

"(1) IN GENERAL.—The Secretary shall provide for a thorough, independent evaluation of the Fair Chance Youth Opportunities Unlimited Program to assess the outcomes of youth participating in programs assisted under this part.

"(2) EVALUATION MEASURES.—In conducting the evaluation described in paragraph (1) the Secretary shall include an assessment of—

"(A) the impact of youth residing in target areas, including the rates of school completion, enrollment in advanced education or training, and employment of the youth;

"(B) the extent to which participating communities fulfilled the goal of guaranteed access to appropriate education, training, and supportive services to all eligible youth residing in target areas who seek to participate;

"(C) the effectiveness of guaranteed access to comprehensive services combined with outreach and recruitment efforts in enlisting the participation of previously unserved or underserved youth residing in target areas;

"(D) the effectiveness of efforts to integrate service delivery in target areas, including systems of common intake, assessment, and case management; and

"(E) the feasibility of extending guaranteed access to comprehensive education, training and support services for youth in all areas of the United States, including possible approaches to incremental extension of such access over time.

"(c) REPORT.—The Secretary shall develop a report detailing the results of the independent evaluation described in subsection (b) and shall submit such report to the President and the appropriate committees of Congress not later than December 31, 1994, along with an analysis of expenditures made, results achieved, and problems in the operations and coordination of programs assisted under this part.

"(d) RESERVATION OF FUNDS.—The Secretary may reserve not more than 10 percent of the amount appropriated under this part in each fiscal year to carry out this section."

(b) TECHNICAL AMENDMENT.—The table of contents relating to title IV is amended by adding after the item relating to section 485 the following:

"PART I—FAIR CHANCE YOUTH OPPORTUNITIES UNLIMITED PROGRAM

"Sec. 491. Statement of purpose.

"Sec. 492. Definitions.

"Sec. 493. Program authorized.

"Sec. 494. Application.

"Sec. 495. Grant agreement.

"Sec. 496. Payments; Federal share.

"Sec. 497. Reporting.

"Sec. 498. Federal responsibilities."

SEC. 37. JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS.

(a) IN GENERAL.—Title V (29 U.S.C. 1791 et seq.) is amended to read as follows:

"TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

"SEC. 501. STATEMENT OF PURPOSE.

"It is the purpose of this title to provide incentives to reduce welfare dependency, promote self-sufficiency, increase child support payments, and increase employment and earnings of individuals by providing to each participating State a bonus for providing job training to—

"(1) absent parents of children receiving aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), who subsequent to such training pay child support for their children; and

"(2) blind or disabled individuals receiving supplemental security income under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), who subsequent to such training are successfully placed in and retain employment.

"SEC. 502. PAYMENTS.

"(a) IN GENERAL.—For each program year for which funds are appropriated to carry out this title, the Secretary shall pay to each participating State the amount that State is eligible to receive under this title.

"(b) RATABLE REDUCTIONS.—If the amount so appropriated is not sufficient to pay each State the amount each State is eligible to receive, the Secretary shall ratably reduce the amount paid to each State.

"(c) RATABLE INCREASES.—If any additional amount is made available for carrying out this title for any program year after the application of subsection (b), such additional amount shall be allocated among the States by increasing such payments in the same manner as they were reduced, except that no such State shall be paid an amount that exceeds the amount that the State is eligible to receive under this title.

"SEC. 503. AMOUNT OF INCENTIVE BONUS.

"The amount of the incentive bonus paid to each State shall be the sum of—

"(1) an amount equal to the total of the amounts of child support paid by each individual eligible under section 506(1) within the State, for up to 2 years after the termination of the individual from activities provided under this Act; and

"(2) an amount equal to the total reduction in the Federal contribution to the amounts received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) by each individual eligible under section 506(2) within the State, for up to 2 years after the termination of the individual from activities provided under this Act.

"SEC. 504. USE OF INCENTIVE BONUS FUNDS.

"(a) IN GENERAL.—

"(1) ALLOCATION.—

"(A) ADMINISTRATIVE COSTS.—During any program year, the Governor may use an amount not to exceed 15 percent of the total bonus payments of a State for administrative costs incurred under this title, including data and information collection and compilation, recordkeeping, or the preparation of applications for incentive bonuses.

"(B) DISTRIBUTION OF PAYMENTS.—The amount of incentive bonus payments that remain after the deduction of administrative costs under subparagraph (A) shall be distributed to service delivery areas and Job Corps centers within the State in accordance with an agreement between the Governor

and representatives of such areas and centers. Such agreement shall reflect an equitable method of distribution that is based on the degree to which the efforts of such area or center contributed to the qualification of the State for an incentive bonus payment under this title.

"(2) SPECIAL RULE.—Not more than 10 percent of the amounts received under this title in any program year by each service delivery area and Job Corps center may be used for the administrative costs of establishing and maintaining systems necessary for operation of programs under this title, including the costs of providing incentive payments described in subsection (b), technical assistance, data and information collection and compilation, management information systems, post-program followup activities, and research and evaluation activities. The balance of funds not so expended shall be used by each service delivery area for activities described in sections 204 and 264, and by each Job Corps center for activities authorized under part B of title IV.

"(b) INCENTIVE PAYMENTS TO SERVICE PROVIDERS.—Each service delivery area or Job Corps center may make incentive payments to service providers, including participating State and local agencies, and community-based organizations, that demonstrate effectiveness in delivering employment and training services to individuals such as those described in section 506.

"(c) APPLICATION OF SECTION RELATING TO ADMINISTRATIVE ADJUDICATIONS.—Section 166 (relating to administrative adjudication) shall apply to the distribution of incentive bonus payments under this section.

"SEC. 505. NOTICE AND APPLICATION.

"(a) NOTICE OF INTENT TO PARTICIPATE.—Any State seeking to participate in the incentive bonus program established under this title shall notify the Secretary of the intent of the State to participate not later than 30 days before the beginning of the first program year of participation.

"(b) APPLICATION.—

"(1) IN GENERAL.—Any State seeking to receive an incentive bonus under this title shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require in order to ensure compliance with this title.

"(2) CONTENTS.—Each application shall contain, at a minimum—

"(A) a list of the eligible individuals in the State who satisfied the requirements of section 506 during the program year;

"(B) the amount of the incentive bonus attributable to each eligible individual and due the State under section 503; and

"(C) certification that documentation is available to verify the eligibility of participants and the amount of the incentive bonus claimed by the State.

"(c) NOTICE OF APPROVAL OR DENIAL.—The Secretary shall promptly inform a State after receipt of the application as to whether or not the application of the State has been approved.

"SEC. 506. ELIGIBILITY FOR INCENTIVE BONUSES.

"An individual shall be eligible to participate in a program established under this title if—

"(1) the individual—

"(A) is an absent parent of any child receiving aid to families with dependent children under part A of title IV of the Social Security Act at the time such individual was determined to be eligible to participate in activities provided under this Act;

"(B) has participated in education, training or other activities (including the Job Corps) provided under this Act; and

"(C) pays child support for a child specified in subparagraph (A) following termination from activities provided under this Act; or

"(2) the individual—

"(A) is blind or disabled;

"(B) was receiving benefits under title XVI of the Social Security Act (relating to supplemental security income) at the time such individual was determined to be eligible to participate in activities under this Act;

"(C) has participated in education, training, or other activities (including the Job Corps) provided under this Act; and

"(D) earns from employment a wage or income.

"SEC. 507. INFORMATION AND DATA COLLECTION.

"(a) TECHNICAL ASSISTANCE.—In order to facilitate the collection exchange, and compilation of data and information required by this title, the Secretary is authorized to provide technical assistance to the States. Such assistance may include cost-effective methods for using State and Federal records to which the Secretary has lawful access.

"(b) JOINT REGULATIONS.—

"(1) IN GENERAL.—The Secretary and the Secretary of Health and Human Services, shall jointly issue regulations regarding the sharing among public agencies participating in the programs assisted under this title of the data and information necessary to fulfill the requirements of this title.

"(2) SUBJECTS.—Such regulations shall ensure—

"(A) the availability of information necessary to verify the eligibility of participants and the amount of the incentive bonus payable; and

"(B) the maintenance of confidentiality of the information so shared in accordance with Federal and State privacy laws.

"SEC. 508. EVALUATION AND REPORT.

"(a) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct or provide for an evaluation of the incentive bonus program assisted under this title.

"(2) CONSIDERATIONS.—The Secretary shall consider—

"(A) whether the program results in increased service under this Act to absent parents of children receiving aid to families with dependent children under part A of title IV of the Social Security Act and to recipients of supplemental security income under title XVI of the Social Security Act;

"(B) whether the program results in increased child support payments;

"(C) whether the program is administratively feasible and cost effective;

"(D) whether the services provided to other eligible participants under part A of title II are affected by the implementation and operation of the incentive bonus program; and

"(E) such other factors as the Secretary determines to be appropriate.

"(b) REPORT TO CONGRESS.—Not later than January 1, 1997, the Secretary shall submit a report to the appropriate committees of the Congress on the effectiveness of the incentive bonus program assisted under this title. Such report shall include an analysis of the costs of such program and the results of program activities.

"SEC. 509. IMPLEMENTING REGULATIONS.

"The Secretary shall promulgate regulations implementing this title not later than January 31, 1993."

"(b) TECHNICAL AMENDMENT.—The table of contents relating to title V is amended to read as follows:

"Sec. 501. Statement of purpose.

"Sec. 502. Payments.

"Sec. 503. Amount of incentive bonus.

"Sec. 504. Use of incentive bonus funds.

"Sec. 505. Notice and application.

"Sec. 506. Eligibility for incentive bonuses.

"Sec. 507. Information and data collection.

"Sec. 508. Evaluation and report.

"Sec. 509. Implementing regulations."

SEC. 38. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect on December 1, 1992.

(b) PERFORMANCE STANDARDS.—The Secretary of Labor shall issue revised performance standards under the amendments made by section 10 as soon as the Secretary determines sufficient data are available, and not later than July 1, 1994.

(c) GUIDANCE.—

(1) IN GENERAL.—The Secretary shall provide guidance and technical assistance to States and service delivery areas relating to the documentation required to verify the eligibility of participants under parts A and C of title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.).

(2) SPECIAL RULE.—The guidance provided under paragraph (1), while maintaining program integrity, shall—

(A) limit the documentation burden to the minimum necessary to adequately verify eligibility; and

(B) ensure, to the extent practicable, that the documentation requirements shall not discourage the participation of eligible individuals.

(3) DATE.—The Secretary shall provide the guidance described in paragraph (1) not later than December 1, 1992.

(d) RULES AND PROCEDURES.—The Secretary of Labor may establish such rules and procedures as may be necessary to provide for an orderly transition to programs established by, and implementation of, the amendments made by this title.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION AND FAMILY SERVICES ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 838.

The PRESIDING OFFICER laid before the Senate the following message from House of Representatives:

Resolved, That the bill from the Senate (S. 838) entitled "An Act to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992".

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

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Subtitle A—General Provisions

- Sec. 101. Amendatory references.
- Sec. 102. Findings.
- Subtitle B—General Program**
- Sec. 111. Advisory board on child abuse and neglect.
- Sec. 112. Research and assistance activities of the National Center on Child Abuse and Neglect.
- Sec. 113. Grants to public agencies and non-profit private organizations for demonstration or service programs and projects.
- Sec. 114. Grant program for child abuse neglect prevention and treatment.
- Sec. 115. Emergency grant program.
- Sec. 116. Grant program for investigation and prosecution of child abuse cases.
- Sec. 117. Authorization of appropriations.
- Subtitle C—Community-Based Prevention Grants**
- Sec. 121. Title heading and purpose.
- Sec. 122. Grants authorized; authorization of appropriations.
- Sec. 123. State eligibility.
- Sec. 124. Limitations.

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

- Sec. 131. Authorization of appropriations.
- Subtitle E—Miscellaneous Provisions**
- Sec. 141. Technical amendments.
- Sec. 142. Report concerning voluntary reporting system.

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

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

TITLE III—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE

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

TITLE IV—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION

- Sec. 401. Findings and purpose.
- Sec. 402. Model adoption legislation and procedures.

- Sec. 403. Information and service functions.
- Sec. 404. Authorization of appropriations.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Subtitle A—General Provisions

SEC. 101. AMENDATORY REFERENCES.

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

SEC. 102. FINDINGS.

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

“SEC. 2. FINDINGS.

“Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 2. Findings.”.

Subtitle B—General Program

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in paragraph (1)—

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

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

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

(2) in paragraph (2)—

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

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

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

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

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

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

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

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

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

"(a) GENERAL AUTHORITY.—

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

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

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

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

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

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

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

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

"(C) to improve the recruitment, selection, and training of volunteers serving in private and public nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and train-

ing programs and development of model programs for dissemination and replication nationally.".

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

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

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

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

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

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

"(C) improving legal preparation and representation;

"(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

"(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

"(5) developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs.

Not more than 15 percent of a grant under this subsection may be expended for carrying out paragraph (5). The preceding sentence does not apply to any program or activity authorized in any of paragraphs (1) through (4).".

(b) ESTABLISHMENT OF CERTAIN REQUIREMENT.—Section 107 (42 U.S.C. 5106a) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall submit every four years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

"(1) INTAKE AND SCREENING.—

"(A) STAFFING.—The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

"(B) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decisionmaking, and referral for investigation.

"(C) PUBLIC EDUCATION.—An assessment of the State or local agency's public education program with respect to—

"(i) what is child abuse and neglect;

"(ii) who is obligated to report and who may choose to report; and

"(iii) how to report.

"(2) INVESTIGATION OF REPORTS.—

"(A) RESPONSE TIME.—The number of reports of child abuse and neglect filed in the State in the previous year where appropriate, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

"(B) STAFFING.—The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(C) INTERAGENCY COORDINATION.—A description of the extent to which interagency coordination processes exist and are available State-wide, and whether protocols or formal policies governing interagency relationships exist in the following areas—

"(i) multidisciplinary investigation teams among child welfare and law enforcement agencies;

"(ii) interagency coordination for the prevention, intervention and treatment of child abuse and neglect among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse; and

"(iii) special interagency child fatality review panels, including a listing of those agencies that are involved.

"(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

"(E) LEGAL REPRESENTATION.—A description of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance, including procedures for appealing substantiated reports of abuse and neglect.

"(3) CASE MANAGEMENT AND DELIVERY OF ONGOING FAMILY SERVICES.—For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at risk of removal, the State shall assess the activities and the outcomes of the following services:

"(A) RESPONSE TIME.—The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

"(B) STAFFING.—The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

"(C) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.

"(D) INTERAGENCY COORDINATION.—The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

"(4) GENERAL SYSTEM ENHANCEMENT.—

"(A) AUTOMATION.—A description of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

"(B) ASSESSMENT TOOLS.—A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

"(C) INFORMATION AND REFERRAL.—A description and assessment of the extent to which a State has in place—

"(i) information and referral systems, including their availability and ability to link families to various child welfare services such as home-makers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

"(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

"(D) STAFF CAPACITY AND COMPETENCE.—An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

"(5) INNOVATIVE APPROACHES.—A description of—

"(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the inter-agency efforts at the State level; and

"(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed."

(c) TECHNICAL CORRECTION.—Section 107(d), as redesignated by subsection (b) of this section, is amended in the matter preceding subparagraph (A) by striking "this subsection" and inserting "subsection (a)".

(d) DELAYED EFFECTIVE DATE FOR NEW REQUIREMENTS.—The amendments described in subsections (a) and (b) are made upon the date of the enactment of this Act. Such amendments take effect on October 1, 1993, or on October 1 of the first fiscal year for which \$40,000,000 or more is made available under subsection (a)(2)(B)(ii) of section 114 of the Child Abuse Prevention and Treatment Act (as amended by section 117 of this Act), whichever occurs first. Prior to such amendments taking effect, section 107(a) of the Child Abuse Prevention and Treatment Act, as in effect on the day before the date of the enactment of this Act, continues to be in effect.

SEC. 115. EMERGENCY GRANT PROGRAM.

(a) IN GENERAL.—Section 107A(e) (42 U.S.C. 5106a-1(e)) is amended by striking out "and such sums" and all that follows through the end thereof and inserting "such sums as may be necessary for fiscal year 1991, \$40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."

(b) TECHNICAL AMENDMENT.—Section 1 is amended in the table of contents by inserting after the item relating to section 107 the following:

"Sec. 107A. Emergency child abuse prevention services grant."

SEC. 116. GRANT PROGRAM FOR INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

(a) IN GENERAL.—Section 109 (42 U.S.C. 5106c) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.;"

(2) in subsection (a), by striking out paragraphs (1) and (2), and inserting in lieu thereof the following new paragraphs:

"(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

"(2) the handling of cases of suspected child abuse or neglect related fatalities; and

"(3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation.;"

(3) in subsection (b)—

(A) by striking out "and 107(e) or receive a waiver under section 107(c)" in paragraph (1);

(B) by striking out "and" at the end of paragraph (3);

(C) by inserting "annually" after "submit" in paragraph (4); and

(D) by striking out the period at the end thereof and inserting the following: "; and

"(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (3) of subsection (a).;"

(4) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ", and maintain" after "designate"; and

(ii) by striking out "child abuse" and inserting in lieu thereof "child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities";

(B) by striking out "judicial and legal officers", in subparagraph (B) and inserting in lieu thereof "judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect";

(C) by inserting before the semicolon in subparagraph (C), the following: ", including both attorneys for children and, where such programs are in operation, court appointed special advocates";

(D) by striking out subparagraph (E); and

(E) by striking out "handicaps;" in subparagraph (F), and inserting in lieu thereof "disabilities; and"; and

"(G) by striking out subparagraph (G) and redesignating subparagraph (H) as subparagraph (G);

(5) in subsection (d)—

(A) by striking out "the State task force shall" in the matter preceding paragraph (1), and inserting in lieu thereof "and at three year intervals thereafter, the State task force shall comprehensively";

(B) by striking out "judicial" and all that follows in paragraph (1), and inserting in lieu thereof the following: "both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal;";

(C) by inserting "policy and training" before "recommendations" in paragraph (2); and

(6) in subsection (e)(1)—

(A) by striking out "child abuse" and all that follows through "child victim" in subparagraph

(A), and inserting in lieu thereof the following: "child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family";

(B) by striking out "improve the rate" and all that follows through "abuse cases" in subparagraph (B), and inserting in lieu thereof the following: "improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children"; and

(C) in subparagraph (C)—

(i) by inserting ", protocols" after "regulations"; and

(ii) by inserting "and exploitation" after "sexual abuse".

(b) CONFORMING AMENDMENT.—Section 1 is amended in the item relating to section 109 in the table of contents by striking "Grants" and all that follows and inserting the following: "Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases."

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) (42 U.S.C. 5106h(a)) is amended to read as follows:

"(A) IN GENERAL.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this title, except for section 107A, \$100,000,000 for fiscal year 1992, and such sums as may be necessary for each of this fiscal years 1993 through 1995.

"(2) ALLOCATIONS.—

"(A) Of the amounts appropriated under paragraph (1) for a fiscal year, \$5,000,000 shall be available for the purpose of making additional grants to the States to carry out the provisions of section 107(g).

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A)—

"(i) 33 1/3 percent shall be available for activities under sections 104, 105 and 106; and

"(ii) 66 percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108."

Subtitle C—Community-Based Prevention Grants

SEC. 121. TITLE HEADING AND PURPOSE.

(a) TITLE HEADING.—The heading for title II (42 U.S.C. 5116 et seq.) is amended to read as follows:

"TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS"

(b) PURPOSE.—Section 201 (42 U.S.C. 5116) is amended—

(1) in the section heading to read as follows: "SEC. 201. PURPOSES.;"

and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities."

SEC. 122. GRANTS AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.

Section 203 (42 U.S.C. 5116b) is amended—

(1) by striking out subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated), by striking out "such sums" and all that follows

through the period and inserting in lieu thereof "\$45,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995."

SEC. 123. STATE ELIGIBILITY.

Section 204 (42 U.S.C. 5116c) is amended—
(1) by striking out "or other funding mechanism"; and

(2) by striking out "which is available only for child" and all that follows through the end thereof, and inserting "which includes (in whole or in part) legislative provisions making funding available only for the broad range of child abuse and neglect prevention activities."

SEC. 124. LIMITATIONS.

Section 205 (42 U.S.C. 5116d) is amended—
(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

"(1) ALLOTMENT FORMULA.—

"(A) IN GENERAL.—Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that—

"(i) 50 percent of the total amount appropriated is allotted among each State based on the number of children under the age of 18 in each such State, except that each State shall receive not less than \$30,000; and

"(ii) the remaining 50 percent of the total amount appropriated is allotted in an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

"(B) USE OF AMOUNTS.—Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed \$10,000,000;" and

(2) in subsection (b)(1)—

(A) by striking out "trust fund advisory board" and all that follows through "section 101" in subparagraph (A) and inserting in lieu thereof "advisory board established under section 102";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (A), the following new subparagraphs:

"(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

"(C) demonstrate the outcome of services and activities funded under this title;

"(D) provide evidence that Federal assistance received under this title has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 204 shall be supplemented by State assistance);

"(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph."

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

SEC. 131. AUTHORIZATION OF APPROPRIATIONS.

Section 306(a) (42 U.S.C. 5118e(a)) is amended by inserting "and such sums as may be nec-

essary for each of the fiscal years 1993 through 1995" before the period.

Subtitle E—Miscellaneous Provisions

SEC. 141. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 5101 et seq.) is amended—
(1) by striking "handicapped child" each place such term appears and inserting "child with disabilities";

(2) by striking "child with handicaps" each place such term appears and inserting "child with disabilities";

(3) by striking "handicap" each place such term appears and inserting "disability";

(4) by striking "handicapped" each place such term appears and inserting "disabled"; and

(5) in the case of any variation of a term struck by paragraph (1), (2), (3), or (4) that results from the capitalization of any of the letters of such term, from the use of the plural or the singular, from the use of the possessive, from the use of a different tense, from the use of a different form of typeface, or from any combination thereof, by striking such variation each place the variation appears and inserting the analogous variation of the term inserted in lieu of the term struck by paragraph (1), (2), (3), or (4), respectively.

SEC. 142. REPORT CONCERNING VOLUNTARY REPORTING SYSTEM.

Not later than April 30, 1993, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 479 of the Social Security Act.

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

SEC. 201. SHORT TITLE.

This title may be cited as the "Temporary Child Care for Children With Disabilities and Crisis Nurseries Act Amendments of 1992".

SEC. 202. ADMINISTRATIVE PROVISIONS.

(a) DEFINITIONS.—Section 205(d)(2) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(d)(2)) is amended by striking "given" and all that follows and inserting the following: "given such term in section 602(a)(1) of the Individuals with Disabilities Education Act;"

(b) TECHNICAL AMENDMENT.—Section 205(a)(1)(A)(vi) of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117c(a)(1)(A)(vi)) is amended by striking out "(vi)" and inserting in lieu thereof "(v)".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117d) is amended in the first sentence—

(1) by striking "and" after "1989"; and

(2) by inserting before the period the following: "and \$20,000,000 for each of the fiscal years 1992 through 1995".

TITLE III—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO FAMILY VIOLENCE

SEC. 301. AMENDATORY REFERENCES.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in

terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.).

SEC. 302. EXPANSION OF PURPOSE.

Section 302 (42 U.S.C. 10401) is amended—

(1) in paragraph (1)—

(A) by striking out "demonstration the effectiveness of assisting" and inserting in lieu thereof "assist"; and

(B) by striking out "to prevent" and inserting in lieu thereof "to increase public awareness about and prevent"; and

(2) in paragraph (2), by inserting "courts, legal, social service, and health care professionals" after "(including law enforcement agencies)".

SEC. 303. EXPANSION OF STATE GRANT PROGRAM.

Section 303(a) (42 U.S.C. 10402(a)) is amended—

(1) in paragraph (1), by striking out "demonstration grants" and inserting in lieu thereof "grants"; and

(2) in paragraph (2)—

(A) by striking out "demonstration grant" in the matter preceding subparagraph (A), and inserting in lieu thereof "grant";

(B) by striking out "demonstration grant" in subparagraph (A), and inserting in lieu thereof "grant"; and

(C) by striking out "particularly those projects" in subparagraph (B)(ii) and all that follows through the end thereof, and inserting in lieu thereof the following: "the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children."

SEC. 304. INVOLVEMENT IN PLANNING.

Section 303(a)(2)(C) (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "State domestic violence coalitions" after "involve".

SEC. 305. CONFIDENTIALITY ASSURANCES.

Section 303(a)(2)(E) (42 U.S.C. 10402(a)(2)(E)) is amended by striking out "assurances that procedures will be developed" and inserting in lieu thereof "documentation that procedures have been developed, and implemented including copies of the policies and procedure,".

SEC. 306. PROCEDURE FOR EVICTING VIOLENT SPOUSES.

Section 303(a)(2)(F) (42 U.S.C. 10402(a)(2)(F)) is amended to read as follows:

"(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;"

SEC. 307. PENALTIES FOR NONCOMPLIANCE.

Section 303(a)(3) (42 U.S.C. 10402(a)(3)) is amended—

(1) by inserting "a 6-month period providing an" before "opportunity"; and

(2) by adding at the end thereof the following new sentences: "The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State

Domestic Violence Coalitions under section 311 shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph."

SEC. 308. GRANTS TO INDIAN TRIBES.

Section 303(b) (42 U.S.C. 10402(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "is authorized to make demonstration grants" and inserting in lieu thereof "from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants";

(B) by striking out "and tribal" and inserting in lieu thereof "tribal"; and

(C) by inserting "and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation", after "tribal organizations";

(2) in paragraph (2)—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by striking out "and (E)" and inserting in lieu thereof "(E) and (F)"; and

(C) by adding at the end thereof the following new sentence: "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section."; and

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

"(3) In the case of a project for which the initial application for a demonstration grant under this subsection is made on or after the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992, the terms 'Indian tribe' and 'tribal organization', for purposes of this subsection, have the meaning given such terms in section 4 of the Indian Self-Determination and Education Assistance Act."

SEC. 309. MAXIMUM CEILING.

(a) IN GENERAL.—Section 303 (42 U.S.C. 10402) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively.

(b) EFFECTIVITY OF AMENDMENTS.—The amendments made by subsection (a) are effective in the case of amounts appropriated for fiscal year 1992 and subsequent fiscal years.

SEC. 310. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

Section 303(e) (as redesignated by section 309 of this Act) is amended—

(1) in the first sentence—

(A) by striking out "demonstration grant" and inserting in lieu thereof "grant";

(B) by inserting "or an Indian Tribe" after "State";

(C) by striking out "35 percent" and inserting in lieu thereof "20 percent";

(D) by striking out "55 percent" and inserting in lieu thereof "35 percent";

(E) by striking out "and 65 percent in the third such year" and inserting in lieu thereof "and 50 percent in the third such year and in any such year thereafter"; and

(2) in the second sentence, by striking out "50 percent" and inserting in lieu thereof "25 percent".

SEC. 311. SHELTER AND RELATED ASSISTANCE.

(a) SHELTER.—Section 303(f) (42 U.S.C. 10402(g)) (as so redesignated by section 309) is amended—

(1) by striking out "60 percent" and inserting in lieu thereof "70 percent"; and

(2) by inserting before the period the following "as defined in section 309(4). Not less than 25 percent of the funds distributed under sub-

section (a) or (b) shall be distributed for the purpose of providing related assistance as defined under section 309(5)(A)".

(b) DEFINITION.—Paragraph (5) of section 309 (42 U.S.C. 10408(5)) is amended to read as follows:

"(5) The term 'related assistance' means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance shall include—

"(A) prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

"(B) counseling with respect to family violence, counseling by peers individually or in groups, and referral to community social services;

"(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

"(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

"(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims."

SEC. 312. ALLOTMENT OF FUNDS.

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended—

(1) by striking out "whichever is the greater of the following amounts: one-half of"; and

(2) by striking out "\$50,000" and inserting in lieu thereof "\$200,000, whichever is the lesser amount".

SEC. 313. SECRETARIAL RESPONSIBILITIES.

Section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) is amended—

(1) by striking out "into the causes of family violence";

(2) by inserting "most effective" before "prevention";

(3) by striking out "and (ii)" and inserting in lieu thereof "(ii)"; and

(4) by inserting before "and (B)" the following: "(iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received."

SEC. 314. EVALUATION AND REPORT TO CONGRESS.

Section 306 (42 U.S.C. 10405) is amended—

(1) by inserting "and every two years thereafter," after "the first time after the date of the enactment of this title";

(2) by striking out "assurances" and inserting in lieu thereof "documentation"; and

(3) by striking out "303(a)(2)(F)" and inserting in lieu "303(a)(2)(B) through 303(a)(2)(F)".

SEC. 315. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.

Section 308 (42 U.S.C. 10407) is amended to read as follows:

"SEC. 308. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

"(a) PURPOSE AND GRANTS.—

"(1) PURPOSE.—It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

"(2) GRANTS.—From the amounts appropriated under this title, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b)) and not to exceed six special issue resource centers (as provided for in subsection (c)) focusing on one or more issues of concern to domestic violence victims.

"(b) NATIONAL RESOURCE CENTER.—The national resource center established under subsection (a)(2) shall offer resource, policy and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyzes thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

"(c) SPECIAL ISSUE RESOURCE CENTERS.—The special issue resource centers established under subsection (a)(2) shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

"(1) Criminal justice response to domestic violence, including court-mandated abuser treatment.

"(2) Improving the response of Child Protective Service agencies to battered mothers of abused children.

"(3) Child custody issues in domestic violence cases.

"(4) The use of the self-defense plea by domestic violence victims.

"(5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.

"(6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

"(d) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

"(1) focuses primarily on domestic violence;

"(2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;

"(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

"(4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

"(e) REPORTING.—Not later than 6 months after receiving a grant under this section, a

grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

"(f) DEFINITION.—For purposes of this section, the term 'Indian tribal agency' means an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

"(g) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations."

SEC. 316. AUTHORIZATION OF APPROPRIATIONS.

Section 310 (42 U.S.C. 10409) is amended to read as follows:

"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of sections 303 through 309 and section 313, \$60,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(b) SECTION 303(a) AND (b).—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 80 percent shall be used for making grants under subsection 303(a), and not less than 10 percent shall be used for the purpose of carrying out section 303(b).

"(c) SECTION 308.—Of the amounts appropriated under subsection (a) for each fiscal year, 5 percent shall be used by the Secretary for making grants under section 308."

SEC. 317. CONTRACTS AND GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 (42 U.S.C. 10410) is amended to read as follows:

"SEC. 311. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

"(a) IN GENERAL.—The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

"(1) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation when domestic violence is involved;

"(C) the use of mandatory arrests of accused offenders;

"(D) the discouragement of dual arrests;

"(E) the adoption of aggressive and vertical prosecution policies and procedures;

"(F) the use of mandatory requirements for presentence investigations;

"(G) the length of time taken to prosecute cases or reach plea agreements;

"(H) the use of plea agreements;

"(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

"(J) the restitution of victims;

"(K) the use of training and technical assistance to law enforcement and court officials and other professionals;

"(L) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

"(M) the use of interstate extradition in cases of domestic violence crimes;

"(N) the use of statewide and regional planning; and

"(O) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

"(2) work with family law judges, Child Protective Services agencies, and children's advo-

cates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

"(A) the inappropriateness of mutual protection orders;

"(B) the prohibition of mediation where domestic violence is involved;

"(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

"(D) the use of training and technical assistance for family law judges and court personnel;

"(E) the presumption of custody to domestic violence victims;

"(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary support and maintenance;

"(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

"(H) the implementation of supervised visitations that do not endanger victims and their children; and

"(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

"(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence; and

"(4) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 303(a).

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:

"(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence in the State.

"(2) The board membership of the coalition is representative of such programs.

"(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

"(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition—

"(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

"(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

"(c) ALLOTMENT OF FUNDS.—From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to 1/53 of the amount appropriated for such fiscal year. For purposes of this section, the term 'combined U.S. Territories' means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

"(d) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake

to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

"(1) when formally requested to do so by a legislative body, a committee, or a member thereof; or

"(2) in connection with legislation or appropriations directly affecting the activities of the entity.

"(e) REPORTING.—Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

"(f) DEFINITION.—For purposes of this section, a State domestic violence coalition may include representatives of Indian tribes and tribal organizations, as defined in section 4 of the Indian Self-Determination and Education Assistance Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to be used to award grants under this section \$8,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(h) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing this section."

SEC. 318. REGULATIONS.

Section 312(a) (42 U.S.C. 10409(a)) is amended by adding at the end thereof the following new sentence:

"Not later than 90 days after the date of enactment of this sentence, the Secretary shall publish proposed regulations implementing sections 303, 308, and 314. Not later than 120 days after such date of enactment, the Secretary shall publish final regulations implementing such sections."

SEC. 319. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION.

Section 313(1) (42 U.S.C. 10409(1)) is amended by striking out "characteristics relating to family violence" and inserting in lieu thereof "develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced".

SEC. 320. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

The Act is amended by adding at the end thereof the following new section:

"SEC. 314. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

"(a) IN GENERAL.—The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) APPLICATION.—No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) REQUIREMENTS.—An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe

through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) USE.—A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) CRITERIA.—The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk.

"(f) For purposes of this section, the term 'public or private nonprofit entity' includes an 'Indian tribe' or 'tribal organization', as defined in section 4 of the Indian Self-Determination and Education Assistance Act."

SEC. 321. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

The Act (as amended by section 320) is further amended by adding at the end thereof the following new section:

"SEC. 315. MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

"(a) IN GENERAL.—The Secretary, in cooperation with the Attorney General, shall award grants to not more than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

"(1) increase the number of prosecutions for domestic violence crimes;

"(2) encourage the reporting of incidences of domestic violence; and

"(3) facilitate 'arrests and aggressive' prosecution policies.

"(b) DESIGNATION AS MODEL STATE.—To be designated as a model State under subsection (a), a State shall have in effect—

"(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

"(2) a law or policy that discourages 'dual' arrests;

"(3) statewide prosecution policies that—

"(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

"(B) implement model projects that include either—

"(i) a 'no-drop' prosecution policy; or

"(ii) a vertical prosecution policy; and

"(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

"(B) discourage custody or joint custody orders by spouse abusers; and

"(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute; and

"(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section \$25,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

"(2) LIMITATION.—A grant may not be made under this section in an amount less than \$2,000,000.

"(3) DELEGATION AND TRANSFER.—The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section."

SEC. 322. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

(a) GENERAL PURPOSE.—For purposes of this section, the Secretary of Education, hereinafter referred to as the "Secretary" shall develop model programs for education of young people about domestic violence and violence among intimate partners.

(b) NATURE OF PROGRAM.—The Secretary, in consultation with the Secretary of Health and Human Services, shall through grants or contracts develop three separate programs, one each for primary and middle schools, secondary schools, and institutions of higher education. Such model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each such group or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

(c) REVIEW AND DISSEMINATION.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) AUTHORIZATION.—There are authorized to be appropriated under this section for fiscal year 1992, \$200,000 to carry out the purposes of this section.

TITLE IV—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION

SEC. 401. FINDINGS AND PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended to read as follows:

"SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

"(a) FINDINGS.—Congress finds that—

"(1) the number of children in substitute care increased by nearly 50 percent between 1985 and 1990, as our Nation's foster care population included more than 400,000 children at the end of June 1990;

"(2) increasingly children entering foster care have complex problems which require intensive services;

"(3) an increasing number of infants are born to mothers who did not receive prenatal care, are born addicted to alcohol and other drugs, and exposed to infection with the etiologic agent for the human immunodeficiency virus, are medically fragile, and technology dependent;

"(4) the welfare of thousands of children in institutions and foster homes and disabled infants with life-threatening conditions may be in serious jeopardy and some such children are in need of placement in permanent, adoptive homes;

"(5) many thousands of children remain in institutions or foster homes solely because of local and other barriers to their placement in permanent, adoptive homes;

"(6) the majority of such children are of school age, members of sibling groups or disabled;

"(7) currently one-half of children free for adoption and awaiting placement are minorities;

"(8) adoption may be the best alternative for assuring the healthy development of such children;

"(9) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and

"(10) in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not have medically indicated treatment withheld from them nor be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.

"(b) PURPOSE.—It is the purpose of this title to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit from adoption, particularly children with special needs, including disabled infants with life-threatening conditions, by—

"(1) promoting model adoption legislation and procedures in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption; and

"(2) providing a mechanism for the Department of Health and Human Services to—

"(A) promote quality standards for adoption services, pre-placement, post-placement, and post-legal adoption counseling, and standards to protect the rights of children in need of adoption;

"(B) maintain a national adoption information exchange system to bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children, and conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

"(C) demonstrate expeditious ways to free children for adoption for whom it has been determined that adoption is the appropriate plan."

SEC. 402. MODEL ADOPTION LEGISLATION AND PROCEDURES.

Section 202 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5112) is repealed.

SEC. 403. INFORMATION AND SERVICE FUNCTIONS.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a)—

(A) by inserting “, on-site technical assistance” after “consultant services” in the second sentence;

(B) by inserting “including salaries and travel costs,” after “administrative expenses,” in the second sentence; and

(C) by adding at the end thereof the following new sentence: “The Secretary shall, not later than 12 months after the date of enactment of this sentence, prepare and submit to the committees of Congress having jurisdiction over such services reports, as appropriate, containing appropriate data concerning the manner in which activities were carried out under this title, and such reports shall be made available to the public.”; and

(2) in subsection (b)—

(A) by striking out paragraph (1) and redesignating paragraph (2) as paragraph (1);

(B) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

“(2) conduct, directly or by grant or contract with public or private nonprofit organizations, ongoing, extensive recruitment efforts on a national level, develop national public awareness efforts to unite children in need of adoption with appropriate adoptive parents, and establish a coordinated referral system of recruited families with appropriate State or regional adoption resources to ensure that families are served in a timely fashion;”;

(C) in paragraph (4), by inserting before the semicolon the following: “, and to promote professional leadership training of minorities in the adoption field”; and

(D)(i) in paragraph (7), by striking “and” after the semicolon at the end;

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

“(8) maintain (directly or by grant to or contract with public or private nonprofit agencies or organizations) a National Resource Center for Special Needs Adoption to—

“(A) promote professional leadership development of minorities in the adoption field;

“(B) provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption and the adoption of children with special needs; and

“(C) facilitate the development of interdisciplinary approaches to meet the needs of children who are waiting for adoption and the needs of adoptive families; and”.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

“(a) There are authorized to be appropriated, \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(9) and 203(c)(1).”; and

(2) in subsection (b), by striking out “\$3,000,000”, the first place that such appears, and all that follows through the end thereof, and inserting in lieu thereof the following: “\$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(b)(9), and there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995, to carry out section 203(c)(1).”.

Mr. DODD. Mr. President, as chairman of the Subcommittee on Children,

Family, Drugs, and Alcoholism, I am particularly pleased that today the Senate completes passage of urgently needed legislation to assist and protect American children and families. Responding to a national crisis, S. 838, the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 reauthorizes and increases support for essential services over the next 4 years.

The safety of our children presents a peculiar and glaring paradox. While we recognize its utmost priority, we—as a nation—have done so little to safeguard our next generation. Even as poverty encompasses 20 percent of American children and abuse and neglect has become epidemic, we have been ever so slow to respond. All of us—society in general and government in particular—have been distracted by other problems. The problems of our families and children, however, are now paramount.

Approximately 2.5 percent of American children are abused or neglected each year. In 1991, more than 1,300 died. For each of the last 3 years, more infants died from abuse than from auto accidents. And the situation is getting worse. A study released last week by the National Committee for Prevention of Child Abuse shows that child abuse reports have risen, on average, 6 percent annually since 1985. The 1991 fatalities were 10 percent higher than in 1990 and 54 percent higher than 7 years ago.

The terms “national emergency” and “crisis” are clearly both valid and apt—though I hesitate to use them. The largest problems are the most difficult to convey. It is hard to comprehend great numbers and multiple variables. Far easier to identify with a small child stuck in a well than it is to contemplate that 2.6 million reports of child mistreatment were filed in 1991.

Many factors are responsible. Substance abuse incapacitates and leads to disability and abandonment. There were 2,400 drug-exposed newborns in Los Angeles in 1989 and possibly 375,000 nationwide each year. Data from 14 States indicate that one-third of all maltreatment cases involve substance abuse. Teen pregnancy means that children—who have neither the skills nor the resources—become parents.

Our societal response, meanwhile, has been piecemeal and inadequate. Child protection services are short-handed and underfunded. The caseload of Connecticut’s Department of Children and Youth Services has increased 53 percent since 1986. We spend billions of dollars on programs that belatedly attempt to remedy what we could have prevented, detected, and treated far more effectively early on.

That is why this legislation seeks to prevent abuse and neglect within families. The thrust of the community-based prevention grant provisions is to

increase support for State-funded primary prevention programs. The States Grants Program focuses on the improvement of overburdened child protective services—including staff training, case management, and record systems, as well as augmenting the numbers of social workers.

Family violence is another critical, related problem that is addressed. Battering is the single largest cause of injury to women in the United States—an estimated 3 to 4 million American women are injured each year by their husbands or male partners. Wife-beating results in more injuries requiring medical treatment than rape, auto accidents, and muggings combined. The medical costs related to domestic violence exceed \$100 million a year. Over 1 million women seek medical assistance annually for injuries caused by battering. The Centers for Disease Control considers violence against women to be a widespread public health problem, affecting families of all classes and backgrounds.

Domestic violence, moreover, continues to increase. There were nearly 23,000 incidents of family violence in Connecticut in 1990 in which at least one person was arrested—a 3.2-percent increase over 1989. Especially worrisome is that children were present or involved in 44 percent of these cases. As we have come to realize, family violence and child abuse are closely intertwined. An estimated 3.3 million children witness domestic violence every year. These children, in turn, are at higher risk of suffering physical abuse or neglect themselves—1,500 percent higher, to be precise, than among the general population. Children from violent homes, furthermore, are at heightened risk for substance abuse and juvenile delinquency.

The family violence provisions of this legislation improve direct services, such as shelters and counseling, for family violence victims and their children. Funding for the State domestic violence coalitions has been included in recognition of their critical successes in coordinating services, training, and strengthening of State services and legal protection.

Meanwhile, 400,000 children were in foster care at the end of June 1990—up from 276,000 in 1985. Many of these children are eligible for adoption, but adoptive families for these children are relatively few. And increasingly, children in foster care have special needs that require intensive services—children born after exposure to illicit drugs or with the human immunodeficiency virus.

The adoption opportunities provisions support the recruitment of prospective adoptive families. Fifty percent of children awaiting adoption are minorities. This legislation promotes professional leadership development, especially within the minority commu-

nity, to unite minority children with families of like ethnicity and culture. The bill provides for adoption training for professional agency staff and parents, and therapy services to help families cope with post-adoption problems.

We should be proud of this legislation—the provisions are critically needed. In addition to improving the means by which child protective service agencies intervene in a crisis, this legislation invests, through efforts at prevention, in families that are at risk for crisis.

Our present predicament is the result of two longstanding failures. As a society, we have failed to invest public money in our children. And the American family—fragile from divorce, threatened by unemployment, and overburdened by the need to work more hours on the job—has been unable to provide the necessary time.

Our collective failure to make these investments in past years have contributed mightily to many of the problems we confront today: crime, substance abuse, an ill prepared work force, and withering educational achievement. No longer can we afford to postpone the care and protection of America's children and families. And no longer can we afford to approach our society's ills as isolated issues that can be addressed by individual, unrelated legislation and programs—or for that matter, as something for Government alone to solve.

At the end of the 20th century, our country's dilemma is that of the family and child. And we must prevent child maltreatment and domestic violence in the same manner by which we prevent crime, drug abuse, and prepare our next generation for the leadership of an uncertain world. We must work together in our communities and neighborhoods to create networks of services to strengthen families and to give them the support and resources they need to raise, prepare, and protect our children.

Mr. COATS. Mr. President, I am pleased to join Senator DODD in recommending passage of S. 838, the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992. This bill is intended to address a very serious and unfortunately growing problem of abuse and neglect of our most vulnerable citizens—children and women.

For too many children, Mr. President, their nightmares are real. In the words of a 1990 national commission, "never before has one generation of American children been less healthy, less cared for, or less prepared for life than their parents were at the same age." Poverty, drugs, teen sexual activity, and family disintegration are shattering the lives of our young children and crippling their future. Child abuse and neglect have increased in virtually every State in the Nation—large and small, urban and rural. In many instances, this abuse kills. At the very

least, it warps and maims—creating legacies of violence and neglect that are passed through generations. In Indiana for example, 48 of our children are known to have died at the hands of their parents. And we have witnessed a 22-percent increase in the amount of abuse that is being reported in our State. That is significantly higher than the 6 percent overall increase we experienced as a nation last year. I am not arguing that this 22 percent increase is a result of increased incidence. It may be that awareness to this crime has been heightened. Whatever the reason—it points to the fact that we as adults are falling far short of the mark when it comes to the love and nurture of our children.

Over the weekend one Indiana paper's headline read, "family service workers see the worst and keep fighting it." The article then went on to describe some of the horrors our Nation's social workers face and fight. Physical injuries. Sexual abuse. Neglect. Dysfunctional violence families. Living conditions that no animal should have to endure. It is into this environment that we are sending our child protective caseworkers. They are overworked and underpaid—some making less than \$16,000 a year after investing 4 to 6 years in college and graduate school. Low pay and high caseloads have in many instances made it impossible for child protective workers to do their jobs effectively. Caseloads in many instances are now two or three times above a manageable level.

S. 838 provides needed additional resources to State child protective services to support and improve State CPS systems—specifically intake and screening of reports—report investigation and follow through, case management, and general system enhancement.

However, we must remember that child abuse is not ultimately caused by a failure of Government or of Government funds, but by a failure and lack of strong and loving families. And this is infinitely more disturbing.

There is no comfort when the family becomes a hostile place. Wounds suffered early seldom heal completely. But wounds suffered later in life are also deeply painful. I am speaking of the issue of domestic violence. Unfortunately, we have been slower to address it.

Every 15 seconds a woman is beaten by her husband or boyfriend. Every 6 minutes a woman is forcibly raped. One-fifth to one-half of American women were sexually abused as children, most by an older male relative. The Federal Bureau of Investigation's uniform crime reports found that almost 30 percent of female murder victims are killed by their husbands or boyfriends.

These statistics disturb us. They should and they must. Being abused by

one you love or trust is the deepest kind of violation. Closing our ears and eyes, and closing the doors to our homes, has not helped the thousands of women who have been forced from their homes by abusive husbands—14,000 in Indiana last year alone. Families whose children have endured abuse. Whose lives have been distorted by fear. Whose homes have become prisons.

Many women sought shelter, only to be turned away because of a lack of space. Others found shelter, but their husbands still found them.

I want to thank Senator DODD for working with me to include several provisions in this legislation addressing the issue of family violence and encouraging States to look more closely at what they can do to correct it. Public information, increased access to shelters, training of law enforcement personnel to recognize domestic violence—all these things are important steps we can and have taken in this legislation to help make the home once again a safe haven.

Mr. President, S. 838 is the product of over a year's work and attempts to address some very difficult and troubling areas. It is not a total solution to the problems I have raised, but it goes a long way toward addressing issues raised by violence within the home. Violence in the home is not so simple that government can end it with a law. It is a failure of the heart, a sickness in the soul. But government can play an important part in defending the weak and comforting the victim. I believe this legislation is thoughtful, realistic, and above all, compassionate. And I urge its adoption.

Mr. HATCH. Mr. President, the family represents the most important human relationship in our society. It is through the family that the basic values of our culture are passed through the generations. Domestic violence tears at the fabric of the family. This bill is a profamily bill that seeks to assist those families beset by the serious problems of family violence.

Unfortunately, domestic violence continues to increase in the United States. Such violence takes many forms, including the battered child syndrome, women battering, inter-spousal violence, and various forms of sexual abuse of women and children.

In 1962, the battered child syndrome was first described by Prof. Henry Kempe, writing in the *Journal of the American Medical Association*. In 1973, 11 years later, Public Law 93-247 was passed and signed into law by President Richard Nixon, creating the National Center on Child Abuse and Neglect within the Department of Health, Education and Welfare.

In 1985, reauthorizing legislation was passed by the U.S. Congress that more broadly defined child abuse to include situations in which handicapped in-

fants may be denied the medical care necessary to assure survival of the battered child.

Although limited data are available on the true size of the child abuse problem in our Nation, information clearly demonstrates that the problem—perhaps because we have at least begun to recognize the problem—has escalated. Data collected by David Gil of Brandeis University and by the American Humane Association have powerfully illustrated the increase in reported child abuse. In 1967 and 1968, Gil could document only 6,000 to 7,000 reports of child abuse per year in the United States. Yet, in 1986—about 20 years later—nearly 2 million reports of abuse children were found by the American Humane Association. This represents over a 3,000-fold increase in the reported cases of child abuse.

The gut-wrenching problems of domestic violence also include violence between spouses. The most egregious forms of this violence are seen in the sexual abuse and battering of women by their male partners. Psychologists describe battering as a "syndrome of control and increasing entrapment attendant upon spouse abuse and characterized by a history of injury, general medical complaints, isolation, stress-related psychological problems, and unsuccessful help seeking."

Although precise data are lacking, estimates consistently indicate that approximately 20 percent—or as many as 15 million—of adult women in America have been abused at least once in their lifetime by an intimate male partner. The experts also tell us that this problem rarely resolves itself spontaneously. I find this statistic sobering and tragic.

There are measures underway to address this problem. In the National Health Promotion and Disease Prevention Objective for Healthy People 2000, the Department of Health and Human Services has a number of objectives for reducing the burden of domestic violence. For example, one objective is to "reverse to less than 25.2 per 1,000 children the rising incidence of maltreatment of children under the age of 18." Another objective is to "reduce physical abuse directed to women by male partners to no more than 27 per 1,000 couples." A third objective is to "increase to at least 50 percent the proportion of elementary and secondary schools that teach nonviolent conflict resolution skills, preferably as part of quality school health education."

Obviously, the ultimate goal is to reduce the incidence of such violence to zero.

I am convinced that the legislation we are considering today makes a very important contribution to resolving the emotionally searing problems that stem from domestic violence. In addition, such violence contributes directly and indirectly to the soaring health

care costs of this country. More than 1 million women seek medical care each year as a result of injuries caused by domestic beating. And, domestic violence undermines the productive capacity of this country, cutting into our international economic competitive edge.

Of course, many other problems of society that may contribute to such violence must also be recognized and dealt with, including alcohol and other drug abuse—and we are doing something about that.

Child abuse, spousal violence, wife battering—these all invade and destroy the refuge, the sanctuary, that a home is supposed to be. Improved domestic tranquility—and reduced domestic violence—is what this legislation can help to foster.

Mr. FORD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

MEASURES PLACED ON THE CALENDAR—S. 2557 AND H.R. 3292

Mr. FORD. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 2557, a bill relating to closed captioning requirement for television commercials of candidates eligible to receive funds from the Presidential election campaign fund be placed on the calendar; further, that H.R. 3292 a House companion measure now at the desk be placed on the calendar.

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

MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 12

Mr. FORD. Mr. President, I ask unanimous consent that Calendar No. 120 (S. Con. Res. 12) expressing the sense of the Congress regarding civil rights and civil liberties for all Americans, including Arab-Americans, be indefinitely postponed.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent that during the recess/adjournment of the Senate, that on Wednesday, April 22, from 12 noon to 4

p.m., Senate committees may file reported Legislative and Executive Calendar business.

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

LOWER MERCED RIVER STUDY ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 368, H.R. 2431, a bill to designate a portion of the Lower Merced River in California as wild as scenic.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2431) to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1776

Mr. FORD. Mr. President, I send Senator JOHNSTON's substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. JOHNSTON, proposes an amendment numbered 1776.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause and insert:

SECTION 1. DESIGNATION OF THE LOWER MERCED RIVER FOR INCLUSION IN THE WILD AND SCENIC RIVERS SYSTEM.

Section 3(a)(62) of the Wild and Scenic Rivers Act (16 U.S.C. 127(a)(62)) is hereby amended—

(1) by striking "The main stem" and inserting in lieu thereof, "(A) The main stem";

(2) by striking "paragraph" whenever it appears and inserting in lieu thereof "subparagraph"; and

(3) by adding the following new subparagraph at the end thereof:

"(B)(1) The main stem from a point 300 feet upstream of the confluence with Bear Creek downstream to the normal maximum operating pool water surface level of Lake McClure (elevation 867 feet mean sea level) consisting of approximately 8 miles, as generally depicted on the map entitled 'Merced Wild and Scenic River', dated April, 1990. The Secretary of the Interior shall administer the segment as recreational, from a point 300 feet upstream of the confluence with Bear Creek downstream to a point 300 feet west of the boundary of the Mountain King Mine, and as wild, from a point 300 feet west of the boundary of the Mountain King Mine to the

normal maximum operating pool water surface level of Lake McClure. The requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakerfield District, Bureau of Land Management. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subparagraph.

“(i) To the extent permitted by, and in a manner consistent with section 7 of this Act (16 U.S.C. 1278), and in accordance with other applicable law, the Secretary of the Interior shall permit the construction and operation of such pumping facilities and associated pipelines as identified in the Bureau of Land Management right-of-way application CACA 26084, filed by the Mariposa County Water Agency on November 7, 1989, and known as the ‘Saxon Creek Project’, to assure an adequate supply of water from the Merced River to Mariposa County.

“(C) With respect to the segments of the main stem of the Merced River and the South Fork Merced River designated as recreational or scenic pursuant to this paragraph or by the appropriate agency pursuant to subsection (b), the minerals to Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.”

SEC. 2. STUDY OF THE NORTH FORK OF THE MERCED RIVER.

Section 5(a) of the Wild and Scenic Rivers Act, as amended, (16 U.S.C. 1276(a)), is further amended by adding the following new paragraph at the end thereof:

“() NORTH FORK MERCED, CALIFORNIA.—The segment from its headwaters to its confluence with the Merced River, by the Secretary of Agriculture and the Secretary of the Interior.”

SEC. 3. NEW EXCHEQUER PROJECT.

The designation of the river segments referred to in section 1 of this Act as components of the Wild and Scenic Rivers System shall not affect the continued operation and maintenance of the New Exchequer Project (Project No. 2179) as licensed by the Federal Energy Regulatory Commission (including flood control operations) or the Commission's authority to relicense such project within the project boundaries set forth in the license on the date of enactment of this Act: *Provided*, That if the Commission relicenses such project, the normal maximum operating pool water surface level authorized in the project's license shall not exceed elevation 867.0 feet mean sea level.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2431), as amended, was passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

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

The motion to lay on the table was agreed to.

RECESS UNTIL 9:30 TOMORROW

Mr. FORD. Mr. President, there being no further business, I ask unanimous consent that the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 11:48 p.m., recessed until Friday, April 10, 1992, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 9, 1992:

THE JUDICIARY

Irma E. Gonzalez, of California, to be U.S. District Judge for the Southern District of California vice J. Lawrence Irving, resigned.

Norman H. Stahl, of New Hampshire, to be U.S. Circuit Judge for the First Circuit vice David H. Souter, elevated.

Joseph A. DiClerico, Jr., of New Hampshire, to be U.S. District Judge for the District of New Hampshire vice a new position created by Public Law 101-650, approved December 1, 1990.

Michael J. Melloy, of Iowa, to be U.S. District Judge for the Northern District of Iowa vice David R. Hansen, elevated.

Rudolph T. Randa, of Wisconsin, to be U.S. District Judge for the Eastern District of Wisconsin vice Robert W. Warren, retired.

DEPARTMENT OF JUSTICE

Timothy E. Flanigan, of Virginia, to be an Assistant Attorney General, vice J. Michael Luttig.

DEPARTMENT OF THE TREASURY

Jerome H. Powell, of New York, to be an Under Secretary of the Treasury, vice Robert R. Glauber, resigned.

John Cunningham Dugan, of the District of Columbia, to be an Assistant Secretary of the Treasury, vice Jerome H. Powell.

DEPARTMENT OF STATE

Hume Alexander Horan, of the District of Columbia, a Career Member of the Senior

Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Kenton Wesley Keith, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Donald K. Petterson, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Sudan.

ENVIRONMENTAL PROTECTION AGENCY

Christian R. Holmes IV, of California, to be an Assistant Administrator of the Environmental Protection Agency, vice Charles L. Grizzle, resigned.

Christian R. Holmes IV, of California, to be Chief Financial Officer, Environmental Protection Agency. (New Position)

DEPARTMENT OF AGRICULTURE

Daniel A. Sumner, of North Carolina, to be an Assistant Secretary of Agriculture, vice Bruce L. Gardner, resigned.

Daniel A. Sumner, of North Carolina, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice Bruce L. Gardner.

DEPARTMENT OF DEFENSE

Carol Johnson Johns, of Maryland, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 1997. (Reappointment)

NATIONAL INSTITUTE OF BUILDING SCIENCES

Virginia Stanley Douglas, of California, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1993, vice MacDonald G. Becket, term expired.

IN THE AIR FORCE

The following named officer for appointment to the grade of lieutenant general on the retired list under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt Gen. Robert H. Ludwig, xxx-xx-xxxx U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. C. Norman Wood, xxx-xx-xxxx U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. John E. Jackson, Jr., xxx-xx-xxxx U.S. Air Force.

CONFIRMATION

Executive nomination confirmed by the Senate April 9, 1992:

DEPARTMENT OF JUSTICE

GEORGE J. TERWILLIGER III, OF VERMONT, TO BE DEPUTY ATTORNEY GENERAL. THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO RE-

QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 9, 1992, withdrawing from further Sen-

consideration the following nomination:

FEDERAL AVIATION ADMINISTRATION

JERRY RALPH CURRY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE JAMES BUCHANAN BUSEY IV, WHICH WAS SENT TO THE SENATE NOVEMBER 22, 1991.

...the Department of Justice...
...the President to the Senate...
...the nomination was approved...
...subject to the nominee's commitment...

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NOTIFICATION

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HOUSE OF REPRESENTATIVES—Thursday, April 9, 1992

The House met at 11 a.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We sense what seems wrong with our communities and our world, O God, and we measure how we miss the mark in our lives. Yet we are grateful, when people not only speak the words of reconciliation and talk about the goals of understanding, but commit themselves to actions that build a future unity and solidarity and a shared respect between peoples. We are thankful, gracious God, that people can grow in sensitivity and tolerance toward each other and share a common resolve to do the works of justice and mercy. This is our earnest prayer. Amen.

THE JOURNAL

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

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

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 283, nays 121, not voting 30, as follows:

[Roll No. 76]

YEAS—283

Abercrombie	Berman	Cardin
Ackerman	Bevill	Carper
Alexander	Bilbray	Carr
Anderson	Blackwell	Clement
Andrews (ME)	Bonior	Coleman (TX)
Andrews (NJ)	Borski	Collins (IL)
Andrews (TX)	Boucher	Collins (MI)
Annuzio	Boxer	Combest
Anthony	Brewster	Condit
Applegate	Brooks	Cooper
Archer	Broomfield	Cox (IL)
Aspin	Browder	Coyne
Atkins	Brown	Cramer
AuCoin	Bruce	Darden
Bacchus	Bryant	Davis
Bateman	Bustamante	de la Garza
Beilenson	Byron	DeFazio
Bennett	Campbell (CO)	DeLauro

Dellums	LaFalce	Rangel
Derrick	Lancaster	Ravenel
Dicks	Lantos	Ray
Dingell	LaRocco	Reed
Dixon	Laughlin	Richardson
Donnelly	Lehman (CA)	Rinaldo
Dooley	Lehman (FL)	Ritter
Downey	Lent	Roe
Dreier	Levin (MI)	Roemer
Durbin	Lewis (GA)	Rose
Dwyer	Lipinski	Rostenkowski
Early	Livingston	Rowland
Eckart	Lloyd	Roybal
Edwards (CA)	Long	Sabo
Edwards (TX)	Luken	Sanders
Engel	Manton	Sangmeister
English	Markey	Santorum
Erdreich	Martinez	Sarpalius
Espy	Matsui	Savage
Evans	Mavroules	Sawyer
Ewing	Mazzoli	Scheuer
Fascell	McCloskey	Schiff
Fazio	McCollum	Schulze
Fish	McCrery	Schumer
Foglietta	McCurdy	Serrano
Ford (MI)	McDermott	Sharp
Frank (MA)	McGrath	Shaw
Frost	McHugh	Sisisky
Gaydos	McMillen (MD)	Skaggs
Gejdenson	McNulty	Skeen
Geren	Mfume	Skelton
Gibbons	Miller (CA)	Slattery
Gillmor	Mineta	Slaughter
Gilman	Mink	Smith (FL)
Glickman	Moakley	Smith (NJ)
Gonzalez	Mollohan	Snowe
Gordon	Montgomery	Solarz
Green	Moody	Spence
Gunderson	Moran	Spratt
Hall (OH)	Morrison	Staggers
Hall (TX)	Murtha	Stallings
Hamilton	Myers	Stark
Hammerschmidt	Nagle	Stenholm
Harris	Natcher	Stokes
Hastert	Neal (MA)	Studds
Hatcher	Nichols	Sweet
Hayes (IL)	Nowak	Swift
Hayes (LA)	Oakar	Synar
Hefner	Oberstar	Tallon
Hertel	Obey	Tanner
Hochbrueckner	Olin	Tauzin
Horn	Olver	Taylor (MS)
Horton	Ortiz	Thomas (GA)
Houghton	Orton	Thomas (WY)
Hoyer	Owens (NY)	Thornton
Hubbard	Owens (UT)	Torricelli
Huckaby	Pallone	Towns
Hughes	Panetta	Trafficant
Hutto	Parker	Traxler
Hyde	Pastor	Unsoeld
Jefferson	Patterson	Valentine
Jenkins	Payne (NJ)	Vander Jagt
Johnson (CT)	Payne (VA)	Vento
Johnson (SD)	Pease	Visclosky
Johnson (TX)	Pelosi	Volkmer
Johnston	Penny	Washington
Jones (GA)	Perkins	Waxman
Jones (NC)	Peterson (FL)	Wheat
Jontz	Peterson (MN)	Williams
Kanjorski	Petri	Wilson
Kaptur	Pickett	Wise
Kasich	Pickle	Wolpe
Kennelly	Poshard	Wyden
Kildee	Price	Wylie
Klug	Pursell	Yatron
Kolter	Quillen	
Kopetski	Rahall	

NAYS—121

Allard	Barton	Boehner
Allen	Bentley	Bunning
Armey	Bereuter	Burton
Baker	Billirakis	Callahan
Balleger	Bliley	Camp
Barrett	Boehrlert	Campbell (CA)

Chandler	Holloway	Regula
Clay	Hopkins	Rhodes
Clinger	Hunter	Riggs
Coble	Inhofe	Roberts
Coleman (MO)	Ireland	Rogers
Coughlin	Jacobs	Rohrabacher
Cox (CA)	James	Ros-Lehtinen
Crane	Kolbe	Roth
Cunningham	Kyl	Roukema
DeLay	Lagomarsino	Saxton
Dickinson	Leach	Schaefer
Doolittle	Lewis (CA)	Schroeder
Dorgan (ND)	Lewis (FL)	Sensenbrenner
Dornan (CA)	Lightfoot	Shays
Duncan	Lowery (CA)	Shuster
Edwards (OK)	Machtley	Sikorski
Emerson	Marlenee	Smith (OR)
Fawell	McCandless	Smith (TX)
Fields	McDade	Stearns
Franks (CT)	McEwen	Stump
Galleghy	McMillan (NC)	Sundquist
Gallo	Meyers	Taylor (NC)
Gekas	Michel	Thomas (CA)
Gilchrest	Miller (OH)	Upton
Gingrich	Miller (WA)	Walker
Goodling	Molinari	Walsh
Goss	Moorhead	Weber
Gradison	Morella	Weldon
Grandy	Murphy	Wolf
Hancock	Nussle	Young (AK)
Hansen	Oxley	Young (FL)
Hefley	Packard	Zeliff
Henry	Paxon	Zimmer
Herger	Porter	
Hobson	Ramstad	

NOT VOTING—30

Barnard	Guarini	Ridge
Chapman	Hoagland	Russo
Conyers	Kennedy	Smith (IA)
Costello	Kleccka	Solomon
Dannemeyer	Kostmayer	Torres
Dymally	Levine (CA)	Vucanovich
Feighan	Lowey (NY)	Waters
Flake	Martin	Weiss
Ford (TN)	Mrazek	Whitten
Gephardt	Neal (NC)	Yates

□ 1127

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

So the Journal was approved. The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). The Chair will recognize the gentleman from California [Mr. DOOLITTLE] to lead us in the Pledge of Allegiance.

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3686. An act to amend title 28, United States Code, to make changes in the places

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

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

of holding court in the Eastern District of North Carolina; and

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

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1882. An act to authorize extensions of time limitations in a FERC-issued license.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1150) "An act to reauthorize the Higher Education Act of 1965, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two houses thereon; and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. HARKIN, Mr. ADAMS, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. HATCH, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. JEFFORDS, Mr. THURMOND, Mr. COATS, and Mr. DURENBERGER, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 606) "An act to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 985) "An act to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1743) "An act to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes."

REPORT ON RESOLUTION PROVIDING AMOUNTS FROM CONTINGENT FUND FOR CONTINUING EXPENSES OF INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 102-491) on the resolution (H. Res. 429) providing amounts from the contingent fund of the House for continuing expenses of

investigations and studies by the standing and select committees of the House from May 1, 1992, through May 31, 1992, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 330

Mr. ROSE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 330.

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

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO FILE LATE REPORT ON H.R. 4364, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1992

Mr. BROWN. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology may have until April 27, 1992, to file a late report on H.R. 4364, the National Aeronautics and Space Administration Multiyear Authorization Act of 1992.

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

Mr. SOLOMON. Mr. Speaker, reserving the right to object, unfortunately we just could not hear what the gentleman from California [Mr. BROWN] was requesting unanimous consent for. If the gentleman would just briefly tell us what it is?

Mr. BROWN. Mr. Speaker, if the gentleman will yield, we are seeking permission to file a late report on the NASA bill.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

□ 1130

APPOINTMENT AS MEMBERS OF UNITED STATES DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the provisions of section 276h of title 22, United States Code, the Chair, on behalf of the Speaker appoints as members of the United States delegation of the Mexico-United States interparliamentary group for the second session of the 102d Congress the following Members on the part of the House:

Mr. DE LA GARZA of Texas, chairman;
Mr. YATRON of Pennsylvania, vice chairman;

Mr. RANGEL of New York;

Mr. GLICKMAN of Kansas;
Mr. GEJDENSON of Connecticut;
Mr. COLEMAN of Texas;
Mr. TALLON of South Carolina;
Mr. LAGOMARSINO of California;
Mr. DREIER of California;
Mr. DELAY of Texas;
Mr. GOODLING of Pennsylvania; and
Mr. KOLBE of Arizona.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Speaker announces that he will entertain 10 1-minute statements on each side of the aisle.

IN SUPPORT OF REFORM

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

Ms. DELAURO. Mr. Speaker, this country today faces enormous challenges and historic opportunities. Yet at this crucial moment, when we need bold and imaginative leadership, we face a crisis of confidence in Government. The American people do not believe that their leaders understand their concerns, share their vision, or feel their pain.

If this Government is to guide our great country we must clean out the vestiges of privilege in Washington and clean up the electoral process nationally. Today we have the opportunity to begin to radically reform this system and rebuild that lost trust. Through comprehensive campaign reform, we are taking strong steps to limit campaign spending and to pare back the power of special interests in the political process.

We are also changing the management structure of the House, which badly needs modernization, to make it run more effectively as well as to address the concerns brought about by revelations regarding the House bank and post office.

I would go further, which is why I support H.R. 3555, a bill that would prohibit undue privileges and exemptions for Members. The privilege of serving people should be privilege enough.

We should support the two measures on the floor today. Only then will we begin to restore respect for our Government institutions and concentrate our energies on the problems facing us.

CONFERENCE REPORT ON H.R. 3750

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

Mr. BALLENGER. Mr. Speaker, I rise today to express my opposition to the conference report on H.R. 3750, the so-called campaign finance reform bill. I

do so because, quite simply, it is not reform.

In fact, the measure should more accurately be named the incumbent protection bill. And after some of the scandals we have witnessed here in the Democratic-controlled House, it is no wonder the Democrat leadership wants to protect their incumbents.

Instead of true reform, the Democrats have decided to force taxpaying citizens to pay for their campaigns. If this bill becomes law, the Federal Government will reach into the pockets of hardworking citizens and take money to finance congressional campaigns.

Also, this bill does nothing to curb one of the biggest abuses in the current campaign finance system: It does not include the Beck reforms. This bill will not stop the millions and millions of dollars of unreported funds that unions take from their members and funnel to Democrat candidates.

Mr. Speaker, as written, H.R. 3750 is not reform. It gives further advantages to incumbents. Instead, the Congress should be focusing on requiring Members of Congress to raise a majority of their campaign funds from within their districts from individuals, limiting the amount of the individual PAC contributions, and inclusion of the Beck reforms.

I hope my colleagues will join me in opposing the conference report on H.R. 3750.

AMERICA NEEDS AN ENERGY POLICY

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

Mr. THOMAS of Wyoming. Mr. Speaker, yesterday and today, the House Interior Committee dealt with an energy bill. There is no doubt we need an energy policy but that one is not the ticket.

In the last 10 years, more than 300,000 jobs in the oil industry alone have been lost—quality jobs that provided for families and health care and security. And those jobs were lost because the Democrat leadership in this Congress is not willing to implement a responsible energy policy, a policy that:

Encourages domestic oil production through incentives and tax credits so the United States is not held hostage by other energy-rich countries.

Let us get to work in the Congress and set a policy that uses our abundant resources of clean natural gas.

Let us burn environmentally conscious low-sulfur coal.

Let us find ways to handle safety and storage aspects so we can take advantage of the benefits of nuclear power.

Let us honestly encourage renewable energy alternatives with a consistent commitment to the future.

Most of all, instead of dealing with a philosophy that says burning candles

and watching windmills turn is the answer, let us adopt sensible legislation that offers opportunity instead of being gridlocked by the possibility of risk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that it will entertain twelve 1 minutes on each side of the aisle.

STRIKER REPLACEMENT MUST BE STOPPED

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

Mr. RAHALL. Mr. Speaker, in the past few days, all we have heard about is the ultimatum issued by Caterpillar management to more than 13,000 United Auto Workers who are striking for a new contract. Caterpillar management told 13,000 union workers this:

Come back to work immediately, or we will hire replacements and you will never work for Caterpillar again.

Mr. Speaker, it has been only since the early 1980's that we have become a nation that belittles labor—that belittles collective bargaining rights—instead of remaining a nation whose labor laws were founded upon the right to bargain collectively for new wages and benefits, and the right to strike if protracted negotiations failed.

How many people know that the National Labor Relations Act protects employees from being fired because they join a union. Both the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA] guarantee the right to strike for economic reasons. Because of rapid congressional intervention, railroad strikes are often of short duration, and so the practice of hiring replacement workers for rail workers has seldom arisen. But H.R. 5 will still protect rail workers because their exemption from being replaced by permanent workers has not always been the case, and could happen again. For example, in 1963 the Florida East Coast Railroad was able to continue operations during a strike by hiring a whole new work force composed of permanent replacement workers. The protracted strike lasted 10 years, and was very bitter.

Labor-management disputes in the United States were for many years settled through good faith bargaining on contracts that at least started out offering something substantive.

Today, employers ignore good faith negotiating in favor of offering contracts that are so deliberately lacking in substance as to provoke a strike, rather than avoid one. And when the strike occurs, management wastes little time replacing strikers with permanent hires.

When did all the new nonsense start? With Ronald Reagan when he fired 11,400 air traffic controllers across the United States when their union brought them out on strike after long-standing negotiations had failed.

After the air traffic controllers were fired, there came thousands of workers replaced at Continental Airlines, at TWA, the Chicago Tribune, Magic Chef, and Phelps Dodge; striking workers were replaced by the thousands at the International Paper Co., Eastern Airlines, and at Greyhound.

Mr. Speaker, in the past few years the United States has watched helplessly and wrung its hands as tens of thousands of jobs have gone south of the border or otherwise offshore. The jobs have moved out of our country because it is said that labor is cheaper elsewhere.

But you mark my words, if union busting and striker replacement continues unchecked in this country at the rate it is now being utilized by management to resolve contract disputes, we won't have to move jobs south of the border in order to find cheaper labor.

We will have created our own south of the border right here at home.

AMERICAN PEOPLE WANT REAL REFORM IN THE HOUSE

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

Mr. NUSSLE. Mr. Speaker, I have had it. I have had it because I have participated for the very first time in the Committee on Rules.

I went up there last night to talk about reform, real reform, reform that people from all over the country have talked to me about, Mr. Speaker.

Mr. Speaker, I have received letters from all over the country from people that want to participate in the reform debate of their House of Representatives. And the Speaker has closed them out today by not providing an open rule.

Yes, Mr. Speaker, you are going to talk about reform. The Democrats are going to create the official House officer of the scapegoat. So that when there is a problem that comes up in the future, we can blame somebody. That is not going to work, Mr. Speaker, because there are people out there that want to participate.

If we do not let them participate today, next year that 150-Member class of freshmen or more are going to come marching in here with these kind of cards and letters, and they are going to reform this House once and for all.

□ 1140

AMERICAN WORKERS WILL STRIKE FOR JOBS AND JOB SECURITY

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

Mr. TRAFICANT. Mr. Speaker, striking Caterpillar workers must either return to work or lose their jobs, after 28 years of service, to a scab, and Congress has done nothing about this, and Congress has done nothing about the loss of American jobs overseas.

I predict here today, Mr. Speaker, that because Congress has done nothing on this issue we will see a massive national labor strike in America in the near future to get our Congress to wise up, because the way it is going, if you want to have a job you are going to have to move to Mexico to get one.

Congress had better wake up before those workers exercise the only weapon they really have, the right to strike. I think it is time to put our foot down on these so-called replacements.

ONLY AN OPEN RULE WILL ALLOW TRUE REFORM IN THE HOUSE OF REPRESENTATIVES

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

Mr. DOOLITTLE. Mr. Speaker, America is not working. The reason it is not working is because the Congress is not working. Today, in the Washington Post, we read "Inquiry on House Bank Case May Focus on Use of Money." Thank goodness.

I quote:

The special counsel who is conducting a preliminary inquiry into possible criminal wrongdoing at the House bank said today that he might examine how some lawmakers spent the money that they obtained from overdrawing on their accounts. Judge Wilkie said he was hiring four lawyers and several accountants and already had seven agents from the Federal Bureau of Investigation to help him look into the murky practices of the House bank.

This, of course, is not the only controversy with which we are afflicted. We also have the House post office. There we have a Federal grand jury.

Mr. Speaker, we need an open rule today to debate real reform for this House, but instead we will have a Democrat-imposed closed rule. We need real reform. I urge the Members to support that.

IN SUPPORT OF THE CLEAN AND FAIR ELECTION ACT

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

Mr. SWETT. Mr. Speaker, today we will consider the House-Senate con-

ference report on the Congressional Spending Limit and Election Reform Act—one of the most critical bills in this session of Congress.

The legislation—supported by Common Cause and other organizations supporting electoral reform—will have a decisive impact upon our election process. It deals with the root of numerous problems—it sets voluntary spending limits, restricts PAC contributions, limits large individual contributions, limits the use of soft money by which political parties get around contribution limits. It evens the playing field. It gives legislators independence from special interests and significantly reduces the money chase that has so distorted our political system.

Unfortunately, on this issue, Mr. Speaker, the President is being a spoil sport who is saying, in essence, that if he cannot have things his way, he is going to take his marbles and go home. He postures about the need for campaign reform, yet threatens a veto if the legislation is not his bill.

Mr. Speaker, the American people want campaign practices cleaned up—not covered up. I urge the President to stop the political posturing. The American people want reform and results, not recriminations from the White House. I urge my colleagues—and the President—to support the Congressional Spending Limit and Election Reform Act.

LET US MOVE FROM RECRIMINATIONS TO RECONCILIATION

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

Mr. DORNAN of California. Mr. Speaker, the last gentleman spoke of recrimination, and one of the gentlemen over here, I tried to get him elected Governor down in Cajun country, the gentleman from Louisiana [Mr. HOLLOWAY]. I asked him if people were feeling the same frustration down there as they are in California, and he said "yes."

Those of us who are Christians are about to go home to celebrate the Resurrection and think of redemption, reconciliation, and all we hear about is defoliation, revolution in the election, resignation.

What I am saying is, Mr. Speaker, salvation is at hand. Things have been worse. Today is the 127th anniversary of Appomattox. This Nation was torn asunder; 618,000 of our finest young people on both sides, Americans all, were dead, and 50 years ago today was the beginning of the Bataan Death March, the largest number of Americans ever taken prisoner, over 12,000; 64,000 of our Filipino brothers in arms, and over 2,000 were murdered on that long death march to Cabanatuan.

Things have been worse, Mr. Speaker. Think of the vacation and look toward reconciliation.

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM

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

Mr. RICHARDSON. Mr. Speaker, I rise to day to congratulate Chairman GEJDENSON and the other members of his task force on campaign finance reform as well as our colleagues in the other body who joined forces and agreed on a final conference report on this critical issue. It is a very difficult and controversial matter—you are simply not going to please everyone—compromises have to be made and they were. This bill is not perfect. But, it represents our best chance to reform a campaign finance system that desperately needs changing.

This bill attacks the root problem of campaigns—too much money—by imposing voluntary spending limits on congressional campaigns, restricting the amount of money that can be raised from PAC's and restricting fundraising and spending by party committees. The measure also prohibits the bundling of contributions, eliminates leadership PAC's and calls for television advertising discounts for those candidates who comply with the spending limits. This measure also encourages candidates to seek small home State contributions by providing matching funding for these contributions. While the funding mechanism is not yet in place, no Federal funds will be used.

The bottom line is this bill goes a long way to help challengers by putting them on a more level playing field. Right now, incumbents have a lockhold on fundraising—the American people are demanding reform, and rightly so. I urge my colleagues to support his package—if you want to bring honor back to this institution, vote "yes" on S. 3.

Mr. Speaker, we need to pass campaign finance reform to clear the reputation of the Congress and the political process. This is not a perfect bill because we can never get rid of money in politics, but this bill sets up some needed controls, controls that the public wants.

The atmosphere is such around here that anytime we vote we are accused of doing so because of a certain contribution. Just recently I was accused by a group opposed to environmental concerns that I was in the pocket of the Sierra Club because of a \$500 contribution.

Mr. Speaker, here I voted environmental, yet I am accused of being in the pocket of an environmental organi-

zation because of a contribution. It is just not worth the hassle. I am not voting "yes" just to please Common Cause, but simply to remove a sleazy perception, baggage that we are all carrying around here.

THE HOUSE OF REPRESENTATIVES NEEDS LEADERSHIP AND ACCOUNTABILITY, NOT MORE BUREAUCRACY

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

Mr. NICHOLS. Mr. Speaker, one of the perks enjoyed by the majority party, is getting to appoint their friends to plum positions—who earn \$119,000.

Now, the Democrats want to be able to appoint two more positions to oversee the operations of the people they appointed in the first place. In other words, because their first appointments were incompetent, they need to appoint two more people to keep an eye on them.

My colleague, the gentleman from Kansas [Mr. GLICKMAN], said in introducing this bill that:

The current system is accountable to no one, but every one of us is held accountable when something goes wrong.

Well, there you have it, the problem is that no one is being held accountable. That is not a problem of the management system, that is a problem of the House management—the Democrats.

The last thing this body needs is another layer of bureaucracy for a quarter of a million dollars per year. This body needs leadership and accountability. I will not support this bill. I will play no role in establishing a congressional scapegoat for the majority party.

THE HOUSE MUST ACT TODAY AND PASS CAMPAIGN REFORM LEGISLATION

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

Mr. MAZZOLI. Mr. Speaker, the American people feel that when it comes to campaign finance reform, Congress is all show and no go. It is all talk but no action. As someone said, "There is no there there."

Today by passing campaign reform legislation, which has been very professionally produced by the gentleman from Connecticut and others, we can start putting action where talk has been, and we can start putting some "there there."

This bill limits campaign spending. It does put some hobbles on political action committees and how influential they can be in campaigns. It does basi-

cally limit or prohibit bundling of campaign contributions, and the use of that soft money which is properly called sewer money.

Unfortunately, Mr. Speaker, I am told the President feels he must veto this bill. I hope the President will reconsider. This is not a great bill, but it is a good, solid first step toward campaign reform. I do hope that the President signs it into law.

THE HOUSE OF REPRESENTATIVES: AN UNDEMOCRATIC INSTITUTION

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

Mr. SANTORUM. Mr. Speaker, I have been asked as a freshman Member of Congress by my folks back home many times, "What thing surprised you most about being a new Member of Congress? What was the most shocking thing?" I always say, at least recently, that the thing that surprised me most was how undemocratic, with a small d, how undemocratic this institution was.

I thought this was an institution where we came here and we debated the great issues of the day, that it was free and open debate, that we could offer amendments, that we could construct legislation, and the House would work its will. That is not what happens, Mr. Speaker. That does not occur in the people's House.

Today we are going to vote on reforming this House. We have two options. I will not be able to offer amendments. No one else will be able to offer amendments. There is going to be a very limited debate, a half hour each side and that is it. We will sweep it under the rug.

I am glad you are having a closed rule. For once the American public is going to see how you ram things down the American public's throat about something they care about. Do it. Do it. You are only doing it to yourselves.

WE WILL DO THE RIGHT THING

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

Mr. ECKART. Mr. Speaker, to my re-districted colleague, the gentleman from Pennsylvania [Mr. SANTORUM], let me say we are going to do it. We are going to do it in the manner that Mark Twain taught us 93 years ago when he admonished a bunch of politicians to "Do the right thing. You will amaze your friends and astonish your enemies."

□ 1150

The fact of the matter is that if you have a complaint about the rule, take it up with the Republican leader. In-

deed, it is BOB MICHEL's substitute that can encompass anything he chooses.

But what this House needs to do is to get about an end to the partisan bickering on the perks and privileges. The wake-up call that George Bush got in New Hampshire has been heard here in this dome, and that wake-up call includes a double dose of medicine. The first dose is to sweep away the corrosive residue of mismanagement and patronage, and it is an end to business as usual with the passage of House Administration Reform Act.

The fact is that you want it your way or you tell us to take the highway, hardly a way to lead in this Nation. Campaign finance reform is also the second dose of that medicine. We are going to put limits, limits that this President opposes on campaign spending, on campaign PAC's and on parties. We are going to do it the right way.

I know about millionaires. They have their own PAC's and we do not want millionaires to be the only ones who can run for office. We frankly think our candidates for office are a lot better than those who put bags over their heads on the other side of the aisle.

EXTENDING MORATORIUM ON REGULATORY REFORM

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

Mr. DELAY. Mr. Speaker, today is the last day before we take our Easter break. Before we return, the President's 90-day moratorium on Federal regulations will expire.

You know, Mr. Speaker, in primary after primary, in State after State, from newspaper headlines to radio talk show call ins, the evidence is mounting that the American people have had it up to here—with the way we are running the country.

The only thing they are even more upset about is the way we are running them—regulating their businesses, raising consumer prices and just plain standing in the way of America's ability to compete.

We members of the Republican regulatory team have tried over the past weeks to bring to the public's attention some examples of regulations which cry out for common sense reform.

While some of them are being changed, the number of regulations already on the books and the number waiting in the wings, greatly exceed the amount of any bureaucracy could wade through in a mere 90 days. That is why today we are calling on President Bush to extend the moratorium.

UTILIZE EXPERIENCED TEACHERS FOR OUR CHILDREN'S BENEFIT

(Mr. STEARNS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to introduce an important bill for our Nation's children, the Older Americans Educational Participation Act.

Throughout America, school budgets are being strained to the breaking point. The Nation's children need to receive instruction from the best teachers who are available. However, the Social Security earnings limitation test discourages experienced teachers who have reached age 65 from continuing to work on either a part- or full-time basis. This legislation would repeal the earnings limitation test for Americans who apply their expertise for our children's benefit in the public schools.

There is a frightening shortage of teachers in critical fields such as math, science, and foreign language, and our senior population represents a huge untapped resource.

Like the majority of the Members of this House, I support outright repeal of the earnings limitation test. The House will take a giant step forward today by raising the limits on the earnings test. But, I believe that allowing outstanding teachers who happen to be Social Security recipients to continue teaching, without any undue tax penalty, should be something we can all agree to.

Please join me in support of this important legislation.

POWER OF THE PRESS: ONE REPORTER'S VENDETTA

(Mr. HUBBARD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUBBARD. Mr. Speaker, this is the first of a series of three presentations to point out how vindictive, vicious, and vitriolic one member of the media can be in his ongoing goal to destroy a Member of Congress.

This series of entrees in the CONGRESSIONAL RECORD, to be followed by a 60-minute speech on the House floor, was prompted by an excellent article last Sunday in the New York Times by reporter Adam Clymer entitled "Citing Rise in Frustration, Dozens of Lawmakers Quit."

The article begins with:

Redistricting, frustration with legislative gridlock and worries over scandals both real and imagined are causing more members of the House of Representatives to choose to leave than at any time within memory.

Last week, I visited with a dozen of the House Members who are retiring. Ten of them mentioned frustration with media representatives who appear to be determined to present U.S. Representatives in the worst possible way.

Last Thursday night, at a Kentucky Derby reception at the Carlton Hotel in Washington, DC, Mike Brown, a reporter for the Courier-Journal, a daily newspaper in Louisville, KY, arrived shortly after 6 p.m. and began boasting:

As soon as Carroll Hubbard and his wife arrive I'll embarrass them with questions about cold checks and I'll follow them around the room until they leave. Wait and see.

My wife Carol and I were unable to attend the reception. Carol was in eastern Kentucky. I was en route to Paducah, KY.

Six members of my staff attended the reception. Reporter Mike Brown, upon learning that Carroll Hubbard and his wife would not be attending, noticeably and obviously was following two of my staff—listening to their conversations, taking in every word.

My wife Carol and I are accustomed to seeing Mike Brown at receptions. He attends our fundraising receptions. He is always the uninvited guest who pays nothing, naturally, but stands at the front table where those attending announce their names and receive name tags. When most of the crowd have arrived he then stands inside the reception room and then walks around taking names and their affiliations. Then, over the next several days, he calls individuals who were at the fundraising receptions and asks, in an intimidating way, why they were there.

For years, when I have filed my financial disclosure report with the Office of Records and Registration, reporter Mike Brown calls the corporations, trade associations, companies, businesses, colleges or schools to ask why they invited me.

On July 16, 1991, George Gill, publisher of the Courier-Journal, asked me: "Why does Mike Brown hate you so much?" My reply: "That's what I'm asked by Washington journalists."

My staff and I realize we are wasting our time contacting Mike Brown about grants or legislation benefiting western Kentucky—as he has told us he is not interested.

Mike Brown attended 2 full days of a June 1991 markup of the House Banking Committee regarding the Treasury Department's banking reform legislation, but, naturally, he chose not to attend the markup session when my amendment, successful days earlier in the Financial Institutions Subcommittee by an 18-to-17 vote, was the subject of four competing amendments, several hours debate and four rollcall votes. My amendment was not altered by any of the votes. The Hubbard amendment was news in the major national media and the subject of editorials in the Washington Post and the New York Times. But of course, there was nothing about my amendment at any time in the Courier-Journal.

In 1985 reporter Mike Brown interviewed at least 10 House Members as to whether I owned real estate in Panama. I have never even considered owning real estate in any foreign country.

Ever since January 1977, I have either been appointed or elected to the House Democratic whip organization. In 1989 and 1991 the Democratic House Members from West Virginia, Virginia, Maryland, Delaware, and Kentucky elected me as their regional whip for the House Democratic whip organization. Naturally, Mike Brown and the Courier-Journal have never written a news article regarding my being appointed or elected as a member of the House Democratic whip organization.

On July 15, 1991, Mike Brown tried his best to damage my wife's credibility by questioning

the accuracy of Carol's financial disclosure statement, calling her employer, telling Barbara Bayus of Computer Sciences Corp. at Falls Church, VA.: "Mrs. Hubbard has filled out a form for our newspaper and has listed her title and salary and we just want to verify it." Naturally, Mike Brown changed his comments when Joel Goins of Computer Sciences Corp. called Mike Brown regarding his strange inquiry and false comments about my wife's signing a Courier-Journal form.

In July of last year, reporter Mike Brown made telephone calls on Capitol Hill and in downtown Washington, trying to tie me with Charles Keating, the convicted Phoenix, AZ, savings and loan official. I finally wrote Mike Brown, assuring him I had never stayed at nor even seen the Phoenician Hotel in Phoenix, and that I had never met with Charles Keating at any time.

This is just a portion of the actions of one reporter named Mike Brown, representing the Courier-Journal. He believes freedom of the press is a license to destroy a Congressman he has tortured for many years.

SUPPORT INDEPENDENCE FOR KOSOVA

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

Mr. ENGEL. Mr. Speaker, 2 days ago, finally reading that Yugoslavia was no longer a viable entity, President Bush finally recognized the independence of Croatia, Slovenia, and Bosnia-Herzegovina. I fully supported his decision to recognize these peoples seeking self-determination. Unfortunately, he did not see fit to recognize the independence of the Republic of Kosova, a country that was also part of the former Yugoslavia.

Last September, the Kosovars held a referendum in which 99.9 percent of those voting supported independence. The Serbian Government attempted to squelch the referendum, but 87 percent of those eligible to vote did so. My question to the Bush administration is why the double standard? Why does Slovenia, which is 90 percent ethnic Slovenian, get such different treatment than Kosova, which is 90 percent ethnic Albanian?

The Kosovar people want nothing more than to be free of Serbian oppression and to be allowed to govern themselves. They have agreed to abide by the human rights standards laid down by the European Committee despite the fact that Serbian oppression has reached unprecedented proportions. The State Department's own Country Report on Human Rights Practices for 1991 states that in Kosova, and I quote:

Serbian authorities intensified repressive measures against the majority Albanian population, and arrested and beat hundreds of Albanians on trumped up charges * * *.

Mr. Speaker, if the United States is going to support self-determination of peoples in Eastern Europe, it must sup-

port the legitimate rights of the people of Kosova to independence.

DELAYING IMPLEMENTATION OF REGULATIONS UNDER COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

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

Mr. HOLLOWAY. Mr. Speaker, the Commercial Motor Vehicle Safety Act of 1986, which took effect April 1, established national licensing standards for commercial motor vehicle drivers.

Mr. Speaker, although there is no reason to question the intent of the law, it imposes significant, and excessive costs upon hundreds of thousands of farmers, agribusiness people, truckers, transporters, retailers and loggers throughout our Nation.

The timing of the regulation's effective date is crating widespread havoc with many agriculture-related businesses. There is a backlog at many if not all of the licensing facilities in Farm Belt States and the loss of pay for many professional truckers and drivers all over the country. Many truck drivers have failed the written test and are now unable to take any trucking business. Now, farmers and small businessmen are unable to ship their products. This is going to cost millions of dollars to producers and consumers over the next 6 months.

Mr. Speaker, we must not impose these hardships right now on the American truckers and small business people. That is why I am petitioning the President to encourage the Secretary of Transportation to waive these costly licensing requirements for 90 days. Mr. Speaker, it is the least we can do.

Mr. Speaker, I am forwarding today a "Dear Colleague," asking for signatures on a letter to the President and the Secretary of Transportation to delay this for one time only for 90 days.

CAMPAIGN FINANCE REFORM

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

Mr. SANDERS. Mr. Speaker the United States today is one of two nations in the industrialized world without national health care; the gap between the rich and the poor grows wider every day; and while the salaries of the chief executive officers of the major corporations continue to soar, 10 million of our workers are unemployed, 5 million of our children go hungry and 2 million Americans sleep out on the streets.

Mr. Speaker, it is no secret that the President of the United States and the U.S. Congress do not represent the needs of ordinary Americans, and one

of the major reasons for that is that we have an approach to campaign financing which, to a very large degree, allows wealthy people and major corporations to buy and sell politicians. The rich get richer and the poor get poorer, and ordinary people get shut out of the political system.

Mr. Speaker, as Common Cause has recently said, the legislation we have before us today is not perfect—but it does constitute real and fundamental reform. Most importantly it limits the amount of money that can be spent in an election; it limits huge soft-money contributions; and it increases restrictions on PAC's.

Mr. Speaker, if President Bush vetoes this legislation, as he threatens to do, then all Americans should understand that he is far more interested in maintaining the political oligarchy of the rich, which presently exists, than allowing for a vibrant responsive, political system which represents the needs of ordinary people.

If President Bush vetoes this important legislation, then the voters of America should be prepared to veto him in November.

□ 1200

WAITING FOR GODOT

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

Mr. RIGGS. Mr. Speaker, for the last 2 days we have seen the House's version of "Waiting for Godot." Only in this case we have been waiting for a rule, a rule on congressional reform, and it is just about as existentialistic in experience anyway.

What we finally get from the Committee on Rules, of course, are straight party-line votes on Republican amendments which would bring about real reform of the House of Representatives, an amendment to ban proxy voting in committees, where committee chairmen and subcommittee chairmen routinely vote the proxies of Democrat members in order to advance their legislative agenda, and, second, real reform of the Committee on Rules so it reflects the makeup of the House of Representatives.

The Committee on Rules at present has a 9-to-4 Democrat-Republican majority that is 2 to 1 plus 1 to maintain their partisan advantage at all times. It should be changed to a 9-to-6 makeup, Democrat to Republican, to more accurately reflect the makeup of the House itself.

Mr. Speaker, that is what real reform is all about, not the exercise, the feel-good exercise that we are going to see here later today so that Democrat Members can run home for their Easter townhall meetings and point to this transparent package.

HOUSE REQUIRES BIPARTISAN REFORM

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

Mr. BOEHNER. Mr. Speaker, this institution is under indictment by the American people. The American people have lost confidence in our ability to govern, and if we are going to have a Congress that the American people have confidence in and respect for, we need real reform.

But if we are going to get real reform, it has to be done in a bipartisan way. That is not what we are going to have today.

We have been closed out of the process. We are going to have the leadership bill from the Democrat majority, and that is it. We are not going to have full and open debate.

If we really want reform in this Congress, it has to be done in a bipartisan way, and without bipartisan reform, the tyranny on this House imposed by the Democrat majority will continue.

CONFERENCE REPORT ON S. 3, CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read when called up for consideration.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. McEWEN], pending which I yield myself such time as I may consume.

Mr. Speaker, all time yielded during debate on House Resolution 426 is yielded for the purposes of debate only.

Mr. Speaker, House Resolution 426 provides for the consideration of the conference report to accompany S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992. The resolution waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read when called up for consideration.

Mr. Speaker, House Resolution 426 provides the House the opportunity to

consider the conference report on campaign spending prior to the April district work period. Since the conference report has essentially been available for nearly 1 week, the Committee on Rules has recommended the waiver of the 3-day layover rule.

As Members know, there has been significant public support for the reform of congressional campaign practices; the Congress has responded with this legislation. Whether individual Members agree with the reforms recommended in this conference report, or whether they believe alternative reforms would be more appropriate, the will of the House will be determined when we vote on passage of this conference report. In any case, it is important that the House be allowed the opportunity to work its will on this proposal and I recommend the passage of this resolution.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I would be very brief. If there is not going to be great debate on the other side, I would hope that we could quickly go to passing the conference report.

I would like to make a few brief statements on the impact of this legislation.

This legislation would limit political action committees. It would go beyond any bill that has ever been before the Congress, because it would also limit the money the very wealthy could give so that no more than one-third of an individual's campaign could come from contributions over \$200. It limits soft money. It limits independent expenditures.

It has been universally, by papers and organizations interested in the reform of the political process, endorsed. The New York Times calls it landmark legislation. It suggests that the President should sign it. The Fort Worth Morning Star says that this is a bill in the public interest, and the public should demand no less. The Chattanooga Times, Americans, known for common sense, know that too much money is spent on political campaigns; supports the bill. The Birmingham News supports the bill with an editorial. The Atlanta Constitution argues strongly for campaign spending limits as a critical aspect of reform and an essential aspect of reform. On and on and on, from the League of Women Voters to Common Cause to Public Citizen and hundreds of other organizations who believe that it is time to limit the money chase, to limit spending in campaigns, so that we can go back to a debate about the fundamental beliefs of the two parties and the two candidates rather than a fundamental chase for dollars.

Let me tell you that it makes no difference whether you design the dollars

to come from one group or another, essentially it is the chase for dollars, the unlimited spending that is damaging the system here.

I want to commend again the Speaker of this House, Speaker FOLEY, for his support for this legislation, the majority leader and his staff as well as the Speaker's staff for the work they have done in helping us get this bill to the floor, the chief deputy whip, the gentleman from Michigan [Mr. BONIOR], and his efforts and so many on my committee, particularly the gentleman from North Carolina [Mr. ROSE], the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from Oklahoma [Mr. SYNAR], not on the committee, who have done so much work in making sure that we could bring this product of reform to the Congress.

I hope we would quickly pass the rule.

The articles referred to follow:

[From the New York Times, Apr. 6, 1992]

DEMOCRACY AND HYPOCRISY

Landmark legislation that would finally slow the endless pursuit of favor seeking money by the nation's top lawmakers and the special treatment it buys has cleared a House-Senate Conference committee and is headed for the House floor—The President who's trying to woo voters by wearing the cloak of reform would look a lot less selfish, and a lot more sincere, if he changed his mind and signed the bill.

[From the Fort Worth Morning Star—
Telegram, Nov. 20, 1991]

CAMPAIGN REFORM—CONGRESS NO LONGER HAS ANY OTHER CHOICE

Seats in Congress should be the ultimate preserve of the public interest, and the public should demand no less. Matching funds, combined with limits on total spending and the removal of the cancerous blight of power brokers' massive contributions, offers a healthy remedy to the current notion of public policy being for sale.

[From the Chattanooga Times, Feb. 22, 1992]

TAKE CAMPAIGN REFORM SERIOUSLY

Americans know by common sense that too much money is spent on political campaigns. They know that means candidates and incumbents spend too much time and energy raising campaign funds. And that means they have too little time and energy to devote to the business of government.

[From the Birmingham News, Mar. 15, 1992]

MONEY VERSUS IDEAS

Campaigns are not just about candidates. They are also about ideas. With all that campaign money choking off any real challenges, the competition of ideas so necessary for new policies is strangled. And the policies we do get are molded far too much by the wants of the money men.

[From the Atlanta Constitution, Nov. 27,
1991]

HOUSE TRIES TO CLEAN UP ACT

The House of Representatives gave honest government an important boost on Monday [November 25th, 1991] when it passed its version of the 1991 campaign finance reform bill. Then why do most Congressional Republicans continue to oppose spending limits?

It's never easy to explain irrational behavior, but the answer seems to be threefold. (1) They can't get it out of their heads that raising money is the GOP's strong suit. (2) They are ideologically committed to the private corporate interests that subvert the current system—even at the expense of their party's interests. (3) They are themselves incumbents who profit from the current system.

[From the San Jose Mercury News, Dec. 2,
1991]

HOPE FOR REFORM

Spending limits are essential, because the fear of being outspent is what drives incumbents to raise to raise money throughout their terms in office. Campaign reform without spending limits becomes an endless attempt to limit contributions, which, by itself, is doomed to fail.

[From the Washington Post, Apr. 6, 1992]

MR. BUSH ON CAMPAIGN FINANCE

[Mr. Bush] is trying here to create a self-fulfilling prophecy: to blame the Congress even as he blocks reform. The Democrats are right to pass the bill. If he vetoes it, the corrupting system that it seeks to replace is at his doorstep.

U.S. CONGRESS,

CONGRESSIONAL BUDGET OFFICE,

Washington, DC, April 8, 1992.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration,
U.S. House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992, as reported by the committee of conference on April 3, 1992. Assuming appropriation of the authorized amounts, CBO estimates that implementing this bill would cost \$35 million to \$70 million for Senate elections and \$50 million to \$100 million for House elections every two years. These costs are approximate because they depend on how many candidates choose to participate, which is very uncertain and could vary significantly from year to year. Overall, implementing S. 3 is likely to cost between \$100 million and \$150 million each election cycle. Because this bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

S. 3 would establish separate campaign reform systems for candidates for the Senate and the House of Representatives. For elections for each house, the bill would set voluntary campaign spending limits and would authorize certain benefits for eligible candidates. To become entitled to receive the benefits, a candidate would have to meet certain requirements, but none of the benefits or other provisions in the bill would take effect until the Congress enacts subsequent legislation providing the necessary funding.

Senate Campaign System: On April 9, 1991 CBO prepared a cost estimate for S. 3 as ordered reported by the Senate Committee on Rules and Administration, March 20, 1991. The conference version of S. 3 makes three changes affecting the costs of the benefits for Senate candidates authorized by S. 3. First, an eligible candidate would receive one-third (rather than two-thirds) of the general election spending limit if the ineligible opponent spends more than the limit. The candidate would receive an additional one-third when the opponent spends 33 percent more than the limit, and would receive a final one-third when the opponent spends 67

percent more than the limit. Thus, under the conference agreement, eligible candidates would be less likely to receive the entire amount of the spending limit because not all opponents are likely to spend 67 percent more than the limit.

Another change reduces the amount of voter communication vouchers that eligible candidates can receive from 50 percent of the spending limit to 20 percent of the limit. Finally, the conference report on S. 3 would replace the limited first-class postal subsidy provided by the reported bill with a third-class discount limited to one piece of mail per voting age person in the eligible Senate candidate's state. Other changes in the Senate system would not significantly affect its cost. The following table summarizes the costs for 1994 and 1996 under two different assumptions—if every state's Senate election has just one eligible candidate and if every state's Senate election has two eligible candidates.

ESTIMATED COST OF AUTHORIZED BENEFITS FOR ELIGIBLE SENATE CANDIDATES
(In millions of dollars)

	Just one eligible candidate		Both candidates eligible	
	1994	1996	1994	1996
Excess expenditure payment:				
Candidate 1	50	50		
Candidate 2				
Voter communication voucher:				
Candidate 1	12	12	12	12
Candidate 2			12	12
Reduced mailing rate:				
Candidate 1	6	6	6	6
Candidate 2			6	6
Total	68	68	36	36

House of Representatives Campaign System: On November 19, 1991, CBO prepared a cost estimate for H.R. 3750, the House of Representatives Campaign Spending Limit and Election Reform Act of 1991, as ordered reported by the Committee on House Administration on November 14, 1991. The provisions extending benefits to House candidates are nearly the same in the conference report on S. 3 as they were in H.R. 3750. The one difference is that the third-class discount postal rate that eligible candidates could receive would be limited to one piece of mail per eligible voter in the district rather than three pieces of mail. Thus, assuming that one-half the candidates for House races were eligible, the cost of the discount would be about \$8 million per election cycle, or one-third of the cost in the previous estimate. The cost of the matching payments benefit would not change. Assuming that half the candidates would be eligible, matching payments would range from \$45 million to \$90 million every two years. Other changes in the House system are not likely to affect its cost significantly.

Federal Election Commission: S. 3 would require the Federal Election Commission (FEC) to perform new functions including certifying candidates' eligibility and auditing their compliance with the new system. Based on information from the FEC, CBO estimates that enactment of S. 3 would cost the commission about \$2 million annually to implement its new responsibilities, assuming appropriation of the necessary funds.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

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

Mr. Speaker, this rule really is not much different than 62 percent of the rules that we have considered this Congress. Once again, the Republicans are being denied the right to see the legislation three days before it is considered on the floor.

But frankly, there are more grievous problems with the campaign finance reform bill than the rule. So I think it is important that we move forward so that we can expose the charade that those on the other side plan to perpetrate on the American voters.

Mr. Speaker, I happen to believe that the term limit movement in this country was born out of frustration with the political system and its lack of accountability to the public. The House bank, restaurant, and post office fiascos have only heightened public awareness that this body, in particular, is incapable of addressing the high priority items that the American people want us to resolve.

I have always felt that we can alleviate that frustration by enacting three things: Equitable campaign finance reform, fair redistricting, and a reduction in the powers of incumbency. Unfortunately, the conference report does nothing to eliminate the institutional protections of incumbency. If anything, it widens the advantage that incumbents have over challengers.

For example, the legislation originally adopted by the conference committee prohibited mass mailings in an election year. But we were told in the Rules Committee on Tuesday that this was an inadvertent technical glitch, so the provision was changed.

While prohibiting mass mailings in an election year may appear to be a technical glitch to some of my colleagues, it was the only real campaign reform in the conference report. By limiting campaign spending to \$600,000 per election cycle, challengers will be at a permanent disadvantage if incumbents can send mass mailings for free.

The conference report also opens the door to public financing of congressional campaigns. This prompted one of our colleagues in the other body to proclaim that the bill "writes the biggest rubber check in history to finance our campaigns for reelection."

It also ignores altogether Republican suggestions that we eliminate special interest money funneled through political action committees.

Mr. Speaker, the Democratic leadership would like the American people to believe it is doing everything possible to reform this institution and restore voter confidence in the House of Representatives.

Unfortunately, this legislation proves that it is business as usual when it comes to the ultimate perks of incumbency. The President said he will veto this legislation, and I will support that decision.

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

□ 1210

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I simply wanted to take this time to congratulate the committee and the gentleman from Connecticut [Mr. GEJDENSON] for doing what I really had great doubts was possible, to actually bring a conference report back which represented an agreement between the Senate and the House. It has been a long time since we have seen any campaign reform vehicle get that far.

As the gentleman knows, I have had some concerns about it, and I think there are some additional things we will need to do to strengthen what we are doing here today. But I do think it is important for the public and the press to understand that the existing campaign law which we are today trying to reform is not the product of the Congress. I think the public has the impression that somehow the Congress put together the legislation we are operating under for the past 15 or 20 years. It did not.

Existing campaign laws are the unfortunate rubble that was left when the Supreme Court gutted the campaign reform package that the Congress passed in the seventies. It was the Supreme Court in its unfortunate equating of money with free speech which gave us a situation in which it is virtually impossible for us to limit phony independent expenditures, which has meant that we have had to go through all these convoluted activities in order to try to square ourselves with the Buckley versus Valeo decision while trying to protect the public interest; so I congratulate the gentleman.

The Supreme Court has given anyone who deals with the this situation, and God knows I have been dealing with this since 1975, the Court has given anyone who deals with this issue an impossible task because of their naive understanding of what constitutes campaign practices in this country.

My own guess is that in the end we are not going to be able to make further progress unless we actually amend the Constitution itself to correct the Court's mistake; but absent our ability to do that, I congratulate the committee for its work today.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, this is an issue that I certainly have given a great deal of thought, and time, and effort to as a member of the House Administration Committee and the task force on election reform.

I am very disappointed at the result of all that work. We have before us another closed rule which denies the minority the opportunity to have further impact on this legislation, much as I believe our ideas have been shut out throughout the process.

Mr. Speaker, this bill is based on public financing, and yet there is not one single dollar allocated for that public financing scheme. There is no funding mechanism in this bill. I want the American public to understand that we are passing a bill calling for public financing of congressional campaigns without any financing scheme.

This bill conceivably could cost \$1 billion in public financing over the next 10 years, depending on how it is funded.

Now, in our task force, we traveled around the country to various places. We had a couple hearings in Minnesota and Wisconsin to presumably look into the future where they have these public financing laws in place. What we found was that the vote in those States, the funding was running out. It was drying up, that serious candidates were not accepting public financing because they could not get enough money and because they were perceived as weak if they took the money.

More and more the State legislatures required stronger and stronger penalties against those who did not take public financing to shore up public support for this effort.

The Presidential campaign financing scheme is about broke, and it will be after this election.

Americans are participating less and less in public financing. It is down to less than 20 percent of the American public who pay taxes who are contributing on the check off.

Mr. Speaker, I intend to offer a motion later on in the debate to recommit to the conference, and I would urge all Members to give that recommittal motion an opportunity to pass.

Mr. MCEWEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH].

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

Let me just say, with a great sense of discomfort, I am going to vote for this bill, but I must tell the distinguished chairman who led this effort that I do think there are elements of his bill that are a sham and that in totality the majority approach is a shame. Let me explain why.

What we have here is a bill that involves spending limits. I like that principle, but who thinks between \$600,000 and \$1 million—we do not know precisely because there are open-ended caps in some of this spending—is significant? For example, there are no caps on legal fees, which means that a candidate who employs the most dicey techniques under the law will be entitled to spend more money under this

bill because legal fees are uncapped. These simply are not serious limits.

The second point I would like to make is that this bill is supposed to put new limits on PAC's, which would be a great progressive step forward. Actually, I think it is guaranteed to keep citizen watchdog groups, like Common Cause, in business for a long time to come.

When you think about it, the House went with the status quo, \$5,000 caps, to be donated twice in the election cycle. The Senate proposed the elimination of all PAC's, which was very progressive, and then provided that, if the Supreme Court threw such limits out, a thousand dollar per PAC limit would be established.

What did our conference committee do? Our conference committee said, "Gosh, let's keep to the House position. Let's not be progressive like the Senate, and then let's let the Senate partially off the House and allow the Senate to go above their voted position to \$2,500 per PAC."

But of real interest to this Member, of extraordinary interest, we now have two standards—one for the House and one for the Senate. House Members will be allowed \$5,000 from each individual PAC, the Senate \$2,500. The Senate will be under presumably more pristine, more principled rules than the House in this fundamental regard, although I understand in other ways there might be an argument that the House has gone further. This is like saying that we in the House are going to be less hurt or less influenced by these large amounts of money than those in the Senate.

Why could not the House conference have gone backward, and by backward I mean accept lower limits?

Now, we are talking about a rule here, and one of the reasons that the minority objects is that there are no amendments allowed, which is a classic circumstance around here; but let me tell you what happened when this bill came to the floor. Very serious Members of this body, led by the distinguished gentleman from California [Mr. BEILENSEN] had a wonderful approach that I identified with, that the Rules Committee did not even allow to be voted on. That is, a senior member of the Rules Committee on the majority side wanted to offer substantive reform, but this bill was considered so sensitive to the self-serving needs of reelection of Members that real reform could not even be voted on in this body.

This kind of rules arrogance is the reason so many in this country are so upset. The country has concluded, properly when that incumbents write proincumbent bills.

Mr. Speaker, all I would say to this body in conclusion is this is a very serious issue. We are taking a step, maybe two steps, in a hundred-yard

trek, and these steps are zigs or zags. They are not straight. As every Member of the majority knows, this is reform that is single-party oriented. It is more disciplined for Republicans than Democrats. I happen to think that this discipline is a step in the right direction.

But why do you not have the courage to put discipline on yourselves? Why do you keep these \$5,000 nonlimit limits? Why do you put on a spending limit that is way beyond statistically what the average Member is currently spending in their race?

This is not reform. This is what gives reform a bad name, but it does have, and I must say to the majority, some points that are very thoughtful. We are finally doing something about leadership PAC's; we are doing something about containment of some kinds of fundraising and campaign spending. But it is a small step, and should not be sold as anything bigger than a small step.

The next time around, if you are in the majority, I hope you have the decency to put similar limits on the kinds of PAC's that help you as the kinds of limits you are putting on the minority.

□ 1220

Mr. MCEWEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, as the House prepares to take up the campaign finance bill conference committee report, it is very interesting to read comments attributed in the Washington press to the bill's sponsors and the House Democratic leadership. This illustrious group has made it quite clear in their public comments that they plan to put the onus back on the President by forcing him to veto this incumbent protection bill. I find this supremely cynical, that these senior Democrats say that they expect and want the President to veto the bill. And why do they say this? To divert the public and media attention away from the scandals enveloping this Congress and the scandals that have occurred on the watch of the House, the present House, leadership and to divert attention away from the need for fundamental reforms of this place to make it accountable to the average citizen again.

Mr. Speaker, if our Democratic friends were genuinely interested in crafting bipartisan campaign finance reform, they would, No. 1, eliminate public financing of congressional campaigns, which will only increase our deficit problems; two, replace artificial and arbitrary reforms which limit total spending in congressional campaigns as \$600,000 for both primary and general elections and \$200,000 for total PAC contributions, both figures, by the way, which were indexed for inflation,

and they would be willing to look at other reforms proposed by House Republicans.

Our reforms are very simple, commonsense reforms. First, we would require all candidates for Congress, challenger and incumbent alike, to raise at least 50 percent of their campaign funds back home in their district, theoretically from the same people who will be voting for those candidates in the next election. We would reduce PAC contributions from \$5,000 to \$1,000, basically creating a level field between PAC contributions and individual contributions because the last time we attempted campaign finance reform in the late 1970's, we gave rise to the prominence of PAC's by allowing PAC's to contribute \$5,000 and limiting individuals to \$1,000, and, lastly, the House Democrat leadership will entertain our reforms on banning soft money and franked mail reform, particularly the franked mail reform that ought to be put before this House for an up-or-down vote in this election cycle. We have Members who are now using the frank privilege to blatantly and widely mail outside their district, and why? This is blatant electioneering, pure and simple, and this is a practice that ought to be banned in the name of restoring some credibility and accountability to Congress.

One other aspect that I would like to suggest is a linkage. If we are going to have public financing for congressional campaigns, then why do we not, as it was entertained in the other body, why do we not consider at least a debate on term limits for those Members of Congress who accept financing for their congressional campaigns? I think this is a linkage that the American people would very much like to see debated in this House.

Mr. Speaker, given the present low opinion of Congress by the American people, I cannot understand why a more serious attempt at campaign finance reform has not been placed before us today. I urge defeat of the rule and defeat of the conference committee report.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GEJDENSON. Mr. Speaker, I call up the conference report on the Senate bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. MCCURDY). Pursuant to House Resolution 426, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of April 8, 1992, at page 8462.)

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 30 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, it is my great privilege at this time to yield such time as he may consume to the chairman of the full Committee on House Administration, the gentleman from North Carolina [Mr. ROSE], a gentleman without whom we would not be here today with this bill in its present form, and I personally, as the chairman of the task force, would like to thank him and his staff for their great assistance throughout this process.

Mr. ROSE. Mr. Speaker, I thank the gentleman from Connecticut [Mr. GEJDENSON], and we would not have a campaign finance reform bill if I had not had the good luck to have the gentleman as chairman of this task force. So I appreciate his saying those nice things about me, but this is his handiwork, and I think the whole House clearly understands that.

Mr. Speaker, I am proud to be here today to join with my colleague from Connecticut in presenting virtually the most comprehensive reform of this Nation's election laws ever to be written. I particularly want to commend my friend from Connecticut for a job well done in chairing the Task Force on Campaign Finance Reform and guiding this complex legislation through rocky waters.

I am here today because I believe that changes in the way we finance campaigns are long overdue. The American public is clamoring for us to manage our elections in a fair and responsible manner. And what the public wants most is for Congress to control the skyrocketing amounts spent to run for office. Instead, they see candidates, both incumbents and challengers, spending millions of dollars without limit, simply to get elected and re-elected.

The only way to regain the public's respect is to limit and control campaign spending. It is time to establish once and for all that public offices cannot be bought by the highest bidder. It should not be the amount of money spent by candidates which wins elections, but, rather, the quality of the candidates' message. That is why I consider spending limits so important.

This conference report limits spending in a fair and reasonable manner; \$600,000 every 2 years is more than enough to cover 80 percent of our races.

By supporting this conference report, we can stop uncontrolled spending. And, most importantly, this conference report does not take funds from any existing Federal program or from the taxpayer. This conference report does not increase the Federal budget deficit.

I believe that it is time to take this important step to restore the public's confidence in our elections. This is real reform, and I urge all of my colleagues to support this conference report.

The SPEAKER pro tempore. Pending the return to the floor of the gentleman from California [Mr. THOMAS], the Chair recognizes the gentleman from New York [Mr. WALSH] to manage the time on the Republican side.

Mr. WALSH. Mr. Speaker, I will, as time allows, yield time to members and, if the gentleman from California [Mr. THOMAS] returns, I will relinquish the time to him.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I would like to thank also the chairman of the task force that I worked with all these long months in order to discuss this very, very important issue.

Mr. Speaker, we have a bill before us that I believe is seriously flawed. I think there are a number of major problems, but the No. 1 problem with this bill is it is called a public financing bill, and it contains no public financing. There is no funding scheme to fund this bill. The second problem is that the House and Senate are allowed to operate under different rules in terms of elections financing, and, third, it places spending limits on incumbents, and challengers, but the spending limit is set at \$600,000; \$600,000. Mr. Speaker, that is hardly a limit. It becomes more and more a rich man's game when we read into the bill and determine that \$60,000 in individual personal funds are also called a limit.

As I mentioned earlier, we traveled to Minnesota and Wisconsin to look at the public financing laws that those States have, and we heard legislator after legislator come before us and tell us that there was not enough money in the system, that individuals who took advantage as challengers of public financing were perceived as weak, as if to say that they could not raise money in the private sector, so they had to come to the public sector to raise that money.

□ 1230

We have also seen in our experience that the Presidential public financing scheme, the checkoff, is becoming less and less supported by the American public, to the degree that we had to take emergency action earlier this year to make sure there was enough money to get through this Presidential election. But in fact that fund will be bankrupt at the end of this election year.

The Senate took a hard line position on PAC's, eliminating PAC's, and then they folded and gave up on that. Now they allow funding by PAC's.

The bill that we have before us continues to allow free mass mailings in an election year. Mr. Speaker, there are demonstrated statistics that show that incumbent Members of Congress spend more taxpayer dollars. In the last cycle it was \$130 million in taxpayer-financed franking; \$130 million was literally twice as much as all other challengers spent on all of their campaigns. So there is a tremendous incumbent protection program built into this bill.

Mr. Speaker, I offered a bill in the midst of this process that I consider to be real reform. It would have required fully 100 percent of all money raised for a congressional campaign to come from the district; 100 percent. There would be no fundraising in Washington, no fundraising in Hollywood, unless you represented that district, and no fundraising in New York, unless you represented that area.

If you cannot get support from your home district, then you should not be able to raise money anywhere else. Your first responsibility is to the people of your home district that elect you.

I also felt that we should have a limit of \$200 on all campaign contributions, whether they are individual, whether they are corporate, whether they are PAC, whether they are personal. That, unfortunately, did not pass. But I consider that to be real reform, not the complex set of conditions and issues that are put before us today.

Mr. Speaker, as I mentioned, I will offer a motion to recommit at the end of this debate that will allow for the further discussion by the conference committee of issues that I consider to be real reform. I would urge all Members to give that motion the opportunity to pass.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

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

Mr. Speaker, I urge a "no" vote on the conference report. This is a sham. I say it again: This is a sham. This is not reform, it is a fraud.

Machiavelli instructed his students of politics that what was important in political life was not to do good, but to appear to do good. That is exactly what this bill does, it appears to do good while it does not.

This House is racked with scandal. We didn't pay our restaurant bills and we have had to clean up that mess. We did not clean up the postal system. Then we had the problem with our bank. Now we come up with the ultimate in perks, a new perk, where every Member of this Congress gets \$200,000 every election cycle from the taxpayer. That is the ultimate perk.

How dumb do you think the American public is? To get the perk, you do not have to raise one bloody dime, not 10 cents, not 1 cent from people inside your congressional district. To get the \$200,000 perk from the new House bank, to be administered by the same Committee on House Administration that put locks on the doors of the minority just yesterday when they were trying to investigate the House post office abuses, under the same administration, to get the \$200,000 biannual perk from the taxpayers, not 1 penny has to be matched from the voters in your district.

If you want to stand up and defend that, do it. If you want to stand up and defend that kind of abuse in the name of good, in the name of trying to make this House and these Members more directly responsible to the people who vote for them, go ahead and vote for it. But I would be ashamed to put up a green light for this vote.

All you are going to do is organize more committees with mail solicitation where you get 1,000 people to send in a \$100 contribution from party activists or special interest activists around the country. It comes in, and then you get a 100-percent Government match, taxpayer match.

Mr. Speaker, it is a new bank. It makes the bank at the Sergeant at Arms look like nothing in comparison. It gets to the heart of what this institution is, a heck of a lot more than whether or not we have a gym. It reaches into the depths of what this body does a heck of a lot more than whether we have airport parking.

Mr. Speaker, you ought to be ashamed of calling this good if you do not require that the funds that qualify for any kind of match are raised by voters in your own legislative district. This is not reform; it is fraud.

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

Mr. Speaker, there are battles in legislatures and congresses and parliaments across the globe, but there are still so many people that do not have a democratic institution to bring their grievances. Sometimes in the heat of debate and seeking political advantage, I get the sense that some of my colleagues hope they can burn this institution down, and in its ashes they can rule.

None of us will gain by destroying the Congress. None of us will gain by constitutionally trying to put this House in the worst light.

Mr. Speaker, it seems to me that if we care about democracy and democratic institutions, that we ought to lower the rhetoric on this institution just one notch, because this is the premier legislative body on the globe. It is the cleanest and the least corrupted Legislature anywhere on the face of this Earth, and that is what we ought to understand.

Mr. Speaker, my parents fled the Soviet Union while it was still under Stalin. They fled a government that gave no one the right to speak out and gave no one the right but the few in the party to participate in the political system.

As dangerous as that was, we are in the same kind of danger if we only allow those with money and power to affect the political process in America.

What we need is a political system that gives the average voter more ability to feel that their voice is heard, and not just those who are most wealthy or those who are organized to the greatest degree.

The critics on the other side of the aisle say that we have not cut down on Democratic advantages in the system. Well, let me tell Members, it took some effort on my side to convince my colleagues to not take even more than we were taking from Republicans. In political action committee money, the Democrats on the majority received 53 percent of their dollars from those political action committees. We cut that to one-third. The Republicans got 41 percent on average from political action committee money. We cut that to one-third. We cut the Democrats more.

When you take a look at leadership committees, which are done away with in this bill, there are virtually none on the Republican side. We do away with them, and that only affects Democrats. We also limit how much money wealthy people can put into the system.

□ 1240

Do not stand before us and tell us that Members are somehow pure if they lock out political action committees, an act that most people feel would be unconstitutional—political action committees that range from unions and oil companies to the Sierra Club—and then turn around and say that if all the money comes from the board of directors of the big corporations that somehow a Member is pure.

Everybody knows the game around here. We stand up and announce we are not going to take PAC money, and then we write to all these corporations and say, listen, I do not take PAC money. I would like to get the board of directors of all of the companies to send me the money directly.

We had one Member the other day talking about how spending limits were bad. I could not figure this out. Then he said, "I have got \$2 million in my account."

Of course, those who have access to wealthy people and wealth would like to have campaigns determined by a race for dollars.

The Magna Carta, which we have a copy of in the Statuary Hall, started the process by giving rights to people who had wealth and property. We got rid of the poll tax in this country be-

cause it restricted the involvement of the public to only those who had cash on hand. Do not make campaign finance reform contingent on raising money and only in your district, because then only those with wealth will have the ability to enter the political process.

On average, 80 percent of the money in campaigns is raised in districts by Democrats and Republicans. It is a phony issue.

But what it does in some districts, it precludes those who represent the poor, those who represent environmentalists against corporations like Exxon from being able to participate in the debate.

Let us not set up something we call reform that then skews it so only one side can enter the dialog and the debate of the campaign.

Different rules for the House and the Senate. We have different rules for the House and the Senate. We have a Committee on Rules. They do not. The State with the largest district has 52 congressional districts. The smallest in the House is barely a congressional district by any standard.

What we need to do is focus on a system that works for each of the Houses. Most of what we do is similar. We deal with the issue of PAC's. We do a little more in the House, frankly, because we limit it to one-third PAC's and one-third of the money can come from contributions of \$200 or more and no more.

The Republican reform bill that was offered would have allowed a Member to raise \$4 million from political action committees in one race. That is not my idea of reform.

We limit soft money. We limit independent expenditures. We limit the contributions from the wealthy, and that may be the most important innovation in the House bill.

Lastly, I would like to go back again to not what we have said here but what others have said about the work we have done, quotes from people who have written to us from newspapers across the country, from organizations that are committed to reforming the political process.

They have called this the most important reform bill that has been before the U.S. Congress. Let us not hope that entrance to heaven is based on perfection because I can guarantee my colleagues, there are not many of us or our constituents that would get in. But perfect cannot be the enemy of the good, and this is a major step forward in reforming the political process in this country.

From the New York Times and the Washington Post, from Texas to California, the papers that have looked at this legislation say, no, it is not perfect. They say it is the best thing we in elective Government have ever done, that this is a major step forward.

The groups outside the Congress that watch the reforms of Congress say the

same thing, that these are major strides forward.

And lastly, when I asked the administration to participate in the debate, when a representative of the White House was in the conference committee room in our final day, I took even that opportunity to ask them to participate, as I did the minority members of the committee with their proposals. The White House declined to participate in a reform package of campaign spending.

The President, who gets over \$200 million in public funds, says he is against spending limits, says he is against a bill that would limit spending and PAC's and soft money.

We have to work together, but we cannot respond to a President whose only answer is the veto pen, whether it is on unemployment compensation, on taxes, on health care, on education, and campaign finance reform. There is no national consensus on many issues, but where there is Presidential leadership, we can move forward.

The only thing we have heard from this President is no, and no, and no again. And that cannot be the answer for reform. We can work together, but we will not be bullied by this White House.

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

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

Mr. Speaker, I would remind the gentleman on the other side of the aisle that the President not only has offered a national health care plan, but he also signed into law an extension of unemployment benefits. I would hardly call those "noes."

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

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

I would first love to ask the gentleman from Connecticut how he can have a statistic that says that incumbents raise 80 percent of their money from their districts and yet he also quoted that the Democrats raised 53 percent of their money from PAC's. That to me, that does not fit.

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

Mr. SANTORUM. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, many of these political action committees do represent the workers and environmentalists in their district.

Additionally, if we take a look at the individual contributions, it is 80 percent of the individual contributions and probably as much as 90 percent of the political action committee money.

Mr. SANTORUM. Mr. Speaker, if the gentleman is going to say just because there happens to be a union member in the district that somehow or another

that political action committee is in the district, that is a farce.

We are talking about where the money is coming from, from individuals, people who vote in our districts.

Just because someone maybe contributed \$5 to a political action committee that in turn gave \$5,000 to the candidate, that is hardly raising money in your district.

The point is that we need a system that focuses in on the people who live in the district. I won an election 1½ years ago, outspent 3-to-1. I raised more money from individuals in my district than the person who outspent me 3-to-1.

We did it with volunteers. That is what American wants. They are tired of these big money, \$600,000 political action committee campaigns. They want people who are going to go out and talk to them, who are going to go on their doorstep or town halls and meet with them and see them and hear them. They want the people from the communities to contribute and support candidates. They do not want people from Washington giving big bucks down here to prop up candidates back home. They want the people to contribute at home who judge these candidates on what they are doing for the people in that district.

That is all we are trying to say on this side of the aisle. We are saying, "Don't continue the games down here. This is an incumbent protection plan."

The gentleman says, we are going to limit PAC contributions to \$200,000. What a limitation, my colleagues. The average contribution from political action committees to Members of Congress, incumbent Members, is \$213,000. Wow, we are going to cut back \$13,000 on average. What a sacrifice. What reform. Wonderful.

We are really going after these folks. This is a joke. This is no reform. Two times today we are going to be debating bills that are called reform packages that do absolutely nothing to change the status quo, to do anything to address the concerns that the American public has with this institution.

We are guaranteeing incumbency, and then we are going to put new paint down on the Sergeant at Arms office and say we have cleaned it up. It is a joke. We are not doing anything today.

People are mad. What they want is real reform. What they are getting is a new coat of paint.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR], who has really led the effort for some time on campaign finance reform.

Mr. SYNAR. Mr. Speaker, being a Member of Congress is about making choices. When we are in session, we dutifully troop into this Chamber each and every day, sometimes a dozen times a day, and make a choice. And we are not unused to the process.

My fellow Representatives, do not shrink from the choice which faces us today. The choice goes to the very heart of representative democracy and that will underlie every subsequent time from this day forward.

□ 1250

It would be ironic, indeed, as the emerging nations of Eastern Europe slowly return power to their citizens, that this Congress which, for the dark days of Communist rule was the bright beacon of hope for those behind the Iron Curtain, is seen as moving away in the opposite direction.

We cannot be seen as countenancing a situation in which the wishes and wants of the people of our districts once again take a distant second place to the clangor and crush of the special interests and their awesome power of concentrated money to corrupt the system the Founding Fathers envisioned for this House.

If we reject campaign finance reform today, I do not know when we will be able to return here again. But I do know that the House of Representatives will be a diminished place, its ideals tarnished, and its noble origins betrayed.

To my fellow citizens, it has taken us a decade to get to this moment. If we truly are committed to beginning to rebuild the public confidence which is so necessary to the fabric of this democracy, let us accept this challenge today and pass this legislation. Then we can say that we have made this democracy more competitive, we have improved the access of its citizens to the democracy, and we have enhanced this democracy the way our Founding Father would have wanted it.

That done, we will have served this Republic, we will have served this institution, but most of all we will have served this country. I urge the Members' support.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, this is an insipid brew that has just enough "sip" in it that I will feel compelled to support it. But the public must understand that this reform package places greater restraint on the Senate than the House, on Republicans than Democrats, and at the same time continues a system that gives stark advantages to incumbents over challengers.

As has been referenced by the majority, this Congress has a great history; yet the fact of a distinguished history should not blind us to the clear need for reform today.

The American people are understandably frustrated. One reason this is the case is that Madison's creation, the U.S. Congress, had less turnover in the last decade than Lenin's fraudulent single-party parliament, the Supreme Soviet.

It would be an exaggeration to analogize Congress to any Soviet institution. But it might not be going too far to suggest that a Con-

gress that is unwilling or unable to change, that serves up the status quo, is as vulnerable to citizen rebellion as King George's Parliament was two centuries ago.

It is no accident reelection rates have been in the 98-percent range in recent years. The House, which our Founding Fathers intended and expected to respond quickly to change, has been stultified by a campaign system that gives too many advantages to incumbents and too little opportunity to challengers.

PAC's turn upside down the nature of our democracy. They indebted candidates, especially incumbents, who by more than a 10-to-1 margin receive PAC contributions, to the interest groups that provide the resources to influence the electorate rather than to the voters themselves. They also nationalize rather than localize elections. One of the oldest truisms of government—all politics is local—is no longer valid. Candidates, especially incumbents, have in the last two decades tapped into a national fundraising spigot that causes rural representatives, for instance, to rely on organized labor and big business largess that has little in common with the economic interests of their districts.

If the trend toward more expensive races and thus heavier financial obligations for candidates is not curbed, Congress will become a legislative body where the small businessman, the farmer, the worker, and the ordinary citizen are only secondarily represented.

As for the poor, more than any other group in our society, they have the greatest vested interest in campaign reform. In a system where money buys access, the voices of the moneyless become muffled by the clanging coins of political action committees.

What is needed is a campaign reform agreement analogous to international arms control agreements. Just as reducing arms on a mutual basis enhances national security, reducing conflicts of interest advances the public interest. If business and labor can be reined in equally, the public debate can concentrate on the merits of arguments rather than the size of campaign war chests.

Lord Acton, the British statesman, immortalized his public service with the observation that power corrupts, with absolute power tending to corrupt absolutely.

It strikes me that a fitting corollary to the Acton dictum is the notion that even more corrupting than aspiring to power is fear of losing it. That is why Congress is so hesitant to reform itself. That is why, despite speeches to the contrary, every serious effort at campaign reform has been thwarted. That is why this year's efforts, in particular on the House side, are so lacking in substance.

A second, more limited, corollary to the Acton dictum is that the longer power is held by a single party in a legislative institution, the greater its abuse. Lack of competition induces arrogance of both subtle and no-so-subtle natures. It is this arrogance of power that is responsible for the collapse in public confidence in Congress. If one believes, as I do, that it is competition in the political environment that reins in excess, it is reasonable to conclude that ending PAC's, putting on stiff spending limits, is a responsible goal. Unfortunately, this bill doesn't do it. It is an exercise in cynicism that will invoke a presidential veto.

The strength of the American system is the institutionalization of change. What the country needs to go forward is for Congress to look backward and return to old-fashioned values. We need a new competitiveness, legislative checks and balances, not stultified incumbency; serious restraints on campaign spending and political action committees, not more self-perpetuating political IOU's.

Let's quit the quarter steps and dare stride to comprehensive reform: Containment of spending, the abolition of PAC's, restriction of donations to those who can vote for a candidate, with the possible exception of matching small contributions with public funds.

Campaign reform is the unfinished business of a Congress in disrepute. Let's get serious instead of remaining steadfast in fractious, hortatory, nonstarting efforts of the nature served up this afternoon.

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

Mr. CLINGER. Mr. Speaker, I rise in opposition to the conference report.

This version of the bill, just like the earlier versions, fails to eliminate the built-in fundraising advantage held by incumbents.

Not a day goes by on Capitol Hill that a Member of Congress, or the staff, does not have some form of contact with a lobbyist who can influence PAC donations.

Is it surprising, then, that incumbents received more than 80 percent of all PAC contributions in the last election? Or that incumbents received more money from PAC's than from individuals in the last election?

If the majority of an incumbent's war chest comes from PACs, challengers will not be able to compete.

On the other hand, if most of a candidate's campaign funds were to come not from Washington, but from the district, the challengers would be on an equal footing with the incumbent.

If control of campaign financing were to be shifted from Washington to the real America, constituents would be more important than special interest groups. This place would be, in reality, the peoples' House.

It will not happen under this bill. Why not? Because this bill was drafted by good 'ole boys who were looking out for each other, who think of the House of Representatives as their own personal House. And they want to put up a barbed wire fence around that House.

I say it is time to unlock the front door and put out a welcome mat. Veto no, and then we can get started on a real reform bill.

Mr. WALSH. Mr. Speaker, I yield three minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this legislation is the ultimate free lunch long championed by congressional Democrats. The bill has plenty of benefits, or payments to candidates, but it is painlessly free from a funding source.

The Democrats receive kudos from Common Cause and the League of Woman Voters for including public funding in their bill. The Washington

Post commends the Democrats for providing public funding, or its equivalent in kind to candidates. The New York Times lauds the landmark legislation for its sensible public financing.

But the Democrats are reluctant to take credit for including public funding in their bill. Apparently, the Democratic leadership gained support from the conservative members of their caucus by promising that the bill did not contain public financing.

So, the Democrats want the credit for giving free money to politicians, but they do not want the responsibility for paying for it.

This bill is celebrated as a sweeping reform measure. However, none of the alleged reform in the bill will go into effect until estimated costs are offset by subsequent funding legislation, or a tax-raising bill.

Under the paygo restrictions of the Budget Enforcement Act, any increase in entitlement programs must be deficit-neutral. This bill sets the precedent for expanding entitlement programs with the stipulation that we'll pay for it later. The American people have had enough of this smoke and mirrors.

This conference report also includes a Sense of the Congress resolution that provides that the alleged funding source will not come from a general revenue increase, or from cuts in other programs, or from an increase in the Federal deficit. This would be comical if it were not so dishonest.

Funding for any Government program must come from either raising taxes, cutting other spending, or increasing the deficit. Magically, this conference report bill will do none of these unpopular things, but it will provide the popular benefits. This bill represents modern day alchemy—Democrat chemists have produced golden benefits for politicians, seemingly out of thin air. This is a miracle.

Just as Wimpy tells Popeye, "I'll gladly pay you on Tuesday, for a hamburger today," the Democrat leadership tells the American people that they will gladly find a funding source on Tuesday, in exchange for a public financing bill today. Old Popeye was smart enough to know that Wimpy was pulling a fast one, and the American people are smart enough to see through this free lunch scam.

While the inclusion of public financing is enough to force my opposition to the conference report, I also oppose the spending limits that are the cornerstone of this legislation. Spending limits will simply prevent a well-organized challenger from raising sufficient funds to overcome the numerous advantages enjoyed by incumbents.

Incumbents are already given the use of the frank, staff allowances, and media exposure which challengers do not enjoy. In the 1989-90 congressional cycle, Members of the House of Representatives spent \$130 million on

franked mail. By contrast, all of the challengers to these privileged incumbents spent a total of \$37.9 million on their campaigns. How can a challenger compete when the taxpayers already provide incumbents with free mail that costs three times more than challengers spend in total.

By limiting the amount that a challenger can spend to compensate for these disadvantages, the Democrats protect their majority status in Congress. This conference report maintains advantages for incumbents, while limiting the support challengers are able to generate.

The Senate version of the bill prevented Senators from sending franked mass mailings during an election year. By including this provision, the Senate admitted that taxpayer-funded mass mailings in an election year are an unacceptable incumbent perk. By mistake, the original conference report applied this provision to the House, and yesterday, we came to the House floor to make sure that House Members were exempt from the franking ban. Apparently, franked mass mailings during an election year are an abuse on the other side of the Capitol, but they are a necessity on the House side. This is a very curious reform bill. How ironic that the only true reform was an error and was quickly corrected by the House Democrats.

In contrast, the Republican substitute that was defeated on the House floor last November would have required that a majority of a candidate's funds be raised from local district sources. Therefore, candidates would respond to their own constituents instead of special interests.

Second, we would have reduced the allowable PAC contribution from \$5,000 per election to \$1,000 per election, the same level currently imposed on individuals.

Third, we would have banned soft money contributions that are loopholes in the Federal election campaign law. The Democrat bill allows soft money from unions and maintains the widely used building fund loophole.

We all know that this conference report is going nowhere fast. President Bush clearly stated he would not sign a bill that contains public financing, spending limits, and treated the House and Senate differently. Well, this conference report contains all three objectionable elements and is headed for a certain veto.

Somehow, the Democrats think the American people support public financing and this bill represents a great campaign issue. Maybe they haven't seen the results of the other public financing program, the Presidential checkoff system. Last year, 19.5 percent of the American people elected to divert one of their tax dollars into the campaigns of Presidential candidates through the checkoff on tax forms.

This is a clear referendum on public financing. The House should represent the will of the American people and reject this second public financing scheme.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. BROWDER], who has been of great assistance to us in fashioning this legislation.

Mr. BROWDER. Mr. Speaker, some people may get the idea that this is all a game, a political game of who can shout the loudest, about spending limits versus public financing, about bashing the Congress or bashing the President, about fair or unfair debate rules.

So let us be honest with ourselves and America. This particular bill is not going to become the law of the land. We will probably pass it and the President will probably veto it. But our action today, if not the final conclusive solution, is a critical step on the road to campaign finance reform. Today, with our vote, we will send a loud message about our dissatisfaction with the role of big money in congressional elections. As one of my homestate newspapers said:

Campaigns are not just about candidates. They are also about ideas. With all that campaign money choking off any real challenges, the competition of ideas so necessary for new policies is strangled. And the policies we do get are molded far too much by the wants of the money men.

I urge support for the conference report and spending limits on congressional campaigns.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, this conference report is not campaign reform, it is welfare for politicians. Among the outrages included in this bill is a \$200,000 taxpayer-financed slush fund for congressional candidates. The American people oppose their tax dollars being used to pay for attack ads and polls by overwhelmingly checking no each year on their tax forms when asked if \$1 from the Treasury should go to Presidential campaigns.

The \$1 billion in political welfare checks that this bill expends in the next decade will come from the Federal Treasury, which already faces an annual \$400 billion budget deficit.

Mr. Speaker, this bill is another congressional rubber check. In recent Presidential elections, millions of taxpayer dollars have gone to convicted felon Lyndon LaRouche, racial extremists, and other bizarre candidates. If this bill passes, you can bet they will have slates of candidates in subsidized congressional races as well.

Mr. Speaker, enough is enough. We need real reform that does not bilk the American taxpayer. Vote no.

Mr. GEJDENSON. Mr. Speaker, I yield 3½ minutes to the gentleman from Kansas [Mr. SLATTERY].

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

Mr. Speaker, I rise today to make some general observations about this legislation which I intend to support. I do so knowing that it is far from perfect, but I appreciate the effort that has been made to bring this legislation to this point.

When we engage in this debate about campaign finance legislation, it is important for us to see this issue in historical context. When we do so, it is helpful for us all in this country today to realize that the whole issue of campaign finance reform is a relatively recent issue. As recently as 25 years ago the public had little idea as to who was financing congressional campaigns.

In fact, if we go back into Presidential history, no one really knows for sure, who financed Franklin Roosevelt. No one knows who financed Harry Truman. No one knows who financed Dwight Eisenhower. No one knows who financed President Kennedy. No one knows who financed his campaign in the West Virginia primary in 1960. No one knew who was financing Lyndon Johnson, and no one really knew for sure as recently as the Nixon years who was financing President Nixon.

□ 1300

I make these historical observations only to make the point that perhaps the single most important bit of information that the public has a right to know and is ultimately very helpful in determining who they want to support in a political race is to know where their financial support is coming from. I contend that whatever we do in this area should be done in such a way as to make sure that the public has full disclosure, so they know that your support is coming from labor unions, or bankers, or rubber workers, or farmers, or lawyers, or whoever is helping you. That is what people ultimately need to know.

I would just also observe that there has been a lot of lambasting of political action committees. Let us keep in mind that the PAC's, as we know them today, were originally a reform. They were a reform designed to reduce the influence of large contributions coming from very wealthy people in this country. The theory was we could get more people involved making smaller contributions to a pot of money that would be contributed to a candidate.

I ask my colleagues: How can we pretend that we are going to eliminate PAC's when the first amendment to the Constitution clearly guarantees our citizens the right to freely associate, it guarantees them the right to free speech and free press. How can we restrict that right? I don't think we can. And if we say we are going to eliminate a PAC that represents rubber workers, or farmers, or teachers, then are we

not just a step from saying we do not like the philosophy of the Republican Party or the Democratic Party so, therefore, we are going to restrict their right of freedom of expression?

I would suggest to my friends that we would do this country a great service if we would spend a little bit of time trying to inform our constituents and the citizens of this great democracy about the fundamental rights they have as citizens, and to remind them that today in this country the political system, as crazy as this may sound, is probably cleaner, more open and providing our citizens with more information about who is supporting political candidates than ever before in history.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to our distinguished Republican conference leader, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding the time.

Ladies and gentlemen of the House, I would suggest that all of us should indeed beware of a bill described as a reform when we are talking about an item like campaign finance, an item that is most important to incumbents in the Congress who so desperately, above and beyond all else, want to get reelected. The public does know that this Congress has been run for the last 38 years by the same party and the Democrat leadership and the Democrats sponsoring this bill are concerned about campaign reform because they want to assure that campaign finance legislation moves in a fashion to ensure their reelection.

They had to correct their bill yesterday because they discovered a mistake in it. The mistake was it cut out their ability to use taxpayer funds to send mass mailings in the 12 months preceding an election. Free pictures—free promotional mailing—they did not want to lose that perk, indeed.

As they went forward with fixing the campaign bill, they now have designed a provision that calls for taxpayer financing of campaigns in the future. Essentially they are saying look, on the one hand we want to be able to use the perks around here for making sure we are reelected by way of mass mailings in-house, and beyond that we also want to create the grandest of perks and is that they want taxpayers to pay for our campaigns.

This bill, in the name of campaign reform, is nothing but a design to secure incumbent reelection, and the incumbents who care most are the liberal Democrats who run this place.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the distinguished Republican whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me say today we are seeing the real Democratic Party machine in action after all of the talk about reform. What we

have is a proposal to have a new House bank with a new line of credit for incumbents. It is a very simple system.

First you go to some centers of influence—Hollywood, New York—you raise the \$250 apiece, and then you go to the taxpayers through the Treasury and you raise the matching money, and then you go to the political action committees and you round it all out. You did not have to raise a penny in the district you represent, did not have to raise a penny from the normal working Americans.

Or, you set up a framework where every law firm in Washington makes sure that its associates get in the habit of coming to your reception at \$250 apiece so that the taxpayer will then match them, so then you can go back to the PAC that the law firms represent and you can raise all of the money in Washington. It is bizarre that in a period when we are talking about reform, in a period when we are talking about perks, that we are going to create a brand new system of financing by the taxpayer to give the incumbents a dramatic new amount of money to allow them to lean on the taxpayer without ever having to go home. Now you can just go down to your favorite special interest, raise the first unit of \$250 from the individual, get the money from the Treasury, and then go back to get the PAC money and never leave Washington. It is the perfect Democratic incumbent protection account. Or it could be called the Law Firm Empowerment Act. Do all of your business with a handful of law firms. They will give you the cash on the personal side, and they will make sure their PAC friends give you the cash on the PAC side and the Treasury provides the rest.

It is an astonishing example of why 73 percent of the country are sick of the current system and want radical change, and it is no wonder that people like Jerry Brown survive and keep moving, because this is an atrocity.

Mr. GEJDENSON. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. ECK-ART). The gentleman from Connecticut [Mr. GEJDENSON] has 9½ minutes remaining and the gentleman from New York [Mr. WALSH] has 11 minutes remaining.

Mr. GEJDENSON. Mr. Speaker, I yield myself 30 seconds to answer the last two speakers.

What we have is a system where the gentleman from Georgia in his own race had to raise \$1.5 million. He went out and got \$433,000 in PAC money. I wonder if the gentleman does not think the system would be improved if instead of having to raise \$1.5 million he could run his campaign on \$600,000? I would yield to the gentleman a part of my 30 seconds for a response. Does the gentleman not think it would be better instead of having to go out and raise \$1.5 million?

Mr. GINGRICH. Actually, I do.
Mr. GEJDENSON. And raise \$600,000 instead of that? We have a limit. We have no public financing.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, why is campaign finance reform important? The United States today is one of two nations in the industrialized world without a national health care system; the gap between the rich and the poor is growing wider every day; and while the salaries of the chief executive officers of the major corporations continue to soar, 10 million of our workers are unemployed, 5 million of our children go hungry, and 2 million Americans sleep out on the streets.

Mr. Speaker, it is no secret that the President of the United States and the U.S. Congress do not represent the needs of ordinary Americans, and one of the major reasons for that is that we have an absurd approach to campaign financing which, to a very large degree, allows wealthy people, and major corporations to buy and sell politicians.

Mr. Speaker, as Common Cause has recently said, the legislation we have before us today is not perfect—but it does constitute real and fundamental reform. Most importantly, it limits the amount of money that can be spent in an election. What this means is that wealthy people, and candidates who are representing big money interests, will no longer be allowed to outspend their opponents 5 to 1 or 10 to 1. What it means is that there will be a level playing field, with all candidates having a fair shot at victory, and that is a victory for democracy.

Second, this legislation limits huge soft-money contributions from both political parties as well as special-interest groups. This is a real step forward. For those of us, for example, who are fighting for national health care, there is a real concern that the AMA and the insurance companies will spend millions of dollars in independent expenditures in order to defeat us, and prevent changes to our collapsing health care system. This is absurd and undemocratic, and this legislation goes a long way toward eliminating that practice.

Mr. Speaker, if the President vetoes this legislation, as he threatens to do, then all Americans should understand that he is far more interested in maintaining the political oligarchy of the rich, which presently exists, than allowing for a vibrant, responsive political system which represents the needs of ordinary people.

If President Bush, who is himself a recipient of millions of dollars of campaign contributions from the rich and the powerful, and tens of millions of dollars of public funds throughout his political career, vetoes this vitally important legislation, then the American voters should be prepared to veto him in November.

□ 1310

Mr. WALSH. Mr. Speaker, I yield 4 minutes to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker and my colleagues, the majority's decision to bring this bill to the floor today is an example of bad timing unmatched since General Custer told his troops, "Hurry up, boys, or we will arrive late at Little Bighorn."

The House is lacerated with self-inflicted wounds, mocked and scorned by the American people for its insider excesses, and exactly at this historic moment, the Democrats tell us that what the taxpayer needs right now is the ultimate congressional insider's vision of campaign reform.

Does this bill really contain public financing? The League of Women Voters thinks so. They say the legislation would provide for the first time public financing for congressional elections. The New York Times has given its blessing to the Democratic bill, and that is like one establishment saluting another, and refers to sensible public financing.

The Democratic leadership, trying to please all factions, tiptoes around that question coyly whispering that only partial public financing is involved.

I leave it up to the philosophers and the lawyers to determine exactly when public financing is not public financing. But whatever it is, the Democrats will not tell us how they are going to pay for it. Maybe they want us to believe the tooth fairy will leave money under the pillows of candidates. Maybe we will all hit the lottery. Maybe the taxpayers will be gouged again. Maybe.

But why go on?

The majority used its muscle to force us to choose between two big opposing bills, instead of trying to find some kind of amicable middle ground.

PAC reforms, franking, local funding for campaigns, soft money, and spending limits, every one of those issues was denied a separate vote by the Democrats. Why not debate each one of those individually and have the decision rest with a majority vote of this House regardless of how it falls?

The majority, with a sneer that could have graced the lips of young Elvis, in effect said, "Our bill or no bill." No wonder the President is going to veto this measure.

You know as well as I do it is never going to become law. It is just a gesture. Even with the ground shifting beneath their feet, the majority cannot do anything but go through the same old motions.

In a way, that is kind of sad. Here the Democrats, the lords of the House for almost four decades, with their stewardship of the House under attack from all quarters, their confidence is in question, their ranks are in disarray, and yet they come back to us from con-

ference with a bill that says to the American people, "Trust us insiders to take care of ourselves. We will figure out some way you can pay for it later."

This is exactly at the time that the American people are demanding participation and responsiveness, and the Democrats tell us they know best when it comes to campaign reform.

I tell you, the Big Daddy Democrats are striking again. I am certainly forced to vote against this conference report. I hope Members will join me in that opposition vote.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I rise in very strong support of the bill on the floor. I think it is a major step forward toward the ultimate of reform which I would hope to be the elimination of political action committees and the very severe reduction of the amount of contributions we, running for Federal office, can take.

I want to take a moment to salute the gentleman from Connecticut who has waged a wonderful battle over these many months and his colleague, the gentleman from North Carolina as well, because I really think they have done credit to this body.

This bill does limit spending. It does reduce the influence of political action committees. It does curtail the use of soft money and the practice of bundling.

I would like to mention to those who disparage the idea of public financing. I think it is the only real hope we have of returning politics to the people. The people have been evicted from the center of the process by big money and big special interests and big political action committees. The only way to return them to the heart of the process is to encourage small donations and to encourage the use of public financing.

I certainly support the bill and commend the gentlemen.

Mr. WALSH. Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCREST] for a unanimous consent request.

Mr. GILCREST. Mr. Speaker, I ask unanimous consent that I go on the record as being against this bill. When I first ran my campaign, \$300 that I earned went toward my primary victory, and I think public financing in all of its ramifications is not a good idea.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ECKART). This is a more than a unanimous-consent request. A unanimous-consent request must be confined to a simple request to insert a statement in the RECORD and may not include a speech without yielding to time.

Mr. WALSH. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. THOMAS], the leader of the Republican task force.

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

Mr. Speaker, I want to compliment the gentleman for his long and arduous trip in participating in the task force, at least during the hearing stage.

As most of you know, Republicans were not allowed to participate in the structuring of the actual bill itself, nor were we able to participate in any meaningful way in the conference report.

I find it ironic, however, that the Democrats found a use for this gentleman from California, and his interest in the frank, to bail them out of one of the fundamental problems they have around here, and that is making mistakes. It was my pleasure to bail you out of a mistake you folks make in your conference report. What was the mistake? It accidentally treated the House and the Senate in exactly the same fashion.

They have been very, very careful to make sure that the House and the Senate are not treated in the same fashion in this bill.

You know, if this were only real reform, if all of the speeches that were being given about the bright new day was actually going to occur. But words are cheap, and we all know that the Democrats are not serious in the proposal that they are pushing to a veto.

Why? You have heard the Democrats talk about soft money, so-called sewer money, how bad it is. You would think that in the conference report soft money, money not eligible to be spent in a Federal election, would be banned. The truth? It is not banned. That portion that the Democrats tend to use more frequently is not banned. Union money is not banned. The so-called building fund using soft money is not banned.

The Republican proposal, on the contrary, banned soft money, no ifs, ands, or buts. It banned soft money.

If the Democrats were serious, they would ban soft money. They do not.

The Democrats propose to have the taxpayers pay for elections. Of course, not in this bill. There is no money in this bill. There is no provision for the requirement that money be present. It is a shell. It is an empty house. It is a gesture. It is for political reasons that they move this bill forward.

You know, folks say that there are only three things wrong with taxpayer-paid finances: First, the Democrats are not for it; second, Republicans are not for it; and third the people are not for it. But you have heard the Democrats stand up and say they are for it.

Let me tell you just 2 years ago, when an amendment was passed by a voice vote to include real taxpayer financing in the bill, the Democrats voted it down. The Democrats took it out of their bill.

Why? Because at that time they were trying to seriously fashion a package. Why in the world do they include it in this one? And remember there is no

money in it. Because they know it is not going anywhere. They have fashioned it for political purposes so that the President will veto it and they have an issue.

They would much rather box with shadows than deal with substance, and that is what the American people are sick and tired of, and frankly we already have taxpayer-financed elections. Take a look.

□ 1320

This is a comparison, not of the incumbents' war chests, not of individual contributions to incumbents, not of political action committee money being sent to incumbents. Over on the far right, that \$130 million is what you, the taxpayers, paid for franking by Members of Congress.

Take a look at the blue line. Not even \$40 million possessed by all the challengers, both Democrats and Republicans from all sources. Yet they want to set up another structure that takes taxpayers' money to finance their election campaigns, when they are already overwhelmingly into the taxpayers' pockets for the frank.

Now, you are going to tell me that the frank is an essential communication device between Members and constituents, and that this is, after all, an appropriate thing for taxpayers to pay for. They should pay for mailings from Members of Congress. Take a look at the way in which Members mail.

Now, are you going to be shocked if I tell you that these low points in the cost of mailing occur in years in which there is no election? And are you going to be shocked if I tell you that the high points, including almost \$80 million, \$70 to \$80 million in a single year is spent during the year in which there is an election? That this saw-toothed pattern of franking is based upon constituents' letters coming in and the Member mailing out in an ordinary fashion of communicating with the electorate?

You know it is hogwash. I know it is hogwash. They think they can fool you.

Yet again, the frank, that \$130 million, that amount that completely wipes out any of the money the challengers now have, which is not even taken into consideration in their bill, is used for campaign purposes. And they stand up and tell you over and over again that what they are doing is because the American people want it done, that we want to control campaigns, that there is too much money being spent in the system. They complain about the time that is consumed because they have to go out and raise money.

Guess what? They spend literally all their time raising money outside their districts.

Why do we not do something real simple, like telling candidates they have to raise the money from the people in the districts they seek to represent?

And do you know what? You the American people agree. Take a look. Over 80 percent of the American people say yes, the bulk of the money should come from the district or at least the State.

Do you know how much is required to come from the district or the State in the Democrats' bill? Oh, you guessed it, zero. Not one dime.

The SPEAKER pro tempore (Mr. ECK-ART). The time of the gentleman from California [Mr. THOMAS] has expired.

Mr. WALSH. Mr. Speaker, I yield 2 additional minutes to the gentleman from California.

Mr. THOMAS of California. Not one dime, Mr. Speaker, needs to come from the people who participate in the election.

Now, why wouldn't the Democrats create a structure which requires Members and candidates to try to raise at least the bulk of their money, a majority of the money, from people in the district? Do you know why? Because that would be real reform.

And do you know that all of their committee chairmanships, and all of the power that they possess back here in terms of running the place, and all of the gavels in their hands that produce money from PAC's rushing to them to try to influence the decisions that they make, would not be worth as much if they had to go to the district and ask an ordinary person to give them money. They want to keep a stacked deck. They want their power concentrated where it is, in their positions in Washington and elsewhere outside their districts. They can go to New York, and let New Yorkers give them money, because they are powerful.

The American people want them to go back home.

The Republican proposal said a majority of your money needs to come from the district, local control of campaign finance.

If you want something radical, this is it. They do not want something radical. They do not want something real. They want a partisan political gimmick which they are going to move forward to the President.

Oh, listen to their words, listen to their pleadings. They want to do it, if it is possible, with your money. They certainly do not want to do it with the money of the people back home, where they would have to go, back home, and be accountable.

Mr. Speaker, I would ask my colleagues, please, if you want to get serious, let us sit down and talk. Let us talk about the taxpayers' money already being spent in campaigns through the frank. Let us include that in the total, so that the challenger has a real opportunity.

And fundamentally and most importantly, if you want real reform, let us let the people back home decide how much money should be spent in an

election. Let the people back home determine how much you get to spend. Let us have local control of campaign finance. Let us let a majority of the money come from the people who are, after all, going to vote for you. That is real reform. You ought to vote down this conference report.

REQUIRE LOCAL FUNDING OF CAMPAIGNS

	Good Idea	Bad Idea	Don't Know
Q. Require "bulk" of campaign funds to come from district or state?	80%	15%	5%
Q. Require 75% of campaign funds to come from district or state?	76%	16%	7%

Greenberg-Lake survey of March 3, 1990.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I believe that both sides of the aisle really want to add additional campaign reform. I would like to remind my colleagues to my left that 14 years ago this House was operated by a Democratic Congress and we did have campaign reform. Members from both sides joined in that reform; however, I must oppose this particular conference report, and I say that it is the most unusual conference report that I have seen since I have been in the Congress.

It seems as though the conferees agreed to disagree. The Senate would have their rules and the House would have its rules, and they are not identical by any stretch. There are partial franking limits on the Senate and partial franking limits on the House. I think they should be coincidental. They should be identical.

We do not limit or reduce the PAC contributions for the House. The Senate says they will reduce PAC contributions. I think we should operate under identical rules.

We have different percentages of limits that may be spent in a Senatorial or a House election. I know the dollars are different, but the percentages are also different. When we come to percentages, the dollar amounts, \$600,000 for a House election, is quite a lot of money, and particularly when we are asking the taxpayers to pay for the House elections and we are not asking the taxpayers to pay for the Senate elections.

I really would hope, Mr. Speaker, that the reformers on both sides would go back into conference, talk over the possibility of a compromise and come out with a better conference report.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, this is a good conference report. This is a necessary reform. And I want to commend my colleague, the gentleman from Connecticut, for all of his hard work and diligence in bringing this product before us.

As a former secretary of the State for Connecticut, I believe this is an important opportunity for us to solve some of the major problems in the current campaign finance system. This bill sets up a system for voluntary spending limits to control ever escalating campaign costs, reduces the role of political action committees and steers the system toward smaller individual contributions, and curbs so-called soft money which is the biggest loophole in the system today.

Mr. Speaker, no bill is perfect. Over the last 100 years Congress has periodically risen to the challenge presented by emerging problems in the current system of the time and the public's disenchantment with those problems, and renewed itself and the public's faith by rising to the challenge and implementing reform. Now is a time for renewal. Now is a time for hope. It is not the time to vote against these important strides forward. It is not the time for a Presidential veto.

I urge all of my colleagues to vote for this conference report. Let us all vote for reform.

Mr. GEJDENSON. Mr. Speaker, it is a great privilege for me to yield the remaining time to the majority leader of the House, the gentleman from Missouri [Mr. GEPHARDT], who has worked with us in the field to make sure we could be here today with this piece of legislation.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 4 minutes.

Mr. GEPHARDT. Mr. Speaker, I listened with interest to my friend, the gentleman from California, who is an excellent debater and speaker, but I must say if I had his case I would do what he did, and that is try to confuse the issue.

The issue we all know here is how much money is spent on campaigns and how we can limit it, how we can get the amount of money to go down.

I do not think my friends want to talk about that on the other side, because I think they know they are on the wrong side of that issue, so they bring up other issues that are extraneous and irrelevant.

Dozens of newspapers and reform-minded civic organizations have endorsed this proposal because it replaces the foot race for financing with a competition of ideas. The New York Times has called this bill a breathtaking departure from the discredited business as usual. It is certainly that, and much, much more.

There are no subjects more susceptible to hyperbole and exorbitant rhetoric than the issue of campaign finance and the persistent belief that special interest contributions exert control over the legislative process.

I believe we serve with good people who want to do the right thing, and even as we disagree on basic matters of

philosophy and principle, we reach those judgments independently and without the weight of improper influence.

But the contrary perception is deeply ingrained in the minds of the media and general public.

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Mr. Speaker, if this bill was nothing more than a symbolic effort to contest those perceptions, our debate today would be a charade. The reality, however, is damning enough, and that is why we must act by passing a good bill to solve a real problem.

The costs of financing and conducting campaigns are exploding. Fundraising and campaigning have become marathons without end.

Legislating, thinking, and serving our people at home have been reduced to a series of sprints. Our citizens feel isolated and locked out of the process, and we feel insulated from the authenticity of their experience. We should have ended this dollar chase years ago, but now we have an opportunity, I would say a special opportunity to act and to restore faith in our democratic system.

The centerpiece of this proposal, the strongest and most effective election reform in a generation, is a cease-fire in the proliferating arms race of campaign spending.

We limit PAC contributions to campaigns, we encourage contributions by average citizens, we limit the influence of wealthy donors, and we reduce the costs of communicating with our citizens through television. In short, these reforms are real reforms and they offer the country what I think our people deserve and want more truly competitive elections.

It is easy to talk about reform and change, it is easy to posture and politic, but the American people are wearied by those who give voice to their frustrations without taking the necessary actions to end them.

If you want to be obstacles to reform, if you want to identify with the special interests, if you are dedicated to business as usual, if you favor money over ideas, side with the President and his \$100,000 givers and vote "no" on this legislation.

But if you believe the voices of average citizens should ring loudest, if you want to depart from the current system which favors incumbents, if you are truly ready for change and I mean substantial change, and if you are prepared to make government believable again, vote for this legislation. It is right, it is needed, it is time. I urge adoption of the conference report.

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

The SPEAKER pro tempore (Mr. Eck-ART). The time of the gentleman from Missouri [Mr. GEPHARDT] has expired.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the

gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, the need to reform the Federal campaign finance system is indisputable. But the decision whether or not to vote for this legislation is a close call.

The main objective of campaign finance reform should be to eliminate the opportunity for any donor to make a contribution to a candidate that is so large that it creates an actual or apparent obligation on the part of the recipient.

The soft money loophole in existing law is the principal means by which contribution limits can currently be evaded. Unlike the campaign finance bill that earlier passed the House and which I opposed, this legislation effectively closes that loophole, which is a significant achievement in itself and a strong reason to support the entire package despite its shortcomings.

The bill contains a number of other salutary features. It curtails the undue influence of independent expenditures in a practical manner, given the constraints of the first amendment. It restricts the ability of wealthy candidates to overwhelm their opponents financially, and it prohibits the use of franked mass mailings outside of our congressional districts.

However, the bill still has serious deficiencies.

It offers only nominal reform with respect to PAC's. Setting a \$200,000 aggregate limit for PAC contributions will have little effect on most incumbents, who raise little more than that now. And the bill does not reduce the excessive \$5,000 contribution limit per PAC. As a result, powerful incumbents would be able to raise their \$200,000 PAC allotment with ease from a mere 20 PAC's, each of which could still contribute \$5,000 for the primary and \$5,000 for the general election. Each of those lucky PAC's would have more, not less, relative importance to the candidate than it does now.

While the spending caps in this bill are relatively generous, flexible, and voluntary, they still put a challenger at a relative disadvantage because no challenger has all the resources that an incumbent has, such as the franking privilege, Government office space, official staff, and routine access to the media. Nor do these spending limits take into account the enormous differences in the cost of running a campaign in different media markets.

Unlike most of my Republican colleagues, I do not oppose public financing of elections in principle. Public financing can play an important role in a well-thought-out program that limits the clout of the largest contributors and that does not give an undue advantage to incumbents. For this reason, the Democrats' unconvincing claim that this bill does not provide for public financing strikes me as disingenuous at best, and the suspension of its provisions until its sponsors can cook up a funding mechanism could well make this legislation an exercise in futility.

Nevertheless, this vote poses the important question of whether limited reform is better than no reform. To me it is.

I will vote for this bill today with the hope that it will become the basis for a better bill in the future.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, I rise in opposition to the campaign finance reform conference report.

Mr. Speaker, I support campaign finance reform, spending limits, limiting PAC contributions, eliminating franked mass mailings in an election year, prohibiting franked mail outside current districts, and limiting the influence of soft money.

I support and practice campaign reform. That is precisely why I cannot support this bill. This so-called reform means the public financing of campaigns. Americans already have tax policies which caused the current recession—we do not need an additional excuse to spend taxpayers' money.

Today's agreement will require taxpayer dollars to foot the bill. Certainly, it would be easier to vote for supposed campaign reform and pat myself publicly on the back. But it would be an injustice to my constituents to send them a tax bill next year for this righteous act.

Polls show only one in five Americans willing to publicly finance campaigns. It is foolish to believe that this percentage will increase to support this shortsighted goal of public financing.

Therefore, I urge my colleagues to join me in opposing this bill. Campaign reform makes a great headline, but this bill proclaims much and offers little.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I submit my statement for the RECORD.

Mr. Speaker, the American people have just been witnesses to an embarrassing spectacle—the 1992 New York Presidential primary.

Two candidates hurled seemingly endless strings of accusations at each other and managed to encourage almost one-third of the New Yorkers who voted in 1988's Democratic primary to stay at home this year.

The truly appalling fact is that the American people helped finance this farce through matching campaign funds for Presidential candidates. In my town meetings, I have met citizens who mentioned literally hundreds of things this country needs. Not one has included taxpayer subsidies for negative campaign ads in that list. But, if we pass this bill before the Congress today that's exactly what we will have in every congressional district in the country.

Even the archliberal American Civil Liberties Union opposes this legislation. The ACLU notes that "the legislation's imposition of contribution and expenditure caps in return for partial public financing amount to an unconstitutional condition on freedom of speech." Worse than that, every member of this House knows the real goal behind this limitation on free speech—incumbency protection.

What do we really need in order to improve public participation in the political system?

Accountability and open debate in Congress. We also need the press to report the Members votes on a regular basis. Local funding, privately raised from each Members voters, to ensure candidates represent their constituents, not outside special interests.

Limitation on terms so that we have a citizen Congress, not a Congress of career politicians.

The majority's bill is simply food stamps for politicians. It fulfills the detached incumbent's wildest dreams of staying in office without having to earn the support of the people he or she represents; \$200,000 of public funding for every member every election year, amounts to the ultimate perk.

The mass apathy and unwillingness to vote we have just witnessed in New York shows us that it's time to get serious about campaign reform. We cannot afford to become a Nation where good citizens are too disgusted to vote. But that's the road we're headed down when we detach average citizens from the campaign process and force taxpayers to finance elections.

Mrs. LLOYD. Mr. Speaker, I rise in support of the conference report on S. 3, the Congressional Spending Limit and Election Reform Act. This bill is a compromise which should afford every American greater access to the electoral process. It's not a perfect package but it does contain some elements which should go forth.

The conference agreement does not contain public financing which I strongly oppose. The bill is not funded through tax increases, increasing the deficit or taking money from other programs. None of the provisions of the act are effective until subsequent legislation is enacted providing a source of funds. The measure contains sense-of-the-Congress language that funds should not raise general revenues, cut Federal programs, or increase the Federal deficit. This is key language I strongly support.

Time and time again I have heard from Third District residents who feel shut out by the political system. They feel that high-priced campaigns have made it difficult for hard-working men and women, of limited financial means, to run for public office and make a real contribution to government. This has got to stop.

The American public wants to see spending limits put on campaigns and reforms made to campaign practices. This bill attempts to address these concerns. I hope that it will help bring more people into the system and encourage more viable candidates to run for public office.

The conference report controls campaign costs by establishing voluntary spending limits of \$600,000 for House candidates per election cycle, and limits ranging from \$950,000 to \$5.5 million for Senate candidates, based on State population.

The bill limits the role of political action committees [PAC's] by curtailing PAC contributions to candidates. It provides that House candidates may raise up to one-third of the limit from PAC contributions, one-third in large individual contributions ranging from \$250 to \$1,000, and unlimited amounts of individual contributions less than \$250 up to the election cycle limit.

Candidates who agree to spending limits will become eligible for up to \$200,000 in matching campaign funds after raising a threshold of \$60,000—10 percent of the election cycle limit—from individual donors. Only the first \$250 of an individual contribution is matched. These provisions will be funded through sub-

sequent legislation providing a source of revenue.

The conference report also prohibits the use by political parties of unregulated soft money for Federal elections, and caps such spending through a state-by-state population formula. Soft money which may indirectly influence the outcome of Federal elections but which is raised and spent outside of Federal election law. The measure requires all State and some local party committees to report all receipts and disbursements in connection with a Federal election.

Bundling, which involves collecting and forwarding checks for a specific candidate by an intermediate, such as a political action committee or political party, is restricted. New restrictions are also placed on independent expenditures. These provisions close unfair fundraising loopholes and widely enhance disclosure of all money raised and spent on Federal elections.

There is a strong, growing sentiment among the American people that among the many reforms in the way the House proceeds with its business should be to change the way elections are conducted. I agree. Solid, strict campaign finance reform must be put in place. I urge my colleagues to join with me in supporting its passage.

Mr. WEISS. Mr. Speaker, I rise today in strong support of the conference report on S. 3, the Congressional Spending Limit and Election Reform Act.

Americans regard this institution, and for their elected officials in general—hardly sterling in the best of times—has sunk to new depths. When people no longer trust in the integrity of those they have called forth to represent them, when the public sees the actions of our government as captive to private, parochial interests, the legitimacy of all that we do is called into question. When cynicism prevails, leadership becomes impossible.

The cloud of malaise that has descended over so much of American public life contains a silver lining, however, in that it offers us profound impetus for change. So powerful is this drive that across the Nation, Americans have shown themselves willing to abrogate their own constitutional right to choose their own representatives by succumbing to the siren song of the term-limits movement. Such measures, of course, merely attack a symptom, leaving the malady imposed by a convoluted, often corrupt system of campaign finance to fester and grow.

The bill before us today stands as the best chance we have had in years to improve the openness and integrity of our congressional elections. In this time of restlessness and discontent among our constituents, it is essential that we send this bill to the President's desk with enough votes to deter the veto that he has promised.

I have been an ardent and vocal supporter of campaign finance reform since I arrived in Congress 16 years ago. The act before us today, which includes public financing provisions similar to those instituted for Presidential elections in 1974, takes great strides to reduce the power and importance of money in congressional elections by curbing both the prerogatives of incumbency, and the ability of special interests to capture the loyalty of a

Member. In 1990, the top spending House incumbent spent \$1.5 million to hold his seat in Congress; sitting Members regularly outspend challengers by an average of 4 to 1. The mounting costs involved in a run for public office ensures that worthy challengers remain sidelined by the deep pockets of many incumbents. Meanwhile, sitting Members must spend night after night on the reception circuit, tin cups in hand, seeking the favor of Washington lobbyists.

The act before us today caps overall campaign costs at \$600,000 for House candidates who accept the bill's voluntary limits, ensuring that challengers and incumbents will meet each other on equal terms. In Senate races, the ceiling ranges from \$950,000 to \$5.5 million, depending on the size of the State. Candidates will spend less time chasing money, and more time addressing the issues facing our country, and their communities.

This act will also curtail the influence of big, private interest money by limiting PAC and large donor contributions to no more than 20 percent of all funds raised by Senate candidates, and 33 percent in House races. At the same time, the injection of matching funds underscores the notion that an election truly is a public event, and a responsibility in which we all must share. Limiting the match to small, individual contributions of no more than \$250, we will once again open the system to ordinary, working people. Wealthy candidates, meanwhile, would be forced to limit personal expenditures to no more than 10 percent of total general election limits.

Some of the more egregious and inventive efforts to sidestep existing Federal campaign laws would be eliminated under the new act. Loopholes allowing for the flow of bundled contributions and the back channels through which unregulated, unreported political soft-money flows will be closed. To guarantee the success of these steps, the bill expands disclosure requirements for campaign contributions, and sharpens the teeth of the Federal Election Commission by enhancing its enforcement authority.

Mr. Speaker, the American people have repeatedly expressed a will and a desire to reform the system by which we elect our leaders. The current climate of distrust and frustration stands as a warning to us all about the state of our democracy; it has also given us a lever to advance a critical reform that has been bottled up in this house for a decade and a half. I urge Members on both sides of the aisle to lend their strong support to this conference report, the most effective piece of campaign reform legislation we have seen in years.

Mr. PANETTA. Mr. Speaker, I rise in strong support of S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992. I would like to commend Chairman ROSE and Chairman GEJDENSON of the Task Force on Campaign Finance Reform for their leadership and work on this important legislation.

The integrity of the Congress is under attack from the administration, the press, and—most importantly—the voters. Many in this body have responded to these attacks by joining the bandwagon of Congress bashing. I believe this type of response is ultimately self-defeat-

ing and will haunt all in this body by further degrading the reputation of Congress.

Voters are frustrated with what they view as an insulated and unresponsive Federal Government. Voters are disillusioned by an electoral process which alienates them in favor of the wealthy donor and the special interests. It is my belief that the single most important step the Congress can take to restore voter confidence in the government and voter enthusiasm in the electoral process is to enact strong campaign finance reform legislation.

As such, I feel that it is unfortunate that the Congress and the President were unable to reach a consensus on an approach for campaign finance reform. In an election year, perhaps that is an unrealistic goal. I would hope, however, that both the Democrats and the Republicans would share the common goal of enacting real reform that will serve to restore the trust of the American people in government.

To restore this trust we must stop the rising costs of campaigns, limit contributions of special interest and the wealthy, and provide voters with a meaningful role in campaign fundraising. S. 3 achieves these goals.

First, S. 3 seeks to control campaign costs by establishing a voluntary spending limit of \$600,000 per election cycle for House races. Capping campaign expenditures is perhaps the most important and long-lasting reform which the Congress can enact. The \$600,000 limit will help stop the ever-increasing money chase for both incumbents and challengers, and level the playing field for challengers by allowing them to run competitive, even-matched races.

Second, S. 3 reduces the influence of special interests and wealthy donors in House elections by limiting amounts political action committees [PAC's] and large donors may contribute to House candidates. These limits will also serve to encourage individual participation in the campaign by bolstering the importance of small individual donors in House campaigns.

Third, the legislation helps level the playing field for challengers and reduce the time candidates spend fundraising by offering matching funds to candidates that abide by the voluntary spending limits. Matching funds will also encourage candidates to seek local, small donor contributions necessary to qualify for matching funds. This will provide candidates with the incentive to raise contributions from local, small donors without raising constitutional concerns by statutorily requiring in-district fundraising.

Incidentally, as chairman of the House Budget Committee, I would like to clarify that S. 3 does not violate pay-as-you-go procedures as it would not result in any direct spending. None of the benefits or other provisions of the bill would take effect until subsequent legislation is enacted to provide the necessary funding.

It is my hope that the bill's combination of the contribution limits and emphasis on small donor donations will serve to rejuvenate voters' participation and trust in our electoral system. While it is regrettable that this bill will not be passed with bipartisan support, I am very pleased with the Congress' progress on this important legislation. The passage of this legisla-

tion marks the first time for nearly two decades that the Congress has passed strong campaign finance reform legislation. If the bill is not enacted in this Congress, at a minimum it will provide us with a strong base to work from next year—hopefully with the participation of the Republican Members of Congress.

So I encourage my colleagues to join me in supporting the passage of S. 3. The House must act on this opportunity to show the American public that we hear their concerns, that we understand their frustration, and that we are serious about campaign finance reform. Let us turn the attention of the Congress and the American people forward through the adoption of this important reform legislation.

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to the conference report on S. 3. This bill, which is called the Campaign Spending Limit and Election Reform Act of 1992, is a sham. It's a hollow shell masquerading as reform. It's nothing more than a cynical attempt to pacify the public's well-justified demand for campaign reform, which has gone unheeded by this body for the past decade.

For proof of the lack of serious purpose behind this report, you need look no further than the provision that says nothing in the bill takes effect unless Congress passes subsequent legislation to fund it. What kind of reform is that—a dubious promissory note from Congress? And the reform that this promissory note will fund is nothing less than having the taxpayers pick up the tab for our reelection campaigns, or as the Democratic leadership prefers to call it, public financing, a scheme which has been rejected by the voters time and again.

Mr. Speaker, the public is fed up with Congress, and rightly so, for lining its nest with perks. Are we to enact yet another perk, direct taxpayer financing of our campaigns? I think not. The President has said he will veto this bill, and we should save him the trouble by defeating it here today.

What we need to do, as I said on this floor last December when we first considered this legislation, is to enact true campaign reform, as embodied in the substitute offered by the Republican leader, BOB MICHEL, which includes three key reforms: First, to require that at least half of a candidate's funds be raised from individual contributors living within his or her district; second, to cut the limit on political action committee [PAC] contributions from \$5,000 to \$1,000; and third, to ban so-called soft money contributions to State political parties.

Failing that, we should reject this proposal, which is a reform in name only.

Mr. KLECZKA. Mr. Speaker, I would like to take a few moments to share with my colleagues some thoughts on the campaign finance reform conference report we are now debating.

As a member of the task force which has been examining this issue for the past 12 months, as well as a member of the conference, I would first like to compliment the chairman, SAM GEJDENSON, and ranking member, BILL THOMAS, for all of their efforts in this very complex area of the law, as well as CHARLIE ROSE, chairman of the full House Administration Committee.

While the gentleman from Connecticut and the gentleman from California quite often had

legitimate differences of opinion on how to approach this topic, I believe the task force successfully completed its mission of examining the countless suggestions as to how we can restrain the power of money as a force in our electoral process.

Mr. Speaker, when the task force held its first hearing last March, I stated that the goal of this process should be to craft a new system of campaign financing which will meet three goals. First, curtail the campaign money chase; second, reduce the influence of special interests; and third, stimulate vigorous campaigns. I believe this legislation meets these goals, and the conference report has my full support.

To say this bill has my support is not to say this is a perfect bill. This is not a perfect bill, and I doubt anyone, including the gentleman from Connecticut, would argue that it is. The most resounding lesson we learned from our Member Day hearings—during which every Member was invited to share their views with the task force—is that there are 435 people in this Chamber who are experts in campaign financing, each having their own ideas on how to improve the system.

Despite differences of opinion, it is clear that comprehensive reform with spending limits is long overdue. The measure before us is a solid first step. Since 1972, total expenditures in congressional elections has increased by more than 600 percent. During the last election cycle, average winning House candidates in competitive races had to spend more than \$500,000. This high cost not only eliminates your average citizen from running for office, but it forces many elected officials to engage in perpetual fundraising.

Mr. Speaker, recently released census data shows that voter participation is continuing to drop. It has become clear that the large sums of money spent in congressional elections have created an appearance of corruption in the electoral process. The general public is falling under the assumption that dollars at a fundraiser are more important than their votes on election day.

The conference report's limit of \$200,000 in PAC contributions and \$200,000 in large contributions, for House elections, allows for competitive races while reducing the influence of special interest money.

Unfortunately, we are considerably restricted by the 1976 Supreme Court decision, Buckley versus Valeo, which ruled that limitations on campaign contributions and spending were constitutional only when voluntary. The only effective way to induce candidates to accept these limits, therefore, is to provide them with incentives—namely matching funds.

A system of spending limits and public financing is not some radical idea the authors of this bill thought up last week. This is the system which now funds our Presidential elections. It has also worked in elections for legislative, executive, and judicial seats in my home State of Wisconsin since the early 1970's. This system has helped reduce the influence of money on these elections.

Some of my colleagues are charging that a public financing system will be perceived as the ultimate in congressional perks—using taxpayer dollars to pay for their campaigns. Let me state very clearly, nothing could be further from the truth.

Nonpartisan groups such as the League of Women Voters, Common Cause, Ralph Nader's Public Citizen have all contacted me urging my support of public financing. Mr. Speaker, if SAM GEJDENSON somehow convinced Ralph Nader to support a bill which would use taxpayer dollars for incumbent benefits, he must be the most persuasive individual to ever step foot in this district.

Public financing is not an incumbent protection program, but the only way that truly effective campaign reform can be brought about in congressional races.

The President has already stated he will veto legislation containing public financing. I find this disturbing, given the fact he used taxpayer dollars and public financing to win in 1988, and will most likely accept public financing in 1992.

The public is justifiably concerned over the way elections are run in the United States. Low voter turnout and the extraordinary talk of limitations on the terms of Members of Congress signal the erosion of the confidence the American people have in our electoral process.

A vote for this conference report is a vote to restore this confidence.

A vote for this conference report is a vote to return congressional campaigns to barbecues and rallies and a \$10 contribution from the guy down the street, rather than \$500-a-plate breakfasts for special interests.

A vote for this conference report is a vote for fairness for incumbents, fairness for challengers, but most importantly, fairness for the American people.

I hope you will join me in supporting this legislation.

Mrs. BOXER. Mr. Speaker, today our Nation is awash in political cynicism and apathy. Americans are frustrated by the influence of big money in politics. Congress has a responsibility to rebuild the people's faith in our electoral system. I rise in support of the Congressional Campaign Spending Limit and Election Reform Act of 1992 which will be a giant step forward.

High costs are changing the way campaigns in this country are run. The costs of campaigns are rising faster than the rate of inflation. Aggregate costs of House and Senate campaigns have raised by four times since 1976. These high cost are discouraging talented people from running for office. And these costs are creating disgust and doubt among the voters. It would be tragic if only those capable of raising or giving their campaigns large sums of money were the ones running for office. And it's going that way.

Yet, those of us who wish to change the system are caught in a bind. To get into position to reform the system, we must get elected. And to get elected, we must raise money.

I have joined with one of my primary election opponents to challenge our third opponent to abide voluntarily by the provisions of this bill. This third opponent has declined. I urge my colleagues to issue similar challenges to their opponents. Let the voters know our real stand on the issue of campaign finance reform.

This legislation leads us in the direction of reform in several ways.

First, it places voluntary spending limits on campaigns. Just as we must control health

care costs, we must control skyrocketing campaign costs. Second, by limiting PAC contributions, we increase the importance of small donors, placing campaigns back in the hands of the American people.

Third, by limiting a candidate's own contribution to her or his race, we prevent wealthy individuals from buying races.

Fourth, this bill will limit the abuses of soft money in Federal campaigns.

Today, by voting for this landmark bill, we have the opportunity to rebuild the voters' faith in the electoral system. I truly believe that most of us run for office because we want to make a positive difference for our district, our State, and our Nation. Yet because of the system, people fear that our agenda is for the special interest money that comes into campaigns. This perception is debilitating to a democracy.

By voting "yes" for campaign finance reform, we move toward a better and brighter day for electoral politics.

Let me also speak for a moment as a woman who believes we need more women in the House and Senate. There is no doubt that the system as it is currently structured discourages many women from running for office because historically women have had a harder time raising the huge contributions. A vote for this bill is a vote to open the door to the many women who I believe are desperately needed in today's America.

Mr. BEILINSON. I rise in support of the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act, but I do so with the strong hope that this measure is only a first step toward enacting the more far-reaching changes that our campaign finance system really needs.

The gentleman from Connecticut [Mr. GEJDENSON], the gentleman from North Carolina [Mr. ROSE], and the other members of the House Administration Committee deserve a great deal of credit for the work they have done to get us where we are today on this difficult and complex issue. But, unfortunately, the product before us is far too modest. While it includes some important provisions—most notably, a curb on soft money—it does not do nearly enough to solve the major problems with our system: the large role of special-interest contributions, the high cost of campaigns, the huge amount of time candidates spend raising money, and the advantages the system gives to incumbents over challengers. Unless far more is done to solve those problems, we will not succeed in restoring public confidence in our electoral process and in Congress.

First, S. 3, which allows candidates to accept as much as \$200,000 in political action committee [PAC] contributions per election cycle, does not do nearly enough to reduce the role of special interests in congressional campaigns. We ought to be eliminating PAC contributions altogether.

Second, the \$600,000 voluntary per-cycle spending limit in S. 3 is too high, especially since that figure is augmented by the mailing discounts and the higher limit available to candidates who have close primary elections. It is possible for even the most highly contested elections to be waged without spending more than a few hundred thousand dollars, so a more reasonable limit would be \$400,000 per cycle.

Third, S. 3 does not do much to reduce the amount of time candidates spend raising funds; and, by allowing candidates to accept \$200,000 in PAC contributions, it virtually guarantees that incumbent candidates, in particular, will continue to raise money from Washington-based special interests rather than from the people they represent.

And, fourth—again, because a sizable amount of PAC contributions are permitted—this bill does very little to make House elections more competitive. PAC's gave 13 times as much money to House incumbents as to challengers in the 1990 elections. Unless PAC contributions are more tightly curbed—or better yet, completely banned—we will not have eliminated one of the key impediments to having more competitive elections.

Finally, as a strong supporter of public financing of campaigns, I am disturbed that this measure takes such a small step in that direction, and that its provisions for subsidies for candidates who accept spending limits are dependent upon enactment of a subsequent measure. I am further concerned that S. 3 severely limits our options for raising the funds needed to pay for the subsidies.

Mr. Speaker, S. 3 is an important first step toward reforming our campaign system. But this issue must not be put to rest with the passage of this legislation. I urge my colleagues to continue pursuing a better campaign finance system than the measure before us will produce.

Mr. MARKEY. Mr. Speaker, I rise today in strong support of the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act. Passage of the conference report will ensure that the arms-race approach of spending in congressional campaigns comes to an end. By all measures, confidence in the political process and in public servants has dropped to record lows as the cost of congressional campaigns has skyrocketed and the importance of political action committees [PAC's] has increased. Only by dramatically changing the system, as S. 3 does, can we hope to reclaim the public's trust.

The combination of spending caps, restrictions on political action committee contributions, and public financing included in the conference report will create a system that will restore public confidence and trust in our political campaigns. Key to this transformation will be the coupling of voluntary spending with other reforms intended together to keep the cost of congressional campaigns within reason. Our constituents are disgusted by million dollar campaigns for House seats made necessary by the lack of comprehensive campaign finance reform. This legislation will keep spending under control. Furthermore, there will be real incentives both to adhere to the spending limits and to raise money through individual contributions, rather than by courting PAC's. The rise of PAC's, more than any other single factor, has led to public fury over the way in which we raise and spend campaign funds. I am pleased that the conference report will help reduce the role of PAC's but as one of a handful of Members who refuse PAC contributions altogether, I think it should be possible to go further as long as additional PAC restrictions are linked to other reforms.

Finally, the bill deals effectively with the issues of independent expenditures, soft money and bundling. Mr. Speaker, the conference report is truly landmark legislation, deserving of our support, and its author, Sam Gejdenson, deserves our thanks for a job well done.

I am also pleased that S. 3 includes a requirement that Presidential candidates participate in debates as a condition of receiving public campaign funds—a provision I have advocated for years. This section was added by the Senate in an amendment offered by Senator Bob GRAHAM. Senator GRAHAM and I have offered the National Presidential Debates Act, which is identical to section 803 of the conference report, in both this and the previous Congress. The bill is currently designated H.R. 1112/S. 491.

Debates represent one of the few instances in a campaign when voters are able to hear from the candidates themselves, in their own words, rather than through the thicket of speechwriters, spin doctors, and journalists that too often shape public perceptions of the candidates. This year's Presidential primaries have once again shown debate viewers that regardless of how well coached or prepped a candidate may be prior to taking the stage, he or she is alone, unfiltered, and eye-to-eye with the voter once the debate begins. And that's the way voters like to judge candidates.

The public overwhelmingly wants real debates, but with each Presidential election they have become less of a sure thing. Debateless elections, like those from 1964 until 1976, could happen again.

When our constituents complete their 1991 income tax returns over the next week, fewer than ever will decide to check the box that directs \$1 to the Presidential Election campaign fund. And we should not be surprised by their decision, when they see their money spent on negative campaign advertising and issue-less photo opportunities. If Presidential candidates are going to continue to take \$100 million in taxpayer money from this fund to run their campaigns, then there ought to be some assurance that they will stand up on stage, face their opponent, and engage in a true discussion of the issues. The American electorate deserves no less.

Mr. Speaker, I urge my colleagues to support this excellent piece of legislation and urge the President to sign the bill.

Mr. RAY. Mr. Speaker, I rise today in support of S. 3, the Congressional Spending Limit and Election Reform Act.

I will vote for this bill today because I believe it is important to enact reform in our campaign and elections system. However, I want to state that I am adamantly opposed to any taxpayer funds being used to finance campaigns. This legislation does not include any reference to how it will fund any envisioned benefits. However, it does include language expressing the sense of Congress that funding should not provide for a general revenue increase, reduce spending for existing programs, or increase the deficit.

We have a \$400 billion deficit, and we should not put in place a public financing system to elect Members of Congress. This legislation does not do so, and that is why I am supporting it.

Public financing is a fight which will be fought on another day. In the meantime, I be-

lieve it is important to put in place the reforms which this bill includes. It puts in place voluntary spending limits and limits on the contributions from political action committees. The bill increases enforcement authority of the Federal Election Commission and enhances disclosure of all campaign contributions and expenditures. These are positive changes which deserve our support.

Mr. Speaker, this is not a perfect bill, but it is a step in the right direction. I will vote for S. 3 today, but I am making my colleagues aware that I will not support public financing.

Mr. POSHARD. Mr. Speaker, I rise in support of the conference agreement on S. 3, for I see it as a modest step in the right direction to reform our system of financing campaigns.

There is no reform more needed in this country, to bring back the sense of respect and trust between those of us who are elected representatives and the people who sent us here, than campaign finance reform.

Congress is currently engaged in an effort to purge a variety of perks and practices which no doubt should be abolished. But I would suggest that campaign finance reform goes much further to correct the abuses of money and incumbency than any of those measures could ever hope to achieve.

I come here as a member who at one time accepted political action committee donations. I came to Congress and found that despite what I had told those groups about how I would vote on a particular bill, that vote might not be in the best interest of the country, based on the contents of the legislation and the needs of the nation at the time.

I found a system that wasn't working, and rather than living with it, I decided to try and change it, and have declined PAC contributions ever since. The limits on PAC contributions in this bill are worth supporting, and I think it's appropriate they apply regardless of whether a candidate accepts voluntary spending limits, but we can and should do much more to reduce the influence of special interest donations.

The voluntary spending limits included in S. 3 are still well above what it takes most people to win an election, and are still much more than the average challenger can manage to raise and spend. While a voluntary \$600,000 limit is better than unlimited spending, again, we can and should do much more to reduce the influence of money on our campaign and political system.

I also do not see enough reform in the area of franking. I voted yesterday against sending this bill back to conference to correct a technical mistake, which had the effect of banning mass mailings of House members during an election year. That has been substituted by a ban against mailing into another congressional district, an outrageous practice which should have never been allowed in the first place, but a far better approach was the one mistakenly included in the bill. In fact, I have introduced legislation to go one step further, and eliminate newsletters altogether. If we're really serious about reform and eliminating perks, we'll cut out the hundreds of thousands of dollars available to incumbents to send out bogus newsletters.

Mr. Speaker, I have been a candidate for public office on several occasions. I have at

times enjoyed a fundraising advantage, and I have been outspent many times over. In each circumstance, I found it really didn't make the difference. Of course, it's easier to run when you have greater financial resources. But when I talk about reform, I'm not suggesting candidates should spend no money at all. Candidates have a right, perhaps an obligation, to raise money from people who believe as they do on the issues. I simply think we can move away from the consultant dominated, television driven campaigns we see today, and revert back to the personal touch.

People are waiting to hear from us what we will do about educating their children, taking care of the sick and elderly, providing decent jobs and housing, and reducing the Federal debt which threatens our future.

My colleagues, I rise today in support of this bill because it is truly the kind of reform we need. We need to allow people with good ideas and the desire to serve to throw their hat in the ring and see what happens. But we should not rest on this achievement alone. More of us should, voluntarily, limit our spending and acceptance of special interest donations. More of us should, voluntarily, reject the supposed wisdom of consultants and negative campaigns and get back to telling the people what they deserve to know.

I have great faith in this body, in my colleagues with whom I am so privileged to serve. I know we have the capacity to achieve great things. I urge us to listen to the people of this country, who are crying out for reform, and follow their lead. This is a justifiable first step.

Mr. OLIVER. Mr. Speaker, I rise today to strongly support campaign finance reform.

While people are angry at the abuse of perks, the central reform facing this Congress is campaign finance reform. While this bill is not perfect, there is agreement in both Chambers.

We need to restore people's trust in their government. Unemployment is back over 9 percent in my district in western Massachusetts. People are out of work, health care costs are crippling our small business, and education lags farther and farther behind our economic competitors. It is essential for politicians to put aside personal political interest and put the American people's interest first.

By limiting campaign costs and the influence and power of large wealthy contributors, by reducing the amount of time spent on fundraising and by guaranteeing a level playing field for candidates for Congress, this campaign finance reform legislation makes real changes in our political system.

Let's pass this bill and get on with putting the interests of the American people first.

The President should stop posturing about change and sign this bill. Political posturing, and empty rhetoric does very little in bringing about change. This bill controls campaign costs with some public financing. The President is opposed to public financing for congressional campaigns. Yet, once this presidential campaign is concluded, the president will be the single greatest benefactor of the public financing.

I am very pleased that restrictions against mass mailing into new congressional districts are in place. We were all elected to represent

our present districts for a full term and its our duty to continue to communicate without constituents. Mass mailing into districts Member of Congress don't yet represent would merely be for political gain at taxpayer expense and that's wrong.

The time for real campaign reform is now, the American people want it and deserve nothing less.

Mrs. ROUKEMA. Mr. Speaker, I rise in reluctant opposition to the conference report on the Congressional Campaign Spending Limit and Election Reform Act of 1992.

My opposition is truly reluctant because I firmly believe this outmoded system is badly in need of reform. While this legislation is an improvement on current law, it falls far short of what is necessary to end the ceaseless money chase that campaigns have come to represent and remove the perception of the people that the special interests run the Nation.

My record demonstrates a history of strong support of comprehensive campaign finance reform. Clearly, this system needs meaningful limits on political action committee [PAC] spending, restrictions on out-of-State contributions, and restrictions on so-called soft money, if not an outright ban. I heartily endorse the prohibition of soft money contained in the legislation before us. This legal laundering of campaign contributions through the State and local parties diminishes ability of everyday people to participate in the electoral process.

When we first considered this bill in the House last fall, it was hailed as the first comprehensive effort to set voluntary spending limits, restrict PAC contributions and provide public funding for campaigns in order to set a level playing field for challengers. However, upon further review, the bill lives up to few of these expectations.

I do agree that the public financing proposal contained in the legislation did represent substantial progress. However, the financing offered no flexibility to compensate for the inherent powers of incumbency. And most important, the financing mechanism was not a financing mechanism at all—just a concept with no direction as to where the Federal funding would come from. I cannot, in good conscience, endorse such a blank check for the taxpayers to pick up later. Finally, I would add the associated spending limits were across the board and ignores the stark differences in the cost of campaigning between geographic areas, that is, northern New Jersey versus the Midwest.

In addition, while the bill claimed to limit PAC expenditures, in practice it would have little effect. Under the legislation as passed, Members could receive no more than \$200,000 in total PAC contributions per election. However, in a typical election, most candidates do not raise \$200,000 from PAC's. I maintain that we should move toward real PAC reform by cutting individual PAC contribution limits from \$5,000 per election to \$1,000. We should also require that at least 50 percent of all money raised must come from a candidate's home State.

Finally, it is my conviction that the cost of campaigning is out of control. Special interest money is corrupting the system and is contributing to the gridlock in Congress. Unfortu-

nately, this being the election season, true comprehensive reform is not in the cards.

It is my intention to work with the leadership to enact comprehensive reform in the next Congress, well in advance of the next election. Unfortunately, in the present political climate, that goal is today beyond our reach.

Mr. STUDDS. Mr. Speaker, in an editorial in yesterday's paper, the Boston Globe wrote that today's vote on campaign finance legislation "will show whether all the talk about reform in Washington is serious."

The Globe is absolutely right. The public is angry, it is cynical. And rightfully so. Washington is perceived to be in gridlock, with the critical problems facing our Nation—the economy, health care, education—remaining unaddressed.

We cannot tolerate this state of affairs. One of the reasons I ran for Congress was to reform the seniority system, which valued longevity over competence. We were successful in changing that system, and we must make every effort now to make the necessary reforms in the way we operate that will allow us to effectively and efficiently perform our jobs.

Yes, we must change the way the House does business. Yes, we must streamline the way we set the Federal budget. This place is indeed in need of a variety of reforms, but unless we make drastic changes in our system of campaign financing, we will have missed a large part of the problem.

Americans have lost faith in the electoral process. They have concluded that the successful pursuit of public office is limited to those who are independently wealthy. And, to a growing extent, they are right.

Campaigns have become extraordinarily expensive. To pay for them, too many candidates are forced to spend a lot of their time chasing money, rather than focusing on—and solving—the critical problems facing our Nation.

If we are to restore the trust of the American voter, we must level the playing field. We must take action now to stop the rising costs of campaigns, to limit contributions from wealthy donors of all kinds and give small contributors a much more important role in campaign financing.

The bill before us today will do just that. First, it establishes a voluntary spending limit of \$600,000 per election cycle. As an incentive to participate in the voluntary spending limits system, candidates would be given reduced postal rates for mailings to voters. All candidates would be entitled to lowest available television advertising rates.

Second, candidates who abide by the spending limits would be entitled to matching funds—matching contributions of up to \$250 from individuals, to a maximum of \$250,000. These matching funds would reduce the influence of special interests, cut down on the enormous time spent fundraising, and offer additional resources to viable challengers.

Third, the bill would limit PAC contributions and prohibit House candidates from accepting more than \$200,000 from major donors—individuals who contribute over \$250. And to prevent anyone from buying a congressional seat, it would bar candidates from donating more than \$50,000 in personal wealth to their own campaign.

Mr. Speaker, this bill will help restore public confidence that Congress is representing the interests of those who elect them, not those with the deepest pockets. It will put campaign fundraising in its rightful place—an unavoidable chore, but not one that unconscionably detracts from the time we must devote to critical national issues and to addressing the needs of our constituents.

As an original cosponsor, I want to join with Common Cause, Public Citizen, and Citizen Action in urging my colleagues to support this conference report, to allow us to get on with the business of governing. And if George Bush vetoes this far-reaching, much-needed reform legislation, he will have to answer to the American people in November.

Mr. VENTO. Mr. Speaker, I rise in strong support of S. 3, the Congressional Spending Limit and Election Reform Act. This legislation is a major breakthrough in how congressional campaigns are conducted, and should be signed into law.

Not since the Campaign Reform Act of 1974 has Congress and the Nation had such an opportunity for meaningful reforms. The conference report before us combines many of the strongest elements of the House and Senate bills. Under the agreement, voluntary spending limits are established for House and Senate candidates. In addition, the legislation sets strict limits on the total contributions that a candidate can receive from special interest political action committees [PAC's] and from big-dollar individual contributors. Limiting independent expenditures, restricting soft money, and eliminating leadership PAC's are other important provisions in this landmark legislation.

Mr. Speaker, I have long advocated the philosophy that political campaigns should be the campaign of competing ideas and not the campaign of media sound bites. S. 3 will help to reestablish that guiding principle.

Frankly, this legislation is not perfect. I personally believe that the spending limit for House candidates established in this legislation is much too high. I would have preferred a lower limit. In my own State of Minnesota, a voluntary spending limit of \$400,000 has been established for congressional elections. While my own campaigns have never even approached that spending amount, it is a more reasonable upper spending limit.

In addition, it is unfortunate that this legislation does not do more to address independent expenditures. These campaign expenditures by individuals or special interest groups are not limited by current law or by the pending legislation. This is the result of the unfortunate Supreme Court decision of Buckley versus Valeo. That decision overturned limits on independent expenditures and granted constitutional freedom-of-speech protections to the ability to spend money. I am certain that many of my colleagues have seen independent expenditures at work. Too often this type of campaign spending has been negative ads, attacking an individual candidate. Since this is an independent expenditure, the candidate's opponent is able to disavow any connection to these negative and often false ads. A new version of the independent expenditure is the puff piece that promotes an individual's candidacy. No matter whether positive or negative, these independent contributions can play a crucial

and unfair role in campaigns. While the legislation before us does provide for greater disclosure on independent expenditures, further limits may be necessary before this loophole in campaign limits is exploited.

Mr. Speaker, I urge my colleagues to vote for this needed legislation. I believe that the reforms provided in this act are crucial to restoring public confidence in our electoral process and breaking the grip of apathy that marks modern-day elections. Hopefully, a strong vote today in support of campaign finance reform and the growing public outcry about the way today's campaigns are run will force President Bush to end his opposition to this legislation and to sign this crucial campaign spending limit bill into law.

Mr. CARDIN. Mr. Speaker, I rise in strong support of the conference report on the Congressional Campaign Spending Limit and Election Reform Act of 1992.

The current high level of public cynicism and dissatisfaction with Congress has many causes, but none of us can doubt the failure to address major policy problems facing our country ranks high among those causes. Neither can we doubt the widely held public perception that the corrosive influence of special interest campaign contributions helps to explain the policy gridlock.

Those of us who have the privilege of serving in the House have a solemn responsibility to conduct ourselves in a manner which brings credit to the institution. Enactment of this conference report would significantly improve the public's confidence in Congress to solve the problems facing this country.

This conference report is a strong reform package. It would place firm but reasonable limits on the amount of money candidates could spend on campaigns. It would also place a premium on small, individual contributions.

Since the last major campaign finance reform, the amount of money spent by candidates running for Congress has risen dramatically—from \$88.2 million in 1974 to \$445 million in 1990. Successful candidates for Congress raised an average of \$17,000 every month for 2 years prior to the election.

Contributions from political action committees [PAC's] and large contributors are each limited to one-third of the overall spending limit. To qualify for matching funds, candidates must raise \$60,000 in contributions of \$250 or less. In addition, only the first \$250 of individual contributions is eligible to be matched. The cumulative effect of these provisions is to encourage candidates to seek small contributions from individual constituents.

The conference report includes several provisions I have advocated for some time. The conference report prohibits candidates from spending more than \$500,000 during the general election period. This prevents candidates with tough primary contests from being significantly outspent in their general election. At the same time, candidates with tough primaries are free to spend whatever amount of money they feel is necessary, within the \$600,000 limit. This will help put challengers emerging from tough primaries on an even footing with incumbents.

The conference report also provides matching funds to qualifying House candidates. Pro-

viding a limited and targeted amount of matching funds is a commonsense approach to addressing the serious public concern over the influences of large contributors and the constitutional restrictions of the Supreme Court's decision in *Buckley versus Valeo*.

The Congressional Campaign Spending Limit and Election Reform Act of 1992 would limit the spiraling costs of campaigns, lessen the impact of special interest groups through PAC's and large contributions, and infuse competition back into the system.

Mr. Speaker, I hope my colleagues will join me in supporting this legislation. The enactment of comprehensive campaign finance reform legislation will help stop the erosion of public confidence in our democratic system. The cost of congressional campaigns, the influence of special interests and large contributors, and the lack of competition in elections must be addressed. This conference report addresses all three issues.

Mr. CAMP. Mr. Speaker, the United States has a national debt of nearly \$4 trillion, which is growing every day. To spend tax dollars on campaigns is irresponsible and a slap in the face to every American citizen. The campaign finance reform bill put forward by the Democrats, shows just how out of touch they are with reality. Taxpayers' hard earned dollars should not be used to pay for campaign bumper stickers.

We should be considering legislation that provides true reform—legislation that requires a larger share of campaign contributions to come from individual Member's congressional districts, closing loopholes that allow incredibly large contributions to be funnelled through national parties to candidates, and a prohibition on franked mail outside of a member's congressional district. Congress and candidates for Congress should not campaign on the taxpayer's dollar.

Mr. KOLBE. Mr. Speaker, I rise in opposition to S. 3, the conference report on campaign finance before us today. I'm afraid that the bill Democrats proudly claim paternity for is the child of scandal and unlikely to survive an expected veto.

The House bank and post office scandals have consumed this Chamber in recent weeks as well as coffee houses across this country. In this environment, everyone is grasping for reform measures large and small, with campaign finance an obvious target.

Would we be here today considering sweeping reform measures for campaign finance and House administration if the scandals of the last year had not happened? I doubt it. Republicans have been calling for reforms for years. Instead, what we and the American people have endured for the last half century is a majority party patronage system that says "don't rock the boat," "keep members happy at any price," particularly the party elite. Well the boat has been rocked and reform can no longer be ignored. It is essential. And it must be sweeping.

Yet, the campaign finance conference report is not reform. It remains a sham. Aren't the Democrats listening to the outcry from the public for real reform of perks and privileges? Even after conference, S. 3 remains an incumbent protection plan, requiring taxpayers dollars for campaigns, through disguised public fi-

ancing provisions. This bill writes the biggest rubber check in history to finance campaigns for reelection—and I refuse to endorse any such proposal.

S. 3 imposes spending limits on House races that will disadvantage challengers. These limits ignore the vast differences between congressional districts. The agreement will thwart challengers by holding them to the same spending levels as incumbents, even though challengers need more money to overcome incumbent name recognition. These spending limits ignore the considerable advantage that incumbents have through the use of the frank, staff allowances, and free media exposure.

The agreement will inevitably require taxpayer dollars, because it requires enactment of future legislation to pay for the politicians' benefits in the bill. For House candidates, the agreement provides public financing in the reform of matching funds and reduced mail costs. Recent polling shows that over 70 percent of the American people strongly oppose public financing—and rightly so.

S. 3 conveniently continues the current high limits on PAC contributions for House races. The \$200,000 PAC limit would only affect those House candidates receiving more than \$200,000 from PAC, when the average candidate received \$209,000 in PAC funds in 1990. In effect, it will be business as usual with respect to PAC contributions at a time when the American public is justifiably angry about the undue influence of PAC's and special interests.

My constituents want reform, but they want reforms which will restore competition to the political process, limit the power of incumbency, curb the power of special interests and effectively increase the role of individuals in elections. S. 3 does not meet these mandates. It is not reform—it is status quo.

Mr. PORTER. Mr. Speaker, I rise in opposition to this conference report.

The problem with this legislation is that it fails to address the problem of special interest money and negative politics. Moreover, it locks these problems in by indexing spending limits to inflation.

The \$600,000 voluntary limit—indexed annually to inflation—is simply too much money. It does nothing to squeeze the professional marketers out of the election process. These marketers do their job effectively. But they view that job only as getting their client elected and they care not a whit for the fabric of our electoral system. It is the professional marketers who have turned negative politics—epitomized in the 30-second television attack spot—into a science. The unprecedented onslaught of negativism we are experiencing today has serious implications. The American people are left with the belief that no candidate is honest or capable. The result is that people are turned off by politics and become disinterested in and distrustful of government. This development does not augur well for the future of our democracy.

Many object to the notion of public campaign financing of any kind. But this objection does not acknowledge the reality of the Supreme Court's *Buckley* decision wherein mandatory campaign spending limits were held to violate the first amendment. As a result of this

decision, the only way to control campaign spending is through voluntary limits and some form of incentive. My central concern with this legislation is not its use of a voluntary system, but its failure to implement lower spending caps. Good legislation introduced earlier this Congress in the House would have capped spending at \$400,000 and reduced maximum PAC contributions to \$1,000. Both these ideas make good sense and should have been included in this legislation. Unfortunately, neither is present. As a result, big money will continue to flow into campaigns to fuel the professional marketer's negative media campaigns. And taxpayers will be asked to foot part of the large bill for this attack on Democracy. With this I cannot agree and I for this reason I cannot support this legislation.

Mr. OWENS of Utah. Mr. Speaker, this is a day devoted to reform in the House of Representatives. We are taking important steps toward repairing both the credibility of the Congress and our own personal credibility. Campaign finance reform is decades overdue. And events of the last several months have accentuated the need for administrative reform of the House. These reforms are important. We need to enact them so we can move on with resolving the important issues which confront the American people daily—their jobs, incomes, access to health care, crime in their streets, the education of their children, the quality of their environment.

As my good friend from Connecticut, Mr. GEJDESON, knows, I have long advocated a similarly balanced campaign finance reform plan with voluntary spending limits. I commend him and chairman ROSE for their diligence and commitment in keeping campaign finance reform at the forefront of the House's agenda. More than \$3 billion was spent in 1990 on all elections in the United States. House and Senate races alone cost \$450 million in 1990. Campaign costs are spiralling into orbit, but this bill brings them back down to earth. S. 3 represents real reform, and I urge my colleagues to support its passage.

Some, including our President, object to the limited public financing which is possible under this bill. For my part, I can think of few better bargains for the taxpayer than helping to wean the political system from the influence of special interests—and at the same time leveling the electoral playing field by granting challengers the financial opportunity to get their message across to the voters. Partial public financing of elections is nothing new, as President Bush must admit. It is somewhat disingenuous for the all-time leader in Federal matching funds to threaten a veto of a bill primarily because it contains a provision on public financing.

I am very supportive of the portions of the conference report that deal with the Senate as well, including the provision that limits personal spending of candidates to \$250,000. The fact that the Senate already has at least 27 millionaires is not coincidental, but the natural outgrowth of the current election financing structure which encourages the participation of the very wealthy, to the exclusion of those with more limited resources. There's nothing wrong with being a millionaire—in fact, it is a burden I could bear—but it should never turn into a prerequisite for public service. The Sen-

ate recognizes this danger, and I commend that body for their foresight.

Mr. Speaker, even with these reforms, campaigns will still take far too much time and draw attention away from our legislative duties. I still contend that a constitutional amendment for 4-year terms for Congress should be given serious consideration. But under this bill, at least the perpetual campaign will be less burdensome and fairer to our challengers.

Reform of the House itself is also long overdue, as has become painfully obvious over the past few months. We don't need to debate whether all the recent criticisms of Congress have been justified or whether some have been overblown—there's surely been some of both. But the simple truth is that the people demand that we reform the Institution. And when they require it of us, we must respond. That is our job. My only complaint is that we have not devoted equal attention, energy, and emotion to resolving the great questions of the day, like health care, like education, like fiscal reform, like economic competitiveness. This would be a very different body if we would feel as compelled to work until three in the morning debating and resolving the health care crisis, instead of spending our time and energy bandaging self-inflicted wounds. The people should require that same firm commitment from us to dealing with genuine issues, Mr. Speaker. More importantly, we must require it of ourselves.

The substantive differences between the Democratic and Republican alternatives are minimal. Both give the minority significantly more power in the operations of the House. I join Norman Ornstein in calling for establishment of an independent commission to review congressional, executive, and judicial perks. This commission, which could include former Members of Congress and executive branch officials, representatives from the business community, labor, advocacy groups from all sides of the political spectrum, and ordinary citizens, would have the responsibility of determining which so-called perks are truly necessary to enable a Member to perform his or her duties, and which are merely outdated symbols of privilege.

Such an objective review cannot possibly come from within the Congress. Some Members will try to hold on to outdated symbols of privilege. Others will, for purely political reasons, say that any reform, even if legitimate, is not comprehensive enough. Only such an independent commission would be able to review perks in such an objective, nonpartisan manner, and such a review will hopefully have been completed by this year.

Let us keep in mind, Mr. Speaker, that today's campaign finance and administrative reform efforts represent important, but merely symbolic change. Absent changes in the rules governing the actions of Members, simple administrative changes will not suffice.

The intra-House rules governing the legislative process and the course of legislation should undergo major revision. Pieces of broadsweeping legislation, such as banking reform, energy policy, and wetlands policy are subject to so many committees and so many interests that substantive reform is impossible, the process stagnated. And new, fresh ideas—which abound in the Congress—take

far too long to have an impact because of the power accrued by committee chairmen.

I have introduced a resolution which, if implemented, would amend the rules of the House such that committee chairpersons are limited to 8 years of service in that position. Diversity and innovative ideas already exist in the Congress—and I say that in the spirit of bipartisanship. This resolution, if implemented, would give more Members the authority to implement those ideas while ensuring that discipline within the committee and institutional memory in the Congress are retained. Though not a panacea, this or a similar measure should be a part of a broader, more comprehensive revision of House rules.

There might be some merit to a limitation on proxy voting. It could not be absolute, since other constituent and committee meetings often take place at the same time. But it might foster a richer debate and encourage participation if we set reasonable limits on the number of proxies that a committee could provide to a Member during a Congress.

We must also streamline standing committees and rules governing the referral of legislation. Yesterday, the Interior Committee on which I serve passed our part of the Energy bill—but seven other committees share jurisdiction. This is ridiculous. I have joined LEE HAMILTON and others of my colleagues in an effort to revise this unwieldy process.

Mr. Speaker, I hope today's debate will be a prelude to substantive debate on issues of true importance. Let's clean up the House, get our problems behind us, and, for Heaven's sake, move forward to the issues that touch all our constituents—health care, budget reform, energy policy, the economy, protection of the environment. We have expended enough time and energy on internal housekeeping. Now let's finally get on with our jobs.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to this conference report which purports to provide for campaign finance reform but which in reality is a fraud and a scam that does not make a single change to our Nation's campaign finance laws without the adoption of subsequent legislation.

This legislation is a travesty and one of the phoniest bills ever considered by this House. It is simply an attempt to manipulate the public into thinking that they are getting reform when all they are getting is a good sounding title for an empty legislative promise. Americans are and should be fed up with this abuse of power by the majority party in Congress.

I supported passage of the House bill on November 25, 1991, not because it was perfect, but because it kept alive debate on efforts to limit the cost of congressional campaigns. It gave the Senate, and House and Senate conferees, an opportunity to come up with an acceptable final package that would provide for true reform and strict spending limits.

But they either could not or would not bring us true campaign reform and we now have before us legislation that in section after section conflicts with its title and every stated objective. First, supporters of the bill say it provides for voluntary spending limits of \$600,000, a level of spending which is far too high. Yet, in subsequent sections of the bill, it allows an additional \$100,000 in campaign

spending for candidates in runoff elections, an additional \$150,000 for candidates who won closely contested primaries, \$200,000 for attorney and accounting fees, and up to \$52,500 for fundraising costs.

So in reality, a candidate, observing the voluntary spending limits in this campaign finance reform and spending limitation bill, can really spend up to \$1,102,500 per election.

The sponsors of the bill also claim that one of the primary reforms in this bill is that it lessens the influence of political action committees, or PAC's. Still, it allows House candidates to accept \$200,000 in PAC contributions, plus \$50,000 for runoff elections, and another \$50,000 for candidates who won close primaries. This means that the PAC spending limit is actually \$300,000, a figure far too high and far more than I have ever accepted in an election cycle.

Another major so-called reform in this bill, and a provision I opposed during House consideration last year, is the public financing of congressional elections. This bill would allow congressional candidates to receive \$200,000 per election from the already overtaxed taxpayers. And listen to this. In some cases, candidates would actually be eligible to receive up to \$600,000 of the public's money for their campaigns.

But even if the limit was only \$200,000, in a year in which 435 House seats were contested, the cost to the American taxpayers in just one election year could be as high as \$174 million. This at a time when the national debt approaches \$4 trillion.

Finally, the bill is silent on how to pay for the cost of public financing of congressional campaigns. Instead, it says that none of the bill's provisions take effect until such time as the Congress enacts legislation to pay for it. What a fraud. Where might the money come from? The majority party won't tell us. Might it come from the Medicare or Social Security trust funds? How about education or health care? We don't know what the majority party has in mind. How sad.

This is not a time for the Congress to be establishing new spending programs that will cost the American taxpayers hundreds of millions of dollars. It is a time for each of us to demonstrate fiscal restraint, not only during the consideration of legislation before this House, but in the conduct of our own campaigns.

Throughout my career, I have consistently maintained a self-imposed campaign limit on contributions and expenditures which is well below the levels suggested in this legislation. Instead, I have run true people-to-people campaigns in which I take my message directly to the voters, not through 30-second radio or television advertisements, but through personal appearances, speeches, and debates. This is how the voters can best learn what they want to know about my position on the issues, not what a slick campaign consultant, pollster, or television producer tells them what they want to know.

Mr. Speaker, this 102d Congress had a real opportunity to reform congressional campaigning to take the campaigns back to the people and provide for fiscal restraint. This legislation, however, fails in every way to meet this goal and the public's expectations. And even

worse, it tries to cover up the real truth about what this scheme does to the U.S. Treasury.

The American people are too smart. They will see through this attempt to deceive them. They know that what we are voting on is an empty promise, a charade, and a travesty. Those who support this legislation will have an opportunity to answer to the people they represent in just a few short months.

Mr. Speaker, if we want true reform, we should vote this conference report down today and send it back to the committee to start over. In the meantime, each Member of this House, and every candidate for Congress, can make their own personal commitment, as I have done year after year, to limit campaign spending and take their campaigns directly to the people where they belong.

Mr. REED. Mr. Speaker, I rise today in support of the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act. This bill is a step forward on the road to real reform of our current campaign process.

This legislation is a reasonable attempt to control out-of-control spending in Federal campaigns by setting spending limits for House and Senate candidates. The average cost of winning a House seat has doubled in 10 years to \$410,000. When I talk to my constituents about the campaign process, time and again people tell me there is too much money in the election process. This bill recognizes these concerns and challenges candidates for Federal office to meet spending limits.

The measure before us also limits the influence of special interest money by putting a cap on the contributions of political action committees and wealthy individuals. These caps, together with the overall voluntary spending limits, will lessen the focus on money in campaigns and will encourage candidates to concentrate on raising small contributions close to home in their own States and home districts.

This legislation gets tough on one of the worst abuses of the current system: soft money. Campaign contributions meant to support Federal candidates are sometimes routed through State parties to avoid the restrictions of Federal law. State parties run legitimate and necessary campaign programs, however, funds directly benefitting Federal candidates should meet Federal standards. S. 3 achieves this objective.

This measure also prohibits House Members from using the frank for mass mailings outside of their current congressional district—an unfair election year advantage. This is a provision inspired by legislation introduced by Mr. THOMAS of California that I cosponsored and that has the support of many on both sides of the aisle.

This is not a perfect bill. I believe it should go farther in limiting money from special interest organizations. And I do not believe it should exempt legal and accounting fees, and funds spent on soliciting contributions. Spending limits must anticipate and include all costs.

But clearly, after years of trying, there is a bill on the floor that at the very least heads in the right direction. A broad coalition of non-partisan, watchdog organizations such as Citizen Action, Common Cause, and the League of Women Voters supports this legislation. At

a time when the public is crying out for reform, these organizations understand that this legislation represents a good beginning.

The President has threatened to veto this bill because he opposes spending limits. I hope that he hears the pleas of the people and has a change of heart. Campaign finance reform should not be a political football and spending limits are not a reason to veto the bill.

I urge my colleagues to take a step to control the skyrocketing costs of campaigns and support the conference report.

Mr. SANDERS. Mr. Speaker, the United States today is one of two nations in the industrialized world without a national health care system; the gap between the rich and the poor is growing wider every day; and while the salaries of the chief executive officers of the major corporations continue to soar, 10 million of our workers are unemployed, 5 million of our children go hungry and 2 million Americans sleep out on the streets.

Mr. Speaker, it is no secret that the President of the United States and the U.S. Congress do not represent the needs of ordinary Americans, and one of the major reasons for that is that we have an absurd approach to campaign financing which, to a very large degree, allows wealthy people and major corporations to buy and sell politicians.

Mr. Speaker, as Common Cause has recently said, the legislation we have before us today is not perfect—but it does constitute real and fundamental reform. Most importantly, it limits the amount of money that can be spent in an election. What this means is that wealthy people, and candidates who are representing big money interests, will no longer be allowed to outspend their opponents 5 to 1 or 10 to 1. What it means is that there will be a level playing field, with all candidates having a fair shot at victory.

Second, this legislation limits huge soft money contributions from both political parties as well as special-interest groups. This is a real step forward. When I ran for Congress in 1988 and 1990, as an Independent, not only did my opponent outspend me heavily, in terms of the amount of money attributed to his own campaign committee, but his campaign was helped additionally by hundreds of thousands of dollars from the Republican Party in terms of literature and polling which was not attributed to his own campaign finance statement. This is clearly true for elections all over the country. For those of us, for example, who are fighting for national health care, there is a real concern that the American Medical Association and the insurance companies will spend millions of dollars in independent expenditures in order to defeat us. This is absurd and undemocratic, and this legislation goes a long way toward eliminating that practice.

Mr. Speaker, if the President vetoes this legislation, as he threatens to do, then all Americans should understand that he is far more interested in maintaining the political oligarchy of the rich, which presently exists, than allowing for a vibrant, responsive political system which represents the needs of ordinary people.

If President Bush, who is himself a recipient of millions of dollars of campaign contributions

from the rich and the powerful, and tens of millions of dollars throughout his political career of public funding, vetoes this vitally important legislation, then the American voters should be prepared to veto him in November.

Mr. McMILLEN of Maryland. Mr. Speaker, I rise in support of S. 3, the Congressional Campaign Spending Limit and Election Reform Act. The legislation before us today represents the most sweeping campaign reform since the changes made by Congress in 1974 in response to the Watergate scandal. This reform proposal is essential if we are to restore the faith of the American people in the election system and to get the skyrocketing cost of campaigns under control. Passage of this legislation will send a clear signal that this Congress is serious about reform, that we recognize that there are problems, and that we as elected officials have courage to make the changes that are needed.

Congressional campaign spending is out of control. Candidates winning a House seat in 1990 spent twice what they spent in 1980. Even worse, the cost of winning a Senate seat has more than tripled in the past decade. In order to keep up, candidates for Congress have been forced to raise ever increasing amounts of money, spending more and more time fundraising. Mandatory spending limits for congressional campaigns were passed by the Congress in 1974, but the Supreme Court struck down these limits as unconstitutional. It is for this reason that the 102d Congress is seeking to enact voluntary spending limits linked with incentives for candidates to stick to these limits.

S. 3 establishes voluntary spending limits for Senate candidates based upon the population of each State; ranging from \$950,000 to \$5.5 million. House limits are \$600,000 per election cycle. In addition, the bill sets up limits on funding sources. Political Action Committee [PAC] contributions are limited to 20 percent for Senate candidates and 33 percent for House candidates. Large contributions from individuals are limited to 33 percent of the total spending limit for House Members and smaller individual contributions, less than \$250, are unlimited up to the aggregate cap. These provisions will bring greater equity to fundraising sources placing increased emphasis on small, individual contributions.

S. 3 provides various incentives to candidates who agree to abide by the spending limits established in the bill. Lower postal rates, matching funding, and broadcast vouchers are all offered both as an incentive to control spending and as a way to help to reduce the real cost of running for Congress.

This legislation is drafted to ensure that we will not be throwing money at nonviable candidates. House and Senate candidates must reach a predetermined fundraising threshold before receiving matching funding. This is similar to the current requirement for Presidential candidates.

Mr. Speaker, I want to stress that this reform package is not funded through a tax increase. This proposal will not increase the Federal deficit, nor will money be shifted from other worthwhile programs to help defray the cost to candidates running for Congress. This legislation specifically states that none of these avenues is the appropriate way to help

pay for this much needed reform proposal. There are other financing options and they will be considered under a separate bill.

To close, let me quickly note some of the other important provisions in this bill. S. 3 cracks down on soft money. It increases Federal reporting requirements for candidates. This legislation provides for a prohibition on the bundling of contributions and eliminates leadership PAC's.

Mr. Speaker, the enactment of this reform package will dramatically alter, for the better, the way that congressional election campaigns are run. It will decrease the amount of money that is needed to run for Congress, it will increase the importance of small contributors in the process, and it will enhance the ability of all candidates to run for Congress by creating a level playing field. I urge my colleagues to vote in favor of this conference report. If you care about showing your constituents that you want to see the system changed and that you are willing to be part of the solution, you will vote in favor of this reform package.

Mr. GEJDENSON. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 260, nays 161, not voting 13, as follows:

(Roll No. 77)

YEAS—260

Abercrombie	Carr	Espy
Ackerman	Chapman	Evans
Alexander	Clay	Fascell
Anderson	Clement	Fazio
Andrews (ME)	Coleman (TX)	Feighan
Andrews (NJ)	Collins (IL)	Fish
Andrews (TX)	Collins (MI)	Flake
Annuzio	Condit	Foglietta
Anthony	Conyers	Ford (MI)
Aspin	Cooper	Ford (TN)
Atkins	Cox (IL)	Frank (MA)
AuCoin	Coyne	Frost
Bacchus	Cramer	Gaydos
Bellenson	Darden	Gejdenson
Bennett	de la Garza	Gephardt
Berman	DeFazio	Geren
Bevill	DeLauro	Gibbons
Bilbray	Dellums	Glickman
Blackwell	Derrick	Gonzalez
Bonior	Dicks	Gordon
Borski	Dixon	Green
Boucher	Donnelly	Guarini
Boxer	Dooley	Hall (OH)
Brewster	Dorgan (ND)	Hall (TX)
Brooks	Downey	Hamilton
Browder	Durbin	Harris
Brown	Dwyer	Hatcher
Bruce	Early	Hayes (IL)
Bryant	Eckart	Hayes (LA)
Bustamante	Edwards (CA)	Hefner
Byron	Edwards (TX)	Hoagland
Campbell (CO)	Engel	Hochbrueckner
Cardin	English	Horn
Carper	Erdreich	Hoyer

Hubbard	Moakley	Savage
Huckaby	Mollohan	Sawyer
Hughes	Montgomery	Scheuer
Hutto	Moody	Schroeder
Jefferson	Moran	Schumer
Jenkins	Mrazek	Serrano
Johnson (SD)	Murtha	Sharp
Johnston	Nagle	Sikorski
Jones (GA)	Natcher	Siskis
Jones (NC)	Neal (MA)	Skaggs
Jontz	Neal (NC)	Skelton
Kanjorski	Nowak	Slattery
Kaptur	Oakar	Slaughter
Kennedy	Oberstar	Smith (FL)
Kennelly	Obey	Snowe
Kildee	Olin	Solarz
Klecicka	Olver	Spratt
Klug	Ortiz	Staggers
Kolter	Orton	Stallings
Kopetski	Owens (NY)	Stark
Kostmayer	Owens (UT)	Stenholm
LaFalce	Pallone	Stokes
Lancaster	Panetta	Studds
Lantos	Parker	Sweet
LaRocco	Pastor	Swift
Laughlin	Patterson	Synar
Leach	Payne (NJ)	Tallon
Lehman (CA)	Payne (VA)	Tanner
Lehman (FL)	Pease	Tauzin
Levin (MI)	Pelosi	Taylor (MS)
Lewis (GA)	Penny	Thomas (GA)
Lipinski	Perkins	Thornton
Lloyd	Peterson (FL)	Torres
Long	Peterson (MN)	Torricelli
Lowey (NY)	Pickett	Towns
Luken	Pickie	Traficant
Manton	Poshard	Traxler
Markey	Price	Unsold
Marlenee	Rahall	Valentine
Martinez	Rangel	Vento
Matsui	Ray	Visclosky
Mavroules	Reed	Volkmer
Mazzoli	Richardson	Washington
McCloskey	Roe	Waters
McCurdy	Roemer	Waxman
McDermott	Rose	Weiss
McHugh	Rostenkowski	Williams
McMillen (MD)	Rowland	Wilson
McNulty	Roybal	Wise
Mfume	Sabo	Wolpe
Miller (CA)	Sanders	Wyden
Mineta	Sangmeister	Yatron
Mink	Sarpaluis	

NAYS—161

Allard	Ewing	Lent
Allen	Fawell	Lewis (CA)
Applegate	Fields	Lewis (FL)
Archer	Franks (CT)	Lightfoot
Armey	Gallegly	Livingston
Baker	Gallo	Lowery (CA)
Ballenger	Gekas	Machtley
Barrett	Gilchrest	McCandless
Barton	Gillmor	McCollum
Bateman	Gilman	McCreery
Bentley	Gingrich	McDade
Bereuter	Goodling	McEwen
Billirakis	Goss	McGrath
Bliley	Gradison	McMillan (NC)
Boehlert	Grandy	Meyers
Boehner	Gunderson	Michel
Broomfield	Hammerschmidt	Miller (OH)
Bunning	Hancock	Miller (WA)
Burton	Hansen	Molinari
Callahan	Hastert	Moorhead
Camp	Hefley	Morella
Campbell (CA)	Henry	Morrison
Chandler	Herger	Murphy
Clinger	Hobson	Myers
Coble	Holloway	Nichols
Coleman (MO)	Hopkins	Nussle
Combest	Horton	Oxley
Coughlin	Houghton	Packard
Cox (CA)	Hunter	Paxon
Crane	Hyde	Petri
Cunningham	Inhofe	Porter
Davis	Ireland	Pursell
DeLa	Jacobs	Quillen
Dickinson	James	Ramstad
Doolittle	Johnson (CT)	Ravenel
Dorman (CA)	Johnson (TX)	Regula
Dreier	Kasich	Rhodes
Duncan	Kolbe	Ridge
Edwards (OK)	Kyl	Riggs
Emerson	Lagomarsino	Rinaldo

Ritter	Shays	Upton
Roberts	Shuster	Vander Jagt
Rogers	Skeen	Vucanovich
Rohrabacher	Smith (NJ)	Walker
Ros-Lehtinen	Smith (OR)	Walsh
Roth	Smith (TX)	Weber
Roukema	Solomon	Weidon
Santorum	Spence	Wolf
Saxton	Stearns	Wylie
Schaefer	Stump	Young (AK)
Schiff	Sundquist	Young (FL)
Schulze	Taylor (NC)	Zeliff
Sensenbrenner	Thomas (CA)	Zimmer
Shaw	Thomas (WY)	

NOT VOTING—13

Barnard	Hertel	Wheat
Costello	Levine (CA)	Whitten
Dannemeyer	Martin	Yates
Dingell	Russo	
Dymally	Smith (IA)	

□ 1354

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ECK-ART). The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. WALSH
Mr. WALSH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report in its present form?

Mr. WALSH. Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the conference report on the bill S. 3 to the Committee of Conference with instructions to the managers on the part of the House to include in the conference report the provisions of H.R. 3770 including:

1. The requirement that a majority of a candidate's contributions come from individuals residing in the candidate's district.

2. A limit of \$1,000 on PAC contributions to candidates.

3. A total ban on soft money contributions to political parties.

And to further include the requirement that no taxpayer dollars may be used to finance congressional campaigns.

POINT OF ORDER

Mr. GEJDENSON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GEJDENSON. Mr. Speaker, I would make a point of order that the instructions exceed the scope of the conference report. It is clear that the requirement of in-district funding is beyond the scope of the conference report, and I would move that therefore the motion to recommit should be ruled out of order.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. WALSH] wish to be heard in opposition to the point of order?

Mr. WALSH. Mr. Speaker, I believe that this motion adds to the fairness of the conference report, and I would urge that it be added.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. WALSH] concede the point of order?

Mr. WALSH. Mr. Speaker, I do not. The SPEAKER pro tempore. Does anyone else wish to be heard on the point of order?

Mr. HENRY. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The point of order is contested. The gentleman from Michigan [Mr. HENRY] is recognized on the point of order.

Mr. HENRY. Mr. Speaker, I want to be sure we understand what the point of order is and what the question is and what the contest is.

Mr. Speaker, my understanding is that the gentleman from Connecticut [Mr. GEJDENSON] objects to the motion to instruct because the motion contains a provision that would require that in order to get Federal taxpayer match, one would have to raise campaign funds in one's district.

Mr. Speaker, if I understand it, that is what the objection is.

Mr. GEJDENSON. Mr. Speaker, the objection is because it is beyond the scope of the conference. At this stage of the game to try to rewrite the whole conference is really in fact an attempt to kill campaign finance reform, at least at this session, in my perspective.

Mr. HENRY. Mr. Speaker, I would ask what is the point of order? It is simply a motion to recommit or refer back to the conference committee to address the issue as to whether or not in the existing legislation the proposal that the gentleman has put before us, not changing the taxpayer match at all, as I understand it, not changing any of the provisions relative to PAC limitations, is simply whether or not in order to get taxpayer match the moneys to be matched would have to be raised within our States and within our districts.

□ 1400

I just do not understand what the point of order is or the objection. I wanted to be sure the Speaker understood and the Members understood as they deal with the Speaker's ruling as to exactly what is at issue.

The SPEAKER pro tempore. (Mr. ECKART). Does the gentleman from Iowa [Mr. LEACH] wish to be heard on the point of order?

Mr. LEACH. Mr. Speaker, I do think this body ought to understand what is taking place here. The minority resolution talked about a \$1,000 cap on PAC's. The House bill passed a \$5,000 limit. The Senate bill passed a zero or up to a thousand, if the court threw it out.

So what the majority is attempting to do is stifle a very thoughtful amendment of the minority for real reform of the political action system and is using the Rules of the House against real reform. And there is nothing more germane to this bill.

The subject matter of this bill is containing political action committees. I think the public record ought to indicate it.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LEACH] is entitled to be heard on the point of order under the rules of the House. That does not entitle the gentleman to be heard on the merits of the bill.

If the gentleman has remarks to make, they should be confined to the point of order before the House.

Mr. LEACH. Mr. Speaker, there are two issues that this Member would like to make. One is that in his belief this is thoroughly and utterly germane.

The second point is how extraordinary it is that the party of alleged reform may or may not want to block real reform.

The SPEAKER pro tempore. (Mr. ECKART). The Chair is prepared to rule.

The gentleman from Connecticut makes a point of order against the motion offered by the gentleman from New York on the ground that the instructions therein exceed the scope of the conference.

The motion offered by the gentleman from New York proposes to instruct the managers on the part of the House to include in the conference report three features of a separate bill, H.R. 3770. Each of these three initiatives falls outside the matters committed to the conference as disagreements between the Senate bill and the House amendment thereto.

Therefore, under clause 3 of rule XXVIII, a conference report may not include a matter although germane that was not committed to the conference of either House.

In the opinion of the Chair, the instructions proposed in the motion offered by the gentleman from New York exceed the scope of the differences committed to the conference, and the point of order is sustained.

MOTION TO RECOMMIT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALSH. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the conference report on the bill S. 3 to the committee of conference with instructions to the managers on the part of the House to strip all sections from the bill that allow for public financing of subsidies of congressional campaigns, to wit sections providing for matching payments to candidates, voter communication vouchers, and reduced postal rate subsidies for candidates.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 179, nays 243, not voting 12, as follows:

[Roll No. 78]

YEAS—179

Allard	Gunderson	Paxon
Allen	Hall (TX)	Pickle
Applegate	Hammerschmidt	Porter
Archer	Hancock	Pursell
Armye	Hansen	Quillen
Baker	Hastert	Ramstad
Ballenger	Hayes (LA)	Ravenel
Barrett	Hefley	Regula
Barton	Henry	Rhodes
Bateman	Herger	Ridge
Bennett	Hobson	Riggs
Bentley	Holloway	Rinaldo
Bereuter	Hopkins	Ritter
Billrakis	Horton	Roberts
Bliley	Houghton	Rogers
Boehner	Huckaby	Rohrabacher
Broomfield	Hunter	Ros-Lehtinen
Bunning	Hutto	Roth
Burton	Hyde	Roukema
Byron	Inhofe	Santorum
Callahan	Ireland	Sarpaluis
Camp	James	Sawyer
Campbell (CA)	Johnson (CT)	Saxton
Carr	Johnson (TX)	Schaefer
Chandler	Kasich	Schiff
Clinger	Kolbe	Schulze
Coble	Kyl	Sensenbrenner
Coleman (MO)	Lagomarsino	Shaw
Combest	Lent	Shuster
Condit	Lewis (CA)	Skeen
Coughlin	Lewis (FL)	Smith (NJ)
Cox (CA)	Lightfoot	Smith (OR)
Crane	Livingston	Smith (TX)
Cunningham	Lowery (CA)	Snowe
Davis	Machtley	Solomon
DeLay	Marleene	Spence
Dickinson	McCandless	Stearns
Doollittle	McCollum	Stump
Dornan (CA)	McCrery	Sundquist
Dreier	McDade	Tauzin
Duncan	McEwen	Taylor (MS)
Early	McGrath	Taylor (NC)
Edwards (OK)	McMillan (NC)	Thomas (CA)
Emerson	Meyers	Thomas (WY)
Ewing	Michel	Trafcant
Fawell	Miller (OH)	Upton
Fields	Mollinari	Vander Jagt
Fish	Montgomery	Volkmer
Franks (CT)	Moorhead	Vucanovich
Galleghy	Morrison	Walker
Gallo	Murphy	Walsh
Gekas	Myers	Weber
Geren	Nagle	Weldon
Gilchrest	Nichols	Wolf
Gillmor	Nussle	Wyllie
Gingrich	Orton	Yatron
Goodling	Oxley	Young (AK)
Goss	Packard	Young (FL)
Gradison	Parker	Zeliff
Grandy	Patterson	

NAYS—243

Abercrombie	Campbell (CO)	Edwards (CA)
Ackerman	Cardin	Edwards (TX)
Alexander	Carper	Engel
Anderson	Chapman	English
Andrews (ME)	Clay	Erdreich
Andrews (NJ)	Clement	Espy
Andrews (TX)	Coleman (TX)	Evans
Annuzio	Collins (IL)	Fascell
Anthony	Collins (MI)	Fazio
Aspin	Conyers	Feighan
Atkins	Cooper	Flake
AuCoin	Cox (IL)	Foglietta
Bacchus	Coyne	Ford (MI)
Bellenson	Cramer	Ford (TN)
Berman	Darden	Frank (MA)
Bevill	de la Garza	Frost
Bilbray	DeFazio	Gaydos
Blackwell	DeLauro	Gejdenson
Boehrlert	Dellums	Gephardt
Bonior	Derrick	Gibbons
Borski	Dicks	Gilman
Boucher	Dixon	Glickman
Boxer	Donnelly	Gonzalez
Brewster	Dooley	Gordon
Brooks	Dorgan (ND)	Green
Browder	Downey	Guarini
Brown	Durbin	Hall (OH)
Bruce	Dwyer	Hamilton
Bryant	Dymally	Harris
Bustamante	Eckart	Hatcher

Hayes (IL) McNulty Sabo
 Hefner Mfume Sanders
 Hertel Miller (CA) Sangmeister
 Hoagland Miller (WA) Savage
 Hochbrueckner Mineta Scheuer
 Horn Mink Schroeder
 Hoyer Moakley Schumer
 Hubbard Mollohan Serrano
 Hughes Moody Sharp
 Jacobs Moran Shays
 Jefferson Morella Sikorski
 Jenkins Mrazek Sisisky
 Johnson (SD) Murtha Skaggs
 Johnston Natcher Skelton
 Jones (GA) Neal (MA) Slattery
 Jones (NC) Neal (NC) Slaughter
 Jontz Nowak Smith (FL)
 Kanjorski Oakar Solarz
 Kaptur Oberstar Spratt
 Kennelly Obey Stagers
 Kildee Olin Sharp
 Kleczka Oliver Stark
 Klug Ortiz Stenholm
 Kolter Owens (NY) Stokes
 Kopetski Owens (UT) Studts
 Kostmayer Pallone Sweet
 LaFalce Panetta Swift
 Lancaster Pastor Synar
 Lantos Payne (NJ) Tallon
 LaRocco Payne (VA) Tanner
 Laughlin Pease Thomas (GA)
 Leach Pelosi Thornton
 Lehman (CA) Penny Torres
 Lehman (FL) Perkins Torricelli
 Levin (MI) Peterson (FL) Towns
 Lipinski Peterson (MN) Traxler
 Lloyd Petri Unsoeld
 Long Pickett Valentine
 Lowey (NY) Poshard Vento
 Luken Price Visclosky
 Manton Rahall Washington
 Markey Rangel Waters
 Martinez Ray Waxman
 Matsui Reed Weiss
 Mavroules Richardson Wheat
 Mazzoli Roe Williams
 McCloskey Roemer Wilson
 McCurdy Rose Wise
 McDermott Rostenkowski Wolpe
 McHugh Rowland Wyden
 McMillen (MD) Roybal Zimmer

NOT VOTING—12

Barnard Kennedy Russo
 Costello Levine (CA) Smith (IA)
 Dannemeyer Lewis (GA) Whitten
 Dingell Martin Yates

□ 1420

Messrs. PARKER, NAGLE, CONDIT, GEREN of Texas, and SARPALIUS changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ECK-ART). The question is on the conference report.

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

RECORDED VOTE

Mr. GEJDENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 165, not voting 10, as follows:

[Roll No. 79]

AYES—259

Abercrombie Andrews (NJ) Atkins
 Ackerman Andrews (TX) AuCoin
 Alexander Annunzio Bacchus
 Anderson Anthony Belfenson
 Andrews (ME) Aspin Berman

Bevill Hoagland
 Bilbray Hochbrueckner
 Blackwell Horn
 Boehlert Hoyer
 Bonior Hubbard
 Borski Hughes
 Boucher Jacobs
 Boxer Jefferson
 Brewster Jenkins
 Brooks Johnson (SD)
 Browder Johnston
 Brown Jones (GA)
 Bruce Jones (NC)
 Bryant Jontz
 Bustamante Kanjorski
 Byron Kaptur
 Campbell (CO) Kennedy
 Cardin Kennelly
 Carper Kildee
 Chapman Kleczka
 Stallings Clay
 Clement Kolter
 Coleman (TX) Kopetski
 Collins (IL) Kostmayer
 Collins (MI) LaFalce
 Condit Lancaster
 Conyers Lantos
 Cooper LaRocco
 Cox (IL) Laughlin
 Coyne Leach
 Cramer Lehman (CA)
 Darden Lehman (FL)
 de la Garza Levin (MI)
 DeFazio Lewis (GA)
 DeLauro Lipinski
 Dellums Lloyd
 Derrick Long
 Dicks Lowey (NY)
 Dingell Luken
 Dixon Machtley
 Donnelly Manton
 Markey Markey
 Dorgan (ND) Marlenee
 Downey Martinez
 Duncan Matsui
 Mavroules Mazzoli
 Dwyer McCloskey
 Dymally McCurdy
 Early McCurdy
 Eckart McDermott
 Edwards (CA) McHugh
 Edwards (TX) McMillen (MD)
 Engel McNulty
 English Mfume
 Erdreich Miller (CA)
 Espy Miller (WA)
 Evans Mineta
 Fascell Mink
 Fazio Moakley
 Feighan Mollohan
 Fish Montgomery
 Flake Moody
 Foglietta Moran
 Ford (MI) Morella
 Ford (TN) Morrison
 Frank (MA) Mrazek
 Gejdenson Murtha
 Gephardt Natcher
 Gibbons Neal (MA)
 Gilman Neal (NC)
 Glickman Nowak
 Gonzalez Oakar
 Gordon Oberstar
 Green Obey
 Guarini Oliver
 Hall (OH) Ortiz
 Hamilton Orton
 Harris Owens (NY)
 Hatcher Owens (UT)
 Hayes (IL) Pallone
 Hefner Panetta
 Hertel Parker

NOES—165

Allard Bentley
 Allen Bereuter
 Applegate Billirakis
 Archer Bliley
 Army Boehner
 Baker Broomfield
 Ballenger Bunning
 Barrett Burton
 Barton Callahan
 Bateman Camp
 Bennett Campbell (CA)

Pastor DeLay
 Patterson Dickinson
 Payne (NJ) Doolittle
 Payne (VA) Dornan (CA)
 Pease Dreier
 Pelosi Edwards (OK)
 Penny Emerson
 Peterson (FL) Ewing
 Peterson (MN) Fawell
 Petri Fields
 Pickle Franks (CT)
 Poshard Frost
 Price Gallegly
 Rahall Gallo
 Rangel Gaydos
 Ray Gekas
 Reed Geren
 Richardson Gilchrist
 Ridge Gillmor
 Rinaldo Gingrich
 Roe Goodling
 Roemer Goss
 Rose Gradison
 Rostenkowski Grandy
 Rowland Gunderson
 Roybal Hall (TX)
 Sabo Hammerschmidt
 Sanders Myers
 Sangmeister Hansen
 Savage Hastert
 Sawyer Hayes (LA)
 Scheuer Hefley
 Schroeder Henry
 Schumer Herger
 Serrano Hobson
 Sharp Holloway
 Shays Hopkins
 Sikorski Horton
 Skaggs Houghton
 Skelton Huckaby
 Slattery Hunter
 Slaughter Hutto
 Smith (FL) Hyde
 Smith (NJ) Inhofe

NOT VOTING—10

Barnard Martin Wilson
 Costello Russo Yates
 Dannemeyer Smith (IA)
 Levine (CA) Whitten

□ 1439

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 3 just considered and agreed to.

The SPEAKER pro tempore (Mr. ECK-ART). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2437

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. McMILLAN] be removed as a cosponsor of my bill, H.R. 2437, the independent living services for the elderly blind.

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

There was no objection.

Carr Chandler
 Clinger
 Coble
 Coleman (MO)
 Combust
 Coughlin
 Cox (CA)
 Crane
 Cunningham
 Davis

□ 1440

PRIVILEGES OF THE HOUSE—REQUIRING EXPLANATION OF CERTAIN ALLEGATIONS INVOLVING AD HOC COMMITTEE INVESTIGATING THE POST OFFICE OF COMMITTEE ON HOUSE ADMINISTRATION

Mr. DOOLITTLE. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 430) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 430

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

Whereas, H.R. 340, required the committee to report its findings and recommendations no later than May 30, 1992 and;

Whereas, the chairman of the Committee on House Administration pledged before the House that the investigation would be handled equally by the majority and minority parties and;

Whereas, the chairman of the Committee on House Administration in a letter to the ranking minority members wrote that "decisions will be made by a majority of the Task Force" and;

Whereas, the Associated Press reported on April 9, 1992, an article that stated that a Member of the Committee had ordered aides/ or committee staff to remove locks to a room and replace the locks where witnesses were being interviewed by members of the Ad Hoc investigating committee and;

Whereas, the integrity of House proceedings and the integrity of investigations must be protected from deliberate interference: Now therefore, be it

Resolved, That the chairman and vice chairman of the Ad Hoc Committee investigating the Post Office appear before the House by close of business on April 9, 1992 and explain the reported attempt to interfere with the ongoing investigation.

Resolved, That House again affirms the need for an expedited investigation into the Office of the Postmaster and condemns any attempt to interfere or impede this investigation.

The SPEAKER pro tempore. The Chair finds that the resolution does constitute a question of the privileges of the House, and the gentleman from California [Mr. DOOLITTLE] is recognized for 1 hour.

Mr. DOOLITTLE. Mr. Speaker, I wonder if the gentleman from Kansas [Mr. ROBERTS] could come to the well and shed some light on the incidents that transpired in the committee yesterday.

Mr. Speaker, I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, if the gentleman will yield, if the gentleman could ask me some specific questions, perhaps I could respond.

Mr. DOOLITTLE. Yes; I would like to do that.

Mr. Speaker, I would like to ask, is there any assurance the Democrats will allow the post office investigation to continue so that it may report its findings to the House?

Mr. ROBERTS. In discussing this matter with the chairman of the full committee, the gentleman from North Carolina [Mr. ROSE] and all members of the task force, we have resolved to go ahead. There are some differences, but we have resolved them. I think it is the intention of the task force, without question, to proceed along the lines of the resolution that was passed by the House.

Mr. DOOLITTLE. What was the reason given by the Democrat majority leadership on the committee for terminating the investigation yesterday?

Mr. ROBERTS. Well, obviously, when you have a task force investigation of this nature, you have strong differences of opinion. Obviously, you are going to have some discussions where skins wear a little thin.

I am from Dodge City, KS, and I am used to some rough and ready treatment. I understand that, but I think the two concerns were in reference to some reform discussions we were having in regard to current reform legislation, and then the sanctity of the investigation itself in regards to some alleged leaks; but having said that, let me say that hopefully those differences are resolved and we are proceeding.

Mr. DOOLITTLE. Mr. Speaker, in just a minute, I want to yield to the gentleman from North Carolina, but I would like to ask just one more question.

Can the gentleman tell us what actually happened? Did in fact the chairman order this staff to remove people from the room and change the locks?

Mr. ROSE. Mr. Speaker, will the gentleman yield to me? The gentleman is asking the gentleman from Kansas questions about me. Why not let me answer them?

Mr. DOOLITTLE. Mr. Speaker, I am happy to yield to the gentleman from North Carolina for purposes of debate only.

Mr. ROSE. Mr. Speaker, I have read this for the first time, the gentleman's resolution.

Let me say to the gentleman that the minority leader, the gentleman from Illinois [Mr. MICHEL], the Speaker, Mr. FOLEY, the gentleman from California [Mr. THOMAS], and I signed a letter to the Justice Department several days ago informing them that despite the objection of the Justice Department, that we were going to continue our investigation of the activities that took place in the post office by the continuation of the interview of witnesses.

We made it abundantly clear to ourselves, the six of us, the gentleman from Kansas [Mr. ROBERTS], the gentleman from California [Mr. THOMAS], and I, the gentleman from Wisconsin

[Mr. KLECZKA], the gentleman from Washington [Mr. SWIFT], and the gentleman from Nebraska [Mr. BARRETT] that one of the things we were very concerned about was leaks.

In Saturday's Cleveland Plain Dealer, there was a paragraph that said that the paper had a task force memo. Now, that would certainly have been a leak if in fact they had a task force memo.

I asked the staff not to go forward with any more interviews of witnesses until we resolved that matter. I asked that they not interview anybody else.

Now, we were moving so fast that some of the staff was determined to go forward with those interviews. Somebody determined the best way to stop that was to lock the door.

The gentleman from California [Mr. THOMAS] scheduled a press conference where he was going to complain about the activity, as well he might have, but cooler heads prevailed. We got together. The six of us explained to one another our concerns.

I said that I am convinced for the time being that we do not have a leak problem and I am willing to proceed.

The gentleman from California [Mr. THOMAS] said, "Then I will call for the press conference," and we went back to our own business.

But if there is a leak in our task force or by our staff, the work of our task force is in jeopardy.

The gentleman from California [Mr. THOMAS] and I have worked very patiently together to try to make this thing work. He puts up with my questions and has been very fair to me, and I hope and believe that he thinks most of the time that I have been real fair to him.

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

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

Mr. THOMAS of California. Mr. Speaker, as in a marriage, you never want these sorts of things done in public. You would like to be able to do them in private, because you have joined together in a bipartisan structure.

This is an example of what happens when it is true bipartisanship; that is, you will have disagreements.

I hope that we do not have to air these in public.

However, I guess I actually thank the gentleman for allowing us to come to the floor and talk about this a little bit. But you will not get any specifics out of us other than to say that the chairman and I have entered into an agreement. He has honored the agreement, which is unique in this postplantation era, of not only saying that we are going to produce a bipartisan structure, and doing so in form, but by actually doing so in substance.

There are times in which we have to kind of work it out. It is not going to be all smooth. But who ever thought it

was going to be, if we are going to be precedent-setting in terms of shared power in an investigation, just like it could have been in the resolution that we are going to be discussing, when it was going to be shared power in a bipartisan oversight subcommittee?

But let me hasten to add, the structure that the chairman has entered into is a fair, truly bipartisan structure.

The structure we are about to look at in terms of the reform measure is phony. I would urge the gentleman to take a look at the so-called bipartisan structure in the measure that is going to come forward. Because in that one if there is a tie; that is, if the Democrats are on one side and the Republicans are on the other, it is elevated to some partisan structure to decide it.

In the task force that the chairman has agreed to, if there is a tie the issue loses, as in any other body. Therefore we have to work out our differences.

Unfortunately, sometimes they spill out into the open a little bit. We try not to have that happen.

The point that the House needs to know is that we are moving forward. As in any marriage, if it is to last, you have to talk out your differences.

The structure that we have here allows us to talk out our differences. The structure that is supposedly bipartisan, which is phony, does not allow you to talk out your differences. A tie moves it forward. There is no need to come to a resolution.

I would tell the gentleman that he saw the resolution of a conflict in action. That is not bad. That is not something that people should worry about. It is something that people should applaud. We came to a difference, we worked together, and we resolved it. We are moving forward. That is positive. That is good.

It is not going to happen under the structure that you are going to see in a minute.

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

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

Mr. ROBERTS. Mr. Speaker, what was the question that the gentleman had for me? I would be happy to respond.

Mr. DOOLITTLE. Could the gentleman tell us what happened? I want to know what happened. The gentleman was there. What happened? Were the locks changed?

□ 1450

Mr. ROBERTS. We were going to proceed with the investigation as outlined by the gentleman from California [Mr. THOMAS] and as outlined by the chairman [Mr. ROSE]. It was 10 in the morning. There was a witness, there was a witness scheduled. We received a phone call from counsel indicating the investigation had been called off. However,

we decided at that point that we would proceed with the investigation.

At that particular time, staff arrived from the chairman's office, indicating to us that the investigation had been concluded or terminated, and in fact that there would be a locksmith to change the locks on the doors.

At that particular time, we still made the decision to proceed with the investigation. Mr. THOMAS called the press gallery or called for a press conference at 11, the thought being if we were going to be removed from the investigation, that that might be a matter of some interest to the press, and at that particular time we all went over to the chairman's office to discuss this matter at some length.

As has been indicated, there was a difference of opinion in regards to what reform measures should be taken here in the House, how those reform measures applied to the post office investigation. I think that is to be expected in regards to the strong differences of opinion we have around here.

There also was a considerable discussion in regards to alleged leaks. I would tell the gentleman that, having been in the newspaper business, having been a working reporter, it is my experience that if something is leaked that is detrimental to any individual, that is a leak. If something is leaked and it is not detrimental to an individual but they think it is certainly within the realm of news, then it is not a leak. And there have been a great many stories in the press in regards to the bank, or the restaurant or the post office, with the working press actually doing their job, trying to shine the light of truth in the darkness.

It is because of those stories and because the public disclosure that we have had an investigation. It is because of that effort by a free press, if you will, that we have reached an agreement where we have a bipartisan investigation. And I can speak for every Member on the Republican side and this Member and our staff, the notes of that investigation stay in that room and are locked up. Any Members' notes go into their safe or they go into that lockup. And there has been no conversation on the part of any staff member or any Member to any newspaper in regards to the specifics of this investigation.

Now, having said that, you can detect I have a little blood pressure on this because every time there is an alleged leak and somebody gets wet around here, it is always the minority that is blamed. Usually, it is the other way around when we have a majority investigation.

So, I want to make the record perfectly clear that as far as I am able to determine, there has not been a leak, an alleged leak or any other leak. And I can also say that if there were leaks, for goodness sakes, it would not be the

kind that has been in the press. The truth will come out at the conclusion of the investigation when the chips fall where they may. As the gentleman from North Carolina has indicated; when I took my special order and said we needed an independent investigation, he said we can do this within the House Administration Committee. We are trying to do it. There are problems. But as I have indicated before, we are trying to work them out.

We are proceeding even as I speak. I cannot speak to the specifics, will not speak to the specifics, but I can say I am encouraged by the chairman and my ranking member for putting together this task force. I think we will get to the bottom of it. We will let the chips fall where they may, and we will come with a report to the House so we can better effectively manage the post office and the operation of the post office.

So, from that standpoint I think we have made some progress.

Now I know, I am from Dodge City, we have Front Street, we have confrontations, we have face-offs. Shots were fired but no one was mortally wounded. There were some tempers and they flared.

As a Republican Member of this Congress, I do not like to be told by any staff member that I cannot proceed with an investigation. More specially, I do not like to be told that the door is going to be shut and the locks are going to be changed. I have a little feeling about that.

But I knew if I went over to the chairman and we talked about it in a rational way, we could settle the differences. We have done that, and the investigation is proceeding.

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

Mr. DOOLITTLE. I had indicated to the gentleman from Pennsylvania, but I will yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding, and I will be very brief.

Mr. DOOLITTLE. This is for purposes of debate only.

Mr. ROSE. Mr. Speaker, I think I have said my part, and the gentleman from Dodge City has characterized it accurately from his perspective. There is just one thing I would like to clear up: From my perspective, the thing I was concerned about was not the contents of any investigation being revealed, because as far as I am concerned the subject matter of the story in the Plain Dealer was not the issue.

As far as I am concerned, my friend and my colleague, MARY ROSE OAKAR, is a fine Member of this House and she is not the subject of what we were investigating or talking about. But it was the fact that there was listed in that paper as having a memo from the task force. The contents of it was irrelevant. We have determined there was—

in our discussion there was no such memo. I certainly did not have one. They did not have one.

And when I, as the leader of the Democratic side of this task force, determined that we should bring the questioning of witnesses to a halt until that question was solved and the staff said, "No, we are not," I had no alternative but to take such action as I thought was required to stop the questioning of further witnesses.

Now we probably understand each other a little better, for the future, and I think we are going to be doing all right.

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

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

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, just for the record, there is no staff memo, no staff memo was ever—

Mr. ROSE. That is right.

Mr. ROBERTS. At least to my knowledge, there has been no staff memo in regard to the issue that the gentleman has raised.

Mr. ROSE. Exactly right.

Mr. ROBERTS. So, consequently, any reference to that as far as the post office investigation is concerned is not pertinent and it is not right. And that is the sum of it.

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

Ms. OAKAR. Mr. Speaker, will the gentleman yield to me, since my name was mentioned?

Mr. DOOLITTLE. I promised—I will yield, but first I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, the thing that puzzles me, I guess, in this whole discussion is if all of this was worked out after there was the threat of the doors, to have the locks changed, why could we not have found all of this out in a bipartisan sense before those kinds of threats were on the table? It seems to me if we are going to have an investigation here go forward unimpeded, the thing that worries some of us is the fact that in the midst of something that was ongoing and that we thought was being conducted in a bipartisan way, evidently an order was issued to clear the room and change the locks, and my concern about that is that if these matters can all be worked out, why would they not be worked out before such orders were issued?

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

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

Mr. ROSE. I thank the gentleman for yielding.

Mr. Speaker, I am concerned about the fact that we have told the Justice Department that we are not going to

stop interviewing witnesses, as they have asked us to do. We have not slowed down for 1 day. They said stop interviewing for 90 days. We have not slowed down for 1. The one thing we could do to hurt the Justice Department investigation would be to have leaks. And I do not want any part of anything with leaks.

So, when I see that and I ask the staff, the bipartisan staff, to stop interviews and they thumb their nose at me, I have no alternative but to take another action.

Now, if we all had telephones in our ears and the six of us were communicating quickly with each other, I am sure that they would have concurred for a momentary pause in the interviews. That got cleared up, and we went on. I do not think that will happen again in the future.

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

Mr. DOOLITTLE. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I just want to follow up because, as I understood the situation, one of the people being thrown out of the room, potentially, was the vice chairman of the committee, who was attempting to be a part of the interview. Now, that does not sound to me as though there was very much attempt to do any consultation before this took place.

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

Mr. DOOLITTLE. I yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, well, as the vice chairman who was in the room, let me make it clear there would not be anybody throwing me out of that damn room. All right?

No. 2: What happened here is there were four members on the previous day present for the investigation and that particular witness. At the end of that presentation, there was considerable discussion, as there is among the task force members when we conclude our business, if somebody has a special concern or got a little blood pressure on an item, why, we bring it up.

□ 1500

Now that lasted about what; maybe 30 minutes, and it has been referenced to in these discussions. The gentleman from North Carolina [Mr. ROSE] was not present. One other member was not present. Most of us who were there at that particular meeting thought we had everything reconciled, no need to close it down, no need to change the locks, no need to get into allegations as to who is leaking what, why or wherefore, or the sanctity, or whatever. It was a surprise to the vice

chairman; that is, this Member, at 10 o'clock to find that situation. But in fact Mr. ROSE had not had an opportunity to discuss all of that with the Members concerned, and there was concern. There is going to be differences of opinion as we go down this path.

So, I would say to the gentleman from Pennsylvania [Mr. WALKER] that, while it was very disconcerting there for a short period of time, and we got into short, jerky sentences, and adjectives and adverbs that I cannot repeat on the floor, that things were worked out, and they were worked out in good faith.

As the gentleman from California has indicated, if you have a marriage of this type, which is unique, sometimes it is a rocky road, but we are still on the road. I may file for divorce later.

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

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

Mr. THOMAS of California. Mr. Speaker, I think one has to understand that when one says "bipartisan," if my colleagues will read the agreement, not only is it equal numbers in terms of the Members, that is, Democrat and Republican, but the staff is equal. This is unprecedented, and what happens is that some folks on our side of the aisle have new-found powers. They have never been able to exercise them before. And sometimes they get a little exuberant. On the other side of the aisle we have new-found jealousies that have never been checked by anybody before, and, as we get into these relationships, we are going to have to make adjustments.

Again, I have committed to the chairman, and the chairman has committed to me, that the press is not going to drive this. The outsider who wants to destroy the first truly bipartisan structure is going to destroy this opportunity. We are going to move forward.

Why is anyone surprised that we have some difficulty in this unique relationship in moving forward totally harmoniously? The point that people need to remember is we are moving forward. We will continue to move forward, and we will move forward together.

Ms. OAKAR. Mr. Speaker, will the gentleman yield to me?

Mr. DOOLITTLE. I yield to the gentleman from Ohio for the purposes of debate only.

Ms. OAKAR. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for yielding to me.

I want to say to the gentleman, having served with him on the Committee on House Administration, I think he knows I respect him, and he asked the question, "Why, when there's three and three," and I agree with him that this task force should be three and three, and I was once part of it and declined to serve any longer. But what is the

rub with me personally is with not only leaks, but false leaks, lies, lies that are told to the press for whatever reason, and I do not know who did it, and I cannot prove it.

But I have to say to my colleagues that it is very disconcerting, not only to this Member, but it is equally disconcerting to those of my colleagues who are on a fictitious restaurant list that was leaked to the press that some members of the press still buy as an absolute truthful list that has ruined the reputations of people around here. There are very few things that people have in their lives besides their good name, and that to me is where the problem lies.

So, do not trivialize, and I do not mean this to the gentleman directly, but I would say to my friend, the gentleman from Kansas [Mr. ROBERTS], and my chairman and others about particularly the kind of talk that I heard about leaks, "Don't trivialize leaks. Identify the type you're talking about. If someone takes an oath, as the staff did, to not divulge any information, that person should be held accountable if he or she does, and the person who should hold that person accountable is the Member who hired that person."

But, second, that is bad enough if it is truthful. But if it is untruthful and it is a rumored leak, then that is malicious, and I think some people know a little bit about malice around this place, and so I thank the gentleman for yielding.

I hope that this task force which has been charged with the very profound duty, and there are 145 people who work at that post office, and most of them are very decent staff people. They do not deserve to have their reputations maligned because of some guerrilla warfare that is going on with some people, certainly not all, and that is not to say that it is partisan. I do not know who is doing it; OK? But I do not approve of it, and I think it is intrinsically evil and wrong.

Mr. DOOLITTLE. Mr. Speaker, I have been concerned; the reason I raised this question: There has been so many allegations about the House post office, the various investigations that are going on, when I read this newspaper article that really gave me cause for concern. It is a very unusual thing to have a hearing going on and staff people showing up attempting to change the locks and telling people the investigation is at an end.

I appreciate the explanation of the chairman and the vice chairman explaining their desire to make sure that things were done in a proper order. It still sounds like an odd set of circumstances.

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

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from Washington for purposes of debate only.

Mr. SWIFT. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for yielding to me.

I think it is very important to know that the six of us who were working on this task force know each other and have worked together. The gentleman from Kansas, the gentleman from California in particular, I have worked with over the years. These are difficult issues.

All of our disagreements, incidentally, do not happen to be between Republicans and Democrats. There are some disagreements between Republicans, and there are some disagreements between Democrats. We are experienced people. We are working them out.

There is not the slightest question in my mind, and it seems to me there should not be the slightest question in anybody's mind on the other side of the aisle that the Republican representatives on this task force are perfectly capable of vigorously pursuing their interests and the interests of their party. They certainly have not give me any indication that they are going to do other than vigorously pursue their perspectives.

Now, when we talk about communication, it seems to me that short of going and making a legislative initiative such as this, if the gentleman wanted to know what was going on, he could have picked up the phone or walked across the floor and talked to the gentleman from Kansas [Mr. ROBERTS] or the gentleman from California [Mr. THOMAS], which I think would have saved the body a great deal of trouble. But what really disturbs me here is that under the guise of questioning, I think, whether the Democrats are doing the appropriate thing, it seems to me that intrinsically the gentleman is raising serious questions about the Republicans on the task force who I think are doing a fine job defending their perspective on the issue and that there is certainly no need for them to be hauled to the well of the House and quizzed about their ability to carry out their role, their responsibilities intelligently, and competently and vigorously.

Mr. DOOLITTLE. Reclaiming my time, Mr. Speaker, I have confidence on the Republican side that frankly it is not our side that controls access to the rooms and controls the procedure around here, and we do not run the House, and we did not run the post office, or the bank or these other things, and that is what gives rise for this concern.

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

Mr. DOOLITTLE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I think the gentleman from California [Mr. DOOLITTLE] makes a good point, and I have checked with the various Repub-

licans in the course of the day, and none of them ordered the locks changed. So, I do not think that is a problem.

But let me say that, as my colleagues know, the gentleman, I think, has already managed to get the one resolved clause taken care of. We have had a good discussion about this. But what occurs to me is, out of the discussion of this, it is very important that the House does what the gentleman resolves in the second part of his clause, and that is that the House again affirm the need for an expedited investigation into the office of the postmaster and condemns any attempt to interfere or impede this investigation. I think in light of all of this that that would be a very useful thing for the House to have on the record, and I would urge the passage of the resolution simply to make certain that that resolved clause is entered into the RECORD of the proceedings today.

Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for having yielded to me.

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

Mr. DOOLITTLE. I yield to the gentleman from North Carolina for the purposes of debate only.

Mr. ROSE. Mr. Speaker, I say to the gentleman, if you're satisfied that we have adequately explained this matter to you, I have no problem in agreeing to the last paragraph.

Fair enough?

Mr. DOOLITTLE. That would be acceptable to us.

The SPEAKER pro tempore (Mr. MCNULTY). Does the gentleman from California [Mr. DOOLITTLE] yield back the balance of his time?

Mr. DOOLITTLE. Mr. Speaker, I would like to yield first to the gentleman from New York [Mr. SOLOMON].

□ 1510

Mr. SOLOMON. Mr. Speaker, I have listened carefully to this debate. I have been standing by to begin the leadoff debate on the so-called congressional reform package, the Democrat package, which is going to be laid before us in a few minutes.

I have noticed that this debate has drawn considerable attention in the press galleries and from others. I cannot help but look at the parallel between this debate and the resolution which we are going to be considering in a few moments.

As I read that resolution, I see that the Democrats give us a new House Director, who is really under the direction and control of the Democrat partisan Committee on House Administration. That is a cosmetic change. That is no real change.

The Democrat resolution, if you read through it, gives us a new inspector general, who is not independent but under the direction and control of the

Democrat partisan Committee on House Administration. The Democrats absolutely refuse to give us a 50-50 bipartisan Committee on House Administration that would deal with the administrative duties of operating this Congress.

Mr. Speaker, the Democrat resolution gives us a new bipartisan oversight subcommittee, which is really under the ultimate control of the Democrat partisan Committee on House Administration. They give us a new general counsel, now, listen to this, a new general counsel with unlimited assistance, all under the control of the Democrat partisan Committee on House Administration.

Mr. Speaker, I could go on and on and on in reading this, but I hope that those Members listening, will really pay attention to the upcoming debate. Because if we were to adopt the Michel substitute, which truly makes the administrative activities of this Congress bipartisan, we would never again get into this kind of crisis situation.

Mr. Speaker, we all know what is going to happen. We Republicans are going to be voted down on a party line vote and the House is going to be right back in the same position we were in yesterday. That means a year from now, or 2 years from now, we can expect to be subject to the same old kinds of scandals. I, for one, would be embarrassed to be a Member of this House if that is allowed to happen.

Mr. Speaker, I just wanted to call to the attention of Members the parallel between this debate and what we are about to debate about a half hour from now when the Democrat resolution comes up.

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

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

Mr. ROSE. Mr. Speaker, I want to thank the gentleman from California [Mr. DOOLITTLE] for all his questions. I would urge Members to vote in favor of the resolution, should the gentleman call for a vote. If the gentleman does not, I will certainly speak in favor of it.

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

Mr. Speaker, I would just like to indicate that in light of the comments of the gentleman from Washington [Mr. SWIFT], it is not my intent to admonish the gentleman from Kansas [Mr. ROBERTS].

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

The SPEAKER pro tempore (Mr. MURTHA). The question is on ordering the previous question.

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

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members. The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 16, as follows:

[Roll No. 80]

YEAS—417

Abercrombie	Dellums	Hobson
Ackerman	Derrick	Hochbrueckner
Alexander	Dickinson	Holloway
Allard	Dicks	Hopkins
Allen	Dingell	Horn
Anderson	Dixon	Horton
Andrews (ME)	Donnelly	Houghton
Andrews (NJ)	Dooley	Hoyer
Andrews (TX)	Doolittle	Hubbard
Annunzio	Dorgan (ND)	Huckaby
Applegate	Dornan (CA)	Hughes
Archer	Downey	Hunter
Arney	Dreier	Hutto
Aspin	Duncan	Hyde
Atkins	Durbin	Inhofe
Bacchus	Dwyer	Ireland
Baker	Dymally	Jacobs
Ballenger	Earmly	James
Barrett	Eckart	Jefferson
Barton	Edwards (CA)	Jenkins
Bateman	Edwards (OK)	Johnson (CT)
Bellenson	Edwards (TX)	Johnson (SD)
Bennett	Emerson	Johnson (TX)
Bentley	Engel	Johnston
Bereuter	English	Jones (GA)
Berman	Erdreich	Jones (NC)
Bevill	Espy	Jontz
Bilbray	Evans	Kanjorski
Billrakis	Ewing	Kaptur
Blackwell	Fascell	Kasich
Bliley	Fawell	Kennedy
Boehert	Fazio	Kennelly
Boehner	Feighan	Kildee
Boniior	Fields	Kleczka
Borski	Fish	Klug
Boucher	Flake	Kolbe
Boxer	Foglietta	Kolter
Brewster	Ford (MI)	Kopetski
Brooks	Ford (TN)	Kostmayer
Broomfield	Frank (MA)	Kyl
Browder	Franks (CT)	LaFalce
Brown	Frost	Lagomarsino
Bruce	Galleghy	Lancaster
Bryant	Gallo	Lantos
Bunning	Gaydos	LaRocco
Bustamante	Gejdenson	Leach
Byron	Gekas	Lehman (CA)
Callahan	Gephardt	Lehman (FL)
Camp	Geren	Lent
Campbell (CA)	Gibbons	Levin (MI)
Campbell (CO)	Gilchrest	Lewis (CA)
Cardin	Gillmor	Lewis (FL)
Carper	Gilman	Lewis (GA)
Carr	Gingrich	Lightfoot
Chandler	Glickman	Lipinski
Chapman	Gonzalez	Livingston
Clay	Goodling	Lloyd
Clement	Gordon	Long
Clinger	Goss	Lowery (CA)
Coble	Gradison	Lowey (NY)
Coleman (MO)	Grandy	Luken
Coleman (TX)	Green	Machtley
Collins (IL)	Guarini	Manton
Collins (MI)	Gunderson	Markey
Combest	Hall (OH)	Marlenee
Condit	Hall (TX)	Martinez
Conyers	Hamilton	Matsui
Cooper	Hammerschmidt	Mavroules
Coughlin	Hancock	Mazzoli
Cox (CA)	Hansen	McCandless
Cox (IL)	Harris	McCloskey
Coyne	Hastert	McCollum
Cramer	Hatcher	McCrery
Crane	Hayes (IL)	McCurdy
Cunningham	Hayes (LA)	McDade
Darden	Hefley	McDermott
Davis	Hefner	McEwen
de la Garza	Henry	McGrath
DeFazio	Herger	McHugh
DeLauro	Hertel	McMillan (NC)
DeLay	Hoagland	McMillan (MD)

McNulty	Poshard	Smith (OR)
Meyers	Price	Smith (TX)
Mfume	Pursell	Snowe
Michel	Quillen	Solarz
Miller (CA)	Rahall	Solomon
Miller (OH)	Ramstad	Spence
Miller (WA)	Rangel	Spratt
Mineta	Ravenel	Staggers
Mink	Ray	Stallings
Moakley	Reed	Stark
Mollinari	Regula	Stearns
Mollohan	Rhodes	Stenholm
Montgomery	Richardson	Stokes
Moody	Ridge	Studds
Moorhead	Riggs	Stump
Moran	Rinaldo	Sundquist
Morella	Ritter	Swett
Morrison	Roberts	Swift
Mrazek	Roe	Synar
Murphy	Roemer	Tallon
Murtha	Rogers	Tanner
Myers	Rohrabacher	Tauzin
Nagle	Ros-Lehtinen	Taylor (MS)
Natcher	Rose	Taylor (NC)
Neal (MA)	Rostenkowski	Thomas (CA)
Neal (NC)	Roth	Thomas (GA)
Nichols	Roukema	Thomas (WY)
Nowak	Rowland	Thornton
Nussle	Roybal	Torres
Oakar	Sabo	Torricelli
Oberstar	Sanders	Towns
Obey	Sangmeister	Trafficant
Olin	Santorum	Traxler
Olver	Sarpalius	Unsold
Ortiz	Savage	Upton
Orton	Sawyer	Valentine
Owens (NY)	Saxton	Vander Jagt
Owens (UT)	Schaefer	Vento
Oxley	Scheuer	Visclosky
Packard	Schiff	Volkmr
Pallone	Schroeder	Vucanovich
Panetta	Schulze	Walker
Parker	Schumer	Walsh
Pastor	Sensenbrenner	Waters
Patterson	Serrano	Waxman
Paxon	Sharp	Weiss
Payne (NJ)	Shaw	Weldon
Payne (VA)	Shays	Wheat
Pease	Shuster	Williams
Pelosi	Sikorski	Wilson
Penny	Sisisky	Wise
Perkins	Skaggs	Wolf
Peterson (FL)	Skeen	Wolpe
Peterson (MN)	Skelton	Wyden
Petri	Slattery	Wylie
Pickett	Slaughter	Yatron
Pickle	Smith (FL)	Young (FL)
Porter	Smith (NJ)	Zimmer

NAYS—1

Washington

NOT VOTING—16

Anthony	Laughlin	Whitten
AuCoin	Levine (CA)	Yates
Barnard	Martin	Young (AK)
Burton	Russo	Zeliff
Costello	Smith (IA)	
Dannemeyer	Weber	

□ 1532

So the resolution was agreed to. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3221

Mrs. COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3221.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

PRIVILEGES OF THE HOUSE—REQUIRING INVESTIGATION INTO ALLEGATIONS OF ILLEGAL HIRING PRACTICES IN THE HOUSE OF REPRESENTATIVES

Mr. RIGGS. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 431) and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

H. RES. 431

Whereas recent press accounts have cited allegations of illegal hiring practices and ghost employees in the House of Representatives and;

Whereas such allegations violations reflect upon the integrity of the House of Representatives and;

Whereas the Code of Ethics for Government Services (H. Con. Res. 175, 72 Stat. Part 2, B 12) calls on each government official to: "Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties." and;

Whereas such allegations would constitute violations of Rule XLIII, clauses 8, of the Code of Official Conduct which states that "A member or officer of the House shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received * * *". Now, therefore, be it

Resolved, That the Speaker and Minority Leader shall appoint an ad hoc committee of an equal number of Democrats and Republicans under the jurisdiction of the Committee of Standards of Official Conduct to investigate the published reports and report within 90 days to the full House any violations of House rules.

Resolved, This ad hoc committee is authorized to appoint a special counsel to assist in this investigation and that the funds necessary for this investigation shall be provided by specific resolution.

The SPEAKER pro tempore. The Chair rules that the resolution does constitute a question of privilege.

MOTION OFFERED BY MR. GEPHARDT

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

The SPEAKER pro tempore. The question is on the motion to lay on the table the resolution offered by the gentleman from California [Mr. RIGGS].

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

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 181, not voting 22, as follows:

[Roll No. 81]

AYES—231

- | | | |
|---------------|---------------|---------------|
| Abercrombie | Gephardt | Orton |
| Ackerman | Gibbons | Owens (NY) |
| Alexander | Gonzalez | Owens (UT) |
| Anderson | Gordon | Panetta |
| Andrews (ME) | Guarini | Parker |
| Andrews (TX) | Harris | Pastor |
| Annunzio | Hatcher | Patterson |
| Anthony | Hayes (IL) | Payne (NJ) |
| Applegate | Hefner | Payne (VA) |
| Aspin | Hertel | Pease |
| Atkins | Hoagland | Pelosi |
| AuCoin | Hochbrueckner | Perkins |
| Bacchus | Horn | Peterson (FL) |
| Bellenson | Hoyer | Peterson (MN) |
| Berman | Hubbard | Pickle |
| Bevill | Hughes | Poshard |
| Bilbray | Hutto | Price |
| Blackwell | Jefferson | Rahall |
| Bonior | Jenkins | Rangel |
| Borski | Johnson (SD) | Ray |
| Boucher | Johnston | Reed |
| Brewster | Jones (GA) | Richardson |
| Brooks | Jones (NC) | Roe |
| Browder | Jontz | Roemer |
| Brown | Kanjorski | Rose |
| Bruce | Kaptur | Rostenkowski |
| Bustamante | Kennedy | Rowland |
| Byron | Kennelly | Roybal |
| Campbell (CO) | Kildee | Sabo |
| Cardin | Kleczka | Sanders |
| Carper | Kopetski | Sangmeister |
| Carr | Kostmayer | Sarpalius |
| Chapman | LaFalce | Savage |
| Clay | Lancaster | Sawyer |
| Clement | Lantos | Scheuer |
| Coleman (TX) | LaRocco | Schroeder |
| Collins (IL) | Lehman (CA) | Schumer |
| Collins (MI) | Lehman (FL) | Serrano |
| Condit | Levin (MI) | Sikorski |
| Conyers | Lewis (GA) | Sisisky |
| Cooper | Lipinski | Skaggs |
| Cox (IL) | Long | Skelton |
| Coyne | Lowey (NY) | Slaughter |
| Cramer | Luken | Smith (FL) |
| Darden | Manton | Solarz |
| de la Garza | Markey | Spratt |
| DeFazio | Martinez | Staggers |
| DeLauro | Matsui | Stallings |
| Dellums | Mavroules | Stark |
| Derrick | Mazzoli | Stenholm |
| Dicks | McCloskey | Stokes |
| Dixon | McCurdy | Studds |
| Donnelly | McDermott | Sweet |
| Dooley | McGrath | Swift |
| Dorgan (ND) | McMillen (MD) | Synar |
| Downey | McNulty | Tallon |
| Durbin | Mfume | Tanner |
| Dwyer | Miller (CA) | Thomas (GA) |
| Early | Mineta | Thornton |
| Eckart | Mink | Torres |
| Edwards (CA) | Moakley | Torricelli |
| Edwards (TX) | Mollohan | Torres |
| Engel | Montgomery | Traficant |
| English | Moran | Traxler |
| Espy | Mrazek | Unsoeld |
| Evans | Murtha | Valentine |
| Fascell | Nagle | Vento |
| Fazio | Natcher | Viscolsky |
| Feighan | Neal (MA) | Volkmer |
| Flake | Neal (NC) | Washington |
| Foglietta | Nowak | Waters |
| Ford (MI) | Oakar | Waxman |
| Ford (TN) | Oberstar | Weiss |
| Frank (MA) | Obey | Wheat |
| Frost | Olin | Wise |
| Gaydos | Olver | Wolpe |
| Gejdenson | Ortiz | Wyden |

NOES—181

- | | | |
|--------------|---------------|--------------|
| Allard | Bilirakis | Coble |
| Allen | Bliley | Coleman (MO) |
| Andrews (NJ) | Boehert | Combest |
| Archer | Boehner | Coughlin |
| Armey | Boxer | Cox (CA) |
| Baker | Broomfield | Crane |
| Ballenger | Bunning | Cunningham |
| Barrett | Burton | Davis |
| Barton | Callahan | DeLay |
| Bateman | Camp | Dickinson |
| Bennett | Campbell (CA) | Doolittle |
| Bentley | Chandler | Dorman (CA) |
| Bereuter | Clinger | Dreier |

- | | | |
|---------------|---------------|---------------|
| Duncan | Kasich | Riggs |
| Edwards (OK) | Klug | Rinaldo |
| Emerson | Kolbe | Ritter |
| Erdreich | Kolter | Roberts |
| Ewing | Kyl | Rogers |
| Fawell | Lagomarsino | Rohrabacher |
| Fields | Leach | Ros-Lehtinen |
| Fish | Lent | Roth |
| Franks (CT) | Lewis (CA) | Roukema |
| Galleghy | Lewis (FL) | Santorum |
| Gallo | Lightfoot | Saxton |
| Gekas | Livingston | Schaefer |
| Geren | Lloyd | Schiff |
| Gilchrist | Lowery (CA) | Schulze |
| Gillmor | Machtley | Sensenbrenner |
| Gilman | Marlenee | Sharp |
| Gingrich | McCandless | Shaw |
| Glickman | McCollum | Shays |
| Gooding | McCrery | Shuster |
| Goss | McDade | Skeen |
| Gradison | McEwen | Slattery |
| Grandy | McMillan (NC) | Smith (NJ) |
| Green | Meyers | Smith (OR) |
| Gunderson | Michel | Smith (TX) |
| Hall (TX) | Miller (OH) | Snowe |
| Hamilton | Miller (WA) | Solomon |
| Hammerschmidt | Molinari | Spence |
| Hancock | Moody | Stearns |
| Hansen | Moorhead | Stump |
| Hastert | Morella | Sundquist |
| Hayes (LA) | Morrison | Tauzin |
| Hefley | Murphy | Taylor (MS) |
| Henry | Myers | Taylor (NC) |
| Herger | Nichols | Thomas (CA) |
| Hobson | Nussle | Thomas (WY) |
| Holloway | Oxley | Upton |
| Hopkins | Packard | Vucanovich |
| Horton | Pallone | Walker |
| Houghton | Paxon | Walsh |
| Huckaby | Penny | Weldon |
| Hunter | Petri | Williams |
| Hyde | Porter | Wolf |
| Inhofe | Pursell | Wylie |
| Ireland | Quillen | Yatron |
| Jacobs | Ramstad | Young (FL) |
| James | Regula | Zimmer |
| Johnson (CT) | Rhodes | |
| Johnson (TX) | Ridge | |

NOT VOTING—22

- | | | |
|------------|-------------|------------|
| Barnard | Levine (CA) | Weber |
| Bryant | Martin | Whitten |
| Costello | McHugh | Wilson |
| Dannemeyer | Pickett | Yates |
| Dingell | Ravenel | Young (AK) |
| Dymally | Russo | Zeliff |
| Hall (OH) | Smith (IA) | |
| Laughlin | Vander Jagt | |

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. MURTHA). The Chair will announce. Members should appear in 15 minutes so the House can proceed. Members are waiting until the last minute. The next roll call will last 15 minutes.

□ 1553

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURTHA). Are there additional Members who wish to cast their vote? Are there any Members who wish to change their vote? Are there Members who wish to change their vote?

The Chair will announce, in order not to inconvenience the vast number of Members, that the Chair is going to close the voting after a minimum of 15 minutes. The vast majority of Members vote on time, and a few Members consistently come in late.

Are there Members who wish to change their vote? Are there any Members who wish to vote or change their vote?

Let the Chair announce again that the Members who are coming in late

are inconveniencing the vast, vast number of Members, and the Chair appreciates the cooperation of Members.

All time has expired.

Messrs. MOODY, GLICKMAN, and BENNETT changed their vote from "aye" to "no."

Mr. LAROCO and Mr. HARRIS changed their vote from "no" to "aye."

So the motion to lay the resolution on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 423, HOUSE ADMINISTRATIVE REFORM RESOLUTION OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 423) amending the Rules of the House of Representatives to provide for certain changes in the administrative operations of the House. The resolution shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority and minority leaders. The previous question shall be considered as ordered on the resolution to find adoption without intervening motion except an amendment to be offered by Representative Michel of Illinois, consisting of the text printed in the report of the Committee on Rules accompanying the resolution, which shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a Member opposed thereto. All points of order against consideration of and against the resolution, and against the amendment are hereby waived.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 427 is the rule providing for the consideration of House Resolution 423, the House Administrative Reform Resolution of 1992. The rule provides that consideration of the resolution will be in the House. The rule waives all points of order against the resolution and against its consideration. The resolution will be debatable for 1 hour equally divided and controlled by the majority and minority leaders.

Mr. Speaker, the rule makes in order only one amendment to be offered by Representative MICHEL and debatable for 1 hour. The amendment is con-

tained in the report accompanying this rule.

Finally, Mr. Speaker, the rule waives all points of order against the Michel amendment.

House Resolution 423 proposes major unprecedented reform of the administrative and financial operations of the House. This reform will bring the administration of the House up to professional standards. The resolution provides for the appointment of a Director of Nonlegislative and Financial Services who will be charged with running the daily nonlegislative and financial operations of the House.

The resolution also provides for the appointment of an independent inspector general who will be responsible for conducting audits of the financial operations of all the House officers. These reforms will ensure that the events that have placed a dark cloud over the House during the last year will not occur again.

Mr. Speaker, the majority party will today be accused of partisan tactics. However, I would point out that the resolution allows the minority party to take part in the selection of these two professionals by giving the minority leader veto power over their nomination.

The resolution takes bipartisanship one step further in that it establishes a financial oversight subcommittee with equal representation of majority and minority members to receive the inspector general's audits.

Mr. Speaker, the debate today will also include calls for legislative reform. Accusations will probably be made that the majority party is dragging its feet on matters relating to the reform of the legislative process. Some will claim that now is the proper time to consider major reform.

My response is that the Speaker and I have given Members of both parties our commitment to establish the Hamilton-Gradison Commission which will make an in-depth study of ways to allow the legislative process to function more smoothly.

All Members will agree that the process is very complicated. That is the main reason we should take a long constructive look at what steps could be taken to improve the process.

Mr. Speaker, yesterday during consideration of this matter in the Rules Committee, I emphasized that now more than ever, the American people are looking to Congress for help and relief from the problems that currently plague our society. These are problems ranging from untenable unemployment levels; to adequate research funding for AIDS; to finding ways to help those currently without health insurance face the crisis of illness. But instead of seeing legislative action on these pressing concerns, the American people grow weary and disgusted as they watch us squabble and position and

point fingers on embarrassing internal housekeeping concerns.

The true damage caused by our flawed administrative procedures results in the continuing erosion of public confidence in elected leaders, and the lost opportunities for this House to act on the issues of the day because our Members are preoccupied with these embarrassing episodes.

We are not Members of a royal pedigree with a birthright to govern, complete with kingly perks and special privileges. We are regular men and women who are freely elected by the public to serve their interests and maintain their trust.

But due to distracting issues, such as those addressed in this reform package, we are prevented from serving the public's interest and maintaining their trust, that—sadly—has been eroding for years.

We have no one to blame for this current state of affairs but ourselves. And, quite frankly, I am tired of the senseless bickering and finger-pointing that has gone on in the last months—be it at our honorable Speaker, each other, the media, or even our spouses. For that kind of behavior gets us no closer to reform, but merely continues to distract this House from the business it must conduct.

Make no mistake about it—this reform package is a major step forward. It reflects thoughtful discussions by both Republicans and Democrats. It may not be what every one wants and it may not be as all-encompassing as some in this chamber might prefer; but it is, without a doubt, a major step forward. It will bring the House management into the 21st century and it will help this institution avoid the embarrassing, degrading and time-consuming episodes that have taken up so much of this House's valuable time.

The flawed policies and perks that have been part of this institution for over a century are being phased out—and that's a good thing.

However, I hope with my whole heart that once these reforms are made this House will move onto the real business at hand—the stuff we were elected to do. Quite frankly, when you get down to it, whether or not we raise prices in the House stationary store or whether we ask H&R Block to manage this place makes no difference to the lives of the people we represent.

That is not to say that the American people do not want us to run a tight ship; they do. And I know they are frustrated as hell at the stories about the House disbursing office and the post office and other internal embarrassments.

But I would respectfully suggest that the American people are far more frustrated at this Government's inability to deal with issues that impact them. People are really hurting out there.

As important as this reform package is—and, believe me, it is important—

nothing we are doing today will put anyone to work; will provide anyone with health care; or will put anyone through school.

It is time to move on. I do not want this House to become mired for weeks and months on end with debate on internal housekeeping issues to the exclusion of all others.

I just hope that those who have talked about the House disbursing office and the House post office and other internal matters as if they were the defining issues of the century—will now take that same energy and passion and direct it towards addressing the urgent needs of the people of this country.

Where is the energy and passion to help the unemployed?

Where is the energy and passion on the health care debate?

And, today, just one day after the great athlete—Arthur Ashe—announced that he has the AIDS virus, where is the energy and passion to get adequate funding for AIDS research?

Mr. Speaker, I do not want this House to become a place where comparatively trivial issues are debated passionately and important ones not at all.

What we are doing today is very important. But it pales in comparison to the significance of the more pressing needs of our country.

Mr. Speaker, the American people are demanding change that goes beyond our internal housekeeping affairs. They need solutions to the problems that plague them. And to find those solutions—it will require this House and its Members to work long and hard. And let us not lose sight of that fact.

So, let us improve this institution with this reform package and let us continue to look at ways to make this place better.

But the House's principal concern should be issues that impact the lives of our constituents. And I sincerely hope that once we have dispensed with this very important legislation, we get back on track and do what we were elected to do.

I urge my colleagues to support this rule and the reform resolution so we can get on to doing what we were sent here to do and that is to serve the people.

□ 1600

Mr. SOLOMON. Mr. Speaker, I thank my good chairman for yielding the time.

Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it is with some reluctance and a great deal of sadness that I stand up here and oppose this rule and the resolution that it makes in order. I say that in all sincerity because I had the privilege of serving with my chairman, the gentleman from Massachusetts [Mr. MOAKLEY] on the bipartisan leadership task force that

was charged with developing a proposal to reform the operations of this House, reforms which we all so desperately want.

I can think of no finer group of men and women in this House than the 16 who comprised that group, from the Speaker himself to our Republican leader and all the rest of them. I know that both sides went into those negotiations with some suspicions about the motives and the agendas of the other side, but we all came out of those deliberations with increased respect for our counterparts in the other party and a realization that everyone had negotiated in good faith and good will; I really mean that.

Unfortunately, we did not come out of that task force with a bipartisan agreement, because there came a point when neither side would yield further for fear that they would lose the support of their respective party caucuses. Perhaps that is not too difficult to understand when we consider that the two parties were coming at this from really different perspectives.

To the Democrats, this was simply a matter of trying to make minimal changes that would take some heat off so that they could go home at Easter-time, coming up soon, and tell the people back home that they had fixed the problems that gave us the House bank scandal and the post office scandal. To Republicans, the administrative problems of this House are only a small part of a larger institutional problem that must be addressed now.

□ 1610

That is the breakdown of the legislative process and the growing procedural unfairness that has also come with 38 consecutive years of one-party control around here. And that happens when any party controls anything for 38 years. I am sure it happened under the Republicans years before that.

You know, we Republicans felt these were all part and parcel of the basic problem and should be addressed simultaneously with administrative reforms since this is probably the best window of opportunity for accomplishing some real reforms in the House.

Mr. Speaker, it is not enough to bring the House into the 20th century administratively if we do not design a streamlined legislative process to carry this Nation into the 21st century and address the real problems of the House.

And let us make no mistake about it because some people are under some kind of delusion around here. The American people are more concerned about our legislative performance, or lack of it, than how we run this place administratively.

Long before the bank and the post office matters burst onto the scene, this Congress had an abysmal public approval rating of under 30 percent. That

was before the bank and before the post office scandal. And it has gone down since then even more.

The people were judging us on our job performance, which has to do with making laws, and they were correctly observing that we do a doggone poor job of it, for various reasons.

Mr. Speaker, this institution is in legislative gridlock for the simple reason that we have become so muscle-bound with all of our committees and our subcommittees, our select committees and thousands of employees stepping all over each other. All of this costs the taxpayers of this Nation \$3 billion. Do you know how much money that is? That is \$3,000 million. Do you know how much that breaks down per Member of Congress? About \$6 million apiece.

Do you think we are worth that?

Mr. Speaker, this congressional bureaucracy has become so entangled with overlapping and duplicative jurisdictions and turf fights among our little fiefdoms that we cannot legislate ourselves out of a paper bag. And that is the real scandal around here.

Mr. Speaker, the Republican members of the bipartisan task force asked for one simple thing, and that is some ironclad linkage now between administrative and procedural reforms. Let us demonstrate to the American people that we are not only serious about running our Capital subway trains on time, but that we are just as interested and serious about running the national legislative agenda as well.

What did we get in that regard in this legislation? We got nothing but vague promises that they will discuss it. They, the Democrats, will discuss it. They will think about it, they will hold hearings on it and maybe 2 years from now, they will even vote on it.

Well, that is just not enough. It is not enough for me, it is not enough for any Member of this House, and it is certainly not enough for the American people.

The American people are not willing to wait around here for another 2 years to clean up our House. Mr. Speaker, while we do have a comprehensive proposal for administrative and procedural reforms in the Republican leader's substitute, which is made in order by this rule, we all know that the Democrats are not going to let us pass it. It is going to be voted down.

Mr. Speaker, you and the other Democrats refuse to even let us offer a few modest changes to demonstrate that we want to put this legislative train back on track. We asked, for instance, to have a bipartisan task force on legislative process reform to address the problems of our committees and to report back to this body by July 31 and give the House a vote on these recommendations by September 30, 6 months from now, before we adjourn. That was just rejected summarily on

grounds that we should not try to impose our will on the next House, even though that is exactly what we are doing, ladies and gentlemen, with this package we are passing today.

We asked for an amendment as a gesture of good faith now, today, to abolish proxy voting in committees. Proxy voting is the practice whereby a member can ghost-vote in committee by giving a piece of paper to another member.

Why is it wrong to have ghost employees and yet all right for Members of Congress, paid at \$130,000 a year, to practice ghost voting? Mr. Speaker, what are we being paid for if it is not to attend to the legislative business we were sent here to do by the 575,000 people that we represent, to perform our jobs?

You know, in the private sector an employee would get docked in his pay for not showing up at work. And yet Members are encouraged by the rules of this House to paper over their absenteeism with proxies.

The majority party on the task force offered some vague hints about outlawing proxy voting to report measures from full committee. But is that proposal, is that proposal in the Democrat resolution? Pick it up over there, show it to me; it is not even in there.

Mr. Speaker, it might not be so bad if we could claim this resolution at least does half a job, which is that it adequately carries out real administrative reform of this House. But while we were tantalized with all sorts of promising concepts, and I was taken in by it—I am a little gullible and naive and I believe people—during our discussions, those were somehow lost when this was finally put in bill form on Monday of this week. To quote an ancient Greek proverb, there was “many a slip between the cup and the lip.”

Mr. Speaker, we Republicans were initially encouraged in the task force by all the talk about a professional, competent and nonpartisan House administrator, about doing away with patronage and about having a tough, independent inspector general, which we demanded.

But when we finally got the actual draft language of this resolution 3 days ago, those noble concepts had vanished. Something had been lost between that cup and the lip, and we were left with a resolution that really just pays lip service to those concepts.

Not only did we find that the emperor had no clothes, but we found he had lost his teeth as well.

Mr. Speaker, I am not one to take up the time of the House on this rule by detailing all of the sins, of commission or omission, in the resolution. We will have time to do that during general debate.

Instead let me bring things back to this rule and this process to make my main point about this whole task force

exercise. The task force is its own best proof that things are still broken around here and the majority has not learned one darned thing.

Here we are on this floor supposedly talking about institutional reform under a gag rule that does not allow Members on your side or this side to offer their amendments to a resolution which has not had the benefit of going through the normal committee process of hearings and deliberations. Nobody has sat on a committee that gave this resolution any consideration.

We are told instead that it is more important for us to pass something, pass anything, before Easter so that we can point to reform. Mr. Speaker, we can do better than this. We are capable of doing better than this. We have committees that were created to give us better than this. Unless we can pass the Michel substitute, which gives us real administrative reform and real legislative reform, we have once again booted away a golden opportunity. And that is not all that is going to get booted around here unless we start doing something about true reform.

So, Mr. Speaker, I urge Members to vote down this rule and, failing that, I hope we vote down the resolution.

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

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, even by the standard set by my friend from New York, we have just seen an unusual gap between rhetoric and reality. Let us take as an example the gentleman, bemused by the words, who says, “What is the difference between ghost voting and ghost employees?” The difference is, of course, enormous. And I think this stands as a good example of the degree of logical rigor that the other side is bringing to this debate.

□ 1620

Now the accusation of ghost employees made without the slightest shred of evidence on the other side earlier by those with a Dan Aykroyd fantasy who see themselves as ghostbusters, they argue that there were some ghost employees, but evince no evidence for it whatsoever.

Now a ghost employee is, of course, someone who gets paid not to work. Proxy voting is a different issue. No one seriously thinks paying someone who does not show up for work is the same as proxy voting, but it is an example of the kind of slipshod rhetoric that we are getting from the other side on this, that the gentleman would have made that kind of an analogy. Proxy voting is something very different.

The gentleman suggests that, when people vote by proxy, they are somehow absent from their duties. Most of

us understand, and I have seen meetings when there were proxy votes being cast by Republicans and Democrats. I was in a meeting on the consumer bill the other day when one Republican was there and cast all the proxies for all the others. Were they off larking somewhere? Were they stealing the money or cheating? No. They were doing other things.

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

Mr. FRANK of Massachusetts. No.

The point is that the gentleman from New York, having set the precedent of having never yielded to me, for a while I will not yield. I will yield later.

Mr. SOLOMON. Just a minute. I yielded to the gentlemen all the time in the committee the other day.

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman's record for inaccuracy, the gentleman from New York, is unbroken today.

The point is this: When people are voting by proxy, they are often at other committee meetings, they are meeting with constituents, they are on the floor of the House. I want to take this as an example of the accuracy of what we are being told today.

When the gentleman from New York [Mr. SOLOMON] says proxy voting means people are absentees and not working, people voting by proxy, he said, are taking money, and they are not doing their work for it.

Now, no one who understands the way this place works thinks that is true much of the time. Proxy voting occurs because there are multiple committee meetings. Proxy voting occurs when Members may be meeting with constituents, when they may be on the floor, when they may be in their districts meeting with people. The argument may or may not be a good one against proxy voting, but to equate people voting by proxy with people neglecting their jobs simply has no validity.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. I will yield first to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding.

I am just confused, and maybe he can help a little bit.

Mr. FRANK of Massachusetts. Yes, I understand it.

Mr. LEWIS of California. The gentleman can understand that.

I say to the gentleman, “Let's see. We're talking about proxy voting, and somebody probably related that to ghost voting or something, and that was disconcerting to you. I thought in the last vote we took care of the fact that you and your colleagues on that side of the aisle want to do nothing about ghost employees.”

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, now this is again an example of the absence of any kind of logical coherence. What we had was a resolution that says, "We don't know about any ghost voting, but we read somewhere in the paper we shouldn't have any." It is already illegal, and what we said was, "If people came up with any allegations of it, that would be a different story."

The point that I made was when the gentleman from New York [Mr. SOLOMON] analogizes ghost employees, people who are fraudulently taking money, with proxy voting, we are seeing an example of illogic at its greatest.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. I say to the gentleman from Massachusetts, "You know, you just made my point, Mr. FRANK, because I think it's outrageous that someone would be back in their district while they are casting proxy votes here in Washington. I've never done that in my life, and I think this practice is outrageous."

Mr. SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. MOAKLEY. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], but the difference is this. The gentleman may think it is outrageous to be in the district when someone is also voting by proxy. I do not. I think efficiency is important. I think it is relevant for Members to be working as hard as they can on a lot of things. There are votes that go on in committee that are routine. There are duties in the districts. People have to sometimes miss votes on the floor of the House because there are pressing matters in the district. But to allow people to be voting in committees while they are also in the districts violates no principle of democracy I know of.

But I will also make this point. The point that I was alluding to was the point the gentleman from New York [Mr. SOLOMON] makes. To analogize fraudulently taking money for not working to being in your district, meeting with your constituents while voting by proxy, simply has no logic to it, and the proxy voting focus gets to what we have here. People who cannot gain the majority through the electoral process are trying to gain it through the procedural process. The fact is that not having proxy voting would either force a reduction in the extent to which Members would be available to meet with constituents, or it would require Members to cut down on the work they do.

The final point I would like to make is this: If the gentleman is correct, that proxy voting is somehow cheating people, we ought to be clear that it is equally indulged in by both sides. The fact is that proxy voting is indulged in by Republicans and Democrats. I do not think that Republicans, when they are voting by proxy, feel they are cheating people. They may feel it is a procedure they want changed.

This is an example of the kind of debate we have, an example the gentleman from California says, "Oh, you people don't want to do anything about ghost employees." If Members want to come forward with any evidence of ghost employees, it will be acted on. Instead what we have is the kind of McCarthyism which says, "I read something in the paper, I will offer no evidence, here we come forward."

What we have here is part of a diversion, and we will be able to discuss that for the rest of the afternoon.

Mr. SOLOMON. Mr. Speaker, I am tempted to yield to my good friend, the Democrat gentleman from Wisconsin [Mr. OBEY] to answer the gentleman from Massachusetts [Mr. FRANK] on proxy voting, but instead I yield such time as he may consume to the ranking Republican on the Committee on House Administration, the gentleman from California [Mr. THOMAS], to respond.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding to me. I do want to respond to my friend, the gentleman from Massachusetts [Mr. FRANK] specifically, not vaguely, and I do not want to analogize. I want him to pick up the resolution, and I want him to look at page 8, and I want him to look at line three. In that section is constructed a bipartisan Subcommittee of House Administration, and the decisionmaking process is thus, according to his resolution:

Any matter that, by reason of a tie vote, cannot be resolved by the Subcommittee shall be reported to the Committee on House Administration * * *.

Mr. Speaker, I say to my colleagues, "Individually you people are OK. But collectively, when you come into this place after drinking the aphrodisiac of absolute power, you folks go whacko. Look at that single issue. Who do you think is going to swallow this placebo of shared power?"

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Mr. Speaker, I am citing specific examples.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. The gentleman wants an opportunity to speak he is getting one. Let me finish my statement.

Nowhere in the world, in any parliamentary body, in any parliamentary rules, does a tie move forward to be decided by someone else.

In Jefferson's Manual, under which this House is run, a tie loses.

Robert's Rules of Order, a tie loses.

German Bundestag, a tie loses.

House of Commons, a tie loses.

The Boston downtown Rotary, a tie loses.

In the Security Council of the United Nations, a tie loses.

Nowhere in the world does a tie move on.

Mr. Speaker, this is a bipartisan subcommittee, and in a tie it moves on to the partisan full committee.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Nowhere, nowhere but in the palace of partisanship, in the Kingdom of Foley, does a tie move forward.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. The gentleman from Massachusetts [Mr. FRANK] wanted specific examples. I am giving him only one.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Mr. Speaker, I say to the gentleman, "I'll yield when I finish."

Is this the gentleman's idea of a meaningful debate, trying to continually and repeatedly say, "Mr. Speaker, will the gentleman yield?"

Mr. Speaker, I will yield when I am finished with my statement.

Mr. SOLOMON. Mr. Speaker, I do not want this time counted.

Mr. THOMAS of California. And I expect the Chair to defend my time. Who has the time, Mr. Speaker?

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from California [Mr. THOMAS] has the time.

Mr. THOMAS of California. Mr. Speaker, I say to the gentleman, "You stood up there and in your marvelous logic criticized us for not being on point. I am on point. Your resolution is phony. It's a sham." Now somebody is going to buy the argument that it is bipartisan, but the gentleman has set up a structure in which the bipartisan committee has a tie moving forward to a partisan structure. If the gentleman understands that, he understands that his resolution is phony in terms of a bipartisan structure. Nowhere does a tie move forward, nowhere but in the cockamamie thing those folks have established, trying to sell it as a bipartisan operation.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. No.

Now I yield to the gentleman because I have decided to yield to him.

□ 1630

Mr. FRANK of Massachusetts. Mr. Speaker, I hope the gentleman feels better now. The point I wanted to make is this.

Mr. THOMAS of California. Mr. Speaker, I reclaim my time.

Mr. Speaker, I will now yield to the gentleman from Massachusetts [Mr. FRANK] if he wants to carry on specific dialog about the phony resolution. Does the gentleman want to discuss the specifics over which I am speaking, or does he want to make cute statements?

Mr. FRANK of Massachusetts. Mr. Speaker, I do want to discuss the specifics, which is why I will wait until the gentleman from California [Mr. THOMAS] is through, so I can have a rational conversation.

Mr. THOMAS of California. Mr. Speaker, obviously the gentleman cannot have a rational conversation with someone else talking specifics. You have to wait until I am through so you can have it with yourself. That is an example of the absolute arrogance of power. The only time Democrats can have a rational conversation is with themselves. The only time they can have a bipartisan structure is when they have a fallback so there is a fail-safe partisan structure.

Do not think you are fooling anybody by this. This is stupid. Why are you doing it?

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the point I wanted to make to the gentleman from California [Mr. THOMAS] before he was playing his yo-yo game was that in his response on specifics he was not responding to anything I asked for. I did not ask him for specifics about everything. He may have come into the middle of the conversation. I was responding when I talked about specifics, particularly as I made clear to the question of ghost employees.

So the gentleman's bravado about giving me specifics was a response to a question I never asked. I was not doubting that there were specifics in the resolution. Of course there are. There are specifics about which we disagree.

What the gentleman totally misunderstood was that my point was that we had had a lot of bravado about ghost employees with no specifics about that. So his response to me was wholly irrelevant to the question I posed.

Second—

Mr. THOMAS of California. Will the gentleman yield?

Mr. FRANK of Massachusetts. No.

Mr. THOMAS of California. Would the gentleman yield?

Mr. FRANK of Massachusetts. My objection was to the gentleman from New York—

Mr. THOMAS of California. Will the gentleman yield? Will the gentleman yield?

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Massachusetts [Mr. FRANK] controls the time.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker.

Mr. THOMAS of California. Would the gentleman yield?

The SPEAKER pro tempore. The Chair would advise Members it does not meet with the decorum of the House for a gentleman when he knows, and asked for order himself, to then repeatedly raise the same question at another time after the Member controlling the time declines to yield.

Mr. THOMAS of California. Mr. Speaker, I would have enjoyed this speech earlier.

The SPEAKER pro tempore. The gentleman is out of order. The gentleman from Massachusetts [Mr. FRANK] controls the time.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker. The points I wanted to make were simply these.

Mr. THOMAS of California. Would the gentleman yield?

Mr. FRANK of Massachusetts. First, the request I made for specifics has nothing to do with the answer I got from the gentleman from California.

Mr. THOMAS of California. Would the gentleman yield?

Mr. FRANK of Massachusetts. Second, my point was that there was a total lack of logic in analogizing proxy voting, whether one likes it or not, with ghost employees.

Mr. THOMAS of California. Would the gentleman yield?

Mr. FRANK of Massachusetts. My time has expired.

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

Mr. Speaker, I cannot believe that I hear people standing on this floor defending proxy voting. I just wanted to show for the RECORD that we Republicans offered to ban proxy voting by an amendment we offered in the Committee on Rules last night. It was voted down on a party line vote, with all Democrats voting against banning proxy voting.

Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. ROBERTS], a member of the Committee on House Administration.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding. I am going to complete my statement, so if anyone wants me to yield, I am sorry, we are just not going to do that at this particular time.

Mr. Speaker, I hope we can bring some logical coherence to an effort to establish congressional reform.

I have got a horse that you can ride; an amendment that can be pertinent to what we are trying to do around here. I tried to offer the amendment and make it in order before the Committee on Rules as of yesterday, but, unfortunately, on a 9-to-4 vote it was not made in order.

I agree with the gentleman from Massachusetts [Mr. MOAKLEY] when he says that we must exercise passion and

commitment to health care, to the unemployed, in my case to farmers and ranchers out in Kansas, all the regulatory burdens that are placed upon them. But I will tell the gentleman this: Every country elevator, every church, every meeting that I have attended, the No. 1 question is the faith and confidence of the American people in the institution of this Congress. So while it is an internal matter, while it is an inside-the-beltway matter, it has become the number one issue of concern on the hearts and minds of the American people, and we must settle it. We must achieve reform.

How to do that: Regardless of the problem, whether it has been the House bank, whether it has been the restaurant, whether it is the post office and the ongoing investigation in that regard, the one culprit that has come back time and time again is an outdated patronage system that does not work.

It is a sad, sordid tale. Perhaps ghost employees, I cannot comment on that, but ghost employees and Dan Ackroyd may or may not have worked in the post office, I can assure the gentleman from Massachusetts [Mr. FRANK].

Why can we not get rid of the patronage system? I had an amendment that would deal with the services of the House in 13 separate functions that should in no way have pertinence in regard to individual Members and the patronage system. We should not be involved with it.

My amendment would have saved \$25.6 million and eliminated 1,015 patronage jobs.

The Speaker of the House has already indicated that the patronage days or the days of partisan patronage as controlled by the Democrat patronage committee are numbered, and it ought to be a House run in these particular functions by what you know, not who you know. There should be a degree of professionalism, at least some degree of being able to do the job. Not the case where we have determined we have illiterate people in the post office trying to sort the mail. How do you do that? That does not make any sense.

We can contract that out. We can do a very reasonable job. We have in the past with other functions of the House.

It is a reasonable amendment. All it would have done was to instruct the Speaker to go down these 13 functions and contract them out to the lowest and best bid. We get out of the patronage business. You do not want to be in the patronage business.

Before the Committee on Rules the gentleman from Massachusetts [Mr. MOAKLEY] said the happiest day in his life was when he got off the patronage committee. I wish I was off the patronage committee in regard to the Republican side. But the rule did not allow my amendment, and the rule should be defeated.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would like to simply say that I just heard the news that the gentleman from Minnesota [Mr. WEBER] had indicated he was not going to run again. I hope that is not true. If it is, I simply want to say that I think that this House is losing a number of tremendously qualified quality Members on both sides of the aisle. I think that given that fact we have a special obligation to debate this issue with profound seriousness. I hope that we can avoid turning this debate into a House version of the Clarence Thomas hearings. I just hope we will all be a little more sober today in dealing with this issue.

Mr. Speaker, having said that, let me say that before I came to the Congress my family ran a restaurant. If I had wanted to worry about running a restaurant, a barber shop, the carpenter shop, or anything like that, I would not have run for Congress in the first place. I would have stayed in my family's restaurant business in Wausau, WI.

But I think we were elected to deal with the public's business, and the public's business right now is attacking the economic, health care, job, and family security issues that they are all worried about.

So I think we have an institutional obligation to deal with these issues, to deal with them today, and move on to their business, rather than ours.

I think the resolution which we are going to be debating shortly will do that. The resolution does establish a very tight system to protect the financial integrity of this institution in terms of the supply and service agencies that we deal with.

That is the issue here today. The issue is whether we are going to assure that the support services of this House are going to be organized and overseen in a way which guarantees the financial integrity of this institution, and that is all we ought to be doing in this resolution.

Now, there are those on the Republican side who are suggesting that we ought to turn this also into a power issue so that we can redress the balance of power between different groups in the House.

□ 1640

That, too, is a legitimate issue. But in my view it ought to be handled in a different forum, and that is why we are suggesting the creation of the Hamilton Committee.

I just ask my colleagues to remember this: I was appointed by a previous Speaker, 16 years ago, to chair a commission to deal with the need for ethics reform in this House and the need for administrative reform. We passed that ethics reform in 1977, but then when we came back to this House to finish the

job by proposing a House administrator, we proposed an administrator, an auditor. We proposed giving them the authority to eliminate all discount prices for perks around here.

We needed that to pass, but it did not pass. We got 160 votes for it on the Democratic side of the aisle, 113 voted against it. On the Republican side of the aisle, there were zero votes for it and 139 against it.

Now, there were a number of reasons for that. The minority did not like the way that the resolution was being handled. They wanted to drag in additional things, just as is the case today.

I ask my colleagues not to make the mistake that was made 15 years ago. Fifteen years ago when we brought that package to the floor, it was probably loaded up with too many items because we tried to attach the legislative reform items along with the financial reform items. And as a result, we lost the package.

If we had had that package, I am convinced that the House would not have gone through the excruciating embarrassment it has gone through the last month on these administrative matters.

So I think our obligation today is to put first things first. Our obligation is to do what we tried to do and lost on 15 years ago, reform the financial structure that oversees the administrative support system of this House and then move on in the next step in the creation of the Hamilton Committee to review the long-term power issues that divide us.

The issue today should not be the power issues. The issue today ought to be the financial integrity of the administrative support system of the House. That is what this resolution tries to focus on. It is proper to do so. It is necessary to do so, if we want to see progress.

I urge my colleagues to keep their eye on the ball. Do not make the mistake that was made 15 years ago.

Mr. SOLOMON. Mr. Speaker, I would like to point out that the Committee on Rules Democrats voted last night to not let us ban Congress from being exempt from the same laws that American citizens are on a party line 9-to-4 vote.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

A few minutes ago the House voted against an investigation of ghost employment in the House. Why does that relate to the bill that we have before us?

I would invite the Members to turn to page 4 of the bill and look at section 4 and discover that patronage is not eliminated in this bill. In fact, there is only one place in this bill that patronage is covered, and that is in the new director of nonlegislative services.

Other than that, all the patronage in the House is allowed to continue, in the Doorkeeper's Office, in the Sergeant at Arms Office, in the Clerk's Office, all of the places that are now suspected of having ghost employees will continue to be allowed to have ghost employees because the House voted a few minutes ago not to investigate it, and this bill allows it to continue.

Last night I went before the Committee on Rules and asked for an amendment, one simple amendment, to be put in this bill that would cover the rest of the offices under patronage. I attended every minute of every meeting of the task force.

In those meetings on repeated occasions, the Democrats, and particularly the gentleman from Washington, Speaker FOLEY, said, "I want to get rid of patronage. I want all patronage ended."

But when the bill came forward, that is not what they did. The bill only eliminated patronage in a narrow framework.

The broader framework of the other three constitutional officers is not covered at all.

I wanted to offer a simple amendment to cover everything. I was turned down, turned down flat on a party-line vote.

We do not have an open rule out here, and we have a badly flawed bill. This is not a reform bill. The Democrats have just proved to us a few minutes ago, they are not reformers. They want to keep the patronage system in place, and then want the patronage system to continue to employ ghosts.

I would suggest to the House that it is now time to turn down this package and get us a package that is truly bipartisan and is truly reform. We are not reforming the patronage system here, and we will not allow an amendment on the floor to reform the patronage system, and then we vote to continue to employ ghosts.

I think it is appalling. This is not any kind of reform that we can agree to at all.

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

Mr. Speaker, I would just like to call to the attention of the membership that the majority just notified me that there were not nine Democrats voting to continue to exempt Members of Congress from those laws the American people have to abide by. It was only eight Democrats instead. The gentleman from Tennessee [Mr. GORDON] was the only one that was not there voting against it. We cannot vote proxies in our committee. That is why.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. NUSSLE].

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

I had the opportunity to listen a minute ago to my friend from Wisconsin [Mr. OBEY] indicate about the

friend to all of us, the gentleman from Minnesota [Mr. WEBER], who has indicated he is not going to run again. I think we ought to dedicate this procedure and this process to those Members who are not running again because they are frustrated, Members like the gentleman from Minnesota [Mr. WEBER], Members like Senator RUDMAN, Members who are frustrated with this process.

But we cannot do it today because we have a closed rule. We saw what happened on the floor of the House just minutes ago when Members were not allowed to debate, to discuss, to discover, to have ingenuity, a new process. We are closed out.

I have got hundreds of letters. These are just the letters from outside Iowa. I cannot even carry the letters from inside Iowa down here of people who have come up with ideas for reform.

I have ideas for how to change this place, the people's House of Representatives. Yet the people up in the gallery, Mr. Speaker, the people back home listening cannot do anything about it because their representatives, like me, are closed out of the process.

I had four amendments, four, I thought, well-thought-out amendments given to me as ideas from Iowans. And the chairman of the Committee on Rules gave me the opportunity to at least discuss it at Rules. But I thought we also needed to at least have the opportunity to discuss it in the full House.

The four amendments were simple. Stop the special treatment of Congress. We also needed to have merit pay for Members of Congress. If we cannot balance the budget, we ought to have our pay cut.

The next one was just simply use a stamp instead of the frank, eliminate the incumbent advantage of the franking privilege.

The last one, my colleagues will love this one, is called "Go home." If we cannot get our business done here in Congress by the end of the fiscal year, September 30, we ought to go home. We ought to go home. And if we cannot, we ought to get our pay docked 1 day's pay for every day we stay here.

Those are just some ideas. There are many Members of Congress, both Republicans and Democrats, who want to participate. And yet we are closed out.

Vote against the rule. This is unfair. Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we are not here today because of proxy votes, legislative quirks, or patronage. If we were here today about patronage, I would have to ask the question, who is doing the hiring at the White House? I do not think they are selecting anybody from the Democrat Congressional Campaign Committee over there.

Let me say this, we are here today about perks. And there was a good re-

cent article in the Roll Call. Two things I think very important. No. 1, whenever there is pressure put on the Congress, the Congress turns into a bunch of wimps. Whenever, the microscope comes out, we have more self-righteousness than 10 TV preachers around here.

But the second thing I think is very important.

Legislative elected bodies of people never threaten any democracy or republic. But monarchs, kings and powerful individuals with excessive powers have knocked off a lot of them.

Now, I do not know about my colleagues, but I am here to serve constituents, and that means I cannot have a booth in the Rayburn rest room as an office.

□ 1650

It means I should have a parking place. I do not want to jump my car in the reflecting pool. It means we need a frank. We should not abuse it, but town criers do not cut it any more. Word-of-mouth is not going to service the people.

Article I, the first article of the Constitution, sets out the most important people in our democracy, the only people that cannot be appointed, and they are sitting in our seats. We are so important we are No. 1 in the Constitution, and we are the most important links to our people.

The only problem is, Congress does not act like it. Congress will give it up to the Chief Executive. He cannot carry out foreign policy. Show that to me in the Constitution. He cannot even appoint an ambassador without having it approved by the people. He cannot enter a treaty without having it approved by the people. We are the most important. I cannot serve my constituents from a phone booth.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, let me try to put some of this in perspective. The people of the United States have been watching what is going on in this House for months now. To me they are demanding openness and honesty and integrity. They have looked at the Democrats' mismanagement of the restaurant system in this House, the House Bank, that has hurt a bunch of Members. They are having the House Post Office investigated. I think we just set a record over the last few weeks of mismanagement that cannot even write bills that can come down to the floor and pass their own pieces of legislation.

The American people are looking for true reform. What do we get? It is just amazing to me. We get more bureaucrats, two new officers, with more staff. They are not eliminating any officers or staff. We are going to layer on some more. As one Member has already

said, we are appointing two new scapegoats.

In fact, they even took out the very portion of authority for the inspector general that would have saved us from the bank, the performance audit. They took that out of their own bill. I guess they do not want performance audits around here.

It just amazes me. Why don't they just go to the existing officers they have now and say, "Do your job. If you need additional authority, we will give it to you, and then we will follow up to see that you are doing your job." That is what we are elected to do. That is what the leadership and the majority are elected to do.

What they want to do is another coverup. They want to keep their old boy network. We talked about keeping the old boy patronage. We have amendments to stop that. I had an amendment to stop the ghost voting. They want to keep their old boy abilities to allow Members to ghost vote through proxy systems. Members should go to work. They should go to the committees, participate and vote, sitting there. Yet they do not want us to have those kinds of amendments on this floor.

We should have the privilege to vote on each one of these issues individually, but they will not allow us to do that because they close the rules and gag the Members of this House.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SANTORUM].

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

Mr. Speaker, I have just been informed by the ranking Member that this House of Representatives in 1992 has not seen an open rule. In all of 1992, all of the bills we have debated, we have not debated an open rule.

For those who do not understand what an open rule is, that means that we can come to the House, and a Member of Congress who is elected by the same number of people who elected all the people on the Committee on Rules cannot come to the House of Representatives in the well and offer an amendment to the bill that is here. They cannot offer a substitute. They cannot get a vote on what the people back in their districts would like to see done.

That is what an open rule is, to allow open debate, to allow amendments, to allow discussion. That is what open rules are for.

In 1992, we have had no open rules, none. And we wonder why we need reform. We wonder why the people on this side of the aisle stand here and scream and holler that we are not part of the process and that we do not get a chance. It is because we have no opportunity to debate the great issues of the day.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I do not know the gentleman that was just in the well very well, and I do not know how long he has been here, but I would remind him that as recently as 2 weeks ago we spent 2 days on this floor with a wide-open rule writing the Higher Education Reauthorization Act, and 365 Members of the House, and the gentleman, I presume, included, voted for it.

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

Mr. FORD of Michigan. I yield to the gentleman from Michigan.

Mr. HENRY. Mr. Speaker, once again there was a preprinting requirement.

Mr. FORD of Michigan. A preprinting requirement? The gentleman made the flat statement he had never seen an open rule. All he has got to do is go back and read the rule.

Mr. SOLOMON. Mr. Speaker, there has not been one this year on the floor.

Mr. FORD of Michigan. You are on the Rules Committee. I don't mind debating you people when you tell the truth, but when you let a young man come up here and say—

Mr. WALKER. Mr. Speaker, I demand the gentleman's words be taken down.

□ 1700

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the words.

Because there was so much shouting and lack of decorum in the House the Clerk will report all the words that could be recorded.

The Clerk read as follows:

You are on the Rules Committee. I don't mind debating you people when you tell the truth, but when you let a young man come up here and say—

Mr. WALKER. Mr. Speaker, I withdraw my motion.

The SPEAKER pro tempore. The gentleman from Pennsylvania withdraws his demand.

The gentleman from Michigan [Mr. FORD] may proceed in order.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I rise in support of the rule.

Mr. Speaker, in recent years we have witnessed the embrace of democracy by people of the world from the Soviet Union, from Eastern Europe, to Latin America, Southeast Asia and to South Africa, and ironically, that embrace of democracy is occurring at the very time when a number of Americans here in this cradle of democracy are losing their faith in our basic democratic institutions, including our Nation's Congress. And as I sit here this afternoon listening to this debate, I must confess I am losing some of my faith as well.

A number of steps must be taken if we are to begin to restore the con-

fidence of the American people. I know that, you know that; confidence in this institution, confidence in our ability to govern. Today we have the opportunity to take one of those steps, not all of the steps, not the last step, but a good first step, one that we should take.

I believe the reforms that are before us today, while they are long overdue, represent genuine change and incorporate some of the best ideas of both Democrats and Republicans.

Let me just also say I did not come here 10 years ago to enjoy the perks of Congress, I did not come here 10 years ago to proxy vote. I came here 10 years ago to help govern our Nation, and I think all of us came here feeling the same way. There is much that needs to be done. Availability and affordability of health care benefits, deficits that have reached \$400 billion, stagnant productivity, a declining standard of living, dysfunctional families and schools where too little learning is taking place.

Let us pass this reform package today. But let us also pledge here and now that we will work together we will work together, for some reforms in the way we finance our campaigns, in the way we legislate through this House of Representatives. And while we do that, while we debate those issues, let us get back to work on the issues and concerns that brought me here and that brought each and every one of us here.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], who was a member of this bipartisan task force.

Mr. LIVINGSTON. Mr. Speaker, I just want to say that I totally agree with my friend who just addressed the House. He is absolutely right. We should be here trying to reform the procedures of the House of Representatives. Unfortunately, we are not. We are not. This bill, House Resolution 423, does not do it.

It could have. I was proud to have been named as a member of the task force to try to rewrite these rules and revise them. I felt deeply tarnished, and I felt like my integrity was impugned by the problems that this House of Representatives has faced over the last 6 to 8 weeks. We have the post office problems, we have the banking problems. I did not even bounce a check, but I go home and people say, "You're a crook."

Folks, I want to tell you we have problems, and it is important that we revise the rules. But this does not do it.

We had some good task force meetings. We came very close to agreeing. But finally when the chips were down the majority went back to their caucus and could not put a package together that their members would vote for, so they came back with this flimsy excuse for reform.

I want to tell Members that I believe that a change in this administration is needed. I believe it is needed, and this bill does make some steps toward changing the administration of the House. I agree with that. But it does not go far enough.

Whose fault is that? Whose fault were the problems of the administration? They are not the fault of Republicans because we have not run the House of Representatives or anything like it in 40 years. The Democrats have.

Now they have a broken system, and it seems to me that we ought to be working together to repair it. But the fact is this bill does not do it.

We offered some suggestions to try to improve the system. We had a whole package of proposals in the Michel amendment. We tried to narrow them down to about two or three, but they were not accepted. We tried to improve the checks and balances in the House, because we do believe that a two-party system, an active, conflicting two-party system will improve the overall level of performance of the House of Representatives and improve the integrity of the House of Representatives. But they did not want our improvements. So in the final analysis, they dictated to us what they were going to give us, and they wrote this bill which is inadequate.

As an example of what they gave us, I want to refer the House to "The Office of General Counsel." That says, "The Committee on House Administration shall provide for an Office of General Counsel in the House in a manner which shall ensure appropriate coordination and participation with both the majority and minority leaderships on representational and litigational matters." All we wanted was a co-equal voice in the Office of the General Counsel. We wanted to be warned ahead of time when legal problems came up that would affect all of us and affect our integrity.

What do we get? A namby-pamby paragraph with so many loopholes you could drive a battleship through it. That paragraph says absolutely nothing, and it is absolutely typical of this entire bill.

I want bipartisan change. But I think that you owe it to us to let us be part of that bipartisan change and take some of our suggestions and not dictate to us what we are supposed to like.

Mr. SOLOMON. Mr. Speaker, I yield the remainder of my time to the very distinguished gentleman from California, [Mr. DREIER], a Member and my colleague, the gentleman from Massachusetts, respects.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding the time and I appreciate the kindness.

Mr. Speaker, this bill is being touted as a measure which is going to reform

and open up this institution. As our colleague on the House Administration Committee, the gentleman from Kansas [Mr. ROBERTS] likes to say, sunshine is the horse that we are trying to ride here so that everyone can see what is going on. And the real tragedy is that we do have business as usual.

The gentleman from Michigan [Mr. FORD] was trying to claim earlier that we had an open rule on the education bill. Mr. Speaker, it was not an open rule. If we go back and look at 1977, only 15 percent of the rules that have come before this House have been restrictive rules. In this 102d Congress 64 percent of the rules which have come before this House are restrictive, and Mr. Speaker, not one open rule this calendar year until 2 hours ago, and we have yet to consider it here on the House floor. I am happy to say that the NASA rule up in the Rules Committee is going to be open. But the example that often is used as to why we should have restrictive rules is that legislation is so complex we cannot open it up on the House floor. Sometimes that may be apropos, may be apropos in the case of a very complex tax bill. But this bill in which we are trying to let every single Member have the opportunity to reform this institution is a closed and a restrictive rule.

We are trying to open up the institution, and yet we are preventing members from having the opportunity to amend it. We had a litany of very good, decent amendments offered by Members on our side of the aisle, freshman Members like the gentleman from Iowa [Mr. NUSSLE], who bring ideas from their constituents to the Rules Committee. And no, I do not think that every single idea should be able to have an amendment on the floor. But on a bill like this in which we are trying to open up this institution, it seems to me that we have very little choice other than to allow Members to do it, and tragically it is business as usual.

This measure, Mr. Speaker, appears to be doing nothing more than rearranging the deck chairs on the *Titanic*. We need to do everything that we can to open it up.

Oppose this rule and oppose this sham.

Mr. MOAKLEY. Mr. Speaker, for our last speaker to close debate, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I am proud to be a Member of the U.S. House of Representatives. Only 12,000 Americans in the history of this Nation have had this honor. And despite what has taken place in this city and on this Hill over the last few months in reference to this institution, I am still very proud of this opportunity.

I am saddened by what has occurred in this debate and what has occurred in the months preceding it. There is a divisive and venomous atmosphere here

that is not just claiming Members of the majority party, but today claimed one of your more distinguished Members of the minority, VIN WEBER, a conservative with whom I disagree many times, but whom I respect very much.

This atmosphere which the newer Members and some of the older Members are engendering is not making this a better institution.

□ 1710

We were not sent here as Members of the House to count the silverware in the House dining room. We were sent here to be counted on issues like jobs and health care and education. I was sent here by a half a million people to fight for them, not to stand by the time clocks in the post office to see if the employees show up on time.

Let me say something about the people who work here: They have been discredited by this debate, and they should not be. For every one person who misuses his job on this Capitol Hill, there are hundreds who work very hard and are a credit to this institution, and we do not take a moment to recognize the fine work of thousands of men and women who work on Capitol Hill.

I introduced a bill several weeks ago with the gentleman from Kansas [Mr. GLICKMAN] and the gentleman from California [Mr. MILLER] asking for a professional administrator. We have got it with this bill, and the minority has the veto power over that administrator. That is a step forward, a major step forward.

I hope we will put an end to this venomous atmosphere, the privileged motions that sound like the rankest form of McCarthyism. For goodness sakes, let us get down to business.

The people watching this debate have to wonder how we can generate this level of anger and interest over house-keeping responsibilities and ignore the basic issues that face this Nation. Let us put this important administrative reform behind us and get to work on the legislative agenda we were sent here to address.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise today in support of legislation to initiate administrative reform of the U.S. House of Representatives. We should pass House Resolution 423 today in order to strengthen management of nonlegislative and financial services in the House.

There has been some mismanagement in Congress. We need some changes because there is no excuse for poor management. The resolution responds to the problem by putting in place a series of management reforms.

ADMINISTRATIVE REFORMS

The legislation creates a new position of Director of Non-Legislative and Financial Services. The Director will be a professional manager with extensive management and financial experience. The Director will be jointly appointed by the Speaker, minority leader, and majority leader to ensure that no partisan

agenda is pursued in running the administrative affairs of the House. The Director will supervise a wide range of activities including salaries and benefits for Members and staff, House internal mail, and office furnishings and supplies.

The resolution also establishes the position of House inspector general, who will conduct audits of the financial operations of the director and elected House officers. This position will also be filled on a bipartisan basis through a joint appointment by the Speaker, minority leader, and majority leader.

The measure further abolishes the position of House Postmaster. Outside mail operations—including stamp sales—will now be managed by the U.S. Postal Service itself, which will set up substations in House office buildings.

The House will oversee these changes with a bipartisan Subcommittee on Administrative Oversight, composed of an equal number of Democrats and Republicans. This again will help to ensure that partisan politics do not undercut appropriate administration of the House. To that end, this arrangement must be bipartisan in fact and not just in name.

Moreover, the resolution authorizes the House Administration Committee to eliminate perquisites—perks, in accordance with directives of the Speaker.

THE REMAINING AGENDA

The resolution before the House provides useful authority but it leaves undone the pressing and immediate need to wipe out all perks right away. This is something on which the House must act with dispatch. I have already cosponsored several bills to accomplish this and will actively seek approval of these measures.

We have already closed the so-called House bank. We should also abolish patronage hiring; barber shops, beauty shops, and gift shops; and the chauffeur-driven cars for the Democratic and Republican leaders in Congress. We should also get rid of the Capitol physician and health care for public officials in military hospitals.

We must end these perks to show the public that we are serious about dealing with the Nation's business.

Congress must also move ahead with reforming its legislative operations. This is needed to expedite the public's business and to reduce costs for staffing and support services. If Congress is to lead the charge for overall reform of Federal management, it must set the example by improving its own performance.

For example, Congress must accept responsibility for poorly drafted legislation, which exacerbates and causes some management breakdowns. As a House Budget Committee report concluded, "a law, if it is to improve the political and economic well-being of the republic, must be based on sound managerial principles." To achieve this end, Congress should make appropriate investments in legislative drafting.

Moreover, Congress should not only pass better laws, it should stop passing needless bills. A recent Washington Post article pointed out that nearly 30 percent of all legislation enacted during the first session of the 102d Congress was for commemorative. Reform is needed to remove commemorative from Congress by passing appropriate legislation.

Finally, Congress should prune and simplify its own committee system. Too many committees and subcommittees compete with each other for jurisdiction over the same issues. I support efforts to bring about a comprehensive overall of legislative operations in Congress.

Even as Congress reforms its own administrative and legislative operations and eliminates perks, it must insist that the executive and judicial branches do likewise. The Federal Government has lost control of many programs. The result is enormous waste and reductions in essential services to users. Bold management reforms are needed for all branches so that the entire Federal Government can work more effectively and efficiently for the American people. These reforms should strengthen program management and program accountability.

But the bottom line today is passing this resolution to modernize House administration and moving ahead with the other reforms of Congress which I have outlined.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 159, not voting 18, as follows:

(Roll No. 82)

YEAS—257

Abercromble	Carr	Erdreich
Ackerman	Chapman	Espy
Alexander	Clay	Evans
Anderson	Clement	Fascell
Andrews (ME)	Coleman (TX)	Fazio
Andrews (NJ)	Collins (IL)	Feighan
Andrews (TX)	Collins (MI)	Flake
Annuozio	Condit	Foglietta
Anthony	Conyers	Ford (MI)
Applegate	Cooper	Ford (TN)
Aspin	Cox (IL)	Frank (MA)
Atkins	Coyne	Frost
AuCoin	Cramer	Gaydos
Bacchus	Darden	Gejdenson
Beilenson	de la Garza	Gephardt
Bennett	DeFazio	Geren
Berman	DeLauro	Gibbons
Bevill	Dellums	Glickman
Billray	Derrick	Gonzalez
Blackwell	Dicks	Gordon
Bonior	Dixon	Guarini
Borski	Donnelly	Hall (OH)
Boucher	Dooley	Hall (TX)
Boxer	Dorgan (ND)	Hamilton
Brewster	Downey	Harris
Brooks	Durbin	Hatcher
Browder	Dwyer	Hayes (IL)
Brown	Dymally	Hayes (LA)
Bruce	Early	Hefner
Bustamante	Eckart	Hertel
Byron	Edwards (CA)	Hoagland
Campbell (CO)	Edwards (TX)	Hochbrueckner
Cardin	Engel	Horn
Carper	English	Hoyer

Hubbard	Moody	Sawyer
Hughes	Moran	Scheuer
Hutto	Mrazek	Schroeder
Jacobs	Murphy	Schumer
Jefferson	Murtha	Serrano
Jenkins	Nagle	Sharp
Johnson (SD)	Natcher	Sikorski
Johnston	Neal (MA)	Sisisky
Jones (GA)	Neal (NC)	Skaggs
Jones (NC)	Nowak	Skelton
Jontz	Oakar	Slattery
Kanjorski	Oberstar	Slaughter
Kaptur	Obey	Smith (FL)
Kennedy	Olin	Solarz
Kennelly	Olver	Spratt
Kildee	Ortiz	Staggers
Kleczka	Orton	Stallings
Kolter	Owens (NY)	Stark
Kopetski	Owens (UT)	Stenholm
Kostmayer	Pallone	Stokes
LaFalce	Panetta	Studds
Lancaster	Parker	Swett
Lantos	Pastor	Swift
LaRocco	Patterson	Synar
Lehman (CA)	Payne (NJ)	Tallon
Lehman (FL)	Payne (VA)	Tanner
Levin (MI)	Pease	Tauzin
Lewis (GA)	Pelosi	Taylor (MS)
Lipinski	Penny	Thomas (GA)
Lloyd	Perkins	Thornton
Long	Peterson (FL)	Torres
Lowey (NY)	Peterson (MN)	Torricelli
Luken	Pickett	Towns
Manton	Pickle	Trafigant
Markey	Poshard	Traxler
Martinez	Price	Unsoeld
Matsui	Rahall	Valentine
Mavroules	Rangel	Vento
Mazzoli	Ray	Visclosky
McCloskey	Reed	Volkmer
McCurdy	Richardson	Washington
McDermott	Roe	Waters
McHugh	Roemer	Waxman
McMillen (MD)	Rose	Weiss
McNulty	Rostenkowski	Wheat
Mfume	Rowland	Williams
Miller (CA)	Roybal	Wilson
Mineta	Sabo	Wise
Mink	Sanders	Wolpe
Moakley	Sangmeister	Wyden
Mollohan	Sarpallus	Yatron
Montgomery	Savage	

NAYS—159

Allard	Fish	Lewis (FL)
Allen	Franks (CT)	Lightfoot
Archer	Galleghy	Livingston
Army	Gallo	Lowery (CA)
Baker	Gekas	Machtley
Ballenger	Gilchrest	Marlenee
Barrett	Gillmor	McCandless
Barton	Gilman	McCollum
Bateman	Goodling	McCrary
Bentley	Goss	McDade
Bereuter	Gradison	McEwen
Bilirakis	Grandy	McGrath
Bliley	Green	McMillan (NC)
Boehler	Gunderson	Meyers
Boehner	Hammerschmidt	Michel
Broomfield	Hancock	Miller (OH)
Bunning	Hansen	Miller (WA)
Burton	Hastert	Mollinari
Callahan	Hefley	Moorhead
Camp	Henry	Morella
Campbell (CA)	Herger	Morrison
Chandler	Hobson	Myers
Clinger	Holloway	Nichols
Coble	Hopkins	Nussle
Coleman (MO)	Horton	Oxley
Combust	Houghton	Packard
Coughlin	Hunter	Paxon
Cox (CA)	Hyde	Petri
Crane	Inhofe	Porter
Cunningham	Ireland	Pursell
Boxer	James	Quillen
Davis	Johnson (CT)	Ramstad
DeLay	Johnson (TX)	Ravenel
Dickinson	Kasich	Regula
Doolittle	Klug	Rhodes
Dreier	Kolbe	Ridge
Duncan	Kyl	Riggs
Edwards (OK)	Lagomarsino	Rinaldo
Emerson	Leach	Ritter
Ewing	Leah	Roberts
Fawell	Lewis (CA)	Rogers
Fields		

Rohrabacher	Shuster	Thomas (CA)
Ros-Lehtinen	Skeen	Thomas (WY)
Roth	Smith (NJ)	Upton
Roukema	Smith (OR)	Vander Jagt
Santorum	Smith (TX)	Vucanovich
Saxton	Snowe	Walker
Schaefer	Solomon	Walsh
Schiff	Spence	Weldon
Schulze	Stearns	Wolf
Sensenbrenner	Stump	Wylie
Shaw	Sundquist	Young (FL)
Shays	Taylor (NC)	Zimmer

NOT VOTING—18

Barnard	Gingrich	Smith (IA)
Bryant	Huckaby	Weber
Costello	Laughlin	Whitten
Dannemeyer	Levine (CA)	Yates
Dingell	Martin	Young (AK)
Dornan (CA)	Russo	Zeliff

□ 1730

The Clerk announced the following pair:

On this vote:

Mr. Yates for, with Mr. Dornan of California against.

Mrs. JOHNSON of Connecticut and Mr. GILMAN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GEPHARDT. Mr. Speaker, pursuant to House Resolution 427, I call up House Resolution 423 and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "House Administrative Reform Resolution of 1992".

SEC. 2. AMENDMENTS TO RULE II RELATING TO THE ELECTION OF OFFICERS OF THE HOUSE.

Rule II of the Rules of the House of Representatives (relating to the election of officers) is amended—

(1) by striking "Postmaster,"; and

(2) by adding at the end the following new sentence: "The Clerk, Sergeant-at-Arms, and the Doorkeeper may be removed by the House or by the Speaker."

SEC. 3. AMENDMENTS TO RULE III RELATING TO THE DUTIES OF THE CLERK.

Clause 3 of rule III of the Rules of the House of Representatives (relating to duties of the Clerk) is amended—

(1) in the first sentence by striking "make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House, keep full and accurate accounts of the disbursements of the contingent fund of the House, keep the stationery account of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law," and inserting a period; and

(2) by striking the second sentence.

SEC. 4. AMENDMENTS TO RULE IV RELATING TO THE DUTIES OF THE SERGEANT-AT-ARMS

Clause 1 of rule IV of the Rules of the House of Representatives (relating to duties of the Sergeant-at-Arms) is amended by striking "and keep the accounts for the pay

and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law".

SEC. 5. REPEAL OF RULE VI TO ELIMINATE THE POSITION OF POSTMASTER.

Rule VI of the Rules of the House of Representatives (relating to duties of the Postmaster) is repealed.

SEC. 6. AMENDMENT TO THE RULES TO CREATE THE POSITION OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.

The Rules of the House of Representatives are amended by adding at the end the following new rule:

"RULE LII

"DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

"1. The Director of Non-legislative and Financial Services shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly. The Director may be removed by the House or by the Speaker. The Director shall be paid at the same rate of basic pay as the elected officers of the House.

"2. The Director of Non-legislative and Financial Services shall have extensive managerial and financial experience.

"3. Subject to the policy direction and oversight of the Committee on House Administration, the Director shall have operational and financial responsibility for functions assigned by resolution of the House.

"4. Subject to the policy direction and oversight of the Committee on House Administration, the Director shall develop employment standards that provide that all employment decisions for functions under the Director's supervision be made in accordance with the non-discrimination provisions of clause 9 of rule XLIII and of rule LI, without regard to political affiliation, and solely on the basis of fitness to perform the duties involved. No adverse personnel action may be taken by the Director without cause."

SEC. 7. TRANSFER OF FUNCTIONS TO THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.

(a) IN GENERAL.—As soon as practicable, but not later than the ninetieth day beginning after the date of adoption of this resolution, the functions and entities specified in subsection (d) shall be transferred to the Director of Non-legislative and Financial Services.

(b) REGULATIONS.—The Committee on House Administration shall have authority to prescribe regulations providing for—

(1) the orderly transfer of the functional and entities specified in subsection (d); and

(2) such additional transfers of functions and entities specified in subsection (d) with respect to the Clerk, Sergeant-at-Arms, Doorkeeper, and the Director as may be necessary for the improvement of non-legislative and financial services in the House.

(c) Except as provided in subsection (d), functions and entities within the jurisdiction of the Committee on House Administration under rule X of the Rules of the House of Representatives may not be transferred to the Director.

(d) SPECIFICATION.—The functions and entities referred to in subsection (a) are: Office of Employee Assistance, Finance Office, pay and mileage of Members, House Information Systems, Office Furnishings, Office Supply Service, Office Systems Management, Placement Office, Special Services Office, Telecommunications, Telephone Exchange, Type-writer Repair, Barber Shop, Beauty Shop, House Restaurant System, Office of Photography, Inside Mail and Internal Mail Oper-

ations (including coordination with postal substations to be operated by the United States Postal Service), Guide Service, and Child Care Center, and the non-legislative functions of the Printing Services, Recording Studio, and Records and Registration.

SEC. 8. AMENDMENTS TO THE RULES TO CREATE THE OFFICE OF INSPECTOR GENERAL.

The Rules of the House of Representatives are amended by adding at the end the following new rule:

"RULE LIII

"OFFICE OF INSPECTOR GENERAL

"1. There is established the Office of Inspector General.

"2. The Inspector General shall be appointed for a Congress by the Speaker, the Majority leader, and the minority leader, acting jointly.

"3. Subject to the policy direction and oversight of the Committee on House Administration, the Inspector General shall be responsible only for—

"(A) conducting periodic audits of the financial functions under the Director of Non-legislative and Financial Services, Clerk, Sergeant-at-Arms, and Doorkeeper;

"(B) informing the Director or other officer who is the subject of an audit of the results of that audit and suggesting appropriate curative actions;

"(C) notifying the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party members of the Committee on House Administration in the case of any financial irregularity discovered in the course of carrying out responsibilities under this rule; and

"(D) submitting to the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Administration and to the Subcommittee on Administrative Oversight of the Committee on House Administration a report of each audit conducted under this rule."

SEC. 9. SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT.

Clause 3 of rule X of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(j)(1) There is established a bipartisan Subcommittee on Administrative Oversight of the Committee on House Administration, to be chaired by the chairman of the Committee on House Administration. All of the members of the subcommittee shall be members of the Committee on House Administration, one-half from the majority party and one-half from the minority party.

"(2) The subcommittee shall receive all audit reports of the Inspector General and shall be responsible for providing oversight of the Clerk, Sergeant-at-Arms, Doorkeeper, Director of Non-legislative and Financial Services, and Inspector General.

"(3) Any matter that, by reason of a tie vote, cannot be resolved by the subcommittee shall be reported to the Committee on House Administration for its consideration. The Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Administration shall be informed by the chairman of the subcommittee of any such matter."

SEC. 10. ADDITIONAL FUNCTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION.

Clause 4(d) of rule X of the Rules of the House of Representatives is amended—

(1) in subparagraph (2), by striking "Sergeant-at-Arms" and inserting "Director of Non-legislative and Financial Services";

(2) by repealing subparagraph (3); and
(3) by adding after subparagraph (2) the following new subparagraphs:

"(3) providing for transfers of functions and entities with respect to the Clerk, Sergeant-at-Arms, Doorkeeper, and Director of Non-legislative and Financial Services as may be necessary for the improvement of non-legislative and financial services in the House; and

"(4) providing policy director for, and oversight of, the Clerk, Sergeant-at-Arms, Doorkeeper, Director of Non-legislative and Financial Services, and Inspector General."

SEC. 11. ELIMINATION OF PERQUISITES IN THE HOUSE OF REPRESENTATIVES.

The Committee on House Administration shall, in accordance with directives received from the Speaker, take such actions as may be necessary to eliminate designated perquisites in the House.

SEC. 12. OFFICE OF GENERAL COUNSEL.

The Committee on House Administration shall provide for an Office of General Counsel to the House in a manner which shall insure appropriate coordination with and participation by both the majority and minority leaderships and representational and litigation matters.

SEC. 13. TRANSITION AND EFFECTIVE DATE RULE.

Notwithstanding the amendments made by sections 3, 4, and 5, until the functions and entities referred to in section 7(d) are transferred, those functions and entities shall continue to be the responsibility of the officer responsible for those functions and entities on the day before the date of adoption of this resolution. The amendments made paragraph (1) of section 2 and section 5 shall take effect when all of the duties of the Postmaster have been transferred.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 427, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. MICHEL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. Speaker, 15 years ago, out of the reform commission process chaired by Congressman DAVID OBEX, the House of Representatives had an opportunity to alter radically the manner in which this body is organized and managed.

For several complicated and unfortunate reasons unique to that time, his proposal for a House administrator was not adopted by the House.

Had it passed, the sweeping reforms it envisioned would have stood this institution in good stead, and would likely have obviated the need for us to be here today.

In the wake of abuses and management inefficiencies that have arisen in the House restaurant, banking and postal services, it has become increasingly obvious to all of us that significant improvements in the organization, administration and supervision of nonlegislative functions were long overdue.

As a consequence of these developments, Members of the Congress from

both sides of the aisle developed and introduced a variety of important and worthy reform proposals. To consolidate and reach agreement on the best among them, the Speaker and the minority leader decided some weeks ago to appoint a bipartisan task force to fashion a consensus proposal.

Although we were not able to reach a final accord among all the Democrats and Republicans who served on this task force, the House Administrative Reform Resolution of 1992 represents, in my judgment, a series of far ranging and necessary changes in our operations on which there was broad agreement.

In our discussions, we did acknowledge some basic truths. We need to modernize our operations, make them more efficient and business-like, and provide for more aggressive and active oversight for the nonlegislative functions of the House.

We did agree that there was no need for partisan conflict over most basic management functions.

We did agree that the majority party could do a far better job in sharing responsibility over and information about many of the financial and institutional aspects of running the House.

We agreed, in the words of Speaker FOLEY, that the age of patronage was behind us, and that only the competence and the qualifications of workers should matter in the appointment of employees in these nonlegislative areas.

We agreed that some perquisites had accumulated over time that provided benefits to the few and burdens to the many, that they isolated and insulated Members from the experiences of average Americans, and that they should be abolished.

And most important, that since all Members suffer when the integrity and character of House operations are called into question, all Members should be represented in the selection of individuals who run the nonlegislative affairs of the House.

Those agreements, and other needed reforms, are before the House today in House Resolution 423, the House Administrative Reform Resolution of 1992.

The resolution proceeds from the premise that future problems in the operation of the House could be substantially avoided by the appointment of an individual to manage the nonlegislative functions of the body. And the selection of an inspector general who would have the authority to audit the financial operations of the Director and any financial operations of elected officers.

The resolution thus provides for the appointment of a Director of Nonlegislative and Financial Services.

The Director is to be jointly appointed by the Speaker, the majority leader and the minority leader, and that individual must have extensive management and financial experience.

Under the resolution, the Director, subject to policy direction and oversight of the House Administration Committee, would ultimately receive responsibility for the finance office, inside mail and internal mail operations, House information systems, office furnishings, office supply, office systems management, typewriter, the House restaurant system, telecommunications and telephone exchange, the barber shop and beauty shop, the nonlegislative functions of printing services, the recording studio, and the records and registration office, the office of photography, the guide service, and the House child care center.

One qualified person would receive responsibility for the orderly functioning of all of these operations.

Patronage appointments to these offices would be prohibited.

Beyond ensuring these services are well managed, the resolution establishes a process by which they will be regularly audited.

The resolution creates the position of House inspector general, charged with conducting audits of the financial operations of the Director, as well as of any remaining financial functions of elected House officers.

As with the Director, the inspector general is to be jointly appointed by the Speaker, the majority leader, and the minority leader.

Any audits performed by the House inspector general will be shared with the leaders of both parties, and reported to a newly created bipartisan House Administration Subcommittee on Oversight, which would be responsible for the inspector general's overall policy direction and oversight.

As I have described, the resolution makes groundbreaking changes in the responsibilities of the parties for the management of the House.

The Director and the inspector general receive their positions through co-appointment; that is, their appointments are subject to the veto power of the minority leader.

The resolution orders the creation of the Bipartisan Administrative Oversight Subcommittee, consisting of an equal number of Democratic and Republican members, charged with providing oversight over the clerk, Sergeant at Arms, Doorkeeper, Director of Nonlegislative and Financial Services, and inspector general, with conflicts and deadlocks, should they occur within the Bipartisan Subcommittee, to be referred to a Leadership Management Committee.

New requirements are established for the sharing of information and audits.

The resolution goes farther; it orders the House Administration Committee to create an Office of General Counsel to provide for appropriate majority and minority party participation on representational and litigation matters of concern to the House.

To provide certainty and finality to the process of ending perquisites which have outlived their usefulness, the resolution provides authority for the House Administration Committee to effect the elimination of designated perks.

The resolution envisions a substantial change in the House's mail operations.

Specifically, the U.S. Postal Service will be brought in to take over the so-called outside mail postal operations, especially functions such as selling stamps and managing cash drawers.

So-called inside mail functions will be assumed by the Director of Nonlegislative and Financial Services. Consequently, the office of the House postmaster is being abolished.

The consolidation of the House's nonlegislative functions in the office of the Director necessarily means that the duties and responsibilities of the continuing, elected House officers will be altered.

The Doorkeeper, the Sergeant at Arms, and the Clerk will be restored to their historic and constitutional assignments.

Especially as these changes regard the offices of the Doorkeeper and Clerk, they reflect a determination by Members that our operations need to be modernized, and they in no way reflect upon the honor and effectiveness of the leaders of those offices.

The Members of this body have profound disagreements over principle, philosophy and the future direction of the country. Those disagreements are natural, and they will endure.

But there are two things upon which we can agree.

First, when the financial, administrative or managerial operations of this body do not function at the highest level expected by the public, all Members suffer along with the institution as whole.

Second, while there are clearly Democratic and Republican positions on all variety of legislative matters, there is no abiding partisan interest or advantage in managerial disputes over the functioning of offices like the paint shop or the House restaurant. Qualified individuals who are not responsible to half a million or more constituents should worry about those operations; we should not.

It is in the spirit of those ideas that this resolution is offered.

As a result of a constructive, ongoing national dialog on how we can improve the functioning of the legislative branch, our colleagues LEE HAMILTON and BILL GRADISON, joined by colleagues in the other body, formulated a resolution on congressional reform.

In spite of the fact our bipartisan task force did not complete its work, we did agree during those discussions to schedule the so-called Hamilton-Gradison resolution for House consideration.

Upon the adoption of that legislation, I know that many of the issues on how Congress could better function, involving the organization of committees and the review of our rules, will be fully discussed.

During debate on the substitute offered by my good friend the minority leader, I will address myself to the substance of some of the issues which ended up dividing Republicans and Democrats on the task force.

Pending that discussion, let me simply say that this task force process was useful. And I hope it opened some lines of communication between the parties that can be used again in the days and weeks ahead.

Over the last months, as difficult as they have been, I think we have learned that Republicans and Democrats, divided as we may be on issues, do have a common interest in protecting the integrity and reputation of the House of Representatives. I thank the members of the task force on both sides of the aisle for the contributions they made.

Before reserving my time, let me conclude with this thought:

Nearly 3 years ago, when Congressman TOM FOLEY was sworn in as our Speaker, her said, and I quote "We need to strengthen his House. I do not share the views of some that we should attempt to tear it down. On the contrary, I think we must strengthen and build it." He promised in his address to this Chamber as Speaker-elect, "to be responsible to the whole House and to each and every individual Member, undivided by that center aisle."

Against great odds, and in the face of much unfair criticism, the Speaker has kept his promise to us.

Exhibiting great decency and fairness, and displaying unflinching good humor, he has been a builder, he has been a reformer, and he has sought to preserve the character of Congress as an institution, even as he has navigated this body through some difficult and troubling times.

I think it is a measure of his personal strength, and his love for the Congress, that he has persevered throughout this process and brought us to the point that we could make some substantial, fundamental and, yes, even radical and revolutionary reforms in the way the House of Representatives is managed and operated.

If we fail, it will not be for his lack of vision or trying. If we succeed in this endeavor, it will be a testament to his fortitude. Because of his leadership, I think we will succeed.

□ 1740

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

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. THOMAS], who serves so ably as our ranking

member on the Committee on House Administration.

Mr. THOMAS of California. Mr. Speaker, I think people better understand that this is getting serious.

In the Associated Press: "A Federal grand jury alleged there has been a broad drug conspiracy at the House post office." An indictment has been made by the Federal grand jury for a drug conspiracy at the post office, the House post office, that post office run by the Democrats, that post office which apparently is to be cleaned up under this resolution.

The indictment of the House post office and the solution is supposedly contained within the pages of House Resolution 423. One of these solutions is, as the majority leader, the gentleman from Missouri [Mr. GEPHARDT] indicated, a bipartisan task force, a shared responsibility task force, that will assume oversight of this new, non-legislative administrator.

A bipartisan subcommittee with a kicker, and I ask my colleagues, "You knew there was a kicker; didn't you?"

It could not be fairer. Democrats created it. My colleagues know it is not going to be equitable. They cannot stand it.

Listen. Federal indictments are coming down, and I say to my colleagues, "You are fools not to involve us in an institutional change. You are fools to put up a phony gimmick, and then think that we're going to participate in it."

Please understand what is in this resolution. It says, "a bipartisan subcommittee, equal numbers of Democrats and Republicans," but then the kicker. The kicker is that any tie goes to the full committee, which is a partisan structure.

I ask my colleagues, "Didn't you just know it?"

Rule I, clause 6, of the House Rules says that in cases of a tie vote the question shall be kicked to a higher authority? No. It says the question shall be lost. The Chair, under Deschler's and Brown's Precedents, may vote to make a tie and thus defeat a measure. A tie defeat a measure.

□ 1750

As I said earlier, in every parliamentary body in the world a tie loses. Anywhere in the world, a tie loses. In the German Bundestag, a tie loses. The House of Commons, a tie loses. Everywhere a tie loses but one place: in the palace of partisanship, in the kingdom of FOLEY, ties win.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, first of all I want to pay tribute to the gentleman from Wisconsin [Mr. OBEY] who had this idea about 15 years ago. I did not have the wisdom to support the proposal at that time, but I will tonight.

The second point I would make before I deal with my remarks is there is such extraordinary partisanship in this institution that no wonder the public believes that we cannot accomplish the common good, to deal with the problems and issues that they face. Hopefully this bill can be debated on its merits, as we try to improve the operations of the Congress so that we can get on to the people's problems.

This bill is an important first step to modernize the House, to make changes in the way we operate, so as to make it easier to deal with the very real substantive problems facing the country.

If a big institution like ours, or a company, city government, school system, a church, or whatever, does not have good operational or management systems in effect, then failures will result in operation.

Our Congress essentially has operated in the same way for decades, without making fundamental changes in our systems, and we now have operational failures. Clearly the House bank and post office and other things are to some extent the result of not having modern operational systems.

To put it into a context that maybe a lot of folks at home might understand, look at the failure of the *Challenger*, the space shuttle that blew up several years ago. Experts found that it blew up largely because of operational systems failures within NASA. A big organization like ours will fail if it is locked in gridlock; if it does not change with the times; if it does not have modern systems in order to keep it functioning well.

This bill will restore accountability. Someone will be in charge of the basic services here. With respect to many functions around here, no one now is in charge. No business could function that way, and neither can the U.S. Congress.

This will work, however, and I support it strongly, only if the Director, the Administrator, is given the clout and authority to do what he or she needs to do in that job, if the Director is not arbitrarily restricted by the officers of the House or Members of this body.

Second, the oversight of this officer and auditor by the Speaker's Office and the Committee on House Administration must not render the Director helpless to do the job.

Finally, the Director, which is authorized in this bill, should be encouraged to recommend further changes and revisions to the systems, including further mergers of House officers and reductions in staff, which will then be considered by the full House.

This is the first step in revolutionary reform, but only the first step. The next step, as the gentleman from Missouri [Mr. GEPHARDT] talked about, is to examine the legislative side of the picture, to look at the committee and subcommittee structures, to reduce

and make more efficient the size of this place, to examine the reasons for so many turf battles and jurisdictional fights which make it difficult to get substantive things done.

Process changes, which we are doing today, are very important, but only to the extent that they make the place work better so that substantive changes which affect people's lives can happen.

This bill is a means to an end. The means will modernize the systems so that the public can have confidence that this House is running honestly, competently, and effectively. It will help restore confidence that the House will work, that the trains will run on time. But the end is to do a proper job on issues like health care, energy, the environment, jobs, and reducing the budget deficit. That is why we are here. Hopefully these reforms will make it easier for us to do our job.

Above us there is a quotation from Daniel Webster. It reads as follows:

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

Mr. Speaker, I think that today we are doing that. Today we are attempting to perform something worthy to be remembered for generations to come, so that this House can do the public will and do it in a way that will give us and this country great honor.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, I think we all know why we are here today. We are here because the people at home are frustrated. I can tell you I share their frustration with this entire process.

We are doing nothing more today than rearranging the deck chairs on a sinking ship. Let me tell you something. The people at home do not care about hiring administrators, changing the management of the restaurant, or giving new titles for old jobs.

They are saying to us, "Congress, you don't get it." What they want us to do is change the course of the ship.

They are frustrated when they find out that the very laws that we pass and impose on them, Congress is exempt from. The minimum wage, Fair Labor Standards Act, antidiscrimination laws.

What they are saying is, let Congressmen fill out the paperwork. Let Congressmen work under those wage and hour and hiring practice laws, under OSHA standards, and suffer the fines when the paperwork is late.

That is what they are telling us. Are they frustrated? You bet they are. They are frustrated when they see a Congress this very day, with a \$400 bil-

lion deficit staring us in the face, adding that to a \$4.2 trillion debt, tell the American people that you Democrats want them to finance your campaigns with their tax dollars.

The people are telling us, "You don't get it." You can pass all this so-called reform you want to and maybe some of it will help. But let me tell you something. Until there is a balanced budget amendment to the Constitution, a line-item veto, term limits to get some turnover in this place, campaign finance reform, the people at home are going to continue to be frustrated. And they are going to continue to tell you one thing: you just don't get it.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. ROSE], the distinguished chairman of the Committee on House Administration.

Mr. ROSE. Mr. Speaker, I want my colleagues to understand what this resolution does.

This resolution does reform the administration of the House.

It does require the appointment of an experienced and business-wise director.

It does require that employees of the director be fully qualified for their jobs.

It does require employees to be hired without regard to political affiliation.

It does require hiring practices which are nondiscriminatory.

It does require bipartisan oversight—so both parties are directly involved.

It does require the appointment of an experienced inspector general.

It does require that the minority participate in the selection of both the director and the inspector general—in fact it gives them a veto.

It does require the inspector general to conduct timely and thorough financial audits—so that the American people can have confidence in the integrity of the financial operations of the House.

It does require that any financial irregularities be referred immediately to the leadership of both parties, and a bipartisan committee.

It does require that perks be eliminated—and the House and Senate have already started that process.

It does require bipartisan coordination on legal matters relating to the House.

It does require the elimination of the office of postmaster of the House.

It does require the U.S. Postal Service to operate the stamp windows in the House—so they will be run the same as for our constituents.

It does return the remaining officers of the House to their traditional legislative roles.

And it does ensure the American people that we are serious about both the financial integrity and proper management of the operations of the House.

Mr. Speaker, if this is not real reform, then I do not know what is. Some

of our colleagues say it goes too far—that the Members of the House lose control of the institution.

Some say it does not go far enough—that we need to distance ourselves from our surroundings.

I believe that this resolution does everything that could have been done in the short time that was available. It is responsive to the demands of the American people. And it is genuine reform.

There will be separate legislation dealing with thorough and comprehensive reform of both operational and procedural activities of both the House and the Senate. Today our concern is with the management and the financial procedures in the House. This resolution works, and works well.

While this resolution may not satisfy the minority party—largely because it doesn't address legislative procedures—I believe the resolution does go to the heart of the issue which the American people want us to address—and address right now—and that is the financial aid management integrity of the House.

When there is an important issue, such as this, which needs to be resolved, my inclination is to act on it—the sooner the better. As a member of the majority party, I believe we have the responsibility to act on behalf of the American public. Even if minority party refuses to go forward with us, it is the responsible thing to do.

So I urge the adoption of this resolution—which restores integrity, ends perks, and moves this institution forward—toward a bipartisan approach in operating the nonlegislative affairs of the House.

□ 1800

The SPEAKER pro tempore (Mr. DARDEN). The Chair will announce that the gentleman from Missouri [Mr. GEPHARDT] has 7½ minutes remaining, and the gentleman from California [Mr. THOMAS] has 25 minutes remaining.

Mr. THOMAS of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to engage in a very brief colloquy with my friend and colleague, the chairman of the Committee on House Administration.

As the chairman knows, the Committee on Standards of Official Conduct, the only bipartisan committee in the House, has rules that say a tie vote loses.

The gentleman and I are currently serving on the Joint Bipartisan Task Force on the Post Office. Would the chairman indicate to me what happens in that truly bipartisan structure on a tie vote.

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

Mr. THOMAS of California. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, the gentleman knows that we have agreed to agree on all the procedures of the bipartisan task force.

Mr. THOMAS of California. Mr. Speaker, and if there is a tie vote?

Mr. ROSE. Mr. Speaker, if the gentleman will continue to yield, nothing will happen until we agree by a majority vote.

Mr. THOMAS of California. In the Bipartisan Task Force on the Post Office, a tie vote loses?

Mr. ROSE. Mr. Speaker, that is right.

Mr. THOMAS of California. In the Committee on Standards of Official Conduct, a tie vote loses?

And in this resolution, a tie vote goes forward to a bipartisan committee. It is a sham. It is a phoney. The gentleman should be ashamed.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip.

Mr. BONIOR. Mr. Speaker, this bill represents the most important reform measure taken up by this House in nearly two decades. It will place the day-to-day management of this institution on a nonpartisan, purely professional basis.

It will transfer the purely administrative functions from the elected officers of the House to a new director of nonlegislative and financial services which must be appointed with the full support of the minority leader. It will provide for a professional inspector general for the House, and inspector general with full authority to audit the financial operations of the administrator and all other officers of the House.

The inspector general also must be appointed with the full support of the minority leader. And it implements the elimination of perks.

It is a bill that is worthy of unanimous support. But what are we hearing today from the other side?

On the one hand, in negotiations they tell us if we just accept one or two small rule changes, disallowing proxies, maybe changing the committee ratio on the House Committee on Rules, that we would have their support.

On the other hand they say this bill is not really reform. Which is it?

Here is the truth. The Republicans are not really interested in reform at all. That is why they stonewalled every serious reform effort in the last two decades.

In 1977, we had before this institution a proposal and a recommendation by the gentleman from Wisconsin [Mr. OBEY], the Obey commission recommendations.

Let me read to my colleagues just a couple of the things that were in it that every Republican, 139 of them, voted against, including 40 sitting Members, the minority leader, the gentleman from Illinois [Mr. MICHEL], the gentleman from Michigan [Mr. VANDER JAGT], and Mr. QUAYLE.

The Obey commission would "create a professional House manager who will

be in overall charge of planning, directing and coordinating all administrative support."

It would have established a position of comptroller, who would serve as the chief financial officer. It would instruct an administrator to raise prices to reasonable levels for auxiliary services. It would establish a new select committee on committees to study the committee structure.

It would abolish free plants, free framing. Greater public accountability for travel. And they stood in unison and voted against it.

Then we heard 2 minutes ago the distinguished gentleman from Washington take the floor and tell us, tell us, scold us for voting for a public finance reform bill, said we were taking public dollars. Not one Congressman in this institution now or in the past has done that. And the President of the United States, the President of their own party has taken tens of millions of dollars. Be real.

And if we need any further evidence today, any evidence, just look at the paper today, the headlines in the New York Times, "U.S. Jets Ferried Quayle for Golf."

Turns out that while the White House was posturing about ethics, DAN QUAYLE and Sam Skinner were commanding airplanes around the world to play golf and tennis. And of course, there is nothing new in this.

The chief of staff for the President, Mr. Sununu, we know about his travels, going to see his dentist in Boston, skiing in Colorado, stamp collections in New York. Who needs this?

Maybe my colleagues on the other side of the aisle feel that if we get our house in order, Republicans will have to get the White House and the Cabinet in order as well. And let me tell my colleagues, the issue of mismanagement does not stop at the White House. Remember all those months last summer during the recession when they were saying there was no recession, when they were saying it was no big deal?

Last week we got a clue of why they felt that way. Turns out the Labor Department forgot 4 out of 10 workers who lost their jobs during that period. They forgot about 650,000 people in this country who were put out of work. Talk about a government out of touch.

Stop the hypocrisy. Stop the posturing. Stop the political games. This is real reform. This is important reform.

Let us get it done. Let us reform the way we do business here, and then let us get down to doing something about this Republican recession.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, I rise today in strong opposition to House Resolution 423 and in equally strong support of the substitute being offered

by the distinguished minority leader, Mr. MICHEL.

The proposal being advanced by the majority, House Resolution 423, purports to be a reform measure. But it leaves a great deal to be desired.

For instance, under House Resolution 423, the Sergeant at Arms would still supervise the Capitol Police and other security personnel. And he or she would remain a member of the Capitol Police Board.

But nothing in House Resolution 423 suggests the Sergeant at Arms to be a well-recognized law enforcement professional.

To put it bluntly, that combination doesn't sound like reform. That combination smacks of a continuing cover-up.

As I have suggested before, the Sergeant at Arms should be a seasoned law enforcement pro. In fact, if House Resolution 423 passes, I will introduce a resolution calling for a search committee to identify and recommend such a person to the House.

But there will be no need for such a resolution if the House rejects House Resolution 423 and adopts the Michel substitute. The Michel substitute specifically proposes that the Sergeant at Arms should be a nationally respected law enforcement professional.

In addition, the Michel substitute calls for a chief financial officer for the House.

□ 1810

I would think that concerning the issue that has been discussed as to who has control, it is obviously clear that the minority party does not, since a vote does not fail if there is a tie vote. I think we would have learned better in recent months, because we are having an Attorney General investigate actions that will clearly be described in some quarters as possibly an embezzlement or the loaning of Federal funds without interest, both of which are serious felonies. Those who had acknowledge of the House bank's procedure from the GAO report may well have to answer to the inquiries, hopefully after they have consulted with their attorneys.

I think we should recognize that the blame will fall on the Democratic Party, because I think they were the only ones that had knowledge of those facts. So I would anticipate that you would learn from that lesson and not shoulder all of the responsibility. I do not understand why you choose to expose yourselves in such a way.

The average Congressman did not have that knowledge, but certain people did have knowledge of what was going on, which was clearly wrong under our felony statutes.

Mr. ROSE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I have found that, clearly, it is the hardest

job, but it is still the highest honor a public servant can have.

I did not come here to run a post office or to run a barber shop or a paint shop. I came here to address the problems facing the people of my district and our country. But I also came here to upgrade the credibility of this institution. I find myself in the position where, in order to restore the credibility of this institution, I do have to deal with who is going to run the barber shop and the post office. I hope I never have to vote on this kind of issue again in my career.

The administrative officer position is an important one. It is reform and it addresses the issue of financial and administrative reform. This is important. It is reform that takes into consideration the wishes of the minority as well, for the minority leader will have a veto authority over the appointment of this particular person.

Let me just say something about the gentleman from Washington [Mr. FOLEY], our Speaker. He is a relatively new Speaker. He has a great understanding and affection for the House as an institution and as a living body as well, and this is important to have in our leadership. He is inheriting, as we are all inheriting, practices that have grown up over decades, if not over centuries.

President Lincoln once said that a house divided cannot stand. He was talking, of course, about our Nation during the Civil War. But these words are true for this institution here today, the U.S. House of Representatives, the people's House.

Other reforms, legislative reforms, can and will come, but this is the first of that series, clearly important. I urge the Members' support for this resolution.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, one of the best parts of being a Member of Congress is meeting with the young people from my district. They are excited about life—they see it as an unending adventure—and they look at this historic city, the U.S. Government, and Members of Congress with some admiration. I want that look to continue. It is up to us to make sure that it does. That is why I rise in support of the Michel substitute.

One of the standard questions I get asked by the young people I represent is, why am I a Member of Congress? It is a question every Member faces—why are we here and for what purpose do we hold the office of Member of the House of Representatives? If the answer is that we are in Congress to serve, not to be served, than we are on the right track toward restoring credibility for this institution.

These past weeks and months have been wrenching and unpleasant not

only for us, but for our families and the American public. The problems we are experiencing are not new, they have been part of this institution for years. We may not have created these problems, but by not correcting them, we did allow them to grow and become further entrenched. For us as an institution, it is time to stop pointing fingers and looking for a scapegoat. Agreeing with the constituency that Congress is out of control may be politically correct, but it alone will not fix the problem. We have to work together. This is our opportunity to right a wrong, make positive and meaningful changes in the operation of this House and restore credibility to this institution. I think the Michel substitute does this.

Many of us have introduced legislation that may just be small pieces of congressional reform, but in and of themselves are worthy. For instance, I do not believe Congress should be above the law and I have introduced a resolution that it will be our policy to adhere to all past and future laws that we pass that affect the private sector and other Federal agencies.

As many know, I am also a strong advocate of national term limits and I will continue to promote legislation to this effect until it is heard on the House floor. We should at least have the debate.

I also do not believe in the endless perpetuity of the offices of the former Speakers at the expense of the American taxpayer. Therefore, I introduced a bill to limit this privilege to 3 years. I am honored that this measure was included in Mr. MICHEL's reform bill.

There are as many ideas for reform as there are Members of Congress. I do not see that as a problem—I see it as a positive start—a meeting ground for all of us to share our ideas, listen to one another and make decisions that are good for this institution as a whole.

When we accomplish major reform in this House, I feel confident that the young people who look to Congress for motivation and inspiration will once again put their faith in this institution and its ability to serve—rather than be served. And that is really why we are here. Please support the Michel substitute.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. TAYLOR], who worked hard to get here.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I speak to an average of one school per week and hope that we can offer some hope of change to young people who are becoming so cynical about this institution. This body is responsible, as has been said here, for things great and major, but the young people recognize that we cannot be honest in the great things if we are not honest in the little things.

A closed rule on this major legislation is a fraud. We have shrouded this debate in the beginning in an area that does not reflect positively on debating what is necessary to change this institution, and it goes downhill from there.

The majority party now has total control of the House restaurant, the House post office. It had total control of the House bank. Under this legislation it will continue to have total control of the entire institutions of this House. That is not reform. That is the status quo.

I support the Michel substitute, and urge the Members to do so.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, we have heard a lot of talk about the procedures, and I happen to be in favor of the Michel substitute. I think it is a good piece of legislation.

But I do not think the American people for a minute are particularly interested in just the internal reforms that we make here. I think what they are really upset about is the lack of performance when it comes to jobs for Americans, relieving the burden on families, doing something to reduce the burdens on businesses that are struggling to make a profit.

We in the House of Representatives, controlled by the Democrats for 38 straight years, every committee chairman, every Speaker controlled by them, we have not done anything meaningful in this regard except to make matters worse.

□ 1820

People then see incidents like the House bank or the House post office where we have indictments today and they wonder what are these people doing to justify what we pay them. People are upset. They deserve true reform, and true reform is not going to come with the measure before us, and I urge its defeat.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, the gentleman from Oregon just came up here and said, "I hope that I never have to vote on the issue of institutional reform again." I would suggest to the gentleman from Oregon that he vote no on this proposal being put forth by the Democrats, because if he votes yes, I guarantee if he has any tenure in this House of Representatives he will be back here again to vote on institutional reform, because there is really nothing substantive in the changes.

Sure, we have a couple of new officers around here that are supposed to clean

things up that we have some say in. But after we have the say, we go on and it is business as usual. I mean we have a say in the initial appointment of someone we probably have never heard of. But once the person is put in that position, it is back to normal, nothing changes.

We have a bipartisan committee which, as the gentleman from California [Mr. THOMAS] has already said is nothing more than a partisan committee in bipartisan clothing. Nothing changes under this reform. We will be back to the same old thing. All we have is a House that is structurally deficient, and we put on a new coat of paint to make it look good.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me the time and thank him for his hard work on this proposal.

It is interesting to note in reading this proposal that the proponents of it, the House Democrats, are all but tacitly admitting that our current hiring practices are not up to legal standards. That is particularly ironic in light of the vote that we had just a little bit earlier to table my privileged motion that would have commenced a special investigation in the House into allegations of illegal hiring practices and further allegations of ghost employees.

Here they are actually describing their proposal as revolutionary. Are they serious? Get real. If you want to talk about revolutionary reform, read the words of the Revolutionaries themselves, the Federalist Papers, Hamilton and Madison. We have a long way to go before we reform this House and make it once again the House of the people.

Let us be clear about one other thing. The Democrats are here for one reason and one reason only. They can stall no longer. It took an ever-widening House bank and post office scandal and insistent pressure from our side of the aisle just to get them here to the table, and now that they are here we see evidence of bad faith negotiations, and frankly we have a very watered-down proposal that will not take us near far enough to make the Congress and the House of Representatives responsible and accountable to the American people again.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. ROBERTS].

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

Mr. Speaker, I am rising in support of the Michel substitute and in opposition to the Democrat reform package. The gentleman from Oregon [Mr. KOPETSKI] said he did not come here to run a post office, barber shop, or House restaurant. We should take the Democrat reform plan and go forward to more important issues.

I agree with that last part. As a matter of fact, as I said before during the debate on the rules, I had an amendment that would have ended the current patronage system and would have contracted out the many administrative functions, the so-called services of this House, that by the way involves over 1,000 people. We should not be involved in that business.

My colleague from Kansas [Mr. GLICKMAN] said he supported the Democratic reform package to get us out of the bank, restaurant, and post office swamps, and he hoped that we could do it without partisanship. I hope so too. But the gentleman from Kansas [Mr. GLICKMAN] went on to say that the House administrator would work only if he or she had the clout, the independence, and the professionalism that would do the job, and that is the problem. You folks have the answer you want to hear, but you do not have the problem defined. The problem is you select your House officers every 2 years. You have told them what to do. You have asked them to do their job and then saddled them with a patronage system that is out of control and does not work, and we have a mess on our hands. I am talking about the total House.

We have a rather sordid and shabby record. Mr. Rota, Mr. Russ, despite their shortcomings, did exactly what Members told them to do, exactly what Members told them to do and also tried to run the police force and the post office. When the bad stuff became public, you shot them in the back.

I tell you what; if you appoint some hapless administrator in charge of the current patronage swamp without serious reform, structural reform, I do not think I would apply for that job, at least not without a flak jacket or a rearview mirror.

The Michel substitute represents real reform. The current Democrat plan just continues the current business as usual with an administrator on top.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. MCCREERY].

Mr. MCCREERY. Mr. Speaker, I go back to my district in Louisiana almost every week. I go to Lion's Club meetings, Rotary, Kiwanis Club, VFW, American Legion meetings, I hold town meetings, and no matter how much I may try to paint the Democrats as the cause of the problems in our Nation's Capital, it just does not take. The people in my district do not know or do not care that the Democrats have controlled the U.S. House of Representatives, lock, stock, and barrel for nearly 40 years. They do not know or do not care that that control means that the Democrats control all administrative functions of the House, functions like the House bank, the House restaurant, the barber shop. They do not know or do not care that that control by Demo-

crats for 40 years means that all of the committees of the House are controlled, indeed stacked by the Democrats, that all patronage is controlled by the Democrats, that committee staffing is shamelessly stacked in favor of the Democrats in Congress. They just do not know or they do not care.

Mostly, they just want the mess cleaned up. They want Congress to do something positive and constructive.

We had a chance to work together to clean up the mess, to do something on a bipartisan basis, to do something constructive. Eight good Democrats and eight good Republicans have been meeting as a group, trying to develop a bipartisan approach to total reform, administrative and legislative, of the House of Representatives. I am told that the group was very close to agreement. But for some reason, that agreement was not pursued by the Democrats in their legislation. The Democrats' legislation is only partial reform and not much reform at that. It does not reform the legislative process at all. It continues a high level of patronage and it creates an inspector general with no teeth. Well, you need more than gums to clean this place up.

Mr. Speaker, the people in my district may not know or may not care that the Democrats have controlled the House for 40 years, but they are going to continue to hear it, because after this lame attempt at reform, the Democrats will continue the tyranny of dictatorship on the Hill, and maybe, just maybe, the people will one day recognize that fact, will care, and will do something about it. Then maybe the mess will be cleaned up and something positive and constructive will be done in this city.

Mr. THOMAS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, as my friend from Wisconsin [Mr. OBEY] said earlier, when the likes of DENNIS ECKART and VIN WEBER say enough is enough, that ought to be a message to each and every one of us. To me it is a personal loss because they are both classmates and friends. To this institution and to this country it is an even greater loss because of the contributions and the quality of gentlemen like them.

But, unfortunately, House Resolution 423, which is in front of us, probably tells us more about why they are leaving than anything else.

□ 1830

If Members have listened to the rhetoric thus far, some of our speakers have suggested that it was not what you say, it is how loud you can yell it here in the well of the House.

I had a father who spent 12 years on the local school board. The last few years he was president, and he said on

controversial issues if you do not have at least a consensus, you cannot move the issue.

I am startled and disappointed that for something as important as the future integrity of this House where we had a task force of eight Democrats and eight Republicans, when there was an absolute total partisan division, that the Democratic leadership would choose to move this forth, because I think that says more about the commitment to bipartisanship than I wish it would.

The second concern that I have had all along is that to simply create a new level of patronage bureaucracy in the House to administer the present levels of patronage bureaucracy does not seem to make a lot of sense. Yes, to their credit, we are going to eliminate most of the post office, but we are going to keep some parts of it, and we are going to take other responsibilities of the present House officers and move them into this new chief financial officer. And, mark my words, ladies and gentlemen, when we get to legislative appropriations, they are going to be down here asking for more money, because they are going to need it for the additional staff that was created as a result of this particular resolution.

Third, and perhaps most important, I would like to follow the concerns raised by the gentleman from California [Mr. THOMAS] when he talks about partisanship as a result of this resolution. There has been a lot of talk here in this debate that the Speaker, the majority leader, and the minority leader are going to appoint all of these new positions, but do not kid yourself 1 second. Read the resolution. Read page 3, lines 19 and 20, and I am going to quote from the resolution where it says, "The director may be removed by the House or by the Speaker."

Ladies and gentlemen, listen to that. You say the minority leader has an equal right in appointing these bipartisan officers? Well, who are you kidding? The Speaker interviews and chooses, the majority leader speaks and interviews and chooses, and then they say, "Well, minority leader, will you go along and get along with us on this one," and once the person is appointed, the only person that non-partisan officer answers to is the Speaker. The majority leader cannot remove him. The minority leader has nothing to say in removing a person for malconduct.

I wish, I deeply wish you would take this resolution back and start over again on a bipartisan basis.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I sat a moment ago and listened to the majority whip ranting, but he fails to see the solution to a very simple prob-

lem. It is that this is called the House administration reform bill, not what the President is doing.

It would take merely business 12 hours to come up with an administrative control and accountability. The bill offered by the gentleman from Illinois [Mr. MICHEL], amendment, is asking for an inspector general to oversee fraud, waste, and abuse, and that is what the American people want. They want us to clean up our act and take a look at it.

The public does not expect us to work as a power broker to shoot the blame for the administration, and they mentioned that the minority leader would have the veto power. The President has veto power, but he is almost powerless over this House floor, and so with the minority leader itself.

We had the bank coverups, the post office coverups, and, yes, the Sandinista coverups, and the gang of 7 has turned to a gang of 70, and we are going to bring that up just as well.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes and 50 seconds, to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, my colleagues, when I was asked to participate in the reform task force, I was quite hopeful that maybe, just maybe, just one time in the 10 years that I have been here we could get together on an issue that did not infringe on the legitimate rights of the Democratic majority to set a political agenda, because they have the majority number of votes. I hoped we could get together on a truly bipartisan basis to deal with some of the problems that plague this institution and that have eroded the credibility and confidence of the men and women that we serve in the institutions of democratic government. I was hopeful that we could accomplish something along that end. I was hopeful that both parties could walk away with something they were both proud of and still scratching their heads saying, "We probably gave in a little bit too much to the other side," an old-fashioned political compromise. I was hopeful that we could reach an agreement between the parties, not on a political agenda, not with a legislative agenda, but simply on how we as Republicans and Democrats together conduct the people's business in the House of Representatives.

We failed. We failed for a lot of reasons. It is painful. It is disappointing. It is frustrating.

This House does not belong to the Democratic leadership. It does not belong to the Democratic Party. And, for that matter, it does not belong to us on the Republican side of the aisle either.

You all refer in your speeches to this chamber as the People's House, and in truth and in fact and in history, that is exactly and precisely what it is and what it should be. But when we had the

opportunity over the past 2 or 3 weeks to come together just to discuss how we operate the House of Representatives, not a social agenda, not an economic agenda, just simply getting together to decide how we operate the House, we could not agree.

I have to tell you that I think it smacks of arrogance. It smacks of a party that has been in control too long. I am talking to you, honestly knowing that I have personal and political friends on the Democratic side of the aisle with whom I have worked. We have identified problems affecting people and communities, and we have worked together to solve them. So I know what bipartisan is, because you have been it with me and I have been it with you. But this reform package is not bipartisan. This is not bipartisan.

Everything in this partisan package gets channeled back to the Committee on House Administration, and when Republicans said simply share, share the responsibility, give us coequal status since we are going to be held accountable as Members of the institution, not as Republicans or Democrats, but as Americans, as proud elected officials who under attack from all quarters. We said share with us the enormous responsibility not on an economic agenda, not on a social or political agenda, just share with us the responsibility to run, to operate, to conduct the affairs of the people's House. You said no.

I have heard the word "unprecedented" used much too often. It is not unprecedented or magnanimous for the Democratic leadership to suggest to the gentleman from Illinois [Mr. MICHEL] or whoever the minority leader would be in future years that he or his successor could exercise a veto over the individual that the House will appoint to conduct its affairs. You want us to give you credit for something you should have done a long time ago. There is nothing political in that appointment and we should have a role in appointing that person. It is for us to get together, not as Republicans or Democrats, but as Americans with a collective responsibility to operate the affairs and conduct the affairs of this institution in a bipartisan way. You failed to give us the chance for meaningful and bipartisan reform.

I serve on that task force with men and women whom I respect, whom I have supported in legislative action. I know what bipartisan is.

But Mr. Speaker, there is a troubling attitude in this chamber. You have basically said it Republicans, "Let them eat cake. We will give them what we think they should have."

You have the majority, Mr. Speaker, but it is not a monopoly. It is not your House of Representatives. I represent as many Democrats as I do Republicans. When I tell you I am concerned about proxy voting, I am telling you

that my Democrats who elect and support me do not want a fistful of paper on the hands of some committee chairman, do not want a fistful of paper to reject an idea that I am promising. The Republicans and Democrats I represent want the power of a better idea to defeat the legislation or approach that I have taken, but they do not want a fistful of paper to do it.

They want an inspector general that has the independence and authority to audit and to investigate this institution, not the figleaf you have offered. A title does not an inspector general make. This official will be subservient to the Democratic leadership. It's business as usual and that is precisely what got us into trouble and brought this institution and its members into disrepute in the first place. My Democrats wanted an aggressive watchdog, a pit bull, and you have given us a toothless lapdog.

The SPEAKER pro tempore. (Mr. MURTHA). The time of the gentleman from Pennsylvania [Mr. RIDGE] has expired.

Mr. THOMAS of California. Mr. Speaker, I yield the balance of our time to the gentleman from Pennsylvania.

Mr. RIDGE. It could have been bipartisan, Mr. Speaker. We are not trying to affect the prerogatives that you have, legitimately have as the majority party, but you failed. You may have taken upon yourselves again exclusive control of the vestiges of power, but you failed the people. You may enjoy an inside the beltway victory, but you failed the people. You failed the Democrats in my district, you failed the Republicans. You failed the American people.

Mr. ROSE. Mr. Speaker, I yield the remainder of our time to the gentleman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I was a member of the bipartisan committee, and I can hardly recognize it from what we have been hearing here today. The fact is that our charge was to come up with a House Administrator and to deal with perks, and we did it, and we did it in a spirit of bipartisanship, the likes of which I have not seen since I have been here. This is the first experience I had in sitting down around the table, talking over the things in the House that I thought we had gone into with extremely good faith, and I am sorry that my colleagues on the other side do not agree with that. It was an effort, and I think has achieved the elimination of politics and patronage from the administration of the House support operations, and it is unprecedented, in that it has never been done before in the 203 years of history of this House.

Ms. LLOYD. Mr. Speaker, I rise in support of House Resolution 423, which makes a number of important reforms in the administrative structure of the House.

These reforms represent genuine change and should substantially improve the management of house operations. This is what the American people have called for. Many of our constituents believe that Congress has lost touch with them, and that we no longer understand their everyday needs and frustrations. Passage of this bill should follow us to work together, move forward and address the issues and concerns facing the Nation.

There are those who would like to take this genuine attempt at administrative reform and turn it into a partisan debate. This does not serve this Nation or this Chamber well. We have to stop the posturing and political games and get back to work.

This measure could not be more timely. I've been hearing from many folks in the Third Congressional District who feel betrayed by the Government. They think the Congress is out of touch with the working men and women of this country who sent them here. They feel that congress is above the law and they resent it. They want their congressional representatives to play by the same rules they live by. I agree wholeheartedly.

Clearly, more needs to be done to increase the respect and credibility of the Chamber. That's why this bill is so important. It comes on the heels of a letter I wrote to Speaker FOLEY on March 20, formally urging him to implement badly needed congressional reforms.

My letter stated, in part, that "we must institute new management of House operations. This is essential to restore confidence in this institution. The American people are calling for changes in business as usual around here. This is the people's house and reforms must be made." I am very pleased that such steps are being taken today.

This legislation will change for the better the way the business of the House is conducted.

First of all, the bill creates a Director of Non-Legislative and Financial Services, and transfers administrative and financial responsibilities from elected House officers to this new Director. The resolution calls for the Director to be someone with "extensive management and financial experience."

The measure establishes a position of House inspector general, charged with conducting audits of the financial operations of the director and any remaining financial functions of elected house officers. The inspector general is required to report the results of all audits to leaders of both parties, as well as to a bipartisan House Administration oversight subcommittee.

The bill abolishes the position of the House Postmaster. In my letter to the Speaker of March 20 I stated that "we must make sure that reported improprieties in the Post Office are fully and vigorously prosecuted by outside forces if necessary." I am pleased that the House Post Office is being abolished and the investigation of its activities pursued. The U.S. Postal Service will set up substations on Capitol Hill to process mail.

The resolution establishes a bipartisan subcommittee on administrative oversight within the House Administration Committee, similar to that called for in the Hamilton-Gradison concurrent resolution I cosponsored last year and urged the Speaker to put in place.

This subcommittee would be composed of an equal number of Democrats and Repub-

licans and is charged with providing oversight of the clerk, Sergeant-At-Arms, doorkeeper, Director of non-Legislative and Financial Services, and inspector general. All audit reports of the inspector general must be provided to this subcommittee. This subcommittee is necessary to bring about bipartisan change and show that Congress is willing to consider improvements in how it works.

The measure also authorizes the House Administration Committee to take necessary action to eliminate House perks. Members of Congress should have no privileges not available to the American people. We must do away with congressional privileges which are unnecessary and unjustified.

No one would disagree that the time for congressional reform is now. The challenge that faces us is to reform Congress in a responsible manner. This bill is a good first start. I urge my colleagues to join with me in supporting its passage.

Mr. KOLBE. Mr. Speaker, I rise in opposition to House Resolution 423, the majority's plan to reform our House because, quite simply, it stops short of the goal line. What House Resolution 423 does is place a Band-Aid over an institutional wound when surgery is needed.

The questions of reform, anti-incumbency and political change are inextricably linked in the minds of our citizens. Let's make no mistake; the bulk of voter anger belongs on the doorstep of the Democrat Party that has controlled the House for 56 of the last 60 years. This institution has grown and developed under a majority party patronage system that has said, "don't rock the boat," "keep Members happy at any price," particularly the party elite. Well, the boat has been rocked. The American people are demanding change. And only sweeping reforms will mute the cries of public ridicule.

The sad fact is that had the House bank and post office scandals not occurred, we most likely would not be here today trying to correct the ways of an institution that has gotten so far out of step with the American people. Majority party patronage can no longer be the rule of the day. The Democrats have missed the point of reform because the plan presented by the majority deals only with the administration of the House. But real reform must go to the heart of what this body is all about; it must reform the way we manage legislation. It must be fundamental.

Republicans have been calling for administrative and legislative reform for years, reform that would guarantee the existence of open debate, budget accountability, organizational control, and discipline. The Michel substitute incorporates these reforms. Managerially, this includes creating a chief financial officer who would have all financial and managerial responsibilities including the power to audit and investigate. It would eliminate the Doorkeeper and Postmaster offices and transferring Doorkeeper duties to the Clerk of the House. The Sergeant at Arms would be a nationally respected law enforcement professional, with accountability to both the Speaker and minority leader.

Legislatively, Republicans propose slashing committee staffs by 50 percent, applying certain worker safety and antidiscrimination laws

to the House, abolishing select committees, and requiring that the membership on each committee and subcommittee reflect the ratio of majority and minority Members in the House overall at the beginning of each Congress. Most importantly, we proposed to eliminate the nefarious practice of proxy voting in committee and to increase minority representation on the Rules Committee to reflect proportional numbers in the whole House.

Predictably, the majority would not accept any of these reform measures.

Republicans, and their constituents, have much to offer the political process. Yet, over the last 38 years of Democratic control of the House, our views have been effectively ignored. House Resolution 423 has proved no different.

Don't be fooled by the rhetoric. The reforms in House Resolution 423 will not fundamentally change the way we do business in this institution.

Mr. BACCHUS. Mr. Speaker, I rise in support of House Resolution 423. This resolution is a real beginning toward the fundamental and much more comprehensive reform that we need of the entire legislative process. It is a positive step toward ensuring the proper financial management and operation of the House of Representatives.

The next step must be the adoption of House Concurrent Resolution 192, the Hamilton-Gradison resolution, to establish a bipartisan committee to streamline and modernize the committee structure of the Congress to better reflect the needs and realities of our country today. The Hamilton-Gradison resolution will allow us to take a careful, deliberative approach toward implementing the many needed reforms that are not included in House Resolution 423. I vote today for this resolution with the understanding and with the assurance of the Speaker and the leadership of my party that we will be voting also as soon as possible on House Concurrent Resolution 192. I support many of the reforms included in the Michel resolution, but I believe the deliberative, bipartisan initiative envisioned by the Hamilton-Gradison resolution is by far the better approach.

Mrs. BOXER. Mr. Speaker, I rise in support of House Resolution 423, the House administrative reform bill.

It has become abundantly clear that, while many of us were trying to focus on issues like choice and child care, the House and its facilities were being operated in a manner that was, to put it charitably, unprofessional. These unprofessional operations have come to reflect on each and every one of us.

At a time when many of our constituents are hurting, the time has come to act.

The bill before us now makes several critical, overdue reforms. Among them are the creation of two positions to ensure that the financial affairs of the House will be managed in a professional, nonpartisan manner:

It establishes a Director of Non-Legislative and Financial Services, so that we can finally place control of House financial matters in the hands of a professional; and

It establishes a position of inspector general for the House, so that House financial operations will be subject to professional audits.

I would like to emphasize that appointments to these positions are to be made jointly by

the Speaker, the majority leader, and the minority leader, ensuring that the minority will have veto power over candidates for these jobs.

This bill also takes the critical step of authorizing the House Administration Committee to eliminate congressional perks.

As strongly as I support reform, I cannot support the Republican substitute. The Republican substitute goes beyond reform in attempt to win for the Republicans battles they have been unable to win at the ballot box. Among other things, the Republican amendment would eliminate the Select Committee on Children, Youth and Families, and the Select Committee on Hunger. These two committees have played a key role in fighting for—and winning—important changes in our Nation's priorities. Together, these committees have educated Washington—and the Nation—on the importance of the WIC Program and made WIC funding one of the highest priorities for Congress and, I believe, the White House. It also eliminates the Select Committees on Narcotics and Aging, which are addressing some of the most critical problems facing our society.

Mr. CAMP. Mr. Speaker, the Democrat's so-called reform legislation is not a serious attempt to address the desperate need for reform. This bill is just a bandage to cover a gaping wound, when we need critical emergency surgery. It is simply political cover for the misdeeds of a party which has run the House of Representatives for most of the last 40 years. Changing the way this body operates will take more than minor administrative adjustments.

We need to do more. The American people want structural change in the way this institution operates and they deserve it. Mere managerial changes are not enough. More bureaucracy doesn't mean more effectiveness.

The Republican plan is the plan that makes improvements in conducting the business of this House. This body should get out of the business of running a post office and conducting investigations into its own conduct. There should be an inspector general to conduct independent, and I underline independent, audits and investigations of the operations of this body.

We need to set an example. We need to spend less on ourselves as an institution. Reducing spending on committees and making changes in the procedures of the House will help this body operate more effectively for the people who elected us to serve. We have a job to do and let's get it done.

Mr. EWING. Mr. Speaker, I oppose the so-called House reform legislation offered by the majority because it contains little more than cosmetic changes which will not alter the very fundamental problems in the House of Representatives. These changes are simply cosmetic and will not reform this institution.

One major problem with Congress is that only a handful of very powerful chairmen have strict control of the House. The fact that they are unwilling to make any real changes is illustrated by the fact that this reform legislation itself is being considered under a closed rule which allows only one amendment. No other Members are allowed to offer amendments to this legislation. We cannot try to change this

legislation. This is a terrible way for a legislative body to work, and this is a fundamental problem with the House of Representatives. We cannot adequately represent our constituents.

The reason we cannot amend this legislation is because the Rules Committee, which dictates how legislation will be considered by the House, is controlled by the majority party by a ratio of 2-to-1, plus 1. It is a small clique of very powerful senior Members. It represents all that is wrong with the House, a small number of senior Members hold virtually dictatorial power. This so-called reform legislation does nothing to change the status quo. The makeup of the Rules Committee should reflect the makeup of the House, but again those few who wield power do not want to give up their throne.

The reform legislation sponsored by the majority party, in an attempt to make this proposal look bipartisan, creates an oversight House administration subcommittee of equal representation for both parties. However, unresolved issues in that body would be referred to the full House Administration Committee, which certainly is fully controlled by the majority party. This is not true reform. Again we see that those in power are trying to create the appearance of reform without actually changing how the House is managed.

Mr. Speaker, this legislation is grossly inadequate. It is a cosmetic change, and will do little to truly change the very serious problems in how this House is run.

The SPEAKER pro tempore. (Mr. MURTHA). It is now in order to consider the amendment printed in House Report 102-490.

For what purpose does the gentleman from California [Mr. THOMAS] rise?

Mr. THOMAS of California. Mr. Speaker, I ask unanimous consent to present for the minority leader the amendment in the nature of a substitute.

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

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMAS OF CALIFORNIA

Mr. THOMAS of California. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. THOMAS of California: Strike all after the resolving clause and insert the following:

TITLE I—CHIEF FINANCIAL OFFICER, GENERAL COUNSEL, AND CERTAIN OTHER REFORMS

Subtitle A—Chief Financial Officer Amendments to the Rules of the House and Related Provisions

SECTION 101. AMENDMENTS TO RULE II RELATING TO THE ELECTION OF OFFICERS OF THE HOUSE.

Rule II of the Rules of the House of Representatives (relating to the election of Officers of the House) is amended—

(1) by striking "Doorkeeper, Postmaster,"; and

(2) by adding at the end the following new sentence: "The individual chosen for election

as the Sergeant-at-Arms should be a nationally-respected law enforcement professional."

SEC. 102. AMENDMENTS TO RULE III RELATING TO THE DUTIES OF THE CLERK.

Clause 3 of rule III of the Rules of the House of Representatives (relating to the duties of the Clerk) is amended—

(1) by striking "make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House, keep full and accurate accounts of the disbursements of the contingent fund of the House, keep the stationery account of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law." in the first sentence and inserting a period; and

(2) by amending the second sentence to read as follows: "He shall cause to be announced at the door all messengers from the President and the Senate and, when requested by the Speaker, visitors to the floor of the House during joint meetings or joint sessions of the two Houses. He shall superintend the House document room and the Publications Distribution System (the folding rooms), the cloakrooms of the House and the telephone service available to Members therein. He shall supervise the pages that serve the House and various other facilities to Members."

SEC. 103. AMENDMENTS TO RULE IV RELATING TO THE DUTIES OF THE SERGEANT-AT-ARMS.

Clause 1 of rule IV of the Rules of the House of Representatives (relating to the duties of the Sergeant-at-Arms) is amended by striking "and keep the accounts for the pay and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law".

SEC. 104. AMENDMENTS TO RULES V AND VI TO ELIMINATE THE POSITIONS OF DOORKEEPER AND POSTMASTER AND TO CREATE THE POSITION OF CHIEF FINANCIAL OFFICERS.

Rule V of the Rules of the House of Representatives (relating to the duties of the doorkeeper) and rule VI of the Rules of the House of Representatives (relating to the duties of the Postmaster) are amended to read as follows:

"RULE V

"CHIEF FINANCIAL OFFICER

"1. There shall be elected, by not less than two-thirds of Members voting, a quorum being present, the Chief Financial Officer of the House.

"2. The Chief Financial Officer should have appropriate education and training, have demonstrated an ability to manage large and complex administrative activities and resources, and have experience that is relevant to the management of the financial operations of the House.

"3. The Chief Financial Officer shall be responsible for—

"(A) reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and minority leader respecting these operations;

"(B) conducting periodic audits of the financial operations of the House, simultaneously sending audit reports to the Speaker and minority leader, and making these audit reports available to the public;

"(C) keeping the accounts for the pay and mileage of Members, Delegates, and the

Resident Commissioner from Puerto Rico, and paying them as provided by law; and

"(D) carrying out all other financial functions and operations that were exercised by the Clerk before the date of the adoption of this rule, including, but not limited to—

"(i) keeping full and accurate accounts of the disbursements of the contingent fund of the House,

"(ii) keeping the stationery account of the Members, Delegates, and Resident Commissioner of Puerto Rico,

"(iii) paying the salaries of officers and employees of the House, and

"(iv) making or approving all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House.

"(E)(i) reviewing existing and proposed rules of the House to determine the effect of such rules on the economy and efficiency of the financial operations of the House, taking into consideration the need to prevent fraud, waste, and abuse in such operations;

"(ii) based on such review, providing periodic recommendations to the Speaker and the minority leader with respect to the Rules of the House;

"(F) keeping the House fully and currently informed of any instance of fraud, waste, or abuse, or any other serious deficiency in the financial operations of the House, including corrective actions taken or recommended;

"(G) reporting to the Speaker and the minority leader—

"(i) any such instance that, because of its particularly serious nature, requires immediate attention; and

"(ii) any lack of cooperation by a Member, officer, or employee of the House that inhibits the carrying out of the responsibilities of the Chief Financial Officer;

"(H) not later than October 31 of each year, submitting to the House with respect to the financial operations of the House in the preceding fiscal year a report of the activities of the Chief Financial Officer, including—

"(i) a description of significant problems, abuses, and deficiencies in the financial operations of the House, the recommendations made, the corrective actions completed, and the corrective actions uncompleted;

"(ii) a summary of matters the Chief Financial Officer referred to the Committee on Standards of Official Conduct and the actions which have resulted from such referrals; and

"(iii) a summary of each recommendation by the Chief Financial Officer to the Speaker and minority leader under these Rules;

"(I) receiving and investigating complaints from employees of the House with respect to fraud, waste, and abuse in the financial operations of the House, if such complaints assert the existence of a violation of law, a violation of these Rules, mismanagement, gross waste of funds, or abuse of authority; and

"(J) developing and maintaining an integrated accounting and financial management system for the House, including financial reporting and internal controls to provide performance measurement, cost information, and integration of accounting and budgeting information; and

"(K) directing, managing, providing policy guidance for, and conducting oversight of, financial management personnel and operations, including preparation of a 5-year financial system plan, development of financial management budgets, recruitment, selection and training of personnel to carry out financial management functions, and im-

plementation of asset management systems, such as cash and credit management, debt collection, and property and internal controls.

"4. (a) In carrying out clause 3(I), the Chief Financial Officer may not disclose the identity of a complaining employee without the consent of the employee, unless the Chief Financial Officer determines such disclosure is unavoidable.

"(b) Any intimidation of, or reprisal against, an employee of the House by an employing authority because of a complaint made by the employee is a violation of rule LI.

"5. In accordance with policies and procedures approved by the Committee on House Administration, the Chief Financial Officer shall appoint such employees as may be necessary for the prompt and efficient performance of the duties of the Chief Financial Officer under these Rules. Such employees shall serve at the pleasure of the Chief Financial Officer.

"RULE VI

"HOUSE POSTAL SERVICES

"The Chief Financial Officer shall superintend the post office in the Capitol and in the respective office buildings of the House for the accommodation of Representatives, Delegates, the Resident Commissioner from Puerto Rico, and officers of the House and shall be held responsible for the prompt and safe delivery of their mail."

SEC. 105. CONFORMING AMENDMENT TO RULE XIV RELATING TO DECORUM AND DEBATE.

Clause 7 of the rule XIV of the Rules of the House of Representatives (relating to decorum and debate) is amended by striking "and Doorkeeper".

SEC. 106. OVERSIGHT REFORM.

Rule XI of the Rules of the House of Representatives is amended by adding at the end the following:

"7. (a) By March 1, of the first session of any Congress, each committee shall adopt and submit to the Committee on House Administration an oversight plan for that Congress.

"(b) No primary expenses resolution for a committee may be considered in the House unless and until it has adopted and submitted to the Committee on House Administration an oversight plan for the Congress involved.

"(c) After consultation with the majority and minority leaders, the Committee on House Administration shall report the plans to the House, together with its recommendations and those of the majority and minority leaders, to assure coordination between committees.

"(d) The Speaker is authorized to appoint ad hoc oversight committees for specific tasks from the memberships of committees with shared legislative jurisdictions.

"(e) Each committee shall include an oversight section in this final activity report at the end of a Congress."

SEC. 107. MAKING THE COMMITTEE ON HOUSE ADMINISTRATION BIPARTISAN.

Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(3)(A) One-half of the members of the Committee on House Administration shall be from the majority party and one-half shall be from the minority party.

"(B) In the case of the Committee on House Administration, subpoenas may be authorized and issued as provided 2(m) of rule XI, except that either the chairman or rank-

ing minority party member of that committee may authorize and issue subpoenas under that clause."

SEC. 108. EQUALITY OF MAJORITY AND MINORITY PARTY REPRESENTATION ON THE SUBCOMMITTEE ON LEGISLATIVE APPROPRIATIONS.

The membership of the Subcommittee on Legislative Appropriations of the Committee on Appropriations shall be divided equally between the majority party and the minority party. Staff positions for the subcommittee shall be divided in the same manner.

SEC. 109. TASK FORCE ON REFORM OF THE HOUSE OF REPRESENTATIVES

Not later than 10 days after the date on which this resolution is agreed to, the Speaker shall appoint a task force for the purpose of recommending institutional reforms necessary to restore public confidence in the House of Representatives. The task force shall—

- (1) be composed of 10 Members of the House of whom 5 Members shall be appointed upon the recommendation of the majority upon recommendation of the minority leader; and
- (2) report its recommendations to the House not later than the end of the One Hundred Second Congress.

SEC. 110. LIMITATION ON REPROGRAMMING OF FUNDS IN THE HOUSE OF REPRESENTATIVES.

No funds may be reprogrammed or otherwise transferred between appropriation accounts of the House of Representatives without the written approval of the Speaker and the minority leader of the House of Representatives.

SEC. 111. LIMITATION ON INITIAL HOUSE OF REPRESENTATIVES APPROPRIATIONS FOR FISCAL YEAR 1993

In the second session of the One Hundred Second Congress, it shall not be in order to consider in the House any measure containing an appropriation for the House, if the measure provides appropriations for that purpose for any period after March 31, 1993.

SEC. 112. INSPECTOR GENERAL.

The Speaker, upon the recommendation of the majority leader and the minority leader, acting jointly, shall appoint an Inspector General for the House. The Inspector General shall—

- (1) receive and investigate complaints from employees of the House with respect to fraud, waste, and abuse in the nonlegislative operations of the House, if such complaints assert the existence of a violation of law, a violation of the Rules of the House, mismanagement, gross waste of funds, or abuse of authority; and
- (2) report the results of such investigations to the Speaker, the majority leader, and the minority leader.

Subtitle B—Office of the General Counsel

SEC. 121. ESTABLISHMENT.

There is established in the House of Representatives an office to be known as the Office of the General Counsel, referred to hereinafter in this title as the "Office".

SEC. 122. ACCOUNTABILITY.

The Office shall be directly accountable to the Leadership Group, composed of—

- (1) the Speaker of the House of Representatives;
- (2) the majority leader and minority leader of the House of Representatives;
- (3) the majority whip and minority whip of the House of Representatives;
- (4) the chairman and ranking minority party member of the Committee on the Judiciary of the House of Representatives; and
- (5) 2 Members of the house to be appointed by the Speaker of the House of Representa-

tives, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader.

SEC. 123. PURPOSE AND POLICY.

The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House of Representatives on matters directly related to their duties, other than matters committed by law, rule, or other authority to the Office of the Parliamentarian, the Office of the Legislative Counsel, the Office of the Law Revision Counsel, the Legislative Classification Office, the Congressional Research Service, the Comptroller General, or the Office of Fair Employment Practices, or to another office, officer, or employee of the House of Representatives. The Office shall maintain—

- (1) impartiality as to issues of policy to be determined by the House of Representatives; and
- (2) the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

SEC. 124. SPECIFIC APPROVAL REQUIREMENTS.

(a) **APPROVAL BY RESOLUTION.**—Unless approved by unanimous vote of the Leadership Group, the following actions of the Office require prior approval by resolution of the House of Representatives:

- (1) Entering an appearance before any court.
- (2) Filing a brief in any court.
- (3) Representing any Member of the House of Representatives in any contested matter that will result in formal legal proceedings.

(b) **APPROVAL BY THE LEADERSHIP GROUP.**—The following activities of the Office require prior approval by the Leadership Group:

- (1) Preparation of any legal memorandum or other item of legal research that requires more than 4 hours of preparation time.
- (2) Work other than in the routine course of business of the Office.

(c) **SPECIAL RULE.**—In carrying out any action under this title, the Office, in the case of any matter that affects an area of responsibility committed to another office, officer, or employee referred to in section 123, shall consult the office, officer, or employee involved and coordinate such action with the office, officer, or employee.

SEC. 125. GENERAL COUNSEL.

The management, supervision, and administration of the Office are vested in the General Counsel, who shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and the minority leader of the House of Representatives, acting jointly, without regard for political affiliation and solely on the basis of fitness to perform the duties of the position. The General Counsel shall serve at the pleasure of the Leadership Group.

SEC. 126. STAFF.

With the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, the General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office, except that not more than 4 attorneys and 3 other employees may be so employed and at least one attorney in the Office shall be appointed upon the recommendation of the minority leader. Any individual employed under this section may be removed by the General Counsel, with the approval of the Leadership Group.

SEC. 127. COMPENSATION.

(a) **GENERAL COUNSEL.**—The General Counsel shall be paid at a per annum gross rate

fixed by the Leadership Group, but not more than the rate payable for positions at Level III of the Executive Schedule, under section 5314 of title 5, United States Code.

(b) **STAFF.**—Members of the staff of the Office shall be paid at per annum gross rates fixed by the General Counsel, with the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, but not more than the rate payable for positions at level IV of the Executive Schedule, under section 5315 of title 5, United States Code.

SEC. 128. EXPENDITURES.

Subject to appropriation and in accordance with policies and procedures approved by the Leadership Group, the General Counsel may make such expenditures as may be appropriate for the functioning of the Office.

SEC. 129. TIME SHEETS.

The attorneys and professional staff in the Office shall maintain regular, written records of the time expended on legal matters, consistent with generally accepted practices in private law firms. Such time records shall be maintained on forms and according to procedures established by the General Counsel, and shall provide for the recordation of time allotted to legal work in increments of no more than one-quarter hour. The time records shall be reviewable by the Leadership Group and may not be made public other than by direction of the Leadership Group or resolution of the House.

TITLE II—LEGISLATIVE PROCESS REFORMS

SEC. 201. HOUSE SCHEDULING REFORM.

Rule I of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"11. (a) At the beginning on each session of the Congress the Speaker shall, after consultation with the minority leader and the chairmen of the committees of the House, announce a legislative program for the session which shall include (1) target dates for the consideration of specified major budgetary, authorization, and appropriations bills; (2) an indication of those weeks during which the House will be in session (which, unless otherwise indicated, shall be assumed to be full, 5-day work weeks for the conduct of committee and House floor business); (3) those weeks set aside for district work periods (which shall be scheduled at periodic intervals), holidays, and other recesses; and (4) the target date for the adjournment of that session.

"(b) The Speaker shall ensure that the minority leader is fully consulted in developing the legislative program for the House each week."

SEC. 202. TREATMENT OF VETOED BILLS.

Rule I of the Rules of the House of Representatives is amended by adding at the end the following:

"11. Immediately after the receipt of a bill returned by the President, the Speaker shall state the question on the reconsideration of that bill, without intervening motion, and the House shall proceed to vote on the reconsideration of that bill."

SEC. 203. MULTIPLE REFERRAL OF LEGISLATION.

Clause 5(c) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall initially refer the matter to one committee which he shall designate as the committee of principal jurisdiction; but, he may also refer the matter to one or more additional committees, for consideration in se-

quence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of principal jurisdiction; or refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the exclusive consideration of such portion or portions; or refer the matter to a special ad hoc committee appointed by the Speaker, with the approval of the House, from the members of the committees having legislative jurisdiction, for the specific purpose of considering that matter and reporting to the House thereon; or make such other provisions as may be considered appropriate."

SEC. 204. PRESENTMENT OF BILLS TO THE PRESIDENT.

The Rules of the House of Representatives are amended by adding at the end the following:

"RULE LII.

"PRESENTMENT OF BILLS

"Not later than the tenth calendar day beginning after the date upon which a bill has been agreed to in identical form by the House of Representatives and the Senate, in the case of a bill originating in the House of Representatives, the bill shall be presented to the President."

SEC. 205. COMMITTEE RATIOS.

(a) Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof), shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress. This subparagraph shall not apply to the Committee on Standards of Official Conduct which shall be constituted as provided for in subparagraph (2). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House."

(b) Clause 6(f) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force, or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment."

SEC. 206. SUBCOMMITTEE LIMITS.

(10) Clause 6(d) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(d)(1) Each standing committee of the House (except the Committee on the Budget) that has more than 20 members, shall establish at least 4 subcommittees; but, in no event shall any standing committee (except the Committee on Appropriations) establish more than 6 subcommittees.

"(2) No member may serve at any one time as a member of more than 4 subcommittees of committees of the House.

"(3) For the purposes of this paragraph, the term 'subcommittee' includes any panel, task force, special subcommittee, or any subunit of a standing committee, or any select committee which is established for a period of longer than 6 months in any Congress."

SEC. 207. PROXY VOTING BAN.

Clause 2(f) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy."

SEC. 208. OPEN MEETING.

Clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by striking the colon in the first sentence and all that follows thereafter and inserting the following: "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade, or incriminate any person or otherwise would violate any law or rule of the House, or involves committee personnel matters."

SEC. 209. MAJORITY QUORUMS.

Clause 2(h)(2) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(2) A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation."

SEC. 210. REPORT ACCOUNTABILITY.

Clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for and against reporting, and the names of those Members voting for and against, shall be included in the committee report on the measure."

Clause 2(1)(2) of rule XI of the Rules of the House of Representatives is further amended by adding at the end the following:

"(C) With respect to each nonrecord vote on a motion to report any bill or resolution of a public character, the names of those members of the committee actually present at the time the bill or resolution is ordered reported shall be included in the committee report."

SEC. 211. COMMITTEE DOCUMENTS.

Clause 2(1) of rule XI of the Rules of the House of Representatives is amended by redesignating subparagraphs (6) and (7) as subparagraphs (7) and (8), respectively, and by inserting after subparagraph (5) the following new subparagraph:

"(6)(A) Any committee or subcommittee print, document, or other material, other than reports subject to the preceding provisions of this clause, prepared for public distribution, shall either be approved by the committee or subcommittee prior to such public distribution, and opportunity shall be afforded for the inclusion of supplemental, minority, or additional views in accordance with the provisions of subparagraph (5), of such print, document, or other material shall contain on its cover the following disclaimer in bold face type:

'This material has not been officially approved by the committee [or subcommittee, as the case may be] on [name of committee or subcommittee] and may not therefore necessarily reflect the views of its members.'

and any such print, document, or other material not approved by the committee or subcommittee may not include the names of its members, other than the name of the committee or subcommittee chairman releasing the document, but shall be made available to all of the members of the committee not less than three calendar days (excluding Saturdays, Sundays, and public holidays) prior to its being made public.

"(B) The provisions of this subparagraph do not apply to prints of bills or resolutions, summaries thereof, or prints containing the names of committee or subcommittee members, staff, or other factual information regarding the committee or its subcommittees, their jurisdictions or rules, or any matters pending before such committee or its sub-

committees, provided that such documents do not also contain opinions, views, findings, or recommendations.

"(C) Nothing in this subparagraph shall be construed to authorize any subcommittee or chairman thereof to issue any print, document or other material not otherwise authorized by the rules of the committee."

SEC. 212. SAME DAY CONSIDERATION OF RULES COMMITTEE REPORTS.

The first sentence of clause 4(b) of rule XI of the Rules of the House of Representatives is amended by striking the matter in parentheses and inserting the following: "(except that it shall not be called up for consideration on the same calendar day, nor on the subsequent calendar day of the same legislative day, that it is presented to the House, unless so determined by a vote of not less than two-thirds of the members voting, but this provision shall not apply during the last three days of the session)"

SEC. 213. PERMITTING INSTRUCTIONS IN MOTIONS TO RECOMMIT.

The second sentence in clause 4(b) of rule XI of the Rules of the House of Representatives is amended by striking "nor" and all that follows thereafter and by inserting the following: "nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI, including a motion with amendatory instructions (except in the case of a Senate measure for which the language of a House-passed measure has been submitted)."

SEC. 214. RESTRICTIVE RULE LIMITATION.

Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(e) It shall not be in order to consider any resolution reported from the Committee on Rules providing for the consideration of any bill or resolution otherwise subject to amendment under House rules if that resolution limits the right of Members to offer germane amendments to such bill or resolution unless the chairman of the Committee on Rules has orally announced in the House, at least four legislative days prior to the scheduled consideration of such matter by the Committee on Rules, that less than an open amendment process might be recommended by the Committee for the consideration of such bill or resolution."

SEC. 215. LIMITATION ON SELF-EXECUTING RULES.

Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(f) It shall not be in order to consider any order of business resolution reported from the Committee on rules which provides that, upon the adoption of such resolution, the House shall be considered to have automatically adopted a motion, amendment, or resolution, or to have passed a bill, joint resolution, or conference report thereon, unless the consideration of such order of business resolution is agreed to by not less than two-thirds of the Members voting, and the yeas and nays shall be considered as ordered when the Speaker puts the question on consideration."

SEC. 216. BUDGET WAIVER LIMITATION.

Clause 4 of rule XI of the Rules of the House of Representatives (as amended by sections 214 and 215) is amended by adding at the end the following new paragraph:

"(g)(1) It shall not be in order to consider any resolution reported from the Committee on Rules for the consideration of any measure which waives any specified provisions of the Congressional Budget Act of 1974, unless

the report accompanying such resolution includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies, and a summary or text of any written comments on the waiver received by the committee from the Committee on the Budget.

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.

"(3) It shall not be in order to consider a resolution which waives all House rules except by a vote of two-thirds of those Members voting."

SEC. 217. COMMITTEE STAFFING.

Clause 5 of rule XI of the Rules of the House of Representatives is amended by redesignating paragraphs (a) through (f) as paragraphs (b) through (g), respectively, and by inserting at the beginning the following new paragraph:

"(a)(1) It shall not be in order to consider any primary expense resolution until the Committee on House Administration has reported, and the House has adopted, a resolution establishing an overall ceiling for House committee staff personnel for that year, and any such resolution shall be privileged.

"(2) In developing any primary expense resolution, the Committee on House Administration shall specify in the resolution the number of staff positions authorized by the resolution. The committee shall verify in the report accompanying any such primary expense resolution that the number of staff positions authorized by such resolution is in conformity with the overall ceiling on such positions established by the House.

"(3) In no event shall the total number of additional staff positions authorized by all such primary expense resolutions, taken together with the number of staff positions authorized by clause 6 of this rule (providing for professional and clerical staff), exceed the ceiling established by the House for that year.

"(4) In allocating staff positions pursuant to the overall ceiling established by the House, the committee shall take into account the past and anticipated legislative and oversight activities of each committee.

"(5) In any supplemental expense resolution, and in any amendment thereto, the committee shall specify the number of additional staff positions, if any, authorized by such resolution, and shall indicate in the report accompanying any such resolution whether the additional staff positions are in conformity with or exceed the overall ceiling established by the House.

"(6) It shall not be in order to consider any supplemental expense resolution, or any amendment thereto, authorizing additional staff positions in excess of the overall ceiling established by the House except by a vote of two-thirds of the Members voting, a quorum being present.

"(7) It shall not be in order to consider any primary or supplemental expense resolution for one or more committees unless the report on such resolution includes a statement verifying that each such committee has adopted and complied with a committee rule entitling the minority party on such committee,

upon the request of a majority of such minority, to not less than one-third of the funds provided for committee staff pursuant to each primary or supplemental expense resolution.

"(8) For the purposes of the One Hundred Third Congress, the overall ceiling for committee staff in a resolution reported by the committee pursuant to subparagraph (1), or contained in any amendment thereto, shall not exceed 50 percent of the total committee staff personnel employed at the end of the One Hundred Second Congress."

SEC. 218. COMMEMORATIVE CALENDAR.

Rule XIII of the Rules of the House of Representatives is amended by redesignating clauses 6 and 7 as clauses 7 and 8, respectively, and by inserting after clause 5 the following new clause:

"6. There shall also be a Commemorative Calendar to be comprised of unreported bills and resolutions respecting commemorative holidays and celebrations referred to the Committee on Post Office and Civil Service and requested by the chairman and ranking minority member of such committee, in writing, to be placed thereon. On the first and third Tuesdays of each month, after the disposal of such business on the Speaker's table as requires reference only and resolutions called on the Private Calendar, the Speaker shall direct the Clerk to call the bills and resolutions on the Commemorative Calendar. Should objection be made by two or more Members to the consideration of any bill or resolution so called, it shall be removed from such Calendar. Such bills and resolutions, if considered, shall be considered in the House."

SEC. 219. AUTOMATIC ROLL CALL VOTES.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. The yeas and nays shall be considered as ordered when the Speaker puts the question upon final passage of any bill, joint resolution, or conference report thereon, making general appropriations, providing revenue, or adjusting the statutory rate of pay of Members of Congress, or on final adoption of any concurrent resolution on the budget or conference report thereon which provides an increase in the statutory debt limit."

SEC. 220. APPROPRIATION REFORMS.

Clause 2 of rule XXI of the Rules of the House of Representatives is amended by striking the second sentence of paragraph (c) and by amending paragraph (d) to read as follows:

"(d)(1) For the purposes of House Rules, a 'general appropriation bill' shall include any bill or joint resolution making continuing appropriations in a fiscal year for a period in excess of 30 days, and any such measure shall include the full text of the language proposed to be enacted (as opposed to mere references to measures, or amendments thereto, which have been reported or passed by either House, or agreed to by a committee of conference).

"(2) The provisions of clause 2(1)(3)(B) of rule XI shall apply to any 'general appropriation bill' as defined in subparagraph (1).

"(3) For the purposes of this clause, all points of order shall be considered as having been reserved against any general appropriation bill at the time it was reported."

(b) Clause 2 of rule XXI of the Rules of the House of Representatives is amended by inserting after paragraph (d) the following new paragraph:

"(e) It shall not be in order to consider any bill or joint resolution making continuing appropriations for a period of 30 days or less

unless such measure only provides appropriations in the lesser amount and under the more restrictive authority of each pertinent appropriations measure: as passed by the House; as passed by the Senate; as agreed to by a committee of conference; or enacted for the preceding fiscal year."

(c) Clause 3 of rule XXI of the Rules of the House of Representatives is amended by inserting ", and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law" before the period.

(d) Clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives is amended by striking "(other than continuing appropriations)" and inserting in lieu thereof "(other than continuing appropriations, except as provided by clause 2(d) of rule XXI)".

(e) Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(h) It shall not be in order, except by a vote of not less than 3/4 of the Members of the House duly chosen and sworn, to consider any rule or order from the Committee on Rules which waives the provisions of clause 2 of rule XXI against the consideration of any short-term, continuing appropriations measure as defined therein; or which waives the provisions of clause 2 of rule XXI against, or denies amendment to, any provision in a long term, continuing appropriation measure as defined therein if that provision has not been previously considered and agreed to by the House."

SEC. 221. RECONCILIATION LIMITATION.

Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. (a) No provision shall be reported in the House in any reconciliation bill pursuant to the most recently agreed to concurrent resolution on the budget, or be in order as an amendment thereto in the House or Committee of the Whole, which is not related to achieving the purposes of the directives to House committees contained in such concurrent resolution.

"(b) Nothing in this clause shall be construed to prevent the consideration of any provision in a reconciliation bill, or any amendment thereto, which achieves savings greater than those directed of a committee and which conforms to paragraph (c) of this clause, or to prevent the consideration of motions to strike made in order by the Committee on Rules to achieve the purposes of the directives.

"(c) For the purposes of this clause, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to concurrent resolution on the budget if it is estimated by the House Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or to raise revenues or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committee instructed in the concurrent resolution.

"(d) The point of order provided for by this clause shall not apply to Senate amendments or to conference reports.

"(e) For the purposes of this clause, all points of order shall be considered as having been reserved against a reconciliation bill at the time it was reported."

SEC. 222. AUTHORIZATION REPORTING DEADLINE.

Rule XXI of the Rules of the House of Representatives (as amended by section 221) is

amended by adding at the end the following new clause:

"9. It shall not be in order to consider in the House any bill or joint resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15 preceding the beginning of such fiscal year."

SEC. 223. PLEDGE OF ALLEGIANCE.

Clause 1 or rule XXIV of the Rules of the House of Representatives is amended by inserting after the second order of business the following new order of business (and by redesignating succeeding orders accordingly):

"Third. The Pledge of Allegiance to the Flag."

SEC. 224. SUSPENSION OF THE RULES.

Clause 1 of rule XXVII of the Rules of the House of Representatives is amended by inserting "(a)" after "1", and by inserting at the end the following new paragraphs:

"(b) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless by direction of the committee or committees of jurisdiction over the measure or matter, or unless a written request is filed with the Speaker by the chairman and ranking minority member of the committee or committees having jurisdiction over the measure or matter, asking for its consideration under suspension of the rules.

"(c) A motion to suspend the rules and pass or agree to any measure or matter shall not be in order if the measure or matter would enact or authorize the enactment of new budget authority or new spending authority in excess of \$50,000,000 for any fiscal year; nor shall it be in order to entertain a motion to suspend the rules to pass any joint resolution which proposes to amend the Constitution.

"(d) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless written notice is placed in the Congressional Record of its scheduled consideration at least one calendar day prior to its consideration, and such notification shall include the numerical designation of the measure or matter, its short title, and the text of any amendments to be offered thereto, and the date on which the measure or matter is scheduled to be considered.

SEC. 225. DISCHARGE MOTION.

Clause (4) of rule XXVII of the Rules of the House of Representatives is amended by inserting after the fourth sentence the following new sentence: "When 100 Members have signed the motion, the Clerk shall cause to be printed in the Congressional Record the name of each member who has signed or withdrawn a signature to the motion, and shall thereafter publish an updated list in the Congressional Record at the end of each succeeding week the House is in session."

SEC. 226. INCLUSION OF VIEWS WITH CONFERENCE REPORTS.

Clause 1 of rule XXVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(e) If, on the day a report of any committee of conference has received the requisite number of signatures for approval by House conferees, any House conferee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays and legal holidays) in which to file such views with the principal manager on the part of the House, such views shall be in writing and signed by that Member. All such views so filed by one or more

Members of the committee shall be published in the same volume as the report of the committee of conference and the joint explanatory statement filed in the House, and the volume shall bear on its cover a recital that any such supplemental, minority, or additional views are included as part of that volume. This paragraph shall not preclude the immediate filing or printing of a conference report if a timely request to file such view was not made as provided by this paragraph."

SEC. 227. INTELLIGENCE COMMITTEE OATH.

(a) Clause 1 of rule XLVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(d) At the time a Member is appointed to serve on the select committee, or within 30 days after the adoption by the House of this provision, whichever is later, the Member shall take the following oath:

"I do solemnly swear (or affirm) that I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence, except with the formal approval of the committee or of the House."

The oath shall be administered by the Speaker of the House of Representatives. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing 2 copies to each Member appointed to the select committee who has taken this oath, which shall be subscribed to by the Member who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and the Congressional Record."

(b) Clause 5 of rule XLVIII of the Rules of the House of Representative is amended by adding at the end the following new sentences: "Each employee of the select committee and any person engaged by contract or otherwise to perform services for or at the request of the select committee who is required to subscribe to the agreement in writing referred to in the first sentence of this clause shall, at the time of the signing or within 30 days after the adoption of this provision, whichever is later, also take the oath set out in clause 1(d) of this rule. The oath shall be administered by the chairman or by any Member of the committee or of the committee staff designated by the chairman. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing 2 copies to each such person taking this oath, which shall be subscribed to by such person, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record."

(c) Clause 7(d) of rule XLVIII of the Rules of the House of Representatives is amended by inserting "or the oath required by clause 1(d) of by clause 5," after "paragraph (c)" and by adding after the last sentence the following new sentences: "The select committee may refer cases of unauthorized disclosure and violations of the required oaths to the Committee on Standards of Official Conduct for investigation. While a member of the committee is the subject of such a pending investigation, the select committee may determine by majority vote that the Member shall not be given access to classified information."

SEC. 228. ENHANCED RESCISSION AUTHORITY.

(a) The Committee on Rules and the Committee on Government Operations shall, not later than May 31, 1992, report legislation granting the President enhanced rescission authority with respect to any budget authority not authorized by law. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within 45 calendar days of continuous session of Congress (as defined by section 1011 of the Impoundment Control Act of 1974) after the date on which the President's special rescission message is received.

(b) If such legislation is not reported by the committees named above by the date specified, the committees not reporting shall be considered as having been discharged from the further consideration of the first such bill introduced and it shall be in order on any day after June 3, 1992, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to 2 hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

SEC. 229. BIENNIAL BUDGET-APPROPRIATIONS PROCESS.

The Committee on Rules is directed to conduct a complete and thorough study of the advisability and feasibility of converting to a biennial budget and appropriations process and corresponding multiyear authorizations, and to report its findings and recommendations to the House not later than December 31, 1992.

SEC. 230. APPLICABILITY OF CERTAIN LAWS TO THE HOUSE.

(a) It is the policy of the House that the laws of the United States set forth in subsection (b) should be amended to apply to the House of Representatives in the same or similar manner as such laws apply to the Executive Branch.

(b) Not later than June 30, 1992, the standing committees of the House with subject matter jurisdiction over the following laws of the United States shall report to the House legislation to implement subsection (a):

- (1) The National Labor Relations Act.
- (2) The Occupation Safety Act and Health Act of 1970.
- (3) The Equal Pay Act of 1963.
- (4) The Age Discrimination in Employment Act of 1967.
- (5) Section 552 of title 5, United States Code (popularly known as the Freedom of Information Act).
- (6) Section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974).
- (7) Title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity).
- (8) Chapter 39 of title 28, United States Code (relating to an independent counsel).

(c) The Committee on Rules shall, not later than 10 legislative days after any such legislation has been reported, report a resolution providing for the consideration of such measure in the Committee of the Whole House on the State of the Union under an open amendment process.

(d) If such legislation is not reported by all the committees named above by the date specified, the first bill introduced which im-

plements the policy referred to in subsection (a) and which encompasses all the laws referred to in subsection (b) shall be considered as having been discharged from all the committees to which it was referred. It shall be in order on any day after July 15, 1992, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to four hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

SEC. 231. EQUITABLE COMMITTEE STAFF RATIOS.

Effective at the beginning of the One Hundred Third Congress, except as provided in sections 107 and 108, the ratio of majority party to minority party staff positions, consultants, details, and funding for each committee of the House of Representatives shall be the ratio of majority party to minority party Members of the House of Representatives.

SEC. 232. ELIMINATION OF CERTAIN SELECT COMMITTEES.

(a) SELECT COMMITTEE ON AGING.—Clause 6(i) of rule X of the Rules of the House of Representatives is repealed.

(b) ADDITIONAL SELECT COMMITTEES.—The Select Committee on Hunger, the Select Committee on Children, Youth, and Families, and the Select Committee on Narcotics Abuse and Control shall cease to exist upon the adoption of this resolution.

(c) TREATMENT OF RECORDS AND FILES.—The records, files, and materials of the select committees referred to in subsections (a) and (b) shall be transferred to the Clerk of the House.

SEC. 233. APPLICATION OF INFORMATION DISCLOSURE REQUIREMENTS TO CONGRESS.

(a) IN GENERAL.—Effective upon the enactment of this section into permanent law, notwithstanding any other provision of law, and subject to the amendment made by subsection (c), the provisions of section 552 of title 5, United States Code (popularly known as the "Freedom of Information Act"), shall apply to the Congress.

(b) CONFORMING AMENDMENT.—Effective upon the enactment of this section into permanent law, section 551(1)(A) of title 5, United States Code (relating to the exclusion of the Congress from, among other matters, laws requiring the disclosure of public information), is amended to read as follows:

"(A) except as that term is used in section 552, the Congress;"

(c) LIMITATION AMENDMENT.—Effective upon the enactment of this section into permanent law, section 552 of title 5, United States Code (relating to the disclosure of public information), is amended by adding at the end the following new subsection:

"(f) In the case of an authority of the Government of the United States (as that term is used in section 551(1) of this title) who is a Member of the House of Representatives or the Senate, this section shall not apply to information that is related to casework or consistent correspondence."

SEC. 234. LIMITATION ON THE DURATION OF PAYMENTS OF EXPENSES OF FORMER SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—The period for which expenses of former Speakers of the House of Representatives may be paid shall end 3

years after the date of the expiration of the term of office as Representative of the former Speaker involved, except that, in the case of a former Speaker who is receiving such expenses on the date of the enactment of this Act, the period shall end 3 years after the date of the enactment of this Act.

(b) DEFINITION.—As used in this section, the term "expenses of former Speakers of the House of Representatives" means the office, allowance, and other expenses provided for former Speakers of the House of Representatives under House Resolution 1238, Ninety-first Congress, enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (2 U.S.C. 31b-1 et seq.).

SEC. 235. PROHIBITION ON FRANKED MASS MAILINGS BY MEMBERS OF THE HOUSE OF REPRESENTATIVES OUTSIDE THEIR CONGRESSIONAL DISTRICTS.

(a) AMENDMENT TO TITLE 39.—Effective upon the enactment of this section into permanent law, section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7), by striking out "except that—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof a period; and

(2) in subsection (d)(1), by striking out "delivery—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof "delivery within that area constituting the congressional district or State from which the Member was elected."

(b) OFFICIAL FUNDS LIMITATION.—The Committee on House Administration of the House of Representatives may not approve any payment, nor may a Member of the House of Representatives make any expenditure from, any allowance of the House of Representatives or any other official funds if any portion of the payment or expenditure is for any cost related to a mass mailing by a Member of the House of Representatives outside the congressional district of the Member.

SEC. 236. REQUIREMENT THAT LEGISLATION ADJUSTING PAY FOR MEMBERS OF CONGRESS BE CONSIDERED SEPARATELY.

Section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 and following) is amended by adding at the end the following:

"(c) LEGISLATION ADJUSTING MEMBERS' PAY TO BE CONSIDERED SEPARATELY.—It shall not be in order in the House of Representatives to consider any bill or resolution that would adjust, or have the effect of adjusting, the rate of pay of Members of Congress if the bill of resolution contains any item which does not relate to adjusting Members' rates of pay."

SEC. 237. LEGISLATIVE BRANCH APPROPRIATIONS TO BE FOR ONE YEAR ONLY.

It shall not be in order to consider in the House of Representatives any measure appropriating amounts for the legislative branch of the Government if such measure permits any such amount to remain available for obligation beyond the end of the fiscal year for which such amount is appropriated.

SEC. 238. ONE ATTORNEY IN THE OFFICE OF THE PARLIAMENTARIAN TO BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER.

Notwithstanding section 3 of House Resolution 502, Ninety-fifth Congress, agreed to April 20, 1977, as enacted into permanent law by section 115 of Public Law 95-94 (2 U.S.C. 278b), or any other law or other authority, at least one attorney appointed by the Parliamentarian under that section shall be appointed upon the recommendation of the minority leader.

SEC. 239. ROTATION OF CHAIRMANSHIP OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

Clause 6(c) of rule X of the Rules of the House of Representatives is amended by inserting "(1)" after "(c)" and by adding at the end the following:

"(2) In the case of the Committee on Standards of Official Conduct—

"(A) the chairman elected under subparagraph (1) shall only be for the first session of a Congress; and

"(B) at the beginning of the second session of a Congress, one of the members of that committee shall be elected its chairman for that session by the House from nominations submitted by the minority party caucus or conference."

SEC. 240. EACH RULE OF THE HOUSE TO BE AGREED TO BY SEPARATE RESOLUTION OF THE HOUSE.

In adopting the Rules of the House of Representatives in the One Hundred Third Congress and any subsequent Congress, each rule shall be agreed to by separate resolution of the House.

Mr. THOMAS of California (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 30 minutes, and a member opposed, the gentleman from North Carolina [Mr. ROSE], will be recognized for 30 minutes.

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

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], a member of the task force.

Mr. ROSE. Mr. Speaker, will the gentleman defer to me so I may yield time to the gentlewoman from New York [Ms. SLAUGHTER] to allow her to complete her statement?

Mr. SOLOMON. Mr. Speaker, I defer to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, recent events involving the Sergeant at Arms' bank and the post office have shown the need for professional management and businesslike personnel policies. In addition, we have the responsibility to spend every dollar wisely and efficiently.

In this resolution, the House creates a Director of Nonlegislative and Financial Services. The mandate we give the holder of this new position is to sweep the House clean of waste, and inefficiency. The Director will be responsible for providing in the most cost-efficient manner the support services any large organization needs: from paying the employees to ensuring that the phones work.

The resolution provides that the Director have extensive managerial and

financial experience. And more than that, it provides that both the majority and minority parties must agree on the selection of the person to fill this post. This will ensure that only relevant experience and skills will count, not the politics of those who apply.

The goal of removing politics from employment decisions is also mandated in the resolution for all employees hired by the Director. Only the applicants' fitness for the job will count.

And this reform effort doesn't stop there. This resolution sets up an Office of Inspector General to audit the financial operations of the House support operations.

The Inspector General will be directed by a new bipartisan Subcommittee on Administrative Oversight of the House Administration Committee. The subcommittee will have equal representation from each party. In addition, all the Inspector General's reports will go not only to the Speaker and majority leadership, but also, simultaneously, to the minority leader and ranking minority members of the House Administration Committee.

All these provisions add up to a bold and totally bipartisan approach to managing House support services. An independent, professional manager will be carefully watched by an independent, and nonpartisan auditor. Both will be overseen by a subcommittee with equal representation from both parties.

We know that these innovations are not enough to solve all the problems of the House. We are committed to moving beyond these important administrative changes to examining how we could better organize our core legislative functions and expedite the business of the House. We are committed to assuring real changes.

It is far easier, and perhaps more politically advantageous, to stand outside and carp about Congress. It is far more difficult to take responsibility and build anew. But history will judge all of us harshly if we do not take this opportunity to start afresh.

Mr. Speaker, I urge my colleagues to join in this first revolutionary and bipartisan step toward revitalizing the House. Vote for House Resolution 423.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SOLOMON], our ranking member on the Committee on Rules, who has been an outstanding member of this task force.

Mr. SOLOMON. Mr. Speaker, I thank the Republican leader for yielding this time.

Mr. Speaker, George Bernard Shaw once said that, "The best reformers the world has ever seen are those who commence on themselves."

Mr. Speaker, if we use that simple litmus test today on these two alternatives, there can be no doubt that the Michel substitute is far and away the best reform—indeed, the only real re-

form—because it commences on ourselves.

The Democrats' package, on the other hand, is a feeble attempt at House reform that really does not begin to do the job of overhauling this institution the way it really needs to be done.

Instead, the Democrats' thin little nine-page resolution is an attempt to give the majority cover from the scandals that have been laid at their doorstep.

But, Mr. Speaker, it is all pretty transparent: The Democrats are trying to paper over the problems of this House with cellophane siding. Not only is it easy to see through, but it is just as fragile—it is bound to be ripped away by another storm of scandals in a year or two, and how embarrassing that is going to be all of us. Is that the kind of cover Members really want?

The Michel substitute, on the other hand, rejects the cellophane siding approach to House reform and instead calls for major restoration, from the basement to the attic, from committee room to committee room.

It recognizes and exterminates the termites of corrupt power that have been eating away at our foundation for the past four decades, and rebuilds this House on a strong and solid new foundation.

The Michel substitute is far superior to the Democrats' vague outline because it gives us a detailed plan for both administrative and procedural reform of this House which is so badly needed.

The Democrats give us a new House Director, who is really under the direction and control of the Democrat partisan House Administration Committee; they give us a new inspector general who is not independent but under the direction and control of who?—the Democrat partisan House Administration Committee; they give us a new bipartisan oversight subcommittee that is really under the ultimate control of who?—the Democrat partisan House Administration Committee. Nothing has changed, and they give us a new general counsel, with unlimited assistance. Think of all the jobs that creates for all the new young Democrat lawyers in town. Who is really in charge of all this? The Democrat partisan House Administration Committee.

Keep in mind that this is the same Democrat partisan House Administration Committee which was supposed to have been preventing these scandals in the first place.

So, Mr. Speaker, where is the change? Where is the reform? All we are doing in the Democrats' package is to rearrange the jokers in the same old House of cards.

The Michel substitute, on the other hand, abolishes two existing offices of the House and creates a Chief Financial Officer with real powers, and real

teeth, accountable to the bipartisan leadership. That is teeth.

It gives us a bipartisan House Administration Committee to oversee House operations rather than a partisan one to cover them up. That is teeth.

It gives us a real inspector general with authority to investigate waste, fraud, and abuse, not just another House Administration Committee auditor. That is real teeth.

Mr. Speaker, I could go on; but finally, let me say that while the Democrat package is silent on the real scandal of this House, the breakdown in the legislative process, the Michel substitute gives us comprehensive House procedural reform by reducing subcommittees and staff, abolishing joint bill referrals, and abolishing proxy voting. Right now, Members can be back home in their district casting proxy votes here in Washington. Finally, the Michel substitute brings the House under the same laws we impose on our constituents.

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Members, let us be true reformers by commencing on ourselves today. Let us cooperate, let us adopt the Michel substitute. It is real reform.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

HOUSE ADMINISTRATIVE REFORM RESOLUTION OF 1992

Mr. ROSE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I get awful tired of the partisan games that go on around this House and on this issue; I have seen them for 15 years. As I said earlier in the debate, 15 years ago, in the middle of the Hays affair, I was asked by the then-Speaker to chair a commission which brought forth an ethics reform package, which this House passed on a bipartisan basis.

Then I was asked to bring forward an administrative reform package, and that package wound up recommending the creation of a House administrator to oversee the House services, recommended a House auditor, and recommended an end to cut-rate prices for perks, everything from haircuts to you name it.

It recommended the reestablishment of the Committee on Committees to review the committee structure in this House. It recommended the creation of a Fair Employment Practices panel. It recommended creating maternity and sick leave for our employees.

It was beat for two reasons. On the Democratic side the Democratic Party

split. We got 160 votes for the package, we got 113 against it. The 113, I presume, in the main, voted against it because they did not want to see us give up the old ways.

And the second reason we got beat was that on the Republican side of the aisle we got absolutely no help. We had 139 votes against the package and zero votes for it. In those days they had a lot of argument just as the Democrats did, but in the end what it meant is that they preferred to have a partisan debate rather than a bipartisan solution. So, we lost the bill.

I am convinced if that reform package had passed, we would have not seen the scandals in this House that embarrassed this institution in the last year.

Now we have a second chance, and we have resurrected those reforms. This package recommends the creation of an administrator—I do not care what you call him, that is what he is going to be—for support services; an inspector general or auditor, I do not care what you call him, again the function is going to be the same. And the reform is that the minority leader is given an absolute veto of who occupies those positions. Now, if the minority does not like the way they have been handled, if you do not think they have done a decent job, the minority leader does not cooperate on the reappointment of that individual, and he is out.

Therein comes the reform; therein comes his independence.

But, again, what we are seeing today is that we are again seeing that the minority would prefer to turn this issue from an issue of financial reform into an issue of who has what power.

Now, the public does not care who has what power. They want to see us correct the problems that have embarrassed the institution and then they want to see us move on to deal with their health care problems, their education problems, their jobs problems. And that is what we ought to do.

I regret very much that we are not going to have the support of the minority party in supporting these very tough and very meaningful reforms. But I do want to make one observation, because there has been a lot of talk about responsibility around here, including the responsibility of the Speaker.

I want to read one paragraph from our report of 15 years ago. We were trying to explain the necessity of giving the leadership more power over the support services in this House, and we said this:

Ironically enough, however, whatever his actual power, the public and the press will generally hold the Speaker accountable for anything and everything related to the administrative system. This may not be defensible logically, but the Speaker's importance and public prominence are such that politics inevitably conquers logic. Politically, the Speaker will be held accountable for performance even though he may be more the prisoner of events than their master.

I would suggest those words were prophetic and they indicate the situation we are in today because the Speaker, frankly, inherited an old system and this is the device by which we change that old system and bring it from the Stone Age into the 20th century.

Now, I just want to say one other thing. I deeply regret the partisanship that has plagued this debate. I do not think it is constructive, I do not think it is helpful. I think we need to quit playing politics on this issue and get on to the business of dealing with the problems facing the country. I just have to say one more thing; it is not just the Speaker who is held accountable if we do not make these reforms, it is all of us.

So, I would ask the minority, do not do what you did 15 years ago, do not prefer a partisan debate to a bipartisan solution. I would ask the Members of the majority, do not fail in your duty this time to pass this package. If we get no help from the minority, we have to do it on our own, but we have to do it.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], who also served on the bipartisan task force.

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I would tell my friend who just preceded me that I also regret this has turned into a partisan wrangle. I would like to have been here to be part of a joint solution, not bickering about inadequate reform. But that is what we have here. We have a package that went oh, so far, and came oh, so close to a genuine bipartisan reform package, and then all of a sudden, because the Members of the majority side could not deliver the votes on their side, they backed up and went the other way.

You know, I think it is significant that this very day the Justice Department has returned an indictment against an employee of the House of Representatives. According to the wire services, one of the people in the post office was indicted as a coconspirator to distribute cocaine.

That is just symptomatic of the lousy administration that has gone in this House of Representatives for oh, so long. Why has it gone on? Have the Republicans been to blame for the problems of administration? They have not played a scintilla of a role. The Democrat side of the aisle has to accept responsibility for the bank and for the post office and for every other agency that has been poorly run.

So, we are here today, trying to hammer out what was to be a bipartisan solution to the administrative and other problems that confront the House of Representatives.

I suggest to you that the problems are not solely administrative. They are administrative and procedural.

Yes, the bill that is before the House will go maybe a little bit toward improving the administration of the House, but it will not do much to solve the real underlying problems of this House of Representatives, the ones that make this place so patently unfair.

The fact that this bill would emerge under the circumstances that it has shows that this is a patently unfair place.

The majority party controls the House Administration Committee, and all but one of the subcommittees under this bill, so it is not a change. The majority party will still be the final arbiter of appeal if there is a dispute on the one evenly split subcommittee, whether governing the bank, the post office, the folding room or any other office.

The majority party represents 60 percent of the vote in the House of Representatives, the minority party, the Republicans, represent 40 percent. Yet, on the Committee on Rules which governs every piece of legislation that hits the floor of the House, the Democrats make up 70 percent of the membership, while Republicans are 30 percent of the membership. With a 9-to-4 vote in Rules, Republicans do not have a prayer of getting anything on the floor, if they ever wanted to.

Finally, we talk about proxy voting. For the people who do not understand what proxy voting is, it is very simple: A chairman of a committee or a subcommittee could be sitting there with a stack of papers in his hand.

□ 1900

The room could be filled with Republican members and it would not matter because the chairman would have the pieces of paper, or proxies, to outvote all of the Republicans in the room, no matter what the debate was, no matter what the merits were, no matter what the contingencies of the legislation may have been.

So I would hope that the Members of the majority would look at the Michel package. It is not too late. We can do it tomorrow. We can do it next month. Sit down and pick out what is good from the Michel package that they can accept, and let us go a little bit further toward truly bringing out a bipartisan package of meaningful reform.

If that does not happen, then this bill that we have before us is not worth the paper it is written on, because it is going to do no good and we are going to be facing another scandal in another few weeks or months or years.

Mr. Speaker, I hope that Members will vote this down, and let us bring back something that counts.

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

Mr. MICHEL. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Pennsylvania.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Pennsylvania [Mr. MURPHY] is recognized for 2 minutes.

Mr. MURPHY. Mr. Speaker, I thank the gentleman for yielding. I regret that I have only been given a short period of time.

Mr. Speaker, when I cast my vote against this measure tonight I want my constituents to know that I am just as concerned with the reformation of the procedures of this Congress as I am sure every Member is. But if we examine the provisions of this measure tonight, we will find that what this measure calls for is the elimination of one office, moving back into that office a career post office personnel, removing no other officers of the House, creating two more offices of the House, and those two offices I am sure under the legislation will be paid over \$100,000 each per year.

Mr. Speaker, they will want staff. They will be in here in the next 2 years asking for \$2- or 3 million each, space in the office buildings, and vehicles to operate with.

Mr. Speaker, I say to the formers of this measure, if the Clerk of this House is capable of doing his job, we need not create additional jobs. If the Clerk of this House, if the Sergeant at Arms of this House, if the Doorkeeper of this House, are not capable of performing their tasks, then let us call upon them to perform those duties. We would not be in this difficulty had they done so during the past years.

Mr. Speaker, the only other provisions in this measure are the selection of a bipartisan subcommittee of the Committee on House Administration. We all know from service on committees that each committee selects its own ratio. The Committee on House Administration can create that committee now. We do not need the expense of creating another subcommittee. The chairman of the Committee on House Administration is here. He could do that. He could accomplish that without legislation.

Mr. Speaker, when we talk about the elimination of perks, we do not need this act to be spending millions of dollars tonight and tomorrow creating new offices of the House to eliminate the perks. The Speaker has taken it upon himself and the chairman of the Committee on House Administration has taken it upon himself to regulate and eliminate some perks. I think we could continue in that direction very well.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of the Michel amendment.

Mr. MICHEL. Mr. Speaker, I am happy to yield 3½ minutes to the dis-

tinguished gentleman from Nebraska [Mr. BARRETT].

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

Mr. Speaker, I rise in support of the Michel substitute, and urge each of my colleagues on the majority side to slap yourself in the face, and wake up, and smell the coffee.

Democrats have held the majority in the House for 38 consecutive years. You've been at the helm, but obviously asleep at the helm for some time, and the ship has run aground.

Scandals under your watch have disgraced the House, and still you apparently are not convinced that major reforms are needed now.

The public demands no less. And if we are going to get any work done on the real bread-and-butter issues effecting our constituents, we can demand no less of ourselves.

The door was opened for real reform when the Speaker and the minority leader appointed our 16-member bipartisan task force. As a member of that task force, I know that our side came to the table with high hopes that a bipartisan reform package could be developed.

In fact, we were ready to support a reform package that was something less than the Michel substitute, if only the majority would have agreed to meet us half way.

Our requests were few and reasonable: Delineate the independence and accountability of the new House officers; appoint a bipartisan, independent House counsel; make only two or three immediate legislative changes, with only a commitment for a task force for more extensive reforms later; and call an immediate vote on the Hamilton-Gradison resolution.

But our willingness to do some real horse trading, was not enough and, Mr. Speaker, you slammed that door shut again, and have brought up a resolution that only takes the first, small steps toward House reform.

The Democrat resolution puts a couple of new, warm bodies in place with impressive new titles, but avoids outlining their responsibilities to ensure their independence and accountability, to both the majority and minority. And the resolution makes no attempt to change the way we legislate.

On the other hand, among its legislative reforms:

The Michel substitute would eliminate proxy voting. So my Democrats colleagues vote no, and tell your constituents that they sent you to Congress to represent them, by filling out a piece of paper and giving their vote to another Member to cast.

The Michel substitute would change the ratio of the Rules Committee. So, my Democrat colleagues, vote "no" and tell the voters that if their opinion differs from that of the majority leadership of the House, tough. We'll con-

tinue to operate under closed rules, that shuts out debate and amendments from the other side of the issues.

The Michel substitute would require the full House Administration Committee to have an equal number of Democrats and Republicans. So, my Democrat colleagues, vote "no" and tell your constituents that it is business as usual—that the internal operations of the House that effect all Members alike, should continue to be a partisan affair.

And I dare you, my Democrat colleagues, to vote "no" on the Michel substitute, and tell your constituents that there is no need to have a system of accounting and reporting in place, to avoid future bank and post office scandals.

With such a poor record plaguing Democrat stewardship of the House, one would think that the majority would be as anxious as the minority to enact reforms to restore your reputation and that of the House.

Today you have the chance to do just that, by voting yes for the Michel substitute for real reform.

Mr. ROSE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I must say I got sent here by the people of Colorado to do the people's business and not the House's business. They are upset about how some of the House business has unraveled, and in fact, of late, after all the shrieking and noise we have heard, I go home and I introduce myself in speeches saying, "Please don't tell my mother I am a politician; she thinks I am a prostitute."

People are trying to make it sound like we are the worst creatures around. Part of that is because we are not doing the people's business because they have got us tied in knots.

Mr. Speaker, this is the way to go. Tonight we are going to fix the problem and move on to the people's business, and that is what we should be doing. If there is a partisan way to run the electrical shop, to run the plumbing shop, to run the restaurant, the paint shop, and everything else, let me know what it is.

Mr. Speaker, what is this? If we came in here and demanded 40 percent or more of the White House plumbing shop, the White House electrical shop, running the airplanes when Sununu was abusing them, you would be yelling "partisan."

Now, come on. You have got veto power over this. There is veto power, and we know how important that is. We have an inspector general to make sure this never messes up again, and we know how important that is.

But the other parts of the reforms coming from the other side could really damage this democracy. If you do

away with proxies, you make the precedent for doing away with absentee ballots when people go to the polls. I think every State in the Union allows absentee ballots because they realize there may be times that people could not vote on election day.

Mr. Speaker, let me also talk about the different ratios we hear over here. They want different ratios on the committee.

If you want a higher ratio, elect more Republicans. That is how you get a higher ratio. But if we went into the White House and demanded higher ratios on the same percentage that we won in the Presidential election, you would think we were crazy.

Mr. Speaker, let me conclude by saying the other thing that Republicans do in their substitute is kill four of the important committees that do the people's business: the Committee on Drugs, the Committee on Hunger, the Committee on the Elderly and Aging, and the Committee on Children, Youth, and Families. No, they do not want to deal with that. We can do away with those committees, and we are going to spend all our time debating how to run the plumbing shop, the electrical shop, and everything else.

□ 1910

This administrator is the way we should go. Tonight we will fix this, and let us move on to the business we were sent here to do.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. HENRY], who also served on the bipartisan task force with great distinction.

Mr. HENRY. Mr. Speaker, as I reflect on the situation of the House, I am reminded of the television ad where the frail lady calls out: "Help me! I've fallen, and I can't get up."

The differences between our parties, is that we have different remedies as to how we can best get back on our feet. Your Democratic majority believes that a partial restructuring of the administrative functions of the House is adequate to the challenge of the day. Our Republican minority believes that the problems of this institution reach much deeper.

We are all tired and wearied by the onslaught of public criticism and the internal fratricide of these last months. In my heart, I want to lay down my arms and call for peace. But peace at any price, Mr. Speaker, will not do.

For 38 years, your party has controlled this institution. You own it. You run it. And you bear responsibility for it. You've had power over this body far longer than Fidel Castro has run Cuba. And under the watch of your party, power has grown arrogant. The institution has become overly bureaucratized. Governance has become fragmented. And now you come

to the minority, asking us to share in granting absolution for the practices which have put the Congress in a political freefall.

Three years ago, we faced a similar crisis in confidence in this institution. And your Democratic leadership said "I'm sorry, it won't happen again." Once again, Mr. Speaker, the House is in a state of political crisis. And the Democratic leadership says: "I'm sorry, it won't happen again."

The reforms you propose are fine as far as they go. The problem is, they simply do not go very far. To simply say to the American people, once again, "I'm sorry, it won't happen again, now that we have an 'administrator for nonlegislative affairs' watching over us, "does not reach deep enough into the practices for which we now suffer the political indictment of the American people.

The Democrat proposal is worthy of David Copperfield. It is a master of illusion. You have turned your back on those of us who sought to bargain with you in good faith in the effort to really restructure what is wrong with this House. And let me warn you that when you go home for your Easter recess, there will be no "hallelujahs" being shouted in our hometowns over this attempt at masking what is fundamentally wrong with this House. And there will be no political resurrection from the grave of political ignomy which now holds us all in its grasp.

Next November, you will wish you had listened to those of us in the minority who wished to use this opportunity to put the House back in order. And next January, I predict there will be somebody else sitting in the Speaker's chair—somebody who understands that politics as usual is no longer enough.

Mr. ROSE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, the failure we have in our Government is a failure to address the critical issues of the day: health care, universal college education, and putting people back to work.

The failure here is that the minority does not want to resolve the operational issues of the House. There was agreement on that. What the minority wants is to be able to have the tyranny of the minority over the majority.

This side of the aisle is against quotas, except for when it comes to Republican Members of Congress.

Now, we got 46 percent of the vote in the last Presidential election. If we walked down to the White House and said, "Give us 46 percent of the staff, give us the ability to not let the Departments make any decisions unless the Democrats get half the decision-making on EPA regulations and all the other actions" they would say that is

silly. The President won the election. He gets to win the policy decisions from the White House.

We are the majority here. The responsibility for getting a bill through the floor is the majority's.

Let us take a look at what the minority does with its power. Remember the October Surprise? Ronald Reagan's campaign chief, the accusation that he cut a deal with the Iranians to make sure that the hostages did not get out till after the election?

Well, the minority is blocking the funds so that we can do the investigation. So what would happen if we gave the minority the ability to veto every legislative issue? What would happen is even more gridlock.

Mr. Speaker, the disruption is understandable. They do not want to hear the truth about the issues. On the issues they are on the wrong side; on health care, on education, on putting people back to work. And that is why they want a diversion.

Let us move forward on this and come back after the recess and find proposals from our Republican colleagues to put Americans back to work and get a job.

Mr. ROSE. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, the first task of this 102d Congress was to consider the most difficult of all questions to come before this body; namely, would the brave young Americans of our Armed Forces be placed in harm's way to defeat the aggression of a third world thug?

It has been widely observed that the debate over that momentous decision was one of this Chamber's finest hours. Regrettably, we have fallen far from that lofty plateau.

The question before us today is how to restore the credibility of this great institution of democracy. In 15 months, this body of sincere and devoted men and women has turned from struggling with the most important question it can confront to cleaning up an intramural mess that has stained the one institution that is the cornerstone of our system of representative self-government. The people to whom we are responsible watch with justifiable dismay. Instead of seeing their elected Representatives confronting and solving important problems facing our Nation and affecting every American, they see finger pointing as if the political campaigns of the fall have begun and are being conducted on the floor of this House.

It is time that partisan political posturing be set aside. There is an appropriate time and place for partisanship later this year. The time is not now. The place is not this Chamber.

This is the time and this is the place to do the people's business as each of us swore when we took the oath of of-

office. The resolution before us is an important first step in reforming the administration of this body.

And should be passed. But, it will not substitute for an honest response to the escalating crises of budget deficits out of control; education for the next generations that follow; the resuscitation of a sick economy; a choking trade imbalance; and the development of a health care system that is affordable and accessible to all Americans.

Restoring public confidence in this House demands more than reorganizing administrative offices.

Our credibility rests not on form but on our willingness to confront issues of our day critical to the strength of our Nation and essential to the future of our children.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], who served so ably, again, on the bipartisan task force and daily does a very herculean job in keeping the House in order.

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

Mr. Speaker, fairly or unfairly, the public has come to see this institution as a house of ill repute. Sadly, in this resolution the Democrats seek not to fire the prostitutes but to hire a couple of new madams.

And if that sounds a little bit harsh, then let me take my colleagues to the resolution that they have brought to us and tell them what the problem is.

If we take a look at page 4 in their resolution, what we find is that they are not really ending patronage in the House. Instead, they are simply ending patronage in one aspect, the new Director's office; and they are allowing the Doorkeeper, the Sergeant at Arms, the Clerk, and other to keep their patronage.

So we are not really reforming anything there.

If we go through the resolution, we will find that their checks and balances system leaves a lot to be desired, too. Get this for a checks and balance system. Under this resolution—and I would refer my colleagues to page 8 of the resolution—under this resolution the chairman of the Committee on House Administration reports to the chairman of the Committee on House Administration and then informs the chairman of the Committee on House Administration that he has reported to the chairman of the Committee on House Administration.

□ 1920

Now there is a check and balance system that should make every reformer feel good. I mean, we have one guy on here who simply shuffles papers across his desk, and we are all supposed to feel good about the process. Yet that is precisely what the legislation says.

I think we need to look at the details of the proposal to understand how bad it is.

The Republicans did want something done about an inspector general. We wanted a real inspector general. We wanted a fiscal watchdog. What did we get? We got a housebroken puppy, because in this particular resolution this housebroken puppy could ask the Committee on House Administration whether he can conduct an audit, and then, having gotten their permission, he can conduct the audit only under their oversight to make certain that he does not do anything that might get in the way of the political problems of the Democrats.

That is not exactly what most of us would call an inspector general or a fiscal watchdog, yet that is what is in this resolution.

We asked about a House counsel to make certain that the legal matters of the House take place in a bipartisan sense. What did we get? We got a House counsel that is held by the Committee on House Administration and can only give to the minority those things which are appropriate, understanding that when the present counsel of the House was asked recently about why he did not inform the minority about these matters before the House Committee on Post Office and Civil Service, he said he was not legally obligated to do so.

He is not legally obligated to do so in this document, either. He is only going to have to do what the Committee on House Administration regards as appropriate.

I have heard a number of Members come here today to tell us to quit playing politics on this issue and get about the real issues facing the country. These are the same people who brought us the October Surprise investigation, the partisan October Surprise investigation.

Mr. ROSE. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Speaker, today the House of Representatives should enact legislation to create a Director of Non-Legislative and Financial Services, an inspector general, reform the House post office, eliminate additional perks, and establish a bipartisan Administrative Oversight Subcommittee to improve the internal operations of the U.S. House of Representatives.

We have an opportunity today to enact significant reform in the way the U.S. House of Representatives conducts its business.

Others have described and will describe during this debate the details of the proposal.

None of us thinks it is perfect. All of us can find additional things to do or things to leave undone.

But that is the nature of democracy.

In a country of 250 million people—or in its representative legislative body of 435—none of us can expect to have everything exactly the way we want it.

Only in a dictatorship can someone expect something to be precisely as he or she would want it, but then it is only one person who is in that position.

But most pertinent to me in the debate tonight, let us set aside partisanship. Let us objectively evaluate this proposal against the current system.

The issue is not proxy voting. We will have ample opportunity to address that when we go forth with the Hamilton-Gradison process.

I have been a legislator for nearly 12 years now, and in my experience, the key question is: "Is this procedural change better than the system it replaces?"

Not—is it perfect from my personal point of view? Not can it be improved upon? But instead, the question is: is it better?

Clearly, it is. And as legislators, our duty today should be to support this long-overdue reform.

Mr. ROSE. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding time.

Mr. Speaker, one of the unfortunate aspects of this debate is that the American public does not get the opportunity to see us working in committee, where we are much more rational, much less vindictive, much less partisan. Men and women of good will trying to do best by their country and by this institution.

It is unfortunate that we then come to this floor and act out a very partisan disagreement. The American public wants this problem solved.

I rise today in strong support of House Resolution 423. I was a member of the bipartisan task force that sat down with our colleagues on the other side of the aisle with mutual respect, with civility, and for the most part, with general agreement, to draft administrative improvements. Yes, there was a desire to go further. I sat down at the table in good faith and in hopes that we could indeed work together.

Members of this House, I believe this proposal is a very substantive one that moves us forward to do what we all want to see done. This proposal professionalizes the administration of the nonpolitical facets of the House of Representatives. I think we want to keep that on a bipartisan basis.

I do not think there is anybody that really believes this is a bad proposal. There are clearly those who believe it does not go far enough, that it ought to deal with other facets of the administration of this House.

I have heard some Members in the most animated of tones come to this House today in this debate. Yet when we were in the room and on this floor, as we walked out of the meeting, said to me, "STENY, we need to work out some things. Can we talk about these things in the future? We really need to

do that." I understand there may have been political problems with saying, "We will talk about some of these in the future."

There are some things that have been talked about I agree with them on. But I will not go into for instances at this time.

Mr. SOLOMON. I was waiting for that.

Mr. HOYER. I know you were. I thought I did not want to go down that track right yet. But I am going down that track, because I want to see this House run, as I said when we had the problem at the post office, as well as we can possibly have it run.

Then I want to debate with you a vigorously as I know how on policy questions. That is what we ought to be talking about: health care in America for every American; the education of every child in America so we can be competitive with the rest of the world, when we know our kids are not getting the kind of education they need; on environment; on energy; on infrastructure; on the agenda that the American public wants their House working on. Let us move on with that.

This, I believe, takes us a very significant step forward. I congratulate the chairman and the Speaker for their leadership.

The SPEAKER pro tempore (Mr. MURTHA). The Chair will announce that in its opinion the gentleman from Illinois [Mr. MICHEL] has the right to close debate.

Mr. ROSE. Mr. Speaker, I would ask the Chair how much time we have remaining.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. ROSE] has 12½ minutes remaining, and the gentleman from Illinois [Mr. MICHEL] has 11½ minutes remaining.

Mr. ROSE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the legislation.

I want to commend the leadership on a good job. Clearly, the administration reform bill is not all that we must do to reform the non-legislative operations of the House—but it is a big step in the right direction. We need professional management to better oversee the operations of this institution. This individual—appointed by both the Democratic and Republican leadership—can help to identify reforms in the various services here on the Hill ranging from the Capitol Police to the interoffice mail.

These services can and must be run more efficiently—and in some cases out-dated services must be eliminated.

I also applaud the provision in this bill which will turn back to the U.S. Postal Service the responsibility to handle mailings on Capitol Hill. That's as it should be.

More reforms must come but this proposal is a good start. I urge a yes vote on House Resolution 423.

Mr. ROSE. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, somebody once said that in a legislative body the role of the minority is to become the majority. I think we are seeing good evidence today that that admonition is being fully practiced by our friends of the Republican side of the aisle.

That is exactly, by the way, what their position was in 1977 when the gentleman from Wisconsin [Mr. OBEY], a foresightful gentleman who has already spoken at some length and with eloquence, brought before this body a similar concept of an administrator. It was sponsored, by the way, by our Speaker, the gentleman from Washington [Mr. FOLEY], and it was opposed unanimously by the Republicans. They took the same position then that they take today, and that is that they do not want to share in the burden or the blame of running this institution, and why should they? They are the minority. The minority's job is to become the majority, and they use every opportunity they have to win that battle.

I think we understand that. Perhaps some of us on this side do not understand it as well as others. Maybe we have not served in the minority capacity in prior legislative service. Some of us have.

I think we all understand that we get as much as we can in negotiation, and if we do not get a little more, we come back and try again. I understand the strategy of our minority here.

I think we dealt in good faith with people on this task force who were never in position, really, to make the kind of deal that was acceptable in the middle of a legislative session to the majority. Given the temperature in the Republican conference, it certainly was not likely that any sort of compromise would be readily agreed to there. That is why legislative bodies deal with these issues at the beginning of a session.

I think it is most important that we understand that the gentleman from Washington, Speaker FOLEY, and the leadership of the Democrats in this House of Representatives have embraced publicly the Hamilton-Gradison proposal that would study needed reforms, because within it lies perhaps the outlines of some changes in the way this institution functions. And I believe in the content of the incoming Congress, which is going to be a volatile institution, those suggestions may well be in some form brought before us for adoption.

□ 1930

But had we had the foresight in 1977 to have the kind of administrative structure in place that we did not have in recent months, we could well have avoided problems in our governance. We would not be embarrassed as some of us are, we would not be seeing some of our better Members on both sides of the aisle throwing it in, calling it a day

and walking away from legislative service. Not enough of us had the foresight in the Democratic Party to agree with the recommendations of the gentleman from Wisconsin [Mr. OBEY] and of course, Republicans did not have a position once again that would permit compromise on something even as basic as the administrative aspects of this body.

But we have taken the step to pursue, this time with a full Democratic majority, some steps that need to be taken. We do indeed need to share the burden, the blame, and the responsibility for running this institution in a bipartisan way. And so I urge defeat of the Michel substitute and enactment of the task force recommendation to establish an inspector general and the nonlegislative administrator. Let's put an end to patronage and vote "aye" on final passage.

Mr. MICHEL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. LEWIS], chairman of our caucus and also a member of our bipartisan task force.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding the time.

We are on the floor of the House this evening to discuss the hopes for fundamental reform in the House for no light reason. At this moment in our history, the House itself is at a crossroads. The public is well aware of the fact that the House has been wracked by scandal, problems relating to the way this House is run internally. These scandals have cast a shadow that indeed threatens the survival of many an incumbent because of the way the House has been run, dominated by a Democrat majority for some 38 years. Clearly their power, has gone to the point where essentially many would describe it as a corrupt administration.

The House bank scandal is no small scandal. It does not reflect well upon this institution. That which has taken place in other parts of our organizational side reflects poorly upon the people's body. We come here to talk about reorganization and reform to avoid another scandal.

I became a member of this bipartisan task force in hopes that the crisis itself would provide a very narrow window of opportunity for real change. Over a couple of weeks we rolled up our sleeves and went to work hoping that we could reach an agreement on some real and substantive change of a bipartisan nature. A week ago tonight we were very close to dealing with important items beginning to address procedural reforms. We were very close to some basic procedural change. Unfortunately, it was those changes that the Speaker could not see himself going forward with, and because of that, tonight we have a partisan presentation of a facelift, only a Band-Aid which gives no assurance whatsoever that the

current situation will not lead to another major scandal somewhere else.

I would like to spend a moment talking about just one of those reforms that we were about that is very important and critical to the future of the people's body. Within our initial discussions we talked about the prospect of eliminating, at least partially, a thing called proxy voting. The public will better know it as a thing called ghost voting. I was astonished today on the floor to hear one of my respected colleagues from Massachusetts say to us that he saw nothing wrong with leaving a proxy in a committee while he was home in his State. To suggest that it is all right to ghost vote when we all know our constituents send us to this body because they cannot be here, they asked us to serve in committee, to listen to testimony, participate in debate and represent their interests. Our constituents know that bills are written in committee and the public expects us to cast our votes during the process. But the way this House is run instead, the Democrats often win an issue by casting pieces of paper, proxies by ghost members who may be home in their districts or somewhere else of their choosing. Nevertheless, we are beyond the point where we could reestablish the credibility of this institution. When the majority believes it is OK for someone to be a ghost instead of a real Member elected by the people to listen to the issues and represent their views in Congress.

The House is in disrepair, my friends. The scandal before us is the way the people's House has been run. It is time we changed the way this House is being run.

Mr. HOYER. Mr. Speaker, will the gentleman yield? Did the gentleman receive any absentee ballots in the last election?

Mr. LEWIS of California. If the gentleman will yield me 30 seconds I will be glad to respond.

Mr. HOYER. I do not have any time. The SPEAKER pro tempore (Mr. MURTHA). The time of the gentleman from California [Mr. LEWIS] has expired.

Mr. ROSE. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, it is fortunate that the Oscars have already been given, because my colleagues, in their attempt to portray their absolute shock that people actually vote by proxy when they have been doing it themselves for all of these years, would have qualified.

Mr. Speaker, one of the things we heard earlier today was that the minority leader's power under the majority resolution will not amount to much. One of his own colleagues said, "Well, he would just go along to get along," a shocking denigration of the minority leader. The suggestion was

that well, he would appoint or vote to appoint this person and have no further control. The appointments are renewed every 2 years and the minority leader has the right fully, with or without cause, on any basis whatsoever, to withhold consent every 2 years. The notion that that does not mean anything is the most unfair denigration of the minority leader I have heard. To suggest that when you say to him that he will have an absolute right to say yes or no to who shall be the director of nonlegislative services and the inspector general every 2 years, that that means nothing, no one takes that seriously.

Members have suggested, Mr. Speaker, that power corrupts, and sometimes it does. But do Members know what else the absence of power can do? It makes people very cranky, and that is what we have here. Our colleagues on the other side have actually called this a substitute because you know what it is a substitute for, it is a substitute for winning elections.

We have heard over and over again that we have controlled the House for 38 years. How? By inheritance? Did we find it here?

Their problem they have made clear. The American people time after time after time do not vote for them in sufficient numbers, and they are unhappy about that. I understand that. That is not fun. But it is not a constitutional right to win an election.

The problem has been that with a lack of power comes irresponsibility. They do not want to talk about the merits of the issues. That is why we have an overblown focus on proxy voting, people who vote by proxy and then act as if it is a terrible thing. This is the party that would not vote for the budget, and most of the Republicans would not vote for a budget, including the President's budget. This is the party where the President sent up an RTC bill last week, and they overwhelmingly voted against it. This is the party that has gotten so unused to being constructive that when a bill comes forward and says the minority leader has absolute assent freely to be given, freely to be withheld every 2 years as the basis for whether or not we get these important officers, they say that does not mean anything because they have forgotten how to be useful. They resent being asked to be useful.

Mr. Speaker, we have here Members who are unhappy that they have lost elections. I am sorry for them, but it does not drive my vote.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

HOUSE ADMINISTRATIVE REFORM RESOLUTION OF 1992

Mr. ROSE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the majority leader.

□ 1940

Mr. GEPHARDT. Mr. Speaker, as other speakers have said, this is good reform. It is reform that was achieved in a bipartisan way about how we will manage the nonlegislative services in this place. It is not the end of reform. It is the beginning.

We said in the meetings that we were willing and wanting to talk about legislative reform as well. We are. We are going to proceed on that track with the Hamilton-Gradison motion, but tonight, to go forward with many, many, many more reforms that the minority is asking, almost a wish list that they would bring in an organizing period for the House is simply unreasonable. It would change the result of the election, and I do not think anyone believes that we are able or prepared to take on all of those questions tonight.

I urge Members to vote for the very, very important changes that are here.

The gentleman from Wisconsin [Mr. OBEY], as was said, tried to do these changes in 1977. I voted with him for them. I wish our friends on the minority had been with us on that day or night, whenever it was, and we could have passed them, because if we had passed them, we would not be here tonight talking about these matters, and maybe we could have spent time talking about the legislative solutions that our friends on the minority tonight want to talk about.

This is real reform. This is real power sharing on very important functions of this House, and it is a beginning. It is a beginning that will lead to other meetings, other discussions, other negotiations, and other reforms in the days ahead.

I urge Members to vote against the Michel substitute and to vote for this resolution.

Mr. MICHEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding his time to me.

Mr. Speaker, I rise in support of the Michel substitute.

Mr. Speaker, today we are voting on what has been labeled a campaign finance reform bill. Unfortunately, for the voters in my district, what we are voting on is a publicly financed, incumbent protection bill. The conference report on H.R. 3750 and S. 3 would alter the system of financing House congressional campaigns. More specifically, it would set a \$600,000 voluntary spending limit for House races in primary and general elections. Candidates agreeing to obey this limit would get benefits, including cutrate postage and up to

\$200,000 in public financing doled out to match the first \$200 of each individual contribution. In addition, this bill would place a \$200,000 aggregate cap on how much a candidate could accept from political action committees and a \$200,000 aggregate cap on individual contributions of more than \$200.

The bill before us today does not even address the issue of its own cost. How typical: It passes the buck for us to consider at another time. How will we pay for the estimated \$1 billion that this measure will cost over the next 10 years? In this time of fiscal crisis, our financial needs in the areas of education, health, and housing certainly outweigh the need for the incumbent politician. For these reasons, I cannot support the conference report on this bill.

While I believe that fundamental and important changes are needed in campaign financing, I am concerned about certain provisions of this measure including giving politicians cheaper political advertising rates and subsidizing the cost of postage for candidates. I simply cannot endorse such measures which make it the responsibility of the taxpayer to provide for an entitlement program for politicians. It is my understanding that over 70 percent of the American people are strongly opposed to public financing because tax dollars may be distributed inequitably, or worse yet, end up paying for negative campaign ads.

I do support the substitute bill which was offered by the distinguished minority leader, Mr. MICHEL of Illinois, during the original debate of this bill. This substitute would have required candidates to raise at least half of all their campaign money from people living in their own district. Certainly, the majority of campaign dollars should be raised within the State in which the candidate resides. An accurate reflection of the voter's intentions can easily be distorted by an inpouring of outside money. In addition, this measure would have cut the amount a single PAC could give a candidate from \$5,000 per election to \$1,000. This measure would both effectively reduce the role of special interest and enhance the role of individuals in financing campaigns. This substitute will be rejected.

I am also interested in other issues of campaign reform, not addressed by H.R. 3750 or the substitute. Specifically, I am concerned about the amount of time which is used for the purpose of fundraising for congressional elections. One solution, which I support, is to strengthen political parties by increasing the amounts they may spend on behalf of congressional candidates. This source of funds would permit legislators to spend less time fundraising, would ensure that challengers have greater financial resources, and would limit the role of special economic interests in elections.

Lastly, I am supportive of measures which require full disclosure of all funds spent by political parties, labor unions, corporations, and trade associations which are used in Federal elections. Disclosure requirements should also apply to independent expenditures with disclaimers on media presentations. To my mind, this is the best method to discourage the use of campaign dollars as influence selling.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the

distinguished gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, my colleagues, one of the truly bipartisan reforms that we were on the verge of accepting in the bipartisan task force, and it did have real bipartisan sponsorship, was a congressional inspector general similar to that imposed by Congress on departments and agencies in the executive branch. It is a piece of legislation that I have authored and have been promoting for the past few months. I know its contents, its purpose, and its impact. As I said, it enjoyed bipartisan support.

I would tell you, Mr. Speaker, that while the Democratic package names an individual as inspector general nothing else has been added from my bill. It is very similar to the children's story about the emperor who has no clothes. No matter what you say about this position, it has been stripped naked of any real authority. It may be called an inspector general, but he has none of the authority I wanted him or her to have when I drafted the legislation.

We are engaged in the debt today because we had problems with the House bank, the House post office, and the Members' dining room. There is nothing in this legislation that would give the inspector general the independent auditing and investigative authority to have done anything differently, with these peripheral institutions, than was done in the past.

I would tell my colleagues that the inspector general, that I wanted and this institution desperately needs, was an independent nonpartisan watchdog, a pit bull. The Democratic leadership has given us a toothless lap dog.

There is one thing worse than no reform. That is the charade, the pretense, the illusion of significant reform where none existed. I wanted to support this reform package, but without a real inspector general with real independence and authority, I can not.

Mr. ROSE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise in support of House Resolution 423.

Mr. Speaker, I rise today in strong support of the bill, House Resolution 423, House administrative reform. In the wake of the recent events which transpired at the House bank, the need for reform of Congress' administrative procedures is clear. The status quo at the House of Representatives is simply not acceptable to me, my constituents, or to the taxpayers of this country. We must restore credibility to this institution and restore confidence among the people we serve.

House Resolution 423 makes significant changes in the existing administrative structure of the House in order to improve the management of nonlegislative and financial functions, and ensure strict accountability for such operations. The resolution establishes a new House position, the Director of Nonlegislative

and Financial Services, who would be appointed jointly by the Speaker, the majority leader and the minority leader, and have responsibility for the operations and financial services in the House of Representatives.

The resolution also establishes an Office of the Inspector General, who would be appointed jointly by the Speaker, the majority leader and the minority leader, and who would be charged with conducting audits of the financial operations of the House, and reporting any irregularities or abuses resulting from audits.

The legislation also abolishes the position of the House postmaster. Internal mail operations would be handled by the new Director of Nonlegislative Affairs and Financial Service, while the outside mail operations would be run by the U.S. Postal Service.

Mr. Speaker, the American people are losing confidence in our ability to govern. We need to institute real reform in Congress. While I support the legislation before us today, I believe that we should use this opportunity to push forward further congressional reforms. I am a cosponsor of Representative HAMILTON and GRADISON's bipartisan resolution which calls for a review of our current system and recommends drastic reforms to improve and strengthen the legislative operations of the Congress. Similar reorganization efforts were undertaken in 1946 and 1970, and recent events in the House clearly indicate that review and reform of the current system is long overdue.

Mr. Speaker, I believe that House Resolution 423 represents a good beginning in the process of much needed congressional reform. I urge my colleagues to support this first step in restoring Congress' credibility with the American people, and to remain resolute in pursuing further substantive reform this year.

Mr. ROSE. Mr. Speaker, I yield the balance of our time to the Speaker of the House of Representatives, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, this is the most far-reaching reorganization of the nonlegislative activities of the House of Representatives in the history of this country. There is no precedent, to my knowledge, of such a sweeping change in the administration of the nonlegislative services that exist in this institution for the benefit of all Members.

Frankly, it comes to me as a bit of a surprise to hear some of the debate reflecting opinions about this resolution which I did not hear in the constructive, even cordial, discussions that we had over a period of 2 weeks' time. It is very surprising for me, for example, to hear Members suggesting that the independent inspector general is not truly independent, that he is some kind of a lap dog.

In fact, the inspector general is given the responsibility of auditing not only the Nonlegislative Services Director but all the officers of the House and to do so as an appointee of the Republican leader, the Democratic leader, and the Speaker jointly. It is very hard for me to imagine that the leaders of the Re-

publican and Democratic parties and the Speaker could not agree on a person who would have, by that very reason, enormous independence.

The resolution, for the first time brings together under the newly created Director of Nonlegislative Services, virtually every nonlegislative service that this House provides to Members. Again, why would one not want to see the modernization, the efficiency, and the review of these activities improved in the way that this bill does?

In fact, during our discussions which were begun at the request of the distinguished Republican leader, it was my sense that we had, if not perfect, virtual agreement on the terms of this resolution as it refers to the inspector general, the Director of Nonlegislative Services and the other features that deal with the management and operation of the House.

It was the wish of the Members on the other side, however, to go into questions of rule changes and legislative changes that we felt were beyond the scope of the immediate need to bring legislation making administrative reform to the floor that led to these discussions not being fruitful in the end. As for House Resolution 423, this is a bill that, I think, reflected a very, very strong consensus from Republicans as well as Democrats as to where the House should go in providing efficient business like management of its nonlegislative operations so that, in those areas no Member, Republican or Democrat, would have to worry that this House was being conducted with anything but the highest integrity and efficiency. That is what Members deserve. They do not get elected to come here to be a management committee for this institution. They come here primarily to deal with the public's business, with education, and health, and the other critical issues that are facing the Nation as we go forward into the next decade.

This is a sound bill that can be voted on proudly by Members in either party, and in both parties, and I strongly urge all Members to come together and give it your support.

We attempted to enact reform in 1977, and many Members still here are proud that they supported that effort then. Let us finally achieve it now. Let us put this problem of management behind us. Let us put the House on a sound basis of management and operation, and then we will be able to direct our energies where they should rightly be, to the business of the people of this country.

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

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to House Resolution 423 and in support of House Resolution 419, the Michel substitute.

Mr. Speaker, I rise in opposition to House Resolution 423 and in support of House Resolution 419, the Republican substitute.

Mr. Speaker, the American public is fed up with excuses about the mess in Congress, as well they should be. The Democrats have controlled this House with an iron fist for 38 years; 38 years of Democrat rule have led to this mess. With an arrogance born of power, the Democrat majority has run roughshod for decades over the concept of democracy and bipartisanship. Now the chickens are coming home to roost.

A cosmetic facelift is not going to satisfy the American public. You have been found out. The press will no longer look the other way. The only action that will satisfy the public is a thorough house cleaning, a quick dusting will not do it. We need to institute real reforms, institutional reforms, legislative reforms. Changing the nameplate on the door, or firing a few people, is not the answer. The reforms have to be built in, permanent, irrevocable. That's why we need to vote for the Michel resolution. It's the only choice for real reform.

Mr. MICHEL. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker and Members of the House, in preparing my remarks for tonight, some lines of poetry half remembered from my school days came back to me: "For of all sad words of tongue or pen, the saddest are these." "It might have been!"

I am reminded of the remarks of the distinguished gentleman from Louisiana who said it so eloquently earlier during the course of this debate, and that is the tragedy that confronts the House today: What might have been.

At one time the Democratic majority could have reformed out of principle. Today they are forced to reform out of panic. At one time bipartisan reform of the House would have been a sign of renewal. Today the majority's attempt at reform is correctly seen as a sign of remorse.

□ 1950

On January 3, 1989, as Speaker Jim Wright was sworn in, I said to this House:

*** It is my belief that this 101st Congress is one that should deal right up front in a bipartisan and comprehensive way with reforms ***.

Six months later, on June 6, 1989, when we swore in the new Speaker, Mr. FOLEY, I said to all my colleagues:

Today we have that rare, most precious and improbable of gifts—a second chance for comprehensive, bipartisan institutional reform that will set the course for a new century.

I must say that I was somewhat taken aback when I was hissed in this very Chamber by some Members of the majority for making just that statement.

Let us face it. The recent House scandals have brought us to this juncture. I was first told about the bank scandal in the form of a list of Members and

the number of bounced or overdraft checks in the latter part of 1989.

I said then and continue to strongly believe the existence of such a list was outrageous, I sent it back without going beyond the first page, with the suggestion that all offending Members be notified of their overdrafts and that if it were my call, they would all be summarily cut off from the use of the bank.

I was later told the problem was solved. Guidelines would be implemented; but they were dropped on the doorstep of the Sergeant at Arms and nothing was done. No oversight. Nobody minding the store. And look how much disgrace it brought upon the House and the problems for Members on both sides of the aisle. Incomprehensible.

When I think in terms of a dear friend this afternoon who announces that he will not run again, a bright future in this House.

A year later when the next audit revealed that indeed nothing had been done, we were outraged and expressed ourselves so. Unfortunately, time passed and still nothing was being done to correct the situation.

Finally I sent to the Speaker a proposed question of privilege, asking the Ethics Committee to investigate and focus on the disclosure question and political campaign use. The Speaker agreed on jointly acting on a revised resolution, which was ultimately adopted by this House.

I waited until the committee acted to examine their work and listened to their recommendations, and of course, by next week that scenario will have played itself out.

Again last year the majority was told of problems in the House post office. We in the minority were kept in the dark until just before it was to be made public by the press.

I do not get those GAO reports, as the minority leader. We ought to change that, and that is one of the reforms that ought to be fundamental, that if there is real bipartisanship around here, we get coequal treatment on matters of that importance.

The Postal Service investigated and found that many postal regulations had not been followed, and there were in fact indictable offenses committed by employees of that facility.

Members were told at that time corrective actions were going to be taken.

Months later, we found again that nothing had been done. Where was the House Administration Committee that was to be overseeing this mess?

Eventually, and predictably enough, the House walls came tumbling down all around this place, and now at long last our Democratic friends are attempting to jump on the bandwagon of reform; but what is at the heart of this debate is not just one scandal, it is indeed stewardship, not only at the top,

but through our ranks. It has to be that way, because we rely so much on support around here.

It is the way the majority discriminates in the legislative process, quite frankly, that to us is the biggest scandal of all.

My colleagues have said it so eloquently time after time during the day in the course of the rule and general debate, and yes, in the deliberations on this substitute. This very bill is being debated under a closed rule, the very symbol of inequity.

My Democratic friends said the Republicans wanted them to give up their rights as a majority. They said we were being unreasonable.

Is it unreasonable to ask for fair representation on the House Rules Committee, which is the traffic cop for legislation around here? Is it unreasonable to ask that committee ratios of Members and staff reflect the actual makeup of the House? Is it unreasonable to ask that the General Counsel's Office be headed by a constitutional scholar, independent of political judgments, but with deputies for the two parties?

Is it unreasonable to ask that the Congress be subject to the same rules, regulations, and laws we impose legislatively upon the American people?

We did not expect the majority to accept every procedural reform we proposed, but sadly, they could not accept even one, not one.

It has been stated many times in our discussions that the proposals the Democrats have offered are unprecedented. We are supposed to be grateful for that, but unprecedented is not enough.

These are unprecedented times, Mr. Speaker and my colleagues, in which the public is demanding extraordinary actions.

If Republicans control the House of Representatives in the 103d Congress, we intend to have a bipartisan committee on House Administration, and a majority-minority membership of 9 to 6 on the Rules Committee. We ask nothing that we ourselves are not willing to abide by if we were in the majority.

Mr. Speaker, you have before you the Republican blueprint for House reform, and you have my word that if given the opportunity we will implement these reforms.

I ask you to support our substitute that not only addresses the problems of administration, ministerial, and financial responsibilities around here, but also addresses the real procedural reforms necessary to put this House back on the right track once again.

I hope you will support the resolution. I am not all that enthused about what kind of support we are going to get from the majority side in view of the kind of things that have been said during the course of the debate, and if

it should go down, well, obviously it bears out our frustration. These very limited changes in nonlegislative services, while being an improvement, oh, so minuscule in form, are woefully short of the real comprehensive reform that we espouse on this side. So if it comes to that point on final passage, quite frankly, yes, I want to be for those minuscule things that may help to bring us together here administratively, but again to express our utter frustration at being closed out from doing the kind of things that would bring about broad comprehensive reform.

Frankly, on final passage, this Member will take a walk.

Mr. Speaker, I include a copy of my resolution, material relating to and correspondence regarding reform in the RECORD.

H. RES. 419

Resolved,

TITLE I—CHIEF FINANCIAL OFFICER, GENERAL COUNSEL, AND CERTAIN OTHER REFORMS

Subtitle A—Chief Financial Officer Amendments to the Rules of the House and Related Provisions

SECTION 101. AMENDMENTS TO RULE II RELATING TO THE ELECTION OF OFFICERS OF THE HOUSE.

Rule II of the Rules of the House of Representatives (relating to the election of Officers of the House) is amended—

(1) by striking "Doorkeeper, Postmaster,"; and

(2) by adding at the end the following new sentence: "The individual chosen for election as the Sergeant-at-Arms should be a nationally-respected law enforcement professional."

SEC. 102. AMENDMENTS TO RULE III RELATING TO THE DUTIES OF THE CLERK.

Clause 3 of rule III of the Rules of the House of Representatives (relating to the duties of the Clerk) is amended—

(1) by striking " , make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House, keep full and accurate accounts of the disbursements of the contingent fund of the House, keep the stationery account of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law." in the first sentence and inserting a period; and

(2) by amending the second sentence to read as follows: "He shall cause to be announced at the door all messengers from the President and the Senate and, when requested by the Speaker, visitors to the floor of the House during joint meetings or joint sessions of the two Houses. He shall superintend the House document room and the Publications Distribution System (the folding rooms), the cloakrooms of the House and the telephone service available to Members therein. He shall supervise the pages that serve the House and various other facilities to Members."

SEC. 103. AMENDMENT TO RULE IV RELATING TO THE DUTIES OF THE SERGEANT-AT-ARMS.

Clause 1 of rule IV of the Rules of the House of Representatives (relating to the duties of the Sergeant-at-Arms) is amended by

striking " ; and keep the accounts for the pay and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law"

SEC. 104. AMENDMENTS TO RULES V AND VI TO ELIMINATE THE POSITIONS OF DOORKEEPER AND POSTMASTER AND TO CREATE THE POSITION OF CHIEF FINANCIAL OFFICER.

Rule V of the Rules of the House of Representatives (relating to the duties of the doorkeeper) and rule VI of the Rules of the House of Representatives (relating to the duties of the Postmaster) are amended to read as follows:

"RULE V

"CHIEF FINANCIAL OFFICER

"1. There shall be elected, by not less than two-thirds of Members voting, a quorum being present, the Chief Financial Officer of the House.

"2. The Chief Financial Officer should have appropriate education and training, have demonstrated an ability to manage large and complex administrative activities and resources, and have experience that is relevant to the management of the financial operations of the House.

"3. The Chief Financial Officer shall be responsible for—

"(A) reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and minority leader respecting these operations;

"(B) conducting periodic audits of the financial operations of the House, simultaneously sending audit reports to the Speaker and minority leader, and making these audit reports available to the public;

"(C) keeping the accounts for the pay and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and paying them as provided by law; and

"(D) carrying out all other financial functions and operations that were exercised by the Clerk before the date of the adoption of this rule, including, but not limited to—

"(i) keeping full and accurate accounts of the disbursements of the contingent fund of the House,

"(ii) keeping the stationery account of the Members, Delegates, and Resident Commissioner of Puerto Rico,

"(iii) paying the salaries of officers and employees of the House, and

"(iv) making or approving all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House.

"(E)(i) reviewing existing and proposed rules of the House to determine the effect of such rules on the economy and efficiency of the financial operations of the House, taking into consideration the need to prevent fraud, waste, and abuse in such operations;

"(ii) based on such review, providing periodic recommendations to the Speaker and the minority leader with respect to the Rules of the House;

"(F) keeping the House fully and currently informed of any instance of fraud, waste, or abuse, or any other serious deficiency in the financial operations of the House, including corrective actions taken or recommended;

"(G) reporting to the Speaker and the minority leader—

"(i) any such instance that, because of its particularly serious nature, requires immediate attention; and

"(ii) any lack of cooperation by a Member, officer, or employee of the House that inhibits the carrying out of the responsibilities of the Chief Financial Officer;

"(H) not later than October 31 of each year, submitting to the House with respect to the financial operations of the House in the preceding fiscal year a report of the activities of the Chief Financial Officer, including—

"(i) a description of significant problems, abuses, and deficiencies in the financial operations of the House, the recommendations made, the corrective actions completed, and the corrective actions uncompleted;

"(ii) a summary of matters the Chief Financial Officer referred to the Committee on Standards of Official Conduct and the actions which have resulted from such referrals; and

"(iii) a summary of each recommendation by the Chief Financial Officer to the Speaker and minority leader under these Rules;

"(I) receiving and investigating complaints from employees of the House with respect to fraud, waste, and abuse in the financial operations of the House, if such complaints assert the existence of a violation of law, a violation of these Rules, mismanagement, gross waste of funds, or abuse of authority; and

"(J) developing and maintaining an integrated accounting and financial management system for the House, including financial reporting and internal controls to provide performance measurement, cost information, and integration of accounting and budgeting information; and

"(K) directing, managing, providing policy guidance for, and conducting oversight of, financial management personnel and operations, including preparation of a 5-year financial system plan, development of financial management budgets, recruitment, selection and training of personnel to carry out financial management functions, and implementation of asset management systems, such as cash and credit management, debt collection, and property and internal controls.

"4. (a) In carrying out clause 3(I), the Chief Financial Officer may not disclose the identity of a complaining employee without the consent of the employee, unless the Chief Financial Officer determines such disclosure is unavoidable.

"(b) Any intimidation of, or reprisal against, an employee of the House by an employing authority because of a complaint made by the employee is a violation of rule LL.

"5. In accordance with policies and procedures approved by the Committee on House Administration, the Chief Financial Officer shall appoint such employees as may be necessary for the prompt and efficient performance of the duties of the Chief Financial Officer under these Rules. Such employees shall serve at the pleasure of the Chief Financial Officer.

"RULE VI

"HOUSE POSTAL SERVICES

"The Chief Financial Officer shall superintend the post office in the Capitol and in the respective office buildings of the House for the accommodation of Representatives, Delegates, the Resident Commission from Puerto Rico, and officers of the House and shall be held responsible for the prompt and safe delivery of their mail."

SEC. 105. CONFORMING AMENDMENT TO RULE XIV RELATING TO DECORUM AND DEBATE.

Clause 7 of the rule XIV of the Rules of the House of Representatives (relating to decorum and debate) is amended by striking "and Doorkeeper".

SEC. 106. OVERSIGHT REFORM.

Rule XI of the Rules of the House of Representatives is amended by adding at the end the following:

"7. (a) By March 1 of the first session of any Congress, each committee shall adopt and submit to the Committee on House Administration an oversight plan for that Congress.

"(b) No primary expense resolution for a committee may be considered in the House unless and until it has adopted and submitted to the Committee on House Administration an oversight plan for the Congress involved.

"(c) After consultation with the majority and minority leaders, the Committee on House Administration shall report the plans to the House, together with its recommendations and those of the majority and minority leaders, to assure coordination between committees.

"(d) The Speaker is authorized to appoint ad hoc oversight committees for specific tasks from the memberships of committees with shared legislative jurisdictions.

"(e) Each committee shall include an oversight section in its final activity report at the end of a Congress."

SEC. 107. MAKING THE COMMITTEE ON HOUSE ADMINISTRATION BIPARTISAN.

Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(3)(A) One-half of the members of the Committee on House Administration shall be from the majority party and one-half shall be from the minority party.

"(B) In the case of the Committee on House Administration, subpoenas may be authorized and issued as provided by clause 2(m) of rule XI, except that either the chairman or ranking minority party member of that committee may authorize and issue subpoenas under that clause."

SEC. 108. EQUALITY OF MAJORITY AND MINORITY PARTY REPRESENTATION ON THE SUBCOMMITTEE ON LEGISLATIVE APPROPRIATIONS.

The membership of the Subcommittee on Legislative Appropriations of the Committee on Appropriations shall be divided equally between the majority party and the minority party. Staff positions for the subcommittee shall be divided in the same manner.

SEC. 109. TASK FORCE ON REFORM OF THE HOUSE OF REPRESENTATIVES.

Not later than 10 days after the date on which this resolution is agreed to, the Speaker shall appoint a task force for the purpose of recommending institutional reforms necessary to restore public confidence in the House of Representatives. The task force shall—

(1) be composed of 10 Members of the House, of whom 5 Members shall be appointed upon the recommendation of the majority leader and 5 Members shall be appointed upon recommendation of the minority leader; and

(2) report its recommendations to the House not later than the end of the One Hundred Second Congress.

SEC. 110. LIMITATION ON REPROGRAMMING OF FUNDS IN THE HOUSE OF REPRESENTATIVES.

No funds may be reprogrammed or otherwise transferred between appropriation accounts of the House of Representatives without the written approval of the Speaker and the minority leader of the House of Representatives.

SEC. 111. LIMITATION ON INITIAL HOUSE OF REPRESENTATIVES APPROPRIATIONS FOR FISCAL YEAR 1993.

In the second session of the One Hundred Second Congress, it shall not be in order to

consider in the House any measure containing an appropriation for the House, if the measure provides appropriations for that purpose for any period after March 31, 1993.

SEC. 112. INSPECTOR GENERAL.

The Speaker, upon the recommendation of the majority leader and the minority leader, acting jointly, shall appoint an Inspector General for the House. The Inspector General shall—

(1) receive and investigate complaints from employees of the House with respect to fraud, waste, and abuse in the nonlegislative operations of the House, if such complaints assert the existence of a violation of law, a violation of the Rules of the House, mismanagement, gross waste of funds, or abuse of authority; and

(2) report the results of such investigations to the Speaker, the majority leader, and the minority leader.

Subtitle B—Office of the General Counsel

SEC. 121. ESTABLISHMENT.

There is established in the House of Representatives an office to be known as the Office of the General Counsel, referred to hereinafter in this title as the "Office".

SEC. 122. ACCOUNTABILITY.

The Office shall be directly accountable to the Leadership Group, composed of—

(1) the Speaker of the House of Representatives;

(2) the majority leader and minority leader of the House of Representatives;

(3) the majority whip and minority whip of the House of Representatives;

(4) the chairman and ranking minority party member of the Committee on the Judiciary of the House of Representatives; and

(5) 2 Members of the House to be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader.

SEC. 123. PURPOSE AND POLICY.

The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House of Representatives on matters directly related to their duties, other than matters committed by law, rule, or other authority to the Office of the Parliamentarian, the Office of the Legislative Counsel, the Office of the Law Revision Counsel, the Legislative Classification Office, the Congressional Research Service, the Comptroller General, or the Office of Fair Employment Practices, or to another office, officer, or employee of the House of Representatives. The Office shall maintain—

(1) impartiality as to issues of policy to be determined by the House of Representatives; and

(2) the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

SEC. 124. SPECIFIC APPROVAL REQUIREMENTS.

(a) APPROVAL BY RESOLUTION.—Unless approved by unanimous vote of the Leadership Group, the following actions of the Office require prior approval by resolution of the House of Representatives:

(1) Entering an appearance before any court.

(2) Filing a brief in any court.

(3) Representing any Member of the House of Representatives in any contested matter that will result in formal legal proceedings.

(b) APPROVAL BY THE LEADERSHIP GROUP.—The following activities of the Office require prior approval by the Leadership Group:

(1) Preparation of any legal memorandum or other item of legal research that requires more than 4 hours of preparation time.

(2) Work other than in the routine course of business of the Office.

(c) **SPECIAL RULE.**—In carrying out any action under this title, the Office, in the case of any matter that affects an area of responsibility committed to another office, officer, or employee referred to in section 123, shall consult the office, officer, or employee involved and coordinate such action with the office officer, or employee.

SEC. 125. GENERAL COUNSEL.

The management, supervision, and administration of the Office are vested in the General Counsel, who shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and the minority leader of the House of Representatives, acting jointly, without regard for political affiliation and solely on the basis of fitness to perform the duties of the position. The General Counsel shall serve at the pleasure of the Leadership Group.

SEC. 126. STAFF.

With the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, the General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office, except that not more than 4 attorneys and 3 other employees may be so employed and at least one attorney in the Office shall be appointed upon the recommendation of the minority leader. Any individual employed under this section may be removed by the General Counsel, with the approval of the Leadership Group.

SEC. 127. COMPENSATION.

(a) **GENERAL COUNSEL.**—The General Counsel shall be paid at a per annum gross rate fixed by the Leadership Group, but not more than the rate payable for positions at level III of the Executive Schedule, under section 5314 of title 5, United States Code.

(b) **STAFF.**—Members of the staff of the Office shall be paid at per annum gross rates fixed by the General Counsel, with the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, but not more than the rate payable for positions at level IV of the Executive Schedule, under section 5315 of title 5, United States Code.

SEC. 128. EXPENDITURES.

Subject to appropriation and in accordance with policies and procedures approved by the Leadership Group, the General Counsel may make such expenditures as may be appropriate for the functioning of the Office.

SEC. 129. TIME SHEETS.

The attorneys and professional staff in the Office shall maintain regular, written records of the time expended on legal matters, consistent with generally accepted practices in private law firms. Such time records shall be maintained on forms and according to procedures established by the General Counsel, and shall provide for the recordation of time allotted to legal work in increments of no more than one-quarter hour. The time records shall be reviewable by the Leadership Group and may not be made public other than by direction of the Leadership Group or resolution of the House.

TITLE II—LEGISLATIVE PROCESS REFORMS

SEC. 201. HOUSE SCHEDULING REFORM.

Rule I of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"11. (a) At the beginning on each session of the Congress the Speaker shall, after consultation with the minority leader and the

chairmen of the committees of the House, announce a legislative program for the session which shall include (1) target dates for the consideration of specified major budgetary, authorization, and appropriations bills; (2) an indication of those weeks during which the House will be in session (which, unless otherwise indicated, shall be assumed to be full, 5-day work weeks for the conduct of committee and House floor business); (3) those weeks set aside for district work periods (which shall be scheduled at periodic intervals), holidays, and other recesses; and (4) the target date for the adjournment of that session.

"(b) The Speaker shall ensure that the minority leader is fully consulted in developing the legislative program for the House each week."

SEC. 202. TREATMENT OF VETOED BILLS.

Rule I of the Rules of the House of Representatives is amended by adding at the end the following:

"11. Immediately after the receipt of a bill returned by the President, the Speaker shall state the question on the reconsideration of that bill, without intervening motion, and the House shall proceed to vote on the reconsideration of that bill."

SEC. 203. MULTIPLE REFERRAL OF LEGISLATION.

Clause 5(c) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall initially refer the matter to one committee which he shall designate as the committee of principal jurisdiction; but, he may also refer the matter to one or more additional committees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of principal jurisdiction; or refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the exclusive consideration of such portion or portions; or refer the matter to a special ad hoc committee appointed by the Speaker, with the approval of the House, from the members of the committees having legislative jurisdiction, for the specific purpose of considering that matter and reporting to the House thereon; or make such other provisions as may be considered appropriate."

SEC. 204. PRESENTMENT OF BILLS TO THE PRESIDENT.

The Rules of the House of Representatives are amended by adding at the end the following:

"RULE LII.

"PRESENTMENT OF BILLS

"Not later than the tenth calendar day beginning after the date upon which a bill has been agreed to in identical form by the House of Representatives and the Senate, in the case of a bill originating in the House of Representatives, the bill shall be presented to the President."

SEC. 205. COMMITTEE RATIOS.

(a) Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof), shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress. This subparagraph shall not apply to the Committee on Standards of Official Conduct which shall be constituted as provided for in sub-

paragraph (2). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House."

(b) Clause 6(f) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force, or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment."

SEC. 206. SUBCOMMITTEE LIMITS.

(10) Clause 6(d) of the rule X of the Rules of the House of Representatives is amended to read as follows:

"(d)(1) Each standing committee of the House (except the Committee on the Budget) that has more than 20 members, shall establish at least 4 subcommittees; but, in no event shall any standing committee (except the Committee on Appropriations) establish more than 6 subcommittees.

"(2) No member may serve at any one time as a member of more than 4 subcommittees of committees of the House.

"(3) For the purposes of this paragraph, the term 'subcommittee' includes any panel, task force, special subcommittee, or any subunit of a standing committee, or any select committee which is established for a period of longer than 6 months in any Congress."

SEC. 207. PROXY VOTING BAN.

Clause 2(f) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy."

SEC. 208. OPEN MEETINGS.

Clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by striking the colon in the first sentence and all that follows thereafter and inserting the following: "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade, or incriminate any person or otherwise would violate any law or rule of the House, or involves committee personnel matters."

SEC. 209. MAJORITY QUORUMS.

Clause 2(h)(2) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(2) A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation."

SEC. 210. REPORT ACCOUNTABILITY.

(a) Clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for and against reporting, and the names of those Members voting for and against, shall be included in the committee report on the measure."

(b) Clause 2(1)(2) of rule XI of the Rules of the House of Representatives is further amended by adding at the end the following:

"(C) With respect to each nonrecord vote on a motion to report any bill or resolution of a public character, the names of those members of the committee actually present at the time the bill or resolution is ordered reported shall be included in the committee report."

SEC. 211. COMMITTEE DOCUMENTS.

Clause 2(1) of rule XI of the Rules of the House of Representatives is amended by re-

designating subparagraphs (6) and (7) as subparagraphs (7) and (8), respectively, and by inserting after subparagraph (5) the following new subparagraph:

"(6)(A) Any committee or subcommittee print, document, or other material, other than reports subject to the preceding provisions of this clause, prepared for public distribution, shall either be approved by the committee or subcommittee prior to such public distribution, and opportunity shall be afforded for the inclusion of supplemental, minority, or additional views in accordance with the provisions of subparagraph (5), of such print, document, or other material shall contain on its cover the following disclaimer in bold face type:

'This material has not been officially approved by the committee [or subcommittee, as the case may be] on [name of committee or subcommittee] and may not therefore necessarily reflect the views of its members.'

and any such print, document, or other material not approved by the committee or subcommittee may not include the names of its members, other than the name of the committee or subcommittee chairman releasing the document, but shall be made available to all of the members of the committee not less than three calendar days (excluding Saturdays, Sundays, and public holidays) prior to its being made public.

"(B) The provisions of this subparagraph do not apply to prints of bills or resolutions, summaries thereof, or prints containing the names of committee or subcommittee members, staff, or other factual information regarding the committee or its subcommittees, their jurisdictions or rules, or any matters pending before such committee or its subcommittees, provided that such documents do not also contain opinions, views, findings, or recommendations.

"(C) Nothing in this subparagraph shall be construed to authorize any subcommittee or chairman thereof to issue any print, document or other material not otherwise authorized by the rules of the committee."

SEC. 212. SAME DAY CONSIDERATION OF RULES COMMITTEE REPORTS.

The first sentence of clause 4(b) of rule XI of the Rules of the House of Representatives is amended by striking the matter in parentheses and inserting the following: "(except that it shall not be called up for consideration on the same calendar day, nor on the subsequent calendar day of the same legislative day, that it is presented to the House, unless so determined by a vote of not less than two-thirds of the members voting, but this provision shall not apply during the last three days of the session)".

SEC. 213. PERMITTING INSTRUCTIONS IN MOTIONS TO RECOMMIT.

The second sentence in clause 4(b) of rule XI of the Rules of the House of Representatives is amended by striking "nor" and all that follows thereafter and by inserting the following: "nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI, including a motion with amendatory instructions (except in the case of a Senate measure for which the language of a House-passed measure has been substituted)".

SEC. 214. RESTRICTIVE RULE LIMITATION.

Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(e) It shall not be in order to consider any resolution reported from the Committee on Rules providing for the consideration of any

bill or resolution otherwise subject to amendment under House rules if that resolution limits the right of Members to offer germane amendments to such bill or resolution unless the chairman of the Committee on Rules has orally announced in the House, at least four legislative days prior to the scheduled consideration of such matter by the Committee on Rules, that less than an open amendment process might be recommended by the Committee for the consideration of such bill or resolution."

SEC. 215. LIMITATION ON SELF-EXECUTING RULES.

Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(f) It shall not be in order to consider any order of business resolution reported from the Committee on Rules which provides that, upon the adoption of such resolution, the House shall be considered to have automatically adopted a motion, amendment, or resolution, or to have passed a bill, joint resolution, or conference report thereon, unless the consideration of such order of business resolution is agreed to by not less than two-thirds of the Members voting, and the yeas and nays shall be considered as ordered when the Speaker puts the question on consideration."

SEC. 216. BUDGET WAIVER LIMITATION.

Clause 4 of rule XI of the Rules of the House of Representatives (as amended by sections 214 and 215) is amended by adding at the end the following new paragraph:

"(g)(1) It shall not be in order to consider any resolution reported from the Committee on Rules for the consideration of any measure which waives any specified provisions of the Congressional Budget Act of 1974, unless the report accompanying such resolution includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies, and a summary or text of any written comments on the waiver received by the committee from the Committee on the Budget.

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.

"(3) It shall not be in order to consider a resolution which waives all House rules except by a vote of two-thirds of those Members voting."

SEC. 217. COMMITTEE STAFFING.

Clause 5 of rule XI of the Rules of the House of Representatives is amended by redesignating paragraphs (a) through (f) as paragraphs (b) through (g), respectively, and by inserting at the beginning the following new paragraph:

"(a)(1) It shall not be in order to consider any primary expense resolution until the Committee on House Administration has reported, and the House has adopted, a resolution establishing an overall ceiling for House committee staff personnel for that year, and any such resolution shall be privileged.

"(2) In developing any primary expense resolution, the Committee on House Administration shall specify in the resolution the number of staff positions authorized by the resolution. The committee shall verify in the report accompanying any such primary ex-

pense resolution that the number of staff positions authorized by such resolution is in conformity with the overall ceiling on such positions established by the House.

"(3) In no event shall the total number of additional staff positions authorized by all such primary expense resolutions, taken together with the number of staff positions authorized by clause 6 of this rule (providing for professional and clerical staff), exceed the ceiling established by the House for that year.

"(4) In allocating staff positions pursuant to the overall ceiling established by the House, the committee shall take into account the past and anticipated legislative and oversight activities of each committee.

"(5) In any supplemental expense resolution, and in any amendment thereto, the committee shall specify the number of additional staff positions, if any, authorized by such resolution, and shall indicate in the report accompanying any such resolution whether the additional staff positions are in conformity with or exceed the overall ceiling established by the House.

"(6) It shall not be in order to consider any supplemental expense resolution, or any amendment thereto, authorizing additional staff positions in excess of the overall ceiling established by the House except by a vote of two-thirds of the Members voting, a quorum being present.

"(7) It shall not be in order to consider any primary or supplemental expense resolution for one or more committees unless the report on such resolution includes a statement verifying that each such committee has adopted and complied with a committee rule entitling the minority party on such committee, upon the request of a majority of such minority, to not less than one-third of the funds provided for committee staff pursuant to each primary or supplemental expense resolution.

"(8) For the purposes of the One Hundred Third Congress, the overall ceiling for committee staff in a resolution reported by the committee pursuant to subparagraph (1), or contained in any amendment thereto, shall not exceed 50 percent of the total committee staff personnel employed at the end of the One Hundred Second Congress."

SEC. 218. COMMEMORATIVE CALENDAR.

Rule XIII of the Rules of the House of Representatives is amended by redesignating clauses 6 and 7 as clauses 7 and 8, respectively, and by inserting after clause 5 the following new clause:

"6. There shall also be a Commemorative Calendar to be comprised of unreported bills and resolutions respecting commemorative holidays and celebrations referred to the Committee on Post Office and Civil Service and requested by the chairman and ranking minority member of such committee, in writing, to be placed thereon. On the first and third Tuesdays of each month, after the disposal of such business on the Speaker's table as requires reference only and resolutions called on the Private Calendar, the Speaker shall direct the Clerk to call the bills and resolutions on the Commemorative Calendar. Should objection be made by two or more Members to the consideration of any bill or resolution so called, it shall be removed from such Calendar. Such bills and resolutions, if considered, shall be considered in the House."

SEC. 219. AUTOMATIC ROLL CALL VOTES.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. The yeas and nays shall be considered as ordered when the Speaker puts the ques-

tion upon final passage of any bill, joint resolution, or conference report thereon, making general appropriations, providing revenue, or adjusting the statutory rate of pay of Members of Congress, or on final adoption of any concurrent resolution on the budget or conference report thereon which provides an increase in the statutory debt limit."

SEC. 220. APPROPRIATION REFORMS.

Clause 2 of rule XXI of the Rules of the House of Representatives is amended by striking the second sentence of paragraph (c) and by amending paragraph (d) to read as follows:

"(d)(1) For the purposes of House Rules, a 'general appropriation bill' shall include any bill or joint resolution making continuing appropriations in a fiscal year for a period in excess of 30 days, and any such measure shall include the full text of the language proposed to be enacted (as opposed to mere references to measures, or amendments thereto, which have been reported or passed by either House, or agreed to by a committee of conference).

"(2) The provisions of clause 2(1)(3)(B) of rule XI shall apply to any 'general appropriation bill' as defined in subparagraph (1).

"(3) For the purposes of this clause, all points of order shall be considered as having been reserved against any general appropriation bill at the time it was reported."

(b) Clause 2 of rule XXI of the Rules of the House of Representatives is amended by inserting after paragraph (d) the following new paragraph:

"(e) It shall not be in order to consider any bill or joint resolution making continuing appropriations for a period of 30 days or less unless such measure only provides appropriations in the lesser amount and under the more restrictive authority of each pertinent appropriations measure: as passed by the House; as passed by the Senate; as agreed to by a committee of conference; or enacted for the preceding fiscal year."

(c) Clause 3 of rule XXI of the Rules of the House of Representatives is amended by inserting "and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law" before the period.

(d) Clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives is amended by striking "(other than continuing appropriations)" and inserting in lieu thereof "(other than continuing appropriations, except as provided by clause 2(d) of rule XXI)".

(e) Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(h) It shall not be in order, except by a vote of not less than 3/5 of the Members of the House duly chosen and sworn, to consider any rule or order from the Committee on Rules which waives the provisions of clause 2 of rule XXI against the consideration of any short-term, continuing appropriations measure as defined therein; or which waives the provisions of clause 2 of rule XXI against, or denies amendment to, any provision in a long-term, continuing appropriation measure as defined therein if that provision has not been previously considered and agreed to by the House."

SEC. 221. RECONCILIATION LIMITATION.

Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. (a) No provision shall be reported in the House in any reconciliation bill pursuant to the most recently agreed to concurrent resolution on the budget, or be in order as an amendment thereto in the House or Commit-

tee of the Whole, which is not related to achieving the purposes of the directives to House committees contained in such concurrent resolution.

"(b) Nothing in this clause shall be construed to prevent the consideration of any provision in a reconciliation bill, or any amendment thereto, which achieves savings greater than those directed of a committee and which conforms to paragraph (c) of this clause, or to prevent the consideration of motions to strike made in order by the Committee on Rules to achieve the purposes of the directives.

"(c) For the purposes of this clause, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to concurrent resolution on the budget if it is estimated by the House Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or to raise revenues or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committee instructed in the concurrent resolution.

"(d) The point of order provided for by this clause shall not apply to Senate amendments or to conference reports.

"(e) For the purposes of this clause, all points of order shall be considered as having been reserved against a reconciliation bill at the time it was reported."

SEC. 222. AUTHORIZATION REPORTING DEADLINE.

Rule XXI of the Rules of the House of Representatives (as amended by section 221) is amended by adding at the end the following new clause:

"9. It shall not be in order to consider in the House any bill or joint resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15 preceding the beginning of such fiscal year."

SEC. 223. PLEDGE OF ALLEGIANCE.

Clause 1 of rule XXIV of the Rules of the House of Representatives is amended by inserting after the second order of business the following new order of business (and by redesignating succeeding orders accordingly):

"Third. The Pledge of Allegiance to the Flag."

SEC. 224. SUSPENSION OF THE RULES.

Clause 1 of rule XXVII of the Rules of the House of Representatives is amended by inserting "(a)" after "1." and by inserting at the end the following new paragraphs:

"(b) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless by direction of the committee or committees of jurisdiction over the measure or matter, or unless a written request is filed with the Speaker by the chairman and ranking minority member of the committee or committees having jurisdiction over the measure or matter, asking for its consideration under suspension of the rules.

"(c) A motion to suspend the rules and pass or agree to any measure or matter shall not be in order if the measure or matter would enact or authorize the enactment of new budget authority or new spending authority in excess of \$50,000,000 for any fiscal year; nor shall it be in order to entertain a motion to suspend the rules to pass any joint resolution which proposes to amend the Constitution.

"(d) It shall not be in order to entertain a motion to suspend the rules and pass or

agree to any measure or matter unless written notice is placed in the Congressional Record of its scheduled consideration at least one calendar day prior to its consideration, and such notification shall include the numerical designation of the measure or matter, its short title, and the text of any amendments to be offered thereto, and the date on which the measure or matter is scheduled to be considered."

SEC. 225. DISCHARGE MOTION.

Clause (4) of rule XXVII of the Rules of the House of Representatives is amended by inserting after the fourth sentence the following new sentence: "When 100 Members have signed the motion, the Clerk shall cause to be printed in the Congressional Record the name of each Member who has signed or withdrawn a signature to the motion, and shall thereafter publish an updated list in the Congressional Record at the end of each succeeding week the House is in session."

SEC. 226. INCLUSION OF VIEWS WITH CONFERENCE REPORTS.

Clause 1 of rule XXVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(e) If, on the day a report of any committee of conference has received the requisite number of signatures for approval by House conferees, any House conferee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays and legal holidays) in which to file such views with the principal manager on the part of the House, such views shall be in writing and signed by that Member. All such views so filed by one or more Members of the committee shall be published in the same volume as the report of the committee of conference and the joint explanatory statement filed in the House, and the volume shall bear on its cover a recital that any such supplemental, minority, or additional views are included as part of that volume. This paragraph shall not preclude the immediate filing or printing of a conference report if a timely request to file such views was not made as provided by this paragraph."

SEC. 227. INTELLIGENCE COMMITTEE OATH.

(a) Clause 1 of rule XLVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(d) At the time a Member is appointed to serve on the select committee, or within 30 days after the adoption by the House of this provision, whichever is later, the Member shall take the following oath:

'I do solemnly swear (or affirm) that I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence, except with the formal approval of the committee or of the House.'

The oath shall be administered by the Speaker of the House of Representatives. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing 2 copies to each Member appointed to the select committee who has taken this oath, which shall be subscribed to by the Member who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and the Congressional Record."

(b) Clause 5 of rule XLVIII of the Rules of the House of Representatives is amended by

adding at the end the following new sentences: "Each employee of the select committee and any person engaged by contract or otherwise to perform services for or at the request of the select committee who is required to subscribe to the agreement in writing referred to in the first sentence of this clause shall, at the time of the signing or within 30 days after the adoption of this provision, whichever is later, also take the oath set out in clause 1(d) of this rule. The oath shall be administered by the chairman or by any Member of the committee or of the committee staff designated by the chairman. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing 2 copies to each such person taking this oath, which shall be subscribed to by such person, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record."

(c) Clause 7(d) of rule XLVIII of the Rules of the House of Representatives is amended by inserting "or the oath required by clause 1(d) of by clause 5," after "paragraph (c)" and by adding after the last sentence the following new sentences: "The select committee may refer cases of unauthorized disclosure and violations of the required oaths to the Committee on Standards of Official Conduct for investigation. While a member of the committee is the subject of such a pending investigation, the select committee may determine by majority vote that the Member shall not be given access to classified information."

SEC. 228. ENHANCED RESCISSION AUTHORITY.

(a) The Committee on Rules and the Committee on Government Operations shall, not later than May 31, 1992, report legislation granting the President enhanced rescission authority with respect to any budget authority not authorized by law. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within 45 calendar days of continuous session of Congress (as defined by section 1011 of the Impoundment Control Act of 1974) after the date on which the President's special rescission message is received.

(b) If such legislation is not reported by the committees named above by the date specified, the committees not reporting shall be considered as having been discharged from the further consideration of the first such bill introduced and it shall be in order on any day after June 3, 1992, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to 2 hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

SEC. 229. BIENNIAL BUDGET-APPROPRIATIONS PROCESS.

The Committee on Rules is directed to conduct a complete and thorough study of the advisability and feasibility of converting to a biennial budget and appropriations process and corresponding multiyear authorizations, and to report its findings and recommendations to the House not later than December 31, 1992.

SEC. 230. APPLICABILITY OF CERTAIN LAWS TO THE HOUSE.

(a) It is the policy of the House that the laws of the United States set forth in subsection (b) should be amended to apply to the House of Representatives in the same or similar manner as such laws apply to the Executive Branch.

(b) Not later than June 30, 1992, the standing committees of the House with subject matter jurisdiction over the following laws of the United States shall report to the House legislation to implement subsection (a):

(1) The National Labor Relations Act.

(2) The Occupational Safety Act and Health Act of 1970.

(3) The Equal Pay Act of 1963.

(4) The Age Discrimination in Employment Act of 1967.

(5) Section 552 of title 5, United States Code (popularly known as the Freedom of Information Act).

(6) Section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974).

(7) Title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity).

(8) Chapter 39 of title 28, United States Code (relating to an independent counsel).

(c) The Committee on Rules shall, not later than 10 legislative days after any such legislation has been reported, report a resolution providing for the consideration of such measure in the Committee of the Whole House on the State of the Union under an open amendment process.

(d) If such legislation is not reported by all the committees named above by the date specified, the first bill introduced which implements the policy referred to in subsection (a) and which encompasses all the laws referred to in subsection (b) shall be considered as having been discharged from all the committees to which it was referred. It shall be in order on any day after July 15, 1992, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to four hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

SEC. 231. EQUITABLE COMMITTEE STAFF RATIOS.

Effective at the beginning of the One Hundred Third Congress, except as provided in sections 107 and 108, the ratio of majority party to minority party staff positions, consultants, details, and funding for each committee of the House of Representatives shall be the ratio of majority party to minority party Members of the House of Representatives.

SEC. 232. ELIMINATION OF CERTAIN SELECT COMMITTEES.

(a) SELECT COMMITTEE ON AGING.—Clause 6(i) of rule X of the Rules of the House of Representatives is repealed.

(b) ADDITIONAL SELECT COMMITTEES.—The Select Committee on Hunger, the Select Committee on Children, Youth, and Families, and the Select Committee on Narcotics Abuse and Control shall cease to exist upon the adoption of this resolution.

(c) TREATMENT OF RECORDS AND FILES.—The records, files, and materials of the select committees referred to in subsections (a) and (b) shall be transferred to the Clerk of the House.

SEC. 233. APPLICATION OF INFORMATION DISCLOSURE REQUIREMENTS TO CONGRESS.

(a) IN GENERAL.—Effective upon the enactment of this section into permanent law, notwithstanding any other provision of law, and subject to the amendment made by subsection (c), the provisions of section 552 of title 5, United States Code (popularly known as the "Freedom of Information Act"), shall apply to the Congress.

(b) CONFORMING AMENDMENT.—Effective upon the enactment of this section into permanent law, section 551(1)(A) of title 5, United States Code (relating to the exclusion of the Congress from, among other matters, laws requiring the disclosure of public information), is amended to read as follows:

"(A) except as that term is used in section 552, the Congress:"

(c) LIMITATION AMENDMENT.—Effective upon the enactment of this section into permanent law, section 552 of title 5, United States Code (relating to the disclosure of public information), is amended by adding at the end the following new subsection:

"(f) In the case of an authority of the Government of the United States (as that term is used in section 551(1) of this title) who is a Member of the House of Representatives or the Senate, this section shall not apply to information that is related to casework or constituent correspondence."

SEC. 234. LIMITATION ON THE DURATION OF PAYMENTS OF EXPENSES OF FORMER SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—The period for which expenses of former Speakers of the House of Representatives may be paid shall end 3 years after the date of the expiration of the term of office as Representative of the former Speaker involved, except that, in the case of a former Speaker who is receiving such expenses on the date of the enactment of this Act, the period shall end 3 years after the date of the enactment of this Act.

(b) DEFINITION.—As used in this section, the term "expenses of former Speakers of the House of Representatives" means the office, allowance, and other expenses provided for former Speakers of the House of Representatives under House Resolution 1238, Ninety-first Congress, enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (2 U.S.C. 31b-1 et seq.).

SEC. 235. PROHIBITION ON FRANKED MASS MAILINGS BY MEMBERS OF THE HOUSE OF REPRESENTATIVES OUTSIDE THEIR CONGRESSIONAL DISTRICTS.

(a) AMENDMENT TO TITLE 39.—Effective upon the enactment of this section into permanent law, section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7), by striking out "except that—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof a period; and

(2) in subsection (d)(1), by striking out "delivery—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof "delivery within that area constituting the congressional district or State from which the Member was elected."

(b) OFFICIAL FUNDS LIMITATION.—The Committee on House Administration of the House of Representatives may not approve any payment, nor may a Member of the House of Representatives make any expenditure from, any allowance of the House of Representatives or any other official funds if any portion of the payment or expenditure is for any cost related to a mass mailing by a Member of the House of Representatives out-

side the congressional district of the Member.

SEC. 236. REQUIREMENT THAT LEGISLATION ADJUSTING PAY FOR MEMBERS OF CONGRESS BE CONSIDERED SEPARATELY.

Section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 and following) is amended by adding at the end the following:

"(c) LEGISLATION ADJUSTING MEMBERS' PAY TO BE CONSIDERED SEPARATELY.—It shall not be in order in the House of Representatives to consider any bill or resolution that would adjust, or have the effect of adjusting, the rate of pay of Members of Congress if the bill of resolution contains any item which does not relate to adjusting Members' rates of pay."

SEC. 237. LEGISLATIVE BRANCH APPROPRIATIONS TO BE FOR ONE YEAR ONLY.

It shall not be in order to consider in the House of Representatives any measure appropriating amounts for the legislative branch of the Government if such measure permits any such amount to remain available for obligation beyond the end of the fiscal year for which such amount is appropriated.

SEC. 238. ONE ATTORNEY IN THE OFFICE OF THE PARLIAMENTARIAN TO BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER.

Notwithstanding section 3 of House Resolution 502, Ninety-fifth Congress, agreed to April 20, 1977, as enacted into permanent law by section 115 of Public Law 95-94 (2 U.S.C. 287b), or any other law or other authority, at least one attorney appointed by the Parliamentarian under that section shall be appointed upon the recommendation of the minority leader.

SEC. 239. ROTATION OF CHAIRMANSHIP OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

Clause 6(c) of rule X of the Rules of the House of Representatives is amended by inserting "(1)" after "(c)" and by adding at the end the following:

"(2) In the case of the Committee on Standards of Official Conduct—

"(A) the chairman elected under subparagraph (1) shall only be for the first session of a Congress; and

"(B) at the beginning of the second session of a Congress, one of the members of that committee shall be elected its chairman for that session by the House from nominations submitted by the minority party caucus or conference."

SEC. 240. EACH RULE OF THE HOUSE TO BE AGREED TO BY SEPARATE RESOLUTION OF THE HOUSE.

In adopting the Rules of the House of Representatives in the One Hundred Third Congress and any subsequent Congress, each rule shall be agreed to by separate resolution of the House.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1992.

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

DEAR MR. SPEAKER: I am aware of your desire to quickly bring to the Floor legislation that would create the position of House Administrator.

While I recognize the crisis of confidence in the House that has caused such a move, I want to take the opportunity to tell you, before a vote is taken, of my opposition to any such proposal without careful study and analysis. We would like to help solve the problems of the institution in an institutional way. But, the scandals of the last year

demand that we make fundamental changes in the way this institution operates. I am not convinced that a newly-created House Administrator would make those changes.

I am, quite frankly, distressed that at this crucial time the Majority is bringing before the House such an important measure without a series of hearings. Yes, the entire system of House administration needs reform—but what is needed is sweeping reform. Let me suggest such an alternative.

My plan will remove the patronage that has brought us to this tragic state. In its stead will be competence and professionalism.

We currently have five elected officers of the House of Representatives: The Doorkeeper, the Postmaster, the Sergeant at Arms, the Clerk, and the Chaplain.

I would propose that we eliminate the Offices of the Doorkeeper and the Postmaster. The Office of the Doorkeeper is responsible for guarding the doors to the House. This function should be fulfilled by the Sergeant at Arms.

The Office of the Postmaster oversees the House Post Office. That function should be replaced by a professional postal operation.

Over the 38 years of total Democratic control of every aspect of the House, the functions of the Officers of the House have grown beyond their original legislative intent. I propose that they return to those original functions.

The Sergeant at Arms should be in charge of protecting the House Members, their staffs, and the Capitol and House Office buildings. He should have no financial role whatsoever.

I propose that we hire a nationally respected law enforcement professional as the Sergeant at Arms to carry out that role.

The Clerk should only be in charge of legislative activities: Making sure the Journal is kept, making sure the votes are tallied correctly, and making sure amendments are in order.

The Clerk should not have control over the financial activities of the House. There should be a clear demarcation between financial and legislative roles within the House.

Instead, a Chief Financial Officer of the House should be created to carry out those financial functions such as paying the Members, balancing the books, and disbursing health insurance. These would be the activities of the CFO.

It has been traditional to have the Majority Caucus nominate and elect all the Officers of the House.

My proposal would change that system.

I would remove the partisanship by requiring a two-thirds vote for the appointment and subsequent re-appointment of the Chief Financial Officer.

We must radically change the management of this House. A House Administrator may look good, but it doesn't go to the real heart of the problem.

I understand why the Majority wants to move quickly on this matter, but I must question the wisdom of acting too hastily.

Instinctively adding another layer of bureaucracy to an already over-bureaucratized House is no solution.

We need careful, long-term reform of this House, and I am doubtful that the hasty, partisan appointment of a House Administrator will achieve that goal.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 1992.

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

DEAR MR. SPEAKER: Our recent conversations about the need for comprehensive and bipartisan reform in the House of Representatives have been useful in providing a starting point for such reform. Media reports about public reaction to recent House scandals make it clear that our mutual desire to help the institution we love must move forward quickly. I want to take this opportunity, therefore, to suggest a means by which reform can advance on an efficient and responsible bipartisan basis.

My proposal is that both of us should choose several representative members from our respective sides of the aisle to form a bipartisan panel, chaired by the two of us, in which the issue of House reform can be examined and discussed in its complex entirety. While we cannot guarantee that the panel will reach agreement on all issues, we can at least find out where we do agree and narrow the areas of disagreement. If such a plan seems useful to you, as I hope it does, please let me know and we can then choose our members and proceed immediately.

Before we meet, however, there is one point on which I would like to get your commitment. You may recall that during our conversation about reform, I proposed that the House should have a chief financial officer, and that such an officer should be chosen by a two-thirds vote of the House. As I said, the creation of the post of chief financial officer of the House is absolutely necessary as the foundation upon which other reforms can be built. The two-thirds vote would help convince the American people that we in the House are not conducting "business as usual" but are committed to a new path for the House. I believe your agreement to such an idea before our panel meets would help me to communicate to our members the seriousness and the bipartisan nature of this movement toward reform.

Mr. Speaker, once again I want to assure you of my support for true, comprehensive, bipartisan reform of the House of Representatives, and of my pledge to do all I can to cooperate with policies and plans that reflect that ideal.

Sincerely,

BOB MICHEL,
Republican Leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 24, 1992.

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

DEAR MR. SPEAKER: As we seek to begin a process that can lead to comprehensive House reform, it is clear that such reform cannot be arrived at immediately or instituted in a piecemeal fashion. The problems facing the House today have been in existence for quite a long time. What we need is serious thought and reflection to be brought into the discussions.

We have tried to examine the problem, set goals for reform, examine resistance to change and propose possible solutions for reforms. Enclosed is our work product which I share with you in the desire that it form the basis for any future discussions.

Sincerely,

BOB MICHEL,
Republican Leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 1992.

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

DEAR MR. SPEAKER: Our Bipartisan Task Force discussions on House reform have been frank, useful and in many instances constructive. Because of your insistence to bring a reform package to the Floor before the Easter recess, we want to tell you where we think we are.

For the record, Republicans have not been increasing the playing field but rather narrowing it in hopes of reaching an agreement. While there has been progress towards incorporating some of the Republican ideas the devil remains in the details. As we discussed yesterday, the legislative language must be made more explicit in several areas.

We lament the fact that the majority could not bring themselves to make the purely administrative Committee on House Administration bipartisan. The only non-legislative committee of the House with oversight functions of the entire House operations can, we believe, be made bipartisan with little or no sacrifice of the majority's prerogative.

The change you made to have tie votes of the Oversight Subcommittee subject to appeal to the full committee is a significant departure from your previous offer and in our mind dramatically lessens the significance of even having a bipartisan oversight subcommittee. What incentive will there be for this subcommittee to reach any type of bipartisan agreement when any deadlock will go to the full committee or even the joint leadership group? Having an appeal to the joint leadership group does not resolve the problem since the idea was to force the subcommittee into a bipartisan compromise.

We appreciate your willingness to agree to the need for an Inspector General but we believe legislative language assuring his independence is necessary.

We also believe the responsibilities of the Director of Non-legislative and Financial Services should require development and maintenance of an integrated accounting and financial management system for the House; improving the economy and efficiency of our operations as well as prevent possibilities of waste, fraud and abuse. We believe the language in our resolution, H. Res. 419 accomplishes these goals.

Any proposal must specifically move to end all non-legislative support services patronage. Your proposal eliminated patronage in the office of the Director of Non-legislative and Financial Services but we believe more inclusive language is appropriate.

With respect to the Office of General Counsel, the language presented yesterday falls far short of the mark. Even if you do not want to agree to the creation of a separate Office as we proposed, there is still more than enough justification to delineate the purposes and policies of the current Office as well as who they would be accountable to.

Our side further requires, at a minimum, a position of equal status with access to the information and operations of the Office.

As we have represented many times in our private discussions, any true reform cannot focus solely on administrative or managerial aspects of the House. We believe our legislative procedures and process to be equally in need of reform.

Last night in the spirit of compromise and in an effort to reach agreement in accordance with your timetable, we had our staff communicate to you our minimum requirements for reform at this time.

We believe it is necessary for us to formally transfer these proposals in addition to the previous discussions.

We agree to drop the joint appointment power by the Speaker, Majority and Minority Leaders for the Director of Non-legislative and Financial Services and the Inspector General.

We insist on either a ban on proxy voting in full committee or creation of a 9-6 Rules Committee membership, and agreement that:

The Solomon Task Force on Reform report to party caucuses by July 31; and

The House vote on Hamilton-Gradison this week; and

Language clarifying the minority counsel position, clarifying the responsibilities and reporting authority of the Inspector General and Director of Non-legislative and Financial Services, and clarifying the appeal process to the Joint Leadership Group or the Committee on House Administration.

Your staff transmitted back to us that there was no way you could agree to any such proposal.

With your insistence on action this week, it is clear to us that we need not meet any further unless you will reconsider the proposal as we presented.

We hope there is adequate opportunity for each Member to express themselves fully on these important issues when reform is considered on the Floor.

It has been stated many times in our discussions that the proposals you have offered are "unprecedented." These are unprecedented times Mr. Speaker in which the public is demanding extraordinary actions. If Republicans control the House of Representatives in the 103rd Congress, we intend to have a partisan Committee on House Administration and a majority-minority membership of 9-6 on the House Rules Committee. We ask nothing that we ourselves are not willing to abide by if we were in the majority.

Sincerely,

BOB MICHEL.
JERRY LEWIS.
BOB LIVINGSTON.
PAUL HENRY.
JERRY SOLOMON.
BOB WALKER.
TOM RIDGE.
BILL BARRETT.

HOUSE REFORM PROPOSALS SIDE BY SIDE

	Republican	Democrat
Reform goals	Want managerial and procedural reform.	Want only administrative reform.
Chief Financial Officer.	CFO would have all financial responsibilities (payroll, vouchers, travel, pension) and management (office supply, property supply, furniture shops, barber and beauty salon, folding room), as well as power to audit and investigate.	Call CFO the Director of Non-legislative and Financial Services. Would have same responsibility except for audit or investigation powers.
Appointment of CFO.	Elected by two-thirds vote of House.	Appointed by unanimous vote of Speaker, majority and minority leaders.
Inspector general.	Create inspector general to conduct independent audits and investigations.	Added inspector general concept—has audit authority.
Doorkeeper and postmaster.	Eliminates both positions	Retains Doorkeeper, eliminates postmaster.
Sergeant at Arms.	Takes away all financial duties, assigned only security duties.	Same.
Clerk	Takes away all financial duties, returns to original legislative role.	Same.
House Administration Committee.	Full committee and Appropriations Subcommittee on Legislative Branch to be bipartisan.	Only Oversight Subcommittee on House Administration to be bipartisan. Tie votes in subcommittee get referred to full committee.

HOUSE REFORM PROPOSALS SIDE BY SIDE—Continued

	Republican	Democrat
Office of General Counsel.	Constitutional scholar as Chief Counsel, appoints Democrat and Republican deputies, legal advisory group approval required before action taken on behalf of House. Need approval of full House to file briefs and make court appearances.	Creates minority counsel position, appointment by minority leader "in consultation with the General Counsel," language in resolution restricts role of minority counsel.
Reprogramming of funds.	Joint approval between Speaker and minority leader.	Through legislative appropriations process.
Other reform proposals.	Ban proxy voting, committee ratio reform, staffing and rules changes, enhanced rescission authority, biennial budgeting, reconciliation reform, discharge petition reform, imposing laws on Congress that it has imposed on the private sector, limiting franked mail outside districts, limiting funds for former Speakers, and creating bipartisan task force to review other rules for reform.	No similar proposals.

MICHEL REFORM BILL, SECTION BY SECTION
TITLE I CHIEF FINANCIAL OFFICER, GENERAL COUNSEL, AND OTHER REFORMS

Section 101 Amendments relating to the Elections of officers of the House: Eliminates the office of the Doorkeeper and the Postmaster. The Sergeant-at-Arms should be a nationally respected law enforcement professional.

Section 102 Amendments relating to the duties of the Clerk: Removes various financial responsibilities from the Clerk and gives them to the new Chief Financial Officer.

Duties of the Doorkeeper are transferred to the Clerk (announcing messengers from the President and Senate, superintend the House document room, cloakrooms of the House, telephone service, and supervise pages).

Section 103 Amendment relating to the duties of the Sergeant-at-Arms: Removes accounts and pay responsibilities from the Sergeant-at-Arms and transfers those responsibilities to the Chief Financial Officer.

Section 104 Chief Financial Officer: Creates the office of Chief Financial Officer. The Chief Financial Officer is elected by a two-thirds vote of the House.

Chief Financial Officer shall be responsible for reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and Minority Leader respecting these operations.

The Chief Financial Officer shall conduct periodic audits of the financial operations of the House, keep accounts for the pay and mileage of Members, and carry out all other financial functions and operations that were exercised by the Clerk.

The Chief Financial Officer shall superintend the post office in the Capitol (he may contract with the U.S. Postal Service to run the operations).

Section 106 Oversight Reform: By March 1 of the first session of any Congress, each committee shall adopt and submit to the Committee on House Administration an oversight plan for that Congress.

Funding will not be provided to committees until they have submitted their oversight plans.

Section 107 Bipartisan Representation on Committee on House Administration: Committee on House Administration would have

equal representation of majority party and minority party members.

Section 108 Equality of Majority and Minority Party Representation on the Subcommittee on Legislative Appropriations.

Section 109 Task Force on Reform of the House of Representatives: Creates a 10 member Task Force (5 Members appointed upon the recommendation of the Majority Leader and 5 appointed upon the recommendation of the Minority Leader) to propose institutional reforms necessary to restoring public confidence in the House of Representatives.

Section 110 Limitation on Reprogramming of Funds in the House: No funds may be reprogrammed without the written approval of the Speaker and the Minority Leader.

Section 111 Limitation on Initial House of Representatives Appropriations for Fiscal Year 1993: The Fiscal Year 1993 Legislative Branch appropriation bill for the House shall expire on March 31, 1993.

Section 112 Inspector General: Mr. Speaker, Majority and Minority Leaders appoint an Inspector General who shall conduct audits and investigations.

Subtitle B—Office of the General Counsel

Section 122 Accountability: The Office shall be directly accountable to the Leadership Group composed of the Speaker, Majority Leader, Minority Leader, Majority Whip, Minority Whip, the Chairman and Ranking Member of the Committee on the Judiciary, and two members appointed upon the recommendation of the majority and minority leaders.

Section 123 Purpose and Policy: The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House on matters directly related to their duties.

Section 124 Specific Approval Requirements: The Office shall seek prior approval by resolution of the House regarding entering an appearance before any court, filing a brief in any court, or representing any member of the House in any contested matter that will result in formal legal proceedings.

The Office must seek the approval of the Leadership Group where preparation of any legal memorandum or other legal research which requires more than four hours of preparation time.

In carrying out any action where the matter affects an area of responsibility committed to another office, officer, or employee, the Office shall consult and coordinate such action with the office, officer or employee.

Section 125 General Counsel: The General Counsel shall be appointed by the Speaker from among individuals recommended by the Majority leader and the Minority Leader, without regard to political affiliation.

The General Counsel shall serve at the pleasure of the Leadership Group.

Section 126 Staff: The General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office. At least one attorney in the Office shall be appointed upon the recommendation of the minority leader.

TITLE II LEGISLATIVE REFORM

Section 201 House Scheduling Reform: Requires the Speaker to announce the legislative program for the year including target dates for consideration of specified major budgetary, authorization, and appropriation bills. The Speaker must also indicate weeks during which the House will be in session, weeks set aside for District Work Periods and the target date for adjournment.

Section 202 Treatment of Vetoed Bills: Immediately after the receipt of a bill returned

by the President, the Speaker shall state the question on the reconsideration of that bill, without intervening motion, and the House shall proceed to vote on the reconsideration of that bill.

Section 203 Multiple Referral of Legislation: Ends joint referrals.

The Speaker must designate the committee of principal jurisdiction.

Section 204 Presentation of Bills to the President: Sets a time certain (10 days) for bills to be presented to the President.

Section 205 Committee Ratios: The membership of each committee, subcommittee, must reflect the ratio of majority to minority party Members of the House at the beginning of the Congress.

Section 206 Subcommittee Limits: Each standing committee that has over 20 members may establish at least four subcommittees but not more than six.

Section 207 Proxy Voting Ban: Eliminates proxy voting in committee and subcommittees.

Section 208 Open Meetings: Meetings are to be open unless "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade, or incriminate any person or would otherwise violate any law or rule of the House."

Section 209 Majority Quorums: A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation.

Section 210 Report Accountability: On a roll call vote to report a bill or resolution, the names of those voting for and against, are to be included in the committee report on the measure.

Section 211 Committee Documents: Committee documents are to either be approved by the committee or subcommittee prior to public distribution with appropriate opportunity for minority views and supplemental information, or else the document must contain a disclaimer that the document "may not necessarily reflect the views of [the committee] members."

Section 212 Same Day Consideration of Rules Committee Reports: There must be a two-third vote for same calendar day consideration of Rules Committee reports, or subsequent calendar day of the same legislation day.

Section 213 Permitting Instructions in Motions to Recommit: Prohibits any rule or order which would prevent the motion to recommit from being made as provided by clause 4 of rule XVI, including a motion with amendatory instructions.

Section 214 Restrictive Rules Limitation: A bill could not be considered under a closed rule unless the Chairman of the Rules Committee announced on the House floor four legislative days prior that less than an open amendment process might be recommended by the Committee.

Section 215 Limitation on Self-Executing Rules: Self-executing rules would have to be adopted by a two-third vote.

Section 216 Budget Waiver Limitation: It will not be in order to consider any resolution reported from the Committee on Rules which waives any specified provision of the Budget Act unless the committee report includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies.

Section 217 Committee Staffing: Reduces committee staffing for the 103rd Congress by 50%.

Section 218 Commemorative Calendar: Creates a Commemorative Calendar. Objections

by two or more Members may remove the bill from the Calendar.

Section 219 Automatic Roll Call Votes: On any appropriation bill, or other measure providing revenue, or adjusting Members pay, the yeas and nays will be considered ordered.

Section 220 Appropriation Reforms: A continuing appropriations bill shall not exceed 30 days, shall reflect the lesser amount of the House passed, Senate passed or conference agreement or enacted for the preceding fiscal year. Such bill must contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law. A 3/5 vote is required to waive the provisions of clause 2 of rule XXI against the consideration of any continuing appropriation measure.

Section 221 Reconciliation Limitation: A reconciliation bill shall not contain provisions which are not related to achieving the purposes of the directives to the committees. Amendments which achieve greater savings than those directed of a committee shall be made in order.

Section 222 Authorization Reporting Deadline: It will not be in order to consider any bill or joint resolution authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15.

Section 223 Pledge of Allegiance: The second order of business shall be the pledge of allegiance.

Section 224 Suspension of the Rules: The Chairman of the committee of jurisdiction must request the measure be considered under suspension of the rules. Any bill which authorizes over \$50,000,000 in any fiscal year shall not be made in order under suspension of the rules.

Section 225 Discharge Motion: When 100 Members have signed the motion to discharge, the Clerk must print in the Record the names of Members signing the motion.

Section 226 Inclusion of Views with Conference Reports: Any conferee shall have three calendar days to file supplemental or minority views.

Section 227 Intelligence Committee Oath: Each member of the Intelligence Committee shall take an oath not to disclose any classified information.

Section 228 Enhanced Rescission Authority: The Committee on Rules and the Committee on Government Operations shall report legislation granting the President enhanced rescission authority. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within 45 calendar days.

Section 229 Biennial Budget Appropriations Process: Committee on Rules is directed to conduct a complete and thorough study of a biennial budget and appropriation process.

Section 230 Applicability of Certain Laws to the House: Legislation must be reported to the House to implement: the National Labor Relations Act; the Occupational Safety Act and Health Act; the Equal Pay Act of 1963; the Age of Discrimination in Employment Act of 1967; Section 552 of title 5, United States Code (Freedom of Information Act); Section 552a of title 5 (Privacy Act of 1974); Title VII of the Civil Rights Act of 1964; Chapter 39 of title 28 (independent counsel).

Section 231 Equitable Committee Staff Ratios: The ratio of majority party to minority party staff positions shall reflect the ratio of majority party to minority party Members of the House.

Section 232 Elimination of Certain Select Committees: Eliminates the Select Committees on Aging, Hunger, Narcotics and Children, Youth and Families.

Section 233 Application of Information Disclosure Requirements to Congress: Brings Congress under the Freedom of Information Act.

Section 234 Limitation on the Duration of Payments of Expenses of Former Speakers of the House of Representatives: Former Speakers are authorized three staff positions for no more than three years.

Section 235 Prohibition on Franked Mass Mailings by Members Outside their Congressional Districts.

Section 236 Requirement that Legislation Adjusting Pay for Members of Congress be Considered Separately.

Section 237 Legislative Branch Appropriations to be for One Year Only.

Section 238 One Attorney in the Office of the Parliamentarian to be Appointed Upon the Recommendation of the Minority Leader.

Section 239 Chairmanship of Committee on Standards of Official Conduct shall Rotate with each New Session.

Section 240 Rules of the House must be adopted by Individual Roll Call Votes.

ANALYSIS

I. STATEMENT OF THE PROBLEM

The Administrative operations of the House of Representatives are a direct by-product of the structure and culture that have developed over time. The institution has grown and developed under a majority party patronage system. The incentives and the rewards associated with that system clearly say "don't rock the boat", "keep members happy at any price", particularly the party elite. Any organization will face significant problems if its internal development is too far out of step with its size and needs. The greater the degree of difference between scope and operation needs and the development of its management systems, the greater is the probability for major problems. Our view is that this organization functions on an ad hoc basis, which makes it easy to blame problems on other people or levels in the organization.

The Institution is marked by the following:

A. Culture: poor performers are tolerated; managers avoid conflict; productivity and effectiveness are loosely defined; patronage.

B. Roles and Responsibilities: are not clearly defined; lack independent responsibility; lack accountability.

C. Planning: no formal planning process exists; no clear management goals and objectives.

D. Budget and Accounting System: the ad hoc budget process is only an "exercise"; accounting information available is often inaccurate or incomplete; the accounting system is undeveloped; very few internal controls are in place.

E. Organizational Control: a diffuse system with too many bosses; management control is often ineffective.

F. Communication: poor communication with members, particularly those in the minority; majority party dominates rather than by concurrent majority.

G. Performance Evaluations: ad hoc review with no standards, no goals by which to measure effectiveness; only positive feedback is given; little effort is made to improve performance.

II. GOALS OF ANY REFORM EFFORT

Planning and implementing any changes in the overall capabilities of an enterprise, in

order to increase its effectiveness, requires a clear statement of goals. Rather than addressing organizational problems in a piecemeal manner, one must think about the organization as a whole.

Therefore the goals of this "new" Administrative structure should: be managerial under a participative-bipartisan style of leadership; promote increased accountability; have a decentralized system of responsibility with strong managers; professionally oriented; not patronage oriented.

Mr. RINALDO. Mr. Speaker, I rise in strong support of the minority leader's substitute reform package, and I urge my colleagues on both sides of the aisle to adopt it.

At no time since I was first elected to the House 20 years ago have I seen the public so disgusted with the Federal Government. Back in the early 1970's, it was the executive branch that was under fire. Now, however, it is this institution with which the public is unhappy. Many of our constituents see us as completely out of touch with the serious problems they have to contend with—unemployment, the failure of businesses, the growing economic and social strains on families, and an American dream that seems increasingly out of reach for many working people. They look at this Congress, and they see an institution which has done virtually nothing about the Federal budget deficit, the need for better access to health care, or any of the other major issues that we were elected to confront and resolve.

For far too long, this House has operated under a system of perks and patronage that has tended to cushion Members from reality. The monopoly on power that has been enjoyed by one party in this House for almost four decades has enabled them to ignore any and all calls for changes in the way we do business. Accountable to no one, the majority leadership has let go of the reins of management and gone to sleep in the driver's seat.

The justifiable public outrage over the scandals involving the House bank and the embezzlement and drug trafficking that were allowed to take place at the House post office should provide a wake-up call. The public demands and expects to see real changes made in the way Congress operates.

The majority's reform plan is a step in the right direction, particularly with regard to the hiring of a qualified professional to handle the financial affairs of the House. We need to eliminate the system under which political proteges and cronies of the leadership have been permitted to build their own little empires.

The majority's plan does not go far enough, however, in eliminating the bloated bureaucracy that has developed in the House. The distinguished minority leader has offered an alternative that would eliminate highly compensated House officers whose functions should be handled by the new chief financial officer and the Clerk of the House. The minority leader's plan would get rid of excess committee staff and allocate staffing more equitably between the majority and minority. The explosion in the number of staffers, particularly on committees, has been justly criticized as contributing to the rapidly escalating cost of running Congress. Committee membership and staffing would also have to be in proportion to the ratio between the majority and mi-

nority in the House. The operation of the Rules Committee would be reformed, so that Members have the opportunity to actually read legislation before it is considered on the floor and to prevent the routine waiver of Budget Act restrictions on new spending.

We need to give the public back a legislative institution in which they can take pride. This is supposed to be the greatest legislative body in the world, and yet we appear to be powerless to get our own House in order. If we cannot even get rid of waste and abuse in our own operations, what hope do we have of eliminating the \$400 billion Federal budget deficit? I urge the majority as well as my minority colleagues to support this sound and far-reaching plan to thoroughly clean House and restore the faith of the American people in their Representatives.

Mr. REED. Mr. Speaker, I rise today in support of House Resolution 423, House administrative reform, a proposal that will make long overdue changes to the way Congress operates.

This bill will create the position of Director of Nonlegislative and Financial Services to have operational and financial responsibility for such internal House services as the finance office, office furnishings, and records and registration. This legislation also establishes the Office of Inspector General to conduct periodic audits of financial operations of the House.

For my constituents in Rhode Island, today's actions may not seem particularly revolutionary: It is only sound logic to hire someone with significant accounting and managing experience to provide greater management and oversight of House operations.

My constituents also know something else: Discipline begins at home. If we as a Congress are going to have the discipline, strength and courage to tackle the difficult issues that face this country today—creating new jobs, reforming the health care system, providing college tuition assistance for middle-class families—Congress is going to have to get its own House in order first.

It will be a shame if such simple and essential reform does not receive the support from my colleagues on both sides of the aisle. It would be an even greater mistake to attempt partisan exploitation of the public's dismay with Congress as a whole. Such exploitation only sends a signal that the people's representatives in Congress are more concerned with playing politics than attending to the Nation's business.

It's not too late to take necessary steps to reform the Congress. But we must act today. I urge my colleagues to support this important reform package.

The SPEAKER pro tempore (Mr. MURTHA). All time has expired.

Pursuant to House Resolution 427, the previous question is ordered.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. MICHEL].

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 159, nays 254, not voting 21, as follows:

[Roll No. 83]

YEAS—159

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

NAYS—254

Abercrombie	Cardin	English
Ackerman	Carper	Erdreich
Alexander	Carr	Espy
Anderson	Chapman	Evans
Andrews (ME)	Clay	Fascell
Andrews (NJ)	Clement	Fazio
Andrews (TX)	Coleman (TX)	Feighan
Annunzio	Collins (IL)	Flake
Anthony	Collins (MI)	Foglietta
Applegate	Condit	Ford (MI)
Aspin	Conyers	Ford (TN)
Atkins	Cooper	Frank (MA)
AuCoin	Cox (IL)	Frost
Bacchus	Coyne	Gaydos
Bellenson	Cramer	Gejdenson
Bennett	Darden	Gephardt
Berman	de la Garza	Geren
Bevill	DeFazio	Gibbons
Bilbray	DeLauro	Glickman
Blackwell	Dellums	Gonzalez
Bonior	Derrick	Gordon
Borski	Dicks	Guarini
Boucher	Dixon	Hall (OH)
Boxer	Donnelly	Hall (TX)
Brewster	Dooley	Hamilton
Brooks	Dorgan (ND)	Harris
Browder	Downey	Hatcher
Brown	Durbin	Hayes (IL)
Bruce	Early	Hayes (LA)
Bryant	Eckart	Hefner
Bustamante	Edwards (CA)	Hertel
Byron	Edwards (TX)	Hoagland
Campbell (CO)	Engel	Hochbrueckner

Horn	Moakley	Sawyer
Hoyer	Montgomery	Scheuer
Hubbard	Moody	Schroeder
Huckaby	Moran	Schumer
Hughes	Mrazek	Serrano
Hutto	Murphy	Sharp
Jacobs	Murtha	Sikorski
Jefferson	Nagle	Sisisky
Jenkins	Natcher	Skaggs
Johnson (SD)	Neal (MA)	Skelton
Johnston	Neal (NC)	Slattery
Jones (GA)	Nowak	Slaughter
Jones (NC)	Oberstar	Smith (FL)
Jontz	Obey	Solarz
Kanjorski	Olin	Spratt
Kaptur	Oliver	Staggers
Kennedy	Ortiz	Stallings
Kennelly	Orton	Stark
Kildee	Owens (NY)	Stenholm
Kleczka	Owens (UT)	Stokes
Kolter	Pallone	Studds
Kopetski	Panetta	Swett
Kostmayer	Parker	Swift
LaFalce	Pastor	Synar
Lancaster	Patterson	Tallon
Lantos	Payne (NJ)	Tanner
LaRocco	Payne (VA)	Tauzin
Lehman (CA)	Pease	Taylor (MS)
Lehman (FL)	Pelosi	Thomas (GA)
Levin (MI)	Penny	Thornton
Lewis (GA)	Perkins	Torres
Lipinski	Peterson (FL)	Toricelli
Lloyd	Peterson (MN)	Towns
Loy	Pickett	Traficant
Lowey (NY)	Pickle	Traxler
Luken	Poshard	Unsoeld
Manton	Price	Valentine
Markey	Rahall	Vento
Martinez	Rangel	Visclosky
Matsui	Ray	Volkmer
Mavroules	Reed	Washington
Mazzoli	Richardson	Waters
McCloskey	Roe	Waxman
McCurdy	Roemer	Weiss
McDermott	Rose	Wheat
McHugh	Roland	Williams
McMillen (MD)	Roybal	Wilson
McDade	Sabo	Wise
McEwen	McNulty	Wolpe
Morella	Mfume	Wyden
Thomas (CA)	Miller (CA)	Yatron
Thomas (WY)	Mineta	
Upton	Mink	
Vander Jagt		
Vucanovich		
Walker		
Walsh		
Weldon		
Wolf		
Wylie		
Young (FL)		
Zimmer		

NOT VOTING—21

Barnard	Laughlin	Russo
Costello	Levine (CA)	Smith (IA)
Dannemeyer	Martin	Weber
Dingell	Mollohan	Whitten
Dornan (CA)	Morrison	Yates
Dwyer	Oakar	Young (AK)
Dymally	Rostenkowski	Zeliff

□ 2017

The Clerk announced the following pairs:

On this vote:
 Mr. Dornan of California for, with Mr. Dymally against.
 Mr. Zeliff for, with Mr. Barnard against.
 Mr. Young of Alaska for, with Mr. Yates against.

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

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

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

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

The yeas and nays were ordered.
 The vote was taken by electronic device, and there were—yeas 269, nays 81, answered "present" 64, not voting 21, as follows:

[Roll No. 84]

YEAS—269

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

NAYS—81

Allard	Gradison	Packard
Applegate	Grandy	Paxon
Archer	Hammerschmidt	Perkins
Army	Hancock	Porter
Baker	Hastert	Ravenel
Bentley	Hefley	Rhodes
Boehlert	Herger	Ridge
Brown	Hobson	Roberts
Bunning	Hopkins	Roth
Callahan	Horton	Roukema
Camp	Houghton	Saxton
Clinger	Hyde	Schaefer
Coleman (MO)	Inhofe	Schiff
Combest	Ireland	Sensenbrenner
Crane	James	Shuster
Cunningham	Kasich	Skeen
Davis	Lagomarsino	Smith (NJ)
Dickinson	Lent	Smith (OR)
Dreier	McCandless	Snowe
Edwards (OK)	McEwen	Stearns
Ewing	Meyers	Stump
Franks (CT)	Miller (OH)	Thomas (WY)
Galleghy	Molinari	Vucanovich
Gallo	Moorhead	Walsh
Gekas	Myers	Weldon
Gilchrest	Nichols	Young (FL)
Goss	Oxley	Zimmer

ANSWERED "PRESENT"—64

Allen	Gingrich	McDade
Ballenger	Goodling	McMillan (NC)
Barrett	Green	Nussle
Barton	Gunderson	Pursell
Bateman	Hansen	Riggs
Bereuter	Henry	Rohrabacher
Bilirakis	Holloway	Ros-Lehtinen
Bliley	Hunter	Santorum
Boehner	Johnson (CT)	Schulze
Broomfield	Johnson (TX)	Shaw
Burton	Klug	Smith (TX)
Campbell (CA)	Kolbe	Solomon
Chandler	Kyl	Spence
Coble	Leach	Taylor (NC)
Coughlin	Lewis (CA)	Thomas (CA)
Cox (CA)	Lewis (FL)	Upton
DeLay	Lightfoot	Vander Jagt
Doolittle	Livingston	Walker
Fawell	Lowery (CA)	Wolf
Fields	Marlenee	Wyllie
Fish	McCollum	
Gillmor	McCreary	

NOT VOTING—21

Barnard	Hertel	Russo
Costello	Hughes	Smith (IA)
Dannemeyer	Laughlin	Weber
Dingell	Levine (CA)	Whitten
Dornan (CA)	Martin	Yates
Dwyer	Michel	Young (AK)
Dymally	Morrison	Zeliff

□ 2038

The Clerk announced the following pairs:

On this vote:

Mr. Dymally for, with Mr. Dornan of California against.

Mr. Barnard for, with Mr. Zeliff against.

MR. BROOMFIELD and Mr. MARLENEE changed their votes from "nay" to "present."

Messrs. GONZALEZ, EMERSON, and RITTER changed their vote from "nay" to "yea."

Messrs. HEFLEY, PAXON, and CRANE changed their vote from "present" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4364, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-497) on the resolution (H. Res. 432) providing for the consideration of the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, communications, construction of facilities, research and program management, and inspector general, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PRIVILEGES OF THE HOUSE—REQUIRING COUNSEL TO THE CLERK OF THE HOUSE RECUSE HIMSELF FROM LEGAL REQUESTS OF DEPARTMENT OF JUSTICE REGARDING INVESTIGATION OF THE OFFICE OF POSTMASTER

Mr. WALKER. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 434) requiring the counsel to the Clerk of the House recuse himself from the any and all legal requests made by the Department of Justice concerning its investigation into the office of the postmaster, and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

Whereas, the Department of Justice is conducting a criminal investigation into the activities of the Office of the House Postmaster; and

Whereas, the investigation of criminal conduct includes allegations of the sale of narcotics, the embezzlement of public funds, and obstruction of justice by employees and officers of the House; and

Whereas, allegations have been made publicly that officers of the House or employees may have engaged in obstructing justice by delaying or impeding an investigation by the Capitol police into alleged improprieties in the Office of the Postmaster; and

Whereas, public allegations have been made concerning conduct of the counsel to the Clerk of the House and the investigation by the Capitol police; and

Whereas, the Code of Conduct requires " * * * employee * * * shall conduct himself at all times in a matter which shall reflect creditably on the House of Representatives"; and

Whereas, the allegations of illegal activities and of obstruction of justice impugn the integrity of the House; and

Whereas, the counsel to the Clerk of the House or any employee or officer of the House should refrain from potential conflicts of interest; and

Whereas, the Clerk of the House is authorized to receive judicial writs, warrants and subpoenas and thereby be involved with the

specifics of any legal proceedings including the investigation by the Department of Justice: Now, therefore, be it

Resolved, That the House of Representatives directs the Clerk of the House to recuse his counsel from receiving, reviewing or drafting of any, and all, writs, warrants, subpoenas, and documents requested from or issued by the Department of Justice surrounding the legal proceedings on the criminal investigations of the Office of the Postmaster. The Clerk of House is further directed to instruct his counsel to refrain from participating in discussions with other employees or officers of the House with any matters with respect to the Department of Justice criminal investigation into the Office of the Postmaster.

□ 2040

The SPEAKER. The resolution constitutes a statement of privilege.

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

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] to lay the resolution on the table.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 170, not voting 25, as follows:

[Roll No. 85]

YEAS—239

Abercrombie	de la Garza	Hughes
Ackerman	DeFazio	Hutto
Alexander	DeLauro	Jefferson
Anderson	Dellums	Jenkins
Andrews (ME)	Derrick	Johnson (SD)
Andrews (NJ)	Dicks	Johnston
Andrews (TX)	Dixon	Jones (GA)
Anthony	Donnelly	Jones (NC)
Applegate	Dooley	Jontz
Aspin	Dorgan (ND)	Kanjorski
Atkins	Downey	Kaptur
AuCoin	Durbin	Kennedy
Bacchus	Eckart	Kennelly
Beilenson	Edwards (CA)	Kildee
Berman	Edwards (TX)	Klecza
Bevill	Engel	Kolter
Bilbray	English	Kopetski
Blackwell	Espy	Kostmayer
Bonior	Evans	LaFalce
Borski	Fascell	Lancaster
Boucher	Fazio	Lantos
Boxer	Feighan	LaRocco
Brewster	Flake	Lehman (CA)
Brooks	Ford (MI)	Levin (MI)
Browder	Ford (TN)	Lewis (GA)
Brown	Frank (MA)	Lipinski
Bruce	Frost	Lloyd
Bryant	Gaydos	Long
Bustamante	Gejdenson	Lowey (NY)
Byron	Gephardt	Luken
Campbell (CO)	Gibbons	Markey
Cardin	Glickman	Martinez
Carper	Gonzalez	Matsui
Carr	Gordon	Mavroules
Chapman	Guarini	Mazzoli
Clay	Hall (OH)	McCloskey
Clement	Hamilton	McCurdy
Coleman (TX)	Harris	McDermott
Collins (IL)	Hatcher	McHugh
Collins (MI)	Hayes (IL)	McMillen (MD)
Conyers	Hefner	McNulty
Cooper	Hertel	Mfume
Cox (IL)	Hoagland	Miller (CA)
Coyne	Hochbrueckner	Mineta
Cramer	Horn	Mink
Darden	Hoyer	Moakley

Mollohan	Pickett	Spratt
Montgomery	Pickle	Staggers
Moody	Poshard	Stallings
Moran	Price	Stark
Mrazek	Rahall	Stenholm
Murphy	Rangel	Stokes
Murtha	Ray	Studds
Nagle	Reed	Swett
Natcher	Richardson	Synar
Neal (MA)	Roe	Tallon
Neal (NC)	Roemer	Tanner
Nowak	Rose	Thomas (GA)
Oakar	Rostenkowski	Thornton
Oberstar	Rowland	Torres
Obey	Roybal	Torricelli
Olin	Sabo	Towns
Olver	Sanders	Trafficant
Ortiz	Sangmeister	Traxler
Orton	Sarpalius	Unsoeld
Owens (NY)	Savage	Valentine
Owens (UT)	Sawyer	Vento
Pallone	Scheuer	Visclosky
Panetta	Schroeder	Volkmer
Parker	Schumer	Washington
Pastor	Serrano	Waters
Patterson	Sharp	Weiss
Payne (NJ)	Sikorski	Wheat
Payne (VA)	Siskisky	Williams
Pease	Skaggs	Wilson
Pelosi	Skelton	Wise
Penny	Slattery	Wolpe
Perkins	Slaughter	Wyden
Peterson (FL)	Smith (FL)	Yatron
Peterson (MN)	Solarz	

NAYS—170

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

NOT VOTING—25

Annunzio	Foglietta	Swift
Barnard	Laughlin	Waxman
Costello	Lehman (FL)	Weber
Dannemeyer	Levine (CA)	Whitten
Dingell	Manton	Yates
Dornan (CA)	Martin	Young (AK)
Dwyer	Morrison	Zeliff
Dymally	Russo	
Early	Smith (IA)	

□ 2059

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

Mr. ALEXANDER and Mr. POSHARD changed their vote from "nay" to "yea."

So the motion to lay the resolution on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2100

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4617

Mr. FAWELL. Mr. Speaker, as chief sponsor of the bill, H.R. 4617, I ask unanimous consent to have the name of the gentleman from Illinois [Mr. PORTER], at his request, removed as a cosponsor of the bill, H.R. 4617.

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

There was no objection.

OLDER AMERICANS ACT AMENDMENTS OF 1992

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up H.R. 425 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 425

Resolved, That it shall be in order for the Speaker on Thursday, April 9, 1992, to entertain a motion to suspend the rules to dispose of the Senate amendment to the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native American Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

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

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

Mr. Speaker, H.R. 425 is simple and straightforward. It authorizes the Speaker on Thursday, April 9, 1992, to entertain one motion to suspend the rules and consider the Senate amend-

ment to H.R. 2967, the Older Americans Act.

Passage of H.R. 425 will allow for the expeditious consideration of the House amendment to the Senate amendment to H.R. 2967 which consists of compromise language developed by the House and Senate Committees of jurisdiction in lieu of a conference committee.

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

Mr. Speaker, as the gentleman from Tennessee [Mr. GORDON] has stated, this rule authorizes another suspension day. The rule would allow the Older Americans Act to be brought up with the possibility of a House amendment that would modify the Social Security earnings test. Bringing this bill up under suspension, Mr. Speaker, would not allow the minority our motion to recommit. I believe this issue is too important to come up under suspension. I disagree with this procedure. However, it is something that the leadership has agreed on and, therefore, I will not oppose it.

Mr. Speaker, the version of the bill that will be brought to the floor today reflects the agreement worked out between Members of the House and Senate on the Older Americans Act in November of last year. H.R. 2967 authorizes older Americans programs through fiscal year 1995. It provides \$2 billion in fiscal year 1992 for programs providing preventive health care for the elderly, increased services to poor and minority elderly; and training and counseling for those desiring to care for elderly family members in their own homes.

I do want to point out that the rule provides for a House amendment to the Senate amendment to the bill. It would improve Social Security benefits for working senior citizens by nearly doubling the retirement earnings test for persons age 65 through 69 from \$10,200 under current law in 1992 to \$20,000 in 1997. The amendment would also improve the benefits for widows age 80 and over who were under 65 when their husbands died or who were affected by the widow's limit.

Mr. Speaker, again, I disagree with the procedure under which this legislation is being brought to the floor but I will not oppose the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARCHER], the ranking member of the Committee on Ways and Means.

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

Mr. Speaker, this is indeed a very unusual rule. We had a suspension day earlier this week and now we have a rule that provides for the suspension of one bill only. It further provides, not knowing what would be in the amendment, carte blanche authorization to add new language to the Senate bill. The Senate bill that came over has

complete repeal of the earnings limitation, which I believe would be healthy for this country and very, very good for senior citizens; but now this new amendment that has been constructed, after the Rules Committee met, is put before us today without full debate, without amendment, without a motion to recommit, and on suspension.

There is significant controversy on the content of this bill as the new amendment changes it. I will be talking about that if we get to the substance of the bill; but in the meantime, I think it denies the House its rightful opportunity to fully debate this bill, debate the amendment, debate a motion to recommit, and fully understand what we are doing.

Mr. Speaker, I hope we will defeat this rule so that we can come back with open debate to fully discuss the merits of the items that are in this bill and have an opportunity to change them.

So Mr. Speaker, I urge a "no" vote on the rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule which will permit us to continue a vital and important program which has served millions of senior citizens in this country—the Older Americans Act of 1965.

The act has meant nutrition for seniors in need and support services including legal assistance, housing assistance, and in-home care. The act has meant an opportunity for this Nation's senior citizens to live out their golden years in dignity.

Mr. Speaker, we must not turn our back on this critical program. Our delay imperils services this Nation's seniors depend on.

I urge my colleagues to vote in favor of the rule and give the House the opportunity to serve those who have given so much to this Nation—America's senior citizens.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

□ 2110

Mr. GOODLING. Mr. Speaker, like Chairman FORD, I take this time during the rule because I will be giving my 20 minutes to our ranking member on the Committee on Ways and Means, since the fight is with the Committee on Ways and Means and not with those of us who did our job on the Committee on Education and Labor.

But, Mr. Speaker, today we have an opportunity to reassure the aging community that our commitment to providing services to senior citizens is still as strong as ever.

For many months, we have been working on a House/Senate agreement on the Older Americans Act, which provides many important, beneficial services to senior citizens.

If you don't think seniors in your district appreciate this act, talk to them. Homebound seniors will tell you of the wonderful person who helps them get to the grocery store, or the doctor's office, or the person who brings them meals several times a day. They might talk about the congregate meals program or the activities they participate in at their local senior center. Others might tell you how the low-cost or free services provided through their local area agency on aging helped them with home repairs or something as simple as taking out their storm windows and putting in their screens in the Spring.

These services allow senior citizens to remain in their homes longer and enjoy continuing independence. They let them know they are still a vital part of their community.

Many of the changes outlined in the House/Senate agreement will improve and expand services to seniors. I am particularly pleased to see a provision requiring the commissioner to participate and provide leadership within the Federal Government regarding the development and implementation of a national community-based long-term care program for older individuals. As my colleagues know, I have a long-term care proposal and the main thrust of my proposal is to keep senior citizens in their homes and in their community as long as possible, partially by using programs supported by the Older Americans Act. Needless to say, I am delighted to see this provision.

One of the major changes in law contained in this agreement is not even related to the Older Americans Act. It is, however, very important, particularly to low-income senior citizens who must work to supplement their Social Security income. I am speaking, of course, of the change in the Social Security earnings test. Under the agreement worked out by the Ways and Means and Senate Finance Committees, by 1997, senior citizens will be able to earn up to \$20,000 without having their Social Security income subject to an offset. This provision will provide many senior citizens with just cause for celebration.

In closing, I would be remiss if I did not mention the fine services provided by the Area Agencies on Aging in York, Adams, and Cumberland Counties in my congressional district. I have often telephoned their offices to see how I can best respond to a letter from a senior constituent requesting help. More often than not, I am told, "No problem. Give us the information. We can handle it."

Mr. Speaker, enactment of this agreement will help insure our Nation's senior citizens will continue to

receive high-quality services from their local area agencies on aging. I urge its passage.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from California [Mr. PANETTA], the distinguished chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Speaker, I normally do not rise in opposition to rules here. But when it involves the budget and it involves adding \$7.3 billion to the deficit, I am obligated to rise in opposition to the rule and to the procedure proposed here in putting it on suspension.

I do not question the merits of the legislation, certainly with regard to the Older Americans Act, and even with regard to some of the benefit increases that are provided here with regard to senior citizens. But I am obligated to question whether or not we ought to provide these benefits without paying for them. To do this is to break faith not only with the budget agreement but with the pay-as-you-go requirement as well as our obligation to protect the Social Security trust fund.

This proposal violates the budget agreement. When we set the budget agreement in place, we put Social Security to the side, but we developed a point of order in the budget agreement that said we cannot raid the Social Security trust fund because our fear was that if you set Social Security aside then all kinds of efforts would be made to take money out of the fund. So we have a point of order.

Mr. Speaker, that point of order would be waived by this procedure by putting it on suspension. In addition to that, we are putting something on suspension that violates normally what we have on suspension. We normally provide bills on suspension that involve \$1 million. So, we allow that to happen.

This is a \$7.3 billion ticket here that we are putting on suspension.

Second, it violates the pay-as-you-go requirement.

The leadership on both sides has been very good about saying to this House that we ought not to move anything to the floor unless it is paid for. And every day there are chairmen here who face the challenge of trying to move legislation to the floor and finding ways to pay for it, whether it is unemployment insurance or unemployment compensation, whether it is health care, whether it is higher education.

The chairman of the Subcommittee on Higher Education fought strongly to try to find ways to pay for that bill so it could be brought to the floor.

There were issues related to hunger, the Mickey Leland hunger bill is being held in the Committee on Ways and Means because they are having a hard time finding ways to pay for it. In addition to that, we are looking at child welfare being held up, the jobs bill, trying to find ways to pay for that.

Right now as we speak, there is an effort to achieve \$5.7 billion in savings on rescissions. That is going to involve a lot of pain in this institution as we try to find savings.

Are we going to say forget all of that, forget all of that effort and simply go ahead and add \$7.3 billion to the deficit without worrying about how it is going to be paid for? What a terrible signal that sends to this institution, to the chairmen, to the committees and to the country.

Third, we have an obligation to protect the Social Security fund. The purpose of protecting the Social Security fund now is so that these working families who retire later on have some benefits. That is the purpose of the Social Security fund. And to suddenly rob those benefits and spend them now is to undercut the security of the Social Security trust fund itself.

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

Mr. PANETTA. I yield briefly to the gentleman from Michigan, Mr. TRAXLER.

Mr. TRAXLER. I thank the chairman for yielding.

Mr. Speaker, if I understand our procedure in connection with the Social Security fund, what we are doing is, we are borrowing from the fund to pay current expenses, we are putting IOU's in the cashbox, not money from Social Security taxes. We are borrowing the money to pay for the operation of Government. It's the President, the Congress, they take the Social Security funds, the taxes and apply them to operating the Government and an IOU is put in the trust fund and future generations of Americans after 2015 are not going to have the money there to pay their Social Security with or without this bill. The gentleman will agree with that, will he not?

Mr. PANETTA. The gentleman is correct.

Mr. TRAXLER. I thank the chairman.

Mr. PANETTA. The purpose for which we have fought time and time again when we passed the Social Security reforms, is to insure that those trust funds would be there. To do this not only violates the point of order, it violates the commitment we made to protect those funds.

My friends, there are a lot of lectures in this institution about the need to deal with the deficit, and there are a lot of proposals to try to deal with the deficit, whether it is a balanced-budget amendment, line item veto or other proposals. But there is only one way you deal with the deficit: It is to make the tough choices. I know this is a tough choice, I know this is a tough vote. We spend a lot of time, we have spent a lot of time today talking about reforms, talking about perks, talking about management, but there is only one signal that the American people

really care about, and that is whether or not we have the courage to make the tough choices.

Please make the right choice by voting against this rule. It is right for the budget, it is right for the deficit, and it is right for all of the American citizens both young and old.

Mr. QUILLEN. Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. I thank the gentleman from Tennessee for yielding this time to me.

Mr. Speaker, it is interesting tonight to sit and listen to the arguments on both sides of the aisle. Sometimes I think roles must be reversed. Let me tell you a couple of things.

First of all, I have been a proponent of the repeal of the earnings test for 4½ years, and many people, many years before that, have worked in this chamber on that. I have always said that I was willing to sit down with the Committee on Ways and Means and the chairman of the Committee on Ways and Means and work out the differences, not for pure repeal but there has to be a middle ground.

I have done that. Let me tell you a couple of things about what this bill does. This bill doubles the earnings limit on Social Security from \$10,000 to \$20,000.

□ 2120

It is not greens fees for the rich. It is not something for doctors who are very, very wealthy. It is for working-class people, working-class seniors, that have to work to make a living, that have not had the luxuries over their life of raising a family by the sweat of their brow. They did not have the ability to make pensions or, maybe, investments, or all those things that many people enjoy once they reach age 65. People have to work in McDonald's and Sears & Roebuck, and they have to work down at the corner flower shop to make things go for themselves in today's economy.

So what we do here is we raise, we double, the limit on the earnings test for working people. The second thing we do is, we take all the revenue that is created by this, the increase in income taxes, the increase in FICA taxes and any other taxes, and we put them back in the trust fund, and I say to my colleagues, "That's the first time to my knowledge that that's been done."

So, the thing that we are violating pay-go, that we are violating the agreement, just does not wash.

The third thing that we do is, we come in with a dynamic study and say, "If this does pay for itself, the Treasury will report back to us every year for the next 5 years and tell us if it makes money or, heaven forbid, if it doesn't make money."

But I believe it will create money. It will create wealth in this country.

The third thing it will do is it will help people who need the help, people who right now are earning \$10,000, and they get \$7,000 in Social Security, and all of a sudden they are up against the envelope of earnings, and, once they go over that \$10,200, all of a sudden they are hit with a marginal tax because they are penalized \$1 out of every \$3 of Social Security they get. They are penalized at a marginal tax rate of 56 percent, 56 percent, twice the amount that millionaires pay.

My colleagues, the earnings test is not a repeal. It is an increase to the earnings test. It is something that is needed. It is something that is needed today. It is something that is needed by our senior citizens, and I ask that we have our colleagues' support to move this legislation so that we move it now, and let us not wait any longer.

Mr. Speaker, we have reached a milestone in the evolution of our efforts to give desperately needed tax relief to working seniors by liberalizing the Social Security earnings limit. Never have we been so close to achieving freedom to work for older Americans.

The need for pro-growth economic policies is more important now than ever. We need to encourage, not discourage, older Americans who want to work and contribute to society now if we want to see the economy begin expanding again. Raising the limit on the earnings test is one of the most critical steps Congress needs to take to jump start the economy, because continued penalizing of seniors who need to work is simply unsound economic policy and unfair social policy.

The Social Security earnings test is a Depression-era relic that discriminates against senior citizens who wish to work after they reach retirement age and begin to receive Social Security benefits. Under earnings test limits for 1992, seniors aged 65 to 69 who make more than \$10,200 a year lose \$1 in Social Security benefits for every \$3 they earn over that limit. For a senior earning only \$10,000 a year, that will mean an effective 56-percent marginal tax rate—nearly twice that of millionaires. That is just not fair.

No other demographic group in the country is so blatantly discriminated against; no other group faces such obstacles when they attempt to become productive and financially self-reliant.

We don't reduce Social Security benefits for those seniors receiving unearned interest or dividend income. Why should we penalize those seniors who want, or more important, who need—to remain in the work force to supplement their income?

We as a nation can no longer afford to inhibit an entire group of people from remaining active in the labor force. The goal of remaining competitive in the global market demands that we reform our labor laws to meet the challenges of the future. Liberalizing the antiquated and discriminatory Social Security earnings test is one very large step American can take to achieve this.

Thank you, and I yield back the balance of my time.

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

Mr. HASTERT. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT] for yielding.

Mr. Speaker, the gentleman has been a premier leader in the House on the subject, and I want to associate myself with his remarks.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI], the distinguished chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Speaker, there comes a time in every debate where we are watching the proverbial mother-in-law ride over the cliff with the brandnew Cadillac. I think we are at that point here. Either we are going to increase the deficit by \$28 billion, as proposed by the Senate, or we are going to increase the deficit by \$7.3 billion. That is what the negotiations with the leaders of the opposition, or the leaders of the minority, surrounding this bill have been about.

On three separate occasions, I have offered a bill which addressed the points that the gentleman from California [Mr. PANETTA] makes. I have offered bills which would have paid for the liberalization of the retirement test. There are at least two ways to finance these benefits. One, we could raise payroll taxes on working Americans; that would pay for the provision of this program, or we could raise taxes on senior citizens by taxing their Social Security benefits, and that would pay for the program. The alternative we are debating here is whether we are going to accept a \$7 billion hit or a \$28 billion hit.

Now what we are trying to do here, in my opinion, is work out a compromise with those proponents of the earnings test of limitation who are satisfied with raising the level to \$20,000 over a 5-year period for our senior citizens. The biggest argument made here is not over the retirement test but is whether or not we are going to provide \$3 billion for poor widows at the age of 80. That is what the argument here is. The Senate amendment does nothing for elderly widows. The issue here is not whether or not we can agree on a \$20,000 limitation; it is whether or not we are going to give poor widows \$3 billion.

There is nobody in this Chamber, I repeat, nobody in this Chamber, that can compare their record to mine concerning efforts to bring balance to the Federal budget. The Committee on Ways and Means for the last 12 years, as long as I have been the chairman, has paid for every bill that it has reported. That is why, when the Budget Act took place in 1990, I was thrilled that George Bush recanted on his new-taxes pledge, his "Read my lips" pledge. We simply have to raise money

if we are going to provide services for people of this country.

So, Mr. Speaker, we are trying to satisfy the demands of senior citizens who want a more liberal program, that want to be able to earn more money.

I say to my colleagues that it is not my President who made that pledge. It is not my President that is worried about a \$28 billion hit if what we are proposing tonight fails. It is the minority's President, and, if they push us too far, we will give them the \$28 billion hit. As a matter of fact, we will also go the full way on helping widows. We will give widows a full \$5 billion benefit increase, and we will give them a \$33 billion hit.

As far as I am concerned, I have negotiated honorably with Members on the other side, and I think those gentlemen and ladies that I have negotiated with are honorable. But we had better figure out how we are going to get together to run this country. The American people out there are getting darned tired of us sitting here and bickering about every nickel and every dime, about the check kiting scandal, but not about whether we are servicing our people.

Let us get off our duffs here and take care of senior citizens. We must do, in my opinion, what is necessary to compromise, and that is what this legislation stands for: Compromise.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding this time to me, and let me just say to start with that I think bringing this bill under suspension is a lousy way to go about it. But lifting the earnings test, in my considered opinion, is probably one of the greatest things we can do for people in this country.

Mr. Speaker, it is unfair for people who have to try to earn a living to live under this rule. Nobody can live a worthwhile life with their Social Security, and so they have got to try to earn money somewhere else.

I do not know how many of my colleagues know this, but I was in the manufacturing business for 50 years so far—40 years; let us put it that way—and every year that I have been in business I have had people come to me and say, "I'd like to continue to work this year, but I can't stand the additional taxes that I am going to have to pay," and just this last year in my own company I had an individual who had already reached 65 and wanted to continue to work, but he says, "Why should I pay 56 percent? I'll come back and see you next year, and, if you like it, if you like me, I'd love to have you back."

I went through a cafeteria line in Hickory, NC, and there were four little old ladies standing by the cafeteria

line, and I just brought this up, this earnings test, to those ladies, and they said, "Please, can you get rid of it? We can possibly work until maybe July, August, or September, and then we've got to quit, and we can't live off of what Social Security pays us. We need to be allowed to work, and yet everything we earn is going to be charged a 56 percent tax."

As my colleagues know, this is absolute destruction to the best working people that we have got in this country today. The best trained workers we have got are the elderly, and, if they want to work, they should be allowed to work.

We have set up a system in this country today that is destructive, completely destructive, of people that would like to work for a living after they reach the age of 65, and this estimated cost in my opinion is an absolute joke.

If we sat down and figured it out, we do not do anything in this place except examine things in a static situation. GAO cannot figure out anything except how much it is going to cost, and we do something. They do not look on the other side of it and the fact that the number of people that would love to work, that would continue to work, and they will pay income taxes, more income taxes. They will pay more Social Security taxes, and they will be allowed to live the life that they can afford.

□ 2130

What we have got now is a very destructive system as far as the elderly are concerned, and I think we should allow the people that are the best qualified people in this country to continue to work.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Speaker, I want to rise in support of the conference report. I, too, have been a supporter of outright appeal. This certainly is a step in the right direction. I think it is very appropriate we do this on the Older Americans Act.

Mr. Speaker, I commend the statement of the gentleman from North Carolina.

Mr. Speaker, I am disappointed we do not have before us, as part of this reauthorization of the Older Americans Act, language to outright repeal the Social Security earnings test. My commitment to repeal notwithstanding, I am pleased that Congress is at least acting to dramatically ease the burden of this unfair income restriction.

Under current law, those persons between 65 and 69 years of age and working can earn only \$10,200 and still receive their full Social Security benefits. Because of the earnings test, for every \$3 a senior citizen earns over that amount, his or her Social Security benefits are reduced by \$1—in effect, seniors still

working are subject to a surtax of 33 percent. According to some sources, this earnings surtax, combined with Federal, State, local, and other Social Security taxes can result in a marginal tax rate of some 70 percent for those seniors still in the work force. This is the highest marginal tax rate paid in America. And it is being paid by senior citizens.

The language before us will nearly double the amount senior citizens ages 65 through 69 can earn without penalty, raising the limitation from the current \$10,200 to \$20,000 in 1997. While I would have preferred complete elimination of the earnings limitation, this certainly is a positive step.

Frankly, I believe it outrageous that our current system penalizes older Americans who want to continue to work past the age of 65, and I will continue to fight, in spite of this effort to ease the earnings test, for outright repeal. Federal law that discourages any segment of our society able and willing to take an active and productive role in the workplace is discriminatory and therefore objectionable. In the case of the earnings test, Federal law is also seriously out of step with the economic realities that confront older Americans when the bills come due every month. Paying for the basic necessities of life—food, electricity, transportation, is a struggle for many seniors, not to mention the economic devastation many face as a result of unanticipated illness and astronomical health care costs.

Some have argued that a repeal of the surtax will result in a revenue loss to the Treasury. Those projections, however, do not take into account the fact that some 700,000 seniors would enter the work force if the unfair limit were repealed. These seniors would earn additional money and generate billions of dollars worth of goods and services, and would pay additional taxes—directly into the Social Security trust fund.

These programs are of vital importance to the well being of America's seniors, providing, in addition to nutrition, social services, and job opportunities, the invaluable benefits of dignity and independence. Our goal in the House, throughout the reauthorization process, has been to ensure that America's older citizens continue to be well served by the Older Americans Act. The language to modify the Social Security earnings test is a welcome addition.

Again, I urge my colleagues to support this effort.

Mr. BALLENGER. Mr. Speaker, reclaiming my time, if I had the choice I would love to be able to do away with the whole test. But you have to be able to take what you can get in this place, and I am willing to take what I can get.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I listened to the frustration of the gentleman from California [Mr. PANETTA], and there is no greater frustration I feel than to have a bill passed out of the House on September 12 with 385 votes in favor and none against, and because on the other side they have no germaneness rule, to take and have an

amendment that has nothing to do with the basic thrust of the bill, the Older Americans Act, which, incidentally, has in its reauthorization contained many improvements that are really desperately needed by the seniors of our country.

To take this and do this was bad enough in itself. But then to bring it back over here to ask for the people who have jurisdiction over that particular issue to try to work out a compromise, as the gentleman from Illinois [Mr. ROSTENKOWSKI] has said, whether from a \$28 billion deficit to a \$7.3 billion deficit, I think is a great tribute to the gentleman from Illinois [Mr. ROSTENKOWSKI] to be able to do that.

The point is the authorization ran out last year, last September. Here we are still trying to get an older Americans' bill out.

When are we going to get it out? Or are we going to get it out at all? If we talk about, as the gentleman from Illinois [Mr. ROSTENKOWSKI] said, the frustrations across this country of us not being able to do our business, this is a good example of it. We have not been able to do the business of the seniors because of this amendment that is stuck on there by the other side.

Mr. Speaker, I am for the rule because the rule at least moves us forward. The rule at least moves us to a point where we can get the reauthorization of the Older Americans Act, which is desperately needed.

The other issue is something that our committee and our jurisdiction had nothing to do with. But in my personal opinion, I share the belief that many do, that the cap should be raised. The cap has not been raised in a long time. The fact is that a lot of these people paid into this premium, thinking at some point in time they were going to receive a benefit. Then they were told that that amount of money that would be received would only be a subsidy to anything they provided for themselves.

Mr. Speaker, let me tell Members something. There are a lot of poor people in this country living off of a pittance they are getting. They are not working and are not able to make it. Those that are able to find employment and go ahead and work and then have what we intended it to be, a subsidy, the Social Security be a subsidy, then they are penalized if they make over a certain amount.

Mr. Speaker, I am sure that no one in this country believes that anybody making \$20,000 is living in grand style, even with that which they get from Social Security. I really believe it is time to move forward and raise the cap and at least move this bill to the point where we can get the Older Americans Act reauthorized.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, a lot of people have worked very hard to get us

to the point where we are tonight, where we can actually take a meaningful vote on the Social Security earnings limitation. But two Members definitely deserve to be singled out, the two gentlemen from Illinois, the chairman of the Ways and Means Committee [Mr. ROSTENKOWSKI], and the gentleman from suburban Chicago [Mr. HASTERT], who crafted, put together, the compromise that we are here on.

Mr. Speaker, there are 277 Members of this body who in the course of last year have recognized the need for us to deal with this anachronism and have cosponsored legislation for us to do so. The legislation we are dealing with here tonight is not what we cosponsored, but it is as good as we can get. And it is good.

Mr. Speaker, I do not want to deal too much with the implications of raising the limitation to \$20,000 because I think there is an even more important element in this bill. We can, by the passage of this legislation, force the green eye-shade people who work in this Government, your green eyeshade people in CBO and our green eyeshade people in OMB, to look at the way the world really works.

Mr. Speaker, they do not realize, they do not believe, that if people work, they contribute to the economy. They do not realize and they do not believe that if people work they pay taxes. They do not realize and do not believe that contributing to the economy and paying taxes raises revenues for the United States.

Mr. Speaker, this legislation forces them to look at the world in the way it works. We say to them: We are raising this earnings limitation, and every dime in extra revenue to the Internal Revenue Service that is raised as a virtue of this legislation goes into the trust fund and has to be accounted for to the Congress, and you have to conduct a study. You have to determine by a study what the effects on a change in human behavior will be if you let people work and what the effect will be on our economy and what the effects will be upon revenues to the United States if you just let them go and just let them work.

Mr. Speaker, put your imaginative mind to work. Think about how we can change the way we do business around here, if we can get the green eyeshades to stop looking at photographs and start looking at moving pictures; to stop looking at things as they were and start looking at things as they can be.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am inclined to agree with the gentleman from Arizona [Mr. RHODES]. Is the gentleman telling us that OMB should not be given a lot of deference in its estimates of things around here?

Mr. RHODES. Mr. Speaker, reclaiming my time, I believe I said there were green eyeshades on both parts.

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

Mr. SLATTERY. Mr. Speaker, I do not often rise in opposition to rules, but this evening I find myself in the position where I believe I have to. The reason I say this is because we are clearly violating the budget agreement that we entered into several years ago.

This body just several weeks ago voted not to tear down the walls in the budget agreement. I joined the majority of this body in taking that vote. I am glad we did that.

It is very easy for us to sit here this evening and splash out \$7½ billion on senior citizens in this country. There are many provisions of this bill that I like. I think some things need to be done to deal with needy widows in this country and some adjustments perhaps need to be made in the earnings test.

But I believe as the chairman of the Committee on the Budget has eloquently stated earlier this evening, that we have to make choices. We have to figure out how we are going to pay for these changes.

Mr. Speaker, there is no one from OMB, there is no one from CBO, that tells us that these changes will not in fact increase the deficit.

So the question before us tonight is a very simple one: Are we going to stick to the agreement and say that we are going to pay as we go as we have agreed to, or are we going to set that agreement aside because we are talking about senior citizens?

Mr. Speaker, let me just share something with my colleagues. During the 1980's, do you know how many times we raised Social Security taxes in this country? Keep in mind these taxes hit that younger worker that is going to McDonald's, and we tax that person's first dollar of income. Do you know how many times we raised the Social Security tax?

I went back and checked today. We raised the amount of taxable earnings subject to Social Security tax during the 1980's 11 times. Eleven times!

□ 2140

We did it every year, my friends. And then do my colleagues know what we did with the Social Security tax rate? We raised that seven times, seven times. We increased the Social Security tax rate 20 percent during the 1980's.

These are the taxes, my friends, that hit middle income America, hit the working poor every day all across this country.

For some reason we seem to ignore that. We do not want to acknowledge that the \$7.3 billion that we are about to splash out on 60,000 senior citizens in

this country is coming out of the pockets of McDonald's workers and young Americans.

I am just suggesting to my friends here this evening that we should find the courage, once in a while around here, to pay the bills.

I know how politically popular it is to just go ahead and spend more money, splash it out there as we leave town for the Easter recess or Passover recess. I know that is very popular. But for goodness' sake, let us stick to the budget agreement that we have entered into. Let us pay the bills.

I would just say to the chairman of the Committee on Ways and Means, I appreciate what he did. The other body passed on a voice vote, a voice vote, a \$27 billion change in our Social Security laws. And we wonder why the American public is upset with us.

That is why they are upset with us, because they do those kinds of ridiculous things on a voice vote. And we are doing it here this evening on suspension.

As far as I am concerned, we have a choice to make this evening. It is a very simple one. Are we going to continue this fundamentally immoral fiscal policy of spend and borrow or are we going to say no? I hope we find the courage to do what is right and say "no" until we find a way to pay for the changes.

I urge my colleagues to say "no."

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I am fond of pointing out to my seniors that they have a great relationship with their children and a genuine affection because they and their grandchildren have a common enemy. The amendment that is made in order by this rule reflects that common enemy. It is our responsibility to not make mistakes. And for us to deal with this subject tonight, dealing with our senior citizens and their grandchildren with no more knowledge than we have about this deal is a mistake.

This is not the right time. This deal, irrespective of what it does to the Older Americans Act which has laid here since last February, and how many of my colleagues remember what was in it, now perpetuates an unjust, inequitable treatment of seniors by this rule and inevitably increases the deficit and taxes on our children. This rule gives us what is conservatively, and most often by CBO incorrectly, underestimated increases in the deficit of at least \$7 billion, the largest piece of which is alleged to give benefits to poor widows that they do not now have. That is not true.

Poor widows today get the benefits they would get under this bill currently, under SSI, at no tax to the Social Security trust fund.

What this thing will do is to give those same benefits to all widows at the expense of the trust fund.

If we pass this rule, we are putting ourselves in a position where we must make a vote that will be a mistake. Either we are going to vote to perpetuate injustice to our seniors, we are going to vote against a bill that would end that injustice to our seniors, we are going to vote to increase the deficit, we are going to vote to increase taxes on the grandchildren of those seniors, or we are going to vote to redefine Social Security from a benefits program to a means-tested entitlement program. That is what it was not intended to do.

I say vote "no," let us save ourselves the embarrassment.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I intended to use this time to talk about a bill that I am pleased to say, after 11 years of working on it, the Elderly Abuse bill, is in the Elder Americans Act.

I want to thank the gentleman from California [Mr. MARTINEZ] for passing that bill. There are 1.5 million elderly who are abused, and we worked very hard on that.

But I will be darned if I am going to sit here and listen to the Members who are saying that when I correct inequities toward women, somehow we cannot afford it.

I want to tell my colleagues, and I testified yesterday before the committee of the gentleman from Indiana [Mr. JACOBS], the Social Security system unintentionally, nonmaliciously discriminates against every woman in America, and that includes widows.

Now, I thought last year we took Social Security off budget. So you fellows who say we are contributing to the deficit when we are spending the money within that trust fund that is \$376 billion in surplus on inequities toward women and 2 out of 3 people who are on Social Security are women, we should really, let us view it as a pay-as-you-go.

Spend the money that is in surplus. And what we are doing is spending a few billion to correct an inequity. We give those women more spending power. That will regenerate the trust fund. They are going to spend the money and create new jobs.

So I want to tell my colleagues something, it is not just widows who are discriminated against. What about the people who have their pensions offset because they are a public employee and see Social Security reduced? Who do we think they are? Women.

Vote for the rule. It is the right thing to do.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Eventually we are going to be passing this piece of legislation. There will

not be very many negative votes when the final bill comes up for final consideration.

When it does, there will be many benefits conferred on our senior citizens, which we owe to them and which they expect, and that is right to do.

Among those provisions is one that is very near and dear to my heart and grew out of an incident that occurred in my district where the spectacle of a 90-year-old lady, who was being forcibly evicted from her residence was cast across the Nation on evening television and in newspapers and was horrible to contemplate.

One of the features for which I received a tremendous amount of help from the gentleman from California [Mr. MARTINEZ] and the gentleman from Michigan [Mr. KILDEE] and the gentleman from Pennsylvania [Mr. GOODLING] would take a giant step toward preventing forever that horrible spectacle of an elderly person being forcibly evicted from one's residence.

That is the kind of provision which will compel all of us in the final analysis to vote in favor of the reauthorization of the Older Americans Act, notwithstanding the argument and debate that we will have and will continue to have on the money portion of this legislation.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, columnist Robert Samuelson this week describes "The dilemma of democracy as *** the hard tasks *** to maintain a crude balance between popular pressures and *** national interest." This describes our dilemma today as we consider the Senate amendments to the Older Americans Act.

When the House took up the Older Americans Act last year, I supported the reauthorization wholeheartedly. The programs in this act are programs that touch people's lives directly and do much to enhance the status of our senior citizens.

The Senate added to the bill a highly popular provision that would totally eliminate the so-called Social Security earnings test for retirement benefits. While I have favored a liberalization of the earnings test—as ultimately agreed to by the conferees—my support has always been contingent on honest financing of the provision.

That is not the case. This provision—costing \$7 billion over 5 years—is not paid for. Why should we accept this provision with a coy wink at the budget act when we have asked other equally worthy groups to wait? I can't believe that those older Americans who would benefit from the liberalization provision would want to pass on the payment for this benefit to their grandchildren.

So, we must make a choice—perhaps an unpopular choice. But I believe it is

in the interest of all Americans to vote against the amendments unless or until they are paid for.

□ 2150

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

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

I do not frequent the well of the House often, Mr. Speaker, and I do so with great reluctance tonight. I do it more in sorrow than in anger, but not a very large difference between the two. I am genuinely offended by how we come to be in the posture we are in on this late hour on the last day before recess, dealing with an amendment to a bill passed unanimously in this House last year, because contending forces have come together and put together some kind of an arrangement, the real nature of which I know not and the Members know not, but this is the opportunity by which that arrangement gets tacked into something that has unanimous support in this House to do. That offends me.

If people believe that this subject matter is so good, why can they not bring it from the committee as a bill and let me and others make our choice as to whether or not it is good? Do not cobble things together, seizing strategic moments, as we do repeatedly in this body, to the detriment of this body so continually.

We would not need to pass this rule suspending the rules if we were not violating the budget summit agreement. There would be no occasion for doing that which we are asked to do if that were not the case. There would be no occasion to do it if we were not violating the pay-as-you-go provisions. That is the very reason we are asked to vote for this rule, to suspend the rules. Why else would they dare to do such a thing when, by nature, putting it on a suspension calendar, it also calls for a two-thirds majority?

Do not cobble together for political pandering what you are cobbling together without giving me and all the Members of this House the opportunity to deliberate on the merits of what is being done. Let it stand on its own footing. Do not take advantage in this cheap and shoddy way that they are going about doing this, even if it needs to be done.

The distinguished chairman on the Committee on Ways and Means, and I thank him, saves us apparently at least \$19 billion by what he describes as a compromise. Well, thanks a lot. But he is still admitting \$7.3 billion of additional deficit that he has not told us how it will be financed.

I can go and look my senior citizens in the eye and say to them, "Would you rather have a little bit more in the earnings test, even if it meant that

your children and grandchildren will be deprived of their Social Security benefits when they reach your age?" I think they would agree with me that we ought to defeat this rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I rise in opposition to the rule and in opposition to the motion, if it comes to that. I oppose the rule because of the reasons you have heard.

Normally we limit suspensions around here to maybe \$1 million, maybe \$100 million, but \$7.3 billion? I don't think we have ever done that before on a suspension in the 16 years that I have been here.

On the substance, this is painted as an aid to hard-working low income people who do not make much on Social Security and have to work. Baloney. Do not believe that. Of those people in this country on Social Security earning below \$15,000 a year, if those are the people we would consider needy, only 1 in 20, 1 in 20, has earnings above the exempt amount.

On the other hand, if the earnings limit is raised to \$20,000, as this measure would do, 50 percent of the net benefits would go to families with incomes above \$42,000 a year.

We should not kid ourselves; this is not a measure to help poor, struggling working-class people who have retired and are collecting modest Social Security benefits. Most of the benefit of this proposal will go to people earning over \$42,000 a year, and to do that we will put the Social Security trust fund \$7.3 billion in debt and raise that money eventually from the backs of middle-income people and low-income people, sons and daughters and grandchildren of ordinary people so those at the high end can get this benefit.

I think it is unconscionable to do this, to follow this procedure. I think it is unconscionable to do this as a matter of policy.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the rule for the Senate amendments to the Older Americans Act Amendments of 1991.

The House Senate agreement contains several significant provisions of importance to our seniors. In particular, I draw attention of my colleagues to the importance of the provisions providing preventive health care for our elderly. Our Nation continues to be burdened by preventable illness, injury and disability. Health promotion and disease prevention offer the opportunity to contain health care costs, to prevent the premature onset of disease and disability, and to help all Americans achieve healthier, more productive lives.

Additionally, the Senate amendments contain another vital provision, an increase in the Social Security earnings test cap from \$10,200 to \$20,000. Currently seniors lose \$1 for every \$3 which they earn over the income cap.

I was pleased to have introduced a measure which will provide all of these services. My bill, the Comprehensive Preventive Health Care Act of 1992 (H.R. 4092) provides periodic health exams, screenings and services under the Medicare program, the Federal Employees Health Insurance Program, the Department of Veterans Affairs Medical System, and through a demonstration project involving 50 of our Nations Health Clinics. I was therefore gratified that this compromise version of the Older Americans Act contains preventive health care.

Additionally, and even more significantly, the Senate amendments contain a particularly vital provision, an increase in the Social Security earnings test cap from \$10,200 to \$20,000. Currently senior citizens lose \$1 for every \$3 which they earn over the income cap. While that was an improvement over the previous 1:2 reduction, that present reduction still translates into a draconian tax rate of 33 percent upon our Nation's seniors * * * a tax rate that our seniors are little able to afford.

Our seniors already bear too heavy a financial burden. This coupled with the fact that seniors have continually stressed their desire and need to return to work underscores the need to revise and repeal the anachronistic earnings test.

Our Nation's senior citizens are highly productive, skilled, knowledgeable, reliable and eager to work, at a time that our Nation is experiencing a shortage of workers in many industries; shortages which our seniors can help to alleviate.

Furthermore, today's labor situation is significantly different from the industrial society of the early 20th century. In particular, our seniors are able to meet the increasing demand for service oriented workers, and they enjoy working.

Raising the earnings test cap to \$20,000 will remove the disincentive forced upon our Nation's seniors to return to the workforce. Furthermore, this amendment will provide many benefits to our Nation such as increased tax revenues, and alleviating the depression and loneliness that often accompanies the later years in one's life.

Moreover, I would like to note a study prepared by the National Center for Policy Analysis and the Institute for Policy Innovation which finds that as the earnings limit is increased, net Federal Revenue also increases. Allowing seniors to return to work would reduce not increase the Federal budget deficit.

With well over 200 Members of Congress currently in favor of revising the earnings test, we have the opportunity and the moral obligation to accept the Senate amendments and thereby helping our Nation's seniors.

Finally, this measure includes a requirement that the administration convene a White House Conference on Aging in 1993 to examine the important and difficult issues confronting our Nation's elderly.

Accordingly, I urge my colleagues to support these Older American amendments.

The SPEAKER pro tempore. (Mr. KLECZKA). The gentleman from Tennessee [Mr. QUILLEN] has 5 minutes remaining, and the gentleman from Tennessee [Mr. GORDON] has 6 minutes remaining.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

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

Mr. Speaker, I am for this bill. I was going to follow the advice of my friend, the gentleman from Minnesota, and practice my coy wink, but it is hard to do with contact lenses.

I am not a great friend of the budget agreement. I have often found myself in disagreement with CBO and OMB.

For instance, particularly, say, OMB, when we wanted to take some more money out of the unemployment compensation trust fund, because we had some money in there, and pay unemployment compensation to people who need it, and many of you argued that that would be for the economy, I thought that was a good thing to do.

The same reasoning applies to this bill. I am going to vote for it. I do think we have a surplus in the Social Security trust fund and it would be a good thing to get this money out to people.

I do want to remind my friends that disregard of the OMB view of the budget agreement is not a cold water tap that can be turned on and off.

□ 2200

I am for the bill. I am voting for it. I am a cosponsor. I think older people who go out and work deserve consideration.

But they are not the only people in this country who deserve consideration, and those who vote with me today in favor of needy older people, in favor of this good proposal, in favor of the good work that was done on the Older Americans Act, I will be fascinated when they get up to explain why the same logic does not apply when we deal with unemployment compensation, and when we deal with other social needs. I hope we are not going to be establishing by this vote a hierarchy of needy elderly who get help, and the

needy who are unemployed get the back of our hands. If we are going to say to the green eyeshades that we have a superior public policy sense when we take into account the overall economic effect, let us not let it be confined to one particular group.

I think this is fair. I think it is good for society and good for the economy. But I also think there ought to be some minimum consistency in what we do.

And I must say to some of my friends on the other side, their advocacy of this bill seems to be at variance with their opposition to bills that are similarly structured. I am for this, but I am for the other analogs as well.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, some people call it the Older Americans Act, some people call it senior citizens. Back in San Diego we call it chronologically gifted folks. But however you put it, I would hate to have someone tell me when I reach 65 that I am no longer productive.

And they pay a Social Security tax when they work like we do, they get taxed on their actual Social Security check, and then are either taxed on \$1 to \$3 or \$1 to \$2 based on how much they make all the way up to \$9,700.

Senior citizens actually improve the quality of life. Many of them contribute to their children's education and their grandchildren's education. They pay into the general fund. When they work they actually help pay for some of the original Social Security dollars that they are getting, so the drain on the general fund or the tax burden is not as high I think as indicated.

I am going to support removing the earnings test, and I would like to remove all the earnings tests if it was possible.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise tonight, proud of the work we have done here to help our Nation's seniors, and committed to seeing this bill pass the House.

I see the seniors of Connecticut every week, I hear them talk about their concerns, about the difficulty of living on fixed incomes, about the strains this recession places on them, and about the soaring costs of prescription drugs and health care that they cope with daily.

These are people who deserve our help and respect. They have made great contributions to this country and have brought us victorious through two world wars and the cold war.

This bill helps hard-working, productive seniors—people who are struggling to survive. In an effort that is long overdue, this bill modifies the so-called earnings test, which has for so many

years penalized seniors who have to continue to work to earn a living.

These are not people with comfortable retirements or easy lives. These are people who scrimp every month to make ends meet. People who often can't afford to fill the expensive prescriptions that might keep them healthy. By modifying the earnings test, we let seniors keep the money they work so hard for, instead of penalizing earnings over \$10,000.

This bill also helps the poorest group of seniors—widows over 80—through a modest increase in their Social Security benefits. That small amount of money will make a large difference to many elderly women living on the margins.

Mr. Speaker, we ought to measure ourselves as a nation by how we treat our senior citizens. This bill will go a long way toward proving how much we care for those who have cared so much for us. Vote to pass the rule, and vote to pass the conference report on the Older Americans Act.

Mr. QUILLEN. Mr. Speaker, we all know that we have to do something for our elderly citizens. Actually longevity is increasing for our citizens throughout the country. This is a good bill and I favor eliminating the earnings limitation altogether. I think it is sad indeed when a husband died before his spouse reaches 65 and now she is 80, and we cannot lend a helping hand.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, this bill is about putting Americans to work. That is what it is about, putting people over 65, who are not millionaires, to work. On behalf of whom? On behalf of themselves and their families and the United States of America. These are highly productive, often extremely skilled people who we need in the work force.

Now listen to this: In 1930, 54 percent of people over 65 were working, and the average life span was under 60 years old. Today, 16 percent of people over 65 are working even though people are living longer and they are living healthier longer. So many seniors don't work because they don't want to face punitive taxes on their effort. So they quit work after they reach the limit and deprive the system of needed FICA and income tax revenue. They just collect Social Security with no added return to the treasury.

The projected deficit increase is based on a static model which does not incorporate the earnings for general revenue and for Social Security taxes that these people will bring to the system when they work past the earning limit. Is it not amazing that this high tax rate of about 56 percent is double that on millionaires, and so you can earn \$200,000 in interest and dividends and get your full Social Security, but if you work and make \$11,000 you pay a 56

percent tax rate on every dollar above \$10,000. It makes no sense.

The idea is to generate employment, to generate economic activity, to put people to work on behalf of themselves, their families and their country, and that is exactly what raising this income limit does. I support this rule and I urge my colleagues to do likewise.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this rule. The words that come to me are "here we go again."

How many of us truly believe that this \$7.3 billion we are talking about that is coming out of the trust fund is really not coming from our grandkids? In this body 267 of us say we want a balanced budget constitutional amendment.

Pay as you go must become a sacred rule in this body, not a political slogan if there is going to be any future whatsoever for our grandchildren.

This is another seniors versus grandkids issue. We are spending in this body \$12,000 for senior citizens and less than \$900 on the kids. It is time we start making balance.

I will vote for this compromise if we pay for it, but we must pay for it. We cannot continue to borrow on our grandkids' future and expect this country to have a future.

Mr. QUILLEN. Mr. Speaker, I yield my final 1½ minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, it would be quite fitting if repeal of the Social Security earnings test had been included in reauthorization of the Older Americans Act Amendments of 1991. I am sorry that the conferees removed Senator MCCAIN's amendment and instead increased the limit on the amount of outside income seniors receiving Social Security may earn. But that is certainly better than the present situation.

What better way to help our senior citizens to achieve the goals of this legislation than by offering them the opportunity to have the same chance for economic freedom that is afforded to all other pension recipients?

I have long supported total repeal of this outdated law which is counterproductive in nature. It not only prevents Social Security recipients from earning extra money which most people on fixed incomes need to make ends meet, but it deprives the U.S. economy of the additional income tax which would be generated by these elderly workers. I think it is long overdue that Congress be allowed to vote on repealing this discriminatory law.

The benefits of repealing this unjust law would be immediately evident to working seniors. The improvement in our Nation's economy, which would re-

sult from repealing the Social Security earnings test, would also be another positive end result of taking such action. Unfortunately, we will not have such an opportunity today. Despite the fact that conferees chose to modify the McCain amendment by raising the ceiling on the outside income seniors can earn, I remain optimistic that eventually the Social Security earnings test will be repealed entirely and that we will afford older Americans the economic rights and freedoms to which they are entitled.

As I previously stated, I fully support the goals of the Older Americans Act and believe the repeal of the earnings test would only have strengthened our commitment to the elderly.

□ 2210

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

Mr. CAMPBELL of California. Mr. Speaker, I rise today in support of the Older Americans Act amendments. These amendments will help update the Older Americans Act, enacted in 1965, that is the major vehicle for the organization and delivery of social services to senior citizens. These amendments will help improve the lives of our seniors in areas related to income, health, housing, long-term care, and transportation. While there was broad agreement on the merits of these provisions, both Houses of Congress were locked in a bitter disagreement over a Senate provision to repeal the earnings test—a position that I have long supported.

An estimated 750,000 senior citizens lose some or all of their benefits because they work and bump up against the earnings test. Those workers aged 65 to 69 forfeit \$1 for every \$3 they earn above \$10,200 this year. This law is a disincentive to work and it is discriminatory. Equally disheartening, it denies our economy of the productive work of skilled, experienced workers. Hence, the pressure on Congress to repeal the earnings test was intense. Seniors from all over the country contacted their representatives and forced the recalcitrant Members of the House to relent and agree to a limited reform of the earnings test. While I would have preferred a complete repeal of this law, the compromise legislation is a good start. It will help thousands of seniors take home more of their hard-earned money.

This legislation will improve the Social Security benefits for working senior citizens by nearly doubling the retirement earnings test from \$10,200 under current law in 1992, to \$20,000 in 1997. Critics of such reform have argued that it would deplete the Social Security trust fund. In response to these types of arguments I drafted a bill, that was included in the current agreement, that helps solve this problem and thus helps make reform legislation fiscally sound, a vital goal at a time of record budget deficits. I believe that as the earnings test is increased, many senior citizens will increase their work efforts, bringing in substantial new income tax revenues. My legislation directs that these new revenues be deposited in the Social Security trust fund, off-

setting the funds lost from reform of the earnings test, and ensuring the continued solvency of the trust fund for future generations.

By including the provisions of my bill, the bill before us guarantees that the fiscal soundness of the Social Security trust fund will not be imperiled by the extension of the cap on the earnings limit. The summary sheet prepared by the Ways and Means Committee notes that the cost of lifting that cap is \$3.8 billion; but I wish to note that when my provision is fully implemented, the actual cost will be zero. The Department of Treasury is instructed to create a formula to ensure that all of the gain in revenue from the income tax, and Social Security withholding tax, from the additional earnings by seniors be placed in the Social Security trust fund. This increase will more than offset the payment of additional Social Security benefits. It may even result in a net increase in the Social Security trust, which would be helpful in offsetting the loss to that fund from the unrelated part of this bill extending benefits to certain surviving spouses.

I would like to thank Congressmen HASTERT, ARCHER, and MICHEL for including my bill in their efforts to reach agreement on the earnings test. Indeed, I would like to pay a special tribute to the work of Congressman DENNY HASTERT for his tireless efforts on behalf of our seniors. His skill in developing a coalition of over 218 supporters of a bill to repeal the earnings test forced opponents in the House to agree to a bill which is morally right and economically sound.

Mr. GORDON. Mr. Speaker, I yield 1 minute, the remainder of my time, to the gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

In my short political career, I have found that if you give respect to your constituents, they will give respect back to you.

The truth is a yes vote on this rule and on final passage raises the deficit \$7.3 billion. It is irresponsible to do that and not pay for it.

Not one senior citizen that I know would vote yes for this bill if they knew my children and your children, your grandchildren and my grandchildren are going to pay for it.

I urge the Members to do the right thing here at this late hour. Vote no on this rule, and if you have to vote no on final passage, it is the right, it is the responsible, it is the fiscally responsible thing to do.

The SPEAKER pro tempore (Mr. KLECZKA). All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. GORDON. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

Mr. HASTERT. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 269, nays 139, not voting 26, as follows:

[Roll No. 86]

YEAS—269

Ackerman	Gilman	Mrazek
Alexander	Gingrich	Murphy
Allard	Gonzalez	Murtha
Anderson	Goodling	Nagle
Andrews (NJ)	Gordon	Natcher
Anthony	Goss	Neal (MA)
Applegate	Guarini	Neal (NC)
Atkins	Gunderson	Nowak
AuCoin	Hall (OH)	Oakar
Baker	Hall (TX)	Obey
Ballenger	Hansen	Olver
Bentley	Hastert	Ortiz
Berman	Hatcher	Owens (NY)
Bevill	Hayes (LA)	Owens (UT)
Bilbray	Hefley	Packard
Bilbrakis	Hefner	Pallone
Blackwell	Henry	Pastor
Boehert	Herger	Paxon
Boehner	Hertel	Payne (NJ)
Bonior	Hobson	Perkins
Borski	Hochbrueckner	Peterson (MN)
Boucher	Holloway	Petri
Boxer	Horton	Pickle
Brooks	Houghton	Poshard
Broomfield	Hubbard	Quillen
Bruce	Huckaby	Rahall
Bunning	Hunter	Ramstad
Callahan	Inhofe	Rangel
Camp	James	Ravel
Campbell (CA)	Jefferson	Reed
Cardin	Jenkins	Regula
Carr	Jones (GA)	Rhodes
Chapman	Jontz	Richardson
Clement	Kanjorski	Ridge
Coble	Kaptur	Riggs
Coleman (MO)	Kennelly	Rinaldo
Coleman (TX)	Kildee	Ritter
Collins (MI)	Klecza	Roemer
Combest	Klug	Rogers
Coughlin	Kolter	Ros-Lehtinen
Cox (CA)	Kopetski	Rose
Coyne	LaFalce	Rostenkowski
Cunningham	Lagomarsino	Roth
Darden	Lancaster	Roukema
Davis	Lantos	Rowland
de la Garza	Leach	Roybal
DeFazio	Lehman (CA)	Sangmeister
DeLauro	Levin (MI)	Santorum
Dellums	Lewis (CA)	Savage
Derrick	Lewis (GA)	Sawyer
Dicks	Lightfoot	Saxton
Dixon	Lipinski	Schaefer
Doolittle	Lloyd	Scheuer
Dorgan (ND)	Lowery (CA)	Schiff
Downey	Lowe (NY)	Schumer
Eckart	Machtley	Sensenbrenner
Edwards (OK)	Markey	Serrano
Emerson	Marlenee	Shays
Engel	Martinez	Shuster
English	Mavroules	Sikorski
Erdreich	McCandless	Sisisky
Espy	McCloskey	Skeen
Evans	McCrery	Skelton
Fascell	McDade	Slaughter
Feighan	McGrath	Smith (FL)
Fish	McNulty	Smith (NJ)
Flake	Meyers	Smith (OR)
Ford (MI)	Mfume	Snowe
Ford (TN)	Michel	Solarz
Frank (MA)	Miller (OH)	Solomon
Gallely	Miller (WA)	Spence
Gallo	Mineta	Spratt
Gaydos	Mink	Staggers
Gejdenson	Moakley	Stallings
Gekas	Mollinari	Stark
Gephardt	Mollohan	Stearns
Gibbons	Moorhead	Stokes
Gilchrest	Moran	Studds
Gillmor	Morella	Sundquist

Tallon	Trafficant	Weldon
Tanner	Traxler	Wheat
Tauzin	Upton	Williams
Taylor	Vander Jagt	Wilson
Taylor (MS)	Volkmer	Wise
Taylor (NC)	Vucanovich	Wyden
Thomas (GA)	Walsh	Wylie
Thomas (WY)	Washington	Yatron
Thornton	Waters	Young (FL)
Torres	Waxman	Zimmer
Torrice	Weiss	
Towns		

NAYS—139

Abercrombie	Franks (CT)	Myers
Allen	Frost	Nichols
Andrews (ME)	Geren	Nussle
Andrews (TX)	Glickman	Oberstar
Archer	Grandy	Olin
Army	Green	Orton
Aspin	Hamilton	Oxley
Bacchus	Hammerschmidt	Panetta
Barrett	Hancock	Parker
Barton	Harris	Patterson
Bateman	Hayes (IL)	Payne (VA)
Bellenson	Hoagland	Pease
Bennett	Hopkins	Pelosi
Bereuter	Horn	Penny
Bliley	Hoyer	Peterson (FL)
Brewster	Hughes	Pickett
Browder	Hutto	Porter
Brown	Hyde	Price
Bryant	Ireland	Pursell
Burton	Jacobs	Ray
Bustamante	Johnson (CT)	Roberts
Byron	Johnson (SD)	Rohrabacher
Campbell (CO)	Johnson (TX)	Sabo
Carper	Johnston	Sanders
Chandler	Jones (NC)	Sarpalius
Clay	Kasich	Schroeder
Clinger	Kennedy	Schulze
Collins (IL)	Kolbe	Sharp
Condit	Kostmayer	Shaw
Conyers	Kyl	Skaggs
Cooper	LaRocco	Slattery
Cox (IL)	Lewis (FL)	Smith (TX)
Cramer	Livingston	Stenholm
Crane	Long	Stump
DeLay	Luken	Sweet
Dickinson	Matsui	Swift
Donnelly	Mazzoli	Synar
Dooley	McCollum	Thomas (CA)
Dreier	McCurdy	Unsoeld
Duncan	McDermott	Valentine
Durbin	McEwen	Vento
Edwards (CA)	McHugh	Vislowsky
Edwards (TX)	McMillan (NC)	Rogers
Ewing	McMillen (MD)	Walker
Fawell	Miller (CA)	Wolf
Fazio	Montgomery	Wolpe
Fields	Moody	

NOT VOTING—26

Anunzio	Foglietta	Roe
Barnard	Gradison	Russo
Costello	Laughlin	Smith (IA)
Dannemeyer	Lehman (FL)	Weber
Dingell	Lent	Whitten
Dorman (CA)	Levine (CA)	Yates
Dwyer	Manton	Young (AK)
Dymally	Martin	Zeliff
Early	Morrison	

□ 2234

Mrs. JOHNSON of Connecticut and Messrs. HAYES of Illinois, HYDE, and THOMAS of California changed their vote from "yea" to "nay."

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 433) relating to the consideration of the Senate amendment to H.R. 2967.

The Clerk read as follows:

H. RES. 433

Resolved, That upon the adoption of this resolution the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Older Americans Act Amendments of 1992".

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

Sec. 1. Short title; table of contents.

TITLE I—OBJECTIVES AND DEFINITIONS

Sec. 101. Objectives.

Sec. 102. Definitions.

TITLE II—ADMINISTRATION

Sec. 201. Administration on Aging.

Sec. 202. Functions of Commissioner.

Sec. 203. Federal agency consultation.

Sec. 204. Consultation with State agencies, area agencies on aging, and Native American grant recipients.

Sec. 205. Federal Council on the Aging.

Sec. 206. Nutrition officer.

Sec. 207. Evaluation.

Sec. 208. Reports.

Sec. 209. Nutrition education.

Sec. 210. Authorization of appropriations.

Sec. 211. Study of effectiveness of State long-term care ombudsman programs.

Sec. 212. Study on board and care facility quality.

Sec. 213. Study on home care quality.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

Sec. 301. Purpose of grants for State and community programs on aging.

Sec. 302. Definitions.

Sec. 303. Authorization of appropriations; uses of funds.

Sec. 304. Allotment; Federal share.

Sec. 305. Organization.

Sec. 306. Area plans.

Sec. 307. State plans.

Sec. 308. Planning, coordination, evaluation, and administration of State plans.

Sec. 309. Disaster relief reimbursements.

Sec. 310. Availability of surplus commodities.

Sec. 311. Rights relating to in-home services for frail older individuals.

Sec. 312. Supportive services.

Sec. 313. Congregate nutrition services.

Sec. 314. Home delivered nutrition services.

Sec. 315. Criteria.

Sec. 316. School-based meals for volunteer older individuals and multigenerational programs.

Sec. 317. Dietary guidelines; payment requirement.

Sec. 318. In-home services.

Sec. 319. Preventive health services.

Sec. 320. Supportive activities for caretakers who provide in-home services to frail older individuals.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

Sec. 401. Statement of purpose.

Sec. 402. Priorities for grants and discretionary projects.

Sec. 403. Purposes of education and training projects.

Sec. 404. Grants and contracts.

Sec. 405. Multidisciplinary centers of gerontology.

Sec. 406. Demonstration projects.

Sec. 407. Special projects in comprehensive long-term care.

Sec. 408. Ombudsman and advocacy demonstration projects.

Sec. 409. Demonstration projects for multigenerational activities.

Sec. 410. Supportive services in federally assisted housing demonstration program.

Sec. 411. Neighborhood senior care program.

Sec. 412. Information and assistance systems development projects.

Sec. 413. Senior transportation demonstration program grants.

Sec. 414. Resource Centers on Native American Elders.

Sec. 415. Demonstration programs for older individuals with developmental disabilities.

Sec. 416. Housing demonstration programs.

Sec. 417. Private resource enhancement projects.

Sec. 418. Career preparation for the field of aging.

Sec. 419. Pension information and counseling demonstration projects.

Sec. 420. Authorization of appropriations.

Sec. 421. Payments of grants for demonstration projects.

Sec. 422. Responsibilities of Commissioner.

TITLE V—COMMUNITY SERVICE**EMPLOYMENT FOR OLDER AMERICANS**

Sec. 501. Older American Community Service Employment Program.

Sec. 502. Coordination.

Sec. 503. Interagency cooperation.

Sec. 504. Equitable distribution of assistance.

Sec. 505. Authorization of appropriations.

Sec. 506. Dual eligibility.

Sec. 507. Treatment of assistance provided under the Older American Community Service Employment Act.

TITLE VI—GRANTS FOR NATIVE**AMERICANS**

Sec. 601. Applications by tribal organizations.

Sec. 602. Distribution of funds among tribal organizations.

Sec. 603. Applications by organizations serving Native Hawaiians.

Sec. 604. Distribution of funds among organizations.

Sec. 605. Authorization of appropriations.

TITLE VII—VULNERABLE ELDER RIGHTS**PROTECTION ACTIVITIES**

Sec. 701. Allotments for vulnerable elder rights protection activities.

Sec. 702. Ombudsman programs.

Sec. 703. Programs for prevention of elder abuse, neglect, and exploitation.

Sec. 704. State elder rights and legal assistance development program.

Sec. 705. Outreach, counseling, and assistance programs.

Sec. 706. Native American organization provisions.

Sec. 707. General provisions.

Sec. 708. Technical and conforming amendments.

TITLE VIII—AMENDMENTS TO OTHER**LAWS; RELATED MATTERS**

Subtitle A—Long-Term Health Care Workers

Sec. 801. Definitions.

Sec. 802. Information requirements.

Sec. 803. Reports.

Sec. 804. Occupational code.

Subtitle B—National School Lunch Act

Sec. 811. Meals provided through adult day care centers.

Subtitle C—Native American Programs

Sec. 821. Short title.

Sec. 822. Amendments.

Subtitle D—1993 White House Conference on Aging

Sec. 831. 1993 White House Conference on Aging.

Sec. 832. Conference required.

Sec. 833. Conference administration.

Sec. 834. Policy committee; related committees.

Sec. 835. Report of the conference.

Sec. 836. Authorization of appropriations.

Sec. 837. Savings provision.

Sec. 838. Sense of the Congress.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Limitation on authority to enter into contracts.

Sec. 902. Regulations.

Sec. 903. Sense of Congress.

Sec. 904. Technical amendments.

Sec. 905. Effective dates; application of amendments.

TITLE I—OBJECTIVES AND DEFINITIONS**SEC. 101. OBJECTIVES.**

Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting "including support to family members and other persons providing voluntary care to older individuals needing long-term care services" after "homes".

SEC. 102. DEFINITIONS.

(a) **IN GENERAL.**—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(13) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

"(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

"(14) The term 'Administration' means the Administration on Aging.

"(15) The term 'adult child with a disability' means a child who—

"(A) is 18 years of age or older;

"(B) is financially dependent on an older individual who is a parent of the child; and

"(C) has a disability.

"(16) The term 'aging network' means the network of—

"(A) State agencies, area agencies on aging, title VI grantees, and the Administration; and

"(B) organizations that—

"(i) are providers of direct services to older individuals; or

"(ii) are institutions of higher education; and

"(iii) receive funding under this Act.

"(17) The term 'area agency on aging' means an area agency on aging designated under section 305(a)(2)(a) or a State agency performing the functions of an area agency on aging under section 305(b)(5).

"(18) The term 'art therapy' means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improvement of the mental, emotional, or social functioning of an older individual.

"(19) The term 'board and care facility' means an institution regulated by a State

pursuant to section 1616(e) of the Social Security Act (42 U.S.C. 1382(e)).

"(20) The term 'caregiver' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

"(21) The term 'caretaker' means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

"(22) The term 'care management service'—

"(A) means a service provided to an older individual, at the direction of the older individual or family member of the individual—

"(i) by an individual who is trained or experienced in the care management skills that are required to deliver the services and coordination described in subparagraph (B); and

"(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

"(B) includes services and coordination such as—

"(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

"(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

"(I) with any other plans that exist for various formal services, such as hospital discharge plans; and

"(II) with the information and assistance services provided under this Act;

"(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;

"(iv) periodic reassessment and revision of the status of the older individual with—

"(I) the older individual; or

"(II) if necessary, a primary caregiver or family member of the older individual; and

"(v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

"(23) The term 'dance-movement therapy' means the use of psychotherapeutic movement as a process facilitated by a dance-movement therapist, to further the emotional, cognitive, or physical health of an older individual.

"(24) The term 'elder abuse' means abuse of an older individual.

"(25) The term 'elder abuse, neglect, and exploitation' means abuse, neglect, and exploitation, of an older individual.

"(26) The term 'exploitation' means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

"(27) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.

"(28) The term 'frail' means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual—

"(A)(i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

"(ii) at the option of the State, is unable to perform at least three such activities without such assistance; or

"(B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

"(29) The term 'greatest economic need' means the need resulting from an income level at or below the poverty line.

"(30) The term 'greatest social need' means the need caused by noneconomic factors, which include—

"(A) physical and mental disabilities;

"(B) language barriers; and

"(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—

"(i) restricts the ability of an individual to perform normal daily tasks; or

"(ii) threatens the capacity of the individual to live independently.

"(31) The term 'information and assistance service' means a service for older individuals that—

"(A) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;

"(B) assesses the problems and capacities of the individuals;

"(C) links the individuals to the opportunities and services that are available;

"(D) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures; and

"(E) serves the entire community of older individuals, particularly—

"(i) older individuals with greatest social need; and

"(ii) older individuals with greatest economic need.

"(32) The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(33) The term 'legal assistance'—

"(A) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and

"(B) includes

"(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and

"(ii) counseling or representation by a non-lawyer where permitted by law.

"(34) The term 'long-term care facility' means—

"(A) any skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a));

"(B) any nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a));

"(C) for purposes of section 307(a)(12) and 712, a broad and care facility; and

"(D) any other adult care home similar to a facility or institution described in subparagraphs (A) through (C).

"(35) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities of recreational activities for older individuals.

"(36) The term 'music therapy' means the use of musical or rhythmic interventions

specifically selected by a music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.

"(37) The term 'neglect' means—

"(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or

"(B) the failure of a caregiver to provide the goods or services.

"(38) The term 'older individual' means an individual who is 60 years of age or older.

"(39) The term 'physical harm' means bodily injury, impairment, or disease.

"(40) The term 'planning and service area' means an area designated by a State agency under section 305(a)(1)(E), including a single planning and service area described in section 305(b)(5)(A).

"(41) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(42) The term 'representative payee' means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

"(43) The term 'State agency' means the agency designated under section 305(a)(1).

"(44) The term 'supportive service' means a service described in section 321(a)."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1)(A) Sections 102(2), 201(c)(1), 211, 301(b)(1), 402(a), and 411(b) of the Older Americans Act of 1965 (42 U.S.C. 3002(2), 3011(c)(1), 3020b, 3021(b)(1), 3030bb(a), and 3031(b)) are amended by striking "Administration on Aging" and inserting "Administration".

(B) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a) is amended by striking "of the Administration on Aging".

(2) Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended in the first sentence by striking—

(A) "(hereinafter in this Act referred to as the 'Administration')"; and

(B) "(hereinafter in this Act referred to as the 'Commissioner')".

(3) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(A) by striking paragraphs (2) through (6), (9), (11), and (14) through (21); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (2) and (3).

(4) Paragraphs (2)(A) and (4) of section 306(a) and sections 307(a)(9), 422(c)(3), 614(a)(6), and 624(a)(7) (42 U.S.C. 3026(a)(2)(A) and (4), 3027(a)(9), 3035a(c)(3), 3057e(a)(6), and 3057j(a)(7)) are amended by striking "information and referral" each place the term appears and inserting "information and assistance".

(5) Section 307(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by striking "section 342(1)" and inserting "section 342".

(6) Section 341(b) of the Older Americans Act of 1965 (42 U.S.C. 303h) is amended by striking "caregivers" and inserting "caretakers".

(7) Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i) is amended—

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

"DEFINITION OF IN-HOME SERVICES";

(B) by striking paragraph (2);
 (C) in paragraph (1)—
 (i) in subparagraph (E) by striking “; and” and inserting a period; and
 (ii) by indenting 2 ems the left margin of subparagraphs (A) through (E) and redesignating such subparagraphs as paragraphs (1) through (5), respectively; and
 (D) by striking “part—” and all that follows through “includes—”, and inserting “part, the term ‘in-home services’ includes—”.

(8) Section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056e(1)) is amended by striking “poverty guidelines established by the Office of Management and Budget” and inserting “poverty line”.

(9)(A) Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended by striking “designated under section 305(a)(1)”.

(B) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended by striking “designated under clause (1)”.

(C) Section 308(b)(3)(B)(iii) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)(3)(B)(iii)) is amended by striking “designated under section 305”.

(D) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by striking “designated under section 305(a)(1)”.

(E) Section 503(a) of the Older Americans Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking “on aging designated under section 305(a)(1)”.

(10)(A) Section 202(a)(18), 307(a)(14), 308(b)(3)(B)(iii), 310(a)(1), 311(d)(1), and 411(a)(2) (42 U.S.C. 3012(a)(18), 3027(a)(14), 3028(b)(3)(B)(iii), 3030a(1), 3030a(d)(1), and 3031(a)(2)) are amended by striking “area agencies” and inserting “area agencies on aging”.

(B) Section 305(b)(5)(A) (42 U.S.C. 3025(b)(5)(A)) is amended in the second sentence by striking “area agency” each place the term appears and inserting “area agency on aging”.

(C) Sections 305(c)(2), 306(a)(5)(A)(i), 306(a)(6)(F), 306(b)(2)(C), 307(a)(13)(B), 307(a)(13)(I), 307(a)(15)(B), and 341(b) (42 U.S.C. 3025(c)(2), 3026(a)(5)(A)(i), 3026(a)(6)(F), 3026(b)(2)(C), 3027(a)(13)(B), 3027(a)(13)(I), 3027(a)(15)(B), and 3030h(b)) are amended by striking “area agency” and inserting “area agency on aging”.

(D) Section 305(c) (42 U.S.C. 3025(c)) is amended in the first sentence, in the matter following paragraph (5), by striking “area agency” and inserting “area agency on aging”.

(E) Sections 306(a)(6)(N), 307(a)(13)(H), and 307(a)(22) (42 U.S.C. 3026(a)(6)(N), 3027(a)(13)(H), and 3027(a)(22)) are amended by striking “area agency” each place the term appears and inserting “area agency on aging”.

(F) Section 307(a)(1) (42 U.S.C. 3027(a)(1)) is amended by striking “agencies in” and inserting “agencies on aging in”.

(G) Section 362 (42 U.S.C. 3030n) is amended in the section heading by striking “AREA AGENCIES” AND inserting “AREA AGENCIES ON AGING”.

(H) Section 411(b)(2) (42 U.S.C. 3031(b)(2)) is amended by striking “State and area agency” and inserting “State agency and area agency on aging”.

(I) Section 412(a)(6) (42 U.S.C. 3032(a)(6)) is amended by striking “State and area agencies” and inserting “State agencies and area agencies on aging”.

TITLE II—ADMINISTRATION

SEC. 201. ADMINISTRATION ON AGING.

(a) **LIMITATION ON DELEGATION OF FUNCTIONS.**—The last sentence of section 201(a) of

the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended by inserting “(including the functions of the Commissioner carried out through regional offices)” after “Commissioner” the first place it appears.

(b) **COORDINATION.**—Section 201(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(c)(3)) is amended—

(2) in subparagraph (B) by inserting “, with particular attention to services provided to Native Americans by the Indian Health Service” after “affecting older Native Americans”;

(2) in subparagraph (F) by inserting “, including information (compiled with assistance from public or nonprofit private entities, including institutions of high education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to Native Americans” after “Native Americans”;

(3) in subparagraph (G) by striking “and” at the end;

(4) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(I) promote coordination—

“(i) between the administration of title III and the administration of title VI; and

“(ii) between programs established under title III by the Commissioner and programs established under title VI by the Commissioner; including sharing among grantees information on programs funded, and on training and technical assistance provided, under such titles; and

“(J) serve as the effective and visible advocate on behalf of older individuals who are Indians, Alaskan Natives, and Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this Act and other Federal Acts, for the benefit of such individuals.”.

(c) **OFFICE OF LONG-TERM CARE OMBUDSMAN PROGRAMS.**—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

“(d)(1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the ‘Office’).

“(2)(A) The Office shall be headed by an Associate Commissioner for Ombudsman Programs (in this subsection referred to as the ‘Associate Commissioner’) who shall be appointed by the Commissioner from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Associate Commissioner shall report directly to the Commissioner.

“(B) No individual shall be appointed Associate Commissioner if—

“(i) the individual has been employed within the previous 2 years by—

“(I) a long-term care facility;

“(II) a corporation that then owned or operated a long-term care facility; or

“(III) an association of long-term care facilities;

“(ii) the individual—

“(I) has an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or long-term care service; or

“(II) receives, or has the right to receive, directly or indirectly remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; or

“(iii) the individual, or any member of the immediate family of the individual, is subject to a conflict of interest.

“(3) The Associate Commissioner shall—

“(A) serve as an effective and visible advocate on behalf of older individuals who reside in long-term care facilities, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government regarding all Federal policies affecting such individuals;

“(B) review and make recommendations to the Commissioner regarding—

“(i) the approval of the provisions in State plans submitted under section 307(a) that relate to State Long-Term Care Ombudsman programs; and

“(ii) the adequacy of State budgets and policies relating to the programs;

“(C) after consultation with State Long-Term Care Ombudsmen and the State agencies, make recommendations to the Commissioner regarding—

“(i) policies designed to assist State Long-Term Care Ombudsmen; and

“(ii) methods to periodically monitor and evaluate the operation of State Long-Term Care Ombudsman programs, to ensure that the programs satisfy the requirements of section 307(a)(12) and section 712, including provision of service to residents of board and care facilities and of similar adult care facilities;

“(D) keep the Commissioner and the Secretary fully and currently informed about—

“(i) problems relating to State Long-Term Care Ombudsman programs; and

“(ii) the necessity for, and the progress toward, solving the problems;

“(E) review, and make recommendations to the Secretary and the Commissioner regarding, existing and proposed Federal legislation, regulations, and policies regarding the operation of State Long-Term Care Ombudsman programs;

“(F) make recommendations to the Commissioner and the Secretary regarding the policies of the Administration, and coordinate the activities of the Administration with the activities of other Federal entities, State and local entities, and nongovernmental entities, relating to State Long-Term Care Ombudsman programs;

“(G) supervise the activities carried out under the authority of the Administration that relate to State Long-Term Care Ombudsman programs;

“(H) administer the National Ombudsman Resource Center established under section 202(a)(21) and make recommendations to the Commissioner regarding the operation of the National Ombudsman Resource Center;

“(I) advocate, monitor, and coordinate Federal and State activities of Long-Term Care Ombudsmen under this Act;

“(J) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the effectiveness of services provided under section 307(a)(12) and section 712;

“(K) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of older individuals; and

“(L) not later than 180 days after the date of the enactment of the Older Americans Act Amendments of 1992, establish standards applicable to the training required by section 712(h)(4).”.

SEC. 202. FUNCTIONS OF COMMISSIONER.

(a) **TECHNICAL AMENDMENTS.**—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (3) by inserting “directly” after “(3)”;

(2) in paragraph (11) by striking "provide for the coordination of" and insert "coordinate";

(3) in paragraph (18)—

(A) by inserting "and service providers," after "agencies"; and

(B) by striking "the greatest economic or social needs" and inserting "greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals"; and

(4) in paragraph (19)—

(A) in subparagraph (A) by inserting "or activity" after "service" each place it appears; and

(B) in subparagraph (C) by striking "and" at the end.

(b) FUNCTIONS.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (20) by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

"(21)(A) establish and operate the National Ombudsman Resource Center (in this paragraph referred to as the 'Center'), under the administration of the Associate Commissioner for Ombudsman Programs, that will—

"(i) by grant or contract—

"(I) conduct research;

"(II) provide training, technical assistance, and information to State Long-Term Care Ombudsmen;

"(III) analyze laws, regulations, programs, and practices; and

"(IV) provide assistance in recruiting and retaining volunteers for State Long-Term Care Ombudsman programs by establishing a national program for recruitment efforts that utilizes the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs;

relating to Federal, State, and local long-term care ombudsman policies; and

"(ii) assist State Long-Term Care Ombudsmen in the implementation of State Long-Term Care Ombudsman programs; and

"(B) make available to the Center not less than the amount of resources made available to the Long-Term Care Ombudsman National Resource Center for fiscal year 1990;

"(2) issue regulations, and conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purposes of services provided and service providers, under this Act in all contractual and commercial relationships, and include in such regulations a requirement that as a condition of being designated as an area agency on aging such agency shall—

"(A) disclose to the Commissioner and the State agency involved—

"(i) the identity of each non-governmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(B) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

"(C) demonstrate that the quantity or quality of the services to be provided under this Act by such agency will be enhanced as a result of such contract or such relationship; and

"(D) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds received or expended to provide services to older individuals;

"(23) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State plan program under such title), medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.) and benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) of the requirements for eligibility to receive such benefits and such assistance;

"(24) establish information and assistance services as priority services for older individuals;

"(25) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance;

"(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers referred to in sections 307(a)(18) and 731(b)(2);

"(27)(A) conduct a study to determine ways in which Federal funds might be more effectively targeted to low-income minority older individuals, and older individuals residing in rural areas to better meet the needs of States with a disproportionate number of older individuals with greatest economic need and older individuals with greatest social need;

"(B) conduct a study to determine ways in which Federal funds might be more effectively targeted to better meet the needs of States with disproportionate numbers of older individuals, including methods of allotting funds under title III, using the most recent estimates of the population of older individuals; and

"(C) not later than January 1, 1994, submit a report containing the findings resulting from the studies described in subparagraphs (A) and (B) to the Speaker of the House of Representatives and the President pro tempore of the Senate;

"(28) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers regarding State and local data collection and analysis;

"(29) design and implement, for purposes of compliance with paragraph (19), uniform data collection procedures for use by State agencies, including—

"(A) uniform definitions and nomenclature;

"(B) standardized data collection procedures;

"(C) a participant identification and description system;

"(D) procedures for collecting information on gaps in services needed by older individuals, as identified by service providers in assisting clients through the provision of the supportive services; and

"(E) procedures for the assessment of unmet needs for services under this Act; and

"(30) require that all Federal grants and contracts made under this title and title IV be made in accordance with a competitive bidding process established by the Commissioner by regulation."

"(c) COMMUNITY-BASED LONG-TERM CARE PROGRAM.—Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012 (b)) is amended—

(1) in paragraph (2) by striking "and" at the end;

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

(3) by adding at the end the following:

"(4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals."

(d) VOLUNTEER SERVICE COORDINATORS.—Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) In executing the duties and functions of the Administration under this Act and in carrying out the programs and activities provided for by this Act, the Commissioner shall act to encourage and assist the establishment and use of—

"(i) area volunteer service coordinators, as described in section 306(a)(12), by area agencies on aging; and

"(ii) State volunteer service coordinators, as described in section 307(a)(31), by State agencies.

"(B) The Commissioner shall provide technical assistance to the area and State volunteer services coordinators."

(e) NATIONAL CENTER ON ELDER ABUSE.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended by adding at the end the following:

"(d)(1) The Commissioner shall establish and operate the National Center on Elder Abuse (in this subsection referred to as the 'Center').

"(2) In operating the Center, the Commissioner shall—

"(A) annually compile, publish, and disseminate a summary of recently conducted research on elder abuse, neglect, and exploitation;

"(B) develop and maintain an information clearinghouse on all programs (including private programs) showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(C) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation; and

"(E) conduct research and demonstration projects regarding the causes, prevention, identification, and treatment of elder abuse, neglect, and exploitation.

"(3)(A) The Commissioner shall carry out paragraph (2) through grants or contracts.

"(B) The Commissioner shall issue criteria applicable to the recipients of funds under this subsection. To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) The Commissioner shall—

"(i) establish research priorities for making grants or contracts to carry out paragraph (2)(E); and

"(ii) not later than 60 days before the date on which the Commissioner establishes such

priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

"(4) The Commissioner shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Resource Center on Elder Abuse for fiscal year 1990."

(f) NATIONAL AGING INFORMATION CENTER.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(e)(1)(A) The Commissioner shall make grants or enter into contracts with eligible entities to establish the National Aging Information Center (in this subsection referred to as the 'Center') to—

"(i) provide information about education and training projects established under part A, and research and demonstration projects, and other activities, established under part B, of title IV to persons requesting such information;

"(ii) annually compile, analyze, publish, and disseminate—

"(I) statistical data collected under subsection (a)(19);

"(II) census data on aging demographics; and

"(III) data from other Federal agencies on the health, social, and economic status of older individuals and on the services provided to older individuals;

"(iii) biennially compile, analyze, publish, and disseminate statistical data collected on the functions, staffing patterns, and funding sources of State agencies and area agencies on aging;

"(iv) analyze the information collected under section 201(c)(3)(F) by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, and the information provided by the Resource Centers on Native American Elders under section 429E;

"(v) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers, regarding State and local data collection and analysis; and

"(vi) be a national resource on statistical data regarding aging;

"(B) To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) Entities eligible to receive a grant or enter into a contract under subparagraph (A) shall be organizations with a demonstrated record of experience in education and information dissemination.

"(2)(A) The Commissioner shall establish procedures specifying the length of time that the Center shall provide the information described in paragraph (1) with respect to a particular project or activity. The procedures shall require the Center to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project or activity.

"(B) The Commissioner shall establish the procedures described in subparagraph (A) after consultation with—

"(i) practitioners in the field of aging;

"(ii) older individuals;

"(iii) representatives of institutions of higher education;

"(iv) national aging organizations;

"(v) State agencies;

"(vi) area agencies on aging;

"(vii) legal assistance providers;

"(viii) service providers; and

"(ix) other persons with an interest in the field of aging."

(g) OBLIGATION OF FUNDS.—Not later than March 1, 1993, the Commissioner shall obligate, from the funds appropriated under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) for fiscal year 1993—

(1) to carry out section 202(a)(21) of such Act (as added by subsection (b)(2) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Long-Term Care Ombudsman Resource Center; and

(2) to carry out section 202(d)(4) of such Act (as added by subsection (e) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Aging Resource Center on Elder Abuse.

(h) DEADLINE FOR DEVELOPMENT OF PROCEDURES.—Not later than 1 year after the date of the enactment of this Act, the data collection procedures required by section 202(a)(29) of the Older Americans Act of 1965 shall be developed by the Commissioner on Aging, jointly with the Assistant Secretary of Planning and Evaluation of the Department of Health and Human Services, after—

(1) requesting advisory information under such Act from State agencies, local governments, area agencies on aging, recipients of grants under title VI of such Act, and local providers of services under such Act; and

(2) considering the data collection systems carried out by State agencies in the States then identified as exemplary by the General Accounting Office. Not later than 1 year after developing such data collection procedures, the Commissioner on Aging shall test such procedures, submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing the results of such test, and implement such procedures (as modified, if appropriate, to reflect such results).

SEC. 203. FEDERAL AGENCY CONSULTATION.

(a) IN GENERAL.—Section 203(a) of the Older Americans Act of 1965 (42 U.S.C. 3013(a)) is amended to read as follows:

"(a)(1) The Commissioner, in carrying out the objectives and provisions of this Act, shall coordinate, advise, consult with, and cooperate with the head of each department, agency, or instrumentality of the Federal Government proposing or administering programs or services substantially related to the objectives of this Act, with respect to such programs or services. In particular, the Commissioner shall coordinate, advise, consult, and cooperate with the Secretary of Labor in carrying out title V and with the ACTION Agency in carrying out this Act.

"(2) The head of each department, agency, or instrumentality of the Federal Government proposing to establish programs and services substantially related to the objectives of this Act shall consult with the Commissioner prior to the establishment of such programs and services. To achieve appropriate coordination, the head of each department, agency, or instrumentality of the Federal Government administering any program substantially related to the objectives of this Act, particularly administering any program referred to in subsection (b), shall consult and cooperate with the Commissioner in carrying out such program. In particular, the

Secretary of Labor shall consult and cooperate with the Commissioner in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

"(3) The head of each Federal department, agency, or instrumentality of the Federal Government administering programs and services substantially related to the objectives of this Act shall collaborate with the Commissioner in carrying out this Act, and shall develop a written analysis, for review and comment by the Commissioner, of the impact of such programs and services on—

"(A) older individuals (with particular attention to low-income minority older individuals) and eligible individuals (as defined in section 507); and

"(B) the functions and responsibilities of State agencies and area agencies on aging."

(b) RELATED PROGRAMS.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended—

(1) in paragraph (16) by striking "and" at the end;

(2) in paragraph (17) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following:

"(18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750-3766(b))."

SEC. 204. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 203 the following:

"SEC. 203A. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

"The Commissioner shall consult and coordinate with State agencies, area agencies on aging, and recipients of grants under title VI in the development of Federal goals, regulations, program instructions, and policies under this Act."

SEC. 205. FEDERAL COUNCIL ON THE AGING.

(a) ESTABLISHMENT.—Section 204(a) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)) is amended—

(1) in paragraph (1)—

(A) in the second sentence by striking "Members shall serve for terms of three years" and inserting "Except as provided in subsection (b)(1)(A), members shall serve for terms of 3 years, ending on March 31 regardless of the actual date of appointment,"; and

(B) in the third sentence by inserting "from among individuals who have expertise and experience in the field of aging" after "appointed"; and

(2) in paragraph (2) by striking "1984" and inserting "1992".

(b) TERMS OF APPOINTMENT.—Section 204(b)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(1)(A)) is amended to read as follows:

"(A)(i) The initial members of the Federal Council on the Aging shall be appointed on April 1, 1993, as follows:

"(I) 5 members, who shall be referred to as class 1 members, shall be appointed for a term of 1 year;

"(II) 5 members, who shall be referred to as class 2 members, shall be appointed for a term of 2 years; and

"(III) 5 members, who shall be referred to as class 3 members, shall be appointed for a term of 3 years.

"(ii) Members appointed in 1994 and each third year thereafter shall be referred to as

class 1 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1996 and each third year thereafter shall be referred to as class 3 members."

(c) DUTIES OF COUNCIL.—Section 204(d) of the Older Americans Act of 1965 (42 U.S.C. 3015(d)) is amended—

(1) in paragraph (2) by inserting before the semicolon at the end the following: "and of identifying duplication and gaps among the types of services provided under such programs and activities";

(2) by redesignating paragraphs (2) through (5) as paragraph (3) through (6), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) directly advise the Commissioner on matters affecting the special needs of older individuals for services and assistance under this Act";

(d) REPORTS.—Section 204(f) of the Older Americans Act of 1965 (42 U.S.C. 3015(f)) is amended by striking "such interim reports as it deems advisable" and inserting "interim reports".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out this section \$300,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994 and 1995."

SEC. 206. NUTRITION OFFICER.

Section 205(a) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:
 "(2)(A) the Commissioner shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in subparts 1, 2, and 3 of part C of title III and shall have duties that include—

"(i) designing, implementing, and evaluating nutrition programs;

"(ii) developing guidelines for nutrition providers concerning safety, sanitary handling of food, equipment, preparation, and food storage;

"(iii) disseminating information to nutrition service providers about nutrition advancements and developments;

"(iv) promoting coordination between nutrition service providers and community-based organizations serving older individuals;

"(v) developing guidelines on cost containment;

"(vi) defining a long range role for the nutrition services in community-based care systems;

"(vii) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences; and

"(viii) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (vii).

"(B) The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in clauses (ii), (iii), and (v) of subparagraph (A) to State agencies, area agencies on aging, the persons that provide nutrition services under part C of title III.

"(C) The officer or employee designated under subparagraph (A) shall—

"(i) have expertise in nutrition and dietary services and planning; and

"(ii)(I) be a registered dietitian;

"(II) be a credentialed nutrition professional; or

"(III) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional."

SEC. 207. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in the first sentence of subsection (a) by inserting after "related programs," the following:

"their effectiveness in targeting for services under this Act unserved older individuals with greatest economic need (including low-income minority individuals) and unserved older individuals with greatest social need (including low-income minority individuals);"; and

(2) by striking subsection (g) and inserting the following:

"(g)(1) Not later than June 30, 1994, the Commissioner, in consultation with the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, shall complete an evaluation of nutrition services provided under this Act, to evaluate for fiscal years 1992 and 1993—

"(A) their effectiveness in serving special populations of older individuals;

"(B) the quality of nutrition provided by such services;

"(C) average meal costs (including the cost of food, related administrative costs, and the cost of supportive services relating to nutrition services), taking into account regional differences and size of projects;

"(D) the characteristics of participants;

"(E) the applicability of health, safety, and dietary standards;

"(F) the appraisal of such services by recipients;

"(G) the efficiency of delivery and administration of such services;

"(H) the amount, sources, and ultimate uses of funds transferred under section 308(b)(5) to provide such services;

"(I) the amount, sources, and uses of other funds expended to provide such services, including the extent to which funds received under this Act are used to generate additional funds to provide such services;

"(J) the degree of nutritional expertise used to plan and manage coordination with other State and local services;

"(K) nonfood cost factors incidental to providing nutrition services under this Act;

"(L) the extent to which commodities provided by the Secretary of Agriculture under section 311(a) are used to provide such services;

"(M) and for the 8-year period ending September 30, 1992, the characteristics, and changes in the characteristics, of such nutrition services;

"(N) differences between older individuals who receive nutrition services under section 331 and older individuals who receive nutrition services under section 336, with specific reference to age, income, health status, receipt of food stamp benefits, and limitations on activities of daily living;

"(O) the impact of the increase in nutrition services provided under section 336, the factors that caused such increase, and the effect of such increase on nutrition services authorized under section 336;

"(P) how, and the extent to which, nutrition services provided under this Act gen-

erally, and under section 331 specifically, are integrated with long-term care programs;

"(Q) the impact of nutrition services provided under this Act on older individuals, including the impact on their dietary intake and opportunities for socialization;

"(R) the adequacy of the daily recommended dietary allowances described in section 339; and

"(S) the impact of transferring funds under section 308(b)(5) and how funds transferred under such section are expended to provide nutrition services.

"(2)(A)(i) The Commissioner shall establish an advisory council to develop recommendations for guidelines on efficiency and quality in furnishing nutrition services described in subparts 1, 2, and 3 of part C of title III.

"(ii) The council shall be composed of members appointed by the Commissioner from among individuals nominated by the Secretary of Agriculture, the American Dietetic Association, the Dietary Managers Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

"Not later than June 30, 1993, the Commissioner, in consultation with the Secretary of Agriculture and taking into consideration the recommendations of the council, shall publish interim guidelines of the kind described in subparagraph (A)(i).

"(3) Not later than September 30, 1994, the Secretary shall—

"(A) submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate recommendations and final guidelines to improve nutrition services provided under this Act; and

"(B) require the Commissioner to implement such recommendations administratively, to the extent feasible.

"(h) The Secretary may use such sums as may be necessary, but not to exceed \$3,000,000 (of which not to exceed \$1,500,000 shall be available from funds appropriated to carry out title III and not to exceed \$1,500,000 shall be available from funds appropriated to carry out title IV), to conduct directly evaluations under this section. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary."

SEC. 208. REPORTS.

(A) ANNUAL REPORT.—Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) a description of the implementation of the plan required by section 202(a)(17)."

(b) DEADLINE.—Section 207(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(1)) is amended by striking "January 15" and inserting "March 1".

(c) REPORT ON EVALUATIONS.—Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) the effectiveness of State and local efforts to target older individuals with great-

est economic need (including low-income minority individuals) and older individuals with greatest social need (including low-income minority individuals) to receive services under this Act."

SEC. 209. NUTRITION EDUCATION.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011-3020d) is amended by adding at the end the following:

"SEC. 214. NUTRITION EDUCATION.

"The Commissioner and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 307(a)(13)(J)."

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011-3020d), as amended by section 209, is amended by adding at the end the following:

"SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

(a) ADMINISTRATION.—For purposes of carrying out this Act, there are authorized to be appropriated for the Administration such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.

"(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

"(1) 17,000,000 for fiscal year 1992, \$20,000,000 for fiscal year 1993, \$24,000,000 for fiscal year 1994, and \$29,000,000 for fiscal year 1995; and

"(2) such additional sums as may be necessary for each such fiscal year to enable the Commissioner to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging."

SEC. 211. STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

Not later than January 1, 1994, the Commissioner on Aging shall, in consultation with State agencies, State Long-Term Care Ombudsmen, the National Ombudsman Resource Center established under section 202(a)(21) of the Older Americans Act of 1965 (as added by section 202(b)(2) of this Act), and professional ombudsmen associations, directly, or by grant or contract, conduct a study, and submit a report to the committees specified in section 207(b)(2) of such Act, analyzing separately with respect to each State—

(1) the availability of services, and the unmet need for services, under the State Long-Term Care Ombudsman programs in effect under sections 307(a)(12) and 712 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to residents of long-term care facilities (as defined in section 102 of such Act);

(2) the effectiveness of the programs in providing the services to the residents of board and care facilities (as defined in section 102 of such Act) and of similar adult care facilities;

(3) the adequacy of Federal and other resources to carry out the programs on a statewide basis in each State;

(4) compliance and barriers to such compliance of the States in carrying out the programs.

(5) any actual and potential conflicts of interest in the administration and operation of the programs; and

(6) the need for and feasibility of providing ombudsman services to older individuals (as defined in section 102 of such Act) who are not in long-term care facilities and who use long-term care services and other health care services, by analyzing and assessing current State agency practices in programs in which the State Long-Term Care Ombuds-

men provide services to older individuals in settings in addition to long-term care facilities, taking into account variations in—

(A) settings where services are provided;

(B) the types of clients served;

(C) the types of complaints and problems handled;

(D) State regulation of long-term care provided in settings other than long-term care facilities; and

(E) possible conflicts of interest between the State Long-Term Care Ombudsman programs under such Act and area agencies on aging (as defined in section 102 of such Act) who provide to older individuals long-term care services both in such settings and in long-term care facilities.

SEC. 212. STUDY ON BOARD AND CARE FACILITY QUALITY.

(a) Arrangement for Study Committee.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of board and care facilities for older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the disabled.

(b) SCOPE OF STUDY.—The study shall include—

(1) an examination of existing quality, health, and safety requirements for board and care facilities and the enforcement of such requirements for their adequacy and effectiveness, with special attention to their effectiveness in promoting good personal care;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in assuring the health and safety of residents of board and care facilities; and

(3) specific recommendations to the Congress and the Secretary, by not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of residents of such facilities and the enforcement of such standards.

(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members as appointed from among the following:

(1) NATIONAL ACADEMY OF SCIENCES.—The members of the National Academy of Sciences with experience in long-term care. The members so appointed shall include—

(A) physicians;

(B) experts on the administration of drugs to older individuals, and disabled individuals receiving long-term care services; and

(C) experts on the enforcement of life-safety codes in long-term care facilities.

(2) RESIDENTS.—Residents of board and care facilities (including privately owned board and care facilities), and representatives of such residents or of organizations that advocate on behalf of such residents. Members so appointed shall include—

(A) residents of a nonprofit board and care facility; or

(B) individuals who represent—

(i) residents of nonprofit board and care facilities; or

(ii) organizations that advocate on behalf of residents of nonprofit board and care facilities.

(3) OPERATIONS.—Operators of board and care facilities (including privately owned board and care facilities), and individuals who represent such operators or organizations that represent the interests of such op-

erators. Members so appointed shall include—

(A) operators of a nonprofit board and care facility; or

(B) individuals who represent—

(i) operators of nonprofit board and care facilities; or

(ii) organizations that represent the interests of operators of nonprofit board and care facilities.

(4) OFFICERS.—

(A) STATE OFFICERS.—Elected and appointed State officers who have responsibility relating to the health and safety of residents of board and care facilities.

(B) REPRESENTATIVES.—Representatives of such officers or of organizations representing such officers.

(C) OTHER INDIVIDUALS.—Other individuals with relevant expertise.

(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the study committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) INVOLVEMENT OF OTHERS.—

(1) GOVERNMENT OFFICIALS.—The study committee shall conduct its work in a manner that provides for the consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the study committee.

(2) EXPERTS.—The study committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the study committee.

(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the study committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a) and the recommendations made under subsection (b).

(g) BOARD AND CARE FACILITY DEFINED.—In this section, the term "board and care facility" means a facility described in section 1616(e) of the Social Security Act (42 U.S.C. 1372e(e)).

(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$1,500,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

SEC. 213. STUDY ON HOME CARE QUALITY.

(a) ESTABLISHMENT STUDY OF COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of home care services for older individuals and disabled individuals.

(b) SCOPE OF STUDY.—The study shall include—

(1) an examination of existing quality, health and safety requirements for home care services and the enforcement of such requirements for their adequacy, effectiveness, and appropriateness;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in en-

sure the health and safety of patients and clients of home care services; and

(3) specific recommendations to the Congress and the Secretary, not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of patients and clients of such services and the enforcement of such standards.

(c) **COMPOSITION OF STUDY COMMITTEE.**—The study committee shall be composed of members appointed from among—

(1) individuals with experience in long-term care, including nonmedical home care services;

(2) patients and clients of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such patients and clients or organizations that advocate on behalf of such patients and clients;

(3) providers of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such providers or organizations that advocate on behalf of such providers;

(4) elected and appointed State officers who have responsibility relating to the health and safety of patients and clients of home care services, or representatives of such officers or of organizations representing such officers; and

(5) other individuals with relevant expertise.

(d) **USE OF INSTITUTE OF MEDICINE.**—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) **INVOLVEMENT OF OTHERS.**—

(1) **MEMBERS AND OFFICIALS.**—The committee shall conduct its work in a manner that provides for consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the committee.

(2) **INDIVIDUAL OR ORGANIZATION WITH EXPERTISE.**—The committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the committee.

(f) **REPORT.**—Not later than 20 months after an arrangement is entered into under subsection (d), the committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a).

(g) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

SEC. 301. PURPOSE OF GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING.

Section 301(a) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)) is amended to read as follows:

“(a)(1) It is the purpose of this title to encourage and assist State agencies and area

agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

“(A) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

“(B) remove individual and social barriers to economic and personal independence for older individuals;

“(C) provide a continuum of care for vulnerable older individuals; and

“(D) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

“(2) The persons referred to in paragraph (1) include—

“(A) State agencies and area agencies on aging;

“(B) other State agencies, including agencies that administer home and community care programs;

“(C) Indian tribes, tribal organizations, and Native Hawaiian organizations;

“(D) the providers, including voluntary organizations or other private sector organizations, of supportive services, nutrition services, and multipurpose senior centers; and

“(E) organizations representing or employing older individuals or their families.”

SEC. 302. DEFINITIONS.

Section 302(1) of the Older Americans Act of 1965 (42 U.S.C. 3022(1)) is amended—

(1) in subparagraph (B) by striking “and” at the end;

(2) in subparagraph (C) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.”

SEC. 303. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.

(a) **AUTHORIZATION FOR PART B.**—

(1) **SUPPORTIVE SERVICES AND SENIOR CENTERS.**—Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(1)) is amended by striking “\$379,575,000” and all that follows through “1991”, and inserting “\$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995”.

(2) **STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.**—Section 303(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(2)) is amended to read as follows:

“(2) Funds appropriated under paragraph (1) shall be available to carry out section 712.”

(3) **REPEAL RELATING TO OUTREACH.**—Section 303(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(3)) is repealed.

(b) **AUTHORIZATION FOR PART C.**—

(1) **CONGREGATE NUTRITION SERVICES.**—Section 303(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended by striking “\$414,750,000” and all that follows through “1991”, and inserting “\$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995”.

(2) **HOME-DELIVERED NUTRITION SERVICES.**—Section 303(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(2)) is amended by striking “\$79,380,000” and all that follows through “1991”, and inserting “\$120,000,000

for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, 1995”.

(3) **AUTHORIZATION OF APPROPRIATIONS FOR SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.**—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

“(3) There are authorized to be appropriated \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart 3 of part C of this title (relating to school-based meals for volunteer older individuals and multigenerational programs).”

(c) **AUTHORIZATION FOR PART D (RELATING TO IN-HOME SERVICES).**—Section 303(d) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)) is amended by striking “\$25,000,000” and all that follows through “1991”, and inserting “\$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995”.

(d) **AUTHORIZATION FOR PART E (RELATING TO SPECIAL NEEDS).**—Section 303(e) of the Older Americans Act of 1965 (42 U.S.C. 3012(e)) is amended by striking “Subject to” and all that follows through “1991”, and inserting “There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995.”

(e) **AUTHORIZATION FOR PART F (RELATING TO DISEASE PREVENTION AND HEALTH PROMOTION).**—Section 303(f) of the Older Americans Act of 1965 (42 U.S.C. 3012(f)) is amended—

(1) by striking “Subject to subsection (h), there” and inserting “There”; and

(2) by striking “\$5,000,000” and all that follows through “1991”, and inserting “\$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.”

(f) **AUTHORIZATION FOR PART G (RELATING TO SUPPORTIVE ACTIVITIES FOR CARETAKERS).**—Section 303(g) of the Older Americans Act of 1965 (42 U.S.C. 3023(g)) is amended to read as follows:

“(g) There are authorized to be appropriated \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out part G (relating to supportive activities for caretakers).”

(g) **REPEAL OF LIMITATION.**—Section 303(h) of the Older Americans Act of 1965 (42 U.S.C. 3023(h)) is repealed.

SEC. 304. ALLOTMENT; FEDERAL SHARE.

(a) **AMOUNT OF ALLOTMENTS.**—Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (2) by striking “1984” and inserting “1987”; and

(2) by amending paragraph (3) to read as follows:

“(3) No State shall be allotted, from the amount appropriated under section 303(g), less than \$50,000 for any fiscal year.”; and

(3) in paragraph (4) by striking “satisfactory data available” and inserting “data available from the Bureau of the Census, and other reliable demographic data satisfactory”.

(b) **WITHHOLDING OF ALLOTMENTS.**—Section 304(c) of the Older Americans Act of 1965 (42 U.S.C. 3024(c)) is amended by inserting “or the Commissioner does not approve funding formula required under section 305(a)(2)(C)” after “requirements of section 307”.

(c) **OUTREACH DEMONSTRATION PROJECTS.**—Section 304(d)(1)(C) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(C)) is amended to read as follows:

"(C) not less than \$150,000 and not more than 4 percent of the amount allotted to the State for carrying out part B, shall be available for conducting outreach demonstration project under section 706; and".

(d) VOLUNTEER SERVICES COORDINATORS.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by adding at the end the following:

"(e) Grants made from allotments received under this title may be used for paying for the costs of providing for an area volunteer services coordinator (as described in section 306(a)(12)) or a State volunteer services coordinator (as described in section 307(a)(31)).

SEC. 305. ORGANIZATION.

(a) PLANNING; CONSULTATION; LOW-INCOME MINORITY OBJECTIVES AND FOCUS.—Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

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

"(C) be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the objectives of this Act;" and

(2) in paragraph (2)—

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

"(C) in consultation with area agencies, in accordance with guidelines issued by the Commissioner, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account—

"(i) the geographical distribution of older individuals in the State; and

"(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals;"

(B) in subparagraph (D) by striking "for review and comment" and inserting "for approval";

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

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

"(F) provide assurances that the State agency will require use of outreach efforts described in section 307(a)(24); and"; and

(E) by adding at the end the following:

"(G)(i) set specific objectives, in consultation with area agencies on aging, for each planning and service area for providing services funded under this title to low-income minority older individuals;

"(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

"(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency."

(b) PROCEDURES; REVIEW OF BOUNDARIES.—Section 305(b)(5) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)(5)) is amended by adding at the end the following:

"(C)(i) A State agency shall establish and follow appropriate procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to—

"(I) revoke the designation of the area agency on aging under subsection (a);

"(II) designate an additional planning and service area in a State;

"(III) divide the State into different planning and services areas; or

"(IV) otherwise affect the boundaries of the planning and service areas in the State.

"(ii) The procedures described in clause (i) shall include procedures for—

"(I) providing notice of an action or proceeding described in clause (i);

"(II) documenting the need for the action or proceeding;

"(III) conducting a public hearing for the action or proceeding;

"(IV) involving area agencies on aging, service providers, and older individuals in the action or proceeding; and

"(V) allowing an appeal of the decision of the State agency in the action or proceeding to the Commissioner.

"(iii) An adversely affected party involved in an action or proceeding described in clause (i) may bring an appeal described in clause (ii)(V) on the basis of—

"(I) the facts and merits of the matter that is the subject of the action or proceeding; or

"(II) procedural grounds.

"(iv) In deciding an appeal described in clause (ii)(V), the Commissioner may affirm or set aside the decision of the State agency. If the Commissioner sets aside the decision, and the State agency has taken an action described in subclauses (I) through (III) of clause (i), the State agency shall nullify the action."

SEC. 306. AREA PLANS.

(a) CASE MANAGEMENT SERVICES.—Section 306(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)(A)), as amended by section 102(b)(4) of this Act, is amended by striking "and information and assistance" and inserting "information and assistance, and case management services".

(b) IDENTITY OF FOCAL POINT.—Section 306(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(3)) is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "(including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii))" after "centers";

(3) by inserting "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;"

(c) OBJECTIVES FOR LOW-INCOME MINORITY INDIVIDUALS.—

(1) INFORMATION AND ASSISTANCE SERVICES.—Section 306(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(4)) is amended by inserting before the semicolon at the end the following: "with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders)".

(2) OUTREACH AND INFORMATION.—Section 306(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)) is amended—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking "preference will be given to" and inserting "the area agency on aging will set specific objectives for"; and

(II) by striking "with particular attention" and inserting "include specific objectives for providing services"; (ii) in clause (ii)—

(I) in subclause (I) by striking "and" at the end;

(II) by amending subclause (II) to read as follows:

"(II) to the maximum extent feasible, provide services to low-income minority individuals in accordance with their need for such services; and"; and

(III) by adding at the end the following:

"(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals within the planning and service area; and"; and

(iii) in clause (ii)—

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

(II) by adding at the end the following new subclause:

"(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i);"

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

"(B) provide assurances that the area agency on aging will use outreach efforts that will—

"(i) identify individuals eligible for assistance under this Act, with special emphasis on—

"(I) older individuals residing in rural areas;

"(II) older individuals with greatest economic need (with particular attention to low-income minority individuals);

"(III) older individuals with greatest social need (with particular attention to low-income minority individuals);

"(IV) older individuals with severe disabilities;

"(V) older individuals with limited English-speaking ability; and

"(VI) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

"(ii) inform the older individuals referred to in subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and"; and

(C) by adding at the end the following:

"(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals;"

(d) COORDINATION; HOUSING ARRANGEMENTS; TELEPHONE LISTING.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)) is amended.—

(1) in subparagraph (B) by inserting "and timely information in a timely manner," after "assistance";

(2) in subparagraph (D) by inserting "(in cooperation with agencies, organizations, and individuals participating in activities under the plan)" after "community by";

(3) in subparagraph (E)—

(A) by inserting "(i)" after "(E)";

(B) by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(ii) if possible regarding the provision of services under this title, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

"(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790) for fiscal year 1981, and did not lose the designation as a result of failure to comply with such Act; or

"(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs;

and that meet the requirements under section 675(c)(3) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(3));"

(4) by amending subparagraph (H) to read as follows:

"(H) establish effective and efficient procedures for coordination of—

"(i) entities conducting programs that receive assistance under this Act within the planning and service area served by the agency; and

"(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b), within the area;"

(5) in subparagraph (I) by striking "emphasize the development" and all that follows through the semicolon at the end, and inserting "include the development of case management services as a component of the long-term care services;"

(6) in subparagraph (O) by striking "and" at the end;

(7) by striking subparagraph (P); and

(8) by adding at the end the following:

"(P) establish a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

"(Q) enter into voluntary arrangements with nonprofit entities (including public and private housing authorities and organizations) that provide housing (such as housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q) to older individuals, to provide—

"(i) leadership and coordination in the development, provision, and expansion of adequate housing, supportive services, referrals, and living arrangements for older individuals; and

"(ii) advance notification and non-financial assistance to older individuals who are subject to eviction from such housing;

"(R) list the telephone number of the agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by the agency—

"(i) under the name 'Area Agency on Aging';

"(ii) in the unclassified section of the directory; and

"(iii) to the extent possible, in the classified section of the directory, under a subject heading designated by the Commissioner by regulation; and

"(S) identify the needs of older individuals and describe methods the area agency on aging will use to coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older individuals, including those with special needs, in the area;"

(e) **STATE LONG-TERM CARE OMBUDSMAN PROGRAM.**—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (9) by striking "and" at the end;

(2) in paragraph (10) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(11) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 1991 in carrying out such a program under this title;"

(f) **VOLUNTEERS TO ASSIST OLDER INDIVIDUALS; PUBLIC DISCLOSURE; RELATIONSHIP WITH PRIVATE SECTOR; ASSURANCES OF COORDINATION AND ACCESS.**—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C.

3026(a)), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(12) in the discretion of the area agency on aging, provide for an area volunteer services coordinator, who shall—

"(A) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of older individuals within the planning and service area;

"(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

"(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan;

"(13)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

"(B) provide an assurance that the activities conform with—

"(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

"(ii) the laws, regulations, and policies of the State served by the area agency on aging;

"(14) provide assurance that the area agency on aging will—

"(A) maintain the integrity and public purpose of services provided, and service provides, under this title in all contractual and commercial relationships;

"(B) disclose to the Commissioner and the State agency—

"(21) the identity of each non-governmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(i) the nature of such contract or such relationship;

"(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this title by such agency has not resulted and will not result from such contract or such relationship;

"(D) demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such contract or such relationship; and

"(E) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

"(15) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title;

"(16) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

"(17) provide assurances that projects in the planning and service area will reasonably accommodate participants as described in section 307(a)(13)(G);

"(18) provide assurances that the area agency on aging will, to the maximum extent practicable, coordinate the services it provides under this title with services provided under title VI;

"(19)(A) provide an assurance that the area agency on aging will pursue activities to in-

crease access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

"(B) specify the ways in which the area agency on aging intends to implement the activities; and

"(20) provide that case management services provided under this title through the area agency on aging will—

"(A) not duplicate case management services provided through other Federal and State programs;

"(B) be coordinated with services described in subparagraph (A); and

"(C) be provided by—

"(i) a public agency; or

"(ii) a nonprofit private agency that—

"(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services other than case management services under this title; or

"(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I)."

(g) **WITHHOLDING OF AREA FUNDS.**—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended by adding at the end the following:

"(e)(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this title.

"(2)(A) The head of a State agency shall not make a final determination withholding funds under paragraph (1) without first affording the area agency on aging due process in accordance with procedures established by the State agency.

"(B) At a minimum, such procedures shall include procedures for—

"(i) providing notice of an action to withhold funds;

"(ii) providing documentation of the need for such action; and

"(iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

"(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this title in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

"(B) If the State agency determines that the area agency on aging has not taken corrective action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days."

SEC. 307. STATE PLANS.

(a) **COMPLIANCE WITH TITLE III.**—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in the first sentence by inserting "the succeeding sentence and" after "provided in";

(2) by inserting after the first sentence the following:

"If the Commissioner determines, in the discretion of the Commissioner, that a State failed in 2 successive years to comply with the requirements under this title, then the State shall submit to the Commissioner a State plan for a 1-year period that meets such criteria, for subsequent years until the

Commissioner determines that the State is in compliance with such requirements.”; and

(3) in paragraph (3)(A)—

(A) by inserting “and transportation services” after “assistance”; and

(B) by adding at the end the following:

“To conduct the evaluation, the State agency shall use the procedures implemented under section 202(a)(29).”

(b) PROCEDURES.—Section 307(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(5)) is amended by adding at the end the following: “The State agency shall establish and publish procedures for requesting and conducting such hearing.”

(c) FISCAL CONTROL AND FUND ACCOUNTING.—Section 307(a)(7) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(7)) is amended—

(1) by inserting “(A)” after “(7)”; and

(2) by adding at the end the following:

“(B) The plan shall provide assurances that—

“(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;

“(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and

“(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act.

“(C) The plan shall provide assurances that the State agency and each area agency on aging will—

“(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships;

“(ii) disclose to the Commissioner—

“(I) the identity of each non-governmental entity with which the State agency or area agency on aging has a contract or commercial relationship relating to providing any service to older individuals; and

“(II) the nature of such contract or such relationship;

“(iii) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

“(iv) demonstrate that the quantity or quality of the services to be provided under the State plan will be enhanced as a result of such contract or such relationship; and

“(v) on the request of the Commissioner, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds the State agency and area agency on aging receive or expend to provide services to older individuals.”

(d) EVALUATION.—Section 307(a)(8) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(8)) is amended by adding at the end the following:

“In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgeable about the needs and concerns of low-income minority older individuals.”

(e) EMPLOYMENT PREFERENCE.—Section 307(a)(11) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(11)) is amended by striking “governments,” and all that follows through “older”, and inserting the following: “governments—

“(A) preference shall be given to older individuals; and

“(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging;”

(f) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) is amended to read as follows:

“(12) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title.”

(g) USE OF FUNDS; NUTRITION EDUCATION AND SANITARY HANDLING OF MEALS.—Section 307(a)(13) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(13)) is amended—

(1) in subparagraph (B) by inserting “(other than under section 303(b)(3))” after “available under this title”; and

(2) in subparagraph (F)—

(A) by striking “may” and inserting “will”; and

(B) by inserting “dietitians (or individuals with comparable expertise),” after “advice of”; and

(3) in subparagraph (H) by striking “and” at the end;

(4) in subparagraph (I) by striking the period at the end and inserting a semicolon;

(5) by adding at the end the following: “(J) each nutrition project shall provide nutrition education on at least a semiannual basis to participants in programs described in part C;

“(K) each project shall comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual;

“(L) the State agency will monitor, coordinate, and assist in the planning of nutritional services, with the advice of a dietitian or an individual with comparable expertise; and

“(M) the State agency will—

“(i) develop nonfinancial criteria for eligibility to receive nutrition services under section 336; and

“(ii) periodically evaluate recipients of such services to determine whether they continue to meet such criteria.”

(h) LEGAL PROBLEMS.—Section 307(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(15)) is amended—

(1) in subparagraph (C) by striking “and” at the end;

(2) in subparagraph (D) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following: “(E) the plan contains assurances that area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.”

(i) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 307(a)(16) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(16)) is amended in the matter preceding subparagraph (A)—

(1) by striking “that” the first place it appears and inserting a comma; and

(2) by striking “, if funds are not appropriated under section 303(g) for a fiscal year, provide that for such” and inserting “provide for a”.

(j) LEGAL ASSISTANCE DEVELOPER.—Section 307(a)(18) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(18)) is amended by inserting “(one of whom shall be known as a legal assistance developer)” after “personnel”.

(k) EXPENDITURES UNDER STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(21)) is amended to read as follows:

“(21) The plan shall provide assurances that the State agency, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this title.”

(l) OUTREACH AND INFORMATION.—Section 307(a)(24) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(24)) is amended to read as follows:

“(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

“(A) identify individuals eligible for assistance under this Act, with special emphasis on—

“(i) older individuals residing in rural areas;

“(ii) older individuals with greatest economic need (with particular attention to low-income minority individuals);

“(iii) older individuals with greatest social need (with particular attention to low-income minority individuals);

“(iv) older individuals with severe disabilities;

“(v) older individuals with limited English-speaking ability; and

“(vi) older individuals with Alzheimer’s disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

“(B) inform the older individuals referred to in clauses (i) through (vi) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance.”

(m) ELDER RIGHTS REQUIREMENTS.—Section 307(a)(30) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(30)) is amended to read as follows:

“(30) The plan shall include the assurances and description required by section 705(a).”

(n) REQUIREMENTS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended by striking paragraph (31) and inserting the following:

“(31)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(12), the State plan shall provide for a State volunteer services coordinator, who shall—

“(i) encourage area agencies on aging to provide for area volunteer services coordinators;

“(ii) coordinate the volunteer services offered between the various area agencies on aging;

“(iii) encourage, organize, and promote the use of older individuals as volunteers to the State;

“(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

“(v) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

“(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A).

“(32) The plan shall provide assurances that special efforts will be made to provide

technical assistance to minority providers of services.

“(33) The plan—

“(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 305(d); and

“(B) may not be approved unless the Commissioner approves such statement and such demonstration.

“(34) The plan shall provide an assurance that the State agency will coordinate programs under this title and title VI, if applicable.

“(35) The plan shall—

“(A) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

“(B) specify the ways in which the State agency intends to implement the activities.

“(36) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 306(a)(20).

“(37) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this title, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Commissioner).

“(38) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.

“(39) The plan shall provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.

“(40) The plan shall provide assurances that if the State receives funds appropriated under section 303(g) the State agency and area agencies on aging will expend such funds to carry out part G.

“(41) The plan shall provide assurances that demonstrable efforts will be made—

“(A) to coordinate services provided under this Act with other State services that benefit older individuals; and

“(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

“(42) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this title, to services under title VI, to comprehensive counseling services, and to legal assistance.

“(43) The plan shall provide that the State agency shall issue guidelines applicable to grievance procedures required by section 306(a)(6)(P).

“(44) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this title.”

(c) APPROVAL OF STATE PLAN.—Section 307(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)(1)) is amended by inserting before the period at the end the following: “, except the Commissioner may not approve such plan unless the Commissioner determines that the formula submitted under section 305(a)(2)(D) complies with the guidelines in effect under section 305(a)(2)(C)”.

(d) DETERMINATION OF DISAPPROVAL.—Section 307(c) of the Older Americans Act of 1965 (42 U.S.C. 3027(c)) is amended—

(1) by inserting “(1)” after “(c)”;

(2) by adding at the end the following:

“(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1), the Secretary shall dismiss the appeal filed under this paragraph.

“(3) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e). For purposes of appellate review under the preceding sentence, a reference in subsection (e) to the Commissioner shall be deemed to be a reference to the Secretary.”

(e) REPEAL OF EXPIRED PROVISION.—Section 307(f) of the Older Americans Act of 1965 (42 U.S.C. 3027(f)) is repealed.

(f) PROTECTION OF COMMERCIAL INFORMATION.—Section 307(g) of the Older Americans Act of 1965 (42 U.S.C. 3027(g)) is amended—

(1) by striking “(g)” and inserting “(f)(1)”;

(2) by adding at the end the following:

“(2) Information disclosed under section 306(a)(14)(B)(i) or subsection (a)(7)(C)(ii)(I) may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5, United States Code, by an agency of the United States.”

SEC. 308. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308 of the Older Americans Act of 1965 (42 U.S.C. 3028) is amended—

(1) in subsection (a)(3) by inserting “been” after “which has”; and

(2) in subsection (b)—

(A) in paragraph (4)—

(i) by inserting “(A)” after “(4)”;

(ii) in the first sentence—

(I) by inserting “and except as provided in subparagraph (B)” after “this title”;

(II) by striking “received under section 303(b) (1) and (2), a” and inserting “received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the”; and

(III) by striking “a portion of the funds appropriated” and inserting “not more than 30 percent of the funds so received”; and

(iii) by adding at the end the following:

“(B) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), including funds transferred under subparagraph (A) without regard to this subparagraph, for fiscal year 1993, 1994, 1995, or 1996 are insufficient to satisfy the need for services under subpart 1 or subpart 2 of part C, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need—

“(i) an additional 18 percent of the funds so received for fiscal year 1993;

“(ii) an additional 15 percent of the funds so received for each of the fiscal year 1994 and 1995; and

“(iii) an additional 10 percent of the funds so received for fiscal year 1996.”; and

(B) by striking paragraph (5) and inserting the following:

“(5)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for fiscal year 1993, not more than 25 percent for fiscal year 1994, not more than 25 percent for fiscal year 1995, and not more than 20 percent for fiscal year 1996, between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.

“(B)(i) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this paragraph) for fiscal year 1994 or 1995 are insufficient to satisfy the need for services under such part, then the Commissioner may grant a waiver that permits the State transfer under subparagraph (A) to satisfy such need an additional 5 percent of the funds so received for such fiscal year.

“(ii) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1996 are insufficient to satisfy the need for services under such part, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 8 percent of the funds so received for such fiscal year.

“(C) At a minimum, the application described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred. The Commissioner shall approve or deny the application in writing.

“(6) A State agency may not delegate to an area agency on aging or any other entity the authority to make a transfer under paragraph (4)(A) or (5)(A).

“(7) The Commissioner shall annually collect, and include in the report required by section 207(a), data regarding the transfers described in paragraphs (4)(A) and (5)(A), including—

“(A) the amount of funds involved in the transfers, analyzed by State;

“(B) the rationales for the transfers;

“(C) in the case of transfers described in paragraphs (4)(A) and (5)(A), the effect of the transfers of the provision of services, including the effect on the number of meals served, under—

“(i) subpart 1 of part C; and

“(ii) subpart 2 of part C; and

“(D) in the case of transfers described in paragraph (5)(A)—

“(i) in the case of transfers to part B, information on the supportive services, or services provided through senior centers, for which the transfers were used; and

“(ii) the effect of the transfers on the provision of services provided under—

“(I) part B; and
 “(II) part C, including the effect on the number of meals served.”

SEC. 309. DISASTER RELIEF REIMBURSEMENTS.

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—
 (A) in paragraph (1) by inserting “(and related supplies)” after “supportive services”; and
 (B) by adding at the end the following:

“(3) If the Commissioner decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State, then the Commissioner shall provide not less than 75 percent of such amount to such State not later than 5 days after the date of such decision.”; and
 (2) in subsections (a)(2) and (b)—

(A) by striking “5 percent” each place it appears and inserting “2 percent”; and
 (B) by striking “for carrying out the purposes of section 422” each place it appears and inserting “to carry out title IV”.

SEC. 310. AVAILABILITY OF SURPLUS COMMODITIES.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (a)(4)—
 (A) by designating the first sentence as subparagraph (A);

(B) by designating the second and third sentence as subparagraph (B), and indenting accordingly; and

(C) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking “shall maintain” and all that follows, and inserting the following:

“shall maintain—
 “(i) for fiscal year 1992, a level of assistance equal to the greater of—

“(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year 1992, divided by the number of meals served in the preceding fiscal year; or
 “(II) 61 cents per meal; and

“(ii) for fiscal year 1993 and each subsequent fiscal year, an annually programmed level of assistance equal to the greater of—

“(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year, divided by the number of meals served in the preceding fiscal year; or

“(II) 61 cents per meal, adjusted in accordance with changes in the series for food away from home, of the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, based on the 12-month period ending on July 1 of the preceding year.”; and

(2) in subsection (c)—

(A) in paragraph (1)(A) by striking “\$151,000,000” and all that follows through “1991”, and inserting “\$250,000,000 for fiscal year 1992, \$310,000,000 for fiscal year 1993, \$380,000,000 for fiscal year 1994, and \$460,000,000 for fiscal year 1995”; and

(B) in paragraph (2)—

(i) by striking “(2) In” and inserting “(2)(A) Except as provided in subparagraph (B), in”; and

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

“(B) In each fiscal year, the final reimbursement claims shall be adjusted to use the full amount appropriated under this subsection for the fiscal year.”.

SEC. 311. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

Part A of title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030c) is amended by adding at the end the following:

“SEC. 314. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

“(a) PROMOTION.—The Commissioner shall require entities that provide in-home services under this title to promote the rights of each older individual who receives such services. Such rights include the following:

“(1) The right—

“(A) to be fully informed in advance about each in-home service provided by such entity under this title and about any change in such service that may affect the well-being of such individual; and

“(B) to participate in planning and changing an in-home service provided under this title by such entity unless such individual is judicially adjudged incompetent.

“(2) The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance.

“(3) The right to confidentiality of records relating to such individual.

“(4) The right to have the property of such individual treated with respect.

“(5) The right to be fully informed (orally and in writing), in advance of receiving an in-home service under this title, of such individual’s rights and obligations under this title.”.

SEC. 312. SUPPORTIVE SERVICES.

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (3) by inserting “(including information and assistance services)” after “and services”;

(2) in paragraph (3) by inserting before the semicolon at the end the following: “, including language translation services to assist older individuals with limited-English speaking ability to obtain services under this title”;

(3) in paragraph (4)—

(A) by striking “or (C)” and inserting “(C)”; and

(B) by inserting “; or (D) to receive applications from older individuals for housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q)” before the semicolon at the end;

(4) by amending paragraph (6) to read as follows:

“(6) Services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

“(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

“(B) representation—

“(i) of individuals who are wards (or are allegedly incapacitated); and

“(ii) in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings; and

“(C) provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children.”;

(5) in paragraph (7) by striking “physical activity and exercise” and inserting “physical activity, exercise, music therapy, art therapy, and dance-movement therapy”;

(6) in paragraph (9) by striking “preretirement” and all that follows and inserting “, for older individuals, preretirement counseling and assistance in planning for and assessing future postretirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters.”;

(7) in paragraph (11) by inserting before the semicolon the following: “, and of older individuals who provide uncompensated care to their adult children with disabilities”;

(8) in paragraph (12) by inserting “and second career” after “including job”;

(9) in paragraph (17) by inserting “, including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions” before the semicolon at the end;

(10) in paragraph (18) by striking “or” at the end;

(11) by redesignating paragraph (19) as paragraph (22); and

(12) by inserting after paragraph (18) the following:

“(19) services designed to support family members and other persons providing voluntary care to older individuals that need long-term care services;

“(20) services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships;

“(21) services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings; or”.

SEC. 313. CONGREGATE NUTRITION SERVICES.

Section 331(1) of the Older Americans Act of 1965 (42 U.S.C. 3030e(1)) is amended—

(1) by inserting “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)” after “week”; and

(2) by striking “, each of which” and all that follows through “Research Council”.

SEC. 314. HOME DELIVERED NUTRITION SERVICES.

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended—

(1) by inserting “(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)” after “week”; and

(2) by striking “, each of which” and all that follows through “Research Council”.

SEC. 315. CRITERIA.

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended by inserting “the Dietary Managers Association,” after “Dietetic Association.”.

SEC. 316. SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by adding at the end the following:

“Subpart 3—School-Based Meals for Volunteer Older Individuals and Multigenerational Programs

“SEC. 338. ESTABLISHMENT.

“(a) IN GENERAL.—The Commissioner shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating projects in public elementary and secondary schools (including elementary and secondary schools for Indian children operated with Federal assistance, or operated by the Department of the Interior, and referred to in section 1005(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(d)(2)) that—

"(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—

"(A) while such schools are in session;

"(B) during the summer; and

"(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

"(2) provide multigenerational activities in which volunteer older individuals and students interact;

"(3) provide social and recreational activities for volunteer older individuals;

"(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

"(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities.

"(b) FEDERAL SHARE.—The Federal share of the cost of establishing and operating nutrition and multigenerational activities projects under this subpart shall be 85 percent.

"SEC. 338A. APPLICATION AND SELECTION OF PROVIDERS.

"(a) CONTENTS OF APPLICATION.—To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to a State agency. Such application shall include—

"(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

"(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

"(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

"(4) information demonstrating the need for such project, including a description of—

"(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

"(B) the manner in which the project will be coordinated with such services; and

"(5) such other information and assurances as the Commissioner may require by regulation.

"(b) SELECTION AMONG APPLICANTS.—In selecting grant recipients from among entities that submit applications under subsection (a) for fiscal year, the State agency shall—

"(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

"(2) give second priority to entities that carried out a nutrition project under subpart 1 of title VI in the preceding fiscal year; and

"(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, and the number of children who have limited-English proficiency or who participate in projects under section 1015 of the Ele-

mentary and Secondary Education Act of 1965 (20 U.S.C. 2025)).

"SEC. 338B. REPORTS.

"(a) REPORTS BY STATES.—Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Commissioner a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

"(1) a description of—

"(A) persons served;

"(B) multigenerational activities carried out; and

"(C) additional needs of volunteer older individuals and students; and

"(2) recommendations for any appropriate modifications to satisfy the needs described in paragraph (1)(C).

"(b) REPORTS BY COMMISSIONER.—Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Commissioner shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) for such fiscal year."

"(b) LIMITATION ON ADMINISTRATIVE COSTS.—Section 303(c) of the Older Americans Act of 1965 (42 U.S.C. 3023(c)) is amended—

(1) by striking "parts B and C" and inserting "part B, and subparts 1 and 2 of part C,"; and

(2) in paragraph (2) by inserting "under subparts 1 and 2 of part C" after "nutrition services".

SEC. 317. DIETARY GUIDELINES; PAYMENT REQUIREMENT.

Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.), as amended by section 316, is amended by adding at the end the following:

"Subpart 4—General Provisions

"SEC. 339. COMPLIANCE WITH DIETARY GUIDELINES.

"A State that establishes and operates a nutrition project under this part shall ensure that the meals provided through the project—

"(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

"(2) provide to each participating older individual—

"(A) a minimum of 33% percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project provides 1 meal per day;

"(B) a minimum of 66% percent of the allowances if the project provides 2 meals per day; and

"(C) 100 percent of the allowances if the project provides 3 meals per day."

"SEC. 339A. PAYMENT REQUIREMENT.

"Payments made by a State agency or an area agency on aging for nutrition services (including meals) provided under part A, B, or C may not be reduced to reflect any increase in the level of assistance provided under section 311."

SEC. 318. IN-HOME SERVICES.

Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i), as amended by section 102(b)(7) of this Act, is amended—

(1) in paragraph (4) by striking "and" at the end;

(2) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) personal care services; and

"(7) other in-home services as defined—

"(A) by the State agency in the State plan submitted in accordance with section 307; and

"(B) by the area agency on aging in the area plan submitted in accordance with section 306."

SEC. 319. PREVENTIVE HEALTH SERVICES.

(a) PROGRAM AUTHORIZED.—Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended—

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

"(a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide disease prevention and health promotion services and information at multipurpose senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Commissioner shall consult with the Directors of the Centers for Disease Control and the National Institute on Aging;"

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) DEFINITION.—Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is amended to read as follows:

"SEC. 363. DEFINITION.

"As used in this part, the term 'disease prevention and health promotion services' means—

"(1) health risk assessments;

"(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;

"(3) nutritional counseling and educational services for individuals and their primary caregivers;

"(4) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction of effects, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

"(5) programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by—

"(A) an institution of higher education;

"(B) a local educational agency, as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891); or

"(C) a community-based organization;

"(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

"(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

"(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;

"(10) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardio-

vascular diseases, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

- "(1) gerontological counseling; and
- "(12) counseling regarding social services and followup health services based on any of the services described in paragraphs (1) through (11).

The term shall not include services for which payment may be made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)."

(c) CONFORMING AMENDMENT.—Part F of title III of the Older Americans Act of 1965 (42 U.S.C. 3030m et seq.) is amended in the part heading by striking "PREVENTIVE HEALTH SERVICES" and inserting "DISEASE PREVENTION AND HEALTH PROMOTION SERVICES".

SEC. 320. SUPPORTIVE ACTIVITIES FOR CARE-TAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS.

Part G of title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030p) is amended to read as follows:

"PART G—SUPPORTIVE ACTIVITIES FOR CARE-TAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

"SEC. 381. PROGRAM AUTHORIZED.

"The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program to provide supportive activities for caretakers who provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer's disease or related disorders with neurological and organic brain dysfunction). Such supportive activities may include—

- "(1) providing training and counseling for such caretakers;
- "(2) technical assistance to such caretakers to assist them to form or to participate in support groups;
- "(3) providing information—
 - "(A) to frail older individuals and their families regarding how to obtain in-home services and respite services; and
 - "(B) to caretakers who provide such services, regarding—
 - "(i) how to provide such services; and
 - "(ii) sources of nonfinancial support available to them as a result of their providing such services; and
 - "(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

"SEC. 382. DEFINITIONS.

"For purposes of this part, the term 'in-home services' has the meaning given such term in section 342.

SEC. 383. MAINTENANCE OF EFFORT.

"Section 344 shall apply with respect to funds made available under this part, in the same manner as such section applies to funds made available under part D."

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 401. STATEMENT OF PURPOSE.

Section 401 of the Older Americans Act of 1965 (42 U.S.C. 3030aa) is amended in the matter preceding paragraph (1) by inserting "and publicly disseminate the results of the tests, to replicate such programs and services under this Act," after "individuals,".

SEC. 402. PRIORITIES FOR GRANTS AND DISCRETIONARY PROJECTS.

Section 402 of the Older Americans Act of 1965 (42 U.S.C. 3030bb) is amended by adding at the end the following:

"(d) The Commissioner shall, in developing priorities, consistent with the requirements of this title, for awarding grants and entering into contracts under this title, consult annually with State agencies, area agencies on aging, recipients of grants under title VI, institutions of higher education, organizations representing beneficiaries of services under this Act, and other organizations, and individuals, with expertise in aging issues.

"(e) The Commissioner shall ensure that grants and contracts awarded under this title—

- "(1) are evaluated for their benefit to older individuals, and to programs under this Act; and
- "(2) comply with the requirements under this Act."

SEC. 403 PURPOSES OF EDUCATION AND TRAINING PROJECTS.

Section 410(3) of the Older Americans Act of 1965 (42 U.S.C. 303j(3)) is amended by inserting "with particular emphasis on attracting minority individuals," after "qualified personnel".

SEC. 404. GRANTS AND CONTRACTS.

(a) IN GENERAL.—Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 303l(a)) is amended—

- (1) in paragraph (1) by inserting "gerontology," after "(including mental health care)";
- (2) in paragraph (2)—
 - (A) by inserting "and counseling" after "nutrition"; and
 - (B) by inserting "with special emphasis on using culturally sensitive practices" before the period; and
- (3) by adding at the end the following:
 - "(5) To provide annually a national meeting to train directors of programs under title VI."

(b) TRAINING OF SERVICE PROVIDERS.—Section 411 of the Older Americans Act of 1965 (42 U.S.C. 303l) is amended by adding at the end the following:

- "(e) From amounts appropriated under 431(b), the Commissioner shall make grants and enter into contracts under this part to establish and carry out a program under which service providers (including family physicians, clergy, and other professionals) will receive training—
 - "(1) comprised of—
 - "(A) intensive training regarding normal aging, recognition of problems of older individual, and communication with providers of mental health services; and
 - "(B) advanced clinical training regarding means of assessing and treating the problems of older individuals;
 - "(2) provided by—
 - "(A) faculty and graduate students in programs of human development and family studies at an institution of higher education;
 - "(B) mental health professionals; and
 - "(C) nationally recognized consultants with expertise regarding the mental health problems of individuals residing in rural areas; and
 - "(3) held in public hospitals throughout each State in which the program is carried out."

SEC. 405. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

- (1) in the first sentence by inserting "counseling services," after "maintenance,"; and
- (2) in paragraph (4) by inserting "social work, and psychology," after "education,".

SEC. 406 DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)(2) by striking "preventive health service programs" and inserting "disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process)";

(2) in subsection (b)—

- (A) in paragraph (8) by striking "and" at the end;

(B) in paragraph (9) by striking "include" and all that follows and inserting the following: "include projects furnishing multigenerational services by older individuals addressing the needs of children, such as—

- "(A) tutorial services in elementary and special schools;
- "(B) after school programs for latchkey children; and
- "(C) voluntary services for child care and youth day care programs;"

(C) by adding at the end the following:

"(10) meet the service needs of older individuals who provide uncompensated care to their adult children with disabilities, for supportive services relating to such care, including—

- "(A) respite services; and
- "(B) legal advice, information, and referral services to assist such older individuals with permanency planning for such children;
- "(11) advance the understanding of the efficacy and benefits of providing music therapy, art therapy, or dance-movement therapy to older individuals through—

"(A) projects that—

- "(i) study and demonstrate the provision of music therapy, art therapy, or dance-movement therapy to older individuals who are institutionalized or at risk of being institutionalized; and
- "(ii) provide music therapy, art therapy, or dance-movement therapy—

"(I) in nursing homes, hospitals, rehabilitation centers, hospices, or senior centers;

"(II) through disease prevention and health promotion services programs established under part F of title III;

"(III) through in-home services programs established under part D of title III;

"(IV) through multigenerational activities described in section 307(a)(41)(B) or subpart 3 of part C of title III;

"(V) through supportive services described in section 321(a)(21); or

"(VI) through disease prevention and health promotion services described in section 363(5); and

"(B) education, training, and information dissemination projects, including—

"(i) projects for the provision of gerontological training to music therapists, and education and training of individuals in the aging network regarding the efficacy and benefits of music therapy for older individuals; and

"(ii) projects for disseminating to the aging network and to music therapists background materials on music therapy, best practice manuals, and other information on providing music therapy to older individuals; and

"(12)(A) establish, in accordance with subparagraph (B), nationwide, statewide, regional, metropolitan area, county, city, or community model volunteer service credit projects to demonstrate methods to improve or expand supportive services or nutrition services, or otherwise promote the wellbeing of older individuals;

"(B) for purposes of paying part or all of the cost of developing or operating the projects, in the fiscal year, make not fewer than three and not more than five grants to,

or contracts with, public agencies or non-profit private organizations in such State; and

“(C) ensure that the projects will be operated in consultation with the ACTION Agency and will permit older individuals who are volunteers to earn, for services furnished, credits that may be redeemed later for similar volunteer services.”; and

(3) in subsection (d)(2)—
“(A) by inserting “(A)” after the paragraph designation; and

(B) by adding at the end the following:

“(B) An agency or organization that receives a grant or enters into a contract to carry out a project described in subparagraph (A) or (B)(i) of subsection (b)(1) shall submit to the Commissioner a report containing—

“(i) the results, and findings based on the results, of such project; and

“(ii) the recommendations of the agency or organization, if the agency or organization provided music therapy, regarding means by which music therapy could be made available, in an efficient and effective manner, to older individuals who would benefit from the therapy.”.

SEC. 407. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

(a) IN GENERAL.—Section 423 of the Older Americans Act of 1965 (42 U.S.C. 3035b) is amended to read as follows:

“SEC. 423. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

“(a) DEFINITIONS.—As used in this section:
“(1) PROJECT.—The term ‘Project’ means a Project to Improve the Delivery of Long-Term Care Services.

“(2) RESOURCE CENTER.—The term ‘Resource Center’ means a Resource Center for Long-Term Care.

“(b) RESOURCE CENTERS.—

“(1) GRANTS AND CONTRACTS.—The Commissioner shall award grants to, or enter into contracts with, eligible entities to support the establishment or operation of not fewer than four and not more than seven Resource Centers in accordance with paragraph (2).

“(2) REQUIREMENTS.—

“(A) FUNCTIONS.—Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area of specialty of the Resource Center—

“(i) perform research;
“(ii) provide for the dissemination of results of the research; and

“(iii) provide technical assistance and training to State agencies and area agencies on aging.

“(B) AREA OF SPECIALTY.—For purposes of subparagraph (A) the term ‘area of specialty’ means—

“(i) Alzheimer’s disease and related dementias, and other cognitive impairments;

“(ii) client assessment and case management;

“(iii) data collection and analysis;

“(iv) home modification and supportive services to enable older individuals to remain in their homes;

“(v) consolidation and coordination of services;

“(vi) linkages between acute care, rehabilitative services, and long-term care, facilities and providers;

“(vii) decisionmaking and bioethics;

“(viii) supply, training, and quality of long-term care personnel, including those who provide rehabilitative services;

“(ix) rural issues, including barriers to access to services;

“(x) chronic mental illness;

“(xi) populations with greatest social need and populations with greatest economic

need, with particular attention to low-income minorities; and

“(xii) an area of importance as determined by the Commissioner.

“(c) PROJECTS.—The Commissioner shall award grants to, or enter into contracts with, eligible entities to support the entities in establishing and carrying out not fewer than 10 projects.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity may use funds received under a grant or contract—

“(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enactment of the Older Americans Act Amendments of 1992; or

“(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

“(2) REIMBURSABLE DIRECT SERVICES.—None of the funds may be used to pay for direct services that are eligible for reimbursement under title XVIII, XIX, or XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

“(e) PREFERENCE.—In awarding grants, and entering into contracts, under this section, the Commissioner shall give preference to entities that demonstrate that—

“(1) adequate State standards have been developed to ensure the quality of services provided under the grant or contract; and

“(2) the entity has made a commitment to carry out programs under the grant or contract with each State agency responsible for the administration of title XIX or XX of the Social Security Act.

“(f) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive funds under a grant or contract described in subsection (b)(1) or (c), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

“(2) PROJECT APPLICATION.—An entity seeking a grant or contract under subsection (c) shall submit an application to the Commissioner containing, at a minimum—

“(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or geographic area to be served by the entity, including—

“(i) duplication of functions in the delivery of such services, including duplication at the State and local level;

“(ii) fragmentation of systems, especially in coordinating services to populations of older individuals and other populations;

“(iii) barriers to access for populations with greatest social need and populations with greatest economic need, including minorities and residents of rural areas;

“(iv) lack of financing for such services;

“(v) lack of availability of adequately trained personnel to provide such services; and

“(vi) lack of a range of chronic care services (including rehabilitative strategies) that promote restoration, maintenance, or improvement of function in older individuals;

“(B) a plan to address the gaps, weaknesses, and problems described in clauses (i) through (v); and

“(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.

“(g) ELIGIBLE ENTITIES.—

“(1) RESOURCE CENTERS.—Entities eligible to receive grants, or enter into contracts, under subsection (B)(1) shall be—

“(A) institutions of higher education; and
“(B) other public agencies and nonprofit private organizations.

“(2) PROJECTS.—Entities eligible to receive grants, or enter into contracts, under subsection (c) include—

“(A) State agencies; and

“(B) in consultation with State agencies—

“(i) area agencies on aging;

“(ii) institutions of higher education; and

“(iii) other public agencies and non-profit private organizations.

“(h) REPORT.—The Commissioner shall include in the annual report to the Congress required by section 207, a report on the grants awarded, and contracts entered into, under this section, including—

“(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1) in the fiscal year for which the Commissioner is preparing the annual report; and

“(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches used by projects funded under subsection (c).

“(i) AVAILABILITY OF FUNDS.—The Commissioner shall make available for carrying out subsection (b) for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under section 423 as in effect on the day before the date of the enactment of the Older Americans Act Amendments of 1992.”.

(b) OBLIGATION.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall obligate, from the funds appropriated under section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)) for fiscal year 1992—

(1) not less than the amount described in section 423(i) of such Act (42 U.S.C. 3035(i)) for carrying out section 423(b)(1) of such Act; and

(2) such sums as may be necessary for carrying out section 423(c) of such Act.

SEC. 408. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.

Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by inserting “. legal assistance agencies,” after “ombudsman program”.

SEC. 409. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) is amended by adding at the end the following:

“SEC. 429. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

“(a) GRANTS AND CONTRACTS.—The Commissioner may award grants and enter into contracts with eligible organizations to establish demonstration projects that provide older individuals with multigenerational activities.

“(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

“(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

“(2) to evaluate the project in accordance with subsection (f).

“(c) AWARDS.—In awarding grants and entering into contracts under subsection (a), the Commissioner shall give preference to—

"(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

"(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals).

"(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

"(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

"(f) LOCAL EVALUATION AND REPORT.—

"(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the activities assisted under this project to determine the effectiveness of multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact on older individuals involved in such project.

"(2) REPORT.—The organization shall submit a report to the Commissioner containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

"(g) REPORT TO CONGRESS.—Not later than 6 months after the Commissioner receives the reports described in subsection (f)(2), the Commissioner shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

"(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

"(2) a description of the nature and operation of the projects;

"(3) the name and address of the individual or governmental entity that conducted the projects;

"(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the project;

"(5) a description of the success of the projects retaining older individuals involved in the projects as employees and as volunteers; and

"(6) the rate of turnover of older individual employees and volunteers in the projects.

"(g) DEFINITION.—As used in this section, the term 'multigenerational activity' includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program."

SEC. 410. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by section 409) is amended by adding at the end the following:

"SEC. 429A. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

"(a) GRANTS.—The Commissioner shall award grants to eligible agencies to establish demonstration programs to provide services described in subsection (b) to older individ-

uals who are residents in federally assisted housing (referred to in this section as 'residents').

"(b) USE OF GRANTS.—An eligible agency shall use a grant awarded under subsection (a) to conduct outreach and to provide to residents services including—

"(1) meal services;

"(2) transportation;

"(3) personal care, dressing, bathing, and toileting;

"(4) housekeeping and chore assistance;

"(5) nonmedical counseling;

"(6) case management;

"(7) other services to prevent premature and unnecessary institutionalization; and

"(8) other services provided under this Act.

"(c) AWARD OF GRANTS.—The Commissioner shall award grants under subsection (a) to agencies in a variety of geographic settings, including urban and rural settings.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(1) information demonstrating a lack of, and need for, services described in subsection (b) in federally assisted housing projects in the geographic area proposed to be served by the applicant;

"(2) a comprehensive plan to coordinate with housing facility management to provide services to frail older individuals who are in danger of premature or unnecessary institutionalization;

"(3) information demonstrating initiative on the part of the agency to address the supportive service needs of residents;

"(4) information demonstrating financial, in-kind, or other support available to the applicant from State or local governments, or from private resources;

"(5) an assurance that the agency will participate in the development of the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;

"(6) an assurance that the agency will target services to low-income minority older individuals and conduct outreach;

"(7) an assurance that the agency will comply with the guidelines described in subsection (f); and

"(8) a plan to evaluate the eligibility of older individuals for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify such individuals.

"(e) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall be State agencies and area agencies on aging.

"(f) GUIDELINES.—The Commissioner shall issue guidelines for use by agencies that receive grants under this section—

"(1) regarding the level of frailty that older individuals shall meet to be eligible for services under a demonstration program established under this section; and

"(2) for accepting voluntary contributions from residents who receive services under such a program.

"(g) EVALUATIONS AND REPORTS.—

"(1) AGENCIES.—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the commissioner awards grants under subsection (a)—

"(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

"(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate."

SEC. 411. NEIGHBORHOOD SENIOR CARE PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429B. NEIGHBORHOOD SENIOR CARE PROGRAM.

"(a) DEFINITIONS.—As used in this section:

"(1) HEALTH AND SOCIAL SERVICES.—The term 'health and social services' includes skilled nursing care, personal care, social work services, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

"(2) VOLUNTEER SERVICES.—The term 'volunteer services' includes peer counseling, chore services, help with mail and taxes, transportation, socialization, health and social services, and other similar services.

"(b) SERVICE GRANTS.—

"(1) IN GENERAL.—The Commissioner may award grants to eligible entities to establish neighborhood senior care programs, in order to encourage professionals to provide volunteer services to local residents who are older individuals and who might otherwise have to be admitted to nursing homes and to hospitals.

"(2) PREFERENCE.—In awarding grants under this section, the Commissioner shall give preference to applicants experienced in operating community programs meeting the independent living needs of older individuals.

"(3) ADVISORY BOARD.—The Commissioner shall establish an advisory board to provide guidance to grant recipients regarding the neighborhood senior care programs. Not fewer than two-thirds of the members of the advisory board shall be residents in communities served by the grant recipients.

"(4) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each application shall—

"(A) describe the activities in the program for which assistance is sought;

"(B) describe the neighborhood in which volunteer services are to be provided under the program, and a plan for integration of volunteer services within the neighborhood;

"(C)(i) provide assurances that nurses, social workers, and community volunteers providing volunteer services and an outreach coordinator involved with the project live in the neighborhood; or

"(ii)(I) reasons that it is not possible to provide such assurances; and

"(II) assurances that nurses, social workers, community volunteers and the outreach coordinator will be assigned repeatedly to the particular neighborhood; and

"(D) provide for an evaluation of the activities for which assistance is sought.

"(c) TECHNICAL RESOURCE CENTER.—The Commissioner shall, to the extent appropria-

tions are available, enter into a contract with an applicant described in subsection (b)(2) to establish a technical resource center that will—

“(1) assist the Commissioner in developing criteria for, and in awarding grants to communities to establish, neighborhood senior care organizations that will implement neighborhood senior care programs under subsection (b);

“(2) assist communities interested in establishing such a neighborhood senior care program;

“(3) coordinate the neighborhood senior care programs;

“(4) provide ongoing analysis of and collection of data on the neighborhood senior care programs and provide such data to the Commissioner;

“(5) serve as a liaison to State agencies interested in establishing neighborhood senior care programs; and

“(6) take any further actions as required by regulation by the Commissioner.”.

SEC. 412. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

***SEC. 429C. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.**

“(a) GRANTS.—The Commissioner may—

“(1) make grants to State agencies, and, in consultation with State agencies, to area agencies on aging to support the improvement of information and assistance services, and systems of services, operated at the State and local levels; and

“(2) make grants to organizations to provide training and technical assistance to State agencies, area agencies on aging, and providers of supportive services—

“(A) to support a national telephone access service to inform older individuals, families, and caregivers about State and local information and assistance services funded under this Act; and

“(B) to support the improvement of information and assistance services, and systems of services, operated at the State and local levels.

“(b) APPLICATION.—To be eligible to receive a grant under subsection (a) an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may specify.

“(c) GUIDELINES.—The Commissioner shall establish guidelines for the operation of the national telephone access service described in subsection (a)(2)(A).

“(d) EVALUATION AND REPORT.—

“(1) EVALUATION.—The Commissioner shall conduct an evaluation of the effectiveness of the national telephone service described in subsection (a)(2)(A) in providing information and assistance services to older individuals, families, and caregivers about State and local information and assistance services.

“(2) REPORT.—Not later than January 1, 1995, the Commissioner shall submit the evaluation described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.”.

SEC. 413. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

***SEC. 429D. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.**

“(a) ESTABLISHMENT.—The Commissioner shall establish and carry out senior transpor-

tation demonstration programs. In carrying out the programs, the Commissioner shall award grants to not fewer than five eligible entities for the purpose of improving the mobility of older individuals and transportation services for older individuals (referred to in this section as ‘senior transportation services’).

“(b) USE OF FUNDS.—Grants made under subsection (a) may be used to—

“(1) develop innovative approaches for improving access by older individuals to supportive services under part B of title III, nutrition services under part C of title III, health care, and other important services;

“(2) develop comprehensive and integrated senior transportation services; and

“(3) leverage additional resources for senior transportation services by—

“(A) coordinating various transportation services; and

“(B) coordinating various funding sources for transportation services, including—

“(i) sources of assistance under—

“(I) sections 9, 16(b)(2), and 18 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App.); and

“(II) titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1397 et seq.); and

“(ii) State and local sources.

“(c) AWARD OF GRANTS.—

“(1) PREFERENCE.—In awarding grants under subsection (a), the Commissioner shall give preference to entities that—

“(A) demonstrate special needs for enhancing senior transportation services and resources for the services within the geographic area served by the entities;

“(B) establish plans to ensure that senior transportation services are coordinated with general public transportation services and other specialized transportation services;

“(C) demonstrate the ability to utilize the broadest range of available transportation and community resources to provide senior transportation services;

“(D) demonstrate the capacity and willingness to coordinate senior transportation services with services provided under title III and with general public transportation services and other specialized transportation services; and

“(E) establish plans for senior transportation demonstration programs designed to serve the special needs of low-income, rural, frail, and other at-risk, transit-dependent older individuals.

“(2) RURAL ENTITIES.—The Commissioner shall award not less than 50 percent of the grants authorized under this section to entities located in, or primarily serving, rural areas.

“(d) APPLICATION.—An entity that seeks a grant under this section shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including at a minimum—

“(1) information describing senior transportation services for which the entity seeks assistance;

“(2) a comprehensive strategy for developing a coordinated transportation system or leveraging additional funding resources, to provide senior transportation services;

“(3) information describing the extent to which the applicant intends to coordinate the services of the applicant with the services of other transportation providers;

“(4) a plan for evaluating the effectiveness of the proposed senior transportation demonstration program and preparing a report containing the evaluation to be submitted to the Commissioner; and

“(5) such other information as may be required by the Commissioner.

“(e) ELIGIBLE ENTITIES.—Entities eligible to receive grants under this section shall be—

“(1) State agencies;

“(2) area agencies on aging; and

“(3) other public agencies and nonprofit organizations.

“(f) REPORT.—

“(1) PREPARATION.—The Commissioner shall prepare, either directly or through grants or contracts, annual reports on the senior transportation demonstration programs established under this section. The reports shall contain an assessment of the effectiveness of each demonstration project and recommendations regarding legislative, administrative, and other initiatives needed to improve the access to and effectiveness of transportation services for older individuals.

“(2) SUBMISSION.—The Commissioner shall submit the report described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.”.

SEC. 414. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

***SEC. 429E. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.**

“(a) ESTABLISHMENT.—The Commissioner shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as ‘Resource Centers’). The Commissioner shall make such grants or enter into such contracts for periods of not less than 3 years.

“(b) FUNCTIONS.—

“(1) IN GENERAL.—Each Resource Center that receives funds under this section shall—

“(A) gather information;

“(B) perform research;

“(C) provide for the dissemination of results of the research; and

“(D) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

“(2) AREAS OF CONCERN.—In conducting the functions described in paragraph (1), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

“(A) health problems;

“(B) long-term care, including in-home care;

“(C) elder abuse; and

“(D) other problems and issues that the Commissioner determines are of particular importance to Native Americans who are older individuals.

“(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Commissioner shall give preference to institutions of higher education that have conducted research on, and assessment of, the characteristics and needs of Native Americans who are older individuals.

“(d) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Commissioner shall consult with the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

“(e) ELIGIBLE ENTITIES.—Entities eligible to receive a grant or enter into a contract

under subsection (a) shall be institutions of higher education with experience conducting research and assessment on the needs of older individuals.

“(f) REPORT TO CONGRESS.—The Commissioner, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs including the priority areas of concern of Native Americans who are older individuals.”

SEC. 415. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

“SEC. 429F. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

“(a) DEFINITION.—As used in this section:“(1) Developmental Disability.—The term ‘developmental disability’ has the meaning given the term in section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).“(2) IN-HOME SERVICE.—The term ‘in-home service’ has the meaning given the term in section 342.

“(b) ESTABLISHMENT.—The Commissioner shall make grants to State agencies to provide services in accordance with subsection (c).

“(c) USE OF FUNDS.—A State agency may use a grant awarded under subsection (b) to provide services for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children, including—

- “(1) child care and youth day care programs;
- “(2) programs to integrate the individuals into existing programs for older individuals;
- “(3) respite care;
- “(4) transportation to multipurpose senior centers and other facilities and services;
- “(5) supervision;
- “(6) renovation of multipurpose senior centers;

“(7) provision of materials to facilitate activities for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children;

“(8) training of State agency, area agency on aging, volunteer, and multipurpose senior center staff, and other service providers, who work with such individuals; and

“(9) in-home services.

“(d) APPLICATION.—To be eligible to receive a grant under this section, a State agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.”

SEC. 416. HOUSING DEMONSTRATION PROGRAMS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

“SEC. 429G. HOUSING DEMONSTRATION PROGRAMS.

“(a) HOUSING OMBUDSMAN DEMONSTRATION PROGRAMS.—

“(1) GRANTS.—The Commissioner shall award grants to eligible agencies to establish housing ombudsman programs.

“(2) USE OF GRANTS.—An eligible agency shall use a grant awarded under paragraph (1) to—

“(A) provide the services described in subparagraph (B) through—

“(i) professional and volunteer staff to older individuals who are—

“(I) participating in federally assisted and other publicly assisted housing programs; or“(II) seeking Federal, State, and local housing programs; and

“(ii)(I) the State Long-Term Care Ombudsman program under section 307(a)(12) or section 712;

“(II) a legal services or assistance organization or through an organization that provides both legal and other social services;

“(III) a public or not-for-profit social services agency; or

“(IV) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.

“(B) establish a housing ombudsman program that provides information, advice, and advocacy services including—

“(i) direct assistance, or referral to services, to resolve complaints or problems;

“(ii) provision of information regarding available housing programs, eligibility requirements, and application processes;

“(iii) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;

“(iv) advocacy related to promoting—

“(I) the rights of the older individuals who are residents in publicly assisted housing programs; and

“(II) the quality and suitability of housing in the programs; and

“(v) assistance with problems related to housing regarding—

“(I) threats of eviction or eviction notices;

“(II) older buildings;

“(III) functional impairments as the impairments relate to housing;

“(IV) unlawful discrimination;

“(V) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

“(VI) disability issues;

“(VII) intimidation, harassment, or arbitrary management rules;

“(VIII) grievance procedures;

“(IX) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

“(X) issues related to transfer from one project or program to another; and

“(3) AWARD OF GRANTS.—The Commissioner shall award grants under paragraph (1) to agencies in rural, urban, and other settings.

“(4) APPLICATION.—To be eligible to receive a grant under paragraph (1), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

“(A) an assurance that the agency will conduct training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program;

“(B) in the case of an application submitted by an area agency on aging, an endorsement of the program by the State agency serving the State in which the program will be established, and an assurance by the State agency that the agency will work with the area agency in carrying out the program; and

“(C) A plan to involve in the demonstration program the Secretary of the Department of Housing and Urban Development, the Administrator of the Farmers Home Administration, any individual or entity described in paragraph (2)(A) through which the agency intends to provide the services,

and other agencies involved in publicly assisted housing programs.

“(5) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall include—

“(A) State agencies;

“(B) area agencies on aging; and

“(C) other nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in chapters 2 and 4, respectively, of subtitle A of title VII.

“(b) FORECLOSURE AND EVICTION ASSISTANCE AND RELIEF SERVICES DEMONSTRATION PROGRAMS.—

“(1) GRANTS.—The Commissioner shall make grants to States to carry out demonstration programs to develop methods or implement laws—

“(A) to prevent or delay the foreclosure on housing owned and occupied by older individuals or the eviction of older individuals from housing the individuals rent;

“(B) to obtain alternative housing as a result of such foreclosure or eviction; and

“(C) to assist older individuals to understand the rights and obligations of the individuals under laws relating to housing ownership and occupancy.

“(2) NOTIFICATION PROCESS.—A State that receives a grant under paragraph (1) shall establish methods, including a notification process—

“(A) to assist older individuals who are incapable of, or have difficulty in, understanding the circumstances and consequences of foreclosure on or eviction from housing the individuals occupy; and

“(B) to coordinate the program for which such grant is received with the activities of tenant organizations, tenant-landlord mediation organizations, public housing entities, and area agencies on aging, to provide more effectively assistance or referral to services to relocate or prevent eviction of older individuals from housing the individuals occupy.

“(c) EVALUATIONS AND REPORTS.—

“(1) AGENCIES.—Each agency or State that receives a grant under subsection (a) or (b) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

“(A) evaluate the effectiveness of the program; and

“(B) submit a report containing the evaluation to the Commissioner.

“(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards a grant under subsection (a) or (b)—

“(A) evaluate the effectiveness of each demonstration program that receives the grant; and

“(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.”

SEC. 417. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

“SEC. 429H. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

“(a) GRANTS.—

“(1) IN GENERAL.—The Commissioner may make grants to, and enter into contracts with, State agencies and area agencies on aging, to carry out demonstration projects that generate non-Federal resources (including cash and in-kind contributions), in order to increase resources available to provide additional services under title III.

"(2) MAINTENANCE OF RESOURCES.—Resources generated with a grant made, or contract entered into, under subsection (a) shall be an addition to, and may not be used to supplant, any resource that is or would otherwise be available under any Federal, State, or local law to a State, State agency, area agency on aging, or unit of general purpose local government (as defined in section 302(2)) to provide such services.

"(3) USE OF RESOURCES.—Resources generated with a grant made, or a contract entered into, under subsection (a) shall be used to provide supportive services in accordance with title III. The requirements under this Act that apply to funds received under title III by States to carry out title III shall apply with respect to such resources.

"(b) AWARD OF GRANTS AND CONTRACTS.—

"(1) REGIONAL DISTRIBUTION.—The Commissioner shall ensure that States and area agencies on aging in all standard Federal regions of the United States, established by the Office of Management and Budget, receive grants and contracts under subsection (a) on an equitable basis.

"(2) DISTRIBUTION BASED ON NEED.—Within such regions, the Commissioner shall give preference to applicants that provide services under title III in geographical areas that contain a large number of older individuals with greatest economic need or older individuals with greatest social need.

"(c) MONITORING.—The Commissioner shall monitor how—

"(1) grants are expended, and contracts are carried out, under subsection (a); and

"(2) resources generated under such grants and contracts are expended, to ensure compliance with this section."

SEC. 418. CAREER PREPARATION FOR THE FIELD OF AGING.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429I. CAREER PREPARATION FOR THE FIELD OF AGING.

"(a) GRANTS.—The Commissioner shall make grants to institutions of higher education, historically black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

"(b) DEFINITIONS.—For purposes of subsection (a):

"(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term 'Hispanic Center of Excellence in Applied Gerontology' means an institution of higher education with a program in applied gerontology that—

"(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

"(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

"(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

"(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black col-

lege or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

SEC. 419. PENSION INFORMATION AND COUNSELING DEMONSTRATION PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

SEC. 429J. PENSION RIGHTS DEMONSTRATION PROJECTS.

"(a) DEFINITIONS.—As used in this section:

"(1) PENSION RIGHTS INFORMATION PROGRAM.—The term 'pension rights information program' means a program described in subsection (c).

"(2) PENSION AND OTHER RETIREMENT BENEFITS.—The term 'pension and other retirement benefits' means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

"(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

"(D) the Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.)

"(b) ESTABLISHMENT.—The Commissioner shall establish and carry out pension rights demonstration projects.

"(c) PENSION RIGHTS INFORMATION PROGRAMS.—

"(1) USE OF FUNDS.—In carrying out the projects specified in subsection (b), the Commissioner shall, to the extent appropriations are available, award grants to six eligible entities to establish programs to provide outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

"(2) AWARD OF GRANTS.—

"(A) TYPE OF ENTITY.—The Commissioner shall award under this subsection—

"(i) four grants to State agencies or area agencies on aging; and

"(ii) two grants to nonprofit organizations with a proven record of providing—

"(I) services related to retirement of older individuals; or

"(II) specific pension rights counseling.

"(B) PANEL.—In awarding grants under this subsection, the Commissioner shall use a citizen advisory panel that shall include representatives of business, labor, national senior advocates, and national pension rights advocates.

"(C) CRITERIA.—In awarding grants under this subsection, the Commissioner, in consultation with the panel, shall use as criteria—

"(i) evidence of commitment of an agency or organization to carry out a proposed pension rights information program;

"(ii) the ability of the agency or organization to perform effective outreach to affected populations, particularly populations identified as in need of special outreach; and

"(iii) reliable information that the population to be served by the agency or organization has a demonstrable need for the services proposed to be provided under the program.

"(3) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(i) a plan for the establishment of a pension rights information area; and

"(ii) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan.

"(B) PLAN.—The plan described in paragraph (1) shall provide for a program that—

"(i) establishes a State or area pension rights information center;

"(ii) provides counseling (including direct counseling and assistance to individuals needing information) and information that may assist individuals in establishing rights to, obtaining, and filing claims or complaints related to, pension and other retirement benefits;

"(iii) provides information on sources of pension and other retirement benefits, including the benefits under programs described in subsection (a)(1);

"(iv) makes referrals to legal services and other advocacy programs;

"(v) establishment a system of referral to State, local, and Federal departments or agencies related to pension and other retirement benefits;

"(vi) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

"(vii) provides training programs for staff members, including volunteer staff members of the programs described in subsection (a)(1);

"(viii) makes recommendations to the Administration, the Department of Labor and other local, State, and Federal agencies concerning issues for older individuals related to pension and other retirement benefits; and

"(ix) establishes an outreach program to provide information, counseling, referral, and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, and low-income retirees.

"(d) TRAINING PROGRAM.—

"(1) USE OF FUNDS.—In carrying out the projects described in subsection (b), the Commissioner shall, to the extent appropriations are available, award a grant to an eligible entity to establish a training program to provide—

"(A) information to the staffs of entities operating pension rights information programs; and

"(B) assistance to the entities and assist such entities in the design of program evaluation tools.

"(2) ELIGIBLE ENTITY.—Entities eligible to receive grants under this subsection include nonprofit private organizations with records of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(e) DURATION.—The Commissioner may award grants under subsection (c) or (d) for periods not to exceed 18 months.

"(f) REPORT TO CONGRESS.—

"(1) PREPARATION.—The Commissioner shall prepare a report that—

"(A) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

"(B) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

"(C) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

"(D) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers, and other similar entities.

"(2) SUBMISSION.—Not later than 30 months after the date of the enactment of this section, the Commissioner shall submit the report described in paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(g) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 431(a)(1) to carry out this section for a fiscal year, not more than \$100,000 may be used by the Administration for administrative expenses in carrying out this section."

SEC. 420. AUTHORIZATION OF APPROPRIATIONS.

Section 431 of the Older Americans Act of 1965 (42 U.S.C. 3037) is amended by striking subsections (a) and (b) and inserting the following:

"(a)(1) There are authorized to be appropriated to carry out the provisions of this title (other than the provision specified in subsection (b)) \$72,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(2) Not less than 1 percent of the amount appropriated under paragraph (1) for each fiscal year shall be made available to carry out section 202(d).

"(b) There are authorized to be appropriated to carry out section 411(e), \$450,000 for each of fiscal years 1992, 1993, 1994, and 1995."

SEC. 421. PAYMENTS OF GRANTS FOR DEMONSTRATION PROJECTS.

Section 432(c) of the Older Americans Act of 1965 (42 U.S.C. 3037a(c)) is amended by striking "unless the Commissioner" and all that follows and inserting "unless the Commissioner—

"(1) consults with the State agency prior to issuing the grant or contract; and

"(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued."

SEC. 422. RESPONSIBILITIES OF COMMISSIONER.

Section 433 of the Older Americans Act of 1965 (42 U.S.C. 3037b) is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) Not later than January 1 following each fiscal year, the Commissioner shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

"(A) for which funds were provided under this title; and

"(B) that was completed in the fiscal year for which such report is prepared.

"(2) Such report shall contain—

"(A) the name or descriptive title of each project or program;

"(B) the name and address of the individual or governmental entity that conducted such project or program;

"(C) a specification of the period throughout which such project or program was conducted;

"(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

"(E) an abstract describing the nature and operation of such project or program; and

"(F) a bibliography identifying all published information relating to such project or program.";

(2) by adding at the end the following:

"(c)(1) The Commissioner shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

"(2) The Commissioner shall—

"(A) make available to the public each evaluation carried out under paragraph (1); and

"(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act."

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 of the Older American Community Service Employment Act (42 U.S.C. 3056) is amended—

(1) in subsection (a) by inserting "and who have poor employment prospects" after "or older";

(2) in subsection (b)(1)—

(A) in subparagraph (M) by inserting ", and eligible individuals who have greatest economic need, at least" after "individuals";

(B) by redesignating subparagraphs (N) and (O) as subparagraphs (O) and (P), respectively; and

(C) by inserting after subparagraph (M) the following:

"(N)(i) will prepare an assessment of—

"(I) the participants' skills and talents;

"(II) their need for supportive services; and

"(III) their physical capabilities;

except to the extent such project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program (such as a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment provided for in clause (i); and

"(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;"

(3) in subsection (c)(1)(B) by striking "Director of the Office of Community Services of the Department" and inserting "Secretary";

(4) in subsection (d)(1) by striking "within a State such organization or program sponsor shall submit to the state agency on aging" and inserting "within a planning and service area in a State such organization or program sponsor shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging"; and

(5) in subsection (e)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "Not" and all that follows through "1981, the" and inserting "The"; and

(ii) by inserting ", and amend from time to time," after "issue";

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

(C) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(C) require the coordination of projects carried out under such agreements, with the programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534)."

SEC. 502. COORDINATION.

(a) INCREASING JOB OPPORTUNITIES.—Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by inserting "(1)" after the subsection designation; and

(3) by adding at the end the following:

"(2) The Secretary of Labor and the Commissioner shall coordinate the programs under this title and the programs under titles III, IV, and VI to increase job opportunities available to older individuals."

(b) COORDINATION OF ADMINISTRATION.—The first sentence of section 503(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)(1)) is amended—

(1) by striking "If" and all that follows through "authorized to", and inserting "The Secretary shall";

(2) by inserting after the first sentence the following: "The Secretary shall coordinate the administration of this title with the administration of titles III, IV, and VI by the Commissioner, to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services."; and

(3) by adding at the end the following: "The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence."

SEC. 503. INTERAGENCY COOPERATION.

Section 505 of the Older American Community Service Employment Act (42 U.S.C. 3056b) is amended—

(1) in subsection (a) by striking "of the Administration on Aging"; and

(2) by adding at the end the following:

"(d)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts that provide training and employment opportunities to eligible individuals.

"(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with employment and training programs in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)."

SEC. 504. EQUITABLE DISTRIBUTION OF ASSISTANCE.

(a) ALLOCATION.—Paragraphs (1) and (2) of section 506(a) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)) are amended to read as follows:

"(1)(A) Subject to subparagraph (B) and paragraph (2), from sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be nec-

essary for national grants or contracts with public agencies and public or nonprofit private organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978.

"(B)(i)(I) For each fiscal year in which the sums appropriated under this title exceed the amount appropriated under this title for fiscal year 1978, the Secretary shall reserve not more than 45 percent of such excess, except as provided in subclause (II), to carry out clauses (ii), (iii), and (v).

"(II) The Secretary shall reserve a sum sufficient to carry out clauses (ii) and (v).

"(III) The Secretary in awarding grants and contracts under this paragraph from the sum reserved under this paragraph shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection.

"(ii) The Secretary shall reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.

"(iii) If the amount appropriated under this title for a fiscal year exceeds 102 percent of the amount appropriated under this title for fiscal year 1991, for each fiscal year described in clause (iv), the Secretary shall reserve for recipients of national grants and contracts under this paragraph such portion of the excess amount as the Secretary determines to be appropriate and is—

"(I) at least 25 percent of the excess amount; or

"(II) the portion required to increase the amount made available under this paragraph to each of the recipients so that the amount equals 1.3 percent of the amount appropriated under this title for fiscal year 1991.

"(iv) From the portion reserved under clause (iii), the Secretary shall increase the amount made available under this paragraph to each of the recipients

"(I) for each fiscal year before the fiscal year described in subclause (II), so that such amount equals, or more closely approaches, such 1.3 percent; and

"(II) for the first fiscal year for which the portion is sufficient to make available under this paragraph to each of the recipients the amount equal to such 1.3 percent, so that such amount is not less than such 1.3 percent.

"(v) For each fiscal year after the fiscal year described in clause (iv)(II), the Secretary shall make available under this paragraph to each of the recipients an amount not less than such 1.3 percent.

"(C) Preference in awarding grants and contracts under this paragraph shall be given to national organizations, and agencies, of proven ability in providing employment services to eligible individuals under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States, subject to subparagraph (B)(i)(III).

"(2)(A) From sums appropriated under this title for each fiscal year after September 30, 1978, the Secretary shall reserve an amount which is at least 1 percent and not more than 3 percent of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

"(B) After the Secretary makes the reservations required by paragraph (1)(B) and subparagraph (A), the remainder of such excess shall be allotted to the appropriate public agency of each State pursuant to paragraph (3)."

(b) **APPORTIONMENT WITHIN STATES.**—Section 506(c) of the Older American Community Service Employment Act (42 U.S.C. 3056d(c)) is amended—

(1) by striking "and (2)" and inserting "(2)"; and

(2) by inserting before the period at the end the following: ", and (3) the relative distribution of (A) such individuals who are individuals with greatest economic need, (B) such individuals who are minority individuals, and (C) such individuals who are individuals with greatest social need".

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 502(c)(1), paragraphs (3) and (4) of section 506(a), and section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(c)(1), 3056d(a) (3) and (4), and 3056e(1)) are amended by striking "per centum" each place the term appears and inserting "percent".

(2) Section 502(e)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(e)(1)) is amended by striking "506(a)(1)(B)" and inserting "506(a)(2)(A)".

(3) Section 506(a)(4)(B) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(4)(B)) is amended by striking "him" and inserting "the Secretary".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) \$470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and"

(2) in paragraph (2) by striking "62,500" and inserting "70,000"; and

(3) by striking "clause" and inserting "paragraph".

SEC. 506. DUAL ELIGIBILITY.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g) is amended by adding at the end the following:

"SEC. 510. DUAL ELIGIBILITY.

"In the case of projects under this title carried out jointly with programs carried out under the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of section 203 of such Act (29 U.S.C. 1603) that are applicable to adults."

SEC. 507. TREATMENT OF ASSISTANCE PROVIDED UNDER THE OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g), as amended by section 506, is amended by adding at the end the following:

"SEC. 511. TREATMENT OF ASSISTANCE.

"Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(1)(A))."

TITLE VI—GRANTS FOR NATIVE AMERICANS

SEC. 601. APPLICATIONS BY TRIBAL ORGANIZATIONS.

Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting "and"; and

(3) by adding at the end the following:

"(12) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area."

SEC. 602. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended by inserting after section 614 the following:

"SEC. 614A. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

"(a) **MAINTENANCE OF 1991 AMOUNTS.**—Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to a tribal organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the tribal organization for fiscal year 1991.

"(b) **USE OF ADDITIONAL AMOUNTS APPROPRIATED.**—If the funds appropriated to carry out this part in a fiscal year subsequent to fiscal year 1991 exceed the funds appropriated to carry out this part in fiscal year 1991, then the amount of the grant (if any) made under this part to a tribal organization for the subsequent fiscal year shall be—

"(1) increased by such amount as the Commissioner considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under this part to the tribal organization for fiscal year 1980; or

"(2) an amount the Commissioner considers to be sufficient if the tribal organization did not receive a grant under this part for either fiscal year 1980 or fiscal year 1991."

SEC. 603. APPLICATIONS BY ORGANIZATIONS SERVING NATIVE HAWAIIANS.

Section 624(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3057j(a)(3)) is amended by inserting "and with the activities carried out under title III in the same geographical area" before the semicolon at the end.

SEC. 604. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended by inserting after section 624 the following:

"SEC. 624A. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

"Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to an organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the organization for fiscal year 1991."

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 633. (a) There are authorized to be appropriated \$30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out this title (other than section 615).

"(b) Of the amount appropriated under subsection (a) for each fiscal year—

"(1) 90 percent shall be available to carry out part A; and

"(2) 10 percent shall be available to carry out part B."

TITLE VII—VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

SEC. 701. ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end the following:

TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

"Subtitle A—State Provisions "CHAPTER 1—GENERAL STATE PROVISIONS

"SEC. 701. ESTABLISHMENT.

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the cost of carrying out vulnerable elder rights protection activities.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, \$40,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, \$10,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out chapter 5, \$15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"SEC. 703. ALLOTMENT.

"(A) IN GENERAL.—

"(1) POPULATION.—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population of older individuals in the State bears to the population of older individuals in all States.

"(2) MINIMUM ALLOTMENTS.—

"(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments on a pro rata basis in accordance with subparagraphs (B) and (C).

"(B) GENERAL MINIMUM ALLOTMENTS.—

"(i) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(ii) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

"(i) OMBUDSMAN PROGRAM.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of elder abuse, neglect, and exploitation under title III.

"(D) DEFINITION.—For the purposes of this paragraph, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) REALLOTMENT.—

"(1) IN GENERAL.—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subtitle, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

"(c) WITHHOLDING.—If the Commissioner finds that any State has failed to carry out this title in accordance with the assurances made and description provided under section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner shall disburse the funds withheld directly to any public or nonprofit private institution or organization, agency, or political subdivision of the State submitting an approved plan containing the assurances and description.

"SEC. 704. ORGANIZATION.

"In order for a State to be eligible to receive allotments under this subtitle—

"(1) the State shall demonstrate eligibility under section 305;

"(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

"(3) each area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

"SEC. 705. ADDITIONAL STATE PLAN REQUIREMENTS.

"(a) ELIGIBILITY.—In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307—

"(1) an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter;

"(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle;

"(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

"(4) an assurance that the State will use funds made available under this subtitle for a chapter in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this subtitle, to carry out the vulnerable elder rights protection activities described in the chapter;

"(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5);

"(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3—

"(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for—

"(i) public education to identify and prevent elder abuse;

"(ii) receipt of reports of elder abuse;

"(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and

"(iv) referral of complaints to law enforcement or public protective service agencies if appropriate;

"(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

"(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except—

"(i) if all parties to such complaint consent in writing to the release of such information;

"(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

"(iii) upon court order;

"(7) an assurance that the State agency—

"(A) from funds appropriated under section 702(d) for chapter 5, will make funds available to eligible area agencies on aging to carry out chapter 5 and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

"(i) the number of older individuals with greatest economic need, and older individuals with greatest social need, residing in their respective planning and service areas; and

"(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in chapter 5;

"(B) will require, as a condition of eligibility to receive funds to carry out chapter 5, an area agency on aging to submit an application that—

"(i) describes the activities for which such funds are sought;

"(ii) provides for an evaluation of such activities by the area agency on aging; and

"(iii) includes assurances that the area agency on aging will prepare and submit to the State agency a report of the activities

conducted with funds provided under this paragraph and the evaluation of such activities;

“(C) will distribute to area agencies on aging—

“(i) the eligibility information received under section 202(a)(20) from the Administration; and

“(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

“(D) will submit to the Commissioner a report on the evaluations required to be submitted under subparagraph (B); and

“(8) a description of the manner in which the State agency will carry out this title in accordance with the assurances described in paragraphs (1) through (7).

“(b) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this subtitle to reveal any information that is protected by the attorney-client privilege.

“SEC. 706. DEMONSTRATION PROJECTS.

“(a) ESTABLISHMENT.—From amounts made available under section 304(d)(1)(C) after September 30, 1992, each State may provide for the establishment of at least one demonstration project, to be conducted by one or more area agencies on aging within the State, for outreach to older individuals with greatest economic need with respect to—

“(1) benefits available under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State program established in accordance with such title);

“(2) medical assistance available under title XIX of such Act (42 U.S.C. 1396 et seq.); and

“(3) benefits available under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

“(b) BENEFITS.—Each outreach project carried out under subsection (a) shall—

“(1) provide to older individuals with greatest economic need information and assistance regarding their eligibility to receive the benefits and assistance described in paragraphs (1) through (3) of subsection (a);

“(2) be carried out in a planning and service area that has a high proportion of older individuals with greatest economic need, relative to the aggregate number of older individuals in such area; and

“(3) be coordinated with State and local entities that administer benefits under such titles.”.

SEC. 702. OMBUDSMAN PROGRAMS.

Title VII of the Older Americans Act of 1965 (as added by section 701 of this Act) is amended by adding at the end the following:

“CHAPTER 2—OMBUDSMAN PROGRAMS

“SEC. 711. DEFINITIONS.

“As used in this chapter:

“(1) OFFICE.—The term ‘Office’ means the office established in section 712(a)(1)(A).

“(2) OMBUDSMAN.—The term ‘Ombudsman’ means the individual described in section 712(a)(2).

“(3) LOCAL OMBUDSMAN ENTITY.—The term ‘local Ombudsman entity’ means an entity designated under section 712(a)(5)(A) to carry out the duties described in section 712(a)(5)(B) with respect to a planning and service area or other substate area.

“(4) PROGRAM.—The term ‘program’ means the State Long-Term Care Ombudsman program established in section 712(a)(1)(B).

“(5) REPRESENTATIVE.—The term ‘representative’ includes an employee or volunteer who represents an entity designated under section 712(a)(5)(A) and who is individually designated by the Ombudsman.

“(6) RESIDENT.—The term ‘resident’ means an older individual who resides in a long-term care facility.

“SEC. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(a), a State agency shall, in accordance with this section—

“(A) establish and operate an Office of the State Long-Term Care Ombudsman; and

“(B) carry out through the Office a State Long-Term Care Ombudsman program.

“(2) OMBUDSMAN.—The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals with expertise and experience in the fields of long-term care and advocacy.

“(3) FUNCTIONS.—The Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

“(A) identify, investigate, and resolve complaints that—

“(i) are made by, or on behalf of, residents; and

“(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees), of—

“(I) providers, or representatives of providers, of long-term care services;

“(II) public agencies; or

“(III) health and social service agencies;

“(B) provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;

“(C) inform the residents about means of obtaining services provided by providers or agencies described in subparagraph (A)(i) or services described in subparagraph (B);

“(D) ensure that the residents have regular and timely access to the services provided through the Office and that the residents and complainants receive timely responses from representatives of the Office to complaints;

“(E) represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

“(F) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

“(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State;

“(ii) recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate; and

“(iii) facilitate public comment on the laws, regulations, policies, and actions;

“(H)(i) provide for training representatives of the Office;

“(ii) promote the development of citizen organizations, to participate in the program; and

“(iii) provide technical support for the development of resident and family councils to protect the well-being and rights of residents; and

“(I) carry out such other activities as the Commissioner determines to be appropriate.

“(4) CONTRACTS AND ARRANGEMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

“(B) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

“(i) an agency or organization that is responsible for licensing or certifying long-term care services in the State; or

“(ii) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

“(5) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

“(A) DESIGNATION.—In carrying out the duties of the Office, the Ombudsman may designate an entity as a local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

“(B) DUTIES.—An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency—

“(i) provide services to protect the health, safety, welfare and rights of residents;

“(ii) ensure that residents in the service area of the entity have regular, timely access to representatives of the program and timely responses to complaints and requests for assistance;

“(iii) identify, investigate, and resolve complaints made by or on behalf of residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents;

“(iv) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

“(v)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents; and

“(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

“(vi) support the development of resident and family councils; and

“(vii) carry out other activities that the Ombudsman determines to be appropriate.

“(C) ELIGIBILITY FOR DESIGNATION.—Entities eligible to be designated as local Ombudsman entities, and individuals eligible to be designated as representatives of such entities, shall—

“(i) have demonstrated capability to carry out the responsibilities of the Office;

“(ii) be free of conflicts of interest;

“(iii) in the case of the entities, be public or nonprofit private entities; and

“(iv) meet such additional requirements as the Ombudsman may specify.

“(D) POLICIES AND PROCEDURES.—

“(i) IN GENERAL.—The State agency shall establish, in accordance with the Office, policies and procedures for monitoring local Ombudsman entities designated to carry out the duties of the Office.

“(ii) POLICIES.—In a case in which the entities are grantees, or the representatives are employees, of area agencies on aging, the State agency shall develop the policies in consultation with the area agencies on aging. The policies shall provide for participation and comment by the agencies and for

resolution of concerns with respect to case activity.

“(iii) CONFIDENTIALITY AND DISCLOSURE.—The State agency shall develop the policies and procedures in accordance with all provisions of this subtitle regarding confidentiality and conflict of interest.

“(b) PROCEDURES FOR ACCESS.—

“(1) IN GENERAL.—The State shall ensure that representatives of the Office shall have—

“(A) access to long-term care facilities and residents;

“(B)(i) appropriate access to review the medical and social records of a resident, if—

“(I) the representative has the permission of the resident, or the legal representative of the resident; or

“(II) the resident is unable to consent to the review and has no legal representative; or

“(ii) access to the records as is necessary to investigate a complaint if—

“(I) a legal guardian of the resident refuses to give the permission;

“(II) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident; and

“(III) the representative obtains the approval of the Ombudsman;

“(C) access to the administrative records, policies, and documents, to which the residents have, or the general public has access, of long-term care facilities; and

“(D) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

“(2) PROCEDURES.—The State agency shall establish procedures to ensure the access described in paragraph (1).

“(c) REPORTING SYSTEM.—The State agency shall establish a statewide uniform reporting system to—

“(1) collect and analyze data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems; and

“(2) submit the data, on a regular basis, to—

“(A) the agency of the State responsible for licensing or certifying long-term care facilities in the State;

“(B) other State and Federal entities that the Ombudsman determines to be appropriate;

“(C) the Commissioner; and

“(D) the National Ombudsman Resource Center established in section 202(a)(21).

“(d) DISCLOSURE.—

“(1) IN GENERAL.—The State agency shall establish procedures for the disclosure by the Ombudsman or local Ombudsman entities of files maintained by the program, including records described in subsection (b)(1) or (c).

“(2) IDENTITY OF COMPLAINANT OR RESIDENT.—The procedures described in paragraph (1) shall—

“(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

“(B) prohibit the disclosure of the identity of any complainant or resident with respect to whom the Office maintains such files or records unless—

“(i) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing;

“(ii)(I) the complainant or resident gives consent orally; and

“(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

“(iii) the disclosure is required by court order.

“(e) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of area agencies on aging, old individuals, and providers of long-term care.

“(f) CONFLICT OF INTEREST.—The State agency shall—

“(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

“(2) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest;

“(3) ensure that the Ombudsman—

“(A) does not have a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

“(B) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

“(C) is not employed by, or participating in the management of, a long-term care facility; and

“(D) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; and

“(4) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), and to identify and eliminate the relationships described in subparagraphs (A) through (D) of paragraph (3), including such mechanisms as—

“(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

“(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

“(g) LEGAL COUNSEL.—The State agency shall ensure that—

“(1)(A) adequate legal counsel is available, and is able, without conflict of interest, to—

“(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of residents; and

“(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

“(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

“(2) the Office pursues administrative, legal, and other appropriate remedies on behalf of residents.

“(h) ADMINISTRATION.—The State agency shall require the Office to—

“(1) prepare an annual report—

“(A) describing the activities carried out by the Office in the year for which the report is prepared;

“(B) containing and analyzing the data collected under subsection (c);

“(C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents;

“(D) containing recommendations for—

“(i) improving quality of the care and life of the residents; and

“(ii) protecting the health, safety, welfare, and rights of the residents;

“(E)(i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care facilities; and

“(ii) identifying barriers that prevent the optimal operation of the program; and

“(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers;

“(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to long-term care facilities and services, and to the health, safety, welfare, and rights of residents, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

“(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

“(i) the problems and concerns of older individuals residing in long-term care facilities; and

“(ii) recommendations related to the problems and concerns; and

“(B) make available to the public, and submit to the Commissioner, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

“(4)(A) not later than 1 year after the date of the enactment of this title, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Associate Commissioner for Ombudsman Programs, in consultation with representatives of citizen groups, long-term care providers, and the Office, that—

“(i) specify a minimum number of hours of initial training;

“(ii) specify the content of the training, including training relating to—

“(I) Federal, State, and local laws, regulations, and policies, with respect to long-term care facilities in the State;

“(II) investigative techniques; and

“(III) such other matters as the State determines to be appropriate; and

“(iii) specify an annual number of hours of in-service training for all designated representatives; and

“(B) require implementation of the procedures not later than 21 months after the date of the enactment of this title;

“(5) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (G) of subsection (a)(3) unless the representative—

“(A) has received the training required under paragraph (4); and

"(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office;

"(6) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

"(A) part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.); and

"(B) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

"(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance provided under section 306(a)(2)(C), through adoption of memoranda of understanding and other means; and

"(8) permit any local Ombudsman entity to carry out the responsibilities described in paragraphs (1), (2), (3), (6), or (7).

"(1) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(j) NONINTERFERENCE.—The State shall—

"(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Commissioner) shall be unlawful;

"(2) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

"(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

"SEC. 713. REGULATIONS.

"The Commissioner shall issue and periodically update regulations respecting—

"(1) conflicts of interest by persons described in paragraphs (1) and (2) of section 712(f); and

"(2) the relationships described in subparagraphs (A) through (D) of section 712(f)(3)."

SEC. 703. PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) PURPOSE.—The purpose of this section is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.

(b) PROGRAMS.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by section 702) is amended by adding at the end the following:

"CHAPTER 3—PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

"SEC. 721. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"(a) ESTABLISHMENT.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(b), a State agency shall, in accordance with this section, and in consultation with area agencies on aging, develop and enhance programs for the prevention of elder abuse, neglect, and exploitation.

"(b) USE OF ALLOTMENTS.—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including—

"(1) providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation;

"(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program;

"(3) promoting the development of information and data systems, including elder abuse reporting systems, to quantify the extent of elder abuse, neglect, and exploitation in the State;

"(4) conducting analyses of State information concerning elder abuse, neglect, and exploitation and identifying unmet service, enforcement, or intervention needs;

"(5) conducting training for individuals, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

"(6) providing technical assistance to programs that provide or have the potential to provide services for victims of elder abuse, neglect, and exploitation and for family members of the victims;

"(7) conducting special and on-going training, for individuals involved in serving victims of elder abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined by a State agency to be appropriate; and

"(8) promoting the development of an elder abuse, neglect, and exploitation system—

"(A) that includes a State elder abuse, neglect, and exploitation law that includes provisions for immunity, for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

"(B) under which a State agency—

"(i) on receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly initiate an investigation to substantiate the accuracy of the report; and

"(ii) on a finding of elder abuse, neglect, or exploitation, shall take steps, including appropriate referral, to protect the health and welfare of the abused, neglected, or exploited older individual;

"(C) that includes, throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation—

"(i) such administrative procedures;

"(ii) such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment;

"(iii) such training procedures;

"(iv) such institutional and other facilities (public and private); and

"(v) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

"(D) that preserves the confidentiality of records in order to protect the rights of older individuals;

"(E) that provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

"(F) that enables an older individual to participate in decisions regarding the welfare of the older individual, and makes the least restrictive alternatives available to an older individual who is abused, neglected, or exploited; and

"(G) that includes a State clearinghouse for dissemination of information to the general public with respect to—

"(i) the problems of elder abuse, neglect, and exploitation;

"(ii) the facilities described in subparagraph (C)(iv); and

"(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

"(c) APPROACH.—In developing and enhancing programs under subsection (a), the State agency shall use a comprehensive approach, in consultation with area agencies on aging, to identify and assist older individuals who are subject to abuse, neglect, and exploitation, including older individuals who live in State licensed facilities, unlicensed facilities, or domestic or community-based settings.

"(d) COORDINATION.—In developing and enhancing programs under subsection (a), the State agency shall coordinate the programs with other State and local programs and services for the protection of vulnerable adults, particularly vulnerable older individuals, including programs and services such as—

"(1) area agency on aging programs;

"(2) adult protective service programs;

"(3) the State Long-Term Care Ombudsman program established in chapter 2;

"(4) protection and advocacy programs;

"(5) facility and long-term care provider licensure and certification programs;

"(6) medicaid fraud and abuse services, including services provided by a State medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q));

"(7) victim assistance programs; and

"(8) consumer protection and law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals.

"(e) REQUIREMENTS.—In developing and enhancing programs under subsection (a), the State agency shall—

"(1) not permit involuntary or coerced participation in such programs by alleged victims, abusers, or members of their households;

"(2) require that all information gathered in the course of receiving a report described in subsection (b)(8)(B)(i), and making a referral described in subsection (b)(8)(B)(ii), shall remain confidential except—

"(A) if all parties to such complaint or report consent in writing to the release of such information;

"(B) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

"(C) upon court order; and

"(3) make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (2) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirement described in paragraph (2).

"(f) DESIGNATION.—The State agency may designate a State entity to carry out the programs and activities described in this chapter."

SEC. 704. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.

Title VII of the Older Americans Act of 1965 (as added by section 701 and amended by the preceding sections) is amended by adding at the end the following:

CHAPTER 4—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(c), a State agency shall, in accordance with this section and in consultation with area agencies on aging, establish a program to provide leadership for improving the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

“(2) COORDINATION AND ASSISTANCE.—In carrying out the program established under this chapter, the State agency shall coordinate, and provide assistance to, area agencies on aging and other entities in the State that assist older individuals in—

“(A) understanding the rights of the older individuals;

“(B) exercising choice;

“(C) benefiting from services and opportunities authorized by law;

“(D) maintaining the rights of the older individuals and, in particular, of the older individuals with reduced capacity; and

“(E) solving disputes.

“(b) FUNCTIONS.—In carrying out this chapter, the State agency shall—

“(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolution;

“(2) provide an individual who shall be known as a State legal assistance developer, and other personnel, sufficient to ensure—

“(A) State leadership in securing and maintaining legal rights of older individuals;

“(B) State capacity for coordinating the provision of legal assistance;

“(C) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate; and

“(D) State capacity to promote financial management services for older individuals at risk of conservatorship;

“(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

“(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals;

“(4) provide consultation to, and ensure, the coordination of activities with the legal assistance provided under title III, services provided by the Legal Service Corporation, and services provided under chapters 2, 3, and 5, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

“(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;

“(6) promote, and provide as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on—

“(A) the powers and duties of guardians or representative payees; and

“(B) alternatives to guardianship;

“(7) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State and local bar committees on aging, legal hot lines, alternative dispute resolution, programs and curricula, related to the rights and benefits of older individuals, in law schools and other institutions of higher education, and other methods to expand access by older individuals to legal assistance and advocacy and vulnerable elder rights protection activities;

“(8) provide for periodic assessments of the status of elder rights in the State, including analysis—

“(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decision-making systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and

“(B) of problems and unmet needs identified in programs established under title III and other programs; and

“(9) for the purpose of identifying vulnerable elder rights protection activities provided by the entities under this chapter, and coordinating the activities with programs established under title III and chapters 2, 3, and 5, develop working agreements with—

“(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other State agencies; and

“(B) Federal entities, including the Social Security Administration, Health Care Financing Administration, and the Department of Veterans' Affairs, and other entities.”

SEC. 705. OUTREACH, COUNSELING, AND ASSISTANCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to provide outreach, counseling, and assistance in order to assist older individuals in obtaining benefits under—

(1) public and private health insurance, long-term care insurance, life insurance, and pension plans; and

(2) public programs under which the individuals are entitled to benefits, including benefits under—

(A) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(B) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(C) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(b) PROGRAM.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

CHAPTER 5—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS.

“(a) DEFINITIONS.—As used in this section:“(1) INSURANCE BENEFIT.—The term ‘insurance benefit’ means a benefit under—

“(A) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

“(B) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

“(C) a public or private insurance program;

“(D) a medicare supplemental policy; or

“(E) a pension plan.

“(2) MEDICARE SUPPLEMENTAL POLICY.—The term ‘medicare supplemental policy’ has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

“(3) PENSION PLAN.—The term ‘pension plan’ means an employee pension benefit plan, as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

“(4) PUBLIC BENEFIT.—The term ‘public benefit’ means a benefit under—

“(A) the Federal Old-Age, Survivors, and Disability Insurance Benefits programs under title II of the Social Security Act (42 U.S.C. 401 et seq.);

“(B) the medicare program established under title XVIII of the Social Security Act, including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act;

“(C) the medicaid program established under title XIX of the Social Security Act;

“(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

“(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

“(F) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or

“(G) a program determined to be appropriate by the Commissioner.

“(5) STATE INSURANCE ASSISTANCE PROGRAM.—The term ‘State insurance assistance program’ means the program established under subsection (b)(1).

“(6) STATE PUBLIC BENEFIT ASSISTANCE PROGRAM.—The term ‘State public benefit assistance program’ means the program established under subsection (b)(2).

“(b) ESTABLISHMENT.—In order to receive an allotment under section 703 from funds appropriated under section 702(d), a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

“(1) a program to provide to older individuals outreach, counseling, and assistance related to obtaining insurance benefits; and

“(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, public benefits.

“(c) INSURANCE AND PUBLIC BENEFITS.—The State agency shall—

“(1) in carrying out a State insurance assistance program—

“(A) provide information and counseling to assist older individuals—

“(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act;

“(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

"(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

"(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

"(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies;

"(vi) in comparing other forms of insurance policies not described in clause (v), in comparing pension plans, and in filing claims and obtaining benefits under such policies and plans as the State agency may determine to be necessary; and

"(vii) in comparing current and future health and post-retirement needs related to pension plans, and the relationship of benefits under such plans to insurance benefits and public benefits;

"(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health insurance benefits, other insurance benefits, and public benefits;

"(C) give priority to providing assistance to older individuals with greatest economic need;

"(D) ensure that services provided under the program will be coordinated with programs established under chapters 2, 3, and 4, and under title III;

"(E) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

"(F) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) will not be subject to a conflict of interest in providing services under the program;

"(G) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance benefits and public benefits;

"(H) provide for the coordination of information on insurance benefits between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

"(I) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance benefits; and

"(2) in carrying out a State public benefits assistance program—

"(A) carry out activities to identify older individuals with greatest economic need who may be eligible for, but who are not receiving, public benefits;

"(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such benefits;

"(C) assist older individuals in applying for such benefits;

"(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefits;

"(E) comply with the requirements specified in subparagraphs (C) through (F) of paragraph (1) with respect to the State public benefits assistance program;

"(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits;

"(G) provide for the coordination of information on public benefits between the staff of State entities and the staff (including volunteers) of the State public benefits assistance program; and

"(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, public benefits.

"(d) ADMINISTRATION.—The State agency may operate the State insurance assistance program and the State public benefits assistance program directly, in cooperation with other State agencies, or under an agreement with a statewide nonprofit organization, an area agency on aging, or another public or nonprofit agency or organization.

"(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this chapter shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program providing insurance benefits or public benefits.

"(f) COORDINATION.—A State that receives an allotment under section 703 and receives a grant to provide services under section 4360 of the Omnibus Reconciliation Act of 1990 (42 U.S.C. 1395b-4) shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b)."

SEC. 706. NATIVE AMERICAN ORGANIZATION PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"Subtitle B—Native American Organization Provisions

"SEC. 751. NATIVE AMERICAN PROGRAM.

"(a) ESTABLISHMENT.—The Commissioner, acting through the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

"(1) assisting eligible entities in prioritizing, on a continuing basis, the needs of the service population of the entities relating to elder rights; and

"(2) making grants to eligible entities to carry out vulnerable elder rights protection activities that the entities determine to be priorities.

"(b) APPLICATION.—In order to be eligible to receive assistance under this subtitle, an entity shall submit an application to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require.

"(c) ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—

"(1) an Indian tribe; or

"(2) a public agency, or a nonprofit organization, serving older individuals who are Native Americans.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995."

SEC. 707. GENERAL PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"Subtitle C—General Provisions

"SEC. 761. DEFINITIONS.

"As used in this title:

"(1) ELDER RIGHT.—The term 'elder right' means a right of an older individual.

"(2) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITY.—The term 'vulnerable elder rights protection activity' means an activity funded under chapter 2, 3, 4, or 5 of this title.

"SEC. 762. ADMINISTRATION.

"A State agency or an entity described in section 751(c) may carry out vulnerable elder

rights protection activities either directly or through contracts or agreements with public or nonprofit private agencies or organizations, such as—

"(1) other State agencies;

"(2) area agencies on aging;

"(3) county governments;

"(4) institutions of higher education;

"(5) Indian tribes; or

"(6) nonprofit service providers or volunteer organizations.

"SEC. 763. TECHNICAL ASSISTANCE.

"(a) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such Federal entities as may be appropriate.

"(b) COMMISSIONER.—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to persons and entities that administer programs established under this title.

"SEC. 764. AUDITS.

"(a) ACCESS.—The Commissioner, the Comptroller General of the United States, and any duly authorized representative of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to financial assistance received under this title.

"(b) LIMITATION.—State agencies, area agencies on aging, and entities described in section 751(c) shall not request information or data from providers that is not pertinent to services furnished under this title or to a payment made for the services."

SEC. 708. TECHNICAL AND CONFORMING AMENDMENTS.

(a) OMBUDSMAN PROGRAM.—

(1) SOCIAL SECURITY ACT.—

(A) Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(B) Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(2) OLDER AMERICANS ACT OF 1965.—

(A) Section 207(b) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)) is amended—

(i) in paragraph (1)(A), by striking "section 307(a)(12)(C)" and inserting "titles III and VII in accordance with section 712(c)"; and

(ii) in paragraph (3)—

(I) by striking "by section 307(a)(12)(H)(i)" and inserting "under titles III and VII in accordance with section 712(h)(1)"; and

(II) by striking subparagraph (E) and inserting the following:

"(E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under title III or VII in accordance with section 712(a)(4)(A)."

(B) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking "section 307(a)(12), and to individuals designated under such section" and inserting "section 307(a)(12) in accordance with section 712, and to individuals within such programs designated under section 712".

(C) Section 351(4) of the Older Americans Act of 1965 (42 U.S.C. 30301(4)) is amended by

striking "section 307(a)(12)" and inserting "titles III and VII in accordance with section 712".

(b) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 321(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(15)) is amended by striking "clause (16) of section 307(a)" and inserting "chapter 3 of subtitle A of title VII and section 307(a)(16)".

(c) OUTREACH PROGRAMS.—
 (1) Section 202(a)(20) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(20)) is amended by striking "under section 307(a)(31)".

(2) Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(A) in the first sentence, by striking "on the evaluations required to be submitted under section 307(a)(31)(D)" and inserting "on the outreach activities supported under this Act"; and

(B) in paragraph (1), by striking "outreach activities supported under section 306(a)(6)(P)" and inserting "the activities".

(3) Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by striking "for purposes other than outreach activities and application assistance under section 307(a)(31)".

(4) Section 307(a)(20)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(20)(A)) is amended by striking "sections 306(a)(2)(A) and 306(a)(6)(P)" and inserting "section 306(a)(2)(A)".

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-Term Health Care Workers

SEC. 801. DEFINITIONS.

As used in this subtitle:

(1) NURSING HOME NURSE AIDE.—The term "nursing home nurse aide" means an individual employed at a nursing or convalescent home who assists in the care of patients at such home under the direction of nursing and medical staff.

(2) HOME HEALTH CARE AIDE.—The term "home health care aide" means an individual who—

(A) is employed by a government, charitable, nonprofit, or proprietary agency; and

(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or nurse.

SEC. 802. INFORMATION REQUIREMENTS.

(a) NATIONAL CENTER FOR HEALTH STATISTICS.—The Director of the National Center for Health Statistics of the Centers for Disease Control shall collect, and prepare a report containing—

(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

(B) location of facilities at which the aides are employed in—

(i) rural communities; or

(ii) urban or suburban communities; and

(2) information on the role of the aides in providing institution-based and home-based long-term care.

(b) DEPARTMENT OF LABOR.—The Secretary of Labor shall—

(1) collect, and prepare a report containing, information on home health care aides, including—

(A) information on conditions of employment, including—

(i) the length of employment of the aides with the current employer of the aides;

(ii) the number of aides who are—

(I) employed by a for-profit employer;

(II) employed by a nonprofit private employer;

(III) employed by a charitable employer;

(IV) employed by a government employer; or

(V) independent contractors;

(iii) the number of full-time, part-time, and temporary positions for the aides;

(iv) the ratio of the aides to professional staff;

(v) the types of tasks performed by the aides, the level of skill needed to perform the tasks, and whether the tasks are completed in a institution-based or home-based setting; and

(vi) the average number and range of hours worked each week by the aides; and

(B) information on availability of the employment benefits for home health care aides and a description of the benefits, including—

(i) information on health insurance coverage;

(ii) the type of pension plan coverage;

(iii) the amount of vacation leave;

(iv) wage rates; and

(v) the extent of work-related training provided; and

(2) collect, and prepare a report containing, information on nursing home nurse aides, including—

(A) the information described in subparagraphs (A) and (B) of paragraph (1); and

(B) information on—

(i) the type of facility of the employer of the aides, such as a skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)), or an intermediate care facility within the meaning of section 1121(a) of the Social Security Act (42 U.S.C. 1320a(a));

(ii) the number of beds at the facility; and

(iii) the ratio of the aides to residents of the facility.

SEC. 803. REPORTS.

(a) REPORTS TO COMMISSIONER ON AGING.—
 (1) TRANSMITTAL.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—Not later than March 1, 1994, the Director of the National Center for Health Statistics of the Centers for Disease Control shall transmit to the Commissioner on Aging the report required by section 802(a).

(B) DEPARTMENT OF LABOR REPORTS.—
 (1) HOME HEALTH CARE AIDES.—Not later than March 1, 1993, the Secretary of Labor shall transmit to the Commissioner on Aging a plan for the collection of the information described in section 802(b)(1). Not later than March 1, 1995, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(1).

(ii) NURSING HOME NURSE AIDES.—Not later than March 1, 1994, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(2).

(2) PREPARATION.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—The report required by section 802(a) shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics may determine to be appropriate.

(B) DEPARTMENT OF LABOR REPORTS.—The reports required by paragraphs (1) and (2) of section 802(b) shall be prepared and organized in such a manner as the Secretary of Labor may determine to be appropriate.

(3) PRESENTATION OF INFORMATION.—The reports required by section 802 shall not iden-

tify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

(b) REPORT TO CONGRESS.—The Commissioner on Aging shall review the reports required by section 802 and shall submit to the appropriate committees of Congress a report containing—

(1) the reports required by section 802;

(2) the comments of the Commissioner on the reports; and

(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965.

SEC. 804. OCCUPATIONAL CODE.

The Secretary of Labor shall include an occupational code covering nursing home nurse aides and an occupational code covering home health care aides in each wage survey of relevant industries conducted by the Department of Labor that begins after the date of enactment of this Act.

Subtitle B—National School Lunch Act

SEC. 811. MEALS PROVIDED THROUGH ADULT DAY CARE CENTERS.

(a) IN GENERAL.—Section 17(o)(2)(A)(i) of the National School Lunch Act (42 U.S.C. 1766(o)(2)(A)(i)) is amended by inserting ", or a group living arrangement," after "homes".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if the amendment had been included in the Older Americans Act Amendments of 1987.

Subtitle C—Native American Programs

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Native American Programs Act Amendments of 1992".

SEC. 822. AMENDMENTS.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended—

(1) in section 803 (42 U.S.C. 2991b)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner"; and

(B) in the first sentence of subsection (a)—

(i) by striking "Indian organizations" and inserting "Indian and Alaska Native organizations"; and

(ii) by striking "nonreservation area" and inserting "area that is not an Indian reservation or Alaska Native village";

(2) in section 803A (42 U.S.C. 2991b-1)—

(A) in subsection (a)(1)—

(i) by striking "one agency" and all that follows through "of Native Hawaiians" and inserting "the Office of Hawaiian Affairs of the State of Hawaii (referred to in this section as the 'Office')";

(ii) by striking "5-year"; and

(iii) in subparagraph (A) by striking "such agency or Native Hawaiian organization" and inserting "the Office";

(B) by striking "agency or organization to which a grant is awarded under subsection (a)(1) of this section" each place the term appears and inserting "Office";

(C) by striking "agency or organization" each place the term appears and inserting "Office";

(D) by striking "Secretary" each place the term appears and inserting "Commissioner";

(E) in subsection (a)(2) by inserting before the period at the end the following: "and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant";

(F) by striking subsection (b)(6);
 (G) in subsection (f)(1) by striking "fiscal years 1988, 1989, and 1990 the aggregate amount of \$3,000,000 for all such fiscal years" and inserting "each of the fiscal years 1992, 1993, and 1994, \$1,000,000";

(H) by striking subsection (f)(3); and
 (I) by striking subsection (g) and inserting the following:

"(g)(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, and shall—

"(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fall in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.";

(3) after section 803A (42 U.S.C. 2991b-1) by inserting the following:

"ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

"SEC. 803B. (a) There is established in the Department of Health and Human Services (referred to in this title as the 'Department') the Administration for Native Americans (referred to in this title as the 'Administration'), which shall be headed by a Commissioner of the Administration for Native Americans (referred to in this title as the 'Commissioner'). The Administration shall be the agency responsible for carrying out the provisions of this title.

"(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Commissioner shall—

"(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities, described in this title;

"(2) serve as the effective and visible advocate on behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

"(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1), coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary;

"(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing an annual report to the Congress about such conditions;

"(5) give preference to individuals who are eligible for assistance under this title, in entering into contracts for technical assistance, training, and evaluation under this title; and

"(6) encourage agencies that carry out projects under this title, to give preference

to such individuals in hiring and entering into contracts to carry out such projects.

"(d)(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs. The Commissioner shall be the chairperson of such Council and shall advise the Secretary on all matters affecting Native Americans that involve the Department. The Director of the Indian Health Service shall serve as vice chairperson of the Council.

"(2) The membership of the Council shall be the heads of principal operating divisions within the Department, as determined by the Secretary, and such persons in the Office of the Secretary as the Secretary may designate.

"(3) In addition to the duties described in subsection (c)(3), the Council shall, within 180 days following the date of the enactment of the Native American Programs Act Amendments of 1992, prepare a plan, including legislative recommendations, to allow tribal governments and other organizations described in section 803(a) to consolidate grants administered by the Department and to designate a single office to oversee and audit the grants. Such plan shall be submitted to the committees of the Senate and the House of Representatives having jurisdiction over the Administration for Native Americans.

"(e) The Secretary shall assure that adequate staff and administrative support is provided to carry out the purpose of this title. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the activities of the Council, the additional reporting requirements established, and the staffing levels previously maintained in support of the Administration."

(4) by striking section 804 (42 U.S.C. 2991c) and inserting the following:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Commissioner shall provide, directly or through other arrangements—

"(1) technical assistance to the public and private agencies in planning, developing, conducting, and administering projects under this title;

"(2) short-term in-service training for specialized or other personnel that is needed in connection with projects receiving financial assistance under this title; and

"(3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.";

(5) in section 805 (42 U.S.C. 2991d) by striking "Secretary" each place the term appears and inserting "Commissioner";

(6) in section 806 (42 U.S.C. 2991d-1) by striking "Secretary" each place the term appears and inserting "Commissioner";

(7) in section 807 (42 U.S.C. 2991e) by striking "Secretary" each place the term appears and inserting "Commissioner";

(8) in section 808 (42 U.S.C. 2991f) by striking "Secretary" each place the term appears and inserting "Commissioner";

(9) in section 809 (42 U.S.C. 2991g) by striking "Secretary" each place the term appears and inserting "Commissioner";

(10) in section 810 (42 U.S.C. 2991h)—

(A) by striking "Secretary" and inserting "Commissioner";

(B) by designating the text as subsection (a); and

(C) by adding at the end the following:

"(b) If an application is rejected on the grounds that the applicant is ineligible or

that activities proposed by the applicant are ineligible for funding, the applicant may appeal to the Secretary, not later than 30 days after the date of receipt of notification of such rejection, for a review of the grounds for such rejection. On appeal, if the Secretary finds that an applicant is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration."

(11) in section 811 (42 U.S.C. 2992)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner";

(B) in subsection (a)—

(i) by inserting "(1)" after "(a)", and

(ii) by adding at the end the following:

"(2) The projects assisted under this title shall be evaluated in accordance with this section not less frequently than at 3-year intervals.";

(12) after section 811 (42 U.S.C. 2992) by inserting the following:

"ANNUAL REPORT

"SEC. 811A. The Secretary shall, not later than January 31 of each year, prepare and transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives an annual report on the social and economic conditions of American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives, together with such recommendations to Congress as the Secretary considers to be appropriate.";

(13) after section 812 (42 U.S.C. 2992a) by inserting the following:

"STAFF

"SEC. 812A. In all personnel actions of the Administration, preference shall be given to individuals who are eligible for assistance under this title. Such preference shall be implemented in the same fashion as the preference given to veterans referred to in section 2108(3)(C) of title 5, United States Code. The Commissioner shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.";

(14) by striking section 813 (42 U.S.C. 2992b) and inserting the following:

"ADMINISTRATION

"SEC. 813. Nothing in this title shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Government for the development and implementation of specific grants or projects.";

(15) in section 816(a) (42 U.S.C. 2992d(a))—

(A) by striking "1988" and all that follows and inserting "1992, 1993, 1994, and 1995."; and

(B) by striking "and 803A" and inserting a comma and "803A, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations;

(16) in section 816(b) (42 U.S.C. 2992d(b)) by striking "and 803A" and inserting a comma and "803A, 804, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations";

(17) in section 816(c)(1) (42 U.S.C. 2992d(c)(1))—

(A) by striking "(1) Except as provided in paragraph (2), there are" and inserting "There are"; and

(B) by striking "1988, 1989, 1990, and 1991" and inserting "1992, 1993, 1994, and 1995";

(18) by striking section 816(c)(2) (42 U.S.C. 2992d(c)(2));

(19) in section 816(d) by striking "1991,";

(20) in section 816 (42 U.S.C. 2992d) by adding at the end the following:

"(e)(1) For fiscal years 1992 and 1993, there are authorized to be appropriated such sums as may be necessary for the purpose of—

"(A) establishing demonstration projects to conduct research related to Native American studies and Indian policy development; and

"(B) continuing the development of a detailed plan, based in part on the results of the projects, for the establishment of a National Center for Native American Studies and Indian Policy Development.

"(2) Such a plan shall be delivered to the Congress not later than 30 days after the date of enactment of this subsection." and

(21) in sections 802, 803(a), 806(a)(2), 808, and 815(2) (42 U.S.C. 2991a, 2991b(a), 2991d-1(a)(2), 2991f, and 2992c(2)) by striking "Alaskan Native" each place the term appears and inserting "Alaska Native".

Subtitle D—1993 White House Conference on Aging

SEC. 831. 1993 WHITE HOUSE CONFERENCE ON AGING.

(a) NAME OF CONFERENCE.—The heading of title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"TITLE II—1993 WHITE HOUSE CONFERENCE ON AGING".

(b) FINDINGS.—Section 201(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1)—

(A) by striking "51,400,000 in 1986" and inserting "52,923,000 in 1990"; and

(B) by striking "101,700,000" and inserting "103,646,000";

(2) in paragraph (2) by striking "every 6" and inserting "every 8"; and

(3) by amending paragraph (3) to read as follows:

"(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988."

SEC. 832. CONFERENCE REQUIRED.

Section 202 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "The President may call a White House Conference on Aging in 1991" and inserting "In 1993 the President shall convene the 1993 White House Conference on Aging";

(2) in subsection (c) by striking paragraphs (1) through (6) and inserting the following:

"(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

"(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

"(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

"(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

"(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

"(6) to review the status and multigenerational value of recommendations adopted at previous White House Conferences on Aging." and

(3) in subsection (d)(2) by adding at the end the following: "Delegates shall include indi-

viduals who are professionals, individuals who are nonprofessionals, minority individuals, and individuals from low-income families."

SEC. 833. CONFERENCE ADMINISTRATION.

Section 203 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "(including organizations representing older Indians)" after "appropriate organizations";

(B) in paragraph (3)—

(i) by striking "prepare and"; and

(ii) by inserting "prepared by the Policy Committee," after "agenda";

(C) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(D) by inserting before paragraph (2), as so redesignated, the following:

"(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "assure" and inserting "and as part of the 1993 White House Conference on Aging, ensure";

(B) in paragraph (1), by striking "will" and inserting "shall";

(C) by striking paragraphs (2) and (3);

(D) by inserting after paragraph (1) the following:

"(2) the agenda prepared under subsection (a)(4) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda.";

(E) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively; and

(3) by adding at the end the following:

"(c) GIFTS.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title.

"(d) RECORDS.—The Secretary shall maintain records regarding—

"(1) the sources, amounts, and uses of gifts accepted under subsection (c); and

"(2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person."

SEC. 834. POLICY COMMITTEE; RELATED COMMITTEES.

Section 204 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

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

"SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES."

(2) in subsection (b) by striking "(b) OTHER COMMITTEES.—" and inserting the following:

"(2) OTHER COMMITTEES.—";

(3) in subsection (a)—

(A) by striking "(a) ADVISORY COMMITTEE.—The Secretary" and inserting "(b) ADVISORY AND OTHER COMMITTEES.—

"(1) IN GENERAL.—The President"; and

(B) by adding at the end the following: "The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.";

(4) by inserting before subsection (b), as so redesignated, the following:

"(a) POLICY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 25 members to be selected, not later than 90 days after the enactment of the Older Americans Act Amendments of 1992, as follows:

"(A) PRESIDENTIAL APPOINTEES.—Thirteen members shall be selected by the President and shall include—

"(i) 3 members who are officers or employees of the United States; and

"(ii) 10 members with experience in the field of aging, who may include representatives of public aging agencies, institution-based organizations, and minority aging organizations.

"(B) HOUSE APPOINTEES.—Four members shall be selected by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House of Representatives, and shall include members of the Committee on Education and Labor of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Select Committee on Aging of the House of Representatives. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

"(C) SENATE APPOINTEES.—Four members shall be selected by the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, and shall include members of the Committee on Labor and Human Resources of the Senate, the Committee on Finance of the Senate, and the Special Committee on Aging of the Senate. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

"(D) JOINT APPOINTEES.—Four members shall be selected jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, after consultation with the minority leaders of the House and Senate, and shall include representatives with experience in the field of aging, who may include representatives described in subsection (a)(1)(A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.

"(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—

"(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

"(B) formulate and approve a proposed agenda for the Conference not later than 60 days after the first meeting of the Policy Committee;

"(C) make recommendations for participants and delegates of the Conference;

"(D) establish the number of delegates to be selected under section 202(d)(2); and

"(E) formulate and approve the initial report of the Conference in accordance with section 205.

"(3) QUORUM; COMMITTEE VOTING; CHAIRPERSON.—

"(A) QUORUM.—Thirteen members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agen-

da required by paragraph (2)(B) and the report required by paragraph (2)(E).

"(B) VOTING.—The Policy Committee shall act by the vote of the majority of the members present.

"(C) CHAIRPERSON.—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.";

and
(5) in the first sentence of subsection (c)—
(A) by striking "Each such committee" and inserting "Each committee established under subsection (b)"; and

(B) by inserting ", and individuals who are Native Americans" before the period at the end.

SEC. 835. REPORT OF THE CONFERENCE.

Section 205 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "60" and inserting "90";

(2) in subsection (b) by striking "Secretary, not later than 180" and inserting "Policy Committee, not later than 90";

(3) in subsection (c)—
(A) by striking "(c) FINAL REPORT.—The Secretary" and inserting the following:

"(c) REPORTS.—
(1) INITIAL REPORT.—The Policy Committee";

(B) by striking "prepare a final report" and inserting "prepare and approve an initial report"; and

(C) by adding at the end the following:

"(2) Not later than 60 days after such initial report is transmitted by the Policy Committee, the Secretary shall publish such initial report in the Federal Register. The Secretary may republish a final report together with such additional views and recommendations as the Secretary considers to be appropriate."; and

(4) in subsection (d)—

(A) in the heading of such subsection by striking "SECRETARY" and inserting "POLICY COMMITTEE"; and

(B) by striking "Secretary" and inserting "Policy Committee".

SEC. 836. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 and 1993 to carry out this title.

"(2) CONTRACTS.—Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts as are, provided in advance in appropriations Acts.

"(b) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 203(c) shall remain available for obligation or expenditure until January 1, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier.

"(2) UNOBLIGATED FUNDS.—Except as provided in paragraph (3), any such funds neither expended nor obligated before January 1, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier, shall be available to carry out the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(3) CONFERENCE NOT CONVENED.—If the Conference is not convened before January 1,

1994, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965."

SEC. 837. SAVINGS PROVISION.

All personnel assigned or engaged under section 202(b) or section 203(a)(5) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act shall continue to be assigned or engaged under such section after such date notwithstanding the amendments made by this subtitle.

SEC. 838. SENSE OF THE CONGRESS.

It is the sense of the Congress that the 1993 White House Conference on Aging should consider the impact of the earnings test in effect under section 203 of the Social Security Act (42 U.S.C. 403) on older individuals who are employed.

Subtitle E—Benefit Improvements

SEC. 841. ADJUSTMENTS IN EXEMPT AMOUNT FOR PURPOSES OF THE RETIREMENT TEST.

(a) INCREASE IN EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(1)) before the close of the taxable year involved—

"(I) shall be \$1,000.00 for each month of any taxable year ending after 1992 and before 1994.

"(II) shall be \$1,166.66% for each month of any taxable year ending after 1993 and before 1995.

"(III) shall be \$1,333.33% for each month of any taxable year ending after 1994 and before 1996.

"(IV) shall be \$1,500.00 for each month of any taxable year ending after 1995 and before 1997, and

"(V) shall be \$1,666.66% for each month of any taxable year ending after 1996 and before 1998.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i)(V) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1996."

(b) CONFORMING AMENDMENT.—Section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "the exempt amount under section 203(f)(8) which is applicable to individuals described in subparagraph (D) thereof" and inserting the following: "an amount equal to the exempt amount which would have been applicable under section 203(f)(8), to individuals described in subparagraph (D) thereof, if section 841 of the Older Americans Act Amendments of 1992 had not been enacted".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years ending after 1992.

(d) CREDITING TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—

(1) IN GENERAL.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund amounts equivalent to the net increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1986 attributable to remuneration for employment (as defined in section 3121(b) of such Code) and net earnings from self-employment (as defined in section 1402(a) of such Code) which results from the amendments made by this section.

(2) TRANSFERS.—The amounts appropriated by paragraph (1) shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) REPORTS.—The Secretary of the Treasury shall submit annual reports to the Congress and to the Secretary of Health and Human Services on—

(A) the transfers made under this subsection during the year, and the methodology used in determining the amount of such transfers, and

(B) the anticipated operation of this subsection during the next 5 years.

SEC. 842. IMPROVEMENTS IN WIDOW'S AND WIDOWER'S INSURANCE BENEFITS.

(a) ELIMINATION OF ACTUARIAL REDUCTION FOR EARLY RETIREMENT IN WIDOW'S OR WIDOWER'S INSURANCE BENEFITS FOR INDIVIDUALS WHO HAVE ATTAINED AGE 80.—Section 202(a) of the Social Security Act (42 U.S.C. 402(a)) is amended by adding at the end the following new paragraph:

"(12) No widow's or widower's insurance benefit shall be reduced under this subsection for any month ending after the date on which the individual entitled to such benefit attains age 80."

(b) INCREASE UPON ATTAINMENT OF AGE 80 IN LIMITATION ON REDUCTION BY REASON OF DECEASED SPOUSE'S EARLY RETIREMENT.—

(1) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(2)(D)(ii) of such Act (42 U.S.C. 402(e)(2)(D)(ii)) is amended by inserting "(90 percent in the case of a widow or surviving divorced wife who has attained age 80)" after "82½ percent".

(2) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(3)(D)(ii) of such Act (42 U.S.C. 402(f)(3)(D)(ii)) is amended by inserting "(90 percent in the case of a widower or surviving divorced husband who has attained age 80)" after "82½ percent".

(c) EFFECTIVE DATE AND TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after November 1992.

(2) TRANSITION RULE.—Section 1634 of the Social Security Act (42 U.S.C. 1383c) is amended by adding at the end the following new subsection:

"(e)(1) An individual receiving benefits under this title who—

"(A) as a result of the amendments made by subsection (a) or (b) of section 842 of the Older Americans Act Amendments of 1992—

"(i) becomes entitled to an increase in the amount of his or her widow's or widower's insurance benefit under subsection (e) or (f) of section 202, or

"(ii) becomes entitled, upon filing an application, to a widow's or widower's insurance benefit under subsection (e) or (f) of section 202 for the later of—

"(I) December 1992, or

"(II) the month in which such individual attains age 80,

in any case in which the death of the individual on whose wages and self-employment income such benefit is based occurs prior to such later month,

and

"(B) ceases to be eligible for a benefit under this title because of such entitlement or increase (or because of any subsequent cost-of-living adjustments in such benefit under section 215(i)),

shall be treated for purposes of title XIX as an individual with respect to whom a benefit under this title is paid so long as he or she would be eligible for benefits under this title in the absence of such widow's or widower's insurance benefits or such increase.

"(2) For purposes of this subsection, the term 'benefit under this title' means—

"(A) a supplemental security income benefit under this title, or

"(B) a State supplementary payment of the type referred to in section 1616(a) (or a payment of the type referred to in section 212(a) of Public Law 93-66)."

SEC. 843. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY FOR WIDOWS AND WIDOWERS' INSURANCE BENEFITS BASED ON DISABILITY.

(a) WIDOW'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(A) in paragraph (1)(B)(ii), by striking "which began before the end of the period specified in paragraph (4)";

(B) in paragraph (1)(F)(ii), by striking "(I) in the period specified in paragraph (4) and (II)";

(C) by striking paragraph (4) and by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(D) in paragraph (4)(A)(ii) (as redesignated), by striking "whichever" and all that follows through "begins" and inserting "the first day of the seventeenth month before the month in which her application is filed".

(2) CONFORMING AMENDMENTS.—

(A) Section 202(e)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(e)(1)(C)(ii)(III)) is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(B) Section 202(e)(1)(F)(i) of such Act (42 U.S.C. 402(e)(1)(F)(i)) is amended by striking "paragraph (5)" and inserting "paragraph (4)".

(C) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking "paragraph (7)" and inserting "paragraph (6)".

(D) Section 226(e)(1)(A)(i) of such Act (42 U.S.C. 426(e)(1)(A)(i)) is amended by striking "202(e)(4)".

(b) WIDOWER'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(f) of such Act (42 U.S.C. 402(f)) is amended—

(A) in paragraph (1)(B)(ii), by striking "which began before the end of the period specified in paragraph (5)";

(B) in paragraph (1)(F)(ii), by striking "(I) in the period specified in paragraph (5) and (II)";

(C) by striking paragraph (5) and by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively; and

(D) in paragraph (5)(A)(ii) (as redesignated), by striking "whichever" and all that follows through "begins" and inserting "the first day of the seventeenth month before the month in which his application is filed".

(2) CONFORMING AMENDMENTS.—

(A) Section 202(f)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(f)(1)(C)(ii)(III)) is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(B) Section 202(f)(1)(F)(i) of such Act (42 U.S.C. 402(f)(1)(F)(i)) is amended by striking "paragraph (6)" and inserting "paragraph (5)".

(C) Section 226(e)(1)(A)(i) of such Act (as amended by subsection (a)(2)) is further amended by striking "202(f)(1)(B)(ii), and 202(f)(5)" and inserting "and 202(f)(1)(B)(ii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after August 1992 for

which applications are filed or pending on or after September 1, 1992.

SEC. 844. EXPANSION OF STATE OPTION TO EXCLUDE SERVICE OF ELECTION OFFICIALS OR ELECTION WORKERS FROM COVERAGE.

(a) LIMITATION ON MANDATORY COVERAGE OF STATE ELECTION OFFICIALS AND ELECTION WORKERS WITHOUT STATE RETIREMENT SYSTEM.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(a)(7)(F)(iv) of the Social Security Act (42 U.S.C. 410(a)(7)(F)(iv)) (as amended by section 11332(a) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "\$100" and inserting "\$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) with respect to service performed thereafter".

(2) AMENDMENT TO FICA.—Section 3121(b)(7) of the Internal Revenue Code of 1986 (as amended by section 11332(b) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "\$100" and inserting "\$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) of the Social Security Act with respect to service performed thereafter".

(b) CONFORMING AMENDMENTS RELATING TO MEDICARE QUALIFIED GOVERNMENT EMPLOYMENT.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(p)(2)(E) of the Social Security Act (42 U.S.C. 410(p)(2)(E)) is amended by striking "\$100" and inserting "\$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) with respect to service performed thereafter".

(2) AMENDMENT TO FICA.—Section 3121(u)(2)(B)(ii)(V) of the Internal Revenue Code of 1986 is amended by striking "\$100" and inserting "\$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) of the Social Security Act with respect to service performed thereafter".

(c) AUTHORITY FOR STATES TO MODIFY COVERAGE AGREEMENTS WITH RESPECT TO ELECTION OFFICIALS AND ELECTION WORKERS.—Section 218(c)(8) of the Social Security Act (42 U.S.C. 418(c)(8)) is amended—

(1) by striking "on or after January 1, 1968," and inserting "at any time";

(2) by striking "\$100" and inserting "\$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under subparagraph (B) with respect to service performed thereafter"; and

(3) by striking the last sentence and inserting the following new sentence: "Any modification of an agreement pursuant to this paragraph shall be effective with respect to services performed in and after the calendar year in which the modification is mailed or delivered by other means to the Secretary."

(d) INDEXATION OF EXEMPT REMUNERATION AMOUNT.—

(1) IN GENERAL.—Section 218(c)(8) of the Social Security Act (as amended by subsection (c)) is further amended—

(A) by inserting "(A)" after "(8)"; and

(B) by adding at the end the following new subparagraphs:

"(B) The Secretary shall, on or before November 1 of 1993 and of every year thereafter, determine and publish in the Federal Register the exempt remuneration amount which shall be effective with respect to service performed during the following calendar year.

"(C) The exempt remuneration amount determined under subparagraph (B) shall be the larger of—

"(i) the dollar amount in effect under subparagraph (A) with respect to service performed during the calendar year in which the determination under subparagraph (B) is made, or

"(ii) the product of—

"(I) \$1,000, and

"(II) the indexing ratio described in subparagraph (D).

"(D) For purposes of subparagraph (C)(ii)(II), the indexing ratio is the ratio of—

"(i) the deemed average total wages (as defined in section 209(k)(1)) for the calendar year before the calendar year in which the determination under subparagraph (B) is made, to

"(ii) the average of the total wages (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)(1)) reported to the Secretary of the Treasury or his delegate for 1991 (as published in the Federal Register in accordance with section 215(a)(1)(D)), with such product, if not a multiple of \$100, being rounded to the next higher multiple of \$100 where such product is a multiple of \$50 but not of \$100 and to the nearest multiple of \$100 in any other case."

(2) CONFORMING AMENDMENT.—Section 209(k)(1) of such Act (42 U.S.C. 409(k)(1)) is amended by inserting "218(c)(8)(D)(i)," after "215(b)(3)(A)(ii)."

(e) EFFECTIVE DATES.—The amendments made by subsections (a), (b), and (c) shall be effective with respect to service performed on or after January 1, 1993.

SEC. 845. REPEAL OF RULE PROVIDING FOR TERMINATION OF DISABLED ADULT CHILD'S BENEFITS UPON MARRIAGE.

(a) IN GENERAL.—Section 202(d)(1)(D) (42 U.S.C. 402(d)(1)(D)) is amended by striking "or marries" and inserting "or such child (other than a child described in subparagraph (B)(ii)) marries".

(b) CONFORMING AMENDMENT.—Section 202(d)(5) (42 U.S.C. 402(d)(5)) is amended by inserting "(other than a child described in paragraph (1)(B)(ii))" after "a child".

(c) CONTINUATION OF MEDICAID.—Section 1634(c) (42 U.S.C. 1383c(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively

(2) by inserting "(1)" after "(c)", and

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

"(2) For purposes of this subsection, the term 'benefit under this title' means a supplemental security income benefit under this title, and a State supplementary payment of the type referred to in section 1616(a) (or a payment of the type referred to in section 212(a) of Public Law 93-66) which is paid by the Secretary under an agreement referred to in section 1616(a) (or in section 212(b) of Public Law 93-66)."

(d) EFFECTIVE DATES; REENTITLEMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply with respect to marriages occurring on or after September 1, 1992.

(2) CONTINUATION OF MEDICAID.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

(3) REENTITLEMENT.—

(A) SOCIAL SECURITY BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), any individual described in section 202(d)(1)(B)(ii) of the Social Security Act whose entitlement to benefits under section 202(d) of such Act terminated by reason of marriage before September 1, 1992, may reapply for such benefits, and, if such individ-

ual is so determined to be under a disability, such individual shall be entitled to such benefits (and such benefits shall be computed) as if such termination had not occurred.

(ii) REENTITLEMENT PERIOD.—Clause (i) shall apply with respect to benefits for months beginning after the later of—

- (I) August 31, 1992,
- (II) 5 full calendar months after the onset of the disability, or
- (III) 12 months before the date of reapplication.

(B) MEDICARE BENEFITS.—

(i) REENTITLEMENT.—Any individual who becomes entitled to benefits under subparagraph (A) in a month and was entitled to benefits under title XVIII of the Social Security Act (before marriage) shall be entitled to benefits under such title effective as of the first day of such month.

(ii) APPLICABILITY OF UNEXPIRED PORTION OF 24-MONTH WAITING PERIOD.—For purposes of determining the entitlement of an individual, who is not described in clause (i) and who becomes entitled to benefits under subparagraph (A), to benefits under title XVIII of such Act pursuant to section 226(b)(2)(A) of such Act, the individual shall be considered to have been entitled to child's insurance benefits under section 202(d) by reason of a disability during a period of months preceding the first month referred to in subparagraph (A)(ii) equal to the number of months (before the month in which occurred the marriage upon which the termination of the individual's entitlement to benefits under section 202(d) of such Act was based) which counted towards the 24-month waiting period described in section 226(b)(2)(A) of such Act.

(C) NOTICE.—The Secretary of Health and Human Services shall make all reasonable efforts to identify individuals described in section 202(d)(1)(B)(ii) of the Social Security Act whose entitlement to benefits under section 202(d) of such Act terminated by reason of marriage before September 1, 1992, and inform such individuals of the reapplication procedure under subparagraph (A).

SEC. 846. STUDY BY GENERAL ACCOUNTING OFFICE OF DISABILITY DETERMINATION PROCESS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study under this section of the disability determination process, and the appeals process applicable to disability determinations, under titles II and XVI of the Social Security Act.

(b) ANALYSIS OF EXTENT TO WHICH REVERSALS OF INITIAL DENIALS OF CLAIMS ARE BASED ON CERTAIN FACTORS.—The study under this section shall include an analysis of the extent to which reversals on appeal of initial disability determinations which deny claims to benefits under title II or XVI of the Social Security Act are attributable to the following factors:

- (1) the absence of adequate medical evidence in the claimant's case file on which to base a determination of disability;
- (2) initial disability determinations that do not take into account the medical evidence obtained by the Social Security Administration;
- (3) the development of new medical evidence as the claimant's medical condition worsens during the course of an appeal;
- (4) differences between the instructions that the Social Security Administration provides its disability examiners in the Program Operations Manuals and the law and regulations applied by administrative law judges of the Administration on appeal;

(5) the lack of face-to-face meetings by disability examiners with claimants before initial disability determinations are made; and

(6) such other factors as the Comptroller General determines to be relevant.

(c) REPORT.—The Comptroller General shall submit a report of the results of the study under this section to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than December 1, 1992.

SEC. 847. COORDINATION OF RULES UNDER TITLES II AND XVI RELATING TO FEES FOR REPRESENTATIVES OF CLAIMANTS WITH ENTITLEMENTS UNDER BOTH TITLES.

(a) CALCULATION OF FEE OF CLAIMANT'S REPRESENTATIVE BASED ON AMOUNT OF PAST-DUE SUPPLEMENTAL SECURITY INCOME BENEFITS AFTER APPLICATION OF WINDFALL OFFSET PROVISION.—Section 1631(d)(2)(A)(i) of the Social Security Act (as amended by section 5106(a)(2) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1383(d)(2)(A)(i)) is amended to read as follows:

“(i) by substituting, in subparagraphs (A)(ii)(I) and (D)(i), the phrase ‘(determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)’ for the parenthetical phrase contained therein; and”.

(b) CALCULATION OF PAST-DUE BENEFITS FOR PURPOSES OF DETERMINING ATTORNEY FEES IN JUDICIAL PROCEEDINGS.—

(1) IN GENERAL.—Section 206(b)(1) of such Act (42 U.S.C. 406(b)(1)) is amended—

(A) by inserting “(A)” after “(b)(1)”; and

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

“(B) For purposes of this paragraph, the term ‘past-due benefits’ shall have the same meaning, and such benefits shall be calculated in the same manner, as provided in subsection (a).”.

(2) CONFORMING AMENDMENT.—The last sentence of section 1127(a) of such Act (as added by section 5106(b) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1320a-6(a)) is amended by striking “section 206(a)(4)” and inserting “subsection (a)(4) or (b)(1) of section 206”.

(c) APPLICATION OF SINGLE \$4,000 CEILING TO CONCURRENT CLAIMS UNDER TITLES II AND XVI.—

(1) IN GENERAL.—Section 206(a)(2) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(2)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (L); and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) The agreement referred to in subparagraph (A) may not be approved unless it provides that, in the case of a claimant receiving a favorable determination who is entitled to past-due benefits under this title and title XVI, the total of the fee or fees payable to the person representing the claimant in connection with the determinations of such entitlements may not exceed the dollar amount under subparagraph (A)(ii)(II).”.

(2) CONFORMING AMENDMENT.—Section 206(a)(3)(A) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(3)(A)) is amended by striking “paragraph (2)(C)” and inserting “paragraph (2)(D)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as if they had been included in the enactment of section 5106 of the Omnibus Budget Reconciliation Act of 1990.

TITLE IX—GENERAL PROVISIONS

SEC. 901. LIMITATION ON AUTHORITY TO ENTER INTO CONTRACTS.

Any authority to enter into contracts under this Act or an amendment made by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

SEC. 902. REGULATIONS.

Except as otherwise specifically provided, the Secretary of Health and Human Services shall, not later than 120 days after the date of the enactment of this Act, issue proposed regulations to carry out the amendments made by titles I through VII.

SEC. 903. SENSE OF CONGRESS.

(a) IN GENERAL.—It is the sense of the Congress that a recipient of a grant or other Federal financial assistance awarded under this Act or an amendment made by this Act to assist the recipient in purchasing equipment or products should, in expending the assistance, purchase American-made equipment or products, respectively.

(b) NOTICE.—The Secretary of Health and Human Services shall provide procedures to inform such recipients of the sense of the Congress under subsection (a).

SEC. 904. TECHNICAL AMENDMENTS.

(a) The Older Americans Act of 1965 (42 U.S.C. 3001-3057n) is amended—

(1) in section 101(8) by striking “the vulnerable elderly” and inserting “vulnerable older individuals”;

(2) in section 102(2) by striking “Virgin Islands” and inserting “United States Virgin Islands”;

(3) in section 201(c)(3)—

(A) in subparagraphs (A)(i), (B), (E), and (G) by inserting “individuals who are” after “older” the first place it appears in each of such subparagraphs;

(B) in subparagraph (B) by striking “older Native Americans” the last place it appears and inserting “such individuals”; and

(C) in subparagraph (E) by striking “the Act” and inserting “this Act”;

(4) in section 202—

(A) in subsection (a)—

(i) in paragraph (1) by striking “the elderly” each place it appears and inserting “older individuals”;

(ii) in paragraph (15)—

(I) by striking “the elderly” and inserting “older individuals”; and

(II) by striking “older people” and inserting “such individuals”; and

(iii) in paragraphs (13), (15), (16), and (17) by striking “purposes” and inserting “objectives”;

(B) in subsection (b)—

(i) in paragraph (1) by striking “with health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 3001-4),”; and

(ii) in paragraph (3) by striking “the elderly” and inserting “older individuals”;

(5) in section 203(b) by striking “purposes” the second place it appears and inserting “objectives”;

(6) in section 204—

(A) in subsection (b)(4) by striking “the daily rate specified for grade GS-18 in section 5332” and inserting “the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316”; and

(B) in paragraphs (1), (3), and (4) of subsection (d), as amended by section 205(c), by striking “Americans” and inserting “individuals”;

(7) in section 205(a)(1), as so redesignated by section 206—

(A) by striking “purposes” and inserting “objectives”; and

(B) by striking "to:" and inserting "to—";

(8) in section 207(a)(4) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(9) the last sentence of section 211 is amended by striking "purposes" and inserting "objectives";

(10) in section 304(a)(1)—

(A) by striking "aged 60 or older" each place it appears, and inserting "of older individuals";

(B) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands"; and

(C) in the last sentence by striking "clause" and inserting "subparagraph";

(11) in section 305—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals";

(II) in subparagraph (E) by striking "individuals aged 60 and older" and inserting "older individuals"; and

(III) in subparagraph (E) by striking "Indians" and inserting "individuals who are Indians"; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A) by striking "clause" and inserting "paragraph";

(II) in subparagraph (D) by striking "subclause" and inserting "subparagraph"; and

(III) in subparagraph (E) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(B) in subsection (b)—

(i) in paragraphs (1) and (4) by striking "clause (1) of subsection (a)" and inserting "subsection (a)(1)"; and

(ii) in paragraph (2) by striking "designated under such clause" and inserting "designated under subsection (a)(1)"; and

(C) in subsection (d) by striking "clause" and inserting "paragraph";

(12) in section 306—

(A) in subsection (a)—

(i) in paragraph (1) by striking "Indians" and inserting "individuals who are Indians";

(ii) in paragraph (2)(B) by striking "elderly" and inserting "older individuals who are"; and

(iii) in paragraph (5)(A)(i) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need"; and

(iv) in paragraph (6)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals";

(II) in subparagraph (G) by striking "clause" and inserting "paragraph";

(III) in subparagraph (N) by striking "Indians" the first place it appears and inserting "individuals who are Indians"; and

(IV) in subparagraph (N) by striking "elder Indians in such area and shall inform such older Indians" and inserting "such individuals in such area and shall inform such individuals"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting "on aging" after "area agency" the first place it appears; and

(II) by striking "clause" each place it appears and inserting "paragraph"; and

(ii) in paragraph (2)(D) by striking "clause" and inserting "paragraph";

(13) in section 307—

(A) in subsection (a)—

(i) in paragraph (8) by striking "the greatest economic or social needs" and inserting

"greatest economic need and older individuals with greatest social need";

(ii) in paragraph (13)—

(I) in subparagraph (A) by striking "individuals aged 60 or older" and inserting "older individuals";

(II) in subparagraph (A) by striking "the elderly" and inserting "older individuals";

(III) in subparagraph (B) by striking "subclause" and inserting "subparagraph"; and

(IV) in subparagraph (I) by striking "elderly participants" and inserting "participating older individuals";

(iii) in paragraph (14)(D) by striking "clause" and inserting "subparagraph"; and

(iv) in paragraph (16)(B) by striking "clause" and inserting "paragraph"; and

(B) in subsection (b)(2) by striking "clause" and inserting "paragraph";

(14) in section 308(b)—

(A) in paragraphs (1)(B) and (2)(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(B) in paragraphs (3)(B)(iii) and (4) by striking "purposes" each place it appears and inserting "objectives";

(15) in section 321(a)—

(A) in paragraph (4) by striking "elderly" and inserting "older";

(B) in paragraph (14)—

(i) by striking "older, poor individuals 60 years of age or older" and inserting "low-income older individuals"; and

(ii) by striking "the older poor" and inserting "low-income older individuals"; and

(C) in paragraph (15) by striking "clause" and inserting "paragraph";

(16) in section 402(b) by striking "Alcohol" and inserting "the Alcohol";

(17) in section 412(b) by striking "purposes" and inserting "objectives";

(18) in section 421(a) by striking "purposes" and inserting "objectives";

(19) in section 422—

(A) in the second sentence of subsection (a)(1) by striking "the rural elderly" and inserting "older individuals residing in rural areas";

(B) in subsection (b)—

(i) in paragraph (1) by striking "elderly" and inserting "older individuals who are";

(ii) in paragraph (2) by striking "the elderly" and inserting "older individuals";

(iii) in paragraph (6) by striking "the rural elderly" and inserting "older individuals residing in rural areas"; and

(iv) in paragraph (8) by striking "the rural elderly" and inserting "older individuals residing in rural areas";

(20) in section 602 by striking "older Indians, older Alaskan Natives, and older Native Hawaiians" and inserting "older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians";

(21) in section 611(a)—

(A) in the matter preceding paragraph (1) by inserting "individuals who are" after "older"; and

(B) in paragraph (9) by striking "Indian elderly population" and inserting "population of older individuals who are Indians";

(22) in section 613 by inserting "individuals who are" after "older"; and

(23) in section 614(a)—

(A) in paragraph (7) by striking "Indians aged 60 and older" and inserting "older individuals who are Indians";

(B) in paragraph (8) by striking "clause" and inserting "paragraph"; and

(C) in paragraphs (1), (6), (8), and (10) by inserting "individuals who are" after "older" each place it appears.

(b) The Older Americans Community Service Employment Act (42 U.S.C. 3056 et seq.) is amended—

(1) in section 502(b)(1)—

(A) in subparagraph (C) by striking "1954" and inserting "1986"; and

(B) in subparagraph (J) by striking "persons" each place it appears and inserting "individuals"; and

(2) in paragraphs (3) and (4)(A) of section 506(a) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands".

SEC. 905. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in section 811(b), any other provision of this Act (other than this section), and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) FEDERAL COUNCIL ON AGING.—Incumbent members of the Federal Council on Aging may serve on the Council until their successors are appointed under section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) as amended by section 205 of this Act.

(2) STATE AND COMMUNITY PROGRAMS ON AGING.—The amendments made by sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, and 320 shall not apply with respect to fiscal year 1992.

(3) PROJECT REPORTS.—The amendments made by sections 410, 411, 413, 414, 415, 416, 418, and 419 shall not apply with respect to fiscal year 1992.

(4) COMMUNITY SERVICE EMPLOYMENT.—The amendments made by sections 501, 504, and 506 shall not apply with respect to fiscal year 1992.

(5) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—The amendments made by sections 601 and 603 shall not apply with respect to fiscal year 1992.

(6) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.—The amendments made by title VII shall not apply with respect to fiscal year 1992.

The SPEAKER pro tempore (Mr. KLECZKA). Pursuant to the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for the effort we make today to write the final chapter in this year's reauthorization of the Older Americans Act of 1965.

Our action today carries on a program which serves as a lifeline to millions of our Nation's seniors in the delivery of nutrition services, in the delivery of critical supportive services in the home and out, and in the delivery of a human touch and words with peers in social settings.

The Older Americans Act has a long history of targeting resources to seniors in this country with the greatest economic and social needs. This overriding theme has served to make our senior citizens more self-sufficient—letting us all enjoy the benefits of their

experience while they enjoy more productive golden years.

With the limited resources budget agreements have left us, the changes proposed by these amendments to the Older Americans Act will go far toward achieving the widest distribution of the most critical services to those most in need.

Today's action, so very long in coming, would not be possible without the tireless efforts of Mr. MARTINEZ, chairman of the Subcommittee on Human Resources and the contributions of Mr. FAWELL, the ranking minority member of the subcommittee. To them I offer thanks for a job well done. The fruits of their labors will serve this Nation's seniors well over the better part of this decade.

I am also particularly pleased to act on this reauthorization as a continuing testimonial to the foresight and perseverance of two great Americans, Senator Pat McNamara and Representative Jim O'Hara, both of Michigan—the pioneers of the Older Americans Act.

Mr. Speaker, the details of the extensive improvements will be included in the RECORD at length. I commend those details to the attention of my colleagues and urge them to support this critical effort in a nation whose aging population is growing by leaps and bounds each year.

Mr. Speaker, I yield the majority's time to the gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means, and I ask unanimous consent that he be permitted to yield time to Members.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 20 minutes.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the legislation presently under consideration.

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

There was no objection.

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

Mr. MARTINEZ. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, I will be brief.

The thrust of the bill has been gone over many times. The bill that comes back to us out of the conference has only one major change in it. That is the change that was debated thoroughly during approval of the rule.

Mr. Speaker, we are very pleased to finally bring to the floor the reauthorizing the Older Americans Act of 1965.

After months of waiting through negotiations to address critical Social Security earnings offset issues, we have finally come forward with a legislative package to reauthorize the Older Americans Act, a program vital to the good health and well-being of senior citizens of our Nation.

The reauthorization contains many improvements desperately needed, if we are to meet the ever-increasing needs of the growing aged population.

The Older Americans Act, which was passed in 1965, 27 years ago, continues to adapt to the modern needs of our senior citizens. The Older Americans Act programs have been the life-blood to our senior communities, assisting the poor, the undernourished, the vulnerable, and the isolated.

The 1991 amendments renews authority for the act for an additional 4 years, and attempts to look ahead to the needs of the older individuals in the years ahead. For that reason, we have devised improvements in the delivery system of the act along with new program authorizations.

The amendments strengthen the Commissioner on Aging's authority over the administration's budget and personnel, it increase's staffing levels to administer the program and to improve data collection in order to monitor and target services, it requires specific evaluations to improve the effectiveness of services, and forge new coordination of services in the act.

In addition, services to assist older individuals for health prevention, and assure nutrition intake quality, were added. Programs to prevent elder abuse, provide legal assistance language assistance, and intergenerational support were also added.

And, for the first time, the amendment makes Congress and the private sector equal participants with the administration in setting the policy agenda of the White House Conference on Aging. The joining together of two branches of Government, along with the private sector to set the aging policy agenda of the Nation for the next 10 years is historical precedent.

The amendments also include a 4-year renewal of the Native American Programs Act authority. The well-regarded HHS program, funded at \$30 million, makes grants to Indian tribes to assist development of economic and social self-sufficiency.

Mr. Speaker, these authorizing amendments include major improvements to meet the service needs of senior citizens in our Nation. I am relieved that the difficult Social Security earnings issue has been resolved to balance the financial concerns of middle-Americans in this country. I thank the leadership, Chairman ROSTENKOWSKI, Chairman FORD, and the aging community for their help.

Finally, it is my hope that we have improved the Older Americans Act pro-

grams to assist our senior citizens to attain access to services in the golden years of their lives. The fight for the quality of life for all Americans begins in our communities. By finally bringing this bill to the floor today, we have won a major victory for the senior citizens of our country. I urge my colleagues to support the final passage of the Older Americans Act.

In an effort to complete a rather exhaustive legislative history leading up to the enactment of the Older Americans Act Amendments of 1992, I am entering into the RECORD at this point a short explanatory statement of the amendments made to the Older Americans Act. This statement has the approval and concurrence of the chairman of the Committee on Education and Labor, Mr. FORD, the ranking minority member, Mr. GOODLING, and the ranking minority member of the Subcommittee on Human Resources, Mr. FAWELL.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEES OF JURISDICTION

This joint explanatory statement explains new provisions of the version being considered and states the legislative intent of the members of the committees of jurisdiction. Provisions not discussed in this statement are fully discussed in the Senate report (S. Rpt. 102-151), the House report (H. Rpt. 102-199), or both.

TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS

1. Objectives: Section 101 modifies the objectives of the Act to include support to family members and others who provide voluntary long-term care services.

2. Definitions: Section 102 adds new, and relocates existing, definitions to title I.

By including physical and mental disabilities within the definition of "greatest social need" it is intended that when using such a definition for the purpose of developing statistics for older individuals with physical and mental disabilities, the Commissioner and States should not use age as a substitute criteria to determine the number of such older individuals in the State. Statistics on older individuals with physical and mental disabilities will be gathered in accordance with guidelines issued by the Commissioner.

Such guidelines will ensure that a State's statistics are drawn from relevant data bases that consider older individuals with disabilities and restricted access to services, and may include the use of Medicaid and Medicare data, as well as other pertinent available and verifiable State data for determining the number of older individuals with physical, and mental, disabilities.

Development of such frailty statistics and their use to target services must not result in discrimination against low-income minority older individuals in the State.

The bill includes definitions of "art", "dance-movement", and "music" therapies. It is intended that therapists administering, providing or otherwise involved in such therapies shall be individuals trained in such therapies or otherwise having educational qualifications or experience to provide such services. In particular, music therapists shall be board-certified by the National Association of Music Therapists.

It is intended that case management services will not be provided in a manner which

overrides the wishes of the older individual or the older individual's guardian.

TITLE II—ADMINISTRATION ON AGING

1. Administration on Aging: Section 201 provides that functions of the Commissioner carried out through regional offices shall not be delegated.

The bill requires the Associate Commissioner on Native Americans to be an advocate with the Indian Health Services; to collect information on problems unique to older Native Americans; to promote better coordination between the programs and administration of titles III and VI; and to be an effective and visible advocate on the state level.

The bill establishes in AoA an Office of Long-Term Care Ombudsman Programs to be headed by an Associate Commissioner for Ombudsman Services.

The bill requires the Ombudsman to have expertise and background in the field of long-term care advocacy and management. It is intended that the person selected by the Commissioner to serve as Associate Commissioner for Ombudsman Services will have sufficient training and experience relevant to the functions and responsibilities of the Office of Long-Term Care Ombudsman Programs. Examples of areas of training and experience considered relevant include gerontology, knowledge of long-term care facility requirements and the needs of residents of such facilities, and skills and techniques relating to investigation, negotiation and dispute and complaint resolution. The bill disallows the appointment of an Associate Commissioner who has a conflict of interest.

The bill lists the functions the Ombudsman should perform. It is intended that the Secretary of Health and Human Services, the inspector general, the Attorney General of the United States, and other Federal and State agencies shall work cooperatively with the Associate Commissioner for Ombudsman programs in securing needed information that has been willfully withheld and for which non-disclosure might result in physical or monetary harm to residents of long-term care facilities, including board and care facilities. Such agencies shall exercise whatever legal authority, including subpoena power, they possess to satisfy the Associate Commissioner's request for information in a timely fashion.

2. Functions of the Commissioner: Section 202 clarifies the functions of the Commissioner to include assisting the Secretary directly in aging matters, and coordinating federal programs and activities relating to the Act. It also clarifies that technical assistance be given regarding those in greatest need with particular attention to low-income minorities.

The bill requires the National Ombudsman Resource Center to establish a national program for the recruitment of ombudsman volunteers, to conduct research, and assist State Ombudsmen. The bill requires the Commissioner to fund such Center at not less than it received in FY 1990.

The bill requires the Commissioner to issue regulations and monitor State compliance with the prohibition on conflicts of interest. The bill also requires area Agencies on Aging (AAAs) to disclose to the Commissioner information regarding public/private partnerships required in Sec. 306.

The bill requires the Commissioner to establish information and assistance as a priority service, to develop guidelines and a model job description for AAAs when choosing legal assistance developers, and to study ways to more effectively target low-income,

minority, and rural older individuals, as well as States with a disproportionate number of older individuals.

The bill requires the Commissioner to encourage and provide technical assistance to State Units on Aging (SUAs) and AAAs regarding SSI, Medicaid, and Food Stamp outreach; to design (with assistance from the DHHS Assistant Secretary of Planning and Evaluation and consultation from others) and implement uniform data collection procedures for SUAs within one year of the OAA amendments' enactment; to ensure that all federal grants and contracts made under title II and IV be made in accordance with a competitive bidding process established by the Commissioner; to participate and provide leadership within the Federal government regarding the development and implementation of a national community-based long-term care program for older individuals; and to assist State and area volunteer service coordinators.

The bill establishes in statute a National Center on Elder Abuse administered by the Commissioner.

The bill requires the Commissioner to establish a National Aging Information Center. The Center is to annually compile, publish, and disseminate data regarding older individuals (including older Native Americans), and SUA and AAA staffing and funding patterns. The Center will also provide training and technical assistance regarding data collection and analysis and disseminate title IV reports. The Center should be funded at \$1,000,000 for FY 1992 and then such sums as may be necessary.

3. Federal Agency Consultation: Section 203 adds the Department of Labor (DOL) and ACTION to the list of federal agencies to consult and requires the DOL to consult and cooperate with the commissioner on the Job Training Partnership Act.

The bill requires the head of each Federal agency administering aging-related programs to collaborate with the Commissioner and to develop a written analysis of the impact of these programs on older individuals. The bill requires the Commissioner to "coordinate" with other Federal agencies, including the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

4. Consultation with SUA's, AAA's, and Native Americans Grant Recipients: Section 204 requires the Commissioner to consult with SUA's, AAA's, and title VI grantees.

5. Federal Council on the Aging: Section 205 defines the terms of Members and adds new functions to the Federal Council on the Aging and requires Council members to have aging expertise and experience.

6. Nutrition Officer: Section 206 requires the Commissioner to designate an officer or employee with nutritional science and planning expertise to coordinate nutrition services under the Act. The Secretary must issue regulations within 120 days of the enactment of the OAA Amendments of 1992.

7. Evaluation: Section 207 requires the Secretary to evaluate the Act's effectiveness in targeting unserved individuals with greatest economic and social need.

The bill requires the Commissioner to evaluate nutrition services provided under the Act and issue interim guidelines and specific nutrition standards in regulation to ensure service provider compliance of Sections 331 and 336 of the Act.

An advisory council should be established to advise the Commissioner. The council, described in Sec. 206(g)(2)(A)(1), shall develop recommendations on the need for minimum

standards for meals, particularly when a project provides more than one meal each day.

The bill authorizes up to \$3,000,000 for such evaluation, of which no greater than \$1.5 million shall come from title III and no greater than \$1.5 million from title IV.

8. Reports: Section 208 requires the Commissioner to describe the implementation of the national plan for training personnel in the field of aging, changes the Commissioner's reporting deadline regarding the Ombudsman program to March 1 of each year, requires the Commissioner to report on the evaluation of the effectiveness of targeting those in greatest need, and requires the Commissioner to provide training and technical assistance regarding data collection and analysis.

9. Nutrition Education: Section 209 authorizes the Commissioner and Secretary of Agriculture to provide technical assistance and appropriate material to agencies that carry out nutrition education programs.

10. Authorization of Appropriations: Section 210 authorizes for Sec. 205 of the Act such sums as may be necessary for each of the fiscal year 1992 through 1995.

The bill authorizes \$17,000,000 in FY 1992, \$20,000,000 in FY 93, \$24,000,000 in FY 94, and \$29,000,000 in FY 95 for Administration on Aging (AoA) salaries and expenses and such sums as may be necessary in each fiscal year to provide for 300 full-time (or equivalent) AoA employee's.

11. Studies: Section 211 requires the Commissioner to study the effectiveness of State Long-Term Care Ombudsman Programs.

Section 212 requires the Commissioner to make arrangements with the Institute of Medicine to study board and care facility quality and home care quality.

The Board and Care study to be conducted by the Institute of Medicine should include representatives with expertise on state legislation. The recent DHHS/IG report (OEI-02-89-01860) includes reference to the American Bar Association's model Act as a resource to measure state legislation and compliance, which should also be considered as part of the Institute of Medicine study. The study of home care quality to be conducted by the Institute of Medicine should encompass the range of entities providing home care services, including public, nonprofit, and privately owned entities and examine the quality of services provided by such entities either directly or through contract with other entities.

Section 212 also authorizes \$1,500,000 in FY 1992 and such sums as may be necessary in fiscal years 1993, 1994 and 1995 for a study of board and care quality.

Section 213 authorizes \$1,000,000 for FY 1992 for a study of home care quality and such sums as may be necessary in subsequent fiscal years.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

1. Purpose: Section 301 adds as a purpose of this title to secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

2. Definitions: Section 302 modifies the definition of "comprehensive and coordinated system" to include encouraging entities with "unrealized potential" to serve older individuals.

3. Authorizations of Appropriations; Uses of Funds: Section 303 sets authorization levels for title III.

The bill authorizes \$461,376,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part B, \$505,000,000

for FY 1992 and then such sums as may be necessary for fiscal years thereafter for congregate meals, \$120,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for home-delivered meals, \$15,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for school-based meals, \$45,388,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part D, such sums as may be necessary for fiscal years thereafter for Part E, \$25,000,000 for FY 92 and then such sums as may be necessary for fiscal years thereafter for Part F, and \$15,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part G—supportive services for caregivers.

The bill deletes all limitations on authorizations of appropriations (i.e. triggers) and repeals Sec. 303(h).

4. Allotment; Federal Share: Section 304 changes the hold harmless level for state allotments from 1984 to 1987, increases minimum allotment for SSI, Medicaid, and Food Stamp outreach to \$150,000, and sets a minimum allotment of \$50,000 per State for Supportive Services for Individuals Who Provide In-home Services under Part G added by the bill.

The bill also requires the Commissioner to use Census Bureau and "other reliable demographic data" to determine the number of 60+ individuals and to withhold a State's allotment if the Commissioner disapproves its intrastate funding formula.

The bill requires there to be allotted to each State not less than \$150,000 and not more than 4 percent of the State's title III-B 1991 appropriations on demonstration projects regarding SSI, Medicaid, and Food Stamp outreach from the States' allotment. Program requirements for the demonstration projects are described in title VII.

The bill also allows title III grants to be used to pay State and area volunteer services coordinators.

5. Organization: Sec. 305 requires the SUA to be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the OAA.

The bill requires intrastate funding formulas to be developed in consultation with AAAs and in accordance with the Commissioner's guidelines. The formula should take into account distribution of older individuals within the State and distribution of individuals with the greatest economic need and individuals with the greatest social need with particular attention to low-income minority individuals. The SUA must submit its formula to the Commissioner for approval.

The bill requires SUAs to use special outreach efforts to also identify certain targeted populations and clarifies that older individuals with the greatest economic need (with particular attention to low-income minority individuals), individuals with greatest social need, who are frail, and who are of limited English-speaking ability should be identified through outreach efforts.

The bill requires SUAs to set special objectives and describe actions used to increase participation of low-income minority older individuals.

The bill requires SUAs to establish due process procedures when the SUA revokes an AAA's designation, adds additional PSAs, divides PSAs, or otherwise affects the boundaries of PSAs. These procedures shall include providing notice, documenting need, conducting a public hearing, involving those affected, and allowing the Commissioner to

hear appeals. A decision may be appealed based on the facts and merits of the matter or on procedural grounds. The Commissioner may affirm or set aside an SUA's decision.

6. Area Plans: Sec. 306 requires the area plan to provide assurances to adequately fund "case management services" as a type of access service.

The bill allows community action agencies who operate multipurpose senior centers to receive special consideration in the designation of focal points. The bill also requires the identity of focal points to be specified in AAA's grants, contracts, and agreements.

The bill requires information and assistance services to emphasize linking services for older individuals (and their uncompensated caregivers) who are isolated or have Alzheimer's disease.

The bill requires area plans to include specific service objectives for minority targeting and provide assurances that providers serve low-income minority individuals in accordance with their need for service, instead of (current law) their proportion in the population. The providers must meet specific objectives for minority targeting set by the AAA. The bill also requires area plans to include information on the extent to which minority targeting objectives were met in the preceding fiscal year. Additionally, all AAA activities must include a focus on the needs of low-income minority older individuals.

The bill requires AAAs to provide "timely information" in a timely manner; to advocate for older individuals in cooperation with agencies, local governments, organizations, and individuals involved with the area plan; to enter into arrangements and coordinate with community action agencies and programs, if possible; to coordinate entities that receive OAA funds within the PSA and other programs serving older individuals which receive Federal funds; to establish grievance procedures for individuals who are dissatisfied or denied service;¹ to identify the transportation needs of older individuals and to coordinate planning and delivery of transportation services; to assist providers of housing for older individuals develop and expand housing, support services, referrals, and living arrangements for older individuals; to list the AAA in a uniform manner in telephone listings; and to fund the State Long-Term Care Ombudsman program at not less than 1991 funding levels for ombudsman programs.

AAAs have been given this discretion in establishing such grievance procedures in the interest of providing administrative flexibility. However, if the AAAs fail to act in good faith to provide grievance procedures that respond to the complaints of older individuals, a requirement for AAAs to establish specific formal procedures for responding to such complaints will be considered in the next reauthorization.

The bill allows the AAA to provide an area volunteer services coordinator.

The bill adds provisions regarding public/private partnerships and adds requirements for AAAs to coordinate programs under title III and VI and to increase access to programs and services by older Native Americans.

The bill requires AAAs to provide assistance to nutrition projects to reasonably accommodate individuals with special health or religious requirements or ethnic backgrounds.

¹With respect to developing such grievance procedures, it is intended that denial of service to an older individual is a legitimate action if the service provider or the AAA has insufficient resources to provide services requested by such an individual.

The bill specifies how AAAs should provide case management services and clarifies that case management services may be offered by nonprofit, not "non-public" agencies.

The bill allows States to withhold an AAA's funds. The State agency will provide an AAA with a due process procedure (as established by the State agency but to include at a minimum, notification of action to withhold funds, documentation of need, and, if requested, a public hearing) before withholding any funds. It also provides for the administration of programs in areas in which funds have been withheld.

7. State Plans: Sec. 307 adds new state plan requirements.

The bill allows the Commissioner to require States not in compliance with title III to submit a State plan for a 1-year period until the Commissioner determines the State is in compliance.

The bill requires State agencies to evaluate the need for supportive services using a standard method to determine unmet needs; to evaluate the unmet need for transportation services; to establish and publish procedures for requesting and conducting hearings regarding plans submitted to the State agency; and to include assurances in their State plans that would prohibit conflicts of interest within SUAs and AAAs.

Over the past several years, a small number of local governments, which have been designated as AAAs by their respective States, have successfully provided a full range of direct services in a cost-efficient manner. Congress does not wish to foster or construct barriers to the provision of such services by these local governments, which have long and proven records of efficiently providing direct services.

Current law prohibits AAAs from providing services directly, but allows State agencies to waive the prohibition under certain circumstances. This current law provision has not been changed. The law provides sufficient flexibility to accommodate circumstances where waivers may be needed. While it is not the intent of the members of the committees of jurisdiction to encourage the granting of waivers, the members note that the law should not be construed to prevent the granting of waivers to local government-based AAAs with a proven record of providing services of comparable quality more efficiently, and a commitment to contribute significant amounts of local resources to the provision of services for older individuals, or otherwise meet the other waiver conditions set forth in the law.

The bill requires SUAs to disclose to the Commissioner the identity and nature of each nongovernmental entity with which it has a contract or commercial relationship to provide services to older individuals and demonstrate that such contract or relationship has not and will not decrease, but enhance, the quantity or quality of services provided. The Commissioner may request SUAs to disclose all sources and expenditures of funds that the agency receives or expends to provide services to older individuals.

The bill requires SUAs and AAAs to give special consideration to hiring individuals with formal training or professional experience in the field of aging. In providing special consideration to hiring individuals with formal training or professional experience in the field of aging, it is not intended that individuals without certifications, diplomas, degrees, or other formal credentials be excluded from such consideration.

The bill requires SUAs to carry out a State Long-Term Care Ombudsman program. Spe-

cific provisions relating to the ombudsman program are moved to the new title VII, added by the bill.

The bill exempts title III C-3 funds from being used for home-delivered meals.

The bill requires nutrition projects to be administered with the advice of "dietitians"; to provide nutrition education on a semi-annual basis to all III C-1 and C-2 participants; and to comply with State and local sanitation laws.

The bill requires SUAs to monitor, coordinate and assist in the planning of nutrition services, with the advice of a dietician or Case management services were added to the category of access services under section 306(a)(2)(A). Such services are one of four types of services listed in the category of access services that can be provided in meeting the requirement that funds must be allotted for the category of "services associated with access to services."

The bill requires a SUA to identify the actual and projected additional costs of providing services in rural areas and prohibits SUAs from using title III funds to carry out a contract or commercial relationship which does not relate to title III.

The bill also requires State plans to provide assurances that AAAs will not give preference to individuals as a result of a contract or commercial relationship which does not relate to title III.

The bill requires SUAs to coordinate OAA and other State aging programs; to provide multi-generational activities; to coordinate transportation services to increase access to services; and to provide in informal procedure to review refusals to serve older individuals and issue guidelines regarding such procedures.

The bill includes a provision for SUAs to provide a mechanism to ensure quality in the provision of in-home services as part of the State plan requirements.

It is expected that the Commissioner will provide guidance and assistance to the States in developing and implementing such mechanisms.

The bill requires the Commissioner to approve the intrastate funding formula described in the State Plan and establishes further appeal processes for States whose plans have been disapproved.

The bill deletes requirements for SUAs regarding the distribution of outreach funds to AAAs, submission of area plans, distribution of Food Stamp, SSI, and Medicaid information, and submission of AAA evaluations to the Commissioner.

8. Planning, Coordination, Evaluation, and Administration of State Plans: It is the intent of the members of the committees of jurisdiction that nothing in the Act or this reauthorization precludes states from coordinating services for senior citizens at the state or local levels.

Section 308 adds a limitation for FY 1993 on the amount of funds which may be transferred between title III B and C to 30%. The bill allows SUAs to apply for a waiver from the transfer limitations between Parts B and C. Such limitation on transfer amounts decrease to 25% in FY 1994 and 1995, and 20% in FY 1996. SUAs may also apply for an additional waiver of 5% in FY 1994 and FY 1995 and 8% in 1996.

The bill also adds limitations on the amount of funds which may be transferred between sub-parts 1 and 2 of title III-C to 30%. The bill limits the extra amount waived to 18% in FY 1993, 15% in FY 1994 and 1995, and 10% in FY 1996.

The bill also adds waiver application requirements for transfers between Parts B

and C, and Subparts C1 and C2. The bill requires State agencies to demonstrate to the satisfaction of the Commissioner that funds allotted are insufficient to meet the needs for services under this title. It is intended that the Commissioner use the strictest scrutiny in reviewing the application made by each state seeking such transfer. It is intended that the Commissioner specifically evaluate the impact of such a transfer on the states' nutrition programs. For example, such an application shall not be to the satisfaction of the Commissioner if such a transfer will reduce the number of meals served or result in the closure of any congregate or home-delivered meal facility or service.

The bill prohibits SUAs from delegating transfer authority and requires the Commissioner to collect information on the amount, rationale, and effect of all transferred funds.

9. Disaster Relief Reimbursements: Section 309 allows SUAs to be reimbursed for supportive services (and related supplies) provided during disaster relief programs.

The bill allows the Commissioner to advance up to 75% of funds available for disaster relief of SUAs within 5 working days after a disaster has been declared.

The bill limits the amount SUAs may be reimbursed for disasters to 2% of title IV funds. This new requirement directly responds to the Administration's legislative proposal to determine funds available for disaster relief services to the amount appropriated to carry out title IV instead of amounts appropriated to carry out Section 422 Demonstration Projects. The 2 percent amount, linked to the aggregate level of title IV funding, reflects the equivalent of spend-outs in previous years, which never exceeded \$500,000 per fiscal year.

10. Availability of Surplus Commodities: Section 310 sets the USDA per meal reimbursement rate for FY 1992 at the amount appropriated divided by the number of meals served or at a rate of 61 cents per meal, whichever is greater. In subsequent years, the 61 cent rate shall be adjusted annually to reflect changes in the CPI food away from home series based on the prior July.

11. Rights Relating to In-Home Services for Frail Older Individuals: Section 311 directs the Commissioner to require entities that provide in-home services under this title to promote the rights of individuals who receive such services.

12. Supportive Services: Section 312 adds the following services as supportive services: information and assistance, language translation, services which receive applications from older individuals for section 202 housing, advice, and informational services regarding elder rights, permanency planning for older individuals with adult children with disabilities and other services designed to help older individuals who are caretakers of adult children with disabilities, second career counseling, information on age-related diseases and chronic disabling conditions, support for voluntary long-term care caretakers, information and training on guardianship or representative payees, and multigenerational activities.

The bill clarifies pre-retirement counseling and assistance.

The bill also defines counseling on pension rights and benefits as a type of financial counseling.

The bill includes representation of wards, individuals who are allegedly incapacitated, and, under certain circumstances, older individuals seeking to become guardians as types of legal assistance.

The bill adds music, art, and dance-movement therapy as services designed to enable

older individuals attain and maintain physical and mental well-being.

The members of the committees of jurisdiction are concerned about reports that older residents of board and care facilities and other older individuals with disabilities may be denied access to this Act's programs and services in some communities. The members believe it is important to stress that the Act's programs are intended to be available to all older individuals, with particular emphasis on those in greatest economic and social need, including those who reside in various residential environments such as section 202 housing, public housing and board and care facilities.

In circumstances where board and care residents (or other older individuals in similar living environments) wish to participate in OAA meals programs, it would not be inappropriate for such residents to contribute to the cost of such meals and, in such cases, to be reimbursed by the board and care provider for meals consumed outside the board and care facility.

13. Congregate Nutrition Services and Home Delivered Nutrition Services: Sections 313 and 314 allow congregate and home-delivered nutrition projects in rural areas to serve fewer than five meals a week and delete current law requirements regarding recommended daily allowances.

14. Criteria: Section 315 adds the Dietary Managers Association to the list of organizations to be consulted regarding home-delivered meals. An individual with comparable skills and experience of a dietician.

The bill requires SUAs to develop non-financial criteria for home-delivered meals eligibility and to periodically evaluate recipients to determine if they meet the criteria.

The bill requires SUAs to give priority to certain legal problems, including age discrimination. The members of the committees of jurisdiction recognize that litigating age discrimination cases is difficult and costly and may legal assistance providers are prohibited from accepting fee-generating cases. Therefore direct legal assistance providers should help identify cases of age discrimination and, where appropriate, refer older individuals to other legal channels, including the Equal Employment Opportunity Commission.

The bill requires SUAs to designate a legal assistance developer.

The bill requires SUAs to spend on ombudsman programs not less than what was spent on such programs in FY 1991; to require outreach efforts especially to older individuals and their caretakers who are rural residents, isolated, or have Alzheimer's.

The bill requires assurances regarding compliance with the Elder Rights Title requirements to be included in the State's Plan.

The bill requires that if one-half or more of the area plans provide for an area volunteer coordinator, then the State plan must provide for a State volunteer coordinator who will, among other things, provide technical assistance to area volunteer service coordinators. If fewer than half of area plans provide for volunteer service coordinators, then the State has the option to support a State volunteer service coordinator.

The bill adds a requirement for SUAs to provide technical assistance to minority service providers.

The bill requires SUAs to spend funds on supportive services for providers of in-home services if they receive funds for such services.

The bill requires State plans to include a funding formula with a demonstration of the allocation of funds. The Commissioner must approve each formula for the entire State plan to be approved.

The bill requires the State agencies to establish a State advisory group; to coordinate programs under titles III and VI; to specify how they plan to increase access by older Native Americans to title III programs and benefits; and to comply with case management service requirements when case management services are provided as an access service.

15. School-Based Meals for Volunteer Older Individuals and Multigenerational Programs: Section 316 establishes a new nutrition program: school-based meals for volunteer older individuals and multigeneration programs.

Title VI grantees have been included as eligible entities for this program. Their inclusion is intended to encourage Title VI grantees to seek grants to operate such programs in cooperation with Bureau of Indian Affairs schools. SUAs are encouraged to approve the grant applications of eligible Title VI grantees.

Monies for administrative costs cannot be taken from title III-C.

This program is added in response to the concern that:

(1) there are millions of older individuals who could benefit from congregate nutrition services, but live in areas where meals are unavailable or limited;

(2) there are millions of elementary and secondary school students who need positive role models, tutors, enhancement of self-esteem, and assistance with multiple and complex economic, health, and social problems;

(3) older individuals have a unique range of knowledge, talents, and experience, which can be of immeasurable value to students as a part of the educational process;

(4) multigenerational programs can provide older individuals with the opportunity to contribute skills and talents in the public schools;

(5) programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process, promoting more positive and balanced views of the realities of aging, and reducing negative stereotyping of older individuals;

(6) unused or underused space in school buildings can be used for multigenerational programs serving older individuals in exchange for good faith commitments by older individuals to provide volunteer assistance in the public schools; and

(7) school districts need broad-based community support for school initiatives, and multigenerational programs can help to enrich that support.

It is intended that such program shall:

(1) create and foster multigenerational opportunities for older individuals and elementary and secondary students in the schools, where meals and social activities are provided;

(2) create school-based programs for older individuals to assist elementary and secondary students who have limited-English proficiency or are at risk of—

- (A) dropping out of school;
- (B) abusing controlled substances;
- (C) remaining illiterate; and
- (D) living in poverty.

(3) provide older individuals with opportunities to improve their self-esteem and make major contributions to the educational process of the youth of the United States by contributing the unique knowledge, talents, and

sense of history of older individuals through roles as volunteer tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and many other school support roles;

(4) provide an opportunity for older individuals to obtain access to school facilities and resources, such as libraries, gymnasiums, theaters, cafeterias, audiovisual resources, and transportation; and

(5) create other programs for group interaction between students and older individuals, including class discussions, dramatic programs, shared school assemblies, field trips, and mutual classes.

16. Dietary Guidelines, Payment Requirement: Section 317 adds requirements regarding nutrition programs funded under this title. Meals provided by a project must comply with the Dietary Guidelines for Americans. Additionally, if a project serves one meal a day, each meal—whether provided in a congregate setting or home-delivered—must provide one-third of the daily RDA established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences. If a project provides two meals a day to the same individual, the meals must contain two-thirds of these allowances; and if three meals a day are provided to the same individual, the meals must contain 100 percent of these allowances.

This provision was included to offer providers of nutrition services greater flexibility in the planning of meals and to encourage more providers to offer two and three meals each day. It is not expected that providers will dramatically change the content or amount of food provided in any meal provided. It is also expected that they will assure that all food components provided are adequate to provide nutritious, satisfying, and attractive second and/or third meals as well as meeting % or 100 percent of the RDA requirements.

Furthermore, it is expected that the USDA will continue to reimburse providers for all meals provided, as long as the average RDA is met.

The members of the committees of jurisdiction are concerned that some nutrition providers may be using dietary supplements in lieu of food to meet the present requirement that each meal served contain at least one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science—National Research Council. Therefore the members direct the Commissioner to address potential abuse of this practice as part of the Commissioner's requirement to oversee nutrition services under the Act.

17. In-Home Services: Section 318 adds personal care services and other in-home services defined by SUAs and AAAs in their respective plans.

18. Preventive Health Services: Section 319 adds several new sites to the list of sites where preventive health services can be provided.

The bill deletes current prohibitions against providing Medicare-reimbursable preventive health services and makes a conforming amendment. In deleting the present prohibition against providing Medicare-reimbursable preventive health services, it is intended that AAAs will not offer, when feasible, services that are generally available through private health services or reimbursable under private or public health insurance.

The bill clarifies existing, and adds new, definitions of disease prevention and health promotion services. The bill also renames

Part F of title III as "Disease Prevention and Health Promotion Services".

19. Supportive Services for Caretakers Who Provide In-Home Services to Frail Older Individuals: Section 320 adds a new Part G to title III for the purpose of providing supportive services to caretakers who provide in-home services to frail older individuals.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

1. Statement of Purpose: Section 401 clarifies that the purpose of this title is also to include dissemination of innovative ideas for replication.

2. Priorities: Section 402 requires the Commissioner to consult with SUAs and AAAs to develop funding priorities. The Commissioner is also required to ensure title IV grants and contracts benefit older individuals and OAA programs, and comply with OAA requirements.

This new requirement for the Commissioner is to ensure that title IV grants and contracts benefit older individuals and other programs under the Act. The grants and contracts are to be used only for those purposes within the scope of the Act.

3. Purpose: Section 403 clarifies the purpose of title IV training grants by placing emphasis on attracting qualified minority personnel.

4. Grants and Contracts: Section 404 adds gerontologists to the list of practitioners who may receive training and education under the title. The bill also adds an emphasis on using culturally sensitive practices in-service training. Counseling programs may receive such in-service training.

The bill provides for annual national meeting to train directors of title VI grants. For the past several years, the Commissioner has convened a national meeting to train directors of title VI grants. This event has proved to be very beneficial to all involved. By adding this requirement, it is intended that the training should continue to occur on a national basis, not just on a state or regional level.

A new training program has been added to train service providers who serve older individuals (including family physicians, clergy and other professionals).

5. Multidisciplinary Centers of Gerontology: Section 405 adds "counseling service" to the kinds of emphasis gerontology centers receiving grants may have. The bill also adds schools of social work and psychology to the schools that develop training programs with title IV funds. "Counseling services" are added as a special emphasis of multidisciplinary centers of gerontology.

6. Demonstration Projects: Section 406 authorizes several new demonstration projects, including projects that: furnish multigenerational services by older individuals addressing the needs of children; meet the service needs of older individuals who are caretakers with disabled adult children; provide music, art, dance-movement therapy and gerontological education and training on music therapy; or establish model volunteer service credit projects to demonstrate methods to improve or expand supportive or nutrition services or otherwise promote the well-being of older individuals.

The members of committees of jurisdiction strongly endorse the concept of voluntary service credit programs which have been successfully implemented in a number of States. Therefore the members encourage the Commissioner on Aging to fund innovative voluntary service credit programs.

7. Special Projects in Comprehensive Long-Term Care: Section 407 deletes the current

provision regarding special projects in comprehensive long-term care; adds a new section that requires the Commissioner to fund not fewer than four or more than seven resource centers for long-term care; specifies the functions of the centers; lists areas of specialty for resource centers; requires the Commissioner to fund at least 10 such projects; prescribes the use of funds, reimbursable direct services, preference in awarding grants, application and report requirements, and eligible entities; and requires the Commissioner to fund these projects at not less than the amount awarded for long-term care centers in FY 1991, and to obligate funds within 60 days after the enactment of the bill.

8. Ombudsman and Advocacy Demonstration Projects: Section 408 adds legal assistance agencies to the agencies coordinating within ombudsman and advocacy demonstration projects.

9. Demonstration Projects for Multigenerational Activities: Section 409 requires the Commissioner to award funds for demonstration projects for multigenerational activities affording older individuals opportunities to serve as mentors or advisors in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

10. Supportive Services in Federally Assisted Housing Demonstration Program: Section 410 requires the Commissioner to award funds to establish demonstration programs to provide supportive services in federally assisted housing. The bill specifies that agencies eligible to receive grants under this section include SUAs and AAAs.

The members of the committees of jurisdiction intend that these demonstration programs will demonstrate the involvement of the aging network in the development of the Comprehensive Housing Affordability Strategies and other programs serving older individuals under the Cranston-Gonzalez National Affordable Housing Act of 1990 (Public Law 101-625, 104 Stat. 4079);

11. Neighborhood Senior Care Program: Section 411 authorizes the Commissioner to award grants to establish neighborhood senior care programs to draw on the professional and volunteer services of local residents; requires the Commissioner to give preference to applicants experienced in operating community programs and those meeting the independent living needs of older individuals; and requires the Commissioner to establish an Advisory Board and a technical resource center on neighborhood senior programs.

To support the addition of a Neighborhood Senior Care Program in the Act, the Commissioner should consult with the director of ACTION, the Points of Light Foundation, and other organizations that advocate and administer volunteer services.

12. Information and Assistance Systems Development Projects: Section 412 authorizes the Commissioner to make grants to support Section 412 authorizes the Commissioner to make grants to support improvement of information and assistance services at the State and local levels and to continue to support and evaluate the national telephone information access service.

13. Senior Transportation Demonstration Program Grants: Section 413 requires the Commissioner to award at least five grants (not less than 50 percent to be used in rural areas) to improve the mobility and transportation services of older individuals. Eligible agencies include SUAs, AAAs, and other public agencies and nonprofit organizations.

14. Resource Centers on Native American Elders: Section 414 requires the Commissioner to establish between two and four Resource Centers on Native American Elders.

15. Demonstration Programs for Older Individuals With Developmental Disabilities: Section 415 requires the Commissioner to establish demonstration projects for older individuals with developmental disabilities.

16. Housing Demonstration Programs: Section 416 requires the Commissioner to award funds to establish housing ombudsman demonstration projects and add specific provisions regarding eviction and foreclosure notification.

The members of the committees of jurisdiction are concerned that there are not adequate programs available to assist older tenants of publicly assisted housing to resolve their complaints and problems. Such problems include but are not limited to: legal and nonlegal issues, housing quality issues, security and suitability problems, and issues related to regulations of the Department of Housing and Urban Development and the Farmers Home Administration.

This demonstration project will demonstrate a mechanism to assist such older residents in resolving their problems, and protecting their rights, safety, and welfare of the individuals;

The members note that the State Long-Term Care Ombudsman programs established under the Older Americans Act of 1965 have exhibited great success in protecting the rights and welfare of nursing home residents through work on complaint resolution and advocacy and that a similar approach could be used to address the housing problems experienced by these older residents.

17. Private Resource Enhancement Projects: Section 417 authorizes the Commissioner to fund SUAs and AAAs to establish demonstration projects that generate non-Federal resources in order to increase resources available to provide additional title III services.

18. Career Preparation for the Field of Aging: Section 418 adds new requirements for the Commissioner to make grants to educational institutions (including historically Black colleges or universities and Hispanic Centers of Excellence with programs of applied gerontology) that serve the needs of minority students to prepare them for careers in aging.

19. Pension Information and Counseling Demonstration Projects: Section 419 requires the Commissioner to fund pension information and counseling demonstration projects.

20. Authorization of Appropriations: Section 420 authorizes \$72 million to be appropriated to carry out this title for fiscal year 1992 and such sums as may be necessary in subsequent years.

There are also authorized to be appropriated \$450,000 for each fiscal year 1992, 1993, 1994, and 1995 to carry out a program to train service providers as described in Section 411(e).

21. Payments of Grants for Demonstration Projects: Section 421 requires the Commissioner when issuing grants and contracts within a State to inform the SUA of their purpose.

22. Responsibilities of Commissioner: Section 422 specifies that the annual report on title IV awards be submitted to Congress not later than January 1 following each fiscal year, expands the required content of the report, and requires the Commissioner to evaluate the activities funded under title IV, make the evaluations available to the public, and use the evaluations to improve service delivery or program operation.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

1. Older American Community Service Employment Program: Title V of the Older Americans Act authorizes the Senior Community Service Employment Program (SCSEP), which provides part-time employment and training opportunities for low-income persons 55 years of age and older. As enrollees in a Federal employment and training program, participants in the SCSEP historically have not been considered "employees" of grantees. The members of the committees of jurisdiction believe that benefits associated with employment should be funded by the Federal government.

Section 501 adds a provision which includes individuals with poor employment prospects as potential title V participants; requires projects to hire individuals with greatest economic need, and prepare an assessment of participants; requires the Secretary of Labor to consult with the Secretary of Health and Human Services on the cost of programs; requires national contractors to consult with and submit project descriptions to SUAs and AAAs in areas where they are operating; and requires the Secretary to issue criteria for experimental projects and require projects in such experiments to coordinate with JPTA programs.

2. Coordination: Section 502 requires the Secretary to consult with the Commissioner to increase job opportunities for older individuals. Section 502(c)(1) of the Act requires that Community Service Employment for Older Americans (CSEOA) sponsors pay 10 percent of the cost of CSEOA projects. It is the intent of the Committees of Jurisdiction that whenever an Indian tribal entity, or an association representing such entities, with which the Secretary has an agreement under Section 502(b) of the Act, demonstrates to the Secretary that a project serving primarily Indians or on an Indian Reservation, located in an economically depressed area, does not have adequate non-Federal resources available, the Secretary may pay all of the costs of any such project.

3. Interagency Cooperation: Section 503 requires the Secretary to coordinate this program with other Federal jobs programs and other titles of the OAA.

4. Equitable Distribution of Assistance: Section 504 establishes a minimum funding base for all title V national contractors of 1.3 percent of FY 91 total appropriations (i.e., \$5,135,000). The base will help to ensure that all contractors have a minimum level of funds to administer effectively the program on a national basis. Currently, only two of the ten national contractors are funded at below this minimum funding base; in FY 1992, they each received a little over \$1.3 million. By contrast, the next smallest contractors received approximately \$11 million; the largest contractor received over \$100 million.

This amendment gradually increases these contractors to the minimum funding base by reserving a portion (at least 25 percent) of increased appropriations. This reservation cannot occur until appropriations exceed 102 percent of FY 91 appropriations (i.e., \$398,000,000). Since this was not achieved for FY 92 (final title V appropriation is \$395,181,000), the amendment would not be triggered in FY 1992. By requiring that the reserved portion be taken only from increased appropriations, the funding levels for national contractors essentially are being held harmless to their FY 92 appropriations. Importantly, given that only a portion of increased appropriations will be reserved, all national contractors will still receive increased funding if appropriations increase.

Once a national contractor has achieved the minimum funding base, it is intended that such base shall, at a minimum, be maintained.

Some individuals have indicated that the problem of inadequate funding for these two contractors is best addressed through an administrative solution. Normally, the members of the committees of jurisdiction would agree. However despite congressional efforts to assure an adequate funding amount, the Department of Labor has shown no intentions of addressing the current funding disparity.

The bill also requires the Secretary to take into account the distribution of older individuals with the greatest social and economic need and minority individuals when apportioning funds within the states.

5. Authorizations of Appropriations: Section 505 authorizes \$470,671,000 for FY 1992 and such sums as may be necessary in fiscal years 1993, 1994, and 1995. The bill also authorizes enough appropriations to fund 70,000 title V positions in each fiscal year.

6. Dual Eligibility and Treatment of Assistance Provided Under This Title: Section 506 requires that when title V projects are carried out jointly with JTPA programs, title V participants will be eligible for JTPA. It also stipulates that assistance from title V will not be considered financial assistance under the Immigration and Nationality Act.

TITLE VI—GRANTS FOR NATIVE AMERICANS

1. Applications by Tribal Organizations: Section 601 adds provisions requiring title VI applicants to assure coordination with other title III programs.

2. Distribution of Funds Among Tribal Organizations: Section 602 requires the Commissioner to first fund FY 1991 title VI grantees at their FY 1991 levels before funding new title VI grants. By including this provision, the members of the committees of jurisdiction emphasize that the participation of new tribal organizations in this program is not precluded.

The bill also requires the Commissioner to direct any additional appropriations to organizations who received title VI grants in FY 1980 and received lower funding in succeeding years or to organizations who did not receive a grant in FY 1980 or FY 1991.

3. Applications by Organizations Serving Native Hawaiians: Section 603 requires applicants to assure they will coordinate with title III programs.

4. Distribution of Funds Among Organizations: Section 604 requires the Commissioner to fund native Hawaiian organizations at least at their FY 1991 level.

5. Authorizations of Appropriations: Section 605 authorizes \$30,000,000 in FY 1992 and then such sums as may be necessary for fiscal years thereafter for title VI: 90% to go to Part A, 10% to go to Part B.

TITLE VII—ELDER RIGHTS SERVICES

The bill creates a new title VII regarding elder rights services. The new title is based, in part, upon a finding that there is a need to consolidate and expand State responsibility for the development, coordination, and management of statewide programs and services directed toward ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights.

While more than persons in any other age group, older individuals rely on public benefit programs and services to meet income, housing, and health and supportive services needs, the members of the committees of jurisdiction are concerned that: it is estimated

that only half of older individuals eligible for benefits under the supplemental security income program are currently enrolled; it is estimated that only half of older individuals eligible for food stamps receive assistance; and that it is estimated that less than half of older individuals eligible for benefits under the medicaid program are currently enrolled.

Critical purposes for establishing this title include, but are not limited to, the need to:

(1) assist States in securing and maintaining for older individuals dignity, security, privacy, the exercise of individual initiative, access to resources and benefits to which the individuals are entitled by law, and protection from abuse, neglect, and exploitation;

The bill requires States to provide additional assurances related to title VII as part of the state plan submitted under section 307. However, the current title III requirements governing the allocation of funds within states are not applicable to funds made available under any part of title VII nor are area agencies the only entities eligible to receive grants from states under any part of title VII. In addition states may use funds available under title VII to directly carry out vulnerable elder rights protection activities;

(2) require States to undertake a comprehensive approach in developing and maintaining elder rights programs;

(3) require States to give priority to protecting the rights of, and securing and maintaining benefits and services for, older individuals with the greatest economic or social need;

(4) require States, in making grants and entering into contracts to carry out programs to protect elder rights, to give preference as appropriate to AAAs and other entities with a proven track record in performing elder rights activities; and

(5) authorize States to plan and develop programs and systems of individual representation, investigation, advocacy, protection, counseling, and assistance from older individuals.

The State agency is required to submit annually to the Commissioner on Aging and to other appropriate State agencies a report of elder rights activities and issues. Such report shall include an analysis of data regarding elder rights based on reports of abuse, neglect, or exploitation; complaints regarding long-term care or from residents of long-term care facilities; reports of consumer fraud and abuse; reports of requests for and the provision of emergency protective services; reports of legal assistance and advocacy required to provide protection; and reports regarding the failure of older individuals to secure benefits for which the persons are eligible.

1. Authorizations for Vulnerable Elder Rights Protection Activities: Section 701 authorizes appropriations of \$40,000,000 for the ombudsman provisions for FY 1992 and then such sums as may be necessary for fiscal years thereafter; \$15,000,000 for the prevention of abuse, neglect, and exploitation of older individuals in FY 1992 and then such sums as may be necessary for fiscal years thereafter; \$10,000,000 for state elder rights and legal assistance development programs for FY 1992 and such sums as may be necessary for fiscal years thereafter; and \$15,000,000 for the outreach, counseling, and assistance program for FY 1992 and then such sums as may be necessary for fiscal years thereafter.

The bill also authorizes \$5,000,000 for FY 1992 and such sums as may be necessary for fiscal years thereafter for a program to fund

organizations who serve Native Americans to protect the rights of vulnerable elderly.

Title VII funds are to be allotted differently than allotments in title III. It is the intent of the members of the committees of jurisdiction that funds should first be allotted on the basis of population and then adjusted on a pro rata basis to ensure that minimum amounts have been allotted. The bill also allows confidential information to be given to a licensing or certification agency, ombudsman program, protection or advocacy system, or upon court order.

2. Ombudsman Programs: Section 702 adds new requirements regarding residents receiving timely access to the Ombudsman service, representation of residents' rights, the provision of administrative and technical assistance, the procedures of access and consent for Ombudsmen, protection of the Ombudsman from retaliation, and the training of Ombudsman and her/his representatives.

Because of the responsibility of Ombudsmen to investigate and resolve complaints pertaining to the health, safety, welfare and rights of long-term care facility residents, the members of the committees of jurisdiction emphasize that it is essential that such ombudsmen have full access to facilitate, residents and appropriate records, including the records of facility residents.

Nothing in this Act is intended to preclude or deter States from providing additional authorities to the Ombudsmen if deemed appropriate or necessary. A State may find it appropriate and necessary to provide Ombudsmen with a right of access to such records in a manner at least consistent with the access authority of State's long-term care facility licensing and certification officials. In the event a State provides the Ombudsman with such authority it is incumbent upon the SUA to vigorously protect the Ombudsman program's ability to thoroughly investigate and resolve complaints.

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-term health care workers

The bill requires the Directors of the National Center for Health Statistics and the Centers for Disease Control to collect data and prepare a report regarding long-term care health care workers, including those employed by adult day care centers and other community-based settings.

Subtitle B—National School Lunch Act

The bill amends the National Student Lunch Act to clarify a USDA interpretation that classified group homes in the community as "institutions" under the School Lunch Act. This amendment goes into effect as if it were part of the 1987 Older Americans Act amendments.

Subtitle C—Native American Programs

Sections 821 and 822 amend the Native American Programs Act of 1974.

The bill establishes within the DHHS the Administration for Native Americans to be headed by a Commissioner. The Commissioner shall be appointed by the President and approved by the Senate. The Commissioner's duties shall include administration of grant programs, coordination of departmental activities affecting Native Americans, service as their active and visible advocate within the Department and compilation of information for the Secretary's annual report on social conditions of Native Americans.

The bill also requires that the Secretary assure that staff and administrative support is provided adequately to the Administration to meet responsibilities described in this leg-

islation and to establish within the Secretary's Office, the Intra-Departmental Council on Native American Affairs, made up of the heads of principal operating divisions within the Department and others designated by the Secretary.

The bill identifies the Office of Hawaiian Affairs of the State of Hawaii as a revolving loan fund recipient (described in Sec. 803(a)(1) of the Act), by ending the prohibition against loans after a five year period, by authorizing the Native Hawaiian Revolving Loan Fund through 1994 and requiring matching contributions from the Office of Hawaiian Affairs. These amendments also repeal 1987 amendments that would have required certain funds to be deposited in the Treasury and the Secretary to deliver certain reports in 1989 and 1991, and prescribe new requirements for annual reports to the Congress from the Commissioner with respect to the loan fund.

The bill requires the Commissioner to provide technical assistance to potential applicants for funding and to applicants initially denied awards, and to provide short term training for persons carrying out funded projects.

The bill requires the Secretary of HHS to report annually by January 31 to the Congress on the social and economic conditions of Native Americans and to make recommendations as appropriate.

The bill provides for Secretarial review of the Commissioner's finding that an organization or proposed activity is ineligible for funding and gives the authority of providing procedure for appeals, notice and hearing to the Commissioner instead of the Secretary. The bill also changes the authority to provide financial assistance through grants or contracts for research, demonstration, or pilot projects, and the authority to make public announcements regarding such projects from the Secretary of HHS to the Commissioner.

The bill authorizes the Commissioner to extend employment preference to Native Americans, based upon the Office of Indian Education preference provision (P.L. 100-297).

The bill requires the Commissioner of the Administration for Native Americans (ANA) to give preference in contracting to individuals who are eligible for assistance under this title, and requiring the Commissioner to encourage agencies receiving grants to give preference to such individuals.

The bill requires evaluations of ANA-assisted projects to be evaluated at least every three years.

The bill authorizes "such sums as may be necessary" for fiscal year 1992 for all programs under this Act with certain exceptions.

The bill eliminates the threshold for eligibility for grants to Pacific Islanders.

In addition, no statutory change is required to assure the eligibility of the Office of Hawaiian Affairs and Department of Hawaiian Homelands, as both are clearly eligible as "public . . . agencies serving Native Hawaiians" (42 U.S.C. 2991b). Further, it is hoped that provisions in the bill expanding the amount of discretionary funding available to the ANA will enable the Administration to provide improved levels of technical assistance to applicants and grantees in non-contiguous areas through contractors or sub-contractors in those areas.

Finally, the Department of Health and Human Services through ANA is directed to enter into discussions as soon as possible with appropriate officials of the Department of Defense to develop and execute a memo-

randum of understanding, memorandum of agreement, interagency agreement or other appropriate vehicle to provide procedures for disbursement of the \$8 million appropriated for the Department of Defense for mitigation of environmental damage to Indian tribes from defense operations. The disbursement of these funds through competitive grants to tribes and tribal membership organizations will assist in their planning, development and implementation of programs for such environmental defense mitigation.

Subtitle D—White House Conference on Aging

As demographers project that the portion of the population age 55 or older will continue to increase well into the next century, the need for a national strategy session to address the implications of an aging population is imperative. With these changes private individuals and groups representing the field of aging will, for the first time, participate equally in the development of Federal aging policy.

It is intended that the mission of this Conference will continue to be that of assessing the most appropriate public policies to meet the needs and to enhance the contributions of older Americans. The Conference must be free to make any recommendations for action which are necessary to realize the goals of health, happiness, and security for all older Americans. Such recommendations for action should be considered in the light of the overall aging of the population and in the context of the relationship of generations. Recommendations from the Conference should consider the overall aging of the population in the context of the relationship between the generations.

It is the intent of the members of the committees of jurisdiction that the Conference includes a conference on the needs of older Indians and that such conference be conducted on a national basis in coordination with national entities having expertise in the needs of older Indians. Furthermore, in conducting such conference on older Indians, the White House Conference on Aging is to provide such resources as are necessary to support such a conference.

Section 832 requires the President to convene a White House Conference on Aging in 1993. It also requires delegates to the Conference to include professionals, nonprofessionals, minorities, and low-income family members.

Sections 833, 834, and 835 add new requirements regarding the administration of the Conference, including the composition and duties of the Policy Committee, necessary record keeping, and approval of the Conference report.

Section 836 authorizes such sums as may be necessary for FY 92 and FY 93, with funds available until Jan. 1, 1995 or one year after the Conference adjourns, whichever is earlier. Funds not expended or obligated shall go to carry out the Older Americans Act.

Section 838 states the sense of the Congress that impact of the Social Security earnings test should be considered by the Conference.

TITLE IX—GENERAL PROVISIONS

Section 905 states these amendments shall take effect upon enactment of this Act, except that Sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, 320, 410, 411, 413, 414, 415, 416, 418, 419, 501, 504, 506, 601, 603, and all sections in title VII shall not apply for fiscal year 1992.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the Older Americans Act and the pending amend-

ment. With this amendment, we will make life a bit more comfortable for thousands of senior citizens who need our help. We will assure the passage of the Older Americans Act amendments—which target funds for meals and other services for senior citizens in the greatest need; we will improve Social Security benefits for very old widows—those widows who are among the poorest of all the elderly; and we will liberalize the Social Security retirement earnings test in a way that helps middle-income working seniors—by focusing the maximum retirement test relief on those who need it most.

The proposed amendment also includes a provision effectively restoring the previous FICA exemption for election workers. I have received many letters about this provision from Members of the House—asking the Ways and Means Committee to pass this provision as expeditiously as possible.

The compromise reflected in the pending amendment deserves the support of my colleagues for two reasons. First, it liberalizes the Social Security retirement earnings test in a way that benefits middle-income Social Security beneficiaries. This is in contrast to the proposal in the Senate amendment to repeal the retirement test completely. That proposal would increase spending by nearly \$28 billion over the next 5 years.

Second, the compromise would make life easier for elderly widows. From hearings in the Ways and Means Subcommittee on Social Security, we know that older women living alone are among the poorest Social Security beneficiaries. Many of these women are widows in their eighties and nineties who lost their husbands at a time when they were too old to enter the labor force, yet young enough to face several decades of widowhood. As a consequence of living alone for many years, they may have depleted their resources and thus are relying on Social Security as their sole source of income. The compromise would make life easier for this group by increasing Social Security benefits for widows who are 80 and over—who now receive actuarially reduced payments.

Mr. Speaker, I want to stress that the increase in widows' benefits in this bill is modest. About 800,000 widows will receive about \$50 a month in additional benefits. This is in contrast to the benefit increase associated with raising the retirement earnings limit—800,000 working senior citizens will receive a maximum increase in benefits of over \$200 a month—or four times the amount we are providing for widows who are unable to work to supplement their incomes.

While I know that many of my colleagues have become convinced of the need for this increase in benefits for working senior citizens, I hope they will be equally sensitive about the need

for an increase in benefits for those who are widowed and are generally past the age where they are able to work.

Mr. Speaker, I include for the RECORD a section-by-section summary of the Ways and Means provisions of the pending amendment, and urge adoption of the Older Americans Act as amended.

SECTION-BY-SECTION DESCRIPTION OF THE WAYS AND MEANS PROVISIONS OF THE AMENDMENT

1. INCREASE IN RETIREMENT EARNINGS TEST

The social security retirement earnings test exempt amount for individuals age 65-69 would be nearly doubled over 5 years, from \$10,200 in 1992 under current law to \$20,000 in 1997 under the provision. The exempt amount would be set at \$12,000 in 1993, \$14,000 in 1994, \$16,000 in 1995, \$18,000 in 1996 and \$20,000 in 1997. In addition, the social security trust fund would be credited with the net increase in revenues (income taxes on earnings from wages and self-employment) attributable to the increase in the retirement test. The provisions would be effective beginning in 1993.

2. DECREASE IN ACTUARIAL REDUCTIONS FOR WIDOWS

Under current law, widow(er)s who first file for benefits before age 65 (or at age 50-59 in the case of disabled widow(er)s) have their basic benefit permanently reduced for every month before age 65 in which they receive benefits. The reduction amounts to 5.7 percent per year, for a maximum reduction of 28.5 percent at age 60. The provision would eliminate this reduction for widow(er)s age 80 and over.

Under current law, if the deceased spouse of a widow(er) received a reduced retirement benefit because he or she retired before age 65, the widow(er) cannot receive a benefit that exceeds the higher of the spouse's reduced benefit or 82.5 percent of the benefit the spouse would have received had he or she retired at age 65. The 82.5 percent limit is known as the "widows' limit." The provision would increase the widows' limit to 90 percent for widow(er)s age 80 and over.

Widow(er)s who would otherwise lose their supplemental security income (SSI) and medicaid benefits as a result of the increase in social security widow(er)s' benefits would be held harmless with respect to their medicaid benefits.

The provision would be effective for benefits payable for months after November, 1992 and would apply to both current and future eligible beneficiaries.

3. ELIMINATION OF 7-YEAR RULE FOR DISABLED WIDOW(ER)S

Under current law, a disabled widow(er) age 50-59 is not eligible for widow(er)s' benefits if the disability began more than seven years after the date of the spouse's death or more than seven years after entitlement to mother's or father's benefits (which are paid to a widow(er) who has a child under age 16 in his or her care) ends. The provision would eliminate this limitation on eligibility for disabled widow(er)s' benefits. The provision would be effective for benefits payable for months after August, 1992, but only on the basis of applications filed or pending on or after September 1, 1992.

4. SOCIAL SECURITY EXCLUSION FOR ELECTION WORKERS

Under current law, elections workers who earn less than \$100 per year are subject to three social security exclusions: (a) at the

option of a State, they may be excluded from the State's voluntary coverage agreement with the Secretary of Health and Human Services (HHS); (b) they are excluded from the requirement that State and local workers hired after March 31, 1986, pay the hospital insurance portion of the social security tax (1.45 percent); and (c) they are excluded from the requirement in the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) that State and local workers who are neither covered by a State or local retirement system nor a voluntary agreement pay the full social security tax (7.65 percent).

Effective January 1, 1993, these three exclusions would be increased to apply to election workers with annual earnings of up to \$1,000, rather than the current \$100. Beginning in 1994, they would be indexed for increases in wages in the economy.

5. MARRIAGE OF DISABLED ADULT CHILDREN (DACs)

Under current law, a disabled adult child (DAC) loses eligibility for title II social security benefits when he or she marries, unless the spouse is also a title II social security beneficiary. The provision would eliminate this restriction, permitting DACs to marry any person (beneficiary or non-beneficiary) without losing their social security and medicare benefits.

In addition, DACs who previously lost benefits because of marriage would be permitted to reapply; and those whose disabilities continue to exist would resume receiving benefits. The amount of their benefits would be updated to include all cost-of-living increases provided since they last received benefits. Those DACs who were previously eligible for medicare would have it reinstated simultaneously with their cash benefits. Those who were not would receive medicare after completing the time remaining in their two-year waiting period. The Social Security Administration would be required to make all reasonable efforts to locate DACs who previously lost benefits because of marriage and inform them of their reapplication rights.

The provision would be effective with respect to marriages occurring after September 1, 1992. For DACs who lost benefits because they married prior to that date, the provision would apply with respect to benefits for months beginning after the later of: (a) August 31, 1992, (b) five full calendar months after the onset of the disability, or (c) 12 months before the date of reapplication.

6. STUDY BY THE GENERAL ACCOUNTING OFFICE OF THE DISABILITY DETERMINATION PROCESS

The General Accounting Office would be required to investigate the reasons for the high rate of reversal of the Social Security Administration's initial disability determinations on appeal and to report its findings by December 1, 1992.

7. TECHNICAL AMENDMENT

The provision would clarify current law relating to fees for social security claimants' representatives in concurrent title II/title XVI cases to prevent approval of excessive fees. The provision would take effect as if it had been included in the Omnibus Budget Reconciliation Act of 1990.

□ 2240

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

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

Mr. Speaker, on the surface, the amendment before the House tonight is

extremely seductive. When we scratch beneath its tempting outer layers, however, it is nothing more than election year politics as usual. As the House author for more than 20 years of legislation to repeal the onerous Social Security earnings limitation, I would like personally nothing more than to claim victory tonight and join in supporting this amendment, even though it falls short of complete repeal. I cannot in conscience do so. The price is too high. I care too deeply about the preservation of a sound Social Security system, not just for today's retirees, but for our children and our grandchildren who will have to pay the price now and in the future for the new benefits attached to this package.

I have no problem whatsoever with the partial earnings repeal contained in the amendment, although I continue to strongly favor total repeal. It is the fiscally and economically prudent thing to do. Official actuarial projections of the Social Security Administration show that even total repeal would be, for all practical purposes, a financial wash to the fund over the long-term period that the actuaries are required to project under the law. Repeal, or a substantial increase in the earnings limit, is a very smart thing to do given the aging American population and our need to keep the talents, experience, and energy of seniors in the work force.

What troubles me, Mr. Speaker, are the other provisions of the amendment which will place a permanent drain on the trust funds during the same actuarial period. The widows benefit, which is politically so tantalizing, is purely and simply an election year expansion of benefits. Mr. Speaker, I watched this over and over again in the 1960's and the early 1970's, until finally there was the culmination, that reform which initiated the COLA's that were put into effect to curb the political spending appetites of the Congress. And now here is a new entitlement program for which no premium has ever been paid. We are back to the races.

Let us fully understand, Mr. Speaker, how this amendment changes the current law. Under the current law the widow or widower of a deceased worker can elect to take an actuarially reduced benefit by beginning to draw the benefit at age 60 instead of either 62 or 65. That election is available under the current law to every widow and widower.

Now this amendment provides that if that widow or widower lives to be 80 years of age, he or she automatically is jumped up to the full benefit, as if the beneficiary had never made the election to receive reduced benefits earlier. The beneficiary could receive the full benefit that he or she would have received by waiting until 65 to start drawing the benefits. The actuarially reduced benefit is smaller for those

who elect to take it early because the years that it will be paid will be longer. Under this amendment, if they live to 80, those beneficiaries would receive gratuitously the full benefit that they elected earlier not to wait until age 65 to receive.

Moreover, this amendment is being falsely advertised as helping the poorest of the poor. It simply does not do that. The poorest of the poor receive supplemental security income benefits in addition to their Social Security benefits. But they must file a financial statement and comply with a means test. If this amendment is passed, the recipients who are poor will lose dollar for dollar from their SSI benefits those additional Social Security benefits they receive. It is of no help to the poorest of the poor.

In fact, Mr. Speaker, the greatest benefit in this proposal goes to those widows and some widowers, as I said, who least need it. The appropriate way to help those in need is by revising SSI, reforming the means test program, not by an election year increase in Social Security benefits.

Members should also be alert to the fact that the structure of this new widows entitlement program creates a notch problem similar to the other Social Security notch about which we have received so much mail.

□ 2250

Those who have been outspoken on the issue of tax fairness should take special heed. The expanded benefits in this amendment apply to widows and widowers aged 80 and older regardless of income. Nothing is provided for those who are 79 years of age or younger, regardless of need.

How can a Congressman go to his district and defend giving extra benefits to one who is 80 who is financially well off and denying them to one who is 79 who is truly in financial need?

It will not be long before you are hearing about the unfairness of providing a new benefit to wealthy 80-year-olds, while denying needy 79-year-olds similar help. The program will be expanded with a bigger and bigger drain on the Social Security fund.

Mr. Speaker, this amendment represents exactly the kind of pandering we were trying to get away from when we substituted the automatic COLA's for election year benefit increases that were passed over and over again back in the sixties and seventies. Now here we are again, legislating unfunded benefit increases in an election year in the hope of currying the favor of senior citizens.

Mr. Speaker, we have a greater responsibility than that. If this bill passes, there will be a new entitlement spending program which will steadily drain the trust funds and increase the deficit, not just for the short term, but for all years to come.

That point was made clearly and effectively by the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA]. I know his concern over the budgetary impact of this amendment is shared by many in this Chamber.

Ironically, in 1989 all 23 Democrat members of the Committee on Ways and Means sponsored legislation to create the point of order in current House rules against legislation that increases Social Security benefits without offsetting deposits in the trust fund. We should wait to consider this legislation when we know the answers to these important budget questions. We should not waive that very point of order today under the gag rule that we are operating under.

Mr. Speaker, I do not know what choice others are going to make, but for my part, I am going to do what I think is right; vote for both the short-term and the long-term health of our Social Security System. It may or may not be the political thing to do in this election year, but that is the way I have always approached the tough Social Security problems, with a concern for the young, as well as the old.

Mr. Speaker, it is not fair to the young. I happen to believe that saying "no" to political pandering and instead fighting for responsible answers to problems is good politics, too. Defeat this amendment. It's the responsible thing to do.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I am amazed at what I just heard. One would think widows in this country are fat cats. Let me tell you something: Women who are 80 and over are the poorest people in the country.

Mr. Speaker, I am proud to say that I voted against the Reagan budget of 1981 which reduced and eliminated a minimum benefit for Social Security recipients who were getting a minimum benefit of \$128 a month. By eliminating that, you put them on a schedule that would give them \$98 a month.

The fact is most displaced homemakers are between 52 and 60, and very often they do not have any other source of income. So if you want to give them the \$50 more a month that they deserve and put them up to \$175 a month, I want the gentleman who just spoke to tell us how he would like to live on \$175 a month or \$200 a month. So I am proud that the widows benefit is in the bill.

Mr. Speaker, I also want to thank again the gentleman from California [Mr. MARTINEZ] and the gentleman from Michigan [Mr. FORD], because finally after 11 years we have passed the Elder Abuse Act that Claude Pepper and I introduced in 1981. We found then that there were 1 million older Americans who were abused, and these

abused were never reported. Ten years later we waited for this bill to pass. The abuse incident was up by 50 percent to 1.5 million.

In this bill we say that we grant immunity to people who report abuse. Most abuse is done by children, unfortunately, who are alcoholics, drug addicts, have problems and long-term financial difficulties. Unfortunately, older people cannot get out of an abusive situation.

Mr. Speaker, finally in this Congress we are doing something humane about passing the Older American Act, which includes the Elder Abuse Prevention Identification and Treatment Act. This is finally one of the few terrific bills that we have had on the floor. It is about time we get back to issues. I congratulate the Chairs for their support.

Mr. ARCHER. Mr. Speaker, I yield 5½ minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, we have brought ourselves to the point where we have a very complex and difficult decision to make. In the final analysis we will be able to identify gainers and we will be able to identify losers. We will have to assess both in the long run and in the short run whether the gains of the gainers more than compensate for the losses to the losers.

So let us look at it. We all agree that we wanted the Older Americans Act to be passed and enacted as quickly as possible for so many good reasons. That is not what the debate here is tonight.

What we are debating tonight is this new amendment that only a few of us have seen and studied. The amendment deals first and foremost with this business of age discrimination. Mr. Speaker, it is age discrimination that we have in the form of the earnings limitation we imposed on senior citizens.

The earnings limitation imposition on the right to work of American senior citizens is fundamentally wrong. It is a blatant act of age discrimination perpetrated against all senior citizens by the Federal Government. It is fundamentally wrong, and we should have had a vote as to whether or not we wanted to repeal it outright and eliminate that fundamental immoral act of this Government. But we voted that option away when we passed this rule.

Now we have an opportunity to look at the chance that we might raise that cap from roughly \$10,000 to \$20,000. That is the thing we can do if we vote yes, something that is fundamentally wrong with a more generous number, rather than a more stingy number.

So we can be less stingy in our immorality, and that makes us feel somewhat better.

Mr. Speaker, I think we ought to do that. We ought to give the seniors some chance. For many it makes an enormous difference.

Then in addition to that we have what is in fact the real controversial

aspect of this amendment and the one that is so potentially devastating to the Social Security Program in the long run, to your children's rights under that program in the long run, that it must require your serious and sober consideration, because here is where the losers come. Here is where we default on the whole concept of Social Security as a paid benefits program, where people can look at the program benefits in their older years with pride, that they are getting what they paid for.

In order to redefine this program and take Social Security on that first tragic step in the direction of an entitlement program that is means tested, which it never was intended to be, we are offering our needy widows no more than what they are able to get today under current law.

□ 2300

What increase in Social Security benefits they will get, if they are needy widows, under this program will be totally offset by the reduction in benefits they have in SSI. So make no mistake, the needy widows are not gainers in the amendment. They are not losers. They get nothing in terms of a change from current law.

Who does benefit by this change? The nonneedy widows who today do not qualify for benefits under SSI.

Whoever defines the needs test under SSI today defines who is and who is not a needy widow. And by that definition, we will be adding to these benefits those who do not qualify under current law.

Now, that is a generous and a kind thing to do on the face of it, but it is an enormously expensive thing to do. At the same time, even by CBO, an organization of this body that is chronically wrong, at \$3.2 billion, I would suggest that it will be at least twice that every year forever and growing.

And we also create a new notch. If there is anything that is more inequitable, unfair, unkind, unjust by America's seniors than the earnings limitation, if there is anything that they resent more than the earnings limitation, it is the notch. We are going to have a new group of notch babies created by this law.

It is fundamentally wrong. It is not correct. It is not moral. And we are going to put in the Social Security benefits for our children in jeopardy while we impose on them during their working years the inevitable increase in Social Security taxes at the job.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise today to support H.R. 2967 for all of the wonderful programs it brings to the elderly people of this country as

well as for Chairman ROSTENKOWSKI's amendment liberalizing the Social Security earnings test.

The present structure of the Social Security earnings test creates a disincentive for people to work or continue working, which keeps millions of qualified, competent seniors out of the labor market. The earnings test forces many skilled workers to abandon their careers and seek lower paying or part-time work in order to protect their Social Security benefits. A raise in the maximum allowed income will stimulate significant economic growth which will lead to an increase in Federal revenue in excess of billions of dollars.

I have been firmly committed to repealing the earnings test for years. In the previous Congress and this one, I introduced legislation that would repeal the earnings test and allow seniors to work and earn as much as they possibly could. A repeal of this test would allow our Nation to fully tap into the network of older workers. While I would prefer a total repeal of the earnings test, I welcome this liberalization of the current means test as it is a step in the right direction.

Over the past two decades we have seen a dramatic change in our work force, and the next 20 years will bring about even more change. Currently, about two-thirds of male workers 62-65 are employed and about half of female workers 62-65 are employed. Older workers are less likely to leave their current employer or occupation than younger workers. Older workers are represented in larger percentages than younger workers in executive, administrative, and managerial occupations, professional specialties, sales occupations, farming, forestry, and fishing.

We talk about helping those who are most in need. We talk and talk about helping people to help themselves. Here we can do both. We can permit the people who want and need to work, work. We can raise the maximum earning level and allow seniors to stay productive in their jobs, earning a salary without paying the punishment of losing their Social Security benefits. I urge all Members to support the Rostenkowski earnings test compromise.

Mr. ARCHER. Mr. Speaker, I yield such time as he many consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I rise to speak on the legislation.

Mr. Speaker, I rise in the strongest possible support of this legislation which has taken a major step toward finally resolving the earnings test that penalizes older Americans for earned income while drawing Social Security.

Mr. Speaker, the Federal Government has no right to tax the Social Security check of anyone. American workers have worked all their lives, paid taxes, and paid into the Social Security trust fund. The money they paid into the Social Security trust fund has already been taxed and should not be taxable again

when those funds are paid back to them in the form of Social Security checks.

There are millions of elderly Americans who for one reason or another were unable to save enough to provide a decent return income. This legislation will allow more of them to earn up to \$20,000 annually without being penalized by losing part of their Social Security benefits. That is why I support this legislation and I urge all Members to vote with me on this vital legislation.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, this is a dilemma for us tonight. I suspect not only for myself but, I think, for a lot of my colleagues on both sides of the aisle.

I strongly support reauthorization of the Older Americans Act. The programs that are in there are good programs. I have been around my district. I have seen those programs. I know what it does.

I am also an original cosponsor of the bill that would have eliminated the earnings test for Social Security recipients, but I have never advocated repealing that without consideration of the affect that it would have on the Social Security trust fund. And in CBO's own budget estimate, shown here this evening, it is not insubstantial at \$3.7 billion over the next 5 years.

I suspect it could be more than that, but this evening I want to direct my remarks to my colleagues on this side of the aisle.

Just a few days ago, we attacked some Members on the other side. We attacked the legislation that was brought to the floor because it did away with the budget summit agreement when it removed the cap on domestic discretionary, international, and defense spending.

We said that it violated the budget summit agreement, and we were right. It did do that. It violated that budget summit agreement.

But somehow here tonight, we are now willing to set aside that budget summit agreement in order to do something for a group of constituents that we know are going to vote. We are going to do it, and toss it out on the Social Security trust fund and on this creation of a new entitlement.

The Summit Agreement said that any change to benefits and beneficiaries under the Social Security trust fund had to meet two tests: that it did not destroy the viability of the trust fund in a 5-year timeframe or a 75-year timeframe, but tonight with the rule we adopted, we waived both of those tests. That is wrong.

And then as my colleague from Texas has pointed out, this creates another notch and raises the benefit for widows, but only those widows, once they reach the age of 80.

And for that, the cost is going to be another \$3.2 billion.

How long do we think it is going to be before we hear from people who say, let us reduce that number to 75, then to 70, and then down to 65? And what is going to be the cost of that?

My colleague, the gentlewoman from Ohio [Ms. OAKAR] earlier in the debate on the rule talked about the fact that there was a surplus in the Social Security trust fund and that this was good, that we should spend some of this money on this. I can remember the debate when we removed the Social Security trust fund from the budget. We said that this was exactly what would happen, that Members would argue, indeed, let us spend some of that money for immediate gratification, immediate benefits.

But we are robbing our children. We are robbing our grandchildren in order to get votes today. So here we are, Mr. Speaker, with this dilemma. We are faced with this dilemma of what should we do. I say that we should defeat this bill tonight so that we can have an opportunity to vote on a clean reauthorization of the Older Americans Act and that we can have an opportunity to vote on elimination or change to the earnings test for Social Security recipients but one that does not violate the budget summit agreement and one that we can all go home and hold our head up high on.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute and 30 seconds to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the chairman for yielding time to me. Since the previous speaker misquoted me, I want to say what I mean and what I said.

The Social Security trust fund should be a fund that exists on its own the way it was when Roosevelt signed it into law.

□ 2310

Unfortunately, some people would like it used, if there is a surplus, to offset the deficit. The fact is that we have a huge deficit because of the largest item in the budget, which is the military budget. That is right. Members can boo me all they want, but I think most senior citizens want the Social Security trust fund on its own out of the budget. So do not go using their money to offset the deficit that is being spent by other items in the budget like the biggest item, which is the defense budget.

Second, the Social Security budget is being paid for, the Social Security trust fund is paid for by people who pay into the system, whether they are employers or employees. That is their money, not ours to borrow for other items.

So the fact is there is a surplus, and we are using the surplus, part of it, a very small part, to correct a gross inequity. I think it is about time we did.

Mr. Speaker, I rise today in very strong support of this conference report. I would like to

begin by commending the conferees, especially Chairman FORD, for their outstanding leadership in public policy as it relates to the quality of life of older Americans. The conference report before us today provides for the continuation of a number of services which are vital to our senior citizens. These include supportive services, congregate and home-delivered meals, the community service employment programs, and other initiatives dedicated to maintaining the health, vitality, and independence of older Americans. Current statistics indicate that malnutrition has been reported in 52 to 85 percent of all long-term care patients, and the focus of this conference report on nutrition among the elderly comes at a very critical time.

I also commend Chairman ROSTENKOWSKI for his leadership in taking a giant step in the right direction on two issues related to Social Security that are included in this report. I have always advocated the elimination of the unfair Social Security earnings test on Americans age 65 to 70. This report goes a long way toward alleviating the unfairness of that provision. Today our Nation faces many new global challenges while a great number of Americans are approaching retirement age. We should encourage these Americans with all their talent and experience to remain in the work force—not discourage them.

Yesterday, I testified before Mr. JACOBS' Social Security Subcommittee in my capacity as Chair of the Aging Subcommittee Task Force on Social Security and Women. I urged passage of several bills I have carried for some time related to the economic status of older women—including legislation to provide more adequate benefits to widows who enter Social Security coverage before age 65. Chairman JACOBS promised me that the subcommittee would work to eliminate some of these inequities. I certainly did not anticipate such immediate results, but I am delighted that the improvements made in this bill take a step in that direction. It is a small but significant beginning, and I thank the members of the committee on Ways and Means who made the improvements in widows' benefits a part of this conference report.

Mr. Speaker, I must especially thank Chairman FORD and Mr. MARTINEZ for adopting the critical provisions of my legislation, H.R. 385, the Elder Abuse Prevention, Identification, and Treatment Act of 1991. I would also like to take this opportunity to thank Chairman ROYBAL who has always displayed tremendous leadership on these issues, and also worked on this bill. I am delighted that the distinguished chairman of the Education and Labor Committee, Mr. FORD of Michigan, along with my good friend, Human Resources Subcommittee Chairman MARTINEZ, has included in this legislation all of the critical elements of my bill, H.R. 385, the Elder Abuse Prevention, Identification, and Treatment Act of 1991.

I also wish to thank Members of the other body, especially Senator ADAMS and Senator DECONCINI, for their efforts to include the same provisions. Chairman FORD worked to include the critical elements of the initiative as it is detailed in my bill, H.R. 385. This elder abuse provision represents a bold new policy direction in dealing with this tragic problem in our Nation. It has always been the intention of

the House Select Aging Committee that national policy on elder abuse be patterned after our successful efforts to deal with the problem of child abuse. The primary goal is to promote vigorous, extensive coordination among public authorities, health providers, social workers, and others who encounter elder abuse where 70 percent of it occurs—in the home.

I am now closer than ever to seeing the completion of my 10-year effort, which I began with the support of our late colleague, Senator Claude Pepper, who first coined the term "elder abuse." Over a decade has passed since the Aging Committee's first report on the problem which called for the passage of my legislation. Last year, a new report, issued under the leadership of our Aging Committee Chairman ROYBAL, found that since that first committee report the incidence of elder abuse has increased 50 percent. In the 10 years it has taken to get this bill enacted there have been 10 to 15 million cases of elder abuse in the United States.

This conference report contains all of the essential provisions of my legislation, H.R. 385. As I have mentioned, my legislation is patterned after very successful Federal programs which address the terrible problem of child abuse. The bill calls for the creation of a national center on elder abuse to conduct research and disseminate information to the States on all aspects of the problem. The bill before us authorizes funding for State grants and demonstration projects to address the problem of elder abuse, which like child abuse, occurs most often, not in institutional settings, but in the home. Grant funding will be used in a comprehensive effort to promote coordination among State and local authorities, social workers, and health professionals who are in a position to prevent, identify, or treat the problem. The funding will also be available for training programs that give such people the tools they need to prevent elder abuse from occurring, identify the problem when it does occur, and to assist those who are affected.

It is difficult to believe that this problem is so prevalent in our Nation—we hate to even think about it. Yet, an estimated 1.5 million cases occurred in the United States last year. One out of every twenty older Americans fell prey to some form of serious abuse or neglect. It is an even greater shame that while only one out of every three child abuse cases is reported every year, only one out of every eight elder abuse cases gets reported to the proper authorities.

Mr. Speaker, this is truly a watershed day for the victims of elder abuse, fraud, and neglect in the United States. Again I would say to Chairman FORD, the conference report is a tribute to his continued concern for the quality of life of our Nation's senior citizens. This is consistent with all of the great work we have done together on the Post Office and Civil Service Committee in support of our Nation's Federal retirees.

I repeat my thanks to Mr. MARTINEZ of California, House Aging Committee Chairman ROYBAL, and the entire Education and Labor Committee for this excellent bill before us today. I must also thank all those who have cosponsored my legislation, H.R. 385. I support the entire bill and I urge passage of this critical legislation.

The following is a summary of what the bill does. In addition is a summary of the two reports and other information. I wish to thank my current staff including former staff member Carol Miller, R.N. and the Aging Committee staff, especially Kathy Gardner.

SUMMARY OF H.R. 385, THE ELDER ABUSE PREVENTION, IDENTIFICATION, AND TREATMENT ACT OF 1991

NATIONAL CENTER ON ELDER ABUSE

H.R. 385 calls for the creation of a National Center on Elder Abuse. The Center will perform the following functions:

1. Compile, publish and disseminate a summary annually of recently conducted research on elder abuse, neglect, and exploitation;
2. Develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;
3. Compile, publish and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;
4. Provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation;
5. Conduct research into the causes of elder abuse, neglect, and exploitation, and into the prevention, identification, and treatment of elder abuse; and
6. Make a complete study and investigation of the national incidence of elder abuse, neglect, and exploitation, including a determination of the extent to which incidents of elder abuse, neglect, and exploitation are increasing in number or severity.

DEMONSTRATION PROGRAMS AND PROJECTS

The Secretary of Health and Human Services, through the Center is authorized to make grant to, and enter into contracts with, public agencies or nonprofit (or combinations thereof) for demonstration programs and projects designed to prevent, identify, and treat elder abuse, neglect, and exploitation. Grants may be used for:

1. The development and establishment of training programs for professional and paraprofessional personnel, in the fields of health, law, gerontology, social work, and other relevant fields, who are engaged in or, who intend to work in, the field of prevention, identification, and treatment of elder abuse;
2. The establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the special problems of elder abuse, neglect, and exploitation cases, to provide a broad range of services related to elder abuse, neglect, and exploitation, including direct support and supervision of sheltered housing programs, as well as providing advice and consultation to individuals, agencies, and organizations which request such services; and
3. Furnishing services of teams of professional and paraprofessional personnel who are trained in the special problems of elder abuse, neglect, and exploitation cases, on a consulting basis, to small communities where such services are not available.

The Secretary of Health and Human Services, through the Center, is authorized to

make grants to the States for the purpose of assisting the States in developing, strengthening, and carrying out elder abuse, neglect, and exploitation programs.

Appropriations are authorized.

REQUIREMENTS FOR ASSISTANCE TO STATE PROGRAMS

1. States shall have in effect elder abuse, neglect, and exploitation laws which shall include provisions for immunity from prosecution for persons reporting instances of elder abuse.
2. States shall provide for the establishment of adequately staffed and trained adult protective services in order to substantiate the accuracy of reported neglect, abuse and exploitation, and must take steps in order to protect the health and welfare of the abused, neglected, or exploited elder.
3. States shall provide for methods to protect the confidentiality of records, in order to protect the rights of the elder.
4. States shall provide that the elder who is abused, neglected or exploited, participate in discussions regarding his or her own welfare, and provide that the least restrictive alternatives are available to such elder.
5. States shall provide matching funds, from non-federal sources, to pay 50 percent of the cost of assistance programs funded under the bill.

FACTS AND STATISTICS ON ELDER ABUSE

Based on the Aging Committee Report, "Elder Abuse: A Decade of Shame and Inaction."—May 1, 1990:

About 5 percent of the nation's elderly may be the victim of some form of abuse—physical, financial or emotional each year. About 1.5 million older Americans, or 1 in 20, are abused by family, loved ones, and caregivers each year.

The victims of elder abuse are likely to be old, age 75 or older.

Women are more likely to be abused than men—This is due, in part to their life expectancy—women, on average live longer than men—and are often less able to resist abusive treatment.

The victims are generally in a position of dependency. Most elder abuse occurs in the home setting.

The abused elder is less likely to report the incident of abuse than abused persons in other age groups.

Since the release of the Aging Committee's first report on elder abuse in 1981, the percentage of elder abuse cases reported has decreased from one in six to one in eight.

43 States and D.C. have what they consider to be adult protective service laws which require mandatory reporting of abuse—prior to 1980 only 16 States had such laws. However, there is little consistency among States as to penalties and who is required to report.

Since 1981, the primary source of Federal funding for adult protective services, the Social Services Block Grant, has been cut in real terms, one-third by direct cuts and inflation.

While some 40 percent of all reported abuse cases involve adults and elderly adults, only 4 percent of State budgets for protective services are committed to elderly protective services. The average state expenditure was \$3.80 per elderly resident.

Some 70 percent of all adult abuse cases reported annually involve elderly victims.

The types of physical abuse include deliberate physical injury, sexual abuse and negligence. Other forms of abuse include financial abuse, psychological and emotional abuse.

Common profiles of elder abusers—experiencing great stress due to alcoholism, drug

addition, marital problems, or long-term financial difficulties. The son of the victim is the most likely abuser, followed by the daughter of the abuser. It is apparent that the abused person is often ashamed to admit their child or loved ones abuse them and they often fear reprisals.

1981 AGING COMMITTEE REPORT

In 1981 an investigation was undertaken by the House Select Committee on Aging resulting in the report entitled "Elder Abuse: An Examination of a Hidden Problem." This report documented the committee's tragic finding that over 1,000,000 Americans are physically, financially, and emotionally abused by relatives or loved ones annually.

The committee found that elder abuse was a hidden problem. Out of fear or dependence on their abusers, only one of every six elder abuse victims were likely to come to the attention of authorities. It was recommended that States enact statutes, analogous to State child abuse statutes, designating an agency to identify and assist elder abuse victims. In addition Congress was urged to enact legislation which would provide financial assistance to those States with elder abuse statutes in place.

1990 COMMITTEE REPORT

In May of 1990, the House Aging Committee released a new report, aptly titled, "Elder Abuse: A Decade of Shame and Inaction." The report endorsed the passage of my legislation. The report found that 1.5 million (1 in 20) older Americans fell prey to serious abuse or neglect in 1988—a 50 percent increase over the findings of the committee's landmark 1980 study.

Most elder abuse occurs in the home and is committed by family members. 40 percent of all reported abuse in the U.S. is adult abuse—70 percent of adult abuse is elder abuse. Most of the abused are dependent upon their abusers, and many fear reprisal, or merely cannot overcome their instinctive love for their children to turn them in.

The problems that exist in our Nation's long-term care institutions represent only a small portion of the problem. Most elder abuse occurs in the home setting and is much more difficult to detect.

The likelihood is that the incidence of elder abuse is likely to continue to worsen in our Nation. The 85 year-old-and-older group in our Nation is the fastest growing segment of our society. By the year 2020 the over 65 population will double to over 65 million.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, today I rise in strong support of H.R. 2967, which would reauthorize the Older Americans Act.

I am proud to support reauthorization of this important measure, which will provide essential programs for older Americans, such as preventive health care services, senior citizen centers, meals-on-wheels, and in-home care for frail, elderly persons.

In addition, this measure increases benefits for widows over the age of 80, allows disabled adult children to marry without losing Social Security or Medicare benefits, and requires the President to convene a White House conference on aging next year.

H.R. 2967 also includes a provision to address the Social Security earnings test. As a

cosponsor to repeal this unfair tax on working senior citizens, I am pleased that H.R. 2967 would increase the earnings limit for working Americans aged 65-69 from \$10,200 to \$20,000.

Although this measure is an important step in the right direction, it is still not enough. Instead of penalizing older Americans for working, the Federal Government should encourage them to continue being a productive part of our work force. I will not rest until Congress enacts full repeal of the earnings test for working Americans over the age of 62.

Again, I want to reiterate my strong support for reauthorizing the Older Americans Act, and I urge my colleagues to pass this measure.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, 25 years ago when I first sought public office, my wife and I concluded that if I won, and as long as I ran, it ought to be more important why I got elected than whether I got elected. I would like for more of my colleagues in this House to think long and hard about that, because I see in what we are doing tonight the worst kind of political pandering in an election year which brought us the crisis of the insolvency, the bankruptcy of the Social Security system in 1983, which we have gone to great pains to fix but new seem bound and determined to undo.

There is no cover on this one, Members of the house. We have just adopted a rule for one reason only, that reason being to get around the fact that this violates the budget agreement, it violates the pay-go provisions, and we would not be dealing with this on suspensions of the rule except for that very purpose.

The American people are not dumb. They will know that what you are doing is being done at the price of either increased taxes on their children and grandchildren, or the unavailability of funds to pay their benefits when they retire.

I do not know any group of senior citizens in my district who would think that that was a responsible, even a decent act, even if it helps us get elected.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 8 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, it is not very often that I take the well of this House, but this is an issue that I have worked on since I have been a Member and have become a Member in this Congress. It is an issue that has been floating around this Congress for over three decades. It is time that we come and deal with it and make sure that we can use a benefit that senior citizens deserve.

Let me tell the Members something. I have been the sponsor, as well as the gentleman from Texas [Mr. ARCHER] and other people, of the total repeal of Social Security as long as I have been in this Congress. But I have always

said that the body and the committee that will deal with this ultimately is the Committee on Ways and Means. I have always said that I will sit down with the members of the Committee on Ways and Means and try to work out whatever agreement we can work out.

The reason we are here tonight, beyond all the arguments about this is a last-minute and a last-ditch attempt, is that there was an amendment put on the Older Americans Act in the Senate, not in this House but in the Senate.

The reason we are here tonight, we have to deal with the earnings test removal on Social Security or an increase in Social Security because of legislation that was put on in the Senate, legislation that has been promised a Presidential veto if it passes. So we need to come to some agreement. We need to put the pieces together in the best and most logical way that we can.

What we have before us is an agreement. Some people call it a deal. Some people call it a compromise. I think it is an agreement, an agreement where two bodies come together, two ideas come together, and we come out with some type of reasonable way to work things out.

What we have before us is an increase in the earnings test from \$10,000 to \$20,000. We also have a provision in this bill that takes all increased revenues, income taxes, FICA taxes, corporate income taxes, unemployment taxes, and runs those taxes back, that income back into the Social Security trust fund, which is the first time that we have had a dynamic way of taking new income that is created by an economic action of this body and bringing it back into the trust fund.

It is reported back to this Congress every year for the next 5 years, which says, "Now we have a study. We have a way to track where value is created, where wealth is created, and we can begin to look at this not just with guesses or CBO guesstimates or OMB guesses, or somebody talked about the green shades."

We have real significant numbers on what this bill does and how it affects this body and this country and senior citizens.

Finally, Mr. Speaker, there were previous speakers up here who said that only a very small percentage of people who work over the age of 65 actually take advantage or go over, earn over the earnings test. Why? Because they are intimidated not to work and not to earn over \$10,200. They are intimidated by the earnings test because they do not want to lose \$1 out of every \$3 of their Social Security.

They do not want to have to be in that marginal tax bracket of 36 percent, which is twice as much as millionaires pay in this country. They do not want to be discriminated against, so they do not work. They do not go over the earnings test.

What we are saying by this bill is, "Give people a chance to work," not the wealthy people, not the millionaires, not people who have invested thousands and thousands of dollars in pensions and thousands and thousands of dollars in investment and reaped those benefits back. They are not limited by the earnings test on Social Security. Unearned income is not tested. They can earn all they want.

Who receives the penalty? People who work, people who sweat and earn income by the sweat of their brow. Those are the people that we are discriminating against in the earnings test. People who earn \$10,000 and get another \$7,000 in Social Security, those are the people that we discriminate against and say, "You do not get a break. You have a marginal tax rate, more than millionaires pay."

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Mr. Speaker, the time has come to address this issue. The time has come to address and pass the increase in the earnings test in Social Security, and yes, it is time to pass the Older Americans Act.

I ask for an affirmative vote.

Mr. ROYBAL. Mr. Speaker, as chairman of the Select Committee on Aging, I rise in support of the amendments to the Older Americans Act.

The history of the Older Americans Act is one of great challenge and accomplishment. The act has grown through 25 years and numerous reauthorizations. These reauthorization provisions have strengthened the Older Americans Act and improved the ability of the aging network to deliver a full range of services to the older population. Today, the Older Americans Act encompasses programs that were barely thought of in 1965, but which were developed as the aging community learned more about the aging process and the hopes and expectations of older Americans.

Throughout the last year the Select Committee on Aging and its Subcommittee on Health and Long-Term Care reviewed the most recent proposals to amend the act and examined recent developments in the aging network. I am glad that many of the Aging Committee's recommendations made to the authorizing committee have been incorporated into this bill, they include:

Translating services for elders with limited English-speaking ability.

Career preparation for minorities in the field of aging.

The eligibility for those individuals, who under the Immigration Reform and Control Act [IRCA] of 1986, were granted resident status to participate in the programs under title V of the act.

The creation of a new title to protect the vulnerable elderly by strengthening the ability of the State ombudsman to respond to abuse complaints expeditiously and without undue influence.

Establishes within the Administration on Aging [AOA] an Office of the Long-Term Care Ombudsman to advocate, monitor and coordinate Federal and State long-term care ombudsman activities.

Instructions for the Institute of Medicine to conduct a study to develop uniformed national standards to protect the right of those residing in boarder and care homes.

Additionally, throughout the act key language has been inserted to promote and increase the services and the participation of elderly minorities and those of low income.

In short, these amendments provide greater focus in the act on the needs of the minorities and the frail and disabled elderly. I firmly believe that these amendments will enhance the aging network's ability to fulfill the critical role it now plays, and will increasingly play, in the lives of over 43 million Americans who are over the age of 60 and their families. I urge you to join me in supporting this bill and demonstrating the Congress' commitment to a stronger Older Americans Act and to the people it serves.

Mr. FRANKS of Connecticut. Mr. Speaker, as a member of the Aging Committee, I rise in strong support of the reauthorization of the Older Americans Act. H.R. 2967 reauthorizes funding through fiscal year 1995 for the elderly programs and services operated under the Older Americans Act.

This legislation will strengthen and expand the services supporting the senior citizens of this country. H.R. 2767 authorizes \$461 million in fiscal year 1992 for supportive services and senior centers program of the Older Americans Act. Additional funds will be provided for a number of programs which provide school-based and home-delivered means, nutrition programs, and surplus commodities.

Another \$471 million in fiscal year 1992 is authorized for the community service employment programs which assists low-income individuals, who are over 55 years old, with part-time jobs. Funding which supports in-home services and caregivers is also authorized.

The compromise version of H.R. 2967 which is being voted on today, includes an important provision which will eliminate the earnings test for retirement benefits. As a cosponsor of H.R. 2967, the Older Americans Freedom to Work Act, I am pleased to see this measure included in H.R. 2967. While it does not eliminate the earnings test, it sets a new limit before benefits begin to be reduced and increases the limit by \$2,000 until 1997. This change will allow seniors to continue to be productive members of our society.

Again Mr. Speaker, I strongly support passage of H.R. 2967 and I urge my colleagues to do the same.

Mr. GREEN of New York. Mr. Speaker, I rise in opposition to this motion to suspend the House rules.

All of us support passage of the Older Americans Act. That is not at issue. What is at issue is the future of the Social Security System.

What is also at issue is the procedure on which the Democratic leadership is insisting. That procedure denies the House the right to amend this bill. That right is denied to those who would totally eliminate the earnings test. That right is also denied to those who would stand by the 1990 Budget Act and insist that any increase in entitlement spending be made up for by increased taxes or reduction of other entitlement spending. And that right is also denied to those who are concerned that we not

disrupt the stability and security that the 1983 Social Security Amendment brought to the Social Security System.

Plainly an important debate on the future of the Social Security System should not be foreclosed by the gag rule the Democratic leadership is imposing on us. Let's defeat that motion, let's separately pass the Older Americans Act reauthorization, and then let's have a full debate on changes to the Social Security System.

Mr. EWING. Mr. Speaker, I feel constrained to speak out about the amendments to the Older Americans Act which are being considered by the House today. Unfortunately my statement must also reflect upon how poorly this House operates.

Mr. Speaker, I have long been a supporter of increasing the Social Security earnings limit, which unjustly penalizes older Americans who wish to continue working during their retirement years. While some opponents of increasing the limit have said that this would increase Federal costs without corresponding increases in revenue, I do not believe that is true. With more seniors in the work force, they are earning more and paying more taxes. Indeed, a joint study by the Institute for Policy Innovation and the National Center for Policy Analysis has found that by raising the earning limit to \$20,000, as this legislation would do, tax revenues would actually increase by about \$2.3 billion.

What has me irate, Mr. Speaker, is that included with this good policy is a very poor and irresponsible policy which would increase other payments, costing several billion dollars and draining Social Security funds. This type of legislation plays right into the hands of those who believe that Social Security is not a retirement program but part of a retirement program but part of our social welfare system. The new provision will continue to threaten the future solvency of the Social Security system by continuing to use Social Security for social programs, something it was not designed for. Those who stuck this provision in this legislation are making promises which the Congress cannot keep. This is highly irresponsible.

Mr. Speaker, the only way for me to vote for increasing the earnings test is by also voting for the provision I just mentioned. I am forced to vote for something which I believe is unwise public policy or be seen as opposing something which I have long supported. Mr. Speaker, this is a form of institutional blackmail and it is a disgrace. Unfortunately, this is how the House operates every day.

Mr. Speaker, I want an opportunity to vote on an adjustment to the Social Security earnings test, period. But I don't have the opportunity to do that and I know I will never be allowed a straight up or down vote on this issue by the majority. In fact, because the majority party maintains dictatorial control of the House and maintain strict control of the terms of debate on legislation, Members rarely even have the chance to offer amendments on legislation brought before the House.

Mr. Speaker, what is happening here is a perfect example of the need to drastically reform the way Congress operates.

Mr. HOUGHTON. Mr. Speaker, I rise to express my strong support for the liberalizing of the Social Security earnings limitation test—in-

cluded in the reauthorization of the Older Americans Act we are considering today.

Although this provision does not go as far as many of us had hoped, it embraces a concept some of us have supported for years. In other words, seniors should be able to earn more while not suffering a loss in their Social Security benefits.

The information I get from my ex-employer, Corning, Inc., tells me that many retirees return to work part time. They want to work, they are experienced, valuable contributions, but they often must quit well before their assignment is completed. Why? They have reached their earnings limit. Most of them have already worked as much as they can for the year—right at vacation time when the company needs them most. This situation, I must believe, is duplicated over and over again in other occupations.

Now the argument we all hear so frequently about liberalizing the earnings test is that we will further increase our already out of control deficit. I am suspicious of the figures that have been tossed around. They are too near—too simple.

Consider these facts:

Today, 90 percent of all senior citizens are retired completely. This means they make no contribution to the Nation's annual output of goods and services;

If one-third of the men and women aged 65 and over reentered the labor market, and earned as little as \$5 per hour, national income would be increased by more than \$100 billion; and

As producers, these men and women would generate as much as \$25 billion a year in Social Security and income taxes.

Isn't our best course to come to grips with the issue, not dodge it, which means to suit action to the word and harness the unused pool of the best talent there is anywhere. This talent is dedicated and experienced. Let's repeal the earnings limit. Let's do it now.

Mr. REED. Mr. Speaker, I rise today in strong support of the conference report of the Older Americans Act, H.R. 2967. When the Older Americans Act was introduced in 1965, many believed it would not survive its first reauthorization. Yet this year we celebrate its 26th anniversary by reaffirming our commitment to this successful program. I am proud to have been involved in the drafting of this important reauthorization as a member of the House Education and Labor Committee.

The Older Americans Act provides both essential social services to our Nation's elderly and a system to assure that older Americans are able to maintain their health, live independently, and continue to contribute to society.

I am especially pleased that the conference report includes a revision in the earnings limit for seniors. I believe that the earnings limit is unfair. Older Americans deserve independence, dignity, and the opportunity to remain part of the work force. This is extremely difficult when seniors age 65 to 69 are able to earn only \$9,720, after which they are penalized \$1 for every \$3 earned. Seniors add a great deal through their lifetime of experience and productivity. They represent a valuable resource we cannot afford to exclude. In addition, many seniors use this income to supple-

ment their Social Security which allows them to stay out of poverty and remain independent.

The programs contained in this legislation are an integral part of the lives of many seniors. The senior centers in Rhode Island and throughout the country are mainstays in the lives of thousands of my constituents. The meal programs sometimes provide the only well-balanced meal a senior may get that day.

Another important part of this legislation is the establishment of a National Center on Elder Abuse. Elder abuse, exploitation, and neglect is a growing problem. More than 1 million seniors are victims of elder abuse every year. This center will coordinate efforts to provide information to law enforcement authorities regarding violations of elder abuse laws and make recommendations to Congress and the President on elder abuse policies.

Our Nation's over-55 population has increased dramatically in the past decade. This greying of America has made this reauthorization more important than ever, and I am pleased that Congress has recognized this. The well-being of our Nation's seniors represents a challenge which promises benefits for us all.

Mr. GOSS. Mr. Speaker, I am pleased to rise in support of H.R. 2967 with the perfecting amendment we are considering today. If we can pass this act today, we will be providing \$2 billion for indispensable research and support programs for the rapidly growing elderly population in this country. I am also highly gratified that this body has recognized the economic constraints the Social Security earnings test has placed upon senior citizens trying to make ends meet. The amendment we are considering today addresses the unfairness of the Social Security earnings test and—although it's not a complete repeal—it is at least a meaningful step in the right direction.

When I was elected to Congress more than 3 years ago, I brought with me the desperation of seniors who walk a fine line each month, trying to earn enough to pay for prescription drugs, rent, and food, while staying beneath the earnings limitation so they can avoid the penalty. I did not forget that desperation, once inside the beltway. Living on a fixed income in these times of uncertain interest rates is not an easy task, as thousands of my constituents can assure you. If they are able to earn a living, they should be allowed to do so, unencumbered with the earnings test penalty.

Our senior citizens are a valuable, useful resource. This Government should not stand in the way of a senior who can help stimulate our Nation's economy with their earnings and their tax dollars while remaining productive as long as they are able. Multigenerational demonstration activities, a National Conference on Aging, nutritional services and many other programs that celebrate age—its wisdom and value—are contained in this legislation. We have made progress. I urge my colleagues to support and pass H.R. 2967 as amended—it will give future generations of elderly Americans hope.

Mr. DARDEN. Mr. Speaker, today the House will vote to amend a bill reauthorizing the Older Americans Act. In part, this measure will double over the next 5 years the amount

that Social Security beneficiaries may earn without having their benefits reduced by the Social Security earnings test.

Today, the earnings test deals a crippling blow to those senior citizens who want to work to supplement their benefits. In 1992, Social Security recipients under age 65 may not earn more than \$7,440 without losing their right to full benefits. For every \$2 earned above that amount, they lose \$1 in benefits. Workers aged 65 to 69 may not earn more than \$10,200 without losing \$1 in benefits for every \$3 in outside income. Only beneficiaries aged 70 and over are not subject to a limitation on outside earnings.

Since my arrival in Congress, I have made repeal of the earnings test one of my foremost goals. To that end, I have introduced the relief for Older Workers Act, H.R. 1368, which would completely repeal this test and thereby allow senior citizens to be as productive as possible without jeopardizing their right to full Social Security benefits.

To me, the earnings test is anti-American. Why should our Government penalize those Older Americans who want to enrich our American workplace with their experience, their expertise, and their eagerness to help others? And why should we deprive our elder citizens of the proven mental and physical benefits of work, not to mention the extra dollars that may be critical to someone trying to survive on meager Social Security benefits? Our Government should not be in the business of discouraging the American work ethic that we hold so dear.

I am glad that today we are afforded an opportunity to provide significant assistance to those senior citizens who must work to supplement their benefits. I favor complete repeal of the earnings test. However, I support today's measure, which, by increasing the amount that senior citizens may earn that is not subject to the earnings test, is a step in the right direction. Let's keep moving in that direction to ensure that we do not place roadblocks in the way of those older Americans who are willing, able—and eager—to work alongside their younger colleagues.

Ms. NORTON. Mr. Speaker, I am pleased to rise in strong support of the final passage of H.R. 2967, the Older Americans Act.

It is difficult to think of a piece of legislation in the post-World War II period that has performed so well for its recipients. Its programs have literally been life lines, enabling millions of older Americans to live meaningful and purposeful lives. Home care, legal services, meals-on-wheels, and community service employment are among the many programs that continue. Added are major new provisions, for example, modifications of eligibility to permit individuals beginning at age 65 to earn up to \$10,200 in income without having their Social Security retirement benefits reduced, and another provision increasing Social Security benefits for many widows and widowers who are age 80 or older.

Here in the Nation's Capital, more than 18 percent of the total population is over 60 years of age—up 4 percent since 1980. In 1985, 17 percent of the District's elderly population was living below the poverty level. We cannot imagine being without the Older Americans Act. Only through today's reauthorization of

the act, however, can local governments continue to serve our seniors.

The District of Columbia Office on Aging, the local agency created to administer Federal funds from the Older Americans Act, served over 30,000 seniors in fiscal year 1990. Through that office, 42 community based agencies provide essential social and supportive services. Their efforts and these funds help many older Americans maintain a vital and active life style and continue contributing to their communities and their families. Others need the services provided under the Act just to get through each day.

Mr. Speaker, this body unanimously approved this legislation when we last considered it. Let us do no less on final passage here today. I call upon each and every one of my colleagues to cast a vote in support of the Older Americans Act.

Ms. SNOWE. Mr. Speaker, I am very pleased to join my colleagues today in support of the legislation before us today for the 1991–92 reauthorization of the Older Americans Act. I am also pleased that we are considering a modification of the Social Security earnings test as I have long been concerned about the way in which it penalizes older individuals who remain in the workforce.

Since 1965, the landmark Older Americans Act has evolved from authorizing a program of small grants to the only national infrastructure of programs—such as nutrition, homemaking, transportation and legal services—to assist older persons in remaining self-sufficient, in their own homes and communities. This extensive, complex and sophisticated aging network, which the Older Americans Act supports through the Administration on Aging, consists of 57 State agencies on aging, 670 area agencies on aging, 25,000 service providers under title III, and 194 Native American grantees under title VI. In addition, the Older Americans Act supports an extensive research, training and discretionary grant program under title IV and the Community Service Employment Program for Older Americans under title V.

Through the 13 reauthorizations of the Older Americans Act, Congress has substantially expanded the mission and responsibilities of the Act, in response to the increasing needs of the rapidly expanding aging population. Advocacy and coordination functions are key elements of these mandated responsibilities. Because of shrinking resources, Congress has also become increasingly concerned about targeting services to older populations most in need, such as low-income minorities.

It has been over 2 years since the Select Committee on Aging's Human Services Subcommittee, under the leadership of Chairman DOWNEY, and of which I am the ranking Republican member, began to hold oversight hearings to examine key issues in preparation for this reauthorization. Since then, an extensive process has culminated in the legislation before us today. Concerns and recommendations were heard from a wide range of individuals and groups—including constituents, local area agencies on aging, service providers, constituents, aging organizations, research experts, and the administration. These concerns are reflected in this reauthorization bill.

I want to commend my colleagues, Chairman FORD and MARTINEZ, and ranking Repub-

lican members GOODLING and FAWELL, and their able staffs on the House Education and Labor Committee, and the Human Resources Subcommittee, for their fine work in negotiating and drafting this comprehensive bill. I also want to commend the fine contributions of Chairmen KENNEDY and ADAMS, and ranking Republican members HATCH and COCHRAN of the Senate Labor and Human Resources Committee, and the Subcommittee on Aging and the excellent work of their staff on this comprehensive bill.

I also particularly want to thank the committee leaders and their staff of both the House and Senate who incorporated into this reauthorization bill the language or intent of almost all of the nine bills which I introduced in April, 1991, to amend the Older Americans Act.

The bills I introduced addressed a wide range of concerns such as: supportive services for family caregivers, preventive health services for osteoporosis and medication management, services for guardianship, equity for rural elderly, coordination of transportation services and requiring a White House Conference on Aging in 1993.

Through my many years of work on behalf of family caregivers, I have found them to be in great need of our support. Family members, primarily female, provide 80 percent of the care and assistance needed by the frail elderly, often in addition to a full time job. This supportive care is crucial in allowing older individuals to remain in their own homes and retain their independence and dignity. Providing this care is usually very rewarding, but stress and competing demands on the caregiver can also be physically, financially and emotionally exhausting. I introduced legislation to address some of these problems, so I am very gratified that H.R. 2967 authorizes a new program of supportive services for caregivers, and incorporates my bill for increased emphasis on outreach efforts to older individuals and their caretakers who are rural residents, isolated, or have Alzheimer's disease.

In today's complex, mobile society, the ability to easily access information about available services is crucial for caregivers, older persons, and adult children who may be trying to find assistance for their parents in their own community—or across the country. Services through area agencies on aging are often difficult to find because area agencies across the country use different names and are located in different public and private sites. Therefore, I am pleased that my bill to require area agencies on aging to list themselves as such as telephone books is included in H.R. 2967. This uniform listing would assure that persons who wish to attain services can find them wherever they are.

I recently held a subcommittee hearing and a forum in my district on the needs of the rural elderly. My district is the largest east of the Mississippi and it is predominately rural. Nationally, 25 to 30 percent of the Nation's older persons live in rural areas. The poverty rate of rural elderly is considerably higher and they usually have less access to services than older individuals who live in urban areas. During the events held in my district, constituents testified about these problems, and also the key element that it usually costs more to provide access to services in rural areas, be-

cause of transportation needs and long distances. Therefore, I am very pleased that H.R. 2967 requires state agencies to identify the actual and projected additional costs of providing services in rural areas.

Rural elderly residents and service providers at events in my district strongly emphasized that adequate transportation is critical if older persons are to get the necessary medical, nutrition, and other services they need. In order to eliminate unnecessary duplication and stretch scarce resources, increased coordination of transportation services for social service programs are essential. H.R. 2967 reflects a bill of mine by requiring coordination of planning and delivery of transportation services.

Health promotion and disease prevention programs for older Americans at congregate meal programs, senior centers and other sites have been greatly expanded under H.R. 2967. These additional services should play a significant role in leading to a healthier older population, as well as preventing some illnesses and reducing the need for medical services. I am very pleased that the intent of two provisions that I introduced are included in this package: Specifically medication management screening and education to prevent incorrect medication and adverse drug reactions; and expanded services for osteoporosis, an age-related disease.

I have also long been concerned about the many problems and abuses regarding guardianship, the judicial process which transfers the decisionmaking responsibility from a person who has been declared incapable of handling his or her own affairs to another person. At least 500,000 persons, particularly the elderly, are affected by this system, which severely limits their autonomy. H.R. 2967 includes several provisions which I introduced to help improve the guardianship system which include information and training for guardianship; and legal assistance for representation of wards—individuals who are allegedly incapacitated—and older individuals who are seeking to become guardians.

Mr. Speaker, I am also pleased that H.R. 2967 includes a waiver provision for additional authority to transfer funds between the congregate and home-delivered meals programs. Maine invests more in home-delivered meals than any other state since it is the most practical way to reach elderly in remote rural areas. This is necessary because of geography, lack of public transportation and the needs of frail elders. This waiver, although it is capped, is important in preserving State flexibility to design services to meet the special needs of its older population.

H.R. 2967 would also require a White House Conference on Aging in 1993, which was the intent of bills introduced by Representative DOWNEY and myself. I am hopeful that H.R. 2967 will be passed by the full Congress soon so that the conference staff will have the authority to plan and proceed towards this essential national aging conference to identify current and future problems, needs and potential of older persons, and to develop recommendations for policy and action.

Mr. Speaker, there are many major contributions to this reauthorization of the Older Americans Act, as well as essential fine tuning. In particular, I would like to stress the bill's new

title VII for elder rights services, which gives special emphasis to elder abuse and ombudsman programs. H.R. 2967 also incorporates needed provisions to strengthen the Administration on Aging's administrative capabilities, and to require uniform data collection procedures in order to obtain valid information about services provided and needed under the Older Americans Act.

Mr. Speaker, for almost 27 years, the Older Americans Act has provided the strength, basic principles and flexibility to support and affirm the dignity and independence of millions of older Americans. Today, one out of every six Americans is age 60 or older. By the year 2030, one out of every four persons in this country will be age 60 or older. This dramatic population shift will greatly increase the need for community-based care and services for frail older persons and support for family caregivers. As we move toward the 21st century, the leadership and resources of the aging network will be increasingly challenged. As a keystone law, the Older Americans Act today, and in the future, is poised to meet the growing needs of our aging Nation. I am pleased to have played a role in this step, the 13th, 1991-92 reauthorization of the Older Americans Act.

Mr. PACKARD. Mr. Speaker, today we will consider legislation which will liberalize the amount of wages an older person may earn without having to forfeit part of their Social Security benefits.

This is a sign that the Congress is finally willing to address a grave injustice suffered by working seniors. The Social Security earnings cap was instituted during the depression in order to create jobs by discouraging older Americans from remaining in the work force. Under present legislation, seniors forfeit \$1 of their Social Security benefits for every \$3 they earn over \$10,200 a year. This legislation we are now considering will gradually raise the earnings limit over 5 years to \$20,000 by 1997.

The last thing we should do is penalize Americans who want to work. Senior citizens are one of the most valuable resources in our society. Their experience and training are a priceless commodity which must not be wasted.

I have been a strong supporter of repealing the earnings test, and during my service have introduced several pieces of legislation to accomplish this. However, I believe that this legislation is a step in the right direction.

For too long, the Federal Government has discouraged those 65 and older from working by limiting the amount of money they can make while receiving benefits that are rightfully theirs. While I would prefer to see the earnings test abandoned altogether, any relaxation of the limit should be good news to seniors who are simply trying to remain productive members of our society.

Mr. Speaker, I will continue to fight for the total repeal of the earnings limit. I urge my colleagues to support this measure, to allow older Americans to contribute to our economy and remain productive elements in our society.

Mrs. LOWEY of New York. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, as a member of the Human Resources Subcommittee and an original co-

sponsor of H.R. 2967, I would like to rise in strong support of this legislation and to commend Chairman MARTINEZ and ranking member FAWELL for the fine job that they have done in crafting a compromise with the Senate that will truly be of great benefit to senior citizens all across this Nation.

This bill will significantly strengthen the Older Americans Act by authorizing funding for successful existing programs and necessary new initiatives.

Throughout the entire reauthorization process, the chairman and ranking member's strong commitment to our Nation's senior citizens has been self-evident. The bill before us today clearly reflects their hard work and devotion to their cause, and I want to congratulate them for a job well done.

I am especially pleased that the bill incorporates several important new initiatives which I have advocated.

First, the bill includes the language of the Older Americans Health Promotion and Disease Prevention Act, H.R. 1739, which I introduced to significantly increase access to and participation in health promotion and disease prevention services.

The subcommittee's hearings made it clear that older Americans are able to benefit significantly from health promotion and disease prevention services. Moreover, at a time when health care costs continue to skyrocket, a strong emphasis on preventive health programs can cut health care costs significantly in the long run.

I believe the expansion of preventive health programs is an essential direction for the Older Americans Act to take at the present time, and I am extremely pleased that this important initiative is contained in H.R. 2967.

Second, this reauthorization bill makes clear that title III supportive services may include information and counseling regarding private pension rights, and it contains a key new demonstration project aimed at creating models for expanding information and counseling services for older Americans regarding their private pension rights.

These amendments are of great importance. Many older Americans—particularly surviving spouses—have little or no understanding of their private pension rights, and do not have anywhere to turn to get this essential information. I am hopeful that these new provisions of the act will help make a difference—by shedding much-needed light on this complex and difficult subject, and by creating models for the provision of more comprehensive pension-related services in the future.

The bill also makes important changes with respect to the ability of senior citizens to continue working without compromising their Social Security benefits.

Since the inception of the Social Security Program, recipients have had to satisfy an earnings test. This requirement effectively penalizes senior citizens who choose to supplement their Social Security earnings by working. Americans between the ages of 65 and 69 lose \$1 in benefits for every \$3 earned over the current annual limit of \$10,200.

Continuing to work and contribute valuable skills and experience to our economy should be a viable option for older Americans. Practically speaking, continued employment also

helps seniors respond to their health care needs through employer-provided benefits as well as the income that is derived. In this day and age, that is a critically important consideration.

The bill before us today makes significant inroads toward solving this problem by nearly doubling the exempt earnings amount over the next 5 years. It sets the exempt amount at \$12,000 for 1993, and raises it by \$2,000 annually to \$20,000 in 1997.

In another important provision, the bill increases the amount that election workers can earn per year that is not subject to Social Security tax. Current law sets a limit of \$100 on such earnings, and the bill would increase this exclusion to \$1,000 for 1993, and require that the figure be indexed in subsequent years to account for increases in applicable wages.

Many election workers in my district have been affected by the very low earnings limitation in current law, and this change will go a long way toward helping them fulfill their civic duty without being penalized unfairly for it.

Mr. Speaker, the Older Americans Act sets forth important goals for our Nation—goals of providing our senior citizens with lives of freedom, opportunity, and dignity. I am convinced that the bill before us today will move our Nation significantly closer to meeting these goals, and I am proud to strongly support it. I urge all of my colleagues to do so as well.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 2967, the Older Americans Reauthorization Amendments.

Earlier this year, I authored legislation (H.R. 2653) calling on the Commissioner of the Administration on Aging to carry out a Volunteer Service Credit Program. This legislation was incorporated in the House version of H.R. 2967 and, though modified, adopted by the Senate as well.

The Volunteer Service Credit Program encourages seniors to volunteer in their communities and guarantees volunteers that they will receive services when needed at a later time. The program provides important home services such as housekeeping, shopping, respite care, and meal preparation. These are precisely the types of services senior citizens need in order to remain in their homes and live their lives more independently.

H.R. 2967 contains many worthy provisions which I have supported in the past and am pleased to see that they have been incorporated into this bill. H.R. 2967 increases benefits for widows over age 80, increases the earnings test, enables disabled individuals to marry without losing Social Security disability benefits or Medicare, and it allows workers to keep more of the income they earn while working at election polls.

As a cosponsor of the original House bill, I am supportive of H.R. 2967 and encourage my colleagues to approve the legislation.

Mr. RINALDO. Mr. Speaker, I rise in strong support of the amendments to the Older Americans' Act reauthorization bill.

The quick reauthorization of this act is crucial to the many programs benefiting senior citizens. It is particularly important to ensure the success of the 1993 White House Conference on Aging, planning for which has been delayed for several months while the details of this bill has been worked out.

In addition, Mr. Speaker, I am very pleased that this measure now includes the significant reforms of the Social Security earnings test which I have proposed in my bills, H.R. 3833 and H.R. 3834. My legislation would raise the earnings limit to \$20,000 and phase in changes in the law over several years to reduce the cost to the trust funds. These simple changes to the law will make it possible for the majority of working seniors to remain employed, and I commend the chairman and ranking member of the Education and Labor Committee for including these reforms in their amendments.

The Social Security earnings test keeps our Nation's most accomplished, most capable and most mature workers from remaining active and productive members of our workforce. This policy is wrong. I strongly believe that no one should ever be discouraged from remaining a productive part of our society, particularly on the basis of age.

For many years, my colleagues and I have fought for a repeal of this unfair restriction on the earnings of America's senior citizens. Through our determined efforts, legislation to repeal this penalty has attracted the support of a majority of Members. Now, we have the opportunity to make real and substantial changes in the way the Federal Government treats working seniors.

At one time, there may have been a legitimate reason to prohibit senior citizens from working, but that time has clearly passed. The Social Security earnings test is a dinosaur, and I believe that we must seize this opportunity to make it extinct. Mr. Speaker, the time has come to begin dismantling these restrictions on the work efforts of older Americans, and I urge my colleagues to support these amendments.

Mr. DOWNEY. Mr. Speaker, I am happy to see the reauthorization of the Older Americans Act on the floor of the House today. I know that this is good news for the millions of older Americans who receive so many vital services from this program. As chairman of the Select Committee on Aging's Subcommittee on Human Services, I also know that this is welcome news to the many Members of the House and the other body who drafted the current amendments. At this time, I would like to express my appreciation to Chairman FORD and Chairman MARTINEZ for their work and the consideration they have shown me in accepting my amendments. In addition, I must thank Congresswoman OLYMPIA SNOWE, my friend and the ranking Republican member of the Subcommittee on Human Services, who worked closely with me in carrying out the subcommittee's agenda of oversight hearings on the act.

Perhaps the most important advance in these amendments is the adoption of a major set of elder rights provisions in a new title VII. Senator ADAMS, chairman of the Subcommittee on Aging of the Committee on Labor and Human Resources, is to be strongly commended for creating this new title. With it, we strengthen the long-term care ombudsmen program, giving the thousands of volunteer ombudsmen across the country more resources and better tools to help them fill the role of protecting vulnerable older individuals in nursing homes. We also honor Claude Pep-

per's commitment to older Americans to protect them from the scourge of elder abuse and neglect. Over the past decade many Members have worked to forge a Federal role in elder abuse prevention and treatment. Today, we build on those first steps taken in the 1987 Older Americans Act amendments and we establish a National Center on Elder Abuse. I am particularly pleased that the act continues to allow the States broad latitude in designing their own elder abuse education, reporting and treatment programs.

As Congress addresses the issue of long-term care in the more comprehensive manner, it is important that we do not lose sight of the need to ensure that individuals who provide in-home services are qualified and properly supervised. Because of this concern Congressman GEORGE MILLER and I introduced a provision to assure quality of care for recipients of in-home services. The legislation today, in section 212, requires the Commissioner on Aging to work with the Institute of Medicine on a study of the quality of home care. The results of this study should provide us with a base of information with which to consider whether additional changes are needed in the act.

The amendments before us today also address the issue of personnel training and development for all Older Americans Act programs. Section 202(a)(17) of the Act requires the Commissioner on Aging to develop, in coordination with other Federal agencies, a national plan for personnel training and development. Regrettably, the plan was never drafted despite the critical need for personnel training for so many of the services provided under the act. I suggested an amendment which requires the Commissioner to report to Congress on progress in implementing section 202(a)(17), and I am grateful that the committee accepted this amendment. I intend to follow this issue closely in the future.

Another provision which I offered is included in the legislation before us today, and that is the requirement for the Commissioner on Aging to publish an annual report of completed research funded under title IV, Training, Research, and Discretionary Projects and Programs. The Subcommittee on Human Services is particularly concerned about shortcomings in the dissemination of information on outcomes of demonstration and research projects. The General Accounting Office testified that the Administration on Aging lacked a comprehensive dissemination effort and that this was the genesis of that provision. This provision is aimed at remedying that situation.

Mr. Speaker, for the past 3 years older Americans and their advocates have been eagerly awaiting the White House Conference on Aging. This Conference is important because it provides older Americans with the opportunity to set the broad agenda for public policy affecting elderly individuals for the next decade. Although the 1987 amendments to the act authorized the President to hold the Conference in 1991, 1991 came and went without President Bush holding the Conference. The Subcommittee on Human Services, and other Members repeatedly urged the President to proceed with the Conference, to no avail. Thus, I introduced H.R. 1504 which called for a National Conference on Aging with strong

congressional participation in the planning and oversight process. I am pleased to note that following the introduction of that bill, the President did announce that he would hold a conference in 1993. I am also encouraged that the legislation before us strengthens Congress' role in the Conference by including congressional representation on the Policy Committee, a feature I introduced in H.R. 1504. By giving Congress a role in the White House Conference on Aging, we hope to be able to avoid a situation where, either through neglect or oversight, future conferences are put off. Furthermore, since Congress will have to pass any legislative recommendations which arise out of the Conference, congressional involvement from the outset is appropriate. The Policy Committee will give congressional representatives the opportunity to work directly on the Conference with representatives of the aging communities from across the country. I thank Chairmen FORD and MARTINEZ again for their willingness to adopt this reform.

As I noted when this bill first came to the floor in September, 1991, the legislation is notable for what it does not contain—mandatory cost sharing. The legislation proposed by the Bush administration recommended that Older Americans Act programs be converted to a fee-for-service basis. This radical break with the tradition of the Older Americans Act was proposed without any data that would allow us to evaluate its effect on the act's programs. The subcommittee was deeply concerned about the effect of the proposal and carried out a study, published as "Cost Sharing for the Elderly: A Survey of Current Incidence and Practice." The subcommittee found a great diversity of practice and opinion on the usefulness and impact of cost sharing. I am happy to note that this legislation today rejects mandatory cost sharing.

Adoption of these amendments today is but one more step in improving the services available to older Americans. We must monitor their implementation and we must continue to see that older Americans have a strong and effective advocate in the Administration on Aging. To that end, the General Accounting Office continues to follow developments with regard to the reorganization of the Administration on Aging within the Department of Health and Human Services. Secretary Louis Sullivan has done a great deal to improve the status of the Administration on Aging and we need to continue to provide the fiscal support to the Administration on Aging so that it can regain the ground it lost during the 1980's.

Once again, I thank all my colleagues who worked so hard on this bill; and I thank the many staffs of the various committees and subcommittees, as well as the General Accounting Office, the Congressional Research Service and the Office of Legislative Counsel, who make it possible for us to bring these amendments before you today. Finally, the continuing process of improving the Older Americans Act would not be possible without the hard work and day-by-day dedication of Older Americans Act service providers and older Americans themselves, who are the most eloquent spokespeople for the act. I urge my colleagues to support this bill.

Mr. McCANDLESS. Mr. Speaker, I want to express my strong support for H.R. 2967, the

Older Americans bill which will raise the earnings test for Social Security beneficiaries ages 65 to 69 gradually from \$10,200 to \$20,000 beginning in 1997.

For the past 7 years, I have been working for repeal of the Social Security earnings test, and have taken every opportunity to support efforts to abolish this holdover from the Great Depression. The earnings limit was originally set up to keep older people out of the workplace and to allow more jobs to be filled by younger people. In the thirties, when jobs were scarce and very few jobs were being created, it seemed like an economic necessity. In these days, however, we have more job opportunities, and many companies are eager to hire experienced older workers.

Many retirees would like to continue to do some type of work to supplement their Social Security benefits, but the Social Security earnings test acts as a deterrent. It's a very high tax on older workers at a time when they are least able to afford it.

Mr. Speaker, H.R. 2967 will raise the earnings limit to a more manageable size, and will give retirees more opportunity to reenter the job market and do valuable work. It does not repeal the earnings limit, as I believe should be done, but it is a good step in the right direction, and I urge all my colleagues to support it.

The SPEAKER pro tempore (Mr. DE LA GARZA). All time has expired.

The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and agree to the resolution, House Resolution 433.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 68, not voting 26, as follows:

[Roll No. 87]

YEAS—340

Abercrombie	Boxer	Conyers
Ackerman	Brewster	Coughlin
Alexander	Brooks	Cox (CA)
Allard	Broomfield	Coyne
Allen	Browder	Cramer
Anderson	Brown	Cunningham
Andrews (ME)	Bruce	Darden
Andrews (NJ)	Bryant	Davis
Andrews (TX)	Bunning	de la Garza
Anthony	Bustamante	DeFazio
Applegate	Byron	DeLauro
Aspin	Callahan	Dellums
AuCoin	Camp	Derrick
Bacchus	Campbell (CA)	Dickinson
Baker	Campbell (CO)	Dicks
Ballenger	Cardin	Dixon
Bentley	Carper	Donnelly
Berman	Carr	Dooley
Bevill	Chapman	Doolittle
Bilbray	Clay	Dorgan (ND)
Bilirakis	Clement	Downey
Blackwell	Coble	Duncan
Boehert	Coleman (MO)	Durbin
Boehner	Coleman (TX)	Eckart
Bonior	Collins (IL)	Edwards (CA)
Borski	Collins (MI)	Edwards (OK)
Boucher	Combest	Emerson

Engel Lewis (CA)
 English Lewis (FL)
 Erdreich Lewis (GA)
 Espy Lightfoot
 Evans Lipinski
 Fascell Livingston
 Fawell Lloyd
 Fazio Long
 Feighan Lowery (CA)
 Fields Lowey (NY)
 Fish Machtley
 Flake Markey
 Ford (MI) Marlenee
 Ford (TN) Martinez
 Frank (MA) Mavroules
 Franks (CT) McCandless
 Frost McCloskey
 Gallegly McCollum
 Gallo McCrery
 Gaydos McDade
 Gejdenson McDermott
 Gekas McEwen
 Gibbons McGrath
 Gilchrist McHugh
 Gillmor McMillen (MD)
 Gilman McNulty
 Gingrich Meyers
 Gonzalez Mfume
 Goodling Michel
 Gordon Miller (CA)
 Goss Miller (OH)
 Grandy Miller (WA)
 Gunderson Mineta
 Hall (OH) Mink
 Hall (TX) Moakley
 Hammerschmidt Molinari
 Hansen Mollohan
 Harris Montgomery
 Hastert Moody
 Hatcher Moorhead
 Hayes (IL) Moran
 Hayes (LA) Morella
 Hefley Mrazek
 Hefner Murphy
 Henry Murtha
 Herger Myers
 Hertel Nagle
 Hobson Natcher
 Hochbrueckner Neal (MA)
 Holloway Neal (NC)
 Horn Nowak
 Horton Nussle
 Houghton Oakar
 Hoyer Obey
 Hubbard Olver
 Huckabay Ortiz
 Hunter Owens (NY)
 Hutto Owens (UT)
 Hyde Oxley
 Inhofe Packard
 James Pallone
 Jefferson Pastor
 Jenkins Patterson
 Johnson (SD) Paxton
 Johnston Payne (NJ)
 Jones (GA) Pelosi
 Jontz Perkins
 Kanjorski Peterson (FL)
 Kaptur Peterson (MN)
 Kasich Petri
 Kennelly Pickle
 Kildee Poshard
 Kleczka Price
 Klug Quillen
 Kolter Rahall
 Kopetski Ramstad
 Kostmayer Rangel
 Kyl Ravenel
 LaFalce Ray
 Lagomarsino Reed
 Lancaster Regula
 Lantos Rhodes
 LaRocco Richardson
 Leach Ridge
 Lehman (CA) Riggs
 Lent Rinaldo
 Levin (MI) Ritter

NAYS—68

Archer Beilenson
 Army Bennett
 Atkins Bereuter
 Barrett Bliley
 Barton Burton
 Bateman Chandler
 Clinger
 Condit
 Cooper
 Cox (IL)
 Crane
 DeLay

Dreier
 Edwards (TX)
 Ewing
 Gephardt
 Geren
 Glickman
 Green
 Guarini
 Hamilton
 Hancock
 Hoagland
 Hopkins
 Hughes
 Ireland
 Jacobs
 Savage
 Sawyer
 Saxton
 Schaefer
 Scheuer
 Schiff
 Schumer
 Sensenbrenner
 Serrano
 Sharp
 Dornan (CA)
 Dwyer
 Dymally
 Early

Annunzio
 Barnard
 Costello
 Dannemeyer
 Dingell
 Lehman (FL)
 Levine (CA)
 Shaw
 Manton
 Martin
 Morrison

NOT VOTING—26

Foglietta
 Gradison
 Jones (NC)
 Laughlin
 Lehman (FL)
 Levine (CA)
 Payne (VA)
 Pease
 Penny
 Pickett
 Russo
 Shuster
 Smith (IA)
 Weber
 Whitten
 Yates
 Young (AK)
 Zelliff

□ 2339

Messrs. CONYERS, LEWIS of California, FAZIO, and DUNCAN changed their vote from "nay" to "yea".

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, this evening I voted against the rule providing for consideration of the Older Americans Act conference report. I did this because the bill violates the 1990 budget agreement by not paying for the \$7.3 billion in additional Social Security spending that would result from its enactment. In addition, a bill that authorizes spending of more than \$100 million should not be placed on the suspension calendar—a special House process to expedite consideration of noncontroversial legislation.

The Older Americans Act conference report contains a provision liberalizing the earnings test to \$20,000 by fiscal year 1997. Currently, a Social Security beneficiary can earn up to \$10,000 each year without incurring a reduction in Social Security benefits. Although I am a cosponsor of legislation to repeal the earnings test, I cannot support legislation that does not meet the requirements of the 1990 budget agreement. This legislation increases the deficit, breaks the 1990 budget agreement, and threatens the Social Security Trust Fund.

For background, the 1990 budget deficit agreement requires Congress to pay for the legislation it enacts. In other words, any increase in spending must be offset by tax increases or spending cutbacks. Unfortunately, this bill ignores these criteria.

Furthermore, legislation that is considered on the suspension calendar is usually noncontroversial, such as naming post offices and Federal buildings. In my view, this bill should be rejected by the House and referred back to the Committee on Ways and Means until an acceptable way can be found to pay for it.

□ 2340

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE RESOLUTION 433, OLDER AMERICANS ACT AMENDMENTS OF 1992

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that in the engrossment of the resolution (H. Res. 433) relating to the consideration of the Senate amendment to H.R. 2967, the Clerk be authorized to make corrections in section numbers, punctuations and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the resolution just agreed to.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 29, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, April 28, 1992, it adjourn to meet at 12 noon on Wednesday, April 29, 1992.

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

There was no objection.

HOUR OF MEETING ON THURSDAY, APRIL 30, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 29, 1992, it adjourn to meet at 10 a.m. on Thursday, April 30, 1992.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 29, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 29, 1992.

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY, APRIL 30, 1992, TO RECEIVE IN JOINT MEETING THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in

order at any time on Thursday, April 30, 1992, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Richard von Weizsacker, President of the Federal Republic of Germany.

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

There was no objection.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, April 28, 1992, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M. ON FRIDAY, APRIL 24, 1992, TO FILE SUNDRY REPORTS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until 6 p.m. on Friday, April 24, 1992, to file sundry reports.

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

There was no objection.

CONDEMNING THE EXTRACONSTITUTIONAL AND ANTIDEMOCRATIC ACTIONS OF PRESIDENT FUJIMORI OF PERU

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 306) condemning the extraconstitutional and antidemocratic actions of President Fujimori of Peru, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. LAGOMARSINO. Reserving the right to object, Mr. Speaker, and I do not intend to object, but I will ask the gentleman from Connecticut to explain the resolution very briefly.

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

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

Mr. GEJDENSON. Mr. Speaker, this resolution is very straightforward. I would like to commend the gentleman from New York [Mr. WEISS] for his great leadership on this issue and the gentleman from California.

We had a situation where the democratically elected Government of Peru has been taken over by the President in an extraconstitutional manner. It is one of the real setbacks for democracy in Central and South America, a goal that both the Congress and the administration supports. The administration supports the resolution.

I hope those who might have some concern would hold back that concern so that we can be on record, as we have been in the Soviet Union and in Eastern Europe and throughout Latin America in favor of democratic institutions.

If we stand for anything here, Mr. Speaker, it is for democratic institutions.

Mr. Speaker, I commend my friend, the gentleman from California, for his support.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased that the House is addressing the crisis in Peru today. The latest assault on democracy in our hemisphere cannot go unanswered. President Fujimori with the Peruvian military has blatantly thrown democracy out the window—and now they must be made to pay a price.

For many years, I have followed events in Peru closely. As the largest producer of coca in the world, Peru is the key to the cocaine supply problem. Despite many public statements of support for counternarcotics—and despite a cynical effort to cloak his coup in anti-narcotics garb—President Fujimori's record on the drug issue has been abysmal.

It took a year for President Fujimori to even agree to accept U.S. counternarcotics aid. Since that time, little has been done with that aid. President Fujimori consistently refused to consider an eradication component in the antinarcotics package, thereby ignoring the explosion of coca production in the Upper Huallaga Valley. At the San Antonio drug summit, he vetoed supply reduction goals proposed by Colombia. Instead, he engaged in slanders against the Drug Enforcement Agency to divert attention from his own lack of effort.

I would like to inform my colleagues that I have been very seriously considering introducing a resolution decertifying Peru under section 481 of the Foreign Assistance Act because of their lack of effort on narcotics. Obviously, that has not been overtaken by events. I believe the coup in Peru must lead to a fundamental reexamination of our

Andean strategy. It is now obvious that Peru has not been and cannot be a reliable partner in our war on drugs.

Mr. Speaker, I support this resolution and urge my colleagues to do the same.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. WEISS].

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

Mr. Speaker, President Fujimori and the Peruvian military have decimated freely elected government for the expedient ease of military rule.

For a nation weighted down with poverty, corruption and the frightening threat of the Shining Path, this action has effectively destroyed any hope of social and economic progress. For the hemisphere, it renders a staggering blow to regional stability. And for the world, it adds an additional burden on the backs of young democracies struggling to neutralize their own militaries.

House Concurrent Resolution 306 acknowledges our commitment to the restoration of majority rule in Peru and democratic government in general. It commends the President's swift response to the crisis, and urges him to continue to suspend economic and military assistance until the legal government is restored. It ensures the maintenance of humanitarian programs to guarantee that sanctions do not affect the poorest Peruvians. It recognizes the regional implications of this action, and calls on the President to take steps in the international community, and particularly the OAS, to end this illegitimate regime.

Mr. Speaker, the self-imposed coup of Alberto Fujimori resurrects the worst fears of those who have remained wary of the Peruvian military since it was deposed more than 12 years ago. For Peruvians, the action puts into question the future of democratic government and the progress of economic development. For the United States, it raises serious questions about the future direction and impact of United States policy in Latin America.

In the short term, we can take the steps to address these nagging questions by continuing to pressure change in Peru. But in the long run, we must recognize the implications of the events in Peru, Haiti, and Venezuela and strongly support the institutions that promote, instead of threaten, young as well as traditional democracies. We must identify new priorities and proactively respond to everyday policies that affect civil liberties, freedom of the press and assembly, and other fundamental rights wherever they may occur.

In closing, I would once again call on President Fujimori to do what is best for the Peruvian people by releasing all detained persons; restoring the Con-

gress and judiciary; reestablishing the press and other civil liberties; and returning the Government to civilian control.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, it is not always pleasant to go against the entire U.S. Congress, but sometimes you have to, because the facts are these: Peru was in a state of total chaos. Murder, fear, massive drug smuggling, and guerrilla violence were rampant throughout the land. Terrorism, political violence, unprecedented suffering by the people, and corruption was the norm of the day.

Fujimori, the duly elected President, had to act or sit by and let the country dissolve. He acted.

Peru did not have democracy. Peru had chaos. Ruled by the Shining Path and the drug dealers our friends are talking about here, they ruled Peru, not the people, the very drug dealers who were sending tons and tons of drugs into our country, destroying the lives of our people and our children.

The people of Peru applauded Fujimori's action, and Fujimori said that the life of his country was more dear than his own life.

How many Members in this Congress could say that? How many in this Congress could honestly say that about our country?

This resolution states what? That the U.S. Congress is on the side of the Shining Path and the guerrillas, that the U.S. Congress is for corruption and the drug traffickers?

A judge could be bought in Peru for \$5,000 to \$10,000.

The Shining Path is running the prisons. Is that the kind of government you want? Do you call that democracy?

The people of Peru are with their elected President, Alberto Fujimori. They elected him. He is their spokesman, not the U.S. Congress.

The U.S. Congress does not have to go all over the world to stick its nose into other people's affairs, where quite frankly it is not wanted.

The U.S. Congress cannot take care of its own business right here at home.

Much can be said, but this Congress before it dictates to other people, should sweep in front of its own door.

When we can balance our budget, when we can handle crime right here on the streets of Washington, DC, then maybe we can tell other people how to live, but not now.

A private poll indicated that 75 percent of Lima's population favored Mr. Fujimori's actions, while 19 percent disapproved and 5 percent had no opinion.

□ 2350

Seventy-five percent approved his action. I wish members in the United

States Congress could say that our people approved 75 percent of our actions. Or I wish we had a President who could say 75 percent of the people approved of my action. But that is what is happening in Peru, and you want to tell those people how to live. You want to set the standard for them.

The people of Peru decide their own fate. They do not need or want the unsolicited advice of the U.S. Congress, and I think the message to the U.S. Congress and the American people also would be, "Mind your own business. Let us see you do your job."

Mr. Speaker, this resolution is an insult to thinking people and to the people of Peru. Let us be men and women of honor and integrity and vote down this arrogant resolution. It is not our place to tell the people how they should live in Peru. Let them decide their own fate.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I know my friend has the best intentions, and I am not sure what the polls were in 1933 in Germany when democracy was swept aside. I am not sure if we had a balanced budget or a going economy then. I am not sure if the American people supported their Government, but it seems to me that the institution that we are part of, we ought to believe in and it ought not just be for North Americans, it ought not just be for Europeans, it ought to be for all citizens of this planet.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I support the resolution. I understand the frustration that President Fujimori was under and was facing; the Shining Path, the drug dealers, the corrupt judiciary, a corrupt legislature, perhaps. But it is not the right way to go.

Mr. Speaker, many of us who have met President Fujimori and held discussions with him about the grave threats facing his government, including those represented by the Shining Path guerrillas, the illicit drug trade, the deplorable economic conditions, corruption and inefficiency in the judiciary and legislature have sympathized with him on the need for major reform efforts to bring change to his beleaguered nation.

Probably the greatest threat to Peru's peace and security is that represented by the Sendero Luminoso, the radical leftist guerrilla group the Shining Path. That guerrilla group has carried out a campaign of murder, torture, repression and terror, to a degree not seen in previous guerrilla campaigns in Latin America. The impact of the Shining Path, first in rural areas of Peru and now in urban areas, has created for government leaders a challenge which has threatened the very

existence of the State President Fujimori has cited the clear and present posed by Sendero as one of the primary reasons for the actions he has taken.

It is unfortunate though, that President Fujimori's actions may play into the hands of the Sendero Luminoso guerrillas.

However sympathetic we might be with President Fujimori's problems, we cannot condone the actions he has taken to suspend constitutional principles.

I am pleased this resolution recognizes the swift response of President Bush in reaching to the actions by the Peruvian President and the decision to suspend assistance. We should make it clear that the United States supports democratic government.

This resolution merits our support and I urge my colleagues to act quickly so that we can send an unambiguous message to the chief executive in Peru that he must restore constitutional rights and seek political and economic reform through constitutional means.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Connecticut?

Mr. MARLENEE. Mr. Speaker, reserving the right to object, I really hate to rise with an objection, but due to the mismanagement, due to the partisanship that we have seen, due to the fact that we have a lack of coherent scheduling, we adjourned at 1:30 yesterday without votes the rest of the afternoon and we are here at almost midnight.

Mr. Speaker, I do object.

The SPEAKER pro tempore. Objection is heard.

Mr. GEJDENSON. Mr. Speaker, I withdraw my unanimous-consent request saddened, Mr. Speaker, that we have disagreements here.

Mr. DREIER of California. Mr. Speaker, objection is heard.

The SPEAKER pro tempore. Objection is heard.

ADJOURNMENT OF THE SENATE FROM FRIDAY, APRIL 10, 1992, OR SATURDAY, APRIL 11, 1992, TO TUESDAY, APRIL 28, 1992, AND ADJOURNMENT OF THE HOUSE FROM THURSDAY, APRIL 9, 1992, TO TUESDAY, APRIL 28, 1992

The SPEAKER laid before the House the following Senate concurrent resolution (S. Con. Res. 109) providing for adjournment of the Senate from Friday, April 10, 1992, or Saturday, April 11, 1992, to Tuesday, April 28, 1992, and adjournment of the House from Thursday, April 9, 1992, to Tuesday, April 28, 1992.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 109

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, April 10, 1992, or Saturday, April 11, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9:30 a.m. on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, April 9, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock noon on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

S. Con. Res. 109. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, April 10, 1992, or Saturday, April 11, 1992, until Tuesday, April 28, 1992, and an adjournment of the House on the legislative day of Thursday, April 9, 1992, until Tuesday, April 28, 1992.

DIRECTING SECRETARY OF HEALTH AND HUMAN SERVICES TO WAIVE CERTAIN REQUIREMENTS UNDER MEDICAID PROGRAM DURING 1992 AND 1993

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4572) to direct the Secretary of Health and Human Services to waive certain requirements under the Medicaid Program during 1992 and 1993 for health maintenance organizations operated by the Dayton area health plan in Dayton, OH.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

Mr. OXLEY. Mr. Speaker, reserving the right to object, I shall not object,

but I take this time in order to yield to my friend, the gentleman from California [Mr. WAXMAN] for an explanation of the legislation before us.

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

Mr. Speaker, the purpose of this bill is to prevent the disruption of the Dayton area health plan, a mandatory enrollment program for about 42,600 women and children who live in Montgomery County, OH, and who are eligible for Medicaid because they receive cash assistance under the Aid to Families with Dependent Children Program. Currently, these beneficiaries have a choice of receiving health care from one of three health maintenance organizations. If this bill is not sent to the President and signed into law by April 30, the State of Ohio will lose its current waivers and will have to convert the plan to a fee-for-service program in order to continue receiving Federal Medicaid matching funds.

This legislation was introduced on March 25 by Mr. HALL and seven other Members of the Ohio delegation, including my committee colleagues, Mr. ECKART and Mr. OXLEY. On Tuesday, April 7, the full Energy and Commerce Committee, at my request, discharged the Subcommittee on Health and the Environment from further consideration of the bill, adopted an amendment in the nature of a substitute which I developed with Mr. HALL, and ordered the bill, as amended, reported by voice vote, with the support of the committee minority.

Under current law, HMO's that contract with Medicaid must meet an enrollment mix requirement. After 3 years, no more than 75 percent of an HMO's enrollment can consist of individuals eligible for Medicaid or Medicare; the remaining 25 percent must be private patients. The purpose of this 75/25 rule is to assure that the HMO is providing adequate quality care by applying a market test—if 1 out of every 4 enrollees is a commercial enrollee with other options, then the HMO is probably providing an acceptable level of care to its Medicaid patients.

The Dayton area health plan is currently operating under a number of waivers granted by the Secretary of HHS relating to freedom of choice. These waivers are scheduled to run through January 31, 1994. However, they are contingent on the HMO's participating in the plan meeting the 75/25 rule by April 30. The Secretary is not authorized to waive the 75/25 rule administratively. The problem here is that one of the HMO's is currently at 90 Medicaid enrollment and will be out of compliance as of April 30. Unless we act by that date, the waivers under which the Dayton area health plan is now operating will expire, and the plan will have to convert to a nonrisk, fee-for-service basis in order to continue receiving Federal Medicaid matching funds.

As amended by the committee, the bill would direct the Secretary to waive the 75/25 rule with respect to Health Plan Network, one of the HMO's participating in the Dayton area health plan, for the period May 1, 1992, through January 31, 1994. The 75/25 rule, as interpreted by the Federal court in *Oglesby versus Barry*, would continue to apply to the other two HMO's affiliated with the plan. However, in computing the enrollment composition of the DAYMED Health Maintenance Plan, Inc., the Secretary would be prohibited from counting up to 4,000 children born after September 30, 1983, who are eligible for Medicaid because their families' incomes are at or below 100 percent of the Federal poverty level. These children would not count either as Medicaid or as private patients from May 1, 1992, through January 31, 1994.

According to the Congressional Budget Office, this legislation would not result in any increase in Federal Medicaid outlays.

It is my understanding that the administration does not oppose this legislation.

I also understand that both the chairman and the ranking minority member of the Senate Finance Committee will support the adoption of this bill as amended by the Committee on Energy and Commerce.

Mr. OXLEY. Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to have a colloquy with my friend, the gentleman from California [Mr. WAXMAN], on the bill.

Mr. Speaker, there are several other organizations who have similar waiver problems, especially the one here in the District of Columbia, the District of Columbia chartered health care plan.

We had already notified the committee we were not able to get the committee to add any additional HMO's on the list. I totally agree with the Dayton plan getting immediate help. But I certainly hope that the committee will see fit, some time in the near future, to look at other waivers for additional HMO's who have similar problems and that their operations of the health care plan will not be interrupted similar to the plan in Dayton that we are trying now to solve the problem with.

Mr. OXLEY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California so that he may respond.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Speaker, unlike the situation in Dayton, if the chartered health plan of the District of Columbia does not get a 75-25 waiver by April 30, 1992, nothing

changes for the HMO or its enrollees. In Dayton's case, the health plan would have to be restructured. The District does not lose any waivers. In Dayton's case, the State of Ohio would lose the waivers it has to restrict enrollment for AFDC recipients in Montgomery County to the Dayton plan. That is why I feel that we have to act on this particular matter. But I know that there are those who would like to urge changes in the Medicaid law that would allow HMO's to either get a waiver or not have the 75-25 requirement. That is something we are going to continue to look at.

Mr. OXLEY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, the Health and Human Services, HCFA, I guess, indicated that the D.C. chartered plan expired some 12 months ago and they are still in operation, I guess, on the cost reimbursement schedule. Hopefully, that will continue with HCFA in the D.C. human resource affiliation here in the District.

□ 2400

But I just want to be assured that at some point the gentleman's committee, as well as the full Committee on Energy and Commerce, will give us an opportunity to make sure that the home maintenance organizations will be protected when their dates have already expired, similar to the date in the latter part of the month that will happen to the Dayton HMO.

Mr. WAXMAN. Mr. Speaker, we will continue to look at the issue of the 75-25 requirements under Medicaid, which I consider an important safeguard for quality in managed case plans. The chartered health plan has not met that 75-25 requirement since October 1, 1991, and the District of Columbia has been paying on an interim negotiated rate base rather than on a risk base for the service it provides to Medicaid enrollees. I know that they would like to and prefer to return to payment on a risk basis. There is no provision in Federal law that prevents the District from continuing to pay the chartered health plan on a nonrisk basis. We will continue to get further input on the matter.

Mr. FORD of Tennessee. Mr. Speaker, I thank the gentleman from California very much.

Mr. OXLEY. Further reserving the right to object, Mr. Speaker, I yield to my friend the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Ohio for yielding to me. I will just be very brief.

Mr. Speaker, this plan takes place in my district. It is a very unique plan that has very strong support from all parts of my community. It serves poor

people, it saves money, and at the same time it delivers good health care. I know that sounds impossible, but in fact this program does do that. We are asking for a temporary waiver for 18 months for the purposes that the gentleman from California [Mr. WAXMAN] has already addressed, and I want to thank him and his very, very able staff, the gentleman from Michigan [Mr. DINGELL] and his staff, the gentleman from Ohio [Mr. OXLEY], and the gentleman from New York [Mr. LENT], and certainly the cosponsor of the bill, the gentleman from Ohio [Mr. HOBSON], and Gail and Karen of my staff, for the great work they have done.

Mr. Speaker, I would urge the Members to support it.

Mr. OXLEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4572

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

SECTION 1. APPLICABILITY OF ENROLLMENT MIX REQUIREMENT TO CERTAIN HEALTH MAINTENANCE ORGANIZATIONS PROVIDING SERVICES UNDER DAYTON AREA HEALTH PLAN.

(a) HEALTH PLAN NETWORK.—With respect to the unincorporated association affiliated with the Dayton Area Health Plan, Inc., that is known as the Health Plan Network, the Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall waive the requirement described in section 1903(m)(2)(A)(ii) of the Social Security Act for the period described in section 2.

(b) DAYMED, INC.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of determining the compliance of the DAYMED Health Maintenance Plan, Inc., with the requirement described in section 1903(m)(2)(A)(ii) of the Social Security Act for the period described in section 2, the Secretary may not treat individuals enrolled with the Plan who are described in section 1902(1)(1)(D) of such Act as individuals enrolled with the Plan on a prepaid basis.

(2) LIMITATION ON NUMBER OF INDIVIDUALS EXEMPTED.—The number of individuals enrolled with the DAYMED Health Maintenance Plan, Inc., whom the Secretary may not treat as individuals enrolled with the Plan on a prepaid basis pursuant to paragraph (1) may not exceed 4,000.

SEC. 2. PERIOD OF APPLICABILITY.

The period referred to in subsections (a) and (b)(1) of section 1 is the period that begins on May 1, 1992, and ends on January 31, 1994.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. WAXMAN: Amend the title so as to read: "A bill to direct the Secretary of Health and Human Services to grant a waiver of the require-

ment limiting the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the medicare or medicaid programs in order to enable the Dayton Area Health Plan, Inc., to continue to provide services through January 1994 to individuals residing in Montgomery County, Ohio, who are enrolled under a State plan for medical assistance under title XIX of the Social Security Act."

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the title amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the title offered by the gentleman from California [Mr. WAXMAN].

The title amendment was agreed to.

The motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2507, NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1991

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees:

From the committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WAXMAN, WYDEN, LENT, and BLILEY.

As additional conferees from the Committee on Education and Labor, for consideration of section 1114 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, GAYDOS, and BALLENGER.

There was no objection.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$133.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

AUTHORIZING SUNDRY RESCISSION MESSAGES TO BE LAID BEFORE THE HOUSE EN GROS

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to lay before the House en gros the rescission message received from the President today, and that the messages be considered as read when laid down.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the messages will be printed as separate House documents and separately referred to the Committee on Appropriations and separately indicated in the RECORD and Journal.

There was no objection.

Pursuant to the foregoing unanimous-consent authority, the texts of the messages are as follows, and each message, together with the accompanying papers, is referred to the Committee on Appropriations and ordered to be printed:

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$225.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$196.3 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$17.6 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act

of 1974, I herewith report one rescission proposal, totaling \$15.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$8.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$130.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

proposal, totaling \$248.8 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$5.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$6.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling \$70.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore (Mr. LEWIS of Georgia) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations.

To the Congress of the United States:

In accordance with the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Public Law 92-463; 5 U.S.C. App. 2, sec. 6(c)), I hereby transmit the Twentieth Annual Report on Federal Advisory Committees for fiscal year 1991.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

ACCOUNTABILITY IN GOVERNMENT ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor, the Committee on the Judiciary, the Committee on House Administration, the Committee on Post Office and Civil Service and the Committee on Government Operations, and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Accountability in Government Act of 1992".

The legislation would extend to the Congress and the White House the relevant portions of five laws that apply to the private sector. The laws in question are the Fair Labor Standards Act of 1938 (minimum wage law), the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and the damages remedy created by the Civil Rights Act of 1991. The proposal also makes available the remedies currently available to other employees for violations of these laws, rather than special remedial schemes based en-

tirely or in large part on internal congressional grievance mechanisms.

The legislation would also extend to the analogous portions of Congress five laws that presently apply to various portions of the executive branch. The laws in question are Title VI of the Ethics in Government Act, conflicts of interest laws, the Hatch Act, the Freedom of Information Act, and the Privacy Act. The scope of this proposal has been carefully tailored to take into account the unique characteristics of the Congress and its Members. Moreover, none of the provisions of this legislation except those implicating criminal penalties calls for executive branch enforcement. Rather, all are to be enforced either by private suit, entities within the General Accounting Office (an instrumentality of the legislative branch), or both. This legislation therefore does not present the constitutional separation-of-powers questions that might be presented by general executive branch administration of laws applied to the legislative branch.

I urge the Congress to give this legislation prompt and favorable consideration.

GEORGE BUSH.

THE WHITE HOUSE, April 9, 1992.

DESIGNATION OF HON. STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 28, 1992

The Speaker pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 9, 1992.

I hereby designate the Honorable STENY H. HOYER to sign enrolled bills and joint resolutions through April 28, 1992.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

FURTHER INFORMATION ON BNL DEALINGS

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time I have wanted to call attention here to the extraordinarily important information that is being brought forward by the gentleman from Texas [Mr. GONZALEZ], who chairs the House Committee on Banking, Finance and Urban Affairs, about the outrageous pattern of cover-up by this administration involving the abuses of the Iraqi regime in 1989-90.

Recently the gentleman from Texas pointed out that by the intervention of the State Department, a Jordanian who should have been indicted was not indicted.

The use of the BNL to launder funds for Iraq, the diversion by Iraq of American taxpayers' money into illegal purposes that include weapons purchases, all led to a misunderstanding on the part of the Iraqi Government as to what this Government would tolerate.

At a time when people are interested in understanding patterns of abuse, the information that has been compiled and made public by the gentleman from Texas about a systematic effort by this administration to protect illegal activities by Iraq deserves a lot of attention.

I include for the RECORD an article from the Washington Post on this indictment.

WELL-CONNECTED JORDANIAN AVOIDED
INDICTMENT

(By George Lardner, Jr.)

The Justice Department decided last year not to indict a Jordanian businessman in a \$5 billion Iraqi loan fraud scheme after the State Department pointed out that he was "well connected" to the King of Jordan and to U.S. grain exporters, according to records made public in the House yesterday.

Government prosecutors had been planning to name the middle-man, Wafai Dajani, as one of the defendants in a conspiracy to funnel billions of dollars in illegal bank loans to Iraq, but decided not to do so shortly before the indictment was returned on Feb. 28, 1991—the day allied forces were ordered to stop fighting in the Persian Gulf War.

In a secret internal memo that day, the State Department said it had "no objections" to indictment of any of the individuals on the prosecution's list, including Dajani, but it expressed reservations about proceeding against him in light of his connections.

Iraq received more than \$5 billion worth of what the government says were "unauthorized 'off book' loans and credit commitments" from the Atlanta branch of Italy's Banco Nazionale del Lavoro (BNL) between 1985 and 1989, including some \$900 million guaranteed by the U.S. Government's Commodity Credit Corp. Dajani's firms handled most of the CCC agricultural commodities once they arrived at the port of Aqaba in Jordan, according to Rep. Henry B. Gonzalez (D-Tex.), chairman of the House Banking Committee, who discussed the matter yesterday on the floor.

Gonzalez said Dajani also helped obtain arms for Iraq from firms in Portugal and Cyprus. The Banking Committee, Gonzalez added, is investigating "whether or not the Dajani's grain handling facility in Aqaba were diverted to pay for these weapons or others."

In its memo, the State Department noted that Dajani was a businessman, not a government official, but observed that "his brother is a former minister of the interior [in Jordan] and Wafai himself is considered well connected to the king and to U.S. grain exporters." The memo added that Dajani's "indictment would be seen as a further U.S. attempt to 'punish' Jordan" for siding with Iraq in the gulf war.

Gonzalez called the decision not to indict Dajani "probably the most blatant example of State Department intervention" in the case.

Justice Department officials said State's views had nothing to do with their decision not to indict Dajani last year. They said

Dajani was still "a target" of their ongoing inquiries.

"If State expressed reservations about Dajani, that was not a factor in his being included in the indictment," said Gerrilyn Brill, chief of the criminal division of the U.S. Attorney's office in Atlanta.

In internal administration deliberations, the State Department along with the National Security Council continued to argue in favor of courting Iraq until shortly before the August 1990 invasion of Kuwait, despite disclosure of the BNL scandal in August 1989 and the strenuous misgivings of other government agencies about the extent of the fraud.

A confidential State Department report, for instance, about a meeting Oct. 13, 1989, with Agriculture officials said there were 10 separate investigations underway of BNL-Atlanta's dealings. The memo said Agriculture expected "the investigation could 'blow the roof off the CCC,'" and added that chances were "more and more likely that CCC guaranteed funds and/or commodities may have been diverted from Iraq to third parties in exchange for military hardware."

"In the cases where adequate documentation exists," the memo went on, "CCC commodities can be traced as far as Jordan and Turkey, [but] in many cases it is not clear that they ever reached Iraq. Where documents indicate shipments arrived in Baghdad, the timing appears improbable—shipments arrive in Baghdad prior to arriving at interim ports.

"If smoke indicates fire, we may be facing a four-alarm blaze in the near future," the memo concluded.

The next month, at the urging of the State Department and NSC, the Agriculture Department approved a new \$1 billion CCC program for Iraq for fiscal 1990.

In a related matter, the Los Angeles Times reported yesterday that the United States has paid \$360.7 million to a Persian Gulf bank partly owned by Iraq to make good on CCC-guaranteed loans that Iraq left in default after the invasion. Senate Agriculture Committee Chairman Patrick J. Leahy (D-Vt.) called for an explanation in a letter to Agriculture Secretary Edward R. Madigan.

"At a time when we are all concerned that the government of Iraq continues to act in an outlaw fashion under the leadership of Saddam Hussein, I am very concerned that this payment sends a dangerous signal," Leahy wrote.

NATIONAL PAY EQUITY POLL

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Ms. OAKAR. Mr. Speaker, today I joined with the National Committee on Pay Equity in announcing the results of a national bipartisan poll which shows that 77 percent of the voting public, male, female, black, white, Democrat, Republican support fairness in pay.

We know that there are two groups of people whose jobs are undervalued and underpaid, women and minorities and particularly aging men as well. I think it is about time we enact legislation that results in pay equity. I also feel very strongly that our Presidential candidates, both Republicans and

Democrats, ought not to be afraid of economic security measures like fairness in pay.

Why is a woman the poorest person in the country when she is 65? She is the poorest because when she works for a living in her younger years her job is undervalued and underpaid. Ask any nurse, teacher, secretary.

So the American people, male and female, want fairness and this poll, which I will submit for the RECORD, shows it.

The poll referred to follows:

OAKAR ANNOUNCES RESULTS OF NATIONAL PAY
EQUITY POLL

Congresswoman Mary Rose Oakar (D-OH), today joined with the national committee on pay equity in announcing the results of a national, bipartisan poll which shows that 77 percent of the voting public supports pay equity. Oakar said, "this poll offers indisputable evidence that pay equity is an idea embraced by the vast majority of the American public. It is time that the leaders of this country listen to what the people are saying."

Sighting results from the poll, Congresswoman Oakar pointed out that pay equity, or the concept of elimination of sex and race-based wage discrimination, has broad, bipartisan support. According to the survey, 81 percent of individuals who identify with the Democratic Party support pay equity, as do 72 percent of those individuals who identify with the Republican Party, and 79 percent of those who consider themselves Independent.

Oakar noted, "for decades, employers have been using gender and race to determine pay. The problem has been exacerbated by the fact that, by and large, women remain in the low-paying, traditionally female occupations. The fact that women remain in these positions is not at fault. The cause seems to be that women, by virtue of the fact that they occupy certain jobs such as nursing, teaching, library sciences, service industry, clerical and retail work have been almost victimized. The stigma of 'women don't have to work, because someone else is supporting them' has remained a part of the marketplace, but not our society."

Author of H.R. 386, the pay equity technical assistance act, legislation that calls for the creation of a clearinghouse on pay equity, Congresswoman Oakar has waged a 16 year battle in Congress to address the inequities in the work place.

In conclusion Oakar states, "I believe that the study conducted by the national committee on pay equity will be the added ammunition needed to convince the government that pay equity is an idea whose time has come."

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PACIFIC OCEAN SALMON FISHING
DISASTER RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I am introducing legislation prompted by the Pacific Fisheries Management Council's recent proposal to either ban or severely restrict Pacific Ocean salmon fishing along the west coast from the Mexican border to Canada. Commercial fishermen from California, Oregon, and

Washington will suffer tremendous losses as a result of these restrictions. For many of these commercial fishermen, Pacific Ocean salmon fishing is their primary or sole source of income.

Although there is an extreme scarcity of Pacific Ocean salmon and restricting the salmon season is essential to the long-term vitality of the fishery, these fishermen are going to suffer harsh economic hardships through no fault of their own. The salmon deficiency is a result of a number of things including coastal floods, droughts, coastal urbanization, and the warming of eastern Pacific waters.

This legislation declares that the Pacific Fisheries Management Council's ban or restriction on the harvest of Pacific Ocean salmon is a disaster. This bill will provide Federal disaster assistance to commercial fishermen in the western United States adversely affected by the ban or restriction on the harvest of Pacific Ocean salmon imposed by the Pacific Fisheries Management Council.

The bill is fashioned after existing agricultural disaster relief and would work much the same way. Federal disaster assistance would be provided to commercial fishermen at a rate of 65 percent of any losses in excess of 40 percent. The economic loss will be determined by calculating the average harvest of Pacific Ocean salmon and the average price received during the years 1986 through 1990.

Mr. Speaker, this disaster relief is desperately needed. I invite my colleagues' review and cosponsorship of this important legislation and urge its timely adoption by the full House. For the convenience of my colleagues the text of the bill is printed below.

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pacific Ocean Salmon Fishing Disaster Relief Act".

SEC. 2. DECLARATION OF DISASTER FOR PACIFIC OCEAN SALMON FISHING OPERATIONS.

The Congress finds that the imposition by the Pacific Fishery Management Council of a total ban or other severe restrictions on the harvest of Pacific Ocean salmon within the 200 miles exclusive economic zone of the United States off the coast of California, Oregon, and Washington—

(1) will result in an economic disaster for commercial salmon fishing operations operating out of ports in these States; and

(2) requires the provision of disaster assistance under this section to alleviate in part the resulting economic hardship to these operations.

SEC. 3. DISASTER ASSISTANCE FOR PACIFIC OCEAN SALMON FISHING OPERATIONS.

(a) DEFINITION.—For purposes of this section, the term "commercial salmon fishing operation" means a fishing operation that—

(1) is owned or operated by a citizen or national of the United States;

(2) operates out of California, Oregon, or Washington;

(3) is engaged in the harvest of Pacific Ocean salmon through ocean or river fishing; and

(4) has harvested Pacific Ocean salmon during each of the five preceding calendar years.

(b) OPERATIONS ELIGIBLE FOR ASSISTANCE.—A commercial salmon fishing operation shall be eligible for assistance under this section if the Secretary of Commerce determines that the operation harvests during calendar year 1992 is less than 60 percent of the average annual weight of Pacific Ocean salmon harvested by the operation during calendar years 1986 through 1990.

(c) AMOUNT OF DISASTER PAYMENT.—The Secretary of Commerce shall make a disaster payment to a commercial salmon fishing operation eligible under subsection (b) in an amount equal to the product of—

(1) the payment rate determined under subsection (d); and

(2) the deficiency in harvest of Pacific Ocean salmon in calendar year 1992 greater than 40 percent of the average annual harvest for the operation, as determined under subsection (e).

(d) PAYMENT RATE.—For purposes of subsection (c) the payment level for Pacific Ocean salmon shall be equal to 65 percent of the simple average price received by eligible salmon fishing operations, as determined by the Secretary of Commerce, during calendar years 1986 through 1990, excluding the year in which the average price was the highest and the year in which the average price was lowest.

(e) DETERMINATION OF AVERAGE HARVEST.—The Secretary of Commerce shall determine the average annual weight of Pacific Ocean salmon harvested by a commercial salmon fishing operation during calendar years 1986 through 1990 from information provided by the operation, excluding the year in which the harvest was the largest and the year in which the harvest was the lowest. In the absence of sufficient records, the Secretary may base the determination on the average annual harvest determined for similarly situated operations.

(f) ADJUSTMENTS FOR SUBSTITUTED HARVESTS.—The Secretary of Commerce shall adjust the determination of the actual harvest of a commercial salmon fishing operation to the extent the Secretary determines that the operation—

(1) compensated for the reduction in salmon harvest by harvesting other commercial fish; or

(2) failed to take reasonable methods to alleviate the economic hardship resulting from the ban or restrictions on salmon fishing.

(g) TIME FOR PAYMENTS.—The Secretary of Commerce shall make the payments required by this section not later than 30 days after the later of—

(1) the effective date of this Act; and

(2) the close of the 1992 Pacific Ocean salmon fishing season.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on October 1, 1992.

WILD BIRD CONSERVATION ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

Mr. STUDDS. Mr. Speaker, I am today introducing legislation to curtail imports of wild-caught birds for the pet trade, and promote the captive breeding of exotic birds at home and abroad to supply the pet industry.

Although habitat loss is the single most significant factor in the decline of wild bird populations around the world, trade has contributed

significantly to the decline. The United States alone imports more than 500,000 birds annually, more than half of which belong to species listed as threatened under the Convention on the International Trade in Endangered Species.

The extent of the damage that has been done to wild bird populations is not known precisely, because many exporting countries lack the resources needed to protect their bird resources or to analyze the ecological impacts of the trade. What is clear is that some of the world's greatest breeding grounds for beautiful and unusual birds have been systematically plundered in order to supply house pets for people in America and Western Europe. The trade in wild birds is also characterized by a high degree of mortality, causing an estimated 16 percent of birds harvested for trading purposes to die in transit or quarantine.

This bill is not intended to deprive pet stores or prospective pet owners of birds. Rather, it is designed to encourage the growth of an industry for breeding and raising exotic birds in captivity for the specific purpose of supplying the pet trade.

The general concept of this legislation was endorsed by the pet industry, bird breeders, veterinarians, zoos, wildlife conservation groups, and animal welfare groups. Last year, representatives of those groups worked together to draft legislation that would reform the international bird trade. Two bills, similar in purpose, but different in detail, emerged from that effort. In order to spur debate and give all sides a chance to state their views, I introduced both bills. The bill I am introducing today is an attempt to provide common ground which can be supported by the proponents of both of the original bills.

This bill is patterned closely after a legislative proposal drafted by the Office of the Assistant Secretary of the Interior for Fish and Wildlife and Parks. It is the product of a dedicated effort by his office and the Fish and Wildlife Service to find some effective middle ground on this issue and I commend both the Assistant Secretary and the Service for their efforts. I would note that questions have been raised about whether this type of legislation might be challenged under the General Agreement on Tariffs and Trade. I personally believe that such a challenge would have very little chance of succeeding. First, the European Community has implemented a system for regulating the trade in wild birds that is very similar to that established for the United States in this bill, and it has not been challenged under GATT. Second, there is absolutely no intention on the part of its proponents or sponsor to run afoul of the obligations of the United States under the GATT. And finally, it is clear that this type of legislative proposal is absolutely necessary to conserve the wild bird populations that are so clearly imperiled.

The United States is the world's largest importer of wild-caught birds. It is incumbent upon us to restrict this trade to ensure that we do not continue to contribute to the decline in populations of these magnificent birds. I hope that the administration, after further review of this issue, will agree to join other nations which have made a commitment to solve this problem and support this legislation.

HEALTH ADMINISTRATIVE SIMPLIFICATION ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK], is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I am today introducing the Health Administrative Simplification Act of 1992. My bill will save tens of billions of dollars a year which currently are spent on excessive paperwork by consumers, employers, and government, which could be eliminated from the health system. My bill is based on testimony presented to the Subcommittee on Health of the Committee on Ways and Means in a hearing held April 2, 1992, and on my own observations of the health care delivery system.

In recent months, we have spent a great deal of time focusing on how to cure the ills of our health care system. As we are all very much aware, health care is far too expensive, consumes too great a share of our Nation's wealth, and leaves too many of our citizens either unprotected, or inadequately protected, from the catastrophic impact of illness. We need to start moving now to address these issues through comprehensive health reform legislation.

Administrative simplification is a particularly important part of our health reform discussions. Reducing the administrative costs, and the burdens, of the health insurance system is one place where consensus already exists.

Reducing administrative costs in health care through the use of electronic billing, uniform bills, smart cards, and other similar measures is something on which we can all agree. Whether we support a Canadian-style system, Medicare for all, pay or play, or some other plan, we need to move aggressively to put these measures in place.

There is wide agreement on what could be done to reduce the administrative expenses of the health care system. Much of what needs to be done is based on existing information processing technology. This is not an area in which we need to invent a new set of policies or processes in order to achieve our goals.

My bill sets forth a framework for administrative simplification by addressing the key administrative hassles of the health care system.

My bill would require the use of a standard health insurance card by all insurers and payers. The card would be able to read electronically, and would contain a universal and unique numbering system for identification of beneficiaries, through use of Social Security numbers. The card would be capable of electronically addressing an online system which would allow doctors and hospitals to verify eligibility and benefits for each insured person prior to services being rendered.

The use of universal insurance cards and the online electronic system for verification of eligibility and benefits would reduce substantially one of the most costly administrative bottlenecks in the current health financing system. Insured persons are not always sure which group health plan is responsible for paying their health care bills; a patient almost never knows how much of their deductible and copayments are still owed for a given year. Sending claims to the wrong payer, and chasing down the party responsible for payment,

costs hospital and doctors a great deal of money. Creation of a system which lets all parties know in advance who is going to pay the bill, and what restrictions on coverage may apply, will reduce the administrative expenses of providers dramatically.

The second important reduction in unnecessary administrative expense envisioned by my bill is the creation of electronic billing systems based on standard bill formats and standard coding of diagnoses and procedures. Currently, there are literally hundreds of different bill formats which insurers demand of providers. Maintenance of multiple bill formats requires providers to spend literally billions of dollars on staff to process these claims, and interferes with the development of electronic billing systems.

In fact, the best way to assure that claims are processed in the fastest, most efficient way is to establish regional claims clearinghouses to process all claims. Similarly to the way in which bank checks are processed through the regional Federal Reserve System, a regional claims processing system will assure that provider costs for submitting claims will be minimized. My bill would require the Secretary of Health and Human Services to establish regional clearinghouses throughout the country, and to establish an interclearinghouse communications network. Through such a system, all claims will be handled in an identical manner, and coordination between multiple payers will be assured. Such a system will also allow for electronic transfer of funds between payers and providers, thus removing paper checks from the system.

My bill would also require the Secretary to develop standards for claims adjudication to make sure that the payment audits and screens applied to claims are uniform. Standards would also be developed for the data required to support utilization reviews and analysis. Under current practice, payers screen bills using widely different criteria. Dealing with these idiosyncratic rules costs providers a great deal. Standardization of these screens and audits would simplify both the process of submitting bills and the claims processing system. Both providers and insurers would save as a result. Similarly, providers face conflicting demands for large amounts of data from the patient medical record in order to support utilization review. Standardization would allow automation of many of these data requests and would reduce provider hassle to a minimum.

Consensus exists on most of these issues; moreover, the information processing technology exists to achieve a high degree of automation in each of these areas.

Where consensus breaks down is on how far we should go in developing uniform approaches in each of these areas, and what should be the role of Government in assuring that uniform approaches are in fact used by all payers and providers. Although I believe it may be possible to establish a uniform, regional health claims processing system on a voluntary basis, I am skeptical. Unfortunately, unlike the banking system, we do not have decades in which we can slowly develop the system. The skyrocketing costs of health care demand that we move much faster than was the case in banking.

Our experience to date suggests that voluntary efforts based in the private sector do

not work. The history of the UB-82, the uniform bill for hospitals, makes clear that uniform approaches which are not backed up by legal requirements quickly disintegrate into idiosyncratic systems which place enormous burdens, and costs, on the system.

My bill is mandatory in nature. It requires the Secretary to establish the regional system and the uniform standards for billing, claims adjudication, and utilization review. It requires providers and insurers to participate in the system or to face penalties. I have taken this approach because I don't believe that we can develop the system any other way. We need to move quickly to get this system up and running. However, I do not want these penalties to be viewed as anything other than a way to jump start the process; for this reason, the penalties sunset after 3 years, at which time participation for other than Medicare and Medicaid would be voluntary. If those who believe a totally voluntary approach can realistically be expected to deliver a working system in the shortest possible time, I am willing to drop even the short-term enforcement provisions of my bill.

The bottom line is that the costs of health care continue to rise at unconscionable rates. Whether we favor broad change or something less sweeping, we all share the goal of reducing overhead costs and hassle.

A summary of my bill follows:

SUMMARY—HEALTH ADMINISTRATIVE SIMPLIFICATION ACT OF 1992

I. UNIVERSAL HEALTH INSURANCE CARDS

Each beneficiary of a health insurance plan, including public plans, would be issued a universal health insurance card by plans participating in the health insurance claims network.

1. Cards would be similar to ATM cards, and would be readable by electronic card readers.

2. Each card would include a universal health insurance identification number, which would be the social security number of the beneficiary.

II. UNIFORM ELECTRONIC CLAIMS

1. All claims submitted by providers would be transmitted using a uniform electronic format to be developed by the Secretary.

2. Coding of procedures and diagnoses would follow uniform formats based on the CPT-4 and the ICDM-9 with additional coding developed as necessary by the Secretary.

III. PROVIDER SUBMISSION OF CLAIMS

1. For insurers voluntarily participating in a regional health claims network, providers would be required to submit all claims for payment to the regional network.

2. Each provider would be required to submit claims using a unique provider identification number similar to the UPIN used for Medicare.

3. Claims for Medicare, Medicaid, and other public programs would be submitted through a regional health claims network.

IV. VERIFICATION OF ELIGIBILITY AND BENEFITS

A. Verification of eligibility and benefits by providers

1. For insurers participating in a regional network, providers could inquire regarding which health plan covered a patient and the benefits to which the patient was entitled under the plan.

2. Each health insurer participating in the network would provide, and regularly update, information on the eligibility of covered persons for benefits.

B. Type of communications

1. Each clearinghouse would be required to accept inquiries electronically through the use of electronic card readers, touchtone telephones, or computer modems.
2. For an additional fee, clearinghouses would accept voice inquiries not using electronic equipment.

V. UNIFORM HOSPITAL REPORTING

All hospitals would be required to submit cost reporting data based on uniform hospital reports required to be developed under OBRA '87.

VI. STANDARDS FOR CLAIMS ADJUDICATION AND UTILIZATION REVIEW

In consultation with the Agency for Health Care Policy and Research the Secretary would be required to develop uniform standards for medical audits and screens used for claims adjudication, and utilization review.

VII. PUBLIC DOMAIN SOFTWARE

The Secretary would develop public domain software which could be used by hospitals, physicians, and other providers to submit claims to the health claims network.

VIII. CREATION OF HEALTH CLAIMS NETWORK

A. Health claims clearinghouses

Health claims clearinghouses would be established in each region of the country by the Secretary of HHS.

1. Clearinghouses would process all claims for payment by providers by plans participating in the network.
2. Clearinghouses would primarily assure that each claim was "clean" and could be paid by the payer.
3. Clearinghouses would be authorized to impose a charge on payers and providers for processing of claims.
 - a. The amount of the charge would be limited to an amount determined in the clearinghouse's contract with the Secretary.
4. Payers could also arrange for the clearinghouse to pay the claims directly.

B. Inter-clearinghouse network

1. Clearinghouses would be linked together electronically to allow for out-of-area claims processing and eligibility determinations.

IX. SELECTION OF CLEARINGHOUSE CONTRACTORS

A. Contracts with clearinghouses

1. The Secretary will contract with a public or private organization to serve as the health claims clearinghouse for each region of the country.
2. Regions will be designated by the Secretary and will encompass areas of approximately 5 million people.

B. Selection of organizations to serve as clearinghouses

The Secretary would consider:

1. The price charged by the organization to process health claims.
2. The organization's ability to process, and experience in processing, claims.
3. The organization's experience in relating to the various providers in the region.

X. ENFORCEMENT

Insurers and employer-sponsored plans would be required to issue universal health insurance cards, provide standardized benefits, and participate in the health claims network. Insurers would be subject to an excise tax on premiums, and providers would be subject to civil monetary penalties, if they did not comply. The excise tax and civil monetary penalties would sunset three years after they applied to insurers and providers.

XI. EFFECTIVE DATES

The Secretary would be required to develop standards within eighteen months of enact-

ment, enter into contracts within 24 months of enactment, and have the network in operation within 27 months of enactment. Hospitals would be required to use uniform hospital reports during FY 1993.

TRIBUTE TO CARMEN E. TURNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 60 minutes.

Mr. HOYER. Mr. Speaker, I rise today to inform the House of the loss of a dear friend both to me and many in this institution. This morning at 11 a.m., Carmen Turner, Under Secretary of the Smithsonian Institution, and former General Manager to the Washington Metropolitan Area Transit Authority, succumbed to the cancer that she had battled day in and day out these past few years.

Mr. Speaker, Carmen Turner was a giant of a person. Her leadership, her grace, and her strength of character were second to none. Every one of us here, who had the honor and the pleasure of working with Carmen Turner, can call these qualities to mind, as we can her warmth and personality that lit up every room she entered.

From 1983 to 1990, Carmen established a legacy of quality and excellence at the Washington Metropolitan Area Transit Authority through her service as General Manager. More than any other single person, she deserves credit for shepherding the authorization through the Congress necessary to complete the 103-mile Metrorail system.

Carmen's greatest skill was that of building a consensus that would not only work, but that would last. She knit together diverse local governments and built a regional approach to mass transit that has led Metro through rapids that have swamped less skillfully captained projects. She was able to work with Members from both parties in this institution, spanning even an ideology that was less supportive of mass transit during the Reagan administration.

There were not many people who could bring Ralph Stanley, former UMTA Administrator under President Reagan, to yield. But on more than one occasion, I saw firsthand how Carmen's command of detail, style and wit turned someone who many termed an adversary to an admirer.

Under her leadership, the rapid rail system doubled in size, and WMATA was honored with the title of the No. 1 transit system in North America by the American Public Transit Association. It was an honor that could well have been termed the No. 1 general manager in the country as well.

Mr. Speaker, it is impossible to summarize the accomplishments of one life, so precious and valuable, in any statement on this floor: Carmen Turner's life was one of public service. She gave of herself to this region and this

country—and made America greater by her contribution.

For 26 years, Carmen served in the Federal Service. And today, when public servants are taking a beating in the eyes of many of the public, it is important to note that public service is still this country's highest calling—whether it be in the military or in the Civil Service. Day in and day out, public servants educate our children, protect our families, defend our rights, and improve the quality of our lives. Carmen Turner was the epitome of public service.

In her short tenure as Under Secretary at the Smithsonian, Carmen Turner's firm hand brought order and her vision brought direction to an institution that finds itself often pulled in many directions. The Smithsonian has suffered a great loss today as well. It will sorely miss her guidance and direction.

Mr. Speaker, let me close by saying this. Carmen Turner was my friend. She touched my life and made me the better for it. In these last few months, Carmen fought a long and terrible battle with cancer. And the courage and strength that I witnessed in this battle made it all the clearer to me what a friend I had, and what a giant that friend was.

Mr. Speaker, I rise today to mourn our loss, my loss, and the loss to this great country. There is a void in this town this day. A void that will not be filled again.

I commend my friend Carmen Turner, who, in the words of St. Paul, "has run the good race and kept the faith." God bless you, Carmen. God bless your family. Our prayers go out to you, to your family, and for all of us. We have lost a friend, a great lady. We will remember her always.

Mr. DELLUMS. Mr. Speaker, I rise to pay tribute to Carmen E. Turner, who passed today, Thursday, April 9, 1992, here in Washington, DC.

Mrs. Carmen Turner was the Under Secretary of the Smithsonian Institution. She was formerly the general manager of the Washington Metropolitan Area Transit Authority, the metrorail system. It is in that capacity that I and many Members of the House of Representatives knew her. Many of my colleagues have paid tribute to her here on the floor of this body for her outstanding leadership and superb management for 7½ years of the Washington Metrorail System, universally recognized as one of the finest in the world.

It is a tribute to her inspiring leadership and ability that we in the Congress were successful in 1990 in passing Public Law 101-551, the additional authorization of Federal funds to complete the total 103-mile regional metrorail system. The metrorail system is an essential part of our National Capital transportation system and because she ran it so well it made our task so much easier here in Congress, to pass supportive legislation. As I recall, the Washington Metro System won the 1988 American Public Transit Association's highest honor.

Our Nation and this city has lost an outstanding leader, Washingtonian, and friend, one with demonstrated intellect and compassion. I am proud to give these remarks today about a truly outstanding woman and African American.

Mr. WOLF. Mr. Speaker, it is with sadness that I address the House today to bring to my colleagues' attention the tragic death of Carmen E. Turner, Under Secretary of the Smithsonian Institution and former general manager of the Washington Metropolitan Area Transit Authority. Mrs. Turner, who was 61 years old, passed away today at Washington Hospital Center after a battle with cancer.

I had the privilege of working with Carmen Turner while she was at Metro and also most recently in her new position at the Smithsonian. She was a dedicated public servant and a truly wonderful person. Under her guidance and indomitable spirit, Washington's Metro System came of age, so to speak. It was under her leadership that Metro expanded by 40 percent to serve a wider area of the Nation's Capital region. It was also Carmen Turner's persuasive professionalism which convinced the Congress to fund the completion of the full 103-mile metro system. It was nearly impossible to say no to Carmen Turner.

After her distinguished career at the helm at Metro, she moved in late 1990 to the Smithsonian, where she was the chief operating officer and to where she brought that same successful leadership style that had served her so well in the transit industry.

The Nation and the Washington metropolitan region have lost a true leader and friend. I offer our sympathy to her husband and family.

Mr. Speaker, I would like to share the following news release from the Smithsonian about the death of Mrs. Turner:

CARMEN E. TURNER, SMITHSONIAN UNDER SECRETARY, DIES

Carmen E. Turner, under secretary of the Smithsonian since mid-December 1990, died today (April 9) of cancer. She was 61 years old. Mrs. Turner died in Washington Hospital Center.

As under secretary of the Smithsonian, Turner was the Chief Operating Officer and second ranking official at the Smithsonian and was responsible for the day-to-day operations of the world's largest museum and research complex. The Smithsonian operate 15 museums and galleries, the National Zoological Park and research facilities in eight states and the Republic of Panama. Its total net budget in fiscal year 1992 is \$429.2 million, including federal and trust funds. The institution has approximately 6,500 employees.

"We have lost a wise, compassionate, wonderfully dedicated and far-seeing leader, friend and colleague," Robert McC. Adams, Secretary of the Smithsonian said. "In the all-too-brief period of service to the Smithsonian that was allowed to her, she humanized and transformed our ideas of management itself. It is given to very, very few among us to make the permanent improvements she did in diverse institutions whose purpose is to serve and reach out to people. Her spirit and example will live on in our work."

Mrs. Turner had previously served as general manager of the Washington Metropolitan Area Transit Authority, chief executive officer of Metro, the second largest rail-transit

and forth largest bus-transit system in the United States, since July 1983. In that capacity, she developed and managed a \$615 million annual operating budget and a \$100 million annual capital budget for an organization with approximately 9,000 employees.

Under her leadership, the Metrorail system grew from 42.37 miles and 47 stations to 73 miles and 63 stations, expanding by 40 percent. In the fall of 1990, Mrs. Turner secured a firm commitment from Congress to fund the completion of the full 103-mile Metrorail system.

Turner, a native of New Jersey, grew up in Washington, D.C. She received a bachelor's degree in government from Howard University in 1968 and a master's degree in public administration from the American University in 1972. She joined Metro in 1977 as assistant general manager for administration.

Prior to joining Metro, she worked from 1970 to 1977 in the U.S. Department of Transportation in civil rights and equal employment opportunity programs in a variety of positions, including acting director for civil rights (1976 to 1977).

Turner had received many honors and awards for her work at Metro and her service to the community, including an honorary doctor of humane letters from the University of the District of Columbia (1990) and from Southeastern University (1987). She received an honorary doctor of laws degree from Youngstown State University in 1986.

In October 1988, the American Public Transit Association chose WMATA to receive its Public Transit Agency Outstanding Achievement Award, given annually to the top transit agency in North America. This was followed in 1989 with APTA presenting Mrs. Turner with the Jesse L. Haugh award, given annually to the transit manager of the year "who has done the most to advance the urban transit industry in the United States and Canada."

She was named Washingtonian of the Year by Washingtonian magazine in 1987, Distinguished Citizen of the Region by the Greater Washington Research Center (1986), Distinguished Black Woman of the Year by the Black Women in Sisterhood Action (1986) and Woman of the Year by the YWCA National Capital Region (1985).

She received alumni recognition awards from American University in 1986 and from Howard University in 1984.

A dedicated volunteer, Mrs. Turner was a past and present member of many community groups. She has been serving as a member of the boards of trustees of Howard University, George Washington University and WETA-TV. In 1988, she was appointed co-chair of the D.C. Committee on Public Education, a committee established by the Federal City Council to conduct an independent assessment of the public schools in the District of Columbia and to develop a long-range plan to improve them. The plan was presented in June 1989. Mrs. Turner was also the cofounder of the Conference of Minority Transit Officials.

Mrs. Turner was a resident of Washington, D.C. She is survived by her husband, Frederick Turner Jr.; two grown sons—Frederick B. Turner III, of Canoga Park, Calif.; and Douglas P. Turner of Washington, D.C.—two granddaughters, Morgan and Lindsey; her mother, Carmen Pawley, and a Sister, Dolores Dickerson, both the Silver Spring Md.

A viewing will be held at McGuire Funeral Home, 7400 Georgia Ave., Washington, D.C., at 6 p.m., Sunday April 12. A memorial service will be held Monday, April 13, at 11 a.m., in Washington National Cathedral. Plans for

a memorial service at the Smithsonian Institution will be announced.

Ms. NORTON. Mr. Speaker, I rise to commemorate the life of Carmen E. Turner, Under Secretary of the Smithsonian Institution, who died this morning after a life of service to the District of Columbia, the metropolitan region, and our country. Carmen was a great and unforgettable friend, a uniquely accomplished professional, and an instinctive public servant.

Carmen Turner's work as general manager at the Washington Metropolitan Area Transit Authority is admired by many Members of Congress and millions of tourists. She had a special way with Congress, which respected her skill so much that she won funds for an unprecedented expansion of the system and a commitment to complete it. Carmen left the WMATA the second largest rail and fourth largest bus transit system in the country. Carmen Turner's Metro was honored as the Nation's best transit agency, and she was named the transit manager "who has done the most to advance the urban transit industry in the United States."

Carmen Turner's excellence as an administrator led another great institution to call her to service, and after 7 years of excellence at Metro, Carmen brought her skills to the Smithsonian as its second highest officer.

Carmen gave the words "role model" new meaning. A graduate of Dunbar High School and Howard University, she nevertheless started as a typist in the Federal Government. But as discrimination diminished, she progressed in the federal system until she left to join Metro. There, she quickly rose from an assistant general manager to run the agency.

"Washingtonian of the Year," "Distinguished Citizen of the Region," "Woman of the Year," "Distinguished Black Woman of the Year,"—there was no honor Carmen Turner did not get or deserve.

To know Carmen, however, was to admire her for far more than her consummate professional skill and her breakthroughs to new heights for women and people of color. Carmen was all human, all compassion, all heart—and all business. Carmen, the rarest of combinations, put it all together and gave it her all. She was so radiant that her light still shines across this city and this region. I have lost a wonderful friend. Washington has lost that and much more.

Mr. McMILLEN of Maryland. Mr. Speaker, today, is a sad day for the Washington community as it loses one of its finest citizens. Carmen Turner served this community with remarkable competency and personal character. Her rise through the ranks from a GS-2 clerk-typist to general manager of the Washington Metropolitan Area Transit Authority until her final accomplishment as chief operating officer of the Smithsonian has been marked by charm, character, and conviction.

I am pleased and grateful that I had the opportunity to work with Carmen Turner when she was the director of Metro. Her far-reaching leadership and dedicated management style kept Metro growing while also effectively addressing the day-to-day challenges of Washington's intricate mass transit system. Much of the national acclaim given to Metro is a direct result of the talents of Carmen Turner.

Carmen Turner was a leader with a strong, unflappable, and responsive manner that won

her admiration and respect from anyone who came in contact with her. The Washington community will miss this very fine person. I pass my condolences onto her family and wish them well in these difficult times. I hope that the sadness they feel today can be tempered in some way by the community's outpouring of respect and affection for Carmen Turner.

Once again, my condolences to her family, Carmen Turner will be truly missed.

SAM WALTON, AN AMERICAN ORIGINAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 30 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, this past Sunday our Nation lost one of its truly great citizens—Samuel Moore Walton, better known to those of us in northwest Arkansas as Mr. Sam.

As the founder of Wal-Mart Stores, Inc., Sam Walton revolutionized the retail market in this country. Starting with a single store in 1962 at the age of 44, he went on to build an empire that currently encompasses over 2,000 stores and subsidiaries. He accomplished this feat building upon a very basic principle—provide the customer with a quality product at the lowest price in a friendly and helpful environment.

I was privileged to know Sam for over 30 years. In fact, the Waltons opened their second Wal-Mart store across the street from my family's lumber company in 1964. Yet, despite his great success, he never lost his down-to-earth commonsense approach to life or his ability to talk to all kinds of people.

Sam Walton was more than just a marketing genius—he was an individual who lived his life in a selfless manner, always looking for ways in which he could better the lives of his fellow man. He was a man who loved his family and loved his employees or "associates" as he liked to call them.

Last month, I was honored to travel with the President and Senator PRYOR to Arkansas where the President presented Sam with our Nation's highest civilian award, the Medal of Freedom. In presenting this honor to him, the President outlined his success in business and in life. In accepting the award, and I might add in typical Sam Walton fashion, he immediately shared the credit saying "this is a labor of a partnership, a labor of folks who have pulled together and have enjoyed what they have done and have become partners in what we have accomplished."

As the President said this past Sunday, Sam Walton was an American original who embodied the entrepreneurial spirit and epitomized the American dream. His commitment to family and selfless giving to others is an example to us all.

Sam Walton touched the lives of thousands of people and families, both collectively and individually. The world is a better place for many because of his life and faith.

My family and I extend our heartfelt condolences to the entire Walton family. Mr. Sam will be sorely missed.

Mr. Speaker, I know my colleagues would be interested in the following articles, which

chronicle the amazing, wonderful, and productive life of Samuel Moore Walton.

[From the Arkansas Democrat Gazette, Apr. 7, 1992]

SAM WALTON

The Democrat-Gazette joins Arkansans and Americans everywhere today in taking sad and solemn pause in remembrance of populist hero Sam Walton, 74, the unpretentious founder of Wal-Mart.

He may have been the most successful businessman of this century, but his vast wealth never diminished his need to remain a friend among hometown neighbors and to be one of them. The sight of Sam Walton wearing his Wal-Mart cap and driving his pickup truck around Bentonville will be sorely missed.

Sam Walton lost his courageous fight against complications of bone cancer Sunday morning, barely two weeks after President Bush had bestowed upon him the nation's highest civilian award—the Medal of Freedom.

"Mr. Sam," as he was fondly known to his 380,000-member Wal-Mart family, truly was one of the thousand points of light the president mentions often—an institution, not only to them and his beloved family, but to most other Americans as well.

As President Bush said in presenting the medal, Sam Walton epitomized what's good about America. And we'll add, certainly good for Arkansas. As everyone knows, Mr. Sam made things good for Arkansas in more ways than can be counted. In describing Sam Walton, adjectives such as "genuine," "selfless," "generous" somehow seem as inadequate as trying to list his philanthropic gifts, which are so well-known among educational institutions, Arkansas Children's Hospital and members of his religious denomination.

What irony there was in Mr. Sam's rise to the pinnacle of the retailing world, having begun as a J.C. Penney Co., trainee in 1940, only to later surpass that national chain's retail sales with his own retailing enterprise.

Walton first founded a small group of Ben Franklin five-and-dime stores before establishing his first Wal-Mart discount store in 1962 at the age of 44. The chain's meteoric rise from that single store is now history, having resulted in today's 2,000 stores and subsidiaries, which last year topped Sears, its last remaining obstacle, by posting sales totaling \$43.9 billion.

Though the amassing of such a vast fortune was phenomenal, Sam Walton was about much more than wealth, as President Bush observed during his visit to Wal-Mart headquarters. Walton's hard work, his vision, the risks he took to help his company grow bigger and stronger, his "Buy American" campaign, his ability to listen to and bring out the best in people are the things most fondly remembered.

Typically, "Mr. Sam's" response was to give his employees the credit. "This is a labor of folks who have pulled together and enjoyed what they've done, and become partners," he said. "They deserve all the credit. I've helped . . . and the greatest thing is that we've gotten ideas from all 380,000 people in this company . . . that's the secret."

Only his family meant more to him than his associates, said Wal-Mart President and Chief Executive Officer David D. Glass. "Literally, his second home was a Wal-Mart store somewhere in America." And he often said that he was always comfortable there, surrounded by associates and customers.

It's hard to think of any Arkansan who accomplished more in his lifetime, or had more

of an impact on not only Arkansas but small town America, than Sam Walton.

Considering that Walton did not open his first discount store until age 44, perhaps his greatest legacy will be as an inspiration to thousands of future entrepreneurs. They couldn't have a better role model.

Arkansas and America have lost a great man, one who will be missed but always remembered and revered.

[From the Northwest Arkansas Times, Monday, Apr. 6, 1992]

WALTON TOUCHED US ALL

It is a rare man whose death can be said to be a loss to the entire nation. But the life of Sam Moore Walton has ended with just that kind of outpouring, and Northwest Arkansas mourns with the rest of the country. We genuinely grieve for this man who meant so much to us all, and whether or not we knew him personally, it always seemed that he knew us.

Walton, 74, died Sunday in Little Rock after a long, harrowing battle with cancer. Much as it hurt, everyone realized Walton would probably lose this round with the disease, so in recent weeks, those who knew him have simply waited and watched as one of America's premier businessmen and an inspiration to so many did battle, and reflect on the contributions he has made to our way of life.

Walton was and is an icon. How many people can take their small business to the grand heights Walton did with his? How many can lay claim to the fact that they, without the usual flash and hype, was such an innovator and yet never lost his common touch with the people who helped make him what he was?

Sam Walton's gift was that despite his tireless work and salesmanship, he made it look easy. He reminded us that the American dream is still attainable, and proved it.

With his cheerleading leadership style and patriotic dedication to American commerce, Walton put on all the trappings of the dedicated salesman that he was, but he was also a moralist, and never put himself at the center of his success. The credit, he always said, went to someone else.

Even when he was ranked as America's richest man in an era when the U.S. economy was beginning to dwindle a few years ago, Walton maintained his modesty about his achievement, and always kept in touch with the people he felt closest to.

Walton himself was a regular fixture around downtown Bentonville, and his pickup truck was a familiar sight anywhere he went. He always believed that those who profited should give something back to their communities, and he lived by this philosophy. We needn't travel far to see the many contributions he made to our area, or the many tributes paid to him in return.

Walton, it has been said, created an entire American culture around his business, and made our state the envy of the nation.

There was much to learn from this man, and we hope our country has taken the opportunity to do so. It would be impossible to duplicate what Sam Walton did, since there will never be another like him, but at least we had the chance to see such a man in action, and to have gained something from his wisdom.

[From the Washington Post, Apr. 7, 1992]

SAM WALTON

Sam Walton was as direct and unglamorous as his business, which consisted

mostly of finding out what people wanted and selling it to them at the lowest possible price. Although he was, by the mid-'80s, considered the world's richest man, chances are that if you lived in the urban Northeast you didn't know much about him or his principal works: the hundreds of discount department stores that have helped transform much of small-town America. In fact, he did little to draw attention to himself, unless driving an old pickup truck and continuing to lead a simple Arkansas existence could be considered an oblique bid for notoriety.

Mr. Sam—as he liked to be called by his employees, whom he liked in turn to call “associates”—had the idea some 30 years ago that there was big business to be done in small towns, much bigger than was being done in the 15 Ben Franklin five-and-dime franchises he and his brother had acquired since starting with a single store in Arkansas in 1945. He set out on his own in 1962 to build a chain. By the time of his death this week at 74, there were more than 1,700 Wal-Marts, mostly in the South and Midwest, with annual sales well over \$40 billion.

The pattern with Wal-Mart has been to scout out promising towns and open a store nearby that combines under one vast roof much of the merchandise available in an old-fashioned town center, from drugs to clothes to bicycles. Understandably enough, Mr. Walton has been criticized as a despoiler of downtowns because of the many small merchants driven out of business by his relentless cost-cutting and low prices. But he was hardly the first to realize that Main Streets were being replaced by parking lots, and there is no denying that the demand was there for what Wal-Marts offered: low prices, convenience and helpful clerks.

He drove himself hard until near the end of his life, generally getting to work at 4:30 a.m. and going at high speed all day long. He was also a hard driver of others. The “associates” have never received high salaries, but they are encouraged to take advantage of company stock plans, which have been lucrative for many of them and no doubt encourage a greater attention to making the stores work. Mr. Walton seems to have conducted a lifelong war against complacency, within both his company and himself. Perhaps he disdained the trappings of wealth out of a fear that he would lose his feel for what it takes to meet the simpler needs of ordinary people. No one had better cause to know how demanding a business that can be.

[From the Associated Press]

AFTER REACHING FIRST GOAL, WALTON DIDN'T LIMIT HIMSELF ON FIVE-YEAR PLANS

BENTONVILLE, AR.—A longtime friend of Sam Walton said the founder of what became the nation's largest retailer hoped in the early years eventually to have 25 to 50 stores.

When the 74-year-old billionaire died Sunday, 1,735 Wal-Mart stores and 212 Sam's Club stores were in operation.

A.L. Miles of Bentonville worked for Walton for 23 years, retiring in 1991 as executive vice president for special projects.

“He was my hero almost my idol if God would let us have one on Earth,” Miles said in a copyright story Sunday in a special issue of the Benton County Daily Record. “It is kind of a cliché to say it this way, but right now Mr. Sam is organizing folks in heaven to get together to see what they can do for the folks down here on Earth.”

Miles said that in the early days 25-50 stores seemed an impossible goal.

“Once we achieved it, he would continue to write out his five-year plan on a legal pad,

but he never again put a figure to the number of stores he wanted,” Miles said. “He would talk about osmosis of the stores taking this good store and spreading it across the world, not the United States but the world. And that will happen, spreading across the world, because of his partners.”

Another longtime friend remembers the day the name Wal-Mart came into being.

The Wal-Mart name was coined one day while flying over Mount Gaylor on the way to Fort Smith, Bob Bogle explained.

“He (Walton) jerked a card out of his pocket while he was tootling along,” said Bogle, who worked for Walton from 1955 until 1982. “He scribbled three or four names and said that he had to name the store he was putting in Rogers.”

“He couldn't call it a Ben Franklin because another man had the franchise in Rogers.”

“He had three or four words in each name and asked me to pick. I look at them and, knowing how much signs cost, knew to keep it simple. I scribbled Walmart the squiggly (hyphen) didn't come along until later.”

“He looked at it, said, ‘Huh,’ and stuck it in his pocket. I didn't hear anything and a few days later was checking out the building and I saw the sign painter climbing up a ladder. I looked have to be Vanna White to figure out the name. Now I see it in hundreds of places.”

Charlie Cate of Rogers, who started working for Walton as a stock boy in 1954 and worked in management when he retired in 1981, said Walton was a father figure.

“I've lost a good friend and a legend,” Cate said. “Sam Walton is like a daddy, and he was certainly the fairest man I've ever met. He was the most honest man I ever saw in the retail business.”

Cate said he's the only person who ever saw Walton crash an airplane.

“It happened in 1958 in Kansas City,” Cate said, noting that Walton had visited a store in Kansas City and Cate was taking him back to the airport. “There was 18 inches of snow on the ground and I was worried he wouldn't make it, so I stayed to watch. A crosswind caught him and he nosed over and totaled that plane. We always laughed about it that I'm the only one who ever saw him crash.”

Bogle said Walton often took his dogs with him on hunting trips.

“Old Roy (after which the company's dog food was named) would go in the airplane everywhere,” Bogle said. “That dog attended a lot of Wal-Mart meetings.” He laughed. “And as recently as two or three years ago, he flew home from (a hunting camp in) south Texas with Helen and eight dogs. There were four in cages, and four loose in the plane. It takes quite a devoted wife to go on a ride like that.”

[From the Arkansas Democrat Gazette, April 6, 1992]

BILLIONAIRE SAM WALTON, 74, DIES

(By Andrea Harter)

Sam Walton, who piloted Wal-Mart Stores Inc. to heights never before reached in the world of retailing, died Sunday from complications related to cancer.

Walton, 74, who had been at University Hospital in Little Rock since March 26, died at 8 a.m. Sunday.

The family has requested a private funeral service. Walton will be buried Tuesday in Bentonville.

No public memorial service has been announced.

Wal-Mart President and Chief Executive Officer David D. Glass notified the 380,000

employees of Walton's death over the Wal-Mart radio network which links more than 2,000 Wal-Mart related stores and subsidiaries by satellite.

Flags at the general offices in Bentonville and Wal-Mart stores across the nations were lowered to half-staff.

“I speak for Wal-Mart associates across the nation when I say we have lost more than our chairman and founder...we have lost a friend. For many of us, a mentor,” Glass said in a prepared statement.

“Only his family meant more to Sam Walton than his beloved associates. Literally, his second home was a Wal-Mart store somewhere in America,” Glass said.

“Sam said many times he was always comfortable there, surrounded by associates and customers,” he added.

“We miss him deeply,” Glass said. “But what he taught us, instilled in us; to respect the value of each individual, that the customer is always right, and the love for God and country, will live on forever.”

The family asked that memorials be made to the Arkansas Cancer Research Center or the First Presbyterian Church Endowment Fund for Missions. Accounts have been established at the Bank of Bentonville.

Walton's son, S. Robson Walton, issued a statement saying the family would not sell any of its stock. The Waltons own an estimated 38 percent of the outstanding shares, valued at between \$20 billion and \$23 billion.

The company said no management changes are planned.

In 1982, Sam Walton was diagnosed with hairy cell leukemia, but interferon treatments helped him send the disease into remission.

In 1989, Walton was diagnosed with multiple myeloma, or bone marrow cancer. In his second bout with cancer, he underwent extensive chemotherapy, radiation treatments and took experimental medicine.

Walton's last public appearance was in front of his employees, or “associates” as he called them, when the retailer accepted the Medal of Freedom from President Bush on March 17 at corporate headquarters in Bentonville.

Using a wheelchair and struggling for strength to speak, Walton called Bush's visit the “highlight of our career, my career and of our entire company. It is a memorable day for Bentonville, and we will always remember it.”

Walton had been hospitalized several times in Houston and Arkansas since January.

He is survived by his wife, Helen; a brother, J.L. “Bud” Walton of Bentonville; three sons, S. Robson Walton and James Walton of Bentonville, and John Walton of National City, Calif.; a daughter, Alice Walton of Lowell, and 10 grandchildren.

At news of his death, many employees at central Arkansas Wal-Mart stores on Sunday donned black ribbons on their work clothes and displayed photographs of Walton at their stores.

Samuel Moore Walton was known as “Mr. Sam” to employees and customers alike. He defied conventional retailing wisdom in the 1960s when he put discount stores in small towns, which other retailers had ignored while looking for larger markets.

What resulted is a retailing empire stretching across 43 states in 1,735 Wal-Mart stores and 212 Sam's Club wholesale warehouse stores. Wal-Mart has more than 400,000 employees.

At Walton's death, Wal-Mart had more than \$43.8 billion in annual sales and was the nation's largest retail chain, surpassing Kmart and Sears Roebuck & Co.

His success made him one of the wealthiest people in America. In recent years, he spread his wealth among family members.

From Wal-Mart's headquarters in Bentonville, Walton built his retailing empire with a blend of sharp business sense, boundless energy and a common touch that set him apart as a business leader.

"He was a man who never wanted the store lights to go out," Gary Reinboth, a retired Wal-Mart Stores Inc. regional vice president, said. Reinboth was handpicked by Walton in 1964 to nurture the then-infant concept of nationwide discount stores.

IN THE BEGINNING

Sam and Bud Walton operated a chain of 15 Ben Franklin Stores when in 1962 they opened the first Wal-Mart Discount City store in Rogers.

Walton, who cut his retailing teeth as a trainee at a J.C. Penney store in Des Moines, Iowa, and became a successful Ben Franklin franchisee, began Wal-Mart as an experiment.

Working with their Ben Franklin stores, Walton and his brother learned that they could operate large stores in small towns.

In a 1987 interview for the 25th anniversary of *Wal-Mart World*, a company publication, Walton said they were doing an inordinate amount of business in a 15,000-square-foot store. The volume was out of character for a town of 2,000 people, he said.

The Waltons approached Ben Franklin executives with an idea of putting large stores in rural centers that would sell a high volume of goods at very low margins. Company officials, who scoffed at them, couldn't see any value in it, Sam Walton recalled.

DISAPPOINTMENT

Disappointed with the lack of enthusiasm at Ben Franklin, the Waltons decided to go out on their own. Their 16,000-square-foot Rogers store was stocked with anything Sam Walton could buy at discounted wholesale prices. It did \$975,000 in sales the first year.

In a 1979 interview, Sam Walton said he did not decide he was going to have a string of discount department stores in small towns. He added that early on he did not set a sales goal.

Rather, he said, he started out with one store, and it did well. It was then a challenge to see if he could do well with a few more. When he did well with them, he opened a few more, he said.

It was two years before the second Wal-Mart was opened in Harrison, but the pace picked up as the chain opened store after store.

The company targeted rural towns, creating epicenters of commerce that reshaped Main Street America in the South.

With Walton's increasing buying power and knowledge of exactly what was needed for a healthy profit margin, Wal-Mart was able to undercut most Main Street merchants' prices. Many of those merchants became bitter critics of the Wal-Mart phenomenon.

MOVING UP

In calendar 1970, the company had 38 stores and \$44 million in sales. Moving rapidly, the company in calendar 1980 climbed to 246 stores and \$1.248 billion in sales. By fiscal 1985, it had 745 stores and \$6.4 billion in sales, and in fiscal 1990, 1,402 stores and \$25.8 billion in sales.

At the company's 1991 annual meeting in Fayetteville, Walton said the company would likely have \$100 billion in sales by the end of the decade. The company has a goal of \$54 billion in sales for the current fiscal year.

Underwritten by Stephens Inc. of Little Rock and White, Weld & Co., New York, Wal-Mart had its first stock offering in 1970.

The stock has split nine times in 22 years, each in a 2-for-1 transaction.

In recent years, Walton set up a management team that is expected to keep the company strong and on the path he cleared long before he died.

Walton's first-born, Rob Walton, is vice chairman of the company. Bud Walton, Sam Walton's younger brother, is a senior vice-president and director.

A charismatic man—known to wear moderately priced suits, casual shoes and an ever-present Wal-Mart baseball cap—Sam Walton said there was no genius involved in his success. It was more a matter of circumstance and luck, he said.

But many observers noted that he combined luck with great retailing talent and a solid corporate culture that transformed small-town America and mass merchandising.

Discounting was a tolerated stepchild to mainstream retailing when Sam Walton started his chain. By the 1980s, however, he and his Wal-Mart team had put together stores that drew customers in furs and high heels, as well as those in sneakers and sweat shirts.

"Wal-Mart has certainly written the most significant chapter in retailing history, and they've done it in an extremely quick fashion," said Don Spindel, an analyst with A.G. Edwards & Sons in St. Louis. "Their meteoric rise to the top has not been paralleled."

Despite its success, Wal-Mart has had its share of difficulties.

For example, Wal-Mart was underfinanced to the point of panic at times during the early years. One of its saviors was James H. Jones, a former New Orleans banker who is now on the Wal-Mart board of directors, according to author Vance Trimble in his unauthorized biography of Sam Walton.

To see how Walton built his company requires a look at his origins.

Sam Walton was born in Kingfisher, Okla., the son of Nancy and Thomas Walton. His mother died in 1950 of cancer at age 52. His father died at age 92.

OVERACHIEVING NATURE

Sam Walton's overachieving nature was visible at an early age.

Thomas Walton was quoted by Trimble as saying that his main goal as a father was "teaching the boys to work, work and work."

The Waltons moved from Oklahoma to Columbia, Mo., while Sam Walton was still young.

He was voted "Most Versatile Boy" by his Missouri high school classmates.

His leadership ability was seen as early as 1936 when, in spite of the nickname "Stumbling Sam," he quarterbacked his high school football team to an unbeaten, untied season.

After high school, he stayed in Columbia, where he attended the university of Missouri and earned a degree in economics in 1940.

He was labeled a "tough scrapper" and "Hustler Walton" by his University of Missouri fraternity brothers.

His plan had been to go into insurance, but during college he became interested in retail. Upon graduation, he joined J.C. Penney Co. Inc. as a trainee.

Walton's career at Penney's ended when he joined the Army, where he served as a captain in the Army Intelligence Corps. He married Helen Robson on Feb. 14, 1943, in Claremore, Okla.

Walton took up retailing again when he left the service in 1945, buying the Ben Franklin franchise in Newport, Ark. By 1947,

he had opened a second store in Newport called the Eagle store.

"When Sam came to Newport, he wanted to learn from everybody," said Tom Jefferson, district manager of a Sterling Variety Store across the street from the Walton-franchised Ben Franklin store.

"He believed in people and those who worked for him. Well, he wanted them to have everything he had—drive and success," Jefferson said.

Jefferson joined Wal-Mart in 1972 and worked for the company for 15 years, most of the time as a Walton confidant and executive vice president of store operations.

TURNING POINT

Sam Walton reached a turning point in 1950 when he lost the lease on the Ben Franklin store in Newport. Details of the event are told by Trimble in his book.

Walton achieved success in Newport from 1945-50 with a \$25,000 initial investment from his father-in-law. The growth of his business eventually caused its demise.

Walton was in competition with P.K. Holmes, a businessman who owned a department store and the building for Walton's Ben Franklin store. When Walton's lease was up for renewal, Holmes refused to negotiate an additional term.

Before leaving Newport in 1950, Walton rented a building next to the Sterling store, another of his competitors, to block its expansion. He then turned to Siloam Springs.

A Siloam Springs shopowner wanted \$5,000 more for his shop than Walton was willing to pay, so Walton headed north to Bentonville, where he found an aging merchandiser looking to sell his town-square business.

Walton bought a Bentonville store for \$15,000 and opened a Walton's five-and-ten-cent store.

The building still stands today, and in May 1990 was reopened by Wal-Mart as a visitors center with displays and information on the history of the company.

Walton moved his wife and four children into a rented house and nailed an orange crate to the wall at the Bentonville store for use as a bookshelf. With two sawhorses and a sheet of plywood, he fashioned a desk.

It was in Bentonville that the idea for a national chain of discount stores began to take shape, corporate historians say.

Wal-Mart directly employs more than 3,000 in its general offices in Bentonville, and in four distribution warehouses and support industries.

BIG ACCOMPLISHMENT

On May 11, 1950, the *Benton County Democrat* (later purchased by Walton and renamed the *Benton County Daily Record*), hailed the arrival of the new retailer, saying, "it is a big accomplishment to have people such as the Waltons come here to live. This is a fine family, and their progressive plans mean much to the business life of this city."

With a twist of fate and timely financial backing, Walton could have made Little Rock his home, and mall developing his life's focus.

Early in his career, he tried to develop Arkansas' first shopping mall in Little Rock, where Park Plaza now stands. He failed for lack of capital.

W.R. "Witt" Stephens, founder of Little Rock's Stephens Inc. and another Arkansas business legend, bought out Walton and developed the project.

Walton has received numerous prestigious retailing and business awards since 1978.

In 1984, he received the Horatio Alger Award from the Horatio Alger Association of

Distinguished Americans, based in Alexandria, Va.

The annual award is presented to individuals whose initiative and efforts led to significant career success.

A compulsive worker, Walton carried his work with him into quail-hunting fields and onto tennis courts, sites of his two main non-Wal-Mart hobbies, said Ron Loveless, a retired Wal-Mart executive who had known Walton most of his life.

"He was 100 percent business 100 percent of the time," Loveless said.

Loveless' mother was the Walton housekeeper, and Ron Loveless was privy to an inside glimpse of the man who is credited with rewriting the standards for retail sales and customer service, now known as the Wal-Mart way."

"It wasn't hard to know his routine. In the early days he was at work about 4 a.m., checked the mail and paperwork until about 7 a.m., then he hit the stores," Loveless said.

When the Sam's Club wholesale concept emerged in 1983, "it was an exciting time for the company," Loveless said.

Walton made no secret of scoping out the competition for good retailing ideas.

The Sam's Club idea came from the California-based Price Club chain.

"People often asked, 'Was he just ambitious, or was he power hungry? . . . I say no. He just wanted to be the best at everything,'" Loveless said. "I've seen entire company policy change in one day over one constructive comment submitted by a stockman."

IMMENSE IMPACT

Walton had an immense impact on Arkansas, especially the northwestern corner of the state.

"Every man, woman and child who understands how the economy works should thank Sam Walton for our prosperity in Northwest Arkansas," said George Westmoreland, a first vice president for Merrill, Lynch, Pierce Fenner & Smith.

Walton served on the Bentonville City Council and was president of the Bentonville Chamber of Commerce.

His family, which gave \$5 million to the University of Arkansas at Fayetteville for construction of a performing arts center, also gives generously to other schools.

Loveless, who declined a college education promised by Walton, decided to enter the Wal-Mart chain as a pet department worker.

"It got into you blood. You just wanted to be like him," Loveless said. Loveless retired five years ago as head of the Sam's Club division.

Walton retired for a short time in 1974, but after a 20-month leave returned to the company, saying he couldn't keep "my hands out of it."

While Wal-Mart was making money in the late 1970s and early 1980s, organizers unsuccessfully tried to unionize company employees.

UNION TALK

In response to union talk, Walton devised a profit-sharing plan that has made several Northwest Arkansas residents millionaires, or at the very least, handsomely wealthy.

Still, the retail company has drawn criticism over the years for employing many part-time workers not privy to health-care insurance benefits.

More recently, manufacturers' sales representatives have begun a national campaign to try to change Wal-Mart's relatively new policy of dealing only with most vendors' top officials, bypassing the sales representatives.

Walton's retailing success in Oklahoma, Missouri, Kansas and Arkansas drew him into other ventures.

Walton entered banking in 1961 when he bought, with a loan co-signed with his wife, Helen, the Bank of Bentonville for \$350,000.

The Bank of Bentonville is now the flagship bank for the Walton bank holding company, Arvest Bank Group, which has 10 banks stretching from Fayetteville to Bella Vista.

Arvest also has a half interest in a Norman, Okla., bank and in August 1991 bought State Bank N.A. in Tulsa in an attempt to gain a large business stake in the oil town's economy.

ARVEST BANK GROUP

Arvest Bank Group has assets in excess of \$1 billion, with the Bank of Bentonville holding about \$300 million in assets.

Walton, in 1987 introduced Hypermart, based in Garland, Texas. Hypermart is a gigantic Wal-Mart Discount City store that includes a full-scale grocery.

In the late 1980s and early 1990s, Walton downsized the Hypermart concept into the newest, fastest-growing segment of the company—Supercenters.

There will be six Supercenters in Arkansas by the end of 1992, with Bentonville's showcase store scheduled to open in May.

In 1991, the company expanded into Mexico, opening a Sam's Club version of its store through a partnership with Cifra S.A., Mexico's largest retailer. Also, Wal-Mart is nearing completion of its first non-mainland store in Puerto Rico.

In February, Walton announced that he had signed a deal with Doubleday, a New York publishing house, to write his autobiography with the help of John Huey, senior editor of Fortune magazine.

Walton reportedly received an advance of \$4 million for the rights to his story, which company officials said would be donated to charity.

As for the formula behind Walton's achievements, "There was only one secret for Wal-Mart success, and it wasn't a secret. People just couldn't believe it was so simple," retired Wal-Mart executive Gary Reinboth said. "It was the customer."

"Many times we could have changed our liberal (merchandise) return policy and saved some money," Reinboth said.

"But it didn't pay dividends to take care of a customer by turning him away," he said. "That point was always driven home by Sam. His mind was always working."

Searching and scraping for ideas, Walton was never at a loss for words when rallying his employees.

In a 1982 company publication about his life-threatening illness, Walton told his employees:

"If I'm to have a health problem, I'm really fortunate to have this type of disorder," he wrote.

"I am completely confident, too, that with the right treatment, I'll be able to continue doing things I enjoy most for at least another 20 or 25 years."

"The last thing I need or want would be undue sympathy or undue conversation concerning my health."

TO COMMEMORATE THE 50TH ANNIVERSARY OF THE CORO FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PETERSON] is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased and honored to join with my colleagues here today to commemorate the 50th anniversary of the Coro Foundation for Public Affairs. As my predecessors have indicated, Coro had its beginning in 1942 in San Francisco, CA. Since then Coro has opened additional training centers in Los Angeles, New York, Kansas City, and in 1973, a center to serve the Midwest in St. Louis, MI.

The St. Louis center is, in every sense of the word, a midwestern center. Its graduates hail from a number of States surrounding Missouri, including Illinois, Texas, Oklahoma, and my home State, Minnesota. Coro Midwest makes an active effort to recruit young people from Minnesota in order to add diversity of experience and perspective to their classes of trainees.

The Coro Fellows in the St. Louis center use the entire Midwest as their training campus. For example, in 1987, the St. Louis class of fellows traveled to St. Paul, MN, to study State government there. I am proud to say that my home State was selected for study because of its fine reputation for honest politics, progressive approach to public policy, and fine quality of life enjoyed by the citizens of Minnesota.

The Coro Foundation in the last 50 years has trained thousands of people in public affairs. A number of these graduates have gone on to distinguished careers, including the Cabinet, media, the foreign service, and the non-profit sector. I am confident that our country has benefited in many unrecognized ways from the contributions of Coro graduates. I send my heartiest congratulations to the Coro Foundation on this, their 50th anniversary, and I extend my sincerest wishes for another 50 successful years.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992-96

(Mr. PANETTA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the fifth report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report 102-69, the conference re-

port to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, April 8, 1992.

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

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) alloca-

tion of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102-69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 121

REFLECTING COMPLETED ACTION AS OF APR. 7, 1992
(On-budget amounts, in millions of dollars)

	Fiscal year 1992	Fiscal years 1992-96
Appropriate level:		
Budget authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current level:		
Budget authority	1,277,082	(¹)
Outlays	1,207,718	(¹)
Revenues	853,364	4,829,000
Current level over (+)/under (-) appropriate level:		
Budget authority	+7,782	(¹)
Outlays	+6,119	(¹)
Revenues	+2,964	-3,000

¹ Not applicable because annual Appropriations acts for those years have not been enacted.

DIRECT SPENDING LEGISLATION

(Fiscal years, in million of dollars)

House committee:	1992		New entitlement authority	1992-96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
Agriculture:						
Appropriate level	0	0	0	3,720	3,540	4,716
Current level	-2	-2	-1	-1	-1	(¹)
Difference	-2	-2	-1	-3,719	-3,539	-4,716
Armed Services:						
Appropriate level	0	0	0	0	0	0
Current level	0	-7	-7	0	-83	-83
Difference		-7	-7		-83	-83
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	28	28	0	177	177	0
Difference	+28	+28		+177	+177	0
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Education and Labor:						
Appropriate level	0	0	56	0	0	20,153
Current level	0	0	0	0	4	0
Difference	0	0	-56	0	+4	-20,153
Energy and Commerce:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	-2	-2	0	5	5	0
Difference	-2	-2		+5	+5	
Judiciary:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	16	16	16
Difference				+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	(¹)	0	0	(¹)
Difference			(¹)			(¹)
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Public Works and Transportation:						
Appropriate level	16,358	0	0	117,799	0	0
Current level	18,514	0	0	113,048	0	0
Difference	+2,156	0	0	-4,751	0	0
Science Space, and Technology:						
Appropriate level	0	0	0	0	0	0

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1992 that is not included in the current level estimate for that year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121, to be exceeded.

OUTLAYS

Any measure that 1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and 2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121, to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds \$2,964 million for fiscal year 1992, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION—Continued
[Fiscal years, in million of dollars]

	1992		New entitlement authority	1992-96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
Current level	0	0	0	0	0	0
Difference						
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Veterans' Affairs:						
Appropriate level	0	0	484	0	0	6,811
Current level	0	5	378	0	19	2,182
Difference	0	+5	-106	0	+19	-4,629
Ways and Means:						
Appropriate level	0	0	0	0	0	620
Current level	7,036	7,036	8,036	7,458	7,458	9,098
Difference	+7,036	+7,036	+8,036	+7,458	+7,458	+8,478
Permanent Select Committee on Intelligence:						
Appropriate level	0	0	0	0	0	0
Current level	(1)	(1)	(1)	(1)	(1)	(1)
Difference	(1)	(1)	(1)	(1)	(1)	(1)

¹ Less than \$500,000.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1992
[In millions of dollars]

	Revised 602(b) subdivisions		Latest current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Commerce-Justice-State-Judiciary	21,070	20,714	21,029	20,708	-41	-6
Defense	270,244	275,222	269,860	275,038	-384	-184
District of Columbia	700	690	700	690	0	0
Energy and water development	21,875	20,770	21,875	20,770	0	-50
Foreign operations	15,285	13,556	14,448	13,470	-837	-86
Interior	13,102	12,950	13,105	12,198	3	148
Labor, Health and Human Services, and Education	59,087	57,797	59,096	57,843	9	46
Legislative	2,344	2,317	2,343	2,310	-1	-7
Military construction	8,564	8,482	8,563	8,433	-1	-49
Rural development, agriculture, and related agencies	12,299	11,226	12,299	11,223	0	-3
Transportation	13,765	31,800	13,762	31,799	-3	-1
Treasury-Postal Service	10,825	11,120	10,824	11,119	-1	-1
VA-HUD-Independent Agencies	63,953	61,714	63,942	61,711	-11	-3
Grand total	513,113	527,458	511,846	527,262	-1,267	-196

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 8, 1992.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H. Con. Res. 121). This report is tabulated as of close of business April 7, 1992 and is summarized as follows:

[In million of dollars]

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/- resolution
Budget authority	1,277,082	1,269,300	+7,782
Outlays	1,207,718	1,201,600	+6,119
Revenues:			
1992	853,364	850,400	+2,964
1992-96	4,829,000	4,832,000	-3,000

Since my last report, dated March 11, 1992, the Congress has cleared and the President has signed the Technical Correction to the Food Stamp Act (P.L. 102-265) and the joint resolution making further continuing appropriations for fiscal year 1992 (P.L. 102-266), changing the current level estimates of budget authority and outlays. P.L. 102-266 provides full year funding for foreign aid programs previously funded in P.L. 102-145 that expired March 31, 1992 and emergency fund-

ing for the Small Business Administration disaster loans program.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 102D CONG., 2D SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS APR. 7, 1992

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			\$853,364
Permanents and other spending legislation	\$807,617	\$727,237	
Appropriation legislation	686,331	703,643	
Mandatory adjustments ¹	(1,208)	950	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102-244)	2,706	2,706	
American technology preeminence (Public Law 102-245)			(²)
Further continuing appropriations, 1992 (Public Law 102-266) ²	14,178	5,724	
Total enacted this session	16,884	8,430	
MANDATORY ADJUSTMENTS¹			
Technical correction to the Food Stamp Act (Public Law 102-265)	(³)	(³)	
Total current level	1,277,082	1,207,719	853,364
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution	7,782	6,119	2,964
Under budget resolution			

¹ Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H. Con. Res. 121).

² In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102-266 does not include \$107 million in budget authority and \$28 million in outlays in emergency funding for SBA disaster loans.

³ Less than \$500,000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3297. A letter from the Assistant Secretary for Health (HHS), and the Acting Assistant Secretary for Science and Education, Department of Agriculture, transmitting the eighth progress report on the Human Nutrition Research and Information Management System; to the Committee on Agriculture.

3298. A letter from the Deputy Assistant Secretary, Department of Air Force, transmitting notification that a study has been conducted with respect to converting the custodial services function at USAF Academy, CO, and a decision has been made that performance under contract is the most cost-effective method, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

3299. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1992, pursuant to 2 U.S.C. 685(e); to the Committee on Appropriations and ordered to be printed.

3300. A letter from the Assistant Secretary for Acquisition, Department of the Air Force, transmitting notification of the plan to study the conversion to contractor performance the Air Training Command's base operation support function at Laughlin Air Force Base, TX, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

3301. A letter from the Director, Defense Security Assistance Agency, transmitting

the Department of the Army's proposed lease of defense articles to Colombia (Transmittal No. 11-92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3302. A letter from the President, Overseas Private Investment Corporation, transmitting the OPIC's management report; a report on U.S. effects of fiscal year 1991 projects; a report on enhancing private political risk insurance industry; and a report on internal control structure and compliance with laws and regulations, pursuant to Public Law 101-576, section 306(a); 22 U.S.C. 2200a FAA 240A; 31 U.S.C. 3512(c)(3); to the Committee on Foreign Affairs.

3303. A letter from the Manager, Federal Crop Insurance Corporation, transmitting the FCIC's management report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee of Government Operations.

3304. A letter from the Chairman, Federal Election Commission, transmitting 39 recommendations for legislative action, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

3305. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to adopt distinctive counterfeit deterrents for exclusive use in the manufacture of U.S. securities and obligations, to clarify existing authority to combat counterfeiting, and for other purposes; to the Committee on the Judiciary.

3306. A communication from the President of the United States, transmitting the administration's report on Soviet noncompliance with arms control agreements, pursuant to 22 U.S.C. 2592a; jointly, to the Committees on Armed Services and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under Clause 2 of XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GAYDOS: Committee on House Administration. House Resolution 429. Resolution providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by the standing and select committees of the House from May 1, 1992, through May 31, 1992 (Rept. 102-491). Referred to the House Calendar.

Mr. LAFALCE: Committee on Small Business. H.R. 4111. A bill to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes; with an amendment (Rept. 102-492). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H. Con. Res. 303. Resolution authorizing the presentation of a program on the Capitol grounds in connection with National Physical Fitness and Sports Month (Rept. 102-493). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4572. A bill to direct the Secretary of Health and Human Services to waive certain requirements under the medicare program during 1992 and 1993 for health maintenance organizations operated by the Dayton Area Health Plan in Dayton, Ohio; with amendments (Rept. 102-494). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4156.

A bill to authorize appropriations for fiscal year 1993 for the Federal Maritime Commission, and for other purposes; with an amendment (Rept. 102-495). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GRAZA: Committee on Agriculture. H.R. 4774. A bill to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries. (Rept. 102-496). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. H.R. 432. Resolution providing for the consideration of H.R. 4364, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and inspector general, and for other purposes. (Rept. 102-497). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UPTON (for himself and Mr. WOLPE):

H.R. 4839. A bill to amend the Foreign Assistance Act of 1961 to establish an American Products for International Consumption and Services Program; to the Committee on Foreign Affairs.

By Mr. COMBEST (for himself, Mr. ROBERTS, Mr. Herger, Mr. Boehner, Mr. EMERSON, Mr. JOHNSON of South Dakota, Mr. SARPALIUS, Mr. HOPKINS, Mr. MARLENEE, Mr. STENHOLM, and Mr. BARRETT):

H.R. 4840. A bill to ensure equal treatment for playa lakes, prairie potholes, vernal pools, pocosins, and other special wetlands under Federal wetland delineation criteria; jointly, to the Committee on Merchant Marine and Fisheries, Public Works and Transportation, and Agriculture.

By Mr. SWETT (for himself, Mr. ANDREWS of Maine, Ms. SNOWE, and Mr. ZELIFF):

H.R. 4841. A bill granting the consent of the congress to the New Hampshire-Maine Interstate School Compact; to the Committee on the Judiciary.

By Mr. SWIFT (for himself and Mr. DICKS):

H.R. 4842. A bill to authorize the release of restrictions and a reversionary interest in certain lands in Clallam County, WA; to the Committee on Interior and Insular Affairs.

By Mr. MAZZOLI (for himself, Mr. POSHARD, Mr. ATKINS, Mr. JACOBS, and Mr. SYNAR):

H.R. 4843. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in elections for Federal office and to reduce the limitation on contributions to candidates by persons other than multicandidate political committees; to the Committee on House Administration.

By Mr. SWIFT (for himself, Mr. DICKS, Mr. MCDERMOTT, Mr. MILLER of Washington, Mr. MORRISON, Mrs. UNSOELD, and Mr. CHANDLER):

H.R. 4844. A bill to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington; jointly, to the Committee on Merchant Ma-

rine and Fisheries, Interior and Insular Affairs, and Energy and Commerce.

By Mr. PANETTA (for himself, Mr. STARK, Mr. DEFAZIO, Ms. PELOSI, Mr. AUCOIN, Mr. KOPETSKI, Mr. RIGGS, Mr. MINETA, Mr. DELLUMS, Mrs. BOXER, Mr. LANTOS, Mr. MILLER of California, Mr. DICKS, Mr. WYDEN, and Mrs. UNSOELD).

H.R. 4845. A bill to provide disaster assistance to ocean and river commercial salmon fishing operations in the western United States adversely affected by the ban or restriction imposed by the United States on the harvest of Pacific Ocean salmon; to the Committee on Merchant Marine and Fisheries.

By Mr. WYDEN:

H.R. 4846. A bill to provide for the education and training of health professions students with respect to the identification and treatment of medical conditions arising from domestic violence; to the Committee on Energy and Commerce.

By Mr. MICHEL:

H.R. 4847. A bill to provide greater accountability in government by bringing Congress within the scope of certain laws presently covering the private sector, the executive branch, or both; jointly, to the Committees on House Administration, Education and Labor, the Judiciary, Post Office and Civil Service, and Government Operations.

By Mr. WAXMAN (for himself and Mr. GEPHARDT):

H.R. 4848. A bill to amend the Social Security Act to assure universal access to long-term care in the United States, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ALLEN (for himself, Mr. YOUNG of Alaska, and Mr. MARLENEE):

H.R. 4849. A bill to amend the Historic Preservation Act; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY:

H.R. 4850. A bill to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FAWELL (for himself and Mr. PENNY) (both by request):

H.R. 4851. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

By Mr. FAWELL (for himself and Mr. PENNY) (both by request):

H.R. 4852. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4853. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4854. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4855. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4856. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4857. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4858. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4859. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4860. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4861. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4862. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4863. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4864. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4865. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4866. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4867. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4868. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4869. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4870. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4871. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4872. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4873. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4874. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4875. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4876. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4877. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4878. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

By Mr. ARCHER (for himself, Mr. GUARINI, Mr. JENKINS, and Mr. SUNDQUIST):

H.R. 4879. A bill to suspend temporarily the duty on 5-(N,N-dibenzylglycyl)-salicylamide; 2-(N-benzyl-N-tert-butylamino)-4'-hydroxy-3'-hydromethylacetophenone hydrochloride; Flutamide; and Loratadine; to the Committee on Ways and Means.

By Mr. BENNETT (for himself and Mr. SPENCE) (both by request):

H.R. 4880. A bill to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile; to the Committee on Armed Services.

By Mrs. BOXER:

H.R. 4881. A bill to provide increased flexibility to States in carrying out certain highway and transportation projects; to the Committee on Public Works and Transportation.

By Mr. BROWN (for himself, Mr. TRAXLER, Mr. ROYBAL, Mr. EVANS, Mr. HENRY, Mr. WOLPE, Mrs. LLOYD, and Mr. BRUCE):

H.R. 4882. A bill to provide for the multilateral negotiation of Western Hemisphere environmental, labor, and agricultural standards, to implement as United States negotiating objectives in any free trade area negotiations pursuant to the Enterprise for the Americas Initiative certain threshold protections regarding worker rights, agricultural standards, and environmental quality, and to implement a corresponding, comprehensive multilateral dispute resolution mechanism to investigate, adjudicate, and render binding, enforceable judgments against any unfair trade practices arising within the Western Hemisphere free trade area, including those involving the systematic denial or practical negation of certain threshold protections of worker rights, agricultural standards, and environmental quality; to the Committee on Ways and Means.

H.R. 4883. A bill to provide for the trilateral negotiation of North American environmental, labor, and agricultural standards, to implement as United States negotiating objectives in the North American free trade area negotiations certain threshold protections regarding worker rights, agricultural standards, and environmental quality, and to implement a corresponding, comprehensive trinational dispute resolution mechanism to investigate, adjudicate, and render binding, enforceable judgments against any unfair trade practices arising within the North American free trade area, including those involving the systematic denial or practical negation of certain threshold protections of worker rights, agricultural standards, and environmental quality; to the Committee on Ways and Means.

By Mr. BRYANT (for himself and Mr. SCHUMER):

H.R. 4884. A bill to enhance the competition in the soft drink industry by improving the application of the antitrust laws to soft drink piggyback license arrangements for a temporary period of time; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.R. 4885. A bill to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Under Secretary of Commerce for Oceans and Atmosphere to conduct a pilot program for the deposit of authorized waste on the deep seabed; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. CALLAHAN:

H.R. 4886. A bill to suspend until January 1, 1995, the duty of certain chemicals; to the Committee on Ways and Means.

H.R. 4887. A bill to suspend until January 1, 1995, the duty on 2-(2H-benzotriazol-2-yl)-6-dodecyl-4-methylphenol, branched and linear; to the Committee on Ways and Means.

By Mr. CAMPBELL of Colorado (for himself and Mr. McGRATH):

H.R. 4888. A bill to suspend for a 3-year period the duty on continuous oxidized polyacrylonitrile fiber tow; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 4889. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for health insurance coverage for workers and the public in a manner that contains the costs of health care in the United States; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. CARPER:

H.R. 4890. A bill to suspend until January 1, 1995, the duty on Thallium 203; to the Committee on Ways and Means.

H.R. 4891. A bill to suspend until January 1, 1995, the duty on Zinc-68; to the Committee on Ways and Means.

H.R. 4892. A bill to suspend until January 1, 1995, the duty on Nickel-58; to the Committee on Ways and Means.

By Mr. CHANDLER:

H.R. 4893. A bill to require reauthorization of budget authority for Government programs at least every 5 years, to provide for review of Government programs at least every 5 years, and for other purposes; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

H.R. 4894. A bill to provide that the Congress shall be covered by certain employment and civil rights laws, and for other purposes; jointly, to the Committees on House Administration, Education and Labor, Ways and Means, Government Operations, and the Judiciary.

By Mr. CHANDLER (for himself, Mr. WYDEN, Mr. IRELAND, Mr. MORRISON, Mr. GUNDERSON, Mr. SISISKY, Mrs. UNSOELD, Mr. MILLER of Washington, and Mr. SENSENBRENNER):

H.R. 4895. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

By Mr. CLAY (for himself, Mr. BLILEY, Mr. BOUCHER, Mr. CARR, Mr. COBLE, Mr. COUGHLIN, Mr. GALLO, Mr. MCCOLLUM, Mr. SCHIFF, Mr. SMITH of Texas, and Mr. SYNAR):

H.R. 4896. A bill to extend the patent term of certain products; to the Committee on the Judiciary.

By Mr. CUNNINGHAM (for himself and Mr. HALL of Texas):

H.R. 4897. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to deny grant funds to States unless law enforcement officers are permitted to carry concealed firearms; to the Committee on the Judiciary.

By Mr. DAVIS:

H.R. 4898. A bill to amend title II of the Social Security Act to permit the State of Michigan to obtain social security coverage for State and local policemen and firemen under its State agreement entered into pursuant to section 218 of such act; to the Committee on Ways and Means.

By Mr. DE LA GARZA (for himself, Mr. MILLER of California, Mr. JONES of North Carolina, Mr. VENTO, Mr. VOLKMER, and Mr. STUDDS):

H.R. 4899. A bill to establish an Old-Growth Forest Reserve, and for other purpose; joint-

ly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. DINGELL:

H.R. 4900. A bill to ensure the financial soundness and solvency of insurers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DE LUGO:

H.R. 4901. A bill to amend the Revised Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mr. DORGAN of North Dakota:

H.R. 4902. A bill to amend the Internal Revenue Code of 1986 to provide a temporary investment tax credit for new property that is an integral part of manufacturing, production, or extraction; to the Committee on Ways and Means.

By Mr. DREIER of California:

H.R. 4903. A bill to amend the Small Business Act to eliminate a restriction on the maximum term of disaster loans available to businesses able to obtain credit elsewhere; to the Committee on Small Business.

By Mr. DUNCAN:

H.R. 4904. A bill to suspend until January 1, 1997 the duty on certain bicycle parts to the Committee on Ways and Means.

By Mr. ECKART:

H.R. 4905. A bill to amend the Solid Waste Disposal Act to regulate the disposal of waste associated with the exploration, development, and production of crude oil and natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH (for himself and Mr. PENNY):

H.R. 4906. A bill to amend the Consolidated Farm and Rural Development Act to establish a program to aid beginning farmers and ranchers and to improve the operation of the Farmers Home Administration, and to amend the Farm Credit Act of 1971 and for other purposes; to the Committee on Agriculture.

By Mr. FAZIO:

H.R. 4907. A bill to provide for assistance to customers of the Western Area Power Administration for the design and development of cost-effective renewable energy projects, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FIELDS (for himself, Mr. TAUZIN, Mr. DAVIS, Mr. LENT, and Ms. SNOWE):

H.R. 4908. A bill to amend title 46 United States Code, to prohibit the establishment and collection of any fee or charge for the issuance of certain entry level merchant seaman licenses and merchant mariners' documents, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FISH:

H.R. 4909. A bill to amend chapter 11 of title 38, United States Code, to provide that veterans who are former prisoners of war shall be deemed to have a service-connected disability rated as total for the purposes of determining the benefits due to such veterans; to the Committee on Veterans' Affairs.

H.R. 4910. A bill to delay the effective date of the provisions of the Capitol Police Retirement Act which relate to mandatory retirement; to the Committee on House Administration.

H.R. 4911. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for depreciation of new domestically manufactured automobiles used for personal purposes; to the Committee on Ways and Means.

By Mr. GEREN of Texas (for himself and Mr. CRAMER):

H.R. 4912. A bill to amend title 28, United States Code, to remove from the district

courts jurisdiction over actions to determine questions regarding inmate capacity at State penal and correctional institutions; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Mr. CRANE) (both by request):

H.R. 4913. A bill to amend the Harmonized Tariff Schedule of the United States provisions implementing annex D of the Nairobi protocol to the Florence agreement on the importation of education, scientific, and cultural materials, and for other purposes; to the Committee on Ways and Means.

By Mr. HENRY:

H.R. 4914. A bill to establish a manufacturing alliance program within the Technology Administration of the Department of Commerce to assist small manufacturers in research and development, technology transfer, and worker training; jointly, to the Committees on Science, Space, and Technology and Education and Labor.

By Mr. HOLLOWAY:

H.R. 4915. A bill to suspend until January 1, 1995, the duty on isphytol; to the Committee on Ways and Means.

H.R. 4916. A bill to suspend until January 1, 1995, the duty of riboflavin; to the Committee on Ways and Means.

H.R. 4917. A bill to suspend until January 1, 1995, the duty on trimethylhydroquinone; to the Committee on Ways and Means.

By Ms. HORN (for herself, Mr. KASTMAYER, Mr. BUSTAMANTE, Mrs. LLOYD, Mr. OLVER, and Mr. WYDEN):

H.R. 4918. A bill to authorize appropriations to the Secretary of Defense to provide financial assistance for manufacturing extension programs and critical technology application centers; to the Committee on Armed Services.

By Mr. HUGHES (for himself, Mr. BOEHLERT, Mr. WASHINGTON, Mr. LEVIN of Michigan, Mr. ROYBAL, Mr. DOWNEY, Mrs. LLOYD, Mr. LEWIS of Georgia, Mr. STUDDS, Mr. PENNY, Mr. LIPINSKI, Mr. JONTZ, and Ms. PELOSI):

H.R. 4919. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify and improve the applicability of such title to multiple employer welfare arrangements and employee leasing welfare arrangements and to provide for more effective State regulation thereof; jointly, to the Committees on Education and Labor and Rules.

By Mr. HYDE (for himself, Mr. HORTON, Mr. JEFFERSON, Ms. MOLINARI, Mr. EMERSON, Mr. FROST, Mr. MILLER of Ohio, Mr. PETRI, Mr. FISH, Mr. ECKART, Mr. SMITH of New Jersey, and Mr. DORNAN of California):

H.R. 4920. A bill to amend title II of the Social Security Act to disregard, for purposes of the requirement for recency of work in order to be insured for disability insurance benefits or to qualify for periods of disability, up to 60 calendar quarters for which the worker does not earn a quarter of coverage while caring for a child at home; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 4921. A bill to suspend for a 2-year period the duty on Malathion; to the Committee on Ways and Means.

H.R. 4922. A bill to provide duty-free entry privileges to participants in, and other individuals associated with, the XXVI Summer Olympiad in Atlanta, GA, and for other purposes; to the Committee on Ways and Means.

H.R. 4923. A bill to extend the temporary suspension of the duty on nitro sulfon B; to the Committee on Ways and Means.

By Mr. JONTZ (for himself, Mr. EVANS, Mr. POSHARD, Ms. KAPTUR, Mr. LIPIN-

SKI, Mr. OWENS of New York, and Mr. LEVINE of California):

H.R. 4924. A bill to reform the operations and structure of the Resolution Trust Corporation to serve the real economy of the country, provide accountability to the taxpayers and consumers, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mrs. KENNELLY:

H.R. 4925. A bill to extend January 1, 1995, the existing suspension of duty on wicker products; to the Committee on Ways and Means.

H.R. 4926. A bill to suspend until January 1, 1995, the duty on certain glass articles; to the Committee on Ways and Means.

H.R. 4927. A bill to establish economic conversion programs in the Department of Defense to assist communities, businesses, and workers adversely affected by reductions in defense contracts and spending and closures of military installations; jointly, to the Committees on Armed Services, Ways and Means, Education and Labor, and Banking, Finance and Urban Affairs.

By Mr. KOLBE (for himself, Mr. LEWIS of California, Mr. SKEEN, and Mr. SMITH of Texas):

H.R. 4928. A bill to establish a bilateral United States-Mexico Commission to study issues of economic development and infrastructure along the border between the United States and Mexico; to the Committee on Foreign Affairs.

By Mr. KOLBE:

H.R. 4929. A bill to provide incentives for certain voluntarily separated military personnel to become elementary and secondary school teachers; jointly, to the Committees on Armed Services and Education and Labor.

H.R. 4930. A bill to provide for forfeiture of property involved in the commission of Federal health care offenses and to establish the Health Care Fraud Forfeiture Fund in the Treasury; to the Committee on the Judiciary.

By Mr. LEACH:

H.R. 4931. A bill to provide for an extended deadline for passage of a referendum to approve the establishment of the Quad Cities Interstate Authority; to the Committee on the Judiciary.

By Mr. LEHMAN of Florida (for himself and Mr. SHAW):

H.R. 4932. A bill to correct the tariff treatment of certain articles covered by the Nairobi protocol; to the Committee on Ways and Means.

By Mr. LOWERY of California:

H.R. 4933. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for reform, greater accountability and honesty in the budget process, and for other purposes; jointly, to the Committees on Government Operations, Rules, Appropriations, and Ways and Means.

H.R. 4934. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by providing for reform of campaign finance laws and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Energy and Commerce.

By Mr. MACHTLEY:

H.R. 4935. A bill to amend title 10, United States Code, to establish in the Office of the Secretary of Defense the position of Assistant Secretary of Defense for Drug Enforcement Policy; to the Committee on Armed Services.

By Mr. MARKEY:

H.R. 4936. A bill to suspend until January 1, 1995, the duty on Neurolyte (complete dos-

age kits) and Bicisate Dihydrochloride 0.9 mg (ECE=2HCl); to the Committee on Ways and Means.

H.R. 4937. A bill to suspend until January 1, 1995, the duty on Cardiolite (complete dosage kits) and Tetrakis (1-isonitrilo-2-methoxy-2-methylpropane) Cu (I) tetrafluoroborate (1 mg); to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. RINALDO) (both by request):

H.R. 4938. A bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act and through business development companies; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY:

H.R. 4939. A bill to correct the tariff treatment of certain gauze laparotomy pads and sponges; to the Committee on Ways and Means.

By Mr. NAGLE:

H.R. 4940. A bill to suspend until January 1, 1995, the duty on sulfapyridine; to the Committee on Ways and Means.

H.R. 4941. A bill to make improvements in the operation of the Generalized System of Preferences under title V of the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 4942. A bill to amend section 212 of the HOME Investment Partnerships Act to authorize participating jurisdictions to use assistance under such act for administrative costs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. OWENS of New York:

H.R. 4943. A bill to reduce the cost of operating the military service academies, to establish a program of college scholarships to assist the education of students in exchange for services in the Federal Government, and to increase Montgomery GI bill benefits; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. PAXON (for himself, Mr. CUNNINGHAM, and Mr. DANNEMEYER):

H.R. 4944. A bill to amend the Congressional Budget Act of 1974 to require that the Congressional Budget Office prepare an analysis of the job loss or gain that would result from each reported bill; to the Committee on Rules.

By Mr. PAYNE of New Jersey:

H.R. 4945. A bill to reduce until January 1, 1995, the duty on succinic anhydride; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 4946. A bill to suspend until January 1, 1995, the duty on Tacrolimus (FK506); to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 4947. A bill to amend chapter 15 of the National Security Act of 1947 to promote the transfer of technology to U.S. industries for the national welfare; jointly, to the Committees on Banking, Finance and Urban Affairs, Science, Space, and Technology, and Armed Services.

By Mr. RHODES:

H.R. 4948. A bill to amend the act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698), to authorize certain uses of water by the Ak-Chin Indian Community, AZ; to the Committee on Interior and Insular Affairs.

By Mr. RICHARDSON:

H.R. 4949. A bill to amend the Solid Waste Disposal Act to provide for the phaseout of toxic persistent and bioaccumulative sub-

stances, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. ROUKEMA (for herself and Mr. VOLKMER):

H.R. 4950. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 4951. A bill to suspend until January 1, 1995, the duty on Calan IR and Calan SR; to the Committee on Ways and Means.

H.R. 4952. A bill to suspend until January 1, 1995, the duty on TFA and DM-8; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. CAMPBELL of Colorado, Mr. SKAGGS, Mr. HEFLEY, and Mr. HAMILTON):

H.R. 4953. A bill to amend the base closure laws to improve the provision of adjustment assistance to employees of the Department of Defense adversely affected by the closure or realignment of a military installation; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. SCHUMER:

H.R. 4954. A bill to prohibit the receipt of advance fees by unregulated loan brokers; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. SKELTON:

H.R. 4955. A bill to amend titles 10 and 37, United States Code, to authorize service by a member of the Senior Reserve Officer Training Corps Program on active duty other than for training while concurrently an enlisted member of the Selected Reserve to be credited in computing length of service as a member of the Armed Forces for basic pay and other purposes; to the Committee on Armed Services.

By Mr. STARK:

H.R. 4956. A bill to provide for administrative simplification in the administration of health care services in the United States; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STEARNS:

H.R. 4957. A bill to amend title II of the Social Security Act to exclude from amounts treated as wages to applying the earnings test remuneration for teaching in public elementary or secondary schools; to the Committee on Ways and Means.

By Mr. STUDDS:

H.R. 4958. A bill to promote the conservation of exotic wild birds; jointly to the Committees on Ways and Means, the Judiciary, and Merchant Marine and Fisheries.

By Mr. STUDDS (for himself and Mr. WAXMAN):

H.R. 4959. A bill to revise the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS of California:

H.R. 4960. A bill to amend the Internal Revenue Code of 1986 to reduce compliance costs and administrative burdens in connection with foreign taxes, and for other purposes; to the Committee on Ways and Means.

H.R. 4961. A bill to remove the restrictions on the export of Alaskan North Slope oil; jointly, to the Committees on Foreign Affairs Energy and Commerce, and Interior and Insular Affairs.

By Mr. TOWNS (for himself, Mr. COYNE, Ms. OAKAR, and Mr. WEBER):

H.R. 4962. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage

areas, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TOWNS (for himself, Mr. COYNE, Mr. AUCOIN, Ms. OAKAR, and Mr. WEBER):

H.R. 4963. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GREEN of New York:

H.R. 4964. A bill to reduce temporarily the duty on certain food coloring solutions; to the Committee on Ways and Means.

By Ms. WATERS (for herself and Mr. COLEMAN of Texas):

H.R. 4965. A bill to amend title 10, United States Code, to provide that enlisted members of the Armed Forces who have completed 18, but less than 20, years of active duty shall be treated in the same manner as officers with respect to retention on active duty until becoming eligible for retired pay; to the Committee on Armed Services.

H.R. 4966. A bill to amend title 10, United States Code, to provide that reductions in military retired pay for purposes of the Supplemental Survivor Benefit Plan under subchapter III of chapter 73 of that title shall be computed based upon the same methodology as applies to reductions in retired pay under the Survivor Benefit Plan for spouse coverage; to the Committee on Armed Services.

H.R. 4967. A bill to restore reductions in veterans' benefits made by the Omnibus Budget Reconciliation Act of 1990; to the Committee on Veterans' Affairs.

H.R. 4968. A bill to provide a minimum survivor annuity for the unremarried surviving spouses of retired members of the Armed Forces who died before March 21, 1974; to the Committee on Armed Services.

H.R. 4969. A bill to provide a 10-percent increase in the retired pay of members of the Armed Forces whose retired pay is based on rates of basic pay in effect before October 1, 1963, and in the annuities of their surviving spouses; to the Committee on Armed Services.

By Mr. WILLIAMS (for himself, Mr. MARLENEE, Mr. OWENS of Utah, Mr. YOUNG of Alaska, Mr. LEHMAN of California, Mr. CAMPBELL of Colorado, Mr. RICHARDSON, Mr. RAHALL, Mr. MURPHY, Mr. OBERSTAR, Mr. AL-LARD, Mr. SKEEN, Mr. FALCOMAVAEAGA, Mr. JOHNSON of South Dakota, Mr. LAROCCO, Mr. DE LUGO, Mr. DOOLEY, Mr. HANSEN, Mrs. VUCANOVICH, Mr. RHODES, Mr. THOMAS of Wyoming, Mr. HEFLEY, Mr. ORTON, Mr. CHANDLER, Mr. KOPETSKI, Mr. SWETT, Mr. BILBRAY, Mr. MORRISON, Mrs. UNSOELD, Mr. DE FAZIO, Mr. CONDIT, Mrs. SCHROEDER, Mr. DICKS, Mr. SCHAEFER, Mr. SCHIFF, Mr. DOOLITTLE, Mr. HERGER, Mr. LEWIS of California, Mr. THOMAS of California, Mr. ZELIFF, Mr. STUMP, Mr. DE FAZIO, Mr. STALLINGS, Mr. SWIFT, and Mr. SKAGGS):

H.R. 4970. A bill to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands; jointly, to the Committee on Interior and Insular Affairs and Agriculture.

By Mr. WILLIAMS (for himself, Mr. MARLENEE, Mr. OWENS of Utah, Mr.

YOUNG of Alaska, Mr. LEHMAN of Florida, Mr. CAMPBELL of Colorado, Mr. RICHARDSON, Mr. DE FAZIO, Mr. STALLINGS, Mr. SKAGGS, Mr. RAHALL, Mr. MURPHY, Mr. OBERSTAR, Mr. ALLARD, Mr. SKEEN, Mr. FALCOMA, Mr. JOHNSON of South Dakota, Mr. LAROCCO, Mr. DE LUGO, Mr. DOOLEY, Mr. HANSEN, Mrs. VUCANOVICH, Mr. RHODES, Mr. THOMAS of Wyoming, Mr. HEFLEY, Mr. ORTON, Mr. CHANDLER, Mr. KOPETSKI, Mr. SWETT, Mr. BILBRAY, Mr. MORRISON, Mrs. UNSOELD, Mr. FAZIO, Mr. CONDIT, Mrs. SCHROEDER, Mr. DICKS, Mr. SCHAEFER, Mr. SCHIFF, Mr. DOOLITTLE, Mr. HERGER, Mr. LEWIS of California, Mr. THOMAS of California, Mr. ZELIFF, and Mr. STUMP:

H.R. 4971. A bill to clarify authorities of the Secretary of Agriculture in considering and issuing certain special use permits on National Forest System lands; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. ANDREWS of Maine:

H.R. 4972. A bill to amend title 5, United States Code, to limit the time within which the Office of Special Counsel must determine whether or not reasonable grounds exist to support an allegation that a prohibited personnel practice has occurred, exists, or is to be taken, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BAKER (for himself and Mr. NEAL of North Carolina):

H.R. 4973. A bill to modernize the Federal Home Loan Bank System to meet the needs of a changing housing finance industry, and to enhance the safety, soundness, and future of the Federal Home Loan Bank System; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BLAZ (for himself, Mr. MONTGOMERY, Mr. PICKETT, Mr. STUMP, Mr. BREWSTER, Mr. YOUNG of Alaska, Mr. KENNEDY, and Mr. LAGOMARSINO):

H.R. 4974. A bill to provide for additional development at War in the Pacific National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GILCREST (for himself, Mr. ZIMMER, Mr. RAVENEL, Mrs. MORELLA, Mrs. JOHNSON of Connecticut, and Mr. RHODES):

H.R. 4975. A bill to provide for a moratorium on the construction of incinerators in the United States for the chemical munitions demilitarization of the Army until the Secretary of the Army certifies to Congress that the incineration disposal process to be used in the program is the safest means available at a reasonable cost; to the Committee on Armed Services.

By Mr. GUNDERSON (for himself and Mr. GOODLING):

H.R. 4976. A bill to improve the transition from school to work and promote youth apprenticeship, and for other purposes; to the Committee on Education and Labor.

By Mr. HUGHES (for himself and Mr. ANDREWS of New Jersey):

H.R. 4977. A bill to prohibit use of appropriated amounts by any Federal agency for services that are not directly related to the official functions of the agency, and for other purposes; jointly, to the Committee on Government Operations and the Judiciary.

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 4978. A bill to amend title 35, United States Code, to harmonize the U.S. patent system with foreign patent systems; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. EVANS, Mr. LIPINSKI, Ms. KAPTUR, Mr. OWENS of New York, and Mr. LEVINE of California):

H.R. 4979. A bill to provide consumers with a stronger voice in the financial services industry and before Government bodies through the establishment of the Financial Consumers Association, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. LAROCCO (for himself, Mr. STALLINGS, Mr. CAMPBELL of Colorado, Mr. LEWIS of Georgia, Mr. MORRISON, Mr. DICKS, Mrs. UNSOELD, Mr. BILBRAY, Mr. DOOLEY, Mr. RAHALL, Mr. ORTON, Mr. RICHARDSON, Mr. SWIFT, Mr. JOHNSON of South Dakota, Mr. ABERCROMBIE, Mr. KOPETSKI, Mr. HERGER, Mr. EDWARDS of Texas, Mr. DOOLITTLE, Mr. MARLENEE, Mr. MILLER of California, Mr. CHANDLER, Mr. COX of Illinois, and Mr. DEFAZIO):

H.R. 4980. A bill to require an annual report from the Secretary of Agriculture evaluating the overall health of trees in the National Forest System and identifying opportunities to salvage dead and dying trees and to provide expedited procedures for conducting salvage sales and reforestation activities that are consistent with land and resource management plans; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. MACHTLEY:

H.R. 4981. A bill to require the Secretary of Defense to establish a Defense Adjustment Institute; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs, and Education and Labor.

By Mr. MAZZOLI:

H.R. 4982. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in elections for Federal office and to reduce the limitation on contributions to candidates by persons other than multicandidates political committees; to the Committee on House Administration.

By Mr. SANTORUM (for himself, Mr. WEBER, Mr. WOLF, Mr. VOLKMER, Mr. DOOLITTLE, Mr. HOLLOWAY, and Mr. KOLTER):

H.R. 4983. A bill to amend the Public Health Service Act to make modifications in the program for adolescent family life demonstration projects; to the Committee on Energy and Commerce.

By Mr. STUDDS (for himself and Ms. PELOSI):

H.R. 4984. A bill to authorize the Administrator to Evaluate the Effectiveness of Advanced, Ecologically Engineered Wastewater Treatment Technology for coastal communities and other locations; to the Committee on Public Works and Transportation.

By Mr. WISE:

H.R. 4985. A bill to provide a separate appropriation for all congressional foreign travel, and for other purposes; jointly, to the Committees on House Administration and Rules.

By Mr. WOLPE (for himself, Mr. RINALDO, Mr. SYNAR, Mr. ECKART, Mr. SIKORSKI, Mr. MARKEY, Mr. WAXMAN, Mr. BILIRAKIS, Mrs. COLLINS of Illinois, Mr. RICHARDSON, Mr. COOPER, Mr. TOWNS, Mr. SCHEUER, Mr. STUDDS, Mr. KOSTMAYER, Mr. BRYANT, Mr. MANTON, Mr. ANDREWS of Maine, Mr. GALLO, Mr. BONIOR, Mr. TRAXLER, Mr. HENRY, Mr. LEWIS of Florida, Mr. ZIMMER, Mr. SABO, Ms.

KAPTUR, Mr. CONDIT, Mr. MORAN, Mr. PEASE, Mr. FRANK of Massachusetts, Mr. FASCELL, Mr. BERMAN, Mr. TORRES, Mr. KILDEE, Mr. WEISS, Mr. DELLUMS, Mr. AUCCOIN, Mr. KENNEDY, Mr. MOODY, Mrs. BOXER, Mr. SKAGGS, Mr. LEVIN of Michigan, Mr. CONYERS, Mr. VENTO, Mr. ANDREWS of New Jersey, Mrs. COLLINS of Michigan, Mr. McDERMOTT, Ms. PELOSI, Mr. PENNY, Ms. NORTON, Mrs. LOWEY of New York, Mr. VALENTINE, Mr. STARK, Ms. MOLINARI, Mr. KOLTER, Mr. SENSENBRENNER, Mr. ENGEL, Mr. COX of Illinois, Mr. FAZIO, Mr. EVANS, Mr. COLEMAN of Texas, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. BROWN, Mr. NEAL of Massachusetts, Mr. ZELIFF, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. McMILLEN of Maryland, Mr. ANDREWS of Texas, Mr. OBEY, Mr. SANDERS, Mrs. MEYERS of Kansas, Mr. ACKERMAN, Mrs. SCHROEDER, Mr. LEHMAN of California, and Mr. JONTZ):

H.R. 4986. A bill to require Federal facilities to comply with the Emergency Planning and Community Right-To-Know Act; to the Committee on Energy and Commerce.

By Mrs. BYRON:

H.J. Res. 468. Joint resolution designating March 20, 1993, as "National Quilting Day"; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. TOWNS, Mr. HEFNER, Mr. ROYBAL, Mr. TALLON, Mr. MATSUI, Mr. ALEXANDER, Ms. LONG, Mr. ESPY, Mr. SCHEUER, Mr. SOLARZ, Mr. FEIGHAN, Mr. CLEMENT, Mr. HOCHBRUECKNER, Mr. BILIRAKIS, Mr. LAFALCE, Ms. OAKAR, Mr. McMILLEN of Maryland, Mr. DWYER of New Jersey, Mr. WOLF, Mr. LEHMAN of Florida, Mr. VALENTINE, Mr. ERDREICH, Ms. NORTON, Mr. GINGRICH, Mr. PAYNE of New Jersey, Mrs. MINK, Mr. WOLPE, Mr. MACHTLEY, Mr. BILBRAY, Mr. HARRIS, Mr. DE LA GARZA, Mr. LANCASTER, Mr. KOPETSKI, Mr. WHEAT, Mr. JONTZ, Mr. WEISS, Mr. HAYES of Illinois, Mr. LAGOMARSINO, Mr. SWETT, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Mr. SPRATT, Mr. EVANS, Mr. TRAXLER, Mr. WALSH, Mr. OWENS of Utah, Mr. CRAMER, Mr. SANDERS, Mrs. BOXER, Mrs. PATTERSON, Mr. LIPINSKI, Mr. JENKINS, and Mr. KLUG):

H.J. Res. 469. Joint resolution to designate the second Sunday in October of 1992 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD:

H.J. Res. 470. Joint resolution to designate the month of September 1992 as "National Spina Bifida Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H.J. Res. 471. Joint resolution designating September 16, 1992, as "National Occupational Therapy Day"; to the Committee on Post Office and Civil Service.

By Mr. DOOLEY:

H.J. Res. 472. Joint resolution proposing an amendment to the Constitution of the United States to grant to the President line-item veto authority; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. ROHRBACHER, and Mr. ABERCROMBIE):

H. Con. Res. 308. Concurrent resolution condemning the involvement of the military regime in Burma, also known as the Union of

Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass transfer of military arms; to the Committee on Foreign Affairs.

By Mr. BUNNING (for himself, Mr. MCCLOSKEY, and Mr. MONTGOMERY):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress that the current Canadian quota regime on chicken imports should be removed as part of the Uruguay round and North American Free-Trade Agreement negotiations and that Canada's imposition of quotas on United States processed chicken violates article XI of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself, Mr. GREEN of New York, Mr. KOSTMAYER, Mr. McMILLEN of Maryland, Mr. RITTER, and Mr. TOWNS):

H. Con. Res. 310. Concurrent resolution to express the sense of the Congress that current natural gas economic or market demand "prorating" policies being considered by several States are contrary to the public interest of the citizens of the United States of America; to the Committee on Energy and Commerce.

By Mr. DOOLITTLE:

H. Res. 430. Resolution requiring an explanation from the chairman and vice chairman of the Ad Hoc Committee Investigating the Post Office of the Committee on House Administration of the allegations regarding disruption of the ongoing investigation; considered and agreed to.

By Mr. RIGGS:

H. Res. 431. Resolution requiring an investigation into the published reports of illegal hiring practices in the House of Representatives; considered and laid on the table.

By Mr. FORD of Michigan:

H. Res. 433. Resolution relating to the consideration of the Senate amendment to H.R. 2967; considered and agreed to.

By Mr. WALKER:

H. Res. 434. Resolution requiring the counsel to the Clerk of the House to recuse himself from any and all legal requests made by the Department of Justice concerning its investigation into the Office of the Postmaster; considered and laid on the table.

By Mr. CAMP (for himself and Mr. UPTON):

H. Res. 435. Resolution amending the Rules of the House to limit the availability of appropriations for salaries and expenses of the House to 1 year and to require certain excess allowance amounts to be returned to the Treasury; to the Committee on Rules.

By Mr. LOWERY of California:

H. Res. 436. Resolution amending the Rules of the House of Representatives to provide for a chief financial officer for the House, a general counsel, an inspector general, enact major reform of House rules, and for other purposes, jointly, to the Committees on Rules, House Administration, Government Operations, and Post Office and Civil Service.

By Mr. ROBERTS:

H. Res. 437. Resolution providing for savings in the operations of the House of Representatives to be achieved by transferring functions to private sector entities and eliminating staff positions; to the Committee on House Administration.

By Mr. JAMES:

H. Res. 438. Resolution creating a bipartisan search committee to recommend to the House an individual to fill the position of Sergeant-at-Arms; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

367. By the SPEAKER: Memorial of the Senate of the Commonwealth of Virginia, relative to POW's and MIA's; jointly, to the Committees on Government Operations and Armed Services.

368. Also, memorial of the Legislature of the State of Florida, relative to H.R. 4066; jointly, to the Committees on Foreign Affairs, Intelligence (Permanent Select), and Ways and Means.

369. Also, memorial of the Legislature of the State of Maine, relative to reinvestment in Hometown America; jointly, to the Committees on Armed Services, Energy and Commerce, Banking, Finance and Urban Affairs, Education and Labor, Public Works, and Transportation, and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILCREST:

H.R. 4987. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. VANDER JAGT:

H.R. 4988. A bill for the relief of A.N. Deringer, Inc.; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. SIKORSKI.
 H.R. 44: Mr. COSTELLO, Mrs. VUCANOVICH, Mrs. MEYERS of Kansas, Mr. LANCASTER, Mrs. MORELLA, Mr. HALL of Texas, Mr. HATCHER, and Mr. SANTORUM.
 H.R. 520: Mr. MORAN.
 H.R. 617: Mr. ERDREICH.
 H.R. 700: Mr. GALLO.
 H.R. 840: Mr. FAZIO.
 H.R. 911: Mr. NEAL of North Carolina.
 H.R. 1063: Mrs. BOXER.
 H.R. 1092: Mr. GORDON.
 H.R. 1124: Mr. COSTELLO.
 H.R. 1189: Mr. SABO.
 H.R. 1218: Mr. MFUME and Mr. CONYERS.
 H.R. 1330: Mr. DAVIS and Mr. JOHNSON of Texas.
 H.R. 1393: Mr. HUGHES.
 H.R. 1430: Mr. PALLONE and Mr. BLACKWELL.
 H.R. 1468: Mr. ENGLISH.
 H.R. 1482: Mr. NUSSLE, Mr. LEWIS of Florida, Mr. VALENTINE, Mr. YATES, Mr. MINETA, Mr. GORDON, Mr. QUILLEN, Mrs. MORELLA, Mr. DARDEN, and Mr. STOKES.
 H.R. 1509: Mr. CHAPMAN.
 H.R. 1546: Mr. SWETT.
 H.R. 1547: Mr. SWETT and Mr. GILCREST.
 H.R. 1566: Mr. HUBBARD and Mr. BRUCE.
 H.R. 1572: Mr. DORGAN of North Dakota, Mr. DOOLEY, and Mr. JOHNSON of Texas.
 H.R. 1601: Mr. ATKINS.
 H.R. 1618: Mrs. MORELLA.
 H.R. 1692: Mr. BLAZ.
 H.R. 1723: Mr. ENGEL and Mr. SMITH of New Jersey.
 H.R. 1774: Mr. DWYER of New Jersey.

H.R. 1790: Mr. SANTORUM.

H.R. 1889: Mr. ROWLAND.

H.R. 1987: Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Mr. RIDGE, Ms. LONG, Mr. DIXON, Mr. SHARP, and Mr. OBERSTAR.

H.R. 2075: Mr. DAVIS, Mr. TRAXLER, Mr. JONES of North Carolina, and Mr. BEREUTER.

H.R. 2232: Mr. McMILLEN of Maryland.

H.R. 2238: Mr. McMILLEN of Maryland.

H.R. 2293: Mr. LIPINSKI, Mr. HAYES of Illinois, and Mr. KENNEDY.

H.R. 2308: Mr. ATKINS.

H.R. 2336: Mr. STUDDS and Mr. ENGEL.

H.R. 2407: Mr. POSHARD.

H.R. 2419: Mr. ENGEL.

H.R. 2437: Mr. SMITH of Florida, Mr. BLIBRAY, Mr. RAHALL, Mrs. VUCANOVICH, and Mr. BROWDER.

H.R. 2464: Mr. LEHMAN of California, Mr. COYNE, Mr. GRANDY, and Mr. DORNAN of California.

H.R. 2678: Mr. SABO.

H.R. 2695: Mr. PETERSON of Florida, Mr. SMITH of New Jersey, Mr. ENGLISH, Mr. CHAPMAN, and Mr. FISH.

H.R. 2782: Mr. PANETTA, Mr. COYNE, Mr. DONNELLY, Mr. WEISS, and Mr. MAVROULES.

H.R. 2840: Mr. JOHNSON of South Dakota.

H.R. 2898: Mr. HALL of Ohio and Ms. SNOWE.

H.R. 2966: Mr. COYNE, Mr. GAYDOS, Mr. NAGLE, Mr. HALL of Texas, and Mr. RICHARDSON.

H.R. 3026: Mr. PAYNE of New Jersey.

H.R. 3067: Mr. SOLOMON, Mr. ALLEN, and Mr. PAXON.

H.R. 3109: Mr. PETERSON of Minnesota, Mr. HATCHER, Mr. SUNDQUIST, Mr. EMERSON, Mr. DARDEN, and Mr. THOMAS of California.

H.R. 3221: Mr. MCCRERY.

H.R. 3222: Mr. MARKEY.

H.R. 3238: Mr. CLAY.

H.R. 3253: Mr. ENGEL.

H.R. 3311: Mr. MATSUI.

H.R. 3349: Mrs. ROUKEMA.

H.R. 3360: Mr. ROEMER, Mr. THORNTON, Mr. MANTON, Mrs. LLOYD, Mr. NAGLE, Mr. SCHEUER, Mr. TRAFICANT, and Mr. HALL of Texas.

H.R. 3373: Mr. MANTON, Mr. KLUG, Mr. RHODES, Mr. PETERSON of Florida, Mrs. KENNELLY, Mr. FISH, and Mr. MCCRERY.

H.R. 3526: Mr. ROYBAL.

H.R. 3603: Mr. LEHMAN of Florida, Mr. KENNEDY, Mr. TOWNS, Mr. LIPINSKI, and Mr. RANGEL.

H.R. 3636: Mr. DERRICK, Mr. OBEY, Mr. ORTIZ, Mrs. JOHNSON of Connecticut, Mr. ANNUNZIO, Mr. PERKINS, Mr. YATRON, and Mr. ROE.

H.R. 3678: Mr. UPTON.

H.R. 3736: Mr. SCHAEFER, Mr. GLICKMAN, Ms. PELOSI, Mr. MARKEY, and Mr. ENGEL.

H.R. 3748: Mr. HOCHBRUECKNER, Mr. RICHARDSON, Mr. SKAGGS, and Mr. GUARINI.

H.R. 3763: Mr. LOWERY of California.

H.R. 3782: Mr. BROWN.

H.R. 3794: Mr. LEACH.

H.R. 3806: Mr. ROWLAND, Mr. TRAXLER, Mr. ABERCROMBIE, and Mr. BORSKI.

H.R. 3836: Mrs. MEYERS of Kansas.

H.R. 3838: Mr. SMITH of Oregon, Mr. TOWNS, Ms. HORN, Mr. KOLBE, Mr. BILIRAKIS, Mr. STEARNS, Mr. GEJDENSON, Mr. LIGHTFOOT, Mr. SARPALIUS, and Mr. GALLO.

H.R. 3849: Mr. HYDE, Mr. BENNETT, and Mr. KENNEDY.

H.R. 3953: Mr. HALL of Texas.

H.R. 3975: Mr. OWENS of New York, Mr. OLVER, Mr. STOKES, Mr. COX of Illinois, Mr. MARKEY, and Mr. STALLINGS.

H.R. 4007: Mr. FRANK of Massachusetts and Mrs. BOXER.

H.R. 4013: Mr. SLATTERY.

H.R. 4045: Mr. COLEMAN of Texas and Mr. LEHMAN of Florida.

H.R. 4053: Mr. DOOLEY, Mr. WILSON, Mr. RITTER, Mrs. MORELLA, Mr. SCHIFF, Mr. CONYERS, Mr. HUGHES, Mr. BROWN, Mr. CARDIN, Mr. ROYBAL, Mr. HERTEL, Mr. ABERCROMBIE, Mr. PETERSON of Florida, Mr. GILLMOR, Mr. JOHNSON of South Dakota, Mr. HOYER, Mr. LAFALCE, and Mr. KOPETSKI.

H.R. 4076: Mr. BUSTAMANTE and Mr. PERKINS.

H.R. 4093: Mr. BARRETT.

H.R. 4097: Mr. KOPETSKI.

H.R. 4100: Mr. TOWNS, Ms. OAKAR, Mr. MURPHY, and Ms. WATERS.

H.R. 4155: Mrs. JOHNSON of Connecticut, Mr. ZELIFF, Mr. KYL, and Mr. GILMAN.

H.R. 4163: Mr. HUNTER.

H.R. 4175: Mr. MARKEY, Mr. SIKORSKI, Mr. FOGLIETTA, Mrs. COLLINS of Illinois, Mr. FASCELL, Mr. FAZIO, Mrs. BYRON, Mr. SMITH of New Jersey, and Mr. DOWNEY.

H.R. 4199: Mr. RANGEL, Mr. JEFFERSON, Mr. ZELIFF, Mr. FROST, Mr. MCCANDLESS, Mr. SOLOMON, and Mr. ATKINS.

H.R. 4206: Mr. NOWAK and Ms. DELAURIO.

H.R. 4218: Mr. BENNETT, Mr. FOGLIETTA, and Ms. KAPTUR.

H.R. 4230: Mr. ATKINS and Mr. BLACKWELL.

H.R. 4234: Mr. MCGRATH.

H.R. 4235: Mr. HOCHBRUECKNER.

H.R. 4249: Mr. GINGRICH.

H.R. 4253: Mr. SPRATT, Mr. MONTGOMERY, Mr. JONTZ, Mr. TRAXLER, Mr. LAUGHLIN, Mr. LEVINE of California, Mr. EVANS, Mr. HORTON, Mr. BLAZ, Mr. COLEMAN of Texas, and Mr. FROST.

H.R. 4255: Mr. BLACKWELL, Mr. DE LUGO, Mr. DIXON, Mr. JACOBS, Mr. KENNEDY, Mr. KLECZKA, Mr. MAVROULES, Mr. MCDERMOTT, Mr. MRAZEK, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. SANDERS, Mr. SANGMEISTER, Mr. SCHEUER, Mr. SIKORSKI, Mr. SKAGGS, Mr. STOKES, and Mr. DOWNEY.

H.R. 4256: Mr. BAKER, Mr. PAXON, Ms. NORTON, and Mr. LAFALCE.

H.R. 4280: Mr. KYL.

H.R. 4300: Mr. ACKERMAN, Mr. LEHMAN of Florida, and Mr. OBERSTAR.

H.R. 4334: Mr. ANDREWS of Texas, Mr. LAUGHLIN, Mr. INHOFE, Mr. BARTON of Texas, Mr. COX of California, Mr. FAWELL, and Mr. ZELIFF.

H.R. 4350: Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. JOHNSTON of Florida, Mr. LAFALCE, Mr. ATKINS, Mr. STARK, Ms. HORN, and Mr. DWYER of New Jersey.

H.R. 4356: Mr. ALEXANDER, Mr. FOGLIETTA, Mr. DEFALCIO, Ms. HORN, and Mr. FROST.

H.R. 4366: Ms. COLLINS of Michigan and Mr. MCCLOSKEY.

H.R. 4372: Mr. FOGLIETTA and Mr. EVANS.

H.R. 4377: Ms. NORTON and Mr. LIPINSKI.

H.R. 4383: Mr. FRANK of Massachusetts, Mr. MCNULTY, Mr. ENGEL, Mr. SCHEUER, Mr. SCHUMER, Mr. RANGEL, Mr. SOLARZ, Mr. NOWAK, Mr. WEISS, and Mr. CONYERS.

H.R. 4386: Mr. KOPETSKI, Mr. ATKINS, and Mr. MFUME.

H.R. 4393: Mr. BILIRAKIS, Mr. CALLAHAN, Mr. DARDEN, Mr. ENGEL, Mr. FASCELL, Mr. FISH, Mr. GINGRICH, Mr. GORDON, Mr. HAMMERSCHMIDT, Mr. HORTON, Mr. HUTTO, Mr. IRELAND, Mr. LEWIS of Florida, Mr. MANTON, Mr. RAY, Mr. STEARNS, and Mr. THORNTON.

H.R. 4399: Mr. MANTON, Mr. TOWNS, Mr. ZELIFF, Mr. PALLONE, and Mr. APPLEGATE.

H.R. 4405: Mr. FALCOMA, Mrs. BYRON, Mr. RAHALL, Mr. ATKINS, Mr. REED, and Mr. FROST.

H.R. 4414: Mr. WELDON and Mr. EVANS.

H.R. 4416: Mrs. KENNELLY, Mr. DOWNEY, Mr. LIPINSKI, and Mr. ATKINS.

H.R. 4434: Mr. BRYANT, Mr. OWENS of Utah, and Mr. LIPINSKI.

H.R. 4458: Mr. EVANS.

H.R. 4463: Mr. AUCOIN and Mr. MAZZOLI.

H.R. 4464: Mr. THOMAS of Wyoming.

H.R. 4488: Mr. IRELAND, Mr. COBLE, Mr. RITTER, Mr. SCHULZE, Mr. MCCREERY, Mr. JONES of North Carolina, Mr. HAYES of Louisiana, Mr. BAKER, Mr. DANNEMEYER, Mr. LEWIS of Florida, Mr. MONTGOMERY, Mr. VALENTINE, and Mr. PARKER.

H.R. 4493: Mr. HORTON, Mr. ROE, and Mr. LAGOMARSINO.

H.R. 4507: Mr. BLACKWELL, Mr. BENNETT, Mr. LEACH, Mr. KYL, Ms. OAKAR, Mr. ALLARD, Mr. MANTON, Mr. SCHEUER, Mr. WYLIE, Mr. RICHARDSON, Mr. CONYERS, Mr. FISH, Mr. SMITH of New Jersey, Mr. COMBEST, Mr. MCCANDLESS, Mr. WALSH, Mr. SKELTON, Mr. RHODES, Mr. GUNDERSON, and Mr. PASTOR.

H.R. 4537: Mr. EVANS, Mr. TOWNS, Mr. BLAZ, Mr. BEILINSON, Mr. MCCLOSKEY, and Mr. TALLON.

H.R. 4538: Mr. HAYES of Illinois, Mr. ROE, Mr. PAYNE of New Jersey, Mr. FEIGAN, Mr. OWENS of New York, Mr. RANGEL, Ms. NORTON, Mr. TOWNS, Mrs. MORELLA, Mr. MCGRATH, Mr. DEFALCIO, Mr. FOGLIETTA, Mr. MARTINEZ, Mr. FROST, Mr. PASTOR, and Mr. ENGEL.

H.R. 4551: Mr. MOAKLEY, Mr. LEHMAN of California, Mr. GILMAN, Mr. HAYES of Illinois, Ms. WATERS, Mr. MCNULTY, Mr. KENNEDY, Mr. TORRES, Mr. FEIGAN, Mr. CAMPBELL of California, Mr. MRAZEK, Ms. HORN, Mr. STUDDS, and Mr. KOPETSKI.

H.R. 4591: Mr. LAFALCE, Mr. ALLEN, Mr. ATKINS, and Mr. FROST.

H.R. 4599: Mr. TOWNS and Mr. POSHARD.

H.R. 4617: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4618: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4619: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4620: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4621: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4622: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4623: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of

California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4624: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4625: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4626: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4627: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4628: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4629: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4630: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4631: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4632: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4633: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4634: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLEY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4635: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of

California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4672: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4673: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4674: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4675: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4676: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4677: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4678: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4679: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4680: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4681: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4682: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4683: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of

California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4684: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, and Mr. GINGRICH.

H.R. 4689: Mr. GOSS, Mr. JOHNSON of South Dakota, Mr. RAMSTAD, Mr. SKAGGS, Mr. GALLEGLY, Mr. RAY, and Mr. SANTORUM.

H.R. 4700: Ms. LONG, Mr. LANTOS, Mr. CHAPMAN, Mr. PANETTA, Mr. TOWNS, Mr. PENNY, and Mr. YATRON.

H.R. 4724: Mr. WYDEN, Mr. BACCHUS, Mr. BILBRAY, Mr. HALL of Ohio, Mr. JONES of North Carolina, Mr. KOSTMAYER, Mr. LIPINSKI, Mrs. MINK, Mr. MURPHY, Mr. OBERSTAR, Mr. TANNER, Mr. TOWNS, Mr. ANDREWS of New Jersey, Mr. ERDREICH, Mr. KOPETSKI, and Mr. SPENCE.

H.R. 4727: Mr. GREEN of New York and Mr. HUBBARD.

H.R. 4750: Mr. BACCHUS, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. JOHNSON of South Dakota, Mrs. COLLINS of Michigan, Mr. OLVER, Ms. NORTON, Mr. LANCASTER, Mr. PASTOR, Mr. WALSH, Mr. MINETA, Mr. GIBBONS, Mr. NEAL of North Carolina, Mr. FORD of Tennessee, Mr. DYMALLY, Mr. SHAYS, Mr. REED, Mr. ACKERMAN, Mr. SPRATT, Mr. LEWIS of Georgia, Mr. OBEY, and Ms. DELAULO.

H.R. 4754: Mr. MCCANDLESS and Mr. DORNAN of California.

H.R. 4755: Mr. BEREUTER, Mr. ENGLISH, Mr. KLUG, and Mr. NEAL of North Carolina.

H.R. 4761: Mr. MCCLOSKEY.

H.R. 4775: Mrs. MORELLA, Mrs. COLLINS of Michigan, Mr. YOUNG of Alaska, Mr. SIKORSKI, Ms. OAKAR, Mrs. SCHROEDER, and Mr. SAWYER.

H.J. Res. 237: Mr. JONES of Georgia.

H.J. Res. 271: Mr. BLAZ and Mr. FROST.

H.J. Res. 290: Mr. MAZZOLI, Mr. HALL of Ohio, Mr. COX of Illinois, Ms. HORN, and Mr. HOAGLAND.

H.J. Res. 318: Ms. SLAUGHTER, Mr. DOOLITTLE, Mr. DIXON, Mr. SISISKY, Mr. GILCHREST, Mr. HAMILTON, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr. HOYER, Mr. HYDE, Mr. LEACH, Mrs. UNSOELD, Mr. EVANS, Mr. WELDON, Mr. LANTOS, Mr. MCCLOSKEY, Mr. MARTIN, Mr. OWENS of New York, Mr. PERKINS, Mr. BLILEY, Mr. RIGGS, Mr. GEREN of Texas, Mrs. MINK, Mr. DWYER of New Jersey, and Mr. FEIGHAN.

H.J. Res. 336: Mr. DARDEN.

H.J. Res. 353: Mr. LIGHTFOOT.

H.J. Res. 358: Mr. PANETTA, Ms. PELOSI, Mr. REED, Mr. BORSKI, Ms. DELAULO, Mr. DOWNEY, Mr. DURBIN, Mr. JOHNSTON of Florida, Mr. HEFNER, Mr. MOODY, Mr. ORTON, Mr. PALLONE, Mr. ROHRBACHER, Mr. SABO, Mr. WEISS, Mr. WELDON, Mr. WISE, Mr. ANDREWS of Maine, Mr. BACCHUS, Mr. HAYES of Louisiana, Mr. LANCASTER, Mrs. LOWEY of New York, Mr. PICKETT, Mr. SAWYER, Mr. SYNAR, Mr. TANNER, Mr. VOLKMER, Mr. YATES, Mr. BEVILL, Mr. ROE, Mr. GLICKMAN, Mr. SARPALIUS, Mr. APPLGATE, Mr. BILBRAY, Mr. DARDEN, Mr. DOOLEY, Mr. ECKART, Mr. HEFLEY, Mr. JONES of Georgia, Mrs. PATTERSON, Mr. RAHALL, Mr. SMITH of Iowa, Mr. STALLINGS, Mr. THOMAS of Wyoming, Mr. ENGLISH, Mr. CARR, Mr. DELLUMS, Mr. HOYER, Mr. ORTIZ, Mr. PRICE, Mr. SAVAGE, Mr. TORRES, Mr. ANDERSON, Mr. ACKERMAN, Mr. MOAKLEY, Mr. MRAZEK, Mr. OLVER, Mr. PURSELL, Mr. SWETT, Mr. SWIFT, Mr. TRAFICANT, Mr. WHEAT, Mr. WOLF, Mr. CAMP, Ms. COLLINS of Michigan, Mr. CRAMER, Mr. DICKS,

Mr. FEIGHAN, Mr. GIBBONS, Mr. GUNDERSON, Mr. LEHMAN of Florida, Mrs. MINK, Ms. OAKAR, Mr. SHARP, Mr. SIKORSKI, Mr. TRAXLER, Mr. UPTON, Mr. WOLPE, Mr. GEPHARDT, Mr. HOUGHTON, Mr. BEREUTER, Mr. SMITH of Florida, Mr. ANTHONY, Mr. BROWN, Mr. HERGER, Mr. PARKER, Mr. PERKINS, Mrs. UNSOELD, Mr. WEBER, Mr. SANGMEISTER, Mr. MINETA, Mr. MACHTLEY, Ms. KAPTUR, Mr. ALLEN, Mr. BROOKS, Mr. CLEMENT, Mr. COOPER, Mr. DE LA GARZA, Mr. EMERSON, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HUCKABY, Mr. JENKINS, and Mr. LANTOS.

H.J. Res. 384: Mr. DUNCAN and Mr. UPTON.

H.J. Res. 391: Mr. BROWDER, Mr. STUMP, Mr. CONDIT, Mr. NAGLE, Mr. BRUCE, Mr. HUCKABY, Mrs. BYRON, Mr. NEAL of North Carolina, Mr. TAYLOR of Mississippi, Mr. VOLKMER, Mr. SKELTON, Mr. LUKEN, Mr. WOLF, Mr. MORAN, Mr. STAGGERS, Mr. WISE, Mr. GRANDY, Mr. RAHALL, Mr. MAZZOLI, Mr. CLEMENT, Mr. OWENS of Utah, Ms. HARRIS, Mr. Payne of Virginia, Mr. OLVER, and Mr. SLATTERY.

H.J. Res. 397: Mr. REED, Mr. PETERSON of Minnesota, Mr. MOODY, Mr. FROST, Mr. FEIGHAN, Mr. SIKORSKI, and Mr. SHAYS.

H.J. Res. 399: Mr. GALLO.

H.J. Res. 421: Mr. ALEXANDER, Mr. ANDERSON, Mr. BATEMAN, Mr. BROWDER, Mr. CRAMER, Mr. DAVIS, Mr. DIXON, Mr. FISH, Mr. FORD of Tennessee, Mr. GEJDENSON, Mr. GEKAS, Mr. GILCHREST, Mr. GINGRICH, Mr. HEFNER, Mr. HERTEL, Mr. HOYER, Mr. HYDE, Mr. JEFFERSON, Mr. JONES of North Carolina, Mr. KENNEDY, Mr. KILDEE, Mr. KOPETSKI, Mr. LANTOS, Mr. LEVINE of California, Mr. LIPINSKI, Ms. LONG, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MASHTLEY, Mr. MARTIN, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. MOODY, Mrs. MORELLA, Mr. MURPHY, Mr. MYERS of Indiana, Mr. NAGLE, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OBERSTAR, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PICKETT, Mr. PORTER, Mr. RAVENEL, Mr. REGULA, Mr. RHODES, Mr. SABO, Mr. SANDERS, Mr. SAVAGE, Mr. SERRANO, Mr. SIKORSKI, Mr. SKELTON, Mr. SLATTERY, Mr. SMITH of Texas, Mr. STARK, Mr. SWETT, Mr. THORNTON, Mr. WYDEN, Mr. YATES, Mr. ZELIFF, Mr. BILBRAY, Mr. GALLO, and Mr. SMITH of Iowa.

H.J. Res. 424: Mr. MCDERMOTT and Mr. SPENCE.

H.J. Res. 425: Mr. BUSTAMANTE, Mr. DE LA GARZA, Mr. BACCHUS, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. JONES of North Carolina, Mr. OWENS of New York, Mr. KOSTMAYER, Mr. BROWDER, Mr. MCDERMOTT, Mr. ECKART, Mr. SWIFT, Mr. McMILLEN of Maryland, Mr. MANTON, Mr. BILBRAY, Mr. JOHNSON of South Dakota, Mr. DONNELLY, Ms. MOLINARI, Mr. SOLOMON, Mr. SCHAEFER, Mr. BUNNING, Mr. SMITH of Oregon, Mr. GEJDENSON, Mr. THORNTON, Mr. VOLKMER, Mr. SLATTERY, Mr. NAGLE, Mr. DURBIN, Ms. SLAUGHTER, Mr. HUBBARD, Mr. MAVROULES, Mr. STUMP, Mr. ACKERMAN, Mr. LIGHTFOOT, Mr. HYDE, Mr. HASTERT, Mr. McNULTY, Ms. KAPTUR, Mr. GEPHARDT, Mr. EDWARDS of California, Mr. STARK, Mr. ROSE, Mr. RAY, Mr. LIVINGSTON, Mr. KILDEE, Mr. BOUCHER, Mr. TRAXLER, Mr. DEFazio, Mr. MINETA, Mr. BATEMAN, Mrs. MORELLA, Mr. HAMILTON, Mr. CARDIN, Mr. FORD of Tennessee, Mr. MILLER of California, Mr. SAWYER, Mr. HAYES of Illinois, Mr. EDWARDS of Texas, Mr. ABERCROMBIE, Mr. FORD of Michigan, Mr. KLECZKA, Mr. PAYNE of New Jersey, Mr. DWYER of New Jersey, Mr. HOAGLAND, Mr. CONDIT, Mr. MOAKLEY, Mr. WEISS, Mrs. BYRON, Mr. FROST, Mr. SHARP, Mrs. LOWEY of New York, Mr. MURPHY, Mr. ROBERTS, Mrs. UNSOELD, Mr. Hoyer, Mr. Fazio, Mr. HENRY, Mr. EARLY, Mr. LUKEN,

Mr. BROOKS, Mr. HALL of Ohio, Mr. WHEAT, Mr. SYNAR, Mr. WASHINGTON, Mr. BENNETT, Mr. DELLUMS, Mr. STAGGERS, Mr. FLAKE, Mr. BERMAN, Mr. GAYDOS, Mr. MURTHA, Mr. TRAFICANT, Mr. HOCHBRUECKNER, Ms. LONG, Ms. OAKAR, Mr. MARKEY, Mr. LEHMAN of California, Mr. STALLINGS, Mr. ROGERS, Mrs. COLLINS of Michigan, Ms. WATERS, Mr. SCHEUER, Mr. BALLENGER, Mr. HERGER, and Mrs. BENTLEY.

H.J. Res. 430: Mr. GORDON, Mr. BILBRAY, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. BENNETT, Mr. PAYNE of New Jersey, Mr. DARDEN, Mrs. JOHNSON of Connecticut, Mr. MINETA, Mr. ANDERSON, Mr. PETERSON of Florida, Mr. BROWN, Mr. WILSON, Mr. DELLUMS, Mr. WEISS, and Mr. CLINGER.

H.J. Res. 431: Mr. MATSUI, Mr. MILLER of Ohio, Mr. GALLO, Mr. HAMILTON, Mr. ANDREWS of New Jersey, Mr. COOPER, Mr. SANDERS, Mrs. VUCANOVICH, Mr. SAWYER, Mr. RAVENEL, Mr. ANTHONY, Mr. LEHMAN of Florida, Mr. ORTON, Mr. MACHTLEY, Mr. HUBBARD, Mr. WYLIE, Mr. HEFNER, Mr. SHAW, Mr. ARCHER, Mr. LAROCOCO, Mr. MILLER of Washington, Mr. LIVINGSTON, Mr. MORAN, Mr. KENNEDY, Mrs. LLOYD, Mr. EMERSON, Mr. KLECZKA, Mr. SLATTERY, Mr. GILLMOR, Mr. NUSSLE, Mr. DARDEN, Mr. HOUGHTON, Mr. CLEMENT, Mr. JEFFERSON, Mr. ROHRBACHER, Mr. PRICE, Mr. SMITH of New Jersey, Mr. IRELAND, Mr. OXLEY, Mr. JONES of Georgia, Mr. COSTELLO, Mr. BILBRAY, Mr. DELLUMS, Mr. LANTOS, Mr. FASCELL, Mr. LEVINE of California, Mr. FISH, Mr. MAVROULES, Mr. FROST, Mr. THOMAS of Georgia, Mrs. MEYERS of Kansas, Mr. COBLE, Mr. QUILLEN, Mr. KLUG, Mr. BROOMFIELD, Mr. DORNAN of California, Ms. KAPTUR, Mr. HUGHES, Mr. McNULTY, Mr. OWENS of Utah, Mr. JACOBS, Mr. LEHMAN of California, Mr. UPTON, Mr. RIGGS, Mr. McDADE, Mr. BLACKWELL, Mr. PARKER, Mr. ESPY, Mr. DE LUGO, Mr. LENT, Mr. STALLINGS, Mr. BLILEY, Mr. BUNNING, Mr. COLEMAN of Texas, Mr. WHEAT, Mr. McCLOSKEY, Mr. EVANS, Mr. BENNETT, Mr. MAZZOLI, Mr. ANNUNZIO, Mr. SABO, Mr. HAYES of Illinois, Ms. HORN, Mr. SKEEN, Mr. MONTGOMERY, Ms. NORTON, Mr. BARNARD, Mr. GINGRICH, Mr. GRANDY, Mr. HATCHER, Mr. FAWELL, Mr. BACHUS, Mrs. MORELLA, Mr. TANNER, Mr. GONZALEZ, Mr. RAHALL, and Mr. YOUNG of Florida.

H.J. Res. 440: Mr. FASCELL, Mr. FROST, Mr. HAMILTON, Mr. HEFNER, Ms. HORN, and Mr. OWENS of Utah.

H.J. Res. 442: Mr. DORNAN of California, Mr. COBLE, Mr. FASCELL, Mr. PETERSON of Florida, Mr. MANTON, Mr. ACKERMAN, Mr. HAMILTON, Mr. JONES of North Carolina, Mr. HOAGLAND, Mr. DYMALLY, Mr. SANDERS, Mr. GORDON, Mr. MAZZOLI, Mr. CLINGER, Mr. ROSE, Mr. HALL of Texas, Mr. McGRATH, and Mr. WAXMAN.

H.J. Res. 449: Mrs. MINK, Mr. McMILLEN of Maryland, Mr. MORAN, Mr. McDERMOTT, Mr. ESPY, Mr. MATSUI, Mr. FALEOMAVAEGA, Mr. LEHMAN of Florida, Mr. DORNAN of California, Mr. TRAXLER, Mrs. PATTERSON, Mr. WALSH, Mr. LAFALCE, Mr. LIPINSKI, Mr. OWENS of Utah, Mr. EMERSON, Mr. VALENTINE, Mr. WOLPE, Mr. McGRATH, Mrs. ROUKEMA, Mr. RANGEL, and Mr. BLILEY.

H.J. Res. 450: Mr. EVANS, Mr. QUILLAN, Mr. KOPETSKI, Mr. FROST, Mr. BLILEY, and Mr. BUSTAMANTE.

H.J. Res. 454: Mr. SMITH of Oregon, Mr. HOCHBRUECKNER, Mr. MACHTLEY, Mr. YATES, Mr. MYERS of Indiana, Mr. BURTON of Indiana, Mr. McCLOSKEY, Mr. BLACKWELL, Mr. WYDEN, Mr. SHAYS, Mr. WOLF, Mr. RIGGS, Mrs. MORELLA, Mr. HYDE, Mr. TOWNS, Mr. WEISS, Mr. LEVINE of California, Mr. WILLIAMS, Mr. WALSH, Mrs. ROUKEMA, Mr. MOR-

RISON, Mr. BERMAN, Mr. DANNEMEYER, Mr. CAMP, Mr. DOOLEY, Mr. PRICE, Mr. SMITH of Florida, Mr. HUGHES, Mr. SANDERS, Mr. COYNE, Mr. MARLENEE, Mr. EVANS, Mr. DIXON, and Mr. LAFALCE.

H.J. Res. 458: Mr. COBLE, Mr. LEVINE of California, and Mr. ALEXANDER.

H.J. Res. 459: Mr. EMERSON, Mr. FROST, Mr. HUGHES, and Mr. ROSE.

H. Con. Res. 42: Mr. HYDE, Mr. LENT, and Mrs. LLOYD.

H. Con. Res. 92: Mr. WILLIAMS and Mr. McHUGH.

H. Con. Res. 96: Mr. ALLEN, Mr. PAXON, and Mr. Nichois.

H. Con. Res. 192: Mr. BRYANT, Mr. RICHARDSON, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DREIER of California, Mr. TALLON, Mr. ABERCROMBIE, Ms. COLLINS OF MICHIGAN, Mr. GEPHARDT, Mr. HOYER, Mrs. MEYERS of Kansas, and Mr. FAZIO.

H. Con. Res. 233: Mrs. Roukema, Mr. DOOLITTLE, Mr. McNULTY, Mr. DARDEN, Mr. PAXON, Mr. HARRIS, and Mr. QUILLEN.

H. Con. Res. 246: Mr. SHAYS, Mr. NEAL of North Carolina, Mr. COYNE, Mrs. SCHROEDER, and Mr. LUKE.

H. Con. Res. 257: Mr. CHANDLER, Mr. LAGOMARSINO, Mr. LENT, Mr. MARTINEZ, Mr. McDERMOTT, Mr. MORRISON, Mr. NOWAK, and Mr. RIGGS.

H. Con. Res. 276: Mr. LIPINSKI.

H. Con. Res. 295: Mr. CONYERS, Mr. DELLUMS, Mr. GORDON, Mr. DOWNEY, Mr. TOWNS, Mr. HORTON, Mr. COX of Illinois, Mr. LIPINSKI, Mr. SHAYS, Mr. RANGEL, Mr. HOCHBRUECKNER, Mr. DWYER, of New Jersey, and Mr. BUSTAMANTE.

H. Con. Res. 306: Mr. YATRON, Mr. LEVINE of California, Mr. GOSS, and Mr. PAYNE of New Jersey.

H. Con. Res. 307: Mr. WILSON, Mr. OXLEY, Mr. HAYES of Louisiana, Mr. SPENCE, Mr. HERGER, Mr. SANTORUM, and Mr. FAWELL.

H. Res. 359: Mr. Fazio.

H. Res. 376: Mr. ZELIFF and Mr. SCHAEFER.

H. Res. 404: Mr. COBLE.

H. Res. 406: Mr. McEWEN, Mr. SHAYS, Mr. TAYLOR of Mississippi, Mr. ZELIFF, Mr. SIKORSKI, Mr. RAMSTAD, and Mr. ATKINS.

H. Res. 411: Mr. MACHTLEY, Mr. WALSH, Mr. DARDEN, Mr. HORTON, and Mr. FROST.

H. Res. 417: Mr. LIPINSKI, Mr. OWENS of New York, Ms. HORN, Mr. DURBIN, Mr. GORDON, and Mr. CLAY.

H. Res. 419: Mr. SHAW, Mr. SHAYS, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. STUMP, Mr. SUNDQUIST, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. BAKER, Mr. KASICH, Mr. DUNCAN, Mr. PETRI, Mr. GALLEGLY, Mr. RINALDO, Mr. KLUG, Mr. LEWIS of Florida, Mr. BILIRAKIS, Mr. ZIMMER, Mr. KYL, Mr. ROHRBACHER, Mr. COLEMAN of Missouri, Mr. DREIER of California, Mr. McGRATH, Mr. GALLO, Mr. FAWELL, Mr. IRELAND, Mr. ALLEN, Mr. KOLBE, Mr. FIELDS, Mr. ARMEY, Mr. BATEMAN, Mr. BLILEY, Mr. BUNNING, Mr. COMBEST, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. EDWARDS of Oklahoma, Mr. EWING, Mr. GEKAS, Mr. GILCHRIST, Mr. GILMAN, Mr. GINGRICH, Mr. HAMMERSCHMIDT, Mr. HASTERT, Mr. HERGER, Mr. HOLLOWAY, Mr. HUNTER, Mr. INHOFE, Mr. LEACH, Mr. LOWERY of California, Mr. MCCANDLESS, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MORRISON, Mr. PACKARD, Mr. PORTER, Mr. PURSELL, Mr. FISH, Mr. RIGGS, Mr. SANTORUM, Mr. STEARNS, and Ms. SNOWE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 330: Mr. ROSE.
H.R. 2437: Mr. MCMILLAN of North Carolina.

H.R. 3211: Mr. SANTORUM.
H.R. 3221: Ms. COLLINS of Michigan.
H.R. 3484: Mrs. BENTLEY.
H.R. 4617: Mr. PORTER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

149. By the SPEAKER: Petition of the National League of Cities, relative to metropolitan disparities and economic growth; to the Committee on Government Operations.

150. Also, petition of the city council of the city of La Puente, CA, relative to H.R. 3936; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

151. Also, petition of the city council of the city of La Puente, CA, relative to H.R. 2806; jointly, to the Committees on Banking, Finance and Urban Affairs and Science, Space, and Technology.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3484

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3484.

The SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARTIN (at the request of Mr. MICHEL), for today, on account of official business in his congressional district.

Mr. ZELIFF (at the request of Mr. MICHEL), from 3 p.m. today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SANTORUM) to revise and extend their remarks and include extraneous material:)

Mr. NUSSLE, for 60 minutes, today.
Mr. DOOLITTLE, for 60 minutes, today.
Mr. RIGGS, for 60 minutes, today.
Mr. HAMMERSCHMIDT, for 30 minutes, today.

Mrs. BENTLEY, for 60 minutes, on April 28 and May 1.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

- Mr. LAROCCA, for 5 minutes, today.
- Ms. DELAURO, for 5 minutes, today.
- Ms. NORTON, for 5 minutes, today.
- Mr. PANETTA, for 5 minutes, today.
- Mr. STUDDS, for 5 minutes, today.
- Mr. STARK, for 5 minutes, today.
- Mr. HOYER, for 60 minutes, today.
- Mr. OWENS of New York, for 60 minutes, on May 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 26, 27, 28, and 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SANTORUM) and include extraneous matter:)

- Mr. FIELDS in two instances.
- Mr. BROOMFIELD.
- Mr. KYL in two instances.
- Mr. BEREUTER.
- Ms. SNOWE.
- Mr. HENRY.
- Mr. RINALDO in four instances.
- Mr. SOLOMON.
- Mr. RHODES.
- Mr. SCHULZE.
- Mr. MCEWEN in three instances.
- Mr. BUNNING.
- Mr. FISH.
- Mr. PACKARD.
- Mr. REGULA.
- Ms. ROS-LEHTINEN in 10 instances.
- Mr. GALLEGLY in two instances.
- Mrs. JOHNSON of Connecticut.
- Ms. MOLINARI.
- Mr. BALLENGER in two instances.
- Mr. DELAY.
- Mr. SPENCE in three instances.
- Mr. DORNAN of California.
- Mr. MORRISON.
- Mr. BLAZ in two instances.
- Mrs. VUCANOVICH.
- Mr. GUNDERSON.
- Mr. GOODLING.
- Mr. HAMMERSCHMIDT.
- Mr. WOLF.
- Mr. GILMAN.
- Mr. SANTORUM.
- Mr. CLINGER.
- Mr. LEWIS of Florida.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

- Mr. MILLER of California.
- Mr. EDWARDS of California.
- Mr. WAXMAN.
- Mr. STUDDS in two instances.
- Mr. DEFAZIO.
- Mr. DINGELL.
- Mr. MARKEY.
- Mr. ATKINS.
- Mr. FROST in two instances.
- Mr. ACKERMAN.
- Mr. WILLIAMS.
- Mrs. BYRON.
- Mr. BROWN.
- Mr. NOWAK.
- Ms. SLAUGHTER in two instances.
- Mr. LEVINE of California in two instances.
- Mr. SCHUMER.
- Mr. TOWNS in four instances.
- Mr. MFUME.
- Ms. NORTON.
- Mr. SHARP.
- Mr. HOCHBRUECKNER.
- Mr. DORGAN of North Dakota.
- Mr. LAUGHLIN.
- Mr. SKELTON.
- Mr. SWETT in four instances.
- Mr. FALCOMA in two instances.
- Mr. BONIOR in three instances.
- Mr. ROE in two instances.
- Mr. LEHMAN of Florida.
- Mr. OWENS of New York.
- Mr. DE LA GARZA.
- Mrs. KENNELLY.
- Mr. JOHNSON of South Dakota.
- Mr. DYMALLY.
- Ms. DELAURO.
- Mr. LANTOS.
- Mr. FASCELL in four instances.
- Mr. MAZZOLI in two instances.
- Mr. CLAY.
- Mr. WEISS in two instances.
- Mr. MCMILLEN of Maryland.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1882. An act to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House

of the following titles, which were thereupon signed by the Speaker:

H.R. 3686. An act to amend title 28, United States Code, to make changes in the places of holding court in the Eastern District of North Carolina; and

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

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolution of the Senate of the following titles:

S. 606. An act to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes;

S. 985. An act to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region;

S. 1743. An act to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes; and

S.J. Res. 246. Joint resolution to designate April 25, 1992 as "National Recycling Day."

ADJOURNMENT TO TUESDAY, APRIL 28, 1992

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 109 of the 102d Congress, the House stands adjourned until 12 noon, Tuesday, April 28, 1992.

Thereupon (at 12 o'clock and 20 minutes a.m.), pursuant to Senate Concurrent Resolution 109, the House adjourned until Tuesday, April 28, 1992, at 12 noon.

EXTENSIONS OF REMARKS

RYDER'S TONY BURNS MEETS THE CHALLENGE OF CULTURAL DIVERSITY IN THE WORK FORCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Tony Burns, the chairman of Miami's Ryder System, who was recently featured in Hispanic magazine in a "CEO Roundtable on Workforce Diversity," along with executives from America's top corporations.

Reaching out to the Hispanic community is important to Ryder System, an international company which provides services to the transportation industry. Mr. Burns points out in the article that Ryder's location in Miami since 1933 has heightened its awareness of diversity, and made his company into a truly multi-ethnic community.

Mr. Burns has promoted work force diversity at Ryder through bonus programs for managers who achieve hiring goals. In order to meet these goals, Ryder recruits not only in the Miami area, but throughout the country. It also sponsors scholarships for Hispanics seeking MBA's at the University of Chicago and Wharton where Mr. Burns serves on the Board of Overseers.

Ryder also strives to create the proper atmosphere for Hispanics and other minorities to advance within the company. Mr. Burns is especially pleased with the Ryder Hispanic Council, a cross-section of Hispanics throughout the company that act as employee consultants to executive level management on issues of sensitivity.

Mr. Burns is also well known for his contributions to the south Florida community. Earlier this year, he received the Greater Miami Chamber of Commerce's 11th annual Sand in My Shoes Award which is the chamber's highest recognition of an individual community volunteer. During the last 17 years, his public service has touched dozens of organizations from the Boy Scouts to the United Way of Greater Miami.

I am happy to pay tribute to Tony Burns through this statement in the CONGRESSIONAL RECORD. He is one of the many community leaders who has worked tirelessly to create Miami's triethnic community. He has shown that working to promote cultural diversity is not only the right thing to do, but also is good business.

B'NAI B'RITH WOMEN OF UNION CELEBRATE 50TH ANNIVERSARY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. RINALDO. Mr. Speaker, the B'nai B'rith Women's Chapter in Union, NJ, is celebrating its 50th anniversary, and I wish to offer my congratulations for their exceptional service to the community. Officially chartered on April 13, 1942, the chapter has been involved in a number of worthwhile ventures, ranging from its scholarship program to the Anti-Defamation League Date Book which it distributes throughout the community.

In a period when we witness all too many negative images in the media, the Union chapter's program, "Dolls for Democracy," sends a positive impression to students of the lives and accomplishments of great Americans, including Washington, Lincoln, George Washington Carver, Eleanor Roosevelt, Dr. James Salk, Golda Meir, and Dr. Martin Luther King, Jr. The women of B'nai B'rith also are involved in broadening interfaith understanding and respect for religion and culture through the Your Neighborhood Celebrates Program in Union.

Wherever there is a good cause that promotes harmony, civility and tolerance, the B'nai B'rith Women's Chapter in Union is involved. It supports an annual picnic for the Sadie Sachs Day Nursery in Vauxhall, the yearly veterans party at the East Orange, NJ, VA Hospital, the Eyes for the Needy Program in Millburn, projects for the Children's Specialized Hospital in Mountainside, the elderly in nursing homes, and donations to Russian Jewish immigrants.

In seeking a kinder, gentler America, we need to go no further than in our own communities where organizations like the B'nai B'rith Women of Union have been striving to help us build a better, more harmonious society for a half century.

I salute its members and officers for their remarkable spirit of good will, and offer my congratulations to the copresidents, Shirley Trencher and Adeline Friedman, and to the other officers who have raised funds, increased the membership, and who have worked as volunteers to assure the success, reputation, and traditions of this vital national organization that has done so much to foster racial, ethnic and religious tolerance in America.

TRIBUTE TO THOMAS SARACINO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BONIOR. Mr. Speaker, on the evening of April 10, Thomas Saracino will be honored

at a special dinner at Fern Hill Country Club. I am very pleased to join the Clinton Township Goodfellows in paying tribute to a remarkable individual who has generously contributed his time and energy to our community.

While a dedicated and thorough professional for over 40 years, Thomas Saracino has been equally involved with his community. His contributions and support to the Goodfellows organization has been invaluable. Tom is directly involved with the toy packaging committee and the annual spaghetti dinner. In addition to this he is also involved with American Legion Post 570.

On all accounts, his commitment and involvement are admirable.

Mr. Speaker, through his commitment and hard work, Thomas Saracino has touched countless lives as an active, responsible citizen. On this special occasion, I ask that my colleagues join me in saluting the fine accomplishments of Thomas Saracino and extend to him our best wishes for all his future endeavors.

SALUTE TO BILL SWINK AND BILL EDWARDS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. GALLEGLY. Mr. Speaker, I am pleased to inform my colleagues of two outstanding citizens of my hometown of Simi Valley, CA—Bill Swink and Bill Edwards.

Bill Swink was named "Businessperson of the Year," and Bill Edwards was selected as "Citizen of the Year," by the Simi Valley Chamber of Commerce, and both deserve their honors.

Bill Swink has worked vigorously to improve Simi Valley and its business climate for many years. Besides owning three successful businesses, he has found time to devote hundreds of hours to our community.

He has supported Little League, Pop Warner, and Bobby Sox Softball teams for years and has been a Century Club member of the Boys and Girls Club for 11 years. In addition, he's a 10-year member of the Kiwanis Club, including serving as president; a 9-year member and board member of the Simi Valley Rotary Club; and active in Footprinters for over 10 years.

Bill also has been a member of the Chamber of Commerce for 30 years, where he served on the board, helped establish business seminars, the Trade Fair, and monthly mixers to help establish and expand business opportunities. He served as president in 1979 and 1980 and has always made time to help others become successful in their businesses.

Bill Edwards has been an integral part of the community for 26 years, and during that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

time he has become known as the Voice of Simi Valley for his work emceeding pageants, elegant affairs, fundraisers, charity events, and the Simi Valley parade.

Bill also is one of our community's biggest supporters of children, both personally and professionally. He has generously donated time to the Boy Scouts, the Boys and Girls Club, the Jaycees, the Salvation Army, the Free Clinic, and Care and Share, among organizations too numerous to mention.

As the chamber's citation stated,

His long-time dedication and commitment, his unflinching good nature, and love of Simi Valley and its people is why he was selected as Citizen of the Year for 1991.

Mr. Speaker, Bill Swink and Bill Edwards have proven themselves to be two shining points of light in the firmament of my hometown, and I ask my colleagues to join me in honoring them.

INTRODUCTION OF THE SMALL BUSINESS INCENTIVE ACT OF 1992

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. MARKEY. Mr. Speaker, today, along with Congressman RINALDO, I am introducing the Small Business Incentive Act of 1992 at the request of the Securities and Exchange Commission. This legislation would amend the Securities Act of 1933 and the Investment Company Act of 1940 in an effort to promote capital formation for small businesses by reducing certain regulatory requirements.

The last several years have seen many small businesses struggle to meet the financing demands that would enable them to remain vital and competitive. Small businesses create jobs, promote innovation, and contribute to the tax base in the United States. They also invigorate the local and national economies and promote the overall competitiveness of U.S. industry. It is significant that companies employing nine or fewer workers account for 75 percent of all business enterprises in this country. Without adequate capital, those companies lack the fuel to power this important employment engine.

Recent concerns about a credit crunch have focused largely on diminished bank funding available for small companies. The reasons for such reduced loan availability are many, not least of which is the general sluggishness of the economy itself. The effects of the credit crunch in my own State have been devastating. The self-fulfilling prophecy of a depressed economy resulting in less money available to small businesses, in turn further depressing the economy, needs to be addressed and rectified.

One way to provide small businesses with increased opportunities to raise funds for operations and growth is to make it easier for such companies to tap the securities markets. This bill seeks to facilitate such a goal. One concept that is certainly worth exploring is the creation of categories of specialized investment companies, geared toward investment in small company securities, that would require less

detailed regulation. The designation of certain classes of investors that require less hands-on protection also deserves careful scrutiny.

Yet, while efforts should be explored to improve access to capital for small businesses, we must at the same time remain vigilant in ensuring that consumers, taxpayers, and, in the case of the securities markets, investors, are not left in the lurch. Measures that may have the superficial appeal of, for example, reducing paperwork burdens on business may in fact have a profound negative impact on investors that rely on adequate corporate disclosures to evaluate the merits of an investment. Even such sophisticated investors as small towns and depository institutions may at times be ill-equipped to evaluate properly the risks of certain investments unless they have access to appropriate information and unless there exist rules to ensure proper disclosures.

The growth of the penny stock industry provides a case study in how illegitimate enterprises masquerading as legitimate small businesses can exploit laws intended to assist start-up companies. In fact, fraud and abuse in the penny stock industry was greatly facilitated by laws reducing regulation in the name of promoting small business. Through lack of disclosure and poor regulatory oversight, it is estimated that as much as \$2 billion per year in penny stock fraud was generated. In response to those rampant abuses, Congressman RINALDO and I introduced, and the Congress enacted into law, the Penny Stock Reform Act of 1990 (Pub. L. 101-429). The lesson we have learned from this and the other financial debacles of the 1980's is that whenever regulation is proposed to be reduced or modified, we must take a close look at whether the unintended consequence of such actions might be to harm those that the laws are designed to protect.

The SEC bill we are introducing today has laudable goals and is a timely addition to the debate on how best to meet the capital needs of small businesses. Our job over the next several months will be to explore the elements of the proposal, with an eye to both the extent to which the plan is likely to stimulate investment in small businesses and whether investor protection would be diminished as a result of the proposed changes. We will also explore the larger question of whether spurring equity investment via the public securities markets is the best way to broaden access to capital for small companies.

As John J. Cullinane wrote in the Boston Globe on March 1, 1992, "making it very easy for small companies in need of capital to go public shifts the burden of viability of the securities to the buyer, severely undercutting the intent of the legislation that created the SEC in the first place. . . . Small companies desperately need 'patient' capital that banks and venture capitalists are organized to and should provide. New companies often fail for the most obvious reasons," pitfalls that good venture capitalists and hands-on loan officers can help them avoid. Our task in the upcoming months will be to examine these issues, and to look closely at the potential benefits and costs of enacting this legislation.

INTRODUCTION OF LEGISLATION PROVIDING FOR PREPAYMENT OF SBA 503 LOANS

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. CHANDLER. Mr. Speaker, today I am introducing legislation to create jobs and help small business by adjusting the Small Business Administration 503 Loan Program.

Congress established the SBA 503 Loan Program to foster job creation and to expand the tax base through the growth of small business. Approximately 3,700 small business owners borrowed under the 503 program at a time when interest rates were extremely high. As interest rates have fallen, the prepayment premiums on these loans have placed a heavy burden on these small business owners.

Under the current system, many 503 borrowers cannot pay off their loans in advance without incurring onerous prepayment premiums often in the 20 percent to 40 percent range. These premiums have presented a serious impediment to further growth and expansion of many of these borrowers' small businesses.

The SBA 503 Program has been replaced by the SBA 504 Program. Small business owners who borrowed under the 504 program do not have these large prepayment premiums. Businesses that borrowed under the 503 program are not permitted to refinance in order to take advantage of lower interest rates. Lower rates may permit expansion in some cases or survival in others. Furthermore, purchasers of a business are not allowed to assume 503 loans. Therefore, these businesses cannot be sold without the sellers sustaining severe losses.

My bill will correct this inequitable situation. It will permit prepayment of 503 loans at a set prepayment penalty rate that is consistent with commercial lending practices. It replaces the current discount/premium prepayment formula that has produced unconscionable prepayment premiums. Today, I urge my colleagues to join me in cosponsoring this legislation that helps small businesses and promotes economic growth and the creation of more jobs.

IS THERE A CONNECTION BETWEEN MONEY AND GOVERNMENT?

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. PEASE. Mr. Speaker, sometimes I despair at how we are going to solve our campaign finance problems. There are few Members—and I am not one of them—who enjoy fundraising over policymaking. But the need exists—there is no getting around it—so we do it.

Nevertheless, Mr. Speaker, there is a light at the end of the tunnel. It is the Campaign Spending Limit and Election Reform Act of 1992 which we are voting on today. Granted,

it is not the perfect solution to our campaign finance problems, but it is a good start. In fact, in many respects, S. 3 is similar to legislation I introduced last year.

S. 3 controls campaign costs by establishing voluntary spending limits for House and Senate candidates. The bill also limits the amount of money that candidates may accept from PAC's; and it limits the amount of money that candidates may accept in large individual contributions. If candidates agree to spending limits, they will become eligible for matching campaign funds.

My regret is that the conference committee did not choose to include a tax credit for individuals who make small campaign contributions. I have always believed this to be the best way to bring the average citizen back into the political system and to counterbalance the influence currently wielded by PAC's and large individual contributors.

I urge my colleagues to vote for the conference report on S. 3. Let's send a signal to the American public that the Congress is willing to take the first step to cutting the connection between money and Government.

**KAREN VELAZQUEZ, HONORED
TEACHER**

HON. ILEANA ROSLEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Karen Velazquez, who has been honored by the Dade County Public School System as being one of its best educators. She was one of seven candidates to be chosen to compete for the Golden Apple Award for Dade's best teacher of 1991-92.

Ms. Velazquez teaches advanced Spanish and English to speakers of other languages and is the administrator of the Bilingual Vocational Language program at Colonial South Dade High School. She uses unusual classroom techniques and outside projects to make learning fun for students. She was recently featured in the Miami Herald for her extraordinary commitment to education. The article "She Make Her Charges Aware of Their Abilities" by Alessandra Soler reveals why she is so loved and respected. The article follows:

South Dade High School students say Karen Velazquez is more than a teacher. To them, she's an adviser, a friend and someone who makes a difference in their lives.

"She helps us out with school and our personal problems," said Veronica Lozoya, 18, a senior. "She gives us a lot of work but always spends time with those of us who don't understand."

Velazquez, who teaches advanced placement Spanish and English to speakers of other languages, uses innovative classroom techniques and outside projects to involve students in education. Those techniques helped earn her the Region VI nomination as Dade's 1991-92 Teacher of the Year.

Velazquez, 40, works with about 70 students in grades nine through 12 and serves as counselor and administrator for the Bilingual Vocational Language Program. The program allows her students to take vocational classes while still in high school.

Velazquez also runs a computer lab to help kids learn English and sponsors the Mini-Corps Club, which encourages migrant students to get involved in school activities. She supervises the Spanish Honor Society and has arranged for the group to serve South Dade's migrant farmworkers community, providing food and toys for families and children.

In the class room, she sometimes lets students take over. Students in her ESOL classes learn about democracy by electing officers to do various jobs, such as keeping tabs on absentees and their makeup assignments.

"When given authority, the kids are a lot harder on themselves than I would normally be," she said. "They also become more aware of their abilities."

Marian Link, principal at South Dade, said Velazquez makes learning fun.

"She gets her students involved and active in the classroom," she said. "She allows them to make mistakes and still feel good about themselves."

Born in Grove City, Ohio, Velazquez graduated from Ohio State University with a degree in anthropology and foreign language education. She also has a master's in foreign language education.

Her interest in anthropology led her to Mexico, where she lived for three years before returning to Ohio to start her teaching career.

"I started teaching because I wanted to share the culture and the love I had for it with the students," she said.

Velazquez started in Dade at Carol City High in 1986. She returned to Mexico for a while, came back to Miami and was assigned to South Dade, 28401 SW 167th Ave. The school has a large Mexican population, tailor-made for Velazquez.

"I teach my students the language and how to cope with the American culture," Velazquez said. "My rewards are being able to see the students function within society. And I love working with the Mexican culture. I feel right at home here."

Mr. Speaker, I commend Karen Velazquez for her outstanding dedication to teaching. Her devotion in helping immigrant students get accustomed to the culture and language of the United States is an inspiration to all teachers in Dade County and around the Nation.

MISS HARMONY MONAHAN IS ARIZONA'S "MEETING AMERICA'S CHALLENGE" CONTEST WINNER

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. KYL. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This year more than 147,000 secondary school students participated in the contest, the theme of which was "Meeting America's Challenge." Miss Harmony Monahan, a sophomore at Snowflake High School in Taylor, AZ, was the winner for my home State. Miss Monahan is knowledgeable and insightful, and I would like to submit her essay to my colleagues. This young woman is certainly "ready to meet the challenge of the future."

MEETING AMERICA'S CHALLENGE

(By Harmony D. Monahan)

If you watched the news every night for one week, anyone would realize that my generation is facing more serious challenges than any generation in the history of our country ever has. Things that were unthinkable in the past are happening right before our very eyes. America has never been so advanced.

In the medical field the breakthroughs are incredible. Genetic Engineering has opened the door to things that doctor's never believed possible. The application of this breakthrough is sure to have astounding results. Lives can be saved. Diseases wiped out, and problems solved before a child is born.

In the field of Technology new discoveries are being uncovered every day. The technologic world of computers holds America together. They have helped our country maintain the position as a world leader. In the Gulf War, although it was the weapons that won the war for us, it could not have been done without the computers behind them.

It is just now that we are beginning to realize the importance of Ecology in our world. We are seeing the damages we have done to the earth. Things we could not see before. Not only are we recognizing the problems, we are taking major steps to solving them. Companies are cooperating with environmentalists on safe packaging, pollution and nuclear waste disposal. Individuals have been made aware of the importance to recycle and care for our earth.

On the world's political front my generation has witnessed radical changes in the political make-up of the world. The fall of the Berlin Wall, the Declaration of Independence by the Baltic States, and the crumbling of the Russian Empire. All of these changes will reshape the political face of the world. No one is sure of what political system is going to replace communism, but whatever it is there is one thing that is for sure. It is the challenge of my generation to make sure that America stays the strong world leader it has been from the start.

The fields I have mentioned, medicine, technology, ecology and world politics all have one thing in common. When it comes down to it, it is people, human beings, who determine how these medical breakthroughs, technological advances, ecological needs and political maneuvers effect others.

To me the greatest challenge of our generation is to rediscover the values that America is founded on and that made her the great Nation she is today. All of the fields I have talked about require ethical decision making. The advances I have discussed are going to affect thousands, even millions of people. This is why it is so important for the people making these decisions to have a strong sense of values. Honesty, integrity, and respect for human life are just a few. The teenagers of my generation will be the people making these decisions in the near future. That is why it is so important that these values are instilled in the youth of America. The number one way to ensure this is to reconstruct the family unit. The family is the cradle of these values. It is the duty of the elderly to pass on all they have learned from the past. The lessons that will aide us in the future. We, the youth, need to listen to our elders and put their warnings and advice into action. Heeding the advice of our elders, learning from the mistakes of those who have gone before us and rekindling the values that have guided this country for 200 years, is what makes my generation ready to meet the challenge of the future.

**EFFORTS TO REVIVE THE
SEMINOLE CULTURE**

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102-188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my on-going series of this year, I am providing for the consideration of my colleagues an article from the March 25, 1992, edition of the Seminole Indian about Louise Jones Gopher, and her efforts to revive the Seminole culture.

PEOPLE TO WATCH—LOUISE JONES GOPHER

(By Nisha Pulliam)

At times, Louise Jones Gopher feels she is fighting against a tidal wave threatening to engulf Seminole traditions. Gopher is director of cultural education for the five Seminole reservations in Florida and is working to keep their language and culture alive.

After a survey was taken of the reservation children, it was found that many of them were losing their language and knowledge of the old ways. A cultural education program was established through the Seminole Tribal Council in 1982.

Gopher was hired and is the only cultural director of the tribes have had. She was the first Seminole woman and the second Seminole to graduate from a four-year college.

Although Gopher had opportunities to work off the reservation, she chose to stay with her people.

"I grew up in Fort Pierce and on the reservation and I wanted to stay here," she said. "The cultural program put it all into perspective for me."

Gopher, Miss Seminole of 1965, was born in a traditional Seminole camp in an orange grove on Orange Avenue in Fort Pierce. She spoke no English but attended public schools with her brother and sister in Fort Pierce where they were the only Indian children.

She continued her education at Indian River Community College, the University of Florida and Florida Atlantic University, where she received her degree.

"My father was a workaholic and strong on education because he didn't have any," she said. "He didn't push us but inspired us."

Gopher works out of an office on the Brighton Reservation in Glades County where Creek is the native language. To further complicate matters, Miccosukee is spoken at the other reservations and few of the approximately 2,000 Seminoles speak both languages.

"We're having a hard time hanging onto our language here at Brighton," Gopher said. "Most of the children understand it but don't speak it. It's easier for them to speak English."

Television has had a major influence on the tribes and Gopher is working to neutralize it. She has formed nursery schools and a

head start program where their native language is spoken.

She is documenting conversations with older Seminoles before their memories are lost.

Older women are now teaching the younger women basketmaking, beadwork and how to sew patchwork clothing. Gopher has brought Seminoles to the outside world at various festivals to display and sell their Seminole crafts.

She also travels to schools off the reservations to educate non-Indian children about the Seminoles.

"We get so many requests now, I have to turn many down."

Gopher feels the various programs have had an impact.

"We were so busy trying to keep up with the outside world getting TVs and VCRs in place that we were losing our culture."

But Gopher feels the existence of the cultural program has made the people aware and feels there is hope.

Personal. A widow for the past 15 years with three children.

Car. 1989 Chevrolet Lumina.

The best thing about living on the reservation. It's quiet, peaceful and safe.

The worst thing about living on the reservation. There isn't any worst thing.

My greatest asset. The ability to talk in front of people. I used to be very shy until I went away to school and had to hold my own, being the only Indian at most places.

My biggest weakness. I'm not as forceful as I should be. I'm too easygoing.

My biggest accomplishment. My kids and the good relationship we have. They are comfortable with me and me with them. My children tell all the other kids to call me when they have a problem.

My personal hero. My late brother Bert Jones, who died at 42, in a tractor accident. By that time he had become a medicine man for the Seminole tribe and was taking over the Corn Dance Festival. He had learned all the traditional medicine and did it on his own motivation.

The best part about being director of cultural affairs. Being able to go to other reservations and keep up with what's happening with other tribes around the country.

The worst part about being director of cultural affairs. It's like a losing battle trying to keep the language and culture alive.

Favorite midnight snack. Any leftovers.

Last good book I read. A Land Remembered by Patrick Smith.

Last good movie I saw. The Silence of the Lambs.

Most embarrassing moment. I took my daughter into the bathroom of a bank in Fort Pierce when she was a baby. The light was out and I forgot to pull up her diaper and she followed me out to the lobby with her diaper around her ankles.

If I couldn't be working in cultural affairs I'd be, probably, something working with the youth.

My personal philosophy. What goes around comes around.

Any other words of wisdom. I just try to mind my own business and treat other people fairly like I want to be treated. I try to listen to my kids and not take out my problems on them. When I'm not fit to be with, I shut myself in a room away from everyone.

TRIBUTE TO MARIE ABDALLA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BONIOR. Mr. Speaker, on the evening of April 10, Marie Abdalla will be honored at a special dinner at Fern Hill Country Club. I am very pleased to join the Clinton Township Goodfellows in paying tribute to a remarkable individual who has generously contributed her time and energy to our community.

The willingness to take an active role in our community is a responsibility we all share, but few of us fulfill. Marie has unfailingly devoted herself to this task. While a dedicated and thorough professional for over 43 years, Marie has always been affiliated and involved with many community organizations. In addition to Goodfellows, she has been involved with the Clinton Township Senior Citizens Center, and Meals on Wheels.

Mr. Speaker, through her commitment and hard work, Marie Abdalla has touched countless lives as an active, responsible citizen. On this special occasion, I ask that my colleagues join me in saluting the fine accomplishments of Marie Abdalla and extend to her our best wishes for all her future endeavors.

SALUTE TO DALE MILLER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Ventura County Fire Battalion Chief Dale Miller as he retires after 35 years of service.

Always a popular chief, Dale will be a hard act to follow as the battalion chief in Simi Valley. He also has been a strong community leader, serving in a variety of youth-related capacities and for 14 years as a member of the Simi Valley Rotary Club. It's fitting that as he retires, he is serving as the president of the local Rotarians.

Once his term of office is up, Dale and his wife, Barbara, will be pulling up stakes and moving north to Oak Hurst, CA, where he will build a home on a 40-acre lot, fish, and play golf.

Mr. Speaker, I ask my colleagues to join me in saluting Battalion Chief Dale Miller, and in wishing him well upon his retirement.

**IN REMEMBRANCE OF DUDLEY
CARTER**

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. CHANDLER. Mr. Speaker, I am saddened to announce the passing of a world-renowned woodcarver, Dudley Carter, who died at the age of 100. Mr. Carter was a longtime resident of Redmond, WA.

A few years ago, I had the honor of presenting Mr. Carter with my first Heroes Award. The Heroes Award is given in recognition of individuals in my district who, like Mr. Carter, have unselfishly devoted their time to the community. Mr. Carter exemplified this type of individual in every way. He was an inspiration to many young artists as he provided an opportunity for them to work closely with him on many projects. In addition, he taught them the importance of hard work and striving to do your very best.

Mr. Carter, born to a pioneer family in 1891 in British Columbia, was a timber cruiser and forest engineer most of his life. He spent much of his time exploring and mapping Pacific Northwest wilderness. The chief inspiration for Mr. Carter's art was his childhood among the Haida and Kwakiutl Indians of British Columbia. The lofty totems, community houses, and war canoes of these tribes became motifs in Mr. Carter's work.

His career as an artist has been marked with numerous awards and achievements. Mr. Carter is best known for Forest Diety, a sculpture located at the entrance of Bellevue Square in Bellevue, WA, and Legend of the Moon, inside the entrance of Marymoor Park in Redmond, WA. Other works of Mr. Carter's are on display in Washington and Oregon and in other nations, including Japan and Germany.

Mr. Carter's strength, dedication, and love for his art were true gifts of an artist. He will be long remembered by his family and friends for giving so much of himself to the art community both locally and throughout the world. I am deeply appreciative for the wonderful works by Mr. Carter and the fortunate opportunity we have to be graced with his memory for many years to come.

EMPLOYMENT ASSISTANCE FOR WORKERS ON CLOSING MILITARY BASES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mrs. SCHROEDER. Mr. Speaker, today I am introducing a bill that makes technical corrections to the Base Closure Act of 1988 and 1990, to allow for job retraining assistance at the most advantageous time. I am pleased to have my colleagues, BEN NIGHTHORSE CAMPBELL, DAVID SKAGGS, JOEL HEFLEY and LEE HAMILTON, join me in sponsoring this bill.

This bill amends the 1988 and 1990 base closure laws to allow employment assistance under the Job Training Partnership Act [JTPA] once the base closure announcement is made.

The 1990 Defense Conversion Adjustment Program (29 U.S.C. § 1662d) provides for assistance under JTPA for employees of closing military bases. Employees are eligible for this assistance if they have either been laid off or received notification of layoff. \$150 million was authorized and appropriated in the Fiscal Year 1991 Defense Authorization Act for defense employee assistance.

When Congress enacted this Program in the fiscal year 1991 Defense Authorization Act, we

intended that the program provide timely and effective assistance for employees adversely affected by base closures and the drawdown in the military. We adopted the JTPA model as the vehicle for providing adjustment assistance. But this model does not neatly fit the base closure situation and needs to be changed in order to provide effective assistance.

Base closures stemming from the 1988 and 1991 base closure commissions have been announced and planning for the closures are being implemented. Although employees on these bases know that they will lose their jobs on the base, most have not received an actual notice of layoffs. Under OPM rules, this notice will come only 60 days before the actual layoff.

But without an actual notice of termination, the employee is not eligible for benefits under JTPA. For example, the retraining program at Lowry Air Force Base in Colorado received this instruction:

[E]ach targeted worker must have either received a notice of layoff or been terminated in order to be determined eligible for basic readjustment and retraining services. A notification that the base is closing is not considered a satisfactory "notice of termination" to provide service.

My bill corrects this problem, so the announcement that the base is closing is considered a "notice of termination" for JTPA purposes. Instead of qualifying for retraining only 60 days before being laid off, the employee can benefit from a longer transition period, once he or she effectively knows that the base will close and the jobs will be eliminated. This early intervention gives the employee the most benefit out of the assistance.

As the Office of Technology Assessment recently noted in its report "After the Cold War," "the elements that make up an effective displaced worker program are well known and long established" and cited the pioneering work of former Secretary of Labor (and Secretary of State) George Shultz:

Early action is critical. The best time to start a displaced worker program is before layoffs begin. It is the best time for workers to get financial, personal, and job counseling, to explore options, and to find a new job without demoralizing delay. (OTA, p. 67)

As we make the often difficult transition to lower defense spending, we need to insure that workers are given an ample opportunity to make a transition to a new job. This bill will allow workers to obtain the most useful job training assistance when they need it most. Mr. Speaker, I urge my colleagues to join me in this effort.

BECKY NEIBURGER, HONORED TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Becky Neiburger, who has been honored by the Dade County Public School System as being one of its best educators. She was one of seven candidates to

be chosen to compete for the Golden Apple Award for Dade's best teacher of 1991-92.

As a reading and language teacher to at-risk students at the Corporate Academy, Ms. Neiburger's goal is to improve her students' reading scores on standardized tests through an intensive program. She was recently featured in the Miami Herald for her extraordinary commitment to education. The article, "Her Reward for Hard Work?: Seeing Students Make Grade," by Alessandra Soler, tells of her great efforts. The article follows:

As a member of the Peace Corps, Becky Neiburger helped build schools. As a teacher at Dade's Corporate Academy, she's making sure kids graduate from them.

Neiburger, 45, teaches reading and language to at-risk students in grades 10 through 12. She is Region IV's nominee for Dade's 1991-92 Teacher of the Year.

"She genuinely cares about the students and devotes her efforts on their behalf," said principal Jack Annunziata. "She has an intense dedication in caring for young people."

The Corporate Academy, an alternative school at 137 NE 19th St., is funded by Burger King and the Dade school system, and gets contributions from other local companies. It's designed to help potential dropouts finish high school and go on to college or a job.

A reading resource specialist, Neiburger works with students who have trouble reading. Her goal is to get them ready for the communications section of the High School Competency Test.

In an effort to improve reading scores among her students, Neiburger last year started a program dubbed HOTTER (Higher Order Thinking That Emphasizes Reading).

Students discuss and analyze books as they read them. The program improved reading skills to the point that 71 percent of her 11th-graders passed the reading portion of the competency test last year.

Her enthusiasm and dedication make Neiburger a favorite among Academy students.

"She's always there for me," said Yolanda Fleming, 17, a senior. "She tells you your mistakes and takes time out to help you with any of your problems."

Born in Guatemala City, Guatemala, Neiburger graduated from Miami University in Oxford, Ohio, with a degree in political science.

She came to Miami in 1982, taught at a private school until 1985, then took a year off to travel. She went to work at Nautilus Middle School in 1986 and transferred to the Corporate Academy in 1989.

"I love it here," Neiburger said. "The philosophy at this school is a therapeutic approach to helping students who have a problem."

Mr. Speaker, I commend Becky Neiburger for her outstanding dedication to teaching. Her devotion in helping students with reading difficulties to graduate from high school is an inspiration to all teachers in Dade County and around the Nation.

NEW JERSEY'S FESTA ITALIANA CELEBRATES COLUMBUS' 500TH ANNIVERSARY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. RINALDO. Mr. Speaker, the State of New Jersey has one of the largest Italian-

American populations in the Nation, and on June 13 they will celebrate their heritage at the 22nd annual Festa Italiana at the Garden State Arts Center in Holmdel, NJ. They are part of the more than 20 million American citizens who make up the Italian-American community.

New Jersey's Italian-Americans have strengthened the values of a society devoted to freedom and individual progress. They have been full participants in the life of this country, not only in time of peace but also in time of war. Indeed, Italian-Americans add to the rich cultural diversity of our State.

From the earliest immigrants to the newest generation, Italian-Americans played an important role as business men and women, professionals, teachers, artists, bankers, government officials, factory and service workers, homemakers, sport stars, entertainers, and hundreds of other productive enterprises. While they deeply love America, and identify themselves first and always as Americans, they still cherish and honor the rich cultural background of their Italian ancestors. Festa Italiana is an occasion at which they celebrate that heritage.

Daniel Webster once said that "there is a moral and philosophical respect for our ancestors which elevates the character and improves the heart." That respect is evident in the Italian community in New Jersey.

This year's celebration will pay a special tribute to Christopher Columbus. The 500th anniversary of Columbus' 1st voyage to America reminds us that he changed the world by uniting the old world with the new. That epic journey opened the way for successive generations of explorers and immigrants in search of freedom, opportunity, and new ideas.

We admire Columbus' faith in God, his sense of mission, his courage in the face of extreme adversity, his spirit of adventure, and his vision. Americans of all nationalities are proud of Christopher Columbus and what he means to America, and none more than the Italian people who followed him to America.

I salute the Festa Italiana committee under its general chairman, Anthony P. Lordi, Jr., of Linden, NJ, and his cochairpersons, Frank Guida of Metuchen and Carmen L. Urso of Linden, as well as the many others serving on the committee.

TRIBUTE TO MS. CHARLENE KING

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. KYL. Mr. Speaker, I rise today in commendation of a woman from my own district in Arizona whose achievements I truly admire. Ms. Charlene King, a mother of four, once on welfare and living with her parents, was recently honored with the Humanitarian Award for Public Service for her tremendous contributions to her community. In addition to raising her children and studying carpentry at Rio Salado Community College, Ms. King participated in a community-service team which provided repairs and construction for low-income homeowners in Phoenix. Ms. King, a Navajo, hopes to someday return to her reservation in

Northern Arizona to serve her community there. I wish her the best of luck, and hold her contributions as an honor student and a community volunteer up to my colleagues and constituents as an example of dedication and initiative.

H.R. 4848, THE LONG-TERM CARE FAMILY SECURITY ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. WAXMAN. Mr. Speaker, if you asked most American the best way to live out their last days, they'd say they would like to do it quietly at home. If you asked them the worst way to end their lives, they'd say years of bankruptcy and loneliness in a nursing home.

We must turn our attention to these issues as part of the health debate of the nineties. There is no true health reform without long-term care reform. There is no comprehensive health care without home care and nursing home care. There is no complete health insurance plan without a plan to pay for disability.

The legislation I am introducing today—along with the distinguished majority leader, Congressman DICK GEPHARDT—is to give Americans the chance to get the care they need and to choose the setting they want. Disabled people—old and young—should have the chance to get health services without impoverishing themselves, without burdening their families, without leaving their homes, and without living in fear of these things. This bill—a detailed summary of which appears below—will provide them with coverage for long-term care and protection against these catastrophes.

Mr. Speaker, the need for long-term care affects us all. The patients are our parents, our spouses, and inevitably ourselves. Most Americans have already dealt personally with a loved one in need of home or nursing-home care. Most Americans have had the experience of trying to find services and to arrange for payment. Most people know that such care is hard to get and even harder to pay for.

Our insurance system, public and private, doesn't help matters. Medicare, Medicaid, and commercial plans are all limited in eligibility and inadequate in coverage.

This bill establishes a new Federal program to address these problems. It provides assistance to severely impaired Americans, both elderly and non-elderly. It covers both home care and nursing facility services. It requires some forms of copayment for those who can afford it, but provides public payment for those who cannot. And it guarantees these things for all Americans.

The Long-Term Care Family Security Act is needed now. Illness and disability are tragedy enough. We should not compound them with fear and neglect.

SUMMARY OF H.R. 4848 THE LONG-TERM CARE FAMILY SECURITY ACT OF 1992

The Long-Term Care Family Security Act of 1992 is designed to achieve universal coverage for long-term care for disabled persons of all ages. A Public Program provides pro-

tection for home and community-based care and short-term nursing facility stays, without regard to income. The Public Program also provides a floor of income and asset protection for long stays in nursing facilities. All benefits are subject to cost containment and quality assurance mechanisms. Private long-term-care insurance policies for additional benefits are made eligible for favorable tax treatment if they meet Federal consumer protection requirements.

PUBLIC PROGRAM

Eligibility

All persons are eligible for either home and community-based or nursing facility care (regardless of their age, income or employment status) if they demonstrate any of the following:

Need for human assistance (including supervision) with three or more activities of daily living (ADLs) (bathing, dressing, transferring, toileting and eating).

Need substantial supervision due to cognitive or mental impairment and have at least one ADL limitation or require assistance managing their medications.

Need substantial supervision due to behaviors that are dangerous (to themselves or others), disruptive, or difficult to manage.

All persons who demonstrate any of the above needs and require long nursing facility stays are eligible for benefits when their incomes and assets reach protected levels.

Benefits

Home and Community-Based Care

Full range of home-care services (including skilled and unskilled services, personal assistance, and equipment to assist with ADLs); community-based services (including adult day care); and respite care services are available.

Benefits vary with degree of impairment: Eligible persons with limitations in fewer than four ADLs ("moderately disabled") are entitled to 52 hours of service per month. Eligible persons with limitations in four or more ADLs ("severely disabled") are entitled to 88 hours of service per month.

Additional hours may be made available to individuals with greater needs from pooled benefit hours (13 hours per month allotted to pool for each moderately disabled person; 22 hours per month allotted to pool for each severely disabled person).

Benefits are subject to 20% cost-sharing requirements, adjusted for sliding-scale low-income assistance.

Short-Term Nursing Facility Care

Coverage is available for two episodes of up to six months of nursing facility care.

Benefits are subject to 20% cost-sharing requirements, adjusted for sliding-scale low-income assistance.

Long-Term Nursing Facility Care

Asset protection is provided (in addition to the value of homes) in amounts up to \$30,000 for individuals, \$60,000 for couples.

Income for spouses, home maintenance, and personal needs is also protected.

Payment and Cost Containment

Payment rates for home and community-based services are Federally determined and are based on a fee schedule or prospective payment system developed by the Secretary.

Payment rates for nursing facilities are based on a specified prospective payment system, adjusted for severity of residents' impairments ("case-mix" system).

Payment rates for all types of services apply not only to services covered by the Public Program, but to any services deliv-

ered by participating providers ("all-payer" system).

Expenditures for home and community-based services may not exceed costs of entitlement hours plus pooled benefit hours.

Supply of nursing facility beds is limited to current bed-to-elderly population ratio in a State or the national average ratio, whichever is greater.

A Long-term Care Payment Assessment Commission is established to review and recommend to the Secretary and to Congress appropriate policy regarding rates, methods, and adjustments for payment for all services.

A Pharmaceutical Payment Assessment Commission is established to examine prescription drug costs and to explore issues relating to coverage of prescription drugs under government health care programs.

Administration and Quality Assurance

Designated assessment agency in each State determines functional and financial eligibility for benefits, and ensures specified quality of care standards.

Certified care managers, in cooperation with individual beneficiaries, develop plans of care for home and community-based services; arrange for, and oversee quality of, service delivery; and manage payment for services consistent with the limitations on expenditures.

Subject to Federal requirements, States certify and license care managers and providers.

Nursing home reform standards ("OBRA '87") remain unchanged.

Relation to Other Federal Programs

Medicare remains primary payer for persons eligible for Medicare benefits.

Medicare benefits remain unchanged except coverage for skilled nursing facility care is limited to 20 days.

Medicaid long-term care benefits are replaced by the Public Program except for intermediate care facility services for the mentally retarded ("ICFs/MR").

Long-term care programs supported through the Older Americans Act, Title XX, and the Protection and Advocacy Programs for Individuals with Mental Retardation or Mental Illness remain unchanged except for enhanced financing for the Ombudsman Program under the Older Americans Act.

Impact on Disabled Americans

3.1 million moderately and severely disabled Americans over age 65 are eligible for benefits.

800,000 moderately and severely disabled Americans under age 65 are eligible for benefits.

Cost and Financing

Preliminary CBO estimate of new federal costs for Public Program for first full year of implementation is \$45 billion (\$25 billion for home and community-based care; \$20 billion for nursing facility care).

Taxes to finance new Federal costs include a payroll tax (0.5% on employer; 0.5% on employee for all wages except the first \$5000); a tax on unearned income (2.5%); and a decrease in the tax-exempt inheritable amount (from \$600,000 to \$200,000).

Home and community-based care and short-term nursing facility benefits are fully Federally financed.

States are required to maintain current levels of financial commitment under Medicaid for population groups and long-term care services covered by the Public Program (indexed for increases in the medical CPI).

At full implementation, Federal and State governments share costs for increases in ex-

penditures for the long-term nursing facility benefit in excess of the increase in the nursing facility market basket.

Phase-In Schedule

Year 1: Development and publication of implementing regulations.

Year 2: Provision of limited number of hours of home and community-based care.

Year 3: Provision of additional hours of home and community-based care.

Year 4: Full provision of nursing facility care.

Year 5: Full provision of home and community-based care.

PRIVATE LONG-TERM CARE INSURANCE

Relation to Public Program

Private long-term care insurance remains available for persons seeking protection of assets above the level specified in the Public Program; for additional home care services; for cost-sharing requirements under the Public Program; and for service needs associated with impairment levels less than those specified under the Public Program.

Purchase of private long-term care insurance ensures protection of assets above the levels specified under the Public Program equivalent to the amount of insurance purchased.

Standards

The National Association of Insurance Commissioners (NAIC) or, in its absence, the Secretary, is required to develop standards for State programs to regulate long-term care insurance policies; and for the issuers, sales practices, and content of such policies.

Standards for issuers include provision for examination of policy ("free look") and full refund; explanation of benefits relative to the Public Program; information on experience with claims denials; and limitations on agent compensation.

Standards for sales practices include requirements for agent certification and consumer education; prohibitions against unfair tactics, including "twisting", cold lead advertising, and high pressure techniques; and prohibitions against specified sales, including sales of duplicate policies and sales to Medicaid recipients.

Standards for policy content include coverage for a minimum benefit (protection for long nursing facility stays); optional development of standardized policies; protection against inflation, forfeiture, and use of pre-existing condition limits, and premium increases; and guarantees of renewability, continuation, conversion, and upgrade rights.

Enforcement

States are required to establish mechanisms to secure compliance with the specified standards, including the imposition of sanctions such as civil monetary penalties.

Secretary is required to establish mechanisms to ensure presence and operation of effective State regulatory programs ("look behind" authority).

Tax Clarifications

Private long-term care insurance policies are provided the same preferred tax treatment as accident and health insurance.

Expenditures for long-term care services are provided the same preferred tax treatment as medical expenditures.

REMARKS BEFORE THE CONFERENCE ON CONTEMPORARY CHINESE LAW WITH AN EMPHASIS ON TAIWAN

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. JOHNSON of South Dakota. Mr. Speaker, I recently had an opportunity to address a very distinguished group of scholars who were meeting in Washington at the Conference on Contemporary Chinese Law With an Emphasis on Taiwan. I was particularly grateful to Dr. Tao-tai Hsia, of the Library of Congress, and a good friend. Dr. Winberg Chai, of the University of Wyoming, for their leadership at this important conference and for their very gracious hospitality. The following are thoughts which I shared with those in attendance at the conference:

REMARKS OF HON. TIM JOHNSON

Thank you for your kind invitation to join you at this luncheon in the midst of your conference on Contemporary Chinese Law with an Emphasis on Taiwan—I appreciate your hospitality and an opportunity to share a few brief thoughts with you.

The topics taken up by this conference—democratization, reunification, and economic and civil laws on the ROC are not only critically important, but extremely timely as well.

Having recently led a congressional delegation to Taiwan where we visited with President Lee, government officials and business leaders, let me say that our delegation came away impressed with the progress being made toward a more open, multi-party democracy on Taiwan. Much progress remains to be achieved, but I am confident that the people of the ROC will remain committed to pursuing the legal and constitutional reforms necessary to further the cause of democracy and individual civil liberties.

Obviously, the very difficult and sensitive issue of reunification is one which must be left to Taiwan and the Mainland, and it is only natural that differences of opinion should exist on Taiwan not only between the KMT and minority parties, but between factions of the KMT itself. Nonetheless, I believe that there is a great deal that the United States can and must do to promote needed political and economic changes on the Mainland which will facilitate the development of civil liberties for Mainlanders as well as allow for a better climate in which Taiwan and the Mainland can deal with the reunification issue.

We often refer to the Mainland as a socialist state—but the reality is that more than half their economy is no longer in state hands, and the share of the private economy has been growing rapidly. Further the unified state of the Mainland is fraying as economic reforms create effectively independent states, especially on coastal China. Mr. Deng's prevailing analysis is that the Soviet Union and Eastern Europe went about reform backwards—that they should have loosened their economies much sooner and their politics later, if at all. His argument is that people with full bellies will not complain too much about a lack of democracy, and that the Mainland should be prepared to absorb the ideas, money and technology of the outside world in order to assure economic growth. As a result, the Mainland's GNP

grew by 7% last year in real terms, and the coastal provinces more in the range of 25%—due in a significant part to Taiwanese investment.

But I believe Mr. Deng will not be able to have it both ways—a growing capitalist economy and continued political repression. It is the nature of free economies that they require free people and free minds in order to remain competitive in an increasingly global economy. While the United States should express absolute opposition to weapon proliferation and repression of human rights, it is in our nation's interest to strengthen Sino-American cultural, educational and economic ties and to assist the Mainland with its "four modernizations."

Taiwan has, to its credit, established organizations to promote greater cooperative contact with the mainland—the Unification Council, Mainland China Affairs Commission and Straits Foundation. Trade and visitation between Taiwan and the Mainland have grown enormously in recent years. It is not the role of the United States to tell Taiwan when it should liberalize postal, trade and navigation links with the Mainland, but it is in the mutual interest of the United States and Taiwan to work toward a political and economic climate on the Mainland with which Taiwan can feel comfortable and secure. In the meantime, the United States should work to assure GATT membership for the ROC to further assure Taiwan's ability to continue economic growth.

If we choose the correct public policies in the 1990's, I am convinced that the next century will usher in an era of unprecedented prosperity in Asia and a flourishing of Chinese culture which would enrich all of the world. Thank you for your work in helping to lay the difficult but essential intellectual groundwork for such a new era.

THE EVERY FIFTH CHILD ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mrs. SCHROEDER. Mr. Speaker, if this Congress learned today that a debilitating, often fatal, condition threatened the lives of 13.4 million children—more than one-fifth of Americans under age 18; that afflicted children were three times more likely to die during childhood; that every day 27 U.S. children died from causes related to this condition; and that the ailment stunted not only the physical development of children, but also their social, emotional, and intellectual growth; would Congress take action?

If Congress found that remedies existed to correct the deadly conditions; that these measures saved lives and gave children a fairer start in life; but that this relief reached only a portion of the afflicted children; would Congress act to expand this relief?

If studies proved that this relief not only saved children's lives, but also saved money in later medical and social costs, would Congress act?

Mr. Speaker, I would like to believe that Congress would take decisive and immediate steps to free children from such an adversity. Yet the devastating circumstances I have described are not fiction but fact. The condition that afflicts one in five children is poverty, and

its results devastate millions of lives each year. Children do not ask to be born into poverty, but they live—and die—with the consequences. Every 14 minutes an infant dies in the first year of life. One in eight children is hungry, and hungry children are 2 to 3 times more likely to suffer health problems. Untold thousands of children and families are homeless, and children are the poorest age group, two times as likely to be poor as elderly people.

I would like to believe that Congress would place these children's needs at least as high as defense budgets. But the budget walls would not even come down for children. When will we realize that, above all else, the future and defense of this Nation depends on the health and well-being of its young people?

The voters already understand this, and you can bet they will ask us this fall what we have done lately to assist children. A new poll, conducted by a Republican pollster, reports that 95 percent of registered voters believe poverty and homelessness are serious problems, and that 93 percent believe hunger is a serious problem. Two-thirds are willing to pay \$100 more in taxes to end hunger among children and families.

Today, the esteemed chairman of the Education and Labor Subcommittee on Elementary, Secondary, and Vocational Education, Mr. KILDEE, is introducing the Every Fifth Child Act. This legislation responds to the overwhelming intention of voters to improve the well-being of children by increasing access to three outstanding cost-effective programs—WIC, Head Start, and Job Corps. I am pleased to be an original cosponsor of the bill.

The Select Committee on Children, Youth, and Families, which I proudly serve as chairwoman, has documented the conditions facing children and the programs that improve well-being. The evidence is clear—WIC, Head Start, and Job Corps increase the nutritional, educational, and economic status of young people. They return significant savings in health, special education, public assistance, and crime costs.

Talk is cheap and time is short—this bill save lives and money, the best investment we can make. I urge my colleagues to support the Every Fifth Child Act.

ANGEL JONES, HONORED TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Angel Jones, who has been honored by the Dade County public school system as being one of its best educators. She was 1 of 7 candidates to be chosen to compete for the Golden Apple Award for Dade's best teacher of 1991–92.

Ms. Jones is a seventh grade science and biology teacher at Thomas Jefferson Middle School. She was recently featured in the Miami Herald for her extraordinary dedication to teaching. The article "High Standards Are Her Hallmark" follows:

In Angel Jones' seventh-grade class Wednesday, the students were not students.

They were taxonomists, scientists who study classifications. And they were desperately trying to hang on to their jobs.

"I told them because of the recession I'm going to have to cut down on some employees," said Jones, who has taught science and biology at Thomas Jefferson Middle School for three years. "Based on how well they classify the buttons, I was going to cut jobs."

Jones, one of seven finalists for Dade County Teacher of the Year, is no textbook teacher. "I'm not the kind or person who is going to tell you. 'Come in. Open your books and answer all the questions for me,'" she said.

"My job is not to come here and baby-sit. My job is to make sure you're learning," Jones said.

TRIBUTE TO HURON-CLINTON METROPOLITAN AUTHORITY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BONIOR. Mr. Speaker, today I wish to congratulate the Huron-Clinton Metropolitan Authority on its 50th anniversary. Back in 1942 it was easy to buy a swimsuit; however, finding a beach to wear it on was difficult. So that same year the Huron-Clinton Metropolitan Authority was created to provide parks for public use in the five southeastern Michigan counties of Macomb, Wayne, Oakland, Washtenaw, and Livingston.

The inception of the HCMA brought hope that larger, more diversified parks would be created. Today, through hard work, the Huron-Clinton Metropolitan Authority has developed 13 parks located along the Huron and Clinton Rivers.

These parks provide a variety of outdoor recreational activities for residents, both young and old, of southeast Michigan. The HCMA has also made a strong commitment to the environment through education programs and preservation.

I would also like to take this opportunity to thank the Huron-Clinton Metropolitan Authority for its assistance in building the bike path from Metro Beach to Stony Creek. The bike path will ensure safe travel for bikers and pedestrians.

In closing, Mr. Speaker, the dedication and commitment of the HCMA to provide quality outdoor recreation has had a considerable impact in the 12th Congressional District and in southeast Michigan.

On this special occasion, I ask that my colleagues join me in congratulating the Huron-Clinton Metropolitan Authority on its 50th anniversary.

SNOWE SALUTES MAINE VOICE OF DEMOCRACY WINNER

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. SNOWE. Mr. Speaker, I rise today to offer my congratulations to Monique Mari

Gibouleau of Old Town, ME, on winning the Maine VFW Voice of Democracy broadcast script writing contest with her outstanding essay. I find Monique's firm grasp of the historical challenges our Nation has met, as well as those we are currently encountering, highly commendable.

Currently in her junior year at Old Town High School, Monique competed among 147,000 high school students nationwide and was chosen as the winner for Maine.

Each year the VFW chooses a theme for the contest, this year it was "Meeting America's Challenge." In her speech, Monique concluded that America's greatest challenge is educating its citizens both now and in the future. Because I share Monique's view that education is indeed of great importance to the future of America, I would like to share her speech with my colleagues.

MEETING AMERICA'S CHALLENGE

(By Monique M. Gibouleau, Maine winner, 1991/92 VFW Voice of Democracy Scholarship Program)

Throughout the years, America has met with many challenges, and the American people have dealt with them in various ways.

In the late 1700s, the challenge was the fight for independence and establishing a new nation and strong, wonderful government, and uniting several wary colonies.

In the 1860s the nation was torn in two as interests conflicted. The challenge of those times was to reunite the nation and to resolve its conflicts.

At the start of the twentieth century, the United States went through the challenge of foreign policy. Toward the 1900s, there was an explosion upon the USS Maine in Havana harbor which caused, eventually, America to go to war again. A few years later, the U.S. helped to get other nations out of tight places such as the Philippines which became a free country on July 4, 1946—nearly half century later. This was a time when the United States' challenge lay outside of the country for the most part.

Then the first World War began and the challenge of America was, at first, to stay out of it, and to be prosperous as other nations bought from the United States. But the United States became deeply involved with its allies, and the war to end all wars was through before the 1920s.

Later, a different challenge arrived in the form of the Great Depression, which improved with the coming of World War II when the neutral America sold goods and weapons on a "cash and carry" basis, stopping the unemployment crisis, after the United States went into World War II. The end came with an allied victory and there was temporary peace. The Vietnam Conflict and Korean War showed that there was not yet peace on earth.

There has been the challenge of stopping racism. There have been fights for the equality of the sexes. There have been many challenges throughout the history of our great nation, and today is no exception.

America's challenge of today is education. This is the education of everything! The people of today, not only the youth of today need education. People must be educated about all issues that need to be dealt with in life. People need to become aware.

America's challenge of today is the education of all things, of all people in the United States, of all the cultural backgrounds, and the great heritage of this nation. Beyond learning about the people making up the na-

tion, people must also be educated about the issues that are dealt with by our representatives. They need to become aware of the issues that are dealt with in states and in the national government. The people must be challenged to learn.

The challenge of America is education on the environment. It is learning about the effects of toxic dumping and about common household waste disposal. They must be educated on reducing waste and recycling what can be recycled and as well as using well thought out methods of disposal for what must be discarded.

The challenge of America is education for the future. Schooling, and learning, and striving for knowledge and the accumulation of knowledge are necessary things for the future of our nation. That is America's challenge.

America has met its challenges in the past with strength, hope and desire, from the signing of the Declaration of Independence to the recent Gulf Crisis. I do not fear for the future—America meets its challenges well.

INTRODUCTION OF THE SMALL BUSINESS INCENTIVE ACT OF 1992

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DINGELL. Mr. Speaker, I commend my colleagues, Mr. MARKEY, the chairman of the Energy and Commerce Subcommittee on Telecommunications and Finance, and that subcommittee's ranking Republican, Mr. RINALDO, for introducing today, at the request of the SEC, the Small Business Incentive Act of 1992. According to the Small Business Administration, in recent years, almost two-thirds of U.S. employment growth has come from the creation of new firms. The Congress must take steps to encourage the continued productivity of this and other sectors of our economy.

However, I do not believe we should move forward on this bill without very careful hearings. And these legislative proposals should be examined against the Commission's recent package of proposed rule changes to reduce or eliminate registration, reporting, and accounting requirements for small businesses and to deregulate certain venture capital investment pools. While some of these proposals appear to have merit, others appear overbroad in scope and would unnecessarily remove safeguards and not provide adequate investor protections. Specifically, I would like the subcommittee to examine whether the combined effect is not a near total evisceration of the penny stock reforms we did in the last Congress. We should also examine the American Stock Exchange's new emerging company marketplace, and what the State securities regulators are doing in this area. Finally, we need to assess the effects, beneficial and otherwise, of the Small Business Investment Incentive Act of 1980, H.R. 7554, Public Law 96-477, October 21, 1980. We took a number of deregulatory steps in this area only 11 years ago in the 1980 act and it is advisable to see what was effective and what was not before we tear more pages out of the rulebook.

The Federal securities laws play a central and salutary role in the American capital mar-

ketplace. The central mandate is a simple one: That persons raising money from our citizens tell the truth about themselves, the securities being sold, and their business plans. The honesty and transparency of our markets, whether for large multinational companies or mom-and-pop operations, should never be compromised. Trust lost is not easily regained.

DEFENSE CUTBACKS MUST SLOW DOWN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SPENCE. Mr. Speaker, America is facing its biggest demobilization since World War II.

Stunned military people know what it means. Over half a million of them will be tossed out into an economy where few jobs await.

Civilian defense workers, Reservists, and Guardsmen will also join the struggle for pay checks. What's more, millions of defense jobs in the shipbuilding, aerospace, and electronics industries could disappear.

At this rate, over 1 million new jobs will have to be created in the next 3 years. And slashing deeper—as some are pushing for—could cost 3.3 million jobs.

Let's face it—defense is a business. It creates jobs that support military and defense workers' families across the country. Cutting back too fast and too deep will do further harm to an already weak economy.

We must slow the pace of these proposed defense cutbacks. This will allow time for the economy to improve, and give people a better chance to find comparable jobs.

This approach can work better than the \$1 billion economic conversion program that can't create jobs fast enough to help people now.

RECYCLING RANGERS AT PINE LAKE ELEMENTARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, by designating March as Recycling Awareness Month, Pine Lake Elementary has encouraged students, teachers, and parents to get involved in the recycling process. They were all part of a contest in which students competed for the best artwork created out of recyclable products. The school was recently featured in the Miami Herald for its efforts in saving the environment. The article "Kids Build An Awareness of Recycling" by Jon O'Neill tells of their accomplishments:

For students at Pine Lake Elementary, recycling is more than tossing things into a bin.

To prove it, the kids topped off a month of studying the subject by using recyclable things to make artwork and practical items. Their designs were on display in the media center at the school Tuesday.

Pine Lake, at 16700 SW 109th Ave., is a pre-kindergarten through third-grade school. Teachers wanted their young charges to get more involved with saving the environment, so they designated March "Recycling Awareness" month.

"We wanted to work with some basic ideas, but the kids really outdid themselves," said third-grade teacher Marilyn Carver. "We were impressed with what they did."

Each class designed its own recycling bin and learned what was OK to put in it. A team of students, the "Recycling Rangers," checked the bins each day and handed out rewards or warnings.

Students also held a bumper sticker contest. The best slogans now are being printed on bumper stickers that the school will sell. The money is going to help finance more environmental projects, Carver said. The kids also recycled old books.

The final projects, which took about two weeks, involved making items from recyclable goods, and having them judged. Winners were named from all four grade levels.

Malachi Green made "Space Robot Cat," a space-age kitty made from boxes, cans and sporting plastic fork whiskers.

"My mom helped some, but I did most of the work," said Malachi, 5, a kindergarten student. "I didn't realize I was going to be first place."

First-grader Clarence Harper, 7, also got an idea from his mother. He used dozens of aluminum cans to make a patio furniture set that was sturdy enough for little people to sit on. The set also featured a newspaper umbrella.

Diana Rairden, 7, won the second-grade competition with a book about how she made a composting pen at her house. The book includes pictures of Diana and her dad making the pen and mixing the compost.

"It was fun," Diana said. "Some of the food we mixed up was kind of disgusting, but I learned a lot. I learned we can stop trashing the earth."

Kaegan Blomseth, 9, was the third-grade winner. Using an idea she got from her sister, she built a birdbath made entirely of aluminum cans.

"It was real hard," Kaegan said. "Sometimes the cans wouldn't hold together."

Teachers and students say the month's lessons have been learned.

"They all want to tell me what I can and can't recycle now," librarian Toni Ziglich said. "It's amazing how much more aware they are."

Parents are learning, too. "I have to tell my dad to recycle because he doesn't," Kaegan said. "I'm going to make him now."

Mr. Speaker, I would like to commend the students and teachers of Pine Lake Elementary for their commitment in making ours a better world. Their involvement demonstrates how recycling can be both fun and simple. They are an example to us all.

SENSELESS REGULATIONS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BALLENGER. Mr. Speaker, needless regulations ought to be repealed to promote economic growth. A recent report concludes that government regulations now cost the

economy \$400 to \$500 billion annually. This means \$4,000 to \$5,000 per household per year, which reduces our country's ability to compete in international markets, prolongs the recession, and increases unemployment.

One burdensome regulation is the outdated Davis-Bacon Act. This depression era statute raises the cost of construction \$1 billion a year by requiring a federally mandated wage for Federal construction projects above \$2,000.

In my opinion, the Davis-Bacon Act needlessly pushes up Federal construction costs and in many cases pads the pockets of union workers. It shuts out minority contractors and others who bid competitively on Federal work. The act imposes artificial wages and causes construction costs to dramatically increase.

Today, Davis-Bacon does little more than milk the taxpayer. Rather than wasting millions each and every year on Federal construction, we could reinvest these dollars in low-income housing or health care.

Suspending Davis-Bacon, which is possible under Presidential authority, would send a strong signal to our constituents that we recognize we have a fiscal responsibility to spend their tax dollars wisely. Not only would it save money, the psychological impact of this decision could be enough to create an economic boom.

I hope the President uses his authority to suspend Davis-Bacon and help our economy get moving again!

NEW HAMPSHIRE-MAINE INTERSTATE SCHOOL COMPACT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SWETT. Mr. Speaker, today I am introducing H.R. 4841, legislation that would ratify the 1969 law of both New Hampshire and Maine's previously agreed to Interstate School Compact. Congresswoman OLYMPIA SNOWE and Congressman TOM ANDREWS of Maine and Congressman BILL ZELIFF, my colleague from New Hampshire, are joining me in support of the legislation.

Although this compact was signed into law in 1969 by both States, inadvertently it was not submitted to the U.S. Congress for the required approval. Finally, in 1992, we are taking steps to finish a process that should have been completed over 20 years ago.

This compact does not compel either State to establish interstate school districts, interstate committees, or even interstate discussions. It simply allows communities in either State who wish to look into the possibility of an interstate alliance to do so. Commissioner Eve Bither of Maine stated it best when she wrote, "The intent of this legislation is to enable towns from both States to combine their resources and form school districts if such a combination should prove economically and educationally feasible."

Our educational system faces severe fiscal restraints and limited resources as it struggles to provide quality education to our students. Local communities need the flexibility to pursue innovative solutions to their educational

challenges. That is what the New Hampshire-Maine Interstate Compact is all about. New Hampshire's Commissioner Charles Marston wrote, "The Compact recognizes that border communities share more similarities than differences. Educational opportunities should not stop at the State line, whether you travel from east to west or west to east."

Mr. Speaker, I look forward to enactment of this enabling legislation and to the possible betterment of the educational systems of both New Hampshire and Maine. Someone once said, "Procrastination is opportunity's natural assassin." After 23 years we cannot procrastinate any longer. It is time to ratify this New Hampshire-Maine Interstate School Compact which will provide the voters of these States additional educational opportunities for their children.

SALUTE TO THE HONORABLE JUDGE BRUNO LEOPIZZI

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute a truly outstanding individual from my Eighth Congressional District of New Jersey who has made an enormous contribution to his community, his State and our Nation over the past 20 years.

I am speaking of the Honorable Judge Bruno Leopizzi of Paterson, NJ, who will be honored for his innumerable contributions on Sunday, April 26, 1992, by the prestigious Nineteen Hearts Society of the Federation of Italian Societies with a dinner at La Neve's Restaurant in Haledon, NJ.

I know that this event will be a source of great pride, not only to Bruno Leopizzi, but to his devoted family; his loving wife Terry; his two daughters Elaine and TerriAnn; his son Raymond; and all six of Bruno Leopizzi's grandchildren Raymond, Ryan, Anthony, Michael, Christopher and Cara. Further, I know this event will also have great significance for the people who have come to know Bruno Leopizzi through his great involvement with the community both professionally and socially.

Mr. Speaker, Bruno Leopizzi was born in Houston, PA, to Luigi and Agatha Leopizzi. He received all of his education in the Sandy Hill section of Paterson, NJ. After receiving his law degree at John Marshall Law School, Bruno was admitted to the New Jersey Bar in 1951. He was later admitted to practice in the U.S. Federal Court and the Supreme Court of the United States.

In the early years of his career, Bruno Leopizzi established a private practice from 1951 to 1972 when he was appointed to the district court. Four years later in 1976 the Hon. Judge Bruno Leopizzi was appointed to the county court level and in 1979 to the Superior Court of New Jersey.

Bruno Leopizzi is not only an important member of the community but holds membership in the Passaic County Bar Association, the New Jersey State Bar Association, the

American Bar Association, the New Jersey Trial Lawyers Association and the Justinian Association. Judge Leopizzi has also in his spare time lectured at the New Jersey Judicial College, the Institute for Continuing Legal Education, the Skills and Methods Court for New Attorneys; been a visiting lecturer at Rutgers Law School and Drew University, as well as, a Moderator for Moot Court.

Judge Leopizzi has in the past held such notable positions as municipal prosecutor in Paterson, city attorney for Paterson, attorney for the Board of Health in West Paterson, NJ and numerous other positions. In his spare time Judge Leopizzi is a member of the Italian Circle, the Italian Sportsmen Hall of Fame, and a past member of St. Anthony's Catholic Club.

Mr. Speaker, I appreciate the opportunity to present a brief profile of a truly outstanding and dedicated citizen whose dedication to his profession and his community have made our community, our State and our Nation a far better place to live, the Honorable Judge Bruno Leopizzi of Paterson, NJ, honoree of the Nineteen Hearts Society for 1992.

U.S. GOVERNMENT-PRIVATE
SECTOR EXPORT COOPERATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BEREUTER. Mr. Speaker, as cochairman of the House Export Task Force this Member would like to describe how recent cooperation between the U.S. Government and the private sector will produce a boon to the U.S. telecommunications industry.

More than ever, U.S. exporters and the Federal Government need to work as a team to increase U.S. sales abroad. Although it is not often that business and Government work together, when it does happen, the results can be impressive. A good example of this is the sale of AT&T telephone switches to Indonesia.

Mr. Speaker, Indonesia is a developing country with a great need for modern telecommunications. The United States, without question, is a world leader in the production of telecommunications equipment. In terms of mutually beneficial trade, the two countries were a perfect match; however, Indonesia demanded generous financing concessions, requesting a loan at 3½ percent interest over 25 years and a 7 year grace period.

Now, this financing request might seem very demanding, but United States competitors in Japan and Europe were able to offer such financing with the help of their governments. Fortunately, for U.S. exporters, this Government and business leaders worked together to compete internationally.

Together, the Export-Import Bank, the Agency for International Development, and the Trade Development Program worked together to produce an attractive \$60 million dollar loan package. Even with such a financing package, there was a great deal of pressure from competing governments. To further compete, officials of the U.S. Government at the very highest level contacted Indonesian officials to let

them know the project was a United States priority.

Mr. Speaker, because of this teamwork, AT&T was able to demonstrate its superior technology and receive half of the \$380 million dollar award. Additionally, AT&T expects to receive many times that amount in follow-up business. Most importantly, the U.S. Government's investment will be returned many times over in additional U.S. exports and new jobs.

Mr. Speaker, it is the kind of teamwork which is increasingly important in a world where governments as well as companies compete for international markets.

CLIFF PEAKE RETIRES AS PRESIDENT OF UNION COUNTY CHAMBER OF COMMERCE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. RINALDO. Mr. Speaker, the business community in Union County will honor Clifford M. Peake, president of the Union County Chamber of Commerce, on his 22 years of exceptional service when he retires as president of the chamber of commerce. It is a well deserved tribute and public expression of appreciation for Cliff Peake's leadership in promoting new business, aiding existing enterprises and industries in dealing with local, county, State and Federal Government agencies, and in attracting investment and jobs into Union County.

Under Cliff Peake's leadership, businesses and industries in Union County have been able to play a significant role in promoting and planning improvements in public transportation, including the proposed rail connection between Newark Airport and the city of Elizabeth, and many other projects that are vital to the future economic growth and prosperity of Union County.

He began his career in 1950 after service in the U.S. Army and graduation from Idaho State University. Cliff Peake gained a broad view of the American business community, from agricultural-based counties to industrial cities, by serving with the chamber of commerce in five States—Jerome, ID; Golden, CO; North Platte, NE; Bellville, IL, and Gary, IN, before coming to the Union County Chamber of Commerce in Elizabeth, NJ, in 1969. Whether it was with ranchers in the Great Plains or industrial and corporate executives in Union County, Cliff Peake's personality, openness, knowledge, and salesmanship in behalf of American business and free enterprise earned him the respect and friendship of many people, including those outside the business community.

The competition the United States faces in the global marketplace, and the need for better trained and educated employees, led Cliff Peake to serve as cochairman of the Kean College Business Council, and membership on the executive committee of the Union County Industry Council.

But economic development and job training have not been his or the chamber of commerce's only interests. For the last two dec-

ades, Cliff Peake has been a catalyst in enlisting the support of corporations and business executives and employees in community fund drives and in supporting our hospitals, private social service agencies, and charities. Several million dollars have been raised through these charitable activities, and Cliff Peake deserves a great deal of the credit for appealing to the generosity and community spirit of many businessmen and women in Union County.

During the years that I served as a New Jersey State Senator and Member of Congress, I have dealt with Cliff Peake on many important issues affecting business and industry. He was always fair-minded, honest, dependable and well informed, and proved to be an invaluable contact between business and government.

Mr. Speaker, I congratulate Cliff Peake on his outstanding service to our county and State, and for his efforts in promoting our free enterprise system. I wish Cliff Peake and his wife, Jo, a long, healthy and happy retirement, and the appreciation of the community for a job well done.

NINA KASPER, HONORED TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Nina Kasper, who has been honored by the Dade County Public School System as being one of its best educators. She was one of seven candidates to be chosen to compete for the Golden Apple Award for Dade's best teacher of 1991-92.

As the teacher of Colonial Drive Elementary's special education prekindergarten class, Ms. Kasper's goals are to achieve integration between the physically and mentally impaired kids, and parent involvement. She was recently featured in the Miami Herald for her extraordinary dedication to children with special needs. The article "Her Special Classroom Magic Gets Kids, Parents Involved" by Roxana Sotc reveals why she is so loved. The article follows:

Region V's 1991-92 theme for Teacher of the Year is "A touch of Magic." The staff at Colonial Drive Elementary believes that definitely applies to Nina Kasper.

"In the classroom she is like a magician," said principal Paulette M. Martin. "She's very natural and talented at what she does. She's one of a kind."

Kasper, 28 is the teacher of the year nominee from Region V. She also is Colonial Drive's only special education prekindergarten teacher. She takes care of 11 kids who are visually impaired, physically handicapped, mentally handicapped or language impaired.

"We try to make our kids do the kinds of things that any other 3- 4-year-old might do." Kasper said. "Of course, our kids have special needs, but we try to provide hands-on, active and creative learning experiences to enable them to grow in a natural and functional manner."

Kasper's two main goals are integration and parent involvement.

"I wanted to expose children without disabilities to those with disabilities," she said.

"So I talked to a second-grade teacher and we decided to join our students in a special project."

That project is a garden the two classes planted together at the beginning of the school year.

"At first, the kids were wary of each other, but now, seven months into the program, we've noticed tremendous growth on both sides," Kasper said. "The second-graders are more compassionate and sensitive toward my students and they, in turn, have learned to become part of the mainstream."

A couple of weeks ago, the students picked and cleaned tomatoes, carrots and other vegetables they are growing and had a "salad party."

To Kasper, parent participation is very important. That's why she now has more parent meetings and sends newsletters home often so she can stay in touch with them.

"Nina makes a very big difference in the children's lives," said Mary Porter, whose 5-year-old son Joseph is in Kasper's class. "She spends time with them and they really learn with her. Joseph loves her. He talks about her all the time and he loves to go to school."

Born in Long Island, N.Y., Kasper came to Miami in 1984 to attend the University of Miami. In 1986 she got a bachelor's degree in special education and in 1990 she went back to UM to receive her master's degree in early childhood/special education.

She worked at Arcola Elementary in North Dade before coming to Colonial Drive, 10755 SW 160th St., where she has taught for four years.

Kasper loves to talk about her kids. She says they are very well attuned to each other's abilities and disabilities and that they always help each other out.

"It is always a challenge, but teaching them is very rewarding," she said. "It's touching to see a kid with Down's syndrome help a physically impaired one walk to the table."

Mr. Speaker, I commend Nina Kasper for her outstanding commitment to teaching. Her devotion to educating children with special needs is an inspiration to all teachers in Dade County and around the world.

REGULATORY ASPHYXIATION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. FIELDS. Mr. Speaker, I am submitting for the RECORD an article written by Joe Farrell, president of the American Waterways Operators. This article is especially timely as we are in the midst of a 90-day moratorium on Federal regulation called for by President Bush.

I would urge my colleagues to give consideration to this finely written article by Mr. Farrell. It is past time for Congress and the Federal agencies to give relief to an economy that is overburdened with government regulation. I hope that this article will give us all a better understanding of the need to reduce regulation in order to spur economic growth.

The text of the article follows:

REGULATORY ASPHYXIATION

(By Joe Farrell)

During the State of the Union address, President Bush announced that major cabi-

net departments and federal agencies would institute a 90-day moratorium on new federal regulations that could hinder economic growth. Moreover, the President ordered all major departments and agencies to carry out a "top to bottom" review of all existing regulations with the goal of eliminating those that hinder growth and speeding up those that stimulate economic activity. AWO applauds President Bush's initiative to take a fresh look at federal regulations which unduly increase costs, and which capriciously strangle—in miles of red tape—many sectors of the American economy.

We view the President's plan for reducing the burden of regulation as a timely and positive development. In our comments to the President and Secretary of Transportation, we have emphasized that the review will only yield real, tangible results if the agencies responsible for its view our industry's comments with an open mind and with a willingness to revise or repeal rules which sometimes enjoy strong support within the bureaucracy.

In AWO's response to the President's initiative, we gave particular attention to those rules that are unnecessarily burdensome, or which impose needless costs or excessive red tape. In the interest of brevity, we are providing you here with only the essential components of each issue. AWO has already provided the President and Secretary of Transportation with fuller, more developed commentary on each of these matters in response to the respective regulatory proceedings.

Perhaps one of the most absurd examples of regulatory overkill and bureaucratic arrogance is a pending EPA regulation to hold companies operating tank barges transporting reformulated gasoline "presumptively liable" if the gasoline at the distribution point does not meet environmental standards. These EPA proposed guidelines under the Clean Air Act will subject barge carriers to new, and wholly inappropriate, liability standards and cargo testing requirements.

AWO views the liability presumptions and testing requirements aimed at barge carriers as the kind of unnecessary regulation that chokes sound business activity. At the core of AWO's objection is the notion of "presumptive liability," an unacceptable and absurd premise. Even the statute which spawned the regulation exempted our industry from testing. And, as EPA itself acknowledges, carriers have traditionally not been presumed liable for violations detected downstream of the carrier. This proposal would shatter that precedent and include barge carriers in the liability chain for no real purpose and with no basis in law.

AWO is increasingly alarmed that the reasons behind EPA's proposal have not been publicly aired. Seeking to understand EPA's rationale, we were dismayed when our questions to an EPA attorney yielded and angry, defensive response, but little concrete information. We were told that oxygenated (and reformulated) gasoline were "simply too important" to take chances and that "things could happen [to the gasoline] in transit." When we asked whether EPA had encountered problems with cargo contamination during barge transport under other fuels enforcement programs, we were told only that "You [barge transporters] have the same obligations as everybody else." Of particular note, we were also told that "there's no way carriers won't be included" in presumptive liability and testing requirements. If this is a foregone conclusion, the notice-and-comment process is a shocking masquerade.

AWO has requested formal clarification that this attorney's apparent unwillingness to take seriously an agency's obligations under the Administrative Procedure Act is not shared by those in authority within EPA.

On another front, a pending Coast Guard rule would require pilots on tank barges when they are inside the boundary line. This is clearly without precedent. In 1985, the Coast Guard issued a regulation which affirmed the longstanding practice of towing vessel captains navigating their tug/tank barge units without having to engage the services of an independent pilot. Towing vessel captains, who spend much of their at-sea time navigating in ports and congested pilotage waters, have always served as pilots for barges in their tow. In 1988, the Coast Guard strengthened that provision, allowing towing vessel captains with a substantial specified level of experience piloting large barges to navigate those vessels. And in 1990, the Marine Safety Council, a panel of the most Senior Coast Guard Admirals, reaffirmed the policy.

Now, the Coast Guard appears ready to abandon the provisions. If so, the cost of hiring an independent pilot, at a modest four moves per voyage, would add from \$73,000 to \$290,000 to a vessel's annual operating cost.

We are told the decision is based on the vague and hazy assertion by the Coast Guard that "new considerations" in the post-Valdez era (presumably political ones), have made the agency wary. AWO strongly supports regulations which assure marine safety, but this is not an issue in which marine safety is at all involved. In spite of the President's call for reason in federal regulation, the Coast Guard's political concerns would produce regulations which saddle the tank barge industry—and those who rely on its services—with substantial, unnecessary costs.

Still another example of regulatory balderdash resides in the Coast Guard's effort to establish a range of user fees for Coast Guard inspection and licensing services. These fees, in some instances, bear no resemblance to the cost of providing the service, and, secondly, will require some vessel owners to pay twice for the same service. The operators of inspected, ABS-classed barges will be required to pay for largely duplicative inspections by the Coast Guard and by the American Bureau of Shipping. These are clearly unnecessary and burdensome costs which should be eliminated to the benefit of both the industry and the Coast Guard by allowing an operator to have his vessel inspected only once, by ABS.

A special case is the outrageous \$955 fee proposed for inspected deck barges. This is wildly inconsistent with the cost of Coast Guard inspection. A deck barge is neither complex nor time-consuming to inspect. Even with the Coast Guard's estimated cost of \$87 per hour of inspection time, AWO's analysis concludes that an annual fee of \$200-\$300 for small or medium-sized barges and no more than \$250-\$450 for large barges is more accurate.

Also note that a second Coast Guard user fee proposal would establish user fees for personnel licensing and documentation. This proposal also needs serious revision since the proposed user fees have been developed with virtually no input from the regulated community, and the Coast Guard has seriously underestimated the financial burden which the fees will represent.

As a matter of policy, AWO believes the Coast Guard should refrain from issuing final regulations for any category of user fees until public comments on each regulatory

proposal—merchant mariner licensing and documentation, vessel inspection, and vessel plan review and approval—have been received and evaluated. The true economic impact of user fees on marine transportation can only be evaluated when the cumulative effects of each new fee have been tallied.

A great deal has been said and written about the Coast Guard's proposed regulations regarding financial responsibility for oil pollution, and there is little value in regurgitating the debate here. However, there is a critically important principle at stake. Specifically, the Coast Guard's proposal, if implemented as written, will shut down the waterborne transportation of petroleum and petroleum products. To do so will severely disrupt what has heretofore been a stable and competitive marine transportation system, and will set in motion unacceptable financial, employment, and operational chaos.

The essence of the impasse which currently exists is the unwillingness of a major part of the marine insurance sector to issue Certificates of Financial Responsibility (COFRs) under the regulatory regime the Coast Guard has proposed. Therefore, either the regulations must be written in a way to allow the existing insurance mechanisms to continue to work, or, in the event that is not possible, then the Congress must assist in an appropriate way which allows such regulations to be written. What is clearly not an option is to develop regulations which halt the movement of petroleum and petroleum products by water into and within the United States.

The list of regulations and proposed regulations that merit review under the President's criteria is seemingly endless. Consider that in 1989, DOT issued a final rule on workplace drug testing programs which requires employers to use a laboratory certified by the Department of Health and Human Services. Employers must submit to the laboratory "blind" urine specimens, some spiked with drugs for which the employer is testing, and some blank. The samples must be submitted in such a way that the laboratory cannot distinguish them from genuine employee specimens.

AWO believes that to require employers to purchase services from government-certified laboratories, and then require them to take responsibility for the quality control of those facilities is patently wrong.

To require employers to perform this policing function not only represents an inappropriate abrogation of a responsibility properly vested in the government, but also imposes needless costs. The total per-sample cost of this process could range as high as \$75. AWO has encouraged DOT to remove this unnecessary burden upon private employers, and place responsibility for monitoring government-certified facilities where it properly belongs—with the government.

Other regulations which we have indicated to the White House are counterproductive to economic growth and which, based on measurable "cost-benefit," should be reviewed include:

The Department of Labor's proposed regulation requiring employers to require employees to wear seat belts and to hold periodic driver safety training sessions for all employees. Fines are imposed for any transgressions discovered. There are already laws in most states on this issue. This is clearly not a proper role for the private sector.

The pending Coast Guard rule which would define "tank vessel" for purposes of response plans required under OPA 90 to include tugs and towboats. This is unprecedented, not intended by Congress, and will levy a burden

on up to 7000 towing vessels which is not required by the law.

OPA 90 requires phasing-in of double hulls. The Coast Guard economic analysis shows that the benefit is well below the cost of so doing.

The pending EPA regulation which will require vapor recovery from tank vessels loading gasoline in ozone attainment areas. A Booz-Allen Hamilton study shows that these vapors contribute 0.2 percent of ozone precursors.

The regulatory proposal to be issued by the National Ocean & Atmospheric Administration concerning Natural Resource Damage Assessment. The highly speculative economic theory for determining dollar values for "nonuse" damages being utilized could cost industry billions with no discernable environmental benefit.

While many pundits—particularly in the media—have tended to dismiss this Presidentially-mandated regulatory review process as gimmickry, AWO has chosen to take the President at his word. We believe that if such a review is indeed carried out, the economic benefits and motivational stimulus this process could achieve would go a long way a restarting this country's long stagnant economy.

We take the President and this proposal seriously.

ISRAELI LOAN GUARANTEES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. WEISS. Mr. Speaker, recently several of my colleagues engaged in a special order on the Israeli loan guarantees. Regretfully, because of a prior commitment I was unable to participate in this important dialog. I would like to share my thoughts on this critical issue.

For more than two decades, securing free emigration for Soviet Jews was one of the central objectives of United States-Soviet relations. Among the revolutionary changes that we have witnessed over the past several years has been the fulfillment of this objective. Hundreds of thousands of Jews have left the former Soviet Union to settle in Israel; hundreds of thousands more are expected in the coming years.

One would believe that this historic achievement would be cause for celebration in the states of the former Soviet Union, in Israel, and here in the United States. Instead, the Bush administration has embarked on a path that has not only ended hopes of providing humanitarian assistance in the short term, but has damaged a relationship that has been special and strong for more than 40 years.

From the moment Israel requested assistance in the form of loan guarantees, the President and his administration's response can be termed confrontational at best. When the President declared himself to be alone in standing up to a thousand lobbyists pushing for loan guarantees, he instigated a long and acrimonious debate that continues still. What started as a debate on how best to help Israel absorb an estimated 1 million immigrants, has degenerated into a squabble that threatens the very foundation of United States-Israeli relations.

It is difficult to understand how we have come to this point. Israel has not asked for further financial assistance, but rather, the means to help themselves. The cost of absorbing the Soviet Olim has been estimated at many tens of billions of dollars. The vast majority of this money is to be raised in Israel. Only a portion is to be raised in the international financial markets. What Israel requested from the United States was support so that they themselves could obtain these desperately needed loans.

Claims that the loan guarantees would ultimately cost the United States \$10 billion are unfounded. Israel has a perfect record of repayment on loans and there is little risk that they will default now. In fact, a recent GAO study determined that there was little risk of Israel being unable to repay loans obtained with the assistance of American guarantee.

Furthermore, a substantial proportion of the money Israel intends to borrow will provide economic benefit to the United States. Much of the money will be spent purchasing pre-fabricated homes, construction materials, and other products made here in the United States.

In addition, if Israel is able to absorb these immigrants successfully, its potential for economic growth is substantial. The immigrants arriving into Israel are unique in the extraordinary level of skills that they bring. Many are doctors, engineers and scientists. These are the kind of skilled professionals that enable any economy to grow.

The United States has been presented with any opportunity to provide humanitarian assistance to one of its strongest and most important allies. Instead, Bush has allowed this situation to degenerate into a contentious and often bitter debate. The United States must reserve this and seize the opportunity to provide humanitarian assistance to this close ally. We can help Israel to help themselves. This we must do.

INTRODUCTION OF THE CABLE CONSUMER PROTECTION AND COMPETITION ACT OF 1992

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. MARKEY. Mr. Speaker, today I rise to introduce the Cable Television Consumer Protection and Competition Act of 1992. This legislation, which yesterday was reported favorably by the Subcommittee on Telecommunications and Finance, is designed to protect consumers from unreasonable rates and the poor customer service practices of some cable operators and to promote competition in the video marketplace.

In 1984, Congress passed the Cable Communications Policy Act in order to facilitate the growth and development of the then fledgling cable television industry. The 1984 act removed a major obstacle inhibiting the growth of the cable industry by lifting the rate and other structural regulations imposed upon cable systems nationwide by local franchise authorities. Since then, cable has experienced

exponential growth that has exceeded the goals and expectations of the Cable Act. In 1991, there were approximately 10,800 operating cable systems in the United States, serving over 28,000 communities, reaching about 54 million subscribers. This means that perhaps over 158 million people, about 58.6 percent of the Nation's TV households, are now served by cable. This phenomenal explosion of growth has ensured that today most of the Nation's consumers have access to quality programming services through cable television.

However, the deregulation of the cable industry and its subsequent growth has resulted in some serious problems. Some cable operators have abused the license provided by the 1984 Cable Act to indulge in price gouging, indiscriminate rate hikes, and other monopolistic practices. The drastic increases in cable rates since deregulation provide a glaring example of these concerns. A series of GAO studies commissioned by the subcommittee, show that, in the 6 years under the Cable Act, cable rates for basic service have skyrocketed 61 percent, rising at more than three times the rate of inflation. The most recent consumer price index statistics released last month by the Bureau of Labor Statistics disclose that cable rates rose at a rate 250 percent higher than the price for other goods and services during 1991. In February 1992 alone, cable rates rose at a pace five times the rate of inflation. America's consumers rightfully demand relief from these excessive rate increases.

In 1990, the House passed legislation, H.R. 5267, that addressed issues related to the operation of the cable industry. H.R. 5267, re-introduced in the 102d Congress as H.R. 1303, included provisions intended to curb rate increases, promote access to programming for services in competition to cable, and promulgate universal standards for customer service. This bill, however, did not go far enough to meet the demands of today's marketplace and consumer needs and is deficient in several important areas. First, H.R. 1303 does not deal with the increasingly serious problems facing the television broadcasting industry, and the threat to the historic tradition that broadcasting has held in this country. Second, the 1990 bill was followed by two more years of excessive rate increases, which burden an increasingly vulnerable consumer public. And third, a fully competitive video marketplace providing meaningful consumer choice has not arrived; the current market is stagnant at best. Congress now faces a situation that demands passage of a stronger bill—one that will spark competition and give consumers more choice in multichannel video programming.

The legislation I introduce today, the Cable Consumer Protection and Competition Act of 1992, is a significant improvement on the 1990 bill. It will provide consumers with real choice in video programming and needed relief from the skyrocketing rates and poor service practices that have characterized the operation of some in the cable industry since deregulation. The bill will achieve these goals by enacting reforms in the key areas of rate regulation, competitive program access, consumer protection, and broadcasting rights.

On rate regulation, the bill includes provisions to promote competition and to empower

franchising authorities to oversee a rate formula established by the Federal Communications Commission [FCC] and implemented by the cable operators. In addition, the bill includes provisions to rein in the renegades of the cable industry by requiring the FCC, on a per case basis, to regulate unreasonable rates charged for service. The bill also reduces the regulatory burdens faced by small cable systems, particularly those in rural areas, in complying with the rate formula established by the FCC.

On program access, the bill remedies the discrimination faced by direct broadcast satellite, and other emerging video services, in acquiring programming necessary to compete with cable. It prohibits vertically integrated cable programming services from unreasonably refusing to deal with any multichannel video system operator, and from discriminating in the price, terms, and conditions in the sale and delivery of programming. The bill permits cost-based differential pricing, such as volume discounts, and takes cognizance of differences in the costs of creation necessary to attract entrepreneurial investment in programming. The bill also grandfather existing exclusive contracts that were in effect before June 1, 1990. In addition, the legislation includes a provision that prohibits exclusive contracts that deny access to a programming service for rural areas that are not served by cable.

The bill also protects local television broadcasters by giving them the choice of mandatory carriage, so-called must carry, or requiring the cable operator to obtain their consent before carrying their signal. These provisions promote the future viability of over-the-air television broadcasting by restoring equity to the relationship between broadcasters and cable operators.

On consumer protection, the bill shields consumers from unfair practices of cable operators. An anti-buy-through provision permits consumers to buy premium program services, such as HBO, without being forced to purchase any tier other than basic service. Recognizing that all cable operators currently do not have the technology available to implement this provision, the bill gives such systems a maximum of 5 years to adopt the technology necessary to conform to the bill. Additional provisions require the FCC to establish universal customer service standards, and set maximum permissible rates for additional hookups, installation, and equipment such as converter boxes and remote controls. The bill also requires cable systems to be compatible with the advanced features of consumer electronics equipment such as TV's and VCR's. Finally, and particularly significant from the consumers' standpoint, the bill makes remote control units commercially available so that consumers will no longer be forced to rent remotes from operators.

This bill will bring real change to the video marketplace and an industry in need of reform. It is a comprehensive and effective means of bringing consumers relief from excessive rates and of fostering long-term competition in the market for delivery of video services. It is good for consumers; good for competition; good for the future of free-over-the-air broadcasting; and yes, good for the viability of the cable industry itself—because the

discipline and opportunities promised by the legislation will stabilize the video marketplace and lead to fair competition. This legislation has the full support of a wide range of groups representing America's consumers, such as the Consumer Federation of America, the National Association of Broadcasters, the Association of Independent Television Stations, the National Consumers League, the National Council of Senior Citizens, and organized labor. I urge my colleagues to join America's consumers in supporting this bill.

TRIBUTE TO AL THOMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. TOWNS. Mr. Speaker, it is my distinct pleasure to highlight the numerous achievements and contributions of Mr. Al Thompson, president and chief executive officer of Consolidated Beverage Corp. Through his vision and hard work a small vending machine company has become a successful wholesale/retail enterprise.

A native New Yorker, he is the father of two children, Valora and Albert. He attended Metropolitan Vocational High School and joined the U.S. Marine Corps in 1955 and served 2 years of active duty. He returned to New York after his tour of duty ended and remained active in the Marine Reserve. He retired from Reserve service in 1985 as a master sergeant.

A man of many talents and professional experiences, Al Thompson joined the housing authority police in 1958 as a patrolman. He rose to the rank of sergeant and subsequently was promoted to lieutenant. In his spare time he moonlighted as a salesman for the Miller Brewing Co. He worked in that position for 15 years. When he retired from the housing police in 1974 he started his own wholesale/retail beverage company, Abelson Distribution, Inc. Three years later, he started Consolidated Beverage Corp., which has grown to the point where the company has a fleet of 9 trucks and employees 39 employees.

Initially contracted as a wholesaler with Pabst and Ballantine Beer to serve the Harlem community, his marketing territory was expanded to include New York State and the Caribbean islands.

Generous with his time and resources, Mr. Thompson works extensively with young people. He serves on the board of directors of the Harlem-Dowling Children Services, New York Urban League, and the Urban Resources Institute. He contributes to over a dozen community organizations. He is directly responsible for creating the Bernice Riley-Thompson Foundation in honor of his mother. He has been the recipient of Man of the Year awards from the American Cancer Society and the New York City Partnership.

Ever ready to undertake new challenges and be an innovator, when appointed as deputy chief of the New York Fire Department he implemented the use of the rabbit tool, an instrument that promotes speedy entrance into barricaded doors. Recently, when the city

could not afford to purchase this device, he purchased one for the fire department using his own money.

A man of many talents and accomplishments, he currently serves on the 11th Congressional District Service Academy. Mr. Al Thompson is a testament to the American work ethic, and a credit to the African-American community.

GLENDNA NAJARRO HONORED AS 1
OF DADE'S TOP 10 STUDENTS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, this year's Do The Right Thing Program recognized 10 of Dade County's outstanding students for their work and commitment to our community. Among this year's recipients was Glenda Najarro, a senior at Jackson High School. Glenda has served as a volunteer for the Salvation Army and is involved in other organizations in the community.

At Jackson High School, she is a member of the Future Educators of America and of the Italian Club. Glenda has taken part in various activities for the betterment of our community. In her capacity as a member of the Salvation Army, Glenda helped to raise money for a young girl who was paralyzed in a car accident, and organized a food and toy drive for the New Family Shelter. Glenda has also volunteered at Jackson Memorial Hospital, has been involved in Miami Jackson's Clean-Up Campaign, the Ethnic Fair, and Hispanic Heritage Month.

Glenda's service to the community began soon after her brother was murdered. It was then that she decided to serve as an example by assisting and caring for others in our community.

I commend Glenda for her terrific work throughout our neighborhoods. I am delighted that Glenda and other young students like her have decided to work for the good of our community and to help others who need assistance. Her devotion to her work sends out a message to other young people in our community to make a difference and make your work count for others who need assistance.

I am pleased to honor Glenda Najarro for her terrific work and her desire to stand up for others. Her work is an example to all young people of our community.

COMMENDING FRANCE ON ITS
MORATORIUM ON NUCLEAR
TESTING IN THE SOUTH PACIFIC

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to celebrate news of great importance with our colleagues and the country. Yesterday, the nation of France, through an address by her Prime Minister to the National Assem-

bly, announced a moratorium for 1992 on its Nuclear Testing Program in French Polynesia.

France's decision to impose a nuclear testing moratorium is a monumental step forward for the nation of France, the peoples of the South Pacific, and the countries of the world. President Francois Mitterrand and Prime Minister Pierre Berezgoy are to be highly commended for their courage and leadership in taking this decisive action.

The announcement of France's moratorium has especially been a moment of joyous celebration for the island nations of the South Pacific. For decades, Pacific islanders have stridently criticized the French for using their backyard—Tahiti's Moruroa and Fangataufa Atolls and surrounding waters—as a waste repository for close to 200 nuclear detonations. Last year, I introduced legislation, House Concurrent Resolution 243, which recognizes the concerns of the South Pacific people by calling upon the Government of France to cease all nuclear testing in French Polynesia.

The radioactive damage from France's nuclear testing to the fragile coral atolls, marine environment, and island populations nearby can only be imagined, as the French—for good reason—have not allowed unhindered study. It doesn't take a rocket scientist, however, to realize that when the equivalent of more than 200 Hiroshima-class bombs have been detonated in a small area, the effect will be monstrous. The world bears witness to the Hades-like destructiveness of a mere two detonations in World War II. Only the passage of years shall reveal the true legacy of France's nuclear testing in the South Pacific.

Today, it is the dawning of a new era. France's moratorium has temporarily brought the nuclear nightmare in French Polynesia to an end. I hope the nightmare never resumes.

Through a global perspective, President Mitterrand's moratorium, joining that of Russian—C.I.S.—President Yeltsin's imposed last year, is a call for sanity in a world often teetering on the brink of nuclear madness. All are agreed that nuclear proliferation must be stopped. Yet we read constantly about Third World countries, desperately aping the superpowers, with their attempts to gain nuclear technology. Clearly, before there can be a stop to nuclear proliferation and meaningful disarmament, there must be a halt to destructive nuclear testing.

Mr. Speaker, it is time that our country, the world's leading democracy, answer Russia and France's call for a comprehensive test ban. Mere rhetoric cannot suffice where other governments have acted. To continue nuclear testing while opposing nuclear proliferation as a signatory to the Non-Proliferation Treaty [NPT] is to invite ridicule, derision and charges of hypocrisy and bad faith. That is not what America is all about.

That is why I am a cosponsor of H.R. 3636, the measure calling for a 1-year ban on U.S. nuclear testing, which was introduced by the distinguished gentleman from Missouri [Mr. GEPHARDT], and the distinguished gentleman from Oregon [Mr. KOPETSKI]. I applaud these gentlemen, and all those who support H.R. 3636, for their vision and concern for a world that will be safer tomorrow for our children and generations to come.

Mr. Speaker, let us not let this historical opportunity for a solution to nuclear madness pass us by.

On the foregoing subjects, Mr. Speaker, I have four items that I will submit for the RECORD: Copies of House Concurrent Resolution 243 and H.R. 3636, a letter I have written to President Francois Mitterrand and a New York Times article on France's nuclear testing suspension, written by Alan Riding.

H. CON. RES. 243

Whereas the Government of France has been conducting nuclear tests in the atolls of Moruroa and Fangataufa in French Polynesia since 1966;

Whereas these tests have included more than 130 underground nuclear tests;

Whereas there is considerable concern among the countries of the South Pacific about the possibility of radioactive contamination in the region as a result of these underground tests;

Whereas the members of the South Pacific Forum agreed at the Forum's annual meeting in July 1991 to "give consideration to an expanded programme of opposition to France's nuclear testing in the region";

Whereas despite French claims that its nuclear testing program is absolutely safe, there is some scientific evidence to suggest both that some radioactive leakage has already occurred at the testing site and that additional, more serious leakage might occur in the next 10 to 100 years;

Whereas there is also concern in the region that the Moruroa atoll is in danger of disintegration as a result of the testing program; and

Whereas the Government of France would have the option of using United States nuclear testing facilities if it gave up testing in the South Pacific: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should recognize the concerns of the people of the South Pacific and call upon the Government of France to cease all nuclear testing at Moruroa and Fangataufa Atolls.

H.R. 3636

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Testing Moratorium Act".

SEC. 2. ONE-YEAR MORATORIUM.

During the one-year period beginning on the date of the enactment of this Act, the Secretary of Energy may not conduct any explosive nuclear weapons test unless the President certifies to Congress that the Soviet Union (or a successor state of any part of the Soviet Union) has conducted an explosive nuclear weapons test during that period.

HOUSE OF REPRESENTATIVES,

Washington, DC, April 8, 1992.

HON. FRANCOIS MITTERRAND,
President, Government of France,
Paris, France

DEAR MR. PRESIDENT: I was overjoyed to hear today, through Premier Pierre Berezgoy's address to the National Assembly, that you have made the decision to suspend for 1992 France's nuclear testing program in French Polynesia.

Truly, the nuclear testing moratorium is a monumental step forward for the nation of France, the peoples of the South Pacific and the countries of the world.

Three years ago, you courageously pronounced that France would stop her nuclear testing program in the South Pacific if the United States, the former Soviet Union and others would stop their programs. As a Member of Congress and the House Foreign Affairs Committee, I took your offer to stop nuclear madness to the floor of the House of Representatives. In a speech on May 25, 1989, I strongly urged the United States to follow France's lead in stopping the destructive practice of nuclear testing.

Since then the world has changed greatly, and, surprisingly, for the better. President Yeltsin has boldly enforced a unilateral moratorium on nuclear testing in Russia/CIS. In the United States, Congress has current legislation (H.R. 3636) calling for a one year nuclear testing moratorium. This measure, of which I am a co-sponsor, has widespread support and momentum for passage can only grow with France's recent action.

Mr. President, I applaud your strength and leadership in enacting France's nuclear testing moratorium. It is through such decisive action, and not mere rhetoric, that the nuclear powers of the world shall inevitably be forced to reach accords for nuclear disarmament and limitation. History shall record that the world was made a safer place for us, our children and generations to come through the vision of men such as yourself.

With kindest personal regards,

Sincerely,

ENI F.H. FALEOMAVAEGA,
Member of Congress.

[From the New York Times International,
Apr. 9, 1992]

FRANCE SUSPENDS ITS TESTING OF NUCLEAR WEAPONS

(By Alan Riding)

PARIS.—France announced today that it was suspending its 32-year-old program of nuclear weapons testing in the South Pacific until the end of this year and suggested that it would extend the moratorium in 1993 if other nuclear powers followed suit.

In his first address to Parliament since taking office last week, Prime Minister Pierre Bérégovoy said President Francois Mitterrand had written to leaders of the other nuclear powers urging them to conclude their strategic disarmament negotiations and halt nuclear testing.

He added that France would retain its independent nuclear deterrent as "the keystone of our defense policy," but would continue to press for global arms reductions. "In 1993, we will see if our example is followed and if common sense has advanced," he said.

While the French decision is a direct result of the end of the cold war, the announcement was immediately interpreted here as a move by the Socialist Government to court two fast-growing environmental parties, which have long opposed France's nuclear testing policy.

In regional elections last month, the two parties, the Greens Generation Ecologie, won 13.9 percent of the vote against just 18.3 percent for the Socialists. The Government's defeat prompted Mr. Mitterrand to dismiss Edith Cresson as Prime Minister and name Mr. Bérégovoy in her place.

With parliamentary elections 11 months away, the main conservative coalition currently looks likely to win a big victory, but political experts say they believe that the Socialists have a small possibility of retaining power if they can form a coalition with the two environmental parties.

With an eye to next year's elections, Mr. Bérégovoy also pledged today to give prior-

ity to fighting unemployment, currently running at 9.9 percent of the work force, and he reduced the sales tax on luxury goods from 22 percent to 18.6 percent to help the auto industry.

Aware of public disenchantment with the country's political class because of several corruption scandals, the new Prime Minister further announced plans to legislate against conflict of interest and to require officials to disclose their wealth.

The decision to suspend nuclear tests was predictably welcomed by the green parties as well as by Greenpeace, the international environmental group. "It's fantastic," Lena Hagelin, a Greenpeace director, said. "Now we hope to be able to work together to convince the remaining countries to follow France's example."

While Russia suspended its nuclear testing for one year last October, the United States and Britain have not adopted a similar policy. France, which exploded its first nuclear device over the Sahara in 1960, has carried out 196 nuclear tests in French Polynesia since 1966.

Over the last 17 years, all tests have taken place underground, with successive governments arguing they were needed to maintain France's nuclear deterrent. In recent years, an average of six tests have been held annually.

But the policy proved costly in diplomatic terms. France's relations with New Zealand touched rock bottom in 1985 after French agents sank a Greenpeace ship, Rainbow Warrior, in Auckland harbor as it prepared to travel to Muroroa atoll to protest a scheduled nuclear test.

THE FEDERAL INSURANCE SOLVENCY ACT OF 1992

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DINGELL. Mr. Speaker, I am pleased to introduce today the Federal Insurance Solvency Act of 1992.

When we buy insurance, we buy a promise—a promise to pay for hospital care in the event of a car accident or illness, to provide for a family's support and child education in the event of a parent's death, to provide an annuity for the retirement years—or any of the myriad other occurrences for which a person seeks protection. The purpose of this bill is to ensure that when a person buys insurance, the insurer keeps the promise of the insurer to pay.

We all know of the failures in the insurance industry in recent years. The collapse of Executive Life, Mutual Benefit, and others have caused great concern as to the stability of the insurance industry.

The business of insurance is, as I noted, the business of promises. An insurance company collects premiums today for payments it will make tomorrow. The essence of that transaction is trust: trust in the integrity of the insurer and trust in the system of regulation of the financial condition of the industry.

This trust, as has become even more clear over the last few years, is not always justified. For the past 4 years, the Energy and Commerce Subcommittee on Oversight and Invest-

tigations has studied the causes of insurance company insolvencies. What we have discovered is that insurance companies can be inviting targets for mischief, scoundrels, and fraud.

The subcommittee has also looked at the financial condition of the insurance industry and the regulation of insurance companies under the State regulatory system. Insurance regulation has traditionally been within the purview of the States. But recently, even State insurance commissioners, through their voluntary association, the National Association of Insurance Commissioners [NAIC], have recognized that more is needed. This is why the NAIC has established a national program of solvency certification and regulation. Even the insurance commissioners recognize that the issue is not whether there will be national regulation, but how this national regulation will be done.

The NAIC argues that national regulation should be done through a voluntary organization that attempts to pressure States to adopt national standards for the industry. It seems to me that we should consider doing this national regulation in a more straightforward manner by the Federal Government. This would simplify the regulatory system, for those companies that choose this route, by providing a single, coherent system of financial regulation for those parts of the industry that are clearly in and affect interstate and foreign commerce. This will leave to the States the financial regulation of those companies that choose to stay in the State regulatory system, and allow the States to focus even more of their attention on the protection of insurance consumers through the such efforts as the regulation of market conduct. The NAIC is a voluntary organization. We would not allow the solvency of banks or savings and loan institutions, the safety of airline transportation, or the purity of our air and water, to be overseen by volunteers. The insurance industry is no different.

We recognize, at the same time, that State regulation is important and that many insurance companies may be satisfied with State supervision. That is why this bill creates a voluntary system by which insurance companies may, if they choose, come within the Federal regulatory orbit. This system will be open to large and small insurers alike. If they choose to obtain a Federal certificate of solvency, then they will be exempt from State regulation of their solvency and their financial condition, although other State regulatory requirements such as those which protect insurance consumers, will generally apply. Federally certified insurers will be members of a national insurance protection corporation so that in the event a member fails, the policyholders will be protected. However, this corporation will not be backed by the U.S. Government and the member insurers themselves will pay all claims. The rehabilitation and liquidation of federally certified insurers will be handled by the Commission.

This legislation acknowledges the global nature of the insurance and reinsurance industry. This is particularly true with respect to reinsurance. The \$23 billion U.S. reinsurance market is the world's largest. With almost 1,800 foreign reinsurers accounting for over 40 percent of U.S. reinsurance premiums, only the Federal Government can set policy with these major international trading partners.

This sector of the insurance industry clearly needs to be regulated at a level of government that can adequately, forcefully, and legitimately address international trade issues. The issues involved in reinsurance regulation are not local. They are international, and include such vital national priorities as fair and open markets. Even more important for the sake of consumers, there must be sufficient access to reinsurance in the U.S. marketplace so that insurance is available and reasonably priced.

State regulators, though sincere in their efforts, simply lack the lawful jurisdiction and material resources to address these global economic issues. Investigations by my Oversight and Investigations Subcommittee has shown the inadequacy of a state-by-state approach of regulating the international components of the reinsurance business. The lack of uniformity in the State insurance codes, together with the fact that this business is conducted on an interstate and international basis, suggests that the Federal Government should regulate this part of the industry. By creating a single regulatory source for financial condition, with the resources, focus, and jurisdictional authority to adequately regulate this international marketplace, we can address the unique features inherent in the reinsurance mechanism.

The Federal Insurance Solvency Act ensures that U.S. insureds and reinsureds will have proper access to the vital insurance capacity of the international markets. This legislation, however, contains major new safeguards to protect American consumers of these insurers and reinsurers, including the establishment of significant financial standards, jurisdictional requirements, and reporting obligations on these entities.

This legislation will encourage financially sound international insurers and reinsurer to enter the U.S. market and continue to provide such essential coverages as medical malpractice, environmental liability, war risk, aviation and marine hull, cargo, and catastrophe reinsurance protection. It will, however, with its strict regulatory requirements, discourage bandits who have sought to prey on U.S. entities. The qualification requirements and the Commission's expansive investigatory authority will make the United States a much less attractive hunting ground for these elusive, and sometimes fraudulent, operators.

Mr. Speaker, I insert a more detailed explanation of the bill to follow my remarks. That statement sets forth the particular means by which this legislation would:

Establish Federal certificates of solvency for insurers;

Regulate reinsurance;

Set the parameters of Federal authority;

Establish a national insurance protection corporation;

Create a self-regulatory organization dealing with insurance agents or brokers; and

Set Federal standards and procedures for rehabilitation and liquidation.

The insurance industry is very complex and we need to be sensitive to the complexity in crafting a new Federal regulatory system. Many details, and perhaps even major new issues, may well need to be examined as this process moves forward. I know that this bill will be much debated, and I look forward to

that debate. I want to hear how this bill could be improved, and encourage those who care about this debate to join it.

Mr. Speaker, in the end, the debate on how to effectively regulate the insurance industry will revolve around a single question: How can we best protect the trust of American insurance consumers? Too often today, people say that government does not work. I believe that the American people expect us to make sure that it does work. And the work of insurance solvency regulation requires a Federal presence. The essence of this bill is to employ the good offices of the Federal Government to make sure that insurance promises, which have sometimes been failed promises, will be kept. And that that trust, once gained, is always deserved.

FEDERAL INSURANCE SOLVENCY ACT OF 1992

The Federal Insurance Solvency Act of 1992 establishes an independent regulatory agency to regulate the financial condition of insurance and reinsurance companies in the United States. Its purpose is to ensure that policyholders receive the coverage they pay for when they purchase insurance. This Commission, which is named the Federal Insurance Solvency Commission and is modeled on the Securities and Exchange Commission, will be the sole regulator of financial condition for the insurers and reinsurers that it certifies for solvency. The Commission will be self-funded and will carry out the functions specified below.

FEDERAL CERTIFICATES OF SOLVENCY FOR INSURERS

The Federal Insurance Solvency Commission will be authorized to grant Federal certificates of solvency to insurers which operate in the United States. The Commission will establish standards for these certificates that will include minimum capital and surplus requirements. The Commission will monitor the financial condition of certified insurers and their compliance with these standards, and will be authorized to suspend or revoke a certificate for failure to comply with the standards or if the insurer is no longer financially secure enough to continue to do business.

Federal certificates of solvency will be available for any insurers in interstate or foreign commerce, which may also choose to remain in the state regulatory system. The standards for a Federal certificate will vary depending on the size of the insurer, the type of business it does, and whether it is a domestic or foreign company. One of the main goals of the bill is to ensure that there will be sufficient insurance available in the U.S. marketplace so that policyholders will have reasonably priced insurance choices in a competitive environment. At the same time, while not favoring large or small companies or domestic or foreign companies, the standards and monitoring by the Commission will ensure that any federally certified insurer will be there at the end of the day to pay the policyholders for their claims, whether for personal injury arising from a car accident, replacing a home destroyed by a hurricane, or paying an annuity to a pensioner.

As noted, the Commission will be authorized to grant certificates of solvency to foreign insurers. Such certificates will require the foreign insurer to establish a Commission-approved trust fund in an amount adequate to ensure payment of U.S. policyholders. This extra level of protection from foreign insurers is necessary to ensure that the funds are there to pay U.S. policyholders

in the event the foreign insurer has difficulty with its business outside the United States. These foreign insurers will also be required to submit to U.S. legal jurisdiction; to provide for a recipient for service of process in the U.S.; and to allow the Commission to review all corporate financial records if there is reason to believe the U.S. operations of the insurer company might be financially threatened by the insurer's non-U.S. operations.

A Federal certificate of solvency will authorize the insurer to write business throughout the United States with no other regulation of its financial condition by any State. A federally certified insurer will also be able to obtain from the Commission a certificate to provide reinsurance if it meets the additional standards to do so.

All federally certified reinsurers will be members of the National Insurance Protection Corporation. This Corporation will ensure the payment of claims on insurance policies in the event a federally certified insurer becomes financially impaired or insolvent.

CERTIFICATES TO PROVIDE REINSURANCE

As an important step in ensuring that policyholders have their claims paid, all insurers in the United States will be allowed to take credit for reinsurance only if the reinsurance is provided by a federally certified reinsurer. There are two ways to obtain a federal certificate to provide reinsurance.

First, a reinsurer may obtain a certificate to be a professional reinsurer. This certificate will be available to those reinsurers that do only the business of reinsurance—that is, they do not write direct insurance for policyholders. To obtain this certificate, the professional reinsurer will have to maintain a minimum of \$50 million in capital and surplus. A reinsurer that obtains this type of reinsurance certificate will not be subject to any state regulation except for taxation and corporate governance.

Second, a Federal reinsurance certificate will also be available to any State-licensed insurer, to any insurer that holds a federal solvency certificate, and to foreign reinsurers. To obtain this reinsurance certificate, the applicant will have to meet higher capital and surplus requirements than are needed to provide insurance, and will have to submit to Commission regulation and monitoring of financial condition. In the alternative, applicants licensed to do the business of reinsurance in their State or country of domicile may obtain the certificate if they meet a different set of additional requirements, which include full funding of the risks they have covered in the United States, and, if appropriate, establishing an extra trust fund to guarantee payment on those risks. Both the funding and the trust fund will have to meet the standards set by the Commission, and the reinsurer will have to submit to the Commission oversight as to U.S. operations.

Holders of either type of reinsurance certificate will be subject to full monitoring of financial condition by the Commission. Foreign reinsurers that obtain reinsurance certificates will also be required to submit to U.S. legal jurisdiction; to provide for a recipient for service of process in the United States; and to allow the Commission to review all corporate financial records if there is reason to believe the U.S. operations of the reinsurer might be financially threatened by the reinsurers non-U.S. operations.

RELATIONSHIP OF FEDERALLY CERTIFIED INSURERS AND REINSURERS TO STATE REGULATORY AUTHORITY

Federally certified insurers will not be subject to any State regulation of financial

condition because this will be regulated solely by the Commission. They will remain subject to the corporate governance and tax laws of the States in which they are domiciled and do business. If a State chooses to regulate the rates of insurers, such rates will apply to federally certified insurers. They will also be required to participate in State-established residual risk pools and will generally be subject to State market conduct and policy form regulation. Federally certified insurers will not participate in State guaranty funds because they will be members of the National Insurance Protection Corporation.

There will be a partial exception from certain State regulation for highly capitalized insurers that provide commercial insurance to large insurance buyers. The partial exception will be from state regulation of market conduct, rates, and forms. The Commission will be responsible for market conduct regulation for this type of insurance. There will be no regulation of rates and forms.

This exception will be available only for highly capitalized property and casualty insurers, that is, such insurers that have more than \$50 million in net worth or in a trustee surplus account. Moreover, this exception will apply only when the highly capitalized insurer provides commercial insurance to a large insurance buyer. A large insurance buyer is a purchaser that has a net worth of at least \$10 million. As to this commercial insurance, only beneficiaries, not the buyer, will be able to make claims against the National Insurance Protection Corporation in the event of the insurer's insolvency, and then only if the large insurance buyer is itself bankrupt. Otherwise, the buyer must pay all the insurance claims owed by the insolvent insurer.

States will be explicitly prohibited from discriminating against federally certified insurers as to taxes, rates, or any other regulatory activity. States will also be explicitly prohibited from imposing barriers to the withdrawal of an insurer from either a line of business or all business in a State. The Commission will be authorized to direct any State to stop any regulatory or other action that substantially threatens the financial soundness of federally certified insurers operating in that State.

Federally certified professional reinsurers will be subject to regulation by the appropriate States as to corporate governance and taxation. They will not be subject to state regulation as to their reinsurance activities.

Holders of Federal reinsurance certificates will be subject to regulation by the appropriate States as to corporate governance and taxation. If they obtain a federal solvency license to provide insurance, their sole regulator for financial condition will be the Commission. The reinsurance activities of federally certified insurers will not be subject to state regulation. Their insurance activities will remain subject to state regulation in the same manner as any other federally certified insurer. If the certified reinsurer does not obtain a federal solvency license, then it will remain fully subject to state insurance regulation.

NATIONAL INSURANCE PROTECTION CORPORATION

All federally certified insurers will be required to join a nationwide self-regulatory organization supervised by the Commission that will cover the claims of the policyholders and beneficiaries of those federally certified insurers that become insolvent. This organization, to be known as the National Insurance Protection Corporation

[NIPC], will have an organizational structure, procedures, and requirements that are substantially similar to those of the Securities Investor Protection Corporation, which was established by the Securities Investor Protection Act of 1970 and operates under the supervision of the Securities and Exchange Commission. The Corporation will be prefunded by member insurers with risk-based assessments.

NIPC will be divided into three divisions: First, property and casualty insurance, which will include personal and commercial insurance except that sold to large insurance buyers; second, life and health insurance; and third, commercial insurance sold to large insurance buyers.

NIPC will have limits on the amount of recovery of a single claim. Categories 1 and 2 will each be divided into funds (a personal fund and a commercial fund for category 1; a life fund, a health fund, and an annuities fund for category 2). Claims will be paid first from the fund in a division that covers the type of claim. If that fund is insufficient, claims will be paid from the other fund in the division. Divisions and accounts may borrow from each other and the Corporation will be authorized to borrow to pay claims in the event funds are inadequate to cover current claims. The Corporation and its obligations will not be backed by the full faith and credit of the United States. The Corporation, and the accounts within it, must be repaid from assessments on member insurers of the account which was inadequate.

NIPC will be prefunded through assessments on member insurers, and assessments will be risk-based. The Corporation, with the approval of the Commission, will set a maximum that NIPC can collect through prefunding, as well as an annual cap on the amount of additional assessments that might be needed to cover the claims arising from insolvencies. Assessments will continue to be levied until the prefunded maximum is reached and, in the event of insolvencies, until claims are paid.

If a State imposes premium taxes on insurers, such State will be required to provide a premium tax offset or credit, or any other similar offset or credit, to the same extent that it provides such for assessments for its State guaranty fund.

NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS

Insurance agents and brokers will be allowed to become members of the National Association of Registered Agents and Brokers [NARAB]. The purpose of this organization will be to reduce duplicative regulatory requirements that are now imposed on agents and brokers that seek to do business in more than one State.

NARAB will be a nationwide self-regulatory organization that will operate under the supervision and oversight of the Commission, which will have the authority to review and modify its bylaws and rules. NARAB's organization, procedures, and requirements are substantially similar to those of the National Association of Securities Dealers, which was established pursuant to the Securities Exchange Act of 1934 and operates under the supervision of the Securities and Exchange Commission.

NARAB will have the authority to establish membership criteria as to the integrity, personal qualifications, education, training, and experience of members. States will continue to have the authority to regulate member agents and brokers as to those matters, such as market conduct, but will not be able to impose additional requirements in those areas subject to regulation by NARAB.

REHABILITATION AND LIQUIDATION

The Commission will be responsible for the rehabilitation and liquidation of all federally certified insurers and reinsurers. As to the federally certified foreign insurers and reinsurers, this authority will extend to the assets in the U.S. trust fund and the Commission will have legal authority to proceed against the foreign company in U.S. District Courts to recover any amounts due that exceed the assets in the trust fund.

State-licensed insurers which are not federally certified will be rehabilitated or liquidated by the responsible State regulator in the appropriate U.S. District Court. The procedures for rehabilitation and liquidation for state-licensed insurers will be those established by this Act for federally insurers and reinsurers.

COMMUNIQUE OF MEETING OF DEFENSE MINISTERS HELD AT NATO HEADQUARTERS IN BRUSSELS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. FASCELL. Mr. Speaker, on the first of April NATO achieved another milestone at the meeting of defense ministers held at NATO headquarters in Brussels.

At that meeting, the NATO defense ministers and representatives of the former Soviet block, including representatives of 7 of the 11 republics of the Commonwealth of Independent States, established a long-range program designed to diminish tensions, enhance stability and improve the understanding and cooperation in the Euro-Atlantic area.

I commend the communique of that historic meeting for all my colleagues and to the American public for study and request that it be included in the RECORD. The communique follows:

STATEMENT ISSUED AT THE MEETING OF DEFENCE MINISTERS AT NATO HEADQUARTERS, BRUSSELS ON APRIL 1, 1992

(1) We NATO Defence Ministers and Representatives of Belgium, Canada, Denmark, Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom, the United States, and the Defence Ministers and Representatives of Armenia, Azerbaijan, Belarus, Bulgaria, the Czech and Slovak Federal Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Tajikistan, Ukraine and Uzbekistan met today in Brussels for the first time.¹ We considered how we could deepen dialogue and promote co-operation between us on issues that fall within the competence of Defence Ministers.

(2) Much has already been done to develop the partnership between our countries. The Rome Declaration of the North Atlantic Alliance and the Work Plan for Dialogue, Partnership and Co-operation of the North Atlantic Co-operation Council as well as bilateral contacts and exchanges in the defence field provide an excellent basis for further

¹Kazakhstan attended as an observer. Turkmenistan, although unable to be represented, has indicated that it wishes to be associated with this statement.

progress. Today, in a spirit of friendship and goodwill, we discussed the contribution which we, as Defence Ministers, can make to this process in order to promote our common objectives.

(3) The positive changes in the security environment of recent years have major implications for the organization of our defences. In this context, we are determined to achieve early entry into force without renegotiation and full implementation as soon as possible of the CFE Treaty and expect to see the Treaty in force by the time of the Helsinki Summit in July. In the interest of further strengthening security and stability in Europe, we also support the determination of the participants in the CFE IA negotiations to reach, in connection with the entry into force of the CFE Treaty, an agreement to limit the personnel strength of their conventional armed forces in time for the Helsinki Summit at the end of the CSCE meeting. We welcome the Open Skies Treaty and the Vienna CSBM Document 1992 as major new steps towards greater openness and confidence-building in the security field. Complementary bilateral and regional efforts aimed at achieving enhanced confidence and security can also make a positive contribution.

(4) We all agree on the importance of the safe, responsible and reliable control of the residual nuclear arsenals. We took note of the assurances given in this regard with respect to the reliability, security and single control of the nuclear weapons of the former Soviet Union. We equally took note of the intention of the states concerned to join the Treaty on Non-Proliferation of Nuclear Weapons as soon as possible as non-nuclear weapons states. We confirm the need to ensure full respect for the Treaty and to contribute in all possible ways to efforts aimed at preventing proliferation of nuclear weapons and other weapons of mass destruction.

(5) Many of us are faced with major restructuring of defense efforts and some are addressing basic issues of defense organization and planning for the first time. All of us can benefit from an intensification of contacts and co-operation. It is therefore with satisfaction that we note the progress which has already been achieved through an extensive visits programme, discussions, courses and frequent military contacts at all levels. But more can and will be done. To this end our Chiefs of Defense Staff will meet on 10th April 1992 in the framework of the first Meeting of the Military Committee in Co-operation Session. It will be the beginning of a regular series of meetings at the highest military level.

(6) Furthermore we have agreed that:

A high level seminar on defense policy and management will be held covering the role and constitutional position of armed forces in democratic societies, as well as strategic concepts and their implementation; a key purpose will be to identify specific issues to be pursued during subsequent co-operation in defence related matters;

An initial workshop will address practical aspects of defence management and the reform and restructuring of armed forces. This will be followed up by several panel tours to capitals conducted by small groups of experts as well as by participation of co-operation partners in relevant NATO training;

A workshop will be held to provide an opportunity to share experiences and to identify the most suitable practices and work methods for the environmental clean-up of defence installations;

Small teams of civilian and military defence experts, drawn as appropriate from

several Alliance countries, could be sent, on request, to countries desiring advice. These teams will be made available as quickly as possible to assist in Ministries of Defence or other areas in the defence establishment and will be prepared to stay in place as necessary. Detailed arrangements for meeting the needs of co-operation partners can be pursued in the Group on Defence Matters;

Further agreed activities of mutual interest in our field of responsibility will be organized in the framework of the Group on Defence Matters and reported to us or our representatives on a regular basis. The Group on Defence Matters could also act as a clearing house for proposals for co-operation in the defence field, including bilateral or multilateral activities not necessarily involving all of us.

The aim is not only to increase mutual understanding and confidence among us, but also to provide practical assistance on defence related matters at a time of profound transformation and transition. NATO members have promised to make available for this purpose the considerable expertise and experience they have developed in defence related issues. The list at annex, which is not intended to be exhaustive, provides an initial basis for discussion of areas for co-operation in defence related matters.

(7) We have entered a new era of partnership amongst our states. The resulting improved understanding and transparency will help develop patterns of co-operation and create conditions that encourage peaceful solutions to political problems. We are determined to grasp this opportunity to deepen our relationships, enhance security and contribute to the evolving process of a Europe whole and free. In our capacity as Defence Ministers we shall therefore play a full part in dialogue, partnership and co-operation. We shall meet to review the progress of work in the defence field annually or more frequently should circumstances warrant it.

AREAS FOR FURTHER COOPERATION IN DEFENCE RELATED MATTERS

The following is a list of possible areas for cooperation in defence related matters. There are various ways in which they could be addressed: seminars, workshops, panel tours, courses, bilateral or multi-lateral co-operation. Some topics will be most suited to military contacts, others dealt with primarily through civil channels; many will involve joint activities. As well as acting as a clearing house for proposals for co-operation, the Group on Defence Matters could also help organise activities in the following areas. The list is not intended to be exhaustive, but it could form the basis for a future work programme including practical activities.

Military strategies.—including discussion of concepts such as defensive sufficiency, stability, flexibility and crisis management;

Defence management.—the planning and management of defence programmes in democratic societies, to include accountability, financial planning, programme budgeting and management, research and development, equipment procurement procedures, personnel management.

The legal framework for military forces.—the establishment of a constitutional framework, the position of armed forces in a democracy, the democratic control of armed forces and civil-military relations, parliamentary accountability.

Harmonisation of defence planning and arms control.—the consequences of arms control for defence planning, the role of military forces in verification, proliferation, resource implications of CFE.

Exercises and training.—the philosophy, format, requirements and standards of training and exercises.

Defence education.—Organisation of education for both military and civilian defence personnel.

Reserve forces.—mix of active and reserve forces, force structures, training.

Environmental protection.—the military and the environment, protection, conservation, clean-up of facilities.

Air traffic control.—military contribution to air traffic management.

Search and rescue.—military contribution to search and rescue activities.

Military contribution to humanitarian aid.—practical experiences, planning, co-ordination, civil-military co-operation.

Military medicine.—organisation and practical issues (occupational health, preventive measures, hospital management, medical supply, education).

TRIBUTE TO ABRAHAM EPSTEIN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. WEISS. Mr. Speaker, I rise today to honor the life and work of the late Abraham Epstein whose 100th birthday anniversary will be celebrated on April 20, 1992. Abraham Epstein was one of America's leading advocates of social security legislation and was a true pioneer of social justice. His renowned book, "Insecurity: A Challenge to America" is regarded as the primary source book in the field of social insurance. He was the executive secretary and founder of the American Association for Old Age Security which later became the American Association for Social Security. Mr. Epstein's work galvanized public opinion and made passage of social security legislation possible. He remained a strong advocate of health insurance and a reformed unemployment insurance system until his death in 1942. At the time, he had been working on a plan for postwar social security to adapt the system to meet the specific needs of a society in the process of demobilization.

Mr. Epstein was born in Russia and emigrated to the United States in 1910. He graduated from the University of Pittsburgh and later studied at Columbia University. He was an acclaimed lecturer on social insurance at New York University and Brooklyn College.

Before founding the American Association for Social Security, Mr. Epstein was research director of the Pennsylvania Commission on Old Age Pensions and he organized and served as secretary of the Workers Education Bureau of America. His concern for social issues and justice led him abroad to study economic and social conditions in Germany and Russia. Mr. Epstein also acted as the American representative to the Social Insurance Commission of the International Labor Office from 1934 until 1937 and was a consulting economist for the Social Security Board as well as an executive board member of the New York City Affairs Committee.

Abraham Epstein dedicated his life to the fight for social security, health insurance and other pertinent social causes. His work played a significant role in shaping the programs and

politics of the social assistance system in the United States today. His sudden death in 1942 cut short a brilliant and successful career. Today, I join Abraham Epstein's sister Esther, wife Henriette, and son Pierre in honoring and celebrating the life and work of this exceptional social pioneer.

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. McEWEN. Mr. Speaker, it was with deep honor and much gratitude that I had the opportunity, earlier today, to address the gathering of the American Ex-Prisoners of War in Statuary Hall in the Capitol, to again call national attention to the unique sacrifices, suffering, pain, and hardship endured by those brave Americans who were prisoners of war.

As we have learned from their stories of captivity in enemy hands, the dangers of combat did not end with their capture. Rather, many were forced to undergo cruel treatment in unhealthy conditions.

In steaming, dehydrating Pacific and South East Asian jungles—in the freezing cold wintertime of Korea and Central Europe—and, as many of us suspected, and was recently confirmed, in the harsh wastes of Soviet Siberian concentration camps—our former prisoners of war were forced to face unusual punishment under the roughest of conditions.

Rather than the sudden shock of combat, they often were forced to deal, on a daily basis, with a brutal enemy. For many, the suffering was endured for years at a time. Sadly, many of their comrades did not survive.

National Former Prisoners of War Recognition Day honors not just those who were captured, but also their families, who lived long months, and even years, in uncertainty.

This day of national recognition cannot fully reward, nor adequately express our appreciation for these special Americans. But, it is an expression of thanks to them, and it sends a strong message that we will never forget their extraordinary bravery under the most difficult circumstances.

PAULETTE COVIN, HONORED TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Paulette Covin, who has been honored by the Dade County public school system as being one of its best educators. She was one of 7 candidates to be chosen to compete for the Golden Apple Award for Dade's best teacher of 1991-92.

Ms. Covin is an English teacher at Drew Middle School who has dedicated 11 years to her dream. She was recently featured in the Miami Herald for her extraordinary dedication

to teaching. The article "She's Fulfilled a Life-long Dream" follows:

As a child, Paulette Covin always emulated the role of a teacher. She knew when she was little that she wanted to educate others.

"As a kid growing up, I was always the one to be a teacher," said the language arts teacher at Charles Drew Middle, 1801 NW 60th St. "I had all the toys."

For 11 years, Covin, 33, has been teaching English and reading to Drew Middle School students.

"I love the way my life has been going," she said, "I was sent here for a purpose. I plan to fulfill that purpose—to educate our children. I want them to have a purpose in life."

Mr. Speaker, I commend Paulette Covin for her outstanding commitment to education. Her devotion to helping students have a purpose in life demonstrates her exceptionalism as a teacher

PUT BUSINESS OF RUNNING PRISONS BACK IN THE HANDS OF STATE PRISON OFFICIAL

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. GEREN of Texas. Mr. Speaker, crime is one of the biggest problems facing communities all around this Nation. Not a day goes by that we don't hear from our constituents about the growing incidents of crime in their neighborhoods. Parents are afraid to let their children walk to school alone, the elderly are afraid to leave their homes, and men and women are afraid to walk outside after dark. Freedom is the greatest right shared by all Americans, Mr. Speaker, but all too often, Americans have lost this freedom because they are afraid of becoming another victim of crime. And why shouldn't they be afraid when convicted rapists and murderers are serving, on average, 6 and 7 years, of their sentences respectively.

You would think that we would be doing everything we can to make sure that the people that commit crimes pay their debt to society. But, unfortunately, many States have had their efforts to combat crime hampered by the Federal courts. The demand for increased prison space has never been greater, but as we all know, construction of new prisons is extremely expensive and is often politically charged. According to the Criminal Justice Institute, 27 States have one or more of their prisons operating under a population cap or limit imposed by the Federal courts. Removing these population caps would result in a direct increase of available beds for prisoners at an overall savings to the taxpayer.

Currently, State prison systems around this country are operating, on average, at 115 percent of capacity. However, the Federal prison system, which is not bound by any court orders establishing prison population limits, is operating at 165 percent of capacity. According to the U.S. Department of Justice, if State prison systems were allowed to operate at the same capacity as their Federal counterparts,

an additional 268,000 beds would become available at a savings of \$13 billion.

Unfortunately, criminals are well aware of the situation with the prisons of our country. They know that in most cases, if they are caught and convicted, the sentence that they will be given is not the maximum sentence that the crime could bring because of the shortage of prison space. And in most cases, they will never even serve the full time of the sentence imposed because States have to abide by burdensome Federal court restrictions on prison space. My own State of Texas is a case in point, where criminals convicted of violent crimes serve an average of only 23 days for every year of their sentence.

Crime is becoming more attractive every day because the deterrent has become less and less.

Mr. Speaker, these criminals are not being released early for good behavior. They are being released to make room for others. The need for increased prison space is growing every day. But instead of filling Texas prisons to 100 percent of their capacity, the State prison system is now operating under a Federal court consent decree that establishes a 95-percent cap on prison populations. If we were allowed to operate at just 5 percent more, or 100 percent, it would mean an additional 2,517 prison beds in Texas.

Tomorrow, the Texas Board of Criminal Justice will decide whether to allow the early release of 2,900 inmates to provide space for new prisoners. If this population cap were removed 85 percent of those considered for early release would remain in prison to serve our their term. We have all heard the horror stories of convicted murderers being let out of prison early only to murder again. How many horror stories do we have to hear before we do something to correct the situation?

Mr. Speaker, today I am joined by Congressman BUD CRAMER of Alabama in introducing legislation to remove the Federal courts jurisdiction from hearing any cases dealing with inmate capacity of State penal or correctional institutions. The legislation would limit original jurisdiction and the appeal of these cases to the State courts, with ultimate appeal to the U.S. Supreme Court. Our legislation will put the business of running prisons back where it belongs—in the hands of State prison officials.

States are well equipped to determine the proper capacity rates of their respective prison systems while still guaranteeing the constitutional rights of inmates housed within the system. This legislation does not give prison officials the authority to act with indifference to the rights of inmates, and does not effect a person's right to appeal to the U.S. Supreme Court to ensure that the constitutional rights of prison inmates are protected. However, it tells the Federal courts, in no uncertain terms, that they will no longer be able to unfairly tie the hands of State prison officials.

The Federal courts should not have the authority to force prison officials to improve prison conditions beyond the basic necessities required by the Constitution, and the Constitution does not mandate comfortable prisons. However, many States including Texas are now operating under court orders or consent decrees that impose conditions on prisons that

go well beyond the requirements of the Constitution.

Our legislation has received the endorsements of groups whose names alone bear testimony to the situation in our Nation. Groups like Parents of Murdered Children, Justice for Murder Victims, Justice for Homicide Victims, Inc., and Citizens for Law and Order. These groups represent the opinions of the citizens of this country. They want something done that will allow them to breathe a little easier when their children go out to play or when they go for a walk after dark. Let's show them that we are serious about our war on crime and keep prisoners where they belong—in prison.

Our legislation is certainly not a cure-all, Mr. Speaker, but it's a step in the right direction and I urge all my colleagues to support Mr. CRAMER in this endeavor.

PUT BUSINESS OF RUNNING PRISONS BACK IN THE HANDS OF STATE PRISON OFFICIALS

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. CRAMER. Mr. Speaker, I rise in support of the bill introduced by my colleague from Texas [Mr. GEREN].

This bill is supported and endorsed by groups like Parents of Murdered Children, Justice for Murder Victims, and Justice for Homicide Victims, Inc. This bill is a solace for the relatives of slain innocent victims. Of course, it will not bring back their loved ones, but it can help ensure that those guilty of committing a heinous crime will do their time.

Crime is a growing blight on society. It knows no borders and does not discriminate. It is causing people to fear sitting on their porch at night or letting their children play in the park or walk to school alone.

The bill we are introducing is not a panacea to this problem. However, it does render assistance to several States. Several States have one or more of their prisons operating under a population cap or limit imposed by the Federal courts.

Currently, State prison systems around this country are operating, on average, at 115 percent of capacity. However, the Federal prison system, which is not bound by any court order establishing prison population limits, is operating at 165 percent of capacity. According to the U.S. Department of Justice, if State prison systems were allowed to operate at the same capacity as their Federal counterparts, an additional 268,000 beds would become available at a savings of \$13 billion.

The question is, Mr. Speaker, do we allow convicted felons to go free because of a population cap that is not related to the heinous nature of their crime? Do we allow murderers to go free to murder again? The answer is no.

This bill would prohibit the Federal district courts from having jurisdiction over any action to determine questions regarding the inmate capacity of any State penal or correctional institution. The bill would limit original jurisdiction and the appeal of these cases to the State

courts, with ultimate appeal to the U.S. Supreme Court.

This legislation does not give prison officials the authority to act with indifference to the rights of inmates, and does not affect a person's right to appeal to the U.S. Supreme Court to ensure that the constitutional rights of prison inmates are protected.

I urge my colleagues to seriously review this issue and work with us to make our communities safe.

TRIBUTE TO ALLENE S. ROBERTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. TOWNS. Mr. Speaker, I am happy to introduce my colleagues to Ms. Allene Roberts, manager, public programs for Philip Morris Companies, Inc. corporate affairs. This remarkable woman has been with the company for over 20 years. She has held numerous positions of responsibility in the areas of sales management, training and development, including government relations and corporate affairs.

Ms. Roberts attended Bronx Community College and Baruch College of the City University of New York.

Combining organization and civic involvement is one of the hallmarks of this outstanding woman. She is a member of the NAACP, the Coalition of 100 Black Women, Government Affairs Professionals, the EDGES Group, the National Association of Black County Officials Business Roundtable, the corporate advisory board of the Association of Minority Enterprises of New York, and the National Black Caucus of State Legislators Corporate Roundtable. Her volunteer activities include work with the Harlem YWCA Black Achievers in Industry Mentors Program, Urban League Black Executives Exchange Program, and the Mid-Bronx Senior Citizens Council.

Ms. Roberts maintains the very difficult balance of being a working professional, performing community service, and serving as a devoted wife to her husband Allen, a New York businessman.

TRIBUTE TO MR. JERRY GILMORE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. FROST. Mr. Speaker, it is my pleasure to bring recognition to Mr. Jerry Gilmore, who will be honored on April 21st for his 16 years of service as a member of the Dallas County Community College District Board of Trustees.

Jerry is someone I know personally and hold in the highest regard and personal respect. His work as a public servant has been commendable. He has given of his time and intellect to serve Dallas County.

During his term of service as trustee, he served as Vice Chairman from 1978-80 and twice as Chairman of the Board, 1980-82 and

1984-86. In the 16 years in which he served as fiduciary officer, 6 of the 10 existing DCCCD facilities were opened: Cedar Valley College, North Lake College, Brookhaven College, the District Service Center, the Bill J. Priest Institute for Economic Development, and the R. Jan LeCroy Center for Educational Telecommunications.

While serving his tenure on the board with four DCCCD Chancellors—Bill J. Priest, R. Jan LeCroy, Lawrence W. Tyree, and J. William Wenrich—and interim Chancellor Ted B. Hughes, Jerry gained the respect of many. He is appreciated within the Dallas County Community College District and throughout his constituency for his genuineness, deep concern for the welfare of students, sense of humor and his clear understanding of the role of trustee as policymaker and custodian of the public trust.

I would like to offer congratulations to Jerry for his excellent service on the Dallas County Community College District Board of Trustees. I am certain that he will continue to be active in the community, and look forward to working with him in the years ahead.

PATENT SYSTEM HARMONIZATION ACT OF 1992

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HUGHES. Mr. Speaker, today Representative MOORHEAD, the ranking Republican on the Judiciary Subcommittee on Intellectual Property and Judicial Administration, and I are introducing a bill that would improve intellectual property protection world-wide and would harmonize our patent system with patent systems of the rest of the world.

The United States leads the world in technological innovation. Regrettably, some countries are not providing fair and adequate protection for American inventions. Last year, my subcommittee held 2 days of hearings to examine how best to protect American intellectual property world-wide. We are closely monitoring multinational and bilateral efforts to harmonize our patent law and improve protection abroad.

There could be much to gain from international harmonization of our patent laws. For example, it would be very much in the United States' interest for other countries to reduce the time it takes to review patent applications. A harmonization treaty could also eliminate the cost that is involved in filing a different patent application in every country. However, as in any give and take exchange, harmonization would require changes in our American patent system.

Congress must consider whether a harmonization treaty, including both the changes to U.S. laws, and the changes in the laws that would be made by our sister countries, would overall benefit the American people. The bill that we are introducing today provides Congress with the opportunity to consider these changes in the event that a treaty is worked out. We would not, at this time, consider making these changes absent the concessions

that the United States is seeking in the laws of other nations that are necessary to assure adequate and effective protection of intellectual property.

The Patent System Harmonization Act of 1992 anticipates the likely components of a harmonization treaty and reflects the ensuing changes that might be called for in our patent laws. These include a conversion to a first-to-file system; the recognition of prior user rights; the publication of patent applications 18 months after they are filed; and a change in the term of patents. These provisions will each be considered by the subcommittee.

First-to-file: The United States currently awards a patent to the first-to-invent. Most countries of the world, however, including those of Europe and Japan, operate on the basis of a first-to-file system. It is probable that the United States must agree to change to a first-to-file system if we are to have a patent harmonization treaty. Accordingly, if we do not want to change from the first-to-invent system we must be willing to forego the benefits of harmonization. Many American inventors already operate on a first-to-file basis in order to preserve their ability to obtain world-wide patent protection. Also, the Patent and Trademark Office estimates that, in most cases, it issues the patent to the inventor who is not only the first-to-invent, but who is also the first-to-file.

However, American inventors and American industry have raised serious concerns about the first-to-file system. In particular, inventors fear that legitimate innovators will not always win the race to the Patent Office because of inadequate resources to file a patent application. Consequently, the bill we are introducing today includes a provision that would allow inventors to file an inexpensive provisional application, whereby an inventor could pay a partial application fee to hold his or her place in line and secure an early priority date.

Prior user rights: The Patent System Harmonization Act would grant certain prior user rights to inventors who independently develop innovations that are included in another inventor's patent application. This is a secondary feature of a first-to-file patent system. The subcommittee will carefully examine whether prior user rights are in the public interest, and what the proper and fair scope of prior user rights should be in a first-to-file system.

Publication of patent applications after 18 months: This bill would provide for the publication of patents 18 months after they are filed. By contract, the United States currently keeps all information relating to a patent application confidential throughout the period that the application is pending. This enables individuals to maintain nonpatentable inventions as trade secrets. However, countries of Europe and Japan publish the patent applications 18 months after they are filed. American inventors do not have the same access to scientific and technological information that our foreign counterparts enjoy. Also, because European countries and Japan take much longer than the United States to determine whether to grant a patent, American inventors do not reap the benefits of confidentiality in the United States when they file abroad.

Expedited search and examination: Many inventors are concerned that publication of their

patent applications will jeopardize their trade secret protection on inventions that turn out not to be patentable. Accordingly, the Patent System Harmonization Act contains procedures for expedited review and examination of a patent application. Under the procedures, an individual could learn whether the invention is patentable before the application is published, and could withdraw or abandon the application before 18 months in order to avoid having the information made public. This would be particularly useful for independent inventors and universities that may not seek worldwide protection for their inventions.

A 20-year patent term: The current patent term in the United States is 17 years. The Patent System Harmonization Act would provide for a 20-year patent term, consistent with a patent harmonization treaty. However, instead of beginning on the date that the patent is issued, the 20-year term would begin on the date that the patent application is filed. The bill further provides for protection for the provisional rights of the patent owner during the pendency of the application.

Senator DECONCINI, the chairman of the Senate Subcommittee on Patents, Trademarks, and Copyright, will be introducing similar legislation in the Senate. The Subcommittee on Intellectual Property and Judicial Administration, which I chair, will hold joint hearings with our counterpart subcommittee on the Senate Judiciary Committee to consider this legislation. I look forward to working with Representative MOORHEAD and with my other colleagues on the Judiciary Committee in assessing the merits of the harmonization treaty and of the specific provisions of the Patent System Harmonization Act. In addition, our subcommittee will seek the views of members of the public, including the very inventors, commercial enterprises, and other organizations who use the intellectual property system to the betterment of our society.

I am hopeful that multilateral negotiations will produce a treaty that benefits the American people and improves the protection of intellectual property worldwide. By introducing this legislation today, we expect that Congress will be ready to promptly consider a final treaty agreement and any ensuing implementing legislation.

GEORGE WALTERS, HONORED
TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize George Walters, who has been honored by the Dade County public school system as being one of its best educators. He was one of seven candidates to be chosen to compete for the Golden Apple Award for Dade's best teacher of 1991-92.

Mr. Walters is a music teacher at Hialeah Middle School whose jazz band has received great reviews under his guidance. He was recently featured in the Miami Herald for his extraordinary dedication to teaching. The article "Music Instructor Credits Students" follows:

With waves of his hand, George Walters conducts a symphony as if he were climbing a ladder—up to the altos, then down to the baritones.

"I need more from the tubas and the trombones," the music teacher told his students. "Accent that note."

Being nominated for teacher of the year is a great honor, but credit belongs to the students, said Walters, who teaches at Hialeah Middle School, 6027 E. Seventh Ave.

Under Walters' guidance, his jazz band has received superior marks from the Florida Bandmasters Association all eight years he has been teaching there.

Mr. Speaker, I commend George Walters for his outstanding commitment to education. His devotion to helping students understand the beauty of music demonstrates his exceptionalism as a teacher.

GENDER EQUITY IN AMERICA'S
SCHOOLS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SWETT. Mr. Speaker, I rise today to express great concern about a serious situation occurring in our Nation's schools. Recent studies by the American Association of University Women indicate that America's educational system is not equally meeting the needs of both male and female students. Although girls and boys are approximately equal in their abilities when they enter school, upon graduation 12 years later, girls have fallen well behind their male counterparts in academic areas such as math. As a result, they have also suffered a greater loss of self-esteem.

Under title IX of the Education Amendments of 1972, discrimination by sex is illegal in any education program that is federally funded. Enforcement of title IX should be a priority in order to ensure every girl a fair chance to obtain an equal education. But apparently, it is not. In 1990, researchers found that 37 percent of district administrators in 21 States not only had not complied with title IX to any extent, but also felt there was no need to address the issue of educational equity between boys and girls in schools.

Mr. Speaker, a number of suggestions have been made as to how these differences arise. Starting in preschool, girls are separated from boys because girls at that age are found to display a higher development of motor skills. Boys usually require more help, and thus demand more attention from the teacher. Researchers Myra and David Sadker have studied this pattern for many years. One of their findings was that boys were more apt to call out in class, eight times more apt than girls. When a boy spoke out, the teacher listened to him and responded to his remarks, but when a girl called out in class, she was told to raise her hand if she wished to speak.

The problem of poor self-esteem which girls suffer from stems in part from the widespread sexual harassment they encounter in junior high and high schools. One study found that 65 percent of female high school students in vocational courses reported harassment by male classmates and even by some teachers.

Girls are rated when they walk into classes, are made to feel inadequate when they are the only girl in a class, and are teased to the point of tears by boys thinking it is all in fun. Contrary to the opinions of these boys, as well as to school personnel, this behavior is not funny. This situation should not be judged as boys being boys. Girls need to feel secure in order to achieve in an educational setting. Sexual harassment is also prohibited under title IX and that prohibition should, likewise, be enforced.

Many recommendations have been made as to how to solve the gender equity problem. Title IX guidelines ensuring this equality should be strictly enforced. School curriculum should include some course work on gender issues and encourage new research on women's issues. Women should be given greater opportunities to participate on education reform boards and commissions. Finally, school administrators should create and enforce a policy against sexual harassment in the school system.

Mr. Speaker, I urge my colleagues to work with our Nation's educators to find ways to address this serious inequity. We must find ways to ensure an educational environment that is gender equitable and, hence, will give young American girls a better chance for the future.

TRIBUTE TO REAR ADM. JAMES PERKINS III

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BLAZ. Mr. Speaker, on the 28th of this month, a typical change of command will take place in the Territory of Guam during which the Commander of Naval Forces, Marianas, will be relieved following a typical 2-year tour. But, what is not typical about this particular change of command is the fact that an extraordinary officer will be leaving behind a commendable list of accomplishments over a relatively brief of time.

Admiral Perkins is from a new breed of flag officers who are not only technically proficient in their individual professional responsibilities but widely versed and aware of the dynamics, strategically, politically and economically, of the region in which they serve. It would not be inaccurate to say that more changes have conspired in the political, cultural, and security aspects of activities in this region over the past 2 years than any similar period in recent history.

Both as Commander of Naval Forces in the Marianas and the representative of the Commander-in-Chief, Pacific, Admiral Perkins devoted much of his energy to understanding the problems of the region, to helping find solutions to those problems and to anticipating and projecting the region's potential. Although he had to address his military responsibilities within a highly politicized environment, he skillfully managed to advocate the interests of the Navy and the Department of Defense while at the same time ensuring an excellent working relationship with the leaders in the community and countries in the region.

From a personal standpoint, I have had the privilege of knowing virtually every officer who has served as Commander of Naval Forces in the Marianas since it was established following World War II. I can state, without reservation, that Admiral Perkins has served as well as the best of them and has exceeded the performance of most of them. In this day of rapidly changing national and international relationships, it is very comforting and reassuring that our country has senior officers of his stature in highly responsible positions serving our country in an ever widening array of responsibilities.

I have come to this floor today to pay tribute to this outstanding officer for a superb performance. This tribute is the most I can offer my friend as he departs for another assignment, but it is the least that he deserves.

Adios, Admirante. Thank you, maraming salamat po, and dangkulo na y Si Yuus Maese.

ORPHAN DRUG AMENDMENTS OF 1992

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. WAXMAN. Mr. Speaker, I rise to join my distinguished colleague, Mr. STUDDS, in introducing the Orphan Drug Amendments of 1992.

In order to protect consumers, the Federal Government, and other institutional purchasers of orphan drugs from paying unreasonably high prices, this bill is necessary.

The Orphan Drug Act has been a tremendous success in stimulating research on drugs for rare diseases. Orphan drugs are drugs that have so little prospect of profit that they would not be developed without the incentives of the Orphan Drug Act. They are called orphans because they had no parents to sponsor them.

The purpose of the act was to create incentives—in the form of tax breaks, grants, and market exclusivity—for research and marketing of orphan drugs. The most important incentive is the 7-year protection against competition. Under the act, 500 orphan drugs have been designated for research and 60 orphan drugs have been approved for marketing.

In addition to the drugs for which it was intended, the Orphan Drug Act has been used as a shield against competition by some of the most profitable drugs that have been developed in recent years. For example, it is estimated that by the end of 1991, Genentech will have reaped almost \$600 million in sales from human growth hormone. Human growth hormone is used to treat a thyroid deficiency in children who are not growing normally.

Another example is Amgen's drug, EPO, which generated approximately \$900 million in sales during its first 2½ years on the market. EPO is used for patients on kidney dialysis and its principal purchaser is the Federal Government. There are three other drugs which have been given market exclusivity under the Orphan Drug Act and which are reaping between \$50 and \$100 million in sales each year.

That is not the end of the story; it is only the beginning. Equally troubling is the fact that there are a significant number of other potential blockbuster orphan drugs in the pipeline.

The bill that Mr. STUDDS and I are introducing today would refine the Orphan Drug Act to provide that a product loses the market exclusivity conferred by the Orphan Drug Act if its total sales exceed \$200 million, unless research costs are greater than sales. For orphan drugs, \$200 million in sales will lead to substantial profits, and certainly to profits that provide a sufficient incentive to continue to stimulate the production of orphan drugs. The vast majority of drugs that have qualified for orphan drug status under the law will not be affected.

Mr. Speaker, the original Orphan Drug Act, adopted in 1983, required a showing that the drug would not be profitable in order to take advantage of the market exclusivity and other incentives of the Orphan Drug Act. The 1983 act was too restrictive; it did not stimulate research into orphan drugs. In 1985, the definition of orphan drug was changed so that potential profit was no longer an issue. Instead, a drug qualifies as an orphan drug if it is designed to treat a patient population of fewer than 200,000 patients. The 1985 amendments were successful in stimulating research on orphan drugs. But the 1985 amendments were too broad in that it confers orphan drug status on drugs that plainly would have been developed without the incentives of the Orphan Drug Act.

The bill being introduced today strikes the appropriate middle ground. The vast majority of orphan drugs will not be affected because they generate sales far under \$200 million. But the small number of extraordinarily profitable orphan drugs will lose their market exclusivity once sales exceed \$200 million. This will allow for competition in these important markets which should lower the prices of these drugs. The resulting benefits will flow to consumers, the Federal Government, and other institutions that purchase drugs.

THE INTRODUCTION OF THE STATE MARITIME ACADEMY CADET LICENSING RELIEF ACT OF 1992

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. FIELDS. Mr. Speaker, I am pleased to introduce today a bill to provide relief to the young men and women who attend our state maritime academies.

Regrettably, during the last Congress, the Omnibus Budget Reconciliation Act removed long-standing prohibitions against the collection of certain Coast Guard user fees.

In response to this legislation, the Coast Guard has proposed a number of new fees, including one for issuing licenses for our Nation's merchant mariners. Under the Coast Guard's proposed rule, those who seek to work in our maritime industry would have to pay fees up to \$500 to obtain their maritime licenses.

While I oppose establishing any fee or charge for the issuance of a license, I am particularly distressed that there are no exemptions from these fees, and that they will apply to cadets graduating from our State maritime academies.

These cadets, who normally take a licensing examination with 3 months of graduation, do not have the financial resources to pay these onerous fees. They have just completed 4 years of college, have spent thousands of dollars on college expenses, and have yet to earn a penny in their chosen profession.

In addition, unlike students enrolled at our National Service academies, cadets at our six State maritime academies which are: Texas A&M University at Galveston, the California Maritime Academy, the Great Lakes Regional Maritime Academy, the Maine Maritime Academy, the Massachusetts Maritime Academy, and the New York Maritime Academy pay tuition and receive no income while attending school.

Mr. Speaker, these fees place a heavy burden on these cadets at a time when they can least afford it. These fees, if implemented, would serve a powerful disincentive to those contemplating a career in the U.S. maritime industry. Also, the implementation of these fees would be unfair, in that other transportation professionals, like airline pilots and train engineers, do not pay licensing or examination fees.

While these fees will do little to reduce our Federal deficit, they will cause tremendous pain for our State maritime academy graduates as well as the U.S. merchant marine industry, which is struggling for its survival.

In testimony before the House Merchant Marine and Fisheries Committee, the superintendents of the State maritime academies stated that "it is unconscionable to mandate to young men and women who pay for an education which clearly supports our national security to take and pass a licensing exam, and then charge them a fee to take it. In essence, the user fee is a graduation tax which is exorbitant in relation to an entry level cadet's income history."

These superintendents strongly recommended that the user fees for licenses be waived for all cadets taking an entry level examination, and Mr. Speaker, that is the purpose of this legislation.

Under my bill, the approximately 2,600 cadets who graduate each year from our six State maritime academies would not have to pay for their initial, entry-level license fees. While my bill would reduce annual Federal revenues by about \$250,000, it is a sound investment in these men and women who will help revitalize our maritime industry.

Mr. Speaker, I urge my colleagues to join Representatives BILLY TAUZIN, BOB DAVIS, NORM LENT, OLYMPIA SNOWE and me in support of the State Maritime Academy Cadet Licensing Relief Act of 1992.

NATIONAL RECYCLING DAY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. SLAUGHTER. Mr. Speaker, I am pleased to be a cosponsor of House Joint Resolution 396, designating April 15, 1992, as National Recycling Day. On that day we should remind ourselves about and renew our commitment to the importance of recycling.

Decades ago, trash was simply taken to the town dump. It was piled into a pit that soon became a giant hill, to be visited by animals in search of food. Eventually, the dump was abandoned and another one started. Ignorance was bliss, and people did not see a problem.

Today, knowledge has banished ignorance and we are looking beyond dumps. But as old dumps are closed, new landfills often cannot be opened to receive the debris of our society. We no longer have the space or the ability to overlook the environmental and health effects from improperly controlled landfills.

Incineration is also not the final answer for how to get rid of our trash. Burning creates sometimes toxic ash, which must still be disposed of, as well as additional air pollution.

So society has returned to an old idea: recycling.

I am proud that the communities in my congressional district have begun aggressive curbside recycling programs. I participate at home, and also recycle cans, bottles, and paper in my offices.

The Kenneth B. Keating Federal Building in Rochester, the location of my district office, is a shining example of recycling in action. All agencies in that building have joined a recycling program which is continually processing more material: 6,320 pounds last month, up from 2,300 pounds in August 1991. I applaud these efforts to decrease our landfill waste.

Like many others, I have switched to using recycled paper and stationery, and I have initiated and supported initiatives to expand recycling on Capitol Hill. It is a timely acknowledgement of National Recycling Day to note that this statement will probably appear on recycled newsprint in the CONGRESSIONAL RECORD, which will be using only recycled paper by the end of April. This switch will save money, as well as natural resources.

To broaden the market for recycled goods, I have introduced the Recycling Initiatives Grant Act which will offer the first Federal grants to support the creation of innovative methods of recycling, and marketing or transporting recycled goods. Our goal is to disseminate information about techniques that have the potential to help communities across the Nation.

In order to preserve our precious environment, we must make changes now to stop degradation and restore what we have polluted. Recycling is cost-effective, energy efficient, and resource conserving, and it will be a centerpiece of any energy, economic, and environmental policy of the future.

I am proud to represent constituents who take recycling seriously and are committed to changing their habits and attitudes for the benefit of our environment. National Recycling

Day is an appropriate occasion to recognize their efforts.

THE NEW HAMPSHIRE-MAINE INTERSTATE SCHOOL COMPACT

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ANDREWS of Maine. Mr. Speaker, education of our youth is a critical issue. Towns across this Nation are finding it more difficult to offer programs due to budget cuts. Budget cuts have a ripple effect on students, teachers, and our Nation's economic future. Because of escalating costs in educating our youth, in addition to decreased revenues, communities are forced to look for creative alternatives to educate their children properly. At Federal, State and local levels, we must invest time and dollars in education now, to help students gain the skills necessary to succeed.

Acton, a small town in my district of Maine, has experienced a population boom. In fact, its secondary school population has doubled since the 1960's and is expected to double again within the next 10 years. Acton students currently attend Wells High School, which is part of the Wells-Ogunquit Community School District. While the quality of education provided to Acton students has been excellent, concerns have been raised about the long hours of travel between Acton and the Wells-Ogunquit area, the high transportation costs incurred, and the difficulty students encounter in trying to participate in extracurricular activities. Furthermore, additional questions have surfaced over whether or not the State tuition rate is adequate to meet rising costs for expanded high school facilities at Wells High School.

Interaction between State school districts is becoming an alternative for communities to explore. The Maine State Department of Education has informed me that Acton has discussed possible educational options, such as an interstate school, for its secondary students with the towns of Wakefield and Milton, NH. Both towns have indicated they would welcome having Acton as a part of their school district. Obviously, there are a number of complex issues in the formation of an interstate school district, such as State required curriculums, tuition arrangements, and special and vocational education. Unfortunately, the primary obstacle to the formation of an interstate school district is the absence of a congressional ratification of the New Hampshire-Maine interstate school compact.

Mr. Speaker, today I am pleased to introduce with my colleagues, Congresspersons SWETT, SNOWE, and ZELIFF, a bill granting the consent of Congress to the New Hampshire-Maine interstate school compact. This is a result of working with many people including the Maine State Department of Education. In particular, I appreciate the hard work of Congressman DICK SWETT. I am excited about creating an opportunity for Maine and New Hampshire to combine resources and offer alternative means for educating students.

The purpose of this compact is to increase educational opportunities within the States of

Maine and New Hampshire by encouraging the formation of interstate school districts. The intent of the legislation is to enable the towns in both States to determine if an interstate school is indeed feasible. The compact was originally passed and signed into law by both States in 1969. Granting congressional consent for this nonbinding compact will allow members of the communities in both States to discuss viable possibilities for such a school. It does not in any way commit or mandate any town to form a district or build a school.

It is imperative we encourage the expansion of educational opportunities for our youth through creative alternatives. Support for the New Hampshire-Maine interstate school compact will do just that.

DEMOCRACY AND DEMOCRATIC
TRADITION ARE ALIVE AND
WELL IN JAMAICA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DYMALLY. Mr. Speaker, I would like to recognize the transition of power which recently took place in Jamaica. That transition is, I believe, important for two fundamental reasons. One, it represents an end of the active political career of one of the most admired and respected men in world politics, Michael Manley. Second, that transition is very important because it once again demonstrates how democracy and a democratic tradition are alive and well in Jamaica.

Prime Minister Michael Manley is from one of Jamaica's leading political families. His father, Norman Manley, was a leader in Jamaica's pro-independence movement and one of the country's five national heroes. He also was founder of the People's National Party [PNP] which is the party currently in power. Never before has the PNP been headed by anyone other than a Manley. The demitting of Prime Minister Manley from office represents an historical moment both in Jamaican history, and, indeed, in the history of world politics in general.

There is no dispute that Michael Manley has been one of the 20th century's greatest leaders. He successfully led Jamaica to a path of free market, private sector-led growth and was a charismatic leader who inspired people both in Jamaica and elsewhere.

During the past 2½ years as prime minister, Michael Manley implemented sweeping market reforms and adjustment programs that liberalized the Jamaican economy and paved the way for foreign investment and rapid economic development. Jamaica has created the most attractive investment climate in the Caribbean and is the first Caribbean country to qualify for the enterprise for the Americas initiative and the Inter-American Development Banks; multi-lateral private sector development fund.

The peaceful transition of power is a tribute to Jamaica's long democratic tradition. Jamaica's ruling PNP chose a new prime minister strictly adhering to party rules and to the Jamaican Constitution. The democratic tradition in Jamaica remains strong and intact. Serious

debate was allowed to occur yet in the end, all agreed to accept the winner of the contest and all agreed to serve for the good of the party and the country.

I would like to extend a personal congratulations to the victor of the campaign and Jamaica's new Prime Minister, P.J. Patterson. I am sure that during his administration Jamaica will continue to prosper economically and serve as a clear example of a functioning democracy which provides stability with a responsiveness to the needs of its citizens.

GLORIA MITCHELL YOUNG,
HONORED TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Gloria Mitchell Young, who has been honored by the Dade County public school system as being one of the best educators. She was 1 of 7 candidates to be chosen to compete for the Golden Apple Award for Dade's best teacher of 1991-92.

Ms. Mitchell is the director of a child-care center at the D.A. Dorsey Education Center for adult students. She was recently featured in the Miami Herald for her extraordinary dedication to teaching. The article "Community, Kids Are Her Priorities" follows:

Gloria Mitchell Young probably has enough credentials to work almost anywhere. But her heart remains devoted to the community and kids at the D.A. Dorsey Education Center in Liberty City.

Young is the director of a child-care center at the adult education school and trains adult students who want to be child-care center workers. At the Dorsey Center, adult students get training with children whose parents drop them off on the way to work.

Student Monica Ragin, 24, said Young is an excellent teacher. "She goes over with you step by step until you get it," Ragin said.

Mr. Speaker, I commend Gloria Mitchell Young for her outstanding commitment to education. Her devotion to helping adult students improve their lives demonstrates her exceptionalism as a teacher.

TRIBUTE TO DR. CHARLES
HILDEBRANDT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to an outstanding educator from my home State of New Hampshire—Dr. Charles Hildebrandt. Dr. Hildebrandt, a professor of sociology, is also the founder of the Holocaust Resource Center at Keene State College. The center houses one of the 15 largest collections of books on the Holocaust in the United States as well as a growing video collection. Later this month, the center will reopen in its recently renovated home, marking the first day of this year's national remembrance of the Holocaust.

In addition to his responsibilities as director of the Holocaust Resource Center, Dr. Hildebrandt has helped teachers throughout New England integrate the Holocaust into their regular educational curricula. He has also actively participated in Holocaust remembrance events over the past 15 years. Dr. Hildebrandt is deeply committed to the struggle for justice, and his work delineates for us the potential destructiveness of human intolerance.

Mr. Speaker, I ask my colleagues to join me today in congratulating Dr. Hildebrandt upon the reopening of the Holocaust Resource Center and particularly, in paying tribute to him for his outstanding work. By keeping alive the memory of the 6 million Jews and the 5 million other victims of the Holocaust, Dr. Hildebrandt reminds us of the need for human tolerance and social justice. George Bernard Shaw once said, "Life is not a 'brief candle.' It is a splendid torch that I want to make burn as brightly as possible before handing it on to future generations." Dr. Hildebrandt's life burns brightly, illuminating the minds of the people of New Hampshire. His efforts to establish and maintain the Holocaust Resource Center demonstrate his dedication to underlining the responsibility we all share to ensure that tragic events like the Holocaust are never repeated.

THE F-15 SALE AND ARMS
CONTROL IN THE MIDDLE EAST

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. LEVINE of California. Mr. Speaker, today I will be sending a letter to the President with 236 of my colleagues urging him to refrain from formally notifying Congress of a rumored sale of 72 advanced F-15 fighter aircraft to Saudi Arabia. Congressional leaders who joined me in signing the letter include: Representative DANTE FASCELL, chairman of the Foreign Affairs Committee; Representative WILLIAM BROOMFIELD, ranking minority member of the Foreign Affairs Committee; Representative DAVID OBEY, chairman of the Appropriations Subcommittee on Foreign Operations; Representative MICKEY EDWARDS, ranking minority member of the Appropriations Subcommittee on Foreign Operations; Representative DAVID BONIOR, the majority whip; Representative NEWT GINGRICH, the minority whip; Representative VIN WEBER, secretary of the House Republican conference; Representative STENY HOYER, chairman of the Democratic caucus; Representative VIC FAZIO, vice-chairman of the Democratic caucus; and Representative BILL PAXON.

A sale of this nature does not serve America's long-term interest. Just over 1 year ago, American troops returned from the Gulf after defeating Saddam Hussein. Our sons and daughters were sent to fight a war in a region teaming with American and other Western manufactured armaments. But this administration just doesn't understand that by pumping billions of dollars' worth of America's best weaponry into the Persian Gulf region, it is more likely, not less, that American troops will one day have to return.

In the aftermath of the gulf war, there was a lot of pious talk from the Bush administration about Middle East arms control, but this has turned out to be just rhetoric.

The Bush administration's reckless approach to arms sales also ruins United States credibility to promote arms control issues with the new states of the former Soviet Union. Cash starved, the new Republics are expropriating Soviet military hardware that has been deployed on their territory and exporting it to dangerous countries like Syria and Iran. Our credibility to stop arms exporting countries from making these destabilizing arms sales is directly related to our own willingness to lead by example. Clearly, the Bush administration does not have the political will to do this.

I have inserted the full text of the letter for the RECORD. I also urge my colleagues to review the following editorial from *The New York Times*, "F-15 Sale: Wrong New World Order," March 8, 1992, which outlines the absurdity of a large-scale F-15 sale to the Saudis at a time when we have an historic opportunity to stem the flow of arms to this volatile region.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 1992.

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

DEAR MR. PRESIDENT: We are writing to express our concern over recent arms sales to the Middle East. Since the Gulf war, the Administration has sold \$14.8 billion worth of major military equipment to Saudi Arabia. Now, we have seen reports that the Administration is considering another sale of advanced F-15 aircraft to the Saudis. This emerging pattern leaves the impression, at home and abroad, that the Administration is not serious about arms control in the Middle East.

A central theme of U.S. post-Gulf war policy towards the Middle East has been to "change the way" the nations of the region interact with one another. Genuine arms control must be an integral element of this approach. The sale of additional F-15 aircraft to Saudi Arabia is incompatible with any meaningful arms control policy. Such an F-15 sale would represent a significant escalation of the regional arms race.

The Administration has succeeded in bringing together the five permanent members of the U.N. Security Council—who account for 80% of the world's weapons trade—to talk about arms control. This is an accomplishment that must be built upon, not undermined. The Administration's current approach to arms sales puts the U.S. in a position where we are unable to ask a country like Russia to refrain from selling top-of-the-line SU-24 aircraft and T-72 tanks to Iran because we are unwilling to stop our own sales.

Congress wants to work closely with the Administration in establishing a comprehensive security arrangement that protects and promotes American interests in the Middle East. We urge the Administration to consult with and share its plans with Congress on these matters so that U.S. arms policy to the region can be effectively coordinated. For instance, we believe Congress should be fully consulted on the conclusions of the recent survey and report prepared by the Defense Department on the long term needs of Saudi Arabia and what this means in terms of arms transfer policy.

Thank you for the opportunity to express our views.

[From the *New York Times*, Mar. 8, 1992]

F-15 SALE: WRONG NEW WORLD ORDER

Why should the U.S. stimulate competition to sell advanced fighter planes to the Middle East when it could instead promote international cooperation to shut down arms sales? Congress has to face that question now that the Bush Administration says it intends to sell 72 F-15 fighters to Saudi Arabia.

The sensible answer is to delay the sale and instruct President Bush to seek agreement from Britain and other leading arms merchants not to sell such planes to the Middle East. That would give Mr. Bush a chance to fulfill his previous pledges to curb arms sales to that volatile region.

Days after the defeat of Iraq, Mr. Bush told Congress: "It would be tragic if the nations of the Middle East and the Persian Gulf were now, in the wake of war, to embark on a new arms race." At his urging the five permanent members of the U.N. Security Council—also the leading arms suppliers to Iraq and the world—are drafting guidelines to curb sales to the region.

Yet in the year since, his Administration has approved \$8.6 billion in new arms sales to the region, the highest one-year total ever. That sends the wrong message to would-be buyers and sellers.

The sale of 24 F-15H's and 48 F-15E's makes an ideal test case for restraint. The F-15H ranks as a top-of-the-line aerial combat fighter. The F-15E is America's most advanced ground-attack aircraft, never before marketed abroad.

As defense budgets decline, commercial competition has intensified. F-15 manufacturers argue that if Congress simply blocks the proposed sale, Saudi Arabia will buy the British-built Tornado instead. Whoever loses the Saudi contract may have to shut down production and lay off workers as early as 1994. That's why curbs won't work without British agreement.

Such curbs could also induce Russia to limit the size of its sale of MIG-29 fighters to Iran, a transaction that gave Saudi Arabia a new reason for wanting to add to its arsenal. Andrei Kokoshin, a Russian arms control expert, said that "if other countries would have started reducing arms deliveries, this would have some effect, but it turned out that most democratic countries are not stopping arms sales."

That point has not been lost on the Chinese, who continue marketing their missiles while calling for dollar limits on Mideast arms sales.

The F-15 is Congress's notion of an ideal weapon system: parts are produced in 346 Congressional districts in 47 states. And the manufacturers' case comes down to "jobs, jobs, jobs." But U.S. security could be jobbed if Washington doesn't exercise restraint and induce other sellers to do the same.

HOUSE ADMINISTRATOR—CAN IT WORK WHEN THE DEMOCRATS REFUSE TO WORK WITH THE REPUBLICANS?

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BALLENGER. Mr. Speaker, today the House will consider House Resolution 423, a bill to establish the position of House Administrator. The Democratic leadership took this

step reluctantly, only taking action after a series of scandals involving the House bank, the House post office, the House restaurant, and the House elevators became public knowledge. These scandals, which horrified America, have plagued Congress for years and are clearly indicative of the type of leadership the Democrats offer.

It had been my hope, and that of other Republicans in the House, that frank discussions between the parties could yield a constructive reform that all sides supported. Unfortunately, House Resolution 423 is just another example of the same old game that the Democrats like to play.

A bipartisan task force negotiated for over a week in order to bring a bipartisan reform package to the floor. And as the Republican leader BOB MICHEL said, "Republicans have not been increasing the playing field but rather narrowing it in hopes of reaching an agreement. While there has been progress towards incorporating some of the Republican ideas the devil remains in the details."

The Democratic package addresses the day-to-day management of the House and as may be expected retains their power and authority in this area. The Republicans are seeking much broader reform, not only in administration, but in the legislative and procedural workings of the House.

I plan to support the substitute offered by Republican leader MICHEL. The Republican plan: Creates a Chief Financial Officer elected by two-thirds vote of the House, with responsibility for all financial and managerial responsibilities and supervision of the post office; creates an inspector general position to conduct independent audits and investigations; eliminates the Doorkeeper and the Postmaster, transferring Doorkeeper duties to the Clerk; requires equal representation of majority and minority parties on the House Administration Committee and the Subcommittee on Legislative Appropriations; and requires the membership and staff ratios of each committee and subcommittee to reflect the ratio of majority and minority party Members in the House at the beginning of each Congress.

In addition, my party is demanding either a ban on proxy voting in the committee meetings and an increase in the Republican Representatives on the Rules Committee from four to six members—the Democrats have nine members; limits continuing resolutions to 30 days and requires them to list all appropriations contained in the bill not previously authorized by law; requires laws on labor, safety, antidiscrimination, and freedom of information to apply to the House, and prohibits franked mass mailing by Members outside their congressional districts. Republicans also support a bipartisan task force to study congressional reform and report to the caucuses by the time Congress adjourns, and a vote on a reform proposal offered by Representatives GRADISON and HAMILTON to create a Committee on Congress.

With the current crisis of confidence in the House and its elected Members, we must solve the problems of this institution, but the scandals of the past year indicate we need fundamental changes in the way the House operates. The Republican package makes these changes. I deeply regret that my col-

leagues on the other side of the aisle refused to accommodate these important changes.

**ELLEN MEWBORNE SHULER: A
VOICE OF EXCELLENCE**

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SPENCE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This competition is open to secondary school students who submit a script on a theme chosen by the program. This year's theme was "Meeting America's Challenge."

It gives me great pleasure to announce the name of this year's winner from the State of South Carolina: Miss Ellen Mewborne Shuler. A resident of my district, Miss Shuler attends the Orangeburg Preparatory School of Orangeburg, SC. I extend to her and her family my heartfelt congratulations and commend her for her excellent script.

At this time in the RECORD, Mr. Speaker, I wish to insert Miss Shuler's winning script on "Meeting America's Challenge." I am sure that my colleagues will agree that her words are an inspiration to all of us.

MEETING AMERICA'S CHALLENGE

(By Ellen M. Shuler, South Carolina winner, 1991/92 VFW Voice of Democracy Scholarship Program)

In 1789, the developing nation of America inaugurated their first President to lead their entire nation. Those early citizens wanted a leader with experience, motivation, honesty, perseverance, and dedication. George Washington exhibited such qualities. As Jefferson stated of Washington, "never did nature and fortune combine more perfectly to make a man great". But have these leadership qualities changed over the centuries? No—it is still America's challenge to find the ideal leader with those same qualities. Experience, motivation, honesty, perseverance, and dedication are still America's challenge.

America's first challenge is finding a leader with experience. Theodore Roosevelt knew what he was doing when he began the conservation movement in America. Roosevelt, a lover of the outdoors, owned two ranches out west and would spend 14 to 16 hours a day riding horses over his land. His experience out west gave him a heart felt sense of the word conservation. This experience led him to add more than 125 million acres of land to the national forests during his Presidency. Because of Roosevelt's influential quality of experience, conservation is still important in our nation.

Motivation is another key quality in a leader. John F. Kennedy's "New Frontier" campaign motivated our country to new and greater heights. His famous quote, "Ask not what your country can do for you—ask what you can do for your country" raised the spirits of American citizens. This eagerness continued through his term. For example, Kennedy began the Peace Corps which is still helping the underdeveloped nations of the world. Motivation helped Kennedy achieve his goals as a leader.

The perfect leader can also gain his goals through honesty. Who else demonstrates

honesty better than our 16th President "Honest Abe" Lincoln? His term came during the difficult years of the Civil War. Lincoln's honest hatred of slavery may have caused him to lose the South's favor, but it gained freedom for all Americans. Obviously, Lincoln decided to be true to his own feelings of what is right for our nation. Lincoln vowed to always be honest even if he lost all his friends. He said, "I shall have at least one friend left, and that friend shall be down inside of me." Abe Lincoln knew the importance of being an honest leader.

Leaders must also know the importance of perseverance. Susan B. Anthony persevered all her life toward the goal of women's rights. When she was barred from speaking at a temperance movement rally because she was a woman, she persevered, forming the Women's State Temperance Movement Society. Her contribution of the International Women's Suffrage Alliance helped achieve the 19th Amendment which gave women the right to vote. Susan B. Anthony's perseverance as a leader helped make that possible.

Martin Luther King also demonstrated perseverance as a leader in the movement for black equality. He struggled under harsh circumstances to fight for the right of blacks. He said "I have a dream". King's dream came to life when blacks gained their civil rights. His perseverance made his dream a reality.

And finally, the American challenge is to find a leader with dedication. Just as leaders should show dedication to their people, the people should show dedication to their leaders. Thus, we need to dedicate ourselves to finding and supporting the ideal leader. As American citizens we are responsible for finding such a leader. And voting is our way to do so. When you vote, you make a conscious effort to strengthen the leadership in our country.

America's challenge to find the ideal leader has continued for over 200 years. And to remain a great nation, we must continue to value the leadership qualities of experience, motivation, honesty, perseverance and dedication. In the early part of this century, the great leader of India, Ghandi stated, "We must be the change we hope to see in others." This was India's challenge then and I believe it should be America's challenge now. "We must be the change we hope to see in others." The challenge of finding the ideal leader depends on us.

**INTRODUCTION OF LEGISLATION
REGARDING DUTY SUSPENSION**

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. MARKEY. Mr. Speaker, I rise in support of two bills I am introducing today to suspend the duty fees on two products that are critical to the future of the Dupont Merck Pharmaceutical Co., a growing company with a major plant in Billerica, MA.

Dupont Merck currently employs more than 600 employees in a region of Massachusetts which currently suffers from double-digit unemployment. The future growth of the Billerica operation is no small matter for the people who are struggling in the recession-racked Massachusetts economy.

My bill would lift the duty fees on cardiolite and neurilite, two products with enormous

growth potential. The duty suspensions would help make Dupont Merck competitive in world markets, which, would, in turn, lead to continued growth and job creation. As you know, standard procedure on these bills is for the Ways and Means Committee to ask the International Trade Commission and other executive departments to review the proposed suspensions to ascertain whether there are American producers of these products. A preliminary review has indicated there are no American producers. If the formal review indicates otherwise, I would, of course, reevaluate my support for these two bills.

**THE TIME IS NOW TO ADDRESS
WORTHY WAGES**

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. KLUG. Mr. Speaker, today as we conclude our business in Washington, early childhood professionals, including child care teachers and providers in Madison, are participating in a national day of action and empowerment called Worthy Wage Day.

According to the Wisconsin Early Childhood Association [WECA], "There is no single, quick, or simple strategy for solving the problem of low wages. The WECA believes the staffing crises must be addressed through several activities including: educating the public about the causes of the current crises, advocating for public policies and resources that support quality child care, and most importantly, building a unified and organized work force willing to raise the problem of inadequate compensation from the level of a problem that must be solved now. Without a strong voice for child care teachers and family care providers, the public can and will turn away from the problem."

In these changing socioeconomic times, with single parents working or both parents of a family working, child care, nursery schools and different programs for kids have become an important element in our communities. The Madison/Dane County Worthy Wage Coalition makes two very important points: Paying the price of quality care is a sound investment in our community and that quality child care for children is linked directly to the wages, status and working conditions of the caregivers.

That's why I am particularly pleased that we have made progress on increasing funding for Head Start programs. For every dollar we spent on Head Start, we can save another \$3 from what would have been spent on remedial services later in that child's life. Head Start is a sound investment in our country's future. It strengthens family relationships and builds stronger communities.

Whether it's through Head Start, child care, nursery schools or other children's programs, we must be mindful of those who play such an important role in the early development of our kids. I'd like to thank the Worthy Wage Coalition for their work to remind us all of the importance of our children's caregivers and teachers.

PROTECTING HEALTH WITH RU-486

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. SLAUGHTER. Mr. Speaker, Last week-end more than half a million people flooded into Washington to march for women's lives. I hope that all people in the executive, legislative, and judicial branches heard that message.

One of the ways that we can protect both women and men's lives is to support research on a drug known as RU-486. Although RU-486 is most widely known as a means to terminate early pregnancy, research is also being conducted on its potential use in the treatment of glaucoma, breast cancer, female infertility, Cushing's syndrome, acquired immune deficiency syndrome and as a contraceptive. The United States, however, has prohibited all import and Federal research of this drug.

The Sarasota, FL, Independent recently published an article by Kappie Spencer that outlines the reasons and effects of the United States' shortsighted view toward RU-486. I would like to insert this article in the RECORD for my colleagues to read:

THE POLITICS OF ABORTION AND THE IMPACT OF RU486 IN IRELAND AND THE UNITED STATES
(By Kappie Spencer)

Editor's Note: Kappie Spencer is a member of the American Association of University Women and founder of the Florida Women's Consortium, both of which passed resolutions to support the import of the controversial drug RU486, commonly called the "morning after pill" which could be used to terminate pregnancy, but may also be used in the treatment of cancer, Alzheimer's disease and AIDS. The Florida Senate is currently considering a resolution which would request this state be chosen for national research on RU486.

How many American hearts ached for the 14-year-old Irish girl who was raped, pregnant and then denied permission to travel to Britain for an abortion? And how many Americans cheered when on February 26, 1992 the ruling by a lower court was reversed by Ireland's Supreme Court to allow the trip? It was a good decision. Ireland, however, is not alone in having imposed oppressive political regulations.

There are two exceptions to Ireland's highly restrictive constitutional law on abortion. One would allow abortion to save the life of the mother. The second would allow the use of a "morning after" pill to terminate the pregnancy within 72 hours of conception. What a boon to the victims of rape and incest who suffer a double trauma when sexual abuse is compounded by pregnancy. In allowing the use of the pill, Ireland is a shining example of an enlightened humanity. How many Americans know that we are being denied the use of this drug in our own country?

Unfortunately, in America a rape or incest victim is left without that recourse. The "morning after" pill has been banned for import. If a pregnancy occurs, then a surgical abortion is the only way to terminate the pregnancy. Abortion politics is a nasty business. The banning of this drug adversely affects not just young women but all Americans—the young or old, rich or poor, black or white, male or female.

In Europe the pill, RU486, is being hailed as a "miracle drug" and is being tested for use

in the treatment of cancer, glaucoma, Cushing's syndrome and other maladies. Although it is being marketed as an abortifacient, it may prove to be a breakthrough in the treatment of a number of the great curses of humanity, including AIDS and Alzheimer's disease.

Because of its properties as an abortifacient, this drug is being withheld from Americans. It has been banned in this country even for use in clinical research and testing. The Right to Life forces are claiming "credit" for the "feat".

I am pro-choice. I firmly believe that the government should neither forbid nor mandate (as China does) abortion. Although I abhor the thought of abortion I view it as a necessary alternative in our imperfect world.

Abortion is legal and has been a medical option for two decades in the United States. It is unconscionable that a small segment of society, because of the right-wing religious beliefs, would act to block a drug which holds such great promise.

I am confident that this pill will ultimately be the answer to the abortion issue. In France and other European countries the new "miracle drug" is being used as a morning after pill to prevent pregnancies or to terminate pregnancies in the very early stages thus reducing the need for surgical abortion.

It is now clear that the politics of abortion have kept this drug out of the hands of doctors, clinics and research labs in the United States. It has been called a national disgrace that a drug so widely hailed throughout the world as the most significant discovery in reproductive medicine since the oral contraceptive is being controlled by the Right To Life forces. All Americans are being held hostage by the dictates of radical anti-choice crusaders who threaten to boycott any pharmaceutical house which makes the pill available in this country even for research on cancer.

How dare any group call themselves Right To Life while blocking a drug which holds such tremendous promise? How dare they call themselves Right To Life while watching women die of breast and ovarian cancer and men die of prostate cancer? How dare they call themselves Right To Life while depriving people of their eyesight and therefore a more enjoyable life? How dare they use political blackmail to block even the research and testing properties of the drug not related to reproduction?

How many reading these words will develop cancer in the next ten years? How many wives, mothers and daughters must die of breast cancer, and how many men must die of prostate cancer or brain cancer, and how many reading this page will be unable to read this or any other page when glaucoma takes their vision and eyesight? Will the research come too late for me? Or you? Or your child or loved one?

The moderates in this Pro-life camp should rejoice in the very properties of the RU486 which radical Right To Life members have pledged to fight. Because RU486 prevents a fertilized egg from being implanted in the uterus, it can be administered "the morning after" to women and girls who are victims of rape and incest, thus eliminating the possible need for abortion.

It now appears that the drug may be also be useful in the treatment of certain types of infertility—those caused by endometriosis for example.

RU486 can be used to induce labor when a fetus has died in utero. It can also be used as an aid to cervical dilation, thus reducing the

need for cesarian sections, and as an adjunct to normal labor in expediting delivery in cases of prolonged and difficult labor without harm to the fetus.

Americans everywhere should get involved. Too many appear to view the great debate on abortion as a spectator sport. The ideological suppression of science may have the most devastating effect on those who sit on the sidelines and watch the abortion debate.

We have a lot to lose by being reluctant to talk about the abortion issue. This issue affects all of us. Let's talk about it with our neighbors, our friends, our health officials, our candidates for public office, and let's include our pro-life friends who are not blinded by "fetal life at any price". To do nothing, and to avoid talking about abortion is a conscious choice. Everything we do, or don't do, conveys a message to somebody.

Among the many health and science organizations which support the importation of RU486 for research and testing are the American Medical Association, the World Health Organization, the American Public Health Association, the World Congress of Obstetrics and Gynecology and the American Association for the Advancement of Science.

We can no longer sit back and watch. It is time for Americans everywhere to write or call their Congressmembers in support of the RU486 Regulatory Fairness Act of 1991 to overturn the current ban on the importation of this drug for clinical research and testing.

A miracle drug is on the market in France, Great Britain and other countries, but it is being kept out of the United States. Isn't it time to become involved?

INTRODUCING CONVERSION BILL

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. KENNELLY. Mr. Speaker, I rise today to discuss the plight of the thousands of Americans who will be displaced because of impending defense cuts across this Nation and to introduce the Defense Economic Reinvestment Act of 1992, which will play a critical role in assisting these workers.

World events have left the world a vastly different place than it was just 1 year ago. The failure of communism and the breakup of the Soviet Union have removed the threat which has driven our defense spending for the last 40 years. Our country can finally realize the peace dividend which for so long was a distant hope. With the cold war now over, we can begin to reduce the immense level of resources we have dedicated to our national security and begin to refocus our efforts on technologically advancing our society.

However, while most concede defense cuts are necessary, I have heard distressingly few ideas from the administration concerning the fate of the loyal citizens who have dedicated their lives to building the weapons which have secured our Nation for a generation. These Americans are our true peace dividend. To simply cast them aside because they are no longer needed is senseless, shortsighted, and unacceptable. The Federal Government must tend to the needs of these Americans, as it always has. A portion of the savings to be realized through defense cuts must be utilized to

assist displaced defense workers. We must ensure they are given the tools to compete in this changing world.

To fill the leadership vacuum left by the administration, Congress must act. The Defense Economic Reinvestment Act of 1992 would provide the assistance to communities, workers, and industry, that will be critical to our economic well-being in the coming years.

The first provision includes \$1.4 billion to create an incentive for companies to hire displaced defense workers. The incentive would be equal to 25 percent of the first \$20,000 of qualified first-year wages paid to a qualified worker. Eligible workers include those displaced due to contract cancellation, defense industry downsizing, base closings, and force reductions.

Some \$2.8 billion would be authorized over 5 years to create a Reemployment Assistance Program. States would have the option to establish Worker Readjustment Assistance Programs for dislocated workers. States would have access to a pool of Federal money, in the form of a credit of up to 12 percent of the current Federal unemployment tax that is paid by employers. These funds could be used for: job counseling, job search and relocation assistance, retraining, and income supplements while in training. Eligible workers include those displaced due to contract cancellation, defense industry downsizing, base closings, and force reductions.

Some \$100 million would be authorized for the Department of Defense to make funds available to tier 1 public research universities within 50 miles of defense distressed areas to establish programs to retrain engineers laid off from the defense industry or recently discharged from the military. This funding would be in the form of one-time startup grants in an amount not to exceed \$2 million per qualified university. Such programs would retrain engineers as environmental engineers. Engineers enrolled in the engineer retraining program would also be eligible for income support under title 2.

The second section of the Defense Economic Reinvestment Act of 1992 would focus on communities hard hit by defense cuts. A \$1 billion Grant Assistance Program, the Defense Economic Development Block Grant [DEFBG] would be established for defense distressed areas. Grants would be available to defense-distressed areas to assist in the economic transition necessary as a result of contract cancellation, defense industry downsizing, base closing, or force reductions. The Department of Defense would be required to give preference to those defense-distressed areas that submit a comprehensive economic development plan and those which emphasize the creation of export-related or manufacturing jobs.

In addition, the Department of Defense would be required to give preference to those communities which suffer the largest proportional damage. Grants would flow from the Department of Defense directly to the defense-distressed area—not through State governments. For purposes of this act, a defense-distressed area is any area within a 50-mile radius of a defense-distressed community.

The Defense Economic Reinvestment Act of 1992 takes important steps to assist industries

remain competitive in these changing economic times. DOD currently requires companies to reimburse DOD for a pro rata share of the development costs for technologies developed at DOD's expense if that technology is being commercially sold to non-U.S. Government customers.

DOD also insists on sharing data rights with numerous companies for a variety of reasons. A section 800 panel study is underway in an effort to review acquisition laws at the Department of Defense with a goal of streamlining those laws.

A report to the Under Secretary for Acquisition is due on December 15, 1992. The Secretary of Defense must then report to Congress by January 15, 1993. At present, a Government-Industry Committee on Rights in Technical Data is reviewing rights regarding technical data. This committee will also report to Secretary Cheney upon completion. This bill states that it is the sense of Congress that the Secretary review this study and report to Congress without delay. We must make it easier for industry to compete by removing stifling regulations.

This legislation also calls for \$500 million to be authorized for the development of alternative technologies which would be available to tier 1 public research universities with existing campuses within 50 miles of a defense-distressed area and independent not-for-profit research institutions with advanced degree programs. Funding would be available only to those qualified entities which conduct: biotechnology, photonics, agro-environmental and marine science research including underwater robotics, and marine biotechnology.

With regard to universities only, funding priority would be given to those institutions that conduct research as part of a comprehensive State economic development and conversion plan to create new commercial enterprises. In addition, the Secretary should consider giving funding priority to those qualified entities whose research has potential for dual use applications.

The Defense Economic Reinvestment Act of 1992 would also elevate the Office of Economic Adjustment to a higher level headed by a new Assistant Secretary for Economic Adjustment within the Office of the Secretary of Defense. OEA would also receive \$200 million for additional staffing resources and a discretionary fund. An enhanced OEA could better facilitate and assist the economic adjustment and industrial diversification of industries, communities, and workers that are adversely affected by defense cuts. An elevated OEA could assist in minimizing job and economic loss due to reduced levels of defense spending by identifying and notifying the communities and businesses within the United States that will be adversely affected by defense downsizing.

OEA could serve as the liaison between Federal Government programs on technology transfer, marketing assistance, small business, economic development, job training, and export enhancement in order to ensure that all available Federal resources are utilized to minimize the adverse effects of defense downsizing. OEA could also assist State economic development offices in the planning and implementation of diversification strategies.

A proven way to improve the results of assistance programs is to ensure a rapid response to impending layoffs. The sooner help arrives on the scene, the better the chances of providing the necessary resources and guidance necessary for a worker to make a successful transition from one job to the next. An advanced plant closing/layoff notification provision patterned after the Worker Adjustment and Retraining Notification Act [WARN] would be created in an effort to close some of the large loopholes in the current WARN legislation. This bill would require contractors and subcontractors to notify OEA, the local worker representative, and the chief elected official of local and State government as soon as possible after a facility receives actual or constructive notice of a cancellation or delay of a defense contract held by that facility, if it results in 50 or more workers being terminated. This notification requirement would remain in effect even if the layoff or closing does not stem from a weapon system cancellation.

We are at an important time in our Nation's history. We simply cannot allow our highly skilled workers to be treated recklessly. We must remember those forgotten by the present administration. I hope you will join me in standing up for the well-being of defense workers who otherwise have no place to turn for help.

MARKING THE BICENTENNIAL ANNIVERSARY OF THE U.S. CONSULAR SERVICE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. FASCELL. Mr. Speaker, April 14, 1992, marks the bicentennial anniversary of the U.S. Consular Service. Everyday throughout the world Americans turn to Consular Service employees for help and guidance. When they do, they are served by some of the finest people that this Government has to offer. The Consular Bureau is unique in Government service. It is a team comprised of foreign service and civil service employees working successfully together to accomplish both a domestic and overseas mission of serving and protecting American travelers.

All who have served as consular officers should be proud of the significant role that they have played in promoting our foreign policy goals and in promoting the highest ideals of the United States here and abroad.

Consular and passport officers are truly important links in maintaining and expanding world freedom. Their assistance to travelers permits the free exchange of ideas, which enables people throughout the world to meet and forge the strong and lasting alliances essential to maintain open and free societies.

Last year consular and passport officers issued over 3 million passports and 6 million visas. They visited over 6,000 Americans jailed overseas, helped resolve over 100,000 welfare and whereabouts cases and assisted with over 7,000 foreign adoptions. They provide a vital link between American travelers in trouble overseas and families here at home.

Their ability to handle this overwhelming volume of work with the care and concern that each individual case requires is worthy of praise.

The Consular Service has a distinguished tradition for which it can be proud. I am sure that the American travelers throughout the world join me in wishing best regards and sincere congratulations to the men and women of the Consular Service. I am confident they will continue to serve the American people with the same dignity and dedication that they have for the past 200 years.

THE SEVENTH ANNUAL SALUTE
TO PASSAIC SEMIPRO BASEBALL
REUNION DINNER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ROE. Mr. Speaker, I rise today to pay tribute to four great Americans who will be honored on Friday, May 1, 1992, for their outstanding athletic contributions to Passaic County baseball. On that special day, the Seventh Annual Salute to Passaic Semipro Baseball Reunion Dinner will be held at the Athenia Veterans Hall in the great city of Clifton, in the heart of my Eighth Congressional District of New Jersey.

The weather is getting warmer and spring is in the air. As a nation, we prepare to once again celebrate the annual rite of spring which uniquely binds us together as a society. Of course, I am referring to the great game of baseball, our national pastime.

Mr. Speaker, it is a high honor indeed to recognize and pay tribute to those athletes who put Passaic semipro baseball on the map. Their outstanding talents, which they displayed between the lines, truly made the diamond shine.

Of course, I refer to the following greats of Passaic semipro baseball: Charlie "Brown" Benigno, James Labagnara, Andrew Sabo, and Stephen Sargent. Each and ever one of these individuals has made vital contributions to the game that gave them so much pleasure.

Mr. Speaker, the name Charlie Benigno is synonymous with Garfield baseball. His career started when he was a player and manager of the Garfield Jewells. Later in 1938, he organized the Garfield City League which was classified as a twilight league. This league, reputed to be one of the strongest in New Jersey, included teams from Clifton and Passaic.

In 1946, under Benigno's sponsorship, the Benigno club entered the North Jersey League. In 1954 they won the title and proceeded to win the New Jersey Tournament of Champions, a prestigious competition that occurs at the end of the year.

Benigno also took steps to promote women in sports by sponsoring the Garfield Flashettes in the early 1950's. The Flashettes were the first women's softball team in the area. They played all throughout the Northeast and acquired many State and regional awards recognizing their playing abilities.

Charlie Benigno has strived to expand baseball's popularity in Garfield and northern New

Jersey at large. Not only has he served on the executive committee of Garfield's Babe Ruth League, but also served on the executive committee of Garfield's Little League, which he helped organize in 1953. In 1976, he was inducted into the Bergen County Semi-Pro Baseball Hall of Fame. Currently, he serves as the president of their board of trustees. In 1985 he received a contribution award from the reunion committee of the North Jersey Baseball League. Charlie "Brown" Benigno has done an outstanding job in promoting baseball's popularity in northern New Jersey.

James "Labby" Labagnara has dedicated his life to baseball and is being honored for his vital contributions to the game. As a player for such teams as the Prospects, Eastside Red Sox, Gavins, Davenport, and P.S. Electric, his pitching contributions provided the winning edge.

As a pitcher, "Labby" was tough to defeat. In 1931, he went 9-1 and was named to the New Jersey State All Star Team for the third consecutive year. He went on to an outstanding career, compiling a record of 450 games won against only 64 losses, while batting .335.

Labby continues to be involved in the game, devoting many hours to coaching American Legion baseball teams. He has won 10 county titles as well as State titles in 1962 and 1972. Passaic County baseball has truly been enriched through his love of the game.

Andrew Sabo has played for many local and semipro teams throughout his career. Some of his great achievements include leading the Paterson Industrial League in batting one year and going to Wichita, KS with the Curtiss Wrights and playing in the Baseball Congress Tournament.

When Andy played for the Midland Park Ranger, he had the opportunity to play against Johnny "No Hit" Vandermeer. He later played against Cleveland Indian great Larry Doby. Andy also played for Glen Rock A.C., Ridge-wood A.C., Porky Osheas of Hackensack, Benignos, Jewell A.C., Lutheran A.C. and Paradise A.C. of Garfield.

Tonight we recognize Andrew Sabo for his outstanding contribution to baseball in our area. He has demonstrated dedication and love for our national pastime, baseball.

Stephen Sargent started his baseball career in Passaic, on the sandlots of Passaic High School. He played semipro ball with the New York Parkways. A highly talented shortstop, he was offered a professional contract by the Cincinnati Reds after a try out at the Polo Grounds. Steve starred on the Manhattan Rubber Team, which won the 1938 Industrial Championship with his magnificent play at short.

Steve joined the U.S. Navy and proudly served during World War II. Upon leaving the Navy, he became a police officer in Passaic. He was strongly involved with the Police Athletic League, managing the PAL in the little league division.

When these titans of amateur ball played, the quality of semiprofessional baseball was of an extremely high caliber. Major league baseball had only eight teams in each league, not yet having expanded to the west coast. Semiprofessional teams were the pride of their communities, with keen competition between local towns. This is an era that has gone by us now, but it is certainly not forgotten.

Mr. Speaker, I am certain that this year's dinner will be a smashing success, as it has been each and every year. I applaud the tireless workers of the outstanding dinner committee, which is once again comprised of those individuals dedicated to preserving our semipro baseball heritage in Passaic County. We owe a tremendous debt of gratitude to Ted Lublanecki, Sr., Ted Lublanecki, Jr., Ben Lublanecki, Jean Lublanecki, Charles Lajeskie, and Mike Ivanish. Without their dedication, this event would not be possible.

Mr. Speaker, the talents of this select group of honorees and their most important contributions to semiprofessional baseball in Passaic will live on as the legacy they have bequeathed to today's promising athletes. I salute these great Americans for their outstanding achievements.

ARTS EDUCATION: A FOUNDATION
FOR LEARNING

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. WEISS. Mr. Speaker, much has been said and written on the need to reform our young people's education—both for their futures and the future of our Nation. Yet, one of the best learning tools in every aspect of education is often trivialized or treated as something less than a priority—namely, the arts.

Studies continue to show the direct positive correlation between ability and experience in the arts and other academic skills—not only in creativity, imagination, self-confidence, and self-expression but in mathematics and even standardized tests.

Moreover, the arts have an enormously valuable role beyond education. Where other methods may fail, the arts are often the sole window to recovery, communication, or healing. Particularly in underserved and inner-city areas, the arts have been used effectively in therapy for young victims of violence or children with physical or emotional disabilities.

In short, it serves our youth and the Nation well to make the arts an educational priority. Proper attention and resources must be devoted to arts education programs—not only for a child's educational development but for their human development as well.

I recommend the following article from U.S. News and World Report, entitled "Looking for a Renaissance: The Campaign to Revive Education in the Arts," to my colleagues and ask unanimous consent that it be inserted in the RECORD.

[From U.S. News & World Report, Mar. 30, 1992]

LOOKING FOR A RENAISSANCE; THE CAMPAIGN
TO REVIVE EDUCATION IN THE ARTS

(By Miriam Horn with Jill Sieder)

At a time when reformers are struggling to remake a failing educational system, the South Bronx's St. Augustine School of the Arts stands as a model of the possible. Serving Kids in the nation's poorest congressional district, a blighted neighborhood where only 1 in 4 children will ever graduate from high school, the school uses a curriculum built around music, dance, the visual

arts and creative writing to defy the odds: Ninety-five percent of St. Augustine students are reading at or above grade level. All but a few will go on to high school and graduate. And though many come from single-parent families damaged by drugs, AIDS or violence, virtually all are model students; disciplined, cooperative, confident.

Successes like St. Augustine's are fueling a growing campaign nationwide to restore the arts to their former place in the basic curriculum. Mounting evidence that comprehensive programs in the arts can radically improve graduation rates, grades and overall achievement levels has captured the attention of an array of groups with a vested interest in educational reform, from the Future Business Leaders of America to the National Council of Teachers of Mathematics.

These seemingly unlikely advocates are taking on those who view music, dance and painting as frills that can safely be axed in a budget crunch. This week, two suits being filed by the American Civil Liberties Union and 26 local Louisiana school districts, both charging that the state has failed to provide an adequate education for its children. Supported by music educator Ellis Marshallis (father of jazz stars Wynton and Branford) and New Orleans Parish District Attorney Harry Connick Sr. (father of pianist Harry Connick Jr.), the suits focus in part on the state's arts-impooverished schools and recent attempts to save money by further slashing arts education. The Louisiana plaintiffs have modeled their complaint on a successful suit brought against Kentucky in 1989. Among the remedial actions ordered by the state supreme court was the provision of "sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage."

NOT CRITICAL

The lawsuits in Kentucky and Louisiana are testimony to the dismal state of arts education nationwide. Only nine states mandate arts curricula for all high-school students. In New York City, two thirds of the 600 public elementary schools have no art or music teachers. Fewer than 1 percent of all students in Los Angeles County receive comprehensive arts education, and 30 percent fewer juniors and seniors now study music than in the '50s. The arts are simply not viewed as critical to the job of preparing young people for the workplace—an attitude that was reflected in the six National Educational Goals announced by the president and the governors in 1990. No mention was made of the arts.

That stance may be softening. In a speech last week to the President's Committee on the Arts and the Humanities, Secretary of Education Lamar Alexander outlined plans for an America 2000 Arts Partnership. His proposals included a national clearinghouse to share information on community-based arts education programs and a national center for arts education to develop curricula and standards.

Such initiatives clearly stop short of a major commitment. Yet even if school is viewed in the narrowest possible terms—as preparation for standardized tests and the job market—research has shown arts education to be an asset. Recently, a College Entrance Examination Board study found that students who took more than four years of music and arts scored 34 points higher on verbal SATs and 18 points better on math SATs than those who took music for less than one year. At the University of California at Los Angeles, a study of students served by the Music Center of L.A. County's

Artist-in-Residence program found improvement in reading, writing and speaking skills, social studies, science and math.

The explanation for such improvements is not mysterious, given the close connection between disciplines such as music and math. Through the study of rhythmic and harmonic structures, for instance, fractions and ratios acquire concrete meaning. In fact, the study of music may affect basic brain development. Scientists at the University of California at Irvine are finding that musical training at a very early age, even before the development of verbal skills, stimulates neural activity. They believe music exercises the brain and expands a child's thinking ability. The visual arts are similarly useful. A study by the National Arts Education Research Center found that nonart majors significantly improved their understanding of geometry through the study of sculpture and architecture. Among female students, who typically lag in math skills, the gains nearly closed the gender gap.

Such alternative approaches to education owe much of their inspiration to the work of Howard Gardner and Project Zero at Harvard's Graduate School of Education. Educators miss a great opportunity, argues Gardner, by focusing too narrowly on the development of linguistic and logical-mathematical abilities. Equally important, he believes, is the development of spatial, musical, bodily-kinesthetic, interpersonal and intrapersonal skills. "The arts are a major area of human cognition, one of the ways in which we know about the world and express our knowledge," he says. "Much of what is said in the arts cannot be said in another way. To withhold artistic means of understanding is as much of a malpractice as to withhold mathematics."

INTO THE CLASSROOM

Karen Gallas, a teacher at Lawrence School in Brookline, Mass., has had great success teaching biology by putting Gardner's philosophy to work. Her students are required to observe and record the anatomy and physiology of insects, but Gallas encourages them to present their knowledge in whatever medium they choose. One child wrote a poem imagining life as an ant, while others drew or acted out what they learned. The exercises displayed a much deeper assimilation of the basic concepts than conventional rote memorization. "Knowing isn't just telling something back as we receive it," asserts Gallas. "It means transformation and change."

Historically, American educators shared that view. For most of the country's history, arts instruction was well financed and a source of great prestige, according to Diana Korzenik of the Massachusetts College of Art. Skill in the visual arts was seen as critical to those entering the professions, including the sciences. "The way you understand an organism or solve a problem," said renowned biologist Louis Agassiz, "is by drawing it." While American educators lost sight of this connection in the '60s, Japan and West Germany continue to require arts education for all students from kindergarten through high school. That they also design the most competitive products on the world market has not gone unnoticed by America's corporate leaders, who have become outspoken champions of arts education.

JOB SKILLS

In fact, despite the current perception of the arts as dispensable luxuries, a growing number of educators believe they provide valuable preparation for the working world.

Indeed, the U.S. Department of Labor issued a report last summer urging schools to teach for the workplace of the future. The skills they called for—the capacity for working in teams, communication, creative thinking, self-esteem, imagination and invention—are precisely those found to be fostered by arts education.

Outside of a few states heavily invested in arts education—notably South Carolina and Minnesota—it has been left to the nation's museums and orchestras to expose kids to the arts. The most comprehensive program offered nationwide is that developed by New York City's Lincoln Center Institute, which provides intensive teacher training and long-term artist residencies in the public schools; the program has been replicated in 15 cities. Similarly far-reaching are the Music Center of L.A. County's multicultural workshops and performances, which reach 1 million students a year with programming in French, Tagalog, Navajo, Korean, Spanish and Chinese. More-targeted programs, such as Jacques D'Amboise's National Dance Institute and the Dance Theater of Harlem, provide arts training to inner city kids and often locate talent that might otherwise be overlooked.

Though some of these programs have received support from the National Endowment for the Arts, it has only been in the last several years that the agency has begun working directly with the states to achieve the goal established at its founding: to make the arts a basic part of every kid's education. Not generally a favorite agency among conservatives, the NEA in this instance can appeal to advocates of a traditional education built around the great works of Western civilization. It was Plato, after all, who called music "a more potent instrument than any other" for education, and schools like St. Augustine are modeled on the cathedral schools of the Renaissance and the classical *lycees*.

Ultimately, the greatest value of the arts may be that they offer children the means to envision other worlds, to know that they can transform reality with the exercise of their own creative will. For kids whose horizons extend no further than the dead ends of the inner city, that leap of imagination can be critical.

[From U.S. News & World Report, Mar. 30, 1992]

REACHING THE NEEDIEST KIDS WITH PAINTING AND DANCE

As effective as the arts are for enhancing basic education, they can be even more valuable as therapy for children with a range of physical and mental disabilities.

At the Harlem Horizon Art Studio in Harlem Hospital's Trauma Center, Bill Richards teaches a rigorous painting course for children who have been injured by falls or gunshot wounds. The former Moore College of Art professor has had startling breakthroughs with several hundred children.

Against all odds, The most dramatic involved 15-year-old Abraham Daniel, who after falling three stories from scaffolding spent a month in a coma and awoke a paraplegic. Under Richards's guidance, Abraham managed to control the violent shaking of his hands sufficiently to paint. As he improved, his teacher provided larger challenges, larger canvases. When one afternoon, Abraham found himself unable to reach the top of a canvas, he stood up. He finished the painting, put down his brush and walked to the bathroom.

At the Nordof-Robbins Music Therapy Clinic at New York University, children with

problems ranging from cerebral palsy to Down's syndrome learn to express themselves through music and frequently display remarkable abilities. The discipline of music, according to the founder, "brings order to their disorganized inner world." Drama and dance work particularly well with learning-disabled children, who often withdraw into a passive protective shell.

Dance away. Sandra Hook, a former teacher at McKingley Elementary School in Muscatine, Iowa, recalls one "emotionally scarred little boy" asking permission, after several weeks of study with a dancer in residence, to go up in front of the student body to dance with the professionals. "It was the first time he ever volunteered to do anything in front of others."

Another teacher in Vancouver, Wash., took an autistic child to a children's theater festival. At the end of the performance, the child began to converse with one of the puppets. It was the first time the child had ever spoken.

S&L'S BEAT THE CLOCK—WIN AGAIN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. LEVINE of California. Mr. Speaker, I am pleased today to be a cosponsor of the Resolution Trust Corporation Reform Act of 1992 and the Financial Consumers Association Act of 1992. This important legislative package should be included as a core part of any RTC reform bill the House passes.

The American taxpayers have already invested billions of dollars in the S&L bailout, and will invest billions more before the mess is finally cleaned up. Passage of this reform package will help ensure that their investment is protected.

In particular, section 8 of the bill contains the text of H.R. 4710, a bill I recently introduced which is designed to substantially assist banking regulators in recovering billions of lost dollars in S&L deposits. I want to thank my colleague, Mr. JONTZ, for including my legislation in this important package.

Specifically, section 8—and H.R. 4710—of the Resolution Trust Corporation Reform Act of 1992 extends the statute of limitations applicable to civil actions brought by the Federal conservator or receiver of a failed depository institution from 3 to 5 years, amending the Federal Deposit Insurance Act and other laws. By doing so, it helps the Federal Government to bring cases against officers of failed financial institutions and their advisors, like lawyers and accountants.

The S&L crisis has cost taxpayers hundreds of billions of dollars. It has cost thousands of depositors their life savings. Those responsible for these outrageous crimes should not be allowed to escape payment and punishment for their actions by hiding behind a statute of limitations.

The clock has already run out on suits for over 100 thrift failures, and it's expected that the regulators may want to file lawsuits over the next 3 years for up to 400 more. American taxpayers shouldn't be penalized because there are too many court cases against corrupt S&L's to pursue every one adequately.

The RTC has already brought big cases under these laws, including those against former Lincoln Savings and Loan Association chairman Charles Keating and a number of other well-known thrift directors. Without this extension, many more high-dollar cases may never be fully prosecuted.

I urge my colleagues to support both of these bills and include them in any House RTC reform package.

TRIBUTE TO FRANCES S. REESE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to Frances S. Reese, a very dear friend and one of a handful of individuals who transformed America's attitudes and laws about preserving our natural environment. Franny Reese is being honored by the Exchange Club of Southern Dutchess County at their 24th Annual Meritorious Award Breakfast in Fishkill, NY on April 28 in recognition of her work to save the wild-life and preserve the scenic beauty of one of the country's most important waterways—the Hudson River.

I join her many friends and admirers and compliment Franny on being chosen to receive this honor. Throughout her life, she has displayed an intense resolve to enhance the quality of life in the Hudson Valley. As a founding member, chair, and now chair emerita of Scenic Hudson, she focused public attention on landmark cases in which our precious natural and historic resources were at risk.

An ardent environmentalist before that word even entered our daily lexicon, Franny played a pivotal role in the Storm King conflict which inaugurated the national environmental movement. From 1963 to 1980, when a landmark environmental decision on the preservation of Storm King was handed down, no volunteer devoted more energy or played as central a role for as long a period of time as Franny Reese. She secured the support of 22,000 contributors from 48 States and 14 foreign countries. She raised the money for legal costs; spoke tirelessly at public meetings and with the press; wrote articles and editorials; and, in so many other ways, was unstinting in her efforts to raise the public's awareness of and support for Storm King's preservation.

The Storm King case would establish the rights of ordinary citizens to sue in the courts on behalf of the environment. When the U.S. Court of Appeals handed down its decision on December 29, 1965 requiring the Federal Power Commission [FPC] to consider scenic and historic resources and alternatives, it was the first time the court had ever reversed an FPC license for a powerplant. The decision would spark the Federal Environmental Protection Act and the New York State Environmental Quality Review Act. Never again would any agency or corporation start a construction project without first considering how it would affect the natural resources and wildlife of the area.

During more than a quarter century, her voice has been a strong one, leading a chorus that has helped give the Hudson River Valley a rebirth. Marshes have been reclaimed under the National Estuarine Sanctuary Program; New York State has adopted a coastal management program; PCB's are no longer spilling into the river; and, hundreds of properties have been added to the National Register of Historic Places.

Most recently, Franny was very active in the planning of the Hudson Valley Greenway, which will create a linked chain of parks, trails and historic, and cultural sites stretching from New York City up to the Troy Dam. Franny Reese has been a most vocal and tenacious defender of and ambassador for the environment and a model for a generation of environmentalists in the Hudson Valley and throughout the Nation.

Her involvement in quality-of-life issues goes far beyond the environment. She has lent her considerable talents to numerous causes within her community of Dutchess County, NY, serving on the boards of the Grinnell Library, Zion Church Vestry, the Boscobel Restoration, the Young-Morse Historic Site, and the Retreat House of the Redeemer. She also serves as vice president of the Auxiliary of Columbia-Presbyterian Hospital, secretary of the board and chairman of the student life committee at Marist College, and is a member of the Greater Hudson Valley Coordinating Council.

Among the many awards and honors she has received over the years: EPA's Environmental Quality Award; the New York State Department of Environmental Conservation Award; the Garden Club of America National Environmental Award; Marist College 1991 President's Award; and, the American Conservation Society's For the Environment Award.

Mr. Speaker, I am well aware that the exceptional contributions that Franny Reese has made over the years have benefited not only the people of the Hudson Valley but this Nation as well. I am pleased to call her my good friend and am confident that she will continue to provide invaluable service to her community. The impact she has had on the Hudson Valley will be felt for generations to come.

TRIBUTE TO BISHOP ROY E. BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. TOWNS. Mr. Speaker, today I want to acknowledge the spiritual efforts of Bishop Roy E. Brown, senior pastor of Pilgrim Church located at 628 Central Avenue in Brooklyn, NY. Bishop Brown was ordained in April 1964. In 1966 he became the pastor of Pilgrim Baptist Church. Under his pastorate the church has grown in size and stature. In 1976 the congregation and the church moved to its present location.

In 1989 and 1990 the church purchased, renovated, and opened two new churches in Brooklyn along with the Renaissance Conven-

tion Center. On July 18, 1990 Bishop Brown was consecrated to the Bishopric as the presiding bishop of Pilgrim Assemblies International Inc.

This year on April 19, the church will convene its annual convocation in Brooklyn. Delegates from throughout the United States will come together in the spirit of faith and brotherhood to further the religious efforts of Pilgrim Assemblies International Inc. I am delighted to recognize and praise the tireless efforts of Bishop Brown, a man loved and respected not only in the Borough of Brooklyn, but throughout our Nation.

SKI AREA PERMIT SIMPLIFICATION

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. WILLIAMS. Mr. Speaker, today I am introducing two bills for the purpose of bringing common sense into our Federal policy toward downhill ski areas. The first bill will simplify the formula under which ski areas pay rental fees to the United States for the use of national forest lands. The second bill will set out the conditions in which the Forest Service may consider requests to build employee housing on national forest land. I am joined in this legislative effort by 44 of my colleagues who are persuaded of the need for this legislation.

Mr. Speaker, I want to emphasize at the outset that this legislation effort should not have been necessary. The ski industry has tried for 3 years to work with the U.S. Forest Service to simplify the fee system. Instead, the end result of these negotiations and appeals is that the Forest Service has refined its fee system so as to be so complex, so open to subjectivity and interpretation that the industry was left with no other choice but to come to Congress for relief.

Mr. Speaker, the policy of this Nation has been that downhill skiing is an appropriate use of public land. Skiing is good for the physical and mental health of our citizens. Many of those who have enjoyed the mountains and hills of the East, Midwest, and West have done so at downhill ski areas. Should the corporations that operate these areas pay the Federal Government fair market value for the use of these public lands? Absolutely. Should the Federal Government make the ski business so complex and so uncertain that it becomes impossible to make basic investment decisions in the development of ski areas? Absolutely not.

The problem, Mr. Speaker, is that the Forest Service has created a 40-page regulatory nightmare for the process of determining the fees owed for the use of national forest land. The regulations have redoubled in complexity in recent years as the agency has tried to bring into the equation the value of facilities which are in some way associated with the ski area, but not physically located on or perhaps even near the national forest portion of the resort. As one might expect this has caused wide varieties of interpretation between Forest Service offices, and so the simple fact is that confusion reigns.

For example, at the Big Mountain near Whitefish, MT, the Forest Service has now determined that receipts from the adjacent cross-country ski trails, located entirely on private land, should be considered in the fee determination. They also state that receipts from businesses adjacent to the ski area but located on private land—a photo shop, a bar, a hot dog stand, a hotel reservation service, and a chocolate shop—should also be counted in the overall determination of the fee. Mr. Speaker, this scenario is being played out at virtually every national forest ski resort in the Nation.

What we propose in this legislation is to take the existing 40 pages of fee determination instructions and reduce it to a one line calculation. Fees under the bill would be calculated by multiplying ski area gross revenues by four graduated revenue brackets. My bill proposes, and the ski industry supports, a progressive fee schedule, in which very large areas will pay a higher percentage of gross revenue. The total effect is that smaller, community based areas will find their fees reduced slightly; this is appropriate because many of these areas are financially marginal, yet they provide top-notch recreation for the millions of people who live near such an area.

Large destination ski resorts will find their fees increased under the bill. Despite this, the large areas support the new formula because it will greatly reduce their administrative and bookkeeping burdens. And, by providing certainty about the fee basis, will allow these resorts to develop their areas without worry that the Forest Service will be looking for ways to bring new, private land investments into the fee determination.

Mr. Speaker, it is my intention, and the intention of the 44 cosponsors of this bill that the new system will be revenue neutral to the Federal treasury. I repeat—revenue neutral. In furtherance of this discussion, and because we believe it critical that the Congress be fully confident about the revenue consequences of this proposal, I have asked the U.S. Forest Service to conduct a specific comparison of this proposal with their own to verify the revenue consequences of the new formula.

Mr. Speaker, this bill is a sensible proposal which will reduce paperwork, accounting, and administrative burdens on the ski industry and the Forest Service, while at the same time return a fair market value rental fee to the United States. It will say unequivocally to ski area operators and potential ski area developers that when you operate on public land, these are the rules: stable, sensible, and not moving targets.

The second bill I am introducing today addresses the problems ski resorts have in finding appropriate housing for ski area employees. The problem is that because real estate and rents in ski resort towns are so expensive, employees often wind up being forced to commute from two or three towns away to get to work at the ski area. This creates a dangerous and unnecessary situation for the young people who have chosen to take a couple of years off in order to work as a desk clerk or lift operator and maybe get some skiing in.

This bill will provide the Forest Service with direction, and importantly, discretion, to work with the ski area permittee to identify suitable

locations for ski area employee housing on national forest land. We believe, Mr. Speaker, that if a suitable location exists, in the vicinity of a resort, but on public land, that there should be some ability of the agency to help address the problem.

In closing, Mr. Speaker, we should reaffirm that skiing is a good use of public lands, and that millions of people find great outdoor enjoyment through the sport. Our Federal policy should encourage this good activity.

MEETING AMERICA'S CHALLENGE

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DeFAZIO. Mr. Speaker, I submit for the RECORD the essay by Laura K. Reinhardt, who was the Oregon winner of the "Meeting America's Challenge" essay contest.

MEETING AMERICA'S CHALLENGE

(By Laura K. Reinhardt)

The rays of sunlight begin to fade behind the horizon. My strength dwindles as the glowing sun sinks lower in the western sky. An autumn wind darts through the trees and blows the leaves of orange, rust, and gold. The boy, ahead of me, stops along the rocky path. I shrug off my burdensome backpack and collapse to the earth. Nine other high school students and I, are part of an Outward Bound survival program on an adventure of a lifetime deep in the wilderness. We will meet challenges. We have pacted to meet them together. Our survival depends on each of us—united. Two days have passed and we've struggled across a river and now, a fearful canyon looms ahead. I stop to think.

I scoop up a bit of earth in my hands and watch it sift through my fingers. This is the soil of America and as I think of my country I realize that it too, is on a journey of survival. Our forefathers started on a journey to create a better life for the citizens of a young democracy. Now the challenge grows. Two hundred and fifteen years later, we stand on the edge of a new world order, with the U.S. in front, having led the free world through two World Wars and a recent crisis in the Gulf. But there is trouble at home.

The United States of America is at a crossroads. New world orders cannot be forged abroad if we are deteriorating from within. We can restore Kuwait to its homeland, but we struggle with restoring our homeless to dignity. We can bring peace to the Middle East, but can we bring peace to Brooklyn? We can bring technology to Eastern Europe, but will we use the same technology to smear ourselves on television?

If we are to meet this awesome challenge successfully, we must be committed to ourselves and our country. We must get our strength through leadership and teamwork. We must be prepared for the tumbling rocks and falling trees that may strew our path. It is up to us to search and build it in the right direction with the tools of a true democracy; a powerful economy, a strong military, and a caring heart. Are you willing to accept the challenges of the mighty wilderness that stands before us? I am, help me.

We must first have a purpose, goals for us to strive for and reach. Every one of us must take an oath of devotion to our country to care and serve it well. A different world cannot be built by indifferent people. This is the

people's challenge. Let us use our "Voice of Democracy". It is time to build bridges to help in the understanding and uniting of our people; to eliminate violence and suffering and demand human rights. Speak out to save our land so we can experience the greatness of our forests, oceans, and skies for years to come. Use our voices to talk with other countries and work for world peace. President Ronald Reagan said, "The most powerful force in the world comes not from balance sheets or weapon arsenals, but from the human spirit."

On the trail, darkness has come and so has a silence found only in the stars above. I gaze into the red flames of our campfire dancing against the black of the forest. I think of the young and the old of our country uniting to meet this challenge. The old's wisdom and experience are the burning coals of the fire and the youth's idealism and energy are the sparks jumping from the glow, igniting America's flame of growth.

America's citizens have shown us former vistas, former summits that have enheartened us. In 1920, with the enactment of the 19th amendment, women climbed the summit called suffrage. In 1954, after the Supreme Court's decision in *Brown vs. Board of Education*, young black children seated next to white children in a Kansas school, climbed the summit called equality. In 1969, less than a decade after President Kennedy urged us to the moon, with Apollo II's Eagle resting in the lunar dust, America climbed the summit called space. America's youth must seek new peaks.

Oliver Holmes said, "I find the greatest thing in this world is not so much where we stand as in what direction we are moving." There are no shortcuts through this rugged terrain of hills and gullies and cliffs but together we can strive for, and attain to anything. We need to strengthen our countries ideals and morals by absorbing, listening to, and understanding each and every individual by seeking new approaches to timeless values. We must employ all of our skills and abilities. Summits are reached by climbing. Tomorrow is another day; a canyon is to be crossed. Stars twinkle.

I lick the morning dew from my lips, yawn, and reach with my arms to the sky. I know my friends and I will meet this test but will America meet her's? It is the challenge facing all of us. As our horizons are ever always distant, let us not stand still and look into their purple shadows. Instead, let us seek the higher purposes that lie beyond.

THE MIDDLE CLASS BOOM OF THE 1980'S

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. McEWEN. Mr. Speaker, the Congressional Budget Office, a highly partisan arm of the congressional Democratic leadership, has been engaged in a concerted effort to rewrite the economic history of the 1980's.

In order to support the party's political theme that the economic prosperity of the Reagan era was illusory and unfairly distributed, the Democratic leadership's CBO has contrived deceptive statistics and a number of distorted reports.

It is a credit to the CBO staff's creativity and skill in torturing innocent statistics that it takes

a significant amount of time and effort to decipher their deceptions and explain just how distorted their presentations are.

Mr. Speaker, the following piece by Alan Reynolds, the highly respected director of economics at the Hudson Institute, explains in detail just how intentionally deception and distorted a recently released CBO study is.

Although the highly partisan and economically absurd CBO study received significant attention from the national media, thus serving its purpose of further distorting the record of across-the-board economic growth of the Reagan administration, I commend the following column by Allan Reynolds to everyone who prefers to know the economic truth about the 1980's.

[From the Wall Street Journal, Mar. 12, 1992]

THE MIDDLE-CLASS BOOM OF THE 1980'S

(By Alan Reynolds)

One of the more persistent myths about the previous decade is that a small number of people saw huge increases in their incomes, while middle-class incomes stagnated and the poor fell behind. A front page New York Times story last week, "The 1980s, A Very Good Time for the Very Rich," thus claims that 94% of all gains in real, after-tax income between 1977 and 1989 went to the most affluent 20% of families, with 60% of the gains supposedly concentrated among the top 1%.

The source of these figures is a December study prepared for the House Ways and Means Committee by the Congressional Budget Office. The CBO has once again tortured innocent statistics with typically creative agility. The biggest problems arise from using a "tax simulation model" to estimate capital gains. The largest capital gains for the middle class have been on houses and pensions, but such accrued gains are not taxable—so the CBO pretends they don't exist.

NOT ADJUSTED FOR INFLATION

Taxable gains, which alone are counted as income, are often realized on assets held for many years. Yet the CBO fails to adjust the basis of these gains for inflation, and fails to subtract non-deductible capital losses, and thus vastly overstates real income at the top. Since the CBO's estimates of realized, nominal gains in a single year are counted as regular income, the effect is to overstate grossly real gains at the top while excluding, by definition, most gains in the middle. And since more high-income taxpayers realized gains while the capital gains tax was reduced, such increased sales of assets automatically show up as increased "income."

To make matters worse, CBO estimates of capital gains for recent years have been enormously inflated. In 1989, the CBO estimated that capital realizations would total \$254 billion in 1990. However, Rep. Richard Arney (R., Texas) notes that the actual figure came in at around \$120 billion.

Census Bureau surveys are not concocted from tax returns and dubious estimates, and they reveal a far different picture. For all U.S. families, average real income rose by 14.9% from 1980 to 1989, compared to 8.3% in the previous decade. Such a huge increase could not possibly have been confined to a small fraction of families.

A recent *Business Week* story claims "the bottom 20% of wage earners lagged behind inflation through the 1980s." This is misleading on two counts. First of all, very few family heads in the bottom 20% are "wage earners." Half of the family heads in the lowest fifth didn't work at all in 1990, while only

21% worked full-time all year. By contrast, more than 83% of the families in the top fifth had at least two people working (the average was 2.3).

Second, the claim that the bottom 20% lagged behind inflation is justified by starting with the inflationary boom of 1979 and ending with the recession of 1990. Average real income among the poorest fifth of families fell by 14.5% from 1979 to 1982, but then rose 11.9% between 1982 and 1989. Using 1979 as a base year (or using 1977 as the CBO did), simply averages the Carter collapse against the Reagan recovery. Average real incomes rose in every income group from 1982 to 1989, and were still significantly higher in the recession year of 1990 than in 1980.

The graph shows the really interesting story about what happened in the 1980s. If the middle class is defined as those earning between \$15,000 and \$50,000, in constant 1990 dollars, then there was indeed a "vanishing middle class" in the 1980s. But this certainly did not mean that those in the middle earned less. On the contrary, it means that 5.3 million families left the middle class by earning a lot more money. What actually happened is not that a fixed percentage of families earned higher incomes, but rather that a much larger percentage of families earned higher incomes.

As the graph shows, 30.5% of American families earned more than \$50,000 in 1990 (in constant dollars); only 24.7% earned that much in 1980. The percentage of families earning more than \$100,000, in 1990 dollars, rose to 5.6% in 1989 from 2.8% in 1980, before slipping to 5.4% in 1990 (the "top 5%" thus included all families with incomes above \$102,358, including all members of Congress).

It is impossible to describe accurately this increased percentage of families earning high incomes in term of fifths (or "quintiles") of the income distribution. Because there were so many more families earning high incomes in 1990 than in 1980, it meant families now require a much higher real income to be averaged within the top 20%, top 5% or top 1%. In 1980, an income of \$53,716, in 1990 dollars, would put a family in the top fifth. By 1990, though, that goal post had to be raised to \$61,490. After all, it is not possible to fit 31% of all families into the top 20%.

Suppose some miracle had lifted the incomes of 60% of U.S. families above \$61,490, rather than 31%. At first glance, this would seem to be a good thing. Certainly the families affected would think so. Yet the effect on income distribution statistics would infuriate habitual income levelers. Since the income currently defining the "top 20%" could not possibly accommodate 60% of all families, a family might then need an income of something like \$200,000 to remain in the top fifth. Clearly, the average of all incomes above \$200,000 is bound to be higher than the average of those above \$61,490.

So, in this hypothetical widening of prosperity, there would doubtless be many hysterical stories reporting that average incomes rose sharply among the top 20%. Indeed, this must be true, by definition. However, incomes in this example would have risen sharply below the top 20% too, which is precisely why the minimum cutoff point defining the top 20% would have to be raised so high. This hypothetical example is simply an extreme illustration of what did, in fact, happen in the 1980s, and why it remains so widely misunderstood.

When statisticians added up all the incomes in the top 20% in 1990, they no longer included incomes between \$53,716 and \$61,490,

which were included in the 1980 average. Any "average income" among the top fifth today is therefore certain to be much larger than before, simply because the supposedly comparable average in 1980 used to be diluted by lower incomes that no longer qualify. This is even more true of the top 5%, or top 1%, where the lowest cut-off point has risen far more sharply. In 1990 dollars, the top 5% included all families with incomes above \$84,088 in 1980, but only those with incomes above \$102,358 in 1990. Once again, we can scarcely be surprised that an average of all incomes above \$102,358 is larger than an average of incomes above \$84,088.

Averaging the incomes above two different income levels is particularly nonsensical at the top. This is because, unlike any other "fifth," the top has no ceiling. The middle fifth in 1990 consisted of families earning between \$29,044 and \$42,040, so the average in that group was roughly in the middle, \$35,322.

Even if thousands of families in this group managed to raise their incomes above \$42,040 in 1992, that would have very little impact on the average income of the group. Instead, families with increased incomes below the top fifth will simply move up into a higher fifth. If millions of families do that over time, the thresholds will gradually be pushed up a bit, raising the average. But the fact that every quintile below the top has a ceiling means it takes a very large number of families earning much larger incomes to create big gains in any of the lower four-fifths of the income distribution.

This is not so at the top, since all pay increases within a top income group must raise the average, rather than moving people into a higher group. At the top 1%, even a few hundred rock stars and athletes can boost the averages.

TAUTOLOGICAL CBO

Any average of "top" incomes—from "X" to infinity, where "X" must become larger as more families increase their incomes—is almost certain to grow faster than more narrowly defined income groups, where increases are limited by definition. CBO studies based on this simple tautology are no more enlightening than discovering that an average of all families earning more than \$10,000 a year always experiences greater average income gains than families whose incomes are between zero and \$10,000.

What happened in the 1980s is that a much larger percentage of U.S. families moved up above income thresholds that used to define "the rich." This pushed the thresholds up, necessarily raising the average above the higher top thresholds.

The much-lamented "vanishing middle class" may be a political problem, resulting in a shrinking audience for politicians who base their campaigns on class warfare. But a larger percentage of relatively affluent families is not an economic problem. And all the statistical confusion resulting from an increased percentage of families with high incomes makes the fuss about shares of income going to the top fifth, or top 1%, quite misleading, if not absurd.

LEGISLATION SUSPENDING DUTY ON CONTINUOUS OXIDIZED PAN FIBER TOW

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise today to introduce legislation that will make a significant contribution to ensuring the continued competitiveness of U.S. industry. My legislation will suspend for a the 3-year period the duty on continuous oxidized polyacrylonitrile [PAN] fiber tow.

BF Goodrich manufactures airline carbon brake assemblies in a facility in Pueblo, CO, in my district. These brake assemblies are recognized worldwide for their high quality and dependability. Their brake structures are so well respected they were able to capture a large portion of the European consortium Airbus business—outbidding a number of European companies. As a result, they are exporting a vast majority of their carbon brakes to France for assembly on various aircraft. Additionally, a recent award to supply Boeing's 777 carbon brake along with their 747-400 program will result in a significant amount of exported goods around the world.

While BF Goodrich has shown the technical ability to deliver a superior product to airframe manufacturers, they still have difficulties competing economically with overseas competitors. The only qualified source for the principal raw material for the carbon brakes is located in Scotland, supplying BF Goodrich and its chief competitors. Unfortunately, BF Goodrich's competitors are able to receive the raw material duty free while our trade policies dictate a 6½-percent duty. Even worse, BF Goodrich will soon be facing a drastic increase in the duty, up to 10 percent.

BF Goodrich has recently requested that U.S. Customs classify this material under the provision for "friction material for brakes for civil aircraft." This duty-free subheading describes the merchandise but they have been advised that for some very technical reasons the provision cannot be applied. Additionally, Customs is currently reviewing the classification of the product and may change the classification to increase the rate of duty to 10 percent. BF Goodrich has been given a drawback rate which will allow them to eventually recover the majority of the duty that is paid. However, because of the long manufacturing cycle, it will be some years before the duty is recovered. The foreign competitors in this industry have an immediate duty advantage over U.S. companies because of duty-free movement of their product within the EC.

The aircraft braking business is extremely competitive since it ranks second, dollarwise, on the list of aircraft components that require replacements due to wear. Since any given aircraft will be in production for 20 years and the life of the aircraft is 20 years, the replacement costs are a significant factor both at Boeing and Airbus, but more importantly the airlines. The 6½-percent or possible 10-percent rate of duty would put BF Goodrich in a competitive disadvantage that could ultimately impact its ability to assist in the balance of

trade issues that are impacting the United States today.

Since no domestic supplier exists for PAN, the only option available to BF Goodrich is a suspension of the 6 percent duty. I believe my proposal would make a great contribution to an extremely important industry. I look forward to working with my colleagues on this issue in the coming weeks.

NATIONAL QUILTING DAY

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mrs. BYRON. Mr. Speaker, I rise today to offer a resolution that will designate the third Saturday in March 1993 as "National Quilting Day." I am introducing this resolution to recognize the long and colorful history of quilting, a practice that has been woven into our society for over 3,000 years.

Along with the quilts themselves, quilting as a practice has been passed down from generation to generation. Quilting is practiced for a variety of reasons. Long before the advent of central heating, quilts were made to keep people warm. One can only imagine the warm, cozy feeling one gets as they snuggle under a soft quilt. Quilts were also practical because they often made use of old scraps of material, that were otherwise destined for disposal. These scraps of material were often pieced together and made into a quilt. This was very popular during wartime, when most material went to the war effort, and were scarce at home. This was no more evident than during the Revolutionary War, when quilters showed their true patriotic colors. When the Continental Congress called upon the colonists to promote native industries, women from all classes and walks of life joined in the quilting process and gave the Colonies a sense of self sufficiency and nationalism. During the Great Depression, quilting was seen as a great opportunity for families struggling economically, to be thrifty in troubled economic times. Eleanor Roosevelt incorporated quilt making into the new deal, making it part of the Work Projects Administration [WPA]. Women throughout Appalachia, the Carolinas and Midwest were introduced to this wonderful craft.

Aside from practical purposes, quilting has been a central component in the social landscape of our society. The quilting bee was by far the most popular activity associated with quilting. Along with church and barn raisings, quilting bees were highlights of the social season, particularly along the frontier where contact with neighbors was sporadic at best. These bees afforded the people an opportunity to gather with their distant neighbors and socialize, catch up on old news, and of course, make new quilts.

Contrary to popular belief, quilting is not a practice reserved solely for women. Boys and men were often recruited by the women in the family to aid in cutting and sewing of quilts. In fact, two of our past Presidents, Dwight Eisenhower and Calvin Coolidge, were both enlisted for such tasks. As boys, Dwight Eisenhower and his brothers aided their mother in making

a family quilt, while Calvin Coolidge helped cut figures for a quilt used during his Presidency. The product of their labors can still be seen at their respective family museums.

Today, quilting is just as popular as ever. Women continue to quilt out of love for the colors, designs, and the act of quilting itself. Many find it therapeutic and relaxing. I would like to extend my thanks to the National Quilting Association [NQA], located in my district in Elliott City, MD, for their support on this resolution. The NQA was founded by seven women in 1970 and chartered in 1972. Membership is now at 5,500 with over 200 chapters worldwide. Their purpose is to preserve and promote quilting and all activities associated with it. Please join me as cosponsors in honoring this tradition that has become an indispensable component in the American landscape.

DEAR COLLEAGUE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DORNAN of California. Mr. Speaker, today I would like to introduce for the RECORD a copy of a Dear Colleague that will be circulated to other Members of the House tomorrow.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 10, 1992.

DEFENSE ALTERNATIVES FOR THE 1990S AND BEYOND: STRATEGY FOR SUCCESS OR DESIGN FOR DISASTER?

DEAR COLLEAGUE: In the wake of the apparent collapse of totalitarian communism in the former Soviet Union and the probable end of 50 years of bipolar superpower competition, President Bush seized the initiative and announced large defense reductions, in addition to those previously planned by the Pentagon.

The President in his state of the Union address declared, "Two years ago I began planning cuts in military spending that reflected changes of the new era. But now, this year, with imperial communism gone, that process can be accelerated." The reductions President Bush approved will save an additional 50 billion dollars over the next five years. By 1997, defense spending will be reduced by 30 percent since the President took office. These reductions are considerable, but President Bush is firm in his determination not to risk our national security through further cuts. "These cuts are deep, and you must know my resolve: This deep, and no deeper."

As the Secretary of Defense pointed out at a briefing regarding the President's plan, defense outlays as a share of the U.S. gross national product will now fall to just 3.4% in FY 97, well below any time since prior to WW II. Meanwhile, mandatory federal spending will increase 33% and domestic discretionary spending will increase 8% over the same period.

The President's Budget, the "Pentagon Plan," recognizes world changes with increased reductions but still manages to preserve a strong base force for future potential conflicts. Unfortunately, despite these major cuts and the President's commitment to preserve adequate defense strength, Congress has proceeded forward with plans of its own to further reduce defense spending.

Les Aspin, Chairman of the House Armed Services Committee, has outlined several additional defense alternatives for the future. These options, unlike the Pentagon's plan, are based more on past rather than future potential conflicts. Despite the unique circumstances associated with Panama and Iraq, including very modern host facilities, more than adequate time to build up U.S. forces, and the failure of the enemy to properly use the resources at hand, these conflicts are used for justifying additional cuts.

Meanwhile, the Pentagon, looking forward, has focused on seven potential scenarios for future conflict. These scenarios recognize the possibility of various regional confrontations that could require a U.S. military response. While some may question the probability of any of these scenarios, no one can argue against the possibility and the danger of these conflicts occurring. Ten years ago, few would have predicted major U.S. military operations in Panama and Iraq. Tomorrow's wars could be even more serious.

The FY 1993 Budget, recently passed by the House, calls for \$7 billion in cuts on top of those already planned by the administration. This House budget basically recognizes Option C of Chairman Aspin's alternatives. With the President's and Mr. Aspin's plans at hand, as well as the Pentagon's assessment of future defense requirements, it seems prudent to examine how these force structures stack up against potential future requirements.

Listed below are the force requirements for three of the seven Pentagon scenarios, as outlined in a New York Times article, and the force structures proposed by DoD and Chairman Aspin:

	Army divisions	Fighter squadrons	Air-craft carriers	Marine MEFs ¹
P. Gulf	4-5	15	3	1
Korea	5+	16	5	2
P.C. & Korea	10+	30+	8	3
Europe	7+	45	6	1
FY91 force	16	108	15	3
DoD base force	12	45	13	2+
Option C	9	30	12	2

¹ Marine expeditionary force.

The two most glaring differences between Option C and the DoD plan, and potential deficiencies in Mr. Aspin's plan, are the lack of adequate active Army divisions and Air Force fighter squadrons for a European conflict or concurrent Korea/Persian Gulf conflicts.

The Aspin plan for active Army divisions would not cover concurrent conflicts in the Persian Gulf and Korea, and would be dangerously stretched in a European scenario. Meanwhile, all 30 fighter squadrons in Option C would barely cover two simultaneous conflicts, with no additional assets left for other contingencies. These 30 squadrons would not even come close to fulfilling the requirements of a European scenario.

The implications for airpower in Mr. Aspin's plan are especially dangerous. Desert Storm should have proved once and for all the value of U.S. air superiority for quickly projecting power and enhancing the effectiveness of ground units. The DoD proposal, which already reduces active Army divisions by a third from 18 to 12, preserves an adequate number of fighter squadrons at 45. By slashing that number to just 30 in the Aspin plan, we risk not only losing air superiority, but more importantly, the lifesaving support Air Force squadrons provide our ground units and allied ground forces.

Chairman Aspin also claims that his proposed reductions will not result in large cuts

in personnel. However, with Air Force and Army force structure reduced so drastically, it will be extremely difficult to prevent personnel reductions to meet these lower force levels.

While the \$7 billion FY 93 cut in Mr. Aspin's plan may not leave our fighter squadrons and other units dangerously limited this year, the five-year proposed cut, \$114 billion, promises to make our future force structure perilously small. With modernization programs such as the F-22 not scheduled for production until early next century, our forces will not be able to compensate for this lack of size with technological superiority.

Four times this century we have failed to reduce our military forces wisely. We didn't reduce forces wisely after World War I and it cost lives in World War II. We didn't reduce forces wisely after World War II and it cost lives in Korea. We slashed recklessly after Korea and again after Vietnam. In his recent testimony before the House Armed Services Committee, Admiral Leon Edney, Commander in Chief, U.S. Atlantic Command, echoed the warning of most of our other senior military commanders:

"I believe the force levels associated with the base force presented in the budget before you are prudent. To go deeper faster as some members of Congress have outlined would place our ability to reduce in a balanced manner at risk and could jeopardize the quality as well as the readiness of our forces."

When President Bush states "This deep, and no deeper," he seeks to preserve our national security. The Pentagon proposal for defense reductions is a sound strategy for future success. Unfortunately, additional cuts, such as those proposed by Congress, are not well designed for potential future conflicts and could result in disaster for our military forces.

Yours for a strong and secure USA,
ROBERT K. DORNAN,
U.S. Congressman.

BOTH FEDERAL JUDICIAL VACANCIES IN THE VIRGIN ISLANDS SHOULD BE FILLED

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DE LUGO. Mr. Speaker, the Legislature of the Virgin Islands recently passed a resolution petitioning to have both long vacant judgeships in the two-judge Federal District Court of the Virgin Islands filled within 6 months.

The resolution expresses the great frustration of the people that I represent with the failure of the President to fulfill his statutory obligation to nominate candidates for both judgeships and the great problems this has caused for the exercise of justice in our territory.

As the Virgin Islands' Delegate in the Congress, I have been asked to make sure that every Member receives a copy of this resolution. I am including it in the RECORD for this purpose and to continue my efforts to have qualified judges put on our bench as soon as possible.

The text of the resolution follows:

RESOLUTION

Whereas, two judgeship vacancies have existed on the bench of the District Court of

the Virgin Islands for in excess of twenty-four months; and

Whereas, during the period of these two judgeship vacancies, numerous representations have been made to the President of the United States and to the United States Congress pointing out the crucial need to fill the positions; and

Whereas, the representations made to Congress have included but have not been limited to personal visits to Washington D.C. by the liaison to the White House, the Honorable Lilliana Belardo de O'Neal, who accompanied by her colleague, the Honorable Senator Holland Redfield, met with federal officials in Washington in January 1991 and appealed for positive action with respect to nominating qualified Virgin Islanders to the positions; and

Whereas, in addition to the efforts of the liaison to the White House, the Honorable Lilliana Belardo de O'Neal, the V.I. Delegate to Congress, the Honorable Ron De Lugo, members of the V.I. Bar Association and the Executive Branch of the V.I. Government as well as U.S. Judges, those who have business before the courts, several civic and public organizations and others, have all tried to encourage President Bush and members of the Judiciary Committee of the U.S. Senate to fill the two judgeship vacancies; and

Whereas, on the local level both the St. Croix Avis and the Virgin Islands Daily News have editorialized on the subject, taking the position that the unfilled vacancies stymie the judicial system of the Virgin Islands; and

Whereas, letters to the editors have been published in both the St. Croix Avis and the Virgin Islands Daily News demonstrating the anxiety of the V.I. populace in general over the continued existence of the judgeship vacancies; and

Whereas, the matter has escalated into one which has drawn national attention inasmuch as an article which appeared in the July 1, 1991 edition of the Washington Post, entitled "For Some Federal Judges, Long Days in Paradise," highlighted the problem created by the void and the cost to the federal government of the hiatus; and

Whereas, according to the July 1, 1991 Washington Post article, at the last account some 22 judges from various cities on the mainland had served as makeshift judges on the bench of the District Court of the Virgin Islands; and

Whereas, the situation, whereby numerous travelling judges preside on the District Court bench, has caused a scheduling nightmare, a backlog of cases and an environment where visiting federal judges are assigned the highest caseload per judge among all the federal courts; and

Whereas, the lack of consistency evident in this arrangement has resulted in more than one attorney having a criminal case heard by three, four or more visiting judges; and

Whereas, on the sociological level, many concerned citizens in the Virgin Islands have stated that the problem of visiting judges is a serious one because of the preconceived prejudices they may bring with them, on the one hand, and their lack of familiarity with the norms, values and customs of the islands, on the other hand; and

Whereas, according to a December 6, 1990 article in the Daily News, the then visiting Chief Judge, of the Third Circuit Court of appeals, A. Leon Higginbotham, is reported to have said that it is a tragedy that there are not two permanent judges sitting in the Virgin Islands and that he himself has expressed both to the Attorney General of the United States and to the Judiciary Committee of

the United States Senate that these two appointments should be the highest priority of the Bush Administration and the Senate Judiciary Committee; and

Whereas, the then Chief Judge Higginbotham is said to have noted that there are a large number of highly competent attorneys in the Virgin Islands who should fill the two judgeship vacancies; and

Whereas, on August 6, 1991, the issue of the two vacant judgeships existing in the U.S. Virgin Islands became internationalized when in an interview with United Nations Radio, Dr. Carlyle Corbin correctly pointed out that it is inexplicable that U.S. Government officials have failed to respond positively to the many representations made to them with respect to the two judgeship positions; and

Whereas, Dr. Carlyle Corbin's comments clearly implied that the federal government was acting capriciously and arbitrarily with respect to the two positions; and

Whereas, by a facsimile letter to the Honorable Lilliana Belardo de O'Neal, Liaison to the White House, on May 20, 1991, Mary McClure, Special Assistant to the President for intergovernmental affairs, stated that two excellent candidates were "currently" in the clearance process; and

Whereas, since May 20, 1991, the Honorable Belardo de O'Neal, Liaison to the White House has written several letters, forwarded dozens of newspaper clippings, made numerous telephone calls, and met formally and informally with federal officials in an attempt to resolve the problem; and

Whereas, despite, several promises by White House officials that action on the U.S. Judgeship vacancies was impending, only one person has been nominated to fill a position and no action has been taken to confirm that nominee; Now, Therefore, be it

Resolved by the Legislature of the Virgin Islands:

Section 1. The Congress of the United States is respectfully petitioned by the Legislature of the Virgin Islands on behalf of the people of the Virgin Islands to employ its power and authority to ensure that the judgeship vacancies on the District Court of the Virgin Islands are filled within six months of the date of passage of this Resolution.

Section 2. Copies of this Resolution shall be forward to the President of the United States, each member of the United States Senate and United States House of Representatives, the Attorney General of the United States and the V.I. Delegate to Congress.

LAWMAKERS INTRODUCE ANCIENT FOREST LEGISLATION

WASHINGTON.—Reps. George Miller (D-Calif.) and Bruce Vento (D-Minn.) today announced joint introduction with leaders of the House Agriculture and Merchant Marine and Fisheries Committee of legislation to protect old growth forests of the Pacific Northwest.

The Committees agreed to mark up the legislation during the first two weeks of May—beginning on May 6.

"Last year, a panel of eminent scientists, working with hundreds of forest experts, delivered a devastating indictment of the state of the old growth forests of the Pacific Northwest," said Miller, chairmen of the House Interior Committee. "They told us that if we do not take drastic action soon, an entire unique ecosystem and the wildlife and fish species that depend on it will collapse.

"The time for action to meet this crisis is now," Miller said.

"The chairmen of the House committees and subcommittees with jurisdiction over this critical issue are united in our determination to move a bill based on the sound and reasoned advice of knowledgeable scientists," said Vento, chairman of the Subcommittee on National Parks and Public Lands.

Reps. Miller and Vento, with Agriculture Committee Chairman Kika de la Garza, Forest Subcommittee Chairman Harold Volkmer, Merchant Marine and Fisheries Committee Chairman Walter Jones and Fisheries and Wildlife Subcommittee Chairman Gerry Studds, introduced their bill on Thursday.

The chairman indicated they intend to add provisions to their bill to help ease the transition for timber-dependent workers and communities in the Northwest and strengthen protection of watersheds as well.

The measure calls for the establishment of an old growth forest reserve as outlined in a report entitled "Alternatives for Management of Late-Successional Forests of the Pacific Northwest" last October, commonly referred to as the Portland Panel report. It would require the U.S. Forest Service and the Bureau of Land Management to prohibit timber harvest and take other management actions necessary to save old growth forest ecosystems.

The report by the Scientific Panel on Late Successional Forest Ecosystems, convened at the request of the Agriculture and Merchant Marine Committees, outlined a series of alternatives and options to achieve various levels of protection for old growth forest ecosystems and wildlife dependent on those ecosystems.

"We support the least restrictive management alternative the scientists have reported is necessary to provide a high degree of confidence that the diverse old growth biodiversity which includes wildlife and fish such as salmon and trout are going to survive and will not result in another endangered species gridlock," they said. "It is the alternative necessary to assure the protection and enhancement of watersheds and forests."

Miller also emphasized that he would be offering an additional amendment to initiate a similar scientific panel review of the Sierra Nevada forests in California and will propose strong interim protections of the Sierra old growth ecosystems.

The chairmen agreed to the following mark-up schedule: Agriculture Subcommittee on Forests, Family Farms and Energy, May 6; Interior Subcommittee on National Parks and Public Lands, May 7; Interior Committee, May 13; Agriculture Committee, May 14.

UNACCOUNTABLE CONGRESS: IT DOESN'T ADD UP

HON. TOM DELAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DELAY. Mr. Speaker, when Joe DiGuardi left the House in 1989, his interest in congressional accounting, budgeting, and financial management never waned. In fact, Mr. DiGuardi has been serving as chairman of Truth in Government, a citizens' educational watchdog organization he founded, serving as president of the Albanian American Civic League, and is currently running for reelection

on the Republican ticket in New York's 20th Congressional District.

In addition to keeping an active political schedule, Mr. DioGuardi has also written a timely and compelling book, "Unaccountable Congress: It Doesn't Add Up." This bill should be read by every voting American, and especially every Member of Congress.

Applying his experience as a certified public accountant [CPA] and firsthand knowledge of the inner-workings of Congress, Joe DioGuardi poignantly exposes the fancy fiscal footwork, phantom funding gimmicks, and bogus budget balancing that legislators use to deceive the American people by failing to disclose the true cost and financial condition of our Federal Government.

Determined to have his voice heard among citizens, legislators, and reporters who have become desensitized to House Democrat mismanagement, Mr. DioGuardi has constructively exploited the current House scandals and other allegations of financial and sexual improprieties lowering the public opinion of Congress to build upon an earlier 1987 expose, "A House of Ill Repute," authored by him and nine other Congressmen and now updated as chapter 6 in DioGuardi's "Unaccountable Congress."

Finding it both ironic and telling that no Member of Congress has ever been hounded into disgrace and retirement because his or her sneaky gimmick was exposed, former Representative DioGuardi details how the phoney accounting principles and budget practices Congress delights in are a far greater threat to our country than anyone's sexual escapades or personal enrichment schemes.

Although Mr. DioGuardi had earned a partnership, at age 31, in Arthur Anderson & Co., a Big Eight accounting firm, he still found that auditing government books was no easy task. "Exploring the financial management of the United States Government," DioGuardi writes, "is very much like being blindfolded and lost in the New York subway system: you don't know where you are, have no idea where you are going and you could fall off the edge at any moment."

"Unaccountable Congress" is more than a book about accounting. Mr. DioGuardi guides his readers through a maze of devices legislators use to obscure spending.

In layman's language, Mr. DioGuardi explains "fudging economic numbers" to make budget projections work, the "off-budget treatment" for hiding Federal expenses, the "current services budget" ploy for faking spending reductions, the "fraud, waste, and abuse excuse" to create theoretical savings and, when all else fails, the "magic asterisk" which deceptively balances a budget by promising—somehow—to find savings later.

"We are living," DioGuardi concludes, "in a fiscal fantasyland that, unlike Cinderella, ends unhappily ever after."

FIREARMS RELATED ACCIDENTS HAVE DECLINED

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SCHULZE. Mr. Speaker, I commend to my colleagues the following article which appeared in the New Gun Week. It points out that through proper education and training firearm accidents have declined an impressive 50 percent in the last 20 years to a scant 0.6 per 100,000. The dramatic decline in firearms related accidents over the last two decades is in good part attributable to nationwide hunter safety training program conducted by the National Rifle Association and local gun clubs.

[From the New Gun Week, Feb. 14, 1992]

Recent accident records reveal that, statistically, it is safer to hunt than it is to take a bath. While no one would suggest that everyone stop bathing and instead take up hunting, a comparison of hunting and other shooting accidents with accidents from other common activities helps to put firearms accidents in perspective.

Hunting is one of the country's oldest and most popular outdoor traditions with some 20 million Americans taking to the fields and forests annually in pursuit of game. According to the latest available figures from the Hunter Education Association, hunting continues to be one of the safest forms of recreation. In 1990, there were 146 firearms related hunting fatalities—bath tub drowning account for more than twice as many, an average 350 deaths annually.

Getting back to the original point; all of the shooting sports are safe and getting even safer. The National Safety Council's most recent data from the agency's Accident Facts, 1991 Edition, reports 93,500 accidental deaths in 1990. Nearly half, 46,300 were a result of motor-vehicle accidents. Falls accounted for 12,400. Poisoning claimed 6,500; drowning 5,700 and fires took another 4,300. Suffocation by ingested objects, choking, claimed 3,200. Firearms accidents accounted for 1,400, less than two percent. During the 20-year period from 1970 to 1990 the number of accidental firearms deaths declined more than 41 percent, from 2,406 in 1970 to an 87-year record low of 1,400 in 1990.

The rate of firearms accidents is also very low. For 1990, the overall death rate for all accidents was 37.5 per 100,000; the firearms rate was only 0.6—again, less than two percent of the overall rate. For the same 20-year period, 1970 to 1990, the rate of firearms accidents declined an impressive 50 percent from 1.2 per 100,000 to 0.6 per 100,000.

According to Robert Delfay, executive director of the National Shooting Sports Foundation, "the dramatic decline in firearms related accidents over the last two decades is in good part attributable to nationwide hunter safety training, the firearms safety programs conducted by the National Rifle Association and local gun clubs, almost universal use of 'hunter orange' safety clothing and industry sponsored educational programs."

Through 1991, nearly 20 million hunters and shooters have received safety instruction through accredited state hunter education programs. Many of these programs incorporate firearms safety literature such as the National Shooting Sports Foundation publication "Firearms Safety Depends On You," a 12-page pocket booklet that re-em-

phasizes and reaffirms the basics of safe gun handling and storage.

TRIBUTE TO RICHARD AURELIO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. TOWNS. Mr. Speaker, I am pleased to recognize the considerable achievements of Richard Aurelio, a cable industry executive with 30 years of experience who serves as president, Time Warner New York City Cable Group which services 775,000 subscribers in Brooklyn, Manhattan, and Queens. No stranger to the cable industry, Mr. Aurelio served as president and general manager of Brooklyn Queens Cable Television [BQ Cable] a Warner company prior to the merger of Time, Inc., and Warner Communications.

This gentleman has had a varied and distinguished career in communications, government, and journalism. He embarked upon his cable industry career in 1979 when he worked for Warner's cable operations as a senior vice president of governmental affairs.

His professional experiences include serving as president of D.J. Edelman, of New York, Inc., an international public relations firm. He also served as deputy mayor to former New York City Mayor John V. Lindsay, and was the former press secretary and administrative assistant to former U.S. Senator Jacob K. Javits.

Mr. Aurelio also served for 6 years as a founding member of the board of directors of the New York City Off-Track Betting Corp. and for 2 years as a member of the New York State Charter Commission.

He received his B.S. degree in journalism from Boston University and subsequently worked for several New England newspapers. He also worked as a reporter and news editor for Long Island's Newsday newspaper.

Richard Aurelio is a former Air Force veteran who served in the Korean war. He resides in New York with his wife, Suzanne. He is the proud father of a son, Marco. I am pleased to recognize his 30 years of service to the cable industry and the people of New York City.

TRIBUTE TO STEPHEN J. FARKAS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. TRAFICANT. Mr. Speaker, today I rise to pay tribute to Stephen J. Farkas, my uncle, upon his retirement from Commercial Intertech after nearly 40 years.

Stephen Farkas was born in the midst of the Great Depression in 1930 in Campbell, OH, to Stephen and Helen Kish Farkas, my maternal grandparents who moved to Youngstown from Pennsylvania where my grandfather had worked in the coal mines. Growing up in Youngstown with his sister, my mother Agnes, Uncle Steve attended St. Matthias and Woodrow Wilson High School. While at Woodrow

Wilson High School, Steve excelled at basketball, football, and baseball lettering in all three sports.

In fact he did so well, that in 1985, Woodrow Wilson High School inducted Stephen Farkas into its All Sports Hall of Fame as an "Outstanding Running Back." While he was at Woodrow Wilson, he was not only the leading rusher on the football team, but the leading scorer on the basketball team and the top pitcher on the baseball team.

In fact in his senior year versus Struthers High when I was but a boy in attendance, I can remember Uncle Steve receiving a kickoff 3 yards in the end zone and returning it 103 yards for a touchdown. This amazing feat of athleticism still stands to this day as a record for the longest kickoff return in the Youngstown metropolitan area's history.

Uncle Steve led the league in rushing yards and average yards per carry during his sophomore year in 1946 during Woodrow Wilson High School's only undefeated season, one of the greatest teams in Ohio history.

After I had completed my career at Cardinal Mooney High School, I enrolled at the University of Pittsburgh where I was the starting quarterback from 1960-62. On nearly every occasion, my Uncle Steve and Aunt Eleanor and my parents would be at the game. Uncle Steve was always there lending a helping hand and advise to me and my brother, same.

At the age of 21, Stephen Farkas enlisted in the Navy and served aboard the USS *Ashland*, LSD-1. One year later, he married the beautiful Eleanor Babik of Lansingsville. How vividly I recall seeing this handsome couple together at family and community functions. Stephen represented the U.S. Navy in the Mediterranean and the Panama Canal for 4 years until 1955. He then returned to the Youngstown area to work for Commercial Intertech, formerly Commercial Shearing, as an electrician where he followed both his father Steve, my grandfather, and Uncle Charlie Kish at the Youngstown industrial landmark.

Uncle Steve and Aunt Eleanor completed the American dream when they built a home in Austintown, where they raised their two children, Steven and Lori. Their daughter, Lori, and her husband, Mark Bleggi, are the proud parents of Stephen and Eleanor's first grandchild, Ashley, a most beautiful young lady, indeed.

So after nearly 40 years of service to the Commercial Intertech Corp., Stephen Farkas has earned his retirement.

I am sure that I join our immediate and extended family, plus all of his coworkers in congratulating him on his service to both the Commercial Intertech Corp. and the community.

Uncle Steve Farkas is a great friend, a great uncle, great father, great husband, and I love him dearly. He is truly a great American patriot, as well.

EXTENSIONS OF REMARKS

PASS THE REFORM PACKAGE TODAY

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. CARPER. Mr. Speaker, in recent years, we have witnessed an embrace of democracy by people in nations throughout the world; from the Soviet Union to Eastern Europe to Latin America to Southeast Asia and, even, to South America. Ironically, that embrace is occurring at the very time when a number of Americans, here in the cradle of democracy, are losing faith in our basic Democratic institutions, including our Nation's Congress. As I sit here this afternoon, listening to the tenor of this debate, I must confess that I am losing a little more of my faith, too.

A question on the minds of too many Americans in recent months has been, "How can we trust those in Congress to manage our Nation's business when they can't even manage the running of Congress on a daily basis?" It is a good question, one that demands both answers and action.

A number of steps must be taken if we are to begin to restore the confidence of the American people in us, in this institution, and in our ability to govern. Today, we have the opportunity to take one of those steps. Not all of the steps. Not the last step. The first step.

In judging the legislation before us today, however, we should ask ourselves at least three questions.

First, are these changes comprehensive and real, or are they largely illusory;

Second, do they provide for professional management and independent auditing of House operations, or will they simply mask the continuation of a decades-old, political patronage system of mismanagement; and

Third, will these changes begin to alter the perception of many Americans that Members of Congress have become some kind of privileged class, served by the people, rather than servants of the people.

I believe these reforms, while long overdue, represent genuine change and incorporate some of the best ideas of both Democrat and Republican Members alike.

A professional administrator for non-legislative affairs, selected on merit by the bipartisan leadership of the House, likely will produce a sea of change in the way that business is conducted here. The designation of an inspector general to audit the financial management of the House, promises to hold the collective feet of future Congresses to the fire if that person is truly independent. And, finally, a number of the perks that Members have enjoyed, and taxpayers have decried, will be abolished. Those that remain—haircuts, meals in House restaurants, a gymnasium, access to a physician—must be paid for by Members at market prices. And they should be.

In closing, let me just add that I did not come here 10 years ago to enjoy the perks of Congress, to vote by proxy on my committees, or to abuse our franking privileges. I doubt that any of us did. We came here to help govern our Nation. There is much that needs to be done, much that demands our full atten-

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tion—the availability and affordability of health care, budget deficits approaching \$400 billion, stagnant productivity, a declining standard of living, dysfunctional families, and schools where too little learning occurs.

Let us pass this reform package today. But let us also pledge to work together this year for badly needed reforms in the way we finance our campaigns and in overhauling the legislative process of this body. And while we do so, let us get back to work—now—on the issues and concerns that brought each of us here in the first place.

A TRIBUTE TO GLENVILLE HIGH SCHOOL: NATIONAL BICENTENNIAL COMPETITION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. STOKES. Mr. Speaker, I am proud to pay tribute to the Glenville High School students for doing exceptionally well in February during the National Bicentennial Competition on the Constitution and Bill of Rights. The Glenville High School students recently captured the districtwide championship, and although they were unsuccessful in securing the bid in Columbus, we are extremely proud of them.

The competition, which is viewed as the most extensive educational program in the country, is part of the 200th anniversary of the Bill of Rights celebration. For the past 4 years, the tournament has allowed students, nationwide, to become well-versed on the Bill of Rights.

Mr. Speaker, Not only does the competition help the students to become experts on the Bill of Rights, but it prepares them for the future. The 29 students are able to meet with individual adults who serve as role models and mentors throughout the competition process. Constitutional scholars, lawyers, Congressmen, Senators, and Government leaders all participate in the learning process.

Mr. Speaker, I am proud to rise today to praise the achievements of the Glenville High School students. I also commend Glenville High School Principal Elbert Cobbs and his staff for their outstanding work. I wish them much continued success.

VICTORIOUS VETERANS' PEACE DIVIDEND

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. WATERS. Mr. Speaker, I am privileged to be introducing pieces of legislation today that constitute the Military Coalition's Victorious Veterans' Peace Dividend.

I came to Congress in 1991, just after the collapse of the Soviet Union. With the end of the cold war, many people—representing many different constituencies—realized the potential a peace dividend could have on their

communities. Clearly, with our primary military threat extinct, it would no longer be necessary to spend \$300 billion a year for national security. Those savings could be reinvested and meet the needs of our people.

The legislation put forward today does not deal with precisely what this country ought to spend to defend itself. Rather, it focuses on one fundamental principle. Those military service men and women—and their families—who have given so much to fight the cold war, deserve to share in the fruits of victory.

When I came to Congress, I thought of the peace dividend as a way to house the homeless, heal the sick, educate our children, and train the jobless.

However, serving on the Veterans Affairs Committee has opened my eyes to another great American tragedy. This Government has a promise to keep to our veterans and the military servicepeople who have trusted us. I have heard horror stories from around this country of Persian Gulf veterans, burned and homeless—of career military men and women let go, just before they were to qualify for their pension. The list goes on and on.

It must be said—over and over again—veterans and military families are at the top of the list of those who deserve a slice of the peace dividend.

Military downsizing is ruining the lives of tens of thousands of people who thought they had a career in the military. The last 10 years has seen a continuous erosion in veterans benefits across the board. It does not seem unreasonable to earmark some portion of the projected savings in military spending to those who have sacrificed so much. Veterans have gone from parades to poverty in one short year. How soon we can forget. My package would do several important things. Let me briefly explain what each of the five bills introduced would do.

First, we would give enlisted military personnel who have served between 18 and 29 years the same rights to retention as officers—thereby giving them a chance to earn their military pension.

Second, we would repeal the provisions of the 1990 Omnibus Budget Reconciliation Act which curtailed a series of veterans benefits including pensions, health care reimbursement, and compensation for certain widows.

Third, we would assist the so-called forgotten widows, widows of retirees who died before 1974, who currently receive no survivor benefits.

Fourth, we would clarify and enhance the military survivor benefit plan so surviving spouses receive the same benefits as those under the civil service survivor plan.

And finally, we would provide a one-time 10 percent cost-of-living adjustment for pre-1963 military retirees whose COLA's have not kept up with other retirees.

I would like to make one additional point. Last week, the House failed to pass legislation that would have allowed transfers within spending accounts. I supported this measure and believe it to be important. However, in today's case, the proposals we are advocating could be paid from the military account of the budget. No budget transfer would be necessary. Thus, while it may be difficult to get money for housing or health care or job train-

ing in this year's budget, we can still reprogram military funds to meet the needs of our military families. It may be all that is possible this year.

The total cost for this package would not exceed \$2 billion a year, although a precise estimate is difficult to make. President Bush's most recent defense budget cuts an \$50 billion over the next 5 years. Most think this number will be even lower.

In conclusion, this much is clear—if we choose to act, we can pay for these reforms—and pay back a great debt to the military men and women of this country.

Finally, this battle for the peace dividend is only beginning. Next year, the budget walls will be eliminated. It will be a scramble to fund priority programs, but it will certainly be possible.

BILL TO END FEDERAL PERKS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HUGHES. Mr. Speaker, today I am joining with my colleague, Congressman ROB ANDREWS of New Jersey, in introducing legislation to prohibit the use of taxpayer funds to provide subsidized meals or other services throughout the entire Federal Government, including the executive branch, independent agencies, and Federal court system.

Our bill is a followup to the legislation we introduced last month to end similar congressional perks. Our latest bill would do the following:

First, prohibit the use of taxpayer funds to provide meals, medicine, medical services, athletic facilities, entertainment, or other services at any Federal agency or department at costs lower than those charged to the public, except where those services are directly related to the official business of the agency;

Second, prohibit the use of Government cars or drivers at all Federal agencies except where such transportation is necessary for purposes of national security, the personal safety of the official, or is the most practical and cost-effective means of transportation available to carry out official functions of the agency; and

Third, require the detailed, public disclosure of all travel taken outside the United States by employees of all Federal agencies on an annual basis.

I realize that many of these services have traditionally been provided, but it's a new age. While I understand full well the need to provide some conveniences to Federal agencies, it should not be done at public expenses.

I urge my colleagues to join with us cosponsoring this legislation, so that we can eliminate the perks and begin to rebuild public confidence in all our institutions of Government.

THIRTY-FIFTH ANNIVERSARY OF THE ACCOKEEK FOUNDATION, A MARYLAND INSTITUTION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HOYER. Mr. Speaker, 35 years ago this month, a group of farsighted citizens established a nonprofit organization " * * * to preserve, and study for the benefit of the people of the Nation, the historical sites and relics, trees, plants, and wildlife rapidly disappearing from an area of great natural beauty along the Maryland Shore of the Historic Potomac River."

The Accokeek Foundation, working in close cooperation with the U.S. Congress, the Mount Vernon Ladies Association of the Union, and the U.S. Department of the Interior, has accomplished its goal and much more in the ensuing years. As a result of its efforts, the 4,700-acre Piscataway National Park, which lies in Charles and Prince Georges Counties in Maryland, has been preserved. The precious and pristine view from George Washington's historic home in Mount Vernon, VA, has been protected for present and future generations. Creation of the park represents the largest assemblage of voluntary donations of scenic easements by private property owners in the history of the National Park Service. And a variety of programs have been established to increase the public's awareness of our national and regional identity, based on our heritage of natural richness, agricultural productivity, environmental quality, and cultural diversity.

The Accokeek Foundation operates the national colonial farm, which is open to the public year round and demonstrates ordinary life on a middle-class tobacco plantation on the eve of the American Revolution. It also has an arboretum, nature trails, rare varieties of farm plants and animals, and a long-term project to restore the American chestnut tree.

Furthermore, the Accokeek Foundation has taken the lead in the Potomac River heritage project, an effort to bring together the business, environmental conservation, historic preservation, museum, and tourism communities along the entire 350-mile length of the Potomac River in a common recognition of the vitality and significance of this corridor in our American heritage.

The foundation is also actively involved in studying the best techniques and principles of sustainable agriculture: A mission which could influence the way food is produced in the future. This new project is a living memorial to the Accokeek Foundation's founder, Mr. Robert Ware Straus who died last August.

To think that all of these activities are being undertaken by one institution is amazing, but to consider that it is taking place only a dozen miles from our Nation's Capitol, in Piscataway National Park, is overwhelming.

The relatively small investment made by the Federal Government has produced enormous conservation and cultural dividends. The foundation's board of trustees, advisory council, and honorary institute include more than 50 distinguished individuals committed to working

with the foundation's staff and expanding corps of volunteers.

The Accokeek Foundation is a model of cooperation between the Federal Government and the private sector. Its projects have been held up and replicated many times, both in the United States, and abroad. A genuine asset to Maryland and the Nation, the Accokeek Foundation celebrates its 35th anniversary with a renewed commitment and vision to influence the future for the better.

INTRODUCTION OF THE WHISTLEBLOWER PROTECTION ENFORCEMENT ACT

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ANDREWS of Maine. Mr. Speaker, I rise today to introduce legislation that helps ensure better treatment of our Nation's whistleblowers.

It takes courage to speak out against wrong-doing. It takes even more courage to bring attention to fraud when you fear retaliation or losing your job. Nevertheless, genuine whistleblowers take this risk. They believe it is the right thing to do.

We need to encourage such honesty in the workplace and protect those who strive to stop illegal or fraudulent activity. Our Nation depends on people to do this. Unfortunately, our Government has not done enough to provide basic protections to those who seek to prevent waste, fraud, or abuse. Unless we improve our Government's response to whistleblowers, we will continue to send them the message that it is not worth trying to change the system, that the Government won't get involved, and that they are on their own.

In 1989, a good law was passed—the Whistleblower Protection Act. This act sets out a clear path for Federal employees to follow when they are penalized for blowing the whistle on waste, fraud, and abuse. There is a serious problem, however. Once whistleblowers seek the Office of Special Counsel, they are left to wait, and wait, and wait.

The Office of Special Counsel is set up to investigate cases and determine if there are reasonable grounds to a whistleblower's allegations. Every 60 days the Special Counsel is required to notify the whistleblower of the status of its investigation. Unfortunately, there is no deadline for the Office of the Special Counsel determining whether or not a whistleblower's case has reasonable grounds.

Paul Camire, a worker at the Portsmouth Naval Shipyard in my district, has waited for 2 years to hear from the Office of Special Counsel. His case represents what can go wrong when an honest person speaks out.

In 1988, Mr. Camire raised concerns about quality controls on parts being used in the construction of nuclear reactors for submarines at the shipyard. He found defects in the metal fasteners used in nuclear submarines, potentially a very serious problem. Following Naval Sea Systems Command procedures, he issued a letter to Navy quality assessment personnel detailing the deficiencies.

Before the Navy could take action, Mr. Camire was ordered by his superiors to cancel the letter. When he refused, they canceled it for him. Shortly thereafter, he was reassigned out of his job in the quality control division, and put him to work in an area where he had little expertise, thereby ending his career advancement. He became subject to ridicule. Prior to this reassignment, Mr. Camire had an unblemished career record. He had received both performance awards and a monetary bonus for his excellent work at the shipyard.

After trying to work things out at the shipyard, Mr. Camire turned to the Maine congressional delegation for help. On January 17, 1990, the Office of Special Counsel accepted his complaint and said the case was under active review. In early February 1991, I contacted the Special Counsel's office to determine the status of the case. I was told it was still under active review. In May 1991, I called the Special Counsel again to request an expedited review. In July 1991, Senator GEORGE MITCHELL and I wrote to the Office to ask, yet again, for the Counsel's final investigation report. More than 2 years after first receiving this case, the Office of Special Counsel still has the case under active review.

This is completely unacceptable. Mr. Camire deserves to be freed of waiting. There is no doubt in my mind that Mr. Camire felt that he was doing the right thing. He was concerned about safety and the potential danger to military crews aboard nuclear submarines. Now, years later, Mr. Camire still has no answer. He has not won back his position at the shipyard. His health has suffered. Mr. Camire has been left to twist in the wind after trying to do what he thought was right, and essential, to protect lives.

My legislation would help prevent this situation from occurring in the future. Rather than have whistleblowers wait for months and years, the Office of Special Counsel would be required to notify the whistleblower within 18 months of receiving the allegations whether or not the Special Counsel finds support for the whistleblower's case. This deadline gives ample time for a full and thorough investigation. This does not restrict the Office of Special Counsel from further gathering information on a case. The whistleblower, however, would not be left in limbo, waiting for years without an answer, whatever it may be.

This is just the first step in improving conditions for whistleblowers. I will work on additional legislation to increase and strengthen whistleblowers' rights and protections. We should be encouraging honest citizens to come forward, not treating them poorly. We benefit from their honesty. Whether we like it or not, Mr. Camire's case is an example for anyone else who sees wrong-doing. People see how Paul Camire has been treated and see that they could not win by speaking out. This must change. Citizens who demonstrate integrity and honesty should be rewarded, not penalized.

CONGRESSMAN GEORGE MILLER
SALUTES PUBLIC PRIVATE VENTURES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. MILLER of California. Mr. Speaker, I have recently had the great pleasure to get to know more about a Philadelphia group called Public Private Ventures.

PPV was created in 1977 as an outgrowth of the CETA Program. It was an attempt to develop a research-oriented organization charged with responsibility for finding the best ways to deal with poor youth, and, as part of that, to measure the effectiveness of various approaches.

Last month, as the leadoff witness in hearings chaired by the gentleman from New York, Mr. DOWNEY, Michael Bailin, the president of Public Private Ventures presented to the Ways and Means Human Resources Subcommittee an important report on a summer program called STEP, Summer Training and Employment Program. The report is entitled, "Anatomy of a Demonstration."

The STEP Program has been a model of public/private initiatives, funded by the foundations, corporations, and the Department of Labor. It was first tried in five demonstration sites—Boston, Portland, Oregon, Fresno, Seattle, and San Diego—and involved 5,000 poor youth, 14- and 15-year-olds.

STEP's was focusing on stemming summer learning loss and preventing teen pregnancy. The young participants were paid for doing work and took classes as well. Because one summer was viewed as not enough to have a solid positive impact, participants were offered two summers in the program.

The report released last month by PPV was startling in many respects. First, it found that STEP had positive short-term impacts on the young people involved. Over the summer, STEP significantly boosted the youth's academic competence and knowledge of responsible sexual behavior. Second, it found that the program originally implemented in the five demonstration sites could be replicated in another 100 communities with considerable effectiveness.

What the research did not find—and here's the more sobering news—was any appreciable long-term positive impact on the young STEP participants.

This was one of the most indepth evaluations of any program ever undertaken. The effort looked back 8 years and asked the tough question: What became of these young people once they were out of the STEP Program and back in the community? The answer is not much in a positive sense.

What is the lesson from "Anatomy"? Some might say that we may conclude that nothing works and we should stop funding such things.

Others though would surely come to a different conclusion. I am one of those who believes strongly that the problem is not that STEP did not work. We know that it did in the short-term. The problem is that we throw children into these programs to get short-term

boosts. Whether it is Head Start for the youngest or STEP for the teenagers, we should never expect that such boosts are enough.

Mr. Bailin and the authors of "Anatomy" believe that we must find effective ways to attack not only the problem of summer, when so many poor children lose so much ground, but also the problems created by other periods of gap time in these youngsters lives—weekends and evenings, for example, as well as the period between their completing high school and—for those who do not continue their education—their entry into the job market.

Public Private Ventures continues its search for the best approaches to helping poor youth. Their ongoing initiatives on mentoring, their focus on unwed teen fathers, their indepth look at youth service, all deserve our attention and our support.

In the meantime, their work serves as a reminder that unless we take the problems of poor youth more seriously, we will relegate another generation to the scrap heap.

FUNDING NEEDED FOR IMPROVEMENTS AT NATIONAL PARKS IN THE MARIANA ISLANDS

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BLAZ. Mr. Speaker, in 1978, Congress established War in the Pacific National Historical Park in Guam and American Memorial Park in Saipan to commemorate the bravery and sacrifices of those who participated in the Pacific theatre during World War II. Unfortunately, in their current state, these Parks do not deserve to be called National Parks nor are they fitting memorials to our Pacific World War II veterans.

We, in Congress, were all very conscious of the 50th anniversary of the attack on Pearl Harbor in December 1991. The summer of 1994 will mark the 50th anniversary of the liberation of Guam and the capture of the Northern Marianas from the Japanese. The recapture of Guam liberated the only American community occupied by the enemy during World War II. But, as we have seen repeatedly, freedom rarely comes easily and the liberation of Guam and the capture of Saipan was no exception. For the nearly 6,000 who perished and the over 20,000 who were injured during the Campaign, the fact that these park sites lie on American soil is the only testament to their many sacrifices. While other countries have erected monuments in Guam and Saipan, our parks have received minimal funding and appear abandoned for lack of interest. The makeshift visitors' center at War in the Pacific NHP consists of a refurbished office building with limited space and few interpretive devices while American Memorial Park in Saipan consists of the acreage and a single plaque. This can hardly be considered a national park and does little as a memorial to the Americans who perished at the sites. Needless to say, it is an affront to anyone whose relative fought in the Pacific to allow these parks to remain in such ignoble condition during the 50th anniversary of the Marianas campaign.

Mr. Speaker, in an effort to rectify this woefully embarrassing state of affairs with respect to our treatment of our World War II veterans, I am introducing legislation on behalf of myself, Mr. MONTGOMERY, Mr. PICKETT, Mr. STUMP, Mr. BREWSTER, Mr. YOUNG of Alaska, Mr. KENNEDY and Mr. LAGOMARSINO. This bill is very similar to S. 2321 introduced last month by Senator DANNY AKAKA who has once again proven to be a great friend of both our veterans and of our people. Both bills will increase the authorization level from \$500,000 at War in the Pacific NHP and \$3 million at American Memorial Park to \$8 million for each park. These increases will allow for construction of appropriate facilities for the interpretation of the events which occurred in the Mariana Islands. These facilities will provide a suitable forum for the 50th anniversary celebration on June-July 1994 as well as a lasting remembrance for future generations.

INTRODUCTION OF THE FLEXIBLE MEDICAL ACCESS PLAN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. CARDIN. Mr. Speaker, today I am introducing the Flexible Medical Access and Cost Containment Act. This legislation abides by the three cardinal principles of health care reform by controlling costs, providing for universal access and retaining the high quality of medicine.

One role of the Federal Government is to ensure that every American has access to health coverage. Much of the debate on health care reform focuses on what role, if any, the Federal Government should play in directly providing health insurance. Conservatives—of both parties—argue that Government involvement in health insurance creates bureaucracies and other inefficiencies in the health market. They believe the competition among private insurers guarantees efficiency and a fair market price for insurance. Liberals have argued just the opposite. They compare our private insurance system with single payer systems and claim we can save up to \$100 billion by eliminating the duplicative administrative costs of the private health insurance industry.

My bill calls the bluff of both conservatives and liberals. It would create a level playing field for competition between private insurance companies and the Federal Government. As insurers both would be subject to the same underwriting and marketing restrictions: no group insurance may discriminate based on health status or medical history; insurers must guarantee availability on a continuous, year-round basis and guarantee renewability; pre-existing condition exclusions would be limited to the first 6 months an individual is insured; and all small group plans must be community rated. Both private and public insurers would be required to pay health providers the same reimbursement rates. The Federal Government would sell its insurance products to businesses and individuals based on a premium per enrollee, just as private insurance compa-

nies do. This is in contrast to other pay-or-play schemes in which businesses buy public insurance based on a percentage of payroll. My proposal would provide increased tax breaks to help small businesses purchase insurance, but these tax breaks would apply equally, regardless of whether the business purchased public or private insurance.

A mandate on employers to provide insurance would be phased-in over several years. The option to buy public insurance would be available only to small- and medium-sized firms with up to 100 employees. If the Federal Government can provide an attractive product at a lower cost than I imagine most of these businesses will buy the public plan and big businesses will begin lobbying for the right to buy into the public plan. If the public plan cannot compete with private insurance, then the debate on moving toward a single payer system should end. Private insurance will live or die by the market. Public insurance will live or die by its claimed efficiencies.

To address the needs of the poor and the near poor not in the work force, Medicaid would be abolished and replaced with a new, Government-sponsored plan administered as a separate program under Medicare. This public plan would pay the same reimbursement rates as all other insurance plans to ensure there would be no cost shifting by the Government to private insurance plans and to encourage more doctors to treat poor patients.

I would note several considerations provided for small businesses in my proposal. Only small- and medium-sized businesses will have the option of purchasing the new public plan. The mandates for small businesses to provide health coverage do not take effect until cost containment efforts have been in place for 4 years. The bill also provides for a tax subsidy to help small businesses to purchase health insurance.

Another major role for the Federal Government is to control health costs which have been increasing as if there were no bound. Some reform proposals would establish one set of payment rates for all health services throughout the country. While I am not philosophically opposed to rate-setting, the possibility of these important health decisions being made on a national basis concerns me. Many Members of Congress, particularly my colleagues on the Ways and Means Committee, share my frustration at the inability of Medicare's prospective payment system to change the behavior of hospitals.

It is notable that the one State that has been able to control hospital costs without disruptions in the delivery of care is exempt from the national prospective payment system. My legislation builds on the model of local rate-setting best illustrated by Maryland's Health Care Cost Review Commission for hospital reimbursements. Maryland is exempt from the Medicare hospital payment system so long as costs per admission in Maryland hospitals remain below the national average. By setting its own rates, Maryland has been able to reduce costs per admission from 25 percent above the national average to about 9 percent below the national average. These savings have been achieved without resorting to rationing and have allowed such prestigious institutions as Johns Hopkins Hospital and the University of Maryland Hospital to prosper.

My proposal would have a national commission establish limits on the rate of growth of all health costs and apportion this spending among the States. It would be the States' obligation to create payment systems to meet these spending targets for all covered health services. The Federal commission would set payment systems for States that fail to establish rate-setting commissions. Health needs vary throughout the country and States should be empowered to respond to these needs, just as Maryland is using its rate system to respond to the State's disproportionately high incidence of cancer. Local rate-setting also allows for experimentation from State to State on the best methods for improving the public health.

The bill provides for a phased-in reduction in the rate of growth of health care until costs are growing no faster than the economy. The all-payor systems and the other administrative simplification provisions will allow for significant savings. On top of this, the financial incentives to reduce unnecessary care will allow for real constraints on spending without reducing the quality or availability of health care.

Mr. Speaker, this legislation will accomplish the three major goals of health reform: providing universal access to health coverage; making health care affordable; and ensuring the continued high quality of medicine in our country. It allows for diversity and encourages innovation in our health care delivery system. It is fiscally responsible and politically possible; I believe it is significantly less costly than the pay-or-play plans. I urge my colleagues to consider this legislation as the health reform debate moves forward.

ADMINISTRATION RESPONSE TO PALAU MISLEADING DOES NOT SPEAK FOR CONGRESS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DE LUGO. Mr. Speaker, an administration official has finally responded to proposals made last year by the leaders of the trust territory of Palau to resolve the future political status of their islands.

Unfortunately, the response was misleading and contrary to our Nation's obligation to help the territory develop into a self-governing status appropriate to its circumstances and the wishes of its people. According to a report by the Associated Press, the response has jeopardized the future status that the Federal and territorial governments have been working to develop for years.

I want to make it clear that the response does not reflect the views of the U.S. Government as a whole.

Mr. Speaker, as you know, the United States has approved an arrangement to make the territory a state in free association with our Nation through legislation that I, as chairman of the Insular and International Affairs Subcommittee, sponsored. But, although the arrangement was negotiated with Palau's Government, it has not been approved in seven referendums in Palau.

Last May, Palau's leaders told the subcommittee and the administration that the arrangement would not be approved "as is." They also, though, asked that Federal representatives work with them to overcome its problems.

In making this request, they stressed that they would not ask for more money; that their proposals would be negotiable; and that, if an understanding could be reached informally, they would seek their people's approval of a modified arrangement before seeking formal U.S. approval.

The Interior and Insular Affairs Committee responded by having representatives discuss the issues with representatives of Palau last July. Our bipartisan conclusion was that what Palau wanted to propose was a reasonable starting point for negotiation.

After bipartisan pressure from our subcommittee, the administration assigned a representative to listen to Palau's proposals, but it never really engaged in the negotiations Palau sought.

Instead, officials asked Palau's leaders for demonstrations of their good faith—which they received—and sent both counterproductive signals and hints that there would be a substantive response to Palau's proposals.

There are several specific problems with the response that they finally gave Palau a few days ago that I want to note.

First and foremost, the response implied that it spoke for the Congress.

It did not.

Second, it declined to negotiate, asserted that there would not be further cooperation and progress between the United States and Palau until free association is approved, and threatened that the United States might abandon its trust responsibility for Palau.

This was a crude attempt at intimidation, unworthy of this great Nation and inconsistent with the obligations regarding Palau assumed by law in 1947. It was particularly outrageous because Palau is so powerless: There are only 15,000 people in the islands.

Third, it suggested the Congress would be likely to take back much of the money already appropriated for the arrangement if any modifications whatsoever were made. Its contentions in this regard will cause unrealistic fears.

Fourth, it recognized only three of the possibilities for Palau's future political status: the free association arrangement as negotiated to date; independence; and—contradicting the administration's own arguments against negotiating—a modified arrangement.

Finally, I would also like to note that the response's discussion of Palau's proposals themselves indicates that the proposals are a reasonable basis for modifications.

Mr. Speaker, consensus in Palau on the proposed status arrangement is even more essential than it usually is for an area's status development. This is because Palau's constitution requires 75 percent approval of the arrangement since it would grant the United States military nuclear rights that are otherwise prohibited by the islands' constitution.

For almost a year now, many of Palau's leaders have agreed to try to get the arrangement approved if modifications that overcome the problems with it can be agreed to. The worst aspect of the administration's response

to date to the proposals of Palau's leaders is that it subverts the consensus that exists to try to gain approval of a free association arrangement.

Not living up to our Nation's commitments to help Palau develop into a self-governing status appropriate to its circumstances and the wishes of its people now will not eliminate the need to do so later. And we may have an even more difficult job of working out a future status arrangement with Palau if we do not take advantage of this opportunity.

So, the administration should provide Palau's leaders with a constructive and sympathetic response to their proposals rather than undermine their efforts to resolve the territory's future status.

In concluding, Mr. Speaker, I want to explain that we have not criticized the administration's lack of response to Palau over the past months in the hope that their eventual response would be more positive than it has turned out to be. I make these critical remarks today not for any political purpose; but to encourage more responsible efforts in the future.

HOW WILL IT PLAY IN PEORIA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. CLAY. Mr. Speaker, national attention has recently been focused on Peoria, IL; specifically on the labor dispute between Caterpillar, Inc., and its employees represented by the United Auto Workers of America. On April 1, 1992, April Fool's Day as it is known colloquially, Caterpillar announced that it was unilaterally implementing key provisions of what it terms to be its final contract offer. But the threat to permanently replace any striking worker who failed to return to work by April 6, 1992, was not an April Fool's joke.

The contract between the UAW and Caterpillar expired on September 31, 1991. Of the 17,000 Caterpillar employees represented by the UAW, 12,500 represented on the picket line. The company clearly resorted to economic weapons. It stockpiled goods in advance of the strike; it sought to bargain directly with employees rather than through their representatives at the bargaining table; it replaced striking workers with managers and salaried employees; and it locked out union employees in its efforts to gain concessions from the union.

The workers at Caterpillar are utilizing the only legal means available to them—they have chosen to legally withhold their services in an effort to force management to take seriously what these workers feel are fair and adequate terms and conditions of employment. They are undergoing severe deprivations in order to protect their long-term ability to provide for their families. By hiring permanent replacements, Caterpillar has made a mockery of the only rights workers have in a labor dispute—the right to strike.

Mr. Speaker, the practice of permanently replacing strikers is insidious and destroys more than the rights of American workers. As the citizens throughout this country from Jay, ME,

to Morenci, AZ, can testify, resorting to hiring permanent replacements destroys the social fabric of entire communities. It pits neighbor against neighbor and exalts self-interest at the expense of community interest. Having seen what has occurred in other places, it is difficult to overstate the foreboding I feel for the citizens of Peoria. The hate and mistrust engendered by Caterpillar's hiring of permanent replacements is likely to last a generation.

The permanent replacement of striking workers is a loophole in our labor laws that this country can no longer afford. It makes hollow the right of workers to exercise a voice in the determination of their terms and conditions of employment. It destroys the partnership between management and worker, exacerbates both the severity and the duration of the labor dispute, and imposes costs on businesses resorting to this tactic from which they frequently cannot recover.

The House of Representatives has already passed legislation I have sponsored to end the practice of permanently replacing strikers—H.R. 5, the Workplace Fairness Act. Unfortunately, President Bush has said that he will veto the bill.

Clearly, the practice of permanently replacing striking workers is one that employers and business owners feel is in their best interest. As elected Representatives, however, our duty is to the welfare of the Nation as a whole. Where the self-interest of one's friends so clearly conflicts with the common good, we have a duty to tell our friends that what they ask for is too much. It is on this basis that I ask all my colleagues, and particularly my Republican colleagues, to work with me to ensure that the Workplace Fairness Act becomes law. The practice of permanently replacing workers who exercise their lawful right to strike must end once and for all.

Mr. Speaker, I commend to my colleagues' attention two articles from the "Daily Labor Report", a publication of the Bureau of National Affairs, Inc. The first article appeared on October 21, 1991, and is entitled "Chief U.S. Mediator Says Use of Permanent Strike Replacements Makes Bargaining Difficult". The second article appeared on April 3, 1992, and is entitled "Analysts Say UAW-Caterpillar Dispute Could Have Significant Ramifications".

CHIEF U.S. MEDIATOR SAYS USE OF PERMANENT STRIKE REPLACEMENTS MAKES BARGAINING DIFFICULT

Bernard E. DeLury, the head of the Federal Mediation and Conciliation Service, disagreed with the Bush administration Oct. 18 on the effectiveness of U.S. labor law when it comes to the issue of permanent strike replacements.

DeLury, who heads the federal agency charged with mediating disputes between labor and management, said in an interview that the permanent replacement of economic strikers "exacerbates the collective bargaining process" by making it more "difficult" for the parties in collective bargaining to settle their differences over a new contract. "There are times when we will help the parties get through the wages and the conditions and the benefits, et cetera, et cetera, only to still have the issue of what to do about permanent replacement workers still on the table," DeLury said. Under these circumstances, he said, "it is difficult to get rank-and-file members to ratify that agree-

ment if they don't have any assurances of coming back to work. That's what I mean about exacerbating the process."

Pressed to expand on how the use of permanent strike replacements affects the outcome of bargaining, DeLury agreed that it has a negative influence on the process. "It makes [the process] more difficult," he said, "because the idea of collective bargaining is to reach an agreement together from beginning to end."

DeLury said he believes the use of permanent strike replacements is only one of many factors contributing to the decline in strike activity in the United States over the past decade. But he said he thinks that strike activity would have declined even if the use of replacements had not been a factor because the majority of employers and labor leaders "know they have to work closer than ever before" to compete in an increasingly global marketplace.

According to the latest FMCS data, the number of strikes that began in fiscal year 1991, which ended Sept. 30, was 589, the lowest ever recorded by the agency. The peak level of strike activity in the United States, he said, was in 1977 when 3,111 strikes were begun.

President Bush has threatened to veto legislation approved July 17 by the House (HR 5) that would make it illegal for businesses to replace union workers who strike for economic reasons (138 DLR A-11, 7/18/91). The Senate is expected to take up an identical version of the House bill (S 55) early next year.

In testimony last March before the House Education and Labor Committee, Labor Secretary Lynn Martin defended the status quo and warned that the proposed change in the law would lead to more strikes. Current labor law, she said, "has served the public interest well, and has contributed to the economic well-being of this country by reducing labor strife and encouraging dispute settlement." Martin also testified that passage of H.R. 5 would "eliminate a major check on precipitous striking, promote increased labor unrest, and disrupt the flow of commerce."

NOT A STRIKE-HAPPY CULTURE

DeLury said he does not share the view that a ban on the permanent replacement of strikers would open the floodgates to more strikes in this country.

"I don't agree with that. I don't agree with that at all," he said, adding he thinks that the relationship between management and labor in the United States had reached a more "mature" level.

"By and large, most of the major corporations that have collective bargaining agreements work within the system, and they even work very well without the federal mediation service. We had 28,000 negotiations in fiscal year 1990 . . . 7,000 of those negotiations used a federal mediator to help them reach an agreement . . . 21,000 did it on their own . . . and out of it in that year there were 711 strikes or about 2.5 percent. That's what I mean about the maturity level. . . . It has been 2.5 to 3 percent for three decades. It's just not a strike-happy culture," he said.

DeLury said he is often asked by foreign visitors about the apparent inconsistency of American labor law that guarantees workers the right to strike, but permits employers to replace them permanently. "I tell them that's the stage we're in right now because we are a free country and we live by law, and our elected representatives try to create the law that's the best for us to live with," he said.

DeLury, a Bush administration appointee, said he hopes that a compromise will be reached between the White House and Congress in the interest of improving labor-management harmony and U.S. competitiveness.

"How this is going to turn out, I don't know . . . but I hope it turns out in such a fashion that the bitterness on both sides will evaporate to the point where we can get down to working together to be competitive as a nation. We sure as heck aren't going to get there if we waste our time fighting," he said.

The FMCS director said he declined an invitation earlier this year to testify on the legislation because he felt that it would be inappropriate for the head of the agency to take a position for or against the bill.

"I want the parties to use the Federal Mediation and Conciliation Service. I'll work with whatever laws that the Congress of the United States gives us, and I have to maintain that type of a posture," he said.

"As far as whether there should be a law or whether there shouldn't be a law, I leave that to the politicians. That's not my job. I'll work with whatever they give us to work with," he said.

DeLury, who was appointed by President Bush in March 1990, made his remarks after a speech to the 64th convention of the AFL-CIO Metal Trades Department.

ANALYSTS SAY UAW-CATERPILLAR DISPUTE COULD HAVE SIGNIFICANT RAMIFICATIONS

DETROIT.—The protracted and often bitter United Auto Workers conflict with Caterpillar Inc. may turn out to be one of the key labor combat fields of the decade, analysts said April 2.

Caterpillar moved first April 1, announcing it is implementing key provisions of its final contract offer, which the UAW has rejected, and threatening to permanently replace workers who don't return to work April 6.

The UAW's reaction was to widen its strike to include four additional facilities in Illinois, putting 1,800 more workers on the picket lines. That brings the total number of strikers to about 12,500.

The Peoria, Ill.-based construction equipment manufacturer contends it must decrease its labor costs in order to compete in global markets. The union, for its part, wants to maintain pattern bargaining, job security for all future and current workers, and fully paid medical insurance regardless of where workers seek treatment.

The Caterpillar fight is being watched closely by labor and management officials throughout the nation. In fact, the outcome could set the agenda for labor relations in the 1990s, said Harley Shaiken, labor professor at the University of California at San Diego.

"It could have a very large impact, given the importance and visibility of Caterpillar, and given the intensity of the conflict so far. How it's resolved could have a very important, precedent-setting effect on a number of industries," he said.

For one thing, the UAW is concerned that if the company succeeds in getting around pattern bargaining, Big Three automakers may try to scrap it in contract talks next year.

"And it isn't simply that Cat wants out of the pattern with Deere & Co., but, what with the new divisions and tiers there, it doesn't want a uniform pattern at all for the company," Shaiken said.

Caterpillar in the last decade was a model of U.S. competitiveness against Japanese firms in global markets. "So at issue is:

What are the domestic implications of success in the global marketplace? The irony here is that Caterpillar is saying to succeed internationally, it has to pay less domestically," Shaiken said.

Both the UAW and Caterpillar officials are expecting a dramatic confrontation at picket lines April 6.

After it determines how many workers have returned, the company will begin recalling furloughed workers and advertising for permanent replacements. A company official April 2 said Caterpillar needs between 10 and 15 percent fewer workers now than when the strike began, so those who don't return "may lose their place in a reduced workforce."

The UAW said in an April 1 statement that Caterpillar is attempting to break the union, and predicted that workers will remain united and force the company to reopen negotiations.

Caterpillar has proposed wage hikes of up to 4 percent over three years for skilled workers only, plus a two-tier wage system in which new parts plants workers get about half as much as workers with higher seniority. Following a pattern set last year at Deere, the UAW is seeking 3 percent wage increases across the board, plus two lump-sum payments, a UAW spokesman said.

In what it has termed a final offer, the company also has offered fully paid health care only to workers who use the company's network of doctors and hospitals. Otherwise, workers pay 30 percent of costs.

ACTIONS VIEWED AS RISKY

Caterpillar's April 1 actions were viewed by analysts as extremely risky, even though the firm soft-peddled those risks.

For one thing, the action could result in severe damage to the morale and to the skill level of Caterpillar workers if long-time workers are replaced, Shaiken said. For another, with production tied up and inventories drained, continuation of the dispute could make it impossible for Caterpillar to take advantage of a sales rebound expected later this year.

The company lost \$404 million in 1991 on sales of more than \$10 billion. Analysts expect losses to reach \$100 million in the first quarter next year, largely because of the strike.

"Caterpillar is really playing hardball with this strike. As of yesterday, it is redefining the rules," Shaiken said. "When they had the last strike, in the early 1980s, the issue was the agreement, not the future of the union."

Another observer said the company is adamant that it needs an agreement that allows it to be more competitive, but said high-stakes politics are taking their toll. "It's a game of semantics: There's a new chairman at Caterpillar, and election time at the UAW," said Eli Lustgarten, a PaineWebber analyst. "But it shouldn't be something that reasonable people at a bargaining table couldn't negotiate out. It's peculiar that it's come to this."

NORTH AMERICAN ENVIRONMENTAL, LABOR, AND AGRICULTURAL STANDARDS ACT AND WESTERN HEMISPHERE ENVIRONMENTAL, LABOR, AND AGRICULTURAL STANDARDS ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BROWN. Mr. Speaker, today I am introducing two bills that would require U.S. trade negotiators to deal directly with environmental, labor, and agricultural concerns as part of any future free trade agreement. These bills—the North American Environmental, Labor and Agricultural Standards Act of 1992 and the Western Hemisphere Environmental, Labor, and Agricultural Standards Act of 1992—would require our trade negotiators to address legitimate environmental, labor, and agricultural standards as part of any free trade agreement.

Last spring, Congress engaged in a heated debate on whether to grant President Bush's request to extend fast track authority to negotiate a North American Free Trade Agreement [NAFTA] with Mexico and Canada. Most of the concerns raised dealt directly with the adverse environmental impact and the extensive labor dislocations that may result from a free trade agreement.

Congress narrowly approved the President's request, but not before passing a resolution expressing the sense of Congress that the proposed NAFTA must address five priority concerns:

First, labor rights and standards; second, environmental standards; third, strict rules of origin; fourth, a workable dispute resolution mechanism to enforce the terms of the NAFTA; and fifth, an acceptable adjustment assistance program for workers, firms, and communities adversely affected.

Since that time, however, it has become clear that our trade negotiators are not heeding the advice of Congress to actively address these legitimate labor and environmental concerns within the context of this unprecedented trade agreement. Yes, the Bush administration has sent its representatives to the Hill. But what has the administration done to incorporate labor standards and environmental standards into the proposed NAFTA agreement? I think we all know the answer to that question.

More importantly, the administration has no intention to include labor and environmental standards in the NAFTA negotiations. The President and his trade advisers refuse to tackle these crucial issues, perhaps under the mistaken impression that the politics associated with a free trade agreement will force Congress to grudgingly approve any free trade agreement. That gamble is not worth taking.

Since this Administration is unwilling to negotiate these legitimate trade-related issues, it is up to this Congress to force our trade negotiators to pursue labor and environmental standards in any proposed free trade agreement.

Our first priority must be to structure a free trade agreement to serve the needs of the men, women and children who will be directly

affected by any agreement, and not simply enter into an agreement that will increase the bottom line of multinational corporations. We must take a people first approach to all free trade agreements. Granted, any free trade agreement must serve a multitude of needs. Most importantly, any free trade agreement must not only expand investment and trade between nations, it must also serve the broader objectives of creating good jobs at decent wages, cleaning our environment, and providing greater public safety.

We have a responsibility to our constituents—millions of whom will be directly affected by the decisions made at the bargaining table—to include labor standards and environmental standards in any free trade agreement. The long-term implications of building economic integration on a low-wage competitive strategy threatens the national interest of the United States, of Canada, and of Mexico. Reliance on such a strategy, as is currently the case, will lead only to the erosion of living standards in the United States and Canada while doing nothing to alleviate the profound inequality and poverty in Mexico.

Moreover, a narrowly drawn free trade agreement will only increase the likelihood that the three countries will seek to harmonize national standards at the level of the lowest common denominator.

This is unacceptable. Let us send our trade negotiators a wake-up call.

I would like to make clear that I am also a cosponsor and supporter of House Resolution 246, proposed by my colleague from California, Representative WAXMAN, which announces Congress' intent not to approve the enabling legislation of any trade agreement that jeopardizes U.S. labor, environmental, public health, or consumer protection standards. The bills I am introducing today in no way are intended to contradict the Waxman sense-of-Congress resolution. More importantly, the North American Environmental, Labor, and Agricultural Standards Act of 1992 and the Western Hemisphere Environmental, Labor, and Agricultural Standards Act of 1992, complement Mr. WAXMAN's proposal. While the Waxman resolution clearly reflects growing unhappiness with the dynamics of the current international trading system, my legislation charts a new course toward constructing an alternative trading system that serves to protect the rights of workers and the environment and not just the interests of corporate managers and financiers.

Both of the bills I am introducing contain identical labor, agricultural, and environmental standards, the highlights of which are the following:

Proposes, as principal U.S. negotiating objectives, fundamental labor, agricultural, and environmental standards—for example, freedom of association and full public disclosure of toxic chemical and hazardous substance discharges;

Proposes that it be a principal U.S. negotiating objective to threat the systematic denial or disregard of the aforementioned labor and environmental standards, as a means of gaining a competitive trade advantage, as an actionable unfair trade practice;

Provides for the establishment of a dispute resolution mechanism to enforce the terms of

any free trade agreement and to adjudicate unfair trade petitions filed by governments or informed persons in any signatory nation; and

Authorizes technical assistance to bring scientific and technological expertise to bear in resolving trade disputes and facilitating continental solutions to trade-related environmental and workplace safety and health problems across national borders.

The stakes are far too great for Congress to sit back on its heels while the Bush administration is negotiating a free trade agreement that will affect our economic competitiveness, our standard of living, and the environmental quality of the Western Hemisphere will into the 21st century. I hope you join with me in supporting these bills, in elevating the discussions that have taken place to date, and in bringing to the negotiating table the concerns of millions of Americans, Mexicans, and Canadians.

CORDIS CORP. FORTUNE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Cordis Corp., whose strategic changes several years ago allowed it to deviate from a struggling company to a much stronger one today. The Miami-based company, who in 1991 enjoyed a net income of over \$9 million, is a medical equipment manufacturer, a business of much competition. It was recently featured in the Miami Herald for its incredible growth during the past 3 years. The article "Cordis Corp.: Strategic Change Spur Rebound" tells of its accomplishments:

When it came to corporate turnarounds, the judges had just one thing to say: Cordis.

The company made a major strategic change several years ago, moving from the manufacture of heart pacemakers to artery-clearing angioplasty equipment. Since then, it has come back healthier and wealthier than anyone ever expected.

It has kept its product line narrowly specialized. It has tapped global markets. And it has grown very quickly.

For the six months ended Dec. 31 Cordis earned \$10.2 million, or 71 cents a share, compared with \$7.9 million, or 58 cents a share, for the same period a year earlier. Six-month sales were \$105.4 million, compared with \$94.9 million in 1990.

Sales of angiographic equipment, the bulk of Cordis' business, increased 13 percent. Sales of neuroscience products, a new field, jumped 10 percent.

Those increases are particularly impressive, Mobley said, considering the tough competition in the health-care sector.

Fedor said Cordis has made a remarkable comeback, considering it divested more than half the company.

"They've come from nowhere all the way back to be a stronger company than they were three years ago," he said.

Kraft said it is unusual for a company to pull off such a strategic about-face so quickly.

"Their success is due to management that shifted focus and found a new niche," he said.

Hille said the key to Cordis' successful turnaround was that it developed new markets in conjunction with its new focus.

"This is a company with a narrow product line that has been able to penetrate a world market very quickly," he said.

Wyman praised Cordis for steady improvement in its return-on-equity, a key indicator of financial health.

Mr. Speaker, I commend Cordis Corp. and its talented management for its prosperous efforts to become a better company. In these difficult economic times, the company's quick and successful turnaround is admirable to all in the business world.

WE NEED REAL LEGISLATIVE PROCESS REFORM NOW

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. McEWEN. Mr. Speaker, There was an unfortunate time in the 1970's when the U.S. military, and those who wore the uniform of this Nation, were held in low esteem by many Americans.

Stories of \$600 toilet seats, \$200 screwdrivers, and \$5 nuts and bolts that cost a nickel at the local hardware store. All those stories brought disgrace to the Pentagon and every single serviceman.

There was some mismanagement in the Armed Forces. There was never an excuse, and never will be an excuse, for \$600 toilet seats and such.

But, that didn't mean every man and woman who served their Nation in the Armed Forces was dishonest or wasteful. Quite to the contrary, there were still excellent people serving this Nation with honor and professionalism.

This House is presently held in just such a state of low regard. Rather than overpriced screwdrivers and bolts, the House post office, restaurant, and pay disbursement office have proven to be horribly mismanaged.

Those management disasters have brought shame to every Member of Congress.

Nevertheless, just as it was wrong to condemn every soldier, sailor, and airman who served in the Armed Forces because of abuses in the Pentagon procurement system, it is wrong to blame every Member of the House for the post office and bank problems.

There are administrative problems in the House. The Democrat leadership tried to manage, or should I say mismanage, support services such as the post office and restaurant the same way they've done it for the past four decades of one-party rule in the House.

The single most important thing that the American people must understand about this management system is that it is completely partisan. One party, the majority, the Democrats, they run this place. Essentially, every management decision is made on the other side of the aisle.

They consider it bipartisan when they ask for advice. But usually the House Republicans read about these administrative disasters in the paper, rather than participate in the process.

House Resolution 423 begins to address those problems by attempting to develop a nonpartisan administrative structure. Even that limited goal is unattainable because the

Democrats, at the very time that Congress is held in utter disrespect by the American people because of failed administrative management, have crafted a partisan response. A purportedly bipartisan administrative subcommittee—three Democrats and three Republicans—would refer tied measures to the utterly partisan full House Administration Committee.

Even now, the Democrat leadership refuses to accept true bipartisanship when it comes to running the restaurant and post office.

Considering that bipartisanship is too much to ask for with important matters such as serving lunch in the House dining room, is there any surprise that truly needed reforms in the legislative process are far too much to hope for.

The American people need to understand the legislative process in the House is run completely by the Democrats.

If you think administration of the post office is a partisan issue to the Democrats, you can't imagine the level of partisanship on the Rules Committee, or just about anywhere else in this legislative process.

The Honorable minority leader, Mr. MICHEL, has tried his best to make some needed reforms in the legislative process along with correcting the administrative problems.

The post office, restaurant, and bank may make the front page of the papers, but they don't effect the lives of the American people. The problems with this partisan legislative process run by the Democrat leadership do hurt the American people.

The legislative process in this House needs serious reform. The Democrat leadership, which runs roughshod over the minority on a regular schedule, obviously oppose these real reforms.

They say we don't have time. They say "solve the administrative problems now, and we'll work on the other stuff later." Sure.

Quite simply, we need real legislative process reform now. That's the real important issue. Anyone can figure out that the post office, restaurant, disbursement office, and other services shouldn't be partisan and political.

The real reforms that will help this country are in the legislative process. Support an open rule for once. Support the Michel reforms. Support reforms that matter so this Congress can work for once.

UNITED STATES FACES CHALLENGES ON MANY FRONTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. EDWARDS of California. Mr. Speaker, our distinguished colleague from California, the Honorable ANTHONY C. BEILENSON, in a report to his constituents, has set forth his views on some of the major issues facing our Nation. I found his examination of our economy, the need for health care reform, and the role of the United States in a changing world to be insightful and thought provoking.

I'm sure our colleagues would find much food for thought in his commentary, which I am pleased to enter into the RECORD.

REPORTS ON THE ECONOMY, HEALTH CARE REFORM, AND THE UNITED STATES ROLE IN A CHANGING WORLD

(By Congressman Anthony C. Beilenson)

1. PROMOTING ECONOMIC GROWTH

Leading economists are predicting that the U.S. will emerge from the recession sometime this year, but most expect the recovery to be weak. In an attempt to help end the recession, President Bush and Congress have been trying to enact some tax cuts, even though that would likely make the economy worse in the long run without doing much to help it now.

Responding constructively to this recession has been far more difficult than it was in previous downturns because we face two very different economic challenges: ending the recession, and reversing the far more serious long-term problem of slow growth caused by too much borrowing and spending, and too little savings, investment, and productivity. Unfortunately, the traditional remedy for recession—deficit spending—is precisely the opposite of what is needed—lower deficits—to promote sustained economic growth and strengthen our ability to compete in the global market.

The budget deficit problem

As economists have been saying for years, reducing our federal budget deficits is the most important step the government can take to increase jobs and productivity. Cutting federal borrowing would free up more of our nation's limited pool of savings for private capital investment. At the same time, by reducing the amount of money required to pay interest on the national debt (now more than \$200 billion a year), more tax dollars would be available for investment in public programs.

To put our deficits and debt in perspective, it took the United States almost 200 years to accumulate a total national debt of \$900 billion. But in just the last 11 years, that debt has quadrupled to \$3.6 trillion because of our staggering annual budget deficits. No relief is in sight: this year's deficit is expected to be \$400 billion and, even under optimistic assumptions, the government will continue to borrow more than \$200 billion annually for years to come unless the President and Congress enact sizeable spending cuts or tax increases.

A tax cut?

Republicans and Democrats began wrangling over different tax-cut plans after President Bush challenged Congress to pass his proposal by March 20. The President's plan emphasized capital gains tax cuts and tax breaks for certain business activities, most notably real estate. The packages approved by the House of Representatives and the Senate contained many of the tax breaks proposed by the President, but also provided a modest amount of tax relief for middle-income families, and an increase in the top tax rate for high-income earners.

When the House considered this legislation, I voted against all the tax-cut alternatives. None of the measures would have done much to stimulate the economy now, and all of them would have made it worse in the long run by plunging us further into debt. Fortunately, it now appears unlikely that anything but a very limited tax-cut bill, if any at all, will be signed into law.

Real help for the economy

Many economists believe that lower interest rates are beginning to generate new economic activity and, in fact, will do more to help the economy than any action Congress

or the President can take. That is not to say that Congress should not do anything. We ought to be spending more money to improve the skills of our work force and update our infrastructure. More investment in such areas as education, job training, research and development, new technologies, and roads and bridges is essential if we are to compete successfully in the international marketplace and create jobs that pay steadily rising wages. And more spending in those areas would also create jobs right now.

We should pay for that additional spending—so that we do not increase the deficit—by raising modestly the tax rate on income over \$200,000. We should also use the savings from cuts in the defense budget (which ought to be about double the five-year, \$50 billion reduction proposed by President Bush) on investment that will generate jobs, including the conversion of defense facilities into civilian plants which could use existing workers and equipment to make commercial products. The House of Representatives has approved a budget plan for 1993 which takes some important steps toward reducing the amount of money spent on defense and increasing the amount spent on domestic programs, but we ought to be moving faster in that direction.

Once the economy begins growing again, we must return to reducing our annual budget deficits and slowing the growth of the national debt. Until we find a way to live within our means, we will not be able to ensure rising living standards for Americans. Nor will we be able to make any substantial progress in addressing the pressing problems we are facing in such areas as education, health care, infrastructure, public safety, illegal immigration, and environmental protection. Solving the deficit problem is the key to solving virtually every other problem our nation faces.

2. RESCUING OUR HEALTH CARE SYSTEM

The cost of health care is continuing to rise at more than double the rate of inflation, while growing numbers of Americans are unable to afford the care they need. Everyone agrees that the system needs to be fixed, but no consensus has yet emerged on the best way to do that.

What's wrong with our system

Besides the 40 million Americans who have no insurance at all, an additional 50 to 60 million Americans have inadequate insurance. And even people who have sufficient coverage know that they can lose it in a moment if they change jobs or if their employer changes or drops the company's health benefits plan.

Many employers are in fact already cutting back on the health benefits they offer because of the skyrocketing cost of health insurance. Sometimes they have no choice: if just one employee of a small business has an illness requiring costly health care, the company might be unable to obtain any insurance at all.

Insurance coverage for older Americans is also insufficient. Almost all Americans over 65 are covered by Medicare, but that program—despite the fact that it is projected to quadruple in cost over the next decade—provides no coverage for long-term care, and leaves beneficiaries spending an average of 17 percent of their income for medical care.

Incredibly, we are spending almost twice the average amount per person that Europeans spend on health care. And the problem is only getting worse: if we don't revamp the system soon, health care costs will increase to about 17 percent of our gross domestic

product—up from 6 percent in 1960—by the year 2000.

To make matters even worse, costs are distributed unfairly. A disproportionate share of the high cost of health care is being borne by small businesses and by individuals who buy their own insurance because they cannot negotiate discounts with insurers as large companies and federal, state, and local governments can. And everyone who has private insurance pays more for it because hospitals and doctors commonly shift part of the cost of treating uninsured patients to privately insured patients.

Solving the problems

Three principal ways of addressing these problems have emerged:

Tax Subsidies for Purchasing Insurance

President Bush has proposed providing tax credits and deductions to help people buy their own insurance, along with some market reforms to help those who have been denied coverage because of pre-existing health conditions. The President's plan would cost about \$35 billion a year, but he did not propose a way to pay for it.

Among the major plans being discussed, the President's would cause the least amount of change for health care providers, insurance companies, and businesses in general. But it has two major flaws (besides the fact that it would greatly increase the federal budget deficit): it would not ensure coverage for everyone; and it would do next to nothing to help control rising health care costs or solve the cost-shifting problem.

Play or Pay

Many members of Congress support an approach that has come to be known as "play or pay." Under this plan, all businesses would be required to provide insurance for their employees, or to pay a per-worker tax enabling their employees to participate in a government-sponsored health insurance program. Older Americans would continue to be covered by Medicare, and everyone else would be eligible for some type of government-sponsored insurance.

A play-or-pay plan would guarantee coverage for everyone, and it would avoid a disruptive change to the health care industry. But, like the tax-subsidy approach, it would pour more money into a health care system that already costs too much while doing little to control those costs.

Single Payer

Other members of Congress, including myself, are supporting a plan under which the government would provide health coverage for everyone, for all necessary services, including nursing-home care. Although it would be paid for through payroll and income taxes, all but the wealthiest five percent of Americans would actually pay less for health care, through their taxes, than they pay now for health care through insurance, hospital and doctors' fees, prescription drugs, and other health-related expenses combined. Patients would be free to choose their own doctors and other health care providers.

Immense savings are possible under a single-payer plan because the entire system would be on a budget within which doctors' fees and hospital charges would be negotiated annually. In addition, by having one insurance plan for everyone rather than the myriad of public programs and the thousands of private insurance plans we have now, administrative costs would be reduced dramatically.

Some worry that this approach could lead to waiting periods for elective surgery, as it

sometimes does in Canada, whose system is the model for this plan. But even if that turned out to be case, it would be a price worth paying for ensuring that everyone has access to the care they need and that no one would ever face bankruptcy because of an illness. Equally important, a single-payer plan is also the only alternative that would keep health care from consuming an ever-increasing share of our nation's wealth, draining our resources away from more productive uses, and hurting our ability to compete in the global marketplace.

Although a number of congressional committees have been holding hearings on health care reform, a comprehensive bill in this area is unlikely to be signed into law this year. Whether we enact legislation next year depends largely upon who is elected President in November and whether he can gain the support of Congress for the particular plan he favors.

3. PLAYING A CONSTRUCTIVE ROLE IN THE WORLD

Foreign policy issues have been all but ignored in Washington this year as President Bush and Congress concentrate on the economy and other domestic problems. But no matter what difficulties we face at home, we cannot afford to relinquish our responsibilities in global affairs. We are still the only nation to whom the majority of peoples in the world look for political, economic and moral leadership—and, as the most powerful nation on earth, we have special obligations that no other country has.

Now that the Cold War is over, we have an exceptional opportunity to begin concentrating on issues where U.S. leadership can make the difference between whether or not future generations of Americans live in a safe and humane world and enjoy a decent quality of life. Our top international goals should include helping other nations establish democratic governments, preventing regional conflicts, stopping the proliferation of sophisticated weapons, slowing population growth, and protecting the earth from further environmental degradation.

Promoting democracy and stability abroad

The U.S. needs to be playing a large role in fostering democracy abroad—particularly this year, as we witness emerging governments in the former Soviet Union and eastern Europe struggling to establish and maintain viable democracies. Through diplomacy and such means as trade agreements and assistance from international lending institutions, we could be doing much more to ensure the success of these nascent democracies. Similarly, many countries in our own hemisphere could use more help from us in strengthening the often-fragile democratic rule.

Promoting democracy is important from a human rights perspective, of course. But it also enhances our own security. Popularly elected governments seldom start wars of aggression against their neighbors—wars that often end up involving others, including ourselves. The Persian Gulf war is an obvious example, and our failure to push harder for democratic reforms in Middle Eastern nations has been one of the more disappointing aspects of our post-Gulf war policy.

Resolving regional conflicts

The U.S. also needs to take a stronger role in preventing and, when necessary, helping to resolve regional conflicts. The most useful policy we can pursue is to support the United Nations in its growing role of negotiating solutions to conflicts and monitoring and enforcing peace agreements. Even though the

cost of U.N. peacekeeping is increasing (primarily because of missions in Cambodia and Yugoslavia), it is an enormous bargain compared to the costs of fighting a war we might otherwise be drawn into—and compared to the costs of a defense establishment we would otherwise have to maintain. Our share of the cost of U.N. peacekeeping will be \$800 million this year; fighting the war in the Persian Gulf last year cost the U.S. \$1.5 billion a day. While we are downsizing our own military, it makes sense to use a modest amount of the savings to support international efforts to keep the peace.

Halting weapons sales

Besides supporting collective action through the U.N. as an alternative to costly and risky unilateral action by the U.S., we ought to establish as a principal objective of American foreign policy a determined effort to end sales of advanced weapons to developing nations.

The most likely military threats facing us today and for the foreseeable future are from authoritarian regimes, such as Saddam Hussein's in Iraq, which are eager to acquire whatever high-potency weaponry they can lay their hands on. Sadly, current U.S. policy does more to help distribute sophisticated weaponry than to halt it. We are the largest provider of conventional arms to the developing world, having sold over \$18 billion worth of advanced weapons to Third World nations in 1990 alone. In addition, more than half of our \$15 billion foreign aid budget consists of military assistance for many of these same governments.

It is in our own best interest to stop transferring arms ourselves, and to press other arms-producing nations (most of whom are our good friends and allies) to halt them as well. Slowing the proliferation of weapons is the right and moral thing to do; it is an effective means of lessening the likelihood of regional conflicts into which we might be drawn; it would save U.S. taxpayers' money both by lowering the cost of foreign military aid and by enabling us to spend less of our own defense budget. And it would help build a better world, in which impoverished countries could devote their resources to providing for the needs of their people rather than developing their military capabilities.

Reducing population growth

In addition to our traditional foreign policy focus on military threats to our security, we must begin addressing much more seriously the problems of population growth and environmental degradation throughout the world.

The most urgent problem mankind faces for the remainder of this century and beyond is the rapid growth of the human population. More than a quarter of a million babies are born every day, 90 percent of them in the poorest nations in the world, where populations are now doubling every 20 to 25 years. This rapid growth is far outstripping the ability of those countries to provide food, shelter, and jobs for their people, as well as taking a huge toll on their resources—decimating forests, eroding fragile soil, and polluting and exhausting water supplies. More and more land is becoming desert, and tens of millions of people are moving to increasingly crowded urban slums, living in desperate conditions that often lead to political unrest.

Even though the natural growth of U.S. population is moderate, we are feeling the effects of rapid growth in the rest of the world as hundreds of thousands of immigrants enter the U.S. each year. Southern Califor-

nia, in particular, has become a magnet for many who are fleeing difficult economic and environmental conditions in their homelands. Although we should be doing much more than we are at the moment to control illegal immigration, all the resources we can possibly muster for that task will not stop people from finding their way into the U.S. if these enormous population pressures continue to mount.

The most useful and humane step that we can take to slow population growth is to continue a substantial amount to the United Nations-led effort to ensure that family planning services are provided to everyone who wants them by the year 2000. The U.N. plan projects that if voluntary family planning services were available universally by the end of the decade, the world's population would eventually stabilize at about 10 billion, rather than the 15 billion currently projected.

Unfortunately, the abortion issue has crippled U.S. aid for international family planning. Over the last decade, both Presidents Reagan and Bush have vetoed or threatened to veto any foreign aid bill which contains funding for family planning organizations that pay for abortions—despite the fact that those organizations are already prohibited by law from using U.S. funds for that purpose.

One cost-free way to increase our support for international family planning programs would be to eliminate most bilateral aid for economic development in Third World nations and offer, instead, generous amounts of assistance for family planning. No matter how much economic aid is poured into those countries, there will be no noticeable improvement in the living conditions of their people if they do not curb their population growth.

Protecting the environment

The U.S. also needs to take a more vigorous role in leading efforts to reverse the many different kinds of serious environmental damage occurring throughout the world.

We did help forge an international agreement to phase out of the use of chlorofluorocarbons (CFC's), the prime culprit in the thinning of the ozone layer. And, because of newly discovered ozone damage, we have moved to halt CFC production even faster than originally planned. But the Bush Administration has been reluctant to commit to stabilizing emissions of carbon dioxide, the primary cause of the global warming phenomenon. Because our country is responsible for one quarter of the world's carbon dioxide emissions, little progress can be made in reducing them without our cooperation.

Global warming will be one of the key issues at the United Nations Conference on Environment and Development (the "Earth Summit") in June, where the U.S. will have an opportunity to take the lead in promoting international action on the environment. In addition to global warming, the conference will address deforestation, air and water pollution across international boundaries, toxic waste, and other matters. Along with like-minded colleagues, I have urged President Bush to attend the conference, as many other heads of state plan to do, to make it clear that our country is fully committed to solving these problems.

The U.S. should also be striving to include environmental protection measures in trade agreements negotiated with other nations. A group of us in Congress have been urging that the Bush Administration incorporate strong environmental provisions in both the

new round of General Agreement on Tariffs and Trade (GATT) and the proposed North American Free Trade Agreement (NAFTA). It is essential in the latter agreement to ensure that Mexico does not become a haven for businesses seeking to avoid stricter environmental protection required by U.S. law.

Now, with the East-West rivalry gone, it is more possible than ever to offer our leadership and help on a wide array of issues—and it is necessary for us to do both to serve our own interests and the broader concerns of all humanity.

TRIBUTE TO THE DUKE UNIVERSITY BLUE DEVILS BASKETBALL TEAM

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. VALENTINE. Mr. Speaker, I rise today to salute the remarkable achievement of an outstanding group of scholar-athletes from Durham, NC—the Duke University Blue Devils basketball team.

On Monday night, two outstanding academic institutions—Duke and the University of Michigan—played in the final game of the NCAA Basketball Tournament. Both of these teams truly represent the best and brightest of American higher education today.

I am tremendously proud of Coach Mike Krzyzewski and all of the Blue Devils. Their unique ability to mix scholarship and athleticism provides a positive example for the students of this Nation to follow. Duke has established and maintained the highest standards both educationally and athletically, and I take great pleasure in highlighting their most recent accomplishment.

The Blue Devils' string of victories in the postseason tournament was impressive, and their record of achievement on and off the basketball court has been unparalleled. In fact, I suggest that head coach Mike Krzyzewski bring his team up to Washington to help us clean up our image. Maybe their being here will help bring up our sagging poll numbers.

Mr. Speaker, I take great pride in representing the best congressional district in the United States, and I am pleased that I can say again this year that I represent the best college basketball team as well.

A SALUTE TO AMBASSADOR JOSEPH VERNER REED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DYMALLY. Mr. Speaker, people always seem eager to spread bad or negative news. I would like to take this occasion to do just the opposite. I recently heard His Excellency Chitmansing Jesseramsing, Ambassador of Mauritius, pay high tribute to former United States Chief of Protocol Joseph Verner Reed, who retired from this position last October.

Ambassador Reed now serves as Under Secretary General of the United Nations and

Special Representative for Public Affairs. Prior to his tenure as Chief of Protocol, he was Under Secretary for Political and General Assembly Affairs—the highest ranking American in the U.N. Secretariat—and, before that, was United States Ambassador to Morocco. He came from, and returned to what he refers to as "The Parliament of Man," much to the delight of the diplomatic community.

It is a proud moment when a foreign diplomat speaks so highly of a top U.S. official, and states why he has been so effective. I think His Excellency's remarks should be shared with you and the American public, and hereby submit them for inclusion in the CONGRESSIONAL RECORD.

Ambassador Jesseramsing represents the small multiparty, democratic island nation of Mauritius in the Indian Ocean, off the East Coast of Africa, which became a new Republic on March 12 of this year. He came to the United States about 25 years ago and is one of the longest-serving diplomats and a suave, discerning observer of American life. He also serves as envoy to Canada and to seven countries in Latin America and the Caribbean.

Leonard H. Robinson, Deputy Assistant Secretary for African Affairs, says Ambassador Jesseramsing does well at that. Mauritius, he states:

Is looked upon as the Hong Kong or Singapore of the African orbit, but it is also an unknown country and has little weight in the world at large. Jesseramsing doesn't have a lot of blue chips to play but he has done a marvelous job of keeping this little island nation visible in Washington.

As a developing country, Mauritius has been able to forge one country out of many different cultural strains and languages. In this way, Jesseramsing likens his nation to the United States. "My country has been called the crucible of God's laboratory," he says. "People have come from all over the world, yet they have kept all their cultures alive. That is also the strength of the United States." It is in this vein—of recognizing differences but also appreciating the contributions which each group of people and each nation make to the international community. That, Jesseramsing speaks of Reed.

Ambassador Jesseramsing came to know Ambassador Reed well when Mauritius Prime Minister Sir Anerood Jugnauth came to the U.S. on an official visit. Also, as dean of the Commonwealth Ambassadors, Jesseramsing followed closely what he called "the excellent manner in which he [Reed] shepherded H.M. Queen Elizabeth II during her 1991 visit to Washington."

In his remarks, Ambassador Jesseramsing commented on the erroneous mental pictures brought to the minds of many by the phrase "Third World." He went on to state that many assume the term equates with either poverty and/or lacking in sophistication.

Not so with former U.S. Chief of Protocol Joseph Verner Reed. He will be missed especially by countries whose economy and population do not compare well with the wealth and size of the United States and whose cultural heritage might not fit easily into what many consider to be mainstream western civilization.

Unlike some of his colleagues, Ambassador Reed always saw in cultural and other dif-

ferences between nations a unique and rich heritage that bespoke his truly global view and heartfelt conviction that all people are created equal. He had a true understanding of the pride other people take in their own national heritage of culture and custom.

There is much to be said for this man who, for nearly three years, balanced graciousness and propriety with a depth of real concern and caring for foreign diplomats from nearly 150 different embassies. With his prior service at the United Nations, he was devoted to the pursuit of international fellowship. He developed a profound sensitivity to the needs and hopes of emerging nations, especially African nations, and he succeeded in developing a special rapport with the so-called "Third World representatives."

At the same time, Joseph Reed was never lax in his obligations to the larger and/or more economically powerful nations. They were as much a part—no more, no less—of his "diplomatic beat."

He promoted international brotherhood in his own special, inimitable fashion. He was not one who bandied slogans; rather, he let his actions speak for him. As a result, he earned the respect and admiration of virtually every member of the international diplomatic community in Washington, as well as in other capitals of the world.

My colleagues in the diplomatic world and I experienced Ambassador Reed's enduring friendship. In the embassy milieu, true friendship is a most valued item. Two of the important ways in which Joseph Reed exhibited his friendship were sharing information in a timely fashion and always being available when needed. For these reasons, Jose Luis Fernando Lopes, former dean of the diplomatic corps, praised Reed for "facilitating exchanges of vital importance to our respective nations."

Other qualities which drew Joseph Reed to those who knew him were his genuine sense of humor, his truthfulness, and his exceeding tact. He was knowledgeable and highly principled. He was an accomplished diplomat who held a fierce loyalty to his country and to his President.

Probably most endearing to his friends was his exuberant personality. He always gave the impression he was excited about his post. It was never just a job; it was a commitment. And that was the standard against which he measured his own performance.

It was an exacting standard. But it was tempered with being able to take everything in stride. He faced life with an infectious smile and with an acute understanding that the American novelist F. Scott Fitzgerald was wrong when he wrote, "The rich are different from you and me."

To Joseph Reed's way of thinking, neither that dictum nor its corollary (that the haves-nots might be essentially different from the haves) was ever a serious consideration. This "Mr. Right" of the American diplomatic stage held the conviction that every ambassador—from whatever country—was far more than just a "bit player" in the act. Simply stated, "That's class."

Joseph Verner Reed is, indeed, a class act. In fact, he has set a new standard for that rare designation. Truly, he is a man for all seasons.

THE 50TH ANNIVERSARY OF THE COUNCIL OF NATIONAL LIBRARY AND INFORMATION ASSOCIATIONS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. OWENS of New York. Mr. Speaker, I rise today to extend my congratulations to the Council of National Library and Information Associations [CNLIA], which this year is celebrating its 50th anniversary. The council is an organization founded to promote cooperation and coordination among national library associations. Since 1942, it has served as a forum in which library and information associations have been able to discuss their common problems.

A list of successful projects which were originally conceived and developed through the council includes the Bowker Annual of Library and Book Trade Information; the American National Standards Committee (Z-39). On Library Information Sciences and Related Publishing Practices, which became a prime influence in the formulation of national standards of modern information services; and the U.S. Book Exchange. The latter grew out of the council's first project in 1945, the American Book Center for War Devastated Libraries, later to become the Universal Serials and Book Exchange, Inc.

Other activities of the council have included the fostering of the start and development of the library manpower project, the revival of Who's Who in Library and Information Services, and the establishment of a study group on library education which suggested the creation of the Continuing Library Education Network and Exchange [CLENE]. In addition, CNLIA was a major force in the library community in seeing that the U.S. Congress passed revisions to the Copyright Act of 1976 which struck a balance between the rights of creators and users. It has also been credited with crafting the notice used by libraries to alert individuals that the materials they are photocopying could be protected by the Copyright Law.

Today, the Council continues to be active in the library world. The membership now numbers 19 library associations. Each member is usually represented on the Council by its president and one appointed delegate. The following library associations are current members: American Association of Law Libraries, American Library Association, American Society of Indexers, American Theological Library Association, Art Libraries Society of North America, Association of Christian Librarians, Association of Jewish Libraries, Catholic Library Association, Chinese American Librarians Association, Church and Synagogue Library Association, Council of Planning Librarians, Library Binding Institute, Lutheran Church Library Association, Medical Library Association, Music Library Association, National Librarians Association, Society of American Archivists, Special Libraries Association, and Theater Library Association.

As CNLIA looks toward the future, it will continue to promote closer relationships

among its members of in the United States and Canada. Through the individual and collective efforts of these associations, librarians will be empowered to fulfill their rightful role in society.

TRIBUTE TO THE AMERICAN SCHOOL FOR THE DEAF IN HARTFORD, CT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mrs. KENNELLY. Mr. Speaker, I rise today to commend and congratulate the American School for the Deaf, located in Hartford, CT. This institution celebrates its 175th anniversary tomorrow. Founded in 1817, the American School for the Deaf was the first facility in the Western Hemisphere dedicated to continuing special education, and it was and is still today, Connecticut's only educational organization devoted exclusively to serving the deaf community.

This outstanding institution was originally founded by Thomas Hopkins Gallaudet. Gallaudet, a native Philadelphian, moved to Hartford, CT, as a small child. A prominent Hartford surgeon, Dr. Mason Fitch Cogswell was a Hartford neighbor whose daughter had been deafened during infancy. Gallaudet observed Dr. Cogswell's daughter, Alice, and become convinced that she had the ability to learn and communicate. More important, he believed she should be afforded the opportunity to attend school. Dr. Cogswell optimistically considered the prospects for educating not only his daughter but all of the hearing-impaired children in New England. After researching, Cogswell and Gallaudet along with other Hartford leaders determined that a school for the deaf was desperately needed here in America. There were afterall, schools in Europe for the hearing impaired but not one to aid the deaf population in America in the early 19th century. With that in mind, Gallaudet set out to Europe with the intent of mastering a method to educate deaf children. On his journey home, Gallaudet met a deaf French teacher, Laurent Clerc. Over the course of their 55-day journey across the Atlantic, Gallaudet learned the language of signs from Clerc, and Clerc learned English from Gallaudet.

In April 1817, the American School for the Deaf first opened to three students, including Alice Cogswell. And every year since 1817, in April, the American School for the Deaf observes Founders' Day in honor of Thomas Gallaudet and Laurent Clerc.

The American School for the Deaf is celebrating 175 years as a successful educational institution with a long list of accomplishments. Since its opening, the American School for the Deaf has been recognized as both a national and world leader in educating the hearing impaired. In 1920, the school moved from its original location in Hartford to its present location in West Hartford. The utilization of innovative models and instructional techniques was instrumental in its recognition as 1 of the 25 foremost programs in this Nation to prepare students with special needs for employment or postsecondary education.

Among its accomplishments are a series of firsts. Allow me to list these significant firsts. It was the first school in the United States to employ deaf teachers; it was the first school to receive State aid for primary and secondary education and also the first to receive Federal support; the first deaf superintendent of a school came from the school's faculty. In addition, the American School for the Deaf implemented the first vocational education program for the deaf and it continues to offer the only rehabilitative program for deaf adults in New England, and the only program for the emotionally disturbed deaf children in New England. The widely used form of American Sign Language was first created at this school.

This remarkable institution continues to provide comprehensive education and other related services to deaf students and their families—families not only from my State of Connecticut, but to students and families from other States and other countries.

Mr. Speaker, the education of our Nation's youth has always been a priority for me because I believe education is key to our success as a nation. Meeting the needs of our children is a step in the right direction. While we will embark upon reforming our Nation's struggling school system in May, let us not forget that there are schools and institutions across this country that are successful in their mission.

Mr. Speaker, I commend and congratulate this fine institution, the American School for the Deaf, as it celebrates its 175th anniversary tomorrow.

INTRODUCTION OF LEGISLATION REGARDING INVESTMENT TAX CREDIT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DORGAN of North Dakota. Mr. Speaker, today, I am introducing legislation to restore, on a temporary basis, an investment tax credit to help stimulate some much needed economic growth in this country.

I think that a temporary, targeted investment tax credit [ITC] is an efficient and effective device for promoting the kind of investment in machinery and equipment that is needed to spur real growth and productivity in the U.S. economy. A temporary cut in capital costs and increased cash-flow for business entrepreneurs and farmers will provide a spark to the country's economic engines that have sputtered far too long during this prolonged recession.

In my legislation, I have attempted to minimize the potential revenue costs of the bill by targeting ITC only to the purchase of equipment used as an integral part of manufacturing, production, or extraction. Moreover, I expect that such a provision would be included in a comprehensive revenue-neutral economic growth package that would not have an adverse budgetary impact. It just seems to me that we can no longer afford to delay investing in an approach calculated to accelerate economic recovery, to increase productivity in

manufacturing and on our farms, and to help stimulate long-term investments in America's future.

Generally, my bill provides a temporary 10-percent tax credit for investments made in manufacturing and production property that a taxpayer places in service in the United States before January 1, 1994. The normal business credit limitations and recapture rules would apply.

Finally, I believe that the ITC is an approach with a proven track record that can be supported by both the Congress and the President. And I think that Congress should act quickly to pass an ITC, while there is still an opportunity to help get the Nation's economy back on track.

A detailed summary of the bill follows:

SUMMARY
IN GENERAL

This legislation provides a temporary investment tax credit for certain property that is used as an integral part of manufacturing, production, or extraction activities. The amount of the credit generally equals 10 percent of the adjusted basis of the property. The credit generally is allowed for property that is placed in service after the date of enactment of the bill and before January 1, 1994.

DEFINITION OF QUALIFIED PRODUCTIVE PROPERTY

The ten-percent tax credit is allowed only with respect to "qualified productive property." For this purpose, qualified productive property is defined as tangible property (other than a building or its structural components) that is used as an integral part of manufacturing, production, or extraction but only if: (1) a depreciation deduction is allowable with respect to the property for federal income tax purposes and the useful life of the property is at least three years; (2) the original use of the property commences with the taxpayer; and (3) the property is placed in service after the date of enactment of the bill and before January 1, 1994.

For the purposes of the bill, the term "manufacturing, production, or extraction" includes (1) the construction, reconstruction, or making of property from scrap or salvage, as well as from new or raw materials; (2) the cultivation of the soil and the raising of livestock or other agricultural produce; (3) the mining, processing, and refining of minerals, including oil and gas; (4) the processing of food; (5) the cultivation of orchards, gardens, and nurseries; (6) the construction of roads, bridges, or housing; (7) the operation of sawmills and the production of lumber products; and (8) the rebuilding of machinery.

The credit provided for by the bill generally is not allowed with respect to any property which is used predominately outside the United States. In addition, the credit is not allowed with respect to any property to which the energy credit of present law or the rehabilitation credit of present law applies, unless the taxpayer elects to not claim such credits.

DETERMINATION OF AMOUNT OF CREDIT

Under the bill, the amount of the credit for any taxable year generally equals 10 percent of the aggregate basis of qualified productive property placed in service during the taxable year. To enhance the incentive under the bill for taxpayers to purchase assets with longer economic lives, the entire basis of the qualified productive property with a useful life exceeding three years under the accelerated

cost recovery system is eligible for the 10-percent credit. However, in the case of qualified productive property with a three-year useful life under the accelerated cost recovery system, only 60 percent of the basis of such property is taken into account in determining the amount of the credit.

OTHER RULES

The adjusted basis of any qualified productive property is reduced by the amount of the credit allowed with respect to such property. In addition, the at-risk rules and recapture rules (if property is prematurely disposed of) provided for by present law apply to property for which a credit is allowed under the bill. Finally, the credit provided for by the bill is included as a general business credit and, thus, is subject to present-law rules that limit the total amount of certain business-related credits that may be used for any taxable year.

EFFECTIVE DATE

The bill applies to qualified productive property that is placed in service after the date of enactment of the bill and before January 1, 1994. In the case of qualified productive property that is constructed, reconstructed, or erected by a taxpayer, the bill generally applies only to the portion of the basis of the property that is attributable to construction, reconstruction, or erection occurring during the period after the enactment and before January 1, 1994.

THE U.S. NAVY'S FINEST BASS SOLOIST; HOWARD T. PATTON

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HOYER. Mr. Speaker, I rise today to applaud the talent of Howard T. Patton of the U.S. Navy. For whom I have great respect and admiration.

Mr. Patton is a bass vocalist and soloist with the Sea Chanters, the U.S. Navy band's chorus. While with the band Mr. Patton has been recognized as the Navy's finest bass soloist. A personal favorite is "Wind Beneath My Wings". Mr. Patton sings this song with such passion, so that all who hear can appreciate the diversity of his voice and the love he has for music.

Mr. Patton has studied the piano, the organ, and the trumpet. He has received formal voice training from Wright State University in Dayton, OH, the University of Cincinnati, and George Washington University. Mr. Patton has been recognized as a featured soloist with the Dayton Philharmonic and the Cincinnati Philharmonic Orchestra. And has performed the complex classical works of Bach, Beethoven, Handel, and Haydn. Mr. Patton's appreciation for music and his commitment to enrich the lives of others has led him to learn and perform songs in French, German, Latin, and Hebrew.

Born of African-American decent in Dayton, OH, Mr. Patton has dedicated his life to encouraging and uplifting people through his music.

Mr. Speaker, it is with great pleasure that I recognize the talent of Mr. Howard T. Patton, one of the Navy's finest as well as a fine citizen of the United States.

HONORING THE 100TH ANNIVERSARY OF THE WESTERN PENNSYLVANIA HOSPITAL SCHOOL OF NURSING

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. COYNE. Mr. Speaker, I am very pleased to speak today in honor of the Western Pennsylvania Hospital School of Nursing. Between April 24 and 26, over 1,000 alumni and guests are expected in Pittsburgh to celebrate the 100th Anniversary of this esteemed school of nursing.

Nursing has changed in many remarkable ways over the course of the past one hundred years. Still, one characteristic of nursing which has gone unchanged is the commitment to providing quality care for the injured and the ill.

The West Penn Hospital School of Nursing has played an active role over the past century in educating and training nurses. Nursing and the education of nurses has changed remarkably from the early days when student nurses would sweep and mop the floors of their units, boil surgical instruments, plan patient menus, and scrub and disinfect beds. The training and commitment to professionalism found at West Penn School of Nursing has contributed to the development of nursing. West Penn has played an active role in ensuring that the nursing profession obtain much of the respect and stature to which it has long been entitled.

In September 1892, West Penn Hospital established the School of Nursing and began training its inaugural class of 17 students. During this first year, West Penn admitted male students and became one of the nursing schools in the United States to admit men. Within 5 years, the student body grew to 45 students, including 9 men.

These students experienced a rigorous training schedule which began at 6:45 a.m. daily with rollcall and uniform inspection. At the same time, these future nurses were aware that they were receiving one of the best nursing educations available anywhere in the world.

The West Penn School of Nursing grew along with the great demands for skilled nurses during the First World War. School enrollment grew to 200 students. Many of the graduates would serve their country in military service caring for fellow Americans and others wounded or injured during that war.

The growth of West Penn School of Nursing led to the establishment of new facilities at the school's present location in the Bloomfield community of Allegheny County. By 1923, construction began on a School of Nursing dormitory and the classroom structure at the present location.

The outbreak of the Second World War again witnessed significant contributions by nursing students from West Penn to the Army Nurse Corps. West Penn also soon became the first hospital nursing programs in Allegheny County to affiliate with a college and offer a bachelor's degree. In addition, West Penn became one of the first nursing schools to become accredited.

Today, graduates from the West Penn School of Nursing receive state-of-the-art health care training. In addition to the intensive academic work that students complete during a 2-year diploma program, students who wish to may obtain a baccalaureate degree with an additional 2 years of study onsite at West Penn through an affiliation with Clarion University of Pennsylvania. Nursing students also enjoy the benefits of studying nursing in Pittsburgh with its many internationally renowned medical facilities. This dynamic health care environment provides West Penn nursing students with regular contact with professionals and technologies which are at the cutting edge of modern medical science.

West Penn has been a leader in expanding the role of nursing among health care professionals. These women and men are trained to take their rightful place alongside other health care professionals in providing the best possible care for their patients.

Mr. Speaker, I am pleased to join in commending the contributions of West Penn School of Nursing to the development of health care excellence in our country. I wish the alumni, the school's professors and staff, and its students the very best as West Penn begins its second century.

EDWARD "REDDY" GEORGE IS
FIREFIGHTING LEGEND IN
BALLSTON SPA, NY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SOLOMON. Mr. Speaker, in rural districts like New York's 24th, citizen volunteers are the only fire protection we have. That is why I was a volunteer fireman for more than 20 years. And that is why I have such enormous respect for someone like Edward George of Ballston Spa, who's been a volunteer firefighter for 70 years. That is longer than most people have been alive.

Volunteer firefighters like Edward George save countless lives and billions of dollars worth of property every year. I think it is in recognition of such long service that friends of Edward George, those who knew him by his nickname of Reddy, are planning a banquet in his honor on April 25. I certainly plan to be there.

Reddy is going on 89, and he's been one heck of a firefighter for a long time.

But that is not all. He was Ballston Spa police chief in the midfifties and undersheriff of Saratoga County for 2 years. He also had quite a reputation as a semipro football player and a baseball catcher back in the 1920's. And he used to own and train trotters.

But he is best known for his long service to Union Fire Co. No. 2, which he joined in October 1922. We can all imagine the changes in firefighting tactics and equipment since that time. One thing has not changed and that is his dedication.

Reddy was second assistant foreman in 1931-32, first assistant foreman from 1933-40, and second chief in 1942. Naturally, he is not quite as mobile as he used to be, but it

seems as though just a few years ago he was still driving firetrucks around.

Mr. Speaker, what would the communities of America be without people like Edward George?

Please join me in paying tribute today to a great firefighter and a great American, Edward Reddy George of Ballston Spa, NY.

USDA'S ANIMAL AND PLANT
HEALTH INSPECTION SERVICE
CELEBRATES 20TH ANNIVERSARY

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DE LA GARZA. Mr. Speaker, I rise today to recognize the Animal and Plant Health Inspection Service [APHIS], an agency of the U.S. Department of Agriculture, on its 20th anniversary.

APHIS is one of the Department of Agriculture's most important regulatory agencies. Its primary responsibility is to protect American agriculture and the American public from plant and animals pests and disease and from damage caused by predators and certain nuisance wildlife. In addition, APHIS enforces Federal laws for the human care and treatment of animals.

The agency carries out its responsibilities through a number of programs and activities here in the United States and abroad. It conducts pest exclusion activities at our Nation's borders, facilitates exports, carries out cooperative control and eradication programs, maintains domestic and international pest and disease surveillance, conducts animal damage control, ensures that animal biological products are safe and effective, and regulates the release of certain genetically engineered organisms.

Since its creation on April 2, 1972, APHIS has achieved several successes. It has successfully brought under control outbreaks of animal disease such as exotic Newcastle disease in birds and hog cholera in swine. APHIS has also tackled such plant health emergencies as the Mediterranean fruit fly and citrus canker. The agency has been engaged in a long-term effort to eradicate the boll weevil and brucellosis that will also hopefully be successful.

I am particularly proud of the work APHIS has done in eradicating the screwworm from the United States and Mexico. This parasitic blowfly in years past has caused serious losses to the livestock industry of the Southwestern United States and has threatened human health as well.

Through USDA efforts the screwworm was eradicated from the United States in 1966. With APHIS support, Mexico was declared screwworm free in February 1991. Now the agency is engaged in cooperative efforts with several Central American governments to eradicate the screwworm from that area, too.

APHIS activities in the years ahead will be extremely important. Global agricultural trade continues to expand bringing with it the need to be vigilant in protecting the health of our

own agricultural sector. The agency's role will be particularly important if the proposed North American Free Trade Agreement becomes a reality.

Mr. Speaker, I congratulate APHIS on its 20th anniversary as a protector of American agriculture and the American public. And I comment its employees for their dedication and success in carrying out the agency's mission.

CONGRATULATIONS TO THE
BENTON RANGERS

HON. GLEN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. POSHARD. Mr. Speaker, I rise to congratulate the Benton Rangers for their third place finish in the Illinois class A basketball championships.

If ever there was a basketball hotbed, it's Benton. The team has an outstanding tradition of top players and supportive fans. And the 1991-92 edition did not disappoint.

The Rangers finished this season 26-7, capping it off with a 76-69 win over Augusta Southeastern and a third place finish. That is quite an accomplishment, because in Illinois you don't get to Champaign without earning it every step of the way.

I have always been impressed with the Benton tradition and this team upheld that with distinction, whether in victory or defeat. I am proud to represent the Benton Rangers and the people of Benton in the U.S. House of Representatives.

1991-92 Benton Rangers roster: Brian Kern, Jason Tate, Bryan Drew, Ben Rice, Chad Fuson, JoJo Johnson, Shane Smith, Doug Payne, Kevin Elko, Trampas Diefenbach, Toby Corn, Matt Harmon, Brian Holman, Bryce Kearney, and Travis Kays.

Varsity cheerleaders: Deni Bennis, Niki Harben, Gina Hutchcraft, Melissa Mitchell, Melissa Monroe, Erin Moore, Cara Phillips, Amy Sample, Amanda Smith, and Julie Wright.

Administration: Rod Shurtz, head coach/athletic director; Don Webb, J.V. coach/assistant athletic director; Jeff Roper, sophomore coach; Jeff Johnston, Freshman coach; Mona Williams, ticket manager; Mary Blomdi, cheerleader sponsor; Gary Messersmith, principal; Dr. John O'Dell, superintendent.

HOUSE CONCURRENT RESOLUTION
308

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. GILMAN. Mr. Speaker, today I am introducing House Concurrent Resolution 308, a resolution condemning the military regime in Burma, also known as the State Law and Order Restoration Council [SLORC], for its ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic repression.

SLORC is an international terrorist organization that is causing critical problems for the region, the people of Burma and our own national security.

Refugees from Burma continue to flee to neighboring countries with as many as 500,000 residing in Thailand, Bangladesh, India, and China. Regional stability, already tenuous, is threatened as these nations seek to cope with the huge influx of desperate people. In addition, the Armed Forces of Thailand and Bangladesh have had serious clashes with SLORC's soldiers who were pursuing prodemocracy forces and fleeing refugees.

The Burmese people who won their democratic freedoms through a fair election now live in a constant state of fear of torture, imprisonment, forced labor, rape, and execution. Asia watch reports that there is a "complete lack of basic freedoms" and that there is "continuing imprisonment of thousands of suspected opponents of SLORC."

SLORC's support for their nation's production of opium directly affects our own national security as American communities desperately seek to cope with illicit drug consumption.

The resolution calls on the President to seek an international arms embargo against the State Law and Order Restoration Council until power has been transferred to a legitimate, democratically elected government. House Concurrent Resolution 308, also calls on the President to instruct the Secretary of State to call privately and publicly for an end to China's military sales and economic support to SLORC until such time as all political prisoners are unconditionally released—including Daw Aung San Suu Kyi, martial law is lifted, and the results of the May 1990 elections are fully implemented.

According, I ask that House Concurrent Resolution 308, be printed in full at this point in the RECORD and that my colleagues support the resolution.

H. CON. RES. 308

Whereas, since 1962, Burma, known as the Union of Myanmar, has been ruled by a military dictatorship;

Whereas the founding of the State Law and Order Restoration Council (SLORC) in 1988 signalled a crackdown against pro-democracy demonstrators and anti-government insurgents;

Whereas independent human rights organizations, the United Nations Human Rights Commission, the United States Department of State, and other groups document widespread and continuing human rights violations against students and others exercising their basic rights to freedom of expression, association, and assembly;

Whereas those organizations agree that SLORC abuses against the people include egregious actions such as arbitrary arrests, torture sometimes leading to the death of those in custody, compulsory labor such as forced portering for the military, and unfair trials before military tribunals;

Whereas the United Nations Human Rights Commission on March 3, 1992 voted a unanimous resolution condemning Burma for human rights violations and appointing a special rapporteur to give a public report to the next meeting of the United Nations General Assembly and Human Rights Commission;

Whereas the United States Department of State describes Burma as having one of the worst human rights records in the world;

Whereas in democratic elections held on May 27, 1990 the Burmese people voted by an overwhelming majority for the representatives of the National League for Democracy;

Whereas the National League for Democracy is led by the 1991 Nobel Peace Prize winner Daw Aung San Suu Kyi who has been under house arrest since July 1989;

Whereas the United States recognizes the individuals who won the 1990 elections as the fairly chosen representatives of the Burmese people;

Whereas despite the clearly expressed will of the people of Burma, the military regime headed by generals Saw Maung and Ne Win has refused to transfer power to the people's elected representatives;

Whereas according to the 1992 International Narcotics Control Strategy Report published by the Department of State, the production of illicit drugs in Burma has doubled since the formation of the SLORC in 1988;

Whereas, according to the same Department of State report, Burma is the world's largest source of illicit opium and heroin, producing 60 percent of the world's supply;

Whereas, since 1989, the SLORC has provided both military and economic support to drug trafficking groups and allows them to produce and trade illicit drugs at will;

Whereas the majority of all opium and heroin produced in Burma is exported to the United States;

Whereas drug use in the United States has contributed to or directly caused the death of thousands of Americans, especially young people and the urban poor;

Whereas the SLORC military regime reportedly used proceeds from the sale of illegal narcotics to purchase up to \$1,000,000,000 of arms in 1991 from the People's Republic of China;

Whereas it has been reported that the SLORC purchased these arms through the Chinese Polytechnologies Corporation which is managed by Deng Xiaoping's son-in-law;

Whereas the Chinese arms purchased by the Burmese military regime include tanks, jet fighters, rocket launchers, assault rifles, armored personnel carriers, patrol boats, anti-aircraft guns, and other assorted arms;

Whereas the SLORC uses arms obtained from China and other suppliers to wage war against the pro-democracy forces, including groups such as the Democratic Alliance of Burma and the All Burma Student Democratic Front;

Whereas SLORC repression includes the murder of thousands, the rape of women and young girls, and the enslavement of men, women, and children as porters in Burma army campaigns against minorities and pro-democracy forces;

Whereas the SLORC obtained from China and other suppliers arms to wage war against ethnic minorities and religious groups, including the Karen, Kachin, and Rohingya;

Whereas, in July 1991, the European Community announced a total arms embargo against Burma;

Whereas, in December 1991, the European Community announced that they would no longer accelerate military attaches to Burma;

Whereas SLORC suppression of human rights is forcing tens of thousands of Burmese people to flee to Bangladesh and Thailand;

Whereas, in March 1992, United Nations Secretary General Boutros-Ghali declared the mass exodus of tens of thousands of Burmese people to Bangladesh as threatening to

regional stability and called upon the Burmese military regime to rectify the causes of the tragic situation there; and

Whereas the cycle of narcotics sales and arms purchases must be broken: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President should seek an international arms embargo against the Burmese military regime until power has been transferred to a legitimate, democratically elected government; and

(2) the President should instruct the Secretary of State to call privately and publicly for an end to China's military transfers to the Government of Burma until such time as all political prisoners are unconditionally released (including Daw Aung San Suu Kyi), martial law is lifted, and the results of the May 1990 elections are fully implemented.

THE SCHOOL TO WORK TRANSITION AND YOUTH APPRENTICESHIP ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. GOODLING. Mr. Speaker, today my distinguished colleague from Wisconsin, Mr. GUNDERSON, and I are introducing the School to Work Transition and Youth Apprenticeship Act. The bill is designed to address the problem of providing support for American youth who do not currently intend to seek a post-secondary education. The bill will help these students make a successful transition directly into the workforce or into further education and training which is directly related to the occupation of the student's choice. Since about half of American youth do not go on to college and since the United States provides little assistance in making the transition from school to work, this bill addresses a critical need by supporting these students and assisting them for a smooth transition into the workforce.

The bill is in three titles. Title I improves national efforts by building a Federal compact between the Department of Education and the Department of Labor in order to design a framework for a system of youth apprenticeship programs and to define the respective roles of business and industry, organized labor, educators, and the training community in the integration of academic and occupational standards and assessments. Further, the compact will create partnerships of interested groups such as the business community, the education community, and the training community which will identify and develop voluntary national skills standards, develop methods to assess the skills standards, recommend curricula for achieving skills standards, and ensure that the skills standards will be useful.

Title II provides challenge grants to States to encourage States to design and implement a school to work transition system including the establishment of a youth apprenticeship system within the State by changing policies in order to enable youth to make the successful transition into the workforce or other education which is related to an occupation. This title

also encourages States to serve noncollege and college bound youth equitably and to expand the post high school options and opportunities available to these students. In order to achieve the goals of the act, the State is allowed to conduct such activities developing curriculum for school to work transition programs, conducting teacher training, promoting alternative learning programs, and soliciting assistance from the private sector.

Title III provides grants to partnerships of local educational agencies and the business community for youth apprenticeship programs. These grants will create employer-school partnerships that integrate academic instruction, structured job training, and paid worksite learning, and offer program services to students beginning in the 11th or 12th grade. Students who complete a youth apprenticeship will receive a high school diploma and receive a certificate of mastery in an occupational field. These grants will expand the range of skill training options for young people through immediate entry into a skilled occupation upon graduating from high school, entry into technical postsecondary education programs, or entry into technologically oriented programs at colleges and universities.

I hope that you will join me in cosponsoring this legislation.

A TRIBUTE TO THE UNITED WAY OF BUFFALO & ERIE COUNTY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. NOWAK. Mr. Speaker. I am delighted to take this opportunity to extend my congratulations to the United Way of Buffalo & Erie County, which is celebrating its 75th anniversary this year.

This broadly supported and highly regarded organization's mission statement is: "To increase our community's capacity to address health and human care needs through the efficient generation and distribution of resources as guided by the combined leadership of volunteers and professional staff."

We in the Buffalo area know firsthand how well the United Way of Buffalo & Erie County has accomplished its stated mission.

The organization began during the turmoil of World War I.

Recognizing the community's needs, The Charity Organization Society, the Children's Aid society and Society for the Prevention of Cruelty to Children, and the District Nursing Association decided to join efforts to more effectively meet those needs.

In 1917, over \$153,000 was raised by the new Joint Charities and Community Fund in its first year. Reflecting its growth and the depth of public support, what has become the United Way of Buffalo & Erie County increased that figure to \$17,215,495 in 1991.

The United Way today exists as a family of 89 health and human service agencies which provide more than 300 service programs to the community.

The United Way's service areas include children's services, mental health/counseling,

food and shelter, crisis/intervention services, services to the disabled, services to the elderly, employment/training, and substance abuse prevention. Since it deals with such a diverse range of needs, the organization clearly is an invaluable asset to the community.

The strength and credibility of the organization is achieved through its dedicated volunteer structure and professional staff, as it maintains the most cost-efficient and effective use of donors' dollars. Community services are funded through the United Way's annual fundraising campaign by efficiently using more than 90 cents of every dollar to provide its much-needed services.

It is a pleasure for me to join the many supporters and beneficiaries of the United Way of Buffalo & Erie County in congratulating it on its 75 years of achievement and to wish it continued success.

Following is a brief history of the United Way of Buffalo & Erie County, which I would like to insert at this point in the RECORD:

A key element in any successful venture is the ability of diverse groups to come together and work toward a common goal. For the past 75 years, the United Way of Buffalo and Erie County has been doing just that—acting as the catalyst in a community-wide effort to address health and human service needs by uniting corporations, government, organized labor, human service agencies, private citizens and others.

In 1917, our country was faced with the violence and horrors of WWI. While help was needed for those struggling overseas, the need was just as great for organizations that helped people back home. It was from this need that the United Way of Buffalo and Erie County was born. Three local organizations—the Charity Organization Society, the Children's Aid Society and Society for the Prevention of Cruelty to Children, and the District Nursing Association—decided to join forces in their fundraising efforts in order to more effectively meet growing community needs. This group, known as the Joint Charities and Community Fund, raised over \$153,000 that first year.

This organization grew and developed over the years, steadily increasing the number of agencies involved and the amounts raised. The names changed throughout its history—from Joint Charities to United Way and Community Fund (1942), to Community Chest of Buffalo and Erie County (1946), to United Fund of Buffalo and Erie County (1960), to the modern-day United Way of Buffalo and Erie County (1972). The mission though, has remained fundamentally the same: joining forces to increase the community's capacity to care for one another.

Today, the United Way exists as a family of 90 health and human service agencies that provide more than 300 service programs to the community as well as a community problem solver that channels both money and other resources toward the most pressing needs currently facing Western New York. The \$153,619 of 1917 has increased to \$17,215,495 in 1991, a figure which must continue to grow in order to keep pace with increasing needs.

The agencies funded by today's United Way address a wide variety of issues, providing services from cradle to grave. Service areas include: food and shelter, crisis/intervention services, children's services, mental health/counseling, services to the disabled, services to frail elders, employment/training, and substance abuse prevention. In addition to

funds allocated to member agencies, over 500 additional agencies receive funds and services through designations, grant programs, Gifts-In-Kind, Emergency Food and Shelter and Management Assistance Services.

Every aspect of United Way activity involves a cooperative effort on the part of knowledgeable, dedicated community volunteers and the well-trained and highly qualified United Way staff. Over 3,000 local volunteers and the well-trained and highly qualified United Way staff. Over 3,000 local volunteers devote their time each year to fundraising, allocating funds, planning, marketing, service delivery, and other activities for the United Way and its member agencies. The strength of the organization lies in this volunteer structure, as it allows for the most cost-efficient and effective use of donor's dollars. The result is that over 90 cents of every dollar raised in the United Way's annual fundraising campaign finds its way directly to community services. The less than 10% that goes toward administrative costs is among the lowest for any non-profit organization in the country.

Some of the people who make the United Way work in 1992 include chairman of the board of directors and president of Rockmont Corporation Jeffrey A. Rochwarger, chairman of directors and president of Rockmont Corporation Jeffrey A. Rochwarger, chairman since April of 1991, and president Robert M. Bennett, who has held his post since 1985. They are but two of the thousands of individuals who are involved in this intricate community-wide operation that for 75 years has been helping to improve the lives of the citizens of Buffalo and Erie County.

In keeping with its mission, the United Way has responded to the changing needs of the 1990's through various programs and initiatives. Areas such as literacy skills, elder care, and services to children have been targeted as sources of growing concern, and will receive increased attention and funding throughout this decade.

SCHOOL-TO-WORK TRANSITION AND YOUTH APPRENTICESHIP ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. GUNDERSON. Mr. Speaker, today I am joining with my good friend and colleague from Pennsylvania, Mr. GOODLING, in introducing a bill that we believe will go a long way in addressing a critical need in the U.S. educational system. Our bill, the School-to-Work Transition and Youth Apprenticeship Act will encourage the development of State and local programs to provide education and employment opportunities for our Nation's youth who plan to enter the work force immediately after high school, or who plan to enter into technological post-secondary education or training, as compared to 4-year colleges and universities.

The United States is currently undergoing a great deal of change. One of the driving forces of this change is the evolving American work force, which will require significant investment in human capital in the future, as well as reform in our national human resource investment policies and practices. U.S. competitiveness is declining, and we will lose our eco-

conomic leadership within the decade if we do not make these necessary changes and investments right away.

While the United States still maintains the highest standard of living in the world, the gap is narrowing, with wage rates in the United States lower than in Germany, Sweden, and Denmark, and falling. The United States still leads the world in productivity, but its growth has ranked last for over a decade compared to other industrialized nations. But the United States still has the capability to remain top in the world. We continue to have the potential to create jobs at a rate higher than the number of people entering the labor market, if we operate at peak efficiency. According to the "Economic Report of the President" just published in February, despite temporary setbacks of several recessions, employment has increased by 38 million, from 71 million in 1971 to 109 million in 1991. This 53 percent growth far surpassed that of most other major industrialized countries, with Japan growing only half as fast; and France, Germany, and the United Kingdom less than one-fifth the United States rate. The President's report also notes however, that of the jobs created, there was a significant shift toward high skilled jobs requiring education beyond high school.

Not only is it critical that our work force be well-educated and trained to fill these high paying jobs of the future, it is critical to recognize the link between the quality of the U.S. education and training system and our ability to compete with other countries. Other industrialized nations recognized these linkages long ago, emphasizing: Excellence in primary and secondary education; upgrading standards and expectations for all students; and youth apprenticeship as ways to prepare students for work.

The basic building block for career preparation is a good education, but the U.S. educational system does not adequately prepare students for work, particularly noncollege-bound students. At a time when only 50 percent of U.S. youth go on to college after high school, with only 20 percent of all youth completing 4-year degrees, our U.S. educational system continues to be disproportionately geared toward meeting the needs of the college bound. Very little attention is paid to bridging the gap between school and work.

This attitude compares to competitor nations, where schools and employers typically work together to facilitate youth's entry into the work force. In Japan for example, high school seniors get jobs almost exclusively through school-employer linkages, with employers basing hiring decisions on schools' recommendations. In Germany, roughly two-thirds of all youth participate in apprenticeships. In the United States, the national apprenticeship system is not widely used, nor is it generally a program that lends itself to youth. However, apprenticeship-like programs, offering shorter-term youth apprenticeships in combination with academic studies, have been found to be very effective in providing U.S. youth with a formal bridge from school to work. Yet, less than 4 percent of high school students nationwide during the 1989-90 academic year were enrolled in such work-based programs.

Part of the blame for the lack of student preparedness for work must also rest with em-

ployers. In addition to placing high value on worker education and training, other countries' businesses have adopted new high-performance work organizations—abandoning outdated U.S. management structures developed in the early part of the century—on which many U.S. companies are still based. Competitors utilizing high performance work organizations, as well as innovative U.S. companies, depend on highly skilled workers who participate in decisionmaking in systems driven by customer needs. This recognition of the direct linkage between investing in human capital and competitiveness has helped fuel the success of our leading competitors, and is the subject of a great deal of activity on the part of the administration, Congress, and leading business organizations in the country. It is becoming widely recognized that U.S. business must take part in this sort of reorganization, and subsequently, work with schools and training systems to develop needed curriculum and set necessary standards—and demand those standards—in order to get the type of workers that are required by this sort of reorganized workplace.

Since the 1970's, the Department of Labor has conducted a number of youth apprenticeship demonstrations that have successfully proven the feasibility of starting youth apprenticeship during high school. In September 1990, the Department of Labor awarded \$3.2 million in seed grants to six organizations to explore ways of redesigning school curricula so that students learn job-related subjects in a practical context and noncollege-bound students are better prepared to enter the work force. This money has been leveraged into a \$10.5-million program. While these programs are meeting with success, and are hoped to lead to changes in the way U.S. students learn basic workplace skills, the number of youth participating in apprenticeship programs in 1990 totaled only 3,500 students.

As a part of the President's Job Training 2000 initiative, both the Department of Labor and the Department of Education plan to expand efforts in the area of youth apprenticeship. The administration is also providing leadership in the identification of national, industry recognized skill standards, and work-based competencies needed by employers in today's workplace. Just this week, the Secretary of Labor's Commission on Achieving Necessary Skills [SCANS] issued its final report entitled "Learning A Living: A Blueprint for High Performance," which calls for reorganization of education and work to close the skills gap and prepare the work force for the future.

Codifying the ongoing work of the Departments of Labor and Education, title I of our bill will require that voluntary national industry recognized skill standards be developed for most major industries and occupations throughout the United States. Specifically, this legislation requires that the Secretaries of Labor and Education, through a compact established under the bill, designate and provide assistance to partnerships of industry, labor, educators, and the training community for the development of skill standards and methods of assessment and curriculum development for the utilization of such standards. Through such a process, all stakeholders in the system should benefit: Employers through develop-

ment of objective hiring criteria, as well as highly trained workers; employees through the provision of an identified career path, as well as portable credentials when changing jobs; labor organizations in representing the interests of their members with regard to career paths, compensation, and ongoing skills training; and educators and trainers by helping them to improve the quality of their education and training systems and linkages to the workplace.

Further, title I would require that an agreement or compact be established between the Secretary of Labor and the Secretary of Education, specifically between the Employment Training Administration and the Office of Adult and Vocational Education, respectively, to: Design the framework for an American youth apprenticeship system; designate and oversee the skill standard partnerships outlined above; and to oversee the activities required under titles II and III of this legislation.

Title II of the bill would provide competitive grants to States for the design and implementation of State and local policies, infrastructures, and programs necessary to develop statewide school-to-work transition systems. In order to receive grants under this title, States would be required to develop a State plan providing assurances that they will: Incorporate preemployment skills and competencies, as well as career awareness and exploration activities into their States' elementary/secondary curricula; provide teacher and counselor training in school-to-work transition; assure that guidance and counseling, focusing on transition to the work force, is available to all students; and assure that skill standards, as well as employment competencies, developed at the State and Federal levels, be incorporated into the education and training system, to the degree possible.

Finally, title III of the bill provides State and local grants for the actual development of youth apprenticeship programs at the local level. Under this program, grants would be provided to States on a competitive basis, to be distributed to local consortia composed of partners which include local educational agencies, individual schools, vocational/technical schools, or technical and community colleges, and an employer, employer association, or a private industry council as established under the Job Training Partnership Act. The goal of this title is not to limit or track students in non-college-bound programs, but just the opposite. The intent of this legislation is to expand the range of skills training and career options for youth, enabling immediate entry into a skilled occupation upon high school graduation, or entry into a certified apprenticeship program, a technical postsecondary education/training program, or into technologically oriented programs at colleges and universities. As defined by our bill, youth apprenticeship is an employer-school partnership that integrates academic instruction, structured job training, paid work site learning, and work experience. Such a program is to be offered to students beginning in the 11th or 12th grade, and results in the receipt of a high school diploma and either an approved certificate of occupational and academic mastery, entry into a related post-secondary program, or entry into a certified apprenticeship program. While title II of our bill

concentrates on assisting States to adopt comprehensive reform in the broader area of school-to-work transition, title III is very focused to establish local youth apprenticeship programs.

Mr. Speaker, while school-to-work transition is still a relatively new issue in education, and there is still a lot to be learned, I strongly feel that we are headed in the right direction with this legislation. With the introduction of this bill today, we are sending a message that all U.S. youth deserve an education that will lead to full and rewarding employment. We welcome input from all parties that have an interest in this legislation. There is no question that we must invest in all of our Nation's youth, both the college and the noncollege-bound. Through a reform of our educational system to provide comprehensive school-to-work programs in grades K-12, and more focused programs such as youth apprenticeship for upper level high school students, we will go far to build the necessary bridge between school and the work force.

MAKING THE HEALTH SYSTEM WORK FOR AMERICA

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ANDREWS of Texas. Mr. Speaker, America's health care system does not work. It does not work for the woman who gets breast cancer and can't switch jobs because the insurance company won't cover the treatments. It does not work for the small business that can't afford to cover its employees. It does not work because the cost of health care keeps going up.

Medical costs have doubled since 1980. The price of premiums paid by businesses has tripled. Thirty-seven million Americans do not have health insurance. The American people are demanding action, but are not comfortable with the proposals made so far.

Other Democratic proposals try to fix these problems by having the Government run the health care system. The administration's proposal does not do enough to control costs.

I am joining with my colleagues, Congressmen JIM COOPER and CHARLES STENHOLM to call for a new approach to health care reform. It is called managed competition.

Our proposal rewards the customers of those health organizations that get the best results at the lowest costs. We want to create a market where consumers can shop for health care and health insurance as a single product. They will buy health care based on cost and quality like any other consumer product.

Right now, consumers shop for providers based on quality and for insurance based on cost. We want to stop the insanity of an insurance system that is separate from the health care system. Hospitals, physicians, and insurance companies should make more money when people are healthy not when people are sick.

Under our plan, health care providers will have an incentive to find and use less expensive procedures because their bottom line will

be the same as the insurer. Both will want to provide effective health care at the lowest cost.

The System we have now allows too many hospitals to provide the whole range of specialized care. For example, a study in California determined that one-third of the hospitals doing coronary bypass operations failed to meet the volume standard set by the American College of Surgeons. At a lower volume, physicians do not have enough experience to be effective. The result has been a higher mortality rate in these low-volume hospitals.

Many of those patients would have lived had they gone to centers of excellence with high volume like the Texas Medical Center. Under our proposal, they would have lived because providers will be organized more efficiently and effectively.

The Tax Code also encourages wasteful health spending. For every extra dollar businesses spend on health care, only 70 cents comes out of their pocket. The other 30 cents comes from the Government. This Government subsidy encourages inefficiency.

The most abusive example is a health plan with first-dollar coverage. This means that the business pays for every health care expense including the deductibles and copayments. This arrangement takes away the incentive for consumers to use the health care system prudently.

Our proposal limits the tax deduction for businesses to the cost of the least expensive insurance plan. Businesses can buy more expensive plans, but they will not receive a taxpayer subsidy.

If we will eliminate first-dollar coverage plans, we also add an incentive for people to stay healthy. Americans must take more responsibility for their health.

Prevention is the key to controlling health care costs for the individual. We will ensure 100 percent immunization levels for children. We will give flu vaccines to older Americans. And we will require health insurance plans to have no deductibles or copayments for preventive care.

It is incredible that our health care system does not measure quality. We rarely collect data on whether a patient gets better or not. We need to know when the health care is working. Under our bill, providers will be required to disclose their performance in a public report.

We are not getting our money's worth from health care. Economics teaches us that if supply increases, then prices should fall. The supply of hospitals and physicians has been growing rapidly since the 1960s. Yet, health care costs have risen steadily over that time. The cost of health care has risen from 9 percent of the gross national product in 1980 to nearly 14 percent today. Clearly, the market isn't working.

The market will work if we arm consumers with information about the cost and quality of health care. Under our bill, we will once again get value for our money.

But not everyone can afford health insurance even once we control costs. The average American family without health insurance has an income less than \$20,000. The average uninsured adult works for a small business with fewer than 25 employees.

Our plan targets these families. Small businesses will pay lower premiums because they will have the benefit of group rates through health insurance purchasing cooperatives. Our plan will guarantee health coverage to 40 percent of the uninsured in Texas, offering financial assistance to an additional 30 percent who are between 100 and 200 percent of poverty.

Our plan is the only comprehensive health reform bill that can be enacted this year. It does not call for price controls, which the administration strongly opposes. It greatly expands access to health care, which Democrats strongly support. It is a plan that we can afford.

SOFT DRINK LICENSE TRANSFERS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SCHUMER. Mr. Speaker, over the last few years, the Federal Trade Commission [FTC] has developed a practice of opposing soft drink license transfers from smaller bottlers to larger ones that also handle larger brand products. This course has been pursued by the FTC despite repeated expressions of congressional concern about the effect of this policy on competition and consumers, and concern that the FTC was ignoring mandates of the 1980 Soft Drink Interbrand Competition Act.

Unfortunately, these congressional concerns have proven valid. In fact, the FTC's repeated opposition to piggybacking has undermined interbrand competition, reduced the availability of soft drinks and raised prices to consumers. The FTC has blocked license transfers in such diverse markets as Broward County, FL, San Antonio, TX, and Duluth, MN. But nowhere has the damaging impact of the FTC policy been more apparent than in the New York City metropolitan area. There, two independent bottlers that distributed 7-UP, Crush, Hawaiian Punch, and Barq's sodas have ceased operation. The only viable bottlers who have come forward to try to rescue these brands also happen to bottle larger brands. The FTC has refused to approve the transfer of these franchises on the grounds that it would reduce competition among bottlers in New York, while apparently ignoring the effect of this ruling on the viability of these small brands and competition at the consumer level.

These four smaller brands currently have no authorized distribution in much of the New York area, the largest soft drink market in the country. This situation hurts those brands, and hurts the consumer, who is seeking a reduced selection of soft drinks and, in some instances, higher prices.

Our bill imposes a temporary limitation or moratorium on the FTC's authority to challenge piggybacking arrangements such as these. The immediate effect will be to put the brands back into distribution in New York. The bill limits, but does not eliminate the FTC's authority. It does not have any impact on the authority of the Department of Justice to enforce out antitrust laws, if need be. It is a temporary,

needed and surgical solution to an obvious problem. During the moratorium period, I hope that the FTC will reconsider the effects of its existing approach toward the soft drink industry, especially small concentrate manufacturers, and consult further with the industry and with Congress.

Mr. Speaker, I urge my fellow Members of Congress to support this modest measure before the FTC's approach drives the Nation's independent soft drink manufacturers from the marketplace.

PREVENTING FRAUD IN MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HUGHES. Mr. Speaker, today, we, along with 11 of our colleagues, are introducing legislation to correct regulatory loopholes which permit unscrupulous operators from bilking hundreds of thousands of Americans out of health care protection and leaving them with millions of dollars in unpaid medical bills.

In harsh economic times, with health care expenditures rising to more than double the rate of inflation, some businesses are pooling funds and contracting with entrepreneurs to offer health benefits to their employees at reduced rates. These pooling arrangements are defined as multiple employer welfare arrangements [MEWA's] under the Employee Retirement Income Security Act [ERISA].

Companies that participate in MEWA's generally self-insure by depositing premiums in a reserve fund overseen by the plan's administrators. Although no State or Federal agency is able to tell us exactly how many of these plans exist, testimony provided to the Subcommittee on Retirement Income and Employment indicates that approximately 3,000 MEWA's presently operate throughout the country.

Fraudulent MEWA's often operate like classic Ponzi schemes. Administrators collect premiums, pay themselves hefty fees to support extravagant lifestyles, and retain only a small portion of the premiums to pay claims. When things get too hot and they are unable to pay benefits, many of these bunco artists simply move to another State to try to sell new policies and mask the plan's underfunding.

While a number of MEWA's fill a gap in our health benefits system by allowing small businesses to pool resources and risks, unscrupulous administrators often exploit a black hole of ambiguous authority between Federal and State regulators. This practice has lured in numerous unsuspecting companies, leaving thousands of people personally liable for all their medical bills.

A recently released report of the General Accounting Office [GAO] that we requested reveals that between 1988 and 1991 alone more than 600 fraudulent or mismanaged MEWA's left over 400,000 Americans and their families with \$123 million in unpaid health claims. The GAO study found that these plans are increasingly a source of regulatory confusion, enforcement problems, and fraud.

Many MEWA's function covertly and cannot be identified by the Labor Department and individual States. Consequently, many have been able to embezzle funds for years without being detected. A majority of States report to the GAO that problems with MEWA's have increased over the past 3 years.

A number of States also told the GAO that many of these plans are incorrectly claiming that they are collectively bargained or single-employer plans rather than MEWA's and are thus exempt from State regulation.

For example, State officials questioned the validity of entities claiming exemption as collectively bargained plans, noting that by selling associate memberships these entities marketed health benefit coverage to individuals with no participation or representation in the union. Another State questioned the validity of a labor-leasing entity claiming exemption as a single-employer plan, noting that the entity hired employees of several companies and then leased the employees back just to qualify for the exemption.

Gaps in the regulatory enforcement of MEWA's take on even greater significance given the administration's recent health reform proposal to encourage more small businesses to participate in similar health insurance networks.

As we work vigorously toward a comprehensive approach to health care reform, we must strengthen our current monitoring and enforcement system. Serious failures lie in our health insurance system. Americans cannot wait for the political jockeying in health care reform to end before their rights are protected. Hard-working employers and employees are too often falling victim to a growing number of con artists who offer empty promises of health coverage, while skimming off millions of dollars in insurance premiums. Protection is needed immediately.

We urge our colleagues on both sides of the aisle to support this important legislation.

Below is a summary of the legislation we have introduced today:

MULTIPLE EMPLOYER SELF-INSURANCE ENFORCEMENT ACT OF 1992

PURPOSE OF LEGISLATION

This bill amends title I of the Employee Retirement Income Security Act of 1974 (ERISA) to clarify and improve the integrated regulation and enforcement of federal and state agencies concerning the viability and operation of self-insured multiple employer welfare arrangements (MEWAs) and employee leasing welfare arrangements. A basic objective of this Act is to prevent fraudulent and mismanaged MEWAs from leaving hundreds of thousands of small business employees bankrupt and without their vital health coverage.

ELEMENTS OF LEGISLATION

(A) Clarify states' authority in the regulation and enforcement of self-insured MEWAs.

(B) Distinguish between fully insured MEWAs and self-insured and to what extent ERISA preemption applies.

(C) Provide requirements for reporting and disclosure to both participants and participating employers of MEWAs, to ensure consumer awareness of the risks and financial liability associated with self-insured plans.

(D) Provide for adjudication of benefit claims, for self-insured MEWA participants,

either through alternative dispute resolution or a hearing before an administrative law judge at the Department of Labor.

(E) Establish a federal certification process for regulating self-insured MEWAs. Establish states' authority to monitor and enforce self-insured MEWAs' financial viability.

(F) Establish a registration process for all fully insured MEWAs and employee leasing welfare arrangements. All plans will file with the Department of Labor no later than March 1st of each year.

(G) Specify who can sponsor a self-insured MEWA. Amend the definition of MEWA to include certain employee leasing arrangements and certain union associate membership programs.

(H) Establish a felony for any person who falsely represents to any employee, employer, sponsor, the Department of Labor, or any state, an arrangement as to certified MEWA, an exempt employee leasing welfare arrangement or a union plan.

(I) Establish Federal standards for regulating employee leasing welfare arrangements that are administered and enforced by the states.

(J) The National Association of Insurance Commissioners may develop model standards for state certification, that will become the federal standards upon approval by the Congress by a joint resolution. The NAIC will submit these standards to the Congress within one year of enactment.

ALFRED E. JOHNSON

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HAMMERSCHMIDT. Mr. Speaker, an outstanding citizen of the State of Arkansas, Alfred E. "Coach" Johnson, passed away in Little Rock on March 31. I would like to take this opportunity to extend my condolences to his wife, Irene, and their two sons, Ed and Al, Jr.

Al was a native Arkansan, born in my hometown of Harrison. However, he was well known outside of our State and was certainly no stranger to those of us on the Public Works and Transportation Committee.

He was an executive director of the American Association of State Officials here in Washington and testified before Congress many times. Al even turned down an appointment as Federal Highway Administrator to stay with the association. I know a number of my colleagues remember Al and have high regard for his professionalism and dedication to the development of our Nation's transportation infrastructure.

In recognition of his outstanding service, the association established the "Alfred E. Johnson Achievement Award" to honor an outstanding employee from one of the association's member departments at each annual convention, who demonstrates the greatest promise of advancement in engineering or administration.

Following is an article which highlights Al Johnson's numerous achievements.

OBITUARY AND SOME CAREER HIGHLIGHTS OF ALFRED EUGENE JOHNSON

Alfred E. Johnson, a native Arkansan was born in Harrison on July 10, 1907, into one of the early families who helped the founding of the town.

He enrolled in College in 1924, and earned a B.S.C.E. Degree from the University of Arkansas in due time. Alf decided on a highway career when he was a young schoolboy and the National highway cry was "Get out of the Mud".

Alf Johnson got a start in his career during the summer college vacation of 1927 as a Levelman on a highway location survey which now is U.S. Route 71, through the Ozark Mountains. He continued to work part time while in college through 1929, when he had the opportunity for full time work in the State Highway Department, but he continued his studies during his entire active career using extension courses, night graduate subjects, workshops, seminars, and home study of new texts to expand his knowledge and keep current to be better qualified to supervise.

He was with the Arkansas State Highway Department in the field and the headquarter offices until December 31, 1954, and moved to Washington, D.C. on January 1, 1955, when he was drafted by the State Highway Department to be Executive Director of the American Association of State Officials after a relatively new Arkansas Highway Director, who was very much opposed to any Interstate highway program in Arkansas called for Johnson's resignation because Johnson was interested in drafting a National Interstate highway program, and for recommending to the State Highway Departments that they participate in such a program, if enacted.

He was in Washington until 1973, when he moved back to Arkansas, after he had reached the mandatory age for retirement.

Johnson was a strong voice in State and National highway affairs for a quarter century; was listed in Who's Who in America; was called "Arkansas' Own Mr. Highway" by the Arkansas Gazette; was the subject of a Coverplate and story in an issue of the Engineering News-Record; was termed a "Road Giant" on the coverplate of a National Dun Donnelley publication; and the State Highway people called him "the Coach".

Johnson was given the responsibility of the Chief Engineer's office of the Arkansas Department after having broad experience in surveys, research, experimentation, troubleshooting and all phases of highway planning, designing and construction and maintenance of roads and bridges.

He was a persuasive leader in moving the Department into a modern era of improved management and operations; making employee tenure based on merit; getting salaries competitive; opposing the practice of soliciting political contributions from employees; enhancing the recruitment of Engineering graduates; and was the father of the Retirement System.

While in Arkansas he was President of the Little Rock Engineers Club; the Arkansas Engineers Club; the Southeastern Association of State Highway Officials, which he helped organize; and in 1954 he was President of the American Association of State Highway Officials.

It was at the 1954 Annual Meeting of the Association that the States first learned from Johnson a complete, accurate and detailed outline of the proposed National System of Interstate Highways and he called on them to support the program to ensure the highways would be constructed by the States and not some other arrangement.

Johnson had been Chairman of a small Blue-ribbon advisory group of outstanding highway people in 1954, to work with the new Federal Commissioner of Public Roads,

Frank du Pont, his dedicated Chief Engineer, Frank Turner, and Assistant to the President, Sherman Adams of the White House in drafting the President's Grand Highway Plan (the Interstate System) and getting it ready for hearings by the Clay Committee in 1954 so it could be sent to Congress in 1955. Johnson was given the chore of explaining the proposal to the Highway Committee of the Governors' Conference and the National League of Cities to obtain their support. The program was defeated by Congress in 1955, but was reconsidered and enacted and signed by the President in 1956.

Alf Johnson was considered one of the five principal architects who turned the many reports and fantasies over the years of individual transcontinental "Superhighways" into reality—the Interstate Highway System.

Other activities while still in Arkansas included; being selected as one of the two to write the Traffic Engineering section of the first White House Highway Safety conference Report; was Chairman of the select committee that planned the AASHO National Highway Research Project in Illinois; and was Chairman of the AASHO Planning and Design Policy Committee, composed of Chief Engineers, that developed the official design standards for the Interstate Highways, which were approved by the Commissioner of Public Roads twelve days after the President signed the bill for the Interstate program.

After moving to Washington, Johnson was honored with an Honorary membership in the Institution of Highway Engineers of Great Britain; became a Life Member of the Society of Civil Engineers; was the Reporter of the Middle East Conference of the International Road Federation at Beirut; was appointed Vice-Chairman of the Organizing Committee of the Ninth Pan-American Highway Congress; was named to Advisory Councils of two Federal Cabinet Departments and received the Secretary's Award; was one of the two creators of the National Cooperative Highway Research Program that is under the umbrella of the National Academy of Sciences and administered by the Transportation Research Board, was a Life Member of the American Road Builder's Association; was Life Member of the Washington Road Gang Club; and was the father of the AASHO Fiftieth Anniversary "Golden Book" that is one of the best historical records of highway development in America from 1607 to 1964.

Johnson was one of the three people to receive the largest number of coveted and prestigious honors and awards available in the highway field (over 40 awards and honors were received with the most prestigious awards being; the Bartlett Award; the MacDonald Award; the Roy W. Crum Award; the Neil J. Curry Memorial Gold Award; the P.D. McLean Memorial Award; the Road Builders Man of the Year Award; the Trail Blazer Award; and an Engineering News-Record Plaque.

His favorite honor was the State Highway Departments establishing the "Alfred E. Johnson Achievement Award", when he retired, that honored an outstanding employee of an AASHO Member Department at each Annual Convention, who demonstrated the greatest promise of advancement in engineering or administration.

A very important component of the Interstate system is outstanding and uniform signing nationwide. After the Committee of the Traffic Engineers of all the AASHO Member Departments were unable to agree on the principal features of its assignment, Johnson assumed the chore, and after in-

specting and studying the signing on all the existing major toll roads and urban freeways, he then drafted a tentative Interstate sign manual and submitted copies to the Member Departments for constructive comments, which justified changes. The manual was then approved by AASHO and the Federal Highway Administrator, making the sign manual official. Johnson also established the numbering system for the Interstate system, which was a State responsibility since all the systems are parts of the respective State highway systems.

While in Washington, "Coach" Johnson turned down an appointment as Federal Highway Administrator to stay with AASHO until retirement.

He was a strong and dedicated supporter of the highly satisfactory State-Federal Highway partnership that started in 1916. It is unique in Intergovernmental programs, and it has produced the World's best and biggest road network.

When he would be driving on a section of the Interstate system, he would occasionally express his proud satisfaction with his efforts in the Interstate program.

Alf Johnson retired on November 1, 1972, and stepped down with gratitude, dignity, honor and pride. He soon moved back to Little Rock from the Washington mainstream, to a quiet life, and purposely assumed a reclusive attitude toward any involvement in current highway policies to avoid influencing his successors in any manner out of respect and courtesy to them.

Johnson wanted his remaining years to be used for enjoying his family, to keep current on Worldwide highway progress, to read and study, and to pursue his outdoor hobbies that he had neglected because of the years of heavy work schedules required by his job.

Mr. Alfred E. Johnson, the "Coach" died at the age of 85 years, on March 31, 1992 at Little Rock, Ark.

He is survived by his widow, Irene Berta Walker Johnson of the home; a sister, Edith Elizabeth Johnson Bartlett of Blytheville, Arkansas; two sons, Alfred E. Johnson, Junior of Little Rock, and F. Edwin Johnson of Greenwood, Mississippi; and six grandchildren.

Burial, with a Graveside Service, was in Forest Hills Memorial Park on the historic "Old State Coach Road", which was originally built along the centuries old Southwest Indian Trail as one of the Andrew Jackson Military Roads in 1828. It has been upgraded from time to time and is now Arkansas State Route No. 5.

Mr. Johnson was of the Presbyterian faith.

A SALUTE TO 100 BLACK MEN OF MARYLAND, INC.

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. MFUME. Mr. Speaker, I rise today in honor of a special group of African-American men who have endeavored quietly over the past year to improve the quality of life and the future potential of many young men in the greater Baltimore area.

100 Black Men of Maryland, Inc., became incorporated within the State in April 1991. In 1 brief year, this organization has established the Men Inspiring Students to Enjoy Reading [MISTER] Program. This program is designed

to inspire young men within the community to read for knowledge and pleasure and to explore the wonders of the world through reading.

100 Black Men of Maryland, Inc., is the Maryland affiliate of the national 100 Black Men organization. 100 Black Men have taken the initiative upon themselves to save our Nations young black males from the violence and other everyday pitfalls which may deter their development and full integration within society. 100 Black Men have gone into some of the most troublesome situations and molded fine diamonds out of a mound of rubble and despair.

The various professional industries that comprise 100 Black Men serve as surrogate family and teachers to these young men and show through a positive example that these young people are not alone in their quest to better their lives and understand the complexities of the larger society in which we are all challenged to succeed within.

Mr. Speaker, as with all successful socially conscious organizations, a key component for success is community involvement. It takes all kinds of people to make this world better and I am sure the 100 Black Men could use the talents and skills of a wide variety of persons to help expose our young men to a variety of experiences and opportunities.

On April 18, 1992, 100 Black Men of Maryland will host a reception entitled "An Enchanted Evening With Peabo Bryson." This event is an excellent opportunity for interested persons within the community to familiarize themselves with the diverse programs and individuals involved with the State organization.

Mr. Gene Giles, President of 100 Black Men of Maryland, should be commended for his vision and creative vitality on behalf of his organization and our Nation's youth. I support 100 Black Men and hope that everyone who is interested in their mission would take the time to salute their State and local chapters.

SALUTING THE FUN WITH SCIENCE TEAM

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HOLLOWAY. Mr. Speaker, it is with pride and pleasure that I pay tribute today to the Dupont Fun With Science Team, including East St. John High School science teacher John Ellis, of Reserve, LA, whose imagination and love of work has helped make learning fun for thousands of students.

Mr. Speaker, America faces a shortage of scientists and engineers. The National Science Foundation has estimated a shortage of 1 million engineers and scientists by the year 2000. Because of the interest of the Du Pont Corp., the initiative of John Ellis, and the involvement of his colleagues, students everywhere are getting and staying interested in science. Thanks to Fun with Science, thousands of young people have discovered science as a topic of interest, and many will no doubt pursue science as a career.

Mr. Speaker, typical of the praise which educators everywhere have for the Fun With

Science Program are the observations of Aline T. Barr, representing the department of chemistry and physics at Nicolls State University in Thibodaux, LA: "It was excellent from the standpoints of both science and entertainment," she observed. "I have conducted more than 40 science workshops during the past 10 years, and can verify that the program presented by Du Pont is excellent. It is motivating, captivating, entertaining and educational. Du Pont's interest and participation is serving as a model for other corporations."

Mr. Speaker, effective education requires imagination, commitment, and communication. Fun With Science Combines all three. Even better, it is a model program which can be, and is being emulated, by educators and scientists everywhere. I salute this program, its corporate parent, Du Pont, its innovative teacher, John Ellis and the entire Dupont team, including Charlie Bottolfs, Mari Talavera, Karl Johnson, Millard Hutchinson, Joe Barrow, Faye Scotti, Butch Galino, Tom Pappenhagen, Keith Wilkins, Patricia Banquer, Laura Barrios, Bill Swonger, and Nancy and Tyler Davis. Mr. Speaker, Fun with Science is a credit to everyone.

REMOVING GOVERNMENT ROADBLOCKS TO SMALL BUSINESS JOB CREATION

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. IRELAND. Mr. Speaker, today I join my distinguished colleague from Washington, Mr. CHANDLER, as well as several others who are concerned about small business job creation, as an original cosponsor of legislation to rescue some 3,700 small business owners who have come face-to-face with an 800-pound gorilla known as the Federal Financing Bank [FFB].

In the high-interest environment of the 1980's, these small business owners borrowed money to expand their businesses and create jobs. Their loans were guaranteed by the Small Business Administration pursuant to section 503 of the Small Business Investment Act and were funded through the FFB, an agency of the U.S. Treasury. These borrowers turned to the SBA 503 Program because they were ready to grow and create new jobs in their communities, but they could not find affordable long-term financing from any other source.

Today, those borrowers are finding that outrageous prepayment premiums have made it virtually impossible to refinance their loans at today's lower rates; they have made it virtually impossible to sell an FFB-financed loan without incurring a substantial loss. As one borrower put it, "owners (with loans funded by the FFB) cannot even die without placing an intolerable strain on their estates."

Today's lower interest rates have given large corporations the opportunity to strengthen their balance sheets by refinancing their debt in the private capital market. Individuals are refinancing their home mortgages in record numbers, as well. This is good for the

country. It translates into new investment, new jobs and higher levels of consumer spending. SBA 503 borrowers, however, are unable to take advantage of today's low-interest-rate environment.

Why can't these small businesses grow? Why can't they hire new workers? Why are they forced to cut back on the work force they currently employ? Because the FFB is demanding premiums of as much as 40 percent of the unpaid balance for the privilege of prepaying their 503 loans. As a result, money that would otherwise go to job creation and tax-base expansion—the stated goals of the 503 lending program—are instead lining the coffers of the FFB.

This program was solved in 1987 for new borrowers using the SBA's development company loan program. These loans are now financed in the private-capital market, rather than through the FFB. These private-capital loans—known as 504 loans—carry set prepayment premiums that are in keeping with commercial-lending practices. But 503 borrowers remain locked in—in many cases for another 20 years—to the FFB's unworkable prepayment terms.

We in Congress have an obligation to not ignore the thousands of 503 borrowers who are victims of fluctuating interest rates and bureaucratic inertia. We have an obligation to their employees and their communities, as well.

The legislation we are introducing today fulfills that obligation. It gives 503 borrowers a 2-year option to trade the uncertainty and onus of the FFB current prepayment formula for a defined prepayment penalty that reflects rates charged by commercial lenders. Our bill will allow business that are ready to grow and expand the flexibility to do so. It will give owners at the end of their careers the opportunity to retire in dignity, without forfeiting their life savings to huge FFB prepayment premiums. It should become law.

I am looking forward to working with Mr. CHANDLER, Chairman WYDEN of the Small Business Subcommittee on Regulation and Business Opportunities, and every Member who cares about small-business job creation to move this important bill swiftly through the legislative process.

ELECTIONS IN ANGOLA

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. GEJDENSON. Mr. Speaker, I rise today to applaud the announcement by the Government of Angola that elections are scheduled to be held on September 29 and 30 of this year. This important announcement means that for the first time since gaining independence and for the first time since this country was plunged into a horrible civil war 17 years ago, the people of Angola will experience democracy.

In February, the Foreign Affairs Subcommittee on International Economic Policy and Trade, which I chair, held a hearing on United States business opportunities in Angola. We

heard from the State Department, from experts on Angola and from corporations such as Equator Bank and General Motors. Both companies are members of the United States-Angolan Chamber of Commerce.

During that hearing, we heard of a number of obstacles that American companies face when seeking to do business in Angola. It is not that there are few business opportunities in that African country, but rather that the United States Government has been slow to remove the barriers to trade with Angola.

Angola, for example, remains on the list of Marxist-Leninist countries prohibited from receiving U.S. aid even though its government has set a date for free and fair elections and is making the transition toward a market economy.

Jeffrey Davidow, Deputy Assistant Secretary of State for African Affairs, appeared at our February hearing and indicated that once a date for elections was set, the State Department would seek the necessary approval from the President to remove Angola from the Marxist Leninist list. We are still waiting for the administration to take action. There is no question that such a move would receive broad bipartisan support.

It is imperative that the United States do everything in its power to encourage free and fair elections in Angola. The Angolan people deserve a new democratic life, economic stability, and peace.

COMMENDING UNITED STATES
RECOGNITION OF CROATIA, SLO-
VENIA, AND BOSNIA-
HERCEGOVINA

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HOAGLAND. Mr. Speaker, today I congratulate the administration for finally recognizing the independence of Croatia, Slovenia, and Bosnia-Herzegovina.

For months, we here in Congress have heard firsthand stories from Croatian-Americans and Serbian-Americans of the struggles Croats and Serbs have gone through in their attempts to adjust to a new order. Thousands of innocent people have died, on both sides. Fortunately, through the persistence of U.N. Special Envoy Cyrus Vance, the latest ceasefire has held for the most part and U.N. peacekeepers are being deployed.

I am troubled about why this administration waited so long before recognizing the inevitable. The dissolution of Communist Yugoslavia was inevitable after the breakup of the Soviet Union, and the Soviet Union's grip on Eastern Europe was broken. For over 40 years after the end of World War II, the diverse Balkan States in Yugoslavia were held together by a Communist dictatorship guided, in part, by Moscow. Most experts will agree that without this central control, the divergent ethnic groups in greater Yugoslavia would have broken up long ago, or most likely, would never have come together under one flag.

In 1776, a new democratic experiment appeared to the world for recognition. The first to

answer our appeal was the Republic of Ragusa, the Croatian city-state of Dubrovnik. Tuesday, we finally repaid that act of support made over 200 years ago. If the United States is to remain the true example of freedom and democracy in the world, we should be eager to recognize and support in other areas of the world the struggle to achieve what we have. I commend the administration for finally recognizing Croatia, Slovenia, and Bosnia-Herzegovina.

EXTENDING THE MORATORIUM ON
NEW FEDERAL REGULATIONS

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mrs. VUCANOVICH. Mr. Speaker, yesterday, I joined several of my colleagues in introducing a sense-of-Congress resolution to urge the President to extend his 90-day moratorium on new regulations for a period of 1 year.

Overregulation in America today has reached epidemic proportions. It bloats the Federal Government, saps our businesses, taxes our consumers, and impedes our ability to compete. It has been estimated that Government regulations levied on American business end up costing American consumers \$400 to \$500 billion annually or a staggering \$4,000 to \$5,000 per family, per year.

If the present moratorium is lifted as scheduled at the end of this month, we could open the floodgates of new regulations on an economy which is just beginning to recover from a recession.

The success of the moratorium is clear; since the moratorium was announced, the number of rules proposed by Federal regulations has been cut in half. According to Vice President QUAYLE, this cut in new rules and an aggressive effort to revise current regulations could save \$10 to \$20 billion in business costs presently being passed on to consumers. In addition, deregulatory actions taken by the EPA and the Department of Agriculture could save an additional \$10 billion in 1992 alone.

All of this points to one thing: the moratorium must be extended. I am joining some of my colleagues in the House in sending a letter to President Bush applauding his pledge to curb the growth of Federal regulations and to bring rational cost/benefit analysis into the regulation writing process. In that letter, we encourage the President to extend the moratorium until the system of drafting, evaluating, approving, and promulgating regulations has been overhauled. To abandon the moratorium at this stage would be a disaster for the fight against regulatory excess, for the American economy, and for the American consumer.

Extending the moratorium will prevent Federal bureaucrats from piling more and more expensive mandates on each of us as individual citizens and small businesses. It will allow businesses to invest their resources in job-creating activities rather than satisfying bureaucrats in Washington, DC who want to tell them how to run every aspect of their business.

We must stop forcing businesses to close by regulating them to death and sucking the

lifeblood out of our economy. I hope that the President will see fit to extend the moratorium so that we can do away with unnecessary regulations.

RECOGNITION OF ELISA EMERITZ

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States, and its ladies auxiliary, sponsor the Voice of Democracy Broadcast Scriptwriting Program. The program is now in its 45th year and requires high school student participants to write and record a 3-to-5 minute script on an announced patriotic theme. This year's theme was "Meeting America's Challenge," and over 147,000 students participated in the program nationwide.

Elisa Diane Emeritz, a senior at Patchogue-Medford High School of Medford, NY, has been named the 10th place national winner. The will become the recipient of the \$1,500 Department of Illinois and its Ladies Auxiliary Scholarship Award. Elisa is the daughter of Mr. and Mrs. Dadid Emeritz. She plans a career in broadcast journalism. Elisa was sponsored by VFW Post 2937 and its Ladies Auxiliary of Medford, NY.

Mr. Speaker, I take great pleasure in congratulating Elisa Emeritz on her 10th place finish in the 1992 Voice of Democracy Broadcast Scriptwriting Program.

ANCIENT FOREST PROTECTION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. MILLER of California. Mr. Speaker, today, I am pleased to join Agriculture Committee Chairman KIKI DE LA GARZA and our other colleagues in the House Committees of the Interior, Agriculture, and Merchant Marine and Fisheries to introduce legislation to protect old growth forests of the Pacific Northwest.

The committees have agreed to mark up this legislation during the first 2 weeks of May, beginning on May 6.

Last year, a panel of eminent scientists, working with hundreds of forest experts, delivered a devastating indictment of the state of the old growth forests of the Pacific Northwest. They told us that if we do not take drastic action soon, an entire unique ecosystem and the wildlife and fish species that depend on it will collapse. The time for action to meet this crisis is now.

The subcommittee and full committee chairman, including National Parks and Public Lands Subcommittee Chairman BRUCE VENTO, Forest Subcommittee Chairman HAROLD VOLKMER, Merchant Marine and Fisheries Committee Chairman WALTER JONES and Fisheries and Wildlife Subcommittee Chairman GERRY STUDDS, are determined to work together to resolve this critical issue, and I look forward to working with them.

During the markups next month we intend to add provisions to the bill to help ease the transition for timber-dependent workers and communities in the Northwest and strengthen protection of watersheds as well.

The bill introduced this evening calls for the establishment of an old growth forest reserve as outlined in a report entitled "Alternatives for Management of Late-Successional Forests of the Pacific Northwest" last October, commonly referred to as the Portland Panel report. It would require the U.S. Forest Service and the Bureau of Land Management to prohibit timber harvest and take other management actions necessary to save old growth forest ecosystems.

The report by the scientific panel on late successional forest ecosystems, convened at the request of the Agriculture and Merchant Marine Committees, outlined a series of alternatives and options to achieve various levels of protection for old growth forest ecosystems and wildlife dependent on those ecosystems.

I support the least restrictive management alternative the scientists have reported is necessary to provide a high degree of confidence that the diverse old growth biodiversity which includes wildlife and fish such as salmon and trout are going to survive and will not result in another endangered species gridlock.

I plan to offer additional amendment to initiate a similar scientific panel review of the Sierra Nevada forests in California and will propose strong interim protections of the Sierra old growth ecosystems.

A SORRY ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. STARK. Mr. Speaker, Wei Jingsheng is a Chinese political activist who is currently serving his 14th year in prison. Today, I ask my colleagues to take a moment to consider his case and reflect upon Wei Jingsheng's imprisonment and upon the human rights situation in China.

On March 29, 1978, Wei Jingsheng was arrested and charged with counterrevolutionary activities. His crime was the creation of a poster triumphing the importance of democratic reform. Wei titled his poster "The Fifth Modernization" adding democracy to "The Four Modernizations" that Chairman Deng Xiaoping created to promote economic development. Six months later, Wei began his 15-year sentence.

After Wei's arrest, the Chinese Government cracked down on those pushing for democratic reform. The famed Democracy Wall, an officially sponsored setting for free expression, was closed. The Chinese Government silenced underground presses and intellectuals.

This blatant disregard for the guaranteed human right of nonviolent expression of one's opinions continues today. The Government's handling of the prodemocracy Tiananmen Square demonstrators persists as an outrage. The Chinese Government stubbornly goes ahead with execution and imprisonment of those standing up for democratic reform.

This trend runs parallel with another disturbing pattern in the Chinese Government. Over the last decade, the PRC has sold nuclear weapons technology to almost every major nuclear threshold state, including Iraq, Iran, Pakistan, India, and Algeria.

This policy of political oppression and reckless nuclear arms proliferation can not endure. I call upon the Chinese Government to begin to correct their ways and release Wei Jingsheng. I also call upon the Chinese Government to halt the sale of nuclear weapons technology to nuclear threshold countries. If the Chinese Government does not begin to make progress in these areas, the administration must make it clear to the Chinese that our country will not tolerate such irresponsible behavior.

H.R. 3427, THE DEFENSE MANUFACTURING AND CRITICAL TECHNOLOGIES ACT OF 1991

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. HORN. Mr. Speaker, our manufacturing sector continues to lose jobs. Worker productivity remains constant. Our trade imbalance soars. In the meantime, our international competitors continue their aggressive efforts—often assisted by their governments—to move forward in high technology industries. We must stop getting in the way of our businesses and industry and move forward with constructive measures to develop critical technologies.

We as a Nation have excelled in expanding the frontiers of science. But we have fallen behind in applying these scientific discoveries to consumer products and to increasing industrial efficiency and productivity. Because of this, our international competitiveness has suffered.

Last year, I, along with Senator BINGAMAN, introduced legislation to improve our Nation's competitiveness. The Defense Manufacturing and Critical Technologies Act of 1991, H.R. 3427, represented a first step toward closing the gap between us and our competitors in the manufacturing sector. It sought to strengthen manufacturing technology in defense-related industries by establishing a broad manufacturing extension program to aid small- and medium-sized businesses and augment our position in the 22 critical technologies recognized as essential to advanced technology in the 1990's and the 21st century. This legislation was incorporated into the conference report of the National Defense Authorization Act. In addition, funding was appropriated for most of the programs included in H.R. 3427. However, two programs were not funded, manufacturing extension centers and critical technology application centers.

The legislation I am introducing today, the Manufacturing Extension and Critical Technologies Act of 1992, represents the next step in closing the gap between us and our competitors in the manufacturing sector. This bill will strengthen manufacturing technology in defense-related industries. It will use a broad manufacturing extension program to aid small- and medium-sized firms in utilizing the tech-

nology available to increase their productivity and the competitiveness of their products. Our Department of Agriculture has used extension programs for years to develop an agriculture technology that is the envy of the world. We can do the same, in a smaller way, in manufacturing.

In the area of critical technologies, this legislation will also move our Nation forward. It will authorize the Secretary of Defense to establish regional critical technology application centers on a cost shared basis with industry and State and local agencies. Such a step is a necessary follow-up to see that American technologies are utilized here. These technologies are vital to the ability of the United States to compete in such high technological areas as computers, advanced materials, and aerospace.

The time to act on this is now. During the past decade or more we have lost the consumer electronics market to Japan. VCR's, walkmen, stereo components, and televisions represent inventions discovered in America, but manufactured elsewhere. Our basic manufacturing industries have likewise been allowed to decay. This legislation will provide industries with the help they need to develop American inventions into marketable products here, where our businesses can reap the profits of these inventions and our workers can find productive good paying jobs. We cannot afford to lose more products invented here, and the markets and profits that go with manufacturing them, to our international competitors. Our future prosperity and standard of international competitors. Our future prosperity and standard of living depend on producing our own. In addition, our national security and foreign policy independence rely on our ability to manufacture critical weapons components within our borders. We must ensure that we are able to supply our defense needs here.

We must continue to build on the work done at the National Institutes of Standards and Technology [NIST], the Federal Laboratory Consortium, as well as many State, local, and private industry groups, which in the absence of a clear direction from Washington, have forged ahead to do what they knew was necessary. We must support their efforts and expand them. This legislation is the next logical step to accomplish this goal.

With the legislation, our Nation can regain its world leadership in advanced technology and essential manufacturing. To do nothing is to write off our Nation's, and our children's, future.

VOTING RECORD OF HON. DONALD J. PEASE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. PEASE. Mr. Speaker, it has become my practice to insert periodically in the CONGRESSIONAL RECORD a list of key votes that I have cast in the U.S. House of Representatives.

The list is arranged in this manner: Each item begins with the rollcall vote number of the bill or resolution that the House was consider-

ing, followed by the bill number and a summary of the issue. This is followed by my own vote on the issue and the vote outcome.

This list of votes covers the period of July 10, 1991, through November 27, 1991.

KEY VOTES OF CONGRESSMAN DON J. PEASE

(205) H.R. 2212. Conditional Most Favored Nation Trade Status for China. Prohibiting the president from extending MFN trade status to China until it accounts for all Tiananmen Square protest prisoners, ceases the export of nuclear technology and forced labor goods, stops coercing citizens to have abortions, and improves the nation's human rights record. Yes. Passed 313-112.

(207) H.R. 1989. American Technology Pre-eminence Act. Authorizing \$289.7 million in FY 1991 and \$347.5 million in FY 1992 to expand manufacturing and technology programs designed to improve U.S. companies' competitiveness in world markets. Yes. Passed 296-122.

(213) H.R. 5. Striker Replacement. Prohibiting employers from hiring permanent replacements for certified union employees who are striking over economic issues. Yes. Passed 247-182.

(214) H.R. 1776. FY 1992 Coast Guard Authorization. Amendment urging the repeal of Coast Guard annual fees on recreational boats. Yes. Passed 412-6.

(224) H.R. 2942. FY 1992 Transportation Appropriation. Appropriating \$34.4 billion in FY 1992 for the Department of Transportation, the Highway Trust Fund, various mass transit programs, and other related agencies. Yes. Passed 379-47.

(225) H.R. 2893. Agricultural Disaster Assistance. Extending the 1990 farm bill disaster assistance program through 1991. Yes. Passed 328-67.

(229) H.R. 2507. National Institute of Health Reauthorization. Reauthorizing the National Institutes of Health programs including the National Cancer Institute and the National Heart, Lung, and Blood Institute; and overturning the Administration's ban on aborted fetal tissue research. Yes. Passed 274-144.

(241) H.R. 1107. Persian Gulf Silver Medals. Establishing a silver congressional commemorative medal for combat zone Persian Gulf conflict veterans. Yes. Passed 381-37.

(245) H.R. 2427. FY 1992 Energy and Water Appropriations. Conference report appropriating \$20.8 billion for various energy, water, and nuclear weapons projects in FY 1992, including \$500,000 for the Lorain Port Authority Lighthouse foundation project. Yes. Passed 383-32.

(253) H.R. 3201. Extend Unemployment Benefits. Extending approximately \$5.3 billion in temporary unemployment benefits to unemployed workers who have previously exhausted their benefits, contingent upon the president's declaring an emergency. Yes. Passed 375-45.

(257) H.R. 2967. Older Americans Act Reauthorization. Reauthorizing the Older Americans Act of 1965, Meals on Wheels, various nutrition programs, and other elderly poor assistance programs through FY 1995. Yes. Passed 385-0.

(271) H.R. 2622. FY 1992 Treasury-Postal Appropriations. Instructing House conferees to insist on prison terms for individuals convicted of selling child pornography. Yes. Passed 414-0.

(278) H.R. 2900. Government-Sponsored Housing Enterprises. Improving the regulations of the financial stability of the Federal National Mortgage Association and other federal housing credit agencies. Yes. Passed 414-8.

(286) H.R. 2519. FY 1992 VA and HUD Appropriations Conference Report. Providing \$80.9 billion in new budget authority to the Department of Veteran Affairs, Department of Housing and Urban Affairs, Environmental Protection Agency, NASA, and other agencies in FY 1992. No. Passed 390-30.

(288) H.R. 3039. Defense Production Act. Reauthorizing the Defense Production Act of 1950, enabling the president to ensure the U.S.'s ability to manufacture vital national defense-related materials. Yes. Passed 419-3.

(298) H.R. 3033. Job Training Partnership Act. Setting guidelines for the expansion of programs which help economically disadvantaged individuals develop work-related skills and authorizing \$135 million for new initiatives. Yes. Passed 420-6.

(309) H.R. 2686. FY 1992 Interior Appropriations. Instructing House conferees to insist on a Senate amendment prohibiting the National Endowment of the Arts from funding projects which depict patently offensive sexual or excretory activities. No. Passed 286-135.

(316) H.R. 3371. Omnibus Crime Bill. Amendment restricting and in some cases prohibiting the use of habeas corpus appeals and petitions. No. Failed 208-218.

(318) H.R. 3371. Omnibus Crime Bill. Amendment removing provisions prohibiting 13 types of assault rifles and ammunition clips with more than seven rounds. No. Passed 247-177.

(320) H.R. 3371. Omnibus Crime Bill. Amendment allowing "good faith" evidence seizures performed without a warrant to be used against a defendant. No. Passed 247-165.

(327) H.R. 3371 Omnibus Crime Bill. Extending the death penalty to 50 additional crimes, allowing the "good faith" exception to warrantless evidence seizures, altering the habeas corpus procedures, and authorizing \$1.1 billion for law enforcement programs. No. Passed 305-118.

(338) H.R. 2950. Surface Transportation Reauthorization. Authorizing \$151 billion for highway and mass transit programs through FY 1997 and extending the gas tax through 1999. Yes. Passed 343-83.

(340) H.J. Res. 360. FY 1992 Continuing Resolutions. Providing continuing stop-gap appropriations for nine FY 1992 appropriations bills not yet enacted, allowing the government to continue running. No. Passed 288-126.

(342) H.R. 2686. FY 1992 Interior Appropriations. Appropriating \$12.6 billion to the Department of the Interior without restricting the grant procedures of the National Endowment for the Arts. Yes. Passed 310-104.

(352) H.R. 3543. FY 1992 Supplemental Appropriations. Providing \$7.5 billion in emergency spending for natural disaster relief, low income assistance programs, and Operation Desert Shield/Storm clean up operations. No. Passed 252-162.

(354) H.R. 2508. FY 1992-93 Foreign Aid Authorization. Conference report authorizing \$25 billion for FY 1992-1993 in foreign economic and military aid and overturning the Administration's Mexico city policy of not funding international groups which espouse abortion as a family planning option. No. Failed 159-262.

(359) H.R. 2454. Generic Drug Enforcement Act. Granting the Food and Drug Administration additional authority to guard against and punish abusers of generic drug approval processes. Yes. Passed 413-0.

(375) H.R. 6. Banking Reform. Restructuring the bank industry, revamping the federal bank deposit insurance system, and permitting the FDIC to borrow \$30 billion to absorb losses in failed banks. Yes. Failed 89-324.

(378) H.R. 3350. Civil Rights Commission Reauthorization. Reauthorizing the Civil Rights Commission for FY 1992-1994. Yes. Passed 420-7.

(380) H.R. 2707. FY 1992 Labor, HHS, and Education Appropriations. Conference report appropriating \$176.8 billion to the Departments of Labor, Health and Human Services, Education, and other agencies for FY 1992, \$27.8 billion for FY 1993, and \$275 billion for FY 1994. Removes the Administration's "gag rule" on abortion counseling in federally funded family planning clinics. Yes. Passed 272-156.

(386) S. 1745. Civil Rights Act of 1991. Expanding the Civil Rights Act of 1964 to counter Supreme Court restrictions on job discrimination lawsuit procedures, and allowing sex, religion, and disability discrimination victims to collect limited damages. Yes. Passed 381-38.

(393) H.R. 2. Family and Medical Leave Act. Requiring employers of 50 or more people to provide up to 12 weeks unpaid leave to seriously ill workers, for birth or adoption of a child, or to care for an ill family member. Yes. Passed 253-177.

(396) H.R. 3575. Extended Unemployment Benefits. Compromise measure extending \$5.2 billion in unemployment benefits to approximately 3 million people for up to six, 13 or 20 weeks, and providing various mechanisms to pay for them. Yes. Passed 396-30.

(403) H.R. 2707. FY 1992 Labor, HHS, and Education Appropriation. Overriding the president's veto and appropriating \$176.8 billion to the Departments of Labor, Health and Human Services, Education, and other agencies for FY 1992, \$27.8 billion for FY 1993, and \$275 billion for FY 1993. Removes the administration's "gag rule" on abortion counseling in federally funded family planning clinics. Yes. Failed 276-156. (Two-thirds majority present required to override a veto.)

(407) H.R. 3595. Medicaid Moratorium. Allowing states to utilize voluntary contributions, provider-specific taxes, and intergovernmental loans to finance Medicaid programs in order to receive more federal matching funds. No. Passed 348-71.

(410) H.J. Res. 346. Most Favored Nation Trade Status for the Soviet Union. Extending MFN trade status to the Soviet Union. Yes. Passed 350-78.

(415) H.R. 3768. Bank Reform. Authorizing the Federal Deposit Insurance Corporation to borrow up to \$30 billion to cover failed banks, expanding the FDIC's ability to prevent bank failures, and designating new capital requirements for lending institutions. Yes. Passed 344-84.

(427) H.R. 3750. Campaign Finance Reform. Providing up to \$200,000 in public matching funds and lower mailing costs to House candidates who raise a minimum of \$60,000 in individual contribution of \$200 or less and agree to spend less than \$600,000 in the election, and limits the amount of PAC donations each candidate can accept at \$200,000. Yes. Passed 273-156.

(439) H.R. 3909. Extend Expiring Tax Provisions. Extending 12 tax provisions that encourage low-income housing, education programs, research and development, health care and improve mortgage availability. Yes. Passed 420-0.

(440) H.R. 2950. Surface Transportation Reauthorization. Conference report authorizing \$151 billion for highway and mass transit programs through FY 1997 and granting greater control to state and local governments in highway planning. Yes. Passed 372-47.

ABANDONED BY OUR HEALTH
CARE SYSTEM

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. STUDDS. Mr. Speaker, I recently received an unusually thoughtful letter from a Plymouth, MA, family which underscores the inadequacy of our health care system, and illustrates the vulnerability of millions of Americans who are in need of basic health care.

This letter forcefully reminds us that, as we continue to debate, costs continue to rise, and more and more Americans are denied basic coverage. We no longer have the luxury of time. Our people are hurting. The time has come to enact national health insurance.

I commend this letter to my colleagues:

DEAR REPRESENTATIVE STUDDS, I was happy to see your interest in a health care bill. You have always been a fair advocate for New England fishermen. Now, it seems to me, the most important thing you can do for Massachusetts fishermen is to back an equitable health care plan.

I would like to tell you our story. When my husband became a full-time lobster fisherman 10 years ago, we joined a health care program that was available to lobstermen. We faithfully paid our monthly premiums. Then, the first two carriers under the management of our trust company went into receivership, leaving hospital bills and subscribers in litigation for years. We were annoyed when we read in our local newspaper that the former owner was investing in million dollar real estate deals. We had few medical bills at the time, so we continued to pay premiums to a new carrier.

Then in September 1990 my husband had emergency abdominal surgery and we were glad we had insurance. However, our third carrier also went bankrupt and left us with \$10,000 of hospital bills in litigation. Yet, we were assured that our new carrier was reliable.

In January 1991 my husband had follow-up surgery, again costing more than \$10,000. But before that bill could be paid, our supposedly reliable carrier went into receivership. And so, even though we had paid over \$20,000 in premiums during the previous 10 years, to more than five carriers, our hospital bills go unpaid. Of course, we are angered beyond words. But more important, this is not an efficient way to fund health care. It does seem to make a few entrepreneurs and lawyers rich at the expense of working men and women.

President Bush stated in his inaugural address that he would help these entrepreneurs with even less regulation. I, of course, cannot see his point of view.

Now we are awaiting acceptance by yet another carrier. Only this time our premiums will be higher and we may not be covered for pre-existing conditions. This is not an efficient way to provide health care.

It is imperative to us that we have a reliable National Health Care Program. In November I will vote for the candidate who offers such a program. But I will certainly expect him to see it through.

Please do not allow this issue to become just another "political football."

Sincerely,

PUBLIC LIBRARIES

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mrs. PATTERSON. Mr. Speaker, I rise today to recognize our Nation's libraries during National Library Week.

Public libraries have a long tradition in teaching people to read. As an advocate of education, I support the need to improve libraries which provide many services to people of all ages. The use of Federal funds by South Carolina libraries has greatly enhanced their ability to meet the information needs of all South Carolinians.

Last summer I had the pleasure of attending a rally for libraries in Greenville, SC, in my district. This facility has done outstanding work in serving the homeless by providing deposit collections of materials which concentrate on literacy and life skills.

Spartanburg County Library, also in my district, received a Library Services and Construction Act grant this year to distribute storytime kits on a rotating basis to day care centers not presently using the library. This outreach endeavor also provides training of day care staff in the use of these materials. It is through projects like these that libraries are preparing children to enter school ready to learn.

I would like to join many of my colleagues in supporting National Library Week. As this country seeks to implement the National Education Goals envisioned in America 2000, the role of libraries must not be overlooked.

ACTORS THEATRE OF LOUISVILLE:
ON THE CUTTING EDGE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. MAZZOLI. Mr. Speaker, recently, Actors Theatre of Louisville celebrated the 16th anniversary of the Humana Festival of New American Plays.

The festival is a 6-week springtime repertory of new plays that offers, as the Washington Times says, "the most ambitious rotating showcase of new scripts in the country." In many instances, the plays move on to national acclaim. Producers, directors, theater artists, and critics from around the country annually travel to Louisville to take in the Humana Festival.

Under the guidance of producing director, Jon Jory, Actors Theatre continues to explore important cultural and social issues with innovative new works. This year's showcase was no exception as the festival included plays examining racial and ethnic identities, urban violence, and our attitudes toward the terminally ill.

The Humana Festival showcases both new writers as well as established playwrights. This year's festival included works by Tony Award winners, David Henry Hwang and Marsha Norman, Pulitzer Prize winner Lanford Wilson,

and National Book Award winner Joyce Carol Oats.

Mr. Speaker, New York deserves its reputation as the center of American theater, but as a native Louisvillian, I am proud of the name my hometown has acquired—because of Actors Theatre and the Humana Festival—as a major force in drama and the theatrical arts.

I commend to the attention of my colleagues the reviews of the Festival which were recently published in the New York Times and the Washington Times.

[From the New York Times, Mar. 26, 1992]

ABOUT DEATH, BAD DREAMS AND D. BOONE
DEBUNKED

(By Mel Gussow)

LOUISVILLE, KY., March 22—Debilitating illness and rituals of death were among the themes dramatized at the 16th annual Humana Festival of New American Plays at the Actors Theatre of Louisville this weekend. In fact, there was so much medical equipment onstage in the marathon of eight plays and three 10-minute one-acts that one could conjecture that the Humana Foundation had not only given financial support to the festival but had also supplied scenery, props and costumes.

In a program note, Jon Jory, the company's artistic director, characterizes our times—and presumably the plays in the festival—as "fraught with fear and omens of disaster." Moving out of a hospital environment and responding to current social and economic crises, other plays dealt with violence, both actual and metaphorical.

This year there was no feeling of discovery, as there was when Beth Henley's "Crimes of the Heart" and Romulus Linney's "2" had their world premieres in Louisville. But there were three plays of more than usual interest. All of them are elevated by a highly individualistic sense of humor and each needs more work from the playwright before taking a next production step. Those three are José Rivera's "Marisol," a black-as-night comedy about urban nightmares, the most challenging of the plays in the festival; David Henry Hwang's "Bondage," a social satire set in an S&M parlor, and Marsha Norman's exuberant time-machine yarn, "D. Boone."

"Marisol" suffers from an overload of myth and portent, but it is fired by a comic ferocity. This could evolve into Mr. Rivera's most venturesome work. While some Louisvillians might have been perplexed by the weird urban extremities depicted onstage, beleaguered New Yorkers may identify them as the norm.

Deserted by her guardian angel and left to die or survive by her own wits, the doll-like title character (Karina Arroyave) bolts herself into her apartment behind a 10-foot-high door with 14 locks, and then watches fearfully, as with a click each lock falls to the floor. Standing next to her on the subway in another scene is a creature that could be a twin of the Wild Man of Borneo, and on the street she is accosted by a man with a scorched face. These and other grotesqueries are played by V. Craig Heidenreich, a masterly match for the vulnerable heroine. The play is too sprawling and ambitious to fit into the Actors Theatre's small upstairs stage, but in a more fluid production and with a tighter script, angels would fly and devils would terrify.

Seeing a marathon of plays over a period of three days, theatergoers can be overcome by restlessness, or worse, but from its opening image, Mr. Hwang's "Bondage" riveted the

audience to its seats. The scene is a brightly lighted Los Angeles house of dreams, in which a man, covered from head to toe with heavily zippered black leather, is hanging spread-eagled on chains. In the subsequent interplay, a similarly garbed dominatrix and this willingly masochistic client act out fantasies and demonstrate that, as one character says "All's fair in love and bondage."

In this uncharacteristic mode, the author of "M. Butterfly" proves to be a wry observer of contemporary mores and racial stereotypes. The actors (B.D. Wong and Kathryn Layng) play their roles to the hilt, even as they unmask, an exceedingly intricate maneuver because of the technical complexity of the costuming. As the play moves from Genet-land to something approaching a romantic comedy, it occasionally stalls. An hour is too long for this escapade, but there is no denying that the playwright is having fun with his bondage badinage.

The Hwang play is a part of a new Actors Theater emphasis on multiculturalism. Its companion one-act is Suzan-Lori Parks's "Devotees in the Garden of Love," a drawing room comedy set in a war zone. With its convoluted narrative, "Devotees" abandons the audience in a labyrinth. But there are sparks in it of the limber black patois that previously marked Ms. Parks's talent.

Ms. Norman's "D. Boone" was commissioned especially for Kentucky's bicentennial. Daniel Boone is, of course, at the top of the state's pantheon of heroes (along with college basketball stars). A tree stump in which the frontiersman is supposed to have carved his name stands in the Filson Club historical society as an artifact for the true Boone believer.

In her spoof, the playwright debunks the stump and the myth himself, and turns D. Boone into a guileful pragmatist, playing diplomacy to stall the Indians from attacking. The playwright engages in her own game of make-believe, freely mixing history with fanciful figments, as contemporary characters step through a teepee in a museum installation and find themselves Boone's companions. This "Back to the Future" framework allows the author to comment on historical revisionism and on almost anything else that enters her mind.

One might regard "D. Boone" as good ol' boy regionalism. I view it from the opposite direction, as a comedy that, with substantial revisions, might be transformed into a film starring Steve Martin and Billy Crystal, with Robin Williams in a cameo as Chief Blackfish, Boone's friendly foe. Cinematized, it could, of course be a boon at the box office.

While Ms. Norman lightened up and revealed her droll side, John Conklin, in his debut as playwright and director, revealed nothing at all. The signs for his "Carving of Mount Rushmore" were auspicious. Mr. Conklin is one of our most creative designers of theater and opera, and the monumental subject would seem to be a natural one for his imagistic talent. But in an act that Mr. Hwang might characterize as masochistic, he unwisely turned his back on his role as scenic designer.

A tiny home movie screen used for shaky projections and dozens of chairs (a tag sale from "Grand Hotel"?) substitute for scenery. In this spare setting, actors speak randomly from the record, with one tourist quoting adjectives like "colossal" to describe the edifice we do not see. Only hinted at in this brief exercise is the serious question raised by Rushmore, whether it was a defensible act of art or a desecration of the natural envi-

ronment. Ms. Norman is far more telling in her commentary on that tree stump.

The festival's other keen disappointment was John Olive's "Evelyn and the Polka King." No amount of good will toward the playwright for his past plays could justify this work's production. The story line is as tiresome as the polka music insistently played by an onstage band. Perhaps the play would have been more interesting if it has been "Evelyn and the Poker King."

Some theatergoers were touched by Mayo Simon's "Old Lady's Guide to Survival," about a lonely octogenarian who is losing her eyesight and forms an alliance with an Alzheimer's patient. Lynn Cohen in the title role is the chief asset in a play that sacrifices wistfulness for sentimentalization. In Ross MacLean's "Hyaena," a ghoulish visitor hangs around a hospital praying for patients to die. Despite a promising premise—the title character is the opposite of the care-keepers we have seen in other plays—this is a work without subtext. Joyce Carol Oates's 10-minute "Procedure" is procedural rather than dramatic, a slice of death as two nurses prepare a body for the morgue.

In contrast, the other 10-minute plays are exemplars of the short form: Jane Anderson's "Lynette at 3 A.M." is an absurdist cartoon about a woman's sleepless night in which she encounters the ghost of a neighbor who has just died. Lanford Wilson's "Eukiah" is a Faulknerian story about barnburning, with a jolting Wilson twist. Mr. Wilson wastes no words, offering an object lesson in artistic economy to less disciplined peers at this year's festival. He also has a warning to Kentuckians awaiting the Derby. As one of characters in "Eukiah" says, "Never trust anything anyone says if it's about horses."

[From the Washington Times, Mar. 27, 1992]

THE HUMANA DRAMA

(By Hap Erstein)

For much of its season, the Actors Theatre of Louisville is like other regional non-profit stage companies. It produces the usual off-Broadway hits and, yes, each holiday season presents its own version of "A Christmas Carol."

But during the month of March for the past 15 years, Actors Theatre has turned into "Playwrights Theatre," offering the most ambitious rotating showcase of new scripts in the country.

Again this year; those who want to know what's happening in theater in the United States—or at least what currently interests ATL Producing Director Jon Jory enough to develop and present—are attending the Humana Festival of New American Plays.

A strong field of works continues in repertory through this weekend. And several are likely to be seen in future seasons across the country.

The Humana Festival roster includes already established playwrights such as Tony Award winners David Henry Hwang ("M. Butterfly") and Marsha Norman ("The Secret Garden"), Pulitzer Prize winner Lanford Wilson ("Talley's Polly") and National Book Award winner Joyce Carol Oates ("them").

More typically, the Humana Festival gives emerging writers their first important national platform. Even more than for the celebrity writers, the standing-room-only audiences at the festival last weekend were buzzing about Puerto Rican surrealist Jose Rivera and his comic view of urban apocalypse, "Marisol."

True to form, the Humana roster also includes a few plays whose inclusion is hard to fathom.

In this category is certainly "The Carving of Mount Rushmore," written and directed by scenic designer John Conklin. It's a safe bet that this curious collection of sentence fragments and thought shards about the making of the controversial monument to democracy will not be produced again with any regularity, if at all.

But other entries probably will have extended the life, primarily because of the following the event has acquired over the years.

For "special visitors weekend," the audience is a virtual who's who of the theater industry—more than 400 key artistic directors, literary managers, agents, producers and critics. Each is hoping to discover the next "Gin Game," "Agnes of God" or "Execution of Justice"—all plays that originated in Louisville.

MARISOL'S ODYSSEY

Although the theme and tone of Mr. Rivera's "Marisol" is hardly upbeat, his is a most refreshing voice. His comic facility with language is bracing. He presents for our consideration a young woman from the Bronx, Marisol Perez, who resides in a lethal neighborhood of a hostile world where mere survival is a major accomplishment.

Marisol has learned to harden herself to the intrusions of the homeless, the substance abusers, the merely maniacal. Because of this, she thinks, she has remained relatively unharmed by the constant assault of her environment.

Actually she has been protected all this time by a guardian angel, a large woman in leather jacket and gloves who watches over Marisol from on high. This angel makes no claims that it's a wonderful life, but at least Marisol is beating the odds by staying alive.

However, Marisol is put on notice by the angel that she can no longer protect her. Because the world has grown so sick and degenerate, the angels have decided to rebel against an obviously indifferent God and wage war in the heavens. Without angelic oversight, Marisol's world goes from inhuman to severely weird.

By experiencing such night-marish depths—encounters with homicidal crazies, a pregnant man, a pyromaniac skinhead Nazi and one of his victims burnt to a charred mess—Marisol goes through a spiritual salvation.

This odyssey is conveyed through Mr. Rivera's stunning verbal agility and director Marcus Stern's ability to bring these horrific visions to life. Contributing to the impact is diminutive actress Karina Arroyave as the modern day Alice-through-a-grimy-looking-glass.

Mr. Rivera's odd vision can be seen to a lesser degree on the network television show "Eerie, Indiana," which he co-created. That job presumably allows him the freedom to write such stunning but commercially dubious works as "Marisol."

Although currently a West Coast playwright, Mr. Rivera lived for years in the Bronx, and "Marisol" breathes with gritty authenticity. Though its societal indictment is geographically broader, it is a quintessential New York play.

ROMANCING BOONE

Miss Norman, on the other hand, has written an homage to Kentucky in "D. Boone," a relatively light comedy about hero worship and unexpected love right under your nose.

It takes place in a Kentucky history museum, amid supposed artifacts of the revered pioneer in buckskins, Daniel Boone. Flo, a custodian, has fallen in love with this legendary figure and discovered a way to travel

back in time to the 18th century to meet him.

Because of her romantic fixation, she is blind to the assets of new employee Hilly. Until, of course, the final curtain.

Miss Norman was previously best known for such stark dramas as her case history of suicide, "Night, Mother." But "D. Boone" hasn't a morose thought in it. Perhaps this is the result of the playwright's recent concentration on the musical theater:

Artistic directors will have to be more adventurous to present Mr. Hwang's love story "Bondage," although at its core the play is surprisingly innocent and heartfelt.

OK, so it takes place entirely in a sadomasochism parlor in Los Angeles. There, a man and a woman covered in leather verbally abuse each other in order to get the upper hand in this unconventional relationship.

In fact, "Bondage" has a serious purpose. It is an exploration of racial images. The characters role-play and assume various ethnic identities while the truth remains hidden behind the leather. This absorbing one-act work is in keeping with the themes of "M. Butterfly," which dealt with gender confusion and assumptions about dominance.

Inviting the audience to play along, the program does not list the cast members, so their ethnicity remains somewhat shrouded until the final moments of "Bondage." In this premiere production, the male character is played with an in-over-his-head vocal quaver by the impressive "M. Butterfly" Tony winner, B.D. Wong.

The expected kinkiness of "Bondage" probably will work against it in obtaining outside bookings. Also a detriment to the play's commercial future is its one-act length.

THREE SHORT PLAYS

The problem is magnified in a bill of three brief plays, all entries in Actors Theatre's 10-minute play contest. This Kentucky theater has long used this competition as a way to discover new writers without having to wade through full-length scripts.

This year, however, it attracted some major writers who demonstrated the dramatic viability of this short format. Mr. Wilson, who shared first place in the contest with Jane Anderson, wrote a minithriller titled "Eukiah" about a stableman trying to coax a young boy out of hiding to find out what he knows. Although his other work shows few signs of it, Mr. Wilson knows a great deal about the art of building suspense.

Miss Anderson spins a short comic tale called "Lynette at 3 AM," another episode with a continuing character of hers. Lynette is an insecure insomniac who lies awake in bed needing to have her love affirmed by Bobby, the big lug lying next to her who simply wants to get some sleep.

After hearing gunshots, she soon is visited by a murder victim who imparts some wisdom. In addition to some funny dialogue, the playlet is considerably helped by the direction of Reid Davis, who positions Lynette's bed vertically, giving the audience a ceiling's-eye view.

Death gets a more serious look in Miss Oates' 10-minute exercise in realism, "Procedure." The title says it all, as a veteran nurse walks a neophyte through the clinical steps for preparing a body for the hospital morgue. The scene is chilling.

The strides that Miss Oates has made as a dramatist since her first Humana appearance two years ago are evident here. However, "Procedure" could be improved by the removal of a needlessly ironic coda.

FACING DEATH

Just as Broadway is about to have a flood of activity this season, just as regional thea-

ter activity has stabilized, just as it appears for once that theater is not dying, the Humana Festival seems preoccupied with death.

Consider Ross McLean's "Hyaena," the story of a man who befriends and holds vigil over dying hospital patients as a way to confront death at the moment they expire.

Mr. McLean certainly understands the discomfort many of us feel around the dying. He has created an extraordinary character in this metaphorically carnivorous stranger. But like "Procedure," it must play itself out to its inevitable conclusion, draining the mystery of the hyena's motives as it goes.

Concerned with the related topic of old age is Mayo Simon, whose "Old Lady's Guide to Survival" is a variation on "The Odd Couple." Set in sunny San Diego, it pits a fiercely independent woman who is losing her eyesight against a free-spirited busybody whose eccentricities drift into the horror of Alzheimer's disease.

The play starts out comically, with Mr. Simon showing he knows how to write characters that intrigue and hook an audience into caring. After intermission, however, the work sprawls and flies off in several directions—all predictable.

If this were a commercial out-of-town try-out, you would write it off as classic second-act troubles. Perhaps Mr. Simon can fix it; there could be interest in this sitcom with a few serious things on its mind.

POLKA MUSICALS?

You probably weren't wondering, but playwright John Olive ("The Voice of the Prairie") and composers Carl Finch and Bob Lucas have explored whether a polka musical could be a viable entity. Rash generalities should not be made about the potential in the genre, but they have not succeeded with "Evelyn and the Polka King."

The musical is about a pair of lost souls trying to get in touch with their dreams. Hank Czerniak was once proclaimed "the Polka King," and he may be again if he can stay off the booze and make a comeback from oblivion.

The last thing he needs is Evelyn, the daughter he never knew he had, who arrives looking for clues to the biological mother from whom she has been estranged.

The story has potential, the onstage backup band called the Vibra-Tones has brass and oom-paah to spare and Tom Ligon as Hank is quite winning. The material itself—the play with songs—is too clumsy and uninviting. A good, if goofy, idea squandered.

RACIAL ASSUMPTIONS

The idea behind Suzan-Lori Parks's "Devoetes in the Garden of Love" is not at all clear. Miss Parks, like her characters, is black. But as with Mr. Hwang's "Bondage," which her one-act play was designed to accompany, she challenges any and all racial assumptions you may bring to the theater.

Her play involves a mother and daughter who spy a battle in the valley below, apparently being fought for the daughter's hand in marriage. As they wait, they discuss the niceties of etiquette and the value of old fashioned romantic love. On occasion, television monitors descend to give the audience and characters news from the front—represented by a reporter's narration over scenes from the Persian Gulf war.

If there is any more to the play, it is not apparent.

HOPEFUL SIGNS

On balance, though, the Humana Festival shows plenty of vigor.

It is a harbinger of theatrical health ahead, perhaps, even if the plays are concerned with death, old age, despoiling nature to make monuments to presidents and the general breakdown of society.

For when a play like "Marisol" is telling us that our world has sunk to its lowest ebb, there is something oddly cheering about hearing the message from such a startlingly talented new messenger.

INTRODUCTION OF THE FEDERAL FACILITIES TOXICS RELEASE ACT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. WOLPE. Mr. Speaker, today, I am joined by over 75 colleagues in introducing the Federal Facilities Toxics Release Act, legislation that would bring Federal facilities under the Emergency Planning and Community Right-to-Know Act [EPCRA]. This bill would require public disclosure of data on chemical emissions and source reduction efforts at government plants. Also, the legislation calls for government participation in local planning for emergency responses to chemical releases.

Federal facilities are known to be the Nation's largest polluters, releasing billions of pounds of toxic chemicals into the environment. The Department of Defense alone is responsible for 14,041 toxic waste sites at 1,579 domestic facilities. And just one Department of Energy facility, the Hanford Nuclear Reservation, has released more than 200 billion gallons of waste into the environment.

Just as staggering as the military's toxic wastes are the inconsistencies and gaps in government data pertaining to them. Reliable information systems are essential for tracking toxics from cradle to grave and implementing pollution prevention. The key to this reliability is having Federal facilities and industry report in a consistent and identical manner.

In 1986, Congress passed title III of the Superfund Amendments and Reauthorization Act [SARA] which recognized the public's right to know about the risks posed by a number of private sector facilities which produce certain toxic chemicals. This valuable information is compiled by EPA in a multimedia database known as the Toxics Release Inventory or TRI.

In 1990, the Pollution Prevention Act [PPA] was passed requiring these same private sector industries to report on their source reduction efforts. However, similar facilities owned by the Federal Government are exempt from these laws, creating a double standard that is unacceptable.

EPCRA and PPA are unique among environmental laws. Both are nonregulatory statutes that rely on reporting and public disclosure of information to achieve environmental protection.

While the Administrator of the Environmental Protection Agency has formally requested the head of each Federal agency to voluntarily comply with the Emergency Planning and Community Right-to-Know Act, only a few government-owned and -operated facilities are currently reporting under the Toxics Release Inventory [TRI].

It is time that every Federal installation report its toxic chemical releases into the air, water and land under the TRI. Without this information, neither the public nor the government itself will ever know the full extent of environmental problems or have the tools necessary to make progress in reducing chemical waste.

I urge my colleagues to cosponsor this important environmental and public right-to-know bill.

NEW JERSEY'S CREDIT UNIONS REMAIN STRONG NAFCU'S 25TH ANNIVERSARY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. RINALDO. Mr. Speaker, despite the current recession, New Jersey's credit unions remain strong. Our State is home to 433 credit unions, which have a total membership of over 1 million people. Over \$3.4 billion in our citizen's savings is held in these financial cooperatives.

Credit unions provide low-cost financial services to their members. These are not huge, impersonal financial institutions; these are neighbors and coworkers helping each other. Approximately 315 of our credit unions have assets of under \$5 million.

Over 92 percent of New Jersey's credit unions are federally chartered, and I am proud to recognize the 25th anniversary of the National Association of Federal Credit Unions. Since its founding in 1967, NAFCU has served as a highly effective advocate for credit unions in the legislative and regulatory process.

NAFCU was instrumental in the establishment of the National Credit Union Administration as an independent regulator, and the creation of the National Credit Union share insurance fund. The NCUSIF serves to protect member's deposits up to \$100,000, and has an unparalleled record of safety and strength. Without NAFCU's efforts, I seriously doubt that credit union members would have share draft accounts, or a number of other services.

A few years ago, I was privileged to work closely with NAFCU's president, Ken Robinson, and its vice president for governmental affairs, Bill Donovan, to secure an exemption for Federal credit unions from oversight by the Federal Trade Commission. Because the National Credit Union administration had proved to be such an effective regulator, FTC jurisdiction was no longer necessary. My amendment succeeded in large part because of NAFCU's diligence and persistence in pursuing this legislative goal.

I am pleased to honor NAFCU at the beginning of its second quarter century of service to Federal credit unions, and I look forward to many further accomplishments in the future.

HAMILTON STANDARD—A PART- NERSHIP WITH CONNECTICUT SCHOOLS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is common knowledge that industry and schools need to come together to help educate our young people and to enable America to have the most highly trained and educated work force. United Technologies' Hamilton Standard Division of Windsor Locks, CT, has answered the need for this partnership by donating more than half a million dollars of surplus tooling, gauges, and equipment to local vocational and technical high schools and colleges.

For years, Hamilton Standard has given back to the community; the community that supplies its workers and purchases its products. Not only does Hamilton Standard realize the need for the business community to form a partnership with schools for educational advancement, but its employees also recognize the economic problems that have severely cut into school budgets. Hamilton Standard found that it had a surplus of goods needed by schools and made a donation that assisted in alleviating some of the economic burden and updated the equipment in the schools.

I commend Hamilton Standard for its generosity and awareness of the needs of the community. The company stands as an excellent example of the partnership that is necessary to improve the education of American students and prepare the way for an educated and technically advanced work force.

STRATEGIC MANUFACTURING ALLIANCE ACT OF 1992

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HENRY. Mr. Speaker, earlier this year I introduced legislation to change the vision and charter of our Commerce Department by proposing that we restructure it as the Department of Manufacturing and Commerce. As I stated then, we can only maintain our preeminence as an industrialized nation if the Federal Government and the private sector come together as never before to keep our manufacturing base competitive in the international marketplace. Manufacturing is the force that creates jobs, drives economic growth and innovation, and determines our Nation's standard of living. That is why we need a coherent strategy and a Government office working for U.S. manufacturers. Today, therefore, I am introducing the Strategic Manufacturing Alliance Act, which I believe can help shape such a strategy. In short, my bill would establish a grant program through our Technology Administration to foster new competitive alliances or consortia between our academic community and struggling U.S. manufacturers.

While a number of positive policy changes have occurred over the last few years to create programs like the Advanced Technology Program [ATP] and the Regional Manufacturing Centers Program among others, a recent General Accounting Office [GAO] report pointed out that Federal efforts to enhance the competitiveness of manufacturers have "not been realistically aligned with the basic needs of most manufacturers." It concluded that the majority of U.S. manufacturers need to be able to apply off-the-shelf current technologies more efficiently so that they can raise productivity, improve product quality, and respond to changing market conditions. It also indicated that manufacturers need help training their work force so that new technologies are applied properly. This is what my proposal is designed to do.

The Strategic Manufacturing Alliance Act concept might best be described as an industry-specific "American Keiretsu"—not to allow antitrust activities, but rather to allow companies and nonprofit research institutes or universities to come together and address basic research, worker training, and technology application needs on an ongoing basis.

Unlike current technology outreach that tries to transfer new breakthroughs to industry in an extension or vendor-type fashion, my proposal would require industry to identify its own needs and set its own research, application, and worker training agendas. I believe this structure will attract more firms by giving them a vested interest in the program. In fact, it would force grant applicants to demonstrate that they have ascertained private sector participatory commitments for their proposed consortium. This is what I think has been lacking in our current extension programs. It's awfully difficult to walk into a manufacturing firm, say one that only has 100 employees, and tell them that they need to incorporate this technology or that technology into their manufacturing process so that they can become more competitive. They may like your idea, but a more pressing problem might be training workers or making their current equipment technology run more efficiently. My point is that manufacturers know what their most pressing needs are. So why not foster a support structure that will allow them to have those needs addressed?

To my knowledge, there is no Federal program that looks at the shorter term needs of most manufacturers and ties R&D, technology transfer, and worker training into one comprehensive program—and is industry-driven. On a larger scale there is the Sematech and the U.S. Advanced Battery Consortium, but nothing is targeted at smaller manufacturers and suppliers. The Department of Commerce ATP program funds individual cutting edge technology development proposals. The Manufacturing Centers Program is aimed at transferring advanced technologies from our NIST labs.

Because the Commerce Department's Technology Administration is currently in the process of evaluating how its technology programs can be broadened to more effectively meet the needs of the average manufacturer, it makes perfect sense to establish, at least for demonstration purposes, a revolutionary manufacturing support program like the Strategic Man-

ufacturing Alliance Act. As this Congress continues to develop its competitiveness strategy for the 1990's, I believe we must embrace this type of concept or eventually, America's small manufacturing backbone may be broken by overseas competition.

IN HONOR OF LOUISE ENDEL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. DELAURO. Mr. Speaker, for four decades Louise Endel has been a motivating force behind virtually every aspect of New Haven's cultural and community life. Today, Habitat for Humanity of New Haven will honor her with its first annual Master Builder Award. This award gives Louise the recognition she so well deserves for her years of leadership and I would like to add my voice to those that join together today to pay tribute to an outstanding leader, a tireless volunteer, and a longstanding, very dear friend.

Louise is truly a master builder—she has been instrumental in building political coalitions, in organizing cultural programs, and especially in bringing together communities of people. Whether organizing a political campaign, a performance, or an activity for inner-city youngsters, Louise has a unique talent for uniting those around her in working toward a common goal. She makes a difference in countless lives, and inspires the rest of us to renew our commitment to public service.

Louise has long been a motivating force behind cultural institutions ranging from the nationally recognized Long Wharf Theater to innovative arts programs like artspace and creative arts workshop. Indeed, there are few cultural events in New Haven that Louise has not helped bring about—from first night to artspace performances, Louise is there to make it all happen.

Louise's commitment to New Haven's cultural life is matched only by her devotion to serving its neediest population. For years, working through Habitat for Humanity of New Haven, she has helped working families build and own their own homes. Underserved youngsters in our community have also benefited from Louise's active participation in organizations such as the Urban League and the Nine Squares Neighborhood Youth Leagues.

Louise Endel possesses a rare combination of skill and compassion, courage, and warmth. What's more, she generously shares her gifts with the entire New Haven community. Those of us who know Louise well are especially pleased to see her publicly recognized today for those qualities and abilities we have always admired. As her colleagues gather today in New Haven to pay tribute to her achievements, I join them in expressing my appreciation, my admiration, and my loving friendship for Louise Endel.

TRIBUTE TO THE VILLAGE OF SHOREWOOD HILLS ON ITS 65TH ANNIVERSARY

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. KLUG. Mr. Speaker, today I would like to pay tribute to the Village of Shorewood Hills, a community in my district, which this summer will celebrate its 65th anniversary.

The first census of Shorewood Hills, then known as the territory, was taken just 65 years ago this month on April 12, 1927. The next day a notice of intended incorporation was posted on trees and poles throughout the area, which was then a part of the town of Madison.

On June 28, 1927, residents voted 76 to 8 for incorporation, and the village was officially created, becoming home to 60 families. According to Shorewood Hills history, the first village caucus was held on July 14 in the school house and Harry Geisler was elected the first village president.

Today, the village of Shorewood Hills is a vital part of the greater Madison community. Many citizens who have served in village government have worked hard to maintain a high quality of life. Village residents take great pride in their community as evidenced by strong village-wide participation in local governance and community activities.

The community is currently undergoing a major redevelopment project in its business district. The Veterans' Administration Hospital and much of the University Hospital of the University of Wisconsin are located within the boundaries of Shorewood Hills. And, since its incorporation in 1927, the community has grown more than 10 times. This year, 635 families call the Village of Shorewood Hills home.

It is an honor to be able to wish the residents of the Village of Shorewood Hills a very happy 65th anniversary.

OPPOSITION TO THE INCUMBENT PROTECTION ACT

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. RHODES. Mr. Speaker, I rise today in opposition to House Concurrent Resolution 423. It has been euphemistically called campaign reform. In reality, however, it is more appropriately titled the "Incumbent Protection Act of 1992."

The American public wants meaningful campaign reform. Reform that will restore fairness to the electoral process, short of public financing of congressional campaigns. We need to make process more competitive, not less. We need to make incumbents more responsive to their constituents, not less. Nothing would make an incumbent more efficient and effective than the likelihood of a competitive challenge each election cycle.

I have been pushing for meaningful and responsible campaign reform since 1989 when I

joined with 148 other Members of Congress in asking the Speaker of the House of Representatives and the Republican leader to form a bipartisan task force to develop and bring a bipartisan campaign finance reform bill to the House floor. Unfortunately, the 101st Congress ended without final action on meaningful campaign reform legislation. Although a similar task force was organized this Congress, it failed to produce a bipartisan piece of legislation.

As a result, the Democrat leadership took their bill (H.R. 3750) to the floor of the House of Representatives on November 25, 1991. After considerable debate, and the 155 to 270 defeat of a Republican campaign finance reform alternative (H.R. 3770) which I cosponsored, the Democrats so-called Gejdenson public financing bill (H.R. 3750) passed by essentially a party-line vote of 273 to 156. The House-passed bill must now be reconciled with the campaign finance reform bill (S. 3) passed by the Senate on May 23, 1991, by a vote of 56 to 42.

I will vote against Democrat leadership's public financing bill for several reasons. First, I do not support public financing of congressional campaigns. The Democrat bill amounts to a blank check taxpayer subsidy for politicians. Unfortunately, this check won't bounce and taxpayers will be stuck with the tab.

The Democrat bill fails to specify from where this billion-dollar incumbent bailout will come from. But, the taxpayers know. The taxpayers know that their hard earned money will be going to finance entrenched politicians keep their jobs. The public financing provisions alone would cost \$270 million or more per year.

Additionally, the Incumbent Protection Act also sets an arbitrary spending limit of \$600,000 on challengers, but conveniently would not include in that limit the value of the advantages and tools of incumbents, such as franked mail, staff allowances, and free media coverage.

The bill does not even seriously address two other major problems—Political Action Committee [PAC] contributions and the use of soft money.

The fact is, the Republican substitute more severely limits the power of PAC's by reducing from the present \$5,000 to \$1,000, the amount any individual PAC may contribute to a candidate per election. Our bill increases the involvement and power of smaller, local contributors; requires that a majority of contributions come from within a congressional district; and totally bans the use of soft money.

Our bill also would be effective for the 1992 elections. The Democrat bill would not become effective until 1993.

Any objective reading of the legislation will reveal what this bill really is—incumbent protection, pure and simple. I urge my fellow Members to reject the Incumbent Protection Act.

**A.H. BELO CORP. CELEBRATES ITS
SESQUICENTENNIAL—150 YEARS**

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. Frost. Mr. Speaker, A.H. Belo Corp. has been around for a long time. Now headquartered in Dallas, it is the oldest continuously operated business in the State of Texas, with media representatives throughout the world being familiar with its name.

Texas history and the history of A.H. Belo Corp. are joined hand-in-hand. Founded as the one-page Galveston Daily News on April 11, 1842, during the time that Texas was an independent nation, the firm has now expanded to the point of being a giant in the media industry.

A.H. Belo Corp. today publishes the Dallas Morning News, the Texas Almanac, seven community newspapers in the Dallas-Fort Worth area, and owns network-affiliated television stations in five U.S. markets, including WFAA-TV in Dallas-Fort Worth and KHOU-TV in Houston.

The newspapers and television stations owned by A.H. Belo Corp. have been known for their excellence and high standards. Through eight wars and five generations, these same qualities have directed Belo's course, and I have every confidence that the same will be true of its future.

A.H. Belo Corp.'s 150th anniversary underscores the vision, creative spirit, and determination that have built an institution dedicated to journalistic excellence and community service.

On this anniversary date, I am proud to call your attention to this great firm and its outstanding history. I am pleased to represent many of the employees and owners of the corporation, and I am pleased to give them this well-deserved recognition.

**TO MODIFY THE U.S. ECONOMIC
EMBARGO AGAINST VIETNAM**

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BROOMFIELD. Mr. Speaker, the March 31 New York Times carried an article reporting that the administration is under pressure from American business and some of our allies overseas to modify the U.S. economic embargo against Vietnam. According to the article, those calling for a change in policy include the President's Export Council, a private sector organization, Members of Congress, and the executive branch agency responsible for trade policy.

I certainly understand the concerns of the business community that the United States could be left behind as businessmen from other countries move into Vietnam. Foreign oil companies could also quickly buy up the best offshore tracts there.

It behooves us to remember, however, that our Government made a solemn promise to

the American people and to the veterans of the Vietnam war, that normalization of relations with that country would be linked to resolution of humanitarian concerns such as the POW/MIA issue. This is a promise that must be kept.

The concerns of the business community are real. It is no secret that the Japanese, our strongest economic competitors in Asia, have already sent a business team to Vietnam to look at investment opportunities, and that the Japanese Ministry of International Trade and Industry [MITI] will soon resume trade insurance. Further, several of our other allies are also starting to look at opportunities for their businesses. The French in particular are reportedly growing impatient at Vietnam's continuing exclusion from International Monetary Fund and World Bank financing.

To demonstrate our willingness to move on normalization of relations with Vietnam, the administration in April of last year presented the Vietnamese with a well thought out and reasonable plan that is often referred to as the roadmap. The signing of the Cambodian peace accords made it possible to start implementing the roadmap, but how we progress through its four phases is tied to resolution of POW/MIA and other concerns.

Assistant Secretary of State Solomon's March trip to Indochina produced significant responses from the Vietnamese. These commitments might meet the requirements of phase I of the roadmap and even allow moving into phase II, during which U.S. businessmen would be permitted to explore business opportunities.

The Vietnamese have agreed to a five-point program to accelerate their cooperation with us on POW/MIA investigations. Specifically, they have agreed to: First, give the U.S. greater access to their central records, archives, and museums as well as individuals who may have information about POWs and MIAs; second, allow rapid response to live-sighting reports; third, begin a 2-year plan for accelerated joint investigations in Vietnam; fourth, continue work on trilateral efforts with the Laotians and the Cambodians; and fifth, conduct technical exchanges between United States and Vietnamese experts. Beyond the progress on the POW/MIA issue, it has been reported that Vietnam has released most of the remaining couple hundred Vietnamese political prisoners from the war who were still being held in re-education camps.

The administration deserves congratulations for the progress that has been made on relations with Vietnam. Before we move from phase I to phase II of the roadmap, however, I hope the administration will carefully assess how the Vietnamese implement their commitments. The five-point program agreed to by the Vietnamese should form the foundation for future progress on the POW/MIA issue. All five elements should be tested and validated before we move to the next phase.

Mr. Speaker, like many Americans, I look forward to the day when the United States can normalize relations with Vietnam and its people. While I have concerns about the political and human rights situation in that country, I do not harbor, as I am sure most Americans do not, any lingering animosity from the Vietnam war. There is much we could gain from friend-

ly relations with the 66 million people of Vietnam, including trade and other commercial opportunities. I regret the hardships that our embargo and opposition to loans are causing the Vietnamese people.

But we have an irrevocable commitment to the American people to seek the fullest possible accounting of our POW's and MIA's from the Indochina War. The five-point program on POW/MIA's, agreed to by the Vietnamese, is an important development in this connection. Nevertheless, we must be careful, especially in the early stages of implementing the roadmap on United States-Vietnam relations, in order to ensure there is a sound basis for further progress.

ESTELLE HOSKINS LISTON: A GRACIOUS LADY MARKING 100 YEARS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. TOWNS. Mr. Speaker, as a native North Carolinian, I am pleased to offer these remarks which celebrate the life and accomplishments of an exceptional individual who has devoted her entire life to others.

Estelle English Hoskins, the youngest child of Sally and Daniel Hoskins, was born on April 26, 1892, in Camden, SC. At the age of 4, she moved with her family to Charlotte, NC, where she would later be educated in some of our State's leading black institutions including Myers Street School and Scotia Seminary—now Barber-Scotia College. She would later establish a long and distinguished career as a teacher in both public and church-related schools.

On June 28, 1916, she was married in Charlotte to Hardy Liston of Fairfield County, SC. The 40 years of their marriage were spent as a union of two educators devoted to the pursuit of excellence in higher education for African-Americans as they served together at Slater State Normal School—later Winston-Salem State Teachers College, Knoxville College in Knoxville, TN, and Johnson C. Smith University in Charlotte. To their marriage was born six children and included the nurturing of a niece and nephew and countless colleges who were all the beneficiaries of the moral, emotional, and economic support of these two very special people. This far-flung family now includes daughters and sons-in-law, 14 grandchildren, 20 great grandchildren, 3 great-great grandchildren, and a host of other relatives and friends.

Upon answering the call to return to Charlotte in 1943 as her husband assumed the role of vice president and then president of the Johnson C. Smith University, Estelle Hoskins Liston would continue a life of service to the campus and local community, enveloping the faculty and staff and their families with her elegance and grace—always with an attentive eye for an opportunity to teach and nurture and challenge those she touched to strive for excellence. An active participant on the boards of the Bethlehem Center, the Girl Scouts, Parent Teacher Associations, and the Young Women's Christian Association, her participa-

tion in the Presbyterian church has extended through local, Presbyterial, Synod, and national levels. An individual of boundless faith and religious conviction, her association with Seventh Street Presbyterian Church, now First United Presbyterian, dates from 1896 to this day.

A variety of alumni associations, sororities, literary, and social organizations have also enriched her life and she theirs. She has continued to live in Charlotte since being widowed in 1956 and to the extent that progressive blindness and advancing age have allowed, she has continued a life filled with interest in the issues of the day and concern for people everywhere. I am pleased to join hundreds in the State of North Carolina, and others around the Nation in celebrating the centennial birthday of Estelle English Hoskins Liston.

THE 200TH ANNIVERSARY OF THE
MONTAUK POINT LIGHTHOUSE

HON. GEORGE J. HOCHBRUECKNER
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, today I would like to honor the Montauk Point Lighthouse as it prepares to celebrate its 200th anniversary on April 12, 1992.

Two hundred years ago, by an act of the Second Congress, the President of the United States, George Washington, was authorized to construct a lighthouse on the tip of Long Island at Montauk Point, in New York. The lighthouse was the second public works project to be authorized by the U.S. Government and is the oldest lighthouse in continuous operation in the Nation. The lighthouse continues to serve as a marker for vessels headed for New York Harbor, Long Island Sound, and other ports along the eastern seaboard. Due to its historic value, the lighthouse is included in the Nation Register of Historic Places.

I believe the Montauk Historical Society is owed a special commendation at this time. This community service organization has been the driving force in ensuring the lighthouse's continuing legacy. Without their commitment to the lighthouse's preservation, I would not be before you today.

Mr. Speaker, I ask my colleagues to join me today in honoring the Montauk Point Lighthouse, a proud symbol of American history.

TRIBUTE TO GARY HANKINS,
CHAIRMAN METROPOLITAN POLICE
DEPARTMENT LABOR COMMITTEE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. NORTON. Mr. Speaker, I rise to honor Mr. Gary Hankins whose contributions to the Washington, DC Metropolitan Police Department have been outstanding.

Gary Hankins joined our police department in 1970 and worked his way to becoming the

first spokesperson of the police department's public information office with the mandate of improving relations among the department, the community and the media. In this position, Mr. Hankins proved himself an invaluable asset.

After 11 years as the department's spokesperson, Gary Hankins formed the Metropolitan Police Department Labor Committee of the Fraternal Order of Police and became its first chair. From 1981 to 1991 Mr. Hankins fought diligently and successfully to improve working conditions and benefits for the members of this bargaining unit. He also became a national spokesman for law enforcement.

Gary Hankins retired on February 22, 1992 from the Metropolitan Police Department and from his post as chair of the Labor Committee. He will continue to devote much of his time to the department in a civilian capacity.

Appreciation is due to Gary Hankins for his untiring efforts on behalf of his fellow officers and the residents of the District of Columbia.

IN PRAISE OF STEVEN REED AND
JONATHAN D. CAHN

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. LEWIS of Georgia. Mr. Speaker, the canons of ethics for the Nation's legal profession encourage lawyers to provide counsel and representation for those in our society who would otherwise have a difficult time in paying for legal advice.

Steven Reed and Jonathan D. Cahn, of the Steptoe & Johnson law firm in Washington, DC, provided a shining example of what lawyers can and should do in performing pro bono services for the public good during congressional consideration of the Older Americans Act reauthorization.

Their counsel on highly technical and esoteric issues relating to the enforceability of rights under the Older Americans Act and the Civil Rights Act was a service above and beyond the call of duty. It certainly deserves praise and recognition, not only for the high quality work but also for the spirit in which it was performed.

The entire Congress benefited from this scholarly legal research. The House of Representatives and the Senate were able to produce a better bill because of the extraordinarily effective service that these two attorneys provided in analyzing complex issues relating to the intrastate funding formula and the enforceability of rights to target services to low-income minorities.

Mr. Reed and Mr. Cahn conducted their analyses in a selfless manner, and without much fanfare. However, these two superb attorneys deserve our praise for their exceptional service.

The entire Cahn family has been tireless in their long, devoted efforts to make legal services more readily available to the poor, minorities, and others who often found themselves friendless in the court. Mr. Edgar S. Cahn and the late Jean Camper Cahn were the leading forces in creating the legal services program. They worked tirelessly to make our legal sys-

tem more responsive to the poor and disadvantaged.

The Cahns were also brilliant advocates in the courts, executive agencies and elsewhere. Jean Camper Cahn was one of the lead attorneys in the landmark Meek versus Martinez case. This decision recognized for the first time that plaintiffs could successfully assert rights under the Older Americans Act to target services to low-income minorities that could be enforced under the Civil Rights Act.

I salute Steven Reed, Jonathan D. Cahn, and the entire Cahn family for the valuable pro bono services that they have provided to our society.

TRIBUTE TO CODY WARD

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. LAUGHLIN. Mr. Speaker, heroes come in every shape and size. Today, I would like to recognize a hero from my hometown of West Columbia, TX.

On February 7, 1992, 17-year-old Cody Ward and his friend Jason Bell were traveling in separate vehicles to Columbia Lakes when Jason lost control of his truck and flipped over, landing upside down in a deep ravine filled with water.

Cody immediately plunged into the water, worked open the bent door, and pulled Jason to safety. He then transported him to the hospital where Jason was treated successfully. Due to Cody's quick thinking and unselfish actions, his friend is alive and well today.

Cody has brought honor to himself, his family, to the great State of Texas, and indeed to his Nation through his actions. I am proud of this young man. His selfless act of compassion should serve to remind each of us of the strength and courage our Nation was founded on.

LT. GEN. CHARLES D. FRANKLIN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SKELTON. Mr. Speaker, all of us in the House of Representatives were saddened to learn of the recent death of Lt. Gen. Charles D. Franklin, a former Chief of Legislative Liaison for the Secretary of the Army. All of us in Congress who worked with Chuck Franklin came to admire his professionalism and his devotion to duty. I felt a special kinship with him. He was a native of my congressional district, and a classmate of mine at the University of Missouri.

Gen. Chuck Franklin was a valiant soldier and patriot. His decorations include the Silver Star, the Distinguished Service Medal, the Legion of Merit with oak leaf cluster, the Distinguished Flying Cross, and the Army Commendation Medal with oak leaf cluster. He served his country with valor in combat in Vietnam, and then put his experience to use

in building the Army that was so magnificent in Operation Desert Storm.

However, Mr. Speaker, it is not just for his career in the military that we remember Chuck Franklin. As former Secretary of the Army, John O. Marsh, Jr., put it in his moving eulogy, Chuck was "a soldier whose roots were in the farmlands of Missouri." He was, Secretary Marsh said, "a man of spirit and commitment. He was committed to this faith and the things in which he believed. He was committed to his Country * * *. Finally, he was deeply committed to his family."

It is to his family, Mr. Speaker, that all of us in the House extend our most heartfelt condolences. We know that more than anything else, Chuck Franklin was a loving son, husband, father, and grandfather. We share the grief of his parents, Mr. and Mrs. Jewell Franklin of Linn Creek, MO, his wife, Pat, his children, Chuck, Debby, and Susan, and his grandchildren, and we thank all of them on behalf of the Nation for sharing this great man with us.

TRIBUTE TO PATRICIA CUSHING AND CHARLES PECK—WINNERS OF THE CABLE IN THE CLASSROOM EDUCATOR AWARD

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to two truly remarkable schoolteachers from my home State of New Hampshire. Patricia Cushing, enrichment coordinator, and Charles Peck, science teacher at North Hampton Elementary School, were recently selected to receive the 1991 Cable in the Classroom Educator Award. They were among only 15 persons nationwide who were chosen to receive this prestigious honor.

The eighth grade class at North Hampton, under the guidance of Patricia and Charles, has been working diligently since September to produce the winning entry. Their project, inspired by Turner Broadcasting System's "Jason Project" and the Discovery Channel's "Scientific American Frontiers," was comprised of four separate activities: creating a remote-controlled submersible capable of retrieving objects at the bottom of a swimming pool; painting a mural of the ocean floor on the window of a local business; making a video documentary of the project; and writing an article about the project for the school newspaper.

Under the direction of Patricia and Charles, the students used teamwork to learn about science and technology. In an age when we are all disappointed and alarmed with the results of recent studies detailing the poor state of science education in our country and the correspondingly low scores of American students on international examinations, it is heartening to know that people like Patricia and Charles are working to reverse this downward spiral.

Mr. Speaker, an alarming 25 percent of students fail to graduate from high school every year. Our country desperately needs imagina-

tive educators like Patricia and Charles to create programs which help students to recognize and reach their full potential in academia and help to build their self-confidence. With this sort of hands-on program, students are encouraged not only to remain in school, but also to excel.

Patricia, Charles and their talented students along with their mentors, have rolled up their sleeves and attacked projects that many would argue are too advanced for eighth graders. Although we will not know if the submersible will actually work until later this spring, the project has already been a success because of the valuable experience these students have received.

Mr. Speaker, I ask my colleagues to join me in congratulating Patricia Cushing and Charles Peck on receiving this award. It is refreshing that amidst the crisis in education our country is facing, people like Patricia and Charles effectively demonstrate that dedicated people can make a crucial difference in the lives of our Nation's children.

A TRIBUTE TO TULA CHRISTOPHER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. LANTOS. Mr. Speaker, on April 15, 1992, the artwork of Tula Christopher, the late wife of former San Francisco Mayor George Christopher, will be on exhibit in my San Mateo, CA office. I would like to call to the attention of my colleagues who Tula was, and why she was so special to so many of us.

Tula was a rare and wonderful woman who graced the lives of many. Those lucky enough to have known her will always remember her as a creative, sensitive, and wise soul with a great capacity to care for those who were less fortunate than herself.

Tula made a lasting and positive impression on everyone who crossed her path, whether they were heads of state at a White House reception, or elderly hospital patients with whom she would often visit.

As the first lady of San Francisco, Tula had the formidable responsibility of receiving and entertaining visiting dignitaries and statesmen. She gained a reputation as a most gracious hostess, always very modest, unpretentious and hospitable. Mayor Christopher never traveled on official capacity without Tula, for she was an emissary of the first order. Tula and George were married 55 years at the time of her sudden death.

Tula spent a great deal of time visiting the sick and the elderly in area hospitals. She would comfort them, hold their hands or comb their hair. She always did this quietly. There were no press releases, no political hay making. She was motivated by compassion and compassion alone.

No matter the time or occasion, Tula carried herself with exceptional grace, charm, and dignity—and in doing so, she always engendered those qualities in others.

Tula was a marvelous painter, and the richness of her life is reflected in her artwork. Al-

though she did not study in the classical sense, she was an inspired and talented artist. Today we can take great pleasure in the artistic legacy she has left for us.

Mr. Speaker, I look forward to hosting the exhibit of Tula's work in San Mateo. While her passing was a great shock to those of us who knew and loved her, we can all take great comfort: Tula lived a happy and full life. Always generous, kind and loving, she graced us all, and in our warm and lasting memories of her—and through the art she created—Tula touches us still.

THE EARNINGS LIMITATION IS AN UNFAIR PENALTY ON SENIOR CITIZENS

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. BUNNING. Mr. Speaker, the unfair Social Security earnings limitation has, for years, unfairly imposed a phenomenal marginal tax rate on our senior citizens. In fact, liberalizing it has been a personal interest of mine and I can't tell you how happy I am that we've finally reached an agreement to raise the test to a reasonable level.

The earnings limitation is a relic from the depression era. It has penalized seniors who choose to work after they retire and, for years, it has created undue hardship for many of our citizens. Many seniors need to work jobs just to help them make ends meet. And the earnings limitation is a terribly unfair penalty on them.

I'd still like to see the darned thing repealed, but doubling the limit is a major triumph for America's senior citizens.

Mr. Speaker, it is our duty to our senior citizens to pass this much-needed legislation. It is truly a victory they deserve.

LET'S RESTORE THE ORPHAN DRUG ACT TO ITS ORIGINAL PURPOSE: SUPPORT THE ORPHAN DRUG AMENDMENTS OF 1992

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. STUDDS. Mr. Speaker, I am introducing legislation today to reform the Orphan Drug Act, a law enacted in 1983 to provide incentives for pharmaceutical companies to develop drugs of little commercial value for rare or orphan diseases. I am joined by Mr. WAXMAN of California, chairman of the Subcommittee on Health and the Environment. Contrary to the intent and spirit of the law, drug companies are co-opting it to shield immensely profitable drugs from competition.

Shortly before the Congress adjourned last November, I introduced similar legislation, H.R. 3930. Our new bill incorporates provisions originating in S. 2060, legislation advancing in the other body sponsored by Senators METZENBAUM and KASSEBAUM.

The Orphan Drug Act confers tax benefits for pharmaceutical R&D costs and expedited Food and Drug Administration [FDA] marketing approval to companies sponsoring orphan drugs. These are defined as therapies for diseases or conditions afflicting fewer than 200,000 people. However, the most important incentive under the act is the provision of a 7-year period during which a company is granted exclusive rights to market a new drug for a specific rare illness.

By most accounts, the law has been a success. To date, 469 drugs have received orphan designation and 59 of those have been approved for marketing. In addition, the research grant program authorized by the act has supported roughly 200 grants to assist with clinical testing of drugs which show promise in treating rare diseases or conditions.

However, the purpose of the law is being subverted by the market monopolies conferred on very profitable drugs. At least three approved drugs considered to be commercial blockbusters within the pharmaceutical industry were granted designation by the FDA as orphans.

In fact, these products—human growth hormone, erythropoietin [EPO] and aerosolized pentamidine—either had been developed or were well under development before they were swept under the purview of the act. For example, there were five companies—not just one—rushing to develop growth hormone at the time. Obviously, in contrast to companies developing true orphan drugs, the act's incentives had nothing to do with the development of bioengineered growth hormone.

The commercial success of these drugs seems to belie their designations as orphans. Aerosolized pentamidine, for example, a drug for the treatment and prevention of pneumocystis carinii pneumonia in AIDS patients, has amassed sales in excess of \$300 million. Erythropoietin, a treatment for renal disease-related anemia, is approaching \$1 billion in sales.

Mr. Speaker, a principal reason these products are so lucrative is because drug companies have priced them with impunity, to the detriment of desperate patients and families, and all under the protection of the 7-year orphan drug monopoly.

For example, recombinant human growth hormone costs patients \$10,000 to \$30,000 annually, while patients needing EPO incur charges of \$6,000 to \$8,000 per year. Ceredase, an orphan drug approved last year for the treatment of Gaucher's disease, an enzyme-deficiency disorder, can cost hundreds of thousands of dollars per year.

The Orphan Drug Amendments of 1992 is intended to address those other instances where orphan drug exclusivity was misapplied to drugs of tremendous commercial value. Under the bill, orphan drugs of tremendous commercial value. Under the bill, orphan drugs with cumulative sales above \$200 million would lose their market exclusivity. In the very unlikely event a drug's R&D costs exceeded \$200 million, the bill provides for the sponsor to retain market exclusivity until it recoups its costs. This concept has been endorsed by the National Organization for Rare Disorders the Association of Biotechnology Companies, and the National Commission on AIDS.

In addition, there currently is no mechanism in the law to rescind market exclusivity if an orphan drug's target population exceeds the statutory 200,000 limit, as will soon be a tragic reality with AIDS. Hence, we may soon see monopoly markets for many unpatented AIDS drugs in the pipeline. This would clearly be unfair if the indications for these drugs affect such a large number of people with AIDS that a competitive market could be supported. Accordingly, our legislation would require the FDA to look into the future in assessing whether the patient population of a particular orphan disease exceeds the 200,000 threshold.

The Orphan Drug Amendments of 1992 would restore the Orphan Drug Act to its true purpose: To ensure that therapies for rare ailments are developed and that patients whose lives may depend on them have access to these therapies.

ELWHA RIVER ECOSYSTEM AND FISHERIES RESTORATION ACT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SWIFT. Mr. Speaker, today I introduce the Elwha River Ecosystem and Fisheries Restoration Act as a companion bill to S. 2527. This legislation, whose goal is to restore the legendary salmon runs on the Elwha River, is the product of many months of negotiations. We have attempted, and I think succeeded, in putting together a bill that addresses the myriad of concerns that surround this difficult issue.

The current situation on the Elwha River is chaotic: Two dams block the passage of salmon, limiting their spawning habitat to just several miles while over 70 miles of pristine river are completely inaccessible; the Lower Elwha Tribe and environmentalist have sued—or threatened to sue—for removal of the dams; FERC and the Department of the Interior disagree over whether FERC has jurisdiction to relicense the dam that sits in Olympic National Park; the company that relies on power from the dams to run their business now wonders whether that power will be available in the years to come, threatening the jobs of over 300 workers in Port Angeles; and, the city of Port Angeles is uncertain of how its water supply will be protected if dam removal is ordered by the Federal Government or the courts.

The Elwha River Ecosystem and Fisheries Restoration Act is a package that will deal with all this uncertainty. Without it, it will be left for the Federal courts to unravel piece by piece. There are times we should not ask our courts to address our problems, where legislative solutions are far superior in covering all the bases; this is just such a case.

I urge Congress and the administration to fund this project to its completion. It is a large undertaking, but it is less expensive than fish-mitigation programs on other watersheds throughout the country; watersheds that don't have miles and miles of untouched ecosystem sitting within a national park. Furthermore, given all the uncertainty—legal and other-

wise—surrounding this issue, this bill is an efficient way to handle this situation.

TRIBUTE TO ASA H. CREWS, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in honoring the memory of a very special man who touched the lives of all of those around him, Asa H. Crews, Sr.

Mr. Crews was born on April 12, 1907. Sadly, he passed away last December, but he left behind a legacy of wisdom, determination, compassion, and devotion to his family that will be long remembered. Because his life meant so much to so many people, it is fitting that we pause to celebrate the anniversary of his birth.

One of 10 children born to the late Anderson and Mariah Jane Crews, he joined the church at an early age and kept his faith throughout his life. Education was his passion, and he received his high school diploma at Henderson Institute on March 23, 1929, where he graduated as valedictorian and class president. Earning his diploma was not an easy task after walking 2 miles each way to school and working for 2 hours prior to classes. Although lack of financial resources prevented him from continuing his formal education, his love of learning and his intellectual curiosity motivated him to educate himself on a vast array of subjects. A collector of books, magazines, and newspapers, he was an avid and voracious reader. If there was an article that interested him, he saved it for future reference, and there were many.

If there was anything that was broken, needed fixing, or was about to be broken, he fixed it, for he had the exact tool necessary to accomplish the task which was easily found among his collectibles of hard-to-find tools.

Mr. Crews also had a passion for work. He served on the Pennsylvania Railroad as a trackman for 35 years until his retirement. In addition to his duty with the railroad, he operated a home maintenance business.

He later became active in the New Hope Baptist Church in Newark, NJ, where he was a member of the male chorus and senior choir.

His ties with his family in North Carolina continued through the family reunions started there some 75 years ago, which are still being celebrated annually. He was an active member in the Baldwin Avenue Block Association serving as its secretary-treasurer until his passing.

Mr. Crews was devoted to his wife, Marshanna White Crews, whom he married on August 29, 1933. He dearly loved his children and his grandchildren and played an active part in their lives, as they did in his, with the support of his wife.

Mr. Speaker, at a time when there are too few role models for our young people, the shining example set by Mr. Crews continues to inspire those he left behind. The lessons he

taught about family values, hard work, concern for others, and love of learning will live on for many generations.

I know my colleagues join me in honoring the memory of Asa H. Crews, Sr. on the anniversary of his birth. Our thoughts are with his family at this time—his wife, Marshanna Crews; his children, Asa H. Crews, Jr., M.D.; Shirley Crews Coxson; Donald Crews; and Mary Crews Kornegay, his six grandchildren, his sisters and brothers, and his many nieces, nephews, cousins, relatives and friends.

A CONGRESSIONAL SALUTE TO
STRAIGHT TALK CLINIC, INC.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Straight Talk Clinic, Inc., an outstanding community service organization located in southern California that serves my district and surrounding areas in southern California. In a time of reduced government services and increasing demand for those services, I salute the ability of this organization to offer much needed help to all needy individuals.

On April 25, the city of Cypress and Orange County leaders will assemble to pay tribute to the accomplishments of this fine organization. I would like to take this time to add my voice in tribute to their outstanding work.

Straight Talk Clinic, Inc., based in Cypress, CA, has worked for the betterment of the southern California community for the last 20 years. It was founded in 1972 to provide education counseling and support to persons suffering from mental illness, substance abuse, and developmental disabilities. Since that time this worthwhile organization has expanded its mission to include counseling services for the extended families of these needy people through a family hot line and residential treatment for persons suffering with AIDS.

We all recognize that reduced government services have limited the ability of the most needy of our population to obtain help in living a normal life. Straight Talk Clinic has filled this void. Their charter specifically demands that help must be provided to those most limited in their access to such services elsewhere. I am pleased to find out that Straight Talk has never turned away an individual because of an inability to pay. This type of charity is hard to sustain, and I salute this organization for its continued commitment to the most needy.

Straight Talk Clinic, Inc., was initially started by a staff of dedicated volunteers backed by a few generous donations. It has grown under the leadership of its director, Bruce Robbins, to provide much needed services to over 2,000 disadvantaged children, adults and families in southern California.

My wife, Lee, would like to join me today in extending this congressional salute to Straight Talk Clinic, Inc., and Bruce Robbins. We wish them continued success in the years to come.

IN RECOGNITION OF THE FORMATION OF THE CHICAGO CHAPTER OF THE BETA PI SIGMA SORORITY, INC.

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. HAYES of Illinois. Mr. Speaker, I rise today to express my congratulations to the founders and members of the Chi chapter of the Beta Pi Sigma Sorority, Inc. This new chapter, Chi, will be initiated in Chicago, IL on Saturday, April 11, 1992.

Founded on February 8, 1945, the Beta Pi Sigma Sorority, Inc. is a national business and professional organization. The Beta Pi Sigma Sorority, Inc. and the Chi chapter members have made a strong commitment to stimulating the civic, educational and cultural interest of this Nation for the betterment of the business community. In addition to the many civic activities that will be sponsored by the new Chi chapter, the sorority will also endow scholarships to local students to pursue an education in the business and professional world.

Mr. Speaker, I would like to acknowledge the initiation of the members of the Chi chapter of the Beta Pi Sigma Sorority, Inc., and certainly wish them well at their ceremony on April 11, as well as in their endeavors in the years to come.

TRIBUTE TO LOU SFORZA

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. MOLINARI. Mr. Speaker, on the evening of Friday, April 10, 1992, a very special event will take place. There will be a testimonial dinner honoring a distinguished labor leader and former Uniformed Firefighters Association president, Mr. Lou Sforza.

This reception gives friends and colleagues an opportunity to express their thanks and gratitude for the years of service and devotion that Lou has given to the community. From his participation in the Uniformed Firefighters Association to his contributions in the labor movement, starting as the Staten Island trustee, to vice president for legislation and then as president spanning a career of over 20 years.

Mr. Speaker, on behalf of the residents of Staten Island and Brooklyn, I would like to thank Lou Sforza for his dedication and service to our community. Because of his long and active career, we are all better off.

U.S. TAX DOLLARS SHOULD BENEFIT AMERICAN INDUSTRIES AND THEIR WORKERS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. REGULA. Mr. Speaker, I would like to enter into the RECORD today a commendation

to the Trades and Labor Council of Massillon, OH, concerning their celebration of Buy American Day, on April 11, 1992. These men and women are fighting to preserve their jobs and the continued health of American business.

Recently, network news televised a segment in which they documented the undeclared war now existing in the world. It is a conflict of national economies pitting U.S. firms against foreign companies in a battle that will affect our lives just as surely as the bombing of Pearl Harbor 50 years ago.

This morning, 985 Americans, and their families, learned they no longer have a job. They are the innocent casualties of this war. By Easter, another 13,000 families will join them and each one is the direct result of unfair foreign competition.

U.S. productivity is high and prices are low. So why do we continue to lose ground in the marketplace? It is through an assortment of trade tricks that our open markets are being exploited and jobs lost.

U.S. products can compete anywhere in the world. As I speak, Timken roller bearings fly overhead in the world's satellites, Ford cars fill Europe's highways, Intel computer chips are sought by the Japanese through licensing agreements, and United States steel exports continue to increase by dramatic jumps of over 500 percent.

American consumers should be told this story of the quality and competitiveness of U.S. products, and be proud of it. Once informed, they will recognize that the label "made in the U.S." means savings, durability, and value.

The U.S. Government should be the biggest buy American customer. But even now Geneva bureaucrats are attempting to persuade our negotiators to trade away our buy American laws in the GATT trade talks now underway in Switzerland.

If they had their way, NASA's Cape Canaveral in Florida, will find the tag "made in Japan" on each of its astronaut's space suits. Proposed changes to our Government procurement law would force the Federal agency to buy hardware and even launchers from foreign suppliers rather than from the domestic contractors that have served the agency for more than 30 years. It would apply equally to purchases of steel, bearings, and all products.

This is wrong. Less than a year ago we were able to preserve buy American on domestic bearings and we will do the same in the GATT.

When we spend U.S. tax dollars it should be for the benefit of American industries and their workers.

A TRIBUTE TO BERNICE AND JOSEPH TANENBAUM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Bernice and Joseph Tanenbaum, who will receive the Friends of St. Mary's Hospital for Children 11th Annual Community Service Award. The award will be

presented on Friday, May 8 in Flushing, Queens.

The award is presented to in recognition of the Tanenbaum's efforts on behalf of the chronically ill, handicapped and terminally ill children of St. Mary's Hospital for Children in Bayside.

The Friends of St. Mary's Hospital are part of an old tradition of pediatric care established in New York City by the sisters of St. Mary in 1870. In addition to quality care and rehabilitation services provided by St. Mary's inpatient, home care, and outpatient programs, the hospital housed the country's first full service palliative care unit for terminally ill children and their families.

The St. Mary's approach to caring for chronically ill and handicapped children rests on two basic tenets: A strong belief in family-centered care and a devotion to the needs of the whole child. Working together, the staff of St. Mary's and its volunteers help each family cope with their problems, comfort their child, learn to manage their child's medical condition and eventually follow up on treatment and prevention at home. In all of its efforts, St. Mary's makes a concerted effort to focus on the whole child, rather than solely on the medical problems.

Bernice and Joseph Tanenbaum have given a great deal of their time and of themselves to St. Mary's Hospital for Children. I commend them for their tireless volunteer initiatives on behalf of those who are less fortunate, particularly for the children of St. Mary's. Their generosity and kindness have truly made the world a better place for many ill children.

Mr. Speaker, I call on all my colleagues in the House of Representatives to join me in congratulating Bernice and Joseph Tanenbaum for their tremendous volunteer work, and on receiving the Friends of St. Mary's Hospital 11th Annual Community Service Award.

MARISOL ESTEVEZ HONORED AS ONE OF DADE'S TOP 10 STUDENTS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, this year's Do the Right Thing Program recognized 10 of Dade County's outstanding students for their work and commitment to our community. Among this year's recipients was Marisol Estevez, a senior at Miami High School.

Marisol is the president of her class at Miami Senior High School, where she has become an important part of many projects. She has organized the prom, grad night, and other extra curricular activities at the school. In addition, Marisol helped raise money in order to keep the school's tutorial program where she helps other students with their studies.

She has taken part in various activities for the betterment of our community. Through her desire to assist other young people, Marisol has assisted many students at the tutorial center. Some of these students have joined regular classrooms because of the help Marisol has given them. Marisol understands the prob-

lems that face young people, like herself, and is always willing to assist them in any way she can.

Marisol is a wonderful example of assisting and caring for others in our community. I commend Marisol for her terrific work throughout our neighborhoods. I am delighted that she and other young students like her have decided to work for the good of our community and to help others who need assistance. Her devotion to her work sends out a message to other young people in our community to make a difference and make your work count for others.

I am pleased to honor Marisol Estevez for her terrific work and her desire to stand up for others. Her work is an example to all the young people of our community.

SOCIAL SECURITY EARNINGS TEST H.R. 2967

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. KYL. Mr. Speaker, as an original co-sponsor of the Older Americans Freedom to Work Act, H.R. 967, I support total repeal of the Social Security earnings limitation under which Social Security recipients age 65 to 69 lose \$1 in benefits for every \$3 they earn above \$10,200 per year; those between the ages of 62 and 65 are forced to sacrifice \$1 in benefits for every \$2 earned above \$7,440 per year. I believe the earnings test is inherently unfair, especially to seniors who need and deserve their full Social Security benefits and who also want to work.

Today, the House considers H.R. 2967, a compromise bill which increases the earnings cap over 5 years to \$20,000 for persons age 65 through 69. While that is not as complete a remedy as total repeal, it is a step in the right direction, and I intend to support the bill to move it to a conference committee with the hope we can agree to a total repeal. In any event, as I noted, raising the earnings test will provide relief to millions of senior Americans and add to the productive capacity of our Nation.

H.R. 2967 also contains a new provision which increases Social Security benefits for certain widows age 80 and over. I am troubled by the fact that there has been no debate or committee testimony on this provision; the haste with which this part of the bill was put together raises some concerns as to whether we should be addressing this issue in this bill. I am especially concerned about the allegations of discrimination based on the setting of the age of 80 as the beginning point for increasing benefits. We have no indication of the cost of alternatives and only the roughest estimate of the costs of this provision.

Notwithstanding my concerns, I urge my colleagues to support this bill because of the critical importance of increasing the earnings limit. Questions about the widows provision can be addressed in conference. We cannot let this opportunity pass to finally get some relief from the arbitrary and unfair earnings limit.

CATERPILLAR STRIKE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ENGEL. Mr. Speaker, I rise in support of the striking U.A.W. workers at the Caterpillar plants. These brave people have been on strike for the last 6 months while Caterpillar has tried to bust their union.

Yesterday, Caterpillar said that any workers who did not return to work would lose their jobs. In a great show of solidarity, only 400 of the nearly 12,000 striking workers actually crossed the picket line. Despite this great show of solidarity, this is just the beginning of the fight because Caterpillar is threatening to place ads in newspapers and hire permanent replacement workers.

I find this behavior appalling. Caterpillar should not be trying to break the union, but instead should be sitting down at the bargaining table to work out a contract. Ever since Ronald Reagan broke the air traffic controllers strike in 1981, some companies have been attempting to break unions with impunity. This practice has to stop.

Mr. Speaker, the situation at Caterpillar emphasizes the assault which is continuing against a worker's rights to strike. Last year the House passed, and I voted for H.R. 5, which would bar the hiring of permanent replacements for striking workers. We need to get this bill enacted into law in order to preserve the collective-bargaining process. I urge my colleagues to join me as I work to accomplish this goal.

HERISSAU FLEURIMOND HONORED AS ONE OF DADE'S TOP 10 STUDENTS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, this year's Do The Right Thing Program recognized 10 of Dade County's outstanding students for their work and commitment to our community. Among this year's recipients was fourth grader Herissau Fleurimond of Pine Villa Elementary School.

Herissau arrived in the United States from Haiti a few years ago, and he spoke very little English. However, he has worked very hard and applied himself to his schoolwork in order to excel. His hard work earned him success in the classroom. He is now the best math student in his class, and he enjoys helping other students with their math as well.

Herissau is the captain of the safety patrol program at his school. This is his second year as a participant of the patrol program. In addition, Herissau is in the honors choir and he enjoys volunteering his time at Pine Villa Elementary School.

Herissau's work in the school's activities have helped him to become an important part of many projects. His hard work sends out a message to other young people in our com-

munity to make a difference to others and get ahead by doing a good job.

I am pleased to honor Herissau Fleurimond for his terrific work and his desire to stand up for others. His work is an example to all the young people of our community.

TRIBUTE TO SAM KANE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ORTIZ, Mr. Speaker, I rise in tribute to my dear friend, Sam Kane, of Corpus Christi, TX. Mr. Sam, as he is affectionately known in my hometown, is an amazing man of distinct honor and dedication.

Let me tell you how America came to be so lucky as to have Mr. Sam as a citizen. Our luck was borne of tragedy—the tragedy of the Nazi domination of Mr. Sam's homeland of Czechoslovakia. Ever the patriot, he was inducted into the Czech Army. Before he could do his duty on the frontlines, his unit was captured by the Nazis and put in a prison camp, which was a way station for the concentration camps. Always resourceful, Mr. Sam escaped from the camp—and spent the duration of the war fighting with the resistance.

Realizing that Communist rule in his homeland was assured; he reluctantly made his plans to leave his beloved Czechoslovakia. His efforts with the resistance were too precious to accommodate any sort of despotism—of the right or the left—over the Democratic principles to which he strictly adhered. His journey to south Texas was made possible by virtue of the fact that new immigrants from Europe needed sponsorship to enter the United States, and Mr. Sam's uncle provided that sponsorship.

How lucky we were. He came to Corpus Christi with his dear wife, Aranka, whose 5-year survival of the horrors of Auschwitz speaks volumes of her own courage. They plunged into life in the United States with a mere \$200 in their pockets. Mr. Sam began as a plumber's assistant. He soon heard of a meat market at a local grocery. That's where the legend began. He learned to buy and sell meats. Things prospered for the Kanes. Through diligence, hard work, a little luck, and reinvestment in his business; he built a meatpacking empire.

By virtue of his life's experience, Mr. Sam has, for the past 20 years, dedicated his efforts to educating Texans, and anyone else who will listen, about the necessity of mutual responsibility and kindness to our fellow human beings. He recognizes that the ethical and moral values, which have guided the footsteps of man since the dawn of civilization, are the fundamental principles which we—as a nation—must heed. He has actively reinvested in his community through philanthropic activities and jobs for his fellow Texans.

For 20 years, Mr. Sam has channeled his energy into the Texas Friends of Chabad, the social welfare center which teaches us how to be good to one another. We live in one of the greatest civilizations of democracy that exists in our world. It is not perfect, but with the un-

dyling support of good people like Sam Kane, this democracy will stand as an example of how kindness can prevail over treachery. Mr. Sam, it is with great pride and humility that I salute you for your service and dedication to the basic principles of kindness.

Those of us who know him, know that Mr. Sam is the living example of how simple human decency can touch so many lives. Thank you, Mr. Sam.

TITLE XX ADOLESCENT FAMILY LIFE PROGRAM

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SANTORUM, Mr. Speaker, today I am introducing legislation to reauthorize and increase funding for the Title XX Adolescent Family Life Program, and I would like to discuss the program and the issues involved. I would introduce my remarks with the commentary of Senator DANIEL MOYNIHAN, who has said that the social problems faced by America's youth are "overwhelmingly associated with the strength and stability of their families," while adding, "Our problems do not reside in nature, nor are they fundamentally economic. Our problems derive from behavior."

While the Federal Government has demonstrated a strong commitment to delivering clear messages about the destructive consequences of drug abuse, school dropout, and drunk driving, the message given to teens about sexual activity has been ambiguous, and in my opinion, totally inadequate. While teens have been properly informed about the risks inherent with the decision to become sexually active, many school administrators and health officials have decided that safe sex is the highest standards which can be expected of our adolescents. I disagree.

The problem with the safe sex message is that it doesn't work. Last year in America 1 million adolescents became pregnant and 3 million contracted a sexually transmitted disease. Consistent and reliable use of contraceptives can reduce the risk of pregnancy and STD's—reduce, not eliminate. Unfortunately, an understanding of adolescent psychology demonstrates that adolescents are not effective and reliable users of contraceptives. In terms of their cognitive development, adolescents are primarily concrete rather than operational thinkers, meaning they are more likely to frame and act upon decisions based on immediate outcomes rather than long-term consequences. Along these lines, adolescents often neglect to properly use contraceptives because of minimal but in their view adverse factors such as social reputation, awkwardness, spoiling the moment by putting on a condom, or even bloating and weight gain associated with the pill.

We must realize that teenagers, while being physically developed in their sexuality, still lack the emotional and cognitive maturity to make decisions about sex based on life outcomes. Contemporary American culture include an incessant and aggressive bombard-

ment of images, innuendos, and messages about sex. Quite frankly, most of these are complete distortions of reality. The lovemaking depicted in movies, television, and magazines, or referred to in pop music almost never account for the risks and responsibilities involved with sex. Likewise, the value and benefits of self-denial, chastity, and marriages undefiled by previous sexual experiences are rarely seen. When it comes to sex, the just do it mentality of our day is taking a high toll, and teenagers need more than condoms to resist peer pressure, challenge cultural messages, and make decisions that will build their future instead of jeopardize it.

A growing consensus of Americans have reached the decision, albeit from different angles, that the most effective approach for preventing teen pregnancy and STD's is to equip adolescents with the skills needed to choose abstinence. I also feel that this training should emphasize family responsibility and the institution of marriage as the proper and most healthy context for sexuality to be consummated. The family is the cellular fiber which holds our society and every republic together, and I believe that all government efforts to impact adolescent attitudes and behavior about sex should affirm the family and assist parents in their role as the primary sex educators of children. Programs should also help teens develop the character qualities needed to eventually maintain families of their own, including a sense of personal responsibility, self-control, discipline, commitment, respect for others, and an ability to understand and respond to the needs of others.

This commitment to moral values and the strength of the American family is an intrinsic part of the Title XX Adolescent Family Life Program. In addition to providing grants to organizations for the development of abstinence-based curricula, the program also funds organizations providing essential care services for pregnant and parenting adolescents. Each title XX care project is required to provide 10 core services which include pregnancy testing, prenatal and postnatal care, nutrition counseling and information, pediatric care, mental health services, screening and treatment of STD's, adoption counseling and referral, family planning counseling and referral, family life education, and vocational training. By design, these services are delivered in the context of a long-term, case management approach and the ongoing involvement of parents or guardians, as well as the adolescent father. As for results, selected title XX care projects have demonstrated excellent success in reducing infant mortality and low birthweight, at a rate far beyond those achieved through other forms of government assistance.

The bipartisan and prestigious National Commission on Children has recommended that funding for the Title XX Adolescent Family Life Program be increased to \$40 million. My legislation matches this recommendation, updates the statute findings to reflect current trends and statistics, and provides authorization for expanded research on the effectiveness of grant projects and related issues. This innovative, successful, and indispensable program deserves the full backing of Congress. I encourage you to extend your support.

SULEE ALLEN HONORED AS 1 OF
DADE'S TOP 10 STUDENTS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, this year's Do the Right Thing Program recognized 10 of Dade County's outstanding students for their work and commitment to our community. Among this year's recipients was Sulee Allen, a seventh grader at Allapattah Middle School. Among her many works and talents, Sulee has volunteered her time to helping her classmates with their studies.

At Allapattah Middle Schools, she has earned her place on the academic honor roll and on the citizenship honor roll. Sulee has taken part in various activities for the betterment of our community. Through her desire to assist other young people, Sulee has worked with many students with behavior problems as well. She understands the problems that face young people, like herself, and is always willing to assist them in any way she can.

Sulee is a wonderful example of assisting and caring for others in our community. She enjoys performing for the members of her community as well. In her capacity as a performer, she sings and recently performed a monolog at her church.

I commend Sulee for her terrific work throughout our neighborhoods. I am delighted that Sulee and other young students like her have decided to work for the good of our community to make a difference and make your work count for others.

I am pleased to honor Sulee Allen for her terrific work and her desire to stand up for others. Her work is an example to all young people of our community.

TRIBUTE TO CARMEN E. TURNER

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. MORAN. Mr. Speaker, yesterday morning the Washington, DC metropolitan area—and our country—lost a great friend, an insightful leader, and committed public servant with the passing of Carmen E. Turner.

Carmen Turner served as under secretary of the Smithsonian Institution since December 1990, and in this all-too-brief period brought to her position a spirit and human touch that is too often in very short supply in large government organizations. As the chief operating officer and second-ranking official of the Smithsonian, she was responsible for the day-to-day operations of one of our Nation's greatest treasures and the world's largest museum and research complex.

It was in her previous position, however, as the general manager of the Washington Metropolitan Transit Authority, that Carmen touched all of us in the Washington region and for which we will remember her the most.

Carmen Turner assumed the position of general manager of Metro in July 1983 and

under her guidance and steady hand of leadership the system grew almost twofold to become the second-largest rail transit and fourth-largest bus transit system in the Nation. During her tenure our Metro system reached far outside the Nation's Capital into the outer suburbs of Virginia and Maryland and became as much a tourist attraction as our monuments on The Mall. A visionary leader, she concentrated her efforts on securing firm commitments from the Federal, State, and local governments to finish all 103 miles of the Metro system and to ensure that the system ran efficiently and safely. That our area enjoys the use of the finest subway and bus system in the world is a clear tribute to the 7 years that Carmen Turner spent accomplishing her vision of our community.

RICHMOND, IN, HIGH SCHOOL RED
DEVILS

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. SHARP. Mr. Speaker, I would like to bring to the attention of the House the recent accomplishments of the Richmond, IN, High School Red Devils team, which won the Indiana State High School Athletic Association men's basketball championship. This triumph not only reflects skill and dedication, but also a special sense of teamwork and perseverance, which carried them through numerous moments when their games were very much in doubt.

I hope that their achievement is a lesson not only for other athletes and students but also for many communities and individuals, as they seek to respond to the difficult challenges in today's world.

I praise the outstanding performance of these talented young student athletes as well as the spirited support given them by their school and the entire Richmond community.

The following vivid account of the Red Devil's struggle and triumph was written by the talented sportswriter Mike Lopresti, and appeared in a recent edition of the Richmond Palladium-Item.

STORYBOOK VICTORY WAS ALMOST WORTH THE
WAIT

(By Mike Lopresti)

INDIANAPOLIS—All my life. All a lot of your lives, too.

Charlie Brown's team finally won a baseball game Saturday night. He got a date with the little red-headed girl, too.

Wile E. Coyote finally caught the Roadrunner.

The district attorney finally beat Perry Mason.

Anything is possible. Anything. Richmond is state basketball champion.

In the 82nd year of the greatest high school sports event on the planet, Richmond took the long last step. Nothing will change it. Nothing will take it back. No demon from another school will streak into the key, receive a pass, and shove a stake through the heart of a city. Richmond's got it. And it's got it for keeps.

It was almost worth the wait, wasn't it? The way it finally came, I mean. Stylish.

Storybook. Dreamland. One for the history annals. And not just Richmond's history.

Because consider this: Know how many teams have ever had to go overtime in the afternoon and come back in overtime at night to win the championship? Know how many in all the years they have bounced basketballs in this state?

None. That's how many. Until now. Not Marlon or Muncie Central. Not anyone else in the North Central Conference, where all eight teams have won the State Championship.

That's just perfect, isn't it? We always knew the top line of the Red Devils' resume read they lost tournament games like nobody else. And when it finally came time to win, they did that like no one else, either.

You have to feel sorry for the last three teams that Richmond beat. Know how Ben Davis feels? Know how Jeffersonville feels? Know how Lafayette Jeff feels?

How Richmond has felt. At least 1 million times, it seems.

That is why, as Sunday dawns on Richmond's first day as state champion, this city should take this moment, hold it, cherish it. There is not another basketball locale in this state of hoop hotbeds that knows, from cruel lessons, how hard it is to do what this team has just done.

Here is all you need. A bunch of kids who don't quit not even when logic would tell the densest man it is time to go home. Such as Saturday afternoon against Jeffersonville. And Saturday night against Lafayette.

And a coaching staff that can keep its sanity and purpose through the minefield of heartache and setbacks that tournament basketball is and always will be.

And a city that cares enough to send its very best—in this case, more than 4,000 long suffering souls to the Hoosier Dome.

And one other thing you need. Luck. Tons of the stuff.

What Saturday did was give this city the chance to remember. And also to forget. When the last seconds ticked away in the Hoosier Dome, it was the past that was lifted off Richmond's shoulders.

Three weeks ago, it started. The walkover sectional. The regional that came easily enough to stoke the fires of hope. The semistate and Billy Wright's Shot.

And before all that, the last loss to Anderson at home, when it seemed that this team was a brick or two shy of a load. One more time. That was the general feeling that winter night. The Red Devils, team and crowd, filed out disappointed. And unaware that fate—at long, long, long last—was about to smile upon them.

SALUTING RETIRING CULVER CITY
MAYOR PAUL JACOBS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. DIXON. Mr. Speaker, it is with deep admiration and respect that I rise to ask my colleagues to join me in saluting Mayor Paul Jacobs of Culver City, CA, an outstanding public servant in my congressional district. As Mayor Jacobs prepares to retire from his duties this month, it gives me great pleasure to acknowledge and celebrate his many contributions to the great city of Culver City.

Paul's career has truly exemplified the honorable tradition of unselfish public service.

While establishing a successful career as an attorney, he served for 4 years as a member of Culver City's Planning Commission. This experience led him to run successfully for election to the city council, on which he has rendered distinguished service to the citizens of Culver City since 1976. In recognition of his great leadership ability, Paul's colleagues on the city council conferred on him the role of mayor on seven separate occasions during his career on the council.

The outstanding reputation of Culver City's Redevelopment Agency is attributable in large measure to the knowledge and skills he exercised during his many years as chairman of the agency. In addition, Paul's effective advocacy for the interests of Culver City before State and Federal officials and agencies has been a major asset to Culver City.

It is to Paul's credit that Culver City has been the recipient of many distinguished awards during his tenure. These awards include the highest awards given by the National Organization of Disabilities and the National Parks and Recreation Association; U.S. and California awards for excellence in municipal finance; and numerous others in the areas of law enforcement, fire prevention, earthquake preparedness, and public works.

Paul's greatest legacy, however, is a dynamic, well-run city in which his fellow citizens and neighbors take enormous pride.

Mr. Speaker, it has indeed been a great honor to work with Paul Jacobs. Please join me, then, in wishing Paul, his wife, Joy, and their sons, Jason and Damon, great happiness and continued prosperity in the years ahead.

MENTALLY DISABLED CHILDREN HELPED BY THREE SCHOOLS' SPECIAL PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize 60 mentally disabled children who have been preparing themselves for a Special Olympics by skating in Miami, FL. In a Miami Herald article entitled "Disabled Children Get a Ticket to Glide," Todd Hartman reports on the uplifting experience for some south Florida children, who have been finding skating a challenge. I commend the following article to my colleagues:

Wayne Taylor stood 10 feet away from a girl on roller skates. She inched toward him, her arms spread like wings and a smile decorating her face. Slowly and steadily she completed the journey to the wall.

"Look at how much you've improved," Taylor said. "In just two weeks . . . look at it."

That was one of many happy scenes Wednesday at Hot Wheels skating rink in Kendall, where 60 mentally disabled kids were pretty keen to the idea of having wheels on their shoes. Some whirled around the rink like pros, some clung to the walls and some were tickled to get across the rink without wiping out.

They came from three area schools: Tropical Elementary, 4545 SW 104th Ave.; Cutler Ridge Middle, 19400 SW 97th Ave.; and Rivi-

era Middle, 10301 SW 48th St. The children are preparing for a local Special Olympics meet in March. Not all of them will be fast enough to race in the event, but they all appeared to be enjoying the education.

"There's one boy that doesn't do anything in P.E. class, then he gets out here and skates all over," said Carole McArthur, a teacher of adaptive physical education at Cutler Ridge Middle.

"This is the first experience most of them have had skating," said Lillian Stevens, an aide. "They love it."

The most remarkable aspect of the program, at least in the eyes of the instructors, is how quickly the students have improved. Upon their arrival three sessions ago, many were afraid to step into the rink. One boy was so afraid to let go of the wall, he was shaking. On this day, he sailed on his own for a few feet before landing in the secure arms of an adult.

"The first day, some of them couldn't even put their skates on," said Taylor, director of competition and training for Miami's "Mega-City" Special Olympics program. "Now some of them are just flying around the track."

"Kids who I never think can get off the carpet, at the end of the hour, they're out there in the rink somewhere," said Thomas Mitchell, a marketing director for the rink, who is helping with the program.

Mitchell said the biggest hurdle for the kids to overcome is a lack of self-confidence.

"Once they overcome the fear, they work wonders," he said.

They overcome that fear, at least in part, by learning how to fall, the first thing instructors teach them. After that, it's how to get up, then balance, then how to gain forward momentum, though some already know that.

"I've been skating since I was 5," said Rochelle Cunningham, a 13-year-old at Riviera Middle. "I know how to do all this stuff."

One of the most promising rookies at the rink is Gloria Manning, a skating pro who coaches some of the country's best roller skaters.

Manning, who is working with mentally disabled kids for the first time, is taking to it well. She leads the groups, and coaches the most advanced of the kids.

"You have to be positive," Manning said. "If they take one step, that's one more than they took before."

Near the end of the session, instructors turn on music and flash the disco lights. The kids skate around the oval at various speeds, some holding the wall, some racing each other.

"What an uplifting experience," said Muriel Bennett, a retiree who is volunteering with her husband. "These kids are so grateful and so loving. The first time they tried to skate they were so fearful. It's amazing to see them now."

I would like to thank the teachers and volunteers of Tropical Elementary, Cutler Ridge Middle and Riviera Middle School and all people who have taken the time in adding a little happiness to the lives of 60 disabled children.

TRIBUTE TO COL. JOHN JOSEPH CLUNE

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1992

Mr. HEFLEY. Mr. Speaker, I rise today to pay tribute to one of Colorado's finest Col.

John Joseph Clune. Colonel Clune, who recently passed away while recuperating from a bone-marrow transplant, was the highly respected athletic director at the U.S. Air Force Academy for 16 years. He retired last summer at the age of 59.

While athletic director, Colonel Clune served under five AFA superintendents, four faculty deans, and five commandants. While surviving the many personnel changes at the AFA, Colonel Clune remained a constant source of inspiration to the young men and women with whom he came in contact.

The sports world benefited greatly from the solid leadership and support he provided over the years. He was active in many organizations including the College Football Association, the National Association of Collegiate Directors of Athletic, and the Western Athletic Conference. Also, he was instrumental in developing the AFA's women's athletics department and in luring the U.S. Olympic Committee and Training Center to Colorado Springs.

The college sports world has lost one of its most valuable assets. But thanks to all the special memories he left behind, he is someone who will not soon be forgotten.

He is survived by his wife, Pat, four children, and one grandchild.

HOUSE JOINT RESOLUTION 423

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. THOMAS of Wyoming. Mr. Speaker, I've not been a Member of Congress nearly as long as most of you—less than 3 years—but I came here to represent the people of Wyoming and participate in establishing national policy and direction.

But we're not doing that and I've been disappointed in the management of the place. Disappointed because of the disruption brought down on all of us and the institution by the scandal of this House administration. An attempt to mute the illegal activities in the Democrat-administered post office and problems with the bank were bad enough.

But what's even more disappointing is that the House could be taking this opportunity to deal with incentives to economic growth, health care, national debt, and the real problems we are here to solve if our leadership had been doing its job.

The Congress has been in session all week. But we're not solving problems. We're not dealing with issues. We're talking about another Democrat plan to put a Band-Aid on the administration problem rather than healing the break.

Don't vote for the democrat plan and accept another half-measure. I hope you'll support the Michel reform bill, of which I'm a cosponsor, and really change the way we do things so we can get on with the business we were elected to.

TRIBUTE TO CPL. DAVID RONALD
ARNOLD

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. RIGGS. Mr. Speaker, it gives me great pleasure to honor constituents who have demonstrated excellent service and dedication for their community. I would like to take this opportunity to congratulate California Highway Patrol Officer, Cpl. David Ronald Arnold.

Corporal Arnold has dedicated himself to public service as a volunteer officer for 2½ years, with the Martinez Police Force and for 31 years of outstanding service, as a law enforcement officer with the California Highway Patrol.

As a former law enforcement officer in Santa Barbara and deputy sheriff in Sonoma County, I can appreciate your commitment to serving in law enforcement. Your achievements as an officer with both the Martinez Police Department and the California Highway Patrol should be valued throughout your lifetime. Your distinguished background and your accomplishments in the community are highly commendable and an encouraging sign for others to follow.

You and your wife, Quepha, along with your four children and eight grandchildren have much to appreciate with such a wonderful family. Now you can enjoy this time ahead. May the fishing be plentiful and your life filled with continued joy.

Again, congratulations and best wishes to you and your family.

HOUSE ADMINISTRATION REFORM

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. LEWIS of Florida. Mr. Speaker, tonight, I voted for substantive reform within the Michel substitute to House Resolution 423, House Administrative Reform. This substitute changed the House administrative structure, made substantial changes in the legislative process, cut the size of committee staff by 50 percent and banned proxy voting in committee.

When the substitute failed, the only alternative was the Democratic plan which replaced the concept of a Chief Financial Officer with the independent power to audit and investigate with a Director of Non-Legislative and Financial Service who remains responsible to the Speaker and who may or may not employ a CPA to conduct audits.

My vote as present indicated my willingness to vote for substantive reform which would sincerely address my concerns and those of my constituents over the administration of this House. However, with the defeat of the Michel substitute, what the Democrats offered was a weak attempt to create an illusion of reform and one which I refused to participate.

I strongly support House administration reform. But I refuse to endorse a plan which

only pays it lip service and is in direct contradiction to the people's wishes.

PUERTO RICAN CHAMBER OF COMMERCE BECOMES SOUTH FLORIDA'S NEWEST CHAMBER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize the South Florida Puerto Rican Chamber of Commerce which was recently formed.

The new chamber combines the efforts of two former chambers with a new leadership dedicated to promoting business activity between Florida and Puerto Rico. Both Dade and Broward business leaders have been meeting for almost a year to lay the ground work for this latest addition to the many different chambers and business groups in south Florida.

The chamber's first event was a reception honoring Diego E. "Duke" Hernandez, Vice Admiral, U.S. Navy (retired), a Puerto Rican who now resides in Miami and is a senior vice president for Right Associates, an international management consulting firm. Admiral Hernandez's distinguished 35 years in the Navy included service as commander of the aircraft carrier U.S.S. *John F. Kennedy*.

One of the leading activities of the new chamber will be providing information on commerce between Florida and Puerto Rico. The chamber will use its association with chambers of commerce and trade associations in Puerto Rico and Florida to assemble an interstate trade directory for its members.

I extend my sincere hope for the chamber's success, and special thanks to its president, Melvin "Skip" Chaves and executive vice chairman Victor Gutierrez.

I would also like to take this opportunity to thank the following individuals on the chamber's board of directors: Barbara "Bobbie" Ibarra, corporate secretary; Eduardo Godoy, treasurer; Gail Ruiz, parliamentarian; Carlos Julia, vice chairman for marketing and promotions; Frank Unanue, vice chairman at large; Joseph Rios, membership chairman; Tom Cordero, finance chairman; Raymond Marin, programs chairman; Henry Rojica, corporate events sponsors chairman; Keith Harrell, fund raising chairman; Bruce Kaplin, business development chairman; Carmen Diaz Fabian, research and publications chairman; Luis de Rosa; and Gregory Reyes.

INTRODUCTION OF LEGISLATION TO IMPROVE THE HISTORIC PRESERVATION ACT

HON. GEORGE ALLEN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Mr. ALLEN. Mr. Speaker, today, I am pleased to introduce a bill to improve the Historic Preservation Act. While protecting historic

property, my bill will enhance and respect the prerogative of local governing bodies to resolve local land use issues and to strengthen private property rights. I would like to thank my colleagues, Congressman DON YOUNG, the ranking Republican on the Committee on Interior and Insular Affairs and Congressman RON MARLENEE, ranking Republican on the Subcommittee on Parks and Public Lands, for joining me in sponsoring this legislation.

Specifically, the legislation will give local governing bodies the opportunity—including a reasonable period of time—to concur in or object to the Secretary of the Interior's determination of eligibility for the National Register of Historic Places of a parcel of property 5 acres or larger. This legislation does not affect the ability of the Interior Department to list properties on the National Register of Historic Places or declare properties as National Landmarks. The bill will simply prevent trespassing on the prerogative and the ability of localities to determine the future of local land for which they have responsibility, as well as prevent the Interior Department from keeping properties eligible in perpetuity for listing on the National Register to the detriment of both historical preservation and private property rights.

Private property owners, through their local elected representatives would have a greater voice in the process of considering historic preservation. When the question of historic designation arises, hearings would be held. Those people interested in the subject would participate in a more equitable process to express their opinion in the determination of historically significant sites.

The Federal Department of the Interior has declared thousands of properties across the Nation eligible for listing on the National Register of Historic Places. These declarations of eligibility are made without the consent of either property owners or local governing bodies. At least the Department of the Interior provides a measure of property owner consent before actually listing properties on the National Register. Owners of merely eligible property can not plan uses for their land. In some cases their land has been devalued, and their hands are virtually tied as to the future of their property. In other cases, properties may increase in value. But, why not allow a fair public discussion and determination before elected local officials responsible for zoning use determinations rather than Federal appointed officials?

Once a property has been declared eligible for listing, the potential use of the land is subject to a federal 106 review process. That is, Federal agencies are required to review the impact of certain land uses involving Federal agencies on historic properties. Mr. Speaker, this amounts to Federal intrusion on decisions regarding local land use, which, in my view, are the prerogative of the local governing body and the people. My bill will restore this prerogative to the localities and the people.

I am a strong supporter of historic preservation and a great enthusiast of the history and valor displayed during the War Between the States. However, I believe historic preservation can be achieved in a reasonable manner without the intrusion of the Federal Government into local issues and the infringement of the right of landowners to do what they want with their private property.

JESUS R. TOME: A COMMITTED ASSISTANT STATE ATTORNEY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Jesus R. Tome, who like his grandfather and uncle in Cuba is dedicated to the practice of law. As a Dade County assistant state attorney, Mr. Tome is in charge of the crimes division and supervises the prosecution of misdemeanors at county court. He was recently featured in the Miami Herald for his commitment to public service and good leadership. The article "Career Choice: Lawyer, Of Course" by Oscar P. Musibay tells of his accomplishments:

For Jesus K. Tome, pursuing a career as a lawyer seemed natural. His grandfather and an uncle had been lawyers in Cuba.

"If anyone had a problem, they came to my grandfather," Tome said.

Today Tome, 28, is a Dade County assistant state attorney in charge of the crimes division of county court. He supervises the prosecution of misdemeanors.

Dade State Attorney Janet Reno says she's pleased with Tome's commitment to his job. She recalled that he interned at the state attorney's office while attending the University of Miami.

"He's shown a commitment to public service for a long time," Reno said. "The county court is where most people see the criminal justice system in action and it's important to have good leadership. Jay has been superb. He is thorough and sensitive."

Tome's family arrived in Miami in 1969. Days after coming here, his father, Vicente, began working as a land surveyor. His mother, Eloisa, spent four years raising the family's four children, then went to work as a teacher.

Tome, the oldest child in the family, began the first grade at Flamingo Elementary in Hialeah. He clearly recalls his first days at the school.

"I remember sitting in a desk alone," Tome said. "I was told to sit and color. The other kids were doing their work. It was scary and frustrating. I felt strange because I knew I was doing something different. By the end of the first year, I won an award for most improved. I learned to speak English."

Tome went on to St. John the Apostle school in Hialeah through the eighth grade. He graduated from Monsignor Edward Pace High School in North Central Dade in 1981. At Pace, Tome said he was influenced by baseball coach John Messina, who spoke up for him after another teacher tried to have him expelled for misbehaving in class.

"He was a great young man," Messina said. "I've had thousands of students and he stands out. He was never satisfied with mediocrity."

Tome graduated from UM with a bachelor's degree in political science and entered Boston University's school of law in 1985. He said he wanted to study outside of Florida, but wanted to return to Miami to practice law.

"It's the way I've been brought up," Tome said. "There is a certain loyalty to family, friends and the community where you were brought up."

Mr. Speaker, I commend Jesus R. Tome for his dedication and hard work in the criminal justice system. His experience and knowl-

EXTENSIONS OF REMARKS

edge of the law will certainly prove successful in his future endeavors.

A TRIBUTE TO THE 10 EAGLE SCOUTS OF MIAMI'S BOY SCOUT TROOP 575

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today Miami's Boy Scout Troop 575, which was recently featured in the Miami Herald for producing a record number of 10 Eagle Scouts. The 10 Scouts recently received the Boy Scouts of America's highest honor at a ceremony at Sts. Peter and Paul Catholic School. The following article by Marilyn Garateix reports on their achievement:

For a decade, 10 Boy Scouts from Troop 575 in the Roads area of Miami have been working toward Scouting's highest rank.

On February 29, they will collect their Eagle Scout badges together—and earn a place in Scouting history.

Only 2.5 percent of Boy Scouts ever make it to Eagle Scout. Having 10 from one troop is remarkable, Scouting officials say.

"That's very rare. Any troop that has 10 Eagles at once is excellent," said Tim Rose, spokesman for the South Florida Council of the Boy Scouts of America, which covers Broward, Dade and Monroe counties.

"[Troop 575] is really beating the odds," he said.

The 10 Scouts—ranging in age from 16 to 19—will receive their Eagle badges and neckerchiefs in a special ceremony at 7:30 p.m. February 29 at Sts. Peter and Paul Catholic School, 900 SW 26th Rd.

In all, 120 South Florida Eagle Scouts will be honored that day—out of 36,000 Scouts in South Florida, Rose said.

Troop 575 has produced 23 Eagles in the past decade, including the 10 newest Eagles, said Scoutmaster Gene Leon. His son Gene Jr., 18, is among the 10.

The key to success has been doing everything by the book—and more, Leon said. "Here, you have to earn everything. There aren't any quitters," he said. And if there are, Leon doesn't want them in Troop 575.

For the Scouts, the reasons are simpler than that:

"It's part of our life," said Rene Morales, 17.

"It's the challenges," said Carlos Palacios, 18.

"You just can't leave it," said Frankie Miranda, 18.

"If I didn't go to Scouting once a week, every Wednesday, I would feel something was missing," said Carlos Castillo, 16.

Ralph Perez, at 19 the oldest Scout, earned his Eagle award in the summer of 1990, but put off collecting it so he could share the experience with his friends.

"Through Scouting we've become friends," Perez said. "We come together, we earn our badges. There's lots of things we learn here."

The Scouts—who all attended Sts. Peter and Paul Catholic School at some point—have spent almost a decade together learning how to tie knots, handle a canoe, set up camp, make fires and more.

"At first it was just something to do," said Castillo. "But it's been a chance for me to do fun things with the group. And it's also been a chance to become a better leader."

The Scouts shrug off the nerdy image some of their friends have about Scouting. "That's a stereotype because people don't understand what we do," said Morales. "Troop 575 has a really good balance between fun and work." And there's been a lot of work involved.

To become an Eagle, a Scout must first advance through the ranks. Tenderfoot, Second Class, First Class, Star, Life. He then must earn 21 merit badges—11 are required and he chooses 10.

One of the final challenges is completing a service project. Troop 575's Eagles made improvements to Sts. Peter and Paul Catholic School, where the troop meets every Wednesday.

Each Scout chose a project, which was approved by the troop's adult leaders and local and national scouting officials.

"The goal is to show leadership and get it done," said Armando Blanco, Troop 575's assistant scoutmaster.

They built a playground and bleachers, refurbished desks and the auditorium, turned one empty room into a music room and another into a refreshment area for the PTA, and collected blood.

Over the years, some thought about quitting. But they said their friendships, and the challenges in Scouting kept them involved.

"As soon as you become a Boy Scout, you work to become an Eagle," said Ralph Perez. "That's the thing everyone wants to become."

I am pleased to pay tribute to Scoutmaster Gene Leon and the other adult leaders and Scouts of this fine Boy Scout troop by reprinting this article from the Miami Herald. Their story shows how one Boy Scout troop can do so much to help young Americans develop the character and leadership skills which will greatly benefit our community and Nation.

KILLIAN HIGH SCHOOL STUDENTS SEND IMPORTANT ANTIDRUG MESSAGE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, "John" is the name of a powerful play which uncovers the difficulties and pressures our young people face today with alcoholism and drug abuse. It was written and performed by the Killian Players at Killian High School and tells the story of a high school student's struggle with alcoholism and drug abuse. The five Killian Players were invited to participate in a World Drug Conference in Houston for the play's strong antidrug theme. The students were recently featured in the Miami Herald for their eye-opening efforts to keep our community drug free. The article "Caring Peers: Students Write, Perform Play With Powerful Anti-Drug Theme" by Jon O'Neill follows:

Some students at Killian High have found a formula for an anti-drug message kids can relate to: Come up with their own play about one student's struggle with alcoholism and drug abuse, then go out and perform it.

It worked. Well enough that the group of five kids, dubbed the Killian Players, have been invited to a World Drug Conference in Houston at the end of this month.

"They're really something," said Marilyn Culp, executive director of the Miami Coal-

tion for a Drug-Free Community. She has seen the current play, titled John. "The play really moves you, especially when you think they've done it all themselves. When it goes from kids to other kids, it means more."

The play was written by senior Sarah Wasielewski. It's the story of John, a young alcoholic and pothead played by Todd Rosenberg. It starts out as he talks with a psychologist, played by Ana Pelaez, and goes through several flashbacks with his boozing and dope-smoking friends, portrayed by Carlos Fahra and Sacha Bussey.

The finale is a scene in which John confronts his alcoholic father, played by Luis Augsten. Although some scenes are tense and sad, the play ends on a positive note.

DOSE OF REALITY

"We try to hit people between the eyes," said Paul Avery, drama director at Killian, 10655 SW 97th Ave. "We want to deal with kids on their level. We're proud of the way it gets our message across."

Avery has been involved with anti-drug and anti-crime efforts since 1981, working with Crime Watch and Informed Families. John has been performed at schools all over Dade, and some schools outside the county.

The kids also conduct workshops and show other students and teachers how to put together similar presentations, Avery said.

It was after a performance in Orlando that Avery and the Killian Players were invited to the Houston conference, which will bring together 9,000 adults and students from all over the world to talk about drug abuse prevention.

MIRROR OF LIFE

For the Killian Players, John is a kind of a mission

"When parents look at my character, I think some of them see themselves in a mir-

ror," said Luis, 16, who plays the father. "I want the parents to realize that things like this happen and understand what it does to their kids."

Todd, 16, also wants to be a looking glass of sorts when he portrays John.

"If people see themselves in me, I want them to know they can get help," Todd said. "In John's situation, it was almost too late."

The students are excited about the possibility of going to Houston. The only sticking point is money—the trip will cost about \$4,000 total. The group has gotten some contributions, but is still trying to raise the balance.

"It's incredible that we were invited," Todd said. "It's an honor to be able to represent Dade County. We just hope we can get all the money together in time."

Mr. Speaker, I commend these five students, Sarah Wasielewski, Todd Rosenberg, Ana Pelaez, Carlos Fahra, and Sacha Bussey, for their commitment to change. Their important antidrug message will undoubtedly make a difference.

A TRIBUTE TO THE SOUTH FLORIDA SHOMRIM SOCIETY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to pay tribute to the South Florida Shomrim Society, a Jewish law enforcement officers society in south Florida. I am espe-

cially delighted to recognize Shomrim's annual dinner, dance, and awards ceremony which was held on March 28.

This year's Shomrim Officer of the Year award was posthumously presented to the late Detective Steven Bauer from the North Miami Police Department. Steve was killed on January 3 at a bank in north Miami while working an off-duty job in uniform. After his death, Steve was promoted to sergeant. Accepting this award was Steve's widow, Caroline, his two brothers, Miami Beach police officers Mike and Bob Bauer, and North Miami Chief of Police Ken Each.

As a result of Steve's death, a 15-day investigation by detectives from north Miami, metro homicide, Miami Beach, Hialeah and the Florida Department of Law Enforcement, five suspects were arrested and later charged.

National Shomrim is having its winter meeting in south Florida this year in conjunction with its annual affair. Many presidents of several northern Shomrim affiliates joined the South Florida Shomrim Society in honoring Steve.

Mr. Speaker, I would like to pay tribute to the officers and board of directors of the South Florida Shomrim Society: David Waksman, Robert Singer, Greg Feldman, Evelyn Weiner, Kenneth Goodman, Jack Zelman, Elliot Lipson, Rabbi Michael Eisenstat, Irving Heller, Richard Plager, Rabbi Pinchas Weberman, Mark Seiden, the Honorable Samuel Smargon, the Honorable Abe Resnick, Franklin Kreutzer, Louis Weiser, Herb Schoenfeld, and Eugene Friedman.

SENATE—Friday, April 10, 1992

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

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

Let us observe a moment of silence for the family of former Senator, Gale McGee, who died yesterday. [Moment of silence.]

Let us pray:

Eternal God our Father, far too often families are hostage to Senate schedules and tragically neglected as business preempts time and concentration of the Senators. As we anticipate the Easter/Passover recess, grant that Your servants will give priority to their families and take seriously biblical exhortation.

"Submitting yourselves one to another in the fear of God. * * * Husbands, love your wives, even as Christ also loved the church, and gave himself for it. * * * And, ye fathers, provoke not your children to wrath: but bring them up in the nurture and admonition of the Lord."—Ephesians 5:21, 25; 6:4.

Gracious, patient God, at a time when the dysfunctional family is recognized as a source of great social disorder, help the leadership of our Nation be examples of what family life ought to be in the interest of national life. Help the Senators to give themselves permission to take time, to make time for their families.

In the name of Jesus who said, " * * * Suffer little children, and forbid them not, to come unto me: for of such is the kingdom of heaven."—Matthew 19:14. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 10, 1992.

To the Senate:

Under the provisions of Rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of the proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. MITCHELL. Mr. President, am I correct in my understanding that, under the previous order, the Senate will be returning to the consideration of the budget resolution?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. MITCHELL. I further understand that under the previous order, Senator DOMENICI is to be recognized to offer a substitute resolution.

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. MITCHELL. Mr. President, I note that Senator DOMENICI has just entered the Chamber.

I suggest the absence of a quorum and permit the time to run against the resolution.

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

The legislative clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the United States Government for fiscal years 1993, 1994, 1995, 1996, and 1997.

The Senate resumed consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from New Mexico [Mr. DOMENICI] is recognized to offer a substitute amendment.

Mr. DOMENICI. Mr. President, I yield myself time off the resolution.

We are in the process of making sure that the proposed substitute conforms with the amendments that were cleared last night so that we do not have a substitute that leaves out some of those things the Senate approved yesterday afternoon and into the evening. We will have that ready soon at which time we will tender the substitute.

In the meantime the distinguished junior Senator from Virginia, Senator ROBB, is on the floor and he wants to speak in support of the substitute which will be offered. I ask unanimous consent that he be allowed to speak and take it off of the resolution on our side.

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

Mr. DOMENICI. How long would the Senator like to speak—10 minutes?

Mr. ROBB. Not to exceed 10 minutes.

Mr. DOMENICI. Not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Virginia [Mr. ROBB] is recognized for a period not to exceed 10 minutes.

Mr. ROBB. Mr. President, I thank the senior Senator from New Mexico. I speak now because I am going to be attending a hearing during the next few hours in the conference committee and will not be available for the regular debate. I would like to say a few words that relate to the general purpose of the amendment.

Mr. President, the key to controlling the budget has never been much of a secret. As the senior Senator from New Hampshire pointed out in his compelling farewell address, entitlement payments are the three-alarm fire which threatens to burn down their entire budget.

Our amendment goes right to that point. It caps entitlement spending in a very reasonable and responsible way which allows programs to meet their commitments to the constituencies we have pledged to serve. It cuts defense spending by more than the President's budget, yet does so based on a clear strategic vision and it is built from the bottom-up, by the Chairman of the Armed Services Committee. And most importantly, it shows a practical way to move in the direction of what I believe we all want: a balanced budget—although I am personally prepared to move in that direction even more rapidly.

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

Equally important is what it does not. This amendment achieves budgetary savings without stunting economic growth. It sets targets well in advance so they can be planned for and met without undue hardship or avoidable waste, and it preserves the domestic discretionary budget. This is not just a sense of the Senate or a political gimmick; it is a substantive plan designed to move us toward our goal of true fiscal responsibility.

The Federal debt is about \$3.9 trillion and rising fast.

We talk every day in this body about billions and trillions of dollars. After a while, those figures can lose their meaning. Let me try to put it into a new perspective.

Mr. President, you and my other colleagues are probably familiar with M&M's, the little candy. The folks of M&M/Mars, a good Virginia company, tell me that they crank out some 200 million M&M a day. That company has been going continuously since 1940. Yet, in all that time, Mars still has not made as many M&M's as there are dollars in the public debt. If M&M's cost \$1 each, we would probably cut down on our consumption. Why we have not applied that same logic to debt dollars—which, because of interest, cost us far more than \$1 dollar each—is beyond me.

If we do not get control of entitlements—if we leave the budget on its present course—the Congressional Budget Office says that mandatory spending will grow from \$710 billion to \$977 billion by fiscal 1997. Net interest payments—just interest payments—will reach \$280 billion. That does not create a job, or restore a child's health, or defend the Nation. That is just money right off the top for debt service. And it would be all for naught, since CBO projects that if we do nothing, while the deficit may be predicted to shrink for a while, it will begin to rise again in 1999.

That is why I joined my distinguished colleagues in sponsoring this resolution. I will tell you frankly that I do not agree with every number on every line of this resolution. And it is important that we be willing to match caps on Federal spending with restraints on the tasks that we transfer to the States. It would not be fair to once again cut the funds they have to work with while increasing their responsibilities.

We can fine-tune the numbers in due course through the existing committee structure. The important action required of this body today is to address the most important single element of our budgetary crisis. To put out a fire, you do not pour water on the part of the building that is not burning; you douse the flame.

Any time, Mr. President, you mention entitlements, it's easy to be misunderstood or to have one's argument

misconstrued. I hope that those who may disagree with us will appreciate the spirit in which this proposal is offered. We do not seek to end entitlements, or even to reduce them. We do, however, believe that it is necessary to restrain their growth. That is, first and foremost, what this amendment does.

Mr. President, I urge my colleagues, once the amendment is formally offered by the Senator from New Mexico to join us on the path to fiscal responsibility and hopefully, eventually toward a balanced budget. That path starts here; it starts now; it starts with a realistic budget that applies restraint where it is most needed and most effective. In my judgment, Mr. President, we cannot begin too soon.

I thank the Chair and I thank my colleagues and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Chair would inquire as to under whose time the quorum will be charged. Under the rules, the Chair would inform the distinguished Senator from Virginia, in order to suggest the absence of a quorum the Senator must control time. The question arises as to whose time will the absence of a quorum be charged to?

Mr. ROBB. Mr. President, in the absence of any prior agreement, I ask unanimous consent that time be charged equally.

Mr. SASSER. I object, Mr. President. The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SASSER. Mr. President, I assume the Senator from Virginia is speaking on the time of the proponents of the amendment and I would suggest the time be charged against the proponents of the Domenici-Nunn substitute.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair views that as a unanimous-consent request.

Mr. ROBB. Mr. President, I think that the distinguished senior Senator from Tennessee can certainly object to the request that it be divided equally, but I had made a previous request that it be divided equally in accordance with what is normal procedures in the Senate when there are no Senators seeking recognition. I would hope that that would prevail.

But the simple request to have it all charged to the proponents has been made and it is assumed there is no objection. I would note objection to that procedure. However, that procedure, in the absence of ability to pursue the course requested, has probably the same effect.

The ACTING PRESIDENT pro tempore. The Chair might inquire, from a parliamentary point of view, has the Senator from Virginia objected to the unanimous consent request propounded by the Senator from Tennessee which the Chair understood was to charge the

time under the quorum call to the proponents of the amendment?

Mr. ROBB. The Senator from Virginia objected.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Chair would inquire as to who yields time?

Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. RIEGLE. I wonder if the Senator from Tennessee might yield me 1 minute.

Mr. SASSER. I am pleased to yield to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 1 minute.

Mr. RIEGLE. I thank the Senator.

Before the Senator from Virginia leaves the floor, I expect we are going to have a spirited debate here and I just want to make it clear that I view this amendment as an attack on elderly people of this country. We have seen it before and we saw in the 1980's when Reagan came after Social Security and came after Medicare. They are coming after Medicare again here. I think it is outrageous.

I do not want anybody to be under any misapprehensions, the Senator from New Mexico or anybody else, about these efforts to cut these programs for senior citizens in this country and the protections that they need for their health in order to maintain the fat tax cuts of the 1980's that went to the wealthiest people of this country, and that are too large and part of which has to come back into the Treasury. You are going to have a hot debate here today before it is over.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. Mr. President, I think we will be ready shortly to send the amendment up. But I do not want to waste time, so I will start debating the issue. I say to Senator SARBANES we just were telling the chairman we do not have the amendment perfected nor all the amendments that were added yesterday, but it will be ready very shortly.

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

Mr. DOMENICI. Sure.

Mr. SARBANES. Was this amendment considered in the committee?

Mr. DOMENICI. No, this amendment was not considered in the committee.

Mr. SARBANES. I find that very interesting because it is an amendment that is sweeping in its import. I think the Senator from Michigan just made a very important point. It seems to me, and we will obviously have an opportunity to debate this, but to try to introduce this kind of sweeping proposal without even having considered it in

the committee and examined it in the committee is not a very encouraging way to do business.

Mr. DOMENICI. Well, I thank the Senator from Maryland, but let me tell you, I introduced this as a freestanding budget resolution more or less on April 1. It has been here and pending because it was in the RECORD.

But, nonetheless, I do not believe this matter requires extensive public hearing. In a couple of hours everybody is going to understand what we are going to try to do.

The ACTING PRESIDENT pro tempore. The Chair will inquire of the Senator from New Mexico, without objection, the Chair is assuming the time is now being charged against the Senator offering the amendment?

Mr. DOMENICI. I indicated at the outset that I wanted it charged on the resolution off my side.

The ACTING PRESIDENT pro tempore. The Senator has that right and the Chair notes the request.

Mr. DOMENICI. Mr. President, let me open this discussion this morning by taking everyone back to a point in time when Spencer Tracy and Katharine Hepburn were in a movie. Some might remember that movie. Katharine Hepburn, a newspaper publisher, is trying to talk Spencer Tracy, a successful businessman, into running for president. Tracy gives a rousing speech to the chamber of commerce about the country and what is wrong with professional politicians. I could not imitate Spencer Tracy, but let me in my own way tell the Senate what he said on that particular day to the chamber of commerce as it was all staged.

Politicians, said he, instead of trying to pull the country together, are helping to pull it apart just to get votes. To labor, they promise higher wages and lower prices; to businesses, higher prices and lower wages; to the rich, the agenda of let us cut taxes; and to the poor, we will soak the rich; to the veteran, cheaper housing; to the builders, uncontrolled housing prices.

Well, things have gotten no better. If anything they have gotten worse. So today, I will be sending a substitute budget resolution to the desk because I am very worried about what is going to happen to the United States of America and what we are going to leave for our children and our children's children.

We just came out of a recession and Americans were worried about their future. They had little confidence in the future. In their hearts and in their minds they were wondering if their children were going to have a chance to have a job, an opportunity, to make progress, have an increased standard of living.

I am here today to suggest to the American people and to the Senators that want to look at the future, that the future of the United States of

America is bleak unless we control the ever-expanding deficit.

In fact, Mr. President, I believe the children and grandchildren of the adult Americans today and of those who purport to be leaders of America, I believe they are destined to a life of less and less and less.

I have, on one occasion, called this proposal save our children from poverty.

Everybody suggests that we ought to have jobs for our people and I believe they are saying jobs for our children, and opportunity to earn a living. Almost every group in America is worried about jobs for the future. The facts are stark. Senators, Budget Committee chairmen, ranking Members, for 15 years now have brought budget resolutions to the floor of the Senate and suggested we were getting the budget under control and getting the deficit under control, only to find that after the votes were cast and after the facts were in, the deficits did not come down, they went up.

Frankly, with the budget resolution that is before us reported out of the committee—I helped get it to the floor—deficits in the future will not come down appreciably. But if they do, and they come down to somewhere around \$200 billion a year, then they will start back up. And I regret to tell the Senate that if we leave everything alone—which I assume those who oppose some reform and some rational control, they will be saying leave it alone—let me suggest that once this deficit in 1997 gets to \$236 billion, it will start up again. And by the year 2002 it will be \$423 billion.

Let me put it another way. If we do not do something, and for those who do not want to apply some reason to the mandatory expenditures of our Government, then they ought to suggest what we should do. We cannot tax the American people enough to get this deficit down. We cannot cut defense enough to get it down. We could get rid of the entire discretionary budget and it would not solve this problem. We will double the debt of the United States between 1993 and 2002. It is \$3.1 trillion now. It will be \$6.2 to \$6.3 trillion by 2002. There is no way around it unless we decide to do something reasonable and rational to save our children's future.

Let me suggest what the Senator from New Mexico, the Senator from Georgia, the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Virginia [Mr. ROBB] are going to place before the Senate soon. We are going to ask the Senate to do what is right for all America. We are going to say, first, from 1994 through 1997 or 1998, we are going to accept the defense reductions recommended by the Armed Services Committee chairman, Senator NUNN: About \$35 billion. And we are going to apply those back to the discretionary accounts with sense-of-the-

Senate language saying they ought to be added to a frozen—5-year freeze in appropriated accounts, domestic; add the \$35 billion back to be used for what many have said are incentives for growth: Education, infrastructure, and things of that sort. That is the language and that is the hope. But in any event those savings go back into discretionary. Foreign assistance is frozen for 5 years.

That means we have to look at two other things. This resolution says take Social Security and leave it alone because it is pretty obvious that the taxes collected for Social Security well beyond 2002 will pay for the checks to each senior citizen and all the new ones joining and will provide for an increase each year equivalent to the cost of living. So Social Security is left intact.

We have then said there is only one other thing and it is the rest of the mandatory expenditures of our Government. The rest of the mandatory expenditures of our Government—and we can go through a list before we finish our debate on our side and inform the Senate what kinds of things are in there—but essentially it is a group of programs that fund automatically, and are about \$450 billion this year. Those programs will grow automatically to \$912 billion, almost \$1 trillion by 2002. They will be growing from 1993 to 2002, 8.2 percent. So if the inflation is 3 percent they will be growing at 5 percent more.

We understand part of that growth is because new people that are qualified are added to the beneficiary rolls. But we also know that the remainder of that super cost is because we have not, as a Congress, looked at these programs to see if there are any reforms possible that will reduce their cost and yet accomplish the primary goal of our country, to help the beneficiaries with either money or services as contemplated by the general law that gives them our resources.

Frankly, there are going to be all kinds of speeches much like that the Senator from Michigan gave, and more, about this terrible plan and how it is going to hurt people. As a matter of fact it is amazing, it is amazing—since yesterday afternoon when the Senator from New Mexico, joined by his cosponsors, first discussed in depth what was in that resolution that we introduced here in the Senate, our proposal to save America and to save our children from poverty, we already got telegrams 2 hours after it from all over the country saying that this is going to hurt a veteran's group, this is going to hurt people on welfare, this is going to hurt seniors on Medicare. And, frankly, I only ask that each of those beneficiary groups and each of those people, Americans, before they get worked up about this, they listen to what is being proposed and that they evaluate whether they want to be part of saving the

United States of America's economy or do they want it to go bankrupt?

That is a harsh statement, but I believe, Mr. President, and the reason I brought this substitute resolution to the floor is because the American people and fellow Senators have to understand what is going to happen. There is no use glossing it over anymore. If we do not change, we are going bankrupt.

Let me tell you what I think is bankruptcy in America. We will not file a chapter 11 for this great Nation, but we are going to have permanent recessions. If we had a 2-year recession and we could hardly stand it, you continue the current policies of spending tax dollars that we do not have, telling Americans that we can give them whatever they have been getting and more, stay on that course and the debt will double in 10 years.

We will have literally no net savings. Business will not be able to borrow money to grow. Foreign countries will have us by the neck. We will borrow to the hilt. And if we are worried about Japan today, just continue this debt until they own so much they will decide whether we are going to do what we want or not or whether we are going to do what they want or not. And that is going to occur regularly, to the extent that this Senator does not want to be there and say at least I tried.

I do not want to be there when they say, "Why didn't you know about it? Why didn't you do something about it, Senator?" and be unable to respond.

I respond today by saying it is almost too late. It is an election year, and if we do not do it now, next year is an election year, and 2 years after that, and this deficit will continue to gobble up our savings, inhibit our productivity and the grandeur of America will turn pale and we will evidence sustained recessions or incredible inflation, one or the other.

Having said that, this proposal that Senators NUNN, RUDMAN, and ROBB offer with me is as follows: We take all of the mandatory expenditures of our Government, we put those expenditures in one package, excluding Social Security—that means Medicare, that means Medicaid, that means farm programs, all of them—

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

Mr. DOMENICI. I want to finish my thought, please.

Mr. SARBANES. I just need a list of the programs the Senator is talking about.

Mr. DOMENICI. We will furnish that. We will be glad to.

Mr. SARBANES. Does the Senator have that list?

Mr. DOMENICI. Yes.

We are going to put those programs in one package. We are going to look at it and say, how much are those programs growing, all combined? And we find, sad to say, that on their own, automatic pilot, nothing to do about it in the Congress; the President cannot do anything about it, they are growing at 8.2 percent a year, such that that one bundle of programs will double in size in 10 years. It will be approaching \$1 trillion.

Now, Mr. President, before we hear the cries of anguish, just listen and see if we have not been reasonable, practical, and tried to do something that is deserving of our leadership in the Senate.

First, we said we will do nothing about it. We will leave it just as it is for the year 1993, knowing full well that Congress is seriously considering total reform of the health care programs of the country.

So we leave it alone for 1 full year. In the following year, 1994, we say all of these programs should grow but any new case load, any new person who is entitled, comes into that bundle and

gets what they are entitled to. We add inflation to every program, so any pension-type program that is in there, we say add inflation. And then we say, on top of that, we will add 2 percent. So we are not just providing for inflation and new cases, new coverage that comes into the program, we are also saying add 2 percent.

Now, Mr. President, for those who are wondering what happens then—we have just finished 1993, now we are in 1994—at that point, applying that formula, no significant reform is necessary. However, that is 2 years to take a serious look at what the new health care program is going to be; how much is it going to cost? At that point there is clearly a target against which they can put the new programs in place.

Then in 1995, that 2-percent kicker, that superinflation that we have added on, becomes 1.5, the year after that 1, and the year after that zero.

So that entire bundle of mandatory expenditures will continue to grow as we have described it now—1993 just like it is; 1994, 2 percent on top of all the people and all the institutions that are covered plus inflation; and then down to 1.5, 1, zero.

It just happens, Mr. President, that puts in place a requirement that the committees of the Congress look at this entire package each year and determine whether or not they want to reform some, change some, so that they will not grow as fast as they did before.

Mr. President, I will submit for the RECORD, since some will ask how will the committee do this, a document entitled "Deficit Reduction Options, Entitlement and Other Mandatory Spending." I ask unanimous consent that it be printed in the RECORD.

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

DEFICIT REDUCTION OPTIONS ENTITLEMENT AND OTHER MANDATORY SPENDING

[CBO revised baseline, outlays in millions of dollars]

Function and option	1993	1994	1995	1996	1997	Total 93-97
270 Reduce REA subsidies	30	70	130	170	200	600
270 Require DOE to raise rates for federal hydroelectric power to speed debt repayment		260	250	240	220	970
300 Hardrock mining claim fees		60	60	60	60	240
300 Federal water charges	15	15	15	20	20	85
300 Recreation user fees	170	180	190	200	210	950
300/800 Net-Receipt distribution for revenue-sharing programs	190	200	210	210	220	1,030
270 Nuclear waste disposal fees	20	40	60	80	100	300
350 CCC—Reduce deficiency payments lowering target prices	440	1,550	2,150	3,200	5,950	13,290
350 Eliminate wool price supports		190	190	200	200	780
350 Eliminate honey program	20	20	2	2	2	46
350 Reduce export loan guarantees	45	410	420	450	400	1,635
350 Eliminate export enhancement program	310	740	670	640	610	2,970
350 Eliminate market promotion program	100	200	200	200	200	900
350 Reduce dairy price support	140	230	250	270	280	1,170
350 Eliminate federal crop insurance	270	620	640	650	660	2,840
370 FCC spectrum royalties	1,500	1,600	1,800	1,900	2,000	8,800
370 FDIC examination fee	200	280	280	290	300	1,350
400 Airport slot fees	300	300	300	300	300	1,500
400 Air traffic control service user fee	700	1,450	1,550	1,650	1,700	7,050
400 Inland waterway user fees	350	360	380	390	410	1,890
500 GSLs—Eliminate in-school interest subsidy	600	890	910	930	930	4,260
500 GSLs—Default risk-sharing: Lower allowable rate to one-year 20 percent	310	310	310	310	310	1,550
500 GSL co-origination fee	330	490	500	510	510	2,340
500 Limit foster care admin to 10 percent growth	65	150	240	350	480	1,285
500 Medicaid—Estate recovery	75	150	250	400	450	1,325
500/600 Single state admin grant for low-income programs	500	830	1,200	1,600	2,050	6,180
550 FEHB—Prefund annuitants health benefits		2,950	4,300	4,350	4,350	15,950
550 FEHB—Modify hospital reimbursement		120	300	560	710	1,690
570 Medicare—Eliminate disproportionate share adjustment	1,900	2,400	2,600	2,800	3,000	12,700
570 Medicare—Reduce indirect costs payment to 6 percent	550	680	740	800	860	3,630
570 Medicare—Reduce direct payments for medical education	160	180	190	200	200	930

DEFICIT REDUCTION OPTIONS ENTITLEMENT AND OTHER MANDATORY SPENDING—Continued

(CBO revised baseline, outlays in millions of dollars)

Function and option	1993	1994	1995	1996	1997	Total 93-97
570 Medicare—Eliminate payments to sole community hospitals	180	220	240	260	280	1,180
570 Medicare—Eliminate ROE payments to skilled nursing facilities	55	60	65	70	75	325
570 Medicare—Freeze PPS rates for 1 year	1,600	2,150	2,400	2,600	2,850	11,600
570 Medicare—Transition to PPS for outpatient	180	580	780	930	1,100	3,570
570 SMI claim processing fee	230	260	220	170	100	980
570 Medicare—Reduce payments for intraocular lenses	120	190	200	200	200	910
570 Medicare—Freeze SMI reimbursement	350	580	640	790	920	3,280
570 Medicare—Collect coinsurance for home health care	1,600	2,150	2,400	2,700	2,950	11,800
570 Medicare—Increase SMI premium to 30 percent	1,300	1,950	2,320	4,920	7,170	18,320
570 Medicare—Increase SMI deductible	900	1,700	2,260	300	3,980	9,140
570 Medicare—Collect coinsurance for clinical lab services	600	1,020	1,170	1,340	1,540	5,670
600 Federal civilian retirement:						
Defer COLAs until 62						
Limit COLA to CPI-1/2						
Change benefit calculation from "3-high" to "4-high"						
Restrict agency match on TSP						
Total, all changes	470	770	1,050	1,400	1,700	5,390
600 Military retirement:						
Defer COLAs until 62						
Limit COLA to CPI-1						
Change benefit calculation to 12-month average						
Total, all changes	420	1,050	1,700	2,450	3,200	8,820
600 Terminate trade adjustment assistance	220	220	210	200	200	1,050
600 Target child nutrition subsidies	340	830	960	1,050	1,100	4,280
600 Food stamps—Eliminate benefits under \$10	80	80	80	80	80	400
600 Eliminate \$50 child support payment under AFDC	170	180	180	190	200	920
600 Reduce income exclusion under SSI	150	160	170	170	180	830
600 Child support enforcement:						
Reduce federal match				520	560	1,080
Increase fees				55	65	120
600 SSI administration fees	140	150	150	160	170	770
700 Veterans compensation:						
Eliminate payments for low-rated and non-service-connected disabilities	1,700	2,100	2,100	2,050	2,350	10,300
Eliminate disability benefits for low-rated disabilities	1,450	1,750	1,700	1,650	1,850	8,400
End dependents' allowances for low-rated disabilities	220	260	250	240	260	1,230
End DIC awards in future cases for non-service-related	20	85	150	200	320	775
700 VA housing guarantee fee	260	270	280	290	300	1,400
700 Eliminate "sunset" dates on 1990 OBRA provisions	230	450	510	550	610	2,350
Estimate of unduplicated savings	22,245	37,140	44,072	49,467	62,202	215,126

Source: CBO, Reducing the Deficit: Spending and Revenue Options (February 1992).

Mr. DOMENICI. Mr. President, here is a list of about 100 proposals that have been put forth by the Budget Committee of the House, Ways and Means, Finance, OMB. It suggests such things as GSL's default risk-sharing; FEHB prefund annuitants health benefits, and just a myriad of ideas that could be applied by the committees to get these programs so that they grow, 5 years from now they will be growing at inflation alone, and all new cases that need coverage.

I submit for the RECORD these options so people can look at them. Obviously, a budget resolution is not the place to adopt these. Congress will be looking at this for 2 years and decide how it can reform and take care of the maximum, where does it want to change things to be more consistent with reality.

Now, Mr. President, some are going to say why would we do this?

I think we have to ask the question why would we not do it when we do not have the money to pay for it?

Would Americans really want us to bankrupt America so that we can give them what we do not have? They have the right to ask us if we have been frugal elsewhere.

Mr. President, I cannot believe that we can be any more restrictive on expenditures in the rest of the budget than this proposal: A 5-year freeze on foreign assistance; a 5-year freeze on domestic programs. Except we give them back the peace dividend, at least

the additional peace dividend, from the next 4 years of cuts, provided by the distinguished chairman of the Armed Services Committee, on defense in the outyears—put that back, frankly, that is a very frugal approach.

Domestic programs will be growing at about 1.2 percent—nominal, but even inflation. Then we ask the entire bundle of mandates to be looked at by the Congress; that the Congress begin planning to change them. And it has nothing whatsoever to do with anything other than the American economy cannot afford any more; the American taxpayer cannot afford any more. And the numbers are so large that you cannot tinker around the edges and fix it.

Mr. President, I am absolutely convinced that if we really had a chance to take every group of Americans that is in that mandatory entitlement package and shared with them what we are sharing right here, I am convinced that they would say: Be fair in your reforms, in changes here and there; we will sacrifice a bit; we will get a little less than we have grown used to spending. Or some changes will occur where those who are wealthy will not get so much.

There are many people of high means getting many subsidies from the United States. There are many in the health care area getting many subsidies from the United States. Medicare part B premiums: Many Americans are having 75 percent of their

health care premiums paid for by the taxpayer when we pay nothing for a working man and woman with three children unless they have an employer who is providing them with insurance. Yet, we pay 75 percent, regardless of wealth, regardless of state of income, costing billions and billions of dollars.

Mr. President, it seems to me that I should add a couple more things, because we have to assume that the American economy is going to recover and grow. We have assumed that it is going to grow, as suggested by the Congressional Budget Office, about 2.2 percent; not very stupendous growth, but imagine what is going to happen to growth if we do not start down this path of fiscal sanity.

So we assume that if that does not happen, there is no chance to get the deficit under control. What we are talking about here today will not even scratch the surface.

So let me, for these opening comments, repeat:

Those who sponsor this substitute ask the U.S. Senate today to adopt a budget resolution that sets this proposal in place. And our commitment is that we will draft a law, a statute that puts these in law, and they will be enforced when the Congress adopts that law. For now, we want to put before the Congress the idea that we must get this under control, and that this is a fair way.

Mr. President, let me talk about the two programs that I am sure are going

to draw much attention, Medicaid and Medicare.

Mr. President, some will stand up and say Medicare and other programs in this mandatory group have all the money they need; leave them alone. Mr. President, there is no money for Medicaid other than the taxpayers' money. I do not think there is any question that we are not going to go through a health care reform without finding a way to have some cost containment. The cost containment on Medicaid surely will bring Medicaid down from an annual 30-percent increase to something more reasonable.

We give the Congress 2 years to plan for this before anything is done. Eventually, if we passed the law that implements this, we would pressure all of the programs by saying the total has to meet this formula. Frankly, the same for Medicare.

There is not anyone that thinks the expenditures for Medicare and for part B Medicare can go on as is indefinitely. Almost everyone that is assuming that they are going to have a new method and system of delivering health care assumes that there will be cost containment in those programs.

We are talking about helping with the cost containment by telling the committees of Congress: Here are the dollars that we can afford; let us not kid anyone. There is not any more; we are already spending borrowed money. But at least if we stay on this path, we have a chance of getting this deficit in 10 years close to balanced.

Mr. President, I know that there are some who are going to think that those of us who sponsor this amendment do so because we want to take money away from Americans who are entitled to it. Mr. President, we do this, four of us—and Senator RUDMAN will be here to talk about it, as will Senator NUNN—but we do this because we do not know any other way to save America for our children. We do not know any other way.

If the deficit does not matter, then we are off in left field. If it matters, Mr. President, the budget resolution before us, unless it is modified as we suggest, is not a blueprint for getting the deficit under control. As a matter of fact, it increases the deficit, increases the debt over the 5-year numbers, and does so rather dramatically. That we will continue to do, even though we assume we are out of the recession.

The deficit will come down a little bit because we assume the savings and loan bailout will run its course. That is in the underlying resolution; that is in the resolution we will send to the desk.

Mr. President, I am sure that before we are through not only will this resolution say, according to some, that we are taking things away from seniors and from veterans—and frankly, Mr. President, we are not taking anything

away from anyone. What we are saying is that everyone in this country has to understand that there is no money in the Treasury; that we are borrowing it in wheelbarrows, millions and millions of dollars a day.

In fact, I guess it would be fair to say \$1 billion a day. The deficit exceeds \$365 billion, and there are 365 days in a year. So some used to say \$1 million here, \$1 million there really counts. Some got up to \$1 billion. Well, it is \$1 billion a day we are borrowing. And we will go back up beyond \$365 billion a year again very shortly.

That is because even if we control everything else in the budget, this package of mandatory expenditures—and the name is pretty near right. We have set some formulas, and the money goes out—mandatory, automatic pilot.

Now I will close with these two summarizing remarks, at least for now. One, if we do not do anything to control the mandatory expenditures, the deficit will continue skyrocketing.

The debt will be doubled in 10 years. America will have little chance to grow and prosper. We will be relegating to our children, instead of a growing standard of living, constant, consistent recessions, no growth, and I have never had anyone write me a letter suggesting they want recession, because they know they are bad.

Second, this can be done without hurting anyone. If the committees of the Congress, in the 2 years provided, want to take a look at these programs, look at the suggestions, from means testing some to actually providing different ways of doing things, we can easily get it under control.

How much time have I used in these opening remarks?

The PRESIDING OFFICER. The Senator has used 35 minutes.

Mr. DOMENICI. Mr. President, I yield the floor at this point.

Mr. SASSER. Mr. President, may I inquire of the distinguished ranking Member, is he prepared to lay down the substitute at this time?

Mr. DOMENICI. Mr. President, I have not had a chance to discuss this with the chairman. I will suggest the absence of a quorum.

Mr. SASSER. If the Senator will withhold, I yield 10 minutes to the distinguished Senator from Michigan, and we can discuss this.

Mr. RIEGLE. Mr. President, I thank the chairman.

Today's debate is perhaps the most important debate we will have had about the fraud and the failure of Reaganomics and supply-side economics. I listened to the Senator from New Mexico talking about the fact that there is no money in the U.S. Treasury. Why is there no money in the U.S. Treasury? What has happened to America, particularly since 1980, that has caused us to move up to these massive multibillion dollar deficits? Why are

we in recession? Why do we have his massive unemployment in the country? Sixteen million people are either unemployed or working part time, because they cannot find full-time work.

It is because of the failure of the program of Reaganomics. That program came right off that side of the aisle, just like this proposal today is coming right off that side of the aisle. And what happened? The central theory of Reaganomics was this: Give huge tax cuts to the richest people in this country, and it would set off a supply-side miracle that would boost growth, bring great amounts of new jobs and money into the Government. But it was a total fraud and a sham. And, in fact, David Stockman, who was the Director of OMB at that time, has written in his book that they knew at the time that it was a fraud, and that it would cause these massive deficits; that you could not give these huge tax cuts to the wealthy in this country without creating huge structural deficits in the Federal budget.

So now all those years have passed. We have had Reaganomics trickle-down in place since 1980. Eight years of Reagan and Bush, and almost 3½ years of Bush and QUAYLE with the same policies, and the country is in deep, serious economic trouble. It is not just the issue of the Federal Government deficits which are massive. We have problems all through our system because of this crazy and selfish economic strategy that was foisted on the country a few years ago.

The people who are leading this charge today on the other side of the aisle were the people in charge here in the Senate during the early 1980's, when this fraudulent economic strategy and program was put in place.

The reason that the Treasury is empty is that the tax cuts to the wealthy were too large, and the people sponsoring this amendment are in here today protecting those huge tax cuts still going to the wealthiest people in our country. And those tax rates on the wealthiest should go up so they start paying their fair share so we can bring down this deficit.

But, what they are doing, they are protecting those tax cuts for the wealthy. That is what this is all about. And the only way they can do it now is to go in and start strip mining the programs that we have in place for the elderly, for our veterans, for the people in our society who are in the worst circumstances and who need help. So they are in here today to chisel away at those programs, cut those programs down, so they can protect these outrageously large tax cuts to the wealthy, which were put in place in the 1980's. The wealthy of this country, who are defending this proposal, are not willing to put one dime back in for the public good. The whole creed of selfishness and class privilege is in the

saddle today. It is in this administration, and it is embedded right in the heart of this proposal that is being offered and put forward by the Senator from New Mexico.

This plan is going to end up having the effect of cutting the Medicare benefits of people all over this country. Who gets Medicare benefits? The people who principally rely on them are not the wealthy. No. If the wealthy get sick, at any age, and they need specialists, the best doctors, best hospitals, best medicines, they can afford to get them, and they go get them. It is the people who do not have great wealth who have to rely on Medicare.

In our system today, doctors in our system are not required even to service Medicare patients, and more and more in our country, doctors are refusing to serve Medicare patients. Why? Because the reimbursement rates for the health care given to somebody on Medicare and elderly persons in America are so low that many doctors are saying, "I do not want to be bothered with that problem. Let them go to some other doctor."

To the wealthy, it does not mean anything, because they have protection and they have protection, in part, because they got the fat tax cuts from the same people that are bringing you this proposal today.

It is outrageous. If we had a national health care plan in place, if the Bush administration would come forward with a national health care plan that guaranteed access to health care and control of health care costs, that would be one thing. There is no Bush plan. There is no Bush plan. This crowd has been around now for 11 years. Has anybody seen the plan? Is the plan here in the Chamber today? Of course, it is not, because they have not offered one. We have offered one, I might say, on this side of the aisle. Here it is, S. 1227, offered by Senator MITCHELL, myself, Senator KENNEDY, and Senator ROCKEFELLER, cosponsored by others. This provides health care to people in this country and cost control to go along with it. There is no desire to do that on the other side of the aisle, and there is no plan. So now they are in here trying to chisel down what is left of the programs that help the people in the country who have to rely on the kind of help. So they want to chisel down the Medicare benefits and Medicaid benefits. Why? It is because they are protecting the wealthy people, who are unwilling to pay their fair share of the tax. That is what this is all about. And it is shameful, it is a sham, and it is hypocrisy.

The human needs of this country have to be met one way or the other. We cannot walk away from them. They are in there today to chisel down the veterans benefits. That is another outrage. A year ago, we were giving parades to the veterans of Desert Storm

for their heroic work over in that part of the world in that war. Today, many of them are unemployed and, in fact, homeless. There was a story on national television the other day about some Desert Storm veterans who are living in cardboard boxes here in America, because they cannot find work and do not have a penny to their name. Is there a program coming in here today from the other side of the aisle to do something about that? Of course not. They have washed their hands of that problem, and they want to wash their hands of the problem of trying to make sure that the elderly people in this country that have to rely on Medicare are able to get the care they need. And it is expensive care. It is going to stay expensive until we pass a national health care program. Is there a plan being offered? Of course, there is not.

More sophistry.

Mr. DOMENICI. A plan to do what?

Mr. RIEGLE. I do not yield at this time, Mr. President. I listened to 35 minutes of that nonsense just a minute ago, this special privilege pleading that is going on. I am sick and tired of seeing the wealthiest people of this country protected from carrying their fair share of the responsibility of the needs of this country. The tax cuts that Senators on that side of the aisle foisted on this country for the wealthiest people in this country have damaged America.

They have hurt this country. You wonder why there are not enough jobs, not enough investment. The reason we went on a real estate binge, the cost of the finest paintings, big yachts, all off the chart, is all the money was going up to the top of the income scale. Even the Federal Reserve put out a report on it, how outrageous the imbalance of resources is in this country.

That is what this is all about. This amendment says protect the wealthy in America from paying their fair share of taxes. They made off with a bundle in the 1980's with a lot of protections and they do not want to give one penny of it back. Now that the Government is broke, they want to come back and strip mine the programs that are left.

I want to mention one more time the SSI benefits. Who would they go to in our society? This would be one of the programs cut under the amendment. You know who gets the SSI benefits—the elderly people in this country who are blind and disabled. And they need the help and they deserve the help. They helped build this country. But the crowd that is bringing this forward, and it is coming off that side of the aisle, has no more concern about those problems than the man in the moon. They are not interested in it. They could not possibly be, to come in here and recommend those kinds of cuts in those kinds of programs.

It would be one thing if they were bringing a health-care program along

with it. There is no health-care program that has been offered. It is a bad joke. I am tired of it. I am tired of seeing the defense of wealthy privilege in this country and that elitist attitude in this country. The people of this country are sick to death of it and they want a change.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Mr. President, will the Senator yield me 10 minutes?

Mr. SASSER. I yield 10 minutes to the distinguished Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the distinguished Senator from Michigan and before the very able chairman of the Banking Committee leaves the floor I want to thank him for his very strong and powerful statement. I just want to add a couple of visual presentations to support the point he made about the tremendous shift of income to the wealthy people in this country as a consequence of the tax policy of the 1980's.

The Senator is absolutely right. What is this amendment doing? You are talking about reductions in guaranteed student loan programs which give people the opportunity to get an education, so they can contribute to the economy, so they can be positive members of the economic system; you are talking about Medicare, medical care for the aged for our senior citizens; you are talking about Medicaid, medical care for people who cannot afford it in any other way; you are talking about the retirement system; you are talking about child nutrition; you are talking about supplementary security income which as the Senator pointed out is to help the blind and disabled; you are talking about veteran compensation.

Now they have excluded Social Security from this amendment, although that is a mandatory program, and the same rationale that holds for Social Security, holds for a lot of these other programs.

The Senator is absolutely right. They want to impose a mechanical cap. We are not told what specific programs are going to be cut. This cap, as I understand it, would save \$40 billion in 1997. The Exxon amendment that was turned down yesterday, which was a very specific proposal for additional defense savings, and the tax package which increased taxes on the wealthy that was in the bill brought out by the Finance Committee, together would save more than the money that is projected in this proposal in 1997.

Mr. SASSER. Will the distinguished Senator yield on that particular point?

Mr. SARBANES. Certainly.

Mr. SASSER. Is the distinguished chairman of the Joint Economic Committee telling us that if we had enacted the very modest cut in military spending yesterday that was narrowly rejected by this body, and that if the

President had not vetoed the tax on the wealthy and the millionaire's tax in the tax bill that passed this body, that these two measures, the slight reduction in military spending and the taxes on the wealthiest, would have saved more money, reduced the deficit more than this effort to strip mine Medicare, as my friend from Michigan has said?

Mr. SARBANES. In the year 1997, as I understand the figures, the Senator is correct.

Mr. SASSER. I thank the Senator.

Mr. SARBANES. Now the Senator from Michigan makes the point that there has been a tremendous shift of income in this country to the very wealthy and that this proposal is really an indirect way to try to preserve that. That is what this whole fight is about. That is what happened on the tax bill. The President vetoed the tax bill which had incentives on the investment side and a tax cut for middle-income people, in order that the top 1 percent of the country ought not to pay higher taxes.

Mr. President, this chart shows a share of family income of the top 5 percent of the country. Look what happened to it over the 1980's. The share of income of the top 5 percent in the country increased dramatically over the 1980's. This is exactly what the Senator from Michigan was talking about. The share of the top 20 percent also went up during that period of time.

But now look at what happened to the people in the middle during that period of time. Their share of family income went down during the 1980's, and the share of the people at the bottom also went down. They get just over 4 percent of the family income. That is, 20 percent of the families, the bottom 20 percent, get 4 percent of the family income. The top 20 percent get 44 percent of the family income. The top 20 percent get 44 percent, the bottom 20 percent get 4½ percent.

Mr. President, this chart provides a more graphic example of how income distribution has changed throughout the 1980's. The top 1 percent are the people on whom we tried to place an additional tax burden in the tax bill.

Now their average income since 1977 has risen from \$315,000 to \$560,000. Their pretax income has gone up 78 percent over the 1980's. Their taxes went up from \$112,000 to \$150,000. The point is always made on the other side that the rich are paying more taxes. Of course they are paying more taxes, they have a lot more income. They are not paying taxes commensurate with the increase in their income.

The logical extension of this is you have someone who says I pay all the taxes. You ask why do you pay all the taxes? He says I pay all the taxes because I have all the income. Of course, if you have all the income you are going to pay all the tax. This is the di-

rection in which we have been moving in this country. So the taxes of the top 1 percent went up to \$150,000, but their average income jumped up to \$560,000. So their average after-tax income went from \$203,000 to over \$410,000.

Let me put it in percentage terms. Their pretax income went up 78 percent. Their taxes went up 34 percent which is not even half of what their income rose.

This is what the tax cuts of the 1980's did for the very wealthy in this country. Their after-tax income went up 102 percent, so they pay a little more taxes, but they have this huge jump in income, and because of the changes in the Tax Code their after-tax income doubled for the top 1 percent in the country.

Now, we have a proposal to mechanically cut a long list of programs. It is not specific which ones. But many of these programs are designed to help the least fortunate in our society, others are designed to meet some of the most pressing needs in our society, medical care, health care for our older citizens, health care for people who cannot afford it, student loans so people can go to college.

Then the Senator says, "How are you going to close this deficit?" They are projecting 2 percent growth. That is a pretty dismal performance. That is the problem with the Bush growth plan. There has been less growth in this administration than in any other administration in a postwar period. Bush is the worst on that score.

You talk about defense cuts. My understanding is that the defense figure 5 years out under this proposal will be \$275 billion. It is \$290 billion now. It is \$290 billion now and the figure 5 years out will be \$275 billion. That is a peace dividend? That is an adjustment in the defense budget to reflect what has taken place internationally? Who is kidding whom?

And third, if you did something to get these people in the top 1 percent, to carry their fair share of the tax burden, you would not have to come in here and strip mine these programs and obliterate these people who are in desperate situations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. I yield an additional minute to the Senator.

Mr. RIEGLE. Will the Senator yield?

Mr. SARBANES. Yes.

Mr. RIEGLE. Could the Senator hold up the chart on the income?

I think what he has illustrated here is this huge increase in aftertax income to the wealthiest 1 percent in our country, they do not want to give any of this back and to avoid giving it back, they now want to see a cut made in Medicare. In other words, they want somebody on Medicare, an elderly person in this country who is sick and who needs care, to go without the care so they can keep that big fat tax increase.

That is what is going on here, and it is outrageous. If you were coming in here with any kind of fair tax plan at this time, there might be some plausibility to what you are talking about. You are taking it right out of the hide of sick, older people in this country, and it is just outrageous.

Mr. SARBANES. Let me show you what they are protecting. This is the Federal tax burden, 1977 compared with 1992. Federal taxes as a share of present tax income. Now the path line in 1977 for taxes as a share of income rose in this fashion. So there was some progression in the income tax.

Now look what has happened because of the 1980 tax changes, which were pushed so hard by the other side of the aisle. You have progression in the path line from \$10,000 to not quite \$100,000 and then look what happens to it. It levels right out. Above \$100,000 there is no longer any progression in the tax burden as there was in 1977. Who benefits from that compared with the old system? These millionaires.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. I yield 1 minute to the Senator.

Mr. SARBANES. These are millionaires, people that have incomes of a million or a half-a-million dollars a year, and they do not want to contribute anything to solve this economic problem.

The proposal says we are going to solve the deficit problem because we are going to come down on Medicaid, Medicare, student loans, child nutrition, and supplemental security income. That is the proposal.

Then we are told, it is not going to do anything this year; not going to do anything next year. Why do we not deal with the specifics?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. I yield an additional 2 minutes to the Senator.

Mr. SARBANES. We had two proposals on the floor of the Senate in the past 2 weeks which would have contributed more to the deficit reduction than this proposal would in 1997.

Mr. President, there is a problem in dealing with the deficit, but the Senator from Michigan is absolutely right. You have to have a package that makes sense. You have to look at what the growth of the economy is going to be. You have to look at your defense figures.

As I understand it, this proposal has a defense figure 5 years out of \$275 billion and the current defense figure is \$290 billion. Now they talk about how much they are saving on defense by cumulating it over the 5-year period. But the fact remains that in the fifth year, the defense figure is going to be \$275 billion as opposed to a current figure of \$290 billion. There is no reference whatever to trying to meet the budget defi-

cit problems by addressing the inequality in incomes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. I thank the Senator from Maryland.

Mr. President, I might ask is the distinguished Senator from New Mexico prepared to lay down his amendment now?

Mr. DOMENICI. No, I am not.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I have heard the use of the word outrageous. Well, there is outrageousness around in abundance this morning.

Can you imagine when somebody proposes on the floor of the Senate that 450 billion dollars' worth of mandatory expenditures increase \$110 billion in 5 years—that is the proposal, increase \$110 billion—we have people outrageously saying we are cutting.

The other thing I hear is the \$450 billion that we are going to be in debt 5 years from now can be made up by taxing the rich. You could take the entire fortune away from all the rich, everything, and you will not get \$450 billion. The truth of the matter is we are over-committed.

Then you hear it said that we are going to take money away from those who are on AFDC, those who are getting some kind of assistance because they are poor. Mr. President, we offer an idea that says, look at all of those proposals and in the next 2 years figure out a way to take care of those in need and do not let the expenditures grow more than a certain amount. Every new person, new case, that is added, inflation on top of it, and 2 percent more. If that is cutting, I do not understand.

Does anybody believe that if Congress looks at this package that they are going to cut the programs they are describing here? The AFDC Program is not even using the formula amount. It is less than that much growth. We have to ask that some group of Senators that have authority to make changes look at this package and reduce it in a reasonable manner.

And it has nothing to do with the wealthy of America. In fact if you put that wealth chart up, one might ask the question among those wealthy people, why do they all get free Medicare even after they have received all of the money they put in? Should not somebody look at that when we are this much in debt? Should not somebody look at that for a \$100,000-a-year income person that maybe when they have gotten all their Medicare expenditures that they put in the trust fund, when they got it back, maybe we ought to look at whether they ought to get everything free or not, when in fact our children are not going to have any jobs.

Now they are talking about economics and Bush as if Presidents wave

wands and cause economic growth to occur. We do not have economic growth occurring because we have sustained deficits that are beyond the capability of this economy to assimilate and grow.

We come here talking about the future and we are hearing about the past. Now if we want a debate on what happened in the decade of the 1980's, with reference to who got what and who did not, we would be glad to have that. But the point is we cannot pay for what we have. We cannot pay for what we committed.

And it has nothing to do with hurting anyone. We are asking the Congress to take a look at those programs and see if they cannot find a way to reform some of them, taking care of people in a different way. And I add, does anybody think we are not going to have reform in the health care system?

Does anybody think that is not going to occur in the next couple of years? Of course, it is. We are suggesting that reform is cost containment also. And we are asking that during that 2 years there be a target so that cost containment will be given a real boost.

Is anyone suggesting we cannot take care of the health care problems of our seniors under the amount of moneys that will be allowed here and cause the trust fund to last much longer? I do not believe that. Having said that—

Mr. CRAIG. Will the Senator yield?

Mr. DOMENICI. I will be pleased to yield 5 minutes to the Senator.

The PRESIDING OFFICER. Five minutes is yielded to the Senator from Idaho.

Mr. SASSER. Mr. President, parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator from New Mexico yield for a parliamentary inquiry?

Mr. DOMENICI. I will be pleased to yield.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order under the previous order of the Senate is for the Senator from New Mexico to offer an amendment.

Mr. SASSER. Mr. President, let me just say a word to my friend from New Mexico. I do not want to discommode him but it is now 11 o'clock. We came in at 9 to take up his amendment. We have Senators all over here waiting, trying to catch airplanes. We have eight more amendments, I think, to dispose of.

Mr. DOMENICI. I am ready.

Mr. SASSER. I would urge my friend from New Mexico to lay down his amendment, and let us proceed on that if he intends to lay it down.

Mr. DOMENICI. Mr. President, I will do that.

I ask unanimous consent when I submit this substitute amendment that I

have the right to withdraw it if I desire.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1777

(Purpose: Setting forth the congressional budget for the U.S. Government for fiscal years 1993, 1994, 1995, 1996, and 1997)

Mr. DOMENICI. Mr. President, I send to the desk a substitute amendment for myself, Senator NUNN—I know it has been spoken of as if it is all on this side of the aisle. I understand we have two cosponsors from that side of the aisle, I might add—Senator NUNN, Senator RUDMAN, Senator ROBB.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. NUNN, Mr. RUDMAN, Mr. ROBB, and Mr. SYMMS, proposes an amendment numbered 1777.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOMENICI. Mr. President, I understand the Senator from Idaho wants 5 minutes. I yield 5 minutes off of the amendment.

Mr. CRAIG. I thank my colleague from New Mexico for yielding.

I want to immediately associate myself with his remarks and the amendment that he has just sent to the desk, an amendment to Senate Concurrent Resolution 106.

Mr. President, I would like to begin by commending the distinguished Senator from New Mexico, the ranking member of the Budget Committee, for his consistent leadership and his attention to the nuts and bolts of what is necessary to reduce the Federal deficit. He has been, I believe, unrivaled in his willingness to toil at that task.

I strongly support the substitute Senator DOMENICI has offered. It is the only realistic approach at this time to deficit control.

It is my understanding, and I look to the Senator for confirmation or clarification, that the 1990 budget agreement, or budget summit, caps what we call all discretionary spending through fiscal year 1995, but does not cap levels of spending on entitlement, or mandatory, programs.

Mr. DOMENICI. The Senator from Idaho is correct.

Mr. CRAIG. We use terms like discretionary versus mandatory. But is it not true that discretionary really only refers to spending that will not take place unless the Congress acts through the appropriations process every year? And that mandatory does not mean, for the most part, that we must spend on certain programs, but rather that cur-

rent law puts the funding of those programs on autopilot.

Mr. DOMENICI. The Senator has characterized that distinction correctly. Mandatory spending does include fulfillment of some prior, binding obligations that have been entered into but, for the most part, we are taking about entitlement programs in which we simply have to change the law to make any change in those spending patterns.

Mr. CRAIG. So, it would be fair and accurate to say that, mandatory is a term of art and that, realistically, all Federal spending, except servicing the national debt, is discretionary over the long run, and most of it is actually discretionary in the short run, as well. The practical distinction is one of different funding mechanics for different programs.

Mr. DOMENICI. That is essentially right.

Mr. CRAIG. Now, for fiscal year 1993, even if the final defense spending number that comes out of conference were to be the Budget Committee-approved number, which is supported by the distinguished chairman of the Armed Services Committee and was essentially the amount requested by the President, that level of spending still would be about \$8 billion below the budget summit cap. Is that correct?

Mr. DOMENICI. The Senator is correct.

Mr. CRAIG. I also understand that, in the committee-reported budget resolution, outlays for domestic discretionary spending exactly meet the cap. And also in the substitute prepared by the ranking member, I believe that overall outlays for domestic discretionary spending exactly meet the cap.

Mr. DOMENICI. Yes, the Senator is right on both counts.

Mr. CRAIG. Now, this is curious. Defense spending has been declining in real terms for the last few years, and will decline in real and nominal terms for the foreseeable future, under everyone's projections.

In terms of constant dollars, spending on domestic discretionary programs has remained virtually unchanged since the last Carter budget in 1981, and declined slightly as a share of gross domestic product.

Only in the area of entitlement and mandatory programs have we seen dramatic growth both in inflation-adjusted terms and as a share of GDP. And that trend is expected to continue—and escalate—for as far into the future as anyone's crystal ball will permit us to see.

I ask unanimous consent the table be printed in the RECORD.

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

ENTITLEMENT AND MANDATORY OUTLAYS

(Dollar amounts in billions)

Fiscal years	Current dollars	Constant (FY 1987 dollars)	Percent of GDP
1962	\$32.3	\$132.6	5.8
1981 (last Carter budget)	\$340.6	\$435.7	11.5
1992	\$709.9	\$584.4	12.1
1992 change from 1962 (percent)	22/+2,100	4.4/+341	
1992 change from 1981 (percent)	2/+108	1.3/+34	
1997 CBO baseline projection	\$977	\$685	12.5
1997 change from 1992 (percent)	38	17	

Source: CBO's "Economic and Budget Outlook: Fiscal Year 1993-97," January 1992, except as follows: Constant dollar figures derived by using the composite deflator in the February 1992 supplement to the President's fiscal year 1993 budget, \$709.9 in 1992 outlays cited in the Mar. 31, 1992, explanation of the SBC Republican budget resolution.

Mr. CRAIG. If these programs for which no statutory cap exists.

Mr. DOMENICI. The Senator from Idaho is absolutely correct. That is why, in my plan, I have been calling for restraint in non-Social Security mandatory programs that actually amount to a very modest level of restraint.

This is the one area of our budget which has been growing out of control and threatens to continue to do so unless we try to bring some fiscal discipline into these programs.

Mr. CRAIG. The Senator's budget proposal certainly has offered modest, but necessary restraint in this area. Let me be sure: In the substitute proposal, the Senator from New Mexico has been proposing to allow mandatory programs to grow for new beneficiaries at the rate of inflation plus an additional 2 percent in 1993, and phasing down that bonus adjustment out by 1997, so that, in 1997, these programs still grow by the rate of inflation. Is that correct?

Mr. DOMENICI. The Senator from Idaho is right. My plan would allow non-Social Security mandatory programs to continue increasing, but would slowly, in a phased way, create a fiscal incentive to find ways to economize.

Mr. CRAIG. I have already received a few apocalyptic calls and letters warning of the dire consequences of adopting the Senator's substitute. I cannot believe they really understand how it would work. A phased-in cap on mandatory growth would put the Congress and the administration on notice that it is time, among other things, to make the reforms in our health care system to bring skyrocketing costs under control. Everyone's budget benefits when that happens, not just the Federal Government's.

We are not saying, let us cut benefits or programs or services. We are saying, let us reevaluate what we are doing and who is benefiting, and see if we cannot accomplish our priorities more economically. Of every entitlement dollar, for example, we spend 80 percent on non-means-tested programs and only 20 percent on programs that were created to help the needy. In any case, spending would increase. We are only talking about how much of an increase should occur.

Frankly, I think the Senator's proposal is too modest. I have cosponsored

Senator BURNS' legislation to cap all domestic spending growth—entitlement and discretionary, alike—at 4 percent. A number of outside groups and think tanks have proposed an overall 3 percent cap on growth. I would much prefer that level of restraint.

But I appreciate the efforts of the Senator from New Mexico to begin to move our thinking in that direction. It is long overdue and it is necessary.

I believe we may never get these deficits under control and alleviate the drag on the economy they cause until we enact a firm, constitutional mandate that we produce balanced budgets. It is my understanding that the majority leader has given the Judiciary Committee some assurance that the balanced budget amendment which that committee has reported by a strong 9-4 vote will be on this floor in the near future and I look forward to moving that process forward.

Mr. DOMENICI. I thank the Senator for his comments and his concern. I know that, when he was in the other body, the Senator was a leader in the movement to obtain a balanced budget amendment to the Constitution, and I look forward to our working together on this and other efforts on behalf of deficit reduction.

Mr. CRAIG. Mr. President, we cannot duck nor can we hide. Yet the rhetoric on the floor this morning would suggest the policies this Government currently operates under and this Congress responds to are on autopilot. I think we call them mandatory expenditures versus discretionary expenditures.

Let me tell you who controls the autopilot—100 Senators here on this floor. We are the pilots. We fly the aircraft of Government. We make the decisions on how much money will be spent, how many taxes will be levied, who will be taxed and who will not be taxed, how much of the wealth of this country will be redistributed and to whom and for what.

Let me tell you, as pilots of that aircraft, we cannot hide. It is on automatic pilot at this time and that automatic pilot is now flashing red, not because of anything that I might have done or anyone else, but by those on the ground, the American taxpayer, those responsible for the aircraft itself. They say it is in danger of a crash.

It is because there has been a sense of irresponsibility here for too many years to not look at the hard issues, to not recognize what has to be done and then to do so in a reasonable and responsible fashion. Not that the door gets slammed quickly or the aircraft gets slammed to the ground and its landing gears get knocked out from under it, but that it be allowed to land in a controlled fashion.

That is what I believe my colleague from New Mexico, in his substitute, has offered—that the pilots of the auto-

pilot, if you will, those who really are in control, this Government, this Congress, this Senate grab hold of those controls and bring it in for a safe landing for everyone. That is the fundamental issue we are all talking about this morning. There is really no room for exaggeration.

A cut is not a reduction of an increase. A cut is a reduction in current levels of expenditure. I know the American people believe that, but nobody here on this floor is willing to admit it. That is what we are talking about this morning—at some time in the future, this Congress beginning to reduce the rate of increase in the mandatory expenditures so we can begin to reduce the deficit so we can go home and say to the young people of this country we are beginning to reduce the burden on you, so at some time, when you are out there at 35 or 40 or 45 years of age, you will not be asked to pay 65 or 70 percent of your gross pay back to Government to pay for the debt that was created by your forefathers.

We have not said that yet. We have not taken that step. We have not been that responsible.

The 1990 budget agreement was touted as the great compromise that began that slow path of reducing the deficit. Now the record speaks for itself, and I do not believe the American people believe for one moment that past rhetoric because the proof is on the table. The figures have been printed.

The fact is it did not work because nobody had the strength to begin to reduce, by law, those mandatory autopilot expenditures that everybody here today, except too few, suggest cannot be touched for whatever reason or another.

I suggest they can. I think my colleague from New Mexico, in a most responsible way, said to this Congress let us at least look at it. Let us at least send it back to the Budget Committee in the beginning of the next cycle in a responsible way and take a look at it. That is what he is saying.

I think that is fair, and I think the American people will agree with us because there is a message, and it is loud and it is clear. They are saying we ought to do something. I think we should. Action on this substitute would in fact be responding to the American people's call.

The PRESIDING OFFICER (Mr. WELLSTONE). Who yields time?

Mr. DOMENICI. How much time does the Senator seek?

Mr. RUDMAN. I need 10, 15 minutes, whatever the Senator has.

Mr. DOMENICI. I will use 30 seconds of my time first and then yield to him.

I am wondering how the Senators, either standing on the floor or in their seats, on the other side, how they voted on the alleged "help the rich get richer and poor get poorer" tax cut amendment. Unless my eyes are wrong—and I

could be corrected—it seems to me Senators SASSER, SARBANES, and RIEGLE voted for that cut.

Mr. RIEGLE. Will the Senator yield to make that record accurate?

Mr. DOMENICI. If I said something inaccurate, I would.

Mr. RIEGLE. The Senator left something out that creates a misimpression. This was an alternative offered on the floor to change those tax rates to beef up the rates at the high end and cut them at the lower end and the vote on final passage included tax cuts to spur investment and business in this country and that ought not to be left out.

I thank the Senator for yielding.

Mr. DOMENICI. I am pleased to have it corrected.

Mr. RUDMAN. I thank my friend and the Chair.

Mr. President, I think it remarkable, listening to the debate this morning, that somehow there are Members of this body who think the American people are going to fall for the argument that this is a rich versus poor discussion.

In the press conference that Senators DOMENICI, NUNN, ROBB, and I held yesterday, I believe that each of us said uniformly that if we are going to get this budget under control, the first thing we ought to do is what every economist in America—every fiscal expert in America has said to us—and that is take this uncontrollable part of this budget and at least subject it to annual review. Find a way to slow its growth which is way above inflation. And then, if there is insufficient revenue, each of the four cosponsors of this legislation said, at that point, anyone should listen to the reasonable argument of increasing taxes in some segment of this population.

But the fact is that with deficits running at \$400 billion a year, and according to the best projections, approaching \$700 or \$800 billion at the end of this century, and with the tax bite from the American people by 1993 about what it was back in the Carter administration, increased taxes alone will never solve this problem. In fact, if you adopted literally confiscatory tax rates on everybody in this country who earned more than \$100,000 a year, you would still have escalating deficits.

The facts are these: That for a long time we have been involved in a game of political chicken in this Chamber, and we are going to see it again today. We are going to be required to cast votes as to whether we should exempt veterans and Medicare recipients and Medicaid recipients. And then those artful consultants and pollsters and media strategists, who frankly, in my view have polluted the American political system, will craft wonderful ads which will indicate that anyone who did not vote the right way somehow is against veterans, against the elderly, and against the poor.

Mr. President, I think some people around here are not listening. They are surely not reading my mail. I am looking forward to those votes, because I think there is a very unique way to tell the American people what those votes are really going to mean. To quote my friend, Paul Tsongas from Massachusetts, they will distinguish who in this body wishes to pander to special interest groups and who wishes to level with the American people.

With a country whose deficit is approaching the three-quarters of a billion mark within the terms of many Members on this floor, how can this body refuse to adopt this modest proposal?

What does this proposal do? It does not cut anything. It simply says that 2 years from now this Congress will be faced with caps on the major entitlement programs. Those caps will not be caps in a traditional sense. They will be current services, plus inflation, plus new eligibility.

We are going to say to the Senate Finance Committee and to the other committees that during that time we must find the ways and means to control the unabated growth of these programs. In the meantime, we are freezing discretionary spending, further cutting defense, and taking that defense money and putting it into very closely targeted programs, with which most of us in this Chamber, including the other side of this aisle, agree.

However, what we will be accused to today, before this day is over, is somehow favoring the rich, wanting to hurt the poor, wanting to hurt veterans, and further evolve this country into a class-warfare consciousness.

Mr. President, I do not think that is fair. I do not think it is reasonable. I do not think it is honest. Let us look down the road about 6 or 7 years if this is not done. The deficit of the United States will be somewhere around three quarters of a trillion for 1 year—1 year. The debt of the country will be approximately the same as 1 year's gross national product.

When Third World countries achieve those kinds of statistics, the World Bank comes in and says: If you want to borrow more money, we are going to set down the terms and conditions for you to borrow that money.

Mr. President, we are not that far away. We are 4 or 5 years away from that happening here.

What is it that Senators NUNN, DOMENICI, ROBB, and others, and I, are proposing? We are simply saying let us set up a system to review these entitlements on an annual basis, starting 2 years from today. I would ask the opponents of this amendment to cite one economist in America, liberal or conservative, Democrat or Republican, academic or working economist, who will disagree that the single and fundamental problem facing America is

the unabated growth of entitlement programs, period.

If there are those who think that the rich should pay more taxes, they might find some agreement on this side of the aisle. They will find very little agreement to simply doing that and doing nothing else, because that money will be consumed in the blink of an eyelash. There is not enough wealth in this country amongst the rich to hold back the growth of these entitlement programs.

It is kind of interesting. Back in 1985, we passed Gramm-Rudman-Hollings. It was overwhelmingly passed by both Houses of Congress and supported by Democrats and Republicans alike. There was a lot of gloom and doom about what that would do. But what it did was to literally take the unabated growth at that time of both defense and nondefense discretionary spending and freeze it in its tracks. It has now grown, basically, I believe—my friend from New Mexico will correct me if I am wrong—at the rate of inflation, roughly at the rate of inflation.

Nothing has been hurt, that I have seen. Oh, we would like more for education, and we would like more for health, and we would like more for research, but of course, the reason we do not have it is because the Federal budget is being consumed by the entitlement programs, many of which are going to middle-class Americans who can afford to pay more of their fair share, and it is time we tell them so.

It is like the Purolator ad: Are we going to pay them now, or are we going to pay them later? But if we pay them later, it is going to be under circumstances where, frankly, I would not want to be in this Chamber or the other end of Pennsylvania Avenue when you have to tell the American people we are going to have to seriously cut back on entitlements, on Federal retirement, on civil service retirement, on military retirement, and cut back on veterans benefits, because we cannot borrow the money to support our profligacy. That is where we are headed.

Do not listen to me. Read any of the pieces in all of the popular media in the last 2 weeks, by columnists of all political stripes, on this very single issue. They have said to the U.S. Congress: Either address these entitlement programs or you are not serious about deficit reduction.

Mr. President, I do not know what the rest of this morning will bring, but I am afraid it is going to bring more rhetoric which is somehow going to say that those of us who are trying to do something responsible on both sides of this aisle somehow want to favor the rich and hurt the poor. That is bunk.

I expect we will have a vote that will deal with veterans, and the vote, I suppose, will be cast such that we should exempt veterans benefits from this pro-

posal. I suppose those of us who vote no on that would be considered antiveteran.

Mr. President, I am a veteran. I saw the people disabled when they were disabled. I care as deeply about them as I care about anyone.

I do not believe a program designed to save the economic future of this country can be conceived of as "anti" anything. It is pro-American, it is for our children, it is for our grandchildren. And I hope we do not have a lot of careless rhetoric around here that seems to indicate that simply asking to review these entitlement programs, to let them grow at a normal rate, and to charge those committees of the Congress with the jurisdiction of finding ways to control these rising costs somehow is anything but the height of responsibility.

A month ago, the Senator from New Mexico and I sat down and we talked about this. In fact, it was about the time that I spoke on this floor about this very subject. The Senator from New Mexico said, "You know, I do not think we can probably do this. It is an election year. We will get all sorts of election year rhetoric, all sorts of votes that we will be put to, and all 30-second sound bites and commercials that will be designed to embarrass people politically." I said to him, "You know, PETE, you are probably right." But I sense something going on that many people may also be sensing. It was present in the Tsongas campaign. It is present in the ground swell of support for Mr. Perot, of Texas, that is getting all sorts of national attention. It is present in much of the conversations going on in this country on the radio talk shows. People really do not want to listen to class warfare, they do not want to listen to political bickering between Republicans and Democrats. They are tired of the President bashing the Congress and they are tired of the Congress bashing the President. They would like us to get together and set forth a rational plan to start studying this issue.

What we are talking about here today is an amendment, offered by the four of us, that does nothing for 2 years. It gives the Senate Finance Committee 2 years, under the leadership it has, to start coming up with ways and means to address the health care crisis and other crises that we face. If we do not do it now, I am not sure when we will.

I do not believe for a moment that if a new President is elected this fall, which is a possibility, that he will support such a program. I am not sure that people of my own party would be happy to support it in a second George Bush term because they would be looking at the 1996 elections. But I submit to this body that there is a responsible and decent way to approach this problem and to explain to the American

people that what we are trying to do is fix our financial condition for the long term, not in the short term.

Mr. RIEGLE. Will the Senator yield at that point?

Mr. RUDMAN. I am pleased to yield.

Mr. RIEGLE. I thank the Senator for yielding.

I was interested in the point he made, apparently in the press conference yesterday that he participated in, that was the issue of growth, about whether or not there should be changes in the tax system. I take it that at least the Senator from New Hampshire indicated that he thought, as part of the overall solution, that that was an issue that did need attention. Am I correct?

Mr. RUDMAN. Let me state it accurately. My recollection is—as I can certainly speak for myself—I also believe I heard Senator NUNN, Senator ROBB, and Senator DOMENICI clearly. What we all said was the first thing we must do is take the obvious growth of this Federal budget, and find a way to control it. That is the first thing we ought to do. That is No. 1. We have 2 years to do that.

During that 2-year period, if we should find that we can not close the gap, then each of us will consider changes in the tax structure. Were I here, I would do that. But the time to do it is not now. If we do it now, we will, according to historical precedent, simply say, "Now we have raised taxes and we can let this continued program grow," and eventually we will eat up all the money. That is historically what happens.

Mr. RIEGLE. If I may say, I said prior to the time of his coming to the floor, if this concept were being offered in a large context where you were talking about changes in tax law, growth policy, I just say to the Senator, you can raise the same amount of tax revenue today that we are now raising and change whom you raise it from. There is a problem in that area. And in the bulk of these programs, the reductions that are being proposed here are not going to hit the people at the high-income levels in any degree we are talking about. They will exact a real price down the line for people who are in fairly tough economic circumstances. And, if you are going to come in with a plan of pain, I think there has to be fairness. You have to share the pain, and you have to apply it all the way around the equation. I asked if there was a component like that in here. There is no such component, as I understand it.

Mr. RUDMAN. Let me respond to my friend from Michigan with this statement: I disagree presumptively with your assumption. I disagree that people at the lower end of the income level will be hurt by what we are trying to do. That is precisely what we are not trying to do. When we talk about

means-tested programs, we are certainly not talking about people with no means.

Second, the people at the higher income scale virtually have no benefit in these programs, period. If you want them to pay more taxes, in some context that may be OK, but that will not solve the problem.

I wonder, I really seriously wonder, if we came to this floor with a resolution in a slightly different form that said that we would now not just do it by a sense-of-the-Senate resolution, but in fact we would put in here a component that would say we mandate the Senate Finance Committee to change the tax rates for all those with incomes over \$150,000 and, in return for that, we will mandate a capping of entitlement programs today, would we get a majority on the other side? I ask that question.

Mr. SARBANES. Will the Senator yield on that point?

Mr. RIEGLE. That is not what is being proposed.

Mr. RUDMAN. I am entitled to an answer. I do not think I will get an answer because I know the answer.

Mr. RIEGLE. Let us have the proposal.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. RUDMAN. I yield to my friend from Maryland.

Mr. SARBANES. I thank the Senator. I appreciate his yielding.

As a matter of fact, he is about the only Senator on that side who has been willing to do that—I say that as an indication of respect for him.

Here is the problem that Senator RIEGLE has touched on. As we look out into the future, we have to be concerned about the deficit problem. The deficit comes from a number of sources. One is slow growth in the economy. If the economy grows at 3 percent rather than 2 percent, or 2 percent rather than 1 percent, that makes a very significant difference in your deficit problem. The deficit we are currently confronting has been added to significantly by the recession. The deficit we have been confronting has also been contributed to by the problems of the financial institutions, the payouts to the savings and loans and the banks. What the Senator is proposing sets a framework 2 years out. What he is proposing to do is to cap these various programs, and we ought to go down the list of what the programs are and appreciate how important they are to people's lives.

Senator RIEGLE's point, which I think is a very effective point, is that you are going to address the deficit by curtailing some benefits that are absolutely critical for some people—health care, supplementary security income, child nutrition—and for others, benefits that are essential to their opportunity and to the development of the

society, like guaranteed student loans. There is no component in here for trying to address at least part of the deficit problem through recouping some of the enormous benefits in income that have flowed to the people at the top of the income scale as a result of the tax cut of the 1980's.

The PRESIDING OFFICER. The time yielded to the Senator from New Hampshire has expired.

Mr. RUDMAN. I ask my friend from New Mexico for additional time.

Mr. DOMENICI. I yield 10 minutes.

Mr. SARBANES. If we were taxing the top 1 percent of the country, which has 13 percent of the income, at the average rates of 1977, there would be an additional \$40 billion in tax receipts from that source alone. That is not confiscatory, and that is just the top 1 percent of our population.

Then you have defense. As I understand your defense figures, 5 years from now we will be at \$275 billion. We are at \$290 billion today. Is that correct?

Mr. NUNN. If the Senator will yield, I do not know the exact number where we would be, but I can get that for you. We are proposing exactly almost what the chairman of the Armed Services Committee in the House proposed. We are proposing, over 5 years, only \$15 billion less in cuts than the majority leader, Senator MITCHELL, proposed.

Mr. SARBANES. I understand that. We are trying to figure out how to address this deficit in the future and what the various sources are, which can make a contribution to deficit reduction.

Mr. SARBANES. The point I am making is that your own plan has a figure for defense, 5 years from now, of 275. The current figure is 290. I agree with the Senator that you are not going to be able to deal with the deficit from one source only. But this defense contribution, in my judgment, would be inadequate, and you are doing nothing on the tax side.

Mr. RUDMAN. Let me respond to my friend. Unless my friend from Georgia wants to clarify that.

Mr. NUNN. Just a response. The Senator's \$275 billion is correct. The Senator should take note that this is lower than the defense number in the resolution at this point.

Mr. SARBANES. I understand that. We are projecting into the future and trying to find what are the sources that will help to address the deficit. You have a resolution now which essentially says that the source is going to be out of these programs. Your defense source is to go to 275. You have nothing in there on the tax side, and your growth assumptions are very meager and anemic.

They may be right, and they may not. But that is an important component of how you deal with the deficit. What you have done is put front and

center only these programs, and the people who depend upon them. When we talk about them, we ought to name them by name. We ought to go through the programs to see their impact.

Mr. RUDMAN. We intend to.

Mr. SARBANES. And not the defense, not the tax, not the growth possibilities, all of which should and could and ought to be an important component of any deficit reduction strategy.

Mr. RUDMAN. I thank my friend. How much time do I have left?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. RUDMAN. I will use some of that. Let me respond to my friend from Michigan and my friend from Maryland. The Senator from Maryland made a very telling point, telling not for his argument, but for my argument. His telling point, is one that I think no one can disagree with.

The Senator stated that we could raise those rates back to their old rates, and we would get an additional \$40 billion. I say, maybe we can raise them double that, and we could raise \$80 billion.

The fact is that under all of the projections, that \$80 billion will be sucked up by the growth of entitlement programs above population, above inflation, in about 3 years. Somehow I am missing something. I see the chairman of the Senate Finance Committee on the floor. That committee has enormous power. It has broad jurisdiction. What we are saying is simply this: Over 2 years, you and the other committees with concurrent jurisdiction should find ways and means—and certainly a health care reform package is part of it, a major part of it—to see how much of this growth above inflation and population we can control.

As a matter of fact, I do not know if the Senator from New Mexico quoted the statistic or not, but I believe the figure is that there will be \$800 billion of entitlement growth over the next 5 years, of which roughly \$347 billion is above and beyond what ought to be from population growth and from inflation; \$347 billion.

Mr. SARBANES. If the Senator will yield for a question. When the Senator says "inflation," is he talking about the general rate of inflation?

Mr. RUDMAN. Yes. And, obviously, the medical rate of inflation is much higher.

Mr. SARBANES. The component of this package is health care. We all know that the health care rate of inflation has been substantially higher.

Mr. RUDMAN. Exactly. That is our point. We are simply saying—

Mr. SARBANES. Your are not holding people harmless by saying you are giving them inflation if you are giving them the general rate of inflation for health care costs, which have significantly exceeded the general rate of inflation.

Mr. RUDMAN. What we are saying is, in 2 years, the Senate Finance Committee, and other committees with concurrent jurisdiction, ought to report back to this body whether or not this target of baseline cost over the next 2 years, plus inflation at the general rate, plus a delta of 2 percent, plus new eligibility, is something we can live within. If we cannot, I have no doubt that that committee would recommend new revenue. And I voted for new revenue before, and would I be here again, I would vote for it again.

Mr. RUDMAN. But only if there was some effort to control costs. That is my underlying point. The Senator from Maryland said it better than I can say it. You can raise \$40 billion, \$50 billion, \$80 billion in new taxes, and it disappears into a great black hole, unless effort is made to control the growth of these entitlements. That is all we are saying.

We are not saying do it today or next year. We are saying in 2 years from today, we ought to have a plan before us to see whether or not the cap works. The Senator from Massachusetts [Mr. KENNEDY], has a health plan that is very interesting. The Senator from Kansas [Mrs. KASSEBAUM] has an extraordinarily interesting plan. Somehow, some way, we ought to be able to do something in this body in 2 years.

Is that asking too much?

Mr. RIEGLE. If the Senator will yield, I do not think it is. I think we can do something this year. We have these plans. Here is a health care plan, here. I mean, this issue ought to be dealt with. Unfortunately, we are not dealing with it.

I might just say, if the Senator will yield for another moment, the \$40 billion that he speaks about of the amount of tax revenue that can be raised by having a fairer and, I think, larger tax on people in the high income levels, in effect to understand the hole we are now in, you have to back the train up and see what happened each year during the 1980's. The revenue loss year by year, in 1982, 1983, 1984, 1985, 1986, 1987, has been cumulative, and the money we have had to borrow and the interest we are paying on it, which is compounding, the hole we dug ourselves into, in part because of an absence of tax fairness and insufficient revenue coming into the Government, cannot be solved in 1 year.

The Senator is quite right. Nor can it be solved with one source. Nor should we think in those terms. But here is the problem now. When you lead with the chins of this crowd—to come back and look at these programs, and in fact, we have a letter from the head of the Paralyzed Veterans of America, and this is a man of conscience; he is representing the people that he represents. And he has concerns about these cuts and the others. The question is, why are we putting this cluster of

programs and people on the front line now for the sacrifice, when we do not have the health care plan? In fact, we do not even have a proposal, quite frankly, from the administration. We do not have these other things ready to go, and we passed a tax plan, but it was vetoed, and there is no alternative. So what we are saying is that although we cannot get the whole plan together, let us take a group which includes a vast number of what I call "the walking wounded" and say: Look, we cannot get the other parts of it done. We do not even have a plan right now for doing the rest of it, but we are going to ask you to do your part.

Mr. RUDMAN. Mr. President, I am going to reclaim my time.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. DOMENICI. I yield 5 additional minutes to the Senator from New Hampshire.

Mr. RUDMAN. I will try not to use all of it. Let me just make a couple of observations. The Senator from Michigan is correct that we do not have a plan before us. That is precisely why this is a 2-year delay.

If we really were concerned about this, we ought to do something about it today. But we will not, for a whole variety of reasons. No one is speaking about cutting anybody. We are talking about a plan that will take entitlements, at their levels in 2 years, add inflation, population growth, and add 2 percent, and by that time, hopefully, these plans will have developed.

I happen to believe it will take a year or two for this Congress to finally agree on massive rehabilitation of whatever it is that is wrong with the health care system that causes its rate of inflation to be so much higher than general inflation. That is the first point.

The second point I want to make is—some statistics on taxes I agree with, and some I do not—the fact is that this Congress has done a pretty good job on both sides of the aisle of spending a good deal of money that we should not have spent. Unfortunately, that is not the problem. This year interest is the third largest item in the budget. It will be, I believe, the second largest item in 2 years. The chairman of the Appropriations Committee has been talking about how little is left for us to appropriate. As a matter of fact, I believe, but I do not have the figure in front of me, the total discretionary spending, nondefense was \$210 billion to \$215 billion this year, and interest is about \$201 billion. Talk about a world being turned upside down. Something is wrong when the Appropriations Committee, with all of the legitimate needs of the country, gets squeezed out so badly that we have roughly the same amount of money to spend as we pay in interest.

Why? Not necessarily because of tax decreases. But largely because, if you look at the consumption of the normal growth each year, it is being largely consumed by growth in entitlement programs which nobody disagrees are needed by those people who receive them. All we are trying to say on this amendment is that there has to be a better way, and we have 2 years to find it.

On that note I would simply say that I am delighted this discussion is taking place this morning. It is the single most important discussion we have had to get this country back on track, to get the unemployed back to work, and to get real interest rates down. To protect the economic security of America we must deal with the deficit. Until and unless we deal with entitlements, we never will. I thank the Chair and yield back the time the Senator gave me.

Mr. SIMPSON. Mr. President, I rise in support of the amendment offered by my colleague from New Mexico, Senator DOMENICI, and I want to commend him for this courageous and farsighted proposal.

Mr. President, as we grapple with this divisive and painful issue of the Federal deficit, I call to mind something once said by Abraham Lincoln, in his "House Divided" speech.

If we could first know where we are, and whither we are tending, we could then better judge what to do, and how to do it.

That is indeed what we should be about. I have listened to my colleagues as many of them have attempted to describe how we got here. Some have called attention to the increases in defense spending in the early part of the last decade. Some have cited tax legislation. Others have talked about runaway entitlement spending.

We will continue to have that debate, and it will be a good one. But it will not by itself answer the question of "where we are, and whither we are tending."

Where we are is in a sea of debt totaling nearly \$4 trillion. And in a sea of frustration as well.

Every Member of this Congress is haunted by what will soon happen to this Nation's economy if we continue to practice business as usual. All of us, on both sides of the aisle, are tormented by our inability to get the deficit under control. Conscientious and committed Senators are voluntarily leaving this body in frustration over our inability to forestall what is coming.

Under the Constitution, Congress is granted the "power of the purse." Yet we feel powerless. Who until recently would have ever imagined that we could cut defense spending, freeze international spending, have only moderate increases in domestic spending, and yet see our annual deficit grow by tens of billions?

That brings me to the controversial entitlements cap provisions of this amendment. It is a frightening and troubling idea to everyone—even though it is not in any way a final commitment. Other legislation will be required to make it law.

First, just a quick word about what this amendment is and what it isn't. It doesn't affect Social Security; let everyone hear that. It doesn't enforce a sequester—in fact, it has no enforcement mechanism. It does not even require cuts—although in Washington we call any form of controlled spending growth a cut. This cap would allow entitlement spending to grow with inflation, with the number of recipients, and even with a margin of error—a cushion—above that.

I have heard it said that this amendment will not "solve any problems." Of course it won't—no budget resolution does. Here we are merely trying to take control of runaway spending; here is where we acknowledge the fact that we do not have unlimited funds to spend without regard for the Nation's future.

Mr. President, it is difficult to avoid hyperbole when talking about this problem. But it is that serious. We all know the unspoken and troubling truth—of what projected entitlement spending will do to the Federal deficit.

It is easy to dismiss the talk show hosts who howl about foreign aid and congressional salaries—we all understand that those are symbolic issues, and have a negligible impact on the deficit.

It is harder to stall the momentum of other ideas—that all we need to do is to cut defense. That all we need to do is to control pork-barrel spending. That all we need to do is to get the rich to pay their fair share.

Those are all important issues—I do not intend to criticize those who raise them.

But we all know we could slash defense by billions in excess of what the President proposed. We could squeeze dry all domestic discretionary spending. We could—and did, in 1990—pass various revenue-raising measures.

But we all know that unless we do this—unless we control entitlement spending—the deficit will continue to grow—uncontrollably.

I cannot look at the numbers which project our Nation's fiscal future without recoiling in horror. Unless we do something, our annual deficit will be \$1.038 trillion in the year 2010.

I would say to my colleagues that this could well be an optimistic projection. This assumes that our economy doesn't buckle from sustaining a debt of that size. This assumes that there is no major crisis in an area like the banking industry. This assumes that we don't undertake major initiatives in education or child care. This assumes that we don't fight a war.

That is "whither we are tending" unless we take drastic action to reform the way we handle mandatory spending—the money we spend each year by formula, which isn't authorized, isn't appropriated, isn't prioritized, and often isn't meantested.

Mr. President, I have constituents who come to my office every day to say—help us. Extend this tax credit. Continue this program.

Sometimes these constituents have their children with them. I look at these kids and I am disgusted and disheartened to think of what we are doing to them—ironically, in the name of "compassion" for our fellow man.

Where is our compassion for our children? And their children?

And it is so unnecessary. If our national entitlement programs simply grew in proportion to the number of recipients, with inflation taken into account, by the year 2010 we could actually be looking at \$990 billion annual surplus.

Again, I think that is optimistic—I think there are variables at work that make it impossible to project that. But the point remains that the difference between that scenario and doing nothing—continuing down our current path—is about \$2 trillion a year.

And \$2 trillion difference in the deficit could easily be the difference between survival and economic collapse.

I ask my colleagues to remember: No matter what party you belong to, or what might be your policy priorities, we are all on the same side of this one. My conservative colleagues have nightmares about the tax burden which would imperil the American economy as it tries to meet those spending demands. My friends on the other side are equally concerned. A debt of that size would leave nothing for us to spend on the physical infrastructure—roads, water works, schools—that the distinguished President pro tempore has vividly shown to be so vital. That debt would leave nothing for the causes espoused by my colleague from Minnesota, who has spoken out so urgently for spending on education and health care for our children.

We all lose—every one of us—in that scenario.

I ask my colleagues to acknowledge with me—with the Senator from New Mexico—that we have no option. Either we control entitlement spending, or we destroy the chances of our descendants to lead a decent life. That is not, as my colleagues well know, an exaggeration.

And yet this is so difficult—because entitlement spending generally provides that which we believe all of our citizens are "entitled" to—either because it is a basic human right or because it has been promised to them. Health care, unemployment compensation, veterans' benefits, retirement income—the spending we truly hold most dear.

But I would say to my colleagues—this may be our last chance to do this fairly and humanely. The longer we wait, the more draconian the cuts will be when they eventually come; and they will come; there is no avoiding that.

If we can do this now, we at least stand a chance. We stand a chance that whatever limits on spending are imposed will only affect wealthy recipients of Federal aid, or will only force systemic reforms that would be desirable in any event.

Not all entitlement spending is the same. Certain categories of benefits—Social Security—Federal retirement—veterans benefits—do not grow significantly out of pace with inflation and with the number of recipients.

If we reform entitlement spending now, there is a chance that these programs will not be affected, because they are not the real problem.

If we wait a decade or two, that will not be the case. Then when it comes time for our children to collect their benefits, the Nation will say—we are sorry; we are bankrupt.

The distinguished majority leader has noted that an entitlements cap would affect Medicare and Medicaid, because that's where the increases are.

Medicaid increased 38.1 percent in this year alone. It is expected to increase 15.8 percent a year for the next 5 years. Medicare is expected to increase by 11.7 percent over the next 5 years. That has nothing to do with Reaganomics—that is a product of the uncontrolled way that we provide health care.

I share the majority leader's concern that an entitlement cap is going to mean a lot of attention to programs like this that are so completely out of control.

And I will agree with the majority leader—if we are going to control entitlement spending, that is going to force us to completely restructure the way we provide health care if we're going to meet the needs of those dependent on those programs.

But we cannot avoid this or any part of our responsibility. We have a responsibility to reform our health care system, and we have an equal responsibility to control Government spending so that our children have something to inherit other than poverty and despair.

I would suggest to my colleagues that it is not an expression of compassion to say that we can't afford to cap runaway entitlement spending. Senator RIEGLE of Michigan was down here today expressing his concern for the needy who depend on Medicare. It is precisely because of those needy that we must do something to get this under control. Four-fifths of entitlement spending is not means-tested. If we act soon, we can confine the hardships to those who would not qualify for this assistance solely on the basis of need.

But if we continue to delay—then there will be nothing left for the needy in a few years. Tax hikes, defense cuts, domestic spending cuts—none of that will save them, and we all know that. Every year of late, we have been squeezing the appropriations committees and watching the deficits soar nonetheless. We will have nothing left for the needy or the wealthy in 15 years—and there will be many more needy people by then if we do not change our ways.

That is what this amendment is about. Yes, we do have an obligation to our elderly, and to our veterans. But we also dishonor our veterans by destroying the country that they fought to save. There is still time to meet our obligation to these people, and to meet our obligation to our descendants. But that time is running out.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. The distinguished chairman of the Finance Committee has been waiting here for some time. I yield to him 10 minutes.

Mr. BENTSEN. Mr. President, I thank the Senator very much.

There is no question but that there is explosive growth in entitlements, that concern is shared by every Member of this Senate, and I understand that. But if you are talking about putting an aggregate cap on these programs, it really will not work. If you look at where the explosive growth has taken place, it is not in all of these programs but it is in Medicare and it is in Medicaid. CBO projects that over the next 10 years you will see a further increase of the percentage of the GDP that goes to Medicare and Medicaid from 3.4 to 5.9 percent, an increase of over 60 percent.

But let's take a look at the other entitlements and see what is happening there. CBO projects an actual reduction of 1 percent in the GDP for these programs and that includes Social Security. That is why an aggregate cap on entitlements just will not work.

The proposal before us is a procedural solution similar to what we did under Gramm-Rudman-Hollings, which I supported and I voted for. But let me remind my colleagues, that when we enacted GRH we had a \$200 billion deficit, as I recall, and today it is something approaching \$400 billion.

What we have to do is address the underlying problem that is driving the growth in entitlement spending. Let me state that in the Finance Committee we have in part. What we have done by cooperating with the administration, we have worked to enact the Medicare prospective payment system with its approximately 500 DRG's in 1983, and physician payment reform, 3 years ago. We legislated those changes in Medicare. In doing so, we put the Federal Government substantially ahead

of the private sector when it comes to cost containment in health care. There is much more that is going to have to be done.

We are continuing to see explosive growth taking place in health care generally. Yet according to CBO, Medicare costs per capita are growing at a rate of 2 percent lower per year than they are in private insurance.

Take a look at what we have done in Medicare with respect to hospital stays. Hospital stays in this country today are the lowest of any major industrial nation. We have made some progress there through the Medicare payment system.

We are going to start hearings on May 6 and May 7 in the Finance Committee to further address the problems of cost containment for health care in this country, including Medicare and Medicaid. But when we move to contain costs, let us understand what is happening. Today over 60 percent of the hospitals in this country are losing money on Medicare. Fewer and fewer doctors want to see Medicare patients.

I am interested to note in looking at this list of 56 Senators who sponsor a piece of legislation, S. 1810, that would increase Medicare payments to physicians by \$5.7 billion, amongst them sponsors of this resolution. S. 1810 was important to these Senators, I feel sure, because of the problem we are having particularly in some of the Southern and Western States of getting physicians to agree to see Medicare patients.

The CBO has found that the problem of growth in entitlements spending is really a manifestation of the rapid rise in the cost of medical care. Thus the abstract concept of an entitlement cap cannot be turned into reality without squarely addressing the underlying problem of health care cost.

Bob Reischauer, CBO Director, in testimony before the Finance Committee indicated that attacking health care costs through Medicare and Medicaid reductions alone is just not the answer to the problem. A cap on Medicare and Medicaid, is not the way to address the underlying problems of the health care system. What has to be done is not to impose an aggregate cap over all entitlements which differ dramatically in their rates of growth.

Reducing Medicare and Medicaid expenditures through entitlement caps will make the overall health care problem even more difficult by increasing the cost of private health care.

On May 6 we are going to start hearings at which we will listen to those who want to reform the health care system using the play or pay approach, those who want the single-payer approach, those who want a tax-based approach, like the administration, to make their case. There is no question in my mind but that we need a total reform of the health care system in this country to get costs under control.

When businesses like Ford Motor Co. have to dedicate 20 percent of their labor costs to health care their competitiveness in the international markets is put at risk. What is happening to small businesses and their employees is a tragedy, and that is one of the reasons that, along with 26 of my colleagues, I introduced and we passed through the Finance Committee S. 1872 which addresses some of the problems of job loss, affordability and red lining of companies in an effort to improve access to health care and to increase the affordability of care for the small employer. S. 1872 also includes an increase to 100 percent of the tax deduction of the health care premiums for the self-employed. So, once again, I believe that to attempt a procedural remedy for these kinds of deficit problems instead of getting to the root of the problem of escalation in health care costs, would be a serious mistake.

I think one of the reasons we are facing \$400 billion deficits today is because we adopted a procedural solution to the deficit problem and ducked dealing with the real issue. And this entitlement cap suffers from the same defect, a procedural solution to cure the fundamental problems associated with the growth in entitlement costs.

What is needed is to address the real cause of the problem. In talking to an outstanding authority on this the other day, Dr. Altman, I was interested to hear that he attributes much of the problem of cost to overutilization of expensive and high technology in the treatment of patients. He pointed out that the growing numbers of uninsured persons is having a profound effect in the growth of private sector health care costs.

The other day I was at the dedication of Texas Children's Hospital. They told me they had \$43 million last year of uncompensated health care. Who do you think pays for that? You pay for it, those of you with health insurance, those who have the money to go to the doctors and to the hospital.

So obviously we have to deal with a pervasive problem of cost by reforming the health care system to promote cost containment and more cost-effective delivery of health care services. We have the best hospitals, the best doctors, and the most sophisticated technology in the world. We have the best medical care available in this country to those who can afford it. But once again we have an extraordinary system for which all are paying a price. That price is an alarming rate of growth in the percentage of the GDP of our country dedicated to health care and it will not be corrected by imposing an arbitrary cap on entitlement programs. We have to get to the underlying problem and not be diverted by a procedural approach to it. I think that proposal we are debating is a diversion. I think that if approved, it will lull us into thinking

that we have dealt with the problem and gives us a false sense of security that more serious action can be avoided.

I would say to my colleagues on the issue of these hearings that start on May 6 and May 7—we will look at proposals for capping health care expenditures but I will tell you where the chairman is on that approach. I do not think that focusing only an entitlement programs gets to the underlying problem and I think we have to deal with cost containment itself on a more comprehensive basis.

When I listen to the head of OMB talking about health expenditures being from 13 to 14 percent of our GDP now going over 17 percent by the year 2000. I agree with Dick Darman that that is unsustainable. So what we are facing is the need to undertake a major reform of the health care system in this country. And the Finance Committee will be working to bring that about at the earliest possible time.

So, Mr. President, I understand the concern of the Members of both sides of this aisle over the escalation in the entitlement costs, but frankly I do not believe that this proposal will bring about the desired change. Putting an aggregate cap on entitlements makes no sense when there are substantial differences in growth rates of these various programs. Why put all entitlement programs at risk of a sequester when the real growth is occurring in health care programs?

We have to get to the underlying problem and we will address the Senator's concern as we try to bring about a comprehensive solution to the health care cost problem.

Mr. DOMENICI. Could I ask a question of the chairman?

Mr. BENTSEN. Yes.

Mr. DOMENICI. First, I want to thank him very much for his thoughtful remarks and for the statement he has made that clearly we have to do something about mandatory expenditures. I wonder if the proposal that we have before the Senate, if the Senator understands it as I do.

Would it be helpful, do you think, as you look at health reform, would it be helpful if the U.S. Congress deliberated and said that, looking at everything, we have—I am going to pick a number—\$400 billion that we can expend and we say to the Finance Committee, would you tailor a national program so that we spend no more than \$400 billion?

You see, I believe that the job of the Finance Committee, under the chairman's marvelous leadership, would be easier and would serve the public and the fiscal policy better if he knew in advance how much we could spend of tax dollars, because it is not hard to know that we cannot spend a trillion dollars a year on Medicare and Medicaid combined. It is easy to know that

we cannot spend \$700 billion, because you just add it up and the deficit will be out the roof. So at some point there is a number.

Actually I tailored this for 2 years. Some people wanted it to go in next year. It is 2 years before any real impact on the collective mandatory expenditures occurs during which time committees have hearings, chairmen like Senator BENTSEN look at various reform programs, start to assess how much we can afford and frankly I thought it would be helpful to be honest.

Mr. BENTSEN. I say to the Senator, I do not think an aggregate cap works because of the differences among growth rates in programs in the entitlement category. There is no question that our biggest cost escalation problem is in Medicaid and Medicare but that growth is attributable to the underlying increase in health care costs generally.

As we consider total reform of the health care system and its delivery, one of the issues we will discuss is an overall ceiling on the amount of money to be spent on health care in the country. But at the same time, I must say to the Senator that an aggregate cap like this that affects only public expenditures, I really do not think it solves the problem—in fact, it will increase costs to the private sector.

Mr. DOMENICI. I thank the chairman.

Might I just conclude by saying to him by way of a question, frankly, I did not think it would be easier to get a budget resolution through that had a spending ceiling if we only put that ceiling on Medicare and Medicaid. I thought people would be down here saying that is the wrong way to do it.

Mr. BENTSEN. Well, I would think that. I think what we have to address is the problem, and we have addressed some of it through reforms in Medicare and Medicaid and we have made some headway. We are substantially ahead of the private sector in cutting costs of hospital stays, for example. But to the extent that Medicare and Medicaid cut costs, hospitals, doctors, and other providers push over into the private sector the losses they experience because Medicare and Medicaid pay less than what it costs to treat these patients. In other words, you are seeing the shift of the cost burden and that adds to our problems by increasing the cost of private insurance and privately purchased care. In effect it is an extra tax that most people are paying to make up for the fact that Medicare and Medicaid pay a discounted rate.

The Finance Committee will soon be addressing the underlying problems. We will be talking about the comprehensive reform of the health care system.

I yield back the remainder of such time allocated to me.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

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

The PRESIDING OFFICER. The Senator has 45 minutes and 44 seconds and the Senator from New Mexico has 20 minutes and 58 seconds.

Mr. SASSER. Mr. President, I yield 10 minutes to the distinguished Senator from Massachusetts.

(Mr. KOHL assumed the chair.)

Mr. KENNEDY. Mr. President, I strongly oppose the Domenici substitute amendment. It pretends to limit entitlement spending to reasonable levels—but it flunks any meaningful truth-in-advertising test. Stripped of its bureaucratic jargon and budgetary disguise, it is nothing more than a Trojan horse assault on older Americans and poor Americans who are sick and need health care. Opponents of Medicare and Medicaid do not dare slash those programs directly, so they are making this devious attempt to do it indirectly.

Let's look at the record on the many different entitlements covered by this amendment. Over the past decade, if Medicare and Medicaid are excluded, entitlement spending has actually been growing slower than the consumer price index. If we look at the impact of this amendment over the 4-year period 1994-97, Medicaid and Medicare will be \$68 billion over the proposed cap—and all other entitlements will be \$15 billion under the cap.

These figures make the bottom line painfully clear. If this substitute amendment passes, we will be in the position of either cutting \$68 billion out of Medicare and Medicaid, or else unfairly slashing that amount from many other entitlement programs that are in no way responsible for the excessive growth in entitlement spending.

I urge the Senate to reject this kind of arbitrary cut. We are talking about harsh and unjustified reductions in school lunches and school breakfasts for hungry children; food stamps for needy families; student loans for college students; income assistance for the poorest senior citizens and those who are blind and disabled. This amendment asks us to cut each of those programs—all because hospital and medical costs are out of control. Will the Senate condone deep cuts in retirement benefits of veterans and civil servants—all because this nation has failed to enact a sensible national health care policy?

We shouldn't even take the Domenici meat-ax to Medicare and Medicaid themselves, even though they are the source of the entitlement problem. This amendment is the wrong remedy, because it makes the elderly and the poor bear the burden, instead of the hospitals and physicians and insurance

companies who are causing the entitlement spending crisis.

We know that hard-pressed States are already cutting back on Medicaid in terms of both eligibility and benefits. Thirty-six million Americans have no health insurance and the number is rising every year. Medicaid is a badly frayed safety net, but it is the only health protection available today to the poor and the uninsured. Surely, this is no time to cut back further. Even during the Reagan years, Congress rejected an equally harsh administration proposal to cap Medicaid. We should not make the same mistake today that we refused to make in the 1980's.

Deeper cuts in Medicare would be equally unjustified. Today, Medicare already pays hospitals 10-percent less than the cost of caring for elderly patients. The gap between Medicare payment levels and private payment levels continues to widen. In general, every dollar cut from Medicare means a dollar more in additional costs for average citizens and for business—because health care providers are quietly recouping what they do not get from Medicare by shifting costs to other patients.

Cuts in Medicare are not only a false economy—they are also hazardous to the health of senior citizens. As the gap grows between what private patients pay and what the Government pays for senior citizens, hospitals and doctors are beginning to view the elderly as second class citizens. Many physicians now refuse to accept additional Medicare patients. We enacted Medicare in the 1960's to stop this kind of cruelty, and we should not open the door to its return in the 1990's.

It is shameful that the poor and the uninsured are so often denied the services they need because they cannot pay. It will be doubly shameful if the same fate befalls senior citizens because the Federal Government fails to keep the promise of Medicare.

There is a better solution than the Domenici substitute. We know how to stop the skyrocketing growth in the cost of Medicare and Medicaid, and stop it fairly. It is a solution that is long overdue. We need comprehensive health care reform that meets two fundamental tests. It must guarantee basic health insurance for every American. And it must put in place a comprehensive program to control soaring health costs—not a program that simply slashes Federal health spending, while leaving the basic cause of the inflationary spiral in the current system unchanged.

I urge all Senators to join in working for this kind of fundamental reform, and to reject the non-solution proposed by the Domenici amendment. Without fundamental health care reform, an entitlement cap is not a true saving to the Government—it is an attack on the

elderly, the poor, and the average American as well.

In addition, I join many other Senators in expressing my concern that this budget resolution, even without the Domenici amendment that would make it worse, is already unequal to the serious national challenges we face. The resolution we are considering does not provide adequate funding to revive economic growth, or make the long-term domestic investments needed to restore true prosperity.

Unfortunately, the shape of this resolution is dictated by our earlier failure to break down the walls between defense and domestic spending. I voted with the majority of the Senate in favor of removing the walls, and with the vast majority of Democrats for deeper cuts in Pentagon spending. But a Republican filibuster and lock-step Republican opposition has prevented us so far from altering the now-obsolete 1990 budget amendment. As a result, we cannot make sensible reductions in defense spending and use those reductions to pay for greater economic stimulus and needed domestic investment.

There is no question that deficit reduction is a necessary long-term goal. But reducing fiscal stimulus now, in the face of continued economic stagnation, makes no economic sense at all.

This economy is not out of the woods by any means. Last month's national unemployment rate of 7.3 percent is the highest rate since the recession began, the highest in 6 years. In Massachusetts, unemployment jumped to 9.1 percent last month, in a serious setback for our State economy.

Hope springs eternal. There are tentative signs of recovery today, but there were similar signs a year ago, and they turned out to be a mirage. Few experts believe, without a change in current policy, that any growth we achieve now will be robust enough to create significant numbers of new jobs. And without new jobs, this economy will continue to sputter along, and could well fall back into further recession.

This danger has been recognized by the vast majority of experts. Most recently, it has been stated publicly—in clear and unmistakable terms—by over 100 leading economists, including 6 Nobel Prize winners. Last week, those economists issued an open letter to the President, Congress, and the Federal Reserve, calling for lower interest rates, tax credits for business investment, and \$50 billion in new assistance this year for hard-pressed State and local governments.

These economists recognize the short-term priority and the long-term problem facing the American economy. Their analysis concludes that it makes sense to use both fiscal and monetary policy to provide additional economic stimulus now, and to structure the fiscal part of that stimulus in a way that

lets us begin to make the long-term investments we need in human resources, infrastructure, and productive business growth.

As their letter concludes: "The Nation cannot afford the economic waste and human distress of protracted high unemployment. We can put America back to work, and we can do it in ways that will enable our workers to be more and more productive in years to come."

That is the spirit which should be driving our efforts to enact this budget resolution and achieve a sensible economic program. The longer we delay, the deeper the hole we are digging for the economy and the more difficult it will be to restore growth and prosperity.

In January, I introduced legislation to provide such a stimulus. Other Senators, especially Senator SASSER and Senator SARBANES, have advocated similar actions. But our Republican colleagues are adamant against it.

The President and his advisers continue to look through rose-colored glasses. They refuse to modify their do-nothing policies that have resulted in the worst record of economic growth since World War II. Rigid ideology, not practical experience, is driving their decisions—and driving the economy into the ground. This lack of national leadership makes it impossible for Congress to do what is needed. We cannot do the job alone.

The only sound test of economic policy is whether it works. If the current policy does not work, try something else. Well, the current policy has not worked. It did not work for Herbert Hoover; it did not work for Ronald Reagan; and it will not work for George Bush. Without sensible stimulus and sensible investments in the future, America's economic performance and standard of living will continue to suffer.

Finally, it is clear that as a Nation, we have been under-investing for the past decade compared to our major international competitors. We have no one to blame but ourselves for the decade of poor economic performance the Nation has endured.

United States private investment as a percentage of GNP was at 18 percent during the 1980's, compared to 29 percent in Japan. Investment in research and development has been stagnant or declining, in sharp contrast to our major economic competitors.

We are also failing to maintain our public investments. About 25 percent of America's capital stock is owned by Federal, State, and local governments. But we are not investing enough even to maintain that stock, let alone improve it. In the late 1960's, infrastructure investment peaked at around 4 percent of gross domestic product. During the 1980's, it fell to just over 2 percent.

In the 1980's, Federal spending on education and training fell by 40 percent; on the environment, by 39 percent; on roads and transportation, by 32 percent.

This abdication of Federal responsibility has put unbearable pressure on State and local governments in recent years, and it has been a major factor in causing State and local taxes to rise. The fiscal squeeze on those governments, in turn, has become a major factor in prolonging the recession.

If we do not end the current squeeze and relieve these contractionary forces on State and local economies, the Nation's economy will not grow. The majority of the American work force will not have good jobs, or be able to participate in the American dream.

The handwriting is on the wall. You do not have to be a Nobel Prize-winning economist to understand that something is wrong. America continues to drift down the wrong track, because we are following the wrong economic policies.

As this debate has proved, Democrats have a better alternative, but we do not yet have the votes in Congress to enact it, let alone override a Presidential veto.

Nevertheless, it should be clear to all that the old order has failed. 1992 is like 1932 and 1960. We need new economic policies to lift this Nation out of the recession and begin restoring prosperity—and the sooner we adopt them, the sooner we will end this unacceptable slide.

Mr. President, I ask unanimous consent that the letter from the economists I mentioned and other materials may be printed in the RECORD.

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

AN OPEN LETTER TO PRESIDENT BUSH, MEMBERS OF CONGRESS, AND FEDERAL RESERVE CHAIRMAN GREENSPAN

The economists signing this letter urge you to take prompt measures to stimulate vigorous economic recovery in 1992-93 and at the same time to speed up productivity growth over the years ahead. We are afraid that many of the proposals you are now considering will fail to achieve either of these objectives, or will contribute to one at the expense of the other. Policies are available that will help on both counts.

We favor:

First, further reduction of interest rates by the Federal Reserve.

Second, tax credits for business plant and equipment investments.

Third, and importantly, a \$50 billion-a-year program of federal assistance to state and local governments emphasizing public investment in education and infrastructure.

The Statement attached explains these recommendations and their rationale.

ECONOMISTS' STATEMENT

The U.S. economy faces both a short-run problem and a long-run problem. The two are quite different. For the immediate future the problem is temporary shortage of demand. The consensus forecast projects the economy to grow at a 3 percent rate in the second half

of 1992. But even that would be at only half the speed we are entitled to expect in the first year after a long recession. For the longer run the prospect is slow growth of productivity and therefore slow growth of incomes, more and more unequally distributed between the best and worst off. Everyone agrees that the remedy for the long-run problem is more investment: in people, in infrastructure, in technology, and in machinery.

Expansionary Federal Reserve monetary policies have the virtue of stimulating spending in the short run on investments that pay off over the long run. We urge the "Fed" to cut interest rates still further. But the protracted weakness of the economy since 1989 signals unusual risks that monetary measures alone cannot produce a timely and healthy recovery. That is why it is prudent to adopt fiscal measures to help get the economy moving this year.

As Congress and the Administration decide on such policies, it is of overriding importance that they do it in a way that will not worsen the long-run problem. We believe that cutting income taxes is exactly the wrong approach. It would promote consumption, not investment. And although there is a case for a quick temporary tax cut, history tells us it would be almost impossible to reverse. Over-consumption is our chronic disease, not the cure.

Long before the recession wages had been falling behind inflation, far behind the aspirations of American workers. It is tempting to try to compensate for these disappointments by lowering taxes. But this is counterproductive. The only long-run solution is to raise the growth of productivity. Wages will follow. A far better vehicle for immediate stimulus is a program of federal assistance to state and local governments, aimed at increasing public investment in all forms, including education, which has suffered severely just at a time when improved and expanded education is widely recognized as an essential key to the future productivity and competitiveness of Americans. The long recession and stagnation in economic activity in the United States have devastated the finances of state and local governments. The prospect that economic recovery may be further delayed and will be weak when it occurs means that the fiscal crises of state and local governments will continue for at least two more years, probably longer.

Even before the recession began in 1990, these governments were being squeezed by declines in federal assistance, increases in costs of Medicaid and social services, deferred needs for infrastructure investments, and political constraints on taxation.

We believe, therefore, that the Congress should enact and the President should sign a program of additional federal assistance to state and local governments amounting to at least \$50 billion a year (about 1 percent of GDP). This should be enacted immediately in order to provide timely financial assistance in 1992. The spending of these funds will help to stimulate the economy. Since the economy has idle resources of labor and capital available to meet additional spending with additional production and the threat of inflation is minimal, it is appropriate to let these expenditures add to the deficit financed by borrowing, and it would cancel most or all of the needed stimulus to aggregate demand if they were financed otherwise. In order to get the funds spent promptly, their distribution in 1992 should follow a simple formula with minimal conditions.

The long-run problems of our economy will not be solved in a year or two. The provision

of federal aid to state and local governments should be part of a continuing long-run program. In later years, more elaborate targeting could be developed, to insure that the assistance is directed toward investment in people, knowledge, and productive infrastructure. Once the economy has substantially recovered, it will no longer be appropriate to pay for the program by federal borrowing. Instead, we propose that Congress and the President plan now to finance it by a combination of future cuts in defense spending and higher taxes. This program should not be allowed to interfere with continued reduction of the federal budget deficit.

Another measure that could help the economy in both short and long runs is the restoration of an investment tax credit, which served the economy well from 1962 to 1986. It would be far more effective than a reduction in the capital gains tax, because it can be more sharply focussed on new investment. Business investment spending will stimulate economic activity now, and the new plant and equipment will add to future productivity. A new ITC should be offered only for incremental investment above a recent base period and it might well be more generous for the coming two years of recovery than it would be permanently.

The nation cannot afford the economic waste and human distress of protracted high unemployment. We can put America back to work and we can do it in ways that will enable our workers to be more and more productive in years to come.

SIGNATORIES FOR OPEN LETTER TO PRESIDENT, CONGRESS, AND FEDERAL RESERVE

Moses Abramovitz, Stanford University.
Walter Adams, Michigan State University.
Irma Adelman, University of California-Berkeley.
George Akerlof, University of California-Berkeley.
Kenneth Arrow, Stanford University [Nobel Laureate].
Richard Attiyeh, University of California-San Diego.
Richard Bartel, Myron E. Sharpe, Inc.
Francis Bator, Harvard University.
William Baumol, Princeton University and NYU [Seidman Award].
Barbara Bergmann, American University.
Peter L. Bernstein, Peter L. Bernstein, Inc. [Blue Chip Forecasting Award].
Francine Blau, University of Illinois-Urbana.
Robert A. Blecker, American University.
William Brainard, Yale University.
Roger Brinner, Data Resources, Inc.
Willem Buiters, Yale University.
W. Van Bussman, Chrysler Corporation.
Karl E. Case, Wellesley College.
David Colander, Middlebury College.
Paul Davidson, University of Tennessee.
Maryke Dessing, Bates College.
Peter Doeringer, Boston University.
Yon Dokko, University of Illinois-Chicago.
James Duesenberry, Harvard University.
Gary Dymksi, University of California-Riverside.
Robert Edelstein, University of California-Berkeley.
Robert J. Eggert, Blue Chip Economic Indicators.
Gerald Epstein, University of Massachusetts-Amherst.
Jeff Faux, Economic Policy Institute.
Audrey Freedman, The Conference Board.
Marcia Freedman, Retired from Conservation of Human Resources.
James Galbraith, University of Texas-Austin.

J. K. Galbraith, Harvard University.
 Roger H. Gordon, University of Michigan.
 Sara Gordon, St. John's University.
 Robert J. Gordon, Northwestern University.
 Robert Haveman, University of Wisconsin-Madison.
 Robert Heilbroner, New School for Social Research.
 Donald Hilty, Chrysler Corporation.
 James S. Henry, Lotus Development Corp.
 Donald Hester, University of Wisconsin-Madison.
 William B. Hummer, Wayne Hummer & Company [Blue Chip Forecasting Award].
 Michael Hutchinson, University of California-Santa Cruz.
 Saul H. Hymans, University of Michigan [Blue Chip Forecasting Award].
 Shulamit Kahn, Boston University.
 Richard Karfunkle, Econoviews International [Blue Chip Forecasting Award].
 David A. Kendrick, University of Texas-Austin.
 Peter Kenen, Princeton University.
 Philip A. Klein, Pennsylvania State University.
 Lawrence R. Klein, University of Pennsylvania [Nobel Laureate].
 Larry Kotlikoff, Boston University.
 Paul Krugman, Massachusetts Institute of Technology [J.B. Clark Medal].
 Helen Ladd, Duke University.
 Gerald Lazarowitz, United Auto Workers.
 Bruce Lippke, University of Washington.
 G.S. Maddala, University of Florida.
 Ray Marshall, University of Texas-Austin.
 Kanta Marwah, Carleton University.
 James Medoff, Harvard University.
 Perry Mehrling, Barnard College.
 Franco Modigliani, Massachusetts Institute of Technology [Nobel Laureate].
 Basel Moore, Wesleyan University.
 Richard Musgrave, University of California-Santa Cruz [Seidman Award].
 Peggy Musgrave, University of California-Santa Cruz.
 Rudolph Oswald, AFL-CIO.
 Spencer Pack, Connecticut College.
 George Perry, Brookings Institution.
 Joseph Persky, University of Illinois-Chicago.
 Edmund S. Phelps, Columbia University.
 James L. Pierce, University of California-Berkeley.
 Henry Pollakowski, Harvard University.
 Marshall Pomer, University of California-Berkeley.
 John M. Quigley, University of California-Berkeley.
 Walter S. Salant, Brookings Institution.
 Herbert Scarf, Yale University.
 Thomas Schelling, University of Maryland [Seidman Award].
 F. M. Scherer, Harvard University.
 Frank Schiff, Retired from Committee for Economic Development.
 John Karl Scholz, University of Wisconsin.
 Tibor Scitovsky, Stanford University.
 David Shapiro, Pennsylvania State University.
 William Sharpe, Stanford University [Nobel Laureate].
 Robert J. Shiller, Yale University.
 John B. Shoven, Stanford University.
 Allen Sinai, The Boston Company.
 Robert Solow, Mass. Inst. of Tech. [Seidman Award and Nobel Laureate].
 Albert Sommers, The Conference Board.
 Martin Spechler, Indiana University.
 Stanley Stephenson, Aetna Insurance Company.
 Wolfgang Stolper, University of Michigan.
 Richard Stuckey, E.I. DuPont deNemours & Co. [Blue Chip Forecasting Award].

Lester Thurow, Massachusetts Institute of Technology.

James Tobin, Yale University [Nobel Laureate].

Stephen Turnovsky, University of Wisconsin.

William D. White, University of Illinois-Chicago.

Barbara Wolfe, University of Wisconsin-Madison.

Jay N. Woodworth, Bankers Trust Company.

Edward Yardeni, C. J. Lawrence, Inc.
 Janet Yellen, University of California-Berkeley.

Gary Yohe, Wesleyan University.

[From the New York Times, Mar. 31, 1992]
 ECONOMISTS SHIFTING PRIORITIES

(By Louis Uchitelle)

Prodded by three years of economic stagnation, a growing number of prominent economists are putting aside their criticism of the budget deficit as the worst of economic evils. Instead, they are advocating a temporary rise in the deficit to generate spending for public works that would put idle people and machinery back to work.

The latest evidence of the new priority appeared yesterday in an open letter made public in Washington and signed by more than 70 economists, some of whom said they would not have signed it even four months ago. Although a surge in retail sales has raised hopes that a recovery is finally under way, many economists say that without an injection of public spending, the recovery might not endure.

The letter, addressed to the Administration, Congress and the Federal Reserve, called for the quick outlay of \$50 billion a year in Federal aid to state and local governments.

EFFORT WOULD FINANCE PROJECTS

The money would be borrowed by the Federal Government to expand education and to finance local public works projects that were halted or cut back for lack of local tax revenue. The right projects would pay for themselves, the letter said, "since the economy has idle resources of labor and capital available to meet additional spending with additional production."

"I signed that document because the infrastructure side of it, funneling money to education, highways and the like, is a key to generating solid economic growth," said Allen Sinai, chief economist at the Boston Company Economic Advisers. Until recently, Mr. Sinai had focused on the dangers of the budget deficit, which is expected to reach nearly \$370 billion in the current fiscal year.

TEMPORARY SHIFT IN PRIORITIES

But the shift in priorities should be temporary, Mr. Sinai and other converts stress. Once the national economy is growing vigorously again, they will go back to criticizing the deficit as an intolerable burden for future generations—a view still widely held.

Nevertheless, for a growing group of mainstream economists, the priority has become the use of deficit spending to make the economy rebound after 36 months of nearly zero economic growth or outright recession.

"The right question for economists to ask is how to use resources productively, particularly idle resources, and if that leads to an increase in the deficit, so be it," said Allen H. Meltzer, an economist at Carnegie Mellon Institute and a scholar at the American Enterprise Institute, a conservative research organization. "I have said this before, but perhaps not as forcefully as I could have."

SPECTRUM OF VIEWPOINTS

This new emphasis on public spending as an economic stimulant, although by no means unanimous, is nevertheless showing up across the spectrum of economic viewpoints. It was evident in interviews with a dozen prominent economists late last week. All acknowledged the trend, although some, like Henry Kaufman, an economic consultant and the former chief economist at Salomon Brothers, said they themselves had not converted from viewing the deficit as the No. 1 enemy.

Their view is that deficit spending, by putting more money into circulation, increases inflation. Higher inflation, in turn, or just the prospect of it, prompts holders of bonds and Treasury securities to demand higher interest rates. And as higher rates spread through the economy, companies and consumers are discouraged from buying homes, cars and machinery on credit.

"There is a tendency lately among economists to disregard the credit markets," Mr. Kaufman said. "They have an important veto in all this." Rather than higher deficits, even temporarily, Mr. Kaufman wants to put pressure on the Federal Reserve to reduce rates another notch.

So do officials in the Administration, which has also proposed tax cuts for the middle class. Similarly, Gov. Bill Clinton of Arkansas, the leading candidate for the Democratic Presidential nomination, favors middle-class tax cuts—steering clear so far of the deficit-spending issue.

Another outspoken opponent of rising deficits, Charles L. Schultze, a senior fellow at the Brookings Institution and chairman of the Council of Economic Advisers in the Carter Administration, bases his opposition mostly on concern that a temporary rise in deficit spending would become permanent in the hands of the Federal bureaucracy. But Mr. Schultze is beginning to waiver.

"I would like to wait a little longer to see if easier money—the recent decline in interest rates—will turn the trick," he said. "If it does not produce a satisfactory recovery, then we might have to do something with deficit spending."

SURVEY OF FORECASTERS

Reflecting this concern, 50 economic forecasters surveyed by the Blue Chip Economic Indicators now rate the deficit as of less importance than in 1988, the last year in which the American economy grew at an annual rate of more than 2 percent—the minimum considered necessary by economists to raise employment.

The chief sponsors of the letter made public yesterday in Washington were two Nobel laureates in economic science, Robert M. Solow of the Massachusetts Institute of Technology and James Tobin of Yale University, themselves converts last fall.

"Most of us think that for the long run, the huge budget deficit and the inability of the country to reduce it are a serious economic problem," Mr. Solow said. "What has changed is that the recession has lasted a long time and the prospect is for a very slow recovery. Economists are prepared to say that there is a chance we will do more long-range damage by letting people sit in the puddle of economic stagnation than we will do if we have higher deficits temporarily."

CHANGES OF VIEWS

The letter encouraging this deficit spending was signed by at least half-a-dozen economists who would have declined to sign it three or four months ago, among them Mr. Sinai of the Boston Company; Jay

Woodworth, chief economist at the Bankers Trust New York Corporation, and Roger E. Brinner, director of research at DRI/McGraw-Hill Inc., an economic consulting service.

Previously, they considered deficit spending for public works—the view that constructing, say, seaport projects pays for itself by expanding the nation's export capacity—too uncertain an economic stimulant to justify the risk of running up the national debt. And now they are giving ground.

"The deficit is still clearly a huge problem—that has not changed in my mind—but I am willing to let it slide up a few billion dollars in the short run, in order to make some progress in overall economic growth," Mr. Woodworth said.

SENSE OF URGENCY

And Mr. Brinner added: "I became very worried during the winter that people have lost faith in the economy, and that has increased my sense of urgency to do something. I would have preferred easier money—lower interest rates—rather than deficit spending to restore economic growth, but easier money is not forthcoming, so this is second best."

This new willingness to let the deficit grow is not shared by Alan Greenspan, the chairman of the Federal Reserve, who argues that a healthy recovery began to show itself last month in the sharp rise in retail sales and that deficit spending is therefore an unnecessary stimulant.

Indeed, the support for deficit spending would evaporate quickly if a full-blown recovery developed, said Paul Samuelson, another Nobel laureate, who until recently also opposed an increase in deficit spending. "No one wants to be caught favoring deficit spending when we are already in an expansion," he added.

[From the New York Times, Apr. 1, 1992]

BORROW MORE? YES. TO GROW

How's this for spit-in-your eye logic? Two weeks ago the Congressional Budget Office calculated that the already dismaying Federal deficit would rise this year by an alarming amount. Yet in the face of that, a group of 100 economists, including six Nobel laureates, calls on Congress to borrow billions more.

It may sound screwy, but in fact the call makes compelling economic sense. Yes, the stratospheric deficit needs to be controlled. But there are some things more important than reducing it quickly. What matters is less the size of the deficit than what the borrowed money is used to pay for. That's why the economists call for investing in infrastructure and education.

More public investments make sense in the short run, because they would help stimulate the economy out of recession. And they make even more sense in the long run by raising productivity and growth.

In an open letter to President Bush, Congress and the Federal Reserve Board, the economists call on Congress to pump \$50 billion into assistance for state and local governments. The money would be used to better educate workers and to build highways, mass transit, technology centers. The open letter also calls for tax credits to stimulate private investment.

The economists acknowledge that these proposals would raise the deficit. But they make a convincing case for doing so. After all, the main reason for worrying about large deficits is that, by sucking money out of private capital markets, they drive down pri-

vate investment. But if Congress turns around and uses the borrowed money to pump up private and public investment, the economy comes out ahead.

Besides, the alarming new \$400 billion deficit figure is somewhat deceptive. It includes huge transfers for the savings and loan bailout and for interest. These expenditures do little more than swap dollars from one set of taxpayer pockets to another. That affects the distribution of income for particular people but doesn't much affect the overall economy.

All that said, however, Congress has no warrant for turning cavalier about borrowing. The deficit is projected to balloon later in the decade for rock-solid reasons—like skyrocketing Medicare and Medicaid expenditures.

Unlike bank bailouts and interest payments on the national debt, money spent on health care will represent a real drain on the economy. The trick is to get out of the current recession—and then tend to the immense deficit with a careful mix of tax hikes and spending cuts targeted to cut consumption rather than investment.

The economists' letter rings with the unsailable logic. Deficit reduction is important, but not at any cost. Short term and long, starving valuable public investment for the sake of lowering the deficit does more harm than good.

Mr. KENNEDY. I thank the Senator from Tennessee.

I yield back to him whatever time I have remaining.

Several Senators addressed Chair.

Mr. DOMENICI. How much does Senator NUNN need?

Mr. NUNN. I ask for 15 or 20 minutes.

Mr. DOMENICI. Mr. President, I yield 20 minutes to Senator NUNN.

Mr. NUNN. Mr. President, I think this has been a very good debate this morning. Frankly, if we could accommodate the views of everyone here in one resolution, and talk more about taxes and talk more about what we are going to do substantively in health care, and also put this cap on, I think we could solve the deficit problem over about a 7- to 10-year period. It is not going to be easy.

But I find myself a little, I guess, amused, maybe perplexed, about the arguments used here by the opposition. Not the conclusions, but the arguments.

We have a group of people standing up saying we are going to cut military retirement; we are going to cut food stamps; we are going to cut veterans' benefits. They are saying this because they are saying we are aiming at health care, and health care is going to keep growing. Therefore, these others are going to be cut.

First of all, there is no sequester in this amendment. This is a goal; this is a set of targets. It is hard for me to believe the U.S. Senate does not want to have a target of getting entitlement programs down to the rate of inflation plus population. That is what this body is saying.

We do not even want a target. We do not even want to tell our committees that they have a target.

Everybody knows the problem with Gramm-Rudman-Hollings was it excluded half the budget. Which half did it exclude? It excluded the half of the budget we are talking about right now.

So what we are saying is let us not ever have a target on this half of the budget. Let us just keep pitting defense against domestic discretionary and go merrily along our way. Let us have a big debate between the two political parties about taxes; have a debate about who is going to hurt the poor, have that kind of debate, and go right on along merrily and do nothing about entitlements. That is what I am hearing.

The Senator from Massachusetts argues we are going to target Medicaid and Medicare, and that is what is going to get hit. Then he argues, in the same speech, what is going to happen is student loans are going to get hit, because we are not going to hit Medicare and Medicaid. Then we have somebody else arguing we are not going to hit Medicare and Medicaid, and therefore agriculture is going to get hit. And then we have somebody else arguing that is not going to happen; we are not going to do anything about any of those programs. It is going to be veterans that are going to get hit.

Mr. President, they cannot all be right. They cannot all be right. Somebody is wrong, because if we simply live within these targets, if we simply keep the entitlement programs about 50 percent of the budget, within the rate of inflation plus the population growth, and if we start 2 years from now and begin to restrain the growth rate methodically, nobody gets hit. Nobody gets cut. Everybody's benefits continue to grow.

We are not cutting someone's benefits. We are talking about how much they are going to grow. We are talking about a rate of growth of inflation plus the population growth in the respective programs.

Mr. SASSER. Will the Senator just yield on that point?

Mr. NUNN. I want to finish my remarks, and then I will be glad to yield.

I see the chairman of the Appropriations Committee here. I heard the remarks of the Senator from Texas, the chairman of the Finance Committee.

Frankly, I agreed with 90 percent of what the Senator from Texas said. I think he is absolutely right when he says that this amendment does not solve the underlying problem.

As one of the authors of this amendment, I would stipulate that. It does not solve the underlying problem.

It is a goal. It is a target. It is an instruction to our committees to begin looking at this. That is what it is. It does not solve the underlying problem, no. Gramm-Rudman-Hollings did not solve the underlying problem. It did put restraint on half the budget. It let the other half off. The Senator from

Texas said that we have to deal with Medicare and Medicaid. He is absolutely correct. He also said that in squeezing Medicare and Medicaid also we are putting more costs on the private sector, and their medical costs are going up. We have to address this as a whole, not just the Federal budget part of it. He is absolutely correct; there is no doubt about that.

He also announced he is going to be dealing with the problem. I think that is good. He also said very clearly that the administration has not dealt with the problem. I agree with that. So I agree with almost everything the Senator from Texas said. But I disagree with his conclusion, and that is that if we pass this, it is going to lull us into thinking we have dealt with the problem and give us a false sense of security.

Mr. President, that has been the problem for the last 10 or 15 years. We have been lulled into a false sense of security. Gramm-Rudman-Hollings excluded half the budget—half the budget—and we pretended it was going to get the expenditures under control. Everyone knew, when we excluded entitlements, that it could not.

I suspect we are going to have amendments this morning, one after another, to do what we did to Gramm-Rudman-Hollings and that is take some of these programs out. The first one, I am sure, with all my friends who are veterans will be veterans' programs. And I have received just about every award and I have been honored by them in almost every respect. Veterans' benefits have not been growing over the rate of inflation. In fact, over the last 10 years they have been under the rate of inflation. Veterans are not going to get hit under this proposal unless we come up with a law later that sequesters in a way that penalizes programs that are growing under the rate of inflation. I would not support such a procedure. We are not dealing with any self-implementing law this morning.

But here we go this morning, and it is going to be clear, before this debate is over, exactly why we have a runaway budget deficit. It is going to be very clear because we are going to have an amendment to exclude veterans. If that passes, and I suspect it will, we are going to have an amendment to exclude student loans. If that passes, and I suspect it will, we will have an amendment to exclude agriculture. If that passes, and I suspect it will, we will have an amendment to exclude unemployment. If that passes, and I suspect it will, we will have an amendment to exclude Federal retirement. If that passes, we will have an amendment to exclude food and nutrition, and then we will have an amendment to exclude SSI, and then we will have an amendment to exclude the earned income tax credit, and then we will have an amendment to exclude Medic-

aid, and then we will have an amendment to exclude Medicare, and, glory be, we will have 50 percent of the budget excluded, we will be back to the status quo and go home and make speeches about fiscal responsibility, and we will continue to debate how much we take out of defense to put into domestic discretionary programs.

I say that is the pattern, and that is where we are going. We will not make progress toward the deficit, but we will make it abundantly clear to the American people and to all those in the media who may be interested in this—and not many are, I recognize that, and that is one of the problems because you do not get enough media attention on this subject to even have an educational debate in the country. That is one of the big problems. But I say, Mr. President, that it is going to be clear before this debate is over—and that is why I think it is worth doing, I think it is a healthy debate—it is going to be clear what the problem is.

I agree with 90 percent of what the Senator from Texas said. There are a couple of things I do not agree with. I say, if we tell the Finance Committee, who has jurisdiction over a lot of these entitlements, and I know the Senator from Texas has done an extraordinary job in trying to deal with this, if we tell them they have a goal, we will be telling them the same thing that we tell the Armed Services Committee. We debated that yesterday. It may not have come out the way some of our colleagues wanted, but the Senate of the United States gave the Armed Services Committee their number. We are going to salute and meet that number. If it comes back to conference different, if it is lower on defense, we are going to salute, and we are going to meet that number.

The chairman of the Appropriations Committee gets his number. He gets his instructions. When this debate is over, Senator BYRD, from West Virginia, will have his instructions. He may not like what he has, but he is going to do his duty because he always has. He is going to meet his targets because he always has.

So what is wrong with taking the other 50 percent of the budget and saying, this is not something that we can ignore. We cannot ignore it. Mr. President, there are four basic components of deficit control. One of them is defense. One of them is domestic discretionary. Another is entitlements. And the way I divide it, in broad terms, the other is taxes. We have dealt with 3 of those over the last 10 years. We have raised taxes, maybe not in the way some people would like, but we raised taxes. I voted with the Senator from Texas 2 weeks ago to raise taxes on the wealthy, which was the point the Senator from Michigan made. I will vote to raise taxes on the wealthy. If somebody proposes that amendment to this pro-

posal, I will vote for that, and I will make that part of deficit reduction.

So we have dealt with the tax part of this budget. We have not done enough perhaps. We are going to have to do more. I have said, and said yesterday when we announced this, I am willing to vote for more taxes, but not until we do something about the entitlements.

We have dealt with defense. I will not go through all the numbers on that. Maybe it is not as much as some people would like to cut. I am sure we are going to visit it again next year and there are going to be other cuts made in defense.

We have dealt with domestic discretionary. The Senator from West Virginia has made a powerful case, and I have listened to it carefully. He made a powerful case about what happened to domestic discretionary and a powerful case for infrastructure, the need for economic growth and skill training and education. He made a deep impression to me. I am going to be looking for more defense cuts because of the things the Senator from West Virginia said. I have listened to him. I have not voted with him, I have not agreed with his bottom line. I listened to him, I respect him, and I learned from him.

Mr. President, guess what part of the budget we have not dealt with? We have not dealt with entitlements, and before this debate is over, it will be very clear to everyone why we are not dealing with entitlements. People know that the phones are ringing, the mail will come in, every group that is in this category I rattled off this morning has been told by some phantoms here on Capitol Hill—and if you gave me a few hours, I could figure out who they are and say who they are, but I will not because this is part of the procedure in this democracy—they have been told, "Please notify your Senator your program is going to be cut, there is going to be a sequester. The veterans are going to be cut. Federal retirement is going to be cut. The military retirement is going to be cut. Unemployment is going to be cut. Food and nutrition is going to be cut. They have all gotten the notices in the last 24 hours, and we are getting the feedback. We are hearing from them.

When you explain it to them, they will say, "Oh, I didn't understand it that way. That isn't what our lobbyist in Washington told me. He didn't tell me that."

Mr. DOMENICI. Could I ask Senator NUNN a question? Most of these people would agree with what we are doing. Most of the people who called in would agree with what we are doing if they understood it. Does the Senator think it is going to be explained to them right?

Mr. NUNN. No; that is the problem.

Mr. President, I have no illusions. I can count votes around here, and I know how this is going to go. I could

predict it before we ever put in our amendment. But I do think it is a healthy debate because it is apparent to anyone who might be interested in what the problem is in the Federal budget, and I think it is very clear.

I yield to the Senator from New Mexico.

Mr. DOMENICI. I want to ask the Senator a question. Does the Senator know, of all of the entitlements we have heard how much of all of these entitlements go to those unfortunate people in our country who need help? Would the Senator happen to know, out of all the entitlements, what percent goes to the poor and what percent of the entitlements go to the nonpoor?

Mr. NUNN. I do not know the number, but I think a vast majority of the entitlement programs go to people who are not in any way categorized as poor.

Mr. DOMENICI. The Senator is absolutely right. The numbers are \$500 billion go to the nonpoor and \$100 billion to the poor.

Now, we could, somewhere along the line, if the debate was serious, we could say take out the 100 and look at the 500, but there would be problems with that, too. You can bet on it because, just as I received a letter—the Senator was talking about lobbyists. Did he get a letter that said: "Dear Senator NUNN, we would like you to know that Senator NUNN is offering an amendment which is going to cause us to lose our pension"? I received one. I received one from somebody that said: "Dear Senator DOMENICI, please be advised that we are worried about an amendment that Senator DOMENICI is offering." I assume that they are cranking them out some way. They did not even know they were writing to the same person they were talking about as far as the amendment. I do not see that the Senator has received any of those yet.

Mr. NUNN. I have received several of them. Most of mine so far say: Thank goodness Senator DOMENICI is sponsoring the amendment.

Mr. DOMENICI. And not Senator NUNN.

Mr. NUNN. They have not completely understood that yet, but they will by next week.

Mr. President, in my opinion, this is the most important fiscal amendment we will vote on this year. It would put us on a course toward fiscal responsibility and meaningful deficit reduction over the next 5 to 10 years. It would reduce future spending for national defense below the level contained in the resolution before the Senate. It would freeze future domestic discretionary spending at the current level, but it would create a special fund from defense savings for investment in public infrastructure and human capital projects. Most importantly, it would begin the process of restraining the future growth in mandatory spending on entitlement programs.

Let me be clear. This amendment is strong medicine. But everyone in this Chamber knows that our Nation is in poor fiscal health, and the long-term prognosis is not encouraging. The symptoms of our economic illness have been repeated on the floor many times during this debate.

The Federal debt has tripled, from \$1 trillion to over \$3 trillion, in the last 10 years.

The budget deficit has ballooned to \$400 billion in fiscal year 1992. The Federal Government is spending more than \$1 billion a day more than it is taking in, consuming savings that could otherwise go toward investments to improve our productivity and competitiveness.

In the last 12 years, the United States has gone from being the world's biggest creditor to the world's biggest debtor nation.

The rate of growth on mandatory spending in entitlements is out of control. CBO projects that over the next 10 years, Medicare and Medicaid will increase from 13.5 percent of Federal outlays to 25.3 percent. Last year OMB Director Richard Darman testified that by the year 2025, Medicare outlays alone could consume 30 percent of Federal spending.

Our challenge, Mr. President, is clear. Sooner or later—and I hope it is sooner—we must come to grips with fiscal reality. We must commit ourselves to a course of action that will promote sustained and robust economic growth and still get the deficit under control over the next 5 to 10 years.

No one voting for this amendment is going to win a popularity contest, at least not in the near term. But if we adopt this proposal, or something like it, we may begin gaining back something we are losing here in Washington—the confidence and respect of the American people.

DOMENICI-NUNN PROPOSAL

I want to briefly outline the main features of this amendment.

On defense, this proposal reduces defense spending below the Bush fiscal years 1993-97 budget by \$35 billion in budget authority and \$33 billion in outlays. That is a total reduction, in real terms, of over \$450 billion in budget authority between fiscal years 1990 and 1997 from the 1990 budget summit baseline. By fiscal year 1997, defense spending under this proposal will be 3.5 percent of our gross domestic product, the lowest level since before World War II.

On domestic and international discretionary spending, this amendment proposes a nominal freeze over 5 years at the 1992 levels. However, the amendment creates a reserve fund for high priority investments in our human and physical capital—such as education, skill training, infrastructure, technology and other economic growth enhancing initiatives. Once the defense

reductions are achieved, those savings would be available for these high priority programs. The reserve funds will not be available for all domestic discretionary programs, Mr. President—only those that are truly investments in future growth.

On entitlement programs, this amendment calls for the creation of a cap on mandatory programs starting in fiscal year 1994. It specifically excludes Social Security, which pays for itself. Initially this cap would allow for growth in caseloads, plus inflation, plus 2 percent. This allowance for 2 percent growth over and above inflation, and over and above growth in the number of people entitled to receive benefits, would decrease down to zero percent by 1997.

Let me make it clear, this amendment is not designed to eliminate all increases in future mandatory spending on entitlements. It is simply designed to restrain the future rate of growth to reasonable and affordable levels. In 1997 we would save \$40 billion by restraining the future growth in mandatory programs. Ten years from now, the savings would be \$150 billion a year, just from eliminating the excess growth in entitlement spending over above population growth and inflation. All these savings would be achieved without touching Social Security.

Or revenues, there are no tax increases in this proposal for the next 5 years. Our present tax code is part of the problem. It discourages savings and investment and encourages consumption. This has got to change if we are going to have the kind of growth we need to get our fiscal house in order and get real wages rising again.

Over the next 5 years, this proposal would reduce the deficit by about \$100 billion more than the President's budget or the budget resolution reported by the Budget Committee. Over the longer term, it will get us at least in the neighborhood of balancing the budget by early in the next century when the Social Security surplus—which will be about \$150 billion ten years from now—is included. I believe our long-term goal must be to balance the budget without counting on the Social Security surplus.

SHORTCOMINGS OF THE PROPOSAL

Mr. President, this proposal is not perfect. I have said for many years that any comprehensive deficit reduction plan must deal with all aspects of the Federal budget—defense spending, domestic discretionary spending, entitlement spending and revenues.

This plan deals only with three of the four elements. It does not address revenues. Simple arithmetic tells me that we will not get the deficit under control just by cutting spending. Sooner or later we are probably going to have to find some revenue increases.

I am convinced, however, that we must show the American people that

we are serious about controlling spending before we can reasonably ask them to pay more taxes. I am convinced that we must act now to begin to control entitlements. Until we can demonstrate that we have the discipline to control entitlement spending, I don't think there will be very much support to raise revenues and for good reason.

When we have demonstrated we can get spending under control, then I will be in favor of increasing revenues if it is still necessary.

Controlling the deficit is not possible without economic growth. In fact, one of the assumptions of our proposal is that we will have average annual growth of 2.1 percent in our economy over the next decade. We have not been able to pass an economic growth package so far this year, and this amendment is not a substitute for an economic growth package. Our policies on the spending side and the revenue side must promote growth, but at the same time they must be fiscally responsible.

IMPACT OF THE DEFICIT ON THE ECONOMY AND LONG TERM GROWTH

Mr. President, our economy is in a vicious cycle of excessive budget and trade deficits, low savings, low investment, low economic growth, and stagnant productivity and standards of living. The budget deficit is reducing our economic growth, and low growth causes further increases in the deficit. Unless we break this cycle—unless we increase our savings and investment—we will see an accelerating downward spiral of our economic strength and in our ability to do anything about it.

If we intend to solve our long-term economic problems, our No. 1 priority must be to get the budget deficit under control. The current flood of Federal borrowing competes with every American business that would like to borrow to modernize and expand, raising interest rates for business and government. Higher interest rates make investment more expensive, so businesses invest less, and America loses jobs because higher interest rates mean more efficient plants don't get built here in the United States.

The deficit is also crippling the Government's ability to react to crises and opportunities at home and abroad. It has severely limited the possibility of using fiscal policy to combat the recession. It is difficult to find new money for our national needs, such as better access to health care for the 37 million Americans presently without insurance, or investments to address our long-term competitiveness problems.

UNCONTROLLABLE SPENDING

Mr. President, we all know that the major cause of our deficit problem is what we call mandatory or uncontrollable spending—entitlements and interest on the debt.

According to a recent study by the Congressional Research Service, over the past 25 years, spending on social

welfare programs—the entitlement programs like Medicare, Medicaid, AFDC—has increased by an average of 6 percent per year, or \$21 billion annually in constant 1991 dollars. Social Security has also grown rapidly, but so has the payroll tax pumping money into the Social Security system. Without the Social Security surplus, which was designed for future years, our deficit would look even worse. What the general fund borrows from Social Security must be paid back, and when that day of reckoning comes, the next generation of American leaders will be held accountable by voters.

In testimony before the Governmental Affairs Committee recently, Mr. Bowsher, the Comptroller General, gave a graphic example of runaway entitlements costs. He pointed out that Federal outlays for health care have increased by a whopping 185 percent in real terms since 1980, far outstripping any other category of outlays from the general fund.

Spending for interest on our growing national debt has grown 6.7 percent per year, an increase of \$6 billion per year above the rate of inflation. Within another few years, interest on the debt will exceed the defense budget, just as it has already grown in the last decade to exceed domestic discretionary spending.

On the other hand, spending for discretionary programs—both defense and nondefense—has increased by 0.6 percent annually over the last 25 years, only about \$2 billion per year above the rate of inflation.

THE LONG-TERM PROBLEM

Mr. President, the Congressional Budget Office economic projections for the next 10 years are not encouraging. According to CBO, if we continue to live by the budget agreement through 1995, and then let discretionary spending rise with inflation after that while revenues and entitlement programs continue to follow current law, not only will the deficit not go away, it will continue to grow.

CBO projects that even if the economy grows at about 2.5 percent per year in real terms, the deficit 10 years from now will be over \$400 billion. According to press reports, OMB Director Darman recently told some Senators that the deficit could keep rising from this \$400 billion level to a figure of over \$600 billion by the year 2005.

An important distinction to keep in mind is that this year's \$400 billion deficit includes a Social Security surplus of \$50 billion. But 10 years from now, that surplus will be \$150 billion. So a \$400 billion deficit 10 years from now is really a deficit of almost \$600 billion when you exclude the Social Security surplus. This money must be paid back to the Social Security surplus. This money must be paid back to the Social Security trust fund when the baby boomers retire. If we don't want to de-

fault on benefits when that day comes, then we are going to have to enact the largest tax increase in American history. One way or another, unless we change our current fiscal course, our children and grandchildren are going to have to sacrifice their standard of living to pay for ours.

Mr. President, we are not going to get the budget under control by doing nothing and hoping the economy will grow faster. CBO's projections already include an estimate of 2.5 percent real economic growth per year, and CBO projects a deficit of over \$400 billion in the year 2002. We are not going to solve the problem just by raising revenue. We are not going to do it just by cutting domestic discretionary spending. And we are not going to eliminate the deficit just by cutting defense spending. Everyone in this chamber knows that we are not going to get the deficit under control until we control the rate of growth in mandatory entitlement spending. That is the real heart of the Domenici-Nunn-Rudman-Robb proposal before the Senate.

CONCLUSION

Mr. President, I can understand that a majority of my colleagues may not be quite ready for a dose of this strong medicine. But let me just say that if we do not do something like this—this may not be the best answer. I am not saying it is the only way. Maybe there are other ways. I am sure others are going to think about ways that are better. This proposal can be improved.

If we pass this this morning, we are going to have to implement it. We are going to have to think carefully and have hearings with all the interested parties about implementation. But the bottom line is this: This is the first generation of Americans in history that is maintaining its own standard of living by basically lowering the standard of living of our children and our grandchildren. That is the bottom line. That is what we are doing.

If that is the heritage we are willing to leave—then we can go on conducting the Nation's fiscal business the same way we have for the last 12 years. For those who are willing to maintain the status quo—to continue to borrow from our children and grandchildren—the vote on this proposal is "no."

For those who want change, Mr. President, for those who want to pass on a prosperous and expanding economy and a higher standard of living to our children and grandchildren—then the vote on this proposal should be "yes."

Everyone recognizes that we are going to have to put together a fiscal blueprint to reduce discretionary spending, control future growth in entitlements, and reduce the deficit. I think Senators will find that any blueprint that tries to accomplish these goals will resemble this proposal.

The longer we wait, the stronger the medicine is going to have to be to cure our fiscal problems.

The choice is clear, Mr. President, I rest my case.

Several Senators addressed the Chair.

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

Mr. SASSER. Mr. President, I quite understand the motive of my friend from New Mexico and also the motive of my friend from Georgia. They are concerned about the growth in entitlements. I think many of us on both sides of the aisle are. We are worried about the growth in spending in other areas, too.

I think the objection primarily to this proposal that is brought to us today is, No. 1, it is ill-considered. I do not even think the authors, for example, have had time to fully consider it. My friend from Georgia says that under this proposal they are offering, veterans will not be cut. I am confident he believes that. But the facts are that under the formula they are proposing, and according to numbers that have come down from the Congressional Budget Office, the nonpartisan Congressional Budget Office, in 1997 under their proposals veterans' compensation will be cut by \$1.408 billion. Maybe it ought to be. I do not know. But the fact is it will be. Veterans pensions will be cut by \$353 million in fiscal year 1997 under their proposal. Why? Because under the formula that they are offering you get a decreasing compensation for inflation, and these cuts do kick in.

Now, no wonder these people are calling, because some of them have read Senator DOMENICI's remarks, I suppose, in the RECORD and some of them have been alerted. What is wrong with that? Nobody complained about the defense industrialists, those who manufacture military equipment, when they were crowding these halls out here, when they were calling our offices. People were calling me and saying, oh, we cannot cut that military budget because we manufacture a certain part over here, 200 or 300 people might lose their jobs. Who put the word out on that? This is part of the democratic process, for people to be able to petition their legislators. Surely, my colleagues do not want to restrict the basic freedom. I know they do not. I know they believe in that.

Mr. RIEGLE. Will the Senator yield at that point just for 1 minute?

Mr. SASSER. I will be pleased to yield to my friend from Michigan.

Mr. RIEGLE. On that point. One of the letters is from the Paralyzed Veterans of America and signed by Victor McCoy, Sr., who is the national president. I am going to put the whole letter in the RECORD, but I just want to read one paragraph because these people do understand how this proposal

works. Listen to what he says here. He is talking about this proposal coming from the other side. He says:

Both these approaches to control mandatory spending are inherently unfair to veterans. Both would force reductions in veterans' benefits due to uncontrollable growth in other programs. To force cuts in compensation for service-connected disabilities and survivors' benefits, disability pensions for wartime veterans, vocational rehabilitation, and educational benefits is to abrogate the Nation's commitment to the men and women who have served in the Armed Forces.

I would say, with all due respect to the Senator from Georgia and everybody else, I think this man has looked at this. I think he understands it. I think he is representing his people. I think he has a right to do so. And I do not think we ought to turn a deaf ear to what he is saying.

Mr. President, I ask unanimous consent that Mr. McCoy's letter be printed in the RECORD.

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

PARALYZED VETERANS OF AMERICA,
Washington, DC, April 2, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SASSER: On behalf of the members of Paralyzed Veterans of America (PVA), I urge your strong opposition to an effort which would impose direct spending caps under which overall limits on mandatory spending would be enforced through sequestration. While PVA recognizes the importance of controlling growth in federal spending and reducing the growing national deficit, this proposal arbitrarily would subject entitlement programs for the nation's disabled and poorest veterans to sequestration; sequestration that is the result of growth in other direct spending programs. Additionally, this proposal exempts Social Security benefits thereby establishing a gross inequity in the treatment of America's veterans.

The proposal, which we understand will be sponsored by Senator Dominici, Ranking Member of the Budget Committee, is based upon the earlier OMB proposal contained in the President's Fiscal Year 1993 Budget. This earlier proposal would cap combined mandatory spending based on a "population plus CPI" with an established percentage allowance. The newer proposal would establish the cap using a smaller allowance factor.

Both these approaches to controlling mandatory spending are inherently unfair to veterans. Both would force reductions in veterans' benefits due to uncontrollable growth in other programs. To force cuts in compensation for service-connected disabilities and survivors' benefits, disability pensions for wartime veterans, vocational rehabilitation and educational benefits is to abrogate the Nation's commitment to the men and women who have served in the Armed Forces.

Again, I urge your opposition to any proposal to establish mandatory spending caps which targets veterans' benefits for reduction while exempting other mandatory programs or which would cut funding of veteran's programs due to growth in other entitlement areas.

Thank you.
Sincerely,

VICTOR S. MCCOY, Sr.,
National President.

Mr. RIEGLE. I will not read the letter from the Veterans of Foreign Wars or from the American Legion. I think these organizations are legitimate, solid; they are concerned; they are concerned for a reason, and I do not want to see them dismissed.

Mr. NUNN. Will the Senator yield briefly, just briefly?

Mr. SASSER. I will yield.

Mr. NUNN. Mr. President I do not think anything in my remarks in any way disparaged any veterans organization whatsoever. They are sincere, honest, honorable people who have served their Nation. They have every right to notify us. I have always welcomed every correspondence that I have received from veterans. I welcome phone calls from anyone. Fine. I do think this amendment has been explained to them in a way that is not correct.

Mr. RIEGLE. I would just say to the Senator, I got the impression that the feeling was they were somehow misled or that they were somehow not understanding this thing.

I think the paragraph I just read makes it crystal clear they understand exactly how this would work. I will just read one line out of the letter from the head of the Veterans of Foreign Wars, who concluded on this proposal, saying: "This would constitute a grievous injustice to our disabled veterans." He goes on in that vein. That is Robert Wallace.

I think these people take their responsibilities just as seriously as we take ours. I think they do understand the proposal. I think they do understand the proposal. I think that is why they have written and why they are so distressed about it, and that is why I am distressed about it.

Mr. SASSER. Mr. President, a point I want to make and the point that I took the floor to make is that my friend from Georgia, I think in good faith and certainly believing it to be true, says that this plan does not reduce veterans' benefits. Now, the Congressional Budget Office disagrees with him on that.

I am confident that my friend from Georgia, who is known as one of the most energetic and dedicated Senators in this body, has not had the time to fully analyze this proposal which is before us in the press of business that has been coming before us in the last few days and last few weeks.

The bottom line is when you start analyzing this proposal, it is ill conceived. It is ill conceived. It does not address the problem that they seek to address in a fair and equitable manner. That is why we have this uproar in the community of people and groups that will be affected. It is just that simple.

Now, the comment was made that 80 percent of the people who will be af-

ected are middle-income people. These are not programs that are means tested.

Now, if we are trying to get to middle-income entitlement programs, why did we exempt the largest one? Why did we do that? Why did we exempt Social Security?

Mr. DOMENICI. I would like to answer, if the Senator would like me to answer.

Mr. SASSER. Let me answer it and then the Senator can answer it on his own time. That amounts to 44 percent of all the entitlement programs. Why did we exempt that? Because this body knows the power, the power of the Social Security lobby. But who is here speaking for the food stamp recipients? One out of every ten Americans is on food stamps today. Why were they not included in here?

How about the supplemental security income people, the very poorest in our society, as the Senator from Michigan said, the lame and the halt. Why were they not included in here and the Social Security recipients excluded? I wonder why. Child nutrition, why were they not in here?

If we want to get the middle-income entitlement programs, I say to my colleagues, let us make a clean breast of it. Let us put Social Security in here. Let us show some political courage if we are so concerned. And I predict that if an amendment comes before this body to take another middle-income entitlement program—it is not totally middle-income, but upper-middle-income people benefit from Medicare—if there were to be an effort to modify it and exclude those at the top of the income bracket, why, the proponents of this would wilt like summer soldiers in the heat of the day. No, they will abandon this proposal.

So if we want to deal with these entitlements—and I think we all want to—to sit down and approach it in a systematic fashion, I say to my colleagues this will never be dealt with until there is leadership coming out of the White House.

The problem with this budget and the problem with these mandatory programs and the problem with this deficit is we have not had a good President of the United States for a long, long time and this country is the worse for it. We need leadership.

The distinguished chairman of the Appropriations Committee, the President pro tempore, who served in this body longer than any individual, who has written a two-volume history of the U.S. Senate, knows more about its workings and the individuals that have served here over half a century probably than any other human being on the face of the Earth, told this body yesterday that Congress is an amalgamation of 535 individuals. Congress reflects the best and the worst of the American people.

It reflects their wishes, their desires, their fears, and anxieties. But Congress and the U.S. Senate will rise to the task if there is leadership. It is leadership that is lacking. That is why I say to my colleagues we cannot come here today with some sort of ragtag package that has been made too quickly. It simply does not get the job done. It sends false alarms all across this country. It raises fears. It raises anxieties. And in the final analysis, it inhibits efforts to deal with the problem.

I see the distinguished majority leader is on the floor. I yield the floor.

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

Mr. MITCHELL. Mr. President, I believe that this debate has served a very useful purpose. It has made clear, clearer than it has ever been, that the real problem confronting our society is the runaway increase in the cost of health care. This resolution has been criticized as unfair, and I join that criticism, because it would provide cuts in programs that are not the principal source of the problem, and avoid dealing with what is the principal source of the problem.

But I think the resolution does bring into focus, and causes us to debate and consider first the reality that we all know that the deficit is too large, and growing at too rapid a rate; and the very existence of the resolution and the very occurrence of the debate has made clear to Senators, and to the American people, that the crux of the problem, the root of the problem, is the rapidly escalating cost of health care.

The question has been posed here repeatedly today: Why should the compensation of a disabled veteran be cut because we are unwilling or unable to address the runaway costs of health care? It is a profound question. It is a very difficult question to answer.

I believe the answer is that the disabled veteran's compensation should not be cut. I believe the answer is that we should address the problem of health care. That is what the root cause of this is.

You look down this list of increases, you look down these programs that will be affected by this mandatory cap, and you see that the increase over and above the level set in the resolution is attributable almost entirely to health care costs.

The solution offered in the resolution is to cut other programs to make up for those costs, and then simply to provide a cap on the health care programs as well.

I do not think that is the answer. I think the resolution has served a useful purpose. But I think the answer is to deal with the problem of health care.

I hope that out of this debate comes a renewed determination that we will address comprehensive health care reform in this Congress in this year.

Mr. CHAFEE. Mr. President, will the distinguished majority leader yield for a question?

Mr. MITCHELL. Yes, certainly.
Mr. CHAFEE. The majority leader has set forth a very powerful statement. We have to do something about health care. Who is in charge around this place? I thought the majority party ran the Senate.

And if I might finish, Mr. President—

Mr. MITCHELL. Mr. President, I yielded for a question. If the Senator wishes to make a speech, I would ask the Senator to make it on his own time.

Mr. CHAFEE. Here is my question.
Mr. MITCHELL. Thank you.

Mr. CHAFEE. The Secretary of HHS has said the administration is willing to discuss a whole series of common points common to the program that the Senator introduced, common to the program the Republicans introduced, common to the program the chairman of the Finance Committee introduced. I think the Senator is familiar with those points of commonality: Insurance market reforms, small group purchasing, reform of medical liability insurance, and so forth, but nothing happens.

We never get an invitation to sit down. We can perfectly well do it. Is it going to solve everything? No. But why does not the majority leader convene a meeting as he so ably did when we did the Clean Air Act some 2 years ago?

Mr. MITCHELL. Mr. President, I will be pleased to respond to that question. I did not in my remarks make any reference to one party or the other on health care. I did not make any reference to the administration or the Congress. The Senator in his remarks and his question has sought to draw a partisan distinction. So let me respond to that.

I hope my remarks and—it was my intention to try to create a bipartisan effort to deal with health care. But the problem is as soon as you mention the subject, someone jumps up on the other side and tries to make it into a partisan issue and suggests somehow that the majority is at fault for this. So let me respond to that question in that context.

Mr. CHAFEE. You characterized my remarks as partisan. So proceed.

Mr. MITCHELL. President Bush took office nearly 3½ years ago. Health care was a problem then. Health care was a problem every single day that he has served as President and that we have sat in the Senate since he took office.

After 3 years of study, the President finally made a speech more than 2 months ago on health care. And to this very moment, at 12:39 p.m. here in the middle of April, the President has not submitted a bill, and the administration will not tell us if or when they will submit a bill.

The Senator asked about leadership. I say there is an absence of leadership. A critical problem confronting every family in America, a critical problem contributing to the runaway budget deficits which the authors of this resolution are trying to control—the intention to which I agree, but the manner in which I do not—is a problem which affects every one of us in our society. And to this moment 3½ years after taking office the President has yet to submit a bill on health care.

So I submit to the Senator that is the root of the problem, and that is where the lack of leadership is.

More than a year ago, I introduced legislation—it is right here—to deal with the problem of health care, which has as its principal objective controlling the runaway increase in the cost of health care.

When I introduced this bill, I said I do not present this as the perfect bill, as the only way, even as the best way to deal with health care. It is the product of 2 years of study and effort by a group of Senators who felt that we must bring runaway health costs under control.

We welcomed alternative suggestions, and I commend the Senator from Rhode Island, because he joined with a group of Republican Senators and made an alternative suggestion. But the Senator from Rhode Island knows deep in his heart and in his mind, just as I do, that no health care legislation, comprehensive in nature, can become law without the President's participation and active involvement. That has not occurred. Three and a half years after he took office, 2 months and 1 week after he made a speech, we still do not have a bill, and we do not have any indication of if or when there will be a bill.

I will sit down with the Senator from Rhode Island, the Secretary of Health and Human Services, and any person the administration would like me to sit down with. I invite that participation right here and now. I will have a meeting at any time to try to get this thing moving.

But there has been no interest at all. All we have received are partisan speeches attacking our bill. That is what we have received. All of those speeches—let me finish, and I will yield the floor and the Senator can respond.

All we got from the administration is partisan attacks on our bill. No effort to propose a positive alternative. I think this debate has crystallized this issue in a way that has not occurred up until now. I think this debate has made clear to everyone that we have to do something about runaway health care costs in our society. It is the root of the problem here. The Senator's resolution makes that clear beyond any doubt.

So there is no disagreement about the problem of the increasing deficit.

There is no disagreement about the root cause of it being health care costs. The disagreement is how do we address it?

We have proposed an alternative, and I invite the President to do the same.

Senator BENTSEN'S committee is going to hold hearings on May 6. Why does the administration not submit a bill by May 6? Why does the President not get up and introduce a bill, as opposed to making a speech, so we can take the bill we have introduced, and we can take the President's bill, and the bill of the Senator from Rhode Island, and see if we can, out of that debate and discussion, come up with legislation that will do what we all want to do: control these runaway health care costs—not just the cost to the Government, because one of the fatal deficiencies of the resolution, I believe, is that by simply capping reimbursement from the Government programs which constitutes less than half the total cost in our society, we will undermine numerous institutions, not the least of which are rural hospitals. A large number of rural hospitals in America would have to close if this resolution were adopted.

What we would have is massive cost shifting and no reduction of cost. If you say you are going to only stop or reduce the payments by one provider, or one source of payment, you are going to have leakage out there, and you have to have across-the-board, overall cost reduction in health care. In fact, the cost increases of programs we reimbursed outside of the Government are higher than in the Government, because we have the capacity to say we are only going to reimburse to a certain level.

So I say to the Senator, I welcome any meeting or discussion, and I welcome debate. We have to control health care costs, and we have to do it this year.

Mr. DOMENICI addressed the Chair.

Mr. NUNN. Will the majority leader yield?

The PRESIDING OFFICER. The Senator recognizes the Senator from New Mexico.

Mr. MITCHELL. Can I correct one misstatement? I said I introduced a bill more than a year ago. It was June 5, 1991. It seems like a lot more than year ago, but it was slightly less than a year ago.

Mr. DOMENICI. Mr. Leader, before you leave the floor, let me congratulate you and thank you for your remarks. I do not know whether I thank you for the part that was partisan, but perhaps somebody will do that. Let us exclude that for a moment and say the Senator is absolutely right. There is no way to control the deficit of the United States without controlling health care costs, and that means the expenditure in our budget.

But there may be no way to have sustained economic growth if we do not

control the other health care costs, also. They are already twice as large as any in the world. Japan is 8 percent of GNP. We are 12. We cannot continue that. And his observation that the runaway costs have to be controlled is indeed the problem, right to the heart of it.

Frankly, the majority leader should know that we had an alternative in terms of how we control this runaway budget. We could have taken just the number, the function that has health care in it and said, in the next 2 years let us gradually get it down to a level that is reasonable.

We could have done that. But what we have found, in 10 years of reviewing entitlements, that about every 5 years, when you look back at entitlements that you did not think were growing rapidly, somehow or another they turn out to be going wild.

Frankly, we did not, in this amendment, do what you have said we did. We took a bulk number for all of the mandatory entitlements and added them all up, and we said that number is going to continue to grow for all of them combined into 1993 and 1994, as if nothing was done. And in 1995, we reduced the total by an amount necessary to bring that within—every new case is taken care of, inflation is added on, the program is left intact, and we said 2 percent on top.

So you will know that we were not too far off, that did not even require any cut. In fact, zero in 1994. We were giving Congress 2 years to look at the entire package. There is no sequester in this bill.

So this letter where the Congressional Budget Office says how veterans are going to get hit cannot be true. It is speculation. In fact, it says "on each program of a sequester resulting from the proposal not yet complete." That is what it says.

Mr. SASSER. If the Senator will yield, does not your proposal refer to an enforcement mechanism?

Mr. DOMENICI. Not a sequester.

Mr. SASSER. I suggest that the Senator might review that proposal.

Mr. DOMENICI. We will be glad to.

Mr. SASSER. It did refer to an enforcement mechanism, and—

Mr. DOMENICI. We will be glad to do that.

Mr. NUNN. Will the Senator yield?

Mr. SASSER. I say that on page 38 it says, "provides a mechanism"—talking about growth—"provides a mechanism to reduce the growth of spending for mandatory programs except Social Security, if such mandatory spending exceeds the cap."

So if that is the case, Mr. President, whether you call it a sequester, or a mowing machine, or what, there is going to have to be a way to enforce it.

Mr. DOMENICI. We should look at a mechanism to achieve that. That is what it says. We are going to give the

committees an opportunity to look at a mechanism to control this.

I say to the majority leader that I am absolutely convinced—and this is just my opinion—that had we said exactly what we have said here, and taken all of the entitlements and mandatories, except the health care ones and said to the Senate, do to them what we are suggesting we do to the entire package, the argument would have been: Why them? Maybe not by the distinguished majority leader, but no doubt, people would have said: Why them?

They would have had an argument on Medicare that it supposedly pays for itself, or an argument on Medicaid. We ought to save money on Medicaid.

So we, in good faith, said put them in one group and let the Congress decide how to control them within this definition of expenditures.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I appreciate that. I anticipate that would have been the argument. My point is this: The rising cost of health care in American society threatens not just the Government, it affects every American business.

It affects every American family. I have traveled all over this country for the past 2 years talking about health care, and business after business after business tells me—and I am sure other Senators—it is the single fastest-rising cost, the single greatest problem they have. Family after family after family is confronted with this tremendous increase.

Let me just cite one figure. Volumes of figures exist, but one makes the case. In 1980, the average cost per family in America of health care was \$2,600 a year. In 1990, it is \$6,500 a year. And the Bush administration has just recently projected that by the year 2000, it will be \$14,000 per family per year—\$14,000 a year, for each family in our country—on average. That is an unsustainable rate of increase.

My point is that we have to attack, control, and reduce the overall cost of care throughout our society, not just for the programs that are funded through insurance provided by the Government. I think that is the greatest challenge we face. I think it is, therefore, the most difficult challenge that we face.

Mr. DOMENICI. I do not disagree. I agree.

Mr. MITCHELL. It is what we must do, and I hope very much we do it this year. I am going to try very hard to do it.

I am determined to see that we get legislation brought to the Senate floor, and that we have votes on it. I cannot predict what the outcome will be. I hope we pass a meaningful program, and I hope it becomes law. I think this

debate has made that clear beyond any doubt.

It seems to me it is no longer a disputable assertion that the root cause of our problems here is these rising health care costs. That is what we have to address and what I hope we will address.

I yield the floor.

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

Mr. NUNN. Mr. President, will the Senator yield 2 minutes?

Mr. DOMENICI. I yield off the resolution, or whatever I have the time on; the amendment or the resolution.

Mr. NUNN. Mr. President, again I find myself agreeing with about 95 percent with what the majority leader said. He is absolutely right about health care and about it going beyond the budget.

I had a small business group come to see me the other day. It happened to be the printing industry in Georgia. They came to see me to demonstrate the point that it is pervasive in terms of effect beyond the Federal Government.

The particular industry's cost of health care was \$3,700 a year. They paid the premiums for their employees. If you take the wage increases of their employees over the last 10 years, and the health care growth, if you project it out on the same line we are on now, by the turn of the century, the health care cost of the average employee with a family of four in the printing industry will exceed the total annual salary of those people. So they would not be able to eat, sleep, or buy anything, just based on the health care costs. That is the crash program we are on.

The majority leader is absolutely correct, I think, in 95 percent of what he said. But the 5 percent he is absolutely incorrect on is the fact he says if this proposal passes, rural hospitals will close down. The majority leader has to assume, to make that statement, that nothing is going to happen on health care. He has to assume that his plan is not going to pass; there is going to be no reform and no cost control between now and 1995. Otherwise, this proposal would not have the effect he has described.

So that is a worst-case assumption, and that assumption is exactly why we are proposing this amendment, so it does not come into reality.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, if I could just respond, I appreciate the Senator's comments. Obviously, the human ability to predict future events is very limited. We all recognize that none of us knows what circumstance will exist in a month, let alone in a year or a decade.

I do know this: That we have in our State 40 hospitals. I have visited every one, most of them several times. And I

come from a State with a relatively large land area and a sparse population; no big cities, a lot of small towns. Our hospitals are hanging by a thread.

Mr. DOMENICI. That is correct.

Mr. MITCHELL. Our rural hospitals are just about at the end of their ability to function, and in a State with incomes less than the national average, with the number of Medicare-eligible and Medicaid-eligible persons higher than the national average, the reimbursement levels under Medicare and Medicaid are crucial to the survival of these institutions.

And in our State, we have no proprietary for-profit acute care hospitals. These are all community based, non-profit institutions, able to function only because of the tremendous dedication of many volunteers, and people who contribute of their time and effort and money to enable them to keep going.

My only point is that if we now have any significant or drastic reduction in reimbursement levels without some alternative way to deal with this problem, then these institutions are going to have to close. We have had closures already. And whenever I meet with hospital officials, they constantly bemoan what they call the Medicare shortfall, which is the rate at which Medicare reimbursement falls below their actual cost of service to admit eligible beneficiaries.

I hope I am wrong, and I hope my prediction does not come true. And I hope very much that we are going to have to act. Because we have this rickety health care system from which, I should add, we derive enormous benefits.

We concentrate the debate on what is wrong; it is appropriate and natural in human affairs. There are tremendous benefits in the American health care system that have to preserve, although we have to bring the costs under control. It is now close to 13 percent of the GNP. The administration and others project it is going to double, to 26 percent in the next century, if we do not do something about.

That is unsustainable. Our society cannot maintain it. Our families cannot survive it.

I thank the Senator for his comments, and I accept the point he made.

I yield the floor. I must go now. Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, does the Senator want to ask a question?

Mr. WELLSTONE. The Senator from Rhode Island is anxious to speak. This would only be a question.

I wonder, given the discussion I heard, whether the Senator from New Mexico would find acceptable the fol-

lowing amendment that I am thinking about proposing:

The Domenici amendment shall not be effective unless and until the President submits, the Congress enacts, and the President signs a comprehensive health care reform measure that includes a strong and effective cost containment program.

I ask the Senator, because it seems to me that is what we are really talking about. I wonder what his reaction would be about that.

Mr. DOMENICI. That is not what we are talking about. I do not believe I would accept that amendment.

Mr. WELLSTONE. I will wait until later on, then.

Mr. DOMENICI. Mr. President, I am going to yield 5 minutes to Senator CHAFEE. But while the leader is here, I wanted to say I do not believe that we are unaware of the fact that we only have a portion of the health care within the Government programs.

But I would say what I had in mind is the fact that 80 percent of the health care or more is in some way touched by the Federal Government; that is, when you take the tax deductions and all of those items, plus what we pay for, we are up around 80 percent. So I thought we had most of what we would be looking at.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. DOMENICI. I yield it off the resolution.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to address the remarks made by the distinguished majority leader while he is here. To the best of my knowledge, that is the first time I have heard the distinguished Senator make his invitation, certainly to me and to the others on this side, to come forward with him to arrive at a component solution of this health care problem.

This is something that the administration is eager to do. When I asked the Secretary of HHS, before the Finance Committee: Would you join in an effort with the Democrats in the Senate to try and find a solution to this problem, he said yes.

So, to the majority leader, I say three cheers; four cheers in fact. We accept your invitation, and I will relay it to Dr. Sullivan whenever you want to sit down. And let me say that I do not view this problem as having all of the difficulty that many do, because as I previously stated, there are at least 10 points of commonality to the program we have, to the program the majority leader has, and to programs others have.

Is that going to solve every problem under health care? But it is going to take us a long way in that direction, it seems to me. And, by the way, these

points of commonality are not exactly the same. The Senator's proposal on medical liability reform, for example, is different from the one we have. And the administration indeed has a bill on that very subject. So we can make real progress this year, and I will be there whenever you want to meet.

I might say to the majority leader that he did this with great success in connection with the Clean Air Act. If he remembers, the administration did not introduce a clean air bill in the Senate. And as I recall the situation, they had proposals which they introduced, as I recall, in the House.

Mr. MITCHELL. Mr. President, if I might, my recollection is—will the Senator yield—my recollection is distinctly different. The critical occurrence in the clean air bill was the President submitting a bill to Congress.

Mr. CHAFEE. There is no question that the critical point was the President supporting clean air legislation. There is no question about; no question.

As I recall it, the President did not have a bill in the Senate, but the majority leader may be right.

But there is no question that the catalyst—and I said this many times, and I give the majority leader credit—the catalyst for going somewhere on the clean air bill was the majority leader.

So I do not see why we have to say, well, the President is not giving us leadership so we cannot go anywhere. I do not agree with that. No. The Senate stands as an independent body with all kinds of prerogatives. And so let us do what we can. If it does not succeed in the other body and with the administration, so be it. At least we can go somewhere. So I await the invitation to dance.

Mr. MITCHELL. Mr. President, I thank the Senator.

I have said before we are going to proceed with or without the President. We welcome his participation. We welcome the Senator's participation. I will extend an invitation to the Senator at the earliest opportunity to get together to talk about this issue.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. CHAFEE. Mr. President, I agree that the amendment by the Senator from New Mexico may not be the best way to proceed. There may be a better way. But it is going somewhere, it is proceeding.

Mr. President, I point out that what is destroying our ability to take progressive action in the whole series of domestic programs, whether it is health care, whether it is education, or whether it is the environment, is the fact that the deficit is consuming so much money. This year, we will pay \$200 million interest. Unless we do something about these deficits, we are

not going to get to first base with respect to our domestic problems. At least this is an effort. Is it perfect? Probably not. If somebody has a better way of doing it, let us hear it. I must say I have a lot of concerns with it.

Those on the floor have talked about doing something about those who are better off. But if we did anything in connection with employer deductibility of health insurance premiums, for example, or changing their treatment as tax-free fringe benefits—there would be an uproar and it would not get anywhere.

I know that there are those who have said that this comes down too hard on the health care group, on Medicare or Medicaid. Hopefully this legislation will be a catalyst to make some real programs in those particular areas.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I have already stated my view on the resolution itself. I do not believe it wise or appropriate to have a cut in programs that are not increasing beyond the rate addressed by the resolution because health care costs are rising at a rate that is beyond the resolution. Why should we cut compensation for disabled veterans because health care costs are out of control?

Accordingly, Mr. President, I believe that if we are going to proceed with this resolution, then the Senate and each Senator should express his or her view on every one of the so-called entitlement programs. The use of the word "entitlements," while commonplace, is not fully accurate; the use of the words "mandatory programs." We should be talking about the specific programs: veterans compensation, farm price supports, foster care and adoption assistance, military retirement, unemployment compensation, food stamps.

Accordingly, Mr. President, it is my intention, on behalf of Senator SASSER and myself, to offer a series of amendments so that Members of the Senate will vote on every single one of these programs. I think that is the only fair and appropriate thing to do. I think it enables a Senator to make clear his or her position with respect to each one of these programs. Do we feel that veterans benefits should be cut?

Mr. NUNN. Will the majority leader yield for a question?

Mr. MITCHELL. Yes, I will yield for a question without yielding the floor.

Mr. NUNN. The majority leader makes a point about those programs that are growing over the rate of inflation. As one of the authors of this amendment, I offer the majority leader this proposition: Why do we not take all the programs that are not going to go over inflation and amend them one by one, and we could do that on a voice vote, and take those that are growing over the rate of inflation, which the

majority leader indicates are primarily in the medical area but that is not the only area, and then have just one vote.

This proposition will apply to those growing over the rate of inflation. That would address the majority leader's problem. It would solve the problem and save the Senate the time of having to vote on all those amendments. And it would knock out everything in the entitlement programs that is not growing over the rate of inflation.

Mr. MITCHELL. Mr. President, that would also avoid the political accountability of a vote on the record of each specific program. I think we are going to proceed down this road. My preference is that this resolution be withdrawn, that we can proceed to finish the budget resolution. I think this has been an extremely useful debate. I think we focused in on the problem. But if the resolution is not to be withdrawn, then I believe, and I will insist, that the Senate vote on every single one of these programs.

Mr. NUNN. I do not know what the primary author may want to do on this. My advice would be that on all those programs not growing over the rate of inflation, we would all vote "yes" and accept the amendments. We can have a rollcall vote if the majority leader would like to spend several hours on rollcalls. And then we get down to those that are growing over the rate of inflation, and I would vote "no" on those. I do not know how other Senators may vote. That would be a complete accountability, if the majority leader wants to do that.

What I was trying to offer was a shortcut to that so that we could get down to the real question, and that is whether we want to control, in some fashion, the growth of those that are growing over the rate of inflation.

Mr. MITCHELL. Mr. President, if I still have the floor I wish to reply to the Senator.

The PRESIDING OFFICER (Mr. REID). The majority leader has the floor.

Mr. MITCHELL. Just so there is no misunderstanding, I do not agree with that approach. I made very clear I think it is wrong to say you are just going to cap those Government health programs, because, while that will have some effect here, it will not affect health care costs overall in our society. It will result in massive cost-shifting and cause severe dislocation in those institutions which service a large number of Medicare- and Medicaid-eligible persons; that is, the rural hospital in poor areas that I think will be devastated by this. But I think, if we are going to vote, if the Senator says he wants to vote to exempt all of these other programs, we ought to have that opportunity, and I think it ought to be on the record.

Mr. NUNN. Will the majority leader yield?

Mr. MITCHELL. Yes, for a question.

Mr. NUNN. I was not suggesting that the majority leader join in voting affirmatively on those programs that are out of control. What I was suggesting is that we could avoid several rollcall votes by going straight to that procedure. But whatever the majority leader decides will be satisfactory.

Mr. DOMENICI. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOMENICI. I just want to ask a question. Frankly, if the majority leader would permit me to just give a couple of observations, I would like 3 or 4 minutes to go over and see Senator RUDMAN, and I will come back and tell the leader what I will tell him.

Mr. MITCHELL. Certainly.

Mr. DOMENICI. Let me suggest, I have managed budget resolutions for a long time and, frankly, it is not going to do any good, and I say this to my friend from Georgia, it is not going to do any good for him and I to say what we think our amendment and bill does. It is going to do what those people affected thinks it does. And it is going to be a vote—by each Member who votes to keep a group in, it is going to be a vote against them.

I am prepared, or I would not have introduced it, to vote no on taking anything out. I would vote to leave everything in because I understand what I have in mind. I have no difficulty explaining to my constituents what I have in mind. And there will be some angry. But, clearly, when they listen, I will be all right.

But I do not know that I want to put 50 or 60 Senators, or 40, on record, especially since we are only trying to set in motion here, a process that would require the committees to take a look at all this and come up with some approach, and have Members vote on a sense-of-the-Senate, things that we really were not going to carry out.

The PRESIDING OFFICER. Will the Senator withhold? The Chair informs the Senator from Maine that the time has expired on the amendment. There is time, of course, with the bill.

Mr. DOMENICI. I do not intend—

Mr. MITCHELL. Mr. President, without losing my right to the floor I ask unanimous consent that the Senator from New Mexico be permitted to continue for 2 minutes, without my losing right to the floor.

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

Mr. DOMENICI. So I will shortly, if the majority leader would do me the privilege of either putting us in a quorum or using time in such a way that I would in no way be prejudiced, I would like to go with Senator NUNN, my principal sponsor, to see Senator ROBB and Senator RUDMAN and we will return in about 5 minutes and we will give you our answer.

Mr. MITCHELL. Mr. President, I of course believe we should accommodate

the very reasonable request by the Senator from New Mexico.

Accordingly, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the majority leader withhold that suggestion for a quorum, momentarily? Will someone yield me 2 or 3 minutes?

Mr. SASSER. Mr. President, I yield the distinguished President pro tempore 5 minutes off mine.

Mr. BYRD. Mr. President, before the distinguished Senator from New Mexico and the distinguished Senator from Georgia leave the floor, I hope they will carefully consider and accede to the suggestion by the distinguished majority leader that the resolution—that this amendment be withdrawn. Let me toss an oxymoronic morsel onto the stage of discussion right at this point—to use one of Jackie Gleason's phrases, "how sweet it is" that, at last, we seem at last to be getting away from the splendiferous floccinaucinihilipilifications, in which we have engaged during these last several days. By that I mean the self-flagellation and the partisan missile throwing that we have lately witnessed on this floor and that we seem to be so caught up in all across this country as we head into a Presidential campaign.

The exercises that we have witnessed seems to have caught and engrossed the fascination of the press. We all seem to be engaged with the current rash of imbecilities that we have heard tossed around. At last we are getting around to debating something that deals with the basic problem confronting our country.

I want to compliment those who sponsored the amendment for their having, at least, called it up. And the distinguished Senator from New Mexico has gotten the unanimous consent of the Senate to withdraw his amendment. I hope he will do that because if there is anything among the several things that one can say about this debate thus far, it is that this is clearly a matter which demands the attention of the committees and Members of the Senate in a careful, thoughtful, sane, dedicated way rather than just calling up amendments on the spur of the moment here in the Senate solely to make some partisan gain.

I congratulate the Senator from Texas and I agree with him that this is a matter that needs to be dealt with in the way that he has suggested. There need to be committee hearings and we need to get at the underlying, basic causes that are driving the deficits through the ceiling.

I congratulate the majority leader and agree with him that a basic problem is the runaway cost of health care.

He has indicated a willingness, not only a willingness but an intention to see that, in due time, this matter is brought to the floor in an orderly way and that it is going to be debated and

acted upon. But there is one other thing I will say in closing. I disagree with the distinguished Senator from Rhode Island. We cannot do this by ourselves. We all know what the Presidential veto pen can do. This is something, Mr. President, that is so deep, so permeating and so complicated and so filled with political mine fields that we need the leadership of the man in the White House. We will never get anywhere if we do not have the President's leadership.

It is going to take tough, courageous leadership. Because there is going to be pain in the solution. It needs to be comprehensive and carefully wrought.

We have seen over the past years how those who are the wealthiest people in this country have benefited the most by the 1981 tax cut. We have also spent vast resources on military programs, and to some extent that was probably necessary. But these have taken away from the Nation and its people and our children and their children—the resources that are so necessary if we are adequately to deal with the infrastructure concerns that so many of us have expressed, and other concerns as well.

So, in summation I would say let us take this resolution down. I have had my belief in the U.S. Senate renewed today. Because I have seen Senators on both sides of the aisle trying to come to grips with a very difficult, complex question. But the approach is going to have to be—as the leader and Senator BENTSEN and others have said—it is going to have to be a comprehensive approach. And there will be plenty of pain and no political gain. But we owe it to the Nation, and we are going to have to forget about being Democrats and Republicans and put the Nation first. And the man in the White House is going to have to lead. We are not now seeing that leadership. We are not getting it.

We cannot hope to solve this problem all by ourselves because the President will just sit down there and throw pot shots at the Congress.

That is what we are seeing now. That is the White House's program as the President goes into this election: Bash the Congress! And the press is eating it up. They love it! But that is not getting at the roots of the problem.

Mr. President, I thank the Senators who have introduced the amendment. It generated good debate. I thank those who have opposed it, and for good reason. I commit myself to my leader's service when he attempts to wrangle—when he attempts to deal with this difficult problem. I thank all Senators for their patience and contributions to the debate.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like to accommodate the Senator from New Mexico who made a request. I understand he said he just

wants a few minutes to meet. I think he is entitled to that courtesy of 5 minutes. Might I suggest, Senators from Nebraska and Rhode Island want to speak? The situation we are in is that the regular order, as I understand it, would be a vote on this resolution. If we are going to proceed with it then I am going to offer amendments to it. I do not want to preclude anybody from speaking, but I do not want to lose my right to offer the amendments if they are going to proceed.

So the time is running against the resolution. If the Senators from Nebraska and Rhode Island wish to speak, I would like to do it in a manner that does not deprive the right I now have, which is to offer the amendment, if they are going to go forward.

Mr. EXON. Could I inquire of the majority leader, in full recognition of the Parliamentarian's discretion, if the majority leader could ask unanimous consent that the Senator from Nebraska be recognized for not to exceed 10 minutes without losing the majority leader's right to the floor?

Mr. MITCHELL. Mr. President, would it be agreeable if I simply ask consent that no motions or amendments be in order until I am re-recognized? Then Senators can continue to address the subject and we can accommodate the Senator from New Mexico and the Senators from Rhode Island and Nebraska and the time will continue to be charged against the bill.

Mr. DOMENICI. I would wholeheartedly agree if you would consider for time purposes that that situation be for 10 minutes and then Senate MITCHELL will be recognized.

Mr. MITCHELL. Fine.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I yield to the Senator from Tennessee for a comment or question.

Mr. SASSER. May I remind the majority leader that the Senator from Minnesota has been on the floor since early this morning wishing to be recognized, and we have been maintaining an informal list. He had risen to the top of it and he is followed by Senator EXON. I just make that comment in an effort to accommodate all Senators.

Several Senators addressed the Chair.

Mr. DANFORTH. Who has the floor?

The PRESIDING OFFICER. The majority leader.

Mr. DANFORTH. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DANFORTH. I wonder, Mr. President, would it be possible, perhaps, to set this amendment aside and take up some other amendments so we can get some votes out of the way right now? This has been going on for 4 hours today. There have not yet been any votes and people are rescheduling

planes. I think Senator DECONCINI has an amendment that I do not think will take very long but will require a vote and maybe we could in the next hour or so get off a few votes and then put this off until later in the day.

Mr. MITCHELL. Mr. President, if I might respond, it is, of course, a logical and plausible request. But since the Senator from New Mexico, who would necessarily be required to give that consent is right now in a meetings, and has indicated it is only going to take a few minutes, on whether he will withdraw or proceed with this amendment, I think we can probably save more time ultimately by bringing that to a conclusion right now. I think if it is withdrawn, it is my hope that the managers will be able to proceed to a prompt wrapup and disposition of this resolution to accommodate the Senator from Missouri and others. I think under the circumstances since we are very close to bringing this to an end, it would be best to permit it to do so.

Mr. CHAFFEE. Mr. President, I wonder if the majority leader would yield me 2 minutes?

Mr. MITCHELL. Mr. President, I yield to the Senator from Rhode Island 2 minutes and I ask I be recognized at the conclusion of his remarks.

The PRESIDING OFFICER. There is presently a request pending that there be 10 minutes during which period of time there be no amendments or resolutions offered.

Mr. MITCHELL. Or motions.

The PRESIDING OFFICER. Or motions.

Mr. MITCHELL. I renew that request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized for 2 minutes.

Mr. CHAFFEE. Mr. President, Winston Churchill said on many occasions he had opportunities where he had been required to eat his words, and overall he found them rather delectable. I am in a similar situation, Mr. President. I suggested to the majority leader that I thought the administration never introduced a bill on the Clean Air Act. I was corrected in a very thoughtful manner by the majority leader. It turns out not only did the administration introduce a bill in August 1989, but I introduced it for them.

So, Mr. President, I publicly eat my words on that particular issue.

I would like to finish my remarks, if I might, Mr. President, by saying that I demur from the suggestion of the distinguished President pro tempore in his thought that we would not be able to get very far without the administration's leadership on this matter. I think we can. Again, I refer to those 10 points of commonality. Will we arrive at perfection? Probably not. But this year we do not have much time. We have a basis, something to work on, something that all of us subscribe to.

So I urge the majority leader on in his efforts and will cooperate in every fashion I can. I think we can really get something constructive done this year, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader controls the time. There is 8 minutes remaining.

Mr. MITCHELL. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. WELLSTONE. Mr. President, I really had intended earlier to give a rather lengthy statement about all this. I do not now think it is necessary. So much has already been said.

Let me just go on the record by making two points. One, it is very interesting that I heard from the Governor's office in Minnesota, a Republican Governor, and what I heard was, "Please oppose these caps." Their concern is just what has been stated on the floor which is that these caps, without having any real effective cost control with health care costs, means that we could run into a terrible amount of trouble back in our State. This would be especially true in our rural communities with Medicare reimbursement. What you would have happen—the majority leader spoke about this—would be cost shifting. That is to say, either doctors or hospitals are going to take care of people under Medicare or Medicaid and cover their costs, or they will not be able to, given the inflation and discrepancy between reimbursement and inflation, and they will just shift those costs.

Mr. President, let me one more time repeat the language of an amendment which I will offer unless the pending amendment is withdrawn. This would be after the other amendments and votes that the majority leader mentioned. My amendment would be as follows:

The [Domenici] amendment shall not be effective unless and until the President submits, the Congress enacts, and the President signs a comprehensive health care reform measure that includes a strong and effective cost containing program.

I really believe everybody should be for that amendment I just read, because I have heard the people who are for the caps say, "You are right, we have to control health care costs." I have heard those of us who have opposed those caps say that we do not want to do that unless we first control the costs—where we are really paying the price.

So it seems to me this is a nice kind of marriage made in heaven. I will offer this amendment unless the pending amendment is withdrawn.

Mr. MITCHELL. Mr. President, I yield 6 minutes to the Senator from Nebraska.

Mr. EXON. I thank the majority leader.

Mr. President, I have been listening with very keen interest to the remarks of the authors of this amendment, my friend and colleague from Georgia and my friend and colleague from New Mexico. I thought it was rather interesting to hear them tell about the storm of protest that is developing across the country to their amendment by a variety of sources, and I notice that both the Senator from Georgia and the Senator from New Mexico and I probably correctly say there are an awful lot of people who have been misled, who simply do not understand what they are trying to do, and false statements are being made against their amendment.

I thought it was so apropos because it happens to be that this Senator was in extended debate with those two same Senators yesterday and the day before that to try and make a modest reduction in the defense budget. At that time, all kinds of false statements were made on the floor of the Senate, not by people who might not be informed, but by people in this body who should be informed before they make remarks on the floor of the Senate.

In that regard, I must rush to protect, though, the veracity and the good common sense and the honesty and integrity of my good friend from Georgia, SAM NUNN. Never once during that debate, where he was on one side of the debate and I was on the other, did the chairman of the Armed Services Committee make any false accusations with regard to the intent or with regard to the numbers advanced for cutting the defense budget, as this Senator from Nebraska tried to do.

Likewise, I would like to come to the defense of the Senator from New Mexico. Although I did not remember or maybe hear all of his comments in opposition to the little budget cut from national defense that he joined Senator NUNN in posing, I do not believe that the Senator from New Mexico ever falsely implied that the Senator from Nebraska was doing things as other Members of this body on both sides of the aisle got up on the floor and said that EXON could not make his cuts without affecting manpower.

So I know that the Senator from Georgia and I know what the Senator from New Mexico is going through. But, Mr. President, here we go again. Some of the same who gave the country the Gramm-Rudman law—and its promise to balance the Federal budget—reconstituted under a new banner, have unveiled the latest device designed to exclusively and primarily take the heat off this body to cut the Federal budget now.

How many times must this body walk down the path of self-delusion be-

fore it learns that there are no painless cures, no secret bullets, and no magic machines which will reduce the Federal budget deficit next year or the year after that or even into the next century.

Mr. President, I urge my colleagues to not be fooled again. There is only one way to reduce the Federal budget deficit and that is to make hard choices.

If the Congress and the President want to reduce the deficit, there are really only three hard choices that we have to recognize and make. We can cut spending, we can raise revenues, or we can do a combination of both. There are no other ways to do it. There is nothing more nor less that we can do without encompassing those three key factors.

All these options that I have recommended—and if we are ever going to do anything, we are going to have to do it now—are not going to evade pain and sacrifice, pain and sacrifice this body apparently is unwilling to undertake as evidenced yesterday when this body shrunk by 4 or 6 votes away from a very limited reduction in the national defense expenditures.

I daresay in my public and private business life I have balanced more budgets than most either in this or the other body and, therefore, I clearly speak with some proven experience in this regard.

Less than 24 hours ago, to harken back to yesterday once again, this body demonstrated to the Nation that it was unwilling to make one of those hard choices when it rejected the Exon amendment to reduce defense spending by a mere \$3.5 billion in 1993 outlays and \$7.6 billion in budget authority below the resolution.

Now, those who passed on the opportunity to grab real deficit reduction right now with that vote yesterday attempt to shift attention to their latest, fanciful invention to cap entitlements.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. May the Senator ask for an additional 4 minutes under the previous agreement?

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senator be permitted to continue for 4 minutes as under the previous agreement with the time charged equally.

The PRESIDING OFFICER. That will be the order.

Mr. EXON. As modest as the Exon amendment was, to make those cuts in 1993 as I have outlined, if the Exon amendment had been adopted at least over the next 5 years the Exon amendment alone would have reduced the deficit by \$36.2 billion.

I guess Senator SARBANES said it well earlier. The combined savings of the Exon amendment, which was defeated yesterday, and the tax fairness bill recently vetoed by the President meets

and exceeds the fiscal year 1997 savings produced by this amendment that we are now discussing.

If anyone needs to be convinced of the folly of this amendment, all they need to do is look at the history of the 1980's. After the Senate passed up the real deficit producers such as the freeze on budgets as Senator HOLLINGS and I offered year after year, the Senate brought into being a false and foolish promise of the Gramm-Rudman law and the budget summit agreement.

I would remind my colleagues that President Reagan promised a balanced budget in 1983. He failed. Gramm-Rudman promised a balanced budget in 1991. It failed. The son of Gramm-Rudman promised a balanced budget by the end of 1993. It failed. The much ballyhooed budget summit agreement promised a balanced budget in 1994, and it failed.

The new better mousetrap known as the entitlement cap will fail as well. The cynicism of this amendment is blatant. On page 2 of the talking points explaining this amendment, there is an admission that the entitlement cap will not even go into effect until 1994 and the sequester would not trigger until 1995. With a nudge and a wink, the code message to Senators is, "Do not worry; be happy. Let us just go on as we have in the past."

With this amendment, Members will tell their constituents, "I know I voted against the Exon amendment and other deficit-reducing amendments affecting your favorite program because I supported the entitlement cap which will save some really big dollars some time after the year 2000." Talk about budget odyssey.

The real danger in this amendment and the past amendments of its type is it holds out the false hope to the American people that this new Popsicle will not melt to sugar water outside of the freezer. A popsicle is a popsicle. The false promises of Gramm-Rudman 1 and 2 and the budget summit agreement allowed this body to fake rather than force action. The political establishment in Washington has delayed now for a decade facing this crisis with the Federal budget deficit.

The Nation can not and will not wait. The deficit is eating the economy alive and the American people know it. The public is smarter than we think. They will not buy this magical invention, however well intentioned.

The very architecture of the amendment works against serious deficit reduction. There are basically two entitlement programs which are really growing out of control and they are Medicare and Medicaid. They will continue their rampant growth until we act on health care. If these programs exceed the cap as they certainly will, reductions will be taken out of all entitlements, even those which have remained well below the cap. Such a sys-

tem will discourage any chairman from seeking timely reductions in non-Medicare and Medicaid entitlements for fear of facing a double whammy, once when the cut is taken and again when the sequester is implemented. This amendment will also encourage members to pad their favorite entitlement programs to protect them from the expected cut.

In addition, what about those programs like agriculture which have already given at the office? No program has been reduced over the 1980's as has agriculture. Is it fair to cut agriculture because medical costs are increasing? The entitlement cap will further decimate American agriculture and hurt the State of Nebraska.

This amendment should be taken down for further study at least. It is nothing less, as structured, than a raid on the trust funds. As the Senator from Maryland so aptly pointed out last night, many of the so-called entitlements are programs supported by a dedicated source of revenue. Programs such as Medicare and railroad retirement have trust funds and sources of revenues to support their operations. If the entitlement cap works, it will further swell the trust funds so that they can be used to fund the day-to-day operations of the Federal Government just as the Social Security trust has been embezzled over the last several years.

This amendment should at least be taken down at this time. I yield the floor.

Mr. MITCHELL. Mr. President, I am advised that the distinguished Senator from New Mexico is continuing his consultation with his colleagues. I believe it appropriate and fair to honor his request.

Therefore, I ask unanimous consent—

Mr. DECONCINI. Will the majority leader yield before he asks the question?

Will the majority leader now entertain setting this aside for 10 minutes to take an amendment on which we will ask for a rollcall vote—I do not think anybody will object to that—while they continue to discuss whatever it is they are discussing?

Mr. MITCHELL. Mr. President, that would require the consent of the Senator from New Mexico, who is at this moment engaged in a meeting.

Mr. DECONCINI. May we try that?

Mr. MITCHELL. I would prefer to resolve the issue of his amendment one way or the other. However, we will get to that shortly.

Mr. President, to accommodate the request—

Mr. CHAFEE. Mr. President, I was going to suggest that the Senator from Arizona and I might briefly speak on the Senator's amendment.

Mr. MITCHELL. The Senator from New Mexico has reentered the Chamber.

Mr. DOMENICI addressed the Chair.

Mr. MITCHELL. Mr. President, I have the floor. I am pleased to yield to the Senator from New Mexico for whatever comments he wishes to make while retaining my right to the floor.

Mr. DOMENICI. I have conferred with the other three sponsors of the substitute. It is our desire to proceed.

We understand there is the first amendment. We were told what it would be, removing the disabled veterans from the amendment in terms of excluding them. It would take them out; is that correct? Would that be the first amendment?

Mr. MITCHELL. Mr. President, since the Senator's resolution is a substitute, I believe it is amendable in two degrees.

What I was going to do is proceed, and to have the Medicaid exemption to be the first-degree amendment; and then the veterans' compensation to be the second-degree amendment, on which we would vote; and then to have each of the provisions thereafter and vote on each of them in sequence. So we will end up having to vote on every single one of the provisions.

Mr. DOMENICI. Might I ask a parliamentary inquiry? If the majority leader filed the two amendments in sequence, as he just indicated, and we took a vote on the first amendment and the amendment succeeded, does the previous unanimous consent granting the Senator from New Mexico the privilege of withdrawing the entire substitute still apply?

The PRESIDING OFFICER. The Senator from New Mexico would still have the right to withdraw his amendment.

Mr. DOMENICI. We have conferred, and unless they want to say something, Senator NUNN is here, and I think we want to proceed with the first sequence of votes that you have discussed.

Mr. MITCHELL. Mr. President, I would like to inquire and ask for the attention of the Senator from New Mexico. My understanding is that once I offered the first-degree amendment, there would then be 1 hour of time to be used or yielded back before the second-degree amendment, on which the first vote would occur, would be in order. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MITCHELL. Mr. President, I am going to offer the first-degree amendment. I would suggest, in the interest of accommodating as many Senators as possible, that since we have already had more than enough debate on this, that in just a few minutes, we proceed to the offering of, the yielding back to the time, offering the second-degree amendment and the vote on that, if that is agreeable to my colleagues on the other side of the issue.

Mr. DOMENICI. I am agreeable at this moment that all time be yielded back immediately after you file the

first-degree amendment, and that we do that right now; then we will take a minimum of time on the second amendment.

Mr. NUNN. Mr. President, might I suggest that we have something like 6 minutes equally divided, and then proceed to vote on the majority leaders amendment? It would be my view that this vote on the first amendment will basically forecast what will happen on the other amendment; that we do not need to put the Senate through the agony of voting on 12 or 13 separate amendments.

I do submit, I said a little while ago, I would be willing to exclude those programs going below the rate of inflation, because in my opinion they will not be affected, anyway. This is one of those programs. But since this is going to be the only vote, I think this is a very important symbolic vote. I think it determines whether the Senators are willing to begin excluding everything, which is what we have done for the last 10 years. And so, therefore, I will vote no on the amendment as a symbol of what is wrong with the procedures we have around here now; but not as if there is any reality that there is going to be any real cut in disabled veterans. I do not believe anyone believes that.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order for me to offer the first-degree and the second-degree amendments; that there then be 12 minutes of debate, equally divided, on the second-degree amendment; that it be in order for me now to request the yeas and nays on the second-degree amendment; and that the yeas and nays on the second-degree amendment occur after the use or yielding back of the 12 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1778 TO AMENDMENT NO. 1777

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1778 to amendment No. 1777.

On page 38, line 17 of the amendment, insert before the period the following: " , except that Medicaid shall be exempt from the cap and the cuts required by the mechanism described in this section."

AMENDMENT NO. 1779 TO AMENDMENT NO. 1778

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1779 (to amendment No. 1778).

At the end of the matter proposed to be inserted, insert the following: " , Veterans' Compensation shall be exempt from the cap and the cuts required by the mechanism in this section".

The PRESIDING OFFICER. The Senate is aware that this time is 12 minutes' debate: 6 controlled by the majority leader; 6 by the Senator from New Mexico.

Who yields time?

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 1 minute for the purpose of making a parliamentary inquiry.

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

Mr. BYRD. Mr. President, as I recall, the distinguished Senator from New Mexico [Mr. DOMENICI] earlier got the unanimous consent of the Senate that he might subsequently withdraw his amendment in the nature of a substitute. The Senate gave him that consent.

If his amendment is later amended, in my judgment, he does not have consent of the Senate to withdraw his substitute, as amended.

My parliamentary inquiry is, Does the unanimous-consent request that he earlier presented, and to which the Senate acceded, cover a later eventuality in the case of the substitute amendments having been amended?

The PRESIDING OFFICER. The Chair has ruled that it does.

Mr. BYRD. I have to complain about the response of the Chair. In the future, I would like to know precisely what we are doing when we give a Senator the right to withdraw his amendment. Because once he starts down the road of having that amendment amended, the Senate might not want him to withdraw it.

I merely make that point, hoping that by making it on the RECORD, it will indicate how sometimes we act thoughtlessly on such requests.

I had earlier urged the distinguished Senator to withdraw this amendment, feeling that we had indeed accomplished something by generating a debate about the real problem, something that is real.

Now, I have no objection if the Senate wants to go ahead and vote on these things. I suppose we will. In my view, it is not a ruling by the Chair; it is just a response to a parliamentary inquiry. So there is no precedent here. I will not make a point of order, but I disagree with the Chair's position.

I think the Chair is wrong, and I say that with all proper respect to the Chair. The present occupant happens to be one of my favorite Senators.

With all due respect, I disagree with the Chair 100 percent.

Mr. MITCHELL. Mr. President, to obviate the possibility of this occurring as a precedent, I am going to suggest to the Senator from New Mexico that if we reach the point where he seeks to

withdraw the amendment, that he then ask unanimous consent for it and not rely upon the prior authority.

Just so we do not create a problem in this regard, why do we not proceed with the debate now, and resolve that when we get to it?

Mr. DOMENICI. I am glad to do that, if you will assure me that at that moment I will get unanimous consent.

Mr. MITCHELL. I am going to try very hard to get unanimous consent.

Mr. DOMENICI. I will use 10 seconds and say to my friend from West Virginia, I ask unanimous consent—and perhaps I was not as clear as he would like, but I clearly intended this circumstance, that if that amendment was adopted, I could still withdraw it. I think the Senator will agree if I did that, the Senate could grant unanimous consent.

Mr. BYRD. No; I do not agree with that. It could, yes. But I do not agree that it should.

Mr. DOMENICI. All right.

Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER. Five and a half minutes.

Mr. DOMENICI. I yield 2 minutes to the Republican leader.

AMENDMENT NO. 1779

Mr. DOLE. Mr. President, I want to commend the four Senators who have offered this amendment. I think we have to make a choice if we want to follow the path of Neil Kinnock in the welfare state, as they tried to do in Great Britain, without success. Or we can understand that we have responsibilities to disabled veterans and their families and everyone else, their children and grandchildren, and vote against the second-degree amendment.

The disabled veterans are just as concerned about the overall economy and about opportunities for their children and grandchildren, and for themselves, as anyone else. If we go down the list and exempt this group, this group, and this group, nobody is left; everybody is going to be exempt. Maybe we ought to examine Congress, too. That might be the best vote. Maybe we can exempt Congress, and we can have a real interest in how the vote came out. I think we are doing precisely the right thing. It is never too late to be responsible.

Mr. DOMENICI. Would the Senator from Georgia like 1 minute?

Mr. NUNN. Yes.

Mr. President, I have said probably all I need to say. I will vote against this amendment. I think there is no group in America that has done more for their children and grandchildren, indeed our country, than the disabled veterans. I do not believe the people who sacrificed so much for our country want to see our country go down economically, in spite of the fact that we have been able to be protected militarily. That is what we are talking about here.

The disabled veterans, and all veterans, had reductions below the cost of living from 1980 to 1990. They would not be affected by this amendment in any way. But if we start down this road of exclusion, we have made it clear that we will not only exclude those below the rate of inflation by growth, but every single program one by one. This determines, in my view, whether Senators would vote to exclude all of the others, leaving nothing but an empty shell. I will vote no.

Mr. ROBB. Mr. President, this vote is a gut check. As the Senator from Georgia has explained, it is a symbolic vote; it is not about veterans. As someone who spent 34 years affiliated with the armed service, and who has enormous respect for the veterans, paralyzed and others, that is not the point. If we are serious about deficit reduction, this is the way we send a message that we are serious about it. That is all this is. Otherwise, our ability to come to grips with the fiscal irresponsibility of the Federal Government is going to remain suspect.

I hope that those who understand the importance of the vote will vote their conscience and understand that the consequences of being held accountable by a number of groups that we support in many, many ways, will have to flow, if we are going to be serious about reducing the deficit.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. DOMENICI. I yield to Senator RUDMAN.

Mr. RUDMAN. Mr. President, I think the Senator from Virginia put it just right. This is not a vote about cutting veterans' benefits. This is a vote about taking a hard look at all of the entitlement programs to ensure that fairness exists and that their growth is curtailed where it can be fair to those who, in fact, may not be in need.

Unquestionably, disabled veterans have a need. I can say to the disabled veterans that I know—a number, I might add, Mr. President, I have known since the moment of their disability—that we are not setting forth a program to cut their benefits. We are setting in progress a program to save the standard of living for their children and their grandchildren and, to a larger degree, to ensure that as the year 2000 approaches, this country is fiscally able to discharge its responsibilities to those veterans.

Mr. DOMENICI. Mr. President, I reserve 1 minute.

Mr. SASSER. Mr. President, who is in control of the time?

The PRESIDING OFFICER (Mr. ADAMS). The majority leader.

Mr. SASSER. I ask for 2 minutes.

Mr. MITCHELL. I yield 2 minutes to the Senator from Tennessee.

Mr. SASSER. Mr. President, this proposal before us has been hastily put together. It is ill-conceived. There have

been no hearings on this proposal whatsoever. The proposal was not brought before the Budget Committee in the ordinary course of business for that committee to discuss. The proposal was presented to the body yesterday, really, by way of a press conference. That is where the chairman of the Budget Committee became aware that this particular substitute was coming before us.

With regard to the veterans here, let us look at what is happening to outlays for veterans' pensions. Outlays for veterans' pensions are steady from 1992 through 1994. This is not an area, or mandated area, of the so-called entitlement programs which is growing. Yet, this proposal subjects them to jeopardy as a result of the explosion in health care costs.

Under the CBO numbers, some have said this does not cut veterans' programs, but under the numbers produced by the Congressional Budget Office, veterans' compensation by 1997, under this proposal, would be cut by \$1.408 billion. Veterans' pensions would be cut by \$353 million. It does cut veterans. And I think, in the name of fairness, they ought to be excluded.

LETTERS IN OPPOSITION TO ENTITLEMENT CAPS

Mr. President, all Members should be aware of the depth of opposition to this entitlement cap proposal. I have received letters from Senate authorizing committee chairmen as well as a long list of organizations expressing unreserved opposition to this meat axe approach to controlling entitlement growth.

I would like to submit these letters for the RECORD, but let me just outline some of the major points:

Senator BENTSEN, chairman of the Finance Committee, recommends that we reject any form of entitlement caps. He points out that the reason entitlements are growing so fast is health care costs and that the real problem is not in Medicare and Medicaid, but in the larger health system of this country. He further points out that: "attacking health care costs through cuts in Medicare and Medicaid alone will only increase costs in the private sector."

Senator KENNEDY, chairman of the Labor and Human Resources Committee, has also sent me a letter protesting the entitlement cap proposal. He makes similar arguments about controlling health care costs throughout the system—not cutting programs serving the poor.

Senator CRANSTON, chairman of the Veterans Affairs Committee, has written a letter to Senator DOMENICI vigorously opposing entitlement caps. He points out that it could mean totally unfair cuts in Veterans programs including compensation, pensions, vocational rehabilitation, and GI bill educational benefits. We have also received a strongly worded letter from

the Veterans of Foreign Wars of the United States protesting the proposal.

Senator GLENN, chairman of the Committee on Governmental Affairs, has also registered his opposition to an entitlement cap proposal which would subject civil service retirement to sequester as the result of growth in other direct spending.

Mr. President, I have letters here from groups representing the elderly, including the American Association of Retired Persons and the National Council of Senior Citizens; from groups representing children, including the Children's Defense Fund; from education groups, from representatives of labor organizations, from several hospital and other health care groups, and from many agricultural organizations.

They are all worried about the same thing I am: The entitlement cap proposal, as currently conceived, could force large cuts—through sequester or through a forced reconciliation process—on many programs which are not contributing to the entitlement growth problem. Veterans benefits, child nutrition, Supplemental Security Income, civil service retirement benefits, railroad retirement, foster care, student loans, and farm price supports to name a few.

Mr. President, I would like to submit a list of organizations who have contacted us in opposition to the entitlement cap proposal, and their letters, for the RECORD.

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

ORGANIZATIONS OPPOSED TO THE ENTITLEMENT CAP PROPOSAL

American Association of Retired Persons.
National Council of Senior Citizens.
National Committee To Preserve Social Security And Medicare.
Children's Defense Fund.
Families U.S.A.
Committee For Education Funding.
United States Student Association.
Food Research and Action Center.
American Federation of Government Employees, AFL-CIO.
National Treasury Employees Union.
National Federation of Federal Employees.
National Association of Letter Carriers.
Veterans of Foreign Wars of the United States.
Paralyzed Veterans of America.
American Legion.
Disabled American Veterans.
American Medical Association.
American Hospital Association.
American Health Services Institute.
American College of Emergency Physicians.
American Protestant Health Association.
Association of American Medical Colleges.
Catholic Health Association.
Federation of American Health Systems.
National Association of Children's Hospitals and Related Institutions.
National Association of Private Psychiatric Hospitals.
National Association of Public Hospitals.
National Association of Rehabilitation Facilities.
Voluntary Hospitals of America.

National Cotton Council of America.
 U.S. Rice Producers' Group.
 National Association of Wheat Growers.
 National Milk Producers Federation.
 National Farmers Organization.
 American Postal Workers Union, AFL-CIO.
 National Conference of State Legislatures.

U.S. SENATE,
 COMMITTEE ON FINANCE,
 Washington, DC, April 2, 1992.

Hon. JIM SASSER,
 Chairman, Senate Committee on the Budget,
 Washington, DC.

DEAR JIM: I am writing to discuss the proposal in the President's budget which would create "caps" on the rate of growth of Federally funded entitlements such as Medicare, Medicaid, Guaranteed Student Loans and Veteran's Compensation payments. As you know, Senator Domenici, your Ranking Member of the Senate Budget Committee, introduced a Budget Resolution that contains an even more stringent version of entitlement caps.

Under these proposals, the rate of growth in aggregate entitlement spending would be capped each year. The maximum growth rate would be limited to the inflation rate plus the growth rate in the number of beneficiaries plus an additional percentage. Under Senator Domenici's plan, this additional percentage would be phased out to zero by 1997. According to Senator Domenici, if enforced, this would produce program cuts of \$53 Billion between 1995 and 1997.

There is no question that entitlements as a class of programs are growing very rapidly. But the reason that entitlements are growing so fast is that the health care entitlements—Medicare and Medicaid—are increasing extremely rapidly. The Congressional Budget Office, in An Analysis of the President's Budgetary Proposals for Fiscal Year 1993 estimates that between 1992 and 2002, spending for Medicare and Medicaid will increase from 3.4% of GDP to 5.9% of GDP. During the same period, all other entitlements will decrease as a percentage of GDP.

However, the problem as we all know is not really in Medicare and Medicaid, but rather in the larger health care system of this country. Between 1975 and 1990, the growth rate in per enrollee costs was 2 percent higher for private insurance than for Medicare and Medicaid. Furthermore, according to a study of the Medicaid program done last summer under the auspices of the Office of Management and Budget, 60% of the growth in Medicaid program costs between 1980 and 1990 came from overall health care inflation in the economy. The problem of explosive health care costs is expected to continue: between 1992 and 1997, the inflation rate for overall medical costs is estimated to be twice that of high as the inflation rate in the economy as a whole.

Yet an entitlement cap marks all entitlements for cuts. This approach unnecessarily puts at risk programs that assists some of the most vulnerable Americans—the elderly, the blind, the disabled, veterans, children and rural families. It could affect the beneficiaries of Aid to Families with Dependent Children, Food Stamps, Guaranteed Student Loans, Veterans Programs, Farm Price Supports, the Social Services Block Grant.

Clearly we can best restrain the cost of Medicare and Medicaid growth if we can control costs in the overall health-care system. Indeed, Dr. Robert Reischauer, the Director of the Congressional Budget Office indicated in testimony before the Senate Finance Committee in April of last year that attack-

ing health care costs through cuts in Medicare and Medicaid alone will only increase costs in the private sector. This will occur because lower payments under Medicare and Medicaid will cause health care providers to shift costs to employers and other private payers.

Therefore, while a crude "cap" on entitlement programs may reduce the Federal Government's expenditures, such caps will do nothing to arrest the underlying growth in health care costs and in fact, may exacerbate cost increases in the private sector. This effect will be especially problematic for small businesses whose health care costs are increasing at a rate far in excess of their ability to purchase insurance. The most effective way to accomplish the goal of containing growth in health care spending is to control costs in the health care system as a whole. I look forward to working with you towards this important objective. I recommend that you reject any form of entitlement caps in the Budget Resolution.

Sincerely,

LLOYD BENTSEN,
 Chairman.

COMMITTEE ON LABOR
 AND HUMAN RESOURCES,
 Washington, DC, April 6, 1992.

Hon. JIM SASSER,
 Chairman, Senate Budget Committee,
 Washington, DC.

DEAR JIM: I am writing to express my strong opposition to the arbitrary type of caps on entitlement spending proposed by President Bush and Senator Domenici.

While entitlement spending is projected to increase faster than the consumer price index and the budget as a whole in coming years, the vast majority of the "excess" increase in entitlement spending is due to Social Security—which is excluded from the current cap proposals—and to increases in Medicaid and Medicare.

Medicaid and Medicare are growing faster than other components of the economy because national health care costs are out of control. In fact, if Medicare, Medicaid, and Social Security are excluded, entitlement spending over the past decade has increased at a slower rate than the C.P.I. Between 1994 and 1997, if Senator Domenici's cap were in effect, Medicare and Medicaid would be \$68 billion over the cap, and all other entitlements would be \$15 billion below the cap.

Capping entitlement spending could have one of two results—both unacceptable. First, it could lead to arbitrary and unfair reductions in entitlements that are growing at a reasonable rate. Congress should not cut programs to feed hungry adults and children, to educate college students, to provide cash assistance to millions of elderly, disabled and other citizens living in poverty, to help poor families, and to meet retirement commitments to the military and civil service, all because health care costs are out of control.

Second, the cap proposal could lead to harsh and unacceptable cuts in spending on Medicare and Medicaid. At a time when 36 million Americans are uninsured and the number is rising every year, cuts in Medicaid would worsen an already disastrous situation and place further burdens on already hard-pressed state budgets.

Deeper cuts in Medicare would be equally unjustified. Today, Medicare already pays hospitals 10 per cent less than the cost of caring for elderly patients. As a result, the gap between Medicare payment levels and private payment levels continues to widen. In general, every dollar cut out of the Medi-

care program means a dollar in additional costs for average citizens with insurance and for businesses, as health care providers seek to recover Medicare underpayments by shifting costs to other citizens.

The solution to excessive entitlement spending is not to cap entitlements that are not out of control. It is not to slash Medicare and Medicaid while escalating costs in the health care system as a whole continues uncontrolled. In my view, the only realistic alternative is a program of comprehensive health care reform that will bring cost increases in the entire system down to a reasonable level. Until such reform is achieved, an entitlement cap proposal is not a true saving to the government—it is an unfair burden on the elderly and the poor.

I look forward to working with you on this issue, and I intend to oppose any arbitrary entitlement cap proposal.

Sincerely,

EDWARD M. KENNEDY.

U.S. SENATE,
 COMMITTEE ON VETERANS' AFFAIRS,
 Washington, DC, March 27, 1992.

Hon. PETE V. DOMENICI,
 U.S. Senate, Washington, DC.

Dear Pete: You have announced that you are planning to propose a program of direct-spending caps under which overall limits on mandatory spending (other than Social Security benefits) would be enforced through sequestration. As Chairman of the Veterans' Affairs Committee, I am deeply concerned that this proposal would subject certain veterans entitlement programs to sequestration as the result of growth in other direct spending.

The precursor of your proposal appears to be the concept put forward in the Office of Management and Budget Director's Introduction to the President's FY 1993 Budget (page 1-15) to cap aggregate mandatory spending "at population-plus-CPI" plus a specified percentage allowance (either 2.5 percent or, if comprehensive health reform has been enacted, 1.6 percent). The concept is expressed in legislative form in title XLVI of S. 2217, a bill Senator Dole and you introduced on February 7, 1992, at the request of the Administration.

As shown in the March 3, 1992, analysis of S. 2217 prepared by the Director of the Congressional Budget Office (copy enclosed), using the 2.5-percent allowance above population and inflation factors, projected increases in non-VA direct spending in FYs 1993 and 1997 would result in sequestrations of \$1.168 billion and \$15.317 billion, respectively.

However, I understand that you are contemplating the use of a smaller and declining percentage allowance—2 percent for FY 1993, 1.5 percent in FY 1997, 1 percent in FY 1994, 0.5 percent in FY 1995, and zero percent in FY 1996. I am advised that, using these percentages, the sequestrations would be \$3.3 billion in FY 1993, \$5.3 billion in FY 1994, \$11.4 billion in FY 1995, \$20.8 billion in FY 1996, and \$50.9 billion in FY 1997.

From the standpoint of veterans programs, these sequestrations would mean significant and totally unfair cuts in service-connected disability and survivors compensation, needs-based disability and death pensions for wartime veterans and their survivors, vocational rehabilitation for service-disabled veterans, and GI Bill educational benefits. I cannot imagine why you and the President believe that exposing these top-priority veterans programs to automatic reductions is good policy. In my view, the proposal is

grossly unfair and would run the risk of defaulting on this nation's most fundamental obligations to those who made great sacrifices in answering the nation's call throughout a century marked by frequent armed conflicts.

For these and many other reasons, Pete, I urge you to reconsider this entire proposal. I agree with you that the deficits must be reduced and that strong and creative efforts must be made to control the health-care costs that are driving up the costs of Medicare and Medicaid and placing adequate health care beyond the reach of millions of Americans. However, we should not try to accomplish these goals through budget gimmicks that seek to force savings by threatening arbitrary cuts in programs that address our solemn commitments to veterans and their families and the basic needs of other Americans.

With warm regards,
Cordially,

ALAN CRANSTON,
Chairman.

U.S. SENATE,
COMMITTEE ON
GOVERNMENTAL AFFAIRS,
Washington, DC, April 2, 1992.

Hon. JIM SASSER,
U.S. Senate,
Washington, DC.

DEAR JIM: It is my understanding that Senator Domenici is planning to propose a program of direct-spending caps under which overall limits on mandatory spending (other than Social Security benefits) would be enforced through sequestration. As Chairman of the Senate Governmental Affairs Committee, I am deeply concerned that this proposal would subject Civil Service retirement to sequestration as the result of growth in other direct spending.

I believe that the concept for this proposal was first put forward in the President's Fiscal Year 1993 budget to cap aggregate mandatory spending "at population-plus-CPI" plus a specified percentage allowance (either 2.5 percent or 1.6 percent). The President's budget proposed eliminating the protection from sequestration provided to the cost-of-living adjustments Federal civilian and military retirees receive. However, it proposed retaining the protection from sequestration for Social Security COLAs. The concept was expressed in legislative form in S. 2217, a bill Senator Dole and Sen. Domenici introduced on February 7, 1992, at the request of the Administration.

As I have said time and time again, I do not believe that one group of older Americans, simply because they chose public service, should be deprived of the inflation protection that other older Americans receive from Social Security. I believe that the Congress recognized this when it amended the Gramm-Rudman Budget Deficit Reduction Act in 1986 to exempt the COLAs of Federal retirees from sequestration in the same way that Social Security COLAs are exempt.

Moreover, I understand that Sen. Domenici is now contemplating the use of a formula more restrictive than that proposed in the President's budget. I am advised that the use of a smaller and declining percentage allowance—2 percent for FY 1993, 1.5 percent in FY 1994, 1 percent in FY 1995, 0.5 percent in FY 1996 and zero percent in FY 1997, would result in estimated sequestrations of \$3.3 billion in FY 1993, \$5.3 billion in FY 1994, \$11.4 billion in FY 1995, \$20.8 billion in FY 1996, and \$50.9 billion in FY 1997.

From the standpoint of Civil Service retirement, these sequestrations would mean

significant and totally unfair cuts in retiree inflation protection. In the last Congress, Sen. Domenici introduced S. 416 which was referred to the Senate Governmental Affairs Committee. That measure stated that Federal civilian and military retirees would receive their full cost-of-living adjustments in Fiscal Years 1990 and 1991. I do not understand what has changed so dramatically that these same retirees should now have their COLAs subject to sequestration.

Sincerely,

JOHN GLENN,
Chairman.

AARP,
Washington, DC, March 27, 1992.

Hon. JIM SASSER,
Chairman, Senate Budget Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The President's FY 1993 budget includes a number of proposals to change the budget process. Of special concern is the proposal to put a cap on the growth of mandatory (entitlement) spending. This type of proposal calls for growth in entitlement spending to be limited to a specific arbitrary level. If spending in any entitlement program exceeds this arbitrary ceiling, reconciliation is triggered. If reconciliation fails to bring spending into line, a sequester of entitlements results.

Any proposal to place an arbitrary cap on mandatory spending is a direct attack on Medicare and Medicaid because the growth in health care costs generally and in the federal budget has far exceeded general rates of inflation. These types of proposals do nothing to control ever-increasing health care costs. Since the early 1980's, Congress has subjected Medicare to a series of cuts. These efforts have slowed the rate of growth in Medicare. But, despite these efforts, it has not been possible to keep the rate of growth in federal health programs near the general inflation rate.

A mandatory cap would simply require ever deeper cuts in Medicare without any regard for the overall effectiveness of the program. The attached chart shows the magnitude of cuts required over the next five years (FY 93-FY 97) if the President's proposal (limiting growth to the consumer price index plus 2.5 percent) were to be adopted. Almost \$33 billion in cuts would be necessary, over and above the \$43 billion through FY 95 required by the Omnibus Budget Reconciliation Act of 1990. Other proposals with lower caps would only make these cuts worse. Cuts of this severity would endanger access and quality care for all Medicare beneficiaries.

AARP urges you to oppose any proposal to arbitrarily limit entitlement spending. They are nothing less than a thinly veiled attack on Medicare. Further, mechanistic budget "reforms" do nothing to address the real need for systemic health care reform.

Sincerely,

HORACE B. DEETS.

NATIONAL COUNCIL
OF SENIOR CITIZENS,
Washington, DC, April 2, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR CHAIRMAN SASSER: The National Council of senior Citizens (NCSC), on behalf of our five million members and 5,000 clubs and Councils nationwide, urges you to oppose Senator Domenici's proposal to place a budget cap on entitlement programs. We find

this to be the most outrageous attack on the elderly we have seen in years.

This proposal could do serious harm to such critical programs as Medicare, Medicaid, veterans' benefits, civil service, military and railroad retirement, food stamps and SSI. All of these are vital programs for the elderly which NCSC has long worked to defend. Moreover, once Congress has acted to cap trust fund financed programs, such as Medicare and railroad retirement, we foresee targeting Social Security for the next cap.

Senator, the National Council of Senior Citizens urges you to do all that is in your power to stop this assault on the elderly, the poor and the most vulnerable of our society. Thank you.

Sincerely,

LAWRENCE T. SMEDLEY,
Executive Director.

NATIONAL COMMITTEE TO PRESERVE,
SOCIAL SECURITY AND MEDICARE,
Washington, DC, April 9, 1992.

Hon. JIM SASSER,
Chairman, Senate Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR SENATOR SASSER: On behalf of the nearly five million members and supporters of the National Committee to Preserve Social Security and Medicare, I urge you to vigorously oppose the proposal to impose a cap on entitlement spending which will apparently be offered by Senators Domenici, Rudman, Nunn and Robb during Senate consideration of the budget resolution.

An entitlement cap would be simple another attempt, like the unsuccessful automatic sequestration procedures under Gramm-Rudman-Hollings, and the procedures enacted in the Budget Enforcement Act of 1990, to somehow bring the budget under control without addressing the real underlying causes of the budget deficit.

The notion that entitlement spending is responsible for the deficit turns out to be wrong when the issue is carefully considered. The Congressional Budget Office concluded in this year's report to the Budget Committees that total spending on entitlements grew rapidly as a percent of Gross Domestic Product (GDP) from the early 1960's but "most of the increase occurred by 1975." In fact over the past decade, all of the components of entitlement spending, except for Medicare and Medicaid during the 1990's is attributable primarily to spiraling health care costs and increases in the beneficiary population and merely mirrors trends in the entire health care sector. If a cap were imposed on entitlements, uncontrolled increases in medical costs will force cuts in benefits to seniors and the disabled and some of the additional costs of uncompensated care will be shifted to the private sector.

America's seniors have made many sacrifices over the years for the goal of fiscal responsibility. I strongly urge you to oppose arbitrary spending caps for entitlement programs. Congress must address this nation's health care crisis in a comprehensive and fair manner.

Sincerely,

MARTHA A. MCSTEEN,
President.

CHILDREN'S DEFENSE FUND,
Washington, DC, April 1, 1992.

Hon. JIM SASSER,
Chair, Senate Budget Committee, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my dismay that some members of the Senate are considering placing a cap upon

entitlement programs. Children, our nation's future, will be the primary victims of such an arbitrary rule. Children already face enormous burdens and obstacles in our country, and the entitlement programs for them are already the stingiest and most limited. Placing a cap upon entitlement programs will only exacerbate these problems. At a time when we have opportunities to make a real difference for our children, it is unacceptable, both morally and politically, for Congress to pass such an arbitrary rule.

The Congressional Budget Office lists the following programs which benefit children and their families as covered by an entitlement cap: Foster Care and Adoption Assistance; Medicaid, Unemployment Compensation, Food Stamps, Family Support (AFDC); Child Nutrition programs, Supplemental Security Income (SSI); and guaranteed student loans. These are the very same programs which are rescuing children and their families during this current recession. It is the very fact that they are not capped which has provided the much-needed, if wholly inadequate, "safety net."

The costs of health care are the source of the large entitlement spending increases. But capping Medicare and Medicaid is the wrong answer at a time when access to health care for the elderly and the poor is becoming harder. The nation needs a national strategy to guarantee access to health care while restraining costs in the entire health sector. Capping just Medicare and Medicaid without attacking the problems of the health care system will not control health care inflation, but it will shift costs and reduce access to quality care for the most vulnerable part of the population. Including an across-the-board cap on other entitlements that have not been growing except when driven up by recession or other crises will mean that basic programs desperately needed by children and their families, those listed above, would be cut simply by rising health costs. This is illogical and inhumane. It effectively undermines all of the very laudatory purposes which the Congress has in mind when it created these programs.

I repeat, the plight of children in America is worsening. There are now over 13 million children in our country living in poverty. Over 100,000 of our children go to sleep each night homeless. An entitlement cap will arbitrarily wreak additional havoc in vulnerable lives which need support and stability from their government. For all the same reasons that you do not want Social Security under the cap, children's programs should not be subject to a cap.

If I or my staff can be of assistance to you, please do not hesitate to contact me.

Sincerely,

MARIAN WRIGHT EDELMAN,
President.

COMMITTEE FOR EDUCATION FUNDING,
Washington, DC, April 2, 1992.

DEAR SENATOR: It is our understanding that some of the budget proposals that will be offered today in the Budget Committee would not only cut funding for all domestic discretionary programs, including education, but would further jeopardize the future of this nation by imposing another set of arbitrary mechanisms to take the place of responsible prioritizing.

The education, nutrition and health needs of our nation's children cannot continue to take a backseat to arbitrary budget caps that are used as a substitute for political will. Therefore, the member organizations of the Committee for Education Funding (CEF)

urge you to reject: (1) any budget plan or amendment that would place child nutrition and student loan programs at risk by setting a cap on all entitlement spending; (2) any proposal that cuts education or that extends the current separate budget caps on defense and nondefense spending that would result in future education cuts; and (3) any amendment that would strike a reserve fund for education and children's initiatives or that would require cuts in other education programs to pay for these initiatives.

At the same time that hundreds of economists are calling for an immediate investment in education to ensure the nation's long-term economic growth, the Administration and Congress have preserved the status quo by maintaining separate caps on defense and domestic spending, negating the possibility of a substantial investment in education this year. Extending these caps beyond FY 1993 will further delay vital reinvestment in America and nullify Congress' ability to respond to ever-changing world events.

Imposing a third cap on the budget process—a cap on entitlements—would threaten to deny school lunches to our poorest children and loans to needy students to continue their education. Capping entitlements could result in a sequester on all mandatory programs—including programs that have seen little to no real growth—without regard for the overall effectiveness of the program or the needs of our children.

The Committee for Education Funding agrees that deficit reduction is a priority. However, to sacrifice our children's educational opportunity in the name of deficit reduction is not only unconscionable, but unsound economic policy. We can no longer mortgage our children's future nor can we deny them a future of their own.

We urge you to vote against any budget proposal that would adversely affect the national investment in the education of our children.

Sincerely,

THE CEF EXECUTIVE COMMITTEE.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, April 2, 1992.

Re Caps on Entitlement Programs.

Hon. JIM SASSER,
U.S. Senate, Washington, DC.

DEAR SENATOR SASSER: The American Medical Association previously expressed concern over the Administration's FY 1993 budget proposal to cap entitlement programs. Even before the editorial that appeared in the March 30 *Washington Post*, we pointed out that such an action would only continue an unfortunate trend of effecting arbitrary cuts in human service program funding that can only lead to reduced access to needed medical services.

The results of arbitrary caps are seen each year in state Medicaid programs that simply stop paying for health care services provided at the end of the year. This type of action undercuts the very foundation of entitlement programs that are designed to address human needs and to assure that funds will be available to meet those needs.

While we certainly recognize that there are aspects of entitlement programs that need change, a cap only delays the essential step of careful examination of each program and action to redirect these programs so they truly operate to aid those individuals in need of government support. The American Medical Association urges adoption of a rational approach to address the growth of entitlement programs, rather than adoption of an

arbitrary and potentially harmful cap. We are eager to work with the Congress and the Administration in the process of a realistic review of entitlement programs to determine if current format should be retained. Such careful examination and studied action will prove to be the only effective and humanitarian way to reduce entitlement spending.

Sincerely,

JAMES S. TODD, M.D.

AMERICAN HOSPITAL ASSOCIATION,
AMHS INSTITUTE, AMERICAN COLLEGE OF EMERGENCY PHYSICIANS,
AMERICAN PROTESTANT HEALTH ASSOCIATION, ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
CATHOLIC HEALTH ASSOCIATION,
FEDERATION OF AMERICAN HEALTH SYSTEMS, NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS AND RELATED INSTITUTIONS, NATIONAL ASSOCIATION OF PUBLIC HOSPITALS, NATIONAL ASSOCIATION OF REHABILITATION FACILITIES, VOLUNTARY HOSPITALS OF AMERICA,
APRIL 1, 1992.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: As organizations representing health care providers, we strongly urge you to reject any attempt to place caps on Medicare, Medicaid, or other entitlement spending during your consideration of the fiscal year (FY) 1993 budget resolution.

Imposing caps on Medicare and Medicaid spending, as well as other entitlements, would arbitrarily restrict spending on health care without any rational basis and avoids dealing with the reasons for health care cost inflation. By failing to address the underlying causes for the growth in health spending, this proposal would aggravate, rather than relieve, the defects inherent in our health care system. Spending caps would not spur necessary fundamental change in the health delivery system so that it is more patient-centered, but would simply lock in the status quo without any real reform.

Over the years, Medicare and Medicaid have seriously underpaid most of America's providers for the care they render. Further cutbacks could only have an adverse impact on the ability of providers to continue offering the same level of high quality care.

Furthermore, placing caps on Medicare and Medicaid spending would force providers to shift more costs to privately insured patients in order to break even.

While we recognize the difficulties of achieving meaningful deficit reduction, we do not believe that placing arbitrary caps on entitlement spending should be a basis for accomplishing this end. Neither will it result in sound health policy. We, therefore, strongly urge you to oppose any effort to place caps on entitlement spending as you develop your FY 1993 budget resolution.

Sincerely,

(The Above-Listed Health Care Organizations.)

FOOD RESEARCH & ACTION CENTER,
Washington, DC, April 1, 1992.

Hon. JAMES SASSER,
Chairman, Senate Budget Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our opposition to proposed annual caps on entitlement spending. As an organization dedicated to alleviating hunger and poverty in this country, these entitlement caps will have devastating implications on our agri-

cultural and nutrition programs. The Congressional Budget Office estimates that the Domenici entitlement cap proposal will prevent approximately 12 million children currently receiving nutritional benefits from getting a nutritionally adequate diet. We urge you to defeat all attempts to cripple vital anti-hunger programs by placing entitlement caps on them.

A cap on entitlement programs is not the answer to growing program costs. Most experts agree that the root cause of the increased costs lies in the area of health care. Health care costs are spiralling at such alarming rates that even if caps are proposed, health care costs will exceed their cap. The answer is health care cost containment, not caps on nutrition programs for low income, vulnerable populations.

In a year when reports documenting childhood hunger continue to demonstrate the need for stronger anti-hunger programs, we feel the direction that the administration and some supporters of a cap are taking is ill-advised. Families facing hard times must be able to depend upon strong and viable food assistance programs. A cap on the food stamp and child nutrition programs would inevitably lead to program cuts resulting in the exclusion of eligible participants and benefit reductions.

We urge you and the members of your Committee to vigorously oppose all efforts to place these egregious caps on entitlement programs. We appreciate and applaud your continuing efforts to safeguard our nation's anti-hunger and poverty programs. Thank you.

Sincerely,

EDWARD M. COONEY,
Deputy Director.
ELLEN S. TELLER,
Staff Attorney.

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
Washington, DC, April 1, 1992.

Hon. JIM SASSER,
Chairman, Senate Budget Committee, Washington, DC.

DEAR CHAIRMAN SASSER: On behalf of the 700,000 federal workers represented by the American Federation of Government Employees, AFL-CIO, and the millions of U.S. citizens served through the federal programs we administer, I urge you to reject outright any and all attempts to impose a cap on entitlement spending during the Senate Budget Committee deliberation of the fiscal year 1993 budget resolution.

Most of the citizens who would be affected by such a cap are among the poorest and most disadvantaged in our society. Medicare, Supplemental Security Income, and Aid to Families with Dependent Children would be placed under the proposed cap. In addition, veterans, military and federal civilian retirement programs would be subject to reductions. Many of these retirees receive minimal benefits. If the proposed entitlement cap is enacted, soon lawmakers will argue that in the interest of fairness, we must cap social security as well. The administrative budgets of all these entitlement programs could also be cut under this proposal. In many federal agencies where AFGE members work such as the Health Care Financing Administration, the Department of Veterans Affairs, and the Social Security Administration, to name only a few, we are already laboring under crushing workloads. Reductions in spending for entitlement programs will serve only to stifle the delivery of benefits which American citizens need and deserve. In

addition, cuts in Medicare and Medicaid will only lead to cost shifting to another sector of the health care payment pool. What America needs is genuine health care reform, not entitlement caps.

Americans depend on these vital federal programs for their basic support. It is unfair and unconscionable to demand that they continue to sacrifice. At the same time, the entitlement cap proposal would provide for additional tax cuts of \$27 billion in 1993—increasing by \$27 billion the amount that would have to be cut from entitlement programs.

AFGE members too are worried about the deficit. But we recommend that it be reduced not by cutting benefits and earned entitlements to the needy, unfortunate and average working and middle class citizens, but by reforming the nation's health care system, reducing defense expenditures in a rational, thoughtful manner and by increasing federal revenues through higher and more progressive taxes on corporations and the wealthy. If you have any questions, please contact Beth Moten or Chapin Wilson in AFGE's Legislative Department at (202) 639-6413.

Sincerely,

JOHN N. STURDIVANT,
National President.

THE NATIONAL TREASURY
EMPLOYEES UNION,
April 2, 1992.

Hon. JIM SASSER,
U.S. Senate, Washington, DC.

DEAR SENATOR SASSER: It has come to our attention that proposals may be offered in the Budget Committee to cap entitlement spending. We ask you to oppose such amendments.

NTEU, as the exclusive representative of 150,000 active and retired federal employees, is particularly concerned about the impact of entitlement caps on federal retirees' cost of living adjustments, which would fall under such a cap. We are also very concerned that if an entitlement cap is adopted, but not met, sequestration will be the result. Federal employees have spent too much time already under furlough and RIF threats because of the possibility of sequestration. We urge you not to set up sequestration stand-offs for the future by enacting entitlement caps.

We look forward to working with you to fashion a fair and workable budget resolution.

Sincerely,

ROBERT M. TOBIAS,
National President.

NATIONAL FEDERATION OF
FEDERAL EMPLOYEES,
Washington, DC, April 3, 1992.

Senator JIM SASSER,
Chairman, Senate Budget Committee, Washington, DC.

DEAR CHAIRMAN SASSER: It has come to our attention that proposals may be offered this week in the Senate Budget Committee to place caps on entitlement spending. On behalf of the nearly 150,000 federal employees that we represent, we ask that you and your colleagues oppose these amendments.

The National Federation of Federal Employees (NFFEE) has felt the brunt of budget blows over the past eleven years. In fact a recent GAO report indicated that federal employees have taken more than \$119 billion in cuts through the 1988 budget cycle. NFFEE is particularly concerned that entitlement caps would adversely affect federal retirees' cost of living adjustments. We are also concerned that entitlement cuts that are not met will

be followed by sequestration. We urge you and your colleagues to reject any proposals that would impose entitlement caps and create a system that will inevitably result in sequestration.

Sincerely,

SHEILA K. VELAZCO,
National President.

NATIONAL ASSOCIATION OF
LETTER CARRIERS,
Washington, DC, April 1, 1992.

Hon. JAMES SASSER,
Chairman, Senate Budget Committee, Washington, DC.

DEAR CHAIRMAN SASSER: It has been brought to our attention that an amendment will be offered to your budget resolution mark, which is designed to cap entitlements.

In reviewing the amendment it appears to us that the proposal would slash entitlements resulting in cuts to active and retired letter carriers' benefits.

As a Member of the Governmental Affairs Committee you are better aware than most, that, historically, every time Congress has ventured down the road to cap entitlements, they reach the end of that road with only us; federal/postal active and retired employees, on board. All the brave talk aside, the political conclusion has always been federal/postal employees and retirees are "gettable." Members of Congress have shown themselves to be timid, if not downright frightened, about taking on other so-called entitlement programs.

Federal/postal employees and retirees have endured institutional, pay and benefits cuts, amounting to over \$1 trillion over the last 13 years. As a former President of the United States once said, "Here we go again!"

We are, therefore, asking the Members of the Budget Committee to reject this amendment and work for a solution to the budget problem that is equitable.

Sincerely,

VINCENT R. SOMBROTTO,
President.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
April 1, 1992.

Hon. PETE DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: This is written to express the shock and outrage of the 2.2 million member Veterans of Foreign Wars at your announced program to reduce VA Compensation and Pension payments to America's sick and disabled veterans by including them in a program of direct spending caps to be imposed on all mandatory federal spending with the exception of Social Security benefits.

Your proposal would seem to be based upon an Office of Management and Budget concept which was contained in the introduction to the President's FY 1993 budget—and later expressed in legislative form in title XLVI of S. 2217, a bill Senator Dole and you introduced on February 7—to cap aggregate mandatory spending so as not to exceed an annually adjusted figure based on the beneficiary population plus the CPI together with a specified percentage allowance. Your proposal would enforce those caps through sequestration.

This would constitute a grievous injustice to our disabled veterans. These sequestrations would necessitate large and totally unfair cuts in service-connected-disability and survivor's compensation, needs-based disability and death pensions for wartime veterans and their survivors, vocational rehabilitation for service-disabled veterans, and GI

Bill educational benefits. It is inconceivable to us that either you or the President would countenance and put forward this plan to subject veterans programs to automatic reductions.

Adding a note of painful irony to this plan is the fact that through the years veteran's programs have grown at a much slower rate than is even called for under your proposal's annual indexing formula. But by treating all mandatory spending as an aggregate you would lump veterans together with those non-veteran programs whose costs have far outpaced inflation, and funding for sick and disabled veterans would be sequestered as well. Veterans lose twice under this scenario, first, because unlike others they have done their part through the years by accepting COLAs that were in line with the CPI; and now, secondly, because their already meager compensation and pension payments would be subject to additional sequestration cuts under your proposal. This would be totally unjust and is at odds with our nation's moral commitment to care for those who suffered and sacrificed so much in order that we might all remain free.

Thus I urge you in the strongest terms, on behalf of the entire VFW membership as well as all of America's veterans, to refrain from pursuing this proposal which would greatly harm America's disabled veterans.

Sincerely,

ROBERT E. WALLACE,
Commander in Chief.

DISABLED AMERICAN VETERANS,
Washington, DC, April 6, 1992.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Disabled American Veterans (DAV) shares your deep concern that should Senator Pete Domenici's proposed program of direct spending caps on mandatory spending become law, it would subject certain veterans' entitlement programs to sequestration as a result of growth in other direct spending programs.

Senator Cranston, as you are well aware, VA entitlements are not a major contributing factor in the every increasing federal deficit. Quite to the contrary. The number of veterans and their survivors who receive service-connected disability and death compensation payments has been on the decline for the past several years. Additionally, the percentage of federal outlays spent on VA benefits and services has been cut in half from 4.4 percent in 1977 to 2.2 percent in 1991.

I also wish to point out that the Omnibus Budget Reconciliation Act of 1990 (OBRA) required VA to reduce spending on veterans' entitlements by \$620 million in Fiscal Year 1991 and a total of \$3.35 billion through Fiscal Year 1995. To meet these spending reduction requirements, VA was required to: suspend payments to certain incompetent veterans; institute a \$2.00 copayment for prescriptions; repeal provisions which permitted re-entitlement to survivors' benefits upon termination of a former spouse's or child's marriage; limit vocational rehabilitation to certain service-connected disabled veterans; limit burial benefits to wartime veterans and delay a COLA for service-connected disability and death benefit recipients.

While veterans' benefits were being reduced or eliminated, other federal entitlements were being enhanced. The remarriage provisions for CIA surviving spouses was liberalized and increased protection was being afforded to incompetent Social Security beneficiaries. Suffice it to say, that veterans were not treated fairly under OBRA.

To repeal current sequestration protections afforded veterans' entitlements and once again reduce veterans' benefits—especially as a result of increased spending by other federal entitlement programs—is unconscionable.

Senator Cranston, DAV certainly appreciates your efforts to point out the inequities contained in Senator Domenici's proposed program of direct spending caps and we look forward to your continuing advocacy on behalf of America's services-connected disabled veteran population.

Sincerely,

CLEVELAND JORDAN,
National Commander.

THE AMERICAN LEGION,
Washington, DC, March 31, 1992.

Hon. JIM SASSER,
U.S. Senate, Washington, DC.

DEAR SENATOR SASSER: The American Legion has learned that the Senate Budget Committee is expected to consider within the next several days a proposal which would impose enforceable caps on mandatory spending. It is our understanding that the proposal could lead to cuts in various entitlements, including such veterans benefits as disability compensation, needs-based pension, vocational rehabilitation and GI Bill educational assistance.

Our organization strongly opposes this idea. It appears that the pending plan to impose mandatory spending restraints is the 1992 version of similar initiatives in recent years to control budgetary growth by applying across-the-board cuts. As our organization has stated repeatedly, such cuts fail to consider the merit of individual entitlements. Also, they fail to consider which of those entitlements have contributed most to the burgeoning federal budget. You can be sure that veterans benefit entitlements are not within the budget-busting group.

In particular, we find it incredible one year after Operation Desert Storm that a proposal is being offered to potentially cut GI Bill benefits. This comes on the heels of (1) an administration budget which would make the "up front" cost of those benefits more expensive for the active duty member and (2) an overwhelming Senate vote several weeks ago to increase educational assistance for non-veterans by raising the maximum Pell Grant benefit by 50 percent.

Your attention to The American Legion's views on this matter is deeply appreciated.

Sincerely,

PHILIP RIGGIN,
National Legislative Director, Commission.

PARALYZED VETERANS OF AMERICA
Washington, DC, April 2, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SASSER: On behalf of the members of Paralyzed Veterans of America (PVA), I urge your strong opposition to an effort which would impose direct spending caps under which overall limits on mandatory spending would be enforced through sequestration. While PVA recognizes the importance of controlling growth in federal spending and reducing the growing national deficit, this proposal arbitrarily would subject entitlement programs for the nation's disabled and poorest veterans to sequestration; sequestration that is the result of growth in other direct spending programs. Additionally, this proposal exempts Social Security benefits thereby establishing a gross inequity in the treatment of America's veterans.

The proposal, which we understand will be sponsored by Senator Domenici, Ranking Member of the Budget Committee, is based upon the earlier OMB proposal contained in the President's Fiscal Year 1993 Budget. This earlier proposal would cap combined mandatory spending based on a "population plus CPI" with an established percentage allowance. The newer proposal would establish the cap using a smaller allowance factor.

Both these approaches to controlling mandatory spending are inherently unfair to veterans. Both would force reductions in veterans' benefits due to uncontrollable growth in other programs. To force cuts in compensation for service-connected disabilities and survivors benefits, disability pensions for wartime veterans, vocational rehabilitation and educational benefits is to abrogate the Nation's commitment to the men and women who have served in the Armed Forces.

Again, I urge your opposition to any proposal to establish mandatory spending caps which targets veterans' benefits for reduction while exempting other mandatory programs or which would cut funding of veterans' programs due to growth in other entitlement areas.

Thank you.

Sincerely,

VICTOR S. MCCOY, Sr.,
National President.

NATIONAL COTTON COUNCIL
OF AMERICA,
Washington, DC, April 1, 1992.

Hon. JIM SASSER,
Chairman, Budget Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We understand that an amendment will be offered tomorrow during the mark-up on the budget resolution. It would place a cap on total entitlement spending.

The amendment assumes a mandatory cap, effective with Fiscal Year 1994, calculated to permit caseload growth, inflation growth and an additional 2 percent growth. The additional 2 percent growth would phase out to zero by 1997, permitting entitlement programs to grow for caseload and inflation only. Social security would be excluded.

The National Cotton Council is concerned about the impact this proposal would have on agricultural programs. Compared to other entitlement programs agriculture programs differ significantly. They are fluid and respond to changes in weather patterns and global economies. Also, effective farm program operation is contingent on sufficient participation by producers. Upon sign-up each year farm program participants must comply with specific program regulations and planting restrictions including environmental requirements. Spending caps result in further uncertainty about program benefits while strict compliance for eligibility must be met.

Furthermore, economic factors as well as budget obligations are forcing farm program spending to decline while spending on other entitlement programs such as health care has been steadily increasing. With the proposed "spending cap" agriculture programs would be forced to compensate for this increase. This would result in significant reductions in important programs. Furthermore, when projected spending exceeds the "spending cap" the budget committees would be forced to reconcile and cut further to achieve a designated level required by the cap.

During the 1990 budget compromise agricultural programs were forced to assume a

disproportionate share of spending cuts. Agriculture programs are unique, and differ significantly from other programs. They cannot afford any further cutbacks and many are unable to achieve their goals because of under-funding. It is unfair to place them under a specific cap or to ask for further cuts in these programs when the entire agriculture community is already assuming more than its share in deficit reduction.

We believe in reasonable and fair approaches toward deficit reduction, but the "spending cap" proposal is neither. American farmers cannot afford to assume the burden of further cuts nor should they be forced to compensate for runaway spending in other entitlement programs. The "spending cap" singles them out and asks them to give much more than their share. Please consider this when you vote in the Budget Committee tomorrow.

Sincerely,

JOHN MAGUIRE,

Vice President—Washington Operations.

U.S. RICE PRODUCERS' GROUP,

Washington, DC, April 1, 1992.

Hon. TRENT LOTT,

Senate Committee on the Budget, SD-621 Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: We understand that an amendment may be offered tomorrow during the mark-up on the budget resolution that would place a cap on total entitlement spending.

As we understand the proposal, it would impose a mandatory cap, effective with fiscal year 1994, calculated to permit caseload growth, inflation growth and an additional 2 percent growth. The additional 2 percent growth would phase out to zero by 1997, permitting entitlement programs to grow thereafter for caseload and inflation only. Social security would be excluded under the proposal. We further understand that cuts in agriculture (function 350) would be made beginning in 1993.

We are concerned about the impact this proposal would have on the agriculture programs. Farm program spending has been declining since 1986 because of changes in legislation that froze the yield on which payments could be made, reduced the target price by 10%, and disqualified 15% of the eligible acreage from receiving any payments. On the other hand, spending on other entitlement programs such as health care programs has been steadily increasing. Under the proposed spending cap, agriculture programs would be forced to compensate for this increase. When projected spending over-all for the entitlement programs (after eliminating social security) exceeds the spending cap, the budget committees would be forced to reconcile and order cuts in all entitlement programs to achieve the designated level required by the cap. Agriculture would be included, even though it has been cut substantially since 1986 and may not have contributed at all to the increased spending.

During the 1990 budget compromise and previously, the agriculture programs were forced to assume a disproportionate share of spending cuts. Agriculture programs cannot afford any further cutbacks. In fact, most rice producers are barely scraping by and rely on the farm program to continue in business. Their costs of production have been increasing while program benefits have been declining. It is unfair to ask for further cuts in the farm programs when the entire agriculture community is assuming more than its share in deficit reduction.

We believe in reasonable and fair approaches towards deficit reduction, but the proposed amendment is not the means towards that end. American farmers should not be asked to assume the burden of further cuts nor be forced to compensate for spending increases in other entitlement programs.

Sincerely yours,

ROBERT M. BOR,
Washington Counsel,
U.S. Rice Producers' Group.

NATIONAL ASSOCIATION OF

WHEAT GROWERS,

Washington, DC, April 1, 1992.

Hon. JIM SASSER,

Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR SENATOR SASSER: On behalf of the National Association of Wheat Growers (NAWG) I would like to apprise you of our concern regarding the budget decisions you will be asked to make in the next few days.

As you may know, those of us within the agriculture arena believe our sector of the economy bore a disproportionate share of the budget cuts in the 1990 budget agreement. A majority of the \$13.6 billion in agriculture cuts fell squarely on the shoulders of program commodities such as wheat. Wheat producers saw their income support slashed via a 15 percent reduction in support acreage from 1990 through 1995. Furthermore, wheat and feed grains producers are slated for a further erosion in income in 1994 and 1995 when the budget agreement will change the way in which deficiency payments are calculated. With this as a backdrop, you can understand why our industry views budget deliberations with a great deal of anxiety.

While wheat growers recognize the need to curb federal spending, we are also adamant that spending decisions be made fairly and equitably. The NAWG is concerned about the specter of an entitlement spending cap as proposed in the President's budget. Our concern is that unless significant reforms are made in the health care arena; spending on those entitlements will force deep cuts in all entitlement areas including agriculture. In essence, farm programs may become the funding mechanism for medicare and medic-aid cost overruns.

We thank you for the opportunity to express our views. As a member of the budget committee, we urge you to carefully consider the equity impact of any entitlement cap proposal which may come before you. Agricultural spending bore a disproportionate share of the budget burden in 1990—we fear a spending cap would only serve to ratify rather than rectify the equity problem.

Sincerely,

MADISON ANGELL,
President.

NATIONAL MILK PRODUCERS

FEDERATION,

Arlington, VA, April 1, 1992.

Hon. JAMES RALPH SASSER,

U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As a member of the Budget Committee, you may soon be asked to vote on a proposal that would cap total entitlement program growth, with the exception of Social Security spending. Both the White House and Senator Domenici are developing proposals along these lines.

The National Milk Producers Federation asks you to vote against these proposals, should they come up for a vote before the committee. Adoption of such measures as part of the budget, though non-binding at this time, would establish a precedent that

could seriously threaten the public policy goal of the nation's commodity programs—providing all Americans with an adequate supply of reasonably priced, nutritious, wholesome food.

If the Domenici and Administration proposals succeed, politics—not public policy—will dictate the division of the entitlement pie. Health care, the most voracious of these programs, will grow in this constrained environment by consuming dollars normally earmarked for food stamp, child nutrition and agricultural programs.

But food stamp and child nutrition programs have large numbers of powerful and vocal advocates both inside and outside the federal legislature. The political reality is that these programs will be protected. That leaves agricultural programs as the prime source of funding for these other programs. It also means additional assessments on dairy farmers who are already paying a fair share of program costs.

There is a misconception that commodity programs, like the dairy price support program, exist specifically to help producers and are totally funded at taxpayer expense. Dairy farmers also help fund their price support program. Milk producers pay some 25 percent of the \$670 million cost of the current dairy program. Sales of dairy products from government stocks further reduce the cost of this program to taxpayers by another 20 percent.

The dairy price support program was designed to guarantee Americans a wholesome supply of affordable, nutritious, wholesome milk and dairy products and provide farmers a fair return on their labors. It only takes a trip to the dairy case of the local grocery store to prove the program works.

As business people recently faced with the lowest prices for their product in a decade, dairy farmers understand how difficult it is to operate when revenues shrink and costs climb. But balancing the budget on the backs of farmers, and destroying the programs that ensure the food Americans eat is available in adequate supply at reasonable cost, is not the solution.

For these reasons, the National Milk Producers Federation asks that you vote against efforts to cap entitlement growth at the expense of the public policies that feed the nation.

Sincerely,

JAMES C. BARR, CAE,
Chief Executive Officer.

NATIONAL FARMERS ORGANIZATION,

Washington, DC, April 2, 1992.

Hon. JIM SASSER,

Chairman, Senate Budget Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We understand that an amendment will be offered today on the mark up on budget resolution that would place an additional cap on entitlement spending.

It is our understanding that effective with the fiscal year 1994, entitlement spending would be limited to case load growth, inflation growth and an additional 2% growth. The additional 2% growth would be phased out to zero by 1997 permitting entitlement programs to increase for case load and inflation only. Social security would be excluded.

The National Farmers Organization and National Farmers Union are opposed to this proposal as it would affect agriculture programs. During the 1990 budget compromise farm programs took a very significant and disproportionate cut in comparison to other entitlement programs. As you are aware, the

food stamp program and other nutrition programs administered by USDA have been increasing significantly while farm program spending has decreased by 40% to 50%.

This across the board cap on entitlement spending will result in agriculture taking a further disproportionate share of spending cuts. It is unfair to ask for further cuts in these farm programs when the entire agricultural community is already assuming more than its share in deficit reduction.

American farmers cannot afford to assume the burden of further cuts nor should they be forced to compensate for increased spending in other entitlement programs. The spending cap, in effect, singles them out and asks them to give more than their share. Please give this your consideration as you proceed with the budget resolution.

Sincerely,

NATIONAL FARMERS
ORGANIZATION,
GRANT B. BUNTROCK,
Director, Washington
Office.

NATIONAL FARMERS UNION,
MIKE DUNN,
Vice President for Leg-
islative Services.

AMERICAN POSTAL
WORKERS UNION, AFL-CIO,
Washington, DC, April 10, 1992.

ATTENTION: OPPOSE DOMENICI AMENDMENT TO
BUDGET RESOLUTION

DEAR SENATOR: I am writing to urge that you oppose the ill-conceived amendment to cap entitlements.

An entitlement cap would bludgeon programs that are not responsible for the deficit. For instance, the Federal civilian employee retirement programs are estimated to have a surplus of \$27.8 billion for Fiscal Year 1993. This surplus will be used to finance the deficit in other Federal programs. In fact, over the past decade, all Federal retirement and disability programs declined as a percentage of Gross Domestic Product from 1.3 to 1.1 percent. In part, this reflects the fact that the Congress took action in the 1980's to control costs in Federal employee retirement programs.

In contrast, spending for Medicare and Medicaid will continue to increase. A vote to cap entitlement spending therefore, will really mean that the Congress wants to cut programs like Federal employee retirement that are under control because it is unwilling to tackle the reforms needed in the health care system. An entitlement cap is an irresponsible, simple-minded effort to cut programs that are not part of the problem.

The American Postal Workers Union strongly urges you to vote NO on the Domenici amendment.

Sincerely,

MOE BILLER,
President.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, April 9, 1992.

HON. JIM SASSER,
Chairman, Senate Budget Committee,
Washington, DC.

DEAR SENATOR SASSER: I am writing on behalf of the National Conference of State Legislatures to express our concern regarding the entitlement cap provision in the Domenici, Nunn, Rudman and Robb substitute budget resolution. While NCSL recognizes the impact that mandatory spending is having on the federal budget deficit, we would like to voice our concern that any limit on

such spending must not result in state and local governments being required to increase our expenditures. We are especially concerned about any approach that would cap means-tested entitlement programs.

With more than 30 states now facing extremely difficult budgetary situations, state legislatures strongly feel that the federal government should not attempt to address its budget problems by imposing additional costs on already tight state budgets. If Congress desires to address the mandatory spending problem, NCSL respectfully requests that discussion take place between Congress, states, and local governments to ensure that any future spending controls do not adversely affect state and local finances.

NCSL looks forward to working with Congress on this important issue, and please do not hesitate to contact us if we can provide any assistance. Thank you for your consideration of our concerns.

Sincerely,

WILLIAM T. POUND,
Executive Director.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. I yield 1 minute to the Senator from Arizona.

Mr. DECONCINI. Mr. President, in trying to discuss this in the framework that this is not a cut in veterans' benefits is just not telling the American public, veterans, or our colleagues here, what is really a fact. I have served on the Committee on Veterans' Affairs more than 10 years. If we do not exempt them, there will be over \$1 billion cut in future years, as pointed out by the Senator from Tennessee. And if you want to show how brave you are, what a great veteran you are, and want to cut the benefits provided to disabled veterans, now is the time to vote for it. It is as simple as that. You can demagog it and pretend all you want, but you are going to cut the most vulnerable veterans and their survivors.

We will go down the list. Why do we have entitlement programs? Because we do not set priorities on raising enough revenue to run our own Government. Rightfully so, with disabled American veterans, we said, "You are entitled to something because we do not have the courage to fund it." That is why I am going to vote in favor of this amendment.

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute.

Mr. DOMENICI. Mr. President, I will yield to no one else. The majority leader will yield me 1 minute, and I yield 1 minute off of the resolution, giving me 2 minutes.

Mr. DOMENICI. I want to read a quote from the CONGRESSIONAL RECORD of March 26, 1992: "It is true that entitlements and mandatories are swallowing us whole. They are going to swallow us like the whale swallowed Jonah. But, unhappily, we will not be able to emerge from the mammoth fish as well as did Jonah. It is going to take a long, long time for our country to emerge from the octopus that is inhaling and destroying us little by little at first, but surely, in the final analysis, it will get us."

The distinguished chairman of the Appropriations Committee made that statement in the RECORD.

Mr. President, I believe the disabled veterans of America are worried about whether our children have any economic future and whether theirs do. This whole proposal is to save our children from poverty. I believe the Disabled American Veterans would like us to treat them as fairly as all other people on entitlement, and we are going to. We are suggesting that they all be looked at once a year to see whether, together, they are breaking this target, which gives tremendous room for expansion.

But we will look at all of them every year to see if they are breaching that target. Probably they will not get cut and anyone that says this will cut them has not read the amendment, does not understand what we are doing because the committees will decide year by year whether we have breached the target and, if we have, they will determine how we reduce spending.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I yield 30 seconds to the Senator from California.

Mr. CRANSTON. Mr. President, I believe that this proposal would lead in the first year to cuts of \$92 million and before long, possibly within 3 years, cuts of over \$1 billion in programs that are essential to the well-being of disabled veterans. We owe them a tremendous debt that can never be fully repaid. Cutting now our obligation to them is, I believe, a very grave and unfortunate mistake.

Mr. President, I rise in support of the majority leader's second-degree amendment to exempt veterans compensation from the arbitrary direct-spending caps that otherwise would be imposed as a result of the proposal of the Senator from New Mexico [Mr. DOMENICI]. As chairman of the Committee on Veterans' Affairs, I am deeply concerned that, without the exemption in this amendment, the Domenici proposal would expose veterans entitlements to reductions as the result of growth in other direct-spending programs. The major veterans organizations oppose the Domenici proposal and, in letters to the chairman of the Budget Committee, to Senator DOMENICI, and to me, have strongly expressed their opposition to direct-spending caps. They are alarmed at the effect this could have on compensation for service-disabled veterans and the survivors of those who died from service-connected causes and on education and other benefits that veterans earned through service to their country.

Mr. President, this proposal is derived from the OMB Director's Introduction to the President's fiscal year 1993 budget, which proposed to cap ag-

gregate mandatory spending at population-plus-CPI, plus a specified percentage allowance—either 2.5 percent or, if comprehensive health reform has been enacted, 1.6 percent. That proposal was included in title 46 of S. 2217, a bill introduced by Senators DOLE and DOMENICI on February 7, 1992, at the request of the administration.

The Domenici amendment is similar, but contains smaller, and declining, percentage allowances: starting at 2 percent for fiscal year 1994 and declining to zero percent for fiscal year 1997. CBO has estimated that these percentages would force sequestrations of \$3.4 billion in fiscal year 1995, \$10 billion in fiscal year 1996, and \$39.5 billion in fiscal year 1997.

From the standpoint of veterans programs, these caps would require totally unfair cuts in—

Service-connected-disability and survivors compensation;

Needs-based disability and death pensions for wartime veterans and their survivors;

Vocational rehabilitation for service-disabled veterans; and

GI Bill educational benefits.

The Domenici proposal would force cuts of \$92 million in veterans' service-connected disability and death compensation and \$26 million in pensions for fiscal year 1995, rising to \$1.26 billion in compensation and \$338 million in pensions for fiscal year 1997, according to CBO data.

Mr. President, as I noted earlier, veterans organizations strongly oppose entitlement-cap proposals such as the one contained in the Domenici proposal.

The American Legion in a March 31 letter to the chairman of the Budget Committee, Senator SASSER, has stated:

Our organization strongly opposes this idea *** [We find it incredible one year after Operation Desert Storm that a proposal is being offered to potentially cut GI Bill benefits.

In an April 1 letter to Senator DOMENICI, the Veterans of Foreign Wars has stated:

This is written to express the shock and outrage of the 2.2 million member Veterans of Foreign Wars *** This would constitute a grievous injustice to our disabled veterans. These sequestrations would necessitate large and totally unfair cuts in service-connected-disability and survivor's compensation, needs-based disability and death pensions for wartime veterans and their survivors, vocational rehabilitation for service-disabled veterans, and GI Bill educational benefits. The Disabled American Veterans, in an April 6 letter to me, said:

To repeal current sequestration protections afforded veterans' entitlements and once again reduce veterans' benefits—especially as a result of increased spending by other federal entitlement programs—is unconscionable.

Finally, in an April 2 letter to Senator SASSER, the Paralyzed Veterans of America said:

[T]his proposal arbitrarily would subject entitlement programs for the nation's dis-

abled and poorest veterans to sequestration. *** To force cuts in compensation for service-connected disabilities and survivors benefits, disability pensions for wartime veterans, vocational rehabilitation and educational benefits is to abrogate the Nation's commitment to the men and women who have served in the Armed Forces.

Mr. President, I ask unanimous consent that copies of these letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CRANSTON. Mr. President, veterans know that threats of sequestration are not mere bluffs. They are not empty threats of a doomsday that never occurs. Sequestrations have occurred and they have resulted in cuts in veterans programs. In fiscal year 1986, the VA medical care account appropriation was reduced by \$118 million under sequestration. The fiscal year 1990 sequestration, which was 1.4 percent for nondefense accounts, reduced that appropriation by \$159 million. These sequestrations were very harmful. The entitlement-cap sequestrations that would occur under the Domenici proposal would be far greater than the fiscal year 1986 and fiscal year 1990 sequestrations.

Mr. President, even granting that the purpose of sequestration is to force the action necessary to avoid a sequester, history teaches us that this proposal is extremely dangerous to veterans. In 1990, in order to avoid a sequester, Congress adopted reconciliation instructions that required veterans program cuts totaling \$620 million in fiscal 1991 and \$3.35 billion over the 5-year period fiscal year 1991 through 1995. The resulting reconciliation legislation enacted in November 1990 inflicted some serious, very painful cuts. Additional cuts resulting from this entitlement cap necessarily would be extremely painful.

Mr. President, that pain would be much more than financial hardship. It also would be the sting of a slap in veterans' faces—an extremely hard and unfair slap coming so soon after the congressional praise of our Armed Forces that we all heard last year as our troops came back from the gulf. Many of those troops are now veterans, and they and veterans of all wars deserve the benefits that this amendment puts in jeopardy.

Mr. President, I cannot imagine why the advocates of direct-spending caps believe that exposing these top priority veterans programs to automatic reductions is good policy. The proposal is grossly unfair and would run the risk of defaulting on this nation's most fundamental obligations to those who made great sacrifices in answering the nation's call throughout a century marked by frequent armed conflicts.

Mr. President, a CBO analysis of the direct spending programs that would be

aggregated under the Domenici caps shows that costs of health care programs—Medicare and Medicaid—would cause the caps to be exceeded. The costs of veterans' entitlements would stay fairly constant.

Mr. President, it is extremely important that skyrocketing health care costs be restrained. That issue must be faced head on. Every responsible national health care proposal must address it.

What is particularly ironic about the Domenici proposal is that it is not accompanied by a serious proposal to restrain health care costs. Likewise, the President's spending cap legislation, in S. 2217, was not accompanied by a proposal to control health care spending.

If the Senator from New Mexico has a workable solution to the problem of inflation in Medicare and Medicaid, he should bring it forward for consideration. The need for responsible, effective proposals is clear. He should make one.

But, Mr. President, the Senator should not avoid that task himself and, instead, take veterans' entitlements and other mandatory programs hostage and threaten deep cuts in them if no one else produces a workable solution. Rather than proposing a real solution to the health care crisis in this country, the President and other supporters of entitlement caps have decided to avoid the issue: they accept the status quo—huge increases in health care costs and millions of Americans shut out of health care—and pay for the increases with real and painful across the board cuts in all entitlement programs that serve veterans and other deserving and needy individuals.

Ultimately, Federal deficits must be reduced and strong and creative efforts must be made to control health care costs that are driving up the costs of Medicare and Medicaid and placing adequate health care beyond the reach of millions of Americans. However, we should not try to accomplish these goals through budget gimmicks that threaten arbitrary cuts in programs that address our solemn commitments to veterans and their families and basic needs of other Americans.

Mr. President, I hope the Senate will reject the Domenici proposal—but, in case it does not, I urge my colleagues to support this second-degree amendment to exempt veterans disability compensation from the unfair cuts that the Domenici plan would produce.

EXHIBIT 1

THE AMERICAN LEGION,

Washington, DC, March 31, 1992.

Hon. JIM SASSER,
U.S. Senate, Washington, DC.

DEAR SENATOR SASSER: The American Legion has learned that the Senate Budget Committee is expected to consider within the next several days a proposal which would impose enforceable caps on mandatory spending. It is our understanding that the proposal could lead to cuts in various enti-

tiements, including such veterans benefits as disability compensation, need-based pension, vocational rehabilitation and GI Bill educational assistance.

Our organization strongly opposes this idea. It appears that the pending plan to impose mandatory spending restraints is the 1992 version of similar initiatives in recent years to control budgetary growth by applying across-the-board cuts. As our organization has stated repeatedly, such cuts fail to consider the merit of individual entitlements. Also, they fail to consider which of those entitlements have contributed most to the burgeoning federal budget. You can be sure that veterans benefit entitlements are not within the budget-busting group.

In particular, we find it incredible one year after Operation Desert Storm that a proposal is being offered to potentially cut GI Bill benefits. This comes on the heels of (1) an administration budget which would make the "up front" cost of those benefits more expensive for the active duty member and (2) an overwhelming Senate vote several weeks ago to increase educational assistance for non-veterans by raising the maximum Pell Grant benefit by 50 percent.

Your attention to The American Legion's views on this matter is deeply appreciated.

Sincerely,

PHILIP RIGGIN,

Director, National Legislative Commission.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, April 1, 1992.

Hon. PETE DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: This is written to express the shock and outrage of the 2.2 million member Veterans of Foreign Wars at your announced program to reduce VA Compensation and Pension payments to America's sick and disabled veterans by including them in a program of direct spending caps to be imposed on all mandatory federal spending with the exception of Social Security benefits.

Your proposal would seem to be based upon an Office of Management and Budget concept which was contained in the introduction to the President's FY 1993 budget—and later expressed in legislative form in title XLVI of S. 2217, a bill Senator Dole and you introduced on February 7—to cap aggregate mandatory spending so as not to exceed an annually adjusted figure based on the beneficiary population plus the CPI together with a specified percentage allowance. Your proposal would enforce these caps through sequestration.

This would constitute a grievous injustice to our disabled veterans. These sequestrations would necessitate large and totally unfair cuts in service-connected-disability and survivor's compensation, needs-based disability and death pensions for wartime veterans and their survivors, vocational rehabilitation for service-disabled veterans, and GI Bill educational benefits. It is inconceivable to us that either you or the President would countenance and put forward this plan to subject veterans programs to automatic reductions.

Adding a note of painful irony to this plan is the fact that through the years veteran's programs have grown at a much slower rate than is even called for under your proposal's annual indexing formula. But by treating all mandatory spending as an aggregate you would lump veterans together with those non-veteran programs whose costs have far outpaced inflation, and funding for sick and

disabled veterans would be sequestered as well. Veterans lose twice under this scenario, first, because unlike others they have done their part through the years by accepting COLAs that were in line with the CPI; and now, secondly, because their already meager compensation and pension payments would be subject to additional sequestration cuts under your proposal. This would be totally unjust and is at odds with our nation's moral commitment to care for those who suffered and sacrificed so much in order that we might all remain free.

Thus I urge you in the strongest terms, on behalf of the entire VFW membership as well as all of America's veterans, to refrain from pursuing this proposal which would greatly harm America's disabled veterans.

Sincerely,

ROBERT E. WALLACE,
Commander-In-Chief.

DISABLED AMERICAN VETERANS,
Washington DC, April 6, 1992.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Disabled American Veterans [DAV] shares your deep concern that should Senator Pete Domenici's proposed program of direct spending caps on mandatory spending become law, it would subject certain veterans' entitlement programs to sequestration as a result of growth in other direct spending programs.

Senator Cranston, as you are well aware, VA entitlements are not a major contributing factor in the ever increasing federal deficit. Quite to the contrary. The number of veterans and their survivors who receive service-connected disability and death compensation payments has been on the decline for the past several years. Additionally, the percentage of federal outlays spent on VA benefits and services has been cut in half from 4.4 percent in 1977 to 2.2 percent in 1991.

I also wish to point out that the Omnibus Budget Reconciliation Act of 1990 (OBRA) required VA to reduce spending on veterans' entitlements by \$620 million in Fiscal Year 1991 and a total of \$3.35 billion through Fiscal Year 1995. To meet these spending reduction requirements, VA was required to: suspend payments to certain incompetent veterans; institute a \$2.00 copayment for prescriptions; repeal provisions which permitted re-entitlement to survivors' benefits upon termination of a former spouse's or child's marriage; limit vocational rehabilitation to certain service-connected disabled veterans; limit burial benefits to wartime veterans and delay a COLA for service-connected disability and death benefit recipients.

While veterans' benefits were being reduced or eliminated, other federal entitlements were being enhanced. The remarriage provisions for CIA surviving spouses was liberalized and increased protection was being afforded to incompetent Social Security beneficiaries. Suffice it to say, that veterans were not treated fairly under OBRA.

To repeal current sequestration protections afforded veterans' entitlements and once again reduce veterans' benefits—especially as a result of increased spending by other federal entitlement programs—is unconscionable.

Senator Cranston, DAV certainly appreciates your efforts to point out the inequities contained in Senator Domenici's proposed program of direct spending caps and we look forward to your continuing advocacy

on behalf of America's service-connected disabled veteran population.

Sincerely,

CLEVELAND JORDAN,
National Commander.

PARALYZED VETERANS OF AMERICA,
Washington, DC, April 2, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SASSER: On behalf of the members of Paralyzed Veterans of America [PVA], I urge your strong opposition to an effort which would impose direct spending caps under which overall limits on mandatory spending would be enforced through sequestration. While PVA recognizes the importance of controlling growth in federal spending and reducing the growing national deficit, this proposal arbitrarily would subject entitlement programs for the nation's disabled and poorest veterans to sequestration; sequestration that is the result of growth in other direct spending programs. Additionally, this proposal exempts Social Security benefits thereby establishing a gross inequity in the treatment of America's veterans.

The proposal, which we understand will be sponsored by Senator Domenici, Ranking Member of the Budget Committee, is based upon the earlier OMB proposal contained in the President's Fiscal Year 1993 Budget. This earlier proposal would cap combined mandatory spending based on a "population plus CPI" with an established percentage allowance. The newer proposal would establish the cap using a smaller allowance factor.

Both these approaches to controlling mandatory spending are inherently unfair to veterans, both would force reductions in veterans' benefits due to uncontrollable growth in other programs. To force cuts in compensation for service-connected disabilities and survivors benefits, disability pensions for wartime veterans, vocational rehabilitation and educational benefits is to abrogate the Nation's commitment to the men and women who have served in the Armed Forces.

Again, I urge your opposition to any proposal to establish mandatory spending caps which targets veterans' benefits for reduction while exempting other mandatory programs or which would cut funding of veterans' programs due to growth in other entitlement areas.

Thank you.

Sincerely,

VICTOR S. MCCOY, Sr.,
National President.

Mr. SANFORD. Mr. President, the debate on entitlement growth has been excellent. We all agree that health care costs are out of control. I support serious reform that will hold down health care costs and provide affordable health care for everyone. Health care inflation accounts for most of the growth in entitlement programs and those entitlement programs not causing the problem should not be penalized because health care costs are out of control. We need major health care reform, and I will support a sound proposal to bring health care entitlement costs down. But penalizing entitlements that are not part of the problem is not the best approach. We need a plan first that will control the entitlement growth that is taking place.

Mr. SIMON. Mr. President, I rise in opposition to Senator DOMENICI's sub-

stitute amendment to the budget resolution.

The Domenici-Nunn amendment does focus our attention on an issue of great importance, the need to get our deficit under control. Our deficit for the next fiscal year is approaching \$400 billion, and in the next fiscal year we will spend \$316 billion in interest on the national debt.

Despite my support for reducing the deficit, the kind of entitlement cap contained in the Domenici-Nunn amendment is not the answer. This proposal would establish a limit on entitlement spending, beginning in fiscal year 1994. Entitlement spending would be allowed to increase to accommodate population increases, inflation, and an additional 2 percent in fiscal year 1994. This additional amount would be phased out by fiscal year 1997.

If entitlement spending breached these caps, a legislative reconciliation process or a sequestration process would be triggered, forcing across the board reductions in important entitlement programs. The programs which would be cut across the board include food stamps, child nutrition, supplemental security income, veterans' benefits, guaranteed student loans, housing assistance, and on and on. This would be a disaster for our country. According to the Senate Budget Committee, this proposal would force more than \$50 billion in entitlement cuts over 5 years. These kinds of reductions would occur in programs which benefit those in our society most in need of help.

We need to take a closer look at entitlement spending. When we do that, we can see clearly that the large increases in entitlement spending are concentrated in two programs: Medicare and Medicaid. But under this entitlement cap, all entitlement programs would be cut across the board. We should not accept across the board sequestrations in all entitlement programs, because the costs of health care causes large increase in two entitlement programs.

Let's look at some specifics: The Secretary of Health and Human Services, in the 1993 budget, states that we will expend 10 percent more on Medicare in 1993 than in 1992. This is similar to the rate of growth in the recent past—and similar to current growth in health care spending generally.

According to CRS, for more than 20 years Medicare costs, part A, have grown at a faster rate than inflation. From the mid 1970's to the early 1980's, the CPI rose by a cumulative 85 percent and Medicare hospital insurance payments rose 242 percent. Between 1983 and 1990, hospital payments rose by 57 percent while the CPI rose 30 percent.

These numbers reflect the overall increases in the costs of providing health care nationally, particularly hospital

care, which is such a large part of the health care needed by the elderly.

What we need is leadership from the President and Congress. We need to consider comprehensive health care reform. That's the way we should begin to address the large spending increases in Medicare and Medicaid.

I want to discuss, in real terms, what this proposal would mean to one entitlement program which I care a great deal about: Vocational rehabilitation. This entitlement cap proposal would reduce an already capped entitlement and deny employment related services to millions of Americans with disabilities.

The Rehabilitation Act State Grant Program is an entitlement to States, not to individuals. It is an already capped entitlement. It is capped at the level of the annual cost of living increase. There is no entitlement for the Rehabilitation Act that allows for growth in number of eligible individuals.

The effect of including the Rehabilitation Act under the umbrella cap for all entitlement programs is to make annual reductions in this program to allow for the continued casework load in programs that include entitlements to the individuals. The cuts could be a couple hundred million dollars in the next 5 years.

There is a great deal of sentiment among advocates for persons with disabilities for making the Rehabilitation Act State Grant Program an entitlement based on eligible individuals. That clearly is not going to happen in the near future. So it is ironic and frustrating that the program is being penalized for not being an entitlement to individuals.

I would remind my colleagues that the Rehabilitation Act State Grant Program is the only federally funded program that provides comprehensive services designed specifically to place individuals with disabilities into competitive employment. Some years ago, I asked CBO for a written statement on whether this program actually produces revenues for the Federal Government because of the pay-back from making independent taxpayers out of persons who are otherwise on other entitlement programs. The answer was a resounding yes. Expenditures on vocational rehabilitation are repaid within 4 years as a result of reductions in welfare, food stamps, and other social support programs. State estimates on the dollars saved per dollar invested for vocational rehabilitation are generally in the neighborhood of \$10 saved for \$1 spent on services.

Persons with disabilities have unemployment rates above 66 percent, the highest of any group in our Nation. We enacted the Americans with Disabilities Act to end the discrimination keeping many of these individuals out of jobs. But the reality is that unless

we provide the rehabilitation services to accompany these new rights, the impact on employment of persons with disabilities will be minor.

The program at currently funded levels serves an estimated 1 out of 20 eligible persons with a disability. That percentage would be significantly cut if the proposed entitlement cap were enacted. I ask my colleagues to consider these issues. I am sure that not one of them wants these drastic cuts in a program that helps put persons with disabilities to work.

Mr. CHAFEE. Mr. President, I shall vote against the amendment. It is clear disabled veterans' pensions are not going to be affected one iota under the Domenici proposal. The real question is: Are we going to make any effort to control the deficits of this Nation, which are going to have to be paid by our children?

Everyone says we must do something about the deficits as long as our efforts are guaranteed not to affect anyone. Currently, deficits are at the rate of \$400 billion a year. The net interest on the Federal debt is \$200 billion per year and increasing every year. That \$200 billion per year is payment on interest. None of those dollars go for principal payments, but all is solely for interest.

If we are going to deal with the entitlements, we cannot exempt every program thereunder, even though some programs, such as disabled veterans, would be unaffected.

The Domenici approach is not perfect and, I hope, will be improved as we go through the legislative process. Nonetheless, it is an honest attempt to deal with the deficits.

Mr. ROCKEFELLER. Mr. President, I oppose the Domenici-Rudman substitute amendment.

An entitlement cap is not an effective or fair way to deal with our budget deficit. I believe we must tackle the deficit. We must face the hard choices. But we should not shy away from choices by hiding behind a defective mechanism—an across the board entitlement cap.

We have made real progress in reducing the costs in the Medicare Program. The rate of growth is less than in the private sector, so that Medicare is not the real culprit. Capping Medicare without doing anything to the private sector will result in further cost shifting and only exacerbate the situation. If I have learned anything from reforming health care these last years, it is that you cannot just treat the symptoms—you have to treat the disease. To reduce further growth in health care costs, we need comprehensive reform, not a strategy that attacks our most vulnerable citizens.

Further cuts in Medicare and Medicaid programs will mean closing vulnerable rural hospitals. Further cuts in these programs will result in more physicians turning away millions of Medi-

care and Medicaid patients. We will inflict real hardship on older and disabled Americans. We should have learned by now that this piecemeal approach will not work—it will not solve the problems of health care inflation. The real solution is comprehensive, systemwide health care reform.

While health care programs will sustain the biggest cuts, other valuable programs will be reduced. Veterans, including those injured in the line of duty, will face cutbacks. We would be callously turning our backs on men and women who literally risked their lives and deny them benefits that they and their families depend upon.

Foster care is an entitlement program. A cap on entitlement could mean that a battered child would have to live in an abusive home if funding ran out.

Nearly 25 million Americans—117,610 in West Virginia—depend on food stamps, an entitlement program. It would not be fair to impose a cap on such a basic nutrition program during a recession when parents are struggling to feed their child.

We must face our responsibility and find effective ways to reduce the deficit. We need a fair and reasonable cure, not a quick fix that masks the symptoms and attacks our most vulnerable and deserving citizens.

Mr. BOND. Mr. President, we have heard quite a few things from the other side of the aisle that imply there is some set of rules one must comply with before one's credentials are sufficient to talk about cutting the deficit.

So I decided to see how many of us have been putting our money where our mouths are and reviewed several votes cast just in the past month.

The first, offered by Senator LEVIN on March 12, 1992, would have eliminated the election year gimmick tax cut in the Democrats tax bill, and instead used the revenues raised by raising taxes on the wealthy and small businesses for two purposes:

First, deficit reduction, 75 percent; and

Second, infrastructure.

This obviously should have been supported by all who believe the deficit is vital—but it lost 57 to 38, with 33 Republicans and only 5 Democrats supporting it.

Thus vote No. 1, to use increased taxes to cut the deficit, rather than provide for other tax cuts was defeated.

Vote No. 2, March 13, 1992, Kasten amendment to freeze for 5 years in domestic and international spending, using the President's defense number—and then using some of the savings to pay for economic growth package, the rest for deficit reduction.

This loses as well, 61 to 36—35 Republicans, 1 Democrat support.

Thus vote 2, cutting spending to cut taxes and reduce the deficit also loses.

Vote No. 3, March 26, 1992, remove the walls between defense and non-

defense—or in other words save the peace dividend and apply it to reducing the deficit, or spend the defense cuts by removing the walls. Surprisingly the amendment falls on a procedural vote 48 to 50, with 40 Republicans and 8 Democrats defeating motion to invoke cloture. Thus the cut the deficit reduction crowd wins, but only because opponents needed 60 votes.

Vote No. 4, April 9, 1992, Exon amendment to cut defense in the first year more than President's request. Defeated 45 to 50, with 37 Republicans and 13 Democrats opposed. However, of those supporting the bigger cut, 42 of the 45 were already on record as supporting spending the peace dividend, so really only 3 were serious about using additional defense cuts to reduce the deficit. They were Senators EXON, GRASSLEY, and JEFFORDS.

The other 42 obviously only care about defense cuts because they want to spend them, in fact during the debate the phrase was used "we'll park these funds until we can get at them later."

Thus, only three Senators can claim deficit reduction glory on this vote.

Vote No. 5, April 8, 1992: Motion to waive the Budget Act so the Senate can pass amendment calling on Congress to pass a balanced budget amendment. The motion to waive wins by a vote of 63 to 32.

Vote No. 6, April 9, 1992: Senator SEYMOUR wants to cut Congress by 25 percent over 2 years. Senator SASSER adds in similar cuts for executive branch and White House. Amendment passes 52 to 42, thus another vote truly to cut something real is actually successful.

So what's the scorecard?

Of my friends who have been the most vocal on the other side of the aisle about how we need credentials before entering this debate, most could only find it in their heart to vote for one of the six, and that was to cut defense. And even that vote was only after they had first voted to allow those funds to be spent. So who is really serious and who is status quo?

But what are we to conclude: Almost half the Senate would rather raise taxes and then give away the new revenues rather than reduce the deficit. They don't want to cut Congress or the executive agencies by 25 percent over 2 years. They oppose freezing discretionary spending for 5 years; they oppose a balanced amendment; and while they want to cut defense, all but a few want to spend it on something else.

Is it any wonder we have \$400 billion deficits?

And now we have the ultimate test. The Domenici-Nunn-Rudman-Robb proposal. It cuts everything. Defense, \$35 billion below the President; domestic \$70 billion, 5-year cut; freeze international spending for 5 years, saving nearly \$10 billion. And then it assumes a cap on the rate of growth, beginning

in 1994, on all mandatory spending except Social Security.

Naturally, this proposal also failed, as the test vote garnered only 28 votes. If I would have been a betting man I would have bet the house on this outcome, but Mr. President, I want to express my support, my admiration but also my disappointment with the Domenici-Nunn-Rudman-Robb substitute.

I support it because I believe it is the most serious budget deficit reduction proposal on the horizon. And while I realize it was a vain hope that those who have been preaching about cutting the deficit would have put their money where their mouth is, if you don't have some hope you don't belong in public service.

But, Mr. President, I do wish to express my admiration for the courage of this gang of four who have decided that the good of the country is more important than the siren call of the interest groups. All who support this proposal should at a minimum get a red badge for political courage.

But I must also point out my disappointment with the proposal, for while it retains the 5-year freeze on foreign aid, it abandons the freeze in domestic spending. Instead, nearly all the additional defense savings above the President's defense cuts are spent.

I think this misses a real opportunity to balance the budget by the turn of the century, but I will certainly not oppose this otherwise ambitious plan because of it.

Mr. KERREY. Mr. President, I rise in strong opposition to this amendment. There is no question that the soaring deficit is an enormous problem that must be addressed—but this amendment is the wrong solution.

Health care costs are skyrocketing. This year our Nation will spend nearly \$800 billion on health care. At a time when U.S. firms face stiff international competition and a lingering recession, they will also face 20- to 30-percent increases in employer health insurance premium costs. Families, already coping with economic problems caused by a recession, will see their coverage decline, their out-of-pocket spending on health care rise, and their insecurity grow as they fear a loss or change of jobs will plummet their families into medical indigency.

The Bush response to this crisis is to give it a little lip service, then hope it goes away quietly. Today we debate an equally useless response in the form of a proposed cap on entitlement spending.

We all know what the problem is here. The health entitlements, namely Medicare and Medicaid, are driving the deficit. Between 1993 and 1997, 85 percent of the growth in entitlement programs is expected to come from the health care entitlements. CBO predicts that health care will consume 22 percent of all Federal spending by 1997. As

health care costs continue to go up, the chances of our controlling the deficit go down.

Simply capping the entitlements is not a solution. Capping the entitlements requires that our most vulnerable citizens, seniors, low income women, infants and children, and others, to bear the brunt of health care costs over which they have absolutely no control. Capping entitlements will wreak havoc on the private side of our health care system as the costs of the cap are shifted irrationally to private payers of health care. Capping entitlements is a backdoor and fraudulent attempt to sidestep the serious problems with our current health care system.

This proposal illustrates the need for a comprehensive reform of our Nation's health care financing system. Unless we have a comprehensive solution, the fragmented nature of our current system will result in continued cost-shifting and inequities in payment and coverage. It illustrates the need for a comprehensive solution, such as the Health USA Act of 1991, which I introduced last year, that restructures how we finance health care. The bill will eliminate the inequities imposed by cost-shifting, cover all Americans regardless of their health or employment status, and, most importantly for this debate, control costs in a comprehensive fashion. Creating a national health care budget and methods to control health care costs within that budget for our entire system is the best thing we can do to solve the problem of exploding health entitlement spending and the Federal deficit.

Under the guise of forcing needed discipline on entitlement spending the Domenici amendment would incite internecine warfare among entitlements including farm price support programs, veterans programs, student loan programs, and Medicare and Medicaid. For example, if health costs continue to escalate at two and three times the rate of inflation, this growth in outlays could force offsetting reductions in farm program price support costs, even though farm price support rates have been either frozen or reduced under existing law. Such a result would needlessly pit farmers against those whose health is at risk. It would force rural States like Nebraska to square off against the largely urban areas of the country where most of the Medicaid costs are incurred.

Mr. President, we do need to get our deficit under control. It is literally dragging our Nation down as we speak here today. We do need to get a handle on entitlement spending under the budget. But, Mr. President, placing a cap on the entitlement programs will not address the deficit in a constructive manner. I strongly urge that we defeat this amendment and move onto a thorough and constructive debate on our Nation's health care crisis.

Mr. GORTON. Mr. President, the vote we are taking today is not a vote about whether a specific group of disabled Americans deserves Federal assistance. This is a vote about whether or not Congress will reign in those programs which are bankrupting this country and putting future generations economic well being at risk.

The Domenici substitute amendment to the budget resolution is an attempt to get this country's deficit spending patterns under control. Contrary to the opponents allegations, the Senator from New Mexico's amendment does not cut spending on entitlements, it only slows the growth of entitlement programs.

Here is how Senator DOMENICI's amendments slows the growth of these programs. First, it allows entitlements to grow at a rate which accommodates increases in the population eligible for the program. In addition, the Domenici amendment allows all of these entitlement programs an inflationary adjustment equal to the underlying rate of inflation in the country. And, on top of the increases for caseload growth and inflation, in the first several years of this agreement the Domenici amendment allows all of these programs to grow an additional percentage point or two. In other words, the Domenici amendment will not reduce spending in any entitlement program \$1.

The disabled veterans program, which the Mitchell amendment exempts from scrutiny, is not increasing at a rate higher than inflation. This program will not bankrupt this country. The Domenici amendment does not require lower spending in this program. I do not anticipate Congress reducing spending in this program \$1.

I will, however, vote against the distinguished majority leader's amendment. The problem is that the Mitchell amendment starts the Senate down the path of excluding programs, and, as Senator MITCHELL knows, if we exempt one program, we will end up exempting all programs.

Everyone here today realizes that this is a vote about whether or not the Senate will come to grips with what is eroding the economic power of this country, the uncontrolled growth of the Federal debt.

Fundamentally, this is a vote about my children and grandchild and the children and grandchildren of every veteran and nonveteran American. It is not a vote about whether or not disabled veterans deserve assistance from the Federal Government. This is a vote about whether or not America will live within its economic means.

Mr. President, I cannot standby in this body and vote for any one subset of Americans at the expense of all future generations of Americans. I will vote today for the economic future of American's children.

Mr. WOFFORD. Mr. President, the sponsors of this substitute have got the

problem right. They rightly recognize that health care costs are out of control—that these costs are driving up Federal spending and the Federal deficit. But, the proposed solution is wrong. It is simple. It is easy. And it pretends to be a painless solution. But it is wrong. This substitute addresses the symptom, and ignores the underlying sickness.

Let there be no mistake. This vote is the first vote on comprehensive health care reform this year. And contrary to my colleague from New Mexico—I believe that if you genuinely support health care reform, and if you are serious about bringing real cost containment to the American people, you will vote against this substitute.

You will vote against it because you recognize that the substitute is only a gesture, another way to avoid acting on a real problem driving our budget deficits.

You will vote against it because you refuse to shift this national problem onto the backs of the less fortunate—the elderly and the poor.

And you will vote against the substitute because you know that the people of America will not be able to avoid the costs of this move. People will end up paying for cuts to Medicare and Medicaid with bigger hospital bills and higher medical premiums. Hospitals and doctors will compensate for the cuts by charging their private patients more.

Meanwhile, the cost of health care will continue to mount. More businesses will be unable to provide health benefits. The ranks of the uninsured will swell.

Although I will vote against the proposed substitute, I am delighted that this debate has occurred. It has unveiled the effects of health care costs on the Federal deficit. It has made clear the urgent need for comprehensive health care reform.

And I am glad to hear that the sponsors of this substitute are ready to sit at the table and help us hammer out an agreement that reforms the health care system and effectively controls health care costs. I look forward to beginning this work, to passing legislation that stops the rising tide of health costs.

Mr. MITCHELL. Mr. President, I urge Senators to vote for this amendment to help us defeat this resolution.

This resolution avoids the real problem which is dealing with the skyrocketing cost of health care in our society. It would lump the increases in medical care with all the other so-called mandatory programs and cut all of them, even though the growth is occurring in the health care programs, Medicare and Medicaid.

This is a way of avoiding accountability. This is a way of avoiding dealing with the principal problem, which is the cost of health care, and there is no logic whatsoever to this proposal.

Why are we going to cut the compensation of a disabled veteran because health care costs are out of control? The disabled veterans will ask why do not you deal with the health care costs? Why do not the proponents of this amendment join in doing something about health care costs instead of cutting the disabled veteran's pension. That is the problem. It is admitted; it is undisputed.

The increase is in health care. The cost is in health care. Let us deal with health care. Let us not ask disabled veterans to pay the price for something that they are not contributing to and they are not the cause of.

The root cause is health care costs and that is what we should be addressing. This resolution does not do that. There have been no hearings and no discussion, just a last minute resolution that has a profound effect upon millions of Americans who are not the cause of the problem and avoids that which is the cause of the problem.

It is exactly the wrong way to legislate, and it is exactly the wrong way to deal with something as serious as our budget resolution.

I urge the adoption of this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment offered by the majority leader, No. 1779. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. DIXON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

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

The result was announced—yeas 66, nays 28, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—66

Adams	DeConcini	Kasten
Akaka	Dodd	Kennedy
Baucus	Exon	Kerrey
Bentsen	Ford	Kerry
Biden	Fowler	Kohl
Breaux	Glenn	Lautenberg
Bryan	Gore	Leahy
Bumpers	Graham	Levin
Burdick	Grassley	Lieberman
Burns	Harkin	McCain
Byrd	Hatch	McConnell
Coats	Heflin	Metzenbaum
Conrad	Hollings	Mikulski
Cranston	Inouye	Mitchell
D'Amato	Jeffords	Moynihan
Daschle	Johnston	Murkowski

Packwood	Rockefeller	Simon
Pell	Sanford	Specter
Pressler	Sarbanes	Stevens
Pryor	Sasser	Thurmond
Reid	Seymour	Wellstone
Riegle	Shelby	Wofford

NAYS—28

Bingaman	Domenici	Nunn
Bond	Durenberger	Robb
Boren	Gorton	Roth
Brown	Hatfield	Rudman
Chafee	Helms	Simpson
Cochran	Kassebaum	Smith
Cohen	Lott	Symms
Craig	Lugar	Warner
Danforth	Mack	
Dole	Nickles	

NOT VOTING—6

Bradley	Garn	Wallop
Dixon	Gramm	Wirth

So the amendment (No. 1779) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have permission of the Senate to withdraw the underlying amendment, the substitute, and I am going to do that in a minute.

I wonder if the parliamentary inquiry might be made with reference to the time that is left? How much time is left on the resolution, and how much under our control?

The PRESIDING OFFICER. Three hours remain on the resolution, and 1 hour and 39 minutes remain under the control of the Senator from New Mexico. The remainder is under the control of the Senator from Tennessee.

Mr. DOMENICI. I thank the Chair.

Does the majority leader have anything further?

I wonder if I might yield Senator RUDMAN 3 minutes. I think he would like to explain or make his observations with reference to the vote?

Mr. RUDMAN. Could I inquire from my friend from New Mexico, has he now withdrawn the amendment?

Mr. DOMENICI. I have not, but I am going to.

Why do we not just do that before the Senator speaks.

I withdraw the amendment.

The PRESIDING OFFICER. Under the previous order, the Senator has that right.

The Senator from West Virginia.

Mr. BYRD. Mr. President, as I understood it, under the most recent previous order, the distinguished majority leader propounded a request that the Senator make that request at the time he intends to withdraw his amendment. The previous unanimous-consent request I think was obviated to a considerable degree by the majority leader's request.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, so there can be no misunderstanding, I made that request of the Senator from New Mexico, but he did not respond. Therefore, there was no agreement to that effect.

Mr. DOMENICI. Mr. President, I wonder if it would help the distinguished chairman of the Appropriations Committee if I did what the majority leader asked of me a while ago and ask unanimous consent that it be in order to withdraw the amendment, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object. I, of course, will not object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I had thought the Chair had earlier put the majority leader's request.

Let me say, Mr. President, I think I must challenge, again, the Chair's previous response to my parliamentary question. The request early-on that the distinguished Senator from New Mexico made, to wit, was that he be permitted to withdraw—

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator will suspend until we have order.

Those conducting conversation in the aisles, please retire to the Cloakroom.

The Senator from West Virginia.

Mr. BYRD. That he be permitted to withdraw his substitute amendment. The Senate granted that request.

Then there was the parliamentary inquiry by the offerer of the amendment as to whether or not after an amendment or amendments were adopted he could still have, under the previously granted request, the authority to remove his amendment. And the Chair responded in the affirmative.

That was the wrong response, and I do not say this in criticism of the Chair or of the Parliamentarian who apparently so advised the Chair. If this Senator had been in the chair I would have disregarded such advice from the Parliamentarian. Of course, I know that not all Senators feel that they have the liberty to do that, and for good reason.

That was a bad response from the Chair because we cannot allow Senators—I do not make this statement in derogation of the Senator from New Mexico—we cannot allow Senators to have a testing of the wind by getting previous consent that they might be permitted to later withdraw an amendment and then, after action by the Senate has occurred on that amendment be allowed to exercise the previously granted request concerning withdrawal of the amendment. That is not the way to do business. In fact, if I had known in the beginning that we were going to allow amendments to the Senator's

amendment and yet let his previously granted request to withdraw still obtain. I would have objected in the first place.

The PRESIDING OFFICER. The Chair will state that this occupant was not in the chair at the time that the ruling was made and, therefore, was operating on the information received from the Parliamentarian as to what the unanimous-consent request was.

Mr. BYRD. Mr. President, this Senator does not need that explanation from the Chair. I am fully aware as to who is in the chair now and as to who was in the chair at that time. I do not intend to belabor this point, but I think the RECORD should show that the Chair, with all due respect to the occupant at that time—this has nothing to do with the identity of the occupant—the response of the Chair to a parliamentary inquiry which was made at that time was, in my opinion, wrong, and I say that for the RECORD. The event did not establish a precedent because a response by the Chair to a parliamentary inquiry is a very thin precedent, if it even be denominated such. I do not consider it such.

The PRESIDING OFFICER. The majority leader had previously sought the floor. Is he seeking the floor now?

Mr. DOMENICI. I wanted to withdraw the amendment.

Mr. BYRD. I have no objection.

Mr. COATS. Reserving the right to object. Mr. President, I will do so for the purpose of asking a parliamentary inquiry. I am new to the Senate, and I do not pretend to understand all the procedures. I would like clarification of the statement of the Senator from West Virginia relative to the Parliamentarian's ruling so that if this situation arises again in the future, I will have some understanding as to what the correct parliamentary procedure is relative to the request that was made by the Senator from New Mexico.

There seems to be some confusion as to whether the Parliamentarian's advice to the Chair, whoever was in the Chair at that particular time, was the correct advice.

The Senator from West Virginia indicated that it was not the correct advice. Obviously, it conflicts with the advice that was given by the Parliamentarian. For those of us who may find themselves in that situation in the future, I would appreciate a clarification as to what is the correct ruling.

The PRESIDING OFFICER. The Chair inquired when he came to the occupancy of the chair. The correct ruling is that if a Senator has offered an amendment, the Senator has the right to withdraw that amendment until such time action has been taken upon that amendment. When action has been taken upon the amendment, as has been pointed out by the Senator from West Virginia, then the Senator loses the right to withdraw that amendment as a matter of right.

What occurred is during that period of time, there was a series of unanimous-consent requests. One was made first by the Senator from New Mexico, the occupant of the chair is informed, and that he had the right to withdraw his amendment. It is my understanding there was maybe some confusion, but the majority leader was then granted the right to make that same request. But the true parliamentary situation would be that he needed unanimous consent in order to withdraw his amendment once the vote had occurred on the second-degree amendment.

I might state that the pending business at the moment is the first-degree amendment to his amendment. Have I made that clear to the Senator?

Mr. COATS. Mr. President, I further inquire—

Mr. MITCHELL addressed the Chair.

Mr. COATS. I yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in good faith, the Senator from New Mexico has sought unanimous consent now to withdraw the amendment which renders moot the question of the force of the prior agreement. And I would suggest that since we are now in the middle of a Friday afternoon with Senators wanting to leave and continuing the budget, and we have to complete action on the budget resolution, the Senate acted in response to my request. I would suggest that the Senator now renew that request, and if the request now granting unanimous consent is made, the prior discussion is moot because the withdrawal will have been based upon the current consent.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order to withdraw my substitute, as amended.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered. The amendment is withdrawn.

Mr. DOMENICI. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1777), was withdrawn.

Mr. DOMENICI. Mr. President, I want to know if Senator RUDMAN would like to speak? I want to yield him time off the resolution.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. DOMENICI. I yield 3 minutes to the Senator.

Mr. RUDMAN. Mr. President, I probably will not take the 3 minutes. The majority leader is right. It is late. I believe this has been a very instructive discussion. I am sorry that it was necessary to pull this down. The hand-

writing is on the wall. The political consultants, the media consultants, the pollsters, the strategists upon whom everyone in this Congress bestows millions of dollars every 2 years are already in their rabbit warrens with their editing machines crafting the next set of negative commercials to those who voted their conscience on this amendment.

I do not claim for a moment that those on the other side did not vote theirs. I am never one to suspect peoples' motives. But I will simply say that there are a lot of people in America today, including a number of disabled veterans who care deeply about where we are going.

And I have one other thing to say which I am going to research and get into the press in the next week or 10 days. There is a very interesting letter, not from a Senator, but from the majority staff of the Senate Agriculture Committee. I have never seen anything like this before. It is addressed: To: Interested Parties. From: The majority Staff, Senate Agriculture. It was faxed to farmers and farm organizations all over America. It is shot full of inaccuracies, distortions, and untruths, and it was put out for one reason: To generate opposition to a proposal by the Senator from New Mexico. The proposal may be flawed, maybe it could have been improved—I was part of it—but, all it did was to say that in 2 years we would look at all of the entitlements.

The letter says:

"The administration has proposed a cap on total entitlement spending that could have serious implications to agriculture and nutrition. Senator DOMENICI is developing a proposal similar," et cetera.

Then you get down to page 3 and its says:

"If proportional sequestration-type reductions"—I never heard anybody talk about sequestrators around here. "If proportional sequestration-type reductions are made in spending for all entitlement categories, nutrition spending would be cut by \$208 million in fiscal year 1993—with the cuts increasing to \$2.9 billion in '97". I mean it is absolute sophistry of the worst kind. It is not worth the paper it is printed on. It is used by a staff of this Senate to intimidate. It is exactly what is wrong with this place. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I have the greatest respect and personal affection for the Senator from New Hampshire, and I have often felt the way that he has when a proposal of mine has been decisively rejected by the Senate. But I just want to say first, so there can be no misunderstanding, this substitute resolution was a resolution

of vast implications for this country and for millions of people in this country. It was submitted at the last minute. It was not subjected to the hearing process. We did not have the regular legislative process to go through it and examine it fully.

The notion that persons in the Senate, Senators, their aides, and supporters and opponents on both sides go out and marshal support for their position in opposition to those on the other side, as though that is something new is, of course, incredible. The Senator from New Hampshire has been here for a long time. He knows very well that that is a regular course of action in this place. We may deplore it, but any suggestion or implication that comes out of this that this is unique to this situation is, of course, without any factual or historic basis.

I do not have the slightest idea about the letter to which the Senator referred. I have not seen it. I have not heard of it. I do not know anything about the accuracy or inaccuracy of its statements. But let us not attempt to create an implication that Senators and supporting organizations and individuals marshaling support for one or another position in the Senate is a new development. It happens often.

Mr. RUDMAN. Will the Senator yield?

Mr. MITCHELL. Certainly.

Mr. RUDMAN. I say to my friend, I do not challenge anything the majority leader just said. Everyone in this body has every right, as do their aides, to send out information to marshal support. Nor am I particularly chagrined in losing a vote. It has happened many times before. My concern with this letter, which the majority leader will learn more of in the next week or two when we get it all researched, is it was typical of scare tactics used, I might say, on both sides of this aisle in the last 10 years to scare the living daylights out of interest groups with information that is factually incorrect. I be-

lieve that the dignity of this body is such that, if a letter goes out on the letterhead of the U.S. Senate, there ought to be an effort toward accuracy, and if I gave any other impression I apologize for it.

Mr. MITCHELL. Mr. President, I certainly endorse that statement. I think all of us ought to reject and deplore any inaccuracy in the presentation of our positions, whether here on the Senate floor or in written or other communications with others. But I do not want anyone to come out of this with any suggestion that what occurred in this case—and the Senator from New Hampshire has readily acknowledged it—is not a commonplace practice on both sides.

Mr. President, I just want to say, repeat really, something I said earlier. I believe it has been an extremely useful debate. It has brought into focus and made more clear for me personally, and I think for many Senators and many Americans, that the root cause of the problem we have here is rising health care costs, and it is a problem that afflicts everyone in our society. I hope, if nothing else comes out of this, it is a determination on the part of every Senator to address that issue because that is the fundamental problem we are confronting.

Several Senators addressed the Chair.

Mr. RIEGLE. Will the Senator yield—

Mr. MITCHELL. I am going to yield the floor.

Mr. RIEGLE. For one observation? The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I will yield for a brief moment.

Mr. RIEGLE. Fine. I will be brief.

I agree with the majority leader with respect to looking ahead at expenditures in the future and the need to control health costs. He is exactly right. But the other half of this debate today has to do with how this huge deficit ac-

cumulated over the last decade, principally since 1980, and I want to just insert into the RECORD for the sake of completing something from when I engaged in a colloquy with the Senator from New Hampshire, and that is I want to put into the RECORD the revenue loss from the income tax cuts of the Reagan tax cut just through the early years of the 1980's.

The source of this data is the 1981 Congressional Quarterly Almanac, and they have a chart from the Joint Committee on Taxation that shows the revenue losses because of the individual tax cuts mounting up through the years—1983, for example, \$71 billion disappeared; 1984, \$114 billion disappeared; 1985, \$148 billion; 1986, \$196 billion. Just for the years 1981 through 1986, \$547 billion.

Now, most of those tax cuts, as another item I want to put into the RECORD will indicate, went to the wealthiest people in this country. I want to put into the RECORD a story from the New York Times of March 5, the headline of which is: "Even Among the Well-Off, the Richest Get Richer." the subheadline: "Data Show Top 1%"—1 percent of income earners—"Got 60% of the Gain in the 80's Boom."

So when we talk about where the deficit came from that we are trying to dig out of, we have to look backward at that Reaganomics strategy and those huge tax cuts, most of which went to the wealthiest people in our country and have tipped the whole balance, the whole equity balance, off in the Nation. And so health care costs, looking forward—unconscionable tax cuts stacked toward the wealthy, looking behind us—this problem has come from those two directions.

I ask unanimous consent that these items be printed in the RECORD.

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

TAX BILL'S ESTIMATED REVENUE IMPACT

[Fiscal years, in millions of dollars]

Provisions	1981	1982	1983	1984	1985	1986
Individual income taxes	-39	-26,929	-71,098	-114,684	-148,237	-196,143
Business tax cuts	-1,562	-10,657	-18,599	-28,275	-39,269	-54,468
Energy taxes		-1,320	-1,742	-2,242	-2,837	-3,619
Savings incentives		-247	-1,797	-4,208	-5,740	-8,375
Estate and gift taxes		-204	-2,114	-3,218	-4,248	-5,568
Tax straddles ¹	37	623	327	273	249	229
Administrative provisions		1,182	2,048	1,856	718	592
Miscellaneous provisions		-104	243	535	53	-275
Total	-1,565	-37,656	-92,732	-149,963	-199,311	-267,627

¹ Figures do not reflect transactions entered into after Dec. 31, 1981. Source: Joint Committee on Taxation.

EVEN AMONG THE WELL-OFF, THE RICHEST GET RICHER
(By Sylvia Nasar)

Populist politicians, economists and ordinary citizens have long suspected that the rich have been getting richer. What is making people sit up now is recent evidence that the richest 1 percent of American families appears to have reaped most of the gains

from the prosperity of the last decade and a half.

An outsized 60 percent of the growth in after-tax income of all American families between 1977 and 1989—and an even heftier three-fourths of the gain in pretax income—went to the wealthiest 660,000 families, each of which had an annual income of at least \$310,000 a year, for a household of four.

While total income for all 66 million American families expanded by about \$740 billion in inflation-adjusted dollars during the Carter-Reagan years, the slice belonging to the top 1 percent grew to 13 percent of all family income, up from 9 percent.

BIG JUMP IN INCOME

The average pretax income of families in the top percent swelled to \$560,000 from

\$315,000, for a 77 percent gain in a dozen years, again in constant dollars. At the same time, the typical American family—smack in the middle, or at the median, of the income distribution—saw its income edge up only 4 percent, to \$36,000. And the bottom 40 percent of families had actual declines in income.

"We know that productivity has increased since 1977 and that more people are working," said Paul Krugman, an economist at the Massachusetts Institute of Technology and the author of "The Age of Diminished Expectations," a book that is critical of Reaganomics. "Where did all that extra income go? The answer is that it all went to the very top."

FINE-SIFTING THE DATA

The data were compiled by the Congressional Budget Office, the research arm of Congress, which uses the estimates to project tax revenues; the figures were released in final form in December. The census data that most economists use track incomes by broad categories like the top 20 percent, called the top quintile. The C.B.O. data, by building on figures from tax returns, let analysts focus on narrow income strata with microscopic precision.

"If changes are going on at the top, you don't pick it up in the census data," said Robert Reischauer, director of the Congressional Budget Office.

The broad pattern disclosed by the latest data is not in dispute, but the reasons for the shift are. Potential explanations range from the trend toward lower taxes on the wealthy to an explosion of executive pay to higher returns on capital.

It was not until economists started to analyze the figures that it became clear what a large share of the income gains in recent years was accounted for by the very rich. "The number that no one had seen was how much of the growth went to a few people," said Mr. Krugman, who focused on the numbers in testimony before Congress several weeks ago.

That funding is already supplying fresh ammunition for those eager to reverse the upward tilt in income distribution or searching for new ways to raise Government revenue.

The tax bills wending their way through Congress include an increase in the top tax rate and a surtax on millionaires. And the Democratic party is honing "fairness" as an issue it can run with.

As it happens, the trend seems to have begun 30 years ago and parallels shifts in other rich countries, including Germany and Britain.

"It's been going on since the 1960's," said Robert Avery, an economist at Cornell University who conducted two Federal Reserve surveys of the wealthy in the 1980's. "It shows up in many different sets of data. And it's consistent with different explanations, healthy and unhealthy."

In fact, a growing tilt toward the top has characterized other periods in American history. Economic historians say that industrial America through the 1800's and early 1900's experienced a growing concentration of riches at the top. But that was partly reversed by the Depression and World War II.

"We have a couple of periods when we've seen especially rapid changes," said Claudia Goldin, an economic historian at Harvard University.

The latest data on income distribution do not provide any easy explanation of the trend. One explanation given by some tax experts is that the rich are simply reporting

more of their income and taking advantage of fewer loopholes, now that tax rates have been trimmed substantially. The top tax rate on personal income was cut to 31 percent during the Reagan tenure from more than 90 percent during the Kennedy years.

The reason is that suddenly you can keep most of the money you report," said Lawrence Lindsay, a Federal Reserve governor who has written a book, "The Growth Experiment," that defends the supply-side tax cuts of the Reagan era.

THE ADVANTAGES OF TIMING

Most economists find the explanation plausible. Unlike steelworkers or secretaries, business owners and executives often have a lot of discretion over the timing and form of their income. They can decide when, say, to sell a business or whether to take their compensation in a paycheck or a bunch of stock options.

"Inequality has increased back to where it was before the New Deal," Mr. Krugman said. "But maybe the New Deal only drove the rich underground."

Still, few economists are convinced that the reporting factors are the only explanation.

For one thing, wage and salary income for the top 1 percent of families exploded between 1977 and 1989. At least two studies have shown that the rich—wealthy wives, in particular—actually worked more after taxes were cut. More important, the pay of chief executives rocketed during the 1980's. By the end of the decade, according to Graef Crystal, a compensation consultant, the bosses were making 120 times as much as the average worker, compared with about 35 times as much as in the mid-1970's.

Before these new data showed how much of the gains really went to the very top, economists knew of the growing inequality and explained some of it by pointing to the rise in two-earner couples and the faster wage growth of highly educated workers, especially ones with computer skills. But the surge in pay at the top is just too large to be explained solely by working wives and M.B.A. degrees.

Another theory is that inhibitions against pay inequality crumbled during the Reagan 80's, a period in which unions were put down and getting rich through enterprise was seen as heroic.

The families at the top of the top quintile include lawyers married to other lawyers and a sprinkling of rock and baseball stars. But the majority probably own closely held businesses or manage Fortune 500 companies. Another thing that makes these families different from the merely well heeled, said Joel Slemrod, a tax economist at the University of Michigan, is that they get about half their income from their wealth—capital gains, dividends and interest. And income from assets owned by the wealthy, like real estate, stocks and bonds, also surged in the 1980's.

For most of the 1980's at least, interest rates were high, the stock market appreciated some 16 percent a year and the price of real estate on the East and West Coasts soared. The value of small-business assets also grew, Mr. Avery said. "The argument that the rise in top incomes was partly driven by entrepreneurial income is fairly persuasive," he said.

In fact, there is new evidence that net worth—assets minus debt—at the very top also grew disproportionately. The Federal Reserve has yet to release data with breakdowns, but a recent Fed study suggests that that was the case.

While some view the greater concentration of income at the top as a problem, many

economists do not agree. "The probability that you're looking at the same people at the start or end of a decade is very small," Mr. Lindsay said. "If the top 1 percent is getting richer, it means that there was a lot of upward mobility in America during this period."

Mr. Lindsay cites tax data that show that of the families in the top 1 percent at the beginning of a decade, fewer than half are in the top 1 percent 10 years later. From year to year, he said, between a quarter and a third of families move from one broad income group, like the top 20 percent, to another.

Keep in mind, moreover, that 1989, the last year for which Congressional Budget Office numbers are available, represented the peak of the 1980's financial boom. The early 1990's have already clipped the wings of a lot of high-fliers as corporations have shed executives, law firms have downsized, businesses have failed and real estate values have collapsed.

But it is easy to exaggerate fluidity at the very top, some economists say. For one thing, the rich may get knocked off their perches from time to time, but the fall for most is not usually all that far. Then too, an income drop is as likely as not to reflect a decision to take a one-time loss than it is a permanent change in the ability to generate income.

Besides, said Frank Sammartino, an economist at the C.B.O.: "People complain that the income distribution is just a snapshot of one year. But after all, taxes get paid on one year's income."

THE TAX FACTOR

Although families in the top 1 percent paid slightly less than 27 percent of their income in taxes in 1989, compared with more than 35 percent in 1977, their payments amounted to a somewhat bigger share of the total Federal tax bill than in 1977. The reason, of course, is because their incomes grew so much.

With incomes that total near half a trillion dollars—about the same amount, coincidentally, as total Federal tax revenues—the top 1 percent of American families have a lot of financial heft.

"If you're talking about the income tax bubble or capital gains, it's not the top 5 percent or the top 10 percent, but the top 1 percent," Mr. Avery said. "If they're taxed at 100 percent, everybody else can be taxed at zero," he added jokingly.

The data are going to keep economists busy for years and should pay fat dividends for Americans' understanding of how the freewheeling United States economy really works. But, for the present, the numbers are bound to provide yet another battleground for politicians arguing over which tax policy will produce the best combination of growth and "fairness."

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is the manager of the bill. The Senator from Tennessee is recognized.

Mr. SASSER. I just inquired of my friend from New Mexico—time is moving fast on us. We have had a good debate on the Senator's initiative. I am wondering if we could make some progress now on disposing of the rest of these amendments. The distinguished

Senator from Arizona is on the floor ready to take up his amendment. I am told it can be disposed of in 10 minutes. Is the Senator going to request a roll-call vote?

Mr. DECONCINI. Yes, I am.

Mr. SASSER. Ten minutes for a roll-call, and then we can dispose of that one.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I am going to yield to my friend very shortly. I want everyone to know we have Senator D'AMATO ready to follow so we ought to move along rather quickly.

Mr. President, I want to make just three points. One, I do not think anyone should really be misled that we are going to solve the problem of burgeoning entitlements, mandatories, that we discussed here today by imposing taxes on the American people or American business in any proportion that will get rid of that entitlement deficit. It is preposterous from the standpoint of economic growth to think that we are going to impose taxes to do that. It just is not going to work.

Now, I want to thank Senator DOLE for assisting us with this underlying amendment, which we have withdrawn. He wants to appear as an original cosponsor even though we have withdrawn it. I ask unanimous consent that he be so shown.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, if the debate was satisfactory and successful, then one of two things will occur. We will either resolve this issue in the near future—that is No. 1—or if we do not, then at least the debate will have left the burden right where it belongs. If we in Congress do not find a way to control this, then today's debate is notice to everyone, to Americans, to disabled veterans, to those who are collecting Medicare and Medicaid and, yes, to that three-fourths of Americans who get entitlements who are not poor, until we fix this, there is no real future for our children. That is what this debate should do. If it has done that, it has been successful. If not, we have wasted a lot of time discussing important things obviously to no end.

I yield the floor.

Several Senators addressed the Chair.

Mr. COATS. Mr. President, before the Senator yields the floor, I wonder if I might just—I know the Senator from Arizona is waiting to offer an amendment. I will take no more than 2 minutes. If the Senator will yield me 2 minutes on the resolution, I would like to speak.

Mr. DOMENICI. I yield 2 minutes off the resolution.

Mr. COATS. Mr. President, I commend the Senator from New Mexico for

raising before this body a subject that everyone in this room knows needs to be discussed and debated. He did an excellent job. The majority leader said it needs to go through a more lengthy process. It probably does. It does deserve hearings. It does deserve serious discussion. But every one of us, or at least anyone who has given serious thought to the future of this country, knows we have to deal with this issue and deal with it sooner rather than later.

I regret we were not able to deal with it as a package and do it in a way that the decision made by this body would become policy. That will, hopefully happen at some point in the near future, and I am prepared to do that today, this weekend, next week, next month, whenever.

The problem is so serious, the need is so great that all of us have to find a way in which to address it in a responsible manner or the entire Republic is in jeopardy. I wish we could stop playing the games, stop playing the political games of "we are going to put you on the spot" or "we will put you on the spot" and step back and do what we all know we need to do. Whether this is the right vehicle, whether there is a difference procedure, I really cannot say.

I commend the Senator for raising the issue. We had an instructive debate. I think we are moving in the right direction. Obviously, voting on exempting one piece of the puzzle was purely a political vote, particularly whenever one knew that the resolution was going to be withdrawn.

Obviously doing it on the budget resolution is a free shot because it does not have the force and effect of law. But if we are willing to make decisions that do have the force and effect of law, I want the people that I represent and I want the Members of this body to know that this Senator is ready to make those tougher decisions and make those tough votes if it really counts.

I yield the floor.

Mr. SARBANES. Will the Senator yield?

Mr. COATS. I do not have control of the time.

Mr. SASSER. I yield to the Senator 1 minute.

Mr. SARBANES. I say to the managers, I do not know whether we will reopen the debate on this amendment. We are perfectly happy to do it. If they want to talk about a game being played, it is offering a far-reaching amendment of this sort without ever having hearings on it, offering it in the committee, having it considered in any of the forums that prepare the legislation, and then bringing it out here on the floor of the Senate. If they want to talk about a game being played, which was the expression that the Senator used, if we want to reopen this debate,

I am happy to do it. I thought we had finished the debate, and were ready to move on and try to finish the bill to accommodate a lot of Members.

Mr. COATS. I would simply—

The PRESIDING OFFICER. The Senator has yielded the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized. He has been seeking recognition, unless the manager has requested recognition, which I did not hear.

Mr. SASSER. Mr. President, the Senator has been seeking recognition. I was under the impression there had been a conversation between my distinguished colleagues, Senator SIMPSON and Senator DECONCINI, in which there had been an agreement Senator SIMPSON might proceed for 2 minutes.

Mr. DECONCINI. The chairman is correct.

Mr. SASSER. I assume Senator GORTON will yield Senator SIMPSON some time.

Mr. President, Senator SIMPSON will be yielded 2 minutes, as I understand it, off the time of the ranking member of the Budget Committee.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. SIMPSON. I thank my friend from Arizona, Mr. President. I thank Senator SASSER.

I have listened to the debate. I speak for 2 minutes simply to say that I have chaired the Veterans' Affairs Committee. It is a very tough situation. Senator CRANSTON chaired it before me.

I think it is so important to realize that this is not some antiveteran vote. I have been here long enough to see the easy vote is cast often by people in this Chamber who are not veterans. A non-veteran finds this a very attractive vote always. Those of us who served in the military try to play up front and correctly with it.

I can only tell you that in my time as chairman one realizes how many veterans there are who are disabled, service-connected disabled veterans who have nothing to do with the combat-connected disabled veterans who have nothing to do with the combat situation. That seems to be forgotten continually in this debate. Non-service-connected veterans are being limited by their care because other veterans with no priority are crowding them out. It is becoming an absurd situation.

We need to pay close attention to that. Realize that the veterans number under this budget is \$34.5 billion. That is taking care of the veterans very well. There are 27 million of us.

I commend the Senator from New Mexico. This debate has to take place. It will take place. And thoughtful Democrats and thoughtful Republicans will help get it done or in the year 2030 this country will be in dramatic decline.

AMENDMENT NO. 1780

(Purpose: To express the sense of the Senate with respect to funding for the Special Supplemental Food Program for Women, Infants, and Children)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. CHAFEE, Mr. LEAHY, Mr. SPECTER, Mr. JOHNSTON, Mr. LUGAR, Mr. BRADLEY, Mr. DOLE, Mr. GRAHAM, Mr. MCCONNELL, Mr. RIEGLE, Mr. WARNER, Mr. AKAKA, Mr. MURKOWSKI, Mr. SIMON, Mr. DANFORTH, Mr. WELLSTONE, Mr. DURENBERGER, and Mr. DODD, proposes an amendment numbered 1780.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the resolution, add the following:

SEC. . SENSE OF THE SENATE ON WIC.

(a) FINDINGS.—The Senate finds that—
(1) the Special Supplemental Food Program for Women, Infants and Children (WIC) has been invaluable to millions of needy pregnant and nursing women, infants and children at nutritional risk for nearly 20 years;

(2) President Bush has commendably recommended an increase in the WIC program for fiscal year 1993, continuing the strong bipartisan support for expanding the program to serve more of those eligible;

(3) the chairmen of five major American corporations testified last year on WIC, declaring that an increased investment in WIC is essential to the Nation's future economic growth and that "WIC can make an important contribution to ensuring that * * * we have the productive workforce we need";

(4) the CEOs called WIC "the health-care equivalent of a triple-A rated investment. * * * one of the most reliable ways that Government can invest its resources," and recommended that to achieve the national educational goal established by the President and Governors that by the year 2000 all children should start school ready to learn, "* * * we need to set a related goal: Every woman, infant, and child who is eligible for WIC in 1995 and later years will be served by the program";

(5) less than 60 percent of the eligible women, infants, and children are served by the program due to funding limitations;

(6) a funding level of \$3,000,000,000 in fiscal year 1993 is needed to remain on the 5-year path embarked upon by the Congress last year to reach full funding consistent with the CEO's recommendations; and

(7) a recent United States Department of Agriculture study has demonstrated that the prenatal component of WIC reduces Medicaid costs by between \$1.92 and \$4.21 for each dollar invested in it, and studies issued by the National Bureau of Economic Research have found WIC to be one of the most cost-effective means of reducing infant mortality and indicate WIC also may produce long-term savings in special educational costs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the WIC program should be funded at \$3,000,000,000 for fiscal year 1993.

Mr. DECONCINI. Mr. President, this is a simple amendment. I am not going

to go on about how long and how frustrated I am to finally get the floor, through no fault of the chairman of the committee. We have listened to a lot of debates here. I am sorry to have to say, yes, it was a political vote that we just had. However, it was a very good political vote because if demonstrated the people do not want to take an action to cut veterans programs.

I believe we have a program here that everybody will want to add money to. That is the WIC Program. It is a simple commitment here by this body to reinforce the existing commitment to fully fund the WIC Program by 1996.

There is no question that the WIC Program is one of the finest, more cost effective programs that the Federal Government has ever had. Both Houses have passed budget resolutions which include this commitment to fully fund by 1996. But each House each year has had a problem adding enough money to get there.

Mr. President, I want to show you quickly just the problems we have faced. We are here now going into 1993. The amendment I am offering today would express that it is the sense of the Senate to increase the fiscal year 1993 expenditure for WIC by \$400 million above the fiscal year 1992 level of \$2.6 billion.

Mr. President, the effectiveness of this program is no secret. For every dollar that is spent on the prenatal component of the WIC Program, there is a Medicaid savings of between \$1.77 and \$3.13. Unlike the prior amendment by my friend from New Mexico this amendment seeks to save Federal dollars by investing in Americans, the Women, Infants, and Children Programs.

This indicates where we are. It shows we are only serving about 55 percent of the eligible WIC populations. You can see that steady progress has been made since 1984, but in the 1989 chart behind me progress ended because the economy went into the doldrums. Mr. President, this is a real shame. We cannot even take care of the most precious resource of this country, our infants.

Mr. President, it is time that we go on the record. Even though this amendment carries no weight of law the DeConcini-Chafee amendment will help us in the Appropriations Committee process to try to get the full funding. The amendment merely calls for another \$400 million for the WIC Program in fiscal year 1993. That level is \$160 million more than the amount requested in the President's budget.

Mr. President, in the interest of time I will yield at this point to the Senator from Rhode Island. I thank him for his cooperation, and support of this amendment.

Mr. CHAFEE. Mr. President, I want to commend the distinguished Senator from Arizona. He and I have worked together on this for many years. Each

year we have been able to increase the funding for the WIC Program. Everything he says about the WIC Program is absolutely right. The only problem is, as he points out now, it is covering about 55 percent of those eligible.

This asks for a modest step up to \$3 billion a year. We have some 86 colleagues joining us in connection with this entreaty to the Appropriations Committee, and I do hope that we will get a very solid vote in favor of this amendment.

Mr. DECONCINI. Mr. President, I rise today to offer a sense-of-the-Senate amendment to the fiscal year 1993 budget resolution, Senate Concurrent Resolution 106. This amendment expresses the sense of the Senate that the Special Supplemental Food Program for Women, Infants, and Children be funded at \$3 billion for fiscal year 1993. I am pleased that this amendment has been cosponsored by 18 of my distinguished colleagues: Senators CHAFEE, LEAHY, SPECTER, JOHNSTON, LUGAR, BRADLEY, DOLE, GRAHAM, MCCONNELL, RIEGLE, WARNER, AKAKA, MURKOWSKI, SIMON, DANFORTH, WELLSTONE, DURENBERGER, and DODD.

Mr. President, for the past several years my friend from Rhode Island, Senator CHAFEE, and I, together with the distinguished chairman and ranking member of the Agriculture Committee, Senator LEAHY and Senator LUGAR, have led efforts in the Senate to increase appropriations for the WIC Program. As my colleagues will recall, last year we sought to increase WIC funding by \$250 million over the prior year's current services level in order to maintain the schedule for full funding of WIC by 1996.

Despite a record number of cosponsors last year for the DeConcini-Chafee annual WIC appropriations request, WIC's enacted level was a full \$100 million short of the fiscal year 1992 target of \$2.7 billion. While it is very hard to imagine that 88 Senators can agree on anything these days, it is even harder to imagine that such a consensus could be formed and fail to achieve its goal. But that is exactly what occurred.

Mr. President, I do not find fault in any way with any of the Senate or House conferees on last year's agriculture appropriations bill. Their task was nearly impossible given an insufficient subcommittee allocation to meet all the demands placed upon them. Continuing crop disaster insurance problems and other problems made their decisions all the more difficult. I sincerely applaud the efforts of the Senate Agriculture Subcommittee chairman and ranking member. Chairman BURDICK and Senator COCHRAN have consistently done whatever they could on behalf of WIC. Their efforts last year were no less than exceptional.

However, the fact remains that we could not enact an appropriations level of \$2.7 billion. As a result, this year's

and the next 3 year's efforts will be all the more difficult if the Members of both the House and Senate sincerely intend to keep our pledges for full funding of WIC by fiscal 1996. For myself, I remain committed despite recent setbacks. WIC is too important and, whatever the cost, we are going to have to find the money.

Mr. President, my reasons are simple. WIC is a Federal domestic program that clearly works. That is why I have been an advocate for WIC since its inception. It is the right thing to do. WIC not only prevents infant mortality and low birthweight, study after study has also shown that WIC is the most cost-effective method to do so. WIC reduces Medicaid costs: Each dollar invested in WIC's prenatal component saves between \$1.77 and \$3.13 in Medicaid costs. In addition, studies show that future special education costs are reduced through WIC's early nutrition intervention.

Despite this remarkable record, WIC has yet to achieve its full potential. Current funding levels support less than 60 percent of the eligible women, infants, and children nationwide. My home State of Arizona currently receives funding that enables the WIC Program to assist about 60 percent of the eligibles statewide, but serves barely 40 percent of those eligible in the urban areas.

Yes, the Federal taxpayer does, indeed, pay quite a bit already for WIC. WIC currently provides critical nutrition and health benefits to an estimated 5.3 million low-income pregnant women and young children at risk of diet-related health problems. Yet almost as many other needy women and children are unserved. Tragically, America ranks 19th in the world in infant mortality. Every year 40,000 infants die in the United States and another 11,000 babies are born with long-term disabilities that result from their weakened condition.

Mr. President, the sad truth is, unless we act—and act soon—to provide full funding for WIC, we will lose more American infants in the next 13 years than we have lost soldiers in all the wars fought by this country in this century. Let me say that again, without full funding for WIC, America will lose more infants in the next 13 years than we have lost soldiers in all the wars fought by this country since the turn of the century.

The magnitude of this loss of life is certainly compelling. It should be reason enough to act. Failure to fully fund WIC is also irrational from a purely fiscal perspective. WIC has been shown over and over to be among the best, if not the best, means to prevent infant mortality and low birthweight. Today, the lifetime costs of caring for just one low birthweight infant can total \$400,000. The cost of prenatal care—care that might prevent the low birthweight

condition in the first place—can be as little as \$400. As a nation we have a clear choice. We can pay more now, or we will pay far more later.

Congressional efforts to date have also failed to keep pace with the WIC full funding schedule by 1996 for other reasons. The most important of which is that the number of new poor at nutritional risk is growing faster than our ability to serve them. The deep recession and a small increase in the birthrate have all but halted our progress toward WIC full funding. As shown here on a chart depicting actual Federal funding of the WIC Program from 1984 through 1992, Congress and the President have increased funding for WIC since 1984. In fact, WIC funding has almost doubled since 1984 faster than any other nondefense, domestic program. However, high unemployment and rising poverty rates, together with an increase in the birthrate, have all but stalled the rate of growth in terms of percentage of eligibles served.

The other chart I have here today tracks the percentage of the eligible WIC population served. Despite a record funding increase of \$779 million over the last three fiscal year, the percentage of eligibles served has remained virtually constant. We are certainly serving more individuals, but the number of eligible women, infants, and children simply has risen much faster.

The chart on annual Federal expenditures for WIC also shows the increases needed to achieve full funding in fiscal 1996. Given the most recent Congressional Budget Office estimate for full funding by fiscal 1996, the WIC Program would require an additional \$412.5 million in funding every year for the next 4 years to achieve a full funding level of \$4.25 billion.

Mr. President, I know that it sounds like full funding will be an impossible task. However, Senators CHAFEE, LEAHY, LUGAR, and I have gone too far to turn back now. The House and the Senate are now on record in support of full-funding of WIC by fiscal 1996. But, we have a long way to go. For myself, I am committed to pressing the issue as hard as I can and as often as it is required to achieve that goal. That is why I have offered this amendment at this time. While I am certain that the floor managers would accept this sense-of-the-Senate resolution given their longstanding support for WIC full funding, I am insisting on a recorded vote to dispel any doubt that the Senate is not firmly committed to full funding of WIC by fiscal year 1996.

Mr. President, the bottom line is: WIC is a Federal initiative that works and we should work to make it a reality for the millions of women and children whose health will continue to suffer without it. I haven't given up all hope that we can achieve full funding by fiscal 1996. However, we can't get

there without making some tough choices. I urge my colleagues to make the right choice at this time and support the DeConcini-Chafee WIC amendment to the fiscal year 1993 budget resolution.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, I am pleased to cosponsor this sense-of-the-Senate resolution which affirms the longstanding position of the Senate that funding for WIC should be increased by amounts that will put us on a path to achieve full participation of all eligible women and children.

Few programs have enjoyed the consistent bipartisan support and consistent grassroots support that WIC has. Few programs have been shown to be as effective as WIC. Even fewer programs have been shown to be as cost-efficient as WIC.

We've all heard the statistics many times, but some bear repeating. USDA has found, for example, that the prenatal portion of WIC reduces Medicaid costs by between roughly \$2 and \$4 for each dollar we invest by reducing the incidence of low birthweight births and premature births. Other studies have found similar long term savings in special educational costs and other programs by helping reduce the incidence of disabilities related to deficient nutrition in pregnant women and young children.

Louisiana has one of the youngest populations in the United States: About 29 percent of Louisiana's population is composed of children. Some 30 percent of these children live in poverty. We have the dubious distinction of ranking second from the bottom—49th—in low birthweight, and experience one of the highest infant mortality rates in the Nation—11 percent. Almost 7 percent of babies in Louisiana are born to mothers receiving no or late prenatal care, ranking us seventh from the bottom in terms of adequacy of prenatal care.

Since its beginning in Louisiana in 1974, WIC has been an integral and key part of preventive health services. This program currently serves 132,000 participants each month—33,000 women, 37,000 infants, and 62,000 children. Yet, projecting from 1980 census data, Louisiana's Office of Public Health estimates that 203,000 women, infants, and children are eligible for and need the critical assistance which WIC provides.

The funding level recommended by this resolution, \$3 billion, will not enable us to reach the 71,000 women and children who are eligible but do not participate in Louisiana this year. But the increase recommended will help us reach more, and put us on the right track to assuring that all those from

this vulnerable population—pregnant and post partum women and children under the age of 5 who are at nutritional risk—receive critical nutrition and preventive assistance. We should do no less.

Mr. DECONCINI. Mr. President, I want to thank the Senator from Tennessee for making this expeditious arrangement to offer this amendment. The poor man, I am surprised he can even stand up after what he has been through in the last 3 or 4 days. I appreciate his courtesy.

Mr. SASSER. I thank the Senator.

Mr. CHAFEE. Mr. President, I am pleased to join my colleague from Arizona, Senator DECONCINI, in offering this amendment regarding fiscal year 1993 funding for the Special Supplemental Food Program for Women, Infants, and Children [WIC]. Simply stated, the amendment expresses the sense of the Senate that WIC should be funded at \$3 billion in fiscal year 1993.

Last year, 86 of our colleagues joined Senator DECONCINI and myself in requesting a full \$2.7 billion for WIC in fiscal year 1992. I was pleased that the Appropriations Committee gave us \$2.6 billion—an increase of \$250 million over the 1991 appropriation, and the single largest increase in funding in WIC's history. What good news.

I also am pleased that President Bush recommended \$2.86 billion for WIC in fiscal year 1993. While this figure represents a real boost, I believe we must go a little further if we intend to reach those children and women now in need. The funding level of \$3 billion called for in the amendment builds on last year's accomplishments and will keep the momentum going toward fully funding WIC within the next few years.

Mr. President, 2 weeks ago, I voted against the amendment to take down the so-called firewall governing the limits on military and domestic spending in the Federal budget for fiscal year 1993. This amendment would have allowed reductions in defense spending to be used for domestic programs, rather than to reduce the deficit as called for by the Budget Enforcement Act of 1990. Both the House and Senate have now reaffirmed support for the discipline imposed by that budget agreement, refusing to remove the firewall.

This is not an easy choice since it is clear that we need to resolve urgent domestic problems such as the lack of adequate health care, housing, and education. But the budget agreement does not prevent us from working within the domestic discretionary cap to identify programs that have proven to be effective and deserve priority during the appropriations process.

As the Appropriations Committee begins to assign priorities within the domestic discretionary cap for the coming fiscal year, this amendment sends an important signal. For Senator DECONCINI and myself, increased funding for WIC has long been a priority.

The WIC Program provides food to low-income mothers and their children who are at risk of serious nutritional deficiencies. It sounds simple, but making sure that mothers and children receive good, basic, nutritious foods and avoid nutritional deficiencies is remarkably effective.

We know beyond a shadow of a doubt that for every \$1 invested, WIC saves about \$3 in long-term health care costs and developmental problems. A USDA study has documented that for every pregnant woman who participated in WIC, the Government saved between \$277 and \$598 more in Medicaid costs in the first 60 days after birth than for a pregnant woman who did not participate.

The savings are important; but that is not all we should thank WIC for. WIC reaches infants and children at the most critical stage in their physical and mental development. Without proper nourishment, the cognitive development of a young child can be severely impaired and can mean impairment of cognitive functions. That child is then behind the curve in terms of learning ability. And he or she isn't even 5.

WIC also helps mothers. It helps them understand more about good nutrition, and it eases their entry into the health care system. A mother who is used to going by the community health center to pick up the WIC foods feels more comfortable going back to the center for medical care, or for referrals to other agencies that can help her.

Sadly, however, this worthwhile program serves only about half of the eligible population. In Rhode Island, for example, an estimated 32,000 women, infants, and children are eligible for WIC benefits, but funding levels permit only 17,550 to be served. Rising food costs, especially in these difficult economic times, also have diminished the purchasing power of WIC dollars and have forced States to limit their WIC caseloads. This gap in coverage represents a considerable missed opportunity, considering WIC's proven effectiveness for an especially vulnerable population.

Of course I am preaching to the choir: Congress knows of WIC's benefits, and has given the program considerable support, and for good reason: WIC means healthy children, and healthy children can learn, and eventually become productive members of tomorrow's work force.

Increasing funding for WIC is the right thing to do—not only from the hard-nosed, cost versus benefit point of view. WIC is one Federal program that saves more than it spends, and deserves every bit of support we can give it. I urge my colleagues to join us in supporting this amendment.

Mr. DURENBERGER. Mr. President, I am proud to cosponsor this resolution

to increase funding in fiscal year 1993 for the Women, Infants, and Children [WIC] program, and I applaud the foresight of Senators CHAFEE and DECONCINI for introducing this amendment. This resolution will allow us to remain on the 5-year path to reach full funding by fiscal year 1996.

The WIC Program has been in existence for well over a dozen years, and was created for the purpose of supplementing the special nutritional needs of pregnant women, nursing mothers, their infants, and small children. On any given day, my colleagues and I could visit a WIC recipient in our respective States and see first-hand the impact that it is having on the lives of millions of women and their children. But without the need for closer examination, you would also see a multitude of reasons to increase the Federal commitment to the WIC Program.

Mr. President, according to a study done by the U.S. Department of Agriculture, WIC sharply reduces future Medicaid health costs for the mother and child and also results in improved birthweights. The study found in its sample of States that when mothers received program foods before birth, the Government's Medicaid spending averaged between \$277 and \$598 less for health care of the mother and child in the first 60 days after birth than in cases where the mothers did not receive special prenatal foods.

This study is further evidence that in addition to the programs proven importance to low-income families, it is also a fiscally responsible program that has demonstrated itself to be a worthwhile public investment. For every dollar spent on WIC, the Federal Government saves up to \$4.21 on future program expenses. This is a return investment that is not often found in programs administered by the Federal Government.

My support of this resolution, Mr. President, is not to be taken as critical of the budget request by President Bush. The President deserves great credit for his commitment to WIC, which is demonstrated in his fiscal year 1993 request for a \$237 million increase over fiscal year 1992. However, the benefits of this program and the needs of today's low-income families require an even greater investment. In 1991, we were only able to serve about 52 percent or 4.5 million, of eligible low-income pregnant women and children.

Mr. President, lately, many of my colleagues have echoed the concern which I share about the monstrosity that we call the Federal debt. In votes and remarks that I have made, I have indicated that this is truly one of the gravest situations that this Nation has ever faced, and that an examination of our budget priorities is necessary in order to begin significant efforts to deal with it. It is unnerving to me that we have chosen to bankrupt the treas-

ury and spend beyond our means, while expecting future generations to pick up the tab. In examining the WIC program, though, it is important to note that in the long run, WIC not only saves the taxpayer money, but is an investment in the future well-being of America.

Mr. President, I urge my colleagues to show overwhelming support for the WIC Program by voting for this important amendment.

Mr. DOLE. Mr. President, I am pleased to add my name to the list of cosponsors of this amendment. In this time of budget crisis, we'd better have pretty good justification for increasing any Government program. We need to know the program works, and we need to know that its benefits are well-targeted. WIC passes this test with flying colors. Numerous Government studies have documented WIC's effectiveness. And the poor, nutritionally at-risk women, infants, and children who participate in WIC are among the most vulnerable members of our society.

The additional funding we are calling for isn't for adding frills to the program. It's simply to extend basic WIC benefits to more of the women, infants, and children whose income and nutritional status make them eligible for the program, but who now go unserved. And I would note that the distinguished chairman of the Budget Committee indicated earlier that the budget resolution could accommodate such an increase.

I want to commend the President for again requesting a sizable increase for WIC in his budget. I hope we will be able to do even more, and I encourage my colleagues to aid this effort by supporting this amendment.

Mr. SPECTER. Mr. President, I am pleased to support this amendment offered by my distinguished colleague, Senator DECONCINI, to encourage increased funding for the WIC Program, which provides critically important nutritional assistance to millions of low-income pregnant women and children.

The President has recommended in his budget request to Congress an increase in the WIC Program for fiscal year 1993, and I am hopeful that the Senate Appropriations Committee will be able to achieve the \$3 billion funding level necessary to achieve full funding of WIC within 5 years.

Mr. President, there are few programs that are so effective as WIC in helping truly needy people in this country, by significantly reducing infant mortality, averting low-weight births, and improving prenatal care. At a time when so much attention is being focused on our Nation's health care system and the need to cut health care costs, WIC is proven to reduce medical costs not only in the short term, but in the long term, by increasing the productivity of our children.

The statistics for the WIC Program are both remarkable and heart-

warming. In fact, a 1990 U.S. Department of Agriculture study demonstrated that for each dollar invested in WIC prenatal care, anywhere from \$1.92 to \$4.21 is saved in Medicaid costs in the first 60 days after birth. For every pregnant woman who participated in WIC, this investment translates into Medicaid cost savings of anywhere from \$277 to \$598.

According to a recent Congressional Budget Office report, it is estimated that participation in WIC by pregnant women on Medicaid increased average birthweight anywhere between 51 grams and 117 grams. For preterm infants, the increase was even greater: From 138 grams to 259 grams, a significant figure given that low birthweight is one of the leading causes of infant mortality. In addition, Mr. President, WIC participants are far less likely to receive inadequate prenatal care and averaged one or two more prenatal visits than non-WIC women with similar demographic characteristics.

Mr. President, according to the Pennsylvania Department of Health, the WIC Program in Pennsylvania has made significant progress, with 350 facilities serving nearly 260,000 participants, which represents 76 percent of the eligible population. However, many women and children fall through the cracks, in Pennsylvania, and in the Nation at large, where the latest CBO report indicates that less than 60 percent of the eligible population is being served through WIC.

Last year, 86 Senators signed onto a joint Senate letter to the chairman and ranking members of the Agriculture Appropriations Subcommittee, requesting them to support increased funding for WIC in fiscal year 1992. I ask that my colleagues continue to show such overwhelming support for this worthwhile and effective program, to enable all eligible pregnant women, infants and children to receive the vital nutrition and health care assistance provided by WIC.

The PRESIDING OFFICER. Is there further debate on the amendment? Is all time yielded back? All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. DIXON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Sen-

ators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—93

Adams	Fowler	Mikulski
Akaka	Glenn	Mitchell
Baucus	Gore	Moynihan
Bentsen	Gorton	Murkowski
Biden	Graham	Nickles
Bingaman	Grassley	Nunn
Bond	Harkin	Packwood
Boren	Hatch	Pell
Breaux	Hatfield	Pressler
Brown	Heflin	Pryor
Bryan	Helms	Reid
Bumpers	Hollings	Riegle
Burdick	Inouye	Robb
Burns	Jeffords	Rockefeller
Byrd	Johnston	Roth
Chafee	Kassebaum	Rudman
Coats	Kasten	Sanford
Cochran	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Conrad	Kerry	Seymour
Craig	Kohl	Shelby
Cranston	Lautenberg	Simon
D'Amato	Leahy	Simpson
Daschle	Levin	Smith
DeConcini	Lieberman	Specter
Dodd	Lott	Stevens
Dole	Lugar	Symms
Domenici	Mack	Thurmond
Durenberger	McCain	Warner
Exon	McConnell	Wellstone
Ford	Metzenbaum	Wofford

NAYS—0

NOT VOTING—7

Bradley	Garn	Wirth
Danforth	Gramm	
Dixon	Wallop	

So the amendment (No. 1780) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will kindly take their conversations from the Chamber.

The Senator from Tennessee.

Mr. SASSER. Mr. President, we have only a few remaining amendments. We are going to work our way through these diligently, and as speedily as possible.

The distinguished Senator from Delaware has an amendment which will be accepted, but the distinguished Senator, as I understand, wishes 2 minutes to address the body on his amendment.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH].

AMENDMENT NO. 1781

(Purpose: To express the sense of the Congress to establish a Commission on Federal Government Reform)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1781.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the resolution, add the following:

SEC. . COMMISSION ON FEDERAL GOVERNMENT REFORM.

(a) FINDINGS.—THE CONGRESS FINDS THAT—

(1) The American people face a crisis of confidence in the Federal Government, which cannot be remedied without dramatic and fundamental reform;

(2) Recent polls indicate that an all-time low of only 17 percent of the public approves of Congress, that 78 percent are dissatisfied or angry about the Federal Government, and that Americans think an average of 48 cents out of every dollar in federal taxes is wasted;

(3) While the American people are demanding more performance from their government for the taxes they pay, Congress and the Executive branch still debate the same old options of fewer services or higher taxes;

(4) The public wants governmental institutions that respond quickly to citizens' needs, with high-quality services delivered at the minimum necessary cost;

(5) The Federal Government has many talented and hardworking employees whose effectiveness is hindered by existing organizational structures and operations;

(6) Some governmental organizations have become inefficient and have structures and missions not reflecting current domestic and international priorities;

(7) Some of these organizations were developed during the industrial era, and have large, centralized bureaucracies, a preoccupation with rules and regulations, and a hierarchical chain of command;

(8) Such governmental organizations are so obsessed with regulating processes and procedures, that they have ignored the outcomes of their programs;

(9) Unlike the Federal Government, American corporations and State and local governments are making revolutionary changes by streamlining their organizations, decentralizing authority, flattening hierarchies, focusing on quality, and emphasizing responsiveness to the customer; and

(10) There is now a crucial need for a serious examination of how the Federal Government might apply such organizational and operational reforms to its own institutions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that:

(1) a Commission on Federal Government Reform should be established to examine the organization and operations of the Federal government. In developing recommendations to improve governmental performance while minimizing costs, the Commission should consider ways to:

(A) define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and results-oriented accountability;

(B) reform personnel systems so as to improve morale, inspire initiative, maximize productivity and effectiveness, and reward excellence;

(C) increase program responsiveness, by eliminating unnecessary paperwork and procedural requirements and increasing managerial discretion, in return for greater accountability for achieving results;

(D) consolidate and streamline departments, agencies, and programs where possible so as to reduce costs, minimize hierarchy, and focus responsibility;

(E) control the payroll costs of government while providing appropriate levels of staffing to meet program needs;

(F) promote the application of new information technologies, to improve management and reduce administrative costs; and

(G) develop mechanisms to promote greater cooperation and coordination between the legislative and executive branches, and greater attention to the long-term impacts of budgetary and policy decisions.

(2) Congress should be mandated to consider the recommendations of the National Commission.

Mr. ROTH. Mr. President, this amendment expresses the sense of the Congress that a national commission should be established to examine the organization and operation of the Federal Government. The primary focus of the commission should be to develop recommendations to improve governmental performance while minimizing costs to the taxpayer.

As we debate the budget resolution, this is an appropriate time to take stock. Our constituents are expressing an enormous amount of frustration with the Congress and the Government in general. The American people have probably never been more angrier with the Federal Government. The American people deserve an economy that promotes jobs, opportunity and growth. And the American people deserve a Government that provides an environment for economic competitiveness.

The No. 2 challenge facing our Nation is economic competitiveness. During the next several years leading into the 21st century, America is going to be challenged with an increasing global competition that will test our strongest, most competitive businesses. We need a Government which will provide an environment to meet this challenge. Instead, we have a Government which is virtually incapable to helping our Nation compete internationally. The American people, unfortunately, see Government as the problem, not the solution. We need to make Government more responsive to the needs of our Nation, and bring Government back to the people.

Earlier this week, I introduced S. 2531, legislation that will allow us to break the political gridlock that has stifled any real Government reform—legislation that will enable both sides of the aisle to work together to reenvision and then reinvent not only the Federal Government, but Congress as well. Clearly, a complete reexamination of the organization and operations of the executive and legislative branch is now required. The ranking member of the Budget Committee and the senior Senator from Oklahoma have introduced legislation to study the legislative branch. This sense of the Congress states that we should establish a national commission to study and make recommendations concerning the entire Federal Government.

Can anyone among us say today that the Federal Government is operating as effectively, as efficiently, as productively and responsibly as possible in meeting the complex needs of modern America? Can anyone among us say that our Government is adequately preparing our Nation—the men, women, families (the manufacturers, farmers, and businesses of America)—for a bright and a prosperous future? A future in which we, as a Nation, will continue to be first among equals? A Nation which leads by example? Can anyone say even that our taxpayers—the hard-working men and women who support the Government—are getting their money's worth? Unfortunately, the answer to the questions is a resounding "no."

Political gridlock in the Congress and the White House has reached an untenable level. In the increasing global competition that we face, the Congress, administration, and the private sector must work together to meet this challenge. We need to establish a mechanism which will allow us to rise above the political fray and do what's best for our Nation. Several years ago, the Congress faced a very similar situation concerning the decision as to which domestic military bases to close. We establish a very active, powerful commission to present Congress with a list of bases to be closed—and for the first time in more than 15 years, bases are being closed as our Nation's defense is being restructured.

Who among us could argue against a commission which would:

Define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and results-oriented accountability;

Consolidate and streamline departments, agencies, and programs, so as to reduce costs, minimize hierarchy, and focus responsibility;

Reduce the size of the Federal work force through attrition and redirect funding toward improved training and rewarding excellence; and

Develop mechanisms to promote greater attention to the long-term impacts of budgetary and policy decisions.

Make no mistake, Mr. President, I am not singling out Federal employees for criticism. In truth, the Federal Government has many talented and hard-working employees, but their effectiveness is seriously handicapped by existing organizational structures and operations. The real problem is with the bureaucracy—not the so-called bureaucrats. Too many Federal institutions have become bloated and inefficient, with structures and missions not reflecting current domestic and international priorities. They are slow and unresponsive. And they cost far too much for what they accomplish.

The budget resolution we are considering includes a number of rec-

ommendations for Government efficiencies—Federal work force attrition—80 percent replacement, legislative branch 5 percent across the board reduction, Executive Office of the President—5 percent across the board reduction, the offices of the Secretary in all executive departments 5 percent across the board reduction, 2 percent reduction in travel and communications, 10 percent reduction in consulting services, and a 10-percent reduction in agency aircraft use. I strongly support all of these efforts to reduce administrative expenses of Government. But we should develop a more rational approach. This is best accomplished through a national commission—a commission powerful enough like the Base Closure Commission to rise above the political fray and special interests and do what's best for all of our country.

The public's confidence will return only when we are successful in getting governmental institutions to respond quickly and effectively, with high-quality services delivered at the minimum necessary cost. In other words, it will be when the people are satisfied that the Federal Government is squeezing maximum value out of each tax dollar. Clearly, we have a long way to go to achieve that. But this sense-of-the-Congress resolution is a resolute first step.

The legislation I introduced, S. 2531, establishes such a national commission. The commission's powers are modeled after the Base Closure Commission. Its recommendations would be sent to the President. If approved by the President, the recommendations would go into effect unless disapproved by the Congress. Those recommendations pertaining to either House of Congress would only be voted on by that body. This process will allow the Congress to rise above the political gridlock, stifle special interests, and return Government to the people.

This is a tall order, Mr. President. But it must be done. At the moment there are four conditions that make this proposal ripe: Federal Government institutions are failing to meet basic service needs; there are new sets of management principles and modern technologies that can be employed; and at the moment our Nation literally cannot afford to service the deficit; let alone continue to spend money it does not have on programs that aren't working. Last, the government must be prepared to meet the challenge of global competition during this decade and into the 21st century.

We should promise the American people that we will consider a package of major reforms of the Federal Government before the next election, 2 years from now. We can turn this frustration and crisis in confidence into an opportunity for significant improvement of Government services and efficiency.

We owe Americans and the future of America nothing less. I urge the adoption of this amendment.

I yield the floor.

Mr. SASSER. Mr. President, all time has been yielded back on the Roth amendment on both sides.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Delaware [Mr. ROTH].

The amendment (No. 1781) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, on the amendment that the Senate acted upon favorably a moment ago, the amendment of the Senator from Arizona [Mr. DECONCINI], dealing with the Women, Infants, and Children's Program, I ask unanimous consent that the distinguished Senator from New Jersey [Mr. LAUTENBERG] be added as a cosponsor.

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

Mr. SASSER. Mr. President, we are alternating and there is an amendment to be offered here by the distinguished Senator from Minnesota [Mr. WELLSTONE]. It is my understanding that this amendment has been worked out to the satisfaction of all Senators.

I yield to the Senator from Minnesota.

AMENDMENT NO. 1782

(Purpose: To recommend increased budget authority and outlay levels for certain defense industry conversion-related activities)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1782.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . DEFENSE INDUSTRY CONVERSION.

It is the sense of Congress that no less than \$1,000,000,000 in budget authority provided in this resolution for the defense function 050 for fiscal year 1993 should be made available for defense industry conversion-related activities such as those within the following programs:

(1) DEFENSE INDUSTRY WORKERS, JTPA-EDWAA.

(2) COMMUNITIES.—

(A) Economic Development Administration.

(B) Community Development Block Grants.

(C) Small Business Administration.

(D) Impact aid grants to school districts.

(3) TECHNOLOGY.—

(A) NSF education grants to engineers.

(B) DOE technology transfer.

(C) National Institutes of Standards and Technology.

(D) Intelligent vehicle highway system 1.

Mr. WELLSTONE. Mr. President, let me first of all, in just a minute or 2, refer to a chart that the distinguished Senator BYRD from West Virginia, President pro tempore, has been kind enough to let me use. These are projections about manpower reductions—I could say womanpower—reductions, as well.

Mr. SASSER. Mr. President, the Senate is not in order, and the Senator from Minnesota deserves to be heard. This is an important amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I thank the Senator from Tennessee. I think what I will do is I will wait until all conversation ceases.

Mr. President, I have waited 3 days to propose this amendment. I only propose the amendment because I think it is important, like everybody else in here, and I would like to have the respect.

Thank you very much.

Mr. President, let me refer to this chart that Senator BYRD was kind enough to let me use. Projections between the years 1993 and 1997—this is reductions—for military personnel, 237,000; DOD civilian personnel 54,000; and defense industry workers, 500,000 to 1 million.

And I thank the Senator from Georgia, Senator NUNN, for his cooperation. He certainly is somebody that I want to work with. What this amendment does is it is a sense-of-the-Congress that no less than \$1 billion in budget authority within the Department of Defense be dedicated to conversion activities.

Now, there are many different kinds of programs that we could talk about. But I think the main point—and this is a very small amount of money; it is only a sense-of-the-Congress resolution, and it is only a matter of our giving some direction to steps that I know all of us are committed to—is many people are going to lose their jobs, and they ought to have the opportunity to be able to make the transition. And so we talk about such programs as JTPA the Economic Development Administration, the Small Business Administration, technology transfers.

And the whole impact of this amendment, Mr. President, is that we certainly have to get serious as a nation about conversion. We have to make a commitment to the many men and women who have done so much within our defense industry. We cannot just throw people out in the cold. We have to do the planning.

I am very confident, with the leadership of Senator PRYOR and the whole

commission that he is chairing, that we will make those steps.

Mr. President, let me just conclude by saying this is an amendment that takes us, I think, in the right direction. It is just a signal for the Congress. I look forward to the work of Senator PRYOR, Senator NUNN, and many others in here, to make sure that we go through with the authorization and the appropriation.

Mr. President, I yield back all my time, if the other side wishes.

Mr. DOMENICI. We have no objection, and we yield back any time we have in opposition.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota [Mr. WELLSTONE].

The amendment (No. 1782) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National Commission on Economic Conversion and Disarmament, which was so helpful in disseminating information to every Senator and helping build support for this amendment.

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

NATIONAL COMMISSION FOR
ECONOMIC CONVERSION & DISARMAMENT,
Washington, DC, April 9, 1992.

DEAR SENATOR: We strongly urge you to support Senator Wellstone's amendment to the Senate Budget Resolution. The amendment recommends that \$1.3 billion in budget authority and over \$600 million in outlays be used to fund a variety of programs related to minimizing the economic dislocation associated with cutting the defense budget. It is critical that Congress enact a comprehensive conversion policy this year, as the Bush-Cheney budget plan for FY 1992-1997 calls for discharging almost 350,000 active-duty troops and laying off nearly 150,000 civilian DoD personnel. The plan would also eliminate over 800,000 defense industry jobs and close scores of bases. The impact of these cuts will be felt dramatically in 1992 and 1993. If Congress further cuts the Pentagon budget, a step we support, the need for comprehensive conversion policies becomes greater.

The amendment recommends that \$500 million in budget authority and \$30 million in outlays be targeted to defense industry worker retraining and community adjustment and community block grants. Another provision that would help communities is the \$415 million in budget authority and \$340 million in outlays called for by the amendment for Impact Aid Grants. Together these provisions, if actually enacted, would provide much needed assistance for laid-off workers seeking to acquire skills necessary to find new work, and for communities hard hit by major defense contract reductions or base closures. The \$200 million that Congress authorized and appropriated for worker re-

training and community adjustment as part of the 1991 Defense Authorization Act is insufficient to deal with the current dislocation. In fact, the EDA only received its share of these funds in February 1992, primarily because the White House opposed the entire program.

Another important provision of the amendment that would encourage creation of new businesses and jobs is the call for additional funding for the Small Business Administration. This would help make funds available to subcontractors, who are often the first to be affected by DoD project cutbacks. The health of these firms is often crucial to the economic well-being of surrounding communities.

The Wellstone amendment also recommends that \$300 million in budget authority and over \$180 million in outlays be used to encourage development and dissemination of technologies essential for the health of our economy and infrastructure.

Finally, and perhaps most importantly, the Wellstone amendment calls for these programs to be funded, but not administered by the Defense Department. DoD should not be the final recipient of these funds because it is not competent to administer programs for minimizing economic dislocation. DoD has every reason not to spend the money for this purpose, as any funds that they do not obligate for adjustment reverts to their general budget. The Pentagon's aforementioned delays in transferring funds in the past demonstrate its opposition to conversion and adjustment. At the very least, a conversion program must involve the federal agencies competent to carry out this mission. Assigning the DoD responsibility for the program could set a dangerous precedent and lead to a difficult transition and further resistance to cuts.

For over 45 years, we have pursued an industrial policy designed to make this nation militarily second to none. Today, we need industrial policies geared to restoring our nation's economy. Economic conversion policies should be at the forefront of efforts to rebuild the U.S. economy after the Cold War. The Wellstone amendment recognizes these realities and deserves your support.

Sincerely yours,

GREGORY A. BISCHAK, Ph.D.,
Executive Director.

Mr. SEYMOUR addressed the Chair.

Mr. DOMENICI. How much time does the Senator desire?

Mr. SEYMOUR. Two minutes.

Mr. DOMENICI. I yield 2 minutes to the Senator from California.

AMENDMENT NO. 1783

(Purpose: To express the sense of the Congress relating to the use of defense-relating savings in the Federal budget to retrain and reemploy individuals who are involuntarily separated from the Armed Forces or become unemployed as a result of reductions in defense spending)

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 1783.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the resolution add the following new section:

SEC. 11. SENSE OF CONGRESS RELATING TO THE USE OF DEFENSE-RELATED SAVINGS IN THE FEDERAL BUDGET FOR RETRAINING AND REEMPLOYMENT OF CERTAIN INDIVIDUALS.

(a) FINDINGS.—Congress finds the following:

(1) In relation to the total amount of anticipated Federal spending in fiscal year 1993 and to the anticipated gross national product of the United States in that fiscal year, the percentage of the fiscal year 1993 budget submitted to Congress by the President that is committed to defense spending is the smallest percentage committed to that purpose since before the entry of the United States into World War II.

(2) In each fiscal year from fiscal year 1993 to fiscal year 1997, real growth in programmed Federal spending for national defense purposes will decline at a rate of four percent per year.

(3) During the ten-year period beginning in 1987 and ending in 1997, approximately 708,000 active duty members of the Armed Forces and civilian employees of the Department of Defense will be involuntarily separated from active duty or become unemployed as a result of reductions in Federal defense spending.

(4) The Office of Technology Assessment estimates that, during the period beginning in 1991 and ending in 1995, between 530,000 and 620,000 employees of private, defense-related industries in the United States will become unemployed as a result of reductions in such spending.

(5) The retraining and re-employment of such members, civilian employees, and employees of private industry is critical to the capability of the private aerospace and defense industries of the United States to develop, commercialize, and market non-defense products and technologies.

(6) The capability of such industries to develop, commercialize, and market such non-defense products and technologies will play a critical role in ensuring the long-term economic prosperity of such industries and the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a meaningful percentage of the savings in Federal defense spending in fiscal years 1993 through 1997 be made available for the establishment of programs to retrain and re-employ active duty members of the Armed Forces, civilian employees of the Department of Defense, and employees of private, defense-related industries who are involuntarily separated from such duty or become unemployed as a result of reductions in Federal spending for national defense.

Mr. SEYMOUR. Mr. President, I rise to offer an amendment to the pending Federal budget resolution expressing the sense of the Congress that a meaningful percentage of the savings achieved in U.S. defense spending from fiscal years 1993 through 1997 be made available to retrain and reemploy both active duty members of the Armed Forces and private sector employees who face involuntary separation or unemployment as a result of the programmed reductions in defense spending that will inevitably occur over this period of time.

The short-term economic dislocations caused by the dramatic reductions in defense spending during this decade require a constructive and coherent response from the Federal Government. While we cannot engineer a new industrial policy controlled exclusively by Washington, Congress should identify an appropriate amount of military cost savings to assist both the citizens in uniform and those in the defense industry who face the loss of their jobs because of the budget decisions imposed from Washington.

During the next 5 fiscal years, the defense budget will go down by at least 5 percent per year. The fiscal year 1993 Department of Defense submission by the President alone represents the smallest percentage of total Federal expenditures since the United States entered World War II. These numbers translate into more than 100 separate weapons program terminations beyond the deep cuts made in personnel, training, and operations and maintenance accounts.

In the meantime, well over 1 million jobs will be eliminated because no one foresees the national security requirement to rebuild our forces and the industrial base that supports them to the levels at which they existed before the demise of the Soviet Union.

I agree with many of my colleagues that private sector-driven changes in management, production, and marketing techniques will ultimately determine the economic future of most defense industries. But a prudent investment of military budget savings into effective retraining programs will assist in the preservation of a highly skilled and experienced work force of former active duty and manufacturing personnel.

And let no one question the value of the investment proposed by this resolution. Last year, the President's National Critical Technologies Panel maintained that 75 percent of the technologies originally developed within the Nation's defense and aerospace sector remained vital to the future economic competitiveness of the United States.

Yet this conclusion, Mr. President, should come as no surprise.

Even during these difficult times of market contraction, the aerospace industry accounts for 10 percent of all American sales to overseas customers—making it the Nation's No. 1 exporter.

The policy of this resolution, therefore, does not embrace a short-term approach to subsidize displaced colonels or aircraft engineers. Rather, it urges an investment in the most promising resources of our economic future—the leaders, managers, technology producers, and exporters who during the 1980's made the most effective contribution to the rebuilding of America's national security posture since the birth of the Soviet Union in 1917.

Mr. President, very briefly this is an amendment that has been agreed to by both sides.

I know time is drawing very short now. We have been working long hours on the budget resolution. This is yet another approach to the defense conversion, conversion of our defense industries, particularly in California, where defense industries are so important.

This is a broader proposal, provides more flexibility, and goes over a longer period of time, I believe, than the previous amendment.

I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. SASSER. Mr. President, the Seymour amendment is acceptable to us.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. DOMENICI. I yield any time I might have.

Mr. SASSER. I yield back all time in opposition.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from California [Mr. SEYMOUR].

The amendment (No. 1783) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

AMENDMENT NO. 1784

(Purpose: To provide an additional \$150,000,000 in deficit savings over the next 5 years)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] for himself, Mr. KASTEN, Mr. NICKLES, and Mr. SEYMOUR proposes an amendment numbered 1784.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 3, line 23, reduce the amount by \$30,000,000.

On page 3, line 24, reduce the amount by \$30,000,000.

On page 3, line 25, reduce the amount by \$30,000,000.

On page 4, line 1, reduce the amount by \$30,000,000.

On page 4, line 2, reduce the amount by \$30,000,000.

On page 4, line 5, reduce the amount by \$30,000,000.

On page 4, line 6, reduce the amount by \$30,000,000.

On page 4, line 7, reduce the amount by \$30,000,000.

On page 4, line 8, reduce the amount by \$30,000,000.

On page 4, line 9, reduce the amount by \$30,000,000.

On page 4, line 12, reduce the amount by \$30,000,000.

On page 4, line 13, reduce the amount by \$30,000,000.

On page 4, line 14, reduce the amount by \$30,000,000.

On page 4, line 15, reduce the amount by \$30,000,000.

On page 4, line 16, reduce the amount by \$30,000,000.

On page 5, line 20, reduce the amount by \$30,000,000.

On page 5, line 21, reduce the amount by \$30,000,000.

On page 5, line 22, reduce the amount by \$30,000,000.

On page 5, line 23, reduce the amount by \$30,000,000.

On page 5, line 24, reduce the amount by \$30,000,000.

On page 30, line 25, reduce the amount by \$30,000,000.

On page 31, line 9, reduce the amount by \$30,000,000.

On page 31, line 18, reduce the amount by \$30,000,000.

On page 32, line 3, reduce the amount by \$30,000,000.

On page 32, line 12, reduce the amount by \$30,000,000.

Mr. SASSER. Mr. President, may I inquire of my friend from New York: He had two pending amendments; may I ask which amendment he is offering?

Mr. D'AMATO. This is the amendment dealing with welfare reform, welfare shopping.

Mr. SASSER. I thank the Senator. The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, that is exactly what this amendment is. It is an amendment to close a gaping loophole in the current welfare system that permits, and indeed encourages, welfare shopping.

For many years, we have had situations where some social service agencies, some county administrators in various counties in various States, will actually direct people to other States, to States that pay higher benefits. That is absolutely absurd. It is wrong. It is wrong to encourage people to move for higher benefits and out of one's community to avoid the social responsibility that belongs there. I believe that is a problem we can and should deal with, and this amendment does it.

Simply put, my amendment states that if you come into a community and you go on to welfare within that year, you will receive the benefits at the lower amount from the State that you came from. We hope it will stop that abhorrent policy that some have engaged in officially and unofficially, to steer people to higher benefit States.

Let me suggest there are many different types of welfare services that families can receive in social services assistance. In New Jersey, a family of

three can receive as much as \$9,000 a year, or \$750 a month, in welfare payments. If they move to New York, that same family can receive as much as \$14,000 a year simply by crossing the river. Indeed, we have had situations where that has taken place.

We have one county in New York, the county of Niagara, a small county, that has had to deal, literally with hundreds and hundreds of people who have come across the border simply for the purposes of obtaining higher benefits.

Let me say, this has an economic impact that brings about a savings to the budget over the next 5 years of some \$150 million, according to preliminary scoring by CBO. We are talking about a savings to the taxpayers of this Nation. We are attempting to deal with a situation that will keep us from what I consider to be a totally abhorrent policy, that is shifting the welfare burden from one State to another and inducing people to leave their State because they can get higher benefits. I am not suggesting this is a panacea. It will not be a cure-all of the ills of social services and the problems attendant thereto. But it is a start.

I offer this amendment on behalf of myself, Senators KASTEN, NICKLES, and SEYMOUR.

The PRESIDING OFFICER. Is there further debate?

The Senator from New York [Mr. MOYNIHAN] is recognized.

Mr. MOYNIHAN. Mr. President, it is a rare occasion when I find myself at odds with my colleague and friend from New York, Mr. D'AMATO. As chairman of the Subcommittee on Social Security, which has jurisdiction in this matter, needless to say, the Aid to Families with Dependent Children, AFDC, as it is better known—welfare, as it is inherently known—we have a long experience with this subject, and I think a very clear one with respect to the constitutional rights of Americans involved here. I will come to that in just a moment.

However, may I say that 30 years of experience with this subject have led most observers to agree that there is little, if any, movement by individuals, families, from one State to another in search of more generous welfare benefits. People move around in our country all the time. They always have. And they usually move from one place to another in expectation that they will improve their circumstances, in one sense, in one way or another. Often they do not. That is life.

It is the case, however, that the movements are very rarely, if ever, in any significant sense associated with the desire to go into a new State and become dependent on public welfare in that State. As a matter of fact, just within the last 3 weeks we have had hearings in the Finance Committee, Subcommittee on Social Security and

Family Policy, hearing from a welfare commissioner from the State of Oregon about the legislation we adopted so nearly unanimously in 1988, the Family Support Act. He described families that had moved from California to Oregon, north; from the State of Washington, south, to be in Oregon where the work training programs were more visibly in place, more effective, were having better results, even though the AFDC benefit in Oregon is lower than in its neighboring California and Washington.

We have testimony before our committee that indeed people move in search of better circumstances, and that is in the context of the AFDC Program, but they move looking for work opportunities. That has been our history, internal migration, from the first time a family crossed the Appalachians looking for land on the other side; people coming from the South to the North where agriculture was declining in the one region to where industry was expanding in the other.

It is simply not the case that there is any significant—I am not even aware of any organized inquiry that has ever demonstrated a movement in search of higher welfare benefits, particularly in a time when, for the last 25 years, welfare benefits have been declining.

But in any event, this has nothing, or ought to have nothing, to do with our judgment. Our judgment here turns on the constitutionality. Repeatedly, the Supreme Court of the United States has said that State enactments to inhibit eligibility under Federal law of persons who have moved into one State from another violate the constitutional right to travel. These findings go back a long way.

In *Shapiro v. Thompson*, 394 U.S. 618, 1969, the U.S. Supreme Court found that a State residency requirement designed to discourage welfare families from coming into the State is unconstitutional. You cannot do that to American citizens. The Supreme Court has so held. States even, pursuing this delusion that somehow or other welfare dependency at a given level in a given State reflects the level of benefits—it does not. Some of the highest rates of welfare dependency are in States with some of the lowest levels of AFDC treatment. I just remark there are States where, with the present welfare legislation beginning to take hold, the Family Support Act—When we adopted it in 1988, I said on this floor it will not change our affairs overnight.

We will get a feeling for this matter in perhaps the year 2000. We have now been for some time in the most protracted recession of a postwar period, or nearly thereto, and we have seen welfare cases go up, just as we have seen unemployment cases go up. They are clearly in response to a shortage of job opportunities.

Very well, but let us be clear, there are twice as many AFDC cases extant

today as there are persons receiving unemployment benefits. And let it be understood, if I can, we are not talking here about a marginal group of people, people you do not know, people who do not live near you. We can show, Mr. President, that almost one American child in three will be on welfare before they reach age 18. We can show that of the children born in the years 1967, 1968, and 1969, almost three-quarters of minority children were on welfare before they reached age 18. We are talking about one American child in three, and we are talking about depriving them of a constitutional right which is not a theoretical one, but rather one that has been upheld by the Supreme Court in emphatic decisions.

I stated that in *Shapiro versus Thompson* in 1969 the Court found a State residency requirement unconstitutional. Then, Mr. President, in 1982, 10 years ago, in *Zobel v. Williams*, that is 457 U.S. 55, 60 and Note 6, as if the Court had to spell it out a second time, a yet more detailed finding. I do not want to characterize Justices, but I could say in a near exasperated finding, the Court said did we not tell you this strips constitutional rights from Americans? And so it said that the constitutional right to travel "protects new residents of a State from being disadvantaged because of their recent migration or from otherwise being treated differently from longer term residents."

The Court said the right to travel is a constitutional right. It adheres in citizenship and to restrict it in any way is unconstitutional.

Accordingly, Mr. President, in order that we might avoid the question of so much of the emotions that surround this subject and have done with increasing anger and frustration, this, Mr. President, is the first Presidential election campaign in our history in which the issue of welfare dependency has been at the top of the Presidential campaign debate. President Bush raised it in the State of the Union Message. He has repeated it. Some statements have been very seriously questioned by commentators. The President returns to this issue on his weekly Saturday broadcast tomorrow, and I will respond on behalf of the Senate majority leader who asked me very generously to do that, and I will.

Mr. President, in these circumstances, and asking the Senate to understand where our first responsibility lies, which is with the Constitution that created us and which we are sworn to uphold and protect against all enemies foreign or domestic, including State legislatures which might enact such measures—and I remind Senators, we come in here on January 3, we march down this aisle, we go right over to that corner, we put our hands on a Bible if we so choose, and swear to uphold and protect the Constitution of

the United States against all enemies foreign and domestic—that being the case, Mr. President, the Supreme Court, having twice declared any such State measures to be unconstitutional, I propose to make a point of order that the amendment proposed by the Senator from New York impinges upon the right of citizens to travel freely from State to State and under the Constitution this is not in order.

I will make that point of order, a constitutional point of order, when all time has been yielded back.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, if I might, I am going to take several minutes. Several of my colleagues would like to speak to this amendment. Let me first indicate the senior Senator, my good friend from New York, Senator MOYNIHAN, is absolutely correct. There have been very few times we find ourselves certainly in opposition and this comes from our own beliefs and convictions and I respect him and I respect his scholarship and his studies and his advocacy of the rights of families which have done so much for so many over the years.

As it relates to the particular constitutional cases that have been cited by my learned colleague, they really center around the total denial of benefits that a State attempted to bring about by bringing in residency requirements. There is a very real distinction between limiting and cutting benefits for those moving from a State, and limiting them. And particularly where people who are on social services in another State move in for higher benefits, clearly, they are bringing a clear prima facie case that a person is coming simply to get higher benefits.

A State, we argue, would have a right and we do have the right to say that this is not in the national policy, this is not a goal that should be preserved. This is not a right, but rather that States have a right to say that we will give you that help that you are entitled to but at the level that you were receiving so that not one State that may have higher benefits becomes the magnet. This is unacceptable, and that is why we are here.

We are here as a Congress to determine what kind of conduct is acceptable. Social services, yes, should never be totally denied to anyone, but what about level of social service? Does the State have a right to say, look, we have established a level for those who live here, but we do not want to have a situation where people deliberately come to our State to receive higher benefits. That becomes injurious to our State, to our people, and to our taxpayers and, by the way, is self-defeating and hurts the taxpayer.

To the extent the Congressional Budget Office indicated that between March 1989 and March 1990, out of

100,000 welfare recipients who, during that period of time, crossed borders, 65,000 did so in pursuit of higher benefits. We are talking about stopping what I consider to be an evil practice because we have had situations where people have said to the welfare case officer, I was told to come right up here and to get on to the welfare role and I could do that. We have cases that go back years where people would purchase bus tickets to come into New York and to other States so that they could receive higher benefits.

Now, if it is unconstitutional to treat it in this manner—and I do not believe so—I do not think the courts have ever ruled on this situation. Maybe it is about time that they revisit this situation since the case goes back 20-plus years. But, again, I think there is a distinction that can be made and should be made and I do not think it is correct.

I have some more facts to give as to how it impacts local counties and one county in New York in particular, Niagara County which is one of our border counties.

I am going to yield the floor to my good friend from California for a few minutes.

Mr. DOMENICI. Before the Senator does that, I wonder if I might ask the Senator a question.

Mr. D'AMATO. Certainly.

Mr. DOMENICI. On the Senator's time. The Senator has time on the amendment.

Mr. D'AMATO. Certainly.

Mr. DOMENICI. I have the amendment before me. I heard the distinguished Senator say that this amendment was unconstitutional. This amendment is all numbers, dollars. How can \$30 million be unconstitutional? The Senator has just reduced expenditures by \$30 million from what I can tell.

Mr. D'AMATO. That is correct. It is anticipated by CBO, if we were first to take this budget action, then to be followed by legislation. And so it would be the underlying legislation which would be a constitutional matter. I do not know if a constitutional point even lies here. It would seem to me that when the actual legislation were put to the test, that is where a point of order might lie but not one as it relates to the relevance of shifting numbers by way of a budget action, a budget act; that that would not be a proper place for a point of order to lie. I hope that the Chair would so rule.

Mr. DOMENICI. I might say because it is going to take a lot of time for a vote on constitutionality, that in this case even the Chair review this amendment. It is inconceivable that this amendment is unconstitutional. There is no language in it. The only language is on page 3. That could not be unconstitutional. Line 3 would not be unconstitutional; it will reduce the amount

by \$30 million. So how could that be unconstitutional?

I do not know why we would want to have a vote. I wish the Senator from New York would review the amendment. From what I understand the Senator has reduced outlays in a function of the budget that the Senator assumes will lend itself to a law change but there is no law change here.

Mr. D'AMATO. That is correct. We would still have to enact that legislation. I would move to do that. And we received these figures from CBO.

Mr. DOMENICI. And the constitutionality, if there be an attack, would certainly be some other time on legislation, it seems to me.

Mr. D'AMATO. That is correct.

Mr. DOMENICI. I hope we do not have to have a vote on that. I urge that the senior Senator from New York take a look at that.

I yield the floor. I thank the Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. I yield the Senator from California such time as he may require.

The PRESIDING OFFICER. the Senator from California [Mr. SEYMOUR.]

Mr. SEYMOUR. I thank the Chair. I thank my distinguished colleague from New York, Senator D'AMATO, and applaud him for his courage, his foresight, and his leadership in beginning to seek some change and reform in a welfare system that has gone out of control.

I cannot speak for the State of New York or many other States, but, Mr. President, I think I can speak for what is happening in my State, the largest State in the Union, the State of California. Mr. President, in 1964, 1 in every 18 children under the age of 18 in my State received AFDC, welfare. By 1989, Mr. President, the number of AFDC-dependent children had increased to 1 in 6. That is 1 in 18 to 1 in 6. California's AFDC grants, the amount that is paid, are currently the second highest in the continental United States at an average of \$663 a month for a family of three.

Now, how does that compare? Mr. President, the AFDC payment corollary in the State of Texas is not \$663 a month but \$184, and in Florida it is \$294, not \$663, and in the State of Pennsylvania it is \$403, not \$663, a difference of \$260 per month. In fact, the average AFDC payment in the Nation's 10 most populous States is \$382; California \$663.

Now, the senior Senator from New York indicated that he was not aware of welfare families moving from one State to another. I do not have any evidence that they are all flocking to California, but, Mr. President, I can share with you that 7 percent, 7 percent of California's present welfare recipients did not live in the State 1 year ago.

As a matter of fact, between 1978 and 1988, in that decade, welfare grants in California rose nearly twice as fast—that is 9.4 percent—as the real family income of Californians who are paying the taxes that rose at 5.1 percent.

California is a big State. In fact, California represents 12 percent of the population of our Nation, but California has 26 percent, 26 percent of all of the costs of welfare paid in this country. So you see, Mr. President, the statistics that we face in California are grim, and it is bankrupting our State. The welfare case load in our State is projected to grow by 47 percent from 1988-89 to 1992-93. That is 4 years, a 47-percent increase, almost 12 percent per year, and nearly four times as fast as the rate of our population growth.

The benefits are such on welfare in California that a family of three would have to earn \$1,400 a month to make more than they would if they remained on welfare. How does that compare to the minimum wage? The minimum wage would make \$737 a month if they working full time. And so what we have in California is a system that benefits people to not work.

So clearly this system cries out for reform. Let me give you the bottom line, Mr. President. There are so many people in society who pay taxes, and then there are so many people in society who need taxes in the form of a subsidy, one or the other.

In my State, a critical change is taking place. Today we have six taxpayers for every five tax takers, and by 1995, as a matter of fact, they will be equal. What is more fearful is that by the year 2000, Mr. President, we are going to have four taxpayers for every five tax takers. We simply cannot afford that burden anymore. We are driving our taxpayers out of the State. They just cannot afford to carry the load.

Mr. President, I stand in strong support of Senator D'AMATO's effort and in support of the amendment.

Mr. MOYNIHAN. Mr. President, I would like to say to my friend from California that on March 30, the director of the Oregon Department of Human Services, Mr. Kevin Concannon testified before our subcommittee on Social Security—we are tampering with Social Security here among other things—that what the jobs program in Oregon has created is such an attractive working operation now under the Family Support Act that people, indeed, move from California to Oregon even though benefits in Oregon are lower.

I am not disputing the proportion of welfare recipients who will not behave that way, but neither do I want to see it denied to those who are really trying to get out of the situation they are in.

I just had a message from the commissioner of social welfare in the State of New York, recently professor at the Kennedy School of Government, and

one of the authorities in the Nation on this matter.

I quote the commissioner.

There is no evidence that people move from one State to another for the purpose of getting welfare, and in particular no evidence that people move into the State of New York for that purpose.

What one appeals to are the facts but the facts will never be accepted. People will think what they wish to think.

So when all time is yielded back, I will appeal to the Constitution, that I ask Senators to remember their oaths. Remember that the Supreme Court has twice held on legislation which this measure anticipates, absent which it would have no effect. This legislation could only be meaningful if the Congress enacted an unconstitutional measure or if the States did.

The underlying purpose, as avowed by the ranking member of the Budget Committee, is to see the enactment of legislation which will clearly be held unconstitutional. We do not take an oath to balance the budget, and we do not take an oath to bring about universal peace, but we do take an oath to protect and defend the Constitution of the United States against all enemies, foreign or domestic, be they State legislatures or whatever.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from New York, Senator D'AMATO.

Mr. D'AMATO. Mr. President, I want to do two things: First, I am going to refer to one of our counties, Niagara County, a county of about 220,000 people, in which, in 1990, a record number of new residents, 378, moved to and joined the social service rolls.

The following year 1991, up until October 1991, a higher record number, 491 residents, projected out to 600, again came into the county and joined the welfare rolls.

I would suggest that county and other counties cannot absorb that kind of situation where people are coming in, obviously, to get higher welfare benefits.

Second, in closing, let me say that my very learned friend described well a potential problem, and I understand that. This Senator is trying to help frame a partial solution to this problem. I am not talking about creating some constitutional disincentive to travel, but what I am doing is trying to remove incentives to welfare shopping, to game the system—we should stop that—and instead help foster a system that is fair, that will work, and that taxpayers who are already unhappy about the unreasonable burdens being placed on them will be more willing to support.

So this Senator is trying to ensure, not to deny, rights.

I believe this will form, hopefully, a consensus so that we can pass legislation later that will accomplish this. I

wish to point out that the Senate has previously voted on and passed this legislation. I will offer this bill again.

Indeed, if there is a constitutional question, I believe that the courts will resolve it in time, given the distinction which is not a cutoff of benefits, but rather saying that we will not encourage people to come and welfare shop. Benefits, yes. But we are not going to contribute to a system that fosters an inequity for those States who are meeting their social responsibility. That is the goal of this Senator.

I yield.

The PRESIDING OFFICER. The Senator from California, Senator SEYMOUR.

Mr. SEYMOUR. Thank you, Mr. President. I will be very brief.

I just wanted to comment to the Senator from New York relative to what he heard, I believe, from the State of Oregon in Social Security recipients leaving California for Oregon. That is a phenomena that is taking place, but I do not believe that to be welfare recipients. I believe that to be the folks who have retired. They built up equity in their home, and they sold their home for a rather substantial price. They looked to Oregon, to a little lower cost of living.

So they go up and pay cash for their home in Oregon and live happily ever after. But it is not welfare recipients. The welfare recipients are coming the other way.

I yield my time.

Mr. MOYNIHAN. Mr. President, a gentleman from the Oregon Department of Human Services was before our committee speaking for the State. He was speaking for the national association. He said that they have some good programs, such as the Family Support Act, that is getting underway. The word is going around that they can get you into shape to get a job, and people leave high-benefit States—Washington to the north, and California to the south—to come in for the job training.

I am not trying to ascribe anybody as morally superior, or particularly virtuous. They are making a wise economic decision. But the economic decision that motivates them is to get job training and education, and get out of welfare.

Is everyone on welfare of that disposition? Certainly not. But we have some testimony about people who are doing that.

So, Mr. President, has time been yielded back on the Republican side?

The PRESIDING OFFICER. The time has not been yielded back at this point.

Mr. MOYNIHAN. If time is yielded back by my colleague, I will do the same.

Mr. D'AMATO. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back by the Senator from New York.

Mr. MOYNIHAN. Mr. President, I make a point of order that the amendment proposed by the Senator from New York proposes to impinge upon the rights of citizens to travel freely from State to State. Under the Constitution, this is not in order.

The PRESIDING OFFICER. Under the precedents available to the Chair, the Chair has no authority to rule on a constitutional question and must submit such questions to the full Senate.

Is the point of order well taken?

Mr. DOMENICI. Mr. President, I know we are running out of time. I do not want to deny other Senators who have the few remaining amendments an opportunity to debate their proposals. I want to make sure that the Senators that are interested in what we are voting on—

Mr. MOYNIHAN. Mr. President, a constitutional point of order has been made. No debate.

The PRESIDING OFFICER. The motion is debatable. The Chair just checked with the Parliamentarian.

Mr. DOMENICI. I offer time off the resolution.

Mr. MOYNIHAN. I apologize.

The PRESIDING OFFICER. The floor is under the control of the Senator from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I ask every Senator that walks in if they are going to vote on this, if they would just go up to the desk and look at the amendment. They cannot be unconstitutional. There is nothing in it that even directs anyone, orders anyone, says they can do something.

It has dollar numbers, and page numbers, and three other words "reduce the amount." That is all that is in this.

I have nothing further to say. I hope that we do not declare it an unconstitutional amount. That would be in itself a tragedy.

The PRESIDING OFFICER. Is there further debate on the point of order raised by the Senator from New York, Senator MOYNIHAN.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

Mr. DOMENICI. Sure.

Mr. STEVENS. Mr. President, I would seek the advice of my friend, the senior Senator from New York, to tell me in what way this is unconstitutional. I have examined it. As the Senator from New Mexico said there are 27 lines that say reduce a certain amount by \$30 million.

This legislation is a reduction of \$30 million out of a whole series of line items, and that cannot be unconstitutional. I would be pleased to listen to my friend from New York, if he would respond. Why is this unconstitutional when it simply reduces a money figure?

Mr. MOYNIHAN. Mr. President, I answer in the words that the distinguished Senator from New Mexico stated earlier: These budget outlay reductions could only take place in consequence and in the aftermath of our enacting legislation, which, in the view of this Senator—and we will soon find out from the body—would be held unconstitutional by the Supreme Court, exactly as it has been twice in as recently as 1982; the court held that such legislation impinges the right of Americans to travel.

We are not talking about welfare here. We are talking about the rights of Americans. When we start diminishing the rights of Americans in any way, in my view, we fail in our oath. And the Supreme Court could not have put it more clearly on record in Shapiro versus Thompson and Zobel versus Williams, that the right to travel is an American's right; it adheres to citizenship. That, sir, is my answer. It may be held inadequate or insufficient from the body.

Mr. STEVENS. I thank the Senator for that response. I respectfully say that we are not dealing with the rights of anybody here. We are dealing with the amount of money we might spend under a particular function, and that is based upon a series of assumptions made by the people who offer the amendments. Those assumptions are not binding upon the body. They certainly could not be litigated in any court that would yield to a finding of unconstitutionality or a ruling of unconstitutionality. I hope that my friend from New York would permit us to voice vote this matter, because I think he made his point in raising his objection, but I cannot see how this can be a valid point of order.

Will my friend from New York agree to a voice vote in this matter?

Mr. MOYNIHAN. Sir, the yeas and nays have been ordered.

The PRESIDING OFFICER. Is there further debate?

The question occurs on the point of order raised by the senior Senator from New York. Is the point of order well taken?

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. DIXON], the Senator from Georgia [Mr. FOWLER], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], the Senator from Mississippi [Mr. LOTT], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

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

The yeas and nays resulted: yeas 45, nays 45, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—45

Adams	Ford	Mikulski
Akaka	Glenn	Mitchell
Baucus	Gore	Moynihan
Bentsen	Graham	Nunn
Biden	Harkin	Pell
Bingaman	Heflin	Pryor
Boren	Hollings	Riegle
Breaux	Inouye	Rockefeller
Burdick	Johnston	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerry	Sasser
Daschle	Lautenberg	Shelby
DeConcini	Leahy	Simon
Dodd	Levin	Wellstone
Exon	Metzenbaum	Wofford

NAYS—45

Bond	Gorton	Nickles
Brown	Grassley	Packwood
Bryan	Hatch	Pressler
Bumpers	Hatfield	Reid
Burns	Helms	Robb
Byrd	Jeffords	Roth
Chafee	Kassebaum	Rudman
Coats	Kasten	Seymour
Cochran	Kohl	Simpson
Cohen	Lieberman	Smith
Craig	Lugar	Specter
D'Amato	Mack	Stevens
Dole	McCain	Symms
Domenici	McConnell	Thurmond
Durenberger	Murkowski	Warner

NOT VOTING—10

Bradley	Garn	Wallop
Danforth	Gramm	Wirth
Dixon	Kerrey	
Fowler	Lott	

The PRESIDING OFFICER. The yeas are 45, the nays are 45, the point of order is not well taken.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I support the point of order raised against the D'Amato amendment.

In the strictest sense, the amendment offered by the Senator from New York was constitutional; it merely cut \$30 million from the income security function in the budget resolution. However, the funding cut had a clearly unconstitutional premise—that States could pay new residents lower welfare benefits than residents who had lived in the State at least 1 year.

In 1969, the Supreme Court ruled in Shapiro versus Thompson that a 1-year waiting period before new State residents became eligible for welfare benefits violated the personal right of interstate travel under the Constitution. The Court further ruled that Congress could not alter this fact either through the authorization process or through direct congressional enactment for the District of Columbia.

So, Mr. President, although the amendment to the budget resolution it-

self was constitutional, I voted for the point of order because the premise underlying the amendment was unconstitutional.

The PRESIDING OFFICER. The question occurs on the amendment No. 1784.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1784

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, Mr. D'AMATO. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. DIXON], the Senator from Georgia [Mr. FOWLER], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Utah [Mr. GARN] the Senator from Texas [Mr. GRAMM], the Senator from Mississippi [Mr. LOTT], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting the Senator from Wyoming [Mr. WALLOP] would have vote "yea."

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

The result was announced—yeas 43, nays 47, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—43

Bentsen	Domenici	Nunn
Bond	Gorton	Pressler
Boren	Graham	Reid
Brown	Grassley	Robb
Bryan	Hatch	Roth
Bumpers	Helms	Rudman
Burns	Kassebaum	Seymour
Byrd	Kasten	Simpson
Coats	Lieberman	Smith
Cochran	Lugar	Stevens
Conrad	Mack	Symms
Craig	McCain	Thurmond
D'Amato	McConnell	Warner
DeConcini	Murkowski	
Dole	Nickles	

NAYS—47

Adams	Gore	Mitchell
Akaka	Harkin	Moynihan
Baucus	Hatfield	Packwood
Biden	Heflin	Pell
Bingaman	Hollings	Pryor
Breaux	Inouye	Riegle
Burdick	Jeffords	Rockefeller
Chafee	Johnston	Sanford
Cohen	Kennedy	Sarbanes
Cranston	Kerry	Sasser
Daschle	Kohl	Shelby
Dodd	Lautenberg	Simon
Durenberger	Leahy	Specter
Exon	Levin	Wellstone
Ford	Metzenbaum	Wofford
Glenn	Mikulski	

NOT VOTING—10

Bradley	Garn	Wallop
Danforth	Gramm	Wirth
Dixon	Kerrey	
Fowler	Lott	

So the amendment (No. 1784) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, the next amendment to be considered will be a Grassley amendment, and I ask unanimous consent that there be 20 minutes on the amendment equally divided; that in the event a point of order is made, there be no further discussion on the motion to waive.

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

The Senator from Iowa.

AMENDMENT NO. 1785

(Purpose: To express the sense of the Senate regarding the use of defense related cuts made in both defense and domestic programs)

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume, and I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1785.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE USE OF DEFENSE RELATED CUTS MADE IN BOTH DEFENSE AND DOMESTIC PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) fairness and propriety dictate that the "Fourth Arm of Defense", better known as the U.S.-flag Merchant Marine, share the burden of defense cuts in this post-cold war era;

(2) the justification for maritime programs and policies such as the Jones Act, cargo preference, and Operating Differential Subsidies has been to maintain a U.S.-flag fleet to supply vessels and manning for sealift needs during overseas military conflicts;

(3) these programs support approximately 9,000 to 10,000 seafaring billets or jobs, with cargo preference supporting approximately 2,000 billets, Operating Differential Subsidies supporting approximately 2,300 billets, and the Jones Act supporting the remaining 5,000 billets.

(4) the U.S. International Trade Commission study concluded that the Jones Act costs American consumers and businesses

more than \$10 billion per year, and destroys 2,000 jobs in mining, forestry, agriculture and other industries. This translates into a cost of \$2 million per seafaring billet.

(5) the Office of Management and Budget reports that it estimates the cost of cargo preference for fiscal year 1993 to run over \$500 million. This translates into a cost to the taxpayer of \$250,000 per seafaring billet.

(6) the Office of Management and Budget reports that it estimates Operating Differential Subsidies for fiscal year 1993 to cost \$225 million. This translates into a cost to the taxpayer of about \$100,000 per seafaring billet to subsidize the difference of wages and benefits between U.S.-flag seafarers and their world competitors.

(7) the Department of Defense reports the average cost of salary and benefits for the military's 1.9 million enlisted and officers from E-1 to O-6 captain rank averages \$32,125 per year, with captains of navy vessels costing \$101,069. The cost of reservists would average one-sixth of these costs.

(8) the Maritime Administration reports the cost of salary and benefits for a captain of a commercial merchant marine class A-3 vessel costs \$312,000 per year.

(9) the cost of one commercial merchant marine captain could pay for the cost of three active duty or eighteen reservist captains who face unemployment because of defense reductions in force.

(10) the effort to eliminate unwise defense spending must reach all areas, including the "Fourth Arm of Defense" meaning the U.S. commercial merchant marine.

(1) savings from merchant marine programs can and should be used to invest in programs critical to the welfare and education of our children, as well as to improve our military sealift needs.

(12) these savings can be achieved and directed this fiscal year to children programs without eliminating the budget firewalls.

(b) SENSE OF THE SENATE.—It is the sense of the Senate, that cargo preference and operating differential subsidies for our merchant marine be eliminated by Congress and that the \$416 million domestic savings per year be distributed among children welfare and education programs including: Chapter I, Head Start, Special Education, Impact Aid, Immunizations, Maternal and Child Health, Child Care Block Grant, Child Abuse Prevention, and WIC. Furthermore, the \$310 million defense savings from eliminating cargo preference should be dedicated toward establishing a merchant marine reserve paid at the same rate as regular military reservists, and that any remaining defense savings be used to minimize the number of active duty and reserve military personnel from being released into the unemployment lines. If additional savings are available, they should be devoted to deficit reduction.

Mr. GRASSLEY. Mr. President, this is a cargo preference amendment, so everybody knows what we are dealing with. We are talking about using the money for other domestic programs.

Last night, we voted on a proposal that if the budget firewalls are ever eliminated, we could cut defense by several billions of dollars and spend it on very important programs such as those involving the welfare and education of children.

I share my colleagues' concern about the need to cut defense in the post-cold-war era and direct it to deficit reduction, as we voted to do yesterday

with an amendment offered by Senator EXON, as well as to devote some of the peace dividend to programs for welfare and the education of our children.

But we are losing a real opportunity if we think we have to worry about the firewalls being down to accomplish that. The amendment yesterday dealt with that point. We do not need to break down the firewalls to go after defense waste and still have a peace dividend worthy of use somewhere else. We can increase children's education programs, child welfare programs, by simply requiring the fourth arm of the defense—and that happens to be the U.S. merchant marines—to also share in defense cuts.

OMB has found \$411 million used for cargo preference and for operating differential subsidies under the domestic category which can be diverted immediately to children's programs without eliminating firewalls.

This leaves \$310 million in cargo preference under the defense category to improve in a very cost-effective way, our sealift mission and, just as important, to save some of the jobs of our active-duty and reserve men and women who face the unemployment line.

This could save jobs for reservists and national guards from Iowa or any other State, and of course, in my State, we have 20,000 men and women proudly serving on active duty.

So I say, as this amendment does, let us not wring our hands about firewalls. Let us go after the goldplated defense programs—and cargo preference and operating differential subsidies fall into this category—and use this money not for inordinate subsidies in that area but to put it into our children's future.

I want my colleagues to realize, as I have said so many times on the floor over the last 2 years, because we debate this issue once or twice a year, I am prepared to show anybody just the inordinate subsidy there is to these maritime jobs that can be better spent somewhere else, or if still spent there, to share in some of the costs when we are talking about forcing men and women out of military uniform.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAU. Mr. President, I yield myself such time as I may consume on this amendment.

Mr. President, here we go again. This is probably about the 12th time this body has considered this approach to do away with something that the majority of the Senate and a majority of the House and the administration solidly supports, and they do that because it is a good provision to try to help promote an American industry that is in desperate need of assistance.

I am always enthralled by the fact that the Senator from Iowa points out,

well, we could save a couple hundred million dollars if we did away with the cargo preference program. In 1989, we could have saved about \$7 billion to \$8 billion if we did away with all the farm programs. Is anybody suggesting that? I doubt it. It helps United States agriculture. It helps farmers. It helps this country. We could send a lot more to starving nations if we bought all foreign wheat, or if we bought all foreign corn. It is a lot cheaper than American corn because of our programs. Is that good policy? Of course not. This Government has an obligation to support industries in this country that need help and assistance. The way to do that is to design programs which actually allow these industries to compete against other competitors in the international community.

Mr. President, that is exactly what the cargo preference bill says. It simply says that when we carry our military, we would like to carry it on American ships. I do not want to see our military equipment going to the Persian Gulf on Libyan vessels or Liberian ships. It ought to go in American vessels.

Is it more expensive? Of course it is. Is it good policy? Of course it is. I do not want our agricultural products going to other countries on foreign flagships. Countries will soon think it is some other country giving the donation to food assistance programs. That is not in the interest of this country.

Another point I think needs to be made, Mr. President, is the fact that some people think this will save us a ton. The actual fact is that only about 3 percent of all the food we ship overseas goes under the cargo preference programs. The reason is because under cargo preference it is only the aid programs that are affected by the requirement. The vast bulk, 97 percent of all the food we send overseas, as the Presiding Officer knows very well, goes under regular, normal, commercial transactions. It does not go under assistance programs like the Public Law 480 program.

It goes on a normal commerce transaction, and they send those on the cheapest ships they can possibly find. They put it out for bid. Whoever gets the cheapest bid gets to carry the product. Only 3 percent of food that is sold from the United States goes under preferential programs.

The other point I make is I was looking over some of the items that the author of the amendment has in his little fact sheet. You know, if you read facts, you can read them a number of different ways. He says the Maritime Administration says that the cost of a captain on a ship is \$312,000 a year. That is interesting, but it is not the total picture. As they say, the other side of the picture is these captains only work about half a year, 6 months. So immediately you divide the cost of

a year's salary in half because they do not work for a year. I would not want to be at sea for an entire year. I would like to get back every now and again. They do not work the whole year. The figure is misleading at the very best.

Mr. SARBANES. The captains at sea and working, how many hours a day do they work?

Mr. BREAU. It is almost as much as the Members of the U.S. Senate have been working. It is 24 hours a day. They are responsible for that ship.

Mr. SARBANES. He is in charge of that ship.

Mr. BREAU. He is responsible 24 hours a day under very trying conditions. They work only 6 months. So you can start by dividing the salary in half. And if you talk about the number of hours he works in a 6-month period, we are talking about some very serious and difficult conditions.

Mr. SARBANES. For a very highly responsible position. Is he not responsible for that ship?

Mr. BREAU. He is responsible for the cargo, the ship, the contents, and the crew that is serving with him.

The Senator makes an excellent point. We have debated this. We talked about it. We voted on it on a number of times. I say to my colleagues, in addition to all of the merits as to why the amendment should not be adopted, it is also nongermane.

At an appropriate time I will make a point of order that the amendment is nongermane, and should be struck down on a point of germaneness under section 305(b) of the Budget Act.

I reserve the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield myself such time as I might consume.

Mr. President, I think the point that the Senator from Louisiana ended on is making my point because it is a matter of fairness and propriety that fourth arm of defense—this is better known as the U.S.-flag merchant marine—shares the burden of defense cuts in this post-cold war era.

Whether the Senator from Louisiana speaks about the \$300,000 salary and benefits for a year or divides it by two and comes out of \$150,000 a year, whether the guy is working 24 hours a day or whether he works just an 8-hour day, if you compare that to what we pay our Navy captains in the U.S. Navy, they would get \$101,069 in salary and benefits. So what we are talking about here is an organization and subsidies that exist for defense purposes that are not serving the purpose that they were intended to do. Yet we forget all about those when we are talking about cutting military expenditures.

The thousands and thousands of people who are our constituents from every State in the Nation are going to get hit in a very difficult way as we re-

duce our military—and we should reduce our military now that the threat of a superpower war is over.

But the first point is, as a matter of fairness, this amendment should be adopted. The justification for maritime programs and policies such as the Jones Act, cargo preference, the operation differential subsidies, has been to maintain a U.S.-flag fleet to supply vessels and manning for sealift needs during overseas military conflicts.

These programs support approximately 9,000 to 10,000 seafaring billets, or jobs. The cargo preference is supporting approximately 2,000 billets. Operating differential subsidies are supporting approximately 2,300 billets, and the Jones Act is supporting roughly the remaining 5,000 billets.

The U.S. International Trade Commission—this is our own Government agency—had a study concluding that the Jones Act cost American consumers and businesses more than \$10 billion per year and destroys 2,000 jobs in mining, forestry, agriculture, and other industries. This subsidy, the cost to the consumer, translates into the cost of \$2 million per seafaring billet as a subsidy.

The Office of Management and Budget estimates the cost of cargo preference for fiscal year 1993 to run over \$500 million. So this translates into a cost to the taxpayer of \$250,000 per billet. The Office of Management and Budget reports that it estimates operating differential subsidies for fiscal year 1993 to cost \$225 million. This translates into the cost to the taxpayer of about \$100,000 per seafaring billet to subsidize the difference of wages and benefits between U.S.-flag seafarers and their world competitors.

The Department of Defense reports the average cost of salary and benefits for the military's 1.9 million enlisted and officers, from E-1 to O-6 captain rank, averages \$32,125 per year, with captains of the Navy vessels, as I have already said getting \$101,069. The cost of reservists would average about one-sixth of this cost.

The Maritime Administration reports the cost of salaries and benefits for a captain of a commercial merchant marine class A-3 vessel costs at \$312,000 per year. The cost of one commercial merchant marine captain could pay for the cost of three active duty or 18 reservist captains who face unemployment because of defense reduction in force.

The effect to eliminate unwise defense spending must reach all areas, including the fourth arm of defense, our U.S. commercial merchant marine. Savings from merchant marine programs can and should be used to invest in programs critical to the welfare and education of children as well as to improve our military sealift needs, and this amendment allows both of that to happen. These savings can be achieved

and directed this fiscal year to children's programs without eliminating the budget firewalls.

I reserve the remainder of my time.

Mr. COCHRAN. Mr. President, will the distinguished Senator from Louisiana yield a couple of minutes to me?

Mr. BREAUX. I am happy to yield whatever time he needs to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for yielding time.

I first want to say there is no Senator in this body I respect more than the distinguished Senator from Iowa [Mr. GRASSLEY] and it troubles me that I am compelled to rise to oppose the amendment he offered because I do not know of anyone who brings to a debate any more thorough work and preparation and knowledge of a subject than he does. The depth on this issue is no different from that which we usually find him prepared to deliver.

I respect the fact that we disagree on this subject, not because of any personal differences, but simply because of the belief that from different points of view people can differ. I, frankly, have a strong view that our merchant marine, Mr. President, is one of our most valuable national assets. No clearer was that brought home to those of us who observed the Persian Gulf war than the performance that was turned in as the sealift capacity was brought to bear and used to help protect our national security interests in that conflict.

I point out that, while I think we could debate this for a long time, today is probably not the time to go into all of the details. But I would like to ask unanimous consent to put in the RECORD some facts and figures that would support the notion that this is a national asset, and it certainly pulled its weight in the Persian Gulf conflict. So I make that unanimous-consent request at this time.

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

SEALIFT IN OPERATION DESERT SHIELD/
DESERT STORM

In Operation Desert Shield/Desert Storm, our country confronted one of the largest and most heavily armored ground forces in the world, in an area about as far away from the United States as one could get on land and still find vital interests at stake, in a region where we had no forward-deployed ground forces and limited prepositioned equipment, under circumstances that called for rapid force buildup.

During the early stages, there was a "window of vulnerability" when we were concerned about the ability of U.S. and allied forces to defend against a possible Iraqi attack. Fast action was necessary, and a massive airlift began August 8.

Never before had any nation airlifted as many tons over as many miles in as short a time. On some days, more than 120 strategic airlifters landed in the Persian Gulf region.

That initial airlift was unparalleled, but the first two sealift ships to arrive in Saudi

Arabia carried more tonnage than the entire airlift up to that point. It was sealift that moved the vast majority of the supplies and equipment.

On one day, December 31, there was literally a steel bridge across the ocean, with 132 ships enroute to Saudi Arabia and 47 returning to the United States: one ship every 50 miles from Savannah to the Persian Gulf.

More cargo was sealifted more quickly than ever before, equivalent to a couple of medium-sized cities, 95 percent of all supplies sent to the Persian Gulf: over 10 million tons of dry cargo (tanks, trucks, ammunition, foodstuffs); 2.8 million tons of unit equipment; 6.5 million tons of refined petroleum products; and 825,000 tons of sustenance cargo.

Had this operation been attempted years ago, the United States would have had much less military sealift at its disposal.

A total of almost \$7 billion was spent on sealift during the 1980s, more money than was spent on military sealift from the end of World War II until 1980. This expenditure dramatically increased the Nation's sealift capability.

Despite inevitable problems, by any standard America's defense transportation system achieved a great success in Operation Desert Shield/Desert Storm. It was a team success in the truest sense. Our uniformed forces, active duty, guard, and reserve; our commercial air carriers; our rail and trucking industries; our ports; and the merchant marine—the bedrock of America's defense transportation system—all worked together to support our national interests.

Mr. COCHRAN. Mr. President, I hope that Senators will go along with the point that will be made by the distinguished Senator from Louisiana, support the notion that this is not a germane amendment, and it should not be approved by the Senate at this time.

Mr. BREAUX. Mr. President, I yield to the Senator from Maryland.

Mr. SARBANES. I want to make two quick observations. First of all, there are a number of other countries that use the cargo preference requirement in order to sustain a merchant marine. So they recognize the validity of this approach in order to sustain their merchant marine. The French and a number of other countries did it. The Soviets did it. I do not know how they will handle it now that they are breaking up. The French continue to do it, and a number of other countries do this as a way of sustaining a merchant marine capacity.

You have to ask the basic question, is the United States as the world's leading power to be bereft of a ship building, ship-maintaining, and a ship-operating capacity? That is really the sort of question we get. Are we going to be totally independent on others for carriage by sea?

I can think of a lot of economic reasons why that should not happen, but on the security side, it is clear that there is the argument that if we need a sealift capacity, we can call on these so-called contract ships under other flags to do it; but that did not happen at the time of the Persian Gulf situation. They refused to take the assign-

ment. So we had to come back on our own people. I am informed that 52 out of 55 seafaring nations have some form of cargo preference.

So the real question is going to come down to whether the United States is going to continue to be in any respect—it certainly has considerably diminished—a seafaring Nation. I think we should be. Furthermore, I certainly think that question ought not to be decided on the basis of an amendment offered to a budget resolution at this point in the process, when the basic issue has not been fundamentally considered. I thank the Senator.

Mr. BREAUX. I thank the Chair. I will make a closing comment. I think we already have less than 300 U.S.-flag vessels in the United States. That is it. The promotional programs that we have are two. That is it. Every other nation around the world knows the importance of having a merchant fleet that they can depend on.

The Senator from Maryland made a very key point. If we did not have our own flagships, there are some countries that would not allow their ships to be utilized to take troops, equipment, and manpower to the Persian Gulf. These are the last two programs we have left. I suggest that it only affects about 3 percent of the cargo agricultural products that we ship overseas; 97 percent of the products are never touched. Every agriculture commodity in America practically has a promotional program that aids and assists them. I support that. It is the American way, and we need to continue that.

So, Mr. President, at the appropriate time, when the author of the amendment yields his time, I will be happy to yield mine and make my point at that time.

The PRESIDING OFFICER. The time under the control of the Senator from Louisiana has expired.

The Senator from Iowa has 1 minute 6 seconds.

Mr. GRASSLEY. Mr. President, I will make just a few quick points here. The Senator from Louisiana is probably doing what I would do if I lived in his State. I would be defending an industry that is very important there. He has to defend that industry on some basis other than it has been good for our national security, because the 300-ship figure he quoted tells the whole story.

In 1950, we had 2,000 ships. In the meantime, in all those years in between, we have had cargo preference. That says better than anything I can say. Those statistics reflect that cargo preference is not working to help our national defense.

Those 300 ships shipped just 15 percent of all of the cargo that we had to ship to the Persian Gulf war. So we are not relying upon cargo preference to give us a strong merchant marine fleet to meet the needs of our military, because they cannot do it.

Mr. President, I would like to share with my colleagues an article entitled, "America's Welfare Queen Fleet, the Need for Maritime Policy Reform." This article was written by Rob Quartel, a former commissioner at the Federal Maritime Commission and was included in the recent publication of Regulation, The CATO Review of Business and Government.

The title speaks volumes. Our Nation's maritime policies and programs, notwithstanding their good intentions, have transformed our once mighty, proud U.S.-flag commercial merchant marine into a pitiful, helpless ward of the state, not just dependent upon welfare from American taxpayers and consumers, but actually addicted to its drugs—the next taxpayer fix, or protectionist shipment of goods.

Our U.S.-flag merchant marine can no longer fend for itself in the real world. It cannot compete. Even if all the unfair foreign subsidies and policies were eliminated, the U.S.-flag merchant marine could not compete. This is why America's maritime unions and shipowners, and their allies in Congress, worked so hard to lobby the Bush administration to keep any discussion of maritime policies off the GATT table.

Unfortunately, our administration agreed to this nonsense. And when the Nordic countries wanted to put shipping restrictions on the GATT table, an administration which advocates free trade embarrasses itself by leading the opposition to the Nordic proposal.

Why can the U.S.-flag fleet not compete? There are many reasons, which Commissioner Quartel points out. But a very large part of the reason is that U.S. union crews cost way too much.

The former commander of the Military Sealift Command, Vice Admiral Carroll, hit the nail on the head nearly 10 years ago when he testified, and I quote, "Why are we in such a mess? One of the reasons is that U.S. crew costs continue to be the highest in the world. Monthly crew costs of U.S.-flag ships are as much as three times higher than those of countries with comparable standards of living, such as Norway."

Commissioner Quartel delineates other programs and policies which have contributed to the decline of America's merchant marine. This includes policies such as the Jones Act and cargo preference which in essence serve as entitlement programs allowing U.S.-flags to charge Uncle Sam and American business and consumers basically what they wish. Shipyard policies, antitrust exemptions, direct subsidies, manpower requirements, and conflicting national defense requirements all contribute to the demise of our merchant marine. Commissioner Quartel also outlines reforms that must be implemented if we hope to revive the U.S.-flag fleet.

Mr. President, I hope my colleagues will take a moment to read Commissioner Quartel's article in its entirety which I will soon ask unanimous consent to be printed in the RECORD.

But I would like to also share a few quotes from the Commissioner as follows:

Only the S&L debacle represents a bigger government-industry-special interest scam than that which today passes for a national merchant marine policy.

By the end of the Gulf War, America's subsidized merchant fleet had directly contributed only 6 aging ships to the armada of more than 460 that transported military materials into Saudi ports. Some eighty U.S. merchant marine ships carried hundreds of thousands of tons of military goods to the vicinity of the war zone—Singapore, and the United Arab Emirates, and Haifa. But many relied on foreign-flag feeders with their foreign crews to complete the runs to Saudi Arabia and thus exposed the bankruptcy of the main-American argument that underpins much of U.S. maritime policy.

In short, the success of the military sealift—a brilliant feat of logistics—occurred despite (rather than because of) 75 years of government subsidies, protectionism, regulation, and entry and management controls promoted as necessary for maintaining this so-called "fourth arm" of the nation's defense.

Commissioner Quartel continues by stating that:

U.S. maritime policies should be based on more than emotion and the narrow parochial interest of dying labor unions, debilitated companies, and congressional PAC contributions. The needs of ocean transportation users (not just the needs of the carriers), real national security requirements (not empty rhetoric), and a realistic appraisal of the tough federal budget limits that will exist into the foreseeable future should drive decisionmaking.

Mr. President, those are tough words, but we have a tough problem. Sticking our head in the sand, allowing business as usual, seeking more drugs for the addiction, such as the recent efforts to siphon off the life-blood of other programs such as food assistance to the former Soviet Union or expanding cargo preference into the commercial trade arena through the foreign aid authorization bill, will do nothing to save our merchant marine.

I would also like to share with my colleagues an article printed in the Wall Street Journal written by James Bovard. He, too, pulls no punches, and I would like to read some of his quotes as well.

Mr. Bovard states that:

Since Congress has given U.S.-flag ships a captive market, congressmen feel entitled to force American shippers to hire American workers, and strong unions guarantee exorbitant salaries. U.S. ship crews cost six times more than third World crews; American shipmasters routinely cost shipping companies \$300,000 a year. The high pay breeds corruption: An FBI sting operation recently discovered that shipping jobs are illegally being sold by one maritime union.

Mr. Bovard continues:

The Jones Act engenders a chain reaction of extortion—allowing American shipyards

to charge stratospheric prices to American shipbuyers, allowing American-flag ships to charge shakedown shipping rates to American businesses, and allowing American congressmen to demand lavish campaign contributions from the American maritime industry (more than \$1 million a year).

Mr. President, our Nation's maritime policies and programs have been justified on the basis of two objectives—to enhance America's foreign commerce and to maintain fleets of vessels and crews necessary for military sealift needs.

These policies and programs have failed miserably in meeting either of these objectives and therefore should be abolished and replaced. Everyone knows this is true. The facts don't lie. Simply look at the fruits of our maritime policies during the last 40 years.

At the end of World War II, America had the largest fleet—over 2,000 vessels. By 1950, our U.S.-flag fleet consisted of 1,050 vessels. Today there are only about 360 vessels, and fewer than 100 remain in the oceangoing fleet.

In 1950, we had 56,629 seafaring jobs sailing under U.S.-flags. Today, we have fewer than 10,000.

In 1950, U.S.-flag vessels carried 43 percent of America's foreign trade. Today, U.S.-flags carry less than 4 percent of our foreign commerce.

Has America's foreign commerce depended upon the policies and programs supporting our U.S.-flag merchant marine? Obviously not. And in fact, our foreign commerce has thrived in spite of our wasteful merchant marine policies. From 1950 to 1985, our foreign trade skyrocketed from 117 million metric tons to 641 million metric tons.

So it is clear our merchant marine policies can no longer be defended and justified based upon our foreign trade interests. And, in fact, maritime policies such as the Jones Act which artificially increases the cost of water-borne transportation, actually makes our foreign trade less competitive.

So this leaves our U.S.-flag merchant marine programs and policies dangling precariously on the national defense justification, a justification which was exposed as a complete failure, a complete myth, by our recent Persian Gulf war.

That is one reason I think we saw last fall, Warren Leback, the U.S. Maritime Administrator arguing that we must now shift back to the economic argument. It was reported in the *Journal of Commerce* on November 14, 1991, that Mr. Leback said that "Maritime support advocates must take their military argument and 'turn it toward the economic defense of our country.'" Mr. Leback goes on to complain about free traders who would repeal the Jones Act and other maritime subsidies pointing out that there is no level playing field when it comes to global shipping because other nations support their maritime industries.

But what Mr. Leback did not mention is the fact that it is the United

States, at the strong, vocal insistence of U.S. maritime unions and companies, refuses to attack these so-called unfair foreign subsidies and policies at the GATT table.

You cannot have it both ways, although granted, the U.S. maritime industry has enjoyed having it both ways in the past. I think the party is about over, however.

Mr. President, what are we getting for our money? One of the most overused defense arguments is that we must maintain a commercial seafaring force able to man our vessels during time of war. I say that's nonsense. I say we either devote a certain number of Navy personnel, or create a reserve, to handle cargo sealift needs. It could be done at a fraction of the cost.

I discussed earlier what it costs us to maintain those 10,000 seafaring jobs now working under the U.S. flag based upon new OMB estimates.

But, the Congressional Budget Office had also determined for Senator DOMENICI and I that cargo preference cost American taxpayers \$825 million in fiscal year 1991, and operating differential subsidies cost \$225 million.

Based on those estimates cargo preference, therefore, forces American taxpayers to spend over \$400,000 per job for our high priced commercial seafarers.

Operating differential subsidies force American taxpayers to spend about \$120,000 per job, according to Commissioner Quartel.

So what do those 5,000 jobs supported by the Jones Act cost Americans. The United States International Trade Commission released a study which showed that the Jones Act is costing American consumers and businesses over \$10 billion per year. Commissioner Quartel estimates that this figure could be as high as \$20 billion.

Using the ITC's figures, that translates into \$2 million per billet per year! Using Commissioner Quartel's estimates, it costs \$4 million per job!

But for U.S.-flag maritime supporters, price is no object. Americans, however, concerned about deficit spending are concerned.

And Americans concerned about revitalizing the economy certainly care about a \$10 or \$20 billion drag on the economy that destroys 2,000 jobs in agriculture, forestry, mining, and other industries.

Mr. President, one last note about the military need to spend up to \$4 million per year to maintain one seafaring job for that day in the future when we need to man cargo vessels for a military sealift operation.

Here is some food for thought. Military Sealift Command officials told my office that at the outbreak of the Persian Gulf war effort, the union contracts for our seafarers contained no provision for war zone bonuses. So these high-priced union seafarers which have been living high off the hog

thanks to Uncle Sam all these years, rush to add war zone bonuses to their contracts requiring that they get double pay while in the war zone.

Therefore, as an example, if captain of a commercial U.S.-flag vessel makes \$14,000 per month, and served a month in the war zone, he would have received a war zone bonus of \$14,000.

If a U.S.-flag commercial captain got \$14,000 in a war bonus, what did a Navy captain get? \$150.

I have said it earlier this year, I do not question the patriotism of our U.S.-flag merchant marine.

I just do not know, however, if we can afford this kind of patriotism.

It is time to stop this nonsense and use these funds for the sake of our children.

Mr. President, I ask unanimous consent that the article I mentioned by Rob Quartel be printed in the *RECORD*, along with some other material.

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

[From Cato Review of Business & Government, Summer 1991]

AMERICA'S WELFARE QUEEN FLEET: THE NEED FOR MARITIME POLICY REFORM

(By Rob Quartel)

When Saddam Hussein invaded Kuwait, the United States responded just days later with a military sealift, the success of which is unparalleled. In just 45 days the United States moved to Saudi Arabia the equivalent of a city the size of Alexandria, Virginia—lock, stock, and barrel. Hussein's threat was met by a vast armada of American commercial ships crewed by thousands of young, well-trained Americans, on the world's fastest, most modern ships. The American merchant marine threaded its way through the dangers of the naval mines laid off Saudi shores. The military was able to call on the services of this private fleet at only a moment's notice and paid no more than market rates. This success story was made possible by a far-sighted competitive merchant marine policy set in place years ago by the U.S. Congress. And with the exception of the first two sentences, this scenario is a myth. Only the S&L debacle represents a bigger government-industry-special interest scam than that which today passes for a national merchant marine policy.

By the end of the Gulf War, America's subsidized merchant fleet had directly contributed only six aging ships to the armada of more than 460 that transported military materials into Saudi ports. Some eighty U.S. merchant marine ships carried hundreds of thousands of tons of military goods to the vicinity of the war zone—Singapore, the United Arab Emirates, and Haifa. But many relied on foreign-flag feeders with their foreign crews to complete the runs to Saudi Arabia and thus exposed the bankruptcy of the man-American argument that underpins much of U.S. maritime policy. No Jones Act vessels participated at all, and the Jones Act, that most sacred of sacred cows, had to be partially suspended to ensure adequate fuel for the nation's defense. In short, the success of the military sealift—a brilliant feat of logistics—occurred despite (rather than because of) 75 years of government subsidies, protectionism, regulation, and entry and management controls promoted as necessary for

maintaining this so-called "fourth arm" of the nation's defense.

The problems inherent in existing maritime policy are not limited to issues of utility in the recent war effort, however. The various regulatory policies and subsidies that have grown up over more than 200 years, often by historical accident, are simply counterproductive. Once the largest private commercial fleet in history, the U.S. merchant marine is now a shadow of its former self, dependent on federal welfare for its marginal survival.

Unrecognized by government policy, a fundamental change is taking place in the underlying economics of ocean shipping. It is not just, as many in the industry argue, that profit levels are excessively low and markets overtonnaged; the changes taking place are far more basic. Although carriers have spent considerable time, money, and management effort to differentiate their markets and services, ocean carriage itself has become an increasingly fungible product. Each day the line between high- and low-value ocean carriage services becomes less distinguishable in the principal U.S. trades and product markets. When that line finally disappears, several difficult questions will face both nations and corporations that now own and finance relatively high-cost ocean carriers: Why own ships? Why maintain a flag fleet? Why not simply purchase ocean space, as the intermodal shipper now hires services from the trucking, airline, and railroad industries?

Federal maritime policy is divided into two distinct yet intertwined parts. Promotional (read "protectionist") policies are managed by the Department of Transportation's Maritime Administration (MarAd), and regulatory policy is promulgated by the independent five-member Federal Maritime Commission (FMC).

This article examines the network of promotional and regulatory policies and suggests dramatic departures from the themes that have motivated more than two centuries of government intervention in the maritime industry. But to understand the need for change, it is important to appreciate the state of the industry today.

THE AMERICAN MERCHANT FLEET: WHERE WE ARE

The most effective measure of a policy's success can often be found in the numbers its supporters would hide. In the case of the American merchant marine, the decline of the U.S. flag fleet offers unmistakable and conclusive evidence of the extent of the policy failure.

At the end of World War II, America had the largest fleet in world history—more than 2,000 vessels. By 1970, however, there were only 893 U.S. flag ships, and by the end of 1990, the fleet had declined to 371 active vessels. Fewer than 100 ships remain in the oceangoing fleet, and although some observers note that the tonnage of these vessels has remained constant since 1970, the market share of the U.S. merchant marine continues to drop. In 1970 U.S. flag vessels carried 24 percent of all goods arriving at or leaving U.S. shores. Today less than 4 percent of those goods are carried in U.S. flag ships.

The labor picture is equally grim. Between 1979 and 1989 average monthly maritime employment fell more than 30 percent. Seafaring jobs alone declined 80 percent, down from a high of 56,000 billets in 1950 to about 11,000 today—reflecting in part better technology, but more significantly the basic decline in the American fleet's economic viability. Although subsidized merchant marine academies continue to chum out graduates,

few entry jobs exist in the oceangoing flag fleet. The average unlicensed sailor is now 50 years old, the average officer 44. Meanwhile, through the operating differential subsidy, American taxpayers subsidize some 2,200 seagoing slots to the tune of nearly \$120,000 per year each.

THE POLICIES BEHIND THE GREEN DOOR

How did an industry supposedly so vital to our nation's trading success arrive at such a state? To a large extent, the U.S. flag fleet is a victim of attempts to save it. The ins and outs of maritime economics and regulation often appear complex and forbidding to the uninitiated, but its essential—the programs that govern the maritime industry and its markets—can be summarized in seven programmatic themes repeated throughout all of the legal and regulatory elements.

Cabotage policies are designed to protect domestic shipping from foreign competition. The Jones Act (the Merchant Marine Act of 1920) requires shipments between U.S. ports (Los Angeles and Honolulu, for example) to be carried on U.S.-owned operated, build, and manned carriers. The United States, almost alone among the major trading nations of the world, applies cabotage protection not only to its sailors, but also to its shipbuilders. International U.S. flag ship also face restrictions regarding the required mix of American ownership, labor, and repair work.

Shipyard policies protect domestic yards from foreign competition by proscribing the use of foreign-built or repaired vessels in domestic operation and in certain U.S. flag international trade operations. Although direct construction differential subsidies (designed to offset higher U.S. costs) are no longer funded, U.S. shipyards continue to be subsidized through federal mortgage and tax set-aside programs as well as through direct barriers to entry to foreign competitors.

Virtually blanket antitrust exemption for international ocean cartels or "conferences" is combined with federal (FMC) government enforcement of the resulting price-fixing agreements through mandatory tariff filing and antirebating policies—all falsely in the name of common carriage, price stability, and international practice and comity.

Direct government subsidies are provided to certain U.S. flag carriers. The so-called operating differential subsidies of over \$200 million a year, paid to four U.S. firms operating American-built vessels, are considered necessary to offset the cost differentials created by flag restrictions on labor, ownership, capital investment, and management. But the subsidy comes with a price—regulatory constraints regarding terms of trade, routes, and asset sales. The government also restricts competition among U.S. ships in domestic Jones Act markets and through access to price-subsidized government preference cargoes.

Indirect subsidies include: U.S. flag cargo preferences for military, agricultural, and other U.S. government goods; entry barriers and utility rate regulation in protected Jones Act markets; and tax subsidies for funds set aside for ship construction.

Manpower requirements include shipboard labor pool restrictions and rigid crewing requirements, both in numbers of billets and in types of positions (radio operators, for example, akin to coal tenders on railroads) and archaic labor-management restrictions in U.S. shipyards. The demands of an aging fleet, caused largely by build-U.S. restrictions, cause further labor inefficiencies.

A national defense requirement overlays all the other programs and requirements.

The law requires that the commercial fleet be in a position to be a useful auxiliary to military operations, whether military commanders want them or not.

U.S. maritime policy has been over 200 years in the making. The first legislation to protect U.S. shipping interests was passed in 1789 by the first Congress. A tariff placed on imported goods was reduced by 10 percent if the imports were carried on vessels built in the United States and wholly owned by Americans. Other policies and regulations have been added to the mix since 1789, but despite efforts to address problems through periodic adjustments to the subsidies and restrictions, the state of the maritime industry continues to deteriorate.

NEW MARKETS, NEW PLAYERS, AND A NEW WORLD ORDER

Conditions today are very different from those that existed when America's maritime laws were first written. In 1789 America was a developing country with a tiny fraction of the world's trade. Today the United States represents nearly 26 percent of world GNP, almost 12 percent of world exports. Nearly a trillion dollars (or approximately 95 percent) of U.S. foreign trade moves by ship. The world's economy simply cannot exist without either the products we sell or the markets we provide.

Dramatic changes in international markets also continue to alter the mix. The advent of European market integration, new political systems in Eastern Europe, new markets and aggressive new producers in the Pacific Rim, the potential for a new GATT and various free-trade agreements, and numerous other events—both noteworthy and minor—all contribute to major changes in the fundamental economics and consequent market relationships in the maritime sector. Innovation, entrepreneurship, and competition in transportation logistics only increase the uncertainty surrounding market outcomes. But maritime law and policy have been slow to recognize, let alone adapt to, these rapidly changing realities, including our evolving position in world markets.

The second fundamental economic change is in the character and structure of ocean carriage itself. The ocean shipping business no longer consists simply of ships on the ocean. Today's industry leaders provide intermodal docks that accommodate trucks and rail, as well as ships, door-to-door pickup, packaging, and delivery, and electronic tracking, customs documentation, and billing.

Furthermore, the ocean leg, which accounts for 70 to 80 percent of the intermodal bill is itself an increasingly fungible market of ocean space and movements. Today the competitive advantage goes to modern foreign (frequently Asian) fleets manned by smaller, less highly paid crews, who ride on cheaper foreign-built, foreign-financed ships than their American counterparts. The competitive disadvantage of the high-cost American flag fleet leaves no future for an industry penalized by both flag and Jones Act restrictions. Policymakers cannot continue to treat the merchant marine as simply an ocean service. It is increasingly an international, intermodal service industry.

A NEW MARITIME PARADIGM

It is well past time for a fundamental rethinking of the maritime world order and what many suppose to be its universal laws. It is time for the development of what might be called a new maritime paradigm. Three points represent the essential pillars on which this new strategy must be built.

First, the new paradigm should represent a commitment to reforming policy, not just restructuring current programs. That requires both a commitment to dig down to the roots of the industry's productivity and competitiveness problems and the resolve to get from where we are today to where we want to be in clear, decisive steps.

Second, the new paradigm should encompass a broad policy outlook with a detached, analytical view of international shipping as a link in the trade network of an increasingly globalized economy. U.S. maritime policies should be based on more than emotion and the narrow parochial interests of dying labor unions, debilitated companies, and congressional PAC contributions. The needs of ocean transportation users (not just the needs of the carriers), real national security requirements (not empty rhetoric), and a realistic appraisal of the tough federal budget limits that will exist into the foreseeable future should drive decisionmaking.

Finally, the new paradigm will require a high degree of boldness and imagination. The greatest obstacle to maritime reform today is political timidity and lack of imagination and vision.

Although most observers within the industry and inside the government bureaucracies that promote and regulate U.S. shipping know that the current policy has failed, few seem able to visualize conditions under which the U.S. flag fleet could compete. In part, that stems from the inability to consider either rearranging or eliminating the self-inflicted penalties of current flag and Jones Act policies. But just five key policy changes would radically alter the state of this industry by allowing it to reorganize itself along more competitive lines and by freeing industry participants from both government largess and the associated government entanglement and interference.

First, we must sever the linkage among shipbuilding, commercial shipping, and military planning and develop independent strategies in a stand-alone context for each. To the extent that each policy is independently successful, all will be served.

Second, we must eliminate the industrial welfare mindset by deliberately reducing and phasing out operating subsidies as well as the restrictions applying to labor, ownership, and assets of U.S. flag and Jones Act vessels. In addition, we need to carefully restructure and eliminate indirect subsidies, from tax deferrals to cargo preference.

Third, we should directly address military manpower and sealift requirements. To the extent the U.S. commercial fleet represents a real national defense asset, budget decisions should be consolidated with all other defense-related maritime programs under Defense Department control.

Fourth, we need to jump-start a true, internationally competitive shipping industry. Eliminating the shipping cartel's anti-trust exemption, tariff-filing requirements, and extensive government oversight of internal market practices would start the process.

Fifth, we must create an aggressive, internationally focused program within the multilateral trade framework to systematically eliminate foreign subsidies, restrictions, and antimarket practices.

THE LESSONS OF DESERT SHIELD AND DESERT STORM

The recent war effort should expose the national defense underpinning of current maritime policy for what it is—largely a myth. The maritime aspects of the Desert Shield/Desert Storm operation clearly dem-

onstrated the importance of a fully integrated, intermodal system of transportation, including a comprehensive maritime leg, but they did not demonstrate the need for a merchant marine, particularly one as inefficiently maintained as the one we have today.

Military goods sent to the Persian Gulf were moved by rail, air, and truck to ocean ports, and a variety of ships were used, both U.S. flag and foreign, with American and foreign crews alike. The most highly valued cargo—the troops—were moved to the Gulf almost entirely by air, as was certain other high-value, high-force, time-sensitive weaponry.

Although there was an undeniable, urgent need for ocean transportation, Desert Shield/Desert Storm established beyond the shadow of a doubt that the military can efficiently execute its mission even without an American-built, American-crewed commercial fleet. Ninety-one percent of dry cargoes were moved on military prepositioned fast sealift vessels, U.S. and effectively U.S.-controlled ships, and foreign (largely NATO countries) charter vessels. Only six of the fifty-nine ships specifically subsidized for the purposes of national defense actually moved through the minefields with their all-American crews directly into the war zone in Saudi Arabia. Thirty-eight other subsidized vessels transported goods on their regular liner service routes but used foreign-flag feeders, with foreign crews, to move the military goods to their final Persian Gulf destinations.

Many ships were simply unavailable to the military. Shipowners and military officials were concerned that any diversion of these ships for military purposes would lead to a permanent disruption of service and the loss of market share. In other cases the technical needs of military shipping coincided to only a limited degree with the needs of the merchant fleet. The container ships that dominate international shipping and the U.S. merchant fleet are virtually useless for the short-notice transport of tanks and other military equipment that must be rolled aboard. Prepositioned ships operated by the military—Roll-on-Roll-off (or "Ro-Ro") and fast sealift vessels, for example—and a well-maintained, standby reserve fleet structured to meet changing defense needs would be more useful in providing rapid response and deployment. Continuing to tie the military to the viability of the commercial fleet today benefits neither party and, in fact, may harm both. Eliminating the already severed national defense linkage from civilian maritime policy is thus a necessary first step toward a rational consideration of the future of the U.S. commercial fleet.

The first casualty of this new policy would be the operating differential subsidy. The question is no longer how to save or reform this subsidy, but how to eliminate it in a way that maximizes the probability that the U.S. flag fleet can be saved and even expanded. Although the subsidy could be capped as a start, a more effective policy would entail a phased elimination of the subsidy in a way that allows U.S. carriers to adjust. One option would be simply to eliminate the subsidy as contracts expire and simultaneously to eliminate labor, market, and other flag restrictions.

Another alternative would be to incorporate a build-abroad option, combined with a per ship operating differential subsidy cap based on Coast Guard-derived manpower requirements and a phased-out of subsidy payments using a formula based on existing contract expiration dates. Given, in addition, the authorization to build and seek greater

ownership or financing abroad and to use mixed crews, U.S. carriers would thus have an opportunity to become strong competitors in the international trades.

Reducing or eliminating the personnel restrictions applied to U.S. flag carriers is as critical a piece of the puzzle as any other. The most cost-effective course would be full authorization for the use of international or mixed crewing. If the Defense Department identifies an actual wartime manpower requirement, then this could be met with a minimum American manpower commitment to, for example, two or three jobs on each ship on the basis of high-need, low-availability national defense categories. The subsidy would follow the specific jobs and would be limited to the incremental cost of maintaining the billet as American. Thus, national defense manpower requirements, if they really exist, need not be jeopardized.

A merchant marine reserve offers comparable advantages, and it would quantify and specify the military manpower requirement in a way that allows the military to advertise for and train individuals for availability in wartime—just as we now do in the other military reserves. This merchant marine reserve, with manpower requirements tied to specific reserve vessel billets and skill requirements, could be phased in as the operating differential subsidy is phased out. The Navy could, as another alternative, simply redirect a small portion of its existing naval reserve program to this purpose, at only the net cost of the transition.

The final and most potent element in reforming the commercial sector would be the consolidation of oversight and control of defense-related maritime programs in the Department of Defense. If defense is the skirt behind which maritime promotional programs are hidden, then let the defense planners decide when to lift it. Defense planning and budgeting would be better served under Defense Department control, and taxpayers would be better protected under a system where maritime budget allocation decisions had to compete with defense programs that realistically serve as substitutes or complements.

SHIPYARD POLICY

The fate of American commercial shipyards occupies a crucial place in the policy arena. Although the shipyards have historically driven much of the debate regarding maritime policy—certainly the modern build-American requirement—today the yards are almost universally viewed as an albatross around every other sector's neck. Over the past decade, the industry has lost a third of its capacity and more than 7,000 jobs, and today only one major oceangoing vessel is under construction in an American commercial yard. This has led to considerable political anxiety, but—despite rhetoric to the contrary, it is not at all clear that the anxiety is generated by defense concerns.

From the national defense standpoint, two questions about U.S. shipyards are relevant. Is there any foreseeable military circumstances in which the United States will have the time or luxury to wait the one-and-a-half to two years necessary to build a ship for use in supplying troops at war? If not, is there a special policy requiring the maintenance of ship repair facilities for ship combatants in need of repair or breakout?

In response to the first question, regional or isolated wars of the sort we have seen over the past ten years are generally viewed as the most likely types of conflicts in the foreseeable future. The speed of those wars would preclude the construction or use of

any vessels not in the fleet at the outset of the conflict. If a global war should break out, it is not likely to involve extended conventional warfare. There is little military justification for subsidizing commercial shipyards to build supply ships for a type of war we are unlikely to fight. This is independent, of course, from the naval shipbuilding programs that respond to longer-term defense needs.

On the other hand, reliable, U.S.-based repair facilities would be needed if the United States were involved in another war. But shifting the emphasis to repair facilities also suggests a much lower-level policy response than the industrial policy that is in place today.

In fact, commercial shipbuilding may well be able to stand on its own, but a variety of policy changes are required to give shipyards the flexibility and the marketing mindset needed to compete effectively. First, competition itself is necessary to promote a competitive shipbuilding industry. Current restrictions on the use of foreign-built or foreign-repaired ships in either international or domestic commerce should be removed. Second, restrictions on the sale of U.S.-made, noncombat military vessels should be eliminated. Third, a limited, temporary, OECD-acceptable export credit program should be instituted to legitimately promote sales of U.S. ship products overseas. Fourth, federal R&D assistance to shipyards could be increased. Finally, there must be a serious commitment to pursuing government-to-government efforts—through GATT and other international forums—to reduce unfair practices, subsidies (both direct and indirect), and market impediments.

These approaches are aimed at three things: creating a competitive environment, benefitting from any comparative advantage that may exist in American shipbuilding, and creating a cash flow that leads to the renovation of aging yards. No policy can guarantee a competitive industry that no longer lives on federal handouts, but continuing current policies, notably the build-and-charter programs or reviving the construction differential subsidies, would without doubt perpetuate an uncompetitive dependence on taxpayer largess. And that largess is reaching its limits.

THE NEED FOR REGULATORY REFORM

If the promotional programs described herein are tied to arguably legitimate (although perhaps misguided) policy objectives, the FMC's regulatory mandate is far more tenuous, for it is based on the notion that a free fleet cannot compete in subsidized, cartelized, noncompetitive world markets.

The FMC operates under four basic statutes—the 1916 and 1936 Shipping Acts, the 1984 Shipping Act, and the 1988 Trade Act. These statutes constitute the basic regulatory regime covering roughly half of ocean trade—the ocean liner or regularly scheduled common carrier portion of ocean shipping. The other half of ocean trade—that which carries bulk commodities such as oil and grain—is virtually unregulated from an economic standpoint.

A recent FMC study noted that the commission's regulatory focus has been on enforcing "requirements that international shipping practices be just, reasonable, and nondiscriminatory" and that international liner shipping regulation has "never" controlled entry or prices. The study also reported, "A second major difference between the regulation of ocean shipping and the regulation of other domestic transportation industries is the international scope of the ac-

tivities involved." These statements, which are disingenuous at best, nevertheless articulate two key flaws embedded in maritime regulatory policy: first, that the international scope of the activities involved is more significant than those of other transportation sectors (the aviation industry would no doubt disagree), and second, that there are no barriers to entry.

Although the FMC administers no direct carriage barriers, significant barriers to both entry and exit, to financial innovation, and to management flexibility clearly exist in the network of federal policies from which regulatory policy cannot be divorced. The purpose of the flag restrictions and the Jones Act is, after all, to limit entry. Furthermore, the FMC itself enforces several indirect entry barriers. Bonding and tariff requirements for transportation middlemen, the enforcement of cartel pricing through the FMC's tariff-filing requirements and antidiscipline rules, and the administration of other programs, including rate determination for domestic offshore (Jones Act) shipping, all serve to discourage new entrants.

There are modest genuflections to competition contained in the 1984 Shipping Act (which serves as the guidepost to the current commission). The 1984 changes have led casual observers to suppose that ocean carriage has been deregulated just as other transportation sectors have been. The reality, however, is that the adjustments introduced in 1984 merely provided protective cover from the Justice Department's Antitrust Division. Despite the limited nature of the changes, however, mandatory independent action (which allows a carrier to break from cartel pricing on one day's notice) and service contracting (which allows carriers and shippers to write public contracts outside the tariff, the terms of which must be made available to all who are willing and able to take them) provide at least a glimpse of what could happen in a competitive market. True deregulation will have occurred, however, only when policy reforms are aimed at encouraging market-based competition, increasing customer/shipper options, and increasing benefits to American consumers. No such emphasis appeared in the 1984 act which is, at bottom, really designed to protect ocean carriers and the carrier cartels.

The century-old ocean carrier cartel (or conference) is one of the most defining and tenacious characteristics of the liner trade. At the turn of the century, the conferences were closed and thus met the test of a true cartel. Today, conferences in the American trades must be open—they must allow any carrier that meet their conditions to enter—but their ratemaking and market-restricting practices not only remain but are strengthened and enforced by government action. The conferences enjoy virtually blanket antitrust immunity, and the FMC enforces the tariffs. The commission's ability to intervene in conference actions is also limited to a few narrowly defined findings of unreasonable increases in price and decreases in service.

It is time for the American trading community to ask why the maritime industry should be treated differently from other international businesses. Are ratemaking cartels, revenue pools, restrictions on the right to contract with shippers, and so-called stabilization agreements that keep 10 and 20 percent of capacity off the market any more appropriate here than in trucking, rail transportation, retail sales, or the oil industry? If we oppose such practices in other industries, why not in ocean shipping?

Those who defend the cartel structure argue that modern ratemaking groups bear little resemblance to the early conferences. Proponents argue that the conferences are evolving from rate-setting cartels to efficiency-oriented organizations that help "rationalize" the ever-changing interactions between the supply of and demand for ocean carriage space. If the conferences are, in fact, undergoing such a metamorphosis, the U.S. government should be taking steps to speed the process. The reduction or elimination of antitrust immunity for ocean conferences, the removal of impediments created by the tariff-filing and enforcement process, and the removal of restrictions on the ability of individual shippers and carriers to write individualized contracts would all be steps in the right direction. Taken together, these reforms would create a revolution in shipping and would set a benchmark much of the international community would have to follow. There are three defining needs in regulatory reform.

ANTITRUST IMMUNITY

The 1984 Shipping Act gives virtually blanket antitrust immunity to the ocean conferences. The bulk of this immunity can and should be removed. Carrier antitrust protection for all rate-setting activities, including the authority to discuss, fix, or regulate transportation rates, should be eliminated. Similarly, antitrust immunity applying to pooling (revenue-sharing) agreements should be removed. Successful pooling agreements are a significant impediment to flexible service, to technological and structural innovation, and to price competition. Because pooling agreements are usually effective only in trades where government support for them exists (the South American trades, for example), prohibiting these arrangements would not only improve ocean transportation services but would also provide a disincentive for bilateral agreements restricting ocean trade.

Ocean carriers should, however, be allowed to continue to establish efficiency-enhancing, cost-reducing rationalization agreements. Rationalization agreements that work—space chartering and facilities sharing, for example—often increase the ability of the carrier to compete and enhance its level of service. These types of agreements closely resemble joint ventures, and the Justice Department should be asked to determine whether this type of agreement even needs antitrust immunity. But worthwhile rationalization agreements also need to be distinguished from the capacity-reduction pacts that are simply agreements to restrict the use of vessel space and provide no benefits to shippers. Antitrust immunity for these capacity-reduction pacts should be eliminated.

TARIFF FILINGS

The FMC administers the tariff-filing and enforcement program. All import and export rates must be filed, and a thirty-day wait is required for rate increases to take effect. If antitrust immunity for the conferences were eliminated, tariff- and contract-filing requirements would probably go too, although tariff and contract filings are viewed by many as necessary to the notion of common carriage.

It is frequently argued that the tariff system protects small shippers by giving them access to the same rates the large shippers receive, but it is actually small shippers who are most bound by the tariff rates and requirements. As much as 60 percent of ocean shipping occurs through special service contracts outside the tariff, and these contracts

allow shippers with market power to negotiate rates below the tariffs. There is nothing wrong with larger shippers' receiving volume discounts, but the existing tariff system tends to stymie possible deals for smaller ocean carriage users by discouraging rate reductions. In practice, tariffs generally provide few, if any, of the theoretical benefits of common carriage said to justify the system.

Enforcement by the FMC centers on eliminating discounts or, as they are sometimes called, rebates. Under the tariff system a carrier cannot reward loyalty through a tailored customer discount as it could in any other line of business. Where most would see a legitimate market practice, many in the ocean trades wrongly see unfair competition.

When the common carriage—unfair competition myth is set aside, the combination of tariff filing and enforcement is nothing more or less than interference with the ability of shippers and carriers to arrive at mutually agreeable contracts. Tariff-filing requirements drive competitive ratemaking under the table and turn a legitimate rate discount into an illegal rebate. Shippers and their customers end up paying more for ocean transportation than they would under a more liberal system.

Current tariff-filing and antirebate rules should be eliminated, or if tariff filing is retained, the thirty-day advance filing requirement should be replaced by a same-day filing requirement that would let rates move up and down as market forces dictate.

SERVICE CONTRACTS

In 1984, 459 specialized service contracts (the essential terms of which are made public) were filed with the FMC. In 1989 the number of contracts had increased by more than ten times to 5,250. Both shippers and carriers clearly view service contracts as beneficial.

The ability of carriers to write independent service contracts should be expanded, if not completely deregulated. If the conference system is retained, then the FMC's power to regulate or prohibit the use of service contracts should be eliminated. Furthermore, the contracting parties should be allowed to keep the essential terms of their agreements secret. Such privacy, which is afforded most other contracts, would accelerate the pace of the transaction and thus would increase competition.

THE FUTURE

Shipping interests and farming interests fight over cargo preference requirements. Gulf Coast seaports battle Great Lake ports over set-aside provisions. MarAd has been hauled into court by one maritime union that feels a recent subsidy decision will unfairly benefit a rival union. Various U.S. flag companies are involved in protracted legal battles over whether there is excessive competition in the protected West Coast-to-Hawaii trade. Is this any way to run a merchant marine?

It is no wonder that the U.S. merchant marine is in trouble. It is time to recognize that the U.S. flag fleet is in serious trouble because of the programs established to save it. Jones Act requirements, protective conferences, regulatory restrictions, and subsidies encourage, indeed often require, highly uncompetitive cost structures. Attempts to salvage these programs drain resources from the battle against the ultimate culprits—unfair practices abroad and labor and management lethargy at home.

The heart of our maritime policy has always been industry protectionism. Although some observers view maritime laws as the major part of the problem, others have come to live by them. Seamen and shipyard workers, bankers and vessel owners, and govern-

ment regulatory officials and civil service maritime planners worry about what would happen if subsidies were cut, cargo preferences limited, or cabotage laws revised. The key differences between those who favor continuing these programs and those who favor more market-based reform are the fears of the former that the U.S. shipping and shipbuilding industries simply cannot compete effectively. But the industry is in serious trouble now, and the only hope for turning it around over the long term is through procompetitive reform.

It cannot be true that the best this nation can do in terms of maritime policy is to increase the taxpayer and consumer burden through continued subsidies and economic protectionism while maintaining the government flag penalties that create the problem. Fundamental economic questions must be tackled directly, and changes that reflect the real interplay of markets and competition must be considered and implemented. It is time to set aside the perceived limitations arising from both industry mythology and nationally self-inflicted restrictions.

If the maritime industry wants to be a competitive trade position by the end of the century, then we must realize that other economic actors will increasingly lay by the rules of markets and competition. The limits we place on our ability to play by these rules will be reflected in our shippers' inability to innovate and compete. And the limitations themselves will only be a mirror of our own inability to play on the world stage.

MARAD officials state that a "Master" typically works six months of the year, while collecting over \$142,000. There are other "Masters" that earn an even greater amount.

OCEAN-GOING COMMERCIAL FLEET PAY CLASS A3 AND B—CREW WAGES AND FRINGE BENEFIT COSTS PER MONTH BILLET

Job title	Crew		W-2 wage range		Employer cost fringe benefit plan		Total cost to employer	
	A3	B	A3	B	A3	B	A3	B
	Master	1	1	\$11,914	\$7,515	\$14,116	\$8,346	\$26,030	$15,861
Chief	1	1	8,198	5,511	7,531	5,931	15,730	11,443
2d mate	1	1	6,283	4,310	6,519	5,406	12,803	9,716
3d mate	1	1	5,687	3,969	5,754	4,879	11,442	8,849
CF. eng	1	1	11,649	7,297	14,214	8,082	25,964	15,380
1st AE	1	1	8,198	5,511	7,531	5,932	15,730	11,443
2d AE	1	1	7,433	4,310	6,736	5,406	14,168	9,716
3d AE	1	1	6,667	3,969	5,939	4,879	12,606	8,849
Radio E	1	1	5,879	5,879	7,336	7,386	13,264	13,264
Bosun	1	1	4,210	3,577	2,167	1,767	6,368	5,346
A/B	5	5	3,742	3,196	1,904	1,677	28,234	23,104
Gen. Utl	2	2	3,636	3,094	1,847	1,636	10,968	9,547
QMED	1	2	4,466	3,476	2,296	1,717	6,762	10,387
Std/cook	1	1	4,466	3,577	2,296	1,767	6,762	5,345
Chf. cook	1	1	3,992	3,273	2,039	1,615	6,032	4,889
Utility	1	2	3,406	1,956	1,723	1,351	5,130	6,616
Total	21	23						

Note.—The cost to the taxpayer of all wages and fringe benefits for the selected representative vessel types on a monthly basis ranges between \$218,000 and \$172,000. Measured as a daily average cost per job, and ignoring the variation between high paid and low paid job categories, the range for the selected types is \$346 to \$229. While vessel types "A3" and "B" are representative of a broad cross-section of the privately-owned U.S.-flag merchant fleet, there are both larger and smaller vessels in the fleet. No allowance has been made for either employer payroll taxes or employee income taxes. Take-home pay is substantially less than the "W-2 Wages" (gross pay). The amounts shown in the last column, "Total Cost to Employer," are reduced, on average, by the amount of operating-differential subsidy shown in the response to question five (\$8,800).

Source: Maritime Administration.

DOD COMPOSITE FISCAL YEAR 1992 AVERAGE RATES REPORT FOR THE PRESIDENT'S BUDGET YEAR 1992

[Salary ceiling: \$56,500; Social Security tax: 7.650 percent]

	Man years	Rates			VIA	FICA	Total	Retired pay ACC Percent 42,700	Grand total
		BAS pay	Subsistence	BAQ					
Officers: ¹									
0-6	13,379	61,339	1,598	6,900	1,794	4,246	74,877	26,192	101,069
0-5	31,589	50,483	1,698	6,868	2,069	3,862	84,870	21,656	86,426
0-4	61,437	41,498	1,598	5,810	1,692	3,166	63,773	17,720	71,493
0-3	102,033	34,020	1,598	4,487	1,325	2,602	44,032	14,527	58,669
0-2	38,132	26,492	1,598	3,327	991	2,027	34,436	11,312	46,747
0-1	26,865	19,377	1,598	2,794	786	1,482	26,037	6,274	34,311
W-4	2,819	38,499	1,598	5,048	1,292	2,945	49,382	16,439	65,821
W-3	4,618	31,658	1,698	4,201	1,082	2,421	40,960	13,618	64,478
W-2	8,282	26,404	1,698	3,462	992	2,020	34,476	11,276	46,751
W-1	3,083	21,733	1,698	2,696	747	1,663	28,436	9,280	37,716

DOD COMPOSITE FISCAL YEAR 1992 AVERAGE RATES REPORT FOR THE PRESIDENT'S BUDGET YEAR 1992—Continued

(Salary ceiling, \$56,500; Social Security tax, 7.650 percent)

	Man years	Rates			VIA	FICA	Total	Retired pay ACC Percent 42,700	Grand total
		BAS pay	Subsistence	BAQ					
Total officers	282,227	36,759	1,598	4,696	1,380	2,709	46,142	16,269	61,411
Enlisted:									
E-9	14,536	33,596	1,488	4,620	1,384	2,670	43,658	14,346	58,003
E-8	34,973	27,338	1,488	4,173	1,168	2,091	36,244	11,872	47,916
E-7	135,882	23,169	1,488	3,638	964	1,772	30,331	9,893	40,824
E-6	234,961	19,267	1,488	3,190	814	1,473	20,222	8,223	34,446
E-5	338,988	16,240	1,488	2,476	574	1,243	22,021	6,934	28,955
E-4	418,384	13,168	1,488	1,695	377	1,007	17,676	6,623	23,298
E-3	239,010	11,291	1,488	1,109	269	864	16,021	4,821	19,842
E-2	125,087	10,450	1,488	675	137	799	13,549	4,462	18,011
E-1	86,438	8,880	1,488	416	84	679	11,547	3,792	16,338
Total enlisted	1,628,259	16,295	1,488	2,059	606	1,171	20,619	6,531	27,050
Total E-1/O-6	1,910,486						24,303		32,126
Total E-1/E-3	450,536						13,870		18,394

¹ Excludes general officers (999 man years).

Note.—One time cost of: Officer accession—Clothing, 300, travel, 2,857, total, 3,257; Officer loss—LSTLP, 4,026, travel, 3,021, total, 7,047; Enlisted accession—Clothing, 922, travel, 781, total, 1,703; Enlisted loss—LSTLP, 877, travel, 1,128, total, 2,006.

[From the Wall Street Journal]
TORPEDO SHIPPING PROTECTIONISM
(By James Bovard)

The Jones Act of 1920 requires all shipping between U.S. ports to be carried on American-built, American-owned, and American-crewed ships. Though this trade restriction effectively dates back to 1817, a recent proposal by the Nordic countries to include shipping restrictions under the proposed GATT Services Code has sparked hope of abolishing this costly burden on American consumers. (The Bush administration, the world's premier free-trade theoreticians, opposes the Nordic proposal).

Shipping has long been one of America's leakiest industries. In the year the Jones Act was enacted, it cost twice as much to build a ship in the U.S. as in Britain. By 1959, American shipping costs were seven times higher than some competitors'. The Congressional Budget Office reported in 1984 that American shipyards charged three times the price of Japanese and Korean yards and were slower in delivery. Naturally, the less competitive a U.S. industry, the more vigilant Congress is to dragoon customers for it.

Since Congress has given U.S.-flag ships a captive market, congressmen feel entitled to force American shippers to hire American workers, and strong unions guarantee exorbitant salaries. U.S. ship crews cost six times more than Third World crews; American shipmasters routinely cost shipping companies \$300,000 at year. The high pay breeds corruption: An FBI sting operation recently discovered that shipping jobs are illegally being sold by one maritime union.

A recent U.S. International Trade Commission study concluded that abolishing the Jones Act would save consumers as much as \$10.5 billion as a result of lower shipping costs, while U.S. maritime operators would lose only \$630 million in profits. Thus, the Jones Act could be costing consumers \$17 for every \$1 of domestic shippers' profits. Federal Maritime Commissioner Rob Quartel, who is championing the repeal of the Jones Act, estimates that the total savings from repeal could actually be \$20 billion or more, as the ITC estimate did not include the costs of shipping restrictions on Great Lakes trade, forgone tax revenue, indirect effects on smaller industries, etc.

The Jones Act, by making water-borne transport far more expensive than it otherwise would be, partially nullifies the benefits of the Panama Canal for transporting goods from coast to coast. This makes it more difficult for Pennsylvania steel producers to compete against Japanese steel in Califor-

nia, or for West Coast lumber to compete with Canadian products in the eastern U.S. The ITC estimated that Jones Act restrictions destroyed over 2,000 jobs in agriculture, forestry, mining, and other industries.

Sean Connaughton of the American Petroleum Institute notes, "We are seeing more and more oil imports in the Northeast, and imports have driven out a lot of the previous coastwise oil trade from the Gulf Coast. The Jones Act is a very significant factor in this." U.S. oil shippers cannot compete with foreign tankers with far lower operating costs. According to the General Accounting Office, the Jones Act restrictions on oil shipping helped cause a serious shortage of heating fuels on the East Coast during a severe cold snap in December 1989.

Americans also have minimal opportunities to travel domestically on passenger ships, largely because of the Passenger Services Act of 1886, a Jones Act equivalent for the passenger cruise industry. In a free market, foreign cruise ships would offer pleasure trips from New York to Baltimore, Savannah, and Miami, and from San Diego to San Francisco. But cruise ships are prohibitively expensive because of federal buy-American and crew-American mandates. Seattle is especially victimized, as each year, hundreds of thousands of tourists fly to Seattle for cruises to Alaska—but then cross over to Vancouver, Canada, in order to catch the cruise ships. Mark Sullivan of the Port of Seattle estimates that the restrictions cost Seattle a minimum of \$30 million a year in lost tourist business.

Shipping protectionism has been extended to dozens of types of boats over the years, including Hovercraft, sewer sludge carriers, and dredging ships. The Customs Service has even banned whitewater tour companies from using foreign-made inflatable rubber rafts on American rivers.

The Jones Act is often defended as providing a reserve fleet for military emergencies. But Commissioner Quartel notes that of the 400 ships used in Desert Shield by the Military Sealift Command, only one ship subsidized by the Jones Act was used. (Jones Act ships tend to be too old or of the wrong type to aid a war effort).

The Jones Act is supposed to stimulate U.S. shipbuilding. But, as New York shipping consultant Michael McCarthy observes, "There is only one commercial ship being built in the United States today—a fairly small container ship, at about twice the price of what it would cost to build abroad." Thomas Crowley, chairman of Crowley Maritime Corp., believes that the performance of American shipyards has been ruined largely

by their reliance on government contracts: "Any shipyard that does Navy work isn't worth a damn for commercial work."

Though the Bush administration is demanding that foreign governments end their shipbuilding subsidies, it refuses to recognize the implicit subsidy the Jones Act provides to U.S. shipyards. Deputy U.S. Trade Representative Linn Williams declared last February that the act does not amount to a "hill of beans in terms of subsidies" and is a "commercially meaningless program" because so few commercial ships have been built in the U.S. in recent years. But, as the American Petroleum Institute's Mr. Connaughton observes, "That's kind of like saying that because we have destroyed an industry, let's make sure it never rises again."

The Jones Act engenders a chain reaction of extortion—allowing American shipyards to charge stratospheric prices to American ship buyers, allowing American-flag ships to charge shakedown shipping rates to American businesses, and allowing American congressmen to demand lavish campaign contributions from the American maritime industry (more than \$1 million a year).

U.S. maritime lobbies have been so generous that three of the past five chairmen of the House Merchant Marine Subcommittee have been indicted for criminal links to the maritime industry, as Congressional Quarterly reported. (A fourth chairman was indicted for other reasons.) Former Rep. Thomas Ashley declared that the House Merchant Marine Committee "sucks from the taxpayer; it sucks from anything that isn't nailed down."

While the Jones Act fleet is relatively small and old, there are 300 U.S.-owned ships flying foreign flags. If Congress actually wanted a large U.S.-flag fleet, it could easily create one almost overnight by abolishing the build-American and crew-American requirements on U.S. owners of foreign-flagged vessels who might otherwise choose to fly the Stars and Stripes. But Congress is more interested in perpetuating maritime campaign contributions—and those contributions can be garnered only by federal policies that continue sabotaging U.S. maritime competitiveness.

Mr. BREAUX. Mr. President, I raise the point of order that the pending amendment of the Senator from Iowa violates section 305(b) of the Congressional Budget Act of 1974.

Mr. GRASSLEY. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the germaneness re-

quirement with respect to this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Under the previous order, this motion to waive is not debatable.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. Dixon], the Senator from Georgia [Mr. Fowler], the Senator from Nebraska [Mr. Kerrey], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], the Senator from Mississippi [Mr. LOTT], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announced that, if present and voting the Senator from Wyoming [Mr. WALLOP], would vote "yea."

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

The yeas and nays resulted: yeas 29, nays 61, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—29

Bond	Hatch	Pryor
Brown	Helms	Roth
Bumpers	Jeffords	Rudman
Burns	Kassebaum	Simon
Coats	Kasten	Simpson
Craig	Kohl	Smith
Dole	Lugar	Symms
Domenici	McConnell	Thurmond
Durenberger	Nickles	Wellstone
Grassley	Pressler	

NAYS—61

Adams	Ford	Mitchell
Akaka	Glenn	Moynihan
Baucus	Gore	Murkowski
Bentsen	Gorton	Nunn
Biden	Graham	Packwood
Bingaman	Harkin	Pell
Boren	Hatfield	Reid
Breaux	Heflin	Riegle
Bryan	Hollings	Robb
Burdick	Inouye	Rockefeller
Byrd	Johnston	Sanford
Chafee	Kennedy	Sarbanes
Cochran	Kerry	Sasser
Cohen	Lautenberg	Seymour
Conrad	Leahy	Shelby
Cranston	Levin	Specter
D'Amato	Lieberman	Stevens
Daschle	Mack	Warner
DeConcini	McCain	Wofford
Dodd	Metzenbaum	
Exon	Mikulski	

NOT VOTING—10

Bradley	Garn	Wallop
Danforth	Gramm	Wirth
Dixon	Kerrey	
Fowler	Lott	

The PRESIDING OFFICER. On this vote, the yeas are 29, the nays are 61. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I cannot hear the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Chair is prepared to rule on the amendment.

The amendment of the Senator from Iowa contains nonbinding language outside the jurisdiction of the Budget Committee and it is, therefore, not germane to the budget resolution.

The point of order is sustained. The amendment falls.

Mr. SASSER. Mr. President, before yielding to the majority leader and going to the final adoption mode of this resolution, I want to tell my colleagues that the underlying resolution is the House budget resolution. If this resolution that we are going to vote on here in just a few moments fails, then we are back on the House budget resolution and another 50 hours to dispose of it.

So I hope all of our colleagues will understand that when they cast their vote.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, we have devoted so much time and effort and energy to this process that it is easy to lose sight of the fact that the budget resolution is not a statute. What we are voting on does not and cannot become law. It is a procedure by which we are enabled to move to enacting law.

The only binding things in this resolution are the aggregate numbers and the allocation to committees. Let us not lose sight of that. We have to pass this resolution. If we do not, we are right back here. We are going to stay here until we pass a resolution because we cannot proceed to enact laws unless we pass a budget resolution that enables us to move to that next step under our procedures.

So I encourage all Senators to join us in supporting this resolution to permit us to proceed and to permit Senators to leave for the forthcoming Easter recess.

If this does not pass, we are not going anywhere.

Mr. DOMENICI. Mr. President, I just wanted to say to everyone, I do not think you really would want to put up with me for 50 more hours. And, frankly, I would not want to put up with you either. But I think we have a responsibility here to pass this. It is more on the majority to pass the budget resolution but, without going into detail, a lot of this has things in it that we on this side want. In fact to be honest about it, we, but for a few things here and there that are hard to find, it is kind of, our resolution. But we are

going to make sure we wait around to see how many on the other side vote for it.

I yield to the leader.

Mr. DOLE. Mr. President, I just make one quick point. The majority leader has already said we are going to stay here if it does not pass, so I would not get in too big a hurry to line up there.

In any event, it does maintain the discipline. We are still living by the caps. There are no new taxes. We protect Social Security—the Bentsen amendment. There are a lot of good things in this budget resolution. And a lot of things none of us like. Some of us do not like the defense numbers; others of us do. We do not like the numbers. But in the final analysis we need the discipline. We need to move on to the appropriations process. The distinguished Senator from West Virginia and the Senator from Oregon want to do that. So I urge my colleagues on this side to vote for the budget resolution.

Mr. MITCHELL. Mr. President, I would like to make one announcement. Immediately after disposition of this resolution I am going to propound a unanimous-consent request to deal with the handling of the so-called coin legislation, which I hope to get to when we return—the coin legislation. Any Senator who has an interest in that should remain because we are going to set up a procedure—we are going to try to get an agreement to set up a procedure for moving to and disposing of that legislation.

Mr. CONRAD. Mr. President, I wish to be recorded as voting no on final adoption of Senate Concurrent Resolution 106, the fiscal year 1993 budget resolution. It is time to address the fiscal crisis facing this Nation. This resolution does not do enough to reduce the deficit, nor does it make the policy decisions necessary to address our changing world. It does not acknowledge that the cold war is over and the Soviet Union no longer exists. We must tell our allies that we can no longer pay their bills. We must move beyond burden sharing to burden shedding. The Senate budget resolution does not do enough to make our country more productive by investing sufficiently in education and training, technology and infrastructure. We must come out of our partisan political trenches and make the decisions necessary to set this Nation on the right track.

Mr. KERREY. Mr. President, I oppose the pending budget resolution.

I believe that our defense reductions can be larger than those in the pending resolution. I believe we can and must rearrange our domestic spending priorities and I believe we must deal effectively with the deficit. I do not see this in the pending resolution.

The resolution before us reflects the priorities of the cold war. It says that

we will stay with the spending priorities included in the 1990 budget agreement, negotiated before many of the recent dramatic changes in the world had unfolded, and recommending spending allocations that reflect the needs of a cold war economy.

I agree with those who contend that the world is still not a safe place. I agree that new threats require new contingencies. I agree that changes in Eastern Europe and the former Soviet Union are fragile; that they contain the seeds of historic failure as well as the seeds of historic change. But, I would also argue that the threat has changed in such a way that to return to the previous status quo is simply unrealistic.

The resolution before us says that we will continue spending for a defense program based on the threat of the cold war rather than the altered threat we now face. I was happy to support the amendment of the senior Senator from Nebraska [Mr. EXON] which would reduce defense spending by \$8.8 billion below the President's figure and allocate the savings to deficit reduction. I was disappointed that his amendment, a better response to our changed defense needs, did not pass.

The resolution before us says that we will stay within the 1990 budget agreement's domestic spending limits despite a number of pressing human and physical needs in our country. It says nothing new about the child born into poverty, the drugs and gangs on our streets, our lagging manufacturing base, the thousands of middle-aged Americans who face increasing job insecurity and our young people whose economic futures are so bleak and uncertain. I was also disappointed that Senator BRADLEY's amendment reducing defense spending and allocating the savings to high priority domestic programs and deficit reduction did not prevail. It offered us the opportunity to look beyond the upcoming fiscal year, to plan on a longer term basis and to address both the need for deficit reduction and increased domestic needs.

The resolution before us says that we will live with continuing soaring budget deficits. It projects the second highest deficit in history, second only to this year's record deficit, currently projected in the area of \$400 billion.

However, it is important to point out that this resolution has as its starting point the President's fiscal year 1993 budget recommendations. As the chairman of the Finance Committee, Senator BENTSEN, pointed out in an excellent oped piece in the April 5 Washington Post, making a significant dent in the deficit requires leadership from the White House—and we're not getting that leadership. I share that view and would add that the lack of leadership hinders our ability to restructure our economy and reset our domestic priorities to meet the requirements of the

next century and the needs of our children and grandchildren.

The bottom line for me is that this budget resolution, designed as it perhaps must be for passage, is budgeting as usual.

It is budgeting as usual when the map of Europe has been redrawn. It is budgeting of \$280 billion of our resources for threats which have dramatically changed.

It is budgeting as usual when 7.3 percent of our work force—some 9.2 million Americans—remain unemployed. It is budgeting as usual when 3.2 million of those people have been unemployed longer than 15 weeks and when two out of three Americans are worried about job security. It is budgeting as usual when we need growth and conversion plans, increased research and development and additional attention to critical and emerging technologies, new processes and applications. It is budgeting as usual when we continue to fail to fully fund Head Start and other human resource programs which represent investments contributing to great productivity in the future.

It is budgeting as usual when our Federal debt stands at \$3.7 trillion. If that were handled as a 30-year mortgage, it means that every family of four in this country would have a monthly payment of \$505 for the next 30 years. It means that I can hand my children and every other American in the work force a debt of \$84,000 when they graduate from college. It means, as we have seen, that our ability to respond to economic slowdowns and other difficulties is severely limited, perhaps more limited than at any time in our history.

The immediate task is to move this year's budget process along. But, the resolution does not serve us well. The resolution does not force us to look at our economy and to determine how to maximize economic growth in our country. It does not force us to come to grips with the escalating cost of health care entitlements, the fastest growing portion of the Federal budget. It does not force us to deal with our lagging competitiveness, our low productivity and their impact on our standard of living.

I know that the chairman of the Senate Budget Committee labored long and hard to develop a resolution. Early this year, he and the chairman of the Joint Economic Committee held hearings on the state of the U.S. economy. He then worked to develop a realistic response to the testimony received. He has been thwarted on several fronts, both in committee and on the Senate floor.

I regret that I cannot support the resolution because I understand the need to advance the budget/appropriations process. It is April and we need to get our work done.

But, I believe we need a new agenda. We need an agenda based on new world

order and new economic realities. We need an understanding of where we are and where we must go. And, we need tax, budget and fiscal policies which will take us there.

Mr. DURENBERGER. Mr. President, during the course of this week, we have debated and decided on measures to limit increases in the deficit between what we will spend and what we will raise to pay for it. We even were fortunate enough to pass a resolution calling for a vote-certain this year on a constitutional amendment requiring a balanced budget.

But none of these votes will do as much as simply withholding my vote for the \$1.208 trillion 5-year budget deficit increase in this budget resolution. So I will vote no and urge my colleagues to do the same.

This is a budget that stands for doing business-as-usual in America. It is a budget that tells the American people that everything is fine in Washington; we will continue to take money from your children and your grandchildren to pay for our current consumption.

All a Member of this body has to do is look at the revenue and spending numbers projected for the next 5 years and you will see why the American public is so angry with their Government.

Under this budget, in 1993 we will spend \$1.5 trillion. In 1994, we will spend \$1.526 trillion. In 1995, \$1.539 trillion. In 1996, \$1.598 trillion. And in 1997, \$1.722 trillion. That's \$7.88 trillion that we will spend over the next 5 years.

But Mr. President, there's one thing missing from this budget. And that is the revenue to pay for this spending. This budget represents a promise that cannot be fulfilled without borrowing from our children. For this budget is \$1.208 trillion short of revenue. In other words, this budget guarantees that we will add \$1.208 trillion to the \$4 trillion national debt.

Under this budget, by 1997, net interest paid on the national debt—after deducting all trust fund interest income of more than \$100 billion—will be nearly identical to what is projected to be spent on national defense—\$280 billion. From what I know from my 14 years in the Senate, the spending projections in this budget are too low, and the revenue projections are too high. The end result is that by 1997, if we maintain this course, the debt will not be \$1.2 trillion higher, but \$2 trillion higher. And net interest payments will be over \$300 billion.

Mr. President, we cannot maintain this course any longer without bankrupting our Nation. We are being consumed by debt and deficits. Interest payments and debt are strangling our capability to govern and meet the challenges of the 21st century. And if we are ever going to do anything that will reverse this course, we must look at all government spending including spending entitlements and tax entitlements.

In 1960, we spent \$92 billion for the entire Federal Government; 52 percent of the 1960 budget was devoted to national defense; 8 percent went to pay interest; and 26 percent of that budget was mandatory entitlement spending. The remainder of Federal spending, 20 percent, was domestic discretionary spending.

Where are we today—33 years later? We're spending 1,600 percent more money under this budget—\$1.5 trillion. And where is Federal spending going? Fifty-one percent is for mandatory entitlement spending. Fourteen percent is for interest. Defense and foreign affairs makes up only 20 percent. And domestic discretionary spending is down to 15 percent.

In other words, Mr. President, in the budget we have before us today, 65 cents of every dollar of Federal spending is for entitlements and interest. Put another way, what the Federal Government is fast becoming is an income transfer program that merely sends out checks to pay for services and loans.

Earlier today, we debated a bipartisan amendment offered by the distinguished ranking member of the Budget Committee, Senator DOMENICI and the chairman of the Armed Services Committee, Senator NUNN. That amendment would have capped all of the entitlement programs in this budget with the exception of Social Security.

An across-the-board cut in entitlements does not provide a rational way to achieve programmatic reform. Each of the entitlement programs that would have been capped—Medicare, Medicaid, unemployment compensation, food stamps, AFDC, veterans benefits, agriculture, Federal retirement—need to be closely examined to determine how they can be streamlined and reformed.

In many senses, it would be unfair to cut all of these programs because each of them is not an equal contributor to the problem of Federal spending. Growth in the Federal retirement programs was 6.7 percent a year between 1980 and 1992. Growth in veterans benefits was 2.5 percent. Growth in AFDC was 6.3 percent. By contrast, growth in Medicaid was 15 percent annually during this period and 11.8 percent in Medicare.

Each of these programs needs fundamental reform. An across-the-board approach merely pits one group against the other and in the end, those with the greatest political clout will retain their special benefits while those without a political voice—the poor and children will be left behind.

More importantly, Mr. President, what is lost in the debate about entitlements is that another type of entitlement—tax entitlements are never addressed. What I am referring to are the subsidies we provide through the Tax Code for all types of activities. In

1992, we are providing a \$39 billion non-needs-related subsidy to home owners—that's 300 percent more than we spent to subsidize owner-occupied housing in 1980. We've seen an 1,100 percent increase in the subsidy we provide home owners who sell their houses and pay no tax on the gain because they move into a more expensive home.

Mr. President, in 1992, we will provide \$108 billion in non-needs-related tax subsidies to individuals and corporations for health insurance. And, if we don't do anything about that entitlement, by 1995, the tax subsidy under health insurance will reach \$146 billion in just 1 year, as much as we will spend on the entire Medicaid Program.

Mr. President, many of us are unwilling to stand up and say what we are willing to change; what programs we are willing to slow the growth in; what revenues we are willing to raise. So we come to the point where we are forced to propose across-the-board percentage reductions in the growth of out-of-control programs. We are left with no other voice.

Had the Domenici-Nunn amendment become law, this Congress, and this President would be forced to reform not the budget process, but the value systems that prevent us from voting the courage of convictions.

I commend Senators DOMENICI and NUNN for their leadership in this body. Unfortunately, what we learned earlier today is that we choose to ignore such leaders because the voices of organized constituencies are so much louder.

We could have taken a first step toward gaining control over this country's fiscal future. We could have resolved to give our children a promise of a better future unsaddled by the weight of our debts. But we were outmaneuvered. We were placed in the position of appearing to vote for or against one of the most important groups in our country—veterans. Men and women who have sacrificed for the greater interests of our country.

Mr. President, the veterans of our country, the elderly, the truly needy, the middle class, all of us know that we cannot maintain an economically secure future if we continue to ignore the \$4 trillion debt.

My vote earlier today was not a vote against veterans, as some will suggest, but a vote for fiscal sanity. My vote was a vote for veterans because unless we gain control over Federal spending, in less than 10 years there will no longer be money available to provide adequate and decent health and long-term care coverage for our Nation's veterans.

We took a first step today, Mr. President. I, and my 27 colleagues who voted to begin to control entitlements, did not lose. Today America lost. We lost the chance to make a difference and do the right thing.

But for as long as this Senator represents the people of Minnesota, I will

continue to vote for those measures that restore fiscal balance to our country.

Measured against that test, Mr. President, I will vote against this budget resolution. It does not address the cancer that is eroding the soul of our Nation. It does nothing to restrain spending. It does nothing to restrain borrowing. It does nothing to change this Nation's direction.

I can no longer go on with business as usual and ask my children and grandchildren to pay for fiscal irresponsibility.

Mr. HATCH. Mr. President, today we are determining the spending priorities of Congress for the next fiscal year. The budget before us, however, is based on the flawed spending path that we set ourselves on when Congress passed the budget agreement of 1990. This agreement constrains every fiscal policy decision we will make this year, and in future years, through 1995.

The stated goal of the budget agreement was to reduce the deficit by almost \$500 billion over 5 years by increasing taxes by \$160 billion, cutting projected spending growth by \$281 billion, and reducing by \$68 billion the net interest expended due to lower deficit financing. The deficit for fiscal year 1993, under the projections made at the time of the budget agreement, was supposed to be \$236 billion. The budget before us, however, projects the deficit for fiscal year 1993 to be \$327.4 billion. What happened, Mr. President? Why did it not work?

In theory, a good way to control runaway spending is to put a cap on it. However, the spending cuts contained in the budget agreement were just an illusion. The cuts were based on a baseline that was considerably higher than any previously projected spending path, so much higher that even after the so-called spending cuts, Congress essentially gave itself a \$27 billion gift and Mr. President, we wasted no time in spending it. This and new automatic adjustments to the spending caps for economic and technical considerations have made the caps ineffective and virtually meaningless. Although the budget resolution before us today would set spending at levels below these escalating caps, it cannot be said to control future spending.

Mr. President, in terms of its stated goal of deficit reduction, the budget agreement of 1990 has been a total failure. Under the agreement, the deficit was to be reduced by \$42.5 billion in fiscal year 1991. Instead, we saw the total deficit grow from \$220 billion in fiscal year 1990 to \$269 billion in fiscal year 1991, and an estimated \$399 billion in fiscal year 1992 and an estimated \$327.4 billion for fiscal year 1993. It is tragic that in the President's budget proposal for fiscal year 1991, prior to the 1990 budget agreement, a surplus of \$5.7 billion was projected for fiscal year 1993.

The spending restraint promised by the agreement never appeared, and over the first 2 fiscal years since its enactment, Federal outlays have grown by 18 percent. Spending growth ate up all of the taxes raised by that agreement, and more besides. This budget agreement was just a green light for Congress to continue its tax and spend policies of the past.

Despite all its promises, the budget agreement has allowed Congress to engage in tax-and-spend business as usual. The \$160 billion in new taxes that we passed in 1990 were justified as necessary bitter medicine to reduce the budget deficit. We were told that if we bite the bullet now with these new taxes, we would later yield the benefit of a lower deficit. Unfortunately, Mr. President, this turned out to be an empty promise. Congress has a tendency to spend additional taxes rather than devote them to deficit reduction and this tendency is at an all-time high. The historic correlation proves that since 1947, every \$1 in new taxes results in \$1.59 in new spending. This figure is even higher if you look only at the time frame from the 1990 budget agreement until now. True to form, Congress actually accelerated Federal spending after the 1990 tax increases were enacted, and budget deficits have hit record levels.

Mr. President, this problem is only exacerbated by the adverse effects that these new taxes have had on the economy and on Federal revenues. The total tax revenue expected following the budget agreement of 1990 has not met projections and was, in fact, down by \$83.3 billion for the first year alone. This trend has continued beyond the first year of the budget agreement, with fiscal year 1992 tax revenues estimated to be \$145.2 billion lower than projections. The cumulative amount of this revenue loss is expected to be an astounding \$630.4 billion through fiscal year 1995. Part of the blame for this is the static forecasting method utilized in projecting expected tax revenues. This method ignores the fact that higher taxes often lead to lower levels of employment or growth which would in turn change the baseline conditions. The drop in revenues can also be blamed on the recession, a recession Congress helped create by raising taxes and constricting economic growth. When coupling lower revenues with the spending increases of Congress, we can see how the deficit has grown to its present size.

The fastest growing portion of the Federal budget is that of entitlement or mandatory spending. Mandatory spending—excluding interest—had grown to nearly 45 percent of Federal Government spending in 1991. If you add interest costs, mandatory spending accounted for nearly 65 percent of the budget. This is not acceptable. Mandatory spending grew at a rate of 23.9 per-

cent in 1992, more than twice the rate of domestic discretionary spending growth, and 10 times the rate of growth of international spending.

Over the past 25 years, entitlement programs have roughly doubled in size relative to GNP, and now comprise approximately 11 percent of GNP. These programs are projected to grow at an average of 7.2 percent over each of the next 5 years, comprising 59 percent of the budget in fiscal year 1996.

Mandatory spending is often considered the portion of the Federal budget that is uncontrollable because Congress has chosen to provide continuing funding for these types of activities outside of the normal appropriations process. Once a program is an entitlement, Congress seems to consider itself off the hook with respect to controlling expenditures and spending grows unchecked. This must be stopped.

We must gain some control over the tax and spend habits of Congress and the unbridled growth of mandatory spending. The deficit is becoming a millstone around the neck of this legislative body—it is impeding our ability to pass legislation that would spur the economy, increase our saving rate, ease the tax burden on American families, and improve American competitiveness in a global economy. Controlling spending growth must be our No. 1 priority. We have already proved that increasing taxes is not an effective way to lower the deficit.

Mr. President, 2 short years ago this Nation stood at a crossroads as to how to handle the deficit. Under the Gramm-Rudman-Hollings law, we were facing a deficit target of \$64 billion for fiscal year 1991. If we did not meet this target, we would face a sequester that would automatically cut spending and meet the target for us. The Gramm-Rudman-Hollings law was not perfect. I am the first to admit that the sequester we faced 2 years ago would have been a bitter pill for all of us to swallow. But if we had taken our medicine then, we could have had a balanced budget now. Instead, we took the easy way out. We passed the budget agreement that promised a balanced budget in just a few years, without pain or suffering. I submit, Mr. President, that this was a major mistake, and as a result of this mistake, we have not only delayed the pain, we have made it far worse.

So what are we to do, Mr. President? Delaying the difficult decisions will buy us some time, and possibly some political cover. But every day that we delay in making the difficult decisions of restraining spending will mean the ultimate price we pay will be that much more difficult.

I suggest that there is a solution still available to us. Unfortunately, the budget resolution before us is not it. We need to decide collectively to make the hard choices this year. For several

years now, the more conservative Members of this body have sponsored bills to require a balanced budget and legislation to hold the growth of spending to the level of inflation. As we all know, these have been unsuccessful. While this would involve making the hard choices, it would help spread the pain evenly over all spending categories and all constituencies. It is time to pass a balanced budget amendment. If we cannot do this, then let us at least pass a budget resolution that limits all spending, including entitlement spending, to the rate of inflation.

Mr. President, I assert that this is the only way to control the voracious spending appetite of Congress. The people of Utah are demanding action to control spending. The deficit is the number one economic concern in my State. We cannot continue to put off the difficult decisions. It is time to face this problem with courage and determination. I urge my colleagues to make the hard choices necessary and take a strong stand against the deficit and support legislation to provide stringent control over spending.

Mr. KERRY. Mr. President, I want to commend what I believe to be the intent of the senior Senator from New Mexico, the senior Senator from Georgia, and the senior Senator from New Hampshire in offering their amendment earlier today.

I am interpreting the intent of those Senators, and others who developed that amendment, to be confronting that portion of the responsibility for the growth in our deficit which is attributable to entitlement programs. I could not agree with them more that we must confront and resolve this problem.

I might not get agreement from them that the Reagan and Bush administrations have an absolutely dismal record in confronting the real cause of entitlement growth. But it is true. I might receive their agreement that the Congress has quite apparently not successfully stepped in to fill the leadership gap at the other end of Pennsylvania Avenue.

Mr. President, I am persuaded that time has run out on the absence of fiscal discipline evidence by our Government. Two Presidents, for 12 years, have delayed and procrastinated, and pandered the American people—and the Congress—to the point that we now are seeing deficits of \$400 billion a year. The national debt is projected to hit \$7 trillion within 5 years. It is self-evident that the Congress has not on its own accord demonstrated the courage, leadership, and vision to solve this problem.

There has been a great deal of discussion about the fear of many Americans today that the next generation of Americans is going to have a lower standard of living than its predecessor—that our children will not be

able to enjoy a standard of living that we, their parents, have enjoyed. Mr. President, the unwillingness of the Reagan and Bush administrations to effectively lead this Government to a solution of the wildly mounting deficit problem, and the acquiescence of this Congress to that failure of leadership, is contributing more to the likelihood this fear is real than any other single ingredient.

We are borrowing our children's way to the poorhouse. We are borrowing from their future—at a dizzying rate.

Within only another year or two, according to current projections, service of the national debt—the interest the Government must pay for the multiple trillions of dollars it has borrowed—will pass the entire budget for national defense and security, and become the second largest expenditure in the Federal Government's annual budget.

And what do the Nation's taxpayers get for that? What can our children expect to get for those tax dollars that increasingly go to debt service? Not a damn thing, Mr. President. Nothing.

At a time when we have more families living below the poverty level than at any time in the last 20 years, we get nothing for this annual expenditure that will pass \$300 billion a year next year, and is expected to pass \$350 billion by 1995. At a time when our highways and bridges and railroads and public buildings are crumbling, we are spending—we have no choice but to spend—\$300 billion for debt service.

At a time when the Republics of the former Soviet Union and its former Warsaw Pact allies in Eastern Europe are struggling to convert themselves into democracies and free market economies—which, if successful, could make our world a far, far safer place for all of us to live—we are hamstrung in our efforts to help them. Aiding them in their transitions is profoundly in the best interests of our Nation and the American people, and yet we cannot respond satisfactorily because we are spending over \$350 billion a year for debt service.

At a time when our economy is suffering from a long and persistent recession, we find ourselves incapable of providing real assistance—because we have spent our Nation into catastrophic debt.

We cannot go back and undo what we have already done, Mr. President. We have no real choice but to service the debt we have incurred, until we can pay it off. But we absolutely must halt it from growing further.

To the extent this was the objective of those who offered the Domenici-Rudman-Nunn amendment, I believe they have the correct general goal in mind.

But the amendment, and the logic behind it were flawed.

They were not flawed per se, Mr. President, just because they are addressing entitlement programs. But the

amendment advocated and contemplated imposing artificial caps on entitlement programs which are not the cause of the tremendous growth in the cost of the entitlement portion of the budget. Worse yet, the amendment would have artificially constrained the ability of some of those programs to provide the minimal safety net for the most disadvantaged among us: child nutrition programs; foster care and adoption assistance; aid for the aged, blind, and disabled impoverished; food stamps for the lowest income 10 percent of our national population; and others.

Mr. President, the dramatic—frightening—increases in health care costs, which are primarily reflected in two entitlement programs, Medicare and Medicaid, are the chief culprits in the rapid growth of entitlement spending.

But the amendment treated Medicare and Medicaid—where far and away the greatest growth in expenditures is occurring—precisely the same as it treated such programs as foster care and adoption and child nutrition, where little growth is occurring.

So, Mr. President, regardless of the good intentions of the sponsors of this amendment, their amendment was fatally flawed. I am relieved they chose to withdraw it.

We must address the deficit problem, Mr. President. One component of our response must be to gain control over entitlement program growth. But it is absolutely essential that we do so fairly and effectively, and the Domenici-Rudman-Nunn amendment was neither.

As others have said previously, the single most important step we must take to control entitlement growth is to reform our health care and medical care financing systems. Despite repeated promises and claims, President Bush has yet to send legislation to do this to the Congress, and there is none in sight. While Presidential leadership on this issue is badly needed, Democrats in the Senate are prepared to begin this debate without him if he insists on absenting himself and shirking his responsibility in this respect. It is through this route that we can and should—fairly—gain control over health care costs and, thusly, over what is unquestionably the most significant contributor to entitlement growth.

We must get serious about the deficit. We must make tough choices. But our responsibility to this Nation does not stop there by any means. What we must do, we must do fairly. We must protect those who cannot protect themselves. And we surely must assure that the tough medicine we prescribe—and let there be no doubt about it, the only way to treat the deficit is with tough medicine—is designed to cure the illness and not just spread misery wantonly.

Let me go on to say, Mr. President, that I will oppose final passage of the budget resolution.

It is, sadly, just another business-as-usual budget at a time when circumstances in this world, in our nation, and in the Commonwealth of Massachusetts cry for something much more.

On amendments considered yesterday and the day before—real amendments that made real adjustments in dollar amounts, unlike the Domenici amendment—repeatedly a majority, primarily on the other side of the aisle, was unwilling to recognize the desperate need of our communities and cities, the grave need for investment in our future. The majority was unwilling to recognize the fact that our world has changed miraculously in the past 3 years and it is not only possible but necessary, while preserving a fully sufficient defense to ensure our national security, to reduce defense spending and apply the savings to deficit reduction or to pressing domestic needs.

As I said earlier in my remarks, I judge the deficit and debt situation to be critical. We are past the point of being able to just muddle along. We are now expropriating and cavalierly spending the savings of our grandchildren. This has got to stop. We are crying for leadership from a President who seems incapable of deciding what he believes, what he stands for, or what is important to the Nation.

This budget almost certainly will become the Congress' measure for budgetary action for 1993. I can only hope and struggle to assure that next January there will be an occupant in the White House who will provide courageous, realistic leadership to begin eliminating the deficit and facing up to our long-ignored national responsibilities. And, of course, I will struggle to have the Congress come to grips with the totality of this monumental problem whether or not the President provides leadership.

The chairman and members of the Budget Committee labored diligently, and in good faith, to produce this budget and bring it to the floor. They were forced to labor within the constraints of the so-called Andrews Air Force Base summit agreement, which was enacted into law last year. I opposed that agreement at the time. It has become even more out of touch with reality—and even less responsive to the real needs of this Nation—than it was then.

I sympathize with the committee. I sympathize with the conscientious and long-suffering chairman of the committee, the senior Senator from Tennessee [Mr. SASSER], who is managing this bill. His efforts are earnest, but the burdens he has been forced to carry are too great.

I cannot in good conscience, and will not, vote for this budget which falls so far short of any reasonable mark. I pro-

foundly hope for—and will diligently work toward—a budget for 1994 that does correctly identify and set about to meet the pressing needs of this Nation and its citizens.

Mr. DODD. Mr. President, the budget is an encapsulation of our Nation's vision of the future. I am afraid this year, stalemate is all the eye can see on the horizon.

On the one hand, our Nation has pressing needs. After 12 years of ignoring the homefront at the instigation of the Reagan and Bush administrations, we need to invest in America's future.

We need to invest, for example, in our Nation's crumbling cities. The unlimited potential of millions of Americans continues to be held hostage by the poverty, violence, and despair found throughout our Nation's urban areas. It is ludicrous to think we can compete internationally when the talents of these Americans go untapped.

We need to invest in education. We will certainly not be able to compete so long as high school graduates can't read a newspaper, write a grammatically correct sentence, or solve a basic algebra problem.

We need to invest in our children. One in five lives in poverty today in America, and that is completely unacceptable. We must give all children the opportunity to unlock their potential, unconstrained by economic deprivation.

We need to ensure that the American dream is attainable. If Americans can no longer afford to buy a home or send their kids to college, we are at risk of losing something that is unique about America.

But it is hard to invest in America when the cupboard is bare. The Federal Government is flat broke, and we cannot afford to pile more debt on the shoulders of our posterity.

Mr. President, the budget resolution before us today makes the best of a bad situation. It freezes most outlays for domestic discretionary spending at 1992 levels. It does achieve some deficit reduction through Government downsizing and through elimination of waste, fraud, and abuse.

On the defense side of the ledger, the budget resolution continues the spending reductions of the past 5 years. Between 1985 and 1992, defense expenditures in real dollars have declined by 25 percent, and the figure included in the resolution for 1993 is 5 percent below the level necessary to keep pace with inflation.

Mr. President, some proposed further cuts in next year's defense budget. I opposed those proposals, however, because I believed that further cuts would jeopardize our national security.

We must not kid ourselves into believing that everyone suddenly loves America now that the Soviet Union has fallen apart. With regional instability throughout the globe, and the continu-

ing proliferation of nuclear weapons, the world is still a dangerous place.

Deeper cuts could also harm our defense industrial base. After past conflicts, we have all too often followed a feast-or-famine approach to our defense industrial base. In the future, it will be our technological advantages that give us a military advantage, and so shutting down critical industries would be unilateral disarmament of the worst sort.

We must also remember that we are in a recession. At such a time, it makes little sense to add to the problem by throwing thousands of defense workers and GIs onto the unemployment rolls.

For all of these reasons, cuts in the military budget below the level incorporated in the resolution would be unwise.

Mr. President, we would not be facing the current budget stalemate if we had more leadership from the other end of Pennsylvania Avenue. The President cannot avoid his share of responsibility for the deficit. The plain truth is that neither President Bush or his predecessor have once submitted a balanced budget to Congress.

They have talked a lot about gimmicks like line item vetoes, but when it really came time to make tough choices, they punted. They have continued to tell the American people they can have it all without paying for it. As Paul Tsongas might say, they have tried to play Santa Claus the whole year round.

And then, when it comes to addressing our pressing domestic needs, President Bush's only plan has been to use his veto plan. He vetoed the tax bill, which included almost all of what he wanted. He would have vetoed the anti-crime bill, which was a tough law and order bill. Instead of leading by negotiating compromises that move our Nation forward, he chooses to nyet and nay-say and contribute to the stalemate.

Mr. President, I hope that next year when we consider a budget resolution on the Senate floor, we will see more leadership from the Executive branch, whether it is headed by a Democrat or a Republican. I hope the President will send us a balanced budget and work to make the tough choices that must be made. I hope the President will sit down with Congress and negotiate solutions to our Nation's domestic problems.

But again, there is certainly no leadership coming from downtown at the moment. And that makes passage of the budget resolution before us today more of an achievement than it otherwise would be. It makes the best of a bad situation, and I urge my colleagues to join with me in supporting its passage.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I yield back all time on the resolution.

Mr. DOMENICI. I yield back all time on the resolution.

CONCURRENT RESOLUTION ON THE BUDGET

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 287, Calendar No. 435.

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

The House concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the United States Government for fiscal years 1993, 1994, 1995, 1996, and 1997.

Mr. SASSER. Mr. President, I move that all after the resolving clause be stricken, that the language of Senate Concurrent Resolution 106, as amended, be inserted in lieu thereof, and ask unanimous consent that all time on that motion be yielded back.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ADAMS (when his name was called). Mr. President, the Senator from Georgia [Mr. FOWLER] is absent but would vote "aye" if he were present. I would vote "no." I grant Senator FOWLER a live pair. I therefore withhold my vote.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. DIXON], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. WIRTH], are necessarily absent.

On this vote, the Senator from Washington [Mr. ADAMS] is paired with the Senator from Georgia [Mr. FOWLER]. If present and voting, the Senator from Georgia would vote "aye" and the Senator from Washington would vote "nay."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], the Senator from Mississippi [Mr. LOTT], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP], would vote "no."

The result was announced—yeas 54, nays 35, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—54

Akaka	Ford	Murkowski
Baucus	Glenn	Packwood
Bentsen	Gore	Pell
Biden	Graham	Pryor
Bond	Grassley	Reid
Boren	Hatfield	Riegle
Breaux	Hollings	Robb
Bryan	Inouye	Rockefeller
Bumpers	Jeffords	Rudman
Burdick	Johnston	Sarbanes
Byrd	Kassebaum	Sasser
Chafee	Kennedy	Simpson
Cohen	Leahy	Specter
Daschle	Levin	Stevens
Dodd	Lieberman	Symms
Dole	Mikulski	Thurmond
Domenici	Mitchell	Warner
Exon	Moynihan	Wofford

NAYS—35

Bingaman	Harkin	Metzenbaum
Brown	Hatch	Nickles
Burns	Heflin	Nunn
Coats	Helms	Pressler
Cochran	Kasten	Roth
Conrad	Kerry	Sanford
Craig	Kohl	Seymour
Cranston	Lautenberg	Shelby
D'Amato	Lugar	Simon
DeConcini	Mack	Smith
Durenberger	McCain	Wellstone
Gorton	McConnell	

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

NOT VOTING—10

Bradley	Garn	Wallop
Danforth	Gramm	Wirth
Dixon	Kerrey	
Fowler	Lott	

So the motion was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, if the Republican manager is prepared to yield back all of his time, I will yield back all of my time.

Mr. SYMMS. We yield back all the time on this side.

Mr. SASSER. All the time has been yielded back, Mr. President.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 287), as amended was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate insist upon its amendments, that the Senate request a conference with the House, on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

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

The Chair will appoint the conferees at a later time.

Mr. SASSER. I thank the Chair.

MEASURE RETURNED TO THE CALENDAR

Mr. President, I ask unanimous consent that Senate Concurrent Resolution 106 be returned to the calendar.

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

COMMENDATION OF SENATORS

Mr. SASSER. Mr. President, I want to thank my colleagues for their assistance during the course of the pendency of this resolution, particularly the majority leader, Mr. MITCHELL, for his help and support; also the support given by the distinguished Senator from Maryland [Mr. SARBANES], at some very critical times during the course of the consideration; also the support and the counsel given by the distinguished President pro tempore during the pendency of this budget resolution here this afternoon.

COMMENDATION OF STAFF

I also want to express my appreciation to the majority staff of the U.S. Senate, the very able staff director, Mr. Larry Stein; Dr. John Callahan, deputy staff director of the Budget Committee; Bill Dauster, our general counsel; Kathy Deignan, who was extraordinarily helpful to us in a number of areas, one of our senior analysts; Randy DeValck, our senior analyst on military affairs; Chuck Marr, the chief economist of the Senate Budget Committee; and Sue Nelson.

Without their support, and their untiring efforts, Mr. President, we would have been unable to bring this resolution to a successful conclusion here this afternoon.

I yield the floor.

Mr. MITCHELL. Mr. President, I want to add to that list of persons the distinguished chairman of the Budget Committee, Senator SASSER, whose skill, perseverance, patience, and determination are more than anything responsible for the Senate having acted to complete action on the resolution today. I thank Senator SASSER very much, for it has been a very difficult period.

COMMENDATION OF SENATORS

Mr. BYRD. Mr. President, I want to add my compliments and my thanks to those that have been expressed by others with regard to the good work that has been done by the two managers of the budget resolution, Senator SASSER and Senator DOMENICI. These are two of the brightest Senators in this body. They are highly dedicated, very hard-working, and the product of which they have brought to fruition today is a demonstration of their skill and their devotion to duty.

We on the Appropriations Committee will, as soon as the conference is completed on the budget resolution, do our work as expeditiously as possible on the various appropriations bills.

Mr. President, I do not want to un-duly hold the Senate but I see the two Senators are about to conduct some morning business. I will just impose on the Senate a couple of minutes.

A MEMORIAL

Mr. BYRD. Mr. President, one characteristic among the many that distinguish our species from others is Memory.

Not by instinct do we celebrate the Fourth of July, Christmas, Yom Kippur, or the other days of our cultural calendars.

No, we celebrate those days because of memories that we want to keep alive and because of memories that define who we are and who we want to be and become.

But Memory serves perhaps no greater role in our lives than as a means of renewing and revitalizing our relationship to those nearest to our hearts whom we have lost.

Anyone who has lost someone beloved knows the experience of which I speak.

A wife, a husband, a son, a daughter, a unique friend, an incomparable teacher or mentor, a close colleague—how blessed are the memories that we have of those whom we have loved and lost to the often incomprehensible destiny of which we all partake.

Ten years ago this weekend—April 12, 1982—I lost my grandson, Jon Michael Moore, in a tragic accident—an accident whose ultimate purpose I cannot fathom and an accident that cut into my heart more deeply than anything that had befallen me before or that has befallen me since.

Michael was only 17 at the time, and was preparing to set out onto the crest of life with more gifts and talents than most young men of that age are graced.

Then, incomprehensively, Michael's life was cut short.

Once merciful Numbness has lent its service to helping the mourner to bear the unbearable, Memory attends the bereft and, like a guardian angel, stands at hand forever.

Memory can be bittersweet, and tears oftentimes accompany even the brightest recollections of that one who is beyond our sight.

But, in time, memories can become more sweet than painful. And in moments clouded even by unbidden tears, we are moved to give thanks to have been privileged to know and to love—even but for a fraction of our time upon this earth—that one who has gone before us into Eternity to meet God.

So, Mr. President, I share the insights of my heart on the 10th anniversary of the passing of a young man whom Erma and I deeply admired and loved, and in whom we took grandparents' understandable pride—a pride in all that Jon Michael Moore had become in his brief 17 years and a pride in

the promise that Michael embodied for the future that was denied to us in his death.

And to those among us who have felt and endured such a loss in their own lives, I leave these words by William F. Floyd—words of which I believe Michael in his own real and youthful faith could proclaim:

My times are in Thy hand;
My God, I wish them there;
My life, my friends, my soul I leave
Entirely to Thy care.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I am sure that every Member of the Senate, on this sad anniversary, extends their deepest love, respect, admiration, and sympathy to our esteemed President pro tempore and wish him a peaceful two weeks while we are on vacation.

Mr. CRANSTON. Mr. President, I join in that expression of sentiment and sympathy and high regard for the President pro tempore of the Senate.

LAUDING THE REPUBLICAN STAFF

Mr. SYMMS. Mr. President, I want to pay my thanks to the fine Republican staff under the leadership of Bill Hoagland, and others, for their efforts to bring this Budget Committee forward, and especially to our distinguished ranking member, Senator DOMENICI.

We are often very unhappy with the results of what happens from the Budget Committee, but I say that the Budget Committee does stimulate some of the very best debate that we see in the Senate. I think Senator DOMENICI quite excelled himself and presented an excellent point of view on this side of the aisle, and I pass complements to all of my colleagues, including the chairman of the committee. I offer a special thanks to our fine Republican leader, Senator DOLE, for his efforts in the coordination to help the members of the committee accomplish this task.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

GOOD LUCK TO CINDY MANNUCCI

Mr. DOLE. Mr. President, I want to take a minute to say a few words about a departing staff member in the Republican Cloakroom. I am talking about Cindy Mannucci, a valued member of one of the hardest working groups in Capitol Hill. As one of the Cloakroom assistants, Cindy is one of the few people who really does know what is going on around here. She works long hours, keeps track of floor action—and inaction—advises Senators and staff on legislation and helps to wade through the mountain of bills, amendments and resolutions we are faced with each session.

Why she would want to give all that up to move to Florida with all that sun and sand, I do not know. But I guess joining her husband and beginning a new career with the Customs Service is a pretty good reason.

I know I speak for a lot of people when I say thanks, Cindy, for all your good work, for making our job easier and good luck to you as you start your new life.

MORNING BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that their now be a period for morning business with Senators permitted to speak therein.

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

CONFRONTING THE GLOBAL ECOLOGICAL CRISIS

Mr. GORE. Mr. President, throughout this week I have stood in this Chamber and spoken to what I firmly believe is the most serious problem our Nation and every nation must confront: A global ecological crisis more serious, with more devastating consequences than any other we have ever experienced in humankind's time on Earth.

Earlier this week, the entire Senate debated these issues, voting by an overwhelming and bipartisan margin of 87-11 on a resolution aimed at moving U.S. policy and especially President Bush to recognize the urgency of these issues, the importance of the upcoming Earth Summit in Rio de Janeiro, and the need to move forward on key international negotiations to stop global warming, the loss of forestland and the devastation of record numbers of living species.

It is impossible to state too strongly the importance of the Rio conference. It is equally impossible to protest too loudly the President's stubborn, shortsighted policy that is threatening to undermine this historic meeting. At every opportunity, President Bush and his representatives have thrown up the barricades and blocked progress. At every hint of agreement, the White House has found a reason to disagree.

As a result of the President's intransigence, principally because of U.S. opposition, none of the major negotiations has produced an agreement. There is no agreement on climate change. The biodiversity talks have broken down. The deforestation agreement has been so watered down that Canada, New Zealand, and others have said it is not even worth submitting to their ministers for approval. Agenda 21—which was to be a plan for actions in the 21st century—is unfinished. The only agreement the United States permitted can still be rejected—it is simply a chairman's draft, accepted as a working text and still subject to editing.

I do not today want to repeat my strong opposition to the President's policy. I have made that opposition absolutely clear this week and in many days and speeches that have come before, and I expect, in many days and speeches to follow. Instead, today I want to speak directly to the policies we should be adopting—at the Earth Summit, as a nation and, as a nation among nations.

We must take bold and unequivocal action: We must make the rescue of the environments the central organizing principle for civilization. Whether we realize it or not, we are now engaged in an epic battle to right the balance of our Earth, and the tide of this battle will turn only when the majority of people in the world become sufficiently aroused by a shared sense of urgent danger to join an all-out effort.

There is no doubt that with sufficient agreement on our goals, we can achieve the victory we are seeking. Although very difficult changes in established patterns of thought and action will be required, the task of restoring the natural balance of the Earth's ecological system is both within our capacity and desirable for other reasons—including our interest in social justice, democratic governments, and free market economics. Ultimately, a commitment to healing the environment represents a renewed dedication to what Jefferson believed were not merely American but universal, inalienable rights: life, liberty, and the pursuit of happiness.

Nowhere is that more clearly defined than in the debate around the Earth Summit where the concerns of the developing nations and the developed nations provide such contrast. In fact, we are working for the same goals: For a better quality of life; for a brighter future for our children, for a safe, clean and sustainable environment. There are steps we should be taking at the Earth Summit:

We must reach agreement on a strong and effective climate change convention that, at a minimum, calls for stabilization of carbon dioxide emissions at 1990 levels by the year 2000 and a mechanism to ensure that the parties to the convention will meet regularly to strengthen their commitments in light of new scientific developments—as the Montreal protocol on ozone-depleting chemicals has been strengthened with new scientific evidence.

In addition, in the atmosphere text of agenda 21 that also puts forward measures to address climate change, we need to support, rather than oppose as we have done to date, calls for increased energy efficiency and conservation and for increased reliance and renewable sources of energy.

The opportunity for a legally binding convention on forests has been missed, first, because the United States would not agree that U.S. forests also should

be protected and now, because the developing countries feel that a convention could threaten their sovereignty. At a minimum, we need to leave Rio with a strong statement of principles on forests that protects sovereign rights but nonetheless lays the groundwork for a binding convention that will ensure that our forests are protected and that, for those forests that will be developed, they are managed in a truly sustainable manner. If that is going to happen, then the agreement reached cannot simply call for tree plantations to be established, instead, we must preserve native species and ecosystems.

We need to establish a strong and effective mechanism to carry forward the agreements reached at the Earth summit. For example, I have suggested that the United Nations might consider establishing a stewardship council to deal with matters relating to the global environment, just as the Security Council now deals with matters of war and peace. Or, we could establish a tradition of annual environmental summit meetings, similar to the annual economic summits of today, which only rarely find time to consider the environment. Alternatively, an existing U.N. body, such as the U.N. Economic and Social Council could be charged with monitoring success in implementing agenda 21 and carrying forward the principles of the Earth charter. The important point is that we must make sure that we have a mechanism through which heads of government will remain committed to pursuing a path of sustainable economic development.

And finally, heads of nations must commit at the Earth summit to work to improve bilateral and multilateral overseas development practices to ensure that the projects that are funded are truly sustainable. One of the best ways to ensure that this is the case is to increase the transparency of lending practices so that local communities and nongovernmental groups are aware of and have the opportunity to comment on project proposals the United States has been a leader in this regard and it is important for us to achieve a commitment from other world leaders at the Earth summit so they also will call for opening and access in the lending process.

But we must look beyond the Earth summit. Adopting a central organizing principle—one agreed to voluntarily—means embarking on an all-out effort to use every policy and program, every law and institution, every treaty and alliance, every tactic and strategy, every plan and course of action—to use, in short, every means to halt the destruction of the environment and to preserve and nurture our ecological system.

What is needed is a plan—call it a global Marshall plan for the environment—that combines large-scale, long-

term, carefully targeted financial aid to developing nations; massive efforts to design and then transfer to poor nations the new technologies needed for sustained economic progress, a worldwide program to stabilize world population and binding commitments by the industrial nations to accelerate their transition to an environmentally responsible pattern of life.

To work, however, any such effort will also require wealthy nations to make a transition that in some ways will be more wrenching than that of the Third World, simply because powerful established patterns will be disrupted. It must emphasize cooperation—in the different regions of the world and globally—while carefully respecting the integrity of individual nation states.

But with the original Marshall plan serving as both a model and an inspiration, we can now begin to chart a course of action. The world's effort to save the environment must be organized around strategic goals that simultaneously represent the most important changes and allow us to recognize, measure, and assess our progress toward making those changes. Each goal must be supported by a set of policies that will enable world civilization to reach it as quickly, efficiently, and justly as possible.

In my view, five strategic goals must direct and inform our efforts to save the global environment.

The first strategic goal should be the stabilizing of world population, with policies designed to create in every nation of the world the conditions necessary for the so-called demographic transition—the historical and well-documented change from a dynamic equilibrium of high birth rates and death rates to a stable equilibrium of low birth rates and death rates. This change has taken place in most of the industrial nations—which have low rates of infant mortality and high rates of literacy and education—and in virtually none of the developing nations—where the reverse is true.

The second strategic goal should be the rapid creation and development of environmentally appropriate technologies—especially in the fields of energy, transportation, agriculture, building construction, and manufacturing—capable of accommodating sustainable economic progress without the concurrent degradation of the environment. These new technologies must then be quickly transferred to all nations—especially those in the Third World, which should be allowed to pay for them by discharging the various obligations they incur as participants in the global Marshall plan.

I have proposed the worldwide development of a Strategic Environment Initiative [SEI] a program that would discourage and phase out older, inappropriate technologies and at the same

time develop and disseminate a new generation of sophisticated and environmentally benign substitutes. As soon as possible the SEI should be the subject of intensive international discussions, first among the industrial nations and then between them and the developing world.

The third strategic goal should be a comprehensive and ubiquitous change in the economic rules of the road by which we measure the impact of our decisions on the environment. We must establish—by global agreement—a system of economic accounting that assigns appropriate values to the ecological consequences of both routine choices in the marketplace by individuals and companies and larger, macroeconomic choices by nations. For example, the definition of GNP should be changed to include environmental costs and benefits, and the definition of productivity should be changed to reflect calculations of environmental improvement or decline.

The fourth strategic goal should be the negotiation and approval of a new generation of international agreements that will embody the regulatory frameworks, specific prohibitions, enforcement mechanisms, cooperative planning, sharing arrangements, incentives, penalties, and mutual obligations necessary to make the overall plan a success. These agreements must be especially sensitive to the vast differences of capability and need between developed and undeveloped nations.

The fifth strategic goal should be the establishment of a cooperative plan for educating the world's citizens about our global environment—first by the establishment of a comprehensive program for researching and monitoring the changes now under way in the environment in a manner that involves the people of all nations, especially students; and second, through a massive effort to disseminate information about local, regional, and strategic threats to the environment. The ultimate goal of this effort would be to foster new patterns of thinking about the relations of civilization to the global environment.

Each of these goals is closely related to all the others, and all should be pursued simultaneously within the larger framework of the global Marshall plan. Finally, the plan should have as its more general, integrating goal, the establishment, especially in the developing world—of the social and political considerations most conducive to the emerging of sustainable societies—such as social justice—including equitable patterns of land ownership; a commitment to human rights; adequate nutrition, health care, and shelter; high literacy rates; and greater political freedom, participation, and accountability. Of course, all specific policies should be chosen as part of serving the central organizing of saving the global environment.

When considering a problem as large as the degradation of the global environment, it is easy to feel overwhelmed, utterly helpless to effect any change whatsoever. But we must resist that response because this crisis will be resolved only if individuals take some responsibility for it. By educating ourselves and others, by doing our part to minimize our use and waste of resources, by becoming more active politically and demanding change—in these ways and many others, each one of us can make a difference.

TRIBUTE TO ARTHUR ASHE

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Arthur Ashe.

Mr. President, Arthur Ashe and I have known each other since 1972. We have worked together in political campaigns and in the civil rights movement. I am greatly saddened by his recent revelation that he has contracted AIDS.

Mr. President, Arthur Ashe has been a role model for all Americans since he first rose to tennis fame in the mid-1960's. He is a former U.S. Open and Wimbledon champion. He has represented our country overseas in international tennis tournaments. He has truly been a champion both on the court and off the court. Since his retirement, he has dedicated his life to teaching the game of tennis and the game of life to poor youth all over the world.

Arthur Ashe has also been a leader in the civil rights movement. He was working for sanctions against South Africa long before the Congress finally took action. He successfully had South Africa banned from the 1970 Davis Cup because of its inhumane policy of apartheid. I know he must be encouraged by the recent developments in South Africa because he has worked so hard to free its black majority.

Mr. President, Arthur Ashe's revelation once again shows us that anyone can contract AIDS. Unfortunately, it takes a basketball or tennis star to bring this epidemic to the forefront of our consciousness. We need to show compassion for the victims of AIDS and unite in an effort to find a cure for this disease.

The National Institutes of Health are conducting intensive research on treatment and therapies for AIDS and the Ryan White Care Act is providing counseling and care to AIDS victims and their families. These programs are helping us prevent this epidemic from spiraling out of control. Now we need to put more resources into these programs, not less.

Mr. President, AIDS is tragically striking down people from all segments of our society. Young, old, male, female, black, white, and brown. We need to put our Nation's resources into

fighting this epidemic before it claims more and more lives. Today, one in every 250 people has contracted the AIDS virus. As a result, people are dying all over this country. We need to pull together and find a cure for AIDS like we did with polio and tuberculosis. We need to show tolerance and respect for those who are victims of this deadly virus.

As a tribute to Arthur Ashe and those who are not as well-known, let's pull together as a nation and beat this tragic disease.

CONDOLENCES TO THE FAMILY OF A DISTINGUISHED FRIEND

Mr. BYRD. Mr. President, I thank our friend and colleague, the junior Senator from Wyoming, Senator SIMPSON, for the expeditious and sensitive fashion in which he brought to the Senate's attention yesterday the passing of one of my longtime friends and distinguished former colleagues, Senator Gale McGee from Wyoming.

Senator McGee and I were members of that extraordinary class of Senators elected in 1958.

That class included such men as Philip Hart from Michigan, Hugh Scott from Pennsylvania, Edmund Muskie from Maine, Eugene McCarthy from Minnesota, Jennings Randolph from West Virginia, Thomas Dodd from Connecticut, and other distinguished men, many of whom left a lasting mark on our history and have now also passed on to the farther shore.

I felt a particular kinship with Gale McGee. Senator McGee was 1 of only 5 nonlawyers among the 16 new Members elected to the Senate in 1958, and I had not yet won my own law degree at that juncture. Senator McGee had been an American history professor at the University of Wyoming and had cut his political teeth as a legislative assistant to Senator Joseph O'Mahoney.

Erma and I especially enjoyed our friendship with Senator McGee and his wife, Loraine. I know that I speak for Erma, as well as for all of our colleagues, in extending to Senator McGee's family our condolences on the death of this uniquely decent, level-headed, brilliant, and patriotic man of whom all of the people of Wyoming can be justly proud.

CONGRATULATIONS TO THE DISTINGUISHED SENIOR SENATOR FROM THE OLD DOMINION

Mr. BYRD. Mr. President, I was gratified the day before yesterday that our friend and colleague, the distinguished Senior Senator from Virginia, JOHN WARNER, announced his decision to remain in the Senate.

Certainly, the mystique and romance of the Old Dominion would be sufficient to tantalize any citizen of that State into wanting to be her Governor.

With such a magnificent heritage and tradition, one can understand the loyalty and love of men like George Washington, Thomas Jefferson, Robert E. Lee, and JOHN WARNER for the "Mother of Presidents."

I can further understand, then, the struggle that must have been Senator WARNER's in deciding not to become a candidate for Virginia's highest State office.

But I particularly commend Senator WARNER, not just as a friend and colleague, but as a patriot as well, for his decision to continue his service here in the Senate.

As Democrats and Republicans alike, we face momentous choices at this point in our history. I especially applaud Senator WARNER's choice because I believe that we need men of his broad public experience and perspective as we serve together in the Senate right now. For our purposes as Americans and as Senators representing neighboring States with multiple and countless common concerns and mutual interests, I congratulate Senator WARNER for his decision and I look forward to working many more years together in warm cooperation and friendship.

Ms. MIKULSKI. Mr. President, one of the sad duties of a U.S. Senator is to take to the floor and comment upon the life, and the passing, of distinguished constituents. Today I rise in sorrow to inform my colleagues that Carmen Turner, Under Secretary of the Smithsonian Institution and former general manager of the Washington Metropolitan Area Transit Authority [WMATA] passed away on Thursday.

Carmen Turner, a lifelong resident of Washington, DC, was not in the strictest sense a constituent of mine. But the outstanding transit system she leaves behind, which serves our Nation's Capital and its Maryland and Virginia suburbs so well, is a legacy that will benefit my constituents for generations to come.

Carmen Turner worked for Washington's Metro system from 1977 to 1990, the last 7 years as general manager. Perhaps the crowning achievement of her tenure at Metro was the passage in 1990 in this body and in the House of Representatives of the \$1.3 billion authorization which will allow Metro to complete its entire 103-mile system. This important legislation will finally bring Metro service to those neighborhoods most dependent upon public transportation.

Toward the end of her career, Carmen chose to devote her energy and talents to the Smithsonian Institution, that great showcase of our Nation's history, culture, scholarship, and diversity. She oversaw the day-to-day operations of this gigantic museum enterprise, and guided it through a period of significant financial difficulties, but also of important growth and change.

Those who worked with Carmen, as I did, will never forget her spirit, her

dignity, her dedication to Metro and to this region, and her sense of humor. I was proud to consider her a colleague. She was a role model to professional women, and to the African-American community.

Mr. President, I truly admired Carmen Turner. Her passing is a great loss to all of us.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOX SCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at \$3,893,440,313,164.95, as of the close of business on Wednesday, April 8, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or \$785 million every day.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

HELEN CYNTHIA BROOKE'S FIRST 100 YEARS

Mr. HOLLINGS. Mr. President, on April 19, Helen Cynthia Brooke will celebrate her centennial birthday. Helen is well known to many in the Senate as one of Washington's grande dames and matriarchs, and as the mother of our former colleague from Massachusetts, Edward Brooke. Senator Brooke came to the Senate the same year I did, 1967. During Ed's two terms in this body, Helen very capably represented him on the Ladies of the Senate Red Cross. She was always proud and willing to share stories of her grandchildren and great grandchildren, and reminiscences of summers at Cape Cod.

Mr. President, Helen Brooke remains a proud member of the Ladies of the Senate, the Republican Club, and the Massachusetts Society. And she is a devoted member of St. Luke's Episcopal parish. I know that the entire Senate joins me in congratulating Helen on her 100th birthday. We all wish her the very best.

RTC FUNDING

Mr. DOLE. Mr. President, as Congress prepares to leave town for a 2-week recess, we are repeating our prior brilliant acts of procrastination by failing to act responsibly and fund the RTC.

While I was pleased that the Senate was able to take action on this important issue over 2 weeks ago, the House has been gridlocked in seemingly endless rounds of political posturing and showdowns. The end result is that while a few may score some cheap political points, the American taxpayer loses and depositors who are waiting for the Federal Government to honor its promise to insure their accounts are left hanging.

We all know that the RTC is everyone's favorite punching bag. On occasion, I have come to the floor and pointed out some of the mistakes of the agency like when the Kansas City regional office used taxpayer funds to buy original artwork or when checks were bounced in connection with the resolution of Home Federal Savings Association.

But the fact that one can always find something good to criticize—and certainly good politics encourages it—has nothing to do with the fact that Congress needs to fulfill its obligation to depositors to keep the RTC funded so that it can continue to do its very difficult job.

DELAY DOES NOT PAY

When Congress took a walk on the issue in the fall of 1990 until March 1991, and last winter, it cost American taxpayers another \$400 to \$500 million. And for what, Mr. President?

I certainly do not think our constituents would be satisfied with the explanation that it helped Members avoid a difficult vote for a few months.

The situation we are now facing is identical to that we faced last November and in the fall of 1990.

As of midnight on March 31, the RTC was cut off from funds. And without money, it cannot unload the public treasury of the many insolvent thrifts and their assets that simply add to the cost of the bailout. It is that simple. Without funding, no business gets transacted.

RTC President Albert Casey has said that a 3-month delay in resolutions would result in unrecoverable costs of approximately \$200 million to \$250 million, while 6 months of delay would result in unrecoverable costs of approximately \$600 million to \$900 million. This all translates into a daily cost of roughly \$2.8 million.

That is \$2.8 million that began 9 days ago, and will continue today, tomorrow, and the day after that, and the day after that until Congress does a reality check with the American people and steps up to the plate.

RTC IS DOING ITS JOB

Mr. President, it is also important to note that the RTC is completing the job it was established to do.

In fact, announcements were recently made that the RTC will be significantly down-scaling the size of its operation.

Since its establishment in August 1989 and through March 31, 1992, the

RTC has taken over 690 thrifts, resolved 640 of these thrifts, and maintained control over the remaining 50 institutions in its conservatorship program. Through January 31, 1992, the RTC had disposed of roughly 66 percent of its over \$375 billion inventory of failed thrift assets.

While one can always say there is room for improvement, it looks like a pretty respectable track record for an organization that did not even exist 32 months ago.

In addition, recognition should be made of the role that the RTC has played in assisting the Justice Department in prosecuting those savings and loan crooks who have ripped off the American public to the tune of billions of dollars. Through February 29, 1992, the Department of Justice had obtained 797 convictions, with 78 percent of the 628 individuals who have been sentenced receiving a jail term.

CONGRESS HAS AN OBLIGATION TO THE AMERICAN PEOPLE

Mr. President, today there are 50 thrifts in the RTC's conservatorship program awaiting disposition. Those institutions represent 2.3 million accounts holding \$24 billion. The RTC tells me that in my State of Kansas, there are roughly 110,000 conservatorship accounts containing over \$2 billion waiting for resolution.

I do not want to keep these depositors waiting any longer than is absolutely necessary, and that point in time occurred over 1 week ago.

The U.S. Government has an obligation to stand behind the Federal deposit insurance system it established.

Certainly, no one likes voting money to bail out the savings and loan debacle. It is not an easy vote. It does not make for great press releases.

But it is essential that funding action being taken for delay only adds to the already staggering costs of the bailout. And in that connection, the American people have only Congress to blame.

Since the House went home last night for the Easter recess without taking the responsible course of action, I shall do everything I can to ensure that the first matter of business when Congress returns is to work out its differences and to fund the RTC.

The President has recognized his obligation to depositors and to the American taxpayer on this issue. It is now time for Congress to do the same.

DEATH OF EINAR OTTESEN

Mr. MURKOWSKI. Mr. President, a lifelong resident and business leader of Wrangell, AK, Einar Ottesen, died February 22.

Mr. Ottesen came to Wrangell as an infant and helped the community grow as he grew.

For many years Mr. Ottesen was a cannery superintendent at the Far

West Cannery and also worked aboard fish tenders, as well. He operated a machine shop in Wrangell and later opened a retail grocery store in the early 1960's. He started a hardware store in 1970 and retired in 1978.

For 39 years he served on the board of National Bank of Alaska.

For over 75 years he contributed to the community in a thoughtful and generous manner. As one of the pioneer families of Wrangell, he was always involved in community activities as well as hunting and outdoor activities on the Stikine River. His three sons, Mike, Eric, and Chris and his wife of 52 years, Dorothy, continue his example of devotion and dedication to the community of Wrangell.

ANGER AND ERODING CONFIDENCE IN GOVERNMENT

Mr. LAUTENBERG. Mr. President, this is a time of great turbulence in the Nation's political life. The American people are unhappy with their political leaders and institutions. More than that, they are angry; they are angry at the men and women who serve in Government.

The reports of misuse of the House of Representatives bank and scandal at the House post office have crystallized and given shape to this anger and frustration.

If there is any silver lining to this very large black cloud, it is that these incidents have placed this problem in front of us and provide an opportunity to address them forthrightly.

Mr. President, I came into Government after a long career in the private sector. After devoting most of my life to starting and building a highly successful data processing firm in New Jersey employing over 20,000 persons, I wanted to make a contribution in another forum.

I chaired one of the largest charitable organizations in the world and helped lead several others. I made significant personal philanthropic donations to causes I thought were important to our future: cancer research, the environment, opportunity for disadvantaged kids. During my chairmanship of ADP, I also served pro bono as a commissioner of the Port Authority of New York and New Jersey and on the New Jersey Economic Development Authority.

But to really make my State and country a better place, there seemed no better way than to seek an elective office to serve where decisions are made that affect the direction of our country; that shape our future. I believed that my experience in the community, and in management and technology, could perhaps be of value in the U.S. Senate. I truly sought to serve the public interest by seeking office.

I do not claim to be unique in that respect. And yet, despite the best in-

tentions of so many, something is seriously wrong.

At a time when the Nation is struggling with enormous challenges, little appears to get done. Our economy is in the longest recession since the Great Depression. There is almost unanimous agreement that our health care system needs a major overhaul and our educational system needs reform. The cold war has ended and we need to decide how to capitalize on that victory for the benefit of our people. We need to regain our economic competitiveness and world leadership. The list of challenges goes on.

Yet, Mr. President, while our Nation cries out for help, little appears to get done. We seem paralyzed, unable to move. Unable to make a difference.

Mr. President, it is critical to the Nation that we break this gridlock. The leadership of this Nation is not a game. It is serious business. With high stakes. We have to get beyond conflict and partisanship, and do something about the problems of this great country of ours.

Mr. President, at the same time we are frozen in a policy gridlock, our constituents have focused their attention on the various prerequisites—or perks—provided to Government officials.

When real problems go unsolved, when people are hurting, when anger is high, it is natural that scrutiny of public officials intensifies. And, as it has intensified, the public does not like what it sees. And I do not blame them.

Americans get angry when they see bureaucrats being driven around in chauffeured limousines. They are disgusted when they see Congressmen and Senators treated like some type of royalty. And they are outraged when they learn that Government leaders enjoy, for free, services that other Americans have to pay for; services that are unrelated to the exercise of their official duties. Understandably, it leaves the impression that Government leers are in office more to serve themselves than to serve the people they were elected to represent and work for.

These privileges or perks distance elected representatives from the people they are serving. They insulate officials from the day-to-day problems of ordinary Americans. And, perhaps because of this distancing, they can sap the ethic of public service that is so essential to Government. Certainly, they erode public confidence in Government, which is fatal to a democracy.

Mr. President, Americans are upset about perks for good reason. They're not just being swept up by a wave of sensationalistic news stories. They are concerned about perks because they're concerned about the state of our Government.

And, Mr. President, that is why it was way past time to examine the special perks available to Members of both the legislative and executive branches—and do away with them.

There is absolutely no reason in the world why Members of Congress should have their meals or haircuts subsidized. They should pay the full price, just like other American workers do. There is no reason why Deputy Secretaries need a chauffeured limousine to get to work. And there's absolutely no reason why the taxpayers should be paying outrageous sums for Cabinet members or the Vice President or the President's Chief of Staff to take personal trips on military jets at the taxpayer's expense.

Mr. President, we need to clean house and get rid of these unwarranted perks. Members of Congress should have to pay for all services that are not job-related, just like every other American does.

I personally do not use the Senate barber shop. I still go back to my birthplace of Paterson, NJ, to have Pete cut my hair, like he has for years. I do not use the Senate gym. I jog along the Potomac instead, when in Washington, and along the Hackensack River on the weekend. I do not often eat in the Senate dining room. I usually eat lunch at my desk, if I eat at all, and dinner on the fly, if we adjourn in time.

But, regardless of our personal habits, we should make a strong and clear statement that Members of Congress and employees of the executive branch should be stripped of perks. I certainly want to make my position clear: Members of Congress and the executive branch should pay a commercially fair rate for all services available to them which are unrelated to the discharge of their official duties.

This includes the Senate dining room, gym, barber shop, the Capitol doctor, who also treats visitors to our Nation's Capital, any health care services or prescriptions, and any other services unrelated to official business that may exist of which I am unaware.

We are here for one reason, and one reason only: To serve the public. And we need to remove any vestiges of privilege that obscure that fact or cause the public to doubt our integrity.

I am pleased that the Senate leadership of both parties has moved to address these issues. Last week, the Senate majority leader, Senator MITCHELL, and Senate minority leader, Senator DOLE, ordered a review of all Senate practices and operations. They pledged to discontinue any practice or method of operation that is unrelated to the discharge of our official responsibilities. They have already moved to address some of the unwarranted perks associated with the Senate dining room, gym, stationery store, and health services.

Mr. President, for a democracy to function, we must restore faith in our Government.

Other sources of cynicism by the public include honoraria, or the taking of

speaking fees from special interest groups, the state of campaign fundraising, and the Senate pay raise.

Mr. President, the pay raise for the Senate was, I believe, unjustified and untimely. I voted against it and am donating my pay raise to New Jersey charities.

Throughout my tenure in the Senate—from the start—in 1983—I refused to accept honoraria or speaking fees and have donated any such fees offered, when I speak to groups in New Jersey or Washington, to charities in New Jersey. When a Member of Congress accepts payments for speeches from special interest groups, there is at least an appearance of a conflict of interest and, at worst, a weakening of his or her independence. It's a real improvement that these fees are now banned.

Mr. President, at the time of my reelection in 1988, I pledged to the people of New Jersey that I would continue to keep their needs, their pain and their joy with me everyday. I was humbled by their approval and I restated that I would never breach their trust nor forget that I am here to serve them.

I have done that, to the best of my ability, everyday I have served. As I said earlier, I chose to leave a successful business career, at some personal sacrifice, because, as the son of poor immigrant parents, I wanted to give something back to my State and country, which offered me such opportunity. I still feel an intense sense of responsibility when I enter the Senate Chamber to vote, when I chair a committee hearing, draft a bill, or fight for New Jersey and its people.

It truly pains me that our people are so frustrated and angry, that they just want to kick the bums out and have lost faith in their Government. That is poison for a free people. Our great vibrant democracy has flourished for more than 200 years because the people trust their Government and participate fully in their own governance. More and more, they mistrust politicians and stay home, rather than voting. Mr. President, we must earn back their trust by cleaning up our act.

Mr. BAUCUS. Mr. President, before we adjourn for the Easter recess, I would like to take just a minute to inform my colleagues that when we return, the Environment and Public Works Committee will be marking up the reauthorization of the Resource Conservation and Recovery Act.

For the past year, my Subcommittee on Environmental Protection has been conducting a thorough examination of our solid waste problems. We held 11 hearings on various aspects of the issue, including recycling, waste reduction, interstate transport, and waste management planning, among others. The testimony we heard has given us a sound basis for modifications in the original bill Senator CHAFEE and I introduced last year.

The bill the committee will mark up will focus on three major issues. The centerpiece of it will create markets for recycling by asking larger companies to take responsibility for recovering and reusing some of the paper, glass, metal, and plastic products they sell.

This will create a market for recovered materials, which is the major missing link today in thousands of community recycling programs. It will also help share the burden with the cities and towns across the country which today bear the full burden of disposing of our mounting garbage piles.

Since we will never get ahead of our waste problem by focusing only on recycling and disposal, however, the bill will also encourage companies to think about how they can reduce the amount of waste they generate. I have seen lots of examples of how companies have cut waste and ended up with more efficient operations.

And the bill will propose a solution to the vexing problem of interstate shipment of solid waste. We will let the local communities, those most affected by landfills, to choose whether they want to accept waste from another State in their landfill. I have talked with many of the Senators on both sides of this issue and believe that the committee's bill will be a fair resolution of this very complex and emotional issue.

Finally, the bill will set standards for States to develop comprehensive waste planning and management plans.

Mr. President, I hope that after the committee reports this legislation, which I hope to be around April 29, Wednesday after we get back, my colleagues will closely examine it. I believe it will be a major boost to recycling efforts across the country and help resolve some of our most pressing solid waste problems.

I have discussed this bill with the majority leader, and it is my hope the Senate will consider it soon after it is reported from the committee.

I thank my colleagues.

FREEDOM OF CHOICE ACT

Mr. SPECTER. Mr. President, I am today adding my name to the cosponsors of the Freedom of Choice Act because I believe that it is important to move ahead with such legislation in light of the potential overruling of *Roe v. Wade* in the immediate future.

I had declined to sponsor this bill since its introduction on November 17, 1989, because I felt it was untimely. In light of the Supreme Court's decision to accelerate consideration of the constitutionality of the Pennsylvania Abortion Control Act and the Court's granting of argument to the Solicitor General, I think it is now important to try to move this legislation forward for consideration by the Congress. A grow-

ing list of cosponsors will lend support toward that end.

In joining as cosponsor, I note the Freedom of Choice Act goes beyond the decision of the Supreme Court in *Roe v. Wade* and does not have any of the limitations on abortion which have been imposed by some States and upheld by the U.S. Supreme Court. For example, *Roe* recognizes the State's "important and legitimate" interest in protecting the fetus after the first trimester.

This bill goes beyond *Roe* in that regard. The bill may be amended on that subject and other limitations on abortion may be added by amendments. It may be that there would be so many amendments as to make the bill not very meaningful. It may be that the preferable course, ultimately, will be to proceed with a constitutional amendment even though that would take longer.

In any event, it is my judgment that adding cosponsors to the Freedom of Choice Act would move such legislation forward to protect the principles of *Roe v. Wade*, which now appear to be in imminent jeopardy.

CARMEN TURNER: AN APPRECIATION

Mr. SASSER. Mr. President, it is with sadness that I note the passing yesterday of Mrs. Carmen Turner. At the time of her death, this remarkable individual was serving as undersecretary of the Smithsonian Institution, on the Board of Regents of which I have the honor to serve. For some years prior to that, Mrs. Turner served with distinction as the general manager of the Washington Metropolitan Area Transit Authority, overseeing one of its most significant periods of growth.

A longtime Washington resident, Mrs. Turner received her undergraduate degree from Howard University and a masters degree from the American University here. She was Deputy Director of Civil Rights for the Urban Mass Transit Administration, and then, Acting Director of Civil Rights for the U.S. Department of Transportation. In 1977, she joined the Washington Metro as its first assistant general manager for administration, and in July 1983 became its general manager, the chief executive position at Metro.

During Mrs. Turner's stewardship, the Washington Metrorail System expanded from 42 miles and 47 stations to 70 miles and 64 stations. Because Metro is reliant upon a capital funding agreement among eight different State and local government in the Washington Area, the coordination of its operations requires considerable skills of negotiation and leadership. Mrs. Turner met this challenge with energy success while overseeing an operating budget of over half a billion dollars and a work force of 8,500 people.

Due in no small part to Carmen Turner's efforts, the Washington Met-

rail System has become the object of admiration and earned the nickname, "America's subway." The transit authority provides a million rail and bus trips every weekday and is invaluable not just to Federal and private workers, but to the 20 million people who visit our Nation's Capital each year. It is no surprise that the American Public Transit Association honored the Washington Metro Authority as the outstanding transit agency in North America in 1988.

One of Mrs. Turner's legacies is the Federal commitment to completion of the full 103-mile Metrorail System, authorized by Congress and planned in the 1960's. Two years ago I had the pleasure of inviting Mrs. Turner to testify before my Subcommittee on General Services, Federalism, and the District of Columbia. Her fervid advocacy of S. 612, the bill to extend the authority for Federal-State funding of the balance of the Metrorail System, impressed the subcommittee and contributed substantially to the signing of this legislation into law.

The regents, staffs, and all friends and admirers of the Smithsonian Institution appreciated Carmen Turner's wisdom and experience during her tenure there. We can only regret that we will not have the benefit of them in future years. On behalf of my colleagues, let me extend our heartfelt condolences to her husband, Mr. Frederick B. Turner, Jr., and to her two sons and grandchildren, but at the same time our deep appreciation for her distinguished service to the public and our Nation's Capital.

CARMEN TURNER

Mr. LAUTENBERG. Mr. President, I rise today to express by deep sorrow at the passing of Carmen Turner, the former general manager of the Washington Metropolitan Area Transit Authority. The Washington area has lost a beloved public servant.

As she was a native of my home State and very involved in transportation issues, I was fortunate to have the opportunity to work closely with this remarkable woman. Carmen Turner was a dynamic woman who was able to overcome racial prejudice during an era when African-Americans were forced to attend segregated schools. While Carmen was a student at Howard University, she married her classmate, Frederick Turner. They had two sons, Frederick and Douglas.

While working for her master's degree in public administration, Carmen joined the Department of Transportation's Urban Mass Transportation in 1974. A year after the Metrorail trains began running in 1977, she was offered a job as chief of administration. When Metro's general manager retired, Metro executives asked her to serve as acting general manager while they searched

for a replacement. Carmen made the transition so smoothly that the executives offered her the job permanently. By doing so, she became the first black woman to manage a major transit system in the United States.

During Carmen's tenure as general manager for the Metro, the system grew as a tourist attraction and became an example of what mass transit could become.

Mr. President, Carmen Turner was a respected and dedicated professional who was a role model for women and minorities. I am proud to have known her, and I extend my deepest sympathy to her family.

EXECUTIVE SESSION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate go into executive session; that the Committee of Governmental Affairs be discharged from further consideration of the nomination of Alan Robert Swendiman to be general counsel of the Federal Labor Relations Authority; and that the Senate proceed to immediate consideration of the nomination.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the CONGRESSIONAL RECORD as if read; that the motion to reconsider be tabled; that the President be notified of the Senate's action.

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

The nomination, considered and confirmed, is as follows:

Alan Robert Swendiman, to be general counsel of the Federal Labor Relations Authority.

EXECUTIVE CALENDAR

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nominations reported today by the Committee on the Judiciary:

David Brock, to be a member of the Board of Directors of the State Justice Institute.

Carlos R. Garza, to be a member of the Board of Directors of the State Justice Institute.

Vivi L. Dilweg, to be a member of the Board of Directors of the State Justice Institute.

John R. Simpson, to be a Commissioner of the U.S. Parole Commission.

Sandra A. O'Connor, to be a member of the Board of Directors of the State Justice Institute.

George L. O'Connell, to be U.S. Attorney.

I further ask unanimous consent that the Senate proceed to immediate consideration, and that the nominees be confirmed, en bloc, that any statement appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc, and that the Presi-

dent be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations, considered and confirmed, en bloc, are as follows:

David Brock, to be a member of the Board of Directors of the State Justice Institute.

Carlos R. Garza, to be a member of the Board of Directors of the State Justice Institute.

Vivi L. Dilweg, to be a member of the Board of Directors of the State Justice Institute.

John R. Simpson, to be a Commissioner of the U.S. Parole Commission.

Sandra A. O'Connor, to be a member of the Board of Directors of the State Justice Institute.

George L. O'Connell, to be U.S. Attorney.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagreed to the amendment of the Senate to the bill (H.R. 2507) entitled "An Act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon, and that the following Members be the managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, Mr. LENT, and Mr. BLLEY.

As additional conferees from the Committee on Education and Labor,

for consideration of section 1114 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. GAYDOS, and Mr. BALLENGER.

The message also announced that the House has also passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3665. An act to establish the Little River Canyon National Preserve in the State of Alabama; and

H.R. 4572. An act to direct the Secretary of Health and Human Services to grant a waiver of the requirement limiting the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the medicare or medicaid programs in order to enable the Dayton Area Health Plan, Inc., to continue to provide services through January 1994 to individuals residing in Montgomery County, Ohio, who are enrolled under a State plan for medical assistance under title XIX of the Social Security Act.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 109. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, April 10, 1992, until Tuesday, April 28, 1992, and an adjournment of the House on the legislative day of Thursday, April 9, 1992, until Tuesday, April 28, 1992.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 606. An act to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes;

S. 985. An act to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region;

S. 1743. An act to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes;

H.R. 3686. An act to amend title 28, United States Code, to make changes in the places of holding court in the Eastern District of North Carolina; and

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

S.J. Res. Joint resolution to designate April 15, 1992 as "National Recycling Day."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill was read the first and second time, and referred as indicated:

H.R. 3665. An act to establish the Little River Canyon National Preserve in the State of Alabama; to the Committee on Energy And Natural Resources.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 10, 1992, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 606. An act to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes;

S. 985. An act to assure the people of the Horn of Africa the right to food and other basic necessities of life and to promote peace and development in the region;

S. 1743. An act to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes; and

S.J. Res. 246. Joint resolution to designate April 15, 1992 as "National Recycling Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

George L. O'Connell, of California, to be U.S. attorney for the Eastern District of California for a term of 4 years.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Sandra A. O'Connor, of Maryland, to be a member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1992;

John R. Simpson, of Maryland, to be a Commissioner of the United States Parole Commission for the remainder of the term expiring November 1, 1997;

Vivi L. Dilwig, of Wisconsin, to be a member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1994.

Carlos R. Garza, of Texas, to be a member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1994; and

David Brock, of New Hampshire, to be a member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1994.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 2613. A bill to prevent and deter auto theft; to the Committee on the Judiciary.

By Mr. WOFFORD:

S. 2614. A bill to reform the Federal-State unemployment compensation system to provide greater opportunity for reemployment and fairness, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2615. A bill to amend title XVIII of the Social Security Act to clarify that medically necessary procedures related to atrophic and weakened jaws are covered under such title, and for other purposes; to the Committee on Finance.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 2616. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of algal blooms off the coast of Maui, Hawaii, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2617. A bill to provide for the maintenance of dams located on Indian lands in New Mexico by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Select Committee on Indian Affairs.

By Mr. SEYMOUR:

S. 2618. A bill to amend the Internal Revenue Service Code of 1986 to exempt vessels of 100 gross tons or less from the tax on transportation of persons by water; to the Committee on Finance.

By Mr. GLENN:

S. 2619. A bill to amend the Federal Property and Administrative Services Act of 1949 to enact provisions governing the negotiation and award of contracts under the multiple award schedule program of the General Services Administration; to the Committee on Governmental Affairs.

By Mr. KENNEDY:

S. 2620. A bill to amend title VII of the Public Health Service Act to correct a technical oversight in the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101-527) by making schools of osteopathic medicine eligible to participate in the Centers of Excellence program, and for other purposes; considered and passed.

S. 2621. A bill to improve the administrative provisions and make technical corrections in the National Community Service Act of 1990; to the Committee on Labor and Human Resources.

By Mr. ROBB:

S. 2622. A bill to establish an Office of Cambodian Genocide Investigation, to support efforts to bring to justice national Khmer Rouge leaders who committed crimes against humanity in Cambodia, and to exclude the national leadership of the Khmer Rouge from the United States; to the Committee on Foreign Relations.

By Mr. SASSER (for himself, Mr. GORE, and Mr. DURENBERGER):

S.J. Res. 293. A joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 287. A resolution to direct the Senate Legal Counsel to appear as amicus curiae

in the name of the Senate in United States ex rel. Barbara Burch v. Piqua Engineering, Inc; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. Res. 288. A resolution commemorating the new Oriole Park at Camden Yards; considered and agreed to.

By Mr. SYMMS (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BOND, Mr. BOREN, Mr. BREAU, Mr. BROWN, Mr. BURDICK, Mr. BURNS, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DeCONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORTON, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. McCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. WOFFORD):

S. Con. Res. 110. A concurrent resolution to authorize the construction of a monument on the United States Capitol Grounds to honor Thomas Paine; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 2613. A bill to prevent and deter auto theft; to the Committee on the Judiciary.

ANTI-CAR THEFT ACT OF 1992

Mr. PRESSLER. Mr. President, last year, over 1.6 million vehicles were reported stolen in the Nation, making car theft America's No. 1 personal property crime. Auto theft will affect 1 in 50 American families this year, at a cost of over \$8 billion. In my home State of South Dakota, there were 696 auto thefts last year, resulting in property losses of over \$2.7 million.

In response to this growing crime epidemic, I am joining the efforts initiated by Congressman CHARLES SCHUMER and Congressman JAMES SENSENBRENNER 2 weeks ago. Today, I am introducing the Anti-Car Theft Act of 1992. I believe this legislation would give America's law enforcement officials the tools needed to stem the increase in auto thefts.

Title I of this bill establishes a new Federal crime for a twisted innovation in car theft: armed carjacking. Nationwide, there has been a marked increase in instances in which criminals approach a driver in a car, and with gun or knife drawn, forcibly remove the driver, and steal the car. This bill would impose up to a 20-year jail sen-

tence for armed carjacking. Furthermore, my legislation would double the penalties for all other auto theft crimes.

Title II of this bill addresses the problem of automobile title fraud. The bill creates a nationwide data base for the titling of motor vehicles. This data base will allow Federal, State, or local law enforcement officials, insurance carriers, and potential automobile purchasers the ability to access general title status information, odometer readings, and whether the individual automobile is a junked or salvaged vehicle. To accomplish this, the bill establishes reporting requirements for junkyards, salvage yards, and insurance companies.

I have personal experience with this problem. Last fall, I purchased a 1988 model year car at an auction. I later discovered that the entire front chassis of this car was put together with parts from a 1985 vehicle. Had this bill been law, prior to my purchase, both the auctioneer and I could have verified whether this vehicle was salvaged, junked, or made from parts stolen from another car.

In another warped innovation, some car thieves have created a multibillion-dollar industry through the resale of parts from stolen automobiles. Criminals take a stolen car to a chopshop that dismantles the major parts of the car in 10 minutes. The thieves then turn around and sell these parts for a value greater than that of the original whole vehicle. To put an end to this practice, title III of this bill requires that the car's vehicle identification number [VIN] be placed on all major parts of new automobiles.

The bill creates a national stolen auto parts data base that would include the VIN's of stolen automobiles and stolen parts. Car mechanics or auto parts dealers would be required to call a toll-free number to check the ID numbers of auto parts against the national data base of stolen vehicles and parts before installing or buying major auto parts. The bill establishes civil penalties for failure to label parts, keep required records, provide certification of compliance, and for failure to supply to the national data base the required information if selling, transferring, or installing a major part.

Another method criminals use to profit from auto theft is the export of stolen vehicles for sale overseas. Auto thieves simply hide the stolen car in a container being shipped abroad. To address this problem, the bill establishes random Customs Service inspections of automobiles being exported. It further requires exporters to notify Customs officials of the VIN's of used automobiles 72 hours before the export of the vehicles.

Mr. President, we need the Anti-Car Theft Act of 1992 to help our local law enforcement officials rollback the

growing wave of auto theft. I ask unanimous consent that this legislation be printed in the RECORD following my remarks.

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

S. 2613

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Car Theft Act of 1992".

TITLE I—TOUGHER LAW ENFORCEMENT AGAINST AUTO THEFT

Subtitle A—Enhanced Penalties for Auto Theft

SEC. 101. FEDERAL PENALTIES FOR ROBBERIES OF AUTOS.

(a) IN GENERAL.—Chapter 103 of title 18, United States Code, is amended by adding at the end the following:

"§ 2119. Motor Vehicles

"Whoever, by force and violence, or by intimidation, takes a motor vehicle from the person or presence of another, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 103 of title 18, United States Code, is amended by adding at the end the following new item:

"2119. Motor Vehicles."

SEC. 102. IMPORTATION AND EXPORTATION.

Section 553(a) of title 18, United States Code, is amended by striking "fined not more than \$15,000 or imprisoned not more than five years" and inserting "fined under this title or imprisoned not more than 20 years".

SEC. 103. TRAFFICKING IN STOLEN VEHICLES.

Each of sections 2312 and 2313(a) of title 18, United States Code, are amended by striking "fined not more than \$5,000 or imprisoned not more than five years" and inserting "fined under this title or imprisoned not more than 10 years".

SEC. 104. RICO PREDICATES.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting "section 511 (relating to altering or removing motor vehicle identification numbers), section 553 (relating to the export or import of stolen motor vehicles)" after "473 (relating to counterfeiting)".

Subtitle B—Targeted Law Enforcement

SEC. 111. GRANT AUTHORIZATION.

The Director of the Bureau of Justice Assistance shall make grants to Anti-Car Theft Committees submitting applications in compliance with the requirements of this subtitle.

SEC. 112. APPLICATION.

(a) SUBMISSION.—To be eligible to receive a grant under this subtitle, a chief executive of an Anti-Car Theft Committee shall submit an application to the Director.

(b) CONTENT.—Such application shall include the following:

(1) A statement that the applicant Anti-Car Theft Committee is either a State agency, an agency of a unit of local government, or a nonprofit entity organized pursuant to specific authorizing legislation by a State or a unit of local government;

(2) A statement that the applicant Anti-Car Theft Committee is or will be financed

in part by a tax or fee on motor vehicles registered by the State or possessed within the State, and that such tax or fee is not less than \$1 per vehicle.

(3) A statement that the resources of the applicant Anti-Car Theft Committee will be devoted entirely to combating motor vehicle theft, including any or all of the following:

(A) Financing law enforcement officers or investigators whose duties are entirely or primarily related to investigating cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

(B) Financing prosecutors whose duties are entirely or primarily related to prosecuting cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

(C) Motor vehicle theft prevention programs.

(4) A description of the budget for the applicant Anti-Car Theft Committee for the fiscal year for which a grant is sought.

SEC. 113. AWARD OF GRANTS.

(a) IN GENERAL.—The Director shall allocate to each State a proportion of the total funds available under this subtitle that is equal to the proportion of the number of motor vehicles registered in such State to the total number of motor vehicles registered in the United States.

(b) GRANT AMOUNTS.—If one Anti-Car Theft Committee within a State submits an application in compliance with section 112, the Director shall award to such Anti-Car Theft Committee a grant equal to the total amount of funds allocated to such State under this section. In no case shall the Anti-Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti-Car Theft Committee.

(c) MULTIPLE COMMITTEES.—If two or more Anti-Car Theft Committees within a State submit applications in compliance with section 112, the Director shall award to such Anti-Car Theft Committees grants that in sum are equal to the total amount of funds allocated to such State under this section. In no case shall an Anti-Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti-Car Theft Committee. The Director shall allocate funds among two or more Anti-Car Theft Committees with a State according to the proportion of the preaward budget of each Anti-Car Theft Committee to the total preaward budget for all grant recipient Anti-Car Theft Committees within such State.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$10,000,000 to carry out this subtitle for each of the fiscal years 1993, 1994, and 1995.

TITLE II—AUTOMOBILE TITLE FRAUD

SEC. 201. AUTOMOBILE TITLE FRAUD.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 7A—AUTOMOBILE TITLE FRAUD

"Sec.

"120. Definitions.

"121. National motor vehicle information system.

"122. State participation in the national motor vehicle information system.

"123. Reporting.

"124. Enforcement provisions.

"§ 120. Definitions

"For purposes of this chapter:

"(1) The term 'certificate of title' means a document issued by a State evidencing ownership of a motor vehicle.

"(2) The term 'insurance carrier' means an individual, corporation, or other entity

which is engaged in the business of underwriting motor vehicle theft insurance.

"(3) The term 'junk vehicle' means any vehicle which is incapable of operation on roads or highways and which has no value except as a source of parts or scrap. The term 'junk vehicle' includes any vehicle component part which bears a vehicle identification number.

"(4) The term 'junk yard' means any individual, corporation, or other entity which is engaged in the business of acquiring junk vehicles for resale, either in their entirety or as spare parts, or for rebuilding or restoration, or for crushing.

"(5) The term 'operator' means the person or entity designated as the operator in any contract or agreement executed pursuant to section 121(b)(2) or if no such contract or agreement is executed, the Attorney General.

"(6) The term 'participating State' means a State which elects to participate in the information system pursuant to section 122.

"(7) The term 'salvage vehicle' means any vehicle which is damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the cost of repairing the vehicle for legal operation on roads or highways exceeds the fair market value of the vehicle immediately prior to the occurrence causing its damage.

"(8) The term 'salvage yard' means any individual, corporation, or other entity which is engaged in the business of acquiring salvage vehicles for resale, either in their entirety or as spare parts, or for rebuilding or restoration, or for crushing.

"§ 121. National motor vehicle information system

(a) REGULATIONS AND REVIEW.—Not later than March 1, 1993, the Attorney General, in cooperation with the States shall—

"(1) conduct a review of information systems pertaining to the titling of motor vehicles and utilized by 1 or more States or by a third party which represents the interests of States for the purpose of determining whether any of such systems could be used to carry out this section, and

"(2) promulgate regulations for the establishment under subsection (b) of an information system which will serve as a clearinghouse for information pertaining to the titling of motor vehicles if the Attorney General deems such regulations appropriate or necessary to the establishment of such system.

"(b) INFORMATION SYSTEM.—

"(1) ESTABLISHMENT.—Not later than 6 months following the promulgation of regulations under subsection (a)(2), and in no case later than September 1, 1993, the Attorney General, in cooperation with the States, shall establish an information system which will serve as an information system for information pertaining to the titling of motor vehicles.

"(2) OPERATION.—The Attorney General may authorize the operation of the information system established under paragraph (1) through an agreement with a State or States or by designating, after consultation with the States, a third party which represents the interests of the States to operate the information system.

"(3) FEES.—Operation of the information system shall be paid for by a system of user fees. The amount of fees collected and retained by the operator pursuant to this paragraph in any fiscal year, not including fees collected by the operator and passed on to a State or other entity providing information to the operator, shall not exceed the costs of

operating the information system in such fiscal year.

"(c) MINIMUM FUNCTIONAL CAPABILITIES.—The information system established under subsection (b)(1) shall, at a minimum, enable a user of the system to determine—

"(1) the validity and status of a document purporting to be a certification of title,

"(2) whether a motor vehicle bearing a known vehicle identification number is titled in a particular State,

"(3) whether a motor vehicle known to be titled in a particular State is a junk vehicle or a salvage vehicle,

"(4) for a motor vehicle known to be titled in a particular State, the odometer reading of such vehicle on the date its certificate of title was issued, and

"(5) whether a motor vehicle bearing a known vehicle identification number has been reported as a junk vehicle or a salvage vehicle pursuant to section 123.

"(d) AVAILABILITY OF INFORMATION.—

"(1) TO STATE.—Upon request of a participating State, the operator shall provide to such State information available through the information system pertaining to any motor vehicle.

"(2) TO LAW ENFORCEMENT.—Upon request of a Federal, State, or local law enforcement official, the operator shall provide to such official information available through the information system pertaining to a particular motor vehicle, salvage yard, or junk yard.

"(3) TO PROSPECTIVE PURCHASERS.—Upon request of a prospective purchaser of a motor vehicle, including an entity that is in the business of purchasing used motor vehicles, the operator shall provide to such prospective purchaser information available through the information system pertaining to such motor vehicle.

"(4) TO INSURANCE CARRIERS.—Upon request of a prospective insurer of a motor vehicle, the operator shall provide to such prospective insurer information available through the information system pertaining to such motor vehicle.

"(5) PRIVACY.—Notwithstanding any provision of paragraphs (1) through (4), the operator shall not release an individual's address or social security number to users of the information system.

"(e) FUNDING.—There are authorized to be appropriated \$2,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out this section.

"§ 122. State participation in the national motor vehicle information system

"(a) ELECTION.—

"(1) STATE PARTICIPATION.—A State may, by written notice to the operator, elect to participate in the information system established pursuant to section 121.

"(2) DENIAL OF ACCESS.—The Director of the Federal Bureau of Investigation shall have the authority to deny access to the National Crime Information Center system to any State failing to participate in the information system pursuant to paragraph (1).

"(b) TITLE VERIFICATION REQUIREMENTS.—Each participating State must agree to perform an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased a motor vehicle from an individual or entity in another State. Such instant title verification check shall consist of—

"(1) communicating to the operator the vehicle identification number of the vehicle for which the certificate of title is sought, the name of the State which issued the most re-

cent certificate of title pertaining to the vehicle, and the name of the individual or entity to whom such certificate was issued; and

"(2) affording the operator an opportunity to communicate to the participating State the results of a search of the information.

"§ 123. Reporting

"(a) OPERATORS OF JUNK OR SALVAGE YARD.—

"(1) MONTHLY REPORT.—Any person or entity in the business of operating an automobile junk yard or automobile salvage yard shall file a monthly report with the operator. Such report shall contain an inventory of all junk vehicles or salvage vehicles obtained by the junk yard or salvage yard during the preceding month. Such inventory shall contain the vehicle identification number of each vehicle obtained, the date on which it was obtained, the name of the person or entity from whom the reporter obtained the vehicle, and a statement of whether the vehicle was crushed.

"(2) CONSTRUCTION.—Paragraph (1) shall not apply to persons or entities that are required by State law to report the acquisition of junk vehicles or salvage vehicles to State or local authorities.

"(b) INSURANCE CARRIERS.—Any person or entity engaged in business as an insurance carrier shall file a monthly report with the operator. Such report shall contain an inventory of all vehicles which such carrier has, during the preceding month, obtained possession of and determined to be junk vehicles. Such inventory shall contain the vehicle identification number of each vehicle obtained, the date on which it was obtained, the name of the person or entity from whom the reporter obtained the vehicle, and the owner of the vehicle at the time of the filing of the report.

"§ 124. Enforcement provisions

"(a) CIVIL PENALTY.—Whoever violates section 123 may be assessed a civil penalty of not to exceed \$1,000 for each violation.

"(b) ASSESSMENT AND COLLECTION.—Any such penalty shall be assessed by the Attorney General and collected in a civil action brought by the Attorney General of the United States. Any such penalty may be compromised by the Attorney General. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered.

"(c) DEDUCTION OF PENALTY FROM AMOUNTS OWED BY UNITED STATES.—The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the United States to the person charged."

(b) CLERICAL AMENDMENT.—The table of chapters for part I of such title is amended by inserting after the item relating to chapter 7 the following:

"7A. Automobile title fraud 120."

TITLE III—ILLICIT TRAFFICKING IN STOLEN AUTO PARTS

SEC. 301. STOLEN AUTO PARTS.

(a) IN GENERAL.—Part I of title 18, United States Code, as amended by title II, is further amended by inserting after chapter 7A the following:

"CHAPTER 7B—ILLICIT TRAFFICKING IN STOLEN AUTO PARTS

"Sec.

"130. Definitions.

"131. Theft prevention standard.

"132. Cost limitation.

"133. Determination of compliance of manufacturer.

"134. National stolen auto part information system.

"135. Prohibited acts.

"136. Enforcement provisions.

"137. Confidentiality of information.

"138. Judicial review.

"139. Coordination with State and local law.

"140. 3-year and 5-year studies regarding motor vehicle theft.

"§ 130. Definitions

"For purposes of this chapter—

"(1) The term 'first purchaser' means first purchaser for purposes other than resale.

"(2) The term 'major part' of an automobile means—

"(A) the engine;

"(B) the transmission;

"(C) each door allowing entrance or egress to the passenger compartment;

"(D) the hood;

"(E) the grille;

"(F) each bumper;

"(G) each front fender;

"(H) the deck lid, tailgate, or hatchback (whichever is present);

"(I) rear quarter panels;

"(J) the trunk floor pan;

"(K) the frame or, in the case of a unitized body, the supporting structure which serves as the frame;

"(L) each window; and

"(M) any other part of an automobile which the Attorney General, by rule, determines is comparable in design or function to any of the parts listed in subparagraphs (A) through (L).

"(3) The term 'major replacement part' of an automobile means any major part—

"(A) which is not installed in or on an automobile at the time of its delivery to the first purchaser, and

"(B) the equitable or legal title to which has not been transferred to any first purchaser.

"(4) The term 'automobile' has the meaning given such term in section 501(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001(1)).

"(5) The term 'vehicle theft prevention standard' means a minimum performance standard for the identification of—

"(A) major parts of new motor vehicles, and

"(B) major replacement parts,

by inscribing or affixing numbers or symbols to such parts.

"§ 131. Theft prevention standard

"(a) IN GENERAL.—The Attorney General shall by rule promulgate, in accordance with this section, a vehicle theft prevention standard which conforms to the requirements of this chapter and which applies with respect to major parts and major replacement parts for automobiles. The standard under this subsection shall be practicable and shall provide relevant objective criteria.

"(b) TIMING.—

"(1) PROPOSED STANDARD.—Not later than 3 months after the date of the enactment of this chapter, the Attorney General shall prescribe and publish a proposed vehicle theft prevention standard.

"(2) FINAL STANDARD.—As soon as practicable after the 30th day following the publication of the proposed standard under paragraph (1), but not later than 6 months after such date of enactment, the Attorney General shall promulgate a final rule establishing such a standard.

"(3) EXTENSION.—The Attorney General may, for good cause, extend the 3-month and

6-month periods under paragraphs (1) and (2) if the Attorney General publishes the reasons therefor. Either such period may not, in the aggregate, be extended by more than 5 months.

"(4) EFFECTIVE DATE.—Such standard shall take effect not earlier than 6 months after the date such final rule is prescribed, except that the Attorney General may prescribe an earlier effective date if the Attorney General—

"(A) finds, for good cause shown, that the earlier date is in the public interest, and

"(B) publishes the reasons for such finding.

"(5) APPLICATION.—The standard may apply only with respect to—

"(A) major parts which are installed by the motor vehicle manufacturer in any automobile which has a model year designation later than the calendar year in which such standard takes effect, and

"(B) major replacement parts manufactured after such standard takes effect.

"(c) REQUIREMENTS.—

"(1) ENGINES AND TRANSMISSIONS.—In the case of engines and transmissions installed by the motor vehicle manufacturer, the standard under subsection (a) shall require that each such engine or transmission be permanently stamped with the vehicle identification number of the vehicle of which the engine or transmission is a part.

"(2) MAJOR PARTS.—In the case of major parts other than engines and transmissions, the standard under subsection (a) shall require that each such major part has affixed to it a label that—

"(A) bears the vehicle identification number of the automobile in characters at least 2.5 millimeters tall;

"(B) is highly resistant to counterfeiting, either through the use of retroreflective technology or through the use of a technology providing a level of security equivalent to that provided by retroreflective technology;

"(C) cannot be removed in one piece from the part to which it is affixed;

"(D) if removed from the part to which it is affixed, leaves on that part a permanent mark; and

"(E) is not commercially available.

"(3) REPLACEMENT PARTS.—In the case of major replacement parts, the standard under this section may not require—

"(A) identification of any part which is not designed as a replacement for a major part required to be identified under such standard, and

"(B) the inscribing or affixing of any identification other than a symbol identifying the manufacturer and a common symbol identifying the part as a major replacement part.

"(d) CONSTRUCTION.—Nothing in this chapter shall be construed to grant authority to require any person to keep records or make reports, except as expressly provided in sections 133(a) and 140.

"§ 132. Cost limitation

"(a) COST LIMITATION.—The standard under section 131(a) may not—

"(1) impose costs upon any manufacturer of motor vehicles to comply with such standard in excess of \$15 per motor vehicle, or

"(2) impose costs upon any manufacturer of major replacement parts to comply with such standard in excess of such reasonable lesser amount per major replacement part as the Attorney General specifies in such standard.

"(b) COSTS.—The cost of identifying engines and transmissions shall not be taken into account in calculating a manufacturer's costs under subsection (a) of this section.

“(c) PRICE INDEX.—

“(1) CERTIFICATION.—At the beginning of each calendar year commencing on or after January 1, 1993, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Attorney General and publish in the Federal Register the percentage difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Effective for model years beginning in such calendar year, the amounts specified under subsections (a) (1) and (2) shall be adjusted by such percentage difference.

“(2) DEFINITIONS.—For purposes of paragraph (1)—

“(A) The term ‘base period’ means calendar year 1992.

“(B) The term ‘price index’ means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

“§ 133. Determination of compliance of manufacturer

“(a) REQUIREMENTS.—Every manufacturer of any motor vehicle any part of which is subject to the standard under section 132(a), and any manufacturer of major replacement parts subject to such standard, shall—

“(1) establish and maintain such records, make such reports, and provide such items and information as the Attorney General may reasonably require to enable the Attorney General to determine whether such manufacturer has acted or is acting in compliance with this chapter and such standard, and

“(2) upon request of an officer or employee duly designated by the Attorney General, permit such officer or employee to inspect—

“(A) vehicles and major parts which are subject to such standard, and

“(B) appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this chapter and such standard.

Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Attorney General may prescribe.

“(b) INSPECTIONS.—For purposes of enforcing this chapter, officers or employees duly designated by the Attorney General, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may enter and inspect any facility in which motor vehicles containing major parts subject to such standard, or major replacement parts subject to such standard, are manufactured, held for introduction into interstate commerce, or are held for sale after such introduction. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

“(c) CERTIFICATION.—

“(1) SPECIFICATION.—Every manufacturer of a motor vehicle subject to the standard promulgated under section 131(a), and every manufacturer of any major replacement part subject to such standard, shall furnish at the time of delivery of such vehicle or part a certification that such vehicle or replacement part conforms to the applicable standard under such section. Such certification shall accompany such vehicle or replacement part until delivery to the first purchaser. The Attorney General may issue rules prescribing the manner and form of such certification.

“(2) APPLICATION.—Paragraph (1) shall not apply to any motor vehicle or major replacement part—

“(A) which is intended solely for export,

“(B) which is so labeled or tagged on the vehicle or replacement part itself and on the outside of the container, if any, until exported, and

“(C) which is exported.

“(d) NOTICE.—If a manufacturer obtains knowledge that (1) the identification applied, to conform to the standard under section 131, to any major part installed by the manufacturer in a motor vehicle during its assembly, or to any major replacement part manufactured by the manufacturer, contains an error, and (2) such motor vehicle or major replacement part has been distributed in interstate commerce, the manufacturer shall furnish notification of such error to the Attorney General.

“§ 134. National stolen auto part information system

“(a) AGREEMENT FOR OPERATION OF INFORMATION SYSTEM.—Not later than January 1, 1993, the Attorney General shall enter into an agreement for the operation of an information system containing the identification numbers of stolen motor vehicles and stolen motor vehicle parts. Such agreement shall designate an individual or entity as the operator of such system for the purposes of this section and section 135.

“(b) MINIMUM INFORMATION.—The information system under subsection (a) shall, at a minimum, include the following information pertaining to each motor vehicle reported to a law enforcement authority as stolen and not recovered:

“(1) The vehicle identification number of such vehicle.

“(2) The make and model year of such vehicle.

“(3) The date on which the vehicle was reported as stolen.

“(4) The location of the law enforcement authority that received the reports of the vehicle's theft.

“(5) If the vehicle at the time of its theft contained parts bearing identification numbers different from the vehicle identification number of the stolen vehicle, such identification numbers.

“(c) AVAILABILITY OF INFORMATION.—Upon request by a merchant dealing in automobile parts or an individual or enterprise engaged in the business of repairing automobiles, or by an insurance carrier whose business involves payment for repair of insured vehicles, the operator shall immediately provide such merchant, individual, entity, or insurance carrier with a determination as to whether the information system contains a record of a vehicle or a vehicle part bearing a particular vehicle identification number having been reported stolen.

“(d) RECORDKEEPING.—The agreement under subsection (a) shall specify that the operator will keep records of all inquiries for use by law enforcement officials, including prosecutors, in enforcing section 135(c).

“(e) COLLECTION OF FEES.—The agreement under subsection (a) may provide for a fee system for use of the information system. If the agreement does so provide, it shall also provide that the amount of fees collected in any fiscal year may not exceed the costs of operating the information system in such fiscal year.

“(f) FUNDING.—There are authorized to be appropriated \$5,000,000 for each of fiscal years 1992 and 1993 to carry out this section.

“§ 135. Prohibited acts

“(a) IN GENERAL.—No person shall—

“(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States—

“(A) any motor vehicle subject to the standard under section 131(a), or

“(B) any major replacement part subject to such standard, which is manufactured on or after the date the standard under section 131(a) takes effect under this chapter for such vehicle or major replacement part unless it is in conformity with such standard;

“(2) fail to comply with any rule prescribed by the Attorney General under this chapter;

“(3) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required by this chapter; or

“(4) fail to—

“(A) furnish certification required by section 133(c), or

“(B) issue a certification required by section 133(c) if such person knows, or in the exercise of due care has reason to know, that such certification is false or misleading in a material respect.

“(b) APPLICATION.—Subsection (a)(1) shall not apply to any person who establishes that such person did not have reason to know in the exercise of due care that the vehicle or major replacement part is not in conformity with an applicable theft prevention standard.

“(c) PARTS.—No person shall sell, transfer, or install a major part marked with an identification number without—

“(1) first making a request of the operator pursuant to section 134(c) and determining that such major part has not been reported as stolen; and

“(2) providing the transferee with a written certificate bearing a description of such major part and the identification number affixed to such major part.

“(d) APPLICATION.—Subsection (c)(1) shall not apply to a person who is the manufacturer of the major part, who has purchased the major part directly from the manufacturer, or who has been informed by an insurance carrier that the major part has not been reported as stolen.

“§ 136. Enforcement provisions

“(a) CIVIL PENALTIES.—

“(1) IN GENERAL.—Whoever violates section 135(a) may be assessed a civil penalty of not to exceed \$1,000 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable motor vehicle theft prevention standard shall constitute only a single violation.

“(2) PARTS.—Whoever violates section 135(c) may be assessed a civil penalty not to exceed \$1,000 for the first such violation or \$25,000 for each subsequent violation.

“(3) ACTION ON PENALTY.—Any penalty under this subsection shall be assessed by the Attorney General and collected in a civil action brought by the Attorney General. Any such civil penalty may be compromised by the Attorney General. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered.

“(4) DEDUCTION.—The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the United States to the person charged.

“(5) AMOUNT.—The maximum civil penalty shall not exceed \$250,000 for any related series of violations.

“(b) CRIMINAL PENALTIES.—Whoever, having been previously assessed a penalty under subsection (a), violates section 135(c) shall be fined under this chapter or imprisoned not more than 3 years, or both.

“(c) ACTIONS.—

“(1) INJUNCTIONS.—Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 135(a) or 135(c) or to restrain the sale, offer for sale, the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of—

“(A) any automobile containing a major part, or

“(B) any major replacement part, which is subject to the standard under section 131(a) and is determined, before the sale of such vehicle or such major replacement part to a first purchaser, not to conform to such standard. Whenever practicable, the Attorney General shall give notice to any person against whom an action for injunctive relief is contemplated and afford the person an opportunity to present such person's views, and except in the case of a knowing and willful violation, shall afford the person reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

“(2) CRIMINAL CONTEMPT.—In any proceeding for criminal contempt for violation of an injunction or restraining order issued under paragraph (1), which violation also constitutes a violation of section 135(a) or 135(c), trial shall be by the court, or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

“(3) VENUE.—Actions under paragraph (1) and under subsection (a) may be brought in the district wherein any act or transaction constituting the violation occurred or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district in which the defendant is an inhabitant or wherever the defendant may be found.

“(4) SUBPOENAS.—In any actions brought under paragraph (1) and under subsection (1) and under subsection (a), subpoenas for witnesses who are required to attend a United States district court may run into any other district.

“§ 137. Confidentiality of information

“All information reported to, or otherwise obtained by, the Attorney General or the Attorney General's representative under this chapter which contains or relates to a trade secret or other matter referred to in section 1905 or in section 552(b)(4) of title 5, United States Code, shall be considered confidential for the purpose of the applicable section of this chapter, except that such information may be disclosed to other officers or employees concerned with carrying out this chapter or when relevant in any proceeding under this chapter. Nothing in this section shall authorize the withholding of information by the Attorney General or any officer or employee under the Attorney General's control from any committee of the Congress.

“§ 138. Judicial review

“Any person who may be adversely affected by any provision of any standard or

other rule under this chapter may obtain judicial review of such standard or rule in accordance with section 504 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2004). Nothing in this section shall preclude the availability to any person of other remedies provided by law in the case of any standard, rule, or other action under this chapter.

“§ 139. Coordination with State and local law

“Whenever a vehicle theft prevention standard established under section 131(a) is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle, or major replacement part, any vehicle theft prevention standard which is not identical to such vehicle theft prevention standard.”.

(b) CLERICAL AMENDMENT.—The table of chapters for such title (as amended by section 201(a)) is further amended by inserting after the item relating to chapter 7A the following:

“7B. Illicit trafficking in stolen auto parts 120.”.

SEC. 2. STUDIES REGARDING MOTOR VEHICLE THEFT.

(a) 3 YEAR STUDY.—

(1) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress which includes the information and legislative recommendations required under paragraphs (2) and (3).

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) data on the number of trucks, multipurpose passenger vehicles, and motorcycles, stolen and recovered annually, compiled by model, make, and line for all such motor vehicles distributed for sale in interstate commerce;

(B) information on the extent to which trucks, multipurpose passenger vehicles, and motorcycles, stolen annually are dismantled to recover parts or are exported;

(C) a description of the market for such stolen parts;

(D) information concerning the premiums charged by insurers of comprehensive insurance coverage of trucks, multipurpose passenger vehicles, or motorcycles, including any increase in such premiums charged because any such motor vehicle is a likely candidate for theft; and

(E) an assessment of whether the identification of parts of trucks, multipurpose passenger vehicles, and motorcycles is likely to have (i) a beneficial impact in decreasing the rate of theft of such vehicles; (ii) improve the recovery rate of such vehicles; (iii) decrease the trafficking in stolen parts of such vehicles; (iv) stem the export and import of such stolen vehicles or parts; or (v) benefits which exceed the costs of such identification.

(3) RECOMMENDATION.—The report under paragraph (1) shall recommend to Congress whether, and to what extent, the identification of trucks, multipurpose passenger vehicles, and motorcycles should be required by statute.

(b) 5 YEAR STUDY.—

(1) REPORT.—Not later than 5 years after the promulgation of the standard required by section 131(a) of title 18, United States Code, the Attorney General shall submit a report to the Congress which includes the information and legislative recommendations required under paragraphs (2) and (3). The report shall—

(A) cover a period of at least 4 years subsequent to the promulgation of the standard

required by chapter 7B of title 18, United States Code, and

(B) reflect any information, as appropriate, from the report under subsection (a) updated from the time of such report.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) information about the methods and procedures used by public and private entities for collecting, compiling, and disseminating information concerning the theft and recovery of motor vehicles, including classes thereof, and about the reliability, accuracy, and timeliness of such information, and how such information can be improved;

(B) data on the number of motor vehicles stolen and recovered annually, compiled by the class of vehicle, model, make, and line for all such motor vehicles distributed for sale in interstate commerce;

(C) information on the extent to which motor vehicles stolen annually are dismantled to recover parts or are exported;

(D) a description of the market for such stolen parts;

(E) information concerning the costs to manufacturers, as well as to purchasers of passenger motor vehicles, in complying with the standard promulgated under chapter 7B of title 18, United States Code, as well as the identification of the beneficial impacts of the standard and the monetary value of any such impacts, and the extent to which such monetary value is greater than the costs;

(F) information concerning the experience of Federal, State, and local officials in making arrests and successfully prosecuting persons for violations of sections 511, 552, and 2321 of title 18, United States Code, in preventing or reducing the number, and rate of, thefts of motor vehicles that are dismantled for parts subject to chapter 7B of title 18, United States Code, and in preventing or reducing the availability of used parts that are stolen from motor vehicles subject to such chapter;

(G) information concerning the premiums charged by insurers of comprehensive insurance coverage of motor vehicles subject to chapter 7B of title 18, United States Code, including any increase in such premiums charged because a motor vehicle is a likely candidate for theft, and the extent to which such insurers have reduced for the benefit of consumers such premiums as a result of such chapter or have foregone premium increases as a result of such chapter;

(H) information concerning the adequacy and effectiveness of Federal and State laws aimed at preventing the distribution and sale of used parts that have been removed from stolen motor vehicles and the adequacy of systems available to enforcement personnel for tracing parts to determine if they have been stolen from a motor vehicle;

(I) an assessment of whether the identification of parts of other classes of motor vehicles is likely to have (i) a beneficial impact in decreasing the rate of theft of such vehicles; (ii) improve the recovery rate of such vehicles; (iii) decrease the trafficking in stolen parts of such vehicles; (iv) stem the export and import of such stolen vehicles, parts, or components; or (v) benefits which exceed the costs of such identification; and

(J) other pertinent and reliable information available to the Attorney General concerning the impact, including the beneficial impact of sections 511, 553, and 2321 of title 18, United States Code, on law enforcement, consumers, and manufacturers.

(3) RECOMMENDATIONS.—The report submitted under paragraph (1) to the Congress shall include recommendations for (A) continuing

the standard established by chapter 7B of title 18, United States Code, without change, (B) modifying such chapter to cover more or fewer lines of passenger motor vehicles, (C) modifying such chapter to cover other classes of motor vehicles, or (D) terminating the standard for all future motor vehicles. The report may include, as appropriate, legislative and administrative recommendations.

(c) BASES FOR REPORTS.—

(1) CONTENT.—The reports under subsections (a)(1) and (b)(1) shall each be based on (A) information provided by the Federal Bureau of Investigation, (B) experience obtained in the implementation, administration, and enforcement of chapter 7B of title 18, United States Code, (C) experience gained by the Government under sections 511, 553, and 2321 of title 18, United States Code, and (D) any other reliable and relevant information available to the Attorney General.

(2) CONSULTATION.—In preparing each such report, the Attorney General shall consult with State and local law enforcement officials, as appropriate.

(3) REVIEW AND COMMENT.—At least 90 days before submitting each such report to Congress, the Attorney General shall publish the proposed report for public review and for an opportunity for written comment of at least 45 days. The Attorney General shall consider such comments in preparing the final report and shall include a summary of such comments with the final report.

TITLE IV—EXPORT OF STOLEN VEHICLES

SEC. 401. RANDOM CUSTOMS INSPECTIONS FOR STOLEN MOTOR VEHICLES BEING EXPORTED.

Part VI of title IV of the Tariff Act of 1930 is amended by inserting after section 646 the following:

"SEC. 646A. RANDOM CUSTOMS INSPECTIONS FOR STOLEN MOTOR VEHICLES BEING EXPORTED.

"The Commissioner of Customs shall direct customs officers to conduct at random inspections of motor vehicles, and of shipping containers that contain motor vehicles that are being exported, for purposes of determining whether such vehicles were stolen.

"SEC. 646B. EXPORT REPORTING REQUIREMENT.

"The Commissioner of Customs shall require all persons or entities exporting used self-propelled vehicles by air or ship to provide to the Customs Service, at least 72 hours before the export, the vehicle identification number of each such vehicle and proof of ownership of such vehicle. The requirement of this section applies to vehicles exported for personal use."

SEC. 402. PILOT STUDY AUTHORIZING UTILITY OF NONDESTRUCTIVE EXAMINATION SYSTEM.

The Secretary of the Treasury, acting through the Commissioner of Customs, shall conduct a pilot study of the utility of a non-destructive examination system to be used for inspection of containers that contain motor vehicles leaving the country for the purpose of determining whether such vehicles are stolen.

SEC. 403. DEFINITION OF RACKETEERING ACTIVITY TO INCLUDE EXPORT OR IMPORT OF STOLEN AUTOMOBILES.

Subparagraph (B) of section 1961(1) is amended by inserting "section 553 (relating to the export or import of stolen automobiles)" after "473 (relating to counterfeiting)".

By Mr. WOFFORD:

S. 2614. A bill to reform the Federal-State unemployment compensation system to provide greater opportunity

for reemployment and fairness, and for other purposes; to the Committee on Finance.

UNEMPLOYMENT COMPENSATION, REEMPLOYMENT, AND FAIRNESS ACT

Mr. WOFFORD. Mr. President, today I'm introducing the Unemployment Compensation, Reemployment and Fairness Act of 1992.

Before coming to the Senate almost a year ago, I served as Pennsylvania's secretary of labor and industry for 4½ years. One of my responsibilities was to administer our State's unemployment compensation program. So I'm well aware of its strengths and weaknesses from the ground up.

It's an important program, a complex program, a program which I believe can be improved and strengthened. That's the purpose of the legislation I'm offering today.

In time of recession and economic hardship, the Federal-State Unemployment Compensation Program is essential to maintaining the well-being of millions of American families, but it's a system under real stress.

Back in 1935 when Franklin Roosevelt and the Congress together created our present Unemployment Compensation System, he wanted a program that would be flexible—a program that would reflect and adjust to changing employer and worker needs and economic circumstances. That's the idea behind this effort to continue and improve on Roosevelt's experiment in Federal-State cooperation and innovation.

Based on experience, and in close consultation with the Pennsylvania department of labor and industry under my successor TOM FOLEY and our Governor, Robert Casey, I've developed a series of ideas for strengthening the assistance to workers, providing procedural fairness for employers, and bolstering the fiscal integrity of the overall system. Let me be specific:

First, improvements in worker reemployment. The problems of today's continuing high unemployment challenge American business, workers and governments to strengthen their cooperative efforts. This bill will:

Enhance employer and worker cooperation and job retention, by encouraging States to voluntarily implement short-time compensation programs;

Expand economic opportunities by allowing States to pay benefits to those who are seeking to start their own business under a State approved self-employment plan; and

Require States to review the reemployment prospects of workers soon after they have lost their jobs so that they can receive necessary services and training before they exhaust their benefits.

Second, improvements in employer fairness. Neither the Social Security Act nor the Federal unemployment tax act now guarantees employers the

right to State administrative hearing on disputes involving unemployment taxes. This bill will require States to provide for such a hearing;

Third, budget treatment of unemployment trust fund. Mr. President, I've pressed the point repeatedly since my very first days in this body that we should use the taxes employers have already paid into the unemployment trust fund for their intended purpose. It was a scandal that the President for months refused to sign legislation extending unemployment compensation during the depths of this recession. A scandal that the President took so long to come to agreement with the Congress, as he finally did late last autumn.

We should not have to raise new revenues in the middle of a recession to fund emergency benefits when funds for that exact purpose are already available. My bill will:

Remove the unemployment trust fund from the Federal budget at the beginning of the 1993 fiscal year. This will ensure these funds will in fact be treated as a trust—and be available as they were intended, for unemployed workers and families.

In conclusion, Mr. President, our primary goal in government should be action that builds our Nation's economic vitality and creates jobs for all Americans. We should always keep our eyes on that prize.

But one of the things we must do when our economy is stagnant, when millions of workers lose their jobs, and families are in danger of losing their homes, their health and their quality of life, is to have an effective unemployment compensation system. A system that gives people the support they need to stay in the economic mainstream, to have effective retraining and to find new jobs as quickly as possible.

I'm committed to that kind of unemployment compensation system. That's why I have offered this bill to improve the reemployment prospects for working Americans, provide fair treatment to employers, and ensure that unemployment benefits will be available to workers and their families when they need them most.

Over the coming months I intend to discuss other ideas on employment security. I ask my colleagues to help advance this discussion by cosponsoring this legislation.

In June 1934, President Roosevelt told Congress that "Among our objectives, I place the security of men, women, and children of the Nation's first." We should still work to achieve that objective. This legislation will help us do it.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2614

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unemployment Compensation, Reemployment, and Fairness Act of 1992".

TITLE I—SHORT-TIME COMPENSATION PROGRAMS**SEC. 101. STATES ALLOWED TO ADOPT SHORT-TIME COMPENSATION PROGRAMS.**

(a) **PURPOSE.**—The purpose of this title is to encourage States to adopt short-time compensation programs.

(b) **GENERAL RULE.**—Nothing in section 3304(a) of the Internal Revenue Code of 1986 or any other provision of law shall be construed to preclude the adoption and implementation of a short-time compensation program for eligible employees as part of the unemployment compensation law of any State.

(c) **BENEFITS TREATED AS COMPENSATION FOR PARTIAL UNEMPLOYMENT.**—For purposes of Federal law, benefits payable under a short-time compensation program shall be treated as unemployment compensation payable for partial unemployment.

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) **SHORT-TIME COMPENSATION PROGRAM.**—The term "short-time compensation program" means a program under which—

(A) any eligible employee is eligible for unemployment compensation;

(B) the amount of unemployment compensation payable to such eligible employee for any week is a pro rata portion of the unemployment compensation which would be payable to the employee if such eligible employee were totally unemployed;

(C) the number of weeks for which compensation is payable is the same as if such eligible employee were totally unemployed;

(D) while collecting short-time compensation benefits, such eligible employee is not required to—

(i) meet the availability for work or work search test requirements, or

(ii) apply for or accept work with any other employer, but is required to be available for such employee's normal workweek;

(E) short-time compensation is charged to an employer of such eligible employee in a manner consistent with the State unemployment compensation law;

(F) such eligible employee may participate in an employer-sponsored training program to enhance job skills if such program has been approved by the State agency; and

(G) in determining the amount of weekly short-time compensation, States may exclude the amount of wages earned by an eligible employee from an employer other than the employer under whose qualified plan the employee qualifies for such compensation.

(2) **ELIGIBLE EMPLOYEE.**—The term "eligible employee" means an employee the number of hours in whose workweek has been reduced by at least 10 percent pursuant to a qualified employer plan.

(3) **QUALIFIED EMPLOYER PLAN.**—The term "qualified employer plan" means a plan of an employer (or an employer's association which is party to a collective bargaining agreement) under which there is a reduction in the number of hours worked by employees in lieu of imposing temporary layoffs if—

(A) the plan is approved by the State agency;

(B) the employer or the employer's association certifies to the State agency that the

aggregate reduction in work hours pursuant to such plan is in lieu of temporary layoffs which would have affected at least 10 percent of the employees in the unit or units to which the plan applies and which would have resulted in an equivalent reduction of work hours;

(C) during the 4 months prior to the approval or annual review of such plan the work force in the affected unit or units has not been reduced by temporary layoffs of more than 10 percent;

(D) the employer continues to provide health benefits and retirement benefits under a defined benefit pension plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974) to any employee whose workweek is reduced under such plan as though such employee's workweek had not been reduced; and

(E) in the case of employees represented by an exclusive bargaining representative, such representative has consented to the plan.

The State agency shall review at least annually any qualified employer plan which is in effect to assure that such plan continues to meet the requirements of this paragraph and of any applicable State law.

(4) **STATE AGENCY.**—The term "State agency" means any State officer, board, or other authority, designated under a State law to administer the unemployment compensation program in such State.

(5) **STATE.**—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

SEC. 103. RESPONSIBILITIES OF SECRETARY OF LABOR.**(a) ASSISTANCE IN IMPLEMENTING PROGRAMS.**

(1) **IN GENERAL.**—In order to assist States in establishing and implementing short-time compensation programs, the Secretary of Labor (hereafter in this section referred to as the "Secretary") shall—

(A) develop model legislative language which may be used by States in developing and enacting short-time compensation programs,

(B) propose revisions to existing legislation that may be necessary to implement such programs, and

(C) provide technical assistance and guidance to States in developing, enacting, and implementing such programs.

(2) **TIMETABLE.**—The Secretary shall develop the model legislative language described in paragraph (1) not later than January 1, 1993.

(b) **REPORT.**—Not later than January 1, 1995, the Secretary shall submit to the Congress a report on the implementation of this title. Such report shall include—

(1) an evaluation of short-time compensation programs,

(2) a comparison between the administrative costs of such programs and the administrative costs of regular unemployment compensation programs, and

(3) such recommendations as the Secretary may deem advisable.

TITLE II—UNEMPLOYMENT REFORMS**SEC. 201. INDIVIDUALS IN SELF-EMPLOYMENT PROGRAMS.**

(a) **IN GENERAL.**—Section 3304(a)(8) of the Internal Revenue Code of 1986 (relating to requirements) is amended by striking "compensation" and inserting "(A) compensation", by striking the semicolon and inserting "; and", and by adding at the end thereof the following new subparagraph:

"(B) if the State elects to participate, compensation shall not be denied or reduced to any individual for any week because such in-

dividual is participating in a qualified self-employment program (as defined in section 3306(t)) with the approval of the State agency (or because of the application, to any such week in such program, of State law provisions relating to availability for work, active search for work, or refusal to accept work);"

(b) **DEFINITION.**—Section 3306 of such Code (relating to definitions) is amended by adding at the end thereof the following new subsection:

"(t) **QUALIFIED SELF-EMPLOYMENT PROGRAM.**—For purposes of this chapter, the term 'qualified self-employment program' means a program which—

"(1) meets the requirements established by the Secretary of Labor, including requirements for State agencies to determine what constitutes a good prospect for successful, permanent self-employment,

"(2) is approved by the State agency, and

"(3) provides training for individuals attempting to become self-employed."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to compensation paid for weeks beginning on or after January 1, 1993.

SEC. 202. EARLY REEMPLOYMENT REVIEW OF UNEMPLOYED WORKERS.

(a) **IN GENERAL.**—Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end thereof the following new subsection:

"(j)(1) The State agency charged with the administration of the State law—

"(A) shall, not later than the last day of the 5th week for which compensation is payable in an unemployed individual's benefit year, provide an early review of the individual's reemployment prospects, to the extent the State agency determines effectively,

"(B) shall, to the extent the State agency determines effective, provide reemployment review information to other State employment and training program staff, including staff of State job services and service delivery areas (as described in section 101 of the Job Training Partnership Act),

"(C) shall, to the extent the State agency determines effective, provide job search and placement services, counseling, testing, occupational and labor market information, assessment, and referral to employers,

"(D) shall provide technical and training program staff to assist with reemployment services,

"(E) shall provide followup evaluation and assistance to individuals participating in reemployment activities, and

"(F) may provide reemployment reviews and, to the extent the State agency determines effective, reemployment services for workers who have received notice of permanent layoff or impending layoff, or workers in occupations which are experiencing limited demand due to technological change, impact of imports, or plant closures.

"(2) The Secretary of Labor shall prescribe such regulations as are necessary to carry out the provisions of this subsection, including regulations—

"(A) to carry out the provisions of subparagraphs (A) and (B) of paragraph (1),

"(B) to determine whether an individual should be considered temporarily or permanently laid off, and

"(C) to assist States in examining the use of computer technology to achieve the purposes of this subsection."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 203. HEARINGS FOR EMPLOYERS.

(a) **IN GENERAL.**—Section 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(3)) is amended by inserting "and for all taxpayers with respect to liability to make contributions, and to pay amounts, under the unemployment compensation law of the State" before the semicolon.

(b) **REGULATIONS.**—The Secretary of Labor may prescribe such regulations as the Secretary deems necessary to carry out the amendment made by subsection (a) to section 303(a)(3) of the Social Security Act.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

TITLE III—BUDGET TREATMENT OF TRUST FUND

(a) **AMENDMENT TO SOCIAL SECURITY ACT.**—Section 904 of the Social Security Act (42 U.S.C. 1104) is amended by adding at the end thereof the following new subsection:

"BUDGETARY TREATMENT OF UNEMPLOYMENT TRUST FUND

"(h) Notwithstanding any other provision of law, the receipts and disbursements of the Unemployment Trust Fund, including disbursements for administrative expenses incurred in connection with the Fund—

"(1) shall not be included in the totals of—

"(A) the budget of the United States Government as submitted by the President; or

"(B) the congressional budget (including allocations of budget authority and outlays provided therein);

"(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government; and

"(3) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985, and shall not be counted for purposes of calculating the deficit under section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 for any fiscal year."

(b) **AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.**—

(1) Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after the item relating to the Southwestern Power Administration the following new item:

"State unemployment insurance and employment services operations account (16-0179-0-1-999);"

(2) Subsection (i) of section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 is hereby repealed.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to fiscal years beginning after September 30, 1992.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2615. A bill to amend title XVIII of the Social Security Act to clarify that medically necessary procedures related to atrophic and weakened jaws are covered under such title, and for other purposes; to the Committee on Finance.

CLARIFICATION OF DENTAL EXCLUSIONARY ACT

• Mr. LEVIN. Mr. President, today I am introducing, along with Senator RIEGLE, legislation which provides the necessary clarification of the Dental Exclusionary Act that medically nec-

essary jaw reconstruction surgery is a covered service under the Medicare Program.

The Health Care Financing Administration [HCFA] has been denying claims for this surgery, citing the Dental Exclusionary Act which excludes services in connection with care or treatment of teeth or structures directly supporting teeth. HCFA has maintained its position despite the findings of a 1986 HCFA physicians panel that the jaw reconstructive surgical procedure is not dental and that the primary reason for performing the surgery is to relieve pain.

Jaw reconstruction is a one-time, surgical procedure conducted to the jaw bone and not the teeth. In fact, the teeth and supporting structure have deteriorated before the underlying jaw bone becomes atrophied. This medically necessary surgery will prevent the malnutrition and starvation that are associated with this deteriorating illness. It will enhance the quality of life for those seniors who suffer severe depression because of their inability to provide their own nourishment.

Mr. President, Congress never intended for this surgical procedure to be subject to the exclusion. Our proposal would clarify this interpretation. It would establish that oral and maxillo-facial surgery be a covered service under the Medicare Program. The costs of this procedure would be offset by the reduction in other health care costs for the aged, as restoring the proper function of the jaw and the ability to chew will reduce illness and prevent hospitalization. In order to ensure that these Medicare covered procedures not be used for dental or cosmetic purposes, our proposal provides that the medical condition requiring surgical attention is a matter of medical necessity. Specifically, the legislation provides for Medicare coverage of—

*** Surgical and prosthodontic procedures following oral cancer *** jaw reconstruction performed with respect to an individual suffering from generalized atrophy (as evidenced by loss of maxillary or mandibular basal bone) or nerve dehiscence, or localized weakness of the jaw muscle or bone caused by tumor, trauma, infection, systemic disease, or congenital abnormality (as supported by specific x-ray or laboratory evidence or by a clinical examination).

We have sought an administrative remedy in this matter. However, HCFA has not been responsive to the appeals to provide uniform coverage of this humane, lifesaving surgical procedure. Therefore, legislative action is necessary. Mr. President, this proposal merits the immediate attention of the Senate. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2615

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

SECTION 1. COVERAGE OF MEDICALLY NECESSARY PROCEDURES RELATED TO ATROPHIC AND WEAKENED JAWS.

(a) **IN GENERAL.**—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (12), by striking "where" and inserting "subject to the last sentence of this subsection, where"; and

(2) by adding at the end the following new sentence:

"Paragraph (12) shall not be construed to exclude payment under this title for those surgical and prosthodontic procedures following oral cancer, further including jaw reconstruction performed with respect to an individual suffering from generalized atrophy (as evidenced by loss of maxillary or mandibular basal bone) or nerve dehiscence, or localized weakness of the jaw muscles or bone caused by tumor, trauma, infection, systemic disease, or congenital abnormality (as supported by specific x-ray or laboratory evidence or by a clinical examination)."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall become effective on the date of enactment of this Act. •

By Mr. INOUE (for himself and Mr. AKAKA):

S. 2616. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of algal blooms off the coast of Maui, HI, and for other purposes; to the Committee on Environment and Public Works.

STUDY OF ALGAL BLOOMS OFF THE COAST OF MAUI, HI

• Mr. INOUE. Mr. President, I am introducing legislation today with Senator AKAKA, which will enable the Environmental Protection Agency to establish a grant program to investigate the unexplained occurrence of algal blooms off the northwestern coast of Maui, Hawaii.

Twice since 1989, portions of Hawaii's most treasured coastal areas have been plagued with massive algal blooms. Although the specific causes of the algal blooms are uncertain, algal growth is proportionally stimulated by the injection of treated waste water and concentrations of chemicals such as fertilizers and insecticides which enter the ocean through fresh water runoff.

Mr. President, I feel it is my duty to act in an efficient and timely manner to ensure that the affected coastal areas do not suffer further environmental damage. Already, coral reefs which have been exposed to the algal blooms have died; this is an occurrence that holds far-reaching effects for fish and other wildlife who depend on the reefs for survival.

In addition to solving the specific problem of the algal blooms, it is my sincere hope that this legislation will encourage the State of Hawaii to research alternative methods of managing the presence of chemicals in waste water effluent and fresh water runoff.

I am confident that this pledge of support for an inquiry into the causes

of the algal blooms will complement the efforts of the State of Hawaii to eradicate this environmental hazard. My endeavor to obtain funding for this important legislation has been buttressed by my understanding that the State of Hawaii has already pledged substantial funding to coincide with the Federal effort on its behalf. Our immediate action and additional assistance are crucial if we are to halt the further deterioration of the affected coastal areas.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2616

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

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Twice since 1989, the northwestern coast of Maui, Hawaii, has been plagued with massive blooms of the green alga, *Cladophora sericea*, and blooms of the red alga, *Hypnea musciformis*, have also occurred in the area and in the Kihel area.

(2) The algal blooms have destroyed corals and other reefbuilding organisms, and have washed up on beaches and severely impeded the recreational use of affected coastal areas.

(3) The algal blooms are particularly detrimental to the natural ecological balance of the near-shore reef environment.

(4) Although the specific causes of the algal blooms are uncertain, algal growth is stimulated in a proportional manner by concentrations of chemicals such as fertilizers and insecticides, which enter the ocean through freshwater runoff.

(5) The Department of Health of the State of Hawaii has indicated that the department does not have the resources at this time to determine the cause of the algal blooms.

(6) Extensive research will be required to determine the factors that contribute to algal growth.

(7) Potential sources of nutrients that may contribute to algal growth include the near-shore disposal of sewage in injection wells from the Lahaina Wastewater Treatment Plant, surface runoff from agricultural lands and urban resort areas, and subsurface point sources in such areas.

(8) The long-term environmental impacts of the algal blooms are unknown, but in the short term, reefs exposed to the algal are being destroyed and the deterioration of the coral has detrimental effects on fish and other wildlife that depend on the reefs for survival.

(9) The algal blooms are generating negative economic impacts as well as negative biological impacts, as additional reports indicate that the algae is decreasing the intake of fish caught by local fishermen in the affected marine waters.

(10) The Maui Algae Task Force is comprised of community environmental activists and has been assembled to address the problem of algal blooms.

(11) The Maui Algae Task Force hopes to work in cooperation with the Department of Health of the State of Hawaii and the Environmental Protection Agency to identify and eradicate the causes of the algal blooms.

SEC. 2. STUDY.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereafter in this Act referred to as the "Administrator") shall conduct a study to determine the causes of recent legal algal blooms off the northwestern coast of Maui, Hawaii, and to research alternatives for the improved management of chemicals present in wastewater treatment and fresh water runoff.

(b) STUDY REQUIREMENTS.—In carrying out the study under this section, the Administrator shall—

(1) survey and monitor—
(A) seaweed populations and animals for which the seaweed is a food source;
(B) surface water runoff sediments in the study area;

(2) inputs into the study area from subsurface point sources, including any such inputs from the Lahaina wastewater treatment plant; and

(3) in addition, study the responses of—
(A) the seaweed populations to different concentrations of nutrients; and
(B) the animals (for which the seaweed is a food source) to pesticides and other biological toxins.

(c) EQUIPMENT, GRANTS.—

(1) ACQUISITION OF EQUIPMENT.—In carrying out the study under this section, the Administrator is authorized to acquire such monitoring and testing equipment as is necessary.

(2) GRANTS.—In carrying out the study under this section, the Administrator is authorized to establish a grant program to provide grants to eligible entities that submit approved applications to the Administrator. The following entities may submit an application to conduct study activities under this section:

(A) the Department of Health of the State of Hawaii.

(B) The Maui Algae Task Force.

(C) Appropriate Federal, State, or county departments or agencies.

(D) Any other entity that the Administrator determines to be appropriate.

(d) DEMONSTRATION PROJECTS.—In carrying out the study under this section, the Administrator is authorized to establish demonstration projects to identify and implement best management practices for the control of nonpoint source pollution from erosion and agricultural runoff.

(e) REPORTS.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Congress a report that includes interim results of the study conducted under this section, and such recommendations as the Administrator determines to be appropriate.

(2) FINAL REPORT.—Not later than January 31, 1995, the Administrator shall submit to the Congress a final report that summarizes the results of the study conducted under this section and includes such recommendations as the Administrator determines to be appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 1993 and 1994, there are authorized to be appropriated \$500,000 to the Environmental Protection Agency to carry out this section.●

By Mr. BINGAMAN:

S. 2617. A bill to provide for the maintenance of dams located on Indian lands in New Mexico by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Select Committee on Indian Affairs,

MAINTENANCE OF CERTAIN DAMS BY THE BUREAU OF INDIAN AFFAIRS

● Mr. BINGAMAN. Mr. President, I rise today to introduce a bill which addresses critical safety issues at a number of dams located on American Indian lands within the State of New Mexico. Many of these dams have problems with the integrity of dam structures, increasing seepage, and accelerated bank erosion. These problems could lead to a failure of the dam and the loss of lives and property on several Indian reservations throughout the State.

A dam safety program on Department of the Interior lands was originally mandated by a secretarial order in February 1980. This order established and assigned responsibilities for agencies within the Department to carry out a program of dam safety inspections, using Bureau of Reclamation classification standards, and further mandated that the agencies take whatever measures were necessary to prevent dam failures which threatened the loss of life or property. Despite this, the BIA had no program or administrative organization in place until 1991 to provide for the maintenance of dams, even though additional Federal guidelines and BIA policy require that agency officials ensure that dams are properly maintained.

Due to the lack of a comprehensive dam safety program, the Bureau of Indian Affairs has not carried out a timely program of correcting the serious deficiencies revealed in a 1989 report prepared by the Department's inspector general. Today, at least 7 of the 22 BIA-administered dams in New Mexico have been identified as containing structural problems which classifies them as presenting high or significant hazards to human life and property in the event of failure. Mr. President, it is of deep concern to me that these dams have not been repaired nor sufficient measures taken by the BIA to initiate this repair.

This dangerous situation has three basic causes. First, the Secretary's Dam Safety Program has not been given a sufficiently high priority within the Bureau of Indian Affairs. Second, BIA continues to allow the unrestricted use of unsafe dams. And, third, BIA either doesn't have, or has not used, available engineering and fiscal resources to work on problem dams.

In addition to threats to human safety and property, BIA inaction has resulted in increased maintenance costs for the current inventory of dams, as well as increasing the costs of correcting critical problems.

To correct this situation and hopefully avert a human and material tragedy, I am introducing legislation which will provide for the immediate inventory of dams on Indian lands within New Mexico, the classification of all dams using Bureau of Reclamation

safety standards, and the timely repair of unsafe conditions at targeted dams.

Equally important, this legislation calls for the establishment of a dam safety, operation, and maintenance program within the Bureau of Indian Affairs. The goal of this measure is to create, within the BIA, a long-term dam safety management program similar to programs currently in place within the Bureau of Reclamation and the Army Corps of Engineers. Once the immediate life threatening problems at a dam has been identified and repaired, that dam will be monitored to ensure its continued safety.

My bill also permits the Secretary of the Interior to enter into memoranda of understanding with other appropriate Federal agencies, including the Bureau of Reclamation and the Army Corps of Engineers, to provide any technical expertise needed to implement an effective dam safety program.

It is also important to note that the work authorized under this act will be for the purpose of responding to problems of dam safety, and not to increase the conservation storage capacity of dams or otherwise increase the benefits of the original dams and reservoirs.

In order to promote increased involvement of American Indians in the management of dams on their own lands, this legislation authorizes the Secretary to contract with appropriate Indian tribes to carry out elements of the dam safety operation and maintenance program.

Mr. President, I realize that the scope of this problem will undoubtedly extend beyond the boundaries of New Mexico into our neighboring States. The inspector general's report revealing major problems with New Mexico dams indicated at least 19 dams in neighboring States have similar problems. I remain open to requests from my colleagues to add language to this bill which includes them within its scope.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

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

S. 2617

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Dams Safety Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) in 1980, the Secretary of the Interior established a dam safety program to correct deficiencies identified by inspections of dams;

(2) the Bureau of Indian Affairs (hereafter referred to in this Act as the "BIA") has not made timely progress toward accomplishing the objectives of the dam safety program and, as a result, people are in jeopardy;

(3) the BIA has been slow to correct serious safety deficiencies at many dams under its

jurisdiction that were classified in 1989 as presenting a high or significant hazard to human life and property should failure occur;

(4) there are Federal guidelines and departmental manuals which provide guidelines and directions for carrying out the dam safety program;

(5) unsafe BIA dams continue to pose an imminent threat to people and property because the dam safety program has not been given a sufficiently high priority, the BIA continues to allow the unrestricted use of unsafe dams, and the BIA has not used available engineering and fiscal resources effectively to correct the situation;

(6) until 1991, the BIA did not have a program to ensure proper periodic maintenance of dams under its jurisdiction, although a BIA manual requires that area directors, agency superintendents, and project engineers ensure that dams are properly maintained;

(7) dams are not being properly maintained because there is insufficient attention to regular dam maintenance through the proper allocation of resources and the clean definition of maintenance responsibility;

(8) the results of this inaction are that maintenance costs increase as dams are not being properly maintained on a set schedule and costs for the dam safety program increase as initial problems which could have been resolved by periodic inexpensive maintenance become dam safety issues because they remained unchecked;

(9) many dams in New Mexico have operation and maintenance deficiencies regardless of their safety condition classification, and there are additional BIA dams in New Mexico not being maintained under the dam safety program; and

(10) it is necessary to take action to have these dams repaired and maintained, utilizing expertise either within the BIA or provided to the BIA through other agencies, in an operation and maintenance program for dams.

SEC. 3. DEFINITIONS.

For the purposes of this Act.

(1) INDIAN TRIBES.—The term "Indian tribes" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) DAM SAFETY PROGRAM.—The term "dam safety program" means the program established by the Secretary of Interior by order dated February 28, 1980, to prevent dam failure and the resulting loss of life or serious property damage.

(4) DAM SAFETY OPERATION AND MAINTENANCE PROGRAM.—The term "dam safety operation and maintenance program" means a program of regular, recurring, routine maintenance, examination, and monitoring of the condition of dams identified pursuant to section 4(c) necessary to maintain the dam in a safe condition on a long-term basis.

(5) DAM SAFETY CONDITIONS CLASSIFICATIONS.—The term "dam safety condition classifications" means the following classifications cited in the Bureau of Reclamation glossary of dam safety terms:

(A) SATISFACTORY.—No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

(B) FAIR.—No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

(C) CONDITIONALLY POOR.—A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

(D) POOR.—A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

(E) UNSATISFACTORY.—A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

SEC. 4. ACTIONS BY SECRETARY.

(a) ESTABLISHMENT OF DAM SAFETY OPERATION AND MAINTENANCE PROGRAM.—The Secretary shall establish a dam safety operation and maintenance program within the BIA to ensure the regular, recurring, routine maintenance, examination, and monitoring of the condition of each dam identified pursuant to subsection (c) necessary to maintain the dam in a satisfactory condition on a long-term basis.

(b) REHABILITATION.—The Secretary is directed to perform such rehabilitation work as is necessary to bring the dams identified pursuant to subsection (c) to a satisfactory condition. Upon the completion of rehabilitation work on each dam, the dam shall be placed under the dam safety operation and maintenance program established pursuant to subsection (a) and shall be regularly maintained under the guidelines of such program.

(c) LIST OF DAMS.—The Secretary shall develop a comprehensive list of dams located on Indian lands in New Mexico that are in a fair, conditionally poor, poor, or unsatisfactory condition, as such terms are defined in section 3(5).

(d) PURPOSE.—Work authorized by this Act shall be for the purposes of dam safety operation and maintenance and not for the purposes of providing additional conservation storage capacity or developing benefits beyond those provided by the original dams and reservoirs.

(e) TECHNICAL ASSISTANCE.—To carry out the purposes of this Act, the Secretary may obtain technical assistance from agencies other than the BIA under his jurisdiction, such as the Bureau of Reclamation, or from other departments through memoranda of understanding, such as the Department of Defense. Notwithstanding any such technical assistance, the safety of dams program and the dam safety operation and maintenance program shall remain under the direction of the BIA.

(f) CONTRACT AUTHORITY.—In addition to any other authority established by law, the Secretary is authorized to contract with appropriate Indian tribes to carry out the dam safety operation and maintenance program established pursuant to this Act.

SEC. 5. AUTHORIZATION

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

By Mr. SEYMOUR:

S. 2618. A bill to amend the Internal Revenue Service Code of 1986 to exempt vessels of 100 gross tons or less from the tax on transportation of persons by water; to the Committee on Finance.

EXEMPTION OF SMALL VESSELS FROM PASSENGER TAX

● Mr. SEYMOUR. Mr. President, I rise to introduce legislation that will clar-

ify a provision of the Internal Revenue Code. During consideration of the 1989 Budget Reconciliation Act, Congress included a provision placing a \$3 per-passenger fee on vessels headed for international waters. The purpose of this tax was to target those ships offering unrestricted gambling on the high seas, and traditional cruise vessels. This is similar to the tax levied on airline passengers departing for international destinations.

Unfortunately, small passenger vessels offering such activities as sport fishing, whale watching, and recreational diving are being jeopardized because the Internal Revenue Service [IRS] has misinterpreted the intentions of Congress. As of April 1990, the IRS required the operators of these small vessels to pay the \$3 per-passenger fee. However, a final ruling on this matter has not been issued by the IRS.

Small vessel operators charge their passengers much less than traditional cruise lines. Subjecting these vessels to the passenger tax could very possibly put many operators out of business. Therefore, I am introducing today legislation to clarify congressional intent, and protect small operators from this unfairness. My bill will exempt small vessels from the fee by requiring only vessels over 100 gross tons to be subject to the tax.

Mr. President, I hope my colleagues will join me in supporting this important corrective legislation. We all can agree that there are certain occasions in the Senate to clarify the intentions of Congress. Clearly, this is one of those occasions.●

By Mr. GLENN:

S. 2619, a bill to amend the Federal Property and Administrative Services Act of 1949 to enact provisions governing the negotiation and award of contracts under the Multiple Award Schedule Program of the General Services Administration; to the Committee on Governmental Affairs.

MULTIPLE AWARD SCHEDULE PROGRAM REFORM ACT

● Mr. GLENN. Mr. President, today I introduce the Multiple Award Schedule Program Reform Act of 1992. This bill will, for the first time, establish a statutory procedure to specifically govern a Federal contracting program worth in excess of \$4 billion per year.

Under the Multiple Award Schedule Contract Program, the General Services Administration, acting as a central agent for the Federal Government, awards contracts to multiple offerors for a large variety of commercial products and services. These products range from standard office supplies to complex computer equipment and services. Executive agencies authorized to use these contracts simply place orders at prenegotiated prices which are intended to reflect the Government's volume purchasing power.

The schedules program has been the subject of recurring debate regarding whether the Government actually receives a good deal on the products and services acquired. We have heard complaints, as well, that agencies fail to follow existing procedures when using schedule contracts, resulting in their making purchases at other than the lowest cost. Schedule contractors complain that GSA makes unreasonable pricing demands which conflict with established commercial selling practices and thus drive up costs to the Government.

At the heart of these issues, is, I believe, the lack of any clear statutory provisions to govern the process. In particular, I am concerned that GSA's imposition of a vague policy requirement to receive an offeror's most favored commercial customer pricing may actually result in increased costs to the Government. Indeed, there have been reported cases of companies being denied schedule contracts solely for failure to offer GSA their most favored commercial customer pricing, despite the fact that their competitors had been awarded contracts for similar products at higher prices. As a result, executive agencies, for whose benefit the program is intended, are left to pay the difference. This bill would cure that problem by making fair and reasonable prices the objective in schedule contract negotiations. It is also my belief that this bill will have the effect of increasing the number of offerors participating in the schedules program. That increase in offerors will translate into more schedule contracts. With an increase in schedule contracts, the government will enjoy a ripple of benefits, specifically an increase in competitive pressure on prices and in the variety of products and services for agencies to choose from.

Section 2 of the bill would amend the Federal Property and Administrative Services Act of 1949 to add a new section defining the procedures of the Multiple Award Schedule Contract Program. The fundamental objective of the program is stated at the outset: to provide executive agencies with a simplified means to acquire limited quantities of commercial products and services at fair and reasonable prices. The new section then sets forth procedural provisions regarding the award and administration of schedule contracts to meet that objective.

With respect to the award of schedule contracts, the section provides that among other things:

GSA's pricing objective will be to obtain fair and reasonable prices. Negotiation of fair and reasonable prices is the paramount requirement applicable to every acquisition by the government. This well-established requirement would replace the existing vague and often counter-productive policy objective of GSA to obtain "most favored customer" pricing.

The determination of fair and reasonable prices would be made using either price or

cost analysis under applicable procurement regulations. Since commercial products and services are solicited under the schedules program, price analysis, which essentially involves the consideration of comparable commercial catalog and market prices for the items involved, would ordinarily be used.

The determination of fair and reasonable prices would take into consideration the unique features of the schedules program, such as the total aggregate volume of purchases to be expected under a schedule contract and the existence of multiple ordering and delivery sites to be administered.

Only the minimum amount of data necessary to conduct effective negotiations would be required from schedule offerors. This restriction is intended to make the schedules program disclosure requirements consistent with the Paperwork Reduction Act.

Prices under awarded schedule contracts would be subject to adjustment as necessary to assure that they remain fair and reasonable. An appropriate implementing clause must be included in every contract for this purpose.

Disappointed offerors would be able to protest decisions of the contracting officer in connection with the award of schedule contracts to the GSA Board of Contract Appeals, a forum with established expertise in this area.

With respect to administration of schedule contracts, the section includes certain agency justification and reporting requirements. Orders in excess of \$2,500, at other than the lowest deliverable price, would have to be reported to the advocate for competition of the agency who will be responsible for policing the agency's compliance with the procedures governing the use of schedule contracts. The intent here is to respond to complaints we have heard that agencies are ignoring or failing to follow those procedures. While I am very disturbed by such complaints, the sensible answer does not lie in burdening agencies with additional procedures, but in more effectively policing compliance with the procedures which already exist and have not been proven ineffective.

The section would also require that a senior procurement executive be appointed within GSA to manage the schedules program and interface with executive agencies and industry. A program of this magnitude certainly warrants the existence of a single responsible official who can account for its proper management. The section would also require the development of a training program within GSA for the appropriate training of agency personnel responsible for the negotiation and award of schedule contracts.

Section 3 of the bill would require GSA to revise its existing procedures to conform to the provisions of the bill by no later than their effective date.

Section 4 of the bill would make the provisions of the bill effective 120 days after its enactment.

In conclusion, Mr. President, I believe that this bill contains needed reform which will substantially benefit the procurement system. I look for-

ward to working with you and my other colleagues toward its enactment.

Mr. President, I ask unanimous consent that a more detailed section-by-section analysis be printed in the RECORD.

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

MULTIPLE AWARD SCHEDULE PROGRAM REFORM ACT OF 1992 SECTION-BY-SECTION ANALYSIS

This bill, the Multiple Award Schedule Program Reform Act of 1992, will improve the multiple award schedule program, administered by the General Services Administration, by giving it clear statutory basis and setting forth needed provisions to govern the award and administration of schedule contracts.

Section 1. Section 1 provides that the title of the bill is the "Multiple Award Schedule Program Reform Act of 1992".

Section 2. Section 2 of the bill adds a new section 113 to Title 1 of the Federal Property and Administrative Services Act of 1949 to define the objective and scope of the procedures used by the Administrator of the General Services Administration in the negotiation and award of contracts under the multiple award schedule program.

New subsection 113(a) contains definitions of the terms "multiple award schedule program" and "multiple award schedule contracts".

New subsection 113(b) states generally that the procedures shall be intended to provide Federal agencies with a simplified means to acquire limited quantities of commercially available items and services at fair and reasonable prices.

Paragraph (1) of the new subsection provides that the pricing objective of the General Services Administration in negotiating multiple award schedule contracts shall be to obtain fair and reasonable prices. This paragraph further prohibits the award of a scheduled contract absent a written determination that this objective has been achieved. This paragraph also provides that no award may be withheld unless a supportable determination of fair and reasonable prices cannot be made.

Paragraph (2) of the new subsection provides that schedule contract prices ordinarily shall be negotiated based upon established catalog or market prices for the offered items. The basis for price negotiations shall be cost or pricing data when such data is required by applicable law.

Paragraph (3) of the new subsection provides that the determination of fair and reasonable prices under multiple award schedule contracts shall be made in accordance with either price or cost analysis, whichever applies. Subparagraph (3)(A) provides that when price analysis is used, all relevant and reasonably available information called for by regulation shall be considered, inclusive of the offeror's discount and pricing policies for those commercial buyers purchasing in substantial quantities under terms and conditions similar to the government, and the prices offered by other schedule offerors for similar items.

Subparagraph (3)(B) provides that the fair and reasonable price determination shall take into consideration the aggregate volume of purchases to be expected under the schedule contract, as well as the lack of any minimum quantity commitments. This subparagraph also requires that appropriate consideration be given to the existence of

multiple agency ordering and delivery sites to be administered under the contract.

Subparagraph (3)(C) provides that the government shall be considered an end-user buyer for purposes of conducting negotiations. This subparagraph also provides that primary consideration in determining fair and reasonable prices, using price analysis, shall be given to the offeror's discount and pricing policies relative to its large volume, end-user commercial buyers.

Paragraph (4) of the new subsection restricts the amount of discount and sales information to be submitted by schedule offerors to the minimum information necessary to support a fair and reasonable price determination. Thus, information concerning an offeror's non-end user commercial buyers operating under different terms and conditions ordinarily should not be required. This restriction is intended to make the disclosure requirements consistent with the provisions of the Paperwork Reduction Act.

Paragraph (5)(A) of the new subsection provides that prices under awarded schedule contracts shall be subject to adjustment whenever necessary to remain fair and reasonable. Paragraph (5)(B) identifies those circumstances which would provide a basis for a schedule price adjustment.

Paragraph (5)(C) restricts the amount of any schedule price adjustment to that which is necessary to make the price fair and reasonable in the determination of the contracting officer.

Paragraph (5)(D) provides that reduced price sales to Federal agencies shall not be the basis for schedule price adjustments where such sales are in excess of the schedule contract maximum order limitation and are made using competitive procedures.

Paragraph (5)(E) requires that all multiple award schedule contracts include appropriate reporting requirements in order to implement required schedule price adjustments.

New subsection 113(c) includes certain provisions regarding the use of multiple award schedule contracts by authorized agencies. Paragraph (1) of the new subsection reaffirms the requirement in existing law that orders under multiple award schedule contracts be placed so as to obtain the lowest overall cost alternative to meet the needs of the agency.

Paragraph (2) of the new subsection imposes a justification and reporting requirement on user agencies when placing orders under schedule contracts in excess of \$2,500 at greater than the lowest deliverable price under any such contract. Such orders would have to be reported to the advocate for competition of the agency for consideration in connection with performance of the advocate's duties and responsibilities set forth in the Office of Federal Procurement Policy Act.

New subsection 113(d) includes certain miscellaneous provisions. Paragraph (1) of the new subsection requires that all schedule contracts for periods in excess of one year provide for at least annual "open seasons" for solicitation of additional offerors.

Paragraph (2) of the new subsection requires that a procedure exist within the General Services Administration for appeals by schedule offerors of contracting officer decisions on preaward pricing matters. Such appeals would be made to the head of the cognizant contracting office or an appropriate designee at a level above the contracting officer.

Paragraph (3) of the new subsection requires that the Administrator appoint a sen-

ior procurement executive to be responsible for management direction of the multiple award schedule program in order to assure that the objectives and provisions of this section are achieved. This paragraph also requires that the appointed individual implement procedures to assure the timely award and administration of schedule contracts, and serve as the Administrator's liaison to executive agencies and industry.

Paragraph (4) of the new subsection requires that the Administrator develop and maintain a training program for personnel involved in the negotiation and award of multiple award schedule contracts to assure that they have adequate knowledge of the program, basic commercial business practices and price and cost analysis techniques.

Paragraph (5) of the new subsection provides that user agencies shall be provided access to all multiple award schedule contracts which are awarded, as well as appropriate guidance concerning the use of such contracts in accordance with applicable procurement regulations.

New subsection 113(e) provides that offerors for multiple award schedule contracts may protest decisions of a contracting officer or an individual designated under subsection 113(d)(2), in connection with the award or failure to award a schedule contract, to the board of contract appeals of the General Services Administration. The subsection further provides that the board shall review such protests using the standard applicable to review of contracting officer final decisions. The subsection also provides that such protests shall be subject to the procedures which govern protests filed under the authority of section 111(f) of the Federal Property and Administrative Services Act.

Subsection (b) of Section 2 of the bill conforms the Table of Contents in the first section of the Federal Property and Administrative Services Act of 1949 to add a new item referencing "Sec. 113. Multiple Award Schedule Program procedures."

Subsection (c) of Section 2 of the bill amends Section 20(b) of the Office of Federal Procurement Policy Act to require that agency advocates for competition review the compliance of their respective agencies with the regulations governing the use of multiple award schedule contracts.

Section 3. Section 3 of the bill requires that the Administrator revise the existing procedures for the negotiation and award of multiple award schedule contracts to reflect the provisions of this bill. Such revised provisions are to be finalized by the effective date of the Act and shall apply to all schedule contracts awarded after such date.

Section 4. Section 4 of the bill provides that the amendments made by the bill will become effective 120 days after enactment.●

By Mr. KENNEDY:

S. 2621 A bill to improve the administrative provisions and make technical corrections in the National Community Services Act of 1990; to the Committee on Labor and Human Resources.

NATIONAL AND COMMUNITY SERVICE TECHNICAL AMENDMENT ACT

Mr. KENNEDY. Mr. President, today I am introducing the National and Community Service Technical Amendments Act of 1992. This legislation makes minor technical and administrative changes in the National and Community Service Act of 1990. These modifications will help the Commis-

sion on National Service, the independent agency created to administer the act, to do a more effective job of carrying out its mission of involving more Americans in service to their community and their country.

These amendments have the support of the National Service Commission, the Bush administration, and Senators HATCH and MIKULSKI. These changes will improve the Commission's ability to expand the numbers of citizens involved in addressing the most pressing problems facing communities across the Nation, such as illiteracy, homelessness, drug abuse, and poverty.

These amendments will enhance implementation of the act in several ways. They will allow the Commission to perform better evaluations of programs it funds, thereby improving the efficiency and effectiveness of the act. The amendments clarify Congress' intent that the Commission has the ability to appoint an executive director, bring in outside experts from the community service field to provide the best technical assistance possible, and hire such staff as is necessary to handle day-to-day administration.

Also, the amendments made explicit the Commission's authority to hire consultants, accept donations of services and property, and enter into agreements with other Federal agencies in order to share information or personnel. Finally, the amendments raise the authorization level for the Commission from \$2 million to \$3 million a year. The budgetary increase is essential for the Commission to fulfill its numerous statutory mandates, monitor the grants awarded in the first year of implementation, and distribute an anticipated increased number of grants in the second year.

The National Service Commission is guided by an extraordinarily diverse and talented Board of Directors. It has shown commendable energy and dedication throughout the implementation process. In 6 months' time, they have issued preliminary rules and regulations, held hearings across the country to receive public comments, promulgated final regulations, and accepted grant applications. This week, they began evaluating and reviewing the several hundred proposals received. The Commission and its staff deserves great credit for these tireless efforts. These technical amendments will facilitate this important work, and I look forward to prompt approval of the amendments by Congress.

By Mr. ROBB:

S. 2622. A bill to establish an Office of Cambodian Genocide Investigation, to support efforts to bring to justice national Khmer Rouge leaders who committed crimes against humanity on Cambodia, and to exclude the national leadership of the Khmer Rouge from the United States; to the Committee on Foreign Relations.

KHMER ROUGE PROSECUTION AND EXCLUSION ACT

• Mr. ROBB. Mr. President, a longtime scholar of Cambodia, recently observed that it is common to hear the view expressed among Cambodians about the Khmer Rouge that "Pol Pot massacred his own Khmer People". Auto-genocide, the killing of one's own people doesn't appear in Webster's dictionary, but the "word" aptly describes what happened to the Cambodian people during the Khmer Rouge's 3½ year reign of terror between 1975 and early 1979. Sadder yet, the international community passes the autogenocide issue by as if nothing happened.

Mr. President, diplomacy, in part, entails understanding a foreign country's history, and applying that wisdom in the future. How can the international community help build a better future for Cambodia, if it fails to help remedy the psychological wounds from that country's genocidal past?

During his recent visit to Washington, I spoke privately, with Cambodian Prime Minister Hun Sen about the genocidal Khmer Rouge, and the current challenges facing his nation. Hun Sen expressed to me his moral outrage about the slaughter of over a million innocent Cambodians, at Pol Pot's behest in the 1970's, but he despaired when I asked what could be done about pursuing the issue of genocide. On such a difficult question, I realize there are few easy answers. When I travel back to Phnom Penh in less than 2 weeks, I will raise the matter again with the Prime Minister, and others in hopes of reminding Cambodians that we have not forgotten about Pol Pot's atrocities.

Mr. President, more than a decade after the killing fields, the presence of the Khmer Rouge still haunts this war-ravaged nation. We're in the midst of a massive U.N. peacekeeping operation that points toward elections, presumably sometime next year, with no assurance that the Khmer Rouge, who have been dealt a hand at the table as part of a calculated gamble to restore lasting peace in Cambodia, will not be returned to power.

Mr. President, I believe pressure must be brought to bear, now, on the national military, and political leadership of the Khmer Rouge within the parameters of the Paris Peace Accord, and the legislation I am introducing today, accomplishes this feat.

The Khmer Rouge Prosecution and Exclusion Act, establishes a State Department office located in Cambodia to investigate crimes against humanity, committed by national Khmer Rouge leaders, in the period beginning April 17, 1975, and ending January 7, 1979, provides the people of Cambodia with access to documents, records, and other evidence, held by this newly created office, and requires that the relevant data accumulated be submitted

to an international tribunal, that hopefully, will be convened at a later date to formally hear and judge the genocidal acts committed by the Khmer Rouge.

Mr. President, the legislation is quite simple. It is aimed directly at the national leadership of the Khmer Rouge. Establishment of an investigative office is in no way designed to affect the interim U.N. administration of Cambodia, or the eventual conduct of elections. Our administration should in no way interpret this measure as an obstacle to current United States and United Nations efforts, to create a framework for elections in Cambodia, which I strongly support. In fact, if anything the legislation could create a more informed electorate in Cambodia, singling out certain Khmer Rouge leaders as the lawless hoodlums they pretend not to be.

Mr. President, those of us interested in bringing to justice, the national military and political leadership of the Khmer Rouge, find ourselves, in an awkward position. Literally, what steps can be taken to prosecute Pol Pot, Khieu Samphan, Son Sen, Leng Sary, Nuon Chea, Ke Pauk, Mok, Leng Thirith, Yun Yat, and others for their past actions?

Applying the Convention on the Prevention and Punishment of the Crime of Genocide holds some promise, since the Senate has ratified it and Cambodia abides by it, but unfortunately language in the Convention suggests, at least to me, conditional jurisdiction.

Specifically, let me quote from the report issued by the Foreign Relations Committee in 1985 when the Convention was considered and ratified:

Article II limits the crime of Genocide to acts aimed at the destruction of national, ethnical, racial, or religious groups. The terms are meant to extend coverage of the convention to as many groups as possible. The principal group excluded from article II is a group that is identifiable on the basis of its political beliefs alone. A group defined solely by its opposition to an occupying power, for example, is not protected by the Convention.

Khmer Rouge leaders, who I understand have read provisions of the Genocide Convention with an eye for detail, view article II as a potential loophole. And they may be right. Pol Pot and his cohorts, might claim that it was their political beliefs alone that caused the opposition to be joined, which would fortuitously rule out their being defined as genocide offenders under article II.

Additionally, Mr. President, article VI of the Genocide Convention states that:

Persons charged with genocide or any other acts * * * shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

In other words, consent from Cambodian leaders, whomever they may be when elected, will be necessary in order to prosecute Pol Pot and other national leaders. Thus, understanding the conditionality involved in pursuing the matter, I urge the international community to gather itself to challenge the Khmer Rouge leadership's convoluted arguments, justifications, and denials for not being put on trial. This legislation can serve as a useful means for achieving that end. And while I understand there has not yet been an instance where the Genocide Convention has been successfully invoked, this should not deter us from attempting to apply its provisions to the Khmer Rouge.

Mr. President, this legislation seeks to create momentum now so that we may prosecute Pol Pot and his henchmen later. The bill casts proper light on these wanton killers of the Cambodian people, and begin the effort to establish an official and conclusive record of the crimes against humanity committed by the Khmer Rouge.

Mr. President, on the subject of genocide, I've been struck recently by the acute interest in the plight of the Kurds. Notable figures, such as Jeanne Kirkpatrick and Senator Dole, have termed what happened in Kurdistan as genocide, and I have no quarrel with their characterizations. Regarding the Kurdish population in Iraq, 3 weeks ago the minority leader asked, "where is the outrage? Have we not learned from Hitler's holocaust, from the killing fields of Cambodia?" Unfortunately, the factual record on the killing fields in Cambodia is incomplete, and as the years slip by it becomes more difficult to establish in any comprehensive fashion, exactly what happened during those years of terror. History is being whitewashed, much to the delight and satisfaction of Pol Pot.

However, the legislation I am introducing today, will vastly expand our base of knowledge by documenting, collecting, organizing, and evaluating information on the atrocities committed by national Khmer Rouge leaders against Cham Moslems, Khmer peasants, Buddhist Monks, ethnic Chinese, and scores of others. It will also make clear, this body's abhorrence of such mass extermination campaigns, and demonstrate what can be done in the aftermath to prevent them from ever happening, again.

Mr. President, if someone were to suggest that initiating a broad scale investigation of these renegades, sounds good but is far-fetched, there is a modern day precedent for such fact gathering and documentation to consider relating to war crimes committed in Kuwait, by Iraqi occupiers. In August, 1990, the State Department, and Department of Defense began to pursue Iraqi war criminals. Dozens of officials at State and DOD were tasked to col-

lect information, interview victims and eyewitnesses, track media reports, debrief Iraqi defectors, cultivate foreign sources, and establish an overall data base, of evidence, in order to prosecute, at some later date, those individuals responsible for committing war crimes. A War Crimes Documentation Center, was established to serve as the point of control and direction, for the operation. Significant expenditures were made, to gather the information, and I understand the accumulation of evidence is continuing.

Mr. President, in order to make the strongest case possible against Pol Pot and his collaborators, we need to establish a similar type of operation on the ground in Cambodia. While some may argue that a statute of limitations exists, I simply don't believe that's the case. Too many Cambodians died, horrible senseless deaths for us to let this slip from our memories, and the future of this country is too important for us to move ahead without properly reflecting on what's happened.

At the signing of the Paris Peace Accord, Secretary of State Baker committed the United States to supporting "efforts to bring to justice, those responsible for the mass murders of the 1970's, if the new Cambodian government, chooses, to pursue this path," but that places a heavy burden on future Cambodian leaders. We need to begin providing strong incentives, now, not later, to the future leadership of the country to choose to prosecute the national Khmer Rouge leaders, and this legislation will provide factual grounds for going that route.

Mr. President, a U.S. initiated, U.S. funded, and U.S. operated investigative office will increase the likelihood that an airtight case is made against specific perpetrators when and if a penal tribunal is convened, while keeping the spotlight on these common law criminals in the interim. Any Cambodian, will be able to learn about his or her country's grisly history, and we can hope specific information about how and when and where a relative was executed.

Make no mistake, Mr. President, being held accountable is what national Khmer Rouge leaders fear most. An Office of Cambodian Genocide Investigation will allow the international community, led by the United States, to take the first tentative steps toward hunting down these individuals for their crimes against humanity. It will tighten the noose on the Khmer Rouge, and I believe, every Member would agree on the worthiness of that goal.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. BENTSEN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 4, a bill to amend titles

IV, V, and XIX of the Social Security Act to establish innovative child welfare and family support services in order to strengthen families and avoid placement in foster care, to promote the development of comprehensive substance abuse programs for pregnant women and caretaker relatives with children, to provide improved delivery of health care services to low-income children, and for other purposes.

S. 25

At the request of Mr. CRANSTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 68

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 177

At the request of Mr. INOUE, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 177, a bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS Program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and for other purposes.

S. 215

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products.

S. 240

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 1010

At the request of Mr. INOUE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1010, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 1788

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1788, a bill to establish the National Air and Space Museum Expansion Site Advisory Panel for the purpose of developing a national competition for the evaluation of possible expansion sites

for the National Air and Space Museum, and to authorize the Board of Regents of the Smithsonian Institution to select, plan, and design such site.

S. 1860

At the request of Mr. GRASSLEY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1860, a bill to amend part A of title IV of the Social Security Act to remove barriers and disincentives in the program of aid to families with dependent children so as to enable recipients of such aid to move toward self-sufficiency through microenterprises.

S. 1929

At the request of Mr. DECONCINI, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 1929, a bill to amend the Internal Revenue Code of 1986 to allow individuals to exclude certain amounts of interest from gross income.

S. 1942

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Illinois [Mr. DIXON], the Senator from Massachusetts [Mr. KERRY], the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1942, a bill to provide for procedures for the review of Federal department and agency regulations, and for other purposes.

S. 1988

At the request of Mr. COHEN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1988, a bill to amend title XVIII of the Social Security Act to provide for improved standards to prevent fraud and abuse in the purchasing and rental of durable medical equipment and supplies, and prosthetics and orthotics, and prosthetic devices under the Medicare Program, and for other purposes.

S. 2013

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2013, a bill to amend chapter 1 of title 17, United States Code, to enable satellite distributors to sue satellite carriers for unlawful discrimination.

S. 2055

At the request of Mr. SIMON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2055, a bill to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under the Act, and for other purposes.

S. 2089

At the request of Mr. NICKLES, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2089, a bill to repeal exemptions from civil rights and labor laws for Members of Congress.

S. 2283

At the request of Mr. HEFLIN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2283, a bill to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1993, 1994, 1995, and 1996, and for other purposes.

S. 2321

At the request of Mr. AKAKA, the names of the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], the Senator from Nevada [Mr. BRYAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from New York [Mr. D'AMATO], the Senator from Colorado [Mr. WIRTH], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2321, a bill to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes.

S. 2327

At the request of Mr. HATFIELD, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Georgia [Mr. FOWLER], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2346

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 2346, a bill to provide for comprehensive health care access expansion and cost control through standardization of private health care insurance and other means.

S. 2366

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 2366, a bill to provide for coverage of Congress under Federal civil rights and employment laws, and for other purposes.

S. 2400

At the request of Mr. PRYOR, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 2400, a bill to amend title XVIII of the Social Security Act to extend special payments under part A of Medicare for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are Medicare beneficiaries.

S. 2409

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2409, a bill to amend the provisions of the Omnibus Trade and Competitiveness Act of 1988 with respect to the en-

forcement of machine tool import arrangements.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Idaho [Mr. SYMMS], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2508

At the request of Mr. SPECTER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2508, a bill to amend the Unfair Competition Act to provide for private enforcement of the Unfair Competition Act in the event of unfair foreign competition, and to amend title 28, United States Code, to provide for private enforcement of the customs fraud provisions.

S. 2514

At the request of Mr. BUMPERS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2514, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week".

SENATE JOINT RESOLUTION 227

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Members of Congress.

SENATE JOINT RESOLUTION 230

At the request of Mr. REID, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 230, a joint resolution providing for the issuance of a stamp to commemorate the Women's Army Corps.

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Dakota [Mr. DASCHLE], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Vermont [Mr. LEAHY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 251

At the request of Mrs. KASSEBAUM, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Colorado [Mr. BROWN], the Senator from Missouri [Mr. BOND], the Senator from Missouri [Mr. DANFORTH], the Senator from Virginia [Mr. ROBB], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Georgia [Mr. NUNN], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 251, a joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Florida [Mr. MACK], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19 - 25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 262

At the request of Mr. SPECTER, his name was added as a cosponsor of Senate Joint Resolution 262, a joint resolution designating July 4, 1992, as "Buy American Day."

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating the week of January 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 282

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Joint Resolution 282, a joint resolution to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

SENATE JOINT RESOLUTION 292

At the request of Mr. SMITH, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors

of Senate Joint Resolution 292, a joint resolution to provide for the issuance of a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. DODD, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution urging the Government of the United Kingdom to address continuing human rights violations in Northern Ireland and to seek the initiation of talks among the parties to the conflict in Northern Ireland.

SENATE RESOLUTION 221

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 221, a resolution to establish a procedure for the appointment of independent counsels to investigate ethics violations in the Senate, transfer to the Committee on Rules and Administration the remaining authority of the Select Committee on Ethics, and abolish the Select Committee on Ethics.

SENATE RESOLUTION 249

At the request of Mr. D'AMATO, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 249, a resolution expressing the sense of the Senate that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg.

SENATE CONCURRENT RESOLUTION 110—AUTHORIZING CONSTRUCTION OF A MONUMENT ON UNITED STATES CAPITOL GROUNDS TO HONOR THOMAS PAINE

Mr. SYMMS (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BOND, Mr. BOREN, Mr. BREAUX, Mr. BROWN, Mr. BURDICK, Mr. BURNS, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DeCONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORTON, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. WOFFORD) sub-

mitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 110

SECTION 1. AUTHORIZATION OF MEMORIAL.

(a) IN GENERAL.—The Thomas Paine National Historical Association (hereafter referred to in this Resolution as the "Association") is authorized to construct on the United States Capitol Grounds, at a site specified in subsection (b), an appropriate monument, which shall be an Heroic Statue, to honor the United States patriot, founding father, writer, and political philosopher, Thomas Paine.

(b) SITE FOR MONUMENT.—The monument authorized by subsection (a) shall be constructed on a site, to be approved by the Architect of the Capitol and designated as the "Thomas Paine Memorial Commons", within the area designated as square 575 on the drawing of the Architect of the Capitol, bordered by Pennsylvania Avenue on the south, Third Street on the west, Constitution Avenue on the north, and First Street on the east.

SEC. 2. DESIGN.

In accordance with section 4, the Association shall submit the original design and plans for the construction of the monument for approval to the Architect of the Capitol, who shall review submitted designs and plans within three months.

SEC. 3. PAYMENT OF EXPENSES.

The United States shall not pay any expense of the establishment of the monument.

SEC. 4. CONDITIONS.

(a) PLANS.—The Association shall submit the design and plans for the construction of the monument within 12 months following the date of the passage of this Resolution.

(b) COMMENCEMENT OF CONSTRUCTION.—Subject to subsection (c) and in consultation with the Architect of the Capitol, the Association shall commence construction of the monument within 36 months following the date of approval by the Architect of the Capitol of the plans pursuant to section 2.

(c) SUFFICIENT FUNDS.—Construction of the monument shall not begin until the Architect of the Capitol finds that the Association has sufficient funds available to ensure completion of the monument.

(d) FAILURE TO MEET CONDITIONS.—The Architect of the Capitol is authorized to revoke the authority granted by section 1 if the Architect determines that the Association has failed to satisfy any condition set forth in subsection (a), (b), or (c). In such event, or if the Association abandons the planning or construction of the monument, all unexpended funds collected by the Association through charitable solicitation shall be returned to the donors.

SEC. 5. ACCEPTANCE AND MAINTENANCE.

After completion of the monument according to the approved plans and specifications, it shall be accepted on behalf of the people of the United States by the Congress and shall be maintained by the Congress as part of the United States Capitol Grounds.

Mr. SYMMS. Mr. President, today, I am submitting a concurrent resolution which deals with Thomas Paine. Thomas Paine wrote *Common Sense*, *The American Crisis*, *The Rights of Man*. He converted the Colonial discontent into action. He was the first Founding Father to publicly advocate the abolition of slavery in North America. Yet he has not yet been honored with even

a plague in our Nation's Capitol, although there is a small painting of his profile on a ceiling on the House Side, thanks to Senator Max Mathias and Representatives Augustus Hawkins and Fred Schwengel.

This legislation I am submitting today will allow the private sector to construct a modest memorial in the form of a heroic statue, to Thomas Paine on publicly owned land at the intersection of Pennsylvania and Constitution Avenues on the grounds of the Capitol. This memorial will be constructed entirely with volunteer contributions at no cost to the taxpayer, and visitors to Washington will no longer wonder why we have overlooked one of the most important figures in American history.

Under the terms of the legislation, the Architect of the Capitol has total authority to ensure the memorial is consistent with our Capitol's design and beauty.

Paine emigrated from England to Pennsylvania at the urging of Ben Franklin. Immediately after arriving Paine published attacks on slavery and the subjugation of women, followed by the first call to separate from England and create the United States of America as a free and sovereign democratic nation with a written constitution for the purpose of: "securing freedom and property to all men, and above all things, the free exercise of religion, according to the dictates of conscience."

Paine's most important works were published in Pennsylvania, so not surprisingly, he influenced the authors of the Pennsylvania Constitution, which contains many of the limits on Government power which first appeared in "Common Sense" and now are in our U.S. Constitution and Bill of Rights. As early as 1776 Paine published arguments for a representative, democratically elected government. Additionally, he successfully advocated the protection of individual and States rights while reconciling them with the need for a strong union for defense and to facilitate trade.

Mr. President, imagine with me if you will what might have happened had Ben Franklin not asked Thomas Paine to leave his birthplace in England and move to North America.

Imagine that Thomas Paine had not written "African Slavery in America," in 1774 which inspired the establishment of the first abolitionist society in North America.

Imagine that Paine had not written "Common Sense," and that it had not sold well over 100,000 copies to the few million people living here at that time.

Imagine that Paine's work, "The American Crisis," had not been available for General George Washington to have read to his troops, resulting in the victory at the Battle of Trenton in the closing moments of 1776.

Mr. President, suffice it to say that without Thomas Paine, the history of

our Nation would have been a lot different.

I am not saying that we would still be a colony of England, simply that Thomas Paine was the catalyst who converted colonial angst into concrete action, and lifted the spirits of our retreating army, on the verge of defeat and converted their frustration, hunger and discontent into a bold and decisive victory.

Mr. President, like I have been, I am sure many of our colleagues have been asked by their constituents why there has never been a monument erected here in Washington, DC to Thomas Paine, for families to see that visit here to recognize this great American, one of the Founding Fathers.

Incidentally, our schoolchildren are taught that he was a principal force in founding the United States of America, a term that he made popular, "the United States of America."

In "African Slavery in America," Paine identified the despicable nature of slavery, and the fundamental human rights it violated.

In "Common Sense," Paine laid the blueprint for freedom for our Nation, including a call for independence and written, constitutional protection of religious and property rights.

In "The American Crisis," Paine challenged the tired, cold, hungry, retreating troops to stand for freedom. He insisted, that indeed:

There are the times that try men's souls, The Summer Soldier and the Sunshine Patriot will, in this crisis, shrink from the service of their country; but he who stands now deserves the love and thanks of men and women.

And they won. It was the battle of Trenton, George Washington's first victory in the Revolution.

Mr. President, I want to see a monument to Thomas Paine erected here on Capitol Hill. Families visiting Washington, DC, have wondered too long why Thomas Paine is not memorialized in the Nation's Capital even though their children are taught he was a principal force in the founding of the United States of America, incidentally, a term he made popular.

Many of our colleagues, representing very diverse States and political philosophies have joined professors department chairs, and presidents of more than 80 of our Nation's colleges, universities, and respected organizations to finally accord Thomas Paine the honor he deserves as a Founder of our Nation.

As many of our colleagues may know, Thomas Paine called for revolution and independence while many patriotic leaders were still advocating reconciliation with the British monarchy. In essence Thomas Paine started the American Revolution by publishing "Common Sense."

His accomplishments are truly amazing. He wrote the best-selling publica-

tion written during his lifetime, yet he never got beyond grammar school. He was raised in poverty with tremendous respect for individual effort and liberty.

Prior to emigrating to America from England, Paine was a stay maker, a British exciseman, a schoolteacher, tobacconist, and grocer. In November 1774, he arrived in America with a letter of introduction from his friend, Benjamin Franklin who characterized him an "ingenious, worthy young man."

Paine's adult life was as difficult his childhood. His first wife, Mary, died almost 1 year after they married. His second wife, Elizabeth, separated from him after 3 years of marriage. Paine never had children.

Though poverty forced him to leave school at a young age, Paine educated himself. His deep understanding of current events and the sciences came strictly through his own desire, hard work, and discipline.

Thomas Paine came to Philadelphia on the November 30, 1774 to become what he would go down as in history: a journalist. He began by writing a broad range of articles for a publication called Pennsylvania magazine.

Even though Paine championed the abolition of slavery his first writings in America, it was "Common Sense" published in 1776 which enshrined him as a forefather of the American Revolution.

"Common Sense" stands as one of the great writings of all time. In this landmark publication of American history, Paine demonstrated that the Colonies had not only a practical, but also a moral obligation to immediately declare total Independence.

If Independence was embraced while American society was young, relatively pure and without corruption, Americans could demonstrate that indeed: "we have the power to make the world over again." Americans could show that if government respected private property, equal rights, religious freedom and individual liberty our society has the power to create opportunity and to advance society more than any other time in history. How right he was Mr. President.

He was a visionary who knew we had a mission. Paine was the first journalist to recognize that Americans could alter history and be a beacon for freedom.

Paine's political ideology blended a belief in limited government to protect individuals' rights while maintaining a strong Federal union for national defense and development of trade. He explained these complementary values in "Common Sense," the Crisis papers and later in the pamphlet, Public Good.

When there were only a few million people in the Colonies, "Common Sense" sold more than 100,000 copies—that must certainly be a record in per capita readership. Maintaining his aus-

tere existence, Paine gave all profits from "Common Sense" to buy mittens and shoes for the soldiers of the Northern Continental Army, incidentally led by General Montgomery and Ethan Allen—who I have heard is, a relative of our distinguished colleague, the chairman of the Foreign Relations Committee, the Senator from Rhode Island [Mr. PELL].

In 1776, Paine enlisted in the army. The situation was bleak, the enlistments of the Continental Army were expiring and its soldiers had known only retreat. With the large British army within striking distance of Philadelphia, Paine wrote the first "Crisis" paper, called the "American Crisis I."

The piece was so striking and motivational that General Washington ordered it read to the soldiers. The words galvanized them to action. Led by Washington, they crossed the Delaware and inflicted an important defeat on the better armed, and larger British and Hessian forces in New Jersey.

If you can picture this, Mr. President, it was cold, miserable and they were hungry. They had never seen victory. They had been chased and chased all the way from New York down through New Jersey to Pennsylvania. On the banks of the Delaware River—here were Paine's inspirational words from *American Crisis I*, that General Washington ordered read to the troops:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and women. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly; it is dearness only that gives everything its value.

In April 1777, at the suggestion of John Adams, Thomas Paine was appointed by the Continental Congress to be Secretary to its Committee on Foreign Affairs in America, while his friend Ben Franklin was stationed in France serving Americans as his counterpart.

Many of the French oppressed under the monarchy, had read translated copies of Paine's defenses of freedom. They found the arguments so compelling that he also is credited with an important role in the French Revolution, prior to the reign of terror, during which he was imprisoned for attempting to ensure the rights of individuals to control their government. He was even honored with 4 seats in the new French national constitutional convention, one of which he accepted.

October 16, 1789, Paine wrote to George Washington and said, "A share in two revolutions is living to some purpose."

In the spring of 1791, Paine published the first part of "The Rights of Man" which he designed to carry the principles of the American revolution to Europe.

In the "The Rights of Man" Paine wrote:

Government exists to guarantee to the individual that portion of his natural rights of which unaided he could not ensure himself. These rights, with respect to which all men are equal, are liberty, property, security, and resistance to oppression. Only a republican form of government can be trusted to maintain these rights; and the republic must have a written constitution, including a bill of rights; manhood suffrage, executive orders chosen for short terms and subjected to rotation in office, a judiciary not beyond ultimate control by the people, a legislative body popularly elected at regular intervals, and a citizenry undivided by artificial distinctions of birth and rank, by religious intolerance, by shocking economic inequalities.

What a great statement, Mr. President. "Such a republic," he argued, "will be well and cheaply governed for government is no farther necessary than to supply the few cases to which society and civilization are not conveniently competent."

Additionally, Thomas Paine always defended the right of men and women to worship and practice religion freely and in any form. Paine was raised a Quaker. However, throughout his adult life he was a devout Deist, like his peers George Washington, Ben Franklin and Thomas Jefferson. Paine affected the very founding of the United States of America. He was a fiery, head strong agitator, committed to the rights of individuals and the basic glory of the common man.

Paine gave American independence its rationale; he inspired a torn, cold army on the brink of defeat; he wrote to abolish slavery; he held the first post which later evolved into the Secretary of State; he participated in two revolutions defending the principles of liberty, nearly losing his life in the second, as well as risking his life in battle in the first. For Paine, human dignity was a natural right, not a privilege.

Maintaining his involvement in our Nation, Thomas Paine actively corresponded with his peers, like Thomas Jefferson and James Monroe, until he died in New York on June 8, 1809. His contribution to the founding and development of our country cannot be overstated. In truth, it is horribly understated. It is for this reason that Thomas Paine should be remembered with a monument to let us never forget this agitator for freedom. I want to quote President Kennedy, who in 1963 in then-West Berlin said Benjamin Franklin once said to Thomas Paine, the great American revolutionary, "Where freedom is, there is where I live." And Paine replied, "Where freedom is not, there is where I live, because no man or country can be really free unless all men and all countries are free."

Mr. President, I hope my colleagues in the Senate who have been so generous with their support will help us, and I know they will, in an effort to au-

thorize the private sector to construct a fitting but modest memorial to this great patriot at no cost to the taxpayer.

Mr. President, I send to the desk the resolution on behalf of myself, Senators ADAMS, AKAKA, BOND, BOREN, BREAUX, BROWN, BURDICK, BURNS, COATS, COCHRAN, COHEN, CONRAD, CRAIG, CRANSTON, D'AMATO, DANFORTH, DASCHLE, DECONCINI, DODD, DOLE, DOMENICI, DURENBERGER, FOWLER, GARN, GORTON, GRASSLEY, HARKIN, HATCH, HATFIELD, HEFLIN, HELMS, HOLLINGS, INOUE, JEFFORDS, KASSEBAUM, KASTEN, KENNEDY, LEVIN, LIEBERMAN, LOTT, LUGAR, MACK, MCCAIN, MCCONNELL, MIKULSKI, MURKOWSKI, NICKLES, NUNN, PACKWOOD, PELL, PRESSLER, REID, RIEGLE, ROBB, ROCKEFELLER, ROTH, RUDMAN, SANFORD, SARBANES, SEYMOUR, SHELBY, SIMON, SIMPSON, SMITH, SPECTER, STEVENS, THURMOND, WARNER, WELLSTONE, and WOFFORD.

Mr. President, these 71 Senators include 12 of the 16 members of the Senate Committee on Rules and Administration. I would like to pay special thanks to the distinguished Presiding Officer for adding his name to this effort.

Mr. SYMMS, I might say to my distinguished colleague in the chair, that probably what will happen once this is passed is that the Thomas Paine Association will be around for a contribution to help build this heroic statue.

I would like to thank the Hon. Nita Lowey of New York for her support and hard work on the House side. They have a very diverse, broad-based bipartisan support over there, I am told there are over 225 members.

There are some differences in the two bills, although the Paine Association has now asked, with the overwhelming support of the historical community that both houses support the Senate version.

Essentially, the thrust of the efforts in both houses is to build a private sector memorial in recognition of Thomas Paine. Ours is site specific to have it here on the grounds at the crossroads of Pennsylvania and Constitution Avenues.

I might say for those who are watching or listening or will read this RECORD, the reason for that is Thomas Paine was a primary influence on the authors of the Constitution of the State of Pennsylvania, and made the first call for our written Constitution. Additionally he published his most important work in Pennsylvania.

We have selected a very appropriate location on the Capitol grounds that would be under the jurisdiction of the Architect of the Capitol, as directed by Congress upon the adoption of this concurrent resolution. Also it will make it much easier to raise these private sector funds to build this monument if the Senate and House agree to place it at the junction of Constitution and Pennsylvania Avenues.

I also would like to say special thanks to David Henley, the local representative of the Thomas Paine Association for his endless research and volunteer lobbying efforts; Doug Cooper, President of the Thomas Paine National Memorial Association of New Rochelle, NY for his commitment to complete the project and keep the ideas of freedom alive; to Florence Stapleton, the past President of the Association, and current head of the Thomas Paine Readers Club, without whose vision and commitment the Paine Association would not be flourishing today; and to Dr. Chuck Howarth, from Boise, ID, who is the person who originally brought this to my attention over the years of our friendship that goes clear back to the early sixties and his personal interest, and scholarship of Paine. He is an ophthalmologist in practice, but he often lectures at local colleges and universities in my State and in that region on the importance in our history of this great American. Additionally, Mr. President, Trevor Norris of my staff has taken on this project with the "zeal of a convert", and I appreciate his effort in securing so much support of our colleagues and the academic community.

Mr. President, I ask unanimous consent that a packet of letters from institutions, from professors, chairs or presidents endorsing the Thomas Paine memorial legislation, coming from some 80 universities, be printed in the RECORD.

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

INSTITUTIONS WITH PROFESSORS, CHAIRS OR PRESIDENTS ENDORSING THE THOMAS PAINE MEMORIAL LEGISLATION, APRIL 9, 1992

American Historical Association—Washington, D.C. (President-Elect Tilly)
The American University—Washington, D.C.

Amherst College—Amherst, MA (Dr. Henry Steele Commager)

Arizona State University—Tempe, AZ (B.R. Burg and The Historian)

Arizona, University of—Tucson, AZ
Brown University—Providence, RI (Gordon Wood)

Buffalo, University of—Buffalo, NY
Brigham Young University—Provo, UT

California at Los Angeles, University of—Los Angeles, CA (Joyce Appleby)

Case Western Reserve University—Cleveland, OH

Chicago, University of—Chicago, IL
Cincinnati, University of—Cincinnati, OH

City University of New York—New York, NY (Arthur Schlesinger)

Colgate University—Hamilton, NY
Columbia University—New York, NY (Eric Foner, Pres-Elect O.A.H.)

Columbia University, City of New York—New York, NY

Connecticut, University of (State Historian, Dr. Christopher Collier)

Cornell University—Ithaca, NY
Democracy, College of—Arlington, VA

Emory University—Atlanta, GA
First Unitarian Church of Cleveland—Shaker Heights, OH

Fordham University—Bronx, NY
Genesco, State University of New York—Genesco, NY

George Mason University—Fairfax, VA
George Washington, The Papers of—Charlottesville, VA

Georgetown College—Georgetown, KY
Governor, State of New York—Albany, NY

Hawaii at Manoa, University of—Honolulu, HI

Hunter College—New York, NY
Indiana Historical Society—Indianapolis, IN

Irish National Caucus—Washington, D.C.
James Madison Encyclopedia—(Prof Emeritus U.V.A., Robert Rutland)

Kansas, University of—Lawrence, KS
Kentucky, University of—Lexington, KY

Kentucky, Wesleyan University—Owensboro, KY

London, University of—London, England (Claeys-Wash U. St. Louis)

Lander College—Greenwood, SC (Dr. J. Wilson—Co-Author, *Thomas Paine*)

Louisville, University of—Louisville, KY
Marquette University—Milwaukee, WI

Maryland at College Park, University of—College Park, MD

Maryland State Archives—Annapolis, MD
Massachusetts Institute of Technology—Cambridge, MA (Pauline Maier)

Memphis State University—Memphis, TN
Miami University—Oxford, OH

Murray State University—Murray, KY
New Jersey Archives, State of—Trenton, NJ

New Rochelle, City of—City Historian
New Rochelle, College of—New Rochelle, NY

New School for Social Research—New York, NY (Louise Tilly)

New York, City University of—New York, NY (David Hawke, Author: *PAINE*)

Oregon Historical Society—Portland, OR
Oregon, University of—Eugene, OR

Pace University—Pace Plaza, NY
Penn State University—University Park, PA

Pennsylvania, University of—Philadelphia, PA

Phi Alpha Theta—History Honor Society (Dr. D. Baird-Pepperdine)

Pittsburgh, University of—Pittsburgh, PA
Pittsburgh at Johnstown, University of—Johnstown, PA

President of the Organization of American Historians (Joyce Appleby)

Princeton University—Princeton, NJ
Rhode Island College—Providence, RI

Rhode Island, University of—Kingston, RI
Rochester, University of—Rochester, NY

Rutgers University—New Brunswick, NJ
Scranton, University of—Scranton, PA

Southbury, CT—James A. Rousmaniere, Selectman

St. Francis College—Ebensburg, PA
Stanford University—Stanford, CA

Syracuse University—Syracuse, NY
Tennessee, University of—Chattanooga, TN

United States Capitol Historical Society—Washington, D.C. (Hon. Fred Schwengel)

Utah State University—Logan, UT
Utah, University of—Salt Lake, UT

Vassar College—Poughkeepsie, NY
Virginia, University of—Charlottesville, VA

Washington University in St. Louis—St. Louis, MO

Wayne State University—Detroit, MI
Western Reserve Historical Society—Cleveland, OH

West Virginia University—Morgantown, WV

Wichita State University—Wichita, KS
Wisconsin—Madison, University of—Madison, WI

Yale University—New Haven, CT
York College—York, PA

THE AMERICAN UNIVERSITY,
Washington, DC, February 7, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I endorse your proposed legislation to authorize the Thomas Paine Memorial Foundation to place a statue of Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenues.

Paine deserves special recognition for his authorship of the revolutionary pamphlet *Common Sense*. *Common Sense* was the first major call for independence and a republic. As such, it was a remarkably progressive and forward-looking message for its day. Written and published in January, 1776, *Common Sense* helped galvanize the decision to turn resistance into a movement for independence and a republican system of popularly elected confederated state governments.

For this alone, Paine deserves to be remembered by the statue you propose.

Sincerely,

ROGER H. BROWN,
Chair and Professor,
Department of History.

AMHERST, MA, April 4, 1992.

Senator STEVE SYMMS,
Hart Senate Building, U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: I take great pleasure in endorsing your legislation to allow the construction of a monument to Thomas Paine.

Amidst your laboring to gather endorsements for the project I take the liberty to remind you of the most powerful endorsement of Paine and his contributions to America's founding:

"It will be your glory to have steadily labored, and with as much effect as any man living, to bring about the greatest of revolutions." (Thomas Jefferson.)

Best Wishes.

HENRY STEELE COMMAGER.

ARIZONA STATE UNIVERSITY,
DEPARTMENT OF HISTORY,
Tempe, AZ, February 12, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I would like to offer my support for your efforts to establish a memorial to Thomas Paine in Washington, D.C. His pamphlet, *Common Sense*, was a catalyst for bringing colonial public opinion to the Patriot cause. Its importance can hardly be underestimated. Paine was truly one of our great revolutionary figures and, along with Jefferson, one of leading spokesmen defending Americans and American rights against British tyranny. He deserves to be honored in the capital of the nation he helped create.

Your proposal to erect a statue of Paine at the intersection of Constitution and Pennsylvania Avenues will be a worthy memorial to a great revolutionary leader.

Sincerely,

B.R. BURG,
Professor of Early
American History.

ARIZONA STATE UNIVERSITY,
Tempe, AZ, March 31, 1992.

Senator DENNIS D. DECONCINI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DECONCINI: This letter is to endorse Senator Symms' proposal to erect a statue memorializing Thomas Paine in Washington, DC., to be paid for by private subscription.

As editor of the scholarly history journal with the largest number of individual subscribers in the world today, with editorial offices at Arizona State University, I believe this historical recognition is meritorious.

This message will be conveyed to you by the hand of Trevor Norris, assistant to Senator Symms.

With best wishes to you in your current deliberations, I am,
Yours sincerely,

ROGER ADELSON,
Editor.

UNIVERSITY OF ARIZONA,
Tucson AZ, March 31, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: This letter is to register my support of proposed legislation to allow the Thomas Paine Memorial Foundation to place a memorial statue of Paine on the U.S. Capitol grounds near the intersection of Pennsylvania and Constitution avenues. That is a beautiful part of the Capitol grounds and a modest memorial to Paine there seems fitting given his role in the achievement of American independence.

Paine should have been recognized long before this. His *Common Sense* was of major significance in rousing American support for independence. While he denounced monarchy and urged the colonists to action, others debated the shape of our government to come. His ideas and stirring rhetoric helped persuaded many citizens to support the revolutionary movement. His other writings, *The American Crisis* and *The Rights, of Man*, developed his earlier ideas and added to the debate over independence and the sort of government the new nation should develop. Of all the significant figures of the revolutionary era, he is probably the least well-remembered, and he certainly deserves some recognition.

Sincerely yours,

ROGER L. NICHOLS,
Acting Department Head.

BROWN UNIVERSITY,
Providence, RI, February 14, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I am happy to support legislation allowed private groups to erect a memorial to Thomas Paine. It is embarrassing to us as a nation to have delayed so long such a commemoration. Paine's *Common Sense* and his other writings were important to the American revolutionary cause. Because his contributions were entirely literary honoring Paine may get us to think again about the deplorable decay of our public rhetoric that has overspread us.

Sincerely,

GORDON WOOD,
Professor of History.

UNIVERSITY AT BUFFALO,
Buffalo, NY, February 13, 1992.

Senator DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: This is to indicate my very strong support to establish a memorial to Thomas Paine on the grounds of the Capitol.

Paine was among the eighteenth century's most forceful advocate of democratic ideals. He played a decisive role in our history, and—far more than most of the founding fathers—his ideas continue to resonate today.
Sincerely,

JONATHAN DEWALD,
Professor and Chair.

BRIGHAM YOUNG UNIVERSITY,
Provo, UT, March 20, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: Please include my name among those endorsing your proposal that the intersection of constitution and Pennsylvania avenues be reserved for a privately funded memorial to Thomas Paine. In the courses that I have been teaching here for the past fifteen years, from the U.S. history survey to a graduate seminar on Revolutionary America, I stress Paine's importance and have my students read *Common Sense*. We need to leave behind those provincial years when Paine was dismissed as a filthy little atheist". He helped to turn a rebellion into a revolution; he expressed, in gritty and yet graceful prose, ideas that should stir anyone interested in fundamental rights and the necessity of representative government.

Sincerely,

NEIL L. YORK,
Associate Professor of History.

P.S.—I have sent notes to Senators Garn and Hatch, asking them to join you as cosponsors.

UNIVERSITY OF CALIFORNIA,
Los Angeles, March 6, 1992.

Senator ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: A memorial statue of Thomas Paine on the Capitol grounds of Washington, D.C. would be a most appropriate tribute to a man who embodies the revolutionary spirit which fired America's first patriots. Most contemporaries recognized that it was Paine who acted as the catalyst in turning colonial leaders from resistance to revolution in 1776. His stirring rhetoric in "Common Sense" bridged the gulf between social ranks and geographic regions and united the disparate peoples of the colonies behind a shared desire for independence. It was a quite remarkable achievement for a man who had been in the colonies less than three years. In the "Rights of Man" and the "Age of Reason" Paine produced compelling arguments for humane reform which have enthralled readers ever since. With a statue in our Nation's Capital, many young people will be stirred to learn who Paine was and to read the words that thrilled their nation's founders.

I hope very much that you will become a cosponsor of the bill which Senator Steve Symms will soon be re-introducing.

Yours sincerely,

JOYCE APPLEBY,
Professor of History.

CASE WESTERN RESERVE UNIVERSITY,
March 16, 1992.

Senator STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: As an American historian for over thirty-five years I heartily support the long overdue recognition of the role of Thomas Paine in the American Revolution on the site that you are projecting. Virtually all of the most prominent founders of our country are honored near or on the mall, such as Washington and Jefferson, with the glaring exception of Thomas Paine who merits a memorial at the corner of Pennsylvania and Constitution Avenues.

Last year this omission was brought home to me. I am President of National History Day Incorporated which is a program for promoting the study of history in the schools. Over 500,000 students participate annually in the fifty states and the top winners of local and state contests come to College Park in Maryland to compete for prizes and awards in a variety of categories in June of each year. This last year the theme of the contests was "Rights in History" to celebrate the bicentennial of the Bill of Rights. Students in this contest while touring Washington looked in vain for a monument, statue or a plaque honoring the author of the American Crisis, Common Sense, The Rights of Man, and The Age of Reason. The author, who in 1776 galvanized Americans with electric phrases such as "These are the times that try men's souls * * * the summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country," it seems is not remembered.

Carl Becker, a historian who wrote a history of the Declaration of Independence, also wrote a famous biographical article on Thomas Paine in the *Dictionary of American Biography* at the end of which he said that "conceivably the United States of America might have become a free nation had Common Sense never been written. But even those who see history determined by economic and other physical, concrete forces can hardly deny that Common Sense helped to humanize and to concentrate such forces."

I applaud your efforts to give this recognition to Thomas Paine on the Capitol grounds and I am sure that every senator and every representative will feel the same.

Sincerely yours,

DAVID D. VAN TASSEL,
Benton Professor and Chair,
President, National History Day, Inc.

THE UNIVERSITY OF CHICAGO,
Chicago, IL, March 18, 1991.

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

DEAR SENATOR SIMON: I am writing in support of a proposal by the Thomas Paine National Historical Association to place a memorial to Thomas Paine on the Capitol grounds. The memorial would be paid for by private funds. I understand that the proposal has the sponsorship of more than half of the membership of the House of Representatives and that your support is important because of your membership on a key committee.

Thomas Paine was a crucial figure in the American Revolution, and it is surprising that no appropriate memorial to him stands in Washington. Paine's pamphlet, *Common Sense* was a key influence on the decision of both Congress and the American public to support independence in 1776, and his influence was felt at major turning points in the war with Britain.

Common Sense is a document I assign regularly to classes on the Revolution. I can tell

you from personal experience that its ideas retain their force and immediacy to this day.

I urge you to give serious consideration to this proposal.

Sincerely,

EDWARD M. COOK, Jr.,
Associate Professor of
American History,
Dean of Students in the University.

UNIVERSITY OF CINCINNATI,
CINCINNATI, OH, April 3, 1992.

Senator JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: On behalf of the Department of History I heartily endorse the legislation to authorize the Thomas Paine Memorial Foundation to place a statue of Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenue. I hope you will join Senator Symms of Idaho and assist in gaining Senate approval of this long overdue recognition of an individual whose impact in his pamphlet "Common Sense" on the American Revolution was comparable to "Uncle Tom's Cabin" on the American Civil War.

I wish to note also that Thomas Paine was rediscovered by a Cincinnati minister in the late nineteenth century. Paine had almost been forgotten until Moncure Conway wrote a biography of him in 1892. Today, Americans could honor him by erection of this memorial to the individual who issued the first major call for independence and the establishment of a republic.

Please do not hesitate to contact me for further information on this important historical figure.

Sincerely yours,

GENE D. LEWIS,
Professor and Head.

THE GRADUATE SCHOOL AND UNIVERSITY CENTER OF THE CITY UNIVERSITY OF NEW YORK,

March 19, 1992.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR PAT: Like every other historian, I am astonished that there is no memorial for Thomas Paine in the nation's capital; and I trust that Congress will take action in the near future to remedy this glaring omission.

Tom Paine, as you well know, was in effect an honorary Founding Father. He played a brilliant and vital role in awakening popular support for independence and thereafter in propagating the rights of man as a universal doctrine; and he deserves to be remembered by an age whose great animating forces are national independence and human rights.

The proposed site, which I understand to be on the Capitol grounds at the intersection of Pennsylvania and Constitution Avenues, seems eminently appropriate. After all, Paine wrote "Common Sense" while living in Pennsylvania, and the Constitution can be considered one of the fruits of his work.

As the preeminent scholar in the Senate, you are a natural to lead the fight to educate a new generation about Paine. The historical community hopes very much that you will join in co-sponsoring the Symms bill.

Yours ever,

ARTHUR SCHLESINGER, Jr.

COLGATE UNIVERSITY,

Hamilton, NY, February 21, 1992.

DEAR Senator Symms: The following letter was sent to Senators Moynihan and D'Amato.

Hon. ALBERT D'AMATO
Washington, DC.

DEAR SENATOR D'AMATO: I write to support the proposed legislation for a monument honoring revolutionary American war hero Thomas Paine to be placed at the corner of Pennsylvania and Constitution Avenues on the capitol grounds.

As an historian and teacher of early American history, I use Thomas Paine's work frequently and I'm often chagrined to find that students know little of this important figure. I believe that the proposed monument would go far to educating all Americans about Paine's importance.

I urge you strongly to support this measure.

Sincerely,

GRAHAM HODGES,
Associate Professor.

UNIVERSITY OF CALIFORNIA,
Los Angeles, March 6, 1992.

DEAR SENATOR MOYNIHAN: Despite the letterhead above, I am one of your constituents, since I normally live in New York City and teach at Columbia University. I am writing to urge you to support the proposal to place a statue of Thomas Paine on the Capitol grounds. As the author of a book on Paine's role in the American Revolution, I am perhaps more interested than most in this issue, but I hardly need to explain to you Paine's central importance in the struggle for American independence. More than any other individual, Paine galvanized the movement for separation from Britain, and in Common Sense and other writings, did so in a new political language, accessible to a far broader audience than eighteenth-century pamphleteers ordinarily addressed. Although he never held public office after independence was won, Paine ought to be viewed as one of our most important founding fathers, and as one of the few who pressed forward the democratization of American society as well as national independence. To me, it seems inexcusable that it has taken so long to memorialize him in Washington, and placing his bust near the Capitol would be an entirely appropriate way of honoring him, given his central role in the American Revolution.

I very much hope that you will be able to support this measure, and I think you for taking the time to consider this letter.

Sincerely,

ERIC FONER,
DeWitt Clinton Professor of History
Columbia University,
Visiting Professor of History UCLA.

COLUMBIA UNIVERSITY,
New York, NY, March 28, 1992.

Senator AL D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: I write to urge you support the initiative of Senator Steve Symms in the matter of erecting a memorial to Tom Paine on the Capitol Grounds site in Washington, D.C. I cannot imagine that you will fail to back this excellent piece of legislation.

Yours sincerely,

WILLIAM V. HARRIS,
Department Chairman.

UNIVERSITY OF CONNECTICUT,

March 25, 1992.

Senator CHRISTOPHER DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: I write to urge you to support legislation to permit a statue honoring Thomas Paine to be constructed—with private funding—somewhere in the District. The junction of Pennsylvania and Constitution Avenues has been suggested as an appropriate site because Paine did most of his most important work in Pennsylvania and was a very early proponent of federal constitution.

Paine's principal contribution was in articulating in popular language the egalitarian and liberation theories that underlie so much of our nation's political thought and structure. He was, perhaps, our foremost political educator. A statute calling attention to him will cause thousands of students and adults to investigate his message and help renew America's commitment to the principles that inform our Revolution and Constitution.

I know I am joined by many of the leading scholars of the Revolutionary Era in urging enthusiastic support for this legislation, and trust you will give the matter serious consideration.

Sincerely,

CHRISTOPHER COLLIER,
Professor of History,

CORNELL UNIVERSITY,
Ithaca, NY, February 13, 1992.

Senator STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: I want you to know that I strongly support your bill to commission a monument to Tom Paine, and I also happen to feel that the site where a Constitution and Pennsylvania Avenues meet would be a splendid location.

Tom Paine was a remarkable visionary and activist. He did as much as anyone to help make U.S. independence possible. He has long deserved this honor.

Sincerely your,

MICHAEL KAMMEN,
Professor of American History and Culture.

P.S.—If you glance at my new book, "Mystic Chords of Memory" (Knopf), you will find due attention paid to Idaho. I did research in Boise when I lectured there, and in Pocatello, back in 1987.

THE COLLEGE OF DEMOCRACY,
Arlington, VA, March 11, 1992.

Hon. STEVE SYMMS,
U.S. Senator from Idaho, Senate Hart Building,
Washington, DC.

DEAR SENATOR SYMMS: This is to inform you that we consider Thomas Paine to be one of our heroes of democracy. I strongly support the endeavor to construct an appropriate memorial to Thomas Paine on the ground of the United States Capitol at no cost to the taxpayer. It really should have been done long ago.

As we stated in our book, "The Evolution of a Democracy: This is Our Country, the United States of America," "in January 1776, Thomas Paine published arguments for separating the colonies from England in 100,000 copies of the pamphlet 'Common Sense.' He told his fellow Americans that the Colonies could become a great nation stretching across a continent and it made no sense to be in complete rebellion while professing full loyalty to the king." Less than six months later, the Continental Congress declared the Colonies free from England and dissolved all political relations.

This book is used in citizenship courses here as well as a means for people to increase their understanding and appreciation of our history. Similarly, it is beginning to be used in the developing democracies by people desiring to learn about democracy. Therefore, through it, the message of Paine's contribution to our country is reaching more people in the United States as well as in other countries.

A monument to Paine here would remind visitors to our capital city of the enduring significance of the written worked in a free society.

Sincerely,
WALTER E. BOEK, PH.D.,
President (and President
of the Washington Academy of Sciences).

EMORY UNIVERSITY,
Atlanta, GA, Apr. 2, 1992.

Senator STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: Thank you for all your efforts on behalf of the proposed Tom Paine Memorial. It is hard to believe that someone as important to the history of our country as Tom Paine has failed to earn some commemoration. Common Sense alone deserves the recognition of this nation. That he also helped to rally America in its darkest hour with the "Crisis" series and saved the State of Pennsylvania from near collapse added to his significance. His was a tireless voice for freedom and the dignity of the individual. He battled the evils of his age with fervor, intelligence, and devastating wit. And at every turn he rejected opportunities for personal aggrandizement in favor of the public good. He certainly is a model for our own age.

I must admit to being moderately surprised that any member of the Senate would want to build a memorial to this inveterate opponent of an upper house. Paine consistently battled what he saw as an undemocratic and aristocratic institution in favor of a unicameral legislature. But I am delighted that you don't hold these views against him. I have faxed Senators Nunn and Fowler—and thanks for sending their fax number—and written my Representative, Ben Jones. I wish you the very best of luck in correcting this historic error.

Thank you for your time and attention.
Sincerely,

MICHAEL BELLESILES.

THE FIRST UNITARIAN CHURCH
OF CLEVELAND,
Shaker Heights, OH.

Office of the Architect,
Capitol Building, Washington, DC.

DEAR MR. WHITE: It is my privilege to write to you to inform you that the Board of Trustees of the First Unitarian Church of Cleveland, located in Shaker Heights, wishes to be recorded as favoring the placement of a memorial honoring Thomas Paine at the intersection of Pennsylvania and Constitution Avenues in Washington, DC.

I might add that you are remembered fondly as the architect of our west wing, the Peterson Wing, which it is my understanding was dedicated in 1960 when you were with Dalton and Dalton. You may remember, too, that Mr. Calvin Dalton was on our Board in those years.

Thank you most sincerely for your favor of consideration.

Sincerely yours,
RICHARD S. HASTY, D. MIN.,
Interim Senior Minister.

FORDHAM UNIVERSITY,
Bronx, NY, Feb. 17, 1992.

Senator DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing to ask you to support the proposed legislation of Senator Symms to authorize a statue of Thomas Paine on the grounds of the United States Capitol in Washington.

There can be little doubt that Paine was instrumental in the success of the movement for independence. His pamphlet Common Sense, designed to reach the "middling" folk as well as the highly educated elite, was a brilliant exercise in political rhetoric.

Moreover, Paine was one of the very few eighteenth-century thinkers who recognized that American women were second class citizens in a society that espoused egalitarian values—at least in theory. He spoke to his time and he speaks to ours, and I believe he should be honored in the manner that Sen. Symms proposes.

Sincerely yours,
ELAINE FORMAN CRANE,
Professor of History.

SUNY,
Geneseo, NY, Mar. 26, 1992.

Senator PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: Senator Steve Symms of Idaho is sponsoring a bill to permit the construction, using only private funds, of a memorial to Thomas Paine at the intersection of Pennsylvania Avenue and Constitution Avenue in our nation's capital. He has asked for my support for his project, and I am pleased to give it. I urge you to support it as well.

As a historian I am very much aware of the importance of memorials in terms of "giving messages" about what a people "stands for." For example, I am a historian of the French Revolution (in which Paine was involved, to some extent). I think that it is significant that in Paris there are statues of Revolutionary moderates such as Lafayette and charismatic patriots such as Danton, but there are none to the extreme radicals such as Robespierre. I believe that it would be good for the American people to give the message that we support Paine: as a figure in our Revolution but especially as "the first public advocate for the abolition of slavery in North America" (to quote Senator Symms).

Thank you for considering my appeal to you. I hope that you will, indeed, support the efforts of Senator Symms.

Sincerely,
CHARLES R. BAILEY,
Professor and Chair.

GEORGE MASON UNIVERSITY,
Fairfax, VA, Jan. 6, 1992.

Hon. STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR HONORABLE MR. SYMMS: Thank you very much for your letter of December 11 regarding the proposed initiative to construct a memorial to Thomas Paine on the grounds of the United States Capitol. On behalf of the Department of History at George Mason University, we heartily support your endeavor and wish it every success.

With best wishes,
Cordially,
MARION F. DESHMUKH,
Chair, Department of History.

UNIVERSITY OF VIRGINIA,
Charlottesville, VA, Mar. 4, 1992.

Senator STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: No figure in our early history as deserving as Thomas Paine remains without public recognition in the nation's capital. Without the publication of his Common Sense in 1776 it is hard to conceive how the American Revolution could have come when and how it did. Perhaps the erection of an appropriate statue in Washington by a private organization will serve to remind some how words put at the service of a noble cause can transform the field for political action.

Sincerely yours,
W.W. ABBOT,
Professor of History.

GEORGETOWN COLLEGE,
Georgetown, KY, Apr. 3, 1992.

TO: SENATOR S. SYMMS.
Lindsay Apple.

As an American historian I wholeheartedly support the effort to honor Thomas Paine with a statue in our Nation's Capital. The site your letter suggests across from the Labor Department seems particularly appropriate given Paine's own origins and beliefs. If my endorsement is useful please share it with our Senator from Kentucky, The Honorable Wendell Ford.

STATE OF NEW YORK,
Albany, NY, Mar. 16, 1992.

Hon. PATRICK DANIEL MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR PAT: I am writing to express my strong support for proposed legislation to authorize construction of a monument to Thomas Paine in the District of Columbia.

Along with Washington, Jefferson and Lincoln, Thomas Paine left his imprint on the values that are America. The first to call for an end to slavery and a declaration of independence, Paine shared a vision of freedom and human rights with the world that continues to be the standard today.

Senate legislation similar to that sponsored by Nita Lowey in the House of Representatives will provide Thomas Paine with a fitting tribute that will remind all Americans of his vast contribution to the creation of our country.

Sincerely,
MARIO M. CUOMO.

UNIVERSITY OF HAWAII AT MANOA,
COLLEGE OF ARTS AND HUMANITIES,
Honolulu, HA, March 27, 1992.

Hon. STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: I am happy to endorse your proposal to build a memorial to Tom Paine. A modest edifice on public land at Pennsylvania and Constitution Avenues in Washington, and built with private funds, seems entirely appropriate.

Tom Paine played a pivotal role in turning American colonials—they had begun to call themselves "Americans"—away from the institution of monarchy as well as George III and his policies. As you know, the natural rights Paine asserted are just as important today as when he enunciated them in the eighteenth century.

I am happy also that Nita Lowey's bill has broad bipartisan support in the House and assume that will be the case in the Senate as well.

Sincerely,
CEDRIC B. COWING,
Professor.

HUNTER COLLEGE OF THE
CITY UNIVERSITY OF NEW YORK,
New York, NY, February 20, 1992.

Senator ALPHONSE D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: I enthusiastically support the creation of a memorial in Washington D.C. to the great eighteenth century patriot Thomas Paine. Paine was a great figure, not only in the United States where his pamphlet "Common Sense" helped crystallize public conviction of the need for American independence from Great Britain, but he was a great figure in the democratic movements in both England and France. In England his pamphlet "The Rights of Man," parts one and two, publicized the advantage of a written constitution and probably constituted one of the foremost influences on the creation of a democratic political movement in England. On all scores a public tribute to Thomas Paine is long overdue. I urge support of Senator Symms' bill.

Sincerely,

NAOMI C. MILLER,
Professor and Chairperson.

INDIANA HISTORICAL SOCIETY,
Indianapolis, IN, March 6, 1992.

Senator RICHARD LUGAR,
U.S. Senate, Washington, DC.

DEAR SENATOR LUGAR: Your Senate colleague, Steve Symms of Idaho (a state where I taught for a decade), has asked for my support and endorsement for the erection of a memorial to Tom Paine on the grounds of the U.S. Capitol. The modest memorial which he proposes is to be funded by private money so there is to be no cost to the taxpayer.

What is needed is legislation allowing this to take place with certain "protections" built in.

There are, of course, many strands to the heritage of this nation. Tom Paine is a legitimate part of our national heritage. He represents a point on the political spectrum that not all of the citizens of this nation are comfortable with. Yet, all fair-minded Americans must conclude that he played an important role in the collective decision for independence.

Many of Paine's phrases roll off the tongue in the political dialogues even of our own day. For me, the importance of Tom Paine resides in the use of logic and language in the cause of American Independence and in asserting the basic rights of man. The simple question, "Should an island rule a continent?" is hard to cast off as irrelevant.

A monument to Thomas Paine on the grounds of our nation's Capitol would be a fitting tribute to the man and what he stood for.

Sincerely yours,

PETER T. HARSTAD,
Executive Director.

IRISH NATIONAL CAUCUS, INC.,
December 10, 1991.

Hon. (Name),

House of Representatives, Washington, DC.

DEAR SENATOR: On behalf of its many members in the State of Pennsylvania, the Irish National Caucus urges you to cosponsor H.R. 1628—the Thomas Paine monument legislation.

The Bill is introduced by Representative Nita M. Lowey (D-NY) (contact David Seldin at x6506 for further information).

To date 172 Members have cosponsored this legislation.

As you know, Thomas Paine did some of his finest work while he lived in Pennsylvania.

Not only was Thomas Paine a great advocate of American freedom, liberty and democracy, but he also championed the same causes for Ireland.

That is why the Irish National Caucus is in total support of H.R. 1628.

Can we tell our members that they can count on your support?

Please let us know at your earliest convenience.

Sincerely,

Father SEAN MCMANUS,
President.

JAMES MADISON ENCYCLOPEDIA,
New York, NY, March 26, 1992.

Hon. JOHN WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: As you may know, a concerted effort is being made to establish a permanent memorial on the Capitol grounds in honor of Thomas Paine. Senator Symms is sponsoring the appropriate legislation, and as a Virginian and historian of the American Revolution I hope you will assist him in the endeavor.

You are doubtless aware that Paine came to this country at the urging of Benjamin Franklin, and his great essay, "Common Sense," was one of the most influential pamphlets in history. At a critical time, the Paine essay made thousands of Americans see the futility of a connection with Great Britain (Washington saw this and commented on it early in 1776). For that alone, he deserves recognition of the highest order.

Please join Senator Symms to make this memorial a reality.

Your constituent,

ROBERT A. RUTLAND,
Professor of History Emeritus,
University of Virginia.

THE UNIVERSITY OF KANSAS,
Lawrence, KS, January 6, 1992.

Senator ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I pass on for your consideration the enclosed letter from Senator Steve Symms. I endorse the Thomas Paine project; as a historian, I think it entirely appropriate.

With best regards,

Yours sincerely,

DANIEL H. BAYS,
Professor and Chairman.

UNIVERSITY OF KENTUCKY,
Lexington, KY, February 13, 1992.

Senator STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: Let me strongly endorse the proposed legislation to authorize placing a statue of Thomas Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenues.

It is a shame that the author of "Common Sense," the pivotal document in the clarion call for independence in 1776, has so little public recognition. Paine's courageous words and ideas provided nothing less than the motive force for the decision to seek independence in 1776. It would be a great—and long overdue—public service to commemorate in this way Paine's enormously important role in the revolutionary struggle.

I wish this project all the success in the world.

DANIEL BLAKE SMITH,
Associate Professor of History.

ROYAL HOLLOWAY AND
BEDFORD NEW COLLEGE,
March 6, 1992.

DEAR SENATOR BOND: As a Missouri resident temporarily overseas, I am writing to

you about legislation for the proposed memorial to Thomas Paine which Senator Steve Symms is about to introduce before Congress.

As a historian and the author of a book on Thomas Paine, and editor of a forthcoming new edition of his famous "Right of Man," I am excited at the prospect that one of the most important creators of American independence will finally be honored in this way. Thomas Paine's "Common Sense" (1776) was the main pamphlet to rouse the colonists on the side of independence. Paine became close friends with Washington; Jefferson and other founding fathers. He fought during the Revolutionary War, when his letters known as "The American Crisis" had a tremendous effect in rallying the colonial army. Paine was one of independent America's first advocates for the abolition of slavery and for equal rights for women and men alike. Moreover, he was the most important popularizer of the American constitutional model in nineteenth century Europe, through the "Rights of Man."

Despite these great contributions to America's heritage, Paine has lacked the recognition he deserves. I urge you to support Senator Symms' efforts to have a monument to Paine erected on the grounds of the Capitol. There are statues of him already in both England and France, and it is time that we too acknowledged his efforts on our behalf.

Yours sincerely,

GREGORY CLAEYS,
Lecturer in History.

UNIVERSITY OF LOUISVILLE,
Louisville, KY, April 1, 1992.

Senator WENDELL FORD,
U.S. Senate, Washington, DC.

DEAR SENATOR FORD: I write on behalf of legislation to authorize the construction of a privately funded memorial to Thomas Paine on public land located at the intersection of Pennsylvania and Constitution Avenues in Washington, DC. Such an authorization would appropriately acknowledge Paine's important contribution to the creation of the United States of America. I have discussed this topic with other individuals in Louisville, and everyone with whom I have spoken also supports the project. I hope that you will co-sponsor or otherwise support it as well.

Sincerely,

JAMES MORRILL,
Professor of History.

MARQUETTE UNIVERSITY,
Milwaukee, WI, March 30, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: In reply to your letter of 16 March 1992, just let me say that I do enthusiastically support a modest memorial to Thomas Paine to be built on the grounds of the U.S. Capitol. I have always been intrigued with Paine and with his contribution to our republican experiment, for reasons spelled out in more detail in the hand-written letters I have today sent to Senators Kohl and Kasten of Wisconsin. (Copies of these letters are attached hereto.) Over the chasm of the years, Tom Paine still teaches us, and a memorial in his honor would serve to remind us as Americans of important lessons that we have as yet only imperfectly learned. With every good wish, I am

Yours very truly,

ROBERT P. HAY.

UNIVERSITY OF MARYLAND
AT COLLEGE PARK,
January 24, 1992.

Hon. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: I am writing to urge you to become an original co-sponsor of legislation that Senator Steve Symms will soon introduce to allow the Thomas Paine USA Memorial Association to erect a statue of one of American history's seminal heroes.

Thomas Paine is rightfully judged an eloquent spokesman for human rights, a cause that I know ranks high on your list of priorities. Although Paine authored the American Revolution's most important pamphlet, "Common Sense," published early in 1776, he is perhaps best remembered for the stirring language he used to rally the Continental army during the darkest moments of the War for Independence: "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country." Paine's ringing words so moved the commanders of the Revolutionary forces that they ordered them read to the troops in every encampment. Nor did Thomas Paine's championship of human rights end with the signing of the treaty of Paris in 1783. He later went to France to support that nation's struggle against monarchy, and it was there in 1791-1792 that he wrote his inspiring defense of republican government, "The Rights of Man."

It is my understanding that the Thomas Paine USA Memorial Association proposes to pay for the cost of erecting a monument near the Capitol of the United States. I cannot imagine a more appropriate setting for commemorating a man who surely ranks as one of the greatest advocates of republican government in modern history.

Sincerely yours,

RONALD HOFFMAN,
Associate Professor.

MARYLAND STATE ARCHIVES,
Annapolis, MD, January 28, 1992.

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

DEAR SENATOR SARBANES: Senator Steve Symms has written about his bill to provide for the construction of a memorial to Thomas Paine on the grounds of the U.S. Capitol. The bill Senator Symms plans to introduce purportedly provides for the monument to be funded from the private sector and permits the Architect of the Capitol to approve the design.

Senator Symms has asked for my enforcement of this project to memorialize Thomas Paine. While I cannot speak to the merits of the monument's design or its placement on the Capitol grounds, I can testify to the importance of Paine in our nation's history.

When Thomas Paine's "Common Sense" appeared in January 1776, it served as a catalyst for changing colonial disaffection with Britain into a concerted movement for independence. His consistent defense of the rights of the individual—from his advocacy of the abolition of slavery to his authorship of "The Rights of Man"—distinguish him as a man of exceptional liberality for his generation.

A memorial to Thomas Paine would help remind visitors to the U.S. Capitol of the great debt this country owes to this impecunious, immigrant stay-maker who changed history not because of his wealth, power, or

position, but because of his firm conviction in the value of human freedom, which he expressed with force and originality through the printed word.

Sincerely yours,

EDWARD C. PAPPENFUSE,
State Archivist and
Commissioner of Land Patents.

MASSACHUSETTS INSTITUTE
OF TECHNOLOGY,
Cambridge, MA, February 26, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC

DEAR SENATOR SYMMS: I have, as suggested in your letter of February 12, written to Senators Kennedy and Kerry asking their support for the Paine memorial. I enclose a copy of my letter.

Obviously, I support your proposal enthusiastically. It is long overdue.

Sincerely,

PAULINE MAIER,
WILLIAM R. KENAN, JR.,
Professor of American
History.

MEMPHIS STATE UNIVERSITY,
Memphis, TN, April 1, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I am glad to endorse your proposed legislation to place a memorial to Thomas Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenues. I was surprised to learn that there is no memorial to him in Washington; he did so much to further the idea of American independence that it is entirely fitting that the nation's capital should have a memorial to him.

I am writing to Senators Gore and Sasser to urge them to support your proposed legislation.

Yours sincerely,

MAURICE A. CROUSE,
Professor of History.

MIAMI UNIVERSITY,
Oxford, OH, April 6, 1992.

Hon. HOWARD METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: I write to endorse enthusiastically the legislation proposed by Senator Steve Symms of Idaho to authorize the construction of a statue of Thomas Paine at the intersection of Pennsylvania and Constitution Avenues.

Paine is perhaps the most neglected of the men who took a leading part in establishing our democratic republic. He deserves a memorial, if only for writing "Common Sense," one of the most eloquent and influential explanations of the assumptions underlying the American form of government. Here is a man who was truly of the people; to honor him is to honor the working men and women whose efforts were as important to the success of the American Revolution as those of gentleman such as Washington and Jefferson. Nothing could be more in keeping with the spirit of our revolution than a memorial to a man of relatively humble background in the midst of our great monuments to the aristocrats of his age.

I trust that you will join with Senator Symms in sponsoring this important legislation.

Sincerely,

ANDREW CAYTON,
Associate Professor.

MURRAY STATE UNIVERSITY,
Murray, KY, April 3, 1992.

Senator STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: I enthusiastically support your proposed legislation to authorize the Thomas Paine Memorial Foundation to erect a statue of Paine on Capitol grounds at the intersection of Pennsylvania and Constitution.

Thomas Paine is eminently deserving of recognition for the critical role he played in arousing and giving direction to popular support for the American Revolution. "Common Sense" and "The Crisis" gave focus and renewed purpose to a cause that was at the time faltering. Without Paine's contributions, the outcome of the Revolution might well have been quite different.

Together with other historians, I applaud your efforts to press this project to completion.

Sincerely yours,

JAMES W. HAMMACK, JR.,
Chair, Department of History.

STATE OF NEW JERSEY,
Trenton, NJ, February 4, 1992.

Hon. STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I am pleased to enclose copies of my correspondence to New Jersey Senators Bradley and Lautenberg in support of your proposed legislation to erect a memorial to Thomas Paine on the Capitol grounds.

Paine's role in the struggle for American independence was critically important to New Jersey's revolutionary leaders, citizens, and soldiers. I hope that my letters to our Senators convey that message adequately.

I wish you all success in your effort to recognize Paine in this important way.

Sincerely yours,

KARL J. NIEDERER,
Chief of Archives.

STATE OF NEW JERSEY,
Trenton, NJ, February 4, 1992.

Hon. BILL BRADLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR BRADLEY: I urge you to join Idaho Senator Steve Symms in cosponsoring legislation that will authorize the construction of a memorial honoring Thomas Paine on the Capitol grounds in Washington.

Although British-born, Thomas Paine's political philosophy and writings exerted a tremendous influence on the founders of the United States, including preeminent New Jersey advocates for independence such as William Livingston, our first state Governor; and William Paterson, Governor, U.S. Senator, and U.S. Supreme Court Justice. But Paine's ideas about the proper function and purpose of government equally inspired many common citizens and soldiers in revolutionary New Jersey. His words energized the Continental Army precisely when their fortunes had reached low ebb; in December 1776, just prior to the Battle of Trenton, now regarded by many as the turning point in the war for independence.

As Paine himself would have appreciated, the memorial envisaged by Senator Symms will be built at no cost to the taxpayers.

Your favorable consideration of this legislation will be appreciated, I am sure, by all citizens of New Jersey and of the United States.

Sincerely yours,

KARL J. NIEDERER,
Chief of Archives.

COLLEGE OF NEW ROCHELLE,
New Rochelle, NY, February 19, 1992.

Hon. STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I endorse your proposed legislation to authorize the Thomas Paine Memorial Foundation to place a statue of Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenues.

Paine deserves special recognition for his authorship of the revolutionary pamphlet "Common Sense." "Common Sense" was the first major call for independence and a republic. As such, it was a remarkably progressive and forward-looking message for its day. Written and published in January 1776, "Common Sense" helped galvanize the decision to turn resistance into a movement for independence and a republican system of popularly elected confederated state governments.

For this alone, Paine deserves to be remembered by the statue you propose.

Sincerely,

DOROTHY ANN KELLY, O.S.U.,
President.

CITY OF NEW ROCHELLE,
New York, NY, March 31, 1992.

Hon. DANIEL P. MOYNIHAN,
Senator from New York State, Russell Senate
Office Bldg., Washington, DC.

DEAR SENATOR MOYNIHAN: I have been informed that Senator Steve Symms, of Idaho, has introduced legislation to permit the private sector to construct a memorial to Thomas Paine on publicly-owned land at the intersection of Pennsylvania and Constitution Avenues in Washington, near the Capitol.

Under terms of the legislation the memorial is to be in accord with the area's beauty and design. It is to be made possible through voluntary contributions at no expense to the taxpayers.

As an educator, a student of history and a respected public official, I need not review for you the many contributions Paine made, not only to the revolutionary cause but to the rights of man in general.

I hope earnestly, therefore, that you along with Senator D'Amato will find it expedient to co-sponsor necessary legislation in the Senate to make possible significant recognition of Thomas Paine in the Nation's capital.

Sincerely yours,

THOMAS A. HOCTOR.

CENTER FOR ADVANCED STUDY
IN THE BEHAVIORAL SCIENCES,
Stanford, CA, March 12, 1992.

Senator STEVEN SYMMS,
Senate Hart Building,
Washington, DC.

Senator STEVEN SYMMS: Yesterday I sent the following telegram to my Senator, Daniel Patrick Moynihan (I am a permanent resident of New York, here on academic leave until June, 1992): I endorse proposal for memorial statue of Tom Paine to be located at intersection Pennsylvania and Constitution Avenues on Capitol grounds—a fitting location for an advocate of democratic revolution, constitutional government and human rights.

May I express my enthusiastic support to you as well for proposing and promoting this long overdue tribute to a man of high ideals, inspired principles, and a powerful pen.

With best wishes for the success of your project,

Yours sincerely,

LOUISE A. TILLY,
Professor of History and Sociology.

MADISON, CT, March 16, 1992.

DEAR SENATOR SYMMS: Paine deserves better than he has received. John Adams predicted no statues would be erected to him; he was wrong, of course, but one is still due to Thomas Paine. His pamphlet Common Sense brought discussion of independence from behind closed doors into the open. His "Crisis" papers lifted the spirits of many who faltered. I strongly support the legislation you propose to authorize a memorial to Paine.

Sincerely,

DAVID F. HAWKE,
Emeritus professor,
City University of New York.

OREGON HISTORICAL SOCIETY,
Portland, OR, February 7, 1992.

Senator STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: As you requested in your January 23 letter, I am sending you copies of my letters to Senators Packwood and Hatfield encouraging them to support your effort of raising a memorial to Thomas Paine. I wish you the best of luck in your endeavor.

Sincerely,

CHET ORLOFF,
Executive Director.

UNIVERSITY OF OREGON,
March 20, 1992.

Senator MARK HATFIELD,
U.S. Senate, 711 Hart, Washington, DC.

DEAR SENATOR HATFIELD: Knowing of your interest in American history, I ask that you become a co-sponsor of legislation proposed by Senator Steve Symms to permit the Thomas Paine Memorial Foundation to place a statue of Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenues.

I was surprised to learn that there is no memorial to Paine in our nation's capital. I am a Burkean myself! But there is no doubt that Paine deserves recognition for his historic championing and philosophical defense of liberty and of a written constitution. The suggested site for a memorial, at Pennsylvania and Constitution, is certainly an appropriate location.

I am sending a copy of this letter to my former student and your long-time legislative assistant, Dean Lon Fendall. Lon may wish to add his endorsement to those of many distinguished historians who support the proposed action.

With best wishes,
Cordially,

PAUL S. HOLBO,
Professor of History, Vice
Provost for Academic Affairs.

UNIVERSITY OF OREGON,
Eugene, OR, February 10, 1992.

Senator MARK HATFIELD,
U.S. Senate, Washington DC.

DEAR SENATOR HATFIELD, I am writing to ask you to support the proposed legislation of Senator SYMMS of Idaho to authorize the Thomas Paine Memorial Foundation to place a statue of Thomas Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenues.

As you know Thomas Paine deserves special recognition for authorship of the Revolutionary pamphlet Common Sense, which was the first major call for independence and a republic. A pivotal figure in the years leading up to the Declaration of Independence from Great Britain, Paine deserves to be honored in some form. I am surprised that it has not been done before.

Please help this cause in any way that you can.

Sincerely,

MAVIS MATE,
Professor and Department Head.

FACE UNIVERSITY,
New York, February 17, 1992.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington DC.

DEAR SENATOR MOYNIHAN, I am writing to encourage you to support the proposed memorial to Thomas Paine on the Capitol grounds. As a former resident of Bethesda, I am well aware that monument space in the District is scarce and that only the most significant figures in American history deserve such a prominent place. From my knowledge of colonial and revolutionary American history, I can attest that Tom Paine is worthy of such recognition.

Paine's life reflected a commitment to democratic principles as well as a talent for translating the disembodied political rhetoric of the era into a language that convinced and mobilized the ordinary man. His pamphlet Common Sense not only altered the attitudes of ordinary tradesmen and artisans in favor of independence but also helped generate the political momentum that produced the highly democratic Pennsylvania Constitution of 1776. His political thought continued to advance even after this seminal contribution, as 1780s saw him opposing price controls, promoting a national bank, and advocating The Rights of Man in the French Revolution. Paine's contribution was so significant that I assign Columbia professor Eric Foner's Tom Paine and Revolutionary America for my seminar on the American Revolution, the book from which much of this paragraph is drawn.

Before you became a Senator, you were a scholar; I remember as a high school debater reading the Moynihan and Mosteller report on equal educational opportunity. As a politician, you have consistently raised the level of debate. Therefore, it would be most fitting for you to support a memorial to a democrat whose contributions to America scholars recognize and to an author whose rhetoric changed the political debate forever.

Sincerely yours,

WILLIAM M. OFFUTT,
Assistant Professor of History.

PENN STATE,
DEPARTMENT OF HISTORY,
University Park, PA, February 27, 1992.

Hon. STEVEN SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: I would like to express my support for the placement of a modest memorial to Thomas Paine on the grounds of the national Capitol in Washington, D.C. Paine played a crucial role in the struggle for American independence from Great Britain, and I believe such a memorial would be entirely consistent with other monuments to revolutionary era figures in Washington.

It is my understanding that such a monument currently is under consideration—and that it would be funded entirely by private monies and subject to approval by the Architect of the Capitol. I hope you will look favorably on this project.

Sincerely yours,

GARY W. GALLAGHER,
Professor and Head,
Department of History.

UNIVERSITY OF PENNSYLVANIA,
SCHOOL OF ARTS AND SCIENCES,
Philadelphia, PA, February 11, 1992.

Senator STEVEN SYMMS,
509 Senate Hart Building, Washington, DC.

DEAR SENATOR SYMMS: I am pleased to respond to your request for support for the project to construct a memorial to Tom Paine on the grounds of the U.S. Capitol. As the author of several books on the American revolutionary era and as a professor who has taught graduate and undergraduate courses on the Revolution at the University of Pennsylvania for the past twenty-three years, I have been in a reasonably good position to assess Paine's contributions to our revolutionary and democratic heritage. My appreciation of Paine's contributions to our American heritage has steadily increased over the course of my years of study and teaching.

Paine is of course most famous for his stunningly influential call for American separation from Great Britain in *Common Sense*. That pamphlet's devastating attack on the institution of monarchy, its chronicle of British misdeeds, and its invocation of natural rights philosophy as a justification for independence were all enormously influential in moving Americans toward the fateful step of independence. Perhaps more important, however, *Common Sense* provided Americans with a vision for a democratic future. When Paine wrote, in contemplation of the challenge of independence, that "The birthday of a new world is at hand, and a race of men, perhaps as numerous as all Europe contains, are to receive their portion of freedom," he began to sketch out a vision of that "new world" that was explicitly democratic and egalitarian, a vision both strikingly different from that which had governed the world in preceding centuries and strikingly similar to that hopeful vision that is sweeping over much of our world—in the former Soviet Union, in Eastern and Central Europe, and in Africa—in the late twentieth century.

Paine was a visionary and a publicist, not a politician. He would not stay on the American scene long enough to play the sort of role that Washington or Jefferson played in building our new nation. But Paine's vision was an extraordinarily hopeful and, as it turned out, an extraordinarily prescient one. His contributions to our democratic heritage do, in my judgment, make him worthy of a memorial in our nation's capital.

Sincerely,

RICHARD R. BEEMAN.

PHI ALPHA THETA, INTERNATIONAL
HONOR SOCIETY IN HISTORY,
Allentown, PA, March 20, 1992.

Senator STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: I was delighted to learn that you have reintroduced legislation that would allow construction of a memorial to Thomas Paine on the grounds of the U.S. Capitol. As you well know, there is no appropriate memorial for Paine in Washington, D.C. That is most unfortunate. Had it not been for the timely appearance of Paine's *Common Sense* in the winter of 1775 the Continental Congress might never have declared American independence. Equally important is that his vision of human rights influenced and inspired generations of reformers hoping to abolish slavery, secure division of church and state, and gain political and legal equality for women. Paine, of course, had serious reservations about formal religion, but that was not unique in an age much committed to rationalism. Nor should those views preclude

him being recognized appropriately, even at this late date, for his contributions to independence and human rights. For that reason, I hope that your legislative efforts are successful.

Although I am not authorized to speak for them, you may be sure that the 740 chapters of Phi Alpha Theta and its 180,000 initiates doubtlessly endorse your proposal as well.

With every good wish, I am

Sincerely,

W. DAVID BAIRD,
Howard A. White Professor
of History.

UNIVERSITY OF PITTSBURGH,
DEPARTMENT OF HISTORY,
February 24, 1992.

Hon. STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: Thank you for your letter of 20 February 1992, soliciting my response to your efforts to secure a memorial honoring Thomas Paine. As the author of a book on Massachusetts politics during the 1780s, as a professor who has taught both graduates and undergraduate students about the American Revolution, as chair of the Department of History, and as secretary of our regional Historical Society of Western Pennsylvania, I have been aware of Paine's contribution to the formation of our republic for many years. Indeed, my first reaction to your request was one of surprise that no memorial to Tom Paine has yet been erected in our national capital.

His *Common Sense* was one of the first and certainly at the time the most effective call for independence and the creation of a new republic. His activity and influence in and on both the American and French Revolutions made him into one of the intellectual founders of our combination of democracy and republicanism that now seems to be sweeping the entire world. Paine was an extraordinary man. He belongs in our pantheon of Revolutionary heroes. His monument is long overdue.

Sincerely yours,

VAN BECK HALL,
Chair, Department of History.

UNIVERSITY OF PITTSBURGH,
Johnstown, PA, March 12, 1992.

Mr. GEORGE M. WHITE,
Architect of the Capitol,
U.S. Capitol, Washington, DC.

DEAR MR. WHITE: I spoke briefly with Barbara Wolanin when I was in Washington yesterday, and I am writing to you at her suggestion.

My inquiry is about plans which, I understand, are forming to construct a memorial statue to Thomas Paine on the Capitol grounds. I am told not only that this falls under your jurisdiction but also that, quite properly, Senators and Representatives will rely upon the advice of your office concerning the design of any such monument before giving their support.

I am sure you recognize that many professional historians will be very enthusiastic about erecting a memorial to Paine. In fact, when the Organization of American Historians meets in Chicago a few weeks from now, we will be considering making an official endorsement of the project. So, if you now have any plans or thoughts on this, whether formal or merely preliminary, could you give me an idea of them?

Thanks for taking a little time on my request.

Sincerely,

ROBERT W. MATSON,
Associate Professor of History.

PRINCETON UNIVERSITY,
DEPARTMENT OF HISTORY,
February 20, 1992.

Senator STEVE SYMMS,
U.S. Senate, 509 Senate Hart Building, Washington, DC.

DEAR SENATOR SYMMS: Please consider me a wholehearted supporter of the proposed memorial to honor Thomas Paine.

I need not restate all of the reasons why such a memorial in the nation's capital is long overdue. No single patriot did as much to galvanize popular support for the American Revolution as Paine did, in *Common Sense* and *The Crisis*. And no writer did more, at the close of the eighteenth century, to proclaim the universality of human rights. He has been memorialized in Paris, as well as in Thetford, his place of birth in England. It is time for him to be honored in the capital of the nation where he did his greatest work.

It is, of course, important that the memorial will not come at any expense to the taxpayer. (Paine, who despised the ways that state parasites enriched themselves at the people's expense, would have approved.) Even more appropriate is the proposed site, at the corner of Pennsylvania and Constitution Avenues. It was, after all, in Pennsylvania that Paine was centered during his most glorious American period. And as early as 1776, he was a proponent for a strong federal union—an idea which led him to support the ratification of the U.S. Constitution, despite his misgivings about some of the framers' handiwork.

Let me congratulate you for having pushed the project this far. I am contacting Senator Bradley and Lautenberg, encouraging them to join in.

Please do not hesitate to contact me if I can be of any further assistance in this matter.

Yours sincerely,

SEAN WILENTZ,
Professor of History.

THE WHITE HOUSE,
Washington, DC, January 12, 1987.

I am delighted to send greetings to the members of The Thomas Paine National Historical Association as you celebrate the 250th anniversary of the birth of your organization's namesake.

In the bleak December of 1776, Paine wrote, "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman."

Among his many forceful and cogent writings, it is perhaps by these words that Americans best remember Paine. And with good reason. They provided invaluable inspiration for the men of the Continental Army at a time when the American Revolution seemed in danger of being crushed.

But Paine did not just talk a good fight. He labored long and tirelessly to raise funds and equipment for the colonial forces, even to the point of impoverishing himself, fulfilling his own words that, "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

Tom Paine deserves our tribute above all for his eloquent and timeless defense of the value of freedom. In this age in which some people question whether any value is worth great sacrifice, whether any ideal is worth fighting for, Paine reminds us that a free society is well worth whatever price must be paid to achieve and preserve it.

I commend your Association for keeping alive the spirit of this great champion of

human freedom, and I join you in honoring him. You have my best wishes for a memorable celebration.

God bless you.

RONALD REAGAN.

UNIVERSITY OF RHODE ISLAND,
Kingston, RI, April 3, 1992.

Senator CLAIBORNE PELL,
U.S. Senate, Washington, DC

DEAR SENATOR PELL: I am writing to request your support of Senator Steve Symms' efforts to have a memorial to Thomas Paine built, with private funding, at the intersection of Pennsylvania and Constitution Avenues.

As an astute student and supporter of the study of American history, you know fully the importance that Paine had in our historical past. Yet, there is no public display of gratitude for his efforts in achieving American independence and liberty. I would greatly appreciate any and all support you could give to Senator Symms' legislation.

Sincerely,

JOEL A. COHEN,
Professor and Former Chair (1984-1991).

RHODE ISLAND COLLEGE,
Providence, RI, April 1, 1992.

Senator STEVEN SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: I endorse your proposed bill to authorize the Thomas Paine Memorial Foundation to place a statue of Tom Paine at the intersection of Pennsylvania and Constitution Avenues. Such a memorial is long overdue.

Practically every school child learns of Thomas Paine and his "Common Sense," and it is surprising that he has not been given a place in the capital of the nation he helped to create. He wrote what most historians regard as one of the truly influential political tracts in American history. We know that "Common Sense" changed the minds of many Americans because we have their testimony, beginning with George Washington himself. Although Washington was already in command of the Continental forces outside of Boston, he had not yet brought himself to support independence, a complete break with the mother country. But, when he read Paine's tract, he was converted to full independence.

Best wishes in your effort.

Sincerely,

J. STANLEY LEMONS,
Professor of History.

UNIVERSITY OF ROCHESTER,
Rochester, NY, February 24, 1992.

Senator DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: "This is the time" to try my senators' sensitivities and my country's memory to have them and it honor one of the very few original thinkers during our "Era of Independence." Rightly we remember his "Common Sense". But you paraphrase his "Rights of Man" in your call for our recognition of civil rights for all. We remember Paine as a writer of memorable prose [usually but a single brilliant opening line], a best selling pamphlet against monarchy, and as his subsequent career showed, a really independent thinker. My students still profit from reading his prose and that is unusual and high praise.

May I petition you to help support Senator Steve Symms bill as co-sponsors of legislation to erect a suitable monument in honor of Paine on the US Capitol Grounds! And it

would be proper to have Paine in the line of sight of the Congress. . .

Sincerely yours,

JOHN T. WATERS,
Professor History.

RUTGERS UNIVERSITY,

NEW BRUNSWICK NJ, February 12, 1992.
Senator DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing to support Senator Steven D. Symms bill for the building of a memorial to Thomas Paine on the grounds of the Capitol.

I have taught courses at Rutgers on United States History, New Jersey History, and the American Revolution. Several years ago I wrote a brief biography of Thomas Paine for an biographical encyclopedia.

In each of the courses mentioned I refer to Thomas Paine; in the last I spend some time on him and his contributions to the Revolution. It is difficult to underestimate the impact of his pamphlet *Common Sense* written in January 1776. It made a clear case for the declaration of independence from England, convincing many Americans that the time had indeed come. During the difficult days of the war that followed Paine wrote a series of *Crises* letters which urged Americans to fight on. His efforts were timely and important. Certainly a monument to remind Americans of this part of their heritage is proper.

Sincerely,

Dr. MAXINE N. LURIE.

UNIVERSITY OF SCRANTON,
Scranton, PA, March 23, 1992.

Sen. STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: Please let me take this opportunity to strongly endorse the proposed legislation to authorize the erection of a statue of Thomas Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenues.

It is a shame that the author of *Common Sense*, the pivotal document in the *Clarion* Call for Independence in 1776, has so little public recognition. Paine's courageous words and ideas provided nothing less than the motive force for the decision to seek independence in '76. It would be a great—and long overdue—public service to commemorate in this way Paine's enormously important role in the revolutionary struggle.

As a soldier who gave 40 years of his life for our country, I consider Paine a fellow patriot.

I wish this project all the success possible.

Sincerely,

JOSEPH M. CANNON, PH.D.,
Professor of Education.

JAMES A. ROUSMANIERE,
Southbury, CT, March 23, 1992.

CHRISTOPHER J. DODD,
U.S. Senator, Washington, DC.

DEAR SENATOR DODD: "These are the times that try men's souls, the summer soldier and the sunshine patriot will in this crisis, shrink from service to their country; but he that stands it now deserves the love and thanks of man and woman * * *"

With these words Thomas Paine began a series of pamphlets calling on the will of the patriots to stand firm. This charge could be as well adapted to our present years of political indecision.

With these words I ask you to co-sponsor a Bill introduced by Senator Symms to allow a modest memorial to Thomas Paine on the grounds of the U.S. Capitol— at no cost to the taxpayer.

Being of French heritage myself, and a direct descendant of a soldier in Rochambeau's army, I am proud of Thomas Paine's contributions to his adoptive land, The United States of America. I hope you will share my pride and act to bring this memorial into being in our Capitol by sponsoring this legislation.

Yours sincerely,

JAMES A. ROUSMANIERE,
Selectman,
Town of Southbury.

STANFORD UNIVERSITY,
Stanford, CA, January 17, 1992.

Sen. STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: Thank you for yours of 11 December 1991, soliciting my comment on the possibility of a memorial honoring Thomas Paine.

I would like to express my strongest possible support for this proposal. Frankly, as I'm sure it has to many of your correspondents, it came as quite a surprise to me to learn that there is no kind of memorial in the nation's capital at this time to Paine. He was unquestionably a figure of pivotal importance in the crystallization of sentiment that led to the formal Declaration of Independence from Great Britain in the 1770's. He was also, as you note, a key player in several other episodes of major historical interest, both in this country and in Europe. In any case, please regard this as an expression of strong endorsement of your idea. May it come to swift and elegant fruition.

Sincerely,

DAVID M. KENNEDY,
Chair, History Department.

SYRACUSE UNIVERSITY,
February 12, 1992.

Sen. STEVE SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: Enclosed you will find my letter to Senator Moynihan endorsing your legislation to authorize the building of a memorial to Thomas Paine. It is an excellent idea and I wish you the best of luck.

If I can do anything else, please let me know.

Most cordially,

JAMES ROGER SHARP,
Professor and Chair.

ST. FRANCIS COLLEGE
OF PENNSYLVANIA,
Ebensburg, PA 15931 March 6, 1992

Sen. HARRIS WOFFORD,
Washington, DC.

DEAR SENATOR WOFFORD: As an historian, a past president of both the Cambria County Historical Society and the Pennsylvania Historical Association, and one of your constituents, I am writing to urge your support for the Thomas Paine Capital Memorial legislation, soon to be introduced by Senator Steve Sims of Idaho. The bill will provide for the erection at the intersection of Pennsylvania and Constitution avenues in Washington of an appropriate memorial commemorating the contributions of Thomas Paine to our nation's history.

Paine's widely circulated and persuasive pamphlet, *Common Sense*, is generally regarded as the first important public call for America's separation from Great Britain and his advocacy contributed significantly to the decision, in Philadelphia, for independence. He also argued for a *written* constitution in contrast to the English practice. Despite this association with two of our nation's most treasured documents, Paine is, today, an ob-

scure if not a forgotten figure. He deserves better as the many historians across the country who are actively supporting the proposed legislation agree. I hope that you, also, will agree and that you will give the measure your support and your vote.

Sincerely yours,

JOHN F. COLEMAN, Ph.D.,
Professor of History.

THE UNIVERSITY OF TENNESSEE,
CHATTANOOGA, TN, APRIL 3, 1992.

Senator Steven D. Symms,
Washington, DC.

DEAR SENATOR SYMMS: I am pleased to endorse your proposed legislation to permit the Thomas Paine Memorial Foundation to erect a statue of Paine on Capitol grounds at the intersection of Pennsylvania and Constitution Avenues.

Paine very much deserves to be memorialized in this fashion both for his authorship of *Common Sense*, which provided intellectual foundation for the American Revolution, and for his consistent support of human rights. It is especially commendable that this memorial will be constructed entirely with private funds.

I shall be writing to Senators Gore and Sasser on behalf of this legislation.

Sincerely,

HERBERT BURHENN,
Professor and Department Head.

U.S. CAPITOL HISTORICAL SOCIETY,
Washington, DC, March 23, 1992.

Senator STEVE D. SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: I am writing to support your legislation to honor Thomas Paine with a modest memorial to be erected within the technical boundaries of the U.S. Capitol Grounds.

I know that you are as aware as I of the contributions Paine made to the American Revolution with the publication of his pamphlet *Common Sense*. No less authorities than Henry Steele Commager and Richard B. Morris have written: "Doubtless the most important single influence in bringing about a change in popular sentiment was the publication, in January, 1776, of *Common Sense*." Paine's writings, including *The Rights of Man*, have placed him in the forefront of the movement for the rights of all men and women without regard to race or religion.

An impressive array of historians, including Arthur Schlesinger, Jr., and Gordon Wood, have endorsed a memorial to Thomas Paine.

As Chief Historian of the U.S. Capitol Historical Society, I am well aware of the reluctance to locate this or any memorial on Capitol Grounds. There is always the apprehension that placing any memorial would open up the process to a multitude of other memorial projects.

I believe that each proposal should be judged on its own merits. What appeals to me most about the Paine proposal is the overpowering symbolic statement made by a modest, solitary statue of Thomas Paine, citizen-soldier-writer. In one statue we would see encapsulated all the best virtues of citizenship: the individual actively involved in forging his own destiny and protecting the rights of his fellow Americans, which is the very bedrock of our democracy. In fact, one could come to see this memorial as representative of the very concept of citizenship, and that it would make a statement that no amount of other memorials or statues could improve upon.

Sincerely,

DONALD R. KENNON,
Chief Historian.

U.S. CAPITOL HISTORICAL SOCIETY,
Washington, DC, March 13, 1992.

Senator STEVE D. SYMMS,
U.S. Senate, Washington, DC.

DEAR SENATOR: I am writing to express my support for your proposal to site a memorial to Thomas Paine on a Capitol grounds site. I have long supported a proper recognition of Thomas Paine, and I am pleased to learn of your desire to locate a modest memorial in keeping with Paine's philosophy on the Capitol grounds.

After reviewing the present list of more than 220 co-sponsors for the House version of this bill, supported by the endorsements of numerous eminent American historians, I am pleased to add my voice to the chorus calling for this long overdue recognition of Thomas Paine's life and accomplishments.

I am reassured by your assurances that the proper precautions will be taken to ensure that this action does not become a precedent for the siting of other memorials on Capitol grounds. I believe this is a wise precaution to mute any possible criticism.

For all of these reasons, I am able to express my wholehearted support for your proposal.

Sincerely,

FRED SCHWENDEL,
President.

P.S.—I also wish to express my profound gratitude for your interest in entering my statement on *The Mission of America* in the Post-Cold War World into the Congressional Record.

U.S. CAPITOL HISTORICAL SOCIETY,
Washington, DC, March 13, 1992.

Hon. GEORGE M. WHITE
FAIA, Architect of the Capitol,
Washington, DC.

DEAR GEORGE: I am writing to express my support for Senator Steve Symms' proposal to site a memorial to Thomas Paine on a Capitol grounds site. I have long supported a proper recognition of Thomas Paine, and I am pleased to learn from Senator Symms of his desire to locate a modest memorial in keeping with Paine's philosophy on the Capitol grounds.

As I wrote to Senator Symms in August 1991 when he first came to me to ascertain my position with respect to his proposed statue of Thomas Paine, "I shall pursue with all the intelligence and energy I have to do the appropriate honor to Thomas Paine."

After reviewing the present list of more than 220 co-sponsors of H.R. 1628, coupled with the dozens of endorsements of the Pennsylvania and Constitution Avenues site on the Capitol grounds, supported by eminent historians who are professors and chairs of history departments at prestigious universities throughout the United States, I continue to totally support this long-neglected tribute to Thomas Paine.

Senator Symms assures me that the proper precautions will be taken in the language of the legislation and in the accompanying documentation to preclude this action from becoming a precedent for the siting of other memorials on Capitol grounds.

I am convinced that criticism of this proposal would be muted by the following facts: 1. It would not create a dangerous precedent, 2. The memorial would be privately funded, 3. The memorial design would be modest in appearance, and subject to your final approval, and 4. Thomas Paine's historical significance and appeal transcends partisanship and ideological differences.

In any objective analysis of American history, Thomas Paine has always been viewed

in the forefront of the movement for Independence, the rights of all men and women without regard to race or religion, and the necessity for the development of a written democratic constitution. For example, two of America's most eminent historians, Allen Nevins and Henry Steele Commager, wrote in *A Short History of the United States*:

"What had begun as a war for the 'rights of Englishmen' and the mere redress of grievances became in little more than a year a war for independence. . . . Earlier in 1776, Washington's army raised a distinctive American flag. At the same time a profound effect was being produced by the pamphlet *Common Sense*, written by a brilliant young radical, Thomas Paine, lately come from England. He argued that independence was the only remedy, that it would be harder to win the longer it was delayed, and that it alone would make American union possible.

In another work coauthored with Richard B. Morris, Professor Commager has observed: "Doubtless the most important single influence in bringing about a change in popular sentiment was the publication, in January, 1776, of *Common Sense*. * * * Above all, it presented arguments elementary and to be understood by all, in language that could be read by all; it appealed to the widespread popular sense of Americanism, of separation, of egalitarianism * * * The influence of *Common Sense* was prodigious, and from all parts of the country came testimony of the revolution. It was working in the minds and the hearts of Americans."

For all of these reasons, I am able to express my wholehearted support for Senator Symms' proposal.

Sincerely,

FRED SCHWENDEL,
President.

UTAH STATE UNIVERSITY,
Logan, UT, March 16, 1992.

Senator JAKE GARN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GARN: I strongly support the proposal by Senator Steven Symms authorizing a memorial be erected to Thomas Paine at the junction of Constitution and Pennsylvania Avenues. As a teacher of Early American history I fully appreciate the unique and important contributions Paine made to our Revolution and early nation as well as his role abroad. It merits formal recognition and this seems a fine way to do it.

I urge you to join in the effort to build the memorial. I understand it will be of no cost to us taxpayers.

Sincerely,

MICHAEL L. NICHOLLS,
Associate Professor of History.

THE UNIVERSITY OF UTAH
Salt Lake City, UT, March 18, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I am writing to voice my enthusiastic support for your proposed bill to commemorate Thomas Paine's contribution to American independence. He has long deserved such a tribute in our nation's capitol.

I enclose copies of letters sent to Senators Hatch and Garn expressing my support for the proposal.

Sincerely,

ERIC A. HINDERAKER,
Assistant Professor in History.

VASSAR COLLEGE,

Poughkeepsie, NY, February 17, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: Thank you for your recent letter about your proposal to construct a memorial to Thomas Paine in Washington D.C. I wish to add my voice to the chorus of historians who have endorsed your efforts to have one of the leading radical figures in the American political tradition honored.

As a historian of colonial and revolutionary America, Paine figures large in both my teaching and research. Through his political writings and the enormous impact that Common Sense had upon its audience in 1776, Paine deserves to be accorded the same status as the other founding fathers who propounded a republican system of government. Moreover, his ability to capture the mood of the times not only in America, but also in France on the eve of its revolution firmly places Paine in the trans-Atlantic radical tradition.

On a more personal note, I use Paine's Common Sense in an American history survey course and in a seminar on the American Revolution. My students find Paine's ideas and observations about political society and the need for an active citizenry as relevant today as it was during the "times that try men's souls."

I trust that your campaign will prove successful, and that Tom Paine will join the other Tom (Jefferson) in Washington D.C.

Sincerely,

EDWARD PEARSON,
Assistant Professor of History.

UNIVERSITY OF VIRGINIA,
Charlottesville, VA, March 17, 1992.

Senator CHARLES ROBB,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROBB: Senator Steve Symms of Idaho has asked me to express to you my support of the proposed memorial to Thomas Paine on the grounds of the Capitol. Such national recognition of Paine is long overdue. Curiously, there is a fine statute of Paine at his birthplace, Thetford, in Norfolk, which I have visited, and he is remembered there at every anniversary. But in this country, to which he came at the age of twenty and were he rendered his great service to mankind, he is scarcely remembered at all. The United States has an unacknowledged debt of gratitude to Paine. I warmly urge you to support the proposal of the Thomas Paine National Historical Association and hope that you will join Senator Symms as a co-sponsor of the legislation.

Sincerely yours,

MERRILL D. PETERSON,
Jefferson Foundation Professor Emeritus.

WASHINGTON UNIVERSITY,
DEPARTMENT OF HISTORY,
St. Louis, MO, March 3, 1992.

Senator STEVE SYMMS,
Senate Hart Building, U.S. Senate, Washington, DC.

DEAR SENATOR SYMMS: Thank you for your letter informing me of your legislation to commemorate the life and efforts of Thomas Paine. I was surprised to learn that no Paine memorial of any sort exists in our nation's capital. In view of the unmatched impact of his pamphlet, Common Sense—it was the most widely read work of its time in America—Americans ought to be re-acquainted with its powerful message of democracy and

universal rights. Paine's conceptualization of a great and free society compelled him to attack slavery and inequality in that work and in many other writings. As is abundantly clear to me in the work I am now completing on the creation of a free society in America after 1776, Paine was also an early proponent of a vigorous and healthy economy that would allow the fruits of American prosperity to be enjoyed broadly and serve to benefit all sectors of the nation.

A monument in Washington would bring these ever-important founding principles to the attention of Americans; it is long overdue.

I heartily endorse your efforts, and will urge Missouri Senators Christopher S. Bond and John C. Danforth and Representatives William L. Clay and Richard A. Gephardt to support your legislation.

Sincerely,

DAVID THOMAS KONIG,
Professor, Chair of the Department.

WAYNE STATE UNIVERSITY,
Detroit, MI, April 3, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: On my behalf, please convey to Senator Riegle and Senator Levin my support for legislation to authorize the Thomas Paine Memorial Foundation to place a statue of Paine on the Capitol grounds at the intersection of Pennsylvania and Constitution Avenues. Americans should be reminded of Paine's historically valuable contributions, which surely deserve special recognition. I hope that Senator Riegle and Senator Levin will agree to serve as co-sponsors of the legislation.

Sincerely,

ALAN RAUCHER,
Professor and Chair.

WESTERN RESERVE HISTORICAL SOCIETY,
Cleveland, OH, March 10, 1992.

Mr. GEORGE WHITE,
Architect of the Capitol,
U.S. Congress, Washington, DC.

DEAR GEORGE: The proposed legislation to allow the private sector to construct a modest memorial to Thomas Paine that would be located on the grounds of the U.S. Capitol, has my full support.

I commend the efforts of the Thomas Paine National Historical Association and Senator Symms in bringing long overdue recognition to one of our nation's most important proponents of democracy. His eloquent and persuasive arguments in Common Sense, The American Crisis and The Rights of Man have had a profound influence upon American political philosophy. His achievements as a writer and thinker have been recognized well beyond our shores. It is ironic, indeed, that no lasting tribute to him currently stands in the capital of the country that he so vigorously helped to shape.

We of Ohio and the Western Reserve know of Thomas Paine's legacy through the remarkable Northwest Ordinance that was clearly influenced by his advocacy of human rights and his remarkable vision.

I very much encourage your favorable consideration of a Thomas Paine Memorial at the U.S. Capitol.

Sincerely,

THEODORE ANTON SANDE,
Executive Director.

WEST VIRGINIA UNIVERSITY,

Morgantown, WV, March 30, 1992.

Senator ROBERT BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: I am writing to urge your support of legislation to allow private groups to erect a memorial to Thomas Paine. Such a memorial has been long delayed. Paine is perhaps best known for his authorship of Common Sense. It is doubtful if any other document before or since has done more to influence the course of events. In 1776, Common Sense propelled the colonies to independence.

Paine's role in sparking the rebellion is all too often ignored. It was Paine who verbalized and popularized revolutionary rhetoric for all classes in colonial society. A memorial to Paine on the Capitol grounds would be a most appropriate tribute to the man who was able to unite thirteen formerly diverse colonies in a common cause.

I strongly urge your support of this measure.

Sincerely,

MARY LOU LUSTIG,
Assistant Professor.

THE WHITE HOUSE,
Washington, January 12, 1987.

I am delighted to send greetings to the members of The Thomas Paine National Historical Association as you celebrate the 250th anniversary of the birth of your organization's namesake.

In the bleak December of 1776, Paine wrote, "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman."

Among his many forceful and cogent writings, it is perhaps by these words that Americans best remember Paine. And with good reason. They provided invaluable inspiration for the men of the Continental Army at a time when the American Revolution seemed in danger of being crushed.

But Paine did not just talk a good fight. He labored long and tirelessly to raise funds and equipment for the colonial forces, even to the point of impoverishing himself, fulfilling his own words that, "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

Tom Paine deserves our tribute above all for his eloquent and timeless defense of the value of freedom. In this age in which some people question whether any value is worth great sacrifice, whether any ideal is worth fighting for, Paine reminds us that a free society is well worth whatever price must be paid to achieve and preserve it.

I commend your Association for keeping alive the spirit of this great champion of human freedom, and I join you in honoring him. You have my best wishes for a memorable celebration.

God bless you.

RONALD REAGAN.

WICHITA STATE UNIVERSITY,
Wichita, KS, March 10, 1992.

Senator ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: It has come to our attention that Senator Steve Symms of Idaho is introducing legislation to allow the Thomas Paine Society and the private sector to construct a modest memorial to Thomas Paine on the grounds of the U.S. Capitol. It

is also our understanding that as Chairman of the Senate Rules Committee, you have a considerable role to play in the utilization of space on the capitol grounds.

We urge you to respond favorably to the Symms legislation. Surely few individuals were as important to the founding of the American Republic as Thomas Paine. As George Washington noted, Paine's publication of *Common Sense* in January 1776 "is working a powerful change in the minds of men," for it directly attacked the allegiance to the monarchy of George II and transformed the revolutionary controversy. His subsequent contribution of inspirational articles condemning slavery and promoting equal rights for men and women of all race and religious beliefs places him among the leading founding fathers.

It was with the greatest surprise, therefore, that we learned that there is no memorial to this great American. Such an oversight should have been corrected at the time of the Bicentennial celebration. Since it was not, it seems appropriate to do so now and it is equally appropriate that he be accorded space on the U.S. capitol grounds. Since such a modest memorial will be erected and maintained at no cost to the taxpayers, we heartily endorse such a memorial and urge you to do so as well. Thank you for your attention to this matter.

On behalf of the Department of History of Wichita State University, I remain,

Sincerely Yours,

JOHN E. DREIFORT,
Professor and Chair.

UNIVERSITY OF WISCONSIN—MADISON,
Madison, WI, March 11, 1992.

Hon. STEVEN SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I very much support your efforts to erect a monument at the corner of Constitution and Pennsylvania Avenues in Washington, D.C., honoring Thomas Paine. The recognition is well deserved, and long overdue.

Paine presents the kind of radical figure difficult for many people to understand because he resists easy categorization and mythologizing. A Deist, he knew the language of evangelical Protestantism well enough to base one of his central arguments in *Common Sense* on I Samuel; a one-time tax collector, he feared the power of government to extract people's property from them without their consent; a fervent democrat, he also advocated the entrepreneurial capitalism of the ascending mercantile elites; and a world-class revolutionary, he also advocated the necessity for grounding government in a constitution. One or another part of his career angers almost anyone with an ideological axe to grind, and so it is perhaps not surprising that the greatest propagandist of the American Revolution does not yet have his marker in the city of statues. He should.

Paine reminds us of the ambiguities of our past, the explosive mixture of regard for human rights and personal property that is both the Revolution's legacy and its challenge: how to reconcile liberty with the pursuit of personal gain? At this point in time, we ought to be able to salute publicly his revolutionary republicanism, and to lay aside Theodore Roosevelt's assessment of him as a "dirty little atheist." I applaud your efforts and wish them success.

Sincerely,

CHARLES L. COHEN,
Associate Chairman.

YALE UNIVERSITY,

New Haven, CT, February 12, 1992.

Senator EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I strongly support the legislation proposed by Sen. Symms to authorize a memorial to Thomas Paine to be erected on Capitol grounds at Pennsylvania and Constitution Avenues. Paine was a crucial figure in the emergence of American republicanism, and a signal contributor to democratic thought.

The proposed statue is a fitting (and long overdue) way to acknowledge Paine's remarkable accomplishments and his legacy.

Sincerely,

NANCY F. COTT,
Woodward Professor of
American Studies and History.

YORK COLLEGE,

York, PA, February 26, 1992.

Senator STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: Enclosed for your information is a copy of the letter I sent to Senators Wofford and Spector of Pennsylvania in support of your proposal to erect a statue in honor of Thomas Paine.

The Department of History & Political Science appreciates your initiative in this matter and wishes you success with its completion.

Sincerely,

PHILIP J. AVILLO, Jr., Ph.D.,
Chairman.

Mr. SYMMS. Mr. President, in closing, I think it well to remember that Thomas Paine was one of the first to publicly, unequivocally, and effectively denounce chattel slavery in America, connecting the freedoms of African-Americans to the cause of American freedom. In addition, as clerk of the Pennsylvania Assembly, he wrote the first law in the Western World regarding emancipation.

He was the first to propose and help implement through written persuasion the four cornerstones of American society and governance: First, our independence from England; second, our representative, democratic/republican form of government; third, our status as a united sovereign country with due regard for individual and States rights; and fourth, our status as world leader for universal freedom and human rights.

He was the first to specifically call for a Declaration for Independence and a Constitutional Convention, and propose an outline for our constitution.

He coined the term "Free and Independent States of America" and brought into general usage the term "United States of America".

He nurtured the Revolution through immortal words and practical deeds, such as initiating the first effective fund drive for the war effort, which resulted in his being the first subscriber to the Bank of America, which financed the Revolution; and he personally traveled to France and secured finances and critical supplies for the decisive battle of Yorktown.

He significantly contributed to the first victory of the continental Army with his immortal words, "These are the times that try men's souls * * * et cetera, which Washington ordered read to the entire Army, and Presidents have used ever since in times of crisis up to and including the present administration.

He was among the first to publish a defense of the rights of women.

He carried the concept of a new world order to Europe, resulting in the democratic reform movements of the late 18th and 19th centuries which ultimately led to the Third World and Eastern European revolutions we have just witnessed.

He was among the first to publicly call for the overthrow of the French monarchy and wrote the French Declaration of Rights, but defended the life of Louis XVI at risk to his own.

He was among the first to propose an international peace organization using sanctions as a means of enforcement of international law.

He was among the first to propose international arbitration and copyright.

He pioneered the development of the metal single span arch bridge.

In terms of per capita readership at the time of publication, he wrote two of the greatest selling works in the history of writing: "Common Sense," and the "Rights of Man" I don't know of an 18th century political writer who has more books still in print.

I thank my colleagues, the pages, the staff of the Secretary and Sergeant at Arms, who run the Senate, for their indulgence at this late hour on a Friday afternoon. But I do appreciate it. And I would also like to say a special thanks to all of my colleagues, some who are not as yet sponsors of the concurrent resolution and certainly all those who are sponsors of this concurrent resolution for making this a reality. I know there will be many people who will be looking forward to the day when the families of America come to this Nation's beautiful Capitol and there will be an appropriate memorial built here on the Capitol grounds which will pay tribute to this great American.

Mr. President, I thank the Chair.

SENATE RESOLUTION 287—AUTHORIZING AN APPEARANCE BY THE SENATE LEGAL COUNSEL

Mr. CRANSTON (for Mr. MITCHELL, for himself, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 287

Whereas, in the case of *United States ex rel. Barbara Burch versus Piqua Engineering, Inc.*, No. C-1-90-745, pending in the United States District Court for the Southern District of Ohio, the Constitutionality of the qui tam provisions of the False Claims Act, as amended by the False Claims Amendment

Act of 1986, Public Law No. 99-562, 100 Stat. 3153 (1986), 31 U.S.C. 3729, et seq. (1988), have been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288(c), 288e(a), and 288(a) (1988), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the case of *United States ex rel. Barbara Burch versus Piqua Engineering, Inc.*, to defend the constitutionality of the qui tam provisions of the False Claims Act.

SENATE RESOLUTION 288—RELATIVE TO THE NEW ORIOLE PARK AT CAMDEN YARDS

Ms. MIKULSKI (for herself and Mr. SARBANES) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas baseball is the national past time;

Whereas on April 6, 1992, the President of the United States, George Bush, threw out the first pitch at the Orioles Park at Camden Yards;

Whereas the Orioles Park at Camden Yards contains verdant fields of grass grown on Maryland's Eastern Shore;

Whereas opening day at Orioles Park at Camden Yards was the historic culmination of years of effort;

Whereas the Orioles Park at Camden Yards embraces the glorious traditions of baseball by reflecting the diverse urban character of the city of Baltimore;

Whereas the opening of the Orioles Park at Camden Yards is the latest step in the reinvigoration of the historic city of Baltimore: Now, therefore, be it

Resolved, That the Senate of the United States congratulates Eli Jacobs and Larry Lucchino, of the Baltimore Orioles, and Fay Vincent, the commissioner of Major League Baseball, upon the opening of Orioles Park at Camden Yards.

SEC. 2. That the Senate of the United States congratulates the architects of Orioles Park at Camden Yards, Janet Marie Smith and Joe Spear, for their important contribution to the character of the city of Baltimore and to the sport of baseball.

SEC. 3. That the Senate of the United States commends Governor William Donald Schaefer and Mayor Kurt Schmoke, along with all the State and local officials whose determination made the opening of Orioles Park at Camden Yards possible.

SEC. 4. That the Senate of the United States congratulates the men and women whose skill, talent, craftsmanship, and hard work built Orioles Park at Camden Yards from the ground up, making Orioles Park at Camden Yards the masterpiece of American quality and urban architecture that it is today.

SEC. 5. The Senate of the United States commends the fans and all of the people of Maryland whose support made this dazzling accomplishment possible.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET

DOMENICI (AND OTHERS) AMENDMENT NO. 1777

Mr. DOMENICI (for himself, Mr. NUNN, Mr. RUDMAN, Mr. ROBB, Mr. SYMMS, and Mr. DOLE) proposed an amendment to the concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the U.S. Government for fiscal years 1993, 1994, 1995, 1996, and 1997; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1993, including the appropriate budgetary levels for fiscal years 1994, 1995, 1996, and 1997, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

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

Sec. 1. Concurrent resolution on the budget for fiscal year 1993.

Sec. 2. Recommended levels and amounts.

Sec. 3. Debt increase as a measure of deficit.

Sec. 4. Social Security.

Sec. 5. Major functional categories.

Sec. 6. Control in growth of mandatory spending.

Sec. 7. Social Security Outlay and Revenue levels.

Sec. 8. The Peace Dividend.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1993, 1994, 1995, 1996, and 1997:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1993: \$845,300,000,000.

Fiscal year 1994: \$911,300,000,000.

Fiscal year 1995: \$968,100,000,000.

Fiscal year 1996: \$1,017,800,000,000.

Fiscal year 1997: \$1,070,400,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1993: \$0.

Fiscal year 1994: \$0.

Fiscal year 1995: \$0.

Fiscal year 1996: \$0.

Fiscal year 1997: \$0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1993: \$85,300,000,000.

Fiscal year 1994: \$91,200,000,000.

Fiscal year 1995: \$96,800,000,000.

Fiscal year 1996: \$102,900,000,000.

Fiscal year 1997: \$109,200,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 1993: \$1,250,200,000,000.

Fiscal year 1994: \$1,268,400,000,000.

Fiscal year 1995: \$1,307,100,000,000.

Fiscal year 1996: \$1,357,300,000,000.

Fiscal year 1997: \$1,433,600,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1993: \$1,241,800,000,000.

Fiscal year 1994: \$1,255,700,000,000.

Fiscal year 1995: \$1,258,500,000,000.

Fiscal year 1996: \$1,282,100,000,000.

Fiscal year 1997: \$1,347,400,000,000.

(4) DEFICITS.—The amounts of the deficits are as follows:

Fiscal year 1993: \$396,500,000,000.

Fiscal year 1994: \$344,400,000,000.

Fiscal year 1995: \$290,400,000,000.

Fiscal year 1996: \$264,300,000,000.

Fiscal year 1997: \$277,000,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1993: \$4,465,600,000,000.

Fiscal year 1994: \$4,865,500,000,000.

Fiscal year 1995: \$5,211,900,000,000.

Fiscal year 1996: \$5,533,200,000,000.

Fiscal year 1997: \$5,860,200,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1993: \$19,700,000,000.

Fiscal year 1994: \$19,600,000,000.

Fiscal year 1995: \$19,200,000,000.

Fiscal year 1996: \$19,000,000,000.

Fiscal year 1997: \$19,000,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1993: \$113,300,000,000.

Fiscal year 1994: \$111,800,000,000.

Fiscal year 1995: \$112,300,000,000.

Fiscal year 1996: \$112,700,000,000.

Fiscal year 1997: \$113,000,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1993: \$447,300,000,000.

Fiscal year 1994: \$399,900,000,000.

Fiscal year 1995: \$346,400,000,000.

Fiscal year 1996: \$321,300,000,000.

Fiscal year 1997: \$327,000,000,000.

SEC. 4. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1993: \$328,100,000,000.

Fiscal year 1994: \$350,300,000,000.

Fiscal year 1995: \$371,800,000,000.

Fiscal year 1996: \$395,300,000,000.

Fiscal year 1997: \$419,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1993: \$260,000,000,000.

Fiscal year 1994: \$271,600,000,000.

Fiscal year 1995: \$283,000,000,000.

Fiscal year 1996: \$294,500,000,000.

Fiscal year 1997: \$306,000,000,000.

SEC. 5. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1993 through 1997 for each major functional category are:

(1) National Defense (050):

Fiscal year 1993:

(A) New budget authority, \$280,400,000,000.

(B) Outlays, \$290,900,000,000.

(C) New direct loan obligations, \$0.

(D) New primary loan guarantee commitments, \$0.

Fiscal year 1994:

(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1997:

(A) New budget authority, \$43,700,000,000.
(B) Outlays, \$37,800,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

(9) Community and Regional Development (450):

Fiscal year 1993:

(A) New budget authority, \$6,400,000,000.
(B) Outlays, \$7,000,000,000.
(C) New direct loan obligations, \$1,300,000,000.

(D) New primary loan guarantee commitments, \$400,000,000.

Fiscal year 1994:

(A) New budget authority, \$6,200,000,000.
(B) Outlays, \$6,400,000,000.
(C) New direct loan obligations, \$1,300,000,000.

(D) New primary loan guarantee commitments, \$400,000,000.

Fiscal year 1995:

(A) New budget authority, \$6,100,000,000.
(B) Outlays, \$5,900,000,000.
(C) New direct loan obligations, \$1,300,000,000.

(D) New primary loan guarantee commitments, \$400,000,000.

Fiscal year 1996:

(A) New budget authority, \$6,000,000,000.
(B) Outlays, \$5,500,000,000.
(C) New direct loan obligations, \$1,300,000,000.

(D) New primary loan guarantee commitments, \$400,000,000.

Fiscal year 1997:

(A) New budget authority, \$6,000,000,000.
(B) Outlays, \$5,600,000,000.
(C) New direct loan obligations, \$1,300,000,000.

(D) New primary loan guarantee commitments, \$400,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1993:

(A) New budget authority, \$51,700,000,000.
(B) Outlays, \$49,700,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$15,200,000,000.

Fiscal year 1994:

(A) New budget authority, \$51,400,000,000.
(B) Outlays, \$50,900,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$15,700,000,000.

Fiscal year 1995:

(A) New budget authority, \$50,300,000,000.
(B) Outlays, \$49,900,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$16,100,000,000.

Fiscal year 1996:

(A) New budget authority, \$50,200,000,000.
(B) Outlays, \$45,400,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$16,400,000,000.

Fiscal year 1997:

(A) New budget authority, \$50,600,000,000.
(B) Outlays, \$49,700,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$16,600,000,000.

(11) Health (550):

Fiscal year 1993:

(A) New budget authority, \$104,500,000,000.
(B) Outlays, \$104,100,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$300,000,000.

Fiscal year 1994:

(A) New budget authority, \$114,700,000,000.
(B) Outlays, \$114,600,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$300,000,000.

Fiscal year 1995:

(A) New budget authority, \$126,500,000,000.
(B) Outlays, \$125,800,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$300,000,000.

Fiscal year 1996:

(A) New budget authority, \$140,200,000,000.
(B) Outlays, \$139,300,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$300,000,000.

Fiscal year 1997:

(A) New budget authority, \$155,100,000,000.
(B) Outlays, \$153,900,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$300,000,000.

(12) Medicare (570):

Fiscal year 1993:

(A) New budget authority, \$132,400,000,000.
(B) Outlays, \$130,500,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1994:

(A) New budget authority, \$146,300,000,000.
(B) Outlays, \$144,600,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1995:

(A) New budget authority, \$162,900,000,000.
(B) Outlays, \$160,700,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1996:

(A) New budget authority, \$183,000,000,000.
(B) Outlays, \$180,100,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1997:

(A) New budget authority, \$203,600,000,000.
(B) Outlays, \$201,100,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

(13) Income Security (600):

Fiscal year 1993:

(A) New budget authority, \$201,800,000,000.
(B) Outlays, \$196,900,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1994:

(A) New budget authority, \$204,900,000,000.
(B) Outlays, \$206,000,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1995:

(A) New budget authority, \$213,800,000,000.
(B) Outlays, \$216,000,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1996:

(A) New budget authority, \$221,500,000,000.
(B) Outlays, \$225,200,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1997:

(A) New budget authority, \$232,600,000,000.
(B) Outlays, \$236,800,000,000.
(C) New direct loan obligations, \$0.

(D) New primary loan guarantee commitments, \$0.

(14) Social Security (650):

Fiscal year 1993:

(A) New budget authority, \$5,900,000,000.
(B) Outlays, \$8,500,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1994:

(A) New budget authority, \$6,500,000,000.
(B) Outlays, \$9,200,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1995:

(A) New budget authority, \$7,200,000,000.
(B) Outlays, \$9,900,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1996:

(A) New budget authority, \$7,900,000,000.
(B) Outlays, \$10,600,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1997:

(A) New budget authority, \$8,700,000,000.
(B) Outlays, \$11,400,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

(15) Veterans Benefits and Services (700):

Fiscal year 1993:

(A) New budget authority, \$34,700,000,000.
(B) Outlays, \$34,700,000,000.
(C) New direct loan obligations, \$1,000,000,000.

(D) New primary loan guarantee commitments, \$22,100,000,000.

Fiscal year 1994:

(A) New budget authority, \$35,200,000,000.
(B) Outlays, \$36,700,000,000.
(C) New direct loan obligations, \$1,000,000,000.

(D) New primary loan guarantee commitments, \$20,000,000,000.

Fiscal year 1995:

(A) New budget authority, \$35,700,000,000.
(B) Outlays, \$35,800,000,000.
(C) New direct loan obligations, \$1,000,000,000.

(D) New primary loan guarantee commitments, \$20,100,000,000.

Fiscal year 1996:

(A) New budget authority, \$36,100,000,000.
(B) Outlays, \$34,700,000,000.
(C) New direct loan obligations, \$1,000,000,000.

(D) New primary loan guarantee commitments, \$20,200,000,000.

Fiscal year 1997:

(A) New budget authority, \$36,500,000,000.
(B) Outlays, \$36,600,000,000.
(C) New direct loan obligations, \$1,000,000,000.

(D) New primary loan guarantee commitments, \$20,300,000,000.

(16) Administration of Justice (750):

Fiscal year 1993:

(A) New budget authority, \$15,100,000,000.
(B) Outlays, \$15,200,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1994:

(A) New budget authority, \$15,100,000,000.
(B) Outlays, \$15,500,000,000.
(C) New direct loan obligations, \$0.
(D) New primary loan guarantee commitments, \$0.

Fiscal year 1995:

(A) New budget authority, \$15,200,000,000.

- (B) Outlays, \$15,300,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- Fiscal year 1996:
 - (A) New budget authority, \$15,900,000,000.
 - (B) Outlays, \$16,000,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- Fiscal year 1997:
 - (A) New budget authority, \$16,000,000,000.
 - (B) Outlays, \$16,000,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- (17) General Government (800):
 - Fiscal year 1993:
 - (A) New budget authority, \$12,400,000,000.
 - (B) Outlays, \$13,000,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1994:
 - (A) New budget authority, \$11,600,000,000.
 - (B) Outlays, \$12,600,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1995:
 - (A) New budget authority, \$11,600,000,000.
 - (B) Outlays, \$12,100,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1996:
 - (A) New budget authority, \$11,700,000,000.
 - (B) Outlays, \$11,600,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1997:
 - (A) New budget authority, \$11,600,000,000.
 - (B) Outlays, \$11,300,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- (18) Net Interest (900):
 - Fiscal year 1993:
 - (A) New budget authority, \$242,100,000,000.
 - (B) Outlays, \$242,000,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1994:
 - (A) New budget authority, \$263,900,000,000.
 - (B) Outlays, \$263,900,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1995:
 - (A) New budget authority, \$283,300,000,000.
 - (B) Outlays, \$283,300,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1996:
 - (A) New budget authority, \$303,800,000,000.
 - (B) Outlays, \$303,800,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1997:
 - (A) New budget authority, \$325,500,000,000.
 - (B) Outlays, \$325,500,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- (19) Allowances (920):
 - Fiscal year 1993:
 - (A) New budget authority, -\$2,700,000,000.
 - (B) Outlays, -\$2,200,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.

- Fiscal year 1994:
 - (A) New budget authority, \$2,400,000,000.
 - (B) Outlays, -\$600,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- Fiscal year 1995:
 - (A) New budget authority, \$7,900,000,000.
 - (B) Outlays, \$4,200,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- Fiscal year 1996:
 - (A) New budget authority, \$14,600,000,000.
 - (B) Outlays, -\$1,500,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- Fiscal year 1997:
 - (A) New budget authority, \$17,800,000,000.
 - (B) Outlays, -\$25,400,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- (20) Undistributed Offsetting Receipts (950):
 - Fiscal year 1993:
 - (A) New budget authority, -\$33,400,000,000.
 - (B) Outlays, -\$33,400,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1994:
 - (A) New budget authority, -\$32,600,000,000.
 - (B) Outlays, -\$32,600,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1995:
 - (A) New budget authority, -\$33,200,000,000.
 - (B) Outlays, -\$33,200,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1996:
 - (A) New budget authority, -\$33,400,000,000.
 - (B) Outlays, -\$33,400,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - Fiscal year 1997:
 - (A) New budget authority, -\$34,500,000,000.
 - (B) Outlays, -\$34,500,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
- SEC. 6. CONTROL IN GROWTH OF MANDATORY SPENDING.**
 - (a) FINDINGS.—The Congress finds that—
 - (1) mandatory spending has increased from \$32 billion in 1962 to \$708 billion in 1992;
 - (2) mandatory spending now accounts for nearly half of all Federal outlays, up from 30 percent in 1962;
 - (3) over the next five years, mandatory spending will grow by \$190 billion over and above inflation increases and increases for new beneficiaries;
 - (4) the Federal budget deficit, projected to exceed \$400 billion in 2002, will remain too high unless the growth in mandatory spending is brought under control; and
 - (5) the current budget process does not provide adequate controls on the growth of mandatory spending.
 - (b) SENSE OF THE CONGRESS.—It is the sense of the Congress that legislation should be enacted that—
 - (1) would, beginning with fiscal year 1994, phase in a cap by fiscal year 1997 on the growth in mandatory spending for all programs except Social Security at a level that allows for beneficiary and inflation growth;
 - (2) requires mandatory funding levels in the congressional budget resolution not to exceed the mandatory cap; and

- (3) provides a mechanism to reduce the growth in spending for mandatory programs except Social Security if such mandatory spending exceeds the cap.
- SEC. 7. SOCIAL SECURITY OUTLAY AND REVENUE LEVELS.**
 - (a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.
 - (b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.
- SEC. 8. THE PEACE DIVIDEND.**
 - (a) FINDINGS.—The Congress finds that this concurrent resolution on the budget—
 - (1) reduces the President's budget request for function 050, National Defense, by a total of \$35 billion for fiscal years 1993 through 1997; and,
 - (2) allocates \$30 billion in funding above a freeze level for domestic discretionary spending to function 920, Allowances, for fiscal years 1993 through 1997 and abides by the Budget Enforcement Act's spending limitations.
 - (b) SENSE OF THE CONGRESS.—It is the sense of the Congress this budget resolution assume that—
 - (1) the defense savings associated with the President's budget request be devoted to deficit reduction; and,
 - (2) \$30 billion of the additional defense savings for fiscal years 1993–1997 be devoted to additional funding above a freeze level for domestic discretionary investments for transportation, education and training, science and technology, and other economic growth enhancing initiatives that increase the nation's productivity and competitiveness.
- SEC. 9. MAXIMUM DEFICIT AMOUNT POINT OF ORDER IN THE SENATE.**
 - In the Senate, an affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to—
 - (1) waive or suspend section 605(b) of the Congressional Budget Act of 1974; or
 - (2) sustain an appeal of the ruling of the Chair on a point of order raised under section 605(b) of the Congressional Budget Act of 1974.
- SEC. 10. SENSE OF THE SENATE REGARDING FOREIGN GOVERNMENT SUBSIDIES.**
 - (a) FINDINGS.—The Senate finds that—
 - (1) the provision of trade distorting industrial subsidies by foreign governments puts tremendous pressure on the United States Government to provide similar subsidies to industries in the United States; and
 - (2) any ratification of foreign government industrial subsidies would so increase the pressure for industrial subsidies by the United States Government as to undermine efforts to limit the growth of government spending and reduce the federal budget deficit.
 - (b) SENSE OF THE SENATE.—It is the sense of the Senate that, consistent with the overall and principal trade negotiating objectives set forth in the Omnibus Trade and Competitiveness Act of 1988, the United States Government should not, as a matter of official policy, condone or legitimize trade distort-

ing subsidies by foreign governments that cause material injury to industries in the United States.

SEC. 11. SENSE OF THE SENATE THAT CERTAIN GOVERNMENT SUBSIDIES SHOULD NOT GO TO THOSE WHO ARE NOT IN NEED AND THAT A STUDY SHOULD BE CONDUCTED TO IDENTIFY SUCH SUBSIDIES.

(a) FINDING.—The United States Government needs an accurate understanding of the subsidies it pays to those who are not in need.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as part of the effort to reduce the Federal budget deficit and to set spending priorities, subsidies should not be paid to those who are not in need and that a study should be conducted, as provided in paragraph (c), to identify such subsidies.

(c) STUDY OF UNITED STATES GOVERNMENT MANDATORY SPENDING BY INCOME CATEGORIES.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, and concurrently Director of the Congressional Budget Office, in consultation with the Bureau of the Census and the Internal Revenue Service (both of which would provide statistical data) and other Executive Branch departments and agencies, should prepare an estimate by agency and account of the dollar value (as measured by outlays) of assistance payments from United States Government mandatory spending programs under current law and regulations to recipients by income category for the current and five succeeding fiscal years.

(2) METHODOLOGY.—The study described in paragraph c, to establish appropriate income categories, shall use for individuals the sum of the individual's adjusted gross income plus any United States Government assistance payment not already included in such adjusted gross income and shall use for persons other than individuals the sum of the person's taxable income plus any such payment not already included in such taxable income.

(3) DEFINITIONS.—

(A) The term "assistance payments from United States Government mandatory spending programs" means any payment, including payments-in-kind and loans, made by the United States Government directly, indirectly, or through payment to another on the individual's or person's behalf from the mandatory spending programs. The term does not mean payments of Social Security benefits.

(B) The term "recipients" means the individuals or persons on whose behalf the assistance payments are made.

(4) REPORTING.—The study described in subsection c of paragraph 1 shall be submitted to the Congress, and updated annually, as part of the Budget Message of the President.

SEC. 12. SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(1) It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to a federal balanced budget, and requiring the President of the United States to annually submit a balanced budget and that the adoption of such joint resolution should occur on or before June 5, 1992.

SEC. 13. PROGRAM BUDGET EVALUATION.

(a) FINDINGS.—

(1) the current national debt stands at \$3.1 trillion;

(2) the federal deficit for fiscal year 1993 is projected to add another \$350 billion to that debt; and

(3) it is crucial to the well being of future generations of Americans that federal deficits be eliminated and the national debt reduced;

(b) SENSE OF THE SENATE.—

It is the Sense of the Senate that prior to the commencement of the 104th Congress, each authorizing committee of the Senate should conduct a comprehensive reexamination and evaluation of existing programs under its jurisdiction which result in the expenditure of federal dollars, and report its findings to the Senate.

Such committee reports should consider the following matters:

(1) an identification of the objectives intended for the program and the problem it was intended to address.

(2) an identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address.

(3) an identification of any other program having potentially conflicting or duplicative objectives.

(4) a statement of the number and types of beneficiaries or persons served by the program.

(5) an assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved.

(6) an assessment of the cost effectiveness of the program.

(7) an assessment of the relative merits of alternative methods which could be considered to achieve the purposes of the program."

SEC. 14. SENSE OF THE SENATE REGARDING INCREASING PRODUCTIVITY.

(A) FINDINGS.—The Senate finds that—

(1) failure to meet the challenge of international economic competitiveness would seriously jeopardize our national security, standard of living, and quality of life in the coming decades; and

(2) increased productivity is the key to meeting the challenge and regaining the competitive edge the United States economy enjoyed in the past.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funds should be allocated to allow this Nation to commit to an increase in productivity and international competitiveness through a program of long-term strategic investment in—

(1) the development of its human resources;

(2) the physical infrastructure that supports economic activity;

(3) the development and commercialization of technology; and

(4) productive plants and equipment.

MITCHELL AMENDMENT NO. 1778

Mr. MITCHELL proposed an amendment to amendment No. 1777 proposed by Mr. DOMENICI (and others) to the concurrent resolution (S. Con. Res. 106) supra; as follows:

On page 38, line 17 of the amendment, insert before the period the following: ", except that Medicaid shall be exempt from the cap and the cuts required by the mechanism described in this section".

MITCHELL AMENDMENT NO. 1779

Mr. MITCHELL proposed an amendment to amendment No. 1778 proposed by him to amendment No. 1777 pro-

posed by Mr. DOMENICI (and others) to the concurrent resolution (S. Con. Res. 106), supra; as follows:

At the end of the matter proposed to be inserted, insert the following: ", Veterans' Compensation shall be exempt from the cap and the cuts required by the mechanism described in this section".

**DECONCINI (AND OTHERS)
AMENDMENT NO. 1780**

Mr. DECONCINI (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. SPECTER, Mr. JOHNSTON, Mr. LUGAR, Mr. BRADLEY, Mr. DOLE, Mr. GRAHAM, Mr. MCCONNELL, Mr. RIEGLE, Mr. WARNER, Mr. AKAKA, Mr. MURKOWSKI, Mr. SIMON, Mr. DANFORTH, Mr. WELLSTONE, Mr. DURENBERGER, Mr. DODD, and Mr. LAUTENBERG) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

At the end of the resolution, add the following:

SEC. . SENSE OF THE SENATE ON WIC.

(a) FINDINGS.—The Senate finds that—

(1) the Special Supplemental Food Program for Women, Infants and Children (WIC) has been invaluable to millions of needy pregnant and nursing women, infants and children at nutritional risk for nearly 20 years;

(2) President Bush has commendably recommended an increase in the WIC program for fiscal year 1993, continuing the strong bipartisan support for expanding the program to serve more of those eligible;

(3) the chairmen of five major American corporations testified last year on WIC, declaring that an increased investment in WIC is essential to the Nation's future economic growth and that "WIC can make an important contribution to ensuring that *** we have the productive workforce we need";

(4) the CEOs called WIC "the health-care equivalent of a triple-A rated investment *** one of the most reliable ways that Government can invest its resources," and recommended that to achieve the national education goal established by the President and Governors that by the year 2000 all children should start school ready to learn, "*** we need to set a related goal: Every woman, infant, and child who is eligible for WIC in 1995 and later years will be served by the program";

(5) less than 60 percent of the eligible women, infants, and children are served by the program due to funding limitations;

(6) a funding level of \$3,000,000,000 in fiscal year 1993 is needed to remain on the 5-year path embarked upon by the Congress last year to reach full funding consistent with the CEO's recommendation; and

(7) a recent United States Department of Agriculture study has demonstrated that the prenatal component of WIC reduces Medicaid costs by between \$1.92 and \$4.21 for each dollar invested in it, and studies issued by the National Bureau of Economic Research have found WIC to be one of the most cost-effective means of reducing infant mortality and indicate WIC also may produce long-term savings in special educational costs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the WIC program should be funded at \$3,000,000,000 for fiscal year 1993.

ROTH AMENDMENT NO. 1781

Mr. ROTH proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

At the end of the resolution, add the following:

SEC. . COMMISSION ON FEDERAL GOVERNMENT REFORM.

(a) FINDINGS.—The Congress finds that—
 (1) the American people face a crisis of confidence in the Federal Government, which cannot be remedied without dramatic and fundamental reform;

(2) recent polls indicate that an all-time low of only 17 percent of the public approves of Congress, that 78 percent are dissatisfied or angry about the Federal Government, and that Americans think an average of 48 cents out of every dollar in federal taxes is wasted;

(3) while the American people are demanding more performance from their government for the taxes they pay, Congress and the Executive branch still debate the same old options of fewer services or higher taxes;

(4) the public wants governmental institutions that respond quickly to citizens needs, with high-quality services delivered at the minimum necessary cost;

(5) the Federal Government has many talented and hardworking employees whose effectiveness is hindered by existing organizational structures and operations;

(6) some governmental organizations have become inefficient and have structures and missions not reflecting current domestic and international priorities;

(7) some of these organizations were developed during the industrial era, and have large, centralized bureaucracies, a preoccupation with rules and regulations, and a hierarchical chain of command;

(8) such governmental organizations are so obsessed with regulating processes and procedures, that they have ignored the outcomes of their programs;

(9) unlike the Federal Government, American corporations and State and local governments, are making revolutionary changes by streamlining their organizations, decentralizing authority, flattening hierarchies, focusing on quality, and emphasizing responsiveness to the customer; and

(10) there is now a crucial need for a serious examination of how the Federal Government might apply such organizational and operational reforms to its own institutions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that:

(1) a Commission on Federal Government Reform should be established to examine the organization and operations of the Federal government. In developing recommendations to improve governmental performance while minimizing costs, the Commission should consider ways to:

(A) define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and results-oriented accountability;

(B) reform personnel systems so as to improve morale, inspire initiative, maximize productivity and effectiveness, and reward excellence;

(C) increase program responsiveness, by eliminating unnecessary paperwork and procedural requirements and increasing managerial discretion, in return for greater accountability for achieving results;

(D) consolidate and streamline departments, agencies, and programs where possible so as to reduce costs, minimize hierarchy, and focus responsibility;

(E) control the payroll costs of government while providing appropriate levels of staffing to meet program needs;

(F) promote the application of new information technologies, to improve management and reduce administrative costs; and

(G) develop mechanisms to promote greater cooperation and coordination between the legislative and executive branches, and greater attention to the long-term impacts of budgetary and policy decisions.

(2) Congress should be mandated to consider the recommendations of the National Commission.

**WELLSTONE (AND DODD)
 AMENDMENT NO. 1782**

Mr. WELLSTONE (for himself and Mr. DODD) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

At the end of the bill, add the following:

SEC. . DEFENSE INDUSTRY CONVERSION.

It is the sense of Congress that no less than \$1,000,000,000 in budget authority provided in this resolution for the defense function 050 for fiscal year 1993 should be made available for defense industry conversion-related activities such as those within the following programs:

(1) DEFENSE INDUSTRY WORKERS, JTPA-EDWAA.

(2) COMMUNITIES.—

(A) Economic Development Administration.

(B) Community Development Block Grants.

(C) Small Business Administration.

(D) Impact aid grants to school districts.

(3) TECHNOLOGY.—

(A) NSF education grants to engineers.

(B) DOE technology transfer.

(C) National Institutes of Standards and Technology.

(D) Intelligent vehicle highway system.

SEYMOUR AMENDMENT NO. 1783

Mr. SEYMOUR proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

At the end of the resolution add the following new section:

SEC. 11. SENSE OF CONGRESS RELATING TO THE USE OF DEFENSE-RELATED SAVINGS IN THE FEDERAL BUDGET FOR RETRAINING AND REEMPLOYMENT OF CERTAIN INDIVIDUALS.

(a) FINDINGS.—Congress finds the following:

(1) In relation to the total amount of anticipated Federal spending in fiscal year 1993 and to the anticipated gross national product of the United States in that fiscal year, the percentage of the fiscal year 1993 budget submitted to Congress by the President that is committed to defense spending is the smallest percentage committed to that purpose since before the entry of the United States into World War II.

(2) In each fiscal year from fiscal year 1993 to fiscal year 1997, real growth in programmed Federal spending for national defense purposes will decline at a rate of four percent per year.

(3) During the ten-year period beginning in 1987 and ending in 1997, approximately 708,000 active duty members of the Armed Forces and civilian employees of the Department of Defense will be involuntarily separated from active duty or become unemployed as a result of reductions in Federal defense spending.

(4) The Office of Technology Assessment estimates that, during the period beginning in 1991 and ending in 1995, between 530,000 and 620,000 employees of private, defense-related industries in the United States will be-

come unemployed as a result of reductions in such spending.

(5) The retraining and re-employment of such members, civilian employees, and employees of private industry is critical to the capability of the private aerospace and defense industries of the United States to develop, commercialize, and market non-defense products and technologies.

(6) The capability of such industries to develop, commercialize, and market non-defense products and technologies will play a critical role in ensuring the long-term economic prosperity of such industries and the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a meaningful percentage of the savings in Federal defense spending in fiscal years 1993 through 1997 be made available for the establishment of programs to retrain and re-employ active duty members of the Armed Forces, civilian employees of the Department of Defense, and employees of private, defense-related industries who are involuntarily separated from such duty or become unemployed as a result of reductions in Federal spending for national defense.

**D'AMATO (AND OTHERS)
 AMENDMENT NO. 1784**

Mr. D'AMATO (for himself, Mr. KASTEN, Mr. NICKLES, and Mr. SEYMOUR) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

On page 3, line 23, reduce the amount by \$30,000,000.

On page 3, line 24, reduce the amount by \$30,000,000.

On page 3, line 25, reduce the amount by \$30,000,000.

On page 4, line 1, reduce the amount by \$30,000,000.

On page 4, line 2, reduce the amount by \$30,000,000.

On page 4, line 5, reduce the amount by \$30,000,000.

On page 4, line 6, reduce the amount by \$30,000,000.

On page 4, line 7, reduce the amount by \$30,000,000.

On page 4, line 8, reduce the amount by \$30,000,000.

On page 4, line 9, reduce the amount by \$30,000,000.

On page 4, line 12, reduce the amount by \$30,000,000.

On page 4, line 13, reduce the amount by \$30,000,000.

On page 4, line 14, reduce the amount by \$30,000,000.

On page 4, line 15, reduce the amount by \$30,000,000.

On page 4, line 16, reduce the amount by \$30,000,000.

On page 5, line 20, reduce the amount by \$30,000,000.

On page 5, line 21, reduce the amount by \$30,000,000.

On page 5, line 22, reduce the amount by \$30,000,000.

On page 5, line 23, reduce the amount by \$30,000,000.

On page 5, line 24, reduce the amount by \$30,000,000.

On page 30, line 25, reduce the amount by \$30,000,000.

On page 31, line 9, reduce the amount by \$30,000,000.

On page 31, line 18, reduce the amount by \$30,000,000.

On page 32, line 3, reduce the amount by \$30,000,000.

On page 32, line 12, reduce the amount by \$30,000,000.

GRASSLEY AMENDMENT NO. 1785

Mr. GRASSLEY proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra, as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE USE OF DEFENSE RELATED CUTS MADE IN BOTH DEFENSE AND DOMESTIC PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) fairness and propriety dictate that the "Fourth Arm of Defense", better known as the U.S.-flag Merchant Marine, share the burden of defense cuts in this post-cold war era;

(2) the justification for maritime programs and policies such as the Jones Act, cargo preference, and Operating Differential Subsidies has been to maintain a U.S.-flag fleet to supply vessels and manning for sealift needs during overseas military conflicts;

(3) these programs support approximately 9-10 thousand seafaring billets or jobs, with cargo preference supporting approximately 2,000 billets, Operating Differential Subsidies supporting approximately 2,300 billets, and the Jones Act supporting the remaining 5,000 billets.

(4) the U.S. International Trade Commission study concluded that the Jones Act costs American consumers and businesses more than \$10 billion per year, and destroys 2,000 jobs in mining, forestry, agriculture and other industries. This translates into a cost of \$2 million per seafaring billet.

(5) the Office of Management and Budget reports that it estimates the cost of cargo preference for fiscal year 1993 to run over \$500 million. This translates into a cost to the taxpayer of \$250,000 per seafaring billet.

(6) the Office of Management and Budget reports that it estimates Operating Differential Subsidies for fiscal year 1993 to cost \$225 million. This translates into a cost to the taxpayer of about \$100,000 per seafaring billet to subsidize the difference of wages and benefits between U.S.-flag seafarers and their world competitors.

(7) the Department of Defense reports the average cost of salary and benefits for the military's 1.9 million enlisted and officers from E-1 to O-6 captain rank averages \$32,125 per year, with captains of navy vessels costing \$101,069. The cost of reservists would average one-sixth of these costs.

(8) the Maritime Administration reports the cost of salary and benefits for a captain of a commercial merchant marine class A-3 vessel costs \$312,000 per year.

(9) the cost of one commercial merchant marine captain could pay for the cost of three active duty or eighteen reservist captains who face unemployment because of defense reductions in force.

(10) the effort to eliminate unwise defense spending must reach all areas, including the "fourth Arm of Defense" meaning the U.S. commercial merchant marine.

(11) savings from merchant marine programs can and should be used to invest in programs critical to the welfare and education of our children, as well as to improve our military sealift needs.

(12) these savings can be achieved and directed this fiscal year to children programs without eliminating the budget firewalls.

(b) SENSE OF THE SENATE.—It is the sense of the Senate, that cargo preference and operating differential subsidies for our mer-

chant marine be eliminated by Congress and that the \$416 million domestic savings per year be distributed among children's welfare and education programs including: Chapter 1, Head Start, Special Education, Impact Aid, Immunizations, Maternal & Child Health, Child Care Block Grant, Child Abuse Prevention, and WIC. Furthermore, the \$310 million defense savings from eliminating cargo preference should be dedicated toward establishing a merchant marine reserve paid at the same rate regular military reservists, and that any remaining defense savings be used to minimize the number of active duty and reserve military personal from being released into the unemployment lines. If additional savings are available, they should be devoted to deficit reduction.

AMENDMENT OF FEDERAL RECLAMATION LAWS

JOHNSTON (AND OTHERS) AMENDMENT NO. 1786

Mr. CRANSTON (for Mr. JOHNSTON, for himself, Mr. SEYMOUR, and Mr. CRANSTON) proposed an amendment to the bill (H.R. 429) to amend certain Federal reclamation laws to improve enforcement of acreage limitations, and for other purposes, as follows:

At the appropriate place, insert the following:

TITLE _____, SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT SEC. . SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of the Army is directed to develop and carry out in accordance with this section a 320-acre Sonoma Baylands wetland demonstration project in the San Francisco Bay-Delta estuary, California. The project shall utilize dredged material suitable for aquatic disposal to restore, protect, and expand the Sonoma Baylands for the purposes of preserving waterfowl, fish, and other wetland dependent species of plants and animals and to provide flood control, water quality improvement, and sedimentation control.

(b) ADDITIONAL PROJECT PURPOSES.—In addition to the purposes described in subsection (a), the purposes of the project under this section are to restore tidal wetlands, provide habitat for endangered species, expand the feeding and nesting areas for waterfowl along the Pacific flyway, and demonstrate the use of suitable dredged material as a resource, facilitating the completion of Bay Area dredging projects in an environmentally sound manner.

(c) PLAN.—

(1) GENERAL REQUIREMENT.—The Secretary, in cooperation with appropriate Federal and State agencies, and in accordance with applicable Federal and State environmental laws, shall develop in accordance with this subsection a plan for implementation of the Sonoma Baylands project under this section.

(2) CONTENTS.—The plan shall include initial design and engineering, construction, general implementation and site monitoring.

(3) TARGET DATES.—

(A) FIRST PHASE.—The first phase of the plan for final design and engineering shall be completed within 6 months of the date of the enactment of this Act.

(B) SECOND PHASE.—The second phase of the plan, including the construction of on-site improvements, shall be completed with-

in 10 months of the date of the enactment of this Act.

(C) THIRD PHASE.—The third phase of the plan, including dredging, transportation, and placement of material, shall be started no later than July 1, 1994.

(D) FOURTH PHASE.—The final phase of the plan shall include monitoring of project success and function and remediation if necessary.

(d) NON-FEDERAL PARTICIPATION.—Any work undertaken pursuant to this title shall be initiated only after non-Federal interests have entered into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to:

(1) provide 25 percent of the cost associated with the project, including provisions of all lands, easements, rights-of-way, and necessary relocations; and

(2) pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation costs associated with the project.

(e) REPORTS TO CONGRESS.—The Secretary shall report to Congress at the end of each of the time periods referred to in subsection (c)(3) on the progress being made toward development and implementation of the project under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$15,000,000 for carrying out this section for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

GENERIC DRUG ENFORCEMENT ACT

KENNEDY (AND OTHERS) AMENDMENT NO. 1787

Mr. CRANSTON (for Mr. KENNEDY, for himself, Mr. HATCH, and Mr. MCCAIN) proposed an amendment to the bill (H.R. 2454) to authorize the Secretary of Health and Human Services to impose debarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCE; FINDINGS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Generic Drug Enforcement Act of 1992".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(c) FINDINGS.—The Congress finds that—

(1) there is substantial evidence that significant corruption occurred in the Food and Drug Administration's process of approving drugs under abbreviated drug applications,

(2) there is a need to establish procedures designed to restore and to ensure the integrity of the abbreviated drug application approval process and to protect the public health, and

(3) there is a need to establish procedures to bar individuals who have been convicted of crimes pertaining to the regulation of drug products from working for companies

that manufacture or distribute such products.

(d) TABLE OF CONTENTS.—

Sec. 1. Short title; reference; findings; table of contents.

Sec. 2. Debarment and other restrictions.

"Sec. 306. Debarment, temporary denial of approval, and suspension.

"(a) Mandatory debarment.

"(b) Permissive debarment.

"(c) Debarment period and considerations.

"(d) Termination of debarment.

"(e) Publication and list of debarred persons.

"(f) Temporary denial of approval.

"(g) Suspension authority.

"(h) Termination of suspension.

"(i) Procedure.

"(j) Judicial review.

"(k) Certification.

"(l) Applicability."

Sec. 3. Civil penalties.

"Sec. 307. Civil penalties.

"(a) In general.

"(b) Procedure.

"(c) Judicial review.

"(d) Recovery of penalties.

"(e) Informants."

Sec. 4. Authority to withdraw approval of abbreviated drug applications.

"Sec. 308. Authority to withdraw approval of abbreviated drug applications.

"(a) In general.

"(b) Procedure.

"(c) Applicability.

"(d) Judicial review."

Sec. 5. Information.

Sec. 6. Definitions.

Sec. 7. Effect on other laws.

SEC. 2. DEBARMENT AND OTHER RESTRICTIONS.

Sections 306 and 307 (21 U.S.C. 336, 337) are redesignated as sections 309 and 310, respectively, and the following is inserted after section 305:

"DEBARMENT, TEMPORARY DENIAL OF APPROVAL, AND SUSPENSION

"SEC. 306. (a) MANDATORY DEBARMENT.—

"(1) CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS.—If the Secretary finds that a person other than an individual has been convicted, after the date of the enactment of this section, of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any abbreviated drug application, the Secretary shall debar such person from submitting, or assisting in the submission of, any such application.

"(2) INDIVIDUALS.—If the Secretary finds that an individual has been convicted of a felony under Federal law for conduct—

"(A) relating to the development or approval, including the process for development or approval, of any drug product, or

"(B) otherwise relating to the regulation of any drug product under this Act,

the Secretary shall debar such individual from providing services in any capacity to a person that has an approved or pending drug product application.

"(b) PERMISSIVE DEBARMENT.—

"(1) IN GENERAL.—The Secretary, on the Secretary's own initiative or in response to a petition, may, in accordance with paragraph (2), debar—

"(A) a person other than an individual from submitting or assisting in the submission of any abbreviated drug application, or

"(B) an individual from providing services in any capacity to a person that has an approved or pending drug product application.

"(2) PERSONS SUBJECT TO PERMISSIVE DEBARMENT.—The following persons are subject to debarment under paragraph (1):

"(A) CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS.—Any person other than an individual that the Secretary finds has been convicted—

"(i) for conduct that—

"(I) relates to the development or approval, including the process for the development or approval, of any abbreviated drug application; and

"(II) is a felony under Federal law (if the person was convicted before the date of the enactment of this section), a misdemeanor under Federal law, or a felony under State law, or

"(ii) of a conspiracy to commit, or aiding or abetting, a criminal offense described in clause (i) or a felony described in subsection (a)(1),

if the Secretary finds that the type of conduct which served as the basis for such conviction undermines the process for the regulation of drugs.

"(B) INDIVIDUALS.—

"(i) Any individual whom the Secretary finds has been convicted of—

"(I) a misdemeanor under Federal law or a felony under State law for conduct relating to the development or approval, including the process for development or approval, of any drug product or otherwise relating to the regulation of drug products under this Act, or

"(II) a conspiracy to commit, or aiding or abetting, such criminal offense or a felony described in subsection (a)(2),

if the Secretary finds that the type of conduct which served as the basis for such conviction undermines the process for the regulation of drugs.

"(ii) Any individual whom the Secretary finds has been convicted of—

"(I) a felony which is not described in subsection (a)(2) or clause (i) of this subparagraph and which involves bribery, payment of illegal gratuities, fraud, perjury, false statement, racketeering, blackmail, extortion, falsification or destruction of records, or interference with, obstruction of an investigation into, or prosecution of, any criminal offense, or

"(II) a conspiracy to commit, or aiding or abetting, such felony,

if the Secretary finds, on the basis of the conviction of such individual and other information, that such individual has demonstrated a pattern of conduct sufficient to find that there is reason to believe that such individual may violate requirements under this Act relating to drug products.

"(iii) Any individual whom the Secretary finds materially participated in acts that were the basis for a conviction for an offense described in subsection (a) or in clause (i) or (ii) for which a conviction was obtained, if the Secretary finds, on the basis of such participation and other information, that such individual has demonstrated a pattern of conduct sufficient to find that there is reason to believe that such individual may violate requirements under this Act relating to drug products.

"(iv) Any high managerial agent whom the Secretary finds—

"(I) worked for, or worked as a consultant for, the same person as another individual during the period in which such other individual took actions for which a felony conviction was obtained and which resulted in

the debarment under subsection (a)(2), or clause (i), of such other individual,

"(II) had actual knowledge of the actions described in subclause (I) of such other individual, or took action to avoid such actual knowledge, or failed to take action for the purpose of avoiding such actual knowledge,

"(III) knew that the actions described in subclause (I) were violative of law, and

"(IV) did not report such actions, or did not cause such actions to be reported, to an officer, employee, or agent of the Department or to an appropriate law enforcement officer, or failed to take other appropriate action that would have ensured that the process for the regulation of drugs was not undermined, within a reasonable time after such agent first knew of such actions,

if the Secretary finds that the type of conduct which served as the basis for such other individual's conviction undermines the process for the regulation of drugs.

"(3) STAY OF CERTAIN ORDERS.—An order of the Secretary under clause (iii) or (iv) of paragraph (2)(B) shall not take effect until 30 days after the order has been issued.

"(c) DEBARMENT PERIOD AND CONSIDERATIONS.—

"(1) EFFECT OF DEBARMENT.—The Secretary—

"(A) shall not accept or review (other than in connection with an audit under this section) any abbreviated drug application submitted by or with the assistance of a person debarred under subsection (a)(1) or (b)(2)(A) during the period such person is debarred,

"(B) shall, during the period of a debarment under subsection (a)(2) or (b)(2)(B), debar an individual from providing services in any capacity to a person that has an approved or pending drug product application and shall not accept or review (other than in connection with an audit under this section) an abbreviated drug application from such individual, and

"(C) shall, if the Secretary makes the finding described in paragraph (6) or (7) of section 307(a), assess a civil penalty in accordance with section 307.

"(2) DEBARMENT PERIODS.—

"(A) IN GENERAL.—The Secretary shall debar a person under subsection (a) or (b) for the following periods:

"(i) The period of debarment of a person (other than an individual) under subsection (a)(1) shall not be less than 1 year or more than 10 years, but if an act leading to a subsequent debarment under subsection (a) occurs within 10 years after such person has been debarred under subsection (a)(1), the period of debarment shall be permanent.

"(ii) The debarment of an individual under subsection (a)(2) shall be permanent.

"(iii) The period of debarment of any person under subsection (b)(2) shall not be more than 5 years.

The Secretary may determine whether debarment periods shall run concurrently or consecutively in the case of a person debarred for multiple offenses.

"(B) NOTIFICATION.—Upon a conviction for an offense described in subsection (a) or (b) or upon execution of an agreement with the United States to plead guilty to such an offense, the person involved may notify the Secretary that the person acquiesces to debarment and such person's debarment shall commence upon such notification.

"(3) CONSIDERATIONS.—In determining the appropriateness and the period of a debarment of a person under subsection (b) and any period of debarment beyond the minimum specified in subparagraph (A)(i) of

paragraph (2), the Secretary shall consider where applicable—

“(A) the nature and seriousness of any offense involved,

“(B) the nature and extent of management participation in any offense involved, whether corporate policies and practices encouraged the offense, including whether inadequate institutional controls contributed to the offense,

“(C) the nature and extent of voluntary steps to mitigate the impact on the public of any offense involved, including the recall or the discontinuation of the distribution of suspect drugs, full cooperation with any investigations (including the extent of disclosure to appropriate authorities of all wrongdoing), the relinquishing of profits on drug approvals fraudulently obtained, and any other actions taken to substantially limit potential or actual adverse effects on the public health,

“(D) whether the extent to which changes in ownership, management, or operations have corrected the causes of any offense involved and provide reasonable assurances that the offense will not occur in the future,

“(E) whether the person to be debarred is able to present adequate evidence that current production of drugs subject to abbreviated drug applications and all pending abbreviated drug applications are free of fraud or material false statements, and

“(F) prior convictions under this Act or under other Acts involving matters within the jurisdiction of the Food and Drug Administration.

“(d) TERMINATION OF DEBARMENT.—

“(1) APPLICATION.—Any person that is debarred under subsection (a) (other than a person permanently debarred) or any person that is debarred under subsection (b) may apply to the Secretary for termination of the debarment under this subsection. Any information submitted to the Secretary under this paragraph does not constitute an amendment or supplement to pending or approved abbreviated drug applications.

“(2) DEADLINE.—The Secretary shall grant or deny any application respecting a debarment which is submitted under paragraph (1) within 180 days of the date the application is submitted.

“(3) ACTION BY THE SECRETARY.—

“(A) CORPORATIONS.—

“(i) CONVICTION REVERSAL.—If the conviction which served as the basis for the debarment of a person under subsection (a)(1) or (b)(2)(A) is reversed, the Secretary shall withdraw the order of debarment.

“(ii) APPLICATION.—Upon application submitted under paragraph (1), the Secretary shall terminate the debarment of a person if the Secretary finds that—

“(I) changes in ownership, management, or operations have fully corrected the causes of the offense involved and provide reasonable assurances that the offense will not occur in the future, and

“(II) sufficient audits, conducted by the Food and Drug Administration or by independent experts acceptable to the Food and Drug Administration, demonstrate that pending applications and the development of drugs being tested before the submission of an application are free of fraud or material false statements.

In the case of persons debarred under subsection (a)(1), such termination shall take effect no earlier than the expiration of one year from the date of the debarment.

“(B) INDIVIDUALS.—

“(i) CONVICTION REVERSAL.—If the conviction which served as the basis for the debar-

ment of an individual under subsection (a)(2) or clause (i), (ii), (iii), or (iv) of subsection (b)(2)(B) is reversed, the Secretary shall withdraw the order of debarment.

“(ii) APPLICATION.—Upon application submitted under paragraph (1), the Secretary shall terminate the debarment of an individual who has been debarred under subsection (b)(2)(B) if such termination serves the interests of justice and adequately protects the integrity of the drug approval process.

“(4) SPECIAL TERMINATION.—

“(A) APPLICATION.—Any person that is debarred under subsection (a)(1) (other than a person permanently debarred under subsection (c)(2)(A)(i)) or any individual who is debarred under subsection (a)(2) may apply to the Secretary for special termination of debarment under this subsection. Any information submitted to the Secretary under this subparagraph does not constitute an amendment or supplement to pending or approved abbreviated drug applications.

“(B) CORPORATIONS.—Upon an application submitted under subparagraph (A), the Secretary may take the action described in subparagraph (D) if the Secretary, after an informal hearing, finds that—

“(i) the person making the application under subparagraph (A) has demonstrated that the felony conviction which was the basis for such person's debarment involved the commission of an offense which was not authorized, requested, commanded, performed, or recklessly tolerated by the board of directors or by a high managerial agent acting on behalf of the person within the scope of the board's or agent's office or employment,

“(ii) all individuals who were involved in the commission of the offense or who knew or should have known of the offense have been removed from employment involving the development or approval of any drug subject to sections 505 or 507,

“(iii) the person fully cooperated with all investigations and promptly disclosed all wrongdoing to the appropriate authorities, and

“(iv) the person acted to mitigate any impact on the public of any offense involved, including the recall, or the discontinuation of the distribution, of any drug with respect to which the Secretary requested a recall or discontinuation of distribution due to concerns about the safety or efficacy of the drug.

“(C) INDIVIDUALS.—Upon an application submitted under subparagraph (A), the Secretary may take the action described in subparagraph (D) if the Secretary, after an informal hearing, finds that such individual has provided substantial assistance in the investigations or prosecutions of offenses which are described in subsection (a) or (b) or which relate to any matter under the jurisdiction of the Food and Drug Administration.

“(D) SECRETARIAL ACTION.—The action referred to in subparagraphs (B) and (C) is—

“(i) in the case of a person other than an individual—

“(I) terminating the debarment immediately, or

“(II) limiting the period of debarment to less than one year, and

“(ii) in the case of an individual, limiting the period of debarment to less than permanent but to no less than 1 year, whichever best serves the interest of justice and protects the integrity of the drug approval process.

“(e) PUBLICATION AND LIST OF DEBARRED PERSONS.—The Secretary shall publish in the

Federal Register the name of any person debarred under subsection (a) or (b), the effective date of the debarment, and the period of the debarment. The Secretary shall also maintain and make available to the public a list, updated no less often than quarterly, of such persons, of the effective dates and minimum periods of such debarments, and of the termination of debarments.

“(f) TEMPORARY DENIAL OF APPROVAL.—

“(1) IN GENERAL.—The Secretary, on the Secretary's own initiative or in response to a petition, may, in accordance with paragraph (3), refuse by order, for the period prescribed by paragraph (2), to approve any abbreviated drug application submitted by any person—

“(A) if such person is under an active Federal criminal investigation in connection with an action described in subparagraph (B),

“(B) if the Secretary finds that such person—

“(i) has bribed or attempted to bribe, has paid or attempted to pay an illegal gratuity, or has induced or attempted to induce another person to bribe or pay an illegal gratuity to any officer, employee, or agent of the Department of Health and Human Services or to any other Federal, State, or local official in connection with any abbreviated drug application, or has conspired to commit, or aided or abetted, such actions, or

“(ii) has knowingly made or caused to be made a pattern or practice of false statements or misrepresentations with respect to material facts relating to any abbreviated drug application, or the production of any drug subject to an abbreviated drug application, to any officer, employee, or agent of the Department of Health and Human Services, or has conspired to commit, or aided or abetted, such actions, and

“(C) if a significant question has been raised regarding—

“(i) the integrity of the approval process with respect to such abbreviated drug application, or

“(ii) the reliability of data in or concerning such person's abbreviated drug application.

Such an order may be modified or terminated at any time.

“(2) APPLICABLE PERIOD.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a denial of approval of an application of a person under paragraph (1) shall be in effect for a period determined by the Secretary but not to exceed 18 months beginning on the date the Secretary finds that the conditions described in subparagraphs (A), (B), and (C) of paragraph (1) exist. The Secretary shall terminate such denial—

“(i) if the investigation with respect to which the finding was made does not result in a criminal charge against such person, if criminal charges have been brought and the charges have been dismissed, or if a judgment of acquittal has been entered, or

“(ii) if the Secretary determines that such finding was in error.

“(B) EXTENSION.—If, at the end of the period described in subparagraph (A), the Secretary determines that a person has been criminally charged for an action described in subparagraph (B) of paragraph (1), the Secretary may extend the period of denial of approval of an application for a period not to exceed 18 months. The Secretary shall terminate such extension if the charges have been dismissed, if a judgment of acquittal has been entered, or if the Secretary determines that the finding described in subparagraph (A) was in error.

"(3) INFORMAL HEARING.—Within 10 days of the date an order is issued under paragraph (1), the Secretary shall provide such person with an opportunity for an informal hearing, to be held within such 10 days, on the decision of the Secretary to refuse approval of an abbreviated drug application. Within 60 days of the date on which such hearing is held, the Secretary shall notify the person given such hearing whether the Secretary's refusal of approval will be continued, terminated, or otherwise modified. Such notification shall be final agency action.

"(g) SUSPENSION AUTHORITY.—

"(1) IN GENERAL.—If—

"(A) the Secretary finds—

"(i) that a person has engaged in conduct described in subparagraph (B) of subsection (f)(1) in connection with 2 or more drugs under abbreviated drug applications, or

"(ii) that a person has engaged in flagrant and repeated, material violations of good manufacturing practice or good laboratory practice in connection with the development, manufacturing, or distribution of one or more drugs approved under an abbreviated drug application during a 2-year period, and—

"(I) such violations may undermine the safety and efficacy of such drugs, and

"(II) the causes of such violations have not been corrected within a reasonable period of time following notice of such violations by the Secretary, and

"(B) such person is under an active investigation by a Federal authority in connection with a civil or criminal action involving conduct described in subparagraph (A),

the Secretary shall issue an order suspending the distribution of all drugs the development or approval of which was related to such conduct described in subparagraph (A) or suspending the distribution of all drugs approved under abbreviated drug applications of such person if the Secretary finds that such conduct may have affected the development or approval of a significant number of drugs which the Secretary is unable to identify. The Secretary shall exclude a drug from such order if the Secretary determines that such conduct was not likely to have influenced the safety or efficacy of such drug.

"(2) PUBLIC HEALTH WAIVER.—The Secretary shall, on the Secretary's own initiative or in response to a petition, waive the suspension under paragraph (1) (involving an action described in paragraph (1)(A)(i)) with respect to any drug if the Secretary finds that such waiver is necessary to protect the public health because sufficient quantities of the drug would not otherwise be available. The Secretary shall act on any petition seeking action under this paragraph within 180 days of the date the petition is submitted to the Secretary.

"(h) TERMINATION OF SUSPENSION.—The Secretary shall withdraw an order of suspension of the distribution of a drug under subsection (g) if the person with respect to whom the order was issued demonstrates in a petition to the Secretary—

"(1)(A) on the basis of an audit by the Food and Drug Administration or by experts acceptable to the Food and Drug Administration, or on the basis of other information, that the development, approval, manufacturing, and distribution of such drug is in substantial compliance with the applicable requirements of this Act, and

"(B) changes in ownership, management, or operations—

"(i) fully remedy the patterns or practices with respect to which the order was issued, and

"(ii) provide reasonable assurances that such actions will not occur in the future, or

"(2) the initial determination was in error. The Secretary shall act on a submission of a petition under this subsection within 180 days of the date of its submission and the Secretary may consider the petition concurrently with the suspension proceeding. Any information submitted to the Secretary under this subsection does not constitute an amendment or supplement to a pending or approved abbreviated drug application.

"(i) PROCEDURE.—The Secretary may not take any action under subsection (a), (b), (c), (d)(3), (g), or (h) with respect to any person unless the Secretary has issued an order for such action made on the record after opportunity for an agency hearing on disputed issues of material fact. In the course of any investigation or hearing under this subsection, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(j) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person that is the subject of an adverse decision under subsection (a), (b), (c), (d), (f), (g), or (h) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified of the Secretary's decision) a petition requesting that the decision be modified or set aside.

"(2) EXCEPTION.—Any person that is the subject of an adverse decision under clause (iii) or (iv) of subsection (b)(2)(B) may obtain a review of such decision by the United States District Court for the District of Columbia or a district court of the United States for the district in which the person resides, by filing in such court (within 30 days following the date the person is notified of the Secretary's decision) a complaint requesting that the decision be modified or set aside. In such an action, the court shall determine the matter de novo.

"(k) CERTIFICATION.—Any application for approval of a drug product shall include—

"(1) a certification that the applicant did not and will not use in any capacity the services of any person debarred under subsection (a) or (b), in connection with such application, and

"(2) if such application is an abbreviated drug application, a list of all convictions, described in subsections (a) and (b) which occurred within the previous 5 years, of the applicant and affiliated persons responsible for the development or submission of such application.

"(l) APPLICABILITY.—

"(1) CONVICTION.—For purposes of this section, a person is considered to have been convicted of a criminal offense—

"(A) when a judgment of conviction has been entered against the person by a Federal or State court, regardless of whether there is an appeal pending,

"(B) when a plea of guilty or nolo contendere by the person has been accepted by a Federal or State court, or

"(C) when the person has entered into participation in a first offender, deferred adju-

dication, or other similar arrangement or program where judgment of conviction has been withheld.

"(2) EFFECTIVE DATES.—Subsection (a), subparagraph (A) of subsection (b)(2), and clauses (i) and (ii) of subsection (b)(2)(B) shall not apply to a conviction which occurred more than 5 years before the initiation of an agency action proposed to be taken under subsection (a) or (b). Clauses (iii) and (iv) of subsection (b)(2)(B) and subsections (f) and (g) shall not apply to an act or action which occurred more than 5 years before the initiation of an agency action proposed to be taken under subsection (b), (f), or (g). Clause (iv) of subsection (b)(2)(B) shall not apply to an action which occurred before June 1, 1992. Subsection (k) shall not apply to applications submitted to the Secretary before June 1, 1992."

SEC. 3. CIVIL PENALTIES.

Chapter III, as amended by section 2, is amended by adding after section 306 the following:

"CIVIL PENALTIES

"SEC. 307. (a) IN GENERAL.—Any person that the Secretary finds—

"(1) knowingly made or caused to be made, to any officer, employee, or agent of the Department of Health and Human Services, a false statement or misrepresentation of a material fact in connection with an abbreviated drug application,

"(2) bribed or attempted to bribe or paid or attempted to pay an illegal gratuity to any officer, employee, or agent of the Department of Health and Human Services in connection with an abbreviated drug application,

"(3) destroyed, altered, removed, or secreted, or procured the destruction, alteration, removal, or secretion of, any material document or other material evidence which was the property of or in the possession of the Department of Health and Human Services for the purpose of interfering with that Department's discharge of its responsibilities in connection with an abbreviated drug application,

"(4) knowingly failed to disclose, to an officer or employee of the Department of Health and Human Services, a material fact which such person had an obligation to disclose relating to any drug subject to an abbreviated drug application,

"(5) knowingly obstructed an investigation of the Department of Health and Human Services into any drug subject to an abbreviated drug application,

"(6) is a person that has an approved or pending drug product application and has knowingly—

"(A) employed or retained as a consultant or contractor, or

"(B) otherwise used in any capacity the services of,

a person who was debarred under section 306, or

"(7) is an individual debarred under section 306 and, during the period of debarment, provided services in any capacity to a person that had an approved or pending drug product application,

shall be liable to the United States for a civil penalty for each such violation in an amount not to exceed \$250,000 in the case of an individual and \$1,000,000 in the case of any other person.

"(b) PROCEDURE.—

"(1) IN GENERAL.—

"(A) ACTION BY THE SECRETARY.—A civil penalty under subsection (a) shall be assessed by the Secretary on a person by an

order made on the record after an opportunity for an agency hearing on disputed issues of material fact and the amount of the penalty. In the course of any investigation or hearing under this subparagraph, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(B) ACTION BY THE ATTORNEY GENERAL.—In lieu of a proceeding under subparagraph (A), the Attorney General may, upon request of the Secretary, institute a civil action to recover a civil money penalty in the amount and for any of the acts set forth in subsection (a). Such an action may be instituted separately from or in connection with any other claim, civil or criminal, initiated by the Attorney General under this Act.

"(2) AMOUNT.—In determining the amount of a civil penalty under paragraph (1), the Secretary or the court shall take into account the nature, circumstances, extent, and gravity of the act subject to penalty, the person's ability to pay, the effect on the person's ability to continue to do business, any history of prior, similar acts, and such other matters as justice may require.

"(3) LIMITATION ON ACTIONS.—No action may be initiated under this section—

"(A) with respect to any act described in subsection (a) that occurred before the date of the enactment of this Act, or

"(B) more than 6 years after the date when facts material to the act are known or reasonably should have been known by the Secretary but in no event more than 10 years after the date the act took place.

"(c) JUDICIAL REVIEW.—Any person that is the subject of an adverse decision under subsection (b)(1)(A) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified of the Secretary's decision) a petition requesting that the decision be modified or set aside.

"(d) RECOVERY OF PENALTIES.—The Attorney General may recover any civil penalty (plus interest at the currently prevailing rates from the date the penalty became final) assessed under subsection (b)(1)(A) in an action brought in the name of the United States. The amount of such penalty may be deducted, when the penalty has become final, from any sums then or later owing by the United States to the person against whom the penalty has been assessed. In an action brought under this subsection, the validity, amount, and appropriateness of the penalty shall not be subject to judicial review.

"(e) INFORMANTS.—The Secretary may award to any individual (other than an officer or employee of the Federal Government or a person who materially participated in any conduct described in subsection (a)) who provides information leading to the imposition of a civil penalty under this section an amount not to exceed—

"(1) \$250,000, or

"(2) one-half of the penalty so imposed and collected,

whichever is less. The decision of the Secretary on such award shall not be reviewable."

SEC. 4. AUTHORITY TO WITHDRAW APPROVAL OF ABBREVIATED DRUG APPLICATIONS.

Chapter III, as amended by sections 2 and 3, is amended by adding after section 307 the following:

"AUTHORITY TO WITHDRAW APPROVAL OF ABBREVIATED DRUG APPLICATIONS

"SEC. 308. (a) IN GENERAL.—The Secretary—

"(1) shall withdraw approval of an abbreviated drug application if the Secretary finds that the approval was obtained, expedited, or otherwise facilitated through bribery, payment of an illegal gratuity, or fraud or material false statement, and

"(2) may withdraw approval of an abbreviated drug application if the Secretary finds that the applicant has repeatedly demonstrated a lack of ability to produce the drug for which the application was submitted in accordance with the formulations or manufacturing practice set forth in the abbreviated drug application and has introduced, or attempted to introduce, such adulterated or misbranded drug into commerce.

"(b) PROCEDURE.—The Secretary may not take any action under subsection (a) with respect to any person unless the Secretary has issued an order for such action made on the record after opportunity for an agency hearing on disputed issues of material fact. In the course of any investigation or hearing under this subsection, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(c) APPLICABILITY.—Subsection (a) shall apply with respect to offenses or acts regardless of when such offenses or acts occurred.

"(d) JUDICIAL REVIEW.—Any person that is the subject of an adverse decision under subsection (a) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified of the Secretary's decision) a petition requesting that the decision be modified or set aside."

SEC. 5. INFORMATION.

Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following:

"(8) The Secretary shall, with respect to each application submitted under this subsection, maintain a record of—

"(A) the name of the applicant,

"(B) the name of the drug covered by the application,

"(C) the name of each person to whom the review of the chemistry of the application was assigned and the date of such assignment, and

"(D) the name of each person to whom the bioequivalence review for such application was assigned and the date of such assignment.

The information the Secretary is required to maintain under this paragraph with respect to an application submitted under this subsection shall be made available to the public after the approval of such application."

SEC. 6. DEFINITIONS.

Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(bb) The term 'abbreviated drug application' means an application submitted under section 505(j) or 507 for the approval of a drug that relies on the approved application of another drug with the same active ingredient to establish safety and efficacy, and—

"(1) in the case of section 306, includes a supplement to such an application for a different or additional use of the drug but does not include a supplement to such an application for other than a different or additional use of the drug, and

"(2) in the case of sections 307 and 308, includes any supplement to such an application.

"(cc) The term 'knowingly' or 'knew' means that a person, with respect to information—

"(1) has actual knowledge of the information, or

"(2) acts in deliberate ignorance or reckless disregard of the truth or falsity of the information.

"(dd) For purposes of section 306, the term 'high managerial agent'—

"(1) means—

"(A) an officer or director of a corporation or an association,

"(B) a partner of a partnership, or

"(C) any employee or other agent of a corporation, association, or partnership, having duties such that the conduct of such officer, director, partner, employee, or agent may fairly be assumed to represent the policy of the corporation, association, or partnership, and

"(2) includes persons having management responsibility for—

"(A) submissions to the Food and Drug Administration regarding the development or approval of any drug product,

"(B) production, quality assurance, or quality control of any drug product, or

"(C) research and development of any drug product.

"(ee) For purposes of sections 306 and 307, the term 'drug product' means a drug subject to regulation under section 505, 507, 512, or 802 of this Act or under section 351 of the Public Health Service Act."

SEC. 7. EFFECT ON OTHER LAWS.

No amendment made by this Act shall preclude any other civil, criminal, or administrative remedy provided under Federal or State law, including any private right of action against any person for the same action subject to any action or civil penalty under an amendment made by this Act.

Amend the title to read as follows: "An Act to authorize the Secretary of Health and Human Services to impose debarments and to take other action to ensure the integrity of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes."

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 12, 1992, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 2021, to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes;

S. 2045, to authorize a study of the prehistoric Casas Grandes Culture in the State of New Mexico, and for other purposes;

S. 2178 and H.R. 2502, to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; and

S. 2544, to establish in the Department of the Interior the Colonial New Mexico Preservation Commission, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information please contact David Brooks of the subcommittee staff at (202) 224-9863.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 14, 1992, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 1624, to amend the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and for other purposes; and

S. 2321, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Williams (S. 1624) of the committee staff at (202) 224-7145 or David Brooks (S. 2321) at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on Immigration and Refugee Affairs, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Friday, April 10, 1992, at 10 a.m., to hold a hearing on the implementation of employer sanctions.

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

SUBCOMMITTEE ON HEALTH FOR FAMILIES AND THE UNINSURED

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on Health for Families and the Uninsured of the Committee on Fi-

nance be authorized to meet during the session of the Senate on April 10, 1992, at 9:30 a.m. to hold a hearing on S. 2077, Medicaid Managed Care Improvement Act of 1991.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on April 10, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, to consider for report to the Senate S. 1607, the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1991.

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

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, April 10, beginning at 9:30 a.m., to conduct a hearing on reauthorization of the Endangered Species Act.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on April 10, 1992, at 10 a.m., on effects of changing Federal technology policies on economic development.

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

ADDITIONAL STATEMENTS

THE DREAM WITH ITS BACK AGAINST THE WALL

• Mr. SIMON. Mr. President, recently, I placed in the CONGRESSIONAL RECORD an open letter from Senior Judge A. Leon Higginbotham, Jr. to Justice Clarence Thomas.

It was a remarkable document, probably unique in our Nation's history.

As a result of that, I received a copy of remarks by Judge Higginbotham on the unveiling of a portrait of him at the U.S. Circuit Court of Appeals in Philadelphia. His remarks were printed in the Yale Law Report in the spring of 1990.

What he has to say is a reminder of how far we have come, but should also remind us of how far we have yet to go, and why we should extend the hand of friendship and opportunity to others.

We also see some people in positions of prominent academic responsibility who failed and failed dramatically.

At this point, I ask that the Yale Law Report be printed in the CONGRESSIONAL RECORD.

The report follows:

THE DREAM WITH ITS BACK AGAINST THE WALL

(By A. Leon Higginbotham, Jr.)

I cannot thank you enough for this honor. I have reason to accept it with great humility and some pride. Because I don't think I am unique, I would like to give you first an autobiographical point of view, tracing my luck and good fortune in getting into Yale Law School. How did I get here, from Trenton, New Jersey? Like everyone else: I have been the beneficiary of the significant efforts of others. We all stand on the shoulders of those who preceded us. Our success has occurred because of very special persons who walked with us when the future was uncertain, when the path was quite steep and blocked by many barriers. I'd like to recognize some of those individuals who, in a very special and intimate way, made possible my coming to Yale and this portrait.

I would like to note my late mother, Emma Lee Higginbotham, whose spirit, wisdom, decency, and indomitability were so important a part of my early life. She is a part of that portrait, not merely in a biological sense, for that is obvious, but more importantly, in an emotional sense. She was a woman who disregarded the probability curve. For if she had paid attention to it, I would have ended up working at the C.V. Hill factory in Trenton, as my father did—a laborer for forty-five years, having been late only once, and that was in the midst of a blizzard. The president of C.V. Hill used to talk about the Higginbotham boys always having jobs at his factory. My grandfather had worked there for more than four decades. My father followed that precedent, and maybe that's where I was supposed to go.

My mother had been raised in rural Virginia and was a victim of its worst racist and economic policies. She attended school for at most a few months each year and did not get past the seventh grade. When she had saved up enough money from the plot of land where she raised tobacco, she made the trip north, in fear, but in hope, in search of a life less harsh than she knew she would have if she stayed in Amherst County.

But even in the North, life was far from easy in the 1930s and '40s. I, and all of my neighbors, attended the racially segregated Ewing Park Grammar School—no, not in some southern state, but in Ewing Township, a few miles from the statehouse in Trenton, and a few miles from Princeton University. All the white children were bussed to marvelous schools, which, unlike our school, had libraries, cafeterias, gymnasiums, language teachers, science teachers. But we went to a four-room schoolhouse, where each teacher taught three grades. We did not have the superior curriculum available for all of the other students in the township: no foreign languages, no science, no hard academic options.

When we finished the eighth grade, all of the Ewing Township kids were transferred to Trenton. The whites went to the white schools, and the Ewing Park students went to Lincoln, a segregated junior high school. And no one from our grammar school in a period of forty years, had even gotten into the academic program. Why not? Because a prerequisite for the ninth grade academic program was one year of Latin. You didn't get Latin at Ewing Park. When I see students who went to Ewing Park with me now working as elevator operators, on street maintenance, or at the General Motors plant, I often wonder what their future would have been if Ewing Park had offered Latin.

But my mother worked for very wealthy people, and she was confident that with or without Latin, I was a talented as the children of her employers. And she knew that education was the sole passport to a better life. I worked, as a thirteen-year-old and fourteen-year-old boy, hustling trays at the Stacey Trent Hotel. When I was fifteen years old I committed a crime: I forged my birth certificate by moving back the year I was born in order to get a job at the Trenton Pottery, pushing a wheelbarrow up into a boxcar full of clay. I was tall; at the hotel, they didn't know I was thirteen or fourteen, and at the factory, they didn't know I was fifteen. I'd come home aching with pain. And my mother, as she rubbed me down with alcohol, would say, "Son, I don't want you to be a busboy all of your life. And I don't want you to be pushing wheelbarrows all of your life like your father. And I don't want you to do what I've done, always washing other people's dishes, cleaning other people's toilets, scrubbing other people's floors. I want you," she would look to the ceiling, sometimes, as she was rubbing my back, "I want you to be in an office, boy, wearing a white shirt and having a tie on."

So it is not surprising that this woman of such extraordinary determination made a personal visit to the ninth grade principal at Lincoln, and got me enrolled in the academic program. She talked to the principal, P.J. Hill (I never knew what his real name was; the students called him Pickle Juice), and I was registered for a second-year Latin course, though I had never had first-year Latin. It wasn't easy, not at all. But I had a very gifted teacher, Bernice Munce, and she's a part of that portrait too. She knew my disadvantage. I got a D, maybe a C-; a matter of grace, more for effort than accomplishment. She said to me, "Look, Leon, if you will ride over to my house in Hamilton Township this summer, I will tutor you."

So I rode my bike about twenty miles, two or three times a week, for about five or six weeks, never gave her even a quarter. She never knew what my future would be, but she cared about all of the kids. And with that, I was able to go on to high school, to compete effectively, and to go to a Big Ten college.

NEGATIVE MOTIVATION

I'd like to pay tribute next to the individual who forced me to recognize that I had to go to law school: Edward Charles Elliott, powerful president of Purdue University, at a time when presidents ran the universities.

There were a couple of problems at Purdue when I entered it as a sixteen-year-old freshman in 1944. There were about 6,000 white students, 12 black students. The 12 black students lived at a house that they had the temerity to call International House. We slept in an attic with no heat. And after December and January, going to bed every night with earmuffs on, sometimes wearing shoes, other times three or four pairs of socks, jackets, I decided that I should go and talk to the university president.

Monday morning at 10:00, I walked into his office by myself. And what was my radical request? Was I going to ask him to integrate the university dormitories? No. I asked if we could have a section in any dormitory, a section for 12 students, which was warm. Now if President Elliott had talked with me sympathetically, explaining his own impotence to change things but his willingness to take up the problem, perhaps to make a study, I might not have felt as I did. If he had communicated to me with some kind word or gesture, or even a sigh, that I had caused

him to review his own commitment to things as they were, I might have felt that I had won a small victory, that I could go back and sleep in that attic. But he looked me in the eye, and he said, "Higginbotham, the law doesn't require us to let colored students in the dorm, we will never do it, and you either accept things as they are or leave the university immediately."

I am a lawyer today because of Dr. Elliot's negative motivation. Because, as I walked back from his office, I had a thousand thoughts. How could it be, that the law would not permit 12 good black kids to sleep in a warm dormitory? The law had been very effective in the draft. Some of my best friends had gone and died for our country. That very night, hundreds of black soldiers would run the risk of being injured in some far-off battlefields to make the world safe for democracy. And yet, the legal system that proclaimed equal justice for all would not give any semblance of dignity to a sixteen-year-old boy who had committed no wrong. I felt that I could not go into engineering, that I had to try to challenge the system.

INTEGRATING ANTIOCH

But, unlike my children today, who would have been in a sit-in in the president's office, I took my lumps—and I received quite a few. I made the Purdue debate team; we went up to Northwestern to debate. The debate coach always said, "When you're debating, be firm, speak loud, and even if you don't believe the proposition, act as if you do."

We walked into a hotel in Evanston, Illinois. The manager came up and said to me, "You can't stay here." What did my debate coach do at that moment? In a voice without any indignation or firmness he said, "Is there a colored YMCA?"

And I went to a mice-infested colored YMCA on Emerson Street. I left my classmates, got in there about 1:30 in the morning, and didn't sleep that night: there was no alarm clock. The next morning at 9:00, I was supposed to be sharp and ready.

I had the good fortune to win second place, but I also saw a professor who at a simple moment of truth wouldn't stand up. And I think it was then that I said, I'll take a football coach any time. Because two weeks earlier, my cousin, Mel Grooms, Big Ten player for Indiana University, had walked into that same hotel. No issue was raised, because Coach MacMillan had said, "If black football players can't stay here, no one from Indiana University will ever stay here again."

So I left Purdue, and I went to Antioch. I guess the major reason I feel quite comfortable in a pluralistic community, functioning with whites and blacks and others of different backgrounds, is a person by the name of Jessie Treichler, of Antioch College. She was a gifted short-story writer. She was not a faculty member; she was a special assistant to the college president, and she was white. And she felt that there was something ironic about Antioch College in 1944, which boasted of its liberalism on so many policies and educational issues, and yet had not had one black student in the college for decades. So, on her own, she created a committee to raise a race relations fund to attract black students to the college. I came there the second year the fund existed. Corretta Scott came in with me. I was the first black male to be at the college, and Corretta and I integrated that class. You may know of her as Corretta Scott King, Martin Luther King's wife and in her own right an important person in the civil rights movement. Jessie Treichler had the capacity to extend us her hand, to recognize our loneliness, and most important, to believe in us.

In 1962, when I became a commissioner on the Federal Trade Commission, I sent Jessie a letter and an airplane ticket. I was going to be the first black ever on a regulatory commission. The New York Times thought it was significant news. I wanted Jessie Treichler to be there.

CHOOSING YALE

It was a close issue as to whether I should go to Yale Law School. Burns Weston '29 was on the Antioch College Board of Trustees. Somehow or other, they told him about me. He asked to have lunch with me in my senior year. I wanted to know the difference between Harvard and Yale and Columbia. He said, "No question! Only one place to go: Yale. Don't, don't, don't get this mediocre education which Harvard will throw on you." I listened to him, and he persuaded me that Yale was the best. And I think it was, and I think it still is.

But then I went back home, and I had to talk to my father. I had gotten a partial scholarship to Yale. Jessie Treichler had found a man whom I have never met—though I have tried to see him, to thank him—Charles Noyes, a Wall Street real estate broker, who had put up a few thousand dollars from time to time, to help black students. I was a beneficiary; Eleanor Holmes Norton was also a beneficiary.

I had enough money, with what Rutgers Law School had offered me, that there would be no tuition costs. But if I came to Yale, I would have enough only for the first semester. My father and a minister talked to me. And they couldn't understand why I would choose Yale over Rutgers, when at Rutgers, everything was paid for. The minister had this clincher: "No one in Trenton who's done anything has gone to Yale!" He said, "They either go to Rutgers or to Temple, or to Trenton State Teachers' College. Nobody goes to Yale!" Nevertheless, I felt that if the mistake was going to be made, I was going to make it. I came up here with my cardboard suitcase and bellyful of determination.

When we talk these days about meritocracy, quality, and competence, we still have to think about the background from which one comes. That came home to me in my first three classes in torts, taught by the great Harry Shulman. There was a young lady next to me; her name was Alice Gilbert. The first day, he called on her; she gave an answer using nomenclature I had never heard. I had read the case, and I couldn't understand it. I thought maybe she had read a couple of cases ahead. So, next time, I read not only the case assigned but three or four other cases as well. Because there were so few black students, we weren't really in the Yale network, but I heard there was some book by Prosser. So, I went up to the law library because I couldn't afford to buy it, and started to read it, too.

The next day, Shulman called on Alice Gilbert again. She reeled off another of her spectacular answers. To be honest with you, I hadn't fully unpacked that cardboard suitcase. I was really wondering whether I should stay. The third day, the same thing happened.

Now, my mother always used to say to me, "Son, God moves in mysterious ways." I asked Alice a question, which I'm certain she has forgotten, and I don't know why I asked her. It almost borders on stupidity. I said "Alice, what's your full name? What's your full name?"

She said, "Alice Brandeis Gilbert."

Her grandfather was Justice Brandeis. Her father was a lawyer, and her mother, I believe, had her Ph.D. and also maybe a law de-

gree. My father was a laborer, two books in the house. One we had purchased, a Bible; the other, my mother had gotten out of the trash of one of the people she worked for, an old dictionary. In a race where some start twenty yards from the starting line, they may not get to the finish line at the same time. I did not begin Yale at the same starting line as many of my contemporaries.

I persevered through the first year, and I shall never forget participating in moot court finals that year. Justice Clark, of the U.S. Supreme Court, was there; John W. Davis, considered to be America's finest appellate advocate; and Judge Edwin Lewis. In my second year, I was part of a four-person team that represented Yale in the Inter-Law School Moot Court competition. My colleagues were Louise Farr, Steve Ives, and Richard Gardner—a great devotee of Professor McDougal and a Rhodes Scholar, who later got his Ph.D. in economics at Oxford. We were fortunate enough to win the national first prize for the brief. My third year, I won the John Fletcher Caskey Award. I'm not mentioning these awards to congratulate myself, to pat myself on the back. I'm mentioning them because of what happened afterward.

THE A. LEON HIGGINBOTHAM, JR. FROM YALE

Wesley Sturges said in a letter he wrote to the Yale Alumni representative in Philadelphia, that I had won more honors in oral advocacy than anyone in the law school while he was there. This Philadelphia alumnus responded, "Your problem will be deciding to which law firm you want to go. Come down to visit me."

I went to visit him during Christmas break in 1951. I did all the things my mother told me: my shoes were polished, fingernails very clean, hair combed, suit pressed.

But let me tell you how I got that suit; it was through Wesley Sturges. When we were going down to New York to represent Yale on the Inter-Law School Moot Court Competition, he called me in. He said, "Leon, I'm proud of you. Here's a check. Why don't you buy a suit." You see, like every other black kid in my law school class, I purchased only second-hand suits, from a place on Whitney Ave. These were good-quality clothes, because on a football weekend, when the wealthy students had to entertain the girls from Wellesley and Smith on the limited allowance their fathers had given them, they could always sell some of their suits to raise extra money. The problem is that if you are 6'6", and you're buying the suit of a 6-footer, it shows a bit in the sleeves.

So I wore my new suit, one that fit, and went to see the Yale representative in Philadelphia. I walked into his office in the Girard Trust Building and said, "I'm Leon Higginbotham."

The secretary said, "Well, are you A. Leon Higginbotham, Jr.?"

I said, "Yes."

"I mean A. Leon Higginbotham, Jr. from Yale Law School."

And I said, "Yes."

I walked in, and the Yale representative looked me in the eye and said, "Marvelous record, Dean Sturges has written a great letter in your behalf. Of course you know there's nothing I can do for you, but I can give you the telephone number of two colored lawyers, and maybe they can help you."

I said to him, "Sir, if the only thing that an Eli representative can do is give me two telephone numbers, I can find those myself. Don't burden yourself."

I went down the elevator in the Girard Trust Building, and I cried. I mean it. I cried

because I thought of my mother. I thought of all the dishes she had washed, all the floors she had scrubbed, all the pain she had suffered. And after seven years, I couldn't get a job.

THE YALE TRADITION

I got one, ultimately. Tom Emerson called up some people, John Frank called up some people, and I got a clerkship with Justice Bok of the Pennsylvania Supreme Court. I don't know why I was so upset. It was not as if I were unique. Bill Coleman, a black student who finished Harvard Law School magna cum laude and then clerked for Justice Frankfurter, also couldn't get a job in Philadelphia when he first applied after his Supreme Court clerkship.

But there were Yale people who did a lot for me. I want to mention one now, particularly: John Frank. I lived at 258 Star Street, because I couldn't afford to live on campus. There was a corner store where on Saturday, at 6 o'clock, I'd be there: I would get all the leftover hamburger the guy had—sometimes it was brown, sometimes it was gray—and take it home and cook it. John Frank seemed to know I was struggling. He offered me a job a job, paying me \$1.50 an hour. But for John Frank, I wouldn't have been able to eat. That is one thing Yale did for me.

John Frank made a difference. And there were a lot of other people on this faculty whom I shall never forget: Myres McDougal, Boris Bittker, Charles Clark, all of whom gave me dignity. I loved them for it.

But some day you have to leave, to go back into the outside world. Do you know what was so great? The Yale tradition never abandoned me. I came to Philadelphia after the clerkship. Where could I go? I couldn't go with the law firms.

A Yale graduate by the name of Richardson Dillworth had become district attorney a year earlier. Until Dillworth became district attorney in Philadelphia, no black lawyer had been permitted to try a case as an assistant district attorney in the regular trial courts. People like Mercer Lesis, who had graduated from Harvard and spent twenty years in that office, was never allowed to get above the magistrate's court. And people who had gone to schools that were certainly no better were in eight months or a year trying major felony cases. Dillworth just said, "Look, I'm going to choose the people in my office on the basis of whether I feel they can do the job."

And he changed that whole system. At that time there was not one black judge in the state common pleas court. Dillworth brought in assistant D.A.'s who handled everything. That was then an amazing phenomenon. He put me in the appellate division.

Finally, there's one other great Yale figure: J. Austin Norris. When the High Court of History decides the great American lawyers, it will choose not merely those who informed the Supreme Court of the right direction to go; it will also choose those who gave backbone to later generations to go forward. Austin Norris used to say—and I don't mean to be disrespectful—"I don't give a damn about the big firms. We'll whip 'em, and we'll be as good as they are, even though we'll have only four or five lawyers." Norris had the capacity to take young men and force them to recognize that if you persevere, you'll make it. I've always said that he was a true and great hero.

Why have I focused, in this speech, on my humble background? Not for accolades for Leon Higginbotham. Today, on the streets of New Haven, and Philadelphia, and Chicago, and New York, there are thousands of other

kids who would do the same thing as I did if they didn't get pushed out of the academic system. If we had more Bernice Munces, if we had more Jessie Treichlers, if we had more John Franks.

So, when my portrait hangs, I don't want it to be considered a portrait of a unique individual in the history of the school, or in the history of the society. I truly believe that there are many others, many who could do what I have done.

I want my portrait to stand for someone who had the opportunities, the good fortune, and the support that, ideally, our society should give to all its citizens.

The greatness of Yale is not its age but its mission. And what makes Yale even greater today is its pluralism. Yale's greatest days are not those in its past, when women and blacks were unheard of on the faculty and were barely visible in the student body. Today more than ever our students come from all states, they practice different religions, they represent all races. In this milieu of erudition and diversity the best in all of us is brought out.

I hope we give to young people today what I was given: determination and discipline, a willingness to face the odds and come up again and again in pursuit of justice. I hope they come out with a vision they would otherwise not have known.

I hope they will be competent technicians. But I ask them also to think about what Dr. Martin Luther King said and what a black poet said.

King said, "I have the audacity to believe that people everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality, and freedom for their spirits." And when the High Court of History looks on Yale, it will not ask small questions on forum non conveniens, or even the uniform commercial code. It will ask, "Have we been part of a system to make this world better, so that more people can have three meals a day for their bodies, education and culture for their minds, and dignity, equality, and freedom for their spirits?" That is what Yale must stand for in its finest and most noble hours.

I will close with a poem, which says to me what Yale is or what Yale should be about. It's by Langston Hughes, a great poet, who happened to be black.

There is a dream in the land
With its back against the wall
By muddled names and strange
Sometimes the dream is called.

There are those who claim
This dream for theirs alone—

A sin for which we know
They must atone.

Unless shared in common
Like sunlight and like air,
The dream will die for lack of
substance anywhere.

The dream knows no frontier or tongue,
The dream, no class or race.

The dream cannot be kept secure
In any one locked place.

This dream today embattled,
With its back against the wall—

To save the dream for one
It must be saved for all.

TRIBUTE TO PRESTONSBURG COMMUNITY COLLEGE PHI THETA KAPPA

• Mr. McCONNELL. Mr. President, I rise today to recognize the Alpha Nu Zeta chapter of the Phi Theta Kappa

International Honor Society. That chapter is located at Prestonsburg Community College in Prestonsburg, KY, and recently won several honors at the society's annual international convention.

The PCC chapter of Phi Theta Kappa received two highly competitive awards at the national convention in Washington, DC in late March. Those awards are: A Distinguished Chapter President Award and a Giles Distinguished Advisor Award. Ms. Linda Smith, a sophomore from Prestonsburg and PCC's chapter president, received the Distinguished Chapter President Award for her outstanding demonstration of leadership, involvement, friendship and enthusiasm. Prof. Hassan Saffari, PCC's chapter adviser, received the Giles Distinguished Advisor Award for his superior and dedicated involvement in chapter activities and service to Phi Theta Kappa on the local, regional and international level and for his leadership as an advocate of the local chapter.

These international awards, the first ever received by Kentuckians, were well deserved. Only 15 awards were given in each category from a candidate pool representing over a thousand chapters. In addition to promoting scholarship and honors study, the Alpha Nu Zeta chapter of Phi Theta Kappa has been very active in college and community development projects and programs, including promoting more awareness about funding issues and the legislative processes.

In addition to claiming prestigious international honors, the Prestonsburg Community College chapter received several regional honors at the 1992 regional conference in London, KY. They claimed all major regional awards, including the Chapter Service Award and the Distinguished Chapter Award. Ms. Smith received the Outstanding Officer Award and Mr. Saffari received the Horizon Award. The Alpha Nu Zeta chapter was also given the Five Star Chapter Award at the regional convention. Even more recognition came when Prestonsburg Community College President Deborah Floyd was named Kentucky's presidential ambassador to Phi Theta Kappa. That responsibility includes working with other Kentucky community college presidents to promote the scholarship and leadership goals of Phi Theta Kappa.

I commend the students, faculty and administration at Prestonsburg Community College for their commitment to higher education and scholarship. It gives me great pride to talk about the many accomplishments of PCC's Alpha Nu Zeta chapter of Phi Theta Kappa, and I congratulate all persons involved in that organization on their achievements. •

DOUGLAS LEFT ENDURING MARK

• Mr. SIMON. Mr. President, Steve Neal is the political editor of the Chicago Sun-Times and writes a column for the Chicago Sun-Times.

But perhaps his more lasting contribution will be in the field of history where he has written biographies of people like Wendell Willkie and Charles McNary. He did a superb job of pulling together some of the writing of former Senator Richard Newberger under the title, "They Never Go Back to Pocattello."

Recently, he had a column paying tribute to Senator Paul Douglas on the centennial of his birth.

It summarizes the Douglas legacy well.

I ask to insert the Steve Neal column into the RECORD at this point.

The column follows:

[From the Chicago Sun-Times, Apr. 5, 1992]

DOUGLAS LEFT ENDURING MARK

(By Steve Neal)

He was among the last of the giants.

In the U.S. Senate of the 20th century, Paul H. Douglas of Illinois left an indelible mark on American life. With his white hair and craggy features, he was born for the role.

Douglas, who represented Illinois in the Senate from 1949 through 1967, was a transplanted New Englander. The senator, who was born 100 years ago last week in Salem, Mass., grew up in a log cabin in the Maine woods. "This may help to explain some of the weaknesses and the strengths of my character," he wrote in his memoirs. He shared the values and flinty independence of his regional brethren Robert Frost and Henry David Thoreau.

He moved to his adopted state in 1920 when he became a professor of economics at the University of Chicago. Douglas soon emerged as one of the more outspoken critics of utility mogul Samuel Insull. After the Great Crash, Douglas was frequently consulted by politicians, including New York Gov. Franklin D. Roosevelt, about how to deal with unemployment. When Roosevelt became president, Douglas was among the architects of the Social Security system.

Douglas, a fighting Marine, wouldn't have much use for Vice President Dan Quayle, who used family connections to avoid serving in the Vietnam War, though Quayle was an outspoken hawk. Douglas might have had more sympathy with Democratic presidential candidate Bill Clinton, who opposed the Vietnam War but put his name into the draft because he thought it would look good politically. Douglas was a genuine war hero. In 1942, at the age of 50, he pulled strings to join the Marines, not to help him politically but because he thought it was the right thing to do. He received two Purple Hearts and a bronze star in the Pacific. His arm was shattered and permanently crippled at Okinawa. Douglas, who was a major, didn't want special treatment. He told medics that he was a private. Douglas lived the role that John Wayne played in "The Sands of Iwo Jima."

The late Col. Jacob M. Arvey, then chairman of the Cook County Democratic Central Committee, slated Douglas for the Senate in 1948 to challenge Republican Sen. Wayland Brooks. Arvey also tapped Adlai E. Stevenson II for governor. Douglas and Stevenson proved to be such attractive candidates that

they overwhelmed the Republican incumbents and helped Harry Truman narrowly win Illinois and the presidential election.

In looking back on this century's notable senators, Douglas ranks high on the short list, just below Robert M. La Follette Sr. of Wisconsin and George W. Norris of Nebraska, about even with Hubert H. Humphrey of Minnesota and above Robert A. Taft of Ohio, J. William Fulbright of Arkansas, Wayne L. Morse of Oregon, Lyndon B. Johnson of Texas and Jacob K. Javits of New York.

"There is no member of the Senate who has attempted his name on more major issues, major bills and major legislation than Paul Douglas," Humphrey said, describing his colleague as "a giant of a man and a giant of a senator."

Douglas led the fight for the passage of the first civil rights legislation since Reconstruction in 1957, then, later, for the historic 1964 civil rights bill. He was among the first prominent senators to stand up to Sen. Joseph R. McCarthy in the early 1950s for his abuse of civil liberties.

He was an environmentalist long before there was such a word. Through the force of his personality, he saved the Indiana Dunes, sponsoring the legislation that made it a national shoreline.

Douglas wrote the legislation that increased the minimum wage to a dollar an hour and the law that required disclosure of union and management pension funds. "Back in the days when they had almost no chance of enactment," Humphrey recalled, "Paul Douglas was a sponsor or co-sponsor of Medicare, federal aid to elementary education and aid to higher education."

He would probably have been a great president. But like Webster, Calhoun and Clay, Paul H. Douglas showed that some legislators can leave a more enduring mark than mediocre presidents. •

REWARD DEMOCRACY IN TAIWAN

• Mr. MACK. Mr. President, it is ironic that, at a time when the United States is seriously considering strengthening diplomatic ties to North Korea and Vietnam, our relations with Taiwan remain frozen. This sends the wrong signal to emerging democracies all over the world. We can and should reward democratic reform in Taiwan by ending the de facto ban on high-level diplomatic contacts between our two governments.

As a Washington Post editorial on December 30, 1991, observed, Taiwan's democratic reforms are an important example to Communist China and "In this way Taiwan's progress serves China's people as well as its own." I agree, and we should reward Taiwan, not continue to snub them diplomatically.

It is enough that we do not have formal diplomatic relations with Taiwan; we should not send the message that their democratic reforms are being ignored by continuing to refuse to meet at high levels with the Taiwan Government.

I believe that is in our interest, in terms of addressing many important trade and other issues, to raise the level of our contacts with Taiwan and to do so now. Taiwan is one of our largest trading partners. It holds the larg-

est foreign reserves in the world, and it is making significant investments here in this country. This means jobs and economic growth in this country at a time when it is sorely needed. The United States should not be unnecessarily limiting the potential of the warm relations between our two countries. •

TRIBUTE TO CORBIN

• Mr. MCCONNELL. Mr. President, I rise today to recognize Corbin, a town in southeastern Kentucky.

Corbin is spread over the three counties of Whitley, Knox, and Laurel. Downtown Corbin lies in a trough-shaped valley nestled by steep hillsides.

Corbin residents have a lot of pride in their area and community. Framed by the beautiful landscape of the Daniel Boone National Forest, Cumberland Falls has attracted tourists from around the world for decades. Laurel Lake offers recreation and enjoyment almost year round.

Besides the natural beauty, the real strength of Corbin is their citizens. No one better represents these hard-working, forward-looking citizens than Corbin's most famous resident, Col. Harland Sanders. Colonel Sanders, fortified with only his Social Security check, hit the road with his herbs and spices mix. By the time of the colonel's passing, Kentucky Fried Chicken franchises were worldwide.

In the 1960's, this entrepreneurial spirit rose again in Corbin. It was in the 1960's that many feared that Corbin would wither with the completion of Interstate 75. They worried that the local vendors may move away from the downtown business district. Rather than leading to conflict, the community formed an economic development group to explore opportunities to bring new business and industry into the area. These leaders put aside their own interests for those of the town and the results speak for themselves.

Today, Corbin can boast the Baptist Regional Medical Center, American Greeting, and CSX as the pillars of its economy. Corbin also has a large mining industry that employs over 1,000 workers. There can be no doubt, Corbin is a confident and viable community.

The town of Corbin is a special place in Kentucky. The town should be heralded as one of Kentucky's finest towns and genuine Hometown, USA.

Mr. President, I ask that the following Louisville Courier-Journal be printed in the CONGRESSIONAL RECORD.

The article follows:

RAILROADERS, REPUBLICANS AND REDHOUNDS
CALL IT HOME

(By C. Ray Hall)

For a railroad town Corbin makes it fairly exasperating to keep track of things. Like, for instance, where you are, exactly. Officially, Corbin sprawls into two counties,

Whitley and Knox. Unofficially, it slops over into a third, Laurel. But the part that rests on Laurel, called "North Corbin," exists only in people's heads.

Corbin's most famous citizen ran a motel and restaurant in this neverland called "North Corbin." The ham breakfast that made him famous with Florida-bound tourists was advertised thusly; "\$1.70—not worth it, but mighty good." In his kitchen, he fiddled with pressure cookers and invented Kentucky Fried Chicken. Then he invented himself, Col. Harland Sanders, and his face became as recognizable as that of another American invention, Mickey Mouse.

The restaurant, restored in honor of the 100th anniversary of his birth, holds much memorabilia, including a Col. Sanders weather vane. It has an "S" on one side and an "N" on the other, and an I-shaped prong in the middle, propping up the colonel, so he appears to be standing on "SIN." Or perhaps he's stomping out "SIN," like Carrie Nation, the temperance guerrilla who supposedly came through town wielding, her ax on Saloon Street when Corbin was a young pup of a town.

The weather vane is a little like North Corbin: You've got to believe it to see it. The rest of Corbin can be seen and believed, and maybe even clucked over, a little bit, in a wistful way. It gives the appearance of a mature city that has had its days and come to terms with being bypassed. There is an enormous bustle out by Interstate 75, with cars whistling past sporting license plates from Canada and Florida. In town, they just sort of hum through, sporting license plates from Clay County to Pulaski County.

Thomas Thurston, the courtly 77-year old mayor, recalls the apprehension that gripped many people in the 1960s, when I-75 slithered past Corbin like a concrete snake.

"Everybody thought that Corbin would dry up, that it would be deserted, and thought that we'd never have over a dozen cars a day coming up Main Street," he says.

But the town didn't go away. If you drive down Center Street past the CSX overpass and take the hairpin left turn onto Main Street, you're keeping company with far more than a dozen cars. Twenty thousand cars a day pass under the CSX bridge, sort of in genuflection to the railroad, which breathed life into the town a century ago.

John Daniel, who had a clothing store in downtown Corbin 40 years before retiring says: "I think one thing that kept downtown alive is that most of the people were born and raised in Corbin and they just weren't going to let it die. The people down in this end of the state, southeast Kentucky, they've got a lot of pride."

Corbin won the state basketball championship in 1936, with a 6-foot-6 "giant" named Marion Cluggish, who transferred up from the county seat, Willamburg. ("Recruiting?" asks the mayor, with a mischievous smile.)

Even so, Corbin is most noted for football. This is perhaps astonishing, considering the school's ominous introduction to the sport in 1923. Corbin lost its first game to Pinesville 159-0 (or 142-0; accounts vary). Worse yet, a Corbin player named Willie Cadle was killed in the game. Football gave the town more lore: In the Thanksgiving Day game at Pinesville in 1930, the field was covered with snow; the yard lines were marked off with coal dust. The "Redhounds" won state Class AA championships in 1976, 1980 and 1982.

Corbin High principal Ray Tipton is actually proud of the 16th ranking the school system received in achievement tests a couple

of years back. Banners in the school cafeteria salute the scholars, not the football players. The home of the Redhounds is also a congenial place for water fleas and fathead minnows—two species the Environmental Protection Agency uses to measure the purity of water. If the water is good enough for fathead minnows, it's good enough for people.

But you don't have to be a fathead minnow to enjoy Corbin's water. The most interesting store in town, surely, is the one where people stand knee-deep in Victorian elegance and whimsy and answer the phone, "Poynter's Plumbing."

The new building, a red-brick affair with swooping ceilings, is as elegant as any of those new restaurants up Lexington way, and it's a lot more fun. It's also one of the few places where you can buy a red English telephone booth (for \$1,500); or an aviary stocked with finches; or statues of flying pigs or rabbits in tuxedos. You can also get a shower big enough to entertain two or three of your closest friends, and a bathtub built for two. Poynter's is an adult's garden of Earthly delights; if Victorians had had a Sharper image, this would be it. You might ask what is such a place is doing in a town of 7,419. Owner Jerry Poynter notes that 90 percent of the customers are from out of town.

Poynter and his wife, Billie, put up their plumbing-and-sugarplums place last year. "We tore down what was probably the ugliest building in Corbin," he says. (It must be said that several contenders for the title remain.)

Corbin's boisterous neighbor up north, London, is perhaps the gauge by which it measures its contentedness, or its lethargy. London keeps growing, and making noises about community colleges and leviathan shopping malls and other amenities. Some Corbinites grumble that the newspaper, the Times-Tribune ("Kentucky's Best Small Daily Newspaper"), seems to be tilting toward London. This rivalry is nothing new.

John Daniel, born in London but settled in Corbin, says: "They've had a little faster growth. . . . Laurel County is a pretty wealthy county. . . . They seem to be able to get after the politicians and maybe twist their arms a little harder than we have in Corbin on several projects."

One thing Corbin has learned—as any mature city does—is the limits of power. It hasn't been able to annex "North Corbin," with its eminently taxable stretch of motels, chain restaurants, and the American Greeting card factory. Whitley County has suffered from a paucity of friends in high places, says utilities manager George Paul Rains.

There may be subterranean forces at work, too, impossible to measure, but as black-and-white as the snow-covered football field marked by coal stripes.

"One of the most astounding things to other people I come in contact with," Rains says, "is that inside the city limits, there are no black families. . . . A community 10 miles north of here, London . . . 20 miles south of here where I came from, 15 miles east over in Barbourville, all of these communities have 10, 15 percent or so black families. . . . Inside the city limits of Corbin, there are no black families that have chosen to come to this area. That has been true during the whole 25 years I've lived here."

Fast-food restaurateur Jesse Backer, a newcomer who covets growth for Corbin, suggests: "We may have to bend over backwards to project a positive image to the rest

of the nation. We may have to do what Du-
buque, Iowa, did, and recruit (black families)
to get rid of the 'racist' label."

Every so often, something happens to bring
the issue to the surface. Recently, there was
a highly publicized Ku Klux Klan non-para-
de. Before that, there was "Trouble Be-
hind," a documentary film by Danville na-
tive Robby Henson that looked at a 1919 in-
cident in which a predominantly black rail-
road construction crew was chased out of
town in what has generally been character-
ized as a "race riot."

"It was not a race riot," insists longtime
Corbin resident Allen Dizney, folk historian.
He notes that the evicted workers included
several whites, and he questions reports that
200 shots were fired. People in those days
shot too straight to fire 200 times without
hitting anybody, he says. He also notes that
the L&N sent another integrated crew to
Corbin, and it finished the job without in-
cident.

Whatever gives rise to Dizney's defense of
Corbin, it is apparently not a desire to paint
the place in the pastel hues of peace and
goodwill. He is a gadfly in the ointment that
otherwise soothes Corbin's self-image, a
writer of letters to the editor and a cam-
paigner for many causes, including bill-
boards on the interstates (restrictions on
them have helped keep the Cumberland Falls
area from becoming another Gatlinburg, he
says ruefully).

"It's a sight what Kentucky is missing
simply because we've got people that belong
to the garden clubs that don't want signs out
on the highway," he says. "They want people
to look at scenery. Well, they don't spend
dollars when they look at them trees. If they
want to see trees, let 'em go into a state
park."

Some corners of Corbin—especially Depot
Street (since renamed Lynn Avenue in a bid
to exercise some grimy history)—could be
rough when he was a paperboy in the 1930's.
"Those were wild times," he says. "I had
three customers killed down there."

Dizney recalls the time when he had col-
lected at a joint called the Flamingo. This
exchange ensued with the owner.

Owner: "How's collections?"

Paperboy: "Not too good."

Owner: "Who owes you down here?"

Recalling that conversation of more than
50 years ago, Dizney says: "I told him. He
called one of the whores and said, 'Go back
there and get him some of that fresh pie and
a glass of milk and set with him. I'll be back
in a minute."

"They had good cooks. And the girls that
were prostitutes during the Depression
weren't bad girls. They were making
money—probably 50 cents a time—to take
money home to feed their families. . . .

"He went up the street and done my col-
lecting, came back in a few minutes and
spread the money out on the bar. He said,
'The next time anybody owes you on this
street and don't pay you on Saturday morn-
ing, you let me know.'"

So there you have it: Prostitutes serving
milk and apple pie to schoolboys, and bar
owners shaking down people who refuse to
pay the paperboy.

How bad can any place be that defends the
First Amendment so fiercely?*

THE FDA DRUG APPROVAL PROCESS

* Mr. MACK. Mr. President, the tragic
and shocking news that tennis great

Arthur Ashe has contracted AIDS has
renewed concerns over the extensive,
burdensome Government regulation in-
volved in approving life-saving phar-
maceutical drugs. Many advances have
been made in recent years by Ameri-
ca's pharmaceutical industry. However,
the new drug approval process destroys
the hopes of millions of Americans
with life-threatening diseases who
must have the right to use prescription
drugs that could save their lives with-
out Government overregulation.

The American people are tired of
placing their lives, and the lives of
loved ones, on hold while the Federal
Government decides for someone else
whether a pharmaceutical should be
used. A recent poll conducted by the
Gallup organization found that 70 per-
cent of those surveyed believe the Fed-
eral Government should move more
quickly in approving new drugs.

The American people are tired of
being held down by Government regu-
lation. They are tired of Government
intervention in their lives. That in-
cludes the overregulated process of
drug approval.

For terminally ill Americans—those
with AIDS, Alzheimer's disease, or can-
cer—the drug approval process is cruel,
and it should be an outrage to us all.
New prescription drugs have been de-
veloped to help treat patients with life-
threatening diseases, but many will
never make it to the shelf of their
neighborhood pharmacy. This is due, in
large part, to the Food and Drug Ad-
ministration placing layers upon layers
of bureaucracy on the process by which
it approves lifesaving new drugs.

The hopes of terminally ill Ameri-
cans are often tied to a remote chance
that a new drug may be available to re-
store their health in some small way.
But even if that drug exists, the Fed-
eral Government is denying this right
to Americans because of bureaucratic red-
tape. It is morally wrong to answer
the prayers of the terminally ill with a
resounding no.

Mercifully, Mr. President, this is fi-
nally beginning to change. Vice Presi-
dent QUAYLE, the Council on Competi-
tiveness, HHS Secretary Sullivan and
FDA Commissioner Kessler have
worked tirelessly on streamlining the
process by which new drugs receive
FDA approval. I commend them for the
initiatives taken yesterday, which will
cut the approval time for drugs to
treat life-threatening illnesses by ap-
proximately half. They have also taken
a bold step by permitting AIDS pa-
tients to have access to experimental
therapies, even if the patient is unable
to participate in an FDA clinical trial.
These actions could mean the dif-
ference between life and death for
thousands of Americans.

I would like to see this same initia-
tive taken on behalf of other termi-
nally ill patients. I recently introduced
legislation to express that it is the

sense of the Senate that the FDA
should revise the approval process to
incorporate a means by which all ter-
minally ill patients, following con-
sultation with and approval from their
physicians, may have access to experi-
mental drugs awaiting FDA approval. I
urge my colleagues to join me in this
effort. It is also my strong hope that
the Competitiveness Council will work
to quickly implement the initiatives
called for in my legislation.

Let's listen to the American people
and find a system that works to restore
the hopes of terminally ill Americans
and get the Government to end this
cold-hearted process that keeps poten-
tially life-saving drugs away from
those who have nothing to lose and
maybe everything to gain.●

ANTI-SEMITISM

● Mr. SIMON. Mr. President, recently,
I spoke about the precarious situation
in the Nagorno-Karabakh region, which
lies in the Transcaucasian area of the
former Soviet Union. The present un-
rest in that region has exacerbated
long-held tensions between Azerbaijan
and Armenia and has pushed those two
nations to the very brink of an all-out
war. The repercussions for ethnic mi-
norities in each country who may lit-
erally be caught in the middle are po-
tentially terrible.

In keeping with the focus of my past
and future statements, I will explore
the possible effects of the Nagorno-
Karabakh conflict, as well as anti-Sem-
itism, as they affect the Jewish popu-
lation of Azerbaijan.

As has been widely reported, the bat-
tle over Nagorno-Karabakh is an ethnic
conflict involving Armenian guerrillas
and their corresponding Azeri forces
over a small mass of land with an Ar-
menian majority within Azerbaijan's
borders. It, however, may not be as
well known that in this interethnic
conflict, other minority groups such as
Jews are being caught and killed in the
crossfire. Already there have been doc-
umented cases of Jews beaten severely
and told that the Azeris will deal with
their kind once the Armenians are
taken care of.

Rather than being a tangential
event, unrelated to the fighting over
Nagorno-Karabakh, these violent ex-
pressions of anti-Jewish sentiment are
an outgrowth of the present situation.
The nationalistic fervor with which
each side has pursued their interests in
Nagorno-Karabakh invokes intense
feelings of hatred further driving the
cycle of violence. In many instances,
though, this deep-seated hatred is dis-
placed from its intended victims and
can be found directed at third parties.
This prospect terrifies the Jews of
Azerbaijan.

In its assessment of the situation,
the National Conference of Soviet
Jewry [NCSJ] stated in a report earlier

this year, "All reports suggest that the bulk of the anti-Semitism that has been observed thus far emanates from individuals and groups pushing nationalistic and chauvinistic themes."

A disturbing factor to the Jews in Azerbaijan is the rise of Islamic fundamentalism among the majority Moslem Azeri population. The NCSJ report expresses their fear that Moslem fundamentalist movements will give rise to rampant anti-Semitism in the Central Asian region. Widespread rumors of Azeri involvement in a confederation of Moslem states sent tremors through Baku's Jewish population. Although Azerbaijani ties to elements in Iran, Iraq, and other extremist organizations have not yet produced large-scale anti-Semitism, those same links stand as a reminder to the Jewish population of the frailty of their existence and of the extent to which their minority rights are controlled by their enraged countrymen.

Facing an uncertain future with problems at every turn, these intense nationalistic and fundamentalist undercurrents threaten to drown the freedoms of minority groups throughout the Transcaucasus region, especially in Azerbaijan. Nationalism and fundamentalism in and of themselves are not evil, but we must be careful, lest they be subverted for vile intentions.

Perhaps most ominous, though, is the possibility of state-sponsored anti-Semitism in Azerbaijan. Numerous accusations have centered on the Azerbaijani OVIR office in Baku, which controls emigration of Jews from the country. The escalation of fighting in Nagorno-Karabakh has led to increasing numbers of Jews trying to flee Azerbaijan for the safety of Israel or the United States. The OVIR office in Baku, however, has apparently placed barriers along the path of emigration. According to Miron Gordon, an Israeli diplomat charged with overseeing the issuance of visas at the Israeli consulate;

We can do our part within several weeks. But the Baku OVIR (emigration processing office) has been intermittently closed, and the Moscow office does not seem willing to process Jews from Azerbaijan.

Some claim that these new barriers are the beginning of doors closing on free emigration for Jews in Azerbaijan due to anti-Semitic sentiment in the Government. Others offering a defense of the new Government claim the delays are merely a function of inadequate manpower in the OVIR office and a paper shortage for passports.

If the U.S. Department's public and diplomatic warnings last September are accurate indications, however, there is some foundation for believing anti-Semitism may have played a role in slowing down Jewish emigration from Azerbaijan. The State Department warned the former Soviet Republics not to violate the emigration law

passed by the Supreme Soviet in May of 1991; the warnings signaled our Government's response to reports that Azerbaijan and Uzbekistan had reinstated restrictive emigration laws, particularly with respect to Jews. Furthermore, the State Department included a statement in its 1991 Country Reports on Human Rights Practices that read:

Corruption in the passport and visa-issuing offices—exacerbated by a shortage of new passports—remained a major impediment to unrestricted emigration and travel abroad, especially in Azerbaijan, where it is reportedly widespread.

Whatever the case, there are two points on which there is no argument. First, no one can doubt that these delays threaten to keep Jews hostage in an acute situation that may explode at any time. Second, as documented in recent studies, the delays experienced by Azeri Jews in Baku are substantially longer than their counterparts in other cities around the former Soviet Union.

There are a few hopeful signs. In 1987, Baku became home to the first officially sanctioned Hebrew language course, outside of the universities. More recently, the Jewish organization, Alef, has begun operating a Sunday school, a newspaper, a theater and a counseling center all for Jews and all in Baku.

Nevertheless, recent events have dampened the enthusiasm these positive steps had evoked. The resignation of Azerbaijani President Ayaz Mutalibov early last month has led to fears that Azerbaijan may fall into the hands of more militant, hard-line leaders. The situation calls for our immediate attention.

As I have stated on previous occasions, self-determinism and independence are worthy goals in and of themselves, but when the freedom and rights of minority groups are disregarded for the benefit of the majority, democracy cannot ever prevail. And, if there is one thing everyone in this body must agree on, it is that now is the time when we must do all that is within our power to see that democracy prevails in the states of the former Soviet Union. For us, for them, and for future generations, we must protect the rights of minorities and ensure that the end of the cold war marks the beginning of true democracy in these newly independent states.●

THE DOMENICI-SPECTER ECONOMIC GROWTH PACKAGE

● Mr. MACK. Mr. President, last night my colleagues, Senators DOMENICI and SPECTER, brought to the floor an economic growth package which takes a large step in the direction toward the road to economic recovery. Their perseverance and dedication to this task of trying to bring forward a growth

package to accommodate Senator's on both sides of the aisle is certainly commendable. I wholeheartedly applaud their efforts to respond to the continuing economic problems our country faces, and particularly those in my State of Florida. It is important to continue to try and find a set of initiatives to boost the economy up which Congress can agree.

My only caveat to their proposal is my own disapproval of Congress' artificial requirement that tax cuts be paid for by revenue increases. I believe we should provide growth incentives without raising taxes, fees or initiating other revenue raisers simply to conform to the abstract standard of revenue neutrality.

Nevertheless, I am pleased that my colleagues have put forth this package. And, I look forward to working with them on the economic growth elements.●

TRIBUTE TO BELLARMINE COLLEGE

● Mr. MCCONNELL. Mr. President, I rise today to honor an outstanding Kentucky college, recently named one of the top 20 private colleges and one of the top 10 midsize schools in the United States by Money magazine. Bellarmine College in Louisville, where I have the privilege of teaching a course each weekend, truly deserves this national recognition.

Bellarmino College has about 2,400 students. About half of them are full time, but only about 325 live on campus. The school's campus consists of 15 buildings located in the midst of several small hills where a plantation once stood. Bellarmine's small size enables it to boast of a 15 to 1 student-teacher ratio. However, that is not the only thing for which the liberal arts school should be commended.

Bellarmino College's growing national reputation is based largely upon extraordinary statistics. Ninety percent of Bellarmine's premed students get into the medical school of their choice. Seventy-four percent graduate within 5 years. Almost all Bellarmine students—99 percent—were ranked in the top half of their high school classes. In addition, 82 percent have above average ACT or SAT college entrance exam scores. And, 94 percent of Bellarmine's athletes graduate within 4 years. These factors, as well as the fact that Bellarmine is a relatively inexpensive private college—approximately \$10,000 a year—led Money magazine to also name Bellarmine one of the 50 best educational values for the past 2 years.

Bellarmino College was founded in 1950. Only three presidents later, the school has built a strong base of tradition and purpose. Its first president, Msgr. Alfred Horrigan, served until 1973. His successor, Eugene Petrik, spent 17 years at Bellarmine's helm. During his tenure, Bellarmine strengthened its ties to the business community and broadened and solidi-

fied its financial base. Currently, President Jay McGowan, installed in October 1990, continues to promote Bellarmine's strengths.

Mr. McGowan says Bellarmine College is a school with a definite mission to teach students the value of a traditional liberal arts education. According to Mr. McGowan, "We want our students to be able not only to make a living, but to make a life worth living." He concedes that the national attention of Money magazine could spark a significant enrollment increase, but overall, he says Bellarmine should remain small to retain its sense of purpose.

Mr. President, I commend the students, faculty and administration at Bellarmine, as well as the Louisville community, for maintaining such a fine institution of higher learning. Please enter the following article from the Lexington Herald-Leader into the RECORD.

The article follows:

RANKING HELPS BELLARMINE SPREAD WORD

(By Glenn Rutherford)

LOUISVILLE.—For the last two years, Money magazine has rated Louisville's Bellarmine College one of the 50 best educational values in the country.

This year, the magazine also ranked Bellarmine among the top 20 private colleges and among the top 10 midsize schools—those with student populations between 1,600 and 4,000.

The 15 buildings that make up the Bellarmine campus sit atop a row of hills on land—once a plantation—that rolls gently westward to Beargrass Creek.

It's a beautiful campus, as motorists on Newburg Road can see. But many who pass by never realize what a jewel of a college sits on the hills.

Even the people at Bellarmine sometimes take the school's national reputation for academic excellence—and value for the dollar—for granted.

Bellarmine's president, Joseph "Jay" McGowan Jr.—only the third president in the school's 42-year history—says that when he came aboard a year and a half ago, he found that "even the people of Bellarmine didn't know how good the school was."

"Maybe it's the 'grass is always greener' syndrome," McGowan said recently. "But they didn't really know. To a large degree, part of what I've done is simply tell Bellarmine about itself."

The school's growing national reputation is based, in part, on some glowing numbers: 90 percent of its pre-med students get into the medical school of their choice.

74 percent of its students graduate within five years.

99 percent of the students rank in the top half of their high school classes.

82 percent have what Money magazine called "well-above average" ACT or SAT college entrance exam scores.

94 percent of Bellarmine's athletes graduate within four years.

All the attention in the last two years from Money magazine has helped spread the word about Bellarmine. So has a 1991 grant of \$237,000 for teaching enhancement from the Knight Foundation.

McGowan recognizes that in this part of the country, a college that costs \$10,000 a

year is not inexpensive, regardless of what Money magazine says.

What students get for their money, however, is a student-teacher ratio of 15 to 1. The college also provides an education that will "help you think on your feet," said Bellarmine graduate Steve Magre, an accountant and member of the Louisville Board of Aldermen. "We were taught to be independent thinkers. I owe that to Bellarmine. I was taught to appreciate the real value of a liberal arts education."

Dr. Linda Gleis, president of the Jefferson County Medical Society—Bellarmine Class of '74—said the college provided her "with standards to live by, regardless of which profession you pursued."

"One of the most significant aspects of Bellarmine," she said, is that the professors there are first and foremost teachers. Because of that fundamental commitment to the liberal arts, a Bellarmine student develops a broader perspective—you learn that your role in life is not just your job, but your place in the community."

A LIFE WORTH LIVING

What they are about, he said, is providing education a firm, traditional liberal arts foundation.

"If we train an accountant, we want him to be an accountant with a soul," McGowan said. "We want our students to be able not only to make a living, but to make a life worth living."

In doing so, McGowan said, the relatively young school "stands poised to become the premier private, liberal arts college in the region."

Like the college he heads, McGowan is young—47, with a face, voice and demeanor that seem even younger than that. He came to Bellarmine from Fordham University in New York, where he was dean of students and where his son, Joe, plays for the Rams basketball team.

The chance to take the helm at Bellarmine "is an opportunity you'd wait a lifetime for," he said.

AN EDUCATIONAL VALUE

The school is small, with a student population of 2,400. About half of them are full-time students, and of those, only 325 live on campus.

By the region's standards, Bellarmine is a bit pricey, although its admissions office says its cost is still 33 percent below the average cost of private colleges nationwide.

"All those things are a nice affirmation of just what we are about here at Bellarmine."

"*** Gleis and Bellarmine English professor Wade Hall agree that the college has become a resource for Louisville, a solid piece in the city's educational fabric.

"I think the new administration is determined to make Bellarmine better known, less a well-kept secret." Hall said "I also think Bellarmine has a mission, and that's something a lot of schools don't have."

The mission, as explained by McGowan, Hall and others, has been defined over the years by the school's relationship with the Archdiocese of Louisville, and by the hands of its three presidents.

Bellarmine was founded in 1950 and its first president was Monsignor Alfred Horrigan, who served as the school's president until 1973, when Eugene Petrik moved into the job.

Under Petrik, Bellarmine strengthened its ties to the business community and broadened and solidified its financial base. "Petrik had a marvelous entrepreneurial sense," McGowan said. "Through him the school expanded its business and nursing

schools and began offering adult continuing education."

Petrik spend 17 years as Bellarmine's president; McGowan was installed in October 1990.

Much of the school's success, Gleis said "is perhaps a case of having the right person in the right place at the right time."

The school might grow a little in the future, its president said, but not much. McGowan would like to have perhaps 800 to 900 students living on campus.

"I think it's important that Bellarmine remain small," he said. "And I think it's important that Bellarmine retain its sense of purpose and its mission."

REFLECTIONS ON MATHEMATICS AND SCIENCE EDUCATION

● Mr. HATFIELD. Mr. President, I rise today to comment once again on an issue which is vital to our Nation's economic interests—the future of mathematics and science education in our schools.

Recently, Mr. President, we have heard great debates over the necessary steps to secure our Nation's economic prosperity. Several themes consistently emerge during these discussions, namely increasing investment and encouraging research and development. Whatever the specific proposals may be, they all rest on two underlying assumptions: First, our ability to create and master new technologies, and second, the ability of our workers—if given the necessary resources—to do just that. The first premise is unquestionably true. The Bureau of Labor estimates that in the next 3 years, 415,500 jobs requiring engineering degrees will be created. Yet unless we take drastic steps in the near future, our labor force will not productively occupy these positions and the second premise will not be met.

Recent statistics released by the Department of Education further illustrate this point. From the years 1977 to 1986 the score for the average 17-year-old student in mathematical proficiency increased only 0.7 percent with only 6.4 percent of all high school seniors capable of performing multistep problems and algebra by 1986. Science proficiency scores fared no better, actually decreasing by .38 percent. More alarming are scores on the Scholastic Aptitude Test from 1979 to 1989 for those students interested in the crucial occupations of our future. Mathematics scores for those entering the field of biological sciences, engineering, and physical sciences, increased 1.9 percent, 2.7 percent, and 2.8 percent respectively. Science is excluded altogether on the SAT's. Only one conclusion can be drawn from these results: Our educational system is producing a generation of vastly underqualified workers at a time when technologies are evolving at a seemingly exponential rate.

Unfortunately a recent Washington Post article entitled "Students' Comprehension of Science Called Shallow"

shows no signs of change. Fewer than half of our Nation's high school seniors were shown to be capable of interpreting scientific data, evaluating science experiments, or showing in-depth knowledge of scientific information. Average science achievement remained roughly the same from 1970 to 1990 while one in four seniors have never even worked on a science project. In our public schools only 54 percent of seniors had taken 1 year or more of chemistry while between 10 and 30 percent of eighth grade teachers felt ill-prepared for the classes they were teaching. There is little hope that the state of mathematics is any different. Clearly these figures must be dramatically improved if we are to speak realistically of investing in this Nation's future.

Mathematics and science education have always been a major concern of mine; just 2 months ago I delivered a floor statement outlining how poorly our students stand up to international comparison. Good math and science education is imperative not only because of its value to scientists, engineers, and our economic future, but also, as the National Center for Improving Science Education describes them, because they are "learning to learn skills." By emphasizing analytical and rational thought they are skills—just like reading and writing—which provide every student with a basis for future learning regardless of the field of interest.

Improving our children's performance in these areas will not be easy. Certainly increased funding is necessary to provide our teachers and students with the proper tools for education. Education, however, is much more than just money; it involves motivating our students, ensuring our teachers are well qualified, and stressing in our curricula and assessments the importance of these two subjects. In short, it requires a concerted effort on behalf of all segments of society. But most of all, it requires strong leadership.

This is why each of us must make education the top priority in our States. We are now at a critical point where there is no longer time to waste; We must stress to our State legislatures and our communities the threat we face and we must initiate programs that will include everyone in the education of our youth. No one is exempt from their responsibility, for we all have a personal stake in the results as well as an obligation to our children to give them a fighting chance for success.

I ask that the article to which I referred be printed in the RECORD.

The article follows:

STUDENTS' COMPREHENSION OF SCIENCE
CALLED SHALLOW
(By Mary Jordan)

A new national test shows a majority of students failing to grasp all but the most

basic science skills and little difference between the scores of students attending private of public schools.

Overall, the test administered to 20,000 students in the fourth, eighth and 12th grades, showed that fewer than half of the nation's high school seniors could interpret scientific data, evaluate science experiments or show in-depth knowledge of scientific information.

The majority of students in all three grade levels showed proficiency with basic science facts, but not with the tougher tasks of applying or analyzing them.

"It's disappointing," said Education Secretary Lamar Alexander, "But we know why: we have not made science a priority." The remedy, Alexander said, is "less television, more homework, and a more demanding curriculum."

Parris C. Battle, a member of the National Assessment Governing Board, said the results indicate that "overall, average science achievement in 1990 was just about where it was in 1970, even though the world certainly changed in 20 years and has become more demanding and complex."

Between 10 and 30 percent of the eighth-grade science teachers interviewed for the study felt ill-prepared for the classes they were teaching. They said the equipment they use was out of date and that their schools placed a low priority on science education.

High school seniors scored an average of 294 on a 500-point scale.

Students in private schools did not fare significantly better than those in public schools. In Grades 4 and 8, students in private schools outperformed those attending public schools by 10 to 14 percentage points on the 500-point scale. But by Grade 12, the scores of public school students on the congressionally mandated National Assessment of Education Progress test were about the same as those of Catholic and other private school students.

When comparing only students who had taken more advanced science courses, the scores of public and private school students were virtually identical.

"This is really shocking because kids in private school have more advantages," said Albert Shanker, president of the American Federation of Teachers. Along with the privilege of setting entrance standards and rejecting failing students, Shanker said private schools have a "much higher percentage of kids whose parents went to college and that means the parents make a lot more money."

Studies have consistently shown a direct correlation between socio-economic attainment and academic achievement.

But Assistant Secretary of Education Diane S. Ravitch said private schools place more emphasis on advanced sciences, and the higher scores of private schoolchildren at the lower levels should not be discounted.

"There is still a difference," she said. "In public school you are far less likely to take chemistry, because no one tells you to."

According to the survey only 54 percent of the seniors in public school had taken chemistry for one year or more, compared with 71 percent of private school students. Likewise, only 28 percent of public school students had taken a year or more of physics, compared with 39 percent of those in private schools.

The results showed several other patterns: white students performed significantly better than black students; those living in the Northeast had higher scores than those in the Southeast; and males in the eighth and 12th grades fared slightly better than females.

Only 25 percent of the high school seniors taking science courses said they were given two or more hours of homework in the subject each week. One of every four seniors said they never once worked on a science project.

Teachers were also interviewed as part of the survey, and only 4 percent of those interviewed said they used computers as part of the classwork.

The test results also showed a strong correlation between doing well and living in a wealthier part of a metropolitan area. Between 60 and 70 percent of those who scored in the top one-third of the test lived in "advantaged urban" communities and between 64 and 81 percent of the students who fell into the worst category lived in "disadvantaged" communities.●

HATE CRIMES

● Mr. SIMON. Mr. President, once again, I rise to address the issue of hate crimes and the unfortunate prevalence of racial scapegoating in this Nation. This is a problem which is not going to go away. We can no longer look at it as a series of isolated incidents. Instead, we need to recognize that the name calling and graffiti, the discrimination, and the threats and violent crimes are all signs of an alarming trend. It is for this reason that I will continue to monitor and report about the crimes in the Senate record. Only by addressing this issue head-on, and by acknowledging the prevalence of the problem, will we finally begin to make strides toward successfully dealing with this unwarranted prejudice.

The Washington Post recently ran an article about Japan-bashing in California. The article discussed a recent incident in Los Angeles involving an elementary school teacher who asked her students for their reactions on the recent awarding of a multimillion-dollar contract to Sumitomo Corp. Not only were these elementary school children in favor of canceling the contract, but in addition, they expressed blatantly anti-Japanese sentiments. One student wrote: "Americans, Yes. Japanese, No; Vote Again! Before the Japanese Bomb the U.S.A. Again."

Mr. President, it is obvious that we need to send a clear message to both young and old that racial discrimination and prejudice are intolerable. I ask to insert into the RECORD at this point the full text of the March 29 Washington Post article.

The article follows:

JAPAN-BASHING APPEARS TO INTENSIFY IN
CALIFORNIA

(By Michael Abramowitz)

LOS ANGELES—During recent controversy here about awarding a major transportation contract to Sumitomo Corp., an elementary school teacher asked children to express their views about the issue that was fast becoming a symbol of U.S.-Japan trade tension. Mayor Tom Bradley, who received their letters, was taken aback, an aide said.

Many of the letters urged cancellation of the contract, some expressing blatantly anti-

Japanese sentiments. One student scrawled out a leaflet with the message: "Americans, Yes. Japanese, No: Vote Again! Before the Japanese Bomb the U.S.A. Again."

Such letters, some community leaders said, are a troubling sign of a serious decline recently in civility and tolerance toward Japanese nationals and Japanese Americans as a consequence of worsening relations between the United States and Japan. Even Southern California, where about one-tenth of the population is Asian in origin and economic ties with the Orient are strong, has not been immune.

"The current round of hostility is much more intense than I can recall," said Dennis W. Hayashi, national director of the Japanese-American Citizens League, a civil rights group. "I remember tensions in the early 1980s, but nothing on the order of what's happening now in terms of the violence of the attacks."

Rep. Robert T. Matsui (D-Calif.), 50, who spent part of his early childhood in a Japanese-American detention center, said anger toward Asian Americans no longer is limited to states hard hit by Japanese automobile imports. "Today, it is all over the country, and I think the reason for it is that there is a lot more Japanese influence in the country now," he said.

In its annual study of hate crimes released earlier this month, the Los Angeles County Commission on Human Relations reported 54 hate crimes against Asians in 1991, the most since it began keeping data more than a decade ago. Only six were directed expressly against Japanese Americans, but commission officials said graffiti and epithets used in many of the other frequently were anti-Japanese, regardless of the victim's origin.

The study jibes with a recent report from the U.S. Civil Rights Commission, which linked a rising tide of Japan-bashing to increased cases of discrimination and violence against Asian Americans.

While blacks, Hispanics and Jews remain numerically the target of more hate crimes in the Los Angeles area, community leaders and government officials here also cited anecdotal evidence that attacks against Japanese Americans may be increasing in intensity.

Late last year, vandals scrawled graffiti saying "Nips Go Home" and "Go Back to Asia" on the Norwalk Japanese American Community Center and, in a separate incident, slashed car tires in the parking lot. A Japanese restaurant in Lompoc was firebombed, and other Japanese-American groups have received bomb threats. A girl scout selling cookies in front of a supermarket here recently was called a "Jap" and told, "I only buy from Americans."

The situation has degenerated so much that, in describing the current environment, some community leaders referred to the nation's worst act of anti-Japanese racism and hysteria in this century—internment of thousands of Japanese Americans during World War II.

Some people who experienced the trauma of the internment tell me that, in the past 50 years, they haven't seen anything like this," said Stewart Kwoh, executive director of the Asian Pacific American Legal Center here. Ron Wakabayashi, executive director of the city's Human Relations Commission and a longtime Japanese-American activist, said that, until recently, he has been mystified by the level of hatred toward Japanese during that internment. But in light of recent events, he said, "I have started understanding it a little bit."

"Everyone has a recent story of being called a 'Jap' or being flipped off," he said. "I don't think the community feels terrified. But I think that the community understands the environment can lead to anti-Japanese feeling. They understand that there's been a shift."

Civic leaders here attribute these shifting sentiments to complex insecurities stemming from difficult economic times, increasing immigration from the East and the United States' changing position in the world. Before U.S.-Japanese trade tension flared anew recently, anxiety was high in the Japanese-American community here about reaction to the 50th anniversary of the Pearl Harbor attack. Meanwhile, leading Japanese and U.S. politicians have exchanged angry accusations, fanning public opinion.

In Los Angeles, furor about awarding a railway car contract for more than \$128 million to Sumitomo resulted in cancellation of the deal but not without stoking further community resentment about Japanese business investment in the United States. Now, a "Buy America" measure requiring the city to give bidding preferences on contracts to California and Los Angeles-area firms has been placed on the June ballot, a move that irked Bradley.

In an unusual speech last month, the mayor lashed out at unnamed public officials for fueling "dangerous hysteria" against the Japanese with their "mindless criticism of Japanese companies." Citing anti-Japanese feeling in the student letters, Bradley said, "These school children at least have the excuse of being young and impressionable. Unfortunately, adults should know better."

But Bradley has been denounced by advocates of the "Buy America" campaign for fanning racism by raising the issue. They said the ballot measure simply reflects a common sense desire to foster creation of jobs and businesses here.

Japanese businesses here are likely to feel substantial fallout. "I think that, until the election is over, you won't see any local government give contracts to foreign companies," said Steven C. Clemons of the Japan-America Society of Southern California. "The whole process has been put on hold."

Clemons and other observers said people on both sides of the Pacific should reevaluate and manage their relationship better. Tachi Kiuchi, chairman of Mitsubishi Electronics America in Cypress, Calif., and a longtime U.S. resident, said he frequently advises his employees to expand contacts with Americans beyond golf games.

"We isolate ourselves," Kiuchi said of Japanese nationals in California. "We don't do things for the community. It is a two-way problem, but I blame ourselves."

Japanese-American leaders said they advocate a similarly aggressive strategy of political involvement. Noting the historical propensity of many Asian Americans to keep quiet and avoid politics, Kwoh said, "This is an opportunity for Japanese Americans to speak out. To suffer in silence is to invite more attacks."*

CHILDREN'S DEFENSE FUND REPORT

* Mr. ROCKEFELLER, Mr. President, I would like to bring to the attention of my colleagues a comprehensive report by the Children's Defense Fund entitled "Falling by the Wayside: Children in Rural America." This is a thoughtful and sobering look at the

situation of children of poverty growing up in rural regions of our country—an area of poverty all too often and unfairly cast into shadow by concerns about urban poverty.

This report is intended to raise our consciousness about these youth, who constitute fully a quarter of all children in poverty. It also explodes the deeply established myth that it is cheaper to raise children in rural areas and exposes startling facts about the conditions which rural children must face. For example:

Fact: Rural children are more likely to be poor—22.9 percent lived in poverty in 1990—than nonrural children—20 percent. The rural child poverty level has been rising dramatically over the past two decades, from 16.6 percent in 1973, to 17.3 percent in 1979, to 22.2 percent in 1989.

Fact: Rural children, 42 percent, are more likely than their city peers, 33 percent, to go a year or more without their regular medical checkup. Rural areas have less than half as many physicians per capita than metropolitan areas.

Fact: Rural students attend schools that on the average face higher costs with lower revenues. In the last year for which data are available, 1982, rural communities spent about 10 percent less per student than metropolitan communities.

The true situation is that rural poverty is at a higher level than in metropolitan areas, that available health care is inadequate, both in quality and quantity, to meet the needs of the children, and that children are not receiving the basic education that they need in order to function as a contributing member of society. There are programs which attempt to address these problems, but they must be expanded and supplemented. We can improve the system.

My State, West Virginia, is rural, and, therefore, this report addresses many of my personal concerns about the care and well being of children. But these concerns should be shared by everyone since rural communities exist in every State.

In West Virginia, as in the other States, there is a strong tradition of a caring, nurturing family environment. Economic realities and shifting demographics, however, have shaken the ability of the parents to preserve this environment by themselves. They need our help, now more than ever before, and we need to summon the commitment and will to provide it.

The problems that affect families are problems shared by every State throughout the Nation. Moreover, these are problems which will affect everyone in the Nation, as rural children enter into the urban and suburban work force. We must recognize these problems on several levels. We must move quickly, specifically to ease the

suffering of the innocent young, and most effectively bring them into the social and economic mainstream, as well as more generally to preserve the future of our Nation through its most valuable resource—the children.

As the chairman of the National Commission on Children, I am honored to note that several of the Commission's recommendations are cited in the Children's Defense Fund report. These recommendations are designed to encourage fundamental values of hard work, strong families, and self-sufficiency. They include: First, a refundable tax credit on a per-child basis, used to reduce taxes or to be paid to the family if there is no tax liability; second, increased earned income credit for low-income working parents; third, a national child support insurance program, and fourth, creative approaches to job creation. This support for our proposals is deeply appreciated, and moves us closer to establishing solutions for these deeply troubling problems.

I wish to commend the exhaustive and meticulous research completed by the Children's Defense Fund, as well as their commitment to ensuring that the facts are presented in a realistic and straightforward manner. It has illuminated an area which desperately needs our attention. This report is a call to arms in a battle we cannot afford to lose—for the sake of the children and the sake of our own futures.●

ELECTRIC VEHICLES

● Mr. SIMON. Mr. President, a recent article by Lesley Hazleton published in the New York Times discusses a subject that should be of interest to all of us—the electric car—the car of the future.

Automobile ownership is expected to increase worldwide by up to 50 percent in the next 20 years. We do not need any further evidence to know the consequences of such an increase. The environmental and energy problems that will result from the use of many more gasoline-powered cars will be monumental. The air pollution and oil consumption will create problems that simply will be intractable.

But we are taking steps in the right direction, Mr. President. The energy bill this body passed in February would require the use of alternative fuels or electricity for all Government fleets and most commercial ones by the year 2000. The House is currently working on a similar bill.

New environmental regulations have already been adopted in California, and are under consideration in 10 Northeastern States, including New York. The California regulations are intended to clean up the current gasoline-powered car: they mandate lower emissions standards, starting in 2 years. But they require that by 1998, 2 percent of all

new cars sold by automakers with California sales exceeding 3,000 a year will have to be zero emission vehicles, or ZEV's; by 2001, 5 percent; and by 2003, 10 percent will have to be ZEV's.

There is no turning back, Mr. President. It is clear that we must move to widespread use of the electric car, and this fact is becoming widely recognized throughout the Nation and throughout the world.

The article I am submitting concerns the Impact, the electric car designed by General Motors. I had an opportunity to drive the Impact last fall when GM had a demonstration here in Washington, and it was a pleasant experience. The article is a fascinating history of the development of the car.

As with any new technology, there are problems that must be resolved. The lead-acid batteries used in the Impact take 3 hours to recharge, and the range of travel before recharging is limited. The cost of the electric car today is prohibitive.

But I believe these problems can be resolved. The big three automakers, along with major utilities and the Department of Energy have formed the Battery Consortium to develop an efficient battery. The use of hydrogen-powered electric cars at some point is also a very promising possibility.

Over the long term, the cost of electric cars will decrease. In the meantime, we must find ways to encourage their production and use. Last year I introduced a bill to provide a tax deduction of 25 percent of the cost of the purchase price of a new electric-powered automobile. And I am looking into other ways in which the Federal Government can help motivate people to purchase electric cars.

There is great interest in the electric car abroad. Japan wants to have 200,000 electric cars in use by the year 2000, and Europe will not be far behind.

We cannot lessen our effort. A number of U.S. auto companies are working on electric vehicles, and we must encourage them in every way we can. We must get on the cutting edge of this technology, Mr. President, before other nations move ahead of us.

I request that this article be inserted in the RECORD, and I urge each of my Senate colleagues to read it.

The article follows:

ELECTRIC VEHICLES

(By Lesley Hazleton)

It looks like a futuristic show car: silver, with swooping aerodynamic lines. Just another sporty "concept" car, you think, until you get behind the wheel.

Then comes a moment of disorientation. There's no gearshift, you learn, because there's no clutch and no transmission. Just two small electric motors, one for each of the front wheels. A long hump down the center floor of the car looks rather like the one in old sports cars; but instead of a driveshaft there's a line of 32 lead-acid batteries under it.

Now you see the dials, which are centered just below the steeply raked windshield.

Motor temperature, check. Miles per hour, fine. But then there's a dial for battery charge, marked in percentages. And another—the ammeter—marked in amps. Driving this car, you realize, requires a different frame of mind.

Turn the key, and nothing seems to happen. No sound, no vibration. But press the button marked F for forward and step on what you can't help thinking of as the gas pedal, and the force of acceleration suddenly has you pushed back against the seat.

You didn't expect this. You realize you're smiling. Surely a sexy electric car is an oxymoron.

Until this car's debut in 1990, it was. The car is the Impact, a General Motors prototype designed to break the conceptual mold of electric cars as glorified golf carts. Though there's some way to go before it will be fit for the market—the suspension is rock hard and the motors whine like an animal in pain—G.M. has scheduled it for production in the mid-1990's, at a price reportedly about \$25,000.

The Impact is a major precursor of what appears to be an impending new era in cars: a radical change from gasoline to electricity. Even as auto makers struggle through the recession, they have been forced into an expensive, high-stakes race to determine the future.

Fueling the race, as it were, are new environmental regulations introduced by California and now under consideration in 10 Northeastern states, including New York—potentially, a total of just over a third of the United States new-car market.

The aim of the regulations is to clean up cars, which by most accounts produce up to two-thirds of all urban smog and a quarter of the greenhouse gas carbon dioxide. The California program mandates progressively lower emissions standards, starting two years from now. At first, these can be met with alternative fuels—reformulated gasoline, compressed natural gas, alcohols like ethanol and methanol—and with improved combustion technologies.

But these measures will probably only produce a holding pattern on smog and greenhouse gases. As James J. MacKenzie of the World Resources Institute notes, "with auto ownership worldwide forecast to rise by up to 50 percent in the next 20 years, we simply cannot conserve our way out of the problem." Thus, the ultimate requirement of the new regulations: By 1998, 2 percent of all new cars sold by auto makers with California sales exceeding 3,000 a year will have to be Z.E.V.'s or zero-emission vehicles; by 2001, 5 percent; and by 2003, 10 percent will have to be Z.E.V.'s.

"The die has been cast," MacKenzie says. "The only way to do this is an absolutely fundamental change in the character of the auto: its propulsion system." the hot technology of the internal-combustion engine—known in electro-speak without any apparent irony as ICE—will have to give way to the cool one of electricity, the mechanical engine to the electrochemical one.

As developments in major industrial markets go, all this has happened very fast, and most auto makers are now scrambling to catch up, investing heavily in R&D for what they still consider an uncertain market. Much of the research is directed at batteries, because at this stage no purely electric car can go more than about 100 miles before stopping for several hours to recharge. As a result, it looks as though many of the first electrics will be "hybrids"—electric-drive cars using batteries together with small gas-

oline engines to recharge the batteries and extend the car's range. Some researchers say that a battery powerful enough to drive a pure electric as fast and as far as a gasoline car may well be on market by 1998. And in the longer run, researchers are looking to hydrogen-powered fuel cells to replace batteries.

"This decade is going to be by far the most exciting ever in cars," says Paul MacCready, head of Aerovironment, the company that led the Impact development team. "It's going to be somewhat like the 30's in aviation, when you went from canvas and sticks to airliners and fighters in just a few years."

MacCready is not the kind of man you would expect G.M. to trust farther than it can see: too iconoclastic, you would think, for a major American corporation. A three-time United States national soaring champion, he designed a series of solar-powered planes in the late 70's. Then, in what seemed the height of eccentricity, he led a team that built a huge radio-controlled, wing-flapping, flying replica of the largest animal ever to have flown—the dinosaur-age *Quetzalcoatlus northropi*, or pterodactyl, with a 36-foot wingspan. That, he said, was to show the connection between the evolution of natural flight and technological flight.

Far from a mad scientist, though, MacCready is a restrained, cerebral, intensely practical engineer with a Ph.D. in aeronautics from Caltech and a long string of awards and honors. No fewer than five Aerovironment inventions have been acquired by the Smithsonian, including the Gossamer Condor plane—the first plane powered solely by a human to achieve sustained, controlled flight—and the Sunraycer car, G.M.'s record-breaking entry to the first World Solar Challenge Race in Australia in 1987.

After the Sunraycer's success, G.M. bought 15 percent of MacCready's company and gave him and his team the go-ahead to develop an electric car. They were apparently thinking of it primarily as a show car, but MacCready had other ideas. In just under a year, his team developed the Impact, with its top speed of more than 100 m.p.h. and acceleration from 0 to 60 m.p.h. in eight seconds.

Most electric cars developed in the previous 20 years had been conversions of gasoline cars. They worked, but not very well. By redesigning the car from the ground up, MacCready's team transformed the electric car from a technological oddity into a stylish practicality.

They literally reinvented the wheels: made out of aluminum, with tires specially designed to reduce drag, they help make the Impact so energy-efficient that if it were to run on gasoline, it would use only one-third the amount required by a typical internal-combustion car. And in a process known as regenerative braking, the brakes themselves act as small generators, feeding energy back into the batteries and recharging them.

"We had to rethink the whole question of automotive design from the point of view of efficiency the way it's pursued in the aerospace industry," MacCready says, sitting in his sparse office in Monrovia, Calif. "And the odd thing is that nobody had ever looked at a car from that point of view before. There'd never been any need to."

MacCready is no car enthusiast. He puts down the American obsession with high-powered, energy-intensive cars in his low-key, slightly sardonic manner: "If you look at birds like the albatross, you'll see they can spend days soaring over the ocean, with magnificent maneuverability. Then at the other

end of the spectrum, there's the peacock, stuck on the ground, flying at most up to a low branch. The mechanical part of a peacock's flying function is minimal, so much effort goes into other things like the large tail, which hampers flying but boy, does it make the females quiver."

The Impact promptly made a lot of auto journalists quiver, a thing they normally do only for peacock cars. The Impact's team had created the automotive equivalent of a peacock that could fly like an albatross, proving, as MacCready says, that "styling and efficiency don't have to be incompatible." And the very fact of its existence undoubtedly influenced California's decision to go ahead with electric-vehicle regulations. MacCready had demonstrated that the technology already existed.

With several more states looking closely at the California program, support for electric car production seems to have already "passed critical mass," as one advocate puts it. The European Community will probably adopt a similar measure in the next few years, as will Japan, which already aims to have 200,000 electric cars on the road by the year 2000. Meanwhile, in February the Senate overwhelming passed a bipartisan energy bill mandating the use of alternative fuels or electricity for all government fleets and most commercial ones by 2000. A similar if somewhat weaker house bill is expected before the Easter recess.

But some critics call this unseemly haste. Rushing a new technology onto the market may be counterproductive, they say. David E. Cole, director of the University of Michigan Office for the Study of Automotive Transportation, argues that scientific research on pollution and the greenhouse effect is still contradictory. He warns that demanding that Detroit right now invest in a whole new technology could further jeopardize the position of the American auto industry.

James P. Womack, a principal research scientist in technological policy at the Massachusetts Institute of Technology, cautions that Detroit's problems could yet undermine the new regulations. "There's always the possibility that laws can get changed," he says. "It's true there hasn't been much inclination to believe Detroit when they've said they couldn't do something, and then done it under the regulatory gun, as with catalytic converters. But if you get to the late 90's and Detroit says they can't make the deadlines for financial reasons it's quite possible there'll be delays in the mandates. So I don't know how much voltage there is, so to speak, behind the regulatory drive for electronics. There's a lot of room for poker-playing here."

Now that the Japanese have entered the poker game, however, nobody can afford to drop out. "A whole electric-vehicle industry has suddenly come into being," one auto executive says. "Our Rolodexes have been transformed in the past year." And even though the regulations call only for a gradual conversion to Z.E.V.'s, the major producers know they will have to be there when the laws kick in.

Some companies, including Ford and Chrysler, are working on electric vans rather than cars. Their assumption is that Federal legislation and market signals virtually guarantee that the initial demand for electric is more likely to be for service and delivery vehicles than for private cars. But many others are going straight for the far larger private market, and their cars are attracting a lot of attention, both from potential buyers and from other companies.

The first modern electric car to come onto the American market is scheduled to start production a year from now. Code-named the LA301, it was commissioned by the city of Los Angeles and will be built by a small British-Swedish consortium called Clean Air Transport. A four-passenger hybrid commuter car, it runs on lead-acid batteries plus a small gasoline engine that cuts in above 30 m.p.h. or when peak power is needed, extending the car's 60-mile electric range to over 150 miles. It doesn't have the flair or technical sophistication of the Impact. And because of its small production run—1,000 in 1993 and 5,000 in each of the two succeeding years—its projected cost is \$25,000.

A prime contender for the mid-90's is the Volkswagen Chico, a small city runabout. Another hybrid, it uses a two-cylinder gasoline engine to recharge nickel-hydrate batteries. The batteries alone give it a range of 12 to 13 miles for nonpolluting city driving, while the gasoline range is about 300 miles, with a top speed of 81 m.p.h. Some early reports price it at a very attractive \$7,000, but initially it is likely to cost far more.

Volkswagen is also working on a joint venture with Swatch to produce electric cars, capitalizing on the Swiss watchmaker's reputation for inexpensive quality.

In Japan, radical prototypes have pointed the way to a more powerful electric future. Nissan introduced its F.E.V. (future electric vehicle) last year, with nickel-cadmium batteries fully rechargeable in just 15 minutes, compared with a minimum of three hours for most other batteries. That, however, is at 440 volts, which is far beyond home capacity and therefore impractical right now.

Another Japanese prototype is setting an interesting precedent: it was developed not by an auto maker but by Tokyo Power and Electric, the largest privately owned utility in the world. Its Iza is a sleek four-seater with nickel-cadmium batteries, a top speed of 109 m.p.h. and a record-breaking range of 340 miles. The Iza is an expensive proposition, however, and is not scheduled for production.

BMW intends to produce two sophisticated electric—the E1, promptly dubbed "the electric egg" by the automotive press because of its shape, and the larger E2 sedan unveiled in January at the Los Angeles Auto Show, with sodium-sulfur batteries, rear-wheel drive, a top speed of 75 m.p.h. and a maximum range of 267 miles. To Americans, one of the most striking features of the E1 and E2 is that they are the first BMW's to be powered by American-made motors, and these come not from a major supplier, but from a small company called Unique Mobility.

At first blush, Ray A. Geddes, the mustachioed chairman of Unique Mobility, is an unlikely proponent of electric technology. A lawyer with an M.B.A. from the University of Michigan, he spent 12 years at Ford's GT and sportscar manager, supervising Shelby Cobras, high-performance Mustangs and the like. In 1981, he got a call from his cousin, a radiologist who had invested in Unique Mobility. "He was worried about the way the company was going," Geddes says. "He wanted me to come help protect his investment." Like all good Detroit people at the time, Geddes scorned the very idea of electric cars. "I had to be dragged in," he says, grinning. "Definitely under duress." Yet what he saw was so interesting that by 1983 he was working full time at the firm's headquarters in Englewood, Colo.

Unique had built a novel direct-current motor that looked so promising that Geddes

decided to sell off the company's real estate—including race track—to concentrate on its development.

Standard electric motors pose a difficult trade-off for engineers. They can be designed for torque, which provides acceleration, or for power, which allows steady operation at high speed. But getting both characteristics—which is what most American drivers expect in a car—in a motor that is sufficiently small, light and inexpensive for a mass-marketed automobile is a vexing problem.

The patented Unique motor uses less iron and copper than regular electric motors, making it lighter. More important, the motor's copper wire is wrapped in a special configuration and the current is controlled electronically to provide acceleration or high-speed cruising power as needed, and without a transmission. It is thus extraordinarily efficient, producing up to two horsepower per pound of motor weight—almost twice as much as the Impact's variable-speed AC motors and more than five times that of conventional DC motors.

Though Geddes may have gotten out of racing, the racing hasn't gotten out of him. Pinned to his office wall are engineering drawings for an electric Grand Prix race car. "Racing can accelerate this technology," he says, "just as it did for gasoline technology. Eventually, electric-drive race cars with a motor in each wheel will run circles around other kinds."

With the legendary racing figure Carroll Shelby a former board member of Unique Mobility and still a shareholder, it may not be that long until the drawings move from Geddes' wall to the production studio. And another future indicator is the fact that the company's largest shareholder, Alcan, is working on an aluminum-air battery with 10 times the energy density of lead-acid, and far longer life due to an exchangeable aluminum cassette that can simply be inserted into the battery casing.

The battery connection is important. Electric motors are well advanced, but batteries have a long way to go. In fact, the phrase most used about batteries is "the Achilles' heel of the electric car." Right now, they provide too limited a range, take too long to recharge and have too short a life to make electric fully competitive in cost and performance with gasoline cars.

The range problem is more psychological than practical, but none-the-less real for that. The average daily trip of an American car is 22 miles, well within the range of even the most modest electric. But drivers don't like to think of themselves as average. And the limitations challenge a basic piece of American mythology: the freedom to range.

The energy and durability of batteries present more serious problems. Right now, new batteries mean an expenditure of some \$1,500 every two years or so. And no single kind of battery seems to do everything that's needed. Sodium sulfur, for instance, holds about three times the energy per pound weight as lead acid but typically delivers that energy to the motors less than half as fast.

The lead-acid batteries in the Impact produce nearly twice the energy per pound weight of current car batteries—"we think our battery people sneaked some kryptonite in there," jokes one of the engineers working on the production model—and take only three hours to recharge. But three hours is about 2 hours and 57 minutes too long when compared with the "recharge" time for gasoline motors.

Detroit's Big Three have joined with major utilities and the Department of Energy to form the Advanced Battery Consortium, a billion-dollar effort to develop the ideal battery. The group's goal is to extend battery life to 5 years by 1994 and to 10 years by the end of the decade, while simultaneously bringing down costs and extending range.

Meanwhile, auto makers and utilities are on the verge of agreement on a standard charging system, while the National Highway Traffic Safety Administration has begun setting safety standards for electric cars. For a change, auto makers are hoping the agency acts swiftly; nobody wants to put a car on the market that suddenly has to meet new safety standards.

The standards are likely to include disabling mechanisms to disconnect the batteries from the rest of the car automatically during servicing and in crashes, thus preventing electric shock. They may also require that batteries be sealed and packed behind flame barriers to prevent explosions and keep toxic and often highly corrosive acids from spraying the cars' inhabitants in an accident.

Despite the intensive investment of time and money, batteries may be only an interim means of powering the electric car. The ultimate problem is that the electricity to charge them still has to be produced somewhere. In the first few years, as electric cars are phased onto the market, the present power capacity will suffice. But eventually, more will be required, and that means either more nuclear plants, which seem highly unlikely in the United States, more coal and gas-fired plants, or solar generation.

In the long run, though, most experts predict that this whole issue will be resolved by the use of a far more promising energy source: hydrogen. In fact, it could be the ultimate clean fuel.

Hydrogen is the space-age fuel par excellence. The space shuttle uses hydrogen fuel cells to provide on-board electricity and drinking water. Yet one of the leading firms working on hydrogen-powered cars developed its technology not hundreds of miles above the earth, but below it: specifically, underwater.

Energy Partners, based in West Palm Beach, Fla., was founded by John H. Perry Jr., a former newspaper and cable television owner who introduced computerized typesetting into the newsroom. In the 60's, Perry began producing small manned submarines for the offshore oil industry, eventually cornering 90 percent of the market. He also built the hydrogen fuel-cell-powered Hydrolab, in which astronauts trained underwater for the weightlessness of space, and began to experiment with fuel cells in submarines.

Now 74 years old and looking more like a retired naval captain than a captain of industry, Perry is high on hydrogen, and curiously, considering that the source of a considerable part of his fortune is in the oil-drilling business, on the idea of clean energy. "The fuel cell," he says, "is the silicon chip of the hydrogen age."

Fuel cells were bulky and very expensive until the development some years ago of proton exchange membranes, of P.E.M.'s for short. A P.E.M. is a variety of Teflon that looks like a regular sheet of transparent plastic. When treated with platinum as a catalyst, it splits hydrogen and separates out its electrons to form electricity. A series of P.E.M.'s stacked one on top of another like layers of meat in a sandwich produces a fuel cell that is light, small and potentially cheap enough to use in a car.

Hydrogen can be burned in an internal combustion engine—BMW, Mercedes Benz and Mazda all have prototype internal-combustion cars working on hydrogen fuel—but when used instead to produce electricity in a fuel cell, it will take that same car twice as far. A fuel cell in an electric car as aerodynamic as the Impact could increase its range to about 400 miles, and reduce its recharge time to two or three minutes.

Energy Partners plans to build a "proof of concept" car, rather than a production prototype, running on two hydrogen fuel cells. With it, Perry hopes to demonstrate that such cars can be ready for the mass market by the end of the decade, rather than 20 years from now, as most experts predict.

Though the car will use gaseous hydrogen as its fuel for now, a better and safer option for the future would be to store the hydrogen in an on-board tank containing a granular metal alloy that holds hydrogen gas in non-volatile form, releasing it to the fuel cell as required.

One of the many advantages of hydrogen as an energy carrier is fuel flexibility: hydrogen can be made from just about anything. It could be reformed either aboard the car or at the service station from methanol, ethanol or natural gas. It could even be produced by using solar power to electrolyze water.

It seems the perfect fantasy: a car running, basically, on sun and water. But outside Munich, Germany, an experimental power plant is already producing hydrogen from solar power and water. Solar technology may be nowhere near the stage where it could power a family car directly, but its potential to power the car indirectly, by producing hydrogen, has now been established.

The technology for a new era in cars already exists. The problem now is building a market large enough to justify the large production runs that will make electric cars more economical. Some of the options include regulation, as is being done right now, and incentives, like higher gas taxes or tax breaks for buyers of electric cars.

"Economics underlies this whole issue," MacCreedy says. "Cars are not airplanes. You have to make them affordable. The challenge is how to get some of the efficiency of the culture of aviation into the mass-market car culture, which is all the trickier when gasoline is cheaper than bottled water."

"If some fearless politician with enough charisma to carry it off could introduce a slowly rising tax on gasoline to, say, \$4 a gallon by the end of the decade, the national debt would be pretty much taken care of, the economy would be revitalized, everyone's health would be better, and we'd be free of independence on foreign oil," he says. "But it's not going to happen."

With a clear Federal policy still missing, the coming decade will be one of rapid development and high risk for auto makers. State regulations have set the pace. Now the question is whether consumers are ready to make the leap. If they are, it seems certain that within the next 10 years, cars will finally emerge from the century-old technology of gasoline and begin to catch up with the level of technology we use in the rest of our lives. Within 20 years, they may even catch up with the space age.●

THE CENTENNIAL OF THE BIRTH OF ABRAHAM EPSTEIN

● Mr. MOYNIHAN, Mr. President, I rise today to mark the centennial on April 20 of the birth of Abraham Epstein, a

social reformer and scholar highly influential in the establishment of Social Security. With his death a half century ago at the age 50, the Nation lost an important advocate for the elderly and the poor.

Abraham Epstein was born in Russia in 1892, and emigrated to the United States in 1910 at the age of 17. Seven years later he became a naturalized citizen. After receiving his degree at the University of Pittsburgh, he served from 1918 until 1927 as research director of the Pennsylvania Commission on Old Age Pensions. He could count as among his accomplishments preparing the first bill on old age pensions, which was introduced in the Pennsylvania Legislature in 1921.

In 1927 he left to organize and head the American Association for Old Age Security, late the American Association for Social Security [AASS]. He became a leading advocate for a national old age pension. One historian has argued that more than any other advocate, Mr. Epstein was responsible for keeping social insurance, and in particular old age pensions, on the national agenda as the Great Depression deepened. Over the next 15 years he lectured at New York University and Brooklyn College, and served as a consulting economist for the Social Security Board.

Mr. Epstein also pushed for reforms in unemployment insurance and advocated national health insurance. Many of the gaps he fought to close in social insurance we still grapple with today. Mr. President, Mr. Epstein was a tireless social reformer of type too seldom seen. His vision lives on in Social Security, the largest and single most effective social program in our history.●

NATIONAL PRODUCTIVITY AND INTERNATIONAL COMPETITIVENESS

● Mr. RIEGLE. Mr. President, last night, the Senate accepted my sense of the Senate amendment which states that we must as a Nation commit to increasing our national productivity and international competitiveness.

OUR ECONOMIC PROBLEMS

It is finally becoming clear to all that we have serious structural economic problems in America—problems that have been building over a period of many years. This recession is different from past downturns. We are faced with the long-term decline of important industries. Living standards are stagnating—incomes for American workers have risen only because of longer working hours. We are seeing rising unemployment that is not cyclical but structural—jobs that will never be coming back. For example, in my home State of Michigan General Motors has announced that it is permanently laying off more than 9,000 workers. We see a deteriorating sense of eco-

nomonic security, both individually and as a Nation. We see the plight of the homeless and others who have not shared in the illusionary growth of the 1980's. We have seen rising inequity in incomes over the past decade. We also see the fraying of the social fabric which has accompanied all of these problems—what I have called the clockwork orange society.

Not all of these problems are the result of the Bush recession. Most have their beginnings decades ago. Yet, this recession, which has not been short and shallow as promised by the Bush administration, has heightened all of our long-term problems and given them new urgency.

LONG-TERM GROWTH STRATEGY

The only way to deal with these structural economic problems is to craft a long-term strategy that promotes investment-led growth. Over the long-term our economy will grow to the extent that we actively spur innovation and productivity. We must return our Nation to the path of long-term sustainable growth where investment in human resources, physical infrastructure, technology, and productive capacity leads to higher value added and higher income and national wealth; higher incomes and national wealth must then be plowed back into investment.

A long-term strategy requires a number of elements. We must have sound macroeconomic policies that stimulate demand and promote price stability. We must have a capital formation policy that promotes savings and investment, without lowering our standard of living. We need policies to channel public and private investment into new products, services, processes, and markets and into the factors which promote innovation and productivity, including human resources, physical infrastructure, and technology development.

We must also have a strong trade policy and other policies that affect how our domestic market is organized to insure that American products and services can be sold to customers, both at home and abroad, on a competitive basis. This is crucial so that American businesses and workers can reap the benefits of their investments in productivity and innovation.

A long-term strategy also means paying close attention to productivity and innovation in our strategic industries. A general growth strategy is not enough. Without attention to specific industries, the overall economy could grow but the specific goals of high value added, high standard of living, and economic and national security may not be met.

These principles expressed in this amendment are not new or radical ideas. Robert Kuttner, in a recent article in the Washington Post, quotes Fred Bergsten, Chairman of the bipar-

tisan Competitiveness Policy Council as saying "there is a new consensus on this. Macroeconomic factors still matter, but structural differences and sectoral policies matter too." Kuttner points out that more and more economists are calling for increased investments as means of solving our long term economic problems. I will ask that this article be included in the RECORD and the conclusion of my remarks.

The administration has a growth strategy for every nation but our own. If you look at the President's so-called economic package, it is clear that it's not a strategy for growth. It simply relies on the hope that economic growth will pick up on its own. It is do nothing and cross our fingers strategy. According to the administration's own estimates, the President's package will create 400,000 new jobs by 1997 over the business-as-usual forecast. Just 400,000 jobs in 5 years. More than 400,000 Americans are filing for unemployment insurance every week right now.

The 1992 economic report of the Joint Economic Committee released last week graphically illustrates that problem. The administration's projected growth rate for GDP will result in a cumulative loss of over \$1 trillion over 10 years, when compared to a constant 2.1 percent growth rate.

These are the trends we must overcome—both to secure our economic future and to get the budget deficit under control. Increasing economic growth is the only way out of our budget trap.

COMMUNITY AND URBAN REVITALIZATION

Mr. President, earlier this year, the distinguished majority leader, Senator MITCHELL, formed a task force on Community and Urban Revitalization and asked me to chair that group. Our goals are to increase the lines of communication between local political and civic leaders and the Senate and to refocus congressional attention on the challenges facing our communities.

The task force met in January with members of our advisory committee—some two dozen of our most distinguished mayors, Governors, labor leaders, and business people. They told us that their No. 1 priority for local communities was to begin reinvesting in our domestic economy. Significant investment in these key areas would pump dollars into State and local economies, putting Americans back to work.

The task force has been working to make such an investment program a reality. We unanimously endorsed a set of five principles to guide a recovery plan, including directing the peace dividend to offset the cost of an economic recovery investment package. That package would create and retain jobs, build infrastructure and human resources, and address economic readjustments caused by the decline of major industries and anticipated reductions in defense spending.

Despite the best efforts of the Senators on the task force, including the distinguished chairman of the Budget Committee, the budget resolution we are considering today does not lay the groundwork for the shift to domestic investment that this country so desperately needs.

Mr. President, I am grateful to the chairman of the committee for his assistance in adopting this amendment which puts the Senate on record in favor of a program like the one recommended by the task force—a program to reinvest in our communities here at home. We must make a commitment to strengthen our national economic security to help the people of this country.

I ask that the text of the amendment be printed in the RECORD following my remarks, along with the article by Robert Kuttner.

The material follows:

AMENDMENT NO. 1773

At the end of the resolution, add the following new section:

SEC. . SENSE OF THE SENATE REGARDING INCREASING PRODUCTIVITY.

(a) FINDING.—The Senate finds that—

(1) failure to meet the challenge of international economic competitiveness would seriously jeopardize our national security, standard of living, and quality of life in the coming decades; and

(2) increased productivity is the key to meeting the challenge and regaining the competitive edge the United States economy enjoyed in the past.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funds should be allocated to allow this Nation to commit to an increase in productivity and international competitiveness through a program of long-term strategic investment in—

(1) the development of its human resources;

(2) the physical infrastructure that supports economic activity;

(3) the development and commercialization of technology; and

(4) productive plants and equipment.

MORE IMPORTANT THAN THE DEFICIT

(By Robert Kuttner)

The federal deficit has all but vanished from political discourse. Apparently, politicians of both parties, with their usual reluctance to make hard choices, have tacitly agreed to bury the issue. Doesn't the deficit matter anymore?

Perhaps it doesn't. The absence of the deficit from public debate reflects not political opportunism, but an abrupt shift in thinking among mainstream economists. For once, there is a convergence of what is politically shrewd and what's economically sensible.

It's not that the deficit doesn't matter. It's rather that other things matter more—and that attempting to cure the recession by raising taxes, cutting spending and tightening everyone's belt would only make things worse.

Consider these leading indicators:

A bipartisan commission on American competitiveness, mandated by the 1988 Trade Act, recently issued its first report. It called for improvements in education, training, technology policy, industrial policy and a variety of other institutional factors that af-

fect America's ability to match nations like Germany and Japan. Budget balance was not mentioned.

The significance was less what the report said than who said it. The panel's chairman and principal architect was Fred Bergsten, head of the influential Institute for International Economics. For most of his career, Bergsten has assessed competitiveness by emphasizing macroeconomic factors—the size of the deficit, the level of U.S. private savings, the exchange rate of the dollar against other currencies.

"There's a new consensus on this," says Bergsten. "Macroeconomic factors still matter, but structural differences and sectoral policies matter too. The center of gravity on this debate has moved faster and further than on any other issue I've ever seen."

Other leading macroeconomists, who used to disdain such factors as education, training or technology policy, are now placing them at the center of their view of what ails the economy. Lawrence Summers, chief economist of the World Bank, in a recent speech to the Society for the Advancement of Socio-economics, argued that the restoration of healthy growth rates and long-term productivity would require an overhaul of our system of education, worker training, health insurance, the social pathologies of inner cities and the recent damage done by the excesses of deregulation. Just five years ago, Summers wrote that a 10 percent decline in the exchange rate value of the dollar would do more in the short run to improve American competitiveness and trade balance than measures to improve productivity.

Last week, 60 prominent economists, organized by Yale's James Tobin and MIT's Robert Solow, released an open letter to Congress, the president and the Federal Reserve. Arguing that economic recovery and higher growth productivity could only be achieved by increasing the rate of investment; "in people, in infrastructure, in technology and in machinery."

The group called for further interest-rate cuts by the Federal Reserve, as well as tax credits to stimulate business investment and a \$50 billion a year program of federal aid to state and local government for infrastructure spending. "Since the economy has idle resources of labor and capital available * * * and the threat of inflation is minimal, it is appropriate to let these expenditures add to the deficit financed by borrowing."

Research by Fred Block of the University of California at Davis and Robert Heilbroner of New York's New School for Social Research casts significant doubt on the claim that America suffers mainly from low private savings. Block and Heilbroner point to the immense increase in capital gains income during the 1980s, which is not counted in the Commerce Department's Official measure of savings.

Wealthy people generate much of society's savings, because working people can't afford to save very much of their paychecks. When the windfall increases to investors are added to the conventional measures of private savings, the household savings rate actually rose during the 1980s.

What all of this suggests is a fundamentally different view of what afflicts the economy. America is growing slowly because the way that we organize our institutions of economic life—our schools, banks, public investments and our relations between government, industry and labor—is inferior to the comparable institutions of competing economies.

Lowering the deficit or increasing private savings won't help much, until our institu-

tions are organized to invest those savings more productively. It is productive investment that drives economic growth, not savings.

The accumulated public debt is a real millstone on the economy—but the debt will be reduced relative to gross national product only when higher growth is restored. And with the economy stuck in a rut of slow growth, seeking a cure via deficit reduction would only make things worse.

Given the conventional view of the economic problem in recent years, these shifts in reputable thinking are nothing short of revolutionary. •

FAIR PRICING IN THE PETROLEUM INDUSTRY

• Mr. SIMON. Mr. President, the energy needs of this Nation and the environmental impact of meeting those requirements have been the focus of much commendable action by my colleagues and the committees on which they serve here in the Senate. The same may be said of our counterparts in the other legislative body.

The list of subjects in this area is extraordinary, both in its importance to all citizens and for its scope. It includes such diverse subjects as: Detailed measures for saving our environment from undergoing further decay, building our reserves of crude oil, increasing use of renewable fuels, and fashioning a broad energy policy.

Each of these topics deserves, even demands, our full attention. They are problems critical to the prosperity and the survival of America. Yet, the common element necessary to meeting this country's energy needs has received but little attention and no action.

The presence and maintenance of a distribution system for liquid fuels is the essential element without which there can be no effective energy policy. This distribution system has, historically, consisted largely of independent small business marketers who supply the major portion of gasoline and other liquid fuels to consumers and retailers who serve them. These small businesses have been virtually the sole source of fuel for small towns and rural areas and, to an increasing degree, medium-sized cities as well.

Today, their numbers are rapidly declining. In Illinois, since 1990, approximately 100 of these marketers have gone out of business. The Illinois Petroleum Marketers Association has lost one-sixth of its membership during this brief period. I understand that other States are undergoing a similar depletion in marketer ranks. When one of these small firms dies or merges, it does not return or get replaced. Rural areas and small communities are served mainly by independent wholesalers. Many farms and small towns in America are losing their access to petroleum fuel, and in many cases consumers are obliged to drive long distances to obtain gasoline. The energy future of even middle-sized commu-

nities—markets that are less attractive to major oil refiners than large urban areas—are severely threatened.

The current recession is partly responsible for this decline of independent marketers. But the decline far exceeds that of other sectors of the economy. New environmental regulations and changes in fuels produced by refiners—vital to protecting our environment—impose heavy new costs that marketers have to finance.

Refiner-operated retail units—particularly in urban areas—are actually increasing their share of the market while small business marketers continue to suffer sharp decline. Increased concentration of market power at the refiner level is a byproduct of current trends. Many industry observers have concluded that the country is being divided among the so-called “seven sisters,” the large, dominant refiners. According to a 1991 report by the Consumer group Citizen Action:

The major oil companies from 1981-91 have completed a program of restructuring and consolidation that has left only a handful of companies in control of the nation's major gasoline markets.

Since the end of Federal allocation regulation in 1981, nine refiners—over half of those previously marketing in Illinois—have withdrawn from the State. Other States have undergone similar reductions in available supply.

The primary underlying reason for small business fatalities is the unfair and even predatory pricing practices of the major petroleum refiners. In recent months, this has reached new levels of ferocity. We are now at a point where gasoline is sold to motorists for less than the price charged wholesalers. This is not an attack on pricing which is advantageous to consumers. If refiners can, and desire to, lower their prices at retail units, they should. But, they must give equal treatment to the prices they charge their small business wholesalers. It does not take an expert in mathematics to understand that if a retail customer, or even a retailer, can buy cheaper than can a wholesaler, then that wholesaler will soon go out of business. Pricing practices by all refiners must be nonpredatory and equitable.

Significantly, the torrent of complaints concerning this rapidly worsening situation is not limited to marketer ranks. In recent months medium-sized refiners such as Marathon, Ashland, and Total have formed their own association. According to the March 1992 issue of National Petroleum News, the newly formed Independent Refiner/Marketers Association, representing 10 independent petroleum companies, believes “there is a problem out there” and that legislative action is needed to address petroleum pricing practices.

I have introduced legislation, S. 2043, to remedy this situation. Other Senators and Members of the other Cham-

ber have also introduced measures to address this problem. All of these bills seek the same objective: Establishing a level playing field within the marketing sector of the petroleum industry. These bills are similar in format but contain several significant differences.

This is a complex area. Antitrust considerations, marketing economics, the provisions of the Petroleum Marketing Practices Act and the interplay of myriad other factors present a formidable challenge to those of use seeking the correct prescription.

I do not claim that my bill is perfect or the only solution to this problem. Committee hearings and the full review and discussion by the Congress will no doubt improve these measures. Pride of authorship is less important than saving this industry and meeting our people's energy needs. It is crucial that the different sectors in marketer ranks unite in this mission. We must preserve this vital economic sector, without which there can be no effective energy policy. We must insure that marketers and refiners can obtain the resources to comply with new environmental measures. We must craft a measure that will insure equity for marketers and refiners alike. All affected sectors of the energy industry must work together and help Congress develop effective legislation.

Early action on this matter is urgent. It is my hope that the Antitrust Subcommittee of the Judiciary Committee, of which I am a member, can soon consider legislation on this subject, including my own. I believe we can get swift consensus and action on legislation in this area, provided that the different sectors of this industry are flexible and cooperative, and work with us in the Congress to craft a coherent solution to this problem.●

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992

● Mr. SEYMOUR. Mr. President, I would like to commend Chairman JOHNSTON and Senator WALLOP for their leadership and efforts on passage of the Reclamation Projects Authorization and Adjustment Act of 1992.

Both the chairman and Senator WALLOP have been very accommodating in addressing my concerns regarding several provisions of this bill specific to my State of California.

This bill includes several titles which address California's pressing water needs. These include comprehensive water reclamation and reuse studies for southern California cities and counties. Further, it authorizes the Secretary of the Interior to participate with the city and county of Los Angeles and the city of San Jose in the design and construction of water reclamation reuse, and water quality programs and projects.

The bill also authorizes the Secretary to conduct research on available methods to control salinity in the Salton Sea. Additionally, I am delighted that we were able to authorize a permanent water contract for the San Joaquin National Veterans Cemetery.

Mr. President, I was pleased that the committee chose to adopt the S. 2016, the Central Valley Project Fish and Wildlife Act, I introduced November 21, 1991, into the Reclamation Projects Authorization and Adjustment Act of 1992. This bill directs the Secretary of the Interior to undertake specific activities to address fish and wildlife problems associated with California's central valley project. The bill also removes the Federal barrier which has historically prohibited water transfers from agricultural users to urban and industrial uses, and requires central valley project agricultural users to use water more efficiently.

Last year, the Senate Energy Subcommittee on Water and Power held four hearings on CVP legislation; in Los Angeles, Washington, DC, Sacramento and San Francisco. I attended all four. Approximately 75 witnesses testified during these proceedings, many followed up with written remarks to supplement their testimony.

I and my staff have met with virtually every interest in this debate; including representatives of environmental, agricultural, urban, fishery, conservation and power interests. We also met with representatives of the CVP and State water districts, the State of California, the U.S. Fish and Wildlife Service, the Department of the Interior, and the Department of Agriculture. My office has met with everyone who has requested a meeting on this issue.

In early March, Chairman JOHNSTON requested that several Senators meet in an effort to negotiate a compromise CVP bill. During the negotiations, it became apparent that resolving the central issues in CVP legislation was much more complicated and costly than anyone had initially imagined. Possibly the most difficult issue to resolve was the question of water for the environment. Everyone acknowledges during dry periods, fish and wildlife need firm water supplies that will ensure survival of the species. But how much water is required to ensure the survival of various species now threatened? Where will it come from? How much will it cost either to develop this new water, or to purchase it? And, who will pay for it?

As we painfully discovered, there are no simple solutions. During drought—and we're in our sixth year now—there is precious little water for anyone. Just look at the cutbacks that urban, industrial and agricultural users have endured for the past few years. How much water do we provide for fish and

wildlife needs during drought? In the absence of credible data, it is difficult and possibly irresponsible to make such a determination. When there is credible data, as in the case of wildlife refuges, we can identify ways to deliver the water. In regard to the needs of the fisheries, it is clear more water is needed during dry periods. But we should not delay adopting solutions to already identified fishery problems.

Unfortunately, various special interest groups have become fixated upon a single amount of water exclusively for fish and wildlife needs. They believe 1.5 million acre-feet of water for fish and wildlife is the minimum amount of additional water supplies necessary for fish and wildlife in the central valley. Frankly, their utter lack of willingness to find a reasonable balance is one of the major stumbling blocks to developing compromise CVP legislation that would address urban, agricultural and environmental water needs.

The effect of reallocating 1.5 million acre-feet away from urban and agricultural users solely to fish and wildlife would be disastrous to California. According to the California Department of Food and Agriculture, a reallocation of this water would cost the State roughly \$6 billion in lost economic activity. It would also result in the loss of over 10,000 jobs—over \$210 million in lost wages. CDEA also projects that it would result in the idling of over 1 million acres statewide—a loss of over \$1.5 billion in gross farm receipts.

Another matter is how would this water be acquired each year? Should it be developed through new storage facilities, through the idling of cropland, or should it be purchased annually or permanently? Is it even possible to build all of the facilities required to develop 1.5 million acre-feet, or would it require a combination of new storage facilities and annual purchases? Finally, what would it cost to acquire that much water?

The Department of the Interior estimated that raising Clair Engle Dam with a pump-through storage to Shasta Dam, construction estimates only, not including annual operation and maintenance, would cost approximately \$3 billion. If built, this facility would yield approximately 700,000 acre-feet annually. If you accept the approach that you need an additional 1.5 million acre-feet, in this instance, only half of the annual delivery to fish and wildlife has been developed, at a cost of \$3 billion. And you would still need to obtain an additional 800,000 acre feet.

Another option we explored was to direct the Secretary of the Interior to buy 1.5 million acre-feet annually. This option was also financially unreasonable. Consider, the State of California's 1991 water bank. Last year, the State of California purchased approximately 750,000 acre-feet at a cost of roughly \$125 million. This was a one time pur-

chase. The costs associated with purchasing 1.5 million acre-feet annually would easily exceed \$250 million, regardless of whether the Secretary purchased water rights associated with poor drainage lands in the San Joaquin Valley, or bought storage rights from existing storage facilities.

Then there is the question of who will pay for this water for fish and wildlife. Initially, there was speculation that a transfer fee could be placed on water transferred from agricultural use to urban use. It became apparent, however, that any charge on water transfers would not generate sufficient funds, because once 1.5 million acre-feet was devoted exclusively to fish and wildlife, there would be no water left in the central valley project to transfer to other parched urban areas.

There was general agreement that the structural improvements for fish and wildlife such as those in S. 2016, based on rough estimates would cost approximately \$238 million. Acquiring 1.5 million acre-feet annually for fish and wildlife on a permanent basis was estimated at \$2 billion, using \$1,300 an acre-foot as the assumed cost.

Alternatively, to acquire temporary water for fish and wildlife in culminated 150,000 acre-feet annual increments for 10 years based on \$100 acre-feet was estimated to cost roughly \$1 billion. Two things became clear as a result of this discovery. First, the costs were much higher than anticipated, and would cause serious economic consequences if imposed over a 10-year period. Second, the goal of achieving 1.5 million acre-feet of water dedicated solely for fish and wildlife was unachievable in 10 years in all but very wet years without the same economic dislocation.

Senators JOHNSTON, BRADLEY, WALLOP, BURNS, and myself then explored the option to stretch out the costs of these structural measures and water purchases by examining the use of bonding authority. In each instance, the numbers told the story. It appeared that increases in power charges might exceed 20 percent, agricultural rate increases of 100 percent, and municipal and industrial rate increases of 200 to 300 percent. We even reviewed the option to apply a charge to prior rights and exchange rights water users. There was also a recognition among the negotiators that agricultural and urban water contracts can not simply be unilaterally amended to include a rate increase. Ultimately, none of the options we explored were acceptable to me or the constituents I represent. It's easy to promise all things to all people, but the reality is that reallocating 1.5 million acre-feet of water exclusively for fish and wildlife simply would not work. And that reality became clear to all members of the committee, before it reported S. 2016 as part of the measure now before us.

Let me emphasize that the decision to support my bill does not abandon California's fish and wildlife, or any particular group such as California's commercial and sport fishermen. I believe that the provisions of S. 2016 will make it possible to begin the restoration of California's precious fish and wildlife habitat.

Nonetheless, during dry years there must be minimum amounts of water available for fish and wildlife needs. I strongly support providing a minimum amount of water for fisheries during times of drought. In fact, S. 2016 provides for establishing increased flows on both the American and Sacramento rivers.

S. 2016 would stabilize and augment river flows to restore and enhance the natural production of anadromous fish. The economic importance of salmon and steelhead runs, striped bass, and other fisheries are imperative to California's sport and commercial fishing industries.

In March of last year, I introduced S. 728, the Upper Sacramento River Fishery Resources Restoration Act, which incorporated the recommendations of the Upper Sacramento River Advisory Council. Established by an act of the California Legislature, the council devoted a considerable amount of time through open public hearings and meetings to develop a management plan to restore Sacramento river fish habitat. Many of the requirements contained in that bill, including mandated instream flow requirements, have been embodied in this bill. S. 2016 directs the Secretary of the Interior to establish increased flows in the rivers and streams below project dams. Once established, these flows will become a firm requirement of the central valley project. S. 2016 requires the mitigation of fishery losses resulting from the Tracy and Contra Costa pumping plants; it provides authorization for the construction of a temperature control device at Shasta dam for cooler water releases for spawning and outmigrating salmon; it authorizes the rehabilitation and expansion of the Coleman National Fish Hatchery by 1995; it requires the Secretary to enter into an agreement with the State of California to eliminate losses of salmon and steelhead trout caused by flow fluctuations at Keswick, Nimbus, and Lewiston regulating dams; it authorizes the construction of a new fish hatchery at the Tehama Colusa Fish Facility, as well as authorization for the construction of a salmon and steelhead trout hatchery on the Yuba River; it authorizes the Secretary to minimize fish passage problems for salmon at the Red Bluff diversion dam; it directs the Secretary to provide flows to allow sufficient spawning and out migration conditions for salmon and steelhead trout from Whiskeytown dam. Finally, the Secretary is author-

ized to construct a barrier at the head of Old River in the Sacramento-San Joaquin delta, by December 31, 1995, to partially mitigate the impacts of the CVP on the survival of young outmigrating salmon.

In addition, my bill for the immediate delivery of 380,000 acre-feet of firm water supplies to the 15 national wildlife refuges and wildlife management areas in the central valley. The wetlands and associated habitat are important to several threatened and endangered species such as the American peregrine falcon, bald eagle, Aleutian Canada goose, and San Joaquin kit fox, and support a winter population of nearly 6 million waterfowl. Sixty percent of the ducks, geese, swans, and millions of shore birds of the Pacific flyway crowd the existing acres. By the year 2000, the directs the Secretary of the Interior to increase the water supply to over 525,000 acre-feet annually. This has been identified by the Secretary of the Interior as the amount needed to fully manage all hands within the existing refuge boundaries.

While I've focused upon the fish and wildlife components of my bill, it is imperative that any comprehensive water bill for California address the growing water needs of our cities. That's why S. 2016 includes a water transfer provision that's the product of negotiations by the metropolitan water district, representing over 16 million water users, and CVP water users. This historic agreement would allow, for the first time, central valley water users to transfer water to cities such as Los Angeles, San Diego and other urban areas. This provision provides for the protection of both ground water supplies and safeguards against third party impacts. Given California's explosive growth, voluntary water transfers are an essential component in any successful long term water policy. This provision will help ensure California's cities access to a safe water supply in years to come. I will continue to insist upon the water transfer language as agreed upon in California, in any final CVP legislation. This week, the State of California has announced a comprehensive water plan, and I'm pleased to say Governor Wilson's plan includes water transfer guidelines identical to those in my bill.

I would also note for the record some have stated that my bill will not resolve the dredging in the San Francisco and Oakland ports. I am, however, committed to keeping these ports open and vital.

For almost a year now, I have worked aggressively to ensure that bay area ports remain open to large traffic. When I first became involved in this issue, it appeared that most maintenance dredging would be halted at the Oakland and San Francisco ports. The holdup seemed to stem from a bureaucratic web that involved the Army

Corps, the Environmental Protection Agency, and the National Marine Fisheries Service.

At that time, each of these agencies was working diligently, but independent of the other agencies. The result was stalemate; no solution, no permits, no dredging. And sadly, the potential loss of up to a 100,000 jobs and a \$4.5 billion for the bay area.

I found it unconscionable that a multibillion-dollar industry in California would be at risk because Federal bureaucracies could not seem to communicate with one another. I vowed not to let that happen. Since last July, we have been meeting regularly with all the pertinent Federal agencies. As a result, these agencies are placing greater emphasis on keeping the ports open and vital.

This new emphasis has yielded results. In the port of San Francisco, the dredging of pier 27, pier 29, pier 94, pier 96, pier 80, approach pier 80, Islais Creek, and the Berkeley Marina has been permitted. The Port of Oakland, the Chevron oil transfer facility, and the Guadalupe Slough have also gotten permission to go forward with needed maintenance dredging projects.

Since I introduced my bill last year, it has become apparent that the State of California would like to take over the CVP. Although there are numerous issues to resolve before this could occur, I strongly support State ownership of the CVP. No other reclamation project is as integrated to a State's water project as the CVP is to California's State water project. I intend to do everything I can to assist California in this regard. In fact, Senators JOHNSON and BRADLEY indicated that they would not object to California's decision to take over the CVP.

I will not support legislation that benefits one group at the expense of another, or does not fairly address the needs of legitimate California interests. Recently, various special interests have attempted to characterize California's water struggle as one of farmers versus fishermen. Let me say, there is no place for this sort of wedge-forming politics in this issue. This is not a struggle between farmers and fishermen. The Endangered Species Act will not go away simply because we pass CVP legislation. Nor for that matter will the bay-delta proceedings. Ultimately, there is enough water for farmers, fishermen and for cities. The challenge is for all Californians to work together.

The objective is balance. California is growing at a rate of 700,000 people a year, and the demands upon our natural resources will only continue to increase as our population grows. If California will ever clear this hurdle which threatens our economy and the quality of life for our citizens, we must balance the often competing needs of our cities and rural communities with our lim-

ited natural resources. I do not believe that commerce and conservation are incompatible. There will be sacrifice, difficult decisions lie ahead of us; but working together, we will resolve the water dilemma which has polarized our State for so long.

I'm committed to the resolution of fish and wildlife problems in California. I am equally committed to the resolution of the water shortage problems facing urban areas. For any legislation to achieve those objectives, it must reflect the concerns of those immediately affected. My bill is a product of California, representing conservation, agricultural and urban interests.

Critics of my bill have indicated that passage of S. 2016 would represent a severe setback for the State of California. Despite these shrill predictions of doom and gloom for the State of California, the Senate chose to support my bill. The Senate has done so, Mr. President, because my bill balances the needs of urban, agricultural and environmental interests. The approach by special interest groups does not truly reflect the broad interests or legitimate needs of my State, and it will only result in endless litigation at the expense of California's environment and economy. •

S. 2533. THE EARTHQUAKE AND VOLCANIC ERUPTION HAZARD REDUCTION ACT

• Mr. MURKOWSKI. Mr. President I rise in support of the bill, the Earthquake and Volcanic Eruption Hazard Reduction Act, introduced on April 7, 1992 by my good friend, the senior senator from Hawaii, Senator INOUE.

Mr. President, this bill has two goals. The first is to encourage the construction of buildings best able to resist damage from earthquakes or volcanic eruption. The second is to insure the availability of reasonably priced earthquake and volcanic eruption insurance for owners of residential property.

RISKS OF EARTHQUAKE OR VOLCANIC ERUPTION

Mr. President, it probably comes as no surprise to anyone that a Senator from Alaska is behind legislation designed to alleviate the potentially catastrophic effects of both earthquakes and volcanic eruptions. My State has certainly suffered from both types of events. But this bill is not relevant only for Alaska, it is, in fact, crucial national legislation. The Federal Emergency Management Administration estimates that 39 States are vulnerable to earthquake damage and, in fact, the worst earthquake in recorded history in our country occurred in the mid-west along the new Madrid fault.

Further, in many ways it makes no difference where the next major earthquake strikes. Seismologists have predicted that we can expect an earthquake up to 30 times more powerful than the 1989 San Francisco Earth-

quake somewhere in the United States within the next 35 years. Government figures estimate that such an earthquake could kill thousands of people and cost as much as \$100 billion. Wherever that earthquake happens, be it Los Angeles, Anchorage or Kansas City, such devastation would not only bring tragic human costs but would also destroy the savings of the vast majority of homeowners who presently have no earthquake insurance. Moreover, such a catastrophe could overload the ability of insurance companies to compensate for the damage, driving them out of business and forcing an expensive government takeover of loss compensation.

THE BILL

That is where the bill comes in. We in Congress are often accused of waiting until after the horse is gone to shut the gate; of waiting until the disaster has happened and then throwing money at the ruins. This bill is different. This bill attacks the risk of catastrophic earthquake or volcanic eruption disaster when it should be attacked, before the disaster happens, before a single life is lost or a single building destroyed.

MITIGATION

Mr. President, as I mentioned in the beginning of my statement this bill has two goals. The first of these is the establishment of Federal criteria ranging from land use to building codes which will apply to the 39 or so earthquake and volcanic eruption prone States. I must say at this point that I am not one who ordinarily supports the imposition on States of new Federal standards. I generally am concerned both about why the Federal Government thinks it can do a better job than the States as well as how the States can possibly pay for yet another series of Federal standards or regulations. In my opinion, however, this bill addresses both of those concerns.

As to why Federal standards are necessary. Simply put, this is one area where the vast scientific and mitigation expertise resources of the Federal Government outstrip those of any State. As for how can the State afford to design and implement its own new standards, each vulnerable State will have 2 years to meet the Federal standards but will receive money to pay for their work from a pool of money funded by insurance premiums. Therefore, this is not a program in which the Federal Government will establish new standards and leave the funding to the States; rather, the funding will be provided by insurance premiums. The success of the bill in addressing State concerns is further indicated by the fact that nine State legislatures have already backed this legislation. A resolution to support the principles in this bill is currently pending in the Alaska State Legislature.

INSURANCE

The second goal of this bill is to provide for the availability of comprehensive earthquake and volcanic eruption insurance in this country. The fact is that the present insurance program for earthquake and volcanic eruption damage is simply not working. The problem is simple; both of the above events are unpredictable in a way other insurable events are not and have potentially huge costs in the event of a catastrophic incident. Because of that, insurance can only be offered at high rates and with high deductibles, the result of that being that even in a high earthquake risk State such as California only 25 percent of homeowners have quake insurance.

This bill will make earthquake and volcanic eruption insurance available through two programs to be managed by the Federal Emergency Management Administration. The first of these, the primary insurance program, would cover mostly residential homeowners who were in compliance with the new mitigation standards. Those homeowners in vulnerable States with mortgages backed or insured by the Federal Government would be required to purchase earthquake and volcanic eruption insurance. Such a requirement is similar to those requirements already behind three-quarters of the insurance presently sold in this country. In effect, by spreading the risk among all those now living in earthquake or volcanic eruption prone areas, rates for earthquake and volcanic eruption insurance will fall by at least 60 percent. Most importantly, this bill will make such insurance available to far more than the fortunate minority who can now afford it.

The second program, the excess reinsurance program, will be a program funded by the insurance companies. All insurance companies participating in the primary program will pay premiums to a federally managed fund which will reimburse them in the event of a catastrophic earthquake or volcanic eruption. If the fund was insufficient at the time of the catastrophic event to fully reimburse the insurance companies, the Federal Government would cover them but the insurance companies would have to pay that money back with interest. This fund will ensure the likelihood that there will be enough money available to cover the damage caused even by a catastrophic event.

I might add at this point my thanks to Senator INOUE for his help in including language in the bill to include the provision of insurance for damage caused by tsunamis. I remember only too well the tsunami damage caused in Alaska by the 1964 Good Friday earthquake, and I felt it was essential that this bill specifically include language to cover tsunamis.

CONCLUSION

Mr. President, this bill protects everyone. The individual homeowner gains both a better constructed home as well as the ability to purchase affordable insurance. The vulnerable States gain the ability to fashion the most effective mitigation steps possible with no governmental expense. The country gains the fashioning of an insurance company funded reinsurance program which will greatly broaden the availability of disaster insurance to all Americans. This is a good bill, and I look forward to working together with my friend from Hawaii to ensure that it becomes law.●

WELCOME, HUNTER THOMAS HAUPTMAN

● Mr. WARNER. Mr. President, today, as the Senate was debating fiscal policy which will affect future generations of children, my good friend Senator CONRAD BURNS of Montana and I left the floor of the U.S. Senate to call the Hauptman family of Billings, MT. Tom and Kim have just become the proud parents of their first son, Hunter Thomas.

We all join in welcoming to the world their new citizen and pledge to preserve our great Nation for his generation.

In return, Hunter, we want you to become an erudite person like your mother and a hunter-fisherman like you dad. They are special parents, which marks the first good fortune you have had for your start in life.●

TRIBUTE TO TYNAN KARR

● Mr. WIRTH. Mr. President, a very special lady passed away on Friday of last week. Mrs. Regina Karr of Denver, CO, was by everyone who knew her a unique and special lady. Mrs. Karr's contribution to her community and to their country should not and will not go unrecognized.

Mrs. Karr was one of the very last stalwart women of her generation. She carried forward a solid family-oriented tradition established by her parents, Tom and Anna Tynan. She proudly raised seven wonderful children. These children have gone on to become teachers, counselors, mothers and fathers; societies contributors one and all. Anyone who knew Mrs. Karr, knew what she stood for and what she would not tolerate. In the simplest of terms, Mrs. Karr lived what she taught—family and community were her main concerns. I am sure that we all would agree that these are the core values that built this country. I would only add that Mrs. Karr was the personification of propriety.

Eulogies as we all know are for the living; the men, women, children, and grandchildren who will carry on in the wake of this sadness. We do, however,

owe a debt of gratitude to this extraordinary woman who would routinely triumph over obstacles, large and small. Mrs. Karr, would take on problems with a simple flare. First she would care deeply about the person or the situation. Then she would say there is nothing to worry about "dear," everything was going to be alright. These words of comfort would inevitably make it so.

Mrs. Karr was the keeper of a proud family flame, we can all be secure in the knowledge that she successfully passed the torch to all who knew her.●

A TIME-HONORED TRADITION IN NEW YORK STATE

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a tradition that bespeaks the family values that our country was founded on, the Baker family reunion. This year marks the 128th anniversary of the Baker family reunion. This monumental event is deserving of kudos and accolades and I wish to be among those who offer sincere and heartfelt congratulations for this amazing feat.

As history progressed, families tended to disburse, creating hardships for those seeking to get together. Yet, over all these years of separation and change, the Baker family has managed to reunite each year, excepting one, since 1865.

The Baker family can trace its roots back to 1630, when three Baker brothers emigrated to Massachusetts from England to escape religious persecution. The family reunions were started by the 16 sons of James and Ruth Post Baker in the Stillwater-Mechanicville area of New York. Each August descendants of each of the 16 brothers gather in Stillwater to share a meal and stories about the family. They believe this to be the oldest continuous reunion in New York if not America.

I salute the Baker family and commend them for overcoming hardships and persevering in coming together each year to celebrate family values.●

RELATIONS WITH VIETNAM

● Mr. MURKOWSKI. Mr. President, I rise to take note of a very important development in our relations with Vietnam. Last week Assistant Secretary of State, Richard Solomon, led a delegation to Hanoi to try to break the recent stalemate in United States-Vietnamese relations. The results were very hopeful—particularly in the thorny area of MIA-POW's. The United States has long sought a full accounting of our missing servicemen from the Vietnam war. While some progress has been made and a number of remains returned, there are still several outstanding issues that have frustrated a final resolution of this question. Consequently, the United States embargo

on trade, investment and aid to Vietnam remains in place—and United States business remains frozen out of a potentially important market.

However, the Solomon mission may well have achieved a breakthrough. In each of the unresolved areas of dispute, Hanoi accepted the United States position. First, in response to live sighting reports, Hanoi agreed to a procedure for immediate joint visits to the site in question without any bureaucratic delays or obstacles. Second, relevant Vietnamese archives and files will be opened to United States investigators. Third, United States and Vietnamese technical experts will review each case where the United States has reason to believe additional remains may have been preserved and stored. Fourth, agreement has been reached on procedures for conducting trilateral field investigations with Vietnam, Laos, and Cambodia into crash sites in their border areas. Together, these procedures should permit the United States working with Vietnam to resolve the remaining 135 discrepancy cases.

For its part, the United States pledged an additional \$3 million in humanitarian assistance. Together with previous bilateral and unilateral contributions.

Mr. President, we should also take note of the fact that Japan played an important role in the success of the Solomon mission. The Japanese Government is under heavy pressure from its business community to resume bilateral assistance to Vietnam. Such a move would severely undercut United States policy toward Vietnam. Instead, Foreign Minister Watanabe wrote a remarkable letter to his Vietnamese counterpart urging Vietnam in emphatic terms to accommodate the United States on the MIA-POW issue. That letter arrived in Hanoi shortly before Mr. Solomon and clearly had a beneficial impact on Vietnam's position. Tokyo is to be commended for its constructive intervention.

In conclusion, we have agreement on a process—which combined with the presence of United States field offices in Vietnam—offers a real prospect of finally laying to rest this most painful episode in American history. Mr. Solomon and his colleagues are to be commended on their achievement. The task now is to implement these agreements as energetically and rapidly as possible so United States-Vietnamese relations can be normalized to the benefit of all concerned.●

A TRAIN WRECK COMING

● Mr. GORTON. Mr. President, a disaster looming on the horizon is often described as a train wreck coming. The people of the Northwest have recently witnessed such a disaster, though this disaster more closely resembled a shipwreck on a drained reservoir.

Last week, a 4-week drawdown of two reservoirs on the Snake River in southeast Washington was completed. These drawdowns were designed to collect information that could be used to develop plans for protecting the Redfish Lake sockeye salmon. This is a fish the State of Idaho actively attempted to eradicate 20 years ago in favor of trout, which, in its view then, was a better game fish.

I have several concerns with this test, specifically, and drawdowns, generally.

The effectiveness of drawdowns in causing salmon recovery is questionable, at best. There is as much biology indicating that drawdowns will hinder the recovery of the Redfish Lake sockeye salmon as there is contending that they will help. The fact that the National Marine Fisheries Service, fearing that fish could be killed, limited the test to 4 weeks when no fish were present in the river illustrates graphically the uncertain nature of the biology.

We should not employ an alternative designed solely for political expedience. Drawdowns should be implemented only if they are determined to be biologically sound and economically viable measures of species recovery.

Last month's test showed that drawdowns certainly do have biological effects, thought at this stage they appear to be mostly negative. Resident fish and game that inhabit the reservoirs behind the Lower Granite and Little Goose dams were severely impacted during the month of March. Carp, bass, catfish, and freshwater mussels were left high and dry. Fish ladders used by adult fish traveling upstream were rendered inoperable as water levels dropped.

An analysis of the drawdown will not be completed until the end of the month. Preliminary results of tests conducted during the drawdown, however, showed that the levels of dissolved gas in the water increased to potentially fatal levels for fish. Known as supersaturation, this condition has an effect similar to the bends in humans. If the preliminary data is correct, then a drawdown may be more harmful than helpful.

Though the biological benefits are unclear, the costs to the people of the Northwest are clearly evident.

The most obvious are the physical costs related to the test in March. Estimates of damage run as high as \$10 million. I am attempting to secure funding to compensate those who were adversely impacted by the test. This test was conducted by a Federal agency and I believe the Federal Government should be responsible for collateral damages caused by the process.

Of course, those costs don't include opportunity costs. A recent news article reported on a barge company that estimated a loss of business nearing \$1

million for the month. It is likely that repairs to marinas and ports will not occur until well into the summer or fall. As a result, more business will be lost.

Finally, the test itself cost the Government approximately \$3 million in labor and equipment. On top of that are \$2 to \$3 million in lost power by not running water through the turbines that generate electricity.

These costs are very real and very tangible, but still do not account for all the negative impacts associated with drawdowns. In order to accommodate annual drawdowns on the eight dams that the Redfish Lake sockeye salmon must pass, modifications costing hundreds of millions of dollars per dam may be necessary. For the number of fish returning, at this cost each fish may well be worth more than its weight in gold.

Saving species is both an important and a worthwhile cause. As both a religious conviction and an appropriate public policy, I believe we should act as stewards of this Earth for the benefit of our grandchildren and their grandchildren.

Protecting species and the preservation of nature is worth a real price. They are worth the sacrifice of dollars and even some economic opportunities to the American people.

Where I disagree with this idea, and find fault primarily with the Endangered Species Act as currently drafted, is with the almost unlimited amount of human sacrifice it requires for the enhancement of even a single natural species, and the fact that it almost totally ignores the human environment. Drawdowns are a single example of the draconian measures required by the Endangered Species Act.

This year, I intend to give voice to people whose lives are devastated by the Endangered Species Act. I will work to find compensation for those affected by the drawdowns. And I will work to amend the Endangered Species Act so that human beings, their families, and communities, are given consideration at least equal to that given other species.●

S. 2484—THE NATIONAL TRIAD PROGRAM ACT

● Mr. KASTEN. Mr. President, I ask to place a copy of a letter of support for S. 2484, the National Triad Program Act, from the American Association of Retired Persons [AARP] in the RECORD.

On March 26, I introduced the National Triad Program Act and at that time I placed letters of support from the National Sheriffs' Association and the International Association of Chiefs of Police in the RECORD.

I am now extremely pleased to add this letter of support to the ones received by the sheriffs and chiefs associations.

These three groups represent the original members of the Triad, which was developed to address the rising problems of crime and victimization of our Nation's elderly.

The letter follows:

AMERICAN ASSOCIATION
OF RETIRED PERSONS,
Washington, DC, April 10, 1992.

Hon. ROBERT W. KASTEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR KASTEN: On behalf of the American Association of Retired Persons, I am writing to thank you for introducing S. 2484, the "Triad bill". This bill will encourage research, program development, and information dissemination to assist states and units of local government in their efforts to prevent crime, assist crime victims, and educate the public regarding crimes against the elderly.

AARP believes communities can greatly benefit from programs that bring together law enforcement authorities, consumer advocacy organizations, and ordinary citizens to identify and implement crime prevention strategies. The Association has worked in coalition with the National Sheriffs' Association and the International Association of Chiefs of Police for several years to accomplish just such aims. We are pleased that our "Triad" project has provided the inspiration for this legislation.

S. 2484 will authorize \$2 million to fund up to twenty pilot programs to test promising strategies and models for preventing crime and providing services based on the concepts of the Triad model. If funded, these demonstration programs would be useful to law enforcement agencies and organizations representing the elderly around the country as constructive examples of how to deal with crimes against the elderly. In addition, the bill will authorize \$1 million for a national training and technical assistance effort, \$1 million for development of public service announcements, and \$2 million for a national assessment of crimes against the elderly, and of the needs of law enforcement, health and social services organizations in preventing such crimes.

Again, AARP wishes to express its appreciation for your interest in supporting efforts to prevent and reduce crimes against the elderly through introduction of S. 2484.

Sincerely,

JOHN ROTHER,
Director, Legislation and Public Policy.●

A DECLARATION BY CHARLES E. STEIN

● Mr. BRADLEY. Mr. President, I will shortly ask that a declaration, written by Mr. Charles E. Stein, the chairman of the Education Committee of Sepharad '92, be printed into the RECORD at the conclusion of my remarks to commemorate the quinqucentenary of the edict of expulsion.

Tremendous progress has been achieved since the time of the edict. Yet, racism, anti-Semitism and other forms of hatred still plague our society. The edict of expulsion should serve as a constant reminder of the danger our society or any society faces if we allow ourselves to search for scapegoats for our problems.

We must be on our guard to counter intolerance in any form. Americans must understand that our strength comes from the fact that we are a multi-racial, multi-religious, and multi-ethnic society. Diversity expands our ability as a nation to meet the demands of the 21st century.

I now ask that the declaration be printed in the RECORD.

The declaration follows:

THE 500TH ANNIVERSARY EDICT OF EXPULSION JUSTICE FOR THE SPANISH CONVERSOS

(By Education Committee of Sepharad '92 of Greater Middlesex County, NJ)

Today is the 500th anniversary of the signing of the Edict of Expulsion, banishing the Spanish Jews from Spain and its territories. The Edict was signed on March 31, 1492 at the magnificent Moorish palace of the Alhambra in Granada by Queen Isabella and King Ferdinand.

March 31, 1492, a day of infamous religious hatred, should be a date to be remembered and commemorated by all peoples, not just the descendants of the banished Spanish Jews, the Sefardim, living in the United States, Israel, Turkey and South America.

An entire people were ordered to convert to Christianity or be banished from the land where they had lived for twelve hundred years. The Expulsion culminated over one hundred years of active religious bigotry consisting of riots, pogroms, burnings of synagogues and homes, selling Jewish women and children as slaves to the Muslims and later the Inquisition itself.

In 1391 thousands of Jews were killed in riots throughout the cities of Spain and the killings did not stop until approximately one hundred and fifty thousand Jews forcibly accepted baptism. Many of these forcibly converted Jews secretly practiced their ancestral faith but outwardly were compelled to observe Christian Practices. The forcibly converted Jews were called "Marannos" or swine by the Christians and today most Jews and scholars refer to these New Christians as "Conversos".

Contrary to popular belief, it was the Conversos, the Jews forcibly converted to Christianity, who were the victims of the Spanish Inquisition, not the unconverted Jews who were later expelled from Spain in 1492. The Conversos were tried by the Inquisition as Catholic heretics who secretly: lit candles on the Jewish Sabbath, attended hidden synagogues, observed Jewish Festivals and Mosaic law. For this they and their deceased parents were tried by the Inquisition and many were tortured, their assets and homes were confiscated and thousands were burned alive at the stake with the bones of their deceased parents.

Fresh from their victory of reconquering all of Spain from the Moors in 1492, the announced purpose of the Spanish monarchs in their Edict of Expulsion was to punish the Jews of Spain for assisting the Conversos. By instructing the Conversos as to the Jewish calendar, festivals and rituals such as circumcision, the Church was allegedly endangered and damaged.

Isabella's dream, to be realized on July 31, 1492, the date when all Jews were to be converted or banished, was that Spain was to be One Nation—liberated from Islam—One People and One Religion, free of the descendants of Moses.

Ignored by Isabella and Ferdinand in their religious fervor were the immense contributions to Spain of Spanish Jews in the fields

of science, medicine, mapmaking, astronomy, mathematics, poetry and philosophy. Columbus and other Spanish admirals used maps, astronomical tables and navigation instruments prepared by Spanish Jews. With the banishment of many of its most creative minds and the ongoing racist persecution of the Conversos having the impure blood of Jews, Spain eventually became a decaying second rate power notwithstanding its conquests and the immense wealth of the New World.

Today, five hundred years later, democratic Spain has made great strides under the leadership of King Juan Carlos as an industrial nation and as a prominent member of the European Community. Celebrating the Quincentary of Columbus' voyage to the New World, Spain has planned many festivities this summer including the opening of its World's Fair in Seville and the summer Olympics in Barcelona.

On April 20th, 1992, King Juan Carlos, amidst great fanfare and pageantry, will officially open the World's Fair in Seville where the first bloody anti-Jewish riots of 1391 took place and where the Inquisition trials first commenced. The summer Olympics will open on July 25, 1992.

Although Spain has officially rescinded the Edict of Expulsion and honored the descendants of the Sephardim banished from Spain, Spain has ignored the Conversos, who secretly practiced their ancestral faith and were burned in the fires of the Inquisition.

It is entirely appropriate and just that public memorial observances be held at the opening ceremonies in Seville and Barcelona to honor the Conversos, victims of the Inquisition. King Juan Carlos of Spain has an historic opportunity to proclaim that: We shall not forget our Conversos who chose to observe their ancestral faith and for this risked persecution, torture and death. •

JEWES IN SYRIA

• Mr. BRADLEY. Mr. President, today I rise to express my concern over reports I have heard of the mistreatment of Jews in Syria. This community of 4,000 lives primarily in the cities of Damascus, Aleppo, and Kamishli.

According to testimony given by Alice Sardell Harary, president of the Council for the Rescue of Syrian Jews before the House Subcommittee on Human Rights and International Organizations February 2d, the Syrian Government has prevented Syrian Jews from emigrating and has denied them other rights as well.

Ms. Harary's testimony spoke of a community living under 24-hour surveillance by Syria's secret police. Jewish schools are ordered to submit daily attendance sheets to the secret police. If someone fails to show up for class, the police visit the home to see if the family tried to escape. Travel is severely restricted. Families of anyone who departs Syria are interrogated. I have also been informed by the council that Jews must have the approval of the secret police to purchase or sell property. Religious and lay leaders in the community must report to the secret police.

Mr. President, the State Department's 1991 country reports on human

rights practices in 1991 also provided details on this situation. It states that the Syrian Government does indeed closely restrict Jewish emigration. The Government has a general policy of not issuing visas to all members of a Jewish family at the same time. The report also states that Jews are among those who must post a bond of \$300-\$1,000 in order to leave the country.

Mr. President, I want Syria to know that we, in the Senate, are concerned about these reports of limited emigration and surveillance. President Assad must be made aware that for any improvement of relations, real progress in human rights must be evident. •

DAYTON AREA HEALTH PLAN

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4572, a bill to waive certain Medicaid Program requirements for certain health maintenance organizations in Dayton, OH, just received from the House.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4572) to direct the Secretary of Health and Human Services to waive certain requirements under the Medicaid program during 1992 and 1993 for health maintenance organizations operated by the Dayton Area Health Plan in Dayton, Ohio.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GLENN. Mr. President, I rise today to express my support for H.R. 4572, legislation to allow for the continued operation of the Dayton Area Health Plan in Montgomery County, OH.

The Dayton Area Health Plan [DAHP] includes three health maintenance organizations [HMO's]—Health Plan Network, DAYMED Health Maintenance Plan, Inc., and Health Power. Aid to Families With Dependent Children recipients in Montgomery County (Dayton), OH, are required to enroll in one of these three HMO's to receive their Medicaid-covered health care. DAHP is currently serving over 42,500 welfare recipients in the Dayton area.

Health Plan Network, which serves over 22,000 Medicaid recipients, is operating under a 3-year waiver of the Federal 3 to 1 enrollment mix requirement. The waiver expires on April 30, 1992, and the administration has advised the State of Ohio that it does not have the legal authority to grant an extension of the waiver beyond 3 years.

H.R. 4572 provides a temporary extension of the Health Plan Network's waiver from the 3 to 1 enrollment mix requirement. In addition, it would allow for the exclusion of up to 4,000

Medicaid enrollees in determining DAYMED Health Maintenance Plan's compliance with the 3 to 1 enrollment mix requirement. These additional enrollees are the expected number of poverty children who will be eligible for Medicaid due to the yearly expansions mandated by Congress.

There is widespread support for the Dayton Area Health Plan from participants, community organizations and health care providers. The State of Ohio supports the waiver extension, and the Bush administration has indicated its support.

I am opposed to dismantling a program that is serving my constituents, especially at a time when Congress and the administration are considering comprehensive reforms regarding Medicaid managed care programs. The people of Dayton and the State of Ohio believe that the Dayton Area Health Plan is doing a good job of providing health care services for welfare recipients and of controlling Medicaid expenditures. For these reasons, I urge my colleagues to join me in passing H.R. 4572.

The PRESIDING OFFICER. The bill is deemed read a third time and passed.

So the bill (H.R. 4572) was deemed read a third time and passed.

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

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

The motion to lay on the table was agreed to.

TIME LIMITS FOR SENATE EMPLOYEES TO INITIATE PROCEEDINGS UNDER THE CIVIL RIGHTS ACT OF 1991

Mr. MITCHELL. Mr. President, at the conclusion of these remarks, a unanimous-consent request will be proffered that is intended to ensure that the time required to complete the important process of selecting a Director for the Office of Senate Fair Employment Practices and establishing the new Office will not prevent any present or former Senate employee or applicant for Senate employment from initiating proceedings under the Civil Rights Act of 1991 in a timely manner.

Under section 303(b)(4) of the Civil Rights Act of 1991, the Director of the Office of Senate Fair Employment Practices was to have been appointed within 90 days after the date of enactment of the act. Under another provision of the act, section 305(a), proceedings for the review of an alleged violation under the act must be initiated by making a request for counseling in the Office of Senate Fair Employment Practices not later than 180 days after the alleged violation. Section 305(a) also provides that no request for counseling may be made until 10 days after the first Director begins service, in order to provide the first director time to set up the Office before the first requests for counseling are made.

By several unanimous consent agreements, most recently on April 9, 1992, the Senate has extended the time for appointing a Director until May 1, 1992. In addition, pursuant to unanimous consent agreement the Senate has provided that the Director's appointment will take effect within 30 days following the date of appointment, in order to afford the new Director sufficient time to set up the Office. These extensions were necessary to ensure that choosing a Director and establishing the office could be accomplished in a careful and considered manner. As a result of these extensions, and the act's own 10-day period under 305(a) during which a request for counseling may not be filed, it is possible that the Office will not be able to accept requests for counseling until late May or early June of this year.

The unanimous-consent request that I will propound at the conclusion of these remarks is intended to avoid, as a result of these extensions, any potential prejudice to two categories of individuals. The first group includes those individuals who, but for the period specified in the act for appointing a Director, the Senate's subsequent extensions of that period, and the 10-day period under section 305(a), could have timely requested counseling on the date of enactment of the Civil Rights Act of 1991. The second group is comprised of those individuals who, because of the extensions, would have only a short period of time within which to request counseling.

For these two special categories of individuals the unanimous consent would extend the time for requesting counseling 60 days beyond the date on which the first request for counseling could be made under section 305(a). That is, once the Director is appointed, the appointment will take effect within 30 days following the appointment. Following the effective date of appointment, there will be a 10-day period under section 305(a) during which no requests for counseling may be made. Following that 10-day period, the individuals described in the unanimous consent request will have 60 additional days within which to request counseling. All other Senate employees will be required to abide by the time limits ordinarily imposed under section 305(a).

As the changes I have described involve sections of the act governing the Senate's internal procedures that were enacted as part of the Senate's rule-making authority, it is appropriate that these changes be made by unanimous consent.

Mr. CRANSTON. Mr. President, on behalf of the majority leader, I ask unanimous consent that any Senate employee, as defined in section 301 of the Civil Rights Act of 1991, who alleges that a violation under section 302 occurred within 180 days prior to the date of enactment of the act, or no

more than 60 days after the date of enactment of the act, will be deemed to have timely filed a request for counseling under section 305(a) of the act if the request is made not later than 60 days after the date on which the first request for counseling could be made under section 305(a).

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

APPROVING LOCATION FOR A MEMORIAL TO GEORGE MASON

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of House Joint Resolution 402, a joint resolution approving the location of a memorial to George Mason; and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read the third time, passed, and the motion to reconsider be laid upon the table and the preamble be agreed to.

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

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FORD. In 1990 S. 543 was enacted into law as Public Law 101-358. It authorized that a memorial to George Mason be erected on certain lands in the District of Columbia and its environs, subject to the provisions of Public Law 99-652. The latter provisions require the Secretary of the Interior to notify the Congress of his determination that the memorial authorized should be located in area I, and that his recommendation be approved by Congress. Public Law 99-652 contains a provision that deems the recommendation disapproved unless approved by law not later than 150 days after Congress is notified. That 150 days expires during the upcoming recess, and unless the Senate acts, the process must begin anew.

House Joint Resolution 402 provides that the location of a memorial to honor George Mason be located in the area described as area I in Public Law 99-652. I recommend passage of the resolution.

Mr. JOHNSTON. Mr. President, I am pleased to support the motion to discharge and pass House Joint Resolution 402, a resolution approving the location of a memorial to George Mason, from the Committee on Rules and Administration.

The George Mason memorial was authorized by Public Law 101-358. On October 10, 1991, the Secretary of the Interior notified Congress of his determination that the memorial should be located in area I, the capital's monumental core area. Section 6(a) of the Commemorative Works Act provides

that the Secretary's recommended location within area I for a previously authorized commemorative work shall be deemed disapproved unless legislation is enacted within 150 days after the date the Secretary notifies Congress, affirming such location.

Although all previous bills approving the location of a memorial have been referred to the Committee on Energy and Natural Resources, I am pleased to support this motion because of the immediate need to pass this resolution. In fact, the Energy and Natural Resources' Subcommittee on Public Lands, National Parks and Forests has already held a hearing on an identical Senate companion measure, Senate Joint Resolution 162, which I introduced at the request of the administration on October 25, 1991. That resolution was scheduled to be marked up at the committee's next business meeting. While House Joint Resolution 402 should have been referred to the Energy and Natural Resources Committee, this procedure will allow us to proceed expeditiously without the need for a re-referral.

Mr. President, this resolution is non-controversial, and immediate passage is necessary to comply with the time requirements contained in the Commemorative Works Act. I urge my colleagues to join in supporting this motion.

Mr. ROBB. Mr. President, I rise today in strong support of House Joint Resolution 402, a resolution to approve the location of a memorial to honor George Mason within area I lands in the District of Columbia.

George Mason is a giant in American history, fully deserving of proper commemoration. He was the author of the Virginia Declaration of Rights, which served as a model for our national Bill of Rights; and historians believe that Mason's refusal to sign the Constitution for its failure, initially, to include a declaration of rights, was a major impetus for eventual adoption of the first 10 amendments to the Constitution. I fully agree with the Secretary of the Interior's finding that Mason, the Father of the Bill of Rights, meets the requirements for placement of a memorial in area I: He is an individual, to be sure, "of preeminent historical and lasting significance to the Nation."

The Commemorative Works Act of 1986, passed into law to prevent overcrowding on The Mall, requires two separate acts of Congress before a memorial may be placed in area I lands in the District of Columbia. In the last Congress I was the principal sponsor of S. 1543, which authorized the board of regents of Gunston Hall, a private, nonprofit organization, to establish a memorial to George Mason on Federal land in the District of Columbia. The bill was signed into law on August 10, 1990 (P.L. 101-358). The resolution now before the Senate would approve the location within area I lands.

The Commemorative Works Act was designed to make the process for placing memorials in certain highly prized areas a difficult one. And the act has succeeded in doing so. According to the National Park Service, 90 new memorials have been proposed since passage of the Commemorative Works Act. Of these, the Mason Memorial is one of only three new initiatives to have been authorized by Congress.

The memorial, which will be built without any Federal funds, has been the subject of two Senate hearings and was also the subject of a hearing before the National Capital Memorial Commission, and lengthy review by the administration. The regents of Gunston Hall have worked tirelessly to make the case for commemorating George Mason and I am pleased that the Senate is taking up this legislation at this time. I fully support the resolution and urge its adoption.

The joint resolution (H.J. Res. 402) was deemed read a third time and passed.

The preamble was agreed to.

TECHNICAL CORRECTION—S. 2620

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2620, a bill introduced earlier today by Senator KENNEDY, to correct a technical oversight in the Disadvantaged Minority Health Improvement Act of 1990.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2620) to amend title VII of the Public Health Service Act to correct a technical oversight in the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101-527) by making schools of osteopathic medicine eligible to participate in the Centers of Excellence program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I am introducing with the support of Senator HATCH this amendment to correct a technical oversight in Public Law 101-527, the Disadvantaged Minority Health Improvement Act of 1990. It was the clear intention of the Congress to have included schools of osteopathic medicine among the entities eligible for grants under section 782 of the Public Health Service Act, entitled "Programs of Excellence in Health Professions Education for Minorities." House Report 101-804 stated that "eligible health professions schools would include schools of medicine, osteopathic medicine, and dentistry that demonstrate a strong commitment to the education of minorities and the exploration of these concerns that affect ra-

cial and ethnic minority groups." Unfortunately, the bill language neglected to include schools of osteopathic medicine.

Schools of osteopathic medicine have been remarkably successful in increasing the enrollment of underrepresented minorities over the last 10 to 15 years. Individual efforts as well as support under the Health Career Opportunity Program have contributed to the admission, enrollment, retention, and placement of underrepresented minorities in increasing numbers and percentages.

I urge my colleagues to support this technical correction.

The PRESIDING OFFICER. If there are no objections, the bill will be deemed read the third time and passed.

So the bill (S. 2620) was deemed read the third time, and passed, as follows:
S. 2620

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

SECTION 1. TECHNICAL CORRECTION.

Section 782(g)(1)(A) of the Public Health Service Act (42 U.S.C. 295g-2(g)(1)(A)) is amended by inserting "a school of osteopathic medicine," after "school of medicine,".

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

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

The motion to lay on the table was agreed to.

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 432, H.R. 429, an act to amend certain Federal reclamation laws to improve enforcement of acreage limitations, and for other purposes.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 429) to amend certain Federal reclamation laws to improve enforcement of acreage limitations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclamation Projects Authorization and Adjustment Act of 1992".

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For purposes of this Act, the term "Secretary" means the Secretary of the Interior.

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TITLE I—BUFFALO BILL DAM AND RESERVOIR, WYOMING

SEC. 101. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

Title I of Public Law 97-293 (96 Stat. 1261) is amended as follows:

(a) In the second sentence of section 101, by striking "replacing the existing Shoshone Powerplant," and inserting "constructing power generating facilities with a total installed capacity of 25.5 megawatts,".

(b) In section 102, amend the heading to read "recreational facilities, conservation, and fish and wildlife", and add at the end "The construction of recreational facilities in excess of the amount required to replace or relocate existing facilities is authorized, and the costs of such construction shall be borne equally by the United States and the State of Wyoming pursuant to the Federal Water Project Recreation Act."

(c) In section 106(a), strike "for construction of the Buffalo Bill Dam and Reservoir modifications the sum of \$106,700,000 (October 1982 price levels)" and insert "for the Federal share of the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities the sum of \$80,000,000 (October 1988 price levels)", and strike "modifications" and all that follows and insert "modifications." in lieu thereof.

TITLE II—CENTRAL UTAH PROJECT CONSTRUCTION

SEC. 200. SHORT TITLE AND DEFINITIONS FOR TITLES II-VI.

(a) **SHORT TITLE.**—Titles II through VI of this Act may be cited as the "Central Utah Project Completion Act".

(b) **DEFINITIONS.**—For the purposes of titles II-VI of this Act:

(1) The term "Bureau" means the Bureau of Reclamation of the Department of the Interior.

(2) The term "Commission" means the Utah Reclamation Mitigation and Conservation Commission established by section 301 of this Act.

(3) The term "conservation measure(s)" means actions taken to improve the efficiency of the storage, conveyance, distribution, or use of water, exclusive of dams, reservoirs, or wells.

(4) The term "1988 Definite Plan Report" means the May 1988 Draft Supplement to the Definite Plan Report for the Bonneville Unit of the Central Utah Project.

(5) The term "District" means the Central Utah Water Conservancy District.

(6) The term "fish and wildlife resources" means all birds, fishes, mammals, and all other classes of wild animals and all types of habitat upon which such fish and wildlife depend.

(7) The term "Interagency Biological Assessment Team" means the team comprised of representatives from the United States Fish and Wildlife Service, the United States Forest Service, the Bureau of Reclamation, the Utah Division of Wildlife Resources, and the District.

(8) The term "administrative expenses", as used in section 301(i) of this Act, means all expenses necessary for the Commission to administer its duties other than the cost of the contracts or other transactions provided for in section 301(f)(3) for the implementation by public natural resource management agencies of the mitigation and conservation projects and features authorized in this Act. Such administrative expenses include but are not limited to the costs associated with the Commission's planning, reporting, and public involvement activities, as well as the salaries, travel expenses, office equipment, and other such general administrative expenses authorized in this Act.

(9) The term "petitioner(s)" means any person or entity that petitions the District for an allot-

ment of water pursuant to the Utah Water Conservancy Act, Utah Code Ann. Sec. 17A-2-1401 et. seq.

(10) The term "project" means the Central Utah Project.

(11) The term "public involvement" means to request comments on the scope of and, subsequently, on drafts of proposed actions or plans, affirmatively soliciting comments, in writing or at public hearings, from those persons, agencies, or organizations who may be interested or affected.

(12) The term "section 8" means section 8 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g).

(13) The term "State" means the State of Utah, its political subdivisions, or its designee.

(14) The term "Stream Flow Agreement" means the agreement entered into by the United States through the Secretary of the Interior, the State of Utah, and the Central Utah Water Conservancy District, dated February 27, 1980, as modified by the amendment to such agreement, dated September 13, 1990.

SEC. 201. AUTHORIZATION OF ADDITIONAL AMOUNTS FOR THE COLORADO RIVER STORAGE PROJECT.

(a)(1) **INCREASE IN CRSP AUTHORIZATION.**—In order to provide for the completion of the Central Utah Project and other features described in this Act, the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note) and the Act of October 31, 1988 (102 Stat. 2826), is hereby further increased by \$924,206,000 (January 1991) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved: Provided, however, That of the amounts authorized to be appropriated by this section, the Secretary is not authorized to obligate or expend amounts in excess of \$214,352,000 for the features identified in the Report of the Senate Committee on Energy and Natural Resources accompanying the bill H.R. 429. This additional sum shall be available solely for the design, engineering, and construction of the facilities identified in title II of this Act and for the planning and implementation of the fish and wildlife and recreation mitigation and conservation projects and studies authorized in titles III and IV of this Act, and for the Ute Indian Settlement authorized in title V of this Act.

(2) **APPLICATION OF INSPECTOR GENERAL RECOMMENDATIONS.**—Notwithstanding any other provision of law to the contrary, the Secretary shall implement all the recommendations contained in the report entitled "Review of the Financial Management of the Colorado River Storage Project, Bureau of Reclamation (Report No. 88-45, February, 1988)", prepared by the Inspector General of the Department of the Interior, with respect to the funds authorized to be appropriated in this section.

(b) **UTAH RECLAMATION PROJECTS AND FEATURES NOT TO BE FUNDED.**—Notwithstanding the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), the Act of October 19, 1980 (94 Stat. 2239; 43 U.S.C. 620), and the Act of October 31, 1988 (102 Stat. 2826), funds may not be made available, obligated, or expended for the following Utah reclamation projects and features:

- (1) Fish and wildlife features:
 - (A) The dam in Bjorkman Hollow.
 - (B) The Deep Creek pumping plant.
 - (C) The North Fork pumping plant.
- (2) Water development projects and features:
 - (A) Mosida pumping plant, canals, and laterals.
 - (B) Draining of Benjamin Slough.

(C) Diking of Goshen or Provo Bays in Utah Lake.

(D) Ute Indian Unit.

(E) Leland Bench development.

(F) All features of the Bonneville Unit, Central Utah Project not proposed and described in the 1988 Definite Plan Report. Counties in which the projects and features described in this subsection were proposed to be located may participate in the local development projects provided for in section 206.

(c) **TERMINATION OF AUTHORIZATION OF APPROPRIATIONS.**—Notwithstanding any provision of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), the Act of September 2, 1964 (78 Stat. 852), the Act of September 30, 1968 (82 Stat. 885), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826) to the contrary, the authorization of appropriations for construction of any Colorado River Storage Project participating project located in the State of Utah shall terminate five years after the date of enactment of this Act unless: (1) the Secretary executes a cost-sharing agreement with the District for construction of such project, and (2) the Secretary has requested, or the Congress has appropriated, construction funds for such project.

(d) **USE OF APPROPRIATED FUNDS.**—Funds authorized pursuant to this Act shall be appropriated to the Secretary and such appropriations shall be made immediately available in their entirety to the District and the Commission as provided for pursuant to the provisions of this Act.

(e) **SECRETARIAL RESPONSIBILITY.**—The Secretary is responsible for carrying out the responsibilities as specifically identified in this Act and may not delegate his responsibilities under this Act to the Bureau of Reclamation. The District at its sole option may use the services of the Bureau of Reclamation on any project features.

SEC. 202. BONNEVILLE UNIT WATER DEVELOPMENT.

(a) Of the amounts authorized to be appropriated in section 201, the following amounts shall be available only for the following features of the Bonneville Unit of the Central Utah Project:

(1) **IRRIGATION AND DRAINAGE SYSTEM.**—(A) \$150,000,000 for the construction of an enclosed pipeline primary water conveyance system from Spanish Fork Canyon to Sevier Bridge Reservoir for the purpose of supplying new and supplemental irrigation water supplies to Utah, Jaub, Millard, Sanpete, Sevier, Garfield, and Piute Counties. Construction of the facilities specified in the previous sentence shall be undertaken by the District as specified in subparagraph (D) of this paragraph. No funds are authorized to be appropriated for construction of the facilities identified in this paragraph, except as provided for in subparagraph (D) of this paragraph.

(B) The authorization to construct the features provided for in subparagraph (A) shall expire if no federally appropriated funds to construct such features have been obligated or expended by the District in accordance with this Act, unless the Secretary determines the District has complied with sections 202, 204, and 205, within five years from the date of its enactment, or such longer time as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: Provided, however, That such extension of time for the expiration of authorization shall not exceed 12 months beyond the five year period provided in subparagraph (B) of this paragraph;

(ii) judicial review of a completed final environmental impact statement for such features if

such review is initiated by parties other than the District, the State, or petitioners of project water; or

(iii) a judicial challenge of the Secretary's failure to make a determination of compliance under this subparagraph.

Provided, however, That in the event that construction is not initiated on the features provided for in subparagraph (A), \$125,000,000 shall remain authorized pursuant to the provisions of this Act applicable to subparagraph (A) for the construction of alternate features to deliver irrigation water to lands in the Utah Lake drainage basin, exclusive of the features identified in section 201(b).

(C) **REQUIREMENT FOR BINDING CONTRACTS.**—Amounts authorized to carry out subparagraph (A) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase for the purpose of agricultural irrigation of at least 90 percent of the irrigation water to be delivered from the features of the Central Utah Project described in subparagraph (A) have been executed.

(D) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 202(a)(1) shall be constructed by the District under the program guidelines authorized by Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty day Congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 202(a)(1). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 202(a)(1).

(2) **CONJUNCTIVE USE OF SURFACE AND GROUND WATER.**—\$10,000,000 for a feasibility study and development, with public involvement, by the Utah Division of Water Resources of systems to allow ground water recharge, management, and the conjunctive use of surface water resources with ground water resources in Salt Lake, Utah, Davis, Wasatch, and Weber Counties, Utah.

(3) **WASATCH COUNTY WATER EFFICIENCY PROJECT.**—(A) \$500,000 for the District to conduct, within two years from the date of enactment of this Act, a feasibility study with public involvement, of efficiency improvements in the management, delivery and treatment of water in Wasatch County, without interference with downstream water rights. Such feasibility study shall be developed after consultation with Wasatch County and the Commission, or the Utah State Division of Wildlife Resources if the Commission has not been established, and shall identify the features of the Wasatch County Water Efficiency Project.

(B) \$10,000,000 for construction of the Wasatch County Water Efficiency Project, in addition to funds authorized in Section 207(e)(2) for related purposes.

(C) The feasibility study and the Project construction authorization shall be subject to the non-federal contribution requirements of section 204.

(D) The project construction authorization provided in subparagraph (B) shall expire if no federally appropriated funds to construct such features have been obligated or expended by the District in accordance with this Act within five years from the date of completion of feasibility studies, or such longer times as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a bio-

logical opinion issued pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for any species that is or may be listed as threatened or endangered under such Act, except that such extension of time for the expiration of authorization shall not exceed 12 months beyond the five year period provided in this subparagraph; or

(ii) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water.

(E) Amounts authorized to carry out subparagraph (B) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation project water to be delivered from the features constructed under subparagraph (B) have been executed.

(F) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 202(a)(3) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). The sixty day Congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 202(a)(3). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 202(a)(3).

(4) **UTAH LAKE SALINITY CONTROL.**—\$1,000,000 for the District to conduct, with public involvement, a feasibility study to reduce the salinity of Utah Lake.

(5) **PROVO RIVER STUDIES.**—(A) \$2,000,000 for the District to conduct, with public involvement:

(i) a hydrologic study that includes a hydrologic model analysis of the Provo River Basin with all tributaries, water imports and exports, and diversions, an analysis of expected flows and storage under varying water conditions, and a comparison of steady State conditions with proposed demands being placed on the river and affected water resources, including historical diversions, decrees, and water rights, and

(ii) a feasibility study of direct delivery of Colorado River Basin water from the Strawberry Reservoir or elsewhere in the Strawberry Collection System to the Provo River Basin, including the Wallsburg Tunnel and other possible importation or exchange options. The studies shall also evaluate the potential for changes in existing importation patterns and quantities of water from the Weber and Duchesne River Basins, and shall describe the economic and environmental consequences of each alternative identified. In addition to funds appropriated after the enactment of this Act, the Secretary is authorized to utilize section 8 funds which may be available from fiscal year 1992 appropriations for the Central Utah Project for the purposes of carrying out the studies described in this paragraph.

(B) The cost of the studies provided for in subparagraph (A) shall be treated as an expense under section 8: Provided, however, That the cost of such study shall be reallocated proportionate with project purposes in the event any conveyance alternative is subsequently authorized and constructed. Within its available funds, the United States Geological Survey is directed to consult with the District in the prepa-

ration of the study identified in subparagraph (5)(A)(i).

(6) **COMPLETION OF DIAMOND FORK SYSTEM.**—(A) Of the amounts authorized to be appropriated under section 201, \$69,000,000 shall be available to complete construction of the Diamond Fork System.

(B) In lieu of construction by the Secretary, the facilities specified in paragraph (A) shall be constructed by the District under the program guidelines authorized by Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty day Congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 202(a)(6). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subparagraph (A) of this paragraph.

(b) **STRAWBERRY WATER USERS ASSOCIATION.**—(1) In exchange for, and as a precondition to approval of the Strawberry Water Users Association's petition for Bonneville Unit water, the Secretary, after consultation with the Secretary of Agriculture, shall impose conditions on such approval so as to ensure that the Strawberry Water Users Association shall manage and develop the lands referred to in subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828) in a manner compatible with the management and improvement of adjacent Federal lands for wildlife purposes, natural values, and recreation.

(2) The Secretary of Agriculture and the Secretary shall not permit commercial or other development of Federal lands within sections 2 and 13, T. 3 S., R. 12 W., and sections 7 and 8, T. 3 S., R. 11 W., Uintah Special Meridian. Such Federal lands shall be rehabilitated pursuant to subsection 4(f) of the Act of October 31, 1988 (102 Stat. 2826, 2828) and hereafter managed and improved for wildlife purposes, natural values, and recreation consistent with the Uinta National Forest Land and Natural Resource Management Plan. This restriction shall not apply to the 95 acres referred to in the first sentence of subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828), valid existing rights, or to uses of such Federal lands by the Secretary of Agriculture or the Secretary for public purposes.

SEC. 203 UINTA BASIN REPLACEMENT PROJECT.

(a) **IN GENERAL.**—Of the amounts authorized to be appropriated by section 201, \$30,538,000 shall be available only to increase efficiency, enhance beneficial uses, and achieve greater water conservation within the Uinta Basin, as follows:

(1) \$13,582,000 for the construction of the Pigeon Water Reservoir, together with an enclosed pipeline conveyance system to divert water from Lake Fork River to Pigeon Water Reservoir and Sandwash Reservoir.

(2) \$2,987,000 for the construction of McGuire Draw Reservoir.

(3) \$7,669,000 for the construction of Clay Basin Reservoir.

(4) \$4,000,000 for the rehabilitation of Farnsworth Canal.

(5) \$2,300,000 for the construction of permanent diversion facilities identified by the Commission on the Duchesne and Strawberry Rivers, the designs of which shall be approved by the Federal and State fish and wildlife agencies. The amount identified in paragraph (5) shall be treated as an expense under section 8.

(b) **EXPIRATION OF AUTHORIZATION.**—The authorization to construct any of the features pro-

vided for in paragraphs (1) through (5) of subsection (a)—

(1) shall expire if no federally appropriated funds for such features have been obligated or expended by the District in accordance with this Act within five years from the date of completion of feasibility studies, or such longer time as necessitated for—

(A) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: Provided, however, That such extension of time for the expiration of authorization shall not exceed 12 months beyond the five year period provided in this paragraph; or

(B) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water;

(2) shall expire if the Secretary determines that such feature is not feasible.

(c) **REQUIREMENT FOR BINDING CONTRACTS.**—Amounts authorized to carry out subsection (a), paragraphs (1) through (4) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation water to be delivered from the features of the Central Utah Project described in subsection (a), paragraphs (1) through (4) have been executed.

(d) **NON-FEDERAL OPTION.**—In lieu of construction by the Secretary, the features described in subsection (a), paragraphs (1) through (5) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274, 43 U.S.C. 505). The sixty day Congressional notification of the Secretary's intent to use the Drainage Facilities and Minor Construction Act program is hereby waived with respect to construction of the features authorized in section 203(a). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements previously entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subsection (a) of this section.

(e) **WATER RIGHTS.**—To make water rights available for any of the features constructed as authorized in this section, the Bureau shall convey to the District in accordance with State law the water rights evidenced by Water Right No. 43-3825 (Application No. A36642) and Water Right No. 43-3827 (Application No. A36644).

(f) **UINTAH INDIAN IRRIGATION PROJECT.**—(1) Notwithstanding any other provision of law, the Secretary is authorized and directed to enter into a contract or cooperative agreement with, or make a grant to the Uintah Indian Irrigation Project Operation and Maintenance Company, or any other organization representing the water users within the Uintah Indian Irrigation Project area, to enable such organization to—

(A) administer the Uintah Indian Irrigation Project, or part thereof, and

(B) operate, maintain, rehabilitate, and construct all or some of the irrigation project facilities using the same administrative authority and management procedures as used by water user organizations formed under State laws who administer, operate, and maintain irrigation projects.

(2) Title to Uintah Indian Irrigation Project rights-of-way and facilities shall remain in the United States. The Secretary shall retain any

trust responsibilities to the Uintah Indian Irrigation Project.

(3) Notwithstanding any other provision of law, the Secretary shall use funds received from assessments, carriage agreements, leases, and all other additional sources related to the Uintah Indian Irrigation Project exclusively for Uintah Indian Irrigation Project administration, operation, maintenance, rehabilitation, and construction where appropriate. Upon receipt, the Secretary shall deposit such funds in an account in the Treasury of the United States. Amounts in the account not currently needed shall earn interest at the rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding obligations of the United States with remaining periods to maturity comparable to the period for which such funds are not currently needed. Amounts in the account shall be available without further authorization or appropriation by Congress. Such amounts shall be treated as private funds to be held in trust for landowners of the irrigation project and shall not be treated as public or appropriated funds.

(4) All noncontract costs, direct and indirect, required to administer the Uintah Indian Irrigation Project shall be nonreimbursable and paid for by the Secretary as part of his trust responsibilities, beginning on the date of enactment of this Act. Such costs shall include (but not be limited to) the noncontract cost positions of project manager or engineer and two support staff. Such costs shall be added to the funding of the Uintah and Ouray Agency of the Bureau of Indian Affairs as a line item.

(5) The Secretary is authorized to sell, lease, or otherwise make available the use of irrigation project equipment to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(6) The Secretary is authorized to lease or otherwise make available the use of irrigation project facilities to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(g) **BRUSH CREEK AND JENSEN UNIT.**—(1) The Secretary is authorized to enter into Amendment Contract No. 6-05-01-00143, as last revised on September 19, 1988, between the United States and the Uintah Water Conservancy District, which provides, among other things, for part of the municipal and industrial water obligation now the responsibility of the Uintah Water Conservancy District to be retained by the United States with a corresponding part of the water supply to be controlled and marketed by the United States. Such water shall be marketed and used in conformance with State law.

(2) The Secretary, through the Bureau, shall—

(A) establish a conservation pool of 4,000 acre-feet in Red Fleet Reservoir for the purpose of enhancing associated fishery and recreational opportunities and for such other purposes as may be recommended by the Commission in consultation with the Utah Division of Wildlife Resources, United States Fish and Wildlife Service, and the Utah Division of Parks and Recreation; and

(B) enter into an agreement with the Utah Division of Parks and Recreation for the management and operation of Red Fleet recreational facilities.

SEC. 204. NON-FEDERAL CONTRIBUTION.

The non-Federal share of the cost for the design, engineering, and construction of the Central Utah Project features authorized by sections 202 and 203 shall be 35 percent of the total reimbursable costs and shall be paid concurrently with the Federal share, except that for the facilities specified in 202(a)(6), the cost-

share shall be 35 percent of the costs allocated to irrigation beyond the ability of irrigators to repay. The non-Federal share of the cost for studies required by sections 202 and 203, other than the study required by section 202(a)(5), shall be 50 percent and shall be paid concurrently with the Federal share. Within 120 days of enactment of this Act, the Secretary shall execute a cost sharing agreement which binds the District to provide annually such sums as may be required to satisfy the non-Federal share of the separate features authorized and approved for construction pursuant to this Act. The Secretary is not authorized to broaden the scope of the cost sharing agreement beyond assuring that the non-Federal interests will satisfy the cost sharing provisions as set forth in this section. Any feature to which this section applies shall not be initiated until after the non-Federal interests enter into a cost sharing agreement with the Secretary to provide the share required by this section. The District may commence any study authorized herein prior to entering into a cost sharing agreement, and upon execution of a cost sharing agreement the Secretary shall reimburse the District an amount equal to the Federal share of the funds expended by the District.

SEC. 205. DEFINITE PLAN REPORT AND ENVIRONMENTAL COMPLIANCE.

(a) **DEFINITE PLAN REPORT AND FEASIBILITY STUDIES.**—Except for amounts required for compliance with applicable environmental laws and the purposes of this subsection, federally appropriated funds may not be obligated or expended by the District for construction of the features authorized in section 202(a)(1) or 203 until—

(1) the District completes—

(A) a Definite Plan Report for the system authorized in section 202(a)(1), or

(B) an analysis to determine the feasibility of the separate features described in section 203(a), paragraphs (1) through (4), or subsection (f);

(2) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been satisfied with respect to the particular system; and

(3) a plan has been developed with and approved by the United States Fish and Wildlife Service to prevent any harmful contamination of waters due to concentrations of selenium or other such toxicants, if the Service determines that development of the particular system may result in such contamination.

(b) **COMPLIANCE WITH ENVIRONMENTAL LAWS AND THE TERMS OF THIS ACT.**—Notwithstanding any other provision of this Act, Federal funds authorized under this title may not be provided to the District until the District enters into a binding agreement with the Secretary to be considered a "Federal Agency" for purposes of compliance with all Federal fish, wildlife, recreation, and environmental laws with respect to the use of such funds, and to comply with this Act. The Secretary shall execute such binding agreement within 120 days of enactment of this Act.

(c) **INITIATION OF REPAYMENT.**—For purposes of repayment of costs obligated and expended prior to the date of enactment of this Act, the Definite Plan Report shall be considered as being filed and approved by the Secretary, and repayment of such costs shall be initiated by the Secretary of Energy at the earliest possible date. All the costs allocated to irrigation and associated with construction of the Strawberry Collection System, a component of the Bonneville Unit, obligated prior to the date of enactment of this Act shall be included by the Secretary of Energy in the costs specified in this subsection.

(d) Of the amounts authorized in section 201, the Secretary is directed to make sums available to the District as required by the District, for the completion of the plans, studies, and analy-

ses required by this section pursuant to the cost sharing provisions of section 204.

(e) **CONTENT AND APPROVAL OF THE DEFINITE PLAN REPORT.**—The Definite Plan Report required under this section shall include economic analyses consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (March 10, 1983). The Secretary may withhold approval of the Definite Plan Report only on the basis of the inadequacy of the document, and specifically not on the basis of the findings of its economic analyses.

SEC. 206. LOCAL DEVELOPMENT IN LIEU OF IRRIGATION AND DRAINAGE.

(a) **OPTIONAL REBATE TO COUNTIES.**—(1) After two years from the date of enactment of this Act, the District shall, at the option of an eligible county as provided in paragraph (2), rebate to such county all of the ad valorem tax contributions paid by such county to the District, with interest but less the value of any benefits received by such county and less the administrative expenses incurred by the District to that date.

(2) Counties eligible to receive the rebate provided for in paragraph (1) include any county within the District, except for Salt Lake County and Utah County, in which the construction of Central Utah Project water storage or delivery features authorized in this Act has not commenced and—

(A) in which there are no binding contracts as required under section 202(1)(C); or

(B) in which the authorization for the project or feature was repealed pursuant to section 201(b) or expired pursuant to section 202(1)(B) of this Act.

(b) **LOCAL DEVELOPMENT OPTION.**—(1) Upon the request of any eligible county that elects not to participate in the project as provided in subsection (a), the Secretary shall provide as a grant to such county an amount that, when matched with the rebate received by such county, shall constitute 65 percent of the cost of implementation of measures identified in paragraph (2).

(2)(A) The grant provided for in this subsection shall be available for the following purposes:

- (i) Potable water distribution and treatment.
- (ii) Wastewater collection and treatment.
- (iii) Agricultural water management.
- (iv) Other public infrastructure improvements as may be approved by the Secretary.

(B) Funds made available under this subsection may not be used for—

- (i) draining of wetlands;
- (ii) dredging of natural water courses; or
- (iii) planning or constructing water impoundments of greater than 5,000 acre-feet, except for the proposed Hatch Town Dam on the Sevier River in southern Garfield County, Utah.

(C) All Federal environmental laws shall be applicable to any projects or features developed pursuant to this section.

(3) Of the amounts authorized to be appropriated by section 201, not more than \$40,000,000 may be available for the purposes of this subsection.

SEC. 207. WATER MANAGEMENT IMPROVEMENT.

(a) **PURPOSES.**—The purposes of this section are, through such means as are cost-effective and environmentally sound, to—

- (1) encourage the conservation and wise use of water;
- (2) reduce the probability and duration of periods necessitating extraordinary curtailment of water use;
- (3) achieve beneficial reductions in water use and system costs;
- (4) prevent or eliminate unnecessary depletion of waters in order to assist in the improvement and maintenance of water quantity, quality,

and streamflow conditions necessary to augment water supplies and support fish, wildlife, recreation, and other public benefits;

(5) make prudent and efficient use of currently available water prior to any importation of Bear River water into Salt Lake County, Utah; and

(6) provide a systematic approach to the accomplishment of these purposes and an objective basis for measuring their achievement.

(b) **WATER MANAGEMENT IMPROVEMENT PLAN.**—The District, after consultation with the State and with each petitioner of project water, shall prepare and maintain a water management improvement plan. The first plan shall be submitted to the Secretary by January 1, 1995. Every three years thereafter the District shall prepare and submit a supplement to this plan. The Secretary shall either approve or disapprove such plan or supplement thereto within six months of its submission.

(1) **ELEMENTS.**—The plan shall include the following elements:

(A) A water conservation goal, consisting of the greater of the following two amounts for each petitioner of project water:

(i) 25 percent of each petitioner's projected increase in annual water deliveries between the years 1990 and 2000, or such later ten year period as the District may find useful for planning purposes; or

(ii) the amount by which unaccounted for water or, in the case of irrigation entities, transport losses, exceeds 10 percent of recorded annual water deliveries.

The minimum goal for the District shall be thirty thousand acre-feet per year. In the event that the pipeline conveyance system described in section 202(a)(1)(A) is not constructed due to expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall be reduced by 5,000 acre-feet per year. In the event that the Wasatch County Water Efficiency Project authorized in section 202(a)(3)(B) is not constructed due to expiration of the authorization pursuant to section 202(a)(3)(D), the minimum goal for the District shall be reduced by 5,000 acre-feet per year. In the event the water supply which would have been supplied by the pipeline conveyance system described in section 202(a)(1)(A) is made available and delivered to municipal and industrial or agricultural petitioners in Salt Lake, Utah or Juab counties subsequent to the expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall increase 5,000 acre-feet per year. In no event shall the minimum goal for the District be less than 20,000 acre-feet per year.

(B) A water management improvement inventory, containing—

(i) conservation measures to improve the efficiency of the storage, conveyance, distribution, and use of water in a manner that contributes to the accomplishment of the purposes of this section, exclusive of any measures promulgated pursuant to subsection (f)(2) (A) through (D);

(ii) the estimated economic and financial costs of each such measure;

(iii) the estimated water yield of each such measure; and

(iv) the socioeconomic and environmental effects of each such measure.

(C) A comparative analysis of each cost-effective and environmentally acceptable measure.

(D) A schedule of implementation for the following five years.

(E) An assessment of the performance of previously implemented conservation measures, if any. Each plan or plan supplement shall be technically sound, internally consistent and supported by objective analysis.

Not less than 90 days prior to its transmittal to the Secretary, the plan, or plan supplement, to-

gether with all supporting documentation demonstrating compliance with this section, shall be made available by the District for public review, hearing, and comment. All significant comments, and the District's response thereto, shall accompany the plan transmitted to the Secretary.

(2) **EVALUATION OF CONSERVATION MEASURES.**—

(A) Any conservation measure proposed to the District by the Executive Director of the Utah Department of Natural Resources shall be added to the water management improvement inventory and evaluated by the District. Any conservation measure, up to a cumulative five in number within any three year period, submitted by nonprofit sportsmen or environmental organizations shall be added to the water management improvement inventory and evaluated by the District.

(B) Each conservation measure that is found to be cost-effective, without significant adverse impact to the financial integrity of the District or a petitioner of project water, environmentally acceptable and for which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been satisfied, and in the public interest shall be deemed to constitute the "active inventory". For purposes of this section, the determination of benefits shall take into account—

(i) the value of saved water, to be determined, in the case of municipal water, on the basis of the project municipal and industrial repayment obligation of the District, but in no case less than \$200 per acre-foot, and, in the case of irrigation water, on the basis of operation, maintenance, and replacement costs plus the "full cost" rate for irrigation computed in accordance with section 302(3) of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390bb), but in no case less than \$50 per acre-foot;

(ii) the reduced cost of wastewater treatment, if any;

(iii) net additional hydroelectric power generation, if any, valued at avoided cost;

(iv) net savings in operation, maintenance, and replacement costs; and

(v) net savings in on-farm costs.

(3) **IMPLEMENTATION.**—The District, and each petitioner of project water, as appropriate, shall implement and maintain, consistent with State law, conservation measures placed in the active inventory to the maximum practical extent necessary to achieve 50 percent of the water conservation goal within seven years after submission of the initial plan and 100 percent of the water conservation goal within fifteen years after submission of the initial plan. Priority shall be given to implementation of the most cost-effective measures that are—

(A) found to reduce consumptive use of water without significant adverse impact to the financial integrity of the District or the petitioner of project water;

(B) environmentally acceptable and for which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been satisfied; and

(C) found to be in the public interest.

(4) **USE OF SAVED WATER.**—All water saved by any conservation measure implemented by the District or a petitioner of project water under subsection (b)(3) may be retained by the District or the petitioner of project water which saved such water for its own use or disposition. The specific amounts of water saved by any conservation measure implemented under subsection (b)(3) shall be based upon the determination of yield under paragraph (b)(1)(B)(iii), and as may be confirmed or modified by assessment pursuant to paragraph (b)(1)(E). Each petitioner of project water may make available to the District water in an amount equivalent to the water

saved, which the District may make available to the Secretary for instream flows in addition to the stream flow requirements established by section 303. Such instream flows shall be released from project facilities, subject to space available in project conveyance systems, to at least one watercourse in the Bonneville and Uinta River Basins, respectively, to be designated by the United States Fish and Wildlife Service as recommended by the Interagency Biological Assessment Team. Such flows shall be protected against appropriation in the same manner as the minimum streamflow requirements established by section 303. The Secretary shall reduce the annual contractual repayment obligation of the District equal to the project rate for delivered water, including operation and maintenance expenses, for water saved for instream flows pursuant to this subsection. The District shall credit or rebate to each petitioner of project water its proportionate share of the District's repayment savings for reductions in deliveries of project water as a result of this subsection.

(5) **STATUS REPORT ON THE PLANNING PROCESS.**—Prior to January 1, 1994, the District shall establish a continuous process for the identification, evaluation, and implementation of water conservation measures to achieve the purposes of this section, and submit a report thereon to the Secretary. The report shall include a description of this process, including its financial resources, technical support, public involvement, and identification of staff responsible for its development and implementation.

(c) **WATER CONSERVATION PRICING STUDY.**—

(1) Within three years from the date of enactment of this Act, the District, after consultation with the State and each petitioner of project water, shall prepare and transmit to the Secretary a study of wholesale and retail pricing to encourage water conservation as described in this subsection, together with its conclusions and recommendations.

(2) The purposes of this study are—

(A) to design and evaluate potential rate designs and pricing policies for water supply and wastewater treatment within the District boundary;

(B) to estimate demand elasticity for each of the principal categories of end use of water within the District boundary;

(C) to quantify monthly water savings estimated to result from the various designs and policies to be evaluated; and

(D) to identify a water pricing system that reflects the incremental scarcity value of water and rewards effective water conservation programs.

(3) Pricing policies to be evaluated in the study shall include but not be limited to the following, alone and in combination:

(A) Recovery of all costs, including a reasonable return on investment, through water and wastewater service charges.

(B) Seasonal rate differentials.

(C) Drought year surcharges.

(D) Increasing block rate schedules.

(E) Marginal cost pricing.

(F) Rates accounting for differences in costs based upon point of delivery.

(G) Rates based on the effect of phasing out the collection of ad valorem property taxes by the District and the petitioners of project water over a five-year and ten-year period.

The District may incorporate policies developed by the study in the Water Management Improvement Plan prepared under subsection (b).

(4) Not less than 90 days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant

comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(5) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any policies or recommendations contained in the study.

(d) **STUDY OF COORDINATED OPERATIONS.**—

(1) Within three years from the date of enactment of this Act, the District, after consultation with the State and each petitioner of project water, shall prepare and transmit to the Secretary a study of the coordinated operation of independent municipal and industrial and irrigation water systems, together with its conclusions and recommendations. The District shall evaluate cost-effective flexible operating procedures that will—

(A) improve the availability and reliability of water supply;

(B) coordinate the timing of reservoir releases under existing water rights to improve instream flows for fisheries, wildlife, recreation, and other environmental values, if possible;

(C) assist in managing drought emergencies by making more efficient use of facilities;

(D) encourage the maintenance of existing wells and other facilities which may be placed on stand-by status when water deliveries from the project become available;

(E) allow for the development, protection, and sustainable use of ground water resources in the District boundary;

(F) not reduce the benefits that would be generated in the absence of the joint operating procedures; and

(G) integrate management of surface and ground water supplies and storage capability.

The District may incorporate measures developed by the study in the Water Management Improvement Plan prepared under subsection (b).

(2) Not less than 90 days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(3) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any operating procedures, conclusions, or recommendations contained in the study.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For an amount not to exceed 50 percent of the cost of conducting the studies identified in subsections (c) and (d) and developing the plan identified in subsection (b), \$3,000,000 shall be available from the amount authorized to be appropriated by section 201, and shall remain available until expended. The Federal share shall be allocated among project purposes in the same proportions as the joint costs of the Strawberry Collection System, and shall be repaid in the manner of repayment for each such purpose.

(2) For an amount not to exceed 65 percent of the cost of implementation of the conservation measures in accordance with subsection (b), \$50,000,000 shall be available from the amount authorized to be appropriated in section 201, and shall remain available until expended. \$10,000,000 authorized by this paragraph shall be made available for conservation measures in Wasatch County identified in the study pursuant to section 202(a)(3)(A) which measures satisfy the requirements of subsection (B)(2)(b) and shall thereafter be available for the purposes of this paragraph. The Federal share shall be allocated between the purposes of municipal and industrial water supply and irrigation, as appropriate, and shall be repaid in the manner of repayment for each such purpose.

(f) **UTAH WATER CONSERVATION ADVISORY BOARD.**—(1) Within two years of the date of enactment of this Act, the Governor of the State may establish a board consisting of nine members to be known as the Utah Water Conservation Advisory Board, with the duties described in this subsection. In the event that the Governor does not establish said board by such date, the Secretary shall establish a Utah Water Conservation Advisory Board consisting of nine members appointed by the Secretary from a list of names supplied by the Governor.

(2) The Board shall recommend water conservation standards and regulations for promulgation by State or local authorities in the service area of each petitioner of project water, including but not limited to the following:

(A) Metering or measuring of water to all customers, to be accomplished within five years. (For purposes of this paragraph, residential buildings of more than four units may be considered as single customers.)

(B) Elimination of declining block rate schedules from any system of water or wastewater treatment charges.

(C) A program of leak detection and repair that provides for the inspection of all conveyance and distribution mains, and the performance of repairs, at intervals of three years or less.

(D) Low consumption performance standards applicable to the sale and installation of plumbing fixtures and fittings in new construction.

(E) Requirements for the recycling and reuse of water by all newly constructed commercial laundries and vehicle wash facilities.

(F) Requirements for soil preparation prior to the installation or seeding of turf grass in new residential and commercial construction.

(G) Requirements for the insulation of hot water pipes in all new construction.

(H) Requirements for the installation of water recycling or reuse systems on any newly installed commercial and industrial water-operative air conditioning and refrigeration systems.

(I) Standards governing the sale, installation, and removal of self-regenerating water softeners, including the identification of public water supply system service areas where such devices are prohibited, and the establishment of standards for the control of regeneration in all newly installed devices.

(J) Elimination of evaporation as a principal method of wastewater treatment.

(3) Any water conserved by implementation of subparagraphs (A), (B), (C), (D), or (F) of paragraph (2) shall not be credited to the conservation goal specified under subparagraph (b)(1)(A). All other water conserved after January 1, 1992, by a conservation measure which is placed on the active inventory shall be credited to the conservation goal specified under subparagraph (b)(1)(A).

(4) The Governor may waive the applicability of paragraphs (2)(D) through (2)(H) above to any petitioner of project water that provides water entirely for irrigation use.

(5) Within three years of the date of enactment of this Act, the board shall transmit to the Governor and the Secretary the recommended standards and regulations referred to in subparagraph (f)(2) in such form as, in the judgment of the Board, will be most likely to be promulgated within four years of the date of enactment of this Act, and the failure of the board to do so shall be deemed substantial noncompliance.

(6) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any standards or regulations recommended by the Utah Water Conservation Advisory Board.

(g) **COMPLIANCE.**—(1) Notwithstanding subsections (c)(5), (d)(3) or (f)(6), if the Secretary after 90 days written notice to the District, determines that the plan referred to in subsection (b) has not been developed and implemented or the studies referred to in subsections (c) and (d) have not been completed or transmitted as provided for in this section, the District shall pay a surcharge for each year of substantial non-compliance as determined by the Secretary. The amount of the surcharge shall be—

(A) for the first year of substantial non-compliance, five percent of the District's annual Bonneville Unit repayment obligation to the Secretary;

(B) for the second year of substantial non-compliance, ten percent of the District's annual Bonneville Unit repayment obligation to the Secretary; and

(C) for the third year of substantial non-compliance and any succeeding year of substantial non-compliance, 15 percent of the District's annual Bonneville Unit repayment obligation to the Secretary.

(2) If the Secretary determines that compliance has been accomplished within 12 months after the first determination of substantial non-compliance, the Secretary shall refund 100 percent of the surcharge levied.

(h) **RECLAMATION REFORM ACT OF 1982.**—Compliance with this section shall be deemed as compliance with section 210 of the Reclamation Reform Act of 1982 (96 Stat. 1268; 43 U.S.C. 390j) by the District and each petitioner of project water.

(i) **JUDICIAL REVIEW.**—(1) For the purposes of sections 701 through 706 of title 5 (U.S.C.), the determinations made by the Secretary under subsections (b), (f)(1) or (g) shall be final actions subject to judicial review.

(2) The record upon review of such final actions shall be limited to the administrative record compiled in accordance with sections 701 through 706 of title 5 (U.S.C.). Nothing in this subsection shall be construed to require a hearing pursuant to sections 554, 556, or 557 of title 5 (U.S.C.).

(3) Nothing in this subsection shall be construed to preclude judicial review of other final actions and decisions by the Secretary.

(j) **CITIZEN SUITS.**—(1) **IN GENERAL.**—Any person may commence a civil suit on their own behalf against only the Secretary for any determination made by the Secretary under this section which is alleged to have violated, is violating, or is about to violate any provision of this section or determination made under this section.

(2) **JURISDICTION AND VENUE.**—The district courts shall have jurisdiction to prohibit any violation by the Secretary of this section, to compel any action required by this section, and to issue any other order to further the purposes of this section. An action under this subsection may be brought in the judicial district where the alleged violation occurred or is about to occur, where fish, wildlife, or recreation resources are located, or in the District of Columbia.

(3) **LIMITATIONS.**—(A) No action may be commenced under paragraph (1) before 60 days after written notice of the violation has been given to the Secretary.

(B) Notwithstanding subparagraph (A), an action may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife.

(C) Subparagraph (A) is intended to provide reasonable notice where possible and not to affect the jurisdiction of the courts.

(4) **COSTS AWARDED BY THE COURT.**—The Court may award costs of litigation (including reasonable attorney and expert witness fees and

expenses) to any party, other than the United States, whenever the court determines such award is appropriate.

(5) **DISCLAIMER.**—The relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief.

(k) **PRESERVATION OF STATE LAW.**—Nothing in this section shall be deemed to preempt or supersede State law.

SEC. 208. LIMITATION ON HYDROPOWER OPERATIONS.

(a) **LIMITATION.**—Power generation facilities associated with the Central Utah Project and other features specified in titles II through V of this Act shall be operated and developed in accordance with the Act of April 11, 1956 (70 Stat. 109; 43 U.S.C. 620f).

(b) **COLORADO RIVER BASIN WATERS.**—Use of Central Utah Project water diverted out of the Colorado River Basin for power purposes shall only be incidental to the delivery of water for other authorized project purposes. Diversion of such waters out of the Colorado River Basin exclusively for power purposes is prohibited.

SEC. 209. OPERATING AGREEMENTS.

The District, in consultation with the Commission and the Utah Division of Water Rights, shall apply its best efforts to achieve operating agreements for the Jordanelle Reservoir, Deer Creek Reservoir, Utah Lake and Strawberry Reservoir within two years of the date of enactment of this Act.

SEC. 210. JORDAN AQUEDUCT PREPAYMENT.

Under such terms as the Secretary may prescribe, and within one year of the date of enactment of this Act, the Secretary shall allow for the prepayment, or shall otherwise dispose of repayment contracts entered into among the United States, the District, the Metropolitan Water District of Salt Lake City, and the Salt Lake County Water Conservancy District, dated May 16, 1986, providing for repayment of the Jordan Aqueduct System. In carrying out this section, the Secretary shall take such actions as he deems appropriate to accommodate, effectuate, and otherwise protect the rights and obligations of the United States and the obligors under the contracts executed to provide for payment of such repayment contracts.

SEC. 211. AUDIT OF CENTRAL UTAH PROJECT COST ALLOCATIONS.

Not later than one year after the date on which the Secretary declares the Central Utah Project to be substantially complete, the Comptroller General of the United States shall conduct an audit of the allocation of costs of the Central Utah Project to irrigation, municipal and industrial, and other project purposes and submit a report of such audit to the Secretary and to the Congress. The audit shall be conducted in accordance with regulations which the Comptroller General shall prescribe not later than one year after the date of enactment of this Act. Upon a review of such report, the Secretary shall reallocate such costs as may be necessary. Any amount allocated to municipal and industrial water in excess of the total maximum repayment obligation contained in repayment contracts dated December 28, 1965, and November 26, 1985, shall be deferred for as long as the District is not found to be in substantial non-compliance with the water management improvement program provided in section 207 and the stream flows provided in title III are maintained. If at any time the Secretary finds that such program is in substantial non-compliance or that such stream flows are not being maintained, the Secretary shall, within six months of such finding and after public notice, take action to initiate repayment of all such reimbursable costs.

SEC. 212. SURPLUS CROPS.

Notwithstanding any other provision of law relating to a charge for irrigation water supplied to surplus crops, until the construction costs of the facilities authorized by this title are repaid, the Secretary is directed to charge a surplus crop production charge equal to 10 percent of full cost, as defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb), for the delivery of project water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provision of the Agricultural Act of 1949, as amended, if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the surplus crop production charge for the succeeding year on or before July 1 of each year.

TITLE III—FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION

SEC. 301. UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION.

(a) **PURPOSE.**—(1) The purpose of this section is to provide for the prompt establishment of the Utah Reclamation Mitigation and Conservation Commission in order to coordinate the implementation of the mitigation and conservation provisions of this Act among the Federal and State fish, wildlife, and recreation agencies.

(2) This section, together with applicable environmental laws and the provisions of other laws applicable to mitigation, conservation and enhancement of fish, wildlife, and recreation resources within the State, are all intended to be construed in a consistent manner. Nothing herein is intended to limit or restrict the authorities or opportunities of Federal, State, or local governments, or political subdivisions thereof, to plan, develop, or implement mitigation, conservation, or enhancement of fish, wildlife, and recreation resources in the State in accordance with other applicable provisions of Federal or State law.

(b) **ESTABLISHMENT.**—(1) There is established a commission to be known as the Utah Reclamation Mitigation and Conservation Commission.

(2) The Commission shall expire twenty years from the end of the fiscal year during which the Secretary declares the Central Utah Project to be substantially complete. The Secretary shall not declare the project to be substantially complete at least until such time as the mitigation and conservation projects and features provided for in section 315 have been completed in accordance with the fish, wildlife, and recreation mitigation and conservation schedule specified therein.

(c) **DUTIES.**—The Commission shall—

(1) formulate the policies and objectives for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(2) administer in accordance with subsection (f) the expenditure of funds for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(3) be considered a Federal agency for purposes of compliance with the requirements of all Federal fish, wildlife, recreation, and environmental laws, including (but not limited to) the Fish and Wildlife Coordination Act, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(4) develop, adopt, and submit plans and reports of its activities in accordance with subsection (g).

(d) **MEMBERSHIP.**—(1) The Commission shall be composed of five members appointed by the

President within six months of the date of enactment of this Act, as follows:

(A) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the Speaker of the House of Representatives upon the recommendation of the members of the House of Representatives representing the State.

(B) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the majority leader of the Senate upon the recommendation of the members of the Senate representing the State.

(C) 1 from a list of residents of the State submitted by the Governor of the State composed of State wildlife resource agency personnel.

(D) 1 from a list of residents of the State submitted by the District.

(E) 1 from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish and wildlife matters or environmental conservation matters and have been recommended by Utah nonprofit sportsmen's or environmental organizations, submitted by the Governor of the State.

(2)(A) Except as provided in subparagraph (B), members shall be appointed for terms of four years.

(B) Of the members first appointed—

(i) the member appointed under paragraph (1)(C) shall be appointed for a term of three years; and

(ii) the member appointed under paragraph (1)(D) shall be appointed for a term of two years.

(3) A vacancy in the Commission shall be filled within 90 days and in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum of the annual rate of basic pay in effect for grade GS-15 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(B) Members of the Commission who are full-time officers or employees of the United States or the State of Utah shall receive no additional pay by reason of their service on the Commission.

(5) Three members of the Commission shall constitute a quorum but a lesser number may hold public meetings authorized by the Commission.

(6) The Chairman of the Commission shall be elected by the members of the Commission. The term of office of the Chairman shall be one year.

(7) The Commission shall meet at least quarterly and may meet at the call of the Chairman or a majority of its members.

(e) **DIRECTOR AND STAFF OF COMMISSION; USE OF CONSULTANTS.**—(1) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the

provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(3) With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

(5) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(6) In times of emergency, as defined by rule by the Commission, the Director may exercise the full powers of the Commission until such times as the emergency ends or the Commission meets in formal session.

(f) **IMPLEMENTATION OF MITIGATION AND CONSERVATION MEASURES.**—(1) The Commission shall administer the mitigation and conservation funds available under this Act to conserve, mitigate, and enhance fish, wildlife, and recreation resources affected by the development and operation of Federal reclamation projects in the State of Utah. Such funds shall be administered in accordance with this section, the mitigation and conservation schedule in section 315 of this Act, and, if in existence, the applicable five year plan adopted pursuant to subsection (g). Expenditures of the Commission pursuant to this section shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law.

(2) **REALLOCATION OF SECTION 8 FUNDS.**—Notwithstanding any provision of this Act which provides that a specified amount of section 8 funds available under this Act shall be available only for a certain purpose, if the Commission determines, after public involvement and agency consultation as provided in subsection (g)(3), that the benefits to fish, wildlife, or recreation will be better served by allocating such funds in a different manner, then the Commission may reallocate any amount so specified to achieve such benefits: Provided, however, That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(3) **FUNDING FOR NEPA COMPLIANCE.**—The Commission shall annually provide funding on a priority basis for environmental mitigation measures adopted as a result of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for project features constructed pursuant to titles II and III of this Act.

(4) **CONTRACTING AUTHORITY.**—The Commission shall, for the purpose of carrying out this Act, enter into and perform such contracts, leases, grants, cooperative agreements, or other similar transactions, including the amendment, modification, or cancellation thereof and make the compromise or final settlement of any claim arising thereunder, with universities, non-profit organizations, and the appropriate public natural resource management agency or agencies, upon such terms and conditions and in such manner as the Commission may deem to be necessary or appropriate, for the implementation of the mitigation and conservation projects and features authorized in this Act, including actions necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(g) **PLANNING AND REPORTING.**—(1) Beginning with the first fiscal year after all members of the Commission are appointed initially, and every five years thereafter, the Commission shall develop and adopt by March 31 a plan for carrying out its duties during each succeeding five-year period. Each such plan shall consist of the specific objectives and measures the Commission intends to administer under subsection (f) during the plan period to implement the mitigation and conservation projects and features authorized in this Act.

(2) **FINAL PLAN.**—Within six months prior to the expiration of the Commission pursuant to this Act, the Commission shall develop and adopt a plan which shall—

(A) establish goals and measurable objectives for the mitigation and conservation of fish, wildlife, and recreation resources during the five year period following such expiration; and

(B) recommend specific measures for the expenditure of funds from the Account established under section 402 of this Act.

(3) **PUBLIC INVOLVEMENT AND AGENCY CONSULTATION.**—(A) Promptly after the Commission is established under this section, and in each succeeding fiscal year, the Commission shall request in writing from the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and county and municipal entities, and the public, recommendations for objectives and measures to implement the mitigation and conservation projects and features authorized in this Act or amendments thereto. The Commission shall establish by rule a period of time not less than 90 days in length within which to receive such recommendations, as well as the format for and the information and supporting data that is to accompany such recommendations.

(B) The Commission shall give notice of all recommendations and shall make the recommendations and supporting documents available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public. Copies of such recommendations and supporting documents shall be made available for review at the offices of the Commission and shall be available for reproduction at reasonable cost.

(C) The Commission shall provide for public involvement regarding the recommendations and supporting documents within such reasonable time as the Commission by rule deems appropriate.

(4) The Commission shall develop and amend the plans on the basis of such recommendations, supporting documents, and views and information obtained through public involvement and agency consultation. The Commission shall include in the plans measures which it determines, on the basis set forth in paragraph (f)(1), will—

(A) restore, maintain, or enhance the biological productivity and diversity of natural ecosystems within the State and have substantial potential for providing fish, wildlife, and recreation mitigation and conservation opportunities;

(B) be based on, and supported by, the best available scientific knowledge;

(C) utilize, where equally effective alternative means of achieving the same sound biological or recreational objectives exist, the alternative that will also provide public benefits through multiple resource uses;

(D) complement the existing and future activities of the Federal and State fish, wildlife, and recreation agencies and appropriate Indian tribes;

(E) utilize, when available, cooperative agreements and partnerships with private landowners and nonprofit conservation organizations; and

(F) be consistent with the legal rights of appropriate Indian tribes.

Enhancement measures may be included in the plans to the extent such measures are designed to achieve improved conservation or mitigation of resources.

(5) **REPORTING.**—(A) Beginning on December 1 of the first fiscal year in which all members of the Commission are appointed initially, the Commission shall submit annually a detailed report to the Committee on Energy and Natural Resources of the Senate, to the Committees on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives, to the Secretary, and to the Governor of the State. The report shall describe the actions taken and to be taken by the Commission under this section, the effectiveness of the mitigation and conservation measures implemented to date, and potential revisions or modifications to the applicable mitigation and conservation plan.

(B) At least 60 days prior to its submission of such report, the Commission shall make a draft of such report available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public, and establish procedures for timely comments thereon. The Commission shall include a summary of such comments as an appendix to such report.

(h) **DISCRETIONARY DUTIES AND POWERS.**—In addition to any other duties and powers provided by law:

(1) The Commission may depart from the fish, wildlife, and recreation mitigation and conservation schedule specified in section 315 whenever the Commission determines, after public involvement and agency consultation as provided for in this Act, that such departure would be of greater benefit to fish, wildlife, or recreation. Provided, however, That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(2) The Commission may, for the purpose of carrying out this Act—

(A) hold such public meetings, sit and act at such times and places, take such testimony, and receive such evidence, as a majority of the Commission considers appropriate; and

(B) meet jointly with other Federal or State authorities to consider matters of mutual interest.

(3) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Director of the Commission, the head of such department or agency shall furnish such information to the Commission. At the discretion of the department or agency, such information may be provided on a reimbursable basis.

(4) The Commission may accept, use, and dispose of appropriations, gifts or grants of money or other property, or donations of services, from whatever source, only to carry out the purposes of this Act.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(7) The Commission may acquire and dispose of personal and real property and water rights, and interests therein, through donation, purchase on a willing seller basis, sale, or lease, but not through direct exercise of the power of eminent domain, in order to carry out the purposes of this Act. This provision shall not affect any existing authorities of other agencies to carry out the purposes of this Act.

(8) The Commission may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for travel, training, and attendance at meetings; and for such other facilities and services as may be necessary for the administration of this Act.

(9) The Commission shall not participate in litigation, except litigation pursuant to subsection (1) or condemnation proceedings initiated by other agencies.

(i) **FUNDING.**—(1) Amounts appropriated to the Secretary for the Commission shall be paid to the Commission immediately upon receipt of such funds by the Secretary. The Commission shall expend such funds in accordance with this Act.

(2) For each fiscal year, the Commission is authorized to use for administrative expenses an amount equal to 10 percent of the amounts available to the Commission pursuant to this Act during such fiscal year, but not to exceed \$1,000,000. Such amount shall be increased by the same proportion as the contributions to the Account under section 402(b)(3)(C).

(j) **AVAILABILITY OF UNEXPENDED AMOUNTS UPON COMPLETION OF CONSTRUCTION PROJECTS.**—Notwithstanding any other provision of law, upon the completion of any project authorized under this title, Federal funds appropriated for that project but not obligated or expended shall be deposited in the Account pursuant to section 402(b)(4)(D) and shall be available to the Commission in accordance with section 402(c)(2).

(k) **TRANSFER OF PROPERTY AND AUTHORITY HELD BY THE COMMISSION.**—Except as provided in section 402(b)(4)(A), upon the termination of the Commission in accordance with subsection (b)—

(1) the duties of the Commission shall be performed by the Utah Division of Wildlife Resources, which shall exercise such authority in consultation with the United States Fish and Wildlife Service, the District, the Bureau, and the Forest Service; and

(2) title to any real and personal properties then held by the Commission shall be transferred to the appropriate division within Utah Department of Natural Resources or, for such parcels of real property as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency.

(l) **REPRESENTATION BY ATTORNEY GENERAL.**—The Attorney General of the United States shall represent the Commission in any litigation to which the Commission is a party.

(m) **CONGRESSIONAL OVERSIGHT.**—The activities of the Commission shall be subject to oversight by the Congress.

(n) **TERMINATION OF BUREAU ACTIVITIES.**—Upon appointment of the Commission as provided in subsection (b), the responsibility for implementing section 8 funds for mitigation and conservation projects and features authorized in this Act shall be transferred from the Bureau to the Commission.

SEC. 302 INCREASED PROJECT WATER CAPABILITY.

(a) **ACQUISITION.**—The District shall acquire, on an expedited basis with funds to be provided by the Commission in accordance with the schedule specified in section 315, by purchase from willing sellers or exchange, 25,000 acre-feet of water rights in the Utah Lake drainage basin to achieve the purposes of this section. Water purchases which would have the effect of compromising groundwater resources or dewatering agricultural lands in the Upper Provo River areas should be avoided. Of the amounts authorized to be appropriated by section 201, \$15,000,000 shall be available only for the purposes of this subsection.

(b) **NONCONSUMPTIVE RIGHTS.**—A nonconsumptive right in perpetuity to any water ac-

quired under this section shall be tendered in accordance with the laws of the State of Utah within 30 days of its acquisition by the District to the Utah Division of Wildlife Resources for the purposes of maintaining instream flows provided for in section 303(c)(3) and 303(c)(4) for fish, wildlife, and recreation in the Provo River.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated by section 201, \$4,000,000 shall be available only to modify existing or construct new diversion structures on the Provo River below the Murdock diversion to facilitate the purposes of this section.

SEC. 303. STREAM FLOWS.

(a) **STREAM FLOW AGREEMENT.**—The District shall annually provide, from project water if necessary, amounts of water sufficient to sustain the minimum stream flows established pursuant to the Stream Flow Agreement.

(b) **INCREASED FLOWS IN THE UPPER STRAWBERRY RIVER TRIBUTARIES.**—(1) The District shall acquire, on an expedited basis with funds to be provided by the Commission, or by the Secretary in the event the Commission has not been established, in accordance with State law, the provisions of this section, and the schedule specified in section 315, all of the Strawberry basin water rights being diverted to the Herber Valley through the Daniels Creek drainage and shall apply such rights to increase minimum stream flows—

(A) in the upper Strawberry River and other tributaries to the Strawberry Reservoir;

(B) in the lower Strawberry River from the base of Soldier Creek Dam to Starvation Reservoir; and

(C) in other streams within the Uinta basin affected by the Strawberry Collection System in such a manner as deemed by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources to be in the best interest of fish and wildlife.

The Commission's decision under subparagraph (C) shall not establish a statutory or otherwise mandatory minimum stream flow.

(2) The District may acquire the water rights identified in paragraph (1) prior to completion of the facilities identified in paragraph (3) only by lease and for a period not to exceed two years from willing sellers or by replacement or exchange of water in kind. Such leases may be extended for one additional year with the consent of Wasatch and Utah counties. The District shall proceed to fulfill the purposes of this subsection on an expedited basis but may not lease water from the Daniels Creek Irrigation Company before the beginning of fiscal year 1993.

(3)(A) The District shall construct with funds provided for in paragraph (4) a Daniels Creek replacement pipeline from the Jordanelle Reservoir to the existing Daniels Creek Irrigation Company Water storage facility for the purpose of providing a permanent replacement of water in an amount equal to the Strawberry basin water being supplied by the District for stream flows provided in paragraph (1) which would otherwise have been diverted to the Daniels Creek drainage.

(B) Such Daniels Creek replacement water may be exchanged by the District in accordance with State law with the Strawberry basin water identified above to provide a permanent supply of water for minimum flows provided in paragraph (1). Any such permanent replacement water so exchanged into the Strawberry basin by the District shall be tendered in accordance with State law within 30 days of its exchange by the District to the Utah Division of Wildlife Resources for the purposes of providing stream flows under paragraph (1).

(C) The Daniels Creek replacement water to be supplied by the District shall be at least equal in

quality and reliability to the Daniels Creek water being replaced and shall be provided by the District at a cost to the Daniels Creek Irrigation Company which does not exceed the cost of supplying existing water deliveries (including operation and maintenance) through the Daniels Creek diversion.

(4) Of the amounts authorized to be appropriated by section 201, \$10,500,000 shall be available to fulfill the purposes of this section as follows:

(A) \$500,000 for leasing of water pursuant to paragraph (2).

(B) \$10,000,000 for construction of the Daniels Creek replacement pipeline.

(C) Funds provided by this paragraph shall not be subject to the requirements of section 204 and shall be included in the final cost allocation provided for in section 211; except that not less than \$3,500,000 shall be treated as an expense under section 8, and \$7,000,000 shall be treated as an expense under section 5 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105).

(D) Funds provided for the Daniels Creek replacement pipeline may be expended so as to integrate such pipeline with the Wasatch County conservation measures provided for in section 207(e)(2) and the Wasatch County Water Efficiency Project authorized in section 202(a)(3).

(c) STREAM FLOWS IN THE BONNEVILLE UNIT.—The yield and operating plans for the Bonneville Unit of the Central Utah Project shall be established or adjusted to provide for the following minimum stream flows, which flows shall be provided continuously and in perpetuity from the date first feasible, as determined by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources:

(1) In the Diamond Fork River drainage subsequent to completion of the Monks Hollow Dam or other structure that redirects water from the Diamond Fork River Drainage into the Diamond Fork component of the Bonneville Unit of the Central Utah Project—

(A) in Sixth Water Creek, from the exit of Strawberry Valley tunnel to the Last Chance Powerplant and Switchyard, not less than 32 cubic feet per second during the months of May through October and not less than 25 cubic feet per second during the months of November through April; and

(B) in the Diamond Fork River, from the bottom of the Monks Hollow Dam to the Spanish Fork River, not less than 80 cubic feet per second during the months of May through September and not less than 60 cubic feet per second during the months of October through April, which flows shall be provided by the Bonneville Unit of the Central Utah Project.

(2) In the Provo River from the base of Jordanelle Dam to Deer Creek Reservoir a minimum of 125 cubic feet per second.

(3) In the Provo River from the confluence of Deer Creek and the Provo River to the Olmsted Diversion a minimum of 100 cubic feet per second.

(4) Upon the acquisition of the water rights in the Provo Drainage identified in section 302, in the Provo River from the Olmsted Diversion to Utah Lake, a minimum of 75 cubic feet per second.

(5) In the Strawberry River, from the base of Starvation Dam to the confluence with the Duchesne River, a minimum of 15 cubic feet per second.

(d) MITIGATION OF EXCESSIVE FLOWS IN THE PROVO RIVER.—The District shall, with public involvement, prepare and conduct a study and develop a plan to mitigate the effects of peak season flows in the Provo River. Such study and plan shall be developed in consultation with the Fish and Wildlife Service, the Utah Division of Water Rights, the Utah Division of Wildlife Re-

sources, affected water right holders and users, the Commission, and the Bureau. The study and plan shall discuss and be based upon, at a minimum, all mitigation and conservation opportunities identified through—

(1) a fishery and recreational use study that addresses anticipated peak flows;

(2) study of the mitigation and conservation opportunities possible through habitat or stream bed modification;

(3) study of the mitigation and conservation opportunities associated with the operating agreements referred to in section 209;

(4) study of the mitigation and conservation opportunities associated with the water acquisitions contemplated by section 302;

(5) study of the mitigation and conservation opportunities associated with section 202(2);

(6) study of the mitigation and conservation opportunities available in connection with water right exchanges; and

(7) study of the mitigation and conservation opportunities that could be achieved by construction of a bypass flowline from the base of Deer Creek Reservoir to the Olmsted Diversion.

(e) EARMARK.—Of the amounts authorized to be appropriated by section 201, \$500,000 shall be available only for the implementation of subsection (d).

(f) STRAWBERRY VALLEY TUNNEL.—(1) Upon completion of the Diamond Fork System, the Strawberry Tunnel shall not be used except for deliveries of water for the instream purposes specified in subsection (c). All other waters for the Bonneville Unit and Strawberry Valley Reclamation Project purposes shall be delivered through the Diamond Fork System.

(2) Paragraph (1) shall not apply during any time in which the District, in consultation with the Commission, has determined that the Syar Tunnel or the Sixth Water Aqueduct is rendered unusable or emergency circumstances require the use of the Strawberry Tunnel for the delivery of contracted Central Utah Project water and Strawberry Valley Reclamation Project water.

SEC. 304. FISH, WILDLIFE, AND RECREATION PROJECTS IDENTIFIED OR PROPOSED IN THE 1988 DEFINITE PLAN REPORT FOR THE CENTRAL UTAH PROJECT.

The fish, wildlife, and recreation projects identified or proposed in the 1988 Definite Plan Report which have not been completed as of the date of enactment of this Act shall be completed in accordance with the 1988 Definite Plan Report and the schedule specified in section 315, unless otherwise provided in this Act.

SEC. 305. WILDLIFE LANDS AND IMPROVEMENTS.

(a) ACQUISITION OF RANGELANDS.—In addition to lands acquired on or before the date of enactment of this Act and in addition to the acreage to be acquired in accordance with the 1988 Definite Plan Report, the Commission shall acquire on an expedited basis from willing sellers, in accordance with the schedule specified in section 315 and a plan to be developed by the Commission, big game winter range lands to compensate for the impacts of Federal reclamation projects in Utah. Such lands shall be transferred to the Utah Division of Wildlife Resources or, for such parcels as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency, for management as a big game winter range. Of the amounts authorized to be appropriated by section 201, \$1,300,000 shall be available only for the purposes of this subsection.

(b) BIG GAME CROSSINGS AND WILDLIFE ESCAPE RAMPS.—In addition to the measures to be taken in accordance with the 1988 Definite Plan Report, the Commission shall construct big game crossings and wildlife escape ramps for the protection of big game animals along the Provo Reservoir Canal, Highline Canal, Strawberry

Power Canal, and others. Of the amounts authorized to be appropriated by section 201, \$750,000 shall be available only for the purposes of this subsection.

SEC. 306. WETLANDS ACQUISITION, REHABILITATION, AND ENHANCEMENT.

(a) WETLANDS AROUND THE GREAT SALT LAKE.—Of the amounts authorized to be appropriated by section 201, \$14,000,000 shall be available only for the planning and implementation of projects to preserve, rehabilitate, and enhance wetland areas around the Great Salt Lake in accordance with a plan to be developed by the Commission.

(b) INVENTORY OF SENSITIVE SPECIES AND ECOSYSTEMS.—(1) The Commission shall, in cooperation with the Utah Division of Wildlife Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive nongame wildlife species and their habitats.

(2) Of the amounts authorized to be appropriated by section 201, \$750,000 shall be available only to carry out paragraph (1) of this section.

(3) The Commission shall, in cooperation with the Utah Department of Natural Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive plant species and ecosystems.

(4) Of the amounts authorized to be appropriated by section 201, \$750,000 shall be available for the Utah Natural Heritage Program only to carry out paragraph (3) of this section.

(c) UTAH LAKE WETLANDS PRESERVE.—(1) The Commission, in consultation with the Utah Division of Wildlife Resources and the United States Fish and Wildlife Service, shall, in accordance with paragraph (9), acquire private land, water rights, conservation easements, or other interests therein, necessary for the establishment of a wetlands preserve adjacent to or near the Goshen Bay and Benjamin Slough areas of Utah Lake as depicted on a map entitled "Utah Lake Wetland Preserve" and dated September, 1990. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia.

(2) The Secretary shall enter into an agreement under which the Wetlands Preserve acquired under subparagraph (1) shall be managed by the Utah Division of Wildlife Resources pursuant to a plan developed in consultation with the Secretary and in accordance with this Act and the substantive requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(3) The Wetlands Preserve shall be managed for the protection of migratory birds, wildlife habitat, and wetland values in a manner compatible with the surrounding farmlands, orchards, and agricultural production area. Grazing will be allowed for wildlife habitat management purposes in accordance with the Act referenced in paragraph (2) and as determined by the Division to be compatible with the purposes stated herein.

(4) Nothing in this subsection shall restrict traditional agricultural practices (including the use of pesticides) on adjacent properties not included in the preserve by acquisition or easement.

(5) Nothing in this subsection shall affect existing water rights under Utah State law.

(6) Nothing in this subsection shall grant authority to the Secretary to introduce a Federally protected species into the wetlands preserve.

(7) The creation of this preserve shall not in any way interfere with the operation of the irrigation and drainage system authorized by section 202(a)(1).

(8) All water rights not appurtenant to the lands purchased for the Wetlands Preserve acquired under paragraph (1) shall be purchased

from the District at an amount not to exceed the cost of the District in acquiring such rights.

(9) Of the amounts authorized to be appropriated by section 201, \$16,690,000 shall be available for acquisition of the lands, water rights, and other interests therein described in paragraph (1) of this subsection for the establishment of the Utah Lake Wetland Preserve.

(10) Lands, easements, or water rights may not be acquired pursuant to this subsection without the consent of the owner of such lands or water rights.

(11) Base property of a lessee or permittee (and the heirs of such lessee or permittee) under a Federal grazing permit or lease held on the date of enactment of this Act shall include any land of such lessee or permittee acquired by the Commission under this subsection.

(d) **PROVO BAY.**—In order to protect wetland habitat, the United States shall not issue any Federal permit which allows commercial, industrial, or residential development on the southern portion of Provo Bay in Utah Lake, as described herein and depicted on a map dated October 11, 1990, except that recreational development consistent with wildlife habitat values shall be permitted. The southern portion of Provo Bay referred to in this subsection shall be that area extending 2000 feet out into the Bay from the ordinary high water line on the south shore of Provo Bay, beginning at a point at the mouth of the Spanish Fork River and extending generally eastward along the ordinary high water line to the intersection of such line with the Provo City limit, as it existed as of October 10, 1990, on the east shore of the Bay. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia. Nothing in this Act shall restrict present or future development of the Provo City Airport or airport access roads along the north side of Provo Bay.

SEC. 307. FISHERIES ACQUISITION, REHABILITATION, AND ENHANCEMENT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for fisheries acquisition, rehabilitation, and improvement within the State:

(1) \$750,000 for fish habitat restoration on the Provo River between the Jordanelle and Deer Creek Reservoirs.

(2) \$4,000,000 for fish habitat restoration in streams impacted by Federal reclamation projects in Utah.

(3) \$1,000,000 for the restoration of tributaries of the Strawberry Reservoir to assure trout spawning recruitment.

(4) \$1,500,000 for post-treatment management and fishery development costs at the Strawberry Reservoir.

(5) \$1,000,000 for (A) a study to be conducted as directed by the Commission to determine the appropriate means for improving Utah Lake as a warm water fishery and other related issues; and

(B) development of facilities and programs to implement management objectives.

(6) \$1,000,000 for fish habitat restoration and improvements in the Diamond Fork River and Sixth Water Creek drainages.

(7) \$475,000 for the restoration of native cutthroat trout populations in streams and lakes in the Bonneville Unit project area.

(8) \$2,500,000 for watershed restoration and improvements, erosion control, and wildlife habitat restoration and improvements in the Avintaquin, Red, and Current Creek drainages and other Strawberry River drainages affected by the development of Federal reclamation projects in Utah.

SEC. 308. STABILIZATION OF HIGH MOUNTAIN LAKES IN THE UTAH MOUNTAINS.

(a) **REVISION OF PLAN.**—The project plan for the stabilization of high mountain lakes in the

Upper Provo River drainage shall be revised to require that the following lakes will be stabilized at levels beneficial for fish habitat and recreation: Big Elk, Crystal, Duck, Fire, Island, Long, Wall, Marjorie, Pot, Star, Teapot, and Weir. Overland access by vehicles or equipment for stabilization and irrigation purposes under this subsection shall be minimized within the Lakes Management Area boundary, as depicted on the map in the Wasatch-Cache National Forest Plan (p. IV-166, dated 1987), to a level of practical necessity.

(b) **COSTS OF REHABILITATION.**—(1) The costs of rehabilitating water storage features at Trial, Washington, and Lost Lakes, which are to be used for project purposes, shall be borne by the project from amounts made available pursuant to section 201. Existing roads may be used for overland access to carry out such rehabilitation.

(2) The costs of stabilizing each of the lakes referred to in subsection (a) which is to be used for a purpose other than irrigation shall be treated as an expense under section 8.

(c) **FISH AND WILDLIFE HABITAT.**—Of the amounts authorized to be appropriated by section 201, \$5,000,000 shall be available only for stabilization and fish and wildlife habitat restoration in the lakes referred to in subsection (a). This amount shall be in addition to the \$7,538,000 previously authorized for appropriation under section 5 of the Act of April 11, 1956 (43 U.S.C. 620g) for the stabilization and rehabilitation of the lakes described in this section.

SEC. 309. STREAM ACCESS AND RIPARIAN HABITAT DEVELOPMENT.

(a) **IN GENERAL.**—Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for stream access and riparian habitat development in the State:

(1) \$750,000 for rehabilitation of the Provo River riparian habitat development between Jordanville Reservoir and Utah Lake.

(2) \$250,000 for rehabilitation and development of watersheds and riparian habitats along Diamond Fork and Sixth Water Creek.

(3) \$350,000 for additional watershed stabilization, terrestrial wildlife and riparian habitat improvements, and road closures within the Central Utah Project area.

(4) \$8,500,000 for the acquisition of additional recreation and angler accesses and riparian habitats, which accesses and habitats shall be acquired in accordance with the recommendation of the Commission.

(b) **STUDY OF IMPACT TO WILDLIFE AND RIPARIAN HABITATS WHICH EXPERIENCE REDUCED WATER FLOWS AS A RESULT OF THE STRAWBERRY COLLECTION SYSTEM.**—Of the amounts authorized to be appropriated by section 201, \$400,000 shall be available only for the Commission to conduct a study of the impacts to soils and riparian fish and wildlife habitat in drainages that will experience substantially reduced water flows resulting from the operation of the Strawberry Collection System. The study shall identify mitigation opportunities that represent alternatives to increasing stream flows and make recommendations to the Commission.

SEC. 310. SECTION 8 EXPENSES.

(a) Unless otherwise expressly provided, all of the amounts authorized to be appropriated by this Act and listed in subsection (b) of this section shall be treated as expenses under section 8.

(b) The sections referred to in subsection (a) of this section are as follows: Title III, and 402(b)(2).

SEC. 311. JORDAN AND PROVO RIVER PARKWAYS AND NATURAL AREAS.

(a) **FISHERIES.**—Of the amounts authorized to be appropriated by section 201, \$1,150,000 shall be available only for fish habitat improvements to the Jordan River.

(b) **RIPIARIAN HABITAT REHABILITATION.**—Of the amounts authorized to be appropriated by section 201, \$750,000 shall be available only for Jordan River riparian habitat rehabilitation, which amount shall be in addition to amounts available under the 1988 Definite Plan Report.

(c) **WETLANDS.**—Of the amounts authorized to be appropriated by section 201, \$7,000,000 shall be available only for the acquisition of wetland acreage, including those along the Jordan River identified by the multi-agency technical committee for the Jordan River Wetlands Advance Identification Study.

(d) **RECREATIONAL FACILITIES.**—(1) Of the amounts authorized to be appropriated by section 201, \$500,000 shall be available only to construct recreational facilities within Salt Lake County proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report to accompany the bill H.R. 429 (S. Rept. 102-267).

(2) Of the amounts authorized to be appropriated by section 201, \$500,000 shall be available only to construct recreational facilities within Utah and Wasatch Counties proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report to accompany the bill H.R. 429 (S. Rept. 102-267).

(e) **PROVO RIVER CORRIDOR.**—Of the amounts authorized to be appropriated by section 201, \$1,000,000 shall be available only for riparian habitat acquisition and preservation, stream habitat improvements, and recreation and angler access provided on a willing seller basis along the Provo River from the Murdock diversion to Utah Lake, as determined by the Commission after consultation with local officials.

SEC. 312. RECREATION.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available to the Commission only for Central Utah Project recreation features:

(a) \$2,000,000 for Utah Lake recreational improvements as proposed by the State and local governments.

(b) \$750,000 for additional recreation improvements, which shall be made in accordance with recommendations made by the Commission, associated with Central Utah Project features and affected areas, including camping facilities, hiking trails, and signing.

SEC. 313. FISH AND WILDLIFE FEATURES IN THE COLORADO RIVER STORAGE PROJECT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available only to provide mitigation and restoration of watersheds and fish and wildlife resources in Utah impacted by the Colorado River Storage Project:

(a) **HABITAT IMPROVEMENTS IN CERTAIN DRAINAGES.**—\$1,125,000 shall be available only for watershed and fish and wildlife improvements in the Fremont River drainage, which shall be expended in accordance with a plan developed by the Commission in consultation with the Wayne County Water Conservancy District.

(b) **SMALL DAMS AND WATERSHED IMPROVEMENTS.**—\$4,000,000 shall be available only for land acquisition for the purposes of watershed restoration and protection in the Albion Basin in the Wasatch Mountains and for restoration and conservation related improvements to small dams and watersheds on State of Utah lands and National Forest System lands within the Central Utah Project and the Colorado River Storage Project area in Utah, which amounts shall be expended in accordance with a plan developed by the Commission.

(c) **FISH HATCHERY PRODUCTION.**—\$22,800,000 shall be available only for the planning and implementation of improvements to existing hatchery facilities or the construction and develop-

ment of new fish hatcheries to increase production of warmwater and coldwater fishes for the areas affected by the Colorado River Storage Project in Utah. Such improvements and construction shall be implemented in accordance with a plan identifying the long-term needs and management objectives for hatchery production prepared by the United States Fish and Wildlife Service, in consultation with the Utah Division of Wildlife Resources, and adopted by the Commission. The cost of operating and maintaining such new or improved facilities shall be borne by the Secretary.

SEC. 314. CONCURRENT MITIGATION APPROPRIATIONS.

Notwithstanding any other provision of this Act, the Secretary is directed to allocate funds appropriated for each fiscal year pursuant to titles II through IV of this Act as follows:

(a) Deposit the Federal contribution to the Account authorized in section 402(b)(2); then,

(b) Of any remaining funds, allocate the amounts available for implementation of the mitigation and conservation projects and features specified in the schedule in section 315 concurrently with amounts available for implementation of title II of this Act.

(c) Of the amounts allocated for implementation of the mitigation and conservation projects and features specified in the schedule in section 315, three percent of the total shall be used by the Secretary to fulfill subsections (d) and (e) of this section.

(d) The Secretary shall use the sums identified in subsection (c) outside the State of Utah to—

(1) restore damaged natural ecosystems on public lands and waterways affected by the Federal Reclamation program;

(2) acquire, from willing sellers only, other lands and properties, including water rights, or appropriate interests therein, with restorable damaged natural ecosystems, and restore such ecosystems;

(3) provide jobs and sustainable economic development in a manner that carries out the other purposes of this subsection;

(4) provide expanded recreational opportunities; and

(5) support and encourage research, training, and education in methods and technologies and ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties or appropriate interests therein where repair of compositional, structural, and functional values will—

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities, and ecosystems that are unable to survive on-site without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna that are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl, and other wildlife;

(6) provide additional conservation values to state and local government lands;

(7) add to structural and compositional values of existing ecological preserves or enhance the viability, defensibility, and manageability of ecological preserves; and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation, and other water quality improvement capacity.

SEC. 315. FISH, WILDLIFE, AND RECREATION SCHEDULE.

The mitigation and conservation projects and features shall be implemented in accordance with the following schedule:

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
<i>Instream flows</i>				
1.a. Lease of Daniels Creek water rights	\$500	\$500	\$0	\$0
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline (\$3,500,000 shall be treated as section 8) [Sec. 303(b)]	\$10,000	\$10,000	\$0	\$0
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	\$15,000	\$5,000	\$5,000	\$5,000
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	\$4,000	\$500	\$1,500	\$1,500
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	\$500	\$100	\$100	\$100
Subtotal	\$30,000	\$16,100	\$6,600	\$6,600

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	FY96	FY97	FY98	FY95
<i>Instream flows</i>				
1.a. Lease of Daniels Creek water rights	\$0	\$0	\$0	
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline (\$3,500,000 shall be treated as section 8) [Sec. 303(b)]	\$0	\$0	\$0	
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	\$0	\$0	\$0	
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	\$500	\$0	\$0	
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	\$100	\$100	\$0	
Subtotal	\$600	\$100	\$0	
	TOTAL	FY93	FY94	FY95
<i>Wildlife lands and improvement</i>				
1. Acquisition of big game winter range [Sec. 305(a)]	\$1,300	\$0	\$100	\$200
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	\$750	\$0	\$0	\$250
Subtotal	\$2,050	\$0	\$100	\$450
	FY96	FY97	FY98	
<i>Wildlife lands and improvement</i>				
1. Acquisition of big game winter range [Sec. 305(a)]	\$500	\$500	\$0	
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	\$250	\$250	\$0	
Subtotal	\$750	\$750	\$0	
<i>Wetland acquisitions rehabilitation, and development</i>				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	\$14,000	\$1,000	\$2,600	\$2,600
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	\$7,000	\$300	\$1,200	\$1,500
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	\$1,500	\$250	\$250	\$250
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 306(c)(9)]	\$16,690	\$1,690	\$3,000	\$3,000
Subtotal	\$39,190	\$3,240	\$7,050	\$7,350

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)		
	FY96	FY97	FY98
<i>Wetland acquisition, rehabilitation, and development</i>			
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	\$2,600	\$2,600	\$2,600
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	\$2,000	\$2,600	\$0
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	\$250	\$250	\$250

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	FY96	FY97	FY98	
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 303(c)(9)]	\$3,000	\$3,000	\$3,000	
Subtotal	\$7,850	\$7,850	\$5,850	
	TOTAL	FY93	FY94	FY95
Fisheries acquisition and restoration				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	\$750	\$50	\$0	\$100
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	\$4,000	\$0	\$400	\$600
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	\$1,000	\$200	\$200	\$200
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	\$1,500	\$300	\$300	\$300
5. Study and facilitate development to improve Utah Lake warm-water fishery [Sec. 307(5)]	\$1,000	\$150	\$150	\$200
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	\$1,000	\$0	\$0	\$0
7. Restoration of native cutthroat trout populations [Sec. 307(7)]	\$475	\$50	\$50	\$75
8. Fish habitat improvements to the Jordan River [Sec. 311(a)]	\$1,150	\$0	\$0	\$100
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	\$5,000	\$0	\$0	\$0
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	\$22,800	\$100	\$3,500	\$4,200
Subtotal	\$38,675	\$850	\$4,600	\$5,775
	FY96	FY97	FY98	
Fisheries acquisition and restoration				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	\$200	\$200	\$200	
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	\$1,000	\$1,000	\$1,000	
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	\$200	\$200	\$0	
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	\$300	\$300	\$0	
5. Study and facilitate development to improve Utah Lake warmwater fishery [Sec. 307(5)]	\$150	\$150	\$200	
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	\$100	\$500	\$400	
7. Restoration of native cutthroat trout populations [Sec. 307(7)]	\$100	\$100	\$100	
8. Fish habitat improvements to the Jordan River [Sec. 311(a)]	\$300	\$400	\$350	
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	\$500	\$2,000	\$2,500	
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	\$5,000	\$5,000	\$5,000	
Subtotal	\$7,850	\$9,850	\$9,750	

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Watershed Improvements				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	\$2,500	\$0	\$500	\$500
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	\$1,125	\$125	\$200	\$200
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	\$4,000	\$500	\$700	\$700
Subtotal	\$7,625	\$625	\$1,400	\$1,400
	FY96	FY97	FY98	
Watershed Improvements				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	\$500	\$500	\$500	
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	\$200	\$200	\$200	
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	\$700	\$700	\$700	
Subtotal	\$1,400	\$1,400	\$1,400	

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Stream Access and Riparian Habitat Development				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	\$750	\$0	\$250	\$250
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	\$250	\$0	\$0	\$50
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	\$350	\$0	\$0	\$50
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	\$8,500	\$500	\$1,000	\$1,500
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	\$400	\$50	\$75	\$75
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	\$750	\$75	\$75	\$150
Subtotal	\$11,000	\$625	\$1,400	\$2,075

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)		
	FY96	FY97	FY98
Stream Access and Riparian Habitat Development			
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	\$250	\$0	\$0
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	\$100	\$100	\$0
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	\$100	\$100	\$100
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	\$1,500	\$2,000	\$2,000
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	\$75	\$75	\$50

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	FY96	FY97	FY98	
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	\$150	\$150	\$150	
Subtotal	\$2,175	\$2,425	\$2,300	
	TOTAL	FY93	FY94	FY95
Recreation funds				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	\$2,000	\$125	\$275	\$400
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	\$750	\$50	\$100	\$150
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	\$1,000	\$0	\$75	\$75
4. Provo River corridor development [Sec. 311(e)]	\$1,000	\$0	\$75	\$75
Subtotal	\$4,750	\$175	\$525	\$700
Total Additional	\$133,290	\$11,115	\$25,175	\$24,350
	FY96	FY97	FY98	
Recreation funds				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	\$400	\$400	\$400	
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	\$150	\$150	\$150	
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	\$200	\$300	\$350	
4. Provo River corridor development [Sec. 311(e)]	\$200	\$300	\$350	
Subtotal	\$950	\$1,150	\$1,250	
Total Additional	\$21,575	\$23,525	\$20,550	
Strawberry collection system				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	\$2,700	\$900	\$900	\$900
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	\$3,990	\$666	\$803	\$790
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	\$3,000	\$600	\$600	\$600
Subtotal	\$9,690	\$3,966	\$1,403	\$1,390
	FY96	FY97	FY98	
Strawberry collection system				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	\$0	\$0	\$0	
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	\$453	\$604	\$674	
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	\$600	\$600	\$0	
Subtotal	\$1,053	\$1,204	\$674	

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Duchesne canal rehabilitation				
1. Acquire and develop 782 acres along Duchesne River	\$160	\$160	\$0	\$0
Subtotal	\$160	\$160	\$0	\$0
	FY96	FY97	FY98	
Duchesne canal rehabilitation				
1. Acquire and develop 782 acres along Duchesne River	\$0	\$0	\$0	
Subtotal	\$0	\$0	\$0	
	TOTAL	FY93	FY94	FY95
Municipal and industry system				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	\$226	\$100	\$126	\$0
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	\$1,050	\$525	\$525	\$0
3. Acquire and develop 100 acres of wetland at base of Jordanelle Dam	\$900	\$900	\$0	\$0
Subtotal	\$2,176	\$1,525	\$651	\$0
Total DPR	\$12,026	\$5,651	\$2,054	\$1,390
Grand Total	\$145,316	\$27,266	\$23,729	\$25,740
	FY96	FY97	FY98	
Municipal and industry system				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	\$0	\$0	\$0	
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	\$0	\$0	\$0	
3. Acquire and develop 100 acres of wetland at base of Jordanelle Dam	\$0	\$0	\$0	
Subtotal	\$0	\$0	\$0	
Total DPR	\$1,053	\$1,204	\$674	
Grand Total	\$22,628	\$24,729	\$21,224	

TITLE IV—UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the State of Utah is a State in which one of the largest trans-basin water diversions occurs, dewatering important natural areas as a result of the Colorado River Storage Project;

(2) the State of Utah is one of the most ecologically significant States in the Nation, and it

is therefore important to protect, mitigate, and enhance sensitive species and ecosystems through effective long term mitigation;

(3) the challenge of mitigating the environmental consequences associated with trans-basin water diversions are complex and involve

many projects and measures (some of which are presently unidentifiable) and the costs for which will continue after projects of the Colorado River Storage Project in Utah are completed; and

(4) environmental mitigation associated with the development of the projects of the Colorado River Storage Project in the State of Utah are seriously in arrears.

(b) PURPOSE.—The purpose of this title is to establish an ongoing account to ensure that—

(1) the level of environmental protection, mitigation, and enhancement achieved in connection with projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah is preserved and maintained;

(2) resources are available to manage and maintain investments in fish and wildlife and recreation features of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah;

(3) resources are available to address known environmental impacts of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah for which no funds are being specifically authorized for appropriation and earmarked under this Act; and

(4) resources are available to address presently unknown environmental needs and opportunities for enhancement within the areas of the State of Utah affected by the projects identified in this Act and elsewhere in the Colorado River Storage Project.

SEC. 402. UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a Utah Reclamation Mitigation and Conservation Account (hereafter in this title referred to as the "Account"). Amounts in the Account shall be available for the purposes set forth in section 401(b).

(b) DEPOSITS INTO THE ACCOUNT.—Amounts shall be deposited into the Account as follows:

(1) STATE CONTRIBUTIONS.—In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, a voluntary contribution of \$3,000,000 from the State of Utah.

(2) FEDERAL CONTRIBUTIONS.—In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, \$5,000,000 from amounts authorized to be appropriated by section 201, which shall be treated as an expense under section 8.

(3) CONTRIBUTIONS FROM PROJECT BENEFICIARIES.—(A) In each of fiscal years 1994 through 2001, or until the fiscal year in which the project is declared substantially complete in accordance with this Act, whichever occurs first, \$750,000 in non-Federal funds from the District.

(B) \$5,000,000 annually by the Secretary of Energy out of funds appropriated to the Western Area Power Administration, such expenditures to be considered nonreimbursable and nonreturnable.

(C) The annual contributions described in subparagraphs (A) and (B) shall be increased proportionally on March 1 of each year by the same percentage increase during the previous calendar year in the Consumer Price Index for urban consumers, published by the Department of Labor.

(4) INTEREST AND UNEXPENDED FUNDS.—(A) Any amount authorized and earmarked for fish, wildlife, or recreation expenditures which is appropriated but not obligated or expended by the Commission upon its termination under section 301.

(B) All funds annually appropriated to the Secretary for the Commission.

(C) All interest earned on amounts in the Account.

(D) Amounts not obligated or expended after the completion of a construction project and available pursuant to section 301(j).

(c) OPERATION OF THE ACCOUNT.—(1) All funds deposited as principal in the Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the Account until completion of the projects and features specified in the schedule in section 315. After completion of such projects and features, all interest earned on amounts remaining in or deposited to the principal of the Account shall be available to the Commission pursuant to subsection (c)(2) of this section.

(2) The Commission is authorized to administer and expend without further authorization and appropriation by Congress all sums deposited into the Account pursuant to subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B), a well as interest not deposited to the principal of the Account pursuant to paragraph (1) of this subsection. The Commission may elect to deposit funds not expended under subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B) into the Account as principal.

(3) All amounts deposited in the Account pursuant to subsections (b)(1) and (2), and any amount deposited as principal under paragraphs (c)(1) and (c)(2), shall constitute the principal of the Account. No part of the principal amount may be expended for any purpose.

(d) ADMINISTRATION BY THE UTAH DIVISION OF WILDLIFE RESOURCES.—(1) After the date on which the Commission terminates under section 301, the Utah Division of Wildlife Resources or its successor shall receive:

(A) All amounts contributed annually to the Account pursuant to section 402(b)(3)(B); and

(B) All interest on the principal of the Account, at the beginning of each year. The portion of the interest earned on the principal of the account that exceeds the amount required to increase the principal of the account proportionally on March 1 of each year by the percentage increase during the previous calendar year in the Consumer Price Index for urban consumers published by the Department of Labor, shall be available for expenditure by the Division in accordance with this section.

(2) The funds received by the Utah Division of Wildlife Resources under paragraph (1) shall be expended in a manner that fulfills the purposes of the Account established under this Act, in consultation with and pursuant to, a conservation plan and amendments thereto to be developed by the Utah Division of Wildlife Resources, in cooperation with the United States Forest Service, the Bureau of Land Management of the Department of the Interior, and the United States Fish and Wildlife Service.

(3) The funds to be distributed from the Account shall not be applied as a substitute for funding which would otherwise be provided or available to the Utah Division of Wildlife Resources.

(e) AUDIT BY INSPECTOR GENERAL.—The financial management of the Account shall be subject to audit by the Inspector General of the Department of Interior.

TITLE V—UTE INDIAN RIGHTS SETTLEMENT

SEC. 501. FINDINGS.

(a) FINDINGS.—The Congress finds the following:

(1) The unquantified Federal reserved water rights of the Ute Indian Tribe are the subject of existing claims and prospective lawsuits involving the United States, the State, and the District

and numerous other water users in the Uinta Basin. The State and the tribe negotiated, but did not implement, a compact to quantify the tribe's reserved water rights.

(2) There are other unresolved tribal claims arising out of an agreement dated September 20, 1965, where the tribe deferred development of a portion of its reserved water rights for 15,242 acres of the tribe's Group 5 Lands in order to facilitate the construction of the Bonneville Unit of the Central Utah Project. In exchange the United States undertook to develop substitute water for the benefit of the tribe.

(3) It was intended that the Central Utah Project, through construction of the Upalco and Uintah units (Initial Phase) and the Ute Indian Unit (Ultimate Phase) would provide water for growth in the Uinta Basin and for late season irrigation for both the Indian and non-Indian water users. However, construction of the Upalco and Uintah Units has not been undertaken, in part because the Bureau was unable to find adequate and economically feasible reservoir sites. The Ute Indian unit has not been authorized by Congress, and there is no present intent to proceed with Ultimate Phase Construction.

(4) Without the implementation of the plans to construct additional storage in the Uinta Basin, the water users (both Indian and non-Indian) continue to suffer water shortages and resulting economic decline.

(b) PURPOSE.—This Act and the proposed Revised Ute Indian Compact of 1990 are intended to—

(1) quantify the Tribe's reserved water rights;

(2) allow increased beneficial use of such water; and

(3) put the Tribe in the same economic position it would have enjoyed had the features contemplated by the September 20, 1965 Agreement been constructed.

SEC. 502. PROVISIONS FOR PAYMENT TO THE UTE INDIAN TRIBE.

(a) BONNEVILLE UNIT TRIBAL CREDITS.—(1) Commencing one year from the date of enactment of this Act, and continuing for 50 years, the tribe shall receive from the United States 26 percent of the annual Bonneville Unit municipal and industrial capital repayment obligation attributable to 35,500 acre-feet of water, which represents a portion of the tribe's water rights that were to be supplied by storage from the Central Utah Project, but will not be supplied because the Upalco and Uintah units are not to be constructed.

(2)(A) Commencing in the year 2042, the tribe shall collect from the District 7 percent of the then fair market value of 35,500 acre-feet of Bonneville Unit agricultural water which has been converted to municipal and industrial water. The fair market value of such water shall be recalculated every five years.

(B) In the event 35,500 acre-feet of Bonneville Unit converted agricultural water to municipal and industrial have not yet been marketed as of the year 2042, the tribe shall receive 7 percent of the fair market value of the first 35,500 acre-feet of such water converted to municipal and industrial water. The monies received by the tribe under this title shall be utilized by the tribe for governmental purposes, shall not be distributed per capita, and shall be used to enhance the educational, social, and economic opportunities for the tribe.

(b) BONNEVILLE UNIT TRIBAL WATERS.—The Secretary is authorized to make any unused capacity in the Bonneville Unit Strawberry Aqueduct and Collection System diversion facilities available for use by the tribe. Unused capacity shall constitute capacity, only as available, in excess of the needs of the District for delivery of Bonneville Unit water and for satisfaction of minimum streamflow obligations established by

this Act. In the event that the tribe elects to place water in these components of the Bonneville Unit system, the Secretary and District shall only impose an operation and maintenance charge. Such charge shall commence at the time of the tribe's use of such facilities. The operation and maintenance charge shall be prorated on a per acre-foot basis, but shall only include the operation and maintenance costs of facilities used by the tribe and shall only apply when the tribe elects to use the facilities. As provided in the Ute Indian Compact, transfers of certain Indian reserved rights water to different lands or different uses will be made in accordance with the laws of the State of Utah governing change or exchange applications.

(c) **ELECTION TO RETURN TRIBAL WATERS.**—Notwithstanding the authorization provided for in subparagraph (b), the tribe may at any time elect to return all or a portion of the water which it delivered under subparagraph (b) for use in the Uinta Basin. Any such Uinta Basin use shall protect the rights of non-Indian water users existing at the time of the election. Upon such election, the tribe will relinquish any and all rights which it may have acquired to transport such water through the Bonneville Unit facilities.

SEC. 503. TRIBAL USE OF WATER.

(a) **RATIFICATION OF REVISED UTE INDIAN COMPACT.**—The Revised Ute Indian Compact of 1990, dated October 1, 1990, reserving waters to the Ute Indian Tribe and establishing the uses and management of such Tribal waters, is hereby ratified and approved, subject to re-ratification by the State and the tribe. The Secretary is authorized to take all actions necessary to implement the Compact.

(b) **THE INDIAN INTERCOURSE ACT.**—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water rights confirmed in the Compact. Nothing in this subsection shall be considered to amend, construe, supersede or preempt any State law, Federal law, interstate compact or international treaty that pertains to the Colorado River or its tributaries, including the appropriation, use, development and storage, regulation, allocation, conservation, exportation or quality of those waters.

(c) **RESTRICTION ON DISPOSAL OF WATERS INTO THE LOWER COLORADO RIVER BASIN.**—None of the waters secured to the tribe in the Revised Ute Indian Compact of 1990 may be sold, exchanged, leased, used, or otherwise disposed of into or in the Lower Colorado River Basin, below Lees Ferry, unless water rights within the Upper Colorado River Basin in the State of Utah held by non-Federal, non-Indian users could be so sold, exchanged, leased, used, or otherwise disposed of under Utah State law, Federal law, interstate compacts, or international treaty pursuant to a final, non-appealable order of a Federal court or pursuant to an agreement of the seven States signatory to the Colorado River Compact: Provided, however, That in no event shall such transfer of Indian water rights take place without the filing and approval of the appropriate applications with the Utah State Engineer pursuant to Utah State law.

(d) **USE OF WATER RIGHTS.**—The use of the rights referred to in subsection (a) within the State of Utah shall be governed solely as provided in this section and the Revised Compact referred to in section 503(a). The tribe may voluntarily elect to sell, exchange, lease, use, or otherwise dispose of any portion of a water right confirmed in the Revised Compact off the Uintah and Ouray Indian Reservation. If the tribe so elects, and as a condition precedent to such sale, exchange, lease, use, or other disposition, that portion of the tribe's water right shall be changed to a State water right, but shall be

such a State water right only during the use of that right off the reservation, and shall be fully subject to State laws, Federal laws, interstate compacts, and international treaties applicable to the Colorado River and its tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those waters.

(e) **RULES OF CONSTRUCTION.**—Nothing in titles II through VI of this Act or in the Revised Ute Indian Compact of 1990 shall—

(1) constitute authority for the sale, exchange, lease, use, or other disposal of any Federal reserved water right off the reservation;

(2) constitute authority for the sale, exchange, lease, use, or other disposal of any tribal water right outside the State of Utah; or

(3) be deemed a Congressional determination that any holders of water rights do or do not have authority under existing law to sell, exchange, lease, use, or otherwise dispose of such water or water rights outside the State of Utah.

SEC. 504. TRIBAL FARMING OPERATIONS.

Of the amounts authorized to be appropriated by section 501, \$45,000,000 is authorized for the Secretary to permit the tribe to develop over a three-year period—

(1) a 7,500-acre farming/feed lot operation equipped with satisfactory off-farm and on-farm water facilities out of tribally-owned lands and adjoining non-Indian lands now served by the Uintah Indian Irrigation Project;

(2) a plan to reduce the tribe's expense on the remaining sixteen thousand acres of tribal land now served by the Uintah Indian Irrigation Project; and

(3) a fund to permit tribal members to upgrade their individual farming operations.

Any non-Indian lands acquired under this section shall be acquired from willing sellers and shall not be added to the reservation of the Tribe.

SEC. 505. RESERVOIR, STREAM, HABITAT AND ROAD IMPROVEMENTS WITH RESPECT TO THE UTE INDIAN RESERVATION.

(a) **REPAIR OF CEDARVIEW RESERVOIR.**—Of the amount authorized to be appropriated by section 201, \$5,000,000 shall be available to the Secretary, in cooperation with the tribe, to repair the leak in Cedarview Reservoir in Dark Canyon, Duchesne County, Utah, so that the resultant surface area of the reservoir is two hundred and ten acres.

(b) **RESERVATION STREAM IMPROVEMENTS.**—Of the amount authorized to be appropriated by section 201, \$10,000,000 shall be available for the Secretary, in cooperation with the tribe and in consultation with the Commission, to undertake stream improvements to not less than 53 linear miles (not counting meanders) for the Pole Creek, Rock Creek, Yellowstone River, Lake Fork River, Uinta River, and Whiterocks River, in the State of Utah. Nothing in this authorization shall increase the obligation of the District to deliver more than 44,400 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flows in the Uinta Basin.

(c) **BOTTLE HOLLOW RESERVOIR.**—Of the amount authorized to be appropriated by section 201, \$500,000 in an initial appropriation shall be available to permit the Secretary to clean the Bottle Hollow Reservoir on the Ute Indian Reservation of debris and trash resulting from a submerged sanitary landfill, to remove all non-game fish, and to secure minimum flow of water to the reservoir to make it a suitable habitat for a cold water fishery. The United States, and not the tribe, shall be responsible for cleanup and all other responsibilities relating to the presently contaminated Bottle Hollow waters.

(d) **MINIMUM STREAM FLOWS.**—As a minimum, the Secretary shall endeavor to maintain contin-

uous releases into Rock Creek to maintain 29 cubic feet per second during May through October and continuous releases into Rock Creek of 23 cubic feet per second during November through April, at the reservation boundary. Nothing in this authorization shall increase the obligation of the District to deliver more than 44,400 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flow in the Uinta Basin.

(e) **LAND TRANSFER.**—The Bureau shall transfer 315 acres of land to the Forest Service, located at the proposed site of the Lower Stillwater Reservoir as a wildlife mitigation measure.

(f) **RECREATION ENHANCEMENT.**—Of the amount authorized to be appropriated by section 201, \$10,000,000 shall be available for the Secretary, in cooperation with the tribe, to permit the tribe to develop, after consultation with the appropriate fish, wildlife, and recreation agencies, big game hunting, fisheries, campgrounds and fish and wildlife management facilities, including administration buildings and grounds on the Uintah and Ouray Reservation, in lieu of the construction of the Lower Stillwater Dam and related facilities.

(g) **MUNICIPAL WATER CONVEYANCE SYSTEM.**—Of the amounts authorized to be appropriated in section 201, \$3,000,000 shall be available to the Secretary for participation by the tribe in the construction of pipelines associated with the Duchesne County Municipal Water Conveyance System.

SEC. 506. TRIBAL DEVELOPMENT FUNDS.

(a) **ESTABLISHMENT.**—Of the amount authorized to be appropriated by section 201, there is hereby established to be appropriated a total amount of \$125,000,000 to be paid in three annual and equal installments to the Tribal Development Fund which the Secretary is authorized and directed to establish for the tribe.

(b) **ADJUSTMENT.**—To the extent that any portion of such amount is contributed after the period described above or in amounts less than described above, the tribe shall, subject to appropriation Acts, receive, in addition to the full contribution to the Tribal Development Fund, an adjustment representing the interest income as determined by the Secretary, in his sole discretion, that would have been earned on any unpaid amount.

(c) **TRIBAL DEVELOPMENT.**—The tribe shall prepare a Tribal Development Plan for all or a part of this Tribal Development Fund. Such Tribal Development Plan shall set forth from time to time economic projects proposed by the tribe which in the opinion of two independent financial consultants are deemed to be reasonable, prudent and likely to return a reasonable investment to the tribe. The financial consultants shall be selected by the tribe with the advice and consent of the Secretary. Principal from the Tribal Development Fund shall be permitted to be expended only in those cases where the Tribal Development Plan can demonstrate with specificity a compelling need to utilize principal in addition to income for the Tribal Development Plan.

(d) No funds from the Tribal Development Fund shall be obligated or expended by the Secretary for any economic project to be developed or constructed pursuant to subsection (c) of this section, unless the Secretary has complied fully with the requirements of applicable fish, wildlife, recreation, and environmental laws, including the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.).

SEC. 507. WAIVER OF CLAIMS.

(a) **GENERAL AUTHORITY.**—The tribe is authorized to waive and release claims concerning or related to water rights as described below.

(b) **DESCRIPTION OF CLAIMS.**—The tribe shall waive, upon receipt of the section 504, 505, and

506 moneys, any and all claims relating to its water rights covered under the agreement of September 20, 1965, including claims by the tribe that it retains the right to develop lands as set forth in the Ute Indian Compact and deferred in such agreement. Nothing in this waiver of claims shall prevent the tribe from enforcing rights granted to it under this Act or under the Compact. To the extent necessary to effect a complete release of the claims, the United States concurs in such release.

(c) **RESURRECTION OF CLAIMS.**—In the event the tribe does not receive on a timely basis the moneys described in section 502, the Tribe is authorized to bring an action for an accounting against the United States, if applicable, in the United States Claims Court for moneys owed plus interest at 10 percent, and against the District, if applicable, in the United States District Court for the District of Utah for moneys owed plus interest at 10 percent. The United States and the District waive any defense based upon sovereign immunity in such proceedings.

TITLE VI—ENDANGERED SPECIES ACT AND NATIONAL ENVIRONMENTAL POLICY ACT

Notwithstanding any provision of titles II through V of this Act, nothing in such titles shall be interpreted as modifying or amending the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE VII—LEADVILLE MINE DRAINAGE TUNNEL, COLORADO

SEC. 701. AUTHORIZATION.

The Secretary is authorized to construct, operate, and maintain a water treatment plant, including the disposal of sludge produced by said treatment plant as appropriate, and to install concrete lining on the rehabilitated portion of the Leadville Mine Drainage Tunnel, in order that water flowing from the Leadville Tunnel may meet water quality standards, and to contract with the Colorado Division of Wildlife to monitor concentrations of heavy metal contaminants in water, stream sediment, and aquatic life in the Arkansas River downstream of the water treatment plant.

SEC. 702. COSTS NONREIMBURSABLE.

Construction, operation, and maintenance costs of the works authorized by this title shall be nonreimbursable.

SEC. 703. OPERATION AND MAINTENANCE.

The Secretary shall be responsible for operation and maintenance of the water treatment plant, including sludge disposal authorized by this title. The Secretary may contract for these services.

SEC. 704. APPROPRIATIONS AUTHORIZED.

There is hereby authorized to be appropriated beginning October 1, 1989, for construction of a water treatment plant for water flowing from the Leadville Mine Drainage Tunnel, including sludge disposal, and concrete lining the rehabilitated portion of the tunnel, the sum of \$10,700,000 (October 1988 price levels), plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein and, in addition thereto, such sums as may be required for operation and maintenance of the works authorized by this title, including but not limited to \$1,250,000 which shall be for a program to be conducted by the Colorado Division of Wildlife to monitor heavy metal concentrations in water, stream sediment, and aquatic life in the Arkansas River.

SEC. 705. LIMITATION.

The treatment plant authorized by this title shall be designed and constructed to treat the

quantity and quality of effluent historically discharged from the Leadville Mine Drainage Tunnel.

SEC. 706. DESIGN AND OPERATION NOTIFICATION.

Prior to the initiation of construction and during construction of the works authorized by section 701, the Secretary shall submit the plans for design and operation of the works to the Administrator of the Environmental Protection Agency and the State of Colorado to obtain their views on the design and operation plans. After such review and consultation, the Secretary shall notify the President Pro Tempore of the Senate and the Speaker of the House of Representatives that the discharge from the works to be constructed will meet the requirements set forth in Federal Facilities Compliance Agreement No. FFCA 89-1, entered into by the Bureau of Reclamation and the Environmental Protection Agency on February 7, 1989, and in National Pollutant Discharge Elimination System permit No. CO 0021717 issued to the Bureau of Reclamation in 1975 and reissued in 1979 and 1981.

SEC. 707. FISH AND WILDLIFE RESTORATION.

(a) The Secretary is authorized, in consultation with the State of Colorado, to formulate and implement, subject to the terms of subsection (b) of this section, a program for the restoration of fish and wildlife resources of those portions of the Arkansas River basin impacted by the effluent discharged from the Leadville Mine Drainage Tunnel. The formulation of the program shall be undertaken with appropriate public consultation.

(b) Prior to implementing the fish and wildlife restoration program, the Secretary shall submit a copy of the proposed restoration program to the President Pro Tempore of the Senate and the Speaker of the House of Representatives for a period of not less than 60 days.

SEC. 708. WATER QUALITY RESTORATION.

(a) The Secretary is authorized, in consultation with the State of Colorado, the Administrator of the Environmental Protection Agency, and other Federal entities, to conduct investigations of water pollution sources and impacts attributed to mining-related and other development in the Upper Arkansas River basin, to develop corrective action plans, and to implement corrective action demonstration projects. Neither the Secretary nor any person participating in a corrective action demonstration project shall be liable under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act for costs or damages as a result of actions taken or omitted in the course of implementing an approved work plan developed under this section: Provided, That this subsection shall not preclude liability for costs or damages which result from negligence on the part of such persons. The Secretary shall have no authority under this section at facilities which have been listed or proposed for listing on the National Priorities List, or are subject to or covered by the Resource Conservation and Recovery Act. For the purpose of this section, the term "Upper Arkansas River basin" means the Arkansas River hydrologic basin in Colorado extending from Pueblo Dam upstream to its headwaters.

(b) The development of all corrective action plans and subsequent corrective action demonstration projects shall be undertaken with appropriate public involvement pursuant to a public participation plan, consistent with regulations promulgated under the Federal Water Pollution Control Act, developed by the Secretary in consultation with the State of Colorado and the Administrator of the Environmental Protection Agency.

(c) The Secretary shall arrange for cost sharing with the State of Colorado and for the use

of non-Federal funds and in-kind services where possible. The Secretary is authorized to fund all State costs required to conduct investigations and develop corrective action plans. The Federal share of costs associated with corrective action plans shall not exceed 60 percent.

(d) Prior to implementing any corrective action demonstration project, the Secretary shall submit a copy of the proposed project plans to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

(e) Nothing in this title shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to the discharge or release of hazardous substances, pollutants, or contaminants, as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act.

(f) There is authorized to be appropriated such sums as may be required to fulfill the provisions of sections 707 and 708 of this title.

TITLE VIII—LAKE MEREDITH SALINITY CONTROL PROJECT, TEXAS AND NEW MEXICO

SEC. 801. AUTHORIZATION.

The Secretary is authorized to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, in accordance with the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) and the provisions of this title and the plan set out in the June 1985 Technical Report of the Bureau of Reclamation on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purpose of improving the quality of water delivered to the Canadian River downstream of Ute Reservoir, New Mexico, and entering Lake Meredith, Texas. The principal features of the project shall consist of production wells, observation wells, pipelines, pumping plants, brine disposal facilities, and other appurtenant facilities.

SEC. 802. CONSTRUCTION CONTRACT.

(a) The Secretary is authorized to enter into a contract with the Canadian River Municipal Water Authority of Texas (hereafter in this title the "Authority") for the design and construction management of project facilities by the Bureau of Reclamation and for the payment of construction costs by the authority. Operation and maintenance of project facilities upon completion of construction and testing shall be the responsibility of the Authority.

(b) Construction of the project shall not be commenced until a contract has been executed by the Secretary with the Authority, and the State of New Mexico has granted the necessary permits for the project facilities.

SEC. 803. PROJECT COSTS.

(a) All costs of construction of project facilities shall be advanced by the Authority as the non-Federal contribution toward implementation of this title. Pursuant to the terms of the contract authorized by section 802 of this title, these funds shall be advanced on a schedule mutually acceptable to the Authority and the Secretary, as necessary to meet the expense of carrying out construction and land acquisition activities.

(b) All project costs for verification, design preparation, and construction management (estimated to be approximately 33 percent of the total project cost) shall be nonreimbursable as the Federal contribution for environmental enhancement by water quality improvement.

SEC. 804. CONSTRUCTION AND CONTROL.

(a) The Secretary shall, upon entering into a mutually acceptable agreement with the Authority, proceed with preconstruction planning, preparation of designs and specifications, ac-

quiring permits, acquisition of land and rights, and award of construction contracts pending availability of appropriated funds.

(b) At any time following the first advance of funds by the Authority, the Authority may request that the Secretary terminate activities then in progress, and such request shall be binding upon the Secretary, except that, upon termination of construction pursuant to this section, the Authority shall reimburse to the Secretary a sum equal to 67 percent of all costs incurred by the Secretary in project verification, design and construction management, reduced by any sums previously paid by the Authority to the Secretary for such purposes. Upon such termination, the United States is under no obligation to complete the project as a nonreimbursable development.

(c) Upon completion of construction and testing of the project, or upon termination of activities at the request of the Authority, and reimbursement of Federal costs pursuant to subsection 804(b) of this title, the Secretary shall transfer the care, operation, and maintenance of the project works to the Authority or to a bona fide entity mutually agreeable to the States of New Mexico and Texas. As part of such transfer, the Secretary shall return unexpended balances of the funds advanced, assign to the Authority or the bona fide entity the rights to any contract in force, convey to the Authority or the bona fide entity any real estate, easements, or personal property acquired by the advanced funds, and provide any data, drawings, or other items of value procured with advanced funds. Title to any facilities constructed under the authority of this title shall remain with the United States.

SEC. 805. APPROPRIATIONS AUTHORIZED.

There are hereby authorized to be appropriated to carry out the provisions of this title the sum of \$3,000,000 (October 1989 price levels), plus or minus such amounts, if any, as may be required by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

TITLE IX—CEDAR BLUFF UNIT, KANSAS

SEC. 901. AUTHORIZATION.

The Secretary, pursuant to the provisions of the Memorandum of Understanding between the Bureau of Reclamation and the Fish and Wildlife Service of the Department of the Interior, the State of Kansas, and the Cedar Bluff Irrigation District No. 6, dated December 17, 1987, is authorized to reformulate the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, including reallocation of the conservation capacity of the Cedar Bluff Reservoir, to create—

(a) a designated operating pool, as defined in such Memorandum of Understanding, for fish, wildlife, and recreation purposes, for ground-water recharge for environmental, domestic, municipal and industrial uses, and for other purposes; and

(b) a joint-use pool, as defined in such Memorandum of Understanding, for flood control, water sales, fish, wildlife, and recreation purposes; and for other purposes.

SEC. 902. CONTRACT.

The Secretary is authorized to enter into a contract with the State of Kansas for the sale, use, and control of the designated operating pool, with the exception of water reserved for the city of Russell, Kansas, and to allow the State of Kansas to acquire use and control of water in the joint-use pool, except that, the State of Kansas shall not permit utilization of water from Cedar Bluff Reservoir to irrigate lands in the Smoky Hill River Basin from Cedar Bluff Reservoir to its confluence with Big Creek.

SEC. 903. CONTRACT.

(a) The Secretary is authorized to enter into a contract with the State of Kansas, accepting a payment of \$365,424, and the State's commitment to pay a proportionate share of the annual operation, maintenance, and replacement charges for the Cedar Bluff Dam and Reservoir, as full satisfaction of reimbursable costs associated with irrigation of the Cedar Bluff Unit, including the Cedar Bluff Irrigation District's obligations under Contract No. 0-07-70-W0064. After the reformulation of the Cedar Bluff Unit authorized by this title, any revenues in excess of operating and maintenance expenses received by the State of Kansas from the sale of water from the Cedar Bluff Unit shall be paid to the United States and covered into the Reclamation Fund to the extent that an operation, maintenance and replacement charge or reimbursable capital obligation exists for the Cedar Bluff Unit under Reclamation law. Once all such operation, maintenance and replacement charges or reimbursable obligations are satisfied, any additional revenues shall be retained by the State of Kansas.

(b) The Secretary is authorized to transfer title of the buildings, fixtures, and equipment of the United States Fish and Wildlife Service fish hatchery facility at Cedar Bluff Dam, and the related water rights, to the State of Kansas for its use and operation of fish, wildlife, and related purposes. If any of the property transferred by this subsection to the State of Kansas is subsequently transferred from State ownership or used for any purpose other than those provided for in this subsection, title to such property shall revert to the United States.

SEC. 904. TRANSFER OF DISTRICT HEADQUARTERS.

The Secretary is authorized to transfer title to all interests in real property, buildings, fixtures, equipment, and tools associated with the Cedar Bluff Irrigation District headquarters located near Hays, Kansas, contingent upon the District's agreement to close down the irrigation system to the satisfaction of the Secretary at no additional cost to the United States, after which all easement rights shall revert to the owners of the lands to which the easements are attached.

SEC. 905. LIABILITY AND INDEMNIFICATION.

The transferee of any interest conveyed pursuant to this title shall assume all liability with respect to such interests and shall indemnify the United States against all such liability.

SEC. 906. ADDITIONAL ACTIONS.

The Secretary is authorized to take all other actions consistent with the provisions of the Memorandum of Understanding referred to in section 901 that the Secretary deems necessary to accomplish the reformulation of the Cedar Bluff Unit.

TITLE X—SALT-GILA AQUEDUCT, ARIZONA

SEC. 1001. DESIGNATION.

The Salt-Gila Aqueduct of the Central Arizona Project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the "Fannin-McFarland Aqueduct".

SEC. 1002. REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in section 1001 hereby is deemed to be a reference to the "Fannin-McFarland Aqueduct".

TITLE XI—VERMEJO PROJECT RELIEF, NEW MEXICO

Section 401 of the Act of December 19, 1980, (94 Stat. 3227) is amended by striking the text that begins: "Transfer of project facilities to the district shall be without . . ." and ends with ". . . shall be maintained consistently with existing

arrangements" and inserting in lieu thereof "Effective as of the date of the written consent of the Vermejo Conservancy District to amend Contract 178r-458, all facilities are hereby transferred to the district. The transfer to the district of project facilities shall be without any additional consideration in excess of the existing repayment contract of the district and shall include all related lands or interest in lands acquired by the Federal Government for the project, but shall not include any lands or interests in land, or interests in water, purchased by the Federal Government from various landowners in the district, consisting of approximately 2,800 acres, for the Maxwell Wildlife Refuge and shall not include certain contractual arrangements, namely Contract No. 14-06-500-1713 between the Bureau of Reclamation and the Bureau of Sport Fisheries and Wildlife, and concurred in by the district, dated December 5, 1969, and the lease agreement between the district and the Secretary dated January 17, 1990, and expiring January 17, 1992, for 468.38 acres under the district's Lakes 12 and 14, which contractual arrangements shall be maintained consistent with the terms thereof. The Secretary, acting through the United States Fish and Wildlife Service, shall retain the right to manage Lake 13 for the conservation, maintenance, and development of the area as a component of the Maxwell National Wildlife Refuge in accordance with Contract No. 14-06-500-1713 and in a manner that does not interfere with operation of the Lake 13 dam and reservoir for the primary purposes of the Vermejo Reclamation Project."

TITLE XII—GRAND CANYON PROTECTION

SEC. 1201. SHORT TITLE.

This Act may be cited as the "Grand Canyon Protection Act of 1992".

SEC. 1202. PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The Secretary shall operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in section 1204 and exercise other authorities under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to natural and cultural resources and visitor use.

(b) COMPLIANCE WITH EXISTING LAW.—The Secretary shall implement this section in a manner fully consistent with and subject to the Colorado River Compact, the Upper Colorado River Basin Compact, the Water Treaty of 1944 with Mexico, the decree of the Supreme Court in *Arizona v. California*, and the provisions of the Colorado River Storage Project Act of 1956 and the Colorado River Basin Project Act of 1968 that govern allocation, appropriation, development, and exportation of the waters of the Colorado River basin.

(c) RULE OF CONSTRUCTION.—Nothing in this title alters the purposes for which the Grand Canyon National Park or the Glen Canyon National Recreation Area were established or affects the authority and responsibility of the Secretary with respect to the management and administration of the Grand Canyon National Park and Glen Canyon National Recreation Area, including natural and cultural resources and visitor use, under laws applicable to those areas, including, but not limited to, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 1203. INTERIM PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) INTERIM OPERATIONS.—Pending compliance by the Secretary with section 1204, the Secretary shall, on an interim basis, continue to operate Glen Canyon Dam under the Secretary's announced interim operating criteria and the Interagency Agreement between the Bureau of

Reclamation and the Western Area Power Administration executed October 2, 1991, and exercise other authorities under existing law, in accordance with the standards set forth in section 1202, utilizing the best and most recent scientific data available.

(b) **CONSULTATION.**—The Secretary shall continue to implement Interim Operations in consultation with—

(1) appropriate agencies of the Department of the Interior, including the Bureau of Reclamation, United States Fish and Wildlife Service, and the National Park Service;

(2) the Secretary of Energy;

(3) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(4) Indian Tribes; and

(5) the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

(c) **DEVIATION FROM INTERIM OPERATIONS.**—The Secretary may deviate from interim operations upon a finding that deviation is necessary and in the public interest to—

(1) comply with the requirements of section 1204(a);

(2) respond to hydrologic extremes or power system operation emergencies;

(3) comply with the standards set forth in section 1202;

(4) respond to advances in scientific data; or

(5) comply with the terms of the Interagency Agreement.

(d) **TERMINATION OF INTERIM OPERATIONS.**—Interim operations described in this section shall terminate upon compliance by the Secretary with section 1204.

SEC. 1204. GLEN CANYON DAM ENVIRONMENTAL IMPACT STATEMENT; LONG-TERM OPERATION OF GLEN CANYON DAM.

(a) **FINAL ENVIRONMENTAL IMPACT STATEMENT.**—Not later than two years after the date of enactment of this Act, the Secretary shall complete a final Glen Canyon Dam environmental impact statement, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **AUDIT.**—The Comptroller General shall—

(1) audit the costs and benefits to water and power users and to natural, recreational, and cultural resources resulting from management policies and dam operations identified pursuant to the environmental impact statement described in subsection (a); and

(2) report the results of the audit to the Secretary and the Congress.

(c) **ADOPTION OF CRITERIA AND PLANS.**—(1) Based on the findings, conclusions, and recommendations made in the environmental impact statement prepared pursuant to subsection (a) and the audit performed pursuant to subsection (b), the Secretary shall—

(A) adopt criteria and operating plans separate from and in addition to those specified in section 602(b) of the Colorado River Basin Project Act of 1968; and

(B) exercise other authorities under existing law, so as to ensure that Glen Canyon Dam is operated in a manner consistent with section 1202.

(2) Each year after the date of the adoption of criteria and operating plans pursuant to paragraph (1), the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report, separate from and in addition to the report specified in section 602(b) of the Colorado River Basin Project Act of 1968 on the preceding year and the projected year operations undertaken pursuant to this Act.

(3) In preparing the criteria and operating plans described in section 602(b) of the Colorado

River Basin Project Act of 1968 and in this subsection, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including—

(A) representatives of academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) **REPORT TO CONGRESS.**—Upon implementation of long-term operations under subsection (c), the Secretary shall submit to the Congress the environmental impact statement described in subsection (a) and a report describing the long-term operations and other reasonable mitigation measures taken to protect, mitigate adverse impacts to, and improve the condition of the natural, recreational, and cultural resources of the Colorado River downstream of Glen Canyon Dam.

(e) **ALLOCATION OF COSTS.**—The Secretary of the Interior, in consultation with the Secretary of Energy, is directed to reallocate the costs of construction, operation, maintenance, replacement and emergency expenditures for Glen Canyon Dam among the purposes directed in section 1202 of this Act and the purposes established in the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 170). Costs allocated to section 1202 purposes shall be nonreimbursable.

SEC. 1205. LONG-TERM MONITORING.

(a) **IN GENERAL.**—The Secretary shall establish and implement long-term monitoring programs and activities that will ensure that Glen Canyon Dam is operated in a manner consistent with that of section 1202.

(b) **RESEARCH.**—Long-term monitoring of Glen Canyon Dam shall include any necessary research and studies to determine the effect of the Secretary's actions under section 1204(c) on the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area.

(c) **CONSULTATION.**—The monitoring programs and activities conducted under subsection (a) shall be established and implemented in consultation with—

(1) the Secretary of Energy;

(2) the Governors of the States of Arizona, California, Nevada, New Mexico, Utah, and Wyoming;

(3) Indian tribes; and

(4) the general public, including representatives of academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 1206. RULES OF CONSTRUCTION.

Nothing in this title is intended to affect in any way—

(1) the allocations of water secured to the Colorado Basin States by any compact, law, or decree; or

(2) any Federal environmental law, including the Endangered Species Act (16 U.S.C. 1531 et seq.).

SEC. 1207. STUDIES NONREIMBURSABLE.

All costs of preparing the environmental impact statement described in section 1204, including supporting studies, and the long-term monitoring programs and activities described in section 1205 shall be nonreimbursable. The Secretary is authorized to use funds received from the sale of electric power and energy from the Colorado River Storage Project to prepare the environmental impact statement described in section 1204, including supporting studies, and the long-term monitoring programs and activities described in section 1205, except that such funds will be treated as having been repaid and returned to the general fund of the Treasury as costs assigned to power for repayment under section 5 of the Act of April 11, 1956 (70 Stat. 170).

SEC. 1208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 1209. REPLACEMENT POWER.

The Secretary of Energy in consultation with the Secretary of the Interior and with representatives of the Colorado River Storage Project power customers, environmental organizations and the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall identify economically and technically feasible methods of replacing any power generation that is lost through adoption of long-term operational criteria for Glen Canyon Dam as required by section 1204 of this title. The Secretary shall present a report of the findings, and implementing draft legislation, if necessary, not later than 2 years after adoption of long-term operating criteria. The Secretary shall include an investigation of the feasibility of adjusting operations at Hoover Dam to replace all or part of such lost generation. The Secretary shall include an investigation of the modifications or additions to the transmission system that may be required to acquire and deliver replacement power.

TITLE XIII—LAKE ANDES-WAGNER/MARTY II, SOUTH DAKOTA

SEC. 1301. SHORT TITLE.

This title may be cited as the "Lake Andes-Wagner/Marty II Act of 1992".

SEC. 1302. DEMONSTRATION PROGRAM.

(a) The Secretary, acting pursuant to existing authority under the Federal reclamation laws, shall, through the Bureau of Reclamation, and with the assistance and cooperation of an oversight committee consisting of representatives of the Bureau of Indian Affairs, Environmental Protection Agency, United States Fish and Wildlife Service, United States Geological Survey, South Dakota Department of Game, Fish and Parks, South Dakota Department of Water and Natural Resources, Yankton-Sioux Tribe, and the Lake Andes-Wagner Water Systems, Inc., carry out a demonstration program (hereinafter in this title the "Demonstration Program") in substantial accordance with the "Lake Andes-Wagner-Marty II Demonstration Program Plan of Study", dated May 1990, a copy of which is on file with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(b) The objectives of the Demonstration Program shall include—

(1) development of accurate and definitive means of quantifying projected irrigation and drainage requirements and providing reliable estimates of drainage return flow quality and quantity with respect to glacial till and other soils found in the specific areas to be served with irrigation water by the planned Lake Andes-Wagner Unit and Marty II Unit and which may also have application to the irrigation and drainage of similar soils found in other areas of the United States;

(2) development of best management practices for the purpose of improving the efficiency of irrigation water use and developing and demonstrating management techniques and technologies for glacial till soils which will prevent or otherwise ameliorate the degradation of water quality by irrigation practices;

(3) investigation and demonstration of the potential for development and enhancement of wetlands and fish and wildlife within and adjacent to the service areas of the planned Lake Andes-Wagner Unit and the Marty II Unit through the application of water and other management practices;

(4) investigation and demonstration of the suitability of glacial till soils for crop production under irrigation, giving preference to crops that

are not eligible for assistance under programs covered by title V of the Agriculture Act of 1949 (7 U.S.C. 1461 et seq.) or by any successor programs established for crop years subsequent to 1990.

(c) Study sites shall be obtained through leases from landowners who voluntarily agree to participate in the Demonstration Program under the following conditions:

(1) Rentals paid under a lease shall be based on the fair rental market value prevailing for dry land farming of lands of similar quantity and quality plus a payment representing reasonable compensation for inconveniences to be encountered by the lessor.

(2) The Secretary shall—

(A) supply all water, delivery system, pivot systems and drains;

(B) operate and maintain the irrigation system;

(C) supply all seed, fertilizers and pesticides and make standardized equipment available;

(D) determine crop rotations and cultural practices; and

(E) have unrestricted access to leased lands;

(3) The Secretary may contract with the lessor and/or custom operators to accomplish agricultural work, which work shall be performed as prescribed by the Secretary.

(4) No grazing may be performed on a study site;

(5) Crops grown shall be the property of the United States.

(6) At the conclusion of the lease, the lands involved will, to the extent practicable, be restored by the Secretary to their pre-leased condition at no expense to the lessor.

(d) The Secretary shall offer crops grown under the Demonstration Program for sale to the highest bidder under terms and conditions to be prescribed by the Secretary. Any crops not sold shall be disposed of as the Secretary determines to be appropriate, except that no crop may be given away to any for-profit entity or farm operator. All receipts from crop sales shall be covered into the Treasury to the credit of the fund from which appropriations for the conduct of the Demonstration Program are derived.

(e) The land from each ownership in a study site shall be established by the Secretary as a separate farm. Each such study site farm will, during the demonstration phase of the Demonstration Program, annually receive planted and considered planting credit equal to the crop acreage base established for the farm by use of crop land ratios when it became a separate farm without regard to the acreage actually planted on the farm. Establishment of such study site farms shall not entitle the Secretary to participate in farm programs or to build program base.

(f) The Secretary shall periodically, but not less often than once a year, report to the Committee on Energy and Natural Resources of the Senate, to the Committee on Interior and Insular Affairs of the House of Representatives, and to the Governor of South Dakota concerning the activities undertaken pursuant to this section. The Secretary's reports and other information and data developed pursuant to this section shall be available to the public without charge. Each Demonstration Program report, including the report referred to in paragraph (3) of this subsection, shall evaluate data covering the results of the Demonstration Program as carried out on the six study sites during the period covered by the report together with data developed under the wetlands enhancement aspect during that period. The demonstration phase of the Demonstration Program shall terminate at the conclusion of the fifth full irrigation season. Promptly thereafter, the Secretary shall—

(1) remove temporary facilities and equipment and restore the study sites as nearly as practicable to their prelease condition. The Secretary

may transfer the pumping plant and/or distribution lines to public agencies for uses other than commercial irrigation if so doing would be less costly than removing such equipment;

(2) otherwise wind up the Demonstration Program; and

(3) prepare a concluding report and recommendations covering the entire demonstration phase, which report shall be transmitted by the Secretary to the Congress and to the Governor of South Dakota not later than April 1 of the calendar year following the calendar year in which the demonstration phase of the Demonstration Program terminates. The Secretary's concluding report, together with other information and data developed in the course of the Demonstration Program, shall be available to the public without charge.

(g) Costs of the Demonstration Program funded by Congressional appropriations shall be accounted for pursuant to the Act of October 29, 1971 (85 Stat. 416). Costs incurred by the State of South Dakota and any agencies thereof arising out of consultation and participation in the Demonstration Program shall not be reimbursed by the United States.

(h) Funding to cover expenses of the Federal agencies participating in the Demonstration Program shall be included in the budget submissions for the Bureau of Reclamation. The Secretary, using only funds appropriate for the Demonstration Program, shall transfer to the other Federal agencies funds appropriate for their expenses.

SEC. 1303. PLANNING REPORTS-ENVIRONMENTAL IMPACT STATEMENTS.

(a) On the basis of the concluding report and recommendations of the Demonstration Program provided for in section 1302, the Secretary, with respect to the Lake Andes-Wagner Unit and the Marty II Unit, shall comply with the study and reporting requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued to implement the provisions thereof. Using feasibility methodologies consistent with those employed in the Lake Andes-Wagner Unit Planning Report—Final Environmental Impact Statement, filed September 17, 1985, the final reports prepared under this subsection shall be transmitted to the Congress simultaneously with their filing with the Environmental Protection Agency. The final report for the Lake Andes-Wagner Unit shall constitute a supplement to the Lake Andes-Wagner Unit report referred to in the preceding sentence.

(b) Each report prepared under subsection (a) shall include a detailed plan providing for the prevention, correction, or mitigation of adverse water quality conditions attributable to agricultural drainage water originating from lands to be irrigated by the unit to which the report pertains and shall be accompanied by findings by the Secretary and the Administrator of the Environmental Protection Agency that the unit to which the report pertains can be constructed, operated and maintained so as to comply with all applicable water quality standards.

(c) The construction of a unit may not be undertaken until the final report pertaining to that unit, and the findings referred to in subsection (b) of this section, have lain before the Congress for not less than 125 days and the Congress has appropriated funds for the initiation of construction.

SEC. 1304. AUTHORIZATION OF THE LAKE ANDES-WAGNER UNIT AND THE MARTY II UNIT, SOUTH DAKOTA.

Subject to the requirements of section 1303 of this title, the Secretary is authorized to construct, operate, and maintain the Lake Andes-Wagner Unit and the Marty II Unit, South Dakota, as units of the South Dakota Pumping Divisions, Pick-Sloan Missouri Basin Program.

The units shall be integrated physically and financially with other Federal works constructed under the Pick-Sloan Missouri Basin Program.

SEC. 1305. CONDITIONS.

(a) The Lake Andes-Wagner Unit shall be constructed, operated and maintained to irrigate not more than approximately 45,000 acres substantially as provided in the Lake Andes-Wagner Unit Planning Report—Final Environmental Impact Statement filed September 17, 1985, supplemented as provided in section 1303 of this title. The Lake Andes-Wagner Unit shall include on-farm pumps, irrigation sprinkler systems, and other on-farm facilities necessary for the irrigation of not to exceed approximately 1,700 acres of Indian-owned lands. The use of electric power and energy required to operate the facilities for the irrigation of such Indian-owned lands and to provide pressurization for such Indian-owned lands shall be considered to be a project use.

(b) The Marty II Unit shall include a river pump, irrigation distribution system, booster pumps, irrigation sprinkler systems, farm and project drains, electrical distribution facilities, and the pressurization to irrigate not more than approximately 3,000 acres of Indian-owned land in the Yankton-Sioux Indian Reservation, substantially as provided in the final report for the Marty II Unit prepared pursuant to section 1303 of this title.

(c) The construction costs of the Lake Andes-Wagner Unit allocated to irrigation of non-Indian owned lands (both those assigned for return by the water users and those assigned for return from power revenues of the Pick-Sloan Missouri Basin Program) shall be repaid no later than 40 years following the development period. Repayment of the construction costs of the Lake Andes-Wagner Unit apportioned to serving Indian-owned lands and of the Marty II Unit allocated to irrigation shall be governed by the Act of July 1, 1932 (47 Stat. 564 Chapter 369; 25 U.S.C. 386a).

(d) Indian-owned lands, or interests therein, required for the Lake Andes-Wagner Unit or the Marty II Unit may, as an alternative to their acquisition pursuant to existing authority under the Federal reclamation laws, be acquired by exchange for land or interests therein of equal or greater value which are owned by the United States and administered by the Secretary or which may be acquired for that purpose by the Secretary.

(e) For purposes of participation of lands in the Lake Andes-Wagner Unit and the Marty II Unit in programs covered by title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) as amended by subtitle A of title XI of the Food, Agriculture, Conservation and Trade Act of 1990 the crop acreage base determined under title V of that Act as so amended and the program payment yield determined under title V of that Act as so amended shall be the crop acreage base and program payment yield established for the crop year immediately preceding the crop year in which the development period for each unit is initiated. For any successor programs established for crop years subsequent to 1995, the acreage and yield on which any program payments are based shall be determined without taking into consideration any increase in acreage or yield resulting from the construction and operation of the units.

(f) Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the facilities authorized by this section shall be concurrent with the construction of the unit involved and shall be on an acre-for-acre basis, based on ecological equivalency. In addition to the fish and wildlife enhancement to be provided by the fish rearing pond of the Lake Andes Unit, other facilities of that unit may be utilized to provide fish and wildlife benefits be-

the mitigation required to the extent that such benefits may be provided without increasing costs of construction, operation, maintenance or replacement allocable to irrigation or impairing the efficiency of that unit for irrigation purposes.

SEC. 1306. INDIAN EMPLOYMENT.

In carrying out sections 1302, 1304, and 1305 of this title, preference shall be given to the employment of members of the Yankton-Sioux Tribe who can perform the work required regardless of age (subject to existing laws and regulations), sex, or religion, and to the extent feasible in connection with the efficient performance of such functions, training and employment opportunities shall be provided to members of the Yankton-Sioux Tribe regardless of age (subject to existing laws and regulations), sex, or religion who are not fully qualified to perform such functions.

SEC. 1307. FEDERAL RECLAMATION LAWS GOVERN.

This title is a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts supplemental thereto and amendatory thereof). The Federal reclamation laws shall govern all functions undertaken pursuant to this title, except as otherwise provided in this title.

SEC. 1308. COST SHARING.

(a) **IN GENERAL.**—The proposal dated September 29, 1987, supplemented October 30, 1987 (on file with the Committee on Energy and Natural Resources of the Senate and with the Committee on Interior and Insular Affairs of the House of Representatives), pursuant to which the State of South Dakota (hereafter in this section referred to as the "State") and the Lake Andes-Wagner Irrigation District (hereinafter in this section referred to as the "District") would provide funding for certain costs of the Lake Andes-Wagner Unit, and the District would also assume certain responsibilities with respect thereto, is approved subject to the provisions of subsections (b) and (c) of this section. The Secretary shall promptly enter into negotiations with the State and District to conclude an agreement between the United States, the State, and the District implementing the proposal.

(b) The agreement shall include provisions for—

(1) the establishment and capitalization of the non-Federal fund, including, subject to the Secretary's approval, investment policies and selection of the administering financial institution, and including also provisions dealing with withdrawals of moneys in the fund for construction purposes;

(2) the District to administer the design and construction, which shall be subject to the approval of the Secretary, of the distribution and drainage systems for the Lake Andes-Wagner Unit;

(3) financing, from moneys in the fund referred to in paragraph (1), the construction cost of the ring dike, not exceeding \$3,500,000, the construction cost, if any, of such dike in excess of that amount being the responsibility of the United States but any such excess cost remains reimbursable, subject to the condition that construction of the ring dike shall not commence earlier than the sixth year of full operation; and

(4) financing, from moneys in the fund referred to in paragraph (1), the construction cost of the unit's closed drainage system, not exceeding \$36,000,000, the construction cost, if any, of the closed drainage system in excess of that amount being the responsibility of the United States but any such excess remains reimbursable, subject to the conditions that—

(A) construction of the closed drainage system shall commence not earlier than the 6th year of full operation of the unit and shall continue over a period of 35 years as required by the Sec-

retary subject to such modifications in the commencement date and the construction period as the Secretary determines to be required on the basis of physical conditions;

(B) the District, in addition to such annual assessment as may be required to meet its expenses (including operation and maintenance costs and any annual repayment installments to the United States) shall, commencing three years after issuance by the Secretary of a notice that construction of the unit (other than drainage facilities) has been completed, levy assessments annually of not less than \$1.00 per irrigable acre calculated to provide moneys sufficient, together with other moneys in the fund, including anticipated accruals, referred to in paragraph (1), to finance, not to exceed \$36,000,000, the construction of the closed drainage system; and

(C) in the event the detailed plan of the Lake Andes-Wagner Unit referred to in subsection (b) of section 1303 reduces the irrigated acreage of the Lake Andes-Wagner Unit to less than 45,000, the District's maximum obligation hereunder shall be reduced in the ratio that the reduction in acreage bears to 45,000.

(c) Notwithstanding any other requirements of this section, the Secretary shall require that the agreement to be negotiated pursuant to this section shall provide that the total non-Federal share of the costs of construction allocable to irrigation of the facilities of the Lake Andes-Wagner Unit to be constructed pursuant to subsection (a) of section 1304 of this title (other than the costs apportionable to serving Indian-owned lands and the facilities described in the second sentence of that subsection) shall be 30 percent. The 30 percent non-Federal share shall include—

(1) funds to be deposited in the non-Federal fund referred to in paragraph (1) of subsection (b) of this section and interest earned thereon;

(2) savings to the United States by reason of paragraph (2) of subsection (b) of this section;

(3) savings to the United States by reason of administering the design and construction of any other feature or features of the Lake Andes-Wagner Unit, and of any feature or features of the Marty II Unit, the design and construction of which is administered by the district pursuant to an agreement with the Secretary;

(4) all funds heretofore or hereafter made available to the United States by non-Federal interests, or expended by such interests, for planning or advance planning assistance for the Lake Andes-Wagner Unit or for the Marty II Unit; and

(5) any feature to which this section applies shall not be initiated until after the district and the State have entered into the cost-share agreement with the United States required by this section.

SEC. 1309. AUTHORIZATION OF APPROPRIATIONS.

(a) **LAKE ANDES-WAGNER UNIT.**—There are authorized to be appropriated—

(1) \$175,000,000 (October 1989 price levels) for construction of the Lake Andes-Wagner Unit (other than the facilities described in the second sentence of subsection (a) of section 1305 of this title) less the non-Federal contributions as provided in subsections (b) and (c) of section 1308 of this title; and

(2) \$1,350,000 (October 1989 price levels) for construction of the facilities described in the second sentence of subsection (a) of section 1305 of this title, which amounts include costs of the Lake Andes-Wagner Irrigation District in administering design and construction of the irrigation distribution and drainage systems.

(b) **MARTY II UNIT.**—There are authorized to be appropriated \$24,000,000 (January 1989 price levels) for construction by the Bureau of Reclamation in consultation with the Bureau of Indian Affairs of the Marty II Unit.

(c) The amounts authorized to be appropriated by subsections (a) and (b) of this section shall be plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved.

(d) **DEMONSTRATION PROGRAM.**—There are authorized to be appropriated such amounts as may be necessary to carry out the Demonstration Program.

(e) **OPERATION AND MAINTENANCE.**—There are authorized to be appropriated such amounts as may be necessary for the operation and maintenance of each unit.

SEC. 1310. INDIAN WATER RIGHTS.

Nothing in this title shall be construed as affecting any water rights or claims thereto of the Yankton-Sioux tribe.

TITLE XIV—MID-DAKOTA RURAL WATER SYSTEM

SEC. 1401. SHORT TITLE.

This title may be cited as the "Mid-Dakota Rural Water System Act of 1992".

SEC. 1402. DEFINITIONS.

For purposes of this title—

(1) the term "feasibility study" means the study entitled "Mid-Dakota Rural Water System Feasibility Study and Report" dated November 1988 and revised January 1989 and March 1989, as supplemented by the "Supplemental Report for Mid-Dakota Rural Water System" dated March 1990 (which supplemental report shall control in the case of any inconsistency between it and the study and report), as modified to reflect consideration of the benefits of the water conservation programs developed and implemented under section 1405 of this title;

(2) the term "pumping and incidental operational requirements" means all power requirements incident to the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the Mid-Dakota Rural Water System to—

(A) each entity that distributes water at retail to individual users; or

(B) each rural use location;

(3) the term "rural use location" includes a water use location—

(A) that is located in or in the vicinity of a municipality identified in appendix A of the feasibility report, for which municipality and vicinity there was on December 31, 1988, no entity engaged in the business of distributing water at retail to users in that municipality or vicinity; and

(B) that is one of no more than 40 water use locations in that municipality and vicinity;

(4) the term "summer electrical season" means May through October of each year;

(5) the term "water system" means the Mid-Dakota Rural Water System, substantially in accordance with the feasibility study;

(6) the term "Western" means the Western Area Power Administration;

(7) the term "wetland component" means the wetland development and enhancement component of the water system, substantially in accordance with the wetland component report; and

(8) the term "wetland component report" means the report entitled "Wetlands Development and Enhancement Component of the Mid-Dakota Rural Water System" dated April 1990.

SEC. 1403. FEDERAL ASSISTANCE FOR RURAL WATER SYSTEM.

(a) **IN GENERAL.**—The Secretary is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water system.

(b) **SERVICE AREA.**—The water system shall provide for safe and adequate municipal, rural,

and industrial water supplies; mitigation of wetland areas; and water conservation in Beadle County (including the city of Huron), Buffalo, Hand, Hughes, Hyde, Jerould, Potter, Sanborn, Spink, and Sully Counties, and elsewhere in South Dakota.

(c) **TERMS AND CONDITIONS.**—The Secretary shall make the grants and loans authorized by subsection (a) on terms and conditions equivalent to those applied by the Secretary of Agriculture in providing assistance to projects for the conservation, development, use, and control of water under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), except to the extent that those terms and conditions are inconsistent with this title.

(d) **AMOUNT OF GRANTS.**—Grants made available under subsection (a) to Mid-Dakota Rural Water System, Inc., and water conservation measures consistent with section 1405 of this title shall not exceed 85 percent of the amount authorized to be appropriated by section 1412 of this title.

(e) **LOAN TERMS.**—

(1) a loan or loans made to Mid-Dakota Rural Water System, Inc., under the provisions of this title shall be repaid, with interest, within 30 years from the date of each loan or loans and no penalty for pre-payment; and

(2) interest on a loan or loans made under subsection (a) to Mid-Dakota Rural Water System, Inc.—

(A) shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing, marketable issues sold by the Treasury during the fiscal year in which the expenditures by the United States were made; and

(B) shall not accrue during planning and construction of the water system, and the first payment on such a loan shall not be due until after completion of construction of the water system.

(f) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for the construction of the Mid-Dakota Water Supply System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met; and

(2) a final engineering report has been prepared and submitted to the Congress for a period of not less than 90 days.

(g) **COORDINATION WITH THE DEPARTMENT OF AGRICULTURE.**—

(1) The Secretary shall coordinate with the Secretary of Agriculture, to the maximum extent practicable, grant and loan assistance made under this section with similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(2) The Secretary of Agriculture shall take into consideration grant and loan assistance available under this section when considering whether to provide similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) to an applicant in the service area defined in subsection (b).

SEC. 1404. FEDERAL ASSISTANCE FOR WETLAND DEVELOPMENT AND ENHANCEMENT.

(a) **INITIAL DEVELOPMENT.**—The Secretary shall make grants and otherwise make funds available to Mid-Dakota Rural Water System, Inc. and other private, State, and Federal entities for the initial development of the wetland component.

(b) **OPERATION AND MAINTENANCE.**—The Secretary shall make a grant, not to exceed \$100,000 annually, to the Mid-Dakota Rural Water System, Inc., for the operation and maintenance of the wetland component.

(c) **NONREIMBURSEMENT.**—Funds provided under this section shall be nonreimbursable and nonreturnable.

SEC. 1405. WATER CONSERVATION.

(a) **WITHHOLDING OF FUNDS.**—The Secretary shall not obligate Federal funds for construction of the water system until the Secretary finds that non-Federal entities have developed and implemented water conservation programs throughout the service area of the water system.

(b) **PURPOSE OF PROGRAMS.**—The water conservation programs required by subsection (a) shall be designed to ensure that users of water from the water system will use the best practicable technology and management techniques to reduce water use and water system costs.

(c) **DESCRIPTION OF PROGRAMS.**—Such water conservation programs shall include (but are not limited to) adoption and enforcement of the following:

(1) Low consumption performance standards for all newly installed plumbing fixtures.

(2) Leak detection and repair programs.

(3) Metering for all elements and individual connections of the rural water supply systems to be accomplished within five years. (For purposes of this paragraph, residential buildings of more than four units may be considered as individual customers).

(4) Declining block rate schedules shall not be used for municipal households and special water users (as defined in the feasibility study).

(5) Public education programs.

(6) Coordinated operation among each rural water system and the preexisting water supply facilities in its service area.

Such programs shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 1406. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction.

SEC. 1407. USE OF PICK-SLOAN POWER.

(a) **IN GENERAL.**—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, Western shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water system during the summer electrical season.

(b) **CONDITIONS.**—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water system shall be operated on a not-for-profit basis.

(2) The water system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a cooperative power supplier which purchases power from a cooperative power supplier which itself purchases power from Western.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be Western's Pick-Sloan Eastern Division Firm Power Rate Schedule in effect when the power is delivered by Western.

(4) It shall be agreed by contract among—

(A) Western;

(B) the power supplier with which the water system contracts under paragraph (2);

(C) that entity's power supplier; and

(D) Mid-Dakota Rural Water System, Inc.;

that for the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water system, but the water system's power supplier shall not be precluded from including in its charges to the water system for such electric service its other usual and customary charges.

(5) Mid-Dakota Rural Water System, Inc., shall pay its power supplier for electric service,

other than for capacity and energy supplied pursuant to subsection (a), in accordance with the power supplier's applicable rate schedule.

SEC. 1408. RULE OF CONSTRUCTION.

This title shall not be construed to limit authorization for water projects in the State of South Dakota under existing law or future enactments.

SEC. 1409. WATER RIGHTS.

Nothing in this title shall be construed to—

(1) invalidate or preempt State water law or an interstate compact governing water;

(2) alter the rights of any State to any appropriated share of the waters of any body of surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

SEC. 1410. USE OF GOVERNMENT FACILITIES.

The use of and connection of water system facilities to Government facilities at the Oahe powerhouse and pumping plant and their use for the purpose of supplying water to the water system may be permitted to the extent that such use does not detrimentally affect the use of those Government facilities for the other purposes for which they are authorized.

SEC. 1411. AUTHORIZATION OF APPROPRIATIONS.

(a) **WATER SYSTEM.**—There is authorized to be appropriated to the Secretary \$100,000,000 for the planning and construction of the water system under section 1403, plus such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after October 1, 1989, such sums to remain available under expended.

(b) **WETLAND COMPONENT.**—There are authorized to be appropriated to the Secretary—

(1) \$2,756,000 for the initial development of the wetland component under section 1404; and

(2) such sums as are necessary for the operation and maintenance of the wetland component, not exceeding \$100,000 annually, under section 1404;

(3) \$7,000,000 for the Federal contribution to the wetland trust under section 1411.

TITLE XV—SAN LUIS VALLEY PROTECTION

SEC. 1501. PERMIT ISSUANCE PROHIBITED.

(a) No agency or instrumentality of the United States shall issue any permit, license, right-of-way, grant, loan or other authorization or assistance for any project or feature of any project to withdraw water from the San Luis Valley, Colorado, for export to another basin in Colorado or export to any portion of another State, unless the Secretary of the Interior determines, after due consideration of all findings provided by the Colorado Water Conservation Board, that the project will not—

(1) increase the costs or negatively affect operation of the Closed Basin Project;

(2) adversely affect the purposes of any national wildlife refuge or federal wildlife habitat area withdrawal located in the San Luis Valley, Colorado; or

(3) adversely affect the purposes of the Great Sand Dunes National Monument, Colorado.

(b) Nothing in this title shall be construed to alter, amend, or limit any provision of Federal or State law that applies to any project or feature of a project to withdraw water from the San Luis Valley, Colorado, for export to another basin in Colorado or another State. Nothing in this title shall be construed to limit any agency's authority or responsibility to reject, limit, or condition any such project on any basis independent of the requirements of this title.

SEC. 1502. JUDICIAL REVIEW.

The Secretary's findings required by this title shall be subject to judicial review in the United States district courts.

SEC. 1503. COSTS.

The direct and indirect costs of the findings required by section 1501 of this title shall be paid in advance by the project proponent under terms and conditions set by the Secretary.

SEC. 1504. DISCLAIMERS.

(a) Nothing in this title shall constitute either an expressed or implied reservation of water or water rights.

(b) Nothing in this title shall be construed as establishing a precedent with regard to any other federal reclamation project.

TITLE XVI—IRRIGATION ON STANDING ROCK INDIAN RESERVATION**SEC. 1601. IRRIGATION ON STANDING ROCK INDIAN RESERVATION.**

Section 5(e) of Public Law 89-108, as amended by section 3 of the Garrison Diversion Unit Reclamation Act of 1986, is amended by striking "Fort Yates" and inserting "one or more locations within the Standing Rock Indian Reservation".

TITLE XVII—SOUTH DAKOTA WATER PLANNING STUDIES**SEC. 1701. AUTHORIZATION FOR SOUTH DAKOTA WATER PLANNING STUDIES.**

The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may perform the planning studies necessary (including a needs assessment) to determine the feasibility and estimated cost of incorporating all or portions of the Rosebud Sioux Reservation in South Dakota into the service areas of the rural water systems authorized by the Mni Wiconi Project Act of 1988 (Public Law 100-516). Section 3(b)(1) of the Mni Wiconi Project Act of 1988 is amended by striking "shall" and inserting "may".

TITLE XVIII—PLATORO RESERVOIR AND DAM, SAN LUIS VALLEY PROJECT, COLORADO**SEC. 1801. FINDINGS AND DECLARATIONS.**

The Congress finds that and declares the following:

(1) Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project was built in 1951 and for all practical purposes has not been usable because of the constraints imposed by the Rio Grande Compact of 1939 on the use of the Rio Grande River among the States of Colorado, New Mexico, and Texas.

(2) The usefulness of Platoro Reservoir under future compact compliance depends upon the careful conservation and wise management of water and requires the operation of the reservoir project in conjunction with privately owned water rights of the local water users.

(3) It is in the best interest of the people of the United States to—

(A) transfer operation, maintenance, and replacement responsibility for the Platoro Dam and Reservoir to the Conejos Water Conservancy District of the State of Colorado, which is the local water user district with repayment responsibility to the United States, and the local representative of the water users with privately owned water rights;

(B) relieve the people of the United States from further risk or obligation in connection with the collection of construction charge repayments and annual operation and maintenance payments for the Platoro Dam and Reservoir by providing for payment of a one-time fee to the United States in lieu of the scheduled annual payments and termination of any further repayment obligation to the United States and the District (Contract No. IIR-1529, as amended); and

(C) determine such one-time fee, taking into account the assumption by the District of all of the operations and maintenance costs associated with the reservoir, including the existing Federal obligation for the operation and maintenance of the reservoir for flood control purposes, and maintaining a minimum stream flow as provided in section 1802(d) of this title.

SEC. 1802. TRANSFER OF OPERATION AND MAINTENANCE RESPONSIBILITY OF PLATORO RESERVOIR.

(a) IN GENERAL.—The Secretary is authorized and directed to undertake the following:

(1) Accept a one-time payment of \$450,000 from the district in lieu of the repayment obligation of paragraphs 8(d) and 11 of the Repayment Contract between the United States and the District (No. IIR-1529) as amended.

(2) Enter into an agreement for the transfer of all of the operation and maintenance functions of the Platoro Dam and Reservoir, including the operation and maintenance of the reservoir for flood control purposes, to the District. The agreement shall provide—

(A) that the District will have the exclusive responsibility for operations and the sole obligation for all of the maintenance of the reservoir in a satisfactory condition for the life of the reservoir subject to review of such maintenance by the Secretary to ensure compliance with reasonable operation, maintenance and dam safety requirements as they apply to Platoro Dam, and Reservoir under Federal and State law; and,

(B) that the District shall have the exclusive use of all associated facilities, including outlet works, remote control equipment, spillway, and land and buildings in the Platoro townsite.

(b) TITLE.—Title to the Platoro Dam and Reservoir and all associated facilities shall remain with the United States, and authority to make recreational use of Platoro Dam and Reservoir shall be under the control and supervision of the United States Forest Service, Department of Agriculture.

(c) AMENDMENTS TO CONTRACT.—The Secretary is authorized to enter into such other amendments to such contract No. IIR-1529, as amended, necessary to facilitate the intended operations of the project by the District. All applicable provisions of the Federal reclamation laws shall remain in effect with respect to such contract.

(d) CONDITIONS IMPOSED UPON THE DISTRICT.—The transfer of operation and maintenance responsibility under subsection (a) shall be subject to the following conditions:

(1)(A) The district will, after consultation with the United States Forest Service, Department of Agriculture, operate the Platoro Dam and Reservoir in such a way as to provide—

(i) that releases of bypass from the reservoir flush out the channel of the Conejos River periodically in the spring or early summer to maintain the hydrologic regime of the river; and

(ii) that any releases from the reservoir contribute to even flows in the river as far as possible from October 1 to December 1 so as to be sensitive to the brown trout spawn.

(B) Operation of the Platoro Dam and Reservoir by the district for water supply uses (including storage and exchange of water rights owned by the District or its constituents), interstate compact and flood control purposes shall be senior and paramount to the channel flushing and fishery objectives referred to in subparagraph (A).

(2) The District will provide and maintain a permanent pool in the Platoro Reservoir for fish, wildlife, and recreation purposes, in the amount of 3,000 acre-feet, including the initial filling of the pool and periodic replenishment of seepage and evaporation loss: Provided, however, That if necessary to maintain the winter instream flow provided in subparagraph (3), the perma-

nent pool may be allowed to be reduced to 2,400 acre-feet.

(3) In order to preserve fish and wildlife habitat below Platoro Reservoir, the District shall maintain releases of water from Platoro Reservoir of 7 cubic feet per second during the months of October through April and shall bypass 40 cubic feet per second or natural inflow, whichever is less, during the months of May through September.

(4) The United States Forest Service, Department of Agriculture, is directed to regularly monitor operation of Platoro Reservoir, including releases from it for instream flow purposes, and to enforce the provisions of this subsection (d).

(e) FLOOD CONTROL MANAGEMENT.—The Secretary of the Army, acting through the Chief of Engineers, shall retain exclusive authority over Platoro Dam and Reservoir for flood control purposes and shall direct the District in the operation of the dam for such purposes. To the extent possible, management by the Secretary of the Army under this subsection shall be consistent with the water supply use of the reservoir, with the administration of the Rio Grande Compact of 1939 by the Colorado State Engineer and with the provisions of subsection (d) hereof. The Secretary of the Army shall enter into a Letter of Understanding with the District and the United States Bureau of Reclamation prior to transfer of operations which details the responsibility of each party and specifies the flood control criteria for the reservoir.

(f) COMPLIANCE WITH COMPACT AND OTHER LAWS.—The transfer under section 1802 shall be subject to the District's compliance with the Rio Grande Compact of 1939 and all other applicable laws and regulations, whether of the State of Colorado or of the United States.

SEC. 1803. DEFINITIONS.

As used in this title—

(1) the term "District" means the Conejos Water Conservancy District of the State of Colorado;

(2) the term "Federal reclamation laws" means the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof; and

(3) the term "Platoro Reservoir" means the Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project.

TITLE XIX—RECLAMATION WASTEWATER AND GROUNDWATER STUDIES**SEC. 1901. SHORT TITLE.**

This title may be referred to as the "Reclamation Wastewater and Groundwater Study and Facilities Act".

SEC. 1902. GENERAL AUTHORITY.

(a) The Secretary of the Interior, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto (hereafter "Federal reclamation laws"), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, for the design and construction of demonstration and permanent facilities to reclaim and reuse wastewater, and to conduct research, including desalting, for the reclamation of wastewater and naturally impaired ground and surface waters.

(b) Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) as amended.

(c) The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of this title.

(d) The Secretary shall not investigate, promote or implement, pursuant to this title, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled *A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley* (September 1990).

SEC. 1903. APPRAISAL INVESTIGATIONS.

(a) The Secretary shall undertake appraisal investigations to identify opportunities for water reclamation and reuse. Each such investigation shall take into account environmental considerations as provided by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations issued to implement the provision thereof, and shall include recommendations as to the preparation of a feasibility study of the potential reclamation and reuse measures.

(b) Appraisal investigations undertaken pursuant to this title shall consider, among other things—

(1) all potential uses of reclaimed water, including, but not limited to, environmental restoration, fish and wildlife, groundwater recharge, municipal, domestic, industrial, agricultural, power generation, and recreation;

(2) the current status of water reclamation technology and opportunities for development of improved technologies;

(3) measures to stimulate demand for and eliminate obstacles to use of reclaimed water, including pricing;

(4) measures to coordinate and streamline local, state and Federal permitting procedures required for the implementation of reclamation projects; and

(5) measures to identify basic research needs required to expand the uses of reclaimed water in a safe and environmentally sound manner.

(c) The Secretary shall consult and cooperate with appropriate State, regional, and local authorities during the conduct of each appraisal investigation conducted pursuant to this title.

(d) Costs of such appraisal investigations shall be nonreimbursable.

SEC. 1904. FEASIBILITY STUDIES.

(a) The Secretary is authorized to participate with appropriate Federal, State, regional, and local authorities in studies to determine the feasibility of water reclamation and reuse projects recommended for such study pursuant to section 1903 of this title. The Federal share of the costs of such feasibility studies shall not exceed 50 percent of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the non-Federal participant, that the non-Federal participant is unable to contribute at least 50 percent of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

(b) The Federal share of feasibility studies, including those described in sections 1906 and 1908 through 1910 of this title, shall be considered as project costs and shall be reimbursed in accordance with the Federal reclamation laws, if the project studied is implemented.

(c) In addition to the requirements of other Federal laws, feasibility studies authorized under this title shall consider, among other things—

(1) near- and long-term water demand and supplies in the study area;

(2) all potential uses for reclaimed water;

(3) measures and technologies available for water reclamation, distribution, and reuse;

(4) public health and environmental quality issues associated with use of reclaimed water; and,

(5) whether development of the water reclamation and reuse measures under study would—

(A) reduce, postpone, or eliminate development of new or expanded water supplies, or

(B) reduce or eliminate the use of existing diversions from natural watercourses or withdrawals from aquifers.

SEC. 1905. RESEARCH AND DEMONSTRATION PROJECTS.

The Secretary is authorized to conduct research and to construct, operate, and maintain cooperative demonstration projects for the development and demonstration of appropriate treatment technologies for the reclamation of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters. The Federal share of the costs of demonstration projects shall not exceed 50 percent of the total cost including operation and maintenance. Rights to inventions developed pursuant to this section shall be governed by the provisions of the Stevenson-Wylder Technology Innovation Act of 1980 (Pub. L. 96-480) as amended by the Technology Transfer Act of 1986 (Pub. L. 99-502).

SEC. 1906. SOUTHERN CALIFORNIA COMPREHENSIVE WATER RECLAMATION AND REUSE STUDY.

(a) The Secretary is authorized to conduct a study to assess the feasibility of a comprehensive water reclamation and reuse system for Southern California. For the purpose of this title, the term "Southern California" means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Ventura within the south coast and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(b) The Secretary shall conduct the study authorized by this section in cooperation with the State of California and appropriate local and regional entities. The Federal share of the costs associated with this study shall not exceed 50 percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than six years after appropriation of funds authorized by this title.

SEC. 1907. SAN JOSE AREA WATER RECLAMATION AND REUSE PROGRAM.

(a) The Secretary, in cooperation with the city of San Jose, California, and the Santa Clara Valley Water District, and local water suppliers, shall participate in the planning, design and construction of demonstration and permanent facilities to reclaim and reuse water in the San Jose metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

SEC. 1908. PHOENIX METROPOLITAN WATER RECLAMATION STUDY AND PROGRAM.

(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall conduct a feasibility study of the potential for development of facilities to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, ground water recharge and direct potable reuse in the Phoenix metropolitan area, and in cooperation with the city of Phoenix design and construct facilities for environmental purposes, ground water recharge and direct potable reuse.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 percent of the total. The Federal share of the costs associated with the project described in subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for operation or maintenance of the project.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this title.

SEC. 1909. TUCSON AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the State of Arizona and appropriate local and regional entities, shall conduct a feasibility study of comprehensive water reclamation and reuse system for Southern Arizona. For the purpose of this section, the term "Southern Arizona" means those portions of the counties of Pima, Santa Cruz, and Pinal within the Tucson Active Management Hydrologic Area as defined by the Arizona Department of Water Resources.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years after appropriation of funds authorized by this title.

SEC. 1910. LAKE CHERAW WATER RECLAMATION AND REUSE STUDY.

(a) The Secretary is authorized, in cooperation with the State of Colorado and appropriate local and regional entities, to conduct a study to assess and develop means of reclaiming the waters of Lake Cherau, Colorado, or otherwise ameliorating, controlling and mitigating potential negative impacts of pollution in the waters of Lake Cherau on ground water resources or the waters of the Arkansas River.

(b) The Federal share of the costs of the study authorized by this section shall not exceed 50 percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this title.

SEC. 1911. SAN FRANCISCO AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the city and county of San Francisco, shall conduct a feasibility study of the potential for development of demonstration and permanent facilities to reclaim water in the San Francisco area for the purposes of export and reuse elsewhere in California.

(b) The Federal share of the cost of the study authorized by this section shall not exceed 50 percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years after appropriation of funds authorized by this title.

SEC. 1912. SAN DIEGO AREA WATER RECLAMATION PROGRAM.

(a) The Secretary, in cooperation with the city of San Diego, California or its successor agency in the management of the San Diego Area Wastewater Management District, shall participate in the planning, design and construction of demonstration and permanent facilities to re-

claim and reuse water in the San Diego metropolitan service area.

(b) The Federal share of the costs of the facilities authorized by subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

SEC. 1913. LOS ANGELES AREA WATER RECLAMATION AND REUSE PROJECT.

(a) The Secretary is authorized to participate with the city and county of Los Angeles, State of California, West Basin Municipal Water District, and other appropriate authorities, in the design, planning, and construction of water reclamation and reuse projects to treat approximately one hundred and twenty thousand acre-feet per year of effluent from the city and county of Los Angeles, in order to provide new water supplies for industrial, environmental, and other beneficial purposes, to reduce the demand for imported water, and to reduce sewage effluent discharged into Santa Monica Bay.

(b) The Secretary's share of costs associated with the project described in subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for operation or maintenance of the project.

SEC. 1914. SAN GABRIEL BASIN DEMONSTRATION PROJECT.

(a) The Secretary, in cooperation with the Metropolitan Water District of Southern California and the Main San Gabriel Water Quality Authority or a successor public agency, is authorized to participate in the design, planning and construction of a conjunctive-use facility designed to improve the water quality in the San Gabriel groundwater basin and allow the utilization of the basin as a water storage facility: Provided, That this authority shall not be construed to limit the authority of the United States under any other Federal statute to pursue remedial actions or recovery of costs for work performed pursuant to this subsection.

(b) The Secretary's share of costs associated with the project described in subsection (a) shall not exceed 25 percent of the total. The Secretary shall not provide funds for the operation or maintenance of the project.

SEC. 1915. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of sections 1901 through 1914 of this title.

SEC. 1916. GROUNDWATER STUDY.

(a) In furtherance of the High Plains Groundwater Demonstration Program Act of 1983 (98 Stat. 1675), the Secretary of the Interior, acting through the Bureau of Reclamation and the Geological Survey, shall conduct an investigation and analysis of the impacts of existing Bureau of Reclamation projects on the quality and quantity of groundwater resources. Based on such investigation and analysis, the Secretary shall prepare a reclamation groundwater management and technical assistance report which shall include—

(1) a description of the findings of the investigation and analysis, including the methodology employed;

(2) a description of methods for optimizing Bureau of Reclamation project operations to ameliorate adverse impacts on ground water, and

(3) the Secretary's recommendations, along with the recommendations of the Governors of the affected States, concerning the establishment of a ground water management and technical assistance program in the Department of the Interior in order to assist Federal and non-Federal entity development and implementation of groundwater management plans and activities.

(b) In conducting the investigation and analysis, and in preparation of the report referred to in this section, the Secretary shall consult with the Governors of the affected States.

(c) The report shall be submitted to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate within three years of the appropriation of funds authorized by section 1917.

SEC. 1917. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years beginning after September 30, 1992, \$4,000,000 to carry out the study authorized by section 1916.

TITLE XX—SALTON SEA RESEARCH PROJECT

SEC. 2001. RESEARCH PROJECT TO CONTROL SALINITY.

(a) RESEARCH PROJECT.—The Secretary of the Interior, acting through the Bureau of Reclamation, shall conduct a research project for the development of a method or combination of methods to reduce and control salinity in inland water bodies. Such research shall include testing an enhanced evaporation system for treatment of saline waters, and studies regarding in-water segregation of saline waters and of dilution from other sources. The project shall be located in the area of the Salton Sea of Southern California.

(b) COST SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be 50 percent of the cost of the project.

(c) REPORT.—Not later than September 30, 1996, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives regarding the results of the project referred to in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out the purposes of this title.

TITLE XXI—RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE UNIT, NEW MEXICO

SEC. 2101. CLARIFICATION OF COST-SHARE REQUIREMENTS.

Notwithstanding any other provision of law, the project for flood control, Rio Grande Floodway, San Acacia to Bosque del Apache Unit, New Mexico, authorized by section 203 of the Flood Control Act of 1948 (Public Law 80-858) and amended by section 204 of the Flood Control Act of 1950 (Public Law 81-516), is modified to more equitably reflect the non-Federal benefits from the project in relation to the total benefits of the project by reducing the non-Federal contribution for the project by that percentage of benefits which is attributable to the Federal properties: Provided, however, That the Federal property benefits exceed 50 percent of the total project benefits.

TITLE XXII—REDWOOD VALLEY COUNTY WATER DISTRICT, CALIFORNIA

SEC. 2201. SALE OF BUREAU OF RECLAMATION LOANS.

(a) The Secretary of the Interior shall conduct appropriate investigations regarding, and is authorized to, sell, or accept prepayment on, loans made pursuant to the Small Reclamation Projects Act (43 U.S.C. 422a-422i) to the Redwood Valley County Water District.

(b) Any sale or prepayment of such loans, which are numbered 14-06-200-8423A and 14-06-200-842A Amendatory to the Redwood Valley County Water District, shall realize an amount to the Federal Government calculated by discounting the remaining payments due on the loans by the interest rate determined according to this section.

(c) The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A-129 issued by the Office of Man-

agement and Budget concerning loan sales and prepayment of loans.

(d) In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A-129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity) to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(f) Notwithstanding any other provision in this title, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(g) The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any loan sale or prepayment made pursuant to this title.

SEC. 2202. SAVINGS PROVISIONS.

Nothing in this title, including prepayment or other disposition of any loans, shall—

(a) except to the extent that prepayment may have been authorized heretofore, relieve the borrower from the applications of the provisions of Federal Reclamation Law (Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto, including the Reclamation Reform Act of 1982), including acreage limitations, to the extent such provisions would apply absent such prepayment; or

(b) authorize the transfer of title to any federally owned facilities funded by the loans specified in section 2201 of this title without a specific act of Congress.

SEC. 2203. FEES AND EXPENSES OF PROGRAM.

In addition to the amount to be realized by the United States as provided in section 2201, the Redwood Valley County Water District shall pay all reasonable fees and expenses incurred by the Secretary relative to the sale.

SEC. 2204. TERMINATION OF AUTHORITY.

The authority granted by this title to sell loans shall terminate two years after the date of enactment of this Act: Provided, That the borrower shall have at least 60 days to respond to any prepayment offer made by the Secretary.

TITLE XXIII—UNITED WATER CONSERVATION DISTRICT, CALIFORNIA

SEC. 2301. SALE OF THE FREEMAN DIVERSION IMPROVEMENT PROJECT LOAN.

(a) AGREEMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall conduct appropriate investigations regarding, and is authorized to, sell, or accept prepayment on, the loan contract described in paragraph (2) to the United Water Conservation District in California (referred to in this title as the "District") for the Freeman Diversion Improvement Project.

(2) LOAN CONTRACT.—The loan contract described in paragraph (1) is numbered 7-07-20-W0615 and was entered into pursuant to the

Small Reclamation Projects Act of 1956 (43 U.S.C. 442a et seq.).

(b) **PAYMENT.**—Any agreement negotiated pursuant to subsection (a) shall realize an amount to the Federal Government calculated by discounting the remaining payments due on the loans by the interest rate determined according to this section.

(c) The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A-129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(d) In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A-129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity) to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(f) Notwithstanding any other provision in this title, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(g) The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any loan sale or prepayment made pursuant to this title.

SEC. 2302. TERMINATION AND CONVEYANCE OF RIGHTS.

Upon receipt of the payment specified in section 2301(b)—

(1) the District's obligation under the loan contract described in section 2301(a)(2) shall be terminated;

(2) the Secretary of the Interior shall convey all right and interest of the United States in the Freeman Diversion Improvement Project to the District; and,

(3) the District shall absolve the United States, and its officers and agents, of any liability associated with the Freeman Diversion Improvement Project.

SEC. 2303. TERMINATION OF AUTHORITY.

The authority granted by this title to sell loans shall terminate two years after the date of enactment of this Act: Provided, That the borrower shall have at least 60 days to respond to any prepayment offer made by the Secretary.

TITLE XXIV—SAN JUAN SUBURBAN WATER DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA

SEC. 2401. REPAYMENT OF WATER PUMPS, SAN JUAN SUBURBAN WATER DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA.

(a) **WATER PUMP REPAYMENT.**—The Secretary shall credit to the unpaid capital obligation of the San Juan Suburban Water District (District), as calculated in accordance with the Central Valley Project rate setting policy, an amount equal to the documented price paid by the District for pumps provided by the District

to the Bureau of Reclamation, in 1991, for installation at Folsom Dam, Central Valley Project, California.

(b) **CONDITIONS.**—(1) The amount credited shall not include any indirect or overhead costs associated with the acquisition of the pumps, such as those associated with the negotiation of a sales price or procurement contract, inspection, and delivery of the pumps from the seller to the Bureau.

(2) The credit is effective on the date the pumps were delivered to the Bureau for installation at Folsom Dam.

TITLE XXV—SUNNYSIDE VALLEY IRRIGATION DISTRICT, WASHINGTON

SEC. 2501. CONVEYANCE TO SUNNYSIDE VALLEY IRRIGATION DISTRICT.

The Secretary of the Interior shall convey to Sunnyside Valley Irrigation District of Sunnyside, Washington, by quitclaim deed or other appropriate instrument and without consideration, all right, title, and interest of the United States, excluding oil, gas, and other mineral deposits, in and to a parcel of public land described at lots 1 and 2 of block 34 of the town of Sunnyside in section 25, township 10 north, range 22 east, Willamette Meridian, Washington.

TITLE XXVI—HIGH PLAINS GROUNDWATER PROGRAM

SEC. 2601. HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROGRAM ACT.

The High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g-1 et seq.) is amended as follows:

(1) Section 4(c)(2) and section 5 are each amended by striking "final report" each place it appears and inserting "summary report".

(2) Section 4(c) is amended by adding at the end the following:

"(3) In addition to recommendations made under section 3, the Secretary shall make additional recommendations for design, construction, and operation of demonstration projects. Such projects are authorized to be designed, constructed, and operated in accordance with subsection (a).

"(4) Each project under this section shall terminate 5 years after the date on which construction on the project is completed.

"(5) At the conclusion of phase II the Secretary shall submit a final report to the Congress which shall include, but not be limited to, a detailed evaluation of the projects under this section."

(3) Section 7 is amended by striking "\$20,000,000 (October 1983 price levels)" and inserting in lieu thereof "\$31,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein".

TITLE XXVII—AMENDMENT TO SABINE RIVER COMPACT

SEC. 2701. CONSENT TO AMENDMENT TO SABINE RIVER COMPACT.

The consent of Congress is given to the amendment, described in section 2703, to the interstate compact, described in section 2702, relating to the waters of the Sabine River and its tributaries.

SEC. 2702. COMPACT DESCRIBED.

The compact referred to in the previous section is the compact between the States of Texas and Louisiana, and consented to by Congress in the Act of August 10, 1954 (chapter 668; 68 Stat. 690; Public Law 85-78).

SEC. 2703. AMENDMENT.

The amendment referred to in section 2701 strikes "One of the Louisiana members shall be ex officio the Director of the Louisiana Department of Public Works; the other Louisiana mem-

ber shall be a resident of the Sabine Watershed and shall be appointed by the Governor of Louisiana for a term of four years: Provided, That the first member so appointed shall serve until June 30, 1958." in article VII(c) and inserts "The Louisiana members shall be residents of the Sabine Watershed and shall be appointed by the Governor for a term of four years, which shall run concurrent with the term of the Governor."

TITLE XXVIII—MONTANA IRRIGATION PROJECTS

SEC. 2801. PICK-SLOAN PROJECT PUMPING POWER.

(a) The Secretary of the Interior, in cooperation with the Secretary of Energy, shall make available, as soon as practicable after the date of enactment of this Act, project pumping power from the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved December 22, 1944 (58 Stat. 891) (commonly known as the "Flood Control Act of 1944") to two existing non-Federal irrigation projects known as the—

(1) Haidle Irrigation Project, Prairie County, Montana; and

(2) Hammond Irrigation District, Rosebud County, Montana.

(b) Power made available under this section shall be at the firm power rate.

TITLE XXIX—ELEPHANT BUTTE IRRIGATION DISTRICT, NEW MEXICO

SEC. 2901. TRANSFER.

The Secretary is authorized to transfer to the Elephant Butte Irrigation District, New Mexico, and El Paso County Water Improvement District No. 1, Texas, without cost to the respective district, title to such easements, ditches, laterals, canals, drains, and other rights-of-way, which the United States has acquired on behalf of the project, that are used solely for the purpose of serving the respective district's lands and which the Secretary determines are necessary to enable the respective district to carry out operation and maintenance with respect to that portion of the Rio Grande project to be transferred. The transfer of the title to such easements, ditches, laterals, canals, drains, and other rights-of-way located in New Mexico, which the Secretary has, that are used for the purpose of jointly serving Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, may be transferred to Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, jointly, upon agreement by the Secretary and both districts. Any transfer under this section shall be subject to the condition that the respective district assume responsibility for operating and maintaining their portion of the project.

SEC. 2902. LIMITATION.

Title to and responsibility for operation and maintenance of Elephant Butte and Caballo dams, and Percha, Leasburg, and Mesilla diversion dams and the works necessary for their protection and operation shall be unaffected by this title.

SEC. 2903. EFFECT OF ACT ON OTHER LAWS.

Nothing in this title shall affect any right, title, interest or claim to land or water, if any, of the Ysleta del Sur Pueblo, a federally recognized Indian Tribe.

TITLE XXX—RECLAMATION RECREATION MANAGEMENT ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the "Reclamation Recreation Management Act of 1992".

SEC. 3002. FINDINGS.

The Congress finds and declares the following:

(1) There is a Federal responsibility to provide opportunities for public recreation at Federal water projects.

(2) Some provisions of the Federal Water Project Recreation Act are outdated because of increases in demand for outdoor recreation and changes in the economic climate for recreation managing entities.

(3) Provisions of such Act relating to non-Federal responsibility for all costs of operation, maintenance, and replacement of recreation facilities result in an unfair burden, especially in cases where the facilities are old or under-designed.

(4) Provisions of such Act that limit the Federal share of recreation facility development at water projects completed before 1965 to \$100,000 preclude a responsible Federal share in providing adequate opportunities for safe outdoor recreation.

(5) There should be Federal authority to expand existing recreation facilities to meet public demand, in partnership with non-Federal interests.

(6) Nothing in this title changes the responsibility of the Bureau to meet the purposes for which Federal Reclamation projects were initially authorized and constructed.

(7) It is therefore in the best interest of the people of this Nation to amend the Federal Water Project Recreation Act to remove outdated restrictions and authorize the Secretary of the Interior to undertake specific measures for the management of Reclamation lands.

SEC. 3003. DEFINITIONS.

For the purposes of this title:

(1) The term "Reclamation lands" means real property administered by the Secretary, acting through the Commissioner of Reclamation, and includes all acquired and withdrawn lands and water areas under jurisdiction of the Bureau.

(2) The term "Reclamation program" means any activity authorized under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371), and Acts supplementary thereto and amendatory thereof).

(3) The term "Reclamation project" means any water supply or water delivery project constructed or administered by the Bureau of Reclamation under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371), and Acts supplementary thereto and amendatory thereof).

SEC. 3004. AMENDMENTS TO THE FEDERAL WATER PROJECT RECREATION ACT.

(a) ALLOCATION OF COSTS.—Section 2(a) of the Federal Water Project Recreation Act (16 U.S.C. 460l-13(a)) is amended, in the matter preceding paragraph (1), by striking "all the costs of operation, maintenance, and replacement" and inserting "not less than one-half the costs of operation, maintenance, and replacement".

(b) RECREATION AND FISH AND WILDLIFE ENHANCEMENT.—Section 3(b)(1) of the Federal Water Project Recreation Act (16 U.S.C. 460l-14(b)(1)) is amended—

(1) by striking "within ten years"; and

(2) by striking "all costs of operation, maintenance, and replacement attributable" and inserting "not less than one-half the costs of planning studies, and the costs of operation, maintenance, and replacement attributable".

(c) LEASE OF FACILITIES.—Section 4 of the Federal Water Project Recreation Act (16 U.S.C. 460l-15) is amended by striking "costs of operation, maintenance, and replacement of existing" and inserting "not less than one-half the costs of operation, maintenance, and replacement of existing".

(d) EXPANSION OR MODIFICATION OF EXISTING FACILITIES.—Section 3 of the Federal Water Project Recreation Act (16 U.S.C. 460l-14) is amended by adding at the end the following new subsection:

"(c)(1) Any recreation facility constructed under this Act may be expanded or modified if—

"(A) the facility is inadequate to meet recreational demands; and

"(B) a non-Federal public body executes an agreement which provides that such public body—

"(i) will administer the expanded or modified facilities pursuant to a plan for development for the project that is approved by the agency with administrative jurisdiction over the project; and

"(ii) will bear not less than one-half of the planning and capital costs of such expansion or modification and not less than one-half of the costs of the operation, maintenance, and replacement attributable to the expansion of the facility.

"(2) The Federal share of the cost of expanding or modifying a recreational facility described in paragraph (1) may not exceed 50 percent of the total cost of expanding or modifying the facility."

(e) LIMITATION.—Section 7(a) of the Federal Water Project Recreation Act (16 U.S.C. 460l-18(a)) is amended—

(1) by striking "purposes: Provided," and all that follows through the end of the sentence and inserting "purposes"; and

(2) by striking "subsection 3(b)" and inserting "subsection (b) or (c) of section 3".

SEC. 3005. MANAGEMENT OF RECLAMATION LANDS.

(a) ADMINISTRATION.—(1) Upon a determination that any such fee, charge, or commission is reasonable and appropriate, the Secretary acting through the Commissioner of Reclamation, is authorized to establish—

(A) filing fees for applications and other documents concerning entry upon and use of Reclamation lands;

(B) recreation user fees; and

(C) charges or commissions for the use of Reclamation lands.

(2) The Secretary, acting through the Commissioner of Reclamation, shall promulgate such regulations as the Secretary determines to be necessary—

(A) to carry out the provisions of this section and section 3006;

(B) to ensure the protection, comfort, and well-being of the public (including the protection of public safety) with respect to the use of Reclamation lands; and

(C) to ensure the protection of resource values.

(b) INVENTORY.—The Secretary, acting through the Commissioner of Reclamation, is authorized to—

(1) prepare and maintain on a continuing basis an inventory of resources and uses made of Reclamation lands and resources, keep records of such inventory, and make such records available to the public; and

(2) ascertain the boundaries of Reclamation lands and provide a means for public identification (including, where appropriate, providing signs and maps).

(c) PLANNING.—(A) The Secretary, acting through the Commissioner of Reclamation, is authorized to develop, maintain, and revise resource management plans for Reclamation lands.

(B) Each plan described in subparagraph (A)—

(i) shall be consistent with applicable laws (including any applicable statute, regulation, or Executive order);

(ii) shall be developed in consultation with—

(I) such heads of Federal and non-Federal departments or agencies as the Secretary determines to be appropriate; and

(II) the authorized beneficiaries (as determined by the Secretary) of any Reclamation project included in the plan; and

(iii) shall be developed with appropriate public participation.

(C) Each plan described in subparagraph (A) shall provide for the development, use, conservation, protection, enhancement, and management of resources of Reclamation lands in a manner that is compatible with the authorized purposes of the Reclamation project associated with the Reclamation lands.

(d) NONREIMBURSABLE FUNDS.—Funds expended by the Secretary in carrying out the provisions of this title shall be nonreimbursable under the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 371), and Acts supplementary thereto and amendatory thereof).

SEC. 3006. PROTECTION OF AUTHORIZED PURPOSES OF RECLAMATION PROJECTS.

(a) Nothing in this title shall be construed to change, modify, or expand the authorized purposes of any Reclamation project.

(b) The expansion or modification of a recreational facility constructed under this title shall not increase the capital repayment responsibilities or operation and maintenance expenses of the beneficiaries of authorized purposes of the associated Reclamation project.

SEC. 3007. MAINTENANCE OF EFFORT.

Prior to making an expenditure for the construction, operation, and maintenance of any expansion of a recreation facility under section 3004(d) of this title at any project, the Secretary must determine that the expansion will not result in a delay or postponement of, or a lack of funding for, the repair, replacement, or rehabilitation of the water storage or delivery features which are necessary for the authorized purposes of such project.

TITLE XXXI—WESTERN WATER POLICY REVIEW

SEC. 3101. SHORT TITLE.

This title may be cited as the "Western Water Policy Review Act of 1992."

SEC. 3102. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Nation needs an adequate water supply for all states at a reasonable cost;

(2) the demands on the Nation's finite water supply are increasing;

(3) coordination on both the Federal level and the local level is needed to achieve water policy objectives;

(4) not less than fourteen agencies of the Federal Government are currently charged with functions relating to the oversight of water policy;

(5) the diverse authority over Federal water policy has resulted in unclear goals and an inefficient handling of the Nation's water policy;

(6) the conflict between competing goals and objectives by Federal, State, and local agencies as well as by private water users is particularly acute in the nineteen Western States which have arid climates which include the seventeen reclamation States, Hawaii, and Alaska;

(7) the appropriations doctrine of water allocation which characterizes most western water management regimes varies from State to State, and results in many instances in increased competition for limited resources;

(8) the Federal Government has recognized and continues to recognize the primary jurisdiction of the several States over the allocation, priority, and use of water resources of the States and that the Federal Government will, in exercising its authorities, comply with applicable State laws;

(9) the Federal Government recognizes its trust responsibilities to protect Indian water rights and assist Tribes in the wise use of those resources;

(10) Federal agencies, such as the Bureau of Reclamation, have had, and will continue to

have major responsibilities in assisting States in the wise management and allocation of scarce water resources; and

(11) the Secretary of the Interior, given his responsibilities for management of public land, trust responsibilities for Indians, administration of the reclamation program, investigations and reviews into ground water resources through the Geologic Survey, has the resources to assist in a comprehensive review, in consultation with appropriate officials from the nineteen Western States, into the problems and potential solutions facing the nineteen Western States and the Federal Government in the increasing competition for the scarce water resources of the Western States.

SEC. 3103. PRESIDENTIAL REVIEW.

(a) The President is directed to undertake a comprehensive review of Federal activities in the nineteen Western States which directly or indirectly affect the allocation and use of water resources, whether surface or subsurface, and to submit a report on the President's findings, together with recommendations, if any, to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Interior and Insular Affairs and Appropriations of the House of Representatives.

(b) Such report shall be submitted within five years from the date of enactment of this Act.

(c) In conducting the review and preparing the report, the President is directed to consult with the Advisory Commission established under section 3104 of this title, and may request the Secretary of the Interior or other Federal officials or the Commission to undertake such studies or other analyses as the President determines would assist in the review.

(d) The President shall consult periodically with the Commission, and upon the request of the President, the heads of other Federal agencies are directed to cooperate with and assist the Commission in its activities.

SEC. 3104. THE ADVISORY COMMISSION.

(a) The President shall appoint an Advisory Commission (hereafter in this title referred to as the "Commission") to assist in the preparation and review of the report required under this title.

(b) The Commission shall be composed of 18 members as follows:

(1) Ten members appointed by the President including—

(A) the Secretary of the Interior or his designee;

(B) at least one representative chosen from a list submitted by the Western Governors Association; and

(C) at least one representative chosen from a list submitted by tribal governments located in the Western States.

(2) In addition to the 10 members appointed by the President, the Chairmen and the Ranking Minority Members of the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Interior and Insular Affairs and Appropriations of the United States House of Representatives shall serve as *ex officio* members of the Commission.

(c) The President shall appoint one member of the Commission to serve as Chairman.

(d) Any vacancy which may occur on the Commission shall be filled in the same manner in which the original appointment was made.

(e) Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 3105. DUTIES OF THE COMMISSION.

The Commission shall—

(1) review present and anticipated water resource problems affecting the nineteen Western

States, making such projections of water supply requirements as may be necessary and identifying alternative ways of meeting these requirements—giving considerations, among other things, to conservation and more efficient use of existing supplies, innovations to encourage the most beneficial use of water and recent technological advances;

(2) examine the current and proposed Federal programs affecting such States and recommend to the President whether they should be continued or adopted and, if so, how they should be managed for the next twenty years, including the possible reorganization or consolidation of the current water resources development and management agencies;

(3) review the problems of rural communities relating to water supply, potable water treatment, and wastewater treatment;

(4) review the need and opportunities for additional storage or other arrangements to augment existing water supplies including, but not limited to, conservation;

(5) review the history, use, and effectiveness of various institutional arrangements to address problems of water allocation, water quality, planning, flood control and other aspects of water development and use, including, but not limited to, interstate water compacts, Federal-State regional corporations, river basin commissions, the activities of the Water Resources Council, municipal and irrigation districts and other similar entities with specific attention to the authorities of the Bureau of Reclamation under reclamation law;

(6) review the legal regime governing the development and use of water and the respective roles of both the Federal Government and the States over the allocation and use of water, including an examination of riparian zones, appropriation and mixed systems, market transfers, administrative allocations, ground water management, interbasin transfers, recordation of rights, Federal-State relations including the various doctrines of Federal reserved water rights (including Indian water rights and the development in several States of the concept of a public trust doctrine); and

(7) review the activities, authorities, and responsibilities of the various Federal agencies with direct water resources management responsibility, including but not limited to the Bureau of Reclamation and those agencies whose decisions would impact on water resource availability and allocation, including, but not limited to, the Federal Energy Regulatory Commission.

SEC. 3106. REPRESENTATIVES.

(a) The Chairman of the Commission shall invite the Governor of each Western State to designate a representative to work closely with the Commission and its staff in matters pertaining to this title;

(b) The Commission, at its discretion, may invite appropriate public or private interest groups including, but not limited to, Indian tribes and Tribal organizations to designate a representative to work closely with the Commission and its staff in matters pertaining to this title.

SEC. 3107. POWERS OF THE COMMISSION.

(a) The Commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it may deem advisable;

(2) use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States;

(3) enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out such aspects of the Commission's functions as the Commission determines can best be carried out in that manner; and

(4) incur such necessary expenses and exercise such other powers as are consistent with and

reasonably required to perform its functions under this title.

(b) Any member of the Commission is authorized to administer oaths when it is determined by a majority of the Commission that testimony shall be taken or evidence received under oath.

(c) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for level II of the Executive Schedule.

(1) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate but only to the extent that such personnel can not be obtained from the Secretary of the Interior or by detail from other Federal agencies. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(d) The Secretary of the Interior shall provide such office space, furnishings and equipment as may be required to enable the Commission to perform its functions. The Secretary shall also furnish the Commission with such staff, including clerical support, as the Commission may require.

SEC. 3108. POWERS AND DUTIES OF THE CHAIRMAN.

(a) Subject to general policies adopted by the Commission, the Chairman shall be the chief executive of the Commission and shall exercise its executive and administrative powers as set forth in paragraphs (2) through (4) of section 3107(a).

(b) The Chairman may make such provisions as he shall deem appropriate authorizing the performance of any of his executive and administrative functions by the Director or other personnel of the Commission.

SEC. 3109. OTHER FEDERAL AGENCIES.

(a) The Commission shall, to the extent practicable, utilize the services of the Federal water resource agencies.

(b) Upon request of the Commission, the President may direct the head of any other Federal department or agency to assist the Commission and such head of any Federal department or agency is authorized—

(1) to furnish to the Commission, to the extent permitted by law and within the limits of available funds, including funds transferred for that purpose pursuant to section 3107(a)(7) of this title, such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and

(2) to detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(c) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Secretary of the Interior.

SEC. 3110. APPROPRIATIONS.

There are hereby authorized to be appropriated not to exceed \$10,000,000 to carry out the purposes of this title.

TITLE XXXII—MOUNTAIN PARK MASTER CONSERVANCY DISTRICT, OKLAHOMA
SEC. 3201. PAYMENT BY MOUNTAIN PARK MASTER CONSERVANCY DISTRICT.

(a) **IN GENERAL.**—The Secretary shall conduct appropriate investigations regarding, and is authorized to accept prepayment of, the repayment obligation of the District for the reimbursable construction costs of the project allocated to municipal and industrial water supply for the city, and, upon receipt of such prepayment, the District's obligation to the United States shall be reduced by the amount of such costs.

(b) **PAYMENT AMOUNT.**—Any prepayment made pursuant to subsection (a) shall realize an amount to the Federal Government calculated by discounting the remaining repayment obligation by the interest rate determined according to this section.

(c) **INTEREST RATE.**—The Secretary shall determine the interest rate in accordance with the guidelines set forth in Circular A-129 issued by the Office of Management and Budget concerning loan sales and prepayment of loans.

(d) **INVESTIGATIONS.**—In determining the interest rate, the Secretary—

(1) shall not equate an appropriate amount of prepayment with the price of the loan if it were to be sold on the open market to a third party, and

(2) shall, in following the guidelines set forth in Circular A-129 regarding an allowance for administrative expenses and possible losses, make such an allowance from the perspective of the Federal Government as lender and not from the perspective of a third party purchasing the loan on the open market.

(e) **TAX-EXEMPT FINANCING.**—If the borrower or purchaser of the loan has access to tax-exempt financing (including, but not limited to, tax-exempt bonds, tax-exempt cash reserves, and cash and loans of any kind from any tax-exempt entity) to finance the transaction, and if the Office of Management and Budget grants the Secretary the right to conduct such a transaction, then the interest rate by which the Secretary discounts the remaining payments due on the loan shall be adjusted by an amount that compensates the Federal Government for the direct or indirect loss of future tax revenues.

(f) **LIMIT ON INTEREST RATE.**—Notwithstanding any other provision in this title, the interest rate shall not exceed a composite interest rate consisting of the current market yield on Treasury securities of comparable maturities.

(g) **APPROVAL.**—The Secretary shall obtain approval from the Secretary of the Treasury and the Director of the Office of Management and Budget of the final terms of any prepayment made pursuant to this title.

(h) **TERMINATION OF AUTHORITY.**—The authority granted by this title to sell loans shall terminate two years after the date of enactment of this Act: Provided, That the borrower shall have at least 60 days to respond to any prepayment offer made by the Secretary.

(i) **TITLE TO PROJECT FACILITIES.**—Notwithstanding any payments made by the District pursuant to this section or pursuant to any contract with the Secretary, title to the project facilities shall remain with the United States.

(j) **DEFINITIONS.**—For the purposes of this section—

(1) the term "city" means the city of Frederick, Oklahoma; the city of Snyder, Oklahoma; or the city of Altus, Oklahoma;

(2) the term "District" means the Mountain Park Master Conservancy District of Mountain Park, Oklahoma; and

(3) the term "project" means the Mountain Park Project, Oklahoma.

SEC. 3202. RESCHEDULE OF REPAYMENT OBLIGATION.

(a) The Secretary shall conduct appropriate investigations regarding the ability of the District to meet its repayment obligation.

(b) If the Secretary finds that the District does not have the ability to pay its repayment obligation, then the Secretary shall offer the District a revised schedule of payments for purposes of meeting the repayment obligation of the District: Provided, That such schedule of payments shall—

(1) be consistent with the ability to pay of the District, and

(2) have the same discounted present value as the repayment obligation of the District.

(c) The Secretary shall conduct the investigations and make any offer of a revised schedule of payments pursuant to this section no later than 12 months after the date of enactment of this section.

TITLE XXXIII—SOUTH DAKOTA BIOLOGICAL DIVERSITY TRUST

SEC. 3301. SOUTH DAKOTA BIOLOGICAL DIVERSITY TRUST.

(a) The Secretary, subject to appropriations therefore and the provisions of subsection (d) of this section, shall make an annual Federal contribution to a South Dakota Biological Diversity Trust established in accordance with subsection (b) of this section and operated in accordance with subsection (c) of this section. Contributions from the State of South Dakota may be paid to the Trust in such amounts and in such manner as may be agreed upon by the Governor and the Secretary. The total Federal contribution pursuant to this section, including subsection (d), shall not exceed \$12,000,000.

(b) A South Dakota Biological Diversity Trust shall be eligible to receive Federal contributions pursuant to subsection (a) of this section if it complies with each of the following requirements:

(1) The trust is established by non-Federal interests as a nonprofit corporation under the laws of South Dakota with its principal office in South Dakota.

(2) The trust is under the direction of a board of trustees which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the trust.

(3) The board is comprised of five persons appointed as follows, each for a term of five years:

(A) 1 person appointed by the Governor of South Dakota;

(B) 1 person appointed by each United States Senator from South Dakota;

(C) 1 person appointed by the United States Representative from South Dakota; and

(D) 1 person appointed by the South Dakota Academy of Science.

(4) Vacancies on the board are filled in the manner in which the original appointments were made. Any member of the board is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office. Members of the board shall serve without compensation.

(5) The Corporate purposes of the trust are to select and provide funding for projects that protect or restore the best examples of South Dakota's biological diversity, its rare species, exemplary examples of plant and animal communities and large-scale natural ecosystems.

(c) A South Dakota Biological Diversity Trust established by non-Federal interests as provided in subsection (b) shall be deemed to be operating in accordance with this subsection if, in the opinion of the Secretary, each of the following requirements are met:

(1) The trust is operated to select and provide funding for projects that protect or restore the best examples of South Dakota's biological di-

versity; its rare species, extraordinary examples of plant and animal communities and large-scale natural ecosystems in accordance with its corporate purpose.

(2) The trust is managed in a fiscally responsible fashion by investing in private and public financial vehicles with the goal of producing income and preserving principal. The principal will be inviolate, but income will be used to accomplish the goals of the trust.

(3) Proceeds from the trust are used for the following purposes:

(A) \$10,000 per year or 5 percent of the total funds expended by the trust (whichever is larger) will be provided to the South Dakota Natural Heritage Program (currently as part of the South Dakota Game, Fish, and Parks Departments), in order to do the following:

(i) maintain and update the South Dakota Biodiversity Priority Site List;

(ii) conduct inventory to discover and survey new sites for the Priority Site List; and

(iii) manage data to maintain the Natural Heritage databases needed to produce and document the Priority Site List.

(B) Up to 5 percent of the costs of each project are used for preserve design or site planning to ensure that sites are selected for funding which are well-designed to maintain the long-term viability of the significant species and communities found at the site.

(C) Proceeds from the trust may be used to complete land protection projects designed to protect biological diversity.

(D) Projects may include acquisition of land, water rights or other partial interests from willing sellers only, or arranging management agreements, registry and other techniques to protect significant sites.

(E) Ownership of land acquired with trust proceeds will be held by the public agency or private nonprofit organization which proposed and completed the project, or another conservation owner with the approval of the board. The land will be managed and used for the protection of biological diversity. If the property is used or managed otherwise, title will revert to the trust for disposition.

(F) Projects eligible for funding must be included on the South Dakota Biodiversity Priority List and located within the borders of South Dakota.

(G) At the discretion of the board, trust proceeds may be used for direct project costs including direct expenses incurred during project completion. Land project funding may also include the creation of a stewardship endowment subject to the following terms:

(i) Up to 25 percent of the total fair market value of the project may be placed in a separate endowment.

(ii) The proceeds from the endowment will be used for the ongoing management costs of maintaining the biological integrity and viability of the significant biological features of the site.

(iii) Endowment funds may not be used for activities which primarily promote recreational or economic use of the site.

(iv) The endowment for each site will be held in a separate account from the body of the trust and other endowments. The endowments will be managed by the trust board but the owner or manager of the site may draw upon the proceeds of the stewardship endowment to fund management activities with approval of the board. Additional management funds may be secured from other public and private sources.

(H) Should the biological significance of a site be destroyed or greatly reduced, the land may be disposed of but the proceeds and any stewardship endowment will revert to the Trust for use in other projects.

(I) Proceeds from the trust may be used for management of public or private lands, includ-

ing but not restricted to lands purchased with trust funds, except that only those management projects that result in the maintenance or restoration of statewide biological diversity are eligible for consideration.

(d) For each fiscal year after 1992, 2 percent of the Federal contributions for the same fiscal year, determined pursuant to subsection (a) of this section, shall be used by the Secretary in order to do the following:

(1) Restore damaged natural ecosystems on public lands and waterways affected by the Reclamation program outside South Dakota.

(2) Acquire from willing sellers only other lands and properties or appropriate interests therein outside South Dakota with restorable damaged natural ecosystems and restore such ecosystems.

(3) Provide jobs and suitable economic development in a manner that carries out the other purposes of this subsection.

(4) Provide expanded recreational opportunities; and

(5) Support and encourage research, training and education in methods and technologies of ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties (or appropriate interests therein) where repair of compositional, structural and functional values will do the following:

(1) Reconstitute natural biological diversity that has been diminished.

(2) Assist the recovery of species populations, communities and ecosystems that are unable to survive on-site without intervention.

(3) Allow reintroduction and recolonization by native flora and fauna.

(4) Control or eliminate exotic flora and fauna which are damaging natural ecosystems.

(5) Restore natural habitat for the recruitment and survival of fish, waterfowl and other wildlife.

(6) Provide additional conservation values to state and local government lands.

(7) Add to structural and compositional values of existing preserves or enhance the viability, defensibility and manageability of preserves.

(8) Restore natural hydrological effects including sediment and erosion control, drainage, percolation and other water quality improvement capacity.

(f) The Secretary shall annually report on activities under this section to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Interior and Insular Affairs and the Committee on Appropriations of the House of Representatives.

(g) There are authorized to be appropriated not to exceed \$12,000,000 for the purposes of this title.

TITLE XXXIV—CENTRAL VALLEY PROJECT FISH AND WILDLIFE ACT

SEC. 3401. SHORT TITLE.

This title may be cited as the "Central Valley Project Fish and Wildlife Act of 1992."

SEC. 3402. STATEMENT OF PURPOSE.

The purposes of this title are—

(a) to protect, restore, and enhance fish and wildlife habitat in the Central Valley of California as specifically provided for within this title;

(b) to partially mitigate the impacts of the Central Valley Project on fish and wildlife habitat by requiring the implementation of specific habitat restoration actions;

(c) to provide for the continued orderly operation of the Central Valley Project by resolution of fish and wildlife issues impacts;

(d) to establish a joint Federal and state advisory committee to identify, develop and assist the Secretary of the Interior in the implementation of habitat restoration actions identified in

this title and a Federal task force to assist the Secretary of the Interior in the identification and development of additional habitat restoration actions that would provide means by which the mitigation of Central Valley Project impacts on fish and wildlife habitat and cost effective protection, restoration, and enhancement of fish and wildlife habitat and resources in the Central Valley of California may be accomplished;

(e) to encourage, through cost sharing and other related actions, the cooperation and contribution by the State of California and other non-Central Valley Project entities toward the protection, restoration and enhancement of fish and wildlife habitat within the Central Valley of California;

(f) to increase the benefits provided by the Central Valley Project to California through the expanded use of water conservation and water transfers;

(g) to achieve the purposes of this title through implementation of projects, procedures and programs which do not result in further degradation of resources, including, but not limited to, groundwater, of the areas presently served by the Central Valley Project; and

(h) to coordinate the efforts and actions authorized in this title with other activities being undertaken within the State of California to ensure that work is not unnecessarily duplicated and is coordinated to minimize inconsistent and counter-productive results and maximize the benefits to be obtained.

SEC. 3403. DEFINITIONS.

As used in this title:

(a) The term "anadromous fisheries" includes runs of salmon, striped bass, steelhead trout, sturgeon, and American shad that ascend the Sacramento and San Joaquin Rivers and their tributaries and the Sacramento-San Joaquin Delta to reproduce after maturing in the San Francisco Bay and/or the ocean.

(b) The terms "artificial propagation" and "artificial production" include spawning, hatching, incubating, and rearing fish in a hatchery or other facility constructed for fish production.

(c) The term "Central Valley" means the watershed of the Sacramento and San Joaquin Rivers and their tributaries including the Sacramento-San Joaquin Delta.

(d) The term "Central Valley Project" means the Central Valley Project, California, as authorized in the Act of August 26, 1937 (50 Stat. 850) and all acts amendatory thereto.

(e) The term "Central Valley Project Fish and Wildlife Advisory Committee" means the Committee established in section 3405 of this title.

(f) The term "Central Valley Project Fish and Wildlife Task Force" means the Task Force established in section 3406 of this title.

(g) The term "Central Valley Project Service Area" means that area where water service has been authorized pursuant to the various feasibility studies and consequent congressional authorizations for the Central Valley Project.

(h) The term "Central Valley Project water" means all water that is diverted, stored or delivered by the Bureau of Reclamation pursuant to water rights acquired pursuant to California law, including water made available under the so-called "exchange" and Sacramento River settlement contracts.

(i) The term "Central Valley Project Water Contractor" means any entity which contracts for Central Valley Project water.

(j) The term "Central Valley Project Water Contractors Fund" means the fund established in section 3404(h) of this title.

(k) The term "Central Valley Refuges" includes the Sacramento, Delevan, Colusa, Sutter, Kesterson, San Luis, Merced, Pixley, and Kern National Wildlife Refuges, the Grassland Re-

source Conservation District, the Gray Lodge, Los Banos, Volta, and Mendota State Wildlife Areas, and those National Wildlife Refuges and State Wildlife Areas identified in the Bureau of Reclamation's report entitled San Joaquin Basin Action Plan/Kesterson Mitigation Plan (1989).

(l) The term "critically overdrafted groundwater basin" means those areas defined by the California Department of Water Resources, in its Bulletin No. 118-80, to have a critical groundwater overdraft problem.

(m) The term "natural production" means fish produced to adulthood without the direct intervention of man in the spawning or rearing processes.

(n) The term "Refuge Water Supply Report" means the report entitled Report on Refuge Water Supply Investigations, published in March 1989 by the Bureau of Reclamation, Department of the Interior.

(o) The term "transfer" means—

(1) all conjunctive use programs that provide for the transfer of all or a portion of the surface water made available by the use of groundwater as a substitute supply to another water user;

(2) exchanges between water users;

(3) groundwater storage programs that provide for transfer of all or a portion of the stored water to another water user directly or through exchange;

(4) conservation programs that provide for all or a portion of the water conserved to be transferred to another water user; or

(5) purchase of water through following programs that allow water to be moved from a Central Valley Project contractor to another water user on a short or long-term basis.

SEC. 3404. PROTECTION, RESTORATION, AND ENHANCEMENT OF CENTRAL VALLEY FISH AND WILDLIFE HABITAT.

(a) GENERAL AUTHORITY.—The Secretary shall—

(1) implement the actions established by section 3404(b);

(2) develop, select, and implement actions, using the criteria established in section 3404(e), that address the fish and wildlife habitat issues listed in section 3404(c);

(3) as provided in section 3405, establish a "Central Valley Project Fish and Wildlife Advisory Committee" that will make recommendations to the Secretary with respect to the actions set forth in section 3404(b) and 3404(c) using the criteria established in section 3404(e); and

(4) as provided in section 3406, establish a "Central Valley Project Fish and Wildlife Task Force" that will identify additional actions that would protect, restore, and enhance the Central Valley fish and wildlife habitat, develop the technical information needed to evaluate these actions, determine the economic and biological feasibility of these actions using the criteria established in section 3404(e), and report the findings to Congress for implementation authorization.

(b) INITIAL ACTION.—Subject to limitations contained in sections 3404(f)(6) and 3404(f)(7), the following fish and wildlife habitat protection, restoration, and enhancement actions shall be implemented by the Secretary.

(1) Negotiation and execution of an agreement with the California Department of Fish and Game by December 31, 1992, which, when implemented, will mitigate the direct fishery losses associated with the operation of the Tracy Pumping Plant. Direct losses are defined as fish lost after they enter the Tracy Pumping Plant intake channel, taking into account numbers of fish that survive and are returned to the Sacramento-San Joaquin Delta. The cost of this action shall be allocated under section 3404(f)(1).

(2) Negotiation and execution of an agreement with the California Department of Fish and Game by December 31, 1994, which, when imple-

mented, will mitigate for direct fishery losses associated with the operation of the Contra Costa Canal Pumping Plant No. 1. Direct fishery losses are defined as fish lost after they enter Rock Slough. The cost of this action shall be allocated in the same manner as costs associated with the Contra Costa Canal are currently paid.

(3) Installation and operation of a structural temperature control device at Shasta Dam and development and implementation of modifications in Central Valley Project operations, if needed, by December 31, 1995, to allow for control of water temperatures in the upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam sufficient to protect salmon. The cost of this action shall be allocated under section 3404(f)(1).

(4) The Coleman National Fish Hatchery shall be rehabilitated and expanded by implementing the United States Fish and Wildlife Service's Coleman National Fish Hatchery Development Plan by December 31, 1995. The Secretary shall negotiate and execute a contract for the operation of the hatchery by the California Department of Fish and Game. The contract shall provide that its operation shall be coordinated with all other mitigation hatcheries in California. In addition, the Keswick Dam Fish Trap shall be modified to provide for its operation at all project flow release levels. The cost of this action shall be allocated under section 3404(f)(1).

(5) The negotiation and execution of an agreement with the California Department of Fish and Game, within one year after the enactment of this Act, which, when implemented, will eliminate, to the extent practical, losses of salmon and steelhead trout due to flow fluctuations caused by the operation of Keswick, Nimbus, and Lewiston Regulating Dams. The agreement shall be patterned after the agreement between the California Department of Water Resources and the California Department of Fish and Game with respect to the operation of the California State Water Project Oroville Dam complex. Any costs associated with this Agreement shall be nonreimbursable.

(6) A gravel replenishment program shall be developed and implemented by December 31, 1993, for the purpose of restoring and replenishing, on a continuous basis, spawning gravel lost due to the construction and operation of Shasta, Folsom and New Melones Dams, bank protection programs, and other actions that have reduced the availability of spawning gravel in the upper Sacramento River from Keswick Dam to Red Bluff Diversion Dam, and in the American and Stanislaus Rivers downstream of Nimbus and Goodwin Dams, respectively. The cost of this action shall be allocated under section 3404(f)(2).

(7) A Delta Cross Channel monitoring and operational program shall be developed and implemented, within one year after the enactment of this Act, for the purpose of protecting striped bass eggs and larvae as they approach the Delta Cross Channel gates. This program includes, but is not limited to, closing the Delta Cross Channel gates during times when significant numbers of striped bass eggs and larvae approach the Sacramento River intake to the Delta Cross Channel. Since this action will, by its nature, also restrict pumping at the Tracy Pumping Plant, other restrictions on the operation of the Delta Tracy Pumping Plant, which may currently exist to protect striped bass eggs and larvae, shall be modified, relaxed or eliminated to comport with this action. The cost of this action shall be allocated under section 3404(f)(1).

(8) The Secretary shall, either directly or through an agreement with the State of California, provide dependable water supplies of suitable quality to the Central Valley Refuges in accordance with Level 2 quantity and delivery schedules of the "Dependable Water Supply Needs" table for that refuge, as set forth in the

Refuge Water Supply Report or as established by the Secretary for the refuges identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report. If the Central Valley Project cannot deliver a full supply in any water year to the refuges and the Central Valley Project contractors, then the Secretary shall impose shortages on the Central Valley Project water provided the refuges that are equal to the shortages imposed on the non-water rights Central Valley Project agricultural contractors. The Secretary shall implement the actions authorized herein without a reduction in the pumping and/or conveyance capacity needed to serve other Central Valley Project purposes. The Secretary shall encourage the conjunctive use of surface water and groundwater and the multiple use of water supplies as a means to facilitate the purposes and intent of this subsection. The dependable water supplies provided to the Central Valley Refuges pursuant to this subsection shall be delivered until the firm water supplies provided for in section 3404(c)(13) are available to these refuges, and shall be provided pursuant to agreements between the Secretary, the California Department of Fish and Game, and the Grasslands Resource Conservation District which shall be executed within one year after the enactment of this Act. Fifty percent of the cost of providing water to private refuges shall be paid for by those private refuges. The remaining cost of this action shall be allocated under section 3404(f)(2).

(9) The Secretary, in coordination with the California Department of Fish and Game, shall, within one year after the enactment of this Act, establish a comprehensive assessment program to monitor fish and wildlife resources in the Central Valley and to assess the biological results of actions implemented pursuant to this section and section 3404(c). The cost of this action shall be allocated under section 3404(f)(2).

(c) HABITAT RESTORATION ACTIONS.—Subject to the limitations contained in sections 3404(f)(6) and 3404(f)(7), and utilizing the criteria in section 3404(e), the Secretary shall develop, evaluate, select, and, unless otherwise specifically provided, by December 31, 2000, implement actions that will address the following fish and wildlife protection, restoration and enhancement issues:

(1) The Secretary shall develop and implement a program to eliminate the need to reduce Keswick Dam releases every Spring to place the Anderson-Cottonwood Irrigation District Diversion Dam into operation, and every Fall to take the Dam out of operation. Additionally, the program will include structural measures needed to address upstream migrating adult salmon passage problems at the Diversion Dam due to inadequate ladder attraction flows. The cost of this action shall be allocated under section 3404(f)(3).

(2) The Secretary shall develop and implement a program to minimize fish passage problems for salmon at the Central Valley Project Red Bluff Diversion Dam. The cost of this action shall be allocated under section 3404(f)(4).

(3) The Secretary shall develop and implement a program to augment natural production of salmon and steelhead trout population levels in the San Joaquin River system in above normal water years through means of artificial production. The cost of this action shall be allocated under section 3404(f)(2).

(4) The Secretary shall construct and operate a new satellite hatchery to augment the single and dual purpose channels at the Tehama Colusa Fish Facility and to further mitigate the impact of Shasta Dam on fishery resources. The new satellite hatchery shall be located at a suitable location upstream of the Red Bluff Diversion Dam. This new hatchery shall be operated by the California Department of Fish and Game

under contract with the Secretary. The cost of this action shall be allocated under section 3404(f)(2).

(5) The Secretary shall construct a salmon and steelhead trout hatchery on the Yuba River. The Secretary shall negotiate and execute a contract with the California Department of Fish and Game to operate the hatchery. The objective of such hatchery is to assist in California's efforts to realize the full potential of salmon and steelhead trout natural production on that river and to assist in maintaining the existing runs of salmon and steelhead trout and create enhancement potential for natural production in above normal water years. The cost of this action shall be allocated under section 3404(f)(3).

(6) The Secretary shall negotiate and execute an agreement with the California Department of Fish and Game by December 31, 1993 that requires the release of the minimum flows necessary to take full advantage of the spawning, incubation, rearing and outmigration potential of the upper Sacramento River and the Lower American River for salmon subject to the physical capabilities of the Central Valley Project facilities involved. The Agreement shall provide for less than these minimum flows in dry and critical water years if the Secretary determines that in so doing the Secretary can minimize the impacts of providing the fishery flows on other Central Valley Project authorized purposes, provided the fishery benefits lost in those years are offset by enhancing spawning, incubation, rearing and outmigration conditions in other water years. The cost of this action shall be allocated under section 3404(f)(1). The Secretary is authorized to assist in the funding of biological studies, in cooperation with the California Department of Fish and Game and the California State Water Resources Control Board, focused on furthering the scientific understanding of the salmon fishery in these rivers and to provide the information needed to verify that the intended fishery benefits are being provided by the minimum fishery requirements in this agreement and to allow for adjustments to the flow requirements in the future, if needed. If the Secretary and the California Department of Fish and Game determine that the flow conditions in the upper Sacramento River and the lower American River provided by the Central Valley Project under this agreement are better than conditions that would have existed in the absence of the Central Valley Project facilities, the enhancement provided shall become credits to be provided Central Valley Project water and power contractors to offset future mitigation responsibilities identified pursuant to section 3404(d).

(7) The Administrator of the Environmental Protection Agency is directed to expedite and by no later than December 31, 1995, complete efforts to clean up mines causing intermittent releases of lethal concentrations of dissolved metals from the Spring Creek Debris Dam. In the interim, the Secretary shall provide water from Keswick Dam sufficient to dilute the Spring Creek Debris Dam discharges to concentration levels that allow survival of fish life below Keswick Dam except when the United States Corps of Engineers' flood control criteria for Shasta Dam limit that capability. The cost of this action, not including the cost of EPA actions, shall be allocated under section 3404(f)(3). If the Administrator of the Environmental Protection Agency fails to complete such efforts by December 31, 1995, all such costs shall be assumed by the Agency.

(8) The Secretary shall provide flows to allow sufficient spawning, incubation, rearing and outmigration conditions for salmon and steelhead trout from Whiskeytown Dam as determined by instream flow studies conducted by the California Department of Fish and Game

after Clear Creek has been restored and a new fish ladder has been constructed at the McCormick-Saeltzer Dam. The cost of providing the required flows shall be allocated under section 3404(f)(1). Any Federal cost associated with the restoration of the Clear Creek or in the construction of a fish ladder at the McCormick-Saeltzer Dam shall be allocated under section 3404(f)(3).

(9) The Secretary is authorized to construct, in partnership with the State of California, a barrier at the head of Old River in the Sacramento-San Joaquin Delta, by December 31, 1995, to partially mitigate the impact of the Central Valley Project and State Water Project pumping plants in the south Sacramento-San Joaquin Delta on the survival of young outmigrating salmon that are diverted from the San Joaquin River to the pumps. The cost of constructing, operating and maintaining the barrier shall be shared 50 percent by the State of California and 50 percent by the Federal government. The Federal share shall be allocated under section 3404(f)(1).

(10) The Secretary shall evaluate and implement a program to correct a defective fish screen at the Glenn-Colusa Irrigation District's Sacramento River diversion which was constructed with Federal and state funding and which does not function due to design errors. The cost of this action shall be allocated under section 3404(f)(3).

(11) The Secretary shall assist in the funding, in coordination with the California Department of Fish and Game, of enforcement measures that will reduce the numbers of striped bass illegally taken from the San Francisco Bay Estuary. The cost of this action shall be allocated under section 3404(f)(3).

(12) The Secretary shall provide such assistance as may be requested by the State of California to develop and implement fishing regulations that will protect the older more productive striped bass females in order to maintain a viable reproducing striped bass population.

(13) The Secretary shall develop and implement measures that will provide additional dependable water supplies of suitable quality. The conveyance capacity needed to deliver this water and associated refuge facilities to permit full habitat development of the Central Valley Refuges and the water provided shall be up to the level 4 quantity and delivery schedules in the "Dependable Water Supply Needs" table as set forth in the Refuge Water Supply Report or as established by the Secretary for the refuges identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report. Water for this purpose shall be provided by: (1) the Secretary providing Central Valley Project water supply on a firm basis equal to the amount currently delivered by the Central Valley Project on a nonfirm basis, provided that if the Central Valley Project cannot deliver a full supply in any water year to the refuges and the Central Valley Project contractors, then shortages shall be imposed on the Central Valley Project water provided the refuges that are equal to the shortages imposed on the non-water rights Central Valley Project agricultural contractors; (2) voluntary water conservation or conjunctive use purchases provided the surface water being made available through conjunctive use does not come from an area in a critically overdrafted groundwater condition and the conserved water being purchased would not be available to another user of Central Valley surface or groundwater in the absence of the water conservation purchase; and (3) voluntary water purchases from existing Central Valley Project water contractors provided the water being purchased would have been consumptively used in the absence of the specific water purchase. Neither additional Central Valley Project water

shall be made available for this purpose nor should any Central Valley Project conveyance capacity be made available for this purpose if that conveyance capacity is needed to convey water to existing Central Valley Project water contractors. Fifty percent of the cost of providing water to private refuges shall be paid by those private refuges. The remaining cost of this action shall be allocated under section 3404(f)(3).

(d) **ADDITIONAL HABITAT RESTORATION ACTIONS.**—Subject to the limitations contained in sections 3404(f)(6) and 3404(f)(7) and utilizing the criteria in section 3404(e), the Central Valley Project Fish and Wildlife Task Force established in section 3406 of this title shall identify additional actions that would provide mitigation of Central Valley Project impacts on Central Valley fish and wildlife habitat and would protect, restore, and enhance Central Valley fish and wildlife habitat. The task force shall develop the information needed to evaluate these actions technically, determine the economic and biological feasibility using the criteria established in section 3404(e), determine appropriate cost allocations specific to each action, and select actions to recommend to Congress for authorization to implement. The task force shall make its first report to Congress no later than December 31, 1995, and shall report every five years thereafter, at a minimum, until the year 2010, when the task force shall cease to exist. Fish and wildlife habitat issues to be evaluated by the task force shall include, but not be limited, to the following:

(1) Determination of the flows and habitat restoration measures needed to protect, restore and enhance salmon and steelhead trout in the San Joaquin River below the confluence with the Merced River, Mokelumne River, and Calaveras River and in the Butte, Deer, Mill, and Battle Creeks, which are tributary to the Sacramento River, and development of feasible means of maintaining those flows and implementing the habitat restoration measures identified.

(2) Investigation of actions allowing closure or screening of the Delta Cross Channel and Georgiana Slough to prevent the diversion of outmigrating salmon and steelhead trout through those facilities.

(3) Investigation of the need to expand existing wildlife refuges and/or develop additional wildlife refuges in the Central Valley beyond what is included in the Refuge Water Supply Report. The task force shall also determine the water supply and delivery requirements, above level 4, necessary to permit full habitat development of existing wildlife refuges and determine feasible means of meeting that water supply requirement.

(4) Investigation of alternative means of improving the reliability of water supplies currently available to privately owned wetlands in the Central Valley.

(5) As a means of increasing survival of migrating young fish, investigation of the feasibility of using short pulses of increased water flows to move salmon, steelhead trout, and striped bass into and through the Sacramento-San Joaquin Delta.

(6) Investigation of ways to maintain suitable temperatures for young salmon survival in the lower Sacramento River and in the Sacramento-San Joaquin Delta by controlling or relocating the discharge of irrigation return flows and sewage effluent.

(7) Investigation of the need for additional hatchery production to mitigate the impacts of water development on Central Valley fisheries where no other feasible means of mitigation is available or where hatchery production would enhance efforts to increase natural production of a particular species.

(8) Investigation of measures available to correct flow pattern problems in the Sacramento-San Joaquin Delta created by the operation of the Central Valley Project and the California State Water Project as well as San Francisco Bay inflow pattern changes caused by the operation of water development projects in the Central Valley.

(9) Evaluation of measures to avoid unquantified losses of juvenile anadromous fish due to unscreened or inadequately screened diversions on the Sacramento and San Joaquin Rivers, their tributaries, and in the Sacramento-San Joaquin Delta such as construction of screens on unscreened diversions, rehabilitation of existing screens, replacement of existing non-functioning screens, and relocation of diversions to less fishery-sensitive areas.

(10) Elimination of barriers to upstream migration of salmon and steelhead trout adults to spawning areas downstream of existing storage facilities in the Central Valley caused by agriculture diversions and other obstructions reduce the natural production of these species as well as removal programs or programs for the construction of new fish ladder.

(e) **SOCIAL, ECONOMIC AND BIOLOGICAL CONSIDERATIONS.**—In fulfilling their responsibilities as specified in sections 3404(c) and 3404(d), the Secretary, the Central Valley Project Fish and Wildlife Advisory Committee, and the Central Valley Project Fish and Wildlife Task Force shall consider the following criteria and factors, and issue findings thereon, when determining which alternate programs, policies or procedures should be implemented to protect, restore and/or enhance fish and wildlife conditions. The alternative programs available to implement specific actions in sections 3404(c) and 3404(d) that best meets all of the following criteria shall be selected:

(1) Natural production alternatives shall be given priority over artificial production alternatives.

(2) Alternatives that have the highest biological probability of achieving the desired objective shall be preferred.

(3) Alternatives that provide a greater magnitude of potential benefits shall be given priority over alternatives which have a lesser magnitude of potential benefits.

(4) Alternatives that are determined to be the most cost effective, measured in economic terms considering impacts within the Central Valley Project service area's water and power resources and related industries.

(f) **COST ALLOCATIONS.**—The fiscal cost of implementing actions listed in section 3404(b) and selected pursuant to section 3404(c) shall be allocated as follows:

(1) Costs specified within sections 3404(b) and 3404(c) as allocated under this subsection shall be first allocated among Central Valley Project purposes, with reimbursable costs then allocated between Central Valley Project water and power contractors pursuant to applicable statutory and regulatory procedures and assessed pursuant to the provisions of section 3404(h) of this title.

(2) Costs specified within sections 3404(b) and 3404(c) as allocable under this subsection shall be allocated 37.5 percent to the Central Valley Project, 37.5 percent as a nonreimbursable Federal expenditure, and 25 percent payable by the State of California. Central Valley Project costs shall be first allocated among Central Valley Project purposes with reimbursable costs, then allocated between Central Valley Project water and power contractors and assessed pursuant to the provisions of section 3404(h) of this title. Central Valley Project costs determined to be nonreimbursable shall be added to the nonreimbursable Federal expenditure.

(3) Costs specified within sections 3404(b) and 3404(c) as allocable under this subsection shall

be allocated 50 percent as a Federal non-reimbursable cost and 50 percent to the State of California.

(4) Costs associated with actions that are determined to be a Central Valley Project responsibility under sections 3404(f)(1) and 3404(f)(2) that pay for the replacement of existing Central Valley Project facilities that have not properly mitigated the effects of the Central Valley Project on the environment because of design errors by Federal agencies, shall be allocated as a Federal nonreimbursable cost.

(5) Central Valley Project power shall be used to supply the capacity and energy needs of actions identified in sections 3404(b) and 3404(c) where the costs or a portion of the costs have been allocated to the Central Valley Project as a reimbursable cost pursuant to subsections (1) and (2) of this section. The value of the Central Valley Project power, calculated as the cost of obtaining dependable power from other available sources, shall be credited against the Central Valley Project power contractors' share of the cost of actions that are mitigating the effects of the Central Valley Project and the effects of others on Central Valley fish and wildlife habitat as determined pursuant to section 3404(f)(2).

(6) Notwithstanding any other provisions of this title, the Secretary shall not undertake any action authorized herein unless the State of California makes appropriate commitments to participate in the actions identified in this title, provides relevant state approvals for identified actions, and agrees to participate in the cost sharing provisions of this title. Where local agency action or approval is required within this title, the Secretary shall not proceed unless that local agency approval or participation is secured: Provided, however, That nothing herein is intended to require Central Valley Project water or power contractors' approval or participation as a condition on the Secretary's ability to proceed with the mandated actions.

(7) Notwithstanding any other provisions of this title, no actions authorized in this title shall be implemented unless such actions are consistent with State water law and will not constitute an unreasonable use of water as that term is used within article X, section 2, of the Constitution of the State of California.

(g) **ADDITIONAL AUTHORITIES.**—

(1) The Secretary is authorized to promulgate such regulations and enter into such agreements as may be necessary to implement the purposes and provisions of this title.

(2) In order to carry out the purposes and provisions of section 3404(c)(12), the Secretary is authorized, consistent with State law, to obtain water supplies from any source available to the Secretary: Provided, That such acquisition shall be pursuant to State law and any purchases shall be from willing sellers only. The Secretary, however, except as specifically provided herein, shall not diminish water supplies available to Central Valley Project contractors without compensation.

(3) The Secretary shall determine and implement the actions mandated by sections 3404(b) and 3404(c) in the most efficient and cost effective means available. Should the Secretary determine that the State of California or a local agency of the State of California is best able to implement an action authorized by this title, the Secretary shall negotiate with the State of California or a local agency of the State of California an agreement which would allow the State of California or a local agency of the State of California to undertake the identified action. In the event no such agreement can be negotiated, the Secretary shall proceed to implement the action through means available to him.

(4) The Secretary is hereby authorized and directed as an integral part of this title, to initiate

studies of any and all facilities that would assist in fully meeting the fish and wildlife purposes of this title. The Secretary shall, for each facility identified, also study the feasibility of these facilities for other purposes, including, but not limited to, water and power supplies. Cost allocations for identified multiple purpose facilities should be in accordance with the allocation of water developed or conveyed or otherwise made available by those facilities.

(h) **FUNDING.**—

(1) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of this title. Funds appropriated under this section are authorized to remain available until expended.

(2) **CENTRAL VALLEY PROJECT WATER CONTRACTORS REPAYMENT.**—The amount to be repaid by water contractors under sections 3404(f)(1) and 3404(f)(2) of this title shall be collected as follows:

(i) Notwithstanding the provisions of section 105 of Public Law 99-546, the amount to be repaid by the Central Valley Project water contractors under sections 3404(f)(1) and 3404(f)(2) shall be capitalized for a period necessary to ensure repayment, consistent with the provisions of subsection 3404(h)(ii).

(ii) Annual payment of the capitalized costs to be repaid by the Central Valley Project water contractors under sections 3404(f)(1) and 3404(f)(2) shall not exceed \$1.00 an acre-foot for each acre-foot of water delivered under contract to such contractors.

(iii) The annual payments set forth in subsection 3404(h)(ii), together with interest thereon, shall be placed into a Central Valley Project Water Contractors Fund to be established by the Secretary. The first assessment shall be collected as part of water charges during the first water year which commences at least ninety days after enactment of this Act. The Central Valley Project Water Contractors Fund shall be utilized exclusively to repay costs of Central Valley Project water contractors incurred under sections 3404(f)(1) and 101(f)(2). The Secretary is authorized to use the funds within the Central Valley Project Water Contractors Fund, for these purposes, without further authorization, but subject to appropriation.

(iv) The provisions of this subsection 3404(h)(2)(i) shall apply only to Central Valley Project water delivered to Central Valley Project contractors for water delivered under contract with the Bureau of Reclamation pursuant to which additional payments for such water are required.

(3) **CENTRAL VALLEY PROJECT POWER CONTRACTORS REPAYMENT.**—The amount to be repaid by Central Valley Project power contractors, pursuant to sections 3404(f)(1) and 3404(f)(2), shall be collected by the Secretary in accordance with existing law, policy, and practices for the repayment, by Central Valley Project power contractors, of operation and maintenance and capital costs allocated to those power contractors.

(4) **COST SHARING.**—The State of California and other parties identified in sections 3404(f)(2) and 3404(f)(3) shall pay an amount equal to the amount allocated within those sections each year. In addition to cost outlays or payments to the Treasury of the United States, the Secretary may consider as a financial contribution by the State of California, Central Valley Project contractors, or other parties identified in sections 3404(f)(2) and 3404(f)(3) the value of contributions of personal or real property or personnel which the Secretary determines is beneficial to the achievement of the objectives of this title. Such contributions may include the provisions of water or water conveyance capacity to meet the requirements of this title.

(5) **REMAINING COSTS.**—The remaining costs shall be considered nonreimbursable costs as a

Federal contribution for preserving, protecting, restoring and enhancing fish and wildlife resources within the Central Valley of California.

SEC. 3405. ESTABLISHMENT OF THE CENTRAL VALLEY PROJECT FISH AND WILDLIFE ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—In order to carry out the purposes of section 3404 of this title, there is hereby established the Central Valley Project Fish and Wildlife Advisory Committee (hereinafter referred to as the "Committee").

(b) **FUNCTIONS.**—The Central Valley Project Fish and Wildlife Advisory Committee shall make recommendations to the Secretary with respect to the actions set forth in sections 3404(b) and 3404(c). Such recommendations shall be strictly advisory in nature and shall not be binding on the Secretary.

(c) **MEMBERSHIPS AND APPOINTMENTS.**—The Central Valley Project Fish and Wildlife Advisory Committee shall be composed of the Secretary and the California Secretary of Resources and 21 additional members appointed jointly by them, as follows:

(1) A nonfishery representative of the Upper Sacramento River Fisheries Task Force.

(2) A representative of the California commercial salmon fishing industry.

(3) A representative of the California sports fishing interests.

(4) A representative of the California Department of Fish and Game.

(5) A representative of the California Department of Water Resources.

(6) A representative of the California State Water Resources Control Board.

(7) A representative of the United States Bureau of Reclamation.

(8) A representative of the United States Fish and Wildlife Service.

(9) A representative of the United States Bureau of Land Management.

(10) A representative of the United States National Marine Fisheries Service.

(11) A representative of the United States Army Corps of Engineers.

(12) A representative of the Western Area Power Administration.

(13) A representative of California wildlife interests.

(14) A representative of the Central Valley Project agriculture contractors.

(15) A representative of the Central Valley Project urban contractors.

(16) A representative of the State Water Project agriculture contractors.

(17) A representative of the State Water Project urban contractors.

(18) A representative of environmental interests in California.

(19) A representative of the Central Valley Project power users.

(20) A representative of agriculture who does not receive water pursuant to a Central Valley Project or State Water Project contract.

(21) A representative of urban water users who does not receive water pursuant to a Central Valley Project or State Water Project contract.

(d) **TERMS AND VACANCIES.**—

(1) The term of a member of the Committee shall be for the life of the Committee.

(2) Any vacancy on the Committee shall be filled through appointment jointly by the Secretary and the California Secretary of Resources.

(e) **TRANSACTION OF BUSINESS.**—

(1) **CHAIRMEN.**—The Committee shall be co-chaired by the Secretary and the California Secretary of Resources.

(2) **MEETINGS.**—Except as provided in paragraph (3), the Committee shall meet at the call of the Chairmen or upon the request of a majority of its members.

(3) **RECOMMENDATIONS OF THE COMMITTEE.**—All recommendations of the Committee shall be through a two-thirds majority vote.

(f) **STAFF AND ADMINISTRATION.**—

(1) **ADMINISTRATION SUPPORT.**—The Secretary, in cooperation with the State of California, shall provide the Committee with necessary administrative and technical support services.

(2) **INFORMATION.**—The Secretary, in cooperation with the State of California and to the extent practicable, shall furnish the members of the Committee with all information and other assistance relevant to the functions of the Committee.

(3) **ORGANIZATION.**—The Committee shall determine its organization and prescribe the practices and procedures for carrying out its functions under subsection (b). The Committee may establish committees or working groups of technical representatives of Committee members to advise the Committee on specific matters.

(g) **MEMBERS WHO ARE FEDERAL OR STATE EMPLOYEES.**—Any Committee member who is appointed to the Committee by reason of his employment as an officer or employee of the United States or the State of California shall cease to be a member of the Committee on the date on which that member ceases to be so employed.

(h) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of service for the Committee members and their technical representatives shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed travel expenses under section 5703 of title 5, United States Code. Any Committee member or technical representative who is an employee of an agency or governmental unit of the United States or the State of California and is eligible for travel expenses from that agency or unit for performing services for the Committee shall not be eligible for travel expenses under this paragraph.

(i) **COMPENSATION OF FEDERAL EMPLOYEES.**—Members of the Committee and technical representatives who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.

(j) **TERMINATION.**—The Central Valley Project Fish and Wildlife Advisory Committee shall cease to exist on December 31, 2010.

SEC. 3406. ESTABLISHMENT OF CENTRAL VALLEY PROJECT FISH AND WILDLIFE TASK FORCE.

(a) **ESTABLISHMENT.**—The Secretary shall, within 30 days after enactment of this title, establish a Task Force to review, evaluate and make recommendations with respect to matters identified; and in the manner provided for in section 3404(d) of this title. A minority report may be submitted if consensus recommendations cannot be achieved on any matter studied or reported on by the Task Force.

(b) **SELECTION OF TASK FORCE MEMBERS.**—The Task Force shall be comprised of fifteen members. The Secretary shall select the members of the Task Force as follows:

(1) The Secretary shall include on the Task Force six members recommended by the Governor of the State of California.

(2) The Secretary shall include on the Task Force three members recommended by each of the following:

(i) Chairman of the Senate Committee on Energy and Natural Resources; and
(ii) Chairman of the House of Representatives Committee on Interior and Insular Affairs.

(3) The Secretary shall also include on the Task Force three members of his own selection.

(4) With respect to the recommendations and selections set forth in sections 3406(b)(1), 3406(b)(2) and 3406(b)(3), the Task Force shall be comprised of, but not limited to—

(i) members of the general public;

(ii) representatives of the Central Valley Project Water Contractors;

(iii) representatives of the State Water Project Contractors;

(iv) representatives of the Central Valley Project power contractors;

(v) representatives of other affected water and irrigation organizations and entities; and
(vi) representatives of fish and wildlife organizations.

(c) **ORGANIZATION AND OPERATION OF THE TASK FORCE.**—The Secretary shall appoint a Task Force Chairman who will set the dates of hearings, meetings, workshops and other official Task Force functions in carrying out the purposes of this title. The Secretary is authorized and directed to finance from funds available to the Secretary the reasonable costs and expenses of the Task Force and its members in carrying out the mandate of this section. This shall include all reasonable travel and related expenses. The Task Force shall dissolve on December 31, 2010.

SEC. 3407. PROVISIONS FOR TRANSFER OF CENTRAL VALLEY PROJECT WATER.

(a) **TRANSFERS WITHIN THE CENTRAL VALLEY PROJECT SERVICE AREA.**—Subject to the provisions of section 3407(f), the Secretary is authorized to approve all transfer agreements among Central Valley Project contractors and between Central Valley Project contractors and noncontractors involving Central Valley Project water within the authorized Central Valley Project service area.

(b) **TRANSFERS WHICH RESULT IN NO NET EXPORT OF WATER OUTSIDE THE CENTRAL VALLEY PROJECT SERVICE AREA.**—Subject to the provisions of section 3407(f), the Secretary is authorized to approve all transfers agreements between Central Valley Project contractors and parties outside of the Central Valley Project service area upon the determination that as a result of the proposed transaction over the term of the transfer agreement there is no net export of water out of the Central Valley Project service area of the transferor.

(c) **TRANSFERS WHICH RESULT IN A NET EXPORT OF WATER OUTSIDE THE CENTRAL VALLEY PROJECT SERVICE AREA.**—Except for transactions authorized under sections 3407(d) and 3407(e) and subject to the provisions of section 3407(f), the Secretary is authorized to approve all transfer between Central Valley Project water contractors and parties outside of the Central Valley Project service area where the Secretary determines that as a result of the proposed transaction over the term of transfer agreement there will be a net export of water out of the service area of the transferor, provided that the transfer meets the following conditions:

(1) The water being transferred would not otherwise be available to other consumptive beneficial uses absent implementation of the program; and

(2) Over the term of the agreement in question, the transfer will have no significant, long-term, adverse impact on groundwater conditions in the transferor's service area.

(d) **TRANSFERS OF WATER DEVELOPED THROUGH TEMPORARY FOLLOWING OR PERMANENT LAND FOLLOWING.**—Subject to the provisions of section 3407(f), the Secretary is authorized and directed to approve transfers of Central Valley Project water within or outside of the authorized Central Valley Project service area where the water to be transferred is available for transfer because of the implementation, by the transferor or landowner, of a temporary following or permanent land following program, including land retirement, provided that the involved Central Valley Project water contractor determines that the following conditions are satisfied:

(1) The program will have no significant long-term adverse impact on groundwater conditions.

(2) The water developed under the program shall be that water that would have been consumptively used on crops had those crops been produced during the year(s) of the transfer or water that would have otherwise been lost for beneficial use (i.e. wet water).

(3) No more than 80 percent of the water developed under such transfer shall be made available for export out of the transferor's service area with 10 percent distributed within the transferor's service area to assist in the protection of groundwater resources and 10 percent applied to fish and wildlife purposes within the Central Valley Project service area pursuant to a program approved by the Secretary.

(4) In order to avoid adverse third party impacts the total quantity of water exported under all such transfers by the transferor or landowner shall not exceed 20 percent of the total annual water supply delivered by the Central Valley Project that otherwise would have been available in any particular year for use within the service area of the transferor or 3,000 acre-feet, whichever is greater.

(5) The program will have no unreasonable impacts on water supply, operations or financial condition of the water contractor or its water users.

(e) **TRANSFERS OUTSIDE OF THE CENTRAL VALLEY PROJECT SERVICE AREA DURING CERTAIN CRITICAL YEARS.**—Notwithstanding the provisions of sections 3407(c) and 3407(d) and subject to the provisions of section 3407(f), the Secretary is authorized to approve both long-term and short-term contracts for the transfer of Central Valley Project water outside of the Central Valley Project service area during dry and critically dry years, as determined by the California Department of Water Resources, where the water is to be transferred to a water district or other public agency which the Secretary determines, in the absence of the transfer, would have been required, after the imposition of water conservation measures, to impose a twenty-five percent or greater deficiency on its customers.

(f) **GENERAL PROVISIONS.**—The following provisions shall also apply to any transfer:

(1) No program and/or agreements authorized under this title shall be approved unless the action is between a willing buyer and a willing seller under such terms and conditions as may be mutually agreed upon;

(2) No program and/or agreements authorized under this title shall be approved unless the proposed action is consistent with State law including, but not limited to, the provisions of the California Environmental Quality Act.

(3) All programs and/or agreements authorized under this title involving Central Valley Project water, shall be deemed a beneficial use of water by the transferor.

(4) All programs and/or agreements authorized under this title must include a Central Valley Project water contractor as a transferor and as a contracting party. The criteria established within section 3407(d) are intended to govern the exercise of a Central Valley Project water contractor's approval of a transfer proposed by a landowner within the service area of the Central Valley Project water contractor. The provisions of this title are only intended to govern the transfer of Central Valley Project water.

(5) Notwithstanding any contrary provisions contained within Central Valley Project water contracts, in implementing programs and/or agreements authorized under this title, there shall be no limitations on the use of agricultural water for municipal and industrial purposes or municipal and industrial water for agricultural purposes. All transferees of Central Valley Project water shall strictly comply with acreage and pricing requirements of reclamation law ap-

plicable to the actual use of Central Valley Project water by the transferee, rates for the applicable use of water by the transferee shall apply to the transferee during the year or years of actual transfer and shall not be applied to the transferor.

(6) All agreements entered into pursuant to this title between Central Valley Project water contractor and entities outside of the Central Valley Project service area shall be subject to a right of first refusal on the same terms and conditions by entities within the Central Valley Project service area. The right of first refusal must be exercised within ninety days from the date that notice is provided of the proposed transfer. Should an entity exercise the right of first refusal, it must compensate the transferee who had negotiated the agreement upon which the right of first refusal is being exercised for that entity's full costs associated with the development and negotiation of the agreement.

(7) Agreements entered into pursuant to this title shall not be considered as conferring new, supplemental or additional benefits, and shall not be otherwise subject to the provisions of section 203 of Public Law 97-293 (43 U.S.C. 390(cc)).

(8) No programs and/or agreements authorized under this title shall be approved unless the Secretary has determined that the action will have no adverse effect on the Secretary's ability to deliver water pursuant to the Secretary's Central Valley Project contractual obligations because of limitations in conveyance or pumping capacity.

(g) **THE ESTABLISHMENT OF CENTRAL VALLEY PROJECT WATER CONTRACT TRANSFER SECURITY AND CERTAINTY.**—

(1) All existing and future contracts for Central Valley Project water shall be deemed to allow for the transfers and exchanges provided for within this section.

(2) In order to encourage and aid in the transfer and exchange of water, as provided for within this title, all Central Valley Project contractors who are parties to a long-term transfer or exchange contract shall be entitled to renew its water contract for, at a minimum, a term equal to the remaining term of the transfer or exchange agreement at the time that the underlying contract is to be renewed.

(3) All agreements entered into under sections 3407(b)-(e) of this title shall provide that, during the year(s) of actual transfer, Central Valley Project water subject to transfer shall be repaid at "full cost" as that term is defined at 43 U.S.C. 390(bb).

SEC. 3408. AGRICULTURAL WATER CONSERVATION FEASIBILITY STUDIES.

(a) **GENERAL.**—The objective of this section is to encourage implementation of financially feasible water conservation practices. Water conservation practices include those practices which make water available that would not otherwise have been available to Central Valley streams or which do not worsen groundwater conditions. Water conservation, for the purposes of this title, does not include land fallowing.

(b) **WATER CONSERVATION FEASIBILITY STUDIES.**—All existing Central Valley Project agricultural contractors shall submit a report to the Secretary which identifies water conservation practices within two years after enactment of this Act. For such practices identified, the report shall analyze the cost and benefits to that entity and its customers of implementing each of the water conservation practices listed in this section, to the extent they apply to that entity, and any additional practices the Secretary determines should be analyzed.

(1) **Water management:**

(i) monitoring water supplies, deliveries and accounting;

(ii) providing farmers with crop evapotranspiration information; and providing

scheduling procedures for ordering water which correspond with demand for irrigation water to the extent practical;

(iii) monitoring of surface water qualities and quantities;

(iv) monitoring of groundwater elevations and quality; and

(v) monitoring of quantity and quality of drainage waters within facilities the district owns or controls.

(2) **District facility improvements:**

(i) improving the maintenance or upgrading of water measuring devices;

(ii) automating canal structures;

(iii) lining or piping ditches and canals;

(iv) modifying distribution facilities to increase water delivery flexibility;

(v) constructing or lining regulatory reservoirs;

(vi) developing recharge basins, implementing in lieu recharge programs or other means of recharging groundwater basins when adequate supplies are available; and

(vii) evaluating and improving pump efficiencies of district pumping facilities.

(3) **District institutional adjustments:**

(i) improving communications and cooperation among districts, farmers and other agencies;

(ii) adjusting the water fee structure to provide incentives for efficient use of water and to reduce drainage discharges;

(iii) increasing flexibility in the ordering and timing of deliveries to meet crop demands; and

(iv) increasing conjunctive use of groundwater and surface water.

(4) **District water user water management programs:**

(i) assisting the facilitation of the financing of physical improvements for district and on-farm irrigation systems;

(ii) providing educational seminars for staff and farmers; and conducting public information programs, which seminars and programs shall address the following subjects, to the extent applicable to the area; and

(A) improving existing on-farm and district-wide irrigation efficiency;

(B) monitoring of soil moisture and salinity;

(C) promoting of efficient pre-irrigation techniques;

(D) promoting of on-farm irrigation system evaluations;

(E) constructing tail-water deliveries;

(F) improving on-farm irrigation and drainage systems; and

(G) evaluating and improving water user pump efficiencies.

(iii) providing water users with crop evapotranspiration data and information.

(c) **BENEFITS AND COSTS.**—The benefits and costs of implementation of specific water conservation practices shall be evaluated through analysis of, but not limited to, the impact on the following:

(1) water usage;

(2) electrical energy usage;

(3) labor and equipment required, including costs of training personnel;

(4) crop yields;

(5) reduction of increase in drainage related problems;

(6) fish and wildlife habitat conditions;

(7) costs of construction;

(8) costs of operation and maintenance;

(9) costs of water information programs; and

(10) costs of computer equipment and software.

SEC. 3409. IMPLEMENTATION.

(a) **AGRICULTURAL CONTRACT WATER CONSERVATION REQUIREMENTS.**—All Central Valley Project agricultural contractors shall develop a plan for implementation of water conservation practices determined by the entity within the water conservation report required under sec-

tion 3408 of this title to be financially and otherwise feasible for the specific entity. The entity shall complete the plan for implementation within one year after completion of the report required in section 3408. Financially feasible conservation practices which will cause environmental harm, including, but not limited to, adversely affecting groundwater conditions, or are inconsistent with other requirements of law, shall not be required to be implemented.

(b) **ON-FARM WATER CONSERVATION INCENTIVE PROGRAM.**—There is hereby established a Water Conservation Incentive Program, which shall be administered by the Secretary to encourage and assist with the on-farm implementation of the water conservation practices set forth in section 3408(b)(4). Said program shall be a Guarantee Loan Program, and the Secretary may enter into a Memorandum of Understanding with the Secretary of Agriculture to administer such program in conjunction with other programs offered through the United States Department of Agriculture.

(c) **MUNICIPAL AND INDUSTRIAL CONTRACT WATER CONSERVATION REQUIREMENTS.**—The Secretary shall require all Central Valley Project municipal and industrial water users, to the extent they provide retail, municipal and industrial water service, to comply with the provisions of the September 19, 1991, Memorandum of Understanding regarding Urban Water Conservation in California.

(d) **SECRETARIAL REVIEW.**—The Secretary shall evaluate the benefits and cost analysis for each of the water conservation practices found by the specific water user preparing the water conservation reports required by section 3408 of this title to be not feasible and determine the following:

(1) Which water conservation practices, if implemented, would make additional water available to Central Valley streams or to a usable groundwater basin that would not otherwise be available in the absence of implementation of the water conservation practice.

(2) For each water conservation practice identified in section 3409(d)(1), the benefit/cost ratio of implementing that water conservation practice if that water were used to fulfill wildlife refuge water supply obligations established by this title; or made available to other water agencies through the transfer provisions established by this title.

(e) **WATER CONSERVATION PRACTICES.**—The Secretary may implement those water conservation practices identified which conserve water, are economically feasible, and which the Secretary determines are prudent, through implementation of the identified water conservation practice with the entity holding the contractual right to the water conserved and then making that water available for use by Central Valley refuges as required by provisions of this title, provided that an agreement is entered into between the entity and Secretary that insures the entity and its water users are not damaged by such measures, including, but not limited to, increasing cost to the entity or its water users or interferes with the ability of the entity water users to produce crops.

The Secretary shall fund the implementation of a specific water conservation practice in exchange for the use of the saved water. If the Secretary determines that purchasing water for the Central Valley refuges by implementing specific water conservation practices found to meet the requirements of section 3409(d)(1) is not feasible, the Secretary shall make that water available to other California water agencies by negotiating and executing agreements between the United States, the entity holding the Central Valley Project contractual right to the saved water, and entities interested in obtaining the conserved water in exchange for funding the implementation of the water conservation practice.

TITLE XXXV—THREE AFFILIATED TRIBES AND STANDING ROCK SIOUX TRIBE EQUITABLE COMPENSATION PROGRAM

SEC. 3501. SHORT TITLE.

This title may be cited as the "Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act."

SEC. 3502. DEFINITIONS.

As used in this title, the term—

(1) "Three Affiliated Tribes" means the Mandan, Hidatsa, and Arikara Tribes that reside on the Fort Berthold Indian Reservation, a Federal reservation established by treaty and agreement between the Tribes and the United States;

(2) "Standing Rock Sioux Tribe" means the members of the Great Sioux Nation that reside on the Standing Rock Indian Reservation, established by treaty between the Tribe and the United States; and

(3) "Joint Tribal Advisory Committee" means the commission established by the Secretary on May 10, 1985, for the purpose of assessing the impacts of the Garrison and Oahe Dams on the Three Affiliated Tribes and the Standing Rock Sioux Tribe.

SEC. 3503. FINDINGS; DECLARATIONS.

(a) **FINDINGS.**—In recognition of the findings, conclusions, and recommendations of the Secretary's Joint Tribal Advisory Committee, Congress finds that the Three Affiliated Tribes and the Standing Rock Sioux Tribe should be adequately compensated for the taking, in the case of the Three Affiliated Tribes, of 156,000 acres of reservation lands and, in the case of the Standing Rock Sioux Tribe, 56,000 acres of reservation lands, as the site for the Garrison Dam and Reservoir, and the Oahe Dam and Reservoir. Congress concurs in the Advisory Committee's findings and conclusions that the United States Government did not justly compensate such Tribes when it acquired those lands.

(b) **DECLARATIONS.**—(1) The Congress declares that the Three Affiliated Tribes are entitled to additional financial compensation for the taking of 156,000 acres of their reservation lands, including thousands of acres of prime agricultural bottom lands, as the site for the Garrison Dam and Reservoir, and that such amounts should be deposited in the Recovery Fund established by section 3504(a) for use in accordance with this title.

(2) The Congress declares that the Standing Rock Sioux Tribe is entitled to additional financial compensation for the taking of over 56,000 acres of its reservation lands, as the site for the Oahe Dam and Reservoir, and that such amounts should be deposited in the Standing Rock Sioux Tribe Economic Recovery Fund established by section 3504(b) for use in accordance with this title.

SEC. 3504. FUNDS.

(a) **THREE AFFILIATED TRIBES ECONOMIC RECOVERY FUND.**—(1) There is established in the Treasury of the United States the "Three Affiliated Tribes Economic Recovery Fund" (hereinafter referred to as the "Recovery Fund").

(2) Commencing with fiscal year 1993, and each fiscal year thereafter, the Secretary of the Treasury shall deposit in the Recovery Fund an amount, which shall be nonreimbursable and nonreturnable and which is hereby appropriated, equal to 25 percent of the receipts from deposits to the United States Treasury for the preceding fiscal year from the integrated programs of the Eastern Division of the Pick-Sloan Missouri River Basin Project administered by the Western Area Power Administration, but in no event shall the aggregate of the amounts appropriated to the Recovery Fund for compensation for the Three Affiliated Tribes pursuant to this paragraph and paragraph (3) exceed \$149,200,000.

(3) For payment to the Three Affiliated Tribes of amounts to which they remain entitled pursuant to the Act entitled "An Act to make certain provisions in connection with the construction of the Garrison diversion unit, Missouri River Basin project, by the Secretary of the Interior," approved August 5, 1965 (79 Stat. 433), there is authorized to be appropriated to the Recovery Fund established by subsection (a) for fiscal year 1993 and each of the next following nine fiscal years, the sum of \$6,000,000.

(4) Only the interest received on moneys in such Fund shall be available, and is hereby appropriated, for use by the Secretary of the Interior in making payments to the Three Affiliated Tribes for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary.

(b) **STANDING ROCK SIOUX TRIBE ECONOMIC RECOVERY FUND.**—(1) There is established in the Treasury of the United States the "Standing Rock Sioux Tribe Economic Recovery Fund."

(2) Commencing with fiscal year 1993, and for each fiscal year thereafter, the Secretary of the Treasury shall deposit in the Recovery Fund an amount, which shall be nonreimbursable and nonreturnable and which is hereby appropriated, equal to 25 percent of the receipts from deposits to the United States Treasury for the preceding fiscal year from the integrated programs of the Eastern Division of the Pick-Sloan Missouri River Basin Project administered by the Western Area Power Administration, but in no event shall the aggregate of the amounts appropriated to the Recovery Fund for compensation for the Standing Rock Sioux Tribe pursuant to this paragraph exceed \$90,600,000.

(3) Only the interest on the moneys in such Fund shall be available, and is hereby appropriated, for use by the Secretary of the Interior in making payments to the Standing Rock Sioux Tribe for use for educational, social welfare, economic development, and other programs, subject to the approval of the Secretary.

(c) **LIMITATION.**—During fiscal years 1993, 1994, and 1995, the interest described in subsections (a)(4) and (b)(3) shall not exceed the savings generated by the bill.

SEC. 3505. ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.

No payments pursuant to this title shall result in the reduction, or the denial, of any Federal services or programs that the Three Affiliated Tribes or the Standing Rock Sioux Tribe, or any of their members, are otherwise entitled to, or eligible for, because of their status as a federally recognized Indian tribe or member pursuant to Federal law. No payments pursuant to this title shall be subject to Federal or State income tax, or affect Pick-Sloan Missouri River Basin power rates in any way.

SEC. 3506. PER CAPITA PAYMENTS PROHIBITED.

No part of any moneys in any fund under this title shall be distributed to any member of the Three Affiliated Tribes or the Standing Rock Sioux Tribe on a per capita basis.

SEC. 3507. STANDING ROCK SIOUX INDIAN RESERVATION.

(a) **IRRIGATION.**—The Secretary of the Interior is authorized to develop irrigation within the boundaries of the Standing Rock Indian Reservation in a 2,380 acre project service area, except that no appropriated funds are authorized to be expended for construction of this project unless the Secretary has made a finding of irrigability of the lands to receive water as required by the Act of July 31, 1953 (43 U.S.C. 390a). Repayment for the units authorized under this subsection shall be made pursuant to the Act of July 1, 1932 (25 U.S.C. 386a).

(b) **SPECIFIC.**—There is authorized to be appropriated, in addition to any other amounts authorized by this title, or any other law, to the Secretary of the Interior \$4,660,000 for use by

the Secretary of the Interior in carrying out irrigation projects for the Standing Rock Sioux Tribe.

(c) **DISCLAIMER.**—This section shall not limit future irrigation development, in the event that such irrigation is subsequently authorized.

SEC. 3508. TRANSFER OF LANDS.

(a) **FORMER TRIBAL LANDS.**—(1) Except as provided in subsection (j), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (d).

(2) The lands referred to in paragraph (1) are those Federal lands which were acquired from the Three Affiliated Tribes by the United States for the Garrison Dam Project pursuant to the Act of October 29, 1949 and which are within the external boundary of the Fort Berthold Indian Reservation and located at or above contour elevation 1,860 feet mean sea level.

(b) **FOUR BEARS AREA.**—All rights, title, and interest of the United States in the following described lands (including the improvements thereon) and underlying Federal minerals are hereby declared to be held in trust by the United States for the Three Affiliated Tribes as part of the Fort Berthold Indian Reservation:

(1) approximately 142.2 acres, more or less, lying above contour elevation 1,854 feet mean sea level and located south of the southerly right-of-way line of North Dakota State Highway No. 23, in the following sections of Township 152 North, Range 93 West of the 5th principal meridian, McKenzie County, North Dakota:

Section 15: South half of the southwest quarter;

Section 21: Northeast quarter and northwest quarter of the southeast quarter;

Section 22: North half of the northwest quarter; and

(2) approximately 45.80 acres, more or less, situated in the east half of the southwest quarter and the east half of the west half of the southwest quarter of section 15, lying at or above contour elevation 1,854 mean sea level, located north of the northerly right-of-way line of North Dakota State Highway No. 23 and southeasterly of the following described line:

Commencing at a point on the west line of said section 15, said point being 528.00 feet northerly of the existing northerly right-of-way line of North Dakota State Highway No. 23; thence north 77° 00' 00" east to the west line of said east half of the west half of the southwest quarter of section 15, and the point of beginning of such line; thence northeasterly to the northwest corner of the east half of the southwest quarter and the point of termination.

(c) **FORMER NONTRIBAL LANDS.**—(1) Except as provided in subsection (j), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (d).

(2) The lands referred to in paragraph (1) are—

(A) those Federal lands acquired from individual Indian owners by the United States for the Garrison Dam Project pursuant to the Act of October 29, 1949; and

(B) those lands acquired from non-Indian owners by the United States for such Project (either by purchase or condemnation); and which are within the external boundary of the Fort Berthold Reservation, and located at or above contour elevation 1,860 feet mean sea level.

(d) **RIGHT OF FIRST REFUSAL.**—(1) The Secretary of the Interior shall, within 1 year following the date of the enactment of this title,

offer to the Three Affiliated Tribes, and to such individual Indian owners and non-Indian owners from whom such lands were acquired, or their heirs or assigns, a right of first refusal, for a period to be determined by the Secretary of the Interior not to exceed 12 months following notice of the offer to such Tribes, owners, heirs, or assigns, to purchase at fair market value any land, in the case of the Three Affiliated Tribes, described in subsection (b), and in the case of individual Indian and non-Indian owners, described in subsection (c), which was so acquired. If any such former owner, or his or her heirs or assigns, refuses or fails to exercise his or her right to repurchase, and option to purchase such land shall be afforded to the Three Affiliated Tribes.

(2) Lands purchased from the Secretary of the Interior by former owners, or their heirs or assigns, under this subsection shall not be sold by former owners, their heirs or assigns, within the 5-year period following such purchase, unless the Three Affiliated Tribes has been afforded a right of first refusal to purchase such lands. Such right of first refusal shall afford the Tribes—

(A) 30 days from such notification to inform the prospective seller whether the Tribes intend to exercise their right of first refusal to purchase such lands at the price of the bona fide offer; and

(B) 1 year from such notification to complete the purchase of such lands under their right of first refusal.

(e) CONSIDERATION.—In consideration for the transfer of the lands described above, the Secretary of the Interior, or his designee, shall be responsible for determining the location of contour elevations 1,860 feet mean sea level (for subsections (a) and (c)) and 1,854 feet mean sea level (for subsection (b)) by surveying and monumenting such contour at intervals no greater than 500 feet. The survey and monumentation shall be completed within 2 years after the date of the enactment of this title.

(f) RESERVATIONS.—The United States hereby reserves the perpetual right, power, privilege, and easement permanently to overflow, flood, submerge, saturate, percolate, and erode the land described in subsections (a), (b), and (c) in connection with the operation and maintenance of the Garrison Dam Project, as authorized by the Act of Congress approved December 22, 1944, and the continuing right to clear and remove any brush, debris, and natural obstructions which, in the opinion of the Secretary of the Army, may be detrimental to the Project. The Three Affiliated Tribes, and the owners or their heirs or assigns who reacquired such lands pursuant to this title may exercise all other rights and privileges on the land except for those rights and privileges which would interfere with or abridge the rights and easements hereby reserved.

(g) PROHIBITIONS.—With respect to any lands described in this section that are below 1,860 feet mean sea level, no structures for human habitation shall be constructed or maintained on the land, and no other structures shall be constructed or maintained on the land except as may be approved in writing by the Secretary of the Army.

(h) EXCAVATION.—With respect to lands described in subsections (a), (b), or (c), no excavation shall be conducted and no landfill placed on the land without approval by the Secretary of the Army as to the location and method of excavation or placement of landfill.

(i) DISCLAIMER.—Nothing in this section shall deprive any person of any right-of-way, leasehold, or other right, interest, or claim which such person may have in the lands described in subsections (a), (b), and (c) prior to the date of the enactment of this title.

(j) TRUST LANDS.—(1) All rights, title, and interest of the United States in the improvements and recreation facilities described in paragraph (2) are hereby declared to be held in trust by the United States for the Three Affiliated Tribes.

(2) The improvements and facilities referred to in paragraph (1) are the Red Butte Bay Public Use Area and the Deepwater Bay Public Use Area. The recreation facilities include those facilities located both above and below contour elevation 1,860 feet mean sea level.

(3) The improvements and facilities described in this subsection are transferred as is and without warranty of any kind, and the Corps of Engineers shall have no obligation or responsibility to operate, maintain, repair, or replace any of such improvements or facilities. Operation and maintenance of the improvements and recreational facilities in this subsection shall be the responsibility of the Department of the Interior.

SEC. 3509. TRANSFER OF LANDS AT OAHE DAM AND LAKE PROJECT.

(a) FORMER TRIBAL LANDS.—(1) Except as provided in subsection (i), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (c).

(2) The lands referred to in paragraph (1) are those Federal lands which were acquired from the Standing Rock Sioux Tribe by the United States for the Oahe Dam and Reservoir Project pursuant to the Act of September 2, 1958 (Public Law 85-915)—

(A) which extend southerly from the south shore of Cannonball River, in Sioux County, North Dakota, to a point along the boundary between the Standing Rock and Cheyenne River Indian Reservations, in Dewey County, South Dakota; and

(B) which are located at or above contour elevation 1,620 feet mean sea level.

(b) FORMER NONTRIBAL LANDS.—(1) Except as provided in subsection (i), the Secretary of the Army shall transfer administrative jurisdiction over the lands described in paragraph (2) (including the improvements thereon) to the Secretary of the Interior to be administered as set out in subsection (c).

(2) The lands referred to in paragraph (1) are those Federal lands acquired from individual Indian owners by the United States for the Oahe Dam and Reservoir Project pursuant to the Act of September 2, 1958 (Public Law 85-915), and from non-Indian owners (either by purchase or condemnation), and—

(A) which extend southerly from the south shore of the Cannonball River, in Sioux County, North Dakota to a point along the boundary between the Standing Rock and Cheyenne River Indian Reservations, in Dewey County, South Dakota; and

(B) which are located at or above contour elevation 1,620 feet mean sea level.

(c) RIGHT OF FIRST REFUSAL.—(1) The Secretary of the Interior shall, within 1 year following the date of the enactment of this title, offer to the Standing Rock Sioux Tribe, and to such individual Indian owners and non-Indian owners from whom such lands were acquired, or their heirs or assigns, a right of first refusal, for a period to be determined by the Secretary of the Interior not to exceed 12 months following notice of the offer to the Standing Rock Sioux Tribe, owners, heirs or assigns, to purchase at fair market value any land, in the case of the Standing Rock Sioux Tribe, described in subsection (a), and in the case of individual Indian and non-Indian owners, described in subsection (b), which was so acquired. If any such owner, or his or her heirs or assigns, refuses or fails to exercise their right to repurchase, an option to purchase such lands shall be afforded to the Standing Rock Sioux Tribe.

(2) Lands purchased from the Secretary of the Interior by such former owners, or their heirs or assigns, under this subsection shall not be sold by the former owners, their heirs or assigns, within the 5-year period following such purchase, unless the Standing Rock Sioux Tribe has been afforded a right of first refusal to purchase such lands. Such right of first refusal shall afford the Tribe—

(A) 30 days from such notification to inform the prospective seller whether the Tribe intends to exercise its right of first refusal to purchase such lands at the price of the bona fide offer, and

(B) 1 year from such notification to complete the purchase of such lands under its right of first refusal.

(d) CONSIDERATION.—In consideration for the transfer of the lands described above, the Secretary of the Interior, or his designee, shall be responsible for determining the location of contour elevation 1,620 feet mean sea level by surveying and monumenting such contour at intervals no greater than 500 feet. The survey and monumentation shall be completed within 2 years after the date of the enactment of this title.

(e) RESERVATIONS.—The United States hereby reserves the perpetual right, power, privilege and easement permanently to overflow, flood, submerge, saturate, percolate and erode the land described in subsections (a) and (b) in connection with the operation and maintenance of the Oahe Dam and Lake Project, as authorized by the Act of Congress approved December 22, 1944, and the continuing right to clear and remove any brush, debris and natural obstructions which, in the opinion of the Secretary of the Army may be detrimental to the Project. The Standing Rock Sioux Tribe, and the owners or their heirs and assigns, who reacquired any such lands pursuant to this title, may exercise all other rights and privileges on the land except for those rights and privileges which would interfere with or abridge the rights and easement hereby reserved.

(f) PROHIBITIONS.—With respect to lands described in this section that are below 1,620 feet mean sea level, no structures for human habitation shall be constructed or maintained on the land and no other structures shall be constructed or maintained on the land except as may be approved in writing by the Secretary of the Army.

(g) EXCAVATION.—With respect to lands described in subsections (a) or (b), no excavation shall be conducted and no landfill placed on the land without approval by the Secretary of the Army as to the location and method of excavation or placement of landfill.

(h) DISCLAIMER.—Nothing in this section shall deprive any person of any right-of-way, leasehold, or other right, interest, or claim which such person may have in the lands described in subsections (a) and (b) prior to the date of the enactment of this title.

(i) TRUST LANDS.—(1) All rights, title and interest of the United States in the improvements and recreation facilities described in paragraph (2) are hereby declared to be held in trust by the United States for the Standing Rock Sioux Tribe.

(2) The improvements and facilities referred to in paragraph (1) are the levee around the City of Fort Yates, North Dakota, and the recreation facilities located at the Fort Yates Recreation Area, the Walker Bottoms Recreation Area, and the Grand River Recreation Area, including those recreation facilities located both above and below contour elevation 1,620 feet mean sea level.

(3) The improvements and facilities described in this subsection are transferred as is and without warranty of any kind, and the Corps of En-

gineers shall have no obligation or responsibility to operate, maintain, repair or replace any of such improvements or facilities. Operation and maintenance of the improvements and recreational facilities in this subsection shall be the responsibility of the Department of the Interior.

(j) **EXCEPTION.**—Notwithstanding subsection (i), the transfer of such improvements and facilities pursuant to subsection (i) does not include the improvements and facilities located at the Indian Memorial Recreation Area and the Grand River Fish Spawning Station, unless and until the State of South Dakota consents in writing and then only upon amendment of the "Agreement Between the United States and the State of South Dakota for Recreation and Fish and Wildlife Development at Lake Oahe, South Dakota" entered into on September 2, 1983, which amendment shall specifically provide for such transfer.

(k) **FISH AND WILDLIFE.**—Notwithstanding any other provision of law, the lands transferred under subsection (a) which, prior to the date of enactment of this title, were designated by the Corps of Engineers as mitigation lands for purposes of fish and wildlife conservation in accordance with the Fish and Wildlife Conservation Act of 1958, shall be included in any subsequent determination of the Corps' compliance with the fish and wildlife mitigation requirements of the Fish and Wildlife Conservation Act of 1958. The Standing Rock Sioux Tribe shall use its best efforts to conduct fish and wildlife conservation and mitigation of such lands. Notwithstanding the provisions of the Fish and Wildlife Conservation Act of 1958, the State of South Dakota shall have no claim, right, or cause of action pursuant to Federal law to compel designation of additional lands currently under the jurisdiction of the Corps of Engineers, for purposes of fish and wildlife conservation in lieu of the lands transferred by subsection (a).

SEC. 3510. CONFORMING AMENDMENT.

Section 10(a)(2) of Public Law 89-108 is amended by striking "\$67,910,000" and inserting "\$7,910,000."

SEC. 3511. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 3504 of this title.

TITLE XXXVI—WETLAND HABITAT RESTORATION PROGRAM

SEC. 3601. DEFINITIONS.

(1) The term "Foundation" means the South Dakota Game, Fish and Parks Foundation, a nonprofit corporation under the laws of the State of South Dakota with its principal office in South Dakota; and

(2) The term "wetland trust" means a trust established in accordance with section 3602(b) and operated in accordance with section 3602(c).

SEC. 3602. WETLAND TRUST.

(a) **FEDERAL CONTRIBUTIONS.**—Subject to appropriations therefore the Secretary shall make a Federal contribution to a wetland trust that is—

(1) established in accordance with subsection (b); and

(2) operated in accordance with subsection (c), in the amount of \$3,000,000 in the first year in which a contribution is made and \$1,000,000 in each of the following four years.

(b) **ESTABLISHMENT OF WETLAND TRUST.**—A wetland trust is established in accordance with this subsection if—

(1) the wetland trust is administered by the Foundation;

(2) the Foundation is under the direction of a Board of Directors that has power to manage all affairs of the Foundation, including administration, data collection, and implementation of the purposes of the wetland trust;

(3) members of the Board of Directors of the Foundation serve without compensation;

(4) the corporate purposes of the Foundation in administering the wetland trust are to preserve, enhance, restore, and manage wetland and associated wildlife habitat in the State of South Dakota;

(5) an advisory committee is created to provide the Board of Directors of the Foundation with necessary technical expertise and the benefit of a multiagency perspective;

(6) the advisory committee described in paragraph (5) is composed of—

(A) 1 member of the staff of the Wildlife Division of the South Dakota Department of Game, Fish and Parks, appointed by the Secretary of that department;

(B) 1 member of the United States Fish and Wildlife Service, appointed by the Director of region 6 of the United States Fish and Wildlife Service;

(C) 1 representative from the Department of Agriculture, as determined by the Secretary of Agriculture; and

(D) 3 residents of the State of South Dakota who are members of wildlife or environmental organizations, appointed by the Governor of the State of South Dakota; and

(7) the wetland trust is empowered to accept non-Federal donations, gifts, and grants.

(c) **OPERATION OF WETLAND TRUST.**—The wetland trust shall be considered to be operated in accordance with this subsection if—

(1) the wetland trust is operated to preserve, enhance, restore, and manage wetlands and associated wildlife habitat in the State of South Dakota;

(2) under the corporate charter of the Foundation, the Board of Directors, acting on behalf of the Foundation, is empowered to—

(A) acquire lands and interests in land and power to acquire water rights (but only with the consent of the owner);

(B) acquire water rights; and

(C) finance wetland preservation, enhancement, and restoration programs;

(3)(A) all funds provided to the wetland trust under subsection (a) are to be invested in accordance with subsection (d);

(B) no part of the principal amount (including capital gains thereon) of such funds are to be expended for any purpose;

(C) the income received from the investment of such funds is to be used only for purposes and operations in accordance with this subsection or, to the extent not required for current operations, reinvested in accordance with subsection (d);

(D) income earned by the wetland trust (including income from investments made with funds other than those provided to the wetland trust under subsection (a)) is used to—

(i) enter into joint ventures, through the Division of Wildlife of the South Dakota Department of Game, Fish and Parks, with public and private entities or with private landowners to acquire easements or leases or to purchase wetland and adjoining upland; or

(ii) pay for operation and maintenance of the wetland component;

(E) when it is necessary to acquire land other than wetland and adjoining upland in connection with an acquisition of wetland and adjoining upland, wetland trust funds (including funds other than those provided to the wetland trust under subsection (a) and income from investments made with such funds) are to be used only for acquisition of the portions of land that contain wetland and adjoining upland that is beneficial to the wetland;

(F) all land purchased in fee simple with wetland trust funds shall be dedicated to wetland preservation and use; and

(G)(i) proceeds of the sale of land or any part thereof that was purchased with wetland trust funds are to be remitted to the wetland trust;

(ii) management, operation, development, and maintenance of lands on which leases or easements are acquired;

(iii) payment of annual lease fees, one-time easement costs, and taxes on land areas containing wetlands purchased in fee simple;

(iv) payment of personnel directly related to the operation of the wetland trust, including administration; and

(v) contractual and service costs related to the management of wetland trust funds, including audits.

(4) the Board of Directors of the Foundation agrees to provide such reports as may be required by the Secretary and makes its records available for audit by Federal agencies; and

(5) the advisory committee created under subsection (b)—

(A) recommends criteria for wetland evaluation and selection: Provided, That income earned from the Trust shall not be used to mitigate or compensate for wetland damage caused by Federal water projects;

(B) recommends wetland parcels for lease, easement, or purchase and states reasons for its recommendations; and

(C) recommends management and development plans for parcels of land that are purchased.

(d) INVESTMENT OF WETLAND TRUST FUNDS.—

(1) The Secretary, in consultation with the Secretary of the Treasury, shall establish requirements for the investment of all funds received by the wetland trust under subsection (a) or reinvested under subsection (c)(3).

(2) The requirements established under paragraph (1) shall ensure that—

(A) funds are invested in accordance with sound investment principles; and

(B) the Board of Directors of the Foundation manages such investments and exercises its fiduciary responsibilities in an appropriate manner.

(e) COORDINATION WITH THE SECRETARY OF AGRICULTURE.—

(1) The Secretary shall make the Federal contribution under subsection (a) after consulting with the Secretary of Agriculture to provide for the coordination of activities under the wetland trust established under subsection (b) with the water bank program, the wetlands reserve program, and any similar Department of Agriculture programs providing for the protection of wetlands.

(2) The Secretary of Agriculture shall take into consideration wetland protection activities under the wetland trust established under subsection (b) when considering whether to provide assistance under the water bank program, the wetlands reserve program, and any similar Department of Agriculture programs providing for the protection of wetlands.

SEC. 3603. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary \$7,000,000 for the Federal contribution to the wetland trust established under section 3602.

TITLE XXXVII—SAN JOAQUIN NATIONAL VETERANS CEMETERY, CALIFORNIA

Notwithstanding any other provisions of law, the Secretary of the Interior and the Secretary of Veteran Affairs are authorized to enter into a contract to provide for the delivery in perpetuity of water from the Central Valley Project in quantities sufficient, but not to exceed 850 acre-feet per year, to meet the needs of the San Joaquin National Cemetery, California.

AMENDMENT NO. 1786

(Purpose: to amend H.R. 429)

Mr. CRANSTON. Mr. President, on behalf of Senators JOHNSTON, SEYMOUR, and myself, I send an amendment to the desk with respect to the Sonoma Baylands wetland demonstration project.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], [for Mr. JOHNSTON, for himself Mr. SEYMOUR, and Mr. CRANSTON] proposes an amendment numbered 1786.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

TITLE —SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT

SEC. . SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of the Army is directed to develop and carry out in accordance with this section a 320-acre Sonoma Baylands wetland demonstration project in the San Francisco Bay-Delta estuary, California. The project shall utilize dredged material suitable for aquatic disposal to restore, protect, and expand the Sonoma Baylands for the purposes of preserving waterfowl, fish, and other wetland dependent species of plants and animals and to provide flood control, water quality improvement, and sedimentation control.

(b) ADDITIONAL PROJECT PURPOSES.—In addition to the purposes described in subsection (a), the purposes of the project under this section are to restore tidal wetlands, provide habitat for endangered species, expand the feeding and nesting areas for waterfowl along the Pacific flyway, and demonstrate the use of suitable dredged material as a resource, facilitating the completion of Bay Area dredging projects in an environmentally sound manner.

(c) PLAN.—

(1) GENERAL REQUIREMENTS.—The Secretary, in cooperation with appropriate Federal and State agencies, and in accordance with applicable Federal and State environmental laws, shall develop in accordance with this subsection a plan for implementation of the Sonoma Baylands project under this section.

(2) CONTENTS.—The plan shall include initial design and engineering, construction, general implementation and site monitoring.

(3) TARGET DATES.—

(A) FIRST PHASE.—The first phase of the plan for final design and engineering shall be completed within 6 months of the date of the enactment of this Act.

(B) SECOND PHASE.—The second phase of the plan, including the construction of on-site improvements, shall be completed within 10 months of the date of the enactment of this Act.

(C) THIRD PHASE.—The Third phase of the plan, including dredging, transportation, and placement of material, shall be started no later than July 1, 1994.

(D) FOURTH PHASE.—The final phase of the plan shall include monitoring of project success and function and remediation if necessary.

(d) NON-FEDERAL PARTICIPATION.—Any work undertaken pursuant to this title shall be initiated only after non-Federal interests have entered into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to:

(1) provide 25 percent of the cost associated with the project, including provision of all

lands, easements, rights-of-way, and necessary relocations; and

(2) pay 100 percent of the cost of operation, maintenance, replacement, and rehabilitation costs associated with the project.

(e) REPORTS TO CONGRESS.—The Secretary shall report to Congress at the end of each of the time periods referred to in subsection (c)(3) on the progress being made toward development and implementation of the project under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$15,000,000 for carrying out this section for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

Mr. SEYMOUR. Mr. President, today I rise to propose an amendment to H.R. 429 which will facilitate dredging in the San Francisco Bay. The amendment would allow for upland disposal of dredge through the creation of a demonstration project for the restoration of wetlands at Sonoma Baylands.

The Port of Oakland has two main terminals which are capable of accepting new deep draft vessels. These two terminals, the American President Line terminal and the Charles P. Howard terminal, though, cannot be fully utilized because of the shallow nature of Oakland's inner harbor.

The inability of Oakland to accept fully loaded deep draft vessels has stunted the ports growth. In the last 10 years, the port of Oakland's market share has decreased from almost 26 percent to under 17. This falloff is directly related to the ports failure to deepen its shipping channels.

In order for the Port of Oakland to accommodate deep draft vessels, the Federal channels in the inner harbor must be deepened to 42 feet. Currently, there is insufficient capacity at in-bay dredge disposal sites to accommodate the dredge from both the harbor's required maintenance dredging and dredge from the 42-foot project.

Without adequate dredge disposal sites, dredging cannot go forward. The Sonoma baylands wetlands mitigation project would create an ideal uplands dredge disposal site for the 42-foot project.

Currently, the Army Corps, in conjunction with the EPA, is conducting a \$16 million study of long-term solutions to the problem of dredge disposal. The study, which is slated for completion in 1994, will outline options for dramatically reducing and hopefully eliminating in-bay disposal of dredge. While I fully support the long-term management study [LTMS] process, I believe it is imperative to begin deepening Oakland shipping channels before the recommendations from the LTMS process are finalized.

For almost a year now, I have been aggressively working to ensure the ports of San Francisco and Oakland remain open to large vessel traffic. When I first got involved in the dredging issue, it appeared that most maintenance dredging would be halted at the

two ports. The holdup seemed to stem from a bureaucratic web that involved the Army Corps, the Environmental Protection Agency [EPA], and the National Marine Fisheries Service [NMFS].

At the time I became involved in the issue, each of these agencies was working diligently on its own piece. The corps was busy assessing how much maintenance dredging would be required to keep the Ports of Oakland and San Francisco operational. NMFS was studying the migration and habitat needs of the winter run chinook salmon. EPA was assessing upland and off-shore disposal sites. Unfortunately, no one was working to ensure these pieces would fit together. The result was stalemate: no solutions, no permits, no dredging, and sadly, the potential loss of up to a 100,000 jobs and a \$4.5 billion industry for the bay area.

I found it unconscionable that a multibillion dollar industry in the State of California would be put at risk because Federal bureaucracies could not seem to communicate and work with each other to solve problems. I vowed not to let that happen.

Since last July, my staff and I have been meeting on a monthly and sometimes weekly basis with all the pertinent Federal agencies. As a result these agencies are placing greater emphasis on keeping the Ports of Oakland and San Francisco vital.

This new emphasis has yielded results. In the Port of San Francisco, the dredging on pier 27, pier 29, pier 94, pier 96, pier 80—approach, pier 80—Islais Creek, and the Berkeley Marina has been permitted. The Port of Oakland, the Chevron oil transfer facility, and the Guadalupe Slough have also gotten permission to go forward with need maintenance dredging projects.

Additionally, the Army Corps announced last week that it will be holding public hearings on its proposal to deepen Oakland's inner harbor from 35 feet to 38 feet. The 38-foot level is an intermediate step, and I am hopeful that with the passage of this amendment, the Port of Oakland will be able to achieve its ultimate goal of 42-feet.

Mr. President, I would like to thank Senator JOHNSTON for his strong support of this effort. He has always been a good friend to the bay area, and I commend him on his leadership on this issue.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So, the amendment (No. 1786) was agreed to.

Mr. JOHNSTON. Mr. President, I am pleased that the Senate is considering H.R. 492, the Reclamation Projects Authorization and Adjustment Act of 1992, as amended by the Committee on Energy and Natural Resources.

This 37-title bill contains measures of direct importance to my colleagues on both sides of the aisle from Arizona,

California, Colorado, Kansas, New Mexico, Texas, Wyoming, Montana, Washington, Oregon, North Dakota, South Dakota, Utah, and Oklahoma.

H.R. 429, as amended by the committee, addresses a wide variety of water resource problems and opportunities—everything from rural drinking water supplies to fish and wildlife habitat restoration. The bill does contain certain traditional water development features, but it is most notable for reflecting a serious commitment to protection and restoration of environmental values. Simply put, this bill would move the Nation a meaningful step forward toward payment of the reclamation program's debt to the environment.

My colleague from Utah, Senator GARN, deserves special acknowledgment for having overseen difficult negotiations involving Utah's environmental community, irrigators, urban water users, and other interests that, after many months, produced agreement on the final configuration of the central Utah project. Senator GARN's hard work produced a real success story for Utah, and a model for bringing contemporary values to water projects elsewhere.

Mr. President, this is not a perfect bill. In particular, title XXXIV, which deals with the Central Valley project in California, is deeply flawed. I agreed to inclusion of this measure in H.R. 429 solely in order to move forward in the essential process of reforming the CVP. Neither California nor the United States have any real choice but to act promptly to make that project more responsible to the taxpayer and to the environment.

Nevertheless, Mr. President, I do feel strongly that this bill merits the Senate's approval now so that we have time to convene and complete a conference with the other Chamber. I am hopeful that, through the conference, we will retain this bill's best features while eliminating its shortcomings. In this regard, let me be clear that I would find it very difficult to support an agreement in conference that does not ensure meaningful reform of the Central Valley project or that broadens the opportunities for abuse of the reclamation program's subsidy limitations.

In addition, Mr. President, I want to inform my colleagues that the bill as passed by the Committee on Energy and Natural Resources has been amended. The amendment, which I cosponsored along with my two distinguished colleagues from California, authorizes the U.S. Army Corps of Engineers to conduct a Sonoma Baylands wetland demonstration project in the San Francisco Bay-Delta Estuary, CA.

As you may know, the bay area has faced very serious problems with the availability of dredge disposal options for new work construction projects at

the ports bordering San Francisco Bay. This predicament has resulted in several large ships running aground in the bay and has stalled new work projects scheduled for completion; \$5.4 billion in economic activity is generated by navigation-dependent activities which include jobs, sales and revenues associated with the deep draft shipping industry, U.S. Navy, recreational boating, commercial and recreational fishing, passenger boats, ship repair, and government maritime services. Without channel maintenance, the bay area could expect to lose \$4.4 billion annually of deep draft cargo economic activity; \$500 million annually of U.S. Navy payroll and thousands of jobs in the shipping industry and government maritime services.

On average, between 7 and 8 million cubic yards of material are dredged annually for both Federal and private interests in the bay area. Over the next 50 years, it is projected that almost one-half million cubic yards will need to be dredged from San Francisco Bay. Almost half of this amount will be for routine maintenance by the Corps of Engineers. Meanwhile, the number of in-bay disposal sites has decreased from 11 in the early 1970's to 4 today. The Alcatraz disposal site, the most widely used depository, has been affected by an accumulation of material which has resulted in mounding requiring strict annual limits on the amount of material that can be deposited at the site.

In addition to this problem, the National Marine Fisheries Service has listed the winter run chinook salmon as "threatened," causing further restrictions on dredge disposal at the Alcatraz site. A decision is expected this June on whether or not to list the salmon species as endangered rather than threatened.

Completion of the multiagency long term management strategy in 1994 will provide the bay area with a much-needed plan for dredging activities well into the next century, and is expected to alleviate many of the current economic and environmental concerns related to those activities. In the interim, this amendment would authorize the Corps of Engineers to move forward with a demonstration project for wetlands restoration at Sonoma Baylands. Development of this site is a priority for the bay area because of the environmental importance of recycling suitable dredge material for beneficial reuse, and because of its economic importance for continuing commerce in that community.

Sonoma Baylands comprises 322 acres of land that could be restored to tidal salt marsh habitat. Near the turn of the century, this land was diked from tidal action and converted for agricultural use. Similar practices around San Francisco Bay have resulted in a severe reduction of tidal marsh land. Because

of the importance of tidal marshes to the ecosystem of San Francisco Bay, and because of increased dredging activities, wetlands restoration is a priority for northern California.

I hope my colleagues will join with me in supporting passage of this bill.

Mr. BRADLEY. Mr. President, the decision by the Committee on Energy and Natural Resources to include the text of Senator SEYMOUR's bill on the Central Valley project, S. 2016, as title XXXIV of the committee's substitute amendment to H.R. 429 does not mean that the committee or any of its members support the bill. To be quite sure, I do not support Senator SEYMOUR's bill. The inclusion of S. 2016 here does move the process of CVP reform one step forward, but all Members need to be aware that enactment of the legislation in its present form would represent a severe and unwarranted setback for the State of California. I expect a very different measure to emerge from negotiations with the House of Representatives.

To begin, title XXXIV fails to remove Federal impediments to transfers of CVP water. The bill merely substitutes one set of meddlesome Federal rules for another, leaving the State of California with no authority to permit or administer transfers from the CVP.

Mr. President, this is a classic case of Federal interference in State affairs. I do not want to tie Governor Wilson's hands, and cannot understand why anyone would think doing so is a good idea for the State. Senator SEYMOUR has pointed out that the water transfer language in S. 2016 was negotiated between the Metropolitan Water District of southern California and the CVP growers and argues from that fact that the Congress should approve it. While I have no objection to the Metropolitan Water District or any other urban water agency gaining access to CVP water, the fact that the water transfer language was worked out between just two entities argues very strongly against congressional approval. Why should Congress ratify a deal negotiated behind doors closed to all the other water interests in the State?

A particularly troubling element of the water transfer language in title XXXIV is that it gives the irrigation districts complete authority to veto water transfers by individual farmers. Those districts are powerful bureaucracies that have fought water transfers for decades because they fear losing power. If transfers are good for the State, as almost everyone has come to agree, why should Congress permanently empower a handful of local bureaucrats to stop transfers whenever they like?

Easily the worst feature of the bill's water transfer language is a provision that would give CVP farmers a permanent right to their present water supply in exchange for making a perma-

ment transfer of even a tiny part of their water supply to an urban customer. Imagine that you are a corporate farmer growing subsidized cotton on 10,000 acres in the San Joaquin Valley, and your original 40-year water contract with the Bureau of Reclamation is about to expire. You know that Congress and even the State of California are thinking about rewriting the terms for using CVP water. Would you wait to renew your contract on terms that reduce subsidies and require some consideration of the environment, or would you immediately offer 1 percent of your water to a developer in southern California forever at no cost, knowing that, under title XXXIV you could keep the remaining 99 percent forever with no change in terms?

Mr. President, title XXXIV fails to reform CVP irrigation subsidies. The project's far below-market water prices give CVP growers no incentive to use water efficiently or grow low water-use crops.

The CVP's water rates reflect a 95-percent taxpayer subsidy to some of the Nation's wealthiest farmers. The present worth of the CVP's capital construction cost is about \$3.766 billion. The expected present worth of project repayment is about \$203 million, or approximately 5 percent of CVP construction costs; that is, about \$3.56 billion of construction costs will be a Federal subsidy. This expected repayment will return only about 13-16 percent of the costs normally repayable under reclamation law. The increased subsidy in the project has resulted from administrative practices such as fixed-rate contracts that provide subsidies over and above those embodied in general reclamation law. These practices will defer about 75 percent of capital repayment until after 2010, some 60 years beyond the date that project repayment began.¹ Although the Bureau of Reclamation has no authority to defer operations and maintenance payments, the effect of the fixed-rate contracts

has been to defer O&M payment, as well.

Since the CVP began delivering water in the 1940's CVP growers have produced crops worth over \$47 billion. In 1989 alone, CVP growers reaped over \$3.5 billion in gross crop values, while repaying the United States only \$29.3 million—\$2.2 million less than it cost the Bureau of Reclamation to run the project that year.

Prices charged for CVP water used for irrigation are considerably lower than the Bureau of Reclamation's cost to develop and deliver the water. The following chart, developed with information supplied by the Bureau of Reclamation, compares what CVP contractors—usually irrigation districts—pay for CVP water—the subsidized wholesale rate—with what the growers in those irrigation districts pay for the water—the subsidized retail rate—with the unsubsidized wholesale price for the water and, finally, the growers' ability to pay for the water:

Region	Subsidized wholesale rate	Subsidized retail rate	Unsubsidized wholesale rate	Growers' ability to pay
Sacramento Valley	\$2.75 to \$12/AF	\$7 to \$15/AF	\$25 to \$60/AF	\$8 to \$25/AF.
San Joaquin Valley/Friant Unit	\$3.50 to \$16/AF	\$15 to \$24/AF	\$30 to \$40/AF	\$70/AF.
San Joaquin Valley/San Luis Unit	\$8 to \$16/AF	\$28/AF	\$35 to \$45/AF	\$70/AF.

The "value" of the subsidized water rate can best be seen by taking a specific example, for instance, the Westlands Water District, served by the CVP's San Luis Unit. The district has contracted to buy 900,000 acre-feet of CVP water each year at the subsidized price of \$12/acre-foot. Westlands sells that water to Westlands growers for an average price of \$29/acre-foot. The unsubsidized price for CVP water sold to Westlands would be \$45.79/acre-foot, \$33.79/acre-foot more than the district's current subsidized rate. If Westlands were obliged to pay the unsubsidized price for its water, the price paid by individual growers would, presumably, rise from \$29/acre-foot to \$62.79/acre-foot, still well under the \$70/acre-foot price which, according to the Bureau of Reclamation, Westlands growers can afford to pay. At current prices, Westlands pays the Bureau of Reclamation \$10,800,000 each year for its water (\$12.00900,000=\$10,800,000). If Westlands paid the unsubsidized rate, revenues to the Bureau would rise by about \$30,000,000 each year (\$45.79900,000=\$41,211,000). If Westlands growers were charged for their water at a rate that matches their ability to pay, revenues to the Bureau would rise by \$52,000,000 each year (\$70.00900,000=\$63,000,000).

By way of comparison, the wholesale rate charged for water sold by California's State water project for irrigation in the San Joaquin Valley ranges from \$50 to \$100/acre-foot. Irrigators served by the Metropolitan Water District in

southern California pay between \$200 to \$400/acre-foot for their water. According to the U.S. Department of Commerce, the statewide average charge for irrigation water is \$72/acre-foot.

Mr. President, the following chart, based on California Department of Fish and Game information, compares pre-Central Valley project levels of Central Valley salmon runs with recent year returns:

Drainage	Pre-CVP (all races of salmon)	Recent years
Sacramento River	600,000 to 1,000,000 adults.	150,000 total (1976-1990 avg.) Fall run chinook—50 percent decline in last 15 years. Spring run chinook—probably extinct. Late fall chinook—70 percent decline in last 15 years. Winter run chinook—99 percent decline since 1960's; near extinction.
San Joaquin	150,000 to 300,000 adults.	11,000 to 32,000 (1980-89). Spring run-extinct.

As the committee report recognizes, mitigation for CVP impacts has not occurred or, when attempted, has relied on physical structures which have been only occasionally effective. The California Department of Fish and Game and the U.S. Fish and Wildlife Service both have called for replacement or improvement of existing physical structures along with changed flow and diversion patterns. According to the U.S. Fish and Wildlife Service:

"With regard to the anadromous fishery [CVP] mitigation provided to date consists of three hatcheries in need of rehabilitation, an unsuccessful spawning channel, a fish trap and some screening. The hatcheries were intended to mitigate for impacts associated with blockage by dams to upstream spawning areas. The spawning channel has been ineffective and will be abandoned. The screens at the Tehama-Colusa Canal headworks have been upgraded. Other project screens and the Keswick fish trap are only partially effective and their inefficiency is a major problem to anadromous fish runs.

"The fishways at Red Bluff Diversion Dam are ineffective and in need of modification. The dam itself has caused predation conditions that significantly impact survival of downstream migrating juvenile salmonids.

"There have been minimum flow releases for fishery purposes established below all CVP impoundments except Friant. With the possible exception of Trinity River releases, none are adequate to maintain fish populations. Provision of adequate instream flows and temperatures below project reservoirs is probably the most important of all project compensation needs.

The U.S. Fish and Wildlife Service provided the Committee with a list of fishery mitigation needs, including:

About 2 million acre-feet of water to satisfy instream flow needs in all years. This would not be a consumptive use, but releases that could be put to other beneficial uses.

Rehabilitation of the three Central Valley Project hatcheries * * * and funds for operation and maintenance * * *.

Multi-level outlet structures at project reservoirs * * *.

Operational changes to insure an adequate supply of cool water when needed for downstream fishery purposes.

Gravel replenishment * * *.

¹R. Wahl, "Markets for Federal Water: Subsidies, Property Rights, and the Bureau of Reclamation" (1989).

Major modifications at Red Bluff Diversion Dam * * *.

Alternative mitigation for the impacts of Red Bluff Diversion Dam.

Improvement of Delta facilities (screens) and operations, including perhaps pumping curtailments at critical periods.

According to the California Department of Fish and Game:

Successful downstream migration of salmonid smolts is critical for the restoration of stocks of salmon and steelhead. The flows must be sufficient to carry the fish past all major diversions * * *. Ultimately both State and Federal projects should be modified to utilize a common intake or intakes with fish screens and sufficient bypass flows. The current trapping and trucking practice at the Delta pumps, as at some other diversions, should only be considered a stopgap or supplemental measure. * * * Increased flows, pumping curtailment, adequate screens, and appropriate operating criteria are the solutions * * *. (CDFG, "Central Valley Salmon and Steelhead Restoration and Enhancement Plan," April 1990).

The bill fails to provide the water needed to restore California's fish and waterfowl populations damaged by the CVP's operations. Although the bill purports to authorize water for wildlife refuges and, in limited instances, for fish, the fine print makes it clear that no water could be used for environmental purposes without the approval of the growers and without first meeting all of the growers' demands. The bill's offer of water is a cynical, empty gesture.

The bill fails to provide any but the smallest fraction of the money needed to fix fish and wildlife problems. It authorizes almost \$400 million worth of various techno-fixes like fish ladders and hatcheries, but would raise only \$5-7 million a year to build them. Are the fish really supposed to wait a century for a fish ladder? Again, the bill's offer of mitigation measures is a cynical, empty gesture.

The bill's failure to help protect and restore fish and wildlife is, in the end, a failure to correct the CVP's bias against California's fishermen and fishery dependent businesses and communities. It also reflects a failure to recognize the plight of the Bay area ports which have had to shut down their dredging operations in order to avoid harm to the salmon populations so badly damaged by the CVP. The Port of San Francisco and the Port of Oakland are not responsible for pushing the salmon to the brink of extinction, the CVP is, but you would not know that from reading this bill. The bill gives the CVP no clear direction to serve these legitimate northern California interests along with Central Valley growers. I cannot imagine what good would be achieved by turning our collective back on these Californians.

Mr. President, the bill fails to recognize the merit of transferring ownership of the CVP to the State of California. The growers have done very well

for themselves while they have been able to milk the Federal taxpayer for billions in subsidies. It is no surprise that the bill they wrote tries to hide from the prospect of State ownership and management of the CVP.

Finally, Mr. President, Members should reflect on the future California faces if this bill becomes law and no genuine CVP reform is achieved.

The Bureau of Reclamation and CVP agribusiness will continue to sit on 20 percent of the State's water supply and run it for their own interests. Water-short communities and businesses throughout the State will be left with no choice but to beg for water from the irrigation districts which S. 2016 gave a Governor-proof veto right over water transfers. The Nation's biggest corporate farmers already made rich by delivery of subsidized water, will make even richer by being empowered to dictate terms for sale of their taxpayer funded water to water-starved cities and industries.

Windfall rich CVP corporate farmers will continue to use their economic power to force small family farms out of business, while continuing to take the subsidized water originally intended for those same small farms.

California cities, unable to secure ready access to new water through voluntary transfers, will be left with no obvious choice but to spend billions of dollars on energy-intensive, polluting, and expensive desalination plants and to lobby for the Peripheral Canal, Auburn Dam, and diversion of wild north coast rivers. Southern California will intensify its efforts to boost its take of Colorado River water, threatening to upset the Colorado River compact.

During the next drought, urban residents and growers outside the CVP who pay hundreds of dollars for every acre-foot of water they use, will watch gardens and crops die, while just over hill or down the road in the Central Valley, hundreds of thousands of acres of taxpayer subsidized cotton and rice will flourish in the desert.

Numerous species will become extinct, not the least of which will be California's fishermen. The demise of the fishing industry will be followed by severe economic hardship and dislocation in northern California coastal communities.

The Central Valley will be dotted with thousands of acres of agricultural drainage ponds, each one of which will be a mini-Kesterson, laden with toxic farm runoff and ringed with the carcasses of dead waterfowl.

Federal courts or State courts or both will soon be running the CVP and every other water project that takes water from Central Valley rivers, including California's own water project, and the local water projects serving San Francisco and Oakland.

The Ports of San Francisco and Oakland will lose significant parts of their

shipping business and thousands of jobs to other ports without dredging restrictions.

Years from now, the Governor will still be negotiating for transfer of the CVP to the State, with the growers still refusing to pay for their water or to clean up after the project.

Global trading partners will point to the CVP as a gross example of United States protectionism in order to justify their own restraints on American imports.

Members should be aware that, when faced with the decision to support enactment of title XXXIV, or real CVP reform, they are, in fact, faced with nothing less than the decision whether the next generation of Californians will see the State's water shared fairly, or whether California's economy and environment will be sacrificed to the demands of a selfish few.

Mr. CRANSTON. I would like to ask the chairman of the Water and Power Subcommittee about section 1913 of H.R. 429, the Reclamation Projects Authorization and Adjustment Act, which authorizes the Los Angeles reclamation and reuse project. It's my understanding that the purpose of this provision is to authorize the Secretary of the Interior to participate with the city and county of Los Angeles and the West Basin Municipal Water District in the design, planning and construction of at least two water reclamation and reuse projects to treat approximately 120,000 acre feet of effluent annually. It's also my understanding that the purpose of treating the water is to provide new water supplies in southern California for industrial, environmental and other beneficial uses. This would reduce the need for imported water from northern California, the Colorado River, and the Owens Valley and reduce the sewage effluent discharged into Santa Monica Bay. Is my understanding correct?

Mr. BRADLEY. The Senator from California is correct. The committee recognizes that there are limited opportunities to develop new water sources in the State of California. However, existing technology is capable of treating effluent for reuse.

This has the practical effect of stretching existing water supplies. It is the committee's expectation that approximately 120,000 acre feet of effluent will be treated and available for reuse by the provisions in section 1913. The committee also is fully aware that the projects will have the added benefit of permitting the city of Los Angeles to resolve some of its own water needs internally within its own basin. Santa Monica Bay will benefit since sewage effluent discharges will be reduced. The committee also considers the projects as a source of replacement water for Mono Lake where diversions have been restricted by recent court decisions.

Mr. CRANSTON. I thank the Senator for the clarification.

Mr. GARN. Mr. President, I rise today to speak on behalf of H.R. 429, a major portion of which contains authority to complete the central Utah project [CUP]. For me, passage of this bill represents the culmination of 25 years of work. I first heard of the CUP when I became Salt Lake City's water commissioner in 1967. After becoming mayor in 1971, I retained my position as a water commissioner and continued to work on the project. But, my real dive into this project came when I was elected to the Senate in 1974. After coming to Washington, I became responsible to obtain the yearly appropriation for the project. With that in mind I jumped from the Armed Services Committee in 1978 to the Appropriations Committee where I have been ever since.

The CUP was originally scheduled to be completed by 1972. But like the Federal Interstate Highway System and for myriad reasons, 1972 came and went and expensive construction delays occurred. By the mid 1980's, I made a disappointing but, inevitable discovery. Successive years of slow construction meant the day would come when construction on the project would stop unless my colleagues and I from Utah could persuade the Congress to raise the authorization ceiling one more time. So, my focus necessarily had to shift to a dual one, obtaining the annual CUP appropriation and negotiating a new authorization ceiling in order to be able to complete the project.

Mr. President, the Utah delegation has successfully negotiated a reauthorization bill for the CUP which is encompassed in titles II through V of H.R. 429. As a matter of fact, we finished negotiating the CUP provisions in August of 1990, and have been waiting for this day ever since. To understate the obvious, I am very grateful that we have reached this point today.

By way of explanation, this bill raises the authorization ceiling for the Colorado River storage project from \$2.1 billion to nearly \$3 billion. The bill will provide for the delivery of municipal and industrial water for the nearly 1 million people who reside in Salt Lake and Utah counties and it creates a water supply for an additional 400,000 people. It also provides for the construction of a reliable supplemental irrigation system for which the people of rural central Utah have waited since 1956. It provides several innovative conservation and environmental mitigation programs which were arduously negotiated with conservationists. Finally, the bill makes good on a commitment the State of Utah made in 1965 to the Ute Indians to compensate the tribe for contributing its waters to the central Utah project. In summary, Mr. President, this bill solves many, many problems, creates many new opportunities, and prepares Utah so it can face the future confidently.

The passage of this bill today represents the culmination of the dreams of many, many Utah citizens. The father of the CUP was the late Edward W. Clyde, a man who had the foresight and vision to bring Utah's share of the Colorado River to the populated areas of the Wasatch Front and the farms and ranches of central Utah. I would also like to give credit to a bipartisan group of Utah Governors and Members of Congress, who beginning with passage of the 1956 Colorado River Storage Project Act have fought hard for their State's water interests here in Washington: Governors J. Bracken Lee, George Dewey Clyde, Calvin L. Rampton, Scott M. Matheson, Norman H. Bangerter, Senators Arthur V. Watkins, Wallace F. Bennett, Frank M. Moss, ORRIN G. HATCH, Representatives Henry Aldous Dixon, William A. Dawson, David S. King, M. Blaine Peterson, Laurence J. Burton, Sherman P. Lloyd, K. Gunn McKay, WAYNE OWENS, Allen T. Howe, Dan Marriott, JAMES V. HANSEN, Howard C. Nielson, David S. Monson, and BILL ORTON.

Mr. President, water is the life blood of my State. Utah is the second most arid State in the union. This measure we are about to pass is absolutely vital to the long-term future of my State. I hope we can move quickly to resolve our differences over other titles of the bill with the House in the upcoming conference. I look forward to that opportunity and to the day when this measure is on President Bush's desk for his signature.

Mr. HATCH. Mr. President, the Utah congressional delegation, in cooperation with congressional leaders, the administration, environmentalists, farmers, native Americans, power interests, sportsmen, and State and local leaders, has spent much of the last 4 years in vigorous, detailed, and sometime very contentious negotiations trying to reach an agreement on legislation that would lead to the completion of the central Utah project and meet long-standing obligations to the people of Utah.

While it was difficult, an agreement was finally reached by our very diverse coalition and we are considering that agreement here today. I doubt that anyone involved in the negotiations is completely satisfied with the final product. Compromises were required of everyone, but as a result of those compromises, we now have a bill that has the support of every affected group.

From our compromises, we have created a balance and innovative bill that will finally address the many difficult issues associated with the construction of the central Utah project. This is a landmark piece of western water legislation and I would like briefly to discuss some of the highlights.

Our legislation will provide sufficient funds to complete both Wasatch front municipal and southern Utah irriga-

tion components of the project. We have included provisions to reform almost every adverse environmental impact that has resulted from construction of the central Utah project. It guarantees minimum stream flow protection to 240 miles of Utah streams and rivers. We have provided a major funding source to restore or improve wetlands, big game rangelands, and fisheries. We have required water users to develop conservation plans in a effort to better protect and manage Utah's water resources. In addition, we have eliminated several features that were considered too costly or unnecessary.

A key to the agreement is the consensus concerning the establishment of an ongoing mitigation and conservation fund in Utah to assist in the repair and enhancement of projects called for in the bill. Under the plan we have developed, project beneficiaries, and State and Federal Governments would all contribute to establish the fund.

We have also included a title to resolve the longstanding claims of the Ute Indian Tribe against the U.S. Government. It provides a fair and complete settlement of the water rights claims of the Ute tribe of eastern Utah by creating financial investment opportunities in lieu of costly and infeasible water development projects. I believe that this component is an essential part of the bill, and that it is time for the Government finally to make good on the promises made over 25 years ago.

Mr. President, I am certain you are well aware that the central Utah project is extremely important to the future of the State of Utah, and its completion has been of paramount importance to Senator GARN and myself all the years we have spent representing Utah.

For Utahns, the wise management of water is a necessity. It is a natural resource without which there can be no growth of any kind in our State. It was the recognition of the fact that Utah was one of the driest States in the country which led to the development of the central Utah project: a project designed to allow the State of Utah to utilize water from our many mountain streams in a manner that would enable the State to control its growth and destiny.

There is no question that we are asking for a substantial increase in our spending ceiling, but I believe our request is justified. We are asking that the Federal Government fulfill a promise that was made to the people of Utah over 40 years ago. We are attempting to provide the people of Utah with a reliable source of water that will guarantee economic growth and stability well into the next century while addressing the severe environmental impacts associated with construction of the project.

In addition, I want to make it very clear that this bill is not a gift to the

State of Utah. Utahns have agreed to pay 35 percent of the cost of the features that are authorized in this bill. This is a substantial sum to the citizens of Utah, in fact it is higher than has ever before been required for a Federal reclamation project, but it is a sacrifice that we are willing to make to assure a reliable water system.

I believe it is important to also point out that completion of the project triggers very substantial repayment obligations. The costs allocated to irrigation will be fully repaid over a period not to exceed 40 years. Irrigators pay on the construction costs up to their ability to pay and power revenues provide the balance. The municipal and industrial water users will pay back their obligations over 50 years with interest. It has been estimated that repayment will eventually bring over \$2 billion into the Federal treasury.

Mr. President, this legislation will reclaim water for municipal, industrial, and agricultural uses; help prevent flooding and accompanying property damage; provide facilities for recreation and fish and wildlife, and increase farm and industrial income. What began as a vision is now nearing completion and total fulfillment. We have developed a very balanced proposal that takes into consideration the needs of all of the people of Utah as well as our responsibilities to the American taxpayer.

Mr. HATFIELD. Mr. President, I rise today in support of the Senate's consideration of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1992. While I have some concerns about this legislation, I am pleased that it is on its way to becoming public law.

I would like to commend my colleagues Senator BRADLEY, chairman of the Water and Power Subcommittee, Senator JOHNSTON, full committee chairman, Senator BURNS, ranking member of the Water and Power Subcommittee and Senator WALLOP ranking member of the full committee for working diligently for many months to move this legislation out of the Energy Committee and to the Senate floor. Their efforts deserve high praise.

As many of my colleagues know, I have a strong interest in the future of this Nation's water resources. In June 1991, I introduced S. 1228, the Western Water Policy Review Act, as a free-standing bill to establish a Commission to review water policy priorities and objectives in the West. A hearing was held on S. 1228 in the Energy and Natural Resources Committee in September 1991, and an amended version of S. 1228 was adopted as title XXXI of H.R. 429 in the committee markup on March 17, 1992.

The H.R. 429 version of the Western Water Policy Review Act establishes a 10-member, 5-year Commission designed to study and evaluate western

water policies in the 17 reclamation States, Alaska, and Hawaii. Upon completion of this evaluation, the Commission will recommend necessary changes in existing water policies to the President of the United States. Eight congressional Members will serve as ex-officio members of the Commission in order to provide a degree of congressional oversight on the enactment of necessary legislative water policy changes.

During the Energy Committee hearings on this legislation, I expressed interest in expanding the Western Water Policy Review Commission to be national in scope. I will not, however, be expanding this legislation today. During markup of the Western Water Policy Review Act, my distinguished colleague Senator WALLOP made a most welcome observation—that the overwhelming scope of a review of national water policies may be sufficient to overburden the Commission and possibly negate any positive outcome. Senator WALLOP then suggested that regional water policy review commissions may be better able to identify parochial problems and recommend plans more reflective of regional concerns.

I have followed this philosophy in the past, especially as it relates to the Columbia River Salmon. The basic premise behind the Salmon summit, which I convened in June 1990, was that problems affecting a particular region of the country are best solved by those most familiar with regional concerns. This process can be characterized as the bubbling-up process, where solutions originate at the base level and rise to the surface, rather than being imposed by some higher authority. This approach can be directly applied to the western water policy review legislation.

In the future, I hope the Congress can learn from the model we are implementing today in the West and enact legislation which will assist other areas of the Nation in evaluating and correcting their own water policy implementation and formulation problems. I pledge my full support and efforts toward this endeavor.

Additionally at this time, I would like to make my concerns known as they relate to the decision by the Energy and Natural Resources Committee not to include any provisions relating to reclamation reform in H.R. 429. I realize these provisions were removed from consideration temporarily, and that the reclamation reform issues raised by Senator BURNS in S. 1501 will be discussed in the conference committee with the House of Representatives, should this legislation pass the Senate. Nevertheless, I wish to express my desire to deal with several issues which are particularly troublesome to Oregon's reclamation farmers.

Because Oregon has only a handful of farmers with more than 960 acres of ir-

rigated land, many of the provisions of the Burns amendments designed to eliminate the abuse of water by farmers and trusts over 960 acres do not apply. The Burns amendments do, however, address several problems concerning Oregon's irrigation districts. For example, the Burns amendments would raise the reporting requirement on 40-acre farms to farms of only 320 acres or more. This would significantly limit the amount of paperwork, enforcement procedures, and costs which must be borne by Oregon's small farmers and local irrigation districts.

Additionally, the Burns amendments would create the penalty ceiling of \$500 for clerical errors on reporting forms. Currently, a penalty of \$10,000 is applied to such unintentional irrigation districts which dominate Oregon's reclamation system, and is totally out of proportion to the nature of the offense. The Burns amendments propose a cap of \$500 for an inadvertent error and \$10,000 for an intentional act at circumventing reclamation law.

I look forward to further consideration of the Burns amendments when the omnibus reclamation package is considered by the conference committee with the House of Representatives. Additionally, and most importantly, I look forward to enactment of the Western Water Policy Review Act as title XXXI of the Energy Committee's version of H.R. 429.

Mr. BURNS. Mr. President, I want to thank Members of the Senate for agreeing to pass the omnibus water package incorporated in H.R. 429. It contains a lot of major water projects including CVP, Cup and a little Pick Sloan authorization in my own State of Montana.

In the grand scheme of things the proposal made in Montana for a Pick Sloan allocation is extremely modest. The bill would simply allow two irrigation projects located along the Yellowstone River in my State of Montana to receive electrical power at a firm power rate as envisioned in Pick Sloan.

Mr. President, Pick Sloan was developed to reduce flooding and improve transportation in the Lower Missouri River Basin. These goals were achieved by constructing a series of dams in the Upper Missouri River States. In Montana the world's largest earthen dam was constructed at Fort Peck, MT.

The upper States gave up a total of 1.6 million acres of irrigable river bottom land. Under Pick Sloan these lands were to be replaced in the construction of new irrigation lands.

The dams were built—the flooding controlled in the lower States, and transportation along the Missouri made a reality—but the irrigation projects were never built in the upper States. Montana has received only 5 percent of the over 1,000,000 acres that were envisioned.

One of the primary factors influencing the construction and operation of

irrigation projects is the cost of electrical power. Pick Sloan addresses that issue. Fort Peck has two giant turbines that provide a significant electrical power source. Pick Sloan power for Pick Sloan irrigation.

This bill doesn't mean a Federal appropriation. It simply means that Montanan's will begin to benefit from the great promises made by Pick Sloan.

H.R. 429 has a long way to go. It involves some of the most contentious water projects in the country. But we have to start somewhere. Montanan's have waited far too long for some fair compensation for the losses suffered under Pick Sloan. This measure would in a small way begin to repay that debt.

Thank you, Mr. President. I yield the floor.

Mr. WALLOP. Mr. President, I am pleased that the Senate is passing H.R. 429 as reported by the Committee on Energy and Natural Resources. I have a personal interest in the first title, dealing with completion of the Buffalo Bill Dam in Wyoming, but that provision has passed both the Senate and the House several times. It keeps being held hostage for unrelated and irrelevant measures, but hopefully this is the last time the Senate will have to pass it.

Last year, my legislation was held hostage to Reclamation Reform. While the House once again passed an obnoxious measure which would have had the Federal Government interfering with how farmers manage their farms and operate their business, I am pleased that the committee rejected that approach. While I support S. 1501, legislation introduced by Senator BURNS, and I also supported the amendment which he offered in committee, I think deletion of the title is a responsible approach. I concur with the views of Senator HATFIELD that we do need to address the penalties provisions, but that issue can be dealt with in conference.

I am particularly concerned that a new element was introduced this Congress. For some reason, Buffalo Bill has been held hostage to legislation dealing with the Central Valley project of California. The committee reported legislation introduced by Senator SEYMOUR without amendment. That represented in my view a correct judgment that Senator SEYMOUR's legislation was the only proposal which could secure a majority of the committee. I agree with Senator SEYMOUR that some modifications are probably useful, but I completely disagree with the additional views submitted by Senator BRADLEY.

The criticism of the failure to include a transfer of the CVP to the State of California is also troubling since the proposal from the Governor originated well after Senator SEYMOUR introduced his legislation and the chairman of the committee did not want to entertain any amendments.

The additional views of Senator BRADLEY represent a particular view as to what California should do and how California should look. That is not the business of the Federal Government. We do not need to engage in social engineering for the benefit of particular special interests in California, we should be supporting the State. Senator SEYMOUR has done that, and he should be congratulated. The problems of the CVP are complex and can best be resolved by California and the people in California. Senator SEYMOUR's bill is a giant step in that direction and the committee's decision to support that approach rather than the one taken by Senator BRADLEY and the chairman was correct. Their approach would have been devastating to the economy, environment, and future of California. I am happy that the committee and now the Senate has rejected it.

If the Congress really wants to help California, it would transfer the project subject only to California agreeing to pay off the remaining allocable reimbursable costs of the project in accordance with the existing schedule. The Federal Government would be whole and California would have the flexibility to manage its, and I repeat its, water for the benefit of all water users and the environment. Although the project users are only required to reimburse the Federal Government for the allocable reimbursable costs, that is, the actual amount which the Federal Government spent in constructing those portions of the project which are subject to repayment, that is not what Senator BRADLEY's additional views would indicate. While using the rhetoric of support for the State, Senator BRADLEY has now determined that the present fair market value of the project is \$3.8 billion although the remaining allocable reimbursable costs is far less. An analogy would be a home mortgage where the homeowner has repaid the amount he borrowed but the mortgage company refuses to hand back the title and cancel the debt unless the homeowner now pays the full fair market value of the home. You can guess what the price tag will be for a transfer, not to mention all the other strings which will be attached.

Mr. SEYMOUR. Mr. President, I would like to commend Chairman JOHNSTON and Senator WALLOP for their leadership and efforts on passage of the Reclamation Projects Authorization and Adjustment Act of 1992.

Both the chairman and Senator WALLOP have been very accommodating in addressing my concerns regarding several provisions of this bill specific to my State of California.

The bill includes several titles which address California's pressing water needs. These include comprehensive water reclamation and reuse studies for southern California cities and counties. Further, it authorizes the Sec-

retary of the Interior to participate with city and county of Los Angeles and the city of San Jose in the design and construction of water reclamation, reuse, and water quality programs and projects.

The bill also authorizes the Secretary to conduct research on available methods to control salinity in the Salton Sea. Additionally, I am delighted that we were able to authorize a permanent water contract for the San Joaquin National Veterans Cemetery.

Mr. President, I was pleased that the committee chose to adopt the S. 2016, the Central Valley Project Fish and Wildlife Act, I introduced November 21, 1991, into the Reclamation Projects Authorization and Adjustment Act of 1992. This bill directs the Secretary of the Interior to undertake specific activities to address fish and wildlife problems associated with California's Central Valley project. The bill also removes the Federal barrier which has historically prohibited water transfers from agricultural users to urban and industrial uses, and requires Central Valley project agricultural users to use water more efficiently.

Last year, the Senate Energy Subcommittee on Water and Power held four hearings on CVP legislation; in Los Angeles, Washington, DC, Sacramento, and San Francisco. I attended all four. Approximately 75 witnesses testified during these proceedings, many followed up with written remarks to supplement their testimony.

I and my staff have met with virtually every interest in this debate; including representatives of environmental, agricultural, urban, fishery, conservation, and power interests. We also met with representatives of the CVP and State water districts, the State of California, the U.S. Fish and Wildlife Service, the Department of the Interior, and the Department of Agriculture. My office has met with everyone who has requested a meeting on this issue.

In early March, Chairman JOHNSTON requested that several Senators meet in an effort to negotiate a compromise CVP bill. During the negotiations, it became apparent that resolving the central issues in CVP legislation was much more complicated and costly than anyone had initially imagined. Possibly the most difficult issue to resolve was the question of water for the environment. Everyone acknowledges during dry periods, fish and wildlife need firm water supplies that will ensure survival of the species. But how much water is required to ensure that survival of various species now threatened? Where will it come from? How much will it cost either to develop this new water, or to purchase it? And, who will pay for it?

As we painfully discovered, there are no simple solutions. During drought—

and we're in our sixth year now—there is precious little water for anyone. Just look at the cutbacks that urban, industrial, and agricultural users have endured for the past few years. How much water do we provide for fish and wildlife needs during drought? In the absence of credible data, it is difficult and possibly irresponsible to make such a determination. When there is credible data, as in the case of wildlife refuges, we can identify ways to deliver the water. In regard to the needs of the fisheries, it is clear more water is needed during dry periods. But we should not delay adopting solutions to already identified fishery problems.

Unfortunately, various special interest groups have become fixated upon a single amount of water exclusively for fish and wildlife needs. They believe 1.5 million acre-feet of water for fish and wildlife is the minimum amount of additional water supplies necessary for fish and wildlife in the Central Valley. Frankly, their utter lack of willingness to find a reasonable balance is one of the major stumbling blocks to developing compromise CVP legislation that would address urban, agricultural and environmental water needs.

The effect of reallocating 1.5 million acre-feet away from urban and agricultural users solely to fish and wildlife would be disastrous to California. According to the California Department of Food and Agriculture, a reallocation of this water would cost the State roughly \$6 billion in lost economic activity. It would also result in the loss of over 10,000 jobs—over \$210 million in lost wages. CDFA also projects that it would result in the idling of over 1 million acres statewide—a loss of over \$1.5 billion in gross farm receipts.

Another matter is how would this water be acquired each year? Should it be developed through new storage facilities, through the idling of cropland, or should it be purchased annually or permanently? Is it even possible to build all of the facilities required to develop 1.5 million acre-feet, or would it require a combination of new storage facilities and annual purchases? Finally, what would it cost to acquire that much water?

The Department of the Interior estimated that raising Clair Engle Dam with a pump-through storage to Shasta Dam, construction estimates only, not including annual operation and maintenance, would cost approximately \$3 billion. If built, this facility would yield approximately 700,000 acre-feet annually. If you accept the approach that you need an additional 1.5 million acre-feet, in this instance, only half of the annual delivery to fish and wildlife has been developed, at a cost of \$3 billion. And you would still need to obtain an additional 800,000 acre-feet.

Another option we explored was to direct the Secretary of the Interior to buy 1.5 million acre-feet annually. This

option was also financially unreasonable. Consider, the State of California's 1991 water bank. Last year, the State of California purchased approximately 750,000 acre-feet at a cost of roughly \$125 million. This was a one time purchase. The costs associated with purchasing 1.5 million acre-feet annually would easily exceed \$250 million, regardless of whether the Secretary purchased water rights associated with poor drainage lands in the San Joaquin Valley, or bought storage rights from existing storage facilities.

Then there is the question of who will pay for this water for fish and wildlife. Initially, there was speculation that a transfer fee could be placed on water transferred from agricultural use to urban use. It became apparent, however, that any charge on water transfers would not generate sufficient funds, because once 1.5 million acre-feet was devoted exclusively to fish and wildlife, there would be no water left in the Central Valley project to transfer to other parched urban areas.

There was general agreement that the structural improvements for fish and wildlife such as those in S. 2016, based on rough estimates would cost approximately \$238 million. Acquiring 1.5 million acre-feet annually for fish and wildlife on a permanent basis was estimated at \$2 billion, using \$1,300 an acre-foot as the assumed cost.

Alternatively, to acquire temporary water for fish and wildlife in culminative 150,000 acre-feet annual increments for 10 years based on \$100 acre-feet was estimated to cost roughly \$1 billion. Two things became clear as a result of this discovery. First, the costs were much higher than anticipated, and would cause serious economic consequences if imposed over a 10-year period. Second, the goal of achieving 1.5 million acre-feet of water dedicated solely for fish and wildlife was unachievable in 10 years in all but very wet years without the same economic dislocation.

Senators JOHNSTON, BRADLEY, WALLOP, BURNS, and myself then explored the option to stretch out the costs of these structural measures and water purchases by examining the use of bonding authority. In each instance, the numbers told the story. It appeared that increases in power charges might exceed 20 percent, agricultural rate increases of 100 percent, and municipal and industrial rate increases of 200-300 percent. We even reviewed the option to apply a charge to prior rights and exchange rights water users. There was also a recognition among the negotiators that agricultural and urban water contracts can not simply be unilaterally amended to include a rate increase. Ultimately, none of the options we explored were acceptable to me or the constituents I represent. It's easy to promise all things to all people, but the reality is that reallocating 1.5 mil-

lion acre-feet of water exclusively for fish and wildlife simply would not work. And that reality became clear to all members of the committee, before it reported S. 2016 as part of the measure now before us.

Let me emphasize that the decision to support my bill does not abandon California's fish and wildlife, or any particular group such as California's commercial and sport fishermen. I believe that the provisions of S. 2016 will make it possible to begin the restoration of California's precious fish and wildlife habitat.

Nonetheless, during dry years there must be minimum amounts of water available for fish and wildlife needs. I strongly support providing a minimum amount of water for fisheries during times of drought. In fact, S. 2016 provides for establishing increased flows on both the American and Sacramento Rivers.

S. 2016 would stabilize and augment river flows to restore and enhance the natural production of anadromous fish. The economic importance of salmon and steelhead runs, striped bass, and other fisheries are imperative to California's sport and commercial fishing industries.

In March of last year, I introduced S. 728, the Upper Sacramento River Fishery Resources Restoration Act, which incorporated the recommendations of the Upper Sacramento River Advisory Council. Established by an act of the California Legislature, the council devoted a considerable amount of time through open public hearings and meetings to develop a management plan to restore Sacramento River fish habitat. Many of the requirements contained in that bill, including mandated instream flow requirements, have been embodied in this bill. S. 2016 directs the Secretary of the Interior to establish increased flows in the rivers and streams below project dams. Once established, these flows will become a firm requirement of the Central Valley Project. S. 2016 requires the mitigation of fishery losses resulting from the Tracy and Contra Costa pumping plants; it provides authorization for the construction of a temperature control device at Shasta Dam for cooler water releases for spawning and outmigrating salmon; it authorizes the rehabilitation and expansion of the Coleman National Fish Hatchery by 1995; it requires the Secretary to enter into an agreement with the State of California to eliminate losses of salmon and steelhead trout caused by flow fluctuations at Keswick, Nimbus and Lewiston Regulating Dams; it authorizes the construction of a new fish hatchery at the Tehama Colusa Fish Facility, as well as authorization for the construction of a salmon and steelhead trout hatchery on the Yuba River; it authorizes the Secretary to minimize fish passage problems for

salmon at the Red Bluff Diversion Dam; it directs the Secretary to provide flows to allow sufficient spawning and out migration conditions for salmon and steelhead trout from Whiskeytown Dam. Finally, the Secretary is authorized to construct a barrier at the head of Old River in the Sacramento-San Joaquin Delta, by December 31, 1995, to partially mitigate the impacts of the CVP on the survival of young outmigrating salmon.

In addition, my bill provides for the immediate delivery of 380,000 acre-feet of firm water supplies to the 15 national wildlife refuges and wildlife management areas in the Central Valley. The wetlands and associated habitat are important to several threatened and endangered species such as the American peregrine falcon, bald eagle, Aleutian Canada goose, and San Joaquin kit fox, and support a winter population of nearly 6 million waterfowl. Sixty percent of the ducks, geese, swans, and millions of shore birds of the Pacific flyway crowd the existing acres. By the year 2000, it directs the Secretary of the Interior to increase the water supply to over 525,000 acre-feet annually. This has been identified by the Secretary of the Interior as the amount needed to fully manage all lands within the existing refuge boundaries.

While I've focused upon the fish and wildlife components of my bill, it is imperative that any comprehensive water bill for California address the growing water needs of our cities. That's why S. 2016 includes a water transfer provision that's the product of negotiations by the metropolitan water district, representing over 16 million water users, and CVP water users. This historic agreement would allow, for the first time, Central Valley water users to transfer water to cities such as Los Angeles, San Diego, and other urban areas. This provision provides for the protection of both ground water supplies and safeguards against third party impacts. Given California's explosive growth, voluntary water transfers are an essential component in any successful long-term water policy. This provision will help ensure California's cities access to a safe water supply in years to come. I will continue to insist upon the water transfer language as agreed upon in California, in any final CVP legislation. This week, the State of California has announced a comprehensive water plan, and I'm pleased to say Governor Wilson's plan includes water transfer guidelines identical to those in my bill.

I would also note for the RECORD that some have stated that my bill will not resolve the dredging issues in the San Francisco and Oakland Ports. I am, however, committed to keeping these ports open and vital.

For almost a year now, I have worked aggressively to ensure that bay

area ports remain open to large vessel traffic. When I first became involved in this issue, it appeared that most maintenance dredging would be halted at the Oakland and San Francisco Ports. The holdup seemed to stem from a bureaucratic web that involved the Army Corps, the Environmental Protection Agency, and the National Marine Fisheries Service.

At that time, each of these agencies was working diligently, but independent of the other agencies. The result was stalemate; no solution, no permits, no dredging. And sadly, the potential loss of up to a 100,000 jobs and a \$4.5 billion industry for the bay area.

I found it unconscionable that a multibillion dollar industry in California would be at risk because Federal bureaucracies could not seem to communicate with one another. I vowed not to let that happen. Since last July, we have been meeting regularly with all the pertinent Federal agencies. As a result, these agencies are placing greater emphasis on keeping the ports open and vital.

This new emphasis has yielded results. In the Port of San Francisco, the dredging of pier 27, pier 29, pier 94, pier 96, pier 80 (approach), pier 80 (Islais Creek), and Berkeley Marina has been permitted. The Port of Oakland, the Chevron oil transfer facility, and the Guadalupe Slough have also gotten permission to go forward with needed maintenance dredging projects.

Since I introduced my bill last year, it has become apparent that the State of California would like to take over the CVP. Although there are numerous issues to resolve before this could occur, I strongly support State ownership of the CVP. No other reclamation project is as integrated to a State's water project as the CVP is the California's State water project. I intend to do everything I can to assist California in this regard. In fact, Senators, JOHNSTON and BRADLEY indicated that they would not object to California's decision to take over the CVP.

I will not support legislation that benefits one group at the expense of another, or does not fairly address the needs of legitimate California interests. Recently, various special interests have attempted to characterize California's water struggle as one of farmers versus fishermen. Let me say, there is no place for this sort of wedge-forming politics in this issue. This is not a struggle between farmers and fishermen. The Endangered Species Act will not go away simply because we pass CVP legislation. Nor for that matter will the bay-delta proceedings. Ultimately, there is enough water for farmers, fishermen, and for cities. The challenge is for all Californians to work together.

The objective is balance. California is growing at a rate of 700,000 people a year, and the demands upon our natu-

ral resources will only continue to increase as our population grows. If California will ever clear this hurdle which threatens our economy and the quality of life for our citizens, we must balance the often competing needs of our cities and rural communities with our limited natural resources. I do not believe that commerce and conservation are incompatible. There will be sacrifice, difficult decisions lie ahead of us; but working together, we will resolve the water dilemma which has polarized our State for so long.

I'm committed to the resolution of fish and wildlife problems in California. I am equally committed to the resolution of the water shortage problems facing urban areas. For any legislation to achieve those objectives, it must reflect the concerns of those immediately affected. My bill is a product of California, representing conservation, agricultural, and urban interests.

Critics of my bill have indicated that passage of S. 2016 would represent a severe setback for the State of California. Despite these shrill predictions of doom and gloom for the State of California, the Senate chose to support my bill. The Senate has done so, Mr. President, because my bill balances the needs of urban, agricultural, and environmental interests. The approach by special interest groups does not truly reflect the broad interests or legitimate needs of my State, and it will only result in endless litigation at the expense of California's environment and economy.

The PRESIDING OFFICER. Without objection, the substitute, as amended, is agreed to, and the bill is deemed to have been read the third time and passed.

So the bill (H.R. 429), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

APPEARANCE BY SENATE LEGAL COUNSEL AS AMICUS CURIAE

Mr. CRANSTON. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in a case pending in the U.S. District Court for the Southern District of Ohio, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 287) to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in United States ex rel. Barbara Burch versus Piqua Engineering, Inc.

Mr. MITCHELL. Mr. President, by Senate Resolutions 104, 117, 160, and 289 of the 101st Congress the Senate authorized the Senate legal counsel to file briefs as amicus curiae in actions pending in the U.S. district courts in order to defend the constitutionality of the qui tam provisions of the False Claims Act. These provisions authorize private persons to bring civil actions against contractors who have defrauded the Government and, to encourage such actions, to share a portion of the penalties and damages that are recovered on the Government's behalf.

Defendants in cases brought under the False Claims Act have argued that the act is unconstitutional in two respects. First, it is argued that authorizing private individuals to conduct litigation on behalf of the United States violates the separation of powers doctrine by infringing upon the executive branch's law enforcement responsibilities. Second, it is argued that the act violates article III of the Constitution by authorizing suits by individual's who lack any personal injury.

District courts in the northern and central districts of California, the northern district of New York, and the eastern district of Washington have since entered rulings in these cases upholding the constitutionality of the act.

The qui tam provisions of the False Claims Act have once again been challenged in *United States ex rel. Burch, et al. versus Piqua Engineering, Inc.*, pending in the U.S. District Court for the Southern District of Ohio. As with the prior cases, the Department of Justice has not appeared in the litigation to defend the constitutionality of the qui tam provisions of the act.

This resolution authorizes the Senate legal counsel to appear in this case as amicus curiae on behalf of the Senate to continue to defend the constitutionality of the qui tam provisions of the False Claims Act.

The PRESIDING OFFICER. Without objection, the resolution is agreed to and the preamble is also agreed to.

So the resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, in the case of *United States ex rel. Barbara Burch v. Piqua Engineering, Inc.*, No. C-1-90-745, pending in the United States District Court for the Southern District of Ohio, the constitutionality of the qui tam provisions of the False Claims Act, as amended by the False Claims Amendments Act of 1986, Pub. L. No. 99-562, 100 Stat. 3153 (1986), 31 U.S.C. 3729, *et seq.* (1988), have been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the

Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the case of *United States ex rel. Barbara Burch versus Piqua Engineering, Inc.*, to defend the constitutionality of the qui tam provisions of the False Claims Act.

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

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

The motion to lay on the table was agreed to.

GENERIC DRUG ENFORCEMENT ACT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Labor and Human Resources Committee be discharged from further consideration of H.R. 2454, the Generic Drug Enforcement Act of 1992, and that the Senate then proceed to its immediate consideration.

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

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2454) to authorize the Secretary of Health and Human Services to impose debarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HATCH, in putting forward compromise legislation that will address the need for improved deterrents against the types of improper activities revealed in the recent generic drug investigations, as well as provide similar deterrents for abuses in the brand name drug industry. I also want to thank Senator METZENBAUM for his willingness to help develop this compromise that will help restore the confidence of the American public in the generic drug industry, protect the integrity of the approval and regulation systems for both generic and brand name drug products, and deter future misconduct.

As the price of brand name prescription products continues to soar, it becomes increasingly urgent that we reestablish generic drugs as credible market competitors. Crucial to this effort is an FDA that can refuse to deal with bad actors who have abused the system for drug approval and regulation. The debarment authority in this bill gives FDA the tools that it needs to protect itself from such actors.

This bill sends a strong message to the drug industry by making it clear that companies or individuals that have engaged in illegal conduct cannot

expect that it will be business as usual at the Food and Drug Administration. At the heart of this bill is new authority for the Secretary of Health and Human Services to debar companies and individuals from submitting, or assisting in the submission, of generic drug applications if they have been convicted for criminal acts which threaten the integrity of the drug approval process.

In addition to debarment authority this bill also provides new authority under the Federal Food, Drug and Cosmetic Act to protect against the risks to the public health posed by individuals who engage in illegal activities in connection with either the submission of applications for, or the regulation of, brand name drugs.

The House passed bill provides for a series of measures aimed at restoring the integrity of the generic drug approval process. These measures include: authority for FDA to refuse to accept or review abbreviated drug applications if a company has been convicted of criminal acts that threaten the integrity of the approval process; the power to temporarily deny approvals of generic drug applications while criminal investigations are ongoing; suspension of approved generic drug applications sponsored by companies which have a pattern of criminal activity, or which have demonstrated an inability to conform to basic manufacturing standards; and civil penalty provisions for fraudulent conduct in connection with abbreviated drug applications, or the use of debarred individuals by drug companies.

The Senate substitute retains much of the language from the House bill, and reference should be made to the legislative history of the House report for those issues not explicitly addressed in statements by the sponsors of the substitute.

There are two significant differences between the House-passed bill and the Senate substitute. The first is that the substitute extends FDA's authority by providing for debarment beyond circumstances where there have been convictions related to the abbreviated drug application approval process to include debarment for individuals who have been convicted for offenses related to brand name drug applications. The second is that the substitute extends debarment authority for individuals who have been convicted for offenses related to the regulation of drug products after approval.

The bill requires the Secretary of Health and Human Services to debar individuals who have been convicted of felonies related to the approval or regulation of drugs from providing services in any capacity in the drug industry. It also permits, but does not require, the Secretary to debar individuals who have been convicted for specified crimes, or for material par-

ticipation in acts that were the basis for criminal convictions. In imposing permissive debarment, the Secretary is required to make additional findings that the conduct that was the basis for the conviction may pose a risk to the integrity of the process for regulating drugs.

The Senate substitute contains one basis for permissive debarment that was not included in the House-passed bill. Section 306(b) contains a provision which allows the Secretary to permissively debar, for a period of up to 5 years, a high managerial agent of a corporation if that agent knew of criminal acts, knew those acts to be violative of law, and yet failed to report to appropriate officials, or otherwise respond appropriately, within a reasonable time. The bill provides a detailed definition of who would qualify as a high managerial agent.

The provision clarifies that a high managerial agent may be subject to debarment for failing to take appropriate steps to respond to those criminal acts related to the regulation of drugs of which the agent had actual knowledge, as well as those criminal acts about which the agent avoided gaining actual knowledge. This bill has been very carefully crafted to provide adequate due process protections for any high managerial agent whom the Secretary seeks to debar, and judicial review of the Secretary's decision to debar under this provision shall be reviewed de novo in U.S. district court.

The provision concerning the knowledge of high managerial agents is intended to provide the Secretary with a basis to address situations where there has not been active participation by an agent of a company, but the agent has not come forward with, or has avoided obtaining, information about criminal conduct that threatened the process for regulating drugs. It is appropriate to provide debarment authority in this area because such information about criminal acts is vital to efforts to protect the integrity of the drug approval process. The Secretary has discretion in determining the appropriateness and length of debarment under this provision.

The bill contains a provision allowing for possible early termination of debarment for individuals who provided substantial assistance in investigations or prosecutions of offenses of the Food, Drug, and Cosmetic Act. This modification of the House passed bill was done in response to a request from the Department of Justice, and provides the FDA and Federal prosecutors with more flexibility to obtain cooperation in investigations and prosecutions than would otherwise be available.

There are two additional matters relating to section 306 of the Federal Food, Drug, and Cosmetic Act, as added by section 2 of the legislation, which should be clarified.

The first relates to section 306(d), which establishes the circumstances and procedures for termination of debarment. The conditions for termination of debarment are identified in subsection (d)(3) and subsection (d)(4). Under subsection (d)(3), the FDA must terminate a debarment of a corporation if the conviction which served as the basis for the debarment is reversed, or if the FDA is satisfied that two conditions are met. Those conditions are identified in subsection (d)(3)(ii).

One condition is that changes in ownership, management or operations have fully corrected the causes of the offense involved and have provided reasonable assurances that the offense will not occur in the future. The other condition is that the firm's drugs have undergone sufficient audits, conducted by the FDA or independent experts acceptable to the FDA, to demonstrate that pending abbreviated drug applications and the development of drugs being tested before the submission of an abbreviated drug application are free of fraud or material false statements. Thus, in order to meet these conditions a firm will have to demonstrate that its abbreviated drug applications are free of fraud and material false statements and that it has taken precautions to provide reasonable assurances that its applications will not in the future have the problems that gave rise to the debarment.

Similarly, the circumstances for termination of the debarment of an individual are identified in subsection (d)(3)(B). Other conditions for termination are identified in subsection (d)(4). In all cases, the FDA would have to be satisfied that the conditions set out in those provisions are met.

The second matter for clarification is that this legislation does not limit any authority the agency has under current law to establish priorities in the review of applications to market products where the FDA determined that there is significant question with regard to the reliability of the data in such an application.

The legislation also does not limit any authority the agency has under current law to deny approvals of products where a significant question with regard to the reliability of the data in an application has been raised, except as provided in the new section 306(f) of the Federal Food, Drug, and Cosmetic Act, added by the bill. Section 306(f) would establish the procedures for temporary denial of approval of abbreviated drug applications where such a question has been raised. Section 306(f) does not limit the FDA's authority to issue a final decision under 505 or 507 denying approval of an abbreviated drug application.

This bill provides the FDA with the ability to take decisive action to protect the drug approval process and the regulation of drug products. Most im-

portantly, it will deter future criminal acts that might threaten not only drug approval and regulations, but the public health.

I urge passage of this legislation.

Mr. METZENBAUM. Mr. President, during the recent generic drug scandal, it became apparent that criminal behavior can and does occur in drug companies regulated by the FDA. Thanks to the work of the oversight subcommittee chaired by Congressman JOHN DINGELL, the scope of the scandal is now known. However, the problem we face today does not stop with the generic drug industry. As the FDA said in June 1991, in testimony in a House hearing: "Although improprieties in the generic drug industry have taken center stage, fraud can be perpetrated by any company that FDA regulates." Because I share the concerns expressed by the FDA, I introduced S. 982, the Drug and Device Enforcement Act of 1991.

The American people, the FDA, and the Congress are now painfully aware of the FDA's limited authority to protect the integrity of the drug approval and regulatory process. This act takes a major step in correcting this problem by expanding the FDA's authority to crack down on white-collar crime in both the generic and the branded human and animal drug industries. Under this bill, the FDA will be able to debar individuals and corporations when their criminal misdeeds compromise the integrity of the drug development, approval and regulatory process, and thereby endanger public health and safety.

As I stated when introducing S. 982, wherever the Government is lax and there are large sums of money to be made, as was the case with generic drugs, white-collar crime can occur. In combining the important features of both H.R. 2454 and S. 982, this bill will establish strong deterrents to white-collar crime and effective new remedial action for such wrongful behavior. I trust this bill will continue the process of restoring the confidence of the American people in our drug-approval process.

Mr. President, while I am pleased with the new enforcement authority contained in this bill, I am concerned that FDA needs similar authority with regard to the medical device, food, and cosmetic industries. S. 982 would have extended the same authority to medical devices. In the next session of the Congress, I hope the Labor Committee and the House Energy and Commerce Committee will consider this matter more fully and determine whether such additional legislative action is warranted.

Mr. HATCH. Mr. President, the legislation before us today provides a much-needed remedy for the blatant fraud and corruption uncovered in the generic drug industry by the House Sub-

committee on Oversight and Investigations and the U.S. attorney for Baltimore during the last 3 years.

The bill is designed to restore public confidence in the generic drug approval process by debaring dishonest firms and individuals from participating in that process. This legislation will strengthen the FDA's ability to take action against firms and their products when there is strong reason to believe that fraud, bribery, and the like have occurred.

The bill establishes new procedures to ensure the future integrity of the generic drug approval process. It requires or permits the Secretary of Health and Human Services to debar from future generic drug approvals those firms and individuals convicted or materially implicated in bribery, fraud, false statements, or other crimes that undermine the FDA approval process.

The bill also permits the FDA to temporarily deny approvals for up to 18 months, with one possible 18-month extension, when the Secretary determines illegal activity has occurred; grants FDA authority to suspend the distribution of certain companies' drugs unless those companies can prove that some or all of their drugs are untainted; requires the mandatory withdrawal of any generic drug approval illicity obtained; and, finally, establishes a series of civil penalties for action corrupting the approval process.

Mr. President, the bill's mandatory corporate debarment provision is one of the more controversial sections of the bill.

Under mandatory debarment, a corporation convicted of one of the enumerated crimes must be debarred for a minimum of 1 year and up to a maximum of 10 years and may return to good standing only if the FDA is satisfied that the firm has fully corrected the causes of the offense and is likely to remain a good corporate citizen in the future.

Some have suggested that no sanction at all should be imposed on companies since individuals are, in the end, responsible for criminal acts. But the generic drug scandal has revealed so many instances of fraud and pervasive criminality, as well as the utter selfish manipulation of the generic approval process, that we have been forced to reject that approach. Instead, in cases in which criminal convictions have been obtained against corporations for conduct involving the drug approval process, we have concluded that mandatory debarment is justified and that debarred firms should not be permitted to participate in the approval process until the FDA is confident that the approval process will not be undermined in the future. We fully expect the agency to use its discretionary authority to the fullest extent when the facts merit such action.

At the same time, we have been mindful to distinguish between corporate debarment, which is based on criminal conviction, and the new administrative sanctions, such as the temporary denial of approval and suspension of authorities which are, of necessity, available prior to and, in some cases, in the absence of criminal conviction. In these instances, great care has been taken to provide a substantial procedural protection for firms and, correspondingly, the FDA's discretion has been strictly limited.

Let me address a subject that arose in the final negotiations on this bill. Concerns were raised, and they were valid concerns, that in the section on individual debarment, there existed the possibility that an individual could be debarred if the Secretary found that the individual had actual knowledge of an activity that led to a conviction of another person or took actions to avoid obtaining actual knowledge and that the high managerial agent failed to take appropriate action, such as discharging the employee committing the felonious activities or reporting this activity to the appropriate authorities. The concern was that this debarment would be based entirely on a subjective decision and that the protection of due process in the courts was not included. It was pointed out that all other instances of debarment would only be the result of a conviction. I want to assure all concerned that we have given this a great deal of thought, and I am convinced that the protections included in this bill will provide due process. The de novo review in district court afforded to high managerial agents in this bill, I believe, will protect an individual from any wrongful decision.

In interpreting section 306 with respect to debarment of individuals, it is the intent that it be recognized that the senior executives of major pharmaceutical companies manage far-flung worldwide activities and are not—and indeed cannot be—involved in all the details of any given product.

The passage of this bill is the culmination of 2 years of work. I would be remiss if I failed to cite the efforts of Congressman DINGELL and his staff. They have expended a great deal of effort in getting this bill through the other Chamber. On this side of the Capitol, the chairman of the Labor and Human Resources Committee, Senator KENNEDY, has done a great service to the country with his work on this issue. He and his staff have worked diligently for the passage of this bill. The final draft of this legislation bears his imprimatur, and I certainly appreciate his efforts.

Mr. President, the passage of the Hatch-Waxman Act in 1984 was one of my proudest achievements, and I have been deeply distressed by the generic drug scandal. With the rising cost of drugs taxing the pocketbook of mil-

lions of Americans, with Congress ready to once again seriously debate pricing practices in the drug industry, there is nothing more important than restoring public confidence in generic drugs and revitalizing the FDA's generic drug approval process. I believe this bill is an important step in that direction.

Mr. DURENBERGER. Mr. President, I rise today in support of H.R. 2454, a bill that imposes debarments and other penalties for illegal activities involving applications for approval of generic drugs.

Mr. President, I believe we should strive to protect the competitive marketplace for pharmaceuticals. Generic drugs can and should play an important role in providing competition for brand name drug products.

Unfortunately, Mr. President, some members of the generic drug industry, in complicity with some FDA officials, have engaged in criminal behavior that compromised the industry and eroded public confidence in the quality of its products. This behavior is reprehensible in and of itself, but also damaged the competitive marketplace.

We need to send a message to these pharmaceutical manufacturers and others who might try to emulate them, that such behavior is not only intolerable but punishable. The Generic Drug Enforcement Act of 1992 sends this message loud and clear.

This bill confers upon the Secretary of Health and Human Services [HHS] the authority to debar individuals and firms from participation in the drug approval process under certain circumstances. HHS will now have the authority to root out bad apples in the industry and bar them from the regulatory process.

Mr. President, I would like to commend my distinguished colleagues, Senator HATCH, Senator KENNEDY, and Senator METZENBAUM, as well as our distinguished colleague on the House side, Mr. DINGELL, for their efforts to produce this bill. I also commend the Pharmaceutical Manufacturers Association for its cooperation in translating this legislation into law.

The result of these endeavors is a good bill, a bill that will protect the integrity of the regulatory process, a bill that will ultimately restore the confidence of the American public in generic drugs.

AMENDMENT NO. 1787

(Purpose: To provide a substitute amendment)

Mr. CRANSTON. Mr. President, I send a Kennedy-Hatch-McCain substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for Mr. KENNEDY (for himself, Mr.

HATCH, and Mr. McCAIN) proposes an amendment numbered 1787.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. So, the amendment (No. 1787) was agreed to.

The PRESIDING OFFICER. The bill is deemed read a third time and passed. So the bill (H.R. 2454), as amended, was passed.

The PRESIDING OFFICER. Without objection, the title amendment to H.R. 2454 is agreed to.

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

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

The motion to lay on the table was agreed to.

COMMEMORATING THE NEW ORIOLE PARK AT CAMDEN YARDS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 288, a resolution introduced earlier today by Senators MIKULSKI and SARBANES, commending the new Oriole Park at Camden Yards.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 288) commemorating the new Oriole Park at Camden Yards.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

There being no objection, the Senate proceeded to consider the resolution

ORIOLES PARK AT CAMDEN YARDS: THE CROWN JEWEL OF BASEBALL

Ms. MIKULSKI. Mr. President, this past Monday, April 6, marked the much anticipated official opening of the heralded Orioles Park at Camden Yards in Baltimore, the most beautiful baseball stadium in the world, when our Orioles defeated the Cleveland Indians with a 2-0 shutout.

Orioles Park at Camden Yards already has been recognized by baseball fans everywhere as the finest example of how the very best in baseball stadium design can be combined with historic architecture to recapture the ambience of the great urban baseball parks of long ago.

My hometown of Baltimore and the citizens of Maryland can take great pride in this magnificent red brick cathedral of baseball. The Orioles Park at Camden Yards is a crown jewel of American craftsmanship and quality at its very best.

I am proud today to introduce a resolution expressing the sense of the Sen-

ate's appreciation to those whose efforts made our field of dreams at Orioles Park at Camden Yards reality.

Mr. CRANSTON. We are ready for action on the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 288) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas Baseball is the national past time; Whereas on April 6, 1992, the President of the United States George Bush threw out the first pitch at the Orioles Park at Camden Yards;

Whereas the Orioles Park at Camden Yards contains verdant fields of grass grown on Maryland's Eastern Shore;

Whereas Opening Day at Orioles Park at Camden Yards was the historic culmination of years of effort;

Whereas the Orioles Park at Camden Yards embraces the glorious traditions of baseball by reflecting the diverse urban character of the City of Baltimore;

Whereas the opening of the Orioles Park at Camden Yards is the latest step in the reinvigoration of the historic City of Baltimore; Now, therefore, be it

Resolved, that the Senate of the United States congratulates Eli Jacobs and Larry Lucchino, of the Baltimore Orioles, and Fay Vincent, the commissioner of Major League Baseball, upon the opening of Orioles Park at Camden Yards.

Sec. 2. That the Senate of the United States congratulates the architects of Orioles Park at Camden Yards, Janet Marise Smith and Joe Spear, for their important contribution to the character of the City of Baltimore and to the sport of baseball.

Sec. 3. That the Senate of the United States commends Governor William Donald Schaefer and Mayor Kurt Schmoke along with all the state and local officials whose determination made the opening of Orioles Park at Camden Yards possible.

Sec. 4. That the Senate of the United States congratulates the men and women whose skill, talent, craftsmanship and hard work built Orioles Park at Camden Yards from the ground up, making Orioles Park at Camden yards the masterpiece of American quality and urban architecture that it is today.

Sec. 5. That the Senate of the United States commends the fans and all the people of Maryland whose support made this dazzling accomplishment possible.

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

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

The motion today on the table was agreed to.

ORDER OF PROCEDURE

Mr. CRANSTON. Mr. President, I ask unanimous consent that Senator SYMMS be recognized to address the Senate and that, at the conclusion of his remarks, the Senate stand in recess as provided under Senate Concurrent Resolution 109 until 9:30 a.m., Tuesday, April 28.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Idaho [Mr. SYMMS] as a member of the Senate delegation to the Mexico-United States Interparliamentary Group Conference, to be held in San Antonio, TX, May 1-3, 1992.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I thank my colleagues and I thank the Senator for allowing me this time for the introduction of a resolution which many people have worked long and hard to have happen.

(The remarks of Mr. SYMMS pertaining to the submission of Senate Concurrent Resolution 110 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SYMMS. I yield the floor.

ORDERS FOR TUESDAY, APRIL 28, 1992

Mr. MITCHELL. Mr. President, as I stated earlier I will propound a unanimous-consent request to deal with the disposition of H.R. 3337, the so-called coin legislation conference report. I previously stated I would do so and ask all Senators interested in the legislation to be present with respect to this proposal.

I, now, Mr. President, accordingly, ask unanimous consent that when the Senate reconvenes on Tuesday, April 28, at 9:30 a.m., the Journal of Proceedings be deemed approved to date; that following the time reserved for the two leaders, there be morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each;

That at 10:30 a.m., the Senate resume consideration of the conference report on H.R. 3337; that the time between 10:30 a.m. and 12:30 p.m. be equally divided and controlled between Senator RIEGLE or his designee and Senator CRANSTON or Senator WALLOP; that the Senate stand in recess from 12:30 until 2:15 p.m.; that at 2:15, the Senate proceed to vote on the adoption of the conference report;

That if the conference report is defeated, the Senate further insist on its amendment, request a further conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; and following the execution of the foregoing two motions and one consent request, and prior to the appointment of conferees by the Chair, Senator CRANSTON or Senator WALLOP be recognized to make a motion to further instruct the Senate conferees; and that following the disposition of that motion, the

Chair make the appointment of conferees on the part of the Senate.

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

RECESS UNTIL 9:30 A.M., TUESDAY, APRIL 28, 1992

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess pursuant to provisions of Senate Concurrent Resolution 109.

Thereupon, at 7:06 p.m., the Senate recessed until Tuesday, April 28, 1992, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 10, 1992:

DEPARTMENT OF COMMERCE

EDWARD ERNEST KUBASIEWICZ, OF VIRGINIA, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADE-MARKS, VICE JAMES EDWARD DENNY.

DEPARTMENT OF JUSTICE

STEPHEN H. GREENE, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT, VICE THOMAS C. KELLY.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10, 1992:

DEPARTMENT OF JUSTICE

GEORGE L. O'CONNELL, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS.

JOHN R. SIMPSON, OF MARYLAND, TO BE A COMMISSIONER OF THE U.S. PAROLE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING NOVEMBER 1, 1997.

STATE JUSTICE INSTITUTE

SANDRA A. O'CONNOR, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1992.

DAVID BROCK, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1994.

VIVI L. DILWEG OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1994.

CARLOS R. GARZA, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1994.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FEDERAL LABOR RELATIONS AUTHORITY

ALAN ROBERT SWENDIMAN, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS.

ORDERS FOR TUESDAY, APRIL 28, 1992

MR. MITCHELL. Mr. President, I will be pleased to announce that the Senate will be in recess until Tuesday, April 28, 1992, at 9:30 a.m. The Senate will be in recess pursuant to Senate Concurrent Resolution 109.

I now, Mr. President, respectfully request that the Senate stand in recess until Tuesday, April 28, 1992, at 9:30 a.m. The Senate will be in recess pursuant to Senate Concurrent Resolution 109.

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HOUSE OF REPRESENTATIVES—Tuesday, April 28, 1992

The House met at 12 noon.

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

Our hearts are grateful to you, O God, for all your gifts to us. In spite of the uncertainties and concerns that each person faces, our hearts and minds can yet rejoice in the blessings, the friendships, the love and affection, the mutual concerns that we share together. May your spirit, O gracious God, that forgives and heals and brings all manner of good, be with each one of us this day and every day. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CLEMENT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 429. An act to amend certain Federal Reclamation laws to improve enforcement of acreage limitations, and for other purposes;

H.R. 2431. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System;

H.R. 2454. An act to authorize the Secretary of Health and Human Services to impose debarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H. Con. Res. 287. Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1993, 1994, 1995, 1996, and 1997.

The message also announced that the Senate insists upon its amendment to

the resolution (H. Con. Res. 287) "Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996, and 1997" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SASSER, Mr. JOHNSTON, Mr. RIEGLE, Mr. EXON, Mr. DOMENICI, Mr. SYMMS, and Mr. BOND, to be the conferees on the part of the Senate.

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

S. 1128. An act to impose sanctions against foreign persons and U.S. persons that assist foreign countries in acquiring a nuclear explosive device or unsafeguarded special nuclear material, and for other purposes;

S. 2055. An act to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under the act, and for other purposes; and

S. 2620. An act to amend title VII of the Public Health Service Act to correct a technical oversight in the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101-527) by making schools of osteopathic medicine eligible to participate in the Centers of Excellence Program, and for other purposes.

The message also announced that the Senate agrees to the amendment to the House to the bill (S. 1254) "An Act to increase the authorized acreage limit for the Assateague Island National Seashore on the Maryland mainland, and for other purposes," with an amendment.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC.

April 13, 1992.

Hon. THOMAS S. FOLEY,

The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER. Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, April 13, 1992 at 10:58 a.m.: That the Senate agreed to House amendment to S. 838; passed without amendment H.R. 4572 and H.J. Res. 402 and made appointments to the Mexico-United States Interparliamentary Group Conference.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolution on Wednesday, April 15, 1992:

H.R. 4572. To direct the Secretary of Health and Human Services to grant a waiver of the requirement limiting the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the Medicare or Medicaid Programs in order to enable the Dayton Area Health Plan, Inc. to continue to provide services through January 1994 to individuals residing in Montgomery County, OH, who are enrolled under a State plan for medical assistance under title XIX of the Social Security Act; and

H.J. Res. 402. Approving the location of a memorial to George Mason.

REPUBLICAN FUNDRAISER

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

Mr. SYNAR. Mr. Speaker, is it any wonder that Americans are fed up with politics as usual, skeptical that their voice will be heard over big money interests.

Tonight, while the rest of us are paying our monthly bills, the Republicans and George Bush are throwing a gala \$7 million fundraiser that brings new meaning to the words—party of privilege.

While most Americans are grappling with medical expenses, making car payments, and meeting the mortgage and rent, political action committees and big business are buying tickets at \$1,500 a piece, tables for \$20,000, and photo opportunities with the President for \$92,000.

There is an alternative. It is called campaign finance reform. Congress has passed it. The President threatens to veto it. No wonder, it would limit special interest influence, soft money and bundling.

Well, Mr. President, campaign finance reform, which has passed the House and which will later pass the Senate this week, will be laid on your desk. If you are truly committed to change, you will have an opportunity to make a strong voice heard that people do count.

WE MUST COOPERATE WITH JUDGE WILKEY

(Mr. BLILEY asked and was given permission to address the House for 1

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

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

minute and to revise and extend his remarks.)

Mr. BILEY. Mr. Speaker, just tell me it is not so. I could not believe the press reports over the weekend about your suggestion that maybe the House should oppose the subpoenas by Judge Wilkey.

Mr. Speaker, do not lead us down another blind alley. Do not repeat our first mistake when we suggested maybe not to make a full disclosure.

Mr. Speaker, we should promise to cooperate with the special counsel. The House cannot at this time hide behind a technicality. The public will perceive it as nothing but a coverup. If we must bring it to a vote, bring it to a vote.

Mr. Speaker, we on this side of the aisle, the Republicans, will support full cooperation with Judge Wilkey.

WHAT'S ON THE MENU TONIGHT?

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

Mr. GEJDENSON. Mr. Speaker, this evening President Bush and the Republican Party will have the biggest fundraiser in the history of moneyed politics, \$7 million in one night.

I say to my colleagues, you've read the stories about strong-arm tactics and corporations being involved, but have you read the menu? For \$25,000 you might be able to get an EPA administratorship, or you might be able to get a regulation frozen. For \$75,000 you can get an ambassadorship, maybe, to a small Central American country. For \$100,000 you might be able to get your picture taken with Vice President QUAYLE.

But do not expect to see campaign finance reform on the President's menu. That would be too much of indigestion for his big contributors and special interests at the dinner.

As one of the earlier speakers said, the Senate is about to do what we did, pass campaign finance reform. Let us not talk about reform while we are sucking in \$7 million in one night. Sign campaign finance reform, Mr. President.

LET SOME AIR OUT OF HEALTH CARE'S INFLATIONARY BALLOON—SUPPORT H.R. 4280

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

Mr. GOSS. Mr. Speaker, I believe we have the potential to develop an effective health care delivery system. We have the components—state-of-the-art technology, plenty of hospital beds, specialists in every area imaginable, but we have obviously left something out because there are 37 million Americans who still cannot afford insurance

for traditional medical attention in a doctor's office, who end up becoming an emergency case for the hospital, and who have come no closer to being able to finance their own health care. So far the answer for many has been to point fingers at any number of groups—insurance companies, doctors, lawyers, hospitals, or even consumers. But for the sake of the future of this country, let's stop pointing fingers at each other. There is now basic legislation in committee that can let some of the air out of health care's inflationary balloon. H.R. 4280 is one part of the answer—it encompasses malpractice reform, improves the small group insurance market, carves out options for long-term care, and introduces consumer choice with a type of medical IRA. These are real changes that could begin to channel health resources to individuals who truly need them. Join me in cosponsoring H.R. 4280, the Health Care Choice and Access Improvement Act. We really cannot afford to wait any longer.

PEOPLE IN AMERICA SUFFER WHILE THE REPUBLICANS RAISE \$7 MILLION FOR THEIR CAMPAIGN

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

Mr. FLAKE. Mr. Speaker, the record is clear as we in the Congress continue to debate campaign reform and we consider what is happening tonight in relationship to the Republican fundraiser. There are so many of our citizens, who find themselves with meager resources, who cannot even put food on their table, and yet here are people who will pay thousands of dollars, strong armed, to come to be able to support the campaign for the Republican Party. In reality there are those of us within the House who probably would argue that this is the way things ought to be done, but there are so many poor people in America who suffer each and every day of their life, who wonder how we can consistently say that we do not have the resources to provide for their basic needs and then spend so much of our time, energy, and money trying to raise money to run campaigns.

Mr. Speaker, I think it is time for us to rethink how we run campaigns in America and deal with the reality that, if we can raise \$7 million for a campaign, we ought to be able to raise some dollars to meet the needs of America's citizens.

GOOD NEWS ABOUT THE TRADE BALANCE

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

Mr. BEREUTER. Mr. Speaker, for my export 1 minute today, I would like to pass along some good news.

In February, the last month for which statistics are available, Mr. Speaker, the U.S. trade deficit was its lowest in 9 years. The United States recorded a trade surplus with 9 out of the 12 members of the European Community. Add to this list the countries of Australia, Egypt, Mexico, Norway, New Zealand, all of Eastern Europe and the former Republics of the Soviet Union, and United States exporters definitely have something to smile about.

Mr. Speaker, the declining U.S. trade deficit is good news. Although the trade deficit alone, does not reflect the U.S. economy, it does say that the United States is competitive internationally in many areas.

But, Mr. Speaker, that is not the end of the good news. These figures do not include U.S. trade in services, despite the fact that we lead the world in this important export area. Nor do these figures include reports that U.S. exports have been historically underreported.

Mr. Speaker, the bottom line is that U.S. exports represent a bright spot in America's economic outlook. Nothing dramatizes this extremely important point more than a quote from yesterday's Journal of Commerce.

Mr. Speaker, according to that publication:

Over the past five years, exports have led our economic performance, growing three times as fast as real gross domestic product in every year since 1987. Without this improvement, employment would be 3% lower than it is today, or conversely, unemployment would be 40% greater.

Yes, Mr. Speaker, this is good news. I include the following articles:

[From the Omaha World-Herald, Apr. 19, 1992]

DON'T WORRY, BE HAPPY ABOUT TRADE

The doom-and-gloom crowd is at it again. While Americans should be pleased that the U.S. trade deficit has narrowed to its smallest monthly margin in nine years, pessimists persist in looking for negatives in the news of the narrowing trade gap.

February's \$3.38 billion deficit didn't stop one economist from saying that the monthly figures are destined to climb back to around \$5 billion for the rest of 1992. The reason, he said, is that the faltering economy in other parts of the world will harm the growth prospects of America's major trading partners.

But improvement is improvement. Something is going right with the American economy. A strong export performance by manufacturers has helped America improve its trade deficit with the rest of the world. Exports climbed to a record high. Imports dropped for a second straight month.

There are no smoke-and-mirrors tricks involved. No statistical sleight-of-hand, nothing but straight economic fact. The facts say that the trade deficit is getting demonstrably better. America has a trade surplus with Western Europe, Britain, France, Mexico and South Korea.

In February, the Commerce Department announced a 35-percent drop in the trade def-

icit for 1991. At the time, some naysayers argued that the country's improving trade performance was merely a sign that the U.S. economy is so crippled that Americans are less able to afford imported goods.

First it was the lousy domestic economy. Now it's the lousy international economy. What's wrong with crediting the improving trade performance to a welcome sign of renewed American competitiveness in international trade?

[From the Lincoln Journal-Star, Apr. 19, 1992]

TRADE BALANCE: BETTER THAN BETTER

Those cheers you hear in Washington—a rare sound these days—are for February's performance in the U.S. balance of trade. Actually, it may be even better than it seems. And it could get better still, if our nation remains dedicated to free trade.

The February trade deficit was \$3.38 billion, compared to \$5.95 billion in January. That was the best showing in almost nine years. Translated into annual terms, the deficit would be \$56 billion, down from last year's \$66.3 billion.

What should be recognized, however, is that this deficit is the merchandise trade deficit, dealing with tangible goods. But just as our national economy is increasingly oriented to services, so is our trade with other countries. The United States is the world's largest exporter of services—professional, financial, educational, health-related.

Statistics for services sold abroad are figured and published differently from those for merchandise. They do not make headlines each month. Yet last year the United States had a trade surplus in services of \$43 billion. That would have brought our true trade deficit for the year down to \$23 billion.

And there's even more to the brighter side. A National Research Council study concluded that our exports last year were underreported by \$20 billion. Factor that in, and the real trade deficit sinks to \$3 billion. Assume service exports are also underreported, and our trade figures may in fact be in balance, or even show a small surplus.

All this suggests two things. First, that our government needs a better system of compiling and reporting trade activity, both imports and exports, services as well as tangible stuff. Second, that it is imperative that foreign markets be kept open to U.S. exports.

U.S. sales of both goods and services in other countries are growing, and the tide of trade is running in our nation's favor. But that could change if foreign markets are closed to us. And surely if we close our own market to our other countries, they are going to bar their doors to U.S. businesses.

In a free-trade atmosphere, we can compete. And that can mean that not too far down the road our balance of trade, which may already be close to being free of red ink, could make headlines each month with surpluses, rather than deficits.

[From the Journal of Commerce, Apr. 27, 1992]

US-EC: STUCK AT THE CROSSROADS (By William Brock)

Last year, the United States recorded a \$12.5 billion trade surplus with Europe, eliminating a bilateral deficit that had plagued the United States during the 1980s. The dramatic growth in our exports to Europe has been a powerful creator of jobs. Fears of American goods being blocked at the barricades of "Fortress Europe" have, so far, proven to be unfounded.

Over the past five years, exports have led our economic performance, growing three times as fast as real gross domestic product in every year since 1987. Without this improvement, employment would be 3% lower than it is today, or, conversely, unemployment would be 40% greater.

The two-way flow of investment capital has also been a source of economic growth. American-owned firms employ more than 4 million workers around the world, including 2.7 million in Europe. Foreign investment in the United States, a phenomenon we have seen more of recently, employs more than 3 million Americans. European-owned firms employ 2.3 million of those workers. And, according to a recent DRI/McGraw-Hill study, those jobs pay wages that are on the average higher than wages for other jobs in the same communities.

In Rochester, N.Y., homegrown companies such as Eastman-Kodak and Xerox exported more than \$2.3 billion worth of goods in 1990. In Austin, Texas, the city's single largest employer, IBM, is one of the largest exporters. Foreign investment in Indianapolis has created 61,400 jobs the study finds, producing \$1.5 billion in wages and \$125 million in tax revenues. And in Raleigh, more than 103,400 jobs are related to foreign investments, 62,000 of those resulting from European investment. In just these four cities studied, hundreds of thousands of jobs, billions of dollars in wages and millions of dollars in tax revenues are generated by foreign trade and investment. Few American cities could fail to tell a similar story.

All of us have a demonstrable stake in the continued health of the U.S.-European relationship. As studies like that of DRI prove time after time, all economics, like all politics, is local.

For half a century a trans-Atlantic partnership has existed, forged by postwar leaders who determined that the devastation of depression and war would not shadow our children. Their effort gave us international institutions to resolve disputes, institutions like the GATT, and they gave us leadership which brought peace and economic growth unequalled in all history. It is time to restore that source of mutual respect and mutual responsibility.

And so from this crossroads we reflect on the disappointment of the Bush-Delors meeting. We must find a way to conclude the Uruguay Round successfully. Beyond this, we must seek other innovative ways to strengthen a relationship that has contributed so much to global stability, peace and economic progress.

□ 1210

HOURLY MEETING ON TOMORROW

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

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

There was no objection.

EXTENSION OF GI BILL BENEFITS

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

Mr. MONTGOMERY. Mr. Speaker, over the next several months, a large

number of men and women will be voluntarily leaving the armed services as the Active Force is downsized. As an example, more than 22,000 will be leaving the Air Force between now and December.

In February, I wrote Secretary of Defense Dick Cheney and asked him to consider allowing these men and women who did not originally sign up for the GI bill to be given the chance to do so upon separation.

They would put up \$1,200, as is required of all GI bill participants, and then would be eligible for college benefits. They will be receiving around \$20,000 in severance pay and the individual contribution to the GI bill program could be taken from that total.

Those who are being involuntarily separated are already allowed to do this under the Persian Gulf appreciation package. There are many in the Armed Forces who have served 9 or 10 years, for example, who never had the chance to sign up for the GI bill. This would give them the opportunity to pursue a college degree that would help ease the transition back into civilian life.

The Secretary needs to give us an answer on this as soon as possible so we can consider the necessary legislation.

FREEDOM FOR SYRIAN JEWRY

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

Mr. GILMAN. Mr. Speaker it is with cautious optimism that we greet the recent announcement that the small Jewish community of Syria, long held hostage by President Hafez el-Assad, have been granted freedom of travel and the lifting of racist restrictions regarding property rights. Coming on the heels of last week's release from prison of the Swed brothers, this is a welcome initiative if it indeed becomes fact. No one should have to post monetary bond to ensure their return, and no one should be barred from taking family members along on a foreign trip. But this, as well as other restrictions, have been part of the daily life for the Jews of Syria.

As cochairman of the Congressional Caucus for Syrian Jewry, I can attest to the commitment of the Congress to freedom for the 4,000 Jewish men, women, and children in Syria. The Bush administration has supported these humanitarian efforts, which have been ongoing, with the dedicated assistance of the Congress and the American Jewish community. Having met with members of the Syrian Jewish community in Damascus last summer, I look forward to witnessing the early implementation of these new provisions. We are hopeful that these proposals are not mere smoke and mirrors, but are signs of real change for the

Jews of Syria, and for Syria's respect for human rights.

TRIBUTE TO THE WORKERS OF THIS COUNTRY

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

Mr. KILDEE. Mr. Speaker, today I want to pay tribute to the workers of this country.

There is a reason why we have worker safety laws in this country, for the same reason we have strong environmental protection laws—we must stop the unscrupulous from exploiting our Nation's workers and our natural resources.

I want to share with you a story about my father to illustrate why we need strong safety standards in the workplace.

In the 1930's, my father worked in the Buick plant in Flint, MI. One day, my father was working on his job when the sleeve of his shirt got caught in the machine. My father yelled and screamed for someone to turn off the machine—because there was no device on the line to allow him to do it himself. Finally, someone heard his screams and turned off the machine, before he was seriously injured.

My father was lucky that day, and I will never forget the fright on his face when he told me of that incident. Unfortunately, many workers today are not as lucky as my father.

Mr. Speaker, it is time for the Congress to pass significant OSHA reform legislation. And it is long overdue for this administration to begin enforcing existing job safety laws.

IN HONOR OF NATIONAL VICTIMS WEEK

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

Mrs. MORELLA. Mr. Speaker, tomorrow from 12 noon until 3 p.m., in honor of National Victims Week, the Friends of Youth Institute [FYI] will introduce a major, national effort to achieve zero fatalities due to drunk driving by the year 2000. "Zero by 2000" is the first initiative of FYI, a nonprofit organization whose purpose is to give young people experiences and opportunities that will teach them decisionmaking skills about issues such as drinking and driving, AIDS, drug abuse, suicide, and pregnancy.

Mr. Speaker, I urge my colleagues to participate in the demonstration in front of the U.S. Botanic Gardens from 12 until 3. Students from the Washington-Baltimore region will team up with Members of Congress to demonstrate a specially modified car that simulates drunk driving. The simulator will be

touring high schools around the country to educate students on the deadly issue of driving drunk. Let us give "Zero by 2000" our strong support.

PRESIDENT SHOULD GROW UP AND ACT PRESIDENTIAL

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

Mr. APPELEGATE. Mr. Speaker, the people back home are disgusted with all of Government. They are disgusted with the Presidential candidates because they are not talking about the issues. They are disgusted with George Bush because he eschews no leadership. They say he acts like an adolescent whose marbles were stolen and he wants to blame Congress for it.

Mr. Speaker, the people want to know why he does not want to work with Congress and why Congress does not want to work for him. But he has vetoed 27 bills that we have sent to him to help the American people.

Mr. Speaker, the President talks about balancing the budget, my people tell me, and yet he gives Congress a budget for \$1.5 trillion, and it bounced.

Mr. Speaker, the President says he is the President of change. Now here is a man that has been in for 4 years, been Vice President for 8 years, and his changes are that he changes from one week to another. My people are saying why does he not grow up and act like what he is supposed to be when he was elected by them, and that is to be Presidential.

WYOMINGITES WANT SOMETHING RESPONSIBLE DONE ABOUT BUDGET DEFICIT

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

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to share with my colleagues the issue that I found most prominent in Wyoming during my last 2-week visit, and that is doing something about the deficit. People in Wyoming feel like Congress has been irresponsible. People in Wyoming believe that doing something about the deficit ought to be the first priority. People in Wyoming believe that the deficit is dragging down the economy and whatever we do cannot be effective unless we do something about the deficit.

Yet it is hard to believe that frankly we do not spend more time dealing with that issue, dealing with trying to find some solutions.

Instead my colleagues this morning have spent their time posturing politically, instead of doing something about it.

Mr. Speaker, it seems to me that we ought to manage this place to where we spend some time solving problems,

and we need to be more responsible about doing something about the deficit.

GOP AND CAMPAIGN FUNDS

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

Mr. TRAFICANT. Mr. Speaker, the Grand Old Party will raise \$7 million tonight in 1 night. They say millionaires are buying tickets faster than favors can be doled out at the White House. In fact, Republicans who raise more than \$100,000 can even get their picture taken with President Bush.

I can see it now—Japanese cameras flashing all over the convention center.

But the President said, "Let's not be misled. We must have campaign finance reform, and the Republican Party must, in fact, develop a safe money system in American politics."

The Republicans have gone from safe sex to safe money. I predict that the Republican concept of safe money will require millionaires to use condoms on all their safe money and their credit cards.

□ 1220

BRING HEALTH CARE REFORM TO THE HOUSE FLOOR

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

Mr. STEARNS. Mr. Speaker, I urge the House leadership to bring the various health reform proposals now before Congress to the floor for complete and open debate.

I held a dozen town meetings on health care reform in my central Florida district during the recent congressional recess. The American people are fed up with our current system and are fed up with Congress for sidestepping this issue.

Too many Americans live in fear of losing access to their current health care. Too many Americans fear losing their life savings to catastrophic illness or being denied coverage due to health condition.

The current health care cost crisis affects everyone. According to a report commissioned by Families USA, the average American family paid more than \$4,000 for health care in 1991.

Business is feeling the cost crunch too. In 1990 the average American employer who offered employees health benefits spent more than \$3,200 for each employee covered by the company's health plan.

Even with these outrageous costs 37 million Americans currently have no health insurance.

Mr. Speaker, finding answers to our current health care problems will not

be easy, but I believe if this body works together—and puts politics aside—a consensus can be found on several significant reforms.

HOUSE SHOULD COMPLY WITH SUBPOENA REQUEST OF FEDERAL JUDGE MALCOLM WILKEY

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

Mr. MAZZOLI. Mr. Speaker, special counsel, retired Federal Judge Malcolm Wilkey, has subpoenaed certain records and documents pertaining to Members' transaction at the now defunct House bank. There is understandable reluctance on the part of the bipartisan House leadership in complying with this subpoena based on legal, constitutional and privacy grounds.

Mr. Speaker, I believe bipartisan leadership should respond and comply with the subpoena and provide the Federal judge each and every paper he has requested.

Mr. Speaker, this is not alone a question of constitutional separation of powers, nor a question of coequal branches of Government, nor even a question of a Member's right to privacy. The question is the credibility of the House and the right of the people of America to know the truth.

Mr. Speaker, in this setting, even where there is legitimate concern on our part about the subpoena, that concern must yield to the right of the people of America to know the truth.

MEMBERS ARE HERE TO PROTECT THE INSTITUTION

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

Mr. NUSSLE. Mr. Speaker, I would join with my colleague who just spoke as well as many others here today who are asking the question, What are we hiding from?

The same question that many people out on the street are asking themselves today with regard to many of the Speaker's public statements with regard to the subpoenas that have been issued by Judge Wilkey. The question that came up during the entire reform battle that we had prior to leaving was, Are we here to protect the institution or individual Members? And we determined that we are here to protect the institution.

Therefore, individual Members in this institution and in this instance should not have the degree of protection that the Speaker is speaking of right now. I have heard a lot of Members say that this is not for the masses but this is for the leadership to determine.

I do not think it should be determined in a smoke-filled room of the

leadership, but rather, this should be open to House debate. This is for the Members of the House to determine. It is not just a constitutional issue, as has been said before.

This is an issue of credibility to the people that we represent. All of us that were back home over the Easter work period recognized the fact that our credibility has been lost, and this is just another way that we will fall down that slippery slope as we move to try and bring back that credibility and that honesty to the House of Representatives.

I think that the full Membership of this body needs to determine this, needs to debate this and needs to make the kind of disclosure and the kind of compliance with these subpoenas that is requested.

NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS—CONGRATULATIONS ON 25 YEARS OF OUTSTANDING SERVICE

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

Mr. MORAN. Mr. Speaker, yesterday marked the 25th anniversary of the National Association of Federal Credit Unions [NAFCU]. NAFCU represents more than 750 Federal credit unions and the 17 million customers they serve. There are 300 of those Federal credit unions in Virginia, representing more than 3 million members. That is about half of the State.

It is the only national trade association exclusively representing the interests of Federal credit unions, and throughout this 25-year period, NAFCU has provided its members with strong representation before Congress and the Federal regulatory agencies.

I am also very proud to note the NAFCU just moved to my congressional district in Alexandria, VA, and we are very proud to have them there. They have helped create the national credit union share insurance fund, the National Credit Union Administration as an independent Federal regulator, and the central liquidity facility, which has been providing the credit union community with additional stability since 1978.

All those measures have helped bring greater stability, safety, and soundness to credit unions. As a result, the industry as a whole has thrived.

With low-cost efficient services, impeccable credentials of safety and soundness, and a human face and an understanding of local community needs, their motto "Not for charity, not for profit, but for service," has served them well.

With the leadership of organizations like the National Association of Federal Credit Unions, credit unions will continue to grow and to serve their communities.

THE DODGE DRUNK DRIVING SIMULATOR

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

Mrs. BYRON. Mr. Speaker, I would like to take this opportunity to inform my colleagues about an important event scheduled for tomorrow. Friends of Youth Institute, a new charitable organization devoted to the prevention of teenage alcohol-related traffic deaths, will be demonstrating a remarkable device in front of the Capitol at the Botanical Gardens. The device is known as the Dodge Drunk Driving Simulator—a computer programmed automobile which delays the braking and steering response time in accordance with the driver's weight and number of drinks consumed. Simply put, this car lets a sober driver attempt to drive a car that is programmed to be drunk. It is a powerful tool in the continuing fight to eliminate drinking and driving. The press conference begins at 12:30 and the simulator will be available for test driving through 3 p.m. I urge my colleagues to stop by for a quick test drive—the results will be stunning.

THE COMMITTEE ON APPROPRIATIONS OMNIBUS—RESCISSION BILL

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

Mr. FAWELL. Mr. Speaker, an historic event will occur in the House sometime over the next 2 weeks. Tomorrow, in response to the first 68 rescission messages President Bush has sent to Congress, the Appropriations Committee will mark up its own omnibus rescission bill. The significance of this occurrence is not that Congress is proposing its own rescissions—the significance is that we are going to have the opportunity to debate the projects proposed for rescission on the floor of the House. As it so conveniently does when funding pork barrel projects, the committee generally proposes rescissions in large omnibus bills which never allow the opportunity for full consideration of Presidential rescission proposals.

As the cochairman of the bipartisan porkbusters group, I welcome the appropriators' efforts to identify and eliminate wasteful spending. Porkbusting is a bipartisan endeavor we all should be engaged in to ensure that we are making wise use of the taxpayers' money.

While we welcome the committee to the fight against wasteful spending, I think it is important to stress that their rescission effort is complimentary to, rather than a substitute for, the President's rescission proposals. I

urge my colleagues to join me in opposing any attempt to squash our right to have separate consideration of the President's proposals. We should have an up or down vote on each of these projects to see if, in fact, Congress actually does support spending taxpayers' money on Hawaiian arts and crafts, a parking garage, or research on oil from jobba.

If the majority of Congress does actually support such programs, by all means, let's fund them. If the majority does not, however, it's time to quit wasting money on them and channel those funds to national priorities. But we will never know—and the public will never know—unless we have a project-by-project vote to see exactly what the will of this body is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEAL of North Carolina). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken tomorrow.

□ 1230

GENERIC DRUG ENFORCEMENT ACT OF 1991

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2454) to authorize the Secretary of Health and Human Services to impose debarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCE; FINDINGS; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Generic Drug Enforcement Act of 1992".

(b) **REFERENCE.**—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(c) **FINDINGS.**—The Congress finds that—

(1) there is substantial evidence that significant corruption occurred in the Food and Drug Administration's process of approving drugs under abbreviated drug applications,

(2) there is a need to establish procedures designed to restore and to ensure the integrity of the abbreviated drug application approval process and to protect the public health, and

(3) there is a need to establish procedures to bar individuals who have been convicted of crimes pertaining to the regulation of drug products from working for companies that manufacture or distribute such products.

(d) TABLE OF CONTENTS.—

Sec. 1. Short title; reference; findings; table of contents.

Sec. 2. Debarment and other restrictions.

"Sec. 306. Debarment, temporary denial of approval, and suspension.

"(a) Mandatory debarment.

"(b) Permissive debarment.

"(c) Debarment period and considerations.

"(d) Termination of debarment.

"(e) Publication and list of debarred persons.

"(f) Temporary denial of approval.

"(g) Suspension authority.

"(h) Termination of suspension.

"(i) Procedure.

"(j) Judicial review.

"(k) Certification.

"(l) Applicability."

Sec. 3. Civil penalties.

"Sec. 307. Civil penalties.

"(a) In general.

"(b) Procedure.

"(c) Judicial review.

"(d) Recovery of penalties.

"(e) Informants."

Sec. 4. Authority to withdraw approval of abbreviated drug applications.

"Sec. 308. Authority to withdraw approval of abbreviated drug applications.

"(a) In general.

"(b) Procedure.

"(c) Applicability.

"(d) Judicial review."

Sec. 5. Information.

Sec. 6. Definitions.

Sec. 7. Effect on other laws.

SEC. 2. DEBARMENT AND OTHER RESTRICTIONS.

Sections 306 and 307 (21 U.S.C. 336, 337) are redesignated as sections 309 and 310, respectively, and the following is inserted after section 305:

"DEBARMENT, TEMPORARY DENIAL OF APPROVAL, AND SUSPENSION

"SEC. 306. (a) MANDATORY DEBARMENT.—

"(1) **CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS.**—If the Secretary finds that a person other than an individual has been convicted, after the date of the enactment of this section, of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any abbreviated drug application, the Secretary shall debar such person from submitting, or assisting in the submission of, any such application.

"(2) **INDIVIDUALS.**—If the Secretary finds that an individual has been convicted of a felony under Federal law for conduct—

"(A) relating to the development or approval, including the process for development or approval, of any drug product, or

"(B) otherwise relating to the regulation of any drug product under this Act,

the Secretary shall debar such individual from providing services in any capacity to a person that has an approved or pending drug product application.

"(b) **PERMISSIVE DEBARMENT.—**

"(1) **IN GENERAL.**—The Secretary, on the Secretary's own initiative or in response to a petition, may, in accordance with paragraph (2), debar—

"(A) a person other than an individual from submitting or assisting in the submission of any abbreviated drug application, or

"(B) an individual from providing services in any capacity to a person that has an approved or pending drug product application.

"(2) **PERSONS SUBJECT TO PERMISSIVE DEBARMENT.**—The following persons are subject to debarment under paragraph (1):

"(A) **CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS.**—Any person other than an individual that the Secretary finds has been convicted—

"(i) for conduct that—

"(I) relates to the development or approval, including the process for the development or approval, of any abbreviated drug application; and

"(II) is a felony under Federal law (if the person was convicted before the date of the enactment of this section), a misdemeanor under Federal law, or a felony under State law, or

"(ii) of a conspiracy to commit, or aiding or abetting, a criminal offense described in clause (i) or a felony described in subsection (a)(1),

if the Secretary finds that the type of conduct which served as the basis for such conviction undermines the process for the regulation of drugs.

"(B) **INDIVIDUALS.**—

"(i) Any individual whom the Secretary finds has been convicted of—

"(I) a misdemeanor under Federal law or a felony under State law for conduct relating to the development or approval, including the process for development or approval, of any drug product or otherwise relating to the regulation of drug products under this Act, or

"(II) a conspiracy to commit, or aiding or abetting, such criminal offense or a felony described in subsection (a)(2),

if the Secretary finds that the type of conduct which served as the basis for such conviction undermines the process for the regulation of drugs.

"(ii) Any individual whom the Secretary finds has been convicted of—

"(I) a felony which is not described in subsection (a)(2) or clause (i) of this subparagraph and which involves bribery, payment of illegal gratuities, fraud, perjury, false statement, racketeering, blackmail, extortion, falsification or destruction of records, or interference with, obstruction of an investigation into, or prosecution of, any criminal offense, or

"(II) a conspiracy to commit, or aiding or abetting, such felony,

if the Secretary finds, on the basis of the conviction of such individual and other information, that such individual has demonstrated a pattern of conduct sufficient to find that there is reason to believe that such individual may violate requirements under this Act relating to drug products.

"(iii) Any individual whom the Secretary finds materially participated in acts that were the basis for a conviction for an offense described in subsection (a) or in clause (i) or (ii) for which a conviction was obtained, if the Secretary finds, on the basis of such participation and other information, that such individual has demonstrated a pattern of conduct sufficient to find that there is reason to believe that such individual may violate requirements under this Act relating to drug products.

"(iv) Any high managerial agent whom the Secretary finds—

"(I) worked for, or worked as a consultant for, the same person as another individual during the period in which such other individual took actions for which a felony conviction was obtained and which resulted in the debarment under subsection (a)(2), or clause (i), of such other individual,

"(II) had actual knowledge of the actions described in subclause (I) of such other individual, or took action to avoid such actual knowledge, or failed to take action for the purpose of avoiding such actual knowledge,

"(III) knew that the actions described in subclause (I) were violative of law, and

"(IV) did not report such actions, or did not cause such actions to be reported, to an officer, employee, or agent of the Department or to an

appropriate law enforcement officer, or failed to take other appropriate action that would have ensured that the process for the regulation of drugs was not undermined, within a reasonable time after such agent first knew of such actions, if the Secretary finds that the type of conduct which served as the basis for such other individual's conviction undermines the process for the regulation of drugs.

"(3) STAY OF CERTAIN ORDERS.—An order of the Secretary under clause (iii) or (iv) of paragraph (2)(B) shall not take effect until 30 days after the order has been issued.

"(c) DEBARMENT PERIOD AND CONSIDERATIONS.—

"(1) EFFECT OF DEBARMENT.—The Secretary—
 "(A) shall not accept or review (other than in connection with an audit under this section) any abbreviated drug application submitted by or with the assistance of a person debarred under subsection (a)(1) or (b)(2)(A) during the period such person is debarred.

"(B) shall, during the period of a debarment under subsection (a)(2) or (b)(2)(B), debar an individual from providing services in any capacity to a person that has an approved or pending drug product application and shall not accept or review (other than in connection with an audit under this section) an abbreviated drug application from such individual, and

"(C) shall, if the Secretary makes the finding described in paragraph (6) or (7) of section 307(a), assess a civil penalty in accordance with section 307.

"(2) DEBARMENT PERIODS.—

"(A) IN GENERAL.—The Secretary shall debar a person under subsection (a) or (b) for the following periods:

"(i) The period of debarment of a person (other than an individual) under subsection (a)(1) shall not be less than 1 year or more than 10 years, but if an act leading to a subsequent debarment under subsection (a) occurs within 10 years after such person has been debarred under subsection (a)(1), the period of debarment shall be permanent.

"(ii) The debarment of an individual under subsection (a)(2) shall be permanent.

"(iii) The period of debarment of any person under subsection (b)(2) shall not be more than 5 years.

The Secretary may determine whether debarment periods shall run concurrently or consecutively in the case of a person debarred for multiple offenses.

"(B) NOTIFICATION.—Upon a conviction for an offense described in subsection (a) or (b) or upon execution of an agreement with the United States to plead guilty to such an offense, the person involved may notify the Secretary that the person acquiesces to debarment and such person's debarment shall commence upon such notification.

"(3) CONSIDERATIONS.—In determining the appropriateness and the period of a debarment of a person under subsection (b) and any period of debarment beyond the minimum specified in subparagraph (A)(i) of paragraph (2), the Secretary shall consider where applicable—

"(A) the nature and seriousness of any offense involved,

"(B) the nature and extent of management participation in any offense involved, whether corporate policies and practices encouraged the offense, including whether inadequate institutional controls contributed to the offense,

"(C) the nature and extent of voluntary steps to mitigate the impact on the public of any offense involved, including the recall or the discontinuation of the distribution of suspect drugs, full cooperation with any investigations (including the extent of disclosure to appropriate authorities of all wrongdoing), the relinquishing of profits on drug approvals fraudu-

lently obtained, and any other actions taken to substantially limit potential or actual adverse effects on the public health,

"(D) whether the extent to which changes in ownership, management, or operations have corrected the causes of any offense involved and provide reasonable assurances that the offense will not occur in the future,

"(E) whether the person to be debarred is able to present adequate evidence that current production of drugs subject to abbreviated drug applications and all pending abbreviated drug applications are free of fraud or material false statements, and

"(F) prior convictions under this Act or under other Acts involving matters within the jurisdiction of the Food and Drug Administration.

"(d) TERMINATION OF DEBARMENT.—

"(1) APPLICATION.—Any person that is debarred under subsection (a) (other than a person permanently debarred) or any person that is debarred under subsection (b) may apply to the Secretary for termination of the debarment under this subsection. Any information submitted to the Secretary under this paragraph does not constitute an amendment or supplement to pending or approved abbreviated drug applications.

"(2) DEADLINE.—The Secretary shall grant or deny any application respecting a debarment which is submitted under paragraph (1) within 180 days of the date the application is submitted.

"(3) ACTION BY THE SECRETARY.—

"(A) CORPORATIONS.—

"(i) CONVICTION REVERSAL.—If the conviction which served as the basis for the debarment of a person under subsection (a)(1) or (b)(2)(A) is reversed, the Secretary shall withdraw the order of debarment.

"(ii) APPLICATION.—Upon application submitted under paragraph (1), the Secretary shall terminate the debarment of a person if the Secretary finds that—

"(I) changes in ownership, management, or operations have fully corrected the causes of the offense involved and provide reasonable assurances that the offense will not occur in the future, and

"(II) sufficient audits, conducted by the Food and Drug Administration or by independent experts acceptable to the Food and Drug Administration, demonstrate that pending applications and the development of drugs being tested before the submission of an application are free of fraud or material false statements.

In the case of persons debarred under subsection (a)(1), such termination shall take effect no earlier than the expiration of one year from the date of the debarment.

"(B) INDIVIDUALS.—

"(i) CONVICTION REVERSAL.—If the conviction which served as the basis for the debarment of an individual under subsection (a)(2) or clause (i), (ii), (iii), or (iv) of subsection (b)(2)(B) is reversed, the Secretary shall withdraw the order of debarment.

"(ii) APPLICATION.—Upon application submitted under paragraph (1), the Secretary shall terminate the debarment of an individual who has been debarred under subsection (b)(2)(B) if such termination serves the interests of justice and adequately protects the integrity of the drug approval process.

"(4) SPECIAL TERMINATION.—

"(A) APPLICATION.—Any person that is debarred under subsection (a)(1) (other than a person permanently debarred under subsection (c)(2)(A)(i)) or any individual who is debarred under subsection (a)(2) may apply to the Secretary for special termination of debarment under this subsection. Any information submitted to the Secretary under this subparagraph does not constitute an amendment or supple-

ment to pending or approved abbreviated drug applications.

"(B) CORPORATIONS.—Upon an application submitted under subparagraph (A), the Secretary may take the action described in subparagraph (D) if the Secretary, after an informal hearing, finds that—

"(i) the person making the application under subparagraph (A) has demonstrated that the felony conviction which was the basis for such person's debarment involved the commission of an offense which was not authorized, requested, commanded, performed, or recklessly tolerated by the board of directors or by a high managerial agent acting on behalf of the person within the scope of the board's or agent's office or employment,

"(ii) all individuals who were involved in the commission of the offense or who knew or should have known of the offense have been removed from employment involving the development or approval of any drug subject to sections 505 or 507,

"(iii) the person fully cooperated with all investigations and promptly disclosed all wrongdoing to the appropriate authorities, and

"(iv) the person acted to mitigate any impact on the public of any offense involved, including the recall, or the discontinuation of the distribution, of any drug with respect to which the Secretary requested a recall or discontinuation of distribution due to concerns about the safety or efficacy of the drug.

"(C) INDIVIDUALS.—Upon an application submitted under subparagraph (A), the Secretary may take the action described in subparagraph (D) if the Secretary, after an informal hearing, finds that such individual has provided substantial assistance in the investigations or prosecutions of offenses which are described in subsection (a) or (b) or which relate to any matter within the jurisdiction of the Food and Drug Administration.

"(D) SECRETARIAL ACTION.—The action referred to in subparagraphs (B) and (C) is—

"(i) in the case of a person other than an individual—

"(I) terminating the debarment immediately, or

"(II) limiting the period of debarment to less than one year, and

"(ii) in the case of an individual, limiting the period of debarment to less than permanent but to no less than 1 year,

whichever best serves the interest of justice and protects the integrity of the drug approval process.

"(e) PUBLICATION AND LIST OF DEBARRED PERSONS.—The Secretary shall publish in the Federal Register the name of any person debarred under subsection (a) or (b), the effective date of the debarment, and the period of the debarment. The Secretary shall also maintain and make available to the public a list, updated no less often than quarterly, of such persons, of the effective dates and minimum periods of such debarments, and of the termination of debarments.

"(f) TEMPORARY DENIAL OF APPROVAL.—

"(1) IN GENERAL.—The Secretary, on the Secretary's own initiative or in response to a petition, may, in accordance with paragraph (3), refuse by order, for the period prescribed by paragraph (2), to approve any abbreviated drug application submitted by any person—

"(A) if such person is under an active Federal criminal investigation in connection with an action described in subparagraph (B),

"(B) if the Secretary finds that such person—
 "(i) has bribed or attempted to bribe, has paid or attempted to pay an illegal gratuity, or has induced or attempted to induce another person to bribe or pay an illegal gratuity to any officer, employee, or agent of the Department of Health

and Human Services or to any other Federal, State, or local official in connection with any abbreviated drug application, or has conspired to commit, or aided or abetted, such actions, or

"(ii) has knowingly made or caused to be made a pattern or practice of false statements or misrepresentations with respect to material facts relating to any abbreviated drug application, or the production of any drug subject to an abbreviated drug application, to any officer, employee, or agent of the Department of Health and Human Services, or has conspired to commit, or aided or abetted, such actions, and

"(C) if a significant question has been raised regarding—

"(i) the integrity of the approval process with respect to such abbreviated drug application, or

"(ii) the reliability of data in or concerning such person's abbreviated drug application.

Such an order may be modified or terminated at any time.

"(2) APPLICABLE PERIOD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a denial of approval of an application of a person under paragraph (1) shall be in effect for a period determined by the Secretary but not to exceed 18 months beginning on the date the Secretary finds that the conditions described in subparagraphs (A), (B), and (C) of paragraph (1) exist. The Secretary shall terminate such denial—

"(i) if the investigation with respect to which the finding was made does not result in a criminal charge against such person, if criminal charges have been brought and the charges have been dismissed, or if a judgment of acquittal has been entered, or

"(ii) if the Secretary determines that such finding was in error.

"(B) EXTENSION.—If, at the end of the period described in subparagraph (A), the Secretary determines that a person has been criminally charged for an action described in subparagraph (B) of paragraph (1), the Secretary may extend the period of denial of approval of an application for a period not to exceed 18 months. The Secretary shall terminate such extension if the charges have been dismissed, if a judgment of acquittal has been entered, or if the Secretary determines that the finding described in subparagraph (A) was in error.

"(3) INFORMAL HEARING.—Within 10 days of the date an order is issued under paragraph (1), the Secretary shall provide such person with an opportunity for an informal hearing, to be held within such 10 days, on the decision of the Secretary to refuse approval of an abbreviated drug application. Within 60 days of the date on which such hearing is held, the Secretary shall notify the person given such hearing whether the Secretary's refusal of approval will be continued, terminated, or otherwise modified. Such notification shall be final agency action.

"(g) SUSPENSION AUTHORITY.—

"(1) IN GENERAL.—If—

"(A) the Secretary finds—

"(i) that a person has engaged in conduct described in subparagraph (B) of subsection (f)(1) in connection with 2 or more drugs under abbreviated drug applications, or

"(ii) that a person has engaged in flagrant and repeated, material violations of good manufacturing practice or good laboratory practice in connection with the development, manufacturing, or distribution of one or more drugs approved under an abbreviated drug application during a 2-year period, and—

"(I) such violations may undermine the safety and efficacy of such drugs, and

"(II) the causes of such violations have not been corrected within a reasonable period of time following notice of such violations by the Secretary, and

"(B) such person is under an active investigation by a Federal authority in connection with

a civil or criminal action involving conduct described in subparagraph (A),

the Secretary shall issue an order suspending the distribution of all drugs the development or approval of which was related to such conduct described in subparagraph (A) or suspending the distribution of all drugs approved under abbreviated drug applications of such person if the Secretary finds that such conduct may have affected the development or approval of a significant number of drugs which the Secretary is unable to identify. The Secretary shall exclude a drug from such order if the Secretary determines that such conduct was not likely to have influenced the safety or efficacy of such drug.

"(2) PUBLIC HEALTH WAIVER.—The Secretary shall, on the Secretary's own initiative or in response to a petition, waive the suspension under paragraph (1) (involving an action described in paragraph (1)(A)(i)) with respect to any drug if the Secretary finds that such waiver is necessary to protect the public health because sufficient quantities of the drug would not otherwise be available. The Secretary shall act on any petition seeking action under this paragraph within 180 days of the date the petition is submitted to the Secretary.

"(h) TERMINATION OF SUSPENSION.—The Secretary shall withdraw an order of suspension of the distribution of a drug under subsection (g) if the person with respect to whom the order was issued demonstrates in a petition to the Secretary—

"(1)(A) on the basis of an audit by the Food and Drug Administration or by experts acceptable to the Food and Drug Administration, or on the basis of other information, that the development, approval, manufacturing, and distribution of such drug is in substantial compliance with the applicable requirements of this Act, and

"(B) changes in ownership, management, or operations—

"(i) fully remedy the patterns or practices with respect to which the order was issued, and

"(ii) provide reasonable assurances that such actions will not occur in the future, or

"(2) the initial determination was in error.

The Secretary shall act on a submission of a petition under this subsection within 180 days of the date of its submission and the Secretary may consider the petition concurrently with the suspension proceeding. Any information submitted to the Secretary under this subsection does not constitute an amendment or supplement to a pending or approved abbreviated drug application.

"(i) PROCEDURE.—The Secretary may not take any action under subsection (a), (b), (c), (d)(3), (g), or (h) with respect to any person unless the Secretary has issued an order for such action made on the record after opportunity for an agency hearing on disputed issues of material fact. In the course of any investigation or hearing under this subsection, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(j) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person that is the subject of an adverse decision under subsection (a), (b), (c), (d), (f), (g), or (h) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified of the Secretary's decision) a petition requesting that the decision be modified or set aside.

"(2) EXCEPTION.—Any person that is the subject of an adverse decision under clause (iii) or

(iv) of subsection (b)(2)(B) may obtain a review of such decision by the United States District Court for the District of Columbia or a district court of the United States for the district in which the person resides, by filing in such court (within 30 days following the date the person is notified of the Secretary's decision) a complaint requesting that the decision be modified or set aside. In such an action, the court shall determine the matter de novo.

"(k) CERTIFICATION.—Any application for approval of a drug product shall include—

"(1) a certification that the applicant did not and will not use in any capacity the services of any person debarred under subsection (a) or (b), in connection with such application, and

"(2) if such application is an abbreviated drug application, a list of all convictions, described in subsections (a) and (b) which occurred within the previous 5 years, of the applicant and affiliated persons responsible for the development or submission of such application.

"(1) APPLICABILITY.—

"(1) CONVICTION.—For purposes of this section, a person is considered to have been convicted of a criminal offense—

"(A) when a judgment of conviction has been entered against the person by a Federal or State court, regardless of whether there is an appeal pending,

"(B) when a plea of guilty or nolo contendere by the person has been accepted by a Federal or State court, or

"(C) when the person has entered into participation in a first offender, deferred adjudication, or other similar arrangement or program where judgment of conviction has been withheld.

"(2) EFFECTIVE DATES.—Subsection (a), subparagraph (A) of subsection (b)(2), and clauses (i) and (ii) of subsection (b)(2)(B) shall not apply to a conviction which occurred more than 5 years before the initiation of an agency action proposed to be taken under subsection (a) or (b). Clauses (iii) and (iv) of subsection (b)(2)(B) and subsections (f) and (g) shall not apply to an act or action which occurred more than 5 years before the initiation of an agency action proposed to be taken under subsection (b), (f), or (g). Clause (iv) of subsection (b)(2)(B) shall not apply to an action which occurred before June 1, 1992. Subsection (k) shall not apply to applications submitted to the Secretary before June 1, 1992."

SEC. 3. CIVIL PENALTIES.

Chapter III, as amended by section 2, is amended by adding after section 306 the following:

"CIVIL PENALTIES

"SEC. 307. (a) IN GENERAL.—Any person that the Secretary finds—

"(1) knowingly made or caused to be made, to any officer, employee, or agent of the Department of Health and Human Services, a false statement or misrepresentation of a material fact in connection with an abbreviated drug application,

"(2) bribed or attempted to bribe or paid or attempted to pay an illegal gratuity to any officer, employee, or agent of the Department of Health and Human Services in connection with an abbreviated drug application,

"(3) destroyed, altered, removed, or secreted, or procured the destruction, alteration, removal, or secretion of, any material document or other material evidence which was the property of or in the possession of the Department of Health and Human Services for the purpose of interfering with that Department's discharge of its responsibilities in connection with an abbreviated drug application,

"(4) knowingly failed to disclose, to any officer or employee of the Department of Health and Human Services, a material fact which such person had an obligation to disclose relating to any drug subject to an abbreviated drug application,

"(5) knowingly obstructed an investigation of the Department of Health and Human Services into any drug subject to an abbreviated drug application,

"(6) is a person that has an approved or pending drug product application and has knowingly—

"(A) employed or retained as a consultant or contractor, or

"(B) otherwise used in any capacity the services of,

a person who was debarred under section 306, or

"(7) is an individual debarred under section 306 and, during the period of debarment, provided services in any capacity to a person that had an approved or pending drug product application,

shall be liable to the United States for a civil penalty for each such violation in an amount not to exceed \$250,000 in the case of an individual and \$1,000,000 in the case of any other person.

"(b) PROCEDURE.—

"(1) IN GENERAL.—

"(A) ACTION BY THE SECRETARY.—A civil penalty under subsection (a) shall be assessed by the Secretary on a person by an order made on the record after an opportunity for an agency hearing on disputed issues of material fact and the amount of the penalty. In the course of any investigation or hearing under this subparagraph, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(B) ACTION BY THE ATTORNEY GENERAL.—In lieu of a proceeding under subparagraph (A), the Attorney General may, upon request of the Secretary, institute a civil action to recover a civil money penalty in the amount and for any of the acts set forth in subsection (a). Such an action may be instituted separately from or in connection with any other claim, civil or criminal, initiated by the Attorney General under this Act.

"(2) AMOUNT.—In determining the amount of a civil penalty under paragraph (1), the Secretary or the court shall take into account the nature, circumstances, extent, and gravity of the act subject to penalty, the person's ability to pay, the effect on the person's ability to continue to do business, any history of prior, similar acts, and such other matters as justice may require.

"(3) LIMITATION ON ACTIONS.—No action may be initiated under this section—

"(A) with respect to any act described in subsection (a) that occurred before the date of the enactment of this Act, or

"(B) more than 6 years after the date when facts material to the act are known or reasonably should have been known by the Secretary but in no event more than 10 years after the date the act took place.

"(c) JUDICIAL REVIEW.—Any person that is the subject of an adverse decision under subsection (b)(1)(A) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified of the Secretary's decision) a petition requesting that the decision be modified or set aside.

"(d) RECOVERY OF PENALTIES.—The Attorney General may recover any civil penalty (plus interest at the currently prevailing rates from the date the penalty became final) assessed under subsection (b)(1)(A) in an action brought in the name of the United States. The amount of such penalty may be deducted, when the penalty has become final, from any sums then or later owing

by the United States to the person against whom the penalty has been assessed. In an action brought under this subsection, the validity, amount, and appropriateness of the penalty shall not be subject to judicial review.

"(e) INFORMANTS.—The Secretary may award to any individual (other than an officer or employee of the Federal Government or a person who materially participated in any conduct described in subsection (a)) who provides information leading to the imposition of a civil penalty under this section an amount not to exceed—

"(1) \$250,000, or

"(2) one-half of the penalty so imposed and collected,

whichever is less. The decision of the Secretary on such award shall not be reviewable."

SEC. 4. AUTHORITY TO WITHDRAW APPROVAL OF ABBREVIATED DRUG APPLICATIONS.

Chapter III, as amended by sections 2 and 3, is amended by adding after section 307 the following:

"AUTHORITY TO WITHDRAW APPROVAL OF ABBREVIATED DRUG APPLICATIONS

"SEC. 308. (a) IN GENERAL.—The Secretary—

"(1) shall withdraw approval of an abbreviated drug application if the Secretary finds that the approval was obtained, expedited, or otherwise facilitated through bribery, payment of an illegal gratuity, or fraud or material false statement, and

"(2) may withdraw approval of an abbreviated drug application if the Secretary finds that the applicant has repeatedly demonstrated a lack of ability to produce the drug for which the application was submitted in accordance with the formulations or manufacturing practice set forth in the abbreviated drug application and has introduced, or attempted to introduce, such adulterated or misbranded drug into commerce.

"(b) PROCEDURE.—The Secretary may not take any action under subsection (a) with respect to any person unless the Secretary has issued an order for such action made on the record after opportunity for an agency hearing on disputed issues of material fact. In the course of any investigation or hearing under this subsection, the Secretary may administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(c) APPLICABILITY.—Subsection (a) shall apply with respect to offenses or acts regardless of when such offenses or acts occurred.

"(d) JUDICIAL REVIEW.—Any person that is the subject of an adverse decision under subsection (a) may obtain a review of such decision by the United States Court of Appeals for the District of Columbia or for the circuit in which the person resides, by filing in such court (within 60 days following the date the person is notified of the Secretary's decision) a petition requesting that the decision be modified or set aside."

SEC. 5. INFORMATION.

Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following:

"(8) The Secretary shall, with respect to each application submitted under this subsection, maintain a record of—

"(A) the name of the applicant,

"(B) the name of the drug covered by the application,

"(C) the name of each person to whom the review of the chemistry of the application was assigned and the date of such assignment, and

"(D) the name of each person to whom the bioequivalence review for such application was assigned and the date of such assignment.

The information the Secretary is required to maintain under this paragraph with respect to

an application submitted under this subsection shall be made available to the public after the approval of such application."

SEC. 6. DEFINITIONS.

Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(bb) The term 'abbreviated drug application' means an application submitted under section 505(j) or 507 for the approval of a drug that relies on the approved application of another drug with the same active ingredient to establish safety and efficacy, and—

"(1) in the case of section 306, includes a supplement to such an application for a different or additional use of the drug but does not include a supplement to such an application for other than a different or additional use of the drug, and

"(2) in the case of sections 307 and 308, includes any supplement to such an application.

"(cc) The term 'knowingly' or 'knew' means that a person, with respect to information—

"(1) has actual knowledge of the information, or

"(2) acts in deliberate ignorance or reckless disregard of the truth or falsity of the information.

"(dd) For purposes of section 306, the term 'high managerial agent'—

"(1) means—

"(A) an officer or director of a corporation or an association,

"(B) a partner of a partnership, or

"(C) any employee or other agent of a corporation, association, or partnership,

having duties such that the conduct of such officer, director, partner, employee, or agent may fairly be assumed to represent the policy of the corporation, association, or partnership, and

"(2) includes persons having management responsibility for—

"(A) submissions to the Food and Drug Administration regarding the development or approval of any drug product,

"(B) production, quality assurance, or quality control of any drug product, or

"(C) research and development of any drug product.

"(ee) For purposes of sections 306 and 307, the term 'drug product' means a drug subject to regulation under section 505, 507, 512, or 802 of this Act or under section 351 of the Public Health Service Act."

SEC. 7. EFFECT ON OTHER LAWS.

No amendment made by this Act shall preclude any other civil, criminal, or administrative remedy provided under Federal or State law, including any private right of action against any person for the same action subject to any action or civil penalty under an amendment made by this Act.

Amend the title so as to read: "An Act to authorize the Secretary of Health and Human Services to impose debarments and to take other action to ensure the integrity of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes."

The SPEAKER pro tempore (Mr. NEAL of North Carolina). Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the

legislation presently under consideration.

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

There was no objection.

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

Mr. Speaker, the bill before us is authored by the chairman of the Committee on Energy and Commerce. It is cosponsored by every member of that committee and was adopted by this body on October 31, 1991, by a vote of 413 to 0.

The record supporting the bill was built by Mr. DINGELL's Subcommittee on Oversight and Investigations. The bill gives the Food and Drug Administration a variety of new authorities to deal with fraud and corruption that may occur in connection with abbreviated drug applications, which are the short-form applications that the law permits to be submitted to the FDA for generic drug products.

The Senate amendment expands the bill beyond the generic drug industry in one significant respect. It would give the Food and Drug Administration the authority to debar individuals who work for drug companies that sell patented drugs and who have breached the public trust. Where employees of drug companies have engaged in corrupt or fraudulent conduct, the Food and Drug Administration would for the first time have the authority to prohibit those individuals from working in both the generic and brandname segments of the drug industry.

Mr. Speaker, this bill is the result of a 2-year bipartisan effort. It is largely due to the leadership of Chairman DINGELL.

On a staff level, I would like to acknowledge the hard work of Mary McGrane, counsel for the committee's minority, David Keane, counsel for the committee's majority, Reid Stuntz, staff director of the committee's Subcommittee on Oversight and Investigations, and David Meade, legislative counsel. They all made an enormous contribution to the effectiveness, fairness and readability of the bill.

Mr. BLILEY and I have agreed to a statement of explanation which I am inserting at this point.

STATEMENT OF EXPLANATION

The legislation does not limit any authority the agency has under current law to establish priorities in the review of applications to market products where the Food and Drug Administration has determined that there is a significant question with regard to the reliability of the data in such an application. The legislation also does not limit any authority the agency has under current law to deny approvals of products where a significant question with regard to the reliability of the data in an application has been raised, except as provided in the new section 306(f) of the Federal Food, Drug and Cosmetic Act, added by the bill. Section 306(f) would establish the procedures for temporary denial of approval of abbreviated drug

applications where such a question has been raised. Section 306(f) does not limit the agency's authority to issue a final decision under 505 or 507 denying approval of an abbreviated drug application.

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

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 2454, the Generic Drug Enforcement Act of 1992, as amended by the Senate. The Senate amendments represent an agreement that has been worked out by the House and the Senate.

This bill is a response to the generic drug scandal. For the better part of the last 3 years, the Subcommittee on Oversight and Investigations—on a bipartisan basis—has been conducting an investigation into the abuses in the generic drug industry. Unfortunately, the subcommittee found that large segments of the industry were riddled with corruption.

I think H.R. 2454 represents a fair and reasonable approach to ridding the generic drug industry of its bad actors and to restoring public confidence in the safety and efficacy of generic drugs. It provides the FDA with the authority to not accept or review applications for the approval of generic drugs if a company has been convicted of certain specified crimes that undermine the integrity of the drug approval process. The FDA would also be able to debar individuals convicted of such crimes from participating in the development of drug applications to be submitted to the FDA for both generic and brand name drugs.

In addition, the bill includes provisions granting FDA the authority to: Temporarily deny approvals of generic drug applications of a company under criminal investigation; impose civil money penalties for fraudulent conduct related to generic drug applications; and suspend approved generic drugs applications sponsored by companies which are under investigation and which have engaged in flagrant and repeated material violations of good manufacturing practices which may undermine the safety and efficacy of the drugs.

The Senate amendments make numerous technical and substantive improvements in the bill. In addition, at the request of the Department of Justice, the final agreement includes a provision allowing for early termination of a debarment period if such an action serves the interests of justice. This provision will provide both the FDA and the Department of Justice with the flexibility they need in their investigations and prosecutions in obtaining the necessary information and cooperation.

The Senate amendments also broaden the scope of the bill to include brand name drugs in several instances. In the first instance, when individuals em-

ployed by drug companies have been convicted of a felony relating to the regulation of any drug product, the FDA is required to bar such individuals from holding positions of any type in the drug industry. In the second instance, when individuals employed by drug companies in high level managerial positions of responsibility and trust are found to have worked with an individual who took actions resulting in a felony conviction and debarment and the agent knew of these actions and did not report them, FDA would have the authority to debar such individuals from working in the drug industry.

Mr. Speaker, I would also like to note my full agreement with the explanatory statement that Mr. WAXMAN has inserted in the RECORD.

Finally, I would like to express my appreciation to Mr. DINGELL, Mr. WAXMAN, and Mr. LENT and their staffs for all their efforts to develop and pass this important legislation. In particular, I would like to thank Bill Schultz, Reid Stuntz, and David Keane of the majority staff and David Meade of the Office of Legislative Counsel for their very fine and hard work on this bill.

Mr. Speaker, the time has arrived to pass this legislation to give FDA the appropriate enforcement tools it needs to ensure that corrupt individuals and companies will not be able to continue to defraud the public. I urge my colleagues to join me in supporting this bill.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I thank my friend, the distinguished gentleman from California [Mr. WAXMAN], for yielding me this time. I want to pay tribute to him as the chairman of the subcommittee which processed this legislation, and pay particular tribute to my colleagues on the committee on both sides of the aisle who worked so long and so hard and so effectively with us on both the investigation which underlays the drafting of the legislation, but also the fairness and toughness and the decency with which he worked with me in a thoroughly bipartisan fashion.

I would also like to pay compliments to my good friend, the gentleman from New York, Mr. NORMAN LENT, the ranking minority member of the Committee on Energy and Commerce, and the other members of the subcommittee and the full committee who worked long and hard.

Our good friends and colleagues in the Senate, the gentleman from Utah [Mr. HATCH] and the gentleman from Massachusetts [Mr. KENNEDY], both have provided enormous leadership and

great cooperation in bringing this legislation to passage.

Mr. Speaker, the legislation was triggered by the discovery and the investigations which were conducted by the Subcommittee on Oversight and Investigations. It was a major scandal of the generic drug industry. It was astonishing in its breadth and depth. The payoffs to regulators, lies, and false filings were a regular part of business as usual in the generic industry. Criminal investigations triggered by the subcommittee, resulting from its inquiry, have resulted to date in convictions of 27 individuals and 8 companies. More will come.

I would note in addition to this that there has been significant peril at different times because of the slovenliness of the way in which the drugs were compounded and the approvals of the abbreviated new drug applications were corrected. The legislation is drafted to prevent those kinds of practices occurring again, and to see to it that there are adequate penalties for serious wrongdoing.

This business of the generic drugs, Mr. Speaker, is a gold mine. A company starting in a garage can in a couple of years have a \$100 million net worth simply by using generic drugs.

The incentives to wrongdoing are enormous. The committee found bribery of Food and Drug officials to prevent honest competitors from moving forward into production using the abbreviated new drug process. It found payoffs to expedite the interests of wrongdoers. It found virtually the entirety of the new drug section of the Food and Drug Administration were full of abusers of this particular process, and that there was significant and new innovation, not in drugs, but in the ways in which the law was circumvented and the testing process was corrupted.

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I would urge my colleagues to adopt this legislation. I believe it will go a long way toward preventing the kind of abuses which we have seen before and giving the American public a sense of satisfaction that the generic drugs which are properly made available, and in good part under the leadership of our good friend, the gentleman from California [Mr. WAXMAN], chairman of the subcommittee, are efficacious, but also to see to it that they understand that these drugs have to be made available under conditions where there is adequate safety for the user, and that savings can be made without a fear of threat to the health, the safety, the life or the well-being of the users of these prescription pharmaceuticals.

Again I thank my good friend for yielding me the time.

Mr. BILIRAKIS. Mr. Speaker, as one of the original cosponsors of the Generic Drug Enforcement Act, I rise in support of this legisla-

tion before us today as amended by the Senate. The legislation, in my judgment, indicates how little tolerance Congress has for fraud and abuse within private industry and Government agencies, especially when it could jeopardize public health.

When this bill was debated in the House Energy and Commerce Committee, I discussed the demographics of my congressional district. I represent a large number of older Americans and there are seniors who have concerns about the rising costs of prescription drugs. Lower priced generic drugs have given them, especially those with limited income, the opportunity to purchase their medication at lower prices.

Unfortunately, many, due to the reports of the highly publicized generic drug scandal, do not feel comfortable substituting generic drugs for more expensive brand-name products. The legislation before us today will hopefully restore their faith in the quality of generic drugs.

Mr. Speaker, I served as a member of the Oversight and Investigation Subcommittee when it launched its investigation on generic drug approval process. I have been a strong supporter of cleaning up this process and I believe this legislation is a step in the right direction. I am hopeful that this bill will be approved by Congress and signed into public law as expeditiously as possible.

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

Mr. WAXMAN. Mr. Speaker, I urge all Members to support this legislation.

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

The SPEAKER pro tempore (Mr. NEAL of North Carolina). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and concur in the Senate amendments to H.R. 2454.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. WILLIAM L. CLAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. WILLIAM L. CLAY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Missouri Circuit Court.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

WILLIAM L. CLAY.

COMMUNICATION FROM THE HON. PHIL SHARP, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Hon. PHIL SHARP, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 1992.

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

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena duces tecum issued by the Blackford County Circuit Court in the State of Indiana. It requests that my office provide informational materials in a legal dispute between two local parties.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

PHIL SHARP,
Member of Congress.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND COMPETITIVENESS OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Commerce, Consumer Protection, and Competitiveness of the Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE, SUBCOMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND COMPETITIVENESS,

Washington, DC, April 6, 1992.

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

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that the Subcommittee on Commerce, Consumer Protection, and Competitiveness of the Committee on Energy and Commerce has been served with a subpoena issued by the United States District Court for the Southern District of New York for testimony by a staff member. After consultation with the General Counsel to the Clerk, the attached letter was sent to the court, and the subpoena was withdrawn.

Sincerely,

CARDISS COLLINS,
Chairwoman.

COMMUNICATION FROM ACTING CHAIRMAN OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the acting chairman of the Committee on Standards of Official Conduct:

HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,

Washington, DC, April 24, 1992.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Committee on Standards of Official Conduct has been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

MATTHEW F. MCHUGH,
Acting Chairman.

COMMUNICATION FROM SERGEANT AT ARMS, U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from Werner W. Brandt, Sergeant at Arms, U.S. House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 1992.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

MAKING THE S&L CROOKS PAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, once again the American taxpayer has become the victim of widespread Government mismanagement with respect to our banking system. A staff report issued last week by the Subcommittee on Financial Institutions revealed that the administration has failed to collect hundreds of millions of dollars of court-ordered restitution from convicted felons in financial institution fraud cases.

Courts order defendants to pay restitution in these cases to make the victimized institution or insurance fund whole. In 15 of the 19 cases highlighted in the subcommittee staff report, courts awarded more than \$42 million in restitution in financial institution fraud cases involving closed institutions. This money was either to be paid immediately at sentencing or soon thereafter and is now owed to the Federal Deposit Insurance Corporation [FDIC] or Resolution Trust Corporation [RTC].

Yet, the Justice Department, the FDIC, and the RTC have collected less than 1 percent of the \$42 million of the restitution ordered in these 15 cases even though this restitution was either due in full at the time of sentencing or has since become past due. Clearly, such a small percentage of restitution actually collected does not even begin to compensate for the damage that these crooks stole from the American taxpayer's pocketbook.

The Justice Department criticized the staff report on the grounds that only 19 of the 59

cases reviewed by the staff were discussed in the report. Indeed, the staff report is selective. Four of the 19 cases were selected to illustrate the point that judges hinder the restitution collection process by unnecessarily allowing convicted criminals years to pay their court-ordered restitution.

The remaining 15 cases were chosen primarily because the courts had ordered those defendants to pay their restitution immediately or shortly thereafter. In more than half of these cases, there was evidence that the defendants possessed significant assets either when they first fell under Government investigation or at the time of their sentencing.

The cases picked were ones in which the restitution is owed today, not 5 years from now. They were cases where there was some indication that defendants had assets to pay their restitution. The study didn't ask the Justice Department, the FDIC, and the RTC to get blood from stones; it asked whether they could get blood from a blood bank.

The Justice Department also argues that the 1-percent collection rate for the 15 cases documented in the report is misleading. Yet, a recent GAO report similarly concluded that the Justice Department has collected less than one-half of 1 percent of the almost \$80 million of court-ordered restitution in cases involving its "top 100 savings and loan referrals." In fact, both the FDIC and the Justice Department's own statistics indicate that only between 4 to 6 cents of each restitution dollar has been collected out of the hundreds of millions of dollars of restitution awarded since 1988. Contrary to the Justice Department's unsupported allegations, the subcommittee staff did not manipulate data. Instead, the report merely relied on the FDIC and Justice Department's own figures to show how little restitution has been actually collected.

It is unfortunate that the Justice Department's initial response to the report engages in personal attacks rather than addressing how the restitution collections process can be improved. If the Justice Department spent more time trying to collect this money from the S&L crooks and less time trying to defend its own record, perhaps it wouldn't need to try so hard to defend its record.

In a report to Congress last year, the Department of Justice stated it was making substantial progress in * * * recovering fraudulently acquired assets. Although that report stated that courts had ordered these crooks to pay millions of dollars in fines and restitutions, the report was completely silent about the amounts of fines and restitutions actually collected in these cases. Although the Justice Department now apparently claims that it is proud of its restitution collection work, the Justice Department had not even reported to Congress the amount of restitution actually in financial institution fraud cases until well after the subcommittee began its investigation. Moreover, in previous conversations with subcommittee staff, Justice Department personnel repeatedly stated that Justice was not a collection agency.

Additionally, the Justice Department's characterization of the restitution owed by these criminals as alleged debt may provide some insight as to why there is such poor collections record. This is not alleged debt. It is money

that judges ordered S&L crooks to pay to the United States as part of their sentence. These defendants were ordered to pay this money to compensate for the criminal havoc they have wreaked on these closed financial institutions. There is nothing alleged about it.

As four cases in the report illustrate, the Justice Department may be correct in its contention that some of this restitution may not be presently collectable through the criminal justice system. Nonetheless, these criminal sentencing orders directing defendants to pay restitution can be used to file a civil suit and to obtain an immediately enforceable civil judgment against these crooks in relatively short order. Unfortunately, neither the FDIC nor the Justice Department appear to be using the criminal restitution orders in the civil justice system to enforce their legal rights to immediate payment.

Someone must be held accountable for this shameful record. According to the Crime Control Act of 1990, the Department of Justice, together with the FBI, the Department of Treasury, the OTS, the RTC, the FDIC, the OCC, the Federal Reserve Board, and NCUA, is supposed to coordinate the investigation and prosecution of financial institution fraud cases.

For the most part, these other Federal agencies rely on the Justice Department with respect to collecting restitution, because at the time of sentencing, the prosecuting attorney receives a copy of the confidential presentence report from the probation office. Significantly, this report lists all of the crook's reported assets and income from which restitution can be paid. Yet, the Justice Department says that its job is essentially over once a jury returns a guilty verdict because it is not a collection agency. But by law, the prosecuting attorney is the only individual from the executive branch who has access to this important information.

Let us not focus exclusively on the failures of the Justice Department. In this case, there is clearly blame to go around. It is difficult to understand why these other agencies would not take whatever steps necessary, either at the time of sentencing or beforehand, to assure that their interests are protected so that they may collect their court-ordered restitution. If an insurance fund or regulator is awarded \$1 million in restitution, there is a clear responsibility to collect as much of that money as possible and minimized the ultimate cost of the institution's failure to the taxpayer.

It has been estimated that fraud and insider abuse contributed to almost half of all recent S&L failures. In light of the billions of dollars that these failures will ultimately cost the American taxpayer, the administration must make the collection of restitution in financial institution fraud cases a much higher priority.

The American people are tired of footing the bill for these crooks' free lunch in the eighties, while in the nineties, these crooks may return home from prison to their mansions and yachts. After Congress has appropriated \$70 billion to rescue the bank insurance fund and more than \$100 billion for the RTC, less than 10 cents of each dollar of court-ordered restitution has been collected in financial institution fraud cases.

Unless we act now, law-abiding Americans will continue to unfairly foot the bill for these

crimes. Therefore, I plan to have the Subcommittee on Financial Institutions hold hearings on this matter later this spring in order to examine ways to improve the restitution collections process. After those hearings, it is my hope that Congress will consider legislation to improve collection of court-ordered restitution from S&L crooks.

Mr. Speaker, it is time for Congress to make sure that the Justice Department aggressively pursues the S&L crooks to pay back every penny they have stolen.

REMEMBRANCE OF THE ARMENIAN GENOCIDE APRIL 28, 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LEVINE] is recognized for 5 minutes.

Mr. LEVINE of California. Mr. Speaker, I want to add my voice to those remembering the Armenian genocide of 1915-23. The significance of remembering tragic historical events such as the Armenian genocide and the Jewish Holocaust cannot be understated. Those who forget the past are condemned to repeat it. This is not merely a clever turn of a phrase. It is a warning which we ignore at our own peril. The Armenian people embody this lesson as exemplified by Hitler's infamous statement, "Who remembers the Armenians."

It was this day in 1915 when the horror for the Armenian community began. Scores of Armenian religious, political, educational, and intellectual leaders were arrested in Constantinople and deported to Anatolia. Many were taken from their homes and murdered. Many more died during forced marches and other deportations. Over an 8-year period, there were over 1 million Armenian casualties. It is the memory of these people that we remember today.

While it is important to recall the past, it is also vital to look toward the future. The dismantling of the Soviet Union and the rebirth of an independent Armenia presents a unique opportunity to build strong relations between the United States and Armenia. Additionally, it presents an opportunity for the United States to exercise leadership in the Transcaucasus region. But the Bush administration has failed to seize this opportunity.

The lack of United States leadership in the region has been felt most in the Nagorno-Karabakh enclave. The situation on the ground in Nagorno-Karabakh is intolerable. The roughly 180,000 Armenians who live in the enclave are besieged and surrounded by well-supplied Azeri forces. The Azeri government's policy appears to be designed to change the demographic composition of Nagorno-Karabakh so that the Armenians are no longer in the majority, following the model of Nakhichevan. Armed violence, forced deportations, and severe deprivation due to a blockade of food, medical supplies, and fuel are some of the measures used by Azeri forces to enforce this policy.

The Government of Azerbaijan must immediately discontinue all military operations against Armenian population centers in Nagorno-Karabakh. Additionally, Azerbaijan must terminate its blockade of Armenia and Nagorno-Karabakh and respect the will of the

people of Nagorno-Karabakh, as reflected in the national referendum of December 10, 1991, by granting independence to Nagorno-Karabakh.

The Bush administration must reevaluate its current policy toward the Transcaucasus region. At this time and for the foreseeable future, Armenia and Nagorno-Karabakh will face great political risk due to their geography. They are landlocked and surrounded by countries which are either hostile, potentially hostile, or unstable. The United States has a vital interest in seeing that Armenia remain strong and secure.

HEALTH CARE CHOICE AND ACCESS IMPROVEMENT ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RHODES] is recognized for 60 minutes.

Mr. RHODES. Mr. Speaker, I want to take a few minutes today to highlight the importance of the Congress acting this year on health care reform and specifically about the reform initiatives contained in H.R. 4280, the Health Care Choice and Access Improvement Act of 1992, sponsored by me and by 12 of my colleagues. Let me say at the outset, Mr. Speaker, that, while I am the prime sponsor of the bill, I have been joined in this effort by the gentleman from Florida [Mr. GOSS], the gentleman from Illinois [Mr. HASTERT], and our very, very dedicated and hard-working staffs. We have worked on putting this bill together for about 1½ years and were able to introduce it here just about a month ago. Over the past two Congresses, we have been working to develop meaningful, responsible, and effective incremental reforms in America's health care delivery system. My guess is the Congress will debate into the next Congress the issue of comprehensive national health care reform and the issue of a federally run national health care system versus reform of our present system. While that debate may be worthwhile, I doubt we can reach a consensus anytime soon. What we can do soon is find solutions to specific health care problem areas.

During a series of four neighborhood health forums I conducted with constituents in my congressional district last week, it became even more clear that our constituents want changes, especially in affordable access to basic health care. But there remains no clear consensus as to how best to achieve that goal. While a search for a solution on a national level must continue in Congress and with the people of America, I am convinced we can and should take action now on an incremental basis to provide some meaningful relief for constituents in terms of health care costs and access to quality care for themselves and their families.

H.R. 4280 identifies several critical elements that can be implemented

now. Although America has the finest health care in the world, in a nutshell, two critical areas must be addressed. First, not all Americans have access to medical insurance to pay for health care. Second, the cost of health care continues to spiral out of control. This bill focuses on these crucial areas of concern and provides reforms that will make health care coverage more affordable and accessible. Furthermore, our proposals will not impose new financial burdens on States or businesses, nor impose new Federal taxes. Most importantly, every provision in our bill could begin to be implemented tomorrow, with immediate and positive results.

The Health Care Choice and Access Improvement Act of 1992 is designed to reform those areas of our health care system that need immediate attention. It has four sections—medisave accounts tax incentives; long-term care insurance incentives; medical malpractice tort reform; and small group insurance market reform.

Briefly, title I would allow employers and employees to contribute to tax deductible medical savings accounts. These accounts would be portable, tax-free, and would accrue to the employee over time. The employee's health insurance deductible would then be higher and routine medical expenses would be paid out of the medisave account.

Title II contains provisions to promote and expand the private long-term care insurance market so that individuals can better plan for their future. Accelerated death benefits, and a \$2,000 tax credit for in-home care of family members needing care would be of immediate help to those in need of long-term care.

Title III creates incentives for States to enact medical malpractice tort reform instead of Federal preemption of State tort law. H.R. 4280 outlines a set of tort reforms that States would need to institute in order to receive enhanced Medicare and Medicaid reimbursement. Responsibility is returned to the State medical boards and national data bank in order to ensure medical quality. Community health centers would be brought under the Federal Tort Claims Act, thereby clearing up \$50 million for additional services that are currently paid out in malpractice premiums.

Title IV reforms the small group insurance market to make health insurance affordable and accessible for the working uninsured and their dependents. This group represents a substantial portion of the 35 million Americans who have no health insurance coverage. The National Association of Insurance Commissioners [NAIC] would be requested to develop model benefit packages which insurers would be required to offer to small businesses between 3 to 50 employees. These basic benefit plans would be more affordable,

accessible, and dependable than current small market coverage.

All four sections of H.R. 4280 focus on areas of reform that have consensus in Congress and will be effective in making health care coverage more affordable and accessible. None of our proposals will impose new financial burdens on States or businesses, nor impose new Federal taxes. Most importantly, if passed, every provision in our bill could begin to be implemented almost immediately with positive results.

Let me now speak in greater detail about just two of the provisions of H.R. 4280—the medical savings accounts and small market reform provisions.

Title I of our bill would amend the Internal Revenue Code of 1986 to allow the establishment of medical savings accounts. Any amount of money deposited up to an applicable limit is tax deductible and funds withdrawn from the account are nontaxable if used for qualified medical services currently approved under the IRS Tax Code. The limit is determined by the number of dependents in the family.

An individual may establish a medical savings account if the person is not currently covered by an employer-provided group health plan or if covered only by an employer-provided group catastrophic health plan. Medical savings accounts are subject to other applicable rules and limitations similar to those imposed on individual retirement accounts. Employers would also be able to contribute to these medical savings accounts on behalf of their employees, as a part of their health insurance benefit plans. If employees were to withdraw moneys for nonmedical purposes, there would be a 10-percent penalty.

Mr. Speaker, this is a popular and innovative idea which deserves a chance to prove its effectiveness. Congress should not be in the position of constantly preventing and blocking innovation in the private sector, or in local government. We are not going to solve this health care morass alone and this provision will allow some prudent experimentation to take place.

Next, I want to discuss the small market reform provisions of H.R. 4280. In title IV, we begin by requesting the National Association of Insurance Commissioners to develop standards for what we call medequity plans. These standards would set forth the basis benefits to be included in the medequity plans. Standards will also be developed to require insurance carriers to offer these plans, and to require guaranteed issue. These no-frills medequity plans would include straightforward basic hospital, medical, and surgical benefits with cost containment features. Various State prohibitions against managed care are also prohibited, to promote effective use of health resources.

What have become costly State-mandated benefits would be prohibited and

carriers offering health benefits in a State would be required to offer the approved medequity plan to small employers—any business between 3 to 50 employees—in that State. An insurer would not be allowed to exclude small businesses or their employees based on preexisting conditions. Premium increases would be limited.

Under our initiative, an insurance carrier may not cancel a small employer other than for nonpayment of premiums, fraud, or failure to comply with plan provisions. If the insurer does terminate the offering of health benefit plans, the carrier would be prohibited from offering health insurance for 5 years.

The National Association of Insurance Commissioners would also be requested to develop models for reinsurance mechanisms. States would then be required to select a reinsurance mechanism from the models developed. If a State should fail to either certify a medequity plan for small employers or fail to select a reinsurance mechanism, then the Secretary of Health and Human Services is directed to make such a designation for the State.

Under our proposal, self-employed individuals would be allowed to deduct a full 100 percent of the cost of their insurance premiums. Current law allows only a 25-percent deduction. In addition, to promote the ability of small businesses to band together and form insurance purchasing groups, this bill defines a purchasing group as being administered solely under the authority and control of its member employers. These purchasing groups would be exempt from State-mandated benefits, State taxes on health insurance, and State laws prohibiting certain types of managed care.

Mr. Speaker, medical savings accounts and small market insurance reform are just two of the titles in H.R. 4280. In crafting this legislation, my colleagues and I looked for proposals that were innovative and promised to add to the private sector's ability to respond to the health care crisis. We also looked for ideas which have been widely discussed here as well as across the country in constituent forums such as I held in my district last week. They include the small market insurance reform, tort reform, and long-term health care coverage, all of which are contained in our legislation.

America desperately needs these reforms; tomorrow would not be soon enough. This American health care reform package addresses some of our most immediate problems in a very pragmatic fashion. I urge the Speaker and Republican leader to put our bill and others on the legislative agenda for this year. Let us debate these issues, adopt what we can, and fulfill the leadership responsibilities which the American people expect of us.

Ours are constructive, workable initiatives. I urge my colleagues to join

with us as cosponsors of H.R. 4280. It contains innovative ideas and solutions that offer help in the near-term. Please join us in pushing for responsible health care reform today.

□ 1250

Mr. Speaker, I yield now to the gentleman from Florida [Mr. GOSS], who is an original cosponsor of this bill and who has worked with the gentleman from Illinois [Mr. HASTER] and I, over the course of the last many months, in bringing us to the point where we could introduce H.R. 4280.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Arizona for yielding.

Mr. Speaker, I am obviously pleased to have the opportunity to join the gentleman from Arizona [Mr. RHODES] and others in this very necessary discussion about H.R. 4280, the Health Care Choice and Access Improvement Act, and the real possibilities for reform that it represents.

□ 1300

Mr. RHODES has been absolutely tireless in his efforts and deserves a great deal of credit in moving this legislation forward.

So I am especially pleased to be here involved in this colloquy today. We have all acknowledged the fact that reform is urgent. It really cannot be postponed any longer. There are pressing economic reasons which are incontrovertible on that point. Doing nothing is not the answer. We need a solution. I would like to take a moment to illustrate the facts in rather dramatic fashion and the developments that have taken place in my home State of Florida.

I thank the gentleman from Arizona [Mr. RHODES] in his statement has very well outlined the provisions of H.R. 4280 and what is doable now. But why it is so important is that there are 50 States out there that are dealing with the problems on an individual basis. In Florida, in late January, the Governor proposed a health reform plan that was subsequently passed by the Florida House of Representatives on March 11—that was January to March—not one dissenting vote in the house in Florida. On March 13, 2 days later, it was passed by the Florida Senate 35 to 2.

It was signed by Governor Chiles on March 24, 1992, becoming Florida Statute No. 20.42. This is the action of a State in desperate need of change. That type of legislation dealing with a controversial issue like health care passing the State legislature in 2 months with that kind of support says there is a real problem.

In Florida, in fact, 18.9 percent of our population is uninsured. Seventy-five percent of the uninsured are workers and their dependents, and most of them—most of that number, I think about a third—are actually children.

In 1990 Florida spent about \$31.4 billion for health care. By the year 2000

expenditures are projected to go as high as \$90 billion. Florida families spend \$3,392, or 11 percent of their income, on health care. Those are statistics, those are not meaningful expositions of the suffering and the lack that some people are feeling. Statistics never do reflect the human misery that is often involved, and they do not in this case. But what they do reflect is that there is a serious problem out there which needs immediate attention, and it is not just a few, it is a great many people. The situation is not acceptable.

The Florida Legislature has spoken. The Florida Governor has spoken. Florida's new health plan, which is now law, embraces exactly the same goals we are trying to promote in H.R. 4280, accessibility and affordability. The reason the bill passed so easily in Florida is that, until 1995, the reforms are voluntary. In other words, what they have done in my State is say, "We have got 3 years before we get serious and enforce this. But in those 3 years you had better come up with something that works, you people who are players in the health care drama." The reason, I think, is that the State has recognized its commitment to reform but it wanted to leave up to the employers, business, people in small business and in large business, the insurance industry, and all of the other players in the health care system, the opportunity to do what is right and to do what works and what is affordable and provides the access that we are talking about and at the same time holding over the heads of the players the threat that a pay-or-play mandate is in the offing and the offing is only 3 years away, in 1995.

That is a serious stick to wave around to get these people's attention. I think the Federal Government has got to take the lead at this point, and that is why this year we should be dealing with the legislation that we have proposed.

The Florida health plan did receive overwhelming support in the Florida Legislature because it embraces the initiatives of individual responsibility and incentives for individual health promotion.

It does not say, "Don't worry about this, somebody is going to take care of you." It says, "Look, we are going to try to find programs, but as an individual you have some responsibility and some accountability, too." That is, after all, the American way.

Florida's legislation talks about medical liability reforms. My colleague, the gentleman from Arizona [Mr. RHODES] has alluded to the provisions in this bill on that point. It is extremely important. We are wasting literally billions of dollars in liability problems, in defensive medicine. Insurance reforms come under that heading, very definitely, and it does in the area of what I would call streamlining our health administration.

Mr. Speaker, we are wasting many, many billions of dollars in our paperwork, in our handling. Anybody who has ever filed a Medicare or a Medicaid claim knows exactly what we are talking about. Any doctor's office, any hospital that has had to work with these firms and the insurance company, understands the volume of paperwork involved. And sometimes, frankly, the catch-22's that you can never get out of.

There are all areas that are addressed in H.R. 4280, the Health Care Choice and Access Improvement Act, that we hope our colleagues are going to embrace and help us move.

Mr. Speaker, the States need the Federal Government to make the necessary changes in the Federal codes, and they need it now. The States are looking to the Federal Government for some leadership here. In fact, they say—the American public also say, "We do not want to wait any longer."

If we stall, we are faced with the pay or play. Pay or play is a very bad label. It is pay a lot or play in the sense you are not going to enjoy this play. It is not play, have fun play. Pay or play is not a good option. In fact, it will become an unbearable reality not only for Floridians if Florida does not clean up its act and come up with a program—and Florida, of course, is asking that we as the Federal Government do that first so that they can be consistent with what we are trying to do. And as I say, they are trying to do the very type of thing that H.R. 4280 proposes to do.

Mr. Speaker, as the gentleman from Arizona [Mr. RHODES] has outlined, the bill, H.R. 4280, can translate some of the waste and mismanagement of our current system into health care for millions of individuals. We are simply talking about making savings by doing things more efficiently and more properly and passing those savings on to the people who cannot afford health care now. Those savings become their vehicle to get the quality health care that many Americans enjoy because they do need insurance.

We must consider this, I suppose, a preliminary step because it does not solve all the problems, but H.R. 4280 does reform malpractice laws, which is a big-ticket item in terms of cost, which obviously has many defensive medical practices costs involved in it, not only the awards in court but the practices that doctors take and the medical profession undertake to protect themselves from suits.

H.R. 4280 introduces necessary controls and incentives into the small-business insurance group market, where they are very badly needed, and small groups talk to small business, and small business is very much involved, it is what the economy of our Nation is about.

It cuts administrative waste from large self-insured corporations by pro-

viding a new approach to them which involves individual participation, something that the gentleman from Arizona referred to, a medical savings account option, similar to an IRA. We are not reinventing the wheel here, we are taking something that works and applying it to an area where it fits a need.

Mr. Speaker, unlike other bills, we have done something in H.R. 4280 that helps a lot in places like Florida, and that is emphasis on long-term care by providing cost-effective options for today's elderly but also urging tomorrow's seniors to utilize long-term health care insurance, which we provide for.

There is really nothing controversial or drastic in what we have done here. It is certainly not going to change the face of our health care delivery system, but it certainly, also, can prevent the cost shifting that we all understand is going on, that is currently outpricing millions of our citizens from the health care they need.

We need relief, people are saying that they have a right to expect that relief, they are looking for us to do it, and I suspect that we have come forward in good faith with H.R. 4280, which is a step that is doable now. It should be palatable to both sides of the aisle. People are serious about this. The leadership on both sides is, as we know, I think we have done something worth looking at here. I recommend that we seize the day before we are faced with the solution of last resort, and that will be the unaffordable, and I emphasize the word unaffordable, single-payer system. So let us take the responsible approach by providing real and sustainable access to affordable health care. I think we have carved a way to do it. It is time to walk down the path, and I compliment my friend, the gentleman from Arizona [Mr. RHODES], for his initiative today and in arranging for this time and for his tireless efforts on bringing the legislation to this point. I urge my colleagues to pay attention to this and join with us. This is worth doing, it is doable.

Mr. RHODES. I thank the gentleman for his comments, which are very much to the point.

In conclusion, let me just say to my colleagues and to the American people, we are not advertising H.R. 4280 as a comprehensive solution to all the problems that exist in the health care system. We do not believe that we are ready yet for that. But if you as a Member of the House are planning to wait until there is a magic pill that comes along that cures everything, H.R. 4280 is not for you. But if you believe, as we do, there are steps that can be taken now to assist people who currently do not have access to our health care system, to obtain that access, if you agree with us that having 35 million people in this country uninsured is

not acceptable, especially when you consider that 70 percent of those 35 million are either employed or are dependents of persons who are employed, that that situation is not acceptable, if you agree with us that we cannot put the burden of resolving the health care accessibility issue on the backs of small businesses or on the backs of the taxpayers, then we think H.R. 4280 is for you.

□ 1310

Mr. Speaker, we invite our colleagues to take a good hard look at it, and we urge them to join us in cosponsoring it and urge them to join us in urging the leadership of the House to bring it forward in this year so that we can address this problem that we have ignored for too long now.

As I said before, the citizens of this country deserve nothing less.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

KISSINGER ASSOCIATES, SCOWCROFT, EAGLEBURGER, STOGA, IRAQ, AND BNL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I will talk about Henry Kissinger, his consulting firm Kissinger Associates, two former Kissinger Associates directors, Lawrence Eagleburger and Brent Scowcroft, and the chief economist at Kissinger Associates, Alan Stoga.

I will explore their links to Banca Nazionale del Lavoro [BNL] and Iraq, and the Bush administration's handling of the BNL scandal. But first, I will provide some background information on the BNL scandal.

BACKGROUND ON BNL SCANDAL

BNL is one of the largest banks in Italy with assets over \$100 billion. At the time the BNL scandal was disclosed in August 1989, BNL was 98 percent owned by the Italian Government. BNL has operations around the world including U.S. branches in Chicago, Los Angeles, Miami, Atlanta, and its U.S. headquarters in New York.

Several former employees of the Atlanta branch of BNL conspired to provide the Government of Iraq with over \$4 billion in unreported loans between 1985 and 1990. They accomplished this massive fraud by keeping a secret set of accounting records that concealed the over \$4 billion in loans to Iraq.

These secret books were presumably not furnished to BNL's management in Rome or to the bank regulatory agencies responsible for regulating BNL's

operations in the United States. To date, several of the former employees have pleaded guilty to the conspiracy and signing false financial statements. The former manager of BNL, Chris Drogoul, goes to trial on June 2. He claims that the BNL management in Rome was aware of the loans to Iraq and the United States and Italian Governments should have been aware of the loans.

The \$4 billion plus in BNL loans to Iraq between 1985 and 1990 were crucial to Iraqi efforts to feed its people and to build weapons of mass destruction. In addition, the BNL loans were crucial to Reagan and Bush administration efforts to assist Saddam Hussein.

The loans to Iraq were split just about evenly between agricultural and industrial loans. Iraq used a little over \$2 billion to purchase agricultural products and to pay for the shipping charges associated with the delivery of those products. Well over \$800 million of agriculture-related loans were guaranteed by the U.S. Department of Agriculture's [USDA's] Commodity Credit Corporation.

BNL was the largest participant in the Commodity Credit Corporation [CCC] program that Iraq used to purchase about \$5 billion in United States agricultural commodities between 1983 and 1990. Had the USDA ever inspected the publicly available financial statements of BNL, they would have most likely uncovered the scandal years earlier.

The remaining \$2 billion plus in BNL loans to Iraq went to Iraqi Government entities involved in running a secret Iraqi military technology procurement network. The procurement network, which operated through front companies situated in Europe and the United States, used the BNL loans to supply Iraqi missile, chemical, biological and nuclear weapons programs with industrial goods such as computer controlled machine tools, computers, scientific instruments, special alloy steel and aluminum, chemicals, and other industrial goods.

A number of the procurement network's imports from the United States were guaranteed by the Export-Import Bank. In fact, BNL was also a major participant in the Export-Import Bank program for Iraq. In total, the Eximbank program helped to finance the sale of over \$300 million in industrial goods to various Iraqi Government entities.

It is truly amazing that the BNL scandal went on as long as it did. Various agencies within our Government knew of BNL's role in bankrolling Iraq—yet they supposedly did not know that the loans were unauthorized or not properly reported. How is this possible? The committee is still investigating the extent to which the U.S. Government had knowledge of the BNL scandal.

Several of BNL's high level friends in the United States should have been aware of the BNL loans to Iraq. The high level patrons that I am referring to are Henry Kissinger, and his Kissinger Associates compadres, Brent Scowcroft and Lawrence Eagleburger.

Several Kissinger Associates clients had extensive dealings with Iraq including Volvo, Midland Bank, Chase Manhattan Bank, Fiat, and Asea Braun Boveri and those same companies also were the beneficiaries of BNL loans to Iraq or were involved in some way with BNL-Atlanta.

Kissinger, Scowcroft, and Eagleburger maintain that they were unaware of the BNL loans to Iraq. I offer no definitive proof that they were aware of the BNL loans, but I will explore in more detail their interlocking relationships with BNL and Iraq.

In addition, I will reveal that both Mr. Eagleburger and Mr. Scowcroft played a key role in the Bush administration's handling of the BNL scandal, even though BNL was a paying client of Kissinger Associates just months prior to the BNL scandal becoming public.

HENRY A. KISSINGER, BNL, AND IRAQ

Henry Kissinger is one of the best known and most powerful Presidential advisers of the post-World-War II era. He began his political career in 1956 as a consultant on military affairs. He has also advised many executive-branch organizations including the Joint Chiefs of Staff, the National Security Council, and the Department of State.

In 1969, he became President Nixon's National Security Adviser, and in 1973 Nixon named him Secretary of State. He held that post until 1977. In 1989, Mr. Kissinger was appointed as a member of the President's Foreign Intelligence Advisory Board [FIAB]. Members in this elite club are permitted access to highly classified information and members actually advise the President on intelligence issues.

Today, Mr. Kissinger is active as a foreign policy analyst and consultant through the firm that bears his name, Kissinger Associates, Inc. He founded the firm in 1982, and he has offices in New York and Washington. Kissinger Associates analyzes political risk and international economic trends to help clients make business decisions about operations in a foreign country.

KISSINGER DELIBERATELY MISLEADS PUBLIC

Until recently, Mr. Kissinger was a member of the BNL's international advisory board and during the height of the BNL-Atlanta scandal BNL was a paying client of Kissinger Associates.

While Henry Kissinger was a paid member of the BNL's advisory board for international policy between 1985 and June 1991, he received at least \$10,000 for attending each meeting of the BNL advisory board. Mr. Kissinger met each year with the president of BNL when the latter visited the United

States to attend the annual IMF conference in Washington, DC.

Other BNL advisory board members included David Rockefeller, the chairman of the Rockefeller Group and a director of Chase Manhattan Bank, Pierre Trudeau, the former Prime Minister of Canada, Lord Thornycroft, the former British Minister of Defense, and other politically well-connected international notables.

After my April 25, 1991, floor statement on Mr. Kissinger, he told the Financial Times newspaper that he had resigned from the BNL advisory board a week before the BNL indictment in February 1991 because "he did not want to answer questions about such incidents."

Two weeks ago, the prominent TV show, "60 Minutes," revealed that Kissinger had not resigned from the BNL advisory board in February 1991, as he had told the Financial Times. In fact, "60 Minutes" reported that Mr. Kissinger served on BNL's advisory board until his contract expired in the summer of 1991, more than 4 months after the date he had previously reported.

Mr. Kissinger was not the only Kissinger Associates employee that dealt with BNL. Mr. Brent Scowcroft, the vice chairman and Mr. Lawrence Eagleburger, the president of Kissinger Associates also had relationships with BNL.

IMPORTANCE OF THE BNL SCANDAL

Before detailing the relationship between BNL and Mr. Scowcroft and Mr. Eagleburger and the role they played in the handling of the BNL scandal, I will provide some background in order to put their actions into perspective.

As I have shown in previous floor statements, the BNL scandal was closely linked to the decline of the United States-Iraq relations. I have introduced numerous documents showing that the CCC program for Iraq was the cornerstone of United States-Iraq relations. In turn, BNL was the largest participant in the CCC program for Iraq.

When the BNL criminal investigation in Atlanta uncovered significant fraud and abuse in the CCC program for Iraq, it jeopardized the continuation of the CCC program and the cornerstone of United States-Iraq relations began to crack. The BNL investigation also revealed that high-level Iraqi Government officials were involved in the scandal, including the second most powerful man in Iraq, Saddam Hussein's son-in-law, Hussain Kamil.

To show the link between the BNL scandal and the CCC program, consider an October 13, 1989, State Department memo that states:

The unfolding BNL scandal is directly involved with the Iraqi CCC program and cannot be separated from it.

To illustrate of the serious problems uncovered by the BNL investigation and the scandal's potential influence on the CCC program for Iraq is con-

tained in an October 1989 State Department memo which states:

There are currently 10 separate investigations of BNL Atlanta branch activity to Iraq. It now appears that at a minimum, elements of the Government of Iraq knew of the illegal dealings of the BNL, but found it convenient to continue using its good offices. Indications are that in addition to violating U.S. banking laws, the BNL's activities with Iraq may have led to diversion of CCC guaranteed funds from commodity programs into military sales. * * * The U.S. Department of Agriculture expectations are that the investigation could blow the roof off the CCC. If smoke indicates fire, we may be facing a four alarm blaze in the near future. * * * there were 19 investigations of CCC this year (1989) and the integrity of the program is now in question.

The importance of the BNL scandal was not lost on Mr. Scowcroft or Mr. Eagleburger. I will now provide some details on their roles in handling the BNL scandal.

BRENT SCOWCROFT, BNL, AND IRAQ

One of the most prominent of the Kissinger Associates alumni is Brent Scowcroft, President Bush's current National Security Adviser and head of the NSC staff. Early in his military career, Scowcroft served 1 year as the air attache at the United States Embassy in Belgrade, Yugoslavia. In total, Mr. Scowcroft has held various positions in six administrations.

After earning a Ph.D. and working in academia from 1962 to 1968, he held a succession of national security posts in the Department of Defense. In 1971, President Nixon appointed Scowcroft military aide to the President, and in 1973 Kissinger chose him to be Deputy Assistant to the President for National Security Affairs.

Scowcroft often took charge of the National Security Council while Kissinger was fulfilling his duties as Secretary of State, and in 1975 he succeeded Kissinger as National Security Adviser to President Ford. Although he resigned the position during the Carter administration, Scowcroft stayed active as a member of the President's general advisory committee on arms control.

In 1982, Scowcroft joined Kissinger in setting up Kissinger Associates. Scowcroft served as vice chairman and head of Kissinger Associate's Washington, DC, office until becoming the head of the National Security Council under President Bush in January 1989.

WHITE HOUSE AND SCOWCROFT-LED NSC ROLE IN BNL HANDLING

I will not show that President Bush's top advisers at the White House were directly involved in the handling of the BNL scandal. They intervened in late 1989 to make sure that Iraq received a \$1 billion allocation of CCC credits for fiscal year 1990 despite the findings of the BNL investigators in Atlanta.

The former Deputy Assistant to the President, and Director of Cabinet Affairs, Mr. Steve Danzansky was one of

President Bush's staff assigned responsibility for overseeing the late 1989 decision to provide Iraq with \$1 billion in CCC credits. Mr. Danzansky received regular updates on the BNL scandal as well as progress reports on the USDA's efforts to win approval for the CCC program for Iraq.

An October 30, 1989, USDA memo on the CCC program and the BNL scandal that was sent to Mr. Danzansky states:

"Please let me know if you * * * have any questions on this, or if I can provide further information on the situation with Banca Nazionale del Lavoro."

But Mr. Danzansky's role went beyond monitoring the BNL scandal and the decision to grant Iraq additional CCC credits. A November 7, 1989, USDA General Counsel memo to Mr. Danzansky regarding the decision to grant the \$1 billion CCC program for Iraq states:

Steve, attached are possible materials for circulation by Treasury for tomorrow's NAC meeting. Thanks for your help on all this and please let me know if there are any additional materials I should prepare.

That comment shows that the USDA staff was taking orders from Mr. Danzansky and that Mr. Danzansky was assisting the USDA in winning approval for the fiscal year 1990 CCC program for Iraq. In addition, Mr. Danzansky personally attended the November 1989 NAC meeting that made the decision on the CCC program.

Several Administration officials have told the Banking Committee that this was the first time that a White House official sat in on a NAC decision to grant credits to a foreign country. That meeting also marked the first time in the history that the minutes of a NAC meeting were classified so as to restrict access to the public, and the Congress.

There are other CCC/BNL-related documents with Mr. Danzansky's name on them—but to truly understand their importance one must consider Mr. Danzansky's position. Mr. Danzansky was the Director of Cabinet Affairs—in other words he had direct access to the President and the various Cabinet members involved in making decisions on the CCC program for Iraq and on the handling of the BNL scandal.

Given Mr. Danzansky's role in the CCC decision and his job as adviser to President Bush and Director of Cabinet Affairs, it is clear that President Bush was directly involved in the decision to provide Iraq with a \$1 billion in CCC credits just months before the invasion of Kuwait.

MR. SCOWCROFT, BNL, AND THE CCC

While at Kissinger Associates, Mr. Scowcroft worked on the BNL account and met on numerous occasions with the BNL management. On three occasions between 1986 and 1989, Mr. Scowcroft briefed the BNL board on international political and economic developments. In addition, when the Presi-

dent of BNL traveled to the United States to attend the annual IMF conference, he met with Kissinger and Scowcroft in New York.

Just months after resigning from Kissinger Associates to join the Bush administration, Mr. Scowcroft was heavily involved in the handling of the BNL scandal including winning approval of the \$1 billion CCC program for Iraq in late 1989. Mr. Scowcroft was also directly involved in trying to win the release of the second \$500 million CCC installment for Iraq in March 1990.

NSC STAFF HEAVILY INVOLVED IN CCC DECISION

Under Mr. Scowcroft's direction, the NSC staff was heavily involved in winning approval of the \$1 billion CCC program for Iraq in late 1989 despite the implications of the BNL scandal. The NSC staff received regular briefings and memorandums from the USDA regarding the decision to grant Iraq additional credits.

The NSC was also directly involved in the decision to grant the CCC credits to Iraq. On April 2, 1990, USDA memo states:

During the fall of 1989, there was intense debate among the agencies regarding approval of Iraq's request for an FY 1990 CCC allocation of \$1 billion. The State Department and National Security Council supported a decision favorable to Iraq.

The NSC did not limit its activities to supporting the 1989 decision to grant credit to Iraq. The NSC was also directly involved in the USDA investigation of the BNL scandal.

NSC AND USDA STUDY OF BNL

In a highly unusual maneuver, the NSC had responsibility for reviewing and approving the release of the USDA administrative review of the BNL scandal and CCC program for Iraq in May 1990. The NSC staff even went as far as approving the date of the release of the USDA study.

Regarding the release of the USDA study in May 1990, Ms. Sandra Charles, the Director for Near East and South Asian Affairs at the NSC, sent a fax to the USDA's Richard Crowder, the man technically responsible for the CCC program for Iraq. Ms. Charles' handwritten notes on the memo state: "Dick, with this press release the NSC has no objection to your releasing the report. Suggest you coordinate with State [Department]."

The NSC's role in the USDA administrative review raises serious questions because the USDA review was an almost complete whitewash of the problems found during the BNL investigation. First, the scope of the USDA administrative review was severely restricted in order to downplay the importance of the BNL scandal and problems in the CCC program for Iraq.

For example, the press release and executive summary accompanying the report give the impression that the USDA conducted an exhaustive review of the CCC program for Iraq. In fact,

the vast majority of the USDA study is based on a review of the records of a single firm involved in the BNL scandal.

The most glaring example of the whitewash is related to the issue of whether or not CCC-guaranteed agricultural commodities destined for Iraq were diverted to pay for weapons. The conclusion in the USDA report is not even supported by the facts as listed in the report. The summary of the USDA report states:

The USDA administrative review uncovered no evidence to suggest that there has been diversion of commodities sold to Iraq. It appears, based on a review of sample records, that Iraq maintains records to establish proof of arrival for its CCC purchases.

In fact, a closer look at the USDA report shows that USDA investigators did not obtain records to verify that United States commodities had actually arrived in Iraq. Compare the findings of the report to an October 13, 1989, USDA memo which states.

Although additional research needs to be done, it appears more and more likely that CCC guaranteed funds and or commodities may have been diverted from Iraq to third parties in exchange for military hardware. Where documents indicate shipments arrived in Baghdad, the timing appears improbable, shipments arrived in Baghdad prior to arriving at interim ports. McElvain and the USDA IG are concerned that commodities were bartered in Jordan and Turkey for military hardware.

Ultimately, the USDA investigators, who had numerous contacts with the NS, took the word of the Iraqi Government that the CCC-guaranteed commodities had arrived in Iraq. In effect, the USDA report is very misleading as to the issue of whether or not CCC-guaranteed commodities were diverted—they certainly found no concrete evidence to indicate the goods actually arrived in Iraq.

Could it be that the NSC's involvement in the USDA study of BNL was meant to cover up an awareness that CCC-guaranteed commodities were being diverted to pay for Iraq weapons purchases? After all, the USDA study was deceiving as to the issue of diversion. We know that the administration conducted covert operations to assist Iraq. We also know that various memos indicate that diversion was a real possibility. And finally, the Iran-Contra affair provided proof positive that the NSC thought of itself as above the law.

Taken together, these factors raise serious questions about why the NSC was involved in the BNL investigation and whether or not they were aware of the diversion of U.S. commodities. These questions take on special importance in light of NSC Director Scowcroft's long affiliations with BNL.

SCOWCROFT GETS IN THE ACT

Not only was the NSC staff involved in the BNL/CCC investigation under Mr. Scowcroft's direction, Mr. Scowcroft himself pushed for the release of

the second \$500 million installment of CCC credits for Iraq that were delayed because of the BNL scandal.

A March 5, 1990, State Department memo related to the release of the second \$500 million CCC installment for Iraq states: "National Security Council staff [NSCS] contacted the USDA March 2 to inquire about the delay after the Iraqi Ambassador complained to General Scowcroft."

NSC AND WHITE HOUSE INVOLVED IN THWARTING INVESTIGATION OF IRAQIS?

I revealed in a March 30 floor statement that the United States attorney in Atlanta wanted to investigate the various Iraqis involved in the BNL scandal. I also revealed that the United States attorney was never allowed to interview the Iraqis because of the potential negative effect such an investigation could have on United States-Iraq relations.

Instead, the State Department decided that the United States attorney in Atlanta would have to write letters to the various Iraqis involved in the BNL fraud and ask them written questions about their criminal activities. The committee has documents showing that the NSC and White House both received memos related to the pen-pal investigative strategy and the committee is continuing to probe their role in developing that strategy.

Mr. Scowcroft was not the only Kissinger Associates client involved in handling the BNL scandal—the Deputy Secretary of State, Lawrence Eagleburger, also played a key role.

EAGLEBURGER, BNL, AND IRAQ

Lawrence Eagleburger, Deputy Secretary of State, has held many positions of international influence in both the public and private sectors. Eagleburger started his political career in 1967 as a Foreign Service officer. In this capacity, he represented the United States in Honduras for 2 years, and in Yugoslavia for 4 years.

When, in 1969, Henry Kissinger became Nixon's national security adviser, Mr. Eagleburger served as his executive assistant. After working as a political adviser to NATO in Belgium, and as Deputy Assistant Secretary in the Department of Defense, Eagleburger rejoined Kissinger at the State Department, again as his executive assistant in 1973.

Eagleburger was appointed Ambassador to Yugoslavia during the Carter administration and served in that capacity from 1977 to 1981. Under President Reagan, Eagleburger became Assistant Secretary of State for European Affairs, and held this position from 1981 to 1982. Subsequently, he served for 2 years as Deputy Undersecretary for Political Affairs.

Before assuming his current position as Deputy Secretary of State in 1989, Mr. Eagleburger, like Mr. Scowcroft, worked for Kissinger Associates, Inc. In fact, during this tenure, Mr.

Eagleburger was the president of Kissinger Associates.

BNL was a client of Kissinger Associates during Mr. Eagleburger's tenure. Mr. Kissinger has stated that Mr. Eagleburger did not handle the BNL account at Kissinger Associates. Renato Guadagnini, the former head of BNL's operations in the United States told committee investigators recently that Mr. Eagleburger was at a meeting between the BNL managers and Kissinger Associates in New York in 1987 or 1988.

While at the State Department, Mr. Eagleburger was fully aware of the link between BNL and the CCC program for Iraq and the importance of the BNL scandal. A State Department memo dated October 13, 1989, states: "The unfolding BNL scandal is directly involved with the Iraqi CCC program and cannot be separated from it."

Mr. Eagleburger's role in promoting United States-Iraq relations spans both his commissions at the State Department. During the early 1980's Mr. Eagleburger wrote letters promoting the use of the CCC and Eximbank as tools to provide United States financial assistance to Iraq. Starting in 1989 Deputy Secretary of State Eagleburger played a key role in winning approval of the \$1 billion CCC program for Iraq just months prior to the Iraqi invasion of Kuwait.

WINNING APPROVAL OF THE CCC PROGRAM FOR IRAQ

In order to win approval of the \$1 billion CCC program for Iraq for fiscal year 1990, Secretary Baker wrote a letter to the Secretary of Agriculture, Clayton Yeutter, and then called him personally to express his conviction that Iraq should be given the benefit of the doubt and granted the full \$1 billion CCC program for fiscal year 1990. The talking points for Mr. Baker's call to Mr. Yeutter state:

On foreign policy grounds, we support a program of up to \$1 billion, released in tranches, with periodic compliance reviews. With safeguards, I hope we can get this important program back on track quickly.

Convincing the Department of Agriculture to support the allocation of the full \$1 billion to Iraq was the least of the State Department's worries. The largest barrier was convincing the OMB and Treasury Department to drop their opposition to the \$1 billion program for Iraq. This assignment was left to Deputy Secretary of State, Lawrence Eagleburger.

The Treasury Department and OMB were opposed to the fiscal year 1990 CCC program for Iraq because of Iraq's precarious financial condition and the BNL scandal. The Treasury Department actually voted against the fiscal year 1989 program for Iraq because of creditworthiness concerns, but this did not stop Mr. Eagleburger.

Mr. Eagleburger sent letters to the highest levels of the OMB and Treasury

to win approval for the fiscal year 1990 CCC program. The first was a letter dated November 8, 1990, from Mr. Eagleburger to the Deputy Treasury Secretary, John Robson, which states:

Further to our discussion, on foreign policy grounds we support the Department of Agriculture's proposal for a full billion-dollar program of CCC export credit guarantees in FY 1990 with adequate safeguards, for Iraq. * * * the CCC program is important to our efforts to improve and expand our relations with Iraq, as ordered by the President in NSC-26. With regard to the real concerns which arise from the investigation into the operations of the Atlanta branch of the Banca Nazionale del Lavoro, we have received from the Government of Iraq a pledge of cooperation.

He sent a similar letter to the OMB. Mr. Eagleburger's efforts were crucial to neutralizing OMB and Treasury opposition to the CCC program. After much lobbying and back scratching, in November 1989 the CCC program for Iraq was approved, but Mr. Eagleburger's involvement with the CCC program for Iraq and the BNL scandal did not stop.

The committee has documents showing that Mr. Eagleburger was involved in other aspects of the BNL scandal. For instance, Mr. Eagleburger provided the United States Embassy in Rome with guidance on how to handle press calls related to the BNL scandal. He also received two cables from the United States Embassy in Italy that contained interesting revelations.

The first indicated that top BNL managers approached the U.S. Ambassador to ask for damage control related to the handling of the BNL scandal in the United States. The second involved a meeting at the U.S. Embassy at which a BNL official voiced his displeasure at rumors that the Justice Department was about to indict BNL.

As a sidenote related to the Italians' request for damage control, I would like to say that United States law enforcement officials did not conduct a serious investigation of the role BNL's Rome management played in the over \$4 billion in loans to Iraq. I wonder if BNL's friends in the Bush administration had a role in the decision to exonerate BNL's management in Rome?

The most notorious Eagleburger involvement in the BNL prosecution was related to the investigation by the United States attorney in Atlanta of Iraqis involved in the BNL scandal. As I stated above and in previous floor statements sometime between the BNL raid in August 1989 and early 1990, it was decided that the Atlanta investigators would not be permitted to interview the Iraqis involved in the BNL scandal.

Instead, it was decided that the Atlanta investigators would be permitted to submit written questions to the State Department which in turn would send the questions to Iraq. This pen pal approach to the criminal investigation

effectively thwarted the investigation of the Iraqis responsible for the BNL scandal and was used as an excuse to delay the rest of the BNL indictment until it was more politically correct to reveal Iraqi involvement in the scandal.

To show the State Department involvement in the BNL case, consider a March 20, 1992, New York Times article containing excerpts of an interview with Robert L. Barr, the former U.S. attorney in Atlanta who was in charge of the BNL case until April 1990. Mr. Barr acknowledged that in the BNL case considerations of foreign policy had become intertwined with those of law enforcement and that the State Department was involved in thwarting the BNL investigation. The Times quoted Mr. Barr as saying: "The State Department had become involved early on and that the case became complex both legally and because of foreign policy concerns."

To illustrate Mr. Eagleburger's role in the State Department's involvement in the pen-pal investigation of the Iraqis involved in the BNL scandal, consider a February 9, 1990, cable from Mr. Eagleburger to April Glaspie in Baghdad. The cable provides a status report on the BNL investigation and the CCC program from Iraq. In the cable, Mr. Eagleburger refers to State Department's role in handling the questions for the Iraqis involved in the BNL scandal. Mr. Eagleburger states:

* * * Legal has received a memorandum from the USDA General Counsel recommending a demarche to the Iraqis to request assurances that they will assist in the BNL investigation. If the Department of Justice (DOJ) or the Atlanta prosecutor have any specific questions they want to put to the Iraqis, we (the State Department) should convey these * * *.

Apparently Mr. Eagleburger did not want the USDA or others back in Washington to get wind of the State Department's strategy. Later in that same memo to Ambassador Glaspie, Mr. Eagleburger states:

We have no problem with your sharing the above with the USDA attache at your discretion, but please ask that he be careful not to play it back to his colleagues here (in Washington, D.C.).

Mr. Eagleburger played a key role in winning approval of the CCC credits for Iraq and in the State Department's handling of the BNL case. Mr. Eagleburger did not recuse himself from the State Department handling of the scandal.

ALAN STOGA—KISSINGER ASSOCIATES

Another link between Kissinger Associates, BNL and Iraq is Alan Stoga. Alan Stoga is a former economist at First Chicago Bank and is currently a director of Kissinger Associates. Mr. Stoga is said to be an expert in country risk analysis and international finance. He has been interested in the Middle East for many years and has made extensive visits to the area.

Mr. Stoga worked as the chief economist of the international division at First Chicago Bank. The chairman of the First Chicago at that time was A. Robert Abboud, the chairman of the United States-Iraq Business forum and director of First City Bank, Houston, TX.

The former head of BNL's U.S. operations stated that he attended a 1987 meeting in New York with Mr. Stoga, the head of BNL's Rome headquarters, and Mr. Kissinger, Mr. Scowcroft, Mr. Eagleburger in 1987. The meeting was held to give BNL advice on doing business in several countries including India. Mr. Stoga and Mr. Scowcroft brought the BNL officers to lunch after the meeting.

Mr. Stoga was also a friend to the United States-Iraq Business Forum. He is a friend of Mr. Robert Abboud, the former chairman of the Business Forum. On November 14, 1989 Mr. Stoga was a panelist at a Business Forum function titled, "Third Annual Symposium on U.S. Commercial Economic and Strategic Interests in Iraq. Mr. Stoga gave advice on the economic aspects of financing trade and investment with Iraq.

Just months before that meeting, in June 1989, Mr. Stoga visited Iraq with Mr. Abboud and other members of the United States-Iraq Business Forum. The Forum members met with Saddam Hussein to discuss expanding commercial relations between the United States and Iraq.

Committee investigators interviewed Mr. Stoga about his role during the June 1989 trip to Iraq. Mr. Stoga stated that he went along on the trip to get to know the country better since he had never before been to Iraq. He stated that he did not go on the trip to discuss Iraq's debt problems.

To the contrary. In a "60 Minutes" interview that aired 2 weeks ago, the president of the United States-Iraq Business Forum, Marshal Wiley, stated that Mr. Stoga was in Iraq to advise Saddam Hussein on Iraq's debt problems and the feasibility of restructuring Iraq's debts. Mr. Stoga may also have misled the public about Kissinger Associates relationship with the BCCI organization.

BCCI AFFILIATE A CLIENT OF KISSINGER ASSOCIATES

BCCI was notorious for recruiting well connected former high-level government officials around the world in order to influence government policy and to gain protection from the law. They also tried to hire Kissinger Associates in the fall of 1989, when Mr. Stoga and BCCI's representatives met several times to discuss BCCI becoming a client of Kissinger Associates.

The day after BCCI-Tampa was indicted for money laundering in October, 1988, a high-level BCCI official wrote a letter to the president of BCCI which stated:

I received a call today from Mr. Stoga, who informed me that Dr. Kissinger recommends that a public relations offensive be made by us * * * Kissinger Associates Inc. have indicated that they shall be happy to use their personal contacts with the firm and make the necessary recommendations.

In newspaper reports Mr. Stoga denied ever saying that Mr. Kissinger ever recommended a public relations offensive. He also stated that "Henry never met or talked with them [BCCI]." BCCI itself may not have become a client of Kissinger Associates, but it appears that BCCI's secretly owned affiliate, the National Bank of Georgia, which was purportedly owned by Saudi front man Ghaith Pharoan, was a client of Kissinger Associates.

In a New York Times interview Mr. Stoga is quoted as stating: "We were never employed by them (BCCI) and we are not in a habit of giving free advice."

The committee has obtained documents showing that the former president of the National Bank of Georgia, Mr. Roy Carlson, received a briefing from Mr. Kissinger. Mr. Carlson's expense report from July 1986 states, "Briefing Session Dr. Henry Kissinger."

As Mr. Stoga stated, Kissinger Associates does not give free advice. The National Bank of Georgia therefore must have been a client of Kissinger Associates. After all, Mr. Kissinger knew Ghaith Pharoan's father, an adviser to Saudi royal family, and he knew Ghaith Pharoan for many years.

This raises the question of whether or not Mr. Eagleburger or Mr. Scowcroft worked on the National Bank of Georgia account while they were at Kissinger Associates and whether or not they played any role in the postindictment prosecution of BCCI when they were back in the Government.

CONCLUSION

BNL was a client of Mr. Scowcroft's while he was the vice-chairman of Kissinger Associates. Mr. Scowcroft regularly provided advice to BNL's management and received hefty fees in return.

Mr. Scowcroft and his staff at the National Security Council, along with the State Department, masterminded the Bush administration's handling of the BNL scandal in order to mitigate the damage it would have caused to United States-Iraq relations. In the process they trampled on United States law enforcement efforts and repeatedly misled the Congress and the American public about the United States policy toward Iraq.

BNL was not Mr. Eagleburger's client at Kissinger Associates although he did meet with BNL's management for at least one briefing. But I did show in an April 25, 1991 and February 24, 1992 floor statements that several of Mr. Eagleburger's Yugoslavian-related business ventures, the LBS Bank and

the Yugo automobile, relied on BNL-Atlanta financing. Despite these ties Mr. Eagleburger did not recuse himself from the handling of the BNL case.

These revelations are not surprising—Mr. Scowcroft and Mr. Eagleburger refused to recuse themselves from the handling of the BNL scandal even though BNL was a client of Kissinger Associates just months earlier. Their actions provide a revealing example of the ethical atmosphere at the White House and the top levels of the State Department.

As for Mr. Kissinger, he misled the public about his relationship with BNL and about his firm's contact with Saddam Hussein. Mr. Stoga misled the Banking Committee about the reasons for his trip to Iraq in the summer of 1989 when he met with Saddam Hussein to discuss Iraq's debt problems.

Their ethical behavior is just as deplorable as Mr. Scowcroft's and Mr. Eagleburger's. Is anyone really surprised?

Ministers have come under obligations to great interests; and it can be presumed or alleged that their votes or speeches have been corrupt.—W. Churchill.

Articles referred to follow:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, October 30, 1989.

Hon. STEPHEN I. DANZANSKY,
Deputy Assistant to the President and Director,
Office of Cabinet Affairs,
The White House, Washington, DC.

DEAR STEVE: Attached is a paper prepared by the Foreign Agricultural Service regarding the GSM credit guarantee program. The paper describes the process by which country credits and individual transaction guarantees are approved. It also discusses the situation with respect to the Iraqi credit.

As you know, Undersecretary Crowder is eager to resolve the new credit to be offered to Iraq quickly. Please let me know if you (or any other members of the group you assembled last week) have any questions on this, or if I can provide further information on the situation with the Banca Nazionale del Lavoro.

Best regards.

Sincerely,

ALAN CHARLES RAUL

USDA POSITION ON IRAQ

1. BALANCING RISKS

USDA is currently evaluating its GSM-102/103 Export Credit Guarantee Programs for IRAQ for FY 1990. This evaluation involves prudent balancing of political and financial risks against marketing opportunities and benefits.

On the one hand, Iraq represents a very carefully nurtured \$1 billion market for U.S. agricultural exports. Failure to reach an agreement with Iraq on a GSM program for FY 1990 risks loss of that market and a number of potential spillover effects: alienation of key sectors of U.S. agriculture who have been participating in this GSM market; negative impact on the U.S. trade balance; economic hardship in several agricultural sectors; and impairment of the carefully measured political rapprochement which the United States has been developing with one of the richest and most influential Arab States.

On the other hand, Iraq's general creditworthiness appears to have deteriorated somewhat in the past several years. Although Iraq has continued to pay its U.S. debt, it has not met its payments to some other creditor nations. In addition, Iraq has recently come under scrutiny for possible involvement in the Banco Nazionale del Lavoro (BNL) affair in Atlanta, where there has apparently been a major case of bank fraud centering on unauthorized loans to Iraq by the Atlanta branch of BNL, estimated at \$1.7 billion, while the BNL investigation is in its early stages, there have been suggestions of possible impropriety with respect to BNL's GSM loan portfolio, which is approximately \$750 million.

Investigators from the Office of the Inspector General have been detailed to work with the United States Attorney in the BNL investigation. In the course of its recent negotiations with Iraq, USDA learned that there were numerous allegations of possible wrongdoing, potentially involving Iraq. Attorneys from the Office of General Counsel were sent to Atlanta to discuss the matter with the assistant U.S. Attorney in charge of the case, to meet with the OIG personnel involved in the investigation, and to review available bank records. Those attorneys report that, as of the current stage of the investigation, no hard evidence has yet been uncovered which indicates misuse of the GSM program or wrongdoing by Iraq. At this stage, the allegations of impropriety appear to derive from theories of possible misuse hypothesized because of evidence of apparent wrongdoing uncovered in non-CCC loan transactions. At this juncture, however, the evidence developed in the case appears to center largely on bank fraud, although the investigation is still at an early stage.

Under the circumstances, a prudent and measured approach must be developed. At the current time, there has been no evidence developed to support allegations that Iraq has engaged in misuse of GSM programs, and so clearly discontinuation of the Iraq program would not be warranted. At the same time, when serious allegations are being made in the BNL investigation, a "business as usual" approach seems unwise. USDA believes that the prudent approach is to offer a measured program, announcing a large enough credit line to permit Iraq to continue purchases over the near term, while making every effort to assure that there have indeed been no program abuses. Associated with this, USDA will accelerate its own efforts to ensure future program integrity through improved management and regulation, including the development of a system of program compliance review.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, October 31, 1989.

Facsimile Transmission for: Stephen I. Danzansky, Deputy Assistant to the President and Director, Office of Cabinet Affairs.

From: Alan Charles Raul, General Counsel.

DEAR STEVE: Attached is a press release issued by the Iraqi Embassy in Washington in which it indicates that "Iraq firmly abides by these agreements [with Banca Nazionale del Lavoro providing letters of credit guarantees for the companies having contracts with Iraqi establishments] and is desirous to honor its part of these agreements in accordance with international laws and conventions."

I thought you should be aware of this Iraqi assurance in connection with your review of

the matter. Please call me if you have any questions.

STATEMENT ISSUED BY THE IRAQI EMBASSY IN WASHINGTON, D.C.

Having heard the inaccuracies appeared in some news reports on irregularities concerning Letters of Credit issued for Iraqi firms by Banca Nazionale del Lavoro (BNL)—Atlanta Branch, the Embassy of Iraq issues the following statement:

In 1982 Iraq signed agreements with Banca Nazionale del Lavoro providing Letters of Credit guarantees for the companies having contracts with Iraqi establishments. Both contracting parties worked for the proper implementation of these agreements. Iraq, on its part, honored its obligations provided for by the agreement, i.e., prompt and exact payments.

However, the Embassy feels obliged to express astonishment at these unfounded reports including the account given by BNL officials who claimed that their Atlanta branch acted in violation of their bank policy and had no authorization to sign these agreements with Iraq.

The Embassy reiterates that Iraq is not involved in any way in the so-called irregularities. The agreements between Iraq and the BNL were lawful and the facilities provided for by these agreements were used for the implementation of development projects and the import of agriculture and food products and machinery of pure civil nature under contracts with well known Italian and US firms.

The Embassy believes that these reports are untrue and entirely detrimental to the interests of Iraq and Italian and US firms.

Furthermore, any BNL reluctance to implement these agreements would cause serious damage to these firms.

In the mean time, Iraq firmly abides by these agreements and is desirous to honor its part of these agreements in accordance with international laws and conventions. Iraq also expects the other party to do so.

DEPARTMENT OF AGRICULTURE,
Washington, DC, November 7, 1989.

Memorandum for: Stephen I. Danzansky, Director, Office of Cabinet Affairs.

From: Alan Charles Raul.

Subject: Iraq.

STEVE: Attached are possible materials for circulation by Treasury for tomorrow's NAC meeting.

Thanks for your help on all of this and please let me know if there are any additional materials I should prepare.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, May 16, 1990.

Memorandum for Richard T. McCormack, Under Secretary of State; Edward S.G. Dennis, Jr., Assistant Attorney General; Timothy Deal, Special Assistant to the President and Senior Director, International Economic Affairs National Security Council.

From: Richard T. Crowder, Under Secretary, International Affairs and Commodity Programs; Alan Charles Raul, General Counsel.

Subject: Report of Administrative Review of Iraq GSM Program.

Attached for your review and clearance is a draft report of USDA's administrative review of certain transactions in connection with the GSM program for Iraq. We intend to release this document to the House and Senate Agriculture Committees, and make it available to the public, together with an ex-

ecutive summary and a press release. We believe it is essential to get these facts and conclusions out to the public as soon as possible.

In essence, after interviewing Iraqi agriculture officials and certain U.S. exporters, and reviewing certain bank records, exporter records and Iraqi records, we have concluded that certain Iraq GSM transactions improperly included freight charges within the amounts that were registered with USDA. In addition, the evidence suggests that a number of exporters provided Iraq with "after sales services" in possible violation of the GSM regulations.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 1, 1991.

Dr. HENRY KISSINGER,
Kissinger Associates, Inc.,
New York, NY.

DEAR MR. KISSINGER: The Committee on Banking, Finance and Urban Affairs is investigating \$4 billion in unauthorized loans to Iraq made by the former employees of the Atlanta branch of Banca Nazionale del Lavoro (BNL). The Banking Committee would like to learn more about your personal knowledge of BNL loans to Iraq as well as that of your firm, Kissinger Associates. Accordingly, in your capacity as a former member of the BNL Consulting Board for International Policy, the Committee would appreciate your response to the following questions:

A. Related to BNL:

1. How long were you a director of BNL? In what capacity (i.e. political consultant, financial advisor, etc.) did you serve BNL?

2. Is BNL a current or former client of Kissinger Associates? If yes, during what time frame?

3. As former employees of Kissinger Associates, did Mr. Lawrence Eagleburger or Mr. Brent Scowcroft have any involvement with BNL? If yes, in what capacity?

4. Were you or any employees of Kissinger Associates aware of the unauthorized BNL-Atlanta loans to Iraq? If yes, please explain.

5. Did Kissinger Associates employee Mr. Alan Stoga, visit Iraq in 1989 as an official of Kissinger Associates? If yes, in what capacity?

B. Related to U.S.-Iraq commercial relations:

1. Did Kissinger Associates ever assist its clients with any aspect of the U.S. export control process, the Export-Import Bank, or the Commodity Credit Corporation as it applied to exports to Iraq?

2. As employees of Kissinger Associates, did Mr. Lawrence Eagleburger or Mr. Brent Scowcroft have any involvement with the export control process, the Export-Import Bank, or the Commodity Credit Corporation as it applied to commercial relations with Iraq? If yes, please explain.

3. Was the U.S.-Iraq Business Forum (previously the U.S.-Iraq Business Roundtable) ever a client of Kissinger Associates?

4. Were any members of the U.S.-Iraq Business Forum Kissinger Associates clients?

5. Is First City Bancorp., Houston, Texas, or its affiliates, a current or former client of Kissinger Associates?

6. To the best of your knowledge, have you, or has any current or former employee of Kissinger Associates ever met with Mr. Saddam Hussein or any other Iraqi government officials to discuss U.S.-Iraq commercial relations?

7. Are any of the following current or former employees of Kissinger Associates:

a. U.S.-Iraq Business Forum Chairman—Robert Abboud?

b. Amman Resources, Amman Jordan;
c. Bank of Credit and Commercial International (BCCI);
d. First American Bank of New York or its affiliates.

Thank you for time and cooperation. With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

KISSINGER ASSOCIATES,
New York, NY, August 30, 1991.

Mr. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Your letter of August 1 raised a number of specific questions. Before responding to those, I would like to make two general points:

First, neither I nor any of my associates had any personal knowledge of loans to Iraq made by the Banca Nazionale del Lavoro (BNL) or any of its branches or subsidiaries;

Second, neither I nor Kissinger Associates, Inc. (KAI) have ever done any business in Iraq; nor has KAI ever done any business with or on behalf of any Iraqi entity government or private.

You asked twelve questions; my responses follow:

A. Related to BNL:

1. I was never a director of BNL. From 1985 to 1991, I served as a member of the bank's International Advisory Board, along with Raymond Barre (former Prime Minister of France), David Rockefeller (Chairman, Rockefeller Group), Pierre Trudeau (former Prime Minister of Canada), Lord Thorneycroft (former British Chancellor of the Exchequer and Minister of Defense), Lord Ezra (former Chairman of the British National Coal Board), Roberto de Oliveira Campos (Brazilian Senator), Silvio De Capitani (former Swiss Parliamentarian), Hans Merkle (Managing Partner, Robert Bosch Industrietreuhand), Enrique Fuentes Quintana (former Deputy President of Spain and Minister of Economic Affairs), Jean-Pierre Amory (Chairman, Petrofina S.A.), Horst Jannott (Chairman, Munchaner Rockversicherung-G.), Pierre Ledoux (Chairman, Banque National de Paris), William Takagaki (former Managing Director, Mitsubishi Rayon Co. Ltd.) and Ettore Lolli (Chairman, International Advisory Board, Banca Nazionale del Lavoro). The Board met once a year to discuss international economic and political developments, with each member contributing comments on current developments in his own country. It was not the function of the Board to analyze, discuss, or pass on BNL's specific business activities.

2. BNL was a general consulting client of Kissinger Associates from July 1986 to June 1988, during which time we provided the Bank's senior management with briefings on international political and economic developments. We were not involved in advising the Bank on any specific business activities and had no involvement in any BNL business with or in Iraq.

3. As Vice Chairman of Kissinger Associates, Brent Scowcroft participated in the three general consulting meetings which were held with members of the senior management of BNL between July 1986 and June 1988. These meetings dealt with international political and economic developments, not with specific business activities of the Bank. As previously reported to the Senate Foreign Relations Committee, the KAI clients with whom Lawrence

Eagleburger was involved did not include BNL.

4. Neither I nor my associates had any personal knowledge of BNL's loans to Iraq, authorized or unauthorized.

5. As Managing Director of Kissinger Associates, Alan Stoga visited Iraq in 1989 at the invitation of the U.S.-Iraq Business Forum to inform himself about conditions in that country.

B. Related to U.S.-Iraq commercial relations:

1. KAI represents no clients before U.S. Government agencies nor does it lobby any branch of the U.S. Government on behalf of clients. Therefore, Kissinger Associates did not assist its clients with any aspect of the U.S. export control process, the Export-Import Bank, or the Commodity Credit Corporation with respect to Iraq or any other country.

2. As indicated above, neither Kissinger Associates nor any of its employees had any involvement with these U.S. Government agencies.

3. Neither the U.S.-Iraq Business Forum nor its predecessor organization was ever a client of Kissinger Associates.

4. I do not know which, if any, clients of Kissinger Associates were members of the U.S.-Iraq Business Forum.

5. Neither First City Bancorp nor any of its affiliates have ever been clients of Kissinger Associates.

6. As indicated, Mr. Stoga participated in the U.S.-Iraq Business Forum's trip to Baghdad in 1989 during which U.S.-Iraq commercial relations were discussed by the group with Saddam Hussein and other Iraqi officials. Additionally, Mr. Stoga and other employees of Kissinger Associates met with Iraqi diplomats on social occasions. At these meetings the Iraqis often expressed their desire for improved commercial relations with the United States. However, no specific commercial projects were ever discussed. Nor, as I mentioned above, has Kissinger Associates ever done any business in Iraq.

7. Kissinger Associates has had no relationship with A. Robert Abboud or any of the organizations you mention.

Sincerely,

HENRY A. KISSINGER.

U.S. DEPARTMENT OF STATE,
Washington, DC, November 8, 1989.

To: The Acting Secretary.

Subject: Letter to Treasury Deputy Secretary Robson on a CCC Program for Iraq.

In your conversation earlier today, Department of the Treasury Deputy Secretary John Robson asked that you send him a letter outlining the policy reasons for which State strongly backed USDA's proposal for a full, billion-dollar program of Commodity Credit Corporation (CCC) credit guarantees, with safeguards, for Iraq. Attached is a letter for your signature that outlines those policy considerations. It essentially follows the talking points provided for your telephone conversation with Mr. Robson.

Recommendation: That you sign the attached letter to Deputy Secretary Robson.

DEPARTMENT OF STATE,
Washington, DC, November 8, 1989.

The Hon. JOHN E. ROBSON,
Deputy Secretary of the Treasury.

DEAR JOHN: Further to our discussion, on foreign policy grounds we support the Department of Agriculture's proposal for a full, billion-dollar program of Commodity Credit Corporation GSM-102 export credit guarantees in FY 90, with adequate safeguards, for Iraq.

In addition to the near-term benefits for agricultural sales, the CCC program is important to our efforts to improve and expand our relationship with Iraq, as ordered by the President in NSD-26. Iraq is a major power in a part of the world which is of vital importance to the United States. Our ability to influence Iraqi behavior in areas from Lebanon to the Middle East peace process to missile proliferation is enhanced by expanded trade. Also, to realize Iraq's enormous potential as a market for U.S. goods and services, we must not permit our displacement as a major trading partner.

With regard to the real concerns which arise from the investigation into the operations of the Atlanta branch of the Banco Nazionale de Lavoro, we have received from the Government of Iraq a pledge of cooperation. Our intention is to hold Iraq to this commitment and to work with the Department of Agriculture to ensure that the problems with the program in the past are fully resolved in a new program. The safeguards proposed by USDA, including disbursement of the CCC guarantees in tranches, buttress the program and merit our backing.

I appreciate your support in this connection.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

KISSINGER ASSOCIATES,
New York, NY, October 7, 1988.

ABOL FAZL HELMY,
Bank of Credit and Commerce,
New York, NY.

DEAR ABOL: I enjoyed lunch yesterday and, even more, your suggestion that BCCI might be interested in developing a relationship with Kissinger Associates.

As you suggested, I am enclosing a brief explanation of our firm and biographical sketches of our principals. I am not sure the former really does us justice, but I am reluctant to be more specific, at least on paper, about the kinds of consulting projects we undertake for clients. The key point, of course, is that our consulting and transaction work are rooted in the firm's understanding of geopolitics and economics: a client should not ask us how to build a polyethylene plant, but should ask about what is likely to happen in the various countries where that plant might be sited.

I agree that a next step should be for me to meet your management in London or in New York. I am not scheduled to be in London (I was there two weeks ago) the rest of this year, but might be able to arrange a detour either on November 10 or November 18 (between those days I will be in Sweden, France, and Italy). Alternatively, I could fly over for a day in early December, although for expense and convenience reasons, I would prefer to tie London into another trip. Let me know your thoughts on this.

I look forward to hearing from you soon,

Best regards,

ALAN STOGA.

BANK OF CREDIT
AND COMMERCE INTERNATIONAL,
New York, October 13, 1988.

From: Abol Fazl Helmy.
To: Mr. Swalch Naqvi.

Further to our recent conversation in London, I met with Mr. Alan Stoga who is one of the 3 partners of Kissinger Associates, Inc. Subsequently, the developments in the United States took place. Judging by the high level of adverse publicity that is being generated by the media, it is imperative that a firm response be made.

I received a call today from Mr. Stoga who informed me that Dr. Kissinger recommends that a public relations offensive be made by us and in that context has suggested using Burson-Marsteller, a highly reputable public relations firm that successfully dealt with the 1st Chicago crises last year. Kissinger Associates, Inc. have indicated that they shall be happy to use their personal contacts with the firm and make the necessary recommendations. I shall, of course, not proceed in any way without explicit instructions from you.

While I am certain, we have our fair share of advisors and consultants, I thought it prudent to pass on the information considering the importance of its source.

Best Personal Regards.

BANK OF CREDIT
AND COMMERCE INTERNATIONAL,
New York, October 13, 1988.

From: Abol Fazl Helmy.
To: Mr. Swalch Naqvi.

I am enclosing for your attention the relevant details on Kissinger Associates, Inc. as discussed.

I shall be meeting them tomorrow (October 14, 1988) to discuss further details. I shall keep you appropriately informed.

Best Regards.

BANK OF CREDIT
AND COMMERCE INTERNATIONAL,
New York, October 14, 1988.

From: Abol Fazl Helmy.
To: Mr. Swalch Naqvi.

I just met with Mr. Alan Stoga, Dr. Kissinger's partner and discussed the relevant matters as per our phone conversation of yesterday.

I emphasized to Mr. Stoga that our conversation in getting our two respective organizations together have been going on for over a year and hence, have not been generated as result of the present circumstances.

I feel that a relationship could be established in the near future depending on how fast the present publicity ends.

I shall keep you duly informed of my next meeting with Dr. Kissinger himself which should be sometime next week.

Best personal regards.

BANK OF CREDIT
AND COMMERCE INTERNATIONAL,
New York, December 19, 1988.

From: Abol Fazl Helmy.
To: Mr. Swalch Naqvi.

I am in communication with Mr. Alan Stoga, Partner of Kissinger Associates, Inc. Their response was they are interested in principal but would like to wait a bit longer. I will be meeting Mr. Stoga in the first week of January, 1989 and will be discussing the issue further. It would be of interest for you to know that Mr. Scowcroft is now the National Security Adviser Designate in the Bush Administration and another Partner of Kissinger Associates is being tapped for Assistant Secretary of State in the Bush Administration. I shall keep you informed of my next meeting. You may agree that this association with Kissinger Associates, Inc. needs time to be cultivated. I am working in that direction.

If there are any further instructions with respect to this matter, please call prior to my January meeting.

Best Regards.

BANK OF CREDIT
AND COMMERCE INTERNATIONAL,
New York, January 11, 1989.

From: Abol Fazl Helmy.

To: Mr. Swalch Naqvi.

I had a lunch meeting with the gentleman on January 5, 1989 and a follow up telephone conversation on January 10, 1989. It was established that it is in our best interests for both parties to continue with the conversations. As such, the door for an eventual relationship remains open.

They were far more knowledgeable of the details of our situation during this meeting and made certain "unofficial" general recommendations which I shall convey to you at our next meeting. I am meeting my contacts senior partner by the end of January with a view of discussing our overall worldwide activities.

Best Regards.

UNITED STATES-IRAQ BUSINESS FORUM, THIRD ANNUAL SYMPOSIUM ON UNITED STATES COMMERCIAL, ECONOMIC, AND STRATEGIC INTEREST IN IRAQ, TUESDAY, NOVEMBER 14, 1989

TOPIC: "FINANCING TRADE AND INVESTMENT WITH IRAQ"

Preliminary Program

Introductory Remarks, Marshall W. Wiley, President, United States-Iraq Business Forum.

Greetings and Commentary, His Excellency Dr. Mohamed Sadiq Al-Mashat, Ambassador of Iraq.

Panel One—"The United States and Post-War Iraq"

Sandra Charles, National Security Council Staff, The White House.

Michael H. Van Dusen, Staff Director, Subcommittee on Europe and the Middle East, House of Representatives Committee on Foreign Affairs.

Moderator: John R. Hayes, Middle East Public Affairs, Mobil Oil Corporation (Member of the U.S.-Iraq Business Forum).

Panel Two—"Economic Aspects of Financing Trade and Investment with Iraq"

Alan J. Stoga, International Economist, Kissinger Associates.

Vahan Zanoian, Oil Economist, Petroleum Finance Institute.

Moderator: Witold S. Sulimirski, Servus Associates.

Panel Three—"Doing Business with Iraq"

Ray L. Hunt, Chairman of the Board, Hunt Oil Company (Member of the U.S.-Iraq Business Forum).

Donald N. DeMarino, Deputy Assistant Secretary of Commerce.

Moderator: William M. Arnold, First City Bancorporation of Texas (Member of the U.S.-Iraq Business Forum).

Luncheon Working Session

Presiding: A. Robert Abboud, Chairman of the Board and CEO, First City Bancorporation of Texas (Chairman of the Board, U.S.-Iraq Business Forum).

Address: Edward Cnehm, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs—"The Future of U.S.-Iraqi Relations."

Closing Remarks

Lucius D. Battle, President, The Middle East Institute.

PARTICIPANTS

Elias Aburdene, Fairbanks Management Corporation.

James H. Andrews, M.W. Kellogg Company.

Garabed Armenian, Westinghouse Electric Corporation.

William Arnold, First City Bancorporation, Texas.

Frederick Axelgard, Center for Strategic & Internatl. Studies.

Lucius D. Battle, Middle East Institute.

Erol Benjenk, Fentex International Corporation.

Hani N. Beyhum, Olayan Development Corporation.

Carolyn Brehm, General Motors Corporation.

Patrick A. Briggs, Bell Helicopter Textron, Inc.

David Chambers, U.S.-Iraq Business Forum.

Sandra Charles, National Security Council Staff.

Ronald C. Clegg, Bell Helicopter Textron, Inc.

George Coy, Office of Congressman Feighan.

Robert R. Copaken, Department of Energy. Lynn Coprivira, Dantzier Lumber and Export Company.

Charles Delaplaine, Department of Agriculture.

Donald N. DeMarino, Department of Commerce.

Luis Echeverria, Export-Import Bank of the U.S.

Majed Ellass, ARAMCO.

Bryan Estep, Luxor California Exports.

Ghaleb O. Faidi, National U.S.-Arab Chamber of Commerce.

Benedict F. FitzGerald, BDM International.

Michael Foster, Abu Dhabi International Bank.

Jay Ghazal, Office of Senator Pell.

Edward Gnehm, Department of State.

Harry Griffith, Brown & Root.

John Haldane, U.S.-Iraq Business Forum.

Thomas Harrold, Glan McCulloch Sherrill & Harrold.

John R. Hayes, Mobil Oil Corporation.

John M. Howland, American Rice, Inc.

Arthur H. Hughes, Department of State.

Ray L. Hunt, Hunt Oil Company.

Evalene Jaeger, General Motors.

Paul Jabber, Bankers Trust Company.

Les Janka, Neill and Company.

Ed Jesteadt, AT&T International.

K. Kachadurian, Ionics, Inc.

Riad Khayali, AT&T Network Systems.

James King, Glan McCulloch Sherrill & Harrold.

Mary King, U.S.-Iraq Business Forum.

Michael Kostiw, Texaco, Inc.

Diane Landau, AT&T Network Systems.

Alexander Lang, AT&T International.

John Lawrence, Neill and Company.

Lloyd R. Lawrence, Jr., Bob Lawrence and Associates.

William Lehfeldt, General Electric Company.

Paul R. Lensch, Caterpillar, Inc.

John Lesting, Continental Grain Company.

Gerald P. Lewis, AT&T Network Systems.

Peter J. Little, Boeing Commercial Airplanes.

M.J. Lyons III, American Cast Iron Pipe Company.

Phebe Marr, National Defense University.

Terry Martin, Anodyne, Inc.

Lawrence McBride, Sneed McBride International.

Robert D. McFarren, Stone & Webster Engineering Corporation.

Robert M. McGee, Occidental International Corporation.

Michael A. Miller, Occidental International Corporation.

Rick Myers, Anodyne, Inc.

Khalid Mohammed, Embassy of Iraq.

L.T. Nierth, Jr., Texaco, Inc.
 Robert M. McGee, Occidental International Corporation.
 Thomas Nassif, Gulf Interstate International.
 William T. O'Malley, Sikorsky Aircraft, United Technologies.
 Charles K. Olson, Dearborn Financial, Inc.
 Raad B. Omar, Embassy of Iraq.
 Clarence Ornsby, Servaas, Incorporated.
 Kristina L. Palmer, Middle East Institute.
 Ark W. Pang, Ionics, Inc.
 Andrew T. Parasiliti, Middle East Institute.
 John N. Parker, Mobil Corporation.
 Arthur Pilzer, Export-Import Bank of the U.S.
 James A. Placke, Paul, Hastings, Janofsky & Walker.
 Stephen Plopper, SerVass, Inc.
 Suzanne Pond, Department of State.
 Charles T. Prindeville, International Resources Trading Company.
 Ali Qaragholi, Crescent Construction Company.
 Yousif M. Abdul Rahman, Embassy of Iraq.
 Muzhir Razoki, Embassy of Iraq.
 Burke G. Reilly, Ford Motor Company.
 Philip Remler, Department of State.
 John E. Rhame, General Motors Corporation.
 Marc Rose, Pepsi-Cola International.
 Thomas E. Rowney, BDM International.
 Thomas A. Sams, Department of Commerce.
 Helmut L. Stark, General Motors Overseas Corporation.
 Alan J. Stoga, Kissinger Associates.
 Witold S. Suliminski, INTERCAP Investments, Inc.
 S.A. Taubenblatt, Bechtel Group, Inc.
 Michael Van Dusen, House Subcommittee on Europe and the Middle East.
 Christopher Van Hollen, Middle East Institute.
 Marshall Wiley, U.S.-Iraq Business Forum.
 Guenther Wilhelm, Exxon Corporation.
 William F. Williams, Bank of New York.
 Vahan Zanoayan, Petroleum Finance Institute.

□ 1400

THE NATURE OF THE PROBLEMS FACING THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. WASHINGTON] is recognized for 60 minutes.

Mr. WASHINGTON. Mr. Speaker, I am happy to follow the distinguished gentleman from Texas [Mr. GONZALEZ].

As I sat and listened to his remarks, it seemed to me, and I recall, that the gentleman was a voice in the wilderness back before Watergate became public, and I would commend to my colleagues and the general public to listen carefully when the gentleman from Texas [Mr. GONZALEZ] gets upon an issues such as he has elucidated and addressed today. We may very well take heart with his remarks.

The purpose of my taking the well today, Mr. Speaker, is to address what I thought were, or I perceived to be, the nature of the problems facing the Congress and particularly the House of Representatives.

As the Members know and as the general public knows, for the past 2 weeks

Congress has been in a workbreak recess celebrating either Easter, Passover, Ramadan, or any other religious holiday that the people in the country see fit to celebrate.

I, like I suspect many Members, had a certain amount of dread about going back to my district during that period of time. This was, as you recall, at the very height of the criticism that the House was receiving with respect to the so-called bank scandal. Congress was held in very low esteem at the time, and I suspect that there were many Members like myself who did not look forward with great anticipation to returning to their districts and to the people who had elected them.

But I am happy to report, Mr. Speaker, that my 2-week visit back to Houston and to Texas, Austin, TX, where I formerly served in the State legislature, has renewed my faith and renewed my strength, and I return to this job with renewed dedication and vigor for the tasks ahead of us.

Because the people who elected me have had an opportunity to embrace me and to discuss not only the low esteem that the press often reports but the high esteem in which they hold me and other Members of Congress. They renewed my faith in and my strength in my meetings with over 3,000 people in my district. I held the pleasure to meet with the issues committee that regularly advises me, make up of a good cross section of the people from Houston, from all walks of life, and we had a 2-hour meeting. We had an opportunity to discuss issues that were then pending in Congress, issues which had been pending and voted on in Congress, and issues which were yet to be voted on in this session of Congress. That was a cross section of individuals from, as I say, all walks of life, some 40 to 50 in number.

We had a good, frank, open, honest discussion about where we were as a Nation and where we were as a people.

□ 1410

And when I say people, I mean human beings.

Mr. Speaker, I had meetings with civic club groups while I was in Houston, TX. I had the opportunity to attend civic club meetings and to meet with various communities of interest in the 18th Congressional District that I am privileged, by them, and blessed by God, to have the opportunity to serve.

Mr. Speaker, I had the occasion to make public speeches to large audiences of individuals from different walks of life and different groups and public places while I was in Houston.

While I was in Houston, I had the privilege of being able, as a healthy person, to visit one of the public hospitals called Ben Taub Hospital in Houston. It refreshed my memory as to the length and breadth of the problems

that the people in our country face and suffer on a daily basis.

Every once in a while all of us need to visit a hospital to see how blessed we are, because it is easy to overlook places like hospitals where people from the youngest of children to the oldest of citizens of our society suffer on a daily basis, especially a public hospital.

Mr. Speaker, I had the opportunity, while I was in Houston, to visit several chambers of commerce, to meet with business leaders, working businessmen and women in our community. One group was called the Greater Houston Partnership, made up of individuals from a broad section of our community, from all walks of life, who have as their distinct charge and mission the betterment of the condition of life of the people in Houston, TX. And they bring to that the various business professions, law, medicine, what have you, to the task of making Houston a better place in which to live.

Mr. Speaker, I had the opportunity while I was in Houston for the Easter break, Passover, Ramadan break to meet with energy consortium of business people who are involved in and interested in the energy industry. I had the opportunity to meet with ministers, both Episcopalian as well as Baptist and Methodist ministers, while I was in Houston. I had the opportunity to meet with local elected officials, city council people, school board people, county commissioners, State representatives, State senators.

We had an election going on in Houston, fortunately, the Tuesday before Easter, Passover, Ramadan period that included a runoff election for various offices. I think those who love liberty and those who love democracy look upon, with particular splendor, any time that we have an election in which people participate because it seems to all of us who believe in a democracy and who believe in liberty that the quintessential manifestation of a democracy is not the President of the United States, it is the people who vote in an election. That is what makes us a democracy.

And I had an opportunity to visit with many local officials while I was in Houston, local elected officials as well as appointed officials, I might add.

In addition, Mr. Speaker and Members, I had the opportunity to visit with the local news media. I hosted two luncheons at my congressional office in which we had a good repertoire between local elected officials and local news media people and myself. We had a good back and forth about issues of concern to them in the community and issues that I saw facing the people by way of us here in the Congress.

Mr. Speaker, I had the opportunity as well to meet with the newly elected mayor of the city of Houston. He renewed and reinvigorated my faith in

the democratic process, with a small "d" democratic process, by which he was elected to serve all of the citizens of the city of Houston. I might add, in my judgment he serves them very well, only having been in office for a little less than 4 months now, and he has made quite a record of getting police officers out on the streets, reducing crime by 14 percent in the city of Houston in that short period.

Mr. Speaker, I had the opportunity to visit a multiservice center, paid for with Federal dollars. The Federal Government, before I came to Congress, and I took no credit for it, appropriated money to the city of Houston, which was used to build this multipurpose center, which is out in the community as are multipurpose centers throughout our Nation and cities, places that belong to the people, where the people can get together and discuss issues of importance to them, where the people in the various communities have the opportunity to interchange ideas, hold civic club meetings. It is a good meeting place for the exchange of ideas among people.

I had all of these opportunities, Mr. Speaker, to meet with these various individuals and organizations because I want to make it clear to the Members of this body that in over 3,000 encounters of the best kind with the people who elected me to the Congress, not once, not once were they concerned about the checks that were written. They know that that is a pig in a poke.

Mr. Speaker, they were concerned about what we are doing to make America a place that it ought to be. Members, I was told that Members should stop being afraid to face their constituents. I was told by my constituents, the message that I received, Mr. Speaker, was that we need to stop playing politics, to stop making politics a game. Politics is not the game of who gets to be king of the mountain; politics should be the means by which the people of this country express themselves in electing their leaders and in seeing the fruits of their labor, that is, the election of their leaders, returned to them in kind in the goods and services that the Government, at whatever level, is able to afford its citizens.

Mr. Speaker, John Kennedy said, and I quote:

From those to whom much is given much is required, and when at some future date the high court of history sits in judgment on each of us—

That is, those of us who are elected officials—

recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure in whatever office we hold will be measured by the answer to four questions. First, were we truly men and women of courage? Second, were we truly men and women of judgment? Third, were we truly men and women of integrity? And finally, were we truly men and women of dedication?

Now, I believe those words are as true now as they were when John Fitzgerald Kennedy uttered those words. The people care about this country, and they care about the leaders that they have elected to lead this country.

Mr. Speaker, much has been said to every person who holds public office. It is not a right; it is a privilege to hold public office in a country such as the United States of America. It is the high office of privilege to be elected alderman or sheriff or to hold any public office where the people give the most precious gift that they can give in a democracy, the most precious gift in a democracy, a vote of the people, an affirmation of the views of the individuals collectively to represent them in the body politic, whether that be the Congress of the United States or the city council or the county commissioner or whatever level the form of government. They are all the same, they all belong to the people.

John Kennedy said, and I repeat, that, When we are judged as to whether we have fulfilled our responsibilities, our success or failure is not in whether we bring dollars back to our districts, whether we appropriate money or bring the bacon home. The thing that occurs to me as I talk to people in my district, they say, "We want the NASA program down here, Craig, and we want the super conductor, supercollider." I ask them, "Who is going to pay for it?" Well, that is the problem: If every Member of Congress is expected to drag the sack back to their districts, and take home bacon, so to speak, but no Member of Congress ever votes for the funds to pay for that, then no wonder we are in debt. No wonder this country is in debt, because too many political leaders have not the courage to stand up and to say, "I will bring those things to our districts if we are willing to pay for them." Too many political leaders do not have the judgment to say, "Well, maybe this is a good thing, but what is best for America?" Not "what is best for my district?"

We happen to be elected from a district, but we also happen to be U.S. Representatives in Congress, not just from Georgia, not just from Texas, not just from New York, but looking out for the people in the country as a whole.

I firmly believe that there is nothing magic about the lines that are drawn around an imaginary district from which each of us happen to be elected. I do not presume or pretend to represent the views of the one-half million people who live within the 10th Congressional District. But this is a democracy.

Whenever my views are not in concert with the majority of the people of the 18th Congressional District, they have the right to take that job back. I am not afraid to tell them how I stand or how I think about an issue, because

the job does not belong to me. It is not mine by inheritance. I was not given this job because I was born to it. I earned this job with the respect and admiration of the people when I stood for election.

But neither am I afraid of them, because they have the right to take their job back every 2 years. They have term limitations; every 2 years the people in my district can look at the record of what I voted for and what I voted against, what I have stood for and what I have stood against, and they have the right, when my name is on the ballot, to vote for the other guy. And I want them to vote for the other guy whenever they do not agree with me, I want them to vote for the person who is running against me, and I have the courage to say that. I do not want to die being a Member of the U.S. Congress. I do not even want to represent the 18th Congressional District unless I represent a majority of the views of a majority of the people who live in that district.

□ 1420

Mr. Speaker, every Member of Congress ought to think that way. I am sure that most of them do.

I met with 3,000 people in my district who did not ask me any questions about what Members had been hiding from, dreading going home about, and that is the so-called check scandal. It is a tempest in a teapot. It was a tempest in a teapot from the beginning because, while the papers were putting day after day on the front page of the paper the fact that there was this minuscule amount of money that was borrowed from one Member and another, they did not have the time, nor the audacity, to write that during that same period of time we passed a \$1.5 trillion budget. This was during the same period of time when the front page of every newspaper from coast to coast, from New York to Los Angeles, played up the so-called check scandal. The sink was being taken away. They were taking a crowbar and dismantling the very fiber of this country because we passed a budget which requires for the next 5 years this country to spend \$400 billion on a war that does not exist, \$400 billion defending Germany from Russia, \$400 billion defending Japan from China, while at the same time we here, we the Congress, not with my vote, but by a majority of the Members of the Congress, give most-favored-nation status to China. Now this is the enemy we are defending Japan from.

Mr. Speaker, something does not make sense to me. We must be men and women of courage. Courage includes the ability to stand up and tell the people of America what is right with America, what is wrong with America, and what we ought to be doing better and what we are doing wrong, and, in my judgment, my courage requires me

to tell you, Mr. Speaker, and the other Members of this body that \$400 billion is being wasted and poured down a rat hole when we have a standing army in Germany, when we have people over there who are teachers, people over there who are doctors, people over there who are lawyers that ought to be working in rural America and urban America, where we have too few doctors, too few lawyers, too few nurses and too few schoolteachers.

Why are we defending the rest of the world from communism that does not exist anymore? Have we not heard that the Berlin Wall has fallen? Have we not heard that the members of the Warsaw Pact want to join NATO? So, we spend \$150 billion a year defending NATO from the Warsaw Pact countries, and they want to join NATO.

Where is that \$150 billion best spent? I think we should have the courage, and the judgment, and the integrity and the dedication, as John Kennedy said, to spend it on reforming our education system. For every four children who start the first grade in this country, one drops out by the 8th grade, and of the three who graduate from the 12th grade, only two have any marketable skills similar to those that could be equated with a high school education. One of three has been pushed out of school; they are marching year after year without getting past the eighth grade, without the functional equivalent of a high school education. We need to reform our education. I think that local communities, Governors of States, school boards and even the Congress could find ways to spend part of that \$400 billion.

Mr. Speaker, \$1 billion is \$1,000 million. We are spending 400 times \$1,000 million defending Germany and Japan from an enemy that does not exist so that Lockheed can continue to build airplanes and McDonnell Douglas can continue to build airplanes, and I do not care if they are in Texas. I do not care if they have the plants located in Texas. If we have the technology, and the ingenuity, and the education to be able to make bombs that will go down a hole in Iraq that is 1 foot in diameter, why can we not make the next generation of color television and VCR's? Why do we have to continue to buy these things from Germany and Japan? Why do we have to focus all of our industrial might on making guns and ammunition? Because they do not want to make the conversion that the President talked about.

While I was home on recess, Mr. Speaker, I heard President Bush talk about reforming the welfare state, and I stood up and applauded. We need to reform the welfare state, but we need to reform all of the welfare state. It is just as much welfare to give a farmer money for not planting a crop as it is to give a poor mother money to feed her children. Both of them are welfare.

So, if we are going to reform part of the welfare system, Mr. Speaker and Members—see, in the House we are not allowed, under the rules, to address the President directly, so I will address my remarks to the Speaker of the House, which is appropriate, and hope that the television down at the White House is on and that somebody has put a tape in so that sometime in the future the President will be able to listen to these remarks, and I hope that he will heed them. It seems to me that, if we are going to reform, Mr. Speaker, the welfare state, and I am for that; I am for stopping welfare mothers from being on welfare for two and three generations because it hurts them, and it hurt our country—but let us not fool the American people.

Mr. Speaker, there is no difference between welfare and subsidy except one sounds nicer than the other. When we pay milk producers money to not sell their milk, that is welfare. When we pay a farmer money not to plant a crop, that is welfare. When we pay McDonnell Douglas money to build a new airplane so that they can sell it back to us, that is welfare. When we send money to Israel so they can buy more planes from us; not from us, the Government, but from us, our friends who own the big companies, not my friends, but the President's friends—Mr. Speaker, I was not speaking to the President. I was speaking about the President, Mr. Speaker, but that is welfare. That is welfare when we give Israel a check to come over here so they can buy more bombs and planes so they can knock more Palestinians out of the sky. Then we will turn around and give F-15E fighters to Saudi Arabia so that they will have the latest technology, so that each side continues to be king of the downing around.

So, we spend our money to do that while our children cannot get an education, while there are more black men in prison than there are in college. It costs \$40,000 a year to house 1 inmate in prison. It does not cost that much to go to Harvard University. Where are our priorities? We could better spend \$400 billion on an education system, it could be better spent on eradicating the demand for illegal drugs in this country.

Mr. Speaker, we are spending a lot of money trying to stop the importation of drugs from Central America, and where we should be. I have been down to the Andean Mountains. I know the problems of the farmers down there. First of all, cocaine is perfectly legal to grow in Central America. We need to make them do something about that. I do not think we can impose our will on them to change their law, but when they have something that is legal to grow in Central America, and they have no substitution for another crop, it seems to me that that creates an awful demand when that which is legal

to grow is worth so much, at least ostensibly in this country, and therein lies part of the problem. But our problem is we need to, Mr. Speaker, in my judgment, eradicate the demand for drugs on this end.

First of all, those drug dealers in Bolivia, and Peru, and Venezuela, and all those countries down there do not send the drugs up here on consignment. It is not like an automobile that comes off the assembly line in Detroit where the car is produced, is placed on a train or a truck, is shipped to some part of the country. The car is unloaded. The car dealer takes the car. He or she sells the car, and then they write out a check. Almost 90 percent of the money goes back to the manufacturer of the car; 10 percent of the money stays for the dealer.

It does not work like that in drugs. When they send the drugs up here, they have their money in advance, so, if we could stop the money from going down there, they are not going to send the drugs up here on credit. We ought to spend some time doing that.

We ought to lock up the bankers it seems to me. If we are going to work on demand, we have got to lock up the bankers. There is no difference between some kid standing on the corner selling drugs so that he can buy a BMW and wear a Mr. T starter kit around his neck than it is between the drug dealer who happens to be a banker, who sits on the 50th floor in a \$1,000 or a \$2,000 suit, in a pair of \$500 or \$1,000 alligator shoes looking down on how the poor people are living.

□ 1430

But this is the person who puts the money in circulation. The U.S. Government prints all of this money. You cannot walk up there and cash a check at the Federal Reserve for any amount of money. The money that is printed by the Bureau of Engraving and Printing is turned over to Federal Reserve Banks. Federal Reserve Banks send the money to banking institutions, either credit unions, banks, or savings and loans institutions. Ordinary citizens cannot walk up there and get a nice big stack of \$1 bills or \$10 bills or \$1,000 bills or whatever you are able to buy. You cannot go up there and get them.

So when you read in the paper every once in awhile about the DEA being successful and catching somebody with a truckload of dollars that are still in bank wrappers, you have to ask yourself, "Self, how did these people, this drug dealer, come into possession of \$100 bills that are still in sequential serial numbers?"

A bank is the answer. Somebody at the bank put that money in circulation.

There is a lot of money to be made there. If you steal from the drug dealer, who is going to tell? Nobody. He cannot tell anybody.

If we are going to do something about drugs in this country, cut down on the demands for drugs, we ought to make the penalty as high for the drug dealer who puts the money in circulation as we do for the drug dealer who puts the drug in circulation, because there is no difference. The Andean drug dealer does not sell drugs on credit. So if we stop money from going down there, we stop drugs from coming up here.

I would bet you with \$400 billion, or part of it, Mr. Speaker, we could stop a lot of drugs from coming up from down there.

What else could we do with this so-called peace dividend that the Congress wants to spend? First of all, we could reduce the deficit. We could do away with the deficit between now and the year 2000, except for those things that are not even considered to be part of the deficit anyway, like the savings and loan bailout.

The savings and loan scandal, whenever you hear the word "deficit" mentioned, remember, every Member of Congress, unless he or she specifically says so, is not talking about the trillions of dollars that we are spending and will spend in the future to bail out the savings and loan fiasco. That is not even included as part of the trillion dollar deficit that you hear Members of Congress talking about. We can pay some of that down with the peace dividend when we bring our troops home.

We can also reduce crime in our communities with \$400 billion. We ought to spend the money on law enforcement. We ought to beef up law enforcement in our communities.

The mayor of the city of Houston has demonstrated that. The mayor of the city of Houston took office in January. I believe he was sworn in on January 2 or 3 or something like that, one of those first few days in January.

Mr. Speaker, January has 31 days. February had 29 days this year because it was a leap year. March every year has 31 days. Now we are down to 28 days in April.

As of April 1, for the first quarter of the year, crime was down 14 percent in the city of Houston because the new mayor had the courage and the judgment and the integrity and the dedication to take police officers from behind desks typing on typewriters and put them on the streets of Houston where they belong. He put civilians in those jobs answering the telephones.

I am not trying to denigrate the importance of those jobs, but police officers go to an academy to learn how to fight crime. Our mayor put them on the street where we as citizens want them, fighting crime.

We can do more of that, from Los Angeles, to New York, to Atlanta, to Miami, to Seattle, WA, to Chicago, and all points in between, with \$400 billion.

We can rebuild our cities. There is not a city in America, not a major

city, that is not undergoing urban blight and urban decay.

After World War II we had a Marshall plan. The United States of America had a wonderful manifest destiny for the people of Europe. We rebuilt Europe. We called it the Marshall plan.

You look at any city from this city where we sit right now and tell me the difference between being burned out by urban blight and decay and being bombed out, and there is no difference. Infrastructurewise, there is no difference. We could rebuild our cities and our highways with part of this \$400 billion.

Mr. Speaker, we could provide health care for all of our people. AIDS has now become more than a gay disease to most people. I knew that 10 years ago.

I once had a bill in the Texas Senate when I was a member that addressed the question of AIDS. Usually when people have opposition to an issue that you bring in the Texas Senate they will rapidly engage you in debate and we will engage in dialog back and forth.

What I find pervasive about that occasion as I recall it was the silence, the silence of my colleagues who did not even have the courage to debate the issue of AIDS because it was thought to be a gay disease.

Here was a member of the senate bringing a bill to help gay people to the floor of the senate. What was wrong with me? But they did not want to engage in debate about it because they did not want to be perceived as being homophobic.

But they all voted against it. Out of 31 members of the Texas Senate, on a bill that would have provided some leadership, long before it became a national phenomenon. I got 3 votes out of 31 in the Texas Senate.

We need to do more about AIDS. We do not know what the solution is, but we know that a more humane treatment for persons who are HIV positive or who have contracted full-blown AIDS would be the use of Federal funds and dollars with matching funds from the local area.

Mr. Speaker, part of this \$400 billion can go a long way toward getting research and development so that we can encourage scientists to keep on until they find a vaccine or cure for AIDS.

Mr. Speaker, this would not be just for gay people, but for all people in our society. The people who have AIDS are our mothers and fathers, our sisters and brothers, and cousins. They are part of us. They are not different from us, they are like us. We ought to invest our resources in them, it seems to me.

Childhood immunization could be a major focus of our attention if we spent the \$400 billion that I am talking about here in this country.

For poor people who do not regularly see a doctor, after the child loses the mother's natural immunity at 6 months and until the child has to go to

be vaccinated to start school, most children, unless they are injured in some way or contract an illness, do not see a doctor.

Most poor children between the ages of 6 months and 6 years never see a doctor unless they have some sort of illness that requires them to go to the clinic or hospital or to a doctor's office.

This means that common diseases that were done away with we thought 20 years ago, such as measles and chicken pox, are on the rise again. The reason for this is because we do not have a system set up to immunize these children.

We are immunizing children because these diseases can cause permanent disability and death, but also can be contracted by other children in our society. It is for the self-protection of all of us that we should spend part of the \$400 billion, it seems to me, to insure that childhood immunization is a reality for all of our children.

Mr. Speaker, we can reduce infant mortality with part of this \$400 billion. Doctors have demonstrated that for every dollar we spend on prenatal care for pregnant mothers, we save \$1,000 per day in care for prematurely born children who have to stay in incubators for 6 months. We are being penny-wise and pound-foolish by not providing care for all of the young women, especially young women who are pregnant, many of whom never get to see a doctor until they are late in the third trimester, many of whom in Houston sit out in parking lots sleeping in cars at night until it is time to deliver the child because they know if they go in the hospital, if they go in the emergency rooms and are in active labor, that no doctor can turn them away.

These women have not seen a doctor at all in their pregnancies. They are more likely to have low birth weight babies, more likely to have premature babies, and more likely to have children that will die within the first year of life. Here in America the infant mortality rate in many communities is higher than it is in so-called developing Third World countries.

□ 1440

We can turn that around by spending part of the \$400 billion that we can save by learning and having the courage to say that we do not need to defend Germany and Japan anymore. Let them defend themselves. Let us spend our money on ourselves and our children.

We can improve the quality of life for our senior citizens. There are many senior citizens throughout this country who only get one meal a day, one meal a day, because they live on fixed incomes and because the Meals on Wheels Program, because of the cutback on funds, they do not have enough to subsidize upon. Is this any way for them to live the twilight of their lives? Is this the American promise? I think not.

We ought to have the courage, judgment, integrity, and dedication to spend part of that \$400 billion that we could save by deciding that we are not going to be the world's military superpower and spend it on our people. We could eliminate homelessness in this country.

My colleagues, remember who the homeless people are. They are our mothers and fathers, sisters and brothers. They are homeless because they do not have a job and their houses have been taken away by one means or another. They are homeless because we do not have an adequate system of public housing for the people in this country. They are homeless because we have not developed a system of adequate job opportunities for the people in this country. I am glad that spring has come because when winter is here, not 50 miles away from here in Alexandria, VA, and in the hills and foothills leading up to Appalachia, because we have a paucity of shelters in which homeless people may live, the men give up all the space in the shelters for the women and children.

In order to stay warm at night, the men dig holes in the ground and cover up the hole with cardboard to stay warm. This is not my America. We can do better by our own people.

How can we spend money defending Germany from an enemy that does not exist and Japan from an enemy that does not exist so that they can keep buying bigger bombs and guns to defend themselves from Russia which is not a threat anymore, when our people are sleeping on the ground, when our people, when our senior citizens do not get a meal every day, when our children go to school without a free breakfast program every morning, when our educators tell us that if we feed the child a breakfast in the morning, they are three times more likely to learn? And if they are three times more likely to learn, they are three times less likely to be in prison. Then we have to pay \$40,000 a year to house them in prison when they turn 18 and 19 years old.

We could spend part of that \$400 billion doing that if we had the courage, and the judgment, and the integrity and dedication to be about our people's business in this country. We could clean up the environment in this country.

There are too many rivers and harbors, too much dirty air, too much pollution in the sky. We do not have the time nor the inclination to turn our attention to these things. We are busy taking care of the world. We are busy being the world's policeman.

We could take the \$400 billion or part of it and convert our defense economy into a peacetime economy. Why cannot people who are paid \$50,000 a year, for example, to be a doctor in Germany just in case some soldier of ours happens to get into some mishap and needs

a doctor, why can we not bring them home?

I would rather pay that doctor \$50,000 a year to go out to Podunk, TX, where they have no hospital because the hospitals have had to close in the rural areas because the doctors have all moved to the urban areas because they need to make more money than they are able to make in the rural area. If we are paying that doctor \$50,000 a year anyway, or that nurse \$30,000 a year anyway, or that schoolteacher to teach American children in Germany, why do we not bring them home and send those teachers to the areas where we need teachers?

We need teachers in urban America; and we need teachers in rural America. We need doctors in urban America; we need doctors in rural America. We need nurses in urban America; we need nurses in rural America. I am not against Germany and Japan, but they ought to be able to take care of themselves. They have been riding the nipple of this economy for 40 years. I think it is time that they take care of themselves, because being all that you can be does not mean being in the military for the rest of your life.

We are raising a whole generation of young people who have nothing to look forward to except staying in the service for 30 years, and then retiring because we do not have any jobs in a peacetime economy.

If we can build an airplane, the best airplane in the world that fly in the sky, no one can tell me that that is not better built than a Toyota automobile. If we can build airplanes that fly twice the speed of sound to go from one place to another off an aircraft carrier and drop napalm bombs, no one can tell me that the same industrial technology that does that cannot be turned to a peacetime economy so that we can build jobs in this country for our people.

We can take \$400 billion and we can make America proud and strong again. We can do that and we can live up to the words of John F. Kennedy, which I will again quote in closing: "For of those to whom much is given," no one would argue that to every Member of Congress much has been given. And there are some of us who are second and third generation in these jobs and they are privileged to have them. Their daddies and granddaddies did not will them these jobs. The people of America gave them these jobs. Much has been given to every Member of Congress. Much has been given by God, or by Allah, or whatever God, or no God, that we all individually follow. So since we have been so much, John Kennedy said we needed to give something back:

Much is required and when at some future date the high court of history sits in judgment on each Member of Congress, each elected official, recording whether in our brief span of service we fulfilled our respon-

sibilities to the state, our success or failure in whatever office we hold will be measured by the answer to four questions.

First, were we truly men and women of courage. My answer to that is that my history teaches me that Congress has not been men and women of courage. We need more men and women of courage, not Democrats and Republicans, elected to Congress. We need men and women of courage who are not afraid to look the voters in the eye and say, "this is where I stand on this issue and why and if 50 percent of you do not agree with me, then take your job back." That is what a democracy is. The people ought to have the right to take their job back. The people ought to have a right not to be lied to.

It reminds me of the old story about the senator who was out on the stump campaigning, not a member of the U.S. Senate, of course, because we cannot address them in our remarks. We say the other body.

But there was this joke about this, little story about the senator, and he was out there and he had his white suit on, just waxing away. And he was going on and on with a wonderful speech, much better than the few remarks that I have been able to make here, and a heckler was in the back of the audience. And one of the hecklers says, "Yeah, but how do you stand on whiskey?"

And this was a dry country where he happened to be speaking, so everybody had mixed emotions about it, so a hush fell over the crowd. And they were waiting to see what the senator was going to say. And the old senator, being smart as he was, took out his handkerchief and wiped his brow and kind of sized the crowd up while he was doing as many politicians are prone to do.

And let me stop and say, do not be so ingratiated by these politicians who smile at you and shake your hand and look at your name tag, "Hi, Bob, how are you doing?"

They do not know you from Adam, and the only people that can stop them from faking like they are genuine is you. We cannot stop them. Only the people of America can stop them from jiving you, and that is what they do most of the time. They do not know who you are. They do not know you from Adam, but they smile, pat you on the back.

If that is what you want in a public official, then you get what you deserve. If you want somebody who shows up at every country fair and every picnic and every function that goes on in the community and does nothing, does nothing up here in Congress to stand up for you and your rights, if you are looking for all form and no substance, then you get what you deserve. But if you want somebody who is going to stand up and look you eye to eye and tell you, "I disagree with you," how can any one

person agree with a half-million people when they do not agree with each other? Not in any congressional district in America will you find unanimity of thought on anything. On what color the school buses ought to be, on what time the sun ought to come up in the morning, on whether we ought to be on daylight saving time or not, on whether children ought to go to school 12 months a year. So how in the world can this person look you in the eye and tell you that they are in agreement with you on everything? They are lying to you.

□ 1450

You let them get away with it. You let them get away with it, with 30-second commercials on television. They stand there with a flag waving behind them and a dog on their laps and a person of the opposite sex beside them, and you are supposed to get the subliminal message that they are patriotic because they have a flag behind them and they are kind to animals, because they are holding a dog. They might kick the dog as soon as the commercial is over, and this might not even be their husband or wife standing beside them.

That does not matter. How do they stand on the issues that are important to the people in this country? Where do they stand up? How can they vote to send money to your district for programs and then vote against the taxes to pay for it? That is disingenuous. You can't have it both ways.

If we want to keep the Electric Boat Co. up in Connecticut building Seawolf submarines that we do not need any more, somebody has to pay for them. The people in Connecticut want the jobs but they want the rest of America to pay for them.

The people down in Newport News, VA, want to keep the naval base that they have down there, even though we do not need a large Navy, but the rest of the country has to pay for it. The same is true in Texas. We want the superconducting super collider. We think that is going to lead to scientific advance in the future, but nobody wants to pay for it.

They want to keep the thing down at NASA, and then they put all the pressure on your congressional delegation from your State to vote for these programs: "Craig, they are good for Texas; by God, these are good jobs for Texas." Somebody has to pay for these good jobs.

The same people who are trying to twist my arm to vote for these things are the same people that say, "Let us reduce the deficit and let us cut back taxes." How are you going to do both when California wants programs and Florida wants programs? Everybody wants programs.

It reminds me of what a minister said a long time ago, "Everybody wants to see Jesus and nobody wants to die."

Back to the story about the Senator. Some heckler said, "How do you stand on whiskey?" After the Senator summed up the crowd pretty good, he said, "Well, if you mean that evil brew that divides families," and everybody says yes, "That ruins homes," and everybody says yes, "that kills people on the highways," and everybody says yes, he said, "then I am against it." Then everybody says, "Wow."

The he said, "However, if you mean that social beverage that draws people together, around which wonderful decisions are made, then I am for it."

That is the way most of your politicians are. They are for everything that you are for and they are against everything that you are against. How could that be? How could that be? Wouldn't you rather have somebody who is honest? Wouldn't you rather have somebody who looks you eye to eye, toe to toe, and says, "I know where you stand on this and I am against you on this. I am not for that, and here is why."

Then you have an election. If a majority of people that live in this community, whether it is the mayor, the dogcatcher, or whatever, if the majority of the people in a democracy, in an informed democracy, decide that this person is not voting in their best interests, they ought to have the right to have that job back. That is what a democracy is. That is what John F. Kennedy was talking about.

Let me finish this, and then I will be finished.

Regarding whether, in our brief span of service, we fulfill our responsibilities to the State, that is, to the people, not to the Government, the Government only exists for the people. We have all these nice mottoes up around here. They say nice things, and sometimes we have a nice prayer in the morning, and 5 minutes later the Members of this body forget what the prayer was.

Unfortunately, there are Members of Congress who serve in the same body who do not even speak to each other. I think that is really tragic. Here we are, 435 grown men and women, and sometimes some people have picked out other people that they do not even speak to. It seems to me that is awfully childish. It seems to me that the American people, if they know that and knew who these people were, would do something about it.

I am not at liberty to say. It does not matter to me personally. I learned a long time ago there are some people who speak to me and some people who would not. It does not bother me any. That is something they have to carry around on their conscience when they might meet their God one time.

I speak to everybody around here. I try to speak to everybody. But I think there is something awfully wrong with an institution that is looked up to, or used to be looked up to as being the

highest elected office that can be bestowed upon the men and women of this country, and this is a high office. It is a high office to hold this position. It is a high honor to be elected to be a Member of Congress.

Then you walk up and down the halls and see other people elected to Congress and you find something to do, to turn your head to look at some papers, rather than speak.

My mother taught me there was nothing wrong with speaking. It does not take anything away from you just to say, "Good morning," or "Hello," or "How are you doing?" It is no wonder Congress is in the shape it is in.

In whatever office we hold, we will be measured by the answer to four questions:

First, were we truly men and women of courage? Second, were we truly men and women of judgment?

Third, were we truly men and women of integrity? Finally, were we truly men and women of dedication?

Having visited with my constituents for the past 2 weeks, Mr. Speaker, and without regard to whether I am re-elected to another term in this office or not, because frankly, I do not care, because I think it is better to serve as best we can for a short while than to stay here forever and do nothing, I am recommitted that between now and the end of the term to which the people of the 18th Congressional District have either fortunately or unfortunately elected me to hold, I will, with all the fiber in my body, bring to the attention of the American people on this microphone on a regular basis the problems that we confront as a country, not as a Democrat, not as a Republican, but as a person who meant it when he held up his hand and took the oath that I would defend with my life the Constitution and laws of the United States and the people that elected me.

JOB TRAINING 2000 ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 102-321)

The SPEAKER pro tempore (Mr. NEAL of North Carolina) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor, the Committee on Ways and Means, the Committee on Veterans' Affairs, and the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Job Training 2000 Act." This legislation would reform the Federal vocational training system to meet the Nation's work force needs

into the 21st century by establishing: (1) a network of local skill centers to serve as a common point of entry to vocational training; (2) a certification system to ensure that only high quality vocational training programs receive Federal funds; and (3) a voucher system for vocational training to enhance participant choice.

Currently, a myriad of programs administered by a number of Federal agencies offer vocational education and job training at a cost of billions of dollars each year. This investment in the federally supported education and training system should provide opportunities to acquire the vital skills to succeed in a changing economy. Unfortunately, the current reality is that services are disjointed, and administration is inefficient. Few individuals—especially young, low-income, unskilled people—are able to obtain crucial information on the quality of training programs and the job opportunities and skill requirements in the fields for which training is available.

The Job Training 2000 Act transforms this maze of programs into a vocational training system responsive to the needs of individuals, business, and the national economy.

Four key principles underlie the Job Training 2000 Act. First, the proposal is designed to simplify and coordinate services for individuals seeking vocational training or information relating to such training. Second, it would decentralize decision-making and create a flexible service delivery structure for public programs that reflects local labor market conditions. Third, it would ensure high standards of quality and accountability for federally funded vocational training programs. Fourth, it would encourage greater and more effective private sector involvement in the vocational training programs.

The Job Training 2000 initiative would be coordinated through the Private Industry Councils (PICs) formed under the Job Training Partnership Act (JTPA). PICs are the public/private governing boards that oversee local job training programs in nearly 650 JTPA service delivery areas. A majority of PIC members are private sector representatives. Other members are from educational agencies, labor, community-based organizations, the public Employment Service, and economic development agencies.

Under the Job Training 2000 Act, the benefits of business community input, now available only to JTPA, would enhance other Federal vocational training programs. PICs would form the "management core" of the Job Training 2000 system and would oversee skill centers, certify (in conjunction with State agencies) federally funded vocational training programs, and manage the vocational training voucher system. Under this system, PICs would be accountable to Governors for their ac-

tivities, who in turn would report on performance to a Federal Vocational Training Council.

The skill centers would be established under this Act as a one-stop entry point to provide workers and employers with easy access to information about vocational training, labor markets, and other services available throughout the community. The skill centers would be designated by the local PICs after consultations within the local community. These centers would replace the dozens of entry points now in each community. Centers would present a coherent menu of options and services to individuals seeking assistance: assessment of skill levels and service needs, information on occupations and earnings, career counseling and planning, employability development, information on federally funded vocational training programs, and referrals to agencies and programs providing a wide range of services.

The skill centers would enter into written agreements regarding their operation with participating Federal vocational training programs. The programs would agree to provide certain core services only through the skill centers and would transfer sufficient resources to the skill centers to provide such services. These provisions would ensure improved client access, minimize duplication, and enhance the effectiveness of vocational training programs.

The Job Training 2000 Act also would establish a certification system for Federal vocational training that is based on performance. To be eligible to receive Federal vocational training funds, a program would have to provide effective training as measured by outcomes, including job placement, retention, and earnings. The PIC, in conjunction with the designated State agency, would certify programs that meet these standards. This system would increase the availability of information to clients regarding the performance of vocational training programs and ensure that Federal funds are only used for quality programs.

For the most part, vocational training provided under JTPA, the Carl D. Perkins Vocational Education Act (postsecondary only), and the Food Stamp Employment and Training Program would be provided through a voucher system. The voucher system would be operated under a local agreement between the PIC and covered programs. The system would provide participants with the opportunity to choose from among certified service providers. The vouchers would also contain financial incentives for successful training outcomes. By promoting choice and competition among service providers, the establishment of this system would enhance the quality of vocational training.

This legislation provides an important opportunity to improve services

to youths and adults needing to raise their skills for the labor market by focusing on the "consumer's" needs rather than preserving outmoded and disjointed traditional approaches. Enactment of this legislation would make significant contributions to the country's competitiveness by enhancing the opportunities available to our current and future workers and increasing the skills and productivity of our work force.

I urge the Congress to give this legislation prompt and favorable consideration

GEORGE BUSH.

THE WHITE HOUSE, April 28, 1992.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES, FISCAL YEAR 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(b)), I am pleased to transmit herewith the 25th Annual Report of the National Endowment for the Humanities for fiscal year 1991.

GEORGE BUSH.

THE WHITE HOUSE, April 28, 1992.

ANNUAL REPORT FOR 1991 OF FEDERAL COUNCIL ON AGING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1991 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

GEORGE BUSH.

THE WHITE HOUSE, April 28, 1992.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STEARNS) to revise and ex-

tend their remarks and include extraneous material.)

Mr. BURTON of Indiana, for 60 minutes each day, on May 18, 19, 20, 21, 26, 27, 28, and 29.

Mr. GINGRICH, for 60 minutes each day, on May 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 27, 28, 29, June 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 22, 23, 24, 25, and 26.

Mr. FAWELL, for 60 minutes, on April 29.

(The following Members (at the request of Mr. TRAFICANT) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. WASHINGTON, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.
Ms. KAPTUR, for 60 minutes each day, today and May 1.

Mr. POSHARD, for 60 minutes each day, today and April 29, 30, and May 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STEARNS) and to include extraneous matter:)

Mr. DANNEMEYER in two instances.
Mr. MARTIN.
Mr. ROBERTS.
Mr. LEWIS of California in four instances.
Mr. HEFLEY.
Mr. GEKAS in two instances.
Mr. GILMAN in three instances.
Mr. RHODES.
Mrs. JOHNSON of Connecticut.
Ms. ROS-LEHTINEN in 10 instances.
Mr. GALLEGLY.

(The following Members (at the request of Mr. TRAFICANT) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. MAZZOLI in two instances.
Mr. McMILLEN of Maryland.
Mr. JOHNSON of South Dakota.
Mr. SCHUMER.
Mr. TORRES in two instances.
Mr. OWENS of Utah.
Mr. SMITH of Florida.
Mr. CARDIN in five instances.
Mr. DORGAN of North Dakota.
Mr. REED.
Mr. YATRON in two instances.
Mr. SOLARZ.
Ms. SLAUGHTER in two instances.
Mr. GEREN of Texas.
Mr. BORSKI.
Mr. LANTOS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1128. An act to impose sanctions against foreign persons and United States persons that assist foreign countries in acquiring a nuclear explosive device or unsecured special nuclear material, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4572. An act to direct the Secretary of Health and Human Services to grant a waiver of the requirement limiting the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the Medicare or Medicaid programs in order to enable the Dayton Area Health Plan, Inc., to continue to provide services through January 1994 to individuals residing in Montgomery County, OH, who are enrolled under a State plan for medical assistance under title XIX of the Social Security Act.

H.J. Res. 402. Joint resolution approving the location of a memorial to George Mason.

ADJOURNMENT

Mr. WASHINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 58 minutes p.m.) under its previous order, the House adjourned until Wednesday, April 29, 1992, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3307. A letter from the Deputy Secretary of Defense, transmitting a report on what would be the anticipated impact of termination of the funding by the Department of Defense for the activities and operations of the National Board for the Promotion of Rifle Practice, pursuant to Public Law 102-172 (105 Stat. 1158); to the Committee on Appropriations.

3308. A letter from the Deputy Director, Defense Research and Engineering, Department of Defense, transmitting notification of one additional fiscal year 1992 test project, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

3309. A letter from the Deputy Under Secretary of Defense, transmitting the annual report of the Foreign Comparative Testing [FCT] Program, pursuant to 10 U.S.C. 2350a(g)(4); to the Committee on Armed Services.

3310. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

3311. A letter from the General Counsel, Federal Emergency Management Agency,

transmitting a draft of proposed legislation to amend title XXXIV of the National Defense Authorization Act for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

3312. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to provide for effective acquisition, maintenance, and operation of sealift for the Armed Forces, and for other purposes; to the Committee on Armed Services.

3313. A letter from the Secretary of Energy and Deputy Secretary of Defense, transmitting a report of the Defense Science Board on warhead pit-reuse, pursuant to Public Law 102-190, section 3133(c); to the Committee on Armed Services.

3314. A letter from the Secretary, Department of Housing and Urban Development, transmitting the report entitled, "Final Evaluation of the Neighborhood Development Demonstration Program," pursuant to 42 U.S.C. 5318 note; to the Committee on Banking, Finance and Urban Affairs.

3315. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to authorize financial institutions to disclose to the Office of Personnel Management the names and current addresses of their customers who are receiving, by direct deposit or electronic funds transfer, payments of civil service retirement benefits under chapter 83 or Federal employees' retirement benefits under chapter 84 of title 5, United States Code; to the Committee on Banking, Finance and Urban Affairs.

3316. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to make certain programs of the Department of Housing and Urban Development more cost effective, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

3317. A letter from the Acting Commissioner, Department of Education, transmitting the first report on the evaluation of the National Assessment of Educational Progress "Trial State Assessment," pursuant to Public Law 100-297, section 3403(a) (102 Stat. 348); to the Committee on Education and Labor.

3318. A letter from the Deputy Secretary of Education, transmitting a copy of Final Regulations—Assistance for local educational agencies in education of children where local education agencies cannot provide suitable free public education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3319. A letter from the Secretary of Education, transmitting a copy of the report on Notice of Final Priorities for Certain New Direct Grant Awards under the Office of Special Education Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3320. A letter from the Secretary of Education, transmitting a copy of the report on Notice of Final Priorities—National Institute on Disability and Rehabilitation Research for 1992-93, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3321. A letter from the Secretary of Education, transmitting Final Regulations—Educational Partnerships Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3322. A letter from the Secretary of Education, transmitting a draft of proposed legislation to extend and amend the Rehabilitation Act of 1973, to improve rehabilitation services for individuals with disabilities, to

modify certain discretionary grant programs providing essential services and resources specifically designed for individuals with disabilities, to change certain terminology, and for other purposes; to the Committee on Education and Labor.

3323. A letter from the Secretary of Education, transmitting a draft of proposed legislation to make certain amendments to the act of September 30, 1950 (Public Law 874, Eighty-first Congress), and the act of September 23, 1950 (Public Law 815, Eighty-first Congress), and for other purposes; to the Committee on Education and Labor.

3324. A letter from the Secretary, Department of Transportation, transmitting the 16th annual report on the Automotive Fuel Economy Program, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

3325. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Navy's and Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Finland for defense articles and services (Transmittal No. 92-20), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3326. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Thailand (Transmittal No. DTC-12-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3327. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Taiwan (Transmittal No. DTC-9-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3328. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending March 31, 1992, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

3329. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Donald K. Petterson, of California, to be Ambassador to the Republic of Sudan, and members of his family, also Hume Alexander Horan, of the District of Columbia, to be Ambassador to the Republic of Cote d'Ivoire, and members of his family, also Kenton Wesley Keith, of Missouri, to be Ambassador to the State of Qatar, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3330. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on Foreign Affairs.

3331. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on Foreign Affairs.

3332. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Russian Federation, Ukraine, and Byelarus are committed to the course of action described in the Soviet nuclear risk reduction legislation; to the Committee on Foreign Affairs.

3333. A letter from the Employee Benefits Manager, Farm Credit Bank of Columbia, transmitting the audited financial state-

ments as of August 31, 1990, for the Columbia District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3334. A letter from the Chairman, Interstate Commerce Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3335. A letter from the Chairman, National Capital Planning Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1991; pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

3336. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3337. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting the PBGC's management report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3338. A letter from the Chairman, Rural Telephone Bank, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1991, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

3339. A letter from the Secretary of Transportation, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

3340. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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3345. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3346. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3347. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for the remedy of a civil injunction for the violations of counterfeiting and forgery, and for other purposes; to the Committee on the Judiciary.

3348. A letter from the Chairman, Advisory Commission on Conferences in Ocean Shipping, transmitting a report containing information on and analysis of the major issues that arise in connection with ocean shipping conferences, pursuant to 46 U.S.C. 1717(h); to the Committee on Merchant Marine and Fisheries.

3349. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to clarify inspection and enforcement authority over foreign passenger vessels and align inspection authority with the International Convention for the Safety of Life at Sea, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3350. A letter from the Chairman, Inland Waterway Users Board, transmitting the Board's fifth annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99-662, section 302(b) (100 Stat. 4111); to the Committee on Public Works and Transportation.

3351. A letter from the Administrator, General Services Administration, transmitting information copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3352. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding review of the performance of probationary title 38 health care employees; to the Committee on Veterans' Affairs.

3353. A communication from the President of the United States, transmitting his decision to terminate the application of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) to the Czech and Slovak Federal Republic and the Republic of Hungary, also proclaim the extension of nondiscriminatory treatment (most-favored-nation [MFN] treatment) to the products of both countries (H. Doc. No. 102-320); to the Committee on Ways and Means and ordered to be printed.

3354. A letter from the President, U.S. Institute of Peace, transmitting the financial audit for fiscal year 1991, pursuant to 22 U.S.C. 4607(h); jointly, to the Committees on Foreign Affairs and Education and Labor.

3355. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting copies of the following annual report which are contained in the enclosed winter issue, March 1992, of the "Treasury Bulletin": Airport and Airway Trust Fund (26 U.S.C. 9602), Asbestos Trust Fund (20 U.S.C. 4014), Black Lung Disability Trust Fund (26 U.S.C. 9602), Harbor Maintenance Trust Fund (26 U.S.C. 9505), Hazardous Substance Superfund (26 U.S.C. 9507), Highway Trust Fund (26 U.S.C. 9602), Inland Waterways Trust (26 U.S.C. 9602), Leaking Under-

ground Storage Tank Trust Fund (26 U.S.C. 9508), Nuclear Waste Trust Fund (42 U.S.C. 1022(e)(1)), Reforestation Trust Fund (16 U.S.C. 1606a(c)(1)), Statement of Liabilities and Other Financial Commitments of the U.S. Government (31 U.S.C. 331(b)); jointly, to the Committee on Ways and Means, Education and Labor, Agriculture, Energy and Commerce, Interior and Insular Affairs, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 9, 1992, the following reports were filed on April 22, 1992]

Mr. CONYERS: Committee on Government Operations: Misplaced Trust: The Bureau of Indian Affairs' Mismanagement of the Indian Trust Fund (Rept. 102-499). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN: Committee on Science, Space, and Technology. To authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and inspector general, and for other purposes; with an amendment (Rept. 102-500). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Issues in Aircraft Cabin Safety and Crash Survivability: The USAir-Skywest Accident (Rept. 102-501). Referred to the Committee of the Whole House on the State of the Union.

[Introduced April 28, 1992]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4485. A bill to authorize reimbursement of expenses for overseas inspections and examination of foreign vessels (Rept. 102-502). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 4691. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal year 1993 and 1994, and for other purposes; with an amendment (Rept. 102-503). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of April 9, 1992]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2407. A bill entitled the "Farm Animal and Research Facilities Protection Act of 1991"; with an amendment; referred to the Committee on the Judiciary for a period ending not later than July 2, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X (Rept. 102-498 Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

[Submitted April 17, 1992]

H.R. 3304. Referral to the Committees on Government Operations and Rules extended for a period ending not later than May 8, 1992.

[Submitted April 28, 1992]

H.R. 776. Referred to the Committee on Agriculture for a period ending not later than May 1, 1992, for consideration of those provisions within titles XII, XVI and XIX contained in the amendment recommended by the Committee on Energy and Commerce that fall within the jurisdiction of that committee pursuant to clause 1(a), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARDIN:

H.R. 4989. A bill to amend title 35, United States Code, to impose a 5-year moratorium on the granting of patents on invertebrate or vertebrate animals, including those that have been genetically engineered, in order to provide time for the Congress to fully assess, consider, and respond to the economic, environmental, and ethical issues raised by the patenting of such animals; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 4990. A bill rescinding certain budget authority, and for other purposes; to the Committee on Appropriations.

By Mr. CLAY (for himself, Mr. ACKERMAN, and Mr. KANJORSKI):

H.R. 4991. A bill to amend title 5, United States Code, to establish notification requirements relating to reductions in force affecting Federal employees; to require that the Office of Personnel Management establish and maintain a Governmentwide list of vacant positions in Federal agencies; to implement measures designed to facilitate the reemployment of certain displaced Federal employees; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CRANE:

H.R. 4992. A bill to suspend until January 1, 1995, the duty of Ceretec; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H.R. 4993. A bill to amend the Americans with Disabilities Act of 1990 and other provisions of law to provide for the prevention of certain adverse effects on the economy of the United States; jointly, to the Committees on Education and Labor, Public Works and Transportation, Ways and Means, and the Judiciary.

H.R. 4994. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to exempt certain persons from liability under that act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DORGAN of North Dakota (for himself and Mr. ECKART):

H.R. 4995. A bill to provide for the establishment of a savings and loan criminal fraud task force to prosecute crimes involving savings and loan institutions; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. ROTH, Mr. LEVIN of Michigan, Mr.

MCGRATH, Mr. JOHNSTON of Florida, Mr. FEIGHAN, Mr. WOLPE, Mr. LEVINE of California, Mr. ENGEL, Mr. ORTON, and Mr. MURPHY):

H.R. 4996. A bill to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GEREN of Texas:

H.R. 4997. A bill to promote a North Atlantic Defense Community; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina:

H.R. 4998. A bill to suspend until January 1, 1995, the duty on certain textile spinning machines; to the Committee on Ways and Means.

By Mr. KOSTMAYER:

H.R. 4999. A bill to authorize additional appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House; to the Committee on Interior and Insular Affairs.

By Mr. WYDEN (for himself, Mr. BILLRAKIS, Mr. DINGELL, Mr. SCHEUER, Mr. LENT, Mr. WAXMAN, Mr. MOORHEAD, Mr. SHARP, Mr. RINALDO, Mr. MARKEY, Mr. DANNEMEYER, Mr. SWIFT, Mr. RITTER, Mrs. COLLINS of Illinois, Mr. BLILEY, Mr. SYNAR, Mr. FIELDS, Mr. TAUZIN, Mr. OXLEY, Mr. HALL of Texas, Mr. SCHAEFER, Mr. ECKART, Mr. BARTON of Texas, Mr. RICHARDSON, Mr. CALLAHAN, Mr. SLATTERY, Mr. McMILLAN of North Carolina, Mr. SIKORSKI, Mr. HASTERT, Mr. BRYANT, Mr. HOLLOWAY, Mr. BOUCHER, Mr. UPTON, Mr. COOPER, Mr. BRUCE, Mr. ROWLAND, Mr. MANTON, Mr. TOWNS, Mr. McMILLEN of Maryland, Mr. STUDDS, Mr. KOSTMAYER, Mr. LEHMAN of California, and Mr. HARRIS):

H.R. 5000. A bill to amend the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. KOSTMAYER (for himself, Mr. OWENS of Utah, and Mr. GEJDENSON):

H.R. 5001. A bill amend the Outdoor Recreation Act of 1963 to authorize the National Park Service and the U.S. Geological Survey to conduct a national river systems recreation assessment; to the Committee on Interior and Insular Affairs.

By Mr. RHODES:

H.R. 5002. A bill to amend title XVIII of the Social Security Act to require physicians not participating in the medicare program to refund amounts paid for physicians' services by individuals enrolled under part B of the program in excess of the limiting charges applicable to such services, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROTH:

H.R. 5003. A bill to provide for the debilitation of certain unexpended balances of funds made available for foreign economic assistance; to the Committee on Foreign Affairs.

By Mr. SARPALIUS:

H.R. 5004. A bill to provide the authority for Lake Meredith National Recreation Area to enter into a management agreement for public recreational use on lands administered by the Bureau of Mines; to the Committee on Interior and Insular Affairs.

By Mr. TRAFICANT:

H.R. 5005. A bill to exempt any person operating a trade or business in the State of Ohio from all Federal laws and regulations applying with regard to such trade or business; to the Committee on Government Operations.

By Mr. BERMAN (for himself, Mrs. MORELLA, Mr. WEISS, Mr. WAXMAN, and Mr. LEVINE of California):

H.J. Res. 473. Joint resolution to prohibit the proposed sale to Kuwait of an air defense system; to the Committee on Foreign Affairs.

By Mr. ROBERTS:

H.J. Res. 474. Joint Resolution designating the week of October 4 through 10, 1992, as "National Customer Service Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H. Con. Res. 311. Concurrent resolution recognizing the 50th anniversary of the Battle of the Coral Sea, paying tribute to the United States-Australian relationship, and reaffirming the importance of cooperation between the United States and Australia within the region; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

370. By the SPEAKER: Memorial of the General Assembly of the Commonwealth of Virginia, relative to public assistance benefits; to the Committee on Agriculture.

371. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the 276th Engineer Battalion; to the Committee on Armed Services.

372. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the 276th Engineer Battalion; to the Committee on Armed Services.

373. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to health care benefits for Virginia's coal miners; to the Committee on Education and Labor.

374. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to Medicaid payment for covered outpatient drugs; to the Committee on Energy and Commerce.

375. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to state-of-the-art communications network systems; to the Committee on Energy and Commerce.

376. Also, memorial of the General Assembly of the State of Vermont, relative to breast cancer; to the Committee on Energy and Commerce.

377. Also, memorial of the General Assembly of the State of Colorado, relative to the allocation of the electromagnetic spectrum; to the Committee on Energy and Commerce.

378. Also, memorial of the General Assembly of the State of Colorado, relative to the cable industry; to the Committee on Energy and Commerce.

379. Also, memorial of the General Assembly of the State of Indiana, relative to Federal funds for interstitial cystitis public education and research; to the Committee on Energy and Commerce.

380. Also, memorial of the General Assembly of the State of Iowa, relative to preventive measures for breast cancer, to the Committee on Energy and Commerce.

381. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to Federal mandates on the Commonwealth; to the Committee on Government Operations.

382. Also, memorial of the Senate of the State of Michigan, relative to the National Park System; to the Committee on Interior and Insular Affairs.

383. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the line-item veto power; to the Committee on the Judiciary.

384. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to desecration of the American flag; to the Committee on the Judiciary.

385. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the equal rights amendment; to the Committee on the Judiciary.

386. Also, memorial of the General Assembly of the State of Missouri, relative to the commerce of insurance; to the Committee on the Judiciary.

387. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to constructing a veterans' medical facility in northern Virginia; to the Committee on Veterans' Affairs.

388. Also, memorial of the Legislature of the State of Maine, relative to the 10th anniversary of the Vietnam Veterans Memorial in Washington, DC; to the Committee on Veterans' Affairs.

389. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the industrial revenue bond program; to the Committee on Ways and Means.

390. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to U.S. trade laws and trade agreements; to the Committee on Ways and Means.

391. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to public assistance benefits; to the Committee on Ways and Means.

392. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to health care benefits for Virginia's coal miners; to the Committee on Ways and Means.

393. Also, memorial of the Legislature of the State of Colorado relative to additional wilderness areas in Colorado; jointly to the Committees on Agriculture and Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. CAMPBELL of California.
H.R. 110: Mr. ABERCROMBIE.
H.R. 299: Mr. INHOFE and Mr. EDWARDS of Oklahoma.

H.R. 467: Mrs. SCHROEDER, Mr. HUNTER, Mr. LOWERY of California, Mr. SABO, and Mr. MILLER of Ohio.

H.R. 671: Mr. MCCOLLUM.
H.R. 784: Mr. ATKINS, Mrs. MEYERS of Kansas, and Mr. ASPIN.

H.R. 842: Mr. GREEN of New York and Mr. RAY.

H.R. 1110: Mr. OLVER and Mr. SAWYER.
H.R. 1130: Ms. PELOSI.
H.R. 1161: Mr. SIKORSKI.

H.R. 1300: Mr. ENGEL and Mr. BORSKI.
H.R. 1468: Mr. SENSENBRENNER and Mr. CAMP.

H.R. 1497: Mr. CHAPMAN, Mr. MORAN, Mr. OBERSTAR, Mr. MCCURDY, and Mr. OXLEY.
H.R. 1703: Mr. JONES of Georgia.

H.R. 1860: Mr. CRAMER.
H.R. 1994: Mr. BLAZ.
H.R. 2070: Mr. SWIFT, Mr. EDWARDS of Oklahoma, Mr. TALLON, Mr. SMITH of Texas, Mr. ABERCROMBIE, Ms. PELOSI, Mr. DAVIS, Mr. WOLPE, and Mr. WELDON.

H.R. 2200: Mr. DANNEMEYER.

H.R. 2248: Mr. STENHOLM and Mrs. LOWEY of New York.

H.R. 2361: Mr. LEHMAN of California.
H.R. 2385: Mr. FROST.

H.R. 2782: Mr. RICHARDSON, Mr. TRAXLER, Mr. ACKERMAN, Mr. FLAKE, Mr. WHEAT, Mr. LEHMAN of California, Mr. DAVIS, and Mr. FASCCELL.

H.R. 2840: Mr. SCHIFF, Mrs. BOXER, and Mr. POSHARD.

H.R. 2890: Mr. MAVROULES.
H.R. 2945: Mr. GILCHREST.
H.R. 3026: Mr. SENSENBRENNER.

H.R. 3071: Mr. JEFFERSON, Mr. SCHIFF, Mr. HANSEN, Mr. HUCKABY, Mr. COUGHLIN, and Mr. MCCOLLUM.

H.R. 3121: Mr. GUNDERSON and Mr. KLUG.
H.R. 3142: Mr. GRANDY and Mr. MAVROULES.
H.R. 3173: Mr. LANTOS.

H.R. 3229: Mr. OWENS of New York.
H.R. 3373: Mr. LAROCCO, Mr. FLAKE, Mr. BARTON of Texas, Mr. CLINGER, Mr. GEREN of Texas, and Mr. LENT.

H.R. 3438: Mr. TORRICELLI.
H.R. 3440: Mr. TORRICELLI.
H.R. 3441: Mr. ALLEN.

H.R. 3450: Ms. PELOSI, Ms. NORTON, Mr. NAGLE, and Mr. HASTERT.

H.R. 3518: Mr. FISH, Mr. MCCLOSKEY, Mr. WOLF, Mr. MILLER of California, Mr. TOWNS, and Mr. SHAW.

H.R. 3526: Mr. ENGEL and Mr. BOUCHER.
H.R. 3561: Mr. SENSENBRENNER, Mr. HEFLEY, Mr. ZELIFF, Mr. KOLBE, Mr. PENNY, and Ms. HORN.

H.R. 3612: Ms. PELOSI.
H.R. 3633: Mr. ACKERMAN, Mr. FROST, Mr. MRAZEK, and Mr. ENGEL.

H.R. 3725: Mr. LAGOMARSINO and Mr. GLICKMAN.

H.R. 3861: Mr. MORAN.
H.R. 3971: Mr. HOLLOWAY, Mr. PRICE, and Mr. CONDIT.

H.R. 3986: Mr. COSTELLO.
H.R. 4013: Ms. KAPTUR and Mr. CARPER.
H.R. 4083: Mr. BARNARD, Mr. PRICE, and Mr. RITTER.

H.R. 4107: Mr. MACHTLEY.
H.R. 4174: Mr. BOEHNER, Mr. JACOBS, Mr. DANNEMEYER, Mr. FRANK of Massachusetts, Mr. GOSS, and Mrs. SCHROEDER.

H.R. 4178: Mr. COX of California, Mr. STARK, Mr. SHAW, Mr. WAXMAN, Mr. EVANS, Mr. HOYER, Mr. CLINGER, and Mr. GUARINI.

H.R. 4206: Mr. STOKES, Mrs. BYRON, Mr. SOLARZ, Mr. BLACKWELL, Mr. SERRANO, and Mr. ESPY.

H.R. 4222: Mr. ROE, Mr. LIPINSKI, Mr. MILLER of California, Mr. FROST, Mr. ABERCROMBIE, Mr. BUSTAMANTE, Mrs. UNSOELD, Mr. RIGGS, Mr. BATEMAN, and Mrs. BOXER.

H.R. 4229: Mr. KOSTMAYER.
H.R. 4278: Mr. SCHIFF.
H.R. 4280: Mr. STUMP.

H.R. 4304: Mr. DINGELL, Mr. CHAPMAN, Mr. DEFazio, Mr. SANDERS, and Mr. MURTHA.

H.R. 4342: Mr. RHODES.
H.R. 4361: Mr. FROST, and Mr. EVANS.
H.R. 4399: Ms. HORN.

H.R. 4406: Mr. NICHOLS and Mr. WALKER.
H.R. 4414: Mr. HUGHES, Mr. ATKINS, and Mr. LEHMAN of California.

H.R. 4416: Mr. STUDDS and Ms. OAKAR.
H.R. 4419: Mr. BATEMAN, Mr. TORRICELLI, Mr. FROST, Mr. HOAGLAND, Mr. BUSTAMANTE, Mr. INHOFE, Mr. EVANS, and Mr. GORDON.

H.R. 4430: Mr. INHOFE and Mr. HAYES of Louisiana.

H.R. 4473: Mr. SAWYER and Mr. ANDREWS of Maine.

H.R. 4490: Mr. GLICKMAN, Ms. KAPTUR, and Mr. EVANS.

H.R. 4504: Mr. ZELIFF.
H.R. 4513: Mr. CAMPBELL of California, Mr. MACHTLEY, and Mr. MORAN.

H.R. 4516: Mr. KENNEDY, Mr. OLVER, Mr. TRAXLER, Mr. KOPETSKI, Mrs. MINK, Mr. DE LUGO, Mr. SAVAGE, Mr. AU COIN, Mr. HUTTO, Mr. DEFAZIO, Mr. NEAL of Massachusetts, Mr. JEFFERSON, Mr. FRANK of Massachusetts, and Mr. MCCLOSKEY.

H.R. 4530: Mr. OLVER, Mr. SPRATT, Mr. GUARINI, Mr. GLICKMAN, Mr. ALLEN, and Mr. MARTINEZ.

H.R. 4538: Mr. COLEMAN of Texas, Mr. GUARINI, Ms. PELOSI, and Mr. EVANS.

H.R. 4554: Mrs. SCHROEDER, Mr. BLACKWELL, Ms. NORTON, Mr. EVANS, Mr. JONTZ, and Mr. MARTINEZ.

H.R. 4565: Mr. SOLOMON, Mr. NICHOLS, and Mr. INHOFE.

H.R. 4584: Mr. NAGLE, Mr. MAZZOLI, Mr. ENGLISH, Mr. JONTZ, and Mr. ZELIFF.

H.R. 4613: Mr. WALSH, Mr. LIVINGSTON, Mr. RANGEL, Mr. GILLMOR, and Mr. EWING.

H.R. 4689: Mr. KOSTMAYER, Mr. GOODLING, Mr. ATKINS, and Mr. BRYANT.

H.R. 4713: Mr. LIVINGSTON and Mr. DORNAN of California.

H.R. 4730: Mr. WAXMAN, Mr. BACCHUS, Mr. BONIOR, Mr. TOWNS, Mrs. LLOYD, Mr. SHAYS, and Mr. ABERCROMBIE.

H.R. 4750: Mr. SAXTON, Mr. MURPHY, Mr. WILLIAMS, Mr. DOOLEY, Mr. STOKES, Mr. CAMPBELL of Colorado, Mr. GEJDENSON, Mr. DONNELLY, Mr. SABO, Mr. HOAGLAND, Mr. FOGLIETTA, Mrs. MORELLA, Ms. SNOWE, Mr. RANGEL, Mr. PRICE, Mr. CARPER, Mr. LIPINSKI, and Mr. MOODY.

H.R. 4754: Mr. SHAW.

H.R. 4779: Mr. BUSTAMANTE, Mr. LANCASTER, Mr. PAYNE of New Jersey, and Mr. EVANS.

H.R. 4908: Mr. JONES of North Carolina.

H.R. 4944: Mr. SCHIFF and Mr. EWING.

H.J. Res. 22: Mr. CHANDLER.

H.J. Res. 27: Mr. ROSE.

H.J. Res. 271: Mr. LEHMAN of California.

H.J. Res. 318: Mr. GALLEGLY, Mr. SPENCE, Mr. TORRES, Mr. HAMMERSCHMIDT, Mr. ASPIN, Mr. CHANDLER, Mr. CLINGER, Mr. COYNE, Mr. SPRATT, Mr. STOKES, Mr. KOSTMAYER, Mr. BROOKS, Mr. EDWARDS of Texas, Mr. MURTHA, Mr. ORTON, Mr. LEWIS of Georgia, Mr. WEBER, Mr. YATES, Mr. HOCHBRUECKNER, Mr. TRAFICANT, Mr. MOODY, Mr. WYDEN, Mr. LOWERY of California, Mr. WISE, Mr. MILLER of Washington, Mr. COX of California, Mr. SARPALIUS, Mr. GREEN of New York, Mr. SMITH of Oregon, Mr. OBEY, Mr. YOUNG of Florida, Mr. HUTTO, Mr. GIBBONS, Mr. JOHNSTON of Florida, Ms. MOLINARI, Mr. EARLY, and Mr. WOLF.

H.J. Res. 358: Mr. COBLE.

H.J. Res. 378: Mr. MANTON, Mr. MATSUI, Mr. BLILEY, and Mr. CAMP.

H.J. Res. 388: Mr. LEVINE of California, Mr. SAWYER, Mr. HAMMERSCHMIDT, Mr. SCHUMER, Mr. ROSE, Mr. GALLO, Mr. DICKINSON, Mr. COOPER, Mr. DYMALLY, Mr. BLACKWELL, Mr. KENNEDY, Mr. GINGRICH, Mr. GEKAS, Mr. MOLLOHAN, Mr. COLEMAN of Texas, Mr. ENGEL, Mr. HUBBARD, Mr. BONIOR, Mr. LEHMAN of Florida, Mr. MCCOLLUM, Mr. MURPHY, Mrs. LOWEY of New York, Mr. PARKER, Ms. OAKAR, Mr. GORDON, Mr. FLAKE, Mr. PICKLE, Mr. KOSTMAYER, Mr. ROWLAND, Mr. SOLARZ, Mr. SOLOMON, Mr. SPENCE, Mr. SLATTERY, Mr. DORNAN of California, Mr. LANTOS, Mr. ASPIN, Mr. BACCHUS, Mr. YOUNG of Florida, Mr. MCEWEN, Mr. CHANDLER, Mr. KILDEE, Mr. DEFAZIO, Mr. WASHINGTON, Mr. APPELEGATE, Mr. BORSKI, Mr. CARR, Mr. LEWIS of Georgia, Mr. DOOLITTLE, Mr. DELLUMS, Mr. HEFNER, Mr. EWING, Mr. HALL of Ohio, Mr. GREEN of New York, Mr. WYDEN, Mr. GONZALEZ, and Mr. HOCHBRUECKNER.

H.J. Res. 391: Mr. ROE, Mr. HOLLOWAY, Mr. GORDON, Mr. GUARINI, Mr. BILIRAKIS, Mr.

SUNDQUIST, Mr. TRAXLER, Mr. TANNER, Mr. RANGEL, Mr. WAXMAN, Mr. RAY, and Mr. GILCHREST.

H.J. Res. 397: Mr. FRANKS of Connecticut, Mr. MACHTLEY, Mr. JOHNSON of South Dakota, Mr. PURSELL, and Mrs. MORELLA.

H.J. Res. 411: Mr. ENGEL, Mr. CALLAHAN, Mr. CARDIN, Mr. CONYERS, Mr. DARDEN, Mr. COYNE, Mr. DELLUMS, Mr. DICKS, Mr. DONNELLY, Mr. GILCHREST, Mr. GOODLING, Mr. MURTHA, Mr. KOSTMAYER, Mr. HYDE, Mr. HUBBARD, Mr. SERRANO, Mr. GUNDERSON, Mr. EVANS, Mr. JACOBS, Mr. WELDON, and Mr. HAMMERSCHMIDT.

H.J. Res. 425: Mr. LEVIN of Michigan, Mrs. COLLINS of Illinois, Mr. TOWNS, Mr. JOHNSTON of Florida, Mr. DINGELL, Mr. SCHUMER, Mr. WALSH, Mr. HORTON, Mr. BRUCE, Mr. LAFALCE, Mr. WEBER, Mr. ENGEL, Mr. EVANS, Mr. MCGRATH, Mr. CONYERS, Mr. ANNUNZIO, Mr. CARPER, Mr. JONTZ, Mr. CARR, Mr. RINALDO, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SAXTON, Mr. SOLARZ, Mr. WAXMAN, Mr. WOLPE, Mr. YATRON, and Mr. CLINGER.

H.J. Res. 430: Ms. SLAUGHTER, Mrs. VUCANOVICH, Mr. RICHARDSON, Mr. ROWLAND, Mr. SISISKY, Mr. COBLE, Mr. WISE, Mr. LOWERY of California, Mr. YOUNG of Florida, Mr. GRANDY, Mr. KILDEE, Mr. CONYERS, Mr. DOOLITTLE, and Mr. SCHEUER.

H.J. Res. 431: Mr. MURPHY, Mr. WAXMAN, Mr. RAMSTAD, Mr. BEVILL, Mr. CAMP, Mr. ROTH, Mr. LEWIS of Florida, Mr. HYDE, Mr. KOSTMAYER, Mr. DE LA GARZA, Mr. CALLAHAN, Mr. LEWIS of California, Mr. GREEN of New York, Mr. BURTON of Indiana, Mr. GILMAN, Mrs. KENNELLY, Mr. AU COIN, Mr. TAUZIN, Mr. ROWLAND, Mr. JOHNSTON of Florida, Mr. SMITH of Oregon, Mr. APPELEGATE, Mr. MINETA, Mr. MCCOLLUM, Mr. RAY, Mr. HUCKABY, Ms. OAKAR, Mr. PERKINS, Ms. LONG, Mr. BORSKI, Mr. LAUGHLIN, Mr. SCHEUER, Mr. TALLON, Mr. VENTO, Mr. PETERSON of Florida, Mr. FAZIO, Mr. PICKLE, Mr. JONES of North Carolina, Mr. COYNE, Mr. CLAY, Mr. REED, Mr. KILDEE, Mr. GUNDERSON, Mr. ALEXANDER, Mr. YOUNG of Alaska, Mr. FOGLIETTA, Mr. JONTZ, Mr. SISISKY, Mr. INHOFE, Mr. DELAY, Mrs. MINK, Mr. MCHUGH, Mr. RICHARDSON, Mr. BATEMAN, and Ms. PELOSI.

H.J. Res. 433: Mr. ABERCROMBIE, Mr. BACCHUS, Mr. BALLENGER, Mr. BERMAN, Mr. BILIRAKIS, Mr. BREWSTER, Mr. CLEMENT, Mr. CLINGER, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. DELLUMS, Mr. DE LA GARZA, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EVANS, Mr. FEIGHAN, Mr. FISH, Mr. FORD of Tennessee, Mr. FROST, Mr. GALLO, Mr. GEREN of Texas, Mr. HALL of Ohio, Mr. HARRIS, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. IRELAND, Mr. JOHNSON of South Dakota, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. KASICH, Mrs. KENNELLY, Mr. KILDEE, Mr. LANCASTER, Mr. LANTOS, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. MARTIN, Mr. MARTINEZ, Mr. MAVROULES, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTON, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. RAVENEL, Mr. RHODES, Mr. ROSE, Mr. SAVAGE, Mr. SCHUMER, Mr. SHARP, Mr. SLATTERY, Mr. SOLARZ, Mr. SPENCE, Mr. SPRATT, Mr. STAGGERS, Mr. STARK, Mr. TRAFICANT, Ms. WATERS, Mr. WEISS, Mr. WHITTEN, Mr. WOLPE, Mr. YATRON, and Mr. YOUNG of Florida.

H.J. Res. 435: Mr. DELLUMS, Mr. ESPY, Mr. FORD of Tennessee, Ms. NORTON, Mr. TOWNS, and Mr. KILDEE.

H.J. Res. 442: Mr. MILLER of Washington, Mr. WOLF, Mr. SHAYS, Mr. QUILLLEN, Mr. BAKER, Mr. BALLENGER, Mr. RAVENEL, Mrs. MEYERS of Kansas, Mr. MCEWEN, Mr. NUSSLE, Mr. LUKEN, Mr. PASTOR, Mrs. PATTERSON,

Mr. LAUGHLIN, Mrs. COLLINS of Michigan, Mr. HEFNER, Mr. JOHNSTON of Florida, Mr. TRAFICANT, Mr. WELDON, Mr. TOWNS, Mr. HOBSON, Mr. PRICE, Mr. COLORADO, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mrs. BOXER, Mr. GONZALEZ, Mr. MARTINEZ, Mr. HAMMERSCHMIDT, and Mr. ENGEL.

H.J. Res. 466: Mr. SAWYER, Mr. SCHULZE, Mr. WASHINGTON, Mr. INHOFE, Mr. YATRON, Mr. SHUSTER, Mr. FIELDS, Mr. SANDERS, Mr. RAVENEL, Mr. MOODY, Mr. BLILEY, Mr. DICKINSON, Mr. BEVILL, Mr. PAXON, Mr. LEWIS of California, Mr. MARTINEZ, Mr. SHAYS, Mr. HANSEN, Mr. SMITH of Florida, Mr. ROWLAND, Mr. HYDE, Mr. HAYES of Illinois, Mr. BURTON of Indiana, Mr. LEACH, Mr. SLATTERY, Mr. BUNNING, Mr. MCCREERY, Mr. HUCKABY, Mr. NICHOLS, Mr. WOLPE, Mr. OBERSTAR, Mr. ESPY, Mr. JOHNSON of South Dakota, Mr. CLEMENT, Mr. RANGEL, Mr. GRANDY, Mr. COX of California, Mr. HOBSON, Mr. HUBBARD, Mr. SANGMEISTER, Mr. EMERSON, Mr. LEVIN of Michigan, Ms. MOLINARI, Mr. DAVIS, Mr. DEFAZIO, Mr. KOPETSKI, Mr. QUILLLEN, Mr. EWING, Mr. MCMILLEN of Maryland, Mr. STUDDS, Mr. MCGRATH, Mr. MCEWEN, Mr. BLACKWELL, Mr. HOYER, Mr. VENTO, Mr. LANCASTER, Mr. DORNAN of California, Mr. ENGEL, Mr. HUGHES, Mr. ACKERMAN, Mr. CARDIN, Mr. RHODES, Mr. MINETA, Mr. DWYER of New Jersey, Mr. PAYNE of New Jersey, Mr. OWENS of New York, Mr. BILBRAY, Mr. HOCHBRUECKNER, Mr. COSTELLO, Mr. LAFALCE, Mr. LEHMAN of Florida, Mrs. MORELLA, Mr. LIVINGSTON, Mr. SCHIFF, Mr. GILCHREST, Mr. FRANKS of Connecticut, Mr. ROSE, Mr. TRAFICANT, Mr. PURSELL, Mr. FRANK of Massachusetts, Mr. BLAZ, Mr. WYDEN, Mr. TRAXLER, Mr. MFUME, Mr. GOODLING, Mr. WAXMAN, Mr. COUGHLIN, Mr. SERRANO, Mr. BROOKS, Mr. JEFFERSON, Mr. REGULA, Ms. NORTON, Mr. CALLAHAN, Mr. ANDERSON, Mr. MCCOLLUM, Mr. JONES of Georgia, Mr. FAWELL, Mr. JONTZ, Mr. FALCOMAVAEGA, Ms. DELAURO, Mrs. BENTLEY, Mr. HEFNER, Mr. TAUZIN, Mr. FEIGHAN, Mr. KASICH, Mr. LEWIS of Florida, Ms. SLAUGHTER, Mr. RITTER, Mr. PRICE, Mr. FASCELL, Mr. HARRIS, Mr. LOWERY of California, Mr. DANNEMEYER, Mr. IRELAND, Mr. MICHEL, Mr. EVANS, Mrs. MEYERS of Kansas, Mr. CONYERS, Mr. DE LUGO, Mr. SHAW, Mr. ROE, Mr. DOWNEY, Mr. MILLER of Washington, Mr. VANDER JAGT, Mr. APPELEGATE, Mr. WEISS, Mr. HUTTO, Mr. THOMAS of Wyoming, Mr. TALLON, Mr. NATCHER, Mr. YOUNG of Alaska, Mr. RIGGS, Ms. LONG, Mr. PACKARD, Mr. TAYLOR of Mississippi, Mr. SKELTON, Mr. BROWN, Mr. COLORADO, Mr. VALENTINE, Mr. BENNETT, Mr. HOAGLAND, Mr. DONNELLY, Ms. KAPTUR, Mr. PICKETT, Mr. SYNAR, Mr. SOLARZ, Mr. CLINGER, Mr. RAY, Mrs. PATTERSON, Mr. PASTOR, Mr. DOOLITTLE, Mr. DIXON, Mr. MONTGOMERY, Mr. FLAKE, Mr. PARKER, Mr. COLEMAN of Texas, Mrs. VUCANOVICH, Mr. PALLONE, Mr. ANDREWS of New Jersey, Mr. SCHEUER, Mr. GINGRICH, Mr. JONES of North Carolina, Mr. MAVROULES, Mr. DORGAN of North Dakota, Mr. STOKES, Mr. MURPHY, Mr. SPRATT, Mr. BUSTAMANTE, Mr. CHANDLER, Ms. OAKAR, Mr. MORAN, Mr. MOLLOHAN, Mr. MATSUI, Mrs. MINK, Ms. PELOSI, Mr. GALLO, Mr. SMITH of New Jersey, Mr. WALSH, Mr. GILMAN, Mr. GEREN of Texas, Mr. CARPER, Mr. HUNTER, Mr. OXLEY, Mr. BREWSTER, Mr. BORSKI, Mr. SPENCE, Mr. SISISKY, Mr. LANTOS, Mr. SMITH of Texas, Mr. MANTON, Ms. SNOWE, Mr. ROGERS, and Mr. ORTON.

H. Con. Res. 180: Mr. MARTINEZ.

H. Con. Res. 192: Mr. MARKEY, Mr. STOKES, Mr. WHEAT, Ms. DELAURO, Mr. KILDEE, Mr. KASICH, Mr. ARMEY, Mr. GRANDY, Mr. HUNTER, Mr. HYDE, Mr. LIVINGSTON, Mr. MCGRATH, Mrs. MORELLA, Mr. RAMSTAD, Mr.

RIDGE, Mr. SCHULZE, Mr. WALKER, Mrs. ROUKEMA, Mr. SLATTERY, Mr. HOBSON, and Mr. TAUZIN.

H. Con. Res. 246: Mr. SAWYER, Mr. THOMAS of Georgia, Mr. MFUME, Mr. STAGGERS, Mr. RANGEL, Mr. HERTEL, Mr. WISE, Mr. MONTGOMERY, Ms. COLLINS of Michigan, Ms. OAKAR, Mr. DIXON, Mr. DICKS, Mr. MAVROULES, and Mr. PRICE.

H. Con. Res. 248: Mr. ACKERMAN, Mr. TORRICELLI, Mr. CARPER, and Ms. PELOSI.

H. Con. Res. 274: Mr. CAMPBELL of California and Mr. PALLONE.

H. Con. Res. 282: Mr. MORAN, Mr. HERTEL, Mr. SMITH of New Jersey, Mr. NOWAK, Mr. SOLARZ, Mr. McNULTY, Mr. LUKE, Mr. GALLO, Mr. CAMP, Mrs. COLLINS of Michigan, Mr. FORD of Michigan, Mr. HAMMERSCHMIDT, Mr. DAVIS, Mr. CONYERS, Mr. FISH, Mr. WHEAT, Mr. CARR, Mr. APPELEGATE, Mr. EDWARDS of California, Mr. BLACKWELL, Mr.

FORD of Tennessee, Mr. STAGGERS, Mr. JACOBS, Mr. HOBSON, Mr. WILSON, Mrs. LOWEY of New York, Mr. RICHARDSON, Mr. GEKAS, Mr. FEIGHAN, Mr. RAMSTAD, Mr. FLAKE, Mr. NEAL of North Carolina, Mrs. MINK, Mr. JENKINS, Mr. COYNE, Mr. TALLON, Mr. DINGELL, Mr. McEWEN, Mr. TOWNS, Mr. COLORADO, Mr. RANGEL, Mr. REED, Mr. EMERSON, Mr. KLECZKA, Mr. BONIOR, Mr. BOEHNER, Mr. SHUSTER, Mr. GOODLING, Mr. KENNEDY, Ms. NORTON, Mr. SAWYER, Mr. ABERCROMBIE, Mr. CLAY, and Mr. SKELTON.

H. Con. Res. 301: Mr. DORNAN of California, Mr. SAXTON, Mr. ACKERMAN, Mr. SCHEUER, Mr. CHAPMAN, Mr. KOSTMAYER, Mr. ZELIFF, Mr. LENT, and Mr. BATEMAN.

H. Res. 257: Mr. PERKINS.

H. Res. 323: Mr. BUSTAMANTE.

H. Res. 359: Mr. OWENS of Utah and Mr. EVANS.

H. Res. 377: Mr. JAMES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

152. By the SPEAKER: Petition of the council of the city of New York, New York, NY, relative to loan guarantees for Israel; to the Committee on Foreign Affairs.

153. Also, petition of the council of the city of New York, City Hall, New York, NY, relative to the Haitian Refugee Act; to the Committee on the Judiciary.

154. Also, petition of Illinois Association of County Veterans Assistance Commissions, Kankakee, IL, relative to the needs of veterans; to the Committee on Veterans' Affairs.

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SENATE—Tuesday, April 28, 1992

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

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

Let us pray:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7:14.

God of Abraham, Isaac, and Israel, You made this profound promise to Your people, called by Your name. Your people know who they are. Help us hear Your word. Help us humble ourselves, pray, seek Your face and repent of our Godless ways.

Election tactics have contributed to our division, indeed our fragmentation, treating rich and poor and middle class, whatever that is, as enemies; aggravating racial and sexual differences; demeaning our political institutions. Desperately we need healing as a nation, lest this national election year reduce us to total anarchy. Help us, Lord God. Help us who profess to know You, to hear You and respond to Your gracious promise that we may be forgiven of our sins and our land healed.

For the glory of God and our spiritual restoration as a nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 28, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time reserved for the two leaders, there will be a period for morning business extending until 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. At 10:30 this morning, under a previous unanimous-consent agreement which is printed in full at page 2 of today's calendar, the Senate will proceed to the consideration of the conference report accompanying H.R. 3337, the White House commemorative coins bill, with the conference report to be considered under a 2-hour time limitation, that is, from 10:30 until 12:30. From 12:30 p.m. to 2:15 p.m., the Senate will stand in recess in order to accommodate the respective party conferences.

At 2:15 p.m., the Senate will conduct a rollcall vote on adoption of the White House commemorative coins conference report. Senators should be aware that a rollcall vote will occur at 2:15. As provided in the agreement, should the conference report be defeated, the Senate would again insist on its amendment and the Chair would be authorized to appoint conferences. Prior to the appointment to conferees, however, it is in order for Senator CRANSTON or Senator WALLOP to move to instruct the conferees. Of course, should the conference report be adopted, then the remaining portions of the agreement are moot. Mr. President, once the Senate has disposed of the coins conference report, it is my intention to then call up the conference report accompanying S. 3, campaign finance reform legislation, and I will be making a more detailed statement on that important legislation later in the day.

THE JOURNAL

Mr. MITCHELL. Mr. President, parliamentary inquiry, am I correct in my understanding that the Journal of proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The Journal has been approved.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time,

and I reserve all of the leader time of the distinguished Republican leader.

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

APPOINTMENT OF CONFEREES—HOUSE CONCURRENT RESOLUTION 287

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair will now appoint conferees to House Concurrent Resolution 287.

The ACTING PRESIDENT pro tempore appointed Mr. SASSER, Mr. JOHNSTON, Mr. RIEGLE, Mr. EXON, Mr. DOMENICI, Mr. SYMMS, and Mr. BOND, conferees on the part of the Senate.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

Mr. NUNN. Mr. President, during the week of February 9–15, the Department of Veterans Affairs [VA] sponsored its annual National Salute to Hospitalized Veterans. I commend the VA for honoring those who have served our country and whose health now requires care in VA hospitals. All Americans owe a great debt to the men and women who have sacrificed so much to serve their country and who are now hospitalized.

Americans have always cared for their own, and believed that those who risked so much for our freedom deserved the best of medical care. I recently visited the VA Medical Center in Decatur, GA. As with every visit to a VA facility, I came away with a renewed gratitude for the veterans who have given so much for the cause of freedom.

After this visit, I came out determined to ensure that VA hospitals have both the moral and budgetary support to serve the veteran community. I normally applaud the desire to cut the cost of Government programs, but cutting services and VA health care personnel in the face of growing need is not legitimate cost savings. Commensurate with the Federal fiscal restraints we face, we should take the steps necessary to ensure the availabil-

ity of high quality medical care for deserving veterans.

Earlier this year, the Department of Veterans Affairs own Advisory Committee for Health Research Policy concluded that VA research "is inadequately supported to achieve its goals." Nearly 80 percent of VA research proposals that were approved by merit review are not funded in the administration's fiscal year 1992 budget.

Last October, the Commission on the Future Structure of Veterans Health Care criticized recent declines in funding for the VA medical care system and warned that unless funding is increased, the system cannot meet its obligations to veterans in the next two decades.

While medical costs jumped 117 percent during the decade of the 1980's, VA funding increased by only 10 percent in constant dollars. The resulting funding gap has produced a \$1 billion backlog for replacing equipment, long waiting lists for services, closed beds and lower employee morale. As the veteran population ages, the stress on the system becomes even greater.

There are 20,370,000 American veterans today, and the reduction in military forces will swell that number by 1.5 million more by 1995. Currently more than 44,000 veterans are hospitalized long-term, and nearly 960,000 are receiving short-term care.

Our Nation has been blessed that we have not had to fight our battles in our own land in this century. Our cities and farms and forests have not been bombed or strafed and destroyed by enemy fire. Our children have not known war or seen their mothers and grandparents and friends shot down in the streets.

We owe that safety to those young Americans we sent to foreign shores to fight for our freedom. They slogged through mud and snow, desert and jungle, enduring physical hardship and lonely vigils, diseases unknown to our land and dreadful injuries—all for our sake.

And now we owe those same Americans who sacrificed so much to keep us safe—the old and frail, the young who will never leave their hospital beds—the best of medical care.

I am grateful that a week in February was set aside to salute hospitalized veterans. Americans should be aware that, every day and every week, we enjoy the benefit of living in a free society because our veterans answered the call of duty. It is our duty to keep faith with them as they did with us.

TRIBUTE—DEPARTMENT COMMANDER JOSEPH F. CHASE

Mr. SPECTER. Mr. President, on Saturday, May 2, 1992, Joseph F. Chase will be honored by the Pennsylvania American Legion at a testimonial dinner for his outstanding leadership as

department commander. But the story of this proud American does not start and stop with his current position of department commander, a position which he has served faithfully and with great distinction for the past year. The true story of Joe Chase covers a lifetime of dedication to the American Legion and achievements in its behalf. His loyalty to his fellow Legionnaires and his dedication to this country's ideals of democracy, freedom, and duty are etched in stone.

A veteran of the Korean war, Joe Chase has been a proud member of the American Legion for over 25 years. The founder and only adjutant of his post, the Spirit of 76 Post 676, Joe has also been active on all levels of the American Legion from the national organization to the post level.

His other positions of responsibility have included those of eastern vice commander, eastern section adjutant, 1st district commander, and post commander. Additionally, he served a 2-year term as president of the Post District Commanders Association and a 1-year term as secretary of the Pennsylvania American Legion Press Association.

In addition, Joe is currently serving a 3-year term on the National American Legion Magazine Commission. Last year, he completed his 10th assignment as Department Public Relations Committee chairman.

Of special pride to Joe is his origination of the Department of Pennsylvania's Blue Cap of the Year Award, a recognition which is presented annually to Pennsylvania's outstanding Legionnaire.

A graduate of Villanova University, Joe served as the university's sports information director for 5 years. Following this assignment, he was selected as a public relations officer for the city of Philadelphia, where he served with distinction for 24 years.

Joe is married to a lovely lady, Louise Chase, who is a past eastern vice commander and two-term fourth district commander. Louise has also served as Joe's eastern section adjutant. They live in Horsham, in Montgomery County.

The American Legion and the State of Pennsylvania are proud of Joe Chase. Upon the occasion of the testimonial dinner in his honor, I take this opportunity to recognize him before the U.S. Senate.

TRIBUTE TO FRANCIS HEESAKKER

Mr. KASTEN. Mr. President, I rise today to pay tribute to one of Wisconsin's most dedicated public servants, Outagamie County veterans services officer Francis Heesakker. Francis will be retiring at the end of April after 46 years of working with Appleton area veterans and I want to share with my colleagues a few comments about this distinguished individual.

Francis' own military career earned him numerous commendations and awards. While serving with the U.S. Army's 7th Cavalry in the Pacific Theater during World War II, he was seriously wounded twice during the Battle of Luzon, losing a limb and earning a Purple Heart with an Oak Leaf Cluster. His list of decorations also includes three Bronze Campaign Stars, American Theater Ribbon, Asiatic-Pacific Theater Medal, Philippine Liberation Medal with two Bronze Stars, U.S. Army Good Conduct award, and Distinguished Unit Badge.

After returning home in 1946, Francis began working for the Outagamie County veterans service office and 10 years later became the county's veterans service officer. Over the years, he has used his unique personal experiences in the military to help veterans from World War II, Korea, Vietnam, and others who, like him, have answered when their country has called. He has touched the lives of hundreds of veterans and their families and his work has served as a model of public service.

Wisconsin has been truly fortunate to have Francis Heesakker as its veterans services officer for Outagamie County for nearly four decades and I know his counsel and experience will be missed.

NAACP LEGAL DEFENSE AWARDS TO SENATOR JEFFORDS

Mr. LEAHY. Mr. President, on April 9, 1992, the NAACP Legal Defense Fund honored my distinguished colleague from Vermont, Senator JAMES JEFFORDS, and I had the pleasure—and I might say I had the honor—of introducing Senator JEFFORDS at the awards dinner on April 9. I say the "honor" because I have known JIM JEFFORDS for certainly all of my public life. We served in different public offices in Vermont—he in the State senate, and then as attorney general of the State, and Congressman, and now as a U.S. Senator from Vermont.

In the House of Representatives, JIM JEFFORDS led the charge to pass the Civil Rights Restoration Act after the Grove City decision, to enact the Americans With Disabilities Act, and to protect older Americans from employment discrimination. As a Member of this body, he has continued his commitment to fairness and dignity for all Americans.

He was a crucial Republican sponsor of the Civil Rights Act in the Senate. There are some, I must say, in his party, who seem to like the idea of wielding the quota weapon at supporters of the bill.

But JIM JEFFORDS refused to exploit racial tensions for political gain. He recognized the power of the civil rights law to bring people together, to heal old wounds and encourage optimism

about the future. His tireless work with Senator KENNEDY and Senator DANFORTH to craft the civil rights bill is a tremendous achievement.

It should also be noted that Senator JEFFORDS gets no political benefit for this. This is not a case of representing a State with a large minority population. In fact Vermont has the smallest minority population of any State in the Union.

JIM JEFFORDS did it because it was right, because it adhered to the best principles of the party that he represents. So I was delighted to take part in the ceremony because I am proud of my colleague's work. I am proud of the State we both serve, and the honor he brought to the State of Vermont. And I am proud to be his friend.

JIM JEFFORDS has earned the respect and admiration of his State and I ask unanimous consent that I may have printed in the RECORD at this point the statement of Senator JEFFORDS at the Equal Justice Awards Dinner on April 9.

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

STATEMENT OF SENATOR JAMES M. JEFFORDS, EQUAL JUSTICE AWARDS DINNER, APRIL 9, 1992

Let me begin by thanking the Legal Defense Fund for bestowing this honor upon me. If I have been able to contribute, it is in large part due to the help of the people in this room, and to colleagues like Ted Kennedy and Jack Danforth, Ham Fish and Gus Hawkins.

In fact, I've spent a career in Congress following Gus Hawkins' footsteps—onto the Employment Subcommittee in the House and then on to serve as his counterpart on the Republican side of the Education and Labor Committee. And tonight I follow him as a recipient of the Equal Justice Award. Gus alone makes this pretty fine company I am joining.

Though we often worked together in the House, Gus Hawkins and I could not have represented more disparate districts. More than just geography separates Watts and the whitest state in the nation. But political leadership involves taking on each others' problems. Gus did this for me, and I tried to understand the problems his constituents faced—day in and day out.

By no means are the problems of racial discrimination absent in Vermont. Sadly, a state full of church steeples and village greens has seen a cross burning and other ugly incidents of late.

But on the whole, I am blessed in being able to represent a state with a fine tradition of tolerance. Vermont was the very first state to abolish slavery in its Constitution, doing so, in fact, when it was still an independent republic. It was a hotbed of abolitionism. And when President Lincoln put out the call, Vermont freely sacrificed many of its sons for the Union—more for its size than any other state.

That, I suppose, is ancient history in a town where news gets stale faster than bread. But these are the roots, I think, of a very progressive state when it comes to issues involving civil rights. And for some reason, Vermonters seem to live with their history more than most people.

I represent a state with a strong commitment to equal opportunity. What other

state—without any affirmative action policy—would hire such a diverse workforce in Congress, with a Republican, Democrat and Independent?

But my commitment to civil rights is more than a matter of representation. It's a matter of conviction. My parents and ancestors worked toward this end, and it seems only natural to carry on their work.

Thus, while a lot of my friends in the House and Senate have become frustrated and have chosen to retire, I think we have accomplished a great deal in many areas, civil rights among them. I entered the House with Tim Wirth, and served as an Attorney General alongside Warren Rudman, and I will miss them greatly. But while I share their frustration, I am excited by the challenges still before us.

There is still a long way to go. But for the most part, our laws secure a solid set of rights and remedies. They are not perfect, and will continue to be the source of frustration and debate for litigators and legislators for years to come. And I think we can count on this Supreme Court to make its own unique contribution.

But we do seem to have a consensus in Congress that equal justice—even in its arcane forms of disparate impact and mixed motive cases—must be maintained and strengthened.

That consensus is not impervious—to demagogues, to hard times, to demography. You know better than I that it is a constant struggle. The LDF has over 50 years of experience to my relatively brief tenure in Congress. But I can tell you that I see the need—even in my state in which I take great pride—to continue a healthy dialogue and the process of education.

That's my job as well as yours. And I can assure you that I have tried to explain to my constituents why real remedies are necessary. Discrimination is all too alive and well, not just in some distant southern state, but in my own state as well.

Basically good, decent people in this country are apprehensive about their future, and their children's future. Their government has failed them by racking up record amounts of red ink. They see additional protections against discrimination as burdens with little benefit. Discrimination, in their mind, is a thing of the past.

You and I know it is not, but somehow, we are failing to convince many people and some policy makers of that.

We have the rights and remedies we need for the most part. But rights and remedies without education and understanding will lead to bitterness, not betterment.

Probably the bigger question in my mind these days is not so much about rights and remedies as about the vast numbers of minorities who will barely see their way into a high school classroom, let alone a court room.

Rights and remedies that do not lead to economic opportunity and absorption into a receptive society will not lead to the kind of nation we claim to be.

Yes, much has been done. But there is so much more to do. There will be no success until we provide to victims of prejudice and discrimination better economic hope than the peddlers of dope; or to women who peer through the glass ceiling a path to success rather than empty regrets.

The needs are brought home every night I go home. When not in Vermont, I live on the increasingly infamous Capitol Hill here in Washington.

I don't consider myself a particularly cautious person, but I don't park on the street,

I don't walk around any more than I have to at night, and I am always nervous when my adult children do.

But my concern is not so much for my own safety as for what the symptom of crime represents for Washington and cities in general. What's happening to these kids? Where are they going?

Most will hang in there and persevere, thanks to a strong parent, or teacher or church. But the deck is stacked unfairly against them.

As research by the Center for the Study of Social Policy just found, Washington, D.C. ranks dead last in 8 of 10 indicators of child well-being. It's a grim fact that Washington, once jokingly known as last in the American League, is now last in controlling infant mortality, violent teen deaths, and high school dropouts.

In hard times, with a big budget deficit, generosity is in short supply. Frankly, I am not sure that we can rally support across this country to tackle the problems of the inner city on the basis of some of the past arguments for equity.

Whatever their environment, adults make choices, in the popular view. We have seen, I think, a rising tide of individualism that borders on Social Darwinism, a lessening of communal spirit that accompanies diminished expectations.

But if there is one reservoir of good will, I think it lies with our children. Children generally can't make choices, and are excused if they make bad ones. If we are to appeal to the nation, I think it must be on the basis of saving our children.

This may be criticized as triage. Maybe it is. It certainly is not pleasant, but it is the best route I can see. In order to make real changes, and in order to secure broad support, I think we have to focus on the future, and try to cope with the present as best we can.

There will not be massive increases in federal spending for our cities. But I think that gradually we can increase our spending for the building blocks of a better society: health care, nutrition, education, and training.

We are at critical juncture in our history, abroad and at home. The end of the Cold War, the collapse of communism, and the rise of multilateralism have given us the opportunity to dramatically decrease the resources devoted to defense. We can now, for the first time in my life, really hope that future international battles will be fought with brains and not bombs.

But the battle against communism has beggared us. Defense spending and deficits have climbed steadily over the past 15 years. We are bringing defense spending down, but we must do likewise with deficits, for they are crushing domestic spending.

We also need to take care in what we are doing. For better or worse, the military offered a path for many disadvantaged Americans into the mainstream of life. With a 100,000 fewer entrants a year, what will we do to replace its role?

We need to be careful, but as we work to put our budgets into balance, we need not—must not—forgo resetting priorities and trying to better address human needs. I support making entitlements of WIC, Head Start and Pell Grants, and want to create a national health care system.

I suppose this is heresy for a Republican. But if Pat Buchanan can have a vision for the Republican Party, so can I. I want to return to our future.

For just as I feel like Vermont's roots are my own, so, too, do I feel close to the roots

of the Republican Party. The Republican Party was born as the party of equal opportunity, and Republicans must not forget those roots.

The Civil War galvanized not only Vermont's commitment to civil rights, but that of the Republican Party's. As Lincoln put it after four years of bloodshed had put 600,000 Americans in their graves:

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds . . .

Today's wounds are neither as mortal or as visible as those of 130 years ago. But it is time to bind up our wounds, to take stock and make firm and hopeful plans, with a bit of dreaming about the future course of this country.

Lincoln saw, before the last guns have been fired, that it was time to set a new course. It is that time again.

Even in this election year, when there is a cacophony of caution, we must clamor for real, not symbolic, change. I hope that we will see meaningful, maybe even radical reform, in the near future. The road to true equality stretches before us filled with turns and grades, but lighted by the possibility of great progress.

But I am preaching to the choir. This organization has been in the vanguard of change for over fifty years, and will be for years to come.

God and Vermonters willing, I hope to continue to help you in the causes you have so nobly advanced. I am deeply grateful for this award and thank you from the bottom of my heart.

Mr. RIEGLE. Will the Senator then yield a moment on the issue of Senator JEFFORDS?

I want to join with my colleague in commending Senator JEFFORDS. I think it is important he has been recognized for important leadership that he has given on civil rights issues. It is not surprising that he should be honored because he has a long record along that line.

As one who once served on this side of the aisle, the Republican side of the aisle, I admire that leadership going back, as it does in the history of the party, to the leadership of people like Abraham Lincoln. It has unfortunately been missing. I am afraid, in large degree, with some notable exceptions like Senator JEFFORDS.

The only point I would make is this. I think it is important that when good things are done my Members on either side of the aisle, that we acknowledge those across the party aisle. I think it is significant that a Democratic Senator is willing to come and pay a deserved tribute to a Republican colleague on matters of substance. I think this is the road we ought to be on more of the time. I want to draw attention to that fact.

Mr. LEAHY. Mr. President, I thank the Senator from Michigan for his comments, justly deserved.

RECOGNITION OF FORMER YUGOSLAVIA REPUBLICS MUST INCLUDE KOSOVA

Mr. PRESSLER. Like the dinosaur and the Soviet Union, Yugoslavia no longer exists. Today, President Bush adjusted United States policy to correspond to this reality. I commend the President for his decision to recognize Croatia, Slovenia, and Bosnia-Herzegovina. Recognition sends a signal to Belgrade that the United States will no longer allow that regime to strong arm its neighbors.

However, I also want to stress the urgency of the need to extend the recognition process to Albanian populated Kosova. In addition, the Albanians of the former Yugoslavia must be given a seat at the peace table in Brussels.

Having lost control of Croatia and Slovenia, Belgrade may increase its already crushing pressures on Kosova. Like a number of others in Congress, I strongly support recognition of Kosova. For this reason, in February I submitted Senate Concurrent Resolution 96, expressing the sense of Congress that the United States should recognize the independence of the Republic of Kosova.

The Albanians represent the third largest ethnic group in the former Yugoslavia. Yet they have been excluded from the peace talks in Brussels. If a true and lasting peace is to be achieved in the countries emerging from the former Yugoslavia, several things must occur.

First, Yugoslavians of Albanian descent must be given a place at the peace talks. Second, martial law must be lifted in the Republic of Kosova. Third, Kosova must be recognized as an independent state. Finally, free elections, conducted under international supervision, must be allowed to occur in Kosova.

The United States should not tolerate further bloodshed in the former Yugoslavia. That is why I recently introduced the Former Yugoslavia Act of 1992, which, among other things, calls upon the President to tell Congress what he will do to recognize those regions and Republics within what was Yugoslavia that desire independence. The legislation also requires the President to tell Congress what he will do to end Belgrade's military aggression or occupation in the former Yugoslavia and to bring violators to justice. I am delighted that, to date, Senators DOLE, D'AMATO, and HELMS have joined me in this effort.

Artificial countries like the former Yugoslavia should not be preserved against the will of the people. Standing for the principles of freedom and independence, the United States can assist the peoples of the former Yugoslavia to enjoy independence and peace.

I hope the President's announcement of recognition will begin that process. I commend him for his action. However,

I believe he should continue the process. It is my hope that he will move rapidly to address the needs of the Albanians of Kosova in the manner I have outlined.

NATIONAL NURSES' WEEK IN ALABAMA

Mr. HEFLIN. Mr. President, Gov. Guy Hunt recently proclaimed the week of May 4-10, 1992, National Nurses Week in Alabama. This designation coincides with the American Nurses' Association's celebration of their profession's outstanding contributions to our health delivery system.

Of course, we could not survive without the dedicated services of our nurses. Besides their primary mission of helping save lives, they provide comfort and lift the spirits of the sick and infirmed. And yet, we often take their work for granted, not realizing how very important they are, or how tremendous their responsibility. Nurses fill needs not met by any other health care providers, and are required to make an intense, demanding commitment throughout their professional lives.

Through the many enlightening activities associated with this year's National Nurses' Week, the theme of which is "Nursing: Shaping the Future of Health Care," it is my hope that we will pause, reflect, honor, and acquire a stronger appreciation for nurses, their professionalism, and their unyielding commitment to quality health care. It is important for them to be recognized for the valuable knowledge they possess and the important service they provide.

I proudly commend and congratulate Alabama's nurses for choosing a career of serving others through healing and comforting. I am happy to join all of their friends, colleagues, and family in recognizing our nurses during their special week.

I ask unanimous consent that Governor Hunt's proclamation designating May 4-10 National Nurses Week be included in the RECORD following my remarks.

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

STATE OF ALABAMA—PROCLAMATION

Whereas, registered nurses in Alabama represent the largest group of health care providers in the state; and

Whereas, nurses make a difference in the lives of people they serve every day by demonstration of their unique combination of qualities—clinical knowledge, sound judgment and the ability to care; and

Whereas, the demand for nursing service is greater than ever because of the aging population, the ability to sustain life through advanced technology, changes in the setting where health care is delivered, changes in health care financing and the changing health care needs of today's consumers; and

Whereas, more qualified nurses will be needed in the future to meet the increasingly

complex needs of health care consumers in Alabama; and

Whereas, the Alabama State Nurses' Association and the American Nurses' Association have designated May 4-10 as National Nurses Week and ASNA has accepted the theme "Nursing—Shaping the Future of Health Care" in celebration of the ways in which nurses contribute to high quality patient care and improvement of our health care system;

Now, therefore, I, Guy Hunt, Governor of the State of Alabama, do hereby proclaim May 4th through 10th, 1992, as "National Nurses Week" in Alabama, and I urge all citizens to join me in celebrating nursing accomplishments and recognizing nurses for their unique contributions and their ability to have a positive impact on the lives of those for whom they care.

RETIREMENT OF SENATOR TIMOTHY WIRTH

Mr. HEFLIN. Mr. President, this body, along with the people of the State of Colorado, was stunned a few weeks ago by the unexpected retirement announcement of our friend and colleague, Senator TIMOTHY E. WIRTH. Like the absence of other Members who have announced that they will not seek reelection this year, the departure of Colorado's senior Senator will leave a tremendous void that will be difficult for the 103d Congress to fill.

TIMOTHY WIRTH has worked hard during his tenure in Congress to advance educational and environmental causes. He possesses a keen intellect, a tireless energy, and the kind of work ethic that any legislator should strive to emulate. Everyone in this Chamber, whether they agree with him on the issues or not, knows him to be a dependable man of his word, arguably the most admirable quality a Senator can have.

It is truly distressing to see the Senate losing Members of the caliber of TIMOTHY WIRTH. The April 20, 1992, edition of U.S. News & World Report, in a discussion of the alarming number of national legislators calling it quits this year, describes the Coloradan as a star-quality lawmaker "most voters would yearn to have represent them." He is "smart, principled, effective * * *". Whatever problems this institution has won't be helped by his leaving.

We certainly wish the distinguished Senator well. TIMOTHY WIRTH's leadership and command of the issues will be sorely missed when the new Congress convenes next year, but we hope the future holds much happiness and fulfillment for him and his family.

NO RETREAT ON U.S. AGRICULTURAL POSITION IN GATT

Mr. PRESSLER. Mr. President, last week in Geneva, I met with Deputy U.S. Trade Representative Rufus Yerxa about the status of negotiations in the Uruguay round of GATT talks. I am very concerned over what I perceive as the possibility that U.S. negotiators

may be preparing to give ground on the issue of agricultural subsidies. I rise today to oppose in the strongest terms possible any such action.

Last year, I introduced Senate Resolution 227 to establish U.S. Senate policy that meaningful reforms with respect to agricultural subsidies must be achieved in the GATT negotiations. By meaningful, I mean any new GATT agreement must ensure freer and fairer trade for American farmers and ranchers. Growth in international trade is key to the future of U.S. agriculture. We must open more world markets to U.S. farmers and ranchers.

The Uruguay round was originally scheduled to be concluded in December 1990. At that time the United States was calling on the European Community [EC] to reduce its domestic subsidies by 75 percent and its export subsidies by 90 percent over a 10-year period. This demand already marked a retreat from the original U.S. position of eliminating all agricultural subsidies. The EC balked and walked away from the negotiations.

In December 1991, efforts were again made to reach a consensus for a new agreement. Though the United States continued to insist on its modified position, discussion centered on a 36-percent reduction in export subsidies and a 20-percent reduction in domestic subsidies over a 6-year period.

Mr. President, at that time, I wrote the President and the U.S. Trade Representative urging them not to back down from our demands that Europe cease to practice agricultural protectionism. No consensus was reached, and GATT-Director General Arthur Dunkel proposed a draft final agreement embracing a 36-percent reduction in export subsidies and 20-percent reduction in domestic subsidies over a 6-year period. The so-called Dunkel proposal is now the center of negotiations on agricultural trade in the Uruguay round.

Current negotiations to establish new trading rules in agriculture focus on three areas: internal support, market access and export competition. Mr. President, the United States must insist that measurable improvements be made in each of these areas if the Uruguay round is to be successful.

I was alarmed by some of the things I learned in my meeting with Ambassador Yerxa. As I mentioned at the outset, I was left the impression that the United States may be preparing to retreat dramatically from its demands that the EC reduce its agricultural subsidies. This should not be permitted to happen. If these proposed changes in our negotiating position occur, I and many other farm State Senators will be very disappointed. I will fight any GATT rules that hurt American farmers and ranchers.

The reason for this position is simple. The EC spent nearly \$31.3 billion

on agricultural supports and export programs in 1990. That amount was over 4½ times the \$6.8 billion spent by the United States.

Since 1987, EC agricultural subsidies have increased nearly 60 percent and are expected to total \$43.54 billion this year. In that same time period, U.S. agricultural subsidies have decreased 44 percent and are expected to total \$13 billion this year. Mr. President, there is no reason to believe that, without meaningful reform, EC agricultural subsidies will not continue to rise in the future.

What has been the result of these subsidies? EC output of the three major oilseeds—rapeseed, sunflower seeds, and soybeans—rose to a record 12.6 million tons in 1990. EC grain stocks soared in 1990-91 to a record 18.8 million tons. This was a 60-percent annual increase and surpassed the previous record set in 1985.

Mr. President, as a result of excessive agricultural subsidies, the EC overproduces in the agricultural sector by approximately 20 percent. The EC's Common Agricultural Policy [CAP] shields its farmers from market forces, generates excessive surpluses, and depresses world market prices—all to the detriment of U.S. farmers and ranchers. As a result of the EC's export subsidies, the EC has gone from being a net importer to a major net exporter of such products as beef, sugar, and wheat.

Excessive EC export subsidies have led to the dumping of EC agricultural surpluses on world markets. This has meant lost markets and lower prices for South Dakota's and America's farmers and ranchers. Through it all, the administration promised it would insist on fair treatment for our farmers. The proposed concession, if it occurs, would mark a retreat from that position.

Elimination of EC agricultural supports, such as variable levies and export subsidies, could boost U.S. exports in all markets between \$4 and \$5 billion, while at the same time reduce U.S. imports about \$2 billion, according to industry sources. Among key commodities, U.S. grain exports could rise about \$1.8 billion with imports dropping \$22 million. Meat and egg exports could increase \$1.3 billion while imports could fall almost \$2.4 billion.

Mr. President, if realized, the effect of such gains would be substantial. Every billion dollars' worth of agricultural exports means 26,000 jobs here in the United States.

Allowing the EC to continue its protectionist agricultural subsidy programs means that South Dakota farmers and ranchers would continue to face unfair foreign competition. Every farmer and rancher in South Dakota knows that higher grain, dairy and meat prices depend on better access to foreign markets. EC export subsidies

deprive our producers of billions of dollars in foreign sales.

Mr. President, another area that demands meaningful reform in the GATT is how international agricultural trade rules are enforced. There are several instances in which current GATT rules have failed to resolve major trade disputes. For instance, in 1990 the EC banned shipments of beef from all U.S. plants, claiming the plants did not meet EC standards. The problem was that U.S. plants did not follow the exact standards in place in the EC. American standards for beef are at least as strong as in the EC. In some cases they are superior. However, since they are not the same, this trade dispute continues. The EC's ban on beef containing hormones restricts the sale of U.S. beef as well.

These nontariff trade barriers not only have impaired U.S. sales to the EC, they have helped cause an extreme surplus situation in the EC beef market. The EC likely will resort, as it has in the past, to subsidizing the sales of surplus commodities overseas—the expense of U.S. agricultural exports.

Another excellent example of some of the problems with current GATT rules concerns the EC oilseed regime. A unique feature of GATT is that once a tariff concession is made, it cannot be rescinded and affected countries cannot be compensated. In 1962, during the Dillion round of the GATT the EC bound its oilseed—soybeans, sunflowers, et cetera—import tariffs at zero—that is, it removed all import duties on the commodities. At that time, the EC was in need of oilseed imports. However, since 1962 that situation has reversed.

In the 1970's, EC grain production grew tremendously. By the late 1980's the EC went from being a net importer of 20 million tons of grain to a net exporter of 20 million tons of grain. To reduce its huge grain surplus, the EC began subsidizing its farmers who switched from grain to other crops like oilseeds. Not surprisingly, U.S. exports to the EC of oilseeds such as soybeans fell 63 percent. In 1987 the United States filed a suit against the EC alleging the EC oilseed subsidies violated international standards by discriminating against oilseed imports and, as a result, the zero-bound tariff on oilseed was impaired. Two GATT rulings have favored the U.S. position, yet the EC oilseed regime remains in place and the dispute continues. U.S. farmers, processors and exporters are losing \$2 billion annually in sales to the EC as a result of its illegal oilseed regime.

A new GATT agreement that meaningfully addresses the issue of EC agricultural subsidies would increase the U.S. share of world export markets in grains and meats. Such an agreement would likely result in little change in government supports and higher market prices for most U.S. commodities.

World prices for most agricultural commodities would likely be higher than under a continuation of current policy. Reducing export subsidies and import barriers would increase world demand relative to world supply. Mr. President, U.S. taxpayers, and U.S. grain, oilseed and livestock producers will benefit from meaningful GATT reforms.

But concessions on these issues by U.S. negotiators are a bad idea. The administration must not back down at this stage of the negotiations. The United States has reduced substantially its agricultural subsidies over the past ten years, while the EC dramatically has increased subsidies. We must keep pressure on the EC to make major reductions in its export subsidies programs. This is essential if U.S. farmers and ranchers are to have any hope for a decent return on their hard work and investment.

A new agreement also would shape significantly the future economic growth of the world's developing and lesser developed countries. The concessions afforded those countries would determine their future economic growth and potential for development. This could be significant for the United States, since 40 percent of U.S. agricultural trade is with the world's developing and lesser developed countries.

As I stated earlier, controversy over reductions of agricultural subsidies has deadlocked the current round of GATT negotiations. Just this past week, the deadline was extended to June 1992.

Mr. President, the Dunkel proposal submitted in December 1991 does not go far enough. The uneven playing field on which U.S. farmers and ranchers currently must compete will remain so even under the Dunkel proposal. Our negotiators must level this playing field by insisting on further concessions from the EC.

The United States is trying to find common ground for an agreement on agricultural issues, but this has proven elusive. The drama of the negotiation process will continue and any final agreement probably will be reached in an 11th hour deal. Agriculture has become the key to breaking the current deadlock. Other areas of dispute will remain unresolved until a consensus is reached on agriculture. Unless a significant reduction in agricultural subsidies—at both the export and domestic levels—is achieved, the Uruguay round of GATT negotiations will continue for quite some time.

None of this is reason enough for U.S. negotiators to back away from this country's current position on agricultural subsidies. They should not. For too long, America's farmers, ranchers and the economy itself have suffered unfairly as the result of nontariff trade barriers. What the deadlock does mean is that the Uruguay round may fail in its objective to create a more level

playing field upon which the world's trading nations could compete fairly.

CLIFFORD L. ALEXANDER RECEIVES THE EQUAL JUSTICE AWARD

Mr. LEAHY. Mr. President, on April 9, 1992, the NAACP Legal Defense and Educational Fund honored both Senator JAMES JEFFORDS and Clifford L. Alexander, Jr. Cliff Alexander and I have known each other, really, almost from the time I came to the Senate. He served with distinction in the President's Cabinet. We met, oft-times on issues of national defense and such matters. But since then on a whole host of different matters.

Cliff Alexander is one of those people who is extremely knowledgeable in subjects of both domestic and foreign policy matters. On April 9, he spoke to one of the most important domestic matters, the need to eliminate bigotry in our society. Clifford Alexander spoke as a black to the NAACP. But he spoke of the problems Jews face, when anti-Semitism comes up; Latinos face, Japanese face, that everybody faces who has bigotry against them in this society. I think Cliff Alexander is one of the giants of our society.

I ask unanimous consent his entire statement be printed in the RECORD.

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

STATEMENT BY CLIFF L. ALEXANDER, JR., AFTER RECEIVING THE 1992 EQUAL JUSTICE AWARD

We are not going to eliminate bigotry in this or any other society. But we certainly can dramatically reduce this lingering bad human habit. The NAACP Legal Defense Fund has responded eloquently to the vestiges of slavery and segregation. It has been a leader in the battle for equity.

Let me, however, make this suggestion to each one of us in this room. Get outraged when someone from a group other than your own is under attack by the bigots.

African-Americans need to stop turning their backs to anti-semitism. When a Jew is under attack for being Jewish, there is no excuse for silence by any of us.

The most prevalent daily drumroll of hate is now aimed at the Japanese. Japan's economic policies are in excuse for too many to condemn people of Japanese origin—including those who are American citizens. We should be outraged at the manifestations of narrowminded hatred directed at people of Japanese ancestry. Racist remarks by some Japanese leaders in no way justified an attack on Japanese people. Where are the front page stories quoting our leaders expressed their outrage at this? Why are we not taking on the narrowminded business and political leaders who are direct in their condemnation of the Japanese as a people?

The armies of Americans who believe in fair play see it first and foremost as fair play for people who are in their group. These armies get big and bad when they see the threat as personal. When it is someone else's group under attack they say it is not their fight.

How many times have you read when a Latino was under unfair attack that "The

Latino Community was up in Arms". Then the article goes on to quote a "Latino leader". Well on such occasions many of you who are not Latino are upset too! Tell the papers to question people of other backgrounds to see how they react publicly to injustice done to "another" group.

Yes we have to be outraged by bigotry and not on a superficial level. Along with the need to condemn bigotry directed at other groups, it is the responsibility of the media to treat racism and sexism with thoughtfulness and depth. Only then will its perniciousness be fully understood. An example: why so much time by the media on Bill Clinton's golf game at a golf club that excludes? Where is their coverage of people who belong to these clubs and play there in their segregated worlds year round. Do you think if they do not admit blacks to their club they are going to treat African-Americans fairly when they supervise African-Americans in the workplace?

We need more passion today. Passion for what is right and good. Passion for someone other than those who come from the same background we do. If you are against bigotry wear it on your sleeve. The sleeve of your multicolored coat.

TRIBUTE TO BRANDON DEMESY BROWN

Mr. DURENBERGER. Mr. President, today I rise to tell you about a courageous family that truly is an inspiration to other families in Edina, MN. In September 1989, Dr. David, Jeanenne, Andrea, and Casaundra Brown lost their son and brother, Brandon DeMesy Brown. They have overcome their grief in order to share Brandon's love and to keep his enthusiasm alive for other children.

At 12 years, Brandon possessed a magic on ice. Whether it was figure skating or hockey, he had natural ability and grace coupled with competitive ambitions. When he was 9 years old, he won a Minnesota State championship in figure skating. A year later, he won the Upper Great Lakes Championship.

He was a joy to watch during his artistic performances of figure skating, and he was a joy to cheer during the suspense of hockey. Coaches and fans did not doubt that it might be possible for Brandon to someday achieve his goals to represent the United States as a figure skater and as a member of the United States hockey team.

Brandon was a champion because he believed that "sooner or later the man who wins is the one who thinks he can." Brandon excelled in academics, sports, and relationships. He was able to dream and a winner because of the empowerment that he received from his family and friends. He was well on the way to fulfilling his dreams, when he collapsed from severe respiratory distress playing football on his school's playground.

As mere humans, we do not comprehend the reasons for such tragedies of life, but with faith we know that life is an endless one. It was once said, that "we can't measure the excellence of a

painting by the size of the canvas or the excellence of a life by its length. None of us knows how big our canvas on Earth will be, but as long as we live on Earth, each day we are adding a touch to the picture we leave for those who come after us."

Actually, Brandon's life and personality were influenced by the wonderful collection of people he met. Brandon had the exceptional gift to easily express and share that love. His life painted a picture of glowing colors that provided happiness and inspiration to friends and acquaintances. Just before his death, Brandon wrote a paper on friendship for his sixth grade class. It was called, "Friends Forever". "Friends should be honest." "A friend should be kind to your other friends." "Sharing is the thing that makes a great friend." "Friends should respect your ideas." And, "Friends who are thoughtful are friends to keep."

Awarded, annually, to outstanding athletes is the Brandon DeMesy Brown Friendship Award in hockey and ice skating. Today, the Brown family, the Edina Hockey Association, the Edina community, and the Braemer Arena for Ice Sports continue to remember Brandon by honoring his example of friendship and sportsmanship. In the spring, the Braemer City of Lakes Figure Skating Club also sponsors a companion award. These awards are memorials to Brandon and serve as an inspiration to recipients encouraging them "to be a champion * * * to excel in all things we try."

Brandon certainly had an enthusiastic love of life and expressed this through friends, academics, and athletics. The Brown family and their community are to be commended for encouraging youth to experience their fullest potential.

TRIBUTE TO YOSHIKI OTAKE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a very distinguished businessman, Yoshiki Otake. Mr. Otake is the president of the Japan Branch of the American Family Life Assurance Co. of Columbus, GA. He was also a close associated and friend of the late John Amos, the founder of AFLAC and a man who was greatly respected by a number of us in this body.

Mr. Otake was instrumental in the founding of AFLAC's Japan branch, and he has guided it since its beginning in 1974. Under his leadership, the branch has grown a relatively modest endeavor into one of the premier insurance companies in Japan, with 30 percent of the insurance business in the country. Mr. Otake advised Mr. Amos on Japanese culture and business practices, and encouraged him to let Japanese run the day-to-day operations of the branch.

AFLAC's success in Japan is a testament to both Mr. Amos' vision and Mr.

Otake's outstanding leadership. In addition, it is an excellent example of how U.S. businesses can succeed in this very different but promising market.

TOM KAHN, A MAN WHO MADE A DIFFERENCE

Mr. MOYNIHAN. Mr. President, Ben Wattenberg has written a fine memoir of the late Tom Kahn, who for two decades here in Washington carried on the struggle against world communism from the perspective of the democratic socialist parties of the West. This is a tradition too little understood in our own country, save perhaps in cities such as New York and within the international labor movement. It was altogether appropriate that Tom Kahn in his last years was head of the International Affairs Department of the AFL-CIO. Earlier he had been an aide to our beloved former colleague "Scoop" J. Jackson. Always and everywhere he was a witness for truth in the struggle with totalitarianism.

It has saddened me that since coming to the Senate after a campaign in which Tom Kahn's great friends Penn Kemble, Carl Gershman, and others were indomitable and indispensable supporters, our views seem thereafter to have diverged. I would hope that with time this divergence might be better understood. For my part there is a record of sorts. In 1977, on entering the Senate, I became a member of the Intelligence Committee. Reading intelligence briefs on the Soviet Union I came to the conclusion—which I resisted at first—that the U.S.S.R. was not just a failed society, but that it was a fissile society as well. That it was going to break up along ethnic lines. And that this breakup would most likely happen in the 1980's. I first spelled out this view in Newsweek in 1979. Thereafter I found myself with little sympathy for the evil empire rhetoric of the Reagan years. Not that the empire was not evil, but rather that it was going to cease to be an empire at any time and that was the eventuality for which the West need to prepare. In matters ranging from arms control to emergency relief.

But nothing can detract from the shining example of Tom Kahn. That the Young People's Socialist League of the Lower East Side of the 1920's should have finally found a foreign policy home in a conservative Republican administration in Washington of the 1980's is a vast irony. But also and not least, a credit to all concerned. Rest in peace.

Mr. President, I ask unanimous consent that the text of Ben Wattenberg's tribute to Tom Kahn be printed in the RECORD.

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

[From the New York Post, Apr. 21, 1992]
A MAN WHO MADE A DIFFERENCE

(By Ben J. Wattenberg)

Because ideas have ancestors, and because ideas have consequences, let me tell you about my friend Tom Kahn. He died recently, too soon, at age 53. But he lived an important life.

I met Tom in 1971 when he came to Washington to be a speechwriter on the presidential campaign of Sen. Henry "Scoop" Jackson. At the scribbler's trade, he was the best. He had the two qualities great speechwriters need: He could write in American, and he had thought-out ideas.

I used to kid Tom that he and his activist friends were a cabal, ingeniously trying to bury the Soviet Union in a blizzard of letterheads. It seemed that each of Tom's colleagues—Penn Kemble, Carl Gershman, Josh Muravchik and many more—ran a little organization, each with the same interlocking directorate listed on the stationery. Funny thing: The Letterhead Lieutenants did indeed churn up a blizzard, and the Soviet Union is no more.

I never did quite get all the organizational acronyms straight—YPSL, LID, SP, SDA, ISL—but the key words were "democratic," "labor," "young" and, until events redefined it away from their understanding, "socialist." Ultimately, the umbrella group became "Social Democrats, U.S.A." and Tom Kahn was a principle "theoretician."

They talked and wrote endlessly, mostly about communism and democracy, despising the former, adoring the latter. It is easy today to say "anti-communist" and "pro-democracy" in the same breath. But that is because U.S. foreign policy eventually became just such a mixture, thanks in part to those "Yipsels" (Young People's Socialist League), with Tom Kahn as provocateur-at-large.

On the conservative side, foreign policy used to be "anti-communist," but not very "pro-democracy." And foreign policy liberal-style might be piously "pro-democracy," but nervous about being "anti-communist." Tom theorized that to be either, you had to be both.

It was tough for labor-liberal intellectuals to be "anti-communist" in the 1970s. It meant being taunted as "Cold Warriors" who saw "Commies under every bed," and being labeled as—the unkindest cut—"right-wingers."

The parentage of ideas is complex; they often emerge from many places simultaneously. In Washington, Tom's idea-mongers found a hospitable environment in both the labor movement and the "Scoop Jackson wing" of the Democratic Party.

In George Meany and Lane Kirkland of the AFL-CIO the Yipsels found heroes. In national union offices some of them found jobs, as Tom did at the AFL-CIO. By the early 1980s, when the Solidarity labor union challenged Polish communism, Yipsels were already in place in Washington as labor's foreign policy shock troops.

Tom Kahn saw the future early. He wrote in 1981 that the events in Poland should be seen as part of a process that could "dismantle" communism. Later, he headed the AFL-CIO International Affairs department.

The AFL-CIO did the most to keep Solidarity alive (with help from the Pope and Ronald Reagan). Ultimately, Solidarity broke the legs of communism, and the great ugly beast fell, just as Tom said it would.

Tom was in character as one of Scoop's Troops in the fight for human rights and the promotion of democracy. He had cut his

teeth in the civil-rights movement, and in 1963, as Bayard Rustin's assistant, he drew up the conceptual plan for the March on Washington.

The Labor/Jackson combine started "the democracy movement." It was boosted by Jimmy Carter's human-rights push and sent into orbit by a profound irony: Many conservative Republicans made common cause with some union Democrats, who were their arch-adversaries on domestic matters.

That marriage was made in part by "neo-conservatism," which had some roots in Yipsel-think, and came to influence Reagan's foreign policy, which, not-so-strangely, often sounded Kahnish: anti-communist, pro-democracy, hard-line.

Tom died too young, of AIDS. In the modern war of ideas he was a player, a founder—and a winner. That is some solace for his many admirers in the democracy movement who will continue the work in a quite new era that his consequential ideas helped create.

SHARON PERCY ROCKEFELLER: PUBLIC TELEVISION'S CHAMPION

Mr. HOLLINGS. Mr. President, I passed up my usual cup of coffee this morning. Who needs caffeine when you can substitute a feisty op-ed piece by Sharon Percy Rockefeller in the morning Post?

In her column, "Big Bird: Someone Didn't Do His Homework," Mrs. Rockefeller very eloquently sends George Will to the principal's office for his schoolyard bullying of public television. In an earlier column, Will had beat up on Big Bird and other PBS heroes as elitist indulgences, undeserving of public subsidy. Of course, this is nonsense, and this morning's column does a fine job of setting the record straight.

The fact is that Members of Congress are as hooked on WETA and MacNeill-Lehrer as our kids and grandkids are hooked on "Sesame Street" and "Reading Rainbow." And when you think that only 6.2 percent of WETA's \$43 million budget comes from the Federal Treasury, I just cannot imagine a better value for the dollar in Government today.

I give a lot of the credit for this success to Sharon Percy Rockefeller, the president of WETA Television and Radio since 1989, and a leader of public television dating back to 1977—both back home in West Virginia and here in Washington as a member of the Corporation for Public Broadcasting's board of directors.

Mr. President, Members of this body know and admire Sharon Percy Rockefeller. One Senator was lucky enough to marry her. We respect her enormous talents and energy in so many endeavors—first and foremost as a dedicated mother of four children. As president of WETA, she works to enrich our lives in a very direct way and on a daily basis. She has earned not just our admiration, but our gratitude.

Mr. President, I ask unanimous consent that Mrs. Rockefeller's column

from this morning's Post be printed in the RECORD at this point.

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

BIG BIRD: SOMEONE DIDN'T DO HIS HOMEWORK

(By Sharon Percy Rockefeller)

George Will's column "Who Would Kill Big Bird?" [op-ed, April 19] portrays public television as an example of the "welfare state gone awry"—a vehicle for entertaining the rich and powerful at the expense of the ordinary taxpayer. While it is refreshing to see Mr. Will in his guise of a populist, he has neglected to do his homework. His statements about public television are often distorted, often just plain wrong. Some examples:

Citing "The Civil War" to point out the "ample cable, broadcast and home video markets . . ." available to public television is like using Thomas Alva Edison as an example of why all inventors should make money. It is also 20/20 hindsight. Where were all those potential investors when a young, unknown filmmaker came to public television and proposed 11 hours of photographs buttressed by music and voice? They were salivating over "Roseanne." WETA—and public television—believed in "The Civil War" and Ken Burns, and supported him from the moment he began his research. Furthermore, we supported him not because his program looked good on a financial forecast but because we felt that what he had to say was important. Our yardstick was good programming, not profit.

A more apt question for Mr. Will to consider: Would private investors fund the hundreds of hours of extraordinary television on PBS that are not potential blockbusters but nonetheless inform, enrich, educate and delight viewers? Of course not.

Is WETA's audience "an advertiser's dream"? Perhaps, if we sold advertising; but we don't. We tried once: In the early 1980s, public television conducted an FCC and congressionally authorized 10-market advertising experiment. It confirmed that our programming could not generate enough advertising revenue to support the system, and concluded that continued government funding was essential.

The fact is that public television remains the only place a viewer can watch operas, ballets symphonies or public affairs documentaries the way they were designed to be watched—without commercial interruption. Public television stations need public support precisely because their value lies in producing and broadcasting high-risk programs of quality that do not necessarily make money. Just ask the networks.

Mr. Will believes that because of cable television, the audiences once served by public television will be served by the expanding marketplace. He is wrong. More outlets do not necessarily mean more choices; an increase in quantity does not automatically result in more diversity or higher quality.

Radio offers an example. Dozens of stations dot the dial; yet they compete for audiences with a few formats: talk, news, rock and roll, country, some classical. There is nothing like National Public Radio's "All Things Considered" or "Morning Edition" anywhere in commercial radio. Why does Mr. Will assume that the television environment without PBS would be any different? Perhaps he should examine the British system, where recent efforts to force broadcasters to rely on advertising for funding threaten to push documentaries and cultural programming right off the air.

Mr. Will selectively quotes statistics to imply that public television is an elitist activity. In fact, the demographics of public television closely mirror the demographics of the American population. A third of public television households have annual incomes of less than \$20,000, and 60 percent earn less than \$40,000. Recent surveys of the "Sesame Street" audience show that the program reaches nearly a quarter of all U.S. households with incomes under \$10,000 over half of the Hispanic households that have children, and over 40 percent of African-American households with children. "Sesame Street" is also shown in thousands of day care centers. This is elitist?

Mr. Will's statistics are distorted partly because he fails to distinguish between viewers and members—between those who watch and those who contribute to public television. His failure is disingenuous: It stands to reason that members are most likely to be drawn from the more affluent viewers. Like all other institutions that rely on contributions, public television has a membership that is more skewed to the higher income groups than its viewership.

But the most troubling part of Mr. Will's column is his extraordinarily crabbed view of the role of our government. He concludes that government should consign public broadcasting—and by extension other cultural institutions—to the forces of the marketplace.

Yet, as he has often reminded us, our government was formed to promote not just life and liberty but also "the pursuit of happiness." In this effort it assists all sorts of institutions: public schools, universities, libraries, hospitals, museums, symphonies and national parks. Historically the province of the elite, these institutions have now become available to everyone. We spend a tiny portion of the federal budget on them; in fact, only 6.2 percent of WETA's \$43 million budget comes directly from the federal government via the Corporation for Public Broadcasting.

The idea behind this support is always the same—that promoting access to education, the arts and the outdoors enriches the whole society. Far from being elitist, it is one of the great unifying themes of our country. By giving everyone access to Beethoven and Dickens, Alvin Ailey and Leonard Bernstein—and, yes, to Ken Burns and Big Bird too—we improve ourselves.

Is Mr. Will against all such support—or just that for public television? Does he deny that government has a role in perpetuating the cultural vitality of society? If so, he should come out and say it. If so we differ.

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

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If the Senator will suspend, the Chair informs the Senate that morning business is now closed.

WHITE HOUSE COMMEMORATIVE COIN ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the conference report on H.R. 3337, with the time from 10:30 a.m. to 12:30 p.m. equally divided and controlled under the previous order. The clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) to require the Secretary of the Treasury to mint a coin in commemoration of the Two-Hundredth Anniversary of the White House, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of April 7, 1992.)

Mr. RIEGLE. Mr. President, I thank the Presiding Officer, the Senator from Nevada. The legislation we are now considering is the second conference report to H.R. 3337, the White House Commemorative Coins Act. This legislation contains not only the 1992 White House commemorative coins, but other coins including the 1992 Christopher Columbus Commemorative Coins Act, the 1992 Persian Gulf Veterans Silver Medal Act, the 1993 James Madison Commemorative Coins Act, and the 1994 World Games Commemorative Coins Act.

Each of these provisions, which I will describe a little bit later, enjoys wide bipartisan support in both the Senate and the House. All of these bills have been introduced separately. However, because of time considerations they were packaged together into H.R. 3337.

It is important that this conference report be passed now in order to give the Mint sufficient time to begin to design and otherwise begin the production processes for the two 1992 commemorative coin programs, which of course come first, and where time is truly of the essence.

Surcharges from the sales of the White House commemorative coins would go to the White House Preservation Fund, and that is used for the upkeep of the public rooms in the White House that millions of visitors to Washington see each year. In fact, people going through the White House and visiting the public rooms is one of the main things that tourists do here in Washington.

This is a modest program in this area and one which the Mint has indicated that it can execute and that they have sufficient time to do so. But time in that area is, as I say, running out. The 1992 Christopher Columbus Commemorative Coins Act would set up a foundation and establish a scholarship program to encourage and support research and study designed to produce new discoveries in all fields of endeavor, for the general benefit of mankind.

The third coin, the 1992 Persian Gulf Silver Medal Act, would authorize the Secretary of the Treasury to present a unique silver medal to all of the brave men and women who served in the Persian Gulf conflict. Then, bronze duplicates would also be authorized for sale to the general public. We all know it has been over a year since the Persian Gulf conflict ended and I believe it is appropriate for us to take this step, to honor the service of those military and civilian personnel who performed so well for our country.

The surcharges for the 1993 James Madison commemorative coin program will ensure that the foundation can provide at least 1 and possibly 2 scholarship programs for eligible teachers in each and every one of the 50 States, so they in turn are better equipped to be able to teach their students about our U.S. Constitution.

And, finally, the 1994 World Cup Commemorative Coins Act will celebrate the first time that the United States has ever hosted the World Soccer Games. The House overwhelmingly passed it in August 1991. This soccer competition, the World Soccer Games, means millions of dollars in tourist business, not only to the host cities in the United States but to a large segment of our retailers and manufacturers and others, who would be involved in carrying this out here in the United States.

There are a variety of host cities. They include: Washington, DC; East Rutherford, NJ; Orlando, FL; Foxborough, MA; Chicago, IL; Pontiac, MI; Pasadena and Palo Alto, CA; and finally, Dallas, TX. So this will have a very material economic impact in our country, radiating out from those cities, and obviously will be generally helpful to the national economy.

I should add that these soccer games are the most watched sporting event in the entire world, with an audience surpassing those who watch the Super Bowl, which of course is also a very popular sporting event. It would be a shame for the United States not to be able to celebrate such an event with commemorative coins. And of course the surcharges raised from U.S. and international sales would fund putting the games in the sponsoring cities and provide scholarships to amateur athletes.

All of these commemorative coin programs that I have just outlined, all five, are to be implemented at no net cost to the Government. These are self-financing initiatives, the way they are set up.

The sticking point on the House side during both conferences has been the inclusion on the Senate side of the Coin Redesign Act. That is a proposal to take and undertake a redesign of some of the basic coins that are generally in circulation in our country.

I certainly know, and it is well known by my colleagues, that Senator

CRANSTON has worked tirelessly to persuade House Members of the merits of coin redesign. I have voted for this legislation twice now in the past.

Senator CRANSTON has made many compromises to this legislation to assure everyone that some of the mistaken notions that were circulating were answered directly. For example, there is an assurance that the eagle will not be taken off any coins, nor will the phrase "In God We Trust." There were rumors circulating to that effect in the past. He has addressed those issues.

I commend his efforts to work with Members of both the House and the Senate to accommodate concerns, those and others that have been expressed, with regard to coin redesign. However, despite the fact that some of us are supportive of that effort, the House has twice acted to reject the coin redesign portion of this legislation.

It is my view, without in any way prejudicing Senator CRANSTON's strongly held position, that we do now need at this time to proceed with these other commemorative coins. I say that because time truly is of the essence. I do not think we can allow these other coin programs to suffer.

The Acting Director of the Mint has written to Senators MITCHELL and DOLE just this past April 8 urging expeditious passage of the conference report to H.R. 3337 because of two particularly time-sensitive commemorative coin programs in the bill. These are the 1992 White House Commemorative Coins Act and the 1992 Christopher Columbus Commemorative Coins Act. Lead time is required by the mint to select designs, produce dies, conduct trial strikes—as they are called in the early stage of the minting process—before these programs can be implemented.

According to Mr. Essner, "If enactment is not forthcoming very soon, the mint will be severely limited in its ability to fully produce and market these coins."

Another provision in this bill, the 1994 World Cup Games commemorative coins, will suffer if not enacted very soon. It is hoped that the sales of the World Cup coins could be advertised when ticket sales for the soccer games actually begin this July.

Again, sufficient lead time is required to design the coins in order for solicitations to be included in ticket sales.

Surcharges from the James Madison commemorative coin sales would enable the James Madison Fellowship Program to fund scholarships for at least one eligible person in each and every one of the 50 States. However, because of the coin's limited selling period, even this program could be in jeopardy if we do not act now.

Therefore, I do urge my colleagues to pass the conference report on H.R. 3337 before us.

I ask unanimous consent to print in the RECORD the letter from Mr. Essner that I have just cited.

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

DEPARTMENT OF THE TREASURY,
U.S. MINT,
Washington, DC, April 8, 1992.

HON. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: This is to request your assistance in obtaining expeditious passage of H.R. 3337, the "1992 White House Commemorative Coin Act." There are two time-sensitive commemorative coin provisions in the bill (1992 programs) that require your immediate attention. It is our understanding that there is broad support for this measure in both Houses.

The White House Commemorative Coin provision and the Columbus Commemorative Coin provision both provide for 1992 programs. Therefore, lead-time is required by the Mint to select designs, produce dies, conduct trial strikes, procure presentation boxes, etc. If enactment is not forthcoming very soon, the Mint will be severely limited in its ability to fully produce and market these coins. These programs are self-sufficient and the bills provide that the programs will result in no net costs to the Government.

Furthermore, by not passing H.R. 3337, recipient organizations will be denied the potential to receive significant revenues in surcharges.

Sincerely,

EUGENE H. ESSNER,
Acting Director of the Mint.

Mr. RIEGLE. Mr. President, second, I want to read into the RECORD a second letter sent to GEORGE MITCHELL as majority leader dated April 15 of this year on this subject. This letter, I might say, is signed by the majority leader of the House, RICHARD GEPHARDT, by the majority whip, DAVID BONIER, and by the chairman of the subcommittee of jurisdiction in the House, ESTEBAN TORRES. The letter reads as follows:

On April 8, 1992, the House agreed to the conference report to accompany H.R. 3337, the Omnibus Commemorative Act of 1992 by a vote of 414-0. As you are aware, this vote on the conference report came after an intense struggle and two votes in the House in which an amendment to redesign the "tail" of our circulating coinage was rejected.

While the first vote may have been influenced by rumor and innuendo, the inaccuracy that characterized the debate was largely absent prior to the second vote. Moreover, the second vote was a rejection of a compromise redesign proposal that had been sharply limited. The second vote on this compromise clearly demonstrated the unwillingness of the House to approve coin redesign in any form.

We worked hard, as did the sponsor of the amendment, Senator Cranston, to get the House to accept the provision. In fact, all the outside interest groups whose bills were part of this package also worked hard to convince House members to support the redesign provision. Unfortunately, a majority of the House, on two occasions, rejected our views

and the House and Senate conferees agreed to drop the redesign provision in order to expedite passage of the remainder of the package which is time sensitive.

Two of the programs included in H.R. 3337, The Christopher Columbus Quincentenary and the White House Commemorative Coin Act, are 1992 programs. The U.S. Mint has indicated that "If enactment is not forthcoming very soon, the Mint will be severely limited in its ability to fully produce and market these coins."

It is our judgment that despite our best efforts, a majority of the House will not support the redesign provision as part of this package. We believe that any efforts to reopen the conference will only serve to further delay passage of the time sensitive bills in the package and will effectively kill the legislation for this year.

Again, signed sincerely, GEPHARDT, BONIOR, and TORRES, the three leaders in the House just cited.

Mr. President, let me say that I know there will be Members coming over to speak. I have indications that Senator GRAHAM of Florida, Senator BOND, Senator HATCH, the Presiding Officer himself—Senator BRYAN—and possibly others are intending to make comments in the course of the time that is set aside this morning for debate on this conference report. I know, of course, Senator CRANSTON, who is on the floor, will want to address this issue. In view of that, Mr. President, I have finished my opening comments. I am prepared to either yield time to Senator CRANSTON, should he wish to speak now, or I will otherwise put in a quorum call and await speakers.

Mr. CRANSTON addressed the Chair. The PRESIDING OFFICER. The Senator from California [Mr. CRANSTON] is recognized. As the Chair understands the previous order, the Senator from California controls time in his own right. Is the Chair correctly informed?

Mr. CRANSTON. I thank the Presiding Officer. Mr. President, I have quite a few remarks to make on the matter now before us. Before doing so I would like to suggest the absence of a quorum so I can speak briefly to a Senator who just came on the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CRANSTON. I will delay the remarks I was about to make and some questions that I intended first to pose to the chairman of our committee, Senator RIEGLE, in order to permit Senator ROTH to speak on another matter at this time.

The PRESIDING OFFICER. If the Chair is correctly informed, is there a unanimous-consent agreement to set aside the matter that is presently before us, or is this to be charged to the distinguished Senator from California?

Mr. CRANSTON. That is fine. I accept that.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair. I express my appreciation to the distinguished Senator from California for his assistance.

NATIONAL BOXING CORPORATION

Mr. ROTH. Mr. President, on February 8, 1992, David Tiberi fought James Toney for the International Boxing Federation middleweight title in Atlantic City. I, along with thousands of others, watched that fight on national television.

Tiberi was not expected to win against Toney, who was the reigning middleweight champion. Tiberi was a true underdog. But someone forgot to tell Dave Tiberi that he could not beat the reigning champion. Those who watched the fight saw an incredible performance by the underdog Tiberi. It was hard not to get caught up in the excitement as Tiberi, a native of Delaware, fought the fight of his life.

What happened next was shocking to say the least. In a split decision, Tiberi was judged to have lost the fight. I was outraged by this very questionable decision. I was not alone in my outrage. The ABC announcer pronounced the outcome, and I am quoting, "the most disgusting decision I've ever seen." Donald Trump, whose casino had sponsored the match, called the decision one of the worst he had ever seen.

My office received calls and letters from across the country expressing outrage.

After some initial inquiries, I found that despite the wide-ranging calls for an investigation, neither the New Jersey State Athletic Control Board nor the International Boxing Federation had chosen to investigate the match.

Shortly after the fight, I met with Dave Tiberi and his manager. After hearing Dave Tiberi tell his story, I decided that the February 8 fight had to be looked into. I directed my staff to fully investigate the matter.

What my staff found is contained in a report, and I ask unanimous consent that a copy of this report be placed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. ROTH. Mr. President, this report documents how Dave Tiberi was a victim of a system where the regulated have been allowed to rule the regulators. This report also shows that, although the State of New Jersey appears to have a superficially adequate boxing regulatory structure, those regulations were not enforced in the Toney-Tiberi match.

For example, in apparent contravention of the New Jersey boxing rules, the judges who officiated at the Toney-

Tiberi match were selected not by the body that regulates boxing in New Jersey, but by the IBF, a supposedly regulated organization. In fact, two of the judges officiated without a license to do so in New Jersey.

Moreover, one of the unlicensed judges scored two rounds for the champion, even though he believed the rounds were even, because of an IBF policy discouraging the scoring of even rounds and dictating that close rounds should be scored for the champion. This IBF policy is, however, contrary to the New Jersey boxing rules requiring that even rounds be scored evenly.

The referee who officiated at the match lacked experience and had been poorly evaluated in a previous fight. His penalizing of Tiberi for alleged low blows, and his failure to direct Toney to a neutral corner while Tiberi's gloves were being replaced—thereby giving Toney a 5-minute rest—were questionable exercises of a referee's discretion.

All of these facts, as well as a documented history of corruption in boxing in New Jersey, make it difficult to have faith in the fairness of the outcome of the Toney-Tiberi match.

As a U.S. Senator, I do not have the power to give Dave Tiberi the title that I believe he deserves. What I can and will do is send this report to the International Boxing Federation and the New Jersey Athletic Control Board, the two bodies who, in my opinion, should have done something about this matter a long time ago.

What I can also do is try to make sure such a travesty will not happen again.

Unfortunately the Toney-Tiberi fight is by no means an aberration of the world of professional boxing, a world where the real power often lies with private sanctioning bodies and promoters who operate on national and sometimes international levels. These promoters and sanctioning bodies take full advantage of a system where if the one state regulates too well, the promoters and sanctioning bodies will simply take their boxing matches, with their substantial revenues, to other jurisdictions that regulate less well.

Moreover, there have been repeated allegations of corruption and organized crime influence in professional boxing over the years. As the staff report indicates, allegations of such influences still exist.

I have become convinced that the only way to do anything about this situation is to establish a national body that will set and enforce rules and regulations for professional boxing. Such a body will insure fairness in professional boxing and protect the health and safety of boxers.

I, therefore, plan to introduce legislation to establish a nonprofit corporation to be known as the National Boxing Corporation that will be totally

self-funding, thereby costing the taxpayer nothing.

My proposed National Boxing Corporation will not attempt to micro-manage the sport of professional boxing. Nor will the National Boxing Corporation take the place of the currently existing state boxing commissions. But the National Boxing Corporation will establish a national data base to assist the State commissions. It will establish national rules and guidelines for professional boxing in this country to protect the health, safety, and welfare of the boxers and to guard against corruption and unfairness.

It is past time to eliminate corruption and unfairness in professional boxing. It is past time to effectively protect the health and welfare of professional boxers. It is past time to restore the public's confidence in boxing. It is time for a National Boxing Corporation. I hope my colleagues will join me in supporting this legislation.

Mr. President, I yield the floor.

EXHIBIT 1

REPORT OF RESULTS OF INVESTIGATION— TIBERI V. TONEY

INTRODUCTION

On February 8, 1992, at the Taj Mahal's Mark G. Etess Arena in Atlantic City, New Jersey, David Tiberi of Delaware fought James Toney of Michigan for the International Boxing Federation (IBF) middleweight title. Tiberi, who at the time was the number 10 ranked IBF middleweight, was not favored to win against the reigning champion, Toney.

The match lasted the scheduled 12 rounds with neither fighter scoring a knockout. Toney was judged to be the winner by split decision. There was a wide discrepancy in the scores of the judges, with judge Frank Brunette of New Jersey scoring the match 117-111 for Tiberi, judge Bill Lerch of Illinois scoring the match 116-111 for Toney and judge Frank Garza of Michigan scoring the match 115-112 for Toney.

The outcome produced widespread protest. The ABC announcer and boxing analyst, Alex Wallau, pronounced the outcome, "the most disgusting decision I've ever seen." The owner of the Taj Mahal, Donald Trump, was quoted by several newspapers as stating that the Toney-Tiberi decision was one of the worst he had ever seen.

Despite wide-ranging calls for an investigation, neither the New Jersey State Athletic Control Board (SACB) nor the IBF chose to investigate the match.

Citing his concern about the fairness and legitimacy of the Toney-Tiberi match, as well as concern about the integrity of boxing in general, Senator William V. Roth, Jr. directed his staff to look into the Toney-Tiberi title fight. Noting that the United States Congress has no authority to overturn or alter professional boxing decisions, Senator Roth nevertheless felt that the Toney-Tiberi fight, as well as general allegations of corruption in boxing, were a legitimate concern of Congress.

SUMMARY OF CONCLUSIONS

Dave Tiberi was, in several ways, a victim of a system where the regulated have been allowed to rule the regulators.

Although the State of New Jersey has what appears on paper to be an adequate boxing

regulatory structure, those regulations were not enforced in the Toney-Tiberi match.

In apparent contravention of New Jersey boxing regulations, the judges who officiated at the Toney-Tiberi fight were selected by the IBF. Two of the three judges officiated without a license to judge, or in anyway participate in, professional boxing in New Jersey. These two out-of-state judges were not knowledgeable about New Jersey boxing rules and, in fact, were under the impression that only the IBF rules were in effect during the Toney-Tiberi fight. Moreover, one of the unlicensed judges advised that two of the rounds which he in fact judged to be even rounds, he actually scored for Toney because of his understanding that the IBF rules do not permit the scoring of even rounds and that, in championship fights, it is IBF policy that even rounds are to be scored in favor of the champion.

The referee who officiated at the Toney-Tiberi fight lacked any experience in refereeing world championship fights. He was selected as a referee despite having been poorly evaluated for his performance in a previous fight. His penalizing of Tiberi for alleged low blows, and his failure to direct Toney to a neutral corner while Tiberi's gloves were being replaced were questionable exercises of a referee's discretion.

The lax enforcement of licensing requirements by New Jersey boxing authorities and their deference to private sanctioning bodies, and the failure of either New Jersey boxing authorities or IBF authorities to investigate the Toney-Tiberi match, combined with a documented history of corruption in boxing in New Jersey, make it difficult to have faith in the fairness of the outcome of the Toney-Tiberi match. In professional boxing today, the real power too often lies not with the state regulators, but with the sanctioning bodies and promoters who operate on a national and sometimes international level. If the regulators regulate too well, the sanctioning bodies and promoters can take boxing matches, with their substantial revenues, to other jurisdictions that regulate less well.

Background

In late fall of 1991, representatives of ABC Sports and Top Rank, Inc., a company that promotes professional boxing, began discussing the possibility of a televised professional boxing match. ABC's primary requirement was that the match be a title fight. Boxing promoter Bob Arum, president of Top Rank Inc., suggested that an IBF middleweight title defense by the reigning champion James Toney would be appropriate.¹

Top Rank's east coast matchmaker, Ron Katz, advised that he selected Dave Tiberi as a suitable challenger for James Toney, due to Tiberi's boxing style and career history. (As the name implies, the job of boxing matchmaker is to determine suitable boxing components.) Katz asserts that the IBF was not involved in his initial selection of a challenger for the IBF title fight.

In early December, Katz approached Toney's manager, Jackie Kallen, with the suggestion that Tiberi challenge Toney for the IBF middleweight title in Atlantic City in February. Kallen agreed to the fight. Katz then approached Tiberi's manager, Mark Kondrath, who also agreed to the proposed fight. The boxers and their managers signed bout agreements with Top Rank, obligating

them to fight one another on February 8, 1992.²

The agreement stated that Tiberi would be paid \$22,500 plus \$3,500 training expenses. The agreement also obligated Tiberi to grant the promotion rights for four championship defenses, if he were to obtain the title, to Top Rank. Toney agreed to compensation of \$90,000 plus \$10,000 in training expenses.³

The promoter, Top Rank, was responsible for raising the money to finance the match and for selling the match to the public through ticket and media related sales. Much of the local promotion for the match was handled by Atlantic City boxing promoter Frank Gelb of Frank Gelb Productions.

Scope of investigation

Persons Interviewed

In the course of its investigation, the staff sought to interview all relevant individuals and to review all relevant documents and materials.

Staff along with Senator Roth, interviewed Dave Tiberi and his manager Mark Kondrath. Staff also interviewed James Toney's manager Jackie Kallen.

Staff also met with officials from the New Jersey State Athletic Control Board (SACB), including Commissioner Larry Hazzard, Sr., and Gary Shaw, an SABC board member. Hazzard and Shaw were both present at the Toney-Tiberi fight. Hazzard, in addition to observing the match, was present in his official capacity. Staff also conducted a separate interview of the SACB Chairman, Charles Gromly, who was also present at the Toney-Tiberi match.

Representatives of the IBF were interviewed at IBF headquarters in East Orange, New Jersey, including Robert W. Lee, the founder and current president of the IBF, and his executive assistant Marian Muhammad. Ms. Muhammad served as the IBF supervisor at the Toney-Tiberi match. Lee was also present at the match.

Staff also interviewed at length all three of the judges of the match, including Frank Brunette of New Jersey, Frank Garza of Michigan and Bill Lerch of Illinois. Robert Palmer, the New Jersey referee who referred the match, was also interviewed.

Staff also attempted to contact each of the 12 SACB inspectors assigned to the fight on

² At the time of the December negotiations, Tiberi was the middleweight champion of the Florida-based International Boxing Council (IBC). In order to challenge Toney for the IBF middleweight title, Tiberi had to be ranked by the IBF. Although previously ranked number 10 by the IBF, Tiberi had lost his ranking after being ranked number one by the IBC. The IBF policy is to refuse to rank a boxer ranked by the IBC. In order to be ranked by the IBF, and to be eligible to challenge Toney for the IBF middleweight title, the IBF requested that Tiberi relinquish his IBC title. Tiberi relinquished his IBC title in December 1991 and communicated that fact to the IBF. The IBF then reevaluated Tiberi's record and returned him to his previous IBF ranking of number 10. The IBC is one of several small, lesser-known sanctioning bodies. The most well-known sanctioning bodies are the World Boxing Council (WBC), headquartered in Mexico, the International Boxing Federation (IBF), headquartered in New Jersey, and the World Boxing Association (WBA) headquartered in Venezuela.

³ A footnote to the bout agreement stated that Toney and Top Rank had previously executed a title defense agreement and that that agreement remained in full force and effect. The footnote went on to state that the Toney-Tiberi match shall not constitute a title defense as referred to in the previous agreement. The footnote concluded by stating that Top Rank shall have the rights in two remaining title defenses, the first having been utilized in connection with Toney's 12/13/91 bout against Mike McCallum.

February 8th. The chief inspector was Sylvester Cuyler. Inspector Robert Levy was assigned to the Toney corner and Inspectors Robert Kimbrough and Fred Johnson were assigned to the Tiberi corner.⁴ All of the inspectors were assigned by the SACB and are from New Jersey.

Staff spoke with the promoter Bob Arum who is president of Top Rank, Inc. Staff also spoke with Ron Katz, the Top Rank matchmaker responsible for selecting Tiberi as a challenger for Toney and Frank Gelb, the local promoter of the Toney-Tiberi fight. Finally, staff also interviewed a variety of other individuals knowledgeable about boxing in general.

Documents and Materials Reviewed

Staff requested and reviewed all relevant documents and materials relating to the match. No parties refused to provide any requested documents. These documents included copies of the original score cards, the agreements between the boxers and the promoter (bout agreements), the rules and regulations of the IBF and SACB as well as correspondence from the IBF to its judges regarding scoring. We were, however, unable to locate the first set of boxing gloves worn by Dave Tiberi that were replaced in the 6th round after tearing.

SELECTION AND PERFORMANCE OF THE FIGHT OFFICIALS

New Jersey boxing regulations prohibit any one from participating in boxing bouts in the state without first having obtained a license from the State Athletic Commissioner.⁵ The regulations further provide that boxing judges "shall be selected, licensed and assigned by the Commissioner".⁶

In apparent contravention of New Jersey regulations, the three judges who officiated at the Toney-Tiberi fight were selected by the IBF and two of the three judges officiated without a license to judge, or in any way participate, in professional boxing in New Jersey. These two out-of-state judges were unfamiliar with New Jersey boxing rules and, in fact, were under the impression that only the IBF rules were in effect during the Toney-Tiberi fight. Moreover, one of the unlicensed judges advised that two of the rounds which he believed to be even rounds, he actually scored for Toney because of his understanding that IBF policy does not permit the scoring of even rounds and that, in championship fights, it is IBF policy that even rounds are to be scored in favor of the champion. This is in contrast to the New Jersey judge who judged, and scored, one even round.

The referee who officiated at the Toney-Tiberi fight lacked any experience in refereeing world championship fights. He was selected as a referee despite having been poorly evaluated for his performance in a previous fight. His penalizing of Tiberi for alleged low blows, and his failure to direct Toney to a neutral corner while Tiberi's gloves were being replaced are questionable exercises of a referee's discretion.

In New Jersey, professional boxing matches are scored by three judges. Under New Jersey rules, the referee is deemed the "chief ring official." The referee does not score the fight, but can penalize a fighter by imposing scoring penalties, and has the authority to stop a fight. Each boxing match is

⁴ Although the SACB typically assigns two inspectors per boxer, the SACB has no records, and no one at the SACB has any memory of whether or not if a second inspector was assigned to Toney.

⁵ S. 13.45-8(a), New Jersey Administrative Code.

⁶ S. 13.46-41, New Jersey Administrative Code.

¹ Through a previously signed "bout agreement" James Toney was contractually obligated to fight a number of Top Rank promoted fights.

also supervised by a number of boxing inspectors. At least four inspectors are assigned to a given fight with two inspectors assigned to each fighter. The inspectors are present in the locker room before the fight and in the boxer's corner during the bout. Inspectors are also present at the pre-fight weigh-in as well as when the gloves are selected. The inspectors watch for rule violations and equipment failures such as torn gloves.

New Jersey rules do not delineate any criteria for how officials should be chosen for an individual boxing match, but does provide that they must be selected, licensed and assigned by the Commissioner.

Selection process

Although New Jersey rules require that the Commissioner of the SACB select the officials for a boxing match, in the case of title fights involving a sanctioning body such as the IBF, the New Jersey SACB Commissioner has generally deferred to the sanctioning body in the selection of fight officials. Commissioner Hazzard indicated in an interview that sanctioning bodies are permitted to select two of the three judges but that the remaining officials are selected by the SACB. However, IBF Commissioner Bob Lee said it is extremely rare for the New Jersey SACB to override IBF selection of fight officials.

For the Toney-Tiberi match, IBF president Bob Lee selected Frank Brunette, Bill Lerch and Frank Garza as the judges and Randy Newman as referee. While accepting the judges, Commissioner Hazzard did not accept Randy Newman but instead chose Robert Palmer as the referee. Hazzard offered no reason for selecting Robert Palmer other than the fact that Hazzard felt it was time to give Palmer a chance.

IBF President Lee stated that he selected Lerch and Garza for no particular reason except that, according to Lee, they were well respected judges and that it was their turn to judge a title fight. Lee flatly denied that Lerch and Garza were selected because they are from the Midwest, as is Toney. Lee said that it is a coincidence that these two judges were from the same region of the country, and one from the same state, as the reigning champion.⁷

Commissioner Hazzard and Bob Lee both deny that anyone representing Toney or Top Rank had any input in the selection of the officials. Toney's manager, Jackie Kallen, and representatives of Top Rank also denied any input in the selection of officials. Both Lee and Hazzard told staff that it would be wrong for a boxer or his representatives to have any input in the selection of officials. Both Lee and Hazzard did acknowledge, however, that a boxer or his representatives do occasionally object to a particular official. No one reported having made or received any such objection regarding officials involved in the Toney-Tiberi match.

Lerch and Garza each told staff that they are not licensed, and have never been licensed, to judge boxing in New Jersey. Garza stated that the Toney-Tiberi match was the first and only match he has judged in New Jersey. At the rules meeting prior to the match, he asked the IBF supervisor, Marian Muhammad, whether he needed to obtain a

New Jersey license to judge the Toney-Tiberi match. Garza has been required to be licensed, or at least present his Michigan license, in other states in which he has officiated except in Colorado which does not have a state boxing commission. According to Garza, Muhammad replied that she did not think Garza needed a New Jersey license but that she would check. Garza was never asked to present his Michigan license. Although Garza had never judged Tiberi, he had judged Toney on several previous occasions.

The Toney-Tiberi match was the first match that Lerch had judged in New Jersey. Lerch stated that he did not ask anyone if he needed a New Jersey license and no one said anything to him about the matter. This was the first time that Lerch had judged either Toney or Tiberi.

The staff requested from the SACB a copy of the license for each individual involved in the Toney-Tiberi match. The SACB produced a current license for each relevant individual, except Garza and Lerch. Commissioner Hazzard subsequently asserted that Garza and Lerch did not have to be licensed in New Jersey since they were licensed in their home states and by the IBF. However, this assertion seems contrary to the requirements of New Jersey boxing regulations. In any event, there was no effort by the SACB to confirm that these officials were indeed licensed in their home states. The SACB appears to have deferred totally to the IBF in evaluating the qualifications and competence of the out of state judges.

The referee

As previously mentioned, SACB Commissioner Hazzard selected Robert Palmer as the referee for the Toney-Tiberi match despite the fact that he had never before refereed a world championship fight.

While the New Jersey SACB does not systematically evaluate the boxing officials it licenses, the IBF does record the performance of its officials. After each IBF or USBA (the national affiliate of the IBF) sanctioned match, the IBF or USBA supervisor completes a "Referee and Judges Report."

A Referee and Judges Report regarding Robert Palmer, evaluating his performance at a December 12, 1991 match held in Atlantic City, New Jersey, noted that, "Palmer was put in at last minute and he did not perform on the level as our good officials do. It was a 'personal' thing with the commission and the referee that was originally assigned. I wouldn't suggest him for one of our upcoming bouts no time soon. Green." Commissioner Hazzard stated he was unaware of the IBF's unfavorable review of Palmer's past performance when he designated Palmer as referee for the Toney-Tiberi match.

Low blow penalty

At the end of the 6th round, Referee Robert Palmer penalized Tiberi one point for low blows. It has been alleged that the penalty was uncalled for in that Tiberi was not given an appropriate warning prior to being penalized, or, even if Tiberi was warned, that Palmer erred in deducting a point due to Palmer's inexperience about procedures in world title fights.

Several individuals present at the match have stated that Palmer did in fact warn Tiberi about low blows and a review of the tape recording of the match confirms that a warning apparently was given. In any event, neither the New Jersey boxing rules nor the rules of the IBF require a referee to warn a boxer prior to deducting points for low blows, as is the case in amateur boxing.

The decision as to whether or not to deduct points for a low blow is within the sound discretion of the referee. However, most witnesses interviewed indicated that while warnings for low blows are not unusual in title fights, actual deduction of points is unusual unless the low blows are more egregious than they appeared to be in the Toney-Tiberi match.

Neutral corner dispute

There have been allegations that the referee acted unfairly when he allowed Toney to sit in his corner and receive assistance and coaching, instead of standing in a neutral corner, while Tiberi's torn gloves were being replaced. Neither the New Jersey nor the IBF rules specifically address where a boxer should go when his opponent's gloves are being inspected or changed.

It does, however, appear to be a general practice in professional boxing that when the action is stopped, at a time other than the normal time between rounds, the boxer or boxers are directed by the referee to neutral corners. In fact, the practice of sending a boxer to a neutral corner when the action stops is mandated by the rules in certain situations. For example, under the New Jersey boxing rules, when a boxer has fallen out of the ring, the other boxer must at once be ordered by the referee to a neutral corner. (N.J.A.C. 13:46-8.20)

It is clear from the videotape of the match as well as from reports of witnesses that Toney was allowed to rest by sitting in his own corner and receiving assistance from his handlers during the entire break in the action of approximately 5 minutes while Tiberi's gloves were being changed. In contrast, Tiberi was standing for the vast majority of this time.

Commissioner Hazzard stated that although there is no written rule that boxers must go to neutral corners when a boxer's gloves are being changed, it is often the practice to do so. Bob Lee of the IBF stated that sending a boxer to a neutral corner during such a break in action was within the discretion of the referee. Palmer, the referee, stated that his understanding of the rules is that a boxer should be sent to a neutral corner only when his opponent is knocked down. Palmer stated he did not understand it to be the practice to send a boxer to a neutral corner when the other boxer's gloves are being inspected or changed. However, in the 12th round, during a momentary break in the action while Tiberi's glove was being inspected due to a loose piece of tape, a review of the videotape indicates that Palmer did direct Toney to a neutral corner. When interviewed, Palmer did not recall whether he directed Toney to a neutral corner in the 12th round, but stated that he may have done so due to the short length of that break.

It was clearly beneficial for Toney to be allowed to sit and rest in his corner and receive assistance and coaching while Tiberi was having his gloves inspected and changed. By the 5th round, Toney appeared to be slowing down and, in fact, all three judges scored the 5th round for Tiberi. After his five-minute rest, Toney fought with more energy and, according to all three judges, won the 6th round.

OTHER ISSUES

Scoring

Professional boxing in New Jersey is scored on what is known as a "10 point must system." Under the 10 point must system, as delineated in the New Jersey Administrative Code (N.J.A.C.13:46-8.19), the judges must award the winner of any given round 10

⁷At the press conference after the match, Lee was asked why the three judges were not from New Jersey. Lee, while not directly answering the question, stated, "You have a fighter from Delaware and you have a fighter from Michigan and we have judges from all over the U.S. . . ." Lee's press conference statement at least implies that geography was a factor considered in the selection of the judges.

points. The loser is awarded some score less than 10 points. If a boxer is slightly superior to his opponent in any given round, the winner must receive 10 points and the loser must receive 9 points. If a boxer wins a round decisively, he must receive 10 points and his opponent must receive 8. A boxer can be awarded as low as 7 points if he is knocked down during a round. When a boxer is penalized by the referee, a point is deducted from the penalized boxer's score. If neither boxer can be judged the winner of a round, 10 points must be scored for each boxer.

At the conclusion of each round, the judges submit their scorecards to the commissioner or his representative. Judges are not permitted to maintain a running tabulation of their score and scores are not announced after each round. At the conclusion of the bout, the points are tallied by the Commissioner or his representative. At the Toney-Tiberi bout, it appears that Lawrence Wallace, an assistant to Commissioner Hazzard, tallied the score cards as did Marian Muhammad, the IBF supervisor for the bout. Muhammad appears to have been the one to physically collect the score cards after each round.

The New Jersey boxing code does not address what specific factors a judge must consider when scoring. However, the *practice* in New Jersey, as well as boxing in general, is that four factors are considered in scoring a boxing match. These four factors are: clean punches, effective aggressiveness, defense and ring generalship. Although these factors are not listed in the New Jersey boxing rules, Commissioner Hazzard told staff that the four factors are taught to New Jersey licensed officials in SACB training sessions. In addition, the official New Jersey SACB scoring card, lists the four scoring factors.⁸

The IBF has its own separate guidelines for scoring by judges.⁹ It is important to note that, while there are many similarities, some differences do exist between the IBF guidelines and New Jersey state rules on scoring. For example, a single knockdown would likely result in a 10/7 score under New Jersey State rules while it would likely require multiple knock downs to result in a 10/7 score under IBF guidelines. More importantly, New Jersey rules require that "if neither boxer can be judged the winner of a round, 10 points must be scored for each boxer" (N.J.A.C. 12.46-8.19(b)(4)). In contrast, the IBF guidelines state that a judge "should very rarely have an even round, if ever. Challenger should be expected to take title from champion and not win by default."¹⁰ This standard was emphasized in an IBF press release dated October, 1991 which stated that the scoring of even rounds "irks" IBF president Bob Lee. The release quotes Lee as stating, "[w]e have endeavored to discourage the scoring of even rounds," and that "[t]his appears to be a cop-out by officials who are paid good money to perform their duties." According to Lee, when a round is extremely close the challenger must take the title from the champion—and scoring officials should bear that in mind when scoring IBF title fights.

In addition to being inconsistent with New Jersey regulations, which require that even rounds must be scored 10-10, the IBF anti-

athy to even rounds has been criticized by knowledgeable individuals in boxing as being very unfair to challengers.

One of the unlicensed out of state judges, Bill Lerch, told staff that he, in fact, judged two rounds of the fight to be even rounds, but scored these rounds for Toney because of his understanding that IBF rules did not permit the scoring of even rounds in championship fights. These rounds were the 2nd and 12th rounds, according to Lerch. The other out of state judge, Frank Garza, while not conceding that he mistakenly scored any rounds in the Toney-Tiberi match, did state that he had scored only one even round in all of his career as a professional boxing judge.¹¹ The New Jersey licensed judge, Frank Brunette, did judge and score one round (the 10th round) even. It appears that New Jersey licensed judge followed New Jersey rules on scoring of even rounds, while the unlicensed out of state judges followed IBF rules instead.

Torn gloves

During the 6th round of the match, referee Palmer stopped the fight for approximately five minutes so that Tiberi's gloves could be replaced. Palmer stated that one of the corner inspectors first noticed that one of Tiberi's gloves had torn and notified him of this fact. After inspecting the torn glove, Palmer stopped the action and ordered the glove replaced. While the glove was being replaced Palmer noticed that Tiberi's other glove had a similar torn seam. Palmer ordered that glove replaced also.

The two torn gloves raised suspicions for two reasons. First, everyone interviewed agrees that it is highly unusual for two gloves to tear at about the same time. Several experienced boxing officials stated that they had never seen two gloves, on the same boxer, tear during the same round. Second, due to Toney's apparent physical condition (he appeared to be tired and was treated for dehydration after the fight), it has been suggested that the gloves tore at a time in the fight particularly fortuitous for Toney, i.e., when he needed a rest.

Staff questioned those who were in any way involved with the gloves used in the Toney-Tiberi match. We found no witness with any evidence that the gloves had been tampered with. Staff was unable to locate and examine the actual gloves that were replaced so therefore cannot comment on the potentially useful physical evidence the actual gloves could have provided. Although the promoter was responsible for providing the gloves, no one assumed responsibility for doing anything with the gloves after the fight. In light of the controversy surrounding the match and the unusual nature of the two gloves tearing in the same round, it would have been prudent for the IBF or the SACB to have secured the damaged gloves.

There has been no investigation by the SACB, the IBF or Top Rank concerning the tearing of the gloves. At the post-match press conference, Bob Lee, president of the IBF, stated that Tiberi's gloves could have come from a "bad batch."

Tampering with boxing gloves for advantage of some type is not unheard of in boxing. Intentionally cutting gloves has allegedly been utilized in the past as a means to give a boxer a rest. Individuals knowledgeable about boxing, however, are of the opinion that it would be far more likely for a

boxer to have his own glove torn or cut in order to get a rest. It would be logistically very difficult to arrange for an opponent's gloves to tear or rip at an opportune moment.¹²

At a pre-fight meeting, Tiberi and Toney each selected their gloves from four sets supplied by the promoter. Toney, because he was the reigning champion, was given first choice. After the boxers chose their gloves, they marked their gloves for identification and left them in the care of the promoter, or his representatives. The boxers were given their previously selected gloves shortly before the match.

No evidence of foul play regarding the damaged gloves was discovered. As previously stated, no mechanism has been suggested which would have caused Tiberi's gloves to split at an opportune time for Toney.

FAILURE OF IBF OR NEW JERSEY SACB TO INVESTIGATE THE TONEY V. TIBERI FIGHT

The two entities in the best position to investigate the Toney-Tiberi bout where, without doubt, the IBF and the SACB. The IBF and the SACB received numerous complaints and requests for an investigation of the Toney-Tiberi bout, yet neither conducted an investigation. The IBF and the SACB take the position that the bout did not, and does not, warrant an investigation of any type.

IBF president Bob Lee, nevertheless, felt that the fight was controversial enough to contact Bill Brennen, the chairman of the IBF championship committee, shortly after the fight. The Championship Committee determined that a mandatory rematch between Toney and Tiberi should be ordered. The IBF officially announced that a mandatory rematch had been ordered through a later press release. The effect of a mandatory rematch was that Toney would not be allowed to defend his title until he fought Tiberi a second time.

In addition to not investigating the Toney-Tiberi fight, the IBF publicly denounced any suggestion of an investigation and publicly pressured Tiberi to accept a rematch with Toney that was being offered by promoter Bob Arum of Top Rank. Sy Roseman, public relations director for the IBF was quoted as stating that "[s]omebody is awfully stupid in the Tiberi camp to turn down \$125,000 . . ." in reference to Top Rank's offer to Tiberi for a rematch. (Wilmington News Journal, p. D-1, 2/13/92)

HISTORY OF BOXING CORRUPTION IN NEW JERSEY

A brief review of the history of past investigations of corrupt practices relating to boxing in New Jersey bears relevance to the current investigation. In February 1983, after reviewing a preliminary New Jersey State Police assessment of boxing in New Jersey, then Attorney General of New Jersey, Irwin I. Kimmelman, requested that the New Jer-

¹²The boxing gloves, as is the practice in professional boxing, were supplied by the promoter Top Rank. Top Rank supplied Mexican manufactured gloves with the brand name "Reyes." Although not as widely used as "Everlast" brand boxing gloves, Reyes brand gloves are sometimes used in professional boxing. At least one employee of Top Rank remembers that someone representing the Toney camp requested that Reyes gloves be supplied. Jackie Kallen, Toney's manager, stated that she could not recall if she requested a specific brand of glove for this match, but that she, and Toney, generally prefer Reyes gloves. Several of the inspectors at the fight stated that while Reyes gloves are of the same weight as Everlast gloves, Reyes gloves have a somewhat different weight distribution and have a reputation as "knock out" gloves which reputedly hard punches such as Toney favor.

⁸New Jersey SACB scoring cards were not used in the Toney-Tiberi match. Instead, IBF scoring cards were used. These cards do not list the four factors and have no designated space for written comments, as do the New Jersey SACB scoring cards.

⁹These guidelines are set out in "IBF/USBA Ring Officials Guide and Medical Seminar Outline."

¹⁰IBF/USBA Ring Officials Guide, page 7.

¹¹Garza told staff that "even" spelled backwards is "neve" and that is as close to "never" as possible without a flat rule that says there never will be an even round.

sey Commission of Investigation conduct an inquiry into the regulatory structure of professional boxing in New Jersey. At that time, boxing in New Jersey was experiencing rapid growth. The growth of boxing in New Jersey was due partly to the fact that Atlantic City gambling casinos were increasingly hosting boxing matches as a promotional device.

In an interim report released on March 1, 1984 (Interim Report), the Commission of Investigation concluded that the regulatory structure for boxing in New Jersey was inadequate. The Commission found that under the then existent regulatory structure, boxing contests could not be conducted in New Jersey without "breaking the law at worst or bending the rules at best . . ." (Interim Report at p. 1). The Commission found that the Office of State Athletic Commissioner (OSAC), the predecessor agency to the SACB, was either unwilling or unable to obey the law pertaining to professional boxing in New Jersey (Interim Report at p. 12). Many of the problems uncovered by the Commission on Investigation stemmed from the OSAC's extremely lax licensing practices (Interim Report at p. 1).

The Commission on Investigation's Interim Report recommended substantial changes to the regulatory structure of boxing in New Jersey. By January 7, 1985, a law was enacted to improve tax procedures and collections relating to boxing and, by March 15, 1985, a more comprehensive statute was enacted to impose more stringent regulatory controls on boxing in New Jersey. In the case of the Toney-Tiberi match, however, the regulatory controls were not always enforced by the SACB.

In 1985, the Commission of Investigation released its final report entitled "Organized Crime in Boxing." The Commissioner's final report details the substantial intrusion of organized crime members and associates into boxing in New Jersey. The Commission concluded that its report documented the presence of organized crime in boxing to an extent that warranted aggressive official reaction. For these and other reasons, the Commission recommended that boxing in New Jersey be banned, or in the alternative, that a program of reforms be implemented. It is significant to note that New Jersey's current SACB Commission advised staff that the SACB was primarily concerned with the safety and welfare of boxers and was not, in his view, responsible for controlling organized crime influence in boxing. The SACB sometimes does background checks on applicants for licenses, but only on rare occasions.

The FBI's "Crown Royal" investigation in the mid-1980s of corruption in professional boxing also touched on New Jersey, according to former FBI agent Joseph Spinelli.

At the time of the Crown Royal investigation, IBF president Bob Lee was deputy commissioner to then New Jersey boxing commissioner Joe Walcott. Spinelli maintains that Lee received a \$3,000 payment for Walcott from an individual seeking a New Jersey promoter's license. Walcott and Lee are also alleged to have later received \$1,000 each in connection with the promoter's license.

Walcott has denied receiving any payments from individuals involved in the Crown Royal investigation. Although Lee denies receiving the \$3,000 payment for Walcott, he admits to receiving \$1,000 from one of the Crown Royal participants. Lee maintains, however, that the payment was to help finance his unsuccessful 1982 campaign for the presidency of the World Boxing Association.

During the later part of 1990, the New Jersey Attorney General's office referred an in-

vestigation to the New Jersey Ethics Commission regarding an allegation that state officials involved in boxing had been receiving complimentary tickets to professional boxing matches. The Ethics Commission concluded that several state officials, including current SACB Commissioner, Larry Hazzard, his deputy Lawrence Wallace and the SACB's chief inspector, Sylvester Cuyler, had received numerous complimentary tickets from several promoters. Under New Jersey law it is illegal for a regulator to take anything of value from those regulated.

Hazzard, Wallace, Cuyler and several other SACB employees admitted to receiving complimentary tickets from promoters, and they agreed to pay \$3,500, \$1,500 and \$150, respectively, into the state's general fund. The Ethics Commission did not pursue the investigation further.

The New Jersey Public Advocates Office is currently investigating complaints involving the renewal of licenses for certain New Jersey boxing officials. At this time there appears to be no formal review and appeal process for New Jersey boxing officials who are denied license renewal.

GENERAL PROBLEMS IN BOXING

This inquiry, in addition to uncovering specific problems regarding the Toney-Tiberi fight, also has revealed other more broad-based, systemic problems affecting professional boxing. Generally, these problems can be characterized as: exploitation of boxers; conflicts of interest; questionable judging; and organized crime influence. Taken together, these situations endanger the health, safety and welfare of boxers and undermine the sport's credibility in the public eye.

Exploitation of boxers

Boxers generally enjoy few, if any, of the protections and benefits accorded other professional athletes, e.g., health insurance coverage, pension plans, etc. While some experts estimate the number of professional boxers to be approximately 10,000, it is a universe which is difficult to establish with any certainty. What is obvious, however, is that for every boxer who steps into the spotlight in Atlantic City or Las Vegas for a multimillion dollar title fight, there exists a multitude of fighters scrounging to make a living on the club fight circuit, often times sacrificing their well-being in the process.

Exploitation in boxing occurs on a number of different levels. For example, a fighter usually has a manager, who is responsible for handling the boxer's business affairs, particularly negotiating fight deals with boxing promoters. In those negotiations, the manager and the promoter should maintain an arms-length, adversarial relationship, with the manager being responsible for the fighter's best interests. However, we received allegations that one of boxing's major promoters often requires fighters to agree to use his son as their manager in order for the promoter to handle their fights, creating an obvious conflict of interest.

It is also not unusual for a promoter to have long-term, option contracts with both fighters in a bout, meaning that the promoter comes out on top no matter who wins the fight. A small number of promoters basically control professional boxing. This oligopoly gives boxers very few options as they try to fight their way to the top; either the boxer plays the game according to the rules set by these promoters or he is denied the opportunity to advance. As a result, many fighters agree to sign these option contracts or agree to other onerous conditions because the boxer sees it as his only chance to have a legitimate shot at success.

Once a promoter and a manager are able to "tie up" a fighter under such an arrangement, there are many other ways these unscrupulous individuals are able to take advantage of the boxer. Duplicate contracts may be used wherein, for example, one contract is presented to the state athletic commission in which the percentage paid to the manager is consistent with the amount allowed by that state's regulations; however, the manager maintains a separate contract with the boxer in which the manager takes a higher percentage than the law allows. Also, most boxers are able to make arrangements to train at a resort hotel at no charge in exchange for the publicity their presence will bring to the resort. Promoters, however, may require a fighter under contract to them to train at the promoters training camp, while charging the fighter excessively for the privilege.

Another example of how professional boxing currently exploits fighters lies in the mismatches which promoters arrange between boxers of different skill levels. Mismatches occur partly because no central repository exists to verify the won-loss records of fighters, which permits the manipulation of fighters' records and rankings by the various sanctioning bodies. Often, mismatches are arranged to pad the record and hence the value of a fighter who a promoter considers to be a hot property. The promoter will arrange a fight between his hot fighter and a fighter of inferior skills, with the promoter often misrepresenting the record of the inferior fighter in order to have the fight appear as if it will be a competitive bout. In addition to being potentially fraudulent, mismatches can result in a potentially dangerous situation for the less skilled fighter, who is stepping into the ring with a boxer far his superior. We also heard allegations that there are certain individuals who run what are called "meat factories" which specialize in providing opponents for boxing cards all over the country. Often these boxers are not particularly skilled and are provided with the understanding that they will lose the fight.

Perhaps the worst example of such a mismatch occurred in 1983 when Korean boxer Deuk-Koo Kim, fighting in the U.S., was killed in the ring in a nationally televised bout. Kim was rated by the World Boxing Association (WBA) as the top contender for then-champion Ray Mancini's title. However, Kim was not even rated in the top ten by any of Ring Magazine's (the so-called "bible of boxing") 50 experts, two of whom were Korean. Further, when Ring contacted the Korean Sports Federation (the government agency which supervises sports, including boxing, in Korea), to obtain a list of that country's top 40 fighters for the magazine's annual record book, Kim was not among them.

Boxing's many problems are fostered by the patchwork system of state regulation currently governing professional boxing. Forty-two states and the District of Columbia currently regulate or license boxing. In Kansas, North Carolina, Nebraska and Oregon (Portland only), city governments are authorized to assume that role. There is no governmental regulation of boxing in Colorado, Oklahoma, South Dakota or Wyoming.

Each state that regulates boxing has its own regulatory structure, usually consisting of a state athletic commission whose members are political appointees. The commission then establishes that state's rules and licensing requirements. It came as no surprise when we were told that the regulations

vary widely from state-to-state, as does enforcement of those regulations. For example, many states have rules which automatically suspend a boxer from fighting for anywhere from 45 to 90 days after he has been knocked out. For most fighters who are barely making a living, this amounts to being laid off without pay. Faced with that situation, boxers have been known to move to a neighboring state with less stringent regulations or else a boxer might simply fight under a different name. In one case, a fighter was found to have boxed despite having a heart pacemaker.

In addition, the national and international nature of professional boxing further diminishes the effectiveness of state regulation. Although most of the top professional boxers are American and most major fights are held in this country, the WBA and the WBC, two of the three leading sanctioning bodies in professional boxing, are based in Venezuela and Mexico, respectively. The WBA, in various forms, dates back to 1921, while the WBC was founded in 1963. The proliferation of these so-called "alphabet soup" organizations has resulted in a five-fold increase in the number of world boxing championships (from eight to more than 40) since each group establishes its own weight classes, title holders, and rankings of contenders. Accordingly, each sanctioning body also establishes and enforces its own regulations and plays a major role in selecting the judges and referees for its fights.

In exchange for sanctioning world title fights under their respective auspices, these sanctioning bodies require that fighters and promoters pay sanctioning fees, with the boxers' fees coming out of their purses for the fight. These sanctioning fees are either set as a percentage of the receipts or are negotiated as a fixed amount, which have been as high as \$250,000 per fighter. We were informed that all of the services and costs necessary to stage a professional title fight are borne by the promoter and the state boxing commission where the bout is held and not by the sanctioning organization. As such, it is unclear what services these sanctioning bodies provide in exchange for these large sanctioning fees which they require boxers to pay.

Conflicts of interest

We received allegations that conflict of interest situations occur repeatedly in professional boxing, often to the disadvantage of the fighter. One of the worst examples is the situation described above where a promoter requires a fighter to use his son as his manager. Arguably, in that scenario, in the negotiations between the father/promoter and the son/manager, the manager's best interests may be at odds with those of the fighter whom he should be representing. Other of the exploitation examples described above similarly result from the conflicts inherent in these arrangements.

Another conflict of interest situation involves the system of state regulation of boxing. There appears to be an inherent conflict of interest in the mission of the state boxing commissions. On the one hand, these bodies are charged with attracting boxing to their state, promoting the sport and maximizing income to the state from these bouts. On the other hand, these organizations are also charged with regulating the sport in that state and protecting the boxers who fight there. That creates a tension wherein strict enforcement might lead the promoter to take the fight to a neighboring state which might be less restrictive thus resulting in lost revenue to the stricter state. On the

whole, there appears to be little incentive for states to strictly regulate professional boxing.

Questionable judging

By its very nature, judging the outcome of a boxing match is a highly subjective exercise. Thus, in order for the sport to maintain its credibility with the public, it is essential that those individuals who determine the outcome of these bouts maintain the highest level of skill and competence. The system of state regulation does not always lend itself to the uniform application of that standard. Some states require judges and referees to be licensed in that state in order to officiate a fight there, while others may waive their own licensing requirements for officials licensed in other states, and there are other states with no licensing requirements at all. This situation is further complicated by the presence of the international sanctioning bodies which use their own officials for certain fights. Although many of those are also state licensed, some of those officials come from foreign countries. As a result, the skill level of boxing officials varies greatly.

Organized crime influence

Our inquiry has also produced allegations of organized crime influence in professional boxing, primarily on the part of La Cosa Nostra (LCN). New Jersey is one of five states where 85 percent of all American boxing matches occur. From 1983-1985, primarily because New Jersey was becoming a boxing center as a result of the Atlantic City casinos, the New Jersey Commission of Investigation conducted what perhaps is the most extensive inquiry to date into professional boxing. This investigation uncovered evidence of widespread corruption and organized crime influence in professional boxing.

Further, in the early 1980s, the FBI conducted an investigation titled Crown Royal, which uncovered links between Don King, who is probably boxing's most powerful promoter, and organized crime members. Although the investigation was shutdown prior to its completion, undercover FBI agents met with King and agreed to co-promote professional boxing matches. The meeting with King was arranged for the undercover agents through Michael Franzese, then a capo in the Colombo family, and the Reverend Al Sharpton, who allegedly had ties to the Gambino family.

Gambling, both legal and illegal, is widespread in professional boxing and organized crime allegedly uses its ties to promoters and other boxing officials in order to find out which fighter to bet on in particular fights. Organized crime figures also are alleged to "own" certain fighters. In those situations, organized crime makes money not only by controlling the outcome of their boxers' fights, but also by getting a percentage of the boxers' earnings.

We also heard allegations that organized crime profits from professional boxing through controlling the closed-circuit rights to major fights. Again, obtaining these rights is made easier by organized crime's connections with key promoters. Closed-circuit rights involve controlling the venues, generally movie theaters and arenas, in a particular geographic area which will be showing a particular fight. This is exactly the kind of activity most favored by organized crime because it is a lucrative cash payday since most people pay for their tickets in cash. As such, there is no paper trail to be concerned with in dividing the receipts.

Other alleged examples of organized crime influence in professional boxing include

bribes paid to state boxing commission officials and fighters taking "dives," i.e., being instructed to purposely lose a particular fight.

CONCLUSION

Our investigation of the Toney-Tiberi match raises serious issues about the current status of professional boxing in the United States. Other, more generalized allegations about problems associated with professional boxing, including organized crime influence, conflicts of interest and gross exploitation of boxers, deserve further investigation and consideration.

WHITE HOUSE COMMEMORATIVE COIN ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER (Mr. KOHL). The senior Senator from California is recognized, and controls 45 minutes.

Mr. CRANSTON. Mr. President, may I address some questions to the chairman of the Banking Committee? I am glad that he is returning to the floor.

I appreciate the opportunity to address some questions to my friend, the chairman of the Banking Committee.

First, he said, I believe, that he has voted for coin redesign at least twice and he supports coin redesign except under the present circumstances that affect this particular conference report at this particular time.

Mr. RIEGLE. That is correct.

Mr. CRANSTON. Is it true that the Banking Committee has reported coin redesign unanimously several times?

Mr. RIEGLE. That also is correct.

Mr. CRANSTON. Is it true that the Senate has passed the measure calling for coin redesign a good many times unanimously without any vote or speech against it?

Mr. RIEGLE. I know of no vote or speech against it, and it certainly has passed the Senate.

Mr. CRANSTON. The fact is that it has happened 13 times now.

Is the Senator also aware that the coin redesign measure makes very substantial money for the U.S. Treasury, moneys that would go to reduce the national debt, in contrast to the commemorative coins which do not make any significant money for the Treasury?

Mr. RIEGLE. On that point, the estimate that I think is the most reliable one indicates that the CBO has indicated that there would be a savings, therefore additional revenue to the Government, of about \$358 million over a 6-year period based on a redesign of all five coins generally in circulation. There may be other estimates, but that one from CBO would certainly indicate that it would generate additional revenue for the Government, which, therefore, obviously would be available to reduce the deficit or for whatever other purpose.

Mr. CRANSTON. That is in contrast to the commemorative coins that are

in the conference report now before us that do not produce any substantial revenue, if any, for the Government.

Mr. RIEGLE. That is right. It would be fair to say, I think, that the commemorative coins have dedicated purposes. So they are designed to raise revenue, but it is to finance activities related to each purpose of those commemorative coins.

Mr. CRANSTON. That is my understanding. In regard to the amount of money that would be made by coin redesign, I grant that there is some ambiguity about the testimony that was received by the mint some time ago about the amount of revenue, but there is no question that very substantial money, running into figures in excess of \$200 million, would be made by redesigning coins.

The ambiguity relates to some testimony that was given by the mint that I believe related to all five coins when that was before the body for redesign. I want to correct myself. I think the testimony related to one coin and it was for over \$250 million, the figure the Senator has used over several years.

If I am correct in believing that the testimony related to one coin, the revenue coming from five would be well in excess of \$1 billion. I believe that to be the case. However, I have not used that figure because of the ambiguity. But the current measure, presumably the measure that I would like to see adopted by first rejecting the conference report, would bring in a very substantial amount of money to the Treasury.

Is the chairman aware of the fact that the Post Office now makes approximately \$250 million a year by redesigning stamps?

Mr. RIEGLE. Let me say with reference to the earlier point that the Senator from California just made, I think there is a clear consensus, in all of the analyses that I have seen, which indicate a coin redesign can generate a substantial amount of money for saving additional revenue for the Government. I have not heard that disputed. I think we can look at the varying estimates based on the number of coins redesigned, but I know of no one who has challenged that assertion.

With respect to the Postal Service, which has a different status within our Government as quasi-independent as opposed to the Mint, that does in its activities by producing stamps for collectors, principally, raise additional revenues on that basis. Certainly, that is part of why they do it and that is part of their history.

Mr. CRANSTON. The revenues raised last year by the Post Office were approximately \$250 million by redesigning stamps, 24 times. It is my belief that the mint should follow suit, perhaps not changing that often, and could thereby make very substantial money, as the bill that I would like to see adopted once again by the Senate

and by the House would produce very substantial revenues.

Mr. RIEGLE. If the Senator will yield, I say that I think that analogy is correct in the sense that the Postal Service has demonstrated that through redesign, additional revenues could be generated.

Within the law of course, the Secretary of the Treasury has the authority now, after a 25-year period of time, to be able to self-initiate a coin redesign. We are past the 25-year period when it was last done.

The Treasury Secretary, as I understand it, now would be in the position to take that initiative. For whatever reasons, he has, he has not done so.

But I think the point the Senator is establishing, that certainly chosen coin redesign can generate a savings to the Government, is an accurate statement.

Mr. CRANSTON. I thank the Senator. Is the Senator aware that we are about to enter the longest period of time in American history without any redesign of any coin?

Mr. RIEGLE. To the best of my knowledge, that is correct. As I say, we are now beyond the 25-year period of time set out in existing law since there has been coin redesign.

Mr. CRANSTON. That concludes the questioning I wanted to address to the chairman of the committee. I want to ask Senator GARN some similar questions. The ranking Republican member of the Banking Committee has been a sponsor of coin redesign and has supported it, as has the chairman of the committee.

Mr. RIEGLE. If the Senator will yield for one other observation from the chairman based on the questions he has just posed and the responses that I have given and my own earlier opening statement, it would be this: That the Senator is correct in noting that the committee has acted on this previously and the Senate as a whole has acted on it previously. The assertions that he has made just now are accurate in terms of the foundations of support.

Our problem here, in my view, has nothing to do with coin redesign, or the merits of the coin redesign. It is the issue that we have run into where the House has now, on two occasions, been unwilling to incorporate that into a package with these commemorative coins. We have now, as the Senator well knows, run into a situation that is stated, I think, quite accurately from the letters of the House that I read into the RECORD and the Senator is familiar with, that we are at the point now where, because of our inability to resolve the coin redesign issue between the House and the Senate, we are going to adversely impact these other commemorative coins which are entirely separate matters of an entirely different sort.

I want to stress again that it is my view that the need to move on the com-

memorative coins is in no way intended to be prejudicial to the issue that the Senator from California is raising, which he knows and which I affirm I have previously supported and continue to support.

Mr. CRANSTON. I appreciate that comment from the chairman. In other words, if the Senate unwisely, in my view, adopts the conference report and fails to make further reference to achieve the enactment of the coin redesign legislation, that is by no means a repudiation of the concept of coin redesign since all parties to this debate, so far as I know every single Senator, believes that coin redesign makes a great deal of sense, and should be done.

The only problem is, should it be done in connection with this particular bill at this particular time?

Mr. RIEGLE. That is correct. I would go even further than that. While I have reached the conclusion—as I have stated previously, and as the Senator knows, we have to move these other items—that I think the underlying facts laid out here with respect to coin redesign remain clearly there. I expect the Senator to continue to press ahead, should the conference report be adopted, as I hope it will, and he will have my support in so doing.

Mr. CRANSTON. I thank the Senator for his response to my questions. Before making some more general remarks, I want to comment on one point that was made by the chairman in his opening presentation, where he suggested that we need to act swiftly on the commemorative coins, because time is running out. The mint has taken the position—I think extraordinarily—that it takes a tremendous amount of time to redesign a coin, or to create a new coin of one sort or another.

Let me just offer a bit of history on how long it has taken and, in fact, how short the time required has been in the past to redesign coins or make new coins. The Kennedy half dollar was authorized by Congress on December 30, 1963, and circulation started on January 30, 1964. The total elapsed time was 1 month from the authorization to the coin appearing in circulation. The Lincoln Memorial reverse design was started on September 1, 1958. Circulation began January 3, 1959; time elapse was 4 months. The 1921 Peace Dollar competition was held November 25, 1921. The coin was put into circulation January 13, 1922; time elapse was 6 weeks.

The Susan B. Anthony dollar was something different, because that was a brand new coin, not just a redesign of a circulating coin on one side. That was enacted into law October 10, 1978, requiring that coin to be produced. The first coins were struck in the Philadelphia Mint on December 13, 1978. It took 64 days, including weekends and holidays, to put the Anthony dollar in cir-

ulation after the Congress voted to authorize its production.

Changing the reverse on a coin is obviously not analogous to the Susan B. Anthony, in that that coin was totally new in size, shape, weight and denomination for coins.

The quarter and the half dollar, if they are redesigned, will be kept the same size, color, shape, content, weight, and the obverse—the head—will be unchanged. Therefore, with less than half of the amount of work to do, it could be done much more rapidly.

However, the commemorative coins are comparable to the Susan B. Anthony coin in that they are something brand new. To suggest that it would take a long, long time to get into production is nonsense. The mint has actually suggested that it needs 15 months—15 months—to redesign the tail side of a coin. In view of the speed with which coins have been redesigned in the past, that is hard to understand or to accept. If that is the best the mint can do now, the mint needs a serious management overhaul.

Mr. President, now going to the more general matters affecting the matter before us, I called for the defeat of the pending conference report for two main reasons. First, there are compelling institutional reasons for rejecting the conference report. Second, coin redesign—passed by the Senate repeatedly—is the only coin proposal that is of significant and measurable benefit to the whole United States. I am referring there to the commemorative coins that are in the conference report.

Let me explore both of these points in more detail. First, the institutional issue.

This is not a partisan issue. It is an issue between the Senate and the other body in this Congress. Coin redesign is supported, in the Senate, by Democrats, Republicans, liberals, moderates, conservatives. It is demonstrated in the questions I was posing to the chairman of the committee, and his responses, that the leadership of the committee, the chairman and the ranking minority member, Senator GARN, are both supporters of coin redesign.

Coin redesign has been reported out of the Banking Committee several times, always unanimously. It has been passed by the Senate 13 times without one word spoken or one vote cast against it. Once it was introduced by 67 cosponsors. Once it was introduced by Senator DOLE, the Republican leader, Senator SIMPSON, the Republican whip, Senator WALLOP, and myself.

The other body, however, has always ignored the Senate's actions. When we sent coin redesign over as a freestanding bill, it was never considered in the other body. When we sent it over attached to something else, like a housing bill, or in one case a reconciliation bill, when Chairman RIEGLE added redesign to a conference measure to

cover a cost incurred by another unrelated item, when this has happened, the other body objected on the specious grounds that our procedure was improper.

The fact is that every Member of Congress knows that it is common practice to attach a measure by amendment to a measure others want for other reasons, whether it be something other Senators want or something the other body wants, or something that is veto-proof because the White House wants it, or a combination of such desires, as is the present case. Certain Senators and House Members want various commemorative coins that are authorized in the pending conference report. The White House wants its commemorative coin; the Senate wants redesign.

So the Senate attached redesign to the commemorative coin bill passed by the other body, but the other body still objected once again—this time for totally false and totally fallacious reasons. The other body obviously expects the Senate to back down. I say we should not back down. We should reject the conference report. We should send it back to conference. We should appoint conferees. We should instruct them to insist on adoption of the Senate's amendments calling for coin redesign.

If the Senate fails to do this, the Senate would be yielding to the other body on a matter about which we have no reason to be weak and acquiescing.

On the other hand, we have very compelling reasons to stand strong and stand firm. We met the other body much more than halfway, making compromise after compromise in the redesign title. I will summarize these compromises shortly. The other body has made no compromise at all. We have offered further compromises. The other body has refused even to consider them. It is time for the Senate to stand up for what it knows is right.

That leads to the second and more important issue: the merit of the Senate redesign proposal.

Mr. President, having discussed the institutional issues in regard to the pending matter, where I feel the Senate's responsibility is to stand up for what it believes, and what is important, I will now talk about the reasons for supporting coin redesign.

The fact is that the coin redesign provisions are the only part of the bill that benefits the whole American public in a measurable and very significant way. All the rest—allegedly so desperately needed right now—are proposals for semiprivate fundraising purposes that are not strictly Government business. They raise millions of dollars for sponsoring organizations.

Let's take a very brief look at each proposal. The White House commemorative coin will produce funds that can be used to refurbish and renovate the

White House with new and antique furnishings and so forth. That will be very nice for the President and the White House staff, and it will impress the limited number of Americans and foreigners who manage to visit the White House.

The World Cup commemorative coin will produce funds that will benefit soccer fans, a great many of them foreigners, who will attend the World Cup soccer championships in 1994. And it will benefit a few American cities that will host the games.

The Christopher Columbus quincentennial coin celebrates the "discovery" of America and will please Italian-Americans, it will displease Native Americans. It will also please a Member of the other body in whose honor the Christopher Columbus title of the bill has been named. It will also raise money for a Christopher Columbus foundation that will be run by unnamed individuals and that will grant scholarships.

The Desert Storm medals will be produced so that one can be given to each veteran of the Iraq conflict. The first time we have ever given, incidentally, a medal to every veteran of a war. This will happen, provided a sufficient number of copper duplicates of the medals are purchased by collectors or gifts are received for this purpose from other sources.

The James Madison Bill of Rights commemorative coins will be \$5 gold coins; \$1 silver coins, and 50-cent silver-copper coins to be sold at a profit, with the profit to go to the James Madison Memorial Trust Fund to be used to promote teaching and graduate study of the Constitution.

The coin redesign provisions of the Senate-passed bill also commemorate the Bill of Rights; but do so in a way that actually produces huge revenues for the U.S. Treasury. The coin redesign provisions call for redesigning the reverse side—the tail side of two coins—the quarter and the half dollar, with designs celebrating the Bill of Rights and commemorating the 200th anniversary of the ratification of the Bill of Rights. This celebration and marking of the Bill of Rights is a good reason for insisting on the Senate's coin redesign amendment, but it is by no means the main reason.

The main reason for rejecting the conference report that is before us and insisting on the Senate amendments calling for coin redesign is that coin redesign will make, as we have already discussed, a great deal of money for the U.S. Treasury painlessly—without any increase in taxes or without any cutting of services. The U.S. Mint estimates that coin redesign will net the Government more than \$250 million. That is more than a quarter of a billion dollars.

The Office of Management and Budget approved the revenue estimate and

CBO concurred. That \$250 million-plus cannot be spent. It can only be used to reduce the national debt. Some Members of the other body may think that is a small amount, accustomed as we are around here to dealing with billions and even trillions of dollars. I do not think that reducing the horrendous national debt that plagues our economy and our society by more than \$250 million is a trivial thing. That is more than \$250 million we will not have to borrow and pay interest on in coming years.

There is another reason for not yielding to the other body in this matter. The principal reason for the rejection of coin redesign by the other body was that totally false rumors and charges were circulated about coin redesign. There have been two votes in the other body fairly recently. Just before the first vote, rumors somehow spread like lightning on the floor of the other body that to vote for coin redesign would be a vote against God because it would lead to taking "In God We Trust" off the coins. That is absolutely false. "In God We Trust" occurs on the face side, the head side of the coins, not on the reverse side, the tail side, that coin redesign would call for and, furthermore, present law requires that "In God We Trust" be and remain on all coins.

But that rumor terrified House Members, seeing themselves accused of voting against God and down went the measure. We dealt with that in conference. We specifically then added language stating what was already actually the fact, by stating in the bill that was going to be voted upon that "In God We Trust" had to remain on the coins.

It was also alleged that coin redesign would be costly, would cost taxpayers, would be a new burden of expense. That, too, as we have already discussed, was obviously, very, very false information. The Senate should not throw up its hands and give up because of blatant misrepresentation.

I have already mentioned the concurrence of the mint, OMB, and CBO that coin redesign would make more than \$250 million for the U.S. Treasury. The fact is that coins have been redesigned 68 times in American history. Every single time redesign has produced revenues painlessly for the U.S. Treasury—every single time.

Redesign is profitable for three reasons: One is something called seigniorage. That is the difference between the cost of producing the coin and what people pay for it. Example: It costs 2.5 cents to mint and put into circulation a quarter; it is bought for 25 cents. That is a net profit of 22.5 cents for every quarter.

Second, there is interest earned on seigniorage.

And third there are earnings on sales to collectors of proof sets and uncir-

culated sets of coins. That is where the revenues come from.

There are 10 million coin collectors in America—many in every State of every U.S. Senator. There are also millions of foreign coin collectors and all of these people are looking for the day when there will be a redesign of American coins for them to collect.

The post office, as we mentioned a bit ago, redesigns stamps with great regularity and makes approximately \$250 million every year from the new designs. Last year, that was the net profit to the Treasury as a result of redesigning 24 stamps.

We dealt with this cost issue in the conference and amended bill to provide that there would be no redesign if there would be any cost to the Federal Government which obviously was not really needed. But it was put there to placate and to make plain to people who fell for the false rumor that there would be a cost, that there would be no cost.

It was also suggested in the other body that redesign would confuse the American people in this time of economic crisis in our country. I say that is an insult to the American people. They have dealt regularly with stamp changes, Zip Code changes, area code changes, and a myriad of other innovations. Surely, they have the capacity to tell one coin from another.

The question might be asked, what about the Susan B. Anthony dollar? It failed. It failed for a very good reason. It was exactly the same size as a quarter and that did lead to confusion. But there will be no such confusion when a coin is simply redesigned. The Senate redesign bill, I emphasize, will not change the size, shape, weight, color, or metallic content of any coin.

It was also suggested in the course of debate in the other body that coin redesign would be destabilizing in this time of economic difficulty in our country. Yet, many of our worst economic problems stem from our huge national debt and our towering deficits. How can a measure that would reduce the havoc-wreaking national debt by a quarter of a billion dollars, thereby reducing Federal borrowing, possibly be destabilizing? The fact is coin redesign occurred in the middle of the Great Depression in 1932, to be precise. It was accepted; there was no confusion and no destabilization.

I ask unanimous consent that a table be printed in the RECORD showing the years in which various coins have been changed.

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

YEARS VARIOUS COINS HAVE BEEN CHANGED
 \$.01: 1793, 1794, 1794, 1798, 1857, 1859, 1860, 1909, 1959 rev.
 \$.02: 1867.
 \$.03: 1830, 1843, 1855, 1861.
 \$.05: 1866, 1883, 1913, 1938.

\$.10: 1796, 1798 rev., 1809, 1837, 1892, 1916, 1946.

\$.25: 1796, 1804 rev., 1815, 1838, 1892, 1916, 1932, 1975-6 rev.

\$.50: 1793, 1794, 1796 obv., 1798, 1801 rev., 1807 total, 1838, 1839, 1865, 1888, 1892, 1913, 1916, 1938, 1948, 1964, 1975-6 rev.

\$1: 1793, 1798, 1834, 1840, 1840, 1840, 1873, 1878, 1921, 1971, 1978.

\$2.5: 1840, 1908.

\$5: 1795, 1820, 1908.

\$10: 1795, 1820, 1908.

\$20: 1795, 1820, 1908.

SUMMARY OF YEARS COINS REDESIGNED

1793, 1793, 1793, 1794, 1794, 1794, 1795, 1795, 1795, 1796, 1796, 1796, 1798, 1798, 1798, 1801, 1804, 1807, 1809, 1813, 1820, 1820, 1820, 1834, 1837, 1838, 1838, 1839, 1840, 1840, 1840, 1840, 1855, 1857, 1859, 1861, 1864, 1865, 1873, 1878, 1882, 1892, 1892, 1892, 1908, 1908, 1908, 1908, 1913, 1913, 1916, 1916, 1916, 1921, 1932, 1938, 1938, 1946, 1948, 1959, 1964, 1975-6, 1975-6, 1975-6, 1978.

The present time is one of the longest periods this country has gone without a redesign change.

Mr. CRANSTON. Mr. President, the fact is we are about to go into the longest period than we have ever gone in American history without a coin change. It is time for a change, time for a change here, and it is time for a change in many other aspects of our society and the doings of our Federal Government.

When we dealt with the God issue and the cost issue, a new false issue was dreamed by. The Senate conferees, in the spirit of compromise that is often the mark of a successful conference, had proposed reducing from five circulating coins to two the number of circulating coins that would be redesigned. The Senate has repeatedly passed a measure calling for redesign of all five circulating coins.

Accordingly, in conference, we dropped redesign of the penny, the nickel and the dime, leaving only the quarter and half dollar to be redesigned. That led to a new false charge that was hurled concerning the American eagle that presently appears on the reverse side, the tail side of the quarter and the half dollar. It was alleged untruthfully that it would be unpatriotic to vote for redesign because the bill mandated taking the eagle off the quarter and the half dollar.

The bill did no such thing. But down the bill went again, but this time only by the narrow margin of 7 votes; only 7 votes caused it to go down and there were something like 30 absentees.

The Eagle issue, like the God issue, can be dealt with. So I urge that the matter go back to conference so we can make very plain by new language that the eagle shall remain on the reverse of the quarter and the half dollar.

Incidentally, we have had 25 different versions of the quarter and the half dollar in our Nation's history—some with one eagle or some other eagle and some with no Eagle.

There is an interesting story about the particular Eagle—now on the back of the quarter—that Members of the

other body believe should be preserved exactly as presently designed, even if that preservation costs our country \$250 million. The quarter was to be redesigned back in 1931. The Commission of Fine Arts conducted a design contest. The contest was won by a woman, a great artist named Laura Garden Fraser. However, Secretary of the Treasury Mellon overruled the Fine Arts Commission, rejected Laura Garden Fraser and chose an eagle designed by a man. It turned out that the Secretary felt that artistry was a man's work, not a woman's work.

Unemployment was huge then in the Depression and men needed jobs, while the woman's place, the Treasury Secretary felt, was in the home. The Secretary felt all this was particularly true when it came to designing coins for the world of commerce which was surely, in his view, the realm of men, not women.

The current Senate's redesign proposal might, in this more enlightened age, lead to an eagle on the quarter designed—of all things—by a woman. If, that is, the Senate stands by its convictions.

I feel very strongly, Mr. President, that the Senate should not succumb to wild rumors and false charges, particularly when a \$250 million painless reduction in the horrendous national debt is at stake.

The manager of the bill in the other body complained about what he called the misrepresentation of facts by opponents of redesign. We should not be bullied and pushed around by misrepresentations and specious arguments.

Coin redesign will be economically beneficial to our country at a time when our economic needs are very great. I fail to see the urgency of dropping a pain-free 250 million-plus profit for the U.S. Treasury simply because of the complaints of semiprivate groups that they need their commemorative coins right now. That is why I urge rejection of the conference report and recommitment.

If we stand proud, if we stand fast, if we stand firm, we can knock \$250 million-plus off the deficit painlessly. By making passage of the White House, Christopher Columbus, and the other commemorative coins contingent on passage of coin redesign, we can attain coin redesign. If we yield to the other body, the other body will get what it has passed, but we will not get coin redesign and we will not get reduction of the deficit by more than \$250 million.

There are other reasons, valid and important reasons, for coin redesign: educational, cultural, artistic, and technological.

Coins travel the world and will reflect our society for thousands of years to come. Coins reflect the evolution of civilization. In many countries, a person's only contact with America is by holding in one's hand one of our coins.

Our coins should represent our best contemporaneous art and the ideals of which we are most proud, like the Bill of Rights.

Witness after witness has testified at Senate and House Banking Committee hearings that it is time for change and that we can do better with the coins of the greatest Nation on Earth by using the work of living artists of today.

For all these reasons and more, Mr. President, I urge rejection of the conference report and resubmittal with instructions to stand by the Senate coin redesign measure.

I yield the floor.

Mr. BOND addressed the Chair.

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

Who yields time to the Senator?

Mr. GRAHAM. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. I thank my colleague from Florida.

Mr. President, I rise today to urge my colleagues to support passage of the conference report. The House has already passed this conference report by a vote of 410 to 0. As we all know, the saga of this coin package is amazingly long and drawn out, with most of the debate centering around the coin redesign bill.

I happen to think that our colleague from California makes a very good point. I think he has a strong argument. The Senate has passed the coin package with coin redesign included twice, and twice the House has rejected the package because of the inclusion of coin redesign. We have tried to convince the House to accept coin redesign. We have done everything we can. But they have repeatedly refused. They appear adamant not to accept a coin package if it contains coin redesign.

Today we have another opportunity to pass the coin bills. I fear it is our last opportunity, and that is why I say that we should pass the conference report.

The House majority leader, Mr. GEPHARDT, the House minority leader, Mr. MICHEL, the House majority whip, Mr. BONIOR, the minority whip, Mr. GINGRICH, the chairman of the House Subcommittee on Consumer Affairs and Coinage, Mr. TORRES, and the ranking Republican, Mr. MCCANDLESS, have written letters to our majority and minority leaders expressing their strong belief that if the Senate does not pass the conference report as it stands, without coin redesign, there will be no coin legislation at all this year.

This conference report, as we know, does not contain coin redesign. It simply contains five coin bills for which time is quickly running out.

I had the honor of playing an active role in the White House coin bill. It is

designed to commemorate the 200th anniversary of the laying of the cornerstone of the White House, which is this October. That only gives the mint 6 months to mint the coin and get it ready for circulation. That is barely enough time. We will not have time unless we move expeditiously.

Contrary to what has been said earlier, the White House coin bill will not raise money to refurbish the White House with new furnishings and artwork. The money is to keep the current artwork and furnishings in repair for which there is no Government money.

Mr. President, I imagine that all of my colleagues are besieged, as I am, with requests from our constituents for tickets to visit the White House. Certainly one of the preeminent stops of any tourist, American or foreign, is the White House. We believe the White House is a national treasure, and this bill would enable us to support that national treasure.

I also have here a letter from Mrs. Lady Bird Johnson to the chairman of the White House Endowment Fund urging support of this measure. She says:

When Lyndon was in Congress and later the White House, I still remember the excitement and delight countless school children and visitors took in touring the mansion. The restoration and presentation of the public rooms of that great House and the expansion and maintenance of its fine arts collection deserve wide citizen support, which I believe will be helped immensely by the sale of the commemorative coin.

I ask unanimous consent that this letter also be printed in the RECORD.

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

STONEWALL, TX,
April 22, 1992.

Mrs. EARLE M. CRAIG, Jr.,
Chairman, the White House Endowment Fund,
Midland, TX.

DEAR MRS. CRAIG: It was a great pleasure to learn that the House and the Senate are moving forward on the White House Commemorative Coin Act. It is very appealing to me, and I strongly support its authorization.

When Lyndon was in Congress and later the White House, I still remember the excitement and delight countless school children and visitors took in touring the Mansion. The restoration and presentation of the public rooms of that great House and the expansion and maintenance of its fine arts collection deserve wide citizen support, which I believe will be helped immensely by the sale of the commemorative coin.

These sales will provide funding needed to supplement private donations to the White House Endowment Fund, to which you have so ably given your leadership. I know the White House Historical Association's partnership has been invaluable, and as one citizen, I am deeply grateful to all of you for the care and dedication you bring to this outstanding effort.

With a large salute,
Sincerely,

LADY BIRD JOHNSON.

Mr. BOND. If we do not adopt the conference report today, there will be

no White House coin, which means that the White House Endowment Fund, founded by First Lady Barbara Bush, will lose \$5 million of critical funding for the maintenance of the White House art collection, antique furnishings, and public rooms for which Government funds are not available.

There are other pressing measures included in this: The James Madison Bicentennial of the Bill of Rights coin, the Christopher Columbus coin. All of these are vital and hanging in the balance.

I have myself talked at great length with our former colleague, Senator Jim McClure of Idaho, who is working hard to get the World Cup commemorative coin bill passed, which is part of this measure.

Those of us who are soccer fans know that the World Cup is the largest single sport event in the world.

It is the first time in history the United States has been selected to host the games. The coin sales will generate between \$30 and \$40 million from this primary event, and will be used to help defray costs associated with hosting the games by the local host cities.

The World Cup coin must be enacted immediately to give the U.S. Mint sufficient time to design, produce, and market the coins. I think our U.S. Department of Commerce has estimated that about 1½ million visitors will be attracted by that event, and it will pour at least \$1.5 billion in direct tourism revenue into the Treasury.

All of these coins are vital. I am not here to argue against the merits of the coin redesign. I am simply stating the facts as they appear, as the lineup is between this body and the other body.

It is clear that the House will not accept the coin redesign bill. Therefore, I urge my colleagues, in the strongest possible terms, due to the time sensitivity of these other measures, to support the conference report to the White House Commemorative Coin Act as it was passed by the House.

I thank the Chair. I yield the floor.

Mr. GRAHAM. Mr. President, I yield myself such time as is required.

Mr. President, it is unfortunate, bordering on the embarrassing, that we are having this debate this morning. In a nation with so many concerns—from the economic well-being of our people, to the desire for reform in our health care system, to the need to restructure our education system to assure that we will be competitive in the world of the future, and so many other urgent national priorities—that we should be devoting 2 hours this morning to debating a bill on the minting of various coins and the proposal for redesign of two of our existing coins borders on a waste of valuable Senate time.

In order to reduce that waste to just that which has already been committed, I urge my colleagues to do as the Senator from Missouri has just sug-

gested: Adopt this conference report and let us end this debate today. The consequence of not adopting this conference report will be further stalemate on this issue. It will, in my opinion, be that none of the measures contained in the conference report will be adopted in 1992. At a minimum, it will be that further effort of this Congress is devoted to this subject, which deserves no further commitment of our time or our energy.

I am here primarily because I was the sponsor of one of the five measures contained in the conference report, the measure which would strike a coin in commemoration of the World Cup. As the Senator from Missouri has already indicated, this event, which will take place in 1994, is the largest single sporting event in the world; 140 countries will compete for the opportunity to host these games, and to support our role as host, this legislation has been suggested.

Already there has been a price paid for delay. Many American cities wanted to host, to provide the venue for the World Cup games. It had the original expectation that 12 cities would be selected. A premise of that number 12 was that this legislation would be enacted, the proceeds of which will be used to support the efforts at the local community level.

In some instances, stadiums which are primarily designed for other sports—baseball, football—will require some refurbishment in order to be able to accommodate world-class soccer. Other modifications or support for the events will be funded by the proceeds raised from the sale of this World Cup coin.

Because of the vacillation and delay in the passage of this legislation, the International Federation, instead of selecting 12 cities, has in fact selected only 9. Boston, Detroit, Orlando, Los Angeles, Dallas, Washington, San Francisco, Chicago, and the Meadowlands of Rutherford, NJ, are the selected sites. Three American cities have been denied the opportunity to share in this enormous event, an event which the U.S. Department of Commerce estimates will generate \$1.5 billion in tourist revenue.

So there has been a price paid already for delay in the passage of this legislation. Further delay will make it more difficult for these selected cities to carry out their responsibilities, and for the Nation to take full benefit of this important activity.

As has been previously mentioned, the issue here is not whether we should or should not redesign the 25- and 50-cent coins of the United States. The Senate has already twice passed legislation that would direct such redesign. The issue now is purely pragmatic; that is, will we pass legislation to authorize the five coins which have thus far received the support of both the

House and the Senate, or shall the entire program of coin minting for these commemorative purposes, as well as coin redesign, be consigned to the legislative ash heap for 1992?

I will submit for the RECORD a letter dated April 15 of this year, signed by the majority leader of the House of Representatives, the majority whip of the House of Representatives, and the chairman of the Subcommittee on Consumer Affairs and Coinage, which concludes with this paragraph:

It is our judgment that despite our best efforts, a majority of the House will not support the redesign provision as part of this package. We believe that any efforts to reopen the conference will only serve to further delay passage of the time-sensitive bills in the package and will effectively kill the legislation for this year.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter dated April 15 to the Honorable GEORGE J. MITCHELL, Senate majority leader.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, April 15, 1992.

HON. GEORGE J. MITCHELL,
Senate Majority Leader,
Washington, DC.

DEAR MAJORITY LEADER MITCHELL: On April 8, 1992, the House agreed to the conference report to accompany H.R. 3337, the Omnibus Commemorative Act of 1992 by a vote of 414-0. As you are aware, this vote on the conference report came after an intense struggle and two votes in the House in which an amendment to redesign the "tall" of our circulating coinage was rejected.

While the first vote may have been influenced by rumor and innuendo, the inaccuracy that characterized the debate was largely absent prior to the second vote. Moreover, the second vote was a rejection of a compromise redesign proposal that had been sharply limited. The second vote on this compromise clearly demonstrated the unwillingness of the House to approve coin redesign in any form.

We worked hard, as did the sponsor of the amendment, Senator Cranston, to get the House to accept the provision. In fact, all the outside interest groups whose bills were part of this package also worked hard to convince House members to support the redesign provision. Unfortunately, a majority of the House, on two occasions, rejected our views and the House and Senate conferees agreed to drop the redesign provision in order to expedite passage of the remainder of the package which is time sensitive.

Two of the programs included in H.R. 3337, The Christopher Columbus Quincentenary and the White House Commemorative Coin Act, are 1992 programs. The U.S. Mint has indicated that "If enactment is not forthcoming very soon, the Mint will be severely limited in its ability to fully produce and market these coins."

It is our judgment that despite our best efforts, a majority of the House will not support the redesign provision as part of this package. We believe that any efforts to reopen the conference will only serve to further delay passage of the time sensitive bills

in the package and will effectively kill the legislation for this year.

Sincerely,

Richard A. Gephardt, Majority Leader;
David E. Bonior, Majority Whip;
Esteban E. Torres, Chairman, Sub-
committee on Consumer Affairs and
Coinage.

Mr. GRAHAM. Mr. President, if there is merit in the coin redesign—I suggest that there is merit—it is merit which should be considered singularly. There is no rational reason why the coin redesign measure must be linked to these other five bills, other than the political rationale that it requires the healing of the uplift of these five bills, each of which has some degree of time urgency in order for it to be politically viable.

The fact is that instead of rising with the updraft of the other five bills, from the letter that has just been submitted for the RECORD, it appears as if the coin redesign is an anchor which drags all of these proposals, including those that would commemorate the 500th anniversary of the great expedition of Christopher Columbus legislation, important to the refurbishment of the White House for scholarship programs, as well as the World Cup coin bill—all of those would be lost as a result of the failure of this conference report.

Mr. President, let me conclude with the comments that I began with; that is, the fact that the Senate of the United States should not be trivializing itself by continuing this debate. We have already spent too much time on the issue of commemorative coins and redesign of existing coins.

There is great public disdain about the operations of this Federal Government. There are many reasons for this public negative attitude. I believe it is our responsibility to commence the process of reversing that public attitude, and the place to start is by dealing with those issues that the public is genuinely concerned with.

Americans understand that we are in a new era. They understand that the end of the cold war has caused not only new obligations internationally, but also new standards to be set in terms of our domestic public policy. The American public wants this Congress to be dealing with things that are important to them. The American public loses trust when they see us spending time on issues that they consider to be trivial in their importance, marginal to their lives, and to be unimportant in terms of America's position in the world.

Mr. President, I suggest we bring this chapter, which has already consumed too many pages, to a conclusion. We should do that by voting yes on the conference report.

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator from Florida.

Mr. President, I support the conference report to H.R. 3337. Many of us have been working on the passage of

these commemorative coins programs for more than a year. We are voting today on the results of the Senate-House conference, and no one objects to the commemorative coins; the issue that remains controversial is Senator CRANSTON's coin redesign proposals.

Senator CRANSTON has been successful in passing the redesign language several times in the Senate, but the House has refused to accept these proposals. In fact, in the past several months, the House has specifically voted twice against the coin redesign proposals, even after Senator CRANSTON personally called nearly 100 House Members to persuade their votes on this issue.

Senator CRANSTON would tell us that coin redesign failed due to false rumors and, to a certain degree, he is right. The Senator from California never intended to take the words, "In God We Trust" off the coins. He did, however, insert language in the first conference report that would have technically allowed the American eagle to be removed from the tail side of a half-dollar and quarter-dollar coins. Senator CRANSTON has indicated that he would correct that language. But in my view, even that is not the primary problem. The House vote to recommit this legislation to conference was, in fact, a vote against coin redesign.

I have been notified by House leaders that passage of coin redesign in the House does not seem possible this year. I have to tell you that I have been over there a number of times working to try to get a coin bill through. They are very strong in their opinions of what needs to be done. Unfortunately, they are unwilling to satisfy the desires of Senator CRANSTON. In fact, some House Banking Committee members have said that a conference committee will not be reconvened if this conference report is rejected today.

This is not a partisan issue. House Democrats and Republicans both voted for and against coin redesign. I understand the frustration of the Senator from California. We are all frustrated from time to time around here. There may well be merits to coin redesign. Quite honestly, I wish we did not need to debate this matter today. But when the House refuses to accept coin redesign, returning this matter to conference happens to be a futile effort. It is a waste of valuable Senate time. I believe that the distinguished Senator from California understands the need for passage of these commemorative coins, and I am sorry that we, the sponsors of the commemorative coins, are being put in a position of opposition to Senator CRANSTON and his position. But I find it distressing that these coin bills, all with great merits of their own, are being held hostage to coin redesign. Our primary concern today is to get these commemorative coins passed so that these programs may finally begin.

If we do not accept this conference report, the Christopher Columbus coins and the White House coin will never be minted, because there is not enough time left in 1992. The Persian Gulf silver medal is long overdue, and it should be minted. It should be awarded to our courageous men and women of the military.

The Madison coin design competition should be under way now so there is adequate time for minting and marketing of these coins next year. Senator KENNEDY and I have worked for well over a year on this in and of itself. We met with people of the House and Members of the Senate, and we have worked hard. We believe the Madison Foundation is extremely important, and this is one of the best ways of funding it. It is critical to us. Yet, that will help high school kids all over this country. It would be one of the best things for education we could possibly do. We need the Madison coin.

The U.S.A. World Cup Soccer Organizing Committee has not been able to make responsible commitments to either the World Soccer Federation or the host venue cities here in the United States. The World Cup committee needs to know it can count on the revenue that these coins will raise. I am treasurer of the James Madison Memorial Fellowship Organization, the beneficiary organization of the Madison coins. TED KENNEDY, our colleague, is chairman of the foundation. I have to say that I have never seen anybody work harder on an issue that nobody really disagrees with to get this coin through. In an effort to fully endow this Foundation, we have been determined to pass this coin legislation, which calls for the minting of 300,000 gold \$5 coins, 900,000 silver dollar coins, and 1 million silver half-dollar coins.

Our program calls for very low mintage. In fact, we have even lowered the traditional surcharges added to these coins in an effort to offer the coin collectors of this Nation a reasonable and a valuable collector's item.

The James Madison Memorial Fellowship Foundation was established by Congress in 1986. We have been trying to move it forward ever since that time. The Foundation was created to encourage outstanding current and future high school teachers of American history, American Government, and, of course, social studies, to undertake graduate study of the roots, framing, principles, and development of the Constitution of the United States. What more of a humble purpose can you have? It is a bipartisan effort. Senator KENNEDY and I have worked side by side with other Members of Congress to push this through. The Foundation commemorates the bicentennial of the Constitution and is one of the few things that honors James Madison, the fourth President of the United States, and generally acknowledged to be the

father of the Constitution. It is about time we did something for him.

The Foundation is an independent establishment of the executive branch of the Federal Government. Its trust fund is preserved in a special account in the Treasury of the United States. All funds raised in the sale of these coins will be deposited in this trust fund for the single purpose of educational fellowships. Support for awards and administrative expenses comes from interest on the trust, as well as from the funds the Foundation raises from individuals, corporations, foundations, and other public sources.

The strength and the integrity of our American Government depend upon the citizens' knowledge of their Government and of their rights and their responsibilities under it. Yet, as has been repeatedly demonstrated, their knowledge is sorely lacking today. Even many teachers—those who bear a heavy responsibility for imparting civic spirit to our young people—are not deeply versed in the knowledge of the Constitution to impart to the thousands of American students who, as adults, will govern the Nation, its communities, and its institutions. In particular, some of these teachers lack knowledge of the Constitution's history, principles, and development of the Government formed under it.

The foundation, therefore, provides support for master's degree level graduate study to a select number of experienced and aspiring secondary teachers from all parts of the Nation. The premise of its programs will be that constitutionally learned teachers will convey their own strength and knowledge to thousands of American children who, as adults, will govern the Nation and its communities and institutions.

No other foundation or program currently addresses and meets this need, nor does any other foundation make meeting this need its sole mission. None other has the capacity through stable and continuing programs to offer support for study of the Constitution by both experienced and would-be teachers across the land. None other aims to broaden and deepen teachers' knowledge of the founding principles of the Constitution and to educate them in diffusing that knowledge. The foundation conducts an annual nationwide competition to select its fellows, who are selected for their academic achievements and their desire to be more knowledgeable secondary school teachers. Fellows must have demonstrated interest in pursuing a course of study that emphasizes the Constitution, and they must exhibit a willingness to devote themselves to civil responsibility.

Each year, at least one Madison fellow is selected from each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. territories. All James Madison

fellows must agree to teach full time in secondary schools for at least 1 year for each year of assistance. If this requirement is not met, the recipient must reimburse the foundation for all assistance plus interest. The foundation strongly encourages all fellows to return to their home States to teach.

Mr. President, the foundation has just awarded 48 fellowships to teachers across this Nation. We would like to double that number next year. With the financial help from these coins, that will certainly be possible. It is time to end this long delay in passing H.R. 3337. I have to tell you that it is critical to the Madison Foundation and to all who have asked for coins at this time.

I feel sorry about my friend from California, that his wishes cannot be met here. I think those of us in the Senate would normally love to meet those wishes. But to be honest with you, the House is not going to take that, no matter what we do, and it may kill this bill forever. If that is so, these organizations lose, and the country does as well. It is time to end the long delay in passing this. I ask my colleagues to vote yes on the conference report. I hope we can get these organizations and these coins minted, pressed, and out to the public at large.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Does the Senator from New York seek time on this issue?

Mr. MOYNIHAN. I do. I would like 10 minutes, if that is possible. I see the Senator from Alaska is here.

Mr. RIEGLE. The Senator from Alaska is here. He needs 4 minutes.

Mr. MOYNIHAN. Why do I not take 5.

Mr. RIEGLE. I will be happy to yield 5 minutes.

Mr. CRANSTON. I yield whatever time is needed not to intrude on the time of the Senator from Alaska.

The PRESIDING OFFICER. The Senator from California controls 1 minute, 17 seconds.

Mr. MOYNIHAN. Mr. President, I stand in support of a measure that has passed the Senate 13 times. I stand in support of Senator CRANSTON's view, his proposal, which is singular in these times. He proposes to earn the Treasury a quarter of a billion dollars, add to the happiness of millions of American coin collectors, advance the arts, and give employment to those rarest of workers, the engravers. Such a combination of wonderful things you could only associate with the senior Senator from California.

Mr. President, I am the Senator from New York, which happens to be the headquarters of the American Numismatic Association, which is very much in favor of the Cranston measure. The Numismatic Association museum is an

absolute treasure. You have to go in it to get some sense of the history of coins and what they mean to the world. They are, perhaps, our oldest art form, certainly the oldest art form associated with the State. They tell you so much. They tell you, for example, how sacred these things have been. It was not until Alexander the Great that a Greek dared to put his own face on a coin of his realm. Even then he was represented as Pericles with a lion's head. Not even the worst of the tyrants would dare defy the gods by putting his own visage on a coin. Coins have always been mythic, representative, and evocative.

My heavens, this Chamber shook and rattled for two generations on the subject of the free coinage of silver. My golly, did we not orate on that. And it was felt in the most recent example, the coinage of the Susan B. Anthony dollar. I would have to say we are all disappointed with it. We New Yorkers are. People who live in Rochester especially so. Susan B. Anthony lived in Rochester.

The Anthony dollar designed without wide enough participation. It came out of the mint without congressional involvement, without enough participation to say is this going to look different from all other coins. I can tell you, no place throughout the State is there greater interest, in coinage, perhaps, than in Rochester. The Rochester Democrat and Chronical, not long ago, had a competition. If we had some new coins, what would the readers have them look like? The mails were filled. They loved this. It is part of the joy of Government.

I think of our neighbors, the Canadians, what wonderful coins they have produced in recent years, which is very important to them because when they speak of Canada, they speak of unity. And they found a symbol of unity in the loon. And the Canadians love their loonies, as they call them. And they know they have done something they feel good about. We will feel good about this, too.

Coin collecting—if ever there was a source of innocent merriment it is collecting coins. It is teaching, learning, conserving. The millions of coin collectors across the country would appreciate the redesign of our coins.

We could use a quarter of a billion dollars, Mr. President. Is there anybody here who thinks we do not need a quarter of a billion dollars? I see no Senator has risen in opposition to that point of view. I simply hope we will have the good sense to return this matter to conference. It will come back quickly. I thank the Chair. I congratulate my friend from California.

Mr. RIEGLE. Mr. President, the Senator makes a typically wonderful statement full of history and insight. It is just a pleasure to hear him speak.

Does the Senator wish additional time? Let me, then yield 4 minutes to the Senator from Alaska.

Mr. STEVENS. I do thank the Senator. I support the conference report and I do wish to go on record to that effect and I am grateful to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 4 minutes.

Mr. STEVENS. Mr. President, I support this conference report and urge the Senate approve it as the other body has. I am particularly concerned about a couple of the items in here.

Obviously, the Senate knows there are five new coins that the mint will create pursuant to this legislation. In terms of the White House I do not think there is any place that Alaskans like to go when they come down here, more than that—to visit the White House. I think this coin that is authorized to commemorate the 200th anniversary of the White House will be very popular with all Americans. Certainly, this will give us a new source to help maintain and renovate the house that the Nation provides to the President.

I am hopeful that the Senate will not find any objections.

Having been a Member of the Bicentennial Commission, I am also most interested in the coin honoring James Madison and commemorating the Bill of Rights. This happens to be a subject that I will cover in what we call a capital exchange program with school-children in my State the next time that we have that program.

Americans exercise the rights guaranteed them by the Bill of Rights every day, but sometimes we take that Bill of Rights for granted. And I do believe the bicentennial celebration regarding the Bill of Rights is restoring its vitality, reminding Americans that it is a living, breathing document that means a great deal to our Nation. I support that coin also.

As has been already stated here, the proceeds from that coin will be used to train teachers who are interested in constitutional studies.

Another coin is the coin honoring the Persian Gulf veterans. There are hundreds of thousands of men and women who left their homes to defend the interests of our country and to help liberate the people of Kuwait. We had a series of Alaskans who fought in that engagement. Only one of them, Sgt. David Douthit, laid down his life for our country.

I urge the Senate approve this coin so that those whose fathers and husbands who sacrificed their lives for our country will have a tangible reminder of that engagement, and honor all of those who served.

The coin honoring the 500th anniversary of Christopher Columbus' discovery of the New World will bring funds for scholarships. We have, in addition to that, the World Cup coin.

Mr. President, I ask unanimous consent that a letter sent to Senator GARN by the Under Secretary for Travel and Tourism of the Department of Commerce be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. STEVENS. This coin, too, is part of the whole package that will raise a sizable amount of money. I am told the CBO stated to the Appropriations Committee, by a letter of April 8, that this measure will reduce outlays of the Federal Government by \$26 million. That is a substantial amount of savings. It ought not to be ignored as the Senate addresses this conference report.

I am hopeful it will be readily approved today when we vote upon it.

I thank the Senator from Michigan for his courtesy and yield the floor.

EXHIBIT 1

DEPARTMENT OF COMMERCE,

Washington, DC, April 23, 1992.

Hon. JAKE GARN,

Ranking Minority Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. GARN: This is to request your assistance in obtaining expeditious passage of H.R. 3337, the "Omnibus Commemorative Coin Act."

Included in the bill is "the World Cup USA 1994 Commemorative Coin Act" which would authorize the sale of World Cup commemorative coins, the revenue from which would offset some of the expenses associated with America's hosting, for the first time, the World Cup international soccer championship in the Summer of 1994.

As you may know, the U.S. Travel and Tourism Administration (USTTA) works to develop tourism in the United States and promote our country as a prime destination for international business and leisure travelers. Last year the tourism industry generated receipts of \$327 billion, with international visitation to the U.S. accounting for nearly \$40 billion in receipts, creating a \$10.5 billion trade surplus.

In two years, the World Cup game will be played in nine U.S. cities and generate approximately \$1.5 billion in tourist revenue. Also, because nearly two-thirds of our 42 million international visitors last year were repeat visitors, we expect to reap a very positive economic impact—beyond 1994—from a successful World Cup.

However, the World Cup Organizing Committee, along with the nine host cities, will bear heavy costs for promotion and security for the games. It is estimated that sales of the World Cup commemorative coin will generate an estimated \$40 million to offset these costs. These revenues will go a long way toward ensuring success for this historic event for the United States.

In short, the World Cup needs the support that can be provided by enactment of H.R. 3337, the "Omnibus Commemorative Coin Act." And I respectfully request that you support its expeditious passage.

Sincerely,

JOHN G. KELLER, Jr.,

Under Secretary for Travel and Tourism.

Mr. CRANSTON. Mr. President, I have only 1 minute. If the Senator from Michigan will yield me some additional time, I would be grateful.

Mr. RIEGLE. Of course.

The PRESIDING OFFICER. The Senator from Michigan has 7 minutes remaining.

Mr. RIEGLE. Mr. President, I will keep 1 minute. Why do I not yield 6 minutes to the Senator from California.

Mr. CRANSTON. I appreciate that very much.

The PRESIDING OFFICER. The Senator from California is recognized for 6 minutes.

Mr. CRANSTON. Mr. President, let me say I do not view this as a trivial matter. I do not view garnering a quarter of billion dollars painlessly to the Federal Government to reduce the national debt as a trivial matter that we should not spend an appropriate time considering.

I want also to say that I appreciate those who have called this my bill. It is not my bill alone. Senator WALLOP from the Republican side has been a cosponsor with me of this measure repeatedly. Senator DOLE, the majority leader and Senator SIMPSON, the minority whip, have been among the principal sponsors of this measure.

Of those who have spoken against coin redesign today, although they are supporters of coin redesign generally, let me cite the fact that Senator STEVENS of Alaska, Senator HATCH of Utah, Senator BOND of Missouri, have all been cosponsors of the measure calling for coin redesign as has Senator GARN, the ranking Republican member of the committee.

They have all worked for coin redesign several times, as has Senator GRAHAM of Florida, who also spoke. The point is that they feel that we should not proceed with coin redesign at this time because of the circumstances in the House of Representatives. They support coin redesign very strongly in principle.

I would like to read into the RECORD, a letter addressed to all Senators by Beth Deisher, who is the editor of Coin World. Her letter reads as follows:

On behalf of U.S. coin collectors and as editor of the world's largest numismatic collectibles news weekly with circulation in all 50 states and 39 foreign countries, I ask you to join Senators Alan Cranston and Malcolm Wallop in their effort to have the Senate-House Conference Committee Report on H.R. 3337 recommitted to the conference committee with instructions to Senate conferees to reinstate coinage redesign.

The U.S. Senate has approved legislation 13 times since 1988 calling for new designs on the reverses (tails sides) of our circulating coins. Coinage redesign was added last fall as one of the titles to the omnibus coin bill, H.R. 3337. However redesign opponents in the House of Representatives, using confusion and outright falsehoods, succeeded in removing coinage redesign from the Senate-Conference report.

We ask you to stand firm and support restoration of coinage redesign. Initially the coin redesign title called for new designs for all five circulating coins. Senate conferees compromised in good faith and are now seek-

ing redesign of the reverses of only the half dollar and the quarter dollar.

New designs for circulating coins is a WIN-WIN for everyone.

New art on our coins could be seen and appreciated by every American in their daily lives. New designs would draw attention to our nation's ideals and aspirations, as interpreted by artists of our time. New designs could return us to an American tradition—enacted into law by Congress in 1892 but lost sight of by Treasury bureaucrats in the latter part of the 20th century—of changing designs every 25 years.

New designs would generate significant revenue for the government because each new coin saved as a souvenir of the design change earns money which could be used to pay against our mounting national debt. It is extremely important to understand that coin redesign is the only part of the omnibus coin proposal which serves the national interest by substantially reducing the national debt at no cost to taxpayers. Four other titles in H.R. 3337 call for issuance of commemorative coins for special interest groups that seek the money generated by surcharges (taxes on the coins) as a means of funding their endeavors. The people who have been buying the commemorative coins—and paying the hefty surcharges (taxes)—are the coin collectors in the numismatic community, who have never benefitted from the surcharges.

Coin collectors of this nation, which by some estimates number as high as 10 million, are the advocates of coin redesign because they realize that coin redesign will draw the public's attention to coins. If the U.S. government expects to expand its sales of commemorative coins, it must become involved in and take some responsibility for maintaining the vitality of the hobby of coin collecting. Redesigning circulating coins is a much needed step toward that worthy goal.

It is our understanding that Senators Cranston and Wallop will lead a Senate floor debate April 28 before you are asked to vote on this important issue. I urge you to listen to them and to support them in their quest to reinstate coin redesign in H.R. 3337.

Sincerely,

BETH DEISHER,
Editor, *Coin World*.

Mr. President, I would also like to briefly read from a speech made in the other body when this matter was being considered; the speech made by Congressman KOLBE of Arizona, who very eloquently first touched upon the commemorative coins: Columbus, White House, World Cup, James Madison, and also the silver medal.

Then he asked:

I ask, who actually will pay these surcharges? The answer is coin collectors and dealers. It's no secret that this is an easy way to fund a pet project: Circumvent the appropriations process and let this tiny sector of the economy pick up the costs.

Opponents say there is no support for the coin redesign measure. Let me remind my colleagues that there is very strong support for coin redesign from the coin collecting community—the very people who are funding all these special projects.

So here we have a situation where we are asking coin collectors to pay all these surcharges. But when they ask for a minor change in the appearance of our coins in order to maintain the vitality of their hobby, we say they are asking too much.

I disagree.

Opponents say there is nothing wrong with the designs on our coins. That is true. But

let me offer another perspective. Fifty years ago, Toscanini recorded the nine Beethoven symphonies in performances that are still hailed as brilliant. Yet major symphony orchestras continue to record Beethoven symphonies—not because there is anything wrong with the Toscanini performances or because they can improve on the artistic quality. New recordings are made because different people have their own idea about what beauty is.

What opponents of coin redesign seem to be saying is that there are no artists or sculptors alive today who are capable of designing a beautiful coin. They claim there is nothing more to be said about the aesthetics of our coins—it was done 50 years ago.

Let me emphasize—There is nothing wrong with current coin designs. But I think that among 250 million Americans, there is an artist capable of designing another beautiful quarter and half-dollar. And I, for one, would like to see the work of a living American artist on circulating coins.

That is Congressman KOLBE of Arizona.

Mr. President, I reiterate my urgent recommendation that the Senate defeat the conference report and send this matter back to conference so we can get coin redesign and save for our Government \$250 million.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, in the moments I have left, let me say I think it is very important we pass this conference report, notwithstanding the points made by the Senator from California.

We have two separate and good purposes that cannot be reconciled at this particular time, as we have been told by the House of Representatives.

The coin redesign can go forward on its own track at an appropriate time and manner, and should. But today I think we have to approve this conference report so these five commemorative coins that are ready to go, can go. And we had the debate.

I am going to ask now for the yeas and nays on the conference report when the Senate comes back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BRYAN. Mr. President, I rise today to urge my colleagues to support H.R. 3337, the Omnibus Commemorative Coin Act. The measure contains several important bills that must be acted on expeditiously.

This act commemorates the 1994 World Cup soccer games, James Madison, and the 200th anniversary of the Bill of Rights, the 200th anniversary of the laying of the first cornerstone of the White House, the quincenary of the discovery of the Americas, and the service of our Nation's Armed Forces in the Persian Gulf.

The act authorizes the minting of coins to commemorate these historic events. The proceeds from the sale of

the coins will be used to fund significant programs. Proceeds from the World Cup commemorative coin will be used to promote and stage the 1994 World Cup Soccer games in the United States.

Proceeds from the White House commemorative coin will be used for furnishings and maintenance of the public rooms of the White House.

Proceeds from the Christopher Columbus commemorative coin will be used to provide scholarships for research and exploration.

Proceeds from the James Madison/Bill of Rights commemorative coin will be used to provide scholarships for the teachers for advanced studies in U.S. history and the Constitution.

I would like to take special note on the inclusion in this act of S. 1774, the silver medal for Persian Gulf veterans, which I sponsored and was cosponsored by 65 of my colleagues.

S. 1774 authorizes the Secretary of the Treasury to design and strike a silver medal for eligible medal for eligible members of the Armed Forces, and authorizes the striking of a replica medallion for the sale to the public.

The striking of the silver medallion would be at no cost to the taxpayer, as proceeds from the sales of the publicly sold replicas would fund the minting of the silver congressional medallions for our troops.

Mr. President, last year Congress authorized gold medals for Generals Powell and Schwarzkopf.

Having recognized these two great generals, it is only fitting that we pay similar respects to the troops who served under them in the Persian Gulf.

This legislation will authorize a silver medallion for the military men and women without whom the efforts of our Generals could not have succeeded.

Operations Desert Shield and Desert Storm confirmed the U.S. military to be the best trained, best equipped, most fully capable armed forces in the world.

The American men and women who performed in the Persian Gulf served their country well and made us proud.

However, the sacrifices they endured were many and must not be forgotten. Indeed Mr. President, 141 Americans were killed in the Gulf conflict, paying the ultimate sacrifice to their country, and another 357 were wounded in action.

The long, exhausting hours in unfamiliar desert battle conditions, the trying period away from family and loved ones, and the ultimate sacrifice paid by our fallen and casualties deserve our acknowledgment.

Mr. President, the men and women of our Armed Forces are deserving of recognition and honor for their gallant efforts in the Persian Gulf conflict.

The offering of a commemorative silver medallion is one small way of demonstrating our national gratitude for their courageous service.

Let me close by emphasizing that if we defeat the conference report today we will be ending any chance we have of passing these commemoratives.

These commemoratives have already been delayed for over a year.

I support coin redesign and have tried to assist the senior Senator from California in his efforts to pass it.

However, it is clear that the House is not favorably inclined towards coin redesign at this time.

Having recently tried to pass it three times, the House Leadership has indicated it would "only serve to further delay passage of the time sensitive bills in the package and will effectively kill the legislation for this year.

I am hopeful that the House will reverse this position in the future, but we cannot delay acting on these important commemorative coins in the meantime.

I urge my colleagues to support the conference report on H.R. 3337.

Mr. GARN. Mr. President, I rise in support of the conference report to H.R. 3337, the White House commemorative coin bill. This bill has been debated for the last 6 months. It is time we pass this report and allow the mint to strike, produce, and market these coins. The White House Bicentennial commemorative and Christopher Columbus Quincentenary Commemorative coin programs are time sensitive. The Mint needs adequate leadtime to properly produce and market these coins in calendar year 1992 to mark these milestones.

According to a congressional Budget Office report, the coin programs in H.R. 3337 will result in a profit of \$26 million to the government between 1992-95. Surcharges from the World Cup coin alone would generate between \$30-40 million. These surcharges will be used to defray costs associated with hosting the games. The cities need the coin revenue to prepare the playing fields and stadiums for international competition, promote the games, and provide the necessary security for the players and the fans. The U.S. Department of commerce estimates that the tourism revenue to the United States from the world cup games at \$1.5 billion. The delay in passing this legislation, has already forced the organizing committee to decrease the number of host cities from 12 to 9. These three cities have already lost out in sharing those tourism dollars. If this legislation is not enacted, these nine remaining host cities will be required to shoulder a larger burden of the cost, which could mean millions of dollars will be diverted from the city budgets that could be used for other worthwhile programs.

The World Cup coin bill along with the James Madison Foundation coin bill and the Christopher Columbus coin bill provides money for scholarship funds and educational programs. Many

Americans will benefit from these different programs.

There have already been two conferences on this bill. The House passed the second conference report by a vote of 414-0. The House leadership has made it clear that they will not participate in a third conference. A vote by the senate to recommit this bill to conference is a vote to kill the coin package all together. It is uncertain whether other commemorative coin packages will be passed this Congress. This is not a partisan issue; billions of Americans will benefit from these programs, whether it is visiting the White House, attending any World Cup events, or receiving one of the numerous scholarships.

I, along with many of my colleagues, have been a supporter of coin redesign in the past, but that is no longer the issue with this bill. If we do not pass this conference report as is, then these five worthwhile programs will die and any pending coin bills are likely to be held up until the next Congress. The other body has made it clear that it will not consider coin redesign in any fashion and recommitting this legislation back to conference is saying that the senate wants to see these measures die. We can't let that happen.

Mr. SEYMOUR. Mr. President, I rise to support the White House Commemorative Coin Act, H.R. 3337, which will direct the U.S. Mint to strike five commemorative coins.

This legislation will commemorate five very important endeavors or events: First, the White House Bicentennial Commemorative Coin Act to commemorate the 200th anniversary of the White House. Proceeds from coin sales will be used for furnishing and maintenance of the White House. Second, Christopher Columbus quincentenary—these coins will commemorate the 500th anniversary of the discovery of America and proceeds will be used to finance scholarships for research and exploration. Third, the James Madison/Bill of Rights Bicentennial—these coins will commemorate the 200th anniversary of the Bill of Rights. Proceeds from the sales of these coins will be used to provide scholarships for teachers interested in pursuing constitutional studies. Fourth, the Persian Gulf Veterans Medals—silver medals will be minted to honor the men and women who served in the Persian Gulf conflict. The medals will be presented to the veterans. Fifth, the World Cup USA 1994 Commemorative Coin Act.

Everyone of these commemorative coins are very important and deserving of minting but there are two very important reasons why this legislation should be passed without delay: First, is the long overdue recognition to our Persian Gulf heroes. It has now been over a year since the Persian Gulf conflict ended and the Persian Gulf Veter-

ans Medals honoring these men and women who served in the conflict have not been minted and bestowed upon these brave individuals. Second, the World Cup commemorative coin bill. This final coin is particularly important to California.

The United States was chosen for the first time in the history of the World Cup soccer games—the largest single sport event in the world—to host the games. These coins will commemorate this historic event and the proceeds from coin sales will be used to finance the games, help defray the costs of the local host cities and provide academic scholarships. This single event is estimated to increase direct tourism expenditures in the United States by \$1.5 billion.

California has been fortunate as it has two sites—Stanford Stadium and Pasadena's Rose Bowl—which have been selected for the games. Alan Rothenberg, chairman of the World Cup organizing committee has estimated that this legislation will raise \$40 million to help stage the World Cup in the United States.

Delay in passing the World Cup coin bill has cost U.S. cities millions in lost revenue. Due to uncertainty over passage of the World Cup coin bill, the World Cup USA Organizing Committee was forced to reduce from 12 to 9 the number of cities selected to host soccer games. This resulted in millions of dollars in lost economic activity to those cities not selected and will further cost the selected cities millions in operational costs unless revenues from the coin sales are realized.

I urge my colleagues to support this legislation, and pass it without delay.

Mr. SIMPSON. Mr. President, I rise in support of the conference report to H.R. 3337, and it is my hope that we can pass this today and allow these efforts to go forward.

The bill before us would mint coins to commemorate our hosting of the 1994 World Cup in soccer, the quincentenary of Christopher Columbus' voyage to the Americas, the 200th anniversary of the Bill of Rights, and the 200th anniversary of the White House. It would also mint long overdue medals to honor the men and women who served with such historic distinction in the Persian Gulf war.

It is my hope that these measures can be quickly passed. The commemoratives themselves are not controversial, and we are running out of time to get some of these coins minted. The Acting Director of the U.S. Mint has already written us to state that "if enactment is not forthcoming very soon, the mint will be severely limited in its ability to fully produce and market these coins"—that statement in particular refers to the White House coin and the Christopher Columbus coin.

These programs are 1992 programs we are almost in the fifth month of 1992,

and Columbus Day itself is only 5½ months away. So we do need to act promptly to pass this essentially non-controversial legislation.

When I say noncontroversial I refer of course to the substance of the bill. I am of course well aware that there is a point of contention over whether we should include language in this legislation calling for a redesign of the tail sides of our circulating coinage.

I do not mean to take issue with those who are working for coin redesign. I admire them—each and every one. I have been a strong supporter of coin redesign, I would also note that many other supporters of coin redesign are nonetheless asking us to promptly pass this conference report. Our majority leader recently received a letter from House democratic leaders DICK GEPHARDT, DAVID BONIOR, and ESTEBAN TORRES, all advocates of coin redesign, which testified to the "unwillingness of the House to approve coin redesign in any form." Their letter continued, "it is our judgment that, despite our best efforts, a majority of the House will not support the redesign provision as part of the package. We believe that any efforts to reopen the conference will only serve to further delay passage of the time-sensitive bills in the package and will effectively kill the legislation for this year."

I do not think that anyone here wants to kill this legislation outright—rather, there is merely an honest, good-faith effort to enact legislation to redesign our coins. But the clear reality right now at the moment is that these worthy commemoratives, including among them silver medals to honor our distinguished veterans of the gulf conflict, will be jeopardized if we do not pass this legislation. That is the judgment of the Director of the U.S. Mint, and of the House leadership, and all of those in the best position to know.

I therefore ask my colleagues to lay aside their other valid concerns about coinage and to pass this conference report. By doing this we will get in just under the wire and have our beautiful coins minted in time for Columbus Day and these other national celebrations. I thank my colleagues and I yield the floor.

Mr. MACK. Mr. President, I rise today to voice my support for the conference report to H.R. 3337, the Omnibus Commemorative Coin Act. This conference report contains a number of bills which, if enacted, would commemorate special events and help a number of worthwhile causes.

For the first time in history, the United States has been chosen to host the World Cup soccer games, the largest single sports event in the world. The city of Orlando will be one of these host cities. This event is estimated to increase direct tourism expenditures in the United States by \$1.5 billion.

One provision of the conference report would authorize the Mint to design and produce coins commemorating this event. The proceeds from the World Cup coins authorized by this legislation would be used to finance the games, help defray the costs of the local host cities and to provide academic scholarships.

Congressional delay and uncertainty concerning the fate of the World Cup coin bill has already caused the World Cup USA Organizing Committee to reduce the number of host cities from 12 to 9. While Orlando still receives the benefits of being a host to the World Cup, other Florida cities may have lost their chance to host an event when the field was reduced from 12 cities to 9. This delay and uncertainty cost the cities not selected millions of dollars in lost economic activity, and will further cost the selected cities millions in operational costs unless revenues from the coin sales are realized.

We must not delay passage of this bill any longer. I urge my colleagues to join me, without delay, in supporting this bill.

Mr. RIEGLE. Mr. President, we have had our debate on this issue. The time for debate has expired.

I ask unanimous consent to proceed for as much as 10 additional minutes on a separate subject.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE ECONOMY

Mr. RIEGLE. Mr. President, in light of the fact that both parties will be meeting for caucus purposes shortly, I will try to use less than the full amount of time I just asked for, but I want to take note of some important economic data that has come across the news wires this morning.

Let me begin by noting an item from the AP news wire that the U.S. economy grew. I am going to quote the first few paragraphs of this wire story this morning.

The U.S. economy grew at a modest 2 percent annual rate during the first three months of the year boosted by the return of buyers to auto showrooms. * * * the government said today.

Economists warned that the growth in the gross domestic product which followed a near economic standstill in the fourth quarter of last year, was not vigorous enough to budge the Nation's unemployment rate from a 6.5-year high of 7.3 percent in March.

Separately, the Commerce Department reported a worrisome 14.8 percent seasonally adjusted drop in new home sales in March; the steepest in 10 years. It followed a 7 percent decline in February.

Now dropping down in that story, it says that in terms of this modest 2-percent growth rate in the first quarter that:

The January-March rise was aided by a boom in mortgage refinancings, which put

hundreds of dollars in many consumers' pockets and by an increase in early Federal tax refunds, the result of a rise in computerized filings.

However, analysts warned that the economic upturn will not last unless employers have enough confidence in the future to start rehiring laid-off workers.

I think that is the critical issue, getting people back to work in this country.

I have not seen a later stock market update as the day has gone along, but the one I am now going to cite is the early one this morning, during the first half hour of trading which was the initial response of the stock market to this economic news. Obviously, there will be other news during the day and the market will rise and fall for whatever reasons. After digesting the initial economic news, however, the market was off and it indicated in the analysis—I will not read it—that the economic data just was not that strong.

The President was asked about it. I have just one other AP news item here. I am going to assume this is an accurate quotation, although sometimes these quotations are put together very rapidly and so sometimes they are accurate and sometimes they are not.

Assuming this one is accurate today also from the AP wire, when the President was quizzed by news people this morning about whether the recession was over, he said:

"Most people would say that 2-percent growth is not recessionary. There are some areas that are still hurting. But clearly, this is a good sign and there are a lot of other good signs" said Bush at a meeting with Republican law makers. "Most people that I talk to * * * feel that things are getting better." Then he concludes: "I just hope it continues."

I read that and thought to myself about the problems we are dealing with, unemployment, 9.3 percent in Michigan, and new home sales down, the steepest drop in 10 years. I have all kinds of people in my State and the other 49 States who cannot find work now who are unemployed. I got a letter from a fellow the other day who has been through three different job retraining programs and still cannot find a job. Even though he has been trained in three different areas, he still cannot find work, and that is a problem throughout the country and what this news story indicates.

It is not enough for the President, a friend of mine now over a quarter of a century, and I prize the friendship and want to maintain the friendship, but it is not enough for the President to say, "I just hope it continues." That is like a spectator; that is like somebody who is sitting up maybe 70, 80 rows in the stadium watching something that is going down on the field and saying, "I hope things go a certain way."

The President is the quarterback of the economic team of America. It is his

job to see that things get stronger, not to hope that they get stronger, but to call the signals to see that it will get stronger. We recently passed an economic recovery program and a tax program designed to get this economy moving faster. We sent it down to the President not very long ago. It passed the House and the Senate. We sent it down to the White House and the President vetoed that bill.

In that bill were a number of things that the President, himself, had asked for to try to stimulate the economy. There has not been anything since that time. And so we are missing the stimulative economic effect that could help create jobs in America, from the tax bill that we did pass that the President vetoed. So we have to have more action. We have to have more leadership. We have to get going in terms of a strategy that can get America moving at a faster rate.

The administration is certainly willing to take the initiative for other countries. They have come in here with an economic plan for Mexico called the fast track trade effort with Mexico designed to create jobs in Mexico. They have come in here with a plan to help Kuwait. They came in here the other day with an economic plan for, of all countries, Communist China. They were in here for the most-favored-nation trading status to help the Chinese, if you can believe it, to increase their economic performance. Of course the Chinese are shipping a lot of their goods to the United States. They have a huge trade surplus with us. They are draining billions of dollars out of the United States. And so the President and his people were working day and night to get the Congress to agree to give most-favored-nation trading status to, of all people, Communist China.

But is there an economic plan for America? None to be seen. What are the elements that ought to be in it? We need a national health insurance plan to get health costs under control for companies, businesses, individuals, families, and also make sure that people out there can have some manner of health insurance coverage so we do not have 40 million people who have no coverage at all.

Is there a Presidential plan on health care? None to be found. None to be seen. No plan in that area. That is a way to help the economy. We have all this cost shifting going on today, tremendous inefficiency in that system, and that is an area where it is not a question of hoping that things will get better. That is an area where only direct and forceful action will make things get better.

The same thing in the trade area. Japan continues to cheat us in trade. They are taking out of the United States over \$40 billion a year. They took out \$43 billion last year, a lot of it with trade cheating. They keep their

market closed in Japan. They dump goods in the United States below cost, and they end up sucking \$43 billion last year out of the United States. They are taking out an additional \$3½ billion every month.

The President could do something about that. He likes foreign policy. He could pick up the telephone and tell the Japanese Prime Minister that that has to change. Apparently, we cannot muster that kind of an initiative within the administration. It is regrettable because that phone call needs to be made and that would help this economy, and then we would be able to see stronger growth numbers in the United States and we would see more Americans going back to work.

These are some of the areas where we need a response. We need a more aggressive economic strategy.

I must say, I saw the polling data the other day down in the State of Texas—very interesting. In Texas, the President is running second in the Presidential polling data. Who is he running second to? Another Texan, in this case Ross Perot. What is Ross Perot saying? He is saying we ought to try to do something about getting the economy going, that we ought to work day and night to try to get the job base growing.

The other candidate for President, in the Democratic Party, Governor Clinton, is saying the same thing. And down there in that particular State people who presumably know President Bush very well, because it is his home State, and Mr. Perot very well are saying they are so dissatisfied with the leadership they are willing to cash in the President and take Mr. Perot.

Now, these are just the folks in Texas. Why are they saying that? Because there is no economic plan for America. Yes, there is an economic plan in the administration for Mexico, for parts of the old Soviet Union, for Communist China, for Kuwait. You name the country, the administration has a plan.

They were in here the other day with a plan for Thailand. No plan for America. America needs a plan. We have veterans of Desert Storm today, people who were being honored with parades, and justly so, a year ago, who are now unemployed and homeless.

There was a story the other night on national television of two Desert Storm veterans living in cardboard boxes because they cannot find work. That is not right. We do not have to have our country in that situation.

But the President, with all due respect, has to do more than say I just hope the economy gets stronger. He has to get out of the stands, come down on the field, put on a uniform, and start calling the signals. This is what the country wants. If he is not prepared to do that in an aggressive way, that puts people back to work and really

gets this economy humming, then he is going to be out of work. He is going to be out of work because people want change and they want this economy to get moving, and rightly so.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

The Senator from North Carolina should be advised that all time has expired. There is a previous order to recess.

Mr. HELMS. I ask unanimous consent that I be allowed to proceed for 2 minutes.

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

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSORE

Mr. HELMS. Mr. President, inasmuch as we are talking about who is to blame for what, let me make a few comments. I make these comments every day updating the statistics. So here we go.

Mr. President, the Federal debt run up by the U.S. Congress stood at \$3,879,888,608,005.53, as of the close of business on Friday, April 24, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or \$785 million every day.

On a per capita basis, every man, woman, and child owes \$15,105.13—thanks to the big-spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to \$1,127.85 per year for each man, woman and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to \$4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

I thank the Chair and I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:43 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [MR. ADAMS].

WHITE HOUSE COMMEMORATIVE COIN ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The business of the Senate is the question on agreeing to the conference report on H.R. 3337. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. McCAIN] and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

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

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—75

Akaka	Domenici	Mack
Baucus	Durenberger	McConnell
Bentsen	Ford	Mikulski
Biden	Garn	Mitchell
Bond	Glenn	Murkowski
Boren	Gore	Nickles
Bradley	Gorton	Nunn
Brown	Graham	Packwood
Bryan	Gramm	Pressler
Bumpers	Grassley	Riegle
Burdick	Hatch	Robb
Burns	Hatfield	Roth
Byrd	Heflin	Rudman
Chafee	Helms	Sarbanes
Coats	Jeffords	Sasser
Cochran	Kassebaum	Seymour
Cohen	Kasten	Shelby
Conrad	Kerrey	Simpson
Craig	Kerry	Smith
D'Amato	Kohl	Stevens
Danforth	Lautenberg	Symms
Daschle	Leahy	Thurmond
Dixon	Levin	Wallop
Dodd	Lott	Warner
Dole	Lugar	Wirth

NAYS—22

Adams	Hollings	Reid
Bingaman	Johnston	Rockefeller
Breaux	Kennedy	Sanford
Cranston	Lieberman	Simon
DeConcini	Metzenbaum	Wellstone
Exon	Moynihan	Wofford
Fowler	Pell	
Harkin	Pryor	

NOT VOTING—3

Inouye	McCain	Specter
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So the conference report on H.R. 3337 was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, was leaders' time reserved this morning?

The PRESIDING OFFICER. Leaders' time was reserved.

SYRIA LIFTS RESTRICTIONS

Mr. DOLE. Mr. President, I want to join President Bush and others in welcoming the decision by the Government of Syria to lift longstanding restrictions on the Jewish population of Syria.

These onerous restrictions—which effectively precluded freedom of travel, and the holding of property—represented gross violations of the human rights of Syrian Jews. They were offensive to anyone who believes in freedom and fairness. They were a blot on the face of the Syrian regime.

This is an issue that many of us in the Congress have been working on for a long time. Two years ago in Damascus, I raised this matter directly with President Assad.

At long last, the Syrian regime has done what is right.

Hopefully, this decision will have a positive impact not only on those directly affected, but will also improve the atmosphere for the ongoing Middle East peace negotiations.

Peace and justice in the Middle East is still a long way off. But this decision represents one more small but important step forward in pursuit of that goal.

Mr. President, I reserve the remainder of my leader time.

The PRESIDING OFFICER. The Senator reserves the remainder of his leader time.

Mr. BOREN addressed the Chair.

SENATE ELECTION ETHICS ACT—CONFERENCE REPORT

Mr. BOREN. Mr. President, I submit to the Senate a report of the committee of conference on S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 8, 1992.)

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I am extremely pleased to bring to the floor the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992. For almost a decade now, each Congress has come a step closer to enacting meaningful campaign finance reform. Many said that such a sweeping campaign reform bill would never make it this far. Clearly, they were wrong.

The outstanding leadership of many individuals in this Chamber, an effort that began, as I indicated, almost a decade ago, involving at that time, along with current Members of the leadership, bipartisan leadership of Members like Senator Goldwater, Senator Stennis, and others, continuing on with the leadership in this Chamber of majority leader Senator MITCHELL; Senator FORD, the chairman of the Rules Committee; the distinguished President pro tempore, Senator BYRD; and many others, we now have the opportunity to send to the President the most comprehensive campaign finance reform measure passed since Watergate. This bill will replace the power of the pocketbook with the power of the American voter. We have traveled a long journey. But the end of the journey is finally in sight. We must succeed.

The conference agreement, almost without exception, maintains the strong provisions of the campaign finance reform bill that passed this Chamber nearly a year ago. In every important way, we meet the goals propounded in the Senate bill. These goals include reforming the system to encourage citizen involvement at the grassroots level, reforming the system to encourage and promote political competition with a focus on the issues and on substance rather than on rewarding only those who can raise the most money.

It is time for us to have competition in American politics based upon ideas, based upon which candidate is best qualified, based upon the proposals of the candidates for solving the serious problems facing this country instead of having elections fought more and more on the question of which candidate can raise the most money in his or her campaign fund.

Third, this proposal will reform the system by crafting a comprehensive solution which guarantees that the millions of special-interest dollars spent on campaigns are eliminated from the system for good, instead of just popping up somewhere else in the political process after being squeezed out of one area that we might target.

The conference agreement is in line with the Senate-passed bill and achieves these goals. First, the agreement is premised on a set of benefits that will be provided if a candidate ac-

cepts voluntary spending limits. The current system has made us part-time Members of Congress, part-time Senators, and full-time fundraisers. To win a seat in the Senate today, you need to spend nearly \$4 million. That is exactly the average spent by candidates who won U.S. Senate races in the last election cycle: \$4 million, on the average; not in the largest States, but an average-size State. It means that a successful candidate has to raise an average of almost \$15,000 each week, each and every week for 6 years, in order to come up with the average amount of money that a winning candidate spent in the last election cycle.

In the 1990 election, Senate candidates raised almost a quarter of a billion dollars to run successfully for office. Mr. President, enough is enough. With the serious problems that we have facing this country, it is time to allow the Members of Congress to concentrate on solving those problems, on doing the job that the people elected them to do, instead of forcing them to spend so much time raising more and more and more money in order to run successful election campaigns.

Moreover, this expensive system not only takes the attention of Members and candidates for office off the issues and away from solving the problems to the need to raise money, it also favors incumbents and discourages new candidates who can bring fresh ideas to Congress. In race after race, incumbents outspend challengers.

In the 1990 senatorial election, only one challenger defeated an incumbent, the lowest number of successful challengers since 1960. The only lasting and effective way to fix this system is to place reasonable limits on how much money those running for office may spend. The American people overwhelmingly favor spending limits in elections. In recent surveys, between 77 and 85 percent of all Americans—all Americans of both political parties, Democrats and Republicans alike—favor spending limits. The conference committee agreement mirrors the Senate bill in accomplishing this objective of imposing spending limits.

In accordance with the U.S. Supreme Court decision, which requires that any spending limit system be voluntary, it establishes a voluntary system under which expenditures are capped based on the voting age population of a candidate's State.

Opponents of this bill cry that spending limits would hurt challengers. This unsupported statement does not reflect the realities of this bill. We must look at facts and not fiction. For example, if spending limits imposed in S. 3 had been in place in the 1990 Senate election, 82 percent of the incumbents who ran last time would have exceeded the spending limit by an average of almost \$2 million, compared with only 32 percent of the challengers, who have ex-

ceeded the limit by an average of only \$400,000.

The facts are clear. Incumbents, time after time, again without regard to whether those incumbents are Democrats or Republicans, can simply raise more money than challengers. They occupy positions of authority and have the ability to influence important policy decisions which affect powerful interest groups in this country. And because they occupy those positions and because those interest groups want access to those incumbents, they are in a better position to raise money if money is going to be the determining element in the outcome of campaigns in this country.

And so it is not surprising that on the average, incumbents were able to outspend challengers in Senate races by about 3 to 1 and in House races by about 8 to 1 in the last election cycle. It is not surprising, therefore, that incumbents would have exceeded the spending limits, 82 percent of them, if S. 3 had been in effect in the 1990 election cycle.

The truth is that with spending limits, challengers will now finally have a chance to compete in the election process. And as long as we have no spending limits—runaway spending without control—it is going to be the rare challengers, indeed, who will have a chance to raise even close to as much money as a sitting incumbent in any election campaign.

Mr. President, spending limits are not just important to campaign finance reform; they are fundamental to campaign finance reform. Campaign reform without spending limits is like telling the doctor you can examine the patient, but you certainly cannot cure the disease or treat the disease.

Second, the conference agreement eliminates the disproportionate influence of political action committees. In 1990, PAC's contributed more than \$130 million to campaigns. These PAC's know how to play the Washington power game. They gave \$16 to House incumbents for every \$1 given to challengers, and they gave to Senate incumbents versus challengers by more than 8 to 1; \$16 by the political action committees given to incumbents for every \$1 that they gave to challengers.

This margin for Senate incumbents has risen for the 1992 election to more than 15 to 1, and the ratio so far in this election cycle for House races is 25 to 1. So instead of the problem becoming less serious, the problem grows worse by the day. How long, Mr. President, are we going to wait until we do something about it? Already political action committees, giving \$16 to incumbents in the House versus \$1 to challengers, is now increasing to \$25 to \$1. Are we going to wait until it is \$50 to every incumbent to every \$1 to a challenger; \$100? How long are we going to wait, Mr. President? How long are we going

to wait to curb special interest influence in American politics? How long are we going to wait, Mr. President, to bring campaign spending under control? How long are we going to wait?

When I first came to U.S. Senate in the election cycle of 1978, the average winning candidate for the U.S. Senate spent \$600,000 getting elected. That was only 14 years ago; \$600,000. The last election cycle was \$4 million. Are we going to wait until it is \$8 million; \$16 million? Where is it going to end, Mr. President? How long are we going to let this situation continue before we act?

The conference report on S. 3 gives us a chance to take that historic step. We are the trustees of this institution. We have an opportunity to vote on this legislation. We are the only ones who have an opportunity to vote on this legislation, and therefore it gives us a heavy responsibility to do what is right as trustees of the process for the American people.

It is time for us to seize this opportunity to put our own house in order, to begin to reform this institution, and there is nothing more fundamental to the reform of the institution of the U.S. Congress than assuring we have an election process that belongs to the people instead of to the power of the dollar contributed by special interest groups.

Clearly, the disproportionate influence of political action committees must be eliminated to allow incumbents and challengers to compete on a level playing field. Conferees, recognizing the constitutional limitations on a complete political action committee ban—that is a matter that has been raised during debate when we had the bill before us before. It is a matter also raised by the White House in making some of their proposals.

I think there has been broad understanding of the potential constitutional issues on both sides of the aisle. In light of that, the conference committee decided not to prohibit entirely the ability of political action committees to contribute, but instead curtailed strictly the ability of PAC's to give in congressional elections. The conference agreement provides that a candidate would be limited to receiving no more than 20 percent of the election-cycle limit in aggregate political action committee contributions, and the maximum political action committee contribution or PAC contribution for Senate candidates will be cut in half, from \$5,000 to \$2,500 per election.

These measures would significantly decrease the disproportionate influence of PAC's on Senate candidates. If the 20-percent aggregate PAC limit without the individual PAC limit had been in effect in 1990, the amount of money incumbents could have raised from political action committees would have been cut by more than half, 53 percent.

And so, Mr. President, this bill goes a long way in the right direction to reduce by more than half the amount of money that political action committees did pour into the process in the election cycle just ended in 1990.

Third, the conference agreement adopts the Senate language and stops the flow of what has been called soft money, or sewer money, into American politics. The sewer money comes from huge contributions from wealthy individuals and organizations, such as unions and corporations and others, funneled through political parties. This distortion of the political process must be stopped. As we approach the upcoming Presidential election, we will likely see over \$100 million or more in soft money pumped into the system to alter the course of Federal elections.

Mr. President, we have seen this happen in the Presidential system, for example, where we have adopted a system that supposedly was going to squeeze special interest money out of the process. And now, through the loophole of allowing people to pass money through the political parties, State party organizations, for example, in a move to influence Federal elections without spending limits, have actually had fundraisers where people have given up to \$100,000 each to be funneled through this loophole for the purpose of influencing Federal elections, including Presidential elections, under a system that was supposed to totally remove special interest funding and funding from wealthy individuals in an undue amount.

Mr. President, it is time to stop it. People across this country who have studied the election system have called for stopping it. And this conference committee, once and for all, has adopted a proposal that will do just that.

Fourth, the conference agreement would also halt another abuse, bundling, for example, the object of many recent press reports, even in the last few days. Special interest groups are skirting the law through so-called independent expenditures.

Further, the conference agreement follows the Senate-passed bill in improving the quality of the debate. The benefits for accepting the voluntary spending limits include broadcast vouchers which can be used for television and radio. On all such advertisements, candidates must claim responsibility to ensure the presence of clear fingerprints on negative attack advertising.

Mr. President, nothing has been more discouraging or disgusting than to see the course of recent campaigns during which time we have seen a large number of advertisements carried in the media, 30-second spots attacking other candidates, not trying to talk about what a candidate wants to do to help the country, but making negative personal attacks on the opposition and

then not even claiming credit for these attacks. Actors are usually used in these broadcast spots so that the candidate himself or herself can avoid responsibility for making such negative attacks on the opposition.

So under this bill, Mr. President, no longer will a candidate be able to hire actors to make personal attacks on 30-second spots without having to assume responsibility himself or herself. The candidate will have to be shown on the end of the advertisement claiming responsibility for the ad.

And hopefully, Mr. President, there is enough sense of personal honor and integrity that there will be enough hesitation on the part of candidates to keep them from wanting to assume responsibility for such negative advertising, and they will again turn back to discussing the issues, to talking about what they want to do to serve their country, instead of wasting the voters' time on negative attacks on the opponents that they face during an election campaign.

Contrary to the statements of a few Members of Congress, this bill does not commit any public resources to financing any part of the congressional campaign.

Because the conference vehicle is a Senate bill, it cannot provide funding until subsequent funding legislation is passed. However, the conference agreement also provides for a resolution that subsequent funding legislation shall not provide for any general revenue increase, reduced expenditures for any existing Federal program, or an increase in the Federal budget deficit in order to fund those incentives necessary to a bill under the Supreme Court decision to impose spending limits.

The conference agreement contains almost all of the Senate bill that was the product of extensive debate on both sides of the aisle. I recall that Senators, including Senator DANFORTH, the Senator from Missouri, proposed the broadcast voucher system, a system of broadcast vouchers be included.

Many Senators on the other side of the aisle have targeted the cost of campaigns as a goal of true reform. Through our reduced mailing and broadcast rates we have incorporated this concern. In fact, it was Senator RUDMAN who convinced me that we should not only allow candidates to receive the lowest unit broadcast rate, they should be able to buy advertisements at less than that rate, half that rate, as provided in the bill.

Although the conference agreement, like the Senate bill preceding it, surely will not please all 100 Members of our Chamber, it is a program for real reform. What is certain is that we must quickly press forward with this solid reform bill. We cannot afford to sit and watch our system decay further while the American people continue to lose faith in this institution.

Mr. President, this agreement is real reform. The conference agreement reflects the Senate-passed bill in every substantive area of reform. Writers and public interest groups who have worked to reform the process have unanimously heralded this bill as fundamental reform. The New York Times calls it landmark legislation and suggests that the President should sign it. The Los Angeles times dubbed it "the best chance the country has had in years to pull itself back from the brink of political despair."

These are just a sample of the dozens of editorials in newspapers from all parts of the country that uniformly emphasize the need for true campaign finance reform.

Mr. President, I ask unanimous consent that a series of editorials from the Washington Post, the New York Times, the Los Angeles Times, and many others, the Sacramento Bee; Fort Worth Star-Telegram; San Jose Mercury News; the Huntington, WV, Herald Dispatch; the Wichita Eagle, of Wichita, KS; the Plain Dealer, of Cleveland; and several other newspapers, the Miami Herald, Miami, FL; the Hartford Courant, Hartford, CT; and the Reno Gazette-Journal, of Reno, NV, among others be printed in the RECORD.

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

[From the Los Angeles Times, Apr. 8, 1992]

WHY VETO THIS TERRIFIC REFORM?

Some time before the end of this month, the most important campaign reform legislation in a generation will be offered to President Bush for his signature. Bush has sworn to veto the reform. In our judgment, a veto would harm both parties and, worse, would wreck the best chance the country has to turn the current, almost suicidal pessimism of the electorate into a renewal of hope.

The real political news of the last six months has not been the rising and falling and rising fortunes of Bill Clinton or Jerry Brown or Pat Buchanan or George Bush. It has been the falling, falling and further falling level of popular interest in the nation's electoral process itself. The cure for democracy cannot be less democracy; but less democracy is just what you get when so many eligible voters just give up and stay home. Past a certain point, non-participation becomes a crisis of legitimacy for American democracy itself.

Root of Evil: The candidates accuse one another of bringing the nation to this crisis, but notice how the accusation is framed. The term of accusatory art is special interests as in "my opponent is captive to the special interests." What makes special interests bad, of course, is that they are pursued against the general interest, but how does a candidate fall into this special-interest captivity?

The bars of the cage are made of money. Buying votes is bribery, and illegal, but buying access, buying influence, buying returned phone calls—all this is "politics as usual." What the candidates say about their opponents guilt is the unpleasant truth. What they imply about their own innocence is a stinking lie, and that's a good part of the reason Americans are tuning out their own

political system. The whole thing is starting to sink.

A generation ago, with the foul aroma of Watergate still on our presidential politics, the United States instituted limits on presidential fund raising. The reform consisted, in broad terms, of a limit on contributions by individuals and political action committees joined to a program of public funding. As a result of this reform, President Bush has received a total of \$145 million in public funds for his campaigns for the vice presidency and the presidency.

Root of Reform: The legislation the President has sworn to veto extends this reform to House and Senate races. The reform does not, as he claims, favor incumbents over challengers. Under the present, unreformed system, incumbents raise vastly more money than challengers. A Times study found, moreover, that only 80 House candidates in 1990 spent more than the \$600,000 limit that the reform permits. The reform does not increase taxes. Though it limits PAC contributions it does not eliminate them. It improves on the reform of presidential campaign spending by strictly limiting so-called soft-money contributions to political parties.

It is, in short, the best chance the country has had in years to pull itself back from the brink of political despair. President Bush should not just sign this legislation, he should applaud it. We are cheered by the rumor that a group of junior Republicans may soon give him the same advice.

[From the Washington Post, Apr. 6, 1992]

MR. BUSH ON CAMPAIGN FINANCE

President Bush made another self-serving speech the other day about the need for congressional reform just as the Democrats were wrapping up the year's most important reform bill—which the president has promised to veto. The bill would shift the debate from the entertaining subjects of the House Bank, House Post Office and which branch has the most egregious perks to the fundamental issues of how much it costs to get to Congress, and who pays.

The price of office has been allowed to rise too high. The average Senate seat now costs about \$4 million; the average House seat, about \$375,000. To raise what it needs to run for reelection, Congress as a whole now collects an average of more than \$2.7 million in campaign contributions every week of every year. Seats are bought in this system, even if members are not. Members spend too much time begging; too much money comes from PACs, the giving arms of the interest groups with business before the members whom they choose to support. In the House the system is worse in that, thanks to the PACs, many senior members particularly are easily able to raise more than they spend; the carryover is used to discourage future challengers.

In most recent years this system has produced Democratic majorities; the Democrats would nonetheless change it. Their bill, which not all of them like, would establish voluntary spending limits, provide partial public funding or its equivalent in kind to candidates (challengers as well as incumbents) who comply with them, make some other healthy changes in the mix of funds to reduce the influence of PACs and try to prevent evasions, particularly in the form of "soft money"—campaign contributions meant to support federal candidates but laundered through state parties to avoid the federal ceilings.

Our own notion is that the bill would help challengers (and thereby Republicans) more

than incumbents. The Republicans nonetheless resist in part on grounds that challengers must often outspend their rivals to win. The president says that he will veto a bill combining spending limits and partial public finance. He professes to be opposed to both features in part on principle, even as he himself is about to become the all-time leading recipient of public funds in federal elections. As vice presidential candidate in 1980 and 1984 and presidential candidate thereafter, he will have accepted some \$200 million in public funds in return for abiding by spending limits. What rubbery principle is that?

The president wants it understood that, whatever the nation's accumulation of problems during the past 12 years, the executive branch was not at fault. If it's bad, the corrupt Democratic Congress did it; that's the theme—and Congress has rarely been an easier target than now.

But as this very bill again attests, that's only a partial picture. Mr. Bush has been a reactive president; Congress has often been the forcing branch. He is trying here to create a self-fulfilling prophecy: to blame the Congress even as he blocks the reform. The Democrats are right to pass this bill. If he vetoes it, the corrupting system that it seeks to replace is at his doorstep.

[From the New York Times, Apr. 6, 1992]

DEMOCRACY AND HYPOCRISY

President Bush, seizing on the public's contempt for Congress, now casts himself as an ardent government reformer, committed to cleaning up a "broken" political system. But that's a stretch, even for a politician caught with his polls down in the midst of a tough re-election fight. Beyond the partisan posturing, Mr. Bush shows little real interest in fixing things.

He rightly calls for streamlining the Congressional committee system and its budget process. But Congressional leaders are already pushing to create a partisan committee to examine such changes. And on the central reform issue facing Congress—its corrupt system of campaign financing—Mr. Bush is the main obstacle to fundamental change.

Landmark legislation that would finally slow the endless pursuit of favor-seeking money by the nation's top lawmakers and the special treatment it buys has cleared a House-Senate conference committee and is headed for the House floor.

The measure, backed by the Senate majority leader, George Mitchell, and House Speaker Thomas Foley, would create a less incumbent-protective system of spending limits, new curbs on special-interest political action committees (PAC's) and sensible public financing.

The bill isn't perfect. But it would be a breathtaking departure from the discredited business-as-usual that keeps lawmakers beholden to favor-seekers and keeps challengers at bay. Mr. Bush says he wants a cleaner, more competitive system. Yet he threatens to veto the bill when it arrives on his desk because it contains spending limits and public financing.

Mr. Bush, like most Congressional Republicans, resists spending limits, saying they would hurt challengers. But the argument simply doesn't hold when few House challengers can raise enough money to run a realistically competitive race.

The President's opposition to public financing is even more troubling. In a speech Friday at Philadelphia's Independence Hall, Mr. Bush asserted that "Federal funding of

Congressional elections would only make the problem worse." But how? The President doesn't say.

If the influence of favor-seekers is to be reduced, and the playing field leveled for challengers, candidates need access to clean resources. The constitutionally dubious step Mr. Bush proposes, abolishing the corporate and union PAC's that give predominantly to Democrats (but not "ideological" PAC's that tend to favor Republicans), won't do the job. Nor is a 12-year term limit a good answer. It would purge good legislators and bad while inflating the influence of staff and lobbyists.

Mr. Bush's opposition to public financing is awkward and ungrateful. Mr. Bush will have run in four publicly financed Presidential campaigns by November. He will have received the benefit of more than \$200 million in public campaign money—making him the nation's all-time public-financing champ. That alone ought to give Mr. Bush pause before lifting his veto pen.

Among its other big advantages, the Congressional campaign finance bill would close the loophole in the Presidential system that saw Mr. Bush's 1988 campaign hustle \$100,000 contributions from some of the nation's wealthiest people to help the national campaign.

The President who's trying to woo voters by wearing the cloak of reform would look a lot less selfish, and a lot more sincere, if he changed his mind and signed the bill.

[From the Sacramento Bee, Apr. 9, 1992]

TONIC FOR AN AILING CONGRESS

Salivating over the House check-writing scandal, his moistened finger lifted bravely to the wind, President Bush, like so many others in this election season, is running against Congress. In that vein, he has endorsed the dangerous congressional quick fix of term limits. At the same time, the president promises to veto the one good piece of legislation that has a chance of reducing the special-interest grip on Congress and making the institution more responsive to the electorate.

A campaign-finance reform bill designed to slow the congressional money chase cleared a House-Senate conference committee last week. Its key elements are voluntary spending limits and limited public financing of congressional campaigns. Under the legislation, candidates for the House of Representatives who accepted public financing could spend no more than \$600,000 per election cycle. Spending limits for Senate candidates who accepted public funds would vary from \$1.5 million to \$8.2 million, depending on the size of the state.

The bill was approved on a straight party-line vote, with all Republicans voting "no." They fear that spending limits will hurt challengers, most of whom are Republicans, while helping better-known incumbents, mostly Democrats. It's a groundless fear: The history of political campaigns has shown that challengers don't need huge amounts of money to win, just enough to run credible campaigns. Practically every incumbent defeated in the last congressional election cycle spent more than his opponent.

Congressional Republicans and Bush also object to public financing, dismissing it derisively as "welfare for the politicians." It's an odd objection coming from a politician who, as a two-time candidate for vice president and a three-time candidate for president, has received nearly \$150 million in public campaign funds.

The bill approved last week is not the perfect remedy for what ails Congress, but if it

becomes law it can reduce the obscene sums spent on election campaigns. And it would give those candidates who wish to avoid both the appearance and the reality of being bought and paid for by wealthy special interests a clean source of campaign funds. What's wrong with that?

[From the Fort Worth Star-Telegram, Mar. 31, 1992]

THE REAL PROBLEM: NOT PERKS, BUT CAMPAIGN-FINANCE ABUSE

Ah, those congressional perks—perquisites of office, defined as things expected but incidental to employment. In the case of the House, it means free reserved parking where others pay, free prescription drugs, a low-cost private gym and discount haircuts. It used to mean the freedom to write bad checks.

The public is right to demand an accounting, and an end, to these privileges of office. For that matter, it is also right to review and kill some perks (limousine service, for instance) enjoyed by executive-branch functionaries. Arrogant and assumed privilege is questionable whether it is enjoyed by an elected representative, an assistant secretary of something or the president's chief of staff.

But no revelations about House members' abuse of privilege, or even needed efforts to trim back those privileges, should be allowed to obscure the real iceberg—of money—that threatens our system of representative government.

This week, House and Senate conferees start work sorting out slightly different versions of campaign-finance reform bills. Each house wrote its own, not presuming to tell the other how to act. The House-Senate conference hopes to produce one bill acceptable to both before the spring congressional recess April 10.

This work is much more important than the flap about perks. It is more important than all the jingoism about term limitations.

Money really is the mother's milk of politics. No member of Congress ever voted against the public interest because he had gotten a cheap haircut or because she had written a bad check at the House bank, but such votes are bound to occur when representatives and senators spend most of their time cultivating campaign contributions and kowtowing to backers with deep pockets.

Conferees may come up with different rules for House and Senate in order to free candidates from begging for money. The conferees may recommend public financing of campaigns. They surely will try to set some caps on campaign spending.

Wish them luck, and hope the president doesn't veto the product without excellent and non-partisan reason. This really is important work—important not just to the politicians but to every American citizen.

[From the San Jose Mercury News, Dec. 2, 1991]

HOPE FOR REFORM

Approval in the House of Representatives of campaign finance reform last week offers more hope that Congress may kick its addiction to special-interest money.

Earlier this year, the Senate passed a strong campaign reform measure. Now the two versions must be reconciled in conference committee.

One impediment to reform will be President Bush, who has said he will veto any

measure that includes spending limits and public subsidies.

Without them, there will be no meaningful reform.

The Supreme Court has ruled that spending limits are unconstitutional, except when made a condition of receiving public funding for campaigns.

Spending limits are essential, because the fear of being outspent is what drives incumbents to raise money throughout their terms in office. The wallets they reach into usually belong to businesses and interest groups with a major stake in the outcome of legislation.

Campaign reform without spending limits becomes an endless attempt to limit contributions, which, by itself, is doomed to fail. If candidates feel they need more money and they are allowed to spend it, they will find it someplace.

The House bill has three major provisions. Total spending would be voluntary limited to \$600,000. Candidates could receive only \$200,000 from political action committees. And candidates who agree to the spending limit would be eligible for \$200,000 in public funds.

Republicans claim the bill would cripple challengers. The argument is baffling. Incumbents—and in Congress, most incumbents are Democrats—enjoy huge fund-raising advantages. Spending limits and public funds blunt that advantage.

The Senate approach to reform is similar to the House's, with one important addition. The Senate would ban so-called "soft money," contributions in amounts as high as \$100,000 given to parties, not directly to candidates. Especially in presidential and senatorial contests, where the party has only one candidate, this is a loophole big enough to accommodate a Charles Keating.

Public funding of campaigns is often criticized as forcing the public to pay for yet another congressional perk. That criticism is foolishly shortsighted.

Campaigns will be financed somehow. The current method is that agricultural interests disproportionately underwrite the campaigns of representatives and senators on agricultural committees, and banking and savings and loan interests contribute heavily to members on the banking committees.

Compare the hundreds of billions of dollars spent bailing out savings and loans with the cost of subsidizing campaigns.

[From the Huntington (WV) Herald-Dispatch, Jan. 4, 1992]

CAMPAIGN GIFTS: IT'S TIME FOR A STRONG REFORM LAW

When the bills are added up, the near-collapse of the nation's savings and loan industry seems a cinch to be the largest financial scandal in American history. It's estimated that the S&L debacle will cost U.S. taxpayers about \$500 billion—or \$4,600 for every taxpayer.

Let there be no mistake about it: The S&L scandal never would have taken place if the federal government's regulatory machinery had been allowed to function. But powerful congressmen put enough pressure on regulators that they couldn't do their jobs.

That pressure didn't just happen. It was a direct result of the \$11 million in campaign contributions that financier Charles Keating and others in the S&L industry funneled to key lawmakers in Washington.

Now that the S&L mess has been exposed to the light of day, members of the public have no problem seeing the obvious connection between the big-bucks donations by

Keating and others and failure of the federal government to properly police the industry.

Little wonder that a recent New York Times/CBS News Poll indicated 57 percent of those surveyed said they believe at least half the members of the Senate and House are "corrupt."

There's no quick, easy way for Congress to prove that discouraging assessment wrong. But there's one important step which, if taken, could work wonders at changing things: curb the flow of special-interest money into the campaign coffers of our lawmakers.

During 1991, for the first time since Watergate, both the Senate and House passed serious campaign finance reform legislation that would limit overall campaign spending and reduce the role of special-interest contributions. A major challenge for Congress in 1992 is to meld these differing Senate and House bills into a single piece of strong legislation.

President Bush has threatened to veto any campaign reform bill that contains public financing. Yet, as Fred Wertheimer, president of Common Cause points out, "Bush has already run twice for the presidency under the very same kind of system and is about to do so for a third time."

It's time for Congress to clean up its campaign finance mess—and time, too, for President Bush to stop standing in the way.

[From the Wichita (KS) Eagle, Mar. 30, 1992]

NEXT: CONGRESS IS MOVING TO STOP PERKS, SO, NOW IT NEEDS TO GO FOR CAMPAIGN FINANCE REFORM

Congress is moving toward getting rid of some perks. That's good. The recent flap about the House bank has pushed members to "just say no" to some of the most egregious privileges. But angry voters won't be mollified by higher charges for representatives to use the House gym and or higher prices for senators to eat in the Senate dining room. The voters want more to assure them that there really is an attitude adjustment on Capitol Hill.

And the next step toward change—beyond that additional perk purging needs to take place—is for Congress to pass meaningful campaign finance reform legislation. The House and the Senate passed such legislation last session but no final action was taken before Congress recessed for the 1991 holidays. Now conferees are finally appointed and conference committee work to reconcile the two bills could begin as early as Tuesday.

There are two compelling reasons to change the way congressional campaigns are financed. The first is to make sure there's a level playing field for incumbents and opponents. That will never happen as long as political action committees pour millions of dollars each year into the campaign coffers of sitting members of Congress. Of the more than \$108 million that PACs contributed to House candidates in 1990, for example, only 6 percent went to challengers. And the 31 senators seeking re-election in 1992 have more than \$81 million in the campaign chests. The 46 candidates currently challenging the incumbent senators, in contrast, average \$441,583 in campaign resources.

The second reason for passing true campaign reform legislation is the growing understanding that special interest contributions too often lead to special interest legislation. The health care industry—physicians, insurers, hospital and pharmaceutical administrators—have plowed millions of PAC dollars into undermining meaningful health care legislation. Heavy-hitter pesticide promoters have stalled environmentally sound

agricultural policy. Bankers have too much self-serving say in what limited banking reform legislation there is. The list goes on and on.

It's time for the next step in cleaning up Congress. Now that congressional leadership has moved on correcting the problem of bounced checks, it needs to move forward to correct the problem of PAC checks. Both actions would set the stage for further control over perks and privileges that have enraged voters and limited the institution's effectiveness.

[From the Cleveland (OH), Plain Dealer, Apr. 7, 1992]

CLEAN UP THE FILTHY CASH

Corruption strains the way America elects its lawmakers and makes its laws—corruption that rewards special interests and short-changes the public interest. But this week, Congress seems ready to approve a campaign-finance reform package that would help break Washington's incumbent-protection racket.

As Congress crafted its worthy reform package, the White House last week raced to get ahead of the parade, yet offered only a half-hearted diversion from meaningful action. If President George Bush is serious about enacting realistic reforms, he must drop his threat to veto Congress' sensible cleanup plan.

The package, dubbed the most important anticorruption reform since the Watergate years by the Common Cause watchdog group, correctly targets the way special interests use campaign cash to manipulate lawmakers. The reform plan, while not perfect, includes the two essential elements of workable change. The first is reducing the amount of money spent by political action committees; the second is limiting overall spending for congressional races.

As Bush rightly notes, today's insidious PAC dominated system protect incumbents and discourages challengers. PACs subvert voters' demand for change by pouring money into the coffers of incumbents whose re-election seems threatened. With newcomers starved for cash, PAC donations keep incumbents beholden to special interests largesse and stifle ideas that might threaten the status quo.

PAC donations would be limited under the House and Senate plan. But Bush would merely wink at the problem, outlawing PACs run by business and labor (which tend to donate much of their money to Democrats) while putting no restrictions on single-issue ideological PACs (which funnel most of their money to Republicans).

To put challengers and incumbents on a fair footing, overall spending limits are essential. Congress' reform package would induce candidates to accept realistic spending limits. But the White House shuns spending caps, thus perpetuating weather candidates advantage.

Reinforcing the wisest post-Watergate reform—the public financing mechanism that has started to purge special pleaders' money from presidential elections—the reform package would offer congressional candidates incentives to accept spending limits. It would foster public participation by matching small-scale donations to House candidates; it would offer reduced-rate broadcasting time to Senate candidates and postage to House contestants. This package marks the first time both the House and Senate have moved simultaneously toward the ideal of public financing for all federal campaigns.

Best of all the reform plan would close the "sewer money" loophole that now allows \$100,000 donors to purchase privileged access to presidential candidates. Such tainted donations undermine the post-Watergate structure.

Public outrage at lawmakers money-and-ethics scandals must propel the drive for comprehensive campaign-finance reform. If voters hope to win back control of their government from monied interests, they must insist that Bush join Congress in cleaning up Washington's filthy cash.

[From the Miami Herald, Apr. 14, 1992]

REFORM CAMPAIGN FUNDING

Just look at what a little scandal will do: After years of Congress's self-serving procrastination, a House-Senate conference finally has gotten around to clearing campaign-finance legislation. It's the first of many badly needed reforms that can change the way Washington conducts its business.

This feat has been accomplished in the year of the check-overdraft scandal. Apparently the outcry from the scandal has pushed Capitol Hill toward passage of campaign finance reform.

The House has passed the revised bill, whose fate now rests with the Senate. The legislation does not provide for the profound changes that groups such as Common Cause rightly advocated. Still, it's as good as any reform that Congress is likely to pass. The last time it tried its hand at significant campaign finance reform, in 1974, Congress tried to diminish the influence of slush funds and "fat cats." Alas, it ended up replacing them with "fat PACs."

This bill changes the way that political action committees do business, thereby limiting their influence. It also encourages public financing of campaigns, provides for voluntary spending limits, and eliminates "soft money" from federal elections.

President Bush awaits, veto pen in hand, should the Senate pass this bill. This is the same president who has criticized Congress in the harshest terms and has called for deep changes in how legislators conduct their affairs.

Mr. Bush says that he opposes "public financing" of elections. But his opposition has not prevented him from accepting millions of dollars in public funds for his own presidential campaigns.

Congress should force his hand on campaign finance reform. If the President doesn't sign the bill, he is going to face more damaging accusations of passive-aggressive leadership in the fail.

As former Sen. Barry Goldwater, an elder statesman of the president's party, said some time ago: "PAC money . . . creates an impression that every candidate is bought and owned by the biggest givers." Without campaign finance reform, it will be hard to change that impression. The electorate, however, will know where to place the blame.

[From the Hartford (CT) Courant, Apr. 18, 1992]

A CLEANUP OF CAMPAIGN FINANCING

The campaign-spending measure passed by the U.S. House of Representatives doesn't go far enough, but it represents the most comprehensive reform in nearly 20 years. It would help to reduce the influence of special-interest money on elections. Now the Senate should pass it.

Unfortunately, President Bush's veto threat probably means there will be no political reform. Mr. Bush has yet to be over-ridden by Congress on any veto.

Reform-minded members of Congress—including Rep. Sam Gejdenson of Connecticut, who was the major force behind change on the House side—deserves credit nonetheless. Until now, Congress had refused to change a system that generously rewarded incumbents. Political action committees rarely pump a lot of money into the campaigns of challengers.

Here's what the bill would do:

Establish voluntary spending limits of \$600,000 for House races per election cycle and a sliding scale for Senate races depending on the size of the state. House and Senate candidates would get public funds if they agreed to the voluntary spending limits. This would help challengers.

The public resources would be in the form of vouchers for free or discounted television time for Senate candidates, substantial postage discounts for candidates for both chambers, and matching payments for small contributions from individuals to House candidates.

Ban so-called soft money contributions that have been laundered through political parties in support of presidential campaigns.

Limit PAC contributions to no more than 20 percent of the Senate campaign spending limit and no more than one-third of the House limit. The total of large individual contributions to House candidates would be similarly limited. These aggregate limits would be a first. In addition, the amount that a Senate candidate could accept from an individual PAC would be cut in half, to \$2,500.

The influence of special-interest money on government probably will never be eliminated, but it can be limited substantially. These proposals would help in cleaning up government.

Mr. Bush promises a veto because he does not like spending limits and the use of public funds in congressional elections. His aversion to public financing of elections is ironic, considering that, according to Common Cause, the president probably will have used a total of more than \$200 million in public funds by the end of this year to run for president and vice president.

Mr. Bush has had a field day denouncing Congress as a broken institution in need of improvements. But on the question of campaign-financing reform, the president, not Congress, prefers the cozy status quo.

[From the Reno (NV) Gazette—Journal, Apr. 7, 1992]

CAMPAIGN FINANCE CHANGES ESSENTIAL

It has become traditional for campaign finance reform to become a key topic in an election year. Yet, year after year, very little seems to get done.

Perhaps this time, with voters in an anti-incumbent mood for a variety of legitimate reasons, comprehensive reform is possible. House and Senate conferees have crafted compromise legislation that merits approval. It would:

Impose reasonable campaign spending limits for congressional elections.

Ban huge "soft money" contributions. Place restrictions on political action committee contributions.

The spending limits for those seeking a House seat would be \$600,000. The Senate limit in an election year varies depending on the size of the state—\$1.6 million to \$8.3 million.

A "soft money" prohibition would end the practice of the wealthiest people in the country gaining special access and influence. Traditionally, these contributions have been as much as \$100,000 per donor.

The legislation would also limit PAC contributions to no more than 20 percent of the total campaign spending limit for a Senate candidate. The House limit would be no more than one-third of the limit. Also, the amount a Senate candidate could accept from a PAC would be cut from \$5,000 to \$2,500.

President Bush has threatened a veto. This would be unfortunate. The measure does not constitute the sweeping changes that are perhaps needed, but they are an excellent start in restoring public confidence to a system in desperate need of being cleaned up.

Mr. BOREN. Mr. President, these editorials have been written because all across this country people realize the low esteem in which Congress is now held is in part traced back to a feeling that this institution no longer belongs to the people; that it is no longer serving the interests of the American people; that it is too much serving the interests of those narrow special-interest groups that are providing more and more and more of the money necessary to run political campaigns. The American people have come to wonder whether or not they really count for much of the political process anymore. They have become increasingly disillusioned as they have noted that in virtually 100 percent of the cases, actually 99 percent of the cases, those candidates with the most money in their war chests are those candidates that win elections. Therefore, the American people become disillusioned in the process. They sit back and they think about the pressures that a Member of Congress must be under, a Member of the Senate faced with raising almost \$15,000 a week every week for 6 years to come up with the \$4 million necessary to run for election, and they understand that, if a Member has a very short amount of time available and if there are several people waiting in the waiting room waiting to see him or see her, there will be a strong temptation to see that person who might be in the best position to make a campaign contribution as opposed to that person who would not be in such a position.

(Mr. WOFFORD assumed the chair.)

Mr. BOREN. Mr. President, our constitutional system was not set up to enhance the influence of people who could make contributions or interest groups that could make contributions. It was not set up to have a system in which access was granted mainly to those who had the ability to make large campaign contributions. The system was set up to assure the American people at the grassroots across this country, in the rural areas, the small communities, the cities, urban areas, that this Government would belong to them and that they would know it was theirs, that we would fight out the issues on the basis of what is best for our country, and that we would elect people in the course of campaigns who put forward the best ideas.

Mr. President, we are at a turning point for this country. We have not yet

prepared this country for the next century. When we look back at the last decade and we consider what has happened in this country, when we consider that the average jobs lost to the American people in the last decade averaged \$440 a week, and we consider that the average jobs added in the last decade in this country averaged \$280 a week, and we think about the future opportunities that our children and our grandchildren will have, when we think about what we are going to pass on to them it is clear we ought to be fighting elections based upon the vision for the future, a substantive, real debate about the issues and not based upon which candidate can raise the largest amount of money to put on the airways the largest number of 30-second negative campaign spots to try to win an election.

Mr. President, when you consider that the real incomes of the American people from 1950 to 1976 doubled, in a period of a little more than 25 years the real incomes of the American people doubled during that period of time in which the cold war was beginning, and you consider that at the rate of economic growth of the last decade as the cold war has been coming to a close, that our growth rate has been so low and in some years negative that it will take 4,600 years at the rate of economic growth in the last decade for the incomes, the real incomes, of Americans to double again, Mr. President, we cannot afford politics as usual.

We cannot afford a political system dominated by special interest money, where special interest groups give 25 times as much to incumbents who sit here as to challengers who are trying to get here with new and fresh ideas. We cannot afford a political system that imposes no limits on runaway campaign spending. We cannot afford at this moment in our Nation's history, when we must be grappling with fundamental decisions about its future course of action, we cannot afford a money chase taking our time and effort when we need to be devoting our time, our effort, our best intellectual focus and the courage, the moral courage, of our convictions to decide the future course of action for this country in a way that will hand on something to the next generation. We cannot afford a demeaning money chase which continues to dominate American politics. Public-interest groups that have been fighting for reform of the political process for years have hailed this bill as an important step toward limiting the money chase that has replaced the debate with the dollar.

Mr. President, the American people are watching. Indeed, as democracy continues to spread from Central America to Eastern Europe, with our system serving as a model for the rest of the world, it is no exaggeration to say that the entire world is watching.

Not only is the strength of our own democracy at stake, but the legitimacy of our democratic system as an example to others in the world as a moral force in the world is also at stake.

We must not fail to meet our responsibilities as trustees of this great institution. We must act to restore the faith of our people in our democratic institutions. We must remove the stain of tainted money from the political process and, by doing so, tell Americans that one person-one vote can still make a difference; that an idea is still more important in the political process than a dollar; that an honest commitment to good government and the future of our country is more important than financial influence in our political system; that this institution, that this Senate, belongs not to those who are in a position to finance our reelection campaigns but that it belongs to all of the American people.

Mr. President, we will never be able to reassure the American people until we adopt a system that does something to stop runaway campaign spending, that puts the lid on it, that puts a limit on it, that finally brings it under control. There can be no real reform of our campaign system until we do something to stop the flow of money into the system in unlimited amounts.

Mr. President, I ask again how much is enough? How much is enough? If \$600,000 was not enough for the average winning candidate to spend when I first came here some 14 years ago, is \$4 million, which was the amount in the last election, enough or do we need to wait until it is \$10, \$20, or \$50 million?

When we speak to the graduation classes of high school and college students this year, and we challenge them to go into the political process, step into the political arena themselves, to bring their best judgments and their talents, to give back to their country, and to commit themselves to the country as our generation was challenged by idealistic leaders in our time, will we also have the heart to tell them not only must they be thinking about how they want to make this country a better place? Not only must they be educating themselves so they will have the soundest concepts to assure our future, not only must they be willing to make the personal sacrifice in terms of their time for themselves, their time with their families, to devote more of themselves to their communities and the well-being of this Nation, they must also figure out how they are going to find the \$4 million necessary to run for the U.S. Senate.

Or, if we are talking about their running 12 years from now or 15 or 20 years from now, how will they find the \$10 or \$20 or \$50 million that will be necessary to run if the rate of increase in campaign spending continues as it has in the past? Will we have the heart to tell them that? Can we really tell them

that without believing it will have no impact on how they feel about their country? Can we really think that we can tell them that we want to leave and hand on to them a system in which there is no limit on the amount of money that will be required to run for public office in this country? There is no limit on the amount of money that special interest groups can pour into this political process.

Is that what we want to hand on to our children and our grandchildren? Is that what contributed to the greatness of this institution? Is that the kind of system that made this country the greatest democracy on the face of this Earth?

No, Mr. President. We have a higher responsibility than that. There are those that have said that the finest days of this institution are behind it, that an institution that was filled with giants that made it the greatest deliberative body in the world, that those are only times of history, that we have come into a period of time in which we have become too mediocre, too obsessed with our own individual interests, too committed to a system that favors incumbents—and of course this system does favor incumbents—too committed to a system that allows special interests to give \$25 to every incumbent versus \$1 for every challenger; a system in which money makes the difference and in which incumbents can raise money, \$8 to \$1?

Mr. President, is that what has become of this institution? Is that what has become of us? Are we no longer capable of being the trustees for the American people of this institution? Are we no longer capable of putting the interests of our country ahead of interests of ourselves?

Mr. President, this bill, this landmark legislation which imposes voluntary spending limits in keeping with Supreme Court decisions, which allows us to end the money chase in American politics, which reduces by more than half the ability of special interest groups to pour money into the American political system, gives us a unique opportunity to prove to ourselves and to prove to the American people that we have the moral courage and the vision and the long-range concern for the health of our political institutions necessary to meet the test?

Mr. President, the people have said to me how in the world are you so naive as to believe that this Congress which is so favored by the current system, that a group of people who have so much more ability to raise money than anyone else who is going to run against them, that a group of people who benefit so much more from special interest money than any candidates who run against them, would ever vote to change a system so tilted in their own direction? Why would a group of people, who are incumbents in Con-

gress, who are so favored by this current system which distorts American politics, ever give up the advantage that they have?

Mr. President, let us hope that that group of people would give up that special benefit, that special advantage, because they might care about their country more than they care about their own political survival. Let us hope that there are enough members of this institution to realize that in the long run this institution is more important than any of us.

It has been said very often that what really gives satisfaction to any human being is to be a part of a process or a cause or an institution or an ideal bigger than oneself. We are all privileged to be a part of that. This Senate is bigger than any of us. Its health and its vitality is more important than the political career of any of us. Our country, our system, the legacy to be passed on to the next generation and America's role in the world is a cause far bigger than any of us.

Mr. President, like very few pieces of legislation that come before us, this piece of legislation tests who we are. This piece of legislation tests our reason for being here. It is not a matter of political party. It is not a matter of which side of the aisle we might find ourselves. It is a matter of our commitment to the future of this country and keeping its institutions strong.

So, Mr. President, we have come a long way over the last 10 years. We have come from a very small beginning with a handful of Members of this body supporting this effort now to passage of a bill through both Houses of Congress that will begin to address this problem.

A perfect bill? Absolutely not. Can flaws be found in it? Certainly. Flaws can be found in any piece of legislation, particularly any compromise that has to be worked out between two parties in two different branches of government and two different bodies within the Congress itself. But an important step in the right direction? Yes. An important step toward restoring the political process that has been so badly damaged and eroded over the past two decades? Yes. A step worth taking? Most certainly.

So, Mr. President, let us meet the challenge. Let us show that we are prepared to make sacrifices in order to further our country, to revitalize the political process, and to make it a process open to our best and brightest and our most committed especially those in the next generation, who will sit here 10, 20, 30 years from now in the seats that do not belong to us, the seats that we simply temporarily occupy as trustees for them, having benefited so much from the courage and vision of those that have come before us. Let us meet the test by passing with an overwhelming bipartisan majority the conference report on S. 3.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, many important issues come before the Senate each year. We debate legislation that affects millions of Americans in their daily lives. One issue broadly important to all that we do is how we finance election campaigns for Federal office. The way we finance Federal election campaigns legitimizes our governmental responsibilities. The financing of election campaigns can determine who is elected to office, how legislation is considered, and the degree to which the public supports our decisions.

The conference report before the Senate today represents a truly historic opportunity to enact legislation that will fundamentally reform the way Federal elections are financed. It is a bill that directly attacks the most serious problem in the election process: the dominant role of money in Federal election campaigns.

For 10 years, I have advocated legislation to reform our campaign finance system. I have introduced legislation in every Congress since my first election to the Senate in 1982. Many other Members of this body have worked for years in support of campaign finance reform legislation. No one has done more than the distinguished senior Senator from Oklahoma [Mr. BOREN]. He has been, indisputably, the national leader in the effort to reform the process by which Federal election campaigns are financed and conducted.

Senator BYRD, Senator FORD, and others, have also been leaders. But I believe they would agree with me in acknowledging that we have gotten this far because of Senator BOREN's efforts. I thank him for those efforts.

Mr. President, we have all been motivated by a concern for the effect the current system has on the operation of Congress, and on public attitudes toward this institution and the Federal Government. Unfortunately, our greatest fears have been realized. There has been a significant change in the way the public views this institution and the way in which we run for election.

The American public holds Congress in low esteem. They also believe their President does not care about their concerns. What has historically been a healthy dose of skepticism among the American people toward their Government has, unfortunately, given way to an alarming degree of cynicism about the ability of Government to deal with our Nation's problems.

There is far greater public scrutiny of the campaign finance process today. Most Senators are demeaned by the extent to which we must search for money to fund our campaigns. The process is even more distasteful to the American people.

They see a campaign finance process that with each election cycle is becoming

ing even more reliant on money—in congressional elections, and in Presidential elections. Increasingly, the American people have come to see their Government as no longer responsive to their needs. They believe their Government acts to fulfill commitments to campaign contributors, rather than to serve the interests of the people. They believe we have created a campaign finance system that is stacked against challengers and designed especially to keep incumbents in office forever.

In large part, this is due to the overwhelming role of money in the American election process, and none of this is surprising, even the huge cost of running for office today; the thousands of political action committees that have organized to fund campaigns; the scores of wealthy individuals and corporations that line up to make contributions of \$100,000 and more to the President of the United States.

In recent years, money has come to dominate the Federal election campaign process. This has provided protection to incumbents. It has dissuaded many able persons from seeking election. It has favored wealthy office seekers who can finance their own campaigns, and at the same time, it has increased the influence of wealthy special interest contributors and severely undermined public confidence in our Government.

Any person who cares about this great Nation, who cares about our system of government, must deplore this situation. It is clear that we must change our campaign finance laws.

This conference report offers that opportunity. It will make dramatic changes in the way Federal election campaigns are financed. The conference report will substantially reduce the role of money in the election process and help restore public confidence in our political process by making elections more competitive. This legislation includes the fundamental reform necessary to clean up the current system and restore public trust in our election process: limits on campaign spending. That is the essence of reform. Limits on spending.

The bill also limits the role of political action committees, cleans up the soft money mess, prohibits bundling of campaign contributions, encourages less negative campaign advertisements, and gives challengers the resources to mount effective campaigns.

The only meaningful way to reform the Senate election finance system is to limit campaign spending. Anything less avoids the real issue and simply creates the illusion of reform.

Since 1976, congressional election spending has increased almost fourfold, requiring that Members of Congress devote a far greater amount of time to fundraising activities. This trend toward ever-higher costs has favored in-

cumbents over challengers. In the most recent Senate elections in 1990, incumbents spent \$138 million, almost three times as much as the \$51 million spent by challengers. Winning Senate incumbents spent, on average, almost \$4 million for their reelection campaigns. That requires raising \$13,000 a week, 52 weeks a year, for each of the 6 years of a Senate term.

Spending will continue to escalate still higher until reasonable limits are placed on campaign spending. No matter what other changes are adopted, without spending limits, we will not have addressed the real problem. This conference report establishes an alternative campaign finance system for candidates who agree, voluntarily, to limit their spending for House and Senate campaigns. Senate candidates will be encouraged to agree to such limits by having available to them broadcast vouchers, lower broadcast rates, and discounted mail. House candidates will be encouraged to agree to such limits by having available to them matching funds and discounted mail.

In addition, contingent public financing will be available to Senate candidates who agree to a spending limit if their opponent exceeds the limit.

The participation of PAC's in Federal election campaigns will be curtailed. House candidates will be limited to raising \$200,000 an election cycle from political action committees. Senate candidates will not be permitted to raise more than 20 percent of their election limit from PAC's, and the maximum PAC contribution to a candidate will be cut in half. If these rules had been in effect for the 1990 election, PAC contributions to Senate incumbents would have been reduced by 53 percent.

The conference report includes tough new rules prohibiting the use of soft money to affect Federal elections and severely limiting the practice of bundling. In recent years, our campaign finance laws have been undermined by the practice of raising large sums of money from individuals, corporations and labor unions not otherwise permitted under Federal law. A large portion of these funds have been used by party committees to fund activities that support Federal elections.

The use of soft money has been a particular problem in Presidential races. In the last Presidential election both candidates raised tens of millions of dollars in campaign contributions not permitted under Federal law. Although they participated in the publicly financed Presidential campaign system and agreed not to raise private contributions for their general election campaigns, their agents were in fact out raising enormous sums of money.

There has been a return to the pre-Watergate, Presidential campaign finance era. Wealthy individuals and corporations contribute enormous sums of

money to fund Presidential candidates. In 1988 alone, 249 individuals and corporations contributed at least \$100,000 each to the campaign of George Bush. Some of those contributors were awarded with ambassadorships. Some were beneficiaries of legislative initiatives proposed by the President. Most of them have been given special access to Cabinet members and other important Government officials. All of the \$100,000 contributors were invited to the White House to receive a thank you from their President.

These practices continue today. The Bush campaign has been embarrassed by recent reports on fundraising techniques that involve avoidance of the contribution limits of the law through the practice of raising soft money and bundled contributions. Corporations were listed as sponsors of a fundraising event in Michigan even though corporations have been prohibited from giving to Federal election campaigns since 1907. The Bush campaign pointed out that the listed corporations did not make direct contributions but instead contributions were bundled on behalf of the executives of the corporation.

But whether the corporations were contributing soft money directly or making bundled contributions indirectly through their employees, there is no question they have been involved in an effort to legally avoid the requirements of Federal election laws. And it must be said openly and candidly that Democrats also use these tactics to raise campaign funds. This is not a problem that is limited to one party. It involves both parties. It infects the entire system.

The legislation we are debating today closes down these loopholes. Under this conference report, political party committees would be prohibited from using soft money on activities that affect a Federal election. Federal candidates and office holders would be prohibited from raising soft money. Bundling of contributions in order to avoid the contribution limits of the law would be prohibited as well.

This is tough legislation that would dramatically change the way Federal elections are financed. It is good legislation that directly responds to the public's anger about Federal election campaigns.

And most importantly, it is balanced legislation that treats Republicans and Democrats alike and, fairly, while leveling the playing field to give challengers a better opportunity to mount effective campaigns.

This legislation is not perfect. Like all legislation, it is the product of compromise. If there were my bill alone, I would have done some things differently. But it is a major achievement that we have gotten this far with a bill that changes so much.

We will hear from those who oppose real reform of our campaign finance

laws. They will advance all kinds of arguments against this legislation. That it is too costly. That it protects incumbents. That it does not go far enough.

Let us face reality. No matter what legislation is proposed to reform the Federal election finance laws, opponents of reform will attack it. In truth, they oppose changing the current campaign finance system with its heavy reliance on money.

The position of President Bush is the most transparently inconsistent. He has run in four Presidential elections under a system of voluntary spending limits and public funding. By the end of this year President Bush will have received \$200 million in public funds to run for Federal office; more than any person in the history of this country. Yet President Bush says that he opposes this legislation because it includes voluntary spending limits and partial public financing of elections. In all of American politics there is not a more clear example of saying one thing and doing another.

We in public life must take stands on many issues and we are often accused of being inconsistent. But the President's position on this issue goes well beyond that. President Bush says he opposes this bill because it includes spending limits and public benefits. At the same time, he is running for election and voluntarily participating in a system which involves spending limits and public benefits. In fact, in the same week in early April, this month, in the same week, the President asked the Federal Election Commission for \$2 million of public funds and then turned around and promised a veto of this bill because it includes some public funds.

The President cannot have it both ways. He cannot voluntarily accept public benefits and spending limits while vetoing this legislation because it provides what he has been accepting. And I emphasize his acceptance is voluntary. The President does not have to participate in a system of spending limits and public benefits. He has chosen to do so voluntarily and as a consequence of which before this year is out he will have received \$200 million in taxpayers' funds for his campaigns, more than any person in history.

Mr. President, what are the opponents of this legislation afraid of? That we might clean up the system; that we might distance wealthy interests from the political process? This legislation would create an alternative campaign finance system that is voluntary. If they do not like it, they do not have to participate in it. But do not penalize the system and our representative democratic government by standing in the way of reform.

Probably the most common complaint from opponents of campaign finance reform is that spending limits inherently benefit incumbents. But that argument is wrong. It is contra-

dicted by the facts. This conference report represents an unprecedented proposal from incumbent Members of Congress to make it easier for challengers to mount effective campaigns.

This is accomplished in several ways. First, the spending limits in this bill help challengers by largely serving as a restraint on spending by incumbents. Second, the reduced broadcast costs in this bill facilitate the ability of challengers to advertise their message to the voters. Third, the broadcast vouchers enable challengers to purchase advertising time. Fourth, the limitations on PAC contributions limit a fundraising source that is far more accessible to incumbents than to challengers.

One need only look at the most recent elections to see the overwhelming advantage that incumbents have over challengers under the current system. In the 28 races where an incumbent faced a challenger in the 1990 elections, challengers were outspent in all but two races.

In the 28 races, the incumbent outspent the challenger 26 times out of 28. And the total margin was almost 3 to 1.

Since 1986 there have been 83 Senate elections between an incumbent and a challenger. Incumbents have outspent their challengers in 93 percent of those elections, winning 85 percent of them. For the most part, this legislation limits the spending of Senate incumbents, not Senate challengers, because in almost all races it is only incumbents who spend more than the limits in the bill.

Obviously, limits could benefit incumbents, if they were set so low as to prevent challengers from communicating to the public. But this legislation does just the opposite. It provides generous spending limits which are in reality higher than they appear because the cost of airing broadcast ads will be cut by more than 50 percent in the same legislation.

Another argument opponents of reform will make is that this legislation does not go far enough because it does not eliminate political action committees. But that is a phony argument because it is quite clear that cannot legally be done.

The bill as it passed the Senate did propose the elimination of political action committees. But there was a great deal of discussion at that time as to the constitutionality of that provision, and the legislation therefore included a backup provision anticipating the possibility that an outright ban would be unconstitutional. This backup provision was proposed by both Republicans and Democrats.

Since then we have received a good deal more advice that the Constitution will not permit a ban on PAC's. In the Buckley decision the Supreme Court clearly said the right to associate is a basic constitutional freedom that cannot be denied through legislation. The

constitutional scholars who advised us recommended instead that we impose stringent overall limits on PAC contributions, which we have done.

Although I expect we will hear speeches suggesting the opposite, it should be clear that the President has never advocated eliminating PAC's. Instead he has only proposed the elimination of some PAC's; those connected to a labor union, corporation or trade association.

But, under the President's proposals, unconnected political action committees would continue to thrive. The problem with this approach is that it does nothing to effectively limit the role of PAC's in election campaigns. Instead, those existing PAC's banned under the President's proposal would simply disband and reorganize as ideological PAC's. In fact, the current situation is likely to be made much worse as PACs representing a common economic interest proliferate as so-called ideological PAC's.

The only effective way to limit the role of PACs is to impose an aggregate limitation on the amount that any one candidate may receive from political action committees. This legislation does that. It is tough legislation that will cut in half the overall amount of PAC contributions to Senate incumbent candidates.

We have heard it often said that Congress lacks the ability and the will to pass tough legislation that is for the good of the Nation; that Congress cannot pass legislation because it bends to the will of special interests; that we cannot act because Members of Congress are too worried about reelection to support needed legislation that may be politically unpopular for some.

This is the perfect opportunity to disprove those allegations. If you want to take on special interests, vote for this conference report. If you want to stand up for something that you know is the right thing to do, vote for this conference report. If you believe in our democratic system of government and are genuinely disturbed by public attitudes about our Federal Government, vote for this conference report.

The American people have lost confidence in the Federal election campaign process. They question the very integrity of this institution and of its Members. Every Senator, without regard to party, deplores this situation. Almost every Senator agrees that our campaign finance laws must be rewritten.

We must not let those who are opposed to real and genuine reform stand in the way of this important legislation. Now is the time to enact campaign finance reform legislation to restore the integrity of this institution and its Members.

This is good legislation that must be enacted into law. I urge my colleagues to vote for the conference report.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, it is my understanding that the Republican leader is on the way to the floor to speak on this legislation. Let me just say, in anticipation of his arrival, that criticizing the President of the United States for opposing this legislation is about like saying because the House has a bank, the Senate ought to have a bank.

Nothing—I repeat, nothing—could possibly symbolize the American public's disillusion with Congress more than this bill. This really sums it up. It does nothing about PAC's. It does nothing about sewer money. It reduces the influence of parties, the one entity out there, Mr. President, in the American political system, that will support challengers—that we all profess to have interest in—who are nailed by this.

And of course, the final outrage, it calls upon the taxpayers to pay for it at a time when we have an enormous deficit, a growing deficit. Our response: Create another entitlement program for us. I have called it food stamps for politicians, Mr. President. I think that pretty well sums it up.

The other thing, it is pretty safe to say, Mr. President, as has been said by my good friend on the other side of the aisle, Senator BOREN, with whom I have debated this issue now for some 5 years, I think the one thing we can say we probably agree on, on this issue, is we are sorry nothing is going to happen. It is too bad. But nothing symbolizes or sums up the differences between the two parties more than this legislation.

My good friends on the other side of the aisle look out at the American public and they see what they perceive to be all these corrupting influences out there who want to participate in our campaigns; these organizations of American citizens who want to participate by contributing, in most instances, a relatively small and fully disclosed contribution to our campaign.

My good friends on the other side of the aisle find that corrupting, but yet find it somehow cleansing to reach into the treasury and pull out tax dollars to fund our campaigns. To insulate us from what? To insulate us from all these American citizens who would lie to become involved in our campaigns? Mr. President, I do not find that offensive. I think they ought to have a right to participate in the way that people do participate these days. In a country of 250 million people in the television age, the way people participate in campaigns today is to make contributions.

I will have the specific statistics later, but Republicans this year have collected a substantial amount of money from a whole lot of donors, averaging about \$45 apiece. We do not

find that corrupting. We find it appropriate for all of these people out there to participate in the political process.

Mr. President, I will have more to say about that later. I see that the Republican leader is here and would like to speak to this measure, and I will yield the floor.

The PRESIDING OFFICER. The Republican leader, the Senator from Kansas.

Mr. DOLE. Mr. President, I thank my colleague from Kentucky. I want to commend him for his work, and for diligence and knowledge with reference to this subject matter, as well as my friend from Oklahoma.

I think we have a difference of opinion on this particular conference report, but I am still convinced there are enough of us here who really want to have campaign finance reform because sooner or later it is going to happen and the sooner the better.

We are returning to Congress today after the so-called Easter recess to an institution which has never been held in lower esteem by the American people. Yesterday's Gallup poll confirmed that lowest esteem showing 80 percent of Americans polled think the Government is run by a few big interests looking out for themselves. No doubt about it, the House check-bouncing scandal seems to be the straw that broke the camel's back, but the seeds of discontent had been planted long ago, planted right here by Congress. Just as the American people suspect, Congress has been more interested in protecting the status quo and guaranteeing incumbency rather than opening up itself to more and more political competition.

So that brings us to the debate today which I think is an issue as much as any other issue that I can think of that is going to determine what happens around here and who is really for the status quo and incumbency and who might be for competition and change. I think we ought to make one point clear: No one person, no one party has a monopoly on campaign reform, and no one person and no one party has all the answers either.

The Democrats have a bill on the floor, developed in a conference committee without any real Republican participation, which will place limits on spending and use tax dollars to fund congressional campaigns. The President—not only the President, I would guess the great majority of the American people, if they think about it—know that both these things are bad ideas. I read a letter today from the ACLU—I do not often read letters from the ACLU—where they are complaining about spending limits, about caps on spending.

So I think there are a lot of people who are not particularly interested in the Republican Party who believe this is the wrong approach. We want to

broaden participation, not limit participation. We want more competition, not less. And one way to protect incumbents is to put a limit on what you can spend, and then some challengers will have very little opportunity.

So the President believes, and I share the view, that limits will only hurt challengers and ensure the election of more incumbents. As I have said, the ACLU, the American Civil Liberties Union, is not exactly a Republican think tank, and they came out against the bill for precisely the same reason. They question its constitutionality and argue that limits "impinge directly on freedom of speech and association and will not solve the problem of fairness and financial equity that the legislation is intended to remedy."

Furthermore, if anything is clear to all of us, if we have been home, if we have talked to people, if we read our mail, it is that the American people are frustrated. They are frustrated with the Republicans, they are frustrated with Democrats, they are frustrated with Independents. Some are so frustrated they are going to get active in politics, which I think is one good thing, because for too long about half the people have been on the sidelines thinking they cannot make a difference. We have the Ross Perot factor and all the other factors. Nobody is certain how it will play at the Presidential level or congressional races. If Ross Perot will be a plus or minus for Democrats, Republicans, running for the Congress, for the Senate, we do not know. But I do not believe this is a very good time to advocate another program that helps Members of Congress get reelected—public funding. I get very few letters these days saying we ought to do more for Members of Congress. In fact, I have not received any saying we ought to do more for Members of Congress. Most people think we ought to do less.

I want to commend the Senator from Oklahoma, who is going to join with the Senator from New Mexico in trying to change this system so we can stop some of the spiraling spending in Congress for staff and other things. So it just seems to me that whether we are Republicans or Democrats, this is not the year to go out and suggest to people who are out of work, whose business may be bad, who may be Republicans, Democrats, Independents, who do not even care, and say, "Boy, have we got a plan for you, have we got a plan for you. We have a plan, we are going to get Federal money to run our campaigns—your money." I do not think that is really what the American people believe will bring about more competition.

Why not make the party stronger? Why not let the parties do this? This is an idea we have on our side and maybe eventually it will end up in a bill we pass and is signed by the President. We

want to make the party stronger, not the political action committees stronger, not the special interests, but the parties stronger. When we make the parties stronger, more people will be attracted to the Democratic Party and the Republican Party and it will be better for all of us.

But the thing that we really sort of choke on with this conference report is we have two bills. We have one for House Members and one for Senators which indicates—and I was not at the conference and I do not want to denigrate anyone who was—it indicates they took everything the House wanted and everything the Senate wanted and said, "This is our bill." So the House looks after its interest. They have a different rule on PAC's than the Senate bill and different limits and all those things.

It just seems to me there is no reason why this bill should become law. It is not going to become law. I have said to the majority leader, I have said it publicly, I have said it privately, and we have made bona fide efforts, I think some on each side, including the two who are on the floor now managing this conference report, to have meaningful campaign reform. The problem is that in the U.S. Senate and in the House of Representatives, we are dealing with something that affects us directly and it is pretty hard to get a meeting of the minds. So we end up too often looking out for our own interests.

I want to suggest that I think we have a blueprint for reform on the Republican side. We think that the objective ought to be making elections more competitive, not making incumbents safer. That means helping challengers, reducing the interests of the so-called special interests and slowing down the fundraising money chase and strengthening the role of political parties. I do not see anything wrong with that. We need stronger parties. We need more people participating in politics. We need to give the people a reason to participate in politics because there are a lot of views out there that are fairly cynical about politics and politicians, and we need to change those where we can.

We can take a big bite out of the biggest cost of campaigning by requiring discounted and free television time. I do not know what the percentage is. I know the managers know, what is it, 60, 70 percent of the money we raise in a campaign goes to the media, radio or television? So when people give you \$100, \$70 is going to go back to TV advertising. People say you spend too much money in your campaign. Again there some TV people who do not like that provision, but I do think there is a certain amount of public service that ought to be directed toward providing competition in politics.

We can cut the individual limit for out-of-State donors. In other words, I

am from Kansas; we cut the limit that somebody in Indiana, Michigan, or New York, or California can give to a Kansas candidate and you can cap the amount of out-of-State contributions. But I do not think I want to stand up in my State and say, "You cannot contribute to my campaign, I have already reached the limit," if there are spending limits. "You cannot contribute \$1, \$10, \$100, or \$500 to my campaign."

I am not certain it is constitutional anyway. And we have to face the facts. We are political parties. People say, "Oh, there is too much politics." The bottom line is we are political parties. And we are in the business of defeating incumbents and electing our own candidates. Democrats do that; Republicans do that. That is the way the system works. That is the way it probably should work. That is why we need to boost the parties' ability to financially support cash-strapped challengers by increasing what political parties can give to their candidates.

If we are really serious about improving competition in politics, we ought to be strengthening, not continually weakening, the one institution that has a vested interest in removing incumbents, the Democrat and the Republican parties.

We are having a little event tonight here in town, nothing spectacular, medium sized. And the thrust of that little party tonight is to raise money to defeat Democrats. We are proud of that. We like Democrats. We like them when there are not as many as there are right now in the Senate, like them better. And then they are going to have a dinner and do the same thing. They like Republicans. They like it a lot better when there are fewer of us. That is the way the system works. That is called politics.

(Mr. DIXON assumed the chair.)

Mr. DOLE. Some people do not like politics. I do not fault people who do not like politics, but I do not know of any other system that works better anywhere in the world than the American system.

One thing that I think—I think it may have been Senator MCCONNELL's idea, the Senator from Kentucky who knows more about campaign financing than anyone on this side on the aisle and I think as much as anyone in this body—one innovative way we can level the playing field is by creating a seed money fund allowing party committees to match early in-State contributions to challengers, give contributions to challengers to give these candidates the jump start they need to wage a credible campaign.

I do not care where you are from; if you are from my State or the State of Oklahoma or the State of Kentucky, the State of Illinois, wherever, you have an incumbent and you have a good challenger and you look at how much each has raised, it is going to be

almost the same across the country. The challenger might be a better candidate, maybe raised \$30,000 in a close race, where the incumbent has \$180,000, \$200,000, \$300,000 already in the bank. So we need to figure out some way to give these challengers in the Democratic Party and the Republican Party some kind of seed money to give them a jump start so they can get a credible campaign going.

None of these ideas are brand new. They were debated in the Senate last year. But the political atmosphere in America is new. That is the new thing. These ideas are not new but the political atmosphere is new. The American people are going to demand more of us whether we are Democrats or Republicans, and these are common sense reforms that I believe the American people would embrace if they were fully understood.

That is not going to happen in this debate. We are voting on a conference report. Unfortunately, the bill will pass, probably on party lines. I do not think there is going to be an effort to block a vote. I have not had a discussion with the Senator from Kentucky on that. But there will not be enough votes to override a veto, which means that there is not going to be any campaign finance reform, or probably not going to be any this year. So then we are going to come back again next year. We will get into another election cycle and it will not be effective until 1996, 1998, 2000—2000 might be the goal—but in the meantime we maintain the status quo.

It is no wonder why many might agree with the editorial in yesterday's Roll Call:

Our own rather cynical take on the campaign finance story is that reform keeps dying because most incumbents want it to die. Both sides have valid points to make but what makes us cynical is that there has been no serious effort to reach a compromise.

Mr. President, I would take exception to one line of that statement. Back in 1990 there was a serious effort to reach a bipartisan compromise, and there are going to be serious efforts after this to reach a compromise. Senate Majority Leader MITCHELL and I appointed a six-member bipartisan panel of campaign finance experts, and we asked them to come up with suggestions on ways to fix the system. And in their report the panel suggested a flexible approach to limiting campaign spending whereby so-called bad money such as PAC contributions and large out-of-State contributions would be severely limited while good money—you have bad money and good money. Bad money to some is out-of-State contributions coming to somebody in Kansas. Bad money is political action committees coming to anybody, any candidate for the Senate or the House—while good money, good money is money you raise in your State from your constituents,

from Democrats, Republicans and independents in your State. That is good money. And small out-of-State donations. We put a limit on how much you could raise out of State. You would not limit small out-of-State donations, but you would have a cap.

So Republicans have incorporated many of the bipartisan panel recommendations in our own reform proposal. But again I think it is painful to some that the meaningful reforms proposed by this bipartisan group—I am not even certain of the politics of the six members. I am not certain there were more Democrats or Republicans or what. There may have been more independents. But their proposals, along with other proposals, advanced by Democrats and Republicans, are not covered in the conference report before us.

So I want to suggest that what we are debating today is not going to fix the system. It is not going to pass. And I know that this being an election year, there is an effort to pass it so the President has to take a look at it and veto it.

But it may not be too late. I said several months ago on the Senate floor we are not going to have campaign finance reform until the leaders in the House and the Senate are part of the group that negotiates any conference or anything else. Until the leaders are involved, you are not going to have campaign finance reform. And so maybe it is not too late.

Maybe the first thing we ought to do is regain the people's confidence and trust and that is not too late. Probably the best thing that could happen would be if we just took this bill off the floor, say we know this bill is not going anywhere, it is an effort to embarrass President Bush and put the Republicans on the spot, or give the Democrats a vote and keep them in the majority. They have that right. But just pull this bill off the floor and maybe call together these experts again and others the House leaders might want to bring in, and see if we could not do something on campaign financing that would be real reform.

I do not think it would take all that much time. There are some in this body who are never going to be satisfied. They are not going to vote for any campaign finance reform, I do not care how good it might be. There are some who are just not going to do it. They like the present system, or they think in an effort to fix it we might make it worse. So there are some on both sides of the aisle who would not be satisfied with a true compromise.

So let us give the American people the reform they are demanding. And I think though a lot of people do not directly participate, the Senator from Kentucky has pointed out, tonight, for example, we have 14,000 donors participating in this event we are having—

14,000. I read about a couple in some of the newspapers, I cannot remember which ones, but there are thousands of others who are participating. I have read the editorials in the New York Times and the Washington Post and the others who grasp every liberal idea as if they invented it and say, boy, this is a great idea; I wish we would have thought of it. We are for it because the Democrats are for it. That is not reform either. So I believe if you ask most American voters in both parties or either party or the independents who are rushing to Ross Perot's banner, they will indicate they do not want public financing. Particularly this year they do not think we deserve it. And I must say as a Republican I have looked at it from time to time. Say maybe the public financing is what we need. We are the minority party. Maybe we ought to have it for 4 years and sunset it. If it works, and we take over the place, then we can terminate it after 4 years.

I am not sure that will pass, but it is an idea. But that probably will not happen either. But there are a lot of good young men and women across America looking at the congressional races and willing to dedicate their time and their effort, and it will take a lot of effort because in nearly every case they are not going to have any money, or enough to make a credible challenge.

So I hope after we go through this effort after the bill is passed—and I assume there will be a vote on it, maybe sometime tomorrow or Thursday. It will be vetoed, and the veto will be sustained. But it is still not too late. I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas yields the floor. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank the Republican leader for his interest in this issue from the beginning and his keen insight into this whole problem. He has been around here for a while and gets a prudent understanding of the direction we ought to take.

Mr. President, nobody is more frustrated with this issue than myself, with the possible exception of my friend from Oklahoma. There is not anybody in here advocating the status quo.

There is a way, as the Republican leader pointed out, to get bipartisan campaign finance reform. We had a group of eight, four on each side, appointed when Senator BYRD was majority leader. We knew then, and we knew in each of the subsequent years, the areas we could agree on but unfortunately—and this is the kind of thing that drives the American people right up against the wall—rather than reach out for a common ground among which we could agree, for example, doing

something about the cost of health benefits, strengthening the parties, reducing the influence of special interests. Instead the temptation—and I do not blame the majority. It is an enormous temptation when you have the votes to try to draft the rules in a way that benefits you. Of course, when that happens, it is to be anticipated that the minority will not go along with it. It is axiomatic that he who writes the rule can control the game. With all due respect to my friends on the other side of the aisle, the majority has crafted here both for the House and for the Senate the perfect set of rules to perpetuate the majority in power.

So let us get away for a moment if we can from the issue of what the Democrats think about this bill and what the Republicans think about this bill. The Republican leader mentioned the American Civil Liberties Union, not exactly a subsidiary of the Republican Party activities. The ACLU makes the point about the Constitution.

Mr. President, let me say this bill will not last for a minute in the courts; not a minute. There is nothing voluntary about this spending limit. If you are so brash as to accept the notion put forward in Buckley versus Valeo, about spending and speech, you cannot, consistent with the first amendment, dole out speech in equal quantities.

If you are so brash as to say I want to speak as much as I can, you get punished. Bad things happen to you. You lose your broadcast discount. The taxpayers subsidize your opponent when you go above the limit and choose to speak too much.

The bill does not stop there. If the group wants to engage in independent expenditures protected under Buckley versus Valeo, something neither side here likes by the way, neither Republicans nor Democrats particularly like independent expenditure, particularly because we are always afraid that somebody who is trying to help us is going to hurt us, and somebody who is trying to hurt us is really going to hurt us, we are all nervous about independent expenditures. Completely aside from how we may feel about it, the Supreme Court has said that you cannot constitutionally restrict it.

What this bill before us purports to do is to counter independent expenditures out of the Treasury. Let me give you a hypothetical. Let us say that B'nai B'rith was offended by David Duke. I think that is a reasonable assumption. B'nai B'rith headquartered outside of Louisiana decided to make independent expenditures within Louisiana to counter offensive speech by David Duke. What would happen under this bill? David Duke would get taxpayers' money to respond to B'nai B'rith under this bill.

This is not campaign finance reform, Mr. President. This is craziness. This

does not make any sense. First we are going to trash the first amendment. Second, we are going to have taxpayers involuntarily opposing excess speech. We are going to reward crackpot candidates like we have under the Presidential system of Lyndon LaRouche who have gotten millions from the taxpayers. Are we going to doll this up and call it reform?

Mr. President, you cannot applaud this bill. Reasonable people do not applaud this bill. The ACLU does not applaud this bill.

David Broder, probably the most respected political reporter in America, wrote about this bill last summer. This bill has not changed much from last summer. "Bogus Campaign Finance Reform." What did David Broder say? He said this bill nails the parties, the one entity out there in the political landscape that will support challengers, and it nails the parties.

Mr. President, I ask unanimous consent that the ACLU letter dated April 27, 1992, and the David Broder piece that I just referred to appear in the RECORD at this point.

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

ACLU WASHINGTON OFFICE,
April 27, 1992.

DEAR SENATOR: The American Civil Liberties Union opposes the campaign financing legislation that will be considered this week by the Senate. The limitations on campaign contributions and expenditures contained in the conference bill impinge directly on freedom of speech and association and will not solve the problems of fairness and financial equity that the legislation is intended to remedy. Moreover, in our view, the legislation's imposition of contribution and expenditure caps in return for partial public financing amount to an unconstitutional condition on freedom of speech. In essence, it amounts to government buying an agreement from candidates that they will not speak as freely and frequently as they otherwise might and that they will impose additional limits on the expressions of support they will accept from others.

It is true that the current system of private campaign financing does cause disparities in the ability of different groups, individuals, and candidates to communicate their views on politics and government. However, the appropriate response in keeping with our nation's constitutional commitment to civil liberties is to expand, rather than limit, the resources available for political advocacy. Public financing can play a powerful role in expanding political participation and understanding, but it should not be used as a device to give the government a restrictive power over political speech and association.

We urge you to reject the campaign finance package that emerged from the conference and instead focus on meaningful reforms that would facilitate the candidacies of those who might not otherwise run and broaden the spectrum of campaign debate.

Sincerely,

MORTON H. HALPERIN,
ROBERT S. PECK,
Legislative Counsel.

[From the Washington Post, June 2, 1991]

BOGUS CAMPAIGN FINANCE REFORM

(By David S. Broder)

In 1990, the Ford Motor Co. sold more than 3.5 million vehicles in the United States and spent \$735 million on advertising—an average of about \$208 per customer. General Motors and Chrysler appear to have spent at least as much—maybe more.

I tell you this not to make some point about auto advertising but to provide the context for the debate about political campaign financing. When I asked Washington Post researcher Mark Stencel to run these numbers, I had just finished reading the five days of debate that preceded last week's Senate passage of a campaign finance bill. That bill was designed to curb what one Democrat after another called "the money chase" that now supposedly makes a misery of senators' lives.

Sen. David Boren (D-Okla.) repeatedly warned that "the amount of money [needed] to run successfully for the House and the Senate has been escalating at an alarming rate. . . . Spending per voter [in Senate races] last year continued to climb, going up from the rate of \$1.41 per voter spent in 1988 to \$1.87 per voter in 1990."

Even at that higher figure, it is less than 1/100th of what any of the Big Three auto companies spends on persuasion for each sale. The comparison is not irrelevant. One reason the cost of campaigns is rising is that candidates are competing, not just with each other, but with all the other products and services being marketed to the American public. Why should a society that tolerates an avalanche of auto, soft drink, beer and cold remedy advertising choke on a relatively small amount of political persuasion?

The answer, we are told, is that senators are forced to engage in a nonstop pursuit of contributions, diverting them from their real work as legislators. Well, as Sen. Mitch McConnell (R-Ky.) pointed out, more than \$80 of every \$100 senators raise is collected in the final two years of their six-year terms. They could, with minimal risk, give themselves a complete vacation from fund-raising for two-thirds of their terms. If they don't, it's because they don't want to, not because they have to.

I dwell on these points to illustrate what is so maddening about the way Congress deals with campaign finance reform. The bill the Senate passed and the one the House is likely to pass in the next couple months are based on public perceptions the members of Congress know to be false. They are tailored to satisfy an agenda set largely by editorial writers and by Common Cause. The members of Congress use the camouflage provided by these well-meaning reformers to skirt the most serious problem in the way campaign funds are raised and distributed.

The Senate bill caps campaign spending and (in a move of very doubtful constitutionality) abolishes political-action committees (PACs), the convenient symbol of special-interest influence. It was passed amid knowing winks, after being loaded with other feel-good "reforms," like a purported ban on virtually all outside income. Senators were read a letter from President Bush saying he would certainly veto it because of his objection to spending limits and public financing.

Bush can match anyone when it comes to phony arguments on this issue. Although he has happily accepted taxpayer financing in his past presidential campaigns, he argues that it would be indecent for congressional races to enjoy a similar subsidy.

There is a widespread view on Capitol Hill that the provisions of the House and Senate bills don't matter, because the real measure—if there is to be one—will be written in a House-Senate conference, with the bipartisan leaders of both bodies negotiating with each other and with the president.

One has to hope so. The bills taking shape deal unsatisfactorily with the crucial problem. That problem is the financial starvation of challengers, especially in the House but significantly in the Senate as well.

Competition—the lifeblood of democracy—is drying up, because challengers have been almost shut out of the fund-raising game.

The Senate bill addresses this crucial problem only indirectly. It uses voluntary spending ceilings to rein in free-spenders, who are mainly incumbents. It also offers candidates who accept spending limits partial public financing and reduced TV rates. But it distributes these goodies with fine impartiality, evenhandedly rewarding cash-starved challengers and cash-rich incumbents—with their government-paid staffs, offices and mailings, and their easy access to contributors. It does not give challengers one compensatory break.

The House bill will also likely rely on a combination of ceilings and subsidies. But on neither side of the Capitol are the Democrats prepared to do the one thing that might really help challenges—ease the restrictions on fund-raising and spending by the political parties, the only institutions in America that have an intrinsic interest in electing non-incumbents to office.

Indeed, the Senate bill (and likely the House version as well) threatens new restrictions on state parties, limiting the contributions they can accept for coordinated registration and get-out-the-vote campaigns. These efforts are at the heart of electoral democracy, but Congress is threatening to clamp down on them. To call this an improvement takes a greater leap of faith than I can muster.

Mr. MCCONNELL. Mr. President, in addition to that, there are some other people that ought to be referred to that do not have a stake in this. They are not Republicans, and they are not Democrats. These are the scholars out across America, the people who teach and the people who write, the experts. I have searched high and low for a number of years. I am having a hard time finding any academics who support spending limits.

They are troubled not only about the constitutional aspect of it. But even if you can make it constitutional, and you can, the Presidential system is constitutional, but you do not get punished if you choose to speak too much—they say it does not work. It is like putting a rock on jello, and it oozes out to the side in undisclosed and unlimited amounts.

Herbert Alexander, John Bibby, Joel Gora, Michael Malbin, Jonathan Moore, Richard Neustadt, Norman Ornstein, Larry Sabato, Richard Scammon, and on and on—all the top academics in America think spending limits do not work. Some of these people are in favor interestingly enough of public funding as a floor and not as a ceiling. But none of them think that spending limits are a good idea, because they never work.

Mr. President, I ask unanimous consent that the list of scholars that I have prepared appear in the RECORD at this point.

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

SCHOLARS AGAINST SPENDING LIMITS

Herbert Alexander—Professor, University of Southern California; Director, Citizens' Research Foundation; Director, President Kennedy's Commission on Campaign Costs.

Christopher Arterton—Dean, Graduate School of Political Management, New York. Chair, Campaign Finance Study Group, John F. Kennedy School of Government, Harvard University. Assoc. Professor of Political Science, Yale University. Member, Presidential Nomination and Party Structure of the National Democratic Party.

John Bibby—Professor of Political Science, University of Wisconsin.

Joel Fleischman—Vice Chancellor, Duke University. Chair, Department of Public Policy Studies, Duke University. Member, Committee on Election Reform and Voter Participation, American Bar Association.

Joel Gora—Associate Professor, Brooklyn Law School Assistant Legal Director, American Civil Liberties Union Winning Counsel, Buckley v. Valeo (1976).

Gary Jacobsen—Associate Professor, University of California, San Diego.

Xandra Kayden—Research Associate, John F. Kennedy School of Government, Harvard University. Director, Women's Advisory Council, McGovern-Shriver Campaign.

Susan King—Assistant to the Commissioner, Federal Election Commission. Chair, U.S. Consumer Product Safety Commission under President Carter.

Michael Malbin—Assistant Director, House Republican Conference Committee. Resident Scholar, American Enterprise Institute Editor and Co-author, Money and Politics in the United States.

Nicholas T. Mitropoulos—Assistant Director, Institute of Politics, Harvard University. Senior campaign staffer for George McGovern, Jimmy Carter and Charles Robb.

Jonathan Moore—Director, Institute of Politics, Harvard University.

Richard Neustadt—Lucius N. Littauer Professor, Harvard University. Founding Director, Institute of Politics, Harvard University. Consultant to Presidents Truman, Kennedy, and Johnson. Chair, Platform Committee, 1972 Democratic National Convention.

Gary Orren—Professor, Institute of Politics, Harvard University. Member, Democratic Commission on Presidential Nominations. Director, Polling and Survey Research, Kennedy for President Committee, 1980.

Norman Ornstein—Resident Scholar, American Enterprise Institute.

Nelson Polsby—Professor, University of California, Berkeley.

Austin Rammy—Professor, University of California, Berkeley.

Larry Sabato—Associate Professor of Government, University of Virginia.

Richard Scammon—Professor, American University.

Frank Sorauf—Professor, University of Minnesota.

Mr. McCONNELL. They know that spending limits do not work. Of course we have experienced that in the Presidential race. The one big race where we had spending limits by the way, had limiting spending, spending has gone

up dramatically in a race with spending limits.

What has happened where we do not have spending limits? Actually, we have had a downward spiral. Spending from 1986 to 1988 in the congressional races where there are no spending limits went down 5 percent. From 1988 to 1990, again congressional races where there are no spending limits, spending declined 10 percent. That is in races without spending limits. In races with spending limits, I think it was roughly a 50-percent increase between 1984 and 1988.

We have heard it said on the floor time and time again over the last 4 or 5 years and again today, about the money chase. And an effort is made to portray Members of Congress as doing nothing but raising money from the day they are sworn in until the day they are defeated or reelected. This is not true, Mr. President. We have studied the cycle. It is just not true. Let us take the class of 1986, the people that will be running this year.

Of the money raised to date, 4 percent was raised in the first 2 years of the 6-year term; 10 percent in the second 2 years of the 6-year term; 6 percent in the last 2 years.

Mr. President, it is pretty clear that in the class of 1982 almost no Senators are spending every day raising money from the beginning of their term. Was 1986 an isolated year, Mr. President? I think not.

Let us look at the class of 1986, those who ran that year. In the first 2 years of that 6-year term they raised 6 percent of the total money that they raised. In the second 2 years, they raised 11 percent; and in the last 2 years, 83 percent.

The class of 1980, those who ran then, going back that 6 years, 9 percent the first 2 years, 11 percent the second 2 years, and 80 percent the last 2 years. No money chase by incumbents, Mr. President. No money chase. Incumbents do raise a lot of money, particularly if they think they are going to have a race. Some incumbents do not raise much money and do not have a race. Some raise a lot of money because they want to win. If they do that, they do it in the last 2 years.

So it is simply incorrect to stand up here year after year and make the argument, which is not supported by the facts, that U.S. Senators serving here in a 6-year term do nothing but go out and raise X amount of money every day, every week. They do not do it.

Mr. President, before I address the conference report before us, I want to talk a minute about where we have been on this issue. Four years ago, in the 100th Congress, Republicans weathered a record eight cloture votes to block a partisan incumbent protection bill that is strikingly similar to the conference report we have before us here today: In all, a third of the Sen-

ate's legislative days during that Congress were spent debating this issue.

In the 101st Congress, Republicans allowed the debate to proceed on the Democrats' partisan incumbent-protection bill, hoping that roadblocks to reform, like taxpayer financing and spending limits could be removed and that real campaign reform would finally be achieved. But, unfortunately, the majority did not want that to happen, so it did not happen.

Nearly 1 year ago, early in the 102d Congress, Republicans once again allowed debate to proceed on a partisan taxpayer-funded incumbent protection bill, in the hope that roadblocks to reform could be removed and real reform finally enacted. Once again, on sharply partisan votes, those roadblocks guarded by Democrats and the road to campaign reform was effectively barricaded.

We heard the same tired old cliches: the myth of the money chase I just made reference to the siren song of special interests, and salvation through so-called clean resources—a code word for taxpayers' pocketbooks.

We also saw the same old tired Democratic proposals: spending limits and taxpayer financing. These proposals were destined to go nowhere and the majority knew it when they recycled them again in this Congress.

We have gone around and around and around on this issue for the last three Congresses. We have wasted months and months of legislative time when we could have been addressing issues that America really cares about, like the economy, crime, health care, or certainly the deficit.

We could have passed a campaign reform bill years ago. We knew that in 1988, 1989, 1990, and 1991, and we know it this year. Unfortunately, the temptation of the majority, because they have the votes, is to craft the perfect set of rules for them.

If the majority really wanted reform, they would sit down with Republicans, make a list of the areas we can agree on—and we almost did this several years back—like independent expenditures, broadcast discount, like special interest money. We could write a bill that would pass this body almost unanimously.

On the other hand, the majority prefers the status quo. We keep wasting the Senate's time with wornout proposals that most experts on the issue—and I submitted a list of them for the RECORD, Democrat and Republican—rejected as terrible public policy.

This is a truly awful bill, Mr. President. I am embarrassed to think that we are going to pass this thing.

Unfortunately, the majority appears to have chosen the path of posturing, not progress. In the wake of the House check-kiting controversy, the Democratic leadership ran for cover under the campaign finance reform issue.

The majority met together. The Republican leader mentioned a conference a while ago. It was not much of a conference. Basically, the majority met and decided to pass out a bill that had no bipartisan input or cooperation, put together widely differing House and Senate campaign finance bills, dusted them off, and quickly cobbled together a patchwork conference report.

Why? To get something down to the President and try to embarrass him.

Well, the President is eagerly awaiting this bill. His veto pen is full of ink and ready to go. If a political game is what we must play, it seems to me that the politics are clearly on the side of not establishing a new entitlement program for all of us in these times.

My impression, Mr. President, is that the majority really prefers the status quo. They have done well with it. They are in the majority here. It is far better, from their point of view, to pass a bill that has no chance of becoming law, knowing full well that George Bush will take care of it.

Even so, it is faintly humorous that the majority sees their bill as the answer to all of their political problems. The voters are up in arms about check bouncing, congressional perks, the deficit, excessive taxes, and, certainly, contempt for all of us, and insulated incumbents.

So what does the bill do? Mr. President, it writes a check, a rubber check, if you will, to pay for all of our campaigns. The American taxpayers beyond the Beltway get to pay us. We are not quite sure how much, but we know it is going to be a lot. Down here on this line, food stamps for politicians, signed by the majority party.

That is the response. That is the response in this atmosphere.

Mr. President, this is the biggest rubber check in history—to be paid for either through higher taxes, or a bigger deficit in order to fund our campaigns? To fund our campaigns. And to pour a little extra gasoline on the blaze, the bill throws in some choice incumbent protection provisions like spending limits and restriction on support by political parties.

The bill makes it tougher for the parties to support challengers.

As a response to the crisis and public support for this institution, the majority conference report is a little like General Custer showing up early for the Battle of the Little Big Horn. Or Napoleon, selling tickets to Waterloo.

If voters are angry now over political featherbedding and Government waste, just imagine what will happen when congressional taxpayer finance hits the radio talk shows.

I think the other side has really figured it out, because they have blocked our efforts to provide full disclosure to the taxpayers about the public financing perk.

In this body last year, during the debate on S. 3, I offered an amendment

requiring that all campaign ads paid for by tax dollars include the following simple disclaimer: "The preceding political advertisement was paid for with taxpayer funds." Concise, honest. I called it "the truth in taxpayer-funded advertising amendment."

I thought it also might appeal to my colleagues across the aisle as a deterrent to negative advertising. You can imagine how voters who already dislike negative ads would feel, knowing they were paying for these ads with their own tax dollars.

Yet my amendment was tabled by a part-line vote. What does that tell you, Mr. President? It says not only did we want to pay for the campaigns with tax dollars; we did not want anybody to know it. We were unwilling to have this truth-in-labeling amendment applied. We are going to take your money out of the Treasury; we are going to pay for political advertising; but we are not going to tell you that you paid for it.

What can you say about that, Mr. President?

So not only did the majority vote to make taxpayers pay for their campaigns; they also voted to hide the fact from the taxpayers. The majority on the House side even invented a nice little euphemism for taxpayer financing, calling it the "Making Democracy Work Fund"—the Make Democracy Work Fund. As Dave Barry says: I am not making this up.

The Democrats plan might be more accurately called a "Make Taxpayers Work Harder Fund" because they are going to have to work a lot harder to pay for these communication vouchers, matching funds, benefits, and the army of bureaucrats required to administer this entitlement program for all of us.

As I have said on frequent occasions, and I say again, Mr. President: You extend something like the Presidential system to 535 additional races, and the FEC is soon going to be the size of the Veterans' Administration—the Veterans' Administration—crawling all over, trying to audit all these tax dollars, used not only for Republicans and Democrats, but for every kook in America who got the newspaper this morning, and while shaving, looked in the mirror and said: By golly, I think I see a Congressman; I think I see a Congressman.

We are going to pay for that. This is our response, at a time when 80 percent of the public is down on Congress? What could sum it up better, that we would think that in this atmosphere, the appropriate response is a measure like this? It is truly astounding.

There are plenty of constituents leaning out windows and saying they are mad as hell at Congress, and they are not going to take it anymore.

I have not heard from the first one—and the Republican leader mentioned this, too—I have not gotten the first

letter from anybody at home saying: Sign me up for using my tax dollars to pay for your reelection campaigns. I have not gotten the first letter from anybody saying that. I do not see a groundswell out there for this.

In my own State, we have had some corruption; grand juries investigating members of the Kentucky General Assembly, this kind of thing is quite highlighted. The Kentucky Legislature has recently passed legislation very similar to this which will soon be struck down by the courts.

And yet, in surveys taken by the statewide newspaper, in spite of all the press, on this issue in Kentucky these days, 65 percent of the people—and this is a lot lower than in most States—65 percent of the people said: Do not use my tax dollars for your campaigns. Please do not do that. Please do not reach into the Treasury and use tax dollars for your campaigns. It is the ultimate outrage. You have done everything to us; now you are going to do this to us, too. We are already working to sometime in May to pay the tax bill, and your response to our frustration is to now pay for your campaigns out of the Treasury? They must think we are crazy. "They must be kidding," they are thinking.

But I am sure the majority will say: Well, we would rather not have the food stamps for all of us, but we have to do it in order to have spending limits. That is like saying we need to pass a new spending program in order to raise taxes. The fact is that spending limits are a terrible idea. This may come as a surprise, but spending tax dollars on a terrible idea really does not make it a better idea. Some argue we do that all the time. But it is not a terrific idea.

First of all, spending limits protect incumbents by restricting the ability to challengers to mount effective campaigns. Winning challengers rarely ever outspend the incumbent. In fact, even the successful ones are usually outspent by a wide margin. The incumbent's financial edge is not the decisive issue.

That is always going to be the case.

The key is the challengers must be able to spend enough to compete with the incumbent's established name, legislative record, franking privileges, and other advantages. Not only that, but challengers also have to convince voters it is time for a change. That is an expensive undertaking. Spending limits unavoidably handicap the challenger's ability to do that.

Mr. President, I teach a class on American political parties in elections every week. I am pretty familiar with this subject. There is a lot written about spending on behalf of incumbents and whether or not it helps.

It is pretty clearly a trend of scholars that say beyond a certain point, spending for incumbents just is not

that effective. So it is not in and of itself significant when you say incumbents outspend challengers. Of course, they do. The critical component part is whether the challenger has enough to get his message across. Of course, he or she will be outspent. Of course. But spending beyond a certain point for an incumbent does not make any difference. The critical element is whether challengers have enough.

Spending limits do not level the playing field between incumbents and challengers. You may as well put Pee-wee Herman and Evander Holyfield in the boxing ring together, and then try to make it equal by tying one arm behind each of their backs. It just does not work that way.

The truth is the most expensive elections are those in which the incumbent faces serious competition. Both the incumbent and the challenger raise a lot of small donations from the supporters and spend it trying to reach and persuade the voters.

What is wrong with that? What is wrong with that, Mr. President? That is competition.

Almost invariably, high-spending races generate high turnout. I am having a hard time finding out what is wrong with that.

In competitive races, the parties jump in and spend a lot of money, usually to boost the challenger. I am having a hard time trying to figure out what is wrong with that.

These are all signs of a healthy, robust democracy. We are not members of the House of Lords. We do not own these seats. Nobody gave us a lifetime tenure, and we ought to have to fight for them. But the majority apparently wants to clamp down on competitive challengers and robust political parties through spending limits on campaigns.

What is truly misguided about the Democrats' agenda, however, is that, of course, spending limits do not work. Even if it were sound public policy to limit spending in political campaigns, and it is not, spending limits do not limit spending. They do not limit spending at all. And there is ample proof of this in the Presidential system.

We are wasting valuable legislative resources, and potentially a lot of taxpayer money, on an idea that is totally discredited. The Presidential Election Campaign Fund and the spending limits it props up are a failed Government program. Every reputable scholar—and I have already submitted the list; liberal or conservative, Republican or Democrat—who studied the system concluded it is an unmitigated disaster; unmitigated disaster.

Spending has gone up in every single Presidential election. The rate of growth has now far exceeded the growth of spending in congressional races. As a matter of fact, it has gone down in congressional races.

In other words, campaign spending, under spending limits, goes up faster than campaign spending without spending limits.

If that is hard to fathom, remember what prohibition did to the proliferation of drinking establishments. What has happened in the Presidential system is that individual fat cats and well-organized special interests have figured out loopholes in the limits.

While we are talking about the Presidential system, the President, of course, is always criticized for being against this bill. As I said a couple of hours ago when we started, criticizing the President for saying he is going to veto this bill because he has accepted public funding in the Presidential races is like saying because the House has a bank, the Senate ought to have a bank.

Now, the truth of the matter is all candidates under the Presidential system have accepted the public funds except one. And the reason they did it is because it is a very generous subsidy. And, of course, that is what would happen here. It would become an enormous, generous subsidy, and it would really cost a lot of money as we funded not only Republicans and Democrats but crooks and crackpots all across America right out of the taxpayers' pockets.

Instead of cleaning up politics, spending limits have encouraged off-the-books, unreported, unlimited campaign spending the special interests. Most important, all of the devices used to evade the limits favor the well organized and powerful over smaller, unsophisticated participants.

Michael Malbin, of the Rockefeller Institute, is one of the outstanding experts on this issue. He said:

[Spending limits] encourage the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

Frankly, there is no better word to describe spending limits than "bizarre."

What is even more bizarre, however, is the majority's obsession with replicating the billion-dollar boondoggle of the Presidential system in all 535 congressional races.

Fringe candidates like Lenora Fulani and Lyndon LaRouche—who have milked the taxpayers for millions of dollars—would sprout like kudzu in congressional races all over the country. Free taxpayer dollars to put your face on TV. They would be lining up all across America. The line begins outside the Treasury.

Maybe David Duke had a little trouble qualifying for matching funds under the Presidential system. He got started a little late. He would have made it if he started a little sooner because it is pretty easy. But this conference report, if it ever became law,

would put old David Duke right back in business again and provide public subsidies for him to combat anybody who dared criticize him. What a terrific idea. The American people are going to really applaud this bill once they figure out what is in it.

But, even if you were convinced that the world was flat and that spending limits were a good idea, this report, this conference report, contains only pseudo-spending limits. Unlike the Presidential system where the lawyers had to work hard to find all the loopholes, this package comes with the loopholes already built in.

For example, there is a provision allowing a special, unlimited exemption for all legal and compliance costs in House races. That loophole is big enough to drive a truckload of lawyers and accountants through—a truckload of lawyers and accountants. They are going to welcome this bill if it ever becomes law. Fortunately, it will not, but, boy, would they love it. In fact, the lawyers and accountants would make a fortune exploiting all the nooks and crannies of this bill. Maybe this is the majority's idea of an economic recovery package. Start with the candidates themselves and then sort of trickle down to the lawyers and accountants.

Further, while the Democrats' bill virtually padlocks the political parties, restricting every form of party soft money, it does absolutely nothing—nothing—about special interest soft money. Special interest soft money, otherwise known as sewer money, is flatly ignored by this conference report. The millions of dollars that labor unions and tax-exempt corporations spend every year to influence elections are not touched at all in this bill.

Presumably, this is not a drafting error. I do not think this was an unintentional omission. It could not be an oversight. Senator HATCH made an extraordinary appeal to the Democrats last year to deal with this scandalous problem.

Mr. President, what we have before us is a bill that turns a blind eye to the hundreds of millions of dollars labor unions spend to influence Federal elections. This is sewer money, and it is stinking up the political process. Perhaps my colleagues across the aisle are suffering from hay fever and cannot smell it, but every Republican candidate would get a big whiff in November.

The cynic in me suspects there is a partisan motivation behind this glaring loophole, a hole so big you could drive the Teamster semi-truck that sometime parks down at the AFL-CIO headquarters right through it.

And the majority purport to call this a spending limit bill? This bill, a spending limit bill, with this kind of loophole in it?

Mr. President, this is a "limit Republican spending bill." It is a "limit chal-

lenger's spending bill." This is not a "limit Democrat's spending bill." This is not a "limit special interest labor union spending bill."

Mr. President, with all due respect to my colleagues on the other side who believe, apparently strongly, in this bill, this bill is indeed a sham. You cannot constitutionally force spending limits. We cannot force them. You cannot, practically, limit spending. You can make candidates go through all kinds of hoops to get their message out; you can force interested participants in our Nation's political process to devise all kinds of creative means to circumvent the limits.

Mr. President, in the end, when all is said and done, whether this bill passes or does not pass, people are going to participate in politics. They insist on it. It is their government. They have a right to it. Whether or not you spend the entire peace dividend on taxpayer-funded political campaigns, people will participate. They will spend money over and above the limits set forth in this campaign finance bill. This is, after all, a democracy. The first amendment to the Constitution protects political speech. The American spirit dictates that it will ever be thus.

Mr. President, taxpayer-financing and spending limits are areas Republicans and Democrats have never agreed on and never will. PAC contributions was an issue that, for a time, Senate Democrat and Republican bills did concur about.

Some years ago, I was the first, along with some other Republicans, to propose a unilateral ban on PAC contributions. PAC's, really, personify special-interest influence. They are a tool of incumbents who receive virtually all the PAC contributions. As the public has learned more about the ways PAC's operate, their disdain for this special-interest machine has intensified.

After getting beat up by the press and Common Cause, the majority, a couple of days before the debate was scheduled to begin in 1990, adopted the Republican PAC-ban. Frankly, it was a change that I welcomed, having first proposed it, and took some satisfaction in forcing. From then on the majority railed against PAC's and parade their get-tough PAC provision. It appeared we were in harmony on an issue.

But, Mr. President, a sour note was struck last week when the Democrat's conference report was unveiled. Voila, the PAC-ban had disappeared. The PAC's were back. In its place were PAC-protected provisions for Senate Democrats and for House Democrats. It appears some Democrats envisioned a PAC-less future and did not like what they saw.

To be honest, Mr. President, I almost had to laugh.

Everyone knew 2 years ago the Democrats had adopted the PAC-ban with a wink and with a nod. Last week

when crunch time came, the majority blinked. Now, Mr. President, there is not a chance in a million this bill is going to become law. Yet the majority did not want to take even the smallest risk—not even the smallest risk—presumably out of fear that the President might wake up and have a change of heart on this issue, would not even take the smallest risk that they would lose the political lifeline, the political action committees.

In addition, Mr. President, the height of hypocrisy was reached when the conferees could not even bring themselves to draft a report that has the same rules for the Senate as for the House. What do we have conferences for? Anyone can paste two bills together and call it a conference report. It does take some effort, however, to reconcile differences and to mold a cohesive report. This conference report certainly fails on that point. This bill is a lawyer's dream. It sets up a byzantine array of separate rules for the House and for the Senate.

What happens, for example, when House Members run for Senate seats? Who knows. Fortunately, Mr. President this bill is not going to become law. My suspicion is if there had been any real thought it would become law it would not look like this, would not look like this at all.

I just outlined the reasons why this is a horrible bill. And those are the reasons that President Bush is going to veto it. During the debate a year ago on S. 3, I entered into the RECORD several times a letter from the President to me, which is still operative and covers this conference report. I highlighted a particular passage that the President wrote, and this is what he said:

I intend to veto any campaign finance reform legislation which features spending limits or taxpayer financing of congressional campaigns.

Further, the President said:

I am deeply opposed to campaign finance legislation that proposes different rules concerning political action committees for the House and for the Senate. We must not further Balkanize ethics in election reform.

That was the President on a similar piece of legislation last year.

This bill is going to be vetoed, thank goodness, and I know there will be great sighs of relief from a clear majority on the other side that it is. This bill is a cynical attempt to seize the mantle of reform, knowing full well its failure assures the status quo.

What is a mystery to me, Mr. President is that anybody thinks voting for this bill is good politics. Since this is entirely a political exercise, unfortunately, and not a serious exercise, not an exercise to design legislation to become law, then we can only judge it on political terms, since it is a totally politically exercise.

I find it astonishing that anybody would think that voting for this would

be a smart thing to do politically. Eighty percent of the American people think the Congress is a mess and in our zeal to confirm their judgment, we are going to write a blank check to pay for our political campaigns and the political campaign of every nut and crackpot in America who wants to reach into the cookie jar called the Federal Treasury and go out and have an ego trip paid for at public expense.

I think, Mr. President, that if the American people had any idea what was in this bill—and certainly I think since this is a totally political exercise there is nothing wrong with our side making efforts, as great an effort as it can, to make sure the word does get out—the American people would be outraged. If it is possible to fall any lower in their esteem, I would venture that we would; that if every voter were fully informed of what this bill is about, the esteem for Congress would fall even lower, and you would not think you can go beyond 80 percent disapproval. I think that is probably unparalleled in the annals of polling. It is astonishing to think it could fall any lower, but I am confident, Mr. President, that if they knew what this was all about, they would dislike us even more.

And they certainly would say this sums it up. I can hear them saying out there, all across America, you want to limit my opportunity to participate on behalf of a candidate of my choice voluntarily, and you want to take my money involuntarily and give it to people that I do not approve of, and you think that is the way to restore my confidence in Congress? It is an astonishing development.

Fortunately, the President of the United States is going to save the people from this monstrosity and, frankly, if Republicans had an opportunity, I think a clear majority of them would repeal the Presidential system. It has been a disgrace and a disaster. But at the very least as a result of divided Government, the fact the people in their wisdom chose a President of one party and a Congress of another, at the very least, we do not have to take this madness any further. We can confine this idiocy to one race, the Presidential race, and not spread it any further, and not spend public money on 535 additional races at a cost of millions and millions of dollars to the American taxpayers.

So, Mr. President, at some point in the next couple of days, we will have our vote largely along partisan lines, and there will be plenty enough support for the President to sustain his veto comfortably. It is a vote that in my view Republicans can feel good about. We fought the good fight now for 5 years. We tried very, very hard to have responsible reform that did not tilt the playing field either way, the kind of bipartisan campaign finance re-

form bill that we knew 5 years ago we could have passed. It would not have helped the Democrats at the expense of the Republicans or helped the Republicans at the expense of the Democrats.

But, no, we chose not to do that, Mr. President. We chose not to do that. We chose to ram through, on a partisan basis, a new entitlement program for us that attempted to quantify and limit speech inconsistent with the first amendment, attempted to push people out of the political process in the one way that most people participate these days, other than voting, and that is by making a small and disclosable contribution to the candidate of their choice, and substitute in lieu thereof tax dollars, an astonishing reaction to the current dilemma in which Congress finds itself.

And so, Mr. President, I hold out no hope that any minds are going to be changed at this late date. We have hashed this out for 5 years now. I am disappointed. I do not like the status quo. I know Senator BOREN is disappointed. We see this issue somewhat differently, but both of us, I think, would like to see something some day become law. Unfortunately, the temptation when writing the rules of the game in which we all participate, is for the majority to write the rules in a way that will benefit them. I do not blame them for trying, but it is not going to work. This is not ever going to become law.

I go beyond that, Mr. President, in closing, for the moment, and say even if by some quirk something similar to this became law, it would not be law very long. This bill would not have a snowball's chance in hell of surviving the Federal courts. It is dead on arrival. The Supreme Court is not going to allow this kind of trashing of the first amendment.

So I hope, no matter who is President, no matter who is in the majority of Congress, at some point we will get down to the serious business of writing a bipartisan campaign finance bill that is constitutional. This one clearly is not.

Madam President, I yield the floor in honor of your arrival.

The PRESIDING OFFICER (Ms. MILKUSKI). The Senator from Oklahoma.

Mr. BOREN. Madam President, I have listened with interest to my colleague from Kentucky. As he has said, we have been debating this issue now for a few years and are certainly familiar with the arguments that each one of us would raise in the course of this debate. But I think we really need to get to the heart of the issue.

The heart of the issue, in spite of the check that has been brought to the floor and used as a prop today by my friend and colleague on the other side of the aisle, it is not a question of public financing. The Senator from Kentucky knows that this Senator is not a

person who is enthusiastic about the subject of public financing. He also knows that this Senator is not motivated by some desire to gain a partisan advantage for one particular side of the aisle over the other in terms of reforming the way we finance campaigns in this country.

In fact—and I believe it was a year before the Senator from Kentucky came to the Senate—I joined with the distinguished Senator at that time, Senator Goldwater, in offering a bipartisan proposal to try to change the way that we finance campaigns in this country by reducing the influence of special interests, political action committees, known as PAC's, in the process. And since that effort began the situation has gotten worse and worse and worse, with over half the Members of Congress receiving more than half of their total campaign contributions not from people back home, not from the participants at the grass roots that the Senator from Kentucky has described, but from political action committees, special interest groups, most of them located outside of the Senator or Congressman's home district and home State to raise money to influence elections; more than half of all the money not coming from the people back home but coming from the special interest groups located elsewhere.

Madam President, I remember a meeting that I attended not too many years ago where a group of managers of political action committees, PAC's were together in a meeting, I believe about 200 managers of political action committees.

And I recall one of them from the floor challenging my suggestion it would be healthier for the political process in this country if we had limits on campaign spending and if the contributions raised to finance campaigns came not from the lobbyists and lobbying groups in Washington but from the people back home. This manager of a political action committee got up and purported to quote a Member I believe at that time of the House of Representatives by saying: "Senator, don't you think it would be better if we could just raise all the money here?" He said, "I was talking to a Member of Congress the other day who said, 'You know, I like raising all the money for my campaign here. We can have a big fund raiser here in Washington and raise several hundred thousand dollars and that way I don't have to go back home to my friends and neighbors in my home State and in my home district and embarrass myself and inconvenience my own constituents back home by asking them to contribute money to finance my campaign. I don't have to hit them up for contributions or ask them to give money to my campaigns because I would raise it all here in Washington from the political action committees.'" don't you think," he

said, "that is a lot better way of raising campaign funds than to have to go back to your home State and your home district and raise contributions that way?"

It would appear a number of people seemed to agree with that since more than half the money is coming from such special interest groups in Washington instead of from the people back home.

Madam President, my answer to him was: "Thank God the Constitution requires us to inconvenience the people back home to vote in the elections or we could just do it all with the special interest groups here in Washington, DC, and not bother or inconvenience the people back home by asking them to participate in the process at all."

Madam President, that indicates just how far we have come in terms of distorting the political process of this country. There is really but one difference of opinion between us, one difference of opinion that we have not been able to reconcile on two sides of the aisle.

It is not the constitutionality of a system that would put in place voluntary spending limits. As has already been indicated by the distinguished majority leader, there is such a system in the Presidential election process and it is a system that has been accepted by candidates on both sides of the aisle including, and I say this not in criticism but simply as a matter of fact, the current President of the United States, President Bush, who has accepted those voluntary spending limits under the Presidential system and who has accepted some \$200 million in matching funds from the Public Treasury under that system. So there seems to be no difference of opinion about that. There could be a constitutional system that would put in place voluntary spending limits.

Nor, Madam President, do I think it would be impossible to work out some sort of system that would hold to a minimum any exposure to the taxpayers. In fact, this bill, in spite of the check that was brought to the floor signed "the Democrats," new perk for Members of Congress, in spite of that prop which was brought to the floor, the language of this bill, if our colleagues from the other side of the aisle would read the conference report, says in black and white that we would not use general revenues from the taxpayers to fund any of the benefits provided in this bill.

There are alternatives. There is a voluntary checkoff system that we can hope the American people voluntarily would care enough about cleaning up the political system, that that itself would be sufficient to finance any incentives that are necessary to get people to accept spending limits. I, for one, think we all too often underestimate the patriotism and the desire of

the American people to make a contribution back to their own political system.

But, Madam President, the real difference of opinion exists on one and only one subject. We can work out the rest.

We can work out how much political parties could give to the individual candidates. That is not insurmountable. On numerous occasions in negotiations we have indicated a willingness to allow a greater role by the political parties.

We can hold to a bare minimum the amount of incentives that would be given, whether it is lower mailing rates which have been supported by those on the other side of the aisle, or lower broadcast rates mentioned by the Senator from Kentucky with approval, which is also provided in this conference report.

We could work out a series of incentives for voluntary spending limits that would hold to a bare minimum, virtually to very little if any at all, none coming from general revenues, sufficient incentives to bring about voluntary spending limits. It is the spending limits, Madam President, if you listen to the discussion that has occurred on the floor over the last hour, it is the spending limits that are the issue, the spending limits referred to by my colleague from Kentucky as an effort to trash the first amendment.

Madam President, there is simply an honest difference of opinion on this issue. It is obvious that there are those on the other side of the aisle, including my colleague from Kentucky, who believe that it is good and healthy and an excellent form of political participation for people to pour more and more and more money into the political election process. They define participation as the contribution of money to the process.

Madam President, there is simply a difference of opinion as to this matter. I for one, and I would believe many of my colleagues on this side of the aisle, and I suspect, had this not become a polarized issue somewhat along party lines, there are many on the other side of the aisle as we would tell you in private conversation that they are disturbed by the amount of money that it takes to run for office in this country today.

Is it a good thing? Madam President, is it a good thing that the cost of successfully running for the U.S. Senate has gone from \$600,000 14 years ago to \$4 million today? Is that a good thing?

I do not think it is a good thing. I do not think it is good for the political process in this country. If it is not a good thing, if it is destructive of the political process in this country that more and more and more elections are being determined by who can raise the most money, that more and more of the energy in political campaigns must

go into the raising of money instead of into the debating of issues and qualifications of candidates, then we must try to do something to stop it.

To those who believe that we can, who say let us go ahead and let us have campaign finance reform, let us go and write a bill on those things that we can agree about. I am pleased that there is greater agreement about reducing the influence of PAC's.

I point out to my good friend from Kentucky, as I have already pointed out in introducing the conference report on the floor, that if he wants to reduce the influence of political action committees and PAC's, join us: vote for this conference committee report. If the limits of this conference committee report had been in place in the 1990 election cycle, the amount of money the political action committees, PAC's, could have given would have been reduced by 5 percent, more than cut in half.

So we have an opportunity to do something about it. If we are interested in shutting off the sewer money, as it has been referred to—and I agree with that designation 100 percent—the so-called soft money, there is an opportunity to do something about it: Vote for this conference report.

If it takes every single contribution made for the purpose of influencing a Federal election, whether it is run by a State party under the guise of a get-out-the-vote effort or some other guise when it influences the Federal election campaign and defines it as an expenditure to influence a Federal election, bringing that under the contribution limits of Federal law of so many pennies per voter, so it stops it; there would be no more soft money under this bill. All contributions would be defined under one standard and the loophole would be closed.

But, Madam President, where I cannot agree is that we could go ahead and pass real campaign finance reform by drawing up a list of 10 or 12 things we could agree about, and passing them into law, say now we have done it, and omit any limit on spending.

How in the world can we say that we had genuine campaign finance reform when we do nothing to stop the increasing amount of money pouring into American politics? To me that is like the mother who said to her daughter, "Yes, dear you may go swimming, but you may not go near the water." There is simply no way in the world to deal with this problem until we deal with the heart and soul of it: Too much money pouring into American politics, corrupting the system.

The distinguished Senator from Kansas, the minority leader, for whom I have the greatest respect in talking about the latest Gallup poll which showed that 80 percent of the American people have lost confidence in the Congress, said he thought that many peo-

ple had lost confidence in the Congress because they believed that the special interest groups control this institution instead of the people. That that was the perception.

Why is it the perception? It is because we have come to define participation in our politics not by voting, not by discussing the issues, not by knocking on doors, not by talking to our neighbors, not by advocating the causes in candidates that we believe in, but because we have come to define participation as the giving and conveying of money. And, therefore, those who have greater amounts of money to give and to convey and to pour into the system have more influence than those who do not.

That is at the heart of it. That is why the American people believe that the special interests have more sway in this institution than they have. That is why middle-income Americans believe that they are getting shortchanged, that their numbers are shrinking. That is why they believe that in the past decade the incomes of the top 1 percent in this country have gone up substantially by more than 20 percent in real terms while the incomes of middle-income Americans have shrunk.

That is why they believe that they continue to have to struggle to send their children to college with tax bills passed through this institution that give further tax cuts to those who need them least while middle-income families are not even allowed to deduct the interest on college loans that they have to take out to struggle to send their children to college.

Why do they think, Madam President, that the special interests have more influence in this institution than they? Everyone has an equal vote in this country. If elections were decided principally on the basis of the ability of people to get out and campaign, vote, debate, and knock on doors, we all have an equal opportunity to do that—no. It is the perception that money is the determining the outcome of the elections. Why not? We heard the figures earlier. In 93 percent of the elections there is a correlation. The candidate with the most money wins.

Madam President, the figures speak for themselves. There was an argument raised a moment ago that to put a limit on spending—this is something I really do not understand—would be disadvantageous to the challengers, that if we pass a bill like this bill that puts in place according to limited spending by candidates that will hurt challengers.

If those on the other side of the aisle really believe that, I am concerned about the analytical method that they are using to examine this issue, if they really believe that.

Let us just think for a moment. If incumbents when you do not have spending limits, here we have a system with

no limits—incumbents last time raised eight times as much money in the House as challengers. There is a 93-percent correlation between those who win and those who raise the most money. How in the world can a system of unlimited spending be said to favor challengers when incumbents can raise eight times as much as they can? How can a system with unlimited spending be said to favor challengers when the special interest groups this year, the political action committees, are pouring in \$25 into the campaign funds of incumbents for every dollar they are putting into the campaign funds for challengers?

Let us look at the facts. I have to say again that I do not understand and I sometimes have to convince my colleagues on our side of the aisle where we are in the majority, that I am not in league with those on the other side of the aisle in advocating spending limits because they also know the figures. You would think that any party that was in the minority in Congress today with the apparent fact that an incumbent, not a Democrat, not a Republican, it does not matter whether they are a Democrat or a Republican.

They were asked specifically, "Do you favor the Boren bill?" Eighty-two percent said "yes," a vast majority of Republicans and Democrats. This is not an issue on which Republicans and Democrats differ. The vast majority of both favor spending limits.

It is hard for me to understand why those who happen to be Republicans and are now serving in Congress depart in their thinking so completely from their own constituents and their own party members back home. Maybe it is because they are incumbents, also, and deep down, they understand the fact that they have a great advantage, whether they are Republicans or Democrats, in that they are incumbents. Maybe that is at the heart of their reluctance to change.

There are some Republicans who do want to change. A very interesting news release put out by the group Public Citizen, dated Monday, April 20 said: "Thirty-two past and present Republican challengers from 22 States today called on President Bush to sign landmark congressional campaign finance reform legislation recently passed by the House," and now pending in the Senate.

The money chase is not going away, as my colleague seems to want to indicate. He said it slowed down somewhat in 1990, the increase in spending. That is not true. It might have appeared to have slowed down in the aggregate because more of the elections in 1990 were in smaller States, where lesser amounts of money are usually spent than was the case in the two preceding election cycles.

But when you look at the amount spent per voter in the States where

elections were held in 1990, that amount went up by 40 cents from 1988 to \$1.70 per voter; this was campaign spending. In 1980, candidates were spending 60 cents per voter to run successful races. In 1990, it rose to \$1.70, up from \$1.30 per voter in 1988. So it continues to spiral. It continues to go up.

Madam President, is it a good thing? That is the essence of the debate. Is it a good thing that more and more money is being poured into the process? I think with all sincerity—and I wish I could change the Senator's mind—I believe my friend from Kentucky believes it is a good thing. He believes it indicates more participation in political campaigns.

I do not think it is a good thing. I do not think pouring more and more money into campaigns is the kind of political participation we want to encourage. Yes, we want to encourage voting. A serious debate of the issues, yes; we want to encourage that. Volunteering one's time and caring enough about the political process to knock on doors on the road where a person lives, or in the block or neighborhood where a person happens to live, to convince friends and neighbors to support a candidate—that person might be supporting himself or herself—yes, we want to encourage that kind of participation. Putting yard signs in our front yards, we want to encourage that kind of participation. But runaway campaign spending is not the kind of participation that is helping the American political process.

Can we really say that the fact that we have gone from \$600,000 to \$4 million to run a U.S. Senate campaign has helped the quality of American politics? Can we say that in the last two or three elections, we have had a better discussion of the important issues and more involvement of the American people and of the important decisions affecting this country than we had when campaigns cost a lot less to run successfully? Can we really say we have encouraged more good, new, young people with fresh ideas to come into politics?

How in the world can we think it would encourage new people to come into politics when they have to face the fact that they have to raise millions of dollars to get in the front door? How in the world does it encourage new people to get into politics when they know that while they might be able to go out successfully in their home States and communities at the grassroots and raise some money from small contributors up and down the streets of their home communities, but be faced with the fact that at the last minute a flood of money could come in from Washington at the rate of \$25 to every \$1 from the political action committees located here, from those multi-million-dollar fundraisers that can be held on a single night, and will be held again to-

night in Washington? When we read the morning paper, we will probably read that the fundraiser held tonight here may break all records. Perhaps it will set the record for American politics.

Every time I read a headline that says this year they raised more than last year, particularly in Washington, particularly from the special interest groups, it is simply a message to me that it is a further distortion of the political process and further discouragement to the average American from participating, because they think the dollars are going to add up more than the votes, when all is said and done.

So, Madam President, that is the nub of it. That is the difference of opinion we have not been able to get over. We could work out a bundle of incentives that would keep the American taxpayer from having to dig down in his or her pocket and finance the incentives that would be sufficient to get candidates to accept voluntary spending limits. We have discounted broadcast time. We have disclaimers under our bill that would require candidates that do not accept spending limits to so state on their advertising.

These are the kinds of things that would encourage candidates, without cost to the taxpayers, to accept voluntary spending limits. There are ways of devising bills to do that. We have simply not been able to get an agreement on the basic concept that the money chase is bad for American politics, that too much money is pouring into the system, that too much time is being spent raising it.

The Senator from Kentucky said, well, it is not as serious as you say, because after all, most Members do not sit down and raise \$13,000 every single week for 6 years. So it really does not take that much of their time. They usually wait and raise most of it in the last 2 years.

If you do that, to put the arithmetic to that, you find, if they wait until the last 2 years and in panic try to raise nearly all of it at that time, then they may not raise it for the first 4 years, but they have to raise \$43,000 a week for the last 2 years to come up with the amount of money. Maybe that is not so bad. Well, I do not see how it is good.

Madam President, it is just human nature, and I go back to the point that if a Member of the Senate of the United States or a challenger, indeed, for a Senate seat has 5 minutes to give to a constituent to discuss a problem or to hear their opinion, and that candidate is desperate to raise the money it takes to get on television or radio and buy advertising, desperate to raise that money because it takes \$4 million, and that person has 5 minutes to spare and there are 10 people lined up to give their views to that candidate or that Senator or that Congressman, or one of them, human nature being what it is, there is someone sitting there that has

the capacity of giving the candidate \$1,000 or perhaps holding a fundraiser in their home where they might raise \$50,000, or better yet, putting together a committee in Washington that might raise that candidate \$300,000 or \$400,000, and there is someone who works for a living with their hands on an assembly line or who sits on a tractor in the hot Sun on a farm, that if they really made a sacrifice might be able to contribute \$10 or \$5 to the campaign instead of \$5,000 or \$10,000, and has no ability to organize a committee to raise \$300,000, human nature being what it is, and thinking they are not going to win the election if they do not raise the \$4 million, with which person are they going to spend that 5 minutes?

Madam President, I think we all know the answer. It is not a matter of being bought and paid for. It is not a matter of anyone consciously sitting down and saying, "I am going to sell myself to the highest bidder," but it is a process that nobody feels good about. The sensitive, caring Member of Congress who came here because he or she wanted to make a difference to this country does not feel good about the pressure placed upon them to raise the amount of money that it now takes, and the citizen obviously does not feel good about it either. That is why that citizen, when queried by the Gallup poll or the Harris poll or some other polling organization, says, "I do not have confidence in Congress anymore. I believe they belong to the special interests and not to me." And which one of us, in all honesty, as long as we allow runaway campaign spending and that pressure to be put on every candidate, whether they are in office or out, man or woman, Democrat or Republican, liberal or conservative, as long as that pressure is there to raise \$4 million to run a successful race to the U.S. Senate, can look that constituent in the eye, that disillusioned citizen in the eye, and say, "Money does not matter. The opinion of a person without a dime to contribute to a campaign matters as much to a candidate as a person that can raise \$1,000 or \$10,000 or \$100,000." Madam President, we cannot do that. And we all know it.

So that is the difference of opinion. There are those of us who do not believe it is healthy that it takes \$4 million on the average to win a U.S. Senate race. That is the difference of opinion. There are those of us who believe that the heart of reform is to limit runaway campaign spending, to squeeze the excess money out of the system and put competition back in the arena of ideas and qualifications where it belongs. That is the issue. And that is the reason the American people, 82 percent of them, Democrat and Republican alike, have said, "We favor limits on campaign spending." Madam President, let us not shirk our duty. Let us not let the people down.

The PRESIDING OFFICER. The distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the vote on adoption of the conference report accompanying S. 3, the Senate Election Ethics Act, occur at 3:30 p.m., Thursday, April 30; that on Thursday, the Senate resume consideration of the conference report at 1 p.m., with the time from 1 p.m. until 3 p.m. equally divided and controlled between Senators BOREN and MCCONNELL, the time from 3 p.m. until 3:15 p.m. under the control of the Republican leader, and the time from 3:15 p.m. until 3:30 p.m. under the control of the majority leader; that at 3:30 p.m., without intervening action or debate, the Senate proceed to vote on the adoption of the conference report accompanying S. 3, the Senate Election Ethics Act.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DOLE. No objection.

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

The text of the agreement is as follows:

Ordered, That at 1 p.m., on Thursday, April 30, 1992, the Senate resume consideration of the conference report accompanying S. 3, the Senate Election Ethics Act.

Ordered further, That the time from 1 p.m. to 3 p.m. be equally divided and controlled by the Senator from Oklahoma (Mr. Boren) and the Senator from Kentucky (Mr. McConnell); the time from 3 p.m. to 3:15 p.m. be under the control of the Republican Leader; and that the time from 3:15 p.m. to 3:30 p.m. be under the control of the Majority Leader.

Ordered further, That at 3:30 p.m. without intervening action or debate, the Senate proceed to vote on adoption of the conference report accompanying S. 3.

Mr. MITCHELL. I thank my colleagues, and I thank the distinguished Republican leader for his courtesy.

Senators should now be aware, then, that the vote on this conference report will occur at 3:30 p.m. on Thursday. There will be a full day for debate tomorrow. Any Senator who wishes to debate, to address the subject in any way should be present tomorrow for that debate.

On Thursday, there will be 2½ hours of debate equally divided and controlled. Senators BOREN and MCCONNELL will control 1 hour each between 1 and 3 p.m., Senator DOLE will control 15 minutes from 3 to 3:15 p.m., and I will control 15 minutes, from 3:15 to 3:30 p.m. and have the vote at that time.

I thank my colleagues. And, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. WELLSTONE. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT—PM 230

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(b)), I am pleased to transmit herewith the 25th Annual Report of the National Endowment for the Humanities for fiscal year 1991.

GEORGE BUSH.

THE WHITE HOUSE, April 28, 1992.

ANNUAL REPORT OF THE FEDERAL COUNCIL ON THE AGING—MESSAGE FROM THE PRESIDENT—PM 231

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1991 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

GEORGE BUSH.

THE WHITE HOUSE, April 28, 1992.

**JOB TRAINING 2000 ACT—MESSAGE
FROM THE PRESIDENT—PM 232**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the Job Training 2000 Act. This legislation would reform the Federal vocational training system to meet the Nation's work force needs into the 21st century by establishing: (1) a network of local skill centers to serve as a common point of entry to vocational training; (2) a certification system to ensure that only high quality vocational training programs receive Federal funds; and (3) a voucher system for vocational training to enhance participant choice.

Currently, a myriad of programs administered by a number of Federal agencies offer vocational education and job training at a cost of billions of dollars each year. This investment in the federally supported education and training system should provide opportunities to acquire the vital skills to succeed in a changing economy. Unfortunately, the current reality is that services are disjointed, and administration is inefficient. Few individuals—especially young, low-income, unskilled people—are able to obtain crucial information on the quality of training programs and the job opportunities and skill requirements in the fields for which training is available.

The Job Training 2000 Act transforms this maze of programs into a vocational training system responsive to the needs of individuals, business, and the national economy.

Four key principles underlie the Job Training 2000 Act. First, the proposal is designed to simplify and coordinate services for individuals seeking vocational training or information relating to such training. Second, it would decentralize decisionmaking and create a flexible service delivery structure for public programs that reflects local labor market conditions. Third, it would ensure high standards of quality and accountability for federally funded vocational training programs. Fourth, it would encourage greater and more effective private sector involvement in the vocational training programs.

The Job Training 2000 initiative would be coordinated through the Private Industry Councils [PIC's] formed under the Job Training Partnership Act [JTPA]. PIC's are the public/private governing boards that oversee local job training programs in nearly 650 JTPA service delivery areas. A ma-

majority of PIC members are private sector representatives. Other members are from educational agencies, labor, community-based organizations, the public Employment Service, and economic development agencies.

Under the Job Training 2000 Act, the benefits of business community input, now available only to JTPA, would enhance other Federal vocational training programs. PIC's would form the management core of the Job Training 2000 system and would oversee skill centers, certify—in conjunction with State agencies—federally funded vocational training programs, and manage the vocational training voucher system. Under this system, PIC's would be accountable to Governors for their activities, who in turn would report on performance to a Federal vocational training council.

The skill centers would be established under this act as a one-stop entry point to provide workers and employers with easy access to information about vocational training, labor markets, and other services available throughout the community. The skill centers would be designated by the local PIC's after consultations within the local community. These centers would replace the dozens of entry points now in each community. Centers would present a coherent menu of options and services to individuals seeking assistance: assessment of skill levels and service needs, information on occupations and earnings, career counseling and planning, employability development, information on federally funded vocational training programs, and referrals to agencies and programs providing a wide range of services.

The skill centers would enter into written agreements regarding their operation with participating Federal vocational training programs. The programs would agree to provide certain core services only through the skill centers and would transfer sufficient resources to the skill centers to provide such services. These provisions would ensure improved client access, minimize duplication, and enhance the effectiveness of vocational training programs.

The Job Training 2000 Act also would establish a certification system for Federal vocational training that is based on performance. To be eligible to receive Federal vocational training funds, a program would have to provide effective training as measured by outcomes, including job placement, retention, and earnings. The PIC, in conjunction with the designated State agency, would certify programs that meet these standards. This system would increase the availability of information to clients regarding the performance of vocational training programs and ensure that Federal funds are only used for quality programs.

For the most part, vocational training provided under JTPA, the Carl D.

Perkins Vocational Education Act, postsecondary only, and the Food Stamp Employment and Training program would be provided through a voucher system. The voucher system would be operated under a local agreement between the PIC and covered programs. The system would provide participants with the opportunity to choose from among certified service providers. The vouchers would also contain financial incentives for successful training outcomes. By promoting choice and competition among service providers, the establishment of this system would enhance the quality of vocational training.

This legislation provides an important opportunity to improve services to youths and adults needing to raise their skills for the labor market by focusing on the consumers's needs rather than preserving outmoded and disjointed traditional approaches. Enactment of this legislation would make significant contributions to the country's competitiveness by enhancing the opportunities available to our current and future workers and increasing the skills and productivity of our work force.

I urge the Congress to give this legislation prompt and favorable consideration.

GEORGE BUSH.

THE WHITE HOUSE, April 28, 1992.

**MESSAGES FROM THE HOUSE
RECEIVED DURING THE RECESS**

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on April 15, 1992, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4572. An act to direct the Secretary of Health and Human Services to grant a waiver of the requirement limiting the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the medicare or medicaid programs in order to enable the Dayton Area Health Plan, Inc. to continue to provide services through January 1994 to individuals residing in Montgomery County, Ohio, who are enrolled under a State plan for medical assistance under title XIX of the Social Security Act; and

H.J. Res. 402. Joint resolution approving the location of a memorial to George Mason.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bill and joint resolution were signed on April 15, 1992, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 3:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, an-

nounced that the House agrees to the amendments of the Senate to the bill (H.R. 2454) to authorize the Secretary of Health and Human Services to impose disbarments and other penalties for illegal activities involving the approval of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3017. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, a report on the FCA's 1992 salary range structures, performance-based merit pay matrix, and a description of recently adopted compensation policies and practices; to the Committee on Agriculture, Nutrition and Forestry.

EC-3018. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated April 8, 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Select Committee on Indian Affairs, and the Committee on Labor and Human Resources.

EC-3019. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on one proposed rescission of budget authority, one new deferral, and revised amounts of one deferral previously reported; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition and Forestry, and the Committee on Banking, Housing and Urban Affairs.

EC-3020. A communication from the Assistant Secretary of the Air Force (Acquisition), transmitting, pursuant to law, a report on Air Force intentions to conduct a cost comparison of Air Training Command's Base Operating Support function at Laughlin Air Force Base, Texas; to the Committee on Armed Services.

EC-3021. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, the annual report on United States Costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-3022. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

EC-3023. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on progress on HUD's Program Monitoring and Evaluation Initiative; to the Committee on Banking, Housing and Urban Affairs.

EC-3024. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation to authorize the Secretary of the Treasury to adopt distinctive counterfeit deterrents for exclusive use in the manufacture of United States securities and obligations, to clarify existing authority to combat counterfeiting, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

EC-3025. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Final Evaluation of the Neighborhood Development Demonstration Program"; to the Committee on Banking, Housing and Urban Affairs.

EC-3026. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "State and Local Pension Fund Financing of Housing"; to the Committee on Banking, Housing and Urban Affairs.

EC-3027. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board of Governors of the Federal Reserve System; to the Committee on Banking, Housing and Urban Affairs.

EC-3028. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Venezuela; to the Committee on Banking, Housing and Urban Affairs.

EC-3029. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, an annual report on implementation of the Community Reinvestment Act; to the Committee on Banking, Housing and Urban Affairs.

EC-3030. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to provide for the continued improvement and expansion of the Nation's airports and airways, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC-3031. A communication from the Inspector General, Department of Commerce, transmitting, pursuant to law, a report on the Department of Commerce International Trade Administration's management of its Foreign Service Personnel System; to the Committee on Commerce, Science and Transportation.

EC-3032. A communication from the Assistant Secretary of Defense (Production and

Logistics), transmitting, pursuant to law, a report on the Department of Defense Metric Transition Plan for fiscal year 1991; to the Committee on Commerce, Science and Transportation.

EC-3033. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the results of the Port Needs Study; to the Committee on Commerce, Science and Transportation.

EC-3034. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend subtitle IV of title 49, United States Code, to eliminate economic regulation of motor carriers and interstate water carriers, to sunset the Interstate Commerce Commission, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC-3035. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to clarify inspection and enforcement authority over foreign passenger vessels and align inspection authority with the International Convention for the Safety of Life at Sea, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC-3036. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, an annual report for fiscal year 1991; to the Committee on Commerce, Science and Transportation.

EC-3037. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report of the Maritime Administration for fiscal year 1991; to the Committee on Commerce, Science and Transportation.

EC-3038. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the findings and recommendations of the North Carolina Environmental Sciences Review Panel; to the Committee on Energy and Natural Resources.

EC-3039. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3040. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3041. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3042. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3043. A communication from the Secretary of Energy, the Secretary of the Interior, and the Director of the National Science Foundation, transmitting, pursuant to law, an annual report on the United

States Continental Scientific Drilling Program; to the Committee on Energy and Natural Resources.

EC-3044. A communication from the Executive Director of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, an annual report for fiscal year 1991; to the Committee on Environment and Public Works.

EC-3045. A communication from the Chairman of the Inland Waterways Users Board, transmitting, pursuant to law, an annual report on the activities of the Board during the past year and its recommendations with respect to construction and rehabilitation priorities on the inland waterways of the United States; to the Committee on Environment and Public Works.

EC-3046. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on a proposed environmental restoration project for Kissimmee River, Florida; to the Committee on Environment and Public Works.

EC-3047. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1991; to the Committee on Environment and Public Works.

EC-3048. A communication from the President of the United States, transmitting, pursuant to law, a report on the termination of the application of title IV of the Trade Act of 1974 to the Czech and Slovak Federal Republic and the Republic of Hungary; to the Committee on Finance.

EC-3049. A communication from the Secretary of Labor, transmitting, pursuant to law, an interim report entitled the "Massachusetts UI Self-Employment Demonstration"; to the Committee on Finance.

EC-3050. A communication from the President of the United States, transmitting, pursuant to law, an annual report on Soviet Noncompliance with Arms Control Agreements; to the Committee on Foreign Relations.

EC-3051. A communication from the Assistant Secretary of State (Legal Adviser for Treaty Affairs), transmitting, pursuant to law, a report on international agreements other than treaties, entered into in the sixty day period prior to April 9, 1992; to the Committee on Foreign Relations.

EC-3052. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation to amend section 3401 (a) of title 39, United States Code, to permit essential civilians supporting military operations, in an area overseas designated by the President, to mail at no cost letters or recorded communications of a personal nature; to the Committee on Governmental Affairs.

EC-3053. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report concerning the claim of Mr. Terrill W. Ramsey to be reimbursed full relocation expenses; to the Committee on Governmental Affairs.

EC-3054. A communication from Manager of the Federal Crop Insurance Corporation and the Under Secretary for Small Community and Rural Development, transmitting, pursuant to law, a report of the Federal Crop Insurance Corporation entitled "Federal Managers' Financial Integrity Act for FY 1991"; to the Committee on Governmental Affairs.

EC-3055. A communication from the Secretary of the United States Senate, transmitting, pursuant to law, a report of the Ad-

visory Committee on the Records of Congress; to the Committee on Governmental Affairs.

EC-3056. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, an annual report on the Commission's compliance with the requirements of the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3057. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on a financial management status and government-wide 5-year financial management plan; to the Committee on Governmental Affairs.

EC-3058. A communication from the Director of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Feasibility of Expanded Use of Section 8 Vouchers by Indian Housing Authorities"; to the Select Committee on Indian Affairs.

EC-3059. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, an annual report of the Federal Open Market Committee of the Federal Reserve System covering the implementation of its administrative responsibilities under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3060. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Notice of Final Funding Priorities—National Institute on Disability and Rehabilitation Research for calendar years 1992-1993"; to the Committee on Labor and Human Resources.

EC-3061. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Final Regulations—Educational Partnerships Program"; to the Committee on Labor and Human Resources.

EC-3062. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Effectiveness of State Programs and Technical Assistance; to the Committee on Labor and Human Resources.

EC-3063. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to ratify the Department of Veterans' Affairs' interpretation of the provisions of section 1151 of title 38, United States Code; to the Committee on Veterans' Affairs.

EC-3064. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee regarding review of the performance of probationary title 38 health care employees; to the Committee on Veterans' Affairs.

EC-3065. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation to amend title 38, United States Code, to modify certain eligibility requirements for veterans' readjustment appointments in the Federal service, and for other purposes; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ADAMS:

S. 2623. A bill to authorize the release of restrictions and a reversionary interest in certain lands in Clallam County, Washington; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. BURDICK, Mr. AKAKA, Mr. RIEGLE, Mr. JOHNSTON, Mr. DECONCINI, Mr. GORE, Mr. PRYOR, and Mr. DASCHLE):

S. 2624. A bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:

S. 2625. A bill to designate the United States courthouse being constructed at 400 Cooper Street in Camden, New Jersey, as the "Mitchell H. Cohen United States Courthouse"; to the Committee on the Judiciary.

By Mr. CRANSTON (by request):

S. 2626. A bill to amend title 38, United States Code, to increase, effective as of December 1, 1992, the rates of and limitations on disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of certain disabled veterans; and to lengthen the period of wartime service required to qualify for improved pension; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. WARNER, Mr. BIDEN, Mr. BURDICK, Mr. CHAFFEE, Mr. COATS, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. DODD, Mr. GRASSLEY, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. RIEGLE, and Mr. SASSER):

S.J. Res. 294. Joint resolution to designate the week of October 18, 1992 as "National Radon Action Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Con. Res. 111. Concurrent resolution authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ADAMS:

S. 2623. A bill to authorize the release of restrictions and a reversionary interest in certain lands in Clallam County, WA; to the Committee on Energy and Natural Resources.

PORT ANGELES MEMORIAL HOSPITAL

• Mr. ADAMS, Mr. President, I wish to introduce legislation that will provide long-term benefits for the Port Angeles Memorial Hospital in Port Angeles, WA.

In 1941, officials established a land grant for the Memorial Hospital in Port Angeles, WA. Included in this grant was a reversionary clause that reverted the land back to the Federal Treasury if the land was not used for

the hospital. While at the time this seemed a logical stipulation, it has proven now to have bound the hospital to an impractical situation.

My bill would release the land from the reversionary clause. It would allow the hospital to sell the land it sits on and use the proceeds to relocate or expand the hospital. If the proceeds do not go toward the hospital, it would be paid to the Federal Treasury. This flexibility will allow the hospital to plan for the future. It will ensure that the hospital will be able to use the land for its long-term plans to best serve the people of Port Angeles and Clallam County.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2623

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

SECTION 1. AUTHORITY TO RELEASE REVERSIONARY INTEREST.

(a) GENERAL AUTHORITY.—If the entity to whom the United States patented the lands described in subsection (b) enters into an agreement as specified in subsection (c), the Secretary of the Interior is authorized to release the restrictions contained in patent numbered 1123694, concerning the lands described in subsection (b), and to relinquish the reversionary interest of the United States in such lands.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands, amounting to approximately 7.64 acres in Clallam County, Washington, conveyed by the patent referred to in subsection (a) to the Public Hospital District Numbered 2 (Hereafter in this Act referred to as the "Hospital District").

(c) AGREEMENT.—The agreement referred to in subsection (a) is an agreement which provides that the Hospital District agrees—

(1) to determine, through appraisal, the fair market value of the lands; and

(2)(A) that after such release and relinquishment, the Hospital District will sell such property for not less than fair market value; and

(B) either to apply all the proceeds of such sale to the construction and operation of a new hospital facility meeting all applicable requirements of law or to pay all such proceeds to the Secretary of the Interior, on behalf of the United States. •

By Mr. GLENN (for himself, Mr. BURDICK, Mr. AKAKA, Mr. RIEGLE, Mr. JOHNSON, Mr. DECONCINI, Mr. GORE, Mr. PRYOR, and Mr. DASCHLE):

S. 2624. A bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes; to the Committee on Governmental Affairs.

REAUTHORIZATION OF INTERAGENCY COUNCIL ON THE HOMELESS AND THE FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

• Mr. GLENN. Mr. President, the legislation I am introducing today would

reauthorize the Emergency Food and Shelter National Board Program and the Interagency Council on the Homeless, both of which were created under the Stewart B. McKinney Homeless Assistance Act, and both of which are under the jurisdiction of the Committee on Governmental Affairs, which I chair. This bill would reauthorize the Emergency Food and Shelter National Board Program funding level at \$180 million for the first year and \$200 million for the second year. In addition, it would fund the Interagency Council on the Homeless at an authorization level of \$1.5 million and \$1.7 million in each of the next 2 years, respectively.

The first of these programs, the Emergency Food and Shelter National Board Program, is chaired by the Federal Emergency Management Agency [FEMA] and includes representatives of various national nonprofits. The National Board Program is intended to aid nonprofit organizations in thousands of counties around the country to purchase food, supply shelter, and to supplement and extend current available resources in order to meet emergency needs of homeless and hungry people. As chairman of the Committee on Governmental Affairs, I well know the importance of this program. The National Board brings Federal agencies, State entities, and local nonprofit groups together in a unique and highly successful effort to assist those most in need. This program's funds are distributed on a formula basis, straight to emergency shelters, soup kitchens, and other nonprofit groups in every State. And, unlike what happens in most programs, a negligible percentage of the National Board's funds are spent on administrative costs. Each nonprofit organization raises almost all of its own funds for administration.

For fiscal year 1993, the administration has requested \$100 million for the Emergency Food and Shelter National Board program, which is \$34 million below the program's appropriation in 1991. The administration explains its request below this level as "a shift of resources away from emergency programs towards programs that provide longer-term and more comprehensive approaches to the problems faced by the homeless." Mr. President, I agree that we need to develop longer term solutions which will help the homeless out of their plight. That is why I am proposing an increase in this and the Council's funding levels, so that we might buttress and improve current approaches that look like they ultimately will work in the long term. But what about those who have just lost their jobs and their homes? What about those who stand on the brink of homelessness? Must they wait until they become homeless before they receive any help?

The simple fact is that not only do these programs actually address longer

term concerns, they also are a necessity in facing the national emergency of homelessness now, an emergency which not only persists but has grown. In a 28-city survey, the U.S. Conference of Mayors found that as of December 1991, requests for emergency food assistance have increased by 26 percent. Requests for emergency shelter have grown by 17 percent over the year before. Since that survey, the recession has only worsened. Many States, including my own State of Ohio, have cut their general assistance programs. Thousands in Ohio will lose benefits, in many cases, their only benefits, at the beginning of April. I have had it reported to me that some people in Ohio have stated that they are going to take their last benefit check and buy a gun with it. Such, Mr. President, is the level of frustration and desperation on the streets of our cities in these times. Providers are crying out for our help. Members of the National Board have told my staff that even if this program's funding were tripled, it still would not be enough to meet the need. Perhaps this administration can simply dismiss the real emergency in our midst—we simply cannot afford to look the other way.

The second program my bill reauthorizes, the Interagency Council on the Homeless, was established to coordinate Federal homeless programs and provide information about these programs and homelessness generally on a national level. The Council brings together all Federal agencies to coordinate and direct Federal homelessness efforts, in addition to providing support to State, local, and private programs. Since its inception, the Council has made great improvements in its operations. Many local providers in my home State of Ohio have expressed praise for its programs and workshops.

Mr. President, my bill proposes modest increases in both of these very valuable programs. At a time when people are facing crises unimagined in their own lives and when the very services we have provided so far are, in some cases, the only hope they see for survival, we cannot and must not turn our backs and do nothing. Increased funding for these programs admits and attempts to address the desperate realities of this recession, while at the same time supporting some well-begun efforts to find long-term solutions to the daunting and persistent problems of chronic homelessness. I urge my colleagues to join with me in cosponsoring and passing this vital legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2624

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

TITLE I—INTERAGENCY COUNCIL ON THE HOMELESS

SECTION 101. AUTHORIZATION OF APPROPRIATIONS.

Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title \$1,500,000 for fiscal year 1993, and \$1,700,000 for fiscal year 1994."

SEC. 102. EXTENSION OF INTERAGENCY COUNCIL.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking out "October 1, 1992" and inserting in lieu thereof "October 1, 1994".

TITLE II—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM.

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title \$180,000,000 for fiscal year 1993, and \$200,000,000 for fiscal year 1994."•

By Mr. LAUTENBERG:

S. 2625. A bill to designate the U.S. courthouse being constructed at 400 Cooper Street in Camden, NJ, as the "Mitchell H. Cohen United States Courthouse"; to the Committee on the Judiciary.

MITCHELL H. COHEN UNITED STATES COURTHOUSE

• Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to designate the U.S. courthouse under construction at 400 Cooper Street, Camden, NJ, as the Mitchell H. Cohen United States Courthouse.

Mitchell Cohen dedicated over 50 years of his life to public service. He was born in Philadelphia, PA, in 1904 and later moved to New Jersey. From 1922 to 1924, Judge Cohen attended Temple University. He received his law degree in 1928 from Dickinson Law School in Pennsylvania.

Judge Cohen began his career as a solicitor for the Camden City Welfare Board in 1936. Over the years, his experience as a public servant varied greatly, serving as Camden city prosecutor, Camden city freeholder, special deputy attorney general, and serving as judge of New Jersey Superior Court. In 1962, President John F. Kennedy appointed him to the U.S. district court for the District of New Jersey. Judge Cohen became chief judge in 1973. Judge Cohen was also assigned temporarily to the U.S. Court of Appeals for the Third Circuit in Philadelphia, PA.

Beyond his various judicial positions, Judge Cohen was appointed to serve on the character and fitness committee for the Camden County Bar Association. Despite his heavy workload, Judge Cohen still found time to be active in several philanthropic organizations, including serving as chairman of

the Allied Jewish Appeal, as a member of the board of directors of the Federation of Jewish Charities, as member of the board of trustees for the Child Care Center and as Camden County Chairman of the Sister Kenny Foundation. Judge Cohen was also a member of the American Bar Association, the New Jersey State Bar Association, the Camden County Bar Association, the American Judicature Society, the American Legion, and Jewish War Veterans.

Mr. President, Judge Mitchell Cohen passed away on January 7, 1991, and is greatly missed. He dedicated most of his life to public office, community service, and charitable organizations. It would be most fitting for the new courthouse to be named after an individual who dedicated his entire career to the pursuit of justice for all Americans. Mitchell H. Cohen was a man of noble character who distinguished himself to his colleagues, community, and many organizations. He is worthy of such a tribute.

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

S. 2625

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

SECTION 1. DESIGNATION.

The United States courthouse under construction at 400 Cooper Street in Camden, New Jersey, shall be known and designated as the "Mitchell H. Cohen United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Mitchell H. Cohen United States Courthouse".•

By Mr. CRANSTON (by request):

S. 2626. A bill to amend title 38, United States Code, to increase, effective as of December 1, 1992, the rates of limitations on disability compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of certain disabled veterans; and to lengthen the period of wartime service required to qualify for improved pension; to the Committee on Veterans' Affairs.

VETERANS COMPENSATION RATES AND PENSION ELIGIBILITY REFORM ACT OF 1992

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2626, the proposed Veterans' Compensation Rates and Pension Eligibility Reform Act of 1992. The Secretary of Veterans Affairs transmitted this legislation by letter dated March 27, 1992, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—

all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter and enclosure.

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

S. 2626

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

SECTION 1. SHORT TITLE AND REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans' Compensation Rates and Pension Eligibility Reform Act of 1992."

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

SEC. 101. INCREASE IN RATES AND LIMITATIONS.

(a) **IN GENERAL.**—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1992, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Rate Amendments of 1991 (Public Law No. 102-152). This increase shall be made in such rates and limitations as in effect on November 30, 1992, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) will be increased effective January 1, 1993, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of any fraction of a dollar shall be rounded to the nearest dollar amount.

(b) **SPECIAL RULE.**—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857, 72 Stat. 1263 (1958), who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. PUBLICATION REQUIREMENT.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act, 42 U.S.C. 415(i)(2)(D), are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1992, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

TITLE II—WARTIME SERVICE REQUIREMENT FOR PENSION

SEC. 201. (a) Section 1521(j) of title 38, United States Code, is amended to read as follows:

"A veteran meets the service requirements of this section if such veteran served in the active military, naval, or air service—

"(1) for one hundred eighty days or more during a period of war;

"(2) during a period of war and was discharged or released from such service for a service-connected disability; or

"(3) for an aggregate of one hundred eighty days or more in two or more separate periods of service during more than one period of war."

(b) The amendments made by subsection (a) shall apply only to veterans who first enter active military service after the date prescribed by Presidential proclamation or by law as the ending date of the Persian Gulf war.

(c) In the case of a claim filed by a veteran who first entered active military service on or before the ending date of the Persian Gulf War, as prescribed by Presidential proclamation or by law, (including a claim with regard to which eligibility has been finally determined), the Secretary of Veterans Affairs shall apply section 1521(j) of title 38, United States Code, as it existed on the date prior to the date of enactment of this Act.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, March 27, 1992.

HON. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill entitled the "Veterans' Compensation Rates and Pension Eligibility Reform Act of 1992." I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

Title I of the draft bill would provide a cost-of-living increase, effective December 1, 1992, in the rates of compensation for service-disabled veterans and of dependency and indemnity compensation (DIC) for the survivors of veterans who die as a result of service. Under this proposal, the rate of increase would be the same as the cost-of-living adjustment that will be provided under current law to veterans' pension and Social Security recipients. In computing increased rates, fractions would be rounded to the nearest dollar.

Compensation under title 38, United States Code, is payable only for disabilities resulting from injuries or diseases incurred or aggravated during active service. Payments are based upon a statutory schedule of rates which vary with the degree of disability assigned by the Department of Veterans Affairs (VA), and additional amounts are payable to veterans with spouses and children if the veteran's disability is rated 30-percent or more disabling. DIC benefits are payable at statutorily directed rates to the surviving spouses or children of veterans who die of service-connected causes, or who die of other causes if they suffered service-connected total disability for prescribed periods immediately preceding their deaths. This proposed cost-of-living increase will serve as a hedge against inflation for these most deserving beneficiaries.

Based on a contemplated increase of 3.0 percent, enactment of this legislation would result in estimated additional costs of \$313 million in fiscal year 1993 and \$1.8 billion over the five-year period fiscal year 1993 through fiscal year 1997.

Title II of the draft bill would amend section 1521(j) of title 38, United States Code, to require generally 180 days of service during wartime in order to qualify for improved pension. This amendment would be effective only as to veterans who first enter active

service after the end of the Persian Gulf War. In order to meet the service requirements for pension under current law, a veteran at minimum must generally have served ninety consecutive days at least one day of which must have been during a period of war. This amendment would ensure that, in the future, pension benefits are better targeted to those veterans who had more significant periods of wartime service. No costs or savings are anticipated for fiscal years 1993 through 1997 as a result of enactment of this legislation.

The effect of this draft bill on the deficit is:

FISCAL YEARS
(In millions of dollars)

	1992	1993	1994	1995	1996	1997	1992-97
Outlays							

Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, requires that the baseline for veterans' compensation assume a cost-of-living adjustment (COLA) equal to the veterans' pension program COLA. We currently estimate a 3.0 percent COLA for veterans' pensions. The COLA increase in this draft bill is also 3.0 percent. Since this draft bill implements the policy assumed in the baseline, the Office of Management and Budget scores zero pay-as-you-go costs for this draft bill.

We urge that the House promptly consider and pass these two legislative items. In addition, we urge the House to promptly consider and pass certain legislation introduced or proposed by the Department of Veterans Affairs (VA) during the first session of the 102d Congress. These legislative items are described in the enclosure to this letter.

We have been advised by the Office of Management and Budget that there is no objection to the submission of the draft bill to Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

THE VETERANS' BENEFITS REFORM ACT OF 1991

RENOUNCEMENT OF RIGHTS TO BENEFITS

On July 2, 1991, we recommend legislation to amend what is now 38 U.S.C. § 5306 to provide that when a new claim for an income-based benefit is filed within a year of a renouncement of the benefit, benefits will be payable as if the renouncement had not occurred. This proposal was introduced in the Senate on July 22, 1991, as Title III of S. 1516, 102d Congress, the "Veterans' Benefits Reform Act of 1991."

Under current law, a claimant has the right to renounce pension, compensation, or DIC and, following such renouncement, has the right to file a new application for the benefit, which application is treated as an original application. Under current law, a claimant receiving a need-based benefit, i.e., pension or parents' DIC, may renounce the benefit in anticipation of receipt of non-recurring income and then, following the receipt of such income, reapply for pension benefits. Such a claimant, who renounces the benefit and then reapplies within a year of the renouncement, can effectively avoid having the income received during the interval between the renouncement and the new application considered for income-computation purposes. Existence of this "loophole" is inconsistent with the objective of the improved-pension program that benefits be provided on the basis of actual need.

Title III of S. 1516 would eliminate this "loophole" in section 5306 by providing that a new application for pension or parents' DIC filed within one year after a renouncement shall not be treated as an original application and that benefits will be payable as if the renouncement had not occurred. This will ensure that income received during the interval between the renouncement and the filing of the new application will be considered for income-computation purposes.

Enactment of this legislation would result in estimated pay-as-you-go savings of \$50 thousand in fiscal year 1993 and \$1.45 million for fiscal years 1993 through 1997. These savings are incorporated in the President's fiscal year 1993 Budget.

COMMUNICATIONS CONCERNING BENEFITS

On July 2, 1991, we also recommended legislation to authorize VA to suspend benefit payments if the payee fails to keep VA informed of the payee's current mailing address or cooperate in the establishment of another method of communication concerning benefits. This proposal was introduced in the Senate on July 22, 1991, as Title IV of S. 1516.

Section 5120(f) of title 38, United States Code, provides that, if a payee does not have a mailing address, payments will be delivered under methods prescribed by VA. This provision addresses the problems that the lack of a mailing address causes recipients in receiving their benefits. However, an amendment is necessary to address the problems that the lack of a mailing address causes VA in fulfilling its responsibilities to assure that veterans' benefits are provided in accordance with law. In the absence of a current mailing address or other arrangements, VA cannot contact beneficiaries in order to provide notice or information about benefits, request verification of continued entitlement, and investigate possible fraud.

Title IV of S. 1516 would amend what is now 38 U.S.C. § 5120(f) to authorize the Secretary to prescribe an appropriate method or methods for communicating with beneficiaries and would authorize suspension of payments to payees who fail or refuse to provide the Secretary with a current mailing address or cooperate in establishing another appropriate method of communication for provision of notices concerning benefits and verification of continued eligibility. The regulations would ensure that payments will be resumed promptly once a current mailing address or other appropriate means of communication with the payee is established. The amendment will assist VA in obtaining evidence in support of claims while reducing fraud, waste, and abuse. VA believes that it is not unreasonable to require that recipients of VA benefits make themselves available to provide information and to receive notices concerning benefits provided to them. VA estimates that there are no administrative or benefit costs associated with this proposal.

CONFORMING TIME LIMIT ON SUBMISSION OF EVIDENCE

On July 2, 1991, we further recommended legislation to amend what is now section 5110(h) of title 38, United States Code, to provide that when an award of pension has been deferred or paid based on anticipated income, the effective date of entitlement or increase in pension shall be in accordance with the facts found if evidence is received before the expiration of the next year. This proposal was introduced in the Senate on July 22, 1991, as section 303 of S. 1518, 102d Congress, the "Veterans' and Survivors' Com-

pension and Pension Improvement Act of 1991."

Under current law, pensioners have until the expiration of the next calendar year to submit such evidence, resulting in wide variations in limitation periods under the improved pension program, which, unlike previous pension programs, does not operate on a calendar-year basis. For example, a pensioner with a reporting period which happens to begin January 1 would have until December 31 of the following year to revise the income report, some 24 months, while a pensioner with a reporting period which begins December 1, who would also have until December 31 of the following year, a period of only 13 months. VA believes that such inequities and inconsistencies, which the improved pension program was intended to avoid, should be eliminated. VA estimates that there are no administrative or benefit costs associated with this proposal.

MANILA REGIONAL OFFICE

VA also urges passage of legislation to extend VA's authority to maintain and operate a regional office in the Republic of the Philippines. This authority expired September 30, 1991. Section 501 of H.R. 2280, 102d Congress, the "Veterans' Programs Amendments of 1991," would amend section 315 of title 38, United States Code, to extend this authority through March 31, 1994. Title VI of S. 1518 would extend this authority through September 30, 1996.

VA administers programs providing compensation, pension, and education benefits through a regional office in Manila to Filipinos who were in or attached to the United States Armed Forces during World War II. During fiscal year 1989, more than \$123 million in benefits were paid through the Manila regional office. Operating a regional office in the Philippines is the most cost-effective means of administering VA programs for Filipino beneficiaries.

DEFINITION OF MINOR CHILD

Finally, VA urges passage of section 701(a) of S. 127, 102d Congress, the "Veterans Benefits and Health Care Amendments of 1991," which would clarify the eligibility of veterans' children for burial in our national cemeteries. Pursuant to 38 U.S.C. § 2402, the minor children of veterans and certain others are eligible for national-cemetery burial. However, the term "minor child" is not further defined in the statute.

When Congress enacted the National Cemeteries Act of 1973, transferring from the Department of Army to VA the responsibility for operating national cemeteries, it reenacted without change the prior title 24 provisions regarding eligibility. The Department of Army, in exercising its authority, had interpreted the provision in title 24 referring to "minor child" to include children under age 21. Because Congress indicated an intent that similar eligibility rules should apply under VA's stewardship of the cemetery system, this Department employs in its regulation, 38 C.F.R. § 1.620(g), the same definition as that previously used by the Army, but with one exception. Our regulation includes as minor children those who are under age 23, if they are attending approved educational institutions. This is in keeping with the general definition of "child" for title 38 purposes.

Codification of this definition, as contemplated in section 701(a) of S. 127, would avoid confusion regarding eligibility of minor children. The definition of "child" found at 38 U.S.C. § 101(4) is in one significant respect more restrictive than our definition

of "minor child" for purposes of burial eligibility. Under section 101(4), an individual is generally not considered to be a "child" after reaching age 18 unless, as indicated above, the individual is pursuing an education (in which case age 23 is the upper limit). We do not believe Congress intended to so limit burial eligibility. VA estimates that there are no administrative or benefit costs associated with this proposal.●

By Mr. LAUTENBERG (for himself, Mr. WARNER, Mr. BIDEN, Mr. BURDICK, Mr. CHAFEE, Mr. COATS, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. DODD, Mr. GRASSLEY, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. RIEGLE, and Mr. SASSER):

S.J. Res. 294. Joint resolution to designate the week of October 18, 1992, through October 24, 1992 as "National Radon Action Week"; to the Committee on the Judiciary.

NATIONAL RADON ACTION WEEK

● Mr. LAUTENBERG. Mr. President, Senator WARNER and 19 other Senators are joining me today in introducing a Senate joint resolution which would designate the week of October 18, 1992, as "National Radon Action Week."

Radon exposure poses a serious health risk to the people of our Nation. The EPA estimates that the number of deaths per year due to radon exposure is approximately 14,000. Fortunately, elevated radon levels can be reduced successfully at relatively low cost.

Testing in homes and schools and educating people about the risks associated with radon exposure are the first steps we can take to protect ourselves and our children from the harmful effects of radon. Our resolution calls for the establishment of a National Radon Action Week to encourage these activities.

Last year, the Congress approved Senate Joint Resolution 132 to establish National Radon Action Week in 1991. The resolution, which was signed by President Bush, resulted in a wide range of activities sponsored by EPA and other organizations to encourage radon testing and remediation. These included a weekly reader supplement to over 3 million students, the distribution of an American Medical Association radon brochure to several hundred thousand physicians, public service announcements, outreach to over 2,000 grocery stores, radon awareness messages on NFL scoreboards displaying the radon hotline phone number, and stories in the media about radon.

This resolution has been endorsed by a broad range of groups and associations including the American Lung Association, the American Cancer Society, the National Congress of Parent-Teachers Associations, the National Education Association, the Consumer Federation of America, and the State and Territorial Air Pollution Control Administrators.

I encourage my colleagues to cosponsor this resolution and I ask unanimous consent that a copy of the resolution appear in the RECORD.

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

S.J. RES. 294

Whereas exposure to radon poses a serious threat to the health of the people of this Nation;

Whereas the Environmental Protection Agency estimates that lung cancer attributable to radon exposure causes approximately 20,000 deaths a year in the United States;

Whereas the United States has set a long-term national goal of making the air inside buildings as free of radon as the ambient air;

Whereas excessively high levels of radon in homes and schools can be reduced successfully and economically with appropriate treatment;

Whereas only about 2 percent of the homes in this Nation have been tested for radon levels;

Whereas the people of this Nation should be educated about the dangers of exposure to radon; and

Whereas people should be encouraged to conduct tests for radon in their homes and schools and to make the repairs required to reduce excessive radon levels: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 18, 1992, through October 24, 1992, is designated as "National Radon Action Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 130

At the request of Mr. PRESSLER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 130, a bill to amend the Low-Level Radioactive Waste Policy Act to prescribe that no State may allow a low-level radioactive waste facility to be constructed within 50 miles of another State's border without the approval of that State's legislature.

S. 240

At the request of Mrs. KASSEBAUM, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 551

At the request of Mr. BOND, the name of the Senator from Indiana [Mr. COATS] was withdrawn as a cosponsor of S. 551, a bill to encourage States to establish Parents as Teachers programs.

S. 847

At the request of Mr. BURNS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 847, a bill to limit spending in-

creases for fiscal years 1992 through 1995 to 4 percent.

S. 1013

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1013, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the earned income tax credit for individuals with young children.

S. 1100

At the request of Mr. KERRY, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1130

At the request of Mr. KASTEN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from sale of farm assets into an individual retirement account.

S. 1198

At the request of Mr. LEVIN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1198, a bill to provide that the compensation paid to certain corporate officers shall be treated as a proper subject for action by security holders, to require certain disclosures regarding such compensation, and for other purposes.

S. 1381

At the request of Mr. GRAHAM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1423

At the request of Mr. DODD, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1622

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1622, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such act with respect to the health and safety of employees, and for other purposes.

S. 1704

At the request of Mr. WALLOP, the names of the Senator from Montana [Mr. BURNS] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1704, a bill to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

S. 1729

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1729, a bill to amend the Public Health Service Act to require drug manufacturers to provide affordable prices for drugs purchased by certain entities funded under the Public Health Service Act, and for other purposes.

S. 1731

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

S. 1786

At the request of Mr. BAUCUS, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1786, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1827

At the request of Mr. BOND, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1827, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House.

S. 1830

At the request of Mr. WOFFORD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1830, a bill to require Senators and Members of the House of Representatives to pay for medical services provided by the Office of the Attending Physician, and for other purposes.

S. 1838

At the request of Mr. PRYOR, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1838, a bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare.

S. 1866

At the request of Mr. KENNEDY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1866, a bill to promote community based economic development and to provide assistance for community de-

velopment corporations, and for other purposes.

S. 1962

At the request of Mr. ADAMS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1962, a bill to amend the Civil Rights Act of 1991 to apply the act to certain workers, and for other purposes.

S. 1996

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1996, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes.

S. 2089

At the request of Mr. NICKLES, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2089, a bill to repeal exemptions from civil rights and labor laws for Members of Congress.

S. 2093

At the request of Mr. GRAMM, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2093, a bill to insure that any peace dividend is invested in America's families and deficit reduction.

S. 2109

At the request of Mr. BAUCUS, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2109, a bill to amend the Internal Revenue Code of 1986 to permit certain entities to elect taxable years other than taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 2116

At the request of Mr. JOHNSTON, his name was added as a cosponsor of S. 2116, a bill to improve the health of children by increasing access to childhood immunizations, and for other purposes.

S. 2160

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2160, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to elect a deduction or credit for interest on certain educational loans.

S. 2244

At the request of Mr. THURMOND, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2244, a bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict.

S. 2277

At the request of Mr. COHEN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a co-

sponsor of S. 2277, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 2319

At the request of Mr. NICKLES, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 2319, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 2327

At the request of Mr. HATFIELD, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Nebraska [Mr. EXON], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2328

At the request of Mr. BROWN, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Idaho [Mr. SYMMS], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2384

At the request of Mr. COATS, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2384, a bill to amend the Solid Waste Disposal Act to require the owner or operator of a solid waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside of the State, and for other purposes.

S. 2409

At the request of Mr. D'AMATO, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2409, a bill to amend the provisions of the Omnibus Trade and Competitiveness Act of 1988 with respect to the enforcement of machine tool import arrangements.

S. 2411

At the request of Mr. MCCAIN, the names of the Senator from Indiana [Mr. COATS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 2411, a bill to

approve the President's rescission proposals submitted to the Congress on March 20, 1992.

S. 2509

At the request of Mr. NICKLES, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2509, a bill to provide grants to establish an integrated approach to prevent child abuse, and for other purposes.

S. 2517

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2517, a bill to amend title 10, United States Code, to rename the Defense Advanced Research Projects Agency as the National Advanced Research Projects Agency, to expand the mission of that agency, and for other purposes.

S. 2531

At the request of Mr. ROTH, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 2531, a bill to establish a Commission on Project Government Reform.

S. 2537

At the request of Mr. KENNEDY, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2537, a bill to support efforts to promote democracy in Peru.

S. 2538

At the request of Mr. HOLLINGS, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2538, a bill to establish a comprehensive program to ensure the safety of fish products intended for human consumption and sold in interstate commerce, and for other purposes.

S. 2540

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 2540, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses and other qualified expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes.

S. 2554

At the request of Mr. ROCKEFELLER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2554, a bill to expand the technology extension activities of the National Institute of Standards and Technology in support of technical skills enhancement.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a federal balanced budget.

SENATE JOINT RESOLUTION 35

At the request of Mr. HOLLINGS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect Congressional and Presidential elections.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution proposing a Balanced Budget Amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Tennessee [Mr. SASSER], the Senator from Michigan [Mr. LEVIN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from California [Mr. SEYMOUR], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Montana [Mr. BURNS], the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. COATS], the Senator from New York [Mr. D'AMATO], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19-25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 258

At the request of Mr. RIEGLE, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 258, a joint resolution designating the week commencing May 3, 1992, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 263

At the request of Mr. SARBANES, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 263, a joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 266

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Maryland [Mr. SARBANES], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Maine [Mr. COHEN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Nevada [Mr. REID], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 266, a joint resolution designating the week of April 26–May 2, 1992, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 280

At the request of Mr. CHAFEE, his name was added as a cosponsor of Senate Joint Resolution 280, a joint resolution to authorize the President to proclaim the last Friday of April, 1992, as "National Arbor Day."

SENATE JOINT RESOLUTION 289

At the request of Mr. D'AMATO, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 289, a joint resolution designating the period beginning April 9, 1992, and ending May 6, 1992, as "Bataan-Corregidor Month."

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. HATCH, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Concurrent Resolution 17, a concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. WARNER, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. CONRAD], the Senator from Colorado [Mr. BROWN], the Senator from Alabama [Mr. HEFLIN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey

[Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from California [Mr. SEYMOUR], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution to commemorate the 50th anniversary of the Battle of Midway.

SENATE RESOLUTION 66

At the request of Mrs. KASSEBAUM, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Resolution 66, a resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

SENATE CONCURRENT RESOLUTION 111—AUTHORIZING THE 1992 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH THE CAPITOL GROUNDS

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 111

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 15, 1992, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1992 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics spring games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITION RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., on Wednesday, May 6, 1992, in SR-301, to hold a hearing on Senate Joint Resolution 221 and 275, providing for the appointments of Hanna Holborn Gray and Wesley Samuel Williams, Jr., respectively, as citizen regents of the Board of Regents of the Smithsonian Institution. Witnesses scheduled to testify are Secretary of the Smithsonian Robert McC. Adams, Dr. Gray, and Mr. Williams.

For further information regarding this hearing, please contact Carole

Blessington of the Rules Committee staff on 224-0278.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, May 7, 1992, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Linda Stuntz, nominee to be Deputy Secretary of Energy, Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224-7562.

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

A hearing will take place on Thursday, May 14, 1992 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC. The purpose of the hearing is to receive testimony on S. 2607, a bill to authorize regional integrated resource planning by registered holding companies and State regulatory commissions.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Attention: Bill Conway.

For further information, please contact Bill Conway of the committee staff at 202/224-7149.

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the oversight hearing is to receive testimony on the Department of Energy's program for environmental restoration and waste management.

The hearing will take place on Thursday, May 21 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Attention: Mary Louise Wagner.

For further information, please contact Mary Louise Wagner of the committee staff at 202/224-7569.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small

Business Committee will hold a full committee hearing to consider the President's nomination of Thomas Kerester to be Chief Counsel for Advocacy for the Small Business Administration. The hearing will take place on Tuesday, May 5, 1992, at 9:30 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, Counsel, Small Business Committee at 224-5175.

committee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 28, 1992, at 10 a.m., for a hearing on Oversight of the Equal Employment Opportunity Commission. The PRESIDING OFFICER. Without objection, it is so ordered.

and his adopted country well. I am proud to honor his 40 years in public life.●

WISCONSIN SPECIAL OLYMPICS

● Mr. KASTEN. Mr. President, I rise today to call the attention of my colleagues to a truly special event that will take place in Wisconsin on June 4, 5, and 6—the Wisconsin Special Olympics summer games in Stevens Point, WI.

This event is a terrific opportunity for disabled Wisconsinites to compete, to excel—and to have fun. And it reminds the members of the community who don't have disabilities that disabled people have the same hopes, dreams and joys as the rest of us.

The Wisconsin Special Olympics are a valuable reminder that we need to do more to bring down the social and economic barriers to disabled people. I ask all my colleagues to join me in extending our thanks to organizers Cheri A. Karch, Julie Greycarek, and Sara Brandl-Reaves—and our warmest best wishes for a successful event.●

ADDITIONAL STATEMENTS

CHRISTOPHER IANNELLA

● Mr. KERRY. Mr. President, I want to pay tribute today to one of the most venerable elected officials ever to serve the city of Boston. Christopher A. Iannella has spent 40 years of his life in public service, first as a State representative from Boston and then on its city council. He is presently serving his eighth term as president of that body, establishing a Boston record.

Chris is a living example of enthusiasm, vigor, and vibrancy which immigrants have always brought to this country. Born in San Sossio Barone, Province of Avellino, Italy, he emigrated to the United States at the age of 8. He was educated in the Boston public schools, Boston English High School, Boston College, and Harvard Law School, and was one of the first Italian-Americans to graduate from that institution.

He lost his first election for State representative in 1948 by three votes, but he learned from that experience, and in 1950, he was elected by an overwhelming margin. Having worked as a fruit peddler in Boston's famous Haymarket Square, as a State representative he initiated legislation creating the Haymarket District, a unique and vibrant open-air market of push-carts and stalls. Chris is not afraid of controversy, and one of the accomplishments of which he is proud is his authorship, while he was a member of the Boston City Council, of the city of Boston Residency Law. He created the Code Enforcement Division of the city which enforces city environmental codes, and he wrote the Urban Homestead Act, enabling residents to purchase abandoned property from the city for 1 dollar in order to rehabilitate the property for housing and other productive uses.

In this day when many politicians are held in very low esteem, Chris is one who has the people's admiration and respect. "Such a gentleman," they say of him, "Such class!" Senior citizens are especially appreciative of his work on their behalf, and everyone who calls upon him unflinchingly is treated with the utmost respect and courtesy. Is it any wonder that when he tells his volunteers, "You're not just a volunteer—you're my friend," that they redouble their efforts on his behalf?

Chris Iannella has served his neighborhood, his city, his Commonwealth,

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES AND BUSINESS RIGHTS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, April 28, 1992, at 10 a.m. to hold a hearing on "Life/Health Guaranty Funds: Can They Live Up to Expectations?"

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

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet on Tuesday, April 28, 1992, at 10 a.m., in open session, to receive an overview of Department of Defense operations and maintenance programs in review of the amended Defense authorization request for fiscal year 1993.

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

COMMITTEE ON FINANCE

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 28, 1992, at 9:30 a.m. to hold a hearing on simplifying the tax treatment of intangible assets acquired in business purchases.

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

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Tuesday, April 28, 1992, at 2:30 p.m., in open session, to receive testimony on the onsite inspection agency [OSIA] in review of the amended Defense authorization request for fiscal year 1993 and the future years Defense plan.

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

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Sub-

S. 2116, THE COMPREHENSIVE CHILD HEALTH IMMUNIZATION ACT

● Mr. JOHNSTON. Mr. President, I am pleased to join as a cosponsor legislation introduced by the senior Senator from Michigan in November, S. 2116, the Comprehensive Child Health Immunization Act.

This bill, which codifies a number of important recommendations made by the National Vaccine Advisory Council, is very important and proposes a truly comprehensive strategy to deal with the serious problem we face. Nationwide, it is estimated that two-thirds of U.S. 2-year-olds are not immunized against such deadly and sadly preventable diseases as measles, mumps, rubella, and polio. In Louisiana, the Office of Public Health estimates that statewide between 30 and 40 percent of our 2-year-olds do not have up-to-date vaccinations and are at risk. In New Orleans, however, only 40 percent of the city's 2-year-olds are up to date leaving 60 percent of the city's young children at risk.

We have made progress, Mr. President, in large part because of the almost doubling in funding for immunization programs between 1989 and 1992. I am pleased to note that this year's budget request contains an 18-percent, \$52 million increase for immunization programs which will help continue this trend.

But we can and should do more. According to the Children's Defense Fund, 16 nations had better immunization rates for 1-year-olds fully immunized against polio than the United States in the latest reported year [1988]. For nonwhite babies, 55 countries were

doing a better job, including developing nations like Albania, Botswana, and Sri Lanka. And although measles eradication seemed attainable in the late 1970's, and we reached an all time low in numbers of reported measles cases in 1983, in 1988 we faced an epidemic as immunizations declined, and reached 25,000 cases in 1990, most of which were among pre-school age children and could have been prevented had timely immunizations occurred.

This bill will enable us to do more with existing resources. Increasing outreach efforts, redoubling information dissemination efforts, and helping establish a nationwide registry to provide for comprehensive tracking of our children's immunization status are very important to helping us improve our record. In addition, the incremental financial assistance authorized in this bill is critical if we are to improve our record. Many private insurance plans in Louisiana do not cover routine immunizations which can cost up to \$100 per visit. Although the Office of Public Health offers this service, because of limited staff and facilities they can only reach about 70 percent of Louisiana's children, and are hard-pressed to maintain the level of services they currently provide. Hopefully, the technical and financial assistance authorized by this bill will enable them to do more for those kids who are now at risk.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principle objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Senator MCCONNELL and Brian Riendeau, a member of Senator MCCONNELL's staff, to participate in a program in Jakarta, Taipei, and Hong Kong, sponsored by the Republicans Abroad, a domestic organization, the Chinese National Association of Industry and Commerce, a private foreign organization, and the U.S. Government from April 18-24, 1992.

The committee has determined that participation by Senator MCCONNELL and Mr. Riendeau in this program, at the expense of the Republicans Abroad, the Chinese National Association of Industry and Commerce, and the United

States Government is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Brian Riendeau, a member of the staff of Senator MCCONNELL, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Mr. Riendeau in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.●

JOHN W. CASEY TO LEAD WORLD ALLIANCE OF YMCAS

● Mr. SIMON. Mr. President, I would like to make my colleagues aware of the outstanding accomplishment of John W. Casey of La Grange, IL, who was recently elected Secretary General of the World Alliance of YMCAs. I am pleased that he is the first American in 35 years to fill this important position.

Since 1982, Mr. Casey has served as president of the Chicago chapter of the YMCA. He has done a marvelous job of refocusing YMCA's efforts to help at-risk youth and expand community development activities by setting up support and service networks.

His challenges ahead at the World Alliance of YMCAs include exercising responsibility for refugee relief service and natural disaster relief. In addition, Mr. Casey will have the opportunity to fulfill his goal of helping improve understanding between people of many diverse cultures.

I am certain that my colleagues join me in commending him for his devotion to public service, thanking him for his invaluable contribution to people of Chicago, and wishing him the best at the World Alliance of YMCAs.

Mr. President, I ask that an Illinois State Senate resolution honoring Mr. Casey appear in the RECORD at the conclusion of my remarks.

The resolution follows:

SENATE RESOLUTION NO. 974

Whereas, John W. Casey, the President of the YMCA of Metropolitan Chicago since 1982, was recently elected to the post of Secretary General of the World Alliance of YMCAs, the first American in 35 years to fill that position; and

Whereas, With nearly 70% of the world organization's local YMCAs located in emerging nations, Mr. Casey will be facing a challenging assignment in which he will be responsible for refugee relief service and natural disaster relief; and

Whereas, As the new Secretary General for the international organization, Mr. Casey will be responsible for uniting national YMCAs around common issues; and

Whereas, As President of the Chicago YMCA chapter since 1982, Mr. Casey has improved the organization's financial picture and refocused the YMCA's efforts on youths at risk, and in addition, he has expanded community development activity by setting up support and service networks to confront issues affecting certain neighborhoods; and

Whereas, John W. Casey, who lives in La Grange with his wife, Patricia, and family, has two business degrees from Loyola; before joining the YMCA as an assistant director of personnel in 1968, he marketed industrial chemicals; and

Whereas, From 1979 to 1982, John Casey served as Executive Director of the Legislative Advisory Committee on Public Aid which provided support services to the bipartisan joint committee of the Illinois General Assembly; and

Whereas, Mr. Casey served in the U.S. Army Reserves from 1960 to 1966, with six months of active duty; and

Whereas, In his new position, John W. Casey will be able to fulfill his goal of helping to develop better understanding between the many cultures and peoples of the world; and

Whereas, Mr. Casey's appointment to this prestigious position reflects well upon his Chicago colleagues and upon the YMCA of Metropolitan Chicago; therefore, be it

Resolved, by the Senate of the Eighty-Seventh General Assembly of the State of Illinois, that we congratulate John W. Casey on his election to the post of Secretary General of the World Alliance of YMCAs; that we commend him for his devotion to public service; and that we thank him for the services he has rendered to the Chicago community and the State; and be it further

Resolved, That a suitable copy of this preamble and resolution be presented to John W. Casey.

Adopted by the Senate, January 16, 1992.●

YOUTH AWARENESS DAY

● Mr. KASTEN. Mr. President, I rise today to honor the efforts of a truly outstanding group of Wisconsin young people—those involved in creating the event known as Youth Awareness Day.

On May 15, the second Youth Awareness Day will be held in Wisconsin Rapids, WI. This is a valuable meeting focusing on drug and alcohol abuse issues—featuring guest speakers who will inform young people about the value of self-esteem and strong personal relationships in preventing drug and alcohol addiction.

This is a terrific message—and what makes this Youth Awareness Day event especially impressive is that it is a student-administered program. These young people are showing some terrific leadership, and they give the rest of us cause for hope when it comes to the prospects for building a happy, drug-free next generation.

I ask my colleagues to join me in extending our wishes for a successful event to organizers Andrea Grygo and Mandy Enerson, and to all the others who have worked to make this event a reality.●

REGARDING MURPHY LECTURE ON ARTS AND PUBLIC POLICY

● Mr. DURENBERGER. Mr. President, I rise today to bring to the attention of my colleagues an important recent statement on a topic we are asked to address all too frequently in this body—government funding for the

arts and the role of the National Endowment for the Arts.

My colleagues know my views on this subject—views that are based on more than a quarter century of experiences in State government, private industry, and the U.S. Senate. My views also reflect the experiences of my State which is known all across the country for its leadership in virtually every aspect of arts activity—from several of the Nation's leading orchestras, theaters and museums to outstanding community-based arts organizations and thousands of individual artists.

And, finally, Mr. President, my reviews reflect a sincere appreciation and awareness of the important role that art plays in our local communities, in our States, in our country as a whole, and in the continual pursuit of an ever more civilized society which we as a nation aspire to achieve.

Few people could disagree with the notion that art plays a fundamental role in the great societies and movements in history which we deem valuable to study. What we are less likely to achieve a consensus over, is what we define as art, and what role government should play in supporting art, however it might be defined.

This debate over what art is, or what is "good art," or what art is worthy of public funding, has recently diverged from a healthy and productive discourse to very serious questioning of an institution which is and should remain an important and respected part of our Government, the National Endowment for the Arts.

Unfortunately, this questioning has provoked a degree of polarization on these questions which is neither healthy nor contributes to sound policymaking.

That's why I was so pleased to note that one of the Nation's arts leaders, Dr. Franklin Murphy, offered an insightful and thought provoking lecture on the issue of Federal support of the arts. Dr. Murphy, who is chairman of the board of the National Gallery of Art, offered his comments as the annual Nancy Hanks Lecture on Art and Public Policy. The lecture is sponsored by the American Council of the Arts.

Dr. Murphy's lecture is a refreshing voice of reason in a chorus of heightened political rhetoric. He points out, for example, that the vast majority of grants made by the NEA are non-controversial and clearly in the public interest.

In my home State of Minnesota, since 1986 over \$35 million has been awarded to a wide range of the arts including everything from support through the Minnesota State Arts Board with technical assistance programs for rural and inner-city local arts agencies to workshops to Native American artists to grants for numerous theaters, dance companies, and museums throughout the State.

These grants are an essential part of the continued development and strength of the arts all over Minnesota. And, I would guess, Mr. President, that if each Member of the Senate were to research NEA grants awarded to their own States, they would find the same thing: wholly noncontroversial grants going to many different Members and groups of their State's arts community.

Mr. President, because of its balanced, rational perspective on Government funding for the arts and the role of the NEA, I would ask that the concluding portion of Dr. Murphy's lecture be printed at this point in the RECORD. In this time of intense scrutiny of the NEA, reasoned voices are few, and should be awarded careful attention.

The concluding portion of the lecture follows:

PUBLIC FUNDING AND THE NEA

First, in summary, let me repeat that the vast percentage of cultural projects fully or partially funded by the federal government have not only been noncontroversial, but have enormously enriched the lives of Americans from coast to coast. The Congress in funding the National Gallery, the Smithsonian Museums (happily about to be joined by the Museum of the American Indian), and by providing the arts indemnity has permitted these mainly Washington-based institutions to receive and enrich the lives of the millions of Americans who visit their nation's capital every year. It has permitted the showcasing of the arts of Asia, Africa, and soon of the native American, thus enhancing the image and self-confidence of these ethnic groups which make up much of the mosaic which is our country today.

And, finally, in one of its finest hours, the Congress established the two National Endowments, one for the Arts and one for the Humanities. Now there was provided the opportunity to leave Washington and touch people in their own communities all across the country. Individual artists have been helped, the raising of private funds for the arts has been greatly stimulated, little theaters and dance groups have been established, and museums invigorated. Most heartening is that a number of ethnically based cultural groups or centers have been created or assisted. In short, there has been an explosion of arts activity in the United States in the last twenty years, and the National Endowment of the Arts deserves a major share of the credit.

However, in spite of an enormous amount of constructive activity, the Endowment has made a mere handful of grants, the reaction to which has all but eclipsed the great good brought by the vast majority of grants. Frankly, in my view the subjects of these few grants such as the exhibition of explicit sadomasochistic photographs and the publication of a book entitled "Live Sex Acts" have been understandably offensive in the extreme to the vast majority of Americans. Let me add that the right of artists to create such works is beyond question in our society; this controversy has nothing to do with artistic freedom. It has only to do with the expenditure of public funds in which the taxpayer has a very proper interest.

As you know, because of shrill attacks on the Endowment by people with different but all-destructive agendas, the Congress led by Congressmen Yates authorized a bipartisan

commission charged with reviewing the grant-making procedures of the Endowment.

This twelve-person commission chaired by two distinguished and thoughtful Americans, John Brademas and Leonard Garment, and made up of a broad spectrum of highly competent people rendered a unanimous report in September 1990. In general the Commission called for a modest but important reform which in general called for greater scrutiny of proposed grants, avoidance of conflicts of interest on the part of panel members, and made clear the right and obligation not to slavishly follow the recommendation of each panel automatically, leaving genuine choices to the chairperson of the Endowment following review by the National Council members. Most important, the Commission unanimously recommended "against legislative changes to impose specific restrictions on the content of works of art supported by the Endowment."

So where are we at present in the matter of government and the arts and, more particularly, the National Endowment? I might start this set of conclusions by suggesting that we follow the lines of Kipling's poem If:

"* * * if you can keep your head while all about you others are losing theirs * * *"

I thought of these lines as I read a recent exchange in the Los Angeles Times: Christopher Knight, art critic, in an article headlined "Cloud of Politics Spreads Ominously Over Arts Grants Process" suggested that the nation's artists are about to be brought under the heavy hand of some kind of government control because the National Council had turned down a handful of 128 panel recommendations for funding (including two sexually explicit projects). My old friend, Charlton Heston—artist himself, tireless worker on behalf of the arts, and one-time member of the National Council of the Arts—responded referring to Knight's "hyperventilated prose" and suggesting that a 1.7% rejection rate is certainly less than Draconian. Heston then makes a point worth listening to:

"If enough constituents of enough congressmen feel their tax money is spent irresponsibly, Congress will deny the relevant funding; that's the simple reality. The First Amendment guarantees wide protection of public expressions. It does not guarantee public money to pay for it."

It is an indelible mark of our democracy that when public monies are expended on a thing, the public will expect to have its say. Politically, it is as practical to suggest that only artists should have a say about federal arts funding as it is to suggest that only the Department of Defense should have a say about defense spending. The federal government cannot be a totally disinterested patron of anything; the dollars it contributes to the arts, and everything else, have been extracted through the compulsion of civil law from the pockets of the people. The voices of the people and their government thus have their places in this process and this debate.

Alas, that debate has gone on too long and taken too high a toll. In spite of the enormous good the Endowment has brought millions of Americans, it is in trouble. It has just lost its head—a decent, intelligent, moderate man—to political expediency. A presidential candidate has called for its offices to be closed and fumigated. Some artists and art administrators—who deny the reality of accountability in the expenditure of public funds—continue to insist that artists be given public money to spend as only they see fit. Their attitude is that if the art offends

people and is contrary to generally accepted and reasonable standards, so be it. People don't have to look at or listen to it, they just have to pay for it. This proud posture crosses the line into arrogance and unreality, and plays into the hands of the demagogues of the right. Thus, discussions of the work of the Endowment are concentrated on minor and spurious issues—but such is the technique of the demagogue.

RECOMMENDATIONS FOR FUTURE OF NCA

So what are we, who admire the National Endowment and are profoundly grateful for its accomplishments, to do? I propose a compromise. Like most compromises, the only thing certain is that no one will like it at first. But like the best compromises, the logic of it may emerge over time. In essence, I propose that we strengthen our positions where we agree and moderate our positions where we disagree.

First, we must stop insisting on moral absolutes in a public, political environment which by its very nature cannot deal with moral absolutes on so subjective a subject. Let's all calm down.

Second, we must not forget that there are too many out there who think the arts are not very important and peripheral to their lives and interest. Therefore, those of us who understand the importance of the arts in enriching the spirit must work with ever greater vigor to personally support the arts and communicate our strong belief in these matters to our elected representatives. We can with quiet, polite, and persistent logic more than match reactionary bombast.

Third, I would ask my friends in the arts community to recognize that artistic freedom has never been at issue in this controversy. The expenditure of public funds has. Those who will condemn the Endowment if it doesn't make a certain few grants must be careful lest they sound just like those who will condemn it if it does. We are reaching the dangerous but familiar point where the misguided on both sides of an issue have taken up what is, in essence, the same chant.

Fourth, and most important of all, the National Council and the chairman and his staff must not fear to exert their fiduciary responsibility not only to support traditional art forms but also to encourage experimentation at the cutting edge. But I urge them to reconsider the use of public funds to support art that is overwhelmingly offensive to the mores of a large majority of the citizenry, else such support bring the whole temple down. There is too much at stake to risk all on what would prove to be a Pyrrhic victory. It might be well to remember the parable wherein, at the end, the kingdom was lost for want of a horseshoe nail.

Finally, let us agree that a strong, reasonable, and committed person must soon be appointed to succeed John Frohnmayer, and he or she must have unreserved support.

In conclusion, I do not believe it is asking too much of anyone, including those in the arts community, just to use good common sense. One thing I remember is that, with all of her other attributes, one thing Nancy Hanks possessed in abundance was common sense.●

IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE ANAHEIM FAMILY YMCA

● Mr. SEYMOUR. Mr. President, I rise today in recognition of an event that

took place on April 17, the 25th anniversary of the Anaheim Family YMCA Annual Prayer Breakfast. As you know, the YMCA has instituted Christian principles through quality community programs that instill healthy minds, bodies, and spirits.

Since the inception of the Anaheim Family YMCA in 1911, they have worked to achieve the goals of the association worldwide. They have also strived to identify the specific needs of the Anaheim community. The Anaheim Family YMCA works with outside agencies, ranging from a gang prevention organization, local and county hospitals, a family counseling agency to three local churches and a group home for girls, all of which help to meet those needs of community.

The Anaheim YMCA also provides exceptional programs for families, such as child care, preschool, before and after school care, quality exercise programs and services for at-risk youths. The Anaheim YMCA works with the city of Anaheim on Project S.A.Y., a program that diverts at-risk youths from crime, gangs, and drug abuse.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude and highest commendations to the Anaheim Family YMCA for the vital role which it has played in the quality of life for the Anaheim community.●

IRVING J. SELIKOFF ARCHIVES AND RESEARCH CENTER DEDICATION

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to an extremely dedicated individual, Prof. Irving J. Selikoff, M.D. On May 1, 1992, Mount Sinai Medical Center will honor Dr. Selikoff at a dedication ceremony of the Irving J. Selikoff Archives and Research Center. Irving is a dear friend of mine and I have learned a great deal about life, ethics, and public policy from him. His commitment to making the world a better place to live has been an inspiration to me and has further spurred my efforts to improve the public health.

Irving is a man of unparalleled commitment to the prevention, treatment, and cure of disease. During his years at Mt. Sinai, he gained distinction first as an expert in the diagnosis and treatment of tuberculosis and later as one of the world's leaders in occupational and environmental medicine.

Dr. Selikoff's career began with training and experience as a physician treating ailments of the chest. He specialized in the treatment, clinical management, and prevention of tuberculosis. Irving's most important achievement in this field, in collaboration with Dr. E.H. Robitzek, was his discovery of the value of isoniazid therapy in the treatment of tuberculosis. This finding opened up an effective new

cure for treating this chronic disease. Drs. Selikoff and Robitzek were recognized for their work in developing isoniazid therapy and were awarded the Albert Lasker Award of the American Public Health Association in 1955. The Albert Lasker Award is the highest recognition given for achievement in public health in the United States.

Irving then went on to pursue a new challenge which would again change the way Americans live. His new interest was in the study of occupational medicine, specializing in the entire spectrum of the diseases caused by asbestos, including carcinogenicity. In 1954, Irving first encountered patients with asbestos-induced disease. He found an unexpectedly high incidence of unusual lung disease in persons who worked at a rubber and asbestos company in New Jersey. After studying the findings in these patients, Irving found a correlation between the disease and the patient's occupational exposure to asbestos. In 1962, Irving began a study with the members of Locals 12 and 32 of the Asbestos Workers Union in New York City and in Newark, NJ. This study led to the recognition of the spectrum of disease due to the occupational exposure to asbestos.

The results of his research were first made public at the landmark 1964 conference of the New York Academy of Sciences, "Biological Effects of Asbestos," which was organized and chaired by Dr. Selikoff. He and his colleagues provided evidence that proved that three major diseases—*asbestosis*, lung cancer and *mesothelioma*—were caused by exposure to asbestos.

In association with the American Cancer Society, Irving began a comprehensive evaluation of the epidemiology of asbestos disease in all of the 17,800 members of the AFL-CIO International Union of Heat and Frost Insulators and Asbestos Workers throughout the United States and Canada. This study has provided the most detailed knowledge of the chronic health effects of exposure to asbestos available anywhere in the world.

In addition, his contributions to the prevention of asbestos related disease, Irving has researched occupational disease caused by other hazardous materials. He examined tens of thousands of workers exposed to materials including dioxins, mercury, fluorides, vinyl chloride, and lead. Irving has organized and chaired conferences in the United States, Canada, Europe, South Africa, and Japan. These meetings have provided scientists from around the world with information on the prevention of diseases caused by minerals, dusts, chemicals, solvents, and other physical or chemical agents. Irving's interests also led him to contribute to the study of AIDS. He chaired one of the earliest conferences in the United States discussing the tragic health effects of AIDS.

In addition, Irving organized a convocation held under the sponsorship of an organization which he founded in 1983 called the Collegium Ramazzini, an international assembly of scientists involved in the prevention of occupational disease. This conference demonstrated conclusively that asbestos in buildings across the United States posed a significant hazard to building occupants and to the public and emphasized the need for national action to control exposure. The results of the conference will soon be published and will represent the Eleventh Annals of the New York Academy of Sciences. This publication was edited by Dr. Selikoff.

Mr. President, Irving's research on the link between asbestos exposure and lung cancer paved the way for new standards of occupational safety. His work stands as a cornerstone for researchers around the world in the study of occupational disease. His selfless and tireless efforts to improve the safety of Americans who work in hazardous workplaces is an inspiration to us all.

Mr. President, I know what it means to lose a loved one to an occupational disease. My father died of cancer after years of working in a silk mill in my home town of Paterson, NJ. Irving's work has prevented so many families from having to experience such a loss.

The Irving J. Selikoff Archives and Research Center at Mt. Sinai stands as living testimony to Irving's uncompromised dedication to medical research and education. I extend to him my heartiest congratulations and warmest wishes on this occasion. He is a valued friend and it is an honor knowing him.●

IN RECOGNITION OF RESIDENT AGENT IN CHARGE CHARLES PRATT

● Mr. SEYMOUR. Mr. President, I rise today in recognition of Resident Agent in Charge Charles Pratt of the Bureau of Alcohol, Tobacco and Firearms upon his recognition by the Federal Bar Association at their Third Annual Salute to Federal Law Enforcement Officers Luncheon which was held on April 21, 1992.

Agent Pratt is to be highly commended for his extraordinary efforts above and beyond the call of duty. On June 18, 1991, Resident Agent in Charge Pratt and Special Agents Michael Dawkins, John Carr, and Patrick Leahey, found themselves in a shoot-out initiated by Darryl Mason, a convicted felon who had a history of narcotic trafficking, assault with a deadly weapon, robbery, burglary, and carrying a concealed weapon.

During a surveillance and planned "buy-bust," the ATF had planned to execute an outstanding Federal arrest warrant for Mason. All ATF personnel

involved in the operation were informed of the intended surveillance of an undercover meeting between a confidential informant and Mason for the purchase of one kilogram of "rock" cocaine.

After the informant made the initial contact, he informed the agents that Mason and the other suspects were getting the drugs and that the deal would proceed momentarily. A short time thereafter, two suspects were observed entering the garage beneath the apartment complex approaching two Mustang convertibles which were parked side by side in the garage. The agents observed Mason open the trunk of one of the vehicles. Fearing that the suspects were going to try to leave the area, the arrest team called for the execution of the Federal arrest warrant on Mason.

As the arrest team entered the garage, they announced "Federal Officers with a warrant," and yelled, "Police, get down." The other suspect, Victor Pugh, although armed, immediately dropped his weapon and complied with the agents' instruction. Upon entering the garage, they observed that Mason had removed a large weapon from the trunk of his vehicle and began to fire on the agents. Dawkins, who was in the center of the garage, without cover, returned fire with his shotgun. After being bombarded with gunfire, Dawkins sustained a gunshot wound to his foot. He tried to keep moving but fell to the ground as his foot could no longer support him. He dropped his shotgun in the fall but immediately drew his handgun and continued to fire at Mason.

Upon realizing that Dawkins was wounded and still being fired upon, Agents Pratt, Carr, and Leahey, seeking to draw the gunman's attention away from Dawkins, moved their positions and continued to fire upon Mason.

Despite warnings to "freeze and get down," Mason failed to heed the instructions and continued to fire upon the agents. He then turned and fired on Agent Pratt. Pratt responded by firing two rounds from his shotgun, which hit the suspect, causing him to fall to the floor and was immediately handcuffed.

If it were not for the quick response of Agents Pratt, Carr, and Leahey, without concern for their personal safety, it is possible that the gunman could have advanced on the unprotected Agent Dawkins, thereby causing much more serious injuries to the exposed agent.

Mr. President, I would ask that the members of the Senate join me today in extending our deepest gratitude and highest commendations to Resident Agent in Charge Pratt upon his receipt of the Federal Bar Association's Medal of Valor for exemplary service above and beyond the call of duty.●

WORKERS MEMORIAL DAY

● Mr. HARKIN. Mr. President, I rise to recognize Workers Memorial Day which is being observed today. Workers Memorial Day, sponsored by the AFL-CIO, is being held to remember those workers who have been killed, paralyzed and injured due to unsafe and hazardous working conditions.

Each year over 6 million workers are injured on the job and 60,000 workers are permanently disabled; 10,000 workers are killed every year by workplace hazards. That's one worker every hour every day. Many workers are either not trained or poorly trained to operate potentially dangerous equipment. Furthermore, hundreds of thousands of American workers are exposed to dangerously high levels of toxic substances. Many employees are afraid they will lose their jobs if they complain about unsafe conditions to their managements.

We all remember the tragedy that occurred on September 3, 1991, just a day after Labor Day, in Hamlet, NC where 25 workers died in a fire at a poultry processing plant because they were trapped behind locked doors. In all the 11 years the Hamlet plant had been in operation, it was never once visited by State or Federal Occupational Safety and Health Administration inspectors. This much change.

The horror at Hamlet is not an isolated incident. It is no surprise that it was never inspected. With only 1,200 OSHA inspectors to inspect 5 million workplaces, a workplace can expect to be inspected only once every 79 years.

Twenty-two years ago, when Congress passed the Occupational Safety and Health Administration Act, it promised every worker a safe place to work. Progress has been made because of the OSHA Act, but more needs to be done to make that promise of a safe job a reality for America's workers. If we value our American workers we must train them well and retrain them as new equipment and methods come into use. We must also hire more OSHA inspectors, set more specific inspection guidelines, and initiate stiffer penalties on OSHA violators.

We can make some sweeping changes if we pass S. 1622, a bill to reform the OSHA Act of 1970. S. 1622 requires joint employer-employee health and safety committees at every worksite with more than 10 employees. In addition, S. 1622 provides confidentiality to workers who complain about dangers on the job and mandates that OSHA provide services to the 7 million public employees currently not covered.

We must ensure that every worker's legal right to a safe worksite becomes a reality, not just a promise. I hope you will join me today in thinking of those who have been harmed by unsafe workplaces and in trying to reform OSHA to prevent more senseless tragedies in the future.●

**SISTER CITIES: CHINO VALLEY,
AZ, AND SONORA, MEXICO**

• Mr. DECONCINI. Mr. President, I rise today to recognize a partnership between two countries—not a partnership of political dignitaries, but a partnership of communities, a community in Arizona and a community in Sonora, Mexico.

The town of Chino Valley has entered into an agreement with the Sister City Program to establish ties with Papalote (Ejido Desierto) Sonora, Mexico. This partnership is intended to develop unity between the two cities by promoting the understanding of cultures and the exchanging of ideas.

The concept of Sister City was founded by the President of the United States in 1956 to establish friendships and understanding between the citizens of the United States and people from around the world by means of personal contact.

The town of Chino Valley, by a vote of the council, has chosen to participate in this program with the hope of furthering unity between two nations and two cities, one person at a time.

Mr. President, I commend the leaders of these towns. This Nation was established by the people and for the people. These towns are the people—citizens building friendships and improving understanding between countries, one person at a time. •

**AMERICAN TEXTILE MANUFACTURING
INSTITUTE'S ENCOURAGING
ENVIRONMENTAL EXCELLENCE**

• Mr. HOLLINGS. Mr. President, I rise today to honor four South Carolina companies for their leadership in protecting the environment. These four companies: Inman Mills, Inman, SC; Milliken & Co., Spartanburg, SC; Mount Vernon Mills, Inc., Greenville, SC; and Springs Industries, Inc., of Fort Mill, SC, are charter members of the American Textile Manufacturers Institute's Encouraging Environmental Excellence Program. The program requires participating companies to follow a 10-point plan which includes developing a corporate environmental policy, conducting environmental audits, establishing company goals, developing employee and community education programs, working closely with Government policymakers and establishing outreach programs with suppliers and customers to encourage recycling and environmentally efficient processing.

I want to commend these four companies for their work. They have displayed an admirable commitment to a clean world. It is particularly noteworthy when you consider that these businesses face foreign competitors who operate without regard to the environment. •

**IN RECOGNITION OF SPECIAL
AGENT PILOT ALAN HOWARD
WINN**

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Special Agent Pilot Alan Howard Winn of the Drug Enforcement Administration upon his posthumous recognition by the Federal Bar Association at their Third Annual Salute to Federal Law Enforcement Officers luncheon which was held on April 21, 1992.

Agent Winn is to be highly commended for his extraordinary efforts above and beyond the call of duty. On August 13, 1991, Special Agent Pilot Winn died at the age of 37 while piloting a DEA helicopter. Special Agent Winn had made an emergency crash landing in a remote and rugged area north of Hilo, HI. At the time of the crash, Special Agent Winn, while piloting the helicopter, was able to bring the three other officers safely to the ground. The helicopter then rolled over and Agent Winn was knocked unconscious. The helicopter struck the ground abruptly, bursting into flames. Special Agent Winn died when the fire and explosion kept the others from rescuing him.

Special Agent Winn was an exemplary member of the DEA who died bravely in the line of duty. He knew the danger of being a law enforcement officer and that being a helicopter pilot certainly added to that danger. In this instance, in order to save the lives of three other officers, he made the supreme sacrifice by giving his life to his country. He was a true hero in his efforts to fight international drug trafficking.

The following quote was from his father, Howard Winn:

One of Alan's ambitions was to be a pilot, and he did that. Another was to serve his country as best he could, and he did that. He was aware of the inherent risks involved with the duty he was performing, but he wanted to serve in this manner, and he was proud to do so. And each of us is justifiably proud of him and the life he lived and gave for all of us.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude, condolences, and highest commendations to Special Agent Pilot Alan Howard Winn upon his receipt of the Federal Bar Association's Medal of Valor for exemplary service above and beyond the call of duty. •

**CONGRATULATING MOUNTAIN
VIEW HIGH SCHOOL ACADEMIC
TEAM**

• Mr. DECONCINI. Mr. President, it is with great pleasure and pride that I come to the floor to congratulate Mountain View High School which represented Arizona in the recent annual Academic Decathlon held in Boise, ID. The team of Dan Arai, Nat Clarkson,

Paul Hlavacek, Andrea Jackson, Renee Larson, Gina Parizek, Soren Ragsdale, Tyson Rogers, and Christy Roorda coached by Mary McGovern placed second in the Nation. The theme for the competition this year was Environmental Science, and the team from Arizona scored 49,475 points out of a possible 60,000, covering 10 subjects from math to science to the social sciences, just 235 points behind Texas. Their team score of 49,475 is the second highest ever recorded in the history of the national competition. Not only did Arizona place second in the overall competition, but it placed well in the individual competitions and finished with a total of 46 medals.

This is the third year in a row that the team from Mountain View High School in Mesa, AZ, has won the State competition and advanced to the nationals. In the past, the nine-member teams have been predominately made up of seniors and male students; however, this year's team had four juniors and four females. I am confident that next year's team will come back experienced and hungry for first place when they compete on their home turf in Phoenix, AZ, where the 1993 Academic Decathlon will be held.

These nine students, together with all those who competed in the Academic Decathlon, represent a bright spot in our public school system during a time when, as a Nation, we are struggling to compete academically. I know my colleagues join me in wishing all the students who competed in the Academic Decathlon continued success in their educational pursuits. Mr. President, I ask that a Mesa Tribune article of Thursday, April 23, 1992, be inserted at this point in the RECORD.

The article follows:

[From the Mesa Tribune, Apr. 23, 1992]
**A CAPITAL TRIP: MOUNTAIN VIEW TEAM GOES
TO WASHINGTON FOR BUSH VISIT**

(By Patricia Likens)

After placing second in the national Academic Decathlon, even meeting President Bush isn't such a big deal.

"We're not sure that we're going to get a chance to talk to him," said team member Paul Hlavacek of Mountain View High School in Mesa.

After months of preparation—studying after school and during weekends—Hlavacek and his teammates placed second in the nation at the annual Academic Decathlon in Boise, Idaho.

The team flew to Washington on Wednesday to meet the president and tour the city.

In the past 10 months, the students worked two hours almost every day after school and most weekends preparing for the decathlon.

"We watched our social lives go up in flames," said Hlavacek as his teammates laughed and agreed.

The newfound friends learned to work together preparing for the decathlon, which demanded knowledge of 10 subjects including math, science and the social sciences.

"The people on this team never would have met if it weren't for the decathlon," said senior Gina Parizek. "We've become buds."

They often worked together in study groups and looked to one another for their various areas of expertise.

"There's really no way to prepare for it," said senior Renee Larson.

It was the third year in a row that a Mountain View academic team won the state competition and made it to the nationals.

"The team either comes together or it doesn't," said Coach Mary McGovern. "They have to learn to share and help each other, especially in math and science."

Perserverance and an edge of competitiveness also help along the way, she added.

And then there's luck.

When junior Christy Roorda was given seven seconds to decide in which direction—clockwise or counter-clockwise—water flows down the drain in the northern hemisphere, she said she "thought of a bathtub and got it right." The answer is counter-clockwise.

J. Frank Dobie High School, an all-male team from Pasadena, Texas, won the nationals with a score of 49,710 to Mountain View's 49,475.

The nine-member team's makeup was unique this year, McGovern said.

"In the past the teams have been largely males and seniors. This year, we had four juniors and four girls on the team," she said.

Many of the students said they learned more than can be found in books.

"I learned how to interview and how to put my best self forward," Larson said.

Other team members were juniors Dan Arni, Andrea Jackson, and Soren Ragsdale, and seniors Tyson Rogers and Nat Clarkson.

Rogers took first place in the nation in the competitor's honors category, Jackson won second place in the same category and Larson took second place in the scholastic division.●

IN RECOGNITION OF SPECIAL AGENT JOHN CARR

● Mr. SEYMOUR. Mr. President, I rise today in recognition of Special Agent John Carr of the Bureau of Alcohol, Tobacco and Firearms upon his recognition by the Federal Bar Association at their Third Annual Salute to Federal Law Enforcement Officers Luncheon which was held on April 21, 1992.

Agent Carr is to be highly commended for his extraordinary efforts above and beyond the call of duty. On June 18, 1991, Resident Agent in Charge Pratt and Special Agents Michael Dawkins, John Carr, and Patrick Leahey, found themselves in a shootout initiated by Darryl Mason, a convicted felon who had a history of narcotic trafficking, assault with a deadly weapon, robbery, burglary and carrying a concealed weapon.

During a surveillance and planned buy/bust, the ATF had planned to execute an outstanding Federal arrest warrant for Mason. All ATF personnel involved in the operation were informed of the intended surveillance of an undercover meeting between a confidential informant and Mason for the purchase of 1 kilogram of rock cocaine.

After the informant made the initial contact, he informed the agents that Mason and the other suspects were getting the drugs and that the deal would proceed momentarily. A short time thereafter, two suspects were observed

entering the garage beneath the apartment complex approaching two Mustang convertibles which were parked side by side in the garage. The agents observed Mason open the trunk of one of the vehicles. Fearing that the suspects were going to try to leave the area, the arrest team called for the execution of the Federal arrest warrant on Mason.

As the arrest team entered the garage, they announced "Federal officers with a warrant" and yelled, "police, get down." The other suspect, Victor Pugh, although armed, immediately dropped his weapon and complied with the agents' instruction. Upon entering the garage, they observed that Mason had removed a large weapon from the trunk of his vehicle and began to fire on the agents. Dawkins, who was in the center of the garage, without cover, returned fire with his shotgun. After being bombarded with gunfire, Dawkins sustained a gunshot wound to his foot. He tried to keep moving but fell to the ground as his foot could no longer support him. He dropped his shotgun in the fall but immediately drew his handgun and continued to fire at Mason.

Upon realizing that Dawkins was wounded and still being fired upon, Agents Pratt, Carr, and Leahey, seeking to draw the gunman's attention away from Dawkins, moved their positions and continued to fire upon Mason.

Despite warnings to "freeze and get down," Mason failed to heed the instructions and continued to fire upon the agents. He then turned and fired on Agent Pratt. Pratt responded by firing two rounds from his shotgun, which hit the suspect, causing him to fall to the floor and was immediately handcuffed.

If it were not for the quick response of Agents Pratt, Carr, and Leahey, without concern for their personal safety, it is possible that the gunman could have advanced on the unprotected Agent Dawkins, thereby causing much more serious injuries to the exposed agents.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude and highest commendations to Special Agent Carr upon his receipt of the Federal Bar Association's Metal of Valor for exemplary service above and beyond the call of duty.●

U.N. CONFERENCE ON THE ENVIRONMENT

● Mr. SIMON. Mr. President, a few weeks ago, the Senate approved Senator KERRY's bill, Senate Concurrent Resolution 89, calling on the President to attend the U.N. Conference on the Environment and Development. I applaud Senator KERRY for his leadership in this area. In view of the approaching Conference in June, I would like to make a few remarks.

It will take courage, vision, and leadership on the part of all nations of the world to make the changes that we need. One of the worst legacies of the Reagan administration was the abandonment of environmental issues, and we are now paying for that neglect. The responsibility to preserve and protect our natural resources for the enjoyment of future generations should be one of our highest priorities. To reverse the damaging changes we are seeing in our atmosphere will be difficult, of great cost, and achieved only over a long period of time.

President Bush says he will attend the Conference only if it is "in the best interest of the United States." Mr. President, how could this conference to promote global agreement and awareness to protect the Earth, not be in our best interest? Our Nation is not exempt from what we preach is in the best interest of all.

If we are going to ask other countries to change their ways, we must set an example. It is unacceptable for the President to ignore his duty to represent the United States at this important gathering of world leaders.

Much of our environmental deterioration is caused by patterns of production and consumption, especially in the industrialized countries. Although industrialized nations only represent about 25 percent of the world's population, we account for three-quarters of global CO₂ emissions associated with energy production and use.

A healthy environment and a healthy economy are not mutually exclusive. It is possible that we can reduce greenhouse emissions in a way that will actually benefit the economy. Based on a recent study by four U.S. environmental groups, by the year 2030 policies to encourage energy efficiency and use of renewable energy sources could cut the Nation's energy requirements by half, petroleum by two-thirds, and carbon dioxide emissions by 70 percent, with net savings to the U.S. energy consumers of \$2.3 trillion. Clearly, we need to be doing more.

I urge President Bush to reconsider his position and represent our Nation at the upcoming Conference.●

IN RECOGNITION OF SPECIAL AGENT EDWARD FOLLIS

● Mr. SEYMOUR. Mr. President, I rise today in recognition of Special Agent Edward Follis of the Drug Enforcement Administration upon his recognition by the Federal Bar Association at their Third Annual Salute to Federal Law Enforcement Officers Luncheon which was held on April 21, 1992.

Agent Follis is to be highly commended for his extraordinary efforts above and beyond the call of duty. Special Agent Follis initiated an undercover investigation in August 1990 of a Nigerian drug trafficking organization.

This international drug ring was importing China-white heroin, Persian-brown heroin and Southwest African marijuana from Nigeria to Los Angeles.

Follis, in his undercover role, was able to ultimately meet the head or the kingpin of this organization, gained his confidence, and gathered solid evidence which ultimately led to the dismantling of this organization and the arrest of its chief executive officer. During the course of this undercover assignment, Special Agent Follis was introduced to other organizational members located in the Los Angeles area who were documented as extremely dangerous and violent.

This investigation culminated with the arrest of 16 defendants. It also resulted in the seizure of 1 metric ton of marijuana, 3 machine guns, 32 silencers, 7 hand-grenades, stolen bearer bonds valued at one-half million dollars, counterfeit money, and the seizure of 7 automobiles. Follis, through highly skilled and tireless undercover work, was able to penetrate this organization at the highest level, and completely dismantle this complex international heroin and marijuana smuggling organization. He frequently met suspects while they were heavily armed and the threat of violence was ever present.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude and highest commendations to Special Agent Edward Follis upon his receipt of the Federal Bar Association's Medal of Valor for exemplary service above and beyond the call of duty.●

RECOGNITION OF DR. EUGENE SMITH

● Mr. BUMPERS. Mr. President, I rise today to honor a man who devoted his entire professional career to improving one of Arkansas' institutions of higher education.

Dr. Eugene Smith began his professional career at Arkansas State University in 1958 after completing his doctor of education degree at the University of Mississippi. He will end his professional career at Arkansas State University at the end of this academic year.

Although Dr. Smith's career began and will end at the same institution, the ASU of 1992 is far different from the ASU of 1958. Some of the changes at ASU would undoubtedly have occurred without Eugene Smith, but many of them are directly attributable to his hard work and dedication.

Dr. Smith could have chosen an easier professional route than the one he followed. He has served in almost every administrative position imaginable in a university, from director of graduate programs to president. While I was Governor, Dr. Smith was vice president

for administration and I enjoyed an excellent working relationship with him. In every position, with every promotion, during every day of his career, his commitment to the university he served never wavered. When he first applied for the position of president of the university, someone else was selected. Others might have been so personally disappointed that they would have left, but Dr. Smith stayed. The institution was more important to him than his personal ambition. In fact, it would be fair to say that his personal ambition and the welfare of the institution are one and the same.

In 1984, Dr. Smith became the eighth president of the university and announced that he had three goals: to expand the library; to elevate the football program to 1A status; and to create a doctoral program for the university. The library was expanded, the football team is 1A, and when the university received approval to grant doctoral degrees 2 weeks ago, his third and final goal was met.

It is difficult for me to imagine an ASU without Dr. Smith. He probably comes about as close to being irreplaceable as anybody could be. The alumni association at Arkansas State University has a slogan, "Alumni—the Heart of ASU." If alumni are the heart of ASU, Eugene Smith must be its soul.●

WORKERS MEMORIAL DAY

● Mr. BINGAMAN. Mr. President, as you are aware, today is "Workers Memorial Day." The purpose of this memorial day is to bring to the Nation's attention the unacceptably high number of workers who are seriously or fatally injured each year. The number of work-related accidents and illnesses is unacceptable not only because it is a significant drain on our economy, but, more importantly, because it results in significant human tragedy. Each day, thousands of workers are injured. More than 10,000 Americans die from job-related injuries and illnesses each year.

It was with the intent of reducing work-related injuries and illnesses that Congress enacted the Occupational Safety and Health Act more than 20 years ago. The act was supposed to increase the safety of the American worker. Unfortunately, OSHA has not been as successful as hoped. Although some progress has been made, there are still far too many workers getting hurt.

Perhaps just as importantly, the people who rely on OSHA, both employers and employees, have lost faith in the system established by the OSH Act of 1970. Employees and employers alike no longer believe that the labyrinth of current OSHA regulations and enforcement efforts can succeed in protecting America's workers effectively.

Mr. President, it appears to me that we are at an important crossroads in

worker safety. We can either continue down a path that many believe is ineffective and incomprehensible, or we seek out new, innovative ways to impact worker safety.

I am encouraged by what I believe to be a sincere effort within Congress and elsewhere to explore new alternatives to reduce work related accidents. One of the most exciting experiments I am aware of is underway in my home State of New Mexico. Labor, management, and public sector leaders there have joined forces to form the Safety Resource Council of New Mexico.

The Safety Resource Council of New Mexico is a volunteer effort. Its members include representatives from the State of New Mexico, the New Mexico Federation of Labor, the Rio Grande chapter of the American Industrial Hygiene Association, the New Mexico chapter of the America Society of Safety Engineers, and the private sector.

Together, these professionals are determined to identify safety resources within New Mexico that employers and employees can draw on to improve safety. The Safety Resource Council of New Mexico also hopes to sponsor industry-specific projects to reduce injuries and illnesses. Although the safety resource council is a new organization, it is already working on a safety conference for employees in the entertainment industry, and has plans for safety projects in retail grocery and oil and gas industries. The safety resource council believes its efforts will result in greater initiative by citizens to reduce accidents and injuries experienced by individual and businesses in their communities. This initiative will also result in improved productivity, an enhanced economy, and renewed pride New Mexicans feel for their communities and their State.

What I find most exciting about the safety resource council's effort, however, is not the specific projects it will initiate. Instead, I am excited about the attitude of those involved. Safety resource council members firmly believe that the interests of management and labor are not to be in conflict where safety is concerned; they realize that all parties gain when work related injuries and illnesses are reduced. Furthermore, the safety resource council is committed to the idea that all parties can and should work as a team to improve work place safety.

Mr. President, I believe that the rest of the Nation can learn from what the Safety Resource Council of New Mexico is doing in my home State. It is a shining example of what can be achieved when management and labor set aside differences to pursue common goals. It is hard to imagine a better goal to pursue than the increased safety of America's workers.●

IN RECOGNITION OF SPECIAL
AGENT JAMES B. SNOW II

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Special Agent James B. Snow II of the Federal Bureau of Investigation upon his recognition by the Federal Bar Association at their Third Annual Salute to Federal Law Enforcement Officers luncheon which was held on April 21, 1992.

Agent Snow is to be highly commended for his extraordinary efforts above and beyond the call of duty. Since November 24, 1988, Special Agent Snow has been one of the primary undercover agents investigating drug trafficking activities of the Bloods and Crips street gangs. The Bloods and Crips street gang account for numerous violent crimes including homicides, assaults, drive-by shootings, and robberies. They are heavily involved in crack cocaine drug trafficking and have expanded their trafficking activities beyond the borders of California. Experts estimate that the Bloods and Crips street gangs are responsible for one-third of the U.S. crack cocaine market.

For 1 year, Special Agent Snow was an undercover agent in an investigation code named "Urban Siege." He frequently associated with various street gang members in neighborhoods where violence is the norm. He purchased quantities of drugs from violence prone gang members and acquired, on a daily basis, significant information for operational analysis. At great risk to his personal safety, Agent Snow obtained relevant information for utilization in affidavits to support electronic wire intercepts. These intercepts revealed inside information regarding the size, scope, and nature of the drug organization. "Urban Siege" culminated with the execution of 11 search warrants, seizure of assets valued in excess of one million dollars and the arrest of 20 street gang members and associates. All the arrested individuals have since been convicted and sentenced to Federal prison.

Since December 1989, Special Agent Snow has been the principal undercover agent in two other FBI street gang drug investigations. These investigations involved dangerous gang members who have amassed millions of dollars in assets and managed a very complex and sophisticated nationwide drug organization, which far exceeds the "Urban Siege" statistics.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude and highest commendations to Special Agent James B. Snow II upon his receipt of the Federal Bar Association's Medal of Valor for exemplary service above and beyond the call of duty. •

TRIBUTE TO CARMEN DELGADO
VOTAW

• Ms. MIKULSKI. Mr. President, I rise today to pay tribute to a Maryland

woman who was recently inducted into the Maryland Women's Hall of Fame. Carmen Delgado Votaw has spent her life working for the advancement of Hispanics and women. A native of Puerto Rico, Ms. Votaw has become a national and international civil rights advocate and I am proud to recognize her achievements here today.

Ms. Votaw has served on and presided over several commissions which reflect her contributions to women in Maryland, the Nation, and indeed to women worldwide. Through her involvement with the overseas education fund of the League of Women Voters, Ms. Votaw sought to spread the empowerment of U.S. women to women in other nations. Her leadership abilities are evident in her service on the Commission on the Observance of International Women's Year [IWY Commission]. Ms. Votaw received two Presidential appointments; as the U.S. delegate of the IWY Commission and as cochair on the National Advisory Committee for Women. Also, Ms. Votaw remains a powerful advocate for her native Puerto Ricans. She served as national president of the National Conference of Puerto Rican Women and on their national board for several years and worked for years on the Hill representing Puerto Rico.

Indeed, Ms. Votaw has gone beyond her professional duties to ensure that the voices of women and minorities do not go unheard. Ms. Votaw regularly attended the General Assembly and other branches of the Organization of American States, as well as three world conferences of women in Mexico, Denmark and Kenya. Meeting with heads of state and other world leaders, Ms. Votaw has been a strong and vocal force in the movement to ratify international covenants which protect women's rights.

In addition to these many worthy activities, Ms. Votaw has authored several books to increase awareness of Hispanic contributions and women's contributions worldwide. In 1982 Hood College in Frederick, MD, awarded to Ms. Votaw the degree of doctor of humanities honoris causa. Currently, Ms. Votaw lends her gifts and powerful voice of advocacy to young women as the Washington representative for Girl Scouts of the United States of America.

I am honored today to recognize the outstanding accomplishments of Carmen Delgado Votaw and I commend her on her hard work for others and on her place of honor in the Maryland Women's Hall of Fame. For over 20 years of service to women and Hispanics, I say thank you to Carmen Delgado Votaw. •

DOUGLAS' TAIWAN DEAL GOUGING
AMERICAN TAXPAYERS

• Mr. D'AMATO. Mr. President, bad enough that McDonnell Douglas brushed aside American partners in

favor of a Taiwanese sugar daddy to bankroll its next commercial airliner, the MD-12, but teaming with a foreign investor also guarantees another gouging of the American taxpayer to the tune of \$350 million. Why? Because, by splitting Douglas into separate commercial and military divisions, overhead costs for the C-17 will increase.

I ask that the full text of the Los Angeles Times article: "Costs of Douglas' Taiwan Deal Cited," be printed in the RECORD immediately after my remarks.

Is there no way to stem the hemorrhaging of taxpayer dollars into McDonnell Douglas' coffers?

The article follows:

[From the Los Angeles Times, Apr. 8, 1992]

COSTS OF DOUGLAS' TAIWAN DEAL CITED

(By Ralph Vartabedian)

Aerospace: A fleet of C-17 jets would cost the U.S. Government an estimated \$350 million more if the firm sells a stake to a Taiwanese group, the Air Force says.

The government would pay an estimated \$350 million more for its fleet of McDonnell Douglas C-17 cargo jets as a result of the firm's plan to sell a stake in its commercial aircraft business to a Taiwanese group, Air Force officials said Tuesday.

McDonnell—by splitting its Douglas Aircraft unit into separate commercial and military divisions as part of the deal—would increase "overhead" costs on the 120-plane C-17 program by about \$3 million per aircraft, according to a study by the Air Force and the Defense Contract Management Command.

While McDonnell officials have testified in recent congressional hearings that the sale to Taiwan Aerospace Corp. would protect American technology and jobs, the question of how the deal would affect the Pentagon's costs never was raised, members of Congress and their staffs said Tuesday.

The \$350-million figure is the government's "best estimate" of the potential cost impact, representing about 1% of the C-17 program's total \$35 billion cost, according to a spokesman for the Air Force Aeronautical Systems Division in Dayton, Ohio. The added costs could rise to about \$1 billion in the worst case or total less than the \$350 million in the best case, he added.

McDonnell signed a preliminary agreement last November to sell Taiwan Aerospace up to 40% of its troubled commercial aircraft business in Long Beach for \$2 billion. The deal may yet be restructured or scaled back, as officials in Taiwan weigh the findings of a comprehensive review of the transaction. A McDonnell spokesman declined to comment Tuesday on the Air Force cost estimates.

The increase in overhead costs on the huge cargo jets apparently would include facility costs, certain staff salaries and other costs that up to now have been pooled with the firm's commercial programs. The government would bear the additional overhead costs on future C-17 production contracts, which are negotiated annually.

In addition, some work performed by the commercial operation for the C-17 would have to be negotiated between the two organizations, according to Brig. Gen. Kenneth G. Miller, the Air Force's C-17 program manager.

The potential for a cost increase evoked a loud reaction from some members of Congress, who have expressed concern that the Taiwan deal would harm American interests.

Sen. Jeff Bingaman (D-N.M.), chairman of the Joint Economic Committee, said that after two hearings by his panel on the Taiwan deal, he was left with the impression that McDonnell's strong defense business historically had subsidized its weak commercial aircraft business—not the reverse.

"I have trouble squaring that notion with this conclusion by the Air Force," Bingaman said. "I have real trouble getting that to compute."

Rep. John Conyers Jr. (D-Mich.), chairman of the House Government Operations Committee and one of the firm's harshest critics, issued this statement: "We have long suspected that the C-17 would feel the impact of the McDonnell Douglas sale to the Taiwanese. The American taxpayers should not and will not foot the bill for this transfer." Meanwhile, Miller, the Air Force's C-17 program manager, said in a wide-ranging interview last week that McDonnell is making good progress in improving its efficiency on the C-17 program.

But the improvements had been anticipated, and Miller said the firm is still likely to incur an \$850-million cost overrun on the first six planes. McDonnell has insisted that it will break even.

Miller said the firm is building each subsequent C-17 with just 75% of the labor hours of the previous aircraft—a measure of McDonnell's learning process.

Although Miller said that rate is about average compared to other programs, it apparently is not enough to save McDonnell from huge losses looming on the C-17. Rather, that learning curve confirms Air Force estimates that it will cost \$7.45 billion to complete the initial C-17 contract.

Still, Miller was upbeat about the aircraft itself.

"We know their manufacturing process has more refinements that need to be made, but the product that is coming out the door is magnificent," the general said.

"Could they do it more efficiently? Yes. Is it perfect as it comes down the production line? No. But between their quality assurance folks and the [defense] quality assurance folks, what actually comes out the door and what is delivered to the Air Force, the taxpayer is a magnificent flying machine," he said. "And we are thrilled to death with its performance so far in the test program. It is really more than anybody would reasonably hope for when you look at any airplane that has come along in the past 50 years in the Air Force."

Still, the Air Force and McDonnell have had to postpone flying the first production model C-17 until mid-April after a C-17 test model had to be grounded three times since Oct. 31 at Edwards Air Force Base because of concerns about fuel leaks.

After intensively looking at the problem, Miller said it appears that the company's procedures and worker training need improvement.

The firm has already produced six or seven sets of wings, and there are concerns that those too might have fuel leaks. Miller said the cost of fixing those wings will be borne by McDonnell.

TRIBUTE TO IRVING J. SELIKOFF, M.D.

• Mr. HARKIN. Mr. President, I rise to give tribute and honor to a remarkable American physician, Dr. Irving J. Selikoff of the Mount Sinai School of Medicine in New York. Dr. Selikoff has

made an enormous contribution to the field of medicine through his half century of dedicated research, through his teaching of hundreds of young physicians, and through his courageous leadership in formulation of health policy. As his career draws to a close, it is right and fitting that the U.S. Senate, on behalf of the millions of Americans who have benefited from Dr. Selikoff's many contributions, give praise and honor to this man.

Mr. President, Dr. Selikoff has made internationally recognized contributions to medical science in two distinct areas. Together with his colleague Dr. E.H. Robitzek, Dr. Selikoff was the first to show the efficacy of INH in the treatment of tuberculosis. Utilization of INH continues to be the drug of choice in the global war on tuberculosis. Indeed, the disease recognition and treatment approach pioneered by Dr. Selikoff provided dramatic gains in prevention of millions of cases of tuberculosis worldwide. It is unfortunate that this treatment plan so carefully developed by Dr. Selikoff has not been adequately pursued over the last two decades. As a result, we are now faced with significant increases in tuberculosis rates, a serious problem with multidrug resistant tuberculosis, and a rising epidemic of AIDS-related tuberculosis. The recurrence of tuberculosis related to AIDS was also forecast by Dr. Selikoff who sponsored one of the first AIDS conferences in the United States.

Mr. President, Dr. Selikoff's second internationally significant contribution was his recognition and research on asbestos related diseases, and many other occupationally related diseases. Dr. Selikoff's extensive research on asbestos over three decades has unequivocally established that asbestos causes lung cancer, mesothelioma and asbestosis wherever asbestos is mined, milled, processed, or applied and that asbestos remains a hazard after it is in place. Through his work with asbestos and other occupational toxins, Dr. Selikoff has greatly advanced our understanding of occupational and environmental exposures in the causation of cancer and chronic lung disease. This research has led directly to regulation of asbestos, to medical screening programs for early detection of these often fatal diseases, and to development of methods and procedures for recognition, evaluation and control that have served as the models for many other occupational diseases. Thousands of American workers have been helped through this pioneering work.

Mr. President, perhaps Dr. Selikoff's greatest legacy to medicine will be through the hundreds of young physicians he has trained and influenced over his 51-year career at the Mount Sinai School of Medicine. Physicians and worker representatives who have

worked with Dr. Selikoff tell me that he embodies all of the finest qualities of a physician. That he is a physician who is dedicated first and foremost to his patients and to the workers whose exposures he worked so hard to control. That he is a physician who is passionate about the need for good science and the use of science to address medical and public health issues. That he is a physician who is compassionate in all of his dealings with his patients and the many thousands of workers he has counseled. That he is a physician who is courageous in confronting the very powerful forces that seek to diminish and discount the importance of occupational and environmental exposures in the causation of disease. And that he is a physician who has been both innovative and tireless in all of these pursuits. It is through example that Dr. Selikoff trained hundreds of young physicians, and influenced thousands more, over a period of two generations. Because of the physician he is, the practice of preventive medicine and occupational medicine is immeasurably richer.

Mr. President, while Dr. Selikoff has made remarkable contributions in the areas of medical research and teaching, it is in the area of public policy that he has had his greatest influence, for he always sought the means to transit and implement his and others' research findings into meaningful public policy. While he was a pioneer in research on the treatment of tuberculosis and the recognition of asbestos-related diseases, his greatest contribution was in formulation and dissemination of his research findings to other scientists and to policymakers. There is little doubt that his extensive work with organized labor made occupational safety and health a critical issue for the working men and women of this country. Organized labor in turn, and with the support of Dr. Selikoff, has greatly influenced passage of all occupational and environmental legislation over the last two decades. Other major contributions Dr. Selikoff has made to public health policy include fathering of two important occupational and environmental health journals and founding two important medical societies. Both of these enterprises greatly promoted the use of scientific communication in for the advancement of science.

Mr. President, largely because of Dr. Selikoff the field of occupational and environmental health has made very significant advances over the last two decades. In recognition of Dr. Selikoff's life's work, the Irving J. Selikoff Foundation for Workers and Environmental Health has been established and the Irving J. Selikoff Asbestos Archives and Research Center is being established at the Mount Sinai School of Medicine. I know many of my colleagues join me in giving tribute and honor to Dr. Selikoff for all that he has done for the Amer-

ican people and in congratulating him on the formation of the Selikoff Foundation and the dedication of the Irving J. Selikoff Asbestos Archives and Research Center which will continue, for the decades to come, his vision and dedication to public health and the health of the American worker.●

IN RECOGNITION OF SPECIAL AGENT PATRICK LEAHEY

● Mr. SEYMOUR. Mr. President, I rise today in recognition of Special Agent Patrick Leahey of the Bureau of Alcohol, Tobacco and Firearms upon his recognition by the Federal Bar Association at their Third Annual Salute to Federal Law Enforcement Officers Luncheon which was held on April 21, 1992.

Agent Leahey is to be highly commended for his extraordinary efforts above and beyond the call of duty. On June 18, 1991, Resident Agent in Charge Pratt and Special Agents Michael Dawkins, John Carr, and Patrick Leahey, found themselves in a shoot-out initiated by Darryl Mason, a convicted felon who had a history of narcotic trafficking, assault with a deadly weapon, robbery, burglary, and carrying a concealed weapon.

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After the informant made the initial contact, he informed the agents that Mason and the other suspects were getting the drugs and that the deal would proceed momentarily. A short time thereafter, two suspects were observed entering the garage beneath the apartment complex approaching two Mustang convertibles which were parked side by side in the garage. The agents observed Mason open the trunk of one of the vehicles. Fearing that the suspects were going to try to leave the area, the arrest team called for the execution of the Federal arrest warrant on Mason.

As the arrest team entered the garage, they announced "Federal Officers with a warrant" and yelled, "Police, get down!" The other suspect, Victor Pugh, although armed, immediately dropped his weapon and complied with the agents' instruction. Upon entering the garage, they observed that Mason had removed a large weapon from the trunk of his vehicle and began to fire on the agents. Dawkins, who was in the center of the garage, without cover, returned fire with his shotgun. After being bombarded with gunfire, Dawkins sustained a gunshot wound to his foot. He tried to keep moving but fell to the ground as his foot could not

longer support him. He dropped his shotgun in the fall but immediately drew his handgun and continued to fire at Mason.

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Despite warnings to "freeze and get down," Mason failed to heed the instructions and continued to fire upon the agents. He then turned and fired on Agent Pratt. Pratt responded by firing two rounds from his shotgun, which hit the suspect, causing him to fall to the floor and was immediately handcuffed.

If it were not for the quick response of Agents Pratt, Carr, and Leahey, without concern for their personal safety, it is possible that the gunman could have advanced on the unprotected Agent Dawkins, thereby causing much more serious injuries to the exposed agents.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude and highest commendations to Special Agent Leahey upon his receipt of the Federal Bar Association's Medal of Valor for exemplary service above and beyond the call of duty.●

FAREWELL, DR. EUGENE W. SMITH

● Mr. PRYOR. Mr. President, Arkansas State University in Jonesboro will bid farewell soon to its eighth president, Dr. Eugene W. Smith. Gene Smith's departure as president caps a 34-year career at ASU.

Eugene Smith is a native of Forrest City, AR, where his father was superintendent of schools for 40 years and his mother was a public school teacher. He received his B.A. degree from Arkansas State in 1952. He pursued and completed his master of education and his doctorate in education from the University of Mississippi, with a stint as a commissioned artillery officer in the Korean conflict between degrees.

He came to Arkansas State University in 1958 and has served that fine institution in my State in a number of capacities. He has been instructor, associate professor, and professor of education; he also has administered ASU's graduate programs. From 1959-69, Eugene served as executive assistant to the president. He became vice president for administration in 1969 and then was named dean of the graduate school in 1971. He became senior vice president in 1980.

Gene Smith was installed as ASU's eighth president on February 15, 1984. He has led Arkansas State through some of its finest years.

Though presiding over a university is a full-time job, Gene Smith has also found time to be a force in his local

community. He is president of the Jonesboro Industrial Development Corp. and in 1983 was named Arkansas' Volunteer Industrial Developer of the Year. He serves on the Arkansas State Council for Economic Development and was appointed by Gov. Bill Clinton to serve on the State Committee for Employer Support of the National Guard and Reserve.

A past member of the City Council of Jonesboro and an active member of the Greater Jonesboro Chamber of Commerce, including stints as vice president and president, Gene is also a member of Rotary International and numerous academic fraternities.

Mr. President, this man's energy is never ending. He runs a major university, is active in all the major pursuits of his local community, and is a devoted husband and father.

Dr. Eugene Smith has devoted his life to the pursuit of higher education in Arkansas. We owe him a debt of gratitude. He has attained a well-deserved retirement the old fashioned way—he earned it.

I am proud to call Gene Smith my friend. I wish he and Ann a long and relaxing retirement.●

THE AMERICANS WITH DISABILITIES BROADCAST

● Mr. COHEN. Mr. President, as employers and State and local agencies move to implement the Americans With Disabilities Act, the most sweeping legislation ever to provide greater access to persons with disabilities, I would like to bring to the attention of my colleagues, the fine achievements and outstanding community service of a local radio and talk show in Bangor, ME.

"The Americans With Disabilities Broadcast," aired on Maine Talk Radio and Bangor Cablevision Channel 36, has been providing an invaluable service to Mainers for the past 2 years. The show, staffed and run by persons with mental health and physical disabilities, has supported those with disabilities through an insightful format. The program offers current and useful information about support systems available to its listeners and works to shatter the stigma too commonly associated with persons with disabilities. The program addresses such issues as alcohol and drug abuse, mental illness, blindness, and other physical disabilities.

Recently, the program was recognized by President and Mrs. Bush and has been getting international attention due to its innovative approach.

I am sure that my colleagues will agree that "The Americans With Disabilities Broadcast" program serves as a national model. Through education, this program combats discrimination and tears down misperceptions that are all too often the greatest obstacle to persons with disabilities. I commend

their work and wish them continued success as they inspire and educate their audiences.

The article follows:

[From the Bangor Daily News, Feb. 24, 1992]

BANGOR TALK SHOW A RESOURCE FOR
DISABLED

(By Nancy Garland)

A Bangor radio talk show known as a resource of information for people interested in mental-health or substance-abuse issues may have its format adopted in the international radio circuit, according to Jeff Hamm, the program's creator.

The "Americans With Disabilities Broadcast" airs at 8:05 a.m. Saturdays on Maine Talk Radio (AM 620). It is a program with a unique twist because it is put together by about 12 clients with mental-health problems who research the topics and talk on the air about various issues.

The issues range from advice on prostheses—artificial arms, legs or other body parts—to the problems of people who have the disease of alcoholism or drug addiction.

The talk show also airs at 5:30 p.m. Tuesdays and Thursdays on Bangor Cablevision Channel 36. It also has featured national experts who have talked on the problems of dual diagnosis clients—people who have both mental illness and alcoholism or drug addiction.

Chuck Harmon, spokesman for the National Alliance for the Mentally Ill, has talked about the stigma of mental illness in American society.

In its second year, the show, once aired on college radio stations in Bangor and Orono, switched to commercial radio about five months ago to reach a wider audience. It also expanded its format to include substance abuse problems, according to Hamm, the program's host.

Hamm also is president of the Radio Mental Health Corp., a local organization that was the show's original sponsor.

The program has gained some high-level attention in recent months. President George Bush and first lady Barbara Bush wrote a letter to congratulate Hamm and the staff on their efforts. Some Canadian and Belgian broadcasters have questioned Hamm about using the program's format in their respective countries.

President Bush's signing of the Americans with Disabilities Act last summer gave the program a new lease on life, according to Hamm.

The disabilities act is important because it will improve the lives of handicapped people. It also will provide the backdrop for future programming and community activities for the local radio and its staff, Hamm said.

Hamm and friends are working to make the physical setting at their radio station more accessible to handicapped people.

According to Hamm, plans are under way to provide the station with a ramp to enhance access for disabled and wheelchair-bound people. The ramp completion may be marked with a local parade, a ribbon-cutting ceremony, and a national broadcast by satellite of the disabilities-issues program, Hamm said.

Future plans are exciting, but Hamm said it's important to keep focused on the important service the program provides.

"We need to inform people on issues surrounding disabilities. People need to know what support systems are out there for them," said Hamm.

The program also tries to project the human side of being disabled, Hamm said.

Disabled people "don't want to be hand held," said Hamm. "They want an opportunity to work, to be loved, to be viewed as normal human beings."

The station was formerly owned by writer Stephen King under the call letters WZON.●

THE 100-YEAR ANNIVERSARY OF
CONGREGATION B'NAI DAVID

● Mr. RIEGLE. Mr. President, I rise in commemoration of the May 1992 centennial anniversary of the establishment of Congregation B'nai David of Southfield, MI. For 100 years, this synagogue has served as a center of faith for the Jewish community of southeast Michigan.

At this special time, I pay tribute to the first congregation leaders who worked so diligently to create this place of worship. With a devotion to G-d and a true belief in the importance of preserving and safeguarding Jewish culture and heritage, the founders of B'nai David labored to establish this historic religious center. At the same time, they assured that the synagogue would exist for use by succeeding generations of their community.

The membership of Congregation B'nai David has contributed profoundly to the well-being of Michigan and continues to give generously of itself. As a testament to this reality, many of its members are community leaders in fields such as education, business, government, and social work and have given generously of their time and resources to community endeavors. The congregation has been heavily involved in encouraging understanding among different ethnic and religious groups in the Detroit metropolitan area and participates in numerous philanthropic activities to promote social responsibility.

I offer the entire membership of Congregation B'nai David my best wishes for the future. Through B'nai David's commitment to the Jewish faith and its dedication to the community, I am sure that the synagogue will exist as a citadel of inspiration for at least another 100 years.●

THE UNNECESSARY NEED OF THE
MEDIA FOR SELF-FLAGELLATION

● Mr. D'AMATO. Mr. President, what is this need the media has for self-doubt, for self-flagellation? Every American victory is buried in criticism, every initiative buffeted by second-guessing. "Gulf War Failures Cited," a Washington Post story that appeared on April 11, 1992, stands as a glaring, but hardly unique, example.

As anyone who has even glanced at the thousands of pages of the report, "Conduct of the Persian Gulf War," knows, it is hardly an exercise in hand-wringing over failures. The coalition wrought unprecedented havoc, and suffered extraordinarily few casualties.

The gist of the report parallels impressions of the time: That our equipment worked better than our wildest expectations, that our troops are the best trained in the world, and that our tactics were vastly superior to that of our opponents. It confirms that the "treasure for blood" tradeoff the American public has always insisted on was the right one.

The Post saw things differently. The passage that caught my eye, and prompted this statement, was the following:

The Pentagon's acknowledgement of severe unintended damage contradicted previous official assertions that 43 days of intensive bombing had spared the generators, and renewed questions of responsibility for thousands of civilian postwar deaths.

Renewed questions of responsibility? What questions? Does the Washington Post not know who is responsible? I will tell you who is responsible for Iraqi civilian casualties: Saddam Hussein. Not President Bush, not General Schwarzkopf, not the Air Force, not Captain So-and-So or Commander Such-and-Such, but Saddam Hussein. Saddam Hussein is also responsible for butchering his own Kurdish and Shiite populations, killing Kuwaiti and Israeli civilians, all coalition losses, whether in combat or in accidents, and even the decimation of his own military.

Saddam Hussein is a monster who shot his way into power, launched an 8-year war that was little more than a meat grinder, gassed Kurdish civilians, and raped Kuwait. The deaths, the sorrow, the misery, that each of these actions caused is his responsibility, and his alone. Yet, the media goes into tortured convolutions to lay the blame squarely at our own door.

Desert Storm has been over for more than a year, and yet the press is still finger-pointing over misguided diplomacy, friendly fire, and weapons gone awry. And, admittedly, I am embarrassed to say that, for political reasons, Congress and the administration have only added fuel to the fire.

There is something sick going on, something very neurotic about all this self-abuse. Was the war perfect? No. Were mistakes made? Yes. But where is the balance? Where's the reason? Why is it that, no matter what the issue, the 90 percent that goes right is ignored, and the 10 percent that goes wrong is trumpeted with almost perverse glee? People have lost faith in education, in the police, in government, in labor, in everything, and when I read what I read, and I see what I see, in the news, I do not wonder why.●

IN RECOGNITION OF SPECIAL
AGENT MICHAEL DAWKINS

● Mr. SEYMOUR. Mr. President, I rise today in recognition of Special Agent Michael Dawkins of the Bureau of Alcohol, Tobacco and Firearms upon his

recognition by the Federal Bar Association at their Third Annual Salute to Federal Law Enforcement Officers Luncheon which was held on April 21, 1992.

Agent Dawkins is to be highly commended for his extraordinary efforts above and beyond the call of duty. On June 18, 1991, Resident Agent in Charge Pratt and Special Agents Michael Dawkins, John Carr, and Patrick Leahey, found themselves in a shoot-out initiated by Darryl Mason, a convicted felon who had a history of narcotic trafficking, assault with a deadly weapon, robbery, burglary, and carrying a concealed weapon.

During a surveillance and planned buy/bust, the ATF had planned to execute an outstanding Federal arrest warrant for Mason. All ATF personnel involved in the operation were informed of the intended surveillance of an undercover meeting between a confidential informant and Mason for the purchase of one kilogram of rock cocaine.

After the informant made the initial contact, he informed the agents that Mason and the other suspects were getting the drugs and that the deal would proceed momentarily. A short time thereafter, two suspects were observed entering the garage beneath the apartment complex approaching two Mustang convertibles which were parked side by side in the garage. The agents observed Mason open the trunk of one of the vehicles. Fearing that the suspects were going to try to leave the area, the arrest team called for the execution of the Federal arrest warrant on Mason.

As the arrest team entered the garage, they announced "Federal officers with a warrant" and yelled, "Police, get down!" The other suspect, Victor Pugh, although armed, immediately dropped his weapon and complied with the agents' instruction. Upon entering the garage, they observed that Mason had removed a large weapon from the trunk of his vehicle and began to fire on the agents. Dawkins, who was in the center of the garage, without cover, returned fire with his shotgun. After being bombarded with gunfire, Dawkins sustained a gunshot wound to his foot. He tried to keep moving but fell to the ground as his foot could no longer support him. He dropped his shotgun in the fall but immediately drew his handgun and continued to fire at Mason.

Upon realizing that Dawkins was wounded and still being fired upon, Agents Pratt, Carr, and Leahey, seeking to draw the gunman's attention away from Dawkins, moved their positions and continued to fire upon Mason.

Despite warnings to "freeze and get down," Mason failed to heed the instructions and continued to fire upon the agents. He then turned and fired on

Agent Pratt. Pratt responded by firing two rounds from his shotgun, which hit the suspect, causing him to fall to the floor and he was immediately handcuffed.

If it were not for the quick response of Agents Pratt, Carr, and Leahey, without concern for their personal safety, it is possible that the gunman could have advanced on the unprotected Agent Dawkins, thereby causing much more serious injuries to the exposed agents.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude and highest commendations to Special Agent Dawkins upon his receipt of the Federal Bar Association's Medal of Valor for exemplary service above and beyond the call of duty. ●

DEDICATION OF THE HOWARD R. SWEARER CENTER FOR PUBLIC SERVICE AT BROWN UNIVERSITY, PROVIDENCE, RI

● Mr. CHAFEE. Mr. President, on April 10 the Brown University community honored Dr. Howard R. Swearer, a former Brown University president who passed away last year, by dedicating the Howard R. Swearer Center for Public Service on the university's campus. I was invited to participate in the dedication ceremonies. Unfortunately, the Senate continued its debate on the budget resolution into the late afternoon, and I was unable to attend. I would like to take a moment now to deliver the remarks I prepared for that evening.

When I was invited to speak, I began to think about the principles upon which the Brown University was founded. The original incentive was the desire to perpetuate an educated ministry, but the broader purpose was declared in the charter of 1764 as, " * * * preserving in the community a succession of men, duly qualified for discharging the offices of life with usefulness and reputation."

What makes a person duly qualified? Of course, there are tangible qualifications—the classes one takes, the degree one receives, and the academic honors one may achieve.

Beyond that, though, are the intangibles—respect for oneself and others, and a sense of civic responsibility causing one to reach out to the community and to assist those who may be less fortunate.

Howard Swearer personified these qualities, and was a role model as a public servant. His career included working with the first Peace Corps group that went to Africa and South America, a year as an American Political Science Association congressional fellow, and a number of community and public advocacy organizations in Rhode Island.

During his presidency at Brown, Howard worked to promote a greater

understanding between people of different cultures and backgrounds. He expanded Brown's international studies and student exchange programs, an effort reflecting Howard's academic specialty in the politics of the Soviet Union. Howard also was deeply devoted to diversifying the university's student body.

Howard believed that an undergraduate education should include learning the practice of citizenship through personal efforts to improve the lives of others. And by establishing the Center for Public Service in 1987 and forming the campus compact, Howard helped renew an ethic of public service in students at Brown and at universities across the country.

At one time, public servants were held in high regard by their fellow citizens. Unfortunately, that does not seem to be the case today. The young people involved with the Swearer Center and the recipients of the Swearer scholarships, by their example of excellence and their commitment to serving their communities, are just what is needed to bring about a renewal of trust and confidence in public figures.

I do hope, and I believe it was also Howard's dream, that many of them will consider running for public office within our city, State, or Federal Government. That certainly would be a splendid way to honor Howard and his efforts to perpetuate the invaluable traditions of volunteerism and community service.

Those who come through the center will, I am confident, proceed to discharge their, "offices of life with usefulness and reputation." ●

CHANGE IN STATUS AND CREDIT FOR CERTAIN SERVICE OF CERTAIN MILITARY PERSONNEL

Mr. WELLSTONE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 446, S. 2569, a bill to provide for certain military promotions; that the bill be deemed read for the third time; passed; and that the motion to reconsider be laid upon the table.

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

The bill (S. 2569) to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; to provide joint duty credit for certain service; and to provide for the temporary continuation of the current Deputy National Security Adviser in a flag officer grade in the Navy, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2569

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

SECTION 1. VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) DESIGNATION AS A MEMBER OF THE JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Vice Chairman.”.

(b) CONFORMING AMENDMENTS.—(1) Section 154 of such title is amended—

(A) in subsection (c), by striking out “such” and inserting in lieu thereof “the duties prescribed for him as a member of the Joint Chiefs of Staff and such other”;

(B) by striking out subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(2) Section 155(a)(1) of such title is amended by striking out “and the Vice Chairman.”

SEC. 2. JOINT DUTY CREDIT FOR EQUIVALENT DUTY IN OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) IN GENERAL.—(1) The Secretary of Defense, upon a recommendation made in accordance with paragraph (3), shall credit an officer of the Armed Forces of the United States who has completed service described in paragraph (2) as having completed a full tour of duty in a joint duty assignment for the purposes of chapter 38 of title 10, United States Code.

(2) Paragraph (1) applies to any officer who, after August 1, 1990, and before October 1, 1991, performed service in an assignment in the Persian Gulf combat zone that—

(A) provided significant experience in joint matters; or

(B) involved frequent professional interaction of that officer with (i) units and members of any of the armed forces other than the officer's armed force, or (ii) an allied armed force.

(3) The Secretary shall take action under paragraph (1) in the case of any officer if that action is recommended, with the concurrence of the Chairman of the Joint Chiefs of Staff, by the Chief of Staff of the Army (for an officer in the Army), the Chief of Naval Operations (for an officer in the Navy), the Chief of Staff of the Air Force (for an officer in the Air Force), or the Commandant of the Marine Corps (for an officer in the Marine Corps).

(b) INAPPLICABILITY OF CERTAIN REPORTING AND POLICY REQUIREMENTS.—Officers for whom joint duty credit has been granted pursuant to subsection (a) shall not be counted for the purposes of paragraphs (7), (8), (9), (11), or (12) of section 667 of title 10, United States Code, and subsections (a)(3) and (b) of section 662 of such title.

(c) INFORMATION ON EXERCISE OF AUTHORITY TO BE INCLUDED IN FISCAL YEAR 1993 ANNUAL REPORT.—The annual report submitted to Congress by the Secretary of Defense for fiscal year 1993 under section 113(c) of title 10, United States Code, shall include the following information:

(1) The total number of officers granted joint duty credit pursuant to subsection (a).

(2) The total number of such officers for each armed force.

(3) The total number of officers in each grade and each occupational specialty who have been granted joint duty credit pursuant to subsection (a).

(4) For each armed force, the total number of such officers in each grade and each occupational specialty who have been granted such credit.

(d) DEFINITIONS.—In this section:

(1) The term “joint matters” has the meaning given such term in section 668(a) of title 10, United States Code.

(2) The term “Persian Gulf combat zone” means the area designated by the President as the combat zone for Operation Desert Shield, Operation Desert Storm, and related operations for purposes of section 112 of the Internal Revenue Code of 1986.

SEC. 3. GRADE OF THE CURRENT DEPUTY NATIONAL SECURITY ADVISOR WHILE PENDING RETIREMENT IN THE NAVY.

(a) TEMPORARY CONTINUATION IN GRADE.—Notwithstanding the period of limitation contained in section 601(b)(4) of title 10, United States Code, the person who began service in the position of Deputy Assistant to the President and Deputy for National Security Affairs on December 5, 1991, shall continue to hold the grade of admiral while awaiting retirement in the Navy, except that such person may not continue to hold that grade under the authority of this section after the earlier of—

(1) the date on which he terminates service in that position; or

(2) June 4, 1992.

(b) EFFECTIVE DATE.—This section shall take effect as of December 5, 1991.

ORDERS FOR APRIL 29 AND APRIL 30, 1992

Mr. WELLSTONE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, April 29; that following the prayer, the Journal of Proceedings be deemed approved to date, and that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each; that during morning business there be a total of 75 minutes under the control of Senators KERRY and SMITH; that Senators MACK, DOLE, and METZENBAUM be recognized for up to 15 minutes each; Senator GRAMM for up to 10 minutes and Senator LEVIN for up to 5 minutes; that at 12 noon, the Senate resume consideration of S. 3, the Senate Election Ethics Act conference report; that when the Senate completes its business on Wednesday, April 29, it stand in recess until 9:30 a.m., Thursday, April 30; that following the prayer, the Journal of Proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:40 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the time from 9:30 a.m. to 10:30 a.m., under the control of the majority leader or his designee; that at 10:40 a.m., Thursday, the Senate stand in recess until 1 p.m.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WELLSTONE. Madam President, if there is no further business to come before the Senate today, I ask unani-

mous consent that the Senate stand in recess until 9:30 a.m., Wednesday, April 29, 1992.

There being no objection, the Senate, at 5:50 p.m., recessed until Wednesday, April 29, 1992, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 1992:

DEPARTMENT OF STATE

DENNIS P. BARRETT, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF MADAGASCAR.

RICHARD GOODWIN CAPEN, JR., OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

ROGER A. MCGUIRE, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

WILLIAM CLARK, JR., OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE, VICE RICHARD H. SOLOMON.

JAMES P. COVEY, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS. (NEW POSITION)

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JAMES THOMAS GRADY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1994. (REAPPOINTMENT)

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

PAMELA J. TURNER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1995. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

JAMES D. JAMESON, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE TIMOTHY JOHN MCBRIDE, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CLARENCE H. ALBRIGHT, JR., OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE FRANCIS ANTHONY KEATING II.

THE JUDICIARY

NATHANIEL M. GORTON, OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

COMMODITY FUTURES TRADING COMMISSION

STEVEN MANASTER, OF UTAH, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1997, VICE FOWLER C. WEST, TERM EXPIRING.

FEDERAL LABOR RELATIONS AUTHORITY

TONY ARMENDARIZ, OF TEXAS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 29, 1997. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PHILIP BRUNELLE, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 1994, VICE PHYLLIS CURTIN, RESIGNED.

DEPARTMENT OF ENERGY

LINDA GILLESPIE STUNTZ, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE W. HENSON MOORE.

DEPARTMENT OF DEFENSE

G. KIM WINCUP, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE JOHN J. WELCH, JR.

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF REAR ADMIRAL:

FRED S. GOLOVE GEORGE R. MERRILEES

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD RESERVE FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

ROBERT E. SLONCEN

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

ANNE H. AARNES, OF WASHINGTON
CURTIS W. CHRISTENSEN, OF MARYLAND
ALFRED M. CLAVELLI, OF NEVADA
MICHAEL S. GOULD, OF NEW JERSEY
LINDA RAE GREGORY, OF VIRGINIA
ROBERT PAUL MATHIA, OF FLORIDA
LOUIS MUNDY III, OF FLORIDA
WILLARD J. PEARSON, JR., OF INDIANA
DONALD L. PRESSLEY, OF VIRGINIA
HOWARD J. SUMKA, OF MARYLAND

FOR REAPPOINTMENT IN THE FOREIGN SERVICE AS A FOREIGN SERVICE OFFICER OF CLASS TWO, A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

WILLIAM A. EATON, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

STEPHEN K. CRAVEN, OF NORTH CAROLINA

AGENCY FOR INTERNATIONAL DEVELOPMENT

HILDA MARIE ARELLANO, OF TEXAS
THOMAS C. ASMUS, OF TEXAS
GERALD ANTHONY CASHION, OF VIRGINIA
JAMES R. CUMMISKEY, OF MARYLAND
ANTHONY NICHOLAS DELEO, OF PENNSYLVANIA
CORWIN VANE EDWARDS, JR., OF MARYLAND
TIMOTHY J. FRANCHOIS, OF VIRGINIA
RODGER D. GARNER, OF OREGON
H. PAUL GREENOUGH, OF VIRGINIA
DAVID HUNTER STOCKTON HOELSCHER, OF MARYLAND
JAMES L. JARRELL, OF OHIO
DREW WILLIAM LUTEN III, OF MISSOURI
ALFRED NAKATSUMA-VACA, OF CALIFORNIA
ROBERT LEONARD GEORGE O'LEARY, OF VIRGINIA
SALLY JO PATTON, OF THE DISTRICT OF COLUMBIA
SANATH KUMAR REDDY, OF ALABAMA
CURTIS A. REINTSMA, OF VIRGINIA
JOHN WAYNE SCHAMPER, OF NEVADA
MARILYNN ANN SCHMIDT, OF VIRGINIA

U.S. INFORMATION AGENCY

LARRY A. MOODY, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

LEANNE HOGIE, OF SOUTH DAKOTA
ALAN HRAPSKY, OF MICHIGAN
ROSS KREAMER, OF KENTUCKY
S. ROD MCSHERRY, OF NEW MEXICO
WAYNE MOLSTAD, OF WISCONSIN
EUGENE PHILHOWER, OF NEW JERSEY
JOHN B. REYNOLDS, OF PENNSYLVANIA
SCOTT R. REYNOLDS, OF PENNSYLVANIA
LAURA SCANDURRA, OF VIRGINIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

MARY BETH ALLEN, OF MASSACHUSETTS
HAWTHORNE AIDA MATEO ANGELES, OF VIRGINIA
DENISE A. AWAD, OF PENNSYLVANIA
FELIX N. AWANTANG, OF MARYLAND
TERRY G. BASKIN, OF NEVADA
CAROL R. BECKER, OF CALIFORNIA
DAN WILLIAM BLUMHAGEN, OF WASHINGTON
ALFREDA MAE BREWER, OF OHIO
PAULA J. BRYAN, OF PENNSYLVANIA
ALBERT L. CATES, OF NEW MEXICO
ENRIQUE FRANCISCO CELAYA, OF FLORIDA
SUSAN A. CLAY, OF VIRGINIA
TULLY R. CORNICK, V. OF NEW YORK
CHARLES J. CRANE, OF NEW MEXICO
SHARON L. CROMER, OF NEW YORK
GERARD M. CUSTER, OF NEVADA
KIRK M. DAHLGREN, OF CALIFORNIA
DULAL C. DATTA, OF TEXAS
PAUL DAVIS, OF NEW HAMPSHIRE

CARL BRANDON DERRICK, OF FLORIDA
ALEXANDER DICKIE IV, OF TEXAS
BRENDA A. DOE, OF MINNESOTA
VIRGILINO L. DUARTE, OF MAINE
JIMMY D. DUVAL, OF LOUISIANA
PATRICK CHILION FINE, OF NEW YORK
JANA P. CONSON, OF CALIFORNIA
RICHARD S. GREENE, OF CALIFORNIA
S. ELAINE GRIGSBY-ARNADE, OF FLORIDA
SHANKAR GUPTA, OF MARYLAND
MATHIAS MUZA GWESHE, OF FLORIDA
KAREN LOUISE RUFFING HILLIARD, OF FLORIDA
NANCY L. HOFFMAN, OF PENNSYLVANIA
PENELOPE L. HONG, OF TEXAS
NANCY L. HOOFF, OF WEST VIRGINIA
CLAIRE J. JOHNSON, OF FLORIDA
PATRICIA L. JORDAN, OF OHIO
YASHWANT KAINTH, OF VIRGINIA
JOHN L. KATT, JR., OF FLORIDA
SHERYL KELLER, OF CONNECTICUT
ROBERT KIRK, OF INDIANA
S. PETER KLOSKEY IV, OF FLORIDA
BARBARA JEANNE KRELL, OF LOUISIANA
RICHARD A. LAWRENCE, OF MARYLAND
JON DANIEL LINDBORG, OF INDIANA
JAMES M. LOCASTE, OF TEXAS
DAVID J. LOSK, OF CALIFORNIA
CECILY L. MANGO, OF NEW HAMPSHIRE
WILLIAM B. MARTIN, OF FLORIDA
TEJ S. MATHUR, OF CALIFORNIA
DELBERT N. MCCLUSKEY, OF OREGON
CHRISTOPHER MCDERMOTT, OF MAINE
KATHLEEN S. MCDONALD, OF WISCONSIN
RAYMOND HEROLD MORTON, OF VIRGINIA
RANDALL G. PETERSON, OF WISCONSIN
LEONEL T. PIZARRO, OF CALIFORNIA
IQBAL QAZI, OF CALIFORNIA
THOMAS Y. QUAN, JR., OF TEXAS
R. THOMAS RAY, OF NEW YORK
RAY R. REDDY, OF CALIFORNIA
RAYMOND Z.H. RENFRO, OF OKLAHOMA
KURT A. ROCKEMAN, OF MONTANA
DENISE ANNETTE ROLLINS, OF MICHIGAN
DAVID H.A. SCHRODER, OF MISSOURI
MARY P. SELVAGGIO, OF ILLINOIS
CARINA L. STOVER, OF CALIFORNIA
DAWN A. THOMAS, OF NEW YORK
GARY W. VANDERHOOF, OF CALIFORNIA
DANA MARIE VOGEL, OF CALIFORNIA
ELZADIA WASHINGTON, OF ARKANSAS
LEON STEPHEN WASKIN, JR., OF MICHIGAN
LINDA D. WHITLOCK, OF NEW YORK
JOSEPH CRAWFORD WILLIAMS, OF TENNESSEE
SARAH W. WINES, OF CALIFORNIA
MICHAEL LOUIS WISE, OF WEST VIRGINIA
RICHARD J. WOMACK, OF WASHINGTON
ANDREA J. YATES, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ROBERT A. ARMSTRONG, OF KANSAS
DANIEL P. BELLEGARDE, OF NEW HAMPSHIRE
GREGORY DEAN CHAPMAN, OF GEORGIA
EDWARD JOHN FENDLEY, OF ILLINOIS
LAWRENCE J. GUMBINER, OF CALIFORNIA
RUSSELL J. HANKS, OF NEW MEXICO
ROBERT F. HANNAN, JR., OF MASSACHUSETTS
THOMAS J. HUSHEK, OF WISCONSIN
KATHERINE MARIE INGMANSON, OF WASHINGTON
KAREN ELIZABETH JOHNSON, OF TEXAS
JAMES MARX LEVY, OF WASHINGTON
PHILIP N. LOHRE, OF COLORADO
MARTHA L. MELZOW, OF CALIFORNIA
WILLIAM F. MOONEY, OF MARYLAND
R. BRUCE NEULING, OF CALIFORNIA
LAWRENCE PATTERSON NOYES, OF NEW JERSEY
JOHN OLSON, OF CALIFORNIA
BLOSSOM N. S. PERRY, OF VIRGINIA
RICHARD G. ROSENMAN, OF CALIFORNIA
PHILIP NYE SUTER, OF MASSACHUSETTS

DEPARTMENT OF AGRICULTURE

LESLIE BERGER, OF NEW HAMPSHIRE

DEPARTMENT OF COMMERCE

DANIEL THOMPSON, OF CALIFORNIA

U.S. INFORMATION AGENCY

WILLIAM HINTON COOK, OF TENNESSEE
JOHN ANDREW CORTEZ-GREG, OF CALIFORNIA
SOPHIE L. FOLLY, OF THE DISTRICT OF COLUMBIA
JENNIFER ZIMDAHL GALT, OF COLORADO
OLIVIA P. L. HILTON, OF NEW YORK
KELLY ANN KEIDERLING, OF CALIFORNIA
BARTON WILLIAM MARCOIS, OF CALIFORNIA
CHRISTOPHER MIDURA, OF TENNESSEE
CHRISTOPHER F. SCHARF, OF NEW YORK
KENNEY LECHMAN VEAL, OF MISSOURI
VIVIAN S. WALKER, OF CALIFORNIA
STACY E. WHITE, OF TEXAS
ROBERT ANTHONY WOOD, OF NEW YORK

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

C. PATRICIA ALSUP, OF FLORIDA
KENNETH R. ANDERSON, OF VIRGINIA
SANDRA L. ASHBY, OF VIRGINIA
DEBORAH A. BARIBEAU, OF VIRGINIA
ANTONIA JOY BARRY, OF PENNSYLVANIA
PAMELA MARIE BATES, OF OHIO
ROBERT A. BAXTER, OF VIRGINIA
DON J. BENNETT, OF VIRGINIA
MARCIA PATRICIA BOSSHARDT, OF TEXAS
LAURA A. BUCKWALD, OF VIRGINIA
DEBORAH M. CARNEY, OF VIRGINIA
THEODORE E. CARRICK, OF VIRGINIA
MICHAEL S. CATT, OF OHIO
MARK A. CAUDILL, OF VIRGINIA
MARK DANIEL CLARK, OF ARIZONA
STEVEN COATS, OF ILLINOIS
DAVID C. CONNELL, OF THE DISTRICT OF COLUMBIA
ANA CORONA, OF VIRGINIA
GINA M. CORTESELLI, OF VIRGINIA
KATHLEEN L. CUNNINGHAM, OF IOWA
ELINOR ANN DE MENDONCA, OF VIRGINIA
MICHAEL DETAR, OF NEW YORK
RODGER JAN DEUERLEIN, OF CALIFORNIA
DANIEL A. DONZE, OF ARIZONA
WILLIAM HUIE DUNCAN, OF MARYLAND
BRADLEY JAMES DUNN, OF VIRGINIA
SCOTT L. EDER, OF FLORIDA
DIANE M. EGAN, OF VIRGINIA
MARK CHRISTOPHER ELLIOTT, OF MARYLAND
JESSICA ELLIS, OF WASHINGTON
KIMBERLY K. EVERETT, OF VIRGINIA
MELISSA G. FORD, OF CALIFORNIA
THOMAS F. FORT, OF VIRGINIA
JERRY J. FOTHERINGILL, OF THE DISTRICT OF COLUMBIA
ELEANORE M. FOX, OF CALIFORNIA
SUSAN H. FROST, OF NORTH CAROLINA
GREGORY D.S. FUKUTOMI, OF NEW YORK
SANDRA HAMILTON GAYTON, OF ARIZONA
MARY F. GERARD, OF CALIFORNIA
JOANNE L. GIESS, OF VIRGINIA
REBECCA ELIZA GONZALES, OF TEXAS
STEFAN GRANITO, OF FLORIDA
PETER X. HARDING, OF MASSACHUSETTS
SUSAN HEBERT-CLEARY, OF NEW YORK
GARY RUSSELL HOBIN, OF GEORGIA
JAMIE P. HORSLEY, OF CALIFORNIA
RANDALL WARREN HOUSTON, OF CALIFORNIA
RICHARD W. HUCKABY, OF SOUTH CAROLINA
COLLEEN ELIZABETH HYLAND, OF NEW HAMPSHIRE
JILL JOHNSON, OF CALIFORNIA
LESLIE A. JOHNSON, OF VIRGINIA
MARGARET F. JUDY, OF MARYLAND
TIMOTHY B. KANE, OF VIRGINIA
DIANE M. KAUFFMANN, OF VIRGINIA
COLLEEN M. KEELEY, OF VIRGINIA
LISA C. KENNEDY, OF CALIFORNIA
GREGORY S. KEOUGH, OF MARYLAND
ERIC R. KETTNER, OF WISCONSIN
ALLEN H. KUPETZ, OF TEXAS
FREDERICK B. KURTZ, OF NEW JERSEY
RANDALL J. LABOUNTY, OF MISSOURI
BRIAN LIEKE, OF TEXAS
NICOLE LISE, OF NEW YORK
CAROLINE B. MANGELSDORF, OF CALIFORNIA
DAVID H. MARTINEZ, OF VIRGINIA
JAMES M. MCCARTHY, OF MARYLAND
BRIAN F. MCCAULEY, OF VIRGINIA
FRED C. MCKINNEY, OF VIRGINIA
KATHLEEN M. MCQUAID, OF VIRGINIA
DAVID SLAYTON MEALE, OF VIRGINIA
REGINALD A. MILLER, OF CALIFORNIA
STEPHEN H. MILLER, OF MARYLAND
THOMAS E. MOORE, OF TEXAS
ROBERT M. MURPHY, OF WASHINGTON
DONALD E. MURPH, OF VIRGINIA
ROSALEEN A. O'TOOLE, OF VIRGINIA
JAMES M. PEREZ, OF FLORIDA
PETER G. PINESS, OF VIRGINIA
MIRA FIPLANI, OF VIRGINIA
SARA ELLEN POTTER, OF VIRGINIA
EMILIA A. PUMA, OF PENNSYLVANIA
JAMES E. REESE, OF VIRGINIA
RICHARD T. REITER, OF CALIFORNIA
JOHN D. RUBIO, OF PUERTO RICO
SUSAN LAURA RUFFO, OF WASHINGTON
JULIE ANN RUTERBORIES, OF THE DISTRICT OF COLUMBIA
HEIDI ANNE SCHARADIN, OF INDIANA
ALBERT C. SCHULTZ, OF INDIANA
MILLICENT H. SCHWENK, OF VIRGINIA
LARRY G. SEALS, OF VIRGINIA
KENT C. SHIGETOMI, OF WASHINGTON
LILLIAN A. STEELE, OF CALIFORNIA
GREGORY D. STOLP, OF VIRGINIA
MARGARET L. TAMS, OF COLORADO
LISA L. TEPPER, OF CALIFORNIA
KATHERINE A. THOMAS, OF OREGON
KATHERINE VAN DE VATE, OF NEW JERSEY
ROBERT C. WARD, OF VIRGINIA
MELISSA A. WELCH, OF VIRGINIA
JENNIFER K. WESTON, OF VIRGINIA
WENDY FLEMING WHEELER, OF WASHINGTON
LYNN MARIE WHITLOCK, OF PENNSYLVANIA
JOCK WHITTLESEY, OF FLORIDA
KAREN L. WILLIAMS, OF MISSOURI

THE FOLLOWING-NAMED PERSON OF THE DEPARTMENT OF STATE, PREVIOUSLY APPOINTED AS FOREIGN SERVICE OFFICER OF CLASS FOUR, A CONSULAR OFFI-

CER, AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA MAY 15, 1989, NOW TO BE EFFECTIVE APRIL 28, 1989.

DANIEL RICHARD RUSSEL, OF CALIFORNIA
IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. DONALD J. KUTYNA, xxx-xx-xx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. CHARLES A. HORNER, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. VERNON J. KONDRA, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CLIFFORD H. REES, JR., xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL A. NELSON, xxx-xx-xx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ROBERT L. RUTHERFORD, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MALCOLM B. ARMSTRONG, xxx-xx-xx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BUSTER C. GLOSSON, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES L. JAMERSON, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ARLEN D. JAMESON, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. WALTER KROSS, xxx-xx-xx, U.S. AIR FORCE
IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN R. GALVIN, xxx-xx-xx, U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR REASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. HENRY C. STACKPOLE, III, xxx-xx-xx, USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. NORMAN E. EHLERT, xxx-xx-xx, USMC.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

To be Vice Chief of Naval Operations

To be admiral

VICE ADM. STANLEY R. ARTHUR, U.S. NAVY, xxx-xx-xx.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. HENRY H. MAUZ, JR., U.S. NAVY, xxx-xx-xx.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JERRY O. TUTTLE, U.S. NAVY, xxx-xx-xx.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JERRY L. UNRUH, U.S. NAVY, xxx-xx-xx.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. EDWARD M. STRAW, SUPPLY CORPS, U.S. NAVY, xxx-xx-xx.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY W. WRIGHT, U.S. NAVY, xxx-xx-xx.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JOSEPH W. PRUEHER, U.S. NAVY, xxx-xx-xx.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

ROBERT T. KINDLEY, xxx-xx-xx.
CARLOS A. LAVARREDA, xxx-xx-xx.

To be major

EDWIN C. TELFER, xxx-xx-xx.

DENTAL CORPS

To be lieutenant colonel

DAVID R. COOLEY, xxx-xx-xx.
JAMES M. DUNBAR, xxx-xx-xx.

ALAN L. FAHNRICH, xxx-xx-xx.
TIMOTHY M. FRANK, xxx-xx-xx.
DONALD P. GIBSON, xxx-xx-xx.
JOHN W. HOFMAN, xxx-xx-xx.
JOHN S. HORNBERG, xxx-xx-xx.
THOMAS W. MITCHELL, xxx-xx-xx.
TODD A. SNEESBY, xxx-xx-xx.
MICHAEL D. ZOLLARS, xxx-xx-xx.

To be major

CHARLES H. DEAN, JR., xxx-xx-xx.
PAUL W. HAAG, xxx-xx-xx.
JUDITH G. HILL, xxx-xx-xx.
GLORIA J. HOBAN, xxx-xx-xx.
RICHARD E. RUTLEDGE, xxx-xx-xx.
PHILLIP R. SANDEFUR, xxx-xx-xx.

To be captain

DIANE J. FLINT, xxx-xx-xx.
TIMOTHY J. HALLIGAN, xxx-xx-xx.
MICHAEL A. MOSUR, xxx-xx-xx.

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

ANTONIO P. CABREIRA, xxx-xx-xx.
EDWARD J. FALESKI, xxx-xx-xx.
ROBERT J. GRANT, xxx-xx-xx.
EDWARD I. MELTON, JR., xxx-xx-xx.
JOHN T. NUCKOLS, xxx-xx-xx.
WEN HAN, TSUNG, xxx-xx-xx.
JOSEPH W. WOLFE, xxx-xx-xx.

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTION 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

MARILYN P. MARTINETTO, xxx-xx-xx.
ROBERT W. PATRICK, xxx-xx-xx.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

FRANCISCO B. BRIARTE, xxx-xx-xx.

JUDGE ADVOCATE GENERAL

To be lieutenant colonel

MICHAEL R. MCMILLION, xxx-xx-xx.

ARMY

To be major

*JAMES M. GORHAM, xxx-xx-xxxx.
DUNCAN M. LANG, xxx-xx-xx.

JUDGE ADVOCATE GENERAL

To be major

*ALETHA H. BARNETT-FRIEDEL, xxx-xx-xx.
*DANIEL L. HOSSBACH, xxx-xx-xx.

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

MEDICAL CORPS

To be lieutenant colonel

DAVITT, WILLIAM F., III, xxx-xx-xx.
JOHNSTONE, ROBERT E., xxx-xx-xx.
MULCHIN, NICK J., xxx-xx-xx.
PERNICE, CHARLES A., xxx-xx-xx.
PISARELLO, JUAN C., xxx-xx-xx.
ROSS, HERBERT E., xxx-xx-xx.
SNEAD, JOSEPH A., xxx-xx-xx.

IN THE NAVY

THE FOLLOWING NAMED REGULAR OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(A):

To be lieutenant

DAVIS, WILLIAM K.

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE)

IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant (junior grade)

COYLE, PHILIP L. HOFMEISTER, ERIC R.
LAMONT, DONALD J. LEE, TODD R.
STCLAIR, JOHN H.

THE FOLLOWING NAMED LINE OFFICERS TO BE RE-APPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be ensign

CONE, MICHAEL J. GRAULICH, DAVID G.
HARAN, GERALD B., JR. HUNTER, EDWARD S.
SMALLWOOD, MACEO L.

THE FOLLOWING NAMED LINE OFFICER TO BE RE-APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant

ARROYO, ERICK A.

THE FOLLOWING NAMED LINE OFFICERS TO BE RE-APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant (junior grade)

KNIGHT, JOHN A. LEWIS, BRIAN J.
STAUNTON, DOUGLAS A. YORK, SAMUEL R.

THE FOLLOWING NAMED LINE OFFICERS TO BE RE-APPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be ensign

MCCUTCHEEN, DOUGLAS E. SHELDON, GERALD E.
WILLMORE, CHARLES S. WYDAJEWSKI, KENNETH J.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be major

MARK S. * ACKERMAN
RICHARD J. * ANDERSON
DONNA L. * BARLETT
FRIEDEL A. * BARNETT
WILLIAM T. * BARTO
EDWARD E. * BEAUCHAMP
NICHOLAS * BETSACON
MICHAEL C. * BOBRICK
ALAN M. * BOYD
JEFFREY L. * CADDELL
JAMES P. CALVI
* CASTIGLIONE-CATALDO
STEPHEN E. * CASTLEN
MEREDITH * CHARBULA
AMAURY * COLONBURGOS
MARK * CREMIN
MICHAEL J. DAVIDSON
JEFFREY J. * DELFUOCO
KENT D. * DUNCAN
ANNE * EHRSAMHOLLAND
MAX W. * ERICKSON
GEORGE A. * FIGURSKI
RAFE R. * FOSTER
AMY M. * FRISK
CHRISTOPHER GARCIA
SUSAN S. * GIBSON
RODNEY A. * GRANDON
JILL M. * GRANT
SARAH S. * GREEN
DAVID P. * GUERRERO
ROBIN L. * HALL
JULIE K. * HASDORFF
JAMES M. * HEATON
STEPHEN R. HENLEY
DAVID T. * HENRY
CHARLES B. * HEINICHA
DAVID C. * HOFFMAN
DANIEL L. * HOSSBACH
ANDY K. * HUGHES
JOHN K. * HUTSON
JOHN V. * IMHOF
WINSTON J. * JACKSON
KEVAN F. * JACOBSON
KAREN L. * JUDKINS
JOHN * KASTENBAUER
SCOTT L. * KILGORE
LAUREN B. * LEEKER
JON L. * LIGHTNER
JACQUELINE * LITTLE
JAMES K. * LOVEJOY
TIMOTHY W. * LUCAS
EVERETT * MAYNARD
DOUGLAS K. MICKLE
LESLIE A. * NEPPER

RICHARD B. * OKEEFFE
STEPHEN M. * PARKE
TIMOTHY * PENDOLINO
ALLISON A. * POLCHECK
WENDY A. * POLK
MARK C. * PRUGH
HOWARD J. * REVIS
TIMOTHY P. * RILEY
MARK A. * RIVEST
MARITZA S. RYAN
KATHRYN * SOMMER
BRADLEY P. * STAI
MICHAEL I. * STUMPH
BEDARD M. * TALBOT
LAWRENCE J. * WILDE
JOHN I. * WINN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF MAJOR UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

EDUARDO ACOSTA
SCOTT R. ADAMS
WILLIAM T. AKANA
MARTIN S. ALMQUIST
KENNETH W. AMIDON
ROBERT V. AMIRANTE
DONALD J. ANDERSON
MICHAEL B. ANDERSON
TRUMAN D. ANDERSON, JR.
STEVEN J. ANDREWS
PHILLIP J. ANTONINO
LYLE O. ARMEL, III
TERRY R. ARMSTRONG
JOEL K. ASHINHURST
PATRICK E. BAILEY
LAURENT O. BAKER
MICHAEL L. BAKER
STEPHEN C. BAKER
STEVEN J. BAKER
MARK D. BALLINGER
THOMAS M. BANE
TIMOTHY M. BARNES
MAUREEN A. BASHAM
GREGORY D. BATES
MITCHELL A. BAUMAN
FRANK C. BAYNARD, JR.
ROBERT K. BEAUCHAMP
JOHN S. BENNETT
PAUL D. BENNETT
DAVID H. BERGER
MICHAEL A. BERMUDEZ
KENNETH D. BEST
STUART C. BETTS
KENNETH L. BEUTEL
WILLIAM D. BEYDLEN
DONALD F. BIEDERMAN, JR.
WAYNE W. BIERMOLT
WILLIAM L. BLAIR, II
CHRISTOPHE E. BLANCHARD
MARK C. BLAYDES
JOSHUA J. BOCCINO
PAULA M. BOGDIEWICZ
JEFFREY W. BOLANDER
ROBERT G. BONSIGNORE
CHRISTOPHE M. BOURNE
JOHN H. BOWER, JR.
GREGORY A. BOYLE
DARLENE A. BRABANT
JAMES R. BRADEN
THOMAS C. BRADEN
MARK A. BRILAKIS
JAMES M. BROCKMANN
DAVID E. BROOKS
LORIN K. BROWN
MARLON F. BROWN
RONALD E. BROWNING
DONALD S. BRUCE
RONALD J. BUIKEMA
STEVEN W. BUSBY
NEIL K. CADWALLADER
JAMES E. CALLAWAY
STEPHEN J. CAMERON
ERIC H. CARLSON
THOMAS P. CARMODY
JOHN M. CARRETTI
DANIEL D. GARY
PAUL C. CASTO
EDWARD R. CAWTHON
KERRY A. CERNY
ROBERT H. CHASE, JR.
DANIEL J. CHOIRE
MARK G. CIANCIOLO
LISA M. CICCHINI
GREG R. CLARE
MARK A. CLARK
ROBERT D. CLINTON
RAYMOND E. COIA
TODD COKER
PETER B. COLLINS
RICHARD D. COLVARD
CHRISTOPHE C. CONLID
MARSHALL I. CONSIDINE
CHARLES J. COOGAN
CHRISTOPHE M. COOKE
ALAN D. COPELAND
ROBERT A. CREEDON, III
ANN L. CRITTENDEN
JOHN P. CROOK
KENNETH E. CROSBY, JR.

STEPHEN W. CROWELL
FRANCIS X. CUBILLO
JAMES C. CUMMISKEY
RICHARD D. CURRAN
MARK R. CYR
JOSEPH H. DAVIS
MARTIN E. DAHL
PETER K. DAHL
DOUGLAS J. DAILEY
JAMES R. DALEY
MICHAEL G. DANA
MICHAEL R. DARNELL
PAUL S. DAUGHTRIDGE
JOSEPH D. DAUPLAISE
CARL E. DAVIS
PETER B. DAVIS
STEPHEN W. DAVIS
JAMES A. DAY
RODNEY L. DEARTH
ENRICO G. DEGUZMAN
GERALD A. DEPASQUALE
WILLIAM J. DEVLIN
KEVIN M. DEVORE
JAMES A. DIXON
BRUCE D. DONOVAN
DEREK J. DONOVAN
BRENT A. DOUGLAS
STEVEN W. DOWLING
GARY C. DOWNEY
JOHN D. DOWNEY
THOMAS B. DOWNEY
EDWARD J. DUFFY
JOHN D. DULLE
CHARLES R. DUNLAP
CHARLES S. DUNSTON
WILLIAM E. DYE
BASCOM D. EAKER
CHRISTOPHE M. EKMAN
JOHN K. ELDER
CHRISTOPHE H. ELLIS
THOMAS D. ELLIS
OWEN W. ENGLANDER
LEO A. FALCAM, JR.
LESLYE J. FALCAM
JOSEPH L. FALVEY, JR.
JOHN M. FARLEY
RONNIE J. FARMER
ALLAN M. FAXON, JR.
GREGORY S. FERRANDO
PETER J. FERRARO
TIMOTEO R. FIERRO, JR.
DEAN E. FISH
JOHN A. FOUQUER
DAVID G. FRITZ
DAVID C. FUGUCHI
STEVEN H. FUTCH
DANIEL P. GANNON
JOHN C. GAUTHIER
BART R. GENTRY
STEVEN J. GOTTLIEB
JAMES L. GOUGH
WILLIAM R. GRACE
GLEN C. GRAHAM
JACOB L. GRAHAM
DAVID S. GREENBURG
PATRICK J. GREENE
KENNETH C. GRENIER
PAUL D. GRENSEMAN
JUDY A. GRETCH
RAYBURN G. GRIFFITH
ERIC W. GUENTHER
CARL A. GUMPERT, JR.
ELLEN K. HADDOCK
KEVIN J. HAGENBUCH
JAMES E. HALL
JEFFREY A. HALTERMAN
STEVEN P. HAMMOND
SCOTT P. HANEY
DONALD K. HANSEN
JOHN D. HARRIGAN
DANIEL F. HARRINGTON
KATHLEEN V. HARRISON
GUY F. HARTMAN
RICHARD M. HASEY
KIP J. HASKELL
MICHAEL G. HAWKINS
DALE B. HAYWARD
DAVID J. HEAD
BRIAN J. HEARNSBERGER
MICHAEL R. HENDERSON
JOHN E. HICKEY, III
PAUL K. HILTON
MARK P. HINES
RANDALL A. HODGE
DEBRA L. HOGSTETTER
STEVEN D. HOGG
JOLENE L. HOLLINGSHEAD
STEVEN E. HOLMES
ERIC C. HOLT
DAVID K. HOUGH
KIRK W. HOWARD
JERRY D. HOWELL
CHARLES L. HUDSON
TIMOTHY H. HUETE
CHARLES G. HUGHES, II
DAVID W. HUNT
THOMAS R. HUNT
ROBIN R. HYDE
RONALD P. IRICK
CHARLES H. JAY
ERIC P. JOHNSON
ROBERT E. JOHNSON

RONN C. JOHNSON, xx.
 MATTHEW D. JONES, xx.
 RAY JONES, xx.
 STANLEY J. JOZWIAK, xx.
 DANIEL P. KAEPERNIK, xx.
 PATRICK J. KANEWSKI, xx.
 BILLY D. KASNEY, xx.
 JAMES A. KAZIN, xx.
 CHRISTIAN J. KAZMIERCZAK, xx.
 MICHAEL J. KEEGAN, xx.
 ROBERT G. KELLY, xx.
 PARRY P. KEOGH, xx.
 BRUCE G. KESSELRING, xx.
 CAROL A. KETTENRING, xx.
 TIMOTHY J. KIBBEN, xx.
 DOUGLAS M. KING, xx.
 EDWIN T. KING, xx.
 MARK A. KING, xx.
 DAVID M. KLUEGEL, xx.
 JAMES M. KNELL, xx.
 EDWIN L. KOEHLER, JR., xx.
 RICHARD W. KOENKE, xx.
 ROGER L. KRAFT, JR., xx.
 DONNA J. KRUEGER, xx.
 MARCIA A. KUEHL, xx.
 JOHN B. LANG, xx.
 JAMES K. LAVINE, xx.
 STEPHEN G. LEBLANC, xx.
 WILLIAM P. LEEK, xx.
 WILLIAM G. LEFTWICH, III, xx.
 MICHAEL E. LEWIS, xx.
 FREDERIC W. LICKTEIG, xx.
 DANIEL E. LIDDELL, xx.
 BRADLEY C. LINDBERG, xx.
 STEPHEN J. LINDER, xx.
 CHARLES E. LOCKE, JR., xx.
 GREGORY E. LOCKE, xx.
 JOHN P. LOPEZ, xx.
 PETER J. LOUGHLIN, xx.
 JUERGEN M. LUKAS, xx.
 KENNETH C. LYLES, xx.
 JACK A. MABERRY, xx.
 BRUCE D. MACLACHLAN, xx.
 MYRON J. MAHER, JR., xx.
 DAVID A. MAHONEY, xx.
 JAMES C. MALLON, xx.
 GARY W. MANLEY, xx.
 MICHAEL J. MANUCHE, xx.
 MARK E. MAREK, xx.
 LESLIE C. MARSH, xx.
 NICHOLAS J. MARSHALL, xx.
 JONATHAN W. MARTIN, xx.
 JAMES B. MARTINEZ, JR., xx.
 ROBERT A. MARTINEZ, xx.
 DAVID E. MARVIN, xx.
 TIMOTHY P. MASSEY, xx.
 PETER D. MATT, xx.
 JAMES C. MATTIE, xx.
 CAROL A. MCBRIDE, xx.
 FRANKLIN F. MCALLISTER, xx.
 PETER T. MCCLANAHAN, xx.
 JEFFREY T. MCFARLAND, xx.
 RONALD E. MCGEE, xx.
 MARK D. MCMANNIS, xx.
 PETER B. MCMURRAN, xx.
 JEFFREY G. MEEKS, xx.
 DANNY L. MELTON, xx.
 LAWRENCE D. MEYER, xx.
 MICHAEL G. MILLER, xx.
 PAMELA D. MILLER, xx.
 RALPH F. MILLER, xx.
 RICHARD A. MINOR, xx.
 JAMES G. MITCHELL, JR., xx.
 WILLIAM R. MITCHELL, xx.
 STEVEN B. MOLINE, xx.
 JOSEPH MOLOFSKY, xx.
 ROBERT L. MOORE, JR., xx.
 MICHAEL F. MORGAN, xx.
 EDWARD J. MOSS, xx.
 DENIS P. MULLER, xx.
 KEVIN P. MURPHY, xx.
 MARK S. MURPHY, xx.
 KEVIN J. NALLY, xx.
 DONALD G. NEAL, xx.
 DAVID A. NEESSEN, xx.
 RONALD G. NEILSON, xx.
 WALTER L. NIBLOCK, xx.
 DANNY P. ODOM, xx.
 JAMES D. ODWYER, xx.
 JAMES G. OHAGAN, xx.
 JOHN C. OKEEFE, xx.
 DAVID P. OLSEN, xx.
 ISMAEL ORTIZ, JR., xx.
 JOHN M. OWENS, xx.
 KURT S. OWERMOHL, xx.
 STANLEY A. PACKARD, xx.
 STEVEN J. PARKER, xx.
 WILL J. PEAVY, xx.
 DINO PEROS, xx.
 JOSEPH M. PERRY, xx.
 DANIEL J. PETERS, xx.
 STEVEN R. PETERS, xx.
 CHARLES A. PETERSON, xx.
 ILDEPONSO PILOTOLIVE, II, xx.
 MARK W. PLACEY, xx.
 JAMES J. POLETO, JR., xx.
 RICHARD S. POMARICO, xx.
 CARL R. PORCH, xx.
 MICHAEL D. PORTER, xx.
 RAY D. PRATHER, xx.
 RUSSEL O. PRIMEAUX, xx.
 JOSEPH D. PROVENZANO, III, xx.

FRANCIS R. QUIGLEY, xx.
 THOMAS A. QUINTERO, xx.
 LOUIS N. RACHAL, xx.
 JACKY E. RAY, xx.
 JOHN P. RAYDER, xx.
 RICHARD M. RAYFIELD, xx.
 JON W. REBHOLZ, xx.
 MATTHEW D. REDFERN, xx.
 TIMOTHY J. REEVES, xx.
 RAYMOND G. REIGNER, JR., xx.
 MICHAEL F. REINEBERG, xx.
 JAMES A. REISTRUP, xx.
 HARRIET S. REYNOLDS, xx.
 GREGORY J. RHODES, xx.
 THOMAS H. RICH, xx.
 LARRY J. RICHARDS, xx.
 DAVID M. RICHTSMAYER, xx.
 JEFFREY S. RINGHOFFER, xx.
 NEIL P. RINGLEE, xx.
 DAVID R. ROBE, xx.
 HERBERT M. ROBBINS, xx.
 JAMES A. ROBERTS, xx.
 JOSEPH M. ROCHA, xx.
 MICHAEL J. RODERICK, xx.
 DANIEL S. ROGERS, xx.
 THOMAS C. ROSKOWSKI, xx.
 JAMES E. ROSS, xx.
 JOSE D. ROVIRA, xx.
 DAVID D. ROWLANDS, xx.
 ROBERT R. RUARK, xx.
 MICHAEL E. RUDOLPH, xx.
 JOSEF E. RYBERG, xx.
 ROBERT G. SALESSES, xx.
 DONALD W. SAPP, xx.
 BRADFORD M. SARGENT, xx.
 HIDEO SATO, xx.
 RICHARD A. SCHAFFER, xx.
 CLARKE J. SCHIFFER, xx.
 RICHARD W. SCHMIDT, JR., xx.
 ALAN D. SCHROEDER, xx.
 SUE I. SCHULER, xx.
 ROSS H. SCHWALM, xx.
 MARK E. SCHWAN, xx.
 VERNON C. SCOGGIN, xx.
 JOHN C. SEIBEL, xx.
 JEFFREY M. SENG, xx.
 JOHN M. SESSOMS, xx.
 SCOTT E. SHAW, xx.
 TERENCE E. SHEAHAN, xx.
 ROBERT E. SHELOR, xx.
 JEFFREY R. SHERMAN, xx.
 JOHN L. SHISSLER, III, xx.
 JOHN E. SHOOK, xx.
 MICHAEL A. SHUPP, xx.
 GREGORY P. SIESEL, xx.
 DOUGLAS S. SIMMANG, xx.
 MARK A. SINGLETON, xx.
 JAMES B. SINNOTT, xx.
 GEORGE S. SLEY, JR., xx.
 GARY E. SLYMAN, xx.
 BRENT A. SMITH, xx.
 JAMES C. SMITH, xx.
 MICHAEL J. SMITH, xx.
 TIMOTHY R. SNYDER, xx.
 ROBERT G. SOKOLOSKI, xx.
 ALFRED C. SOTO, xx.
 VICTOR F. SPLAN, xx.
 DUANE T. SPURRIER, xx.
 DAVID F. STADTLANDER, xx.
 THOMAS A. STAFSLIEN, xx.
 JAMES L. STALNAKER, xx.
 GLENN T. STARNES, xx.
 TIMOTHY B. STARRY, xx.
 TERRY D. STEELE, xx.
 THOMAS N. STENT, xx.
 VINCENT R. STEWART, xx.
 DOUGLAS M. STILLWELL, xx.
 JOHN P. STIMSON, xx.
 ARNOLD E. STOCKHAM, xx.
 ANTHONY J. STOCKMAN, xx.
 CHRISTOPHE L. STOKES, xx.
 JAY A. STOUT, xx.
 JOHN C. STRADLEY, JR., xx.
 PETER J. STRENG, xx.
 DARRYL STRINGFELLOW, xx.
 MARK H. STROMAN, xx.
 JOSEPH A. SUGGS, xx.
 JOHN M. SULLIVAN, JR., xx.
 JOSEPH L. SULLIVAN, xx.
 STEVEN S. SUTZ, xx.
 CALVIN F. SWAIN, JR., xx.
 GREGORY H. SWAIN, xx.
 ELIZABETH A. SWEATT, xx.
 ROLAND C. SWENSEN, xx.
 TIMOTHY N. SZENDEL, xx.
 NATHAN C. TABBERT, xx.
 TERENCE S. TAKENAKA, xx.
 RORY E. TALKINGTON, xx.
 MARK H. TANZLER, xx.
 JAMES J. TAYLOR, xx.
 LLOYD G. TETRAULT, xx.
 ROBERT A. THIBERVILLE, xx.
 JOHN D. THOMAS, JR., xx.
 WILLIAM H. THOMAS, xx.
 MICHAEL D. THYRING, xx.
 JEFFREY P. TOMCZAK, xx.
 JAMES R. TRAHAN, xx.
 BRADLEY R. TRIEBWASSER, xx.
 RONALD E. TUCKER, xx.
 ROBERT E. TURNER, JR., xx.
 GREGORY S. TYSON, xx.
 ERIC J. VAN CAMP, xx.

MARK W. VANOUS, xx.
 EDWARD E. VAUGHT, xx.
 PETER S. VERCRUYSSSE, xx.
 WILLIAM J. VIETS, xx.
 SUSAN C. VISCONAGE, xx.
 ANDREW L. VONADA, xx.
 TIMOTHY J. WAGAR, xx.
 DONALD A. WALTER, xx.
 ERIC M. WALTERS, xx.
 PETER M. WALTON, xx.
 TROY A. WARD, xx.
 LEAH B. WATSON, xx.
 JOHN M. WEBB, xx.
 KEVIN W. WEBER, xx.
 NATHAN O. WEBSTER, xx.
 JOHN F. WEIGAND, xx.
 TIMOTHY C. WELLS, xx.
 DAVID H. WESSNER, xx.
 JOHN R. WEST, xx.
 DAVID L. WHITE, xx.
 MARK E. WHITED, xx.
 SAMUEL T. WIDMANN, xx.
 GARY D. WIEST, xx.
 JOHN R. WILKERSON, xx.
 KEITH R. WILKES, xx.
 FIELDING L. WILLIAMS, xx.
 JOHN N. WILLIAMS, JR., xx.
 MARTIN J. WRIGHT, xx.
 GORDON D. YATES, xx.
 KEN YOKOSE, xx.
 PAUL R. YORIO, xx.
 MONTE R. ZABEN, xx.
 FRANCIS S. ZABOROWSKI, xx.
 ROBERT S. ZAK, xx.
 STEVEN R. ZESWITZ, xx.

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 634, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be captain

MYRON DAVID ALMOND
 MARY ALICE ANDERSON
 STEPHANIE KAY BRODINE
 MARK D. BROWNING
 KATHRYN SLOMINS
 BUCHTA
 JOSE FRANCISCO CALDERON
 ROBERT S. CARNES
 MARK F. CLAPPER
 PETER MICHAEL CLEMONS
 WILLIAM THOMAS COLLINS
 DAVID W. CORBETT
 NICHOLAS ANT
 DAVENPORT
 JAMES KENNETH DOLNEY
 RONALD L. FOREHAND
 JAMES R. FRASER
 MICHAEL ROY FREDERICKS
 KIM FRICKE GIBSON
 BECKY LORETTE GILL
 MARSHALL P. HANSEN
 RICHARD G. HIBBS, JR.
 ELAINE CAMPBELL
 HOLMES
 ROBERT R. JOHNSON
 DAN MICHAEL JONES
 BYUNG JIN MIN KIM
 HAROLD BRANSFORD LAMB
 GARY R. LAMMERT
 URIEL ROMEO LIMJOCO
 MICHAEL JAMES LOGUE
 RODERICK F. LUHN
 DAVID CURTIS MCLELLAN
 MARK EDWIN MURPHY
 JOHN HENRY NADING
 JAMES JOSEPH J. NORCON
 RAYMOND PAUL OLAFSON
 FRED PETER PALEOLOGO
 PETER BENHAM PLATZER
 JOSEPH N. RAGAN
 MANUEL EN
 RIVERAALSINA
 DAVID WAYNE ROBERTSON
 JERRY WADE ROSE
 DENNIS ALAN ROWLEY
 JOHN MICHAEL RUSSELL
 LEO B. SIMMONS, JR.
 JAMES R. SOWELL
 JAMES WARREN STEGER
 RICHARD STOCK
 STEVEN R. WARLICK
 ROBERT J. WELSCH
 NATALIE A. WILLENBERG
 WILLIAM M. YARBROUGH
 THADDEUS RIC ZAJDOWICZ

SUPPLY CORPS OFFICERS

To be captain

JAMES SAMUEL ANDERSON
 MAX FRANCIS
 BAUMGARTNER
 WILLIAM RONALD BELL
 THOMAS ALLEN BUNKER
 ROBERT NORMAN BURTON, JR.
 KEVIN ROSS CARMAN
 JAMES EDWARD COOK
 WYNN LEWIS COON
 HAROLD THOMAS
 CRONAUER, JR.
 MARY ELLEN DAVIDSON
 JAMES CLIFTON DAVIS, III
 MARK EDWARD EASTON
 MICHAEL LEROY ERNO
 MICHAEL EDWARD FINLEY
 CHRISTOPHER GEORGE HAUSER
 GERALD FRANK HESCH
 JOHN JOSEPH HUND
 WILLIAM ANDREW JACKSON
 WILLIAM JAMES MCMICAN
 ROBERT LEE MILLIGAN
 RICHARD E. PAUL
 MORRISON, JR.
 TIMOTHY OLIN MUNSON
 STEWART ALBERT NELSON
 WILLIAM DAVID ORR
 EDWARD WESLEY PINION
 JAMES SUMNER ROUNTREE
 DAVID ALBERT SONA
 JOHN HAROLD STEPHENS
 RONALD FRANCIS VEROSTEK
 CHARLES MAYS VINSON
 CLIFFORD HOLLOWAY
 WAITS, JR.
 DAVID WINFIELD WALTON
 KENNETH EDMUND WENZEL
 WILLIAM ARTHUR WRIGHT
 MARK ALAN YOUNG

CHAPLAIN CORPS OFFICERS

To be captain

JEFFERSON D. ATWATER
 DONALD G. BELANUS
 THOMAS C. CARTER
 MELVIN RAY FERGUSON
 LOY BLANE HAMILTON
 MARSHALL ROY LARRIVIERE
 GARY VEIL LYONS
 PETER ANDREW ODDO
 EUGENE E. OLESON
 ROGER W. PACE

GEORGE W. PUCCIARELLI
ARNOLD E. RESNICOFF
STEPHEN BRENNAN ROCK

MOSES L. STITH
GERALD S. VINTINNER

CIVIL ENGINEER CORPS OFFICERS

To be captain

LEE LAWRENCE
ANDERSON, JR
JAMES HENRY AUGUSTIN,
JR
THOMAS MATTISON
BOOTHE
PAUL LEROY CLOUGH
JAMES THOMAS CORBETT
STEPHEN WILLIAM
DAIGNAULT
JOHN RAYMOND DOYLE
DAVID WILLIAM GORDEN
RICHARD FREDRICK HAAS,
JR

DONALD BRUCE HUTCHINS
JAMES BRUCE KENDALL
COURTNEY CRAIG KLEVEN
JOSEPH CARL KNOLL
MICHAEL WALLACE
PRASKIEWICZ
DAVID GERARD ROACH
RICHARD LEONARD
STEINBRUGGE
BURTON LOYAL STREICHER
PETER MARTIN VANDYK
ROBERT ENRIQUE YBANEZ

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be captain

WESTON D. BURNETT
WILLIAM A. DECICCO
GLENN NELSON GONZALEZ
CHARLES RONALD HUNT
GERALD JOS KIRKPATRICK

TIMOTHY L. LEACHMAN
SALLY JEAN MCCABE
RONALD VICTOR SWANSON
THOMAS PETER TIELENS

DENTAL CORPS OFFICERS

To be captain

CHARLES ALA
BOOKWALTER
JOHN D. BRAMWELL
WILLIAM M. DERN
WILLIAM B. DURM, IV
MARION COLUMB
ELDRIDGE
ALFRED W. FEHLING, JR
TIMOTHY J. FLANIGAN
ROBERT K. FLATH
JOSEPH A. GLORIA
ROBERT E. HUTTO
LAWRENCE D. KISELICA
GREGORY G. KOZLOWSKI

FRANK JAMES
KRATOCHVIL
THOMAS O. MORK
ALBERT CHAR
RICHARDSON
PAUL EDWARD SCHMID
CHARLES WILLIAM
TURNER
ROBERT JEFFREY TURNER
RICHARD C. VINCI
JOHN A. WEISENSEEL
JOSEPH C. WHITT
DALE E. WILCOX
PAUL MARSHALL WILEY

MEDICAL SERVICE CORPS OFFICERS

To be captain

JERRY THOMAS ANDERSON
JERRY WAYNE BRICKEEN
WILLIAM GLENN BROWN
DENNIS RALPH BROZOWSKI
TOMMY WAYNE COX
THOMAS RICH DEFIBAUGH
ROBERT LAWRENCE
EDMONS
MELVYN ADAMS ESTEY, JR
PETER PAUL GARMS
DAVID ROYAL GERVAIS
ERNEST RICHARD GHENT
DEAN F. GLICK
DAVID ALLEN HARGETT

LAYTON OSCAR HARMON
RODNEY DALE HUCKEY
RUDOLPH JONES
RALPH ALVIS LOCKHART
JUDITH ANNE MCCARTHY
AARON MCCLELLIN
GERARD VINCENT MESKILL
THOMAS DALTON NUNN, JR
STEVEN DUANE OLSON
VERNON MELVIN PETERS
CHARLES JOSEPH ROSCIAM
CARL WILLIAM STEIN
FREDERICK RIC TITTMANN

NURSE CORPS OFFICERS

To be captain

ELIZABETH R. BARKER
MARY ALICE BOWDEN
JOHN FREDERICK BOYER
JUDITH CO BRINCKERHOFF
MARY ANN CRONIN
GARY R. HARMAYER
ELIZABETH K. KOZERO
ROSALIE DAY LEWIS
SHIRLEY DEA
LEWISBROWN
DAVID STEWART LOOSE
GEORGE LAWRENCE
MARSH

LINDA UNGVARSK
MCMAHON
PATRICIA JEANNE OHARE
DONNA JEAN VAN OHLMAN
CHRISTINE ANNE PICCHI
LESLIE ELIZAB ROBINSON
EVELYN RUTH SHAIJA
JACQUELINE ELAI SHARPE
CATHERINE ANN SWAN
JANE WESTMOREL
SWANSON
RONALD LAWRENCE
VANNEST

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS
IN THE LINE OF THE NAVY FOR PROMOTION TO THE PER-
MANENT GRADE OF COMMANDER, PURSUANT TO TITLE
10, UNITED STATES CODE, SECTION 624, SUBJECT TO
QUALIFICATIONS THEREFOR TO AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

RONALD LEE AASLAND
THOMAS ABERNETHY
MARK THOMAS ACKERMAN
ALLAN ARTHUR ADELL
DONALD W. AIKEN
STEVEN PATRICK ALBERT
JOHN D. ALEXANDER
BERT R. ALGOOD
MARTIN ROBERT ALLARD
DAVID LEE ALLEN
SHERRIE SUSAN ALY
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KURT RICHARD ENGEL	VICTOR C. SEE, JR.
CHRISTOPHER L. EVANS	JAMES ARTHUR SEVENEY
MICHAEL A. HECKER	JAMES FRANCIS SMALL, JR.
K. G. HEFFERNAN	KENNETH MARTIN WALLACE
MICHAEL KEITH HOLLINGER	KARL E. YEAKEL
CHARLES MICHAEL MCCARTHY	

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

JOHN CONLIN BOYCE	THEODORE ALDRED MILLER
EDWARD MARSHALL BOYD	ROY DAYTON MOORE
WILLIAM EARL DANKA	KEVIN PAUL O'SHAUGHNESSY
WILLIAM SIDNEY DEVEY, JR.	STANLEY EARL PYLE
MICHAEL DAVIS HARDEE	TIMOTHY FRANKLIN STREETER
KENNETH DEAN HARRIS	THOMAS MICHAEL VANDENBERG
DAVID EDWARD HOUGH	
REGINALD LAWRENCE HOWARD	
DONALD JAMES KRENTZ	

AVIATION DUTY OFFICERS

To be commander

EDWARD LEE CREWS, JR.	CLIFFORD MYLES HARRINGTON
GEORGE NMN GEDNEY, III	JAMES A. MCCRAE
PAUL EARNEST GODDARD	JOHN HOYT WILLS

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

MICHAEL JAMES BURKE	MICHAEL FRANCIS LYNN, JR.
WAYNE KEVIN EVERS	WILLIAM MCKINLEY MATTHEWS
EDWARD CURTIS FLETCHER	LINDA LEE MURDOCK
DUANE M. LAFONT	JOHN MARK ODWYER
STEPHEN ANTHONY LAROCQUE	MIRIAM F. PERLBERG
MICHAEL SEWELL	DENNIS M. PRICOLOR
LOESCHER	STEVEN K. TUCKER
RANDALL THOMAS LYMAN	DENNIS MICHAEL VOLZ
	SCOTT WILLIAM WITT

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

ALLEN NMN BANKS	DALE EDWARD HAYS
CHARLES H. BREEN	RANDALL LEE HENDERSON
TIMOTHY J. DENNIS	GUY DAVID HOLLIDAY
DEBORAH KAY EFFEMEY	JEFFREY LEE HOLLOWAY
DARRYL JOHN FENGYA	PETER RANDALL HULL
JOHN PASQUAL FORTUGNO	BRUCE WAYNE INGHAM
WILLIAM BARTLETT FRANCIS	STEVEN JOHN KNAPKE
MARK FRANCIS GREER	MICHAEL FRANCIS KUHN
RICK ALAN GUNDERSON	ALLAN R. NADOLSKI
RYNN ELAINE OLSEN	
BETH ELAINE PATRIDGE	
DEIDRE HALL PISTOCCHINI	
JAMES ROBIN REDDIG	
DANIEL NMN RUBBO	
PHILIP ROBERTS SCOTTSMITH	
MICHAEL ALEXANDER SLOAN	
MICHAEL ALLEN STANDRIDGE	
JAY MORGAN TWEED	
BRUCE ROKURO WILKINSON	
STUART ALLEN YAAP	
WILLIAM DEWEY YOPP	

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

ROBERT KOLB ANDERSON	KEVIN MARC MUKRI
STEPHEN BRIAN BURNETT	STEPHEN RICHARD PIETROPAOLI
CHARLES MILTON FRANKLIN	JEFFREY PATRICK SMALLWOOD
NETTIE REGINA JOHNSON	JOHN MORGAN SMITH
JOSEPH H. MARCH	ALFRED R. TWYMAN
DAVID W. MORRIS	

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

WESLEY ALAN BARTON	WILLIAM EDGAR PERTLE
LESTER ELLIOTT CARR, III	FREDERICK RICHARD PFELI
WILLIAM T. CURRY	MICHAEL D. PIND
MARK DIUNIZIO	HARDI SIEGFRIED ROSNER
CHRISTOPHER GUNDERSON	BRETT TYLER SHERMAN
CLIFFORD D. JOHNSON	RAY C. SIMMONS
WALTER B. KINDERGAN	JEROEN JOHANNES WATERREUS
TIMOTHY JAMES MCGEE	ERIC J. WRIGHT
DANIEL VANAUSSDAL MUNGER	

LIMITED DUTY OFFICERS (LINE)

To be commander

BRUCE JOSEPH ACTON	THOMAS CARTER
DANIEL BARRS	MCELFRESH
THOMAS STUART BENSON	WILLIAM DENIS MELAY
RALPH JOSEPH BOYER, JR.	CHARLES HOWARD MUNTER
DAVID ALAN CRUTZ	CHARLES LEWIS MURPHY, JR.
PETER LLOYD DARLING	RICHARD KEVIN PRENDERGAST
MICHAEL LEE DICKENSON	WILLIAM JOSEPH RUTLAND, JR.
FLOYD EDWARD ENGLISH	ALAN JEROME SALA
RICHARD PATRICK GILBOY	RICHARD THOMAS SANSON
CHARLES MICHAEL HARRIS	JERRY MAX SIMMONS
GERALD EARL HART	JOHN CLARK SIMMONS
NORMAN TIMHOY HO	FRANK HENRY SIMONDS, JR.
JAMES WESLEY HOLLAND, JR.	ISAAC HERMAN SMITH, JR.
RICHARD LEE JAMES	SAMUEL MELVIN SMITH, JR.
JOEL ERNEST KERSTETER	GERALD WAYNE SOUZA
JOHN FRANCIS KIMMEL, JR.	DANNY VAUGHAN
DAVID RICHARD KRAMER	ROBERT LAWRENCE WHELAN
JOHN H. KUREK	MICHAEL EDWARD WILLIAMS
JAMES LAWRENCE KURIGER	GARY L. WILLIS
ROBERT EARL LEMASTER	WILLIAM EDWARD WOODS, JR.
JOHN FREDRICK LUNDGREN	
THOMAS WILLIAM MCCARTHY	
JEFFERY LEE MCCOMB	

EXTENSIONS OF REMARKS

TRIBUTE TO WALTER AND EDITH
SCHWARZ

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. CARDIN. Mr. Speaker, I rise to pay tribute to Walter Schwarz and his late wife Edith Schwarz, the founders of the Bolton Street Synagogue in Baltimore. On April 30, 1992, the synagogue will dedicate a stained glass window in their honor.

Walter and Edith were able to escape Nazi-occupied Austria in the late 1930's. They came to the United States and made Baltimore their home. One of Walter's greatest achievements was the work he did on the American Space Program while working for Bendix Corp., which included involvement in the landing of the first man on the Moon.

Walter and Edith were members of the Chizuk Amuno congregation and later, Beth Am Synagogue; both of which were in Baltimore. Having seen so many synagogues in Europe turned into churches or burned to the ground by Hitler, Walter was enthralled by the idea that the Bolton Street Synagogue would be created from what was an old church building on Bolton Street. Hence, he joined and inspired the newly created Bolton Street Synagogue.

Well into his seventies, Walter learned how to make stained glass windows at the Jewish community center in order to help him design his own stained glass windows. He had never worked with stained glass before, but it is a tribute to his always present genius that he mastered the art and created for us not simply an artifact of beauty, but a story that we must remember and pass on to our children, and to their's.

It is fitting that during the week of remembrance of the Shoah, Jews and non-Jews share in the dedication of this great achievement by a man whose dream has been fulfilled and whose memories will live forever.

FOR HEALTH CARE REFORM: CONGRESS SHOULD LOOK CLOSE TO HOME

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. MAZZOLI. Mr. Speaker, the health care town forum I held in Louisville in January indicated more than ever that health care reform must be addressed by Congress. Although comprehensive reform may not be possible during the 102d Congress, this does not change the consensus among health care providers, administrators, and consumers in Lou-

isville and Jefferson County that an overhaul of the health care system is in order.

As we deliberate over the variety of policy options available—some from far distant countries—let us not overlook a health care system very close to home: the Federal Employees Health Benefits Program [FEHBP].

I recently came across two articles describing the FEHBP. One—published in the April 2, 1992 edition of the Wall Street Journal—details the FEHBP's strong points: consumer choice and competition. The second—from the April 1992 edition of Government Executive—outlines some of its drawbacks.

I commend to the attention of my colleagues these articles, which I hope will contribute to the ongoing health care reform debate.

[From the Wall Street Journal, Apr. 2, 1992]

SURPRISE! A GOVERNMENT HEALTH PLAN
THAT WORKS

(By Robert E. Moffit)

Amid all the talk of health care reform in Washington, you rarely hear a mention of the excellent and efficient health plan serving federal employees, including every member of Congress and the executive branch. Nearly one out of every 25 Americans, more than nine million current and retired federal employees and their families, obtain medical coverage under the Federal Employee Health Benefits Program. And while FEHB isn't perfect, it has worked relatively well. Employees typically can choose from dozens of different plans; this, in turn, has created the kind of vigorous competition that restrains cost increases.

When Congress created the federal employee health care system in 1959, it based the new system on two economic principles normally absent from government programs: choice and competition. Rep. Richard Gephardt (D., Mo.) noted more than a decade ago that the federal employee system was unique in this respect: "I think the more diversity we have with regard to decision making on health care, the more cost efficient and better the whole outcome is."

Truer words were never spoken. But in the ensuing 10 years, the lesson seems to have been forgotten. Indeed, while the government employee system is based on market competition, most private-sector plans look more like government monopolies. The only choice most get is made for them by somebody else.

Under FEHB, employees of Congress, the White House and the various departments and agencies of government, including civilian employees of the Pentagon, get to choose their own health plans. Nationally, federal employees have some 400 plans from which to choose—from traditional large insurance carriers, such as Blue Cross-Blue Shield, to more than 310 managed care plans, such as Kaiser-Permanente. Most private sector workers have just one "choice": whatever their employer chooses for them.

Costs to the employees of the various plans offered range from \$350 to \$2,000 a year for single employees, and from \$700 to more than \$4,000 a year for employees with family coverage. (The government generally pays about

60% of the premium.) By carefully shopping and comparing price and value, federal employees can save hundreds of dollars each year. Compared to the double-digit increases that are common elsewhere, premiums for federal employees average just 8% more this year over last year, according to the U.S. Office of Personnel Management, the federal agency that administers the program.

While in ordinary times the federal employee health benefits program would go unnoticed outside Washington, these aren't ordinary times. Americans spent in excess of \$738 billion last year on health care, more than 13% of GNP. And costs continue to rise rapidly. Something needs to be done to slow the inflationary spiral, and the federal employee program might just provide the model we need for a universal health care system that relies on the free market to protect all Americans while simultaneously controlling costs.

This could be accomplished by changing the regressive and inefficient tax laws upon which the current system is based. It is the tax code, not the beneficence of U.S. business, that has turned the place of employment into a health-benefits clinic.

We could move to a more efficient, consumer-based system similar to the federal employee program by replacing the tax breaks now given company-based insurance plans with individual tax credits. Armed with such credits, each individual (or family) would thus have the money to purchase health benefits and the incentive to shop for the best buy, as federal employees do.

The major objection to a national, consumer-based system seems to be this: that too many people are not intelligent enough to make an informed decision on their own health care needs (or, conversely, that the subject is just too complicated even for a well-educated person).

But the experience with the federal system proves this just isn't so.

Most of the people covered by the federal employees health benefits program are not medical experts, nor do they understand all of the small print in insurance policies or possess Harvard Ph.Ds. The federal employee program provides benefits to more than 1.8 million clerical and professional employees, 365,000 blue-collar workers, and more than 750,000 postal workers—and their families—and to some two million retirees and spouses. Every federal employee, from messenger to cabinet secretary, shops from the same menu, though the less costly managed care plans offered by hospitals and health-maintenance organizations may differ from city to city.

Choosing a plan has become one of Washington's annual rituals, conducted during a time of the year known as "open season." During this season federal employees are given a month or so (open season last year was Nov. 12 to Dec. 9) to select the health care plan of their choice. They can stick with what they have if they're satisfied, or they can switch to another plan, if they think it offers a better buy or is better suited to their needs. These plans are marketed by insurance companies, local hospitals, HMOs and seven different unions, including

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

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

the American Postal Workers Union, the National Association of Letter Carriers, and the National Treasury Employees Union. The union plans, incidentally, are often open to and popular among non-union members.

Employees don't have to guess about what the plans offer. They are given plenty of help—both in the form of advertising from the providers of these plans, and in expert advice on the best buys for employees in specific circumstances—singles, families, retirees, etc. There are even detailed guides comparing the pluses and minuses of the various plans: "Open Season Guide," published by the National Association of Retired Federal Employees, for instance, or "Checkbook's Guide to Health Insurance Plans for Federal Employees," published by Washington Consumers Checkbook, a consumer organization that also steers Washington-area shoppers to the best deals on furniture, appliances, personal computers, electronics and other consumer goods.

In other words, federal employees have more than enough information to eliminate the guesswork. And since all of the plans must meet a basic standard established by the government, employees really can't go wrong.

If Washington is serious about doing something about America's health care system, with its soaring costs and gaps in coverage, it would do well to look in its own backyard. The benefits of consumer choice and market competition should not be confined to Congress and the federal bureaucracy. A modified version of FEHB could work equally well for all of us.

[From the Government Executive, April 1992]
CHOICE IN HEALTH BENEFITS: TOO MUCH OF A GOOD THING?

(By Rita Zeldner)

As negotiations over reform of the Federal Employees Health Benefits Program get under way this year, choice will be one of the key bargaining chips.

A large selection plans traditionally has been a mainstay of FEHBP. During open season last fall, most federal workers and retirees could select from more than a dozen traditional, fee-for-service indemnity plans and several health maintenance organizations—a far larger choice than the typical private-sector worker has. Premiums for family coverage ranged from \$720 a year to more than \$4,000. But as proposals are floated to change the program—the Bush Administration, several lawmakers and unions all agree that reforms are needed—a number of critics are questioning whether choice guarantees enrollees the greatest bang for their buck.

Three years ago, the Congressional Research Service answered that question with a resounding "no." In a landmark study, CRS analysts concluded that the wide variety of choices offered through FEHBP did little to create a quality program. CRS pointed out that despite the large number of plans participating in FEHBP and the vast difference in their premiums, there was actually very little difference in the benefits they offered.

The difference in premiums, analysts found, was due to some plans' high concentration of certain types of enrollees—generally the elderly or others with costly medical conditions—and the tailoring of other types of plans to younger and generally less costly enrollees. This phenomenon, known as "risk segmentation," has driven up the cost of such plans as Blue Cross and Blue Shield's high option and Aetna's now defunct federal plan, while allowing other plans to keep their rates low by tailoring their benefits to low-risk enrollees.

To understand the profound impact of risk segmentation, one has only to compare the plans heavily used by retirees with those that have relatively few annuitants. Retirees, because they are older and more prone to health problems, tend to choose higher cost plans. Last year, for instance, 84 percent of enrollees in the Blue Cross high-option plan were retirees. At \$169 for biweekly family coverage, that plan is now the second most expensive in FEHBP. By contrast, the Mail Handlers high option package—one of the most popular plans in FEHBP—had a biweekly premium of only \$35.94, largely because only 19 percent of the people who chose the plan were retirees.

The vast difference in premiums among FEHBP plans that have only subtle differences in coverage has troubled policy makers. One Office of Personnel Management official criticizes the program for offering "too many flavors of vanilla." And Rep. Gary Ackerman, D-N.Y., chairman of the Post Office and Civil Service Subcommittee on Compensation and Employee Benefits, says he has received more letters complaining about the plethora of choices around open season than on any other pay and benefits issue. Ackerman has proposed legislation that would scale back choices to only one high and one low option, with rates set by Congress. OPM indicated a similar inclination in a draft legislative proposal it released two years ago.

"It makes no sense to have so many choices of the same thing," says an Ackerman staffer. "It's very confusing and study after study shows that the competition among plans does nothing to improve benefits for enrollees or to lower costs."

Administration officials also say that the plethora of choices is a problem, but their recent efforts have focused not on lessening the number of options, but on strengthening price competition by eliminating the often narrow distinctions between those options. A recent General Accounting Office study, based on 1988 data, concluded that the government could save between \$35 million and \$200 million by making benefits more similar among the various plans. OPM tried to do just that last spring, telling FEHBP carriers, who were in the process of designing their 1992 plans, that they all had to offer a similar package of benefits. That plan, however, was dropped after it met fierce opposition from carriers, employee groups and Congress.

A legislative proposal the administration will unveil later this year, though, will again attempt to heighten competition between the various plans, according to Curtis Smith, associate administrator for retirement and insurance at OPM.

But not everyone agrees that reducing choices would make FEHBP better. On the contrary, Robert Moffit of the Heritage Foundation, a right-of-center think tank, argued in a recent position paper that as Congress considers national health insurance reform, it would do well to use FEHBP as a model. "This system gives consumers a wide choice of health plans and 'user-friendly' advice on how to choose among rival plans. It promotes intense competition among health insurance carriers. It controls costs. It incorporates excellent benefits." Moffit also contends that "those who are enrolled in it are pleased with the system."

"I don't think that people want other people making decisions for them," he says. "Choice is what distinguishes us from controlled economies."

The one major adjustment Moffit recommends is creating a separate risk pool for

active employees and retirees. While doing so would increase costs for retirees and decrease costs for active workers (who would no longer be sharing the risk of the retirees), the higher cost could be mitigated through a tax subsidy.

FEHBP carriers also argue against less choice. They do not agree with those who say that FEHBP plans are so similar that choice is illusory. Jim Morrison, a former OPM insurance division chief who now lobbies for a major insurer, says, "If I can get the same thing at one department store that I can get at another, does that mean the government should come along and arbitrarily abolish one of the choices?"

Morrison agrees that some enrollees could reduce their health insurance costs without reducing benefits simply by switching plans, but he says the choice should be left to the consumer. "It's just like the person who puts a third lock on the door when two will do. It's not up to me to say they're crazy."

Critics of Ackerman's proposal, which would set premiums somewhere in the middle of current FEHBP rates, say the plan would force many enrollees who are happy with their current plan and its coverage to begin paying more.

As the cost of medical care continues to rise, health insurance expenses will undoubtedly take an increasingly large bite from the wallets of workers and retirees. And as the debate over health insurance—both within FEHBP and nationally—gets under way, federal employees and retirees should be braced for a battle over choice.

A SECOND CHANCE FOR LIFE

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. SLAUGHTER. Mr. Speaker, during the week of April 19–25, 1992, we recognize Donor Awareness Week, a moment in time that is motivated by the theme, "Offer a Second Chance for Life". This public awareness effort takes on a life of its own when one considers the number of people who are anxiously and hopefully waiting for that second chance. In the February issue of the National Organ Procurement and Transplantation Network newsletter, the figures speak for themselves. Over 25,000 requests are on the national waiting list, the majority of which are from patients between the ages of 19–45 and waiting for a kidney transplant. Past records indicate that in 1990, only about 15,000 patients actually received a transplant. Thus the demand far outweighs the ability of the medical community to meet those requesting and eligible for a transplant. In my district in upstate New York, the University of Rochester-Syracuse Organ and Tissue Procurement Program indicated that over 300 new candidates desiring a liver transplant are added each month to the registry list, yet 24 percent of those candidates will die before an organ becomes available.

The National Organ Procurement and Transplantation Network is launching a series of public service announcements this spring to highlight the need for donations and to educate the community regarding the process and satisfaction involved in such a gift of life. As

Members of Congress we have the opportunity to support such efforts and to educate ourselves and our constituents regarding the value of this program. The words of one recipient summarize the importance of this effort:

It was like I got a whole new set of batteries * * * I remember shortly after the heart transplant brushing my teeth, and it suddenly occurred to me that I did not need to stop and rest. Then I turned and looked out the window and saw the sun, and it was like a whole new beginning.

LOURDES AQUILA, DR. LUIS VILLA, AND LA LIGA CONTRA EL CANCER HELP VICTIMS OF CANCER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to express my gratitude for the unselfish work done by the Liga Contra El Cancer, the League Against Cancer, and bring attention to its upcoming telethon. When the indigent face the terror of cancer, the Liga provides for those who might not otherwise receive the necessary care. Over the past 17 years, the Liga has eased the burdens of over 23,000 Florida residents. This patient population reflects the diversity of Florida with over 45 countries of origin represented. The Liga's good work makes no distinction on the basis of race, creed, sex, or national origin.

The Liga Contra El Cancer drew its inspiration from an earlier Liga formed in pre-Castro Cuba in 1925. The earlier Liga provided the same sort of charitable aid and eventually included an internationally respected center for oncology. The current Liga is supported by the volunteer efforts of over 166 Miami area physicians plus over 200 health care workers and other concerned people.

Even with donated time and reduced rates from area hospitals, the Liga carries a crushing financial burden. Last year alone, the Liga spent nearly three million dollars to aid the suffering poor. This year, the Liga is attempting to cope with a nearly 30-percent increase in patients.

Against that backdrop the Liga will be holding its 16th annual telethon on Sunday, May 3 from 10 a.m. to midnight. The telethon will originate from the Miami Jai-Alai Fronton and be broadcast by television station WTLV 23.

Mr. Speaker, I wholeheartedly commend the efforts of the Liga Contra El Cancer in its struggle against human suffering. Many lives have been saved or final days made more bearable by the actions of this group.

I also wish to note for the RECORD the leadership given the Liga by Harvard graduate Luis Villa, M.D., president, and longtime volunteer and general coordinator Lourdes P. Aquila. Dr. Villa is, in addition to being an oncologist, a hematologist, and pathologist. Ms. Aquila has devoted countless hours to providing the framework that draws the best efforts from so many other volunteers.

A TRIBUTE TO KAUFMAN AND BROAD

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Kaufman and Broad, the largest builder of single family homes in California. The company has joined forces with Palmdale and Lancaster, California residents to confront two of southern California's most pressing issues—congested traffic and air pollution—through the first-ever vanpool program conceived and sponsored by a home developer for residents of its communities.

In February, 2 vans began operating carrying 28 Palmdale and Lancaster commuters to their jobs in Burbank, San Fernando, and Los Angeles. More than 200 area Kaufman and Broad homeowners, and their neighbors, in the Antelope Valley expressed interest in vanpooling when a questionnaire was distributed earlier in the year. The vans help reduce traffic and smog by removing more than 25 cars from the freeway each day.

In addition to reducing air pollution and traffic, vanpool riders enjoy considerable savings by leaving their cars at home. Vanpools not only save wear and tear on vehicles, but also help reduce auto insurance premiums. California offers tax credits for vanpool riders of 40 percent of commuting costs, up to \$480 per year. As a result, a commuter driving 80 miles a day can cut annual transportation expenses from \$5,645 to only \$395 by taking advantage of the lower commuting cost of vanpools, tax credits, rider rebates, and lower insurance premiums.

While companies of a certain size are required by law to encourage car and vanpooling of their employees, Kaufman and Broad is offering the program as a public service. I am confident and hopeful that other companies will follow the leadership demonstrated by this fine company.

Mr. Speaker, I urge you to join me, colleagues, and friends in recognizing the leadership demonstrated by Kaufman and Broad. Their vanpool program is paving the way for cleaner air and less congested roads in southern California. More importantly, they are setting a worthy example that is certainly worthy of recognition by the House of Representatives.

ANALYSIS OF NAVY WORK BEING DONE AT FOREIGN SHIPYARDS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, I would like to submit for the RECORD an analysis of the economic effects of Navy repair work that is currently being done at foreign shipyards. Based on the preliminary findings of the General Accounting Office, my staff

has calculated that the United States Government could save approximately \$2.2 million per year, while employing 500 United States workers, if planned maintenance work were moved from the shipyard at Yokosuka, Japan, to United States yards on the west coast. For this reason, I have introduced H.R. 4222, the American Shipyard Worker Protection Act. This legislation would prevent the Navy from contracting with foreign shipyards unless the work is of an emergency nature, or unless there is a compelling economic or national security reason for the work to be done abroad:

UNITED STATES NAVY WORK IN JAPAN AND THE PACIFIC THEATER: AN ECONOMIC ANALYSIS OF PAST AND PROJECTED COSTS AND EMPLOYMENT

TAX SAVINGS FROM U.S. NAVAL SHIP REPAIR COMPLETED IN THE UNITED STATES

The federal government will save approximately \$2.2 million per year and create approximately 500 American jobs by performing in the United States the work projected to be completed at the Yokosuka Shipyard in Japan for Fiscal Years 1993 to 1997.

The projection is based on limited and incomplete information produced by the U.S. Department of the Navy and using General Accounting Office (GAO) cost estimates, and does not include other shipyards of ship repair providers in Japan and other Pacific and Atlantic Surface Fleet ports.

Using the GAO's example of the public Long Beach Naval Shipyard (LBNSY) and a private shipyard under the jurisdiction of the U.S. Navy Superintendent of Shipbuilding (SUPSHIP) in San Diego, California, the following information can be estimated:

The total man-days—or the amount of employees needed per day to perform the assigned U.S. Navy work—at the Yokosuka Shipyard for FY 1991 was 142,000. It is projected that for FY 1993 to FY 1997 the man-days required will be at least 120,000 man-days per year. From FY 1993 to FY 1997, the Navy is projected to spend approximately \$161.3 million for work completed at Yokosuka. If the work is completed at LBNSY, the cost is approximately \$409.4 million, and if completed at the private SUPSHIP yard, approximately \$238.2 million.

Using the 120,000 man-day estimate for FY 1993 through FY 1997, the U.S. Treasury would receive in direct tax revenues more than \$81.88 million if all work performed at Yokosuka is instead completed at LBNSY. If the work is completed at a private SUPSHIP yard, the work generates approximately \$47.64 million in tax revenues. No U.S. tax revenues are generated for work completed at Yokosuka.

Again using the 120,000 man-day estimate for FY 1993 through FY 1997, the LBNSY and the SUPSHIP yard would generate approximately \$163.89 million and \$95.28 million respectively in indirect tax revenues from the regional economic "ripple" effect. No U.S. economic "ripple" effect is created for work at Yokosuka.

By projecting the ship work proportionately between the LBNSY and the private SUPSHIP yard—using the Navy's standard 70-30 split¹—a savings of approximately \$2.2 million per year between FY 1993 and FY 1997 is realized.

¹ The U.S. Navy assigns 70 percent of all of its ship work to public shipyards. Private shipyards, under the jurisdiction of the Superintendent of Shipbuilding, receive 30 percent of all ship work.

MISSING U.S. NAVY DOCUMENTS: THE GAO INVESTIGATION

As part of their study, the General Accounting Office (GAO) has requested that the U.S. Navy provide them with specific contract information for all repair work performed in Japan, Guam, and the Philippines over the last five years.

Currently, the GAO has received extremely limited data on the work performed at Subic Bay in the Philippines. The GAO has received roughly 85 percent of the raw data regarding work performed in Guam, but this data is so unorganized that it is basically useless. Furthermore, the GAO has received complete data for only two of five years for the work performed at the Yokosuka Shipyard, Japan.

There are also some questions as to whether the U.S. Navy is complying with current laws that govern foreign ship repair. Section 7309 of Title 10 of the United States Code prohibits the Navy from sending any ship homeported in the United States to a foreign country for a planned repair. The U.S. Navy has admitted to the GAO that it has not yet incorporated Section 7309 of Title 10 USC into its written policies. The U.S. Navy claims that it nonetheless complies with Section 7309 in principle, although it has not produced the documentation to support this assertion.

It has been 10 years since Section 7309 was enacted into law and yet the U.S. Navy has not fully complied with its provisions.

SOURCES OF INFORMATION

The General Accounting Office—"Preliminary Analysis of Projected Ship Repair Costs, Fiscal Years 1992-1998." March 20, 1992.

Chief of Naval Operations—"OPNAVNOTE 4700; Subject: Notional Durations, Intervals, and Repair Man-Days for Depot Level Availabilities of United States Navy Ships." February 27, 1992.

"U.S. Navy Depot Level Maintenance Schedule from FY 1989 to FY 1998." May 21, 1991.

5 YR COST/SAVINGS PROJECTIONS FOR UNITED STATES NAVAL WORK COMPLETED AT YOKOSUKA, JAPAN; LONG BEACH NAVAL SHIPYARD; AND, A PRIVATE YARD UNDER SUPSHIP SAN DIEGO JURISDICTION

(In millions of dollars)

Component	Yokosuka ¹	Shipyard ²	Supship ³
Direct cost:			
Labor	161.30	373.4	202.2
Fuel	0	31.9	31.9
Family separation	0	3.6	3.6
PCS	0	5	5
Total direct cost	161.30	409.4	238.2
Return to U.S. economy:			
U.S. taxes	0	-74.68	-40.44
Economic multiplier at 200 percent	0	-163.8	-95.3
Total return to U.S. economy	0	-238.48	-135.74
Cost for ship work prior to Navy apportionments			
U.S. Navy percentage multiplier	161.30	170.92	102.46
Cost for ship work using Navy apportionments	161.30	119.6	30.7
Less U.S. cost	150.34		
Total savings for ship work in United States	410.96		

¹Yokosuka Shipyard—Yokosuka, Japan.

²Long Beach Naval Shipyard—Long Beach, CA.

³Superintendent of Shipbuilding—San Diego, CA.

⁴Over 5 years, or \$2.2 million per year, 1993-97.

Note.—Composite of Naval work: 70 percent public, 30 percent private. The US Navy apportionments 70 percent of all ship work to public shipyards like LBNSY. Private shipyards, under the jurisdiction of the Superintendent of Shipbuilding, receive 30 percent of all work.

EXTENSIONS OF REMARKS

TRIBUTE TO LENNY AND ELAINE CIOE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. REED. Mr. Speaker, I rise today to pay tribute to two outstanding Rhode Islanders, Lenny and Elaine Cioe who have dedicated their time, talent, and special efforts to the Rhode Island Parkinson Support Association.

Since 1983 they have been devoted members of RIPSAs. Lenny has served as treasurer since 1986, and has contributed his computer skills and expertise to the organization, they have been particularly involved with the Young Parkinson's Support Group. The Cioe's are truly dedicated to the mission of the Parkinson Support Group which is to "Ease the Burden * * * Find the Cure."

This special couple have been an example to many who are afflicted with this disease. Lenny and Elaine have risen above the challenges that they personally face to unselfishly effect, in a positive way, the lives of others who similarly face the daily struggle of living with Parkinson disease.

Their warmth, compassion, and source of strength has made a difference in the lives of many and I applaud their commendable efforts to provide assistance, encouragement, and support.

It gives me great pleasure to commend Lenny and Elaine Cioe for providing inspiration to those who cope with this disease and to honor them for the courage and compassion that they impart to others through their service to this outstanding organization.

TRIBUTE TO JAMES A. GILMARTIN

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to a truly remarkable and gifted man from Hamburg, PA. It is an honor for me to take to the floor of the House of Representatives to tell my colleagues about a longtime friend who is retiring after 30 years of devoted public service in the Hamburg Area School District.

Mr. Speaker, for the past three decades, Mr. James A. Gilmartin has targeted his professional energies to improving the quality of education in Hamburg. He began his career as a teacher and basketball coach in his hometown of Pittston, PA and in 1967 became an assistant high school principal in the Hamburg Area School District. Just 4 years later he was promoted to the assistant superintendent's position and in 1978 Jim Gilmartin was elected superintendent, where he served until earlier this year. Over the years, one could not speak of Jim's career without having the words dedicated, impressive, successful, and formidable enter into the conversation.

Jim Gilmartin is also an active citizen. He is a member of the board of directors of the Berks County Chamber of Commerce, past

president of the Rotary Club of Hamburg, and a member of the board of directors of the Public Education Foundation for Berks County. He also served as assistant fire chief in Pittston, worked with the Ambulance Association in Hamburg, and gives his time to Crime Watch and Meals on Wheels.

To sum up Jim's life would be impossible. Suffice it to say that he is a perfect example of a concerned and active citizen dedicated to improving the quality of life of those in his community. His presence will be sorely missed and his enthusiasm and devoted efforts will be impossible to replace. Jim Gilmartin has blessed his community and friends with a life of inspired service and special camaraderie, and I for one feel honored to have known him. I know that my colleagues here in the House of Representatives join me in thanking Jim for all that he has done for his family, friends, and community.

TRIBUTE TO SUNBURY ROTARY CLUB UNITS 75TH ANNIVERSARY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to the Sunbury Rotary Club, of Sunbury, PA, on the occasion of its 75TH anniversary.

The core of the Rotary Club's philosophy is service to others, and in 1917, several of Sunbury's prominent business and professional leaders wanted to spread that philosophy to their community. The Sunbury Rotary Club, No. 272, was established in 1917, and since then has worked diligently to better their community and to help those in need.

In its first years, the Sunbury Rotary Club worked to sell war bonds and raised money for the local hospital, the American Red Cross, and the YMCA. Over the years, the club worked diligently for the construction of the local YMCA building, the establishment of the regional chamber of commerce, the formation of the local youth and community center, and the purchase of a headquarters for the Susquehanna Valley Area Council of the Boy Scouts. Other significant contributions made by the Rotary Club include helping raise funds for the Sunbury Community Hospital's building program, the construction of a new YMCA, and the placing of American flags on the Veterans' Memorial Bridge.

Many charities have benefited from the Sunbury Rotary Club's hard work and dedication over the years, such as PolioPlus, which is aimed at eliminating the scourge of polio and other childhood diseases throughout the world. Other organizations, from the Salvation Army to the American Heart Association, and numerous high school programs have been beneficiaries of the Rotary Club's good-heartedness.

The Sunbury Rotary Club has been a shining example of what defines community service. For three-quarters of a century, members of this club have given of themselves tirelessly to improve their community and give a hand to those who need a little help. Thankfully, the

future of this club looks as bright as the past, with an active, hard working membership dedicated to service.

Mr. Speaker, I ask all of my colleagues to join me in honoring the Sunbury Rotary Club, and congratulating them for 75 years of outstanding service to the community. I know we all wish them the best for another 75 years of that same kind of service.

**CHARLIE SHEPARD, 50 YEARS OF
PUBLIC SERVICE**

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to pay tribute to Mr. Charles "Charlie" Shepard. Mr. Shepard has dedicated his life to public service and has been an inspiration to all those who have worked with him over the past 50 years. His longstanding political service deserves recognition.

In the early 1940's, Mr. Shepard began his service as the Massachusetts State representative from the fourth district in Worcester. After some time getting to know the ropes of State ways and means committee in 1947. He stayed at that position until 1965, when he took over as the deputy commissioner and then the commissioner for the fiscal affairs office for administration and finance. He continued with this job until 1970. His interest in politics, particularly in tax legislation, did not end there. Since leaving the position of commissioner, Mr. Shepard has served as a consultant for the Massachusetts Tax Payers Association. Today, at the age of 90, he still dedicates his time to tax consulting.

Along with all of his political activities, Mr. Shepard has been a member and past master of Quaboag Masons Lodge for over 50 years. He also served as past president of a local bank and served on the board of a local hospital. His commitment to his community is remarkable.

Mr. Shepard garnered success and respect while serving in all of these positions. The people of Warren started to display their appreciation when they selected Mr. Shepard as the grand marshal for both the 200th and 250th anniversary parades of the town. The dedication of the Warren town report is an uniquely fitting touch to commemorate his devoted political career. I wish Charlie Shepard all the best in the years to come. He has created a truly amazing record of public service and plans to continue to serve in the years ahead.

**FLORA GREEN PUTS HER GREEN
THUMB TO WORK FOR SOUTH
FLORIDA'S NEEDY**

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Ms. Flora Green, co-

owner of Foliage by Flora, a plant rental and landscaping company in Miami's West Kendall area, who was recently featured in the Miami Herald. The article "Old office foliage grows into fund-raising marvel," by Manny Garcia, tells how Ms. Green has donated used plants from her business to many nonprofit groups and schools to raise money for worthwhile causes:

When children at Campbell Drive Elementary School needed money to buy dictionaries, teachers turned to Flora Green, one of Kendall's most charitable green thumbs.

Green, co-owner of Foliage by Flora in West Kendall, a plant rental and landscaping company, gave the school two truckloads of plants for its fund-raiser. Teachers netted \$1,700, enough to buy dictionaries and maps of the United States and the world for 500 students.

"We never would have done it without Flora," said Dorothy Ridge, a teacher at Campbell Drive Elementary, 15790 SW 307th St.

For the past two years, Green has been donating used plants to nonprofit groups, schools and companies. Money raised has gone toward AIDS awareness, bought toys for abused children and purchased medical equipment for the pediatric intensive care unit at Jackson Memorial Hospital.

"If I can help people, it makes me feel good," said Green, who founded the company at 14260 SW 136th St. 17 years ago with partner Jo Gillman.

Green said she got the idea for the give-away two years ago when friends asked her for used plants they could sell for their temple.

"For so many years, we were just throwing them out," Green said. "That's when we realized we could do more."

Soon, she was giving plants to customers such as John Alden Life Insurance Co., which recently raised more than \$5,000 during AIDS Awareness Week. Green then started getting calls from organizations and people who learned about her program through word of mouth. More than 25 groups have received plants.

Green said she donates her plants from "recycled stock," meaning plants that are returned from offices because they are either old, overgrown or have fungus—nothing, she said, that someone with a green thumb can't cure. Plants recently donated include peace lilies, corn plants, Chinese evergreens, ficus trees and bromeliads. Plants have been sold for 50 cents to \$50.

"These are all quality plants, but they've been at sites for a while and no longer meet our standards," she said.

Students at Booker T. Washington Middle School in Overtown recently earned \$600 from a plant sale. Corris Phillips, an occupational specialist at the school, said students were so thrilled by the program they want to build a greenhouse where they can rehabilitate and sell the plants.

"This is a beautiful program," he said. "We've used the money for field trips."

I am happy to commend Ms. Green by reprinting this article from the Miami Herald. Her generosity has helped countless numbers of good causes in south Florida over the last 2 years. She is truly one of the brightest of south Florida's thousand points of light which through their hard work has helped make our community and Nation a better place to live for everyone.

**A TRIBUTE TO CAPT. ERNIE
GILLILLAND, 1992 CHINO FIREMAN
OF THE YEAR**

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Capt. Ernie Gilliland. Gilliland is retiring following 27 years of service with the Chino Fire Department. He will be honored, along with his colleague, William Harris, as the 1992 Chino Fireman of the Year on May 12, as the city of Chino celebrate Public Safety Day.

Ernie's record with the fire department is well known. He began his career in 1966, was promoted to engineer in 1972, and moved up to become captain in 1978. Over the years, he has played a critical role in battling some of the major fires in the Chino Valley. In addition, he has been responsible for the inventory and purchasing of departmental fuel.

Along with his firefighting duties, Ernie also enjoys golfing, fishing, and hunting. He has been married for 32 years and has three children and two grandchildren.

Mr. Speaker, I ask that you join me, family, and friends in recognizing the outstanding contributions of this firefighting professional. His dedication to public safety over the years, and commitment to the community, is certainly worthy of recognition by the House of Representatives.

**HONORING ALFRED F. HERRERA
ON THE OCCASION OF HIS
RETIREMENT AS CITY MANAGER
OF IRWINDALE, CA**

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. TORRES. Mr. Speaker, I rise today to ask the House of Representatives to recognize a dedicated and accomplished man, Alfred Frajo Herrera, city manager for Irwindale, CA. Alfred retired on September 12, 1991, from the city of Irwindale after 32 years of dedicated service. He will be honored at a testimonial dinner on May 8, 1992.

A lifetime resident of the city of Irwindale, Alfred attended Merwin Grammar School and graduated from Covina High School. He also served as a sergeant in the U.S. Army from 1957-59. Married for over 32 years, Alfred and his lovely wife Esperanza Guerrero, have two children and two great-grandchildren.

Alfred began his tenure with the City of Irwindale in 1959, and has held numerous positions, including, youth leader and park groundsman, traffic motorcycle officer, license and zoning officer, personnel director, assistant city manager, assistant executive director of community redevelopment, and most recently served as the city manager and director of the community redevelopment agency.

His accomplishments and community work are varied. He has served as president of the

Irwindale Chamber of Commerce Board of Directors, board member for the American Red Cross, Irwindale Quarry Rehabilitation Committee, blue ribbon committee for senior citizen building, the San Gabriel Valley Association of City Managers, and the Association of City Personnel Directors for the State of California.

Mr. Speaker, on May 8, 1992, the Irwindale Chamber of Commerce, family, friends, and civic leaders will gather to honor Alfred Fraijo Herrera for his dedication to the advancement and betterment of the city of Irwindale and the San Gabriel Valley. I ask my colleagues to join me in saluting my friend and a true community asset, Alfred Fraijo Herrera, for his outstanding record of public service to the people of Irwindale, and to wish him well with his future endeavors.

TRIBUTE TO THE SACRAMENTO CHAPTER OF THE JAPANESE-AMERICAN CITIZENS LEAGUE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleagues' attention the work of a distinguished public service organization, the Sacramento Chapter of the Japanese-American Citizens League.

Over the years, the league has dedicated itself to improving the quality of life for all members of the Sacramento community. Through their commitment, the league has assisted many young students in furthering their education by offering scholarships to distinguished college-bound students.

The Japanese-American Citizens League is most deserving of our thanks and our praise for their efforts and compassion. There are few causes more worthwhile than encouraging our young people in their efforts to enhance their education and contribute in a meaningful way to society. Given the unprecedented challenges arising from the vast and significant changes which are taking place in our society, the importance of an advanced education is greater now than ever before.

I wish to commend the league on this act of public service, and extend my personal congratulations to each of these students for their academic excellence. Being honored with scholarships are: Mary Sadanaga of St. Francis High School, Karin-Elizabeth Ouchida of Rio Americano High School, Jolene Nakao of John F. Kennedy High School, Kimberly Takahashi of John F. Kennedy High School, Beverly Asoo of C.K. McClatchy High School, Julie Tollefson of Del Campo High School, Peggy Hirai of Hiram Johnson High School, Ayume Matsunaga of Capitol Christian High School, Tami Sekikawa of C.K. McClatchy High School, Jennifer Morita of Mesa Verde High School, Ryan Nakamura of John F. Kennedy High School, Karen Hamamoto of Del Campo High School, Matthew Nishio of C.K. McClatchy High School, Anne Kato of Hiram Johnson High School, Devon Marlink of Valley Hi High School, Ryan Matsuo of John F. Kennedy High School, Valerie Okubo of C.K. McClatchy High School, Todd Imada of John

F. Kennedy High School, Linda Cox of Center High School, Felicia Hashimoto of C.K. McClatchy High School, Eric Takahashi of John F. Kennedy High School, Brett Shibata of John F. Kennedy High School, Renee Kawamura of John F. Kennedy High School, Kent Matsuoka of C.K. McClatchy High School, Shelly Abe of Encina High School, Rose Howerter of Sacramento City College, Joy Kashiwagi of American River College, and Pati Futaba of Sacramento City College.

Mr. Speaker, I know my colleagues join me in wishing these students continued success in their academic endeavors.

MICHAEL LIPPMAN AND JEFFREY BENNETT, DADE COUNTY ENTREPRENEURS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today two of my constituents, Mr. Michael Lippman and Mr. Jeffrey Bennett, who recently were featured in the Miami Herald for their successful Coral Gables food-delivery service, "Entree Express, Inc." The article, "Fresh-From-College Entrepreneur Sees a Future in Food Deliveries" tells how they started a successful new business and opened up a new market for area restaurants by offering door-to-door delivery from 10 restaurants in Coral Gables and Coconut Grove:

FRESH-FROM-COLLEGE ENTREPRENEUR SEES A FUTURE IN FOOD DELIVERIES

You've had a long day at the office. You want your dinner hot, and you want it now. But you don't want to go get it.

And you definitely don't want to order in pizza for the third time this week. What to do?

Enter Entree Express Inc.

Majority owner Michael Lippman and partner Jeffrey Bennett operate a 7-month-old Coral Gables-based food delivery service that Lippman says has taken off in recent months.

The business, which delivers from 10 restaurants in Coral Gables and Coconut Grove, is negotiating with four others that could be under contract as soon as the end of this week, Lippman said.

"You need strong restaurants for this business," Lippman said. "Maybe the strongest in the country are in Coral Gable. There are 46 within a one-mile radius, and there are also wealthy residents in the area."

Entree Express also delivers to Coconut Grove, South Miami and Key Biscayne and the Brickell area.

The company was formed in August 1991 in an office on Coral Gables' Miracle Mile. Lippman said he was sleeping on a pull-out couch in the office three to four nights a week, so he decided to buy a condo and move the business into his new home.

Today, doing business out of his two-bedroom condo with three phone lines, a fax, a two-way radio system and a computer, Lippman and Bennett employ five drivers and two sales people.

The sales people sell advertising for a quarterly magazine the company distributes to 15,000 people with incomes of \$100,000 or greater within Entree's sales district. The

magazine lists the companies Entree does business with and their menus.

"It's almost like two separate businesses," Lippman said. "The magazine is paid for by the money we make through advertising."

Lippman, who graduated last spring with a degree in business from Boston University, decided to start the company after studying the Orlando and Miami markets. Last August, the company was doing between 10 and 15 deliveries a week, he said. Now it's up to more than 100, with sales in excess of \$25,000 a month.

"When I started the business, I made a huge mistake because I limited myself to five-star restaurants," Lippman said. "People told me that they'd order from me every night if I expanded my restaurant list."

Pietro Venezia, owner of Buccione Italian Ristorante in Coconut Grove, said he gets 25 to 30 orders a week through Lippman's company. He said some of his regular customers order Entree Express when they can't pick up their food.

"It's wonderful, and the customers are very satisfied," he said.

Entree Express charges the customer restaurant prices, but tacks on a 15 percent surcharge, generally considered the going rate for a tip. Lippman said he makes a profit because the restaurants sell him the dishes at a lower cost.

Fabio Feuermann orders through Entree Express almost every night to his office near Coral Gables.

"I stay late working in my company, South Beach Packing Corp., and ordering my food is great," Feuermann said.

I am pleased to pay tribute to Mr. Lippman and Mr. Bennett by reprinting this article from the Miami Herald written by Charles B. Rabin. Their story is typical of the many successful entrepreneurs who have achieved their dream through hard work and determination.

A TRIBUTE TO BARRY M. SPERO—THE OUTSTANDING ADMINISTRATOR OF MAIMONIDES MEDICAL CENTER

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. SOLARZ. Mr. Speaker, I rise today to recognize one of the outstanding public servant's residing in the Brooklyn community which I am proud to represent. Mr. Barry Spero has been the president of the Maimonides Medical Center in Boro Park since 1990. This remarkable medical facility serves and provides quality care and immediate health services to hundreds of thousands of Brooklynites each year.

Barry Spero has been a terrific influence and source of new ideas for the medical center and the community. On numerous occasions, I have had the pleasure of visiting the facility and have witnessed first-hand the dedication and drive that Barry Spero has brought to his job. He has made himself readily accessible to the entire staff and the patients. He is also quite active in the greater community. For example, Barry developed and implemented a patient relations department which has improved provider/patient relationships and restored a greater trust of medical personnel in the community at large.

After receiving an undergraduate degree in science from the University of Richmond, Barry went on to receive a master of hospital administration in 1961 from the Medical College of Virginia. Before taking over as president of Maimonides in 1990, Barry was the president of the Newton-Wellesley Hospital in Massachusetts and president of the Newell Health Care System. Among his other professional posts was his successful service as the president of the Mt. Sinai Medical Center in Cleveland, OH, from 1977 to 1985.

Barry has not only been committed to health care, but also to the community in which he serves. He is a member of the Temple Beth Avodah and the Rotary Club. Furthermore, while in Ohio, he was appointed by the Governor to the Governor's Commission on Health Care Cost in 1984. Today, he is the chairman of the board for the Villa Maria Nursing Center/Bon Secours Hospital and sits on the Greater New York Hospital Association Board of Governors.

Barry Spero has truly made a difference every place he has been. I am proud and pleased to represent such an outstanding citizen before my colleagues.

IN HONOR OF IRENE KOKOCINSKI
FOR WOMAN OF THE YEAR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, it is a pleasure for me to honor Mrs. Irene Kokocinski of Webster, MA, who will be recognized as "Woman of the Year" at the Patriot Newspaper's 14th Annual Women's Recognition Night. The list of her accomplishments is self explanatory in justifying why she was chosen.

A native of Webster, Mrs. Kokocinski is a graduate of Bartlett High School and Lasell Junior College in Newton and Annhurst College in Woodstock. She did her graduate studies work at Worcester State College and Nichols College. Her heart was at Bartlett High though, for after completing her graduate work, she went back there to teach and eventually become the business department head. She served there for 26 years.

She also applied her business incentive and knowledge to her business, the Back Door Pub. As owner and manager for 5 years, she found numerous opportunities to apply the things she taught her students to creating a successful business.

Mrs. Kokocinski has been a long-term member of the Democratic town committee and is presently serving as the chairman. She recently was chosen as the first woman from Webster to be the Democratic State committee woman and is serving her first term. Her dedication to the Democratic Party is greatly appreciated.

Along with all of these accomplishments, Mrs. Kokocinski has been very busy in civic service. Currently, she is serving a second term on the local school committee. She is also serving her second term as the trustee of the Chester C. Corbin Public Library and is the vice chairman of the board of trustees.

She is also a member of the executive board of directors of the Hubbard Regional Hospital and a member of the Guild at the hospital as well.

Finally, Mrs. Kokocinski has been an advocate for the improvement of women's roles. When she was asked how she viewed a woman's role in today's society, she said, "The challenges facing the women of today are the same challenges that have always faced women. If there is a difference, it is today the challenges are more numerous. Also I feel we are finally receiving the recognition and hopefully the appreciation we deserve from the male population of our society for the many roles that we perform." With this list of extraordinary accomplishments, Mrs. Kokocinski speaks from experience as well as concern.

Mrs. Kokocinski still resides in Webster. She is the wife of Edward Kokocinski, another active member in the town and is the mother of 4 and the grandmother of 7 children.

For all of these reasons, it is easy to see why Mrs. Kokocinski is the choice for "Woman of the Year" and once again I commend her for all she has done.

CELEBRATION OF THE JUNIOR
LEAGUE OF ANNAPOLIS

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to recognize and honor the Junior League of Annapolis on its 10th anniversary and for the outstanding contributions the league has made on behalf of the citizens of Anne Arundel County.

In a decade of service, the Junior League of Annapolis is a group that exemplifies all of the many wonderful things that can be accomplished through active citizen involvement for the benefit of needy individuals in our community.

I speak on behalf of all of the citizens of Anne Arundel County in thanking all of those people that are a part of the Junior League of Annapolis for making our county a better place. We wish you continued success in your future endeavors and, as a Member of Congress, I am looking forward to working with you to make a difference on behalf of the citizens of Anne Arundel County.

U.S. ROLE IN THE ALBANIAN
ELECTORAL PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. HAMILTON. Mr. Speaker, on March 2, 1992, I wrote to Secretary of State Baker concerning a letter I had received from Dr. Kastriot Islami, Speaker of the Parliament. Dr. Kastriot claimed that the American Embassy, the American Ambassador, and American groups had intervened in the Albanian electoral process. Albanian elections were held on March 22.

On April 10 I received a reply from the Department of State.

I would like to draw the attention of my colleagues to Dr. Kastriot's letter and attached memo, my letter to the Department of State, and the State Department's reply. The texts follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 1992.

HON. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write with respect to a recent letter I received from Dr. Kastriot Islami, Speaker of the Parliament of the Republic of Albania.

Dr. Kastriot says that the American Embassy, our Ambassador and some American groups are, through their actions and statements, intervening in the Albanian electoral process. I attach the Speaker's letter.

I would appreciate answers to the following questions:

How do you answer the criticism that the United States is, in its strong support of one group, intervening in Albania's internal electoral process?

Is it accurate that the American Ambassador or other American officials in Albania are making speeches or taking actions that identify the United States with a single political party, rather than limiting our role to support for free and fair elections and a democratic process?

Why do such perceptions arise in Albania about the actions of the American Embassy?

What steps are you taking to insure that we are not seen to be picking winners and losers in the electoral process and that the American Embassy in Albania is seen as neutral in the electoral process?

I appreciate your attention to this issue and I look forward to your reply.

With best regards,
Sincerely,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

REPUBLIC OF ALBANIA,
PEOPLE'S ASSEMBLY,
Tirana, Feb. 20, 1992.

HON. LEE HAMILTON,
U.S. House of Representatives, Washington, DC

DEAR CONGRESSMAN HAMILTON: As the Speaker of the Parliament of the Republic of Albania, I want to express my personal appreciation and that of our Parliament for the interest you have shown in our country.

The Parliament recently passed a new election law, providing for free and open pluralistic elections in Albania. We will have a system of proportional representation which will guarantee representation of all political viewpoints in the Parliament.

There has been a general election called for March 22, 1992 and the many parties are active beginning their campaigns. I would hope that you could personally come to Albania to observe the campaign and election process. It would be my great pleasure to greet you and accommodate your visit.

As you may know, I am not a member of any of the parties. I was elected as an independent candidate and I have remained independent of the parties while presiding over the Parliament. From this unique vantage point, I have been able to observe the development of our political system and our par-

ties. I can assure you that we have many viable and democratic parties, representing every political point of view. We even have a Communist party, quite small and not very popular.

I have been concerned that the American observers of Albanian politics have looked only at the labels of the parties than at the people within them. There are many intellectual political leaders who are democrats in the various parties besides the Democratic Party members. And the democratic history of many Democratic Party members is not so strong as leaders in other parties.

The support for the one party by so many of your political groups and by the statements of your Ambassador can lead to resentment by the Albanian people who will not appreciate intrusion into our political system and who might hold views different from those of your representatives.

I do hope that you will plan to visit Tirana for our election. Democracy is alive and well here. Our economic situation is most difficult, but the people are genuinely enthused about the new freedoms of our reformed system.

With best personal regards.

Sincerely,

DR. KASTRIOT ISLAMI.

THE UNITED STATES AND THE ALBANIAN ELECTIONS

The President of the People's Assembly of Albania, Kastriot Islami, tells a political joke that is making the rounds of his parliament. It goes like this:

"Can there be free and open elections in the United States?"

Yes, because there is no American Embassy in the United States."

Islami is not a member of any of the parties in Albania. He was elected to the Parliament as an independent and chosen to lead the group because of his even-handed and independent posture. He expressed in this joke the concerns of many political and public observers of the situation in Albania today.

The Ambassador of the United States has been speaking out in support of the Democratic Party of Albania, in speeches to public forums across the country, and in private gatherings.

Important intellectuals in Albania express concern over America's intrusion into their election process. They see the Ambassador's position being expressed. They see USIA supplies of paper going to only anti-government newspapers. They see our international political institutions supporting the Democratic Party exclusively.

There are two fears expressed:

1. There will be a backlash against the United States from those who are resentful of the influence being made.

2. The eventual government, most probably a coalition of Democrats and Socialists, being denied proper relations from the United States.

Until last year, all of the important party politicians in Albania were Communists, active members of the Party of Labor. It is difficult to determine, on the basis of past performances who is more democratic. The leaders of all of the parties, including the Democrats, were all important Communists. Today, the platforms of each of the parties is similar, supporting democracy and a free market economy for Albania.

U.S. DEPARTMENT OF STATE,
Washington, DC.

HON. LEE H. HAMILTON,

Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of March 2, 1992, referring to the letter of Dr. Kastriot Islami, former chairman of the recently dissolved Albanian People's Assembly, in which he alleges that our Ambassador and his staff in Tirana have engaged in partisan activities. I am very grateful to you for having forwarded both a copy of the letter and the paper entitled "The United States and the Albanian Election."

The activities of the United States in support of Albanian democracy are by no means limited to a single entity such as the Democratic Party of Albania. U.S. assistance to Albanian political parties has been extended through several election organizations. The National Democratic Institute for International Affairs has conducted programs with all political parties in Albania and with the Albanian Peoples' Assembly, and has most recently given substantial aid to the fledgling Albanian Society for Free Elections and Democratic Culture, a domestic, nonpartisan election observer group. The International Republican Institute, has also worked directly with several opposition parties on their organization and the importance of truly democratic procedures within those fledgling parties. The International Media Fund has helped to provide training to journalists in the use of modern tools (including use of computers and desk top publishing) and is procuring a new printing plant for the use of independent journalists. Similarly, we are providing technical assistance to Albania to help support the process of political and economic reform, including the running of free and fair elections. The International Federation for Electoral Systems (IFES), a U.S. government funded organization, provided the Albanian Central Election Commission with such assistance for the March 22 elections.

Prior to the national election, Ambassador Ryerson made public statements in several cities in Albania supporting pluralism and democracy and urging people to exercise their responsibility to vote though without reference to a particular political party. He publicly stated that the United States would conduct relations with whatever government the Albanians selected for themselves, provided the government had been chosen in truly free and fair elections.

We were surprised by Dr. Islami's characterization of himself as independent. He served as Minister of Education in the Socialist government prior to the March 1991 elections. In that capacity, he was responsible for closing all the country's universities following a student protest aimed at dropping the name "Enver Hoxha" from the title of the University of Tirana. It is also worth noting that Dr. Islami was a Socialist Party candidate in the March 22 elections.

The experience of our representatives in Albania during this past year, including Secretary Baker's enthusiastic reception in Tirana last June, demonstrates that an overwhelming number of Albanians not only approve of, but welcome, our policy toward their country. They are extraordinarily appreciative of the support given over the years by the United States to those opposed to totalitarian communism. Indeed, the results of the recent Albanian national parliamentary elections reinforce this belief. The Albanian Central Election Commission has reported officially that the Democratic

Party has won 79 out of 100 districts in the national parliamentary elections, while the Socialists have won only 6 districts. This result represents an overwhelming victory for the Democratic Party and its chairman Sali Berisha.

In the next few days, we expect to receive additional assessments from our Embassy and the reports of election observers, but from preliminary reports, the elections appear to have been conducted without serious incident or violence.

I hope this responds to your concerns. If I can be of further assistance to you in this matter, please do not hesitate to contact me again.

Sincerely,

JANET G. MULLINS,
Assistant Secretary for Legislative Affairs.

IN REMEMBRANCE: ERNESTO MONTANER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is my sad duty to note the passing of a good friend of mine Ernesto Montaner, who was known as the exile poet. Mr. Montaner came to this country some 33 years ago after a successful journalistic career in his native Cuba. Well known as a talk radio commentator, Mr. Montaner earned his title as "the exile poet" for a collection of poems that invoked the hurt and loss of those separated from their native land. His obituary, by Joel Gutierrez of the Miami Herald, recounts his life and accomplishments:

JOURNALIST ERNESTO MONTANER, "THE EXILE POET"

(By Joel Gutierrez)

Radio commentator Ernesto Montaner, known to many as The Exile Poet, died early Sunday morning of a heart attack. He was 77.

Montaner was an accomplished poet who touched the hearts of many exiles. He was also known for his sharply sarcastic verse couplets, which often lampooned people in the political arena.

"As a journalist in Cuba as well as here, he shone for his talent and his Cuban-ness," said longtime friend and fellow radio commentator Armando Perez Roura. "He was an excellent person."

Montaner was born in Havana. He studied at the Marquez Sterling Journalism School and later graduated from the University of Havana.

He worked for several Cuban magazines, including Bohemia. Some of his sharply-turned verses appeared in the "Relampagos" (Lightning) column published under the byline Vulcan.

In 1959, Montaner and his wife, Lourdes, came to the United States, where he soon formed a weekly newspaper called Patria (Homeland). In 1960, he published a book of poems, Under A Foreign Sun.

"In that book he gathered all the poems provoked by the pain of exile," said Perez Roura.

That and other works prompted the Miami Lions Club to christen Montaner as The Exile Poet. His poems have been read at numerous patriotic ceremonies in Little Havana.

In later years he hosted several talk programs on Spanish-language radio. He and his wife, who is also a radio commentator, wrote songs together.

In addition to his wife, he is survived by three sons, Ernesto, Roberto and Carlos Alberto; a brother, Pedro Montaner; nine grandchildren and four great-grandchildren.

A funeral Mass will be at 1 p.m. today at St. Raymond's Catholic Church. Burial will follow at Woodlawn Park North.

Mr. Speaker, I wish to extend my heartfelt condolences to Ernesto Montaner's widow, Lourdes, who is a dear friend of my family, and the entire Montaner family and assure them that someday soon his words will be heard in a free Cuba.

TRIBUTE TO TALMUDICAL ACADEMY OF BALTIMORE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. CARDIN. Mr. Speaker, today I rise to pay tribute to Talmudical Academy of Baltimore as it celebrates its 75th anniversary. To celebrate, the academy will have the largest, most ambitious banquet in its history on Monday, May 25, 1992 at the Baltimore Convention Center.

Talmudical Academy is one of Baltimore's premiere schools. It is the oldest day school in the United States outside of New York City. From a beginning of only 6 students, it now boasts an enrollment of over 600 students.

For 75 years, Talmudical Academy has provided Jewish young men with a dynamic, ambitious and unique education. The school has a reputation for excellent Torah and secular studies which complements the students' other abilities and interests. TA strives to create a high scholastic atmosphere where each student develops his own unique qualities and becomes self-motivated, self-assured, and self-disciplined.

Mr. Speaker, I hope you and my colleagues will join me in recognizing the efforts of the educators and students at one of Baltimore's finest schools for secular teachings.

CELEBRATION OF THE ODENTON ELEMENTARY SCHOOL'S 100TH BIRTHDAY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to recognize and honor the administration, faculty, staff, and student body of Odenton Elementary School on its 100th birthday and for being an outstanding place of learning for all of its young students.

Throughout its century of existence, the Odenton Elementary School has been an institution that exemplifies all of the positive qualities of learning that our young students need.

I speak on behalf of all of the citizens of Odenton in thanking all of the faculty and ad-

ministrators that have been and are a part of the Odenton Elementary School that have made and continue to make it a valuable addition to our community. As well, I would like to thank them for their contribution in expanding the minds and creativity of many generations.

As a Member of Congress, I am looking forward to continuing to work with the Odenton Elementary School to make a positive difference on behalf of the citizens of Odenton.

SOME BITTER MEDICINE FOR CONGRESSIONAL HEALTH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. MAZZOLI. Mr. Speaker, I submit for the attention and possible comment of my colleagues an article which I wrote for the Louisville Courier-Journal, and which was published on April 7, 1992.

[From the Louisville (KY) Courier-Journal, Apr. 7, 1992]

SOME BITTER MEDICINE FOR CONGRESSIONAL HEALTH

(By Romano L. Mazzoli)

WASHINGTON.—The U.S. House of Representatives has come under fire lately for failure to keep its own shop in order—namely, for member overdrafts at the House bank, mismanagement at the House Post Office, unpaid restaurant bills, and the proliferation of "freebies" that are not generally available to the public.

While I am not a check-bouncer, I am saddened by the erosion of public confidence in elected officials and in the institution of Congress. To restore this public confidence and to revitalize our institution will require real, fundamental change.

The growing wave of public cynicism and outrage over bad checks and Congressional perks is symptomatic of deeper concerns about Congress and government at all levels. Voters fear a loss of statecraft as well as moral compass in their leaders. The perception—real or not—is that government is for sale to the highest bidder, and that politicians in Washington are more concerned with self-preservation than with the public good.

I have a three-part prescription for what ails Congress and what troubles the people. It is strong medicine—perhaps even bitter—but in each case necessary.

First and foremost, we must radically reform our system of campaign finance.

People need to be put back at the heart of the political process. Elections should be about ideas and records, not about who has more money and more television commercials. The public, sadly, believes that Congressional decisions are more often based on money than on merits or demerits.

Since I gave up political action committee (PAC) funding in December, 1989, I have seen a renaissance in traditional grassroots politics in the Third Congressional District. Turning away from special interest funding has strengthened existing ties with hard-working everyday people, as has my more recent decision to limit contributions to not more than \$100 per person, per election.

If more members of Congress listened to the folks at the grassroots, rather than to PACs, there would be greater personal and

political accountability and a better brand of lawmaking.

Second, dramatic institutional changes must be made in Congress.

I have co-sponsored legislation to set up a bipartisan committee to give a stem-to-stern review of the way Congress operates. The result of this process should be a reduction in the number of congressional committees and subcommittees and the burgeoning staffs assigned to these committees.

The House leadership has undertaken some internal institutional changes in response to the bank and restaurant scandals.

Some of the remaining so-called perks are reasonable and sensible—comparable to employee benefits and opportunities available to most Americans in private as well as public employment. Other perks are excessive and abusive and should be eliminated. I have co-sponsored legislation to this end.

Further changes must be made in the use of the "frank," the free mailing privilege for members of Congress. Every member should have postage funds to correspond with all constituents who write or call. However, I don't believe members of Congress should spend hundreds of thousands of dollars for postal patron mailings that go to each and every mailbox in the district, nor should taxpayers foot the bill for large-scale targeted direct mailings. (My most recent postal patron mailing was a combination newsletter and town-hall meeting notice sent last summer; now, I have decided to drop these mailings entirely.)

Another needed reform: Laws passed by Congress should apply to Congress. We started in the right direction several years ago when we put Congress under Social Security. Last year we placed Hill employees under the Fair Labor Standards Act and the Americans with Disabilities Act. But, we and our employees should be brought under all the laws which cover individuals and businesses. I have legislation to do just that.

My third Rx is a strong and distasteful potion for members of Congress and constituents alike: We must drop pork—not the meat, but the unnecessary, wasteful federal spending programs—from our diet.

Unless elected officials say no to their constituents on a selective, thoughtful basis about issues and projects, the noose over Congress and the executive is tightened and the deficits grow. We must make "tough love" decisions for the good of the nation and for the good of the generations to come.

In all cases, members must "lay it on the line" to their colleagues and constituents despite political risk. The stakes for the nation are too high, and growing daily, for us to do less. Honest and clear speaking will also raise the level of debate on the issues of the day, and will activate and energize the voters as nothing else will.

People who have a voice in the system, and who feel that their real problems are being addressed honestly and forthrightly by the political system, will accept their duty to cast a thoughtful ballot and bear the burdens which solving our national problems carry.

This three-part prescription will not be easy to swallow.

Real reform is a foxhole-by-foxhole fight. Destroying our "firearms"—political action committee contributions, franked mailings, favorite spending programs for our constituents—and telling citizens the unvarnished truth is a lot harder than calling in the media mavens, the pollsters and the spin doctors to devise a 30-second, feel-good, free-lunch message designed to divert or distract but not to educate.

But for this nation to move confidently and commandingly into the third millennium, we must change the way we look at government, at money, and at ourselves. It is the only decent and right thing to do. I hope we get on with the task.

**FIU WOMEN'S BASKETBALL TEAM
A WINNER UNDER COACH RUSSO**

HON. ILEANA ROSLEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Florida International University Coach, Cindy Russo, for winning the Trans America Athletic Conference championship. This victory marks the third conference win in the past 5 years. When you have to share media attention with a national athletic powerhouse such as University of Miami, it is hard to get your proper share of respect. As Miami Herald reporter Todd Hartman points out, the FIU team has earned its time in the spotlight. The article, "FIU Women Deserve Spotlight, Not UM's Shadow," follows:

The news media have been heaping well-deserved praise on the University of Miami women's basketball team, a wonderful group that won hearts with a Big East Conference championship and a No. 6 national ranking.

In the process, though, the best Division I basketball program—men's or women's—in South Florida over the last decade, the Florida International University women's team, has once again been left shaking its collective head amid the dust of anonymity, wondering what it must do to get anyone to look its way.

The FIU women finished 22-8 this season and won the Trans America Athletic Conference championship—FIU's third conference title in five years. The 22 wins marked the seventh time in eight seasons that FIU coach Cindy Russo has guided the program to 20 or more wins—the benchmark for college basketball excellence.

Nevertheless, the FIU women are seemingly locked out of the media mainstream. They are perhaps the best-kept sports secret in Miami. Trouble is, they don't want to be.

"I do feel bad for myself and the coaching staff, but I feel worse for the players," Russo said. "We deserve more recognition, but we try not to dwell on it."

She tries not to. This season, after seeing the media to go gaa-gaa over the UM women, it's getting harder for Russo not to feel jilted. She's first in line to marvel over the achievements of UM coach Ferne Labati, but Russo, who four times in 10 seasons has won conference coach-of-the-year honors, is beginning to wonder what FIU has to do to get noticed.

She has a great lineup of players, including three from Eastern Europe. Freshman Andrea Nagy, a 5-7 Hungarian, is the top point guard in the conference and among the best in the country. She has shattered the school's assist record and finished second in the country in that category, averages more than 14 points a game and was selected to three conference all-star teams.

FIU's conference, the TAAC, showcases excellent basketball. Two players—Mercer's Andrea Congreaves and College of Charleston's Denise Hogue—led the nation in statistical categories. Congreaves led the country

in scoring with 33 points a game (second all-time), and Hogue blocked 5.3 shots a game, also best in the country and second all-time.

Things are still moving forward at FIU. Russo has the full support of the athletic administration, and the reputation of the women's basketball program continues to spiral upward. But, reminds an increasingly frustrated Russo, "It just seems like in this community it's not enough to be good."

It should be noted also that this was the 11th season in a row that FIU finished with a winning record. Only twice in 15 seasons have the FIU women finished under .500. UM comes close, but it can't match that record.

It's more evidence that South Florida's best Division I basketball program isn't necessarily in Coral Gables but inside FIU's Golden Panther Arena.

The women at FIU just wish somebody realized it.

Mr. Speaker, I commend coach Russo and her players for their hard work and competitive spirit. South Florida has the right to be proud of the achievements of all its universities in general and the FIU women's basketball team in particular.

**A TRIBUTE TO THE COMMUNICATION
ARTS GROUP AND THE
PRINTING TECHNOLOGY GROUP**

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. SOLARZ. Mr. Speaker, I take great pleasure in rising today to pay tribute to the Communication Arts and Printing Technology Group of Cavallaro Junior High School.

On May 21, 1992, the youngsters from Cavallaro Junior High School will visit Washington, DC, and tour the historic sites that are so integral to our country's heritage. These students are participants in a special Cavallaro Junior High School program which teaches democracy and American ideals. I truly believe that programs of this kind are the best way our country can reinforce and continue to develop the values for which our country stands. By actually seeing the workings of democracy in action, these youngsters are sure to develop an appreciation for the process and become active participants in its future.

I am truly proud to congratulate the Communication Arts and the Printing Technology Group for its trip to Washington, DC, and its active pursuit of the democratic ideals that make our country great. I am also proud to acknowledge the wonderful people who make these trips work, Rose Molinelli, principal, and Stephen Porter, administrative assistant, and I wish them continued success in their contribution to the community and, more importantly, to our children. These young people are our future. Their education, experiences, and values are our future.

**RECOGNITION OF WORKERS
MEMORIAL DAY**

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. REED. Mr. Speaker, I am joining many of my colleagues and thousands more across this great country in taking time today to recognize Workers Memorial Day, a day in recognition of the hundreds of thousands of American workers who suffered and die from workplace hazards.

This is a great nation. We should not, in 1992, still be faced with such situations as the fire at the poultry plant in Hamlet, NC; 25 people died in that fire working in conditions that should have been stamped out many years ago.

Why did this tragedy happen? In the 11 years it was operating, that plant has never been inspected by Federal or State safety officials. The death of those workers, the day after Labor Day, should, at the least, send a wakeup call to this Congress and to Federal and State safety officials everywhere.

As a member of the House Committee on Education and Labor, I have been examining the causes of the Hamlet fire. This fire was no accident. It was the result of lax regulations and casual—at best—oversight.

On this Memorial Day, I will be joining hundreds of thousands of others in observing a moment of silence for the workers lost in that tragic fire.

But the time for silence is over; it is time for action.

The statistics on workplace deaths and injuries are terrifying. According to research compiled by the AFL-CIO, every year more than 10,000 workers are killed by workplace hazards; more than 6 million workers are injured on the job; 60,000 workers are permanently disabled; and as many as 100,000 workers die from the long-term effects of occupational diseases.

The Occupational Safety and Health Act of 1970 was designed to guarantee American workers the right to a safe and healthy workplace. And yet, since this act was passed, more than 245,000 workers have been killed on the job; more than 100 million work-related injuries have occurred; and as many as 2 million workers have died from occupational diseases.

This year I will be working with our chairman, Representative BILL FORD, and the other members of this committee to strengthen workplace safety laws so that next year, on Workers Memorial Day, we can remember those we lost but also, hopefully, recognize the steps we have taken to protect American workers.

I pledge today, Workers Memorial Day 1992, to do what I can to make the workplace safer. I urge all my colleagues to join me in this promise.

TRIBUTE TO GEORGE LAURENT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. CARDIN. Mr. Speaker, today I rise in honor of George Laurent, who pioneered a career that involved him in one of the major social issues facing this Nation—relations between African-Americans and white Americans.

For 25 years, Mr. Laurent has been the executive director of Baltimore Neighborhoods, Inc., a nonprofit fair housing agency. The agency, and the greater Baltimore community have benefited from his extraordinary energy, creativity, and commitment to the struggle against discrimination. The challenge has been to change the way business is done, and to change the way people think.

George Laurent nurtured BNI from its early days through years of expanding activity, easing racial tensions in neighborhoods, monitoring and reporting on housing industry practices, educating the community about rights and obligations under the fair housing laws, responding to complaints of discrimination, and assisting with tenant-landlord disputes.

Today, BNI is considered one of the Nation's most effective fair housing organizations. It has a wonderfully dedicated, able, eight-person staff and a large corps of volunteers. However, it is the vision, commitment, intellectual grasp, and moral strength of George Laurent—plus his intense visceral conviction that each person should be treated fairly as a human being—that has nourished and shaped BNI and has inspired so many others whose paths he has crossed.

CARLOS FERNANDEZ: TURNING HIS DREAMS INTO REALITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Carlos Fernandez, who recently was featured in the Miami Herald after purchasing Purity, Inc., a Miami maker of food and cleaning products for institutions. The article, "Executive Finds a Company To Call His Own," by Derek Reveron, tells how the 46-year-old entrepreneur plans to expand the company's market from Florida to throughout the Nation:

A maxim from Carlos Fernandez: Don't become an executive unless you plan to run your own business empire.

Fernandez, a Cuban American with no college degree, has set out to do just that.

Backed by Mesirow Financial Holdings, a Chicago investment firm, the former Borden Inc. executive purchased Purity Inc., a Miami maker of food and cleaning products for institutions. Fernandez plans to extend the company's reach from Florida to throughout the South and then nationwide.

Is Fernandez dreaming? Would-be conglomerate builders are as common as movie star wannabes. But Fernandez separates himself

from the pack. It's one thing to dream, he said. It's another to back it up with cash.

Yet, he wouldn't be specific about the amount of capital available from Mesirow to expand the company and make acquisitions. "I feel very comfortable with the amount they're giving me," he said.

ONE-THIRD OWNER

Mesirow, which specializes in buying small- to mid-size firms, funded the Purity acquisition in September. Terms were not disclosed. Now, Mesirow owns 66 percent of Purity, and Fernandez the remaining 33 percent.

Mesirow spokesman Michael Smith said that the company's partners have known Fernandez since he was a Borden executive in Chicago. The deal "took a lot of selling" because Purity didn't have financial audits by an outside accounting firm, Smith said. After an independent audit, he said, Mesirow's interest peaked.

Founded in 1934, Purity was a family-run firm until its sale. The company was 84 employees. Sales in 1991 were \$22 million, up from \$18 million the previous year. Earnings rose 10 percent.

Purity makes 200 different food products and more than 150 cleaning compounds and supplies. Food products account for 85 percent of sales. The company's primary customers are large companies, such as Sysco, that distribute food and cleaning products to institutions.

All of Purity's U.S. customers are in Florida, mostly south of Orlando. Exports, mostly to the Caribbean, account for about one-fourth of the company's sales.

If anybody can mold Purity into a big money maker, it's Fernandez, according to those who know him.

"He's a natural entrepreneur," said Bob Hughes, who was vice president of sales for a Borden division headed by Fernandez. "He's warm but street-wise and tough, from living in Chicago when he was young."

When Fernandez took over the division, it was losing about \$2 million a year, Hughes said. Within 18 months, the division had net income of \$1 million a year, he said.

CAME FROM CUBA

Fernandez, 46, arrived from Cuba in 1962 at the age of 16. He came with his mother to join his father in Chicago. He worked in the food-service industry all of his adult life. When he was 18, he landed a job as a laborer in a Borden food-production facility. A year later, he became a shift supervisor. He went on to become general manager of two of Borden's institutional food-service divisions.

He climbed the management ladder without a college degree. He took a handful of courses in finance at a local junior college.

"I took just what I had to know to do my job," he said.

Such attributes could take Fernandez only so far in a major corporation. And, he thought, why struggle up the corporate ladder when he was ready to run his own company?

In 1990, he left Borden to seek a company to buy, and the financing with which to buy it.

He hired a business broker, who recommended Purity.

Fernandez researched the company. He found a tasty takeover target: Steady revenue and profit growth. Lack of marketing aggressiveness. An unwillingness to expand beyond Florida.

"They were successful with what they were doing and content with it," Fernandez said.

Purity's owners, brothers Bart and Daniel Jaffe, wanted to sell. They were approaching

retirement age and were weary of the business.

NO OUTSIDE AUDITORS

Fernandez needed capital. He contacted Mesirow, which arranged financing through a Canadian bank. Before the deal could be made final, Fernandez and Mesirow needed the detailed financial information that comes in an audit. However, Purity didn't have outside auditors.

Then the Jaffes agreed to an unusual arrangement. They would pay Fernandez to run the company so he could learn the details of the company's operation and make a final decision on the purchase.

Fernandez became general manager of Purity in December 1990. The deal was signed in September 1991.

Now, Fernandez plans to make Purity the core of a budding conglomerate. Here's what he has done so far:

Boosted the sales force from 9 to 11.

Fired the president of the cleaning compound division. The reason: Fernandez could handle the job, making the highly paid position unnecessary.

Hired a marketing and public relations firm.

Changed the name of the company, from Purity Condiments to Purity Inc., to reflect the company's broadened product range.

When you start making such moves, building a conglomerate "is no longer a dream, but a reality," Fernandez said.

I am happy to pay tribute to Mr. Fernandez by reprinting this article. After arriving from Cuba in 1962 at the age of 16, Mr. Fernandez worked his way up in the food-service industry to run his own company. Mr. Fernandez' story is typical of the many successful political refugees who have helped make America what it is today.

A TRIBUTE TO ENGINEER WILLIAM FERRIS 1992 CHINO FIREMAN OF THE YEAR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Engineer William Ferris. Ferris is retiring following 30 years of service with the Chino Fire Department. He will be honored, along with his colleague, Ernie Gilliland, as the "1992 Chino Fireman of the Year" on May 12 as the city of Chino celebrates Public Safety Day.

Bill attended South Park Grammar School and Samuel Gompers Junior High School in Los Angeles and graduated from Chaffey High School in Ontario. He started his career with the El Monte Police Department as a photo clerk and pursued his police training at the Los Angeles City Police Academy. Following his training, Bill pursued a career with the fire department, finding it more suitable to his long-term interests.

Ernie's record with the Chino Fire Department is well known. He began his career in 1962, was promoted to apparatus engineer in 1964, and has been actively involved in the training of new apparatus engineers.

Along with his firefighting duties, Ernie also enjoys fishing and working on his home. He

also enjoys traveling and antique shopping with his wife, Betty, and their two sons.

Mr. Speaker, I ask that you join me, family, and friends in recognizing the outstanding contributions of this firefighting professional. His dedication to public safety over the years, and commitment to the community, is certainly worthy of recognition by the House of Representatives.

THE HOSTAGE CHAPTER IS NOT CLOSED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues some correspondence three colleagues and I had with the President and the Department of State regarding Ron Arad, an Israeli airman missing in Lebanon since 1986 and known to have been held by captors for some time.

Ron Arad and others are still held and not accounted for in Lebanon and we must continue to work for the release of all those held outside the legal process in the region and for the accounting of all those missing in action.

The correspondence follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 20, 1992.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing you today on strictly a humanitarian purpose. We have all recently been contacted by Tami Arad, wife of Captain Ron Arad, the Israeli navigator who has been missing in action since October 16, 1986.

Mrs. Arad's passionate plea for her husband has moved us to write you on her husband's behalf. She has asked that the United States government raise the plight of her husband in whatever contacts we might have with the Government of Iran.

Now that all the U.S. hostages are home from the Middle East it is indeed easy to forget that there are others whose fate is unknown. If the Iranians or other parties have or can obtain any information about the fate of Captain Arad we should do whatever we can reasonably do to insist that it be made known to her.

We understand the limitations that the U.S. has in this situation but urge that you make every possible effort.

With kindest regards for your efforts, we remain

Sincerely yours,

DANTE B. FASCELL,
Chairman.

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

WILLIAM S. BROOMFIELD,
Ranking Minority Member.

BENJAMIN A. GILMAN,
Ranking Minority Member, Subcommittee on Europe and the Middle East.

THE WHITE HOUSE,
Washington, February 26, 1992.

HON. LEE H. HAMILTON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMILTON: Thank you for your recent letter to the President, co-signed by three of your colleagues, requesting that the Administration seek information on the whereabouts of Captain Ron Arad in any discussions with Iranian officials.

We appreciate your contacting us on Mrs. Arad's behalf. In an effort to be of assistance, I have shared your letter with the President's national security and foreign policy advisors for their review.

Thank you again for writing.

With best regards,
Sincerely,

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

U.S. DEPARTMENT OF STATE
Washington, DC April 6, 1992.

HON. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for the letter of February 20 regarding Israeli Airman Ron Arad. I have been asked to reply on the President's behalf.

Captain Arad has not been forgotten. On February 18, Ambassador Peter Burleigh, Coordinator for Counter-Terrorism, met with Mrs. Arad and assured her that the United States does not consider the hostage chapter closed.

The U.S. Government has called repeatedly for the release of all those held outside the legal process in the region as well as an accounting of all those missing, including Ron Arad. We fully support the efforts of the United Nations Secretary General to secure the release of the remaining captives.

Please be assured that, as we pursue all of our foreign policy goals in the Middle East, the fate of Ron Arad and the other captives is not forgotten.

Sincerely,

JANET G. MULLINS
Assistant Secretary, Legislative Affairs.

SAN BERNARDINO VALLEY COLLEGE CELEBRATES 65TH ANNIVERSARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. BROWN. Mr. Speaker, it is with great pride that I recognize the anniversary of a fine institution of higher education in the 36th District of California. San Bernardino Valley College is celebrating its 65th anniversary this year.

San Bernardino Valley College was established in 1926, initially serving 140 students taught by a faculty of 17 situated in 4 buildings. Since its inception, it has grown dramatically. Over 13,500 students now attend classes taught by a faculty of 200 in 20 major buildings. In addition, the library boasts over 125,000 volumes.

As those numbers indicate, Valley College's curriculum has expanded greatly over the years. Its original primary mission was to provide 2 years of undergraduate courses in preparation for a transfer to upper division

work at a 4-year institution. During World War II a number of technical courses were added to the curriculum in conjunction with military needs. The vocational-technical offerings have rapidly expanded and continue to occupy an important part of the college.

A real source of pride for Valley College is the Public Broadcasting Services [PBS] affiliate KVCR-TV. This PBS facility went into operation in 1962 and was one of the first television stations owned by a community college in the Nation. In addition to providing quality programming, it has become a leader in the development of instructional television and has given students the unique opportunity to train at a functioning television station.

I especially want to commend the people who have worked for the past 65 years to make San Bernardino Valley College the great college that it is today—college presidents. Dr. John Lounsbury and Dr. Arthur Jensen, who provided leadership for over half of the college's history. Although J.W. Daniel only served as president for 1 year, his 25 years at the college developing the instructional program and faculty personnel practices made Valley College a model for other community colleges throughout the State of California. The present president, Dr. Donald Singer, came to the college in 1990. For 65 years San Bernardino Valley College has enriched the lives of its students and I'm sure that it will continue to be a vital part of the community.

TRIBUTE TO SGT. MAJ. GARY A. BECTON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the many achievements of a good friend and an outstanding American, Sgt. Maj. Gary H. Becton. Sergeant Major Becton is retiring after nearly 28 years of service in the U.S. Army, the last 4 of which have been at the Sacramento Army Depot in Sacramento, CA. It is a special honor to pay tribute to such a remarkable leader who has made such a great contribution to the Sacramento community.

Sergeant Major Becton distinguished himself by exceptionally meritorious service during his 4 years as the Sergeant Major, Sacramento Army Depot. Sergeant Major Becton excelled as a noncommissioned officer and manager, bringing a special vitality and concern for the soldier into his every action. In addition to fulfilling his mission goals, he made significant improvements in the quality of life of his soldiers and their families.

Sgt. Major Becton believes you get to a man through his stomach. To that end, his dining facility was named best in the Army in 1988 and was honored in 1989 for having the best field mess. Also in 1988, the Sacramento Army Depot won the Army Community Excellence Award for small installations.

Although he certainly did not confine his contributions at the depot to soldier matters, he definitely excelled there. Sergeant Major Becton has prodigious expertise in the field of

property accountability and supply management. He established and personally conducted the depot physical training program with superb results. During operations Desert Shield and Desert Storm, he ensured that a working and effective chain of command existed at the depot not only for deployed depot soldiers, but on an area basis for all of northern California.

On countless occasions, Sergeant Major Becton supported the local community, enhancing the standing of the depot and endearing Sergeant Major Becton to the local citizenry. He conducted ceremonies, helped with charitable events such as Operation Santa Clause, and was an active and visible supporter of the Association of the U.S. Army and the Armed Forces Communications-Electronics Association.

Sergeant Major Becton's distinguished performance throughout his career, and particularly during the past 4 years, clearly represents accomplishment equalled by only the best of the best. His exemplary service is in the most cherished traditions of the U.S. Army and reflects utmost credit upon him, his various units, and the military service.

Mr. Speaker, it is with great pride and enthusiasm that I speak on behalf of Sergeant Major Gary H. Becton. His dedication to the citizens of Sacramento has been a true inspiration and his contributions will not soon be forgotten. I ask my colleagues to join me in congratulating him and in wishing him happiness in his retirement.

FIU'S COACH PRICE EARNS 500TH VICTORY FOR GOLDEN PANTHERS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is indeed my great pleasure to have the opportunity to recognize Coach Danny Price of the Florida International University Golden Panthers' baseball team for leading his team to their 500th victory. The special victory came during his 13th year as an FIU coach during a balmy Florida evening at the Golden Panther's home field.

In those 13 years, FIU fans and supporters have seen many different faces come and go on the Golden Panthers' field, but Coach Price and Assistant Coach Rolando Casanova are individuals whose names and faces have become synonymous with FIU baseball. Their commitment and dedication to FIU baseball and athletics has earned them the respect of their colleagues and members of the community as well as of the coaches and players who have competed with the Golden Panthers.

Miamians have witnessed the growth of FIU baseball as the players and coaches have advanced their way through tough schedules and tournaments and earned their reputation as a competitive team. The Golden Panthers certainly have come a long way since their 1973 opening game when Coach Price was not the coach, but a player on the team. In the last 19 years, the FIU baseball team has worked dili-

gently and persistently to become one of south Florida's most respected ball clubs.

Mr. Speaker, I commend Coach Price and Coach Casanova as well as the players who have made FIU baseball the terrific organization that it is today. Their hard work during the last two decades of FIU baseball has, without a doubt, been proven to result in a tremendous success. May they continue to have winning seasons, and may their sensational coaching staff continue to provide the team and our community with strong leadership.

HONORING THE ARTISTIC ACHIEVEMENTS OF ANDRZEJ BAK

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. SOLARZ. Mr. Speaker, this Nation's history and its culture have always been enriched by the vision and talent of its diverse immigrant communities. Nowhere has this been more evident than in the vibrant communities of Brooklyn which I represent. In neighborhoods like Greenpoint, new immigrants and long established families work side by side, building businesses and promoting artistic creativity.

One such artist is Andrzej S. Bak, a master restorer of historic buildings. Mr. Bak came to America from his native Poland 27 years ago and fell in love with the neoclassical style of New York's many historic buildings. He founded his company, Artenova of New York, 20 years ago to preserve and restore these long neglected buildings.

Throughout the Northeast, from Claremont, NH, where he was named an honorary citizen for his work restoring the city hall and opera house, to New York City, where he is painstakingly restoring the exterior of the Polish Consulate, Mr. Bak has strived to be true to the principles of excellence and devotion to historic accuracy which have always guided his work.

This devotion to excellence is clearly evident in Mr. Bak's complete renovation of the New York City national historic landmark "Little Church Around the Corner," and in his work on the 100-year-old Holy Trinity Church in Utica, NY.

In addition to his numerous professional accomplishments, Mr. Bak has given generously of his time and talents to the betterment of the Greenpoint community. He has volunteered countless hours to such worthwhile community service organizations as the Polish and Slavic Center, the Polish American Congress, and the Polish National Alliance.

Mr. Bak has been commended for his high artistic standards and devotion to historic preservation by President Reagan at a private White House dinner. A fund has also been set up in his name by the First Congregation of the Presbyterian Church in Springfield, NJ. The fund will be used to assist other artists working in the field of historic preservation.

Mr. Speaker, I am proud to recognize Mr. Andrzej S. Bak for his commitment to excellence and for devoting his life and extraordinary talents to the preservation of this na-

tion's proud architectural heritage for future generations to learn from and enjoy.

HONORING JAMES J. SHERIDAN, PH.D. ON THE OCCASION OF HIS RETIREMENT AS SUPERINTENDENT OF THE EL MONTE UNION HIGH SCHOOL DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. TORRES. Mr. Speaker, I rise today to recognize, Dr. James J. Sheridan, superintendent of the El Monte Union High School District. Dr. Sheridan is retiring from the El Monte Union High School District after 17 years of service and will be honored at a special ceremony on Friday, May 1, 1992.

Dr. Sheridan received his Bachelor of Arts degree from the University of Dayton, OH, and Master of Science degree from Hofstra University, Hempstead, NY. In 1970, he completed his Doctor of Education at the University of Southern California in Los Angeles, CA.

Dr. Sheridan has dedicated his 39-year career to the field of education. He has held a variety of positions including classroom teacher, assistant principal, principal, assistant superintendent and in 1975 began his tenure as superintendent of the El Monte Union High School District. Under his leadership, the district has implemented a myriad of successfully programs, including the academic decathlon, mentor-teacher program, summer workshops for curriculum and staff development, raised the passing score of the math proficiency exam and provided additional moneys for the purchase of textbooks and instructional materials. In addition, he secured funds enabling the district staff to attend various conferences which helped broaden their educational horizons.

He has been an active member of the Salvation Army, YMCA, El Monte-South El Monte Community Coordinating Council, Boy Scouts of America, United Way, and the Chambers of Commerce for El Monte-South El Monte and Rosemead. He has also served as the chair of the Bank of America Achievement Awards, President of the Society of Delta Epsilon, and has been a sought-after guest speaker at the UCLA School of Management, Pepperdine University doctoral program and the USC School of Education.

In addition, Dr. Sheridan was appointed chair of the State of California English as a Second Language Ad Hoc Committee, and a member of the State Superintendent's Committee on City Schools. He received the Abram Friedman Award from the California Council for Adult Education and the California Superintendent's Award for Distinguished Service to Vocational Education. Further, Dr. Sheridan has been recognized by the State of California as the superintendent whose school district has exceeded expectations on the California assessment program [CAP] test.

Mr. Speaker, on May 1, 1992, teachers, administrators, students and civic leaders will gather to honor Dr. James Sheridan for his tremendous contributions to the field of edu-

cation and the community. I ask my colleagues to join me in saluting this exceptional man for his outstanding record of educational service to the young people of my district and the State of California.

STATE DEPARTMENT VIEWS OF
THE PEOPLE'S MOJAHEDIN OR-
GANIZATION OF IRAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues some correspondence I had with the State Department concerning United States views of the Iranian organization called the People's Mojahedin which is fighting the current Government of Iran.

Attached are: a State Department fact sheet on the organization written roughly 2 years ago; a February 27, 1992 letter of the organization rebutting that fact sheet; my letter to the State Department asking for further comments; and the State Department's reply of April 2, 1992. The State Department explains its concerns about the organization and its past involvement in terrorism and why the State Department will not meet with the organization.

The material follows:

FACT SHEET

THE MOJAHEDIN-E KHALQ (PEOPLE'S MOJAHEDIN ORGANIZATION OF IRAN)

The Mojahedin-e Khalq (MEK), a leftist revolutionary group, was formed in 1963.

Its founding principles included the creation of a Marxist-oriented Islamic government in Iran; opposition to "imperialism" as supposedly embodied by the United States; opposition to Zionism and Israel; and a close affinity to Third World radical movements.

Its political philosophy put the MEK at the forefront of those Iranian opposition groups advocating the overthrow of the Shah and led to the MEK's strongly opposing the involvement of the United States in Iran. The MEK publicly supported the seizure of our Embassy in Tehran in 1979.

To achieve its political objectives, the MEK almost from its inception has engaged in acts of terrorism and violence; the organization was responsible for fatal attacks on several Americans in Iran in the 1970s.

Since it fell out with the Khomeini regime in 1981, the MEK has been engaged in an armed struggle with the Iranian government, and has used methods of terrorism and political violence against Iranian officials.

The military wing of the MEK, the National Liberation Army, operates from bases in Iraq and received Iraqi support for offensives into Iranian territory during the Iran-Iraq war. It continues to receive Iraqi support and protection.

REPRESENTATIVE OFFICE OF THE NA-
TIONAL COUNCIL OF RESISTANCE OF
IRAN,

Washington, DC, February 27, 1992.

HON. LEE H. HAMILTON,

Chairman, Subcommittee on Europe and the Middle East, Washington, DC.

DEAR REPRESENTATIVE HAMILTON, I have recently learned that the United States De-

partment of State has been sending a text entitled "Fact Sheet: The Mojahedin-e-Khalq, People's Mojahedin Organization of Iran" to those senators and representatives who have requested information on the Mojahedin, a member organization of the National Council of Resistance of Iran. This fact sheet, which I have enclosed for your information (Enclosure 1), unfortunately contains incomplete and inaccurate information. To clarify any questions in this regard, I draw your attention to the following text:

1. With regard to the Mojahedin's revolutionary nature, if the American and French peoples' struggles for their nations' freedom, independence and democracy (1776 and 1789) are considered revolutions, the Mojahedin are also revolutionaries. They are fighting for their nation's liberation from one of the most hated dictatorships of the contemporary era, and seek to establish peace and democracy in their homeland. The Mojahedin are revolutionary in the same sense as the people of Italy, who took up arms to save themselves from Mussolini's fascism.

Revolution and armed struggle, when all peaceful avenues to realize the people's fundamental rights have reached an impasse, are recognized as the only resort by all religious authorities, as noted in the Universal Declaration of Human Rights, etc. In a noted press conference reported by the Vatican publication *L'Osservatore Romano* on April 5, 1986, Cardinal Joseph Ratzinger, President of the Pontifical Biblical Commission, introduced a document entitled "Christian Liberty and Liberation," wherein it is stated: "Armed struggle is the last resort to end blatant and prolonged repression which has seriously violated the fundamental rights of individuals and has dangerously damaged the general interests of a country."

2. The Mojahedin have consistently condemned terrorism (whether by groups or states) in the strongest terms; in particular, the Mojahedin have exposed the Khomeini regime's terrorism in the most documented and public manner at every possible opportunity. (Enclosure 2) In truth, the Mojahedin are victims of the Khomeini regime's terrorism within Iran and abroad. During the period when the Mojahedin were able to openly and officially conduct political activities within Iran, more than 70 of the organization's members and supporters were murdered by terrorists unofficially directed by the Khomeini regime. Abroad, Khomeini's diplomat-terrorists are responsible for the wounding or assassination of many representatives of the Mojahedin and National Council of Resistance to various countries. These victims include Professor Kazem Rajavi, the NCR Representative in Switzerland and brother of Mr. Massoud Rajavi, the Leader of the Iranian Resistance. Prof. Rajavi's murder was carried out, according to the Swiss Police and Investigations Magistrate, by 13 persons carrying official Iranian service passports. (Enclosure 3)

The Mojahedin were obliged to choose armed struggle as the last avenue of confronting the Khomeini regime—a right officially recognized by the Universal Declaration of Human Rights and all religious authorities—after exhausting all peaceful, democratic avenues to establish freedom and democracy in Iran; after all the organization's official, public centers had been closed down; after more than 70 Mojahedin supporters and members had been murdered for no reason, and 3,000 others arrested and subsequently executed without being charged; and finally, after the peaceful demonstration by

500,000 people, called by the Mojahedin on June 20, 1981, was turned into a bloodbath by the Khomeini regime, and groups of 50 and 100 of their supporters were subsequently executed *en masse* for the "crime" of possessing newspapers. (Enclosure 4)

This struggle is conducted only against the regime's officials—who are responsible for the murder of 100,000 people and the imprisonment and torture of 150,000, as well as for international terrorism and hostage-taking—and suppressive forces.

The terms "terrorist" or "terrorist methods" cannot be applied to this Resistance which, under no circumstances, targets ordinary citizens or innocent civilians. Furthermore, even regarding the regime's officials, the armed struggle is contained within Iran's borders. Outside of Iran, the Mojahedin have respected and respect the laws of the relevant countries, and confine their struggle to political activities and exposés. As per the positions and orders of their Leader, Mr. Rajavi, the Resistance's supporters and ordinary Iranians, despite their wrath at this regime, have controlled themselves outside Iran and have on no occasion responded to the regime's violence and bloodshed in kind. (Enclosure 5)

Mr. Rajavi has repeatedly declared that "from the Mojahedin's standpoint, no death—not even that of our suppressive enemies within the Khomeini regime—is to be welcomed in itself. It is even regrettable. Were it not for the Khomeini regime's blocking all avenues of peaceful political opposition and had it not responded to any call for freedom with execution, the Resistance would not have been necessary."

Furthermore, for years the Mojahedin's armed resistance has been carried out within the framework of the National Liberation Army of Iran, whose duty is to bring about the military overthrow of the Khomeini regime. The specifics and methods of this army, consisting of tank, armored, artillery, mechanized and other units, are completely in line with the criteria outlined in the Geneva Conventions of August 12, 1949. The NLA is "commanded by a person responsible for his subordinates"; has "a fixed distinctive sign recognizable at a distance"; carries arms "openly"; and conducts its "operations in accordance with the laws and customs of war." These characteristics have been observed on numerous occasions by the international journalists and observers who have visited the NLA's garrisons.

Therefore, in accordance with the Geneva Conventions of 1949, the label "terrorist" cannot be rightfully applied to the NLA, and its warfare is categorized as classical. In accordance with the regulations of the International Committee of the Red Cross, Resistance prisoners qualify and should be treated as prisoners of war.

3. The regime of the Shah was the first to brand the Mojahedin "Marxist." A profoundly freedom-loving and democratic force, the Mojahedin fought against the Shah's regime only after perceiving that all avenues of peaceful political opposition had been closed. The label "Marxist" was applied to them for this reason, i.e. their opposition to the Shah. Of course, the Mojahedin were rightly known among a large sector of Iranian society as a Muslim force, and the Shah could not apply the label "Marxist" by itself. He therefore invented the label "Islamic Marxist" in reference to the Mojahedin.

Khomeini and his followers followed the Shah's lead, branding the Mojahedin "Islamic Marxists" in their propaganda for foreign consumption. Ironically, within Iran,

Khomeini, the Tudeh Communist Party (supporters of Moscow), and other communist party members and groups meanwhile labelled the Mojahedin "American agents." The latter label prompted these persons to adopt the position that hostility and warfare against the Mojahedin were their fundamental duties (Enclosure 6), even abroad, for example in France in 1986. (Enclosure 7) The Pasdaran ("Revolutionary Guards") wrapped Mojahedin corpses in the American flag prior to burial. Thousands of Mojahedin supporters and members were turned in to Khomeini's executioners by communists supporting Moscow and other political currents. After savage torture, these Mojahedin were executed.

In response to the charge that the Mojahedin are Marxist, Mr. Massoud Rajavi, Leader of the Iranian Resistance, told Time magazine on September 14, 1981: "Every high school student knows believing in God, Jesus Christ and Muhammad is incompatible with the philosophy of Marxism. Everyone knows that, even Khomeini. But for dictators like Khomeini, 'Marxist Islamic' is a very profitable phrase to use against any opposition. If Jesus Christ and Muhammad were alive and protesting against Khomeini, he would call them Marxists too."

In another interview, with the Farsi section of "Voice of America" radio, December 20, 1984, Mr. Rajavi said: "As far as our economic and social views are concerned, we accept private ownership, national capitalism, free competition, and private investment." The program announced by Mr. Rajavi for the National Council of Resistance also states that the Provisional Government of the Democratic Islamic Republic of Iran, which will administer the country's affairs for a period of six months after the overthrow of the Khomeini regime, respects free competition, private ownership, and private investment.

The reapplication of these labels in the current international situation and subsequent to the collapse of the Soviet Union and Eastern Block, and in relation to a movement which has millions of supporters throughout Iran, doesn't stick. In fact, it is due to the Mojahedin's faith in the modern and democratic Islam that they have been able to deeply influence Iranian society throughout their 27-year history, and to grow on a daily basis despite the Khomeini regime's savage killings and suppression. The Mojahedin's resilience, moreover, coincides with the demise of all the Marxist groups in Iran, who were eliminated within the first two years of Khomeini's rule.

From another perspective, the Mojahedin are the only real solution to the spreading fundamentalism of the criminal mullahs ruling Iran. The experience of past years has shown that the other political trends and solutions were incapable of opposing this regime, which, after centuries, had seized religious and political power in one of the world's most strategic regions. In this region, which is profoundly Islamic in nature, only a democratic and modern Islam, represented in Iran by the Mojahedin, could and can counteract the specter of fundamentalism. In the name of Islam, this fundamentalist phenomenon perpetrates unprecedented bloodshed and killings. The Mojahedin's Islam, in contrast, bears a message of co-existence, democracy, peace, and mercy.

4. In specifically addressing the charge of being anti-American, or anti any country, contained in the fact sheet, I should state that the documents and declared programs of the Mojahedin and NCR are sufficiently

clear. If the writers of this fact sheet had obtained these documents, they would perhaps have referred to them in their fact sheet. For example, Mr. Rajavi states in introducing the Program of the National Council of Resistance of Iran: "We have no enmity toward any country, and seek amicable and respectful mutual relations, provided that they recognize our country's independence, freedom and territorial integrity."

As for the current differences and conflicts in the Middle East, the NCR and all its members support the Peace Conference and are hopeful that the issue will be resolved, that peace and stability be established in the region, and that there remain no source of turmoil or crises, essentially because the Khomeini regime is the primary beneficiary of any regional war or unrest.

Elsewhere, Mr. Rajavi has said that contrary to Khomeini's regime, Iran's future government will not be anti-Western "since such hostility in reality embraces the backward ideas of the Middle Ages." Mr. Rajavi has also pointed out Iran's technical, economic, scientific, cultural, and artistic needs in relation to Western countries, adding that rather than being anti-western, the Mojahedin seek equal and independent relations.

The Mojahedin have maintained an active presence in the United States and most western European countries for more than a decade, where they have explained their economic and political programs on an extensive scale to relevant officials and parliamentarians. There is, moreover, significant support for these programs among various parliamentarians, including a significant number of members of Congress. (Enclosure 8)

However, with regard to the Shah's reign, the Shah was hated by the people of Iran for his dictatorship and his crimes. Unfortunately, the United States, due to its incorrect information on and analysis of the socio-political situation in Iran, actively supported the Shah until the last months of his reign. In consequence, anti-Americanism was widespread among the Iranian public. Under the circumstances, the Mojahedin naturally did not agree with such U.S. support, which was neither in the interests of Iran's people, nor of regional peace and stability.

Khomeini took advantage of the public sentiment to suppress and execute the Mojahedin, and his regime continues to do so. The Mojahedin, from the outset, had consistently declared that the primary enemies of the Iranian people were the Khomeini regime, fundamentalism and religious retrogression. In order to eliminate democratic freedoms, Khomeini and the supporters of Moscow were demagogically telling the people that their primary enemy was American imperialism.

It is regrettable that positions occasionally adopted by the State Department against this Resistance, which has sacrificed 100,000 execution victims for the freedom of its homeland, have thwarted our efforts to expose the suppressive objectives behind the Khomeini regime's anti-Americanism. Ultimately, the only result has been to enhance pessimism among the Iranian people.

The taking of American diplomats hostage in Tehran, an act which the fact sheet unfortunately claims the Mojahedin supported, had but one objective: the suppression of opposition, and in particular of the Mojahedin, under the guise of "struggle against America." Indeed, not only were the Mojahedin not supportive of or involved in the taking of American hostages, they were the primary victims of the incident.

In an interview recorded by ABC television on October 29, 1984, Mr. Rajavi said: "If we are a country, if we are a state, we have to be respectful and must not believe in the violation of diplomatic immunity. So, I can say that not only about this [hostage] crisis but also about the warmongering policy of Khomeini, international terrorist activities and also his suppressive measures, we wish they would not [have] happened. These are all against Iranians and against democracy."

As for the participation of the Mojahedin in the assassinations of several Americans in Iran, it should be recalled that the Mojahedin Organization had carried out no military operations prior to the arrest of all of its leaders in August 1971. All of the Mojahedin's leaders were executed by the Shah, with the single exception of Mr. Rajavi, who was sentenced to life imprisonment due to the international activities and intervention of Amnesty International and a number of Western public figures, including President Francois Mitterrand. Mr. Rajavi remained incarcerated, along with the other leading figures of the Mojahedin, until January 1979.

With regard to the members of the Mojahedin who did remain out of prison, a number of individuals, who subsequently revealed that they were Marxists and later took the name of "Peykar dar Rah Azadi Tabageh Kargar" ("Struggle in the Path of the Working Class's Freedom"), took advantage of the imprisonment of all leaders and most members of the Mojahedin to penetrate the organization. These individuals subsequently murdered many of the Mojahedin's members in a brutal fashion and staged an internal coup, temporarily destroying the People's Mojahedin Organization of Iran. (Enclosure 9)

After the anti-monarchic revolution which toppled the Shah, the Mojahedin, recently released from prison, were able to rebuild the organization. By exposing Khomeini's backward nature, the Mojahedin managed to attract widespread support among various sectors of Iranian society. Many of these supporters were later to become members of the organization, and currently are included on its 837-member Central Council.

5. The relations of the Mojahedin and National Liberation Army with Iraq are based on non-interference in each other's internal affairs. The NLA's primary aspiration is to be on Iranian soil, where it will be able to carry out a military operation and effect the overthrow of a regime which domestically has violated all fundamental, basic human rights, and has exported terrorism, fundamentalism, and warmongering abroad, thus disrupting the region's peace, stability and tranquility. (Enclosure 10)

The NLA is funded by the Iranian people. The executions of Iranian merchants for contributing to the Mojahedin, and the large demonstrations in various countries by the organization's supporters attest to this support. In addition, some of the movement's financial resources are obtained by means of the commercial undertakings of the National Council of Resistance. The NLA's weapons were essentially obtained in the war of liberation against the Khomeini regime, during which they were taken as booty. A great many members of the Khomeini regime's regular military have joined the NLA. Their allegiance to the Resistance, in addition to demonstrating the NLA's popularity and support among freedom-loving Iranian servicemen, has provided the force with needed personnel, weapons, and expertise.

Mr. Hamilton, I am hopeful that the above text has clarified and responded to the alle-

gations leveled in the enclosed fact sheet. I respectfully request that as Chairman of the Foreign Affairs Subcommittee on Europe and the Middle East, you forward a copy of this letter to the State Department in order to clarify these issues. I further request that this response be published in the Congressional Record to better inform members of the House and Senate regarding the Mojahedin and the Iranian people's Resistance. Particularly at this sensitive and decisive state, the unity of democratic freedom-loving, and anti-fundamentalist forces vis-a-vis the trend towards fundamentalism and Khomeini's medieval outlook in the Middle East and other Muslim countries, is essential.

Sincerely,

Dr. MASOUD BANISADR,
U.S. Representative.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 2, 1992.

The Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY, I attach for your consideration a fact sheet I understand was prepared by the Department of State regarding the Iranian People's Mojahedin Organization of the National Council of Resistance of Iran as well as the organization's response to that fact sheet.

I would appreciate your detailed response to the comments of the organization as well as the State Department's policy today on meeting with representatives of this organization and the reason for that policy.

I asked the organization for their rebuttal to your fact sheet and they provided in addition to the attached letter backup documents which are available to you if you want or need them.

Thank you for your consideration of this matter.

With best regards,
Sincerely,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 2, 1992.

The Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

DEAR MR. CHAIRMAN: Thank you for your letter of March 2, addressed to Secretary Baker, in which you asked for our response to claims by Dr. Masoud Banisadr of the People's Mojahedin Organization of Iran (PMOI) that a Department of State fact sheet on that organization contains inaccuracies. You also requested an explanation of the Department of State's policy of not meeting with representatives of the PMOI or its political arm, the National Council of Resistance.

We have carefully reviewed the fact sheet and found it to be an accurate description of the PMOI's history and ideology. Founded in 1963, the PMOI's platform blended Islamic ideology with Marxist tenets, including the collectivization of economic interests and opposition to capitalism. As described in Ervand Abrahamian's book *The Iranian Mojahedin*, the PMOI has "tried to synthesize the religious message of Shiism with the social science of Marxism." While any shorthand description of a complex ideology requires simplification, the generalization is reasonable.

Our opposition to the group, however, stems not from its political ideology *per se*

but from its use of terrorism and its aim of seeking the violent overthrow of the current Iranian regime. Just as we deplore the excesses and harsh reaction of the Iranian regime to political opposition, we do not condone the use of terror and violence in turn by the Mojahedin or any other opposition group. Contrary to Dr. Banisadr's allegations, the PMOI has advocated the use of violence since its inception. In the 1970s, for example, the PMOI received training and support from the Palestine Liberation Organization, and current PMOI leader Masoud Rajavi fought alongside Palestinians in Jordan during "Black September" in 1970.

The historical record shows clearly that PMOI opposition to "imperialist" and "capitalist" forces associated with the Shah's government included direct and violent attacks against U.S. interests. In 1973, the PMOI assassinated Lt. Col. Lewis Hawkins, a U.S. military advisor in Iran. In 1975, PMOI terrorists shot and killed two U.S. Air force officers in Tehran. The same year, a PMOI attack against a U.S. Embassy van in Tehran resulted in the death of a local employee. And in 1976, the PMOI assassinated three American employees of Rockwell International working in Iran.

The PMOI's claim that the organization is not responsible for actions carried out while its leaders were incarcerated is a facile one. It is true that some of the assassinations were carried out by avowedly Marxist members of the organization, who in 1975 split from the "Muslim" wing which included current PMOI leaders. However, there is no indication that the incarcerated PMOI leadership objected to the terrorism carried out in its name. Given the organization's strong anti-U.S. sentiment at the time, it would have been uncharacteristic for its leaders to denounce acts against what the PMOI viewed as an "imperialist" power affiliated with the Shah. Only in the past few years has the PMOI sought to distance itself from these acts of terrorism.

In the same context, Dr. Banisadr's claim that the PMOI was a victim of the U.S. Embassy takeover in November 1979 overlooks the fact that the PMOI supported the holding of U.S. hostages. It was only in 1981 that the Mojahedin openly joined the opposition to Khomeini's regime. The split was due to ideological differences, and not over the question of U.S. hostages.

In 1984, the group's leaders fled to Paris, where they established a presence until expelled by French authorities in 1986. Since 1986, the PMOI and its military wing, the National Liberation Army, have been based in Iraq. The PMOI and NLA continue to receive support and financial assistance from Saddam Hussein's government.

We do not dispute Dr. Banisadr's assertion that the Islamic Republic has routinely tortured, executed, and assassinated PMOI members. We have made clear, in our public statements and in our annual human rights report, that such actions violate all norms of international behavior. Indeed, we have cited the assassination of political opponents abroad, including that of Dr. Kazem Rajavi, as an example of Iranian state-sponsored terrorism. This does not, however, justify the PMOI's own use of violence either against Iranian government officials or, as in the past, U.S. interests and citizens.

I hope this answers your questions. For further study of the history and ideology of the PMOI, I would refer you to Ervand Abrahamian's *The Iranian Mojahedin* (Yale

University Press, New Haven and London, 1989).

Sincerely,

JANET MULLINS,
Assistant Secretary, Legislative Affairs.

VICE PRESIDENT QUAYLE ADDRESSES HOLOCAUST MEMORIAL CEREMONY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. GILMAN. Mr. Speaker, this past Sunday Vice President DAN QUAYLE was the honored speaker at the annual commemoration in New York of the Days of Remembrance and Warsaw Ghetto Uprising Memorial Service. This year's commemoration took place at the Jacob Javitz Convention Center in New York City, with over 5,000 in attendance. Among those who addressed the gathering were Nobel Peace Prize Winner Elie Wiesel, Mayor David Dinkins and Governor Mario Cuomo.

During this solemn ceremony, we remembered the 6 million innocent Jewish victims of Hitler's insanity, and paid tribute to the valiant fighters who held off Nazi forces for so long during the Warsaw Ghetto Uprising. Those of us present at Sunday's ceremony found Vice President QUAYLE's remarks particularly appropriate and thoughtful. Accordingly, I would like to take this opportunity to insert his address at this point in the CONGRESSIONAL RECORD for the benefit of my colleagues:

REMARKS BY THE VICE PRESIDENT—49TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

It is a special honor to join you today. Today we mark the 49th anniversary of the Warsaw Uprising and participate in a solemn tribute to six million Jews killed during World War II.

Not quite a year ago, I stood at Auschwitz. My wife and two of our children were there beside me. A mother and father like to think that they can teach their children the ways of the world—how and why things happen as they do. But standing there, what does one say? Looking at the signs that say "Shower-rooms," or the reassuring Red Cross symbols on the doors to the gas chambers, how does one explain what happened? Walking with your children through this huge complex called Auschwitz, how do you describe what it means?

I asked my children after leaving Auschwitz what they remembered the most. They hesitated a moment and gave their quiet responses. My son remembered the human hair used to make blankets. My daughter remembered the hundreds of shoes—kids' shoes. She remarked "Dad, they were so young * * *." Young, old, man, woman—they were all killed. For what?

Each time we think about the Holocaust—and I mean really think, long and hard—it's as if we're confronted anew with facts we can hardly believe. Somehow the enormity of the thing just won't sink in. How? How on God's good earth did such things happen? It was evil, horrendous, sickening, a tragedy we shall never, never, never forget.

To study the Holocaust is to discover how evil man can be; but to understand the Holocaust is also to realize how strong man's spirit can be—how strong men and women can be in resisting evil, in standing for what

is good and what is right. On the same day last year that we went to Auschwitz, we attended a ceremony in Warsaw, to commemorate the Warsaw Uprising. There we met with a delegation of Polish Jews, and stood together in memory of the Jewish resistance to the Nazis.

When we recall the Warsaw Ghetto Uprising, we recall tragedy; but we also recall honor and nobility in the face of death, innocence in the face of evil. The resistance was fierce. The Jews were proud people and ready to stand up—and, yes, die—for what was right. They resisted, they fought—and they died. As one historian pointed out, "Some European nations, with well-equipped armies, had not resisted the Nazis for so long."

Today, in Warsaw, marking this tragedy, is a slab of grey stone. But the memorial represents something much more than that. It reminds us of a people who said, "No, we will not go. We kneel to no man." And of course there are so many other places and memorials elsewhere, attesting to the same defiant faith, the same heroic faithfulness:

In Ebensee, where just before their liberation 30,000 Jewish prisoners refused to march into a deep tunnel rigged with explosives.

In Auschwitz itself, where on October 7, 1944, 250 Jews were massacred after an uprising in which they managed to destroy Crematorium III.

After four days of torture one of the participants, Rosa Robata, went to her execution saying to her friends, "Be strong and brave."

And in Holland, a hidden attic where 50 years ago a young Jewish girl could somehow retain her belief that: "Despite everything, I still believe that man is fundamentally good."

Whether or not man is fundamentally good, ladies and gentlemen, one thing is certain. Throughout history, the worst enemies of mankind have reserved a special hatred for the Jews.

One demagogue after another has strutted forward with his new agenda for reshaping the world. And always, there remain these stubborn people who will not bow down, whose allegiance is to God alone.

On this day is a man who has never bowed down—a man who has always kept the faith. This man is Elie Wiesel—a courageous and peaceful man, and one I am proud to count as a friend.

Those who know Elie Wiesel can tell you that he has an extraordinary way of making you feel at ease, while at the same time getting you to express some of your deepest thoughts and convictions.

Over two years ago, at one of our meetings, he asked me an intriguing question. "How," he asked, "would you like to be remembered by Jewish history?" I admit that I hadn't given this question much thought. But I answered as forthrightly as I could: "I would like to be remembered," I said, "as a Christian who helped make Israel more secure, and who helped make the world a little more tolerant."

Israel was built upon the ashes of the Holocaust by courageous founders. She is a small country, but she has survived—and she has flourished. And she is our most reliable ally in the Middle East. And let me remind you, my friends: America has more than "interests" where Israel is concerned. We have shared values—cherished traditions—a true friendship.

In recent times, some have suggested that our relationship with Israel has weakened. Some have even said that "the case for Israel has increasingly become the almost exclusive preserve of American Jews."

That is not true. And speaking as a non-Jew, let me say this: as long as I am in public life, the cause for Israel will not become the "exclusive preserve of American Jews." After all, my friends, "never again" is more than the vow of Jewish survivors: it's the deep, unshakable resolution of the world's sole superpower, the United States of America.

Forty-nine years ago, watching his Warsaw neighbors disappear by the day, Chaim Kaplan sat down to record in his diary what he saw: "I have no words to express what has happened to us since the day the expulsion was ordered. Those people who have gotten some notion of historical expulsions from books, know nothing. We, the inhabitants of the Warsaw ghetto, are now experiencing the reality."

And his friends asked Chaim Kaplan: Why even keep a diary? All of them would surely die—soon; and almost certainly no one would ever read his words. The diary too would be cast into the flames. Why even bother?

And yet, Kaplan wrote, "in spite of all I refuse to listen to them. I feel that continuing this diary to the very end of my physical and spiritual strength is a historical mission which must not be abandoned."

Today, we can read his diary and the testaments of so many others. And reading them, we remember not only the great Lie, but the great truth that outlived it. Today we honor those who have suffered for the truth, those who have fought for truth and those who fight for it today, here in the United States, in Israel, and around the world.

Thank you, God bless America; God bless the Jewish people; and God bless Israel, a faithful ally and the bravest of friends.

INTRODUCTION OF LEGISLATION FOR A MORATORIUM ON THE PATENTING OF GENETICALLY ENGINEERED ANIMALS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. CARDIN. Mr. Speaker, today I am introducing a bill to provide for a 5-year moratorium on the granting of patents on invertebrate or vertebrate animals, including those that have been genetically engineered. The availability of patents encourages the creation of genetically engineered animals, in most cases, animals whose genetic compositions have been manipulated by genetic engineering techniques to contain foreign genes from other animals, including humans. The resulting animals have combinations of genes and traits not found in nature. We have little experience in assessing the economic, ethical, and environmental consequences of the creation, release, and patenting of such creatures. The moratorium provided for in this bill would simply give the Congress the time to fully access, consider, and respond to the issues raised by the patenting of such animals.

At the outset, I want to make it clear this legislation is not intended to halt the promising field of biotechnology. The various techniques of biotechnology, when used responsibly have enormous potential to benefit society in a number of areas, including the creation of important new pharmaceutical and agricultural products. However, with the new benefits of

biotechnology come risks. Genetic engineering allows scientists to take human genetic traits and insert them into the permanent genetic code of animals. Biotechnology is also becoming increasingly adept at mixing and matching the genetic traits of animals, insects, and plants to create new and different species. To suddenly and unconditionally grant patents for any and all of these genetic creations without a strict Federal review process would be irresponsible and impudent.

The bill I am introducing, which was introduced in the Senate on June 13, 1991, by Senator MARK HATFIELD of Oregon, will provide Congress the time to examine the risks of animal patenting. Specifically, the bill provides that no animal shall be patented until the commercialization and release of such an animal has been subjected to a Federal review process established to impose "environmental, health and safety, economic and ethical standards."

If patents are to be issued, we must ensure the patenting of genetically engineered animals will not cause economic harm to the Nation's farmers and researchers. In economic terms the Patent Office decision provides Government authority for the genetic manipulation, and ownership of all animal species. The use, enjoyment, and protection of animals, long a public right and responsibility, could be turned over to the public sector. In years to come there could be increasing competition for corporate control and ownership of the gene pool of animal species. The most immediate economic effect of this policy could be felt in agriculture, where the major chemical biotechnology, and pharmaceutical companies could conceivably position themselves to take over animal husbandry. The Patent Office has confirmed farmers will have to pay patent fees every time they breed a patented animal or sell part of their herds which contain such patented animals. This will also be true for researchers using patented laboratory animals. The economic consequences of animal patenting on small farmers and research institutions need to be carefully examined.

Unlike most intellectual property issues, the patenting of animals also creates a wide array of ethical concerns. The patent policy creates the need to establish reasonable limits to man's right to manipulate and refashion the biotic community to meet his industrial requirements. This includes the necessity of carefully examining the ethics of transferring of human genetic traits into animals. The potential for patenting and owning animals with human traits bring up an important public policy need to decide on how many, and what kind of, human genetic traits should be engineered into animals. Currently, thousands of animals have been created with human genes engineered into their permanent genetic code. There is a real urgency in regulating these transfers prior to further creation, patenting, and dissemination of these animals with human genes.

It is important to note that the patent decision, by encouraging genetic manipulation, could indirectly cause suffering to genetically engineered animals and extend that suffering through generations of the offspring of those altered animals.

Moreover, it is important to remember that even patenting laws have an influence on the

way we think. Will future generations follow the ethics of this patent policy and view life as mere chemical manufacture and invention with no greater value or meaning than industrial products?

The patenting of animals could also indirectly cause environmental harm. The effect of species alteration could impact the delicate balance of the environment. The creation of new species and the effect of their release into their environment cannot be easily predicted, and should be carefully considered. Animals which are larger and have increased reproductivity could alter the depletion patterns of the ecosystem. Also, if the creation of new improved species leads to the popularization of that animal, valuable native gene pools could be lost. For example, salmon are currently being created with cattle genes to increase growth. When released into the environment these fish have the potential to invade new habitats and displace existing populations. If the genetically engineered salmon turn out to over populate or consume too much, they could cause irremediable damage to the environment. In addition, they could mate with native salmon and pollute the native gene pool forever. We must remember biological pollution cannot be recalled.

Despite the potential threat created by the release of genetically engineered animals, no Federal regulatory regime exists on the release of such animals. As long as this significant regulatory void exists, it is irresponsible to stimulate the creation of transgenic animals with the patent law. Moreover, this moratorium will provide the time and the incentive for industry, the public sector, and Congress to fashion appropriate safeguards.

The patenting of animals also brings up an important question about the role of Congress in extending patents into new areas of technology. In 1980 the Supreme Court opened the door to the patenting of animals with a 5 to 4 decision in *Diamond versus Chakrabarty*, which allowed the patenting of a genetically engineered microbe. In 1987, the Patent and Trademark Office (PTO), using a broad interpretation of the *Chakrabarty* case, announced it would consider applications for patents on genetically altered animals. One year later, in April 1988, PTO approved the first animal patent for the transgenic nonhuman mammals genetically engineered to contain a cancer causing gene (U.S. Patent No. 4,736,866). Presently, over 160 patent applications on animals are pending at the PTO.

It has been an established legal precedent for some time that Congress, not the PTO, makes decisions on extending patent coverage into the controversial areas. It is the duty of Congress, not the PTO, to determine whether living organisms, like plants and animals, are patentable. In the past, Congress actively participated in these types of decisions. For example, in 1930 Congress enacted the Plant Patent Act and, then, in 1970 enacted the Plant Variety Protection Act. In contrast, in 1987 with regard to the patenting of animals the PTO, not Congress, decided nonhuman animals constituted patentable subject matter.

As a result, one patent has been issued, the number of patent applications continues to grow, and no concrete progress has been

made to ensure society will be able to deal with the unique ramifications of patenting genetically engineered animals. The economic, ethical, and environmental questions on animal patenting have been raised at a series of hearing conducted by the Intellectual Property and Administration of Justice Subcommittee. It is now imperative that Congress become more involved in this issue. A moratorium would provide the time necessary to conduct this vital public policy debate and to take regulatory steps needed to reap the benefits of this promising new technology, and avoid its risks.

Mr. Speaker, I am including for the record a list of organizations that support my bill, a letter from the Humane Society of the United States (HSUS), and a letter from the head of the Patent Office.

ANIMAL PROTECTION ORGANIZATIONS SUPPORTING HATFIELD MORATORIUM LEGISLATION
 American Humane Association
 The Humane Society of the United States
 Massachusetts Society for the Prevention of Cruelty to Animals
 Friends of Animals
 Animal Welfare Institute
 American Society for the Prevention of the Cruelty to Animals
 American Anti-Vivisection Society
 Animal Protection Institute of America
 Humane Farming Association
 Doris Day Animal League
 Fund for Animals (New York)
 National Alliance for Animal Legislation
 Foundation on Economic Trends
 National Wildlife Federation
 National Farmers Union

THE HUMANE SOCIETY OF THE UNITED STATES,

Washington, DC, March 23, 1992.

Hon. BENJAMIN CARDIN,
 U.S. House of Representatives, Washington, DC.
 DEAR CONGRESSMAN CARDIN: On behalf of The Humane Society of the United States and its 1.4 million constituents, we applaud your legislative initiative and fully endorse your bill to impose a 5-year moratorium on the granting of patents on invertebrate and vertebrate animals, including those that have been modified by genetic engineering.

In order for society to reap the full benefits of advances in genetic engineering biotechnology, the social, economic, environmental and ethical ramifications and consequences of such advances need to be fully assessed. Considering the rapid pace of developments in this field, which will be spurred on by the granting of patents on genetically altered animals, a 5-year moratorium on the granting of such patents is a wise and necessary decision. A moratorium will enable Congress to fully assess, consider, and respond to the economic, environmental, and ethical issues raised by the patenting of such animals and in the process, establish the United States as the world leader in the safe, appropriate, and ethical applications of genetic engineering biotechnology for the benefit of society and for generations to come.

Sincerely,

DR. MICHAEL W. FOX,
 Vice President, Farm Animals & Bioethics.

U.S. DEPARTMENT OF COMMERCE,
 Washington, DC, April 5, 1991.

Hon. BENJAMIN L. CARDIN,
 U.S. House of Representatives, Washington, DC.

DEAR MR. CARDIN: Thank you for your letter regarding the current prospects for animal patenting in the United States. Set forth below are the answers to your specific

questions. Although many of the questions you raise are difficult to answer with any degree of specificity, we have tried to be as responsive as possible. Because your letter was co-signed by Senator Mark Hatfield, we have also forwarded the same response to him directly.

Questions and Answers:

1. The current number of animal patents pending.

There are 145 pending applications for a patent that contain one or more claims directed to an animal.

2. The number of animal patents likely to be issued during the coming year and the next two years.

It is difficult to predict the number of animal patents that are likely to be issued in any given period. At the time the first animal patent was issued to the President and Fellows of Harvard College (U.S. Patent No. 4,736,866, issued on April 12, 1988), we identified 21 pending applications directed to an animal. Today, almost three years later, some of those applications are still pending, some of those applications have been abandoned but are the subject of continuing applications, and some of those applications have been abandoned and are not the subject of a continuing application. A continuing application is a new application filed by the applicant to retain the benefit of the filing date of the earlier application and, typically, to either add subject matter to the earlier application or to continue the prosecution of the same invention disclosed in the earlier application.

We can predict that some patents will be granted in the next two years, but we have no actual experience in this area to form the basis of a numeric prediction. In fiscal year 1990, 66% of all applications in which a final decision was rendered matured into a patent, whereas 38% of the applications in the biotechnology patent examining group that were finally disposed of matured into a patent. Clearly, our experience to date in the patenting of animal inventions has not followed either one of these patterns.

3. In general, the kinds of animal inventions for which patents are being sought. (For example, the approximate percentage of applications for patents on animals intended for use in either agriculture, aquaculture, the pet industry, or research. Where you are aware of patent applications for animals whose nature has already been disclosed to the public, please provide full information on the proposed animal invention.)

By statute (35 U.S.C. 122), applications for patents are kept in confidence by the U.S. Patent and Trademark Office (PTO) and no information concerning the same is given without authority of the applicant or owner. We estimate that about 80% of the applications are directed to animals that have utility in medical applications, and the majority of the remainder are directed to agricultural animals.

In most patent systems outside the United States, including Europe and Japan, applications which are filed in those countries are published eighteen months after they were first filed anywhere in the world. The PTO has not made an effort to collect patent applications directed to animals that have been published throughout the world. However, a report entitled "New Developments in Biotechnology: Patenting Life", issued by the Office of Technology Assessment (OTA) in April 1989, listed several animal applications that had been published by the European Patent Office. A copy of the OTA Report Brief is enclosed.

4. An explanation of the delay in issuing additional patents on animals.

The delay in issuing additional patents on animals can be attributed to a number of factors. First, some of the delay can be attributed to the general problem that the PTO has experienced in addressing the growing inventory of pending applications in the area of biotechnology. Second, due to the sensitivity of the issue of patenting of animals, both the PTO and applicants for animal patents are taking care in drafting claims and making decisions on patentability. Third, in some cases, it has been observed that while a claim to an animal is initially presented for examination, some applicants appear to decide that adequate protection can be obtained without a claim directed to the animal itself. Finally, it can be speculated that some applicants may not wish to have a patent granted until such time as regulatory approval for commercial marketing of the transgenic animal can be foreseen.

More than half of the 145 pending applications have been examined by the PTO, and the applicants have been informed of the results of that examination. Some of the remaining applications are continuing applications that claim inventions that were examined in earlier applications.

5. A discussion of any unique issues that patenting of animal inventions might pose under the Patent Law. These include, for example, disclosure requirements, methods of deposit, scope of patent claims, and distinctions between human beings and human genes as subject matter for patents.

The issues typically encountered in the examination of an application involving a claim to an animal are essentially the same as those that are addressed in the examination of inventions of other life forms such as microorganisms and plants. No issue has been encountered to date that is unique to the patenting of animal inventions.

6. Any analysis done by the PTO of alternatives to patents as means of protecting inventiveness in the area of animal engineering. These might include restricted patent holder's rights patterned on plant breeder's rights, use of copyright or trademark law, or direct research subsidies for biotechnology companies doing desired research.

The PTO has not considered or conducted any analysis of alternatives to patents as a means of protecting innovation in the fields of transgenic and other animals that are the products of human engineering.

7. Any efforts by the PTO, alone or in conjunction with other agencies, to press for the extension of patent rights to animals in countries outside of the United States.

The PTO, either alone or in conjunction with the efforts of other agencies such as the U.S. Trade Representative, has pressed for a broad range of protection for innovation throughout the world. This broad range of protection includes products and processes of biotechnology, including animals. As noted in the recent Report on National Biotechnology Policy issued by The President's Council on Competitiveness (February 1991), improvements in intellectual property laws in other countries are clearly needed: "The Administration is committed to pursuing the protection of intellectual property as a top priority in the Uruguay Round of the GATT negotiations." The United States is also supporting a provision in the proposed Patent Law Treaty now under consideration in the World Intellectual Property organization that would make patent protection available in all fields of technology. In addition to

these multilateral efforts, the United States is actively pursuing patent protection for biotechnological inventions in the context of all of our bilateral negotiations.

Although a study of the practices in other countries has not been undertaken by the PTO, we are aware that France has recently issued a patent to an animal. Japan also has recently completed examination of two patent applications directed to animals, and has published these examined applications for opposition—a step that precedes the granting of a patent under Japanese law. The Technical Board of Appeal of the European Patent Office has recently decided that the European Patent Convention that excludes animal varieties from patent protection does not exclude the patenting of animals as such.

I hope these responses adequately address the issues you raise. Please feel free to contact me personally if you desire additional information.

Sincerely,

HARRY P. MANBECK, JR.
Assistant Secretary and Commissioner
of Patents and Trademarks.

DADE COUNTYANS CONTINUE AMERICAN ART FORM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the sixth annual Gables Quiltfest which took place in Coral Gables recently. While quilting has been around for centuries, it has developed into a distinctly American folk art form. The quiltfest served to raise money for church activities and to support the art and craft of quilting. This activity was featured in a Miami Herald article entitled "Crazy for Quilting" which follows:

[From the Miami Herald, Feb. 20, 1992]

GABLES FEST SHOWS BEST OF AN INTRICATE CRAFT

(By Bea Moss)

Quilting, one of the oldest forms of needlework, has come a long way since great-great grandma sat before the fire and worked tiny stitches of family memories into scraps of material.

But quilts were in existence much further back than grandma's time.

"Some forms of quilting were found buried with Egyptian mummies," said Irene McLaren, a local quilting expert. "And the Crusaders in the 1300s wore quilted garments under their armor."

EXHIBITS AND RAFFLE

Many examples of quilting art, both old and new, made by hand and by machine, will be on display in next week's Gables Quiltfest at the Coral Gables Congregational Church.

Sponsored by the Women's Fellowship of the church and the Ocean Waves Chapter of the National Quilting Association, the show will include an exhibit of new and antique quilts, a quilt raffle and a competition in which cash and ribbons can be won. A quilt sale also will take place.

Members of the 180-member Ocean Waves chapter were preparing last week for the show and talking about the joys of quilting.

Gloria Hobbs delights in quilting because it's creative.

"You're doing something with your hands," said Hobbs, who lives in South Dade

and teaches quilting. "But it's important to take lessons."

MANY TECHNIQUES

Quilting covers a wide range of techniques and it takes a knowledgeable person to explain it all, McLaren said.

"There's a difference between quilting and making a dress. The seams are different and you're dealing with multiple pieces," said McLaren, who lives in the West Miami area. "You can make a lot of lumpy quilts if you don't know what you're doing."

McLaren, one of a number of people who helped to organize the Ocean Waves chapter, said she grew up with quilting but decided in 1974 to take a class in the art.

"I found the difference between the mixed-up way and doing it successfully," said McLaren, who began teaching in 1975 and now travels throughout the country teaching at workshops.

FRIENDS IN QUILTING

Sue Balazs, who also teaches quilting, got interested in the craft through McLaren, who organized quilt shows at Sunset Congregational Church where Balazs was a member.

"She asked church members to help. I didn't like to work with needle and thread, but the show had a lot of camaraderie," said Balazs, a Dade County teacher who lives in West Kendall. "Now quilting is my life."

For LaVerne Johnson, quilting is release from the stress of her nursing duties at Doctors Hospital.

"It's a lot cheaper than a psychiatrist," said Johnson, who lives in South Dade.

A member of Ocean Waves since 1985, her first quilt was the result of a pattern she copied from something she saw in a magazine. The second was more complicated. It contained 2,281 pieces and took her three years to make.

"Quilting is addictive, an incurable disease," she said.

UNIQUE CREATIONS

Just one of the attractions of quilting, said the woman, is that quilts are usually one of a kind.

"Anyone can use the same pattern, but the quilt would be different because of the use of colors," Johnson said.

Quilts of many colors can be seen at the Quiltfest, which will feature an auction of miniature quilts, many with intricate designs. They'll range from six inches to 40 inches square, with bidding starting at \$25.

Money raised through the auction and from the sale of quilts will go to the Women's Fellowship, which provides scholarships for women seminarians and other church outreach programs, and to the Ocean Waves chapter.

Mr. Speaker, I commend all the members of the Ocean Waves chapter of the National Quilting Association for their efforts in promoting this art. I also wish to recognize Irene McLaren, Sue Balazs, and LaVerne Johnson who continue to learn and teach this skill.

FUNDING FOR THE ONTARIO INTERNATIONAL AIRPORT GROUND ACCESS PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. BROWN. Mr. Speaker, I include my testimony before the Appropriations Subcommittee on Transportation:

TESTIMONY OF HON. GEORGE E. BROWN, JR.

I would like to thank Chairman Lehman for the opportunity to testify regarding the need for funding for the Ontario International Airport Ground Access Program currently underway in Ontario, California, which is located in my district.

The Ontario International Airport serves all of San Bernardino and Riverside Counties, the central and northern portions of Orange County and the eastern one-third of Los Angeles County. In the last decade, this region in Southern California has been one of the fastest growing areas in the country. The aviation needs of the region have expanded accordingly, far outdistancing the capabilities of the Los Angeles Airport, and other satellite airports—John Wayne, Burbank, and Palmdale. Ontario Airport is the only airport in the region that has the capacity to absorb this growth, but it cannot do so properly without adequate ground access.

According to airport officials, 5.8 million air travelers used the airport last year. That is a 6.9 percent increase from the previous year and continues a decade of growth rate of over 5 percent annually. The airport is also a major base for the Post Office Airmail, U.P.S., and Federal Express and is considered a significant air freight center. As a rapidly developing airport in one of the nation's most rapidly developing areas, it is essential that the needs of the community, region and nation continue to be met smoothly and efficiently.

In consideration of the above, the City of Ontario has been pursuing the procurement of funds to work on improving access to the airport. The Ontario Airport Ground Access Program essentially consists of five freeway interchange projects, four highway-railroad grade separation projects, and over 11 miles of major arterial highway construction around all sides of the airport. All projects are currently underway in environmental reviews, design or actual construction.

Other improvements are committed or planned within the limits of the airport itself. The City of Los Angeles is spending \$230 million to build a new terminal at Ontario Airport. The terminal is expected to be completed by 1995 and will have enough space to handle 3 million passengers annually. This is a much needed addition to the existing terminal which has long been outgrown; however, this initiative must be coupled with the continued improvement of the roads surrounding the airport.

The City of Ontario has made every effort to secure local funding in order to implement the ground access program in the most cost efficient and timely manner possible. More than 60 percent of the funding has come from state, local and private funds. The City of Ontario, the Assessment District, developers, the Los Angeles Department of Airport, the railroads, the Ontario Redevelopment Agency, and the San Bernardino Association of Governments have all contributed toward matching federal funds.

On the federal level, we need your active support for this project. I appreciate your Subcommittee's help in the past in securing funding for Ontario Airport access road improvements. We have been working diligently with the authorizing committee for many years to procure funding and the project has had widespread bipartisan support.

Federal funding for the program began with the allocation of \$4 million in Federal Continuing Resolution Funds, since reduced to \$2.4 million. Additional funding with \$14.5

million in Federal Demonstration Grant funds and \$8.7 million of Secretary of Transportation Discretionary funds was obtained under the Transportation and Uniform Relocation Assistance Act of 1987. The Ontario Airport Ground Access program is included as a demonstration project in the Intermodal Surface Transportation Efficiency Act of 1991.

At this time, \$10 million is needed to meet the project funding shortfall. This final request for appropriated funds from the Subcommittee would enable Ontario to complete the project by 1993.

I would like to thank you again for the opportunity to come before your subcommittee with this request. Your support for \$10 million for the Ontario ground access project would be greatly appreciated.

TRIBUTE TO GLENN E. ATTICK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Glenn E. Attick, of Paxtang, PA, in recognition of his 20 years of service to the Metropolitan Harrisburg Home Builders Association of Harrisburg, PA.

Glenn serves as executive vice president of the association and has ably served its membership since 1971, promoting the work of an industry that is a backbone of our economy. Glenn's work with the organization started out of his dining room, then his family room, and eventually his garage. As the work outgrew that space, the association then became headquartered on Front Street in Harrisburg. Under Glenn's leadership, the association's membership has grown from 133 in 1971 to 800 today, and its budget has increased from \$5,000 to nearly \$1 million.

One of Glenn's most outstanding accomplishments was his instrumental work in organizing the first Pennsylvania Home Builders Show in 1975, which rented 78 booths to 60 exhibitors. The 1992 edition of the show rented 733 booths to 407 exhibitors, with 60,000 people attending the event. Glenn also helped bring the Home-A-Rama show to the Harrisburg area in 1990 and 1991. These shows, too, were successful, with 40,000 people in attendance over 2 years.

Young people also benefit from Glenn's hard work, as the association now awards eight \$1,000 scholarships to area students every year.

Mr. Speaker, I ask all of my colleagues to join me in congratulating Glenn for his two decades of hard work and dedication to the Metropolitan Harrisburg Home Builders Association. The members of the association, as well as his family, friends, and colleagues, are appreciative of his many years of effort and will always remember his contributions.

BILL BAYER, A JOURNALIST INSTITUTE OF SOUTH FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Mr. Bill Bayer a practicing journalist for nearly half a century. For 43 years he has been practicing his trade in south Florida, often in the face of incredible difficulties. His career is best summarized by his fellow journalist Fred Tasker, of the Miami Herald, in the following article:

BILL BAYER RISES ABOVE ADVERSITY

(By Fred Tasker)

The way life treats Bunkie Bayer, at almost 70 one of South Florida's two or three longest-active political news hounds, one deduces that God is mad at him.

In 1941, when he was serving aboard a U.S. Navy minelayer in the Philippines, a big gun exploded, knocking him 28 feet through the air against a steel locker, putting him in the hospital for a year.

In 1957 a heavy plywood backdrop fell on his head during a live TV newscast.

In 1958 a small boat he was in exploded, burning him badly on the legs, arms, hands and face.

In 1966 his car, hip and pelvis were pulverized by a kid driving drunk on South Dixie Highway, putting him back into the hospital for seven weeks.

In 1988 he had heart surgery to unclog two arteries.

It didn't keep Bill "Bunkie" Bayer down. When the backdrop hit him, he held it up with an elbow and kept talking. After his car wreck, he ran phone lines around his plaster casts and continued his political commentary from his hospital bed. Three days after his heart operation, he checked out to moderate, from his home, a fractious, hour-long debate between U.S. Senate candidates Kenneth "Buddy" MacKay and Connie Mack.

"God must need some reason to stay irritated," Bayer says, "because he keeps me around."

Bayer is a true pioneer of South Florida news—or, as his friends put it—a sociological and historical dinosaur.

Which news anniversary he will celebrate this year depends on how you measure it. He wrote his first story for The Miami Herald in 1949. He became South Florida's third TV news anchor in 1953, for the old WITV-Channel 17 in Hallandale. That same year he voiced South Florida's first TV editorial—a nicely effective diatribe against potholes on Hallandale Beach Boulevard that had flattened a tire on his boss' brand-new Cadillac.

"HE'S A CHARACTER"

Today, South Floridians hear Bayer on his Straight Ahead political interview show at 6:30 p.m. Sundays on WINZ-AM 940.

He and his wife, Patricia, live in Coral Gables and have one daughter, Karen, 41.

"He's a character, he'll be the first one to brag about it," says Richard Rundell, a political PR man who worked with Bayer at The Herald in 1949.

"There's a certain mystique about Bunkie," agrees Phil Hamersmith, another political operative, "even if he is the main one who will tell you about it."

"He'll tell you how he invented electricity so there could be television. He'll tell you about his friend, Marconi. . . ."

"But in a town like Miami, which has no history, Bunkie has reached the level that I call history. He may be a dinosaur. But he still often scoops everybody. He has inside sources. I don't know who they are. But people still talk to Bunkie Bayer."

To Bayer, it is the finest accolade: "What I'm most proud of is that I've had an exclusive, half-hour interview with every president since Herbert Hoover, except for Franklin Roosevelt."

After kicking around in the late 1940s with *The Chicago Sun*, *The New York Daily News*, *The Honolulu Advertiser* and *United Press International*, Bayer arrived in Miami from Indiana in 1949, as a *Herald* reporter. From 1953 to 1973 he was a TV news anchor and political commentator, first for Channel 17, later for Miami's original WPST-Channel 10, then its successor, WLBW-Channel 10, which today is WPLG.

STRAIGHT AHEAD

Bayer dropped out of news from time to time for PR work—with Pan Am, Everett Clay Associates, Americable—but always returned to politics.

His program changed names regularly—On the Spot, Important!, Miami Press Conference, One Man's Opinion, Straight Ahead—but always had the same flavor. It was, in the words of Miami *Herald* TV critic Jack Anderson in 1965, "a favorite arena for politicians eager to practice the half-Nelson on each other and for TV viewers who like their scraps unmolested by the Queensberry rules."

In 1961, Teamsters' Union president Jimmy Hoffa was asked why he submitted to a Bayer interview after years of avoiding him.

"I got so tired of Bayer asking me. If I came into town at 4 a.m., he would be there at the airport asking me."

Today U.S. Sen. Bob Graham, D-Fla., feels the same way: "When I first ran for the Legislature, he was there. He was also there last Saturday calling me at my home. You can never get away from Bill Bayer—chronologically, politically, personally. He's in your face all the time."

"Bunkie" Bayer, who earned the nickname as a bunkhouse leader in an Indiana YMCA summer youth camp, has never been smooth or subtle. His questions are political, not personal, but he never leaves his audience in doubt about his own position.

Graham: "Bayer, as a journalist, attempts to maintain a sense of distance and bipartisanship, but you know where he really stands when he turns over his lapel and discloses his Nixon button. He's the ultimate true believer."

Bayer has worn the button that way for decades.

WHERE HE STANDS

"I am an impartial, nonpartisan, middle-of-the-road, bigoted, biased Nixon Republican."

Bayer's early-days friends still remember his penchant for telling the news as he saw it. Rundell remembers 1951, when he was a *Herald* reporter and Bayer had gone on to Channel 17. One night Rundell was tracking a distant hurricane for the *Herald*.

"Bunkie came on the screen and said, 'Well, those forecasters say the hurricane isn't any where near here. But in my opinion it'll be at Flagler Street and Miami Avenue by tomorrow morning.'"

"He scared the s--- out of the everybody in Miami," Rundell guffaws. "The hurricane was way over by Africa ferocious." The next morning Bunkie came on said, "I was just kidding."

All through the 1960s, Bayer was the chief rival to WTVJ-Channel 4's legendary anchor Ralph Renick.

Renick's station was killing Bayer's in election coverage—with enough staff to station vote counters at every precinct.

Bayer, with no staff, simply copied Renick's results from the TV screen and, seconds later, reported them on Channel 10 as his own.

"He is not the epitome of dignity or purveyor of the image TV stations like to disseminate of themselves," a Miami News TV critic wrote at the time.

Deciding that Renick was a stuffed shirt, Bayer spent the decade playing practical tricks on him.

When the two were in Paris together on a story, Bayer passed out thousands of dollars worth of fake Confederate money to unsuspecting street prostitutes, luring 20 of them to Renick's hotel. He says Renick locked himself in the bathroom.

FROM FEUD TO FRIENDSHIP

When mobster Mayer Lansky opened the Riviera Hotel in Havana, Bayer says he persuaded Lansky to tell a gaggle of local streetwalkers that Renick was an American millionaire on the look-out for a good time.

Says Bayer: "He always used to say, 'I dread seeing you come in the door.'"

The feud gradually softened into friendship; Bayer gave a moving eulogy at Renick's funeral last July.

Bayer's political connections have remained as strong as his political convictions.

In 1982 President Reagan appointed Bayer to a commission forging policies for Radio Marti. In accepting, Bayer made it clear how he had qualified.

"In the years I did the five interviews with the fat SOB, 300-pound roly-poly Fidel," he said, "he's never given me a straight story."

Today, despite life's beatings, Bayer carries on, doing many shows by phone from his home. But he still thinks God may be picking on him—abetted now, he suspects, by Renick.

"I can just see Renick up there sitting beside God, saying, 'That's right. Get 'im. That's right.'"

Mr. Speaker, I commend Mr. Bayer for his dogged persistence in getting the story and his straight-ahead style of telling it. I wish him another, less painful, 50 years of chasing the truth.

COLUMBUS LANDED 500 YEARS AGO

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102-188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am pro-

viding for the consideration of my colleagues an essay written by Dorothy Guthrie and printed in the April 1992 edition of the *American Indian Report* published by the Falmouth Institute. The essay touches on the problems facing American Indians and the fears they still have.

500 YEARS SINCE COLUMBUS

(By Dorothy Guthrie)

I am proud to be an Alaska Native American Indian.

Our destruction began the day Columbus entered our land. Our parents were not allowed to speak their own language, or to dance their traditional dances, or to eat their own food. We were forced to learn the white man's ways or be punished.

Time has healed some of the wounds and returned some of what was taken from us. Today we are allowed to do the Indian dances, eat our own food and learn what we can of our own language. We learn what little we can from our aunts and uncles, but they can't teach us what they don't know themselves. The do the best they can.

This land was the land of our ancestors and it was taken away from us by the white man. The white man thought he was being generous by giving us bits and pieces of land here and there, but this was not his land to give away.

He gave us the land, and then told us we may do what we can to earn money and live on the land. He told us the profits are ours. Yet we still need the help of the white man to learn how to make money.

We are not as educated as the white man in how to earn good money and keep a business going. So we hire a white man to help us. We put all our trust in him and hope he won't betray us in any possible way.

I feel that sooner or later we won't even have the land that they gave us. Eventually they will offer us a so-called choice—our land for a lot of money. Then all that our grandparents worked for will be useless. The white man will have won again and the Indians will have nothing again.

Yes, we were deprived of our culture and our way of life, but we still have our pride. We don't give that up easily.

I am a proud Indian. It is in my heart. Everything I do and say comes from my heart.

THE TIME FOR COMPREHENSIVE OSHA REFORM IS NOW

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. DOWNEY. Mr. Speaker, April 28, 1992, marks the fourth annual Workers Memorial Day observed by the AFL-CIO. Today, unions across the country will remember the thousands of workers who have been killed and injured in the workplace. What better opportunity to focus attention on the importance of passing legislation aimed at ensuring the safety of the American workplace?

As a child growing up in New York, I remember my grandmother telling me the tragic story of the 1911 Triangle Shirtwaist Co. fire. On March 25, 1911, over 140 people, mostly women and young girls, were killed when a fire broke out on the top 3 floors of a 10-story building in New York City where the Triangle Shirtwaist Co. was located. Many of the vic-

tims jumped to their death trying to escape the fire. The others were burned or trampled to death inside the building. After the fire it was discovered that there was little, if any, firefighting equipment available, the stairways were regularly littered with trash, and many doors, through which the victims could have fled, were kept locked. Along with this tragic loss of life, the fire brought increased attention, and ultimately some reform, to the dangerous workplaces of early 20th century America.

Since that time, efforts have been made to ensure the safety of the workplace for all Americans. In 1970, Congress passed the Occupational Safety and Health Act of 1970, [OSHA], which guaranteed American workers a safe and healthy work environment. However, for too many Americans, the right to a safe workplace has not been realized. Last year's tragic fire in Hamlet, NC, bears a startling resemblance to the 1911 Triangle fire. At a poultry processing plant in Hamlet, 25 workers were killed and another 55 were seriously injured when a fire broke out. Once again, locked doors prevented employees from escaping.

Each year over 10,000 workers are killed on the job, another 50,000 to 100,000 die from occupational illness, over 6 million more are seriously injured in workplace accidents, and 60,000 are permanently disabled. In New York State alone, over the past 10 years there were over 1,500 workplace fatalities. That is a rate of over 2.5 deaths per 100,000 workers. This is totally unacceptable.

The time for comprehensive OSHA reform is now and that is why I have cosponsored H.R. 3160, the Comprehensive Occupational Safety and Health Reform Act. This legislation will take significant steps toward improving health and safety for American workers.

H.R. 3160 will ensure joint employer and employee participation in workplace health and safety programs, establish joint health and safety committees on the worksite, strengthen criminal penalties against employers in cases of death or serious injury, and require employers to have written safety plans. It will extend coverage to over 7 million State and local government employees who are not protected by OSHA. In addition, this legislation will ensure employees are trained to recognize workplace hazards and will enhance OSHA'S enforcement authority.

Last year's tragic accident in Hamlet, NC, once again brought increased attention to the need to ensure workplace safety for all Americans. Let's not wait for another Hamlet, before we do bring change, reform, and safety to the American workplace. I have heard from many of my constituents who want to see their right to a safe workplace realized. Today, as union members gather around the country to remember those employees who have died in their workplace, I urge my colleagues to join together and pass this much-needed legislation.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO THE JOHNSTON CITY "JETS" TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. POSHARD. Mr. Speaker, I rise to congratulate Johnston City High School for winning the 1992 Illinois Division II JETS competition.

JETS stands for Junior Engineering and Technical Society, and the whiz kids from Johnston City recently won top honors among all Illinois schools with enrollments between 300 and 699 students.

JETS challenges students in a demanding set of tests and competitions across a broad range of subjects. A good JETS team is a good indicator of how well the school is doing at educating its students. JETS does not focus on memorizing trivia, but instead develops problem solving and thinking skills, which are useful in the classroom as well as in day to day life. And since it is a team effort, it promotes communication and cooperation.

At a time when the United States needs more bright young people to lead in the fields of math and science, this is welcome news. This achievement is especially noteworthy because Johnston City is not an affluent suburb of a major city, nor is it located near a high-technology industrial corridor. Instead, these students, their coach, and a supportive community have relied on natural ability and a lot of hard work. That's the way we get things done in southern Illinois and in Johnston City. And those qualities will help these young people continue their commitment to excellence in their chosen fields.

I am including the names of the team members in the RECORD so they might receive the recognition which comes with such a noteworthy achievement.

1992 JOHNSTON CITY JETS TEAM

Justin Todd, Scott Kissinger, Shawn Taylor, Cliff McReynolds, Matt Cox, Holli Smith, Dennis Russel, Robbie Howerton, Jeff Huntsman, David Morris, Amanda Curtis, Amy Gaddis, Christina Marlow, Alan Owens, Amanda Hill. Coach: Mr. Pete Moake.

A TRIBUTE TO DR. EDWARD RYAN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of Dr. Edward V. Ryan. Dr. Ryan, an assistant professor at USC's School of Education, is retiring after 42 years of distinguished service as one of California's finest educators. He will be recognized for his life's work at a reception in his honor on May 1.

Dr. Ryan has committed his professional life to education, spending many years in the Inland Empire as a teacher and a school district administrator. Among his many administrative accomplishments were serving for 26 years

with distinction as district superintendent in the Arcadia Unified School District, assistant superintendent in the Rialto School District, principal at Eisenhower High School in the Rialto School District, and vice principal at Pacific High School in the San Bernardino School District. His expertise and service to the Inland Empire School Districts included providing field-based research studies relating to site selection plans, district master plans, facilities justification plans, and administrative organization plans.

In addition to his administrative duties, Dr. Ryan has served as an adjunct professor at institutions of higher learning including University of California at Riverside, California State Los Angeles, and Redlands University. Dr. Ryan played a leading role in supporting and guiding the students attending the off campus San Bernardino Educational Centers. His work was also instrumental in establishing the USC Off-Campus Education Centers for Graduate Studies.

Mr. Speaker, I ask that you join me, family, and friends in recognizing the outstanding contributions of this selfless educator. His dedication to students of all ages, and lifelong commitment to education, is certainly worthy of recognition by the House of Representatives.

A TRIBUTE TO THE ROTARY LITTLE LEAGUE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the Rotary Little League in Pottsville, PA. On May 2, 1992, the Rotary Little League will begin its 40th season of play. It has been an important part of the lives of boys and girls in the Pottsville area since its inception in 1952.

In 1952, the Pottsville Rotary sponsored the construction of Pottsville's first Little League field on land owned by J.H. Zerbey. Opening day on June 2, 1952, featured a fire engine parade and Mayor Heffner throwing out the first ball. There were four teams in the league and a league all-star team that played in the postseason against other leagues. The league expanded in 1956 with the addition of the minor league to include younger players. In 1974, the Pottsville Rotary purchased Rotary-Zerbey Memorial Park and then constructed a new, more modern field in 1975. The Rotary Little League All-Stars have been successful in postseason play including winning the District 24 Championships in 1968 and 1984.

Today the Rotary Little League has two leagues, the Little League and the Minor League, consisting of six teams each, with a total of over 150 players. A ceremony will be held on May 2, to commemorate the 40-year anniversary and to present 50 certificates of recognition to volunteers and supporters of the league.

I would like to congratulate the players, coaches, parents, sponsors, and everyone involved with the Rotary Little League. I would also like to commend Mr. Uzal Martz for com-

piling a history of the league. Although the names and faces have changed over the years, the Rotary Little League has remained an integral part of the Pottsville community and the upbringing of many Schuylkill County kids. In 1992, just as in 1952, the Pottsville Little League is dedicated to teamwork, self-improvement, and fun for everyone involved. I ask that all of my colleagues join me in honoring the outstanding accomplishments and contributions of the Rotary Little League and its participants.

CELEBRATION OF THE ARUNDEL
HABITAT FOR HUMANITY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to recognize and honor the Arundel Habitat for Humanity on its fifth anniversary and for the outstanding contributions this organization has made on behalf of the citizens of Anne Arundel County.

In its work during the past 5 years, volunteers have worked with low-income families who have lived in substandard housing or no housing to achieve decent, affordable housing.

The Arundel Habitat for Humanity is a group that exemplifies all of the many wonderful things that can be accomplished through active citizen involvement for the benefit of needy individuals in our community.

I speak on behalf of all of the citizens of Anne Arundel County in thanking all of those people that are involved with the Arundel Habitat for Humanity for making our county a better place. We wish you continued success in your future endeavors and, as a Member of Congress, I am looking forward to working with you to make a difference on behalf of the citizens of Anne Arundel County.

SALUTING CLARENCE AND PHYLLIS
JAMISON ON THE OCCASION
OF THEIR GOLDEN WEDDING AN-
NIVERSARY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. STOKES. Mr. Speaker, I rise today to recognize two notable members of the Cleveland community, Lt. Col. Clarence C. Jamison, retired and Mrs. Phyllis Jamison, who are celebrating their golden wedding anniversary on April 30, 1992. On Saturday, May 2, 1992, family and friends will gather at Vernon's on Shaker Square in Cleveland for a grand reception highlighting this momentous occasion. I am proud to salute Lieutenant Colonel and Mrs. Clarence Jamison as they begin this special anniversary celebration. They have shared a lifetime of experiences together and I am proud to note for my colleagues today some of those experiences.

Mr. Speaker, it was in January 1941 that the War Department announced the formation of

the 99th Pursuit Squadron, a black flying unit, to be trained at Tuskegee, AL. Lt. Col. Clarence Jamison, who was reared in the Cleveland area, completed his flight training at Tuskegee Airfield and became one of the first African-American pilots to be commissioned in the Army Air Corps.

The Tuskegee Flyers or "Lonely Eagles", as they called themselves, became a respected group of fighter pilots, proving to the world that blacks could fly in combat with the best of pilots from any nation. They began as the 99th Pursuit Squadron and later became the 99th Fighter Squadron.

As an original member of the 99th Pursuit Squadron, Lieutenant Colonel Jamison flew combat missions over North Africa and Italy during World War II. I am proud to report that as the bomber escort group that protected American bombers on their missions deep into Europe, the 99th Squadron never lost a bomber to enemy fighters. It was the 99th Pursuit Squadron that also helped to pave the way for other black Air Corps units, including fighter, bomber and composite squadrons, and groups.

During his distinguished military career, Jamison not only helped to dispel the myth that African-Americans were not qualified to fly military aircraft, but he assisted in this immigration of Air Force bases around the country. He served his country with distinction and is the recipient of numerous awards and honors for his military accomplishments.

Following his military career, Lieutenant Colonel Jamison returned to the Cleveland community. He continued his career in public service with the Social Security Administration, retiring in 1986 as manager of the University Circle Office.

Mr. Speaker, Mrs. Phyllis Jamison travelled with her husband on all noncombat military assignments throughout the United States and the world. She played an active role in the Officer Wives Club and often, as the wife of the senior black officer, she helped other African American wives adjust to military life.

Mrs. Jamison also enjoyed a career as a teacher and successfully earned her master's degree. During her career, she held teaching positions in Massachusetts and Michigan. She also served as a junior high school teacher and guidance counselor in the Cleveland Public Schools for nearly 20 years.

Both Lieutenant Colonel Jamison and his wife have been strong and positive role models for their family. They are the proud parents of two children, Michal J. Offutt of El Cerrito, CA, and Clarence Jamison, Jr., of Wilmington, DE. They are also the proud grandparents of four children.

Mr. Speaker, I am proud of my association with the Jamison family. I take this opportunity to extend my best wishes to Lieutenant Colonel and Mrs. Phyllis Jamison as they mark their golden wedding anniversary. They have much to celebrate and I wish them a lifetime of continued happiness and success.

JUAN MORALES: FROM CASTRO'S
DUNGEONS TO WALT DISNEY
WORLD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Mr. Juan Morales, who was recently featured in the Miami Herald. The article, "Disney Job Is Dream Come True for Cuban Animator," by Phil Long, tells how through incredible determination and persistence, Mr. Morales became an artist in the world famous animation department at Walt Disney Studios in Orlando, after serving 7 years as a political prisoner in Castro's dungeons:

From the time he made his first doodle drawings as a toddler in Cienfuegos, Cuba, Juan Morales knew he wanted to be an artist. From the minute he saw Bambi, his first Disney cartoon feature, he knew he wanted to be a Disney animator.

And especially during the six years he was a political prisoner in Cuba, Morales rarely saw a star without remembering how much he longed to work for the man who made wishing on stars famous.

From his jail cell in the 1960s, it seemed like an impossible dream.

But persistence has made the dream a reality.

Today, at the close of his third year in the United States, Morales is an artist in the celebrated animation department at Walt Disney Studios in Orlando.

Morales, 47, has found a home in a studio that will more than double in size in the next three years, positioning itself to become the birthplace of a number of full-length animation movies in the next decade. It is a working studio that today employs 73 and by the end of 1996 will have jobs for 180 in its animation staff.

"Nothing could make me happier than to work here," Morales said. "It was a dream that came alive."

Between drawing his first cartoons in Cienfuegos at age 5 and his departure from Cuba almost 39 years later, Morales was for seven years a political prisoner, later a reluctant painter of political portraits and finally an architect remodeling restaurants and cafeterias.

When he got the chance, he came to Miami in 1989.

By day, he worked in the laundry at the Grand Bay Hotel. By night, he refined his growing portfolio of cartoon characters.

In 1990, he sent his best work to Disney. Not quite what we're looking for, the Disney people said at first. So Morales studied Disney animation and adapted his style.

Determination paid off.

A persuasive letter and a new portfolio did the trick. In January 1991, Disney gave him a three-month internship, followed by a job.

"Juan is a super person, someone the others here look up to," said Max Howard, director of animation at the growing studio.

"There is such an incredible future here in Orlando for Disney animation," Howard said. "The next 10 years and beyond will be very exciting times."

If 1991 is any indication, Howard may be understating things.

As of March 23, "Beauty and the Beast," released late last year, had grossed a record \$122 million. It is the first animated film in

history to be nominated for an Academy Award as "best picture."

At 47, Morales is twice the age of the average artist at Disney. They call him "the grandfather of animation."

"I am a little bit late," Morales said smiling. "But I am here."

I am happy to pay tribute to Mr. Morales by reprinting this article. Mr. Morales' life is truly an inspiration to us all. He has shown through hard work and determination how people can achieve their dream even against the most impossible odds. As he put it himself, "I am a little bit late, but I am here."

NORTHEAST DAIRY COOPERATIVES DONATE PRODUCTS TO MOSCOW SCHOOLCHILDREN

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mrs. JOHNSON of Connecticut. Mr. Speaker, America is known throughout the world for her generosity and humanitarianism. I would like to share with my colleagues the actions of five Northeast dairy cooperatives that epitomize this. Through their association, the Council of Northeast Farmer Cooperatives, 10 tons of dairy products have been donated to 27 schools in the Commonwealth of Independent States. The contributing cooperatives were: Agri-Mark, Inc., the Lawrence, MA, cooperative that serves the Sixth District of Connecticut, Cabot Farmers' Cooperative Creamery, Cabot, VT; Eastern Milk Producers Cooperative Creamery, Syracuse, NY; St. Albans Cooperative Creamery, St. Albans, VT; and Upstate Milk Producers Cooperative Creamery, Leroy, NY. I urge you all to read the announcement carried in the National Milk Producers Federation newsletter:

NORTHEAST DAIRY COOPERATIVES DONATE PRODUCTS TO MOSCOW SCHOOLCHILDREN

Five Northeast dairy cooperatives are donating ten tons of dairy products to schoolchildren in Moscow. Milk, butter and cheese is on its way to Moscow this week.

The Council of Northeast Farmer Cooperatives (CNFC) organized the donation, which includes condensed and powdered milk, butter, and cheddar and mozzarella cheese. Once the dairy products arrive in Moscow, the Russian Journalist Charity Foundation will distribute them to twenty-seven schools. CNFC Executive Director Bob Gray said, "We see this as an opportunity to show the world our support of a country struggling to create a democracy and a free economy."

NMPF Chief Jim Barr congratulated the cooperatives for their generosity. "It is a monumental task to coordinate the collection, transportation, contacts and distribution for this kind of donation," Barr said. "I am pleased to see our dairy cooperatives taking the lead on this humanitarian effort."

The dairy industry leader also said he hoped other cooperatives would follow their lead. "National Milk is willing to provide assistance to other member cooperatives interested in donating dairy products to the people of the newly formed Commonwealth of Independent States," he said.

The cooperatives that contributed to this donation are Agri-Mark, Inc., Lawrence, Massachusetts; Cabot Farmers' Cooperative

Creamery, Cabot, Vermont; Eastern Milk Producers Cooperative Creamery, Syracuse, New York; St. Albans Cooperative Creamery, St. Albans, Vermont; and Upstate Milk Producers Cooperative Creamery, Leroy, New York. All are NMPF members.

A WALK FOR ALL OF US

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. CARDIN. Mr. Speaker, today I rise to speak about one of the most devastating and debilitating disease this country has seen—AIDS.

AIDS has claimed the lives of over 124,000 Americans, and 2 million are currently infected. As much as \$7.2 billion will be spent nationally on medical care alone for AIDS patients in 1992. In my State of Maryland, 30,000 Marylanders are presently infected with HIV. Nearly 4,000, including 751 teenagers, have been diagnosed with AIDS, and over 2,400 have died from AIDS-related causes. The numbers are staggering, and rising daily.

On May 31, 1992, an estimated 10,000 Marylanders will participate in the fifth annual Aidswalk to raise \$500,000, sponsored by the Health Educational Resources Organization [HERO]. The walk is intended to raise continued awareness of HIV and AIDS. The walk, cosponsored by such organizations as Blue Cross and Blue Shield of Maryland, WJZ-TV, WXYV Radio, Patuxent Publishing Co., the Afro-American Newspapers, American Trading and Production Corp., Baltimore Business Journal, the Weinglass Foundation Inc. with Merry-go-Round Enterprises, Inc., is the most ambitious as of yet. The goals for this walk are far greater than in the past. As the rates of AIDS patients spread in the community, more public attention needs to be drawn to it.

Mr. Speaker, I would like you and my colleagues to join me in this most special day. This is "A Walk for All of Us."

HEATHER RAE OWEN IS CHOSEN AS THE KANSAS WINNER OF THE "MEETING AMERICA'S CHALLENGE" CONTEST

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. ROBERTS. Mr. Speaker, I rise today to recognize Heather Rae Owen, a senior in my district at Garden City High School. Her essay, "Meeting America's Challenge," was a winner in the 1992 Voice of Democracy broadcast script writing contest. She was also the recipient of the \$1,000 Walter and Doris Marshall Scholarship Award. I am proud to submit her essay for reprint in the CONGRESSIONAL RECORD:

MEETING AMERICA'S CHALLENGE

(By Heather R. Owen, Kansas winner, 1991/92 VFW Voice of Democracy Scholarship Program)

A small boy is running through a peaceful meadow when suddenly he comes to a

screaming halt—ahead of him lies a dark, haunting forest. Now, we may expect that such a young, helpless boy such as this might turn right around and forget about that scary forest.

Well, let's look at it another way. America, just as the child, has come to a dark forest of its own. The future lies in front of us, full of challenges and opportunities, and unless we meet these challenges head on we will be left behind standing in that meadow.

One huge challenge in America's future is dealing with the end of the cold war and the crumbling of communism in Eastern Europe. How we react toward the end of such an important time in history will affect our own generation as well as those generations to come. We must work together with the Nations of Eastern Europe to insure they stay out of the clutches of communism.

Now, with the cold war over, we must stay educated about the Soviet Union and realize that only through understanding and communication can we avoid another chapter in history such as the one coming to a close. As this chapter closes, however, another one begins. It's about a war, but not a war between countries. It's the war between man and the environment.

Yes, many people have already run to the other side of the war zone and joined in efforts to save the environment, but it will take the combined efforts of every last one of us to make a difference.

Because other countries look to America for leadership, we have an additional challenge. Not only do we need to preserve our own rivers, forest and oceans, but we must serve as an example to other nations. Through such practices as recycling and water preservation, we can show the world that this is not an American problem, but a global one.

Another global issue that needs America's attention is the turmoil and chaos in the Middle East. We must not let the lessons we have learned through hostage situations, the Gulf War, and events that followed be forgotten. America's challenge is to take a stand on issues concerning these nations and stick by it, and we must work to continue our tradition of insuring freedom around the world, and not just within our own borders.

America is also facing internal challenges. As we see more and more ethnic groups becoming important parts of this great nation, the need for cultural awareness and understanding is growing at a tremendous rate, not only in the big cities, but in small towns across the country. Our differences do not have to be a burden or a handicap, and in fact, our different backgrounds and ideas can enhance each other and make America truly the melting pot of the world. But in this pot there are many social challenges to be met.

One very large issue at hand is our homeless. Increasing at an alarming rate, they are America's fastest growing group of individuals. These people, detached from society, cannot even vote. To think that our ancestors have worked so hard through wars and revolutions to make this the land of democracy and yet millions of our citizens are left out in the cold and can't participate in their own government. America's challenge is to not ignore this problem, but react to it, and not only to the homeless but to other social issues such as AIDS and prison overcrowding.

Until we recognize all of our bad points and deal with them we cannot fully appreciate all of our good points. Whatever our challenges will be, America will be sure to meet them with the same drive and deter-

mination as in the past, and just like that small boy facing the dark wall of the forest, America won't have to think twice about running straight into the woods and meeting these challenges head on.

FAIRPORT, NEW YORK CELEBRATES 125TH ANNIVERSARY OF INCORPORATION

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Ms. SLAUGHTER. Mr. Speaker, it is my honor today to pay special tribute to my hometown village of Fairport on the 125th anniversary of its incorporation. Fairport, a village of 6,000 people, is located within the town of Perinton in New York State.

The beginnings of Fairport date back to the early 1800's when the village consisted of seven log cabins, a block house and a frame house. Originally known as Perrintonville, the village thrived as the Erie Canal was constructed through the area. For several years, the canal terminated near Fairport as the great embankment over the Irondequoit Creek basin was constructed.

Because of the Erie Canal, numerous travelers conducted business in Perrintonville and passed through the village. Many of these travelers described the village to others as a fair port and the name was eventually changed from Perrintonville to Fairport.

The shipping advantages offered first by the canal and later by the main line of the New York Central made Fairport an important industrial center. The DeLand Chemical Co., became one of the Nation's leading manufacturers of baking soda and baking powder. The substantial DeLand family homes are the nucleus of two Fairport landmarks: the Green Lantern Inn and the Fairport Baptist Homes.

Other firms contributing to Fairport's economic vitality have included the Certo Works, the R.T. French Co., the Cox Shoe factory, Crosman Arms, and the American Can Co.

By the time Fairport was incorporated on April 30, 1867, it had grown to ten streets and 1,000 people. Since that time, the village has continued to prosper and today it hosts a thriving residential and business community.

On its 125th anniversary, Fairport is working to recapture the atmosphere of the original canal town. Many businesses and houses have been restored in the Victorian style of the 19th century. Public parks and docking facilities have been constructed so the canal's beauty and recreational opportunities can be enjoyed by all. Today's village of Fairport reflects both its rich past and its current vitality.

Mr. Speaker, I congratulate the people of Fairport as they commemorate the village's 125th anniversary and extend my most heartfelt wishes for its continued prosperity.

EXTENSIONS OF REMARKS

THE FOREST HEALTH ACT OF 1992

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. LaROCCO. Mr. Speaker, on April 9 I introduced H.R. 4980, the Forest Health Act of 1992, with 23 cosponsors including my colleague from Idaho [Mr. STALLINGS].

Mr. Speaker, I believe the health of our Nation's forests, like the health system of our country, has gone unwatched for far too long. That is why I propose an annual report from the Secretary of Agriculture to evaluate the overall health of trees in the national forest system.

Significant portions of our national forests have experienced serious health problems. Disease and insect epidemics are widespread. Wildfire potential is high, especially across the West which has undergone a prolonged drought. Yet, the U.S. Forest Service has no comprehensive system in place to evaluate the health of the Nation's forests.

It is now generally recognized that dead and dying trees are important components of the forest ecosystems. Snags and downed logs provide important habitat for birds and other wildlife. But, because harvesting trees is essential for building houses, milling lumber, and providing jobs, it makes good sense to harvest dead and dying trees that are destined to lose their value quickly.

As trees die, wood quickly begins to split, check, and to develop stain and rot. If the value of these trees is to be captured, decisions must be made quickly. Delay only serves to waste resources and lose revenue for the U.S. Treasury as well as State and local communities.

In addition to the forest health report, H.R. 4980 would also expedite procedures for salvage timber sales in national forests.

It is critical that citizens have an opportunity to review management decisions on public lands. But, I am troubled when the system for review becomes a system for delay. For salvage timber sales, if the delay is long enough, the decision becomes moot because the wood value is lost.

The current appeals process for reviewing forest service timber sale decisions applies also to salvage timber sales. But, the current appeals system can be so drawn out that a decision on a sale can take more than 8 months * * * and that does not include permissible extensions.

Because of the delay, I believe it makes good sense to put salvage sales on a faster timetable. While expedited judicial review is provided in my bill, it remains silent on administrative appeals pending the administration's final policy decision on appeals of timber sales, including salvage sales.

As to judicial review, my goal is to provide a window of opportunity for citizens to use the courts to review an agency decision (which is entirely proper) but not to allow the courts to be used solely for the purpose of delay. My bill is not the first to consider ways to expedite the judicial review process, and I view the judicial review provisions in H.R. 4980 as a starting point for discussion.

April 28, 1992

Congressman STALLINGS and I will join Congressman HAROLD VOLKMER, chairman of the Subcommittee on Forests at a planned hearing in late May in Coeur d'Alene, ID to address forest health issues. It is my hope that the issues of judicial review can be further discussed at this hearing.

H.R. 4980 expedites, but does not limit, judicial review by the courts: it sets a reasonable deadline of 30 days for petitioning the court to review an agency decision to harvest dead trees. It urges the district court to make every effort to render a decision within 60 days and the appeals court within 90 days.

H.R. 4980 permits the courts to set procedural rules, such as page limits on briefs and time limits on filing briefs and motions, which will expedite a final decision. It urges courts to assign all or part of the case to a master who can focus on the particular case.

H.R. 4980 removes ambiguity by specifying what environmental documentation is needed. On salvage sales in roadless areas over 5000 acres, my bill would require the Forest Service to prepare an Environmental Assessment as the sole decision document. On salvage sales in areas which are already roaded, a special decision document would be required which would analyze why the sale is needed, any environmental impacts anticipated, and ways to mitigate those impacts.

H.R. 4980 seeks to establish sensible limits on salvage sales. My bill states that at least 60 percent of a stand of trees needs to be dead or presumed dead in two years to be considered salvage. The bill also sets limits on how much timber can be salvaged on a national forest over a 2-year period, where no limit now exists.

H.R. 4980 provides that salvage sales must still be consistent with other environmental laws including the Endangered Species Act and the Clean Water Act.

H.R. 4980 serves to expedite salvage efforts on lands of least controversy. Areas that are deemed unsuitable for timber production in forest plans, including those currently in the National Wilderness Preservation System, are excluded from the provisions of my bill. The bill also excludes Research Natural Areas, and land that has been formally withdrawn from timber production, such as Habitat Conservation Areas. Areas which the Forest Service has proposed to set aside as Wilderness are also excluded from the provisions of my bill.

H.R. 4980 also exempts roadless areas proposed as an addition to the National Wilderness Preservation System in any legislation that has passed one House of Congress for a period of 2 years.

Mr. Speaker, Theodore Roosevelt once said, "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value."

Whether current problems stem from past management practices or nature, itself, we can no longer afford to ignore the health of our national forests. As stewards of the land, we need to face those problems and find sound management solutions. Accordingly, Mr. Speaker, it gives me great pleasure to introduce H.R. 4980, as a step toward those solutions.

GLYN JEWELL SELECTED TO REPRESENT WASHINGTON AT THE NATIONAL YOUTH FORUM

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. SWIFT. Mr. Speaker, each year RespecTeen holds a Speak For Yourself contest. Over 11,000 students nationwide submit letters they have written to Members of Congress on issues of importance to them. One student from each State and the District of Columbia are then selected to lobby Congress on behalf of our Nation's youth.

This year I am pleased to announce that one of my constituents, Glyn Jewell, 14, of Everson, WA, has been selected to represent Washington State at the fourth annual RespecTeen National Youth Forum, April 27-30.

I am always encouraged to see young people take an active interest in issues of national concern. As chairman of the Committee on Transportation and Hazardous Material, Glyn's letter about hazardous waste dumping was especially intriguing to me.

I would like to offer my sincere congratulations to all of those who participated in this contest, especially to Glyn Jewell. I am submitting a copy of his letter to the RECORD, and hope that my colleagues will read the work of this talented young student.

SPEAK FOR YOURSELF.

Everson, WA 98247, February 3, 1992.

Representative AL SWIFT,
Washington, DC.

DEAR REPRESENTATIVE SWIFT: We, the American people, need action. We demand that something be done against the dumping of hazardous waste. It is destroying our environment. Hazardous waste has caused 2500 sites in the U.S. to become irreversible waste lands. This subject needs to be handled before we are no longer able to eat, drink, or even breathe.

About a week ago, I was watching the news and I saw something that scared me. The Navy in the 1950's supposedly dumped about 500 drums of toxic waste along the California coast. The scariest part is that the barrels are beginning to corrode and fall apart. That means the waste will begin to leak out soon, which will in turn, damage the ocean's ecological well-being and could possibly kill a few people. Some toxic waste has a half life of 500,000 years, so it will be there for a while.

I realize it is not only the government that is dumping hazardous waste but many private industries do as well. If a company produces such wastes they need to be responsible and deal with it safely and properly. Incineration is the best bet.

I have proposed a few solutions. Federal inspection should be required; the inspection should be done by a team and should occur on random and unannounced dates. If there are unsanitary facilities found there should be a severe fine. My final proposal is education. People sometimes are afraid of what they don't understand, so if we educate people and private industries this should hopefully attract public interest in the subject. The bottom line is we need government funding now. This is no longer a problem, it is a crisis.

Sincerely,

GLYN JEWELL.

EXTENSIONS OF REMARKS

SUPPORT FOR LEGISLATION SUPPORTING SKI AREAS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. OWENS of Utah. Mr. Speaker, on April 9, Representative PAT WILLIAMS introduced H.R. 4970 to simplify the formula under which ski areas operating on national forest lands pay rental fees to the United States for use of these lands. This legislation will not in any way reduce the fees paid to the United States for use of national forest lands. Rather, it will simply replace an excessively complex and bureaucratic system for calculating rental fees with a clear and predictable formula. The Forest Service and the Utah ski industry will both benefit from this change. I am pleased to have been involved in the development of H.R. 4790 and to have been an original cosponsor of this much needed legislation.

For the past several years, ski areas in Utah which use national forest lands for their operations have experienced increasing difficulty reaching agreement with the Forest Service as to the fee the United States should receive for use of those lands. The problem lies in the existing Forest Service fee system, known as the graduated rate fee system [GRFS], which encompasses more than 40 pages of policy, definitions, and guidelines.

While originally intended to set forth simple rules for collecting the fee, over the years the GRFS has become so complex that it has become little more than a forum for endless debate, appeal, and litigation. With each passing year, the GRFS regulations are beginning to look more and more like the Internal Revenue Code. The result has been that both ski area operators and the Forest Service are spending inordinate amounts of time and effort to calculate what should be a simple rental proposition.

To alleviate this problem, I have joined my esteemed colleague, PAT WILLIAMS, and virtually all other Members who have National Forest ski areas located in their districts, in introducing a bill to establish a new, simple fee system for ski area use of national forest lands.

This issue is very important to Utah because we have one of the largest ski markets in the world, and many of our areas, including Alta, Brighton, Snow Basin, Snowbird, and Solitude are located on national forest lands. Indeed, statewide skiing is estimated to bring in \$480 million to the State's economy, with some of these revenues used to help finance the school system. In addition, skiing and associated summer tourism in ski communities is exactly the type of industry that the State seeks to promote to diversify our economic base and attract out-of-State dollars into our economy. It behooves us, therefore, to ease the burden of unnecessary regulation on the ski industry wherever possible.

The current graduated rate fee system used by the Forest Service to determine ski area fees is fast becoming a classic example of overly and unnecessarily complex Federal regulation. It is poorly understood by both ski area operators and local Forest Service per-

sonnel, and is subject to widely varying interpretation and inconsistent application among the dozens of Forest Service districts, forests, and regions. There is no logical reason why charging rent for Federal land should require 40 pages of instruction.

Another compelling reason for changing the formula is that the Forest Service is becoming increasingly aggressive in attempting to charge ski areas for revenues generated not only from leased national forest lands, but also from businesses on nearby private lands. Not only is this a waste of everyone's time, but it must be noted that the revenue in concern is from private land activities. In my experience dealing with public land issues, it is unprecedented for the Government to assess fees for the use of Federal land by also including revenues from private land. Operations on private land are already subject to Federal income tax, local property tax, and other Federal, State, and local taxes. There is no excuse for the Forest Service to charge rent for privately owned land. Any attempts to do so are, frankly, outrageous.

The new fee formula in my bill, H.R. 4970, will make the future fee simple, predictable, and easy to calculate. And it will clearly state that the only revenues that can be assessed are those which result from the actual use of Forest Service land.

As a member of the Committee on Interior and Insular Affairs and the National Parks and Public Lands Subcommittee, which will receive referral of my bill, I will do my utmost to see that a hearing is quickly scheduled and this important measure moves forward at the earliest possible date. It is too important to Utah's ski areas to do otherwise.

THE ADVANCE FEE LOAN SCAM PREVENTION ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. SCHUMER. Mr. Speaker, I recently introduced legislation, H.R. 4954, the Advance Fee Loan Scam Prevention Act, to combat a growing problem for hard-pressed consumers and small businesses that is costing them millions of dollars. I would like to explain the problem this bill addresses and how my legislation would work. I would also note that a companion bill has been introduced by Senators LIEBERMAN, BRYAN, and DODD.

Recessions are fertile ground for con artists, and the current one seems to have brought out the worst of the lot. There just never seems to be a shortage of crooks, con artists, and swindlers to prey upon desperate and vulnerable people in recessionary times. The new scam artist is the so-called loan broker, who charges a stiff up-front fee to a consumer for a promised loan that he will never deliver.

The scam works as follows: First, the loan broker sets up a company that advertises guaranteed credit or guaranteed loans. The ads promise loans and credit to persons regardless of their credit history or credit rating and urge consumers to call "800" or "900" numbers to apply for the loans. Operators on

the other end of the line take all the necessary information from consumers and inform them—usually within an hour or two—that they have been approved for a loan and that they only need to send in a processing fee to receive their loan check. These processing fees range from \$30 to thousands of dollars.

Unfortunately, the loans never materialize. Consumers' inquiries about their loans are rebuffed and consumers continue to be stalled until the loan broker can close up shop and move on to another location to start the cycle again. Consumers never see their advance fees again, much less the promised loan money.

The newspapers are filled with stories of loan seekers losing hundreds and thousands of dollars from these fly-by-night operations. The Council on Better Business Bureaus has estimated that consumers and small businesses are losing up to a million dollars a month through these scams.

The bill I have introduced would put an end to this type of scam by prohibiting unregulated loan brokers from charging advance fees to consumers. This bill is aimed at unscrupulous loan brokers who are robbing consumers and small businesses. Any legitimate loan brokers that are regulated by the Federal Government or the State in which the consumer lives won't be subject to the provisions of this bill.

For example, the bill exempts credit providers and loan brokers licensed and regulated by the consumer's State or by the Federal Government, including banks, savings and loans, credit unions, mortgage banks and servicers approved by Fannie May or Freddie Mac, consumer finance companies, real estate agents, and attorneys. Auto dealers and sellers of consumers goods also are exempted.

In addition, loan brokers can still charge legitimate processing fees—they just can't force consumers to pay the fees before receiving the loan. Brokers can only collect their fees at or after closing loans.

Persons who violate the law would be punished with fines and possible prison terms and could also be prosecuted for mail fraud.

We have modeled our bill on an effective Florida statute that has managed to drive down the number of these scam artists operating in that State by 85 percent. But many, if not most, of the operations in Florida moved out of the State after this law took effect. And, worse yet, most of these crooks operate on an out-of-State basis anyway, so State laws aren't as effective as we would like. For example, New York has some of the toughest laws on the books to prevent these loan scams. However, New York State laws won't stop an unscrupulous loan broker working out of another State from hoodwinking New Yorkers. We need legislation at the Federal level to fully combat this problem.

Swindlers who perpetuate these scams are taking advantage of some of the most vulnerable people in our society. They hit people when they are down and take what little money hard-pressed consumers and small businesses have in exchange for a worthless promise. People that prey on the desperation of others are among the lowest forms of criminals.

I urge my colleagues to support this legislation.

MEGAN ELIZABETH SEBASTIAN;
WINNER OF VOICE OF DEMOCRACY
CONTEST IN SOUTH DAKOTA

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. JOHNSON of South Dakota. Mr. Speaker, every year for over 30 years, the Veterans of Foreign Wars of the United States and its Ladies Auxiliary have sponsored the Voice of Democracy broadcast scriptwriting contest. This year's contest theme was "Meeting America's Challenge." More than 147,000 secondary school students participated in the contest, competing for the 22 national scholarships totaling \$62,500. The top contestant from each State came to Washington, DC, for the final judging as a guest of the Veterans of Foreign Wars.

Ms. Megan Elizabeth Sebastian is the 1991-92 winner from Mitchell, SD. Ms. Sebastian attends Kimball High School where she is president of the Kimball chapter of the National Honor Society. She extends her interests by participating in several school organizations concerning her class yearbook and foreign languages.

Ms. Sebastian presents insight to the true meaning of democracy and freedoms in the United States of America. She recognizes our changing world in which people of varying degrees of background understand the need to have freedoms of choice whenever it is necessary. Megan Sebastian also recognizes the fact that the freedoms we hold dear must be protected and nurtured. While she recognizes the importance of individuality, Ms. Sebastian asserts her view that we must "unite as one people, to dream, to dare, and to do what has to be done."

I would like to take this opportunity to submit Megan Elizabeth Sebastian's award-winning script to the CONGRESSIONAL RECORD, for the benefit of my colleagues and other interested readers.

MEETING AMERICA'S CHALLENGE

(By Megan Elizabeth Sebastian, South Dakota winner, 1991/1992 VFW Voice of Democracy Scholarship Program)

In 1491, Christopher Columbus faced a challenge. He believed he could reach the east by sailing west. Everyone knew he was wrong because no one had been able to do what he hoped to do. Columbus dreamed, dared and did what had to be done. Because of his dream, a new world was discovered.

In 1620, the pilgrims faced a challenge. They believed that a man had the right to worship his God without interference from the government. Everyone knew they were wrong because the government had always controlled religion. The pilgrims dreamed, dared, and did what had to be done. Because of their dream, religious freedom became one of the self-evident rights of a new country.

In 1787, George Washington and Thomas Jefferson faced a challenge. They believed that the people of America could govern themselves. Everyone knew they were wrong because only the rich and powerful knew how to govern a nation. They dreamed, dared, and did what had to be done. Because of their dream, a democracy was created.

In 1860, Abraham Lincoln faced a challenge. He believed that a nation divided against itself could not stand. Everyone knew he was wrong because people had owned slaves for hundreds of years. He dreamed, dared, and did what had to be done. Because of his dream, a race of people was freed from slavery, and a nation preserved.

In 1933, Franklin Delano Roosevelt faced a challenge. He believed he knew how to raise a nation up out of a Depression. Everyone knew it couldn't be done because many before him had failed. He dreamed, dared, and did what had to be done. Because of his dream, America rose to become one of the most economically stable countries in the world.

In 1963, Martin Luther King faced a challenge. He believed he could change a nation's attitude about racial prejudice. Everyone knew he was wrong because it's impossible to change age-old beliefs and customs. He dreamed, dared, and did what had to be done. Because of his effort, we have seen the birth of a new understanding between men of different races.

In the late months of 1991, America faces many challenges. We believe we must solve the education crisis, eliminate the deficit, bring the nation out of the recession, win the drug war, and find homes for the poor and the homeless. Everyone knows these challenges cannot be solved. As we focus on them, it seems that each will mean the end of life as we know it. The sky is falling and there is no escape. We will all be crushed.

And yet amazingly we did not perish yesterday, are alive today, and in spite of all our problems, I know we will be here tomorrow. The secret strength of America is that at each moment of crisis, when things are darkest, a champion has emerged—a Washington, a Lincoln, a Roosevelt, and yes, even a Schwarzkopf. As welcome as these heroes have been, they did not solve the challenge they faced by themselves. It was the American people—the white, black, yellow, Irish German, Catholic, Jewish people—who for millions of individual reasons joined together to solve the problem.

That is the challenge of America: to unite as one people, to dream, to dare, and to do what has to be done.

NEW ENGLAND ARMY CORPS CELEBRATES 50TH ANNIVERSARY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. STUDDS. Mr. Speaker, I rise today to congratulate the New England Division of the U.S. Army Corps of Engineers, which is celebrating its 50th anniversary on May 1 in Charlestown, MA.

Charlestown was chosen for the festivities because the Army corps was founded there on June 16, 1775, on the eve of the Battle of Bunker Hill. Although not as old, the New England Division of the corps—formed on May 1, 1942—has contributed immensely to the development and prosperity of the New England region.

The division has participated in the construction of military facilities and flood control measures, it has funded numerous navigation projects in our small harbors and waterways, it has managed 55,000 acres of land and

water for flood control and recreation, and successfully restored miles of beach front. In my own district, the corps has been responsible for maintaining the Cape Cod Canal, Boston's connection to other east coast seaports.

The New England Division can be proud of its 50 year record of accomplishment. I salute the 650 men and women of the New England Division and wish them many more years of continued success.

DEPARTMENT OF AIR FORCE'S
SACRAMENTO AREA FEDERAL
EXECUTIVE EMPLOYEE OF THE
YEAR AWARDS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. MATSUI. Mr. Speaker, I rise today to congratulate the recipients of the Department of the Air Force's Sacramento Area Federal Executive Employee of the Year Awards. The Sacramento area has over 20,000 Federal employees so these award winners represent truly outstanding commitment to their jobs, their community, and the Federal Government.

I would like to take this opportunity to share with you this year's winners. They are: Outstanding Professional Employee, Dr. Charles Smith, environmental coordinator, Mather Air Force Base; Outstanding Secretary, Jewel Van Dewerker, secretary, Mather AFB; Outstanding Supervisor, Janet Long, supervisory contract specialist, Sacramento Army Depot; Outstanding Technical Employee, Patricia Maggard, social service representative, Sacramento Army Depot; Outstanding Administrative Employee, Robin Pohl, personnel staffing specialist, Internal Revenue Service; Outstanding Clerical Employee, Geri Ryan, labor relations clerk, Internal Revenue Service; Outstanding Front-Line Employee, Roger Scott, administrative services specialist, McClellan AFB; Outstanding Manager, Robert Lamora, airway facilities sector manager, Federal Aviation Administration; Outstanding Trades and Crafts Employee, Kenneth Davis, telephone mechanic foreman, Mather AFB; Outstanding Employee Team, blanket purchase agreement process action team, Sacramento Army Depot; and Community Service Award, Brenda Bennett, group secretary, Internal Revenue Service.

Mr. Speaker, these Federal employees have shown remarkable skill and dedication and are truly worthy of our recognition. I ask you to join me in congratulating these outstanding individuals.

WORKERS MEMORIAL DAY

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. ROSE. Mr. Speaker, Workers Memorial Day is a particularly solemn occasion for those of us from North Carolina. You all remember

that last year 25 workers died in a fire at the Imperial Food Products plant in Hamlet, NC. In its 11 years of operation, the Imperial plant had never been visited by either State or Federal safety inspectors. It was a tragic day not only for North Carolina but for the entire Nation.

I know that most businesses strive for a safe work place and would never knowingly place their workers in jeopardy. Unfortunately, there are businesses out there who are more interested in their bottom lines than in the safety of their employees. There are businesses out there, like Imperial Foods, who deal with employee theft by putting padlocks on fire exit doors and intimidate their employees into believing that if they speak out they will be fired.

Because of these bad operators we must recommit ourselves to improving workplace safety. A safe work environment is the right of every American citizen. Unfortunately for millions of Americans this is not a reality. It is estimated that last year 10,000 Americans died on the job and over 100,000 Americans die each year from job related injuries.

In the last 12 years some of my colleagues have come to this well to say that we cannot afford the trade off for tougher workplace standards. They say that these laws would be too great a burden on American business. But what we cannot afford is an atmosphere in this country where people are paralyzed by fear for their safety and fear of reprisal for speaking out.

We owe the men and women of this country who go to work everyday the security of a safe work place. If we have learned anything from the Hamlet fire it is that such tragedies can be prevented if we do not take workplace safety for granted.

THE MEDICARE BENEFICIARY ACCESS AND FINANCIAL PROTECTION ACT OF 1992

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. RHODES. Mr. Speaker, today I am introducing the Medicare Beneficiary Access and Financial Protection Act of 1992, which would implement the Physician Payment Review Commission recommendations concerning the maximum charges that a nonparticipating physician can charge a beneficiary. Limitations on maximum allowable actual charges were a part of the three-pronged initiative which Congress enacted under the Omnibus Budget Reconciliation Act of 1989. Under OBRA '89, nonparticipating physicians could not charge Medicare beneficiaries more than 125 percent of the recognized Medicare charge. This year the limit was lowered to 120 percent, and in 1993 the limit will be 115 percent of the recognized Medicare charge. However, due to technical flaws in the original OBRA '89 language, Medicare beneficiaries are still being overcharged and physicians are not required to reimburse their overcharges.

The Physician Payment Review Commission has made several recommendations

which will close the loopholes in the law and fully implement this portion of Congress' overall physician payment reform plan. This bill would codify those recommendations, thus ensuring beneficiaries that the protection that Congress intended they receive will actually be forthcoming. First, the Medicare Beneficiary Access and Financial Protection Act of 1992 would limit beneficiary liability under the Medicare programs. Second, nonparticipating physicians would have to refund inappropriate overcharges, after an appeal if they choose. If the physician is found to be willfully or knowingly overcharging, the Secretary of Health and Human Services can institute fines against them.

In an effort to inform beneficiaries on their rights and legal protections, the annual explanation of benefits would include an explanation of the limitations on charges by nonparticipating physicians. Carriers would be required to conduct prepayment screening of services furnished by nonparticipating physicians, and the Health Care Financing Administration would be instructed to study the feasibility of sending an annual notice explaining charge limitations to nonparticipating physicians.

This bill will clear up the small but regrettable technical flaws in OBRA '89 which have stopped billing limitations from being implemented. Medicare beneficiaries will be protected as Congress originally intended. I ask my colleagues to cosponsor this bill and support it so we can quickly rectify this unfortunate situation.

ANNIVERSARY OF THE
CATASTROPHE AT CHERNOBYL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. PALLONE. Mr. Speaker, I rise today to observe the sixth anniversary of the nuclear disaster at Chernobyl. The anniversary occurred on April 26, during our Eastern recess.

As the years pass, the tragedy of what happened at Chernobyl is not lessened. To the contrary, the magnitude of the disaster becomes more and more apparent each year. The 7.6 tons of over 200 different radioactive substances released into the atmosphere over Ukraine, Byelorussia, Russia, and the Baltic States are still causing sickness and misery.

I am especially concerned about the state of the millions of children who suffered and continue to suffer from the effects of radiation and who will probably suffer most of their lives from the long-term effects of radiation. Well over a million children in Ukraine and Byelorussia are ill due to radiation. Many are dying of leukemia.

Documents recently published in Russia indicate that Soviet officials engaged in an extensive coverup. These documents reveal that Soviet leaders, including Mikhail Gorbachev, concealed the extent of the danger from the affected population. Soviet authorities increased the officially acceptable level of radiation by a factor of 10, thereby denying medical treatment to the tens of thousands of people living in contaminated areas.

The complete truth about what happened at Chernobyl No. 4 reactor may never be fully known. But the suffering caused by the nuclear accident is apparent to all of us. As we observe this solemn anniversary, I urge my colleagues to join with me in doing all that we can, and urging the newly independent states of the former Soviet Union to do all that they can to assist those still living in contaminated areas and to take whatever steps are necessary to ensure that a disaster on the order of Chernobyl will never happen again.

IN HONOR OF WORKER'S
MEMORIAL DAY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. DELLUMS. Mr. Speaker, today we celebrate Worker's Memorial Day. It is a day set aside to remember those who have suffered and died because of workplace hazards.

There is a verse of an old song that says, "We come to work here, not to die here." Unfortunately, each day more than 20,000 workers are injured. Even more appalling is that each year more than 100,000 Americans die from job-related injuries and diseases.

On this day let us commit ourselves to strengthening the Occupational Health and Safety Act and demand full enforcement of applicable regulations and laws.

INTRODUCTION OF LEGISLATION
TO HELP MAKE THE UNITED
STATES MORE COMPETITIVE

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. GEREN of Texas. Mr. Speaker, the Arms Export Control Act requires that a charge be assessed on foreign military sales [FMS] of major defense equipment to recoup the nonrecurring charges associated with the research, development, and production of military equipment.

The President, however, has been granted the authority to waive these costs to encourage the standardization of equipment among our NATO allies; Australia, New Zealand, and Japan.

Our friends in Finland will decide by late May who they will buy 67 foreign built fighters, worth over \$2.2 billion from; the United States, France, or Sweden. However, the law as written excludes Finland from this waiver, tying our hands and limiting our ability to make this sale to them.

Since our competitors offer export programs to countries such as Finland and other European countries as an enticement to get such contracts, I am introducing legislation today to level this playing field. My bill—which enjoys the strong support of the Aerospace Industry Association—would expand the President's nonrecurring cost waiver authority to Finland and other friendly European countries.

Enactment of my bill will help make the United States more competitive, preserve our defense industrial base, and offset the disadvantage we now face.

WORKERS MEMORIAL DAY

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mrs. MINK. Mr. Speaker, today workers across the Nation will pause at the mills, presses, assembly lines, and factories where they work and observe a moment of silence for the thousands of workers who suffer and die each year because of hazards in the workplace.

Workers Memorial Day is a time of remembrance. A time to pay tribute to the hard-working men and women who fell victim to an unsafe workplace and hazardous duties. But it is also a time for action—safety in the workplace must be a national priority.

Over two decades ago the Congress sought to protect the rights of workers to a safe and healthy workplace by enacting the Occupational Health and Safety Act [OSHA]. While we have made much progress, we still have a long way to go in fulfilling our commitment to our Nation's workers.

Every year 10,000 workers are killed by workplace hazards, 6 million are injured on the job, and 60,000 are permanently disabled. An additional 100,000 workers die each year from the long-term effects of occupational diseases like asbestosis and brown lung diseases.

The shortcomings of OSHA and its enforcement were tragically illustrated during the fire at the chicken processing plant in Hamlet, NC, last August, which killed 25 employees behind locked doors.

This plant had never been inspected in 11 years of operations. Workers were not trained about safety hazards, most did not even know that the doors were kept locked.

Unfortunately the situation at the Hamlet plant is not unique. Lack of OSHA enforcement, a sluggish regulation process, and prevention of employee participation has kept OSHA from protecting workers against workplace hazards.

The Education and Labor Committee is currently considering legislation to strengthen OSHA, improve enforcement, and require joint employer-employee health and safety committees to work together to create and maintain a safe and healthy workplace.

Mr. Speaker, as we commemorate Workers Memorial Day, I urge my colleagues to take action to protect the rights of the working men and women of this Nation by supporting and cosponsoring H.R. 3160, the Comprehensive Occupational Safety and Health Reform Act.

CELEBRATING THE 125TH ANNIVERSARY OF THE FIRST PRESBYTERIAN CHURCH OF PASSAIC, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to the First Presbyterian Church of the city of Passaic in my Eighth Congressional District in New Jersey which will celebrate the 125th anniversary of its founding on Sunday, May 3, 1992. This vibrant institution has a distinguished past of service to the community and continues to meet the changing needs of people of Passaic and the surrounding area.

Mr. Speaker, from its humble beginnings, this congregation has grown in size and importance continually striving to help those in need and support all those who sought comfort and spiritual guidance. The First Presbyterian Church is currently a beautiful gothic cathedral with elegant tiffany windows and a wonderful Skinner organ, but if I may take a moment I would like to enter into the record a brief historic sketch which tells the story of how this church has flourished and developed over the years.

During the year of 1866, a small group of families which had recently taken up residence in Passaic met from house to house in social prayer. Because of the crowded conditions of existing churches, they resolved, during frequent meetings, to organize their own church. The 22 founders held public worship for the first time on January 6, 1867, in the old Methodist Episcopal Church. At a service on March 6, 1867, the congregation was organized and ordained by the Presbytery of Newark as a New School Presbyterian Church. Rev. Dr. Philo French Leavens accepted a call to become Pastor and was installed January 17, 1868.

For several years thereafter church services were held in a number of small rented buildings including Spear's Hall, Howe Academy and the New School House. In 1871, the first church was built. It was a small two-story structure on River Street (now Park Place) and Exchange Place. Services at this church continued until 1886 when it was sold to purchase a site on the corner of Grove Street and Passaic Avenue.

This second church was called The Brownstone Church because of its exterior finish. It had an interior that was a combination of auditorium, school room, and parlor and its pews could hold 300 worshippers. Under the leadership of Dr. Leavens, the church continued to grow and at the time of his death in 1904 had reached 410 communicants. Dr. Leavens gave much of his time and efforts in the establishment of the Dundee Mission (1887—which later became the Grace Presbyterian Church), the Garfield Church, and the Wallington Chapel (1897—which later became the Wallington Presbyterian Church). The first official boards of these churches were members of the Passaic church on loan to them until they became firmly established. Dr. Leavens also preached regularly in Clifton and Delawanna and was a pioneer of christian work in these cities.

After the death of Dr. Leavens in 1904, Rev. Dr. James Dallas Steele became the second pastor and was installed May 8, 1906. It was

under the dynamic leadership of the third pastor the Rev. Dr. George Harold Talbott, installed May 18, 1923, it became obvious that with the continued growth of the congregation a much larger church would be needed to accommodate the membership.

The Brownstone building, therefore, was razed in 1929 and replaced by a magnificent Gothic cathedral structure, which remains the House of Worship for the First Presbyterian Church of Passaic. The church has been heralded by many as one of the finest examples of Gothic architecture in New Jersey. The sanctuary, with its 95 foot aisle and soaring cathedral ceiling 60 feet high seats 1,300 people. Its 110 foot tower accommodates a rank of 19 chimes and a Pastor's study. The church also has a fine chapel, three balconies in the sanctuary, a large hall, a social room (parlor), offices, Sunday School rooms, Aeolian-Skinner pipe organ, an Antiphonal Sustaining organ, large Tiffany stained glass windows, hand carved Appalachian white oak woodwork, and 22 Yellin ironwork hanging lanterns.

Dr. Talbott was succeeded by his assistant Rev. Ralph Boulton, who was installed on April 12, 1970, and retired in June of 1988. Currently, the congregation is being served by Dr. Jeffrey Wood, who has been the interim pastor and stated supply since March 1990.

Mr. Speaker, this church has a rich past always playing an active role in the community and lending its support and best efforts to innumerable worthy causes such as helping to found and establish Passaic General Hospital and sponsoring ministries in China and Korea and very soon as Hispanic ministry as well. It is institutions such as the First Presbyterian Church which give life to our communities and add joy and hope to the lives of all those who are touched by its work.

Mr. Speaker, I am proud to represent the First Presbyterian Church of Passaic here in Congress, and I am sure that you and all my colleagues join with me in wishing them continued prosperity and God's speed on their path in the future.

DESPERATE PLIGHT OF THE ETHNIC ALBANIANS IN KOSOVA AND OTHER AREAS OF THE FORMER YUGOSLAV FEDERATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. LANTOS. Mr. Speaker, Slobodan Milosevic, the last Communist dictator in Europe, continues to shock and horrify the civilized world as he directs his wanton campaign against the successor States of Yugoslavia.

Milosevic's wrath has caused incalculable human suffering. The Communist Serbian effort to dominate the freedom-seeking Republics of Croatia, Slovenia, Bosnia-Herzegovina, Macedonia, and Kosova will continue until we in the United States take steadfast and decisive steps to stamp it out.

The violent means through which Serbian Communists seek to dominate the region were on display for all to see 12 years ago when, after the death of Tito, they opened a campaign of terror against the Albanians in the autonomous Republic of Kosova.

The efforts to isolate and vilify Albanians in Kosova were as revolting as they were com-

prehensive. The Communists in Belgrade purged the Kosovar Communists, closed the parliament in Kosova and persecuted its freely and fairly elected members, placed restrictions on the use of Albanian language and symbols, and ultimately imposed martial law on Kosova.

The dire situation in the former Yugoslavia requires that uncompromising attention be paid to the plight of Albanians in Kosova. As an historic whipping boy to the Communist Serbians, the ethnic Albanian population in Kosova is particularly vulnerable in these volatile times.

Dr. Ivo Banac, a professor of history and master of Pierson College at Yale University, has written an excellent paper on the serious plight of Albanians in Kosova, entitled, "Position Paper on the Question of Kosova and the Status of Albanians in the Successor States of Yugoslavia."

Dr. Banac's work highlights the importance of Congress' vigilance with respect to the situation in the former Yugoslavia. There is a clear need for aggressive action against the Serbian Communists who continue their brutal and deadly assault against the citizens of the freedom-seeking republics of the disintegrated Yugoslavia. I ask that his paper be placed in today's RECORD and I urge my colleagues to give it the thoughtful attention it deserves.

TRIBUTE TO BRIG. GEN. JOHN O. McFALLS III, USAF

HON. DAVID O'B. MARTIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. MARTIN. Mr. Speaker, I want to recognize Brig. Gen. John O. McFalls III, for his dedicated service to this Nation as the Deputy Director of Legislative Liaison for the U.S. Air Force. Since first serving the House as the chief of the Air Force's House Liaison Office in 1984, General McFalls has provided the House of Representatives with outstanding service and commitment. His knowledge of the Air Force and the Congress has been a tremendous asset to the House and, in particular, the Armed Services Committee, as we have considered issues impacting on the Air Force and our national defense. During General McFalls' tour, his commitment to a free and open exchange of information and ideas provided a framework for deliberations on Air Force programs. He has served with distinction and has earned our respect and gratitude for his contributions to our Nation's defense. A fighter pilot, he is highly qualified for his new assignment as director of operations and plans for the Air Training Command where he will have responsibility for training and motivating those who will make up the air force of the future. All of us who have worked with General McFalls join in bidding him a fond farewell.

CLAY INTRODUCES THE DISPLACED FEDERAL EMPLOYEES ASSISTANCE ACT OF 1992

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. CLAY. Mr. Speaker, today, I am being joined by Representative ACKERMAN and Representative KANJORSKI to introduce the Displaced Federal Employees Assistance Act of 1992 to alleviate the impact of the necessary reductions of Federal civilian employees.

The demise of the Soviet Union and the deterioration of our own domestic economy require us to reexamine our defense policies and reallocate Government resources to more productive and profitable pursuits. This restructuring is essential if America is to maintain its ability to complete successfully in an international economy. It also provides our country with an opportunity to address vital national concerns that have been neglected by the last three administrations, including education and infrastructure, and should serve as a unique opportunity to promote the wealth of our country and the standard of living of its citizens.

If we are to derive the full benefits available to us, steps must be taken to mitigate the immediate adverse consequences of dislocation on defense workers. The legislation that we are introducing today is intended to achieve this end by cushioning the impact of the downsizing of the Defense Department on Federal civilian employees.

The bill accomplishes this through three means. First, this legislation is intended to minimize the number of civilian employees who must be separated from Government service. Second, the legislation is intended to alleviate the immediate impact on those employees who are separated. Finally, the legislation is intended to enhance the ability of separated employees to find new positions. The legislation has been carefully crafted within the limitations imposed by the current deficit and the budget enforcement procedures.

Currently, just under 50 percent of all Federal civilian employees are employed by the Department of Defense. In recent years, the Department has reduced its civilian work force by 87,000 through hiring freezes and attrition. As the General Accounting Office has testified, however, the Department will not be able to achieve the reductions that will be necessary over the next 5 years by relying exclusively on such means, particularly in light of current economic conditions. By the Department's current estimates, 44,000 jobs will be lost in fiscal year 1992; 43,000 jobs will be lost in fiscal year 1993, and a total of 212,000 jobs will have been lost between 1989 and 1997. Many feel that the Department's current estimates may understate the dimensions of the problem.

The legislation we are introducing specifically authorizes the Secretary of Defense to establish a temporary program to offer separation bonuses to encourage eligible employees to accept retirement. Given the significant reductions in personnel that the Department of Defense is facing, steps must be taken to en-

courage voluntary separations. Lack of private sector employment opportunities has considerably diminished the attractiveness of existing early retirement programs. The reluctance of employees to accept retirement increases the number of employees who must be involuntarily separated, increases dependence on public assistance programs, exacerbates agency training and retraining costs, and increases average agency work year costs. The Displaced Federal Employees Assistance Act authorizes the Secretary of Defense to provide a one-time separation bonus, equal to 6 months' pay, to employees who agree to retire. Authorization for the program would expire at the end of fiscal year 1997. The costs of the program would be comparable to the agency costs of conducting a RIF, and would be paid for from appropriated funds out of the agency's salaries and expenses account.

While steps must be taken to increase the number of positions the Department of Defense will be able to absorb by attrition, steps must also be taken to mitigate the consequences of separations when they do occur. The Displaced Federal Employees Assistance Act includes several provisions to accomplish this.

First, the act codifies the existing regulatory requirement that all Federal employees receive 60 days specific notice of impending reduction-in-force [RIF] actions. Where RIF's are substantial or have a significant adverse impact on local economies, 60 days notice is usually insufficient. Many of the bases that have already been designated for closure are primary employers within their local areas. The loss of jobs associated with the closure will not be easily absorbed and is likely to have a profound impact on the local economy. In such circumstances, the Federal Government has a clear and unmistakable obligation to take all steps necessary to ease the transition. If States and communities are to be able to establish and carry out effective dislocation assistance programs, if local businesses are to be able to successfully adjust to the new conditions, and if employees are to be able to provide for their own future, earlier notice than 60 days must be provided. Therefore, the Displaced Federal Employees Assistance Act requires the Secretary of Defense to provide a minimum of 120 days specific notice to employees and community leaders of dislocations that may reasonably be expected to have a significant impact upon local communities.

Mass dislocations have a profound effect on health care costs. Increases in illness, accidents, and injuries are a well documented part of the trauma associated with dislocation. Health care costs are already out of control and the number of Americans without health insurance is growing daily. Currently, involuntarily separated Federal employees may continue coverage under the Federal Employees Health Benefits Program for up to 18 months, but only if they pay their share and the Government's share of the premium plus an administrative fee. At a time when they no longer have a regular income, the displaced employees find it impossible to assume this additional burden. If the administration is not yet ready to address the national health care crisis, the Federal Government, nevertheless, has an obligation to ensure that its acts do not contrib-

ute further to that crisis. In order to promote the continuation of health care coverage and reduce demands on public health care providers, the Displaced Federal Employees Assistance Act includes a temporary, 5-year requirement that the Department of Defense continue its FEHBP contributions for up to 18 months for any involuntarily separated employee choosing to retain such coverage. The cost of this benefit will be paid out of appropriated funds and absorbed by the agency's salaries and expenses accounts.

Finally, the Displaced Federal Employees Assistance Act seeks to promote the prospects of future Federal employment for separated civilian defense employees. First, the legislation requires OPM to develop, maintain, and publish a comprehensive list of current Federal job vacancies. Second, the legislation provides that Federal agencies must give full consideration to qualified displaced DOD civilian employees before hiring a new employee from outside the agency.

In order to ensure its prompt consideration, the Displaced Federal Employees Assistance Act has been drafted to be confined within the jurisdictional limits of the Committee on Post Office and Civil Service. As chairman, I look forward to working with other committees and with the administration to provide a more comprehensive assistance and retraining program for both Federal workers and workers in defense related industries. To date, however, the administration has been willing to tell us only what it does not want to do. The time has come to move forward. While, personally, I feel there is more that can and should be done, this is legislation that can be enacted now. Chairman ACKERMAN of the Subcommittee on Compensation and Employee Benefits and Chairman KANJORSKI of the Subcommittee on Human Resources already are planning joint hearings on this legislation. It is my intention to move forward on the Displaced Federal Employees Assistance Act in a timely manner.

SALUTE TO LAWRENCE SOUZA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. GALLEGLY. Mr. Speaker, I am pleased to inform my colleagues that a constituent of mine will be honored this week here in Washington as a 1992 distinguished inventor.

Lawrence Souza, of Thousand Oaks, CA, is being recognized this week by Intellectual Property Owners, Inc., a nonprofit association working to safeguard the patent laws that have helped America lead the world in technology. Dr. Souza is vice president of molecular and cellular biology for Amgen, the world-renowned biotechnology company.

Dr. Souza is being honored for his invention of Neupogen, a new biotechnology drug used to decrease the incidence of infection in cancer patients. This drug is a breakthrough because it helps patients. This drug is a breakthrough because it helps patients better tolerate chemotherapy, thus significantly improving patients' quality of life.

Neupogen was named a product of the year in 1991 by *Fortune* magazine, and a runner-

up for *Science* magazine's Molecule of the Year. With sales of \$260 million since being approved by the FDA last year, it has helped solidify Amgen's growing reputation.

Dr. Souza is a native Californian, having been born in Oakland. He earned his undergraduate degree at UC—Berkeley, where he also played on the Cal football team. He earned his doctorate at UCLA, and has been a member of the Amgen team since 1981.

Mr. Speaker, Dr. Souza will be honored Thursday in a formal ceremony in the Russell Senate Office Building, and I ask my colleagues to join me in saluting him and Amgen for their outstanding achievements in the world of medicine.

ARMENIA'S TRAGEDY WILL NOT BE FORGOTTEN

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1992

Mr. ATKINS. Mr. Speaker, I join my colleagues today in solemn remembrance of a very dark day in human history. No words can hope to describe the brutality of the events which claimed the lives of 1.5 million Armenian men, women, and children.

In the years from 1915–1923, the Government of the Ottoman Empire sought to eliminate the culture, language, the entire race of Armenians from the face of the Earth. On April 24, 1915, government officials rounded up and brutally murdered over 200 Armenian community leaders. During the next 8 years, the Ottoman Government was responsible for the deaths and deportation of two-thirds of all Armenians in Anatolia. Armenian men who were conscripted in the Ottoman militia were disarmed, placed in labor camps, and eventually executed. The remaining men, women, elders, and children were forced on long death marches through the Syrian desert where hundreds of thousands were killed by execution or starvation. The few remarkable survivors of this genocidal campaign were expelled from the homeland they had inhabited for 3,000 years.

In 1939, in preparation for a genocide against the Jews, Adolf Hitler allegedly lamented, "Who now remembers the Armenians?" Well, Mr. Speaker, the American people remember. This genocide is fact. Its documentation is indisputable. In fact, there are thousands of documents and photographs in governmental archives around the world—including in the official memoirs of the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau. In his notes Morgenthau said:

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal that fact.

We must recognize these inhumanities if we are ever to stop this vicious cycle of genocide that has plagued the 20th century. Only when the world becomes fully aware of the magnitude of genocide in 1915's Armenia, the Holocaust in 1940's Europe, the killing fields of

the 1970's Khmer Rouge, and the ethnic strife in present-day Yugoslavia and Azerbaijan, can we hope to end these unspeakable crimes. We must foster respect for what is truth—and speak out against man's inhumanity to man.

The survivors of the Armenian genocide who are still living are getting fewer and fewer in number. We observe this remembrance so that the truth outlives its victims—that this atrocity is never erased from the pages of history. If we deny its validity, the entire Armenian people, the survivors and their families, are denied the legitimacy of their suffering. Many of those who survived came to the United States and they and their descendants have become an integral part of the fabric of America. The pain and suffering of this culture must be recognized or their survivors are to become victims again.

HONORING DR. EUGENE SMITH,
PRESIDENT OF ARKANSAS
STATE UNIVERSITY

HON. RAY THORNTON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. THORNTON. Mr. Speaker, on June 30, 1992, Dr. Eugene Smith, president of Arkansas State University, will step down as the leader of the institution with which he has been associated for 38 years.

After 4 years as a student, Gene Smith left for military service and graduate studies, then returned to the university in 1958 as a member of the faculty, and in 1959 became executive assistant to the president of ASU. Dr. Smith served continuously as a member of the ASU faculty, and in leadership and administrative roles, until 1984 when he was chosen as president of the two campuses of the university.

At the time Gene Smith enrolled as a student at ASU, it was a small undergraduate college offering degrees in the liberal arts, agriculture, and teacher education. Now it is the second largest, and most rapidly growing, university in the State of Arkansas, with campuses in Jonesboro and Beebe. With Dr. Smith's leadership, ASU has become a comprehensive university, including professional and graduate programs, exemplary international programs, and recent approval to begin offering a doctorate degree in educational leadership.

Dr. Smith's emphasis on university excellence in teaching, research, and service has led to plans for a major expansion of the Dean B. Ellis Library, now in progress, as well as completion of several new academic facilities and a major convocation center. As president, he has also focused efforts toward advancing athletic programs at ASU to the highest levels of competition.

I have known Gene for many years—his wife, Ann, and my wife, Betty Jo, were college friends—and I had the pleasure of working directly with him during my own years as president of ASU from 1980 to 1984. One of my greatest joys was having Gene Smith as senior vice president of the university. Through Gene's sense of the history and culture of the

institution, our visions for the future were shaped and implemented with a thorough understanding of the progress of the past.

We agreed then, as now, that the greatest strength of a university is found in its people—its faculty, students, support staff, and its graduates and friends.

Gene's Father, Milton Samuel Smith, was superintendent of the public schools of Forrest City, AR, for 40 years, and his mother was a schoolteacher. Perhaps as a result of their teaching and example, Gene has always been interested in people and has believed in the value of education.

His doctoral thesis on educational leadership became a foundation for his vision of educational excellence—but vision alone was not enough for Gene.

He has dedicated himself to the practical application of those ideas and goals and to the progress of one institution—the academic community which molded him and which, in kind, has been molded by him—through the transition from vigorous and enthusiastic youth to the judgment, strength, and maturity which measure the greatness of both individuals and institutions.

In this role, Gene Smith has been both a student and an architect, both a scholar and an engineer, both a leader and builder. Dr. Eugene Smith and ASU have grown up together, and Arkansas and our Nation are better because of their partnership.

GOODWILL WEEK, 1992

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. MURTHA. Mr. Speaker, I'd like to take a moment to recognize the people of Goodwill Industries, who will be celebrating National Goodwill Week, 1992, during the week of May 3 to 9.

I'd particularly like to recognize Goodwill Industries of the Conemaugh Valley, Inc., which has worked with the handicapped and disadvantaged in western Pennsylvania for many years. The handicapped and disadvantaged in our area in need of assistance know they have a source of support and assistance in Goodwill Industries, and the Goodwill staff and volunteers are always there to provide necessary vocational training and placement assistance.

The story of Goodwill Industries is really the story of the Goodwill volunteers, who give their time so willingly to assist the handicapped and disadvantaged in our area. Goodwill could not enrich the lives of the handicapped and disadvantaged without the unparalleled efforts of these volunteers, and they deserve our recognition and admiration for their work.

Goodwill continues to lead the way in providing vocational services to people with special needs and employing people with disabilities. I'd like to salute the people of Goodwill Industries of the Conemaugh Valley, and the staffs and volunteers of Goodwill Industries across the Nation, for their efforts on behalf of the handicapped and disadvantaged. I hope

the celebration of Goodwill Week, 1992, shows how much the work of the people at Goodwill Industries contributes to the special spirit of volunteerism that makes the United States a unique and remarkable nation.

WHY SPEND MONEY ABROAD?

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. SMITH of Florida. Mr. Speaker, at a time when millions of Americans fear for their jobs, when millions more are struggling to house their families and educate their children, many of our constituents are asking: Why spend money abroad? Why continue foreign assistance, when our needs at home are so great?

My friend and colleague, Representative DANTE B. FASCELL of Florida, has devoted himself to these questions as chairman of the Foreign Affairs Committee. In the April 1992, issue of the Foreign Service Journal, he offers some thoughtful answers in an article entitled, "Foreign Aid: Don't Ask Why, Ask How and to Whom."

Mr. Fascell writes:

"America First" cannot mean focusing just on domestic issues. From drugs, to AIDS, to the environment, to jobs and competitiveness, there are no issues that are any longer solely "domestic." We must concentrate on doing our bit to help construct a world in which our values and commercial interests are accepted and can flourish.

Mr. FASCELL's article is essential reading for those interested in the future direction of our foreign assistance programs. I recommend it wholeheartedly to my colleagues.

I submit Mr. FASCELL's article to be printed in the RECORD.

FOREIGN AID: DON'T ASK WHY, ASK HOW AND TO WHOM

(By Dante B. Fascell)

Some Americans view foreign aid as a dead issue—one that is not in the U.S. interest and one that should be tabled in these tough economic times. I would like to think they are way off base.

But maybe this thinking more accurately reflects the current sentiments of the American people than I think it does. At the very least, in this political year of "America First," we need to take a hard look at U.S. foreign assistance programs and examine whether and how they are going to meet America's agenda over the next decade.

The U.S. foreign aid program grew and developed during the Cold War and played a definite role in the effort to contain communism. As a Cold War veteran myself, I've been explaining the necessity for foreign aid for more years than I care to remember. But I am the first to admit that there has been a dramatic revolution in world affairs in the last several years that forces us to take another look at why we are doing what we are doing with our aid program and how we can do it better.

Some 40 years ago, there were solid reasons for getting into the foreign aid business:

We believed democracy and human rights were values that ought to be accepted by governments and enjoyed by those governments' citizens.

We were certain that market-based economics could bring financial growth to other people and, in doing so, expand opportunities for U.S. trade and investment overseas.

We hoped that our humanitarian assistance would not only alleviate short-term suffering due to disasters in foreign countries but would also promote a long-term climb out of poverty for many nations.

To be truthful, we also had political objectives. These were concerned with promoting stability in certain regions of the world and rewarding the friends who stuck with us and our policy tenets. These four basic objectives, which directed U.S. assistance programs during the Cold War, are still valid principles and goals. But on reviewing U.S. assistance programs during that era, it is striking how often the last objective—short-term political goals—overrode our value-based objectives. Foreign policy objectives are perfectly legitimate and very important, but they should always be closely allied with basic American values.

As an example: in El Salvador we made sure that our short-term political objectives were tempered by our concern for democracy and human rights. We provided significant levels of assistance but demanded movements toward democracy and respect for human rights.

On the other hand, in Zaire we allowed our political objectives to roll over our values as a nation of free people. We continued support for a regime long after it became clear that the magnitude of corruption there kept our aid from serving the purposes for which it was intended.

Even though the Cold War has ground to a halt, I believe that the basic needs that drove us to set up our foreign aid programs 40 years ago are still valid. That is not to say that the U.S. foreign aid agenda doesn't need redesigning. Beyond a doubt, the altered world demands a new approach. We can start the redesign process by identifying the characteristics of our changed and changing world.

The new challenges include new types of global tensions, focusing on terrorism, nuclear proliferation, economic warfare, and regional and ethnic conflicts, rather than being predominately East-West tensions. Economic factors rather than military ones are coming to dominate world affairs, while the United States has encountered internal economic and social problems that require greater attention and resources. The distinction between a developed country and a developing one is becoming blurred, while the opportunities for cooperation and collaboration between such countries are growing. Foreign aid is becoming a marginal factor in our bilateral dealings with other countries. Finally, transnational threats, such as AIDS and other infectious diseases, and international environmental concerns, including global warming, are rising to the top of the international development agenda.

If foreign assistance is going to remain relevant in its most fundamental objectives, the changed international arena suggests that we need to revisit not the "why" of foreign aid, but the "how," the "what," and the "to whom."

The underlying principles and objectives of aid have not changed. What have changed are the specific problems that need to be addressed and the manner of doing so. While a complete answer to these questions requires a full-scale assessment of what has and has not worked with U.S. foreign aid, certain basic assumptions are clear.

The new emphasis on economic growth and market-based economics in developing na-

tions offers the United States the opportunity to operate a foreign aid program that is more closely linked to American economic and commercial interests, including a wide range of trade and investment initiatives.

The magnitude of worldwide problems, such as global warming, requires a strategy that can be effective only when undertaken in conjunction with other nations. Multilateral cooperation is also the key to introducing democratic and market-based economic principles into the countries of Eastern Europe and the former Soviet Union. Multilateral accord worked in Operation Desert Storm and it must be the basis for support for aid to the former Soviet republics.

Transnational threats and development problems are too complex for a single U.S. development agency to handle. USAID must draw on the technical expertise of other government agencies, plus American business and industry. This is already the approach that is proposed in the new U.S.-Asia Environmental Partnership.

With the demise of the Cold War, some people would have us pull back our involvement in the world. While we have seen dramatic acceptance of the principles of democracy and free-market economics, all we have won is the initial battle. The war will not finally be won until those principles are instituted in practice.

The "America Firsters" would have us retreat inside our own borders. Geographically we may be somewhat isolated, but the modern world—of interdependent trade and financial relations, split-second telecommunications, and rapidly changing technology—prevents any country from truly being an island.

"America First" cannot mean focusing just on domestic issues. From drugs, to AIDS, to the environment, to jobs and competitiveness, there are no issues that are any longer solely "domestic." We must concentrate on doing our bit to help construct a world in which our values and commercial interests are accepted and can flourish.

Finally, we must be very clear on what we really expect from our assistance to other countries. If there is a basic failing, it is that foreign aid has been oversold to the American people and too often has resulted in unrealized expectations by the recipients and proponents. U.S. aid did not bring down communism and has not alone transformed developing countries into developed countries. However, aid has played a supporting role when it was intelligently employed in conjunction with competent host country policies. It has also relieved suffering for millions of victims of disasters, both natural and manmade, throughout the world.

U.S. assistance cannot guarantee that the principles of democracy and free enterprise will be institutionalized in any area of the world, but our aid can facilitate the acceptance of these principles and improve the likelihood that they will endure. It can do all this while reducing human suffering and benefiting U.S. commercial interests.

Foreign aid has never been entirely unselfish. We provide it in the long run because it benefits U.S. interests—and ultimately, the American public. With this in mind, we must get on with the task of revamping the mechanisms that will maximize the effectiveness of foreign aid.

Even with all the change in the world, we have not yet moved beyond the need for foreign aid. But, like so many other factors in American policy, we must adjust the program to meet the dynamics of the new world.

TRIBUTE TO THE POLISH-AMERICAN CITIZENS' HARMONIA AND OSWIATA CLUB

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 90th anniversary of the founding of the Polish-American Citizens' Harmonia and Oswiata Club.

On September 2, 1902, a group of people who loved songs of their native Poland met in the Polish Falcons Hall in Bridesburg, PA with the intention of organizing a choral society. This organization became known as the Harmonia Singing Society. It was chartered in Harrisburg, Pennsylvania's State capital, the same year.

In 1915 the organization united with the Towarzystwo Oswiata, Library Society, and changed its name to the Polish-American Citizens' Harmonia and Oswiata Club.

Today, the Polish-American Citizens' Harmonia and Oswiata Club is the oldest Polish-American club in the city of Philadelphia. That fact alone speaks highly of the club's accomplishments.

In the 90 years that members of this organization have devoted time and resources to upholding Polish traditions in America, the Harmonia and Oswiata Club has succeeded in becoming a positive force for the advancement and promotion of the Polish community.

As a Polish-American, Mr. Speaker, I take great pride in joining the Polish-American community in saluting the Polish-American Citizens' Harmonia and Oswiata Club of Philadelphia.

JOBS THROUGH EXPORTS ACT OF 1992

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. LEVIN of Michigan. Mr. Speaker, today I join Congressman GEJDENSON in introducing the Jobs Through Exports Act of 1992. I congratulate him for introducing this much-needed legislation, and for making U.S. commercial centers a central component of the bill.

This legislation marks the first of a series of House leadership-backed bills designed to foster economic growth, increase trade and create American jobs. We anticipate swift movement of this growth package through Congress this spring and summer.

Even since the fall of the Berlin wall, we've been talking about shifting gears in both foreign policy and trade policy, about capitalizing on the trillions we spent during the cold war so our workers and businesses can win in the increasingly competitive arena of world trade.

But we have been slow to adjust, to forge the type of Government-business partnership we need to compete in new markets such as Asia, the Baltic nations, the former Soviet Republics and Central America.

Our commercial centers program signals a new direction in export policy. For too long,

export promotion has been given back-room storage space at American Embassies around the world. The commercial centers program elevates export promotion to the level of diplomacy and creates separate facilities abroad where Government will give American businesses the first-stage assistance they need to pursue export opportunities abroad.

I originally introduced the commercial centers concept as separate legislation. The response—bipartisan sponsorship by some 70 House colleagues—demonstrated the widespread feeling that government and businesses must build a partnership when it comes to exporting—a partnership far beyond the limited programs that currently exist. Private businesses must be willing to make the investment, but our own Government must become an advance team for American businesses abroad.

The concept is simple. We will create separate commercial centers in key cities in important markets: One in the Baltics to serve all of Eastern Europe and the former Soviet Republics; one in Asia and one in Latin America.

The centers will provide visiting American business representatives with language and clerical services and telecommunications facilities, as well as temporary office and meeting space. Center personnel will provide information about the host country's industries, economy and markets—and a list of contacts in each industrial area.

For small and medium-sized American businesses, the centers will be an oasis in an unfamiliar environment.

I was first struck with the need for such a Government-industry partnership when I visited the teeming markets of Southeast Asia in 1989. Everywhere we went, American exporters told the same story. America is losing ground, they said, and unless something changes we will fall irreversibly behind within 5 years.

Their fears have proven true in a shorter period than that. As Japan and other Asian nations invest heavily in Thailand, Malaysia, Singapore and Indonesia, Americans fall further and further behind.

Too content to stick with old ways designed for a different era, our own Government's effort has lagged. In Indonesia, a nation of 180 million people, we have slots for only four Foreign Commercial Service officers, and have filled only three of them. In Malaysia, we have posted only three FCS officers.

The truth is, our export effort has fallen short of what our businesses need around the world.

After the fall of communism in Eastern Europe, my office asked American companies whether they were ready to do business in Poland and Czechoslovakia, and they said no. We asked whether our Government was helping, and they said no.

We heard the same thing when the Baltic nations tasted freedom late last summer. At the time, a Michigan food distributor wanted to sell food in the Soviet Union, but didn't know how. He received a busy signal at the one phone number the U.S. Government provided.

We asked businesses what they needed, and in bits and pieces they said they needed a commercial center.

Other nations, aware of the importance of separating trade and exports from diplomacy,

have established similar programs. In Japan, the Canadians have turned a significant portion of their brandnew Embassy into a showcase for their businesses. Canadian firms can set up meetings in lavish offices framed by beautiful art; rent space for business dinners that give them the advantage of meeting clients in familiar, intimate settings.

The Canadian Government has set up a sophisticated computer network listing businesses according to their specialties; when a need arises for a particular export, the government matches the need with particular businesses—and it works. More than 100,000 Japanese citizens have come through the embassy for the exclusive purpose of conducting business with Canadians. Twenty commercial officers staff the Canadian Embassy. It is a true partnership between business and government.

It is time to create such a partnership in the United States, starting with commercial centers. Ultimately this partnership must extend beyond this pilot program—the foundation of a commitment of not just money—but of time, effort, sweat, and blood.

COMMENDING ROBERT WETHERBEE, CONSERVATION LEADER

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today in recognition of one of our Nation's leaders in conservation, Robert Wetherbee.

Bob has always had a deep love for the land and agriculture. Bob operates a cash grain farm with his family in western Minnesota along the Red River Valley. Bob officially began his activities in the conservation movement in 1971, when he became a supervisor to the Wilkin County Soil and Water Conservation District. From 1978 to 1979, he served as president of the Minnesota Association of Soil and Water Conservation Districts. A few years later he was elected to the National Association of Conservation Districts Board of Directors. In 1985, he became vice president, and 1989, president of the national association.

Bob has spent a great deal of time over the years serving as a voice for the wise use and management of our Nation's natural resources. Bob was a key individual in bringing together a coalition of general farm organizations and commodity groups to advocate an economical, voluntary approach to environmental protection under the 1990 farm bill. Bob's work in Washington and in Minnesota has earned great respect for the work of America's conservation districts.

Mr. Speaker, today I commend Bob Wetherbee for his service as he retires from his duties as NACD's president.

TRIBUTE TO INDIVIDUALS HONORED BY THE EAST CHICAGO BRANCH OF THE NAACP

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. VISCLOSKY. Mr. Speaker, I rise today to recognize and congratulate the many individuals who were recently honored by the East Chicago Branch of the National Association for the Advancement of Colored People.

The East Chicago Branch of the NAACP was organized in 1942. Since then, the members of the East Chicago NAACP have been determined to achieve their primary objective—to establish "Justice, Equality and Dignity for all Americans." The East Chicago branch is dedicated to raising the level of consciousness on many important issues such as education, unemployment, and racism. This year's objective is to increase voter registration and voter awareness.

On April 24, 1992, the East Chicago Branch of the NAACP hosted its 19th Annual Freedom Fund and Awards Dinner. This year's theme was the "Spirit of the 90's: Tumbling Walls and Rising Hopes." The following individuals were honored for their service as role models within their field of specialty and the community: Mr. William Kelly, for his outstanding efforts in the labor movement; Mr. Henry Gillis for his outstanding service in education; Mr. Eugene Simeon Morgan, for his outstanding attitude, conscientiousness, and academic achievement; and Mr. Napoleon Brandfort, a broker, for his outstanding achievement in his field of specialty.

In addition, Rev. David Pugh, the associate minister at Friendship Baptist Church in East Chicago, was honored with the Church Award, and Rev. Howard T. Smith, pastor of New Starlight Baptist Church, as the recipient of this year's appreciation award.

I would also like to recognize the winner of the Robert "Bob" Love Award, the highest honor bestowed by the east Chicago NAACP for an individual's contributions to the civil rights movement. This year's recipient was Mr. Andrew J. Nixon, Jr. He is the second vice-president of the branch and the chairman of the Fairshare Economic Development Committee. He has not only made great contributions to civil rights in East Chicago, but has also been active throughout the entire State of Indiana.

The East Chicago NAACP also recognized Ms. Susie Sheard and Mr. Homer Thornton for their lifetime dedication and contributions to the NAACP and to East Chicago community.

And finally, I would like to recognize and commend attorney Gordan L. Joyner, who was the keynote speaker of the event and who was honored with an Award of Appreciation. Attorney Joyner, a former Housing and Urban Development attorney from Atlanta, has won landmark decisions in housing that have greatly benefited the rights of minorities.

I commend the members of the East Chicago NAACP for their determination to protect and empower people of color in this country. Each and every individual has served as an outstanding role model, not only to the Afri-

can-American members of the community, but also to the community as a whole. They have shown a strong dedication to addressing the many issues which are important and intergal toward improving the quality of life for the people of northwest Indiana.

THE SAVINGS AND LOAN FRAUD PROSECUTION TASK FORCE ACT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. DORGAN of North Dakota. Mr. Speaker, today Congressman ECKART and I are introducing the Savings and Loan Fraud Prosecution Task Force Act to direct the Attorney General to establish a savings and loan criminal fraud prosecution task force to prosecute, in an aggressive manner, those criminal cases involving savings and loan institutions [S&L's].

We've seen an almost unprecedented failure in financial institutions, but most especially in the area of savings and loans. We're told that up to 60 percent of the S&L failures involved fraud, and it's clear that fraud has drained the S&L industry of billions of dollars. However, it's also clear that most of the Justice Department's resources are not being devoted to savings and loan prosecutions, but rather to bank fraud and other financial institution prosecutions.

We think that we need to provide greater focus in the area of S&L prosecutions. By greater focus, we would like the Attorney General to establish a savings and loan criminal fraud task force to prosecute S&L cases in a most aggressive manner. It seems to us that the taxpayers—who are now bailing out the entire S&L industry at an estimated cost of \$500 billion—deserve as much.

Between October 1, 1988 and December 31, 1991, only 992 defendants were charged in major S&L cases, with fewer convictions and only modest asset recoveries. Thousands of white-collar crooks still haven't been prosecuted in these S&L cases. We think that the Justice Department must put in place a vigorous program of criminal prosecution to better track S&L investigations and prosecutions, to put S&L crooks in jail and to recover the assets they've stolen from depositors before these assets are lost forever.

Many of us in Congress are concerned about Justice's failure to get the S&L job done quickly and decisively. That's why we believe that Congress must quickly pass this legislation to direct the Attorney General to establish a savings and loan criminal task force dedicated solely to the prosecution of savings and loan fraud cases.

Now, it may be argued that the Justice Department already has a financial institution fraud task force that deals with financial institution fraud cases. We understand that such a task force exists, but again it's clear that this task force has devoted most of its resources on bank fraud cases. This ignores the fact that at this point we're providing a \$500 billion bailout only for the S&L industry, not for banks and other financial institutions.

It seems to us that we need to see at the Justice Department a kind of missionary zeal

to put in jail those criminals who cheated the American people. We offer this legislation because we believe there ought to be a task force of greater clarity and focus to direct the Justice Department's efforts to prosecute savings and loan cases. We think that ought to be one of the highest priorities at the Justice Department, and we think that most of our constituents would agree.

ROY ORR CONTINUES TO SERVE HIS STATE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. FROST. Mr. Speaker, Roy Orr is one of those people who has always been there. I can't remember a time when Roy was not a major participant in the political and civic life of Dallas County and the State of Texas.

I first met Roy in the early 1970's when I was a young attorney in Dallas. By that time Roy had already been mayor of DeSoto and had already been State chairman of the Democratic Party.

I met Roy about the time he started his career as Dallas county commissioner, serving Oak Cliff and the southwest quadrant of Dallas County. He held that job with great distinction and went on to become national president of the National Association of Counties. As a result of that service, there are people all over the United States who know Roy.

Roy continues to be a leader in our State and in his church to this day. Governor Ann Richards recently appointed Roy to the State Alcoholic Beverage Control Board, and his advice is often sought by other State and national leaders on a wide variety of public policy issues.

I personally call on Roy on a regular basis for advice and counsel on issues that affect my constituents and his opinions are always sound. I don't always follow his advice to the letter, but it's always good.

Roy has been a dedicated member of the Church of Christ and has been a major benefactor of its schools and other institutions.

I'm proud to consider Roy Orr my friend and I look forward to working together with him for many years to come.

INTRODUCTION OF THE JOBS THROUGH EXPORTS ACT OF 1992

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. GEJDENSON. Mr. Speaker, at a time when American workers are suffering their worst economic crisis since the Great Depression, it is essential that the Congress generate jobs through exports. The bill that I am introducing today, The Jobs Through Exports Act of 1992, will improve the effectiveness of the U.S. Export promotion program. It is part of a comprehensive effort by the House of Representatives to foster economic growth, there-

by generating greater employment opportunities for U.S. workers.

The bill will significantly enhance the ability of the U.S. Government to carry out feasibility studies for capital projects overseas, will provide grants for capital projects using U.S. exports and services, will reauthorize legislation providing loans, loan guarantees, and risk insurance for U.S. investments overseas, and will create a partnership between the public and private sector to identify and aggressively pursue strategic export markets. I estimate that this bill will generate at least 127,000 jobs each year.

The first title reauthorizes the Overseas Private Investment Corporation or OPIC. OPIC offers U.S. investors assistance in finding overseas investment opportunities, insurance to protect those investments, and loans and loan guarantees to help finance projects. OPIC cannot insure or finance projects that would displace American workers. In fact, OPIC helped create over 13,000 U.S. jobs in 1991 alone.

This legislation updates OPIC's original language and eliminates outdated programs. We have amended the eligibility criteria for participating countries to reflect the changing structure of the current international environment. In the future, countries will be eligible to receive insurance, reinsurance, financing, or other financial support from the Corporation if they first, have established diplomatic relations with the United States; second, are a developing country or a country making the transition from a nonmarket to market economy; and third, respect internationally recognized human rights. The Corporation must give preference to countries with the greatest economic need.

The legislation also extends OPIC's program levels in order for the Corporation to work effectively in the new Republics of the former Soviet Union. In addition, the pilot equity program has been made permanent and its regional prohibitions have been repealed. The bill provides OPIC with a 3-year authorization as opposed to the traditional 4-year cycle. The administration had requested a 5-year bill in order to move the legislation away from its current election year cycle. While we were sympathetic to this argument, we strongly believe the international environment is changing at too rapid a pace to wait 5 years to review the legislation. We selected 3 years to accommodate the administration's election year concerns, and our own concerns about the rapidly expanding investment arena.

The remaining changes reflect compliance with the Federal Credit Reform Act of 1990. Under this legislation, OPIC will use its own earnings to pay for its programs, instead of drawing funds appropriated from the Treasury.

The Trade and Development Program is one of the most successful Government export promotion programs. Its purpose is to simultaneously promote economic development and the export of U.S. goods and services to developing countries. Title II doubles the size of the Trade and Development Program and re-names it the Trade and Development Agency or TDA. By increasing its size, we are not only demonstrating our support for the program, but acknowledging the increased need for its services abroad.

The bill authorizes the Director of the Trade and Development Agency to provide funds for

feasibility studies and other activities related to development projects which use U. S. exports. This bill expands the mandate of the Agency to include architectural and engineering design to create a clear advantage in setting the standard for U.S. exports in overseas projects. The legislation also permits the Agency to provide technical assistance for project related activities.

We are providing an authorization of \$55 million for fiscal year 1992 and \$70 million for fiscal year 1993 for the programs of the TDA. The Agency has estimated that for every \$1 it spends, it generates \$70 in U.S. goods and services. If one uses the standard calculation that every \$1 billion in exports creates 20,000 jobs, this legislation could well result in 100,000 new jobs for fiscal year 1993 alone.

Title III establishes an Office of Capital Projects within the Agency for International Development. This Office will enable U.S. exporters to more adequately compete with Japan and our European competitors. Working with the Trade and Development Agency, AID will periodically review the infrastructure needs of Eastern Europe and developing countries. It will directly support developmentally sound capital projects that utilize U.S. exports and services. The legislation is completely consistent with the international rules—OECD guidelines—for overseas capital projects.

This title was originally in the conference report from the International Economic Cooperation Act of 1991—Report 102-225. During that conference, my colleagues and I vigorously debated the issue of an Office on Capital Projects within AID. AID was ultimately chosen by Congress to play a role in capital project because, at present, AID has the funding.

The primary objective in introducing this language is to promote U.S. capital projects while we promote international development. This language is not intended to provide those forces within AID an outlet for their desire to create other duplicative export promotion agencies. The goal is to allow AID to contribute its expertise in development to other agencies' expertise in export promotion.

The bill authorizes \$650 million for fiscal year 1992 and \$700 million for fiscal year 1993 for these activities. All funding is to be drawn from AID's economic support assistance, assistance under the Multilateral Assistance Initiative for the Philippines, and assistance under the Support for East European Democracy [SEED] Act. It is not to be drawn from amounts made available for development assistance, as was put forth by the administration for this fiscal year. When the administration chose to use \$100 million within the development assistance account for use in capital projects, it not only dramatically reduced the level of funding in the account traditionally set aside for the poorest of the poor, it further confused our exporters as to whether this administration is serious about the promotion of this Nation's exports. The \$100 million dollars is not an adequate budget for a capital projects office. We cannot expect our exporters to compete internationally unless we provide the same support our international competitors are offering their own exporters. The administration should recognize that fact and follow the lead of Congress on this issue.

The last title involves a pilot program within the Department of Commerce. Title IV calls on

the International Trade Administration to create commercial centers in Asia, Eastern Europe, and Latin American. The purpose of these centers is to provide additional resources for the promotion of U.S. exports and to familiarize our exporters with the industries, markets, and customs of the host countries. For the first time, the Department of Commerce may provide our exporters with first-stage legal advice, translation services, clerical assistance, and conference and exhibition space. While the Foreign Commercial Service already has a commercial presence in most markets, this legislation will allow them to bring in other executive branch officers and U.S. industry representatives to aggressively pursue market share in key industries.

This language calls on the Secretary of Commerce to implement fully the Market Development Cooperator Program which was established in the Trade Act of 1988. The Subcommittee on International Economic Policy and Trade has repeatedly urged the International Trade Administration to utilize this program which encourages the private sector to subsidize the public sector by providing additional staff expertise on key industries to our foreign commercial offices abroad. The U.S. Department of Agriculture already has a Cooperator Program which is funded at \$40 million per year. Given that agricultural exports make up only 13 percent of all exports—the remainder are manufacturing exports—the administration should be consistent in its export policy and implement this legislation.

The Director General of the United States and Foreign Commercial Service will play a critical role in the implementation of this title. This Office has improved dramatically since undergoing its own strategic review. The subcommittee was disappointed, however, to see an almost \$3 million decrease in the administration's budget for the United States and Foreign Commercial Service. At a time when the world has just experienced the creation of 14 new States in the former Soviet Union, the administration should be expanding our presence abroad by adding additional staff, not simply relocating current staff to new locations in the new States of the former Soviet Union. It is essential that the United States have a significant presence in all strategic markets overseas. Trying to cut budgets by cutting the United States and Foreign Commercial Service is not only shortsighted, it is poor international policy.

The bill provides \$22 million for these centers for fiscal years 1993 through 1997. Much of the content in this last title was requested by the administration in its effort to work efficiently in the new States of the former Soviet Union. We expect, therefore, broad bipartisan support for this initiative.

This legislation is scheduled to move quickly through the Committee on Foreign Affairs. This is a bill that will help American workers when they are most in need of leadership. I hope my colleagues will support this measure.

TRIBUTE TO THE SECOND ANNUAL ACCORDION FESTIVAL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. ORTIZ. Mr. Speaker, today I rise to pay tribute to the Second Annual Accordion Festival, hosted by KFLZ Radio in Bishop, TX, and KCCT Radio in Corpus Christi, TX.

In any country or society, music is always the common thread running throughout the fabric of the community. In America, we are all a special blend of cultures; but the gentle soul of the mestizo is exemplified by the Conjunto music groups. Conjunto takes that blend one step further by being a unique blend of Northern Mexico and southern Texas, indeed a microcosm of both countries.

Conjunto can lift your spirit, or make your soul melancholy. We have been given a special gift by the Conjunto artists and the accordion players that give Conjunto that distinctive sound. Due to the importance of the accordion in Conjunto, I commend KFLZ and KCCT Radio for their efforts to stress the historical significance of both the accordion in particular, and Conjunto in general.

Hispanic Americans have a common legacy in music, language, gentility, and values. It is a heritage rich in cultures and diversity. From our many parts, we have formed the most unique society in the world; and it is best illustrated by the Conjunto music which keeps the symmetry alive in our soul.

Through the dedication of Conjunto artists, and the commitment of accordion players who add that pivotal flavor to the music, the beauty and splendor of Conjunto will carry on through the ages so that our children and grandchildren can experience the magnificence that is Conjunto.

TRIBUTE TO WILL SAMUEL

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. HEFLEY. Mr. Speaker, I rise today to pay tribute to one of Colorado's unsung heroes, Mr. Will Samuel.

Mr. Samuel, a civil engineer for the Bureau of Reclamation, has been involved with the Boy Scouts of America for over 20 years. He has unselfishly devoted his time, energy, and leadership and has inspired many young people with whom he has come in contact.

In appreciation for his distinguished service, the Denver Area Council of the Boy Scouts is presenting Mr. Samuel with its highest honor, the Silver Beaver Award.

Mr. Samuel began his Scouting career as an advancement chairman for Cub Scouts Pack 376 in Arizona in 1972 when his son entered the Cub Scouts. In 1975, the Samuels moved to Littleton, CO, where he became assistant scoutmaster with Troop 554 and then scoutmaster in 1979. From 1982 to 1988, he wore three hats: Assistant scoutmaster, assistant district commissioner, and member of the

district camping committee. For the past 3 years, he has continued to work on the camping committees as well as on the commissioner's college staff.

During his many years with the Boy Scouts, Mr. Samuel has received a number of distinguished awards, including the Scouter's Training Award, 1982, the District Award of Merit, 1983, and the Commissioner's Key and Arrowhead Honor, 1986. He also went through the Order of the Arrow in 1976 and was Woodbadge trained in 1978.

An avid sportsman, Mr. Samuel has led many hike and canoe outings for the Scouts and has taken a group of Scouts to Philmont Scout Ranch in New Mexico for 10-12 day excursions on four occasions.

Mr. Samuel is also very involved in other community and civic activities. He has been a church lector since 1979, picks up food for area food banks, and serves holiday meals to residents at the Mullen Home for the Elderly. He served on the board of directors of the Jefferson Symphony Orchestra for 10 years and has been active in Toastmasters for many years.

I extend my sincere congratulations to Mr. Samuel on receiving the Silver Beaver Award

and my appreciation for all he has done on behalf of the community. He is truly one of Colorado's finest and an example of what the President is talking about when he refers to "a thousand points of light."

He and his wife, Nancy, have two grown sons, Michael and Joseph, both Eagle Scouts and college graduates.

TRIBUTE TO THE ROTARY ON THE OCCASION OF THE DISTRICT 6310 CONFERENCE, APRIL 25, 1992, IN MIDLAND, MI

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1992

Mr. CAMP. Mr. Speaker, I rise today to salute the outstanding efforts of the Rotarians of mid-Michigan.

On Saturday, April 25, the District 6310 Rotary Conference will be held in my hometown of Midland. This year's theme, "The Global Family," demonstrates the fraternal and family values that Rotarians symbolize. The organi-

zation is committed to the changing international business environment and the future leaders of tomorrow. As evidence of their unselfish commitment to international, as well as local concerns, the Rotarians are welcoming 40 exchange students this month. They also are hosting a German group-study exchange team of young professionals interested in learning more about the United States. They fully realize the value of sharing their own experience and learning from others.

From the organization's creation in 1905, to its current worldwide membership of over 1 million in 165 countries, Rotary International has always stood for civic leadership and community service. Its chapters are local collections of generous people from all professions who share a common goal of improving their community and helping others. Rotarians encourage community development, promote ethical business behavior, and foster international understanding, goodwill, and peace.

Mr. Speaker, I know you will join me in congratulating the unselfish work of the Rotarians from mid-Michigan. Their generous commitment and fellowship is what helps to keep our communities strong.

SENATE—Wednesday, April 29, 1992

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

**** judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter.—Isaiah 59:14.*

Almighty God, righteous in all Your judgments, how accurately these words of the prophet Isaiah diagnose our present situation; how precisely they describe our multiple crises. **** judgment is turned away *** justice standeth afar off *** truth is fallen in the street *** equity cannot enter.*

In our time, truth has become a matter of opinion, morality a matter of preference. Ethics are situational, a pragmatic issue, the end justifies the means. Evil is justified on the basis of a benevolent purpose. If we mean well, whatever we say or do goes.

Gracious God, lift us out of the hopeless quagmire. Save us from the mud and grime of social and cultural decay which decimates democracy. Restore us in the way of truth and justice and righteousness.

In the name of Him who was righteousness incarnate, for the sake of this Nation and its institutions. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 29, 1992.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

In my capacity as a Senator from the State of Wisconsin, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Without objection, there will be a total of 75 minutes under the control of the Senator from Massachusetts [Mr. KERRY] and the Senator from New Hampshire [Mr. SMITH].

The Chair recognizes Senator KERRY.

REPORT OF THE POW-MIA COMMITTEE TRIP TO SOUTHEAST ASIA

Mr. KERRY. Mr. President, I rise this morning and will be joined shortly by a number of my colleagues to report to Members of the U.S. Senate and to the country on a trip that five Members of the Senate and Members of the Senate Select Committee on POW-MIA Affairs took to Southeast Asia over the course of the Easter recess.

During that time, we traveled to Thailand, Vietnam, Cambodia, and Laos in order to make a firsthand determination regarding the prospects for resolving at long last the POW-MIA issue. Joining with me on the trip were the vice chairman of the POW-MIA Affairs Committee, Senator BOB SMITH of New Hampshire, Senator CHUCK GRASSLEY of Iowa, Senator HANK BROWN of Colorado, and Senator CHUCK ROBB of Virginia.

We traveled first to Hawaii to meet with the commander in chief of the Pacific forces who is now newly responsible for the joint task force for full accounting, and I am not going to take the time now to report completely on what we learned in Hawaii. But I do want to express our appreciation on behalf of the Senate to the commander in chief for his courtesy, for the briefings we received, and for the efforts they are making which are going to be critical to our capacity to resolve this issue over the course of the next months.

In addition, we also visited with the Central Identification Laboratory known as CILHI and reviewed the process by which remains are repatriated. But the most important area that I think each Senator will want to report on this morning is what we learned in both Vietnam and in Laos, the two countries where most of the questions remain with respect to this issue.

Mr. President, in summary, I want to report that the committee returned from these Southeast Asian nations with good news and with good prospects for future progress. It is my belief that with proper followup by our Defense and State Departments over the course of the next months and providing, and I underline providing, the Vietnamese continue to cooperate and carry through on promises of access and help, it is my belief that the fundamental issues still involved in the POW-MIA process can, in fact, be brought to a close between now and when this committee completes its work near the end of this year.

It is particularly my view that we can do that with respect to Vietnam. We should know within a matter of months whether or not we are on the road to continuing misunderstanding and dispute or whether we have finally embarked on a far more sensible road of full cooperation and, indeed, of progress.

I recognize that in saying this, real progress requires continued great efforts on both sides. But I do believe that it is possible, and our experiences during this trip lead me at least to think that it is within our grasp within the time period that I have outlined. Clearly for our part, if this issue is really an issue of the highest national priority, as President and Secretary of Defense and others have declared, then we should have no problem in doing our part in order to go down this road.

Less than 1 year ago, I traveled to Vietnam on a separate factfinding trip. There was then no U.S. office in Hanoi. Our personnel were operating out of Bangkok on an ad hoc basis. They were visiting Vietnam only occasionally as permitted. There was no agreement then by which we could obtain access to Vietnamese archives. There were constant delays and problems and there was no team on the ground with real access to important sites in Vietnam.

Today, less than a year later, we have 58 American personnel on the ground in Vietnam, following up on live sighting reports and excavating

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

crash sites. We have a near permanent office in Hanoi. We have an agreement to access archives and records. We have been provided access to former military personnel and peace negotiators, and we have, as Senators, in the course of the past week received access to sites extending well beyond the agreements that were reached earlier this year by Assistant Secretary of State Solomon.

Clearly, significant progress has been made in a short span of time, and with that progress has come an increasing level of trust and the building of a real basis for hope that we can discover a far greater measure of truth about the fate of our POW's and MIA's.

I would be remiss, Mr. President, if I did not openly and frankly congratulate and thank the Vietnamese for their increasing efforts to help us answer the many questions which the families of our POW's and MIA's still live with on a daily basis. The Vietnamese have repeatedly committed themselves to the notion that the resolution of this issue is a fundamentally humanitarian matter, not linked directly to their known desire for a better relationship with our country. We understand that approach, and we are grateful for their recognition of the vast importance of this issue to so many Americans.

But we also recognize that the Vietnamese are doing the unusual in permitting us to visit many sites and to access many people. I was personally impressed by their apparent commitment to try to break through some of the walls of resistance in their own country, and I left Vietnam convinced that with the cooperation of Communist Party General Secretary Do Muoi and his ministers a process can be put in place which will facilitate our ability to answer the remaining questions rapidly.

The test, obviously, is whether the General Secretary and others will follow up on these remaining issues consistently and immediately in the weeks and months ahead.

I was struck particularly during our meeting with the General Secretary by his willingness to interrupt the discussion at several points to ask us specifically, "What do we need to do to resolve this issue?" We answered that there were five critical points, and that if Vietnam responded on each of these we should be able to remove all doubts within the operating time of this committee.

Those five areas are as follows: First, access to places, prisons, military bases, and other locations where we might have live sighting reports or serious questions about the presence of Americans; second, access to archives, to the documents and records of the prison system, the hospital system, and the military units which can help us to resolve outstanding cases; third,

access to people, former military personnel, prison personnel, hospital personnel, and others whose names we have learned of from our own former prisoners and other sources and who may be helpful in resolving questions regarding the fate of certain Americans; fourth, adequate logistical support, help where needed to guarantee the capacity of our teams to operate adequately within Vietnam; and fifth, the return of remains, the prompt return of remains in such a way as to eliminate any suspicion of efforts to warehouse or stockpile remains for purposes of future negotiations or trade.

These were our specific requests in a straightforward fashion. They were laid on the table, and, Mr. President, we were assured by General Secretary Do Muoi in equally as straightforward a fashion that Vietnam wants to cooperate and wants to meet these specific requests.

Therefore, I believe that if that word is kept and those promises are fulfilled, we have reached at long last a moment of true decision on this issue, true decision on both sides. For America's part, we must understand the extraordinary nature of the requests that we have made and will continue to make from one sovereign nation to the other. We are making requests for immediate access to military bases and prisons and files and for help in facilitating that access. These requests are absolutely essential from our point of view. But that does not remove the fact that they are unusual, almost unprecedented requests, and that is why we must be specific in what we ask and consistent in the requirements that we set down, for the other side will have no incentive to comply if they come to believe that there will be no end to requests, or that there is nothing they can do that will ever be enough to satisfy us. That is also why we must be quick to acknowledge evidence of cooperation and as quick to do so as we are, frankly, to question the grounds for apparent continued resistance or denial.

During our trip, we were permitted to go into four military bases that have never been visited since the time of the Vietnam war. We were permitted to go into a prison within the span of a few hours' notice. We were able to overcome resistance in that prison to our visit.

I might add that we arrived at the prison, and we were originally told by the prison commander that we could only go into a portion of the prison and that was the portion where Americans had originally been held. We suggested to the commander at that moment that would violate the notion that General Secretary Do Muoi had permitted us to go anywhere. For 1½ hours this communication process went back and forth, and I am grateful

to the Foreign Ministry and Interior Ministry personnel who were with us to guide us, who went to bat for us, who fought with the commander in order to gain access, who talked on the telephone to Hanoi and broke down 20 years of resistance and succeeded in gaining access for four U.S. Senators to walk at random, unexpectedly, throughout this prison with the right to ask them to open any prison cell that was locked.

We did so, Mr. President, at random, and in those prison cells we saw Vietnamese prisoners who were being held. But it was important, indeed vital, that we gained that kind of access so that we could leave Vietnam and come back with a full sense of their readiness to cooperate.

Clearly, there are differences of history and of current political orientation that continue to divide us. Clearly, there remain complications in our understanding of Vietnam's own decisionmaking process. But I think we have made it clear to the Vietnamese that this POW-MIA issue is not simply going to go away or fade away, that we will not permit that; that the American people will not permit that, and we must have cooperation. We must have help.

But, Mr. President, we must also be willing to have the courage and the candor and the conviction of our own process to be willing to recognize that help when we get it and to be willing to admit and acknowledge the cooperation that we receive when we receive it. For Vietnam's part, the path toward decisive progress I believe is clear. Our teams must be permitted to follow up on the progress that has been made and to take advantage of the access that has been promised, and although our requests are extraordinary they are not impossible, nor do they impose any real pain.

If the Government of Vietnam wants us to have access, if they want us to be able to follow up, if they want to get rid of this issue, if they want to let us follow up on live sighting reports in a timely way, if they want to help in further resolving discrepancy cases, if they want to resolve our continuing serious questions about remains, let no one doubt that they have the power in their hands to see that is done.

All it really takes for the United States and Vietnam to resolve the POW-MIA issue is for both sides to be honest with each other and with ourselves. The Vietnamese must understand that we have no hidden agenda. We have no interest in their prisons or their military or their territory, other than that we may be able to learn about our POW's and MIA's. We have no interest in refighting the war, or in criticizing retrospectively actions that may have been taken under prior regimes.

We ask only for the truth, for the means by which we might best ascer-

tain the truth, and give us a capacity to put this issue to rest, not only as an obstacle to peace in our own souls here in this country, but as an obstacle to improved relations between our two countries.

In Laos, I must say that despite our trip, the situation remains more complicated, and we still have a long way to go. I say this notwithstanding the extraordinary cooperation and courtesy with which we were received in that country. We all appreciated the treatment we received. We appreciated the candor of statements that American pilots might, in fact, have been killed by villagers after landing alive. That is a painful truth, long suspected but still not easy to admit or to accept.

But the weight of information concerning American MIA's and POW's in Laos cannot be resolved by a single statement. What may have happened to some Americans do not answer what happened to the rest or what might have happened to others. The central question of whether live Americans were left behind in Laos is still before us. It remains a major focus of our committee's investigation and of our future work.

So in closing, let me say again, Mr. President, what we are asking from the governments of Southeast Asia is not the impossible. We ask only for a process of openness. Vietnam has clearly moved an extraordinary distance to provide that. And it is my belief that if we will both take advantage of the opportunity afforded us in these next months, we can have the answers that we so desire and Vietnam can ultimately have the relationship that it so much desires.

This committee will terminate its work in December or November, and it is absolutely our intention to try to report to the American people fully on that level of cooperation. I hope the Vietnamese will take advantage of this open window or timeframe, and that Americans will benefit from the efforts of this committee, and of our joint efforts between our countries to resolve the outstanding issues.

Mr. President, I would like to express my appreciation to each of the colleagues who traveled on this trip. Senator GRASSLEY is running for reelection this year. It is not easy to leave the country for that period of time. He performed extraordinary duty in the course of this trip, and will report for himself what he learned.

The vice chairman of the committee has become in this process a good friend, a trusted ally, and together I think we feel that our committee is doing what it set out to do.

I am delighted at this time to yield to the vice chairman of the committee, Senator SMITH from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, thank you very much. I thank the Chairman for his kind words.

I, too, would like to say what a privilege it has been to work with Chairman KERRY throughout this process, as well as other colleagues on this committee. This has been a matter that has been conducted in the spirit of total non-partisanship, and that is the way we have approached this matter since the formation of the committee several months ago, though the original legislation was legislation that I proposed in the hope that this committee could, in its sunset period of time, put an end to the issue by ending the pain and the suffering, the anguish the families have felt for so many years, in trying to get answers to what happened to their loved ones.

This is my third fact-finding mission to Southeast Asia. I went in 1986; went again in 1988; and, of course, this last time. I must say, along the lines of what the chairman said, there is definitely a difference; there is a different attitude now on the part of the Vietnamese.

I think, as I see it, there were really four aspects concerning the resolution of this issue that we went to address in Southeast Asia. No. 1, we went to assess the level of cooperation the United States Government is receiving from the Governments of Vietnam, Laos, and Cambodia. Obviously, that level of cooperation has not been, in the past, what we had hoped, or the issue would have been resolved. But we certainly want to put at the top of the priorities, in terms of the access or the level of cooperation, access to location of Americans who have been sighted alive, allegedly, over the past 20 years.

So that is the No. 1 priority in the cooperation between the countries.

The second point was to determine if the U.S. Government itself, the U.S. Government, is fully focused—fully focused—on this issue in the region of resolving the issue of whether or not there are live Americans detained in Southeast Asia. Is the U.S. Government focused entirely on that as the highest priority?

The third point is to gain a better understanding from the Vietnamese themselves, and the Lao, on the prisoner of war issue and how it related to the Paris peace accords in 1973. As you know, the Paris peace accords ended the war in 1973. But an interesting twist to those accords is that one of the participants in the war, that is the Lao, were not a signatory to the Paris peace accords. They essentially were left out of the process, and therefore all of the missing, some 600 missing, were essentially left out of the process as well.

The Vietnamese, interestingly enough, informed us that they did not represent the Lao at the peace accords. Therefore, as far as I am concerned—I

think history documents this—the committee has found that in essence, the Lao were not represented, which means that all 600 of those missing had no representation at the table in Paris in 1973.

So the question now must be asked: What happened to them? Where did they go? What happened to those 600 men, none of whom have come back, except for nine and a few sets of remains? So it is a big question. Unfortunately, as far as Laos is concerned, we did not get all of the answers, although we got some.

The fourth purpose or objective of the trip was a time line; to send a very clear, concise message to the Vietnamese and to the Lao that this committee wants to resolve this issue—not next year, or the year after, or 20 years from now—by the end of this year. By resolving the issue, I mean we want to know what happened to all of the Americans who have been sighted—or allegedly sighted—alive over the past several years since the end of the war.

If we then can resolve those issues, we told the Vietnamese and the Lao, by the end of this year, the process can continue now to uncover remains. That is a secondary issue. It is more important to focus on live people if there are any than it is to worry about the remains. But the remains process can continue as improvement in relations continue between our two countries.

I think another factor that I have long espoused and believe now very strongly must take place as the committee continues to do its work—and the chairman and I have talked about this, and other members of the committee; I think we are in accord on that—is that we need to open up the process to more public scrutiny. The American people have not really had enough information at their disposal on this subject. That is the reason we have had so much controversy.

I think this is the attitude within the Pentagon and the intelligence community: To keep everything as tight as we can, and not let it out to the public. That is the nature of the beast, the intelligence work. But there are times when documents can be released, and should be.

So one of the things that I strongly advocate, and will be working with the chairman very closely on in the committee in the next few weeks, is to try to get out to the public domain documents, declassified and out in the public domain. And they ought to be declassified if it no longer serves any purpose to keep them classified. I think that is important.

Second, there are documents that our committee are finding which are not classified at all. They might be somewhat sensitive but not classified. Those documents, frankly, ought to be out in the public domain as well. This issue will never be resolved until the Amer-

ican people know what their own Government has, and then, hopefully, as a result of that, the Vietnamese and the Lao will now understand that they must come forward and provide their information. That is a goal that I believe is achievable. I intend to seek the release of these documents, in accordance with committee's rules and procedures and, hopefully, we will be able to do that.

Let me talk briefly a little bit about the level of cooperation. Senator KERRY has gone into detail on this. I agree with him, and I would like to add a few comments. We had five series of meetings with government leaders in Laos, Cambodia, and Vietnam. We received pledges of cooperation, some of which we had the opportunity to test firsthand before leaving the region by some of the trips that the committee members took throughout the region. We focused hard in the talks on the access to locations where we were receiving reports that Americans had been sighted in a captive environment.

Let me first discuss Cambodia. The Cambodian Government under Hun Sen, its leader, was very cooperative. We had five very friendly meetings with the prime minister, Hun Sen. It was very productive. We asked him to give us an insight into the Oriental mind, if you will, as to how the Vietnamese and the Lao would perceive our trip, and how they might respond to us, and how we could have a better understanding of their feelings toward our mission. He gave us a lot of insight into that. He was very helpful.

At this point, to the best of our knowledge, based on the work of our committee, and with the work of the Intelligence Committee, and many in that community, there are no live Americans in Cambodia, or any real sightings of live Americans in Cambodia. There are some remains. As you know, five journalists were returned by the Cambodians. Their remains are now still in Hawaii and are being examined to try to determine the identity of each and will be returned to their families. So that was a major action on the part of the Cambodians. So they are providing access. I think Hun Sen is showing leadership there to the two allies in the region.

In Vietnam, as Senator KERRY said, General Secretary Do Muoi gave the strongest commitments to date, which clearly showed his country's determination to resolve this issue before the end of the year. We are very grateful for that. As Senator KERRY has indicated, we brought this up and we said to him: "This committee, Mr. General Secretary, is here to resolve the issue. We are not here to prolong it. We are here to resolve it. Can you help us?" He said it over and over again, "What can I do?"

Senator KERRY outlined the five points that we have asked him, and he

made the commitment to do that. Commitments have been made before, but if our people in Southeast Asia on the ground have the access that he said he would provide, we are going to go a long, long way in resolving this issue in a very short period of time.

So now that the commitments have been made, the United States Government must be prepared to take the Vietnamese up on this offer. They must be prepared on every one of those five points raised by Senator KERRY, such as the access to prisons, and to go there with full resources with a focus on live American sightings, put the live American sightings first, put the remains issue second, and move forward to take the Vietnamese up on those offers. If we fail to do that, then we are not living up to the highest national priority commitment that has been made by many Presidents since the end of the war.

The joint task force, which has been set up under the leadership of Admiral Larson, needs to focus more on the resources that they have to investigate these live sighting reports and sometimes to look back at those reports, evaluate them, and see whether they are good or bad, and then move forward to investigating them.

Our committee has unresolved reports, and so does the DIA. There are many. In some cases, our committee has made some stronger cases for some of these live sighting reports than the DIA itself. The differences between the committee and the DIA on these reports is not significant. The difference is that our Government, our officials, all of those investigating the reports, take the ball and move with it and go to the finish line, which is all of those locations, the prisons, and all of the locations where these sightings have taken place, to resolve them once and for all.

I want to point out what live sightings we are talking about. There has been some misstatement in the press on this. This committee is concentrating on the sightings of American POW's in captivity. That is what a live sighting report is, as far as a captive environment. That is the whole focus of this committee, as far as live sighting reports are concerned. These reports are not of people living freely, who could possibly be deserters, although there may be some. But the focus is on those in a prison environment.

We were able to visit an interior ministry prison, as Senator KERRY outlined, and after some delays, and with the support of the Vietnamese officials, we were granted full access to that prison. The U.S. Government had previously—I believe as recently as a few weeks ago—been denied access to that prison. It was clearly a step forward. It was not a total surprise. It was not total spontaneity. They did have some

indication that we were going to be there. These kinds of processes have to be worked out. They are a sovereign nation. We cannot just go in and go where we want to go without any type of approval.

But I know what was spontaneous, as Senator KERRY outlined, was the fact that for an hour and a half we were delayed, but after the intercession of the Vietnamese officials who were with us, and telephone calls to the Foreign Minister, we were able to get access to the prison and get a look into cells where Vietnamese prisoners were held, and we were provided spontaneous access to that prison. That was unprecedented. It does not necessarily mean that the issue is totally resolved because we did that.

And did we see everything in the prison? I cannot say that for sure, but I did not see any cell that I was not able to look into as we took that tour around. The Vietnamese used some discretion. It was Senators only, and a translator, and not staff. They used some discretion. We were grateful for that, and it was helpful for me to understand the issue.

As a side matter, during that time, we were able to go into some cells—I believe 8 to 10—where American POW's had been held during the war. They provided us access to those cells so we could see where some of our brave fighting men had been held in prison at that facility.

The next day, we were allowed to fly over South Vietnam, stopping in various locations, including military bases and local villages. Senator HANK BROWN flew up to DaNang. I am sure he will have comments on that on his own. Senator GRASSLEY interviewed some people in the Ho Chi Minh city area, and Senator KERRY and I flew out around the Makong area, which was somewhat emotional for both of us, because both of us had served in that area during the war. But we did drop in, literally, on the outskirts of a base where we were greeted by about 250. I would say, Vietnamese troops.

And, frankly, the reaction was friendly, friendly to the fact that we were Americans. They wanted to know if we were Russians or Americans and when we said Americans they cheered.

So I think this kind of attitude tells you something that there is and that starts at the top. Du Muoi made that very clear to us, let me know what you can do. We said here is what we can do. And when he made that clear I think that now is beginning to trickle down. There will be some problems as we try to work out total access to all these areas. They knew we were coming to the area. They did not know we were going to land literally on the edge of it. So it was a surprise to drop in there by helicopter.

There needs to be a lot more done. Our people in the field have to be able

to investigate these live sighting reports on very short notice. That is difficult for the Vietnamese. We understand that. It is difficult for us to have the resources to do it. But we have to do it.

I am confident that steps can be taken to improve this process to make it more effective in terms of travel, communication and notification in Vietnam. Again I want to point out that I am pleased—and Senator KERRY has referred to this as well—with the unprecedented cooperation that we received in Vietnam. I have made three trips, as I said before. I have never had the access that I had on this trip. In 1986 I never got out of Hanoi; I never got out of the meetings in the official buildings. And in 1988 it was pretty much the same with the slight difference we went into a hospital or two, but we never got out into the field.

So this was a new experience for me. So I am very optimistic. I do not want to give false hopes here. We have a long way to go. We still have not had total access, but it was a darn good step and I am looking forward now to seeing over the next several weeks if the Vietnamese and our team over there can work together to provide access across the country, to see where these reports are, and to go to those locations and get this issue resolved, if there are Americans there to bring them home, and if they are not there to get the access so we can determine that they are not, and at that point then move on to the process of bringing home the rest of the remains.

So, let me move now to Laos, briefly, before turning over to Senator GRASSLEY who is here on the floor. The Laos situation is a lot more difficult. It remains difficult in terms of establishing a process for short-notice investigations of live sighting reports.

Flying by helicopter over that country as we did and seeing the tremendous wilderness, literally, that we had huge mountainous peaks, hundreds of miles between villages, communications, geography and the Lao Government itself, all three of these things make it almost impossible to have the type of access that we could get in a country like Vietnam or Cambodia. The U.S. teams are clearly not able to roam the countryside without notice, to investigate these reports. They just cannot do it under the current circumstances because of those three reasons, communications and so forth.

So, we met with Vice Foreign Minister Subone. He was very straightforward and frank and perhaps more than other times in the past he speculated honestly when the villages were bombed, some Americans may have been killed by the villagers. But he also made a very interesting statement when he said that although the villagers may have killed some of our American pilots, he also said that the gov-

ernment, his government, it was their policy to return Americans, return Americans in a humanitarian policy to their homeland, which would indicate maybe in a tacit way that Americans had been captured and therefore should have been returned and, as we know, were not. So that is an unanswered question.

I believe more steps can be taken to build mutual trust and eliminate these suspicions.

We were disappointed, finally, as far as the Lao were concerned, Mr. President, that we did not get to meet with either Soth Petrosy or Prince Souphanovong, both of whom made statements during the war that they were holding American POW's and none had come back. So, we wish we had time to speak with them. We wish we would have been granted access to speak to them. We were not. That was a major disappointment.

After receiving detailed briefing en route to Southeast Asia from the joint task force and seeing the personnel in action, I am convinced that our efforts may need to be better prioritized. We can answer the troublesome aspect of the live-prisoner issue in the very near future. Family and veterans tell me we want to know, the number one priority, whether loved ones are alive. That is the No. 1 priority. After that anything else can follow in terms of remains or whatever. But are they alive? That is the first question, and that is what we have to find out. That must be the first priority of the joint task force.

We must end the uncertainty by investigating these reports. The families need to know. And they need to know we have done an honest search of specific locations so we can wrap this matter up. Fifty-eight people from the joint task force digging around in the ground is not a good practice. What we need to have them doing is digging into the live-sighting reports.

Let me end on the Paris peace accords. We were told by the Vietnamese, we were told that the POW issue was really not the highest focus of the United States during the Paris peace accords. That is a rather startling statement. Remember this is the Vietnamese saying this. But they basically indicated that the issue of POW's in Laos was not raised during the negotiation, that the Lao were not represented at the talks, and therefore these people, these families, who have loved ones missing in Laos were simply left in the lurch with unopened, unanswered questions. What happened to their loved ones? As a matter of fact it was not even an admission at the time that our Americans were even fighting in Laos. So this is a huge black hole that must be explored.

We were told during our meetings that the United States was, and still is, expected to take steps to heal the wounds of war. That is what the Viet-

namese are telling us time and time again. We are reminded of the suffering of Lao and Vietnamese people that had gone on as a result of war, their losses. So there is still that feeling there that they did not get payment reparations that were promised and the unanswered question of what happened to the men.

We intend to resolve this question. We would like to resolve it by the end of the year. I am confident the American people will support better relations with both the Lao and the Vietnamese if that is done.

Mr. President, let me just say that it was a very emotional and interesting trip, and I am very hopeful we will now be able to take the United States Government resources, take the Vietnamese and the Lao—especially the Vietnamese—up on their offer to try to account for these Americans and move on.

At this time I yield to Senator GRASSLEY.

The PRESIDING OFFICER. Senator GRASSLEY is recognized.

Mr. GRASSLEY. Mr. President, I would first of all say thank God for the leadership of Senator KERRY and Senator SMITH for their work on this committee.

I say that as one who, prior to working on this committee, was involved as an individual Senator in trying to answer a lot of questions that POW-MIA families had raised to me personally and to the Government generally.

The work of this committee will bring proper focus to this issue and accomplish much more quickly and much more decisively what a larger number of individuals working by themselves, including myself, would not be able to accomplish. I am very happy with the direction this committee has taken, and for that I thank Senator KERRY and Senator SMITH.

Even though today's morning business is focusing upon the recent trip to Southeast Asia—and I think, fairly so, for us to claim some ground-breaking and trailblazing efforts of our committee's work in relationship to the cooperation of the countries of Southeast Asia—as important as that is and as much as we are focusing upon that today, I think the real difference this committee is going to make, and particularly the real leadership Senator KERRY and Senator SMITH are going to be able to accomplish, is something we have not concentrated on to too great an extent. That is, hopefully, when this committee's work is all done, we will have de-mystified this whole area of POW-MIA matters as it relates to our U.S. Government vis-a-vis our American families, and the extent to which we get a lot of material that heretofore has not been declassified and made public.

We must lay everything out on the table for the American citizenry to see

for themselves what our Government knows, when it knew it, and what did we do about the information we had in our possession.

So far, our Government has not been as forthcoming as it should in this area. We have a penchant in American government to overclassify. We must urge and encourage declassification, and avoid overclassifying. I think this is an area in which this committee can have an important impact upon the political process in America. I think it is important we do that.

I am satisfied Senator KERRY and Senator SMITH are headed in that direction and I thank them for that.

But now, Mr. President, for the purpose of this morning's business and the work of this committee over the last 10 days—reporting to the Senate on our travels to Southeast Asia and our interaction with the Governments of Vietnam, Laos, and Cambodia. I can simply say we carried out what, for a long time, the American people and their Government have been doing.

Mr. President, for years the American people and their Government have been banging on the door of Vietnam, seeking answers and access. Before the trip taken by our delegation, Vietnam's door was slightly ajar. Today, it is halfway open. And they have invited us in.

Our delegation, I believe, has opened the door more fully for our Government's efforts to account for the missing. We must now take advantage of the groundwork laid by this Senate delegation. Our Government's efforts can now emphasize investigating not just crash sites for bones and remains, but also, and especially, live sighting reports. Because of assurances we have received from the Lao and the Vietnamese, our teams can have more timely access for aggressive searches. We have broken new ground in this regard.

That is, assuming that their assurances to our delegation materialize in actual practice, of making their country, their records, their people more open to us.

The purpose of our factfinding mission was threefold: First, to determine the level of cooperation of the three countries; second, to determine, if possible and to the extent possible, if there was any evidence that live prisoners were held against their will after 1973; and third, to determine whether or not, and to what extent, the U.S. Government is aggressively trying to resolve cases and account for the missing in action, as befits the Nation's highest priority as stated by so many of our Presidents.

With regard to cooperation, it is strictly a matter of promises becoming reality. If the Vietnamese and the Lao deliver on their commitments, we can resolve this issue to the greatest extent possible, and in a timely way. To

the extent General Secretary Do Muoi made the commitment is the high point of our mission. The extent to which his performance is not commensurate with his rhetoric will be concomitantly the greatest disappointment. What I have seen put into practice makes me a believer this far.

I think it has already been mentioned, our tour of prison sites, our tour of military facilities, heretofore off limits, could not help but make anybody a believer. I hope that continues into the future.

On the matter of finding evidence of prisoners in captivity after 1973, we found no smoking gun. We did, however, collect data pertaining to that question, which remains to be analyzed and evaluated. In my view, Laos is becoming a key area to look at in order to answer this question. As Chairman KERRY noted yesterday, this committee does possess some evidence that we may have left men behind after 1973. It remains to be seen if this evidence withstands credible scrutiny in the months ahead. The information we gathered on this trip will be added to that larger body of knowledge.

Finally, the issue of the performance of the U.S. Government: Has our Government acted in accordance with its pronouncements—that is, that this issue is the Nation's highest priority. The answer to this, in my view, is "No." Clearly, that is up to now. Is it getting better? That depends. There is certainly more activity. There certainly appears to be a commitment. There are many more resources devoted to this issue. However, there is still too much emphasis on crash sites, bones, and remains, and not enough on tracking down live sightings. The mindset to debunk has been denied, rather than corrected. Has this changed at all? The jury is still out.

Mr. President, this trip was of enormous benefit to the work we have yet to complete on our committee, and to the questions we have yet to answer for the American people.

And that is where our responsibility lies: To make clear to the American people that our Government has kept a commitment. To make clear to the American people that records classified, that no longer need to be classified, can be viewed. That evidence that has not been made public yet can be made public so the people can determine for themselves, by themselves once again, the same analysis of the information we have and not to have it run through Senators to tell them what the situation is. I would like to commend the leadership, and the tremendous preparation and work, of the chairman and vice chairman of the committee. It was indeed a successful factfinding journey, mainly due to their resolve and commitment. The trip certainly opened our eyes to the complexities and predicaments of in-

vestigating this issue. And that will be indispensable as we seek to close the book on the many questions that have plagued a generation of Americans, a generation that is entitled to answers, a generation that is entitled to have our Government perform commensurate with our stated policy and our rhetoric.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I yield such time to the Senator from Colorado as he should need.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President.

I also thank our distinguished chairman of the select committee whose leadership, along with that of the distinguished Senator from New Hampshire, has been so vital in making progress in this investigation.

Mr. President, I also want to share my thoughts on our visit to Southeast Asia. The five Senators who went on the trip spent 11 days over the Easter recess, trying to get a better feel for the problems and the process of locating POW's in Vietnam and throughout Southeast Asia.

They also accomplished, through their leadership efforts, a great deal in terms of improving our access in each of the three Southeast Asian countries.

Mr. President, the bottom line of the entire trip was this: In the past, we as a country and we as Members of this Congress have listened to reports indicating that Americans still may be held prisoner in Southeast Asia. We have a large number of live-sighting reports, reports where someone has seen a person who looked like an American being held in bondage or held in captivity in Southeast Asia. Those reports have come in over many years. We have not had the opportunity or the ability to really check them out in the way I think all Americans would like them to be checked.

The news from the trip is dramatic. For the first time, we will have unlimited, unrestricted access in Vietnam to go where those live-sighting reports indicate Americans may be and follow up on them personally. We do not have to take anybody's word for it. We do not have to live with reports that indicate the possibility that Americans are being held in bondage anymore. We can follow up on them reports directly and immediately and resolve the outstanding question.

This is a real breakthrough. And, while the broad-based, enforceable commitment came in Vietnam, we have a history of very good access in Cambodia. Many are confident we will be able to resolve those sighting reports in Cambodia as well.

Laos is different. The Laotian Government does not have full control over

the country in the way the Vietnamese Government has over its country. But in Laos we do have a commitment from the government to allow similar access, and I am optimistic that we will be able to receive answers there too.

What comes out of the trip then is an ability to resolve the question of live Americans in Southeast Asia once and for all. To find Americans, if they are there, to follow up on the reports and to pin the facts down. That ability for live sighting followup, for on-site unannounced inspections is an enormous plus for the United States and for the resolution of this difficult and important issue.

Let me emphasize, Mr. President, that having the permission of the Government to conduct inspections is not the same as doing them. All of us gained a great deal of respect for General Needham who heads up the team in Southeast Asia and for General Christman who he reports to. But they will have the tough job of pushing governments for access, for use of helicopters, and for the use of vehicles in each country.

No final determination or conclusion I think can be fairly made until that full inspection is done. But I believe if it is done, if access is given, we will have an answer to a question that has haunted the American people for 19 years. Clearly, we must leave no stone unturned in trying to locate the Americans who still are unaccounted for in Southeast Asia.

The trip also was an opportunity for all of us to get a better view of what conditions are like in Southeast Asia. A number of the Members this morning have talked about the ruggedness of Laos, the very difficult conditions of living there and of transporting men and equipment throughout the country. I was particularly shocked to see the state of Vietnam. It is an area that I had flown into in 1964 and 1965 as a naval aviator. It is an area I served in for a year in 1965 to 1966 in the I Corps area out of Da Nang. So there were areas of Vietnam that I knew and knew well.

First of all, I think one has to be shocked by the lack of economic progress. There is almost nothing new in the entire country except a few projects that have been built by outsiders. There is a bridge near Hanoi. It is an enormous structure that was built by the Russians. We visited a hotel that had been built by the Cubans. But other than a few showplace things, almost nothing is new. Most of the major structures are structures that were built by the French before their departure in 1954.

The economy is in abysmal shape. The per capita income in Thailand is roughly eight times as high as it is in Vietnam. The contrast points out the dramatic difference between an economy that is relatively free and an econ-

omy that has adopted the precepts of socialism defined in Marxist-Leninist theory.

Socialism in Southeast Asia is a disaster. It is an economic disaster that even the Communist government is in the process of reviewing. Early signs of a change have come the last few years, as the central government in Vietnam has permitted some private ownership and some private production in agriculture. The turnaround has been enormous. Within a couple years of instituting some private ownership, Vietnam has begun to export rice instead of importing it. The exports in these last several years have been the first in over 30 years. They indicate what can be done in that region if economic freedom is allowed to prosper.

I am optimistic about the potential for an economic turnaround if Vietnam adopts private rights and economic freedom. They have pledged to expand those economic freedoms in the years ahead and there is every reason to believe that a dramatic turnaround in the Vietnamese economy will come with it.

Increased economic freedom in Vietnam is important with respect to finding POW/MIA's two reasons. First, as economic development progresses, the numbers of foreigners will increase, stimulating more reports of Americans making it increasingly difficult to pin down these live-sighting reports.

Second, it will mean many more observers giving us an additional ability to see any Americans that may still remain there.

The change in the economy, though, will have dramatic effect on Vietnam as a whole. Da Nang was one of the busiest airports in the world. Now, the airport is virtually deserted. There are a few Russian helicopters that appear to be mothballed, and apart from them, there simply is not anything there. Of the huge complex of warehouses that were near the airport, some have fallen down, some have been removed. Most were simply deserted. Some of the hangars have fallen down; others lie deserted. The enormous, busy complex that was the Da Nang Airport simply goes unused.

It is much the same in the rest of the city. The old white elephant that many Americans who served in I Corps will remember, which was a command headquarters for American forces, has many boarded-up windows is obviously in a state of disrepair. The only new building we saw in Da Nang was the Russian consulate, a \$6 million structure that lies just across from the old USO building. There is some irony in their locating their consulate there. Interestingly, the Russians find themselves without the finances to even finish the building they started.

The bottom line is: Vietnam is ripe for change of enormous proportions, both economically and eventually po-

litically. The winds of change of economic political freedom that have swept across the face of the Asian continent are blowing in Vietnam as well. The force they apply is providing us an opportunity to resolve this most burdensome question of missing Americans.

Some have suggested that our policies with regard to our POW's ought to be tied to normalization. I believe most Americans feel very strongly that we should not normalize relations with the Government of Vietnam until the questions revolving around our POW's and MIA's are answered.

The report on this trip in many ways is a good report. It is a report that eventually we will get those answers and that we have not forgotten those who served this country.

Mr. President, as we move forward I think two things are important that we remember: One, that we take no shortcuts in resolving the questions about missing Americans. Too much time has gone by. Too much heartache has been involved for us, when we are so close to the answers, to back away. No stone should be unturned in our effort to find out if any Americans remain alive in Southeast Asia.

Second, as we close this chapter on a painful episode in American history, we must leave it with a resolve that the process of committing American men and women to combat without this country standing behind them must never be repeated.

I yield back my time.

Mr. KERRY. Mr. President, I thank my distinguished colleague from Colorado for his observations and especially for his assistance throughout this journey.

How much time remains?

The PRESIDING OFFICER. Nine minutes and 55 seconds.

Mr. KERRY. I yield such time as the Senator from Virginia may need.

The PRESIDING OFFICER. The Senator from Virginia [Mr. ROBB] is recognized.

VALUABLE TRIP FOR THE COMMITTEE

Mr. ROBB. Mr. President, I thank the distinguished chairman of our select committee and the cochairman and the other Members who have had an opportunity to speak this morning. At the request of the traveling delegation—and there are additional members of the committee who will be considering all of the matters that are before the committee—I just wanted to add my 2 cents' worth, if you will.

I thought that the trip that we made during the last couple of weeks was valuable for the committee. I think it will give us an opportunity to address a number of the remaining unresolved questions that are troubling a number of Americans. I think we have improved the access to the necessary officials and other channels of communications within the various countries involved.

I think with the cooperation that has been promised by some of the officials in other countries and by some of the new structures which have been put in place by our own Government that we will be able to move to resolution of this matter perhaps more quickly than some might have anticipated as recently as a few weeks ago.

I hope that this process proceeds to the kind of conclusion that will give as many families as possible, who have unresolved questions, reason to believe that their Government and the governments that are involved conduct investigations as thoroughly as possible so we can bring finally to closure this long, open chapter in our country's history.

I commend the chairman and vice chairman and other members of the committee for devoting the time to this question and I hope the report we issue at or before the end of this year will resolve those questions which the American people and particularly the families involved are looking for us to resolve.

I thank the Chair and yield back any time remaining under the control of the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Virginia and all of my colleagues for their comments this morning. Obviously, the select committee has a significant amount of work yet to do. We will be holding hearings in the course of the next few months. The first set of hearings will be on the various lists and numbers pertaining to how many people, in fact, were left behind or may have been left behind or whether or not the current lists of the POW-MIA's is accurate. Subsequently, there will be an analysis of the 1973 Paris peace accords and what the state of knowledge was at that point in time in order to establish a baseline for any judgments that we might be making about the present.

During the course of those months, we will obviously be looking very closely at the cooperation which each of my colleagues referred to this morning and measuring both the performance of our own Government as well as the performance of the governments involved in resolving this issue in Southeast Asia.

I thank my colleagues for their comments this morning and their participation. I yield back whatever time remains.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES] is recognized.

Mr. SARBANES. Mr. President, am I correct that the Senate is in morning business?

The PRESIDING OFFICER. The Senator is correctly informed.

COMMEMORATING THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. SARBANES. Mr. President, I rise this morning to commemorate the 77th anniversary of the Armenian genocide.

Mr. President, 77 years ago began one of the great martyrdoms of modern history. In an age which unfortunately is frankly innured to acts of barbarism, we commemorate today the systematic campaign beginning in 1915 to exterminate an innocent people, the Armenians living within the borders of the Ottoman Empire. That terrible campaign meant the death of over a million men, women, and children, and suffering almost beyond description for those who managed to survive it. Anyone who has met survivors of that genocide knows from their descriptions of the unspeakable horrors, virtually impossible to describe, experienced by the victims of the Armenian genocide.

On the nights of April 23 and 24, 1915, just over 77 years ago, the intellectual, religious, and political leaders of the Armenian people were summarily arrested in Istanbul to be sent to exile and death.

In every Armenian community, leaders were arrested who were then condemned to death, and entire Armenian communities, including defenseless women and children, were removed into the remote deserts in the eastern region of Anatolia. This campaign against the Armenian people occurred in the face of world opinion that unfortunately and tragically was largely indifferent.

But the history of what occurred of that great martyrdom was written at the time and cannot be revised. It should be a matter of deep concern to all of us that in recent years an effort has developed to revise or rewrite the history of this period and to blur our understanding of the full tragedy of the massacres. However, the documentary record of the Armenian tragedy exists and there are numerous exhibits in contemporaneous newspaper accounts, the New York Times, other major newspapers as well, the British press, the French press, and so forth, of what was occurring in Anatolia. Let me relate just a sampling of the headlines from mid 1915: "More Armenian Massacres. Tales of Armenian Horrors Confirmed. 300,000 Armenians Counted Destroyed. Spare Armenians, Pope Asks Sultan. Massacres Renew, Morgenthau Reports."

These headlines alone speak volumes. Our Ambassador to the Ottoman Empire at the time was Henry Morgenthau, later a very distinguished Secretary of the Treasury under President Franklin Roosevelt. Morgenthau has written at length about the genocide visited on the Armenians. In his book he discussed the tragic events which we are talking about here today, and I quote him:

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915. The killing of the Armenian people was accompanied by a systematic destruction of churches, schools, libraries, treasures of art and of history in an attempt to eliminate all traces of a noble civilization.

What Ambassador Morgenthau wrote in the years following the great tragedy was consonant with his reporting at the time the events took place, for on July 16 of the first year of the massacres in 1915 he sent the following message by telegraph to the Secretary of State:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under pretext of reprisal against rebellion.

Reports to Ambassador Morgenthau by consul generals in the field, consular dispatches substantiated the Ambassador's report of what was taking place with respect to the massacre of the Armenians.

Perhaps Elie Wiesel expressed most eloquently for us the critical importance of recognizing Armenian genocide when in April 1991 he spoke at a holocaust memorial service, The Days of Remembrance, here in the Capitol Building.

At that solemn ceremony of remembrance, a remembrance of past horror, he said, and I quote him:

Before the planning of the final solution, Hitler asked, "Who remembers the Armenians?" He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.

Mr. President, it is incumbent upon us in order to ensure that such a tragedy never be repeated to remember each year the victims of the Armenian genocide and to pay tribute to the survivors.

As American citizens of a Nation founded on the ideals of freedom and human dignity, we must educate ourselves about the events that constituted the Armenian genocide and renew our commitment never to remain indifferent in the face of such assaults on humanity. We do not live in the past, but we cannot live without it. In the words of the great philosopher George Santayana, those who cannot remember the past are condemned to repeat it.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). Under the previous order, the Senator from Texas [Mr. GRAMM] is recognized to speak for up to 10 minutes.

Mr. GRAMM. I thank the Chair.

(The remarks of Mr. GRAMM pertaining to the introduction of S. 2627 are located in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from Ohio is recognized to speak for up to 15 minutes.

Mr. METZENBAUM. I thank the Chair.

THE ARMENIAN GENOCIDE

Mr. METZENBAUM. Mr. President, April 24, 1992, marked 77 years since the Armenian nation came to the brink of extinction. It has been described as a genocide: It was a genocide.

Accounts differ, but it is clear that approximately 1.5 million Armenian men, women, and children were killed by forces of the Ottoman empire. Hundreds of thousands of other Armenians were forced to flee their ancestral homeland.

It was truly one of the darkest moments of the 20th century, as a matter of fact, it was one of the darkest moments in history.

Mr. President, the exact circumstances of the Armenian genocide have been debated long and hard in the halls of academe and in the Halls of Congress.

The 75th anniversary of the Armenian genocide was marked 2 years ago, in April of 1990. At that time, a resolution of commemoration was introduced in the Senate and referred to the Judiciary Committee, of which I am a senior member.

During the committee's discussion of the resolution, strong forces and strong emotions were brought to bear on both sides.

Armenian-Americans were adamant that their people's tragedy be recognized.

The Government of Turkey was equally adamant in its view that recognition of the Armenian tragedy as a genocide would be offensive to the Turkish people.

The committee itself was nearly deadlocked on how to resolve the issue.

Mr. President, I attempted to find a middle ground. I hoped that compromise language would give Armenians the recognition that they deserved without offending Turkey, an important ally and friend of the United States. Turkey is that great Nation that opened its doors in 1492 to the Jews of Spain when they were expelled from that country.

My record on this issue prior to 1990 had always been one of strong support

for the Armenian position. My view had always been that the killings, the deliberate eradication of entire Armenian communities, should be unquestioned.

That view did not change, and indeed, the longer the issue was debated the more information came to light about Armenian suffering between 1915 and 1923.

But I believed then that at least an attempt at compromise was the proper thing to do.

Mr. President, the fact is that there is no room for compromise on this issue. And, in truth, there really is no reason to compromise. The systematic destruction of a culturally, religiously, or ethnically distinct people is a genocide, and there should be no quibbling about it.

I take the floor this year to mark 77 years since a genocide was attempted—against the Armenian people.

I note with thanks that the attempt, while brutally effective, was not totally successful. Refugees of this tragedy found new homes elsewhere and have flourished. Armenian-Americans in particular should be proud of their achievements and of their contributions to this country.

Mr. President, there is no joy in marking the anniversary of a genocide. Senators do not take pleasure in speaking about death; it is not fun to recall suffering on a massive scale.

But the act of remembrance is our duty nonetheless.

It honors those who died;

It honors their descendants here in the United States; and

It honors those who still live in ancient Armenian lands.

However, we remember this and other tragedies not merely to honor those who suffered and their kin. We remember because we have a sad tendency of reinventing and repeating our inhumanity to each other.

Mr. President, as we remember the Armenian genocide of 1915-23, we should also remember that similar ethnic strife engulfs so many parts of the world today in 1992.

We should remember that systematic brutality is still being used in the name of religion, and in the name of ethnic purity.

We should remember the refugees who flee from this violence and persecution. And we should remember that what was done to the Armenians 77 years ago can be done again today, in any place, and to any people.

We must be very vigilant. We must be very ready to speak out and to act if necessary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Under the previous order the Senator has the

authority to speak for up to 15 minutes.

Mr. MACK. Thank you Mr. President.

REVITALIZATION AND JOB GROWTH ACT OF 1992

Mr. MACK. Mr. President, one of our biggest concerns today is the state of the economy. People all over America are hurting—jobs are scarce, credit is tight, asset values continue to tumble, and confidence about the future is at an all-time low.

There continue to be signs that the economy is beginning to rebound, and we all hope these signs are accurate. But there are clearly changes that need to be made that will improve U.S. economic performance. Good policy should stand on its own and not be tied to a stage of the business cycle. It is my intention to introduce a package in the coming week which I hope can gain widespread support because it represents good policy, not just a quick fix. This legislation will focus on the job-producing machine of our economy, our Nation's small businesses.

Generations of Americans before us have had the opportunity to succeed or fail by starting new businesses. That opportunity has been fundamental to the greatness of America.

We must pursue policies that provide Americans with the freedom to succeed, even if that means risking failure. The freedom to succeed is the American dream, and I want Americans to continue to have that freedom. That's what America is supposed to be about. That's what small business is supposed to be about.

The small business community can indeed be called the backbone of our economy. Small businesses employ approximately 49 percent of the work force. Between 1988 and 1990 firms with fewer than 20 employees created more than 4 million new jobs. Today, small businesses continue to generate most of the new jobs, accounting for an estimated 90 percent of net private job growth.

My legislation will address a variety of areas which adversely affect small business. Since it is a comprehensive package, I have included some good ideas that others have proposed to help small businesses.

One of the real problems small businesses have is knowing whether Congress considers them a small business. We have a wide range of definitions of the term "small business" depending upon which law we're applying. My bill would provide a clear statement from Congress that it intends to address this problem and end the confusion.

Another severe problem for small businesses today is the regulatory burden imposed by the Federal Government. Today's regulatory squeeze is not only choking existing businesses, but is deterring the formation of new

small businesses. My bill will help ease this burden by creating a small business ombudsman in each Federal agency which regulates small businesses. In addition, my legislation follows recent recommendations by the SEC to eliminate some of the regulatory burdens imposed by the Federal securities laws on capital formation.

The legislation will take a major step toward expanding the amount of credit available to small businesses. The SBA has recently reported that SBA loan guarantee demand is up by nearly one-third, and both the administration and the House Committee on Small Business have recommended a sizable increase in the cap. My bill expands the Small Business Administration's 7(a) loan guarantee program by raising the authorization caps significantly through 1994.

I'm convinced that one of the best things we can do for small businesses is cut the capital gains tax. The chairman of the Small Business Committee has made a very worthwhile attempt to provide capital to new enterprises by excluding from tax half of the profits earned by those who provide initial capital for new companies, where the investor leaves the capital in the company for 5 years or longer. I have incorporated his bill in my package.

The last aspect of my comprehensive legislation is its proposals related to health insurance. In a survey conducted by the National Federation of Independent Businesses, this issue was the No. 1 concern of small business.

My legislation puts forward several initiatives in the area of health insurance. Most significantly, it would permit the self-employed to enjoy the same tax treatment given corporations by increasing the tax deduction for health insurance premiums from 25 to 100 percent. It would also provide for reform of the health insurance market for small businesses in the manner recommended by the Republican Health Care Task Force.

Since the week of May 10-16 is designated Small Business Week, it seems highly appropriate to begin this effort now to improve the economic climate for small businesses. I hope my colleagues will join me in support of this legislation.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order the Senator from Michigan is recognized to speak for up to 5 minutes.

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, this week marks the 77th anniversary of the 1915-23 genocide of the Armenian people. Seventy-seven years ago there began a systematic and purposeful slaughter in an attempt to eliminate the Armenian people in the lands controlled by the Ottoman Empire. The body of historical evidence is overwhelming and irrefutable, and denial will not alter the reality of history.

Genocide is a crime against all humanity, not just its intended victims. The Armenians suffered the unspeakable and unimaginable horror of genocide, and 1½ million perished. It is our obligation to work to see that such a horror never happens again, and it is our mandate to never forget that it did.

The world faces new realities and opportunities in the emerging post-cold war era. We confront a rare moment in history when we have it within our power to create a new system of international security. Nations have tried before and fallen short, but we have the opportunity if we act wisely and forcefully to succeed where those before us have failed. The United States should exercise leadership in developing a new international approach to controlling wars, and the atrocities occurring in Nagorno-Karabakh are an example of the need for such a new approach. The United States should be working with our allies in the United Nations and other international bodies to create a structure to prevent such conflicts, and if prevention fails, to move quickly and decisively to manage, limit, and then end such conflicts.

On this the 77th anniversary of the commemoration of the Armenian genocide, the United States should lead the world to find a way to eliminate such evil from ever recurring. We must never forget what happened, and we must work to prevent its recurrence. After the Armenians, Jews perished at the hands of the Nazis of the Holocaust. After the Jews, the Cambodians, Eritreans, and Kurds followed.

On this commemoration of the first genocide of the 20th century, the genocide of the Armenian people in 1915-23, let us dedicate ourselves to using the power and moral authority of the United States to lead a successful effort to structure international mechanisms to prevent such atrocities.

Today we remember the victims of the Armenian genocide. Let us pay tribute to them and their memories by finding a way to guarantee that it never happens again.

Mr. President, I yield the floor.

ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. BIDEN. Mr. President, I join my colleagues today in sad remembrance

of the Armenian genocide of 1915 to 1923. Seventy-seven years ago the atrocities against the Armenian people began, ultimately leaving 1½ million dead at the hand of the Ottoman Empire. Compounding the anguish of those years has been the refusal of many individuals and governments to acknowledge the fact that the genocide occurred. As with other examples in history, people have denied what was too huge to comprehend or too painful to accept. I hope that the yeoman's work of many in this body to fight against that ignorance will serve to prevent other such disavowals.

Mr. President, we cannot recognize the sorrowful anniversary this year without mention of a very different event that occurred since we last commemorated the genocide. Since that time, of course, the former Soviet Republic of Armenia has become the free, independent nation of Armenia. Although this important step has been marked by an escalation in fighting between Armenia and Azerbaijan, I must say that I hope the establishment of an Armenian nation will soon bring peace and security to the Armenian people, which they well deserve.

REMEMBERING ARMENIAN GENOCIDE

Mr. KERRY. Mr. President, today we mark the 77th anniversary of the Armenian genocide. I would like to use the time allotted to me to reflect on several things related to that tragedy and to the changes that have occurred since our comparable commemoration last year.

First, it becomes increasingly evident with each passing year that the work of the Armenian National Committee and others who have strived to ensure remembrance of the genocide has paid off. Research, testimonies, and official statements all bear witness to the historical truth and appalling inhumanity of the genocide. Throughout the latter part of the 19th century and the early part of this century, it was the policy of the Ottoman Empire to persecute brutally its Armenian minority. No serious historian can deny this.

During the reign of Sultan Abdul Hamid II, 1894-96, 300,000 Armenians were massacred.

In 1909, 21,000 Armenians were murdered in Cilicia.

And between 1914 and 1923, an estimated 1½ million Armenians were killed and another 500,000 forced into exile.

In the words of Henry Morgenthau, America's Ambassador to the Ottoman Empire at the time:

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race: they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.

The genocide all but ended the 3,000-year-old presence of the Armenian population in the Turkish Near East. Survivors scattered across the Russian border, into the newly formed Arab states, into Europe, and many to the United States. It is testimony both to the humanitarian nature of the American people, and to the devastating cruelty of Ottoman policies, that 132,000 Armenian orphans came to the United States during this period for adoption or foster care.

Much has been written about the Armenian genocide, the Jewish Holocaust, and the massacres in Cambodia by the Khmer Rouge. Much has been written, but the reminders cannot come too often, nor can the cautions against forgetting ever be safely ignored. We live in a world where today's news becomes forgotten news almost immediately and where the lessons of history are studied carefully only rarely and even then by only a few.

This is a tragedy; it is also dangerous. It is said that those who forget their history are doomed to repeat it, and a glance today at the shelled ruins of Dubrovnik, the scarred streets of Sarajevo, and the fear-filled faces of children in Nagorno-Karabakh will tell us that the risk of repeating history is real and present and awful. The welcome end of the cold war has given rise to an unwelcome resurgence in ethnic violence and rivalry that has already claimed thousands of lives and that has no clear end. Thus, we celebrate the independence of Croatia and Slovenia, even as we mourn their dead. And we celebrate the independence of Armenia, while fearing for the future of its relations with neighboring Azerbaijan.

Today, as we commemorate the millions who suffered at the hands of the Ottoman empire three-quarters of a century ago, let us resolve never to allow in our time what was permitted to happen in their time. Let us resolve to strengthen the support for international recognition of minority rights and all human rights. Let us strengthen support for international institutions that are empowered to intervene diplomatically to resolve international disputes. And let us work to establish an overriding international obligation to act—whenever that is essential—to prevent the systematic persecution of people on ethnic, cultural, or racial grounds.

Elie Wiesel, chairman of the U.S. Holocaust Council, has said that Adolf Hitler had the Armenian example very much in mind when conceiving his own sick plan for exterminating the Jews. Hitler was confident that no one would care: "Who, after all, remembers the Armenians," he asked. Sadly, the answer to that question in Hitler's day was silence. But the answer today is we do; see remember the Armenians.

We remember both those who survived and those who perished and we

will not allow the truth of their suffering to be obscured by distortions of history or the passage of time. We remember the terrible costs of past indifference and we will not allow the lessons learned to be forgotten. We remember because it is right to honor the past, but because it is even more important to safeguard the future; and because we must never again do less than all we can to prevent the specter of genocide from raising its bloody hand over any population on this planet.

THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Ms. MIKULSKI. Mr. President, today marks the 77th anniversary of the Armenian genocide. Each April, Armenians throughout the world remember this dark period in their country's history, when one-and-a-half million Armenians lost their lives. I solemnly rise today to join them in commemorating this tragic episode in hope that the world community will learn from the past and not let history repeat itself yet again.

Beginning in 1915 with the banishment and eventual murder of Armenian religious and political leaders, the Ottoman rulers proceeded with their attempted genocide of the Armenian people for 8 long years. During this time, a deliberate and systematic annihilation of an entire country was undertaken and nearly succeeded. Armenians, whose ancestors thrived in this area of the world for thousands of years, were driven out of their homeland, faced with the inevitability of starvation. Women and children were forced to march through the desert into Syria, the vast majority unable to survive the hardships of such a journey.

And yet, for all the suffering of the Armenian people, the world still did not take notice, for just a short time after the Armenian massacre, Adolf Hitler used the experience to craft his own genocide effort against the Jewish population of Europe. And as recently as the 1970's, more than one million Cambodians suffered and were murdered at the hands of the Khmer Rouge.

It is time the world finally acknowledged these ghastly and horrifying chapters in our modern history. We must not forget. For as we pay homage today to the hundreds of thousands of innocent Armenians who lost their lives, we continue the fight for human rights worldwide to once and for all put a stop to such senseless pain and suffering.

ARMENIAN MASSACRES OF 1915-23

Mr. CRANSTON. Mr. President, I rise today to join my colleagues in commemorating the horrendous massacres of Armenians in Ottoman Turkey from 1894 to 1923.

Mr. President, the Armenians have suffered brutal persecution throughout their 3,000-year history. The most tragic of these injustices occurred within the past 100 years. In the 1890's 300,000 Armenians were killed under the Ottoman Sultan Abdul Hamid II. In 1909, 21,000 Armenians were slaughtered in Cilicia.

By World War I, the stage had been set for an organized, well-plotted massacre of the Armenian population in the Ottoman Empire: from 1915 to 1923, almost the entire Armenian population was systematically removed from their homes. One-and-a-half million people were murdered, and more than half-a-million were exiled.

About two-and-a-half million Armenians were living in the Ottoman empire on the eve of World War I. After the bloody campaigns to expel them, less than 100,000 remained in Turkey.

The U.S. Government has denounced these horrors. The American people have been generous in aiding Armenian survivors. Congress has designated days of remembrance for those who perished in the massacres.

Mr. President, I can only hope that we have learned from the lessons of the past. Today in the former Soviet Union, war has again brought suffering to the Armenian people. Armenians in Nagorno-Karabakh are faced with a blockade that deprives them of electricity, food, gas, and other necessities. Missile attacks have paralyzed the capital of Stepanakert. All this, as Armenia itself is still trying to recover from the massive earthquake in December 1988, and embark upon building a new democracy.

I am sure the American people will continue their support of the Armenians. I am pleased that an independent Armenian republic has been recognized worldwide. And I hope that with international support it can become not only a strong democracy, but also a haven to protect the victims of ages of abuse.

THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 77th anniversary of the Armenian genocide.

The Armenian genocide marked a dark chapter in world history. As we commemorate the 77th anniversary of this grave injustice in Armenian history, we must resolve never to forget the terrible suffering of the Armenian people.

Today, the struggle continues for Armenian people. The Azerbaijani embargo is having devastating effects on the people of the republic of Armenia and Nagorno-Karabakh. The blockade has taken its toll on the people and the nation's industrial base. Oil supplies are short. Basic supplies are lacking. The United States has helped by providing food aid. But more must be done.

The United States needs to pressure Azerbaijan until it lifts the blockade. We need to take every opportunity to support a solution to the conflict in Nagorno-Karabakh.

Mr. President, it is essential that the Armenian people have the opportunity to live in peace. I can think of no day more appropriate than this anniversary to strengthen our resolve to work toward that goal.

COMMEMORATING THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, today, once again, we honor the spirit, the memory, and the courage of the 1½ million Armenians who perished in the early years of this century in one of the worst episodes of human cruelty in all of recorded history.

In these tragic years, between 1915 and 1923, officials of the Ottoman Empire implemented a policy under which innocent men, women, and children of Armenian ancestry were deported from their homes and villages and forced into exile. The violent repression and persecution of the Armenians led to a brutal and bloody period of suffering that resulted in the deaths, through massacres, disease, and starvation, of a large part of the Armenian population.

Each year at this time we commemorate the tragic suffering of the Armenians. Few people in history have endured such murderous persecution with such stoicism and courage. In recognizing their strength, we commit ourselves to every possible effort to prevent the repetition of such atrocities again in any nation at any time.

All of us have been deeply concerned in recent months by the new violence directed against Armenians living in the former Soviet Union. We have also been shocked by the blockade of critical humanitarian supplies which were to have helped these people survive this past winter. These latest brutalities are additional evidence of the need for the leaders of all nations to recommit themselves to avoiding the horrors of the past.

We in America must take a leadership position within the international community to prevent further bloodshed and to halt this appalling ethnic and religious strife. Today, we make clear our firm conviction that such violence must end.

America has always stood for human rights—both for our own citizens and for all peoples throughout the world. By honoring the victims of this tragic chapter of recent history, we reemphasize our support for the fundamental rights of all peoples of all races and nationalities in all countries. In a sense, we are all Armenians. By demonstrating our common humanity, we make it less likely that such inhumanity will ever take place again.

COMMEMORATING THE ARMENIAN DAY OF REMEMBRANCE

Mr. BRADLEY. Mr. President, I rise today to commemorate the 77th anniversary of Armenian genocide and to acknowledge the commitment of groups like the Armenian National Committee of America in increasing our understanding of the region and supporting efforts to achieve a lasting peace there.

The suffering of the Armenian people at the hands of the Ottoman Turks represents a grave chapter in world history. The genocide should serve as an example for all people of the horrific consequences of policies of intolerance of religious or ethnic differences. For this reason, I strongly supported efforts to make April 24 National Day of Remembrance for the Armenian genocide and was disheartened when the bill failed.

As in the past, the region today is a patchwork of diverse communities living side by side. In an era of ever increasing interdependence, it is vitally important to establish workable ties based on mutual understanding. This will be possible when all parties accept the truth about their role in past events.

On the heels of declaring its independence on last September, Armenia has entered an uncertain chapter in its history. The United States can offer much to the republic to aid its fledgling democratic institutions and free market structures. I believe that the ties between the United States and Armenia will be strengthened through such cooperation.

Armenian American groups such as the Armenian National Committee of America, can play an important role in this process. First, they can educate Americans about the present situation in Armenia, and the importance of positive United States involvement in the region. Furthermore, they can also help inform Americans about Armenia's tragic past, and help to maintain pressure on Turkey to reject its policy of denial. Their activities keep alive the memory of those that perished in the genocide and in so doing, keep us from again bearing witness to such crimes against humanity.

ANNIVERSARY OF THE MASSACRE OF ARMENIANS IN THE OTTOMAN EMPIRE

Mr. DIXON. Mr. President, for thousands of Armenian-Americans, today is a solemn day of remembrance for their relatives who died in a massacre of Armenians in the Ottoman Empire back in 1915. While the Senate has not adopted an official remembrance of this occasion, I think it is important that we do not forget the significance of this day in the hearts of many Armenian-Americans. Their memories are painful, their suffering great. What

happened to their grandparents and great grandparents is indisputable. They were murdered because of their ethnicity.

The United States has always stood against such violence and brutality. We, as a beacon of freedom for the rest of the world, have a special responsibility to remind ourselves, our children, and the world, of such atrocities, in the hope that they never happen again. The Massacre of Armenians must never be forgotten.

So I stand with my Armenian-American friends on this day in remembrance of the suffering and tragedy that has befallen their parents, friends, and relatives, and pledge never to forget how cruel mankind can be to one another, and work to prevent such atrocities from happening in the future.

I thank my colleagues.

COMMEMORATION OF THE ARMENIAN GENOCIDE

Mr. SEYMOUR. Mr. President, I rise today to join my distinguished colleagues in marking this anniversary of the tragic genocide of the Armenian people between the years 1915 and 1923. The Senate appropriately takes this time to face a past that if left distorted or buried in ambiguity, will most certainly haunt us again.

This past, remarkably, still leaves us in the 20th century—one that now ends with so much hope, but one that unfolded as perhaps the bloodiest in human history. The premeditated slaughter of the Armenian people as World War One began and the Ottoman Empire entered its twilight stands as an unvarnished fact. An overwhelming body of eyewitness and documented evidence can lead us to no other conclusion.

Yet despite the Senate's ratification of the International Convention against all forms of racial and cultural genocide several years ago, we have yet to pass a resolution establishing Armenian Martyrs Day. The International Convention wedded us to the noble idea that states cannot will the massacre of individuals as a result of the cultures into which they were born, the faith they profess, or the languages they speak.

It made us accountable to timeless principles much larger and more enduring than ourselves. And for the perseverance of these principles, the Armenian people were martyred.

In a 1985 speech, President Reagan reminded the U.N. General Assembly that—

The blood of each nation courses the American vein and feeds the spirit compelling us to involve ourselves in the fate of this good earth. There is no purpose more noble than for us to celebrate the miracle of life in this turbulent world.

In its own turbulent world 77 years ago, Mr. President, the Armenian na-

tion strived mightily to protect this miracle of life only to see it swallowed by the horror of genocide. We can redeem the suffering of these victims with an honest accounting of their agony. Let us therefore expeditiously adopt a simple resolution commemorating the dark but undeniable events of this day.

COMMEMORATE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. DOLE. Mr. President, last Friday, April 24—when the Senate was in recess—marked the 77th anniversary of the Armenian genocide. Between the years 1915-23, approximately 1½ million Armenians perished as a result of the brutal policies of the Ottoman Empire. Although the term genocide was not coined until years later, it is sadly the only accurate word to describe the terrible series of events that left a residual Armenian population of only about 100,000 in that region.

Sadly, this body has never mustered the moral courage and conviction to deal straightforwardly with Armenian genocide. Political pressure, no-holds-barred lobbying, and the expenditure of hundreds of thousands of dollars have prevented the Senate from passing an appropriate commemorative resolution.

But those of us who are willing to look history in the eye, and who see the danger of closing our eyes and hearts to the truth of the tragedy which took place, will not cease in our efforts to remember what happened. So this year, as in the past, I believe it is both right and essential to remember this terrible tragedy. Only in that way can we help ensure that these horrible events will never again take place.

Mr. President, while we have not passed a resolution, our past debate has not only benefited the Senate but has also brought a greater awareness to the American public about these events. Meanwhile, the mounting body of scholarly work on this issue has continued to remove any remaining skepticism about the fact of this tragedy.

Only one party continues to insist it all never happened—the Government of Turkey. I have made it clear in every statement I have made that no responsibility for the history of the genocide rests with either the Turkish people or their modern-day government. We have offered to amend and rewrite our resolution to underscore that point. But Ankara has not budged.

That is too bad, for Turkey would only enhance its own image by acknowledging these sad moments in history. That is a tragedy, because we will never be able to put the genocide issue to rest until all interested parties reach a common understanding of the past, and a common agreement to go forward into the future on the basis of an honest rendering of history.

As the Desert Storm war again demonstrated, Turkey is an important friend and partner to the United States, and we highly value our friendship with the Turkish Government and people. That friendship would not suffer from—and, in fact, could only be strengthened by—coming to terms with the past.

This 77th anniversary of the genocide comes at a time of rapid change for Armenia. With the dissolution of the Soviet Union, the newly independent Armenian state is taking bold steps to pursue democracy and a free market economy. Armenia and the other republics of the former Soviet Union are looking toward new relationships with their neighbors.

If ever the time was ripe for Armenia and Turkey to lay down their historic enmities and try to forge a new future of friendship and cooperation, that time is now.

I am convinced the Armenian Government, under the courageous leadership of President Ter Petrossian, is ready to make that attempt.

Judging by their clear commitment to democracy at home, and their warm relationship with us, I believe the Turkish Government and people are willing to try, too.

We cannot allow history to dictate our lives. But neither can we forget history, nor turn our backs on the truth. Let all of us, even as we remember the tragic events of the past, rededicate ourselves to making sure it never happens again; and to working together for the mutual benefit of all.

IN MEMORY OF THE PEOPLE OF ARMENIA

Mr. LIEBERMAN. Mr. President, I rise today to take note of one of this century's great tragedies: the death of over 1.5 million Armenians and their exile from their homeland.

The Armenian genocide, like the Nazi Holocaust, the liquidation of the kulaks in Ukraine and throughout Russia by Stalin, the killing fields of Cambodia, and more recently, the slaughter of the Kurds in Iraq are examples of the horrors that have befallen ethnic groups during this century. What can we learn from these tragedies? The first and in some ways most important step is to recognize the horror, to admit that a tragedy occurred, and that is what we are doing today.

The horror that befell the Armenian people came about during the collapse of the Ottoman Empire. The rule of law, such as it was, ceased to exist as the empire crumbled. The victims of this chaos were the Armenian people. We have a similar situation taking place in the former Soviet Union, where the implosion of the Soviet Union has created a crisis in Armenia and Nagorno-Karabagh. And although history seems to be repeating itself be-

fore our very eyes, it is not too late for us to learn from the lessons of the past and stop the bloodshed in Karabagh.

I have written to Secretary of State Baker, asking him to call for U.N. involvement in Nagorno-Karabagh to bring an end to this tragedy. U.N. special envoy, Cyrus Vance, has already gone to Karabagh to try and solve the situation. We need to push the U.N. to continue its efforts to help the suffering people of Nagorno-Karabagh.

In that same letter, I suggested to the Secretary of State that we not extend full diplomatic recognition to the Government of Azerbaijan, if it is unwilling to negotiate in good faith a peaceful settlement to this problem. We must make certain that the Azeri Government understands that there will be a consequence to further support of bloodshed in the region.

We should also look to the CSCE as a possible mediator in Nagorno-Karabagh. At a recent CSCE meeting, the Dutch suggested that we create a high commissioner on minorities, similar to the High Commissioner on Refugees. Another possibility might be to establish CSCE human rights offices in Nagorno-Karabagh and elsewhere in the CIS and Eastern Europe in order to give minority groups a place to take their grievances.

We must do whatever we can to stop the killing in Karabagh. We must use all available resources to see that the tragedy that befell Armenians in the first part of this century is not repeated as the century comes to a close. Helping to end the violence in the region would be a fitting tribute to the memory of all the Armenians who have given their lives for their nation and their heritage.

THE 77TH ANNIVERSARY OF ARMENIAN GENOCIDE

Mr. RIEGLE. Mr. President, April 29 commemorates the 77th anniversary of the genocide suffered by the Armenian people. The struggle of Armenians for human rights and independence demands not only our sympathy and respect, but that of the entire world. It is with that thought in mind that we set aside April 29 as a tribute to Armenians and their descendants.

Between 1915 and 1923, 1.5 million Armenian citizens were killed by the Ottoman Empire in its brutal drive to end the Armenian quest for independence. Early in the First World War, the Ottoman drive to dominate the Armenian people eliminated almost half of the world's Armenian population. Battered and powerless, the Armenians were deported from cities and towns throughout Turkey and Asia Minor. Left without any alternative, countless Armenians died as they fled throughout the deserts of present day Syria and Iraq to escape the unbearable oppression.

After World War I, Armenia's hopes grew brighter. A makeshift Armenian army had marshaled considerable strength by 1918 and defeated the Turkish invaders. Following this momentous triumph, Armenia declared itself a free and independent state on May 28, 1918. Both the Soviet Union and Turkey initially pledged to honor the new state; nevertheless, both invaded Armenia in late 1918. Eastern Armenia was transformed into the Armenian Soviet Socialist Republic and Turkish forces once again extended their terror over Armenia's western half.

Despite overwhelming evidence of the deaths of more than 1 million Armenians, between 1915 and 1923, however, the world has yet to acknowledge the deliberate atrocities perpetrated against the Armenian people. Hundreds of thousands of Armenians were massacred or died of famine or disease during those 8 years, in a savage effort to stop their drive to recreate their historic nation.

In the continuing effort to deny the tragic facts of the Armenian genocide, many reject the testimony of numerous survivors and observers. But, there is no threat to our future as great as denying the past. Not to acknowledge the breadth of the pain inflicted on the Armenian people is an offense, not only against the victims of that genocide, but also to the survivors. The U.S. Government must be clear. As a party to the U.N. Convention on the Prevention and Punishment of Genocide, we must align ourselves with truth and publicly recognize what happened.

It is important to note that we do not condemn the present Government of Turkey and the Turkish people for past actions. In fact, the current Government of Turkey was not even established at the time of the genocide. This effort merely seeks to commemorate the Armenian people and their steadfast courage in the face of suffering.

I am proud to say that America's sole Armenian research and publishing center calls the State of Michigan home along with some 60,000 Armenians. Not only does the center educate Americans about the close historic ties between America and Armenia, but it seeks to preserve Armenian culture and remind the world of the horrors of the genocide.

Tyrants like Adolf Hitler and the leaders of the Ottoman Empire should never be forgotten. Moreover, the victims of these despots, the Jewish people and the Armenians, should not be the only ones to recollect these gross atrocities. If the United States wants to be true to its high moral standards, it should always be mindful of these global tragedies.

Given the recent events in the Soviet Union, now more than ever is the time to honor the Armenian people. At long last they have realized their goal of an independent, peaceful Armenian state.

Acknowledging Soviet law, Armenia followed a smooth, legal secession from the Soviet Union. It held a referendum on September 21, 1991, in which an overwhelming percentage of the population expressed their desire for independence. The tale of the Armenian people in the end will be one of triumph, one that saw them rise from the depths of oppression to the height of independence.

ARMENIAN GENOCIDE

Mr. SIMON. Mr. President, we pause today to commemorate the 77th anniversary of the Armenian genocide. Today, more than ever, it is vital that we remember the atrocities committed against the Armenian people by the Ottoman government between 1915 and 1923, resulting in the deaths of some 1.5 million Armenians.

We commemorate this event to acknowledge what happened, in order to prevent future genocides. We acknowledge this tragedy for this reason, not to point fingers or to breed ethnic conflict. Martin Niemoller's reflection on the Holocaust is worth repeating here:

*** they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

Let us not ignore history. It is essential that our government and the international community work for peace and justice where human rights are being abused and wars are being fought. In remembering the suffering of the Armenians in those final years of the Ottoman Empire, we are telling the world that we know, in Martin Niemoller's words, how crucial it is to "speak up."

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. GLENN. Mr. President, I rise today to join my colleagues in commemorating the 77th anniversary of the Armenian genocide. It is most fitting that on this day we pause to remember the first, but regrettably not the last, genocide of the 20th century. On April 24, 1915 some 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and exiled or taken to the interior and executed. That began a reign of terror wherein, over the next 8 years, a million and a half Armenians perished and another half million fled their homeland. In a July 16 cable to the Secretary of State, Henry Morgenthau, U.S. Ambassador to the Ottoman Empire, reported "deportation of and excesses against peaceful Armenians is

increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion." Later Ambassador Morgenthau wrote "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

It is said that Adolf Hitler, when contemplating the "final solution" asked "Who remembers the Armenians?" Thus our purpose here today is more profound than simply recalling a tragic episode of history. It is to renew our resolve to do everything we can to ensure that the scourge of genocide is never again visited upon any people anywhere on this Earth. Genocide is the extermination of people simply because of their national or racial group. Regrettably, the Armenian tragedy was followed by the horrors of the Holocaust, the massacre of Cambodians, and very recently Saddam Hussein's brutal campaign against his own Kurdish population.

We cannot simply erase or ignore history's ugly chapters. Because our century has seen such horrors is, to me, not an argument for trying to forget, rather it compels us to remember. And in remembering we renew our vow, individually and as a nation and party to the Genocide Convention, to be vigilant against any further repetitions of this most horrific example of man's inhumanity to man.

In the words of Edmund Burke, "the only thing necessary for the triumph of evil is for good men to do nothing." In solidarity with the people of free Armenia and Armenian Americans across the country, and in memory of all victims of genocide, let us pledge that never again, through our indifference or inaction, will the horrors of genocide be visited upon any of our fellow men. We are poised to enter a new century, one already ripe with promise for better relations among men and among nations. Let it also be one where the ghastly aberration genocide disappears from the lexicon of human relations.

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. D'AMATO. Mr. President, today we commemorate a loss, a loss of 2 million human beings. While even today, Turkey refuses to acknowledge their guilt in this mass murder, the memory of this tragic event lives on. We must remember that it was Hitler who said, "who remembers the Armenians." Cambodia's Pol Pot thought the same. If we fail to memorialize the senseless slaughter of nearly 2 million human beings, we will doom others to the same fate.

When a young Jewish student, Yankel Rosenbaum, was chased down a street in Crown Heights by murderers yelling "kill the Jew, kill the Jew," he was doomed. When over a million Cambodians were herded out of the cities into the countryside, they were doomed. And when 1.5 million Armenians were deported and force marched into the desert, they were doomed.

Fortunately, Armenia is now a sovereign and independent republic, free of the yoke of Soviet Communist control. Armenia is free to decide her fate and to create a land where her children can grow to learn its heritage.

Yet, as we enter a world without the Soviet Union, we face an unsure existence where ethnic hostilities have been unleashed. Once such place is in the highly disputed region of Nagorno-Karabakh.

Armenians have been subjected to endless Azeri pogroms. Innocent women and children have been slaughtered at the hands of Azeri soldiers. Those who survive have been forced to endure a brutal territorial blockade depriving Armenians of food and vital energy sources.

The world must understand that Karabakh was, is, and always will be Armenian. And it is for that reason that I demand, let Karabakh go!

THE 77TH ANNIVERSARY OF THE ARMENIAN MASSACRE

Mr. DODD. Mr. President, I rise today to join with my colleagues in marking the 77th anniversary of the Armenian genocide of 1915. This horrifying massacre was the first instance of genocide in the history of the 20th century. Tragically—and in part because the world community failed to respond—it was not the last.

In the early part of World War I, the Ottoman Turkish Army, fearing disloyalty from its Armenian ranks during the struggle against Russia, began a prolonged campaign to segregate Armenian soldiers from the rest of the armed forces. On April 24, 1915, Turkish leaders decided on a more permanent settlement to the Armenian question. Two hundred Armenian religious, political, and intellectual leaders were arrested in Constantinople. Many of them were executed.

On May 27, 1915, the Armenian genocide was formally launched with the edict of deportation, which gave license to the murder of Armenian men and the forced march of women, children and the elderly to the Syrian desert. During the next 7 years, approximately 1.5 million Armenians were killed as a result of this policy.

Mr. President, our history is littered with examples where we have shortsightedly ignored the plight of an entire people, only to see events repeat themselves in another time and another place. Such is the case with the

Armenian massacre. It was the world's failure to forcefully condemn this appalling tragedy that led a man named Hitler to believe the slaughter of the Jews would also go unnoticed. The horrific genocide begun 17 years ago by the Khmer Rouge in Cambodia teaches us that, sadly, ethnic violence still finds a place in this world.

Today, the Armenian people face another challenge, one they will not possibly meet without the cooperation of the world community. In the tiny enclave of Nagorno-Karabakh, an Armenian-dominated region within the former Soviet Republic of Azerbaijan, 1,500 Armenians have died in ethnic conflict since 1988.

That conflict now is being waged with the most sophisticated of weaponry, including tanks, missiles, and heavy artillery. In the city of Stepanakert, where about 50,000 Armenians make their home, heavy shelling has brought destruction and fear to the innocent civilians living there.

Mr. President, the United States and the international community must not ignore the plight of Armenians in Nagorno-Karabakh. The resolution of this bloody conflict will take a concerted effort on the part of the United Nations, the surrounding nations, and the Conference on Security and Cooperation in Europe. On this anniversary of the Armenian massacre, we would do well to contemplate the lesson of that tragic episode in history.

THE ARMENIAN GENOCIDE AND ETHNIC CONFLICT

Mr. MOYNIHAN. Mr. President, I rise today to note that this day has been designated a day of remembrance for the victims of one of the greatest tragedies of a brutal century. During the final years of Ottoman rule some 1.5 million ethnic Armenians were killed and several hundred thousand Armenians were deported. The U.S. Ambassador at the time, Henry Morgenthau, wrote: "I am confident that the whole history of the human race contains no such horrible episode as this."

This horrible event is perhaps more relevant today than we would like to admit. With the end of the cold war, ethnic conflict has exploded around the globe. It tore apart the Soviet Union, is tearing apart Yugoslavia, and will rip asunder many more multiethnic states. How the world community confronts this phenomenon will decide whether there are still more tragedies as that which befell the Armenian community. Now, more than ever, it is important to remember.

COMMEMORATION OF THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. JEFFORDS. Mr. President, today, we mark the 77th anniversary of

the Armenian genocide. Remembering this tragedy is essential for many reasons. First and foremost, we must honor those who died. Those who died so violently, in an absence of justice, must be remembered now; we honor them in death in recompense for the dishonorable way they were treated in life.

Yet, those who died so cruelly need not also have died in vain. As we gaze across Europe today, we see a continent in upheaval. Commemorating the Armenian genocide reminds all of us that the human heart—all human hearts—is both a heart of darkness and a heart of light. In times of transition and conflict, the best protection against new atrocities is the remembrance of old ones and the recognition that no one, no nation is immune from either the effects of evil or its perpetration. When we remember this, we can guard against darkness and choose to turn toward light. As new nations emerge in Europe, the hope of freedom and prosperity stands side by side with the fear that old animosities will lead to bloodshed. Let the remembrance of the Armenian genocide be an impetus to patience, respect for human life, and the peaceful resolution of conflicts.

In April, I had the privilege of visiting Armenia. At last Armenia is independent again, free to govern its affairs and to establish its place in the new world order. The problems for any new state are great, yet the upheaval in Europe can also be an opportunity for reconciliation. As we commemorate the 77th anniversary of the Armenian genocide, I urge Armenia and its neighbors to find a way to come to terms with the past so that the future can be one of cooperation and peace.

COMMEMORATING THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. PELL. Mr. President, each April, Armenians worldwide commemorate the anniversary of the genocide that took the lives of an estimated 1.5 million Armenians from 1915 through 1923. The actual day of remembrance, April 24, occurred during the Senate recess. On that day in 1915, the Ottoman campaign against the Armenian people began in earnest when hundreds of Armenian community leaders were arrested and killed. For the next 8 years, the empire's rulers pursued a deliberate campaign based upon religious, political, and cultural intolerance, to eliminate the Armenian people through deportation and death.

This year, the day of remembrance has special significance because after decades of Soviet rule, Armenia is now a free and independent country. Regrettably, however, many Armenians—both in Armenia and the enclave of Nagorno-Karabagh—are suffering because of the ongoing conflict in the re-

gion. As Armenia embarks upon its independent course, and as attempts are made to end the bitter ethnic fight with Azerbaijan, I believe it is important to commemorate what happened to the Armenian population at the beginning of this century.

I visited Armenia for the first time in January. During that trip, I met with the country's new political leaders, with Armenian refugees from violence in Baku, and with survivors of the 1988 earthquake that leveled the city of Gumry. I was impressed by the commitment of the Armenian leadership to reform their country, and indeed, their eagerness to learn more about the United States political and economic model. I was truly saddened to learn that in Armenia, a country of nearly 3.3 million, 700,000 people are without permanent housing. I was horrified by the accounts of the brutality and violence that the refugees suffered. These incidents take on a deeper meaning in light of the genocide commemoration. It is a reminder that we cannot remain silent.

Mr. President, despite a long history of tragedy and persecution, the Armenian people possess moral strength, resilience, and a proud spirit. We join in this remembrance with American citizens of Armenian descent, whose ancestors became the victims of the first genocide of the 20th century. These crimes against humanity must never, and should never, be forgotten.

TRIBUTE TO LT. GEN. AUGUST M. CIANCIOLO

Mr. HEFLIN. Mr. President, I rise today to pay tribute to the life and career of my friend Lt. Gen. August M. Cianciolo, Military Deputy to the Assistant Secretary of the Army for Research, Development, and Acquisition. General Cianciolo's retirement from the Army is effective April 29.

In his capacity as Military Deputy, General Cianciolo supported the Assistant Secretary through decision recommendations for the Army acquisition function. He also served as chairman of the Preliminary Army Systems Acquisition Review Committee and supervised the program executive officer system. Some of my colleagues know him as the principal military witness for congressional RDA appropriations. The general held this position during a difficult period of transition, and none can deny that he represented the Army fairly, always keeping the interests of his country at the forefront of any duties he carried out or responsibilities he shouldered.

I first came to know General Cianciolo during his tenure as commander of the U.S. Army Missile Command at Redstone Arsenal, AL. Prior to becoming MICOM's commanding officer, he had been its project manager for the multiple-launch rocket system,

which proved itself so effective during Desert Storm. While at MICOM, the general quickly earned the admiration and trust of the Huntsville community, and we all wish he had chosen to make this vibrant city his permanent residence upon his departure from the Army.

In addition to his outstanding work at Redstone Arsenal, General Cianciolo served as deputy commanding general for research, development, and acquisition at the Army Materiel Command. He has held several other important positions, including deputy for systems management; deputy director of materiel, plans, and programs; deputy director of weapons systems within the Office of the Deputy Chief of Staff for RDA; and project manager for the Standoff Target Acquisition/Attack System at Fort Monmouth.

General Cianciolo has received numerous awards, honors, and decorations during his illustrious Army career. He is a recipient of the Distinguished Service Medal; the Bronze Star with "V" Device and two Oak Leaf Clusters; the Meritorious Service Medal with one Oak Leaf Cluster; various Air Medals; the Army Commendation Medal with two Oak Leaf Clusters; and the Master Army Aviator Badge. Clearly, General Cianciolo has been the consummate soldier.

I commend and congratulate Lt. Gen. August M. Cianciolo on his impeccable career with the U.S. Army, and wish him and his wife all the best for a happy and healthy civilian life.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at \$3,880,780,348,260.21, as of the close of business on Monday, April 27, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or \$785 million every day.

On a per capita basis, every man, woman and child owes \$15,108.60—thanks to the big-spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to \$1,127.85 per year for each man, woman and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to \$4,511.40 per year.

What would America be like today if there had been a Congress that had the

courage and the integrity to operate on a balanced budget?

A GUN FOR ALL SEASONS

Mr. MOYNIHAN. Mr. President, today I rise to draw my colleagues' attention to an article in this morning's Washington Post. It tells of the widespread criminal use of the 9-millimeter pistol, a gun that is turning our streets into another Vietnam.

In seconds, a "nine," as they are known by teenagers who carry them, can fire 15 rounds. Just as quickly, the empty magazine can be removed and another one inserted loaded with 15 more 9mm bullets. Pathologists, surgeons, and police say they see victims riddled with bullets fired from these guns. More bullets do more damage: Whereas assaults with firearms in the District of Columbia have dropped, the number of fatalities continues to rise.

The crisis has taken on ominous proportions. Nine millimeter guns have become the most common weapon among street criminals in our Nation's Capital. Our police have become outgunned, and so some departments have turned to the Glock 9mm and similar guns to keep pace. But it is a losing battle to keep rearming our law enforcement officers with progressively deadlier guns to match those used by criminals. What we need instead is a way to diminish the epidemic of violence.

On January 14, 1991, I introduced S. 51, a bill to ban the importation, manufacture and transfer of .25- and .32-caliber and 9-millimeter ammunition. I support other methods of restricting the access of criminals to guns—the Brady bill, for example, which would mandate a national waiting period for the purchase of handguns. But it is the bullets that do the killing. Why not restrict access to the ammunition, and especially rounds like the 9mm associated disproportionately with crime? And why not restrict the size of magazines to curb spray of bullets from these semiautomatics? I urge my colleagues to cosponsor S. 51, and ask unanimous consent that the full text of the Washington Post article appear at this point in the RECORD.

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

[From the Washington Post, Apr. 29, 1992]

A GUN FOR ALL SEASONS—9MM PISTOLS SPAWN HIGH-TECH VIOLENCE

(By Pierre Thomas)

The number of gun assaults in the District of Columbia was down last year but the number of deaths rose, as did the number of bullets in the bodies of gunshot victims. Five years ago, it was one or two. Today, it's often eight to 10.

One reason is the easily handled and terribly lethal weapon produced daily by firearms manufacturers in the United States and over the world.

Its generic name is the 9-mm semiautomatic pistol, and it is the gun that has sup-

planted the .38 revolver as the preferred weapon among D.C. criminals and thus dramatically changed the local crime scene.

The "nine," as it is known on the street, is often small enough to fit in a coat pocket, yet potent enough to fire 15 staccato rounds without reloading. When reloading is necessary, a new magazine can be inserted in seconds.

Some models spray so many bullets that aim is irrelevant.

"Right now, the nine millimeter is the weapon the bad guy wants to have in his waistband," said David Troy, who heads the Washington field office of the Bureau of Alcohol, Tobacco and Firearms. "Your chances of killing with it are enhanced."

Last year, of the 102 homicide weapons confiscated by D.C. police, one out of three was a 9mm, by far the largest single category of handgun, according to federal agents. When ATF traced 845 confiscated firearms in the District during an eight-month stretch beginning in March last year, 202 were 9mms, more than any other type.

The advent of the 9mm and other semiautomatics, which make up the majority of guns seized in the District, has taxed the city's emergency medical system as never before because gunshot victims routinely sustain multiple bullet wounds.

Take David Washington, the 150th homicide victim in 1991, the bloodiest year in the city's history. One bullet from a 9mm knocked Washington, 26, out of a living room chair on Benning Road SE. Another slug ripped through his right ear, searing his brain. Still another went through his lip, knocking out teeth, while a third pierced his face, fracturing his jaw.

In all, 18 bullets riddled Washington's body during the attack last April, which officials said was the result of a drug dispute. The 9mm weapon produced so many bullet wounds it took the medical examiner eight pages to detail them in an autopsy report.

Police, forced to upgrade their handguns from revolvers to 9mms to counter the increased criminal firepower, also have seen their duties multiply in canvassing crime scenes involving 9mm attacks. Up and down city streets, police must patrol an expanded area to pick up spent bullet casings, check for damaged cars and make sure bystanders were not injured in the gunfire.

"Kids and criminals on the street know the power of a firearm," said D.C. Police Chief Isaac Fulwood Jr. "A firearm is an equalizer. They [the criminals] drove us to go to nine millimeters. We were recovering so many."

The 9mm and guns like it have "left a wide trail of devastation," said U.S. Attorney Jay B. Stephens.

This year, the mayhem caused by 9mms began on New Year's Day when 14-year-old Ricco P. Neal became the city's first homicide victim of 1992 after he and two other persons were sprayed in front of his house by 9mm bullets. A few weeks later, a card game played in a private hall on 14th Street in Northwest Washington was interrupted by the unmistakable popping of gunfire. A man was shot six times. Several 9mm shells littered the floor around the card table.

"It's scary," said Marie-Lydie Y. Pierre-Louis, a city medical examiner. "You almost don't want to acknowledge it."

The country found out last October what one man armed with two 9mm pistols could do in a few minutes: In Luby's Cafeteria in Killeen, Tex., 23 people were killed, 17 wounded.

Many criminals are riding around the District with the same firepower or more.

Flat and L-shaped, many 9mms have streamlined handles designed to fit more comfortably in the web of the hand. Unlike some of the larger, more rounded revolvers that bulge in a pocket, most 9mms are easily concealable and may be tucked in the small of the back or an underarm holster.

The weapons, which weigh between 2 and 3 pounds, retail from \$139 for the single-action Stallard JS-9mm with an eight-round magazine to \$1,900 for the more streamlined Sig P-210-6 imported from Switzerland, according to Gun Digest. In the District, they are purchased off the street illegally.

The primary advantages, gun experts say, is their ease of operation, increased firepower and reduced recoil. The typical .38-caliber revolver, the once-dominant form of handgun, holds six rounds. Many models of the 9mm can hold 14 or more bullets, and extended magazines can easily double the shooting capacity of some models.

The bullets are lodged in a compact magazine that may be inserted into and ejected from the butt of the weapon, as quickly and easily as the beaters slip in and out of an electric mixer.

"With a revolver, you have to open it, eject the shells, fill the holes, and close the gun before you can fire," said ATF spokesman Jack Killorin. "With a nine millimeter you push a button, the [empty] clip falls out and you slap another [loaded magazine] in."

Popular models of the 9mm include an American-made version by Smith & Western and the Beretta, many of which are assembled in a Prince George's County facility opened by the Italian firm in the late 1970s, and is now the standard sidearm of the U.S. military. Others are imported from Spain, Brazil, Germany, Austria and elsewhere. The 9mm is the official sidearm of NATO forces.

Newer versions of the 9mm were introduced in the mid-1980s, when police and military demand skyrocketed. The 9mm category also includes the Tec-9 and Uzi pistols, longer, bulkier weapons that can fire up to 32 rounds without reloading.

The 9mm is popular partly because it received "legitimacy" through its use by the American and European military, said Christopher Dolnack, a spokesman for Smith & Western.

"Criminals aren't our customers," Dolnack said. "I don't know what can be done. . . . We certainly as a manufacturer wish that our products weren't used for illegal purposes."

The growth of 9mms and semiautomatics over the last five years parallels the city's escalating homicide rate.

The number of semiautomatic pistols confiscated by D.C. police and other agencies roughly has tripled since 1986, from 485 to more than 1,500 last year. During the same period, homicides more than doubled from 194 to 489, a fact that police and health officials attribute partly to the emergence of high-capacity weapons such as the 9mm and the birth of the violent crack cocaine trade.

"The crack . . . the semiautomatic weapons," said Lt. Charles Bailey, who oversees the District police department's crime scene technicians. "It's an explosive combination."

For the criminal, the 9mm has become a common tool in the increasingly deadly street wars. In the District, where handgun sales and possession are banned, the 9mms are easy to get through a multimillion dollar black-market trade that relies heavily on smuggling from gun stores in neighboring Virginia and Maryland.

"I carried the gun [a Browning 9mm] because I was into the drug scene," said Je-

rome Donelson, 31, who is serving time at the D.C. corrections facility in Lorton for second-degree murder. "If you get into a situation, you want the best firepower, something that will get you out of that corner."

Shayhid Turner-Bey, 30, who is serving a 15-year-to-life sentence for second-degree murder, said he felt "safer with a 9. They [9mms] have extensive ammunition. . . . You might have more than one person that you have to shoot."

Bey bought his gun in Maryland from an acquaintance. Donelson received his in the District as a "gift."

"It seems like everybody has them [9mms]," Bailey said. Guns and drugs are usually intertwined, he said.

Convicted armed robber Darrell Smith says he developed a profitable business selling 9mms. One weekend in 1983, he said he was approached by men from Norfolk, who offered a 9mm in exchange for \$200 worth of cocaine.

"They came back eight weeks in a row" and Smith bartered for about 25 9mms," he said. Smith is now serving a 12-years-to-life sentence for armed robbery, a crime he committed with a 9mm.

No one knows better the deadly power of the 9mm than the emergency medical workers who treat the wounds.

Today's gunshot wounds are "similar to that of Vietnam, war, the battlefield," said Fire Department spokesman Theodore O. Holmes, a battalion chief.

In emergency rooms, more specialists are required, straining the staff. Marvin Barnard, director of D.C. General's emergency care center, routinely fields a team of neurosurgeons, cardiovascular surgeons and others to meet arriving gunshot victims.

The public never realizes the damage a bullet can do, said Edward Cornwell III, a Howard University Hospital emergency room doctor. The bullet is hot and tends not to go in a straight line but to tumble, bouncing around, tearing and fracturing organs and bones, he said.

The people shot more than twice "don't usually make it to us," he said. They die before getting to the hospital.

The gunshot victims wheeled into the medical examiner's office at 1900 Massachusetts Ave. SE now require much more work than in the past.

"The main thing is that there are more bullets to do more damage," said Joye M. Carter, the city's chief medical examiner.

Vincent E. Hill, a medical examiner, said that while doctors are not firearms experts, they clearly see the evidence of more potent guns such as the 9mm.

"Sometimes, more than one bullet has gone through the same hole," Hill said.

Doctors are left to console the grieving survivors. Hill recalled one grandmother who could not grasp how "somebody could shoot her grandson 15 times."

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Texas.

EXTENSION OF MORNING BUSINESS

Mr. BENTSEN. Mr. President, I ask unanimous consent that morning business be extended until the conclusion of my remarks.

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

THE TIME FOR CAMPAIGN REFORM

Mr. BENTSEN. Mr. President, this should be the last step toward the enactment of a long-delayed reform of our laws governing congressional elections. It has been 6 years since the Senate signaled its interest in the Boren-Goldwater reform proposals; 4 years since we surrendered to the Republican filibusters which blocked action in the 100th Congress; 2 years since we adjourned without reconciling House and Senate bills, and 1 year since the Senate passed S. 3.

Unfortunately, however, the President has already indicated his intention, to veto this very important bill. We have reached the point when we could change the current discredited system and slow down that money chase. But it looks like we will have to regroup to fight another day.

Mr. President, we need this legislation. Campaigns cost too much and they require too much time for fundraising. We need to devalue the dollar's dominant role in politics so that elections can focus on the more relevant issues of accomplishments, character, and policy choices.

Most of us in this Chamber are quite successful at politics. We have learned the existing rules. We played by them and we have won. That does not mean we like all those rules, or that we cannot set better ones.

I support this conference report, as I have supported many significant campaign reform bills in the past, because I believe we need to change those rules, especially by limiting the costs of campaigns and also the role of special interest money.

The money chase dominates our campaigns today. You spend your time on the telephone calling around the country, visiting States other than your own, and then repeatedly calling on your friends in your own State. A candidate needs several million dollars to be competitive in big States. It means we spend our days, our nights and our weekends trying to raise the necessary money from legitimate sources.

If you read those press accounts about our FEC filings, you might conclude that raising money is easy for me. I cannot deny that I have been successful. But I assure you it was not easy. And for all of us, the more time we have to spend on fundraising, the less time we have to discuss and work on the issues that are of importance and concern to this country of ours and

trying to get it turned around, get it back to growing again.

Mr. President, this is not a perfect bill. Hardly any compromise is perfect. For example, I am troubled that the conferees weakened the Senate amendment attempting to limit the participation of foreign nationals. I know the hoard of lobbyists—from when I worked on this before—that have been turned loose to try to see that that is not done. What they have been able to do to campaigns in this country is far beyond anything we have ever tried in any of their countries. They would be terribly affronted by it.

I regret that requirement for certification that no foreigners were involved in PAC operations was deleted in the conference.

I am also a reluctant supporter of the partial, last resort public financing of Senate campaigns provided by this bill. I believe we should go further in reform. But I remain a supporter because I am tired of the double whammy that hits us under the current system which forces us to ask for vast sums of money in a State like Pennsylvania or Texas and then subjects us to criticism for taking it.

This bill provides voluntary spending limits on campaigns. In case of the U.S. Senate election in Texas, the limit would be \$6.2 million. That is approximately two-thirds the amount spent by the most recent successful candidate. That continues to escalate. And if you extrapolate it into the future, it would be an enormous amount of money. The bill also limits the influence of political action committees both by slashing their maximum contribution, cutting it in half, and by forbidding Senate candidates from deriving more than one-fifth of their war chest in PAC's.

I have not taken a PAC contribution since the 1988 campaign. I decided I was better off.

It also provides tough limits on bundling and soft money as well as tighter restrictions on independent expenditures, all useful reforms but long overdue.

Mr. President, Congress has fallen in public esteem over the last few months. Some of the criticism has been quite justified, but a lot has been based on insignificant or really irrelevant matters. I know and you know that the vast majority of the men and women in this body and the other body are honest, sincere people trying to do what is right for their country, hoping they will be able to make a difference, and the outcome of that is debatable, as it should be, but the focus as always is on the aberration.

Whether we are talking about doctors or lawyers, dentists, laborers, there are always a few goats in the crop and those are the ones who make the evening news. The problem you are running into is the visual pounding of that night after night finally is accept-

ed as a generalization of the institution, and that is what has given me great concern, because as people lose confidence in these institutions, democracy is threatened as people quit voting.

I believe we can do much to reestablish confidence in our political process and in this institution. The reforms in this piece of legislation are a step along the way. I strongly hope that the President of the United States changes his mind about this place of legislation and helps us put it into law.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CAMPAIGN FINANCE REFORM

Mrs. KASSEBAUM. Mr. President, the bill that is before us for consideration on campaign finance reform contains many provisions that I could support. Foremost among these are the spending limits that would be applied to House and Senate election campaigns. I strongly believe that spending limits are an important and necessary reform in our campaign finance laws, and I commend the Senator from Oklahoma [Mr. BOREN], and others who have worked so hard to achieve this reform.

Unfortunately, this bill, Mr. President, suffers from a fundamental defect in my view and that is its provisions for taxpayer financing of congressional campaigns. I am strongly and flatly opposed to public funding of campaigns, and therefore oppose this bill.

I think we can see what has happened with public funding for campaigns with the Presidential campaigns. It was believed when that initiative was passed into law that public funding would be provided by those who would check off on their tax returns that they wished to participate, and it has continually and steadily declined. My opposition to public financing is based partially on the fact that we should not be creating a new entitlement program at a time of continuing high deficits, and clearly I think we would end up paying for these out of general revenue moneys.

We should particularly not create such a program without specifying the source of funding, as this bill would do.

Even more important to me, however, is the concern that this bill would repeat past mistakes by offering a reform that might only aggravate our present problems. Public financing could well lead to greater voter alienation from the process in and of itself and further weaken our political par-

ties. Nobody would feel they had a stake in the process, and it would further increase the barrier between candidates and voters.

Having the Federal Treasury write checks to every congressional candidate will do nothing to bring more people into the political process, and could well cause many people to be less involved and less concerned about our elections. Stopping or reducing the flow of special interest money is a good idea. Replacing it with taxpayer money I would suggest is a bad idea.

Unfortunately, this legislation stops well short of the Senate bill in addressing special-interest money. The Senate bill eliminates contributions by political action committees. This bill, the Congress report, merely reduces the PAC contributions to Senate candidates from \$5,000 to \$2,500, and it leaves PAC contributions to House candidates at \$5,000.

Provisions of this bill to limit use of franked mail by incumbents and to regulate or at least require disclosure of so-called soft money also are weaker than I would like to see them, and I believe were stronger in the original Senate bill.

Mr. President, I am aware that my support for spending limits and my opposition to public financing places me in a kind of constitutional limbo. According to the Supreme Court the two must be connected, though I am not certain the connection has to be made in this legislation would do it.

All of this convinces me that the first step toward real campaign finance reform is to adopt a constitutional amendment that allows Congress to pass meaningful limits on campaign spending without public financing.

I support the effort by the Senator from South Carolina [Mr. HOLLINGS] to pass such a constitutional amendment. And until, it seems to me, we take that step, I fear we will never be able to move forward with the reforms so clearly needed in the present system.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SENATE ELECTION ETHICS ACT—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. KERREY). The Senate will now resume

consideration of the conference report on S. 3, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany S. 3, a bill to amend the Federal Election Campaign Act of 1971, to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The Senate resumed consideration of the conference report.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, we resume consideration today of the conference report on S. 3, the campaign finance reform bill, which would bring about sweeping changes in the way elections are financed in this country, which we have been discussing on this floor over the past several hours, and indeed through the course of much of this year.

This institution is in trouble. We all recognize it. The public recognizes it. Never have the approval ratings for Congress as an institution, or for individual Members, been as low as they are now, since records have been kept in modern times. It is clear that changes need to be made. All of us know the reasons; all of us understand the situation.

The present system is absolutely tilted in favor of incumbents as opposed to challengers. As long as spending is allowed to run out of control, as long as spending is not limited, as long as we allow money to continue to flow into the political process of this country, that process will be distorted. The confidence that the people have in their own representatives will be shaken, because they will continue to wonder whether or not it is the special interest groups that are being represented by this institution, those with the money available to pour into election campaigns, or whether these institutions belong directly to the people themselves.

Mr. President, for example, was spending allowed to run out of control and without limitation in the last election cycle in the House of Representatives? The spending by House incumbents was eight times as high as those of challengers. In the Senate, it was three times as high, \$138 million raised and spent by incumbents versus \$51 million by challengers.

Mr. President, I will continue with this report in a moment. At this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BOREN. Mr. President, I yield to the distinguished President pro tempore, the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that I be recognized at 4:45 this afternoon, and that I may be recognized for 1½ hours beginning at 4:45 p.m.

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

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oklahoma. If there is any problem on the other side of the aisle—there is nobody on the floor at the moment representing the other side of the aisle—I will be glad to try to work something out.

I do not want to be interrupted in my statement. I want to make a speech in support of this legislation and, as I say, if there is a problem on the other side of the aisle, we can try to make some alterations.

Mr. BOREN. Mr. President, I thank my distinguished colleague from West Virginia. When the floor manager on the other side of the aisle does come to the floor, I will take up this matter with him. I think he will understand, as do I, that the distinguished President pro tempore has been one of the most active Members of the Senate on this subject. I know that he has other appointments between now and that period of time, and he does want to participate in this debate.

The Senator from West Virginia is one of the greatest scholars of the history of this institution. He has thought long and hard about this issue and has provided unparalleled leadership on this issue over the last several years, including the time he served as majority leader in the Senate. He put great emphasis on the adoption of campaign finance reform as one of his major goals during his time as majority leader. I value his participation in this debate and look forward to hearing his remarks. I will consult with the floor leader on the Republican side to see if there is any problem with that.

If there is we will be in touch then with the Senator from West Virginia if we have to make a modification. Otherwise that certainly meets with the approval on this side of the aisle for the Senator to speak during that period of time. I have had no other requests on this side of the aisle that would conflict with that particular time period, and I understand that the Senator wants to have that amount of time in order that he might fully develop his reasons for supporting this legislation.

So I thank him for his participation in this debate. I look forward to hearing his comments, and I will consult, as obviously we want to make sure that these agreements are also acceptable to those on the other side of the aisle. We will consult as soon as the floor manager on the other side of the aisle arrives on the floor.

Mr. BYRD. Mr. President, I thank my friend, the able and distinguished Senator from Oklahoma [Mr. BOREN].

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, just a moment ago I was indicating a reason why it is so crucial that we have campaign finance reform, why this is a step that simply cannot wait. I mentioned that the present system not only has too much money pouring into it, but the average cost of campaigns, the average cost of successfully competing and winning a seat to the Senate has gone from \$600,000 12 years ago, 14 years ago, to \$4 million in this last election cycle. Too much money is pouring into the system. There is too much time, effort, energy, focus and attention on raising money instead of solving the country's problems. There is too much of the emphasis in campaigns themselves on the candidate that can raise the most money as opposed to the candidate that has the best ideas for solving the problems of the Nation.

It is not only a matter of too much money coming into the system, it is also the fact the system is dependent more and more on money and the outcome of the election is dictated more and more by money and which candidate has the most money, that the system also is tilting in favor of incumbents against challengers. It gives incumbents a huge advantage.

The absence of spending limits is the greatest single advantage that an incumbent has over a challenger, and there is absolutely no way of leveling the playing field and giving challengers an equal chance in elections unless we somehow limit this runaway spending.

Incumbents are here, they are in office. They are occupying positions where they are making policies and helping to make decisions that affect the people of the United States and affect the various economic interest groups across the United States. And, therefore, it should not be surprising that those economic interest groups are most willing to give campaign contributions to the people that are already in position to either help them or hurt them as far as their economic interests are defined. That is why sitting House Members have been able to raise eight times as much as their challenges to run for reelection. That is why sitting Senators have been able to raise three times as much as their challengers to run for reelection.

In the last election cycle in 1990, sitting House Members raised \$148 million to run for reelection versus \$17.4 million for challengers. It does not matter whether they are Democrats or Republicans. Incumbents have been able to outraise challengers. In the Senate, sitting Senators raised \$138 million versus \$51 million for challengers.

Too much money is coming into the system. The fact that money is such an important factor in winning House elections means that incumbents have unfair advantage over challengers.

And, finally, the third part of the problem is that too much of the money is not coming from small contributors back home in the home State of the Congressman or Congresswoman or Senator involved. More and more of it is coming from special interest groups that have axes to grind, that have a narrow sight of issues and interests that they use in deciding how they give out campaign contributions.

And the political action committee contributions, by the way, are adding to this problem of an advantage for incumbents.

Even more than individuals, political action committees representing the special interests give to incumbents over challengers. In the last election cycle, political action committees gave \$16 to incumbents in the House for every \$1 they gave to challengers. In the Senate the rate was 4 to 1.

The bill attacks that problem. It puts in place spending limits. It would bring the spending under control and, in fact, had the spending limits in this bill been in place in the 1990 election, 82 percent of the incumbents running for reelection would have exceeded those spending limits.

So we can see quite obviously that this bill would have reduced the money chase, would have reduced the flow of money in politics had it been in place, had it already been enacted in the 1990 election. In addition, it would have reduced the amount of money that candidates could have received from political action committees, from PAC's, by 53 percent. It would have squeezed more than half of the special interest money out of the process.

So this is legislation that is badly needed. The system cries out for reform. How in the world can we expect people of this country to regain confidence in this institution, which should belong to them, not to those who have lobbyists representing them in Washington, DC, not to those special interest groups that are able to pour millions and hundreds of million of dollars into campaigns. This institution is meant to belong to all of the American people on an equal basis. It should be votes and it should be effort and it should be energy and it should be ideas and it should be qualifications that decide the outcome of American elections and not money, money, and money.

It has to be changed. It cries out for change. The problem is not getting better. The problem is getting worse.

For example, the cost of campaigns from the 1988 election cycle to the 1990 election cycle went up. Again, 1988 candidates spent \$1.30 per voter in terms of campaign expenditures. By 1990 it was \$1.70 per voter. The contributions of political action committees, special interest to incumbents, as I mentioned awhile ago, 16 to 1, for incumbents in the House in 1990. So far, in the 1992 election cycles, PAC's are giving 25

times as much to incumbents in the House as they are to challengers, and it has gone up from 4 to 1, to 15 to 1 in the Senate. So the problem is getting worse.

The number of federally registered PAC's is continuing to grow. In 1974 there were 600; in 1990 there were 4,200.

What about where the money is coming from? In 1974, 69 percent of those elected to the House of Representatives received half or more of their funds from political action committees. Nine percent got over half of all their total campaign contributions from political action committees special interest, many of them with no connection or little connection with the home State or district to the Member of Congress. That was in 1974, 9 percent got more than half their money not from the people back home, but from the PAC's and the special interest groups.

By 1990 that figure had risen to 55 percent, more than half of the Members of Congress were receiving more than half of their funds from the political action committees in the special interest groups.

Then we have the problem of soft money. That is money that is contributed for the purpose of trying to help Federal candidates for the House or the Senate, for example to win the elections, or the Presidential candidates win the election. But to get around the \$1,000 limit on how much individuals can give or the \$5,000 limit on PAC's, these groups and these individuals then give additional money to the State party organizations and to other entities to run generic advertising—vote Democratic, vote Republican—in the midst of Federal elections, and using other tactics to influence the elections so they can get around the spending limits so they can pour more money into the system. It is not enough we are pouring hundreds of millions of dollars already in the system, they want to pour hundreds of million dollars more. And they want to evade not only the kind of total spending limit that we have in terms of what parties can spend directly on Federal elections—so much cents per voter—they not only want to evade that, they want to evade the individual contributions limits of \$1,000 per individual or \$5,000 for a political action committee.

So, we have fundraisers. Last night we had another record fundraiser. I believe it was \$9 million was raised in one night in Washington, DC, last night. Money is being funneled to the State committees.

In 1991, a nonelection year, the national parties—and this is true of Democrats and Republicans alike, this is no claim on this side of the aisle that one party is more pure than the other when it comes to soft money—\$24 million of soft money, often called sewer money because it is unaccounted for, was poured into the system again

in 1991. The Republican National Committee raised \$3.3 million in soft money during January of 1992 alone. And we are already up to \$13.360 million raised by them in soft money since January 1, 1991.

So, we have too much money pouring in. We have too much money coming from special interest groups, we have too much money going to incumbents versus challengers, distorting the system making it almost impossible for new people with new ideas and qualifications to come into the public setting. And we have soft money, sewer money, getting around those modest limits that are in place.

Something has to be changed. S. 3 addresses all of these problems it puts in place spending limits. It puts in limits on the proportion of campaign contributions that can come from political action committees and special interests, and it does away with the soft money loophole. It says if you are going to contribute money to a State party, for example, or through some other mechanism for the purpose of influencing a Federal election, you fall under all of the limits in terms of how much you can contribute.

No more are we going to be able, if this bill becomes law, these fundraisers where people are giving \$100,000 each in soft money contributions to party committees around the country, to get around the limit that individuals can only give \$1,000 to a candidate.

And, until we do something we are not going to change the perception of Congress. Seventy-five percent of the public, in fact 80 percent in the Gallup poll last week, said they disapproved of the way Congress was doing its job. And 71 percent of the public said they thought that most Members of Congress were more interested in serving special interest groups than in serving the people.

Mr. President, that perception is not going to change unless we do something about it. And it is time for us to act. If we do not do something about it, who will? We are the people who have the votes in the U.S. Senate. Those 80 percent of the people out there who are disapproving of the job that we are doing, the 71 percent who say they believe Congress represents the special interests, there is only one way for them to get things changed and that is for us to vote to do it.

We are here. Our constituents have temporarily put us into these positions. These desks do not belong to us. Our seats in the U.S. Senate do not belong to us. They belong to the people, and we have a responsibility to the people to clean up this system. It is a rotten mess. We all know it. How long are we going to wait to do something about it? Nobody likes the system. The people do not like it because they believe that money now has more influence than the people themselves in the

political process. Nor do we like it either.

I do not know of a single Member of the Senate who likes the fact that he or she has to figure out how in the world to raise \$4 million, the average amount required to run a successful race for the U.S. Senate. That works out to \$13,000 a week every single week for 6 years, if you are going to figure out how to raise the amount of money the average campaign is going to cost.

Some people have said oh, well, Members do not really raise it every week for 6 years, they wait until the last 2 years to raise most of the money. If you wait for the last 2 years to raise most of the money you are going to have to sit down and figure out how you are going to raise \$44,000 a week every week for 2 years. However you figure it, it is a huge burden. There is no way in the world—whether you are talking about an incumbent or a challenger who has to sit down and try to figure out how to raise millions of dollars to run for election or to run for reelection—that person is not going to be influenced by the pressure of that burden placed upon them.

Members run all over the country. There are Members here trying to raise the money. There are Members here—it has actually happened—who have held their first fundraiser to either pay off the debt they have from their last election or to look forward to their next reelection campaign—new Members who have been elected to the Congress who have held their first fundraiser in Washington before they ever even cast their first vote on the floor of the House or Senate.

Mr. President, how long are we going to let this go on? You cannot raise all the money in most States, especially small States with economies going through a rough time. In most States you cannot raise \$4 million. So where do you go?

You have Members of the Senate or House from States—whether it is Oklahoma, or Kansas, or Idaho, you name it, Nebraska—in the middle of the country, bumping into each other in hotels in Boston and Los Angeles and Hollywood and Dallas and Chicago—you name it. They are going to the money centers of this country so they can raise the money instead of spending time back home, listening to their constituents, constituents who may not have money to give them a huge fundraiser.

But they have problems, that small business man or business woman on the Main Street of a small community—that farmer, that hardhat who has worked for 30 years for a company that is being restructured where people are being laid off, people who expected to live out their whole lives like their parents and grandparents before them, working for one company, thrown out of work now without health insurance

and worried about how they are going to educate their children. These are the people we ought to be talking to, instead of being off holding a fundraiser in a city not even in a place we represent.

And yet, where you have to raise \$4 million to run successfully for the U.S. Senate, you are not going to be here if you do not take the time to go to those places to raise that amount of money. Who feels good about that? Not this Senator. Nor do I know any other Senator, Democrat or Republican, who feels good about that.

And there you are in the middle of a busy day with a lot of pressure, running from one committee to another. We all know that is another problem we have with Congress—and we need to reorganize it—301 committees and subcommittees; the average Member of the U.S. Senate belonging to 14 committees and subcommittees. Most of them all seem to meet at the same time, at the same hour.

You are running around. Constituents come to see you, maybe 10 of them wind up in the waiting room waiting to see you, as I said yesterday, and you have to decide. I have 5 minutes before that next meeting where I have to be. Which one will I see, human nature being what it is, when your secretary says, one person out there is really well-connected. He or she could probably give a fundraiser for you and maybe raise \$100,000. And the person sitting next to him, they are pretty well off, husband and wife. They could give you a contribution for \$2,000 when you run for election. I am sorry, there are four others, school kids. Maybe one of them would have an idea when they grow up, and might make an enormous contribution to this country, maybe sit here himself or herself, someday. They could not contribute 25 cents to your campaign.

Here you are in the middle of trying to do your work and trying to raise \$4 million. Are you going to see the schoolchild, who needs to be reassured about his or her own system of government and what it is all about, if you have 5 minutes available? Are you going to see the unemployed steelworker, or the farmers who scraped together the last few dollars they had to get here to try to talk to you or a member of your staff about their problems? And you are worried about raising \$4 million for the next election and somebody is out there who might be able to put on an event to raise you \$100,000; who is going to get through that door for that 5 minutes?

And then we say we are shocked that the people have come to believe, 71 percent, that the institution serves special interests and not the people themselves.

Mr. President, until we stop it, until we stop the money chase, until we put limits on campaign spending and cam-

paign fundraising, we are not going to change the perception of the U.S. Senate. We are not going to feel better about ourselves and how we do our job. And we are not going to bring our people back together as one people and one community until we stop it.

How can we stop it? We can stop it by passing this bill. And the President of the United States can help us stop it by signing his name to this landmark campaign reform legislation.

There are those who say, we want campaign reform, yes. We would like to get lower advertising rates; maybe cut the cost of television in half. That is fine. So if you have \$10 million you can buy twice as many spots on TV than you did before. Because as long as you can raise an unlimited amount of money, if you cut the advertising costs all you are going to do is let people buy twice as much advertising. They are still going to spend the money. It is the rare candidate who raises the money who does not spend it, at least if he or she thinks they are in a close campaign.

Oh, yes, we will have some other areas in which we can reform the system. But the fact remains you cannot have real reform as long as you allow an unlimited amount of money to pour into the system, and as long as you burden the candidate with raising an unlimited amount of money to run his or her campaign.

Everyone is victimized. The public is victimized, the public interest is victimized, and the people who serve here, the people who came here because they wanted to do something for their country, and I think that is a vast majority, Mr. President, of the people who came to the Senate, they came here because they wanted to make a difference. They wanted to do something for their country. They did not come here because they wanted to spend their time, effort, and energy worrying about how to raise \$4 million to run for office.

Let us do something about it. We all know it. We all understand it. Let us have the political will and the political courage to do something about it, and let us do it before it is too late. It affects everything that comes here.

Look at our huge budget deficits. We are robbing from our children; we are robbing from the next generation. Look at our tax policy. Look at decisions we make on spending, continuing to give more and more benefits that we cannot afford and we know we cannot afford. Writing tax policies that favor those with more clout instead of writing tax policies that would cause us to make some short-term sacrifices to rebuild the ability of this country to compete in the international marketplace.

The savings rate in this country is a disgrace when by international standards we are not saving and reinvesting in new plant and equipment and ma-

chinery. How in the world are we going to compete with the Japanese, Germans, the French, the Italians or others coming into the world marketplace? We cannot.

Mr. President, can we be surprised that we are not coming together and finding a consensus on these important issues when the way we finance our campaigns more and more fragments the American people into small, tiny isolated interest groups? Political action committees do not look at the record of the distinguished Presiding Officer and say, we are going to view the entire record of that Senator based upon his honesty, his integrity, his vision, the ideas he has for this country.

If it is the bank political action committee, they are going to look at three or four votes, the three or four votes cast on banking this year and whether or not he supported the banks. Or if they are the agricultural PAC, they will look at it from the point of view of agriculture. Or if it is the securities industry or the S&L industry, or you name it, they are not going to look at the overall record of the Senator, they are going to give that \$5,000 based upon did you vote 80 or 90 or 100 percent of the time with our little group on our three or four votes this year.

When it comes time on the floor of the Senate to try to hammer out a consensus to get these budget deficits under control and to write a budget that will benefit all of us and undoubtedly call on all of us to make some sacrifice, maybe across the board, each of us doing our part, do you think it makes it easier when millions of dollars that we are dependent upon to run our campaigns is coming from groups that are judging us and handing us their money not based on the national interest but based on the interest of their little group on that particular big issue?

When we need unity in this country, the way we finance campaigns fragments this country and tears it apart and splinters it and makes it impossible for us to do our job.

Mr. President, this is not a Democratic problem and this is not a Republican problem. That is one of the other problems we have in this country today and this is one of the problems we have even in this Senate. Too often, we put on the party blinders and we try to decide what is good for this party or that party and we act like children on the playground—who is king of the mountain, who can score the most points against the other side? Can we score points against the Republicans today? Can they score points against us? We see it in our political elections.

The American people really do not care. There may be about 10 percent of the American people who are strong Democrats and they like it when Republicans get put down. There may be 10 percent of the American people who

are strong Republicans and they like it once in a while when Republicans kick the Democrats around.

But a good 80 percent of the people of this country, really I think it is 100 percent when it comes to critical issues, are sick and tired of all that. They want us to be grownups, not children on the playground. They want us to see if we can find out what is in the national interest, what should be done to help the country. They are not interested in helping the Democratic Party or Republican Party. They are interested in handing over a country that is better when they hand it on to their children than it was when it was given to them. They do not want us to play games. They want us to get together and want us to solve the problems. And this should be an area where we can reach common agreement.

Frankly, the only thing that has prevented us from reaching a common agreement so far is that there are some who have said it is a matter of ideology on their part, spending limits are wrong, and we cannot be for any campaign finance reform effort that has any limit on spending. If your problem is too much money coming into the system and too much money flowing in from special interest, if the problem is too much money, how can you solve the problem when you say we will not do anything about how much money is coming into the system?

Mr. President, as I said before, that is like saying, oh, yes, we deplore the disease. We hope the doctors will do research into how we can cure this disease, but we forbid you to cure the patient. Like the mother who said to her daughter one day, "You can go swimming. Yes, you can go swimming, but I forbid you to go near the water."

That is exactly what it is like. To say we can have campaign finance reform but do nothing to stop the money chase, to do nothing to limit the flow of hundreds of millions of dollars in all forms into the political process is simply saying we do not want to have campaign finance reform.

You can throw up smoke screens about other subjects. We all know the Supreme Court decision. The Supreme Court decision says for you to have spending limits, they have to be voluntary. You cannot just pass along and say here it is, every candidate will spend no more than x dollars.

The Supreme Court tells us we cannot do that. I happen to think the Supreme Court decision is wrong. Like it or not there is the Supreme Court decision.

So we have to craft a bill that gives enough incentives to candidates that they will accept spending limits on a voluntary basis. That is what we have had to do with this bill, and we are perfectly willing to work with those on the other side of the aisle, those who have other suggestions as to how we

can keep the cost of those incentives to the bare minimum. But virtually any cost is a bargain in terms of cleaning up the Government process and returning it back to the people and putting a limit on runaway spending. There are many people who are recognizing it on both sides of the aisle.

It was my privilege when Senator Goldwater, the Senator from Arizona, a person who is not a member of my party but a person for whom, since I was in college, I had enormous respect for and for his integrity, there is a person whether you agreed with him or did not—and as a Democrat I did not always agree with him—but whether you agreed with him or not, there was a person of morale courage and character. Barry Goldwater did not leave you in doubt about where he stood. It was a privilege for me to be able to work with him introducing some of the early legislation to try to stop this money chase in American politics.

It was a privilege for me to be able to work with people like John Stennis who for so many years served as the Senator from Mississippi in this body. I remember Senator Stennis with great emotion in his voice talked about the changes that he had seen in American politics. He said "When I came here it was the people back home who sent me. It was the people back home who decided whether or not I stayed. It was the people back home who, when they came into this building, they looked up with awe and felt it was theirs." And he said, "How I have seen the period of time in which more and more it does not seem to belong to anymore." It seems to belong to those people who can hold the \$9 million fundraisers like last night, in one night, or even for Senate candidates several-hundred-thousand-dollar fundraisers that can be held in one night.

As I have said, it is not really that the Members want it. It is not really that those Senators who have a half-million-dollar fundraiser in one night, for the most part I bet most of them go home—I know how I feel about it—you are relieved to have raised the money because you need the money to run a successful campaign as long as our system remains as it is. But you do not feel good about it. You do not feel good about having to raise it and how you have to raise it. We all know it needs to be changed.

It is not just Democrats. I was very pleased to read a release today:

Republican congressional alumni urge Bush to sign campaign finance reform. Sixteen former Senators and Representatives say bill would reinvigorate electoral competition and restore public trust in Government.

Sixteen Republican congressional alumni. I applaud them for speaking out because this bill was not written to favor Democrats or to hurt Republicans or vice versa.

I remember the first time that Senator Goldwater and I introduced our bill. Tuesday came, and on Tuesday's when we have our caucus luncheons and all Democrats go to one room and all Republicans go to another and have lunch together to discuss what is going on, they discussed our bill, the Goldwater-Boren bill.

I saw Barry Goldwater after the lunches broke up and he was shaking his head. It never took a lot to sort of get him down. I had never seen him look so agitated and kind of downcast. I am sure he saw the same look on my face. I said, "What happened, Barry?" He said, "Well, you wouldn't believe it." He said, "They closed the doors of the Republican caucus and they just beat me over the head for an hour and a half. They said, 'How in the world could you get tricked by Boren into co-sponsoring a bill introduced by the Democrats in the way to finance campaigns?'"

I said, "Well, Senator Goldwater, it is pretty amusing; I look as beaten up as you do because when the doors closed on our caucus my colleagues jumped on me and said, 'How could you have been so naive as to let Barry Goldwater sign you on to a bill that was a Republican plot to help the Republicans?'"

We agreed that it was just too bad that we could not have piped the sound of the two caucuses into each other's room so the Republicans could have heard those Democrats who were yelling about me being for a Republican bill, that this was all a Democratic plot. At least that was the way it was presented in the Republican Cloakroom.

That is one of the problems around here. We have to find a way to start trusting each other a little more and once in a while surprising everybody. I remember President Truman had a favorite quote from Mark Twain hanging in the Oval Office the whole time he was President of the United States and that quote from Mark Twain said, "Always do right. It will gratify some people and astonish the rest." It is time for us to start astonishing some people, start trusting each other as Democrats and Republicans, and work in the national interest.

I am very grateful to these 16 Republicans, and they are people of real stature in the Republican Party and in the life of the Nation; people like former Senator Gurney; former Senator McC. Mathias, with whom so many of us had the privilege of serving; former Senator Bob Stafford, known very well to all of us; Senator Hugh Scott, who was the Republican leader of the Senate for many, many years; distinguished Members on the Republican side from the House of Representatives: John Buchanan, Paul Findley, Gilbert Gude, and many many others; Newton Steers, Tom Railsback.

I want to read to you their letter, the letter from these 16 Republican alumni of the House and Senate. They are not running for office anymore. They are not worried about scoring political points for themselves. These are 16 people who happen to be Republicans, who served in the Congress of the United States, who love their country and have but one motivation at this point in time to speak out, and that is the good of the country.

Here is their letter. Here is the letter that these 16 signed, that letter to the President. I ask unanimous consent it be placed in the RECORD, including the signatures and names of all the 16 former Members of Congress who signed it.

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

APRIL 28, 1992.

HON. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: As Republican alumni of the Congress, we urge you to sign the comprehensive campaign finance reform legislation making its way to your desk this week. Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness and decency to our electoral process.

The public perceives that the current system isn't fair to taxpayers because special-interest campaign contributors get special treatment. And it isn't fair to voters because the overwhelming advantage incumbents have over challengers prevents competitive elections.

To address these problems, Congress has now passed comprehensive reform legislation which would establish voluntary spending limits, restrict special interest PAC contributions, provide partial public financing to credible candidates and end the "soft money" system that permits federally illegal contributions to be funnelled through state parties in order to influence federal elections.

We are aware that you have expressed concern over the use of public funds in congressional campaigns and the impact of spending limits on congressional challengers. We believe that the presidential public financing system has conferred enormous benefits on presidential politics since the Watergate era and that the public funding provisions in this reform legislation would inject an equally important source of "clean" money into today's congressional campaigns. Additionally, we are convinced that campaign spending must be brought under control and that challengers would be the principal beneficiaries of a level campaign playing field.

This legislation, while not perfect, would do much to reinvigorate electoral competition and restore public trust in government. We urge you to sign it into law when it reaches your desk.

Sincerely,

Sen. Edward J. Gurney, Sen. Charles McC. Mathias, Sen. Hugh Scott, Hon. Abner W. Sibal, Hon. John N. Erlenborn, Hon. Paul A. Fino, Hon. Robert P. Hanrahan, Hon. Ernest L. Konnyu, Hon. Thomas F. Railsback, Hon. Newton I. Steers, Sen. Robert T. Stafford, Hon. John H. Buchanan, Hon. Paul Findley, Hon. Gilbert Gude, Hon. Harry G.

Haskell, Hon. Richard W. Mallary, Hon. Charlotte T. Reid.

Mr. BOREN. I thank the Presiding Officer. I want to now read a portion of this letter from the 16 Republicans.

In addition, as I indicated yesterday, 32 past and present Republican candidates for Congress from 22 States called upon President Bush to sign landmark congressional campaign finance reform legislation recently passed by the House, according to a letter released by the citizens action group Public Citizen. I quote their press release quoting the letter.

As congressional challengers and loyal Republicans, we urge you to sign the campaign finance reform legislation making its way to your desk this year.

The challengers said:

Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our legislative process.

So, Mr. President, this is not a bill about conveying an advantage on Democrats. Obviously, these Republicans who ran for Congress did not think so. They were challengers. It is not a bill to restore an advantage to Republicans either. But it is a bill that will stop the advantage, that will stop the advantage that incumbents now have.

The single biggest advantage—and we focus on some of the items—perks we call them—gives advantage to incumbents. We talk about the franking privilege, for example, the free mailing. I happen to be one of those who several years ago did away with mass mailings to my constituents. I did away with the newsletters that were nothing but paid political advertisements filled with photographs of myself, as other Members of Congress have done before, doing good deeds, campaign advertising paid for by the taxpayers sent out across the country at vast and enormous expense.

It is very interesting. I did not get a single letter of complaint. Not one citizen wrote to me when I stopped sending newsletters 8 or 9 years ago saying "Senator, we are distraught. We missed your newsletter this month. When are you going to start sending them again?" In fact, somehow it made its way into print that we had saved about \$900,000 by not sending them that newsletter. It did not hurt their feelings one bit.

When we think about the things that are often talked about in terms of giving advantage—and I see the distinguished chairman of the Rules Committee, the senior Senator from Kentucky, on the floor. He has been one of those who has led the way in reducing some of those benefits to incumbents and reducing mass mailing, for example, and getting control of some of the spending by incumbents and giving them advantage. You can add up all those things that are often talked

about, the mailing privileges, and all the rest.

They are very small in terms of the benefit they give to incumbents when compared to the huge advantage given to the incumbents by the absence of spending limits in campaigns, because that is where the real advantage is. When incumbents can raise 8 times as much as challengers, when incumbents can get \$25 from PAC's for every \$1 given to challengers, this is where the advantage is.

People have said to me, members of the press have come up to me, as they have for the last 9 years since we have been trying to pass this bill—Mr. President, I do not want it written on my tombstone: He tried to pass campaign finance reform. It has been 9 years. I want written on it: It passed.

But every year that we have tried. I have members of the press come to me and say, kind of with a smile: Oh, Senator, how do you think you are going to convince the Congress to pass a bill to change the current system when the current system gives them such an advantage? How are you going to talk a group that is able to raise eight times as much as their challengers into voting for a bill that would limit their right to that spending and that fundraising? How in the world do you think, human nature being what it is, you are going to get your colleagues to vote for real reform like that?

Mr. President, maybe it is naive to say it, but I believe there are still Members of this body that are concerned about doing something for the country and the process, that are proud to be trustees of that know that this institution is more important than the political survival or the political careers of any of us as individuals. I believe they know it.

So I am depending upon a certain element of statesmanship that I do not believe has totally vanished from the American scene. I hope not. I know enough of my colleagues who do care to know that there are a sizable number of them that will decide to vote for or against this legislation based upon what they think is right for the country.

Frankly, Mr. President, I am hoping that the people are going to be heard from, the 80 percent who, in that poll, said they think Congress is doing a poor job; the 71 percent who think we are owned and controlled by special interests because of the power of money in politics.

Mr. President, I am counting on the people to be heard from. If those 80 percent who think that Congress is doing a bad job, those 71 percent who have the impression that Congress is controlled by the special interests because of the power of money in American politics, will write the Members and call the Members of Congress, and will say, "You are going to vote tomorrow. Vote

to stop the money chase; vote to limit spending; vote to cut the amount from political action committees in half; vote to close the soft-money loophole. Take action; do it." If they will add to their letters, "We are going to hold you accountable if you do not," I am confident that this democracy still works well enough that the voice of the people, if the people care, will make a difference. That is the test. That is the test.

I appeal to the American people. This is your system. Care enough to take the time to call or write the Members of Congress who should be representing you and tell them that you want campaign finance reform.

Write the President. Call the President. If we are fortunate enough to get this bill out of the U.S. Senate and send it on to the President's desk—it has already passed the House—whether you are a Democrat or a Republican, let the President know you want it signed.

If you are a Republican, join these 16 distinguished former Republican Members of Congress. They cared enough to write a letter to their President, 16 former Republican Members of Congress. They took the time to write their President urging him to sign this bill.

Whether you are a Democrat or a Republican or an independent, it is time for the American people to be heard from and say: We have had enough of the money chase. Let us stop it. Let us do something to put a stop to it.

In newspaper after newspaper across the country, editorials have come out in recent days. On April 19, in the Milwaukee Journal, for example, here is what they had to say:

Go ahead and rail at House members who until recently could bounce checks with impunity at their private bank; they deserve, the rap. But give the entire Congress credit for moving to clean up a much bigger scandal: the putrid campaign-finance system. If George Bush wanted to look truly presidential, he's sign on to the cause.

Alas, Bush threatens to veto a House-passed measure viewed as the most significant anti-corruption legislation since Watergate. The bill, the product of a House-Senate conference committee, limits spending.

It goes on to specify—the editorial describes the rest of the bill as I have previously described it. It continues:

The measure isn't perfect. The ceilings themselves are higher than many candidates already spend. And Congress cravenly failed to say where the money for expanded public financing would come from.

Still, as reforms go, this is a biggie. And the objections of Bush and other Republicans don't stand up under scrutiny. They argue, for example, that taxpayers shouldn't have to finance elections. But as Common Cause points out, Bush himself has used more than \$200 million in public funds since 1980 to finance his campaigns for vice president and president. Why is what's good for a White House campaign bad for a congressional race? Why isn't the cause of cleaner elections worth a public investment?

As for the GOP claim that spending limits would only help incumbents, if anything the opposite is true. Incumbents already have a gaint fund-raising advantage. The new limits would help level the playing field.

Sad to say, if Bush makes good on his wrongheaded veto threat, there won't be enough votes in either house for an override. The president doubtless will go on making political hay out of congressional corruption. But voters oughtn't to be fooled: Bush will have had his chance to clean up the squalid fund-raising system he professes to deplore, and he will have blown it.

The Tennessean newspaper from Nashville says much the same thing.

This nation shouldn't have to wait until another scandal shames Congress to get campaign reform. The bill now on the table reduces the clout of money on the political system. Its most ardent supporters should be the people who are tired of seeing special interests get special treatment.

Its most ardent supporters should be the people themselves.

Big money is corrupting the political process. President Bush might believe that the status quo is just fine. After all, he's done just fine in the current system.

And I might add, so have most of the incumbent Members of Congress, Democrat and Republican, done fine, because incumbents were able to raise the money. The editorial concludes:

But he should know that most people think it stinks, and he should know that most people are looking for change, not excuses.

The time has come for us to act. This is a bill that does not seek to give partisan advantage; this is a bill that seeks to clean up this rotten system. It is time for us to pass it. It is time for the President to sign it so we can create a political climate in this country that will enable us to tackle those problems we desperately need to face: Reducing the budget deficits, changing our tax laws to make us more competitive, and improving our educational system to prepare our children for the challenges that face them in the next century.

Mr. President, it is time for us to pass S. 3, the campaign finance reform bill. It is time for the President of the United States to sign it into law. It is time for us to take the most important step we could possibly take: To return this institution to the control of the people, and to restore the trust of the American people back in the Congress and in their political institutions once again.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, yesterday, the Senate began consideration of the conference report on campaign finance reform. I believe that the conference report makes great strides toward reaching our stated goal of establishing meaningful campaign finance reform. It is a report that deserves to be passed by this Congress and signed into law by the President.

Throughout the consideration of this issue, I have stated repeatedly that meaningful campaign finance reform must establish spending limits. We must put an end to the money chase and limit the influence of special interests.

It is clear that the money chase is not being reduced. It is getting bigger.

Mr. President, each election cycle shows that spending for Senate elections is continually rising. In the 1990 elections, the average cost for a winning Senate incumbent was \$4.5 million. In the 1988 elections it was \$4 million. This reflects a 12 percent increase over the 1988 elections.

It should be no surprise that successful Senate candidates were able to outspend their opponents. In the 1990 elections, incumbents outraised challengers by a ratio of nearly 3 to 1. Thirty-two incumbents raised a total \$144.5 million. Senate challengers raised \$49.5 million. The present system is not fair and does not present a level playing field for challengers.

Mr. President, critics of this campaign finance reform report argue that spending limits will only protect incumbents and harm challengers. But the data proves otherwise.

In the 1990 elections, in 28 races where an incumbent faced a major-party challenger, 26 of those incumbents outraised and outspent their challengers. Incumbents raised \$4.9 million each, while their challengers raised \$1.8 million. Incumbents received 24 percent of their contributions from PAC's while challengers only received 15 percent from PAC's. And, incumbents spent \$4.5 million, while their challengers spend \$1.7 million.

Mr. President, this is not an incumbent protection bill.

Opponents to campaign finance reform argue that in the 1990 elections, spending actually declined. But these critics overlook important factors. There were no Senate elections in some of the highly populated States, such as California, New York, Florida, Pennsylvania, and Ohio. Senate campaigns in these States are usually among the most expensive.

One way to look at election spending data is to compare the costs per voting age population. In the 1990 elections, the cost per voting age population was \$1.70 per voter. That is almost 2½ times more than in 1980, when the cost per voting age population was 60 cents per voter.

And the facts show that the money chase is already on for the 1992 elections. Based on the FEC's year end data for 1991, receipts for congressional campaigns increased by \$31.8 million compared to the same period in the 1990 elections. Senate and House candidates raised \$159.9 million and spent \$89.9 million in 1991, and entered the election year with cash on hand of \$159.7 million.

Senate incumbents have raised a total of \$43.6 million: \$1.4 million each. Senate challengers have raised \$17.8 million.

Now, more than ever, we need to put a cap on spending.

But that is not enough, Mr. President. Merely putting a cap on spending is not going to end the perception that our campaign finance system is seriously flawed. We must also put an end to the influence of special interests. This conference report takes important steps to minimize special interests' influence.

First, the conference report places an overall cap on the amount of PAC money that House and Senate candidates may accept. The conference report limits Senate candidates to an amount equal to 20 percent of the election cycle limit, a minimum of \$375,000 and a maximum of \$825,000. Moreover, the conference report reduces the amount that PAC's can give to Senate candidates from \$5,000 to \$2,500.

President Bush and others have called for the elimination of so-called special interest PAC's. But let's be honest. The President's own proposal did not call for the elimination of all PAC's. His proposal would permit non-connected, ideological PAC's to continue.

Mr. President, the conference report treats all PAC's alike. And I think that regardless of which side of the aisle you stand, everyone recognizes that the total elimination of PAC's raises legal and constitutional concerns. Many of the campaign finance proposals, Democratic and Republican, included some form of fallback provision.

There are other areas of reform which need to be addressed if we are going to limit the influences of contributions. These are bundling and soft money.

We need to end the practice of bundling, where an individual like a corporate executive can wield an undue influence because of the bundling of contributions.

Recently, the Washington Post ran a series of articles which highlighted the issue of bundling. These articles demonstrate very clearly that the system which permits bundling is seriously eroding the confidence of the American people in the way our Government operates.

It seems very clear that a system which encourages people to engage in fundraising activities for the purposes of seeking special treatment or influence in decisionmaking needs to be addressed.

The conference report severely restricts the practice of bundling. With a few limited exceptions, the conference report prohibits executives, lobbyists, sole proprietorships, and partnerships, from bundling contributions.

Another area that has seriously undermined the political system is soft

money. If there is one particular subject on which we can all agree, it is that we must end the practice of funneling money to State and local parties as a means of evading the Federal limits.

The conference report prohibits the use of soft money to be used during the Federal election period. Under the terms of the conference report, State and local parties could only use hard money during the Federal election period. This period begins on June 1, and in a Presidential election year on April 1.

Not only does the conference report ban the use of soft money to be used to influence a Federal election, but it prohibits any Federal candidate or any Federal officeholder from raising soft money contributions.

Mr. President, this is tough medicine. As the distinguished majority leader has noted, this is one of the strongest reform bills ever considered by the Congress.

This is a bill that deserves the attention and consideration of every Member. It is a bill that deserves to be passed by the Senate. And most importantly, it is a bill that must be signed by the President.

Mr. President, as we begin this debate, there is one basic point that should not be missed. It is the point that has driven the debate on this issue. And while each side accuses the other of attempting to seek partisan advantage, it is the same fundamental point that has motivated us all.

The point is very simple: the American public is growing increasingly cynical about this institution. The American public is cynical about how we are elected, how we work to stay here, and how we spend our time once we get here. For those of us who have been here for a few years, for those of us who feel some responsibility for the image of this institution, we feel very deeply that something must be done now to address the current system of campaign finance.

The American people want us in Washington to do something about the problems confronting our Nation. Now is our chance to show them that we are listening. We must take the steps of establishing a framework for financing congressional elections that will inspire public confidence and restore our reputation as truly the representative body of the American people. This is our opportunity. Now is the time.

Mr. President, two or three things have been said on this floor during this debate that I take a little exception to. One is they did not like the way the conference committee was run. I happened to be chairman of that conference committee. I thought we did a decent job. I only did what I talked to my colleagues about.

Those on the other side said: You have enough votes to pass whatever

you want to; let us go ahead and get it over with. And the President is going to veto it anyhow.

It gets a little bit frustrating around this institution when you work hard and you put something together that you believe is in the best interests of the political climate in this country, that you believe is in the best interests of improving the integrity and character of this institution, and you know it is going to be vetoed. And the 34 votes, or whatever is necessary on this side, will walk like sheep because the President is opposed to it.

We have heard two or three things today that I think are important, Mr. President. One, the President is against public financing. Yet, he will be the largest recipient of taxpayers' dollars to run a political campaign of any individual in the history of this country, \$200 million by the end of this campaign.

Then, he also is concerned about the so-called soft money that we will be eliminating, what the press refers to as sewer money. I have heard that from the other side, sewer money. But yet, the President received, in 1988, 249 \$100,000 individual contributions. It would be surprising, if you go look at that list of 249 names that would be there. They would be a little bit startling, I think. And hopefully, we can get all of those revealed before the vote on tomorrow afternoon.

Then we hear a lot about challengers. As my friend from Oklahoma, Senator BOREN, has said—he quoted the Republican challengers, the Republican challengers that have written the President a letter; I think 30-some-odd Republican challengers from 21 States, that have said to the President: Sign this bill. We have been there. We have been through the trials and tribulations. And they say: Sign this bill. We think it is in the best interests of challengers.

Well, you will find a few exceptions to the rules where challengers were able to win. But here is a massive group of those that have been out in the grassroots fighting for election, and they are saying to their President: Please sign this bill.

Republican candidates call on the President, and they say emphatically sign this bill.

I think that challengers have the most to gain from this legislation. They say: "Why are you going to do that? You are an incumbent." I think it is the right thing to do. Others will take the opposite view, and they feel it is the right thing to do. When you talk to your constituents, they want to limit the expenditure of funds during a campaign. We have lost that personal-issue touch with our constituents. We are raising so much money that we get on TV and hire people to go door to door. We hire telephone banks, we hire pollsters, and we hire PR firms because

we have the money. As prices go up, we raise more.

I doubt seriously in this campaign, Mr. President, that I will raise more than will be authorized under this piece of legislation for my campaign this year in Kentucky. Yes, I have raised some PAC money. Yes, I have over 2,000 individual contributors so far, and I will have more.

I had a little situation in my State where we had a Governor race, and that was a very expensive race, and a lot of money was raised. They passed a bill that goes into effect on July 1. In regard to what is happening down there, the legislature did pass a bill, in my opinion, that will be helpful to the future.

I quote from the Washington Post, Mr. President, from this letter that was signed by Republican House challengers:

As congressional challengers and loyal Republicans—

I underscore that—

we urge you to sign the comprehensive campaign finance reform legislation making its way to your desk—

They are the ones that have been in the fight; they are the ones that had to be out there in the challenge. So I also quote:

Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our electoral process.

Restore a measure of fairness.

They say we are on the white horse and we have our eyes on the White House and that sort of thing; we are trying to look good because we know the President is not going to sign it.

Well, I hope that the President might fool us all and sign it, but those on the other side are convinced that he will not. When the Republican National Committee was asked about their response to this letter, the RNC spokesman said the challengers are off base. Off base, Mr. President, because they want some kind of level playing field and restored fairness to the political process. The President's own party members see that this bill will level the playing field, it will restore fairness, it will restore competitiveness to the election process.

I think the President is well advised by these loyal Republicans, as they say they are, to sign this legislation. I hope that he is listening—I hope that he read the letter—and, if not to this debate, then to those of his own party that admonish him to sign this piece of legislation.

Mr. President, there are a lot of editorials that you can read. But if you go back and talk to your constituency, they are the ones who feel so strongly about this. I hope that when we pass this bill tomorrow, the President will consider this letter from these 33 past and present challengers from 21 States that wrote to the President saying that

such legislation as this is necessary to restore a measure of fairness to our political system.

Mr. President, I ask my colleagues to join with those of us who support this legislation. You can always find something unfair about everything. I remember a lawyer—I am not one—turned around and said, "What should we do on this?" The other lawyer said, "Go either way, and we will make one heck of a case out of it." I think that is really what you can do here; but you have to come down on the side of fairness and of trying to restore some integrity to the political process in this country, and you have to come down on the side of what I believe the constituents in my State and others want.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

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

Mr. McCONNELL. A couple of quick observations because we have other speakers here. In terms of views of people of my State, Kentucky, on the issues currently before us here on the Senate floor, we have a pretty good indication, because a bluegrass poll recently taken by the Courier-Journal in Kentucky indicates that 65 percent of the people in Kentucky oppose Federal funding of political campaigns; 65 percent against, only 29 percent for.

In addition to that, we have further evidence about how the people of Kentucky feel about their tax dollars being used for political campaigns. Out of all the 50 States, in terms of the taxpayers who choose to check off \$1 of taxes they already owe to divert to political campaigns for the Presidential race, Kentucky is next to last. Only 10 percent of the taxpayers in Kentucky check off to divert \$1 of taxes they already owe—it does not add anything to their bill—into the Presidential election campaign fund.

So it is pretty clear, not only from the bluegrass poll, but the real poll taken every April 15 when the taxpayers of Kentucky have an opportunity to check off, that they have little or no enthusiasm for having their tax dollars spent on political campaigns.

I see a number of Senators are here ready to speak.

Mr. FORD. Mr. President, since Kentucky was used here—and I might just say that my good friend when he talks about the checkoff, that there is no comprehensive legislation for that money to go to as it relates to this, and he is down there and admonished the people in the Kentucky legislature not to pass their reform bill and they did overwhelmingly and most of the Republicans voted for it.

So I think when you go down to Kentucky and you look at the reception that those who are opposed to cam-

paign finance reform have received, and then the final vote on campaign reform in our State, it reflects basically what the people have—the Mason-Dixon poll—no better than the one taken in 1984—then this one is not much better. So we cannot rely on it, a 22-point advantage on the Mason-Dixon poll.

Mr. McCONNELL. Mr. President, not to continue this too much longer, but to correct the Record, only one Republican in the State legislature voted for the final piece of legislation.

Mr. FORD. They voted for all the amendments.

Mr. McCONNELL. My colleague refers to—it was a straight party line vote.

The PRESIDING OFFICER (Mr. LIEBERMAN.) The Senator from Colorado [Mr. WIRTH] is recognized.

Mr. WIRTH. Thank you very much, Mr. President.

I am very pleased the campaign finance reform legislation is finally back on the floor. This is an issue with which some of us came in and are going out.

After Watergate, in 1974, one of the most important issues facing the country was the return of integrity to the political process, return of integrity to the process of the Presidency of the United States and the Congress. The country got together and passed a very comprehensive bill to clean up how money is raised for Presidential elections—a previously scandalous system in which a handful of people had an enormous amount of influence in the White House because of ability to effectively purchase political outcomes.

That got changed in 1974. We put a limit on the amount of money we spent and set up a shared public/private way of financing Presidential campaigns. It was a right thing to do and for the most part has worked very well.

Why did we not do that for the Congress? I do not know. I was not here at the time. It was a great shame we did not, because at that point we had an opportunity to sort out the problems that are still with us today. Unfortunately, we did not do so. So all the money that used to go into Presidential campaigns fell into the vacuum still present in congressional elections.

We have seen the cost of congressional elections go up dramatically during the last 18 years. It has gotten to cancerous proportions, but now we have an opportunity to begin to eliminate it. This bill, in my opinion, does not go nearly far enough. It is sort of a faint echo of what we ought to do. At least it is a step in the right direction of admitting there is a very serious problem out there.

What kind of problem are we talking about, Mr. President? There have been lots of illustrations of this in the debate on the floor in the last 24 hours. Let me provide another one.

Today the President of the United States, George Bush, who, as has been pointed out, has received more public funding for Federal elections than anybody else in our Nation's history, followed up again on a promise that he had made in the State of the Union Address. That was somehow to get after those big, bad regulators at the Federal level whom he is boss of for the last 3½ years, obviously not watching what they were doing. He is now shocked and horrified to find out what the regulators are doing in drafting regulations to implement Federal law. So with a great deal of fanfare today the President has said we are going to have a further 90-day moratorium on regulations. I am going to be out there beating on this bureaucracy which I am the head of, by the way; I am going to beat up on the bureaucracy on behalf of the people in the United States.

On behalf of whom? Let us take a look at what the President is doing today. With this moratorium he is, for example, halting the identification of rare plants and animals under the Endangered Species Act.

We have been concerned for a long time about biodiversity. Our pharmaceutical industry is now one of the leading industries in the world, in large part because it is able to plumb the incredible richness of biodiversity. But the administration is out there saying, "Hey, we are going to halt the identification of rare plants and animals." They are going to do this in the name of some kind of regulatory reform.

Nonsense. There are interests that aren't the public's interest behind this, Mr. President, and that is why he is doing it.

He is going to delay the rules to carry out the Clean Air Act. George Bush has been out there advertising to the country that we have this Clean Air Act. He proposed one in 1989. It was a good act, by the way, when he proposed it. It went through here and all kinds of compromises, and he is going to be out boasting about the Clean Air Act for the rest of the election. Bet on that. He will not be telling the people he is delaying the rules to carry out the Clean Air Act. The act is toothless without letting people know how it should be implemented.

Why is he doing that? There is somebody behind that as well, Mr. President. He is restricting the ability to stop the ravages of our forests. We are out there all across public lands in the United States, spending tens of millions of taxpayer dollars, to subsidize the tearing down of our national forests—perhaps the single most mindless item in the Federal Government.

The program is going to shave it away so it is going to be more difficult for citizen groups to challenge the ravaging of national forests. Why is he doing that? Somebody is behind that as well, Mr. President.

The 90-day moratorium limits the ability to protect workers against the exposure to chemicals and toxics. As we are learning about toxics and chemicals, one of the things we ought to understand, it seems to me, is that these can be very, very damaging to human beings.

You get exposed to chemicals, you get exposed to heavy metals and various toxic substances. We don't know what that does to a person, so we ought to be protecting workers against these substances. That is the logical thing to do. A little bit of protection today will save an enormous amount of money in the future particularly with rapidly rising health care costs.

But the President is going to limit our ability to protect workers from this. Who is for that? Somebody's behind that as well, isn't there?

We are going to relax the biotechnology safety rules for producing living, genetically altered substances. We are in the laboratory developing a whole variety of new biotechnology, new genetically altered substances and releasing them in the environment.

Should we be careful about that and wait and make sure we know what in fact we are all exposing? Of course. Any rational individual would say we ought to be careful about that. But this moratorium is going to relax all of these rules. Somebody's behind that.

The moratorium postpones the deadline for food producers to label products with nutritional information. Presumably we are concerned in the United States about making sure that people can know what it is that they are buying and what they are consuming. More and more Americans are concerned about wellness, and with good reason. More and more persons are taking the responsibility to take better care of themselves. One of the ways to do that is to know what is in a food product. And there are requirements in the law that says those food products ought to be labeled, but we are going to postpone the deadline for that kind of labeling.

Whose interest is that? Somebody's behind that one as well, Mr. President.

The moratorium, also lifts some of the barriers between commercial banking and investment banking. And presumably this moratorium is going to make it easier for commercial bankers to get into investment banking. We have just been through the S&L scandal. I think everybody here has gone through the pain of watching this hit-or-miss runaway financial services market in which we deregulated the savings and loan industry.

Ronald Reagan told in the Garn-St Germain bill, he hit the jackpot. He hit the jackpot already for hundreds of dollars, billions of dollars the American taxpayer is paying because we relaxed the rules. We took taxpayer-subsidized money, taxpayer-guaranteed

deposits and let these S&L operators run away with them in all kinds of cockamammy investments.

But now what are we going to do? We are going to do the same thing all over again, going to relax the rules between commercial banking and investment banking.

We have just been through that. We just learned that lesson. Why are we doing this? There is somebody behind that one, is there not?

In each and every one of these situations, Mr. President—in each and every one of these—there is a powerful interest group out there spending an enormous amount of money—probably at dinners like last night's, or dinners like the ones that have been held by Democrats as well—vast interests who are out there attempting to purchase political outcomes; and being very successful in doing so.

Who is trying to get rid of the Endangered Species Act? Who is trying to gut the Clean Air Act? Who is trying to stop us from tearing down the rain forests? Who is trying to say let us tear it down some more? Who is trying to continue the exposure of workers to chemicals and toxics? The whole business of biotechnology, all of these new living genetically altered substances going out into our air, land, and water, who wants to do that and not protect the public against potential abuses? Who does not want to label food for nutritional purposes? Who wants to break down the barrier between commercial banking and investment banking?

Do you think President Bush's proposals are being altered in the interest of the average individuals in the United States? Hardly. The average individuals are the ones who are increasingly alienated by a system in which some are able to come in and purchase those political outcomes.

And that is what campaign finance reform is all about. We must halt the abuse of power by interests in this country who are taking advantage of the system. They see the opportunity, so they use it. We have the chance, here, to get rid of a great deal of this abuse. Yet we hear: "Well, you cannot do that."

People in this country know what is going on and that ours is a terrible and bankrupt system. I suggest that what we are seeing today in this moratorium on regulations is simply the trough for a whole variety of interests who now have the opportunity to get in and make sure their chits are called in.

For each and every one of us as well, this is not only a terrible system, it is one that is fundamentally wrong to the political process. Those who have to go around cup in hand, city after city after city, raising phenomenal amounts of money, spending a great deal of time, vast amounts of our time, during a campaign where we ought to be talking about ideas.

We ought to be talking about differences with our opponents. We ought to be talking about a whole variety of substantive things that make the country work, or should make the country work, or limit the ability to make the country to grow. We are not doing that. We are out embarking upon this massive income-transfer program, income transfer from donors to campaigns—take the money from those donors and in effect give it to television stations.

We are out, occasioning that and being the broker in that income-transfer program. That is wrong in terms of the level of debate, as to what goes on. The people we spend most of our time with are people who are way up there, in terms of income category, who can afford to get into this game. Everybody else is effectively left out of this game.

In addition, the level of debate in this institution and elsewhere is lowered with each passing year. Members are scared of the power of money. Members are frightened to take on these interests. That is what is going on here. We all know it. Nobody will admit it but it is exactly the case.

What happens? You get out and you take on a group with an amendment or a particular piece of legislation, you take one of those groups on and what are you thinking about all the time that you do that? You are thinking, if I push too hard over here what they are going to do, maybe they are not going to give me that PAC contribution. Maybe the executives are not going to get together around the boardroom table and make contributions of \$10,000, or \$15,000, or \$20,000 to my campaign, so maybe I should be more gentle on them because I have to, in this rush to gain money. What I have to do is get those contributions to come in. That is one level of fear.

There is another level, a second level of fear which is a bit deeper. If I really go after that group maybe not only will that contribution not come to me, maybe that contribution will go to the other guy. That sort of doubly compounds the problem of doing the aggressive public business we ought to be doing.

So the pressure of that money not only is negative, it might not come to me, it gets worse because it will go to the other guy, therefore doubling the penalty. And worst of all, the thing that can happen is maybe, oh, devilishly horrible thing, what will happen is that money will take the form of so-called independent expenditures.

The reality of the situation is this—along with not contributing to you, they may give money to the other guy, but they will go out and run these terrible negative third party campaigns that are so-called independent, unconnected from what the regular candidates are doing.

Where is a perfect example of that? Probably the most egregious example

is the National Rifle Association. The NRA is probably the best example of an interest group in the country that is very narrow in size, but because it is able to generate this kind of political fear, because as a very narrow interest group it is able to go out and spend in a negative way, it has power far beyond its legitimate stake in this society. It is a perfect example.

And what happens? Here we are, where a huge percentage of the American public supports a waiting period, to buy a handgun and where you can find very few people in this society who can give you a reasonable argument as to why we ought to sell assault weapons in the hardware stores and sporting goods stores—maybe they believe someday we are going to put in, after the black powder season, and the archery season, and the hunting season, we are going to have an assaulting season so we can all go out and get an assault weapon. Legislators fear opposing the few and supporting what most of America believes because the power the NRA may have against them is so great. This is the perfect example of an enormous abuse that comes in by the ability to collect and spend money to focus on an agenda that is out of the mainstream.

The level of debate is reduced. The level of the ability of this institution to respond is reduced as well.

The final point I want to make relates this, as well, to this so-called term limitation movement. In my opinion this term limitation movement is one of the most undemocratic ideas that has ever come along. Why is it that people in one part of a State presume they can tell people in another part of the State who it is they can vote for as their Congressperson; or people in one State can tell somebody in another State who can be their Senator? That ought to be up to the people in that State to decide, who is going to be their Senator, who is going to be their Congressman, not some kind of arrogating of that responsibility by some broad group overall.

That is up to citizens to make that decision. That is what the democratic process is all about. It is not somebody else, not some anonymous group, or whatever it is, but citizens in that district, or citizens in that State who ought to be able to make the decision as to who is and who is not going to represent them.

But we have this term limitation approach. Why? Because what has happened in this whole campaign finance system is that incumbents have such an advantage, so locked in with all of the advantages of being able to raise money, all the leverage, all the values of incumbency, all the access to the boardrooms, the access to the PAC's—incumbents have such an enormous advantage that it is very difficult for challengers to run. It is very difficult

for challengers out there to take on people who are already in office.

Consequently, legislative bodies become somewhat calcified. You do not have the kind of new growth, you do not have the kind of challenge coming in, you do not have the kind of competition coming in. And competition is good in politics, as it is good every place else.

So the lack of campaign finance reform leads us to this thoroughly undemocratic notion of term limitations. Term limitations is a natural, frustrated response to the fact that non-incumbents cannot run; to the fact that there is less challenge to insiders than there ought to be.

This system is a terrible, terrible system. The one we have now is remarkably undemocratic. The one we have now, like the ones I was talking about earlier in this so-called moratorium on regulations, allows pockets of power to people with very narrow concerns who have, in effect, been able to use the system and purchase their way into this, attaining outcomes much beyond, I would suggest, their legitimate stake in this society; much beyond their legitimate voice in this society. They have been able to have that megaphone because they spent and bought it. That is wrong. It ought to be changed. This bill is a first step in the right direction, a modest step, not nearly as far as I would like to see it go and not nearly as far as most of the American people would like to see it go once they understand it. But, Mr. President, it is at least a step we ought to take.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, sad, sad, sad, sad it is, that our thoughtful and distinguished and hardworking colleague, the senior Senator from Oklahoma, has been reduced to defending a bill designed purely for partisan advantage and totally ineffective to deal with the crying need for reform in the American and, most particularly, the congressional campaign system.

That Senator has devoted many years and countless hours to what I consider to be a genuine attempt to bring needed reforms to this campaign election system. That he has failed seems obvious to every objective observer. That he feels bound by the actions of his party to defend the system upsets those of us who very much wish to join with him in a bipartisan attempt to meet real needs.

As unresponsive to those real needs as was the bill which passed this Senate last year, at least it did deal with the single element of the present system which most troubles and aggravates the American people: political action committees. For all practical purposes, such committees were banned by the original Senate bill and

Members and challengers were reduced, or perhaps I believe it more appropriate to say were granted the opportunity to seek direct support for their political campaigns solely from individual contributors and from the political party to which each one of them has pledged allegiance—open campaign contributions, openly disclosed with a full background as to what they meant.

And yet we see the result of a conference committee which barely wings the political action committee, which allows them to almost their present extent with candidates for the House of Representatives and only slightly limited for candidates for the Senate but which perhaps even more irrationally sets up an entirely different election system for the two Houses of Congress.

There is no justification for that distinction, Mr. President, unless one considers as a justification for the distinction the fact that those who wrote the bill in each House did so in the way most comfortable to their own political future.

And so where at least we had made some steps forward toward a restoration of the confidence of the public in the system with respect to political action committees, this proposal before us right now relapses to a distinction without a difference.

Perhaps more significant is the failure of this proposal to deal with what has often been denominated on the floor of this Senate as "sewer money." We can perhaps be a little less pejorative and use the usual term "soft money." However we term it, that is the money unaccounted for, unlimited in the amount of its sources which goes into influencing the political system indirectly rather than directly through campaigns subject to limitations and subject to reports.

What does this bill do, Mr. President?

It deals forthrightly with that form of soft money which is least harmful, that form which goes to the two major political parties and, incidentally, to any other political party, parties which are at least broad interest groups, including wide ranges of attitudes toward the political system.

In striking contrast, however, this proposal does nothing to control, to monitor, even to discover the source and use of soft money going to narrow special interest groups. Not only does that remain as easy as it is under the present system, it will almost certainly be increased by exactly the amount of money now going to political parties which those parties will no longer be able to take.

Whatever the disgust, Mr. President, of many of our citizens with the two major political parties at the present time, at least they know in general terms what those parties stand for, at least those parties include within their bounds men and women of sometimes differing views. But to call a bill cam-

paign reform when it not only does not discourage but positively encourages the increased use of indirect money to single interest, special interest groups is, in the view of this Senator, Mr. President, the height of hypocrisy.

We should be encouraging strong and responsible political parties, not discouraging them. It is a mark of the failure of this bill that the money siphoned or funneled through Senators by Charles Keating leading to that scandal would not be affected at all by the proposal which is before us.

Mr. President, those two failings, or either one of them alone, would be sufficient to cause the rejection of this bill.

Is it all bad? No. It does something with respect to making broadcast advertising more available to candidates with limited budgets. It slightly affects the ability of incumbents to campaign on taxpayer money through the use of mass mailings in election years, and I suspect that even my very good friend, the junior Senator from Kentucky, might be able to find other minor sections in this bill which he in his wisdom finds to be constructive steps forward.

But any bill which acts in such a partisan fashion, any bill drafted by only one political party, any bill unwilling to deal with the public perception of political action committees and the very great evil of special interest group soft money does not deserve the title of campaign reform, does not deserve the time which this Senate has devoted to it and will, I trust, swiftly and effectively be put out of its misery by the President of the United States.

I hope, and I hope fervently, that the senior Senator from Oklahoma will not abandon the cause of election reform after that successful veto. I do hope, however, that on the next such occasion there is a genuine attempt to create a bill fair between the parties, one which will restore confidence of individual citizens in our political system, one supported by the academics and outsiders who have so criticized this proposal and who have such wise counsel to offer to us in the future.

I express these hopes, Mr. President, because I am firmly convinced that only when such a course of action is followed can we actually accomplish what the people of the United States wish us to accomplish: true and effective election campaign reform.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, at first this debate on the so-called Campaign Finance Reform Act appears just like any other debate over the distribution of money and power, more specifically a debate about how much of both money and power the Congress is going to award itself.

My colleagues have pointed out what I think are the serious flaws of the proposal that is currently before the Senate. I will not repeat those arguments. I want to talk about something that I think is broader than the immediate question, and that is the issue of trust. Ultimately the trust of the American people in this institution and its Members is at stake. Our ability to address issues of the day with the confidence of the American people is at stake—that we are addressing those issues in the best interests of those we serve and not those of special interests or the interests of individual members intent on perpetuating their own political careers or ambitions. Ultimately restoring that trust is perhaps the more important issue that is before us today.

I think it is fair to say that level of trust has been lost, has been squandered. There are many reasons for it.

The question before us is how can we restore that level of trust. The restoration will not come with tinkering with campaign finance laws as this bill purports to do. It will not come in what some have viewed as a cynical search for partisan advantage in the name of reform.

We are all aware of the fact that each body, the House of Representatives and the Senate, has carved out for itself a set of rules not designed, in my opinion, to bring about real reform but to find a way that, in the name of reform, we continue to perpetuate the system that exists. I do not think it will restore public trust and confidence, and I do not think it is the way in which we ought to be addressing the issue that is before us.

I would like to talk briefly today about a reform that I think is far more sweeping. It is uniform, it is fair, far more dramatic, and designed to restore public trust. I hope to speak several additional times in the future on this particular issue as we discuss ways in which we can restore public trust in the institution of Congress.

This reform is a change that really is nothing more than a return to an older and, I think, superior ideal of service and accountability to the people we represent.

Before the Civil War, it was a common American conviction that the surest way to avoid the temptations of an imperial Congress was the principle of frequent rotation in office. Americans expected a Government of citizen legislators, not career politicians. And though the principle was voluntary, the public usually got what it wanted because, during the first half of the 19th century, between 40 and 50 percent of the Congress left office after every election.

The belief in a regular congressional turnover came to America from a much older tradition. Aristotle had written that democracy was only possible when there was an exchange of "ruling and

being ruled in turn." The theory is very simple. Public servants will pass better laws if they expect to have to go home and live under them. One delegate to the American Constitutional Convention warned, "By remaining in the seat of government, legislators would acquire the habits of the place which might differ from those of their constituents," and that, as we have found, was a monumental understatement.

After the Civil War the average duration of congressional service doubled and then it doubled again. It has now reached the logical conclusion in our time, a Congress of entrenched professionals who are only unseated by death, scandal or, in a few isolated cases, their own disillusionment with the way the institution is run.

In the process a wall has been constructed, a wall between citizens and legislators, a wall of endless reelection a wall that has left the body isolated from the very people it seeks to serve. One observer has commented, "Members of Congress become like the non-custodial parent in a divorced family. They have visitations, they come on holidays and weekends, they send money, but they don't live with us, and over time it becomes harder and harder to really know one another very well."

Mr. President, there are exceptions to this, and we all are aware of those exceptions. Some are serving in this body today. Obviously, a system of term limitations would require those exceptional public servants to retire, and their depth and breadth of knowledge would be missed. But I have come to conclude that the benefits from a healthy, regular rotation of citizen legislators into this body would far exceed the loss of distinguished public servants—men and women—who have not allowed that wall to be constructed, who have maintained that relationship with their constituents, who have shielded themselves from the isolation that occurs from serving in this body, from the influence of special interests, who truly can represent the best interests of the Nation and its people without bowing to the pressures of perpetuating a career in office.

But the answer, I think, is as basic as term limitations. If turnover is not voluntary, we must make it mandatory. I have introduced legislation for limited terms calling for six 2-year terms in the House, or 12 years there, and two 6-year terms in the U.S. Senate.

We all know that we already limit the terms of the President. It is a fair question to ask, if limited terms are good enough for the Presidency and Vice Presidency, should they not be good enough for the Congress?

Those public servants who serve in the House of Representatives after a 12-year period of time obviously would have the option of seeking office in the

U.S. Senate. It would be a winnowing out process, moving 435 down to 33 in any one particular year in terms of Senate reelection. Able public servants who have served in the House of Representatives would be able to move on to the Senate and, if the public so chose, move on to the Vice Presidency and Presidency. But it would be a limitation. It would encourage citizen legislators. Every 2 years about 16 percent of the Congress would retire.

The goal would be a slow, gradual, but effective revolution, a revolution in the attitude of Congress and in the confidence of Americans. Our Nation would find public servants who came from the real world and planned to return there. They would find public servants who expect to live much of their productive lives under the laws and regulations that they pass and under the taxes that they might raise. They would find public servants freed from the endless campaigning of career politics, and allowed to deal with the real issues facing the American public.

They would find public servants connected to their community and its needs by experience, not just by sympathy.

This is the kind of congressional reform that would do more than shift the distribution of money and power; it would restore trust. I submit that restoring trust in this institution is absolutely essential if we are to go forward and deal with the very real problems facing this country in the decade of the nineties and beyond. Without that restoration of trust, we cannot provide answers to our health care crisis, education reforms, economic reforms, issues that face the American public. Without the confidence and trust of the American people these efforts will be just so many empty words and so many empty proposals.

Author Henry James talked of "the demoralizing influence of lavish opportunity." When opportunity and power are unlimited, the potential for abuse is high. We have proven it in the Congress. This is an institution that is both demoralized and distrusted, but the restoration of its reputation could begin in one historic moment, when the Congress supports limits on its own service.

Mr. President, after a lot of reflection, I have concluded that restoration of trust in this institution by the people of the State of Indiana which I represent can only be secured if their elected Senator has pledged that he or she, whoever it might be, is willing to serve for a time and then return to live among the people that they represent, under the laws that they have passed.

As a consequence, I pledge to the people of the State of Indiana I will serve no more than two full terms if they choose to send me here to serve that amount of time. I think it gives me a different perspective on my time here

in this body. I think it is something my colleagues should seriously reflect on.

I hope that we could engage in a meaningful debate about how we can restore trust in this great institution which has provided leadership for this country for more than two centuries. But I fear that confidence and trust has been seriously eroded.

Perhaps term limits is not the only way to restore that confidence and trust. I have searched for other methods. I have introduced other legislation. But ultimately I think it comes down to whether or not the public believes that we are here to serve their interests and not our own. I think we can best convey that message to the public by stating to them that, yes, we will serve for a time, but we will be back to live with you, to live with those who sent us, under the laws that we passed, and you can have confidence that while we are here, we will be serving in the best interest of the public.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin [Mr. KOHL].

Mr. KOHL. Thank you, Mr. President.

Mr. President, it is with mixed emotions that I rise to endorse the pending conference report on campaign finance reform. On the one hand, I am pleased that this legislation will finally be approved by the Congress. But at the same time I am discouraged by the fact that it will not become law. It is possible that, campaign finance reform is too important to be left to politicians. When it is, we get what we are about to have: a bill which will be vetoed.

We know the President will veto this bill. And he will veto it, in part, because it does the one thing I believe must be done: it sets limits on how much can be raised and spent on a political campaign.

Until that is done, candidates will have to spend too much time talking to contributors and not enough time listening to constituents. Politicians will have to spend too much time raising money and not enough time raising issues. Politicians will have to pay too much attention to the special interest groups, and not enough attention to the special needs of the people they are elected to represent. They will be part time legislators and full time fundraisers.

Jerry Brown and H. Ross Perot may not share the same political philosophy. But they do have a common political appeal to many voters: Ross Perot will fund his own campaign and Jerry Brown will return any contribution over \$100. As a result, both men are able to convince voters that they will be free of special interest influence.

I know something about the power of that argument.

When I ran for the Senate in 1988, I did not take money from the special interests or the PAC's. Because I had the resources to do so, I used my own money to fund the campaign. As a result, I could tell the people of Wisconsin that I would be "nobody's Senator but yours." It was that argument, that ability to use my financial independence to establish my political credibility, that helped get me elected.

The legislation we are now considering won't give every candidate the freedom that I had. But it will reduce the amount of money anyone will need to raise. It will reduce the level of public cynicism. And it will reduce the level of political servitude created by the current system.

It does that because, first, it places an absolute limit on how much people can spend on a campaign. Currently Senate candidates need to spend almost \$6 million on an average race; that means that the typical Senator has to raise almost \$20,000 a week, 52 weeks a year, for 6 years just to be ready to run for reelection. While this bill does not eliminate the need to raise money, it does greatly reduce the amount of money a candidate can raise and spend.

Second, the legislation restricts the role that political action committees can play in bankrolling any campaign. PAC's have become a symbol of the power of special interests to influence legislation. A recent poll indicated that roughly 80 percent of the American people—4 out of every 5 citizens—believe that Government is run by big special interests; only 1 in 5 Americans believe that our Government is motivated by a desire to serve the best interests of the people. That, Mr. President, is a frightening fact of contemporary life. This bill will, I believe, give people more reason to trust Government by giving special interest PAC's less of a role to play in elections.

This legislation does not advantage either party. It does not confer an advantage on any campaign. It does not protect incumbents or punish challengers. In fact, a group of Republicans seeking to defeat Democratic incumbents recently wrote the President and urged him to sign this bill rather than veto it. Their argument made sense: they claimed that incumbents can always raise more money than challengers. An absolute ceiling on spending, they reasoned, would reduce that financial advantage and create an even playing field for challengers. I believe they are right.

In fact, about the only people disadvantaged by this bill are people like me. Under this legislation, I will not be able to contribute as much as I want to my own campaign. I will not be able to spend as much as I want on my next campaign. There will be a strict limit on how much I can contribute to my-

self and a strict limit on how much I can spend. But, Mr. President, I am willing to accept that personal disadvantage. I am willing to accept it because I think it is right. It makes sense. And it will help restore some faith in the political system.

This bill is not perfect. But it is a perfectly reasonable attempt to bring some sanity to a system run amuck. It is a valid remedy for the sickness that the money chase has brought to our politics. In sum, it is what the American people want.

Let me conclude with this comment. We all know we are going through an empty ritual here. We all know this bill will not become law. But I hope, Mr. President, I hope that we will not be content with a charade. I hope we will not be willing to just score some political points and then quit the game.

This issue is too important for that. There is a crying need in this country for a real debate about the issues we face. The function of a campaign is more than to elect someone—campaigns also ought to help us form a new consensus on basic issues of public policy. By reducing the role of special interests, by reducing the role of money in deciding elections, I believe we can come closer to realizing that goal.

That can only happen if we get together, Republicans and Democrats alike and figure out what we can do together. It is time—it is past time—for us to get on with the business of implementing meaningful campaign reforms. I hope that our action on this bill will bring us closer to that goal.

RECESS

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate now stand in recess until 4 p.m.

There being no objection, the Senate, at 2:59 p.m., recessed until 3:57 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer [Mr. CONRAD].

RECESS UNTIL 4:30 P.M.

The PRESIDING OFFICER. The Senate will stand in recess until 4:30.

Thereupon, the Senate, at 3:57 and 15 seconds p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

SENATE ELECTION ETHICS ACT— CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ADAMS. Mr. President, I rise today to declare my full support for the conference report on Congressional Campaign Spending Limit and Election Reform Act of 1992.

Campaign finance reform is long overdue.

Candidates—not to mention staff, national and State parties, and everyone involved in the political process—put too much time and energy into raising money.

As the cost of campaigns rises each year, more and more time and energy is consumed by raising the almighty dollars.

The pressure to amass a campaign war chest should not drive elections. Issues, such as the future course of our Nation, should drive the debate.

This maddening chase for campaign funds is discouraging and disheartening to incumbents and challengers alike.

It has forced and continues to force good people out of office. Many other good people choose not to enter politics simply because of the relentless fundraising chase. And we wonder why fewer and fewer people are entering public service.

Too often today only those candidates that have large financial resources are considered viable. Only the wealthy seem to get the opportunity to run for public office. No challenger is given a chance to win because his or her message will not be heard.

This bill will end the money chase. It will level the playing field between challengers and incumbents. It will allow people to choose to run for public office based on their beliefs. Not their bank accounts.

True reform will only occur when we have campaign spending limits. S. 3 does just that, imposing voluntary flexible spending limits that allow challengers to compete on equal footing with incumbents.

This bill includes other important reforms, such as free and reduced-cost broadcast rates, limits on PAC contributions, and an end to bundling and soft money. These, too, will play significant roles in opening up the political process to all who are interested in running for Congress.

I am certain the Senate will pass this reform bill. I am equally certain the President will veto it.

The President will veto it because he opposes spending limits. He will veto it because he opposes public financing for campaigns. Well, Mr. President, I can understand why you wouldn't want to tie the hands of the CEO's of America's major corporations who have twisted arms to give generously to your campaigns. Spending limits only hurt the fat cats.

But I can't understand why you will take more than \$200 million in taxpayers money for your Presidential reelection campaign with one hand, and veto this bill with the other.

In recent years, campaign finance reform has occurred at all levels of government, except the Federal level. In my own State of Washington, the League of Women Voters is leading a petition drive to place a campaign reform initiative on the fall ballot that would limit campaign spending and the influence of special interests.

It would be a shame if the President, the leader of the Republican Party, vetoes this reform bill and kills any chance we at the Federal level have at campaign finance reform.

This bill deserves bipartisan support. I strongly urge the President not to veto this singular chance at true campaign finance reform.

Mr. KENNEDY. Mr. President, I give my strong support to S. 3, the campaign finance reform bill. Passage of this legislation is essential to achieve the far-reaching reform urgently needed in campaign financing.

The American people are fed up with the current system. Excessive reliance on unlimited spending and special interest contributions have made conflict of interest a way of life in Congress. The constant hunt for campaign dollars and the questionable relationships that inevitably follow in their wake demean the process of our elections and undermine the foundation of our democracy.

This reform bill is the culmination of years of hard work by many Members of both parties, and it deserves broad bipartisan support. Voluntary spending limits are the cornerstone of any serious attempt to achieve meaningful campaign finance reform. They will give the voting public new faith in elections, and bring new integrity to Congress.

A reform without strict spending limits will fail to end the abuses that have become deeply ingrained in the present system. The spending limits in this bill are voluntary, as the Constitution requires. But the limits are made attractive to incumbents and challengers alike because of the bill's incentives to accept them, especially broadcast vouchers to help defray the high cost of television, other sensible forms of public financing, and low rates for mail and for broadcast advertising.

I support public financing of elections, and this bill should have gone further. Public financing was the right answer for Presidential elections in the Watergate reforms we enacted in the 1970's, and I believe that a similar answer would work well for Senate and House elections.

But the reforms in this bill are still a significant breakthrough. It would be hypocritical in the extreme for President Bush, who has benefited greatly

from public financing of his Presidential campaigns, to veto a bill which extends that sound principle to Senate and House elections.

In addition, if we are serious about ending the arms race in campaign financing, the enactment of spending limits and partial public financing is not enough. We must also limit PAC contributions, and this reform does so in two ways—by limiting the amount of any PAC contribution to \$2,500 per election, and also by limiting the total amount of PAC contributions that Senate candidates can accept to 20 percent of the spending limit.

All of us know first hand that the current campaign finance system is badly flawed. We don't have to read about the abuses in the newspaper or hear about them on television. We live them every day. It costs too much money to run for office, and the funds we raise are often incurably tainted. It is long past time to reform the current corrupt system, end the fundraising treadmill, and eliminate special interest influence.

It is preposterous to call this measure an incumbents' protection bill. Challengers will clearly benefit from these reforms, and they are likely to benefit even more than incumbents. Under the current system, any incumbents worth their salt have three major advantages over challengers. They can raise more total funds than challengers. They can raise more large contributions than challengers, and they can spend more than challengers.

These reforms will change all that. They will create a more level playing field that is fairer to all participants in the electoral process, incumbents and challengers alike.

It is time for Congress to stop talking about reform and start acting to make it happen. This bill is not perfect. But compared to the status quo, it is like night and day.

Once campaign finance reform is achieved, we will at last break the stranglehold of the fat cats and special interest groups on our elections. Candidates will spend far less time raising campaign funds, and far more time developing effective responses to the serious challenges America faces. This legislation will make it far more likely that elections will be more about issues—and less about collecting campaign cash.

The corrosive influence of the current system is unacceptable. It has been said that we have the finest Congress money can buy—and it is a disgrace to our democracy.

It is time to stop soliciting campaign contributions from those whose interests are affected by our votes. It is time to end the corruption and the appearance of corruption that shadow everything we do and every vote we cast.

By enacting this legislation, we can take Senate and House elections off the

auction block. We can take them away from the special interests and give them back to the people. Above all, we can make our democracy once again worthy of its name.

Mr. BOREN. Mr. President, I have mentioned several times the problem of soft money which enters into political campaigns as a way of evading individual contribution limits which are in present law. This is evaded on a massive scale. Tens and even hundreds-of-millions-of-dollars have poured into campaigns in violation of the intent, at least, of the individual contribution limit. I would like to just briefly explain and put into the RECORD a description of exactly how soft money operates.

In recent years, the Federal election laws have been circumvented through the raising of contributions and the expenditure of funds not subject to limits under Federal law. Party committees use the so-called soft money in support of mixed activities which affect both Federal and non-Federal elections, such as get-out-the-vote efforts, voter registration, and generic public advertising activities.

So, for example, if you have congressional races going on, Senate races, Presidential races going on at the same time that you have elections, let us say, for Governor in a State or the election of the State legislatures, you have a coordinated mixed activity, both Democratic, both Republican activity going on at the same time, the party committees have been contending it is solely to influence State elections and therefore is not to be counted as money to influence the outcome of a Federal election. That simply is not true. Once people have exhausted the limits they can give to Federal candidates under our contribution limits, they simply then give thousands of dollars to party committees, for example, in States and allow the money to be funneled that way to help Federal campaigns, phone banks, other kinds of activities that obviously are of benefit to candidates for the House and Senate but do not have to be counted then under the contribution limit laws.

Under current law, the Federal Election Commission requires party committee expenditures to support such activities be allocated between Federal and non-Federal accounts, depending upon the nature of the expenditures, and whether the party committee is a national, State, or local committee.

Under these allocation rules, substantial amounts of money are raised by Federal candidates and their agents to support activities that affect the Federal election. For example, in the 1988 Presidential election, agents of the two candidates raised tens-of-millions-of-dollars for party committees to spend on activities in support of the Presidential candidates. There were actually fundraisers held where people

contributed \$100,000 each. This soft money was raised directly from corporations and from labor unions, although they have been prohibited under Federal law since 1907 from making contributions or expenditures for Federal election purposes.

In addition, soft money contributions far in excess of the \$1,000 per election limits for individuals were raised from individuals to support activities on behalf of Presidential candidates. The use of this soft money to support activities which affect Federal elections is clearly contrary to the intent of the Federal election laws and has resulted in the return of practices outlawed in 1974 where large individual contributions often in excess of \$100,000 were being made to support the election of Presidential candidates.

Under the conference report on S. 3 now before us, political party committees would be prohibited from using soft money, not regulated under Federal law, for any activities in connection with a Federal election. Activities in connection with a Federal election, including get-out-the-vote activities, voter registration, generic and mixed election activities including public advertising, campaign materials, maintenance of voter files and other activities affecting a Federal election during a Federal election period.

Federal election period, under the conference report, is defined as beginning on April 1 in a Presidential election year and on June 1 in all other Federal election years. Activities considered not to be in connection with a Federal election campaign include spending exclusively on behalf of State and local candidates, the administrative expenses for overhead, caucus staff, party committee building funds, research pertaining to non-Federal candidates, direct contributions to non-Federal candidates and other activities solely to support non-Federal candidates. Expenditures for get-out-the-vote and voter registration activities during a Federal election period are considered to affect a Federal election regardless of whether Federal candidates are involved directly in the activity themselves.

The exempt activity provisions of current law permitting unlimited spending for volunteer activities that affect a Federal election and for get-out-the-vote drive or voter registration on behalf of Presidential candidates would be repealed and replaced with general authority for State party committees to spend approximately 10 cents per voter for activities in connection with a Federal election which do not involve the use of broadcast media. Here we are talking about volunteer activities.

Party committees spending on mixed Federal-State activities in connection with Federal elections would be subject to a 30-cent-per-voter limit. State

party contributions limits for individuals and PAC's would be increased to \$10,000 for each election cycle. And Federal officeholders and candidates would be prohibited from soliciting soft money contributions.

So, Mr. President, the conference report on S. 3 closes the so-called soft money loophole once and for all. Soft money has often been called the sewer money of American politics because it is given in a way where there is less accountability than is the case with any other funds—corporations, labor unions pouring this money indirectly really for the purposes of influencing Federal campaign, perhaps even for the purpose of electing and defeating a Presidential candidate, all this being siphoned through State party committees, State party organizations under the guise of helping with State activities, not being fully documented, not coming under the rules and regulations, not coming under the individual contribution limits.

So this is a loophole, a huge and glaring loophole, under the current campaign finance law. It is a loophole that should be closed. It is a loophole that is closed under the historic campaign finance reform bill that is now pending before us in the form of the conference report to S. 3.

Likewise, another abuse under the current system is the abuse of bundling where interest groups get together and collect large amounts of contributions, bundle them together and hand them on to a candidate so that while an individual is prohibited from contributing more than \$1,000, that individual may go out and collect \$300,000 or \$400,000, bundle it together and then give it to the candidate so that that individual is being made to feel they have given \$300,000 or \$400,000 instead of individual contributions.

That is exactly the subject. This abuse is the subject of an editorial in the Washington Post on April 26 entitled "Bundles From Heaven". It calls upon the President to sign this bill into law because it makes a very strong step in the direction of halting the bundling process.

Mr. President, I ask unanimous consent that a description of the abuse of bundling and the Washington Post editorial on that subject be printed in the RECORD.

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

BUNDLING

The bundling of contributions has become an often used method of avoiding the contribution limitations of the campaign finance laws. By collecting a large number of contribution checks from individuals and delivering them to a candidate, the person collecting the contributions, or "bundler", enhances his or her contribution to a candidate by effectively adding the bundled contributions to the amount he or she can contribute directly under the law.

The intent of the bundling provisions of the conference report is to stop avoidance of the contribution limits and prohibitions of current law whereby political committees, individuals, and others solicit individual campaign contributions and then bundle the contributions together or otherwise arrange for the candidate to receive the contributions in a way which allows them to be recognized as providing the contributions. In the case of a PAC, for example, this means that contributions are organized and provided by the PAC in excess of its contribution limits in a way, that makes clear that the PAC is responsible for the contributions being made.

The purpose of the contribution limits and prohibitions of current law is to prevent corruption and the appearance of corruption. The bundling provisions in the conference report are designed to prevent the existing contribution limits and prohibitions from being evaded and undermined. This is done by limiting the amount of funds that a person can bundle to the amount of the contribution limit that applies to that individual.

The conference agreement limits bundling by lobbyists; partnerships and sole proprietorships; organizations prohibited from making contributions under federal law and their officers, employees or agents acting on the organization's behalf; and individuals who are agents, employees, or officers of a political party or connected political committee.

In general, the bundling provisions are not intended to interfere with the ability of federal candidates to raise campaign funds from persons who do not present problems of corruption or the appearance of corruption. Therefore, the conference agreement does not cover individuals acting in their own capacity (other than registered lobbyists to whom special provisions apply) unless they are engaging in such efforts on behalf of another entity covered by federal contribution limits and prohibitions.

For example, the bundling provisions do not apply to individuals serving as volunteers helping raise campaign funds for candidates through fundraising receptions or by other methods. So that there is no confusion about the reach of these provisions, the conferees have adopted specific clarifications from the House bill providing that the bundling restrictions do not apply to the following: a volunteer hosting a fundraising event at the volunteer's home; representatives of the candidate occupying a significant position in the campaign, professional fundraisers working for the candidate, and individuals transmitting a contribution from the individual's spouse.

If an individual in raising contributions for a candidate for federal office is acting on behalf of another entity covered by federal campaign limits and prohibitions, such as assisting a PAC or political party in making contributions in excess of its limit, then the contributions would be treated as coming from the PAC or political party as well as the original donor in order to prevent evasion of the law.

Persons required to register as lobbyists or foreign agents would also be required to treat contributions they bundled for a federal candidate against their own contribution limit. The purpose of this provision is to ensure that lobbyists are not able to evade their contribution limits and use large sums of money beyond that which they are otherwise permitted to contribute to obtain influence with government officials.

[From the Washington Post, Apr. 26, 1992]

BUNDLES FROM HEAVEN

President Bush is in an awkward position on campaign finance reform. Twice in the last few days his own fund-raising efforts have demonstrated the need for a strong reform bill that he is about to veto. He makes himself the protector of a fetid system of which he is also a leading beneficiary.

At a Bush-Quayle fund-raiser in Michigan April 14, five corporations were listed as major donors. Campaign aides called the listing "an embarrassing * * * mistake," but what embarrassed them was not what the corporations had done, only how they had described it. It's illegal for corporations, as for unions, to contribute their own funds directly to presidential or other candidates for federal office. They get around the law by contributing other funds indirectly.

One way of accomplishing that is by "bundling"; owners and/or employees of a company will be asked to make ostensibly individual contributions to a candidate, all tidily within the limits prescribed by law. But these will then be put in a sheaf and given to the candidate in the company's name as well, in a way and an amount that, if it came from the company directly, the law would ban. That's what happened here; the "mistake" was simply acknowledging it. To keep a distance between corporations, unions and campaigns, the bill that the president says he will veto would ban bundling.

Meanwhile, a co-chairman of a "President's Dinner" scheduled for next week on behalf of Republican congressional candidates has been accused by a former employee of having coerced employees to make contributions to be handed up in a bundle, and other literature from the dinner invites both direct contributions from corporations and unions and contributions from individuals in excess of what the law allows to candidates directly. The literature says "every dollar" will go "toward building a stronger Republican presence" in Congress. The money that can't go to candidates directly will simply be put in a separate account and distributed indirectly, mostly through state parties. That's called "soft money" in the trade, and the bill to be vetoed would largely ban that, too.

The president's spokesman, Marlin Fitzwater, had to defend all this on Thursday—not a pleasant task. It wasn't really the president's dinner, he said, but a congressional affair, and the president was opposed to coercion though not to the access that the invitations promised big contributors particularly to administration and congressional figures. It's okay within certain limits to use the carrot to induce contributions, just not the stick. "I don't believe it's a corrupting influence," the spokesman said.

He did better when he broke through to slightly higher ground to say that just about everyone agrees that "money is necessary" in politics, "and it is useful and * * * you do have to have ways to get it into the system. But the trick is deciding how you can best protect it, how you can prevent conflict of interest, how do you prevent corruption of the process. And if you say a dinner is not appropriate, well, you know, what is? Do you make a rule that says the only way you can give is blind?"

That's a good description of the problem, and of precisely the balance that the bill tries to preserve. It seeks to preserve the presence but reduce the oppressive importance of private money in congressional campaigns by setting voluntary spending limits, providing some public finance to can-

didates who comply with them, using some other rules to change the current mix of funds and barring such evasions as bundling and soft money. Eventually most of the money will still be given; that is always the way. But it will be done even more indirectly, and in the process its capacity for mischief will be diluted and reduced. That's the modest goal that Mr. Bush (while himself nominally abiding by voluntary spending limits and taking millions in public funds) now proposes to thwart.

Mr. BOREN. Mr. President, as you know, the time will soon be under the control of the Senator from West Virginia, who is expected on the floor momentarily. I see the Senator from Arizona has arrived, and I want to yield the floor so that he may also contribute his ideas and his experience to the course of this debate on campaign finance reform. So I yield the floor so that my colleague from Arizona might be recognized.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the distinguished Senator from Oklahoma and also compliment him for his leadership in this effort. No one has worked longer and harder than DAVID BOREN. He came here, being a nationally recognized Governor from his State, with probably many ideals but one driving force, and that was that this political system is not good and must be changed. As some of us who came with these ideas, he realizes, that nothing moves around here fast, but everything is in such a slow motion sometimes it just absolutely drives you bonkers.

DAVID BOREN has stayed with it, and now the day is finally here when we will send to the President a comprehensive campaign reform bill. I know it is not everything the Senator from Oklahoma wants, nor everything the Senator from Arizona wants.

As one who has worked for and advocated this reform since 1977, it is almost hard to believe that Congress is about to complete action on this Bill. Unfortunately, our Republican colleagues will try to throw a wet blanket on this party. They will assure us that the President will veto this bill, that it is a dead duck. I refuse to accept that. I refuse to believe that President Bush will choose political gamesmanship over true reform.

Throughout my career in the Senate, I have cosponsored and sponsored numerous pieces of legislation to reform Senate elections: provisions to provide public financing and limit spending, to increase disclosure of PAC activity, to limit PAC contributions, to reverse Buckley versus Valeo, to end the practice of converting left-over campaign funds to personal use, to combat negative advertising, to enhance voter registration and the list goes on. Many of my colleagues and I have spoken repeatedly on the Senate floor on these same issues. We have voted again and

again to pass solid, responsible reform legislation.

The conference committee bill is not perfect; no bill is ever perfect. But that must not prevent us from adopting it. No one can deny that this bill is immeasurably better than the current system. My biggest disappointment in this bill is that it does not contain sufficient public financing. When this bill was before the Senate last May, I cosponsored Senator KERRY's amendment to provide public financing. Unfortunately that amendment was defeated. My own bill, S. 53, also contains a large public financing component. Nonetheless, I am a realist. While this bill falls short of my expectations for complete reform, it is better, much better, than our current situation.

The current situation is this. When I first ran for the Senate in 1976, I spent \$615,000 in a very competitive race. In 1982, I spent \$2.1 million, and in 1988, I spent \$2.7 million. This is ridiculous. What is more ridiculous is that in 1988 the average Senate race cost \$4 million. To raise that kind of money, a Senator must spend an inordinate amount of his or her time raising money or planning how to raise money. The sad truth is we spend too little time legislating and too much time with our fundraisers. Limits on spending are the only answer.

Consider for a moment the following numbers on the cost of winning an average House or Senate seat in 1976 versus 1990.

In the House of Representatives, in 1976, \$87,200; and in 1990, \$410,000.

In the Senate, in 1976, \$607,100; and in 1990, \$3.3 million.

Some of my friends on the other side of the aisle will claim that spending limits create some kind of advantage for incumbents.

Mr. President, incumbents now have all the advantages: Name recognition, constituent service, and fundraising advantages. The facts are that incumbents raise more and spend more than their challengers. Spending limits will harm those who are most able to raise and spend money—the incumbents.

Incumbents' share of total Senate campaign spending keeps going up: In 1980 it was 44 percent; and in 1990 it was 60 percent.

In 1990 incumbents spent on average \$3.5 million; and challengers spent on average \$1.7 million.

In Arizona, and in more than half the States, total spending limits in this bill would be near or below \$2 million. A challenger may still not be able to raise that much money. The average 1990 challenger raised \$1.7 million, but the average incumbent who in 1990 raised \$3.5 million would be severely restricted by the \$2 million cap.

There is a popular, though inaccurate, analogy making the rounds of my colleagues who oppose spending limits. They equate a campaign with

spending limits to a 100 yard dash in which the incumbent starts at the 50 yard line and the challenger can't hope to catch up. But, fundraising is not a sprint; it is a long distance race in which the incumbent is in far better shape than the challenger. With spending limits, we force the incumbent to stop and wait for the challenger to catch up, and they both finish together.

But do not take my word for it, do not take the word of my Democratic colleagues, listen to what some Republican challengers are saying. According to a story in the Washington Post of April 25, 33 Republicans from 21 States wrote President Bush a letter outlining their support for the bill we are considering. I quote:

As congressional challengers and loyal Republicans, we urge you sign the comprehensive campaign finance reform legislation making its way to your desk this year. Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our electoral process.

These are not individuals intent on protecting the power of incumbents. These are not individuals whose "sole focus [is] to protect their majority in Congress" as the RNC would have us believe of all supporters of this bill. The President seems to be listening to the incumbent Republicans in the Congress. As one incumbent, let me state:

Mr. President, I am willing to give up the biases toward incumbents if we will just reform this system. Sign this bill.

Political action committee spending is another area where incumbents have a tremendous advantage, an advantage that this bill would blunt.

Total PAC contributions grew 343 percent from 1978 to 1988: 1974, \$12.5 million; and 1990, \$150 million. A 400-percent increase after inflation.

In 1990, as in all years, Senate incumbents received a disproportionate share of that PAC spending: Senate incumbents; \$29.6 million from PAC's; and Senate challengers; \$7.9 million.

This bill addresses the PAC issue in two important ways. First, it reduces contributions by PAC's to Senate candidates from the current \$5,000 to \$2,500 per election.

Second, and more importantly, it places an aggregate limit on PAC contributions of 20 percent of the cycle limit. The role of PAC's is effectively limited without taking the draconian step of eliminating them.

PAC's are not inherently evil as some of the political pundits would have you believe.

PAC's do empower small contributors who otherwise might never become involved in the political process. PAC's are not usually the big fat cats—those are the bundlers. No, PAC's are comprised of the average worker:

Schoolteachers where members contribute \$1.15 to the NEA PAC.

Auto workers who contribute an average of \$5 a year to the UAW PAC.

PAC's are not just the AMA or the bankers, or big labor. PAC's are also comprised of people banded together who are concerned about the environment, health issues, children's issues, or veterans issues.

Finally, eliminating PAC's is almost certainly unconstitutional. Those who would grandstand this issue and call for the elimination of PAC's are ignoring reality.

We will hear many arguments during this debate about public financing.

How the American people won't tolerate public funds being used to finance campaigns, how using public money is wrong and how it will be abused.

First, let me state that my biggest complaint with this bill is that there is not enough public financing, that there should be substantially more, and I think much of the American public will agree with me.

A poll conducted by Greenberg-Lake in February of last year demonstrated that a substantial portion of the electorate is willing to trade public financing for cleaner elections. Fifty-eight percent of those surveyed supported the notion of the Federal Government providing candidates a fixed amount of public money in exchange for an end to private contributions.

A June 1990 poll by the Harris organization indicated that 82 percent of those polled supported the Borden bill when it was described to them.

President Bush has been arguing that public financing of congressional elections is wrong. Is this the same President Bush who, by the end of this year, will have received over \$200 million in public funds during his Presidential and Vice Presidential campaigns? Mr. President, what is good for the goose is good for the gander. He is right to take those public funds because they have succeeded in cleaning up the Presidential campaigns system.

But the same rationale should apply to public financing—and this bill's public financing is very limited—of congressional elections.

Public financing is an investment in good Government. The decline in our democratic processes is a great threat to our Nation. Homelessness, child nutrition, education—all of these vital programs are worthy of Federal support. But we cannot compare apples and oranges. We cannot say that the threat to our democracy of the cynicism, disgust, and distrust of the American people is less of a problem than the many other crises facing this country. We cannot ignore the level of dissatisfaction that exists today.

We must change the public perception. Partial public financing is not a selfish program on the part of politicians. It is a program to guarantee to the people that their government is one of integrity and honor. How can we say that partially financing elections with the people's money in an effort to

combat private big money is not a worthy use of the people's funds?

Those who oppose public financing will argue that it will enable fringe candidates such as Lyndon LaRouche and David Duke to push their own private agendas at the public expense. Critics argue that candidates who would not choose to run under current circumstances would be encouraged to go for the spotlight at the public's expense, even though they have little chance of winning.

These arguments are nothing but strawmen. Candidates must prove that they are serious and viable by raising a threshold of 10 percent of their general election limit. The threshold must be made up of small contributions of \$250 or less.

Competition is a critical aspect of democracy. If candidates can meet the threshold requirements, then I believe they have demonstrated that they represent ideas with which a significant number of Americans agree, whether or not we agree with them personally. Democracy means encouraging ideas, not squelching them.

If an opponent is running on a platform that is abhorrent to us, then let's get out there and make the issues the focus of the election. This is what makes the electorate confident that their representative is pursuing the people's agenda and not because of money.

To say we do not want to give challengers an equal playing field because they might espouse ideas we don't agree with is fundamentally contrary to the tenets of this great democracy. Shying away from this important element of reform—which will benefit all candidates and level the playing field for challengers—just because we are afraid of encouraging candidates we don't like, is a poor excuse for denying the American people the true reform they deserve.

It is the people we represent. There is nothing evil about financing the people's elections with the people's money, so that the people control the interests of those they elect.

Let us make 1992 the last congressional election without meaningful reform. I am hopeful that the Senate will swiftly pass this conference report and send it to the President. And then I hope that the President will put aside political gamesmanship, will put aside notions of how best to exploit campaign reform for crass political purposes, will put aside ideas of cheapshot 30 second TV spots, and will instead side with the people and sign this reform bill to clean up the system.

Mr. President, I want to thank the President pro tempore for letting me invade on his time. Again, my compliments to the Senator from Oklahoma for his leadership in this effort.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. BYRD. Mr. President, how much time do I have under the order?

The PRESIDING OFFICER. The Senator has 90 minutes under the order.

Mr. BYRD. I thank the Chair.

Mr. President, we are enduring a time of bitter politics and bitter despair. At the very crossroads of worldwide historic change, at the moment of the seeming triumph of the ideas of freedom and American democracy around the world, the American people have been treated to a spectacle of name-calling, finger-pointing, scandal, political conspiracies, pandering, and issue-ducking that has rarely been seen in the history of our Republic. No wonder that so many voters register their disquiet with all of the candidates running for the Presidency and their anger and disenchantment with so many incumbents seeking re-election to the Senate and the House of Representatives.

If that were not cause enough to be repulsed by the political process, currently Congress, the media, and the White House seem locked in government gridlock and mired in an orgy of petty muckraking, spurred on, as it were, by the heat of an election year, each oblivious to the damage to, and the degradation of, our own democratic institutions that such conduct is wreaking.

The earthquake and aftershocks of accusation and political bloodletting that dominated much of last year promise to continue this year and to become ever more violent and intemperate, as November approaches.

With the world at this critical juncture in its history, Congress and the White House ought to be concentrating on those most important questions that national politicians can consider—namely, what is America's future for our coming generations, and what is America's place in the world? Every other country in the world is thinking especially about this latter question: What is America's place in the world? And they are all wondering, how is the United States, the world's only superpower, going to act, now that Soviet Communism has fallen? Only one country seems not to be concerned about America's role as the premier force in the world, and that country is the United States itself.

Here, the White House is more concerned with bashing Congress and finding "perks" on Capitol Hill than finding America's course in the world. Congress, in its own defense, has focused its attention on "perks" in the White House, and the press is eating it all up, loving it, turning every discovery of a new "perk" into another front-page story.

As a result, Congress and the White House have become so defensive about their respective institutions that they

are in gridlock. Meanwhile, the rest of the world waits, watches, and wonders.

During this time of unequalled and unforeseen opportunities, both the White House and Congress might instead have fine-tuned our directional compass in the aftermath of the collapse of our international nemesis—the Soviet Union and Soviet communism—and reevaluated our own priorities to deal with a changed world and its radically different challenges. But, no, we—and by “we,” I mean all of us who serve, those who send us here, the White House, and the press—choose to focus instead on the delicious spectacle of the so-called “perks” of the Members of the House of Representatives. Almost as we have been collectively overwhelmed by the challenges, by the real world’s demands, we choose instead to sink our fangs into something juicier than issues, something with tabloid sexiness, if you will, something that supermarket-shopper America can understand and relate to: A whiff of petty corruption in government!

In this regard, I am reminded of the words in Matthew 23 of the New Testament: “Woe unto you, scribes and Pharisees, hypocrites! * * * Ye blind guides, which strain at a gnat and swallow a camel.”

Mr. President, the increasing “gnat straining and camel swallowing” that we are witnessing today with regard to the Senate and House—in the press, on television and radio talk shows, and even on the 1992 campaign trail—is the symptom of a nation that has lost its way, and whose leaders are embroiled in petty bickering, fault finding, and finger pointing.

On every hand, the national pastime currently appears to have become Congress-bashing. It is the make shift platform on which the current occupant of the White House is waging his campaign for reelection. That is his platform. That is it. The whole kit and caboodle. Congress bashing. With every new edition of the newspapers and the seven o’clock news, the American people are being treated to the “sins of Congress,” “Congressional outrages,” and “Congressional perks.”

Parking spaces, souvenir ashtrays in the stationery store—at cost! Haircuts in the Senate barber shop!

Incidentally, I was watching King Henry V the other night, and I was amazed at King Henry’s haircut. I realize that King Henry was young when he took over the throne in 1413—he reined until 1422—but I thought he at least had longer hair. This King Henry looked as though he had a brandnew American-made, up-to-date, modern haircut, straight from the Senate barber shop. I thought that was a little out of keeping. But, after all, I did not have anything to do with developing the picture or with King Henry’s haircut.

Take some of the other perks: A doctor on duty, in case somebody on the

police force, a tourist, or somebody on the committee staffs, or somebody over at the Supreme Court building, such as a Supreme Court Justice, has a heart attack or seizure; telephones, typewriters, and computers in the members’ offices—these are so-called “perks”.

On and on this discordant chorus goes, Mr. President, as if the Republic itself were tottering in the balance on the basis of a cost-priced ashtray!

Mr. President, this is straining at gnats. Meanwhile, what about the camel? Meanwhile, campaign financing abuse is eating the heart out of the political process itself, with members being forced to run from one end of the country to another searching for every possible penny to pay for the next political campaign; with Senators and House members being distracted from the real work on the floor, the real work in committees, the real work in meeting with their constituents and federal agencies here in town, being distracted from the real work of the Congress—to do what? To raise money from special interests and moneyed people just to win in the next election. Meantime, with the leukemia of campaign money spreading through the veins and the arteries of our national political system, a national debt threatens to impoverish the next generation and the generation after that, and a burgeoning federal budget deficit is caught in a gridlock, while inflation-boosting entitlements go up and up, year after year, millions of Americans are without medical insurance, and the streets of great American cities are being turned into “no-man’s lands” by youth gangs, thugs, young toughs, drug dealers, and pistol-packing teenagers. With all of these disasters verging in upon us, across this country, the electorate is being bombarded with the message that parking spaces for Members and their staffs, and flowers from the Botanical Gardens in Members’ offices are corrupting the land and destroying the Union.

Mr. President, throughout my career in the Chamber, I have worked continually for reform—the President says we need reform—I have worked continually for reform, reform to move legislation more effectively, reform to streamline the committee system, reform to open the Senate to public scrutiny through admission of radio and television into the Senate, and reform to bring about greater public accountability in personal finances.

But on every hand, we hear this constant drumbeat—ridiculing the Congress for “perks,” and from across the country, we hear the mounting cries of disillusionment and anger rising from the hearts and throats of patriotic men and women who have allowed themselves to be convinced that “perks” are about to bring the country to ruin.

“Perks” are a problem, indeed, but that problem is a molehill compared to

the mountain that is being utterly and ignominiously ignored by the scandal-mongers and the gnat-strainers.

Mr. President, tabloid journalism begets tabloid politics. The spectacle that we are witnessing currently is the fruit of the spirit of “tabloidism”—that insidious lust for scandal, rumor, innuendo, and disgrace to which irresponsible people are pandering for their own purposes, regardless of the damage being done to the country or the failure to come to grips with real issues and real crises.

There is much that is wrong in this troubled Nation. We have sky-high deficits, crumbling transportation systems, inadequate health care, little to no energy policy, hazardous-waste pollution, a failing education system, and horrendous crime and drug problems.

But none of these concerns is more serious than the malady, the creeping epidemic, the gangrene that cannot be legislated away and for which there is no easy vaccine.

That malady of which I speak, that creeping epidemic of which I speak has been carefully nurtured, fostered, and spread for close now to two decades. It has been carefully drilled into the American people—rooted and pruned and fertilized by three consecutive occupants of the White House.

That disease is cynicism—a cynicism that has been deliberately marketed to the American people since 1976 by clever media men trading on frustration, envy, and dissatisfaction, and the natural American mistrust of Government and “politicians.”

Beginning with Jimmy Carter, three American Presidents were persuaded of the political advantage of convincing the American people that all of their problems began and ended with Government—more specifically, with the Government here in Washington.

Ronald Reagan perfected this tactic to an art form. Ronald Reagan persuaded the American people that all Government—all Government—is bad, that all problems could be solved by a tax cut, and that the Government, and especially the Congress, is an encumbrance without a constructive role, without legitimacy and without purpose other than to obstruct and thwart the will of the Chief Executive who sits in the Oval Office of the White House.

To his discredit, George Bush has parroted this destructive, divisive garbage.

But, alas, the American people have bought it all—lock, stock, and barrel.

Greed was the watchword of the eighties. Make a fast buck! The message that went forth was, just eliminate the encumbrances of Government and the American people would then outproduce, outperform, and outdistance any country in the world. This message was the ultimate in political-sloganeering genius. The message said, “Just get Government off the backs of

the American people and all of the Nation's problems will melt away."

There was an easily identifiable, already disliked villain: Government; against an appealing hero: the American people; the messenger being a former television huckster and former Hollywood leading man with media skills unrivaled in American political history: Ronald Reagan.

For a while, the heady rhetoric seemed to ring true. America did prosper in the 1980's. But there was a crushing, hidden cost. The massive deficits piled up during the 1980's were obscured by borrowing from foreigners and from future generations, my children, your children and their children. The American worker was given kudos from the bully pulpit, but nothing else. While we mortgaged our future to pay for massive defense buildups, we robbed this Nation of investments in education and infrastructure and declined to engage in any sort of intelligent planning about the future economic viability of our country in an increasingly competitive world.

As a nation, we have literally brainwashed ourselves—all of us, the American people, and the media. We have come to believe that all issues must be compressed into 30-second spots, that there is no problem that cannot be solved by the appointment of a commission, that the American people are too ready to kill the messenger to be told the truth, that an honest look at ourselves as a nation and at our failings is unpatriotic, that political experience is a liability, that all domestic Government spending is wasteful pork barreling, and that public service is dishonorable.

We have learned these easy lessons well. These hackneyed cliches and familiar slogans convey notions that are convenient to believe and convenient to cite as the reasons for all of the Nation's ills, and they will get applause from the gallery, they will get amens from the corner, and absolution, if you will, for all of our sins.

More recently we have witnessed day after day, via detailed press accounts, the public feeding of the red meat of the House bank scandal.

This unfortunate turn of events was like the frosting on the cake for everything that we have so carefully taught the public during the 1980's. Everything was ready and waiting, and the stage was set. The curtain goes up and, here, in the simplest, starkest terms, existed documented proof that the Congress is inept, irresponsible, and mostly downright dishonorable. Here was proof of it. The whole Congress!

Add to that the cheap haircuts, free parking, the gymnasium and its corrupting influence, and there you have it in a nutshell—the reasons for the decline of the United States of America, our standard of living, and our failing world economic power. It is just that simple.

I say these things not to make light of situations that are unfortunate here in the Congress. I am certainly not condoning behavior that constitutes a breach of public trust or unethical conduct. I say these things to point out this Nation's seeming propensity to avoid the hard questions, duck the real issues, and focus instead on tabloid fodder. Of course, it is easier to do that, so much easier to focus on that tabloid fodder. Moreover, it is entertaining. Nor is it so complicated as defining a new role for our country in the world or reducing budget deficits. It is not so complicated as rebuilding our industrial and manufacturing base, or salvaging an economic future for our children.

Too often, we in public office run campaigns on our opponent's warts and pimples, instead of on real issues. We follow our media managers' scripts—like dumb, driven cattle. Trying to educate is too tedious. Do not go out there and try to educate our constituents on the real issues. That is too tedious. Do not go out and take a difficult position. That is too hard. It is too tough to be honest, too unpopular to go against the grain. Take the line of least resistance.

We try to be all things, then, to all people.

During much of the decade of the 1980's, we never seriously challenged "Dr. Feel-Good Reagan" in his Good Morning America messages, because we were afraid of telling the people the bad news when he claimed to have only good news to proclaim. And that is what the people wanted to hear—the good news. So they got the "good news" message.

Ronald Reagan's devils were always so easy to identify—the Soviet Union, taxes, Qadhafi, big government. Without minimizing those devils, there were other demons that were real dangers, real demons that were much more subtle: illiteracy, poverty, crumbling infrastructure, failing workers' skills, people without health care, low productivity growth. These were the real demons.

The feel-good promises of the 1980's came true for only a handful of the American people—those who profited from insider trading on Wall Street, those who made temporary fortunes in the savings and loan scandals—and we are all waiting to see when they are going to go to jail, if ever—and those whose rapacious greed gutted American companies of their best assets, and threw thousands of men and women out of jobs without medical insurance and without pensions for which many had labored for decades.

Now, the American people—the American voters—are asking why? Instead of having the intestinal fortitude to tell America the truth—that this country has been on the wrong track for 12 years and that now we have to do

some hard and painful things—we pander, we vacillate, we hem and haw. Instead of telling the American people to get involved, learn more about issues and candidates, stop their love affair with divided Government, and face up to our Nation's real problems, we evade those problems.

We worry about getting through the next election. Then, we rationalize, we can lead the Nation in the right direction. But the problem is that we do not lead even after the next election has come and gone.

We have become what our media managers have packaged us to be. We will not handle hot coals. We will not even stand up for our own institution here.

There are those who, in the institution itself, seem to be making a career out of running down the institution; running down the Congress. Remember that Franklin D. Roosevelt said, "If we were to eliminate the Congress, we would automatically cease to be a Republic."

I remember one of John Heywood's proverbs.

"It is a foule bird that fouleth his owne nest."

"It is a foule bird that fouleth his owne nest."

And yet, there are those, here in this Chamber, who take delight in fouling their own nest, running down their own institution. Somebody needs to stand up for the institution!

Yes, it has warts, it has pimples, it has some carbuncles. Let us do something about them. I have tried for years to put in place an ethics code; to bring television to this Chamber so that the American people could see their representatives in action. We can always deal with those things. But let us not destroy the institution. Let us not help to rip it down, that we might get a hurrah, or a bit of applause from a newspaper editor, a newspaper columnist, or from the great gallery of the American people.

What we need to do is say to the American people, "Your perceptions are wrong. You have been led down the garden path and you do not realize it. Wake up before it is too late."

We are afraid to say that perks are not the real problem in the Congress. Why not state flatly that the real problem is an inability or an unwillingness to lead. That is the real problem. And it applies to both ends of Pennsylvania Avenue: The White House and Capitol Hill.

Capitol Hill, by virtue of its institutional structure itself is not built to lead. There is only one leader, one Hannibal, one person who can speak with one voice. Only one.

One President, one leader with one bully, bully, super-bully pulpit. Indeed, everybody in this city is afraid to lead. We are afraid to stumble and get blamed for all of the failures piling up

around us. The President is afraid that the truth about the national debt and the budget deficits might be blamed on him. And, like George Bush, we will not tell the American people that taxes will ultimately have to be raised, entitlements will have to be cut, and massive amounts of money will have to be spent here at home if we are to become economically strong again, cut the deficit, and increase the Nation's productivity so that our country can compete in world markets and reverse the trade deficits.

Most of us admit these things privately, but we shrink from discussing them publicly. What is wrong in America is the fault of all of us—the White House and the Congress. It is also the fault of the press for preferring to cover petty—or more than petty—scandals rather than probe the real issues and help to educate the American people as to the colossal problems that confront them so that they will understand and support the solutions that will be painful.

It is also the fault of the people for dwelling on trivia as a barometer of how well Government functions rather than demanding that Government work to solve our deep and troubling national problems. It is the fault of the White House for preferring political advantage over sound policies. And it is the fault of the Congress for being mired in distractions, terrified of an honest discussion of where we need to take this Nation, and mesmerized by the next election and the ups and downs of the latest polls.

Most Members of Congress are honest public servants, many of whom who work horrendous hours—and the same can be said of staff—and many of whom enjoy little, if any, private life. Most Members of Congress have the same morals and outlook of the hard-working, decent, law-abiding people who send them here. Most Members of Congress—the Senate and the House of Representatives alike—come to Washington, like Mr. Smith of the famous movie, with visions and ideals, and with a commitment to public service that is admirable and that would be a source of pride to their constituents if they could see their Senator or Representative in the House at work every day. In the beginning, anyway, that is the way it is.

But before long, it becomes clear that those aspirations and noble goals brought here by those good people who were so determined to serve, those aspirations and goals have to share the stage and the schedule with the other most demanding requirement for service in the institution; namely, fundraising, holding out the hand with a tin cup, saying give me, give me, give me.

Fundraising eats up a Member's time, fractures his attention, and insidiously and subtly compromises his principles. To raise the vast sums of

money now required to remain in public service, a Member caters to special interest groups because the special interest groups control the bulk of the piles of money needed to pay for costly television plugs, negative campaign ads, sound bites, and sarcastic voice-over announcers who are best at attacking opponents.

Public debate of the issues has been reduced to mush, designed to avoid stepping on any toes. Negative campaigns become the rule because they trade on dissatisfaction rather than solutions, and they provide a way of avoiding a discussion of tough problems that requires unpopular solutions.

Legislation is drafted with an eye to whom we need to please and to whom we have to avoid offending. As a result, the average American is shut out of the process, and that only deepens the cynicism and gives the special interest groups even more power as a source of campaign revenue.

Here, in fact, lies one of the major problems if one is looking for what is wrong with the Congress. The problem is not chauffeur-driven cars or cheap haircuts. The problem is not even too many committee assignments or a too complex budget process—although certainly those problems should be addressed. The problem is not too many staff people or the lack of a line-item veto. The problem is too much money in political campaigns.

Plutarch tells us that Philip of Macedon's maxim was to procure empire with money and not money by empire. There was a common saying, says Plutarch, that it was not Philip but Philip's gold that conquered the cities of Greece. Philip's gold. That is what we are talking about here—Philip's gold! It conquers the legislative agendas, as Philip's gold conquered the cities of Greece. "Philip's gold" is rubbing the political palms of those of us who want to continue in public service. We have to raise that money. Campaigns are costly.

The first time I ran for office with Jennings Randolph—both on the same ticket, running for two seats in the Senate, in the same election—we had a combined war chest of about \$50,000—\$50,000! That was before we had all of these costly media consultants and costly television advertising. Those were the old days when we did our stump speaking in campaigns.

We went to the county courthouses. I took my fiddle, played a few tunes at the courthouse. We visited all the fraternal organizations, the Odd Fellows, the Knights of Pythias, the Moose, the Elks, the Owls and went to churches and singing conventions and county fairs and family reunions, and spoke on the street corners and the county courthouse lawns.

We do not do it that way anymore. We have to have "Philip's gold" nowadays. Too much money in political

campaigns. That is the problem. The problem is, that to stay in office, Members trim their sails and vote and speak in a manner that will keep their campaign funds—"Philip's gold"—pouring in.

What may be good for the country becomes secondary. Courageous action is harder to come by. Independent thought is all but stifled. What we see is the Alcibiades syndrome at work. Alcibiades was an Athenian general and politician. He was young and handsome, a pupil of Socrates, a man of tremendous ability, but with an equally tremendous ego and ambition. He put his own interests ahead of his country's interests. He was unwilling to place the national interest above personal advantage, tended to put his own private political ambitions before the public interest.

So that is what we see today in America, a political climate in which no one is willing to take the rap for a difficult decision, in which personal and private political considerations take precedence over the public good—in short, a full-blown case of the Alcibiades syndrome: personal and party political interests first; the public be damned. How will my vote affect my reelection chances with this special interest group or that special interest group, this pressure group or that pressure group, this one-issue group or that one-issue group that will put money in the hat when it is passed around?

But there is good news today. We have on the floor here today a vehicle that can begin to address our problems if we will but take the opportunity to use it. This legislation will help to stop the endless pursuit of money by congressional candidates.

I, like most other Senators, have accepted money for political campaigns from special interest groups. Nothing unlawful about it. It is legal. I reported it, as I was required to. And as long as we are saddled with the present system, we will keep on going through this sordid and demeaning exercise unless we are filthy rich and can afford to finance our own campaigns. But within the institution I have tried to put an end to the current system. As majority leader, I tried it, time and time again. We have to keep on trying.

I said a moment ago that in my first campaign, my then colleague, Senator Randolph, and I ran on \$50,000 or less—for two Senate seats. That would be a bargain basement price today, \$50,000. Today, it would be a joke.

Will Rogers once said, "Politics has got so expensive that it takes a lot of money even to get beat with." And it does take a lot of money—\$4 million on the average for a winning Senate seat and sometimes more than that even "to get beat with."

The legislation before the Senate will establish voluntary spending limits, provide vouchers for broadcast time,

and allow challengers a better chance to compete against an incumbent.

I am rather amused at all of the No. 3 tubs full of crocodile tears that I see shed on this floor for "challengers." Yet, to tell the truth, there is not a Senator here who wants a challenger. Not one. I do not want a challenger. No other Senator wants a challenger. But it is a heart-warming spectacle to behold all the tears that are shed on this floor for challengers. Still, indeed, there is a need for a level playing field for both the challenger and the incumbent. I, too, was a challenger once, and many others who are here were challengers to incumbent Senators. If they had not been a challenger, they would not have gotten here.

This legislation will lessen the influence of PAC's and encourage cleaner, less negative campaigns.

This legislation is a good first step toward returning participation in government to the average citizen. Passing this legislation is, I believe, the most important action we can take to restore leadership and decency and integrity to the democratic process. The President makes speeches in the White House East Room about the need for reform. This is his chance for reform. If he truly believes in reform, this legislation is the reform that we must undertake if we are ever going to wrest government away from special interest groups and return it to the people where it belongs.

The spending limits in this legislation are voluntary. If a candidate feels he wishes to ignore those limits, he may do so, but a Federal matching-fund system is set up to help level the playing field if the limits are exceeded.

President Bush, who decries to the high heavens the public financing of congressional campaigns, benefits from public financing for his own Presidential campaign, and will have accepted more than \$200 million in Federal matching funds by the end of this campaign. Yet, he claims he will veto this bill if it passes, in part because of these matching-funds provisions. But in truth, the use of public moneys to level the playing field for challengers and incumbents and to lessen the influence of the special interests on American political decisions would be one of the best uses of public tax moneys that could be devised.

If the American people only knew the Atlas hold that special interest groups have on the peoples' representatives in this institution, on both ends of Capitol Hill, they would be shocked beyond description.

Daniel Webster—whose speeches schoolboys memorized for years—while he was chairman of the Finance Committee, was on a retainer for the Second Bank of the United States and wrote a letter to Nicholas Biddle, president of the bank, in which Webster reminded Biddle that his retainer had not been renewed or refreshed as usual.

Imagine that! Daniel Webster, a Member of the United States Senate, chairing the Finance Committee and leading the struggle against Jackson's bank plan, being at that time on the payroll of the bank. Webster wrote a letter to Biddle reminding him of that retainer and saying, "If it is wished that my relation to the bank should be continued, it may be well to send me the usual retainer."

This surely was one of the most egregious breaches of ethics in the history of the Senate, and it was one which will forever stain the shining name and reputation of Daniel Webster.

Yet, in a sense, we Senators and House Members are all somewhat like Daniel Webster. In a sense, we are retainers for the special-interest groups that grease our political palms with "Philip's gold." Of course, Webster's retainer fees went into his own pocket. The moneys that we get go into our campaign committee's coffers.

But, nevertheless, the influence of "Philip's gold" on Members is not to be doubted. Let a bill come before this Senate that affects one of these special interest groups, and there will be Nicholas Biddles all around the Capitol. They will be standing at the elevators when Senators get on; they will be standing at the elevators when Senators get off; they will be standing in the reception room; they will be standing in the subway where Senators get on and off the subway car, reminding Senators how that particular interest group stands on that particular legislation. They will be there; Nicholas Biddles all over the Capitol. There is only a difference in degree, perhaps a small distinction.

We all join the swelling chorus that says the American people need to take back their Government. The pending legislation will provide the most direct way to do that, and simultaneously to improve the quality of that Government with one fell stroke.

The money chase and the erosion of conviction and honest debate which it fosters are the fundamental problems here on Capitol Hill. And, indeed, in this great city of Washington, the abuses that this conference report would curb in congressional and Presidential elections are cancerous—not low grade cancers, but fast growing cancers that are feeding the cynicism that is rampant in America and contributing to the gridlock, do-nothing Government that we all deplore.

If we cannot take this fundamental step in the interest of our own system of government, it will be the unmistakable evidence of total irresponsibility in this body and in the White House. We all know the problems, and in our hearts we know that letting the current abusive, corruptive campaign finance system fester any longer will rot the foundations of this representative democracy.

Mr. President, it will do something more than that. It will sear and eat away at the hearts and consciences of those of us who participate in the current campaign financing system—the consciences of those of us who accept "Philip's gold."

In Greek mythology, we read of a fountain in Caria, in ancient geography, a part of Asia Minor, the Salmacis fountain. It got its name from a nymph of the same name who attended the fountain. One day a handsome youth named Hermaphroditus stopped by to drink from the fountain. Salmacis fell in love with the youth who had come to drink at the spring. He rejected her advances and begged her to go into the woods and leave him alone.

Salmacis withdrew into the forest, but kept an eye on Hermaphroditus. Lured by the cool and refreshing waters of the spring, he plunged into the waters. Salmacis plunged in after him, and clung to him and prayed that he would never be separated from her. Her prayer was answered as their bodies were fused into one. Hermaphroditus, realizing that he no longer existed as a man, prayed that whatever man who bathed or drank from that pool would become only half a man. This accounts for the mythological tradition concerning the fountain of Salmacis. To drink from the fountain was to lose the essence of one's self.

We drink from the waters of Salmacis and are no longer our own true selves when we perpetuate the current campaign system in which we finance our campaigns through the contributions of special interest groups which naturally expect something in return. They expect to influence, at some point in time, the legislation in which the group is interested. And to the extent that they are able to influence us, they rob us of our manhood, and we emerge after drinking the waters of Salmacis not so much our own man as we were before. No longer will it be easy to wear no man's collar but our own.

Mr. President, indeed, there is something deeper, something that is more eternal, something that gets inside the core of the human spirit and soul when one allows himself to be influenced in the discharge of the people's business by money—"Philip's gold"—in the form of campaign contributions. To that degree, he subordinates the interests of the American taxpayers, he subordinates the interests of his own country, and he subordinates the interests of his own grandchildren. He has put his own personal ambitions, his own political and private interests ahead of the public interest. In short, again, a full-blown case of the Alcibiades syndrome.

John of Salisbury said that it was glory enough for Prothaonius that he was a man of whom his grandson need

not be ashamed. Can we Senators, when the time comes as I said to someone earlier today, when we leave this Senate, however we leave it, whether through death, through defeat, or through retirement, can we look into the mirror and say: "I have been my own man. I wore no man's collar but my own. Was I a man of whom my grandson need not be ashamed?" Can we say that?

Failure to enact this legislation will be the real scandal in Washington this year. A veto of this landmark bill by President Bush will be the real proof that Washington is completely out of touch with the American people. I hope the American people will rise up and demand that we take this step as a beginning to a return to honest, effective government. If the American people want a change in the way their elected officials in Congress and in the White House do business, here is the real way to effect it. Someone asked the Greek philosopher, "What has philosophy given you?" Aristippus answered: "The power of speaking fearlessly to all men."

A vote to eliminate the present system of campaign financing will give us the power of speaking fearlessly to all men. No longer will we have to be "half a man," drinking from the fountain of Salmacis, going after Philip's gold, cringing before the groups that pour money into our campaigns and to that degree control our vote; but like Aristippus, we can say we have gained the power of speaking fearlessly to all men.

Mr. ROCKEFELLER. Mr. President, every Member who has held a town meeting recently, or listened to constituents, knows that voters are angry—very angry.

They feel cut off from the political process. They question if their elected representatives are too busy raising campaign funds to work on the real issues facing America. They know that our country is not on the right track, but they doubt that elected leaders understand the real problems facing families.

It is a tragedy that voter confidence is so low. Instead of believing that Government is part of the solution, too many voters believe that Government, and especially Congress, is part of the problem.

It's clear that a major contributing factor of voter distrust is our existing campaign finance system. People feel that they are shut out of the political process because of a complicated campaign finance system that they don't understand or trust.

To restore voter confidence in our system, we need to take bold action to revamp our campaign system. This conference report does that.

It curbs the money chase by providing reasonable incentives for candidates to voluntarily accept spending

limits. Spending limits are the cornerstone for serious reform. Unless we enact spending limits, we'll just be reshuffling the rules rather than grappling with the real problem.

In addition to spending limits, the conference report seeks to reduce the appearance of special interest influence by cutting the amount of political action committee [PAC] contributions in half—to \$2,500—for Senate candidates. The bill also establishes aggregate limits on PAC's. To close the loophole on campaign funds known as soft money, the legislation specifically requires that all political party spending that affects a Federal election will be paid with contributions raised according to Federal election law. This is balanced and fair.

Republicans have attacked this legislation with clever slogans. But the bottom line is that Republicans are unwilling to adopt voluntary spending limits. They are trying to get away with only tinkering at the edges. They focus on minor changes of Federal election law that would modify who could contribute to candidates and parties, and how much could be contributed. But they refuse to discuss voluntary spending limits and real reform. Republicans don't want to end the money chase.

But I believe voters do want to curb the money chase.

Voters are demanding real change. The conference report represents genuine reform. It is not a perfect bill, but it does respond to the overwhelming concern of American voters regarding excessive campaign spending.

Campaign finance reform is an important step toward restoring voter confidence, and I am proud to have consistently supported Democratic efforts in the Senate to enact meaningful campaign reform.

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

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak as if in morning business.

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

U.S. INTERNATIONAL TELECOMMUNICATIONS POLICY

Mr. PRESSLER. Mr. President, I have returned from a meeting in Geneva, Switzerland, with officials at the International Telecommunications Union [ITU]. I discussed with Deputy Secretary Jean Jiggeup and Director

Theodor Irmer the role the United States will play in developing the infrastructure of many former Communist block nations. The collapse of the Soviet Union has caused many Eastern European countries to reexamine their national telecommunications policies. East European governments no longer want to stifle open individual communication by their citizens. Rather, they now recognize the need to link their people with the outside world.

Other developing nations have realized that operating their state telephone monopolies as cash cows has resulted in a crumbling telecommunications infrastructure unable to function in the world economy. Former Communist bloc countries and developing countries are beginning to recognize that modernization of the telecommunications infrastructure creates new efficiencies in their economies.

As a result, the world is experiencing a phenomenon in communications. Never before in the history of modern telecommunications have so many government-controlled telephone monopolies opened up to foreign investment and ownership. I learned at my meeting with ITU officials that over 25 countries have completed telecommunications restructuring efforts. Another 35 countries have begun or are currently evaluating restructuring.

Privatization and restructuring of the global telecommunications industry has created unprecedented opportunities for U.S. telecommunications companies that were unimaginable even 5 years ago. At this extraordinary moment in world history, however, seven of America's preeminent telecommunications companies are hindered by U.S. law from taking full advantage of these openings.

The modified final judgment [MFJ] prohibits the regional Bell operating companies [RBOC's] from providing international interexchange telecommunications services between foreign countries and the United States through separate foreign telecommunications entities. Additionally, the RBOC's are prohibited from importing telecommunications equipment or customer premise equipment manufactured by a foreign subsidiary. Foreign companies competing with the RBOC's to establish foreign ventures frequently argue to foreign governments that the MFJ precludes the RBOC's from fully operating in foreign markets. This creates confusion, hesitation, and delay that adversely affects the efforts of U.S. companies to conduct legitimate business overseas.

When an RBOC is interested in participating in a foreign venture, it must seek a waiver from the Justice Department on a case-by-case basis. This obstacle places the RBOC at a serious disadvantage with foreign competitors.

Mr. President, last year following a visit to a NYNEX telecommunications

facility in Portsmouth, Great Britain, I called for the elimination of domestic restrictions that prohibit RBOC's from carrying long distance traffic from foreign owned companies back to the United States. This past December, the RBOC's filed with the Justice Department a request for a generic waiver to the MFJ to permit them to acquire foreign telecommunication companies providing communications services to the United States.

This generic international waiver would break down a self-imposed trade barrier facing U.S. companies, and allow the RBOC's to operate freely on the global stage. Our domestic law currently restricts seven of our largest companies from participating in what truly is a global revolution. It is time for this restriction to end. It is vital to American trade policy that the Justice Department act quickly to expedite this waiver request.

Last month Ambassador Bradley Holmes wrote the Justice Department in support of this waiver request. Ambassador Holmes agrees that America's international trade and foreign policy interests would be served well by the granting of this waiver request.

Mr. President, this is another example of the excellent work being done by the State Department's Bureau of International Communications and Information Policy.

On a number of occasions, I have discussed America's international telecommunications policy with Richard Beard, the Bureau's Deputy Coordinator. I have always found Dick's analysis of the complex telecommunications policy questions to be extremely insightful. We can be proud to have a public servant of Dick's caliber, coordinating our Nation's international communications policy.

Mr. President, I ask unanimous consent to have Ambassador Holmes' letter to Justice and an article appearing in Washington Telecom Week printed in the CONGRESSIONAL RECORD following my remarks.

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

(See exhibit 1).

Mr. PRESSLER. I would like to describe those articles. First of all, the Washington Telecom Week is the inside Washington to look at Federal Washington's policymaking. It states: "The State Department argues the Regional Bell Operating Companies should acquire foreign entities under generic waiver."

The State Dept. is strongly supporting a move by the Regional Bell Operating Companies (RBOCs) to lift Modified Final Judgment (MFJ) controls on foreign investment in order to take advantage of the restructuring of the telecommunications industry in Eastern Europe. In a letter seeking to enlist the help of the Justice Dept. on the matter, a top State official asserts RBOCs should be allowed to acquire foreign telecommunications entities under a generic waiver rather

than the current case-by-case approach that is said to put the Bells at a serious competitive disadvantage with other U.S. and international telecommunications giants.

EXHIBIT 1

DEPARTMENT OF STATE, BUREAU OF INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY,

Washington, DC, March 13, 1992.

Mr. JAMES F. RILL,
Assistant Attorney General, Antitrust Division,
Department of Justice, Washington, DC.

DEAR MR. RILL: I am writing about the request for a generic international waiver of the Modification of Final Judgment (MFJ) filed by the seven regional Bell companies on December 31, 1991. The waiver will permit the Bell companies to acquire foreign telecommunications entities providing international telecommunications services between foreign countries and the United States. Consistent with our previous letters to the Department of Justice on specific waivers requests by the Bell companies (attached as Tabs 1 and 2), I urge the Department to recommend to the Court that no substantial anticompetitive harm will occur if the waiver authority that previously was granted on a case-by-case basis to the regional Bell companies is extended generically.

Although I understand that the position the Department of Justice takes in this matter will be determined primarily by domestic antitrust considerations, I would like to bring certain international trade and other foreign policy interests to your attention.

Until quite recently, virtually all foreign countries provided telephone services to their populations through a government monopoly. This has had deleterious consequences, not only for U.S. commercial enterprises seeking to do business abroad, but also for the ability of individual citizens to communicate freely and inexpensively. Today, business opportunities are created when foreign countries restructure their telecommunications industries by privatizing telecommunication services and by opening previously monopolistic markets. To date over 25 countries have completed some form of restructuring and restructurings are now underway or being considered in at least 25 countries. This trend is particularly pronounced in the former communist bloc and in developing countries.

As a result of these foreign telecommunications restructurings and the consequential opportunities created for the global telecommunication industry, the practical implementation of the MFJ has had effects which could not have been anticipated when the AT&T case was settled. Foremost is the case-by-case waiver procedure required before the regional Bell companies can acquire equity interests in foreign companies. This waiver procedure has created artificial barriers, both real and perceived, for the regional Bell companies and has hindered their ability to aggressively pursue foreign opportunities. Many foreign telephone administrators, for example, view the MFJ constraints as impediments to Bell company participation in privatization bids or resent what they consider to be U.S. government intrusion into their sovereign affairs.

The generic international waiver would alleviate these foreign trade barriers and advance U.S. foreign policy interests by allowing the regional Bell companies to compete on a level playing field with both their domestic and international competitors, when attempting to acquire equity interests in

foreign restructurings. The international trade interests of the United States are obviously served when domestic telecommunications firms, such as the regional Bell companies, compete effectively in these foreign restructurings. The export of telecommunications products, services, and investments contributes directly to improving the U.S. balance of trade and realizing the basic human right to communicate freely.

These international trade and foreign policy considerations do not imply that the regional Bell companies necessarily would be more effective than other domestic telecommunications firms in advancing U.S. policy interests. Absent an appropriately conditioned waiver, however, seven of our largest domestic telecommunications firms would be precluded from competing in a growing number of foreign restructurings, despite the policy interests of the United States that may be served by their doing so.

I urge that the Department of Justice give appropriate consideration to the international trade and foreign policy interests I have identified in determining that the generic waiver will not constitute substantial anticompetitive harm, particularly because the opportunities created by privatization could not have been anticipated by the MFJ.

Sincerely,

Ambassador BRADLEY P. HOLMES,
U.S. Coordinator and Director.

[From Washington Telecom Week, Apr. 10, 1992]

STATE DEPT. ARGUES RBOCS SHOULD ACQUIRE FOREIGN ENTITIES UNDER GENERIC WAIVER

The State Dept. is strongly supporting a move by the Regional Bell Operating Companies (RBOCs) to lift Modified Final Judgment (MFJ) controls on foreign investment in order to take advantage of the restructuring of the telecommunications industry in Eastern Europe. In a letter seeking to enlist the help of the Justice Dept. on the matter, a top State official asserts RBOCs should be allowed to acquire foreign telecommunications entities under a generic waiver rather than the current case-by-case approach that is said to put the Bells at a serious competitive disadvantage with other U.S. and international telecommunications giants.

The RBOCs filed a request in December for a generic waiver to the Modified Final Judgment (MFJ) breaking up AT&T so that they would be permitted to acquire foreign telecommunications entities that provide services between the U.S. and foreign countries. State Dept. Ambassador Bradley Holmes told James Rill, the assistant attorney general of the antitrust division at Justice, that "no substantial anticompetitive harm" will occur if the waiver authority that was previously granted on a case-by-case basis to the RBOCs is extended generically. Holmes made this point in a March 13 letter to Rill but has not yet received a response. Holmes wants Justice to tell U.S. District Judge Harold Greene, who oversaw the breakup of AT&T, that a generic waiver should be issued. It is Greene who will make the final decision.

One industry source emphasized that every time the RBOCs want to participate in a foreign venture, they have to ask Justice for a specific waiver. This is an additional hurdle the RBOCs have to jump through before a foreign entity can consider their business proposals, and the RBOCs say the process puts them at a disadvantage compared to other U.S. firms that want to acquire foreign entities. The RBOCs apparently have not yet

decided whether to press for the waiver request if Justice does not give a clear expression of support for a generic waiver.

While Justice will zero in mainly on domestic antitrust issues, Holmes urged the department to also consider the international trade and foreign policy interests surrounding the generic waiver request. He pointed out that business opportunities are created when foreign countries restructure their telecommunications industries by privatizing telecommunication services and opening monopolistic markets. Over 25 countries have completed some form of restructuring, and restructuring are underway or being considered in at least 35 countries, he said. This trend is particularly pronounced in the former communist bloc and in developing countries.

Because of this foreign telecommunications restructuring, the implementation of the MFJ has had effects that could not have been anticipated when AT&T was broken up, Holmes emphasized. He said the case-by-case waiver procedure has created artificial barriers for the RBOCs and has hindered their ability to aggressively pursue foreign business opportunities. Holmes told Rill that many foreign telephone administrators "view the MFJ constraints as impediments to Bell company participation in privatization bids or resent what they consider to be U.S. government intrusion into their sovereign affairs."

Holmes said that the generic international waiver would alleviate these foreign trade barriers and advance U.S. foreign policy interests by allowing the RBOCs to better compete domestically and internationally when attempting to acquire equity interests in foreign restructuring.

Holmes urged Justice to give "appropriate consideration" to international trade and foreign policy interests "in determining that the generic waiver will not constitute substantial anticompetitive harm, particularly because the opportunities created by privatization could not have been anticipated by the MFJ."

Justice is reviewing the original waiver request, the comments filed by various parties and the letter from Holmes. There are no deadlines for either the Justice Dept. or Judge Greene to act on the waiver request.

ARMENIAN GENOCIDE: A HISTORY WHICH MUST NOT BE FORGOTTEN

Mr. PRESSLER. Mr. President, today we pause to remember the victims of the first genocide of this century. I wish to add my voice to others commemorating the 77th anniversary of the Armenian genocide in which 1.5 million Armenians were killed between 1915 and 1923 by forces of the Ottoman Turkish Empire.

I became interested in this issue as a student at Oxford University long before I entered public service. Since that time I have believed it important to discuss publicly the Armenian genocide often, so that this cruel lesson of history is not forgotten. Mr. President, it is important that we not ignore or forget such events in history.

It is important not only because of a moral imperative that we honor the memory of the victims of such atrocities. It is also important because when the world forgets such events, it allows

future despots a freer hand in conducting genocide against other races—as occurred in both Germany and Cambodia. Therefore, Mr. President, let us consider the events of the Armenian genocide in a historical context.

In 1915, the Ottoman government, controlled by the Young Turk Committee, began to use deportation and massacre as it implemented a policy of annihilation directed at Armenians living in the empire. Because the United States remained the sole major Western state with a diplomatic presence in the Ottoman Empire, our Embassy in Constantinople became the primary contact for those reporting on the escalating violence against the Armenians. Therefore, the United States Archives hold some of the most comprehensive documentation in the world concerning the Armenian genocide.

The edict of deportation was promulgated on May 27, 1915. However, this act simply formalized a governmental policy which had its roots in the reign of the Ottoman Sultan Abdul Hamid II, under whose rule some 300,000 Armenians were massacred from 1894 to 1896. Once the edict was announced, Armenians throughout the empire were deported with little notice.

The men were often separated and killed. The women, children, and the elderly were forced to march across Asia Minor and Turkish Armenia into the Syrian desert. Most were killed or died of starvation, disease, or exposure.

Then United States Ambassador to Turkey, Henry Morgenthau, soon reached the conclusion that under the guise of a resettlement policy, the Ottoman government was engaged in a systematic effort to exterminate its Armenian population. The Ambassador relayed his findings to Washington, which authorized him to make formal protests to appropriate Ottoman officials.

Congress authorized the establishment of a private relief agency to raise funds in the United States and send aid to Armenian deportees scattered across Syria. Ambassador Morgenthau and other United States officials played key roles in disbursing aid to the Armenians in the face of regular interference from Ottoman officials. Unfortunately, this was not enough to stem the tide of tragedy.

In the end, 1.5 million Armenians perished. More than 500,000 more escaped to the north across the Russian border, south into Arab countries, to European countries, and the United States. The Armenians of the Ottoman Empire virtually were eliminated from their ancestral homeland. Today, fewer than 100,000 declared Armenians reside in Turkey.

Mr. President, I rise today for three reasons. First, to honor the memory of those who suffered and died during the Armenian genocide. They died not because of anything they did, but simply

because of who they were. They must not be forgotten.

Second, as I have said in this Chamber in the past, Turkey should officially accept the historical accuracy of the Armenian genocide. So long as Turkey denies these events occurred, some Americans will be willing to join the denial effort. Turkey must accept—as most of the rest of the world has already done—the reality of the genocide. We will continue to value Turkey as a staunch ally, but it will never fully achieve its potential standing in the international community unless it accepts these facts.

Mr. President, I have said to Turkish officials during visits to that country, that I feel it would be in Turkey's interests, both internationally and historically to accept these facts.

Finally, I rise today to help ensure the world itself does not forget the tragic proportions of the Armenian genocide. If it does, I fear the daunting words of the German philosopher, Georg Hegel, will reflect a frightening reality. He said: "What experience and history teach is this—that people and governments never have learned anything from history, or acted on principles deduced from it." Mr. President, it is frightening to think of living in a world doomed to suffer the savagery of tyrants simply because it fails to remember the tragedies it already has survived.

WHY IS RUSSIA SELLING SUBMARINES TO LIBYA AND IRAN?

Mr. PRESSLER. Mr. President, today I received shocking news from the Government of Latvia that the Government of Russia is apparently prepared to deliver a submarine to the Libyan Government using the Latvian port of Bolderaja once it is repaired by former Soviet military and Libyan technicians in a Russian-owned factory run by the Russian military. Such an action would be in direct violation of U.N. sanctions against Libya adopted on March 31. This situation is intolerable, and I call on President Bush and Secretary of State Baker to exert immediate and maximum pressure to prevent this submarine transfer to Libya from occurring.

According to the Latvian newspaper Diena, a second submarine is being retrofitted at the same factory for shipment to Iran. This, too, is something the administration should work to prevent.

The sovereign Government of Latvia has protested in the strongest possible terms the preparations for this perilous, illegal transfer of weapons technology. It is not surprising that Libyan dictator Mu'ammar Qadhafi, a notorious supporter of state-sponsored terrorism and of the Palestine Liberation Organization, will go anywhere and pay any price for new weapons capabilities.

However, it is appalling that elements of the Russian Government, which the United States is preparing to provide enormous amounts of foreign aid, is working with him to achieve this nefarious objective.

Mr. President, it appears this may be a case where the old Soviet military industrial complex is flexing its muscle in today's Russia. It is possible that continued retrofitting of the Libyan and Iranian submarines is an attempt to embarrass President Yeltsin and the reform elements of the Russian Government. Nevertheless, the submarine transfer demonstrates the continued strength of the former Soviet military and bureaucracy. It highlights the fact that with these elements of the old regime in power, unless great care is exercised, U.S. assistance efforts may be largely wasted.

The Latvian Government has appealed for United States help in stopping this action by its larger neighbor. The Latvian Government also has stated that the submarine transfers underscore the broader issue of unwanted military forces in the Baltic States. Now it appears Russia is preparing to ignore the sovereignty of Latvia by using the military and Russian owned factories in Latvia to conduct illegal activity. On April 22, Latvia protested to the Government of Russia. The Latvian Government maintains that the Libyan technicians working on the Libyan-bought submarine were invited by the Russian Foreign Economic Relations Ministry. Yesterday, the Latvians also sent a diplomatic note to the United States State Department and the United Nations.

The Russian Press Agency, has indicated that the submarines were purchased from the Soviet Government in 1988 and that the Yeltsin administration is prepared to honor the contracts made by the Soviet regime with these terrorist countries—despite the repudiation of the Communist system by the Russian people, and despite the U.N. embargo against Libya. The Russian Press Agency quoted a naval officer as saying that the plant will honor the contract made between the Libyan Government, the Soviet Armed Forces, and the shipyard.

Mr. President, President Boris Yeltsin's quick denunciation of the massacre of innocent civilians in Vilnius in January 1992 and his appeal to Russian soldiers to restrain themselves then and during August 1991, were to a large extent, responsible for ending bloodshed and preventing further deaths and injuries.

That model behavior is not reflected in the submarine transfers. As far as this Senator is concerned, all future assistance to the Government of Russia is now on the line and in question. The time has come for the Russian Government to be held accountable for the actions of its military or bureaucracy.

The Russian Government has claimed former Soviet military bases and former all-union factories in the Baltic countries. In fact, on February 10, the Central Administration of the Commonwealth Baltic Fleet Ship-Repair Factories sent a document to the ship-repair factory stating that it remained the property of the Russian Federation. It is therefore responsible for the unconscionable events taking place in Latvia.

Mr. President, I urge President Bush and Secretary Baker to take decisive action in denouncing these actions of the Russian Government. Unless President Yeltsin blocks these arms transfers, I am convinced the only responsible course is to suspend all non-humanitarian assistance to Russia that is funded, directly or indirectly, by the people of the United States.

In addition to an immediate suspension of these illegal arms transfers, the United States should take energetic and effective action to terminate the presence of over 100,000 former Soviet troops and numerous air, naval, and army bases in the so-called Baltic military district. To this end the Senator from Arizona, Mr. DECONCINI, and I will propose an amendment to the Freedom and Support Act for Russia, S. 2532. The amendment would condition United States foreign assistance to Russia on significant progress in the removal of former Soviet troops from the Baltic nations.

Although President Yeltsin has indicated Russia's eventual willingness to leave the Baltic States—his government has offered a variety of weak excuses for delaying the timetable for removing occupation forces. In my opinion, these excuses do not justify a continued military presence.

Mr. President, it now appears these bases are being used for the hostile activity, contrary to international law and American foreign policy, of providing submarines to Libya and Iran. This is all the more reason for the United States to insist on Russia's immediate departure from the Baltic States.

Until its destabilizing forces are removed, the Russian Government will continue to conduct military exercises without the approval of the Baltic governments. In truth, the Baltic States can be used as the launch site or the port of exit for sales to states hostile to United States interests and international agreements. I am disturbed to learn that the Government of Estonia recently noted that former Soviet troop levels have increased rather than decreased in recent months. Mr. President, I ask unanimous consent that a copy of an article entitled, "For Red Army in the Baltics, a Long Goodbye," from the Los Angeles Times be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Mr. President, the problem of former Soviet bases in the Baltic States is a long-standing issue. This is not the first time bases in the Baltic States have been used for illegal activities contrary to the interests of the United States and its allies. For instance, soon after Iraq's invasion of Kuwait, Senator HELMS told the Senate that the Soviet Government was training Iraqi soldiers in Latvia. Unfortunately, his revelation was right on target.

Mr. President, we must plug the holes in the international coalition against Libya and Iran. The United States must condemn these submarine sales and support prompt departure of former Soviet troops from the territory of some of the newest European allies—Estonia, Latvia, and Lithuania.

EXHIBIT 1

[From the Los Angeles Times, Mar. 30, 1992]
FOR RED ARMY IN BALTICS, IT MAY BE A LONG GOODBYE

(By Tamara Jones)

One afternoon last month, the Red Army cordially invited the international media to observe what was being billed as a historic occasion: the first withdrawal of former Soviet troops from this newly independent Baltic nation after 50 years of occupation.

The gates of the army compound just outside Vilnius were flung open, and seven massive trucks bearing surface-to-air missiles revved their engines. With television cameras rolling, the usually taciturn soldiers began to ham it up, waving goodbye and tracing their fingers along road maps pointing the way back to Russia.

The journalists waited. The Red Army smiled and waived some more. Eventually, the cameras were turned off. So were the truck engines. The exasperated journalists left. The Red Army did not.

Later, a sheepish commander explained that it was all basically a publicity stunt to signal the army's readiness to retreat.

But the farce is no laughing matter to the Lithuanians, Estonians and Latvians who consider themselves still occupied by an unpredictable foreign army six months after the disintegrating Soviet Union recognized Baltic independence.

Confusion, chaos and corruption dominate what is supposed to be the withdrawal of at least 120,000 ex-Soviet troops from the Baltics; tensions already have led to shootings at border posts and dark threats of starving out the occupiers. Meanwhile, officers and soldiers have been selling everything from bullets to—in at least one instance—entire bases on the sly.

Although Russia has accepted responsibility for the army and agrees that the troops must withdraw, the debate is only now heating up over how quickly they will leave, where they will go and, most important, who will pay for all of it.

Further complicating the touchy issue are reports that many officers are vehemently opposed to giving up their apartments, villas and higher standards of living in the Baltics for an uncertain future back home in the former Soviet Union, where a lack of housing already has forced many military families who have been withdrawn from Eastern Europe to live in tents.

"It is just as dangerous to take an army out into a vacuum as it is to leave it be-

hind," said Sergei Shakhrai, the head of the Russian delegation negotiating terms of the pullout.

The Baltics have demanded that all troops leave by the end of the year, which government officials privately concede is an impossible deadline. Russian commanders say a seven-to-10-year timetable is more likely—a possibility the Baltics find chilling.

The deepest fear in the Baltics is that political instability in the Commonwealth of Independent States, particularly Russia, will lead to another coup attempt and give military hard-liners still stationed in the Baltics a chance to crack down. There is also concern that fuel and food shortages in Russia will worsen, possibly curtailing supplies to the troops here and triggering panic among the soldiers.

Soviet troops killed 14 civilians in Lithuania and seven in Latvia in bloody attempts to crush Baltic independence a year ago. The Lithuanian Parliament still keeps itself barricaded behind sandbags and barbed wire, saying the siege mentality must prevail until the last soldier leaves.

"We cannot exclude the possibility of major conflicts, but we hope to avoid them," said Toomas Puura, head of the parliamentary commission on defense in tiny Estonia, where the smallest Red Army contingent—about 36,000—is stationed.

Such warnings are unlikely to impress the military command.

With no real armies of their own, no international pressure being brought to bear on the occupying army, and weak economies still desperately dependent on Russian imports, the Baltics are virtually powerless to back up their demands.

"We can tell them to get out all we want," said Mikhail Stepicevs, head of Latvia's parliamentary commission on defense. "They're going to withdraw, but they're in no hurry. What timetable do we want? Yesterday. But the Russian side wants to stay a long, long time, as long as they can, and maybe even keep a military base here."

So far, none of the Baltic nations have indicated any willingness to allow a continued Red Army presence, and the army in turn is loath to leave behind strategic air-defense, marine and early-warning systems that would be expensive to re-create in Russia.

The Russians have rebuffed even the most basic requests, such as an inventory of personnel, equipment and military installations on Baltic territory, and Baltic inspectors are denied access to the thousands of bases, airstrips and other facilities that sit on what is now sovereign territory.

Two nuclear reactors and at least six chemical weapons depots are thought to be in Estonia alone, and a general perception of disarray in the ranks leads Stepicevs to conclude with alarming certainty. "If I wanted, I could buy nuclear weapons."

Night-vision equipment and small arms have reportedly turned up at local flea markets, and Estonian officials have discovered that an entire Soviet base—complete with barracks, a canteen, a central-heating plant and a peat farm—was sold illegally to a civilian for about \$29,000. Who sold it and where the money went is anyone's guess.

"They're selling everything that isn't nailed down," said a Western diplomat in Riga, Latvia, where the Baltic forces are headquartered.

"They strip the wiring right out of the walls when they leave and take all the lights," added the diplomat, speaking on condition of anonymity. "It's one thing to sell off the occasional greatcoat or fur cap,

but * * * Kalashnikovs and bullets are being sold. The real concern for the Latvian government is that all these arms are disappearing, and where are they going?"

The Commander of the Baltic forces, Gen. Valery Miranov, says only that "some small parts" of his command are "disorganized."

Miranov says there are 120,000 troops in the region, but other estimates by Western diplomats and Baltic authorities run as high as 400,000. Some troops already have left, but there are no official figures, although Estonia calculates that up to one-third of the forces there have already left without fanfare.

At least 80,000 officers also are believed to have retired in the Baltics, particularly in Latvia, where the population is almost equally divided between Russians and Latvians. Radical nationalist groups in Latvia have been demanding that the citizenship law now being drafted exclude Russians and force the deportation of all retired officers.

Miranov recently linked the citizenship question to withdrawal of the troops, much to the ire of Latvian leaders who complained that he has no right to meddle in their domestic affairs.

"We have to solve the question of citizenship of army members and pensioners and all Russian-speaking inhabitants first," Miranov said at a briefing of Western journalists who had asked when troops would withdraw.

Miranov also bitterly complained that 15 Latvian border guards had "physically assaulted" two Russian officers last January when they drove from Latvia into Lithuania. He gave no further details but stressed that such incidents could easily escalate into violence.

"It is impossible to predict what will happen if the person involved isn't calm," he said.

In Lithuania, border guards earlier this year tried in vain to shoot out the tires of a Red Army truck that roared past a checkpoint into Belarus.

There have been several other incidents viewed by the Baltics as deliberate provocations. Estonian authorities at the border angrily unhooked railroad cars carrying new cribs to Tallinn, forcing them to hitch a ride on the next train. Two trainloads of military supplies were also seized in the Estonian town of Tartu.

The question of ownership is one of the main stumbling blocks in negotiations over withdrawal, since each of the Baltic nations is trying to nationalize all or part of the military property and equipment currently in Red Army hands. They argue that this will partially compensate the Baltics for the military equipment and private property seized when the Soviet troops began their occupation and for the environmental damage they leave behind.

But the Russians are presenting their own bill to the Baltics, saying they must be reimbursed millions of dollars for the property they cannot take with them, such as postwar buildings, airstrips and military hospitals.

In addition, Moscow has indicated that the pullout might be speeded up if the Baltics follow wealthy Germany's example and pay for housing to be built for officers back home. Estonia already is exploring the possibility of using Western credits and Estonian construction workers to do just that.

"When the Soviet Union occupied Estonia, they took away all the arms and equipment of the Estonian Defense Forces—the equipment of 130,000 troops—the submarines, the airplanes, the airports * * * Everything was

confiscated," recalled Puura, the Estonian lawmaker.

"We're just now beginning to calculate the environmental damage, and nobody could ever estimate the moral damage done to our people over 50 years," he said. "Tens of thousands of people were deported and killed, and our country went from a normal modern, developed country to an underdeveloped Third World country."

"And now, after all the damage they've inflicted, they're still trying to make us pay for what they did to us," he fumed.

But current hardships have imposed at least a partially symbiotic relationship, with local military commanders trading fuel for food from private farmers.

Oleg Popovitch, minister of the Russian Embassy in Estonia, agreed that his country should pay for any damages but said Russia "does not accept the nationalization of all Red Army equipment."

"If the Estonian Defense Forces are interested in arms, we'll be happy to sell to them or make deals as part of the compensation. But seizing them? That's impossible."

Popovitch estimated Soviet property in Estonia at well over \$1 billion—about 30 times the entire Estonian budget.

Conscripts themselves are reluctant to discuss going back home, even when commanding officers leave the room.

"Do I consider myself an occupying force?" said Jahanger Mamaturoyev, 18, pausing for several long minutes before answering in a low voice. "Yes, I do."

A fellow soldier at the anti-aircraft missile base about 15 miles from Tallinn acknowledged that he is worried about what awaits him when he returns to his village in Kazakhstan.

"We're not very glad about our prospects," said Marat Mosik, a 19-year-old sergeant. "We have food in the army." He ticked off a typical menu: macaroni for breakfast, pilaf with a little beef for lunch, mashed potatoes for dinner.

His deputy commander is also worried about leaving. "I've served in Estonia for 16 years," said Lt. Col. Vassily Vassilyev. "Of course, I had my plans for retirement. Sixteen years is a long time, and I haven't been in my native country—Russia—for 20 years. I had been cherishing a hope of settling down in an apartment in Tallinn. My children grew up here, and the feeling deep in my soul is to stay in Estonia. But I will leave."

The brigade commander, Col. Alexander Zharenov, figures that the 2,000-man unit will not complete its withdrawal until 1999.

"As commander of this brigade, the biggest problem is finding housing for every single officer," he said, noting that 400 come under his jurisdiction. "I'd feel ashamed to look my subordinates in the eye if I can't guarantee them a decent place to live. The only thing holding us back is housing."

"The biggest problem is uncertainty and the dark future," he added.

There is no overt animosity between the soldiers with the hammer-and-sickle emblems still on their uniforms and the Baltics who have grown accustomed to seeing them in their cities and villages over the years.

"They always answer us politely and look right through us," said Lithuanian journalist Algimantas Cekuolis.

"But it's better than being shot."

NATIONAL VOLUNTEERS' WEEK AND NATIONAL VOLUNTEERS' DAY, 1992

Mr. PRESSLER. Mr. President, today I wish to recognize the efforts of

the thousands of volunteers across the Nation, including those in my home State of South Dakota, who do so much important work. It is hard to imagine what our lives would be like if we did not have so many dedicated volunteers working to improve communities throughout our Nation.

April 26-May 2, 1992 is National Volunteers' Week. I would like to take this opportunity to offer my commendation and thanks for the work accomplished by outstanding volunteers in South Dakota. These individuals were recognized with "The Governor's Volunteer of the Year Awards" on January 28, 1992. These people are outstanding examples of what it means to be a volunteer. In addition to the award winners, I know there are many other very dedicated volunteers who deserve recognition.

Mr. President, I extend my congratulations to Julie Garreau of Eagle Butte, SD. She is President Bush's Point of Light Award recipient from South Dakota. Julie, a member of the Cheyenne River Sioux Indian Tribe, has spent hundreds of volunteer hours working with young people at "The Main," a Cheyenne River youth project.

Volunteering as the supervisor of that project has not been an easy task for Julie. Funding for the Main has been and still is in a state of crisis. Vandalism has made the facility inoperable on several occasions. However, Julie is determined to overcome such obstacles.

Every year Julie Garreau spends countless hours creating and leading fundraising projects and programs for young people. This year, the Main, which is open to young people ages 5 to 17, served 6,193 children.

Julie is fully aware of the peer pressure facing youth as they battle the temptations of drugs and alcohol. Many at-risk children known that the Main is the only place where they can feel special and learn the skills to combat the pressures they face each day. Again, my congratulations to Julie Garreau for her outstanding work as a volunteer.

Other volunteers making a difference for South Dakotans include:

First, Karen Mayry of Rapid City. Her motto is "Blind, yes; handicapped, never!" Karen is actively involved as a volunteer with the National Federation of the Blind. Her efforts have helped thousands of blind diabetics.

Second, Helen Kirkeby of Sioux Falls. Since 1985, Helen has worked as a trained volunteer comforter at the Neonatal Intensive Care Nursery at Sioux Valley Hospital in Sioux Falls, SD. In addition, she has served as a volunteer at the Sioux Falls Alternative School Program and at the local veterans hospital. Her life truly is committed to serving children. She literally has touched the lives of many.

Third, Brian and James DeJong, teenage brothers, were tired of "hanging around the house" when their mother suggested they become volunteers. Their mother's suggestion led them to develop a friendship with a resident of the Sioux Vocational Services group home, located in Sioux Falls. What began as a solution to boredom turned into a lasting and beneficial friendship for everyone involved.

Fourth, over the past 16 years, students attending the Sioux Falls Whittier Middle School have made a substantial difference for many families in their community. During this time, they have held food and clothing drives, raised approximately \$15,000 for social service agencies and \$25,000 for the March of Dimes. More importantly, through volunteering, the students of Whittier have learned that many hands lighten the load.

Mr. President, these South Dakotans exemplify the valuable services performed by volunteers across the Nation. I commend the efforts of these and the thousands of other American volunteers. I urge all of my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

THE CONFERENCE REPORT ON S. 3: A HISTORIC STEP FORWARD

Mr. PELL. Mr. President, as a sponsor of S. 3 and a consistent supporter of campaign reform over the years, I rise to express my strong support for the conference report before us.

The legislation that we act on today is a remarkable tribute to the durability of a set of ideas and to the steadfastness of one of our colleagues in particular, the senior Senator from Oklahoma [Mr. BOREN]. It has taken 6 long years to bring the legislation to this stage, largely through his efforts, and he is to be congratulated for his energy and persistence.

I am in full support of the bill as it has come from conference because it attacks, in several creative ways, the basic problems we must address, namely the spiraling costs of elections and the corrosive effects of the present financing system.

It does this by imposing restrictive but reasonable limits on overall campaign spending for those who will accept them. And at the same time, it provides significant options for sharply reducing costs to those willing to accept the limits.

In this connection, I am particularly pleased to note that the bill recognizes that the high cost of media advertising is probably the principle component in the fourfold increase in the cost of House and Senate campaign costs since 1976.

While I endorse the concept of broadcast vouchers for qualified Senate can-

didates, I will be frank to say that I vastly prefer the concept imbedded in my bill S. 2076, which would require broadcasters to provide free time, at no public expense as a return payment for their monopoly of the air waves.

With respect to PAC's it seems to me that the conference versions is an improvement over the Senate bill in that while it reduces the role of PAC's, it does not outlaw them altogether. To my mind, the influence of PAC's is less pernicious than that of large contributions from individuals.

I applaud many other features of the bill, namely the closing, at long last, of the soft money loophole, and the outlawing of corporate bundling, a practice which has already reared its ugly head in this election year.

It is very regrettable that S. 3 seems to have been written off in some quarters as a casualty of policy conflict between the legislative and executive branches on the issue of public finance. This should not be, and in fact, it does an enormous disservice to our colleagues who have worked long and hard to bridge the gap by inventive and accommodating means.

The fact that the entire scheme is voluntary goes a long way, it seems to me, to meet the opponents of public expenditure. And the conferenced version, I note, eliminates all references to a funding mechanism for the limited and contingent public benefits authorized by the bill. These could not become effective until funded by separate legislation.

So the conference report on S. 3 does indeed represent a historic step forward on a long and tortuous path. It should not be dismissed as a partisan ploy. It should be approved by a resounding margin.

And it should be signed into law.

MORNING BUSINESS

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Select Committee on Indian Affairs, without amendment: S. 2245. A bill to authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the United States Army Corps of Engineers under the authority of Public Law 100-202 (Rept. No. 102-271).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMM: S. 2627. A bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office; to the Committee on Environment and Public Works.

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 2628. A bill to authorize certain construction at military installations for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

S. 2629. A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

By Mr. CRANSTON (by request):

S. 2630. A bill to amend Title 38, United States Code, to clarify the authority of the Department of Veterans Affairs' Chief Medical Director or designee regarding review of the performance of probationary title 38 health care employees; to the Committee on Veterans Affairs.

By Mr. FORD (for himself and Mr. WIRTH):

S. 2631. A bill to promote energy production from used oil; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI:

S. 2632. A bill to establish the National Environmental Technologies Agency; to the Committee on Governmental Affairs.

By Mr. DOLE:

S. 2633. A bill to revise the Federal vocational training system to meet the Nation's workforce needs into the 21st Century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality programs, and a voucher system to enhance participant choice, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUE:

S. 2634. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans Affairs.

By Mr. CRANSTON (for himself and Mr. METZENBAUM):

S. 2635. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. MCCAIN, Mr. SEYMOUR, and Mr. SHELBY):

S. 2636. A bill to amend title 10, United States Code, to provide the Secretary of the Army with the same employment authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is provided regarding civilian faculty members of the Army War College and the United States Army Command and General Staff College; to the Committee on Armed Services.

By Mr. MCCAIN (for himself and Mr. MURKOWSKI):

S. 2637. A bill to increase housing opportunities for Indians; to the Select Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. DECONCINI, and Mr. DURENBERGER):

S. Res. 289. A resolution honoring the "Righteous Gentiles" of the Holocaust during WWII; to the Committee on the Judiciary.

By Mr. PRESSLER (for Mr. DOLE (for himself, Mr. PELL, Mr. HELMS, Mr. D'AMATO, Mr. GORE, Mr. GORTON, Mr. PRESSLER, Mr. MCCAIN, Mr. BREAUX, Mr. GARN, Mr. SEYMOUR, and Mr. MACK)):

S. Res. 290. A resolution regarding the aggression against Bosnia-Herzegovina and conditioning U.S. recognition of Serbia; considered and agreed to.

By Mr. FORD:

S. Con. Res. 112. A concurrent resolution to authorize printing of "Thomas Jefferson's Manual of Parliamentary Practice," as prepared by the Office of the Secretary of the Senate; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMM:

S. 2627. A bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office; to the Committee on Environment and Public Works.

GULF OF MEXICO PRESERVATION ACT OF 1992

Mr. GRAMM. Mr. President, I send to the desk a revised version of S. 1715, the Gulf of Mexico Preservation Act of 1992.

The revision which I send to the desk results from work with EPA and with the Office of Management and Budget. The bill that I now have submitted is supported by EPA and the Office of Management and Budget. It represents a comprehensive effort to establish a Gulf of Mexico program which will oversee efforts to improve and protect the environmental quality of America's sea, the Gulf of Mexico.

Mr. President, we have had two flagship water quality environmental programs in America. The first is the Great Lakes Program, which has achieved great things in terms of improving the quality of the Great Lakes. It is one of our great environmental achievements, showing that you can undo tremendous environmental damage if you institute a comprehensive program based on science.

Our second great environmental program is the Chesapeake Bay Program, a program that is critically important, a program that I support, and a program that has been established in order to understand problems in the Chesapeake Bay, and to improve the quality of the bay for both recreational uses and commercial fisheries.

What this bill will do, Mr. President, is set up a comparable program for the Gulf of Mexico. The Gulf of Mexico has generated in the last few decades, in terms of oil and gas revenues, more revenues than any other part of the Tax Code, save the income tax. It is the largest port of entry and exit for goods and services coming into and going out

of the United States. It is the source of the largest marine fisheries in North America. It is a major source of tourism, and is a critically important asset for States such as Texas that border on the Gulf of Mexico.

What this bill will do is set up a major new environmental program, the Gulf of Mexico Program. It establishes a funding stream of \$200 million over the next 5 years, with 70 percent of that money going to a grant program to fund research and other activities by the Gulf States.

Mr. President, I am firmly convinced that good science makes for good environment. If we are to improve the quality of our environment we have to have science on which to base our actions. We, in the Gulf of Mexico region, and especially in Texas, are not about to get out of the petrochemical business. We are not about to relinquish our capacity to generate jobs, growth, and opportunity for our people. We do, however, want to create jobs and improve the quality of the environment at the same time. I believe that good science will allow us to do this.

We currently have a lot of research underway in Gulf State universities. Obviously, I am more familiar with the research we have underway in Texas. Whether we are talking about Lamar University or Texas A&M at Galveston or Corpus Christi State University, we have quality research underway to understand the relationship between regional industry and the environmental quality of the Gulf of Mexico.

I believe that this program is vitally important. I ask my colleagues to look at it, and I am hopeful that it will become the law of the land. I think it represents a responsible and well-reasoned approach to the problem, and I commend it to my colleagues.

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 2628. A bill to authorize certain construction at military installations for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

MILITARY CONSTRUCTION AUTHORIZATION FOR FISCAL YEAR 1993

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize certain construction at military installations for fiscal year 1993, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

S. 2628

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Construction Authorization Act for Fiscal Year 1993".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—ARMY

Sec. 101. Authorized Army construction and land acquisition projects.

Sec. 102. Family housing.

Sec. 103. Improvements to military family housing units.

Sec. 104. Authorization of appropriations, Army.

Sec. 105. Extensions of authorization of certain fiscal year 1990 projects.

TITLE II—NAVY

Sec. 201. Authorized Navy construction, repair of real property, and land acquisition projects.

Sec. 202. Family housing.

Sec. 203. Improvements to military family housing units.

Sec. 204. Authorization of appropriations, Navy.

TITLE III—AIR FORCE

Sec. 301. Authorized Air Force construction, repair of real property, and land acquisition projects.

Sec. 302. Family housing.

Sec. 303. Improvements to military family housing units.

Sec. 304. Authorization of appropriations, Air Force.

TITLE IV—DEFENSE AGENCIES

Sec. 401. Authorized Defense Agencies construction, repair of real property, and land acquisition projects.

Sec. 402. Authorization of appropriations, Defense Agencies.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 501. Authorized NATO construction and land acquisition projects.

Sec. 502. Authorization of appropriations, NATO.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

Sec. 601. Authorized Guard and Reserve construction, repair of real property, and land acquisition projects.

TITLE VII—EXPIRATION OF AUTHORIZATIONS

Sec. 701. Expiration of authorizations and amounts required to be specified by law.

Sec. 702. Effective dates.

TITLE VIII—GENERAL PROVISIONS

Sec. 801. Scope of chapters; definitions.

Sec. 802. Unspecified minor construction and repair.

Sec. 803. Renovation of facilities.

Sec. 804. Limitation on certain projects; authority to carry out small projects with operations and maintenance funds.

Sec. 805. Emergency construction.

Sec. 806. Base closure account management flexibility.

Sec. 807. Use of proceeds from the transfer or disposal of commissary store facilities and property purchased with nonappropriated funds.

Sec. 808. Exchange of certain real property for replacement facilities, Tustin, California.

Sec. 809. Homeowners assistance program.

Sec. 810. Real property transactions: reports to the armed services committees.

Sec. 811. Consistency in budget data.

Sec. 812. Construction authority in the event of a declaration of war, national emergency, or contingency operation.

Sec. 813. Authorized cost variations.

TITLE I—ARMY**SEC. 101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

ARMY: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alabama	Anniston Army Depot	\$38,300,000
	Fort McClellan	\$4,200,000
Arkansas	Pipe Bluff Arsenal	\$26,800,000
California	Sierra Army Depot	\$2,450,000
Hawaii	Schofield Barracks	\$5,800,000
Louisiana	Fort Polk	\$7,400,000
New York	United States Military Academy, West Point	\$1,600,000
Pennsylvania	Letterkenny Army Depot	\$5,400,000
Texas	Fort Hood	\$33,000,000
	Red River Army Depot	\$3,600,000
Utah	Tooele Army Depot	\$9,200,000
Virginia	Fort Pickett	\$5,800,000
CONUS Classified	Classified Location	\$3,000,000
	Classified Location	\$700,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

ARMY: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Germany	Grafenwoehr	\$11,600,000
Kwajalein Atoll	Kwajalein	\$52,800,000
OCONUS Classified	Classified Location	\$1,000,000

SEC. 102. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

ARMY: FAMILY HOUSING

State	Installation	Purpose	Amount
Hawaii	Oahu Various	200 units	\$23,000,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 104(a)(6), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$8,940,000.

SEC. 103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated

pursuant to the authorization of appropriations in section 104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed \$143,660,000.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,684,665,000 as follows:

(1) For military construction projects inside the United States authorized by section 101(a), \$214,250,000.

(2) For military construction projects outside the United States authorized by section 101(b), \$65,400,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$64,803,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, \$538,795,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$112,300,000.

(6) For military family housing functions: (A) For construction and acquisition of military family housing and facilities, \$175,600,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,380,517,000, of which not more than \$358,241,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, \$133,000,000, to remain available until expended.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 105. EXTENSIONS OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) **EXTENSIONS.**—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189, 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (Public Law 102-190; 105 Stat. 1535), shall remain in effect until October 1, 1993, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1994, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

ARMY: EXTENSION OF 1990 PROJECT AUTHORIZATIONS

State or country	Installation or location	Project	Amount
Colorado	Fitzsimons Army Medical Center	Child development center	\$2,100,000
Kansas	Fort Riley	Child development center	\$1,500,000
Louisiana	Fort Polk	Range modernization	\$9,600,000
Pennsylvania	New Cumberland Army Depot	Hazardous material storage facility	\$14,000,000

ARMY: EXTENSION OF 1990 PROJECT AUTHORIZATIONS—
Continued

State or country	Installation or location	Project	Amount
Virginia	Fort Lee	Enlisted Petroleum Training Facility	\$8,300,000

TITLE II—NAVY

SEC. 201. AUTHORIZED NAVY CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

NAVY: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alaska	Adak, Naval Air Station	\$8,750,000
California	Camp Pendleton, Marine Corps Base	\$25,500,000
	Lemoore, Naval Air Station	\$680,000
	Port Hueneene, Naval Construction Battalion Center	\$14,300,000
	Seal Beach, Naval Weapons Station	\$2,150,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	\$4,600,000
Connecticut	New London, Naval Submarine Base	\$12,500,000
Florida	Cecil Field, Naval Air Station	\$5,850,000
Georgia	Albany, Marine Corps Logistics Base	\$4,100,000
Hawaii	Barking Sands, Pacific Missile Range Facility	\$4,580,000
	Honolulu, Naval Communication Area Master Station, Eastern Pacific	\$1,400,000
	Pearl Harbor, Naval Supply Center	\$7,700,000
	Pearl Harbor, Navy Public Works Center	\$24,900,000
Maryland	Bethesda, Naval Medical Research Institute	\$5,600,000
Rhode Island	Newport, Naval Education and Training Center	\$540,000
South Carolina	Charleston, Naval Weapons Station	\$1,110,000
Tennessee	Memphis, Naval Air Station	\$14,110,000
Texas	Corpus Christi, Naval Air Station	\$4,900,000
	Kingsville, Naval Air Station	\$10,120,000
Virginia	Norfolk, Naval Station	\$880,000
	Norfolk, Naval Supply Center	\$12,400,000
	Oceana, Naval Air Station	\$3,190,000
	Yorktown, Naval Weapons Station	\$1,100,000
Washington	Bangor, Trident Refit Facility	\$1,550,000
	Bremerton, Puget Sound Naval Shipyard	\$14,800,000
	Bremerton, Naval Inactive Ship Maintenance Facility	\$1,200,000
	Everett, Naval Station	\$5,600,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Greece	Souda Bay, Naval Support Activity	\$7,600,000
Iceland	Keflavik, Naval Air Station	\$4,940,000
Various Locations	Host Nation Infrastructure Support	\$3,000,000

SEC. 202. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

NAVY: FAMILY HOUSING

State	Installation	Purpose	Amount
Alaska	Adak, Naval Air Station	46 units	\$11,820,000
California	Camp Pendleton Marine Corps Base	300 units	\$30,600,000
	San Diego Navy Public Works Center	300 units	\$30,400,000
Connecticut	New London, Naval Submarine Base	100 units	\$11,850,000
Hawaii	Kauai, Pacific Missile Range Facility	13 units	\$2,330,000
New Jersey	Earle, Naval Weapons Station	Community Center	\$1,100,000
Washington	Bangor/Bremerton Naval Complex	200 units	\$19,500,000
West Virginia	Sugar Grove, Naval Radio Station	8 units	\$930,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$14,200,000.

SEC. 203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in the amount of \$198,340,000.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,856,095,000 as follows:

- (1) For military construction projects inside the United States authorized by section 201(a), \$194,110,000.
- (2) For military construction projects outside the United States authorized by section 201(b), \$15,540,000.
- (3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$82,123,000.
- (4) For repair of real property authorized by section 2805 of title 10, United States Code, \$474,133,000.
- (5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$72,942,000.
- (6) For military family housing functions:
 - (A) For construction and acquisition of military family housing and facilities, \$321,070,000; and
 - (B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$696,177,000, of which not more than \$104,470,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE III—AIR FORCE

SEC. 301. AUTHORIZED AIR FORCE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

AIR FORCE: INSIDE THE UNITED STATES

State	Installation or location	Amount
Alabama	Gunter Air Force Base	\$960,000
Alaska	Clear Air Force Station	\$2,250,000
	Elmendorf Air Force Base	\$13,950,000
	Elmendorf Air Force Base	\$6,550,000
	Galena Airport	\$4,850,000
	King Salmon Airport	\$6,400,000
	Shemya Air Force Base	\$3,350,000
Arizona	Libby Army Air Field	\$15,300,000
Arkansas	Little Rock Air Force Base	\$710,000
California	Beale Air Force Base	\$1,250,000
	Edwards Air Force Base	\$24,500,000
	March Air Force Base	\$2,250,000
	McClellan Air Force Base	\$2,900,000
	Travis Air Force Base	\$880,000
	Vandenberg Air Force Base	\$26,250,000
Colorado	Peterson Air Force Base	\$3,500,000
	United States Air Force Academy	\$4,260,000
Delaware	Dover Air Force Base	\$21,260,000
Florida	Cape Canaveral Air Force Station	\$40,800,000
	Eglin Air Force Base	\$1,680,000
	Homestead Air Force Base	\$1,200,000
	Patrick Air Force Base	\$7,700,000
Georgia	Moody Air Force Base	\$780,000
Illinois	Scott Air Force Base	\$960,000
Kansas	McConnell Air Force Base	\$960,000
Louisiana	Barksdale Air Force Base	\$3,320,000
Maryland	Andrews Air Force Base	\$820,000
Mississippi	Keesler Air Force Base	\$3,900,000
Missouri	Whiteman Air Force Base	\$82,270,000
Montana	Malmstrom Air Force Base	\$1,100,000
Nebraska	Offutt Air Force Base	\$6,190,000
Nevada	Nellis Air Force Base	\$2,980,000
New Jersey	McGuire Air Force Base	\$8,970,000
New Mexico	Holloman Air Force Base	\$11,420,000
North Carolina	Pope Air Force Base	\$22,150,000
	Seymour Johnson Air Force Base	\$5,230,000
North Dakota	Cavalier Air Force Station	\$1,450,000
	Grand Forks Air Force Base	\$6,500,000
	Minot Air Force Base	\$6,600,000
Ohio	Wright-Patterson Air Force Base	\$12,170,000
Oklahoma	Tinker Air Force Base	\$21,280,000
South Carolina	Charleston Air Force Base	\$26,700,000
	Shaw Air Force Base	\$2,380,000
South Dakota	Ellsworth Air Force Base	\$3,880,000
Texas	Dyess Air Force Base	\$7,300,000
	Kelly Air Force Base	\$21,360,000
	Lackland Air Force Base	\$1,000,000
	Laughlin Air Force Base	\$6,000,000
	Randolph Air Force Base	\$1,250,000
	Sheppard Air Force Base	\$6,990,000
Utah	Hill Air Force Base	\$2,950,000
Virginia	Langley Air Force Base	\$1,750,000
Washington	Fairchild Air Force Base	\$2,510,000
	McChord Air Force Base	\$2,540,000
Wyoming	F. E. Warren Air Force Base	\$1,050,000
Various and Classified Locations	Classified Locations	\$19,750,000
	Various Locations	\$3,300,000
	Various Locations	\$3,900,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 304(a)(1), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

AIR FORCE: OUTSIDE THE UNITED STATES

Country	Installation or location	Amount
Canada	Various Locations	\$19,500,000
Germany	Rhein-Main Air Base	\$3,100,000
Greenland	Thule Air Base	\$24,900,000
Guam	Andersen Air Force Base	\$3,090,000
Portugal	Lajes Field	\$8,450,000

SEC. 302. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

AIR FORCE: FAMILY HOUSING

State or Country	Installation	Purpose	Amount
California	Beale Air Force Base	Housing office	\$306,000
	March Air Force Base	320 units	\$23,351,000
Florida	Patrick Air Force Base	250 units	\$16,000,000
Georgia	Moody Air Force Base	Housing maintenance facility	\$290,000
	Robins Air Force Base	55 units	\$3,153,000
Louisiana	Barksdale Air Force Base	Housing maintenance and storage facility	\$443,000
New Mexico	Cannon Air Force Base	361 units	\$32,951,000
	Cannon Air Force Base	Housing office	\$480,000
North Dakota	Minot Air Force Base	Housing maintenance and storage facility	\$286,000
South Carolina	Shaw Air Force Base	Housing office	\$351,000
Utah	Hill Air Force Base	82 units	\$6,353,000
Portugal	Lajes Field	Water wells	\$865,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$7,457,000.

SEC. 303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$227,824,000.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,383,242,000.

(1) For military construction projects inside the United States authorized by section 301(a), \$506,410,000.

(2) For military construction projects outside the United States authorized by section 301(b), \$59,040,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$90,948,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, \$367,446,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$95,000,000.

(6) For military family housing functions: (A) For construction and acquisition of military family housing and facilities, \$322,110,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$942,288,000 of which not more than \$150,800,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE IV—DEFENSE AGENCIES

SEC. 401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 402(a)(1) and, in the case of the projects described in paragraphs (2), (3), and (4) of section 402(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: INSIDE THE UNITED STATES

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, March Air Force Base, California	\$630,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	\$1,700,000
	Defense General Supply Center, Richmond, Virginia	\$12,400,000
	March Air Force Base, California	\$18,000,000
Defense Medical Facility Office	Walter Reed Army Medical Center, District of Columbia	\$147,300,000
	Fort Leonard Wood, Missouri	\$3,000,000
	Fort Bragg, North Carolina	\$250,000,000
	Millington Naval Air Station, Tennessee	\$15,000,000
Defense Nuclear Agency	Eglin Air Force Base, Florida	\$64,000,000
National Security Agency	Fort Meade, Maryland	\$6,700,000
Strategic Defense Initiative Organization	Barking Sands, Hawaii	\$5,400,000
	Grand Forks Air Force Base, North Dakota	\$12,800,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 402(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: OUTSIDE THE UNITED STATES

Agency	Installation or location	Amount
Defense Medical Facilities Office	Classified Location	\$8,000,000
Defense Nuclear Agency	Johnston Island	\$1,500,000
Department of Defense Dependent Schools	Grafenwoehr, Germany	\$7,400,000
	Hohenfels, Germany	\$13,500,000
National Security Agency	Classified Locations	\$6,000,000
On-Site Inspection Agency	Johnston Island	\$4,600,000
Strategic Defense Initiative Organization	Kwajalein	\$22,000,000

SEC. 402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$2,696,168,000 as follows:

(1) For military construction projects inside the United States authorized by section 401(a) \$116,200,000.

(2) For military construction projects outside the United States authorized by section 401(b) \$63,000,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 401(a) of the Military Construction Authorization Act, 1987, as amended, \$27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 401(a) of the Military Construction Authorization Act for fiscal years 1990 and 1991, \$16,000,000.

(5) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$41,114,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, \$65,818,000.

(8) For conforming storage facilities constructed under the authority of section 2404(a) of the Military Construction Authorization Act, 1987, as amended, \$3,580,000.

(9) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), \$440,700,000.

(10) For base closure and realignment activities as authorized by the Defense Realignment and Closure Act of 1990, section 2092 of the National Defense Authorization Act for Fiscal Year 1991, (Public Law 101-510, Stat. 1810), \$1,743,600,000.

(11) For repair of real property authorized by section 2805 of title 10, United States Code, \$140,756,000.

(12) For military family housing functions (including functions described in section 2833 of title 10, United States Code), \$28,400,000, of which not more than \$23,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **AUTHORIZATION OF UNOBLIGATED FUNDS.**—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1993 for military construction functions of the defense agencies that remain available for obligation on the date of enactment of this Act are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 401(a) for the Defense Logistics Agency.

(c) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 401 may not exceed—

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) \$134,000,000 (the balance of the amount authorized for construction of the Walter Reed Institute of Research, District of Columbia);

(3) \$32,000,000 (the balance of the amount authorized for the construction of the Climatic Test Chamber at Eglin Air Force Base, Florida); and

(4) \$240,000,000 (the balance of the amount authorized for construction of the Army Medical Center at Fort Bragg, North Carolina).

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 501, in the amount of \$221,200,000.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

SEC. 601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, repair of real property, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

- (1) For the Department of the Army—
 - (A) for the Army National Guard of the United States, \$46,700,000; and
 - (B) for the Army Reserve, \$31,500,000.
- (2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$37,772,000.
- (3) For the Department of the Air Force—
 - (A) for the Air National Guard of the United States, \$173,270,000; and
 - (B) for the Air Force Reserve, \$52,880,000.

TITLE VII— EXPIRATION OF AUTHORIZATIONS

SEC. 701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, IV, V, and VI for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 1995; or
 - (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996.
- (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—
- (1) October 1, 1995; or
 - (2) the date of the enactment of an Act authorizing funds for fiscal year 1996 for mili-

tary construction contracts, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 702. EFFECTIVE DATES.

Titles I, II, III, IV, V, and VI shall be in effect as of October 1, 1992 or the date of enactment of a Military Construction Authorization Act for fiscal year 1993, whichever is later.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. SCOPE OF CHAPTERS; DEFINITIONS.

(a) REVISION IN MILITARY CONSTRUCTION ACTIVITIES.—Section 2801(a) of title 10, United States Code, is amended—

- (1) by inserting "alteration, repair," after "conversion,"; and
- (2) by inserting "costing over \$15,000 and which extends the useful life of a facility," after "kind".

(b) CONFORMING DEFINITION.—Section 2801(c) of title 10, United States Code, is amended—

- (1) by inserting the following new subsection (3):

"(3) The phrase which extends the useful life of a facility means any work that goes beyond preserving the physical structure of a facility or its support systems."; and

- (2) by redesignating paragraphs (3) and (4) of subsection (c) as paragraphs (4) and (5) of subsection (c), respectively.

SEC. 802. UNSPECIFIED MINOR CONSTRUCTION AND REPAIR.

(a) IN GENERAL.—Section 2805 of title 10, United States Code, is amended by inserting in the title "and repair" after "construction".

(b) MILITARY CONSTRUCTION FUNDING.—Section 2805(a)(1) of title 10, United States Code, is revised to read as follows:

"(a)(1) Except as provided in paragraph (2), within an amount equal to 125 percent of the amount authorized by law for such purpose, the Secretary concerned may carry out military construction not otherwise authorized by law. Military construction authorized by this section is (A) a minor military construction project for a single undertaking at a military installation that has an approved cost equal to or less than \$1,500,000 or (B) a repair project costing more than \$15,000 that extends the useful life of a facility."

(c) OPERATION AND MAINTENANCE FUNDING.—Section 2805(c)(1) of title 10, United States Code, is amended—

- (1) by inserting "minor" after "carry out an unspecified";
- (2) by inserting "or repair project" after "construction project";
- (3) by striking "\$300,000" and inserting in lieu thereof "\$15,000"; and
- (4) by inserting at the end of subsection (c)(1) the following: "Unspecified minor construction projects and repair projects at facilities funded by working capital funds established pursuant to section 2208 of this title may be funded by the working capital funds and shall not be subject to the dollar limitation prescribed in this paragraph."

(d) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended to read:

"2805. Unspecified minor construction and repair."

SEC. 803. RENOVATION OF FACILITIES.

(a) REPEAL.—Section 2811 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2811.

SEC. 804. LIMITATION ON CERTAIN PROJECTS; AUTHORITY TO CARRY OUT SMALL PROJECTS WITH OPERATIONS AND MAINTENANCE FUNDS.

Section 2233a(b) of title 10, United States Code, is amended by striking "\$300,000" and inserting in lieu thereof "\$15,000".

SEC. 805. EMERGENCY CONSTRUCTION.

Section 2803(b) of title 10, United States Code, is amended by striking "21-day" and inserting in lieu thereof "5-day".

SEC. 806. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) UNDER 1988 ACT.—Section 207(a)(2)(B) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended to read as follows:

"(B) any funds that the Secretary may transfer to the Account: (i) from funds appropriated to the Department of Defense for any purpose, or (ii) from funds contained in the Account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510). The Secretary shall transmit written notice of, and justification for, such transfers to the appropriate committees of Congress; and"

(b) UNDER 1990 ACT.—Section 2906(a)(2)(B) of the Department of Defense Authorization Act, 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended to read as follows:

"(B) any funds that the Secretary may transfer to the Account: (i) from funds appropriated to the Department of Defense for any purpose, or (ii) from funds contained in the Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526). The Secretary shall transmit written notice of, and justification for, such transfers to the congressional defense committees; and"

(c) FUNDING LIMITATION UNDER 1988 ACT.—Section 207(a)(3)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended to read as follows:

"(A) The Secretary may use the funds in the account only for the purposes described in section 204."

(d) FUNDING LIMITATION UNDER 1990 ACT.—Section 2906(b)(1) of the Defense Authorization Act, 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended to read as follows:

"(1) The Secretary may use the funds in the account only for the purposes described in section 2905."

(e) TREATMENT OF UNOBLIGATED FUNDS UNDER 1988 ACT.—Section 207(a) (5) and (6) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) are amended by striking "the authority of the Secretary to carry out a closure or realignment under this title" and inserting in lieu thereof "environmental restoration, community economic adjustment assistance, and disposal of property at bases selected for closure under this part."

(f) TREATMENT OF UNOBLIGATED FUNDS UNDER 1990 ACT.—Section 2906(b) (2) and (3) of the Department of Defense Authorization Act, 1991 (Public Law 101-510; 10 U.S.C. 2687 note) are amended by striking "after the termination of the Commission" and inserting in lieu thereof "after the termination of environmental restoration, community economic adjustment assistance, and disposal of property at bases selected for closure under this part."

SEC. 807. USE OF PROCEEDS FROM THE TRANSFER OR DISPOSAL OF COMMISSARY STORE FACILITIES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.

(a) **BASE CLOSURES UNDER 1988 ACT.**—Section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 102 Stat. 2629; 10 U.S.C. 2687 note; as amended by section 344(a) of Public Law 102-190, 105 Stat. 1344) is amended by striking “equal to the total amount of the funds so used” and inserting in lieu thereof “obtained from the sale or transfer of property on that installation equal to the depreciated value of the investment made with such funds.”

(b) **BASE CLOSURES UNDER 1990 ACT.**—(1) Section 2906(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1815; 10 U.S.C. 2687 note; as amended by section 344(b)(1) of Public Law 102-190, 105 Stat. 1345) is amended by striking “equal to the total amount of the funds so used” and inserting in lieu thereof “obtained from the sale or transfer of property on that installation equal to the depreciated value of the investment made with such fund.”

(2) Section 2921(d) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1819; 10 U.S.C. 2687 note; as amended by section 344(b)(2) of Public Law 102-190, 105 Stat. 1345) is amended by striking “equal to the value of the improvements carried out with nonappropriated funds” and inserting in lieu thereof “obtained from the sale or transfer of property on that installation equal to the depreciated value of the investment made with such funds”.

SEC. 808. EXCHANGE OF CERTAIN REAL PROPERTY FOR REPLACEMENT FACILITIES, TUSTIN, CALIFORNIA.

(a) **IN GENERAL.**—Notwithstanding section 2905(b) of Public Law 101-510 and subject to subsections (b) through (d) of this section, the Secretary of the Navy may convey, through one or more transactions, all right, title, and interest of the United States in and to a tract of real property consisting of approximately 1,250 acres and comprising the operations portion of Marine Corps Air Station (MCAS), Tustin, California. The operations portion of MCAS Tustin is that portion of the installation other than family housing, related personnel support facilities, and Armed Forces Reserve Center. The transfer of the property shall be by competitive procedures and at not less than the fair market value of the property, as determined by the Secretary of the Navy.

(b) **CONSIDERATION AND USE OF PROCEEDS.**—(1) In consideration for the conveyance authorized by subsection (a), the transferee shall provide construction of new facilities and renovations of existing facilities at Marine Corps Base/MCAS Camp Pendleton or Marine Corps Air Ground Combat Center, Twentynine Palms, or the remaining portion of MCAS, Tustin, California, or any combination of these locations, as determined by the Secretary of the Navy to be necessary to support the remaining portion of MCAS Tustin and the missions of the Marine Aircraft Groups and supporting units being relocated or composed as a result of the conveyance authorized by subsection (a).

(2) If the combined value of the renovations and newly constructed facilities is less than the fair market value of the property conveyed pursuant to subsection (a), the transferee shall make a cash payment to the United States of an amount equal to the difference.

(3) All payments received under subsection (b)(2) shall be paid into the “Department of Defense Base Closure Account 1990” established by section 2906 of Public Law 101-510.

(c) **EXPIRATION OF AUTHORITY.**—(1) The authority provided by this section shall expire twelve months from the date of enactment of this section into law, unless the Secretary determines: (A) that there is a reasonable likelihood of executing an agreement accomplishing the conveyance authorized by subsection (a) within an additional period not to exceed twelve months; and (B) that further efforts to effect the conveyance authorized by this section are in the best interests of the United States. Upon such a determination, the authority provided by this section may be extended for an additional period not to exceed twelve months.

(2) Upon the expiration of the authority provided by this section, the closure of the operations portion of MCAS Tustin shall proceed as a closure under the provision of the “Defense Base Closure and Realignment Act of 1990” title XXIX of Public Law 101-510.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—(1) The exact acreage and legal descriptions of lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(2) All renovations and new construction obtained under this section shall be performed to commercial standards to the maximum extent feasible.

(3) The authority provided by this section shall be exercised without regard to any other provision of law relating to the transfer of real property, except for section 9620 of title 42, United States Code.

(4) Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 809. HOMEOWNERS ASSISTANCE PROGRAM.

Section 2832 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

“(c) Notwithstanding subsection (i) of section 1013 of the Act referred to in subsection (a), the Secretary may transfer, from any funds available for obligation by the Department of Defense to the fund established pursuant to subsection (d) of that Act, such sums as the Secretary determines are necessary to provide assistance under that Act to persons eligible for assistance under that Act. Any funds so transferred shall be available for obligation and expenditure under the same conditions as funds appropriated to such fund.”

SEC. 810. REAL PROPERTY TRANSACTIONS: REPORTS TO THE ARMED SERVICES COMMITTEES.

Section 2662 of title 10, United States Code, is amended by adding a new subsection (f):

“(f) The reporting requirements of subsections (a), (b), and (e) are waived under the provisions of this subsection in the event of a declaration of war; in the event of a declaration of a national emergency by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.); or for real property transactions required in connection with a contingency operation, as defined by section 101 of this title. Each Secretary of a military department who exercises the waiver authority under this subsection shall report within 30 days to the Committees on Armed Services of the Senate and the House of Representatives on each transaction entered into without the prior congressional notification otherwise required by this section.”

SEC. 811. CONSISTENCY IN BUDGET DATA.

Section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (title XXVIII of Public Law 102-190; 105 Stat. 1290) is amended—

(1) in subsection (a)—

(A) by striking “each military construction project” and inserting in lieu thereof “construction costs resulting from closing or realigning each installation”; and

(B) by striking “project” and inserting in lieu thereof “construction”;

(2) in subsection (b)—

(A) by striking “a military construction project” and inserting in lieu thereof “construction”; and

(B) by striking “of the cost of the project”;

(3) in subsection (c)(1)—

(A) by striking “project” and inserting in lieu thereof “request”; and

(B) by striking “for the project”;

(4) in subsection (c)(2) by striking “project” and inserting in lieu thereof “request”;

(5) in subsection (c)(2)(A) by striking “in the case of that project” and “of the project”; and

(6) in subsection (c)(2)(B) by striking “project” and inserting in lieu thereof “construction”.

SEC. 812. CONSTRUCTION AUTHORITY IN THE EVENT OF A DECLARATION OF WAR, NATIONAL EMERGENCY, OR CONTINGENCY OPERATION.

Section 2808 of title 10, United States Code, is amended—

(1) by amending the heading of such section to read as follows:

“§ 2808. Construction authority in the event of a declaration of war, national emergency, or contingency operation”;

(2) by striking the first sentence of subsection (a) and inserting in lieu thereof the following: “In the event of a declaration of war, the declaration by the President of a national emergency in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.) that requires the use of the Armed Forces, or a declaration of a contingency operation by the Secretary of Defense in accordance with section 101 of this title, the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments and the commanders of the unified and specified commands to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the Armed Forces.”; and

(3) the item in the table of sections at the beginning of such chapter relating to section 2808 is amended to read as follows:

“2808. Construction authority in the event of a declaration of war, national emergency, or contingency operation.”

SEC. 813. AUTHORIZED COST VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) by inserting at the end thereof the following new subsection:

“(e) This section does not apply to minor construction projects or repair projects authorized by section 2805 of this title.”; and

(2) by striking from subsection (a) “subsection (c) or (d)” and inserting in lieu thereof “subsection (c), (d), or (e)”.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, February 24, 1992.

Hon. J. DANFORTH QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize certain construction at military installations for Fiscal Year 1992, and for other purposes." This legislative proposal is needed to carry out the President's Fiscal Year 1993 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

This proposal would authorize appropriations in Fiscal Year 1993 for new construction, repair of real property, and family housing support for the Active Forces, Defense Agencies, NATO Infrastructure Program, and Guard and Reserve Forces. The proposal establishes the effective dates for the program and contains the general provisions.

An identical letter has been sent to the Speaker of House of Representatives.

Sincerely,

TERRENCE O'DONNELL.●

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 2629. A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT,
FISCAL YEAR 1993

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

S. 2629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1993".

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TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the Army as follows:

- For aircraft, \$1,219,259,000.
- For missiles, \$982,298,000.
- For weapons and tracked combat vehicles, \$623,441,000.
- For ammunition, \$823,600,000.
- For other procurement, \$3,093,508,000.

SEC. 102. NAVY AND MARINE CORPS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the Navy as follows:

- For aircraft, \$6,653,679,000.
- For weapons, including missiles and torpedoes, \$3,718,950,000.
- For shipbuilding and conversion, \$5,319,472,000.
- For other procurement, \$5,868,813,000.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the Marine Corps in the amount of \$588,546,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the Air Force as follows:

- For aircraft, \$10,928,701,000.
- For missiles, \$5,378,708,000.
- For other procurement, \$8,346,588,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for procurement for the Defense Agencies in the amount of \$2,146,935,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for procurement for fiscal year 1993 for the Defense Inspector General in the amount of \$800,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of \$526,400,000.

SEC. 107. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR PROCUREMENT OF RESERVE EQUIPMENT.

Section 114(e) of title 10, United States Code, is repealed.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation, as follows:

- For the Army, \$5,414,477,000.
- For the Navy, \$8,517,778,000.
- For the Air Force, \$14,532,375,000.
- For the Defense Agencies, \$10,348,071,000, of which—

(i) \$281,707,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation);

(ii) \$12,983,000 is authorized for the Director of Operational Test and Evaluation; and

(iii) \$2,500,000 is authorized for Chemical Agents and Munitions Destruction, Defense.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the

Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, \$15,419,100,000.
 For the Navy, \$20,728,500,000.
 For the Marine Corps, \$1,607,500,000.
 For the Air Force, \$17,581,000,000.
 For the Defense Agencies, \$9,033,000,000.
 For Medical Programs, Defense, \$9,507,457,000.
 For the Army Reserve, \$990,300,000.
 For the Naval Reserve, \$852,700,000.
 For the Marine Corps Reserve, \$74,700,000.
 For the Air Force Reserve, \$1,215,723,000.
 For the Army National Guard, \$2,134,100,000.
 For the Air National Guard, \$2,552,624,000.
 For the National Board for the Promotion of Rifle Practice, \$2,700,000.
 For the Defense Inspector General, \$125,200,000.
 For Drug Interdiction and Counter-drug Activities, Defense, \$1,263,400,000.
 For the Court of Military Appeals, \$5,900,000.
 For Environmental Restoration, Defense, \$901,200,000.
 For Humanitarian Assistance, \$13,000,000.
 For Chemical Agents and Munitions Destruction, Defense, \$269,400,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, \$1,123,800,000.
 (2) For the National Defense Sealift Fund, \$1,201,400,000.

SEC. 303. PROVIDE EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR DEFENSE INSPECTOR GENERAL.

Section 127 of title 10, United States Code is amended—

(a) in subsection (a)—
 (1) by amending the first sentence by inserting “, the Defense Inspector General,” immediately after “the Secretary of Defense”; and

(2) by amending the second and third sentences by inserting “or the Defense Inspector General” immediately after “the Secretary concerned”; and

(b) by amending subsection (b) by inserting “, by the Defense Inspector General to any person in the Office of the Inspector General,” immediately after “the Department of Defense”.

SEC. 304. REPEAL OF CEILING ON EMPLOYEES IN HEADQUARTERS AND NON-MANAGEMENT HEADQUARTERS AND SUPPORT ACTIVITIES.

(a) Section 194 of title 10, United States Code, is repealed.

(b) The table of sections at the beginning of Chapter 8 of such title is amended by striking out the item relating to section 194.

SEC. 305. REPEAL OF REQUIREMENT FOR REQUIREMENT FOR STATUTORY GUIDELINES FOR FUTURE REDUCTIONS OF CIVILIAN EMPLOYEES OF INDUSTRIAL-TYPE OR COMMERCIAL-TYPE ACTIVITIES.

(a) Section 1597 of title 10, United States Code, is repealed.

(b) The table of sections at the beginning of Chapter 81 is amended by striking out the item relating to section 1597.

SEC. 306. NATIONAL DEFENSE STOCKPILE AND TRANSACTION FUND MANAGEMENT IMPROVEMENTS.

(a) Sections 3301(d) and 3302 of the National Defense Authorization Act for Fiscal Years

1992 and 1993 (Public Law 102-190) are repealed.

(b) During fiscal year 1992 and thereafter, sales of stockpiled material in the National Defense Stockpile Transaction Fund may be made in amounts not to exceed \$1,000,000,000 in any fiscal year. Receipts from such sales and available fund balances may be transferred, subject to appropriations, to any appropriation available to the Department of Defense to be merged with and to be available for the same purposes and same time period as the appropriation to which transferred.

(c) When determined to be necessary by the Secretary of Defense, the Secretary may impose a moratorium on the acquisition of new material for the National Defense Stockpile for the purpose of reducing existing excess material in the Stockpile.

(d) Except to the extent provided in advance in Appropriations Acts, none of the funds available in the National Defense Stockpile Transaction Fund may be obligated or expended to finance any grant or contract to conduct research, development, test, and evaluation activities for the development or production of advanced materials.

SEC. 307. NATIONAL DEFENSE SEALIFT FUND.

(a) SHORT TITLE.—This section may be cited as the “National Defense Sealift Improvement Act”.

(b) NATIONAL DEFENSE SEALIFT FUND.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section 2218:

“§ 2218. National Defense Sealift Fund

“(a) There is established on the books of the Treasury a fund entitled the “National Defense Sealift Fund”.

“(b) The Secretary of Defense shall administer the Fund, consistent with the provisions of this section.

“(c) The Secretary of Defense may obligate and expend funds from the Fund for—

(1) research and development relating to national defense sealift;

(2) construction, purchase, lease, alteration, conversion, or operation and maintenance of sealift vessels for national defense purposes; and

(3) such other purposes relating to national defense sealift as may be authorized by law.

“(d)(1) There is authorized to be appropriated to the Fund such sums as may be necessary.

(2) All receipts from the disposition of national defense sealift vessels, excluding receipts from the sale, exchange, or scrapping of National Defense Reserve Fleet vessels under sections 508 or 510 of the Merchant Marine Act of 1936 (46 App. U.S.C. 1158, 1160), shall be deposited in the Fund.

(3)(A) The Secretary of Defense may accept from any person, foreign government, or international organization any contribution of money, real or personal property, or assistance in kind for support of the sealift functions of the Department of Defense.

(B) Any contribution of property accepted under subparagraph (A) may be retained and used by the Department of Defense or disposed of in accordance with procedures established by the Secretary of Defense. Any real property accepted under subparagraph A shall be disposed of in accordance with the Federal Property and Administrative Service Act of 1949, as amended.

(C) The Secretary of Defense shall deposit in the Fund money and receipts from the disposition of any property accepted under subparagraph (A).

(4) Funds deposited into the Fund shall not be made available for obligation or expendi-

ture except to the extent and in the manner provided in subsequent appropriation Acts.

(5) Amounts transferred, deposited, credited, or appropriated to the Fund shall remain available until expended.

“(e) As used in this section—

(1) the term ‘Fund’ means the fund established by this section; and

(2) the term ‘national defense sealift vessels’ means—

(A) Department of Defense-owned fast sealift ships, maritime prepositioning ships, afloat prepositioning ships, aviation maintenance support ships, hospital ships, tanker ships, and such other ships owned by the Department of Defense as the Secretary of Defense may designate; and

(B) National Defense Reserve Fleet vessels, including Ready Reserve Force vessels, maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).”

(c) FAST SEALIFT PROGRAM RECEIPTS.—Receipts from the charter of vessels under section 1424(c) of Public Law 101-510 (104 Stat. 1683) shall be deposited in the National Defense Sealift Fund, established by this Act.

(d) AUTHORIZATION OF FUNDING.—To the extent provided in advance in appropriations Acts, the Secretary of Defense may transfer to the National Defense Sealift Fund not to exceed \$1,875,100,000 from unobligated balances of appropriations made for fiscal years 1990, 1991, and 1992 under the heading “Shipbuilding and Conversion, Navy”.

(e) TITLE OR MANAGEMENT OF VESSELS.—Nothing in this Act shall be construed to affect or modify title to or management of any vessel in the National Defense Reserve Fleet, or assigned to its Ready Reserve Force component, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).

(f) CONFORMING AND CLERICAL AMENDMENTS.—(1) The item relating to section 11(b) of the Act of March 8, 1946 (50 App. U.S.C. 1744(b)) in section 307(12) of Public Law 101-225 (103 Stat. 1908) is repealed.

(2) Section 11(b) of the Act of March 8, 1946 (50 App. U.S.C. 1744(b)) as that section was in effect on December 11, 1989, is reenacted.

(3) The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended by adding after the item relating to section 2217 the following new items:

“2218. National Defense Sealift Fund.”

(g) EFFECTIVE DATE.—The amendment made by subsection (b) of this section shall be effective December 12, 1989.

TITLE IV—PERSONNEL AUTHORIZATIONS FOR FISCAL YEAR 1993 PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The armed forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:

(1) The Army, 598,900.
 (2) The Navy, 535,800.
 (3) The Marine Corps, 181,900.
 (4) The Air Force, 449,900.

PART B—RESERVE FORCES

SEC. 402. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 383,100.
 (2) The Army Reserve, 257,500.
 (3) The Naval Reserve, 125,800.
 (4) The Marine Corps Reserve, 38,900.
 (5) The Air National Guard of the United States, 119,200.

(6) The Air Force Reserve, 82,200.
 (7) The Coast Guard Reserve, 12,000.
 (b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.
 (c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—
 (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and
 (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.
SEC. 403. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.
 Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:
 (1) The Army National Guard of the United States, 22,637.
 (2) The Army Reserve, 12,152.
 (3) The Naval Reserve, 20,926.
 (4) The Marine Corps Reserve, 2,130.
 (5) The Air National Guard of the United States, 9,131.
 (6) The Air Force Reserve, 636.

SEC. 404. INCREASE IN MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.
 (a) SENIOR ENLISTED MEMBERS.—Effective on October 1, 1992, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	288	14
E-8	2,585	429	808	74

(b) OFFICERS.—Effective on October 1, 1992, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	617	75
Colonel or Navy Captain	372	188	259	25

PART C—MILITARY TRAINING STUDENT LOADS
SEC. 405. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1993, the components of the Armed Forces are authorized average military training loads as follows:
 (1) The Army, 60,269.
 (2) The Navy, 51,405.
 (3) The Marine Corps, 19,016.
 (4) The Air Force, 27,971.

(5) The Army National Guard of the United States, 10,529.
 (6) The Army Reserve, 12,583.
 (7) The Naval Reserve, 1,892.
 (8) The Marine Corps Reserve, 3,418.
 (9) The Air National Guard of the United States, 3,048.
 (10) The Air Force Reserve, 1,529.
 (b) ADJUSTMENTS.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

TITLE V—GENERAL PROVISIONS
SEC. 501. INCREASE THE PHYSICAL EXAMINATION REQUIREMENT FOR MEMBERS OF THE READY RESERVE FROM EVERY FOUR YEARS TO EVERY FIVE YEARS.

Section 1004(a)(1) of title 10, United States Code, is amended by striking out "four" and inserting in lieu thereof "five".

SEC. 502. NATIONAL GUARD
 (a) SHORT TITLE.—This section may be cited as "The National Guard Amendments of 1992."

(b) CLARIFICATION OF INCLUSION OF FEMALE WARRANT OFFICERS AND ENLISTED MEMBERS OF THE NATIONAL GUARD IN THE MILITIA.—Section 311 of title 10, United States Code, is amended by inserting "warrant officers, or enlisted members" after "commissioned officers".
 (c) REPEAL OF REQUIREMENT FOR PHYSICAL EXAMINATION.—

(1) ARMY NATIONAL GUARD.—(A) Section 3502 of title 10, United States Code, is hereby repealed; and
 (B) the table of sections at the beginning of Chapter 341 is amended by striking out the item relating to section 3502.

(2) AIR NATIONAL GUARD.—(A) Section 8502 of title 10, United States Code, is hereby repealed; and
 (B) the table of sections at the beginning of Chapter 841 is amended by striking out the item relating to section 8502.

(d) INCREASE IN TIME ALLOWED FOR COMPLETION OF UNIT TRAINING.—Section 502(b) of title 32, United States Code, is amended by striking out "30" in the second sentence and inserting in lieu thereof "90".
 (e) EXCEPTIONS TO 30-DAY NOTICE FOR TERMINATION OF EMPLOYMENT OF CERTAIN TECHNICIANS.—Subsection 709(e)(6) of title 32, United States Code, is amended to read as follows:

"(6) a technician shall be notified in writing of the termination of employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or voluntarily has ceased to be a member of the National Guard when such membership is a condition of employment, such notice shall be given at least 30 days before the termination date of such employment."

(f) REPEAL OF LIMIT ON NUMBER OF TECHNICIANS WHO MAY BE EMPLOYED AT ANY ONE TIME.—Subsection 709(h) of title 32, United States Code, is hereby repealed.

(g) AUTHORIZATION FOR UNSERVICEABILITY FINDINGS BY NATIONAL GUARD OFFICERS.—Subsection 710(f) of title 32, United States Code, is amended by striking out "Regular Army or the Regular Air Force," and inserting in lieu thereof "Regular Army or a commissioned officer of the Army National Guard who is also a commissioned officer of the Army National Guard of the United States, or by a commissioned officer of the Regular Air Force, or a commissioned officer

of the Air National Guard who is also a commissioned officer of the Air National Guard of the United States,".

SEC. 503. PAY AND ALLOWANCES
 (a) WAIVER OF SECTION 1009 ADJUSTMENTS.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1993 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1993, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.7 percent.

SEC. 504. REPEAL OF THE REQUIREMENT FOR THE SECRETARY OF DEFENSE TO SUBMIT AN ANNUAL REPORT TO CONGRESS ENTITLED "UNITED STATES EXPENDITURES IN SUPPORT OF NATO".

Section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985 (Public Law 98-525, 98 Stat. 2575) is hereby repealed.

SEC. 505. CHANGE OF THE SPECIAL ACCESS PROGRAMS REPORTING DATE FROM FEBRUARY 1 OF EACH YEAR TO MARCH 1 OF EACH YEAR.

Sections 119(a)(1) and (b)(1) of title 10, United States Code, are amended by striking out "February 1" inserting in lieu thereof "March 1".

SEC. 506. LEASE OF EQUIPMENT FOR INTERNATIONAL SHOWS AND EXHIBITS.

(a) LEASES OF DEFENSE PROPERTY FOR DISPLAY OR DEMONSTRATION AT INTERNATIONAL SHOWS, TRADE EXPOSITIONS, OR TO FOREIGN GOVERNMENTS.—(1) Section 2667 of title 10, United States Code, is amended by adding at the end the following new subsection (g):
 "(g) Notwithstanding clause (4) of Subsection (b), where the lease is for defense equipment for display or demonstration at international shows or other trade exhibitions or to foreign governments and the lessee is the manufacturer of the defense equipment, the lease shall be for such consideration and include terms and conditions that the Secretary of Defense determines will promote the national defense or will be in the public interest."

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective with regard to any leases entered into under the authority of section 2667 of title 10, United States Code, after the date of enactment of this Act.

SEC. 507. ACQUISITION AND CROSS-SERVICING AGREEMENTS.
 (a) AUTHORITY TO ACQUIRE LOGISTICS SUPPORT, SUPPLIES, AND SERVICES FOR ELEMENTS OF THE ARMED SERVICES OUTSIDE THE UNITED STATES.—Section 2341 of title 10, United States Code, is amended—
 (1) in subsection (1) by striking out "deployed in Europe and adjacent waters"; and
 (2) in subsection (2)
 (A) by striking out "in which elements of the armed forces are deployed (or are to be deployed)"; and
 (B) by striking out "deployed (or to be deployed) in such country or in the military region in which such country is located".
 (b) LIMITATIONS ON AMOUNTS THAT MAY BE OBLIGATED OR ACCRUED BY THE UNITED STATES.—Section 2347 of title 10, United States Code, is amended—
 (1) in subsection (a)(1)—
 (A) by striking out "the North Atlantic Treaty Organization" and inserting in lieu thereof "United States armed forces"; and
 (B) by inserting "with other North Atlantic Treaty Organization countries and sub-

subsidiary bodies," after "(before the computation of offsetting balances)";

(2) in subsection (a)(2)—

(A) by striking out "in the military region affecting" and inserting in lieu thereof "involving United States armed forces, the total amount of reimbursable liabilities that the United States may accrue under this subchapter (before the computation of offsetting balances) with"; and

(B) by striking out "the total amount of reimbursable liabilities that the United States may accrue under this subchapter before the computation of offsetting balances with such country";

(3) in subsection (b)(1)—

(A) by striking out "North Atlantic Treaty Organization" and inserting in lieu thereof, "United States armed forces"; and

(B) by inserting "with other North Atlantic Treaty Organization countries and subsidiary bodies," after "(before the computation of offsetting balances)"; and

(4) in subsection (b)(2)—

(A) by striking out "in the military region affecting a country referred to in paragraph (1)" and inserting in lieu thereof "involving United States armed forces"; and

(B) by inserting "with a country which is not a member of the North Atlantic Treaty Organization, but with which the United States has one or more cross-servicing agreements," after "(before the computation of offsetting balances)".

(c) EFFECTIVE DATE.—The amendments made by this Section shall be effective with regard to the acquisition of logistics support, supplies, and services under Chapter 138 of title 10, United States Code, that are initiated after the date of enactment of this Act.

SEC. 508. AUTHORIZATION FOR THE DEPARTMENT OF DEFENSE TO SHARE EQUITABLY THE COSTS OF CLAIMS ARISING OUT OF THE PERFORMANCE OF INTERNATIONAL ARMAMENTS COOPERATIVE PROGRAMS.

(a) AMENDMENT TO THE ARMS EXPORT CONTROL ACT.—The second sentence of section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)) is amended by inserting ", and costs of claims" after "administrative costs".

(b) AMENDMENT TO TITLE 10.—Section 2350a(c) of title 10, United States Code, is amended—

(1) by inserting "including the costs of claims" after "project"; and

(2) by inserting "including the costs of claims" after "administrative costs".

SEC. 509. EXTENSION OF VARIOUS EXPIRING LAWS (1992).

(a) AVIATION OFFICER RETENTION BONUS.—(Section 301(b) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(b) SPECIAL UNIT ASSIGNMENT PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—(Section 1016(d) of the Department of Defense Authorization Act, 1984 (Public Law 98-94, 97 Stat. 668, 10 U.S.C. 3360 note), as amended by section 503(c) of Public Law 101-189, 103 Stat. 1352, 1437, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(d) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking

out "September 30, 1992" and inserting in lieu thereof in each instance "September 30, 1995".

(e) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Section 3380(d) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(f) AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.—Section 5721(f) of title 10, United States Code, is hereby repealed.

(g) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—(Section 2172(d) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(h) ACCESSION BONUS FOR REGISTERED NURSES.—(1) Section 302d(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(2) Section 2130a(a) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(i) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37 United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(j) SPECIAL PAY FOR REENLISTMENT BONUSES.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(k) SPECIAL PAY FOR ENLISTMENT BONUS.—Section 308a(c) United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

(l) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308g(h), 308h(g), and 308i(l) of title 37, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(m) EXTENSION OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(n) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVE.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989, Public Law 100-456, 102 Stat. 1981, as amended by section 616 of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, 104 Stat. 1578, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(o) EXTENSION OF THE MAJOR DEFENSE ACQUISITION PILOT PROGRAM.—Section 809(h) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1595) is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 2001".

SEC. 510. REVISION TO THE STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

(a) SHORT TITLE.—This Section may be cited as the "Strategic and Critical Materials Stock Piling Revision Act of 1992".

(b) REVISION TO THE STRATEGIC AND CRITICAL STOCK PILING ACT.—The Strategic and Critical Stock Piling Act (50 U.S.C. 98-98h-7) is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Strategic and Critical Materials Stockpiling Act'.

"PURPOSE

"SEC. 2. (a) It is the purpose of this Act to provide for the identification, acquisition and retention of stocks of certain strategic and critical materials.

"(b) The quantity of materials to be stockpiled under this Act shall be sufficient to meet the needs of the United States during a time of national emergency requiring significant mobilization of the economy under the planning assumptions used by the Secretary of Defense under section 4(b) of this Act.

"(c) The purpose of the National Defense Stockpile is to serve the interests of national defense only. The National Defense Stockpile is not to be used for economic purposes.

"DETERMINATIONS: MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE

"SEC. 3. (a) The President shall determine—

"(1) which materials are strategic and critical materials for the purposes of this Act, and

"(2) the quality, quantity, and form of each such material to be acquired and stored.

"(b) The stockpile shall consist of the following materials:

"(1) Materials contained in the National Defense Stockpile as of the date of enactment of this Act.

"(2) Materials acquired under this Act after the date of enactment of this Act.

"(3) Materials acquired by the United States under the provisions of section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093) and transferred to the stockpile pursuant to subsection (f) of such section.

"(4) Materials transferred to the United States under Section 663 of the Foreign Assistance Act of 1961 (22 U.S.C. 2423) that have been determined to be strategic and critical materials for the purposes of this Act and that are allocated by the President under subsection (b) of such section for stockpiling in the stockpile.

"(5) Materials acquired by the Commodity Credit Corporation and transferred to the stockpile under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

"(6) Materials acquired by the Commodity Credit Corporation under paragraph (2) of section 103(a) of the Act entitled "An Act to provide for greater stability in agriculture; to augment the marketing and disposal of agricultural products; and for other purposes," approved August 28, 1954 (7 U.S.C. 1743(a)) and transferred to the stockpile under the third sentence of such section.

"(7) Materials transferred to the stockpile under subsection (c).

"(c) Notwithstanding any other provision of law, any material that is—

"(1) under the control of any department or agency of the United States,

"(2) determined by the head of such department or agency to be excess to its needs and responsibilities, and

"(3) required for the stockpile shall be transferred to the stockpile. Any such transfer shall be made with full reimbursement at market value at the time of transfer to such department or agency, and all costs required to effect such transfer shall be paid or reimbursed from funds appropriated to carry out this Act.

"REPORT ON STOCKPILE REQUIREMENTS

"SEC. 4. (a) Not later than January 31 of every other year, the President shall submit

to Congress a report on stockpile requirements. Each such report shall include—

“(1) the President's recommendations with respect to stockpile requirements; and

“(2) the matters required under subsection (b) of this section.

“(b) Each report under this section shall be based on the national security planning guidance contained in the President's annual National Security Strategy Report and shall set forth the national emergency planning assumptions used in determining the stockpile requirements recommended by the President. Assumptions to be set forth include assumptions relating to—

“(1) length and intensity of the assumed emergency;

“(2) the military force structure to be mobilized;

“(3) losses from enemy action;

“(4) military, industrial, and essential civilian requirements to support the national emergency;

“(5) the availability of supplies of strategic and critical materials from foreign sources, taking into consideration possible shipping losses;

“(6) domestic production of strategic and critical materials; and

“(7) civilian austerity measures.

“(c) The President shall submit with each report under this section a statement of plans for meeting the recommendations set forth in the report.

“(d) The stockpile requirements as provided in the report become effective thirty (30) calendar days after submission as provided in subsection (a) of this section. If, at any time, the President proposes either a new requirement or a significant change in the requirements for the stockpile as provided in the most recent report submitted under subsection (a) of this section, the President shall provide written notice to the Committees on Armed Services of the Senate and House of Representatives at least thirty (30) calendar days prior to the date the new or changed requirements become effective.

“MULTIYEAR MATERIALS PLAN AND OPERATIONS REPORT

“SEC. 5. (a) Not later than January 31 of each year, the President shall submit to the Congress a Materials Plan setting forth plans for the next fiscal year and the succeeding four fiscal years and an annual report detailing the operations of the stockpile for the preceding fiscal year.

“(b) The Materials Plan shall include—

“(1) details of all planned expenditures from the National Defense Stockpile Transaction Fund during such period (including expenditures to be made from appropriations from the general fund of the Treasury) and of anticipated receipts from proposed disposals of stockpile materials during such period;

“(2) details regarding proposed materials development and research contracts under clause (2)(F) of section 8(b) of this Act during the fiscal years covered by the report. With respect to each such proposed contract, the report shall specify the amount planned to be expended from the fund, the material intended to be developed, the potential military or defense industrial applications for that material, and the development and research methodologies to be used; and

“(3) any proposed expenditure or disposal detailed in the Materials Plan, or in any significant change in a plan submitted to Congress under paragraph (2) of section 7(a) of this Act for the preceding or current fiscal year, that was not obligated or executed in that fiscal year and that is being carried over to the succeeding fiscal year.

“(c) The annual operations report shall include—

“(1) information with respect to foreign and domestic purchases of materials during the preceding fiscal year;

“(2) information with respect to the acquisition and disposal of materials under this Act by barter during the preceding fiscal year;

“(3) information with respect to the research and development contracts under clause (2)(F) of section 8(b) of this Act;

“(4) a statement and explanation of the financial status of the National Defense Stockpile Transaction fund and the anticipated appropriations to be made to the fund and obligations to be made from the fund during the next fiscal year;

“(5) a summary of any waivers granted under section 6(d) of this Act; and

“(6) such other pertinent information on the administration of this Act as will enable Congress to evaluate the effectiveness of the program.

“STOCKPILE MANAGEMENT

“SEC. 6. (a) The President shall—

“(1) acquire the materials determined under section 3(a) of this Act to be strategic and critical materials;

“(2) provide for the proper and environmentally sound handling, storage, security, maintenance, and disposal of materials in the stockpile;

“(3) provide for the upgrading, refining or processing of any material in the stockpile (notwithstanding the requirement established for such material under section 4 of this Act) when necessary to convert such material into a form more suitable for storage, subsequent disposition, or use in a national emergency;

“(4) provide for the rotation of any material in the stockpile when necessary to prevent deterioration of such materials by replacement of such material with an equivalent quantity of substantially the same material or better material;

“(5) provide for the timely disposal of materials in the stockpile that—

“(A) are excess to stockpile requirements,

or

“(B) may cause a loss to the Government if allowed to deteriorate or become obsolete; and

“(6) in accordance with subsection 7(b) of this Act,

dispose of materials in the stockpile.

“(b) Except as provided in subsections (c) and (d) of this section, acquisition of strategic and critical materials under this Act shall be in accordance with Federal procurement practices, and, except as provided in subsections (c) and (d) of this section and in section 9 of this Act, disposal of materials from the stockpile shall be made by sealed bidding or competitive proposals. To the maximum extent feasible—

“(1) competitive procedures shall be used in the acquisition and disposal of such materials; and

“(2) efforts shall be made in the acquisition and disposal of such materials to avoid undue disruption of the usual markets of producers, processors, and consumers of such materials and to protect the United States against avoidable loss.

“(c)(1) The President shall encourage the use of barter in the acquisition and disposal of strategic and critical materials under clauses (1), (5) or (6) of subsection (a) of this section when practical and in the best interest of the United States.

“(2) Any materials in the stockpile which are in excess of requirements shall be avail-

able for transfer at fair market value as payment for expenses (including transportation and other incidental expenses) of acquisition of materials or of disposing of, upgrading, refining, processing, or rotating, materials under this Act.

“(3) Notwithstanding any other provision of law, the President may barter a portion of the same or related materials to finance upgrading, refining or processing of a material in the stockpile to convert that material into a form more suitable for storage, subsequent disposition or immediate use in a national emergency.

“(4) To the extent otherwise authorized by law, property owned by the United States may be bartered for materials needed for the stockpile.

“(d) The President may waive the applicability of any provision of the first sentence of subsection (b) of this section to any acquisition or disposal of material from the stockpile upon a written determination that a waiver is necessary to obtain terms more favorable to the government than would be obtained without a waiver.

“(e) The President may acquire interests in personal and real property for storage, security and maintenance of materials in the stockpile.

“(f) The President may loan stockpile materials to Federal agencies when such loans are in the interest of national defense.

“AUTHORITY FOR STOCKPILE OPERATIONS

“SEC. 7. (a)(1) Funds appropriated for acquisition of any materials under this Act and for transportation and other incidental expenses related to such acquisition shall remain available until expended.

“(2) If, during any fiscal year, the President proposes a significant change in an expenditure or disposal in the Materials Plan required to be submitted to Congress under section 5(b) of this Act, or a significant expenditure or disposal not included in that Plan, no funds may be obligated or expended for that transaction until the President has submitted a full statement of the changed or new transaction to the Committees on Armed Services of the Senate and House of Representatives and a period of thirty (30) calendar days have elapsed from the date of the receipt of such statement by the committees.

“(b)(1) Except for disposals made under the authority of clauses (3), (4) or (5) of section 6(a) of this Act or section 9(a) of this Act, disposals from the stockpile may be made only if such disposal, including the quantity of the material to be disposed of, has been included in the Materials Plan, Congress has been notified pursuant to paragraph (2) of subsection (a) of this section, or the disposal has otherwise been authorized by law.

“(2) Unless otherwise authorized by law, disposals in any one fiscal year shall not exceed \$1 billion. This disposal limit shall be adjusted annually in accordance with the Consumer Price Index.

“(c) There is authorized to be appropriated such sums as may be necessary to provide for the transportation, processing, refining, upgrading, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile. Funds appropriated shall remain available to carry out the purposes for which appropriated until expended.

“(d) Any proposed expenditure or disposal detailed in the Materials Plan for any fiscal year, and any proposed changed or new expenditure or disposal submitted for such fiscal year to the appropriate committees of Congress pursuant to paragraph (2) of section

7(a) of this section, that is not obligated or executed in that fiscal year, may be carried over to the materials plans for subsequent fiscal years.

"NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

"SEC. 8. (a) There is established in the Treasury of the United States a separate fund to be known as the National Defense Stockpile Transaction Fund (the 'fund').

"(b)(1) All moneys received from the sale, rotation or disposal of materials in the stockpile under clauses (4), (5) and (6) of section 6(a) of this Act or section 9(a) of this Act shall be covered into the fund.

"(2) Moneys covered into the fund are hereby made available for—

(A) the acquisition of strategic and critical materials under clause (1) of section 6(a) of this Act;

(B) the development of current specifications of stockpile materials and the upgrading of existing stockpile materials to meet current specifications (including, when economical, transportation related to such upgrading);

(C) the testing and quality studies of stockpile materials;

(D) the studying future material and mobilization requirements for the stockpile;

(E) the contracting for materials development and research to—

(i) improve the quality and availability of materials stockpiled from time to time in the stockpile; and

(ii) develop new materials for the stockpile;

(F) the purchasing or making a commitment to purchase strategic and critical materials of domestic origin when such materials are needed for the stockpile;

(G) the contracting with domestic facilities or making a commitment to contract with domestic facilities for the upgrading, refining or processing of materials in the stockpile when necessary to convert such materials into a form more suitable for storage, and subsequent disposition or use in a national emergency.

"(3) Moneys covered into the Fund are, subject to appropriations, hereby made available for operations of the Defense National Stockpile.

"(c) If, during a fiscal year, the President barter materials in the stockpile for the purpose of acquiring, upgrading, refining, or processing other materials (or for services directly related to that purpose), the contract value of the materials so bartered shall—

"(1) be applied toward the total value of materials that are authorized to be disposed of from the stockpile during that fiscal year;

"(2) be treated as an acquisition for purposes of satisfying any requirement imposed on the President to enter into obligations during that fiscal year; and

"(3) not increase or decrease the balance in the fund.

"(d) The authorities under paragraph (2) of subsection (b) of this section may be exercised by means of multiyear contracts which may be under such terms and conditions, including advance payments, as the President considers necessary.

"SPECIAL DISPOSAL AUTHORITY OF THE SECRETARY OF DEFENSE

"SEC. 9. (a) Materials in the stockpile may be released for use, sale or other disposition—

"(1) on the order of the President, at any time the President determines the release of such materials is required for purposes of the national defense; and

"(2) in time of war declared by the Congress or during a national emergency, on the order of any officer or employee of the United States designated by the President to have authority to issue disposal orders under this subsection, if such officer or employee determines that the release of such materials is required.

"(b) Any order issued under subsection (a) of this section shall be promptly reported by the President in writing to the Committee on Armed Services of the Senate and House of Representatives of the United States Congress.

"NATIONAL DEFENSE STOCKPILE MANAGER

"SEC. 10. (a) The President shall designate a single Federal office to have responsibility for performing the functions of the President under this Act.

"(b) The individual holding the office designated by the President under subsection (a) of this section shall be known for purposes of functions under this Act as the 'National Defense Stockpile Manager.'

"(c) The President may delegate functions under this Act (other than those under section 9 of this Act) to the National Defense Stockpile Manager. Any such delegation made by the President shall remain in effect until specifically revoked by the President.

"MATERIALS DEVELOPMENT AND RESEARCH

"SEC. 11. (a)(1) The President shall make scientific, technologic, and economic investigations concerning the development, mining, preparation, treatment, and utilization of ores and other mineral substances that—

(A) are found in the United States, or in its territories or possessions,

(B) are essential to the national defense, industrial, and essential civilian needs of the United States, and

(C) are found in known domestic sources in inadequate quantities or grades.

"(2) Such investigations shall be carried out in order to—

(A) determine and develop new domestic sources of supply of such ores and mineral substances;

(B) devise new methods for the treatment and utilization of lower grade reserves of such ores and mineral substances; and

(C) develop substitutes for such essential ores and mineral products.

"(3) Investigations under paragraph (1) of this subsection may be carried out on public lands and, with the consent of the owner, on privately owned lands for the purpose of exploring and determining the extent and quality of deposits of such minerals, the most suitable methods of mining and beneficiating such minerals, and the cost at which the minerals or metals may be produced.

"(b) The President shall make scientific, technologic and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 3(a) of this Act to be a strategic and critical material or substitute therefor.

"(c) The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

"(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b) of this section) determined pursuant to section 3(a) of this Act to be strategic and critical materials; and

"(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such

material into a form more suitable for use during an emergency or for storage.

"(d) The President shall encourage the conservation of domestic sources of any material determined pursuant to section 3(a) of this Act to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

"(1) substitutes for such material; or
 "(2) more efficient methods of production or use of such material.

"ADVISORY COMMITTEES

"SEC. 12. (a) The President may appoint one or more advisory committees composed of individuals with expertise relating to materials in the stockpile or with expertise in stockpile management to advise the President with respect to the acquisition, transportation, processing, refining, storage, security, maintenance, rotation, and disposal of such materials under this Act.

"(b) Each member of an advisory committee established under subsection (a) of this section, while serving on the business of the advisory committee away from such member's home or regular place of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons intermittently employed in the Government service.

"DEFINITIONS

"SEC. 13. For the purpose of this Act:

"(a) The term 'strategic and critical materials' means materials that—

"(1) would be needed to supply the military, industrial and essential civilian needs of the United States during a national emergency, and

"(2) are not found or produced in the United States in sufficient quantities to meet such need.

"(b) The term 'national emergency' means a general declaration of a national emergency made by the President or by the Congress.

"(c) The term 'significant change,' as used in section 4(d) of this Act and paragraph (2) of section 7(a) of this Act, means a change that would result in—

"(1) an increase or decrease in the value of the requirement or in the amount of the transaction in excess of \$50 million; or

"(2) an increase or decrease of 25 percent in the value of the requirement or in the amount of the transaction— whichever is less."

SEC. 511. REPEAL OF CHROMIUM AND MANGANESE ORES CONVERSION REQUIREMENT.

Sections 9110 of the Department of Defense Appropriations Act, 1987 (Public Law 99-500, 100 Stat. 1783-120 and Public Law 99-591, 100 Stat. 3341) and section 3205 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661, 100 Stat. 4068) are repealed.

SEC. 512. REVISION OF CERTAIN STRATEGIC AND CRITICAL MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

(a) REVISION OF QUANTITIES OF MATERIALS STOCKPILED.—

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98b(c)(4)), the National Defense Stockpile Manager may revise quantities of materials to be stockpiled under that Act in accordance with table A below.

TABLE A

Materials	Unit	Current quantity	Revised quantity
Aluminum metal	SF	700,000	0

TABLE A—Continued

Materials	Unit	Current quantity	Revised quantity
Aluminum oxide, abrasive grain	ST	374,000	0
Aluminum oxide, fused crude	ST	0	0
Analgesics	AMA LB	130,000	0
Antimony	ST	88,500	0
Asbestos, amosite	ST	0	0
Asbestos, chrysotile	ST	3,000	0
Bauxite, metal grade, Jamaica and Surinam	LDT	27,100,000	0
Bauxite, refractory	LCT	1,240,000	69,000
Beryl ore	ST	18,000	0
Beryllium copper master alloy	ST	7,900	0
Beryllium metal	LB	400	400
Bismuth	LB	1,060,000	0
Cadmium	LB	11,700,000	0
Chromite, chemical and metallurgical grade ore	SDT	3,875,000	34,000
Chromite, refractory grade ore	SDT	695,000	159,000
Chromium, ferro	ST	350,000	621,204
Chromium, metal	ST	20,000	26,835
Cobalt	LB CO	85,400,000	40,446,597
Columbium group	LB CB	12,520,000	11,126,841
Copper	ST	1,000,000	0
Cordage fibers, abaca	LB	155,000,000	0
Cordage fibers, sisal	LB	60,000,000	0
Diamonds, industrial, dies, small	KT	60,000	0
Fluorspar, acid grade	SDT	900,000	0
Fluorspar, metallurgical grade	SDT	310,000	0
Germanium	KG	146,000	68,198
Graphite, natural, Ceylon, Amorphous lump	ST	6,300	13,477
Graphite, natural, Malagasy, crystalline	ST	14,200	0
Graphite, natural, other than Ceylon Malagasy	ST	1,930	0
Indium	TR OZ	1,350,000	248,845
Industrial diamond stones	KT	7,700,000	3,000,000
Iodine	LB	5,800,000	0
Jewel bearings	PC	120,000,000	84,000,000
Lead	ST	1,100,000	0
Manganese ore, chemical and metallurgical grades	SDT	2,870,000	0
Manganese, battery grade, natural ore	SDT	25,000	0
Manganese, battery grade, synthetic dioxide	SDT	25,000	0
Manganese, ferro	ST	439,000	209,074
Manganese, metal, electro-litic	ST	0	0
Mercury	FL	10,500	0
Mica, muscovite film, 1st and 2nd qualities	LB	90,000	20,000
Mica, muscovite splittings	LB	12,630,000	0
Mica, muscovite block, stained and better	LB	2,500,000	301,000
Mica, phlogopite block	LB	210,000	316,518
Mica, phlogopite splittings	LB	930,000	0
Molybdenum	LB	0	0
Nickel	ST	200,000	0
Platinum group metals, iridium	TR OZ	86,000	14,454
Platinum group metals, palladium	TR OZ	2,150,000	0
Platinum group metals, platinum	TR OZ	1,310,000	240,351
Platinum group metals, rhodium	TR OZ	30,000	0
Platinum group metals, ruthenium	TR OZ	65,000	0
pyrethrum	LB	500,000	0
Quartz crystals, natural	LB	240,000	0
Quartz crystals, synthetic	LB	0	1,589,405
Quinidine	AV OZ	10,100,000	0
Quinine	AV OZ	4,500,000	0
Rayon	LB	3,000,000	0
Rubber, natural	LT	864,000	417,779
Rutile	ST	106,000	0
Sapphire and ruby	KT	0	0
Sebacic acid	LB	8,800,000	0
Silicon carbide	ST	29,000	0
Silver	TR OZ	0	0
Talc	ST	0	0
Tantalum group	LB TA	8,400,000	8,727,098
Thorium nitrate	LB	600,000	0
Tin	MT	42,700	0
Titanium	ST	195,000	53,315
Tungsten group	LB W	70,900,000	30,976,038
Vanadium group	ST V	8,700	0
Vegetable tannin, chestnut	LT	5,000	0
Vegetable tannin, quebracho	LT	28,000	0
Vegetable tannin, wattle	LT	15,000	0
Zinc	ST	1,425,000	0

(b) MATERIALS IN THE STOCKPILE AUTHORIZED TO BE DISPOSED.—The National Defense Stockpile Manager may dispose of such materials in the National Defense Stockpile as are authorized previously for disposal by any other law, or, in the case of materials in the National Defense Stockpile that have been determined by the Stockpile Manager to be excess to the current requirements of the

stockpile, in accordance with the materials and quantities listed in accordance with table B below.

TABLE B

Materials	Quantity
Aluminum	ST 62,800
Aluminum oxide, abrasive	ST 51,022
Aluminum oxide, fused crude	ST 249,867
Analgesics	AMA LB 68,703
Antimony	ST 36,018
Asbestos, chrysotile	ST 3,004
Bauxite, metallurgical Jamaican	LDT 12,457,740
Bauxite, metallurgical Surinam	LDT 5,299,597
Bauxite, refractory	LCT 207,067
Beryl ore	ST 17,729
Beryllium copper master alloy	ST 7,387
Bismuth	LB 1,825,955
Cadmium	LB 6,328,570
Chromite chemical grade	SDT 208,414
Chromite metallurgical grade	SDT 1,511,356
Chromite refractory	SDT 232,414
Chromium ferro	ST 576,526
Cobalt	LB CO 12,741,489
Copper	ST 29,651
Diamond industrial bort	KT 4,001,344
Diamond dies small	PC 25,473
Diamond stones	KT 2,422,075
Fluorspar acid grade	SDT 892,856
Fluorspar metallurgical grade	SDT 410,822
Germanium	KG 715
Graphite natural malagasy	ST 10,573
Graphite natural other	ST 2,803
Iodine	LB 5,835,022
Jewel bearings	PC 51,778,337
Lead	ST 601,053
Manganese battery grade natural	SDT 68,226
Manganese battery grade synthetic	SDT 3,011
Manganese ferro	ST 938,285
Manganese metallurgical grade	SDT 1,627,425
Manganese metal	ST 14,172
Mercury	FL 128,026
Mica phlogopite splittings	LB 963,251
Nickel	ST 37,214
Platinum-iridium	TR OZ 15,136
Platinum-palladium	TR OZ 1,264,501
Platinum-platinum	TR OZ 212,290
Quartz crystals, natural	LB 400,000
Rutile	SDT 39,185
Sapphire and ruby	KT 16,305,502
Sebacic acid	LB 5,009,697
Silicon carbide	ST 28,774
Silver (coins)	TR OZ 83,951,492
Tin	MT 141,278
Tungsten	LB W 39,959,096
Vanadium	ST 721
Vegetable tannin, chestnut	LT 4,976
Vegetable tannin, quebracho	LT 28,832
Vegetable tannin, wattle	LT 14,998
Zinc	ST 378,768

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, April 17, 1992.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.
DEAR MR. PRESIDENT: There is forwarded herewith legislation, "To authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes."

This legislative proposal is part of the Department of Defense legislative program for the 102nd Congress and is needed to carry out the President's fiscal year 1993 amended budget plan. The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of this proposal for the consideration of the Congress.

Title I provides procurement authorization for the Military Departments and for the Defense Agencies in amounts equal to the new budget authority included in the President's amended budget for fiscal year 1993. It also includes a provision providing for the repeal of the requirement for a separate budget request for the procurement of Reserve equipment which is contained in section 114(e) of title 10, United States Code.

Title II provides for the authorization of the research, development, test, and evaluation appropriations for the Military Departments and Defense Agencies in amounts equal to the new budget authority included

in the President's amended budget for fiscal year 1993.

Title III provides for authorization of the operation and maintenance appropriations of the Military Departments and the Defense Agencies in amounts equal to the budget authority included in the President's amended budget for fiscal year 1993. Title III also includes appropriations for the purpose of providing capital for working-capital and revolving funds of the Department of Defense in amounts equal to the budget authority included in the President's amended budget for fiscal year 1993.

In addition to the foregoing, Title III also contains the following provisions. Section 303 amends sections 127 of title 10, United States Code, pertaining to emergency and extraordinary expenses, to add provisions covering the Defense Inspector General. Section 304 repeals the ceiling on employees in headquarters and non-management headquarters support activities contained in section 194 of title 10. Section 305 repeals the requirement contained in section 1597 of title 10 for guidelines for future reductions of civilian employees of industrial-type or commercial-type activities. Section 306 repeals provisions contained in sections 3301(d) and 3302 of the fiscal year 1992 and 1993 Authorization Act which impede efficient and prudent management of the National Defense Stockpile Transaction Fund and contains provisions that will enhance the management of the Fund. Section 307 establishes the National Defense Sealift Fund to provide for the effective acquisition, maintenance, and operation of sealift for the armed forces, and for other purposes.

Title IV prescribes the personnel strengths for the active forces and the Selected Reserve of each service in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's amended budget for fiscal year 1993. This title also prescribes the end strengths for reserve component members on full-time active duty or full-time National Guard duty for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components. Finally, Title IV provides for the average military training student loads in the numbers provided for this purpose in the President's amended budget for fiscal year 1993.

Title V consists of twelve general provisions. Section 501 amends section 1004 of title 10, to require physical examination for members of the ready reserve every five years rather than every four. Section 502 amends titles 10 and 32 to eliminate unnecessary restrictions on personnel procedures and to provide greater flexibility in the training, management, and mobilization of the National Guard.

Section 503 waives the adjustments of compensation requirements in section 1009 of title 37, and provides for a 3.7 percent increase in basic pay, basic allowance for quarters (BAQ), and basic allowance for subsistence (BAS) for members of the uniformed services.

Section 504 repeals section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985, Public Law 98-525, 98 Stat. 2492, which requires the Secretary of Defense to submit to Congress an annual report entitled *United States Expenditures in Support of NATO*. The conclusions drawn from this report are misleading in that expenditures for scenarios outside of NATO are attributed in

many instances to expenditures in support of NATO. Section 505 amends section 119 of title 10 to change the special access programs reporting date from February 1 of each year to March 1 of each year. The concurrent submission of the special access report with the budget does not allow sufficient time to prepare and coordinate the report.

Section 506 amends section 2667 of title 10 to provide the Secretary of Defense flexibility in the lease of defense equipment for display or demonstration at international shows and trade exhibitions or to foreign governments. Section 507 amends Chapter 138 of title 10 to provide deployed United States Armed Forces the authority to acquire logistics support, supplies and services without geographic restriction and to remove the limitations on the amounts that may be obligated or accrued during a period of active hostilities involving United States Armed Forces. Section 508 amends section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)) and section 2350a of title 10, to authorize the Department of Defense to share equitably the costs of claims arising out of the performance of international armaments programs.

Section 509 extends various laws that expire in fiscal year 1992.

Section 510 amends the Strategic and Critical Stockpiling Act to clarify the responsibilities and authorities of the President. Section 511 repeals sections 9110 of the Department of Defense Appropriations Act, 1987, Public Law 99-500, 100 Stat. 1783-120 and Public Law 99-591, 100 Stat. 3383, and section 3205 of the National Defense Authorization Act for Fiscal Year 1987, Public Law 99-661, 100 Stat. 4068, to terminate the requirement to convert chromium and manganese held in the National Defense Stockpile into high carbon ferrochromium and high carbon ferromanganese. Present stocks are sufficient for future contingencies. Section 512 revises the stockpile requirements for certain strategic and critical materials in the National Defense Stockpile.

Enactment of this legislation is of great importance to the Department of Defense and the Department urges its speedy and favorable consideration.

Sincerely,

CHESTER PAUL BEACH, Jr.,
Acting General Counsel.

SECTIONAL ANALYSIS

Section 501 amends section 1004(a)(1) of title 10, United States Code, to require a physical examination for members of the Ready Reserve every five years rather than every four.

Section 1004(a)(1) currently requires each member of the Ready Reserve not on active duty to receive a physical examination every four years, or more often as the Secretary concerned considers necessary. Although there is no similar statutory requirement for active duty members, the military departments by regulation require periodic examinations. For example, the Army and the Air Force require, with some exceptions, that active duty members undergo a physical examination every five years.

The requirement that all Ready Reserve members have a physical every four years is costly and unnecessary for readiness purposes. There is no reason to impose a stricter standard on Ready Reserve members than on active duty members. Both active duty and reserve commanders have the authority to require members of their command to submit to a physical examination whenever

they believe a member is physically unfit to perform duties. Also, under this proposal, the Secretary concerned could require categories of personnel to receive physical examinations more frequently than every five years.

This proposal will provide the reserve components with the flexibility that the active components now have and enable them to adopt policies consistent with the active components.

Section 502 amends titles 10 and 32, United States Code to eliminate unnecessary restrictions on personnel procedures and to provide greater flexibility in the training, management and mobilization of the National Guard.

Subsection (a) cites the short title of the bill as "The National Guard Amendments of 1992."

Subsection (b) amends section 311(a) of title 10 to insure that female warrant officers and enlisted members of the National Guard are included in the militia. Section 311(a) provides that the militia of the United States includes all able-bodied males between 17 and 45 years of age, and certain males over 45, who are or have declared their intention to become citizens, and female officers of the National Guard. Female warrant officers and enlisted members of the National Guard are not explicitly included. This exclusion leaves open the question as to whether a call to federal service of the militia can include these female members of the National Guard. Even in states which explicitly include such members in the militia, it is not clear whether such members are subject to a call to federal service. The resulting uncertainty clouds the legal status of these members and the validity of any acts performed while in federal status. It may also affect their liability and eligibility for tort protection and benefits. There are over 21,000 enlisted female members of the Army National Guard and over 12,000 enlisted female members of the Air National Guard. Units called into federal service without female enlisted and warrant officer personnel would, in varying degrees, have serious deficiencies in staffing.

Subsection (c) repeals sections 3502 and 8502 of title 10 to terminate the requirement for physical examinations for each member of the Army or Air National Guard called into and mustered out of federal service. For short periods of service, this may require two complete physicals during a period of days or weeks. In view of other statutory requirements for periodic medical examinations and physical condition certifications, such as section 1004 which requires physicals at least once every four years or as often as the Secretary concerned believes is necessary, section 3502 and 8502 examinations are administratively burdensome, expensive, and unnecessary, and could impede the rapid and efficient mobilization of the National Guard. There is no corresponding requirements for physical examinations when other reserve components are ordered to active duty.

Subsection (d) amends section 502(b) of title 32 which requires that all elements of a unit participate in a training assembly within a period of thirty consecutive days. This thirty-day window deprives commanders of flexibility in planning for specialized training opportunities that benefit individuals members or parts of units, such as officer candidate schools and team training in remote areas. It also hinders the performance of specialized staff functions such as legal or medical services. The proposed amendment

would expand the training assembly window to ninety days.

Subsection (e) amends section 709(e)(6) of title 32 to eliminate the requirement that a written notice of termination of employment be given thirty days in advance to National Guard technicians who serve under temporary appointments, are serving in the trial or probationary period, or who voluntarily cease to be National Guard members. While career employees are entitled to reasonable expectations of job continuity, extension of the entitlement to the enumerated groups is contrary to sound management practices. Appointees hired to fill temporary positions are aware that the appointment may be terminated at any time for reasons such as a lack of unsatisfactory performance. Technicians who voluntarily relinquish National Guard membership are aware that in doing so they are relinquishing their employment as technicians. A thirty-day notice is unnecessary in this case because the technician controls the termination date by his voluntary action. The right to thirty days notice for technicians in these circumstances is not afforded to other federal employees, and no sound reason exists for special rights of this nature for technicians.

Subsection (f) amends section 709(h) of title 32 to repeal the statutory limit (53,100) on the number of National Guard technicians who may be employed at one time. This number has not been changed in fifteen years, is far less than anticipated future needs, and does not reflect the expansion of the National Guard's role in the total force concept. In lieu of an absolute ceiling, Congress should control technician manning through the annual authorization and appropriation process.

Subsection (g) amends subsection 710(h) of title 32 which requires that findings of unserviceability of property issued by the United States to the National Guard be made by commissioned officers of the Regular Army or Air Force. Such determinations are necessary before this property may be disposed of. There are insufficient numbers of such officers within the states adequately to perform this function and their use for this purpose is expensive and time consuming. The proposed amendment would allow a disinterested commissioned officer of the Army or Air National Guard who is also a commissioned officer of the Army National Guard of the United States or the Air National Guard of the United States to make a fair wear and tear determination. Section 508 amends section 1121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, Public Law 100-180, 101 Stat. 1019, to delete the reference to the DoD Directive governing polygraph examinations, to delineate personnel for examination under the Department of Defense Counterintelligence Program and to authorize additional polygraph examinations.

Section 503 waives the adjustments of compensation requirements of section 1009, title 37, United States Code in subsection (a) and provides for a 3.7 percent increase in the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters for members of the uniform services, effective January 1, 1993 in subsection (b).

Subsection 504 repeals section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985, Public Law 98-525, 98 Stat. 492, to relieve the Secretary of Defense from the requirement of relating to the Congress, on an annual basis, a report entitled *United States Expenditures in Support of NATO*. The Department is required to provide a detailed report

to Congress by April 1 of each year of the status and cost of the United States forces for NATO as reflected in the Defense Planning Questionnaire (DPQ) response, and in the defense budget request. This report is to cover expenditures projected to be made in the current fiscal year, and in each of the following six fiscal years for forces committed to or earmarked for NATO in the DPQ in the following categories: (A) Procurement, (B) Operations and maintenance, (C) Military construction, (D) Military personnel, and (E) Research, development, test, and evaluation. Separate breakouts for all classes of the United States forces reflected in the data are also to be made for: (A) Europe deployed, (B) Early reinforcements for NATO, (C) Later reinforcements, (D) Strategic reserves, (E) Strategic forces, (F) Intelligence and communications, (G) Asia deployed, and (H) Reinforcements for Asia.

While we have sought to be responsive to the expressed Congressional requirements, these requirements dictate serious limitations and inaccuracies in the report, brought about by the incorrect assumption that United States forces and their costs can be uniquely apportioned to a single scenario or contingency, ignoring other conflict scenarios that are equally alike.

U.S. forces defend American security interests worldwide. Assigning their costs to specific geographical regions or purposes is always arbitrary, since the forces could be deployed to any region where U.S. security interests are at stake. The mandated *United States Expenditures in Support of NATO* report, however, compels the Department to report the full cost of all military units formally pledged to respond to a NATO contingency, without thought for other regions or duties to which those units might also be assigned. The recent deployment of forces to Operation Desert Shield/Storm illustrates the extent of this error. Almost all U.S. forces that participated in the Persian Gulf conflict also are committed to NATO in the DPQ. Indeed, the entire Army VII Corps, which permanently is stationed in Europe, was temporarily transferred to the Persian Gulf. Yet, the Department is required to assign the cost of these forces, and all their supporting costs, to a single region and purpose—NATO.

The reporting requirement was established during a decade when the threat that dominated U.S. defense planning was a Soviet attack on Western Europe that could escalate into a global war. While the specific requirements were inherently flawed, the report did address an appropriate issue. Now, in the post-Cold War era, the United States no longer sizes its forces mainly to meet a worldwide Soviet threat. Instead, regional scenarios are now the focus of U.S. defense planning.

In light of the above, the Department requests that the statutory responsibility to prepare the report required by section 1002(d)(2)(A) of the Department of Defense Authorization Act, 1985, be repealed by enactment of this section.

Section 505 amends section 119 of title 10, United States Code, to change the special access programs reporting date from February 1 of each year to March 1 of each year. The requested change makes the report follow the submission of the President's budget. The concurrent submission of the special access report with the budget does not allow sufficient time to prepare and coordinate the report.

Section 506 amends section 2667 of title 10, to provide the Secretary of Defense flexibil-

ity in the lease of defense equipment for display or demonstration at international shows and trade exhibitions or to foreign governments.

The Department of Defense considers that commonality of defense equipment among friendly foreign nations furthers the national defense. To promote this important objective through demonstration of defense equipment at international shows or trade exhibits or to foreign governments, the Secretary of Defense must have the necessary flexibility to lease defense equipment back to the manufacturers of that equipment upon such terms and conditions and for such consideration as the Secretary determines, on a case-by-case basis, will further the national defense.

However, the National Defense Authorization Act for Fiscal Years 1992 and 1993, included a provision, section 2862, that limits the Secretary's flexibility in this area. Specifically, section 2862 amended section 2663 of title 10, United States Code, to require that any lease of real or personal property provide for the payment (in cash or in kind) of consideration in an amount not less than the fair market value of the lease interest, as determined by the Secretary. The purpose of this change was to expand upon the Department's authority to enter into leases of real property in which the lessee provided improvements to the real property in return for the lease. The language, however, is not limited to leases of real property and therefore will lead to increased leasing costs by defense equipment manufacturers, which in turn will have a detrimental impact upon the international competitiveness of U.S. defense products and thereby our national security.

Section 596 would permit the Secretary to lease defense equipment to the manufacturers for such consideration and upon such terms and conditions as the Secretary determines will further the national defense.

Section 507 amends chapter 138 of title 10 to provide deployed United States Armed Forces the authority to acquire logistics support, supplies and services without geographic restriction, to remove the limitations on the amounts that may be obligated or accrued during a period of active hostilities involving United States Armed Forces, and for other purposes.

Chapter 138 of title 10, United States Code, currently authorizes the acquisition of logistic support, supplies, and services from NATO countries and NATO subsidiaries when elements of the United States Armed Forces are deployed in Europe or its adjacent waters and, under various circumstances, from certain non-NATO countries. This proposal would remove the geographic limitation to that authority to allow United States Armed Forces located anywhere in the world to acquire logistics support from such countries.

While current law enhances international logistics cooperation and is helpful in avoiding costly duplication of logistic services, geographic deployment limitations significantly reduce its utility. Currently, acquisitions from NATO sources are authorized under section 2341(1) of title 10 only when United States forces are deployed in Europe or its adjacent waters. The benefits of this section are not available when United States forces are involved in deployments or exercise outside of Europe.

One of the lessons we learned from the Persian Gulf Conflict was that the chapter 138 authority needs to be expanded. Because NATO as an organization was not involved in the conflict and the conflict occurred outside

of Europe, the geographic limitations remained in effect and logistic arrangements authorized by chapter 138 were unavailable. Section 1451 of the National Defense Authorization Act of 1991 (Public Law 101-510; 104 Stat. 1692) removed the geographic limitations for cross-servicing agreements authorized under section 2342 of chapter 138 but did not remove geographic limitations for the acquisition of logistic support.

This section would amend section 2347 of chapter 138 to remove the dollar limitations on amounts that may be obligated or accrued. These limitations, applicable to both NATO and those non-NATO nations not geographically located in the Persian Gulf region, remained in effect during the Persian Gulf conflict. The Persian Gulf conflict was relatively short with substantial logistics support provided by the allies outside the acquisition process. Had the operation been longer, the dollar and geographic limitations would have caused an increase in the deployment requirements which would have further strained the deployment schedule and been of serious concern.

The geographic restrictions and preconditions currently in sections 2341 and 2347 of title 10, United States Code, are inconsistent with anticipated scenarios for field exercises and possible United States involvement in hostilities. They also are inconsistent with efforts to encourage military cooperation with the United States Armed Forces in transit and with the efficient use of common resources. This section would correct such inconsistencies.

Section 508 amends section 27(c) of the Arms Export Control Act (22 U.S.C. 2767c) and section 2350a of title 10, United States Code, to authorize the Department of Defense to share equitably the costs of claims arising out of the performance of international armaments cooperative programs. Such programs are conducted under the authority of 22 U.S.C. 2767, 10 U.S.C. 2350a, and 10 U.S.C. 2350d. Currently, the third party claims liability provisions contained in Article VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (NATO SOFA) dated 19 June 1951 are applicable to such agreements. The change proposed by this section would permit the Secretary of Defense to negotiate, when in the best interests of the Department of Defense, alternative procedures for handling such third party claims.

The Department has been inhibited in finalizing some proposed armaments cooperation memoranda of understanding (MOUs) because of the objections of several of our allies to accept the application of the NATO SOFA claims provisions. Their objection is primarily based on the fact that, under Article VIII the host (receiving) country must pay a significant portion, usually 25 percent, of any claim that arises regardless of fault. The sending nation must pay 75 percent. This claims distribution formula applies regardless of the cost sharing arrangements for the programs that have been negotiated between the nations.

Our allies contend that such a claims scheme is inconsistent with the cooperative intent and cost sharing nature of such armaments cooperation programs. We agree. All other program costs are shared equitably by the participating nations generally in proportion to each nation's cost contributions to the program. This proposal would make it clear that the Department of Defense may agree to pay the cost of claims in accordance with the cost sharing formula of the program

or in accordance with any other equitable formula that is negotiated by the participating nations.

The claims will continue to be processed and paid as they are now under 28 U.S.C. 2672, 10 U.S.C. 2734a, 10 U.S.C. 2734b and other appropriate claims statutes. This section authorizes equitable sharing of claims but does not require any change in the method of processing or paying claims.

Section 509 extends various laws that expire in fiscal year 1992.

Section 510 amends the Strategic and Critical Stock Piling Act (50 U.S.C. 98 to 98h-7) to clarify the responsibilities and authorities of the President. Section 510 basically is a total revision to this Act.

Subsection (a) of this section states that the short title of the section is the "Strategic and Critical Materials Stockpiling Act of 1992."

Subsection (b) amends that Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98098h-7) to the following extent:

It states the purpose of the Act is to identify, acquire and retain stocks of certain strategic and critical materials.

Section 2(b) of the revision states that the quantity of material to be stockpiled shall be sufficient to meet the needs of the U.S. during a time of national emergency. It eliminates the requirement in the current statute that stockpile planning be based on a global conventional war. The full continuum of crisis possibilities—regional as well as global must be considered in arriving at National Defense Stockpile requirements.

Section 3(a) of the revision provides that the President shall determine which materials are strategic and critical and the quality, quantity and form of the material to be acquired and stored.

Section 3(b) of the revision describes the material to be included in the Stockpile. It deletes obsolete references in section 4(a) (1), (2), (3), and (8) of the current law.

Section 3(c) of the revision provides that any transfer of excess material from another Federal agency shall be made with full reimbursement to the transferring agency. The value shall be the market value at the time of the transfer. All costs necessary to effect the transfer will be borne from Stockpile funds.

Section 3 revises of current sections 3(a), 3(b) and 4.

Sections 4 (a), (b) and (c) of the revisions, dealing with the report on stockpile requirements, correspond to current section 14 with minor editorial changes.

Section 4(a) of the revision requires a biennial report to Congress on the President's recommendations for stockpile requirements.

Section 4(b) states that the report shall be based on the national security planning guidance contained in the President's annual national security strategy report and shall set forth the national emergency planning assumptions used.

Section 4(c) provides that the requirements report be accompanied by a statement of plans for meeting the new requirements.

Section 4(d) streamlines the approval process for new requirements or significant changes in stockpile requirements by permitting the changes to become effective after thirty days after written notice has been submitted to the Committees on Armed Services of the Senate and House of Representatives. Section 4(d) corresponds to current section 3(c).

Section 5(a) of the revision requires a five-year materials plan setting forth plans for

the next fiscal year and the succeeding four years and an annual report detailing operations for the preceding years.

Section 5(b) sets forth the information to be included in the materials plan.

Section 5(c) sets forth the information to be included in the annual operations plan.

Section 5(b) and (c) of the revision are virtually identical to section 11 of the current law, with minor modifications to conform to other changes in the legislation.

Section 6 of the revision relates to stockpile management.

Section 6(a) sets forth the requirements to acquire, store, upgrade, maintain, and dispose of materials in the stockpile.

Section 6(b) requires that acquisitions be in accordance with Federal procurement practices to the maximum extent feasible and that disposals be made by sealed bidding or competitive proposals.

Section 6(c) encourages the use of barter in the acquisition and disposal of material when practical and in the best interest of the Government.

Section 6(d) permits the President to waive the requirements of section 6(b) for acquisition or disposal of material upon a written determination that a waiver is necessary to obtain terms more favorable to the Government than could otherwise be obtained. A summary of waivers granted shall be included in the annual operations report submitted under proposed section 5(c).

Section 6 makes editorial changes in current section 6.

Section 7 of the revision provides the authority for stockpile operations.

Section 7(a)(1) provides that funds appropriated for acquisition of any materials under this act shall remain available until expended.

Section 7(a)(2) permits the President to make significant changes in expenditures or disposals under the Materials Plan after thirty days notice has been given to the Committees on Armed Services of the Senate and House of Representatives.

Section 7(b) eliminates the ceiling on the Transaction Fund balance.

Section 7(c) authorizes appropriations for transportation, processing, refining, upgrade, storage, security, maintenance, rotation, or disposal of materials in the stockpile.

Section 7(d) permits proposed expenditures or disposals detailed in the materials plan or submitted to Congress that are not obligated or executed in the current fiscal year to be carried over to the materials plan for subsequent years.

Section 8(a) of the revision establishes the National Defense Stockpile Transaction Fund as a separate account in the Treasury.

Section 8(b)(1) provides that all funds from disposal or rotation of material be covered into the Transaction Fund.

Section 8(b)(2) identifies the purposes for which Transaction Funds monies may be used. Section 8(b)(2) (F) and (G) include provisions formerly in section 15(a) (1) and (2).

Section 8(b)(3) provides that the Transaction Fund shall be available for operations of the Defense National Stockpile.

Section 8(b)(4) provides that monies in the Transaction Fund shall remain available until expended.

Section 8(c) includes provisions for accounting for bartered materials.

Section 8(d) authorizes the use of multi-year contracts, including advance payments.

Section 8 of the revision revises section 9 of the current law.

Section 9 of the revision grants special disposal authority to the President. The President, or in time of war or national emergency, a designated officer or employer, may order release of material in the Stockpile whenever it is necessary. Any such order shall be promptly reported to the Committees on Armed Services of the Senate and House of Representatives. Section 9 corresponds to current section 7.

Section 10 of the revision authorizes a National Defense Stockpile Manager. Section 10(a) requires the President to designate a single Federal officer to perform the functions of the President under this Act.

Section 10(b) states that the individual heading that office shall be known as the National Defense Stockpile Manager.

Section 10(c) states that the President may delegate to the Defense Stockpile Manager all the functions of the President under this Act except for those enumerated under section 9.

Section 10 corresponds to current section 15.

Section 11(a) of the revision provides that the President may study development, mining, preparation, treatment, and utilization of ores and other mineral substances essential to national defense, industrial, and civilian needs but found in inadequate quantities in the U.S. in order to develop new sources, new methods of utilization or substitutes.

Section 11(b) provides for similar studies for developing domestic sources of supplies of agricultural materials.

Section 11(c) permits studies of materials other than those identified in (a) or (b) but determined under section 3(a) to be strategic and critical.

Section 11(d) permits awards of grants or contracts for research into substitutes for materials determined to be strategic and critical under section 3(a) or for more efficient methods of production or use of those materials.

Section 11 of the revision revises section 8 of the current statute.

Section 12(a) permits the President to appoint advisory committees to advise the President with respect to acquisition, transportation, processing, upgrading, refining, storage, security, maintenance, rotation and disposals of strategic and critical materials.

Section 12(b) provides for travel expenses for members of advisory committees while on advisory committee business.

Section 13(a) defines "strategic and critical materials" to be those needed to supply military, industrial and essential civilian needs of the United States and not found or produced in the United States in sufficient quantities to meet the need.

Section 13(b) defines "national emergency" as a declaration of national emergency made by the President or Congress.

Section 13(c) defines "significant change" as one resulting in an increase or decrease in the value of a requirement or in the amount of a transaction in excess of \$50 million or 25 percent, whichever is less.

Section 511 repeals sections 9110 of the Department of Defense Appropriations Act, 1987 (Public Law 99-500, 100 Stat. 1783 and Public Law 99-591, 100 Stat. 3383) and section 3205 of the National Defense Authorization Act for FY 1987 (Public Law 99-661, 100 Stat. 3816) concerning the requirement to convert chromium and manganese ores held in the National Defense Stockpile into high carbon ferromanganese and high carbon ferromanganese.

We are currently in the eighth year of a ten year program to upgrade our stockpile of

chromite and manganese. The project was initiated to help sustain a U.S. ferroalloy furnace and processing capability vital to the national defense. The purpose was to reduce the time needed for conversion of stockpile materials into ferroalloys in time of an emergency. The need for ferroalloys in a national emergency and the potential supplies from reliable sources indicate that the amounts already in the stockpile are more than sufficient to cover our needs. A report recently submitted to the Congress on National Defense Stockpile requirements supports this position.

Section 512 revises the stockpile requirements for certain strategic and critical materials in the National Defense Stockpile and authorizes disposals from the National Defense Stockpile, as provided in Tables A and B, respectively. •

By Mr. CRANSTON (by request):

S. 2630. A bill to amend title 38, United States Code, to clarify the authority of the Department of Veterans Affairs' Chief Medical Director or designee regarding the review of the performance of probationary title 38 health care employees; to the Committee on Veterans' Affairs.

VIEW OF PROBATIONARY EMPLOYEES IN THE VETERANS HEALTH ADMINISTRATION

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2630, a bill to amend title 38, United States Code, to clarify the authority of the Department of Veterans Affairs' Chief Medical Director regarding the review of the performance of probationary title 38 health care employees. The Secretary of Veterans Affairs submitted this legislation by letter dated April 9, 1992.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter and enclosed bill analysis.

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

S. 2630

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 7403(b) of title 38, United States Code, is amended to read as follows:

"(b) Appointments under section 7401(1) of this title shall be subject to a probationary period of two years. The performance of each person serving under such appointment may be reviewed at any time during that period by a board or boards appointed in accordance with regulations issued by the Secretary. Procedures governing the review of employee performance during the probationary period

shall be established in regulations issued by the Secretary. The board(s) shall recommend to the Chief Medical Director, or designee, action consistent with the ability of the employee, as determined by the board(s), to perform efficiently. Such recommended actions could include retention or separation from service, reassignment to another position, or other corrective measures to enable the employee to be fully qualified and satisfactory prior to the end of the probationary period. The Chief Medical Director, or designee, may accept, reject, or modify the recommendation of the board(s). If the Chief Medical Director, or designee, takes action not recommended by the board(s), a statement of the reasons therefore shall be prepared and made part of the record."

ANALYSIS OF THE BILL

This draft bill would clarify and expand the authority of the Chief Medical Director under 38 U.S.C. §7403(b). That subsection establishes the probationary period for certain employees in the Veterans Health Administration and requires periodic review of the performance of those employees. The employees affected are physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries.

The draft bill would put in plain language the authority of the Chief Medical Director to accept, reject or modify the findings and recommendations of Professional Standards Boards appointed pursuant to this section.

The draft bill would clarify that it is the Chief Medical Director, rather than the Professional Standards Boards, who is the decision-maker. It would empower the Chief Medical Director with total discretion, based on his or her own review, to choose among an array of recommendations that course of action which best serves the interests of the employee and the Department.

The draft bill would expressly authorize reviewing Boards to choose among a range of actions to recommend so that remedies other than complete separation from service would be brought clearly within the law. Instead of separation from service, a Board could recommend any of a number of measures which the Board believes provide a capable employee desirous of satisfactorily completing the probationary period the opportunity to become fully qualified and satisfactory prior to the end of the probationary period.

Indeed, in enlarging the options available to the Board and the Chief Medical Director, the draft bill does not affect the rights of the probationary employee whose performance is being reviewed. Those rights, e.g., the right of the employee to be notified that he/she may not be fully qualified or performing satisfactorily and the right to appear personally before the Board or submit a written statement in his/her behalf before a final decision is made, were established in regulations published, pursuant to section 7403(b) in its current form, in VA Manual MP-5, Part II, chapters 4 and 9. The draft bill preserves the authority of the Secretary to establish procedures through regulations, and such regulations will maintain those rights in their current form.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, April 9, 1992.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith, a draft bill "To amend title 38, United States Code, to clarify the authority of the Chief Medical Director or designee re-

garding review of the performance of probationary title 38 health care employees" with the request that it be referred to the appropriate committee for prompt consideration and favorable action.

Currently, section 7403 of title 38, United States Code, provides authority to the Department of Veterans Affairs (VA) to appoint doctors, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries. That statute also subjects these employees to a two-year probationary period to allow the Department an opportunity to train newly-hired employees and evaluate their total performance.

During the probationary period, the appointee's performance must be reviewed by a professional standards board to determine whether the probationary employee is fully qualified and satisfactory. If the board finds that the employee is not fully qualified and satisfactory, and following a review by the Chief Medical Director or designee of its recommendations and findings, the Department has no option, under the plain language of the current law, but to separate the employee from service.

Essentially, the inflexible language found in the current law has not changed since the establishment of VA's Department of Medicine & Surgery in January 1946. Then, as now, the law provides no options to the Department other than separation from service even in situations where action other than separation would give the probationary employee an opportunity to become fully qualified and satisfactory prior to the end of the probationary period. Moreover, a decision from the Federal Court of Appeals for the Eighth Circuit further limits the Department. That court ruled that the Chief Medical Director, the official responsible for the operation of the Veterans Health Administration, has no discretion to change a recommendation of the professional standards board.

The goal of VA's medical mission has always been to provide a medical service for the veteran that is second to none in the world. Without in any way compromising VA's mission, the draft bill would allow a professional standards board to tailor its recommendations to fit the particular circumstances of each case. It would authorize a board to recommend actions, other than separation (e.g., additional training, assignment to a mentor, reassignment to another position) where the board believes the action would give a capable employee desirous of satisfactorily completing his or her probationary period the opportunity to do so prior to the end of the probationary period. Finally, it would empower the Chief Medical Director with total discretion, based on his or her own review, to choose among an array of measures that may salvage a candidate who would have to be separated under current law. Clear authority to "salvage" potentially effective health care professionals would be particularly valuable now, while the competition in the marketplace for health-care professionals remains intense.

This proposal would also clarify the intent of Congress that the Secretary of Veterans Affairs has the power to prescribe by regulation both the procedures to be followed by the board and the circumstances in which board proceedings may be initiated and that final action in the review process should be taken by the Chief Medical Director.

There are no costs anticipated from the enactment of this proposal.

The Office of Management and Budget advises that there is no objection from the

standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.●

By Mr. FORD (for himself and Mr. WIRTH):

S. 2631. A bill to promote energy production from used oil; to the Committee on Energy and Natural Resources.

USED OIL ENERGY PRODUCTION ACT

● Mr. FORD, Mr. President, each year the Nation uses 60 million barrels of lubricating oil. More surprisingly, each year more than 10 million barrels of used lubricating oil is carelessly dumped into the Nation's soil and water causing substantial environmental damage. Just consider, 10 million barrels is equal to 400 million gallons, the equivalent of 35 Exxon Valdez oil spills every year.

What makes this careless disposal of oil even more troubling is that for all practical purposes used oil is the equivalent of crude oil, a valuable commodity. Used oil can be re-refined into a variety of fuels or lubricants and could therefore replace 400 million gallons of crude oil that is now imported each year. During its initial hearings on used oil, on August 2, 1990, the Committee on Energy and Natural Resources determined that there are two reasons for this peculiar situation in which the Nation each year discards 400 million gallons of a valuable commodity, and thereby causes significant environmental damage.

First, the cost of gathering used oil from its many sources requires the development of an extensive collection system.

Second, Federal law currently authorizes the Environmental Protection Agency to declare used oil a hazardous waste under the Solid Waste Disposal Act. Even though the EPA has not actually declared used oil to be a hazardous waste, just the threat of such a declaration discourages most potential collectors and reproducers from accepting used oil. The reason for this disincentive is that by accepting used oil, a collector would potentially open himself to the regulatory and legal liabilities associated with handling a hazardous waste.

Mr. President, 18 months ago the Committee on Energy and Natural Resources reported the Used Oil Energy Production Act of 1990. The purpose of this legislation was to promote the reuse of used oil as an energy resource and to reduce the widespread environmental damage which currently results from the improper dumping of over 400 million gallons of used oil each year. The act was designed to achieve this goal by meeting three objectives.

First, by requiring importers and manufacturers of lubricating oil to reuse a minimum amount of used oil each year.

Second, by establishing a system of tradable credits to facilitate compli-

ance with the reuse requirements. Such a credit system would also provide an economic incentive for the reuse of used oil because credits would become valuable in those situations where importers and producers of lubricating oil were having difficulty in meeting their reuse requirements and could buy credits to achieve compliance.

Third, the bill would promote the reuse of used oil by eliminating the possibility that used oil might be listed as a hazardous waste. The threat of listing used oil as a hazardous waste, with all of the potential costs and liabilities associated with hazardous waste, is behind the reluctance of many potential collectors and reusers of used oil to actually engage in reuse. The resulting scarcity of used oil collection centers means that most "do-it-yourselfers," those who change oil in their own vehicles, cannot conveniently dispose of their used oil. Consequently, an estimated 400 million gallons of used oil is dumped into the Nation's water and soil each year. This provision would thus eliminate an existing regulatory disincentive to the reuse of used oil.

The environmental damage which results from improper disposal is difficult to understate. Used oil is the single largest polluter of our Nation's water resources—the volume equivalent of several major oil tanker spills per year.

Because this legislation included provisions which prohibited the listing of used oil as a hazardous waste the committee with jurisdiction over hazardous wastes, the Committee on Environment and Public Works, objected to further consideration of the bill on jurisdictional grounds. It was, and continues to be, the position of the committee that the reuse of used oil should be considered by the Senate only within the context of broader hazardous waste legislation.

Ten months ago, on June 5, 1991, the Committee on Energy and Natural Resources reported comprehensive national energy policy legislation, the National Energy Security Act of 1991, and included the provisions of the Used Oil Energy Production Act as previously and unanimously reported. The committee continued to take the position that used oil is a valuable energy resource and its reuse as a fuel should be encouraged. However, the Committee on Environment and Public Works again objected to Senate consideration of the used oil provisions outside of consideration of hazardous waste legislation. Accordingly, and the provisions were dropped.

Mr. President, today I am introducing the Used Oil Energy Production Act. This legislation is identical to the act unanimously reported by the Energy Committee 18 months ago, and reported as a part of the National Energy Security Act 10 months ago.

More recently, the Committee on Environment and Public Works has begun development of comprehensive hazardous waste legislation. However, the approach taken with respect to used oil is substantially different than that proposed by the Energy Committee. For example, the Environment and Public Works Committee draft does not directly address the issue of the listing of used oil as a hazardous waste, but instead directs the Administrator of the EPA to develop separate management standards for used oil. In addition, the E&PW draft would not establish a credit system.

I anticipate that the Committee on Energy and Natural Resources will hold another hearing on this issue to examine the merits of these two different approaches to promoting the reuse of used oil. There are several specific concerns I would like to examine. For example, I am concerned that the management standards proposed in the E&PW draft, and the pace of their implementation, may disrupt the existing used oil collection and reuse industry. Also, a credit system may be needed, particularly in the short term, in order to provide economic incentives to those interested in promoting the reuse of used oil.

I look forward to working with my colleagues on developing legislation which will encourage the reuse of used oil, and which will reduce the environmental damage caused by the careless dumping of used oil.●

By Ms. MIKULSKI:

S. 2632. A bill to establish the National Environmental Technologies Agency; to the Committee on Governmental Affairs.

NATIONAL ENVIRONMENTAL TECHNOLOGIES AGENCY ACT

● Ms. MIKULSKI, Mr. President, I rise today to introduce legislation to create a new independent agency that will act as the catalyst for public-private partnerships to develop environmental technologies.

These technologies will produce products and the products will produce jobs. Jobs today and jobs tomorrow.

I call this new agency the National Environmental Technologies Agency or NETA. This Agency will be created at no additional cost to the taxpayer. NETA's seed money will come from shifting some existing funds that are now being spent on Defense research.

The goal of NETA is to assist private industry, universities, and nonprofit research centers in developing environmentally safe and energy efficient technologies to help secure America's environmental security and competitiveness.

Let me tell you how this Agency will work.

NETA will reduce bureaucracy by coordinating efforts of other agencies and streamlining support for research and development.

Once formed, the Agency will identify areas that need technical solutions and that are not receiving product oriented research.

NETA will provide support for these efforts by offering loans and grants, or by entering into cooperative agreements with the private sector or the university community.

NETA will then assist in deployment of these technologies by coordinating exchange of information and providing the needed technical assistance to transfer these ideas into consumer and industrial products and equipment.

The agency will closely monitor its investments and will work to disseminate information to the private sector on the progress of these projects.

This will be a small independent agency that will have a big impact on research into environmentally sound or energy efficient technology.

The potential is endless. New technologies to clean up superfund sites. Products developed without the use of lead. More efficient engines. New products made from recyclable goods.

The time is right for NETA. We have won the war abroad, and now it is time to win the war for America's future. We need to change the way we think and the way we operate. What we are doing here is retooling Government and getting it ready to do business in the New World.

Right now, the Federal Government spends more than \$76 billion on research and development. Sixty percent of that amount still goes to Defense research. It is time to flick the switch and make this Government more efficient.

Mr. President, we know this system works. The essence of NETA can be found in the very successful Defense Advanced Research Projects Agency or DARPA. DARPA was created when the Russian Sputnik threatened to overtake American technology.

We knew we were behind. We knew we had to think like entrepreneurs. To make Government flexible and responsive. And to break down the walls between the Federal Government and the private sector.

DARPA worked closely with the private sector and provided grants to develop military technologies. It was a partnership that produced the M-16 rifle. And the stealth technology. We know it works. We've seen its success.

We are getting behind again. Other countries are becoming the leaders in developing air pollution control equipment and waste water treatment technologies.

NETA will take the same spirit of DARPA and aim it at protecting our environment.

Mr. President, we have a chance here to become the Green Giant of the 21st century. I do not want to see another country steal that chance.

And you know that is what they are trying to do. The European Community

has already set up agencies to study the technological future. Germany spends 23 percent of its R&D budget environmentally. And Japan is spending over \$4 billion to develop its environmental research.

The future market for this research is there and is growing. Right now in this country alone, 800,000 people work in the environmental industry. The world market for environmental technologies is expected to jump to \$300 billion by the year 2000. That is a lot of jobs available in a growing market.

Let's not play catch up. Let's get out in front. I do not want this country to import ideas from abroad. I want it to export American ideas, American technologies, and American products. We cannot afford to wait.

Mr. President, I ask unanimous consent for the text of the bill to be printed in the RECORD.

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

S. 2632

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Environmental Technologies Agency Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) environmental problems facing the world pose a threat to the environmental security of the United States and other nations;

(2) the causes of many of environmental problems lie in the use of environmentally damaging technologies in areas such as transportation, energy production, industrial manufacturing, and product use;

(3) the development and deployment of environmentally safe technologies will both enhance the nations environmental security and the economic standing of the Nation in the world's market place; and

(4) the Federal Government should play a significant role in enhancing the Nation's environmental security by—

(A) facilitating the development and deployment of environmentally safe technologies that provide solutions to environmental problems; and

(B) assisting in the diffusion of knowledge of environmentally safe technologies throughout the Nation.

(b) PURPOSE.—It is the purpose of this Act to assist the efforts of private industry, universities, nonprofit research centers, and government laboratories to provide environmentally safe technical solutions to problems threatening the Nation's environmental security and, in the process, to help the Nation's competitiveness.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Environmental Technologies Agency;

(2) the term "Advisory Council" means the Industry and Academia Advisory Council established by section 5;

(3) the term "Agency" means the National Environmental Technologies Agency established by section 4; and

(4) the term "Fund" means the Critical Technologies Revolving Fund established by section 9.

SEC. 4. ESTABLISHMENT OF AGENCY.

(a) ESTABLISHMENT.—There is established as an independent establishment of the United States the National Environmental Technologies Agency.

(b) ADMINISTRATOR.—(1) The Agency shall be headed by the Administrator of the National Environmental Technologies Agency, who shall be appointed by the President, with the advice and consent of the Senate.

(2) Section 5313 of title 5, United States Code, is amended by adding at the end the following new item:

"Administrator, National Environmental Technologies Agency."

(c) STAFF.—The Administrator may appoint a staff of professionals with skills in the area of program definition and management and such support staff as the Administrator determines to be necessary, of which no more than 3 may be in positions of confidential or policy-making character.

(d) FUNCTIONS.—It shall be the function of the Agency to—

(1) coordinate planning by the departments, agencies, and independent establishments of the United States relating to restoration and protection of the environment;

(2) identify areas that—

(A) need technical solutions to maintain the environmental security of the Nation;

(B) are not receiving the long-term product-oriented research that is necessary to meet those needs; and

(C) exhibit the greatest promise for the successful development of solutions;

(3) support and assist the development of technology having potential future application in the restoration and protection of the environment;

(4) coordinate among the departments, agencies, independent establishments of the United States and the private sector the exchange of technological information relating to restoration and protection of the environment;

(5) support continuing research and development of advanced technologies by industrial, academic, and governmental and non-governmental entities;

(6) monitor on a continuing basis the research and development being conducted on advanced technologies by private industry in the United States; and

(7) promote continuing development of a technological industrial base in the United States.

(e) INTERAGENCY ADVISORY COMMITTEE.—(1) There is established an interagency advisory committee composed of—

(A) the Administrator of the Environmental Protection Agency, who shall be chair of the committee;

(B) the Director of the Office of Science and Technology Policy, or the Director's designee;

(C) the Secretary of Energy, or the Secretary's designee;

(D) the Secretary of Commerce, or the Secretary's designee;

(E) the Secretary of State, or the Secretary's designee;

(F) the Secretary of Defense, or the Secretary's designee; and

(G) the Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

(2) The interagency advisory committee shall advise and provide information to the Agency with respect to the needs and concerns of their agencies in the field of environmental technologies.

SEC. 5. INDUSTRY AND ACADEMIA ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—There is established the Industry and Academia Advisory Council.

(b) **MEMBERSHIP.**—(1) The Advisory Council shall consist of 9 members appointed by the Administrator, at least 5 of whom shall be from United States industry.

(2) The persons appointed as members of the Advisory Council—

(A) shall be eminent in fields such as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations;

(B) shall be selected solely on the basis of established records of distinguished service; and

(C) shall not be employees of the Federal Government.

(3) In making appointments of persons as members of the Advisory Council, the Administrator shall give due consideration to any recommendations that may be submitted to the Director by the National Academies, professional societies, business associations, labor associations, and other appropriate organizations.

(c) **TERMS.**—(1)(A) Subject to paragraph (2), the term of office of a member of the Advisory Council shall be 3 years.

(B) A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(C) A member who has completed 2 consecutive full terms on the Advisory Council shall not be eligible for reappointment until 1 year after the expiration of the second such term.

(2) The initial members of the Advisory Council shall be appointed to 3 classes of 3 members each, one class having a term of 1 year, one a term of 2 years, and one a term of 3 years.

(3)(A) The Advisory Council shall meet at least quarterly at the call of the chair or whenever one-third of the members so request in writing.

(B) A majority of the members of the council not having a conflict of interest in a matter under consideration by the Advisory Council shall constitute a quorum.

(C) Each member shall be given appropriate notice of a meeting of the Advisory Council, not less than 15 days prior to any meeting, if possible.

(4)(A) The Advisory Council shall appoint from among its members a person to serve as chair and a person to serve as vice chair.

(B) The vice chair of the Advisory Council shall perform the duties of the chair in the absence of the chair.

(5) The Advisory Council shall review and make recommendations regarding general policy for the Agency, its organization, its budget, and its programs within the framework of national policies set forth by the President and the Congress.

SEC. 6. GENERAL AUTHORITY OF THE ADMINISTRATOR.

(a) **AUTHORITY.**—In carrying out the functions of the Agency, the Administrator may—

(1) enter into, perform, and guarantee contracts, leases, grants, and cooperative agreements with any department, agency, or independent establishment of the United States or with any person;

(2) use the services, equipment, personnel, or facilities of any other department, agency, or independent establishment of the

United States, with the consent of the head of the department, agency, or independent establishment and with or without reimbursement, and cooperate with public and private entities in the use of such services, equipment, and facilities;

(3) supervise, administer, and control the activities within the departments, agencies, and independent establishments of the United States relating to patents, inventions, trademarks, copyrights, royalty payments, and matters connected therewith that pertain to technologies relating to restoration and protection of the environment; and

(4) appoint 1 or more advisory committees or councils, in addition to those established by sections 4(e) and 5, to consult with and advise the Administrator.

(b) **TRANSFER OF TECHNOLOGY.**—The Administrator may transfer to the domestic private sector technology developed by or with the support of the Agency if the Administrator determines that the technology may have potential application in private activities relating to restoration and protection of the environment.

SEC. 7. COOPERATIVE AGREEMENTS AND OTHER ARRANGEMENTS.

(a) **IN GENERAL.**—In carrying out the functions of the Agency, the Administrator may enter into a cooperative agreement or other arrangement with any department, agency, or independent establishment of the United States, any unit of State or local government, any educational institution, or any other public or private person or entity.

(b) **AUTHORITY TO REQUIRE PAYMENT.**—(1) A cooperative agreement or other arrangement entered into under subsection (a) may include a provision that requires a person or other entity to make payments to the Agency (or any other department, agency, or independent establishment of the United States) as a condition to receiving assistance from the Agency under the agreement or other arrangement.

(2) The amount of any payment received by a department, agency, or independent establishment of the United States pursuant to a provision required under paragraph (1) shall be credited to the Fund in such amount as the Administrator may specify.

(c) **NONDUPLICATION AND OTHER CONDITIONS.**—The Administrator shall ensure that—

(1) the authority under this section is used only when the use of standard contracts or grants is not feasible or appropriate; and

(2) to the maximum extent practicable, a cooperative agreement or other arrangement entered into under this section—

(A) does not provide for research that duplicates research being conducted under other programs carried out by a department, agency, or independent establishment of the United States; and

(B) requires the other party to the agreement or arrangement to share the cost of the project or activity concerned.

SEC. 8. PROGRAM REQUIREMENTS.

(a) **SELECTION CRITERIA.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register proposed criteria, and not later than 180 days after the date of enactment of this Act, following a public comment period, final criteria, for the selection of recipients of contracts, leases, grants, and cooperative agreements under this Act.

(b) **FINANCIAL REPORTING AND AUDITING.**—The Administrator shall establish procedures regarding financial reporting and auditing to ensure that contracts and awards are used for the purposes specified in this section, are

in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted in the same time period in the absence of financial assistance under this Act.

(c) **ADVICE OF THE ADVISORY COUNCIL.**—The Administrator shall ensure that the advice of the Advisory Council is considered routinely in carrying out the responsibilities of the Agency.

(d) **DISSEMINATION OF RESEARCH RESULTS.**—The Administrator shall provide for appropriate dissemination of research results of the Agency's program.

(e) **CONTRACTS OR AWARDS; CRITERIA; RESTRICTIONS.**—(1) No contract or award may be made under this Act until the research project in question has been subject to a merit review, and has, in the opinion of the reviewers appointed by the Administrator, been shown to have scientific and technical merit.

(2) Federal funds made available under this Act shall be used only for direct costs and not for indirect costs, profits, or management fees of the contractor.

(3) In determining whether to make an award to a joint venture, the Administrator shall consider whether the members of the joint venture have provided for the appropriate participation of small United States businesses in the joint venture.

(4) Section 552 of title 5, United States Code, shall not apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any business or any joint venture that receives funding under this Act:

(A) Information on the business operation of a member of the business or joint venture.

(B) Trade secrets possessed by any business or by a member of the joint venture.

(5) Intellectual property owned and developed by a business or joint venture that receives funding under this Act or by any member of such a joint venture may not be disclosed by any officer or employee of the United States except in accordance with a written agreement between the owner or developer and the Administrator.

(6) The United States shall be entitled to a share of the licensing fees and royalty payments made to and retained by a business or joint venture to which it contributes under this section in an amount proportionate to the Federal share of the costs incurred by the business or joint venture, as determined by independent audit.

(7) A contract or award under this Act shall contain appropriate provisions for discontinuance of the project and return of the unspent Federal funds to the Agency (after payment of all allowable costs and an audit) if it appears that, due to technical difficulties, financial difficulty on the part of the recipient, or for any other reason, the recipient is not making satisfactory progress toward successful completion of the project.

(8) Upon dissolution of a joint venture that receives funding under this Act or at a time otherwise agreed upon, the United States shall be entitled to a share of the residual assets of a joint venture that is proportionate to the Federal share of the costs of the joint venture, as determined by independent audit.

SEC. 9. REVOLVING FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund to be known as the "Environmental Advanced Research Projects Revolving Fund", which shall consist of such amounts as are appropriated or credited to it from time to time.

(b) **EXPENDITURES FROM THE FUND.**—Amounts in the Fund shall be available, as

provided in appropriations Acts, to carry out the purposes of this Act.

(c) **LOANS, GRANTS, AND OTHER FINANCIAL ASSISTANCE.**—(1) The Administrator may use the Fund for the purpose of making loans, grants, and other financial assistance to industrial and nonprofit research centers, universities, and other entities that serve the long-term environmental security needs of the United States, to carry out the purposes of this Act.

(2) A loan made under this section shall bear interest at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the loan is made) to be 3 percent less than the current market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the period for which the loan is made.

(3) Repayments on a loan made under this section and the proceeds from any other agreement entered into by the Administrator under this Act shall be credited to the Fund.

(d) **MANAGEMENT OF FUND.**—(1) The Secretary of the Treasury shall manage the Fund and, after consultation with the Administrator, report to Congress each year on the financial condition and the results of the operation of the Fund during the preceding fiscal year and on the expected condition and operations of the Fund during the next 5 fiscal years.

(2)(A) The Secretary of the Treasury shall invest the portion of the Fund that is not, in the judgment of the Secretary, required to meet current withdrawals.

(B) Investments of monies in the Fund may be made only in interest-bearing obligations of the United States.

SEC. 10. ANNUAL REPORT.

The Administrator shall submit a report to Congress annually describing—

- (1) the activities of the Agency;
- (2) the Agency's plans for future activities;
- (3) the manner and extent to which technologies developed with assistance from the Agency have been used; and
- (4) the extent to which those technologies have been transferred overseas.

SEC. 11. APPROPRIATIONS.

(a) **AMOUNTS.**—There are authorized to be appropriated to the Agency to carry out this Act \$75,000,000 for fiscal year 1993, \$140,000,000 for fiscal year 1994, and \$200,000,000 for fiscal year 1995.

(b) **LIMITATION ON USE.**—Of amounts appropriated to the Agency, no more than 5 percent may be used to pay for administrative expenses of the Agency. •

By Mr. DOLE:

S. 2633. A bill to revise the Federal vocational training system to meet the Nation's work force needs into the 21st century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality programs, and a voucher system to enhance participant choice, and for other purposes; to the Committee on Labor and Human Resources.

JOB TRAINING 2000 ACT

Mr. DOLE. Mr. President, I am pleased to introduce the Job Training 2000 Act. This legislation, urged by the administration and prepared at the request of President Bush, would reform the Federal Vocational Training Sys-

tem to meet this Nation's work force needs far into the future.

It seeks to achieve this ambitious goal by overhauling the coordination of the delivery of training services presently rendered by the Federal Government. It also establishes a certification system to ensure the quality of vocational training programs and a voucher payment system to enhance participant choice.

Today, numerous programs administered by over a dozen Federal agencies offer vocational education and job training at a cost of billions of dollars each year. This investment is supposed to provide opportunities for American workers to acquire the vital skills necessary to succeed in a constantly changing economy.

Unfortunately, as programs have been created, revised, and re-revised over the years, we have ended up with a confusing maze of services whose effectiveness has been hampered by the lack of coordination and efficient administration. In short, the system is not living up to its potential.

The Job Training 2000 Act addresses this problem by establishing skill centers which would act as a one-stop entry point to provide both workers and employers with easy access to information about vocational training, labor markets, and other related services available throughout the community.

This centralization of information and services is critical for each program's success. All the answers will be in one place, such as the types of training programs available and career counseling and job placement information. Under the present system, the answers are in lots of places and the big challenge—itsself a disincentive to program utilization—is to find them.

The legislation provides that the delivery of services will be administered through private industry councils—so-called PIC's—formed under the Job Training Partnership Act. These private-public governing boards would be responsible for designating and overseeing skill centers, certifying vocational training programs, and managing the new training voucher system.

The point here is to make the delivery of services more sensitive to local needs and concerns. With the input of members of the local private sector, educational agencies, labor, community-based organizations and other interested and affected groups, programs can best be targeted to those who most need them and benefit by them.

While I suspect that this approach may need some revisions as this legislation is considered, the point is to make sure that the administration of the programs works for the community and is not some detached broad-brush approach that is a bad fit.

The Job Training 2000 Act would also establish a certification system for

Federal vocational training keyed to performance. In order for a program to receive Federal vocational training funds, it would have to meet certain standards based on the program's effectiveness measured in part by job placement, retention, and earnings rates.

Not only would this work as a quality control measure, but in these days of tight budgets, it's important that we get all we can from each taxpayer dollar spent.

Finally, the legislation would provide for the implementation of a voucher system tied to vocational training provided under JTPA, the Carl D. Perkins Vocational Education Act, the Food Stamp Employment and Training Program, and the Jobs Program.

Upon entering a skill center, each eligible participant would be provided services through a voucher. By allowing program participants to select from a menu of services, they are able to tailor available resources to their own needs and developmental areas. This ensures that the system works for the participants and that funds are effectively spent to ensure successful training and job placement.

Mr. President, we have all heard the wake-up call that in order to survive in today's competitive, global economy, we need a work force that is highly skilled. In my opinion, we have two options. We can sit on the sidelines and watch events overtake us, or we can get out front and be the competitive leader we have been, need to be, and should continue to be.

President Bush has seized the initiative and drawn up a blueprint so that our work force is prepared for the future. The ball is now in Congress' court.

I urge my colleagues to carefully review this important legislation. While there are certain parts of the bill which may—and in some cases—should be modified, I believe that there is room for accommodation. The point is that a serious dialog is overdue and that action must be taken to better use our resources—and allocate new ones—so that American workers keep their edge.

By being the best at designing and manufacturing products, and by being the best at providing services, we will ensure a bright future for all Americans through more jobs and higher paying jobs.

Mr. President, I ask unanimous consent that the complete text of the Job Training 2000 Act and a section-by-section analysis of the legislation be included in the RECORD.

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

S. 2633

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training 2000 Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings and purpose.
- Sec. 4. Authorization of appropriations.
- Sec. 5. Definitions.

TITLE I—GENERAL PROVISIONS**PART A—FEDERAL RESPONSIBILITIES**

- Sec. 101. Federal vocational training council.
- Sec. 102. Private sector advisory board on federal vocational training.

PART B—STATE HUMAN RESOURCE INVESTMENT COUNCIL

- Sec. 111. Establishment of State Human Resource Investment Council.

PART C—ADDITIONAL STATE RESPONSIBILITIES

- Sec. 121. Statement of goals.
- Sec. 122. State reports.
- Sec. 123. Governors' oversight responsibilities.

PART D—LOCAL PLAN AND REPORTS

- Sec. 131. Job Training 2000 plan.
- Sec. 132. Private industry council report.

TITLE II—SKILL CENTERS

- Sec. 201. Purpose.
- Sec. 202. Establishment of skill centers.
- Sec. 203. Functions of skill centers.
- Sec. 204. Participating programs.
- Sec. 205. Designation procedures.
- Sec. 206. Agreement with participating programs.
- Sec. 207. Performance standards.

TITLE III—CERTIFICATION SYSTEM FOR FEDERAL VOCATIONAL TRAINING

- Sec. 301. Purpose.
- Sec. 302. Allocation of funds.
- Sec. 303. Certification requirement.
- Sec. 304. Certification criteria.
- Sec. 305. Certification procedures.

TITLE IV—VOCATIONAL TRAINING VOUCHER SYSTEM

- Sec. 401. Purpose.
- Sec. 402. Vouchered services.
- Sec. 403. Administration.
- Sec. 404. Voucher conditions.
- Sec. 405. On-the-job training vouchers.
- Sec. 406. Contract exception.

TITLE V—CONFORMING AMENDMENTS TO OTHER ACTS

- Sec. 501. Duties of state human resource investment councils with respect to applicable programs.
- Sec. 502. Job Training Partnership Act amendments.
- Sec. 503. Wagner-Peyser Act amendments.
- Sec. 504. Amendments to Veterans training under Chapter 41.
- Sec. 505. Perkins Act amendments.
- Sec. 506. Amendments to JOBS.
- Sec. 507. Food Stamp Act amendments.
- Sec. 508. Amendments to the Higher Education Act of 1965.
- Sec. 509. Rehabilitation Act amendments.
- Sec. 510. Refugee Assistance Act amendments.
- Sec. 511. Trade adjustment assistance for workers amendments.

TITLE VI—EFFECTIVE DATE AND TRANSITION

- Sec. 601. Effective date.
- Sec. 602. Transition provision.

SEC. 3. FINDINGS AND PURPOSE.

- (a) **FINDINGS.**—Congress finds that—
 - (1) vocational education and job training are offered by numerous Federal programs and administered by several Federal agencies;
 - (2) services are disjointed, administration is inefficient, and few individuals—especially

young, low-income, unskilled people—are able to obtain useful information on program quality, job opportunities or skill requirements;

(3) eligible populations of Federal vocational training programs overlap, and business has only limited input into the programs;

(4) weak quality controls have allowed unscrupulous proprietary institutions and others to obtain Federal funds without providing effective training;

(5) Federally funded vocational training programs must be improved and service delivery streamlined to meet the demands of the changing workplace in the new world economy; and

(6) the current, incoherent complex of programs should be transformed into a vocational training system responsive to the needs of individuals, business, and the national economy by:

(A) simplifying and coordinating program services;

(B) decentralizing decision making and creating a flexible service delivery structure for public programs that reflects local labor market conditions;

(C) ensuring high standards of accountability for vocational training programs; and

(D) encouraging greater and more effective private sector involvement in vocational training programs.

(b) **PURPOSE.**—It is the purpose of this Act to—

(1) establish a network of local skill centers to provide a common point of entry for individuals to vocational training programs and thereby improve access, minimize duplication, and enhance the effectiveness of such programs;

(2) establish a system for certification of vocational training programs, including certification by private industry councils that such programs meet performance standards, to ensure that only high quality programs are eligible to receive Federal vocational training funds; and

(3) establish a system of vocational training vouchers to enhance participant choice and, by promoting competition among service providers, improve the quality of training.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Education \$50,000,000 in fiscal year 1993 and such sums as may be necessary in each succeeding fiscal year for allocations to the States and private industry councils to assist in carrying out title III, relating to certification of vocational training programs.

SEC. 5. DEFINITION

For the purposes of this Act:

(1) The term "private industry council" means the council established under section 102 of the Job Training Partnership Act.

(2) The term "service delivery area" means the area established under section 101 of the Job Training Partnership Act.

(3) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands.

(4) The term "Veterans Vocational Training programs" means programs providing vocational training under chapter 106 of title 10 and chapters 30, 31, 32, and 35 of title 38, United States Code.

(5) The term "vocational training" means any program of instruction or applied learning, leading to other than a baccalaureate or advanced degree, that systematically develops the specific skills needed for employ-

ment in a current or emerging occupation or occupational cluster and leads to attaining proficiency or pre-determined sets of skills and knowledge areas needed for such employment. Such training may include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and job placement. However, the primary purpose of such training must be attainment of the occupational-specific skills necessary for economic independence as a productive and contributing member of society.

TITLE I—GENERAL PROVISIONS**PART A—FEDERAL RESPONSIBILITIES****SEC. 101. FEDERAL VOCATIONAL TRAINING COUNCIL.**

(a) **ESTABLISHMENT.**—There is established the Federal Vocational Training Council (in this Act referred to as the "Federal Council"). The Federal Council shall consist of the agency heads, or their designees, described in subsection (b) and such other agency heads as the President may designate.

(b) **COMPOSITION.**—The Federal Council shall include—

- (1) the Secretary of Labor;
- (2) the Secretary of Education;
- (3) the Secretary of Health and Human Services;
- (4) the Secretary of Agriculture; and
- (5) the Secretary of Veterans Affairs.

(c) **CHAIRMAN.**—The position of chairman of the Federal Council shall rotate among the Secretaries of Labor, Education and Health and Human Services on a yearly basis, unless such Secretaries approve an alternative means of selection.

(d) **FUNCTIONS.**—The Federal Council shall—

(1) provide guidance and advice relating to the implementation of the requirements of this Act to affected Federal, State, and local agencies and organizations;

(2) ensure the application of consistent policies, practices and procedures in the operation of Federal vocational training programs, which shall include, through the waiver authority provided under subsection (e), requiring:

(A) the use of common terms, definitions, and performance standards;

(B) the collection of common participant and program data; and

(C) the coordination, including coordination of the timing and sequence, and consolidation of required State and local plans and reports;

(3) serve as a clearinghouse to exchange information relating to vocational training among Federal, State and local officials;

(4) conduct a formal evaluation of the effect of this Act on individuals, institutions, agencies and labor markets;

(5) oversee the implementation and administration of this Act; and

(6) carry out other responsibilities as specified in this Act.

(e) **WAIVER.**—(1) In order to carry out the requirements of subsection (d)(2), each member of the Federal Council may waive regulations or provisions of law under such member's jurisdiction that would prevent the application of consistent practices and procedures relating to the items identified in subparagraphs (A) through (C) of subsection (d)(2).

(2) The waivers authorized under paragraph (1) may not alter—

(A) the purposes or goals of the affected programs;

(B) the eligibility of an individual for participation in the affected programs;

(C) the allocation of funds under the affected programs; or

(D) any law respecting public health or safety, civil rights, occupational safety and health, or environmental protection.

(3) The authority under this subsection shall remain in effect for three years from the effective date of this Act. Not later than the end of such period, the Federal Council shall submit a report, accompanied by such recommendations as the Federal Council deems appropriate, to the President describing the activities undertaken pursuant to subsection (d)(2) and this subsection.

(f) ADMINISTRATION.—The Federal Council is authorized to—

(1) prescribe such rules and regulations as may be necessary for conducting the business of the Federal Council; and

(2) use the services, personnel, facilities, and information of any department, agency, or instrumentality of the executive branch of the Federal Government and the services, personnel, facilities, and information of State and local public agencies and private agencies and organizations, with the consent of such agencies.

(g) AGENCY CONTRIBUTIONS.—Upon request made by the Chairman of the Federal Council, each department, agency, and instrumentality of the executive branch of the Federal Government is authorized and directed to make its services, personnel, facilities, and information available to the greatest practicable extent to the Federal Council in the performance of its functions under this section.

(h) REPORT.—Not later than five years after the effective date of this Act, the Federal Council shall submit a report to the President containing the results of the evaluation conducted pursuant to subsection (d)(4) and such recommendations as the Federal Council may deem appropriate. Not later than 30 months after the effective date of this Act, the Federal Council shall submit an interim report to the President describing progress to date in implementing programs under this Act. Such report shall be based on the first cycle of annual reports received from Governors pursuant to section 122 and contain such other information as is deemed relevant by the Federal Council.

SEC. 102. PRIVATE SECTOR ADVISORY BOARD ON FEDERAL VOCATIONAL TRAINING.

(a) ESTABLISHMENT.—There is established a National Private Sector Advisory Board on Vocational Training (in this Act referred to as the "Advisory Board"). The Advisory Board shall be composed of 15 members appointed by the President. The members shall serve for such terms as the President may prescribe. In appointing the Board, the President may consider including—

(A) representatives of the private sector, to constitute a majority of the membership of the Advisory Board and who shall be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility;

(B) representatives of educational agencies, welfare and social agencies, labor organizations, or community-based organizations; and

(C) participants in vocational training programs and other individuals who have special knowledge and qualifications with respect to vocational training.

(2) The Chairman of the Board shall be selected by the President. The time, place, and

manner of meeting, as well as Board operating procedures, shall be as provided by the rules of the Board.

(3) The Board is authorized to use the services, personnel, facilities, and information of the Federal Council in carrying out its functions under this section.

(b) FUNCTIONS.—The Board shall advise the Federal Council regarding—

(1) the carrying out of the Federal Council's responsibilities under this Act;

(2) increasing the involvement of the private sector in vocational training programs; and

(3) ways of ensuring that the Federal vocational training system meets labor market needs.

PART B—STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 111. ESTABLISHMENT OF STATE HUMAN RESOURCE INVESTMENT COUNCIL.

(a) IN GENERAL.—Each State that receives assistance under an applicable program shall establish a single State human resource investment council (in this Act referred to as the "State Council") to—

(1) review the provision of services and the use of funds and resources under the applicable programs as defined in subsection (e) and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the laws and regulations governing the applicable programs; and

(2) advise the Governor on the development and implementation of State and local standards and measures relating to the applicable programs and coordination of such standards and measures.

(b) COMPOSITION.—Each State Council established as required by subsection (a) shall be composed of members appointed by the Governor for such terms as the Governor may prescribe. Each State Council shall consist of—

(1) representatives of business and industry (including agriculture, where appropriate), who shall constitute a majority of the membership of the State Council, and include individuals who are representatives of business and industry on private industry councils within the State established under section 102 of the Job Training Partnership Act;

(2) representatives of organized labor and representatives of community-based organizations in the State;

(3) the chief administrative officer from each of the State agencies primarily responsible for administration of an applicable program;

(4) representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State board of education (if not otherwise represented), the State public assistance agency, the State employment security agency, the State housing agency, the State rehabilitation agency, the special education unit of the State education agency, the State occupational information coordinating committee, State postsecondary education institutions, the State economic development agency, the State agency on aging, the State veteran's affairs agency (or its equivalent), State career guidance and counseling organizations, the State unit which administers the State vocational rehabilitation program, the agency which administers the Adult Education Act program, and any other agencies the Governor determines to have a direct interest in the utilization of human resources within the State;

(5) representatives of units of general local government or consortia of such units, ap-

pointed from nominations made by the chief elected officials of such units or consortia;

(6) representatives of local educational agencies and postsecondary institutions, which appointments shall be equitably distributed between such agencies and such institutions and shall be made from nominations made by local educational agencies and postsecondary institutions, respectively;

(7) representatives of local welfare and public housing agencies; and

(8) individuals who have special knowledge and qualifications with respect to the education and career development needs of individuals who are members of special populations, women, and minorities, including one individual who is a representative of special education.

(c) PERSONNEL.—Each State Council may obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act and under any applicable program.

(d) CERTIFICATION.—Each State shall certify to the Federal Council the establishment and membership of the State Council at least 90 days before the beginning of each period of 2 program years for which a Job Training 2000 plan is submitted under this Act.

(e) APPLICABLE PROGRAMS.—For the purposes of this part, the term "applicable program" means any program under any of the following provisions of law:

(1) the Adult Education Act;

(2) the Carl D. Perkins Vocational and Applied Technology Education Act;

(3) the Job Training Partnership Act;

(4) the Rehabilitation Act of 1973;

(5) the Wagner-Peyser Act;

(6) Part F of title IV of the Social Security Act (JOBS);

(7) Section 6(d)(4) of the Food Stamp Act of 1977;

(8) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965;

(9) Veterans Vocational Training programs; and

(10) other programs designated by the Federal Council.

PART C—ADDITIONAL STATE RESPONSIBILITIES

SEC. 121. STATEMENT OF GOALS.

(a) IN GENERAL.—In order to assist the private industry councils prepare the Job Training 2000 Plan pursuant to section 131, each Governor shall biennially issue a statement of goals and objectives for the Job Training 2000 system established in the State pursuant to this Act.

(b) DISSEMINATION.—The statement prepared under subsection (a) shall be disseminated to each private industry council within the State and to other interested agencies, organizations and individuals.

SEC. 122. STATE REPORTS.

(a) IN GENERAL.—Each Governor shall submit to the Federal Council an annual report relating to the activities undertaken within the State pursuant to this Act.

(b) CONTENTS.—The report required by subsection (a) shall be in accord with reporting requirements established by the Federal Council and shall include:

(1) information relating to the achievement of the goals established by the Governor under section 121;

(2) the information described in section 207(c)(3) relating to the performance of skill centers in the State;

(3) a summary of data collected under section 305(a)(2) relating to the performance of vocational training programs in the State; and

(4) appropriate information from the reports of the private industry councils submitted pursuant to section 132.

(c) **ADDITIONAL REPORTS.**—Each Governor shall submit such other reports and information relating to activities undertaken pursuant to this Act as the Federal Council may request.

SEC. 123. GOVERNORS' OVERSIGHT RESPONSIBILITIES.

(a) **MONITORING.**—Each Governor shall monitor the compliance of the private industry councils within the State with the requirements of this Act.

(b) **TECHNICAL ASSISTANCE.**—Each Governor shall provide such technical assistance as deemed necessary to assist the private industry councils to carry out their responsibilities under this Act. The Governor may use the funds available under section 2092(b)(3)(B) of the Job Training Partnership Act in providing such assistance.

(c) **SANCTIONS.**—(1) Except as otherwise specified under this Act, if the Governor, as a result of financial and compliance audits or otherwise, determines that there is substantial violation of this Act by a private industry council, and corrective action has not been taken, the Governor shall—

(A) issue a notice of intent to revoke approval of all or part of the plan approved under section 131; or

(B) impose a reorganization plan, which may include—

(i) restructuring the private industry council involved; or

(ii) making such other changes as the Governor determines to be necessary to secure compliance.

(2)(A) The action taken by the Governor under paragraph (1)(A) may be appealed to the Secretary of Labor under the same terms and conditions as the disapproval of the plan and shall not become effective until—

(i) the time for appeal has expired; or

(ii) the Secretary of Labor has issued a decision regarding an appeal.

(B) The actions taken by the Governor under paragraph (1)(B) may be appealed to the Secretary of Labor, who shall make a final decision within 60 days of the receipt of the appeal.

PART D—LOCAL PLAN AND REPORT

SEC. 131. JOB TRAINING 2000 PLAN.

(a) **IN GENERAL.**—Each private industry council shall submit to the Governor a Job Training 2000 plan for two-year periods which is prepared in accordance with the requirements of this section.

(2) In preparing the Job Training 2000 plan, the private industry council shall consult with—

(A) representatives of Federal vocational training programs and local public and private providers of services to such programs, including programs authorized under:

(i) the Job Training Partnership Act;

(ii) part F of title IV of the Social Security Act;

(iii) the Wagner-Peyser Act;

(iv) section 6(d)(4) of the Food Stamp Act of 1977;

(v) the Carl D. Perkins Vocational and Applied Technology Education Act;

(vi) subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965;

(vii) titles I, III and VI of the Rehabilitation Act of 1973; and

(viii) Veterans Vocational Training programs; and

(B) representatives of local business, labor, education and community-based organizations and other interested individuals and organizations.

(3) The private industry council shall prepare the Job Training 2000 plan in a manner consistent with requirements of section 101(d)(2).

(b) **CONTENTS.**—Each Job Training 2000 plan shall—

(1) describe the procedures used to designate the skill centers authorized under title II of this Act (including the information required under section 205(a)), and include a copy of the charter designating such skill centers pursuant to section 205(d);

(2) describe the procedures used to develop and administer the written agreement required under section 206 between the skill centers and participating programs, and include a copy of such written agreement;

(3) describe the procedures to be used to monitor the performance of the skill centers with respect to the performance standards established under section 207, and the measures to be taken to improve performance;

(4) describe goals and objectives, in addition to the performance standards, for the operation of the skills centers;

(5) describe the procedures for implementing the certification system authorized under title III of this Act, including—

(A) the arrangements for obtaining the information necessary to determine whether a vocational training program meets applicable certification criteria; and

(B) the administrative arrangements made to assist the private industry councils pursuant to section 305(c)(3);

(6) describe the goals and objectives for the operation of the certification system;

(7) describe the procedures for implementing the voucher system authorized under title IV of this Act, including—

(A) the procedures for developing the written agreement required under section 403(b), and include a copy of such written agreement; and

(B) the procedures for verifying a participant's retention in employment in order to ensure compliance with the withholding requirements under section 404(b);

(8) describe the goals and objectives for the operation of the voucher system;

(9) include such other planning information as the private industry council, in consultation with the parties described in subsection (a)(2), deems appropriate; and

(10) include such information as the Governor deems appropriate relating to the activities carried out under this Act during the preceding two-year period.

(c) **REVIEW AND APPROVAL.**—(1) The Job Training 2000 plan shall be made available to the representatives of the programs and organizations described in subsection (a)(2) and to the general public for review and comment prior to submission to the Governor.

(2) The Job Training 2000 plan shall be submitted to the Governor for approval and a copy of such plan shall be submitted to the State Human Resource Investment Council established under section 111 of this Act to facilitate its review for purposes of advising the Governor.

(3) The Governor shall approve the Job Training 2000 plan unless the Governor determines that—

(A) the plan does not comply with the provisions of this Act or provisions of other laws;

(B) the plan lacks sufficient provisions to ensure the coordination of services or to minimize the duplication of services; or

(C) the private industry council did not engage in sufficient consultations with representatives of the community or Federal vocational programs as required by subsection (a)(2) in preparing the plan.

(4) The Governor shall approve or disapprove a Job Training 2000 plan within 30 days after the plan is submitted. Any disapproval by the Governor may be appealed within 30 days to the Federal Council, which shall make the final decision of whether the Governor's disapproval complies with paragraph (3).

(5) Upon disapproval of the plan, the private industry council shall be provided an opportunity to modify the plan as necessary to obtain approval. If such modification is not submitted within 45 days after a notice of disapproval, or if an appeal was filed, after the denial of such appeal, the Governor shall impose a reorganization plan, which may include—

(i) restructuring the private industry council involved; or

(ii) making such other changes as the Governor determines to be necessary to ensure the submission of an approvable plan.

(6) The actions taken by the Governor under paragraph (5) may be appealed to the Secretary of Labor who shall make a final decision within 60 days of the receipt of the appeal.

(7) Upon approval of a Job Training 2000 plan by the Governor, the Secretary shall submit the plan to the Secretary of Labor to determine, in consultation with the Federal Council, compliance of the plan with this Act. If the Secretary of Labor does not act within 30 days to overturn the Governor's decision, the Job Training 2000 plan shall become effective as submitted.

SEC. 132. PRIVATE INDUSTRY COUNCIL REPORT.

(a) **IN GENERAL.**—Each private industry council shall submit to the Governor and the State Human Resource Investment Council an annual report relating to the activities undertaken in the service delivery area pursuant to this Act.

(b) **CONTENTS.**—The report required under subsection (a) shall be in accord with reporting requirements established by the Governor in consultation with the Federal Council and include information relating to the achievement of the goals specified in the Job Training 2000 plan.

TITLE II—SKILL CENTERS

SEC. 201. PURPOSE.

The purpose of this title is to establish a network of local skill centers to—

(1) improve access of individuals to vocational training by designating local common points of entry to vocational training programs;

(2) better inform individuals regarding employment opportunities, local labor market conditions and the performance of local vocational training programs;

(3) facilitate the matching of local employers with potential employees who meet hiring qualifications and workforce skill needs; and

(4) encourage greater coordination and minimize duplication of services between Federally funded vocational training programs.

SEC. 202. ESTABLISHMENT OF SKILL CENTERS.

(a) **IN GENERAL.**—Each private industry council, in accordance with the consultation procedures described in section 205, shall designate a network of skill centers in each service delivery area.

(b) **ELIGIBLE ENTITIES.**—Any entity or consortium of entities located in the service delivery area may apply, in accordance with the procedures described in section 205, to be designated as a Skill Center under this title. Such entities may include Employment Service offices, community colleges, commu-

nity-based organizations, administrative entities under the Job Training Partnership Act, and other interested organizations and entities.

SEC. 203. FUNCTIONS OF SKILL CENTERS.

(a) **CORE SERVICES.**—Each skill center designated pursuant to this title shall make available the following services:

(1) a preliminary assessment of the skill levels and service needs of each individual, which may include such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes and supportive service needs;

(2) information relating to local occupations in demand and the earnings and skill requirements for such occupations;

(3) information relating to youth and adult apprenticeship opportunities;

(4) information relating to local, regional and national labor markets, including job vacancy listings in such markets;

(5) career counseling and career planning based on the preliminary assessment described in paragraph (1);

(6) employability development, which may include assistance in the preparation of resumes, job interview techniques, and work department;

(7) information relating to federally funded education and job training programs, including the eligibility requirements of and services provided by such programs;

(8) information relating to vocational training programs available within the service delivery area, including information relating to the performance of local providers and programs with respect to the performance standards established by the Secretary of Education under title II of this Act;

(9) intake for the participating programs described in section 204;

(10) referrals to agencies and programs providing basic skills and adult literacy services, vocational training, and supportive services;

(11) referrals to local employment opportunities;

(12) accepting job orders submitted by employers in the service delivery area;

(13) issuance of vocational training vouchers to eligible individuals pursuant to title IV of this Act; and

(14) job search and placement assistance.

(b) **ENHANCED SERVICES.**—Each skill center designated pursuant to this title may, in accordance with the written agreement provided in section 206, make available the following services:

(1) comprehensive and specialized assessments of the skill levels and service needs of individuals, using specified tests and other assessment tools;

(2) development of service strategies and employability development plans, which identify the employment goals, appropriate achievement objectives and appropriate services for an individual taking into account assessments of such individual's skill levels and service needs;

(3) case management for individuals participating concurrently in more than one program;

(4) follow-up job counseling for individuals placed in training or employment; and

(5) other services as specified in the agreement.

(c) **SPECIALIZED EMPLOYER SERVICES.**—Each skill center designated pursuant to this title may provide to employers on a fee-for-service basis the following services:

(1) customized screening and referral of individuals for employment;

(2) customized assessment of skill levels of the employer's current employees;

(3) analysis of the employer's workforce skill needs; and

(4) other specialized employment and training services.

(d) **PROGRAM INCOME.**—All program income received by a skill center from the fees collected under subsection (c) shall be used to expand or enhance the services provided by such skill center.

SEC. 204. PARTICIPATING PROGRAMS.

(a) **MANDATORY.**—Programs authorized under the following provisions of law shall participate in the operation of the skill centers in accordance with the requirements of section 206:

(1) title II and part B of title IV of the Job Training Partnership Act;

(2) the Wagner-Peyser Act;

(3) part F of title IV of the Social Security Act (JOBS) (only for participants referred for vocational training as described in section 205(c)(3));

(4) part D of title II of the Carl D. Perkins Vocational and Applied Technology Education Act;

(5) section 6(d)(4) of the Food Stamp Act of 1977 (only for participants referred for vocational training as described in section 206(c)(3));

(6) Chapter 41 of title 38, United States Code; and

(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965.

(b) **VOLUNTARY.**—In addition to the programs described in subsection (a), other programs providing basic skills, literacy or vocational training may participate in the operation of a skill center as a party to the agreement described in section 206 if the private industry council and the other participating programs approve such participation.

SEC. 205. DESIGNATION PROCEDURES.

(a) **PUBLICATION.**—The private industry council shall publish, in a manner that is generally available, information to notify organizations and individuals in the service delivery area of—

(1) the application procedure for any entity or consortium of entities in the service delivery area to seek designation as a skill center, including when and where such application is to be submitted and what information such application is to contain;

(2) the consultation process, consistent with the requirements of subsection (b), that will be conducted;

(3) the criteria for selection, consistent with the requirements of subsection (c), that will be used; and

(4) other information deemed relevant to the designation and administration of the skill center, including information relating to the development of the charter, consistent with subsection (d), and the written agreement, consistent with section 206.

(b) **CONSULTATION.**—(1) The private industry council shall conduct a consultation process to obtain information and advice regarding the designation of skill centers under this title. Such consultations may include meetings, conferences, requests for written comments and other appropriate opportunities for providing views.

(2) The consultations required under paragraph (1) shall be conducted with local elected officials, community and business leaders, representatives of voluntary organizations, representatives from the participating programs described in section 204, service providers, and other interested organizations and individuals.

(c) **SELECTION CRITERIA.**—(1) The private industry council, in accordance with guide-

lines issued by the Federal Council, shall to the extent practicable use objective criteria and methods in assessing applications submitted pursuant to this section for designation as a skill center.

(2) An applicant may not be designated as a skill center under this title unless such applicant demonstrates to the satisfaction of the private industry council the ability to:

(A) provide the services described in section 203;

(B) serve the general public and provide barrier-free access to individuals with disabilities;

(C) utilize automated information systems;

(D) establish linkages with the State Occupational Information Coordinating Committee;

(E) provide services effectively to disadvantaged populations; and

(F) meet such other requirements as the private industry council deems appropriate.

(d) **CHARTER.**—The private industry council shall issue a charter designating the skill centers in the service delivery area. Such charter shall—

(1) designate the number and location of the skill centers;

(2) identify the entity or entities administering the skill centers;

(3) specify the term of the charter; and

(4) include such other conditions as the private industry council, through the consultation process described in subsection (b), determines is appropriate.

SEC. 206. AGREEMENT WITH PARTICIPATING PROGRAMS.

(a) **IN GENERAL.**—(1) The skill centers designated pursuant to section 205 shall enter into a written agreement with the private industry council and participating programs described in section 204 concerning the operation of the skill centers. The Governor shall oversee the development of such agreement and ensure the agreement meets the requirements of this section.

(2)(A) The requirements of paragraph (1) shall not be applicable to the programs authorized under subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965. The participation of such programs under this title shall be the referral of students to the skill centers as required by sections 485 and 487 of such Act.

(B) The requirement of paragraph (1) shall not be applicable to the program authorized under part D of title II of the Carl D. Perkins Vocational and Applied Technology Education Act. The participation of such program under this title shall be the use of the skill centers to issue vouchers in accordance with section 253 of such Act.

(b) **CONTENTS.**—The written agreement required under subsection (a) shall contain the following:

(1) assurances that, except as provided in subsection (c), participating programs shall provide only through the skill centers the following services—

(A) all core services described in section 203(a); and

(B) those enhanced services described in section 203(b) which are specified in the agreement;

(2) methods for referral of individuals by the skill centers to the appropriate services and programs;

(3) the financial and nonfinancial contributions to be made to the skill center by each participating program, which shall be based on the types of services to be provided and the number of participants served by the skill centers from each participating program;

(4) methods of administration, including provisions for monitoring and oversight of the skill centers and of this agreement;

(5) a description of how services are to be provided by the skill centers, including the methods and appropriate test instruments to be used to assess the skill levels of individuals;

(6) the procedures to be used to ensure compliance with the statutory and regulatory requirements of the participating programs;

(7) the duration of the agreement and the procedures for amending the agreement during its term; and

(8) such other provisions, consistent with the requirements of this title, that the parties deem appropriate.

(c) EXCEPTIONS.—(1) The agreement under this section may allow core services relating to job listings and job placement to be carried out by the participating programs in addition to being provided by the skill centers.

(2) In addition to the exception under paragraph (1), the agreement may allow a participating program to directly provide one or more additional core services if—

(A) the program is a voluntary participating program under section 204(b); or

(B) the private industry council determines that due to the geographic size or rural location of the service delivery area, the requirements of subsection (b)(1)(A) would unreasonably restrict access to core services by participants of the program.

(3) The requirements of subsection (b)(1) relating to the provision of services through the skill centers shall apply, for purposes of programs authorized under part F of title IV of the Social Security Act (JOBS) and section 6(d)(4) of the Food Stamp Act of 1977, only to those participants who have been determined by such programs to need vocational training and only for services required subsequent to such determination.

SEC. 207. PERFORMANCE STANDARDS.

(a) IN GENERAL.—The Secretary of Labor, in consultation with the Federal Council, shall prescribe performance standards relating to skill centers designated under this title. Such standards shall be based on factors the Secretary of Labor deems appropriate, which:

(1) shall include—

(A) placement, retention and earnings in unsubsidized employment;

(B) placement in appropriate vocational training programs;

(C) completion of training or achievement of educational objectives; and

(D) meeting the needs of the local labor market as described in the local plan under section 131; and

(2) may include other measures, such as the quality of services provided.

(b) ADJUSTMENTS AND ADDITIONS.—(1) Each Governor may, within parameters established by the Secretary of Labor in consultation with the Federal Council, prescribe adjustments to the performance standards prescribed under section (a) for the skill centers established in the State based on—

(A) specific economic, geographic and demographic factors in the State and in service delivery areas within the State; and

(B) the characteristics of the population to be served, including the demonstrated difficulties in serving special populations.

(2) Each Governor may prescribe performance standards for the skill centers established in the State in addition to the standards prescribed under subsection (a).

(3) The adjustments and additions prescribed by the Governor pursuant to this

subsection shall be described in the annual report submitted to the Federal Council pursuant to section 122.

(c) FAILURE TO MEET STANDARDS.—

(1) UNIFORM CRITERIA.—The Secretary of Labor, in consultation with the Federal Council, shall establish uniform criteria for determining whether a skill center fails to meet performance standards under this section.

(2) TECHNICAL ASSISTANCE.—The private industry council and the Governor shall provide technical assistance to skill centers failing to meet performance standards under the uniform criteria established under paragraph (1).

(3) REPORT ON PERFORMANCE.—Each Governor shall include in the report to the Federal Council required under section 122 the final performance standards and performance for each skill center within the State, along with the technical assistance planned and provided as required under paragraph (2).

(4) REDESIGNATION.—If a skill center continues to fail to meet such performance standards for 2 consecutive program years, the Governor shall notify the Secretary and the skill center of the continued failure, and shall direct the private industry council to—

(A) rescind the charter designating the skill center under section 205(d); and

(B) designate another entity as a skill center in accordance with the requirements of section 205.

(5) APPEAL.—A skill center that is the subject of a redesignation under paragraph (4) may, within 30 days after receiving notice thereof, appeal to the Secretary of Labor to rescind such action. The Secretary of Labor shall issue a decision on the appeal within 30 days of its receipt.

(d) INCENTIVE GRANTS.—From funds available under section 7(b)(1) of the Wagner-Peyser Act and section 202(b)(3)(B) of the Job Training Partnership Act, the Governor of each State may award incentive grants to the skill centers in the State exceeding the performance standards established under this section. Such grants may be used by the skill centers to enhance or expand the services provided under this title.

TITLE III—CERTIFICATION SYSTEM FOR FEDERAL VOCATIONAL TRAINING

SEC. 301. PURPOSE

It is the purpose of this title to—

(1) ensure that only high quality vocational training programs are eligible to receive Federal funds;

(2) establish performance standards to increase the effectiveness of vocational training programs; and

(3) promote the availability of information on the local level regarding the performance of vocational training programs.

SEC. 302. ALLOCATION OF FUNDS.

The amounts appropriated pursuant to section 4 for each fiscal year shall be allocated by the Secretary of Education to the States and private industry councils to assist in carrying out this title. Such allocations shall be based on factors the Secretary of Education, in consultation with the Federal Council, deems appropriate.

SEC. 303. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—(1) In order to be eligible to receive Federal funds under the programs listed in subsection (b), a vocational training program provided by an institution or other service provider shall be certified in accordance with the requirements of this title.

(2) The requirement of paragraph (1) shall not apply to an on-the-job training program.

(b) COVERED PROGRAMS.—The certification requirement contained in subsection (a)(1)

shall apply with respect to a vocational training program's eligibility to receive Federal funds provided pursuant to programs under:

(1) titles II and III of the Job Training Partnership Act;

(2) section 6(d)(4) of the Food Stamp Act of 1977;

(3) part F of title IV of the Social Security Act (JOBS);

(4) part D of title II and part E of title III of the Carl D. Perkins Vocational and Applied Technology Education Act (postsecondary vocational education);

(5) subparts I and II of part A and parts B, C, and E of title IV of the Higher Education Act of 1965;

(6) titles I, III and VI of the Rehabilitation Act of 1973;

(7) Veterans Vocational Training programs;

(8) the Refugee Assistance Act; and

(9) chapter 2 of the Trade Act of 1974 (TAA).

SEC. 304. CERTIFICATION CRITERIA.

(a) IN GENERAL.—The Secretary of Education, in consultation with the Federal Council, shall prescribe performance standards for vocational training programs provided by an institution or other service provider. Such performance standards shall not be revised more frequently than once every two years and shall address:

(1) the financial responsibility of the institution conducting the program;

(2) the reasonableness of the program's cost;

(3) the rates of withdrawal by students from the program;

(4) the rates of student loan default at the institution conducting the program;

(5) the rates of licensure of graduates of the program, if applicable; and

(6) the rates of placement and retention in employment and the earnings of graduates of the program;

(b) ADDITIONAL STANDARDS.—The Secretary of Education in consultation with the Federal Council, may, in addition to the standards prescribed in subsection (a), prescribe standards based on other measures of the effectiveness of the program in meeting the special needs of disadvantaged students and in preparing students for employment, including, where appropriate, the preparation of students to meet relevant industry skill standards.

(c) MODIFICATIONS.—The private industry council may modify the levels for successful performance under each performance standard established pursuant to subsection (a) if:

(1) the private industry council determines local conditions justify such modifications;

(2) the modification is approved by the State agency designated under section 305(a); and

(3) the modification is approved by the Secretary of Education, in consultation with the Federal Council.

SEC. 305. CERTIFICATION PROCEDURES.

(a) STATE AGENCY.—

(1) DESIGNATION.—(A) Each State shall designate an entity which shall serve as the single State agency for the purpose of certifying vocational training programs in the State under this title.

(B) If a single State agency has been designated for the purpose of approving programs under title IV of the Higher Education Act of 1965, such agency shall be the designated agency under subparagraph (A).

(2) DATA COLLECTION.—The State agency designated under this subsection shall annually collect and analyze information from

vocational training programs in the State relating to the performance of such programs with respect to the standards prescribed under section 304. The State agency shall report a summary of such information to the Governor for inclusion in the report to the Federal Council required under section 122.

(3) **GUIDELINES.**—The State agency designated under this subsection shall issue guidelines relating to procedures to be used by the private industry councils to carry out certifications under subsection (c)(3).

(b) **APPLICATION.**—Each vocational training program desiring certification under this title shall submit an application to the State agency designated under subsection (a) at such time, in such manner, and containing or accompanied by such information as the State agency may reasonably require.

(c) **PRIVATE INDUSTRY COUNCIL ROLE.**—

(1) **NOTIFICATION.**—The State agency designated under subsection (a) shall notify the private industry council for the service delivery area in which the vocational training program submitting an application under subsection (b) is located of such application and shall transmit appropriate information collected and analyzed pursuant to subsection (a)(2) to such private industry council.

(2) **CERTIFICATION.**—The private industry council receiving notification under paragraph (1) shall certify to the State agency designated under subsection (a) whether the vocational training program meets the performance standards established under section 304. In making this certification, the private industry council shall consider the information transmitted by the State agency under paragraph (1) and such other information as the private industry council deems appropriate.

(3) **ADMINISTRATION.**—In order to enhance its capacity to carry out the responsibilities described in paragraph (2), a private industry council may—

(A) utilize the staff of the skill centers designated under title II of this Act or staff of other entities pursuant to an agreement with such skill centers or entities; or

(B) establish a consortium with other private industry councils in the State.

(d) **APPROVAL OF APPLICATION.**—(1) Upon receiving the certification from the private industry council, consistent with the guidelines issued under subsection (a)(3), that the vocational training program meets the performance standards prescribed under section 304, the State agency designated under subsection (a) shall approve the application submitted by such program and certify such program as eligible to receive Federal funds under the programs listed in section 303(b).

(2) Except as provided in paragraphs (3) and (4), the certification issued by the State agency under paragraph (1) shall remain in effect for two years from the date it was issued.

(3) The State agency shall require recertification of a vocational training program whenever—

(A) the ownership of the school providing certified program changes;

(B) the State agency or private industry council becomes aware of a substantial change in the operations of the program; or

(C) such other information comes to the attention of the State agency which in its judgment requires review of program certification.

(4) In accordance with regulations promulgated by the Secretary of Education, in consultation with the Federal Council, the State

agency shall have the authority to suspend program certification on an emergency basis not to exceed 90 days when it has reason to believe such action is necessary to protect students or prevent misuse of Federal or State funds. During such period, the State agency and the private industry council shall carry out an expedited recertification.

(e) **APPEAL.**—(1) The Governor of each State shall establish a procedure for vocational training programs to appeal a finding by the private industry council and the State agency which results in a denial of an application for certification. Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(2) The Secretary of Education shall establish a procedure for vocational training programs to submit an appeal denied by the Governor pursuant to paragraph (1) to the Secretary of Education for final decision. Such procedures shall include appropriate time limits to ensure a prompt resolution of the appeal.

(3) The Secretary of Education may, in the Secretary's sole discretion, review the private industry council's decision regarding certification of a vocational training program. The Secretary shall establish by regulation such procedure as are necessary to carry out this subsection.

(f) **CONFLICT OF INTEREST.**—Consistent with guidelines issued by the Federal Council, the Governor of each State shall prescribe and implement standards to ensure that no member or staff of a private industry council or other individual or entity involved in the certification process engages in any actual or apparent conflict of interest relating to the certification of a vocational training program under this title.

(g) **DISSEMINATION.**—The private industry council shall disseminate the information obtained under this section relating to the performance of vocational training programs to the skill centers established under title II of this Act.

TITLE IV—VOCATIONAL TRAINING VOUCHER SYSTEM

SEC. 401. PURPOSE.

It is the purpose of this title to—

(1) enhance the choices available to participants in vocational training programs; and

(2) promote competition among providers of vocational training and thereby enhance the quality of such training.

SEC. 402. VOUCHERED SERVICES.

(a) **IN GENERAL.**—(1) Vocational training and related services provided to individuals from funds under the programs listed in subsection (b) shall only be provided through the voucher system established by this title.

(2) For purposes of this title, the term "related services" means services provided by a single service provider as part of a package or services which includes vocational training.

(b) **COVERED PROGRAMS.**—The requirements of subsection (a) shall apply to funds provided under:

(1) titles II and III of the Job Training Partnership Act;

(2) section 6(d)(4) of the Food Stamp Act of 1977; and

(3) part D of title II of the Carl D. Perkins Vocational and Applied Technology Education Act.

(c) **ADDITIONAL SERVICES.**—In addition to vocational training and related services, the programs listed in subsection (b) may provide other services through the voucher system established under this title. Such addi-

tional services shall be identified in the agreement required under section 403(b).

(d) **ADDITIONAL PROGRAMS.**—In addition to the programs listed in subsection (b), other Federal vocational training programs may, consistent with the laws governing such programs, participate in the voucher system established under this title if the private industry council approves such participation.

SEC. 403. ADMINISTRATION.

(a) **IN GENERAL.**—The private industry council shall be responsible for overseeing the establishment and operation of the voucher system under this title.

(b) **AGREEMENT.**—The private industry council, after consultation with local providers of vocational training, shall enter into a written agreement with the skill centers established pursuant to title II and the local agencies responsible for the administration of the covered programs described in section 402(b) and the additional programs described in section 402(d) specifying:

(1) common procedures for the issuance of vouchers under this title;

(2) the financial and management information systems to be used to administer the voucher system under this title;

(3) the payment schedules relating to the vouchers issued under this title, including payments for vocational training courses in which a participant enrolled and attended but did not complete;

(4) such conditions as are necessary to ensure compliance with the statutory and regulatory requirements of covered programs; and

(5) such other conditions, consistent with the requirements of this title, that the parties deem appropriate.

SEC. 404. VOUCHER CONDITIONS.

(a) **CONTENTS.**—Except as provided in section 405, vouchers issued under this title shall contain:

(1) an expiration date;

(2) a limitation that the voucher is only redeemable for programs certified under title III of this Act;

(3) the program of study for which the participant may use the voucher;

(4) a maximum allowable dollar amount;

(5) a payment schedule; and

(6) such other conditions as specified in the agreement reached under section 403(b).

(b) **WITHHOLDING.**—(1) At least twenty percent of the total payment for the vocational training provided by a service provider to a participant pursuant to a voucher issued under this title shall be withheld from such provider until—

(A) the participant has successfully completed the training; and

(B) the participant has been employed and retained employment for a period not less than ninety days.

(2) The Secretary of Labor, in consultation with the Federal Council, shall issue regulations implementing paragraph (1).

(c) **LIMITATION ON OUTSTANDING AMOUNTS.**—The total dollar amount of the outstanding vouchers issued in a service delivery area by a program listed in section 402(b) shall not exceed the amount of funds available to such program in such area.

(d) **EXPIRATION.**—If a voucher is not redeemed by the expiration date specified on the voucher, the voucher shall be invalid.

SEC. 405. ON-THE-JOB TRAINING VOUCHERS.

(a) **IN GENERAL.**—Vouchers issued under this title for on-the-job training shall:

(1) contain the information described in paragraphs (1), (4), and (5) of section 404(a);

(2) specify a particular occupational area for which the participant may use the voucher;

(3) be redeemable only by employers who have available positions approved by the respective covered program in such occupational area; and

(4) contain such other conditions as are specified in the agreement under section 403(b).

(b) EXCEPTION.—The withholding requirement contained in section 404(b) shall not apply to vouchers issued under this section.

(c) OTHER CONDITIONS.—The conditions specified in subsections (c) and (d) of section 404 shall apply to vouchers issued under this section.

SEC. 406. CONTRACT EXCEPTION.

(a) IN GENERAL.—Vocational training and related services provided under a program described in section 402(b) may be provided pursuant to a contract for services in lieu of a voucher if the private industry council approves a request submitted by the program based on a finding that—

(1) there are an insufficient number of providers of vocational training and related services in the service delivery area to accomplish the purposes of the voucher system; or

(2) vocational training programs in the service delivery area are unable to provide effective services to special participant populations, such as individuals with severe disabilities and substance abusers.

(b) OVERSIGHT.—The Governor may direct a private industry council to rescind permission to contract for direct services under subsection (a) if the Governor determines that there was an insufficient basis for the private industry council's findings.

TITLE V—CONFORMING AMENDMENTS TO OTHER ACTS

SEC. 501. DUTIES OF STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO APPLICABLE PROGRAMS.

(a) DUTIES UNDER THE ADULT EDUCATION ACT.—(1) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

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

"SEC. 332. DUTIES OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO ADULT EDUCATION AND LITERACY;"

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

"(a)(1) Any State desiring to participate in the programs authorized by this title shall establish a State human resource investment council as required by section 111(a) of the Job Training 2000 Act and shall require such council to act as a State advisory council on adult education and literacy.

"(2) A State that complies with the requirements of paragraph (1) may use funds under this subpart for the purposes of costs of the council attributable to this section."

(C) by striking subsection (b);

(D) by redesignating subsection (c) as subsection (b);

(E) in subsection (b) (as redesignated by subparagraph (D) of this paragraph)—

(i) by striking "and membership"; and

(ii) by striking "State advisory council" and inserting "State human resource investment council";

(F) by striking subsections (d) and (e);

(G) by redesignating subsection (f) as subsection (c); and

(H) in subsection (c) (as redesignated by subparagraph (G) of this paragraph), by striking "State advisory council" and inserting "State human resource investment council".

(2)(A) Paragraph (2) of section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is

amended by striking "the State advisory council established pursuant to section 332" and inserting "the State human resource investment council".

(B) Subsection (a) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

(i) in paragraph (1), by striking "the State advisory council" and all that follows and inserting "the State human resource investment council"; and

(ii) in subparagraph (B) of paragraph (3)—

(I) in the first sentence, by striking "the State advisory council" and all that follows and inserting "the State human resource investment council"; and

(II) in the second and third sentences, by striking "the State advisory council" each place it appears and inserting "the State human resource investment council".

(C) Section 312 of the Adult Education Act (20 U.S.C. 1201a) is amended by adding at the end the following new paragraph:

"(16) The term 'State human resource investment council' means the State human resource investment council described in section 332(a)."

(b) DUTIES UNDER THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—(1) Section 112 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2322) is amended—

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

"SEC. 112. DUTIES OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO VOCATIONAL EDUCATION."

(B) by striking "SEC. 112."; and

(C) by amending subsection (a) to read as follows:

"(a) Each State which desires to participate in vocational education programs authorized by this Act for any fiscal year shall establish a State human resource investment council as required by section 111(a) of the Job Training 2000 Act and shall require such council to act as the State council on vocational education."

(D) in subsection (b)—

(i) by striking "and membership", and

(ii) by striking "State council" and inserting "State human resource investment council";

(E) by striking subsection (c);

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

(G) in subsection (c) (as redesignated by subparagraph (F) of this paragraph)—

(i) by striking "State council" and inserting "State human resource investment council"; and

(ii) in subparagraph (D) of paragraph (10), by striking "the State job training coordinating council";

(H) in subsection (d) (as redesignated by subparagraph (F) of this paragraph)—

(i) by striking "State council" and inserting "State human resource investment council"; and

(ii) by striking "Council" and inserting "council"; and

(I) in subsection (e) (as redesignated by subparagraph (F) of this paragraph)—

(i) in paragraph (1), by striking "State councils" each place it appears and inserting "State human resource investment councils"; and

(ii) in paragraphs (1) and (2), by striking "State council" each place it appears and inserting "State human resource investment council".

(2) Section 111 of the Carl D. Perkins Vocational and Applied Technology Education Act is amended—

(A) in paragraph (1) of subsection (a)—

(i) in subparagraph (B) by striking "State council on vocational education" and inserting "State human resource investment council"; and

(ii) in subparagraph (C), by striking "State council established pursuant to section 112" and inserting "State human resource investment council"; and

(iii) in subparagraph (E)—

(I) by striking "the State job training coordinating council" and inserting "the State human resource investment council"; and

(II) by striking "their respective programs" and inserting "programs under this Act and programs under the Job Training Partnership Act"; and

(B) in the first sentence of subsection (g), by striking "State council" and inserting "State human resource investment council"; and

(3) The table of contents contained in section 1 of the Act is amended by striking the item relating to section 112 and inserting the following:

"Sec. 112. Duties of the State human resource investment council with respect to vocational education.

(c) DUTIES UNDER THE JOB TRAINING PARTNERSHIP ACT.—

(1) Section 122 of the Job Training Partnership Act is amended in the section heading by striking "STATE JOB TRAINING COORDINATING COUNCIL" and inserting in lieu thereof "STATE HUMAN RESOURCE INVESTMENT COUNCIL".

(2) Section 122(a) of the Job Training Partnership Act is amended—

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

"(1) Any State which desires to receive financial assistance under this Act shall establish a State human resource investment council as required by section 111(a) of the Job Training 2000 Act and shall require such council to act as a State job training coordinating council. Funding for the duties of the council under this Act shall be provided pursuant to section 202(b)(4)."

(B) by striking paragraphs (2), (3), and (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (2), (3), and (4), respectively;

(C) in paragraph (2) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council";

(D) in paragraph (3) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council, in carrying out its duties under this Act."; and

(E) in paragraph (4) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council relative to carrying out its duties under this Act.".

(d) DUTIES UNDER THE REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by inserting after section 18 the following new section:

"STATE HUMAN RESOURCE INVESTMENT COUNCIL

"SEC. 19. The State human resource investment council established under section 111(a) of the Job Training 2000 Act shall review the provision of services and the use of funds and resources under this Act and advise the governor on methods of coordinating such provision of services and the use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(3) the Job Training Partnership Act;
 "(4) the Wagner-Peyser Act;
 "(5) Part F of title IV of the Social Security Act (JOBS);
 "(6) Section 6(d)(4) of the Food Stamp Act of 1977."

"(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965; and

"(8) Veterans Vocational Training programs."

(e) DUTIES UNDER THE WAGNER-PEYSER ACT.—The Wagner-Peyser Act (29 U.S.C. 49) is amended—

(1) by redesignating section 15 as section 16; and

(2) by inserting after section 14 the following new section:

"SEC. 15. The State human resource investment council established under section 111(a) of the Job Training 2000 Act shall review the provision of services and the use of funds and resources under this Act and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(3) the Job Training Partnership Act;

"(4) the Rehabilitation Act of 1973;

"(5) Part F of title IV of the Social Security Act (JOBS);

"(6) Section 6(d)(4) of the Food Stamp Act of 1977;

"(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965; and

"(8) Veterans Vocational Training programs."

(3) in subsection (b) of section 8 by striking "State job training coordinating council" and inserting "State human resource investment council";

(4) in subsection (a) of section 11 by striking "State job training coordinating council" and inserting "State human resource investment council";

(f) DUTIES UNDER PART F OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 483 of the Social Security Act (42 U.S.C. 683) is amended by:

(1) inserting after subsection (c) the following new subsection:

"(d) In order to assist the Governor in carrying out subsection (a) of this section, the State human resource investment council established under section 111(a) of the Job Training 2000 Act shall review the provision of services and the use of funds and resources under this part and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(3) the Job Training Partnership Act;

"(4) the Rehabilitation Act of 1973;

"(5) the Wagner-Peyser Act; and

"(6) Section 6(d)(4) of the Food Stamp Act of 1977;

"(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965; and

"(8) Veterans Vocational Training programs."

(2) in paragraphs (2) and (3) of subsection (a) by striking "State job training coordinating council" each place it appears and inserting "State human resource investment council."

(g) DUTIES UNDER SECTION 6(d)(4) OF THE FOOD STAMP ACT OF 1977.—Section 6(d)(4) of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subparagraph:

"(O) The State human resource investment council established under section 111(a) of the Job Training 2000 Act shall review the provision of services and the use of funds and resources under this paragraph and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(3) the Job Training Partnership Act;

"(4) the Rehabilitation Act of 1973;

"(5) the Wagner-Peyser Act; and

"(6) Part F of title IV of the Social Security Act (JOBS);

"(7) Subparts I and II of part A and parts B, C and E of title IV of the Higher Education Act of 1965; and

"(8) Veterans Vocational Training programs."

SEC. 502. JOB TRAINING PARTNERSHIP ACT AMENDMENTS.

(a) CERTIFICATION REQUIREMENT.—Section 107 of the Job Training Partnership Act is amended by adding at the end thereof the following new subsection:

"(e) In order to be eligible to receive funds under titles II and III, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act."

(b) INCENTIVE GRANTS AND TECHNICAL ASSISTANCE.—Section 202(b)(3)(B) is amended by—

(1) inserting after the second sentence the following:

"Incentive grants under this subparagraph may also be awarded to the skill centers established under title II of the Job Training 2000 Act for exceeding the performance standard established by the Secretary under section 207 of such Act."; and

(2) inserting "and to skill centers established under title II of the Job Training 2000 Act" after "technical assistance to service delivery areas".

(c) TITLE II-A AMENDMENTS.—Section 204 of the Job Training Partnership Act is amended by adding at the end thereof the following new subsections:

"(C) SKILL CENTERS.—The administrative entity for programs under this part shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the administrative entity shall—

"(1) ensure that the program under this part shall provide only through the skill centers any of the following services authorized under this part:

"(A) the core services described in section 203(a) of the Job Training 2000 Act, unless such services are excepted pursuant to section 203(c) of such Act; and

"(B) those enhanced services described in section 203(b) of such Act that are specified in the written agreement;

"(2) transfer sufficient financial and non-financial resources available under this part to the skill centers to provide the services described in paragraph (1) to participants in programs under this part; and

"(3) comply with the other requirements of such section 206.

"(d) VOUCHERED SERVICES.—(1) Vocational training provided under this part shall be provided only through the voucher system established under title IV of the Job Training 2000 Act.

"(2) In addition to the training described under paragraph (1), other services under this part may be provided through such voucher system.

"(3) The administrative entity under this part shall enter into the written agreement specified in section 403(b) of the Job Training 2000 Act relating to the administration of the voucher system."

(d) TITLE II—B AMENDMENTS.—Section 253 of the Job Training Partnership Act is amended by adding at the end thereof the following new subsections:

"(c) SKILL CENTERS.—The administrative entity for programs under this part shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the administrative entity shall—

"(1) ensure that the program under this part shall provide only through the skill centers any of the following services authorized under this part:

"(A) the core services described in section 203(a) of the Job Training 2000 Act, unless such services are excepted pursuant to section 203(c) of such Act; and

"(B) those enhanced services described in section 203(b) of such Act that are specified in the written agreement;

"(2) transfer sufficient financial and non-financial resources available under this part to the skill centers to provide the services described in subparagraph (A) to participants in programs under this part; and

"(3) comply with the other requirements of such section 206.

"(d) VOUCHERED SERVICES.—(1) Vocational training provided under this part shall be provided only through the voucher system established under title IV of the Job Training 2000 Act.

"(2) In addition to the training described under paragraph (1), other services under this part may be provided through such voucher system.

"(3) The administrative entity under this part shall enter into the written agreement specified in section 403(b) of the Job Training 2000 Act relating to the administration of the voucher system."

"(e) DISLOCATED WORKER PROGRAM.—Section 314 of the Job Training Partnership Act is amended by adding at the end thereof the following new subsection:

"(h) VOUCHERED SERVICES.—(1) Vocational training provided under this part shall be provided only through the voucher system established under title IV of the Job Training 2000 Act.

"(2) In addition to the training described under paragraph (1), other services provided under this part may be provided through such voucher system.

"(3) The substate grantee under this part shall enter into the written agreement specified in section 403(b) of the Job Training 2000 Act relating to the administration of the voucher system."

"(f) JOB CORPS.—Section 424(a) is amended by striking the second and third sentences and inserting the following:

"These rules shall be implemented through arrangements with the skill centers established under title II of the Job Training 2000 Act. Such arrangements may include the

placing of individuals designated by the Secretary at the skill centers to carry out screening and selection activities."

(2) Section 424(b) is amended to read as follows:

"(b) The Secretary shall transfer sufficient financial and nonfinancial resources, which may include the placement of personnel, to the skill centers established under title II of the Job Training 2000 Act to carry out this section."

(2) Section 428 is amended by adding at the end thereof the following new subsection:

"(e) In order to be eligible to enter into a contract with a Job Corps Center to provide vocational training at a location outside the center, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act."

(4) Section 432(b) is amended by inserting "or the skill centers established under title II of the Job Training 2000 Act, if appropriate," after "public employment service system".

SEC. 503. WAGNER-PEYSER ACT AMENDMENTS.

(a) INCENTIVE GRANTS.—Section 7(b)(1) of the Wagner-Peyser Act is amended by inserting "and the skill centers established under title II of the Job Training 2000 Act" after "public employment services offices and programs".

(b) SKILLS CENTERS.—Section 7 of the Wagner-Peyser Act is further amended by adding at the end thereof the following new subsection:

"(e) SKILL CENTERS.—(1) The employment service shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the employment service shall—

"(A) ensure that any of the following services authorized and funded under this Act shall be provided only through the skill centers:

"(i) the core services described in section 203(a) of such Act, unless such services are excepted pursuant to section 203(c) of such Act; and

"(ii) those enhanced services described in section 203(b) of such Act that are specified in the written agreement;

"(B) transfer sufficient financial and nonfinancial resources available under this Act to the skill centers to provide the services described in subparagraph (A) to individuals who:

"(i) are authorized to receive services under this Act; and

"(ii) are not participants in other participating programs that are a party to the written agreement; and

"(C) comply with the other requirements of such section 206.

"(2) The local employment service offices may apply to be designated as a skill center in accordance with the requirements of section 205 of the Job Training 2000 Act."

SEC. 504. AMENDMENTS TO VETERANS TRAINING UNDER CHAPTER 41.

(a) DEFINITION.—Paragraph (7) of section 4201 of title 38, United States Code, is amended by striking the period and inserting ", which may include the skill centers established under title II of the Job Training 2000 Act."

(b) SKILL CENTERS.—Subsection (c) of section 4103 of title 38, United States Code, is amended—

(1) in paragraph 14 by striking "and" after the semicolon;

(2) in paragraph (15) by striking the period and inserting "; and"; and

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

"(16) participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the Director and Assistant Directors shall—

"(A) ensure that any of the following services provided under this chapter shall be provided only through the skill centers:

"(i) the core services described in section 203(a) of the Job Training 2000 Act, unless such services are excepted pursuant to section 203(c) of such Act; and

"(ii) those enhanced services described in section 203(b) of such Act that are specified in the written agreement;

"(B) transfer sufficient financial and nonfinancial resources available under this chapter to the skill centers to provide the services described in subparagraph (A) to individuals participating under this chapter."

SEC. 505. PERKINS ACT AMENDMENTS.

(a) ESTABLISHMENT OF POSTSECONDARY PROGRAM.—The Carl D. Perkins Vocational and Applied Technology Education Act is amended—

(1) in subsection (c) of section 3 by—

(A) inserting "(1)" after the subsection designation;

(B) adding the following new paragraph:

"(2) Of the amounts available under paragraph (1) to carry out title II, 35 percent or \$396 million, whichever is greater, shall be available to carry out part D of title II, relating to postsecondary vocational training."

(2) in subsection (b) at section 118, by—

(A) striking out paragraph (2); and

(B) redesignating paragraph (3) as paragraph (2);

(3) in section 221 (b) by striking out "postsecondary or secondary";

(4) in section 222(a)(1), by striking out "and secondary";

(5) in Part C of title II—

(A) in the heading by striking "POSTSECONDARY AND ADULT VOCATIONAL" after "SECONDARY";

(B) by striking section 232;

(C) by redesignating section 233 and 234 as sections 232 and 233, respectively;

(D) in sections 232 and 233 (as redesignated by subparagraph (C)) by striking "or section 232" in each place it appears; and

(E) in subsection (b) of section 233 (as redesignated by subparagraph (C)) by striking "or 232" after "231";

(6) in title II by adding at the end thereof the following new part:

"PART D—POSTSECONDARY VOCATIONAL TRAINING

"SEC. 251. ALLOTMENT AND ALLOCATION.

"(a) STATE ALLOTMENTS.—The amounts appropriated pursuant to section 3(c)(2) for each fiscal year shall be allotted by the Secretary to the States in accordance with the funding formula contained in section 201(b) of the Job Training Partnership Act.

"(b) LOCAL ALLOCATIONS.—The Governor shall allocate the amount allotted to the State under subsection (a) for each fiscal year among the private industry councils within the State established under section 102 of the Job Training Partnership Act. Such allotment shall be made in accordance with the funding formula contained in paragraphs (2), (3) and (4) of section 202(a) of the Job Training Partnership Act.

"SEC. 252. ELIGIBILITY.

"An individual shall be eligible to receive assistance under this part only if such individual—

"(1) (A) has completed a high school degree or its equivalent; or

"(B) is not enrolled in a secondary school and is beyond the age of compulsory attendance under State law; and

"(2) is economically disadvantaged, as defined in section 4(8) of the Job Training Partnership Act.

"SEC. 253. USE OF FUNDS.

The funds available under this part shall be used to provide eligible individuals with postsecondary vocational training and related services through the voucher system established under title IV of the Job Training 2000 Act."

(7) in part E of title III, by adding at the end of section 344 the following:

"(d) POSTSECONDARY TRAINING.—Postsecondary level training provided to students under this part may be provided only by a vocational training program that is certified in accordance with title III of the Job Training 2000 Act."

SEC. 506. AMENDMENTS TO JOBS.

(a) IN GENERAL.—Subsection (a) of section 485 of the Social Security Act is amended by—

(1) striking "The" and inserting "(1) Except as provided in paragraphs (2), the";

(2) adding the following new paragraph:

"(2) The State agency shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the State agency shall—

"(A) ensure that participants in the programs under this part who are determined to need vocational training shall, subsequent to such determination, be provided only through the skill centers the following services:

"(i) the core services described in section 203(a) of such Act, unless such services are excepted under section 203(c) of such Act; and

"(ii) those enhanced services described in section 203(b) of such Act that are specified in the agreement;

"(B) transfer sufficient financial and nonfinancial resources available under this part to the skill centers to provide the services described in subparagraph (A) to participants in programs under this part; and

"(C) comply with the other requirements of such section 206."

(b) CERTIFICATION REQUIREMENT.—Subsection (d) of section 485 of the Social Security Act is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting the following new paragraph:

"(2) In order to be eligible to receive funds under this part, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act."

SEC. 507. FOOD STAMP ACT AMENDMENTS.

Section 6(d)(4) of the Food Stamp Act of 1977 is amended at the end thereof by adding the following new subparagraphs:

"(Q) In order to be eligible to receive funds under this paragraph, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act.

"(R)(i) Vocational training provided under this paragraph shall be provided only through the voucher system established under title IV of the Job Training 2000 Act.

"(ii) In addition to the training described in clause (i), other services provided under this paragraph may be provided through such voucher system.

"(iii) The State agency shall enter into the written agreement specified in section 403(b) of the Job Training 2000 Act relating to the administration of the voucher system. The State agency shall ensure that such agreement includes conditions necessary to monitor compliance with the requirements of this paragraph, including requirements relating to the mandatory participation of certain recipients.

"(5) The State agency shall participate in the operation of the skill centers established under title II of the Job Training 2000 Act as a party to the written agreement specified in section 206 of such Act. In accordance with the requirements of such section 206, the State agency shall—

"(i) ensure that participants in the programs under this paragraph who are determined to need vocational training shall, subsequent to such determination, be provided only through the skill centers the following services:

"(I) the core services described in section 203(a) of such Act, unless such services are excepted under section 203(c); and

"(II) those enhanced services described in section 203(b) that are specified in the agreement;

"(i) transfer such financial and non-financial resources as are available under this paragraph to the skill centers to provide the services described in clause (i) to participants in programs under this paragraph; and

"(iii) comply with the other requirements of such section 206."

SEC. 508. AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.

(a) CERTIFICATION REQUIREMENT.—(1) Section 435(a) of the Higher Education Act of 1965 (20 U.S.C. 10001 *et seq.*, hereinafter in this section referred to as "the Act") is amended by adding at the end thereof the following new paragraph:

"(4) An institution that offers a vocational training program as defined in section 5 of the Job Training 2000 Act, shall be eligible to participate in a program under this part for purposes of such training only if such vocational training program is certified as eligible to receive Federal vocational training funds under title III of such Act."

(2) Section 481(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) An institution that offers a vocational training program, as defined in section 5 of the Job Training 2000 Act, shall be eligible to participate in a grant, loan, or work assistance program under this title for purposes of such training only if such program is certified as eligible to receive Federal vocational training funds under title III of such Act."

(b) SKILL CENTER REFERRALS.—(1) Section 485(a)(1) of the Act is amended by adding at the end thereof the following new subparagraph:

"(M)(i) a statement of the requirement that any student that receives grant, loan, or work assistance under this title for vocational training, as defined in section 5 of the Job Training 2000 Act, shall be referred by the institution prior to enrollment in such training to a skill center established under title II of such Act;

"(ii) the skill center to which such student shall be referred; and

"(iii) the types of information and services available through such skill center."

(2) Section 487(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(13) In the case of any institution that offers vocational training, as defined in sec-

tion 5 of the Job Training 2000 Act, the institution certifies that all students that receive grant, loan, or work assistance under this title for such training are referred, prior to enrollment, to a skill center established under title II of such Act."

SEC. 509. REHABILITATION ACT AMENDMENTS.

The Rehabilitation Act of 1973 is amended by adding after section 18 the following new section:

"SEC. 19. CERTIFICATION REQUIREMENT.

"In order to be eligible to receive funds under titles I, III, and IV of this Act, a vocational training program must be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act."

SEC. 510. REFUGEE ASSISTANCE ACT AMENDMENTS.

Section 1522(c) of title 8, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) In order to be eligible to receive assistance under this subsection, a vocational training program shall be certified as eligible to receive Federal vocational training funds under title III of the Job Training 2000 Act."

SEC. 511. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS AMENDMENTS.

Section 236(a) of the Trade Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(10) The Secretary shall not approve any training program providing vocational training unless such program is certified as eligible to receive Federal funds under title III of the Job Training 2000 Act."

TITLE VI—EFFECTIVE DATE AND TRANSITION

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on July 1, 1993.

SEC. 602. TRANSITION PROVISIONS.

Each member of the Federal Council, in consultation with the Federal Council, may establish for programs under such member's jurisdiction such rules and procedures as may be necessary to provide for an orderly transition to and implementation of the requirements established under this Act and the amendments made by this Act.

SECTION-BY-SECTION ANALYSIS OF THE JOB TRAINING 2000 ACT

The Job Training 2000 Act would revise the Federal vocational training system to meet the Nation's workforce needs into the 21st Century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality vocational training programs, and a voucher system to enhance participant choice.

Currently, a myriad of programs administered by a number of Federal agencies offer vocational education and job training at a cost of billions of dollars each year. Services are disjointed, administration is inefficient, and few individuals—especially young, low-income, unskilled people—are able to obtain useful information on the quality of programs and the job opportunities or skill requirements in the field for which training is provided. Ineffective quality controls have allowed many unscrupulous proprietary institutions and others to obtain Federal funds without providing effective training.

The Job Training 2000 Act transforms this incoherent complex of programs into a vocational training system responsive to the needs of individuals, business, and the national economy. The Job Training 2000 ini-

tiative would be coordinated through the Private Industry Councils (PICs) formed under the Job Training Partnership Act (JTPA). PICs would oversee skill centers, certify (in conjunction with State agencies) Federally-funded vocational training programs, and manage the vocational training voucher system. Under this system, PICs would be accountable to Governors for their activities who, in turn, would report on performance to a Federal Coordinating Council. The Job Training 2000 Act would ensure a more rational, effective, and efficient system to meet the workforce quality needs of the Nation into the next century.

Section 1 of the bill provides that this Act is entitled the "Job Training 2000 Act."

Section 2 contains the Table of Contents.

Section 3 contains the Statement of Findings and Purpose of the Act. The purpose of the Act is threefold: first, to establish a network of local skill centers to provide a common point of entry for individuals to vocational training programs and thereby improve access, minimize duplication, and enhance the effectiveness of such programs; second, to establish a system for certification of vocational training programs, including certification by Private Industry Councils that such programs meet performance standards, to ensure that only high quality programs are eligible to receive Federal vocational training funds; and third, to establish a system of vocational training vouchers to enhance participant choice and, by promoting competition among service providers, improve the quality of training.

Section 4 authorizes appropriations to the Secretary of Education for allocation to the States and PICs to assist in carrying out their certification responsibilities. The authorization is \$50,000,000 in FY 1993 and such sums as may be necessary thereafter.

Section 5 contains definitions of terms that are used in the Act. The term "Private Industry Council" is defined as the Council established under section 102 of the Job Training Partnership Act.

The term "service delivery area" is defined as the area established under section 101 of the Job Training Partnership Act.

The term "State" is defined as any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands.

The section identifies which programs are included in the term "Veterans Vocational Training."

The term "vocational training" is defined as any program of instruction or applied learning, leading to other than a baccalaureate or advanced degree, that systematically develops the specific skills needed for employment in a current or emerging occupation or occupational cluster and leads to attaining proficiency on a pre-determined sets of skills and knowledge areas needed for such employment. Such training may include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and job placement. However, the primary purpose of such training must be attainment of the occupational-specific skills necessary for economic independence as a productive and contributing member of society. This definition builds on the definition of vocational education that is contained in the Carl D. Perkins Vocational and Applied Technology Education Act. The term vocational training is used to help identify which programs are to be certified under title III and which services are to be vouchered under title IV.

Title I contains the general provisions that are applicable to the Act. Part A of title I defines Federal responsibilities.

Section 101 establishes a Federal Vocational Training Council of Federal agency heads to oversee implementation of the Act, and promote consistent policies and information exchange among programs covered by the Act. Section 101(a) establishes the council and specifies that it shall consist of the agency heads, or their designees.

Section 101(b) specifies the composition of the Federal Council, which include the Secretaries of Labor, Education, Health and Human Services, Agriculture, and Veterans Affairs. The President may also designate other Federal agency heads to serve on the council.

Section 101(c) specifies that the position of Chair of the Federal Council must rotate among the Secretaries of Labor, Education, and Health and Human Services on a yearly basis, unless these Secretaries approve an alternative means of selection.

Section 101(d) contains the functions of the council. First, the council is to provide guidance and advice relating to the implementation of the requirements of this Act to affected Federal, State, and local agencies and organizations. Second, the Council is to ensure the application of consistent policies, practices and procedures in the operation of Federal vocational training programs, including, through waiver authority (described below), requiring the use of common terms, definitions and performance standards; the collection of common participant and program data; and the coordination (including the timing and sequence) and consolidation of required State and local plans and reports. Third, the council is to serve as a clearinghouse to exchange information relating to vocational training among Federal, State and local officials. Fourth, the council is to conduct a formal evaluation of the effect of the Act on individuals, institutions, agencies and labor markets. Fifth, the council is to oversee the implementation and administration of the Job Training 2000 Act. Finally, the council is to carry out other responsibilities as specified in the Act.

Section 101(e) authorizes the members of the Federal Council to waive regulations or provisions of law under such member's jurisdiction that would prevent the application of consistent practices and procedures relating to common terms, definitions, and performance standards; common participant and program data; and the coordination and consolidation of required State and local plans and reports. The waivers may not alter the purposes or goals of the affected program; eligibility requirements; the allocation of funds under the program; or any law respecting public health or safety, civil rights, occupational safety and health, or environmental protection. The authority for granting waivers is in effect for three years, and before the end of this period, the Federal Council must submit a report and make recommendations to the President based on these consolidation activities.

Section 101(f) authorizes the council to prescribe rules and regulations and to request and accept agency contributions of services, personnel, facilities, and information to assist the council in the performance of its functions.

Section 101(g) requires that upon request of the Council Chair Federal agencies are to make resources available to assist the Federal Council in carrying out its responsibilities.

Section 101(h) requires that, not later than five years after the effective date of the Act,

the council submit a report to the President containing the results of the evaluation of the effect of the Act and such recommendations as the council deems appropriate. Not later than 30 months after the effective date of the Act, the Federal Council must submit an interim report to the President and the Congress describing the progress to date in implementing the Act.

Section 102 establishes a National Private Sector Advisory Board on Vocational Training that would provide greater private sector guidance and involvement in vocational training policy making and planning at the Federal level. The Board would advise the Federal Council regarding the carrying out of its responsibilities under the Act; increasing the involvement of the private sector in vocational training programs; and ways of ensuring that the Federal vocational training system meets labor market needs. The Advisory Board is comprised of 15 members appointed by the President. In appointing the Board, the President may consider including representatives of the private sector; representatives of educational agencies, welfare and social service agencies, labor organizations, and vocational rehabilitation, or community-based organizations; and participants in vocational training programs and other individuals who have special knowledge and qualifications with respect to vocational training. The business representatives, who may be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility, are to constitute a majority of the membership of the board. Members of the Board are to serve for such terms as the President may prescribe.

The Chairman of the Private Sector Advisory Board is to be selected by the President. The time, place, and manner of meeting, as well as Board operating procedures, is to be determined by the Board. The Board is authorized to use the services, personnel, facilities, and information of the Federal Council in carrying out its functions.

Part B of title II provides for the establishment of a Human Resource Investment Council in each State. The Council would promote Statewide coordination of certain federally-assisted human resource programs by replacing separate existing State councils with a single State advisory body.

The State Human Resource Investment Council would advise the Governor regarding programs under the Adult Education Act, the Carl D. Perkins Vocational and Applied Technology Education Act, JTPA, the Rehabilitation Act of 1973, the Wagner-Peyser Act, JOBS, Food Stamp Employment and Training, student financial aid assistance under Title IV of the Higher Education Act, Veterans' Vocational Training, and other programs designated by the Federal Council. Under current law, there is no State advisory council for programs under the Rehabilitation Act, JOBS, the Higher Education Act, Veterans' Vocational Training or Food Stamp Employment and Training. There are separate State councils authorized for programs under each of the other Acts.

Section 111(a) provides that each State that receives assistance under the applicable Federal programs would establish a single State council to review the provision of services and use of resources and advise the Governor on methods of coordinating the programs. The council would also provide advice to the Governor on the development and implementation of State and local standards and measures relating to the programs.

Section 111(b) provides that the membership of the council is to be appointed by the Governor, and be comprised of representatives of business and industry (who must comprise a majority of the membership of the council), representatives of organized labor and community-based organizations, chief administrative officers in State agencies administering the applicable programs and other representatives of State entities, and representatives of local governments, local educational, and welfare agencies, and individuals with special expertise.

Subsection (c) of this section authorizes the council to obtain the services of personnel to carry out its functions. Subsection (d) provides that the State certify to the Secretary of Labor the establishment and membership of the council 90 days before the submission of a Job Training 2000 plan. Subsection (e) lists the applicable programs under the council's jurisdiction, which were described above.

Part C of title I specifies additional State responsibilities under the Act.

Section 121 requires each Governor to biennially issue a statement of goals and objectives for the Job Training 2000 system established in the State. This statement is to assist the Private Industry Councils in preparing their Job Training 2000 Plans and must be disseminated to each PIC within the State and to other interested agencies, organizations and individuals.

Section 122 specifies State reporting requirements under the Act. Each Governor must submit to the Federal Council an annual report relating to the activities undertaken within the State pursuant to this Act. The report is to include information on the achievement of the goals established by the Governor, information on the performance of skill centers in the State, data on the performance of vocational training programs, and information from the PIC reports. The Council may also request other reports from the Governors.

Section 123 describes the Governors' oversight responsibilities under the Act, which include monitoring, providing technical assistance and applying sanctions, when necessary. Each Governor must monitor the compliance of the PICs within the State with the requirements of the Act, and provide technical assistance deemed necessary to assist the PICs in carrying out their responsibilities (JTPA technical assistance funds may be used for such purpose). If the Governor determines, as a result of a financial and compliance audit or otherwise that there is a substantial violation of the requirements of this Act by a PIC and corrective action is not taken by such PIC, the Governor must issue a notice of intent to revoke all or part of the Job Training 2000 plan or impose a reorganization plan, which may include restructuring the PIC or making other changes the Governor determines to be necessary to secure compliance. Both a Governor's notice of intent to revoke a plan and a Governor's imposition of a reorganization plan may be appealed to the Secretary of Labor.

The Act assigns to PICs major new management responsibilities. PICs currently are the private/public governing board that oversees local job training programs under JTPA. A majority of PIC members must be from the private sector. Under the Job Training 2000 Act, the benefits of business community input, now available only to JTPA, would be extended to other Federal vocational training programs. Through overseeing skill centers, certifying vocational training programs, and managing the vouch-

er system, PICs would have the key role in the local delivery of vocational training funded by the Federal Government.

The oversight authority provided to the Governors under the previous section and under the plan approval procedures described below ensure that the PICs receive assistance when needed and that if the PICs are unable to comply with the requirements of the Act, a reorganization plan or other measures are available to assure that these responsibilities will be effectively carried out.

Part D of title I specifies local planning and reporting requirements under the Act. The planning requirements are continued in section 131 and the reporting requirements in section 132. Section 131(a) provides that a Job Training 2000 plan must be submitted by each PIC to the Governor. In preparing the plan, the PIC must consult with representatives of Federal vocational training programs and local public and private providers of services to such programs. These programs include JTPA, JOBS, the Employment Service, Food Stamp Employment and Training, Vocational Education, Pell Grants, Guaranteed Student Loan, Rehabilitation Act programs, and veterans vocational training programs. The PIC must also consult with representatives of local business, labor, education and community-based organization and other interested individuals and organizations.

The PIC is responsible for preparing the Job Training 2000 plan in a manner that promotes that application of consistent policies, practices and procedures among Federal vocational training programs. It is expected that the Job Training 2000 plan will be the foundation for the preparation of the plans of other participating programs, reducing reporting requirements in these other programs.

Section 131(b) describes the contents of the Job Training 2000 plan. First, the plan must describe the procedures used to designate the skill centers authorized under title II of the Act and include a copy of the Charter designating the skill centers. Second, the plan must describe the procedures used to develop and administer the written agreement between the skill centers and participating programs and include a copy of the agreement. Third, the plan must describe the procedures to be used to monitor the performance of the skill centers and the measures to be taken to improve performance. Fourth, the plan must describe goals and objectives, in addition to the performance standards, for the operation of the skill centers. Fifth, the plan must describe the procedures for implementing the certification system authorized under title III of the Act. Sixth, the plan must describe the goals and objectives for the operation of the voucher system. Seventh, the plan must describe the procedures for implementing the voucher system authorized under title IV of the Act. Eighth, the plan must describe the goals and objectives for the operation of the voucher system. Finally, the plan must include such other planning information as the PIC (in consultation with representatives of Federal vocational training programs and local providers of services) deems appropriate and such information as the Governor deems appropriate relating to the activities carried out under the Act during the preceding two-year period.

Section 131(c) describes the review and approval process for the Job Training 2000 plan. The plan must be made available to the representatives of the programs and organizations that were consulted with in developing

the plan, and to the general public for review and comment prior to submission to the Governor. The plan is to be submitted to the Governor for approval and to the State Human Resource Investment Council for review. The Governor must approve the plan unless the Governor determines that: it does not comply with the Act or other laws; the plan lacks sufficient provisions to ensure coordination or minimize the duplication of services; or the PIC did not engage in sufficient consultations with representatives of the community or Federal vocational programs in preparing the plan.

The Governor must approve or disapprove the plan within 30 days after the plan is submitted, and a disapproval may be appealed to the Federal Council, which makes the final decision of whether the Governor's disapproval complies with the conditions for disapproval. If the plan is disapproved, the PIC must be provided an opportunity to modify the plan as necessary to obtain approval. If a modification is not submitted by the PIC within 45 days after a notice of disapproval or denial of an appeal, the Governor must impose a reorganization plan, which may include restructuring the PIC or making such other changes as the Governor determines to be necessary to ensure the submission of an approvable plan. If any of these actions are taken by the Governor, they may be appealed to the Secretary of Labor, who must make a final decision on the appeal within 60 days.

If a plan is approved by the Governor, it is to be submitted to the Secretary of Labor to determine compliance with the Act and if no action is taken by the Secretary within 30 days, the plan becomes effective.

Section 132 requires each PIC to submit to the Governor and the State Human Resource Investment Council an annual report relating to the activities undertaken in the service delivery area pursuant to the Act. The report would indicate the progress that is being made toward achieving the Job Training 2000 goals and objectives established by the Governor. It is to contain operational, performance, and other information required by the Governor in consultation with the Federal Council.

Title II provides for the establishment of a network of local skill centers. Skill centers would replace the dozens of entry points to vocational training now in place in each community and provide a "one-stop shopping" point for individuals to enter the Federal job training system.

Section 201 specifies that the purpose of the skill centers is to improve access of individuals to vocational training by designating local common points of entry to vocational training programs; better inform individuals regarding employment opportunities, local labor market conditions and the performance of local vocational training programs; facilitate the matching of local employers with potential employees who meet hiring qualifications and workforce skill needs; and encourage greater coordination and minimize duplication of services between federally funded vocational training programs.

Section 202 requires each PIC to designate a network of skill centers in each service delivery area. Any entity or consortia of entities located in the service delivery area, including Employment Service offices, community colleges, community-based organizations, JTPA administrative entities, and other interested organizations or institutions, may apply for designation as a skill center.

Section 203 describes the functions of skill centers, including core services and en-

hanced services. Core services that skill centers must make available include preliminary assessment of skill levels and service needs; information relating to local occupations in demand and the earnings and skill requirements for such occupations; information relating to youth and adult apprenticeship opportunities; information relating to local, regional and national labor markets; career counseling and career planning; employability development; information relating to Federally funded education and job training programs; information relating to performance of vocational training programs available within the service delivery area; intake for participating programs; referrals to agencies and programs providing basic skills and adult literacy services, vocational training, and supportive services; referrals to local employment opportunities; accepting job orders submitted by employers; issuance of vocational training vouchers; and job search and placement assistance.

Enhanced services that skill centers may make available, in accordance with the written agreement, include comprehensive and specialized assessments of the skill levels and service needs, using tests and other assessment tools; development of service strategies and employability development plans; case management for individuals participating concurrently in more than one program; follow-up job counseling for individuals placed in training or employment; and other services as specified in the agreement.

Skill centers may also provide specialized services to employers on a fee-for-service basis, including customized screening and referral of individuals for employment; customized assessment of skill levels of the employer's current employees; and analysis of the employer's workforce skill needs. Program income received from the fees charged employers must be used to expand or enhance skill center services.

Section 204 lists participating programs in the skill centers. Programs that must participate include JTPA title II, Job Corps, the Employment Service, JOBS vocational training referrals, resources for Perkins Act post-secondary programs, Food Stamp Employment and Training vocational training referrals, Veterans' Employment Service, and student financial assistance programs under Title IV of the Higher Education Act. Other programs providing basic skills, support services, literacy or vocational training, such as basic skills and secondary education under the JOBS program, the JTPA Dislocated Workers Program, Trade Adjustment Assistance, Adult Education, and Vocational Rehabilitation, may participate in the operation of a skill center as a party to the agreement if the PIC and the other participating programs approve their participation.

Section 205 describes the designation procedures for skill centers. Section 205(a) requires the PIC to publish in a manner that is generally available, information to notify organizations and individuals in the service delivery area of the application procedure to seek designation as a skill center; the consultation process that will be conducted; the criteria for selection that will be used; and other information deemed relevant to the designation and administration of the skill center.

Section 205(b) requires the PIC to conduct a consultation process to obtain information and advice regarding the designation of skill centers. The consultations may include meetings, conferences, requests for written comments and other opportunities for providing views. The consultations are to be

conducted with local elected officials, community and business leaders, representatives of voluntary organizations, representatives from the participating programs, service providers, and other interested organizations and individuals.

Section 205(c) contains the selection criteria for designation of skill centers. PICs, in accordance with Federal Council guidelines, must use objective criteria and methods in assessing applications for designation as a skill center. An applicant may not be designated as a skill center unless such applicant demonstrates to the satisfaction of the PIC its ability to provide skill center services; serve the general public and provide barrier free access to individuals with disabilities; utilize automated information systems; establish linkages with the State Occupational Information Coordinating Committee; provide services effectively to disadvantaged populations; and meet such other requirements as the PIC deems appropriate.

Section 205(d) provides that the PIC is to issue a charter designating the skill centers in the service delivery area. The charter, which provides the operating guidelines for the management of the skill centers, is to indicate the number and location of the skill centers; identify the entity or entities administering the skill centers; specify the term of the Charter; and include such other conditions as the PIC determines is appropriate.

Section 206 describes the written agreement that the skill centers must enter into with the PIC and participating programs concerning the operation of the centers.

Section 206(a) specifies that the Governor is responsible for overseeing the development of the agreement and ensuring the agreement meets the requirement of section 206. Participation of Higher Education Act programs (such as Pell Grants and Guaranteed Student Loans) is limited to referral of students to skill centers. Part D of title II of the Carl D. Perkins Act is also exempted from being party to the agreement because the program's participation in skill centers is limited to issuance of vouchers for vocational training.

Section 206(b) describes the contents of the agreement. The agreement must contain assurances that (except as noted below) participating programs will provide only through the skill centers all core services and those enhanced services which are specified in the agreement. The agreement must also specify methods for referral of individuals by the skill centers to appropriate services and programs; methods of administration, including provisions for monitoring and oversight of the skill centers and the agreement; a description of how services (including the methods and test instruments to be used to assess the skill levels of individuals) are to be provided by the skill centers; the procedures to be used to ensure compliance with the statutory and regulatory requirements of the participating programs; a description of how the skill center would fulfill any compliance or reporting requirements of the participating programs; the duration of the agreement and the procedures for amending the agreement during its term; and such other provisions that the parties to the agreement deem appropriate.

Funding for skill centers would come from participating programs, with the specific financial and nonfinancial contributions of each participating program to be determined locally in the agreement between the PIC and participating programs. The determination is to be based on the types of services

provided and the number of participants of the respective programs that are served by the skill centers. Title V of this Act includes conforming amendments to the laws authorizing the participating programs and makes participation in the agreement and the transfer of sufficient resources to the skill centers requirements under such programs. Therefore, the measures available under each program to enforce requirements will be available to ensure that each participating program transfers sufficient resources to the skill centers at the local level.

Section 206(c) provides for exceptions to conditions covering the agreement. The agreement may allow core services relating to job listing and job placement to be carried out by the participating programs in addition to being provided by the skill centers. The agreement may also allow a participating program to directly provide one or more additional core services if the program is a voluntary participating program or the PIC determines that due to the geographic size or rural location of the service delivery area, the requirement that core services be provided only through the skill centers would unreasonably restrict access to core services by participants of the program. The requirement that services be provided through the skill centers, in the case of JOBS and Food Stamp Employment and Training, applies only to participants who have been determined by such programs to need vocational training, and only for services required subsequent to that determination.

Section 207 specifies performance standards for the skill centers. Section 207(a) requires the Secretary of Labor, in consultation with the Federal Council, to prescribe performance standards relating to skill centers, which must include placement, retention and earnings in unsubsidized employment; placement in appropriate vocational training programs; completion of training or achievement of educational objectives; and meeting the needs of the local labor market as described in the local plan. Other measures, such as the quality of services provided, may also be prescribed.

Section 207(b) allows a Governor, within parameters established by the Secretary of Labor in consultation with the Federal Council, to prescribe adjustments to the performance standards for the skill centers. Such adjustments may be based on specific economic, geographic and demographic factors in the State and in service delivery areas within the State; and the characteristics of the population to be served, including the demonstrated difficulties in serving special populations. A Governor may also prescribe additional performance standards for skill centers. The adjustments and additions prescribed by the Governor must be described in the annual report that is submitted to the Federal Council.

Section 207(c) addresses the failure of a skill center to meet performance standards. The Secretary of Labor, in consultation with the Federal Council, must establish uniform criteria for determining whether a skill center fails to meet performance standards. The PIC and the Governor must provide technical assistance to skill centers failing to meet performance standards. Each Governor must include in the report to the Federal Council the final performance standards and performance for each skill center within the State, along with the technical assistance to skill centers that was planned and provided. If a skill center continues to fail to meet performance standards for 2 consecutive program years, the Governor must notify the

Secretary and the skill center of the continuing failure, and direct the PIC to rescind the Charter designating the skill center and designate another entity as a skill center in accordance with the requirements of section 205. A skill center that is the subject of a re-designation may, within 30 days after receiving notice, appeal to the Secretary of Labor. The Secretary must issue a decision on the appeal within 30 days.

Section 207(d) authorizes the Governor to use incentive funds available under the Wagner-Peyser Act and JTPA to provide incentive grants to the skill centers for exceeding the performance standards established under this Act. These incentive grants may be used by the skill centers to increase or enhance services.

Title III establishes a certification system for Federal vocational training. This new certification system would preclude ineffective vocational training programs from receiving Federal funds. It is anticipated that the certification system will greatly enhance the quality of vocational training courses offered in each local area and result in course offerings that are much more responsive to the needs of local businesses and the realities of the local labor market.

The purpose of the certification system, as described in Section 301 is to: (1) ensure that only high quality vocational training programs are eligible to receive Federal funds; (2) establish performance standards to increase the effectiveness of vocational training programs; and (3) promote the availability of information on the local level regarding the performance of vocational training programs.

Section 302 provides that the Secretary of Education is to allocate funds appropriated for carrying out the certification system to the States and PICs based on factors that the Secretary, in consultation with the Federal Council, determines are appropriate.

Section 303 specifies that only a vocational training program that has been certified as meeting the requirements of this title is eligible to receive Federal funds under the specified covered programs. This ensures that only programs meeting certain quality performance standards will be Federally funded.

Section 303(b) lists the covered programs to which the certification requirement applies. To receive Federal vocational training funds under these programs, the training program must be approved by the State agency designated under Section 304. The covered programs are titles II and III of JTPA; the Food Stamp Employment and Training Program; JOBS; Perkins post-secondary vocational education; student financial assistance programs under Title IV of the Higher Education Act; Rehabilitation Act programs; Veterans Vocational Training; Refugee Assistance; and Trade Adjustment Assistance.

Section 304 requires that the Secretary of Education, in consultation with the Federal Council, prescribe performance standards for vocational training programs provided by institutions or other service providers that address: the financial responsibility of the institution conducting the program and the reasonableness of the program's costs; the rates of withdrawal by students from the program; the rates of student loan default; the rates of licensure of graduates (if appropriate); and the rates of placement and retention in employment and the earnings of graduates of the program. The standards will be sensitive to legitimate performance differences that result in programs enrolling es-

pecially hard-to-serve populations. The Secretary of Education, in consultation with the Federal Council, may prescribe additional standards based on other measures of the effectiveness of the program in meeting the special needs of disadvantaged populations and in preparing students for employment, including (where appropriate) the preparation of students to meet relevant industry skill standards. The standards may not be revised more frequently than once every two years.

Section 304(b) allows the PIC to modify the levels of the performance standards for successful performance if such modifications are approved by the Governor and the Secretary of Education, in consultation with the Federal Council.

Section 305 requires each State to designate an entity to serve as the single State agency to certify vocational training programs. If a single State agency has been designated to approve programs for purposes of Title IV of the Higher Education Act, that agency would be the designated agency for the purposes of certifying vocational training programs. The designated State agency is required to annually collect and analyze information from vocational training programs in the State on the program's performance with respect to the standards identified in section 304. The State agency must also issue guidelines relating to the procedures to be used by the PICs for certifying vocational training programs.

Section 305(b) requires each vocational training program that wants to be certified to submit an application to the State agency.

Section 305(c) requires that the State agency notify the appropriate Private Industry Council when a vocational training program submits an application requesting to be certified. Upon receipt of the notification, the PIC must certify to the State agency whether the vocational training program meets the performance standards of section 304. The PIC would use information collected and analyzed by the State agency and other information that the PIC deems appropriate in its certification of the vocational training program.

To carry out its certification responsibilities, a PIC may utilize the staff of the skill center or the staff of other entities or establish a consortium with other PICs.

Section 305(d) requires that the State agency approve the application submitted by the vocational training program once it receives the certification from the PIC (consistent with the State agency guidelines) that the program meets the performance standards established in Section 303. The certification remains in effect for two years from the date it was issued.

The State agency must require a recertification of a vocational training program whenever the ownership of a school providing certified vocational training changes, the State becomes aware of a substantial change in operations of the program, or when other information comes to the attention of the State agency that warrants a review of certification.

Under the Secretary of Education's guidelines, the State agency has the authority to suspend program certification on an emergency basis if such action is necessary to protect students or prevent misuse of Federal or State funds. In such case, the State agency must carry out an expedited recertification.

Section 305(e) requires the Governor to establish an appeal procedure for vocational

training programs to use if the PIC and the State agency deny an application for certification. The Secretary of Education is also to establish an appeal procedure to consider appeals denied by the Governor. In addition, the Secretary of Education is provided with the discretion to review certification decisions made by the PICs.

Section 305(f) requires that the Governor implement standards to ensure that no PIC engages in any conflict of interest in its certification responsibilities.

Section 305(g) requires the PIC to disseminate information relating to the performance of vocational training programs to the skill centers.

Title IV establishes a vocational training voucher system.

The purpose of the voucher system, as described in Section 401, is to enhance the choices available to participants in vocational training programs, and to promote competition among providers of vocational training, thereby enhancing the quality of training.

Section 402 identifies which services are to be vouchered. Vocational training and related services that are provided by a covered program are to be provided only through the voucher system established under this title. Related services refers to services that are provided by a single service provider as a package of services which includes vocational training. The covered programs are Titles II and III of JTPA; the Food Stamp Employment and Training Program; and Perkins Act Postsecondary Vocational Education.

In addition to vocational training and related services, covered programs may provide other services through the voucher system, as identified in the agreement required under section 403(b). In addition to the covered programs, other Federal vocational training programs may, consistent with the laws governing such programs, participate in the voucher system if the PIC approves such participation.

Section 403 requires that the PIC be responsible for overseeing the establishment and operation of the voucher system. PICs are required to consult with local providers of vocational training. After this consultation, the PIC must enter into a written agreement with the skill centers established under Title II of the Act and with the local agencies responsible for the covered programs identified in section 402(b) and any additional programs under section 403(d) specifying the conditions of the voucher system.

Section 404(a) requires that vouchers issued under this Title contain: an expiration date; the program of study for which the participant may use the voucher; the maximum dollar amount; a payment schedule and other conditions specified in the agreement reached under Section 403(b). Vouchers are only redeemable for programs certified under Title III of this Act.

Section 404(b) requires that at least twenty percent of the payment of the voucher be withheld from the service provider until the participant has successfully completed training and has been employed for at least ninety days. This will make full payment for vocational training dependent on successful performance.

Section 404(c) specifies that the amount of outstanding vouchers issued by a covered program may not exceed the amount of funds available to the program in the service delivery area under section 404(d). If a voucher is not redeemed by the expiration date, the voucher is invalid.

Section 405 contains the conditions governing on-the-job training (OJT) vouchers. An OJT voucher must contain an expiration date, a maximum dollar amount, a payment schedule, and specify a particular occupational area for which the voucher can be used. An OJT voucher is redeemable only by employers who have available positions approved by the covered program in the particular occupational area. The twenty percent withholding requirement does not apply to OJT vouchers. However, the limitation on outstanding amounts does apply.

Section 406 allows for vocational training and related services for a covered program to be provided through a contract instead of a voucher if the PIC approves a request submitted by the program. The basis for such request must be that there are insufficient providers of vocational training services in the service delivery area or that service providers are unable to provide effective services to special participant populations. The Governor may rescind the permission to contract for direct services if the Governor determines there was an insufficient basis for the PIC's findings.

Title V contains conforming amendments to legislation authorizing programs affected by the Job Training 2000 Act.

Section 501 contains conforming amendments relating to the State Human Resource Investment Council. Each of the Acts which authorize the applicable programs under the purview of the Council is amended. These amendments clarify the duties of the council with respect to each Act and provide for coordination of the programs by the council.

Section 502 contains conforming amendments to the Job Training Partnership Act.

Section 503 contains conforming amendments to the Wagner-Peyser Act.

Section 504 contains conforming amendments to the Veterans' training program under chapter 41 of Title 38, United States Code.

Section 505 contains conforming amendments to the Carl D. Perkins Vocational Education and Applied Technology Act.

Section 506 contains conforming amendments to the JOBS provisions of the Family Support Act.

Section 507 contains conforming amendments to the Food Stamp Act.

Section 508 contains conforming amendments to the Higher Education Act.

Section 509 contains conforming amendments to the Rehabilitation Act.

Section 510 contains conforming amendments to the U.S. Code relating to Refugee Assistance.

Section 511 contains conforming amendments to the relating to the Trade Adjustment Assistance provisions of the Trade Act of 1974.

Title VI provides that the effective date of the Act and the amendments made by this Act is July 1, 1993, which is the beginning of the Program Year for several Federal vocational training programs and States. This title also includes a provision that authorizes the respective Secretaries to establish transition rules for programs under their jurisdiction to facilitate the implementation of the Job Training 2000 Act.

By Mr. CRANSTON (for himself and Mr. METZENBAUM):

S. 2635. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit pur-

poses, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Finance.

SOCIAL SECURITY EQUITY ACT

• Mr. CRANSTON. Mr. President, I am pleased to introduce this bill, the proposed Social Security Equity Act of 1992, which is identical to legislation I introduced in the past four Congresses. This measure would incorporate the concept of earning sharing into the Social Security system. I am joined in sponsoring this legislation by the distinguished Senator from Ohio [Mr. METZENBAUM].

This bill is similar to earnings-sharing legislation which has been introduced in the House in past Congresses by Representative MARY ROSE OAKAR, who has served as the chair of that body's Select Committee on Aging's Task Force on Social Security and Women. Representative OAKAR has been a tremendous leader in the effort to reform the Social Security system in a manner that would adequately and equitably deal with the needs of older women. It is a great pleasure to continue to work with Representative OAKAR on this legislation.

Mr. President, the basic concept underlying earnings sharing is relatively simple: marriage for Social Security purposes should be and would be regarded as a partnership. In order to compute benefits, all of the earnings of a married couple would be combined and divided equally between the spouses upon retirement or divorce. Each member of the couple would then have established for him or her an individual Social Security account. Earnings acquired before or after a marriage would go into this individual account along with whatever share each member acquired during the marriage.

Mr. President, earnings sharing in Social Security would represent a major reform which obviously cannot be implemented overnight. But such an effort must begin now so that future generations of women will be adequately and equitably treated under the Social Security system. Social Security is vital to the security and well-being of millions of Americans—current retirees and disabled persons and future ones. This country has a major obligation to protect the system. But equally important is the obligation to make sure that the system remains responsive to the changing needs and roles within our population.

Over the years, the Social Security system has grown and responded to the changing needs in many ways, such as by the addition of disability coverage and the enactment of the Medicare Program. Earnings sharing is a concept that is part of that process of growth and responsiveness.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 2635

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Equity Act of 1992".

SEC. 2. SHARING OF EARNINGS BY MARRIED COUPLES.

(a) IN GENERAL.—Title II of the Social Security Act is amended by adding at the end the following new section:

"SHARING OF EARNINGS BY MARRIED COUPLES.

"SEC. 234. (a)(1) For purposes of determining the eligibility of an individual and the spouse of such individual for old-age and disability benefits and the amount of such benefits to which each is or may become separately entitled, the combined earnings of such individual and such spouse shall, to the extent that such earnings are attributable to the marriage period of such individual and such spouse (as determined under paragraph (2)), be divided equally between them and shared in accordance with this section.

"(2)(A) Except as provided in subparagraph (B), for purposes of this section, the term 'marriage period' means the period—

"(i) beginning with the first day of the calendar year in which the marriage of an individual and the spouse of such individual occurs, and

"(ii) ending with the last day of the calendar year preceding the earliest calendar year in which such individual or such spouse dies, they are divorced, or one of them files application for old-age or disability insurance benefits.

"(B)(i) No marriage period shall begin for any individual and the spouse of such individual if their marriage occurs after such individual or such spouse has filed an application for old-age insurance benefits.

"(ii) No marriage period shall include a period for which such individual or such spouse is entitled to disability insurance benefits or the waiting period (as defined in section 223(c)(2)) with respect to such benefits.

"(iii) A marriage period shall include the 'earliest calendar year' referred to in clause (ii) of subparagraph (A) for purposes of recomputations for that year under section 215(f)(2), in any case where an individual or the spouse of such individual dies or they are divorced, unless the survivor (where one of them dies) or either of them (where they are divorced) is remarried later in the same year.

"(b)(1) Except to the extent otherwise provided in subsections (c), (d), and (e), an individual and the spouse of such individual shall each be credited for all of the purposes of this title with wages and self-employment income, for each calendar year for which either of them is credited with any wages and self-employment income without regard to this section during their marriage period, in an amount equal to—

"(A) 50 percent of the combined total of the wages and self-employment income otherwise credited to both of them for that year if (at the close of the month for which the benefit determinations involved are being made) they are both still living, or

"(B) 100 percent of such combined total, up to but not exceeding the maximum amount

that may be counted for that year without exceeding the ceiling imposed for that year under section 215(e), if (at the close of such month) one of them has died.

"(2) Nothing in this section shall affect the crediting of wages and self-employment income to any individual for any calendar year not included in a marriage period of such individual; but to the extent that wages and self-employment income are credited pursuant to this section the other provisions of this title specifying the manner in which wages and self-employment income are to be credited shall (to the extent inconsistent with this section) not apply.

"(3) Except where the context requires otherwise, for purposes of this section, the term 'spouse' includes a divorced spouse, a surviving spouse, and a surviving divorced spouse.

"(c) Subsections (a) and (b) shall not apply with respect to the crediting of wages and self-employment income for any calendar year, in the case of any individual and the spouse of such individual, if—

"(1) as a result of the application of such subsections with respect to that year such individual or such spouse would cease to be a fully insured individual (as defined in section 214(a)); or

"(2) such individual or such spouse is applying for disability insurance benefits (or for the establishment of a period of disability) and as a result of the application of such subsections with respect to that year would cease to be insured for such benefits under section 223(c)(1) (or for such a period under section 216(i)(3)).

"(d) Subsections (a) and (b) shall not apply for purposes of determining the amount of the benefit payable to any individual for any month if—

"(1) the total amount of the wages and self-employment income credited to such individual for a marriage period, as determined without regard to this section, is higher than the total amount of the wages and self-employment income credited to such individual's spouse for that period, as so determined; and

"(2) such individual's spouse (taking subsections (a) and (b) into account) has not filed application for old-age or disability insurance benefits by the close of such month.

"(e) Notwithstanding any of the preceding provisions of this section—

"(1) benefits payable under subsection (d) or (h) of section 202 on the basis of the wages and self-employment income of any individual, and benefits payable under subsection (b), (c), (e), (f), or (g) of such section 202 (on the basis of such wages and self-employment income) to any person other than a spouse who has shared in or been credited with a part of such individual's earnings under subsections (a) and (b) of this section, shall be determined as though this section had not been enacted if—

"(A) the application of this section has changed such individual's primary insurance amount from what it would otherwise have been; and

"(B) the crediting of wages and self-employment income to such individual and the spouse of such individual without regard to this section would increase the amount of such benefits; and

"(2) in the application of section 203(a) (relating to maximum family benefits) with respect to benefits payable on the basis of the wages and self-employment income of any individual, where all or any part of the wages and self-employment income of such individual and the spouse of such individual was credited to them in accordance with this

section, the primary insurance amount of such individual (and the crediting of such wages and self-employment income) shall be determined in accordance with this section but the benefits payable to any other person on the basis of the wages and self-employment income of such individual shall be determined without regard to this section.

"(f) Notwithstanding any other provision of this title, no wife's, husband's, widow's, or widower's insurance benefit shall be paid to any individual for any month under subsection (b), (c), (e), or (f) of section 202, and no individual shall be entitled to any such benefit, unless—

"(1) the period of such individual's marriage (to the spouse or former spouse on the basis of whose wages and self-employment income such benefit is payable) ended before the effective date of this section;

"(2) such individual is under the age of 62 (and is otherwise entitled to such benefit);

"(3) such benefit is payable without regard to age and solely by reason of such individual's having a child in his or her care; or

"(4) the application of this section to such individual is prevented by subsection (c) or (d) (or by clause (i) or (ii) of subsection (a)(2)(B)).

"(g) For purposes of subsections (a)(2) and (d), an individual's application for old-age or disability insurance benefits shall be deemed to have been filed on the first day of the first month for which (by reason of the operation of section 202(j) or 223(b)) such individual is entitled to such benefits."

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(1) of the Social Security Act is amended by striking out "The wife" and inserting in lieu thereof "To the extent permitted by section 234(g), the wife".

(2) Section 202(c)(1) of such Act is amended by striking out "The husband" and inserting in lieu thereof "To the extent permitted by section 234(g), the husband".

(3) Section 202(e)(1) of such Act is amended by striking out "The widow" and inserting in lieu thereof "To the extent permitted by section 234(g), the widow".

(4) Section 202(f)(1) of such Act is amended by striking out "The widower" and inserting in lieu thereof "To the extent permitted by section 234(g), the widower".

(5) Section 205(c)(5) of such Act is amended—

(A) by striking out "or" at the end of subclause (I);

(B) by striking out the period at the end of subclause (J) and inserting in lieu thereof a semicolon and "or"; and

(C) by adding at the end the following new subclause:

"(K) to reflect any changes in the crediting of wages and self-employment income which may be necessitated by section 234."

(6) Section 215(b) of such Act is amended by adding at the end the following new paragraph:

"(5) The determination of the wages and self-employment income to be credited to an individual under this subsection shall in all cases be made after the application of section 234."

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall apply only to wages and self-employment income payable after December 31, 1992, to an individual who has not attained age 50 on or before such date, and only if—

(1) the spouse of such individual has not attained age 50 on or before such date; and

(2)(A) in the case of a benefit based upon the attainment by the wage earner of age 62,

such individual and such spouse attain age 62;

(B) in the case of a benefit based upon the death of the wage earner, such death occurs after December 31, 1992, and the individual claiming such benefit attains age 62; and

(C) in the case of a benefit described in subparagraph (A) or (B) with respect to a divorced individual and spouse, the divorce occurs after December 31, 2002.

(b) BENEFITS BASED ON DISABILITY.—In the case of a disability insurance benefit, and a widow's or widower's insurance benefit based upon disability—

(1) if an individual is entitled to such benefit before January 1, 1993, the provisions of this Act shall not apply—

(A) for the period for which such individual continues to be entitled to such benefit, and

(B) in the case of an individual who continues to be entitled to such benefit until age 62, for the period such individual is entitled to an old-age insurance benefit;

(2) if—

(A) an individual becomes entitled to such benefit after December 31, 1992, and before January 1, 2002; and

(B) the total benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based (determined without regard to the provisions of this Act) exceeds the total of benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based, and to the spouse of such individual, under the provisions of this Act,

the provisions of this Act shall not apply for the period during which the conditions of subparagraph (B) continue to be met and during which such individual (i) continues to be eligible for such benefit, or (ii) in the case of such an individual who continued to be eligible for such benefit until age 62, is entitled to an old-age insurance benefit.●

By Mr. THURMOND (for himself, Mr. McCAIN, Mr. SEYMOUR, and Mr. SHELBY):

S. 2636. A bill to amend title 10, United States Code, to provide the Secretary of the Army with the same employment authority regarding civilian faculty members of the Defense Institute Foreign Language Center as is provided regarding civilian faculty members of the Army War College and the U.S. Army Command and General Staff College; to the Committee on Armed Services.

EMPLOYMENT AUTHORITY WITH RESPECT TO CIVILIAN FACULTY MEMBERS OF CERTAIN DEPARTMENT OF DEFENSE INSTITUTIONS

Mr. THURMOND. Mr. President, on behalf of Senators McCAIN, SEYMOUR, and SHELBY, I rise to introduce a bill to provide the Secretary of the Army the same employment authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is allowed for civilian faculty members of the Army War College and the U.S. Army Command and General Staff College. The proposed bill has the support of the Department of Defense and has been agreed to by the Office of Personnel Management.

Mr. President, the Defense Language Institute Foreign Language Center is a

national resource which has no counterpart in the Western World. The Secretary of the Army is the executive agent tasked with operating the institution. Its mission is to provide language training in 71 different languages or dialects to our Armed Forces. This Institute also provides support to the White House, the State Department, the Nation's intelligence agencies, NATO and the Organization of American States. The typical student attendance is 4,000 per year, supported by a faculty of 800 who provide over 2,000 hours of daily instruction.

Because of the proficiency level required to meet the Defense needs, the civilian faculty of DLI, as the Defense Language Institute is known, must be of the highest caliber. Like most Federal institutions the instructors are managed under the civil service general schedule, with an exception enabling noncitizens to be employed as full-time permanent civil servants. Unfortunately, the civil service classification standards and salaries are too low to retain the top quality teachers needed to achieve graduate proficiency. The best teachers often use DLI as a stepping stone to better paying jobs. Internally, the only way success is rewarded is by promotion from the classroom to administration, where the higher paying positions are located.

This situation is not unique to the Defense Language Institute. Similar problems were identified in the Services' senior professional schools, such as the Army War College and the Command and General Staff College. To ensure that these academic facilities maintained their outstanding caliber of professors, the Congress, in the fiscal year 1990 national defense authorization bill, authorized the Service Secretaries to prescribe the compensation for these individuals. In the case of the Army War College, the Secretary of the Army established a faculty structure that mirrored the academic environment: Professor, associate/assistant professor, instructor. Pay bands were established for each of these positions. This formula vested rank, and therefore salary, in the person rather than in the position. The result was that it created a career ladder with incentives to increase professional educational qualifications. By all accounts, the fiscal year 1990 legislation accomplished its intended purpose and is a great success.

Mr. President, the legislation we are introducing today will extend this time-tested program to the Defense Language Institute. I am advised that any cost incurred to implement the program will be provided from current operating funds and that this cost will be offset by the savings achieved as a result of reduced faculty turnover.

Mr. President, this legislation is a good Government provision, that has the support of the Department of De-

fense. I urge my colleagues to support it.

By Mr. MCCAIN (for himself and Mr. MURKOWSKI):

S. 2637. A bill to increase housing opportunities for Indians; to the Select Committee on Indian Affairs.

INDIAN HOUSING OPPORTUNITIES

• Mr. MCCAIN. Mr. President, I rise to introduce the Indian Housing Development Act of 1992, along with Senator MURKOWSKI.

Before I begin my remarks, I would like to publicly express my appreciation to Senator MIKULSKI, Senator GARN, and their staffs for their efforts to secure and preserve increased funding for Indian housing. I know their efforts have given Indian people a renewed sense of hope that their housing needs have not been forgotten.

Sadly our treatment of Indian people more than our treatment of any other minority is perhaps best captured by that one word: forgotten. As I have said on other occasions, it seems to me that a strategy for American Indian and Alaska Native housing issues would be a natural component of any national housing policy. Unfortunately, the history of the Indian housing programs reveals a far different story.

While the majority of our Nation has been served under the public housing program since it was first established in 1937, American Indians and Alaska Natives were not declared eligible for Federal housing programs until 1961. And, in fact, a substantial number of Indian housing units were not authorized until the early 1970's. The office of Indian housing at the Department of Housing and Urban Development was not permanently established until 1978. Given the slow evolution of the Indian housing program, it is not hard to understand why there continues to be a substantial number of Indian families in need of safe, decent, and sanitary housing. The Bureau of Indian Affairs currently estimates that there are more than 88,000 Indian families who are in need of new or substantially rehabilitated dwelling units.

Compounding the problem of demand is the fact that many of the traditional solutions to urban and rural housing problems have proven to be largely unworkable on Indian reservations and Alaska Native villages. Moreover, rather than carefully assess alternative methods which might address the housing problems unique to Indian country, the Congress and the administration have often found it easier to simply carve out a set-aside in programs designed for urban and rural areas.

It was my hope that the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing would have submitted their final report by now. Unfortunately, although the committee had been previously advised that the final report would be

ready by April, it now appears that the report will not be available for distribution until later this year. It remains my hope that the final report will not simply be another recitation of the dismal statistics regarding unmet Indian housing needs, but that it will offer realistic alternatives for the improvement of current services and innovative strategies for providing housing to low- and moderate-income Indian families.

The bill I am introducing today seeks to continue and expand the effort at finding ways to meet the continuing demand for safe, sanitary, and decent housing in Indian country. I would like to highlight a couple of the key provisions contained in the bill. A section-by-section analysis of the entire bill is included at the end of my statement.

First, the bill would continue the current Indian housing authorization level of 3,000 units. The primary concern of Indian tribes continues to be the authorization level for the development of new housing units. In fact, many Indian tribes have expressed to members of the Select Committee on Indian Affairs that an authorization of 6,000 units of Indian housing would be more appropriate. I am concerned, however, that an authorization of 6,000 units would only succeed in raising the hopes of Indian people to unrealistic heights in light of current budget constraints. It is my belief that our collective energies could be better spent on sustaining previously successful efforts at obtaining at or near 3,000 units of Indian housing.

Second, my bill introduces for discussion the idea of consolidating the Housing Improvement Program at the Department of the Interior with the Indian Housing Program at the Department of Housing and Urban Development. I believe it is possible that such a consolidation will avoid the duplication of efforts that currently exist between the two programs and will also result in reduced administrative costs.

Perhaps the best example of the duplication that exists between the two programs is captured in the following budget justification for the Housing Improvement Program at BIA:

*** assist Indian tribes in working with the Department of Housing and Urban Development (HUD) and the Farmer's Home Administration (FmHA), federal agencies involved in providing Indian housing (emphasis added).

How can the administration or the Congress justify two Indian housing programs when the Indian housing program at one agency justifies its existence by helping Indian tribes take advantage of the Indian housing program at the other agency? I see no reason why the HUD Indian Housing Program cannot perform the entire job and—mark this—even save some administrative dollars in the process. I am offering this proposal for discussion, and I would hasten to point out to my

friends in Indian country that while I see merit in this proposal it does not represent a general belief on my part that there needs to be a wholesale division and transfer of BIA programs to other Federal agencies as some persons will have you believe.

Lastly, section 10 of the bill authorizes \$500,000 in grants to Indian tribal governments to obtain technical assistance. In the past, the Congress has seen fit to identify one organization as the repository for Indian tribes to secure such assistance. After thinking about this particular approach, I believe technical assistance is best arranged between a tribe and the service provider that can best meet their needs. The service provider is then made accountable to the tribe and is likely to deliver a higher quality of service in return. I do not believe any organization is entitled to Federal assistance which thereby establishes them as the sole provider; organizations should earn the trust of the constituency they seek to serve.

Mr. President, I ask unanimous consent that a copy of the bill and the section-by-section analysis to the bill be printed in the RECORD.

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

S. 2637

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Housing Development Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Indian tribes face an unprecedented crisis due to the lack of shelter for a growing number of individuals and families, including elderly persons, persons with disabilities, and families with children;

(2) the demand for Indian housing has become more severe and, in the absence of more effective efforts and consistent funding, is expected to become dramatically worse, endangering the lives and safety of Indian and Alaska Native people;

(3) the Federal Government has a historical and special legal relationship with, and resulting responsibility to, Indian tribes; and

(4) included within the relationship referred to in clause (3) is a trust responsibility to provide decent, safe, sanitary, and affordable housing to the members of Indian tribes residing on reservations.

SEC. 3. AUTHORIZATION.

Section 5(c) of the United States Housing Act of 1937 (42 U.S.C. 1437c(c)) is amended by adding at the end thereof the following:

"(9) Using the additional budget authority that becomes available during fiscal years 1993, 1994, 1995, and 1996, the Secretary shall, to the extent approved in appropriation Acts, reserve authority to enter into obligations aggregating, for public housing grants for Indian families under subsection (a)(2) of this section, an amount sufficient to provide 3,000 units of Indian housing for each such year."

SEC. 4. INDIAN HOUSING SET ASIDES.

Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437i) is amended by

adding at the end thereof the following new subsection:

"(g) INDIAN HOUSING FUNDS.—Notwithstanding any other provision of this Act, for those Indian housing authorities which, effective October 1, 1992, own or operate less than 250 public housing dwelling units, there shall be set aside and available for use by such Indian housing authorities 7 percent of all funds appropriated in any fiscal year for use in connection with the Comprehensive Improvement Assistance Program pursuant to an authorization under this Act. Funds so set aside shall be in addition to any other funds authorized to be provided to such Indian housing authorities by this Act."

SEC. 5. ELIGIBLE INDIANS.

Title II of the United States Housing Act of 1937 is amended by adding immediately after section 205 the following new section:

"FEDERALLY RECOGNIZED TRIBES

"SEC. 206. (a) LIMITATION.—For purposes of this Act, the programs and assistance authorized by this Act for Indian families shall be available after the date of the enactment of this section only to members of federally recognized Indian tribes who reside on Indian reservations.

"(b) DEFINITIONS.—For purposes of this section, the terms 'Indian', 'Indian tribe', and 'Indian reservation' shall have the same meaning as that provided in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903).

"(c) EXCEPTIONS.—Subsection (a) shall not be construed as prohibiting or otherwise affecting any assistance provided to a family served by an Indian housing authority on the date of the enactment of this section."

SEC. 6. CERTAIN WAGE RATES NOT APPLICABLE.

(a) WAGE RATES.—After the date of the enactment of this Act, the provisions of the Davis-Bacon Act (40 U.S.C. 276a) shall not be applicable to any construction, alteration, or repairs, including painting and decorating, carried out pursuant to any contract entered into after the date of the enactment of this Act, except as provided in subsection (b), in connection with any housing project of 40 units or less involving Indian housing developed or operated by an Indian housing authority.

(b) EXISTING CONTRACTS.—The provisions of subsection (a) shall not affect any contract in effect on the date of enactment of this Act, or any contract that is entered into on or after such date of enactment pursuant to invitations for bids that were outstanding on such date of enactment.

SEC. 7. CERTAIN PROVISIONS OF THE UNITED STATES HOUSING ACT OF 1937 NOT APPLICABLE TO INDIAN HOUSING PROGRAMS.

After the date of the enactment of this Act, the provisions of subsection (h) of section 6 of the United States Housing Act of 1937 shall not be applicable to any Indian housing program or assistance authorized or provided by such Act.

SEC. 8. HOUSING IMPROVEMENT PROGRAM.

(a) PROGRAM.—The Secretary of Housing and Urban Development shall carry out the program of housing assistance to Indians transferred to the Department of Housing and Urban Development by subsection (c). The Secretary of Housing and Urban Development is authorized to modify or otherwise change such program to meet the goals set forth in subsection (b).

(b) GOALS OF PROGRAM.—The Secretary of Housing and Urban Development shall administer such program in a manner which will assure that the program provides for

renovations, repairs, and additions to existing Indian houses. In carrying out such repairs, the program shall provide repairs to houses that may remain substandard but need repairs for the health or safety of the occupants, and shall provide repairs to bring Indian houses to standard condition. It shall be the function of such program, among others, to benefit Indian families by providing decent, safe, and sanitary shelter, and reduce the health and social costs created by an unsafe and unsanitary environment.

(c) TRANSFER OF PROGRAM.—(1) There is transferred to the Department of Housing and Urban Development the Indian Housing Improvement Program of the Bureau of Indian Affairs, Department of the Interior.

(2) The provisions of paragraph (1) shall take effect on the expiration of the 180-day period following the date of the enactment of this Act.

(d) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the program transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of Housing and Urban Development. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(e) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the program transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such program, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(f) IN GENERAL.—(1) Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this section.

(2) Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of Housing and Urban Development to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) Positions whose incumbents are appointed by the President, by and with the ad-

vice and consent of the Senate, the functions of which are transferred by this section, shall terminate on the effective date of this section.

(g) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of the program which are transferred under this section; and

(2) which are in effect at the time subsection (c)(1) of this section takes effect, or were final before the effective date of subsection (c)(1) of this section and are to become effective on or after the effective date of subsection (c)(1) of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Housing and Urban Development, or other authorized official, a court of competent jurisdiction, or by operation of law.

(h) PROCEEDINGS NOT AFFECTED.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Department of the Interior at the time subsection (c)(1) of this section takes effect, with respect to the program transferred by such subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(i) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced before the effective date of subsection (c)(1) of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(j) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of the Interior, or by or against any individual in the official capacity of such individual as an officer of the Department of the Interior, shall abate by reason of the enactment of this section.

(k) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Department of the Interior relating to the program transferred under this section may be continued by the Department of Housing and Urban Development with the same effect as if this section had not been enacted.

(l) TRANSITION.—The Secretary of Housing and Urban Development is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department of the

Interior with respect to the program transferred to the Department of Housing and Urban Development by this section; and

(2) funds appropriated to such program for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(m) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Secretary of the Interior with regard to the program transferred by this section, shall be deemed to refer to the Secretary of Housing and Urban Development; and

(2) the Department of the Interior with regard to the program transferred under this section shall be deemed to refer to the Department of Housing and Urban Development.

SEC. 9. INDIAN HOUSING AUTHORITIES.

Notwithstanding the provisions of section 201(b)(2) of the United States Housing Act of 1937, the provisions of sections 572, 573, 574, 581, and 957 of the Cranston-Gonzalez National Affordable Housing Act shall be applicable, effective on the date of enactment of this Act, in the case of public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority in the same manner and to the same extent as if section 201(b)(2) of the United States Housing Act of 1937 had not been enacted into law.

SEC. 10. TECHNICAL ASSISTANCE.

(a) TECHNICAL ASSISTANCE GRANTS.—The Secretary of Housing and Urban Development is authorized to make grants to Indian tribes for use by such tribes in obtaining technical assistance in connection with Indian housing programs.

(b) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Housing and Urban Development \$500,000 to carry out the provisions of subsection (a).

SECTION-BY-SECTION ANALYSIS TO THE INDIAN HOUSING DEVELOPMENT ACT OF 1992

Section 1. Short title.

Section 2. Congressional findings.

Section 3. This section increases the budget authority sufficient to provide 6,000 units of Indian housing per year through FY '96. The current authorization—which is set to expire this year—provides for 3,000 units per year.

Section 4. This section codifies current administrative practice with regard to setting aside a specific allocation of Comprehensive Improvement Assistance Program funds for Indian housing authorities.

Section 5. (a) provides that only federally-recognized Indian tribes would be eligible for the HUD Indian housing program. Currently HUD does provide services to some state-recognized tribes. This section would make the HUD Indian housing program consistent with other federal Indian programs which provide services only to members of federally recognized tribes. State-recognized tribes which are currently being served by HUD would not be terminated as a result of this section.

(b) sets forth the definitions of key terms used in this section.

(c) provides that any family currently being served will continue to be eligible for services even if they are members of a state-recognized tribe.

Section 6. (a) provides that the prevailing wage rate shall not apply to an Indian housing project with 40 units or less.

(b) provides that existing contracts, contracts signed on the date of enactment or invitations for bids issued before the date of enactment shall not be affected by this section.

Section 7. This section makes technical changes to the 1937 Housing Act. Section 6(h) of the 1937 Act requires that an IHA first demonstrate that it is unable to acquire or rehabilitate an existing unit before it can develop any new units. This section would make 6(h) inapplicable because of the virtual non-existence of private market housing available for acquisition on Indian reservations. This section would not prohibit an IHA from acquiring or rehabilitating existing units if they are available.

Section 8. This Section transfers the existing Housing Improvement Program currently within the Bureau of Indian Affairs to the Department of Housing and Urban Development.

Section 9. Sections 572, 573, 574, 581, and 957 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. No. 101-625, November 28, 1990) are not applicable to Indian housing authorities (IHAs) because the requirements of Section 201(b)(2) of the U.S. Housing Act of 1937 (the 1937 Act) were not met. That section states:

"No provision of title I (or of any other law specifically modifying the public housing program under title 1) that is enacted after the date of the enactment of the Indian Housing Act of 1988 shall apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority unless the provision explicitly provides for such applicability."

The sections are:

573—(a) changes the definition of "family" to include single persons;

(b) states that amounts not actually received by the family may not be considered as income;

(c)(1) increases adjusted income deductions from \$480 to \$550;

(2) permits a medical expense deduction for non-elderly families;

(3) excludes from income calculations 10 percent of the earned income of a family and permits a deduction of the lesser of the amount of child support or maintenance or \$550 for each individual for which the payor provides support.

Please note that Section 573 (b) and (c) provisions are effective only if approved in appropriations acts.

574—States that the temporary absence of a child from the family who is placed in foster care shall not affect the determination of family composition or family size under the 1937 Act.

581—Numerous amendments to the Public Housing Drug Elimination Act of 1988.

957—Subject to approval in appropriations acts, any assisted housing participant who was unemployed and subsequently becomes employed shall have any rent increase that results from such employment capped at 10 percent per year for three years.

Each section cited above is already law for the public housing program.

Section 10. This section authorized technical assistance grants to be made to Indian tribes. Tribes may then purchase technical assistance from the provider of choice.●

ADDITIONAL COSPONSORS

S. 127

At the request of Mr. CRANSTON, the name of the Senator from North Caro-

lina [Mr. SANFORD] was added as a cosponsor of S. 127, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health-care, education, housing, and insurance programs; and for other purposes.

S. 873

At the request of Mr. BOREN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 873, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives.

S. 914

At the request of Mr. GLENN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 1178

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana [Mr. BREAU] was added as a cosponsor of S. 1178, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenditures for vehicles which may be fueled by clean-burning fuels, for converting vehicles so that such vehicles may be so fueled, or for facilities for the delivery of such fuels, and for other purposes.

S. 1627

At the request of Mr. FORD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1627, a bill to amend section 615 of title 38, United States Code, to require the Secretary of Veterans Affairs to permit persons who receive care at medical facilities of the Department of Veterans Affairs to have access to and to consume tobacco products.

S. 1786

At the request of Mr. BAUCUS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1786, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1996

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1996, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes.

S. 1998

At the request of Mr. EXON, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1998, a bill to adopt the Airline Consumer Protection and Competition Emergency Commission Act of 1991.

S. 2064

At the request of Mr. HATFIELD, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2064, a bill to impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2103

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2104

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2104, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physical assistance, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2106

At the request of Mr. CRANSTON, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2117

At the request of Mr. SASSER, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2117, a bill to ensure proper service to the public by the Social Security Administration by providing for proper budgetary treatment of Social Security administrative expenses.

S. 2277

At the request of Mr. COHEN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2277, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 2328

At the request of Mr. BROWN, the name of the Senator from Oklahoma

[Mr. BOREN] was added as a cosponsor of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2337, a bill to provide for the budgetary treatment of Medicare payment safeguard activities, and for other purposes.

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from Washington [Mr. GORTON] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs, to expand the Job Corps Program, and for other purposes.

S. 2489

At the request of Mr. DOMENICI, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2489, a bill to amend the Stevenson-Wylder Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes.

S. 2491

At the request of Mr. HATFIELD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2491, a bill to amend the Job Training Partnership Act to establish an Endangered Species Employment Transition Assistance Program, and for other purposes.

S. 2512

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2512, a bill to amend title 38, United States Code, to establish a program to provide certain housing assistance to homeless veterans, to improve certain other programs that provide such assistance, and for other purposes.

S. 2528

At the request of Mr. AKAKA, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from South

Carolina [Mr. HOLLINGS], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2528, a bill to amend chapter 37 of title 38, United States Code, to establish a pilot program for furnishing housing loans to Native American veterans, and for other purposes.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Washington [Mr. GORTON], the Senator from Michigan [Mr. LEVIN], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 251

At the request of Mrs. KASSEBAUM, the names of the Senator from Florida [Mr. GRAHAM], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Kansas [Mr. DOLE], the Senator from Nevada [Mr. REID], the Senator from Tennessee [Mr. GORE], the Senator from Virginia [Mr. WARNER], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. THURMOND], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. GLENN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 251, a joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Kansas [Mr. DOLE], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the names of the Senator from Illinois [Mr. SIMON], the Senator from West Virginia [Mr. BYRD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating the week of Jan-

uary 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. BURDICK], the Senator from Wisconsin [Mr. KASTEN], the Senator from Hawaii [Mr. INOUE], the Senator from Indiana [Mr. LUGAR], the Senator from California [Mr. CRANSTON], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE RESOLUTION 215

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 215, a resolution to amend the Standing Rules of the Senate to require that any pay increase for Members be considered as freestanding legislation and held at the desk for at least 7 calendar days prior to consideration by the Senate.

SENATE CONCURRENT RESOLUTION 112—AUTHORIZING THE PRINTING OF THOMAS JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE

Mr. FORD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 112

Whereas parliamentary bodies require written rules of order for their proceedings to be conducted fairly and efficiently;

Whereas the Senate's first code of rules provided that "every question of order shall be decided by the presiding officer, without debate";

Whereas Thomas Jefferson, serving as the Senate's second president from 1797 to 1801, prepared for his own guidance a manual of legislative practice that included, under 53 topical headings, precedents from major authorities on parliamentary conduct;

Whereas "Jefferson's Manual" set the framework for the evolution of the Senate's rules and procedures, served to inspire respect for parliamentary law in the new Nation, and stands as one of Jefferson's most enduring intellectual ventures;

Whereas "Jefferson's Manual" was first printed for the use of the Senate in 1801 and was subsequently published by the Senate on a regular basis from 1828 to 1975;

Whereas the House of Representatives in 1837 provided by rule, which still exists, that the provisions of "Jefferson's Manual" should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House"; and

Whereas April 13, 1993, marks the 250th anniversary of the birth of Thomas Jefferson and it is fitting on this occasion to honor Jefferson and the continued development of parliamentary law: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be

printed as a Senate document, the book entitled "A Manual of Parliamentary Practice for the Use of the Senate of the United States" by Thomas Jefferson (with the editorial assistance of the Senate Historical Office under the supervision of the Secretary of the Senate).

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 10,000 copies for the use of the Senate and House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives.

SENATE RESOLUTION 289—RELATING TO "RIGHTEOUS GENTILES" OF THE HOLOCAUST OF WORLD WAR II

Mr. D'AMATO (for himself, Mr. DECONCINI, and Mr. DURENBERGER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 289

Whereas Nazi Germany, from its birth, as a matter of policy, sought the apprehension, persecution, and death of all of Europe's Jews;

Whereas Nazi Germany brutally invaded and occupied much of Europe and engaged in the systematic destruction of Europe's Jewish population through an expansive network of concentration camps;

Whereas thousands of people risked their lives, many having been executed, only because they provided protection to innocent Jews;

Whereas over 500,000 Jews throughout Europe were rescued during the Second World War by these people, now known as "Righteous Gentiles": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the actions of those heroic men and women who risked their lives to protect their fellow man in so dangerous a time as the Holocaust of the Second World War;

(2) calls upon the President to issue a proclamation honoring these heroes for their actions in saving so many thousands of Jews in Europe during the Holocaust.

• Mr. D'AMATO. Mr. President, I rise today on the eve of the official day of the Holocaust commemoration, "Yom Hashoa," to submit a resolution honoring a group of men and women who have not received the attention they should have. All were heroes who fought to save the innocent from the greatest evil man has ever faced. Known by some as "Righteous Gentiles," these selfless people gave sanctuary and protection to thousands of Jews fleeing the Nazis as they ravaged Europe collecting Jews for the final solution.

The methods by which they saved the lives of Jews varied. Some provided shelter in their own homes, or in convents or churches. Other provided an array of false documents and passports. Still others operated underground

movements, transferring Jews on an ongoing basis to safe haven outside of the reach of the Nazis. All over Europe, civilian and military alike, people risked death by saving Jews from the gas chambers.

In Denmark, the underground was able to save nearly its entire Jewish community of 8,000. In Hungary, Raoul Wallenberg saved over 100,000 Jews. In France, Capuchin monk Marie-Benoit helped hundreds escape to Switzerland and Spain. In Lithuania, Sister Anna Borkowska helped the Jewish underground by hiding them in her convent and by smuggling arms to them. In Belgium, Abbe Joseph Andre, provided safe houses for the Jewish underground. In Poland, Dr. Jan Zabinski, the head of the Warsaw parks administration hid Jews in the zoo. Italian priests Monsignor Giuseppe Nicolini and Fathers Rufino Niccaci and Aldo Brunacci provided safe passage for hundreds of Jews passing through the Apennine Mountains. The Ukrainian Witold Fomienko, hid scores of Jews in the Lutsik region of Ukraine, despite the overwhelming threat to his life.

These brave, selfless heroes gave more than could have ever been expected of them. Many made the ultimate sacrifice—their lives—to save a people that were targeted for death. Their actions will live on in the memory of those whom they saved and in the history of the 20th century. In the midst of death and destruction, these daring few risked all for their fellow man. As it says in the Talmud, "Who-soever preserves one life is as though he has preserved the entire world." Let us honor those men and women who dared to stand up to the Nazis and say no. I urge my colleagues to join me in cosponsoring this resolution. •

SENATE RESOLUTION 290—REGARDING THE AGGRESSION AGAINST BOSNIA-HERCEGOVINA AND CONDITIONING UNITED STATES RECOGNITION OF SERBIA

Mr. PRESSLER (for Mr. DOLE, for himself, Mr. PELL, Mr. HELMS, Mr. D'AMATO, Mr. GORE, Mr. GORTON, Mr. PRESSLER, Mr. MCCAIN, Mr. BREAU, Mr. GARN, Mr. SEYMOUR, and Mr. MACK) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas from February 29–March 1, 1992, the Republic of Bosnia-Herzegovina held a referendum in which 99.7% of the citizens who participated voted for independence from the former Yugoslavia;

Whereas on April 6, 1992, the Republic of Bosnia-Herzegovina was granted diplomatic recognition by the European Community and on April 7, 1992, was recognized by the United States;

Whereas since April of 1992 the Serb-led Yugoslav Army and Serbian militants have been engaged in brutal military action

against the government and people of the Republic of Bosnia-Herzegovina resulting in the death of innocent civilians, the displacement of tens of thousands of persons, and the destruction of homes, schools, mosques, synagogues and churches;

Whereas the attack on Bosnia-Herzegovina follows aggression against the newly independent Republic of Croatia which resulted in the death of more than 10,000 people, the displacement of more than 700,000 persons, and the occupation of a significant portion of Croatia's territory;

Whereas the attacks on Bosnia-Herzegovina and Croatia by the Yugoslav Army and Serb militants constitute an attempt by the Government of the Republic of Serbia to alter borders by the use of force;

Whereas according to an official with the United Nations High Commissioner on Refugees, Serbian-led forces are delaying, diverting, and stealing humanitarian relief supplies donated to Bosnia-Herzegovina by the United States and other countries;

Whereas the Serbian government has maintained a brutal and repressive regime of martial law in Kosova and deprived the two million Albanians of Kosova of their political and human rights, including their right to self-determination;

Whereas Serbia's repressive policies in Kosova and the aggression of the Serb-led Yugoslav Army in Bosnia-Herzegovina and Croatia constitute serious violations of the Helsinki Accords and the Helsinki Final Act;

Whereas the United States, the European Community and the Conference on Security and Cooperation in Europe have condemned the aggression of the Serbian-led Yugoslav Army and Serbian irregulars, as well as the martial law regime in Kosova;

Whereas, on April 23, 1992, 25,000 Serbian citizens in Belgrade participated in an antiwar protest;

Whereas, extensive international diplomatic efforts, and the deployment of United Nations monitors and peacekeeping forces, have failed to achieve the withdrawal of Serbian-led forces and the restoration of peace in the Republics of Bosnia-Herzegovina and Croatia;

Whereas, the Socialist Federal Republic of Yugoslavia has ceased to exist: Now, therefore, be it

Resolved, That—

(1) The United States should hold accountable the Government of Serbia for the attacks on and occupation of the Republics of Bosnia-Herzegovina and Croatia, and for the extensive and systematic abuse of human rights in Kosova.

(2) The United States should withhold diplomatic recognition of Serbia and its ally Montenegro, who proclaimed themselves the "Federal Republic of Yugoslavia" on April 28, 1992, until Serbia ceases its aggression against the independent states of Bosnia-Herzegovina and Croatia; withdraws its forces from Bosnia-Herzegovina and Croatia; and halts its brutal repression of the Albanian people in Kosova and denial of the right to self-determination.

(3) The United States should actively encourage its allies to follow the same course.

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Mr. BUMPERS. Mr. President, the Subcommittee on Government Contracting and Paperwork Reduction of the Committee on Small Business has

scheduled a hearing for Thursday, April 30, 1992. The purpose of the hearing is to receive testimony regarding the implementation by the executive branch of the Small Business Competitiveness Demonstration Program, a 4-year test program which was authorized by title VII of Public Law 100-656, the Business Opportunity Development Reform Act of 1988. The hearing is to be held in the committee's hearing room, SR-428A, commencing at 10 a.m. The hearing will be chaired by Senator DIXON, chairman of the subcommittee.

Testimony is expected from two panels of witnesses. The first panel will consist of representatives of the Office of Management and Budget [OMB] and the Small Business Administration [SBA], who, in essence, will provide a preview of the statutorily required report on the results of the first 3 years of the demonstration program. OMB will be represented by the Administrator for Federal Procurement Policy, Dr. Allan V. Burman, whose office formulated the demonstration program's implementational details and is monitoring the activities of the participating executive agencies with respect to assessing the competitiveness of small business concerns to participate successfully in unrestricted Government contract competitions for services in certain designated industry groups. The SBA will be represented by the Deputy Associate Administrator for Finance, Investment and Procurement, Mr. Mitchell F. Stanley, who will provide SBA's assessment of the efforts of the participating agencies to expand small business participation in selected targeted industry categories which have historically demonstrated low rates of small business participation.

The second panel will consist of witnesses representing several of the industry groups designated for participation in the test program. Testimony is expected from Karen Hastie Williams, a former Administrator for Federal Procurement Policy and from a representative of the Associated General Contractors of America.

Further information concerning this subcommittee hearing may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 10 a.m., for a hearing on long-term care insurance standards and accountability.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. PELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, to hold a hearing on "Efforts To Combat Fraud and Abuse in the Insurance Industry: Part 5."

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

COMMITTEE ON FINANCE

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 29, 1992, at 10 a.m. to hold a hearing on the short-term and long-term needs of the Unemployment Compensation Program.

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

SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agricultural Taxation of the Committee on Finance be authorized to meet during the session of the Senate on April 29, 1992, at 2 p.m. to hold a hearing on farm tax fairness.

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

COMMITTEE ON THE JUDICIARY

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 9:30 a.m. to hold a hearing on the nomination of Lee H. Rosenthal, to be U.S. district judge for the Southern District of Texas, Joe Kendall, to be U.S. district judge for the Northern District of Texas, Richard H. Kyle, to be U.S. district judge for the District of Minnesota and Robert E. Payne, to be U.S. district judge for the Eastern District of Virginia.

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

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 10 a.m., to hold a hearing on "Cable Compulsory License, Part II."

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

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Justice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 10:30 a.m., to hold a hearing on "A New Focus on Prevention."

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

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, April 29, 1992, at 2 p.m., to hold a hearing on S. 2521.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., April 29 and 30, 1992, to receive testimony on S. 21, to provide for the protection of the public lands in the California Desert, H.R. 2929, the California Desert Protection Act of 1991, and S. 2393, a bill to designate certain lands in the State of California as wilderness, and for other purposes.

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

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet on Wednesday, April 29, 1992, at 2 p.m., in open session, to receive testimony on military construction; military base closures; and the Department of Defense role in community impact assistance in review of the amended defense authorization request for fiscal year 1993.

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

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Nancy N. Ray, a member of the staff of Senator HELMS, to participate

in a program in Taiwan, sponsored by the Soochow University, from April 19-25, 1992.

The committee has determined that participation by Ms. Ray in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Francesca Turchi, a member of the staff of Senator RIEGLE, to participate in a program in Taiwan, sponsored by the Soochow University, from April 19-25, 1992.

The committee has determined that participation by Ms. Turchi in this program, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Katherine Brunett, a member of the staff of Senator SIMPSON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs from April 11-26, 1992.

The committee has determined that participation by Ms. Brunett in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Stan Cannon, a member of the staff of Senator SIMPSON, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 14-20, 1992.

The committee has determined that participation by Mr. Cannon in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for David M. Wetmore, a member of the staff of Senator SEYMOUR, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 14-21, 1992.

The committee has determined that participation by Mr. Wetmore in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Elizabeth Stolpe, a member of the staff of Senator MURKOWSKI, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-19, 1992.

The committee has determined that participation by Ms. Stolpe in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mike Knapp, a member of the staff of Senator DOMENICI, to participate in a program in Taiwan, sponsored by the

Tamkang University, from April 13-20, 1992.

The committee has determined that participation by Mr. Knapp in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Linda McIntyre, a member of the staff of Senator WOFFORD, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 14-20, 1992.

The committee has determined that participation by Ms. McIntyre in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Denise Greenlaw Ramonas, a member of the staff of Senator DOMENICI, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-19, 1992.

The committee has determined that participation by Ms. Greenlaw Ramonas in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Carter Pilcher, a member of the staff of Senator BROWN, to participate in a program in China, sponsored by the United States-Asia Institute, from April 11-26, 1992.

The committee has determined that participation by Mr. Pilcher in this program, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Bryce Dustman, a member of the staff of Senator BURNS, to participate in a program in Taipei, sponsored by the Tamkang University, from April 13-20, 1992.

The committee has determined that participation by Mr. Dustman in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Donald Hardy, a member of the staff of Senator SIMPSON, to participate in a program in Singapore, sponsored by the United States-Asia Institute, from April 23-29, 1992.

The committee has determined that participation by Mr. Hardy in this program, at the expense of the United States-Asia Institute, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Charles Battaglia, a member of the staff of Senator SPECTER, to participate in a program in Italy, sponsored

by the United Nations International Scientific and Professional Advisory Council [UNISPAC] from March 25-28, 1992.

The committee has determined that participation by Mr. Battaglia in this program, at the expense of the UNISPAC is in the interest of the Senate and the United States.●

PARRY CENTER FOR CHILDREN DESERVES RECOGNITION AS A POINT OF LIGHT

● Mr. PACKWOOD. Mr. President, I rise today to recommend that the people of the Parry Center for Children in Portland, OR, be awarded a point of light for their long record of outstanding service to Oregon's children. The Parry Center is an example of dedicated people who have made a difference in thousands of lives.

The organization was formed in 1867 to care for children who have no place to go. Then, the center provided for orphaned children reaching the end of the Oregon Trail with wagon trains. This year the Parry Center celebrates 125 years of service with the theme, "125 Years * * * Continuing the Promise."

The center is continuing the promise by caring for society's vulnerable children—those who are severely emotionally disturbed. These children have suffered trauma as a result of such tragedies as abuse, neglect, a dysfunctional family environment, and substance abuse by family members.

The center cares for Oregon children from infancy to 18 years of age in a treatment program developed to successfully return them to productive life in society. Most of the children have gone on to be successful adults, and many return to visit the Parry Center.

More than 500 children and their families are served each year by hundreds of volunteers and a full-time staff of 85. Services like 24-hour residential treatment for critically disturbed children and outpatient therapy for sexually abused children are provided.

Children are the Nation's future and must be provided all the love and support they need to become active, contributing members of society. The Parry Center truly offers this love and support for children who have no place to go. The service of the devoted volunteers and staff of the Parry Center deserves recognition as a point of light.●

ONE OF OUR NATION'S BEST— WAIAKEA HIGH SCHOOL

● Mr. AKAKA. Mr. President, it is with great pride that I rise today to congratulate Waiakea High School on being selected one of our Nation's best schools by Redbook magazine. Waiakea High School, located on the big island of Hawaii, was bestowed this distinction along with 139 public secondary schools throughout our country.

Accolades and awards are not new to Waiakea—it is the norm, having been honored as a blue ribbon secondary school by the U.S. Department of Education in 1989. Waiakea has all the necessary components to spell success in education: a comprehensive athletic program, a proud and active student body, involved parents and community, a challenging curriculum, dedicated and competent faculty, and strong administrative leadership. It is the kind of school that we want our children and grandchildren to attend—it is the epitome of what works in public education.

Waiakea's list of accomplishments is impressive, and no one has to look any further than the campus itself for an indication of their high standards in every regard—it is immaculate. It is an environment conducive to learning and achieving, and it is evidence of the great pride and respect the students, faculty, and administration have for their school and for each other.

I would like to congratulate Mr. Danford Sakai, principal of Waiakea, on this most prestigious honor. Although Mr. Sakai attributes much of his school's success to his outstanding faculty and parents, and is thankful for the support of the Hawaii Department of Education Superintendent Charles Toguchi and District Superintendent Alan Garson, it is Dan Sakai's directorship, foresight, and commitment to excellence that guides Waiakea on the road to success.

Waiakea sets the standard for education. In one of its commendations, it was referred to as the "flagship of the fleet." I can think of no better words to describe Waiakea High School, as Mr. Sakai commands the helm. Congratulations on a job well done.●

DIPLOMATIC RECOGNITION OF SLOVENIA, CROATIA, AND BOSNIA-HERCEGOVINA

● Mr. JOHNSTON. Mr. President, I was very pleased to hear earlier this month that the administration had, at long last, decided to recognize the independence of Slovenia, Croatia, and Bosnia-Herzegovina. I am eagerly anticipating the establishment of full diplomatic relations with the three countries, and the first stages of what I trust will be a long and fruitful international association between our respective nations. My delight at the announcement of recognition was mitigated only by my conviction that the measure comes far later than it should have, and by reflection on the months of catastrophic losses in all of these countries that might possibly have been avoided or shortened by earlier action.

I do not mean to imply that I see the U.S. recognition as a cure for the hostilities that continue even as we speak—such a notion is naive and unrealistic. However, I am very hopeful, as

I know we all are, that this recognition and all that it symbolizes will be an important contribution to current efforts to end the fighting in that troubled region, and to help to build a lasting peace.●

SUNSWEEP GROWERS OF AMERICA

● Mr. SEYMOUR. Mr. President, it is with great pleasure that I rise today to bring to your attention the 75th anniversary of Sunsweet Growers, one of California's and America's finest and most successful cooperatives. Sunsweet has made considerable progress since its inception in 1917. Starting as a small cooperative, today it represents over 600 farming families. Sunsweet is the world's largest prune producer and handler with over \$200 million in annual sales in over 30 countries worldwide.

Sunsweet Growers' processing facility located in Yuba City, CA, employs more than 400 people who meet the growing demands and needs of both domestic and international markets. Sunsweet's Yuba City prune processing plant is the largest facility of its kind in the world with over 22 acres under its roof. The future indeed looks bright for another 75 years of success for Sunsweet, as more and more consumers become aware of the health benefits of a high fiber diet, and as new market opportunities develop worldwide.

I salute the dedicated members of Sunsweet Growers for their hard work and dedication on behalf of this successful cooperative. It is agricultural cooperatives such as Sunsweet Growers that deserve our recognition and respect for their years of commitment to producing a quality American product.●

HONORING MADAM MARIE ALBERT BLUM, THE HEROINE OF WEZEMBEEK, BELGIUM

● Mr. D'AMATO. Mr. President, I rise today, on the eve of the official day of the Holocaust Commemoration, "Yom Hashoa," to honor a special lady, Madam Marie Albert Blum.

Madam Blum, operated the "Home of Wezembeek," a former sanatorium, that at any given time, sheltered 50 to 100 Jewish children from the brutality of the Holocaust.

These children were housed, fed, educated, and most of all, hidden from the Gestapo. She went to great lengths to protect these innocent children, risking her life to protect them. Throughout the war, she smuggled children in and out of the home and into the hands of the underground or into other homes throughout Belgium.

If a child had reached the age of 16, he or she would be in danger of being seized by the Gestapo and shipped off to a concentration camp. She made sure that this did not happen. Her efforts in October 1942 proved this.

At that time, 58 boys and girls and 8 adults fleeing the Nazi onslaught were ordered to be deported to Auschwitz from Wezembeek. In this critical time, Madam Blum intervened, steadfastly refusing to allow the Germans to take them. With the help of Queen Elizabeth of Belgium, they were ultimately saved.

In August 1944, there was a final roundup of all of Belgium's Jews. Like the others, the children of Wezembeek were subject to the same call. Madam Blum hurriedly arranged for papers for all of the children and smuggled them out to safety.

Madam Albert Blum, now 78, has continued to watch over her children. She acts as the worldwide coordinator for Wezembeek's survivors of the Holocaust. While keeping a list of the names and addresses of these men and women, she serves as a vital coordinating link to the group's dwindling numbers.

The legacy left by this true heroine is the undying love and care one human being gave to a doomed people. She risked her life to save a people that were chased and hunted down only because they were Jewish. Madam Marie Albert Blum is a symbol of the best of humanity facing the most horrible of times.

Although long overdue, I wish to offer my thanks in behalf of the children of Wezembeek for her care and love. She will never be forgotten.●

TRIBUTE TO CALDWELL COUNTY HIGH SCHOOL

● Mr. McCONNELL. Mr. President, I rise today to recognize the academic and civic accomplishments of an aspiring group of Caldwell County High School students who proudly represented the Commonwealth of Kentucky during the recent national competition of "We the People . . ." the National Bicentennial program on the Constitution and Bill of Rights in Washington, DC.

In the early years of our Nation's development, Thomas Jefferson stated:

I know no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

As a national civics education program, "We the People . . ." exemplifies the belief that democracy's strength is founded on the knowledge and foresight of its citizens. The program's format teaches the tenets of our Constitution and Bill of Rights through critical analysis of democratic principles, active class discussions on current events, and community projects aimed at improving governmental participation.

Mr. Roy Rogers' Caldwell County High School student government dis-

plays the initiative and dedication upon which our Nation's pride is based. Their title as Kentucky's "We the People . . ." representative is only a small part of their accomplishments. During the 1991 fall elections, Mr. Rogers' students devoted their energies to delivering campaign literature on Republican and Democratic party candidates and to urging local citizens to register and vote. Through their tireless efforts, these students contributed to Caldwell County's ranking among Kentucky's top ten in voter turnout.

From their experiences in the "We the People . . ." program, this group of young Kentuckians developed a comprehensive view of the purpose and function of our governmental system which has better prepared them to address the future challenges of our State and country. Mr. President, it is with great pride that I present Kentucky's 1992 delegation to "We the People . . .": Suzanne Arbuthnott, Eddie Asher, Aaron Carner, David Carner, Mark Bumphus, Chris Ladd, Tracy Rogers, Shayne Haile, Jason Wilson, Brian McCormick, Whittni Cayce, Curtis Trimble, and Michael Johnson; Mr. Roy Rogers, instructor; Mr. Joe Gooch and Mr. Duane Bolin, congressional district coordinators; and Ms. Tami Dowler, State coordinator.●

TRIBUTE HONORING BRIG. GEN. JOHN O. MCFALLS III

● Mr. MCCAIN. Mr. President, on behalf of all Members of the U.S. Senate, it is my great pleasure to recognize Brig. Gen. John O. McFalls III, the deputy director of the Air Force's legislative liaison organization, for his distinguished service to the Senate, the Armed Services Committee, the U.S. Air Force, and to our Nation. For the past 2 years, the Senate has enjoyed the outstanding leadership and commitment to service demonstrated by General McFalls. During this period, the Air Force has done an outstanding job of providing complete and accurate information for use in congressional oversight of Air Force programs and has insured highly responsive replies to the many inquiries that Members of the Senate have forwarded on behalf of our constituents. In addition, General McFalls has enhanced the Air Force's understanding of congressional concerns regarding issues involving the Air Force. It has been the Senate's good fortune to have had a second generation of service from the McFalls family. General McFalls' father, Col. John O. McFalls, Jr., USAF retired, served with distinction as chief of the Air Force's Senate Liaison Office from 1967 to 1970. General McFalls is an inspiration to all who know him. My colleagues and I join in wishing General McFalls continued success in his new assignment as director of operations

and plans for the Air Training Command.●

IN SUPPORT OF A UNITED STATES DENIAL OF DIPLOMATIC RECOGNITION OF THE NEW YUGOSLAVIA

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of a resolution calling for the denial of United States diplomatic recognition to the new Yugoslavia, until certain steps are taken. Before we recognize the new entity, Serbia must end its war against its neighbors Croatia, Bosnia, and Slovenia and it must let Kosova go.

Serbia's declaration of April 28, 1992, proclaiming the new Yugoslavia is nothing more than the replacement of one Serbian terrorist regime with another. Its war of expansion and terror has resulted in the death of over 10,000 people. Serbia's treatment of Kosova's 2 million Albanians is not much better and serves as a flagrant example of tyranny at its worst.

Kosova's Albanians, still deprived of their independence, have been subjected to arbitrary shootings, summary arrests and administrative detention without charge, forced job loss, and numerous other obscene violations of their human rights. The Albanians of Yugoslavia certainly deserve better.

The Croatians and Bosnians also deserve better. Long subjugated by the Serbian junta, these brave people have fought and won the right to live their lives free of Serbian control. They should now be allowed to build their own nations. Unfortunately, Serbia continues to refuse to recognize this fact.

The only solution for peace in the Balkans is for Serbia to pull back its forces and end its war of annihilation once and for all. Serbia must stop its aggression against Croatia, Bosnia, and Slovenia, and allow Kosova to go free. Only then should we consider recognizing the new Yugoslavia.

I commend my colleague, Senator DOLE, for offering this important resolution and I encourage my colleagues to join us in cosponsoring it.●

WOMEN IN NEW MEXICO HISTORY

● Mr. DOMENICI. In my home State, we have always been very proud of our special cultural heritage, which is a potpourri of diverse races, religions, and cultures living together. Because of our uniqueness, we have always made a special effort to recognize the contributions that each group has made to our State, and I would like to take just a moment to bring to your attention a very special, and often overlooked, component of New Mexico's history—New Mexico's women.

While the women of New Mexico have a long and noteworthy list of accomplishments, uncovering their history

has been a daunting task. However, thanks to the efforts of Sharon Niederman, Joan Jensen, Suzan Campbell, and numerous researchers, historians, and other scholars, we are beginning to devote some attention to the important contribution of women in New Mexico.

Frankly, this attention is well-deserved and long overdue. New Mexico's women have played a key role in shaping our State, long before New Mexico achieved statehood in 1912. Many of these women are not of any single race, culture, or ethnic group; instead, their common bond is their diversity and innovation: Women like Florence Hawley Ellis, an anthropologist and educator; Myrtle Attaway Farquhar, educator and humanitarian; Nina Otero-Warren, a politician and suffragist; and Maria Beatrice Shattuck, humanitarian activist.

Susan Loubet has written an excellent article in the Albuquerque Woman magazine that I think provides an engrossing look at women's lives and contributions, and what is being done to document and preserve that history. Clearly, this is a valuable part of our State's cultural, social, and intellectual development, and I am pleased that steps are being taken to uncover and document this fascinating and important aspect of New Mexico's history.

I ask that this article, "Documenting Our Lives," be printed in the RECORD.

The article follows:

[From Albuquerque Woman, Mar./Apr., 1992]

DOCUMENTING OUR LIVES

(By Susan Loubet)

New Mexico is rich in treasures of women's history. Sharon Niederman discovered this when she began looking at the lives of early women settlers of the West through their letters, published in her book, *A Quilt of Words*. New Mexico State University Professor Joan Jensen has long been studying everyday lives of women lives of women homesteaders and ranchers. In 1986, she and Darlis Miller collaborated on the *New Mexico Women Book*. The proceeds from its sales funded the Women's History Archives at New Mexico State University in Las Cruces. These archives include the papers of ranchers and local organizations, and the oral histories of tenant farmers and field workers.

Others have also begun to collect the almost forgotten stories of women who have gone before us, realizing how much we owe them, how much they have shaped the possibilities of life for us in New Mexico.

Suzan Campbell is beginning an ambitious and exciting project which will bring the lives of women artists in New Mexico to scholars, art lovers, and students. She is using a computer, which will be linked to museums and libraries, because she believes that archives should be accessible to everyone. She plans to design a data base which will include a visual display of the work of the women artists she has researched. A lead grant to start the project was partially funded by the New Mexico Women's Foundation.

Campbell, an art historian and art curator and a Santa Fe native, found when she was researching women artists who were part of the Taos art colony, that the work of women

who were once fairly well known has slipped into obscurity. She cites for instance Blanche Grant, who was not a member of the famous Taos Society of Artists, but frequently joined its male members on painting trips. In an article in a recent issue of *Antiques & Fine Art*, Campbell recalls, "When she died, her funeral was held in Taos's Presbyterian Church whose walls she had covered with murals in 1921 Despite her accomplishments, Grant's reputation soon faded." Campbell declares that Mabel Dodge Luhan, well-known benefactor and catalyst of Taos intellectual and creative life, would be "amazed if she knew how little known most of these artists' works are today." Campbell speculates that because early women artists combined art careers with lives as housewives, hostesses, and art patrons, they were not considered as serious about their art as were the men of the colony. She decided to create the Archives of New Mexico Women Artists, in which we will find information about women's lives as well as examples of their art. She is also interested in exploring the causes of obscurity of New Mexico women artists and how they have dealt with career issues, as well as how public perceptions of their lives and art have changed. Currently under consideration is where the archives will be housed, but she anticipates that they will be valuable not only to New Mexicans but also to others outside the state.

A large part of the interest and fun of tracking down early women seems to lie in the difficulty of the hunt. New Mexico Court of Appeals Justice and former University of New Mexico Law School Professor Pamela Minzner was struck by how hard it is to find details on women's, as opposed to men's, lives, when she began to try to determine who was the first woman admitted to the bar in New Mexico. In 1989 while preparing a speech, she found a book which referred to women lawyers in America as "The Invisible Bar." Minzner remarks, "I never heard that, that women had been around for three hundred years as lawyers. This was when there was a more informal system for becoming a lawyer. After men started going to school to become lawyers, women dropped out of the picture." In the case of New Mexico, the book had the wrong information. Minzner went to the Supreme Court's roll of attorneys and in that roll was a scrap of paper with five or six names of women admitted to practice in New Mexico. For Minzner, trying to figure out who was the first led to an appreciation of just how many women have preceded us. "There were just so many. Those of us coming along in the later '60s thought of ourselves as not owing much to anybody. We thought of ourselves as pioneers to some extent. I didn't have a sense of those generations before us who had made it possible for us to go into law in the late '60s.

Minzner's research sparked interest in others, particularly Santa Fe lawyer Marcia Wilson, who has now taken up the search, compiling a list of all the women admitted to the bar in New Mexico, along with the details of their lives. It seems that hats were an important consideration in the early days of women in court. One early lawyer got money from her uncle to buy a hat for the swearing-in ceremony. Women wore hats in public; men lawyers took off their hats in court—hence the dilemma.

For Jan Dodson Barnhart, associate director of UNM's Center for Southwest Research, the spark for her interest in women's history was a 1976 exhibit, "Women in New Mexico," put together by the American Association of

University Women, now archive #310 in the Center's collection. She and archivist Kathleen Ferris are constantly sending out the call for women's material. They store some of the records of women's organizations such as the League of Women Voters and the National Women's Political Caucus of New Mexico as well as papers of women writers and teachers. The ninety-one scrap books of historian Erna Fergusson are a popular resource as are the Doris Duke-funded collection of 982 American Indian oral history tapes recorded between 1967 and 1972. Many women are featured in the tapes, recounting the details of their daily lives. Some of the records are unusual, but will be important to historians; the records of Casa Angelica, for instance, and the early papers of the Santa Fe Maternal and Child Health Center which track the beginning of the birth control movement in New Mexico. Barnhart and Ferris are looking for women's diaries and the papers of everyday women. "Women tend to be more descriptive and sensitive and more careful about preserving things. The more we get out there, the more there is. Sometimes it takes ten years to get a collection." In fact, it was often women who were the records managers.

"The records of the New Mexico Legal Secretaries always come in perfect order." Ferris especially likes working with the papers in New Mexico because there were "so many personal connections between people. Everybody knew everybody else. Networking has been going on for years here." Barnhart is writing a book on women in New Mexico. She realized that there was a void in our information and that in fact some of the information is wrong. She worries about the historians of the future because there are few records anymore. People don't write letters any more; they do everything by phone.

Other women, realizing that our history is slipping away, have been collecting specialized archives. Marlon Bell has been clipping UNM's Lobo to recover women's history at UNM, especially for this month's celebration of 50 years of the Women's Center at UNM. If you've been inspired to go through your papers looking at them with an eye to future generations, or, if you would like to start an oral history project of your own, you can learn the trade at workshops conducted by the Southwest Oral History Association at UNM.

Joan Jensen explains, "Some other states with more resources and more wealthy people of public achievement have huge archival projects." If we look at the archival work being done in New Mexico, we find a focus on strong women—ranchers, farmers, artists, and others—who were drawn here by the light, the opportunities, and the freedom. With the work that's being done, we'll be able to have an idea of just what kind of women they were. ●

HONORING SOLOMON SCHECHTER DAY SCHOOL

● Mr. D'AMATO. Mr. President, I rise today to honor Solomon Schechter Day School on the occasion of their 10th anniversary. Located in Suffolk County, the school is noted for its constant pursuit of excellence in all aspects of its educational program. With a current enrollment of over 160 children drawn from 25 school districts, the school takes pride in its ongoing growth, as the school endeavors to reach out and

provide for the educational needs of Jewish children throughout the region.

Let me tell you a little about the school. Its program combines the best of general studies and integrates it with courses in the language and heritage of the Jewish people. Class size is small, and students are encouraged to think critically, imaginatively, and creatively. Students are also encouraged to be in tune with their respective communities and the world at large.

Ethics of the Fathers has taught us that there is no finer crown than that of a good name. Solomon Schechter Day School has strived to earn a good name. I believe that they have succeeded thus far and suspect that they will continue to keep that good name as they enter their second decade.

As the Solomon Schechter Day School completes its 10 year of operation, and kicks off its year-long anniversary celebration I wish them continued success in the future.●

PETER BAGLIO

● Mr. LAUTENBERG. Mr. President, I rise today to congratulate and pay honor to Mr. Peter Baglio, the Director of the VA Medical Center, East Orange, NJ. After devoting more than 40 years of his life to serving veterans, health care needs, Mr. Baglio has announced that he will retire in May.

From the time Peter Baglio joined the U.S. Army in 1941, he never wavered in his service to his country, America's veterans and the surrounding communities.

Mr. Baglio was educated at Brooklyn College, the City College of New York, and the Johns Hopkins University. He began his long and distinguished career with the VA health care system in 1946 as an assistant manager trainee. From 1952 through 1960 he worked at the VA hospitals in Baltimore, MD, and Brooklyn, NY, as an assistant manager. In 1960, he was promoted to Assistant Director of the VA Hospital at Lyons, NJ.

Through the years, Peter Baglio continued his distinguished career at Maimonides Hospital in Brooklyn, NY, as associate administrator, later, he became vice president for planning. In 1980, Peter Baglio assumed the position of Director of the VA Medical Center at East Orange, NJ, the position from which he will retire this month.

The State and the people of New Jersey have been well served by the dedication and devotion he has shown toward providing not only the best health care possible but also true friendship and caring.

In the complex health care system of the VA it takes more than good management and administrative skills to succeed. It takes understanding and kindness. Peter Baglio has that rare ability to provide just the right amount of all of these and then some.

So it is with great pride, Mr. President, that I congratulate Mr. Peter

Baglio on his retirement, thank him and wish him well on behalf of all people from my home State of New Jersey for the illustrious years of care he has provided to us.●

MONTAUK POINT LIGHTHOUSE

● Mr. D'AMATO. Mr. President, I rise today to recognize a historic landmark in my home State of New York. Two hundred years ago, by an act of Congress, President George Washington authorized the construction of a lighthouse on the tip of Long Island at Montauk Point.

On November 5, 1797, Jacob Hand lit the wicks of 13 whale oil lamps and a light shone from the Montauk Point Lighthouse for the first time. Since its first day of operation, the lighthouse at Montauk Point has undergone many changes. In 1987, the bright light on Montauk Point was replaced with a fully automated lighting apparatus. This modernization eliminated the need for a keeper altogether. However, in an effort to provide continued maintenance and preservation of the Montauk Point Lighthouse, the Coast Guard leased the lighthouse to the Montauk Historical Society. This summer will make the third year the Historical Society has opened Long Island's most famous landmark to the public.

Visitors to the lighthouse museum have enjoyed the spectacular view from the top of Turtle Hill, the museum exhibits and the climb up the tower. The highlight of the exhibits is the Fresnel lens that provided the beacon for the Montauk Point Lighthouse from 1904 until 1987. It is awe-inspiring to admire this work of art.

Mr. President, anyone who has ever navigated a vessel through the waters of Montauk knows of the potential peril that awaits them. The crushing surf is enough to destroy the most seaworthy of ships. However, through the years, it has been this courageous lighthouse, standing guard on the pristine point of Montauk, which guides sea-goers from a treacherous fate.

Mr. President, I would just like to take this opportunity to memorialize the lighthouse off the point of Montauk, and although its 200th year of existence is not until 1995, recognize its contributions throughout the years.●

WES BIRDSALL OF OSAGE, IA

● Mr. HARKIN. Mr. President, this week the city of Osage, IA, will lose its municipal utility general manager. Normally, I would not take the Senate's time to report the retirement of a municipal utility official.

But Wes Birdsall is not a typical utility general manager. Wes Birdsall, over the last 20 years, has established what has become a national model for the

benefits of energy efficiency in the utility business. He has firmly established that one small community can substantially reduce energy bills, cut pollution, and reduce our dependence on imported energy by cutting down the amount of energy required to heat, cool and light our homes, and power our industry.

In 1974, soon after the first Arab oil embargo, Wes Birdsall decided that cutting down energy consumption was the best approach to avoid substantial costs to add more generating capacity. But he needed the cooperation of his customers. So he went door to door, extolling the virtues of conservation and energy efficiency. It was not easy in the beginning. Some people were skeptical of this utility manager who was encouraging customers to buy less of his product. But Wes Birdsall persevered, and most of the community became enthusiastic supporters of energy conservation, competing with each other to see who would have the lowest energy consumption.

Wes Birdsall and his staff launched an impressive, long-term program to cut energy consumption. He installed insulation blankets on home water heaters. He installed high-efficiency light bulbs, bought a tree planting machine to assist customers in planting shade trees to cut down air conditioning loads, and reduced energy rates for superinsulated homes. He bought an infrared scanner to locate heat losses in buildings and homes.

Wes Birdsall even succeeded in getting 96 percent of Osage's homeowners with central air conditioning to agree to have their compressors hooked up to central utility control. The municipal utility has the right to shut off compressors for up to 7.5 minutes per hour during the hot summer afternoons. By selectively shutting off compressors during the peak load periods, the utility avoids the need for building new power plants just to handle the peak demand.

Wes Birdsall estimates that he has invested about \$250,000 in these energy efficiency projects over the years.

By delaying the need to build new power generation capacity, the utility has avoided large costs over the last 18 years. Wes Birdsall has passed these savings on to the citizens of Osage. Since 1983, Osage electrical rates have been reduced 5 times, for a total reduction of 19 percent. The residential electrical rate is 5 cents per kilowatt hour, compared to 13.5 cents per kilowatt hour 100 miles down the road in Cedar Rapids. The citizens of Osage save an estimated \$1.2 million every year in their utility bills, or a savings of \$300 per person. This is a five times return on the \$250,000 energy efficiency investment every year.

Mr. President, the story of Osage, IA, can be repeated in every city in America. We can all learn from Wes Birdsall and the Osage experience.

We can all save energy, reduce our imported energy, cut acid rain and carbon dioxide, the main global warming greenhouse gas, while cutting down our utility bills. This is a typical win-win situation.

Our Nation needs more Wes Birdsalls. We need more leaders who have the vision to recognize the opportunities of energy efficiency investments, and the courage to educate our citizens and make the necessary investments in order to reap the benefits. Unfortunately, the present occupant of the White House does not have the vision of a Wes Birdsall.

I wish Wes Birdsall the very best in his retirement.

But somehow I do not think he will really retire from his efforts to share the Osage experience with cities around the Nation and the world. He has already left a legacy of improved quality of life in Iowa. I trust that he will have the opportunity in retirement to expand that legacy.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by \$6.5 billion in budget authority and by \$6.1 billion in outlays. Current level is \$2.9 billion above the revenue floor in 1992 and \$0.7 billion below the revenue floor over the 5 years, 1992-96.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$354.4 billion, \$3.2 billion above the maximum deficit amount for 1992 of \$351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 28, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through April 10, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 7, 1992, there has been no action that affects the current level of budget authority, outlays or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

**THE CURRENT LEVEL REPORT FOR THE U.S. SENATE,
102D CONGRESS, 2D SESSION AS OF APRIL 10, 1992**

(In billions of dollars)

	Budget Res- olution (H. Con. Res. 121)	Current level ¹	Current level +/- resolution
ON-BUDGET			
Budget authority	1,270.7	1,277.2	+6.5
Outlays	1,201.7	1,207.8	+6.1
Revenues:			
1992	850.5	853.4	+2.9
1992-1996	4,836.2	4,835.5	-0.7
Maximum deficit amount	351.2	354.4	+3.2
Debt subject to limit	3,982.2	3,782.1	-200.1
OFF-BUDGET			
Social Security outlays:			
1992	246.8	246.8	.....
1992-1996	1,331.5	1,331.5	.....
Social Security revenues:			
1992	318.8	318.8	.....
1992-1996	1,830.3	1,830.3	.....

¹ Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

**THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE,
102D CONGRESS, 2D SESSION, SENATE SUP-
PORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE
OF BUSINESS APRIL 10, 1992**

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Enacted in previous sessions			
Revenues			853,364
Permanents and other spending leg- islation	807,567	727,184	.....
Appropriation legislation	686,331	703,643	.....
Mandatory adjustments ¹	(1,041)	1,105	.....
Offsetting receipts	(232,542)	(232,542)	.....
Total previously enacted²	1,260,314	1,199,389	853,364
Enacted this session			
Emergency Unemployment Com- pensation Extension (Public Law 102-244)	2,706	2,706	.....
American Technology Preeminence Act (Public Law 102-245)			5
Technical Correction to the Food Stamp Act Public Law 102-265)	5	5	.....
Further Continuing Appropriations, 1992 (Public Law 102-266) ³	14,178	5,724	.....
Total enacted this session	16,884	8,430	5
Total current level	1,277,199	1,207,820	853,364
Total budget resolution⁴	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,486	6,119	2,863
Under budget resolution			

¹ Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H.Con.Res. 121).

² Excludes the continuing resolution enacted last session (P.L. 102-145) that expired March 31, 1992.

³ In accordance with Section 251 (a)(2)(D)(i) of the Budget Enforcement Act, the amount shown for P.L. 102-266 does not include \$107 million in budget authority and \$28 million in outlays in emergency funding for SBA disaster loans.

⁴ Includes revision under Section 9 of the Concurrent Resolution on the Budget (see p. S4055 of "Congressional Record" dated March 20, 1992).

⁵ Less than \$500 thousand.

Note.—Detail may not add due to rounding.●

MCDONNELL-DOUGLAS BAILOUT

● Mr. D'AMATO. Mr. President, I suppose it was inevitable that the Army would be sucked into the McDonnell-Douglas bailout. Considering Air Force and Navy involvement, it seems only fair. Having overcharged the Government \$50 million for the Apache, McDonnell's helicopter subsidiary was allowed by the Army to pay restitution of less than 5 cents on the dollar. Best

of all, the Army settled unbeknownst to the Defense Contract Audit Agency [DCAA], which was preparing litigation related to the improper charges. At this point, even the see-and-hear-no-evil monkeys could discern a pattern emerging.

I ask that the full text of the Los Angeles Times article: "Army Probing Its Settlement of McDonnell Douglas Audit," be printed in the RECORD immediately after my remarks.

Secretary Cheney has repeatedly been quoted as saying the national security is not a jobs program. Apparently, for every rule, there is an exception.

The article follows:

**ARMY PROBING ITS SETTLEMENT OF
MCDONNELL DOUGLAS AUDIT**

(By Ralph Vertabedian)

Army investigators have launched a criminal probe into the Army's own decision to settle \$50.3 million in alleged overcharges by McDonnell Douglas on the AH-64 Apache helicopter for less than five cents on the dollar, government officials said Wednesday.

The Army's Criminal Investigative Division in St. Louis started the probe in recent days, according to key officials who asked not to be identified. A spokesman at the division's Washington headquarters declined comment Wednesday.

In late 1990, the Army Aviation Systems Command in St. Louis quietly agreed to settle an audit conducted by the Defense Contract Audit Agency, which found McDonnell's helicopter subsidiary in Mesa, Ariz., had overcharged the Army on production of the Apache helicopter by \$50.3 million. The matter was settled for \$2.4 million.

Audits of "defective pricing" are not unusual: typically, they are settled for less than the full amount of the alleged overcharging. But government procurement experts said the McDonnell settlement, amounting to just 5% of the alleged total overcharges, is highly unusual.

In addition, the settlement never was reported to audit agency officials, who continued to work on the audit in preparation for litigation. Only last month, senior audit agency leaders were astounded during a meeting in St. Louis to learn that the case had been settled more than a year earlier.

At least two House committees are looking into the audit settlement to determine whether it was part of a covert Pentagon plan to bail out McDonnell, which was suffering significant cash flow problems in late 1990 and early 1991.

The Pentagon's inspector general concluded in a confidential report earlier this year that senior procurement officials in the Air Force had devised a bailout plan for McDonnell and that at least some actions were taken to carry out the plan.

Last week, the inspector general issued a report that found the Air Force had relieved McDonnell of substantial financial risk in December, 1990, when it prematurely declared the firm's first C-17 cargo plane completed when, in fact, it was far from complete. The action was part of an overall effort to improve the firm's cash flow, the report asserted.

It remains unclear who is the subject of the Army investigation in the Apache audit case. Probes handled by the Army's Criminal Investigative Division are initiated on a criminal basis, but eventually may become

civil or administrative cases, one official said.

In a statement earlier this month, Army officials said they were reviewing the settlement to determine whether it was "reasonable" and "final." If not, the Army "is prepared to pursue all available remedies," according to the statement.

The Army statement appears to be suggesting that the settlement did not go through the proper review and approval process within the Army, congressional experts said.

The Army official who settled the McDonnell overcharging claims was a low-level contracting officer who worked at the Mesa helicopter plant and has since retired, according to sources familiar with the case. But Army investigators reportedly are looking into whether a senior Army officer in Washington ordered the Mesa official to make the settlement.

The Army investigators are also said to be trying to determine who may have leaked the existence of the settlement to *The Times*.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

Mr. PELL. Mr. President, I ask unanimous consent that the President pro tempore be authorized to appoint a committee of Senators to join with a like committee on the part of the House of Representatives to escort the President of the Federal Republic of Germany into the House Chamber for the joint meeting to be held at 11 a.m. on Thursday, April 30, 1992.

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

AGGRESSION AGAINST BOSNIA-HERCEGOVINA AND CONDITIONING U.S. RECOGNITION OF SERBIA

Mr. PRESSLER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 290) regarding the aggression against Bosnia-Herzegovina and conditioning U.S. recognition of Serbia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.
The resolution, with its preamble, is as follows:

S. RES. 290

Whereas from February 29–March 1, 1992, the Republic of Bosnia-Herzegovina held a referendum in which 99.7 percent of the citizens who participated voted for independence from the former Yugoslavia;

Whereas, on April 6, 1992, the Republic of Bosnia-Herzegovina was granted diplomatic

recognition by the European Community and on April 7, 1992, was recognized by the United States;

Whereas, since April of 1992 the Serb-led Yugoslav Army and Serbian militants have been engaged in brutal military action against the government and people of the Republic of Bosnia-Herzegovina resulting in the death of innocent civilians, the displacement of tens of thousands of persons, and the destruction of homes, schools, mosques, synagogues and churches;

Whereas, the attack on Bosnia-Herzegovina follows aggression against the newly independent Republic of Croatia which resulted in the death of more than 10,000 people, the displacement of more than 700,000 persons, and the occupation of a significant portion of Croatia's territory;

Whereas, the attacks on Bosnia-Herzegovina and Croatia by the Yugoslav Army and Serb militants constitute an attempt by the Government of the Republic of Serbia to alter borders by the use of force;

Whereas, according to an official with the United Nations High Commissioner on Refugees, Serbian-led forces are delaying, diverting, and stealing humanitarian relief supplies donated to Bosnia-Herzegovina by the United States and other countries;

Whereas, the Serbian government has maintained a brutal and repressive regime of martial law in Kosova and deprived the two million Albanians of Kosova of their political and human rights, including their right to self-determination;

Whereas, Serbia's repressive policies in Kosova and the aggression of the Serb-led Yugoslav Army in Bosnia-Herzegovina and Croatia constitute serious violations of the Helsinki Accords and the Helsinki Final Act;

Whereas, the United States, the European Community and the Conference on Security and Cooperation in Europe have condemned the aggression of the Serbian-led Yugoslav Army and Serbian irregulars, as well as the martial law regime in Kosova;

Whereas, on April 23, 1992, 25,000 Serbian citizens in Belgrade participated in an anti-war protest;

Whereas, extensive international diplomatic efforts, and the deployment of United Nations monitors and peacekeeping forces, have failed to achieve the withdrawal of Serbian-led forces and the restoration of peace in the Republics of Bosnia-Herzegovina and Croatia;

Whereas, the Socialist Federal Republic of Yugoslavia has ceased to exist: Now, therefore, be it

Resolved, That—

(1) The United States should hold accountable the Government of Serbia for the attacks on and occupation of the Republics of Bosnia-Herzegovina and Croatia, and for the extensive and systematic abuse of human rights in Kosova.

(2) The United States should withhold diplomatic recognition of Serbia and its ally Montenegro, who proclaimed themselves the "Federal Republic of Yugoslavia" on April 28, 1992, until Serbia ceases its aggression against the independent states of Bosnia-Herzegovina and Croatia; withdraws its forces from Bosnia-Herzegovina and Croatia; and halts its brutal repression of the Albanian people in Kosova and denial of the right of self-determination.

(3) The United States should actively encourage its allies to follow the same course.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

NATIONAL CUSTOMER SERVICE WEEK

Mr. PRESSLER. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 166, National Customer Service Week, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 166) designating the week of October 4 through 10, 1992, as "National Customer Service Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 166) and its preamble are as follows:

S.J. RES. 166

Whereas recognizing the value and importance of the customer drives the quality of customer service;

Whereas the high cost of attracting new customers today further emphasizes the need to keep existing customers through effective service;

Whereas when customer service is recognized as contributing to the profit of a company, the professional status of customer service continues to increase;

Whereas excellent customer service distinguishes successful companies that understand the importance and influence a customer has on success; and

Whereas excellent customer service contributes to the growth and success of every company: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 4 through 10, 1992, is designated as "National Customer Service Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. PRESSLER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. PELL. Mr. President, I ask unanimous consent that when the Senate

HOUSE OF REPRESENTATIVES—Wednesday, April 29, 1992

The House met at 2 p.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of St. Francis of Assisi:

"Lord, make us instruments of your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

"Grant that we may not so much seek to be consoled as to console; to be understood, as to understand; to be loved as to love.

"For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life." Amen.

THE JOURNAL

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

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

Mr. BARRETT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 113, not voting 30, as follows:

[Roll No. 88]

YEAS—291

Abercrombie	Berman	Bustamante
Ackerman	Bevill	Byron
Anderson	Billbray	Cardin
Andrews (ME)	Blackwell	Carper
Andrews (NJ)	Bliley	Carr
Andrews (TX)	Bonior	Chapman
Annunzio	Borski	Clement
Anthony	Boucher	Clinger
Applegate	Boxer	Coleman (TX)
Archer	Brewster	Collins (MI)
Aspin	Brooks	Combust
Atkins	Broomfield	Condit
Bacchus	Browder	Cooper
Bateman	Brown	Costello
Bellenson	Bruce	Cox (CA)
Bennett	Bryant	Cox (IL)

Coyne	Jontz
Cramer	Kanjorski
Darden	Kaptur
de la Garza	Kasich
DeFazio	Kennedy
DeLauro	Kennelly
Dellums	Kildee
Derrick	Klecza
Dicks	Klug
Dingell	Kopetski
Dixon	Kostmayer
Donnelly	LaFalce
Dooley	Lancaster
Dorgan (ND)	Lantos
Dorman (CA)	LaRocco
Downey	Laughlin
Dreier	Lehman (FL)
Durbin	Levin (MI)
Dwyer	Lewis (GA)
Early	Lipinski
Eckart	Livingston
Edwards (CA)	Lloyd
Edwards (TX)	Long
Engel	Lowey (NY)
English	Luken
Erdreich	Manton
Espy	Markey
Evans	Martinez
Fascell	Matsui
Fazio	Mavroules
Feighan	Mazzoli
Fish	McCloskey
Flake	McCrery
Foglietta	McCurdy
Ford (MI)	McDermott
Ford (TN)	McGrath
Frank (MA)	McHugh
Frost	McMillen (MD)
Gedden	McNulty
Gephardt	Mfume
Geren	Miller (CA)
Gibbons	Mineta
Gillmor	Mink
Gilman	Moakley
Glickman	Mollohan
Gonzalez	Montgomery
Gordon	Moody
Gradison	Moran
Green	Morrison
Guarini	Murtha
Gunderson	Myers
Hall (OH)	Nagle
Hall (TX)	Natcher
Hamilton	Neal (MA)
Hammerschmidt	Neal (NC)
Hansen	Nichols
Harris	Nowak
Hatcher	Oakar
Hayes (IL)	Oberstar
Hayes (LA)	Obey
Hefner	Olin
Hertel	Olver
Hoagland	Ortiz
Hochbrueckner	Orton
Horn	Owens (NY)
Horton	Owens (UT)
Houghton	Packard
Hoyer	Pallone
Hubbard	Panetta
Huckaby	Parker
Hughes	Pastor
Hutto	Patterson
Hyde	Payne (NJ)
Jefferson	Payne (VA)
Jenkins	Pease
Johnson (CT)	Pelosi
Johnson (SD)	Penny
Johnson (TX)	Perkins
Johnston	Peterson (FL)
Jones (GA)	Peterson (MN)
Jones (NC)	Petri

NAYS—113

Allard	Armey	Ballenger
Allen	Baker	Barrett

Barton	Henry	Rhodes
Bentley	Heger	Ridge
Bereuter	Hobson	Riggs
Billrakis	Holloway	Roberts
Boehler	Hopkins	Rogers
Boehner	Hunter	Rohrabacher
Bunning	Inhofe	Ros-Lehtinen
Burton	Jacobs	Roukema
Camp	James	Saxton
Campbell (CA)	Kolbe	Schaefer
Chandler	Kyl	Schroeder
Coble	Lagomarsino	Sensenbrenner
Coughlin	Leach	Shays
Crane	Lewis (CA)	Shuster
Cunningham	Lewis (FL)	Sikorski
Davis	Lightfoot	Smith (OR)
DeLay	Machtley	Smith (TX)
Dickinson	Martin	Solomon
Doolittle	McCandless	Stearns
Duncan	McCollum	Stump
Edwards (OK)	McEwen	Taylor (NC)
Emerson	McMillan (NC)	Thomas (CA)
Fawell	Meyers	Thomas (WY)
Fields	Michel	Upton
Franks (CT)	Miller (OH)	Vander Jagt
Galleghy	Miller (WA)	Vucanovich
Gallo	Molinaro	Walke
Gekas	Moorhead	Walsh
Gilchrest	Morella	Weber
Gingrich	Nussle	Weldon
Goodling	Oxley	Wolf
Goss	Paxon	Young (AK)
Grandy	Porter	Young (FL)
Hancock	Quillen	Zeliff
Hastert	Ramstad	Zimmer
Hefley	Regula	

NOT VOTING—30

Alexander	Dymally	McDade
AuCoin	Ewing	Mrazek
Barnard	Gaydos	Murphy
Callahan	Ireland	Savage
Campbell (CO)	Kolter	Smith (FL)
Clay	Lehman (CA)	Staggers
Coleman (MO)	Lent	Stark
Spratt	Levine (CA)	Sundquist
Collins (IL)	Lowery (CA)	Washington
Conyers	Marlenee	Waters
Dannemeyer		

□ 1426

Mr. JOHNSON of Texas changed his vote from "nay" to "yea."

Mr. BROOMFIELD changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). Will the gentlewoman from Maryland [Mrs. MORELLA] kindly come forward and lead the House in the Pledge of Allegiance?

Mrs. MORELLA led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of

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

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

the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3337) "An act to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2569. An act to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; to provide joint duty credit for certain service; and to provide for the temporary continuation of the current Deputy National Security Advisor in a flag officer grade in the Navy.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4750

Mrs. COLLINS of Michigan. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4750. My name was inadvertently added to this bill.

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

There was no objection.

NEW HOUSE ETHICS MANUAL AND HIGHLIGHTS OF HOUSE ETHICS RULES

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

Mr. STOKES. Mr. Speaker, as chairman of the Committee on Standards of Official Conduct, I am pleased to announce publication of two important committee documents.

The first is the "Ethics Manual for Members, Officers, and Employees of the House of Representatives."

Every effort has been made to make the "Ethics Manual" as useful a document as possible. It incorporates not only the significant rule and law changes that have occurred since enactment of the Ethics Reform Act of 1989, but also the results of House—and some Senate—conduct cases concluded over the past 5 years.

Separate chapters in the manual deal with general ethical standards; gifts and travel; outside employment and income; financial disclosure; staff rights and duties; official allowances and franking; casework considerations; campaign funds and practices; and involvement with official and unofficial organizations. Appendices in each chapter contain pertinent advisory opinions and formal committee interpretations. Important rules and statutes are also reprinted at the back of the manual.

The second document has been prepared as a quick reference for Mem-

bers, officers, and employees. Entitled "Highlights of House Ethics Rules," it is the outline for a comprehensive briefing available from committee staff.

Both of the documents have been prepared by the Office of Advice and Education, created by the Ethics Reform Act of 1989 to emphasize the committee's educational role. Because the law separates the committee's advice function from its investigative work, individuals need not be concerned that they are placing themselves at risk by seeking advice about future conduct. All communications are confidential. Seeking advice from the office is also important because good faith reliance on written committee opinions can protect Members, officers, and employees from sanctions under House rules and Federal law.

Mr. Speaker, I would like to commend the committee staff for its work on these publications. Committee Counsel Ellen Weintraub was the lead attorney on this project. She put in many hours over the past year to make certain that the manual, which was last published in 1987, would be complete, clear, and easy to use. Linda Shealy's production assistance was also instrumental in assuring that the "Ethics Manual" meets the quality standards that committee and House Members expect.

LET'S CUT THE PORK OUT OF THE BUDGET

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

Mr. BALLENGER. Mr. Speaker, the American public frequently hears of pork projects slipped into large, omnibus bills in the dead of night. Most Members and the public were never aware the pork was in the bill until it becomes law.

Well, now, we have an opportunity to put the Government on a low calorie-low fat diet and reduce its bulging waistline.

The President has sent to Congress two rescission bills, totaling 197 pork projects that will cut \$5.7 billion in wasteful spending. Next week, we will consider the rescission package. We will have the opportunity to cast an up or down vote and hold Congress accountable for their spending habits. Do we want or can we afford Federal spending on manure disposal or parking garages or research on the prickly pear?

My answer is no. Join me in taking a positive step to cut pork-barrel spending and save the taxpayers \$5.7 billion.

PRESIDENT SHOULD SIGN THE CAMPAIGN FINANCE REFORM BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I am told the President has threatened to veto the campaign finance reform bill. The bill is a modest bill, but a good bill. It limits overall spending, it limits the role of political action committees in campaigns, it limits bundling and it does away with soft money.

I know that the President will not reconsider his threatened veto because of me, but possibly he will because of the 33 Republican challengers who wrote him last week urging him to sign the bill because it will make, overall, races more competitive. It will make them more competitive not because more money will be able to be spent in campaigns but because less will be. They know something the President may not know, Mr. Speaker, and that is that, unless you eliminate or at least limit political action committees who always give money to the incumbents, you will never make races more competitive.

□ 1430

So, Mr. Speaker, not because of me, or because of others who support the bill, but because of those brave 33, I hope the President reconsiders his veto threat of campaign finance reform.

NATIONAL VOLUNTEER WEEK

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

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to the thousands of individuals who donate endless hours of service as volunteers. This week marks National Volunteer Week, a time in which Americans all across the Nation are celebrating the noble efforts of individuals giving of themselves for the betterment of society.

President Woodrow Wilson once said, "The most powerful force on the Earth is the spontaneous cooperation of a free people." Beginning with the American colonists and continuing onward with subsequent generations of pioneers, our Nation has prospered from the actions of individuals coming together in order to meet the needs of society.

As a veteran of World War II, I can recall the important role volunteers played in helping with vital war efforts 50 years ago.

Today, this legacy continues as people all across this land volunteer their time and talents in areas like literacy, health, humanities, conservation, and the general well-being of our fellow man.

To the volunteers of America: Thank you for your tireless efforts and resolve to make our country a better place for all Americans to live.

MORE JOBS MOVING OVERSEAS— AND CLINTON SUPPORTS FREE TRADE WITH MEXICO

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

Mr. TRAFICANT. Mr. Speaker, more American workers are hitting the bricks. Armco Steel lost \$200 million in last year, and in Ashland, KY, they are now throwing 700 more American workers out on the street. The list goes on and on and on.

Mr. Speaker, let me tell my colleagues the following:

In the old days, when you got laid off, you got called back. Not today, folks. When they close the doors today, it's sayonara, goodbye. They're moving overseas.

But what bothers me is Governor Clinton says he supports the free trade agreement with Mexico, and Mr. Speaker, let me tell my colleagues:

We won't have a job left in this country if we try to compete with a country that can hire workers at 30 cents an hour.

What is going on here? Think about it. At least American workers could get their own lifetime 700 number; that is, if they could afford \$7 a month to buy a phone that is now made in Singapore.

TEN STEPS THAT PROVE WE ARE READY TO REFORM

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

Mr. GILLMOR. Mr. Speaker, ever since the House bank scandal erupted, a great number of our colleagues have embraced the mantle of congressional reform. Many Members are finally beginning to understand that voters want to change in the House.

But we need a real measuring stick to find out who the real reformers are, and who is just saying the right words. Here are 10 steps we could take this year that would demonstrate that we are ready for real change in the way Washington works.

First, no more exemptions from major laws for Congress.

Second, reign in committee spending.

Third, professional management in every facet of the House's operations.

Fourth, outlaw passing on our fiscal irresponsibility to the States by eliminating unfunded Federal mandates.

Fifth, save money by letting commemorative legislation be done by a commission, not by Congress.

Sixth, limit bills to a single subject.

Seventh, set the House's schedule 6 months at a time and stick to it, just as we did in the Ohio Legislature.

Eighth, pass term limitations—even with all the expected change this year, they will still be necessary.

Ninth, pass the balanced budget amendment.

Tenth, pass the line-item veto.

Mr. Speaker, there is more we can do. But these are 10 concrete steps we could take to start bringing a sense of discipline and accountability to this body.

THIRTY MILLION NEW JOBS— WHERE, MR. PRESIDENT

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

Mr. SARPALIUS. Mr. Speaker, I must share with my colleagues an experience I had as I completed a series of townhall meetings throughout my district during the Easter break.

One day I went and spoke to Fannin Junior High, a class of fifth and sixth graders; 95 percent of them were on the school lunch program. They were all from low income families. I spoke to these kids, and afterwards I opened it up for questions, and their No. 1 question, their No. 1 concern which those kids expressed to me, was what we could do to try to help their parents find a job.

Mr. Speaker, I then left that grade school and drove down to the small town of Bowie, TX, where I had about 70 people who showed up in a townhall meeting. Half of them had just lost their jobs the week before; 250 people were working for Hagar slacks, and they closed their plant and moved their plant to Mexico where they can receive 46 cents an hour, no retirement benefits, no health care.

Mr. Speaker, I heard the President give us a speech that he promised us 30 million new jobs, however, Mr. Speaker, I thought he meant jobs in this country.

RIPLEY'S BELIEVE IT OR NOT

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

Mr. GOSS. Mr. Speaker, if I said there is an issue about which 21 politicians consistently agree, some might think I was vying for entry into Ripley's believe it or not. But this is no hoax—every member of the Florida delegation agrees that the answer to this Nation's energy demands cannot be found off Florida's sensitive coastline. The answer rests in conservation and diversification of energy sources—a comprehensive national strategy.

So far we have been successful with our annual requests for drilling moratoria, but it's been an inefficient and uncertain piecemeal approach. Now for the first time in years as the House considers comprehensive energy legislation, we have a shot at buying enough time to truly address our Na-

tion's energy needs in a responsible and farsighted way. Rest assured we in Florida will use every opportunity to make our case, because this is not just a matter of aesthetics or parochialism; this is about wise use of our natural resources and proper management of our economy—but most important this is about focusing on realistic abundant affordable sources of energy for our Nation's future.

WHAT A COUNTRY

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

Mr. APPELEGATE. Nine and a half million bucks. That is what the Grand Old Party took in last night at one of their big, gigantic fundraisers. It was too big for even Brinks to haul away.

Mr. Speaker, the Reagan-Bush tax breaks made all of this possible. But now that the gold rush is over, they can turn their attention to balancing the budget in their old-fashioned way: Cutting older Americans' benefits, cutting health benefits, cutting nutrition programs, cutting veterans' medical care, cutting educational loans and grants, and sending more jobs overseas.

Mr. Speaker, I tell you, It's nice to have money, and then you don't have anything to worry about, don't need any Federal assistance.

Nine and a half million bucks in one sitting? What a country.

THE HOUSE BANK SUBPOENAS

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

Mr. JAMES. Mr. Speaker, I rise once again to urge Members to accept the consequences of the House check scandal.

The special counsel investigating this matter has issued subpoenas for all relevant records. We should comply.

The Speaker, and others, have repeatedly claimed that no taxpayer's money was used to cover bad checks at the bank. But when the special counsel asks for the records to find out if that's true—the Speaker breathes defiance.

Once again, this House is claiming that the same rules apply to every citizen—except Congressmen. The Speaker now says the House bank was like some kind of Swiss bank account—beyond the reach of American law.

As I said last October, sunshine, full disclosure, and individual responsibility is the only way to clear the name of this House.

Mr. Speaker, let's not be accused of a coverup; let's honor these subpoenas now and start restoring faith in what is the people's House, not just ours.

VOTE TO REPEAL THE GAG RULE

(Mrs. MORELLA asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, we must vote to repeal the gag rule immediately.

The gag rule is an outrageous infringement of our first amendment rights. It will lead to defensive medicine, and it will create a two-tiered health care system. The gag rule will create a class system for women's health by denying poor women full information about their legal reproductive options, while still providing complete information and access to health services for women who can afford private physician care.

The gag rule is patronizing to women, and it must be repealed. I urge my colleagues to vote for H.R. 3090, the family planning amendments, when the bill is considered on the House floor tomorrow.

A PLEA FOR THE FAMILIES OF MURDER VICTIMS

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

Mr. BLACKWELL. Mr. Speaker, last week, in the city of Philadelphia, a young 15-year-old student was shot dead by some thugs who decided to kill him on the way home while he allegedly had defended his sister a few days before.

Mr. Speaker, I would like to bring to the attention of my colleagues an event that took place in my home city of Philadelphia last Sunday. It was an extremely emotional gathering, held at the Canaan Baptist Church, by a support group that no person on this Earth would ever care to join. Indeed, this candlelight vigil, conducted by the Families of Murder Victims, was a tragic memorial to those who have recently lost their lives in the obscene game of ruthless, cold-blooded violence.

Last year, 468 Philadelphians became victims of homicide, and this horrifying trend shows no sign of decline. The time has come for us to address this pressing issue at the national level, and enact legislation that will take the guns out of the hands of killers, and the cold-blooded murderers off of our city streets.

Mr. Speaker, if Congress fails to address the brutality that has become a part of our everyday lives, I fear the unfortunate fact that the supportive Families of Murder Victims group will continue to swell at an unprecedented level.

One mother, whose 18-year-old son was brutally slain with a 9-millimeter semiautomatic weapon as he returned home from a movie, was left to wonder why anybody has the right to kill our babies. Another distraught parent, Mr. Speaker, reflected on the evening she

found her 17-year-old son's body in a pool of blood by stating: "The moment I saw him stretched out on the ground, I knew he was gone." The bottom line is that senseless murders occur across our Nation every day. The Families of Murder Victims group is composed of people from every color and creed. Murder transcends such simple barriers.

REPUBLICAN ADMINISTRATIONS INFINITELY MORE FAIR THAN DEMOCRATS

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

Mr. ARMEY. Mr. Speaker, in his speeches, Billy Clinton likes to cite some slick CBO figures purporting that between 1977 and 1989, the top 1 percent of Americans accounted for 60 percent of the income gains, and then criticize the Republican administrations in office during this decade for lacking fairness.

But CBO sent me a letter this month with some numbers which might surprise Billy Clinton: Between 1977 and 1980, when his party controlled the White House, the Senate, and the House of Representatives, the top 1 percent accounted for all the income gains, and the bottom 99 percent lost ground, with a result of no net income gain at all.

Numerically speaking, when you divide the top 1 percents gain by the zero net gain, the result is infinity. In other words, judging by CBO's own slippery standards, Republican administrations are infinitely more fair than Democrats. The last time a new south Governor running as a Washington outsider was elected President, the rich got richer and the poor got poorer, an interesting version of fairness.

Perhaps the good Governor can swing by CBO while he's in town and get a copy of these numbers. As I discovered, all you have to do is prod them a little.

A MAJORITY OF FOREIGN FIRMS DO NOT PAY U.S. TAXES

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

Mrs. BENTLEY. Mr. Speaker, recent polls show that the American public is angry, and I don't blame them. So am I. The distinguished Congressman, JAKE PICKLE, recently revealed in Ways and Means hearings that 70 percent of the 46,000 foreign firms operating in the United States do not pay taxes.

As a result of the original committee hearings, Congress gave the IRS tools to collect taxes from foreign firms. The IRS was outgunned. Foreign firms hired former IRS agents and, using their lobbyists and delaying tactics,

evaded paying their fair share of taxes. Of 36 firms investigated by the committee, the avoidance of taxes got worse instead of better, Chairman PICKLE said recently. They actually paid fewer taxes than reported to the committee 2 years ago. One firm received a \$600 million refund and another a \$100 million refund. A company with sales in excess of \$6.6 billion paid no taxes.

Trade experts tell us foreign investment is good for us, but not if the working American has to keep picking up the tax bill. Let's collect the \$50 billion in unpaid foreign taxes plus interest, fines, and penalties and quit gouging the American taxpayer.

IN MEMORY OF JOHN FANG

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

Ms. PELOSI. Mr. Speaker, yesterday a great American and a great personal friend passed away—John (Ta Chuan) Fang, who was a journalist, publisher, and community leader for San Francisco and for Asian-Americans throughout the country.

Many in San Francisco this week will remember his good works for the city, his tireless advocacy of empowerment for Asian-Americans, and his pioneering work as an Asian-American journalist through the publication of Asian Week and ownership of the Independent.

What I will remember most about John Fang, however, is his gentle spirit, his warmth and generosity and loyalty to friends, and his strength. This strength was measured by the passion of his commitment to principles rather than politics, ideals rather than ideology.

Quietly, but powerfully, John never hesitated to speak out on issues of importance to this city and his country. Shanghai-born, having fled communism in his native China in 1949, John provided inspiration and support for human rights in China because, as he said, "It is the right thing to do."

San Francisco suffers a terrible loss this week, and I offer my heartfelt condolences to Florence, his wife, and James, Ted, and Douglas, his sons.

The gentlewoman from California [Mrs. BOXER], with whom I share the representation of San Francisco, joins me in commending John. We will miss his enduring spirit, but the fire of his convictions shall always be with us as a source of comfort and strength.

AMERICANS WANT CONGRESS TO END PARTISAN BICKERING

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

Mr. ZELIFF. Mr. Speaker, as I crisscrossed my district during this recess,

Mr. Speaker, one message rang out crystal clear.

The American people want their Congress to end the partisan bickering, and get back to work solving America's problems.

They want both parties to sit down at the table, and develop an economic growth package that will create good, high-paying jobs.

The American people are sick and tired of election year rhetoric. They want us to stop talking, and start taking action to get our economy back on track. We must put America back to work.

A good place to start, Mr. Speaker, would be to take up my legislation H.R. 2359, the Economic Resurgence and Jobs for America Act. This economic growth package reinstates the jobs producing, investment tax credit and reduces the capital gains tax.

Democrats will remember that it was the investment tax credit that Jack Kennedy was talking about, when he said, "A rising tide lifts all boats." Let's put Americans back to work by passing H.R. 2359.

Let us start to work together for bipartisan results.

□ 1450

FOCUSING OUR ANGER ON THE REAL SCANDAL

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

Mr. PORTER. Mr. Speaker, the Congress and many of its Members have been beset with the scandals of unpaid House restaurant bills, checks held by the House bank, and a post office dealing in drugs as well as postage.

These are serious matters that bear on the stewardship of the majority party as well as the character of individual Members. The press has correctly focused on these matters and stirred outrage among the American people.

But Mr. Speaker, as outrageous as these incidents are, they pale in significance next to the issue that should most stir the anger and disgust of the American people: a national debt that has increased from \$1 to \$4 trillion over the past dozen years, and huge deficits dragging our economy into stagnation, with no end in sight.

This fiscal disaster, resulting from a complete lack of courage and leadership either in Congress or the White House to either cut government spending—my choice—or raise taxes, is destroying American jobs and competitiveness, making us dependent on foreign capital and ultimately subservient to foreign interests, and undermining the futures of our children and grandchildren.

This is where the people and the press should direct their strongest

fire—this is where government is most failing its basic responsibility to the people.

RESCISSION BILLS SHOULD BE VOTED ON INDIVIDUALLY

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

Mr. ALLARD. Mr. Speaker, today I rise in support of the porkbuster rescission bills and to emphasize the importance of having each of them voted on individually.

Many people argue this is an exercise of futility—that these rescissions are peanuts and we should not be wasting our time on such an insignificant amount of money. While it is true that the \$7.9 billion proposed for rescissions in our 96 bills is small relative to the \$401 billion deficit expected this year, the simple fact is that we need to start somewhere. If we cannot muster the political will to cut funding for Vidalia onion storage or Hawaiian arts and crafts, we certainly will not be able to make the more difficult decisions of ordering our national priorities for domestic, defense and international programs, we certainly will never graduate to consideration of limiting the growth of entitlements.

Second, it is important for Congress to take separate votes on each of the rescission bills. Congress needs to be held accountable for supporting these individual projects. If we had an up or down vote on table grape research or the building of a poultry facility, most of these projects would not be funded. An omnibus bill just will not do.

It is time for this body to cinch up our belts and become more accountable for our insatiable need of spending more money than we have.

A CALL FOR A CUTOFF OF AID TO PERU

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

Mr. GILMAN. Mr. Speaker, enough is enough in Peru. An American plane has been shot down in international airspace and one of our airmen has been lost. Whether it was malice or criminal negligence, a simple apology is not enough. Now is the time to end all assistance to Peru.

It is preposterous to expect us to accept President Fujimori's cynical claim that he had to abolish democracy in order to fight the war on drugs. It is apparent that this is a President with little if any interest in fighting the drug war.

He refused U.S. assistance for more than a year. He refused to even consider eradicating coca leaf. He refuses to control municipal airports used by

drug traffickers. His military shoots at police on antidrug missions. He shows up at the San Antonio drug summit to veto supply reduction goals and then slurs the U.S. Drug Enforcement Administration at a press conference. When a senior United States official comes to Peru, Fujimori plays into the hands of the guerrillas and dissolves democracy.

Now Peru has adopted a shoot down policy which leaves drug traffickers alone and attacks United States aircraft after they have left Peruvian airspace. This Congress and this country should not tolerate any more outrages from Peru—it is time to cut them off from all United States aid.

THE SITUATION IN AFGHANISTAN

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

Mr. DREIER of California. Mr. Speaker, during the decade of the 1980's, President Ronald Reagan and on into this decade of the 1990's, President George Bush have, along with the support of our colleague, the gentleman from Texas [Mr. WILSON], and the gentleman from California [Mr. LAGOMARSINO], the gentleman from Pennsylvania [Mr. RITTER], and the gentleman from California [Mr. ROHRBACHER], and others have worked diligently to ensure that the Mujahidein who were fighting against the 115,000 Soviet troops in Afghanistan had the kind of assistance that was necessary to win that battle.

We all know that a couple of years ago we successfully forced the Soviet troops out of Afghanistan, and we had through that battle a very fragile seven-party coalition of factions in Afghanistan.

Now they have been battling. We have seen the successful ouster of Dr. Najibullah in Kabul, but we today are continuing to see somewhat of a struggle between Gulbiddin Hekmatayer and Ahmed Shah Masoud.

It seems to me that we need to do everything that we possibly can to try and hold this coalition together so that the United States, the new Commonwealth of Independent States and others throughout the free world can see the self-determination which the people of Afghanistan deserve.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTI-YEAR AUTHORIZATION ACT OF 1992

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 432 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 432

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-

suant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendment made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only. Pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 432 is an open rule providing for the consideration of H.R. 4364, the National Aeronautics and Space Administration Authorization Act of 1992. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology.

The rules also make in order the Science, Space, and Technology Committee amendment in the nature of a substitute now printed in the bill as an original text for the purpose of amendment under the 5-minute rule. The substitute shall be considered by title, and each title shall be considered as having been read.

In addition, the rule waives all points of order against the substitute for failure to comply with the provisions of clause 7 of rule XVI, pertaining to germaneness. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 4364 provides multiyear authorizations for programs under the jurisdiction of the National Aeronautics and Space Administration [NASA] and related agencies. The bill provides budget authority for NASA's space and aeronautics activities and for the space activities of the Department of Transportation, Department of Commerce and the National Space Council.

I want to commend the gentleman from California, Chairman BROWN, and my colleagues on the Science and Space Committee for the excellent job they have done in bringing this bill to the House floor under an open rule request.

Mr. Speaker, H.R. 4364 is the result of hearings and careful consultations. I am pleased that we have an open rule which received unanimous support in the House Rules Committee. I urge my colleagues to adopt it.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. HALL].

□ 1500

Mr. HALL of Ohio. Mr. Speaker, I want to commend the gentleman from California, Chairman BROWN, and my colleagues on the Science and Space Committee for the excellent job they have done in bringing this bill to the House floor under an open rule request. In particular, I want to express my support for the funds included for the National Aerospace Plane Program.

The bill authorizes NASA funds at a level of \$80 million in fiscal year 1992, \$150 million in fiscal year 1993, and \$175 million in fiscal year 1994 for the national aerospace plane, a joint project with the Department of Defense. The National Aerospace Plane Program is developing technology to make possible the first flight of a hypersonic aircraft that can take off from a runway and fly into orbit in space.

I am proud to say that the office coordinating this project is located at Wright-Patterson Air Force Base in the Dayton, OH area. Nearly 100 years ago, Dayton's Wright brothers ushered in the era of flight. Now, the national aerospace plane promises to be a leader in the development of the technology for the next century of flight.

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

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

Mr. Speaker, today is a day of rejoicing. This is our first completely open rule of 1992. I applaud the action of the Committee on Rules very much.

During the current fiscal crisis, the task of allocating national priorities for the space program has become all the more difficult. I wish to commend the gentleman from California [Mr. BROWN] and the ranking minority member, the gentleman from Pennsylvania [Mr. WALKER], of the Committee on Science, Space, and Technology,

for their work in crafting this legislation.

Mr. Speaker, in the past few years NASA has suffered a number of setbacks such as cost overruns in the space station and the malfunctioning of the Hubble space telescope. These problems have eroded confidence in the agency and have raised questions about its ability to pursue an aggressive space exploration program. However, we must also remember that our Nation's space program has become successful over the years. This open rule will allow us to examine the programs under NASA and to debate its future direction.

H.R. 4364 provides budget authority for NASA's space and aeronautics activities and for the space activities of the Department of Commerce, the National Space Council, and the Department of Transportation. The fiscal year 1993 authorization level is set at \$15.3 billion, which is \$693 million below the President's request.

The bill also authorizes \$2.5 billion for the space station *Freedom* in fiscal year 1993. This is the same amount requested by the administration. When completed, the space station will be a manned, orbiting outpost for conducting scientific activities.

Mr. Speaker, this rule protects the rights of the minority by giving us an opportunity to offer a motion to recommit with or without instructions. I strongly support the rule, and I urge its adoption.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise for one simple and basic reason. That is to extend congratulations to the leadership here. Sixty-four percent of the rules in the 102d Congress have been closed rules, meaning that Members have not had the opportunity to offer amendments. If they have come up with a brilliant idea while listening to the debate on the House floor, they have been preempted from offering an amendment. This NASA rule is the first open rule to be reported out of our Committee on Rules in this calendar year, that is the second session of the 102d Congress.

I happen to believe as a member of the minority, and my colleagues on the minority side consistently agree, that we would allow Members the opportunity to work their will and legislate here on the floor, and if they have an idea for an amendment they should be able to offer that.

As we begin debate on the NASA bill today, that is exactly what is going to happen. As I say, this is the first time this year, and I hope very much that as we consider further rules down the road, and I recognize that every rule cannot be open, but I certainly hope that more and more of the rules that we consider are open.

I thank the gentleman from Tennessee [Mr. QUILLEN] for his fine leadership on this, the distinguished Republican chairman emeritus of the Committee on Rules, for his help.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I, too, want to congratulate the gentleman from Ohio [Mr. HALL], the gentleman from Tennessee [Mr. GORDON], and the gentleman from Tennessee [Mr. QUILLEN] for the open rule that we have before us today. I think this is the way we ought to proceed on legislative business.

Let me say as one of the leaders of the Committee on Science, Space, and Technology bringing this bill to the floor, there are a number of amendments that are going to arrive under this open rule that I would prefer not to come to the floor. I would just as soon not have to debate some of these amendments. If we could freeze them off the floor it would be a wonderful thing.

In all honesty, that would not be the right way to proceed with this bill. It would not give us a stronger bill in the final analysis. So we are going to work our way through these amendments. It is not going to be easy. Some of the votes are likely to be fairly controversial, but that is the way the House should legislate. I am disappointed we do not do more of that. I am sorry that on many occasions we come to the floor with these rules so closed that honest, very important amendments are left out of the process because we do not have open rules.

So despite the fact that I am going to have to work here several hours fending off amendments that I do not particularly want, I thank the Committee on Rules for this open rule. I am glad for the first time this year that we are going to have an open rule under which to consider a bill, because it means that when our bill finally leaves the floor today it will in fact reflect the will of the House and not the will of a closed committee group that makes decisions and does not have the House ratify them. I, too, support the open rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, I, too, want to support the rule, as the other speakers have said. It is a good rule. It is a good committee and a good bill, and there will be much debate on this bill.

I would just like to say in putting my two cents in now there will be amendments. One of those will be to cut the space station in hardship times.

I would like to say the author of that amendment is a fine young man and he is going to distinguish himself here. His efforts are noble and worthy of the consideration of the debate, but I choose to support the committee's program. Let me say this. What concerns me when we start to cut around here is we will be willing to cut American domestic programs but we do not touch certain sacred cows. I think if we are going to have to find money for some of these things we are talking about I think there are other parts of the code we could do it from. We could look at foreign aid and some of these other programs.

I think we should leave the space station alone. America stands in its leadership in space. We must continue to expand upon that, to amplify upon that particular leadership, and to start to convert some of those technological gains in space to commercial application here on Earth.

□ 1510

That is where I want to just talk briefly. I have two provisions in the bill. One of them is a buy America provision. I think it is good. I thank Chairman BROWN for working with me over the years to tailor it so that it would be a good measure for NASA.

But finally, I have a measure in the form of an amendment added to this bill that would call for the use of abandoned and underutilized buildings, grounds and facilities in parts of our country that are not now used by NASA and have suffered from economic collapse. What this language in the bill is, and I think it is an excellent measure from the Committee on Science, Space, and Technology, is a measure that says the NASA administrator shall investigate the use of underutilized existing facilities and resources we already have that will not cost the taxpayers anything, and instead of continuing to concentrate all of this new NASA business in the same locations, spread it around, give some people an opportunity to work, create jobs, and spread NASA out where NASA will have a good, solid base, because NASA is going to need the support of the American people. The days are over when everybody was glued to the tube when that shot went up. We had some catastrophes, and with them we have come down to Earth.

Now we get to the pragmatics of budgeting and appropriations and ensuring a long-range commitment to space, and a long-range commitment to American leadership in outer space.

I am glad to see that the committee has included and incorporated my amendments. I will not be offering any on the floor. I am sure some will stand up and cheer for that.

I want to thank the very distinguished gentleman from Ohio for yielding me the time.

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

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 89]

YEAS—419

Abercrombie	Coleman (MO)	Ford (TN)
Ackerman	Coleman (TX)	Frank (MA)
Allard	Collins (IL)	Franks (CT)
Allen	Collins (MI)	Frost
Anderson	Combest	Galleghy
Andrews (ME)	Condit	Gallo
Andrews (NJ)	Conyers	Gaydos
Andrews (TX)	Cooper	Gejdenson
Annuzio	Costello	Gekas
Anthony	Coughlin	Gephardt
Applegate	Cox (CA)	Geren
Archer	Cox (IL)	Gibbons
Armye	Coyne	Gilchrest
Aspin	Cramer	Gillmor
Atkins	Crane	Gilman
Bacchus	Cunningham	Gingrich
Baker	Darden	Glickman
Ballenger	Davis	Gonzalez
Barrett	de la Garza	Goodling
Barton	DeFazio	Gordon
Bateman	DeLauro	Goss
Beilenson	DeLay	Gradison
Bennett	Dellums	Grandy
Bentley	Derrick	Green
Beruter	Dickinson	Guarini
Berman	Dicks	Gundersen
Bevill	Dingell	Hall (OH)
Billbray	Dixon	Hall (TX)
Bilirakis	Donnelly	Hamilton
Blackwell	Dooley	Hammerschmidt
Bliley	Doolittle	Hancock
Boehlert	Dorgan (ND)	Hansen
Boehner	Dornan (CA)	Harris
Bonior	Downey	Hastert
Borski	Dreier	Hatcher
Boucher	Duncan	Hayes (IL)
Boxer	Durbin	Hayes (LA)
Brewster	Dwyer	Hefley
Brooks	Dymally	Hefner
Broomfield	Early	Henry
Browder	Eckart	Herger
Brown	Edwards (CA)	Hertel
Bruce	Edwards (OK)	Hoagland
Bryant	Edwards (TX)	Hobson
Bunning	Emerson	Hochbrueckner
Burton	Engel	Holloway
Bustamante	English	Hopkins
Byron	Erdreich	Horn
Camp	Espy	Horton
Campbell (CA)	Evans	Houghton
Campbell (CO)	Ewing	Hoyer
Cardin	Fascell	Hubbard
Carper	Fawell	Huckaby
Carr	Fazio	Hughes
Chandler	Feighan	Hunter
Chapman	Fields	Hutto
Clay	Fish	Hyde
Clement	Flake	Inhofe
Clinger	Foglietta	Jacobs
Coble	Ford (MI)	James

Jefferson	Morrison	Schulze
Jenkins	Murtha	Schumer
Johnson (CT)	Myers	Sensenbrenner
Johnson (SD)	Nagle	Serrano
Johnson (TX)	Natcher	Sharp
Johnston	Neal (MA)	Shaw
Jones (GA)	Neal (NC)	Shays
Jones (NC)	Nichols	Shuster
Jontz	Nowak	Sikorski
Kanjorski	Nussle	Sisisky
Kaptur	Oakar	Skaggs
Kasich	Oberstar	Skeen
Kennedy	Obey	Skelton
Kennelly	Olin	Slattery
Kildee	Olver	Slaughter
Klecicka	Ortiz	Smith (IA)
Klug	Orton	Smith (NJ)
Kolbe	Owens (NY)	Smith (OR)
Kolter	Owens (UT)	Smith (TX)
Kopetski	Oxley	Snowe
Koslmayr	Packard	Solarz
Kyl	Pallone	Solomon
LaFalce	Panetta	Spence
Lagomarsino	Parker	Spratt
Lancaster	Pastor	Staggers
Lantos	Patterson	Stallings
LaRocco	Paxon	Stark
Laughlin	Payne (NJ)	Stearns
Leach	Payne (VA)	Stenholm
Lehman (CA)	Pease	Stokes
Lehman (FL)	Pelosi	Studds
Lent	Penny	Stump
Levin (MI)	Perkins	Sweet
Lewis (CA)	Peterson (FL)	Swift
Lewis (FL)	Peterson (MN)	Synar
Lewis (GA)	Petri	Tallon
Lightfoot	Pickett	Tanner
Lipinski	Pickle	Tauzin
Livingston	Porter	Taylor (MS)
Lloyd	Poshard	Taylor (NC)
Long	Price	Thomas (CA)
Lowery (CA)	Pursell	Thomas (GA)
Lowey (NY)	Quillen	Thomas (WY)
Luken	Rahall	Thornton
Machtley	Ramstad	Torres
Manton	Rangel	Torricelli
Markey	Ravenel	Towns
Martin	Ray	Traficant
Martinez	Reed	Traxler
Matsui	Regula	Unsoeld
Mavroules	Rhodes	Upton
Mazzoli	Richardson	Valentine
McCandless	Ridge	Vander Jagt
McCloskey	Riggs	Vento
McCollum	Rinaldo	Visclosky
McCrery	Ritter	Volkmer
McCurdy	Roberts	Vucanovich
McDermott	Roe	Walker
McEwen	Roemer	Walsh
McGrath	Rogers	Washington
McHugh	Rohrabacher	Waters
McMillan (NC)	Ros-Lehtinen	Waxman
McMillen (MD)	Rose	Weber
McNulty	Rostenkowski	Weiss
Meyers	Roth	Wheat
Mfume	Roukema	Whitten
Michel	Royland	Williams
Miller (CA)	Roybal	Wilson
Miller (OH)	Russo	Wise
Miller (WA)	Sabo	Wolf
Mineta	Sanders	Wolpe
Mink	Sangmeister	Wyden
Moakley	Santorum	Wyllie
Mollinari	Sarpalius	Yates
Mollohan	Sawyer	Yatron
Montgomery	Saxton	Young (AK)
Moody	Schaefer	Young (FL)
Moorhead	Scheuer	Zeliff
Moran	Schiff	Zimmer
Morella	Schroeder	

NAYS—0

NOT VOTING—15

Alexander	Ireland	Murphy
AuCoin	Levine (CA)	Savage
Barnard	Marlenee	Smith (FL)
Callahan	McDade	Sunquist
Dannemeyer	Mrazek	Weldon

□ 1539

Mr. WOLF and Mr. SHAYS changed their vote from "nay" to "yea."
So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 432 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4364.

□ 1539

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, with Mr. HARRIS in the chair.

□ 1540

The Clerk read the title of the bill.
The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. BROWN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

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

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

Mr. Chairman, I am pleased to take up again the NASA authorization bill, H.R. 4364, the Multiyear NASA Authorization Act of 1992. The Committee on Science, Space, and Technology has worked hard in a bipartisan manner to develop this piece of legislation. I want to thank the chairmen of the two subcommittees of jurisdiction, the gentleman from Texas [Mr. HALL] and the gentleman from North Carolina [Mr. VALENTINE], and the two ranking Republicans, the gentleman from Wisconsin, [Mr. SENSENBRENNER] and the gentleman from Florida [Mr. LEWIS], for their valuable work and contributions. I also want to thank the ranking Republican of the full committee, the gentleman from Pennsylvania [Mr. WALKER] for his extraordinary effort and cooperation in developing this legislation.

Mr. Chairman, I have a more extensive statement which I will include in the RECORD, but I will make just a few points about this before allowing the gentleman from Pennsylvania [Mr. WALKER] to make his opening statement.

Mr. Chairman, this bill is an effort to face the realities that confront us today. The fact is that we are living in extremely tight budget times. We do not have enough money to fund all the

programs we would like, including some very important, high-priority NASA programs. What the committee has sought to do in this bill is to recognize that fact by establishing two categories of projects; one we put in title I, which we call the core program, and the remainder in title II. And this is not to indicate they are not extremely important. They are. But we feel that they are additional programs that need to compete for any available money. The core programs in title I are actually funded or authorized at the current level of expenditure, and over the next 3 years in this bill they would only grow at the rate of inflation. If we are going to have the additional programs, they have to fight for their money against other important domestic programs.

Now fundamentally, Mr. Chairman, we are making the case that NASA funding is a vital part of our national investments in research and development, and, without these investments, the economy in this country will continue to go downhill. The chart which my colleagues see before them indicates the degree to which our lead in global trade and high technology has begun to decline over the last 10 years, and our global trade in nonhigh technology of course has dropped precipitously. We feel that the only way to rescue this country from a continued decline in productivity and standard of living is to make these long-term investments, such as those represented by the NASA budget.

Now we do not claim that every penny spent in NASA will directly contribute to national productivity. A large share of it will. The NASA program, roughly, \$15 billion, represents about half of all the money we spend for civilian research and development. It provides the funding for the engineers, for the scientists, for the high-technology corporations that have the contracts to build space equipment. We have to maintain that level of spending because our competitors are spending even more.

The next chart presented here indicates the rate at which our competitors are expanding their nondefense research and development. We are talking research and development in this bill, and, as my colleagues can see very clearly from the chart, West Germany and Japan, our two major competitors, and, to a somewhat lesser degree, all of Europe, have been increasing their investments in research and development now for more than a decade at a far greater rate than we have. Their expenditures now are reaching 3 percent of gross national product while ours, represented by the yellow line at the lower part of the chart, is hovering at less than 2 percent of the GNP. In effect they are spending 50 percent more, measured in terms of their GNP, in investments in research and development than we are.

Mr. Chairman, that is the reason, in large part, for the decline in our balance of trade, the decline in productivity, our static standard of living. As my colleagues know, our average factory wages have not increased in 10 or 15 years. Average family income, adjusted for inflation, has remained static, and we believe it is because of our failure to increase our research and development investments.

So, this is the fundamental case that I have tried to make and will continue to try to make. I am going to come back to this a little bit later during the debate when we discuss the space station amendment.

Mr. Chairman, H.R. 4364 represents the culmination of a great many hearings and hours of debate within the committee. We have tried to directly address a very central question that Congress is having to deal with across the entire range of Federal programs this year. What is the appropriate approach toward providing budgetary guidance for the space program during this extraordinary period of budgetary austerity? The space program has one of the widest margins of approval with the American public of almost any Federal program. Public opinion surveys consistently show that Americans are proud of our scientific accomplishments in space, they want an active manned space program including the space shuttle and the space station, and they would like to see more spending on space. Yet, within the confines of the budget agreement, it does not seem likely that we will be able to spend more, at least over the near term.

Before I explain the approach we have taken toward these issues in our authorization process this year, I would like to describe the overall context for funding science and technology within the Federal budget. In particular, it is important to understand what these programs actually contribute to our overall national agenda and what role these programs play in our effort to regain our national competitiveness and productivity.

One principal concern shared by all Americans today is that many long-term trends in productivity, in education, in investment, and in quality of life are declining in a disturbing manner compared to our principal economic competitors. This results, in the view of many, from an ingrained cultural pattern of overconsumption that must be fundamentally reoriented toward a pattern of productive investment—investment targeted toward infrastructure, education, and training, and in technology to rebuild the economy and generate jobs in the future. With hard work and a clear sense of priorities, we can, as legislators, accomplish this reorientation.

First, it is significant that our share of the world's merchandise imports, in both low technology and high technology products, has risen steadily over the past 20 years while our share of exports has fallen. Clearly, we are not meeting the test of international markets. Our overall trade balance reached a low in 1987 but has shown some recovery over the past several years.

Over this same period, defense R&D has soared while Federal civilian R&D has scarcely managed to keep pace with inflation. With

no coherent Federal technology in place, private R&D investments fell behind levels set by our competitors. Today, as a result, these competitors far outstrip the United States as a percentage of GDP devoted to civilian R&D investments. The United States is investing only about two-thirds as much as Japan or Germany on civilian R&D. This period of growing civilian R&D commitment by our competitors, which was unmatched by the United States, correlates with the decline in our industrial competitiveness and the loss of international markets.

As I will show, in those areas where U.S. R&D expenditures have remained strong such as in biotechnology and aeronautics, our competitive position has remained strong. This compelling linkage should form a basis for the development of a more focused national research and development policy and planning.

I would like now to address one very important part of this overall R&D issue, the space program. The space program not only serves as a metaphor for the overall R&D policy problem, it is a major component of the R&D budget.

First, how much do we actually spend on space? Most people don't know that the Defense Department has a far larger space program than does NASA—more than 50 percent larger. Beginning in 1980, the budget for DOD for space has increased dramatically and has far outstripped civilian space spending. Although the civilian and defense space programs have much in common and additional cost sharing could help to relieve the pressure within NASA's budget, the present walls between budget categories prevent this being done efficiently.

Since decline of the Apollo Program, NASA's budget has generally increased with inflation until 1986 at which time it increased by about 10 percent per year in real terms until last year. At that time, as you know, NASA's budget failed to keep pace with inflation and this year's request continues this flat no-growth trend.

Notwithstanding this, spending by NASA and DOD is substantially greater than the combined spending by the European Space Agency or Japan. This has provided us with a very significant world leadership position in space over the past 30 years.

Today, NASA's budget constitutes a little less than 1 percent of the Federal budget and a little over two-tenths of 1 percent of the GNP. This is only one-quarter of the level we spent on space during the Apollo period. Last year, the presidentially appointed Advisory Committee on the Future of the U.S. Space Program recommended that we build the NASA funding back up to about four-tenths of 1 percent of the GNP. In fact this panel, called the Augustine Committee, recommended that we increase NASA's budget by about 10 percent per year until we reach that level. I believe this recommendation has great merit but perhaps not achievable over the near term.

Finally, I would note that about 80 percent of NASA's spending goes directly toward jobs with the remainder going for materials. In 1993 NASA's budget will account for over 577,000 jobs. Although this is only five-tenths of 1 percent of the total civilian work force, these jobs represent the most highly skilled and productive component of the work force.

In terms of total industrial revenues, aerospace has been a major contributor to the economy. At present, total aerospace sales by U.S. companies exceeds \$30 billion. This is substantially greater than European or Japanese competitors. It is generally agreed that there is some indirect amplification of this spending in terms of total impact on the economy. Some have estimated this amplification factor to be up to 7 to 1.

Another way to view this marked advantage the United States has in the aerospace market is through the balance of trade. As I have mentioned earlier, the long-term Federal investment in space and aeronautics is clearly reflected in our market share. The U.S. aerospace exports exceed imports by over \$30 billion. In fact, this is one of the few areas in which we have continued to enjoy such a sustained positive balance of trade over such a long time period.

The reason why the United States has acquired such a large share of the market in aerospace is because of the long-term support the Federal Government has provided in research and development over the years. In areas ranging from aircraft sales to communications satellites, NASA spending has provided the leverage to enable the U.S. industry to gain a significant share of the international market.

The overall funding curve for Federal investment in research and development roughly follows the NASA funding curve and space has dominated these trends. In fact, one single program, the space station, has played a major role in the overall increase in civilian R&D that began in 1985.

Mr. Chairman, one of the most significant parts—in fact 50 percent—of the national research and development budget consists of NASA programs. Thus, the decisions we make today will set the direction on our overall R&D policy. This fact was uppermost on our minds when the committee drafted H.R. 4364.

Mr. Chairman, let me close by saying that it is vital for America's future that we go into space. All of us want a future where we and our children can grow and prosper. Missions of exploration and scientific inquiry have opened up new frontiers and created opportunities throughout history. We discovered answers to questions we didn't even know to ask. Achievements in space offer the opportunity to expand our knowledge, to inspire and motivate us to greater accomplishments, and to promote our economic vitality. Space challenges us to continued greatness.

This concludes my statement, Mr. Chairman. I hope that you and my colleagues can support the space program and give H.R. 4364 speedy approval.

Mr. WALKER. Mr. Chairman, I am pleased to join the gentleman from California [Mr. BROWN] in supporting H.R. 4364. This legislation, which was reported out of the Committee on Science, Space, and Technology on a bipartisan vote, is the product of weeks of hard work and creative thinking. The chairman in particular is to be congratulated for the work that he did on this bill and the consensus that he put together in order to get it to the floor. In addition to the Chairman, I

would like to congratulate subcommittee ranking Republicans, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Florida [Mr. LEWIS] as well as subcommittee Chairmen RALPH HALL and TIM VALENTINE for their work on this bill. The result is a fiscally responsible authorization bill which funds a strong core of programs, and at the same time recognizes the reality of the spending constraints which prevent the NASA budget from expanding as much as some of us would like.

The chairman has outlined the major points of H.R. 4364 in his written statement, and I will not repeat them. I do, however, want to highlight what I believe are the more significant provisions of the legislation. The core budget includes full funding for the space station and the national aerospace plane. Space science receives an 18-percent share of the total amount in this bill. This authorization funds NASA at essentially a freeze level for fiscal year 1993. Last year's authorization assumed that the overall NASA budget would grow at a 5-percent real rate. That obviously is not going to happen. So, this bill is an even more conservative approach than what was in the President's budget.

This bill manages to balance a number of important priorities. It is quite clear that obtaining adequate appropriations for NASA this year will be an uphill battle. The Appropriations Committee has made no secret of the fact that competition for domestic discretionary funds will be very stiff.

I would like to emphasize that the two-tiered structure of the bill is not a reflection on the importance of the programs contained in title II. This structure is simply a method for delineating activities which are essential to a strong U.S. space program. The programs in title II are extensions of that core, but represent initiatives which will require substantial new funding commitments. These initiatives include the robotic lunar missions and the Earth observing system and others; however, money is available for these programs only if the entire core program is fully funded first. Any advanced solid rocket motor funding can only come out of new money, and can only be fully funded if appropriations reach \$15.25 billion. This demonstrates the real choices that were made by the committee.

Let some believe that we are trying to do everything, let me point out that we did say no to an ambitious administration proposal. The \$12 billion new launch system is not included in this legislation. The committee has determined that this is an unnecessary and unjustified program, with virtually no support on Capitol Hill.

We, as the authorizing committee, are serious about our responsibility for setting the priorities for the programs

within our jurisdiction. We have made the difficult choices, and have, at the same time, preserved the foundation for a strong space program.

I urge my colleagues to support H.R. 4364, and I reserve the balance of my time.

□ 1550

Mr. BROWN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. HALL], and ask unanimous consent to delegate the rest of my time to the gentleman from Texas to manage.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HALL of Texas. Mr. Chairman, it is with a great deal of pleasure that I rise in support of H.R. 4364, the NASA Multiyear Authorization Act of 1992.

This is a bipartisan piece of legislation that the Subcommittee on Space has actively been working on since the President's budget proposal for fiscal year 1993 was submitted to the Congress in January.

I want to, of course, take this opportunity to thank the other members of the subcommittee who have contributed to the legislation. Also throughout this period, the gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology, has provided the Subcommittee on Space and all of our members with excellent guidance, with excellent advice, and support as the subcommittee has worked to draft this important piece of legislation.

Finally, it has been a pleasure to work with the ranking Republican member of the full committee, the gentleman from Pennsylvania [Mr. WALKER], and the ranking Republican member of the subcommittee, the gentleman from Wisconsin [Mr. SENSENBRENNER], in crafting this bill. We have worked very closely together, had very few disagreements, and I think basically have worked in harmony with the Members on both sides of the aisle in arriving at this final bill.

Mr. Chairman, you may recall that 1 year ago the central discussion within the space program revolved around the report of the Presidentially appointed Augustine Committee, a highly regarded study that would give guidance to this committee and to this Congress.

The committee was charged with bringing some stability to the space program and recommending the comprehensive management changes.

As was mentioned by the gentleman from California [Mr. BROWN], one of the most important recommendations made by the Augustine Committee was that over the next decade we should return to the level of investment in the space program that was made during the period of the Apollo Program.

Since the release of the Augustine report, this recommendation has become

all but nullified by the effects of the budget agreement. Last year, NASA's budget declined in real terms and this year the administration's request for NASA represents only an inflationary increase.

The failure to achieve, even in qualitative terms, the stable and increasing budget recommended by Augustine, severely limits the applicability of much of the rest of the work done by the Augustine Committee.

In the committee's deliberations last year we recommended a long-range authorization in order to provide some stability to the NASA programs. Public Law 102-195 provided a moderate increase for NASA of about 5 percent per year, only half of what Augustine recommended. Even this, however, was overly optimistic. Thus, we have taken a new tact this year to recommend a meaningful growth path for NASA, yet also identify a core program that can be carried out even if no growth is possible.

Unfortunately, some of NASA's most visionary and popular programs were begun in an era that anticipated these increasing budgets. These programs simply cannot be carried out within a flat budget scenario.

There is no question that, lacking the guarantee of a long-term stable and increasing budget, these popular programs must compete for extra discretionary resources. The question is whether we will allow this competition to take place within an increasingly strained NASA budget and accept the annual program cancellations and stretch-outs that will inevitably occur, or whether we will try and establish a core space program and force this competition to take place with other Federal expenditures.

Mr. Chairman, H.R. 4364 is intended to address this dilemma. The bill maintains a stable base program of space activities that can be carried out within a static, no-growth budget, while also providing for a series of special initiatives that will compete for discretionary resources.

This bill is structured in three titles, two of which are the principal funding titles. I think this has already been laid out, but let me reiterate.

Title I provides for the core space program, including the space station, a balanced science program, space shuttle operations, and space and aeronautics technology development. These programs constitute the type of activities which have been carried out over the past 30 years and have been the most productive parts of the space program.

In title I we have assumed that such a core program must be structured so that it can be executed even if no real budgetary growth occurs in future years. Funding for this core program begins at \$14.3 billion in fiscal year 1993—slightly less than the level appro-

appropriated last year—and grows at what is approximately an inflationary rate to a level of \$15.7 billion by fiscal year 1995.

I want to emphasize that this core program, including the space station and most of our science program, can be carried out within this funding envelope. It may not be the aggressive space program of space spectaculars we have been advocating over the years, but it is robust and it is affordable.

Title II contains the special initiatives which we believe can demonstrate leadership in space and provide major advances in science and human exploration. These include the Earth observing system, the space exploration initiative, the advanced solid rocket motor, and enhancements to the space shuttle.

The aggregate funding level included in titles I and II begins at \$15.253 billion in fiscal year 1993 and increases at a real growth rate of about 5 percent per year until it reaches \$17.886 billion in fiscal year 1995. Although I fully recognize the difficulty in achieving these full funding levels, I still regard this as a desirable and justifiable investment for the Nation.

Even though achieving these increases will be challenging, it is important to view this in the context of the present NASA request. In particular, it is important to look at the outyear budget requirements for the programs being requested. If no programs are canceled or stretched out, the budget requirements—called the runout—reach a level by fiscal year 1995 of \$3.6 billion above the President's requested freeze level and \$1.1 billion above the amounts authorized in H.R. 4364.

Thus, in fundamentally restructuring the budget request, we hope to avoid program cancellations and stretchouts that have characterized the NASA budget over the past several years. We have accomplished this in two ways. First, for the core programs in title I we have limited the growth of many rapidly growing activities and programs. The result, however, is what I believe to be a well-balanced and sustainable program. Second, we have placed the programs that cannot be limited in this way in title II, and then we have restricted their overall growth rate to 5 percent.

Mr. Chairman, later today the Members will likely be asked to vote on one or more amendments to cut funding from space station *Freedom*. I strongly believe that such amendments should not be supported.

One possible amendment would terminate funding for the station and provide part of the savings for other NASA programs and part for deficit reduction.

H.R. 4364 is intended to fund a balanced space program as judged by the committee after many hours of hearings and detailed consideration. Redistribution to other programs is, in es-

sence, an attempt to unbalance the space program toward other more narrow purposes.

With respect to deficit reduction, proponents of terminating the station envision that in some way the money not spent would be returned to the Treasury. In reality, the congressional allocation process ensures that money not spent on one program will simply be spent on another.

Another possible amendment would shift part or all of the funding for space station from title I to title II. This would redefine the station program as one which must compete for extra discretionary resources in the future rather than being funded as a part of a core space program. The station is central to the manned space program and directly related to the shuttle program, the tracking and data relay program, major portions of the science program, and a large portion of NASA's personnel and institutional base. In essence, unlike the other programs now in title II, the core space program in title I is interdependent and cannot be carried out without the space station.

In this authorization bill, the space station does not compete with any other non-space expenditure such as the super collider, housing, veterans, and on and on. No transfers to other programs and no direct reduction in the deficit is possible by terminating the station. Nor does the space station require the budget enforcement agreement be breached or that funding must be transferred from the defense budget.

Mr. Chairman, we should remember that the House budget resolution provided funding for the space station in both plans A and B, regardless of whether or not the budget walls were removed.

The simple question that must be addressed by space station amendments is whether we should continue the development of the space station.

Mr. Chairman, I believe that there are many reasons why the continued development of the space station should be supported by the Congress. These reasons include the following:

First, the space station will be a permanent international laboratory in space and will provide for unprecedented research in life sciences, medicine, and materials research and for the peaceful exploration of space.

□ 1600

New technologies developed on the space station will create new industries in the future.

Second, with contracts in 39 States and a value to date of over \$7 billion, the space station accounts for over 75,000 jobs nationwide. During this period of decline, for No. 3, in defense spending programs such as the space station will stabilize the aerospace industrial base and provide for the desired transition to other civil and commercial markets.

Next, besides being so important to the American space program, the space station is also the centerpiece for the European, Japanese, and Canadian space programs. In the face of the substantial financial contributions that these allies are making to the space station program, the United States must honor its commitments to continue this program. Next, the space station represents a model of the world order that many nations are trying to achieve in the aftermath of the cold war, and that is peaceful cooperation among nations while competing technologically.

The space station is an investment in our children's future. It is a catalyst for math and science education from grade school through graduate school.

Mr. Chairman, space station research over its 30-year lifetime will undoubtedly result in significant discoveries including treatments for diseases, new medicines, new materials, and revolutionary manufacturing technologies.

Just as the Apollo Program led to the use of integrated computer circuitry and the computer revolution, technology spinoffs are already emerging from the space station even during its development phase.

Examples that will improve our quality of life and enhance our technological competitiveness include, one, large flat video displays, nickel hydrogen batteries, environmental monitoring and control systems, and automated digital welding inspection with low x-ray hazard.

Over the past year, the space station has made significant progress and has remained within the funding guidelines set by the Congress. It is essential to continue this momentum, preserve these jobs and fulfill the investment that has already been made.

Mr. Chairman, for these and for many other reasons that I do not have the time and will not take the time to outline here, I believe that all Members should provide their full support to the space station program.

Likewise, Mr. Chairman, I would encourage all of my fellow Members to give their support to this entire authorization bill that has been so carefully crafted by the Committee on Science, Space, and Technology.

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

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking Republican on the Subcommittee on Space.

Mr. SENSENBRENNER. Mr. Chairman, I would like to add to the words of praise previously given to the chairman of the committee, the gentleman from California [Mr. BROWN], the chairman of the subcommittee, the gentleman from Texas [Mr. HALL], and my ranking member, the gentleman from Pennsylvania [Mr. WALKER].

I believe that this bill presents a significant departure from previous NASA authorizations and will put America's civilian space program on target so that it will continue to enjoy the confidence of the American public as tax dollars well spent.

Mr. Chairman, H.R. 4364 addresses the most serious problem facing NASA in this decade, being able to finish what it starts. The budget submitted to Congress would have left the taxpayer holding the bag, either by canceling programs after hundreds of millions had been spent, or by adding hundreds of millions in costs to stretch out existing programs.

The beauty of this bill is that it establishes a core program in title I and fully funds that core program so that those tasks contained in title I will be finished on time and under budget, just as President Kennedy's challenge to send an American to the Moon in the 1960's was.

Title I are those programs that we cannot afford now but we wish to authorize in case more money can be found. And that includes programs such as the completion of the ASRM and the Earth observation systems. This bill sets priorities, and these are priorities that have been lacking in previous budgets as well as previous authorization bills.

H.R. 4364 ends the destructive and wasteful pattern by drawing a line between the space program America has now and the space program it cannot afford now. Under current budgetary circumstances, programs that will sharply escalate in costs, or those that have barely begun, must be put on hold until significant additional priority funding can be given to the U.S. space program.

To give an example, the fiscal year 1993 request came to us \$1.7 billion below what it would cost to continue the programs authorized by this body last year for fiscal 1992. The canceled programs, including the ASRM, represent hundreds of millions of dollars already spent that would not be wasted. Such madness must stop and does stop with H.R. 4364.

We will hear later today about fiscal responsibility in the same breath we will hear "Kill the Space Station."

Killing the space station will cause the more than \$7.4 billion spent to date by the American taxpayer to be utterly wasted. If throwing away \$7.4 billion is not fiscally irresponsible, I do not know what is. And this is precisely the type of congressional mismanagement of the public dollar our bill seeks to end.

Instead, H.R. 4364 is constructed to provide for a core base program at or about the rate of inflation.

Several times already this session, the House has voted against tearing down the firewalls between defense and domestic spending. A vote for H.R. 4364

honors this decision shown by the House to keep the Budget Agreement. At the same time it keeps our word to the American taxpayer. H.R. 4364 gives America a robust, resilient space program that will result in a major accomplishment: the permanently manned international space station Freedom.

This is the most important feature of H.R. 4364, but I would reiterate, first, this bill keeps the budget agreement. Second, it honors the will of Congress and the desire of the American public to keep the firewalls up between defense and domestic discretionary spending.

And it also honors the decision of Congress made last year to fully fund space station Freedom.

There are some who have argued that passage of a NASA authorization bill is unnecessary because there already is an authorization in law. That authorization was passed by the House when many of us thought the firewalls would come down. That decision has been made. The firewalls will stay up.

Along with the Easter Bunny, the walls coming down is a little bit hard to believe, given the vote in the House on March 31.

The fact is that the NASA budget requested for fiscal 1993 was \$608 million below what was authorized last year. More alarming is the fact that the budget requested for fiscal 1993 was \$1.7 billion below the cost to continue work already in progress.

It would be irresponsible to fail to pass a new authorization because we need to bring the NASA authorization up to date with changed fiscal realities.

It seems to me that the way to do that is through the core program and the title II contained in H.R. 4364, which will allow programs already under way to be finished on time and under budget.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the distinguished chairman of the subcommittee on which I serve for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 4364, which is the NASA authorization bill we are considering and the provision in it which provides funding for space station Freedom. This program is an important part of our ability to compete in world markets. I am very concerned about the United States maintaining its worldwide competitive edge in technology.

As I am sure my colleagues are aware, aerospace is one of the few areas in which the United States still has a distinct competitive advantage. In 1989, the United States had a positive trade balance of \$22 billion in aerospace equipment, the largest single export surplus of any industry.

The strength of the U.S. aerospace development is extremely important

for our economy because it employs almost 1 million people. The space station Freedom program alone has created almost 80,000 jobs in aerospace and related fields.

The space program not only provides jobs, it has improved the lives of all Americans. The space program has been directly responsible for important breakthroughs including teflon, lasers, important medical discoveries on heredity and diabetes, and improved insulation materials. The space station will allow us to achieve even more important discoveries which will improve the everyday lives of Americans.

For the past 40 years, a great deal of our technological research and development has been driven by the defense industry. As we move into the post-cold-war era where defense spending will be diminished, it is important for us to maintain our technological edge in aerospace and related fields. If we decide to eliminate the space station, we could cause the United States to lose preeminence in an industry which is already being squeezed by both the recession and defense reductions.

The NASA authorization bill, and the space station in particular, will allow us to maintain our lead in an important part of the U.S. economy and to be a technological leader in many important fields. I urge my colleagues to support the space station and this authorization bill.

□ 1610

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS], the ranking Republican on the Subcommittee on Technology and Competitiveness of the Committee on Science, Space, and Technology.

Mr. LEWIS of Florida. Mr. Chairman, I would like to thank the gentleman from California [Mr. BROWN] and the ranking member of the subcommittee, the gentleman from Pennsylvania [Mr. WALKER], for the timely movement through committee in bringing this bill to the floor.

Only about 10 percent of the funding in the bill before us, the NASA authorization legislation, is for aeronautical research. Yet this is one of the most important areas to the U.S. economic competitiveness.

In 1991, the segment with the largest positive balance of trade was aeronautics. The estimates are that the positive balance was \$30 billion. This is due to U.S. leadership in aeronautical technology.

This technology, in term, is dependent, to a large degree, on the NASA long-term research programs in aeronautics.

The aeronautics portion of the budget before the House today, H.R. 4364, supports funding at the President's requested level.

The value to the Nation of this House supporting the aeronautics programs

can be illustrated by a February 1992 Congressional Research Service report.

CRS concluded that for every dollar in aircraft exports, the U.S. economy increases by \$2.3. And for every \$1 billion in exports, nearly 35,000 jobs are created.

For my colleagues who are looking for legislation to create jobs—look no further, because the NASA aeronautics R&D programs create jobs and increase U.S. competitiveness.

Also contained in the legislation is full funding for the National Aero Space Plane [NASP].

NASP is the long-term research program that will ensure U.S. aeronautical technological competitiveness for decades to come.

The advances in new materials for withstanding high temperatures, the development of supercomputer technology to design the aircraft, the progress in new air-breathing propulsion are all areas that will push U.S. technology to the forefront globally.

Other countries—most notably Japan and joint French-Russian efforts—are trying to catch up to the United States in hypersonic technology.

Support for the NASP program in H.R. 4364, will insure that the United States maintains the lead in hypersonic research.

I urge my colleagues to support the funding levels for aeronautics and NASP research in the NASA authorization.

I also want to call attention to the GOES-NEXT Weather Satellite Program, which is discussed in the report language to H.R. 4364. This is a joint NASA-NOAA [National Oceanic and Atmospheric Administration] program, in which NASA is constructing the satellite.

GOES-NEXT was originally scheduled for launch in 1989, and now it may not be launched before 1994, due to technical problems and poor management.

The satellite is vital for early warning of hurricanes and is the only NASA program on which the lives of the citizens of Florida and other coastal States depend.

Therefore, it is important that a timely and successful launch of GOES-NEXT be the highest priority program at NASA.

Mr. Chairman, I also would like to thank the gentleman from North Carolina [Mr. VALENTINE], the chairman of my subcommittee, for the work we have been able to accomplish during consideration of this bill.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in strong support of H.R. 4364, the NASA Multiyear Authorization Act of 1992. The Science, Space, and Technology Committee has had to make some hard decisions in developing this authorization.

Given the 5-year freeze on domestic discretionary spending called for by the President, it was absolutely essential that the Science Committee set priorities. We did this by restructuring the NASA budget into title I and title II programs. Through this mechanism we have been able to preserve the core space programs while also providing a way for the special initiatives in title II to be funded.

Title I provides for a balanced space program which includes: space station *Freedom*, space science, aeronautical and space research, and commercial space initiatives. The bill authorizes full funding for space station *Freedom* which is a top priority for not only the President but also for most Members of Congress. I hope to speak on the space station when Mr. ROEMER offers his amendment.

I commend both the chairman and ranking Republican of the Science, Space, and Technology Committee—Mr. BROWN and Mr. WALKER—for their diligence in crafting this bill and in bringing it to the floor in such a timely manner.

Mr. Chairman, I urge my colleagues to support H.R. 4364. It is a fiscally responsible authorization that represents a truly bipartisan effort.

Mr. WALKER. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, an essential truth of our time is technology's role as the fuel that drives the economic engines of the nations. In that sense, the space station is an exceedingly important investment. Aerospace technology represents one of this country's most critical industries, one of the few to enjoy a favorable and rising balance of trade. In 1990, that trade surplus was more than \$27 billion. The space station is indeed a contributor to this trade surplus. Since 1985, the U.S. has approved data, hardware sales, technical assistance agreements, and manufacturing license agreements to support the development of the European, Canadian, and Japanese elements of space station *Freedom*.

Meanwhile, within our own shorelines, when the loss of 12,000 jobs at a GM plant is treated as thunderous news, I wonder how we can even begin to entertain the notion of killing a project that will generate 25,000 direct jobs, 75,000 indirect jobs, contracts for more than 2,000 businesses in most of the States of the Union, and have a multiplier effect on the dollars spent in those States which in some cases is higher than 10-to-1.

What in heaven's name, future historians will ask, were we thinking of when we contemplated dismantling such an economic engine?

And these figures in themselves do not tell the full story of how a systematic, step-by-step program of exploration and discovery works its way

through the economic structure of the nation. In the January 9 issue of the British journal *Nature*, Roger Bezdak and Robert Wending argue that we have lost sight of "the indirect, pervasive effects of NASA expenditure throughout the economy."

"* * * we find that the economic benefits of the space programme (sic) are much more widespread than has previously been realized," they write. "Specifically, in 1987, the NASA procurement budget generated \$17.8 billion in total industry sales, had a 'multiplier effect' on the economy of 210 percent, created 209,000 private-sector jobs and \$2.9 billion in business profits, and generated \$5.6 billion in federal, state, and local government tax revenues."

But this infusion is only the beginning. While 70 percent of NASA's spending goes directly to California, Texas, Florida, Maryland, and Alabama, there are second, third, fourth, and *n*th spinoff effects of this spending. "For example," according to *Nature*, "business producing the wiring, paint or valves necessary to satisfy the third or fourth round of indirect output requirements usually have no idea that their sales, profits, and jobs are being generated by the Space programme."

This analysis indicates that the major indirect beneficiaries of NASA spending are such States as New York, Illinois, Michigan, Pennsylvania, Indiana, Missouri, New Jersey, and Wisconsin. Other States with substantial benefits include Georgia, Massachusetts, Washington, North Carolina, and Tennessee. *Nature* cites the example of Indiana, a State with no NASA installations and no major aerospace industry, as having one of the highest multiplier effects for space program expenditures of any State in the Union. "For every dollar Indiana receives directly in space programme funds," the study concludes, "it also receives \$12 indirectly in business arising from the programme."

As we consider deleting the largest portion of the NASA budget—the space station—can you deprive your State and your constituents of this important source of jobs and revenue? That is a tough thing to subject your constituents to in these difficult times.

Clearly, any suggestion that the space station is an economic debacle, pumping billions of dollars into a fiscal black hole, is a position that simply is not credible. Likewise, the notion that a manned space station is somehow at odds with our best interests in the fields of space science and robotic space exploration is highly misleading.

Support space for our future.

□ 1620

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in strong support of H.R. 4364, the NASA

reauthorization bill. Further, I would like to reiterate my strong support for our national space program, and in particular space station *Freedom*.

Mr. Chairman, I rise today with the strongest support for H.R. 4364, the NASA reauthorization bill. Further I wish to reiterate my longtime support for our national space program, in particular the space station *Freedom*.

My colleagues, space station *Freedom* should be understood as a contributor to our economic future and our technology base. Maintaining a robust industrial base incorporating the most advanced technologies and materials is the key to future stability of our economy. The experimental platforms on space station *Freedom* provide the type of environment that is conducive to researching and producing materials that will advance our industrial base into the 21st century. The field of pharmaceuticals and medicine in general will benefit from the experimental platforms that are part of the space station. Osteoporosis studies are already slated to be among the first experiments on the station. The space station is also good for our environment. From the platform we will be able to study the affects of global warming and acid rain and a host of other environmental problems.

Putting the actual capabilities aside, we must recognize that space station *Freedom* is a source of inspiration for our young people. If this country is serious about its pursuit of math and science education as well as engineering, we cannot responsibly cut a program that is representative of successes in all of these educational fields. This would in effect renege on our commitment to excellence and to the students of today and the future.

There is no doubt that this country is undergoing a difficult economic period. Efforts are being pursued by Congress to cut spending and reduce the deficit. This is clearly responsible legislation. However, some have viewed our economic state as a signal to raid the NASA budget and attempt to kill space station *Freedom*. I believe this is a grave mistake. I would like to remind my colleagues that our space program is yielding a 9-to-1 return on our investment. What we will get from space station *Freedom* is a diverse group of products, materials, and knowledge that will be important to our future economic stability.

Space Station *Freedom* is a vital foundation of our manned space program. It is the largest international cooperative endeavor in science and technology in the entire world. Our continued leadership is vital not only to our technological edge, but also to our commitment to improving the planet. My colleagues, let us not jeopardize our future space program by casting a vote to cut space station *Freedom*. Rather, let us prove that we are concerned about the future of our children and their children and get this important program off the ground.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 4364, the NASA authorization bill, and in opposition to amendments to gut the space station *Freedom*.

Mr. Chairman, the NASA authorization bill before us today is a carefully

balanced package, reflecting both present fiscal realities and future national economic and security needs.

The aerospace industry employs an estimated 250,000 workers in southern California, including many in my district in Santa Barbara and San Luis Obispo Counties. NASA programs and projects provide the basic foundation of research and development underlying the aerospace industry in California and the Nation.

As a result of the decline in defense spending, we have lost an estimated 60,000 aerospace-related jobs in southern California in the past 2 years. More cuts are anticipated.

These workers pay taxes and buy homes, cars, groceries, and other goods and services in their local communities. Equally important, they possess critical experience, education and technical skills which have served this country well in the past and will be needed again in the future. They are a national asset.

But the NASA authorization bill is not a job-creation program, although that may be a fortuitous secondary effect of its passage. It is a multiyear authorization for the Nation's civilian space and aeronautics programs, facilitating everything from basic scientific research to sophisticated technical applications—and authorizing programs as diverse as the space shuttle transportation system, space station *Freedom*, the national aerospace plane, the Earth observing system, and a raft of planetary and other space exploration programs.

NASA is both a source of national pride and an essential instrument of U.S. technological progress. It is our passport to the world markets of the 21st century. It helped us win the cold war, and now it will help us translate that victory into economic success in the future.

Clearly, in today's uncertain world, we need to maintain a strong national defense capability. Just as clearly, we need to look to our civilian and commercial aerospace sectors if we are to maintain our position as a leader in world markets. This bill will help with commercialization of space.

Space station *Freedom* is a multinational effort led by the United States—in concert with our allies in North America, Europe, and Asia—to assess and develop the unique scientific and commercial advantages of low-Earth orbit for the United States and for the world.

It is also the next logical step in our continued exploration of our nearest neighbors in the solar system—the Moon and Mars. President Bush has called upon us to undertake the lunar and Martian missions, just as President Kennedy called upon the Nation during the 1960's to undertake the Apollo Moon Program. It is the space goal of the next generation.

Just as our previous space programs led to unexpected medical, scientific, and commercial dividends, space station *Freedom* is certain to lead to as yet unknown discoveries benefiting our Nation and humankind.

Just as photos of the Earth from the Apollo spacecraft galvanized our concept of ourselves as one human race sharing one planet, so space station *Freedom* could be the unifying instrument leading to a cooperative world effort to preserve the ecosystems of this planet.

Mission to planet Earth, or the Earth observing system, as it is called in this bill, addresses this need even more directly, by providing a way to measure the current and future state of the atmospheric, oceanic, and terrestrial systems which make life on this planet possible.

The Earth observing system, which will be launched from Vandenberg Air Force Base in northern Santa Barbara County, will provide scientists with a whole-Earth view of these crucial systems from polar orbit. Space station *Freedom* will supplement that data with direct human observation of more limited areas of the Earth.

Together, they hold the hope for solving problems like global warming, ozone-layer depletion, deforestation, and global toxic pollution.

Mr. Chairman, we owe it to ourselves and to our children to take these steps to ensure the future integrity of these critical natural systems, which support all human life on Earth. To turn away from that task would be a betrayal of our responsibility and our destiny. I urge my colleagues to do the right thing, and approve this bill in its entirety.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I want to say in echoing the sentiments of the committee here that I have appreciated the work of Chairman HALL and Chairman BROWN. This has been a tough issue for our committee, particularly this year.

But, of course, I rise in strong support of the 1993 NASA authorization bill. The bill fully funds our civil space program, while recognizing the severe budgetary constraints we are facing.

The space program is vital to U.S. technological competitiveness. The exploration and scientific initiatives contained in this authorization will help ensure this Nation's competitiveness into the 21st century.

The bill contains an excellent balance between the manned program and space science. It increases the percentage of the NASA budget devoted to science. A robust shuttle program, space station *Freedom*, physics and astronomy missions, life sciences, planetary exploration, and mission to planet Earth are all authorized in this bill.

NASA continues to support science, mathematics, and engineering education. Our bill fully funds this effort, including the Centers for the Commercial Development of Space at 17 colleges and universities around the country.

Space station *Freedom* is fully funded in this bill. The space station is the centerpiece of our manned space effort. It will provide a research facility in space that is unparalleled. The station is vital to achieving the goal of insuring U.S. competitiveness in the 21st century and in America's continued leadership in space.

I urge my colleagues to support the 1993 NASA authorization bill that contains full funding for space station *Freedom*.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Chairman, I rise in strong support of this bill, of the space program and of space station *Freedom*.

Mr. Chairman, last month we learned for the first time that there is a hole in the ozone layer over North America. This frightening hole in the earth's atmosphere threatens the future of every American. How did we discover this alarming development? With a satellite launched from a space shuttle by NASA.

Last week we saw the beginning of time, we saw for the first time hard evidence of the Big Bang that created the universe. We saw the fingerprints of God. How did we obtain this evidence? With the space exploration probe launched by NASA.

Mr. Chairman, last Saturday I was in Titusville at the Parish Medical Center. I was there observing an operation in the operating room. Two doctors were operating on an 18-year-old girl who had an ovarian cyst. They used a technique called laparoscopy. They were able to destroy that cyst without even opening that young woman's belly, and they were able to send her home the next day when a decade ago she would have had to stay in the hospital for 2 weeks and would have had a lifelong scar across her belly. Mr. Chairman, that doctor, Dr. Zambos, told me that the techniques he used were invented by the space program and were a direct benefit of our investment in space, one of countless benefits we have derived from space.

Mr. Chairman, last Sunday night I was at home with my family. My baby daughter is teething again, so I was up late with my wife and my baby daughter, and I was reading. I was reading Plutarch. I was reading about the first century B.C. and succession of dictators who tried to rule Rome. At one point Plutarch made a wry observation that I think is appropriate today, Mr. Chairman. He said that having given up all hope of freedom, the Roman peo-

ple hoped only for a milder form of slavery.

Mr. Chairman, this vote today is about freedom and our hopes for freedom in the future. Who knows what additional discoveries await in the future. Who knows what wondrous benefits will derive from our space program and from space station *Freedom* for ourselves, for our children, our future, for our dreams, for our destiny, for our freedom.

An investment in the space program and in space station *Freedom* is one of the best investments we can possibly make.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute for the purpose of engaging in a colloquy with the chairman of the full committee [Mr. BROWN].

Mr. Chairman, I would like to clarify that the \$312 million authorized in this bill for space research and technology assumes funding for the funding of the SP-100 program at the requested level of \$10 million for fiscal year 1993. Is that accurate?

□ 1630

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

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

Mr. BROWN. Mr. Chairman, yes, the gentleman is correct that the committee has neither assumed nor specified any reductions in the SP-100 program.

Mr. WALKER. I thank the gentleman.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes, the remainder of my time, to the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I have not heard a single person stand up here today and oppose this bill, and I, therefore, do not want to belabor the importance of passing it.

I think our major problem will be on the amendment having to do with the space station, and I recognize from prior debates that this is a target. I think it is a wrong target, but it is, nevertheless, a target.

Earlier today during 1-minute, I took advantage of the opportunity to mention that we have a new Administrator of NASA, Mr. Dan Goldin, who last night made an extremely eloquent speech which I put in the extensions of remarks earlier today.

But in his speech last night, he made some brief remarks about the space station, and I want to quote him at this point so that the Members will understand how the new Administrator feels about NASA. If the Members will read his full speech, I think they will be very pleased at the attitudes he is expressing about the needs for change in NASA. Mr. Goldin said last night.

The primary purpose of space station *Freedom* is to be the premier outpost in humankind's effort to learn how to live and work in space. The time our astronauts have

spent in space is but the blink of an eye, a tiny fraction of what we will need to know to start a permanent presence off good old terra firma. How will the body take the stress of zero g. of prolonged hazardous radiation, of long stretches of isolation in cramped quarters? How do we assemble hardware, dock, and rendezvous, and what about how dexterity will be affected after long periods of zero or partial g? Will astronauts have the strength and agility to respond in life-threatening situations when a rescue is in progress? All this must be learned before we can ever go back to the Moon or go to Mars, and the only place to learn is the space station.

I think that this is a very good statement of why we want to go into space. It is not just a jobs program.

It is not just a scientific experiment, although there is a lot more science to this space station program than it is given credit for. It is an indispensable step if man is to learn how to survive in space, and to attempt to strike that program after, as other speakers have indicated, we have invested as much as \$7 billion, and our allies have invested comparable amounts would be the worst form of misjudgment, the worst form of misuse of the taxpayers' dollars.

Mr. Chairman, I can only say in conclusion that I hope that we will be able to defeat this amendment and proceed with what we all know to be one of the foremost programs illuminating America's leadership in the world today.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would simply like to reiterate a point made by the gentleman from California on the Administrator's support for space station.

He appeared today before the Republican whip organization and said many of the same things that the chairman has just repeated.

It is clear that this new Administrator at NASA wants to make some fundamental changes in that agency, but he does recognize that within those fundamental changes there is a need for the core program, namely, things like the space station. He said quite clearly that there was a need for us to learn about how human beings function in weightlessness over long periods of time, that that was essential to any kind of long-term program, and beyond that, the idealism of America is expressed in the space station; the ability to probe new frontiers is absolutely expressed in what we do on space station. The chairman is absolutely right, the new NASA Administrator is on record as being in full support of the space station efforts.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER] for the purposes of a colloquy.

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

Mr. Chairman, I am including in the RECORD the text of my amendment and a written statement of its purpose.

Mr. Chairman, the purpose of this amendment and of my bill, H.R. 4447, is simple. It would eliminate the requirement that now exists for NASA to obtain a license to go shopping for civil space technology in the former Soviet Union. My bill has already helped change the position of the State Department from a presumption of denial to a presumption of approval for these licenses.

I appreciate the strong support for this concept from the chairman of the full committee, the gentleman from California [Mr. BROWN], the ranking Republican, the gentleman from Pennsylvania [Mr. WALKER], as well as the chairman and the ranking Republican of the Space Subcommittee, the gentleman from Texas [Mr. HALL], and the gentleman from Wisconsin [Mr. SENBRENNER].

Mr. Chairman, this amendment was unanimously approved by the Subcommittee on Space when it was recently considered as a separate bill. Among the bill's cosponsors are the chairman of the Science, Space, and Technology Committee, the chairman and ranking Republican of the Space Subcommittee, and several other members of the subcommittee.

This amendment will make it easier for the United States to acquire space hardware, technology, and services from the former Soviet Union. It will eliminate the requirement that NASA obtain a license from the State Department in order merely to discuss the transfer of Soviet technology and hardware to the United States. Such restrictions were prudent when the Soviet Union was our adversary, but they are now obstacles to efforts that would encourage its successor republics to develop market-based economies.

My amendment also directs the Department of Commerce to conduct a trade mission so we can become more familiar with opportunities that exist for the United States aerospace industry to benefit from hardware, technology, and services developed by the Soviet Civil Space Program. The bill calls upon the Department of Commerce to establish a central information clearinghouse and to monitor negotiations so we can promote our aerospace industry and monitor any anticompetitive behavior on the part of the republics.

This is one small step toward developing a new relationship with the former Soviet Union—a relationship based on something other than animosity or charity. I am sure that we will be seeing more comprehensive bills on this matter from the Foreign Affairs Committee before long, but we must not lose the opportunity to act now. Space technology is perhaps the best area for scientific, economic, and political cooperation between our Nation and the former Soviet Union.

The former Soviet Union is in the process of redefining itself, and America has a choice to make. Either we can engage the former Soviet Republics and help them to rebuild, as we did with Germany after the Second World War, or we can ignore them. We can either incorporate the gains made by Soviet scientists during the cold war into our own high technology endeavors, or we can ignore this op-

portunity and allow their scientific know-how to benefit only our adversaries and our competitors.

So far the State Department has been dragging its feet. To a large extent, NASA has been blocked from even discussing the possible acquisition of many of the items that our Nation should be trying vigorously to incorporate into our civil space and aeronautics programs.

By incorporating the Soviet's achievements into our space effort, we can avoid the enormous cost of reinventing technology already developed by our former adversaries. We can also begin to think about integrating the space programs of the former Soviet Republics with the efforts being made by the rest of the world. The new nations of that region have tremendous resources and experience which—if combined with other ongoing exploration and research efforts—will yield dramatic results in ways we are only now beginning to contemplate.

The Soviets have excelled in some key areas such as welding techniques and propulsion systems. They have the world's only operating space station, the largest and most powerful rocket, and a highly sophisticated automated docking system.

Gaining access to Soviet technology could allow the United States to achieve its space objectives more quickly and for less money. By allowing aerospace industry to tool up rapidly for the manufacture of products based on the best of both American and Soviet technology, we can put Americans back to work.

This amendment gives the American taxpayer an opportunity to get something tangible and valuable in return for the large amount of American aid going to the former Soviet Union.

The text of the amendment follows:

Page 36, after line 20, add the following:

TITLE IV—SPACE TRADE AND COOPERATION WITH FORMER SOVIET REPUBLICS

SEC. 401. FINDINGS.

The Congress finds that—

(1) the dissolution of the political system of the former Soviet Union provides a unique, historic opportunity for the United States to achieve world peace and stability while incorporating the significant potential of the former Soviet Union to contribute to mankind's quality of life through science and technology;

(2) failure to take advantage of the opportunities presented by recent developments in the former Soviet Union could threaten United States national security anew, jeopardize the desirable migration of world capital to nonmilitary enterprises, and preclude technological advancements of common interest to humanity;

(3) the democratization of the former Soviet republics is more likely to succeed and become self-sustaining through economic trade relationships than by financial assistance alone;

(4) the desired conversion of former Soviet military and quasi-military assets, industries, and research facilities is furthered by openness in scientific collaboration, economic trade, and redeployment of capital resources; and

(5) because space trade and cooperation offer both the United States and former Soviet republics significant nonmilitary indus-

trial growth opportunities, space trade and cooperation represent perhaps the best opportunity to encourage the transition to a market-based economy in the former Soviet republics.

SEC. 402. PURPOSE.

The purpose of this title is to authorize space trade and cooperation that—

(1) contributes to achieving the United States goals of continued democratization and economic rehabilitation of former Soviet republics;

(2) assists with the demilitarization of former Soviet society and inhibits proliferation of military assets and technologies;

(3) encourages the reallocation of former Soviet capital resources toward market-oriented investment;

(4) relies on principles of commerce and comparative advantage whereby the benefits of an efficient space market are realized everywhere; and

(5) enables the United States aerospace industry, and those citizens dependent upon it for employment, to utilize new technologies acquired from former Soviet republics to create American products and American jobs.

SEC. 403. REMOVAL OF IMPEDIMENTS TO NEGOTIATE PURCHASES OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM FORMER SOVIET REPUBLICS.

(a) **AUTHORITY TO UNDERTAKE NEGOTIATIONS.**—Subject to subsection (e), representatives of the National Aeronautics and Space Administration are authorized to undertake the negotiations described in subsection (b).

(b) **NEGOTIATIONS FOR ACQUISITION OF FORMER SOVIET SPACE HARDWARE, TECHNOLOGY, AND SERVICES.**—

(1) **IN GENERAL.**—The negotiations referred to in this section are negotiations by the representatives of the National Aeronautics and Space Administration with representatives of former Soviet republics (including representatives of former Soviet scientific production associations, research institutes, and design bureaus) regarding the technical evaluation and the acquisition by the United States of space hardware, space technology, and space services for integration into United States space projects that have been authorized by the Congress. The emphasis in such negotiations shall be to enable United States industry to undertake the acquisition (under terms the United States deems favorable) of prototype hardware, technologies, and services for carrying out space projects authorized by the Congress.

(2) **EXAMPLES OF SUBJECTS OF NEGOTIATION.**—The negotiations pursuant to this section may include negotiations regarding the technical characteristics and acquisition of space hardware, space technology, and space services such as spacecraft automated rendezvous and docking systems, metallurgy and welding technologies, manned spacecraft, heavy-lift launch vehicles and launch systems, space station modules and components, extravehicular mobility units (commonly referred to as "spacesuits"), propulsion systems including the RD-series engines, reaction control systems, and hypersonic technology.

(c) **EXEMPTION FROM CERTAIN PROCEDURAL REQUIREMENTS.**—Subject to subsections (d) and (e), any requirement for approval by another agency or for interagency review that is established under section 38 of the Arms Export Control Act or under any other Act with respect to exports of technical data shall not apply with respect to disclosures of such data by representatives of the National Aeronautics and Space Administration during negotiations described in subsection (b).

This subsection does not apply with respect to classified technical data regarding the specifications or capabilities of United States hardware or technology used or to be used in United States space projects.

(d) NOTICE OF AND REPORTS ON NEGOTIATIONS.—

(1) PRIOR NOTICE OF NEGOTIATIONS.—Subsection (c) applies to negotiations described in subsection (b) to the extent that the Administrator submits to—

(A) the agency or interagency group whose approval or review would otherwise be required,

(B) the Office of Space Commerce, and
(C) the congressional space committees, notification of the types of former Soviet space hardware, space technology, and space services that will be subjects of technical evaluation or acquisition negotiations pursuant to this section.

(2) PROGRESS REPORTS ON NEGOTIATIONS.—The Administrator shall report to the agency or interagency group referred to in paragraph (1)(A), to the Office of Space Commerce, and to the congressional space committees with regard to technical evaluations or acquisition negotiations conducted pursuant to this section.

(3) INFORMATION TO BE PROVIDED TO CONGRESS.—The information provided to the congressional space committees pursuant to this subsection shall include the information specified in subparagraphs (A) through (C) of subsection (f)(2) to the extent possible.

(e) TERMINATION OF NEGOTIATIONS BY THE PRESIDENT.—Subsections (a) and (c) shall not apply to the extent that the President—

(1) determines that negotiations pursuant to this section are not in the national security interests of the United States; and

(2) reports that determination to the Congress.

(f) LIMITATIONS ON ACQUISITIONS.—

(1) PRESIDENT'S APPROVAL.—The National Aeronautics and Space Administration or a National Aeronautics and Space Administration contractor may enter into a contract or other agreement for the acquisition of former Soviet space hardware, space technology, or space services pursuant to negotiations under this section only if such acquisition is approved by the President.

(2) NOTICE TO CONGRESS.—During the period beginning on the date of enactment of this title and ending on September 30, 1993, a contract or other agreement described in paragraph (1) may be entered into only if, at least 30 days before approval is granted by the President pursuant to paragraph (1), the Administrator submits to the congressional space committees a written report that includes—

(A) a detailed description of the space hardware, space technology, or space services to be acquired, including the quantity;

(B) a description of the terms and conditions governing such acquisition; and

(C)(i) in the case of an acquisition contract or other agreement to be entered into by the National Aeronautics and Space Administration, an identification of the program account that will be used by the National Aeronautics and Space Administration for such acquisition, or

(ii) in the case of an acquisition contract or other agreement to be entered into by a National Aeronautics and Space Administration contractor, an identification of the program account that will be used by the National Aeronautics and Space Administration for the contract payments that relate to the contractor's performance under the contract that involves utilization of the space

hardware, space technology, or space services to be acquired from a former Soviet republic.

(g) REPORT TO CONGRESS.—Within one year after the date of enactment of this title, the Administrator shall prepare, in cooperation with the Secretary of Defense and the Secretary of State, and shall submit to the congressional space committees a report describing—

(1) the acquisition approach taken by the National Aeronautics and Space Administration and representatives of the National Aeronautics and Space Administration in carrying out this section;

(2) specific space hardware, space technology, and space services that have been, or could be, the subject of technical evaluation or acquisition negotiations pursuant to this section;

(3) any acquisition of space hardware, space technology, or space services that have been or could be carried out pursuant to this section in a manner that assists in the conversion of former Soviet military investments (such as hardware, facilities, and industries) to commercial research, development, and production.

SEC. 404. ACTIVITIES OF THE OFFICE OF SPACE COMMERCE.

(a) TRADE MISSIONS.—The Office of Space Commerce is authorized and encouraged to conduct one or more trade missions to appropriate former Soviet republics for the purpose of familiarizing United States aerospace industry representatives with the former Soviet space hardware, space technologies, and space services, and with the business practices and overall business climate of those republics.

(b) CENTRAL INFORMATION CLEARINGHOUSE.—The Office of Space Commerce, drawing upon all appropriate resources of the Department of Commerce, shall establish a central information clearinghouse to provide United States aerospace firms comprehensive information on former Soviet space hardware, space technology, and space services potentially available, consequent trade opportunities, applicable regulations, and other data relevant to the conduct of space-related trade under this title. In carrying out this subsection, the Office shall draw upon the expertise and knowledge of the Department of Defense, the Department of Energy, the Department of State, the Department of Transportation, and the National Aeronautics and Space Administration.

(c) MONITORING NEGOTIATIONS.—The Office of Space Commerce shall monitor the progress of negotiations provided for in section 403 and shall advise the Administrator as to the impact of each potential transaction on United States industry, specifically including any anticompetitive issues it may observe.

(d) REPORT TO CONGRESS.—Within one year after the date of enactment of this title, the Secretary of Commerce shall submit to the congressional space committees a report describing—

(1) the opportunities for increased space-related trade with former Soviet republics;

(2) the degree to which such opportunities are in keeping with the purpose of this title;

(3) the trade missions carried out pursuant to this section, including the private participation in and the results of such missions;

(4) any barriers, regulatory or practical, that inhibit space-related trade as provided for in section 403, either in the United States or in former Soviet republics; and

(5) any anticompetitive issues raised during the course of negotiations, as observed pursuant to subsection (c) of this section.

SEC. 405. DEFINITIONS.

For the purposes of this title—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "congressional space committees" means the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(3) the terms "former Soviet" and "former Soviet Union" include the former Soviet republics;

(4) the term "former Soviet republics" means the independent states that formerly were part of the Soviet Union;

(5) the term "Office of Space Commerce" means the Office of Space Commerce of the Department of Commerce;

(6) the term "representatives of the National Aeronautics and Space Administration" includes National Aeronautics and Space Administration contractors to the extent that the acquisition of former Soviet space hardware, space technology, or space services may be relevant to the contractor's responsibilities under the contract;

(7) the term "space hardware" means proprietary former Soviet-made space products, materials, and equipment;

(8) the term "space services" means former Soviet space activities that can be performed for the benefit of another country; and

(9) the term "space technology" means proprietary former Soviet-developed space systems, sub-systems, methods, and practices that have application to space projects of other spacefaring countries.

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

Mr. ZIMMER. I am happy to yield to the gentleman from California.

Mr. BROWN. Mr. Chairman, I see that the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], has joined us. The gentleman from Florida [Mr. FASCELL] is aware of the bill offered by the gentleman from New Jersey [Mr. ZIMMER] which could come before the House as an amendment to the NASA bill now before us.

I strongly support the aims of the Zimmer amendment to facilitate NASA's efforts to evaluate the space products of the former Soviet Union for potential benefit to the U.S. space program. The gentleman from New Jersey [Mr. ZIMMER] has drawn attention to this important opportunity.

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

Mr. ZIMMER. I am happy to yield to the gentleman from Florida.

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

I understand that H.R. 4364 would have an important and salutary effect on our foreign policy towards the former Soviet Union, and he, the gentleman from New Jersey [Mr. ZIMMER], is addressing a major opportunity to help promote postcold war stability within the former Soviet Union and to improve bilateral cooperation on science and technology issues.

The intent of the bill offered by the gentleman from New Jersey [Mr. ZIM-

MER] represents the approach that is needed, in my opinion, to lead NASA and the entire technology community into the postcold war era, and the Committee on Foreign Affairs will consider the space trade issue as an important part of our forthcoming legislation which will forcefully address the gentleman's concerns.

Mr. ZIMMER. I wish to thank the distinguished chairman of the Committee on Foreign Affairs for his comments in support of my bill.

I had intended to offer it today as an amendment, but with the assurance of the gentleman from Florida [Mr. FASCELL] that he will incorporate its intent, I will not offer it today.

Mr. FASCELL. I appreciate the gentleman's cooperation. The gentleman has my word that the space trade will be vigorously pursued and taken into account, and his expectations for progress in this area will have our full cooperation and concern.

Mr. ZIMMER. I thank the gentleman.

Mr. WHITTEN, Mr. Chairman, I rise in support of H.R. 4364 which authorizes the Advanced Solid Rocket Motor Program. We should continue this important program which is vital to the national space program and northeast Mississippi.

That program was initiated on the recommendation of the Presidential Commission on the space shuttle *Challenger* accident and NASA in order to improve space shuttle safety and reliability and to increase the shuttle payload by 30 percent—12,000 pounds.

NASA selected the Yellow Creek, MS, site because of its location on the Tennessee-Tombigbee waterway and, because of roads and utilities already in place, it would save \$100 million and advance first motor delivery by a full year.

Mr. Chairman, those requirements are still needed for the safe operation of the shuttle program. In addition, the Air Force/NASA baseline planning includes the advanced solid rocket motor for the Heavy Launch Lift Vehicle Program. In view of those needs it is not reasonable or responsible to discontinue the program—to do so would be shortsighted and unsound.

Mr. FOLEY. Mr. Chairman, I rise in strong support of H.R. 4364, the NASA authorization bill before us today.

I want especially to commend Chairmen BROWN and HALL and ranking minority members Mr. WALKER and Mr. SENSENBRENNER who have crafted a bipartisan compromise which addresses the difficult issue of setting priorities in tough budgetary times. I also want to commend Mr. NORM MINETA, a member of the subcommittee and the full committee and a strong advocate of our Nation's science, technology, and space programs, for his role in crafting this legislation. While the decisions made by the committee have not been easy, I am pleased that the committee product maintains a strong commitment to the space program within the limits set by today's fiscal climate.

The bill before us today authorizes funding for a number of vitally important programs which are major components of our national research and development program. The bill will lead to major advances in science and technology and will vitally impact our domestic economy.

Achievement in space sets the United States apart from other nations with greater distinction than almost any other endeavor. Indeed, our space program has become the very symbol of American ingenuity, daring, and innovation. It has been more than two decades since Americans walked on the moon, and no other nation today is even remotely close to duplicating that feat.

This year NASA will begin producing flight hardware for space station *Freedom*—elements of the station itself. The United States is on the very threshold of entering an exciting, challenging new era of space exploration and research.

While funding for space station *Freedom* is the cornerstone of the overall space program, it is important to note that the space station budget has been planned to ensure balance with the rest of the Federal science budget and to provide opportunities for low cost, high payoff small science projects.

The space station is the largest internationally cooperative scientific effort in which the United States has ever engaged. It will provide a national laboratory in space, promote inventions and discovery that cannot be duplicated on Earth. Space station *Freedom* also holds the hope of medical advances leading to more effective methods of treating and perhaps curing some of the most threatening diseases of our time.

Yes, we have social and economic problems all around us with fewer and fewer resources to address them. But we also must recognize the importance of investing in our future. For our children and grandchildren, and subsequent generations of Americans to prosper, they will require new ideas, new knowledge, new technology, new products, new jobs, and new worlds to conquer.

I urge my colleagues to continue to support our Nation's space program as envisioned by the committee and vote for this important bill as reported.

Mr. GOSS. Mr. Chairman, people say that the NASA authorization provides jobs. They are right—the space station *Freedom* program alone supports nearly 75,000 jobs. The economies of Florida and the Nation benefit from these jobs.

I personally share the vision embodied in the U.S. space program—a vision that changes with the times and continues to guide us to our future. Thirty years ago, when President Kennedy announced his ambitious space exploration program for exploration of space, the key motivating factor was the cold war reality of the arms race. Our "friendly" competition with the Soviets in this endeavor did not mask completely the undercurrent of apprehension.

Today we enjoy the preeminent position in space exploration. Our incentive is no longer military competition, but the prospect of great economic benefit and advancement in the realm of human knowledge and understanding. Our investigation of the universe holds

great promise not only for pure science, but for practical advances in areas such as health care, manufacturing, and agriculture.

On a more parochial note, funding for NASA is important to my constituency and my home State of Florida. We are proud of the work done by the space agency in our State, and of the men and women who are responsible for wonders such as the space shuttle.

Besides ensuring that our leadership of space exploration continues into the next century, programs like the space station and the Earth observing system are an investment. In the short term this investment will provide jobs and manufacturing opportunities. In the long term, utilization of the unique energy and material resources available in space will provide even greater economic rewards.

However, with this authorization as with all matters that come before this House, I must ask the questions, "How much does it cost?" and "Who pays?" These questions are not directed solely at the space program and NASA, but need to be asked of every piece of legislation which involves public funds. Our employers, the taxpayers of the Nation, are tired of Congress' insatiable and profligate spending habits.

I do not believe that this authorization is an example of irresponsible spending; I would like very much to be in a position to vote for it. But at the moment I must question if we can afford to spend \$47.3 billion over the next 3 years given the truly terrifying size of the budget deficit—an estimated \$400 billion for fiscal year 1993. To use a visual example of the galactic proportions of this deficit, if you were to stitch 400 billion dollar bills end to end, they would stretch 38.5 million miles, a distance greater than that between the orbits of Earth and Venus.

What I want to see, what the people of my southwest Florida district demand, is less waste and overall reform of the spending process. Our purpose as a body is the passage of laws—in effect charging the citizens of this country to act responsibly; how ironic that we do not require the same responsibility from ourselves. Until we do; until there is real reform of the way we spend the money entrusted to us, I find myself in the unfortunate position of having to put worthwhile but costly programs such as this in competition with other priorities. Given the priorities of balancing our budget, reducing the national debt, and meeting the costs of national defense and entitlement programs, there just isn't enough money to do everything.

Mr. MINETA. Mr. Chairman, I rise in strong support of the NASA Multiyear Authorization Act of 1992.

I would like to congratulate Chairman BROWN, Chairman HALL, Mr. WALKER, and Mr. SENSENBRENNER, for their leadership and hard work on this landmark legislation.

This is the first time the Science, Space, and Technology Committee has drafted a bill that clearly establishes core programs for NASA and separates these from the special initiatives that are not critical to NASA's primary mission.

I have always been a strong supporter of the American space program. No matter where our efforts are focused—toward Earth, toward our solar system, or toward the uni-

verse beyond—I believe that the ultimate goals of the space program must be to improve the human condition.

To me, that means having national goals that support our resolve with serious priorities tempered only by our limited financial resources, and common sense.

I believe that the NASA Multiyear Authorization Act of 1992 does all of this in its emphasis on space station *Freedom*, a cornerstone of America's future in outer space.

Today, our world is at a crossroads.

We've made many sacrifices here in the United States during the last several decades, as we fought the cold war.

The United States and the cause of freedom won that war.

But now, America faces the challenge of being accountable to our legitimate expectations in this new age of peace.

Historically, developments in the defense and space industries led to spinoffs that ensured our technological and commercial superiority.

Commercial technology policy came by default, not by design.

That day has come and gone.

In today's world, economic success requires direct investment in research and development, direct investment in education and infrastructure, and direct investment in the technologies that are the keys to the future.

During the last 30 years, space exploration has served as a vehicle for investment in technology.

It is no coincidence that the growth and expansion of our Nation's high-technology industries have paralleled the years of NASA's greatest activity and accomplishment.

Mr. Chairman, as a senior member of the Science, Space, and Technology Committee, it has been my privilege for many years to work with NASA and help shape our Nation's space program.

As a member of that committee I have had the opportunity to evaluate the role of space station *Freedom* to our Nation's future.

Mr. Chairman, I am convinced that space station *Freedom* is a necessary building block to our future goals in space, which include continued manned exploration of space and eventually, a permanent manned presence in space.

Unfortunately, too many people fail to recognize the implications of space station *Freedom* in our economic competition with Europe, Japan, and others in the years ahead.

Make no mistake. This is not a debate about hardware. This debate is about where this Nation will go and what it will do with the resource of outer space.

I believe that we cannot be content to abandon the centerpiece of our future space program and then watch as other nations look to overtake us.

A complete space program is essential to our future—not a luxury we can do without.

We need space station *Freedom* to serve as an international laboratory in space for biotechnology and life-sciences research, improved medicines, and manufacturing.

And at a time when the United States is making the transition from defense to civil and commercial markets, the space station program alone accounts for more than 75,000 jobs in 39 states.

In short, the space station is good for science, good for our economy, good for international relations, and essential for the United States.

Mr. VALENTINE. Mr. Chairman, I rise to give strong support for the authorizations for aeronautical research and technology and transatmospheric research and technology in H.R. 4364. As chairman of the Technology and Competitiveness Subcommittee, I recognize that in aeronautics it has been proven time and again that technology and competitiveness are synonymous.

Our success with aeronautics as our leading international favorable balance of trade industry requires an adequate research and development funding policy since other industrial nations are gearing up to topple our leadership. The NASA aeronautical research and technology authorization of \$890,200,000 is essential to assure this unique superiority through the turn of the century.

This authorization supports six important objectives: High leverage competitive technologies, critical environmental problems including those of the high speed civil transport, technology for revolutionary high performance aircraft, advanced support of X-30 derivative aircraft, further development of computational tools, and the operational maintenance of the NASA unique world class aeronautical laboratory complex. All are critical to meeting our domestic needs and the international challenge.

And what of the long-term future? The marketplace and the industrial muscle of the 21st century are going to belong to the nations who demonstrate aggressive research today. Today's research and development leaders will be the nations that are tomorrow's top industrial producers.

The National Aerospace Plan Program is an example of this necessary aggressive research that has already achieved breakthroughs in materials technology. Few peace oriented programs of memory have created the international attention, in their field, as has the NASP. Its benefits are not obscure to our competitors.

The jobs, industry, and international leadership are all at stake in the aerospace and transportation industries. Furthermore, improving the economics and benefits of Earth orbital systems are what we strive for through NASP technology and derivative aircraft. To deny future generations these foundations would be penny wise foolishness.

We have held the line in authorizing \$80,000,000 as NASA's share of the national program. Some would like more. More would not be difficult to justify. Any less risks forfeiting our aerospace leadership for 21st century America.

Whatever the arguments about aeronautical and NASP funding, they must yield to duty to the future of aeronautics that we have postponed too long. I do not want to be party to the regrets of future generations. I urge, without reservation, authorization of the aeronautics and NASP Program as proposed in H.R. 4364.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute now printed in the reported bill will be considered by titles as an original bill for the purpose of amend-

ment and each title is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Multiyear Authorization Act of 1992".

Mr. SCHUMER. Mr. Chairman, I ask unanimous consent, and I believe this has been agreed to on both sides, that I be permitted to take up my amendment out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER: Page 36, after line 20, insert the following new title:

TITLE IV—HIGH RISK RESEARCH AND DEVELOPMENT CONTRACT ADMINISTRATION

SEC. 401. FINDINGS.

Congress finds that—

(1) some leading edge research and development projects which are in the public interest to conduct have a significant chance of not achieving their desired goals due to the inherent risks in the nature of the research and development project being attempted;

(2) Federal Government-wide procurement regulations require, in such high risk research and development projects, that the National Aeronautics and Space Administration reimburse the contractor for the costs of correcting or replacing articles even when the articles are defective in materials and workmanship, or otherwise fail to conform to the contract requirements, and where the defect or failure has been within the control of the contractor;

(3) the National Aeronautics and Space Administration's procurement policies are based on the reasonable assumption that contractors would not conduct some desirable high-risk research and development projects unless the National Aeronautics and Space Administration assumes the risk for the failure of the research and development project;

(4) such procurement policies are further based on the assumption that it is significantly less expensive for the National Aeronautics and Space Administration to assume the risk of failure of high-risk research and development projects than to require the contractors to assume such risks;

(5) such procurement policies should be limited to use in true leading edge research and development contracts, where successful results are uncertain at the outset and should not apply to those aspects of such contracts where defects in materials and workmanship, or other failures to conform to contract requirements, were within the control of the contractor;

(6) a shared allocation of risk based on a competitive procurement process for research and development contracts may result in an overall cost savings to the National Aeronautics and Space Administration; and

(7) it would be beneficial to reexamine the effect of the National Aeronautics and Space Administration's procurement policies on the cost of conducting its research and development projects.

SEC. 402. ACQUISITION POLICY ASSESSMENT.

(a) **ASSESSMENT.**—Within 180 days after the date of enactment of this Act, the Administrator, in coordination as necessary with the Office of Federal Procurement Policy and the Federal Acquisition Regulation Council, shall carry out an assessment of the allocation of risk between the Government and its contractors for future research and development contracts in order to identify options for increasing the contractor's allocation of risk for defects in materials and workmanship or other failures to conform to contract requirements. The National Aeronautics and Space Administration is encouraged to test those options identified.

(b) **CONTENTS.**—In carrying out the assessment in subsection (a), the Administrator shall consider—

(1) technical uncertainty, market dynamics, and equity to both the Government and the contractor community;

(2) the use of positive fee incentives reflecting the level of cost, schedule, and performance risk accepted by the contractor;

(3) the use of negative fee incentives, including provisions for less than full cost recovery for work determined to be defective in materials or workmanship or which otherwise fail to conform to contract requirements;

(4) the appropriate use of rollovers;

(5) the appropriate use of retroactive award fee adjustments;

(6) the appropriate use of value engineering;

(7) the use of warranties to ensure that the end product or a specified sub-product of a contract meets the performance requirements of a contract; and

(8) the recovery of costs for the replacement or correction of articles which are defective in materials or workmanship, or which otherwise fail to conform to contract requirements.

SEC. 403. PROMULGATION OF REGULATIONS.

Within twelve months after the date of enactment of this Act, the Administrator, in coordination as necessary with the Office of Federal Procurement Policy and the Federal Acquisition Regulation Council, shall develop regulations for the administration of research and development contracts which propose specific changes to National Aeronautics and Space Administration Procurement Regulations and, as necessary, Federal Acquisition Regulations, in the form of mandatory and optional clauses which—

(1) establish policies and procedures for the use of performance-based contracts, incorporating positive and/or negative fee incentives to the maximum extent practicable; and

(2) establish policies and procedures—
(A) for limiting the use of clauses of the Federal Acquisition Regulations which otherwise obligate the Government to pay for the cost of correction of defects in materials and workmanship and work which otherwise fails to conform to contract requirements, and eliminating the use of such clauses where the defect or failure is within the control of the contractor; and

(B) to provide for less than full recovery for work determined to be defective in materials and workmanship or which otherwise fails to conform to contract requirements.

SEC. 404. REPORT.

Within 180 days after the date of enactment of this Act, the Administrator shall report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the progress in implementing this title.

SEC. 405. DEFINITIONS.

For the purpose of this title—

(1) the term "Performance-based contracting" means structuring all aspects of an acquisition around the purpose of the work to be performed as opposed to either the manner by which the work is to be performed or broad statements of work;

(2) the term "Positive fee incentive" means that element of the potential total remuneration that a contractor may receive for contract performance over and above the allowable costs;

(3) the term "Negative fee incentive" means a rebate payable to the National Aeronautics and Space Administration by a contracting party whose deliverable item or service is not in conformance with contract requirements or otherwise deemed to be defective work; and

(4) the term "Rollover" means the act of reallocating any positive fee incentives not earned by a contractor due to less than excellent performance to subsequent opportunities for award available in the contract.

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHUMER. Mr. Chairman, I rise today to offer a much-needed and long-overdue amendment to NASA's contracting procedures, to protect taxpayers from ever again being forced to bear the billion-dollar costs of space projects that fail miserably due to contractor negligence.

The amendment has been massaged and fine tuned over a 15-month period, thanks to the work of the chairmen of the Science Committee and the Space Subcommittee, who corequested a GAO study with me and convened several oversight hearings.

Mr. Chairman, I introduced the first version of this amendment, H.R. 672, in January 1991—in response to the Hubble telescope fiasco. The Hubble, of course, was intended to be a state-of-the-art eagle eye in the sky. Instead, we all know what we got—something closer to a stumbling Mr. McGoo.

Although the Hubble has yielded some interesting results, they fall far short of what we would have obtained with a properly constructed telescope. The saddest part of this fiasco is that it could have been completely avoided if the contractor had followed basic scientific procedures—grinding the mirror to the correct radius or doing a simple diagnostic test prior to launch. The most outrageous part of the fiasco, however, is that the contractor, under current NASA rules, bears no financial responsibility for the screw up or for rectifying it.

That's because, incredibly, NASA routinely indemnifies contractors and agrees in advance to pay for remedial work, regardless of whether the failure is due to the contractor's own negligence. H.R. 672 was drafted to redress this problem: by removing indemnity for contractor negligence.

Last year, the House Appropriations Committee incorporated H.R. 672 into the NASA funding bill. However, Chairman TRAXLER and I agreed to withdraw it, after Chairmen BROWN and CONYERS made commitments to help perfect it so the House could address it this year. Last May, Chairman BROWN and I introduced a revised version of the bill, H.R. 2162.

Today's amendment maintains the original intent of the two previous bills, but avoids getting into the legal thicket created by trying to define negligence. Instead, the amendment requires NASA to set up a system of positive and negative financial incentives in future contracts. Excellent work would earn contractors greater profits. But defective work would cost them. And defective work like Hubble, resulting from a contractor's failure to follow sound scientific or engineering procedures, would not only reduce the contractor's profit, but trigger penalty fees that cut into the contractor's reimbursement for costs.

In this way, the amendment would finally give NASA contractors a financial deterrent for screwing up. This deterrent will not eliminate faulty work, but it unquestionably will make it much less common and—most important—guarantee that American taxpayers are never again forced to pay twice to fix something that could—and should—have been built right the first time.

In closing, Mr. Chairman, I again thank the distinguished chairmen and their staffs for their generous assistance in crafting this amendment, and I urge my colleagues to support it.

Mr. HALL of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we think this is a very good amendment and it addresses a longstanding problem that we have been discussing over the past year; that is, how to reallocate the risks between the Government and contractors in research and development contracts. We have held several hearings on this topic. It is extremely complex.

Mr. Chairman, I want to commend the gentleman from New York [Mr. SCHUMER] for taking a very deep and constructive interest in this issue. As a result of the attention that has been given to this issue, the administration is now, I understand, contemplating a regulatory change to transition to a more equitable distribution of risk between the Government and contractors. The amendment would require regulations on an expedited basis and also provide for the use of negative fee incentives. We think this is a very constructive amendment, and we urge its adoption.

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

Mr. HALL of Texas. I yield to the chairman, the gentleman from California [Mr. BROWN].

Mr. BROWN. I thank the gentleman from Texas for yielding.

Mr. Chairman, I want to reaffirm what the chairman of the Subcommittee on Space has said. The gentleman from New York [Mr. SCHUMER] acted very quickly and vigorously in response to the difficulties of the Hubble telescope and the problems with the NASA contracting process. He has been extremely zealous in pursuing the appropriation language to correct that situation. He has been cooperative and perceptive, and we want to commend him for the work that he has done, and we think the product in this amendment is a good product.

Mr. WALKER. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, this is an amendment on which we have worked with the gentleman from New York, and we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER]. The amendment was agreed to.

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—MULTIYEAR AUTHORIZATION FOR CORE PROGRAMS

SEC. 101. FINDINGS.

Congress finds that—

(1) investments in research and development are directly linked to long-term productivity and economic growth;

(2) as a major driver of advanced technology, the space program can play a major role in the Nation's reinvestment in civilian research and development;

(3) in addition to carrying out the Nation's goals in science and exploration, the space program makes a significant and direct contribution to the national employment base and, through the development of advanced technologies, will contribute to sustaining a healthy employment base and economy in the future;

(4) the long-term health of the United States space program is critically dependent on maintaining a stable and continuously evolving core program of science, space transportation, space exploration, space technology, and space applications;

(5) such a core program must be based on a realistic projection of resources that will be available and should not exceed inflationary growth;

(6) the ending of the Cold War has brought with it the potential to impact adversely the competitive position of the United States by reducing the public's investment in aerospace technology, and the loss of highly skilled aerospace engineers, scientists, and technicians is contrary to the national interest;

(7) the Nation's space program can provide a productive environment for utilizing the skills of scientists and engineers formerly involved in the Nation's defense sector;

(8) civil space activities of the United States, whether made possible by, or in response to, Cold War strategic competition with the Soviet Union, must, in an era of declining political conflict, mature as instruments of United States foreign policy, and grow to support the national interest during the post-Cold War era;

(9) the national interest is furthered by trade and cooperation among friendly nations, and to the extent the former Soviet republics have shown themselves willing and capable of fostering a friendship with the United States, the na-

tional interest is furthered through trade and cooperation of mutual advantage between the United States and the former Soviet republics in civil aerospace, space science, and space exploration;

(10) a vigorous and coordinated effort by the United States and other spacefaring nations is needed to minimize the growth of orbital debris, and space activities should be conducted in a manner that minimizes the likelihood of additional orbital debris creation;

(11) the aerospace industry, rooted in aeronautics, is a major positive contributor to United States international influence and competitiveness;

(12) aeronautical research and development sustains our leadership in air transport and military aviation worldwide;

(13) the National Aero-Space Plane is a core technology for any national aerospace policy and will permit the United States to maintain a worldwide competitive posture into the future; and

(14) it is in the Nation's best economic interest to proceed with the National Aero-Space Plane Phase 3 in fiscal year 1994 so that we can direct our continuing investment to the actual building of the NASP/X-30 Research Airplane.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the National Aeronautics and Space Administration for "Research and Development" for the following programs:

(1) Space Station Freedom, \$2,250,000,000 for fiscal year 1993, \$2,498,300,000 for fiscal year 1994, and \$2,744,400,000 for fiscal year 1995. Within 180 days after the date of enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as the "Administrator") shall submit to Congress a report on the potential for, and benefits of, augmenting the construction and resupply of the Space Station Freedom by utilizing United States or foreign expendable launch vehicles.

(2) Space Transportation Capability Development, \$749,700,000 for fiscal year 1993, \$781,200,000 for fiscal year 1994, and \$814,000,000 for fiscal year 1995. Of such amounts, \$40,000,000 for fiscal year 1993, \$41,700,000 for fiscal year 1994, and \$43,400,000 for fiscal year 1995 shall be made available for the development of the Space Transportation Main Engine. Within 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report setting forth requirements for a New Launch System, including—

(A) a comparison of the New Launch System to existing launch systems in terms of cost, operability, safety, resilience and robustness, and ability to compete in the world launch market;

(B) a cost/benefits analysis and 10-year life cycle cost estimate of the New Launch System including development costs to be borne by each participating agency, and expected operating costs;

(C) a payload traffic model including commercial and both civil government and military payloads in production as of the date of enactment of this Act, those approved by Congress as of the date of enactment of this Act, and those expected to be requested of Congress;

(D) a technology development plan, including—

(i) a summary of high-risk technologies that will lower life-cycle costs;

(ii) specific benchmarks which can validate the achievement of such technological goals at discrete programmatic milestones during the development phase of the program; and

(iii) an indication of how the accomplishment of technological milestones will relate to the achievement of overall system performance during the operational phase;

(E) an implementation plan describing how the New Launch System will be phased into operational usage at the National Launch Ranges and the overlap with existing systems at those ranges; and

(F) a detailed comparison, including specific cost, payload, and risk assessments, of the New Launch System to other potential launch technologies, whose services could be procured in a commercial manner by the National Aeronautics and Space Administration.

Within 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on possible steps to improve the efficiency and availability of United States expendable launch vehicles, including Scout, Delta, Atlas, and Titan, through modernization of facilities, infrastructure improvements, improved management, new or modified procedures, and otherwise.

(3) Physics and Astronomy, \$1,108,500,000 for fiscal year 1993, of which \$21,900,000 shall be made available for the Shuttle Test of Relativity Experiment, \$1,110,000,000 for fiscal year 1994, and \$1,125,000,000 for fiscal year 1995.

(4) Life Sciences, \$177,200,000 for fiscal year 1993, of which \$2,000,000 shall be made available for cooperative life science activities on the Space Station Mir, \$200,500,000 for fiscal year 1994, and \$245,500,000 for fiscal year 1995.

(5) Planetary Exploration, \$467,200,000 for fiscal year 1993, of which \$10,000,000 shall be made available for Magellan mission operations, \$511,500,000 for fiscal year 1994, and \$500,000,000 for fiscal year 1995.

(6) Earth Science and Applications, \$477,500,000 for fiscal year 1993, \$520,000,000 for fiscal year 1994, and \$530,000,000 for fiscal year 1995.

(7) Materials Processing in Space, \$185,300,000 for fiscal year 1993, \$193,100,000 for fiscal year 1994, and \$201,200,000 for fiscal year 1995.

(8) Communications, \$4,600,000 for fiscal year 1993, \$4,000,000 for fiscal year 1994, and \$1,200,000 for fiscal year 1995.

(9) Information Systems, \$40,700,000 for fiscal year 1993, \$42,400,000 for fiscal year 1994, and \$44,200,000 for fiscal year 1995.

(10) Space Science Research Operations Support, \$94,000,000 for fiscal year 1993, \$97,900,000 for fiscal year 1994, and \$102,100,000 for fiscal year 1995.

(11) Commercial Programs, \$160,600,000 for fiscal year 1993, \$167,300,000 for fiscal year 1994, and \$174,400,000 for fiscal year 1995.

(12) Aeronautical Research and Technology, \$890,200,000 for fiscal year 1993, \$927,600,000 for fiscal year 1994, and \$966,500,000 for fiscal year 1995.

(13) Transatmospheric Research and Technology, \$80,000,000 for fiscal year 1993, \$150,000,000 for fiscal year 1994, and \$175,000,000 for fiscal year 1995.

(14) Space Research and Technology, \$312,000,000 for fiscal year 1993, \$325,100,000 for fiscal year 1994, and \$338,800,000 for fiscal year 1995. Of such amounts, \$5,000,000 for fiscal year 1993, \$10,000,000 for fiscal year 1994, and \$25,000,000 for fiscal year 1995 shall be made available for carrying out a program of component technology development, validation, and demonstration directed at reducing the cost and improving the capabilities and reliability of commercial launch vehicles.

(15) Safety Reliability and Quality Assurance, \$32,500,000 for fiscal year 1993, \$33,900,000 for fiscal year 1994, and \$35,300,000 for fiscal year 1995.

(16) Academic Programs, \$71,400,000 for fiscal year 1993, \$74,400,000 for fiscal year 1994, and \$77,500,000 for fiscal year 1995.

(17) Tracking and Data Advanced Systems, \$23,200,000 for fiscal year 1993, \$24,200,000 for fiscal year 1994, and \$25,200,000 for fiscal year 1995.

(b) **SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for "Space Flight, Control, and Data Communications" for the following programs:

(1) Space Shuttle Production and Operational Capability, \$993,800,000 for fiscal year 1993, \$1,035,500,000 for fiscal year 1994, and \$1,079,000,000 for fiscal year 1995.

(2) Space Shuttle Operations, \$3,105,200,000 for fiscal year 1993, \$3,142,500,000 for fiscal year 1994, and \$3,180,200,000 for fiscal year 1995.

(3) Launch Services \$207,500,000 for fiscal year 1993, \$216,200,000 for fiscal year 1994, and \$225,300,000 for fiscal year 1995.

(4) Space and Ground Network, Communications and Data Systems, \$911,000,000 for fiscal year 1993, \$949,300,000 for fiscal year 1994, and \$989,100,000 for fiscal year 1995.

(c) **CONSTRUCTION OF FACILITIES.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1993 for "Construction of Facilities", including land acquisition, as follows:

(1) Construction of Space Station Processing Facility, Kennedy Space Center, \$24,000,000.

(2) Modifications for Payload Operations Integration Center, Marshall Space Flight Center, \$1,800,000.

(3) Replace Aircraft Operations Support Facilities, Johnson Space Center, \$1,600,000.

(4) Modify Electrical and Mechanical System, Utility Annex, Kennedy Space Center, \$4,400,000.

(5) Rehabilitate Explosive Safe Area-60 High Bays Support System, Kennedy Space Center, \$2,000,000.

(6) Rehabilitate LC-39 Area Fire Alarm Reporting System, Kennedy Space Center, \$4,300,000.

(7) Replace Boiler House Components, Michoud Assembly Facility, \$2,300,000.

(8) Restoration of High Pressure Gas Facility, Stennis Space Center, \$6,800,000.

(9) Rehabilitation of Crawlerway, Kennedy Space Center, \$2,000,000.

(10) Restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center, \$5,000,000.

(11) Rehabilitation and Expansion of Communications Duct Banks, Kennedy Space Center, \$1,500,000.

(12) Replace Central Plant Chilled Water Equipment, Johnson Space Center, \$4,000,000.

(13) Restoration of Underground Communication Distribution System, Stennis Space Center, \$2,200,000.

(14) Restoration/Modernization of Electrical Distribution System, Goddard Space Flight Center, \$4,500,000.

(15) Modernization of Unitary Plan Wind Tunnel Complex, Ames Research Center, \$8,000,000.

(16) Modifications to 14- by 22-foot Subsonic Wind Tunnel, Langley Research Center, \$2,200,000.

(17) Repair and Modernization of the 12-foot Pressure Wind Tunnel, Ames Research Center, \$21,400,000.

(18) Rehabilitation of Icing Research Tunnel, Lewis Research Center, \$2,700,000.

(19) Modernization of 16-foot Transonic Tunnel, Langley Research Center, \$3,600,000.

(20) Rehabilitation of Central Air System, Lewis Research Center, \$12,200,000.

(21) Construction of 34-meter Multifrequency Antenna, Canberra, Australia, Jet Propulsion Laboratory, \$15,600,000.

(22) Construction of 34-meter Multifrequency Antenna, Madrid, Spain, Jet Propulsion Laboratory, \$16,200,000.

(23) Restoration and Modernization of Infrared Telescope Facility, Mauna Kea, Hawaii, \$2,000,000.

(24) Repair of facilities at various locations, not in excess of \$1,000,000 per project, \$31,900,000.

(25) Rehabilitation and modification of facilities at various locations not in excess of \$1,000,000 per project, \$34,000,000.

(26) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$750,000 per project, \$14,000,000.

(27) Environmental Compliance and Restoration Program, \$40,000,000.

(28) Facility Planning and Design, \$26,700,000.

Notwithstanding paragraphs (1) through (28), the total amount appropriated pursuant to this subsection shall not exceed \$286,900,000 for fiscal year 1993. There are authorized to be appropriated for "Construction of Facilities", including land acquisition, \$343,800,000 for fiscal year 1994 and \$335,700,000 for fiscal year 1995.

(d) **RESEARCH AND PROGRAM MANAGEMENT.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for "Research and Program Management" \$1,656,000,000 for fiscal year 1993, \$1,725,600,000 for fiscal year 1994, and \$1,798,000,000 for fiscal year 1995.

(e) **INSPECTOR GENERAL.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for "Inspector General" \$15,900,000 for fiscal year 1993, \$16,600,000 for fiscal year 1994, and \$17,300,000 for fiscal year 1995.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROEMER: Page 5, lines 11 through 21, amend paragraph (1) to read as follows:

(1) For Research and Development and Space Flight, Control, and Data Communications activities, including the Earth Observing System and other activities described in titles I and II, and for termination expenses for the Space Station Freedom, \$1,100,000,000 for each of the fiscal years 1993, 1994, and 1995. Within 3 months after the date of the enactment of this Act, the Administrator shall submit to the Congress a report which describes the amount and nature of termination expenses for the Space Station Freedom, including a schedule for such anticipated expenses.

Mr. ROEMER. Mr. Chairman, in explaining my amendment, very quickly, what my amendment would do would be to cut the space station, take \$1.1 billion that has been asked for, requested for the space station, and put it back into NASA to support many of these worthwhile science projects, research projects, technology drivers, and take the rest, \$1.15 billion, and put it toward deficit reduction.

□ 1650

Mr. Chairman, before I get into my explanation for why I am doing this, I would like to thank our very, very distinguished leader, the gentleman from California [Mr. BROWN], the chairman, who has always been very willing to debate these issues. I would like to thank the minority side as well, the gentleman from Pennsylvania [Mr. WALKER], for his ability to allow us to debate this important issue on the floor.

I would like to salute, in doing battle, the gentleman from Texas [Mr. HALL] and two freshmen that I have the utmost respect for, the gentleman from Florida [Mr. BACCHUS] and the gentleman from Alabama [Mr. CRAMER]. There are not two Members with more integrity than those two people. I look forward to working with the gentleman from New Jersey [Mr. ZIMMER] on this amendment and explaining why I would do it.

Mr. Chairman, there are three reasons for offering this amendment: Good sense, good science, and good government.

Good sense: When this space station was first devised, back in 1984, it was supposed to cost the American taxpayer about \$11 billion. Now, Mr. Chairman, we are looking at between \$30 and \$40 billion to build this, and the General Accounting Office has said that we are looking at maybe \$118 billion to maintain it over its 30-year life cycle. My colleagues might say, "Well, that's a lot of money." This is a lot of money to Hoosiers, Mr. Chairman. "What can it do?"

Mr. Chairman, back in 1984, it had about six or seven missions, including a laboratory for space science research in human adoption to space, a laboratory for material science, operations base for assembling space craft, a set of platforms on which to mount sensors, a technology driver, all kinds of things. Now, Mr. Chairman, it can do about one of those missions. So, why are we doing this?

Mr. Chairman, this is a space station in search of a mission. It is lost in space. This is not a good expenditure at this time, with the \$400 billion deficit, for us to be spending money on.

Now what about good science, in addition to good sense?

Mr. Chairman, we heard the gentleman from Florida [Mr. BACCHUS] articulately talk about some of the good science programs within the NASA Program, and I just got off the phone with Mr. Golden, and I congratulated him for his new endeavor. But the good science, the Big Bang theory, the satellite that is helping us discover things, the Earth optic system, the advanced x-ray astrophysics facility, CRAF/Cassini; those are the things that are going to get squeezed out by this space station. This is an accordion going one way in this budget, and that is out, taking up the money for many, many good things that will return health care benefits, jobs, and science to our people in this country.

What about good government, Mr. Chairman? I just spent 2 weeks in Indiana. We heard the gentleman from Texas talking about Indiana. The people in my town meetings, Mr. Chairman, are saying, "When are you in Congress going to make some tough decisions? When are people in the Third District of Indiana, and in California,

and Tennessee, and Florida, and New Jersey going to make some tough decisions on the budget deficit, on problems that we have here on Earth and not just up in space?"

Mr. Chairman, this is a tough vote. We will hear good arguments on both sides. On our side we have the National Taxpayers Union supporting us with a letter. We have the Friends of Earth supporting us with a letter. We have the National Physical Society supporting us with a letter.

Mr. Chairman, there are also a couple of myths that we will hear that we should discuss. What about our international partners? We have an IGA, an Intergovernmental Agreement, that is built into this agreement with our national partners. Article 27 tells them this may happen in the future. We may find that we do not have the money, that the space station does not meet the requirements.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 5 additional minutes.)

Mr. ROEMER. So, we have built into our contract a clause that takes this into consideration.

What about the argument that we have spent \$7 billion of our taxpayers' money on this and that we need to proceed? Well, Mr. Chairman, we have a saying in Indiana that goes something like this: "When you find yourself in a hole, the first rule is: Quit digging. Don't continue to throw good money after bad." Are we going to spend another \$150 billion to throw it after \$7 billion?

Mr. Chairman, we are going to hear arguments about jobs. As the gentleman from Texas [Mr. DELAY] argues very articulately, we just dropped, I believe, in 1991 the flight teller robotic servicer. We have dropped a host of missions from this. I do not think that it is the space station that is going to drive our economy, and our jobs, and our health, and our science, as has been said before. Those things are there. The satellite confirming, maybe, the Big Bang theory; it is up there. That is going to get squeezed out if the space station continues to expand taking up more of the budget.

Finally I will conclude because a number of my colleagues want to support and debate this very, very important topic.

Mr. Chairman, let me say that the synthesis group, a group put together by the President made up of the private sector of some of our best scientists, was tasked with the responsibility of saying how we would utilize missions to the Moon and Mars, and in their report they did not mention the space station once as a stepping stone.

Mr. Chairman, this is a tough choice. It is not an easy vote today for Mem-

bers of this body. But I do not want to be in this Congress in the year 2000 after we have spent \$15 billion on this and look at the next 20 years, where we probably spend another \$100 billion. Not this space station, Mr. Chairman. Maybe another one. Maybe one that is designed to meet the specifications, that does not cost as much.

I am not against space. I am not against NASA. I am for the new frontier, Mr. Chairman. But this does not expand the new frontier for us, for our technology or for our children.

Let us make some tough choices today, Mr. Chairman.

Mr. BROWN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as others have indicated earlier, the gentleman from Indiana [Mr. ROEMER] and his coauthors are a very fine, dedicated, capable group of Members who feel that they must strike a blow for deficit reduction and against the further development of big projects that take an inordinate share of the budget. They have chosen to focus on the space station in order to make this kind of a statement. Beyond a shadow of a doubt this amendment reflects the views of a number of Members in the House as reflected in the vote we had last year. There was obviously considerable support for canceling the space station, but an even larger vote for keeping the space station and proceeding to take it to completion.

The gentleman from Indiana [Mr. ROEMER] made some statement about the fact that later, in better times, we might come back and rebuild it. We might, but I can assure him that there will already be other space stations up there, and there will not be much impetus for the United States to put one up because Japan and Europe, either separately or together, along with the Russians, and perhaps other nations, will have their own space stations up there. The United States will forever have lost the image of being a world leader in space.

Now there are two other points I want to make, and I think we ought to give them some weight. There is nothing in this amendment that will in any way, shape, or form reduce the deficit. We cannot reduce the deficit in an authorization bill.

□ 1700

What you will do, of course, is to allow the Committee on Appropriations a little greater leeway in the allocation of funds within the separate subcommittees. Those funds will be used, I can assure the gentleman, for very useful purposes, such as enhancing veterans medical care, which is very necessary, or housing for the poor, which is very necessary. But it will not go to reducing the deficit. The Committee on Appropriations will spend up to the budgetary limits, and the action

taken here merely reduces the space program. It does not reduce the deficit. I regret that that is the case, but it is.

The additional point, the last point I wish to make, is that most people do not realize the connection between the space station and the other items in title I of this bill.

If you do not have a space station, you really do not need the space shuttle and you really do not need the advanced solid rocket motor which is intended to advance the efficiency of the space shuttle.

In fact, these things all hang together. You might as well say let us scrap the fundamental space program, if you are going to scrap the space station.

I do not think we are ready to do that. I think many of the people who say let us just surgically remove the space station do not realize that much of the basic or core space program is going to go down the tubes. I do not think we want to see that at the present time.

The whole purpose of the way we structured this bill was to allow people to see that we have a core space program which hangs together and has to be supported, that the elements reinforce each other, and in addition we have the programs that we can add on, very important programs, I might say.

The Earth observing system, the enhancements for the space shuttle, and a number of other programs are extremely important, but they can wait. We can restructure them. We are restructuring programs like the Earth observing system, which in its runout costs is as big as the space station. We want to do it, but we do not want to make the mistakes we might have made with the space station by putting all our eggs in one basket. We are going to have several little baskets, or space platforms, for the Earth observing station, and launch them at different times.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. The gentleman from Indiana [Mr. ROEMER] has ticked off a number of Indiana values. Let me remind the gentleman of an American value, and that is once you give your word, you keep it.

This amendment breaks the word of the United States of America to the international partners who have committed literally billions of dollars to fund their share of the international space station *Freedom*. If we unilaterally pull the rug out from underneath the space station, their billions of dollars of investment based upon their faith in America keeping its word will go down the drain.

Mr. Chairman, believe me, it will be a long, long time before any inter-

national financial participation will come into any science project as a result of the House of Representatives today unilaterally defunding the space station.

I wish to reiterate the words made by our chairman, the gentleman from California [Mr. BROWN], that voting for this amendment will not reduce the deficit by one cent. What it will do is allow the Committee on Appropriations to use the money that is allegedly saved through the cancellation of the space station for financing other projects within the jurisdiction of the Subcommittee on VA, HUD, and Independent Agencies.

Mr. Chairman, getting back to America giving its word, I received a letter from Jean-Marie Luton, the Director General of the European Space Agency, the agency that has already paid the equivalent of \$2 billion of its \$8 billion commitment for the space station. I would like to share two paragraphs of that letter with Members.

Mr. Luton says in part:

To the untiring efforts and support of the majority of Members both in the House of Representatives and in the Senate, Congress last year voted to keep funding for the space station. This action was promoted as "the definitive vote" for the program, which reflected the commitment of the U.S. to carry it through to completion in cooperation with its international partners. Europe and the other international partners in this cooperative venture were greatly encouraged by the positive outcome of this process. We in Europe are therefore surprised and concerned that the future of the program is again being called into question in the course of Congressional deliberations on the NASA budget.

While noting the concerns expressed by the critics of the space station project, I would like to point out that the international Space Station Freedom is the subject of intergovernmental agreement involving non-U.S. partners, notably 10 member states from the European Space Agency which have already made substantial investments in this project. Recently the agency's Industrial Policy Committee gave the green light for the placing of contracts with industry on the development of the Columbus manned elements at a time when Europe is faced with constrained budgets for its space programs and debating the future direction of its space cooperation.

Mr. Chairman, that says it better than I could, and that is if this amendment is adopted, a commitment that has been made will be broken, and a broken commitment will not be forgotten around the world. We will lose our preeminent role in science, not only in the space area, but also in other areas as well.

Second, I stand second to none in being opposed to wasteful spending. The National Taxpayers Union rated me tied for first in the entire Congress for votes against spending and votes against raising taxes. But I think the American public wants to see their tax dollars well spent, and this budget and the budget for the space station do provide that well spending of the tax dollars.

I would point out that the space station has passed its preliminary design review and appears to be going along much better than it was last year. A new international partner, Italy, has been added, which is contributing modules for resupply and to house a dedicated life-sciences centrifuge facility.

The space station *Freedom* has had no cost overruns since its restructuring. The integrated truss system will reduce assembly flights and construction work on orbits. Testing and verification procedures are under control.

Mr. Chairman, the American public is frustrated with Congress, in that Congress can never make up its mind and never stand by a decision that it has made. This is the fourth vote in the full House on space station *Freedom*. I hope it is the last one, because if we make a decision, we ought to stick by that decision and go ahead. That way we will not lose face with the American taxpayers in terms of how dollars are spent, as well as in terms of the international partners that have spent their own money based upon the agreements that we have made and this Congress has backed up.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the amendment that has been introduced by the distinguished gentleman from Indiana [Mr. ROEMER]. I want to commend the gentleman from Indiana for taking the leadership on this issue.

Mr. Chairman, last year, I voted against the effort to restore funding for the station and I have not changed my view that NASA's fixation on this white elephant will badly damage the agency.

Last year, I said:

Whatever the true costs of the station, they are reflective of a broader debate on the appropriate mix of big versus small scientific projects. The station—a big science project in the worst sense—will squeeze out a variety of small science projects far more valuable to the scientific endeavor, and particularly to the training of the next generation of American scientists.

Indeed, this was the only way we were able to restore station funding last year—by gutting space science programs. This year, what Dr. James Van Allen once called the slaughter of the innocents continues. You will not find funding for the comet rendezvous/asteroid flyby mission in this bill. It is already likely that next year will see the death of the Cassini mission as well. These truly interesting science missions are dying just to keep a dead end alive.

The pressure on the NASA budget can also be seen in that the committee has placed the Earth observing system in title II of this bill—those missions to be funded if the Appropriations Committee allows NASA to exceed a certain level of funding.

□ 1710

The nations of the world are preparing to meet in Rio de Janeiro to address the problems of a changing climate. The President of the United States is reluctant to attend because decisions will be made, he says, in the face of scientific uncertainty. And here, in order to preserve the space station, we delay for another year the centerpiece of our efforts to understand what is happening in the world because we simply do not have the budget to do both. This is priority setting of the worst kind.

The space station remains a jobs program for the aerospace industry, and that is about the sum total of its contribution to America's space program. If *Freedom* is ever lofted into orbit, its utility to the program will be over. It remains indisputable that the station's mission has shrunk almost to insignificance.

Space station *Freedom* will support only the lowest priority, go-as-you-pay mission established by the Augustine Committee. The House only encourages a schizophrenic policy by enthusiastically promoting the space station at the same time that it refuses to fund the Moon/Mars initiative, which is the only mission NASA now has that requires that we study the effect of long-duration space flight on the human body.

The Congress has refused to fully fund the Moon/Mars Program advocated by NASA's Office of Exploration because we are skeptical of NASA's cost estimate and refuse to be drawn into the agency's grandiose vision. Yet we do not complain as the camel shoves his head and hump, in the guise of space station *Freedom*, into the tent. It will not be long before we hear NASA arguing that Congress cannot waste the Nation's investment in space station *Freedom* by refusing to finance sending humans to Mars. If we are not willing to pay to go to Mars, the Augustine Committee says we should not go. If we are not going to Mars, we do not need space station *Freedom*.

There is no money in this budget to go to Mars, and there is likely to be none for a long time to come. By then, we will have learned that the orbital infrastructure we truly need looks very different from space station *Freedom*.

I strongly urge, Mr. Chairman, that the House turn from the same ill-founded course that culminated in the space shuttle. The shuttle is an impressive technical achievement. No one doubts that. But it is temperamental to operate. The costs of running this system are well beyond the level that Congress was led to expect when the program was approved, and the rest of NASA has often been sacrificed to feed its voracious appetite.

The House threatens to add a greater load to what we all know to be an already inadequate budget. I, for one, am

unwilling to see the American space program shrink to the point where NASA will try to drum up something to do aboard this orbiting recreational vehicle in a desperate attempt to hide how we once more have allowed a piece of hardware to overwhelm our space strategy and to suffocate the possibility of alternative courses of action. At least this time the United States will not suffer alone. Our international partners will despair just as much, as they attempt to rid themselves of this doomed albatross.

Mr. Chairman, the arguments of station proponents have a familiar ring. We are promised jobs and incredible wonders if we only will persevere. I believe we have embarked upon a flawed course. I know my colleagues who support the station firmly believe they will turn back this challenge as they did last year. I fear, however, that they will ultimately learn that all they have won is a Pyrrhic victory, and the American taxpayer will be the poorer for it.

Mr. Chairman, I urge adoption of the Roemer amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 4364, the NASA authorization bill, and against the amendment offered by the gentleman from Indiana to delete the authorization for the space station.

After the House NASA appropriations subcommittee withdrew space station funding last year, it was incumbent upon this body, in order to continue the myriad benefits which the space station offers, to restore the funding. In view of that debate, it should be clear that a significant majority of both the House and the Senate are committed to the creation of a space station because it is a vital step in allowing us to continue meeting our future space objectives.

Space station *Freedom* will enable us to safely continue mankind's epic journey into space. It will be an international research laboratory, advancing science and technology, as well as expanding the human presence in space.

The space station will push scientific knowledge forward. It is collectively believed by the medical research community that the station can help develop an understanding of many vitally important human medical research issues, with the very real possibility of an accelerated transfer of knowledge and technology directly benefiting the health care of millions of Americans in the very near future. This view has been supported by biomedical organizations such as the American Physiological Society and the American Institute of Biological Sciences, among others.

Also, the innovations and technologies gained from space station

Freedom will spur our international competitiveness. Processes and technologies developed for space station *Freedom* will generate new materials, information and communications systems, energy and environmental life support systems, biotechnology, and life sciences.

It is important to remember that space station *Freedom* is a United States partnership with Canada, European nations, and Japan. We have international cooperative agreements already in place. Stopping the building of the space station now could potentially endanger our ability to seek international cooperation with our space partners on any future large-scale international science and technology venture.

In addition, and perhaps most importantly, the loss of the space station would actually incur significant costs and would have a severe ripple effect upon our Nation's economy. The \$7 billion that has been invested to date on the station has generated over 75,000 jobs nationwide in 39 States. I am proud to represent a large number of those workers, some of whom have committed their careers to developing a space station.

Mr. Chairman, I urge my colleagues to oppose the amendment from the gentleman from Indiana and ensure the retention of America's preeminence in space.

Mr. BROWDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we know that space exploration is a popular program. If the polls are not sufficient, just turn on your television most nights to go "where no one has gone before." The most popular exhibit at the Smithsonian Museums right now is tied to an immensely popular television and movie series about space travel.

Our children cannot have a future in space unless we do the hard work of preparing to go. This vote to preserve space station *Freedom* is the hard work we have to do today.

Critics say the concept is popular; the price tag isn't. I concede the point and remind them that the same is true of many government programs. Our job as Representatives requires difficult decisions on how we will get where this country wants to go. We make decisions and hope we have the wisdom to make the right ones.

Construction of space station *Freedom* has already produced technology spinoffs in flat screen video, improved batteries and manufacturing techniques. In flight, space station *Freedom* will explore new biologies, new medicines, and new materials. In the future, the life sciences we do on space station *Freedom* will let some generation out there look back on our television the way we look back on Jules Verne's novels. Can we turn our backs on that

future? The right answer is we cannot. Support space station *Freedom*.

Mr. ZIMMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. The Committee on Science, Space, and Technology had some very difficult choices to make because of the limited resources that were available for the space program this year, and I commend the chairman of the full committee and the Subcommittee on Space and the ranking minority members for making some very difficult choices. But in doing so, I believe we are going to start down a path of starving some worthwhile programs to continue to fund the space station *Freedom*.

□ 1720

The choices that we see before us today are even starker than they were when we last considered this issue on the floor in connection with the appropriations bill last year. The choices will become more and more difficult as the budget vise gets tighter and tighter.

What we have to do is to look anew at what we are actually purchasing for some \$30 or \$40 billion or more, and ask ourselves whether we can spend that money, part of it this year and much more of it in future years, whether we can spend that money in more cost-effective ways. I believe we can.

The space station *Freedom* as originally conceived in 1984 was going to be a wonderful, wonderful innovation, and it was going to be a comprehensive presence in space. It was going to be an observatory for the stars, but it has lost that function. It was going to be an observatory for the Earth, performing much of the functions of the current Earth-observing system, but has lost that function. It was supposed to be a factory in space. It has lost that function. It was supposed to be a way station to assemble deep space probes to the Moon and Mars and beyond, but it has lost that function as well.

My colleague, the gentleman from Florida [Mr. BACCHUS], quoted Plutarch in his statement about space station *Freedom*, and I would like to quote Janis Joplin and Kris Kristofferson. After losing so many of its functions, one thing you can say about freedom is that "Freedom is just another word for nothing left to lose."

Space station *Freedom* no longer is the best way to move forward into space. Instead of opening the door to space, the project could lock the door to space because it will be diverting funds from much more cost-effective, much more productive and important programs. NASA is slowly starving basic science, and we saw the first indication of that when, in the appropriation bill, after the money was dropped from the space station, after the space

station was zeroed out, the money to restore the funding for space station was not taken from the VA programs or the HUD programs to which it was directed by the Subcommittee on Appropriations. It was taken from other valuable functions of NASA and the space program. That I believe is a portent of things to come, and it is a very dangerous trend that we have begun.

So the choice is between the space station *Freedom* and a balanced, aggressive space program. The station is now only capable of performing a truncated mission, microgravity and life science research. Those are important missions, but they can be developed, and I believe they can be achieved at lower cost through other means. We could develop smaller spacecraft to conduct our research better, and have them flying sooner than the space station for less money.

NASA has already spent more on the design and redesign of the space station than was spent on the entire Skylab program from its design to construction and launch and operation.

The United States will not maintain preeminence in civil space by holding fast to programs based on outdated concepts while starving good and productive programs. The space station has now become more of a status symbol than a productive space program.

I urge my colleagues to act now, rather than later, and vote for the amendment.

Mr. GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as a member of the Science, Space, and Technology Committee and a member of the Space Subcommittee in opposition to the Roemer amendment to delete funding for space station *Freedom*. A similar amendment was offered in committee and was rejected and I urge my colleagues to do the same today.

The guiding principles of the National Aeronautics and Space Act of 1958 charged NASA to expand on human knowledge, improve airplanes and spacecraft, and learn how to fly equipment, supplies, and most importantly, life from the planet Earth, in space. The space station is the embodiment of that charge. The space station is the heart of the manned space program and is essential for advancing the human exploration of space.

The continued progress of the human exploration of space requires the development of a permanently manned space station for multiyear studies of human adaptation, testing of life support systems, and experience in building, maintaining, and operating a large manned space system. Additionally, what we learn from studying the effects of space on humans can be translated into practical experience to improve the quality of life on Earth.

But the space station is not only crucial for our space program. It is a vital

component of the United States' favorable balance of trade in the space and aerospace field, now at over \$30 billion. The space and aerospace field is one of the last high-technology fields that the United States continues to lead. Cancellation of the space station will narrow this lead.

And the space station is good for our economy. The space station program means 75,000 high-technology jobs, with contracts in 39 States and a current value of over \$7 billion. This is particularly important as we see the decline of our defense industrial base and our continuing struggle to keep pace with the Japanese technological advances. These are hard times to explain to an American man or woman that you have arbitrarily ended their job and income and put in jeopardy the future prosperity of their children and their country. For these reasons, I urge my colleagues to oppose the Roemer amendment and support full funding for space station *Freedom*.

Mr. JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think our chairman, the gentleman from California [Mr. BROWN], was right when he was talking about the knee bone connected to the thigh bone. Can anybody operate without an ankle bone connected to the body in some way? That is what is happening if we do not have the space station. The gentleman from Texas [Mr. HALL], chairman of the Subcommittee on Space of the Committee on Science, Space, and Technology, has also talked about cancer research. I will tell the Members, if we do not keep our space station going, we are going to lose all of the research that we ever started. Space station *Freedom* is the centerpiece of our Nation's space program. It will be the source of countless benefits to all of us down here.

Our economy is driven by technology first developed in the early years of the space program, and to see evidence all we have to do is look around us, at everything from phones to computers to new fabrics, even to the materials used to make eyeglasses. These new eyeglasses that we have now that we can bend around, they are made out of titanium. That stuff came from the space program. It is little things like that that we do not know what is going to happen until they happen.

Do the Members know what that is? That is a little piece of wrapper, of chewing gum wrapper. We used to use aluminum foil for that. Out of the space program came a substance that covers that thing with a lightweight material that looks like aluminum but it is not, it is light as feather and it serves the purpose and it is cheaper.

During the 1960's the United States led mankind in its quest to reach the Moon. No one will ever forget Neal Armstrong's words, "One small step for man and one giant leap for mankind."

I know Buzz Aldrin and I know a couple of the other astronauts, in fact, darned near all of them. They placed a benefit to mankind ahead of all their other desires. They knew that they were working for the good of the United States of America.

Investments in the Apollo Program led directly to the advancements in fields of science, medicine, aviation, and materials. Recently, a Midwest Research Institute study indicates that every dollar spent on research and development returns about \$9 to our economy.

Our investment today in space station *Freedom* will lead to even greater advancements in the future. We will develop an improved energy supply and storage system, life environment systems, computer hardware and software, and materials. This is just the beginning. It is money well invested, for the return to the American people will be many times greater. I urge my colleagues to show their support for the space station and vote against the amendment offered by the gentleman from Indiana [Mr. ROEMER].

Mr. BACCHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in support of space station *Freedom*. My very good friend, the gentleman from Indiana [Mr. ROEMER], has said that his amendment to strike and kill space station *Freedom* is a good amendment for three reasons. He says it makes good sense, it is good science, and it is good government.

I say he is wrong on all three counts. I say space station *Freedom* makes good sense because it is a good investment. To me the best thing we can possibly do in spending our very limited Federal resources these days is spend them in those ways that produce the most dividend for the people. And we have heard time and again this afternoon that for every dollar we have ever spent on space we have reaped at least \$7 in additional gross national product.

□ 1730

Yes, we need to cut the Federal budget deficit. Yes, we need to eliminate it, and I am one of the cosponsors of a constitutional amendment that would require a balanced budget, as I think is the gentleman from Indiana [Mr. ROEMER], as well. But to me, this is not evidence of something that needs to be cut. In truth, we need more things like the space station, we need more high-technology public works that will keep our people at work making things that make our economy grow, because if the economy grows we will have more economic prosperity, we will have more taxes, we will have more revenue, and we will have more of a future.

Space station *Freedom* is also something that is good science. A year ago the National Academy of Sciences ex-

pressed some reservations about space station *Freedom*. But now, a year has gone by and recently they praised it now that they have added a centrifuge and they have seen how it is going to work. Space station *Freedom* will provide a world-class laboratory in which to conduct life sciences and medical research, and microgravity materials research. Two possible benefits to be derived are the development of crystals to improve our computer technology, and the growth of large protein crystals for use in manufacturing drugs to cure illnesses here on Earth. And there are many, many more potential medical benefits, many of them unforeseen.

The gentleman from Indiana [Mr. ROEMER] said that the Synthesis Group opposed space station *Freedom*. That is simply not so. I have met with Gen. Stafford, and I have a copy of a letter he sent to the chairman of our committee, the gentleman from California [Mr. BROWN] last summer. I will read it in part.

Dear Mr. Chairman:

Your committee is reviewing the impact of the House Appropriations Committee's decision to terminate space station *Freedom*.

This was a year ago.

Because several news stories have indicated that the Synthesis Group Report does not support space station *Freedom*, I wanted to give you the "real story" prior to release of the report on June 11.

Space station *Freedom* will be an integral element in this Nation's manned space program and the knowledge gained on this research facility concerning long duration space flight and life sciences is crucial to future missions. The report endorses space station *Freedom* as the transition to a sustained presence in space and I strongly recommend funding be included in this important program * * *

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

Mr. BACCHUS. Yes, I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I believe what I said, I say to the gentleman from Florida, is that the Synthesis Group did not support the space station as a stepping stone to Mars and the Moon. I did not bring up or imply that they had a position pro/con on the space station itself.

Let me just read from a New York Times editorial on NASA's folly:

The shocking surprise is how little the station will contribute to the Nation's long-range space goals. President Bush has called for a permanent colony on the Moon by early in the next century, followed by a mission to Mars by the year 2019. To determine how to do it, he appointed a distinguished panel of experts, the Synthesis Group.

Mr. BACCHUS. Reclaiming my time, rather than relying on the Washington Post, which we can all read at our leisure, I would rather refer to the statements of Mr. Michael Griffin of NASA before our subcommittee in which he said specifically that the space station *Freedom* is essential, essential to the Moon/Mars proposals that have been

made in terms of the space exploration initiative. Some have suggested that we could perhaps just establish a base on the Moon and do on the Moon what we might otherwise do on space station *Freedom*, but there is a little problem there. The Moon has gravity. There is not going to be any gravity on the way to Mars. We need space station *Freedom*.

Finally the gentleman from Indiana [Mr. ROEMER] says that it is good government to kill the space station *Freedom*. I say it is good government to look to the future, and space station *Freedom* is one of the few things we are doing in this government right now that looks to the future. We need to make tough decisions, but we need to make the right decisions, and I say killing space station *Freedom* is the wrong decision.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. I think three points need to be considered.

First, the space station is not only the cornerstone of America's manned space program, but in a very real sense the cornerstone of the Earth's space program. Fifteen nations have joined the United States in the space station project—Japan, Canada, and the 13-member States of the European Space Agency. Each of them looks to the United States for leadership and vision, and together they have committed billions in support of this project because they believe in it and in our ability to deliver on our promises. By killing the space station we abandon our leadership of the manned space effort and abandon our commitments to allies and friends.

I am not a knee-jerk supporter of every big science project that comes along. The superconducting super collider is also big science, but I believe that we shouldn't spend one more tax dollar on it. Officials from the Department of Energy have been vainly searching the globe for just one foreign donor to kick in contributions to the SSC. Despite begging, pleading and political arm-twisting, DOE has only one pledge, no dollars, for less than 1 percent of the total required from prospective foreign partners. The space station in contrast, has contributions worth approximately \$10 billion. Foreign governments have been able to assess the relative worth of these projects and their evaluation conforms to my own—the space station is worth the investment and the SSC is not.

Second, unilaterally abrogating the space station *Freedom* agreement, which has the force of an international treaty, will carry serious long-lived consequences for other international scientific efforts. A wide array of scientific problems can only be effectively addressed within the context of international cooperation. The health and

prosperity of our planet, as well as that of future generations rests upon our ability to share costs and knowledge about global climate change, sustainable energy development, agriculture and biological diversity to cite just a few examples. The United States plays a critical role in wedding together these cooperative efforts—a role that would be undercut by the Roemer amendment.

I am not saying that research in these important areas would not press ahead, but I am saying that it will be nearly impossible to find partners willing to tie their scientific fates to our efforts in these areas—leaving it up to the United States to go it alone—bearing higher costs and making slower progress in these critical areas than if we could convince others to share the burdens of scientific and technological exploration.

Third, the space station program is among our most important high technology initiatives. This has long been recognized by Congress. For 8 fiscal years we have voted funds for this project. For 8 fiscal years we have reviewed, revised and insisted on changes in the program that, for the most part, made it a better program. After 8 years, approximately 100,000 jobs are now tied to this project. These are high tech jobs working on pushing the envelope in new technologies and engineering techniques. 100,000 high-technology jobs at a time when our Nation is struggling to keep pace with the technological advances of others. With the cuts in defense expenditures, with the growing technical challenges posed by others, this is not the time to be backing away from one of our most important civilian technology initiatives.

I do want to state my disappointment in some of the tradeoffs that exist in this bill. I am not pleased with the prioritization of EOS. I would prefer to see it fully funded, and that its full funding not rest on unreasonable and unrealistic funding growth projections at NASA, which is the way the bill is currently crafted. I hope that the appropriators will take into account how important EOS is in their work this year and find the money necessary to fully fund EOS. I will also work with Mr. BROWN and Mr. WALKER to reorder NASA priorities in a future authorization to protect EOS.

To support the international manned space effort, to maintain the United State's leadership in global scientific cooperation and to support the competitive position of our economy—for all these reasons I ask you to vote in support of the space station and to reject the Roemer amendment.

□ 1740

Mr. ROHRBACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is consistent with what my colleague has just said on the

floor. Mr. Chairman, we have to look at the space station program within the context of what's happening in the rest of the globe. The historic changes in what was the Communist world have opened an incredible new vista for space commercialization, utilization, and exploration. We can now accomplish our goals with space station at a much lower cost than imaginable only a short time ago. A cooperative or business arrangement with the newly democratic Republics which once upon a time were part of the Soviet Union offers us tremendous opportunities. This approach is so much better than simply offering the emerging democracies grants or foreign aid. Let's hire their scientists and put their systems to work for a profitable project. Together, using the Energia rocket, we can put space station *Freedom* into orbit—and save billions of dollars. A boon to the Russians as well as to Americans.

In the past there were justifiable concerns about the cost of this project and whether we had the means to follow it through to completion. Now with a truly international space effort, a global project can emerge based on the cooperation of free and friendly people. Has anyone ever heard of a better, more symbolic way to promote peace and progress?

Dr. Edward Teller is an enthusiastic supporter of this strategy. He knows we have the means and the methods to work with a democratic Russia, furthering both of our interests, almost literally turning swords into plowshares. This kind of cooperation will, Dr. Teller asserts, help to solidify democracy, freedom, peace, and progress in the countries emerging from Communist tyranny. All this, at the same time that we establish an outpost for mankind and freedom in space at a significantly reduced cost. The savings come through fewer space shuttle missions. Perhaps as much as \$15 billion can be saved by using five Russian heavy launchers. The jobs involved in the construction and development of space station *Freedom* are more secure by protecting the financial viability of the whole program. Yes, we've got to cut unjustified programs, but to cut station now when we at last can keep costs under control is ludicrous.

I would hope that those who have been talking about making hard choices will look at the NLS program instead of station. The NLS program appears to be totally duplicative. It duplicates medium-lift capabilities we already have with Delta, Atlas, and Titan. And it duplicates heavy-lift capabilities now available at a cheap rate from a democratic Russia. With space station we'll at least get something tangible, something unique and useful for our money.

Mr. Chairman, instead of funding backwaters like the NLS, we should in-

stead be funding watersheds, like space station *Freedom*, like the SSTO program, and like the national aerospace plane program. These watershed technologies will keep America moving forward, energizing our industrial base, opening new potential for the private sector, for commercialization.

Mr. Chairman, I urge my colleagues to defeat this amendment and to look forward to what the new potentials in the world are and to make sure that we can use these potentials not only for ourselves but for all of mankind.

Mr. Chairman, I would ask my colleagues to support the space station and oppose this amendment.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think our country is at a crossroads, and really the issue is: Do we venture for the future technologies of our people, or do we become a mediocre country that allows other countries to steal our technology?

I am very proud of the fact, and I do not make any bones about it, that I represent one of the NASA sites, Lewis Research Center, and 5,000 people go through that gate every day. They are Federal employees, very, very dedicated. We have 100 of \$1 million contracts that go to our State for our small businesses, and yet there is more to the issue than just the economic future of our people.

I think the real issue relates to various technologies like research and their prevention of diseases. The space station promises to help us better understand the human body and some of the illnesses which affect us and afflict us.

For example, when humans are exposed to prolonged periods of weightlessness, the body often reacts in a way which simulates the disorders experienced on Earth, simulated osteoporosis, for example, which is a disease that affects older women. The space station will function as an excellent laboratory to study ways to offset this terrible disease.

Similarly, the circulatory problems which we have in our lifetime, the changes in our immune system created by the space environment will lead to opportunities to provide cures for a variety of diseases.

Do we not want to find a cure for cancer? Do we not want to find a cure for viruses such as AIDS and other diseases? Do we not want to find a cure for Alzheimer's disease?

I have heard Members talk about the \$2.2 billion that the space station costs. Well, I want to tell the Members something. The people in this country who have families with Alzheimer's disease spend \$90 billion on that disease. So I believe this investment for the future will save money and will save lives.

In a related manner, the space station will act as a long-term human

base laboratory that will lead to the development of exciting new pharmaceutical products. Pharmaceuticals are often developed by studying structures of proteins associated with diseases in the human body. Proteins form crystals which are difficult to study here on Earth, but in space, you can study the protein crystal growth which is stable and orderly, and it can allow us to develop new vaccines, new drugs to prevent and cure diseases such as diabetes. Ask any person who has a loved one die or suffer from being a diabetic if you do not think this research is worth it.

The space station is designed to accommodate these investigations and develop these pharmaceutical products that are so important to arrest and cure diseases.

Another area that is very, very important is the focus on energy independence. When we develop new materials that you can only develop in a pure atmosphere such as space, we can develop lighter alloys and plastics that can be used for automobiles and aircraft which will result in tremendous fuel efficiency. So we are here talking about how we keep up with technologies in other countries, and we know that we can develop and continue to develop superconductors and semiconductors with promise to revolutionize the computer, our transportation, our energy production, our transmission, our defense production industries.

Clearly there is a vast potential for these and other new materials so that we can maintain our industrial base and our international competitiveness.

□ 1750

And finally, having a space station laboratory will give us the ability to truly monitor the environment in a way which complements other NASA environment monitoring projects. We should be worried about the greenhouse effect, the ozone depletion, acid rain; these kinds of problems that affect our environment are killing the Earth and can be studied best in a space station laboratory that complements the data produced by polar-orbiting satellites.

Mr. Chairman, I think we are penny-wise and pound foolish to not invest in the future, and I urge Members to defeat this amendment once and for all overwhelmingly.

Similarly, a long-term, human-based space platform is important for developing many new materials. The space station will have a microgravity module which will focus research upon new materials. The weightless environment in space allows for the purest possible production of new and exotic materials such as: stronger, lighter alloys and plastics that can be used for automobiles and aircraft which will result in greater fuel efficiency; new chemical crystals that can be grown more effi-

ciently in a weightless environment over a period of time, and; superconductors and semiconductors which promise to revolutionize the computer, transportation, energy production/transmission and defense production industries. Clearly, there is a vast potential for these and other new materials to contribute to our industrial and international competitiveness.

Another advantage of creating an orbiting manned laboratory is the ability to monitor the environment in a way which compliments other NASA environment-monitoring projects. The space station will be placed in an equatorial orbit instead of in a polar orbit like many other environmental satellites. In addition, the space station has the advantage of providing human intervention when equipment needs adjustment or repair. This was critical to the most recent shuttle mission dedicated to studying environmental conditions which relied upon equipment used by humans who were needed to adjust and repair the equipment as it was used. Only the space station can offer the advantages of a long-term, human-based platform for monitoring the global environment in a way which compliments other space-based environmental monitoring efforts.

Again, the space station is a key investment into our Nation's technological future. It holds the promise of advancing knowledge in the medical sciences, it will provide a long-term, human-based platform for monitoring the environment, and it will be used to develop new materials for use by industry. Consequently, I urge you to vote in opposition to amendments which limit space station funding. Instead, vote in favor of investing in continued U.S. technological leadership and prosperity.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, if you set out to do long-term damage to the American economy, you could not do much better than to adopt this amendment. This is a program, a space program that pays back over a 25- to 30-year period at a rate of 7 to 1 to the gross domestic product. We have very few things that we do in our country that pay back at that kind of a ratio. And it only pays back if you take the risk, the real technological risks. It does not pay back in day-to-day operational expenses. It is where you are taking the technological risks that you are getting the biggest payback.

That is exactly what this station is all about. This is a place where we will get the ultimate payback just like we got it back from the Apollo Program. That is the reason why you get the number of jobs that are created from this kind of a technological innovation; it is the reason why a number of labor

unions are opposed to the Roemer amendment, because they recognize the job implications of this particular bill.

But perhaps more important than even the economic argument is the fact that if you set out to destroy a basic tenet of the American dream, you could not do any better than this amendment. This amendment is the ultimate Luddite amendment, because what it says is that we are determined as a nation to reject our ability to speak to the future. We are determined that there is no technology that we would like to have that projects into the future. It is a case where we as a generation have an opportunity to do things technologically that no other generation has ever had. With this amendment, what we would say is "No, we don't want to do it."

Mr. Chairman, let us understand that at some point some generation is going to take a step like this. They are going to build a space station, they are going to go to the moon, they are going to go to Mars and into deep space. Some generation is going to do it because we are technically capable of doing it today. If you are capable of doing something and you refuse to do it, the fact is that you have failed. It is a failure of will, it is a failure of leadership. It is a failure to understand the essential elements of the human spirit.

You know, it is interesting that James Michener spoke yesterday before the Committee on the Budget and he said this, and I think it is something we ought to reflect on:

We risk great peril if we kill off this spirit of adventure, for we cannot predict how and in what seemingly unrelated fields it will manifest itself. A nation which loses its forward thrust is in danger, and one of the most effective ways to retain that thrust is to keep exploring possibilities. The sense of exploration is intimately bound up with human resolve, and for a nation to believe that it is still committed to forward motion is to ensure its continuance. Your challenge, the test of your leadership, and I believe the scale with which history will measure your wisdom and insight, is whether you make these achievements a part of continuum—not merely an historical oddity. To turn away from these initiatives, wholly or in part, from the point of view of a historian, is unthinkable—particularly at a time when the real dividends of space research are only just becoming within reach.

Now, what does that research tell us that we can do? We have heard a number of people tell us today that it would be impossible to justify the space station based upon science. Well, I would suggest to you that there is science going to be done aboard the space station which is absolutely essential to our future and can be done in no other place.

Let me give you just one example.

Mr. Chairman, there are dozens of them, but one example I think is useful. That example is something called the bioreactor. The bioreactor is being

developed as a part of NASA's space station mission. It is one of the most exciting applications that the space station will have. It is developed as part of Johnson Space Center's biotechnology group. This device enables medical researchers to produce high-density cell cultures and many cell types that will not otherwise grow outside the body. Tissues grown in the bioreactor are larger than those grown with other technology, and exhibit many structural and chemical characteristics of normal tissue. Researchers are using the system to investigate the growth and treatment of brain and colon cancers, lung, liver, small intestine, and cartilage tissue.

A small number of bioreactors are currently in use here on Earth, but the researchers are understandably anxious to see how they operate in microgravity. A bioreactor has flown on the space shuttle, and results from that experiment are promising. The ability to operate a bioreactor in space for much longer periods of time, however, would increase our knowledge and ability to culture cells, tissue, and even organs.

The importance of this is that when you grow the tissue here on Earth, it is grown in the vessel and the problem is that eventually gravity causes it to drop to the bottom, and when it drops to the bottom, it is destroyed. When you begin to use the bioreactors in space, what you are able to do is grow this human tissue for longer periods of time and thereby grow whole tissues rather than partial tissues. That is the importance of what is going to happen here.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. WALKER. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, I say to the gentleman I am told that some of us have been waiting for a rather long time. There are intimations that they are planning to slow down, or shut off the debate. I would like to get some assurance that nothing is going to be done to try to cut the debate, before I could agree to any extension to any single Member. It is not the gentleman's fault, but that is the situation. If we are going to go several hours, it is not a problem. But there have been many Members waiting to speak.

Mr. Chairman, I would yield to anybody who would like to be yielded to.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, it is certainly not this gentleman's intention to do anything to limit time.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. BROWN. I thank the gentleman for yielding.

Mr. Chairman, it was not my intention to seek to cut off debate in any fashion. I encourage debate.

I just wanted to point out, however, that there is other legislative business to come up this evening and I would personally be willing to encourage Members who support the space station to curtail their remarks if the other side will.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. BROOKS. I thank the gentleman for yielding.

Mr. Chairman, it is so seldom that I have comity of interest with the gentleman from Pennsylvania [Mr. WALKER] that I kind of am inclined to let him go when he is speaking on the side of which I am deeply involved about a space station in my district. I am inclined to give him more time. Let us be tolerant, even though he is not always tolerant of others.

Mr. FRANK of Massachusetts. Mr. Chairman, you are my model in tolerance. I have always tried to be as relaxed, as flexible as yourself. But proceeding further on my reservation, I will say I will not object if we have an understanding there is not going to be any effort to curtail debate. Now, I would say, Mr. Chairman, and I will not get into substance, but it is not as if this House has overdebated itself this year. We are talking about many billions of dollars. I do not think 2 or 3 hours on \$30 or \$40 billion is excessive.

So, with that announcement, I would say, if there is anyone who is planning to try to limit debate, I would ask them to say now if they are. If not, on that basis I withdraw my objection. I would urge my friend from Pennsylvania, 10 minutes, when other people have been waiting a long time, is kind of long. Maybe he could take just a little more and come back later. There are a number of Members who have been held off. I will not object, but it is under the understanding that there will be no efforts to limit debate.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Massachusetts for his tolerance. I would remind the gentleman that the sponsor of the amendment did take additional time when he spoke.

To continue to make my point, the fact is that in the space station, when you have long periods of time for growing the cell cultures, you will get cultures which are large enough that experimenters will be able to use them in their research work. This will mean that we will not have to use a cancer experiment for various kinds of drugs on human patients, for example. We can use it on the cultures grown within these space stations. Ultimately, this also holds the promise of growing whole new organs for human beings, growing new spinal cords, and optical nerves and lots of things that will be of immense value to the American people. One wonders whether or not they would not agree to this kind of investment with that kind of an understanding of the potential.

I think that this is the kind of research that America wants us to be doing, and it seems to me it is very much related to the basic tenet of the American dream that we move forward.

Somebody quoted some music a little bit ago. I would like to quote Bette Midler in the "Song of Rose," when she says, "The dream afraid of waking never takes the chance."

Well, that is exactly what this amendment is all about. It is not taking the chance on this particular dream.

Finally, it seems to me that if you want to make Congress appear ever more ludicrous in our policymaking function, you could not do much better than this particular amendment. This is a fight that we had last year. The situation has not changed at all from last year, and this is simply an amendment for paralysis.

□ 1800

The gentleman, when he offered the amendment, said to us, "Well, there may be some space station at some time I am willing to support." Well, you know, where and when? The point is that, if we do not support this one, there is none because we will not have the infrastructure, the space shuttle will atrophy, and we will not have the ability to go on and do a project later on. There is always something somewhere that they are willing to support, but never the project that we have before us.

Finally, we have had a lot of talk about the whole business of the fact this is going to save the taxpayer money and that NTU is in favor of this. I agree. NTU is in favor of it.

I was rather fascinated though to go and check my latest edition of the NTU ratings and find out how many of the people who are in support of space station, in fact have some of the best scores of NTU in terms of saving the taxpayers' money, because a lot of us believe that you do invest in the future, that a part of what we do is investing in the future, and how few of

the people who have this amendment on the floor supposedly do something about deficits, actually rank very high with NTU. In fact, I found quite a few of them that rank among the biggest spenders in the Congress.

So, Mr. Chairman, they found this one place where they are willing to lop off some spending and claim they are doing something about the deficit, but the fact is they are among the big spenders that have gotten us into the problem in the first place, which means that we cannot afford to invest in the future.

Well, that is a tragedy, that these people have spent us bankrupt so that we now are building deficits that our kids have to pay, but we are going to give them no programs that are really valuable to them. Far better that we invest in the future; far better that we do something that is really productive for the future than this kind of nonsense.

So, Mr. Chairman, I would hope that my colleagues would not support this amendment. This amendment is backtracking from where we should be as a nation and would be a disaster to the space program.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words, and, Mr. Chairman, I move to strike the requisite number of space stations.

Mr. Chairman, I will confess that the space station does have wondrous powers. It has converted some of my colleagues who have heretofore found no virtue in Government spending into latter day Franklin Roosevelts. I have never heard, Mr. Chairman, such unstinted praise for the ability of Government spending to bring about economic bounty.

Now I had thought from listening to some of my friends on the other side that the more the Government spent, the worse off we were. But, no, I was wrong. It turned out that Ludwig Vaughn Mises, and Friedrich von Hayek, and Milton Friedman and all those people never heard of space, and when some of their followers talked about how the more the Government spends, the worse off we were, they were wrong because we have just been told that, if we do not commit to spending over \$100 billion in Federal taxpayers' money through the Federal Government, we will damage the economy of the United States.

Now I differ with them in specifics, Mr. Chairman. I do not think the efficiency here is as great as they say, but I welcome them to the recognition that sometimes public spending, coerced tax dollars spent through the Federal Government, can be good for economic development. They may have picked different winners than I would have picked, but what we are talking about is subsidized economic development where having people tell us that the

free enterprise system on its own is not enough and that, if the Federal Government is not prepared to spend billions and billions for years and years, we will suffer economically.

I know sometimes the memories of some of my friends on the other side are episodic. I do hope this one sticks with them a while. But let me talk about why I do not think this is the best way to go.

No one has argued that it is the consensus of the scientific community that we put men in space as the best way to do the scientific things. We have been told that there are some scientific virtues here, and there are. If we compared putting people in a manned space station to flushing bricks down a toilet, putting them in the space station wins. It wins over a lot of things from the standpoint of science. But, if we said to the scientific community, "What's the best way to go," this would not rate very high.

We have been told this is good for medical research. The gentleman from Illinois, who I believe will speak later since no one is going to try and cut off this debate, had a very good hearing which he will discuss in which he, I think, can show how erroneous this is from the standpoint of the medical community. That is, if you said to medical researchers, "Here's some money; how do you want to spend it," virtually none of them would have said, "I know. Let's build a space station, and then, once we get a space station, we'll get in and do it."

Now it is true, if we do not build the space station, there are some things that will not happen up there, but do my colleagues know what will not happen if we do build it? My friend from Pennsylvania said, "If you know how to do something, and you don't do it, you've failed." Well, we know how to inoculate children against disease, and we failed to do it to our shame because the money will go here.

Remember we live under what this House voted, a limitation on domestic spending. This is a zero-sum game by a vote of the majority of this House, and every dollar we spend on the manned space station is not available to inoculate a child against disease. It is not available to put some cops on the street. We have got the ability to do that. We can go and have the spirit of adventure up there, and people have said, "Oh, well, we'll have no future in space if we don't vote for this."

Mr. Chairman, what about the present on Earth? Is there not an obligation of those of us who govern this country to try to make present on Earth tolerable for many of our fellow citizens before we explore the space? We are not saying that going in space is bad in and of itself. It is a question of priorities. Is this more important than research? And we have been told, "Well, what about cancer and diabe-

tes?" No one has suggested to me that the best way to deal with breast cancer is to build a space station, and then go up there and look at it. Certainly not to inoculate children, not to provide police officers in the streets, not to clean up Superfund sites.

Yes; I want to do things for future generations. I think, if we educate children better, we would be doing more for them than the manned space station. Are we really contributing more to the economy of this country to put that hundred and whatever billion into the manned space station than to put it into better educating kids here at home?

And then we were told we cannot break faith with the Europeans. Yes; they might get so mad they would stop taking our money. They might get so angry with us that they would tell us to take our 200,000 troops that we give them as a present every year and take them home. They might actually tell us that we cannot do this to them anymore.

We will be putting up, by the figures that I have seen from the committee, two-thirds of this money, and our European and Asian allies will let us go ahead with that and put up one-third.

We are here at one of the critical decisionmaking points in this society. We can either spend this money on the space station, or we can put some of it into reducing the deficit, or we can inoculate kids, send policemen out to protect old ladies, clean up Superfund sites, and I think that the priorities that say, Let's send it up in the air, are dead wrong.

Mr. LEWIS of Florida. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment of the gentleman from Indiana [Mr. ROEMER].

Mr. Chairman, I believe that the amendment of the gentleman from Indiana [Mr. ROEMER] is unwise, and, I believe, for a number of reasons. I believe we should support the space station. It is a permanent international laboratory in space for unprecedented research in life sciences, and material sciences and for the peaceful exploration of space. Its fabrication and utilization by researchers will spawn new industries, new products, new processes, and certainly new jobs, a stabilized aerospace industrial base and sustain American technology leadership. As an investment for our children's future, it is a catalyst for math and science education from grade school through graduate school.

Mr. Chairman, this project represents the peaceful cooperation among nations while competing technologically. It is a primary essential stepping stone on the path to all future extended space exploration. With \$7 billion invested in its design and prototype hardware, NASA and its contracting teams are on track to complete space

station *Freedom* within congressional budget guidelines.

Implications of space station *Freedom's* cancellation will mean significant reductions in the aerospace work force. It would be added to the massive layoffs resulting from recent defense cuts. The \$7 billion already invested in the space station program would be wasted, and the vital investment in the economic future of U.S. industry would be abandoned while the Federal deficit, as the chairman of this committee stated, would not be reduced one cent.

□ 1810

The international implications, scientific communities would lose confidence in the ability of the United States to fulfill its commitments on any future cooperative projects. The opportunity to share space program costs with other countries while pursuing U.S. proprietary goals would be lost. The largest international effort of a peaceful nature ever attempted would be a failure.

Leadership is involved. A wrong message would be given to youth regarding the need for studying in math, science, and engineering. By not maintaining the environment in which to push the leading edge of technology, competitiveness in the global market for U.S. high-technology goods would soon decline.

Certainly technology is involved. Space exploration would progress so slowly that the benefits might not justify the expense.

Space station *Freedom* does create jobs. You have heard from many speakers of the 75,000 or so jobs that could be involved. But the space station has contracts in 39 States with a value of over \$7 billion and an expected value of over \$23 billion for the balance of the development and deployment of the program.

Historically, each dollar appropriated for U.S. space exploration has multiplied into \$7 worth of economic benefits to the Nation through the development of new technology, processes, and products.

The space station will serve as a magnet to attract and inspire America's youth to become tomorrow's scientists and engineers, and thus enhance American international competitiveness.

Based on past space projects, the space station *Freedom* Program will create new industries and promote new products and processes for existing companies.

Yes, space station *Freedom* is an affordable investment in our future. Less than 1 percent of the Federal budget supports all of NASA's programs, including space shuttle, space station, space science, aeronautics research, and education programs.

Space station funding is only one-seventh of 1 percent of the Federal

budget. Space station funding is less than 3 percent of the HUD, VA, and independent agencies budget.

Government programs come in two distinct categories: Those that consume, and those that generate wealth. NASA programs have always provided major economic stimulus.

The United States cannot afford to relinquish its role as the world leader in space exploration and science. Non-defense R&D, as a percentage of the U.S. gross national product, is nearly 40 percent less than Japan.

The U.S. aerospace industry is one of the few remaining sectors of the U.S. economy to enjoy a favorable balance of trade.

Continued U.S. ability to compete in major global markets depends on developing leading edge technologies and scientific applications in areas such as electronics, materials sciences, bio-engineering, and health sciences.

Technology spinoffs, which will improve our quality of life, are already moving ahead, such as large flat video displays, nickel-hydrogen batteries, environmental monitoring and control system, and automated digital welding inspection with low x-ray hazard.

Mr. Chairman, we need this for our economics; we need it for our youth.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the space station *Freedom* program. We are building space station *Freedom* to enable human beings to safely continue mankind's epic journey into space. The space station will be valuable to us in the areas of competitiveness, education, exploration, and international cooperation. Space station *Freedom* is a partnership of the United States, Canada, Japan, and the European nations. We must maintain our leadership in space and continue to be a premier player in the 21st century. We have already allowed other countries to supersede us in the manufacture of automobiles, electrical equipment, farm equipment, et cetera. We cannot allow the future of our space program to fall behind other countries because we cut back on the funding. The space station will become critical in helping us to resolve important medical and biological questions about prolonged exposure to space. This knowledge can be used to combat cardiovascular diseases, hypertension, and osteoporosis. It will give us new insights into aging, anemia, diabetes, muscle atrophy, and the basic immune function. *Freedom* also will have laboratories for microgravity, pharmaceutical, and materials research, both new sciences. Unfortunately, many of our children lag behind other countries in the areas of math and science. This is critical to the future of our country. Space station *Freedom* will capture the attention and imagination of American students and

motivate them to study the areas of math, science, and engineering, which are necessary to help us maintain a work force capable of competing in the global marketplace. The space station also represents thousands of jobs for Americans which help strengthen this Nation economically. If you kill the space station, you also kill our space industry. We need to secure our pride in this country. Let us keep America's leadership in space and refuse to hamstring our future by foolishly cutting funds for our space station. Vote "no" on this amendment.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

JOBS

There are many reasons to support space station *Freedom* including the fact that this program is already employing up to 75,000 hard-working Americans. In California alone, there are over 4,000 jobs connected to space station *Freedom*.

Furthermore, these jobs employ the skilled engineers, scientists, and technicians who are vital to the future of this Nation's competitiveness. Given the economic conditions that we are experiencing these days, cancellation of the station will deal a devastating blow to the men and women who are employed because of this program.

Compounding the problem is the fact that these individuals—the scientists, engineers, and technicians—are the very same workers who are bearing the brunt of defense downsizing. I urge my colleagues to give serious consideration to the tens of thousands of men and women who will be affected by the decision we make today.

INTERNATIONAL COOPERATION

Continuation of space station *Freedom* is critical not only to the United States, it is also critical to our international partners.

Space station *Freedom* is the largest international venture in science and technology ever undertaken. Europe, Canada, and Japan have already spent \$2 billion and will ultimately pay approximately one third of all of the station's development costs. The international partners will also be responsible for paying a portion of the operating costs.

Last year we fought the very same battle over space station *Freedom*. The attempt by the Appropriations Committee to cancel American participation in the station sent a shockwave through the international community.

Our international partners responded loudly, and vigorously. Director-General of the European Space Agency, Jean-Marie Luton, stated that U.S. withdrawal would have "serious adverse impacts on prospects for any future transatlantic cooperation in the space field as well as other scientific and technological endeavors."

Both the Japanese and Canadian partners also stated that United States

abandonment of this project would profoundly affect prospects for future international collaboration and would severely undermine international trust and confidence in America's ability to follow through on its obligations.

In order to maintain our competitive position in the global marketplace given a world that is rapidly changing and evolving, it is crucial that the United States have enough credibility to enter into cooperative ventures with our allies in the future.

The act of unilaterally canceling our participation in space station *Freedom* without full consultation with our international partners sends a message to all nations of the world: America is unreliable.

Our international partners are very committed to space station *Freedom*. They treat the space station agreements as having treaty status and they have refocused their own space programs to support the station.

This point cannot be emphasized enough. All of the international partners have increasingly made participation in this project the centerpiece of their space programs. They have even gone so far as to defer or scale back other activities to support the station's funding requirements.

We are not alone in experiencing internal budget problems. Our partners have made sacrifices in order to preserve their participation in this project. It is time for us to make space station *Freedom* a priority in America's space program.

Abandonment of our commitment to this vital component of the U.S. space program will signal the extinguishment of any real opportunity for manned exploration of space. It will furthermore, completely cripple any current or future opportunities for scientific international collaboration.

OTHER OPPORTUNITIES FOR INTERNATIONAL COLLABORATION

I have no doubt that the decision that we make today as to the future of the station will cast a shadow over the negotiations for international cooperation for the superconducting super collider as well as the ongoing collaboration on the international thermonuclear experimental reactor, better known as ITER.

ITER is a joint international effort involving the United States, Japan, Russia, and the European Community. The objective of ITER is to demonstrate the scientific and technological feasibility of using magnetic fusion power for the production of electricity. As you will note, this international collaboration involves many of the same partners as space station *Freedom*.

Mr. Chairman, it is essential that we look at the short-term and long-term implications of canceling space station *Freedom*. For the short term, this Nation could lose up to 75,000 jobs that

are connected to the station. For the long term, abandonment of the program will severely undermine any current or future opportunities for international collaboration.

Mr. Chairman, I oppose this amendment and urge my colleagues to do the same.

□ 1820

Mr. PENNY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today we have the opportunity to exercise fiscal responsibility when H.R. 4364, the NASA authorization bill, comes to a vote on final passage. If this amendment is adopted, this bill will be one that strikes a blow for fiscal responsibility. Without this amendment, we will be crowding many other valuable programs in the future by moving forward with space station funding.

I urge you to support the Roemer-Zimmer amendment, which cancels the space station at this time and transfers \$1.1 billion in savings to other NASA programs and \$1.15 billion to deficit reduction, for the following reasons:

Despite claims by proponents of the space station, it will take funds from veterans and housing programs. At an average annual cost of \$4 to \$6 billion for 30 years, the space station will challenge veterans and housing programs, and other NASA programs, for scarce Federal dollars.

The cost of the space station is too high. According to the National Taxpayers Union, the "cost of the space station could skyrocket to an S&L bailout-sized \$180 billion" over its 30-year life.

NASA will not be weakened if the space station is canceled. According to the National Academy of Sciences, the experiments to be conducted on the space station "serve no pressing scientific need whatsoever."

The cold war and space race are over. According to the American Physical Society, "with the end of the cold war, there is an urgent need to reexamine the nation's priorities in space." The end of the cold war and the space race provide the United States with a window of opportunity to reduce spending on costly, big-ticket items such as the space station.

The space station crowds out other worthwhile NASA programs. Friends of the Earth states that without the transfer of \$1.1 billion in fiscal year 1993 to other NASA programs, the Earth observing system [EOS] and other smaller NASA programs are "unlikely to ever be funded" because of the priority given to one program—the space station.

Canceling the space station will not substantially reduce America's edge in high technology. Even without the space station, NASA budgets will remain at around \$15 billion or more for a number of years—providing research

opportunities for thousands of our best scientists.

The space station should not be a priority at this time. According to Daniel Goldin, the Administrator of NASA, "we need human outposts in Earth's orbit, on the Moon, Mars, and beyond." I feel that we have greater priorities—balancing the Federal budget, homelessness, health care, education, veterans programs—which we as a nation should address before we worry about building outposts on Mars or in Earth's orbit.

Please support the Roemer-Zimmer amendment to cancel the space station.

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

Mr. PENNY. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just like to address what the gentleman from California and previously the gentleman from Wisconsin brought up, the fact about our obligations to our international partners.

In article 27, there is a withdrawal provision in the intergovernmental agreement with five, six, seven points, and in witness thereof clause and the fifth point is, "If a partner gives notice of withdrawal from this agreement, its cooperating agency shall be deemed to have withdrawn from its corresponding MOU with NASA effective the same date as its withdrawal from this agreement."

There is that provision. We have worked that out.

I want to make that clear. I think we do have an obligation, as the National Taxpayers Union has said, to our taxpayers, not to European and Japanese taxpayers.

Mr. KOPETSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 4364. I rise in complete support of the space station *Freedom* and in opposition to the amendment offered by the distinguished gentleman from Indiana.

Mr. Chairman, yesterday, I received a letter from the new Administrator at NASA, Mr. Daniel Goldin. I want to share a passage of Mr. Goldin's letter as it defines why I believe this body must support NASA and H.R. 4364. Administrator Goldin states:

The entire mission of NASA is dedicated to our future. Today, we invest only one-fourth of one percent of our GNP and only one percent of our federal budget in NASA. Still, there are some who believe that is too much. They see it as a luxury when, in fact, a balanced space program is an investment in America's future.

America's future is really what today's debate is all about. Canceling space station *Freedom* is in my mind a serious threat to U.S. leadership in space. Since the days of President Kennedy, this country has proudly led the world in space exploration. This exploration has led to thousands of technological advancements here on Earth. Spinoffs from the space program include weather and appli-

cations satellites, communications satellites, computer technologies, CAT scans, and pace-makers to name a few. All totaled the American space program has generated over 30,000 spinoffs and advances in technology. Technologies developed by NASA are utilized daily but seldom do we give NASA credit for the discovery. From the compression chamber midsole on the Avia basketball shoes worn by Portland Trailblazer Clyde Drexler, to the food safety processes used by Pillsbury, to improving school bus chassis safety designs, to diagnosing and treating skin burns and disorders; NASA technology is everywhere.

Mr. Chairman, as the world's technological leader, the U.S. aerospace industry enjoys a large trade surplus. For 1990, the aerospace trade surplus was \$27.2 billion, up from \$22 billion in 1989. As this country continues to integrate and adjust to the global economy, it is more important than ever that we encourage and protect U.S. leadership in Aerospace. Support for H.R. 4364, NASA and space station *Freedom* is an important step.

It is equally important to note how NASA dollars infiltrate each and every State in this country. In 1987, NASA procurement spending totaled \$8.6 billion. However, the NASA procurement budget generated \$17.8 billion in total industry sales. This activity created 209,000 private sector jobs, this activity created \$2.9 billion in business profit. Finally, this activity provided \$5.6 billion in State, Federal and local government tax revenue.

I want to conclude with a personal experience to demonstrate the effects of a visionary space program. Last week, I visited Taft Middle School in Lincoln City, OR. Taft has constructed a model space shuttle, called Bengal Star 1. Bengal Star 1 has afforded students the opportunity to simulate space shuttle flight and operations support. Students through the leadership of their science teacher, Joe Novello, at Taft are being attracted to the sciences through this project. Taft Middle School receives no additional government support for the space shuttle project, donations come from the community and industry. This is another example of the curiosity and pride Americans have in space.

Mr. Chairman, I believe America must continue to lead the world in space exploration. The vehicle is here before us today. I urge my colleagues to support NASA, support space station *Freedom* and pass H.R. 4364 overwhelmingly.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are getting a lesson in warped economics. The gentleman from Massachusetts and others are saying that this money is taking money away from social programs, that we cannot inoculate children. We cannot put a policeman on the streets. We cannot do a whole lot of things that we need to do because we are going to build a space station.

This is a warped view of economics that is being rejected all over the world. People are rejecting this sort of view all over the world right now, understanding that it takes wealth in order to pay for these social programs, in order to inoculate children, in

order to educate children, in order to put policemen on the streets. It takes wealth to do that.

We are a wealthy country, and we need to continue building a wealthy country. The only way we can build a wealthy country is to invest in research, take that research and develop it into wealth in order to pay for those kinds of programs.

Those are the kinds of views that we have of economics. By the way, I think the views that have been expressed about this economics is a contradiction to those that say, "Well, we can't spend money on the space station because we need to spend this money in better research and other science somewhere else."

If we really believe that this House is going to allow us to take the money that would have been used on the space station to spend on other programs, we do believe in the tooth fairy, because it has already been stated by many that what they want to do is take this money and spend it on programs that do not create wealth in order to propose.

What we are trying to do here is to invest in our future, and we are trying once again to decide whether or not we should fund this space station *Freedom*. And why are we having this discussion? In order to create this wealth, for instance, we could even claim that the Moon may very well be the Persian Gulf of the 21st century. Why? Because the energy supply of our Nation is at risk, because we must have the capability to replenish the depleting resources on Earth by finding new sources of minerals, metals and energies in space.

We must not still be standing here 30 to 40 years from now debating how and where we can get the next supply of energy. Then it will be too late.

The space station *Freedom* is the first important step forward sustaining life in space and as a launch platform from which we can deliver extraterrestrial exploration missions that we can ultimately find these types of resources that will create the wealth that can go to pay for the programs that the gentleman from Massachusetts wants to fund.

We in the 20th century have used more of the world's natural resources than all the previous generations. Where will we get, where would we go to find more resources after the Earth has been depleted? Do we just stand by and cross our fingers? I do not think so.

What we do is we plan for the future and we act and act now.

Down through the centuries, nations have sometimes had to go to war, and we just recently went to war to protect energy resources. We go to war to protect the vital needs of our population. As an example, energy has been one major resource that we need to survive in the modern industrial world, to drive the engine of commerce that cre-

ates the wealth and provides the American standard of living.

□ 1830

We have to provide for warmth, for food on our tables, for transportation needs for our families, for our children, and for our elderly.

The best estimates of the Persian Gulf area oil reserves show that we only have until about the middle of the next century to find alternative safe energy sources that will continue to sustain our lifestyle as we increase our population. In the mid-1980's we found a good energy source that would provide safe energy production with no long-term waste and a high-energy conversion efficiency. Helium-3, commonly called astrofuel, has all of those important qualities, but the supply of it on Earth is very scarce. There is enough astrofuel on the lunar surface to supply the world's needs for over 1,000 years. We need the space station mission to help extract astrofuel from the Moon.

Experiments by the Fusion Technology Institute of the University of Wisconsin have proven that the helium-3 fusion process can provide energy that is both economical and safe. These helium-3 fusion reactors produce a wide range of valuable byproducts as it is recovered from the Moon, including water and oxygen. Unfortunately, helium-3 is extremely rare on Earth.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving my right to object, I just wondered whether the gentleman from Texas planned to yield at all.

Mr. DELAY. If the gentleman will yield, I would be glad to yield to the gentleman as soon as I develop my statement.

Mr. FRANK of Massachusetts. If the gentleman will forgive me, I have been waiting for the development, I guess. I am getting discouraged.

Mr. DELAY. It takes a long time to convince the gentleman of good economics.

Mr. FRANK of Massachusetts. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Chairman, continuing, while we have found enough helium-3 on Earth to provide ample research, we must develop a mechanism to retrieve it from the Moon. Without the valuable research mission planned for space station *Freedom*, we will not

have the knowledge to sustain life in space or have an economical platform to launch missions to the Moon.

Research from the Fusion Technology Institute has shown that clean, safe energy from astrofuel can be used here on Earth, but only if we start developing the technology to sustain life in space and an orbital launching capability now. Because 99 percent of the energy released from astrofuel is in the form of nonradioactive, charged particles, the astrofuel cycle is much safer than current fission reactors. Other benefits include high efficiency—about 70 percent net conversion to electricity—easier licensing and siting requirements, potentially lower costs of electricity, a shorter time to commercialization than for the fusion cycle currently pursued around the world, and less waste heat is dumped to the environment than with fossil fuel or fission plants. Furthermore, materials for the reactors can be chosen for easier maintenance, decommissioning, and ultimate disposal of the reactor components.

The lack of any radioactivity in the fuels or exhaust products means fuel can be delivered over city streets with no more precautions than required to deliver refrigerated food today.

The cumulative effects of high efficiency, very low radioactivity, inherent safety, and urban settings should also result in lower electricity costs in the future. Even at \$1 billion a ton for the astrofuel, the cost of energy from astrofuel is equivalent to oil at \$7 a barrel.

The commercial attractiveness of this fuel, which can only be achieved by having the capability to reach into and to live in space, and using 1987 as an example, the United States alone spent \$40 billion to buy coal, oil, natural gas, and uranium to produce electricity. That same electricity could be produced from 25 tons of astrofuel. That much astrofuel could fit into the cargo bay of the space shuttle.

One shuttle-load of fuel could supply the entire United States demand for electricity in a year and be worth \$25 billion. Not only that, but there is 10 times more energy in the helium-3 on the Moon than in all of the economically recoverable coal, oil, and natural gas currently on Earth.

Astrofuel is only one example of the many ways we can replenish resources that are currently being depleted here on Earth, maintain our level of spending, and be able to create wealth that we have all enjoyed to pay for those programs.

Mr. ANDREWS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the challenges of space have only increased since this great adventure began over a quarter century ago. But as the risks have grown, so have the rewards.

During the history of America's space program there have always been detractors—always those who have said that the space program could not or should not move ahead. But what did those detractors think as they sat in their living rooms watching Neil Armstrong step out of the *Eagle* and plant the United States flag on the Moon? It is important to remember that the space program is about looking ahead. It is about exploration and discovery. Killing the station would be one giant step in the wrong direction. To do so would be dangerously shortsighted.

Today, the vote is a clear one: To keep the program moving forward, to keep America No. 1 in space, or to stop our effort dead in its tracks and let someone else do it for us. Space station *Freedom* is the engine that will drive our Nation's space program well into the next century.

Our trading partners understand the space station's potential, but they are all preparing to follow our leadership. Without this station, the Japanese and the Europeans will turn elsewhere in this fierce competition for the future. To cancel the program would mean the United States is willing to relinquish its leadership role—just like we have in other competitive arenas like semiconductors, automobiles, land remote sensing, and digital imaging—and allow other countries to capitalize on technologies we developed. The space station is a race for technology and economics and its a race that started years ago. There will be a space station eventually, the question is whether or not it will be ours.

Furthermore, I have heard others here today deride the fact that this debate is also about jobs, and I strongly believe that derision is painfully misguided. This debate is indeed about jobs; its about new jobs, jobs of the next century, jobs that our children will hold. In testimony before the House Budget Committee Task Force on Defense, Foreign Policy and Space yesterday, the well-known author James Michener clearly identified this weighty realization. He said, "But as certainly as there are pressing needs of the day, the needs of the future will surely be far more desperate if we do not prepare for them today. To prosper, our children and grandchildren will need new jobs in new technologies, new challenges, and new worlds to conquer. We have no mechanism which transmits this legacy more effectively than our civil space program."

Space station *Freedom* inspires young people to excel in math and science because children understand the opportunities it offers them to apply that knowledge.

In the weightless laboratory of space men and women may build the largest and most perfect computer chips the world has ever seen. Or perhaps they may develop a cure for cancer, or at

least find a way to reduce the pain of those who suffer from the disease here on the ground. Inventions and innovations we cannot possibly imagine today will likely become a commonplace reality tomorrow. The truth is, many advances, both economic and scientific, that future generations will take for granted will be developed aboard the space station in our lifetimes.

So this vote is truly an important one. It is about our future. I urge the defeat of this amendment and any other attempts to kill the space station program. Let us not be the Congress that stops the progress of our country's space program. Let us not be the Congress that says to the world that America is no longer interested in the grand adventure of space exploration.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in support of the space station. One of the most important roles of the Federal Government is to develop knowledge, to develop that fundamental research that no individual company could do but which makes possible new products and new processes.

My colleagues who have spoken before me have described in some detail some of the past products that have developed from our space research, and the potential of the current research to develop benefits for us in the years ahead. Let me remind us all that our current investment is only 1 percent of our Federal budget, and the products that have sprung from this commitment and the potential for this research have paid back many times over that investment.

There is another aspect to this debate that I think is important. In my experience in the last decade no major breakthrough in manufacturing has come from a single company. More and more, new engines, breakthroughs in computer sciences, major developments in every industry are coming as a consequence of joint ventured efforts by international cooperative partnerships.

□ 1840

This is not only because such major developments cost a lot of money, because it is much more serious than that. They require a level of brain power and knowledge that no individual company is able to support, is able to field, and so more and more the team that is going to drive the knowledge that is going to change our world and raise the potential for a high-quality standard of living throughout the developed and underdeveloped nations is a team that requires international cooperation, the best that many nations have to offer in both dollars and human resources. And so the space sta-

tion is the first of those most serious cooperative scientific and technological ventures.

Fifteen countries, thirteen in the European Space Agency, plus Japan and Canada, are working with us on this project, recognizing the international community's dedication to the goals of this project and their dollar commitment to its importance to the future not just of Americans but of all mankind.

So I think it would be a very grave mistake for us to repeal the space station authorization and to step back on that underlying commitment that a great society must make to its own future, for indeed knowledge is power. The space station is about knowledge. It will empower our economy to provide for the needs of our children and our children's children throughout the nations of the world community.

Mr. BROWN. Mr. Chairman, I rise to ascertain how much more time we might need to complete debate here. Could I ask Members who wish to speak to stand and let me get a rough idea. I see about 10 Members, and I would ask unanimous consent to end debate on this amendment in half an hour, which would of course restrict the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DURBIN. Mr. Chairman, reserving the right to object, some of us have waited almost 2 hours, and the thought now that our opportunity to speak on this open rule in this debate under the 5-minute rule will somehow be curtailed I think is unfair, and I would object to the gentleman's unanimous-consent request.

The CHAIRMAN. Objection is heard.

Mr. BROWN. Of course, Mr. Chairman, I would not seek to enforce any restriction. I am seeking a voluntary arrangement.

Mr. ROEMER. Mr. Chairman, reserving the right to object, having offered the amendment, could we get some kind of an agreement that now Members speaking in opposition could get recognized?

Mr. BROWN. If the gentleman will yield, he knows the rules would allow Members to be recognized in due course. But if the gentleman would agree to some sort of an orderly process, I would try and make a commitment that they would get at least half of the time that is remaining.

Mr. ROEMER. Mr. Chairman, with all due respect, I would not agree to limiting to half an hour when I have about six or seven speakers left.

Mr. BROWN. Would the gentleman feel that 45 minutes was reasonable?

Mr. ROEMER. I would say an hour, Mr. Chairman. I have Members who have been here for 2 or 2½ hours waiting to speak.

Mr. BROWN. I am sure the gentleman knows that we have a lot of

Members also waiting. But I have not heard any new arguments in the last hour.

Mr. ROEMER. Further reserving the right to object, I think the gentleman from Illinois is going to give some new arguments on much of what we have heard about how important the medical research has been.

Mr. Chairman, I withdraw my reservation of objection.

Mr. BROWN. Mr. Chairman, I will not make any request at this time.

Mr. McMILLEN of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Roemer amendment and in support of space station *Freedom*.

Space station *Freedom* is a fiscally responsible investment in the future quality of life for Americans and the economic competitiveness of the Nation which only costs one-tenth of 1 percent of the entire budget.

In addition, the Roemer amendment will not directly reduce the Federal deficit because this is an authorization bill and therefore any funds saved could simply be funneled to other programs.

Let me also say that space station *Freedom* does not need to directly jeopardize the EOS Program. Both of these important programs can be funded and complement each other.

Space station *Freedom* can play a significant role in assisting the development of new and emerging critical technologies.

For example, I have a particular interest in biotechnology, where the space station will provide scientists with an unprecedented environment for the study of normal or cancerous human tissues outside the body. The potential medical applications could involve the growth of tissues for transplantation, cancer and antiviral therapies, models for drug testing, and the study of disease models in human tissue.

It is also important to recognize that the space station contributes to a healthy aerospace industry which currently has a \$27 billion trade surplus.

The space station alone has created 75,000 jobs and this will help NASA play a greater role in defense conversion.

We cannot let our dire budget situation hamper both our will and ability to make fiscally responsible investments in our future.

Mr. LOWERY of California. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. LOWERY of California. I yield to the gentleman from Michigan, chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee.

Mr. TRAXLER. Mr. Chairman, I am grateful to the gentleman and I will be very brief.

Mr. Chairman, this finds me in a peculiar position. I rise in opposition to the amendment, not because I am in disagreement with the substance of it, but rather because, in my judgment, it is the wrong place and the wrong time. The amendment does nothing about focusing on the debate on the priority question of funding the space station, and where does the space station rank in the spending priorities of the Nation. At best it is, of course, a paper tiger.

Because there is no alternative funding being proposed here, it is an easy vote. Make no mistake about it, the real up or down vote on station is going to come on the appropriation bill, and I will support that. The anticipated subcommittee allocation that we are faced with and that we are now looking at will make it very difficult for us to fund a \$1.1 billion increase for VA medical and a 5 percent increase for NASA which includes \$2.25 billion for station. Eighty percent of the outlays in the appropriation bill I chair occur in the VA and in NASA. If the outlays for moneys in 1993 are missing, as they might be when we get our allocation, we are going to have a real debate on this floor over the priorities of station versus the human needs and the research needs, the EPA, the National Science Foundation and the NASA science and research budgets.

So I say to Members whatever happens today is rather irrelevant, because we are going to come back to this issue. We are going to confront it in the real terms of America's choices and priorities.

I do not want this amendment at this time. It does not state the issue appropriately. Therefore, I am going to vote against it, although it is the right amendment at the wrong place. And I am very grateful to my distinguished colleague for yielding.

Mr. Chairman, I rise in opposition to the amendment not because I am opposed to it in substance but rather because it's the wrong place and time.

Mr. Chairman, this amendment does nothing about focusing on the priority question of funding the space station.

At best this amendment is nothing more than a sense of the House—unless, of course, it carries.

But I doubt that it will because there is no alternative priority funding being proposed.

Make no mistake about it. The real up or down vote on space station is going to come on the appropriations bill. The anticipated subcommittee allocation that we are now looking at will make it very difficult for us to fund a \$1.1-billion increase for VA medical care and a 5-percent increase for NASA which includes \$2¼ billion for the space station.

Eighty percent of the outlays in the appropriations bill I chair occur in VA medical care and NASA. If those outlays for new money in 1993 are missing—as they very well may be when we get our allocation—then we are going to have a real debate on this floor over

the priorities of the space station versus VA medical care and the National Science Foundation and EPA, and the balance of NASA, meaning NASA science and research.

So I would caution every Member here today who plans to vote either for or against this amendment—that they don't want to fool themselves into thinking this is the last they have heard of this issue.

The real vote is coming later and it will be a much tougher vote than this one.

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

Mr. LOWERY of California. I yield to the gentleman from California.

Mr. BROWN. Mr. Chairman, I would like to express my appreciation to the gentleman from Michigan [Mr. TRAXLER] for his remarks. I tried to indicate earlier that the real problem lies within the constrictions of the budget process here, and that was the reason that we structured our bill to provide a zero-growth option in title I. We were doing that, of course, so as to try to avoid making the work of the authorizing committee completely fruitless by not assuming that there were no restrictions on what could be done. We wanted to have our own set of priorities, but I have recognized, and the committee recognizes that the two priorities will have to be set in the Appropriations Committee, and again I want to thank the gentleman from Michigan [Mr. TRAXLER].

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

Mr. LOWERY of California. I will yield to the gentleman from Maryland for 10 seconds.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding and I just want to rise and to congratulate the gentleman from Indiana. He has raised a very good issue. He and I have talked about it.

I am going to support the position just articulated by the gentleman from Michigan [Mr. TRAXLER]. But I agree also with the gentleman from Michigan that we are going to have to deal with this issue, and we will deal with it at that time. And I thank the gentleman for yielding and thank the gentleman from Indiana for his amendment.

□ 1850

Mr. LOWERY of California. Mr. Chairman, I rise to express my strong support for the space station *Freedom* program and to urge my colleagues to oppose the Roemer-Zimmer amendment.

Space station *Freedom* is the centerpiece of our manned space program and must be continued. It is the essential next step for advancing human exploration of space. The Roemer amendment seeks to prevent that step from ever occurring.

This amendment is simply another attempt to cancel an excellent program that has met every test put to it. The amendment will not reduce the

deficit—it does not amend the 1990 budget agreement. It does not lower spending caps, it will simply leave money on the table to be used for other programs—not necessarily NASA programs.

What the amendment would do is damage NASA's ability to carry out a balanced space program. To say that this amendment is not anti-NASA is misleading at best. Canceling space station *Freedom* will rip the heart out of the manned space program. NASA strongly supports space station *Freedom* and every Member has received a letter from the new Administrator that clearly states his support for the program. Administrator Goldin deserves an opportunity to develop his own plan to coordinate *Freedom* with his other priorities.

Mr. Chairman, NASA has met every goal set by Congress for the space station. In 1990, Congress directed NASA to restructure the space station program. NASA took this direction, as well as recommendations from the Augustine Commission, and produced a redesigned space station that is less expensive, smaller, easier to assemble in orbit, and will require fewer shuttle flights to build. NASA has reduced costs, simplified the design, and reduced the complexity of the project. Most importantly, it has produced a quality project.

Freedom will be a research laboratory unsurpassed in the world for life sciences and microgravity research. It is a vital stepping stone to the future. It will enable NASA to conduct research and plan for further human exploration of the solar system in cooperation with our international partners.

The opponents of the space station argue that it has less scientific capability now than it did prior to restructuring. They say it is not a perfect orbiting laboratory and therefore should be canceled. That is wrong.

The CHAIRMAN. The time of the gentleman from California [Mr. LOWERY] has expired.

(By unanimous consent, Mr. LOWERY of California was allowed to proceed for 2 additional minutes.)

Mr. LOWERY of California. Mr. Chairman, space station *Freedom*'s scientific capacity will be many times greater than any previous space facility—from sky lab to the Soviet Mir space station. In its man-tended phase from 1997 to 2000, space station *Freedom* will have over 50 percent more scientific capacity than the Mir. In its permanently manned phase, beginning in the year 2000, space station *Freedom* will have over 4 times the capability than the Mir station. Space station *Freedom* will perform more advanced experiments and gather more important and useful data than the Mir or any other previous platform.

As my colleagues will recall, we went through this process last June during

consideration of the fiscal year 1992 VA-HUD appropriations bill. By a wide margin, the House voted to continue the space station program. Since that time, the men and women of NASA and the aerospace industry have made excellent progress on the program. Hardware has been tested and the man-tended capability preliminary design review has been completed.

There are over 30,000 people working directly on the program and over 75,000 in related jobs. Over 100,000 people are doing quality work on space station *Freedom*. These are not make-work jobs. They are scientists, engineers and technicians—the kinds of jobs we all want to promote.

Mr. Chairman, there are all kinds of sound reasons to support the space station. Support can be based on the scientific, technological, or economic benefits of the program. Yet, I always think of the future. This Nation was built by exploration, by looking to the next frontier. The new frontier is space. The space station and manned exploration are the path to that frontier. Let us not be the first generation to shy from the challenge of exploration. Let's keep reaching for the stars. I urge my colleagues to defeat the Roemer amendment and support the NASA authorization bill.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the worst sins you can commit around here is to believe your own baloney, and believe you me, I have heard an awful lot of it today.

I just cannot help but swoon when I see the extent to which some people will go to express rapture at the ability of the space station to do everything from solving AIDS to solving cancer; you are going to get a cure for the common cold; you are going to be able to do everything every human being ever wanted to do.

And man, it has a wonderful monicker: "space station *Freedom*." Man, does that sound terrific.

But the fact is that if you take a look at reality, the reality is that we have got some very tough spending choices in this House. Last month this House voted against taking down the firewalls in the budget which would have allowed us to move money from the military budget into needed investments here at home. That vote failed 187 to 238; 162 Republicans voted against it. They were joined by 76 Democrats, in my view misguided Democrats. In my view, anybody who voted against the taking-down-of-the-walls bill 3 weeks ago has an obligation to vote for this amendment today, because the fact is that with the failure of that bill we are going to be required to reduce current services, domestic discretionary programs, by \$7 billion in the coming year, and that is not going to be easy.

To me, the idea that we are going to commit ourselves to spend \$40 billion or more to build this turkey while we are not meeting the day-to-day needs of the average American family for education, for health care is absolutely mindless.

I do not think here the issue is one of spending. I think the issue is one of priorities, and it seems to me that we have got to make some tough choices given the fact that that walls bill did not pass.

I do not for the life of me understand, as the gentleman from Michigan [Mr. TRAXLER] has said many times, how we can decide we are going to spend \$40 billion to create safe habitat for a few astronauts floating around the globe when we do not provide decent habitat for people here on the surface. It just seems to me back you know what wards.

It seems to me that this bill is also typical. It is typical of the tendency of so many people in this town to get things backwards by saying in effect that we have core commitment to programs like this that supersedes our commitment to things like the Earthwatch satellite which is aimed at dealing with problems on the globe rather than problems on some other globes.

So I would urge the Members to vote for the gentleman's amendment today. I do not know how many votes this is going to get. But I tell you that when we have a \$400 billion deficit, we have got to start going after the military budget, and we have got to start going after some of the big-ticket items that represent pork in the domestic budget.

We have an awful lot of politicians in this House who will pose for political holy pictures on the issue of pork, but, my God, there is no bigger pork item in the domestic budget than this item.

I get calls from my own State university, "Please, vote for it. We have got a piece of the action." Baloney. It is time we recognize that with a \$400 billion deficit and with an investment deficit in education, in health care, in physical infrastructure on the surface of this globe we do not have any room in the budget for this turkey. We just do not have the room.

If you voted against taking the walls down in the budget, you have got an obligation to vote for this amendment and to vote for an awful lot of other amendments just like it, because we have got to make those choices.

When we bring the Labor-HEW bill out on this floor which will contain the real cancer research money and the real AIDS research money, where are you going to be then? Are you going to be supporting that bill or not? You know the answer to that. You know the answer to that as well as I do.

Do what is right. Vote for this amendment. Save this money and start making the kinds of choices we have

got to make if we are going to bring this deficit under control and have some pennies left for some of the poorest souls in this country who do not get diddley squat from this Congress half the time.

□ 1900

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened patiently to this debate for more than two hours. My responsibility on the Committee on the Budget is to serve as the chairman of the Budget Task Force on Space.

Mr. Chairman, I have been a Member of the Budget Committee for 6 years and I have tried to focus during that period of time on one area primarily, medical research. I have sat in that chair and listened to some of the most outlandish exaggerated claims on medical research that would be accomplished if we would launch space station *Freedom*.

Mr. Chairman, if patriotism is the last refuge of scoundrels, then claiming research breakthroughs in space is the last refuge of supporters of space station *Freedom*. Let me tell you why I say that.

As we stand here today and debate whether we will ultimately spend over \$150 billion on space station *Freedom* to launch it and operate it, across town sits the National Institutes of Health.

Mr. Chairman, NIH has the premier responsibility in this Nation to find the cures for the diseases which we have discussed so cavalierly on this floor today.

Now let me tell you what is going on at the National Institutes of Health because of our deficit: Four research grants are approved, one is funded. Whether it is for cancer or AIDS or heart disease, we cannot afford to fund three-fourths of the approved applications for medical research.

In the area of cancer it is even worse. We only fund 1 out of 5 applications for research to find cures for cancer.

Yet the men and women who have taken this well today and argued that we should be launching this laboratory in space have argued that is where we are going to find the cure for cancer, that is where we will find a cure for AIDS. Well, forgive me, I am a simple liberal arts major, I am not a medical doctor nor a researcher, but I will tell you the people who have that responsibility have spoken on this issue.

My friend from Pennsylvania quoted James Michener, the preeminent author in the United States of America who testified before my budget task force yesterday. Mr. Michener is surely committed in his heart to this space program.

What my friend from Pennsylvania did not quote were the six or eight other witnesses, medical doctors who

came to answer the basic question: If you are doing research to find a cure for cancer, will you spend your next dollar on space station *Freedom* or will you spend it at the National Institutes of Health?

Let me tell you the answers they gave because the answers should be part of the RECORD. Dr. David Rosenthal from the American Cancer Society, I quote:

Based on the information we have seen thus far we do not agree that a strong case has been made for choosing to do cancer research in space over critically-needed research here on earth.

Someone said earlier we will find a cure for arthritis. Well, Dr. Shaun Ruddy, of the Arthritis Foundation says, "Simply put there is no osteoporosis research that will be conducted in space that could not be carried out in laboratories here on earth."

And someone said earlier, you know, if we can just get this space station moving all these medical scientists will move over and start working to find these cures in space station *Freedom*. Not Dr. Maxine Singer of the Carnegie Institution of Washington, an NIH researcher herself. She said and I quote:

It is clear that in terms of time of trained scientists and the cost of the experiments we are many times more likely to achieve significant knowledge sooner here on the planet than in space.

Speaking for the American Federation of Clinical Research Dr. Veronica Catanese said:

At today's funding level the government could support the entire research operation of the National Institutes of Health for 10 years with that investment.

Ten years with the investment we are putting into space station *Freedom*.

Mr. Chairman, if you want to vote for space station *Freedom* because it means jobs at home or if you want to vote for it because it means a lot to you to keep the space station in operation, so be it. But do not stand here and delude the Members of this Chamber and the people of this Nation to suggest that the best medical research, the best opportunity to cure AIDS and cancer is somehow far up in space. It is right here in the laboratories of America that are underfunded today because of our budget deficit.

I will tell you, in conclusion, that I think many people believe there is a thrill in space adventure; I am one of them. I have been to a launch, I served on the Committee on Science, Space, and Technology. It is a wondrous thing to see that rocket lift off into the heavens. It is magnificent to see those pictures come back from space. But for this Member of Congress there is more thrill involved in a laboratory experiment that results in a cure that saves a child's life than there is putting \$150 billion into this project.

I support the amendment of the gentleman from Indiana.

Mr. MILLER of Washington. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to this amendment.

Mr. Chairman, my distinguished colleague from Illinois is the Chairman of a Budget Committee task force that has held hearings on the medical research that can be done by the space station and the gentleman who preceded me has certainly made an extensive effort to study this issue. But I had the privilege of attending the hearing that he conducted yesterday and I would like to give perhaps a different perspective on what we heard.

The witnesses from the medical community who testified to us did not debate whether there were medical benefits that might accrue from the medical research on this space station. They did differ on how great those benefits would be, whether they were worth the expense of the program and whether taxpayers' funds could be better spent on other research.

My colleague from Illinois cited witnesses who believed that benefits were not worth the cost. However, let me tell you other witnesses at our hearing believed otherwise.

Dr. Mary Lou Ingram, a senior research scientist at the Huntington Medical Research Institute, told us yesterday about research on tissue cultures treatment for fatal malignant brain tumors. Dr. Ingram stated that "space station *Freedom* would offer a unique opportunity for long-term studies of tissue cultures in the micro-gravity of space."

Dr. Ronald Merrell, dean of clinical affairs at the University of Texas Health Center told us:

Another promising field is in the area of protein crystal growth. The research in this area, much of it fostered by tests already conducted aboard the space shuttle, may lead to new possibilities in the field of designer drugs.

Mr. Chairman, there are no vast promises made at that hearing yesterday, nor have there been vast promises made on the floor today of quick cures for cancer and AIDS and, nor should we ask such promises or claims of this space station project any more than we should ask the National Institutes of Health to claim that they are going to get a man to the planet Mars.

Mr. Chairman, we should remember, as we involve ourselves in this medical debate, that one of the benefits of the space station is some unique medical research, but there are many other research benefits: Materials, life signs, environmental research. The space station is also about the United States continuing to lead the world in manned exploration in space.

The space station is about international cooperation in the post-cold war era, where we are working with not only Europe and Japan on the project, but potentially Russia as well.

Mr. Chairman, James Michener testified at our hearing that space is the challenge of our age. Permit me to quote from his testimony:

Therefore, we should be most careful about retreating from the specific challenge of our age. We should be reluctant to turn our back upon the frontier of this epoch. Space is indifferent to what we do; it has no feeling, no design, no interest in whether we grapple with it or not. But we cannot be indifferent to space, because the grand slow march of our intelligence has brought us, in our generation, to a point from which we can explore and understand and utilize it. To turn back now would be to deny our history, our capabilities.

Mr. Chairman, there are dozens of reasons to support the space station with the medical research only being but one.

Mr. BROWN. Mr. Chairman, I rise to see if we could agree on a limitation, a verbal agreement. It is urgent that the committee complete this in the very near future and on my part I would be willing to waive all further time for those who oppose the amendment if we could get agreement on ending all debate in say 12 minutes.

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

Mr. BROWN. I yield to the gentleman from Indiana.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Chairman, I would agree to 12 minutes to sum up.

Mr. BROWN. All of that time to go to those who support the amendment.

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

Mr. BROWN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, there is at least one gentleman over here in support of the amendment who wants to speak.

Mr. BROWN. I heartily agree with the sentiments, but I would like to see if we cannot agree here.

Mr. ROEMER. If he requests to speak in favor of the amendment?

Mr. WALKER. No; he is supporting the space station; he is against the amendment.

1910

Mr. BROWN. Mr. Chairman, would the gentleman settle for 1 minute and put the rest of his remarks in the RECORD?

Mr. CUNNINGHAM. Mr. Chairman, I have sat here and waited for about 2 hours.

Mr. BROWN. I know that is the case, and many others have done the same thing.

Mr. CUNNINGHAM. Mr. Chairman, I will be brief and may not take 5 minutes, but I would like the opportunity to speak.

Mr. BROWN. Mr. Chairman, I ask unanimous consent to end all debate in 12 minutes and have the time equally

divided between the Members who seek additional time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ROEMER. I would get the 12 minutes; right, Mr. Chairman? I have three speakers left.

Mr. BROWN. The gentleman from Indiana has three speakers left.

Mr. ROEMER. And the gentleman from California [Mr. BROWN] has one.

Mr. WALKER. So, nine and three.

Mr. BROWN. The problem is very simply, Mr. Chairman, if the other side insists on unduly delaying it, then those who oppose the amendment are going to want additional time also, so nothing is certain.

Mr. Chairman, it would be very helpful if we could complete this in 12 minutes and bring it to a vote. Otherwise we will be faced with the probability that we will have to go over until next week.

The CHAIRMAN. Is there objection to the time limit?

Mr. ROEMER. I would agree under those ground rules, Mr. Chairman. The gentleman from California [Mr. BROWN] has always been fair to me, and I would agree to 12 minutes.

The CHAIRMAN. The time will be controlled by the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN], 6 minutes each.

Mr. BROWN. Mr. Chairman, would the gentleman object to 15 minutes?

Mr. Chairman, I will make that the unanimous-consent request, that all debate terminate in 15 minutes time, to be divided among those who are standing.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ATKINS. Objection, Mr. Chairman.

Mr. BROWN. Mr. Chairman, I would settle for 20 minutes equally divided.

Mr. WALKER. How about twenty? Thirty? Forty?

The CHAIRMAN. If we cannot have unanimous consent, then for what purpose does the gentleman from California [Mr. CUNNINGHAM] rise?

Mr. CUNNINGHAM. Twenty minutes is fine.

Mr. BROWN. Mr. Chairman, I would like to make another unanimous-consent request, that all debate cease in 20 minutes, to be equally divided.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I was on the floor and the gentleman was on the floor, and I asked if we were limiting debate, and I was told no. I am somewhat disappointed.

Mr. BROWN. I am a little disappointed in the gentleman also, to be

honest with him. I am making a voluntary request for unanimous consent, and if the gentleman wishes to object, he is free to.

Mr. FRANK of Massachusetts. Then I would object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I speak against the amendment of the gentleman from Indiana [Mr. ROEMER], and I understand that jobs is a low priority, as far as a lot of people have spoken, but I take a look at the knowledge of the future generation, and it is not just in medical research, but the joint research that we have with our allies in different areas of high technology, and I think, Mr. Chairman, if we spend dollars for a good investment and we have a return on that investment, medical research has already been discussed as far as cancer, and, Mr. Chairman, the House is not in order.

The CHAIRMAN. The House will be in order.

Mr. CUNNINGHAM. But can we imagine just the environmental studies that can be done? We hear about ozone depletion. We hear about global warming. And I do not know that anyone would say that our astronauts go up on boondoggles. They are hard-working, dedicated individuals, and the work that they would be conducted on space station I think would benefit this planet, not only now, but for in the future as well. If we could have a program that meets all the milestones which we have in space station, its reduced cost, and even restricted those costs for cost savings, those are the kinds of investments that this Congress wants to invest in, the unlimited research capability of the future.

Mr. Chairman, I have a vision that someday we will travel to other planets and to other stars, and I would hope that we would establish colonies on those stations as well, and those would benefit the United States, and I heard the argument or the challenge that maybe, with what the votes were going to be on HHS—well, I think this House just voted to strike and set down the earning test in the jobs that we have for space station which actually help to go to pay for those events.

So, I think this is a win-win situation. I look at what I think that our first astronauts when they said, "One giant step for mankind." Well, I think someday we will have that giant step, and with that the research, the high-technology research, we will have the benefit, not only medical, but the environment of this planet.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Indiana [Mr. ROEMER] to strike the authorization for the space station.

This debate is important. It has gone on for a long time, and it has been a very good debate, in fact. It has not been acrimonious or personalized in any way. It has been a useful debate. Perhaps, for those who may be on the losing end, it may be all that we have: the time to debate and voice our views on this subject, and so we ought to have that opportunity because this is a debate about priorities. It is a debate about choices we are making in this country for certain values that each of us and those whom we represent consider important.

I have no doubt about our ability to build the space station, the manned orbiting laboratory. I have no doubt about our capability to launch these long-term missions into outer space. It is a matter of science and physics. We have produced very well on those technical matters that result in very high-precision achievements. Mr. Chairman, we have some not so scientifically technical challenges facing us here on Earth that can be accomplished only with the application of an amount of talent and resource equal to that which we are going to be committing over a very long time to this very risky project.

I am for science in outer space, but I think we could do a lot more science for a lot less cost in outer space without having to put people in outer space to do that research. We can do all of this, or a great deal at least of the science that has been talked about this afternoon, without the necessity and the high cost of putting people out there to do it, and we have heard those arguments that we have got to do this, fund this space station, because there is this spinoff, there is that spinoff, and we have heard references to cancer, and references to a cure for AIDS and other so-called research that can be done in outer space as a spinoff.

Well, why wait for a spinoff? Why spend the \$150 billion that this project will ultimately cost as the base from which to get some spinoff? Let us spend the \$150 billion, invest it directly in those needs, and here is what we could do:

We could increase funding for Head Start by 40 percent, serve an additional 188,000 children instead of spending it on the space station. We could increase funding for AIDS research by 50 percent, to \$2.1 billion. We could more than double the \$835 million increase of the Federal aid highway program by spending on infrastructure money that we would otherwise be casting off into outer space. We could double the fiscal year 1993 funding for housing assistance and homeless aid, a \$1.2 billion increase to take care of housing people on Earth instead of housing the six fit-test among us in outer space.

□ 1920

We could more than double the money available for community health

centers, instead of doing this supposititious research in outer space on this proposed space station.

I have heard the argument that we may be able to find the cure for cancer. Well, I will tell you, that falls rather hollow in my case. My wife could not wait for the cure for cancer from outer space, and 40,000 women who this year, will die of breast cancer cannot wait either. They need that money invested here and now, on Earth, in those laboratories that have scientists waiting for the research funds to help them do the research they need to do right here on Earth on those problems of health and life sciences so fundamentally complex and perplexing as cancer research.

Finally, I just hope that if this thing is ever built, and I hope it will not be, that they will find some fresh water out there in outer space, because we are running out of it here on Earth. We ought to be allocating our scarce research dollars to those things that touch life on Earth here and now, now and for future generations of children, instead of appealing to this fantasy of a voyage in outer space that illuminates our imagination, but does nothing—does nothing—for the quality of life that each of us must lead daily in this early existence.

Mr. Chairman, I urge a vote for the Roemer amendment.

Mr. HOAGLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I will not take the 5 minutes and will not make a long speech. I just want to make three points.

What I would like to do first is try to bring us back to basics when it comes to funding programs of this magnitude and the fiscal implications of a program like this.

Remember that we are running a deficit of \$400 billion this fiscal year. Since 1980 our national debt has increased to nearly \$4 trillion. This fiscal year two-thirds of all private savings in the country are being sucked off to pay the annual deficit.

Economists across the board, across the political spectrum, indicate that the current recession is being caused principally by excessive deficit spending, and that the decline in our standard of living and the decline in our increases of productivity nationwide are tied directly to the deficit spending and the huge national debt that we are incurring.

This fiscal year we are going to spend \$212 billion on interest on the national debt alone. That is \$2,000 per taxpayer. It seems to me in light of that our number one obligation has got to be to get the economy back on the right track. We are not going to get the economy back on the right track with wasteful government spending.

John Kennedy and others have said that a rising tide lifts all boats. Well, let us get all boats lifted around the country by cutting the deficit and getting the economy back on the right track.

Point number two, I know that many Members have received a letter from Friends of the Earth that discusses the environmental satellite funding that is going to be significantly cut by those who want to put all this money into the space station.

The environmental satellites can do concrete things to measure and help us with our environmental concerns and teach us how to do better. There is much more bang for the buck than this space station that we are talking about.

Finally, I do not think any of us have any objection to the space station per se or the things we might learn from it, but let us save it for the future. Maybe at some time in the future, 10 or 15 years from now, we can afford to spend \$120 billion over 30 years. But the reality is we cannot afford to spend it now.

So let us say no. Let us just say no to some of this stuff. Let us all sacrifice a little bit. Let us bring the deficit under control.

Mr. GILCHREST. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Roemer amendment and support full authorization for space station *Freedom*. In a world of limited resources, it is important to draw the line between investment-oriented spending and consumption-oriented spending. Space station *Freedom* is an important investment in our civil space program and is the heart of the manned space program.

Mr. Chairman, space exploration is flawed without manned space flight. Space station *Freedom* is of major importance to our American aerospace industrial base, and will provide a transition to civil and commercial markets. Aerospace is one of the few U.S. industries to enjoy a favorable and rising balance of trade, \$27.2 billion in 1990.

Furthermore, this amendment would not achieve deficit reduction. H.R. 4364 authorizes a total of \$15.3 billion in core and discretionary spending, which is less than the President's request, and a slight cut from last year's budget. The cuts made by this amendment would be spent elsewhere.

Mr. Chairman, I would like to make a comment about the quality of life. We are hearing a lot about inoculations of disease. We are hearing about education. We are hearing about medical research.

Mr. Chairman, all of these things are vastly important. But they depend, the quality of these programs, inoculation of disease, medical research, education, all of these things depend on one fun-

damental human characteristic which must remain limitless, and that characteristic is the acquisition of knowledge and the limitless possibilities of human curiosity.

When we have an opportunity to bring in an international set of scientists to research the limitless possibilities of those things that are in outer space, I think we ought to go for it.

If we can discuss these things, and we have, and countless numbers of people have told me in the last several months that they are tired of Congress partisan bickering, and this debate for all intents and purposes has stayed away from partisan bickering, we need to discuss this in a nonpartisan manner. We need to understand that the foundation for human achievement is based on knowledge, curiosity, and cooperation on an international scale.

This space station will not find the cure for AIDS in 2 or 3 years. It will not find a cure for cancer in that same amount of time. But what it will do on an international scale is make us take the first correct steps, which will lead us to success in those areas.

Remember when the first men stepped on the Moon in 1969 and said "one small step for man, one giant leap for mankind." I think to a degree this is that same possibility, where we can garner a sense of enthusiasm for ourselves, for this world, for this program, for the next generation.

Mr. ATKINS. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I rise in support of the Roemer amendment and to offer a small reality check in this debate. Today's vote may be viewed as the precursor to the funding battle in the Committee on Appropriations over the space station.

Mr. Chairman, it is easy to support the space station in the abstract without viewing the enormous tradeoffs that this \$40 billion expenditure is going to cost us. That is why this NASA authorization is a copout.

This authorization plays hide and seek with a \$400 billion deficit. It supports virtually every single program that NASA has dreamt up, placing some in column A and others in column B.

It is painless. There are no hard choices. We can support the space station, space research and technology, gravity probe-B, the national aerospace plane, the Earth observing system, the space shuttle, Cassini, AXAF, ASRM. But we are not living in a world without limits. When the appropriation bill comes to the floor, we will be forced to make hard choices based on limits.

The Subcommittee on VA, HUD and Independent Agencies will be lucky to receive a nominal increase of 2 percent over last year's budget authority. VA medical care will almost certainly eat up the entirety of that 2 percent. So we

are looking at a budget that is flat from fiscal year 1992 to fiscal year 1993.

Today, however, we can pretend that we do not have to make that choice. We can pretend that we do not need to weigh the space station against veterans health care, environmental clean-up, math and science funding, housing programs, or other NASA programs.

□ 1930

Today is fantasy day, where every NASA program is a priority and everything gets funded. Last year the chairman of the Subcommittee on VA, HUD and Independent Agencies stood before the House and warned that the space station was going to eat NASA's lunch, and that is what is happening.

In 1991, the space station *Freedom* took up 13 to 14 percent of the total NASA budget. By 1995, under the authorizing committee's projections, the space station will equal 17½ percent of the NASA allocation. We cannot continue to fund the space station at these levels and keep the other NASA programs going.

The worst thing that we can do is to not be honest today about limits, because 3 years from now, we are going to be back here cannibalizing all of the other NASA programs in order to keep the space station going.

There have been a lot of claims about technology, about the Apollo Program, about the wonders of space. The fact of the matter is that the space station does not provide major scientific breakthroughs. Even the strongest supporters of the space station have been surprisingly lukewarm in official testimony. Dr. Allan Bromley, who chairs the President's Office of Science and Technology Policy, has responsibility to be a chief advocate for the station, said in a hearing before the Subcommittee on VA, HUD and Independent Agencies, and I quote:

When the chips are down, you cannot make the argument to put up the space station on scientific grounds alone. It is not a science project.

It is no secret that there are great concerns about the station doing microgravity research. Indeed, the commercial interest in microgravity research has almost entirely died out. Once again, I quote from Dr. Bromley:

The great enthusiasm for commercial utilization of micro-gravity that was present in the earliest 1980's has tended to wane in recent years; there is not much enthusiasm.

Dr. Bromley even went on further to state that the life scientists believe that space station funding is not the best option. And I quote from Dr. Bromley again.

Given the choice for the same amount of money, life scientists would do it on the surface.

In 1983, space station was expected to cost \$8 billion and have an energy capacity of 500 kilowatts. Today, in constant dollars, the space station is ex-

pected to cost \$11.2 billion, a 40-percent cost overrun, and have a capacity of 75 kilowatts, an 85 percent reduction in power.

It is clear that cost overruns will continue throughout the life of the program, with each new estimate forcing the Congress and NASA to jettison program after program. Is that what we really want?

I hope we support the Roemer amendment.

Mr. BROWN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BROWN. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I rise and would just like to thank again the gentleman from California [Mr. BROWN] for his patience and graciousness, and the minority Members. And I would like to make a plea with Members in this body for 15 minutes of this next rollcall vote to not think they are in a Hall of this Chamber, this distinguished Chamber, but think instead they are in a town meeting in Indiana or Tennessee or Missouri or California and think about the expenditure of this \$40 billion to build it, maybe \$140 billion over 40 years to maintain it, up in space with the problems here on Earth, with the squeeze on the great NASA programs that are returning good science and health and job technology spinoffs.

When we think about that and think about what people in this country are going through right now with problems, with the \$400 billion deficit, think not about what Neil Armstrong said, "One small step for man, one giant leap for mankind." We need to make tough choices here.

Think instead of one small step for Congress, one giant leap for the American voter and taxpayer.

I urge the Members to have the courage to vote with us on this motion.

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

Mr. BROWN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the one thing that did not come out in any of the opponents of space station's arguments here that I think needs to be understood is the fact that we do have this space station on this budget under essentially a freeze.

We have managed to be fiscally responsible in this bill.

To cut the space station will simply eliminate capacity from NASA to do its job, and it will not in any way diminish our ability to deal with the deficit.

Mr. BROWN. Mr. Chairman, I would like in conclusion of my time, this does not preclude the debate, if any Member wishes to speak, unfortunately, I would just like to say that while this debate

has been lengthy, I think it has been constructive.

As the gentleman has said, it has not been a partisan debate. It has been a debate between those who had a difference of priorities as to what was good for this country. It has been bipartisan in the best use of the word.

I think the gentleman from Indiana is to be complimented because he has certainly mobilized a very strong show of support for the set of priorities that he has. And of course, that is what he was elected to do. And I think his constituents should be appreciative of the effectiveness with which he has presented his case.

Mr. Chairman, with that, I have nothing further to add, and I would hope we can come to a vote on this.

Mr. PASTOR. Mr. Chairman, today I rise in support of the amendment offered by my distinguished colleague Representative TIM ROEMER of Indiana to the NASA authorization (H.R. 4364). This amendment would delete funding for the space station *Freedom*, except for close-down costs. Title I of the bill authorizes \$2.25 billion in fiscal year 1993, \$2.5 billion in fiscal year 1994, and \$2.7 billion in fiscal year 1995 for this program.

We have spent many hours in this Chamber trying to find ways to cut spending and to increase revenues. We must re-examine our priorities and the cost-benefit of our decisions. In good conscience, I cannot vote to continue to construct a \$40 billion space station. This amendment is a downpayment on our budget deficit and our social deficit. Our infrastructure is in need of repair. Our children's education needs are unmet. We can't find the funds to pay for health care of our elderly. Disease and poverty continue to tear at the fabric of our society. Too many of our people are without housing. Our industries are losing market shares. All these needs and more are exacerbated by a recession that drags on and on and a budget deficit that defies control.

Mr. Chairman, I recognize the importance of science and technology to our future as an economic and military power and I am keenly aware of the impact of the space station on jobs, especially jobs in my State and my district. But, \$2.25 billion in one basket when so many other baskets, including some in science and technology, are in need is not the wisest way to spend scarce funds.

Mr. HOUGHTON. Mr. Chairman, I rise in opposition to this amendment.

I am not wild about the direction our space program is taking. I worry that we might face significant cost overruns as we try to put the program in place. Some of the technology involved in this effort is fragile. It seems to me that we may be putting all our eggs in one basket.

However, H.R. 4364 does not cause the Government to spend one dime on the space station or any other NASA program. No checks will be cut as a result of this bill's passage. The bill is simply a statement that we consider certain NASA programs more important than others.

Within a few months we will have the opportunity to vote on the VA, HUD, NASA appropriations bill. At that time, we will know how

much is available for these programs. We may choose to spend more on NASA; we may choose to spend less. Frankly, I would prefer that we spend less on all Government activities. Every single account must take a hit if we are ever to get a handle on our \$400 billion deficit. This is the real priority.

Mr. Chairman, I cannot guarantee that I will support full funding for the space station during the appropriations process. However, I accept the right of the administration and of the committee to set priorities within NASA. Let's move the process forward so we can decide whether or not to fund all these priorities. Oppose the Roemer amendment and support H.R. 4364.

Mr. REED. Mr. Chairman, I rise in strong support of the Roemer amendment to halt production of the space station.

This is the year we will truly feel the effects of the 1990 budget agreement's spending limits.

I realize that the committee has tried to craft a bill which balances all of NASA's programs and goals. However, I cannot accept the argument that we should treat this authorization bill as a wish list to be considered in a vacuum. In my opinion, this legislation will have a very real and profound impact on housing and veterans' programs.

By their very nature authorization bills set the priorities of how Congress spends money. Mr. ROEMER's amendment recognizes this fact. It recognizes that developing new technologies is important, but wasting limited resources on the ill-conceived space station is not. This amendment recognizes that other NASA research on a scale that is commensurate with today's tough economic times can lead to environmental clean-up technologies that will create jobs and restore environmentally devastated areas.

As someone who remembers the awe and wonder of the Mercury, Gemini, and Apollo missions, I cannot say I oppose the grander visions of NASA. However, there come times when we must make hard decisions. We must ask ourselves what is needed the most—housing here or stations in space? I cannot vote in good conscience to provide extraterrestrial accommodations at the expense of thousands and thousands here on earth.

Mr. Chairman, I ask my colleagues to join me in supporting this amendment.

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague from Indiana, Mr. ROEMER. Our friend from Indiana would have Members believe that the space station is a luxury. But the space station is hardly a luxury, Mr. Chairman. America's space station is a necessity.

Ever since the Soviet's launched the first Sputnik 35 years ago and America's space program then came together with meaningful, long-term goals and achievements, our space program has helped educate our children, stimulate high-technology industries, and generate countless medical breakthroughs.

By the end of this decade, space station *Freedom* will be a permanent, world-class, international scientific laboratory, helping to develop new technologies to spur on new industries for the 21st century.

Some of our colleagues, Mr. Chairman, would have us believe that the Roemer

amendment will reduce the Federal deficit. This is not so. Not one penny of the money saved will go toward deficit reduction. The budget process simply does not work that way.

Supporters of the Roemer amendment would also have us believe that an American space station will come at the expense of other science research. To that, Mr. Chairman, I'll say only that I help represent California's Silicon Valley here in the House. My support of science research and technology is both long-standing and second to no one.

So let me put this canard to rest. Other worthwhile projects are not suffering because of the space station. Not a single science program has been canceled due to the space station.

The Science, Space, and Technology Committee has always supported a mix of small and large science programs, and has maintained a balance between them. This bill maintains that balance. So, Mr. Chairman, a vote in favor of the space station is a vote in favor of America's most visionary science programs.

The space station is the centerpiece for the European, Japanese, and Canadian space programs. It is the very foundation of our leadership status in space. Cancellation of the space station will turn our partners into unnecessary competitors.

Mr. Chairman, our space program is about where this Nation will go and what we will do in the international laboratory of outer space. Our Speaker of the House, the Honorable TOM FOLEY agrees.

Mr. Chairman, I ask for unanimous consent to include in the RECORD a statement by the Speaker in strong support of space station *Freedom* and the NASA authorization bill, and from that statement I will quote only this:

The Space Station budget has been planned to ensure balance with the rest of the Federal science budget and to provide opportunities for low-cost, high-payoff small science projects.* * *

We must recognize the importance of investing in our future.* * * I urge my colleagues to continue to support our nation's space program as envisioned by the Committee and vote for this important bill as reported.

And Mr. Chairman, that means voting "no" on the Roemer amendment.

Mr. DORNAN of California. Mr. Chairman, as we approach the end of this century, we have an opportunity to go where no man or woman has gone before in the area of space exploration. Exploration of space will unlock not only the secrets of the heavens, but also will yield many yet undiscovered solutions to problems here in Earth, especially in areas such as the environment, medicine, and manufacturing technologies. If we fail to grasp this opportunity because of shortsighted, misplaced funding priorities, current and future generations of this planet will pay the price in a lack of knowledge and technology.

The legislation before us today, which authorizes future funding for this Nation's space agency—NASA—is the right step toward fully realizing the dream of future space exploration.

This bill fully funds space station *Freedom*, a permanently manned Earth orbiting research facility that will provide data on the effects of

space on the human body—data that will be invaluable to future manned space flight—as well as providing an orbiting laboratory around our own blue planet to help monitor and hopefully solve persistent problems such as famine, pollution, and weather disasters. If we are to bridge the gap between Earth and space, and use space to help solve problems here on Earth, space station *Freedom* is vital and must be fully funded.

This legislation also provides funding for the national aerospace plane, the NASP, an experimental aircraft that like its early predecessors, the X-1, X-2, and X-15, promises to usher in a revolutionary new era of transport by challenging the hypersonic speed barrier, perhaps making global transportation a matter of minutes rather than days or hours.

I also hope that an amendment by one of my colleagues, Mr. ZIMMER, will be included in this legislation. His proposal would make available the decades of work by former-Soviet scientists for use by our own space agency. It still remains to be seen just how valuable this information may be, but this proposal will help us examine their technology and judge its value for ourselves.

Of course, as with nearly all legislation, there is a problem with this bill. Despite the efforts and wishes of the President, NASA, and our space service—the U.S. Air Force, there is not adequate funding for a new national launch system [NLS]. Therefore, we must continue to rely on a hodgepodge of 1950's ICBM's that were never originally designed to be space launch vehicles. The NLS is just the system we need, a foundation for the future. Unfortunately, without NLS, we will continue to use 1957 Edsels while others, such as the French with the Arianne, use 1990 Lamborghinis.

Despite this lack of NLS funding, H.R. 4364 is still a good bill, and I urge my colleagues to continue to support adequate space funding and allow this country to conquer the final frontier.

Mr. Chairman, I submit an important article to add to this debate titled, "Countdown to Freedom."

COUNTDOWN TO FREEDOM

"America has always been greatest when we dared to be great." President Ronald Reagan declared in his January 25, 1984, State of the Union address. "We can reach for greatness again. We can follow our dreams to distant stars, living and working in space for peaceful, economic and scientific gain." The President then proclaimed, in his best John F. Kennedy rhetoric: "Tonight, I am directing NASA to develop a permanently manned space station, and to do it within a decade."

Following Reagan's "call to station," James Beggs, then chief of NASA, testified before Congress that an orbiting outpost constituted a "next logical step" for American space prowess. Better yet, such a station could be "bought by the yard," said Beggs, meaning that the facility could be expanded over time, depending on funding NASA would receive in the future. And better still, an unembellished price tag for the initial complex was placed at \$8 billion.

Congress responded by honoring NASA's 1985 budget request of \$150 million for research and development of the station. Given real money, the U.S. space station at last became a reality. President Reagan later christened

the orbiting complex "Space Station Freedom," selecting the name after reviewing hundreds of suggestions from NASA employees, contractors and other citizenry.

Slicing through the vacuum of space 250 miles above the Earth, a base in space, claimed supporters, would permit microgravity experiments in the life sciences in order to prepare humans for long space sojourns. Free of the one-gravity tug of Earth, space station crews could crank out made-in-space metals, glasses and lifesaving medicines of purity levels now unattainable. Earth and astronomical observations could be carried out from the station as well.

As a servicing facility, space station astronauts would become orbital mechanics. Working in a special work shed, astronauts would adjust, upgrade and repair spaceborne observatories like the Hubble Space Telescope.

Furthermore, the station could act as a spaceport, routinely discharging crews and hardware to the Moon and Mars—a task done more economically and productively from space than from the surface of Earth.

Space Station Freedom would consist of four modules, each nearly the size of a house-trailer, secured to a 508-foot-long truss. A crew of eight men and women would occupy the facility and would reside on board in three- to six-month shifts. Stuffed inside the modules, racks were to be brimming with scientific apparatus and the amenities needed for eating, sleeping, exercising and productively working in a weightless world.

Among its hardware building duties, the United States would provide a habitation module and a laboratory module. Europe and Japan would fashion station segments to carry out additional experiments. Canada would evolve its robot arm work for the space shuttle to create a Mobile Servicing System that would be critical in helping assemble the station, as well as moving equipment and supplies.

Four outstretched solar arrays at each end of the station's long support boom, along with batteries, would energize the station with 75,000 watts of electricity—enough power to run 25 all-electric homes on Earth.

Building Freedom would be no easy task. Some 20 shuttle flights over three years were manifested to haul up the requisite materials to assemble the station. Astronaut construction teams would piece linkable struts together in Tinker-Toy fashion to shape Freedom's skeleton-like truss. Much of the station would be fit together in orbit.

In 1990, NASA estimated that the initial piece of Freedom hardware would be orbited in 1995, with enough station hardware in space by 1996 to enable astronauts to visit the facility for short periods. This "shuttle-tended" capability was then to lead to permanent staffing of Freedom by July 1997, according to space agency planners.

It was all heady stuff—but headed for trouble. Over the past eight years, Space Station Freedom has been refocused, reshaped and redefined numerous times. Rising costs as well as budget slashes called for by Congress, coupled with a series of technical snags, prompted the station restructuring. Modifications to Freedom were also sparked by the tragic loss of the Challenger and its crew in 1986.

In March 1991, NASA presented its latest repackaged space station plan to Congress. The new design would be cheaper, smaller and easier to piece together in orbit and would require fewer shuttle flights to build.

The cost? Space Station Freedom's sticker price through 1999 is now estimated at \$30

billion. By stretching out the program and reducing its size, over \$8 billion was chopped off. But another tally, however, caught the ear of Congress. The government's own financial watchdog, the General Accounting Office, estimated that the total program cost to the U.S. for building and operating Freedom through its 30-year lifetime—to the year 2027—would ring the cash register at \$118 billion.

Last year was considered by NASA to be a watershed year for Freedom. Powerful forces within Congress voted to eliminate the station's funding, attempting to short-circuit and terminate NASA's work in progress.

"The space station concept began eight years ago as a worthy symbol embodying our highest hopes for American technological accomplishment and space leadership," explained Senator Dale Bumpers (D-Ark.) who led a Senate fight against Freedom. "Sadly, the space station has veered sharply from its original course. It is a technological shadow of its former self," said the legislator.

Yet, despite the political pot-shots, Freedom survived the budget battle. With an almost audible sigh of relief, NASA rolled up its sleeves and began working on the space station in earnest.

"The train is moving pretty quick," says NASA's Richard Kohrs, director of the Space Station Freedom program. "We're cutting metal and have a lot of momentum. The morale is high." According to Kohrs, the program now employs close to 20,000 people directly and over 70,000 people indirectly.

As a product of the 1991 around-the-clock redesign of the space station, a host of changes were prescribed, Kohrs noted. Among them, the U.S. Laboratory and Habitation modules were shortened by about 40 percent from 44 feet in length to 27 feet long and 14.5 feet in diameter. The smaller size and weight allows the modules to be fully outfitted and tested on the ground prior to being launched into orbit. The number of crew members was reduced from eight to four, and the station's electrical power level was reduced to 65,000 watts, generated by three sets of solar cell-laden wings instead of four, as previously scripted.

To minimize astronaut space walks, a "preintegrated" 216 foot-long-truss will be used, lessening the time allocated for its assembly and checkout in space. "We are reporting now that we have one [space walk] every three weeks for maintenance" Kohrs says.

Weighing in at over half a million pounds, a fully assembled space station now requires 17 shuttle flights spread over four years. A target date for sending the first piece of station hardware into orbit is November 1995. By December 1996, astronauts will be able to board the station for a series of brief 13-day visits. Barring schedule delays or shuttle problems, Space Station Freedom should be ready for permanent boarding in September 1999.

Across the country, throughout a chain of NASA research centers and support contractors melded together in "work packages," aerospace firms like Boeing, McDonnell Douglas, Rocketdyne, Rockwell and Grumman are moving Space Station Freedom from blueprints to flight hardware.

"The Space Station Freedom program has come a long way," Arnold Aldrich, associate administrator for NASA's Office of Space Systems Development, said recently. "The program management is stable and we are on schedule and within cost targets. We have made real, tangible progress this past year. The program continues to make critical advances every day."

Indeed, more than 32,000 of Freedom's 64,000 solar cells that comprise the first solar array have been built and are in storage. Prototyping of Freedom's airlocks, control systems and communications hardware is also underway. "It feels good to see engineers building things, not redesigning things," Kohrs says.

In a "this taste buds for you" test program, groups of volunteers have validated the design of the station's Environmental Control and Life Support System, which reclaims drinking water and shower water from urine and sweat.

In February, two key space station facilities—the Space Station Control Center and the Space Station Training Facility—were dedicated at NASA's Johnson Space Center in Houston, Texas. The Kennedy Space Center in Florida is on schedule to activate in 1994 the Space Station Processing Facility that will prepare and check hardware before shuttle sendoff. At the Marshall Space Flight Center, based in Huntsville, Alabama, facilities are being readied to prepare experiments and monitor the scientific investigations to be carried out aboard Freedom.

Up in space, equipment such as heat rejecting radiators and carts that can help spacewalking astronauts freely move about on Freedom's exterior have already been tested during several space shuttle missions. This May, on the first flight of the space shuttle Endeavour, three back-to-back space walks will simulate procedures necessary for space station assembly.

According to NASA's Kohrs, Space Station Freedom still faces a set of challenging hurdles. "In all honesty, weight and power is still a tough problem," he says. "But all programs, be it NASA, the military, or even commercial airline programs, go through similar problems."

Another hurdle space engineers are grappling with, explains the space station director, is the threat of space debris. Critical areas of the station, such as propellant and oxygen tanks and crew areas, may receive special shielding material to thwart high velocity impacts of certain sizes of space junk. Large fragments of orbital clutter, detectable by radar, may require Freedom to adjust its orbit to avoid collision.

Yet another pricey item for the Freedom program is an Assured Crew Return Vehicle (ACRV). This is NASA's polite term for a "lifeboat" that could be used in the event of a medical emergency, a station catastrophe or problems that could force the grounding of the shuttle fleet. An ACRV is mandatory, NASA has stated, before astronauts begin to permanently reside in the station. Some estimates peg an ACRV at as much as \$2 billion. This has fueled discussion of buying a less expensive ACRV, the Russian Soyuz spacecraft, that routinely ferries cosmonauts back and forth between Earth and the Mir space station.

It is NASA's ambition to expand the station after the year 2000, largely back to the original plan. For example, yet another solar array would raise the station's energy level to 75,000 watts. Provisions for four additional crew members, a second laboratory and other equipment would also be added. There would never be an "assembly complete" date for the station, but a full-circle realization of James Beggs' approach of "buying by the yard."

Kohrs envisions the eventual use of a heavy lift booster to hurl large pieces of hardware into space, either to add to Freedom, or to begin building a new space station, dedicated entirely to microgravity manufacturing.

"I've always thought if we got in orbit and had real breakthroughs in materials sciences, this country would probably go ahead with a unique microgravity lab," says Kohrs. "But, we have to grow into that. All indications are that you can grow things quicker and more pure in space. But, you have to be real careful that you don't sell something on promise, but sell something on facts."

The fact is, Space Station Freedom is fast becoming real hardware. What future hiccups, technical and political, await the project is anyone's guess.

But remember what the future used to be? Recall the 1968 movie image of a turn-of-the-century space station captured in Stanley Kubrick's epic, 2001: A Space Odyssey, replete with a Pan Am space clipper? We've clearly fallen behind schedule . . . and Pan Am's gone out of business.

"I just hope and pray," Kohrs quietly says, "we don't have to go through another major perturbation with our contractors and the team. I think we've got this ball rolling pretty good."

(Leonard Davis is former director of research for the National Commission on Space, and is now director of Space Data Resources and Information in Washington, D.C.)

Mr. OLVER. Mr. Chairman, we are faced today with a critical issue that will test our priorities, and our commitment to the future of America's space program. As a scientist, and member of the Science, Space, and Technology Committee, I believe in space research and exploration, and I believe that America can be a world leader in the sciences, here on Earth, and beyond the confines of our atmosphere.

But I must state clearly and unequivocally that the space station Freedom is a mistake.

The idea of the space station encompasses so much of what our Nation prides itself in—exploring uncharted territories; imagining what can come of hard work and bold determination; and an unrelenting desire to meet new and glorious challenges. Unfortunately, the reality of the space station is the American dream turned nightmare.

Its price tag, 8 years ago estimated at around \$8 billion, now stands at an astonishing \$118 billion. I ask my colleagues how we can possibly claim to believe in better education, crime control, and health care—how we can honestly say we are being fiscally responsible—if we vote to spend this amount of money on a program that is likely to give so little in return.

With our budget constraints, and with so much work needed here at home—this project is truly a misplaced priority.

Despite this extraordinary cost—the space station has not and never will live up to its potential.

The station's mission has been greatly diminished, to the point where the mission is no longer the reason for its existence. NASA now tells us the sole reason for the station is to prove America's preeminence in space. To anyone who may vote for the space station today, I ask you to first imagine how you would explain this rationale to an unemployed worker, a family without health care, or a teenager unable to afford college. My constituents can identify many other areas in which America could wisely establish world preeminence—with \$118 billion.

The station's technical merit has been roundly assailed in the scientific community—no one is really sure if the planned experiments are compatible, if the facilities are adequate for long-term habitation, or if we will even be able to move astronauts to and from the station. What scientists do agree on is that nearly all of the research can be done with existing technology. If we need new technology to finish the job, surely we can do it without building the next Titanic.

To stake the future of the American space program on a fundamentally flawed and fiscally irresponsible space-bound luxury liner could, in the end, leave us and our children stranded and Earth-bound for decades to come. Perhaps more importantly, this program is an affront to the taxpayers, who are rightfully enraged when they see Government unable to define its spending priorities, and never able to meet its budgets.

I urge my colleagues to support the Roemer amendment.

Mr. HUCKABY. Mr. Chairman, I rise because I am concerned that if we cancel space station Freedom we will be closing the door to our Nation's future.

Space station Freedom has for too long been a political football. We in Congress have kicked the space station around until it bears little resemblance to the original program.

Many of the changes Congress demanded were for the better. Some of the changes we can argue about. But the basic fact remains that we in Congress took a hand in shaping space station Freedom. We have become active partners in this enterprise. NASA has accommodated our every change, and with full funding this past year the program has made tremendous progress. And yet there are those that want us to walk away from our creation.

What is it that we are walking away from?

We are walking away from our manned space program. The space station is the cornerstone for a future that takes us into our solar system. We have done about all we can without it. If you say you want to cancel it, what you are really saying is that you want to cancel the manned program.

We are walking away from global leadership. Space station Freedom is America's marker, a symbol of our determination that we will retain our technological leadership in an increasingly competitive world.

We are walking away from jobs. Space station Freedom currently provides jobs for about 75,000 Americans. And these are high-technology jobs, jobs that Americans work with pride and true craftsmanship. Just ask the United Auto Workers or the International Association of Machinists. They'll tell you. If you ask, they will tell you that the space station jobs are the kind of jobs that we here in Congress keep complaining that we are losing to our overseas competitors.

We are walking away from our responsibilities to our children—space station Freedom is a bridge between us and the next generation of Americans. The space station is a torch that we will pass to our children. It is a positive endeavor that will inspire our children and stimulate their interest in math, science, and engineering.

Cancel space station Freedom and we walk away from this. And more. We walk away from

exploration. We walk away from pushing back the unknown. That is not the way of America and it should not be the way of this Congress.

Mr. DOOLEY. Mr. Chairman, I rise today in support of a cut in the space station. I believe we need to better prioritize our spending and our investing.

Mr. ROEMER's amendment isn't a referendum on space station *Freedom*. It's about spending priorities. It's about whether we as a nation can afford this investment today. The answer is no.

Like any business owner, I am faced with choices on my farm all the time about investing in equipment and other needs. I set priorities predicated upon whether I can afford these investments.

Our country and this House face investment choices, too.

In America's dire economic climate right now, an investment in the space station should be viewed as a reduction in our investment in education.

It should be seen as a reduction in our investment in health care.

And it should be seen as a reduction in our investment in helping American families.

Today's investment decision is clear. I urge my colleagues to support the Roemer amendment.

Mr. FEIGHAN. Mr. Chairman, I rise in opposition to the Roemer amendment.

I hope that my colleagues will resist the temptation to look at this amendment as a simple way to reduce the deficit. The Roemer amendment is not without its own costs—costs that will surely outweigh the benefit of a one time savings in this year's deficit calculations.

By eroding United States competitiveness and technological superiority, by sacrificing United States preeminence in the field of space exploration, and by failing to invest in America's future, the Roemer amendment will cost us far more than the savings it attempts to deliver today.

Today, U.S. industry receives stand-out performances from two areas in particular: Our aerospace industry and our computer industry. Our ability to maintain U.S. competitiveness in these two fields depends on their ability to innovate. This Government's commitment to a program like the space station ensures a trail of commercial spinoffs that will make our lives better and our industries more competitive.

One simple example is in the area of microgravity research. The space station's ability to produce crystals in a microgravity environment could lead us to a technological breakthrough in the area of computer electronics and fiberoptic telecommunications.

These areas alone form the foundation of nearly all economic activity in which we engage. The question is not "Can we afford to build the space station?" The real question is "Can we afford not to build the station—not to invest in our own future."

Space station *Freedom* is at the core of our manned space program. Without such a program, NASA is unlikely to garner widespread support from the American public. Neither will NASA be able to capture the imagination of America's children—tomorrow's pilots, scientists and engineers.

The exploration of space continues to fascinate Americans, young and old. It should re-

main a central component of a balanced space program.

We face a challenge today—in the same way that John F. Kennedy challenged an earlier generation of lawmakers to support a space program designed to put a man on the moon.

We can choose to invest in our future. We can embrace a program that promises scientific advances that will make us the technological leaders throughout the next century. And most of all, we can fire the American imagination and unleash our ability to undertake and to complete great tasks.

I urge my colleagues to defeat the Roemer amendment.

Mr. ANDERSON. Mr. Chairman, since Neil Armstrong made his first historic steps on the Moon, each new generation of Americans has yearned to be astronauts, to float weightless above our atmosphere, and to explore what lies beyond our known universe. Books, movies, and television excite young minds with the adventure of space travel and the joy of discovery. Are these mysteries of space only to be found in the world of make-believe, or can ingenuity and hard work make real what was once only imagined? I believe we have an opportunity to make a dream reality by voting to support the space station.

Opponents of the space station argue that we cannot afford to build it. I would argue that we can't afford not to. What value can be placed on the information and inspiration provided by the space station? How do you measure the benefit of the 75,000 jobs currently related to the station, or the thousands of future jobs sure to result from its production and deployment? Beyond these economic benefits, the station will also be a unique and unprecedented scientific research laboratory. Our space program has generated innumerable technological breakthroughs and spinoff applications that have resulted in tremendous advances in medicine, satellites, and composite materials. The permanently manned orbiting laboratory also promises a whole host of new technologies and applications, the scope and impact of which we can only imagine. An advance observation platform like the space station will be invaluable to continued research in space.

Our commercial industries have also benefited from our strong space program. The United States is the world leader in space and aerospace-related products. Aerospace products currently provide a healthy trade surplus, and the international applications of the space station will only increase our leadership in these critical industries. Slashing our space program would be a grave mistake that would have dramatic negative impacts on our trade deficit and national economy. Furthermore, in light of the predicted growth in fields such as high-speed computers, communications, and health care, a strong space science program is needed to continue our technological leadership in these areas.

Civilian aerospace also provides the most direct technology and skilled worker transfers from our currently shrinking defense industry. With our economy still suffering, a smooth transition from defense-related to civilian-related jobs is essential. The defense draw down is already costing thousands of jobs in my

southern California district. To simultaneously make severe cuts in the space program is shockingly irresponsible. Growth in the satellite, composite materials, electronics or other civilian aerospace industries would greatly lessen the blow of defense cuts. A strong space program not only preserves jobs today, but it promises to ensure more jobs for the future.

The space station's wide range of capabilities make it central to our entire space program. Cutting the station would be counterproductive to much of the research and development currently underway, and would undermine the reorganization efforts of NASA's new chief, Daniel Goldin. This is a time to show support for NASA and to encourage an atmosphere of renewed vigor and efficiency, not to handcuff the new administrator with drastic funding cuts.

My views on a robust space program are shared by scientists, industry leaders, many of my colleagues on both sides of the aisle, and by the vast majority of the American people. Space station *Freedom* represents the centerpiece of our forward-looking program, and may be the next "giant leap" for the United States, and indeed, all mankind. I encourage my colleagues to reject the Roemer amendment and support space station *Freedom*.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, yeas 254, not voting 21, as follows:

[Roll No. 90]

AYES—159

Abercrombie	Ewing	Leach
Ackerman	Flake	Levin (MI)
Allard	Foglietta	Lewis (GA)
Andrews (ME)	Ford (MI)	Lipinski
Anthony	Frank (MA)	Long
Aspin	Glickman	Lowe (NY)
Atkins	Gordon	Luken
Bellenson	Grandy	Markey
Bennett	Green	Mavroules
Bereuter	Guarini	Mazzoli
Blackwell	Hamilton	McCloskey
Bonior	Hastert	McEwen
Borski	Hatcher	McNulty
Bruce	Hayes (IL)	Mfume
Camp	Hefley	Miller (CA)
Campbell (CO)	Hefner	Miller (OH)
Coble	Henry	Mink
Collins (IL)	Herger	Moakley
Collins (MI)	Hertel	Mollinari
Condit	Hoagland	Natcher
Conyers	Houghton	Neal (NC)
Costello	Hughes	Oberstar
Cox (IL)	Jacobs	Obey
Coyne	Johnson (SD)	Olver
Dellums	Johnston	Orton
Derrick	Jones (GA)	Owens (NY)
Donnelly	Jontz	Owens (UT)
Dooley	Kanjorski	Pallone
Dorgan (ND)	Kasich	Panetta
Duncan	Kildee	Pastor
Durbin	Kleczka	Patterson
Dwyer	Kolbe	Payne (NJ)
Early	Kostmayer	Payne (VA)
Eckart	LaFalce	Pease
Edwards (OK)	Lancaster	Pelosi
Espy	Lantos	Penny
Evans	LaRocco	Peterson (MN)

Porter	Schaefer	Studds
Poshard	Schroeder	Swett
Price	Schumer	Synar
Pursell	Serrano	Unsoeld
Ramstad	Sharp	Upton
Ray	Shays	Vento
Reed	Sikorski	Visclosky
Roemer	Skaggs	Waters
Rose	Skelton	Weiss
Roukema	Slaughter	Williams
Rowlan	Smith (IA)	Wolpe
Russo	Solarz	Wyden
Sabo	Solomon	Wyllie
Sanders	Spratt	Yates
Sangmeister	Staggers	Yatron
Sawyer	Stark	Zimmer

Thornton	Volkmer	Wheat
Torres	Vucanovich	Whitten
Torricelli	Walker	Wilson
Towns	Walsh	Wise
Trafficant	Washington	Wolf
Traxler	Waxman	Young (AK)
Valentine	Weber	Young (FL)
Vander Jagt	Weldon	Zeliff

NOT VOTING—21

Alexander	Fascell	Murphy
Annunzio	Gillmor	Olin
AuCoin	Ireland	Pickett
Barnard	Kolter	Rostenkowski
Callahan	Levine (CA)	Savage
Coleman (MO)	Marlenee	Schulze
Dannemeyer	McDade	Smith (FL)

NOES—254

Allen	Franks (CT)	Miller (WA)
Anderson	Frost	Mineta
Andrews (NJ)	Gallegly	Mollohan
Andrews (TX)	Gallo	Montgomery
Applegate	Gaydos	Moody
Archer	Gejdenson	Moorhead
Armey	Gekas	Moorhead
Bacchus	Gephardt	Moran
Baker	Geren	Morella
Ballenger	Gibbons	Morrison
Barrett	Gilchrist	Mrazek
Barton	Gilman	Murtha
Bateman	Gingrich	Myers
Bentley	Gonzalez	Nagle
Berman	Goodling	Neal (MA)
Bevill	Goss	Nichols
Bilbray	Gradison	Nowak
Bilbrakis	Gunderson	Nussle
Billey	Hall (OH)	Oakar
Boehlert	Hall (TX)	Ortiz
Boehner	Hammerschmidt	Oxley
Boucher	Hancock	Packard
Boxer	Hansen	Parker
Brewster	Harris	Paxon
Brooks	Hayes (LA)	Perkins
Broomfield	Hobson	Peterson (FL)
Browder	Hochbrueckner	Petri
Brown	Holloway	Pickle
Bryant	Hopkins	Quillen
Bunning	Horn	Rahall
Burton	Horton	Rangel
Bustamante	Hoyer	Ravenel
Byron	Hubbard	Regula
Campbell (CA)	Huckaby	Rhodes
Cardin	Hunter	Richardson
Carper	Hutto	Ridge
Carr	Hyde	Riggs
Chandler	Inhofe	Rinaldo
Chapman	James	Ritter
Clay	Jefferson	Roberts
Clement	Jenkins	Roe
Clinger	Johnson (CT)	Rogers
Coleman (TX)	Johnson (TX)	Rohrabacher
Combest	Jones (NC)	Ros-Lehtinen
Cooper	Kaptur	Roth
Coughlin	Kennedy	Roybal
Cox (CA)	Kennelly	Santorium
Cramer	Klug	Sarpalius
Crane	Kopetski	Saxton
Cunningham	Kyl	Scheuer
Darden	Lagomarsino	Schiff
Davis	Laughlin	Sensenbrenner
de la Garza	Lehman (CA)	Shaw
DeFazio	Lehman (FL)	Shuster
DeLauro	Lent	Sisisky
DeLay	Lewis (CA)	Skeen
Dickinson	Lewis (FL)	Slattery
Dicks	Lightfoot	Smith (NJ)
Dingell	Livingston	Smith (OR)
Dixon	Lloyd	Smith (TX)
Doolittle	Lowery (CA)	Snowe
Dorman (CA)	Machtley	Spence
Downey	Manton	Stallings
Dreier	Martin	Stearns
Dymally	Martinez	Stenholm
Edwards (CA)	Matsui	Stokes
Edwards (TX)	McCandless	Stump
Emerson	McCollum	Sundquist
Engel	McCrery	Swift
English	McCurdy	Tallon
Erdreich	McDermott	Tanner
Fawell	McGrath	Tauzin
Fazio	McHugh	Taylor (MS)
Felghan	McMillan (NC)	Taylor (NC)
Fields	McMillan (MD)	Thomas (GA)
Fish	Meyers	Thomas (GA)
Ford (TN)	Michel	Thomas (WY)

□ 1959

The Clerk announced the following pair:

On this vote:

Mr. AuCoin for, with Mr. Annunzio against.

Mr. McDERMOTT and Mr. BREWSTER changed their vote from "aye" to "no."

Messrs. ALLARD, GORDON, and HERGER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2000

Mr. BROWN. Mr. Chairman, it is my intention to move that the Committee rise and that we move on to the next bill. But before I do that, I would like to say that the Committee would like to return to this bill and complete title I but have no further rollcalls on the bill that we are presently considering, and I think the minority has approved that and the leadership has approved that.

Mr. Chairman, with that announcement, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. HOUGHTON. Mr. Speaker, on rollcall vote 90, I voted "yes" on the Roemer amendment to H.R. 4364—the NASA authorization bill.

Insomuch as I had issued a statement for the RECORD stating my opposition to the Roemer amendment, I ask unanimous consent that the permanent RECORD register my opposition on rollcall vote 90.

MAKING IN ORDER TWO RESOLUTIONS ON A QUESTION OF PRIVILEGES OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it be in order, without the intervention of any motion, to consider a resolution to be offered by the majority leader or his designee as a question of the privileges of the House, that debate on the resolution continue not to exceed 1 hour, to be equally divided and controlled by the majority leader and the minority leader, or their designees, that the previous question be considered as ordered on the resolution to final adoption without intervening motion, and that the resolution on final adoption not be subject to a demand for a division of the question; and further that immediately upon disposition of that resolution it shall be in order, without the intervention of any motion, to consider a resolution to be offered by the minority leader or his designee as a question of the privileges of the House, that debate on the resolution continue not to exceed 1 hour, to be equally divided and controlled by the minority leader and the majority leader, or their designees, that the previous question be considered as ordered on the resolution to final adoption without intervening motion, and that the resolution on final adoption not be subject to a demand for a division of the question.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PRIVILEGES OF THE HOUSE—DIRECTING RELEASE OF CERTAIN MATERIALS RELATING TO INQUIRY OF THE OPERATION OF THE BANK OF THE SERGEANT AT ARMS

Mr. GEPHARDT. Mr. Speaker, pursuant to the order of the House just agreed to, I offer a privileged resolution (H. Res. 440) directing the release of certain materials relating to the inquiry of the operation of the bank of the Sergeant at Arms pursuant to House Resolution 236 in a manner consistent with enforcement of criminal law and procedure, respect for the constitutional structure of government and the individual rights assured to all citizens, and the expectation of the public that the legal process will be impartial and fair, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 440

Directing the release of certain materials relating to the inquiry of the operation of the bank of the Sergeant at Arms pursuant to House Resolution 236 in a manner consistent with enforcement of criminal law and

procedure, respect for the constitutional structure of government and the individual rights assured to all citizens, and the expectation of the public that the legal process will be impartial and fair.

Whereas, on March 27, 1992, Attorney General William Barr, appointed former federal Judge Malcolm A. Wilkey as Special Counsel to the Attorney General to conduct a preliminary inquiry into possible violations of the criminal law arising out of the operations of the former House bank; and

Whereas, shortly thereafter, employees of the former House bank were made available for interviews in accordance with Judge Wilkey's request and in the spirit of cooperation by the House of Representatives with the preliminary inquiry; and,

Whereas, on April 20, 1992, the Speaker of the House, on behalf of himself and the Republican leader, forwarded to Judge Wilkey a letter informing him that it would be inconsistent with the Rules of the House of Representatives to provide copies of the records sought by Judge Wilkey without the matter being fully considered by the entire House upon its reconvening the following week; and,

Whereas, on April 21, 1992, while the House remained in recess, Judge Wilkey caused to be issued subpoenas to the Acting Chairman of the Committee on Standards of Official Conduct and to the Sergeant at Arms of the House of Representatives calling for production by April 28, 1992, of all records of the former House bank which include all transactions of every person who used the former House bank during a 39-month period, such as Members without overdrafts, Member's spouses, employees, members of the press, and the members of the public, as well as deposit slips and monthly statements of all Members: Now, therefore, be it

Resolved, That the House of Representatives shall comply with the subpoenas issued in connection with the preliminary inquiry of the Special Counsel, in a manner consistent with (1) enforcement of criminal law and procedure; (2) respect for the constitutional structure of government and the individual rights assured to all citizens; and (3) the expectation of the public that the legal process will be impartial and fair: Be it further

Resolved, That microfilm rolls shall be collected by the Sergeant at Arms and he shall promptly undertake to expeditiously have reproduced in documentary form, using the best available modern technology, the forty-one rolls of microfilm sought by the subpoena: Be it further

Resolved, The Sergeant at Arms shall obtain from the United States District Court a determination of the enforceability of the subpoena including its materiality and relevance and shall upon receipt of such determination notify the House of the Court's determination: Be it further

Resolved, The Sergeant at Arms, after providing notification to the House, is authorized and directed to comply with the subpoena consistent with the Court's determination: Be it further

Resolved, That the House relies upon the assurances of the Special Counsel that he will take such steps as are necessary to provide full protection for the confidentiality of the records provided: Be it further

Resolved, Consistent with this resolution that it is the will of the House to maintain such communication and cooperation with the Special Counsel as will promote the ends of justice consistent with the privileges and rights of the House and its Members.

The SPEAKER pro tempore (Mr. BONIOR). The resolution states a question of privilege.

Under the unanimous-consent agreement, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume, to begin the debate, to the gentleman from Washington [Mr. FOLEY], the distinguished Speaker of the House.

□ 2010

Mr. FOLEY. Mr. Speaker, this is a solemn hour, in my view, for the House of Representatives and for the rights and privileges of the House and for its Members.

By decision of the Attorney General earlier this year, Judge Malcolm Wilkey was appointed as the Attorney General's Special Counsel. Shortly after that time Judge Wilkey made a request to the Committee on Standards of Official Conduct for all the rolls of microfilm used by the committee in its review of bank operations, for the 39 months of that committee's review. In addition to that, the judge made requests for all the working papers of the committee.

Following that, and after discussion with the bipartisan leadership, I requested a meeting with the Attorney General for the purpose of discussing with him and with Judge Wilkey what I thought was the extraordinary scope and reach of this request.

At that meeting, which took place on the 13th of April, with the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], the distinguished acting chairman of the Committee on Standards of Official Conduct, the gentleman from New York [Mr. McHUGH], the majority leader, the distinguished gentleman from Missouri [Mr. GEPHARDT], and myself, and representatives of the Republican leadership, I urged strongly that Judge Wilkey reconsider the scope of his demand and make more specific the purpose for which he was seeking the documents and narrow the request. At every turn of our discussion, I think it is fair to say that Judge Wilkey insisted, that while he had no interest in those Members or their accounts who had not shown any overdrafts, he needed not just the overdrafted checks of those other Members of the House, but all of their bank records, their total account records. In that position he was insistent and, I say with respect, inflexible and continuing.

I told Judge Wilkey and the Attorney General that we would consult with the Parliamentarian because it was my judgment that, notwithstanding a suggestion that I, as Speaker, could make such a delivery to the Special Counsel's office, I felt, personally, that I was not

charged with, nor would I assume that right under the rules of the House.

When, with Mr. MICHEL's consent, a letter was sent to Judge Wilkey stating that the matter would have to be laid before the House when it returned from its Easter recess, and that I as Speaker could not in conscience take it upon myself to deliver this material without an order of the House, Judge Wilkey immediately sought to subpoena and the documents, the microfilm documents, were subpoenaed.

He did not subpoena the working papers of the committee.

It seems to me throughout this entire discussion with Judge Wilkey he has maintained insistence that he needs to inquire as to all the banking records of all the Members who were disclosed to have any overdrafted checks. That seems to be so sweeping, so unprecedented in its reach, that I do not find in my legal experience a comparable example where the Department of Justice has sought so far-reaching and unlimited a request for the production of papers and documents.

Indeed, with any bank of which I am aware, where there is an inquiry as to the activities of the bank, it has never been the case, or certainly not a routine matter, where all the depository information of the bank have been subpoenaed or requested.

This resolution does not fail to respond to the subpoena. The resolution offered by the majority leader does not seek to resist a proper and appropriate response to this request now in the form of a subpoena. It says that the House shall respond, but as ordered by a court, as determined by that court to be appropriate, to be material and to be relevant to the inquiry undertaken by the special counsel.

In short, this resolution says we will comply with an appropriate court order after review, not before review, but after review; and it instructs and directs the Sergeant at Arms of the House to undertake to determine from an appropriate court in the District of Columbia, a Federal court, the appropriate scope of this request and to seek its modification, and if it is modified, he is directed to comply with the order of the court.

Now, Judge Wilkey has maintained, and I say this publicly—I have said it before to the Members—he has maintained consistently that he has no interest in examining the accounts of those Members who did not overdraft any checks. But the subpoena does not limit itself to the accounts of those who have overdrafted; it seeks all the records of the bank. And the judge suggests that he has to do that because they are incorporated in microfilm. They could be separated. Indeed, he proposes to do that himself.

The resolution before us is one that I think touches upon the privileges of the House and the privileges of the

membership here, not a privilege to go beyond or to go farther than any citizen would have the right to go. But every citizen in this country has the right to such a demand, that such a subpoena be reviewed by a court and to have it determined as to whether it is appropriate and proper, and that is all this resolution seeks to do. And I emphasize again that its language clearly directs the compliance, full compliance, with the consequent decision of the court.

I urge Members on both sides to proceed to adopt the Gephardt amendment, which solves the problem of protecting the rights of the House and the rights of Members, and does so through a proper adjudication by a court of competent jurisdiction. I think we have, as Members of this House, no less a right than any other citizen.

Mr. Speaker, I strongly urge the adoption of the Gephardt resolution.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the Republican leader.

Mr. MICHEL. I thank the distinguished gentleman for yielding.

Mr. Speaker, while I will make some comments relative to the second resolution and conceivably this one at a later point, may I just say at the very outset I appreciate so much the Speaker at the beginning of this debate laying out very forcefully not only to the Members of this House but all those who might be in the sound of our voices, observing these proceedings, what obligation we have as elected leaders of this institution to always be mindful of the prerogatives of the House and the Congress as enunciated throughout our history and in the constitutional document itself.

Now, we may have some differences, on the specifics of this resolution or the one which I intend to offer later. But basically what the Speaker has laid out for us and for all to understand is that this issue should be debated and one that I think should be determined, obviously, by the entire House. That has been tradition when subpoenas have been issued.

So I appreciate particularly the Speaker taking the time to lay it out as carefully and succinctly as he did to begin this debate.

I thank the gentleman for yielding.

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

Mr. Speaker, nearly 18 months ago, a disagreement arose between the Congress and the executive branch over the warming powers of the Constitution. The President argued that the Commander in Chief had the authority to commit service people to conflict without the expressed authorization of the Congress.

Politically, at the time, we were advised not to join this issue. Ultimately, we decided it was appropriate and nec-

essary to assert constitutional obligations. We had a therapeutic and nationally helpful debate. We expressed our disagreements without rancor. The President prevailed.

But the citizens of this country respected us—not for doing what was popular, or what was politically pleasing, but for doing what was right. And this respect inured to us, not as Democrats or Republicans, not as advocates of sanctions or force, but as Members of Congress who acted out of conscience, balancing our responsibility as representatives of the public and custodians of our constitutional prerogatives.

It is not to be disputed that after 100 years of operation this House was presented with and accepted responsibility for evidence of a House bank that was abominably managed. And we acted as no other Congress has acted before.

We shut down the bank. We directed the Ethics Committee to take up the question of whether standards of official conduct had been violated. We disclosed all the pertinent details of the bank's overdraft practices. At the same time, we instituted other far-reaching institutional reforms.

In the end, Congress acted on a bipartisan basis to account for the conduct of individual Members and for the conduct of its institutional affairs. In that sense, we were acting as custodians of the public trust, and because the public thought that trust was violated, we took the extraordinary steps I have mentioned.

There then followed a series of events which, quite separate and apart from our conduct as individuals, commit us to act responsibly as custodians of this institution and guardians of its historic place in our Government.

The Attorney General elected to transfer from the office of the U.S. attorney to his own office a purported criminal investigation into the operations of the bank. He appointed retired judge and former Ambassador Malcolm Wilkey to direct that investigation. Mr. Wilkey then proceeded in a way which brings us to this day and to the decision we now have to make.

From the very beginning, the leadership of this House made clear to the special counsel and to the Attorney General that we were prepared to cooperate in a lawful and properly conducted investigation.

This we viewed as our responsibility and fully consistent with the steps we had taken to this date to restore public confidence in our handling of the bank and the problems that it had created. We also made it clear, however, that we expected an investigation conducted in accordance with regular procedure, and with appropriate sensitivity to the extraordinary circumstances of one branch of government examining the financial affairs of another.

We have been able to obtain only some satisfaction of these expecta-

tions. Mr. Wilkey has relinquished his request for the deliberative records of the Ethics Committee, has limited his investigation to criminal matters, and has proceeded by way of subpoena to assure that the protections afforded by grand jury proceedings and the Financial Right to Privacy Act would apply.

And on our part, we have cooperated with his request to make bank employees available to him and members of his staff for interviews so that his inquiry could proceed apace. And we are prepared to do more.

But still Mr. Wilkey resists in most extraordinary fashion any attempt to tailor his investigation in a manner consistent with standard procedure and relations between the branches.

He insists on the production of all records regardless of whether they relate to account overdrafts, all transactions of the bank, such as those involving members of the press, public, and House employees. He asks for the records of Members who did not experience overdrafts during the 39-month period investigated by the Ethics Committee. Although he could have tailored his subpoena in respect to these considerations, he chose not to do so.

His sweep extends beyond those individual studies by the committee and includes those about whom the public is not angry.

We are not merely suspecting that there is something extraordinary and unprecedented in this investigation. Legal scholars around the country have put on record in the press their belief that this is by no means an ordinary course investigation.

And surely an extraordinary one in these circumstances involving coequal branches of our Government.

Mr. Wilkey's most recent letter to all Members of the House, in which he expresses personal opinions about the limited evidence he has compiled to date, hardly conforms to the model of the tightlipped prosecutor committed to confidentiality and careful deliberation on the facts.

We are confronted now with a hard choice. It would be simple enough to do what the special counsel has asked us to do, sweeping aside all questions of institutional moment or individual rights.

Or we can seek, as I believe we should, a neutral and lawful determination of our obligations in the matter.

Accordingly, the resolution I am offering would affirm our intention to cooperate with the special counsel, subject to a determination by a U.S. district court about the appropriate response by this House to his subpoenas. The Sergeant at Arms would be authorized to seek this determination, and is directed by this resolution to comply promptly with the court's determination whatever it may be.

This is surely the most responsible course we can take, one which in no

way impedes the investigation or reflects in the slightest measure on our willingness to assist in its lawful conduct. It merely gives us, as every citizen enjoys, our day in court.

We are custodians of this institution, its rights and its privileges, and there are times when we must look beyond short-term considerations to the longer term constitutional legacy we are sworn to uphold. We are also accountable to the public for our conduct, and the resolution which I am offering reflects our adherence to that responsibility as well.

□ 2020

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

Mr. Speaker and fellow Members, I remember back in October when House Resolution 236 was passed in this House, and you directed the Subcommittee of the Committee on Standards of Official Conduct to determine if anyone abused the bank privilege. Those six Members, we worked for an awfully long time trying to determine who abused it, what the criteria would be. It was very difficult. In all candor, I wish we had come back to the House and said, "Give us something a little more concrete to work with. It's a little nebulous, a little subjective." We realize that. Whether it was right or wrong, we've done it, and we'll live with it.

Well, Mr. Speaker, that brought down Act I when we finally disclosed the names, and we all hoped it was over with. Let us get this thing behind us. Let us go do something else. Let us take care of the business of the United States of America. Let us not get caught up in this paralysis that we had during the Wright case.

However, now Act II, is upon us and the curtain is up. Judge Wilkey has entered in, and he is the new player, and he is the star of this show, and he talked to us. He came to see me. He is a very nice gentleman. And he came to see the chairman, the gentleman from New York [Mr. MCHUGH]. We had the opportunity to ask him questions: "What do you want? What do you want out of this House?"

Mr. Speaker, he wants it all. If I may be very candid, he wants everything, and he feels he cannot conduct an investigation unless he does, and he has surrounded himself with some of the best prosecuting attorneys in this system, and accountants, and FBI agents.

And now we are down to a point of two different options that we have. We can take the Gephardt resolution, or we can take the Michel resolution.

I must say that I have seldom found people as dedicated to this organization as the Speaker, and the majority leader, and the ranking member of the committee, dedicated, fine, decent people. It has been a pleasure to work with them.

So, now, if we get the Gephardt resolution, we will live with it. That is the way the system works, and we will see how it goes. What do we get if we get the Gephardt resolution? In all candor there is only one difference between them, and I would like to read it to my colleagues right now. It says:

Resolved, The Sergeant at Arms shall obtain from the United States District Court a determination of the enforceability of the subpoena including its materiality and relevance and shall upon receipt of such determination notify the House of the Court's determination.

□ 2030

So we are asking for a bit of an adversarial confrontation position. We are going to put the Sergeant at Arms in confrontation with the court, and the court is going to tell us what to do.

Well, maybe that is right to do. I do not know. I am not a prophet. I do not know how this is going to turn out.

But on the other side, I do not think we have to be too bright to see what the reaction to this is going to be.

The reaction is going to be that the press is going to go on another feeding frenzy. They are going to talk about it constantly. We are going to go through interrogatories, depositions, the whole 9 yards. And every time it comes up, someone is going to talk about it. We are going to rip that scab off every time it happens and we are going to bleed, bleed, all the way down to the first Tuesday in November.

Now, I really do not think the House wants that. I do not think the majority party wants it, I do not think the minority party wants it.

So what the difference is is that one resolving clause that we have. What is it that BOB MICHEL has been able to do? BOB MICHEL put one together that in effect is an extension of what we did on this floor on March 13. Many of you walked up to the well and you gave great talks about "We want full disclosure."

Now, let us be honest about it. We did not give them full disclosure. We gave them the names and the number of checks. If we had full disclosure we would have given insufficiencies and how many and amounts and the whole bit. We did not do that, but we gave the public what they basically want. And in effect I think if you polled our constituency, what would they be saying to you? They would say this: "You said back on March 13, that you are going to give us full disclosure. That means everything. We want it all, the whole 9 yards."

What the Michel resolution does is say, "OK, Public, we don't want to hide anything. We don't want any coverup. We don't want any whitewash. We want to get this one behind us. We don't want to live with it day after day and week after week, and every time we speak in front of the rotary or the chamber or somebody, again it hits us

right between the eyeballs. Here it is, Judge Wilkey."

I agree with the distinguished majority leader. Gosh, no one likes to give up all of his privacy. But we are a kind of a different breed of cat, if I may say so, when we come up here and take this oath of office.

So I say to you, my friends, at this particular time, how do we go through the healing process? How do we settle this down? How do we go on to the more important things?

We maintain on this side that as much respect as we have for the leadership on the other side, and we have great respect for all, we really feel we are going to perpetuate this problem if we continue to have to go to court and fight it and worry about it and come to the floor and give talks on it.

I honestly feel with all my heart the smartest thing for us to do at this time is get it out, give it to them, and let us go on with the important things that are happening here in America.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip.

Mr. BONIOR. Mr. Speaker, I rise in support of this resolution. As the Speaker and majority leader have said, it simply calls for taking this issue to court, for taking this issue out of the hotbed of partisan politics.

It asks the court to decide what is the proper scope of the investigation. Then it requires this House to comply with the decision of that court.

The distinguished minority leader has said this subpoena is, and let me quote, "a fishing expedition."

Those are not my words. Those are the words of the distinguished minority leader, "a fishing expedition."

The Washington Post warned that this could be a witch hunt. The New York Times in an editorial today called upon this House to stand up against both the panic and the partisanship.

That is what we are doing with this resolution. Of course we should comply with a reasonable and proper subpoena, and of course we should cooperate fully with any investigation which will determine once and for all if there were any laws broken at the House bank.

But let us not throw out the Constitution in the process. I am willing to have the special counsel review my records and look at any checks that have been held for overdrafts, and anything else that the court determines is proper. But there are many, many Members of this body who had no overdrafts, many members of the public who had occasion to use the bank who had no overdrafts, many employees and former employees who had no overdrafts. Should their records be called into question?

Let us remove any trace of partisanship from this issue. Let us be open, let us be fair, and let us take this issue to

the court and let an impartial judge decide.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GRANDY], a member of the subcommittee of the Committee on Standards of Official Conduct.

Mr. GRANDY. Mr. Speaker, I thank the Chair and thank the distinguished ranking member for yielding.

Let me say at the outset, Mr. Speaker, I would like to be able to support the Gephardt resolution because we have tried at least as Members of the Committee on Standards of Official Conduct to bring a bipartisan resolution and conclusion to all of these matters.

I listened very carefully when the Speaker said in his remarks that he found no precedent to guide us in dealing with the subpoena. I listened very carefully when the majority leader said that the subpoena was not tailored to the investigation.

I would like nothing better than to be able to find a precedent for what we have been trying to do in the last 5 months, but we know there is none.

And although the majority leader is probably right on points of law, we are not now in a court of law. We are in a court of public opinion, whether we like it or not, and our appeal process was ended 6 weeks ago when we voted for full disclosure.

We did not know what the consequences would be. We know now they were unpleasant. I can guarantee you the consequences of this vote will be unpleasant, unfair, and in many cases cruel.

But, unfortunately, we do not have any choice left in this matter. Whether we admit it legally or not, politically we have forfeited due process and now we are not suing for our rights, we are essentially hoping for clemency.

The sad consequence of this bank scandal and the investigation is that we, the Members of the House of Representatives, have become a privileged underclass with more perks and fewer rights than any other group of citizenry in the United States.

I do not like that. That is not fair, but that is reality. That is what we hear when we go home. This is some nightmare out of Franz Kafka and George Orwell, but that is what we deal with, and the damage control, as we have learned, is probably worse than the damage.

So if we intend to put this into a court process and fend off the Special Counsel, how will we explain that? We have not been able to provide this information in its full form to the people that we accuse, and yet we are turning it over to the accusers, and now to Federal officials. This is unfair, but it is not a question of fairness any more. The choices between us tonight are be-

tween the Michel resolution, which hopefully will be a swift, expedited process, hopefully toward a merciful end, and the Gephardt resolution, which may be a long, drawn out, tedious, unfair, painful, politically defeating process, which may drag on endlessly.

So for the first time since I have addressed this House on this matter, I must deviate from my colleagues who are Democrats on the Committee on Standards of Official Conduct, and support fully and enthusiastically the Michel resolution. Not because it is fair, but because it may be the more merciful of the two. I ask all of our colleagues to do the same.

This is not a partisan question. This is a difference of opinion on how to deal with the damage that has befallen us. The longer we wait, the longer we attempt to explain, the more confused we get, let alone our constituents.

Regrettably, I must oppose the Speaker and the majority leader and my friend the gentleman from New York [Mr. MCHUGH], who has been the distinguished chairman of this committee, and urge Members to reject the Gephardt resolution and support the Michel resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. Mr. Speaker, I do not think there is anybody in this institution that does not know I am probably not the one to give this speech. But I want to talk for the 170 in this place who did not do anything wrong. I want to speak for all the Members of the minority who were needlessly wounded by a lack of due process. I want to talk for everyone here who does not have the courage to come to this well and say that you do not have to follow political hysteria, you do not have to do something merciful, you do not have to accept public opinion. You can change it. You can form it. You can shape it. You can enlighten it.

□ 2040

I do not care what our colleagues in the galleries who write about us say. I do not care what public opinion says. When I came into this House, I agreed to defend the Constitution of the United States. And if a Member of this institution does not have the right of the fourth amendment against unreasonable search and seizure, if this House is willing in a moment of political passion to set aside the very thing that we are sworn to uphold, then public opinion be damned.

This is the proper step. The court is the repository for debate between different branches of Government. It is proper because it protects the innocent as well as it ensures that any who are guilty will be prosecuted. McCarthyism, I submit to my colleagues, blind and bitter partisan attacks based on

innuendo and allegations without foundation, did not stop because the Members of the other body acquiesced in it. Maybe it is foolish. Maybe it is stupid. Maybe it is dumb. But I refuse to be a leaf driven by a political wind. I came here to defend the Constitution. I came here to defend the rights of the Members. I came here to defend the right of the public. And I hope I never lose my courage to take on the burden of changing public opinion when it is misinformed and misguided. And that is the test tonight.

I do not mean to speak with anger, but at some point anger and outrage are necessary. And that is where we are now.

Support the Gephardt amendment.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Utah [Mr. HANSEN] for yielding time to me.

I just want to make the point that the argument is not about the individual Member's right under rule L to go to court. The Michel resolution will clearly protect every Member's individual right as an individual to have counsel, to go to court, to seek to block the subpoena as it relates to the individual.

The question tonight is whether the institution of the House as an institution should interpose itself between this investigation and the facts and should ask a judge to intervene.

Every Member's rights individually as a Member, as an American citizen, are thoroughly protected by the Michel resolution. And it is simply not accurate to suggest we are asking any Member to waive those rights. We are asking the institution to waive its rights so that the institution does not interpose itself. But we are not taking one right away from a Member, and we would certainly recognize Members' rights to file that suit.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I might say I was particularly moved by the eloquent and moving statement of the gentleman from Iowa [Mr. GRANDY]. I think he has been one of the true leaders of the House in this regard. Unfortunately, I say to the gentleman from Iowa [Mr. GRANDY], I think there was a wrong conclusion. The gentleman said there was no element of law involved here. There is really a very major element of law involved, constitutional law and the future functioning with integrity of all the three branches of this Government.

So with that in mind, I am in strong support of the motion of the gentleman from Missouri [Mr. GEPHARDT].

This is a difficult vote, certainly one of the most difficult ever. But if we

stand for anything and are true to our oath of office, it is one that should transcend any immediate political or personal interests.

When the gentleman from Iowa [Mr. NAGLE] says this could have severe repercussions on his political career or anyone's political career, I think we all realize this. A vote for the Gephardt resolution, quite frankly, could be politically perilous. I have no doubt, however, but that ultimately pertinent records of most Members of this institution will be provided to the independent counsel. That is not the question.

I, for one, I guess, in the full run of this thing with a relatively moderate number of problem checks, have no doubt that all my transactions will be monitored and scrutinized. Indeed, I released several weeks before it was required all my information, including more than the Committee on Standards of Official Conduct released. But that is not, that is not the question. That is not what today's debate is about.

This debate is about an attempt to coerce the House of Representatives to submit an overly and unnecessarily broad subpoena which seeks the financial records of every Member of Congress without any reasonable suspicion of wrongdoing.

In Philosophy 101, I think there was such a thing as a syllogism. The syllogism involved here can boil down to a very simple statement. Congressman Doe used the House bank. Therefore, Congressman Doe is criminally suspect.

My colleagues, I submit that this is truly ridiculous. It is overly broad and invasive of privacy and unconstitutional.

When all is said and done, one of the main criticisms of Congress is that we are too concerned with our reelection campaigns to face difficult issues, but this is one difficult issue that should transcend anyone's political career.

Few issues could be more substantive than the U.S. Constitution and the historical and institutional integrity of the House of Representatives.

When I was a school kid with the nuns teaching us at St. Agatha's in west Philadelphia, one of the things they told us in every grade is, "Francis, what does it matter if the whole world is going to hell? Are you going to follow them?"

I cannot speak for divine judgment, but historical judgment will not look kindly on this vote today if we blithely avoid our individual and institutional duty as coequal members of a tripartite government.

This dispute between the Congress and the administration as to the breadth of the subpoena rightly should be referred to the Federal judiciary.

Let us not be deceived that this does not have political aspects. This is not an unpolitical year. The special coun-

sel has requested all House records, including the checks of all Members and the checks of others. He has not waived any rights of access to the 170 Members who were in no way involved. There is no reasonable suspicion of criminal activity by the overwhelming majority of Members who used the House bank.

This raises very strong concerns that we are on a most opportunistic fishing expedition, words to that effect of the gentleman from Illinois [Mr. MICHEL] at one point, with a quite grisly focus, a partisan witch hunt through the legislature by what is an element of the executive branch.

Where does the Justice Department stand on a special prosecutor to investigate losses at the White House credit union, reportedly involving hundreds of thousands of dollars?

Where does the Justice Department stand on a special prosecutor to investigate the ugly chapter of compromised actions and policies toward Iraq, as has been masterfully detailed by the gentleman from Texas [Mr. GONZALEZ]?

Can Members imagine as we move through August, September, October, with a certain possibility, and I asked the Speaker about this today, that the names of cleared Members will be released serially. Thus, those quite innocent Members not so cleared will twist in the wind of increasing suspicion as the first Tuesday in November comes and goes.

Blanket release of more than 300 present and former Members to the special investigator unjustly imperils them and many family members involved in innocent transactions. Is it not quite possible that the Justice Department will have routine access to every personal and medical transaction that any of us made or our families made in that 39-month period?

Leaks and innuendoes with no basis in truth will be rampant.

For over 200 years, the strength of our Republic has rested on the foundation of coequal branches of government. Despite better judgment and concerns for constitutional integrity, if we vote today for blanket transfer of these records, we will have betrayed the House.

We will have betrayed the Constitution. We will have betrayed the basic governmental integrity of this Nation, which is important to all the citizens of the United States for 100 years to come.

Let us stand up and make an unpopular vote, and the special investigator will have more than good access to all the records that he needs.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes and 30 seconds to the distinguished gentleman from Florida [Mr. GOSS], a member of the subcommittee.

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

Mr. Speaker, we participated in the identification of the abusers, which

was a very sad task. We then went on to full disclosure, which was a very sad task.

□ 2050

But we left the question of potential criminality to somebody else, the Department of Justice. Special Counsel Judge Wilkey, who has now been appointed. I, as a member of the subcommittee who was involved in these investigations, am greatly relieved that the question of potential criminality was taken, really, out of our hands.

I think there are concerns. We have talked about them at great length, safeguards we need for our Members, concerns about our institution. We have discussed them in debate. I think those who have spoken have already raised the important points.

However, we have received some very critical assurances back from the Judge. He has in fact narrowed the request of his subpoena very considerably. He has granted assurances to us about the privacy and rights of Members over his signature, which I rate as a dependable trust. He has agreed to leave the question of the working papers to other days and other procedures. The records of 170 Members, of which I am one, whose matters are not part of the insufficiency question, have been given special attention and I am told the records will be returned on the Judge's word.

These are important assurances given back to us through dialog to date. So then what are we really worrying about? What are we trying to do here? My view is that we are trying to build the credibility of this institution back at a time when we desperately need to get on with important challenges to our Nation's well-being. Perhaps, I have a simplistic view of this. I believe we should give the Judge the records: If there is no wrongdoing, nothing follows. If there is wrongdoing, it should be attended to and it will be attended to by the appropriate people.

The question of why we should take an unnecessary beating by dragging this thing out absolutely defies my understanding, and I think it defies common sense. I think most of us understand that when banging your head on a wall, the best part of that is stopping. I do not believe that the approach of the gentleman from Missouri, Mr. GEPHARDT, will pass the smell test with the people of the United States of America.

The grand jury can investigate merely on suspicion that the law is being violated, or even just because it wants assurance that it is not. That is where we are. The grand jury subpoena may issue without probable cause. The Government cannot be required to justify the issuance of a grand jury subpoena by presenting evidence sufficient to establish probable cause, because the very purpose of requesting the informa-

tion is to ascertain whether probable cause exists.

This is all case law, yet the approach of the gentleman from Missouri [Mr. GEPHARDT] is asking us to go back over this ground. It is very legalistic. It will not satisfy the people of the United States of America, who are asking us to finish our pledge on full disclosure.

So, reluctantly tonight, I suggest that here we are one more time being asked to go back over the same ground. I would like to get through with this, as much as I think everybody else would. I think it is very important to immediately start to reestablish credibility. I think it is very important to do what we can to enhance the credibility of the institution by demonstrating full cooperation with the Department of Justice. I believe the Michel approach does that better and will pass the smell test. I think it is critical to proceed that way. Thank you.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL], a member of the full committee.

Mr. KYL. Mr. Speaker, let us be very clear tonight what the Speaker and majority leader are asking in their resolution: that the Sergeant at Arms shall obtain from the U.S. District Court a determination of the enforceability of the subpoena.

Mr. Speaker, no court will render an advisory opinion. It only deals with actions that are ripe and justifiable. It will only render a determination in this case if the House opposes the subpoena, presumably with a motion to quash, arguing against its validity. So this resolution is not neutral, it is in opposition to the subpoena.

The only argument I have heard tonight is that it may be over-broad. But whatever the breadth of Judge Wilkey's original request, his subpoena has narrowed the request to just the 41 rolls of microfilm that contain the bank records; that is all, and it is very specific. We know exactly what he is asking for.

The other reason we are given for asking the court what to do is that compliance with the subpoena will somehow diminish the power of the House. But deferring to the third branch of Government—the court—will diminish the power of the House far more than deciding on our own tonight to comply or not to comply with Judge Wilkey's subpoena.

The Michel resolution says, "Comply," and I believe that we should comply. If other Members wish not to, then they are free to vote not to comply, but that is our decision. We should, therefore, preserve the House's power by making that decision ourselves rather than deferring to another branch of Government to make that decision for us. We should, therefore, oppose the Gephardt resolution, and, I would urge, support the Michel resolution to cooperate in this investigation.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, beneath the fog and the obfuscation of the high-sounding rhetoric of the majority that controls this House and controlled the House bank, the Gephardt resolution on complying with Judge Wilkey's subpoena comes down to this: Let us litigate it, let us fight it, let us take it to court.

Specifically, as my colleague, the gentleman from Arizona [Mr. KYL], has just observed, the resolution in its key provision requires that this Congress challenge the enforceability of the subpoena in Federal court, that we question its materiality, that we object to it on the grounds of relevance.

Mr. Speaker, when we fight this in court we will lose and the Special Counsel will win, and this Congress will be further embarrassed. The grand jury is entitled to this information on the House bank. Judge Wilkey has provided us with a reminder in the form of a memorandum that what he is seeking is 41 rolls of microfilm, nothing more and nothing less. These contain the records of the bank's operations, including the checks and the statements of its depositors. The depositors in this bank, Members of Congress, are in no different position than that in which they would be if they had used a failed S&L or a fraudulently operated BCCI.

All the customers' records are necessarily commingled on this microfilm, and it is necessary to have it in order to make an examination of the bank's overall operation. That is the criminal investigator's priority.

It is a shame, Mr. Speaker, a shame that it took so long for this institution to come to grips with this problem. For years, going back to 1989 when the GAO first warned the Speaker of egregious abuses in the House bank, management of the House did nothing. The Speaker of the House sought to put an end to this matter after the press broke it by closing the bank without disclosure, and management of this institution fought full disclosure until the bitter end.

It is a shame now that in the eyes of the American people this institution is once again standing in the doorway, once again appearing to cover up wrongdoing, corruption in the House, once again obstructing in this case a Justice Department investigation.

We have heard about the separation of powers in comity between the branches this evening. Not too many years ago I worked as counsel in the White House for the President of the United States, at a time when he determined to give up the most personal thing a man has, his diaries, not to a prosecutor but to this Congress as a matter of comity; not in response to a subpoena but in response to a request, because he was concerned about the in-

tegrity of the office. He was concerned about avoiding any appearance of wrongdoing.

If we care about the integrity of this institution, we will recognize that only 1 percent of the American people, according to a recent poll, trust this Congress to do the right thing most of the time. Tonight, do the right thing. Support the honor and the integrity of this institution. Support the Michel resolution.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, as a former prosecutor I have to say that I am astonished that we are here tonight arguing about this issue. Thankfully I did not have any bad checks, but I still think that our records are subject to scrutiny through the special counsel.

□ 2100

The records of any other person in the United States are subject to subpoena by grand jury, and I do not see how we can wrap ourselves in the Constitution and say that we have special privilege or that we need not comply with a similar subpoena issued for our own records.

We ran for office, and we were elected to serve. It was the leadership of this elected body in the House that messed up the bank and brought about this problem. Some of us were sloppy with our accounts. Some of us may have even violated the law, and though we hope that that is not the case, we now have to pay the piper. We overwhelmingly voted for full disclosure of our bank records only a few weeks ago, and here we are saying, "Well, not quite all of them and not quite for any purpose."

That is truly astounding.

One Member got up here a few minutes ago and called this a "witch hunt," and maybe we could call it that. Or maybe it is a form of "trial by fire," a trial by fire that we agreed to. And I do not see how we can plausibly stand before the American people tonight and say, "Well, we didn't know you were going to use matches."

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

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the issue before us, if laid before the American people and they had the luxury of casting a vote here tonight by use of the electronic device that might be in every home if one non-candidate would have his way, that vote would come screaming into this House tonight almost 100 percent. I would venture to say, to disclose, to end this fiasco by disclosing everything and allowing the special prosecutor to go about his duties. It is the will of the American people that their House, their Congress be

open and be conducive to conducting business in a way that they can continue to have trust in the institution itself. So there is no alternative. There is no debate.

Do the American people want the disclosure, the full disclosure? Do they want these records turned over to the special prosecutor? Yes, is the overwhelming answer. Yes, and now is the time to do it.

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

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, first we had a vote a couple of weeks ago, about 6 weeks ago in which we touted our vote here then as being for full disclosure, and we defined it as full disclosure, and it is not now in our power to redefine what "full" means. I think at least the American people, if not the media and the Department of Justice, believe what we meant when we used those very strong words that it would indeed be "full." We pulled the roof about halfway off the House bank, and I think we have to take it the rest of the way off.

I think everybody knows how they are going to vote on this vote. Let me take us a step beyond this vote.

Very few of us in this Chamber tonight with any degree of confidence know what our political future is. But one thing that we do control jointly, Republicans and Democrats, is the ability to rebuild this House. And one thing that I think we all received from the American people in our meetings with them over the last several weeks is that they want action, and that they want to have an economic growth package, they want jobs, they want Congress to work.

So let me just say to the majority leader and to the Democrat leadership that this junior Member of the Republican leadership intends to work with my leader, Mr. MICHEL, and with the leadership on the other side of the House, and with all of the Members over the next 8 months to put together an economic program that will take us out of our economic problems, our present national problems and do a good job for the American people and begin to rebuild this House of Representatives which today is in some state of disrepair. I would hope that the Democrat leadership will join wholeheartedly in helping us put together a bill that our President can sign in the next several months.

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

The SPEAKER pro tempore (Mr. BONIOR). The gentleman from Missouri [Mr. GEPHARDT] has 4½ minutes remaining, and the gentleman from Utah [Mr. HANSEN] has 5 minutes remaining.

Mr. GEPHARDT. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, if there is a man or a woman in this body who would stand in the way of a legitimate investigation of any potential wrongdoing, I have not met that person. We are all sworn to uphold the laws of this Nation, and that is an inviolate principle, and the Gephardt resolution recognizes that.

But this vote is also a test of constitutional principle. And since Marbury versus Madison, the courts, the judicial branch have been the final arbiter of the separation of powers. We must not now wither under the heat of demagoguery and election year jitters and abdicate 200 years of precedent. We must not set aside the Constitution in an hour of debate driven by partisan posturing and fears of the media spin.

My colleagues, if ever there was a time to put principle ahead of politics, it is now. This is a moment to act not as Democrats or Republicans, but as thoughtful members of an historic institution.

I urge my colleagues to support the Gephardt resolution.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, if this is a matter of constitutionality or protection here, then what Members should do is not submit to the jurisdiction at all. You have submitted, and if you believe the prosecutor has jurisdiction and the court has jurisdiction, one of the allegations or one of the defenses was that we always had a positive balance in the so-called House bank. Unless the prosecutor has all of the records he cannot either affirm or deny that as a truthful allegation. So clearly you will lose if you challenge it, because that is significant under the Federal laws that say if you loan money interest-free that is a 10-year felony. If you embezzle, it is a 10-year felony. So he will absolutely prevail when it comes to getting the totality of the records, regardless of your motion.

So why make yourselves look ridiculous by resisting something which you know as a matter of law you have to lose if the court in fact has jurisdiction in the initial instance into the inquiry into the activities of that bank, and that the court absolutely has the right to have all of the records, not just part of the records. So why prolong the agony?

And my records will go in, even though I wrote no checks. I do not have any choice. I think we should have full disclosure. I did not have a bad check, but they will get my records and everybody else's because of the nature of the jurisdiction of this matter of the bank.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the Michel amendment. I agree that most of our Mem-

bers have no criminal activity involved in this.

But remember, Congressman SOLOMON offered an amendment just to drug-test post office and bank employees and there was the same answer, no one would be culpable. However, bingo, who was selling cocaine and using cocaine in our post office?

The judge is only looking for criminal activity. That is all people want to see. If there is any wrongdoing, justice will take care of it. If not, we build on the credibility of this House.

I ask my colleagues to cooperate fully. If you have an IRS audit, you give your records, you give your checks. I ask for full disclosure, and full disclosure means full disclosure. I support the Michel amendment.

Mr. GEPHARDT. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, no one wants to protect wrongdoers. The reputation of this institution requires that any violations of law related to the House bank be vigorously prosecuted. Any material relating to any Member who may be in violation of any law should be made available to the prosecutor. That I think we can all agree on.

But while we wish to be accommodating to the legitimate demands of the Justice Department, we have a responsibility to this institution and to the rights of citizens who happen to be Members of Congress who placed funds in the ill-fated House bank to be cautious in our action. We are not, those Members who are voting for this Gephardt resolution tonight, taking the political path. In fact, if you believe, as our discreditors do, that we are obstructing or acting to cover up the private banking transactions of a finite class of decidedly unpopular people, it is quite the opposite. But it is never popular, never popular to protect institutional or individual rights in the face of a mob or even the preponderance of public opinion.

□ 2110

It has been said let us get it behind us, and I am for that. But let us not, out of exhaustion or frustration, simply ignore real and legitimate concerns about the balance of executive and legislative power.

The majority leader's resolution allows an objective third party to sort out the equities in this broad and sweeping subpoena. In a week, and it should take no more, we could have a fair resolution of this dispute between the branches. Anyone who wants real justice can live with whatever the courts decide.

On balance, we have, as brief custodians, brief custodians of this institution's rights and responsibilities, no choice but to do what we believe is right and not be thinking solely of the next election.

Despite all we have been through as individuals and as an institution, I remain confident that acting on our fundamental beliefs is always the best politics as well in this case as the right policy.

I urge us to stand up tonight, not just for this institution this evening, but for this institution down through the years ahead of us and support our historic responsibility. Support the Gephardt resolution.

The SPEAKER pro tempore (Mr. BONIOR). The gentleman from Missouri [Mr. GEPHARDT] has 30 seconds remaining, and the gentleman from Utah [Mr. HANSEN] has 3 minutes remaining.

Mr. GEPHARDT. Mr. Speaker, I yield the remainder of our time, 30 seconds, to the distinguished gentleman from New York [Mr. MCHUGH].

Mr. HANSEN. Mr. Speaker, I yield the remainder of our time, 3 minutes to the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I thank my friend, the gentleman from Utah, and the majority leader, for yielding me this time.

Mr. Speaker, I urge the Members to profoundly consider the resolution which is pending before us. I think it is an eminently reasonable and responsible one. It simply requires us to comply with whatever the court determines is relevant and material information to Judge Wilkey's inquiry.

That, it seems to me, is the ultimate question here, and the choice we have is whether we are going to comply with what Judge Wilkey has identified as the relevant information or whether a court, an independent third party in the judiciary, will make that judgment.

I think most of us, including many of the people who have spoken on the other side, recognize that this is an extraordinarily broad subpoena. It requests not only the personal records of every Member of the Congress and some former Members, but it also asks for the personal records of others who used the bank, including spouses of Members, members of the press, and employees of the Congress. It is important to know on what basis the Special Counsel justifies this kind of an extraordinarily broad subpoena.

Perhaps, as others have said, he can justify it. Perhaps a court would determine, as they have argued, that Mr. Wilkey is entitled to this broad sweep. If a court so decides, we are saying by this resolution in advance that we will comply with the court's determination. It seems to me that that is eminently fair.

I personally believe that Judge Wilkey has not yet stated in any specific way a reasonable basis for this type of extraordinary reach in a subpoena. In my judgment, if we were not Members of Congress, if we were private citizens and received this kind of

subpoena, it would be subject to being quashed in court. I may be wrong. It may be that Judge Wilkey can justify this broad a subpoena. All we are saying in this resolution is that a court should decide that issue.

It seems to me, given the rather unusual nature of the issues, including the privacy of individual Members and others, as well as the institutional interests of the House vis-a-vis the executive branch, it is not unreasonable to ask the Members of this House to permit a third party in the judiciary to make this judgment.

I must say in closing that although the last 6 months have been unpleasant in many respects, one of the positive experiences for me has been to work in a very nonpartisan fashion with my friend, the gentleman from Utah [Mr. HANSEN], the gentleman from Iowa [Mr. GRANDY], the gentleman from Florida [Mr. GOSS], and the Democratic members of our subcommittee, Mr. CARDIN and Mr. MCDERMOTT. It is true, as the gentleman from Utah [Mr. HANSEN] said, that this may be the first time that we have disagreed on any issue relating to the House bank. But this is a profoundly important issue. If I read the arguments of my friends on the other side correctly, I do not think they are disagreeing so much with the position that this is an extraordinarily broad subpoena but, rather, are taking the position that it is time to get this over with, that we have lost due process some weeks ago, and, as the gentleman from Iowa [Mr. GRANDY] said, that fairness is not possible in this inquiry at this time. I would respectfully disagree.

I think that this is an issue which demands fairness, which demands due process, which demands that the privacy rights of individual Members of Congress, like other citizens, be respected. I believe that an independent judiciary can both define the appropriate reach of Mr. Wilkey's subpoena and protect these other legitimate interests.

However the court decides, we agree by this resolution to comply. I think our constituents can understand that. I think the media can understand that. I think it is a reasonable position for this House to take.

Our decision tonight may be looked upon many years from now as an important precedent for this House.

I urge Members to support this resolution.

Mrs. COLLINS of Illinois. Mr. Speaker, we just got finished debating the space station here on the House floor, and I am not so sure some of us here aren't already out in orbit.

I rise to express, in no uncertain terms, my strong objections to complying with the subpoena to turn over the records of the Sergeant-at-Arms bank to the Justice Department. I believe it is time once and for all to end this politically motivated witch hunt, and to get on with the business of governing the country.

For the past 8 months, this House has languished in a morass of allegations over the mislabeled cooperative known as the House bank, and valuable time has been squandered, not discussing how to put Americans back to work or how to feed our hungry children, but arguing whether or not the names of overdrafters should be released to the public.

Because of a public perception that the House was somehow involved in a coverup, I was supportive of the effort to list the names of those Members who overdrafted their accounts. And when it came out that I too had overdrafted my account, I sincerely apologized to my constituents and made a contribution in the amount of fees that would have been charged by a bank to a 501(3)(c) organization in my congressional district.

And when we here in this body thought that we had put this unfortunate incident behind us, the administration decides to resurrect the so-called bank scandal to look for criminal activity. Mr. Speaker, you yourself said, and I wholeheartedly concur, that no laws were broken at the so-called House bank.

When I came to Congress, I took an oath to protect and uphold the Constitution of the United States, and to the best of my abilities and with God's grace I believe I have done that. But not once did I ever agree to give up my rights as a citizen—rights guaranteed by the fourth and fifth amendments of that very same Constitution which says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

And which also says in part that—

No person shall * * * be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law * * *.

Americans have fundamental rights to privacy, probable cause, and due process, and quite frankly, no job is worth having to put my personal and private affairs on a table for some politically motivated witch hunter to pass judgment upon.

Mr. Speaker, no private citizens should have to subject themselves to such undue scrutiny, and Members of Congress are citizens and are no different.

I am disturbed by the turn this country has taken in recent years with its prodding and probing into the private lives of public figures. It's a mean spiritedness which cheapens our electoral process and debilitates our governing bodies. I am not saying the Congress is free of blame in this matter. Members of Congress certainly should not be held above the law, Mr. Speaker, but they shouldn't be held below the law either.

My vote for the Gephardt resolution is made first, with the honest belief that my constituents, not some witch hunter, are the ones to decide whether my overdrafts were abusive or not and second, out of a clear conscience and strong conviction that we must uphold the right to privacy of Americans.

I urge my colleagues to vote for the Gephardt resolution because it means justice, not politics; fairness, not witch-hunting.

Mr. ORTON. Mr. Speaker, today we are considering an issue which raises several constitutional implications. The subpoena issued upon the House of Representatives by the Justice Department in the matter of the House bank is clearly overbroad and overreaching. In my opinion, it is inappropriate to subpoena complete financial records of individuals who have never issued overdrafts on their accounts at the House bank and are under no suspicion or allegation of impropriety. Therefore, I believe this subpoena would be subject to the judicial modification that would exclude from the subpoena the records of Members not directly material to an ongoing investigation.

The matter before us is symptomatic of the general lack of confidence in government by the people. However, this is not a matter of self-protection. I did not issue any overdrafts on my account at the House bank and I have offered public verification of those records. Nor is it a matter of protection of other Members of the House. My concern is in protecting the Constitution of the United States which I have sworn an oath to defend. A constitutional issue may arise under article I of the Constitution under the speech and debate clause. We must be certain that today's action does not erode the separation of powers as set forth in the Constitution. When such questions under the Constitution arise, it is appropriate to turn to the courts for interpretation rather than relying upon either the executive or legislative branch determinations. Therefore, I will vote to support the resolution to seek a judicial determination of the constitutional implications of this subpoena by a court of competent jurisdiction. I will fully support the determination of the court if it orders compliance with the subpoena to deliver the requested records to the Justice Department.

In the event the House determines or is ordered to disclose records to the Justice Department, I believe an additional constitutional issue may arise. Under the fourth and fifth amendments of the Constitution, each individual is protected from unlawful search and seizure and self-incrimination. The disclosure of personal financial records by the Sergeant at Arms under this subpoena may constitute a violation of constitutional rights of individual Members of the House. I would encourage each Member to carefully consider judicial intervention to protect their own individual rights guaranteed under the Constitution.

The SPEAKER pro tempore. All time has expired.

Under the unanimous-consent agreement, the previous question is ordered.

The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 131, nays 284, answered "present" 1, not voting 19, as follows:

[Roll No. 91]

YEAS—131

Abercrombie
Ackerman
Anderson
Annunzio
Anthony
Applegate
Atkins
Bellenson
Berman
Bevill
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown
Cardin
Clay
Clement
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
DeFazio
Dellums
Dicks
Dingell
Dixon
Dooley
Eckart
Edwards (CA)
Edwards (TX)
Fascell
Fazio
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos

Gejdenson
Gephardt
Gonzalez
Guarini
Hayes (IL)
Hayes (LA)
Hertel
Hoyer
Hughes
Jefferson
Jenkins
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kennelly
Klecza
Kopetski
LaRocco
Laughlin
Lehman (FL)
Lewis (GA)
Long
Manton
Markey
Martinez
McCloskey
McCurdy
McDermott
McHugh
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Murtha
Nagle
Natcher
Neal (NC)
Oakar
Oberstar
Obey
Olver

Orton
Owens (NY)
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Pickle
Price
Rangel
Richardson
Roe
Rose
Rostenkowski
Roybal
Sabo
Sawyer
Scheuer
Serrano
Slaughter (NY)
Smith (IA)
Stark
Stokes
Swift
Synar
Tanner
Thornton
Torres
Torrice
Towns
Traficant
Unsoeld
Vento
Vislosky
Washington
Waters
Waxman
Weiss
Wheat
Wolpe
Yatron

LaFalce
Lagomarsino
Lancaster
Lantos
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowey (NY)
Luken
Machtley
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison
Myers
Neal (MA)
Nichols
Nowak
Nussle
Ortiz
Owens (UT)

Oxley
Packard
Pallone
Parker
Pastor
Patterson
Paxon
Penny
Peterson (FL)
Peterson (MN)
Petri
Porter
Poshard
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster

Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—284

Allard
Allen
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Army
Aspin
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehert
Boehner
Boucher
Boxer
Broomfield
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello

Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Donnelly
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon

Goss
Gradison
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jontz
Kaptur
Kasich
Kennedy
Kildee
Klug
Kolbe
Kostmayer
Kyl

PRESENT—1

Russo

NOT VOTING—19

Alexander
AuCoin
Barnard
Callahan
Dannemeyer
Dymally
Ireland
Kolter
Levine (CA)
Marlenee
McDade
Murphy
Olin
Pickett

□ 2145

The Clerk announced the following pair:

On this vote:

Mr. Russo for, with Mr AuCoin against.

Messrs. POSHARD, DE LA GARZA, PASTOR, GORDON, and ESPY changed their votes from "yea" to "nay."

Mr. RUSSO. Mr. Speaker, I have a live pair with the gentleman from Oregon [Mr. AU COIN]. If he were present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. RUSSO changed his vote from "yea" to "present."

So the resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on House Resolution 440.

The SPEAKER pro tempore (Mr. OBERSTAR). Is there objection to the request of the gentleman from Missouri? There was no objection.

PRIVILEGES OF THE HOUSE—DIRECTING RELEASE OF CERTAIN MATERIALS RELATING TO INQUIRY OF OPERATION OF BANK OF SERGEANT AT ARMS PURSUANT TO HOUSE RESOLUTION 236

The SPEAKER pro tempore. Pursuant to the order of the House earlier today, the Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 441) directing the release of certain materials relating to the inquiry of the operation of the Bank of the Sergeant-at-Arms pursuant to House Resolution 236.

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

The Clerk read the resolution, as follows:

H. RES. 441

Whereas, by letters of April 8 and 21, 1992, to the acting chairman and ranking minority member of the Committee on Standards of Official Conduct and to the Speaker, respectively, the Honorable Malcolm R. Wilkey, Special Counsel to the Attorney General of the United States, has requested a "cooperative response" from the committee to his request for materials, specifically 41 microfilm rolls identified in the letter of April 21, in the possession of the Committee on Standards of Official Conduct relating to the inquiry of the operation of the Bank of the Sergeant-at-Arms pursuant to House Resolution 236, adopted by the House on October 3, 1991;

Whereas, the Constitution of the United States vests authority in the House of Representatives to protect and preserve materials of the House; and

Whereas, by the privileges of the House no evidence of a documentary character under the control and in the possession of the House can, either by the mandate of process of the ordinary courts of justice or pursuant to requests by appropriate Federal or State authorities, be taken from such control or possession except by the permission of the House; Now, therefore, be it

Resolved, That the microfilm rolls shall be collected by the Sergeant-at-Arms and he shall, no later than twelve noon on May 4, 1992, provide to the Special Counsel the microfilm rolls: Be it further

Resolved, That this provision of information shall be taken without prejudice to any future consideration by the House of the Judiciary of requests for documentary or testimonial evidence from the Members, Officers or employees of the House: Be it further

Resolved, That the House relies upon the assurances of the Special Counsel that he will take such steps as are necessary to provide for protection for the confidentiality of the records provided: Be it further

Resolved, That nothing in this Resolution shall be construed to deprive, condition or waive the constitutional or legal rights applicable or available to any Member, Officer or employee of the House or any other individual; and be it

Further Resolved, That it is the will of the House to maintain such communication and cooperation with the Special Counsel as will promote the ends of justice consistent with the privileges and rights of the House.

Mr. MICHEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The resolution constitutes a question of privilege. Pursuant to the order of the House of earlier today, the gentleman from Illinois [Mr. MICHEL] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes.

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

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

Mr. Speaker, I will include at the conclusion of my remarks exchanges of letters between Judge Wilkey and the House and an exchange between the Speaker and the minority leader, appropriate for this discussion.

Mr. Speaker, in my view of Judge Wilkey's request for all the House bank records has been based on three principles: Justice must be served, in more ways than one; due process for Members must be followed; and the constitutional separation of powers must be maintained.

The question in my mind has never been whether Judge Wilkey would be provided with the records of the House bank. The question was and remains what is the best way to reconcile conflicting principles and to provide the special counsel with what he needs.

After deliberation and consultation, I believe we simply cannot perfectly reconcile those conflicting principles, but we cannot let the quest for perfection stop us from doing what is necessary. That is why I support this resolution to fully comply with Judge Wilkey's request for all the House bank records.

On Monday I expressed concern that this request may be too broad. I believed there could be a question involving the constitutional separation of powers and also the matter of a Member's privacy rights if there were no checks in question.

□ 2150

My initial response was to see if we could reach an agreement with the special counsel that would serve the interests and due process and full disclosure. I had hoped that we could have worked out an arrangement with the Justice Department, while allowing for individual Members to have access to the same records available to the Justice Department, and that Members with clean records be segregated from the others.

I said at the very outset that any decision on a formal response to the sub-

poena from our side would only come after consultation with our leadership and our conference. After having met with our ranking member of the Committee on Standards of Official Conduct, the gentleman from Utah [Mr. HANSEN], the leadership, and our Republican conference, we feel that the only appropriate course of action is to provide the special counsel with the records of the bank.

That means providing him, meaning, of course, the special counsel, with all the microfilm, microfiche, and settlement sheets, because without those settlement sheets, one just cannot make sense of the rest necessary to reconstruct the accounts of the bank.

The Sergeant at Arms will provide to any Member who requests it copies of the documents on the microfilm which will enable them to reconstruct their own individual accounts, some of whom have not been reconstructed to their satisfaction.

I believe complying with the special counsel's request is the surest way to both protect the reputation of the House and ensure that justice is done.

Concluding my remarks, I would like to read to my colleagues, if I might, a letter which I dispatched. I had two phone conversations with Judge Wilkey today. I would like to read the letter that I addressed to him earlier this morning and his response.

DEAR JUDGE WILKEY: I would like a clarification of your intent in regards to the records of the approximately 170 accounts which had no overdrafts. I understood previous to your letter of April 21, 1992, that you were in no way interested in these accounts. In the letter of the 21st, however, you indicate that the records of the nonoverdrafted accounts would be returned to the House "without prejudice to asking for these again if this becomes necessary." I believe there needs to be some clarification here.

As you are aware, I think it important that persons representing the House be present as the records of the House are copied. Furthermore, duplicates of account holder records turned over to you should also be furnished to the account holder. Please advise me if these requests can be accommodated.

A paramount concern, of course, is the integrity and confidentiality of these records which will be in your possession. I seek your personal assurance that all necessary steps will be taken to ensure their safekeeping, free from improper disclosure.

I thank you for your attention to these matters.

His response this afternoon:

DEAR MR. MICHEL: Regarding the 170 non-involved accounts, it is evident that there is confusion both among Members and the public over our having access to the accounts of Members not involved with overdrafts. As you are aware, all of the records are commingled and thus it is necessary to have all the microfilm to review the overall operation of the bank and even to evaluate completely one account.

We have no interest in or need for the data on the 170 accounts on the facts we now know. If this changes, we would expect to make a specific showing of need at that

time, after a thorough review of data previously furnished.

We have technological facilities which will enable us to separate the 170 as a group from the other accounts as a group quickly. We will return these to the House unorganized, uncollated, and unreviewed by us. The House may have its representatives present while this is being done. All of the above procedures I offered to carry out at the conference on 13 April.

We will duplicate the checks, deposit slips, and account statements (if such appear) of the Members' overdraft accounts, and return the same to the House for distribution to the individual Members.

We will meticulously guard the confidentiality and integrity of all these records, being aware that they are not only covered by grand jury secrecy but are the personal records of a coordinate branch of government.

May I simply say in conclusion, before yielding to some of my other colleagues, that I think at this juncture we frankly, in view of the last vote, have no other recourse but to adopt this resolution, hopefully unanimously.

I understand why some Members may have reservations about it. We are talking about, seriously, about some differences of opinion here. That does not question in any way the integrity or any motive on the part of any other Member. This is one of those times again where one simply has to search his conscience for what he thinks he has to do at this given time in the interest of this institution and, yes, our fellow colleagues, some of whom are more egregiously affected than some of the rest of us.

Madam Speaker, I include for the RECORD the letters to which I referred.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 1992.

MALCOLM R. WILKEY, Esq.,
Special Counsel to the Attorney General, Office of the Attorney General, Washington, DC.

DEAR JUDGE WILKEY: I would like a clarification of your intent in regards to the records of the approximately 170 accounts which had no overdrafts. I understood previous to your letter of April 21, 1992, that you were in no way interested in these accounts. In the letter of the 21st, however, you indicate that the records of the non-overdrafted accounts would be returned to the House "without prejudice to asking for these again if this becomes necessary." I believe there needs to be some clarification here.

As you are aware, I think it is important that persons representing the House be present as the records of the House are copied. Furthermore, duplicates of account holder records turned over to you should also be furnished to the account holder. Please advise me if these requests can be accommodated.

A paramount concern, of course, is the integrity and confidentiality of these records which will be in your possession. I seek your personal assurance that all necessary steps will be taken to ensure their safekeeping, free from improper disclosure.

I thank you for your attention to these matters.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, April 29, 1992.
Re the 170 Non-Involved Accounts.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. MICHEL: It is evident that there is confusion both among Members and the public over our having access to the accounts of Members not involved with overdrafts. As you are aware, all of the records are commingled and thus it is necessary to have all the microfilm to review the overall operation of the bank and even to evaluate completely one account.

We have no interest in or need for the data on the 170 accounts on the facts we now know. If this changes, we would expect to make a specific showing of need at that time after a thorough review of data previously furnished.

We have technological facilities which will enable us to separate the 170 as a group from the other accounts as a group quickly. We will return these to the House unorganized, uncollated, and unreviewed by us. The House may have its representatives present while this is being done. All of the above procedures I offered to carry out at the conference on 13 April.

We will duplicate the checks, deposit slips, and account statements (if such appear) of the Members' overdraft accounts, and return same to the House for distribution to the individual Members.

We will meticulously guard the confidentiality and integrity of all these records, being aware that they are not only covered by Grand Jury secrecy but are the personal records of Members of a coordinate branch of Government.

Cordially,

MALCOLM R. WILKEY,
Special Counsel to the
Attorney General.

Madam Speaker, I reserve the balance of my time.

Mr. GEPHARDT. Madam Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Madam Speaker, let me say that I am one of those Members who does have some reservations. I would say that it may be well and good for them to send the 170 that have no overdrawn checks back and not fool with those check records. Sure, he ought not to. He has no business fooling with them at all. But it is not good for them to have in their little fat, grubby hands the records of 350 other Members.

They wrote one check with insufficient funds and paid it off for 87 cents. So now they are going to have a complete set of every check they wrote for 39 months. They have no basis for that, no specific reason for that, no material, relevant evidence that needs to be brought from those documents.

I will tell my colleagues, I do not like it. It is clear to everybody in this body that Judge Wilkey, the special counsel, has repudiated all reasonable negotiations aimed at narrowing the scope of the subpoenas of the bank records. The plain language of those subpoenas is unprecedented, overbroad in the extreme, constituting what only

can be called a witch-hunting expedition of purely partisan nature.

Obviously the Michel amendment should not be passed. I know that even the Michel resolution gives lip service, and the gentleman talked about the need for secrecy, confidentiality of these great records, talked about it at length.

Unfortunately, I cannot take great comfort in the thought, given Judge Wilkey's own words, nearly 20 years ago in the Nixon tapes case.

Judge Wilkey, dissenting from the majority opinion, made the following observation about secrecy.

He said:

As a member of the Federal judiciary, the writer means no disrespect to his members or staff assistants, but as the circle of secrecy widens, it will dissolve and vanish. All human experience teaches this, particularly in Washington, DC.

That is in *Nixon v. Sirica*, 487 F.2d 700 (1973).

Judge Wilkey was correct. If only he would remember his observation today. For once the FBI, the Justice Department, the executive branch, Lord knows who else, the typists and the translators and whatever, bookkeepers and accountants, whatever they get, have all this information, nothing but mischief, malicious mischief will be on the way for all of us in this body.

□ 2200

How will this affect the critical election of 1992? The Michel resolution will affect the campaign in precisely this way. It will submerge the need and the public discussion and the effort to solve the scourge of AIDS or funding a way to provide health care for the 30 million, the millions of people in this country who do not have it; of balancing the Federal debt; of trying to reverse the trade deficit; passing a crime bill that has been stuck in the Senate at the direction of the President.

Instead, during the closing months of the 1992 campaign, the Members will be reading, and it may have our names in it, if we are lucky, though they tell me that if they come to get us we are going to get time off for the time we served in Congress.

But instead, during this 1992 campaign we will be reading and hearing about the personal checks of individuals in this Chamber, which I am not interested in. I do not care who checks were written to. It is none of my business. If they want to look at the insufficient checks, I thought that was fairly reasonable, but the rest of the transactions are the Members' own personal business.

A "no" vote on this resolution is a vote for decency and personal privacy, long hallmarks of a democratic society.

Mr. MICHEL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL, Madam Speaker, with all due respect to the distinguished chairman of the Committee on the Judiciary, this is not a malicious witch hunt. This is not political. This is a criminal investigation. This is a serious matter, and Members of the Congress are not above the law.

Madam Speaker, the Michel resolution calls upon us to do what we should do, to comply with a reasonable request for cooperation in determining whether criminal laws may have been violated in connection with the operation of the House bank. Our constituents expect us to do our duty and to do what is right.

By rejecting the Gephardt resolution, we have voted to do our duty, to make this decision on our own, not to defer to another branch of Government to do it for us. Now, we must do what is right; and who can argue that we should not cooperate with the Attorney General's investigation to the maximum extent possible?

All of the original House bank records, including, I am informed, the settlement sheets, are on microfilm or microfiche requested by Judge Wilkey's subpoena. That is surely the minimum we should provide. We can and should agree tonight to provide Judge Wilkey with the 41 rolls of microfilm he has requested. We do that by adopting the Michel resolution.

It is the right thing to do because none of us want to stand in the way of a valid criminal investigation. In fact, we want to cooperate.

It is the right thing to do because there is no constitutional issue as to the release of the microfilm. Neither the speech and debate clause nor the fifth amendment are implicated by this request.

And it is the right thing to do because the American people deserve to know whether any Member of this body may have violated a law.

I urge that the Michel resolution be adopted.

Mr. GEPHARDT, Madam Speaker, I yield 3 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD, Madam Speaker, of course Members of Congress are not above the law. This body has responded to valid subpoenas in the past for bank records. This is not a case of a criminal investigation. This is a diversion from getting this country back on track. This is an attempt to open this body up and put it on the plate of a Presidential monarchy and to dilute the House of Representatives of these United States.

This is a question of the balance of powers. And how are those questions resolved? When one body of this Government has a dispute with a second and equal body, we go to the third body and seek resolution, as we attempted with the Gephardt resolution. I may not like the response of the court, but

that is the way that disputes between two equal bodies are decided.

Instead, what are we about to do? Dilute the House of Representatives. This whole issue, as I told my constituents in the last 2 weeks, is not about the bank. It is about diverting our attention from the real scandals of this country.

This same Justice Department that wants to paw through the copies of our cancelled checks is the same Justice Department that has failed to collect the \$79.1 million in restitution against those savings and loan defendants, and has instead only collected \$349,000.

The same Justice Department that wants to paw through our checks has levied fines against savings and loan, convicted criminals, convicted criminals, mind you, of \$4.5 million. And do the Members know what that Justice Department has collected? \$15,200. That is the Justice Department that wants to go on this fishing trip. That is the Justice Department to which we would abandon the soul of this House. And that's real scandal.

I will proudly vote "no" on the Michel resolution.

Mr. MICHEL, Madam Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE, Madam Speaker, the interpretation of this inquiry by Judge Wilkey as an aspect of Presidential politics is, to put it kindly, off the wall, as far as I am concerned. The separation of powers which has suddenly become a theological principle was never even considered when Daniel Ortega was the object of negotiations by Members of this body, bypassing the State Department and bypassing the Executive, who has, under the doctrine of separation of powers, primacy when it comes to foreign policy.

As far as Judge Wilkey and his FBI agents pawing over the records, as I understand it the GAO has been pawing over these records for a long, long time. I am not sure they are bound by the secrecy that the grand jury is bound by, and the confidentiality. We do know there was a list out there somewhere in the possession of somebody, at least if newspaper stories are to be credited with accuracy.

Judge Wilkey has been given a mandate to explore the operation of this bank to see if there was criminal activity. Why should he have to take our word that there were 170 or any other number of people who never wrote an overdraft check? He will find out for himself. Why should he accept the word of this body, whom he is investigating? He will look at all of the records and winnow out those that have no criminal relevance whatsoever and not be bothered with them. They have enough to do taking care of those that are questionable and that are problematic.

When we run for public office we are not required to disclose our income tax

returns, but if we are asked by the media, if we are asked by our opponents, we do it. We do it if we are smart and we do not want to indicate we have something to hide. We disclose. We are not compelled to do it, but we are in the public eye and we should act accordingly. I support the Michel resolution.

Mr. GEPHARDT, Madam Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. WOLPE].

□ 2210

Mr. WOLPE, Madam Speaker, I rise in opposition to the resolution that is before us, offered by the gentleman from Illinois [Mr. MICHEL]. I understand the die is cast and that the Michel resolution is about to pass. But I feel an obligation to make a few brief observations.

I will not be a candidate for reelection this coming November, but I still care deeply about this institution in which I have been privileged to serve for some 14 years. And I have listened closely to the debate this evening. What I have found profoundly disturbing is how few Members who have risen in support of the Michel resolution have even attempted to justify their support on the basis of the merits. Time and time again we have heard in the course of this debate that this was the wrong thing to do, that there were serious constitutional principles at stake.

But the public, we are told, would not understand a vote based on the merits. Public opinion, we are told, demands that we vote, in effect, against the merits. That was the substance of the argument made by many of those who have risen in support of the Michel resolution.

Let me submit that that is the cruelest kind of cynicism coming from those who profess to lead this country of ours. We talk a lot these days about the cynicism of the American public that is being directed at this institute, and there are a number of us, Republicans as well as Democrats, who have risen, in very recent days in fact, in an effort to defend this institute.

We understand, all of us here, that the source of the frustration of the American people is fundamentally a policy gridlock. We have a White House going in one direction and a Congress that thinks that direction is not right and has a different set of priorities. We all understand that it is this policy impasse that underlies the pain and the frustration of the American people.

But there are some who would like their constituents to believe that it is the Congress—the Congress as an institution—that is the enemy of the American people. Because that perception serves those who have been shaping and directing national economic policy for a lot of years now, and who desperately want to avoid a debate on that

policy, if we acquiesce to the cynicism that we have heard voiced by many Members of this Congress tonight, suggesting that we cannot trust the American people to understand the real issues, why should they trust us to provide leadership for them? It really is a matter of trust.

I happen to think that our constituents can understand that if Members of Congress are not prepared to defend matters of fundamental privacy and fundamental constitutional principles for themselves that there should be no reason to believe that those same rights of American citizenship are going to be any better protected for them. Moreover, why should we expect the American public to rally in defense of the Constitution and of those principles that we were elected to uphold and sworn to uphold if we are not prepared to defend that Constitution and those principles ourselves. That is really the issue. Are we prepared to dutifully act on our constitutional obligation, to make judgments based upon our sworn obligation to uphold the Constitution, or are we going to abandon that obligation and those principles?

We have had some pretty tragic moments in American history when in a moment of panic and hysteria we have abandoned the Constitution. And we have paid dearly for those periods when we have forgotten the importance of those documents that give meaning and definition to the American experience.

Let us all understand that the issue here tonight is not whether or not there should be full disclosure of anyone that has engaged in criminal conduct. We want anyone for whom there is cause to believe criminal conduct has occurred to be subject to that subpoena and to have their bank records made available. But to suggest that virtually every Member of this Congress is essentially vulnerable to having all of his or her private financial records laid out in full view of a special counsel, who many of us think is politically motivated, I think is an outrage on its face. And I submit that it is not our rights alone that are at issue here. It is the rights of each individual American citizen. Does our Constitution apply to Americans equally or does it not? That is the question that is before us tonight.

I hope that there will be some Members here who have enough faith and enough confidence in their constituents that they will feel able to speak the truth this evening.

Mr. MICHEL. Madam Speaker, I yield 2½ minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Madam Speaker, I have been here a little while now, and most of you folks know me, and you know I am not a real partisan person. I have never really felt too involved in

this uproar that has been going on about the bank, because I never wrote a check, and I never made a deposit. But I hear all of the rhetoric here tonight about it being a question of a division of the power of the U.S. Government, and it is a bunch of baloney. It is just a question of a bank.

Now, what happens in a little bank in the country if there are some problems in the bank? The bank examiners come in, and they look through everybody's records, and if they find some wrongdoing has occurred they call on the FBI. And if the FBI confirms it, then they go to the U.S. attorney. And if the U.S. attorney says yes, there is a question, there is something bad here, then it goes to the grand jury, and you have some indictments, and then the question of guilt or innocence is settled in the court. That is the American way.

So now we get this little old Mickey Mouse bank downstairs. I never even knew what went on in there, you know, until all of this surfaced. I figured if you went in there to talk about your retirement plan or something, that was the place to do it. I never really paid much attention to it.

So anyhow, this uproar has developed about problems with the bank down there. It is not the kind of bank that most banks generally are or as we know banks, so there has been criminal activity suspected as going on down there. It is not the kind of place where the bank examiners can come in, and then the FBI comes in, and then, you know, the U.S. attorney or the Solicitor. You cannot go through the regular process, and the whole country is wondering what in the world is going on with that Congress now.

So we have the special prosecutor, and the special prosecutor comes in and he says look, we want the records of the bank. I do not see why we do not just give them everything they want and let them go through all of the checks, let them check everything. If criminal activity is suspected, then they can turn it over to the authorities, and eventually there will be indictments. Hopefully, that will not occur, but then guilt or innocence can be determined for Members of Congress, if it has occurred, in a court of law.

It would just seem to me that if you vote against making an amendment you either have something to hide or you really are expressing a political deathwish.

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

Mr. GEPHARDT. Madam Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Speaker, America is really changing all right. As soon as there is a controversy, Congress runs scared.

Let us look at America today. The courts are getting stronger. Congress

has allowed it. Through a legal machination called precedence, the courts now write many of our laws.

The Presidency is getting stronger. The Congress has allowed it.

I want someone to show me in the Constitution where it gives the President the power over foreign affairs. The Constitution is clear. Congress shall regulate commerce with foreign nations. Congress shall draft all laws. Congress shall establish the courts and tell them what their hours are, what days they could meet and where they will meet. The Congress shall coin money, and the Congress shall represent the last balance of power: the people. But, you see, the problem is we have allowed Congress to grow weak. In my little humble way I would just like to say this: There has never been in world history any group or nation of free people ever overthrown or toppled by a parliamentary forum of duly elected representative government, never.

□ 2020

But there have been many groups and nations of free people toppled by powerful courts who turned their backs on people and powerful individuals vested with excessive control.

Under stress, Congress has turned into a bunch of constitutional wimps. The sheriff disagrees with what you do. I am not an attorney. The Justice Department wanted me to do 23 years. The people of my district already sentenced me to 8.

But I will say one thing I will not be a part of: I will not be a part of letting the People's House be denigrated by scandal. Correct the scandal, but do not take the power away from the people. That is what we are basically doing.

So in our fever for partisanship here, and the partisanship thing could change in years to come. We are now only whittling away at the majority. We are beginning to take big chunks out of the Constitution. But who here really cares?

I think we have got an election coming up, and the trouble with our country is we are driven by elections, not by the Constitution, and we swore an oath to the Constitution, not to the damn election cycle.

Mr. MICHEL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I want to say to my colleagues that in the last vote what we decided was that this House would not deliberately make subservient its House to a third branch of government, the courts, which in my opinion was the correct decision. But we did not resolve the issue of what we will do with the subpoena before us.

I was a career criminal prosecutor before being elected to Congress, and I spent many years putting together cases involving checks and such instruments.

I urge a vote for the Michel amendment. We have a choice at this point. We can either cooperate, or we can resist, and we can assert the independence of the House against the subpoena. As you have seen, there are some reasons to do so.

But I do not think that that would be a wise course, and this is the reason: I think this matter has gone beyond any one account or any one individual or any group of individuals. I think this matter now gets into the operation of the House bank as a financial institution.

How is it operating? Who has raised that issue? Many of us have raised it ourselves. Many of us from this well or in public statements have questioned the operation of the bank and have said, in fact, it is the operation of the bank that there are so many people listed as having written overdrafts on the list we released recently.

Since we ourselves have raised the question of the House bank, then we owe it to the special counsel to provide every possible means to examine the House bank, and I can tell you that when an institution has to be examined, the only way that can be done properly is for the person examining, in this case the special counsel, to get possession of all the records possible and then, through sifting through, set aside those records that have no further use in the investigation. But oftentimes that cannot be established in advance.

If we want the special counsel to do his job, if we want the institution of the House bank which we ourselves have questioned publicly to be examined properly in this investigation, then we should agree to the subpoena and vote for the Michel resolution.

Mr. GEPHARDT. Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Madam Speaker, it is not often that we have the absolute certainty of knowing that history will, in fact, note what we do in this body at a particular moment. You can bet on it, history will note what we are doing today.

I guess it has not been bad. The Constitution of the United States has had a 200-year run, and I guess what we are saying in this body today is that that is enough, because we are certainly turning the American Revolution upside down.

That revolution was fought because the colonists decided that they would not allow such a monarch, a person, to determine what, in fact, goes, that we would have representative government.

And now, the vote that was taken on the Gephardt resolution, I can believe

that a lot of Members on the minority side, the Republican side, might have agreed with the gentleman from Illinois [Mr. MICHEL] and against GEPHARDT. But to have every single member of the Republican Party vote in opposition to GEPHARDT, tell me that that is not political. Tell me how much you love the institution. Tell me how much you care about this body and this country and democracy. When I was going to high school, there was a noted playwright, radio playwright, called Norman Corwin, who wrote a marvelous radio drama called "The Hollow Men"; and he depicted how American democracy fell because those who were sworn to uphold it were really hollow, did not understand what democracy was all about.

Here we are. And here we are for the basest of reasons. What is going on today is the founding of the Willie Horton issue of 1992.

Shame on you. Shame on you.

Mr. MICHEL. Madam Speaker, I yield myself such time as I may consume.

Just a quick observation; you know, I do not consider this to be a political issue. I noted that 123 Democrats had the good sense to vote for our side. Now, you do not have that kind of division in this House and call it politically partisan. When it is one side versus the other straight down the middle, then maybe you can call it political.

Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Madam Speaker, I thank the gentleman, the Republican leader, for yielding me this time.

Madam Speaker, I think it is, indeed, very unfortunate that this debate has degenerated into a political football.

We have heard several speakers tonight impugn the reputation and professionalism of Judge Wilkey and his investigative team of career prosecutors and career investigators. Who are we to attribute partisan motives to those individuals, the majority of whom are career Federal civil servants, when the basis for their investigation is the public allegations of criminal wrongdoing, or potential criminal wrongdoing, in conjunction with the House bank scandal?

The whiny tone of the debate is somewhat suggestive of a jailhouse lawyer who thinks he can somehow beat the rap or at least postpone the day of reckoning by resorting to legal ploys.

I would like to set the record straight. Judge Wilkey sought a grand jury subpoena when it became clear that the House leadership would not, or could not, voluntarily surrender the records of the House bank's operations. He specifically identified the records in question as 41 rolls of microfilm in the custody of the House Committee on Standards of Official Conduct. That is very narrow and a focused request for documents.

The examination of these records, as other speakers have noted, is consistent with standard investigative procedure when a financial institution fails under a cloud of mismanagement or self-dealing.

The records, when transferred from the House of Representatives to the Justice Department, will be protected by the secrecy accorded grand jury proceedings by law and the Right to Financial Privacy Act, a fact that both Judge Wilkey and the Speaker have acknowledged publicly.

Furthermore, Judge Wilkey in his letter of April 27 and in his letter to the Republican leader today has stipulated a procedure for segregating the records of those Members with no purported overdrafts from those named by the ethics committee under House Resolutions 236 and 293.

These records are of critical importance if we are ever going to place this matter behind us and provide the public with a full accounting as to those allegations originating with the statements of members themselves of possible wrongdoing in violation of the Federal Election Campaign Act, the IRS Code, the Ethics in Government Act, and other applicable laws.

□ 2230

Indeed, Judge Wilkey as we have noted in this debate tonight, is on record as stating that his preliminary inquiry has "already unearthed evidence that a classic check-kiting scheme may have occurred."

Under these circumstances, are we to stand here tonight defiant and contemptuous of the very laws we are sworn to uphold? Or are we going to uphold the honor of the House, which requires that we fully, faithfully and expeditiously comply with the grand jury subpoena for records?

Madam Speaker, I urge a "yes" vote on the Michel resolution without further challenge, opposition or delay to the subpoena.

Mr. GEPHARDT. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I simply wanted to correct one statement that was made by the previous speaker. And that was that the leadership in the House could or would not turn over the materials and, therefore, a subpoena was issued. I just want to make it clear that in our meetings with Judge Wilkey we made it very clear that we intended to comply but we did say that under our rules we could not, did not, and do not have the power to hand Members' records over to anyone and that it had to be done by order of the House. That is why we are on the floor this evening.

Madam Speaker, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Madam Speaker and Members of the House, I feel very much like a victim tonight, victimized be-

cause I am a Member of this Chamber composed of individuals who are not willing to stand up to defend the rights of even one single member. This institution, I think, is under challenge tonight. The minority whip said earlier this evening that all he was asking the House to do was to surrender, without regard for the Constitution, without regard for due process and to simply cave in and agree to the subpoena that has been called for. He suggested further that if Members felt aggrieved, that we could go to court, and each one of us could lay our individual claims.

I did not happen to write any overdrafts in this bank and I have no cause to be alarmed as to what will be found if my checks were to be turned over. But I have a deep sense of righteousness, a sense of privacy that I would think every member of this House would want to protect for any single Member who could be hazarded by this unfair subpoena.

The minority leader said that the special counsel was willing to look at the records and return 170 records *carte blanche* of people that did not write any overdrafts. If it were that simple an act for the Justice Department to do, then why not change the subpoena, to begin with, and call for only those that wrote overdrafts? The minority confesses the defects in the subpoena yet they are unwilling to have it corrected.

What I do as an individual in political life is open to challenge by my constituents. But certainly I have a right to my private life. What is happening tonight is a clear invasion and violation of my rights, and I urge this House to defend my rights of privacy and not order the subpoena against my records. Like myself 170 Members wrote no overdrafts. To seize their records without just cause, without any cause, is a gross violation of our constitutional rights. I cannot waive my rights; I would be deemed to have forfeited them contrary to my constitutional rights.

I want those who committed criminal acts to be prosecuted. It is the duty of the Justice Department to prosecute criminals. It has the ability to write a subpoena that does not violate the innocent's right to privacy.

All I want is to have the court determine the validity of this subpoena as is customary in all cases. My rights of privacy require me to defend them, as I alone am the loser if they are violated.

Mr. MICHEL. Madam Speaker, I yield 3½ minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Madam Speaker, I would like to thank the gentleman from Illinois [Mr. MICHEL].

Madam Speaker, when seven of us had the audacity last fall to stand in this well and first question about the House Bank, we had absolutely no idea

where the investigation would lead and whether Members on that side of the aisle or this side of the aisle were involved. As we know now today, it has been a painful decisionmaking process and a painful discovery for many of our colleagues. But when we stood here last September, there was one fundamental question that had to be answered: Did anybody in the House of Representatives break the law in the operation of the House Bank?

When I went through a series of town hall meetings in Wisconsin over the last several months and the last several weeks, I had people at those town hall meetings stand up and ask me the question: "Did anybody in Congress break the law in the House Bank?"

And you know what? After debates through September, October, November, December, January, February, March, and April, we still do not have an answer to that fundamental question. I think we have a responsibility to answer the question for everybody who sits in this Chamber, for each one of the American people and for this institution as a whole, because the greater affront to the institution is not that we ask if our colleagues have broken the laws but that continually along the way we have refused to answer that question. And I do not blame the Committee on Standards of Official Conduct, because the Ethics Committee was never charged and never asked to fulfill that responsibility. But now we have an opportunity to answer those questions, and if you want to put this issue behind you, the way to put the issue behind us is to turn those records over to the special counsel.

Now, everybody knows that many of those records involve both determinations and records for Members who had troubles and for the 170 who had no problem whatsoever. Daily logs contain the transactions of both of those, those who are completely innocent and those the Ethics Committee indicated were under suspicion.

Now, we cannot, I do not think, by any reasonable standard of criminal law or any reasonable standard of public opinion, expect those of us in the House to purge the records of those who are innocent and those who have troubles. Tonight I would like to urge my colleagues to give the records to the special counsel and allow him to proceed, and if we should have learned one lesson over these last 8 months of debate and the last 8 months of charges and countercharges and the rhetoric when we cut through it, if we should have learned one simple lesson, it is Mark Twain's old axiom, "When everything else fails, simply tell the truth."

This is not the time for the legal challenge to this kind of subpoena and it is not the time for that kind of case. It is the time to answer the fundamental question that was at the heart of the debate and really at the heart of

the entire issue and controversy over full disclosure: whether or not anybody in this institution broke the criminal laws of the United States of America.

Tonight, by turning over those records, we answer that finally, that lingering and, I suspect, ultimately very painful question, whether anybody here broke the law, and that is what the debate and the fight was about last September and that is what I think ultimately the debate and the fight is about tonight in this House.

Mr. GEPHARDT. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I first would make the obligatory disclaimers where relevant: I did not write any checks on the House bank during that period. I did all my overdrafting in Massachusetts to stimulate the local economy. My chief assistant did say that whoever would have thought that there would be a big noise about sloppy financial records and "you wouldn't be on the list," so I was treated like everyone else. That is all I think Members of the House ought to ask for. Members of the House have, I think, the House that is an institution in the past has overrelied on the separation of powers argument, I think we have.

Queen Elizabeth I is dead. The likelihood of our getting our tongues slit because of things we say here and being sent to Star Chamber is less than some of our people sometimes think. But if we should not have more power, neither should we have less rights. When we are talking about fundamental rights of citizens, I believe. I was a little bit disappointed when my friend from South Carolina closed by saying if you are against this you either have something to hide or a political death wish. I may have manifested the political death wish inadvertently from time to time in my past. But I do not have one anymore. And I still do not have anything to hide. I did not write any checks on this bank.

But privacy is not necessarily something to hide. If the—let me just address what the gentleman from Wisconsin said. He said he went through, and he listed all the months, and he got them all right, the order was perfect, January, February, March, I was very impressed. And he said, "We still don't know who broke the law." Nobody here has interfered with the Department of Justice from beginning a normal criminal investigation. They have had every power to do so. Under the independent counsel statute they could have appointed an independent counsel if they wanted to, which can be done at the will of the Attorney General about anybody.

No one here has impeded a criminal investigation. So no one has a right to suggest that there was any such obstruction. The question, though, is

what is the reasonable scope of the subpoena? And I do not understand why Judge Wilkey has subpoenaed every check with the payees, and that is a problem. The gentleman from South Carolina asks, "What have you got to hide?" A kid who goes to a psychiatrist; a relative with AIDS; a relative who you have to help support because he or she is not making it and maybe you do not want to make that public.

□ 2130

Madam Speaker, I say to my colleagues, "Let me look at the payees of all of your checks, and I will know an awful lot about your private life." Not me. I kind of inherited growing up in Bayonne. Most of mine said "Cash." But I would guess that a look at the payees of most people's checks would tell a lot about private lives that are irrelevant to anybody. That is not something to hide. That is not a political death wish.

I say to my colleagues, "I don't think the penalty for having had an association with a Member of Congress ought to be, or that your illness, your emotional infirmity, your financial difficulties, that that ought to be made public."

And people say, "Well, we're not making it public. We're just subpoenaing it."

Yeah, and this is where we are different than the normal bank. When a normal bank goes under, I guess they might look at all the records, and the normal bank has thousands and thousands of depositors who are relatively anonymous. We are talking here about 435 very highly visible people and looking at their checks, and is it unrealistic to think that there is a danger of a leak when every payee is there?

Tell that to Bill Gray. Tell that to the former whip of this House whose reputation was unfairly tarnished by a leak that came out of the Justice Department under Attorney General Thornburgh when it was not only a leak, but an inaccurate leak, when his reputation was twice unfairly and inaccurately tarnished by the suggestion that he was involved in illegal activity, which was absolutely untrue, and that came out of leaks there.

No, I do not believe that if every payee of every check written by every Member of the House of Representatives; not me; I did not write any here; but if every payee of every check written on the House Bank goes over to be looked at by hundreds of people, because Wilkey is not going to look at it all himself, I do not believe there is no danger of a leak. I do not believe there is no danger that some 16-year-old might read in the paper about a psychiatrist or that someone might read in the paper about an illness he or she has. That is what we are worried about.

Madam Speaker, if that is whiny, then maybe it is whiny, but I do not

think a respect for privacy is there, and I had always thought the basic principle was there. They got a right to get the payees in some cases, but not without a threshold showing of wrongdoing. That is what we are talking about. Give me every check, and let me in this very political atmosphere with the possibility of leaks look at the payee of every single check, and, if I get a real juicy one, then maybe it is going to get in the paper, and afterwards I am sure Members will say how sorry they are when some poor individual's life is wrecked through no fault of his or her own.

Let them come back and offer to blank out the payees, and then I will vote for it. I do not understand why the payee in every case is relative at all. If we are talking about the size of the float, I do not understand that.

Mr. RIGGS. Madam Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. RIGGS. Madam Speaker, I appreciate the gentleman from Massachusetts [Mr. FRANK] yielding.

Madam Speaker, I just want to ask his opinion as to who would be the proper person, and I think it is agreed that—

Mr. FRANK of Massachusetts. Quick. I have got 5 minutes.

Mr. RIGGS. The records are commingled on this microfilm, so who then should be charged with the task of segregating the records? Our employees or the Justice Department?

Mr. FRANK of Massachusetts. The gentleman misunderstands what I said. I did not say "segregate the records." I said, "Blank out the payee." Who would blank it out? Anybody here could blank it out. We are not segregating it. The gentleman was so fixated on his argument that he has not listened. I was not talking about segregating. No payee ought to go there unless there is a surface showing that there is a wrongdoing.

Madam Speaker, I am out of time, but I do not think, however Members vote, that they ought to confuse some concern for the privacy of innocent individuals whose only crime, and it may be considered a crime by some, is to be associated with Members here, that their privacy ought to be shredded.

Mr. MICHEL. Madam Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Speaker, this is almost getting comical, but, as a very young man, if I did something wrong, my mom would tell me to go tell my dad. My dad is 6 foot 1 and 230 pounds, and I guarantee my colleagues that I did not want to disclose to him any wrongful activity. My mom was not partisan.

Madam Speaker, Judge Wilkey is only looking at wrongdoing, not personal preference. How can we call it a

witch hunt when the minority leader is willing to divulge all of his records? All of our records that support the Michel amendment will support and divulge our records at the same time. It is not exclusionary.

When I was CEO of a troop, I asked my troops to take drug tests, and they objected. Each time, as their leader, I stepped forward and took the drug test ahead of them. The gentleman from Illinois [Mr. MICHEL] is stepping forward ahead as our leader and saying he will disclose his records. He is not expecting any other person to do anything that he is not willing to do himself.

Mr. MICHEL. Madam Speaker, I yield 1½ minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Madam Speaker, in my judgment Congress, as an institution, is handling the bank overdraft scandal as personally and as badly as the Nixon administration handled the Watergate break-in. Congress is under investigation, and we, the organization under investigation, wants to decide what documents the investigator has a right to see. I find this absolutely mind-boggling.

We need to cooperate with the special counsel and let him do his job, and we should do our jobs. Attempts of this House to claim legislative privilege under the separation of powers doctrine is too reminiscent of White House attempts of nearly two decades ago to claim executive privilege. Both claims are wrong. In both instances the doctrine of separation of powers yields to the equally powerful doctrine, of checks and balances.

Madam Speaker, we must provide full and complete disclosure to the special counsel and do it now. We are simply not above the law. What is fair for the rest of the country is fair for us.

Mr. MICHEL. Madam Speaker, I yield 1 minute to the gentleman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Speaker, tonight I rise in support of the Michel resolution to supply the special counsel to the Attorney General, Judge Malcolm R. Wilkey, with the microfilm that he has requested in order to further his inquiry into criminal wrongdoing at the now disbanded House Bank.

I feel that providing these materials to the special counsel is imperative to investigate any criminal activities that may have taken place at the House Bank, and I have previously voiced my belief that a criminal investigation should indeed take place.

It is important however to note that the resolution we are currently considering further states that the House relies upon the assurances of the special counsel that necessary steps will be taken to provide full protection and confidentiality to the records; that no constitutional rights applicable to any Member or employee shall be construed

as being deprived; and that the House wishes to maintain communication and cooperation with the Special Counsel so as to promote justice that is consistent with the privileges and rights of the House.

These conditions are important to maintain the integrity and constitutional authority of the House as separate from the executive branch while also allowing the release of the information that I believe will further aid in a criminal investigation, a criminal investigation that I fully support.

Mr. MICHEL. Madam Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for yielding this time to me.

Madam Speaker, I find it strange that many of my colleagues are upset about this. There is no question of separation of powers. There is no constitutional problem. There is a problem, however, about some of this stuff being brought to the attention of the public. There is a problem that there may be some criminal indictments and the investigations may lead to some real problems for some people in this Chamber.

But I did not see any real concern when we had the Watergate problem on that side of the aisle. I did not see any concern when we had the Iran-Contra investigation or any questions about constitutionality when that investigation took place, and there were really no substantial convictions. Everybody was let off after a period of time. But everybody on that side of the aisle said we had to go forward. When executive privilege was claimed by President Nixon, that went by the wayside. Nobody paid any attention to that.

But now, because this body is being investigated, everybody is straining and saying, "No, no, we can't do that. We can't let that happen."

The fact of the matter is the credibility of this institution is at the lowest level in history. Seventeen percent of the people in this country believe we are doing a good job or believe that we are honorable people. We have to restore the confidence in this institution, and what we are doing tonight by trying to set up a road block to this investigation is dead wrong, and it is not going to help this institution, and it is not going to help the Members of this body.

Madam Speaker, all of this is going to come out anyhow, so we might as well get on with it, and for those of my colleagues who continue to try to stop this investigation let me just say, "Me thinks you protest too much."

□ 2250

Mr. GEPHARDT. Madam Speaker, I would inquire how much time is remaining on both sides.

The SPEAKER pro tempore (Mrs. KENNELLY). The gentleman from Missouri [Mr. GEPHARDT] has 4½ minutes remaining, and the gentleman from Illinois [Mr. MICHEL] has 1½ minutes remaining.

Mr. MICHEL. Madam Speaker, there has to be an erroneous count up there, because I have 5 minutes remaining under my count. We should check the count.

The SPEAKER pro tempore. The count is being double-checked.

Mr. MICHEL. Madam Speaker, do we have the right to close?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] has the right to close.

Mr. MICHEL. Then why do we not proceed?

Mr. GEPHARDT. Madam Speaker, I yield 4½ minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Madam Speaker, we should first correct some misstatements made by our colleagues on the other side. In the first place, when the FBI wants to go into a bank and look at your checks, it just cannot dance in. It would like to, and every once in a while it asks us for a particular procedure, but we never let them do it. We do not change the law that way. They have to go to a judge and describe what they are after and why they are after it, and the judge has to give them permission.

The second error that was made over here on this side was that during the Watergate hearings by the Committee on the Judiciary, and I was a member of that committee, that each and every subpoena was not challenged.

Every single subpoena that the President did not want to comply with went to court and we had the court make the decision, Judge Sirica on many occasions.

Madam Speaker, I have here before me the resolution of the gentleman from Illinois [Mr. MICHEL]. I feel very sad about it. I think if it is going to pass, and I am sure it is going to pass, we are going to have to live with it for a long time.

Madam Speaker, it forgets our history. It is a dismal document that we are going to be ashamed of for a long time.

We are forgetting our history. Our history was that people came over from foreign countries where the federal police could go to your home, could go to your office, could go to your farm, and, without any due process, without any warrant or anything else, they could examine or take your records.

Well, our Founders did not go along with that. They established the Constitution so that Federal police could not do that any more.

Who is Judge Wilkey? Judge Wilkey is the Federal police. He is an adjunct of the Department of Justice, the chief law enforcement officer of this land.

We are giving the Federal police in this case by this vote unlimited power, no check whatsoever. The courts are there to check power for the safety, for the enforcement of provisions of the Constitution. To give this unbridled power to Judge Wilkey, who has already indulged in a couple of outrageous leaks when he said, "I have evidence of check kiting," the day before yesterday, and going on NBC news and on public TV. He is not supposed to do that.

Madam Speaker, that is entirely wrong. It shows that he is politically motivated and not professionally inclined.

Madam Speaker, I am going to vote against this resolution, of course, and I hope as many Members who can will. It is something that we should not have. We should not have to have it in our RECORD of this great institution.

Mr. MICHEL. Madam Speaker, I yield the balance of our time to the distinguished gentleman from Florida [Mr. MCCOLLUM], to close debate on our side.

The SPEAKER pro tempore. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 3 minutes.

Mr. MCCOLLUM. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I have heard some pained voices out here tonight discussing the whole question of what we should do, and I think very sincere and genuine disagreements exist among our colleagues. I can assure you from having sat in on our Republican leadership meetings yesterday that many of our Members express some of the same concerns and debated those concerns that I have heard expressed on the other side of the aisle tonight.

But the question that is before us in the Michel amendment is not one of partisan politics. It is a question of what the public thinks of the integrity of this House.

I think that despite the concerns we all share to one degree or another about some of the questions raised tonight, the public does not perceive them that way. They will perceive it as hair splitting if we do not vote for the Michel amendment. They will perceive us taking some role as special or different, because the fact is, that what Judge Wilkey has asked for and what the Michel resolution would give him in the microfilm is really nothing more than would occur in a normal grand jury investigation proceeding that would occur downtown anyway with any other case in any other court that is dealt in this land.

We do have problems with RICO statutes. We have problems with special prosecutors. I do not doubt for a minute that there are many people who have problems with the long arm of a prosecutor and lots of places getting hold of records to make that so-called grand jury investigation, and we need

to go back and maybe address some of those laws in this body that we have passed that allow that to happen.

But the fact is we have an obligation. We are not the criminal investigative body. It is in the executive branch. It is in the Attorney General's Office.

We have an obligation to cooperate, just as the private citizen has that obligation, however painful that may be, and that is what we are doing tonight by voting for the Michel resolution. We are voting to give information to a prosecutor who is bound by the law not to disclose the confidential information that is there. Anybody who does down there can be prosecuted for doing that, and that is more than I can say for some of the confidential information that has been disclosed from this body from time to time.

I also want to point out that any Member individually has the right to file a motion in court if he thinks he or she is being wronged by this process. File a motion to get an order to quash all of this.

There really is no speed and debate question here. Nothing at the House Bank took place, no records involved a committee or floor action. We are really not talking about separation of power truly because we are voluntarily giving the record out by the vote tonight.

I do not think there is any doubt but what we have to do is simply go forward, for the integrity of this body tonight, to vote for the Michel amendment to disclose the microfilm. The judge says he cannot make the distinctions because of the nature of that microfilm with respect to what is down here until he gets it in his shop, and then he will take the steps to do that.

We have to trust him. I believe we should trust him. And his people, if they do wrong, they ought to be prosecuted because they violate the law. But the public demands us to treat ourselves the same way we treat them. In this case it demands that we turn the records over for criminal investigation to the prosecutor in this case to examine. That is the fair thing to do, the honest thing to do, the necessary thing to do for the integrity of this House.

Madam Speaker, I urge my colleagues to vote for the Michel resolution.

Mrs. LLOYD. Mr. Speaker, I rise in support of the Michel resolution—to comply with the Justice Department subpoena for full access to House bank records. The American public has repeatedly called for full disclosure of all information relating to the records of the House bank. They expect us to do our duty and do what is right. All Americans deserve to know whether any Member of this body violated the law. Nothing short will suffice.

We must be able to distinguish between Members who made honest mistakes, and those who blatantly misused House banking privileges.

The alternative to full compliance with the subpoena—the Gephardt resolution, merely

calls for the House to respond to the subpoena after judicial review "if the courts determine it to be appropriate, material, and relevant to inquiry undertaken by special counsel." I feel this is no more than a delaying tactic, which clearly is not warranted. We need to get this issue behind us to get on with the important business of the Nation. Only full compliance with the Justice Department investigation will allow us to do so.

Members arguing against full compliance have stated that we should invoke the privileges of the House to stop Members' bank records from being examined. This is wrong. Americans are tired of what they perceive to be such congressional privilege. No Member of Congress is above the law. Let's get this information to the Justice Department expeditiously. Let the chips fall where they may and allow us to get on with the Nation's business. This is the best way to reconcile this matter and provide the special counsel with the records he needs. We must fully comply with Judge Wilkey's request for full access to all records of Members at the bank.

Full compliance with the special counsel's request is the surest way to protect the reputation of the House and make sure that justice is done.

We must rebuild the credibility of this institution. The only way to do so is by demonstrating full cooperation. If there is no wrongdoing found—the public deserves to know this. If there is wrongdoing—it should be attended to. We need to satisfy our pledge to the public for full disclosure of all available information. We have to do the right thing and comply with the subpoena.

If the American people could vote, it would be for 100 percent disclosure and full compliance with the Justice Department. I agree. I am confident that this will serve the Nation best.

It's not unreasonable to provide this information to the Justice Department. This issue demands fairness and due process.

I urge my colleagues to join with me and support full compliance with the Justice Department subpoena.

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of House Resolution 441, which calls for the immediate release, to special counsel Malcolm Wilkey, of all records pertaining to the House bank. This institution must cooperate fully with the special counsel to quickly dispel any assumption that a coverup is taking place or that Members of Congress are above the law.

We should permit Judge Wilkey to conduct a full investigation to see if any laws were violated, and if there were, we should deal with those that are guilty, swiftly and sternly. It is often stated that this institution is the people's House, well, the people of the United States deserve a thorough investigation into any possible wrongdoing. Mr. Speaker, we must continue to open up how our administrative business is conducted in this body, and I'm hopeful that this will lead to more fair and open rules when we consider our legislative business.

The SPEAKER pro tempore. Pursuant to the unanimous-consent agreement, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 347, nays 64, answered "present" 2, not voting 21, as follows:

[Roll No. 92]

AYES—347

Ackerman	Doolittle	Jefferson
Allard	Dorgan (ND)	Johnson (CT)
Allen	Dornan (CA)	Johnson (SD)
Andrews (ME)	Downey	Johnson (TX)
Andrews (NJ)	Dreier	Jontz
Andrews (TX)	Duncan	Kanjorski
Anthony	Durbin	Kaptur
Applegate	Dwyer	Kasich
Archer	Early	Kennedy
Armey	Eckart	Kennelly
Aspin	Edwards (OK)	Kildee
Atkins	Emerson	Klecicka
Bacchus	Engel	Klug
Baker	English	Kolbe
Balleger	Erdreich	Kostmayer
Barrett	Espy	Kyl
Barton	Evans	LaFalce
Bateman	Ewing	Lagomarsino
Bennett	Fascell	Lancaster
Bentley	Fawell	Lantos
Bereuter	Fazio	LaRocco
Berman	Feighan	Leach
Bevill	Fields	Lehman (CA)
Bilbray	Fish	Lent
Bilirakis	Franks (CT)	Levin (MI)
Bliley	Frost	Lewis (CA)
Boehert	Gallegly	Lewis (FL)
Boehner	Gallo	Lightfoot
Borski	Gaydos	Lipinski
Boucher	Gejdenson	Livingston
Boxer	Gekas	Lloyd
Brewster	Gephardt	Long
Brenfield	Green	Lowery (CA)
Browder	Gibbons	Lowey (NY)
Brown	Gilchrest	Luken
Bruce	Gillmor	Machtley
Bryant	Gilman	Manton
Bunning	Gingrich	Markey
Burton	Glickman	Martin
Bustamante	Goodling	Martinez
Byron	Gordon	Matsui
Camp	Goss	Mavroules
Campbell (CA)	Gradison	Mazzoli
Campbell (CO)	Grandy	McCandless
Cardin	Green	McCollum
Carper	Gunderson	McCrary
Carr	Hall (OH)	McCurdy
Chandler	Hall (TX)	McEwen
Chapman	Hamilton	McGrath
Clement	Hammerschmidt	McHugh
Clinger	Hancock	McMillan (NC)
Coble	Hansen	McMillen (MD)
Coleman (MO)	Harris	McNulty
Coleman (TX)	Hastert	Meyers
Combest	Hatcher	Mfume
Condit	Hayes (LA)	Michel
Cooper	Hefley	Miller (CA)
Costello	Hefner	Miller (OH)
Coughlin	Henry	Miller (WA)
Cox (CA)	Herger	Moakley
Cox (IL)	Hoagland	Molinari
Coyne	Hobson	Mollohan
Cramer	Hochbrueckner	Montgomery
Crane	Holloway	Moody
Cunningham	Hopkins	Moorhead
Darden	Horn	Moran
Davis	Horton	Morella
de la Garza	Houghton	Morrison
DeFazio	Hoyer	Mrazek
DeLauro	Hubbard	Myers
DeLay	Huckaby	Neal (MA)
Derrick	Hughes	Neal (NC)
Dickinson	Hunter	Nichols
Dicks	Hutto	Nowak
Dingell	Hyde	Nussle
Dixon	Inhofe	Oakar
Donnelly	Jacobs	Obey
Dooley	James	Olver

Ortiz	Rohrabacher	Stenholm
Orton	Ros-Lehtinen	Studds
Owens (UT)	Roth	Stump
Oxley	Roukema	Sundquist
Packard	Rowland	Swett
Pallone	Sanders	Tallon
Panetta	Sangmeister	Tanner
Parker	Santorum	Tauzin
Pastor	Sarpalus	Taylor (MS)
Patterson	Sawyer	Taylor (NC)
Paxon	Saxton	Thomas (CA)
Payne (VA)	Schaefer	Thomas (GA)
Pease	Scheuer	Thomas (WY)
Penny	Schiff	Thornton
Peterson (FL)	Schroeder	Torricelli
Peterson (MN)	Schumer	Traxler
Petri	Sensenbrenner	Upton
Pickle	Shaw	Valentine
Porter	Shays	Vander Jagt
Poshard	Shuster	Volkmer
Price	Sikorski	Vucanovich
Pursell	Sisisky	Walker
Quillen	Skaggs	Walsh
Rahall	Skeen	Waxman
Ramstad	Skelton	Weber
Ravenel	Slattery	Weldon
Ray	Slaughter	Williams
Reed	Smith (NJ)	Wilson
Regula	Smith (OR)	Wise
Rhodes	Smith (TX)	Wolf
Richardson	Snowe	Wyden
Ridge	Solarz	Wyllie
Riggs	Solomon	Yatron
Rinaldo	Spence	Young (AK)
Ritter	Spratt	Young (FL)
Roberts	Staggers	Zeliff
Roemer	Stallings	Zimmer
Rogers	Stearns	

NOES—64

Abercrombie	Hertel	Rostenkowski
Anderson	Jenkins	Roybal
Annunzio	Johnston	Russo
Bellenson	Jones (GA)	Sabo
Blackwell	Jones (NC)	Serrano
Bonior	Kopetski	Smith (IA)
Brooks	Laughlin	Stark
Clay	Lewis (GA)	Stokes
Collins (IL)	McCloskey	Swift
Collins (MI)	McDermott	Synar
Conyers	Mineta	Torres
Dellums	Mink	Towns
Dymally	Murtha	Traficant
Edwards (CA)	Nagle	Unsoeld
Edwards (TX)	Natcher	Vento
Flake	Oberstar	Viscosky
Foglietta	Owens (NY)	Washington
Ford (MI)	Payne (NJ)	Weiss
Ford (TN)	Pelosi	Wolpe
Gonzalez	Perkins	Yates
Guarini	Rangel	
Hayes (IL)	Rose	

ANSWERED "PRESENT"—2

Frank (MA)	Wheat
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NOT VOTING—21

Alexander	Lehman (FL)	Roe
AuCoin	Levine (CA)	Savage
Barnard	Marlenee	Schulze
Callahan	McDade	Sharp
Dannemeyer	Murphy	Smith (FL)
Ireland	Olin	Waters
Kolter	Pickett	Whitten

□ 2320

Mr. RUSSO changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PICKETT. Mr. Speaker, I was unavoidably absent for three votes.

Had I been present and voting, I would have voted in the following manner:

On rollcall 90, I would have voted "no"; on rollcall 91, I would have voted "no"; and on rollcall 92, I would have voted "yes."

□ 2320

GENERAL LEAVE

Mr. MICHEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the resolution just agreed to.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from Illinois? There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 842

Mr. DYMALLY. Madam Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 842.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3090, FAMILY PLANNING AMENDMENTS OF 1991

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 102-506) on the resolution (H. Res. 442) providing for the consideration of the bill (H.R. 3090) to amend the Public Health Service Act to revise and extend the program of assistance for family planning services, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2056, TO PROVIDE EFFECTIVE TRADE REMEDIES UNDER COUNTERVAILING AND ANTI-DUMPING DUTY LAWS AGAINST FOREIGN-BUILT SHIPS

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 102-507) on the resolution (H. Res. 443) providing for the consideration of the bill (H.R. 2056) to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE ON TOMORROW

Mr. CONYERS. Madam Speaker, I ask unanimous consent that the Com-

mittee on Government Operations be permitted to sit during proceedings under the 5-minute rule on Thursday, April 30, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3438, H.R. 3439, H.R. 3440, H.R. 3441, H.R. 3442, AND H.R. 3605

Mr. RANGEL. Madam Speaker, I ask unanimous consent that my name be removed, which was inaccurately attached as a cosponsor to the following bills: H.R. 3438, H.R. 3439, H.R. 3440, H.R. 3441, H.R. 3442, and H.R. 3605.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FUNDS FOR CONTINUING EXPENSES OF STANDING AND SELECT COMMITTEES OF THE HOUSE

Mr. GAYDOS. Madam Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 429) providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by the standing and select committees of the House from May 1, 1992, through May 31, 1992, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 429

Resolved, That there shall be available from the contingent fund of the House such amounts as may be necessary for continuance of necessary investigations and studies by each standing committee and select committee of the House in the second session of the One Hundred Second Congress for the period beginning immediately after midnight on April 30, 1992, and ending at midnight on May 31, 1992, on the same terms and conditions as amounts were available to such committees for the period beginning at noon on January 3, 1992, and ending at midnight on March 31, 1992, pursuant to clause 5(f) of rule XI of the Rules of the House, except that the entitlement percentage shall be 8.33 percent.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 1 hour.

Mr. GAYDOS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. GILLMOR] pending which I yield myself such time as I may consume, with the understanding that any additional time which I may yield will be subject to the specific limitation for debate purposes only.

This resolution provides amounts from the contingent fund of the House for continuing expenses of investigations and studies by all standing and

select committees of the House with the exception of the Committees on Appropriations and Budget from May 1, 1992 through midnight May 31, 1992. During this period, each committee receiving amounts under this resolution shall be entitled to an amount equal to 8.33 percent of the total amount made available to such committee under House Resolution 92, approved by the House on March 20, 1991. Furthermore, I wish to emphasize that this entitlement percentage is at the freeze level.

The adoption of this continuing expense resolution is necessary in order that committee work can proceed uninterrupted while discussions are completed regarding the final disposition of the omnibus primary expense resolution.

Finally, I urge my colleagues to vote in favor of the resolution.

Mr. GILLMOR. Madam Speaker, I yield myself such time as I may consume. I rise in support of the resolution offered by my colleagues and chairman, the gentleman from Pennsylvania [Mr. GAYDOS].

This continuing resolution is being brought to the floor to continue the funding of our committees which expires at midnight tomorrow night, and continue it in an expeditious manner until May 31. The continuing resolution freezes the committee's budgets at last year's funding levels. It is 8.33 percent of the annual amount per month, which is a hard freeze.

Hopefully, this will be the last time we will be here to request a continuing resolution. I would hope that our Chamber will be able to get together and present to this body a resolution that will provide permanent funding for the year, but I do support the resolution.

Madam Speaker, I yield back the balance of my time.

Mr. GAYDOS. Madam Speaker, I ask that the resolution be supported.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed until some point in tomorrow's proceedings.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTI-YEAR AUTHORIZATION ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 432 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4364.

□ 1127

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, with Mr. LAROCCHIO [Chairman pro tempore] in the chair.

The Clerk read the title of the bill. The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Indiana [Mr. ROEMER] had been disposed of and title I was open for amendment at any point.

Are there further amendments to title I?

□ 2330

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Page 8, line 11, strike "\$177,200,000" and insert in lieu thereof "\$163,700,000".

Page 8, line 14, strike "\$200,500,000" and insert in lieu thereof "\$187,000,000".

Page 8, line 15, strike "\$245,500,000" and insert in lieu thereof "\$232,000,000".

Page 8, line 15, after "fiscal year 1995." insert "None of the funds appropriated pursuant to this Act shall be used for the Search for Extraterrestrial Intelligence (SETI)."

Mr. DUNCAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. LAROCCHIO). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Chairman, my amendment is very simple. It would strike the \$13.5 million authorization for NASA's so-called search for extraterrestrial intelligence or SETI Program. This is a program which the Associated Press described as a search for space aliens. This project, if completed, is expected to cost U.S. taxpayers nearly \$100 million.

Already NASA has spent over \$32 million on this program with nothing found so far.

With our Nation in such financial straits as at present, I find it incredible that we are continuing on with this program, this ridiculous luxury.

At a time when our country faces massive budget deficits, urgent health care needs, and inadequate educational

funding, we have no business financing something as excessive as this.

In these tough times, NASA has requested \$13.5 million this year, and up to \$100 million over the next few years to listen for signals from intelligent life forms in space.

Mr. Chairman, this is not the first time that we have tried to stop this program. My distinguished colleague from Rhode Island, Mr. MACTLEY, offered a similar amendment 2 years ago, and the House supported his position. But the SETI Program continues.

The Associated Press reported that there have been over 50 similar searches since 1960 with nothing found so far, and I think with deficits of approximately \$400 billion a year, losses of over \$1 billion a day on top of a national debt of approximately \$4 trillion, this is the very type of spending, this is the very type of program that the American people are demanding that we do away with.

I realize that this amendment will not make much of a difference when compared to these huge deficits and this tremendous national debt, and that it possibly could be said that it is a drop in the bucket, but if we used that justification, we would not reduce or eliminate any spending.

I think unless you believe that NASA should be given a total blank check and the Congress should never question anything that they do, then you should support this amendment.

This project really only helps just bureaucrats at NASA. It will not help the American people at all. With this much funding, this year's funding, we could pay the tuition at the University of Tennessee in my district for over 4,000 students, and just stop to think how many poor people could be helped with \$100 million that is being spent on this program.

I urge support for this amendment. I think it is a worthwhile amendment, and I urge my colleagues to support it.

Mr. BROWN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me say in advance that I recognize that the gentleman has an amendment which is, on its surface, attractive to many Members of this House. It is my expectation, based upon my experience with similar amendments of this sort, that it would probably carry. I regret that.

It is not my intention to ask for a rollcall vote on the amendment. But I do want to explain why I oppose the amendment.

I would hope that I could convert the gentleman to an understanding of the importance of this particular scientific research.

What we have here, of course, is easily parodied and is frequently parodied in the press, on radio and television as looking for E.T.'s out in space, for aliens or something of that sort, and it is ridiculed because of that.

Actually what this program encompasses is a very sophisticated radio astronomy type of research aimed at determining if there are any regularities, any anomalies in the kind of data that we pick up in our radio telescopes by doing a sophisticated analysis of all of these signals using principal investigators in the universities of this country.

One would argue that this is a fruitless search, that any intelligent person would know that all intelligent life is here on Earth, and one has only to look at the behavior of the Congress to know that we are the most intelligent form of life in the universe and that, therefore, there can be no other intelligent life in the universe.

Now, I cannot really mobilize an argument that will convince those who think that this is an irrational kind of an activity. If they think that, they generally are difficult to convince.

But this is valid science. It is at the heart of the interests of those people who think that human beings will someday explore the entire universe, and that in the cosmos, because of its size and complexity, that there must be other forms of intelligent beings which are creating an impact on the universe that can be determined.

The other side of that coin, incidentally, is that we here on Earth are sending messages out to the rest of the universe. I was taken by a speech that the Administrator of NASA made last night, because it had one paragraph referring to this, which is not to the study but our own sending of messages out to the universe, which I would like to read, because it epitomizes the spirit with which those who are interested in space are looking outward with the kind of a perspective that you cannot get in any other way.

Here is the quotation from the Administrator Golden:

Two years ago, little Voyager II, one of the most priceless hunks of metal ever assembled by NASA, flew by Neptune and headed out of our solar system carrying a copper disk, a cosmic message in a bottle from Planet Earth. From the very heart of all humanity it carries this message: "We stop out of our solar system into the universe seeking only peace and friendship, to teach if we are called upon, to be taught if we are fortunate. We know full well that we are but a small part of the immense universe, and it is with humility and hope that we take this step.

Now, that is a part of the spirit of space exploration, and it is in that humble spirit that we think that we are not the only significant creatures, that there might be others influencing the cosmos, and we are finding new revelations about the cosmos every week, every month, as was illustrated just within the last few days from the reports from the cosmic observer satellite.

I do not know that this is a rational appeal. To me it is a profoundly significant emotional appeal, and it is also, without question in my mind, some-

thing that is subject to scientific analysis using the most refined tools that we can possibly use. It is for this reason that I support this very small expenditure and hope that I can convince my friends that there is validity to this humble effort to see if there is not other intelligent life of some sort within the universe and to reach out to try and understand it.

Have I convinced the gentleman of the merits of my position? Well, I tried.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with much of what the chairman of our committee has just said, and I would just like to raise a couple of other points with regard to this amendment.

Really what we have here is an amendment that represents spending for a program that is less than one-tenth of 1 percent of NASA's budget, and one might ask in a time when we are attempting to work within a freeze budget, which this really is, why we would preserve this program as a part of our effort to try to be responsible. The reason is because it goes to the core of what NASA is supposed to be all about given the basic charter.

NASA has as its job to study the origin, evolution, and distribution of life in the universe. That is really what this program is all about. It is not a program at all about UFO's. This is not a search for UFO's, and it does not matter what the Associated Press may say. They have been wrong on a lot of other things. They are terribly wrong on this one.

□ 2340

They have some ignoramus of a reporter who has not figured out yet what this is all about and writes stupid articles that cause us untold grief in an important science program. But let me tell you it goes beyond just that.

This particular program has proven to be a very useful tool in education.

If you wonder what the American people are getting out of this, it is a very useful tool in education. The SETI Institute has developed a teaching material that goes to grades third through ninth. This is one science program that over and over again has shown itself to capture the imagination of young people.

So we are gathering something in terms of our youth as a result of this work.

The inauguration of the SETI microwave observing project is scheduled for October 12, 1992, just a few months from now. This comes after 15 years of research and development.

So, if we were to do what this amendment proposes, and that is cancel this project, we will in fact abandon 15 years of work that has gone into the project.

Finally, I would say that even if no signals are ever detected under this

kind of program, the fact is that the technology that has been developed as a part of that R&D, to search for these very faint signals in outer space, has been and will continue to be applied to things like medical diagnostic imaging, for resource exploration, and for aircraft safety. Those are already spin-off benefits from this. We do not know what the additional spinoff benefits may be and when we actually will begin to apply the technology.

So, I agree with the chairman. This may be one of those things where, because we do not have an ability to get the full understanding of the House, it will kind of easily be voted for by people, but it is an amendment I am afraid which undermines some very core science.

From that standpoint, it is disappointing that the House will probably go in the direction it will.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I strongly oppose this amendment to terminate the search for extraterrestrial intelligence project, and I urge my colleagues to vote against the amendment.

NASA's SETI microwave observing project has the resounding support of the scientific community and has received very strong support from the House in past years. SETI is not a search for green men on Mars. Rather, SETI is a valuable project that will produce a number of significant benefits including technological and scientific advances and educational spin-offs.

The SEI program is designed to develop powerful, sophisticated radiotelescopes sensitive to faint radio emissions and capable of discriminating against considerable cosmic interference. The technical and engineering advances associated with the development of these monitoring devices are extraordinary.

The custom processing chip developed for SETI and fabricated by DARPA is capable of performing almost seven times faster than the common communications chip. In addition, the SETI chip enables compact spectrum analyzers to have millions of simultaneous channels. Combined with the signal detection computers developed for SETI, this technology could produce a flight unit that would allow the FAA to continuously monitor its bands, as opposed to sequentially scanning them as it must do now.

Other applications of SETI technology could prove beneficial for diagnostic medicine, fault detection in materials, and geochemical exploration.

Last, but not least, SETI has been found to be effective as a means of increasing interest in general science education among all age levels. In 1991, the SETI institute received a 3-year

National Science Foundation award for developing integrated teaching materials for elementary and middle school grades.

Mr. Chairman, SETI represents a valuable and worthwhile scientific endeavor that has countless spinoff benefits. I strongly urge my colleagues to vote against this amendment to terminate the program.

The CHAIRMAN pro tempore (Mr. LAROCO). The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

The amendment was agreed to.

The CHAIRMAN pro tempore. If there are no further amendments to title I, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—MULTIYEAR AUTHORIZATION FOR SPECIAL INITIATIVES

SEC. 201. FINDINGS.

Congress finds that—

(1) in addition to carrying out a core space program, international leadership, technological advancement, and expanded scientific knowledge will be enhanced by an expanded space program based on special initiatives in science, exploration, space transportation, space technology, and space applications;

(2) special initiatives carried out under an expanded space program should compete on an annual basis with other Federal discretionary programs, but not with core space programs;

(3) the orderly and phased transfer of funding from defense research and development to civilian research and development over the next 5 years will achieve a balance between defense and civilian investments and provide the necessary resources to undertake an expanded space program;

(4) it is in the national interest and of benefit to international agreements for the Space Station Freedom to plan for the completion of a permanent manned Space Station utilizing a crew of 8 and providing 75 kilowatts of power;

(5) the successful conduct of an aggressive yet affordable Space Exploration Initiative will critically depend on precursor demonstrations of innovative cost control measures and efficient management practices;

(6) the Administrator should undertake a focused Earth Observing System program responsive to policy needs; and

(7) inasmuch as civil launch requirements and launch rates will remain reasonably static over the next decade, the incremental improvement of current vehicles and facilities will provide a low-cost means to enhance United States launch capabilities.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION.—Appropriations may be made under subsections (b), (c), and (d) only to the extent that appropriations are made to the National Aeronautics and Space Administration in excess of \$14,300,900,000 for fiscal year 1993, \$15,090,800,000 for fiscal year 1994, and \$15,724,900,000 for fiscal year 1995.

(b) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the National Aeronautics and Space Administration for "Research and Development" for the following special initiatives:

(1) Space Station Freedom, \$60,000,000 for fiscal year 1994, and \$120,000,000 for fiscal year 1995, in order to provide for an Assured Crew Return Vehicle by fiscal year 1999, a power level of 75 kilowatts, and a crew of 8.

(2) Earth Observing System, including the Earth Observing System Data Information System, \$371,000,000 for fiscal year 1993, \$695,000,000

for fiscal year 1994, and \$1,000,000,000 for fiscal year 1995.

(A) PROGRAM OBJECTIVES.—The Administrator shall carry out an Earth Observing System program that addresses the highest priority international climate change research goals as defined by the Committee on Earth and Environmental Sciences and the Intergovernmental Panel on Climate Change.

(B) REPORTS TO CONGRESS.—(i) Within 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a Resiliency Plan which sets forth technical and programmatic contingencies for the Earth Observing System in the event that funding shortfalls occur, and which will ensure that the highest priority measurements are maintained on schedule to the greatest extent practicable while lower priority measurements are deferred, deleted, or obtained through other means. The report shall specifically identify what satellites and instrument complements would be launched under various funding profiles.

(ii) Within 30 days after the award of a contract for the Core System of the Earth Observing System Data and Information System, the Administrator shall submit to Congress a Development Plan which—

(I) identifies the highest risk elements of the development effort and the key advanced technologies required to significantly increase scientific productivity;

(II) provides a plan for the development of one or more prototype systems for use in reducing the development risk of critical system elements and obtaining feedback from scientific users;

(III) provides a plan for research into key advanced technologies; and

(IV) identifies sufficient resources for carrying out the Development Plan.

(C) DATA ACCESS STUDY.—Of the funds provided for in this paragraph, up to \$34,100,000 in fiscal year 1993 may be made available for the Consortium for International Earth Science Information Network. As a condition of the receipt of such funds, the Consortium shall carry out a study, with the guidance of the Administrator and the Committee on Earth and Environmental Sciences, which—

(i) specifically identifies products of the Earth Observing System Data and Information System which will be directly useful to policymakers in Federal, State, and local government agencies, users in commercial firms and nonprofit institutions, and scientific users in fields other than Earth science;

(ii) identifies such users, their approximate numbers and institutional affiliations, and their specific data needs that can be satisfied by products of the Earth Observing System Data and Information System;

(iii) identifies existing and potential socio-economic data including information on land use, industrial activities, public health, and population, that are critical for understanding human interactions with the global environment, and identifies users who require such data; and

(iv) describes a range of options for making such socio-economic data and relevant products of the Earth Observing System Data and Information System easily accessible to the identified users and the relative costs associated with these options.

Such consortium shall provide a report to Congress by September 30, 1993, summarizing the findings of the study.

(3) Space Exploration, \$31,800,000 for fiscal year 1993, \$67,300,000 for fiscal year 1994, and \$78,900,000 for fiscal year 1995, for the development and launch of the following 3 spacecraft: a robotic lunar geodetic scout spacecraft, a robotic lunar resource mapper spacecraft, and a robotic lunar lander spacecraft, as well as for

the purchase of expendable launch vehicle services to launch the 3 spacecraft. The total cost of the development and launch of such missions shall not exceed \$490,000,000.

(c) SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration for "Space Flight, Control, and Data Communications" for the following special initiatives:

(1) Development of the Advanced Solid Rocket Motor, \$440,000,000 for fiscal year 1993, \$400,000,000 for fiscal year 1994, and \$487,000,000 for fiscal year 1995. Notwithstanding the previous sentence, if less than \$15,253,000,000 is appropriated to the National Aeronautics and Space Administration for fiscal year 1993, then—

(A) not more than \$260,000,000 are authorized to be appropriated for the continued development of the Advanced Solid Rocket Motor; and

(B) the Administrator may not obligate in excess of \$260,000,000 for the Advanced Solid Rocket Motor program.

(2) Space Transportation Enhancement, \$7,000,000 for fiscal year 1993, \$87,500,000 for fiscal year 1994, and \$175,000,000 for fiscal year 1995 for providing for the incremental improvement in the Space Shuttle fleet including—

(A) the extension of on-orbit duration;

(B) the development of unmanned Shuttle capabilities;

(C) the increase in lift performance; and

(D) the enhancement of existent Shuttle flight reliability.

By September 30, 1993, the Administrator shall submit to Congress a full report outlining the specific actions that are planned under this paragraph.

(3) Development and procurement of second-generation Tracking and Data Relay Satellites, \$200,000,000 for fiscal year 1994 and \$300,000,000 for fiscal year 1995.

(d) CONSTRUCTION OF FACILITIES.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1993 for "Construction of Facilities" for the following special initiatives:

(1) Construction of Earth Observing System Data Information System Facility at the Goddard Space Flight Center, \$22,300,000.

(2) Construction of Advanced Solid Rocket Motor Facilities (various locations), \$80,000,000.

Mr. BROWN. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore (Mrs. MINK) having assumed the chair, Mr. LAROCO, the Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 194 AND H.R. 2840

Mr. SCHIFF. Madam Speaker, I ask unanimous consent that my name be

removed as cosponsor of H.R. 194 and H.R. 2840.

The SPEAKER pro tempore (Mrs. MINK). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

ORDER OF BUSINESS

Mr. LEHMAN of California. Mr. Speaker, I ask unanimous consent to vacate my special order of 60 minutes for today and, in lieu thereof, I request a 5-minute special order this evening.

The SPEAKER pro tempore (Mr. LAROCO). Is there objection to the request of the gentleman from California.

There was no objection.

WHY THE PRESIDENT IS THREATENING TO VETO CAMPAIGN FINANCE REFORM

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, can you imagine Harry Truman's press secretary saying, "We've got a \$9 million dinner so Americans can buy access to the White House"?

Those are not my words, Mr. Speaker. That is Marlin Fitzwater: A \$9 million dinner so Americans can buy access to the White House.

Mr. Speaker, it is not for Americans. It is for the rich, it is for the powerful, and the reason that this administration is threatening to veto campaign finance reform is because they do not want access for Americans. They want access for special interests.

□ 1440

The bill that passed this House and will shortly pass the other body limits spending, limits political action committees, and limits soft money. No, that is not what Marlin Fitzwater wants. He wants a \$9 million dinner so people, American people, can buy access. What people are we talking about? Those that already have too much power and too much access. We need access for the average American, not for billionaires.

Republican opponents of comprehensive campaign finance reform legislation passed by the House and now being considered by the Senate argue that the legislation would hurt challengers by limiting their ability to outpace incumbents. This claim does not stand up.

Thirty-two Republican challengers and 17 former Republican Senators and Representatives have written the President asking him to sign this legislation because they believe it will reinvigorate electoral competition and restore the public trust in Government. The two letters follow:

APRIL 20, 1992.

HON. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: As congressional challengers and loyal Republicans, we urge

you to sign the comprehensive campaign finance reform legislation making its way to your desk this year. Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our electoral process.

Our current campaign finance system is stacked against challengers. Incumbents enjoy a huge fundraising advantage and are often able to spend their way back into office. During the 1990 election cycle, for example, incumbents raised twelve times more PAC money than challengers, spent nearly four times more money overall than challengers, and won reelection an incredible 96 percent of the time.

The key to ending the "permanent" Congress and giving challengers a fighting chance is to restrict special interest PAC contributions and establish a voluntary system of spending limits with alternative campaign resources (i.e. matching funds, discounted postage, free television and radio time) for all credible congressional candidates.

Thank you for your attention to this critical and timely issue. We urge you to sign the congressional reform legislation into law when it reaches your desk.

Sincerely,

Frank Beaumont, Michigan—16th District; Howard Bell, Oklahoma—4th District; Dick Bowen, Texas—23rd District; Margaret B. Buhmaster, New York—23rd District; Gene Moore, Florida—14th District; David Morrill, Michigan—7th District; Margaret R. Mueller, Ohio—13th District; Jurij A. Podolak, Pennsylvania—11th District.

Floyd Coates, Indiana—9th District; Willeam A. Choby, Pennsylvania—12th District; Aaron C. Davis, Tennessee—9th District; Roy A. Ferguson, Washington—8th District; Parley G. Hellewell, Utah—3rd District; Paul E. Hodges, III, North Carolina—12th District; William A. Johnson, New Hampshire—1st District; Gordon R. Johnston, Pennsylvania—4th District.

Robert Kerans, Illinois—19th District; Kenneth Kondner, Maryland—7th District; George E. Larney, Illinois—9th District; John R. Lord, Washington—3rd District; Bill Quraishi, California—14th District; John M. Ragsdale, Connecticut—2nd District; Earl Rodney, Florida—21st District; Vic Romero, California—9th District.

Jeannie Sadowski, Texas—17th District; Claiborne Sanders, Tennessee—4th District; Jerry Shuster, Minnesota—8th District; Don Sledge, Alabama—3rd District; David E. Smith, California—16th District; Robert A. Smith, Virginia—3rd District; Zach Wamp, Tennessee—3rd District; Ralph Williams, Delaware—At Large.

APRIL 28, 1992.

HON. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: As Republican alumni of the Congress, we urge you to sign the comprehensive campaign finance reform legislation making its way to your desk this week. Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness and decency to our electoral process.

The public perceives that the current system isn't fair to taxpayers because special-interest campaign contributors get special treatment. And it isn't fair to voters because the overwhelming advantage incumbents have over challengers prevents competitive elections.

To address these problems, Congress has now passed comprehensive reform legislation

which would establish voluntary spending limits, restrict special interest PAC contributions, provide partial public financing to credible candidates and end the "soft money" system that permits federally illegal contributions to be funneled through state parties in order to influence federal elections.

We are aware that you have expressed concern over the use of public funds in congressional campaigns and the impact of spending limits on congressional challengers. We believe that the presidential public financing system has conferred enormous benefits on presidential politics since the Watergate era and that the public funding provisions in this reform legislation would inject an equally important source of "clean" money into today's congressional campaigns. Additionally, we are convinced that campaign spending must be brought under control and that challengers would be the principal beneficiaries of a level campaign playing field.

This legislation, while not perfect, would do much to reinvigorate electoral competition and restore public trust in government. We urge you to sign it into law when it reaches your desk.

Sincerely,

Sen. Edward J. Gurney, Sen. Charles McC. Mathias, Sen. Hugh Scott, Hon. Abner W. Sibal, Hon. John N. Erlenborn, Hon. Paul A. Fino, Hon. Robert P. Hanrahan, Hon. Ernest L. Konnyu, Hon. Thomas F. Rallsback, Hon. Newton I. Steers, Sen. Robert T. Stafford, Hon. John H. Buchanan, Hon. Paul Findley, Hon. Gilbert Gude, Hon. Harry G. Haskell, Hon. Richard W. Mallary, Hon. Charlotte T. Reid.

NASA ADMINISTRATOR DESERVES CONGRESSIONAL SUPPORT

(Mr. BROWN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN. Mr. Speaker, later on this afternoon the House will take up the annual NASA authorization bill and we will be having a spirited debate about the space program.

I would like to point out that NASA has a new Administrator who has been in office less than 1 month. It will behoove all of us to get better acquainted with his views. I personally have had the opportunity to meet with him several times and have developed a high regard for the direction in which he proposes to move the space program.

Mr. Speaker, I include for the RECORD a speech he made last night to the American Institute for Aeronautics and Astronautics.

REMARKS BY DANIEL GOLDIN, NASA ADMINISTRATOR

Thank you. It is both an honor and a great opportunity for me, having been NASA Administrator for less than a month, to speak to a major portion of the aerospace community at once. As a college student who took up John F. Kennedy's challenge to commit my career to space, I never dreamt I'd be standing before you as the leader of such a magnificent and magical organization with over twenty thousand extremely dedicated and talented workers. To name just the latest example—the COBE researchers whose

work came close to unraveling the secrets of the very creation of the entire universe.

Today you must be wondering what's the new guy going to do with NASA. What's going to change? Well, to find out where we're going, we need to recognize how far we've come. In 66 years, we went from the sandy dunes of Kitty Hawk to the dusty plain of Tranquility Base. But to see better where we're going in 1992, I prefer to look back to 1492—and to the 500-year voyage of discovery that Columbus handed down to us to complete.

When I was born in 1940, there were about two billion people on earth. Today, that's more than doubled. And when I'm retired and Willard Scott wishes me a happy birthday, there'll be almost 10 billion. During my half-century of life people have consumed more of the world's resources than during all prior generations in human history. We've already used up more than we deserve, and now we're stealing from the future. What will earth have left in 50 to 150 years? The ¼ of one percent of GNP we invest in NASA has to be considered the most important insurance policy this planet has. That's why I came to NASA for it's the one organization in American society whose whole purpose is to make sure our future will be better than our past.

And NASA has international responsibilities as well. We have accomplished much with our international partners. Astronauts from Canada, Mexico, our European Space Agency partners, Germany, Belgium, France, Saudi Arabia, and soon Japan, have flown with us. And we plan on exchanging astronauts with Russia. The Earth Observing System and our robotic programs are now global in scope and data will be shared worldwide. And our work on Space Station Freedom with Europe, Canada, and Japan will open up a whole new world of cooperation. We can do more together with a shared vision than is possible acting alone. I soon intend to reach out to visit our partners in this great adventure and start a dialogue on how we can explore the Earth, solar system, and the universe together.

When we plan what NASA will do year-to-year, we need to consider where we want to be, not next year, but in fifty years, 100 years—yes, even 500 years. I don't know about you, but in about 500 years, I want one of my successors to be able to turn over the keys of a spacecraft to a Captain Kirk or Picard to go find out if anything is orbiting Alpha Centauri.

To those who say Apollo was a one-shot deal, never to be repeated, that we've got problems to solve here on Earth, I say: Right now we risk making the same mistake as the Chinese emperors over 500 years ago. Some of you might know this story. Consumed by other priorities at home, they banned further exploration of Africa, made leaving the country a capital offense, and burned their fleet to ensure such "wasteful" exploring would never happen again. Instead of spreading its culture and influence, China turned inward, leaving the exploration of Africa and the Americas to Columbus and other Europeans. All this is my way of saying: we cannot pretend the decisions we make today don't have historic consequences for the future.

July 20, 1989 was a historic day. For on that 20th anniversary of humanity's greatest accomplishment, President Bush said, "The Apollo astronauts left more than footprints on the moon; they left some unfinished business. America's ultimate goal was not to go there and go back, but to go there and go

on." For the first time in decades, we are fortunate to have a President and Vice President who personally support a vigorous space program. We must seize that opportunity. *Carpe diem.*

To many Americans, NASA conjures up images of our Wonder Years—the 1960s race to the moon. Remember that day the Earth stood still as we all watched the Eagle land? Remember the shiver you got when you looked up at the moon and realized that for the first time ever someone was looking back? Tell someone you worked for NASA back then and they looked at you like you were JFK, Mickey Mantle, and Walt Disney all rolled into one. We have to restore that magical luster—restore the pride of accomplishment that comes from working here—and make the name NASA the definition of the term, "best in the world."

Many of you have been the keepers of that flame. I want to make sure that your lights aren't kept under a bushel. My first job as Administrator is to listen, because you have a lot to share. We need to examine ourselves individually and collectively to see what can be improved, what we should start doing, and what we should stop doing. We can't keep letting millions turn into billions, and years slip into decades, and not deliver what our country expects, and deserves, from its space program.

General Patton once said: "Never tell people how to do things. Tell them what you want to achieve, and they will surprise you with their ingenuity." That will be my philosophy as Administrator.

For NASA to become a more mission-driven organization, we need an agency filled with leaders—people who are empowered to act, have the resources they need, and are accountable for what they do. NASA has been entrusted with several important missions: space exploration, scientific study of the solar system and universe, monitoring Planet Earth, and cutting-edge aeronautics. To fulfill those missions, every employee, every contractor, every program, every dollar spent, must relate to those missions, and mesh together in pursuit of them. Everything in the space program, must be driven not by bureaucracy, or rules that don't make sense, or by narrowly focused programs, but by the integration of those missions.

The New NASA will work to build a consensus—to create a shared vision of how our daily work relates to our missions. We are devising an integrated plan of programs, schedules, and budgets—not just for the next few years, but 10, 20, 30 years into the future—so that our programs are no longer viewed in isolation, but support one another. Then we will work with all the space stakeholders, both here and abroad, so that they become full partners—part of the team—sharing our vision and strategy. We need to find ways to do things safer, faster, better, cheaper, and to make continuous improvement a part of everything we do. Because if you can't measure it, you can't manage it. We will set clear milestones. Only through increasing accountability, and holding ourselves and our contractors to the highest standards, can we hope to achieve our sacred missions.

In a little church in Sussex, England, there's a 250-year old inscription that says, "A vision without a task is but a dream, a task without a vision is drudgery, a vision with a task is the hope of the world."

If we do this right, if we have the courage to transform ourselves, to dig deep down and bring out our best, then NASA can face the outside world with a space program worthy

of the American people. They will see a NASA transformed—a NASA that embodies what we know as the American character: clear-eyed pragmatism, tugged toward a dream big enough to fill a continent.

The American people have made a big investment in NASA and they expect, and deserve, a big return. Newsweek called Apollo: "the best return on investment since Leonardo da Vinci bought himself a sketch pad." By showing the American people we have the tools and the talent—and the right attitude—they'll give us all the support we need. You know how I know that? Because they've spent almost two billion dollars just to watch movies about space. Star Wars, Star Trek, E.T., 2001—they love this stuff. They flock to the Air & Space Museum—8 million a year. They talk to me on the street, in restaurants, cabs and airplanes. I see the sparkle in their eyes when we talk about space. And they look to us to make their dreams come true.

NASA is the leading force in U.S. civil space policy. To live up to that, we must concentrate on steering the space effort, and not get bogged down by the rowing. Imagine a rowing team with no coxswain. Not only does it look messy when the oars don't row together, the boat can end up going in circles. We must do more steering, but for the rowing we do, all of us must pull together in synchronization.

Every core mission of NASA is important. None is unimportant. Some think knocking a colleague's program means more money for themselves. That attitude is not only wrong, it's poisonous. If anyone thinks killing the Space Station is the way to get more money for other NASA endeavors, I believe you're wrong. Take away the American people's dream of being space pioneers, and NASA will end up as just another large bureaucracy. NASA has no fixed claim on the federal budget, and no part of NASA has a fixed claim on its share of the agency budget. If Congress cancels one of our programs, that money will almost certainly go to many other programs outside of NASA.

In the New NASA we'll welcome a diversity of views and ideas—from both inside and outside the organization. Democracy reigns; and there will be no retribution for anyone expressing their opinion. But employees and contractors should consider that when they run down someone else's program, a little part of NASA dies, and the whole agency suffers. Lincoln said it best: "A house divided against itself cannot stand." If we in the NASA team cannot unite behind a shared vision, we cannot expect anyone else to unite behind us.

Tomorrow the House will vote on the future of the Space Station Freedom—and I consider that vote a crucial test of this nation's commitment to any space program at all. Some say it's too small. Some say it's too big. Some even say we could do all the same research here on Earth. There are those who will always want to argue this issue. And to them I say: we put humans on the moon in less time than we've spent debating a space station!

The primary purpose of Space Station Freedom is to be the premier outpost in humankind's effort to learn how to live and work in space. The time our astronauts have spent in space is but the blink of an eye—a tiny fraction—of what we'll need to know to start a permanent presence off good old terra firma. How will the body take the stress of zero G? Prolonged hazardous radiation? Long stretches of isolation in cramped quarters? How do we assemble hardware? Dock and

rendezvous? And what about how dexterity will be affected after long periods of zero or partial G? Will astronauts have the strength and agility to respond in life-threatening situations when a rescue is required? All this must be learned before we can ever go back to the moon and go on to Mars. And the only place to learn is a space station.

But there is a second purpose to the space station. For while we may talk a lot about hardware, there's a soft spot in our hearts. NASA cares. What we must learn to sustain life in space will enhance and preserve the lives of people on Earth. The miniaturized devices we'll need to invent to get remote medical telemetry from our astronauts could save lives on Earth. Imagine potential heart attack or seizure victims having a tiny sensor a distant central computer could monitor for dangerous symptoms. The robotics we develop could help the handicapped lead more fulfilling lives, just as NASA has in the past. And the lab facilities in Space Station Freedom should be thought of as a NASA research center in orbit.

Technology transfer will become a way of life at the new NASA. Whether it's medical knowledge, or industrial products conceived in microgravity, the space station will be like the old western trading post—serving the pioneers, but also sending valuable and exotic goods back to civilization.

When you think about it, after only 30 years of human and robotic missions, we have a myriad of unanswered questions about our Earth and our solar system. We don't even know what we don't know. What's out there waiting to be found? I'm not arrogant enough to tell you I know. But I remember Columbus went looking for gold and spices, and what he brought back was something totally unexpected: corn and potatoes. More valuable than gold, you ask? Yes, because those foods fueled a population explosion in Europe—many of whom are the ancestors of us Americans.

Why explore? Why bother? Because we have to. It's in our nature. And it is America's destiny. If you remember only one thing I've said here today, remember this: A child-like imagination is the most powerful force of discovery. When we get that back, there'll be no holding us back.

Two years ago, little Voyager 2—one of the most priceless hunks of metal ever assembled by NASA—flew by Neptune and headed out of our solar system carrying a copper disk—a cosmic message-in-a-bottle from Planet Earth. From the very heart of all humanity, it carries this message: "We step out of our solar system into the universe seeking only peace and friendship—to teach if we are called upon, to be taught if we are fortunate. We know full well that [we] are but a small part of the immense universe—and it is with humility and hope that we take this step."

Ladies and gentlemen, that step was part of an unstoppable march, begun 500 years ago and stretching 500 years hence. The Magellans and Vespuccis of the Space Age of Exploration are seated here today. The Lewis and Clarks will come after us, until that inevitable day when we venture out to the stars.

Will we do it, or will it remain just a fantasy? It's really up to us. Join me on this most noble of endeavors.

□ 2350

COMMEMORATING THE 77TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. LAROCO). Under a previous order of

the House, the gentleman from California [Mr. LEHMAN] is recognized for 5 minutes.

Mr. LEHMAN of California. Mr. Speaker, last Friday, April 24, marked the 77th anniversary of the Armenian genocide. The purpose of this special order is to pay tribute to those men and women who were brutally murdered in one of the most heinous crimes ever committed. In hopes of raising the consciousness of atrocities of the past, we are trying to prevent them in the future. I am here today because I am committed to the truth about the Armenian genocide.

On the evening of April 24, 1915, more than 200 Armenian religious, political, and intellectual leaders of the Armenian community in Istanbul were arrested, exiled from the capital city, and executed. In a single night's sweep the voice of the representatives of the Armenian nation in Turkey was silenced. This tragic event was only the beginning of an unfolding, systematic policy of deportation and extermination being implemented by the young Turk Government. Consequently, the 24th of April represents for Armenia the symbolic beginning date of the Armenian genocide.

The Armenians were targeted for extermination by the Ottoman Empire in which more than 1.5 million women, children, and men were tortured and killed during the Armenian genocide of 1915-23. Before 1914, over 2 million Armenians lived in Turkey. By the end of 1923, the entire Armenian population of Anatolia had been either killed or deported. I believe that it is of vital importance that we take the time to remember those Armenians who were brutally murdered.

The horror of the Armenian genocide is made worse by the refusal of the current Government of the Republic of Turkey to acknowledge that it ever happened. The Turks attempt to account for the vast decrease in the number of Armenians in Turkey as a consequence of war. Do the Turks expect the Armenians to forget the trauma of war and grim reminders of the atrocity simply because they have succeeded in tampering with history and denying the obvious facts?

The truth about the genocide was clearly evident to Henry Morgenthau, former Ambassador to Turkey between 1913 and 1916 when he reported back to officials in Washington that, after visiting the Armenian territories he stated:

I am confident the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem insignificant when compared to the sufferings of the Armenian race in 1915.

The Ambassador went on to state that the Armenian genocide was the "most colossal crime of all ages."

Perhaps if more people had known about the genocide of the Armenians,

Adolf Hitler would not have rallied his troops for the invasion of Poland in August 1939. Hitler was heard to have asked, "Who remembers the Armenians?" To that, 1986 Nobel Peace Prize recipient and Holocaust survivor Elie Wiesel responded, "He was right. No one remembered them."

I come to this Chamber today to not only remember those Armenians who were systematically murdered, but I also would like to focus attention on modern day Armenia. As many of my distinguished colleagues are aware, on September 21, 1991, Armenians overwhelmingly chose independence as the future course for their republic. This historic event was observed by numerous international observers, including himself. Participating in this monumental event was one of the most emotional events I have ever experienced.

The time had finally arrived for the people of Armenia to escape the claws of the Iron Curtain and forge a new beginning that was but only a dream a few years ago. However, the Armenian people are not fully able to join the world community due to the violence which has bombarded the Nagorno-Karabagh region. The Karabagh region, which is located in Azerbaijan, but populated largely by Armenians, has been plagued by violence and bloodshed that dates back to 1905.

Recently Turkey has indicated that it is under very heavy pressure from its own people to get involved in the ethnic war in Azerbaijan. There is growing support in Turkey to send weapons and troops to help the Azerbaijanis. Undoubtedly, the involvement of Turkey in this volatile conflict would only contribute to the lack of stability in the region.

On March 5, 1992, Turkish President Turgut Ozal stated that "It is necessary to put some fear into the Armenians over Karabagh." The President went on to say, "We should not hesitate to frighten, because the world understands this type of language." Turkey's provocative statements against Armenia only serve to heighten tensions in this explosive area and disturb the delicate geopolitical balance of the region.

Turkey, like Iraq, has shown disregard for human life in the past, therefore, the United States must proceed cautiously when dealing with the Republic of Turkey. Mr. Speaker, did the Persian Gulf war not teach us any lessons on the dangers of building a regional power? How can we, as a nation, consider providing military assistance to Turkey when the Turkish Government has suggested the need to frighten the Armenian people. Armenian Foreign Minister Raffi Hovanssian recently stated that the people of Armenia "had 70 years of one empire and we don't need to see a new empire."

I am hopeful that today's special order commemorating those killed dur-

ing the Armenian genocide will demonstrate America's concern for Armenians all over the world. The 24th of April is a day of remembrance for all of us who care about human values and for all of us who care about the truth. A world that forgets these tragedies is a world that will see them repeated. Such denial sends the message that genocide is an acceptable form of behavior that will be tolerated by the world community.

I would like to thank all of my colleagues that will be participating with me today to help communicate that the genocide will not go unacknowledged and unmourned. The historical record is clear and irrefutable: it is our moral responsibility to acknowledge the Armenian genocide.

THE ARMENIAN GENOCIDE: CONTEXT AND LEGACY

(By Rouben Adalian)

Between 1915 and 1918 the Ottoman Empire, ruled by Muslim Turks, carried out a policy to eliminate its Christian Armenian minority. This genocide was preceded by a series of massacres in 1894-96 and in 1909, and was followed by another series of massacres beginning in 1920. By 1922 Armenians had been eradicated from their historic homeland.

There are at least two ways of looking at the Armenian experience in the final days of the Ottoman Empire. Some scholars regard the series of wholesale killings from the 1890s to the 1920s as evidence of a continuity in the deteriorating status of the Armenians in the Ottoman Empire. They maintain that, once initiated, the policy of exposing the Armenians to physical harm acquired its own momentum. Victimization escalated because it was not countermanded by prevailing outside pressure or attenuated by internal improvement and reconciliation. They argue that the process of alienation was embedded in the inequalities of the Ottoman system of government and that the massacres prepared Ottoman society for genocide.

Other scholars point out that the brutalization of disaffected elements by despotic regimes is a practice seen across the world. The repressive measures these governments use have the limited function of controlling social change and maintaining the system. In this frame of reference, genocide is viewed as radical policy because it reaches for a profound alteration of the very nature of the state and society. These scholars emphasize the decisive character of the Armenian genocide and differentiate between the periodic exploitation and occasional terrorization of the Armenians and the finality of the deliberate policy to exterminate them and eliminate them from their homeland.

Like all empires, the Ottoman Empire was a multinational state. At one time it stretched from the gates of Vienna in the north to Mecca in the south. From the sixteenth century to its collapse following World War I, the Ottoman Empire included areas of historic Armenia. By the early part of the twentieth century, it was a much shrunken state confined mostly to the middle east. Yet its rulers still governed over a heterogeneous society and maintained institutions that favored the Muslims, particularly those of Turkish background, and subordinated Christians and Jews as second-class citizens subject to a range of discriminatory laws and regulations imposed both by the state and its official religion, Islam.

The failure of the Ottoman system to prevent the further decline of the empire led to the overthrow of the government in 1908 by a group of reformists known as the Young Turks. Formally organized as the Committee of Union and Progress, the Young Turks decided to Turkify the multiethnic Ottoman society in order to preserve the Ottoman state from further disintegration and to obstruct the national aspirations of the various minorities. Resistance to this measure convinced them that the Christians, and especially the Armenians, could not be assimilated. When World War I broke out in 1914, the Young Turks saw it as an opportunity to rid the country of its Armenian population. They also envisioned the simultaneous conquest of an empire in the east, incorporating Turkish-speaking peoples in Iran, Russia, and Central Asia.

The defeat of the Ottomans in World War I and the discrediting of the Committee of Union and Progress led to the rise of the Turkish Nationalists. Their objective was to found a new and independent Turkish state. The Nationalists distanced themselves from the Ottoman government and rejected virtually all its policies, with the exception of the policy toward the Armenians.

This essay focuses on three aspects of the Armenian genocide that have broader applicability to any study of genocide: (1) distinctions between massacres and genocide; (2) use of technology in facilitating mass murder; and (3) the legacy of genocide.

DISTINGUISHING BETWEEN THE MASSACRES AND THE GENOCIDE

From 1894 to 1896, Sultan Abdul-Hamid II carried out a series of massacres of the Armenian population of the Ottoman Empire. The worst of the massacres occurred in 1895, resulting in the death of thousands of civilians (estimates run from 100,000 to 300,000) and leaving tens of thousands destitute. Most of those killed were men, in many towns, the central marketplace and other Armenian-owned businesses were destroyed, usually by conflagration. The killings were done during the day and were witnessed by the general public (Bliss 1982, 476-481).

This kind of organized and systematic brutalization of the Armenian population pointed to the coordinating hand of the central authorities. Widespread violence erupted in towns and cities hundreds of miles apart over a matter of weeks in a country devoid of mass media. At a time when the sultan rules absolutely, the evidence strongly implicated the head of state.

INTENT OF MASSACRES

The massacres were meant to undermine the growth of Armenian nationalism by frightening the Armenians with the terrible consequences of dissent. The furor of the state was directed at the behavior and the aspirations of the Armenians. The sultan was alarmed by the increasing activity of Armenian political groups and wanted to curb their growth before they gained any more influence by spreading ideas about civil rights and autonomy. Abdul-Hamid took no account, however, of the great variations in Armenian political outlook, which ranged from reformism and constitutionalism to separatism. He hoped to wipe away the Armenians' increasing sense of national awareness. He also continued to exclude the Armenians, as he did most of his other subjects, from having a role in their own government, whether individually or communally. The sultan, however, did not contemplate depriving the Armenians of their existence as a people.

Although there are similarities between Abdul-Hamid's policies and the measures taken by the Young Turks against the Armenians, there are also major distinctions.

THE 1915 MEASURES

The measures implemented in 1915 affected the entire Armenian population, men, women, and children. They included massacres and deportations. As under the sultan, they targeted the able-bodied men for annihilation. The thousands of Armenian men conscripted into the Ottoman army were eliminated first. The rest of the adult population was then placed under arrest, taken out of town, and killed in remote locations.

The treatment of women was quite different. The bulk of the deported population consisted of women, children, and older men. Countless Armenian women lost their lives in transit. Before the tragic deaths, many suffered unspeakable cruelties, most often in the form of sexual abuse. Many girls and younger women were seized from their families and taken as slave-brides (Sanasarian 1989, 449-461).

During the time of the sultan, Armenians were often given the choice of converting to Islam in order to save themselves from massacre. However, during the genocide years, this choice was usually not available. Few were given the opportunity to accept Islam as a way of avoiding deportation. Most Armenians were deported. Some lives were spared during deportation by random selection for involuntary conversion through abduction, enslavement, or the adoption of kidnapped and orphaned children.

THE COVER OF WAR

A second distinguishing feature of the genocide was the killing of the Armenians in places out of sight of the general population. The deportations made resistance or escape difficult. Most important, the removal of Armenians from their native towns was a necessary condition for maintaining as much secrecy about the genocide as possible. The Allies has warned the Ottoman government about taking arbitrary measures against the Christian minorities. The transfer of the Armenian population, therefore, was, in appearance, a more justifiable response in a time of war.

When the Ottomans entered World War I, they confined journalists to Istanbul, and since the main communications system, the telegraph, was under government control, news from the interior was censored (Sachar 1969). Nonetheless, the deportations made news as soon as they occurred, but news of the massacres was delayed because they were done in desolate regions away from places of habitation. Basically, this provided cover for the ultimate objective of destroying the Armenian population. Inevitably the massacres followed the deportations.

STATE CONFISCATION OF ARMENIAN GOODS AND PROPERTY

A third feature of the genocide was the state confiscation of Armenian goods and property. Apart from the killing, the massacres in 1895 and 1909 involved the looting and burning of Armenian neighborhoods and businesses. The objective was to strike at the financial strength of the Armenian community which controlled a significant part of the Ottoman commerce. In 1915 the objective of the Young Turks was to plunder and confiscate all Armenian means of sustenance, thereby increasing the probability of extinction.

Unlike the looting associated with the massacres under Sultan Abdul-Hamid II, the assault against the Armenians in 1915 was

marked by comparatively little property damage. Thus, the genocide effortlessly transferred the goods and assets—homes, farms, bank accounts, buildings, land, and personal wealth—of the Armenians to the Turks. Since the Young Turk Party controlled the government, the seizure of the property of the Armenians by the state placed local party chiefs in powerful positions as financial brokers. This measure escalated the incentive for government officials to proceed thoroughly with the deportation of the Armenians.

The Young Turks did not rely as much on mob violence as the sultan had. They implemented the genocide as another military operation during wartime. The agencies of government were put to use, and where they did not exist, they were created. The Young Turk Party functionaries issued the instructions. The army and local gendarmerie carried out the deportations. An agency was organized to impound the properties of the Armenians and to redistribute the goods. "Butcher battalions" of convicts released from prisons were organized into killer units. The Young Turks tapped into the full capacity of the state to organize operations against all 2 million Armenian inhabitants of the Ottoman Empire, and did it swiftly and effectively (Bryce 1916; Trumpener [1968] 1989, 200-270).

THE USE OF TECHNOLOGY FOR MASS KILLINGS

The Armenian genocide occurred at a time when the Ottoman Empire was undergoing a process of modernization. Apart from the new weapons of war, the telegraph and the railroad were being put to expanded use. Introduced in the second half of the nineteenth century, the networks of transport and communication reached the areas of heavy Armenian concentration by the early part of the twentieth century. Whereas the telephone system was largely confined to the capital city of Istanbul, telegraph lines extended throughout the empire. The rail system connected many of the largest towns in the Ottoman Empire, but it was less extensive than the rail networks in the European countries.

THE TELEGRAPH

Coordination of the massacres during the reign of Abdul-Hamid II, and of the deportations under the Young Turks, was made possible by the telegraph. Of all the instruments of state government, the telegraph dramatically increased the power of key decision-makers over the rest of the population. The telegraph system allowed for the kind of centralization that heretofore was impossible.

During the 1895 massacres, the telegraph in the Ottoman Empire was a government service. It was managed by a separate ministry. Therefore, all the communicating during the massacres was done by the Ottoman government (Walker 1980, 156-173). During the genocide of 1915, the telegraph was controlled by the Minister of Interior, Talat, who was in charge of the government agencies that implemented the genocide. Talat began his government career as a telegrapher, and he had a telegraph machine installed in his office so that he could personally send messages across the Ottoman Empire. This gave Talat immediate connection, literally and technologically, with the enforcement of mass death. His ability to use the telegraph gave him unsurpassed access to subordinates and allowed him to circumvent other government officials and agencies in Istanbul. For the most part a telegram from Talat was sufficient authorization to proceed with the decimation of the Armenians (Dadrian 1986, 326-328).

Modern states rely on their bureaucracies in order to handle the paperwork involved in carrying out a policy affecting vast portions of their population. The same applies to the policy of genocide. The more modernized the state, the greater the mountain of paper generated. If not destroyed, a monumental record is left behind. In the case of the Armenians, it might be said that their genocide was carried out not so much bureaucratically as much as telegraphically, thus minimizing the record keeping and leaving behind a great deal of confusion about the degree of individual responsibility.

THE TRAINS

To expedite the transfer of Armenians living in proximity of the railways, orders were issued instructing regional authorities to transport Armenian deportees by train. Instructions were explicit to the point of ordering the Armenians to be packed to the maximum capacity in the cattle cars which were used for their transport (Sonyel 1978, 8). The determination of the government to complete this task is demonstrated by the deportation of the Armenians in European Turkey who were ferried across the Sea of Marmara to Anatolia and then placed on trains for transport to Syria.

The removal of Armenians from Anatolia and historic Armenia was carried out mostly through forced caravan marches or by the use of trains. Although a large portion of the Armenians survived the horrific conditions of the packed cattle cars, they were not able to endure the Syrian desert where they were to die of hunger and thirst. In contrast, the majority of Armenians in the caravans never reached the killing centers in the Syrian desert; many were murdered by raiding groups of bandits or died from exposure to the scorching days and cold nights. Most of those who were able to endure the "death marches" could not survive the starvation, exhaustion, or the epidemics that spread death in the concentration camps of the Syrian desert.

LEGACY OF THE ARMENIAN GENOCIDE

All too often the discussion of genocide centers on the numbers killed and fails to consider the wider implications of uprooting entire populations. Genocides are cataclysmic for those who survive because they carry the memory of suffering and the realization of the unmitigated disaster of genocide. Genocides often produce results and create conditions that make it impossible to recover anything tangible from the society that was destroyed, let alone permit the subsequent repair of that society. From this standpoint, it can be argued that the ultimate objective of genocide is a permanent alteration of the course of a people's history.

LOSING A HERITAGE

In a single year, 1915, the Armenians were robbed of their 3,000-year-old heritage. The desecration of churches, the burning of libraries, the ruination of towns and villages—all erased an ancient civilization. With the disappearance of the Armenians from their homeland, most of the symbols of their culture—schools, monasteries, artistic monuments, historical sites—were destroyed by the Ottoman government. The Armenians saved only that which formed part of their collective memory. Their language, their songs, their poetry, and now their tragic destiny remained as part of their culture.

THE SCATTERING OF A PEOPLE

Beyond the terrible loss of life (1,500,000), and the severing of the connection between the Armenian people and their historic

homeland, the Armenian genocide also resulted in the dispersion of the survivors. Disallowed from resettling in their former homes, as well as stateless and penniless, Armenians moved to any country that afforded refuge. Within a matter of a few decades Armenians were dispersed to every continent on the globe. The largest Armenian community is now found in the United States.

By the expulsion of the Armenians from those areas of the Ottoman Empire that eventually came to constitute the modern state of Turkey, the reconfiguration of Armenia took a paradoxical course. Whereas the genocide resulted in the death of Armenian society in the former Ottoman Empire, the flight of many Armenians across the border into Russian territory resulted in compressing part of the surviving Armenian population into the smaller section of historic Armenia ruled by the Russians. Out of that region was created the present country of Armenia, the smallest of the republics of the USSR.

The contrast on the two sides of that frontier spotlights the chilling record of genocide. Three and a half million Armenians live in Soviet Armenia. Not an Armenian can be found on the Turkish side of the border.

THE ABSENCE OF JUSTICE AND PROTECTION IN THE POSTWAR PERIOD

During the genocide, the leaders of the world were preoccupied with World War I. Some Armenians were rescued, some leaders decry what was happening, but the overall response was too little too late.

After the war, ample documentation of the genocide was made available and became the source of debate during postwar negotiations by the Allied Powers (Harbord 1920; Blair 1989). It was during these negotiations for a peace treaty that the Western leaders had an opportunity to develop humanitarian policies and strategies that could have protected the Armenians from further persecution. Instead of creating conditions for the prevention of additional massacres, the Allies retreated to positions that only validated the success of ideological racialism. The failure at this juncture was catastrophic. Its consequences persist to this day.

With the defeat of their most important ally, Germany, the Ottomans signed an armistice, ending their fight with the Allies. The Committee of Union and Progress resigned from the government and in an effort to evade all culpability soon disbanded as a political organization. Although many of the Young Turk leaders, including Talat, had fled the country, the new Ottoman government in Istanbul tried them in absentia for organizing and carrying out the deportations and massacres. A verdict of guilty was handed down for virtually all of them, but the sentencing could not be carried out.

The Istanbul government was weak and was compromised by the fact that the capital was under Allied occupation. Soon it lost the competence to govern the provinces, and finally capitulated in 1922 to the forces of the Nationalist Turks who had formed a separate government based in Ankara. As for the sentences of the court against the Young Turk leaders, they were annulled. The criminals went free (Dadrian 1989, 278-317).

The postwar Ottoman government's policies toward the Armenians were largely benign. They desisted from further direct victimization, but rendered no assistance to the surviving Armenians to ease recovery from the consequences of their dislocation. Many Armenians returned to their former homes only to find them stripped of all furnishings, wrecked, or inhabited by new occupants.

Their return also created resentment and new tensions between the Armenians, filled with anger at their mistreatment, and the Turks, who, because of their own great losses during the war, believed they had a right to keep the former properties of the Armenians. In the absence of the Ottoman government's intervention to assist the Armenians, this new hostility contributed to increasing popular support for the Nationalist movement.

RISE OF THE TURKISH NATIONALISTS

The armistice signed between the Allies and the Ottomans did not result in the surrender of Turkish arms. On the contrary, it only encouraged the drive for Turkish independence from Allied interference. Organized in 1919 under the leadership of an army officer, named Mustafa Kemal, the Turkish Nationalist movement rejected the authority of the central government in Istanbul and sought to create an exclusively Turkish nation-state.

As the Kemalist armies brought more and more territory under their control, they also began to drive out the surviving remnants of the Armenian population. The Nationalist Turks did not resort to deportation as much as to measures designed to precipitate flight. In a number of towns with large concentrations of Armenian refugees, massacres again took a toll in the thousands. With the spread of news that the Nationalist forces were resorting to massacre, Armenians selected two courses of action. In a few places some decided to resist, only to be annihilated. Most chose to abandon their homes once again, and this time for good.

The massacres staged by the Nationalist forces so soon after the genocide underscored the extreme vulnerability of the Armenians. Allied troops stationed in the Middle East did not attempt to save lives. Even if the Turkish Nationalist forces could not have been stopped militarily, the failure to intervene signified the abandonment of the Armenians by the rest of the world.

SILENCE AND DENIAL

For the Allies, their failure to protect the Armenians had been a major embarrassment, one worth forgetting. For the Turks, their secure resumption of sovereignty over Anatolia precluded any responsibility toward the Armenians in the form of reparations. All the preconditions were created for the cover-up of the Armenian genocide. The readiness of people on the whole to believe the position of legitimate governments meant that the suggestion that a genocide had occurred in the far reaches of Asia Minor would be made the object of historical revisionism and, soon enough, complete denial.

For almost fifty years, the Armenians virtually vanished from the consciousness of the world. Russian Armenia was Sovietized and made inaccessible. Diaspora Armenians were resigned to their fate. The silence of the world and the denials of the Turkish government only added to their ordeals.

The insecurities of life in Diaspora further undermined the confidence of Armenians in their ability to hang on to some form of national existence. Constant dispersion, the threat of complete assimilation, and the humiliation of such total defeat and degradation contributed to their insecurities.

The abuse of their memory by denial was probably the most agonizing of their many tribulations. Memory, after all, was the last stronghold of the Armenian identity. The violation of this "sacred memory," as all survivors of genocidal devastation come to enshrine the experience of traumatic death, has reverberated through Armenian society (Smith 1989; Gurojan 1988).

The persecution and later the abandonment of the Armenians left deep psychological scars among the survivors and their families. Sixty years after the genocide, a rage still simmered in the Armenian communities. Unexpectedly it exploded in a wave of terrorism. Clandestine Armenian groups, formed in the mid-1970s, sustained a campaign of political assassination for a period of about ten years. They were responsible for killing at least two dozen Turkish diplomats.

Citing the Armenian genocide and Turkey's refusal to admit guilt as their justification, the terrorists were momentarily successful in obtaining publicity for their cause. They were unsuccessful in gaining broad-based support among Armenians or in wrenching any sort of admission from Turkey. Rather, the government of Turkey only increased the vehemence of its denial policy and embarked on a long-range plan to print and distribute a stream of publications questioning or disputing the occurrence of a genocide and distorting much of Armenian history (Falk 1988, 1-10).

SEEKING INTERNATIONAL UNDERSTANDING FOR THE ARMENIAN CAUSE

During these years of great turmoil other Armenians sought a more reasonable course for obtaining international understanding of their cause for remembrance. In the United States, commemorative resolutions were introduced in the House of Representatives, and in the Senate as recently as February 1990. These resolutions hoped to obtain formal U.S. acknowledgment of the Armenian genocide. But, the intervening decades had seen a close alliance develop between the United States and Turkey. The State Department opposed passage of these resolutions. The Turkish government imposed sanctions on U.S. businesses and military installations in Turkey. In the final analysis the resolutions failed to muster the votes necessary for adoption.

Terrence Des Pres observed: "When modern states make way for geopolitical power plays, they are not above removing everything—nations, cultures, homelands—in their path. Great powers regularly demolish other peoples' claims to dignity and place, and sometimes, as we know, the outcome is genocide" (1986, 10-11). These words are important in establishing the context in which peoples, Armenians and others, seek congressional resolutions, and perform other commemorative acts. It is part of the continuing struggle to reclaim dignity. The reluctance of governments to recognize past crimes points to the basic lack of motivation in the international community to confront the consequences of genocide.

CONCLUSION

It is helpful to distinguish between the attitudes and policies of the Ottoman imperial government, the Young Turks, and the Nationalist movement. The Ottoman government, based on the principle of sectarian inequality, tapped into the forces of class antagonism and promoted the superiority of the dominant group over a disaffected minority. It made rudimentary use of technology in the implementation of its more lethal policies.

The Young Turks, based on protototalitarian principles and subscribing to expansionism and chauvinism, justified their policies on ideological grounds. They marshaled the organizational and technological resources of the state to inflict death and trauma with sudden impact. When the Young Turks deported the Armenians from Anatolia and Armenia to Syria, the result

was more than simply transferring part of the population from one area of the Ottoman Empire to another. The policy of exclusion placed Armenians outside the protection of the law. Yet, strangely, because they were still technically in the Ottoman Empire, there was the possibility of repatriation for the survivors given a change in government.

The Nationalists tapped the popular forces of Turkish society to fill the vacuum of power after World War I. Their policy vis-à-vis the Armenians was formulated on the basis of racial exclusivity. They made the decision that even the remaining Armenians were undesirable. Many unsuspecting Armenians returned home at the conclusion of the war in 1918. They had nowhere else to go. With the expulsion from Nationalist Turkey, an impenetrable political boundary finally descended between the Armenians and their former homes. The possibility of return was canceled.

Genocide contains the portents of the kind of destruction that can erase past and present. For the Armenian population of the former Ottoman Empire, it meant the loss of homeland and heritage, and a dispersion to the four corners of the earth. It also meant bearing the stigma of statelessness.

At a time when global issues dominate the political agenda of most nations, the Armenian genocide underlines the grave risks of overlooking the problems of small peoples. We cannot ignore the cumulative effect of allowing state after state to resort to the brutal resolution of disagreements with their ethnic minorities. That the world chose to forget the Armenian genocide is also evidence of a serious defect in the system of nation-states which needs to be rectified.

GENOCIDE AGAINST ARMENIANS BY THE OTTOMAN EMPIRE

(A First-Person Account)

(Excerpted from an account by Dirouhi Highgas in an interview conducted by William S. Parsons and Intersection Associates for a videotape production, *Everyone's Not Here: Families of the Armenian Genocide*. Cambridge: Intersection Associates, 1989.)

(Dirouhi Highgas was born in Konia, Turkey, in 1905, where she and her family were uprooted from their home and deported by the Turkish government in 1915. They were forced to march with other Armenian families to the outskirts of Tarsus. After months of starvation, beatings, and killings, Dirouhi's caravan arrived at a large concentration camp called Gatmanear Aleppo. From here she was forced into a train of cattle cars and sent to the killing center of Deir-el-Zor in the Syrian Desert. Dirouhi escaped death and today lives in Massachusetts. She has written an account of her experiences during the genocide entitled *Refugee Girl* (Watertown, Mass.: Baiker Publications, 1985, cost \$19.95).

People in the villages watched us go by * * * they were watching us. I'll never forget how they were watching us. I felt so ashamed that one day I cried and I told my mother, "Everybody's watching us and we're just poor refugee people. We're not like we were when we lived in Konia. We're different now, aren't we?" She [mother] said, "No we're not different. You know what a diamond is, Dirouhi? Sometimes you put the diamond in the mud. But when you take it out, it's a diamond. Nothing will happen to it. So that's what it's going to be like for you and all the rest of the Armenians. They think we're just mud, but we're not!"

It was wonderful [having my mother say this]. She was just trying to make me feel

better because I was so full of shame. We looked shabby, you know; I was beginning to look terrible. * * * We weren't sleeping; we weren't eating anything! So we travelled for another two days this way.

Then one day when we started early in the morning, there was no water in sight—no water in sight—and everyone was just dying for water. * * * Then we heard someone hollering in the front of the caravan, "Water! Water!" And I remember [I looked up] and I could see a lake. The gendarmes told us to stop the caravan so we could all go ahead to the water. But oxen have a very bad habit. When they see water you can't stop them and when the oxen saw the water they just ran straight into it taking the cart and all of us with them. And they just layed down and drank. The oxen destroyed a lot of the wagons.

We stayed there that night on the outskirts of a town, but in the morning it was just terrible. Everybody was sick. Nobody could stand up. It was the water we drank. I remember my mother was so sick, my grandmother, my grandfather. * * * Everyone had pains and dysentery. * * * I remember thinking about all the shame and how everything was erased from our world. * * * What happened * * *

I'll never forget that day. There were so many sick people and my grandfather thought we should get a few people and talk the gendarmes into letting us stay here a few days, at least just to see who's going to die and who's going to live. There was no way anyone could get up on their wagons. Everybody was very sick. The gendarmes said, "We'll stay tonight, but we're going to leave very early in the morning."

The next thing we saw the gendarmes taking my uncle to throw him in where all the dead people were. There were hundreds of people who died that day from dysentery. So my mother said, "Oh they're taking Stepan! There taking Stepan! They think he's dead; he's very sick!" My mother begged the gendarmes to please leave him here. "Just give him two hours" [she said] "and then you can take him any place you want." So we sat there and he got better little by little. * * * Everybody was getting a little better from the sickness. We [began to realize] that we're not going to die—whatever left of us there was. * * * There was no medicine. The gendarmes didn't care whether you lived or died. They didn't care.

It was a terrible thing to go through. * * * Everybody was sick and so many died. We left so many behind. I remember when the next day the caravan started to go, and I looked back and saw so many people lying there dead.

Mr. Speaker, at this time I yield to my distinguished colleague, a good friend of the Armenian people and nation, the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I wish to thank and commend my colleague from California [Mr. LEHMAN] for arranging today's special order commemorating the 77th anniversary of the Armenian genocide.

Between 1915 and 1923, the Turkish Ottoman Empire massacred 1½ million Armenian men, women, and children. No one even attempted to bury the dead. More than one-half million Armenians were exiled from the homeland occupied by their ancestors for over 3,000 years. A race of people was

nearly eliminated, yet the modern Turkish Government still makes a concerted effort to deny the existence of the genocide.

Cruelty, murder, and displacement exemplify man's terrible, terrible inhumanity to man. We commemorate this date so as not to forget the suffering and pain endured by the Armenian world community. History must not forget the systematic uprooting of Armenians from their homeland, eliminated through massacre or exile.

A strong, resilient people, the Armenians survived these cruelties as they have survived persecution for centuries. Their durability comes from their love of and intense faith in God, dating back to the fourth century when Armenia became the first nation to embrace Christianity.

The brutality against Armenians continues today. Azerbaijan has conducted a systematic 4-year program of massacres, blockades, bombings, and deportations against Armenians. We live in a humane and civilized world and cannot continue to allow another reign of terror against these people. The Azerbaijan leadership, much like the Ottoman Empire in the early part of this century, seeks to advance its political interests by eliminating the historic Armenian population of the Republic of Nagorno-Karabagh.

As a free and democratic nation, the United States must continue to acknowledge and denounce the events surrounding this tragedy of 1915 as vigorously as we deplore the modern acts of terrorism that we continue to witness in Azerbaijan.

Today, Armenians flourish as prominent and successful citizens of our great Nation, in spite of the crimes committed against them. I know how important this tribute is to them and to the memories of those who lost their lives in the slaughter. Again, I thank my colleague from California and commend him for his dedicated efforts to call attention to this historic and tragic event, one of the worst genocides of our century. The martyrdom of these people must never be forgotten and today's commemoration should serve as a warning signal that our Nation will not tolerate these atrocities in the future.

Mr. LEHMAN of California. Mr. Speaker, I thank the gentleman from California [Mr. MOORHEAD], my colleague, and I yield to the gentleman from California [Mr. DREIER], my other colleague.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman from California [Mr. LEHMAN] for yielding to me.

Mr. Speaker, I would simply like to underscore the fact that, as we mark the 77th anniversary of the horrendous Armenian genocide, the move toward freedom and the vote which has taken place which finally brought about the independence which the people of Ar-

menia have been seeking for such a long period of time was a great one, and, as my friend from Glendale, CA [Mr. MOORHEAD] has just said, there are obviously very serious conflicts which continue today. But in that quest for full freedom I know that we will finally bring about a resolution to what has been a very pressing and challenging problem for the people of Armenia and the people in this country of Armenian descent, and I thank my friend for yielding.

Mr. BROOMFIELD. Today we commemorate one of the great evils of the modern era and pray that such an evil does not once again befall the Armenian people.

It was 77 years ago that the Ottoman Turks decided to solve what they considered their Armenian problem. The Turkish solution became what is now generally recognized to be one of the most brutal and ruthless massacres in the history of the world.

Because the massacre occurred more than three-quarters of a century ago, some might ask why we still dwell on it today.

There are three reasons. The first is that the mass murders of the 20th century had their origin in the Armenian genocide. The Nazi Holocaust, the forced starvation and ruthless elimination of millions of Russians, and the mass killings of the bloodthirsty Pol Pot of Cambodia—all of them had their seeds in Anatolia.

The second reason is that the Turkish Government still refuses to admit that thousands of innocent Armenians were cut down by Turkish soldiers. This is the Turkish Government that professes to model itself on Western standards of human rights and human decency.

Germany has long ago admitted its role in the Holocaust. It has accepted its responsibility. It has apologized, and it has regained the world's respect for doing so.

But the Turks continue to hold out the hope that the stain of their guilt will be washed away with the passage of time. It will not, and we will not let it.

The third reason we commemorate an event of so long ago is the threat that such an evil might once again be perpetrated, this time in Nagorno-Karabakh. Armenians who live in that troubled area certainly remember the lessons of Anatolia. They know that only a thin fabric of civility protects them from the fate that befell their ancestors.

Armenians all over the world see that fabric beginning to unravel, and they are worried. And we should be worried too.

It is a good and important thing to commemorate the lives lost and the lessons learned in the great Armenian massacre. It is the best way to ensure it will never happen again.

Mr. GREEN of New York. Mr. Speaker, I am honored to join my colleagues in solemnly observing today as "National Day of Remembrance of the Armenian Genocide of 1915-1923."

The pattern of persecution of Armenians at the hands of the Ottoman Empire began in the late 19th century. Between 1894 and 1896, 300,000 Armenians were massacred during the reign of the Ottoman Sultan Abdul Hamid II. In 1909, 21,000 Armenians were mas-

sacred in Cilicia. The horror for the Armenian community escalated thereafter. On April 14, 1915, hundreds of Armenian intellectual, political, and religious leaders were gathered up and brutally murdered. In the months that followed, the genocide of the Armenians living in the Ottoman Empire was put into full execution. Between 1915 and 1923, 1.5 million Armenians perished, and over 500,000 were exiled. Today of the more than 2,500,000 Armenians living in the Ottoman Empire before World War I, fewer than 100,000 Armenians remain in Turkey.

As one of the House members of the U.S. Holocaust Memorial Council, I have long been a vocal proponent of the need to commemorate the 1.5 million Armenians who lost their lives in this horrific genocide. The proof and magnitude of the Armenian tragedy was established at the time by the records of this Congress and by our own Ambassador to the Ottoman Empire in 1915, Henry Morgenthau, who served as the United States Ambassador from 1913 to 1916. Henry Morgenthau stated:

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

We observe this day of remembrance so that the truth survives the eyewitnesses. It was Hitler who cynically asked in 1939, "Who today remembers the Armenian exterminations?"

Fifty years later, it must be we who remember. To do otherwise brings shame to our great democracy. We must remember that many of the Armenian-Americans we represent are themselves survivors of the horrible massacres. Many others are the children of those who witnessed the atrocity.

Today we must pause and pay tribute to the memory of those Armenians who senselessly lost their lives in 1915.

Mr. TORRES. Mr. Speaker, I wish to commend my good friend and colleague from California, Mr. LEHMAN, for organizing this important special order, where we have the opportunity to remind this country of the tragic price paid by the Armenian community for its long pursuit of life, liberty, and freedom.

Today, I rise to recall and remember one of the most tragic events in history.

From 1915 to 1923, a 9-year period, approximately 1½ million Armenian men, women, and children were brutally murdered by agents of the Turkish Ottoman Empire. In May, 1915, the Young Turks issued a general order to kill or deport to the southern lowlands and to the Caucasus the entire Armenian population of Asia Minor. Soldiers were to carry out the mission. Instructions required Turkish officials to confine their consciences or lose their jobs. The overall administration of the Young Turk's general order was analogous to the Nazi action against the Jewish people a generation later.

Able-bodied and professional men were asked to serve on road gangs, once marched out of the cities they were attacked and murdered by soldiers and nomads. The remaining men, women, and children were herded together and sent, without property or adequate provisions, across Anatolian mountains and

plains. Along these routes, Armenian women were abused or seized as wives. Robbery and torture was common along the routes. At Trabzon, the executioners used another method; they transported about ten thousand Armenians on ships out into the Black Sea and forced them overboard to their deaths.

This deliberate act to kill, or deport, all Armenians from Asia Minor took its place in history with other acts of genocide such as Stalin's destruction of the Kulaks, Hitler's calculated wrath on the Jews, and Pol Pot's attempt to purge incorrect political thought from Cambodia by killing all of his people over the age of 15.

Today, we commemorate the 77th anniversary of the Armenian genocide, and tell the stories of this blot against human civility so that we will not sink into ignorance of our capacities to taint human progress with acts of mass murder.

We do not have the ability to go back and correct acts of a previous time, or to right the wrongs of the past. If we had this capacity, perhaps we could prevent the murders of millions of men, women, and children.

However, we can do everything in our power to prevent such atrocities from occurring again. To do this, we must educate people about these horrible incidents, comfort the survivors, and keep alive the memories of those who died.

In closing, I encourage everyone to use this moment to think about the unnecessary loss of precious human lives that resulted from these massacres. We must recommit ourselves to the spirit of human understanding, patience, and love. For these alone are the tools for overcoming our tragic human weakness for attempting to resolve our problems with acts of violence.

Mr. FAZIO. Mr. Speaker, I rise today to commemorate the 77th anniversary of the first genocide of the 20th century, the Armenian genocide of 1915.

Persecution of Armenians living in the Ottoman Empire began toward the end of the 19th century and increased through the beginning of the 20th century. On April 24, 1915—the date that symbolizes for Armenians the beginning of the Armenian Genocide—over 200 religious, political, and intellectual leaders of the Armenian community were arrested, exiled, and murdered. Armenian representation in Turkey was eliminated. In a single night, the voice of the Armenian nation in Turkey was silenced.

From that infamous date until 1923, 1.5 million Armenians died from the Ottoman Empire's attempts to eliminate the Armenian people. As a result of this increased persecution, Armenian citizens were either massacred outright, or they were deported and subjected to various atrocities, including rape, torture, and mutilation.

According to Henry Morgenthau, Sr., the United States Ambassador to Turkey at that time:

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.

Most of those deported died of starvation, disease or exposure.

Even the half-million Armenians who were fortunate enough to have escaped were brutally evicted from the country that they had called home for more than 3,000 years. They were still victims of the Ottoman Empire's deliberate attempt to systematically exterminate the Armenian people. Ambassador Morgenthau called the Armenian Genocide "the most thoroughly organized and effective massacre this country has ever seen."

As a long-term friend of the Armenian-American community, I am proud to have the opportunity to participate in this special order commemorating the Armenian genocide. Mr. Speaker, it is important that we honor its victims and its survivors, and pay our respects to their families. But we must also remember this horrible example of man's inhumanity towards his fellow man, so that we can renew both our responsibility and our pledge to prevent the repetition of similar atrocities against any other people anywhere in the world.

Mr. BERMAN. Mr. Speaker, I rise today to commemorate the 77th anniversary of the terrible slaughter of Armenian civilians in 1915.

The Armenian people have suffered greatly through three decades of persecutions that included both mass deportations and massacres on a wide scale. Massacres in 1896, 1909, and 1915 tested the strength of the Armenian community. A decade of forced relocations shattered the lives of many and stressed spirits to the limit.

This year, as we remember the past sufferings of the Armenian people, it is a commemoration marked by the historic emergence of a new, independent Armenia from the ashes of the former Soviet Union.

Now, more than ever, we cannot forget the brutalities endured by the Armenian people. In the volatile nationalism emerging in the republics of the former Soviet Union, the tragic legacy of the Armenians must serve as a warning of the dangers of ethnic hatred to all those caught in the struggle of establishing new nations. We must draw a lesson from the atrocities of the past if we are to avoid a repetition of these atrocities in the future.

Sadly, in the wake of the collapse of the Soviet Union, ethnic tensions have evolved into a number of violent conflicts.

Continuing ethnic violence in Nagorno-Karabakh, between Armenians and Azeris, has already caused thousands of civilian casualties across ethnic lines. The acquisition of powerful weapons through raids on former Soviet stockpiles have increased the level of violence and, tragically, the people of the region remain without running water, electricity, or telephone service.

Most distressingly, the fighting between the two sides appears to be increasing and, so far, attempts to mediate the conflict have failed to stop the killing. As we commemorate past atrocities, we must remember that the people of Armenia and its neighbors are still dying because of ethnic hatred.

The lesson that we learn as we remember the past slaughter of Armenians is that the underlying hatreds that cause these kinds of atrocities have not abated. These hatreds continue to lead to the deaths of innocent civilians caught in ethnic strife in the former Soviet Union and around the world.

Mr. Speaker, I ask my colleagues to join me in remembering the tragedies visited on the

Armenian people and pledge anew our commitment to working for an end to ethnic and racial hatred and violence wherever it may occur.

Mrs. MORELLA. Mr. Speaker, I am pleased today to join with my colleagues in commemorating the 77th anniversary of the Armenian genocide. Remembrances like these are important because they help to prevent the occurrence of similar tragedies in the future, and I want to thank my colleague, the gentleman from California, for calling this special order today.

The Ottoman Empire's effort to eliminate its Armenian population, coupled with the world's indifference to that crime, set an example that has been emulated many times in the following decades. Around the world today, governments commit atrocities against their own citizens, yet escape the consequences of their crimes for reasons of political expediency. Even when the evidence is clear and compelling, as it is in the case of the Armenian genocide, there are still those who would sacrifice the truth for political gain.

If we are ever to witness a universal respect for human rights, we must begin by acknowledging the truth. On human rights issues ranging from the detention and torture of political prisoners to the Armenian genocide to the genocide of the Kurds by Saddam Hussein's henchmen, we must speak unambiguously. There is no place in the family of nations for governments that commit atrocities against their own citizens.

Both individuals and nations, if they are to realize their potential, must be able to make their own decisions. The Armenian people, after centuries of oppressive Ottoman rule culminating in the 1915–23 genocide, followed by 70 years of Stalinist domination, have finally realized their dream of shaping their own destiny. Unfortunately, the Armenians of Karabagh have yet to achieve this dream; we in Congress must continue our work toward a peaceful and just resolution of the situation in Karabagh.

Mr. Speaker, the lesson of the Armenian genocide is clear. To prevent such crimes against humanity in the future, we must act now by fostering respect for the truth, countering efforts to deny human rights violations in the interest of expediency, and speaking out against all instances of man's inhumanity to man.

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the 77th anniversary of the Armenian genocide.

On a tragic night, April 24, 1915, over 200 intellectual, religious, and political leaders of the Armenian community in Istanbul were arrested, exiled from the capital city, and executed. As a result, that day symbolizes the beginning of the Armenian genocide, a tragic event that resulted in the final deaths of over a million and a half Armenians.

Traditionally, the United States Congress has held a remembrance for the victims of the Armenian genocide every April. It is important that we, as a Nation, voice our commitment to remembering this tragic crime against humanity.

Many Armenian residents in southwestern Illinois have contacted me to convey the anguish that they still experience in a vivid way 77 years later.

It is important that the United States Congress not forget this unlawful act, one act of many unfortunate crimes against mankind in this century.

Let this day stand as a reminder that the United States must stand firm in its resolve to oppose violence and repression as tools of government. We, as a Nation, must continue our efforts to uphold human rights and recognize tyranny, now, and forever.

Mr. ECKART. Mr. Speaker, today marks the anniversary of one of the darkest episodes in our world's history: the persecution and systematic destruction of the Armenian people by the Ottoman Empire from 1915 through 1923. During those 8 horrible years, the Armenian community within the Ottoman Empire was virtually eliminated. It is estimated that 1½ million Armenians were killed and another 500,000 were exiled. Families were torn from their homes and whole villages were uprooted as their Ottoman rulers forced the Armenians into slavery or marched them through the desert for weeks without respite. They faced countless atrocities from their tormentors, and few were able to avoid death by starvation, disease, or murder.

It is nothing short of miraculous that the Armenian people were able to survive this deplorable episode. They should be praised for their courage and determination in the face of such a horrendous struggle. I salute them.

Although it is painful to recollect such a terrible historical occurrence, it is very important that we do remember and think on it, so that we may never face such a catastrophe again. We must learn from the lessons of history, not deny them. Please remember the Armenian genocide.

Mr. VISCLOSKEY. Mr. Speaker, today, I join my colleagues to reflect upon and commemorate the 77th anniversary of the Armenian genocide. On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were executed. Indeed, between 1915 and 1923, over half of the world's Armenian population—an estimated 1.5 million men, women, and children—were killed. While this anniversary may evoke painful memories, it would be worse if we did not remember these terrible atrocities perpetrated against the Armenian people so that such an event is never repeated.

The Armenians are an ancient and proud people. In the fourth century, they became the first nation to embrace Christianity. In 1915, Christian Russia invaded the Moslem Ottoman Empire, which was allied with Germany in World War I. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

Today, it is important to remember this horrible fact of history to comfort the survivors, as well as remain vigilant to prevent future calamities. Only a fraction of the Armenian population escaped this calculated attempt to destroy them and their culture. Approximately 500,000 Armenian refugees fled north across the Russian border, south into Arab countries, or to Europe and the United States. Currently,

it is estimated that fewer than 100,000 declared Armenians remain in present day Turkey.

I am proud to say that a strong and vibrant Armenian-American community is flourishing in northwest Indiana. In fact, my predecessor in the House of Representatives, the late Adam Benjamin, was of Armenian heritage.

The Armenian genocide is a well documented fact. The United States National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. However, there is an unsettling tendency among both individuals and governments to forget or blot out past atrocities.

Less than 20 years after the Armenian genocide, Adolf Hitler embarked upon a similar extermination of European Jews. While the Jewish Holocaust is certainly as terrible an event as the Armenian genocide, at least the Jews have had the catharsis of the world's recognition of what happened to their people. In search of acknowledgement of what happened to their families and ancestors between 1915 and 1923, regrettably, Armenians too often hear that their claims of genocide are lies or exaggerations.

Unfortunately, there are still efforts to deny the existence of the Armenian genocide. Responding to political pressure, in January 1991, the National Park Service removed a photograph depicting the victims of the Armenian genocide from the Ellis Island Centennial Photo Exhibit in New York. The captioned photograph had been previously vandalized, but was removed following an intensive political campaign targeted at Ellis Island officials.

I am pleased to report that after representatives of the Armenian National Committee contacted Ellis Island authorities to protest the removal of the exhibit, the item in dispute was replaced with an authenticated photograph depicting the victims of the Armenian genocide. Indeed, the inclusion of this exhibit at Ellis Island helps to explain why so many Armenians fled their homeland to settle here in the United States.

In closing, I would like to commend my colleague from California, Mr. LEHMAN, for organizing this special order to commemorate the 77th anniversary of the Armenian genocide. It is my sincere hope that this remembrance will not only console the survivors and their families, but may also serve to avert future atrocities.

Mr. KYL. Mr. Speaker, today I rise to commemorate a solemn event in human history, the Armenian genocide of 1915–23. This was a period of time during which millions of Armenians were systematically uprooted from their homeland of 3,000 years and massacred by the Ottomans.

An Armenian friend provided me a copy of Viscount Bryce's book "The Treatment of the Armenians in the Ottoman Empire 1915–1916." Where possible, the author compiled first hand accounts of the treatment of Armenians during 1915. Based on the collection of evidence before him, Bryce concluded that recollections described—

*** what seemed to be an effort to exterminate a whole nation, without distinction of age or sex, whose misfortune it was to be the subjects of a Government devoid of scrup-

ples and of pity, and the policy they disclosed was without precedent. ***

The U.S. Ambassador to Turkey, Henry Morgenthau agreed. In 1918 Morgenthau recalled:

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

Unfortunately, the world went on to experience an even greater massacre—the Holocaust of 6 million Jews during World War II.

In our modern age, we all believe that something like the Armenian genocide and persecution of a minority could never happen again. This commemoration should serve to reinforce American commitment to ensure the freedom and rights of minorities throughout the world; be it the Kurds, the Croats, the peoples of the Baltics and Eastern Europe or the minorities in our own country.

Mr. KLECZKA. Mr. Speaker, I rise today to join Armenian-Americans and Armenians around the world in commemorating the 77th anniversary of the Armenian genocide. The world must never forget the arrest, exile, and execution of over 200 Armenians by the Ottoman Empire on April 24, 1915.

That tragic evening was only the beginning of the Armenian genocide which would last 9 years. In one fell swoop, an entire generation of Armenian religious, political, and intellectual leaders was destroyed.

From 1915–23, the Ottoman Empire murdered 1½ million Armenians and exiled 500,000 more. By the end of 1923, the entire Armenian population of the Turkish provinces of Anatolia and western Armenia had been either killed or deported. Today, we remember those who perished and extend our support to their grieving families.

Just as we commemorate the triumphs of world history, we should also remember and learn from its tragedies and its failings. Our energies should now turn to helping the newly independent nation of Armenia develop onto a rich and democratic member of the international community.

We can start by working within international bodies like the United Nations and the Conference on Security and Cooperation in Europe [CSCE] to broker a lasting cessation of hostilities in Nagorno-Karabakh. We should do everything we can to help the courageous and resilient Armenian people build their fledgling nation free from bloodshed and violence. Clearly, the Armenian future is bright.

Mr. Speaker, I welcome this opportunity to commemorate the 77th anniversary of the Armenian genocide, and to offer my best wishes to Armenian-Americans and Armenians around the world.

Mrs. LOWEY of New York. Mr. Speaker, I rise to join my colleagues in a special order commemorating the 77th anniversary of the Armenian genocide.

For a great many years, Members of the House of Representatives have raised their voices about this tragic episode of history. We have delivered statements, considered resolutions, and discussed this question in committee hearings. However, despite our words, the Turkish Government continues to deny that

the 1915 massacre ever occurred. For that reason, we have a moral imperative to once again speak out. All the world needs to know that we will never forget.

The facts surrounding the Armenian massacres do not change with time. On April 24, 1915, over 200 Armenian intellectual leaders were taken from their homes and executed. Armenian men in the Ottoman Army were disarmed and placed in work battalions from which they were gradually removed and executed. The remaining women and children and the elderly were forced to participate in long marches through the desert with little hope of survival. By 1923, 1.5 million Armenians, over half of the world's Armenian population, had been slaughtered.

By refusing to recognize this international crime, we only encourage those who would commit such atrocities in the future. In Azerbaijan we are seeing a return of the same mentality. The Azerbaijani leadership, much like the Turkish leadership of the First World War, seeks to advance its political interests by eliminating the historic population of the Republic of Nagorno-Karabagh.

As Members of the U.S. House of Representatives, we have a responsibility to speak out against injustice. The Armenian genocide is not a question for debate, it is an undeniable fact of history. Refusing to acknowledge that fact simply compounds one tragedy with another.

We will never forget. And the thousands of Armenian-Americans will also not forget. Until the Turkish Government acknowledges full responsibility for this massive atrocity, we have a duty, an obligation, and a moral responsibility to call attention to the Armenian genocide.

Particularly in times like these, we must be ever vigilant in fighting back against hatred and bigotry. An important component of that fight today is the constant reminder of crimes of prejudice from the past such as the Armenian genocide.

We shall never forget.

Mrs. VUCANOVICH. Mr. Speaker, I rise today to speak of a hideous time. A time when innocent people were subjected to violence, persecution, and led to their deaths. A time which should be remembered, so that it may never happen again. That time and the event is the Armenian genocide of 1915 to 1923.

On the night of April 24, 1915, the horror began when more than 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were arrested, and later executed. But the horror did not stop there, for the next 8 years the Ottoman Empire continued to exterminate approximately 1.5 million Armenian men, women, and children.

These events were the culmination of 30 years of persecution by the Ottoman Turkish Empire, in which Armenians were systematically uprooted from their homeland of 3,000 years and eliminated through massacres or exile. Prior to the beginning of World War II, over 2.5 million Armenians lived within the Ottoman Empire. Since the Armenian genocide, fewer than 100,000 declared Armenians reside in Turkey.

Mr. Speaker, the United States has stood up to human rights violations throughout the world, and it is fitting that we recognize these actual crimes that occurred. Armenians in the

United States today do not seek revenge, but they do ask for a simple acknowledgement of their sufferings, in the hope that such atrocities will never happen again. In recognizing this tragic event, we can help comfort those who were lucky enough to survive, and keep alive the memory of their loved ones who perished.

I appreciate this opportunity to join my colleagues in this memorial for the victims of the Armenian genocide.

Mr. HOYER. Mr. Speaker, I solemnly rise today to join my colleagues in marking the 77th anniversary of the Armenian genocide. The tragic events of the years 1915–1923 must be remembered for all time so that the cruelty of this period continues to instill in us, and future generations, a revulsion of such actions. I also want to commend my respected colleague and friend, Mr. RICHARD LEHMAN of California, for organizing this special order. Since I entered the Congress, I have known him to be a tireless fighter for human rights.

While the horrific events leading to the deaths of over one-and-a-half million Armenians occurred over 75 years ago, their impact on the psyche of the Armenian people, and indeed the entire world are still evident. The effects of such atrocities are not easily, if ever, overcome. Many can still testify to the deportations and massacres of families and friends. Other have read or seen pictures of the unspeakable abominations, and all Armenians, young and old, live with the knowledge that their entire people's existence was seriously threatened during the last years of the Ottoman Empire.

Mr. Speaker, it is critical that the world be reminded again and again about the brutal crimes perpetrated against the Armenian people. We must also remember that the lessons of history are not easily put into practice. Despite the world's knowledge of this heinous episode, a holocaust of ghastly dimensions occurred only two decades later. Man's inhumanity has been since evidenced in such places as Cambodia and Iraq. And despite the efforts of many, I am sorry to say that even more acts of mass cruelty are occurring even now.

Mr. Speaker, it is the duty of us all to work to ensure that our generation and future generations never again have to bear witness to such inhuman behavior and feel the pain and suffering of an entire people. The crime of genocide can never again be allowed to mar the history of humankind, and today we stand with our Armenian brothers and sisters, not only to remember and share in their grief for those who died, but to celebrate those who are living and building a new nation in Armenia.

Mr. WAXMAN. Mr. Speaker, I join my colleagues today in rising to commemorate the 77th anniversary of this century's first genocide—the Armenian genocide.

Many of my Armenian constituents and friends have told me of loved ones taken from them by the genocide. Indeed, many are still tormented by memories of the death marches of 1915. Anyone who has studied or discussed the tragic events that befell the Armenian community 77 years ago—not to mention the preposterous historical revisionism that still exists to this day—can fully understand how

important this tribute is to the Armenian community and to the memory of all those who lost their lives in the slaughter. I want to take this opportunity to commend my distinguished colleague from California, Mr. LEHMAN, for arranging this special order.

Each year, this day serves as an expression of our commitment to historical truth and the universal principles of human rights. The line from Armenia to Auschwitz is direct. Undoubtedly, the Holocaust, which took the lives of 6 million Jews and millions of other innocent people, was inspired by the murder of 1½ million Armenians. Those who have studied the Holocaust know that Hitler, during an early meeting to map out the extermination of the Jewish people, was asked whether world opinion would not prevent such a plan from being carried out. Hitler reportedly laughed and said "World opinion! A joke! Who ever cared about the Armenians?"

Mr. Speaker, clearly the U.S. Congress cares about the Armenian genocide. By holding this special order we reaffirm our vow that genocide will not go unacknowledged and unmentioned. This day serves to remind all Americans that we must continue to speak of the genocides of this century. We must resolve to never let our moral outrage—as a Nation and as individuals—diminish. Only by acknowledging this day, year after year after year, can we ensure that genocide remains what it has not always been—an unspeakable sin.

The Armenian people, although scattered all over the Earth, have remarkably kept their culture, language, and religion intact. As the new Republic of Armenia works to establish a free homeland for Armenians worldwide, I am hopeful that the tragic era of repression and violence that the Armenian people have bravely faced throughout the last century is finally coming to an end. On this day of remembrance, I salute the tenacity and spirit of the Armenian people.

Mr. TORRICELLI. Mr. Speaker, I rise today to speak in the memory of the over 1 million Armenians who lost their lives in Turkey during and immediately after World War I.

The Ottoman Empire's killing of Armenians during this epoch has been a scar on humanity. It was the first genocide of the 20th century and many survivors are still alive today. Because their trauma has been largely forgotten, other peoples throughout this century have had to suffer through further incidents of genocide. Hitler was emboldened by the world's failure to condemn and remember the Armenian genocide perpetrated in the last years of the Ottoman Empire. We must never repeat the mistake of silence.

This week marks the 77th anniversary of the Armenian genocide and we must all pause to remember this tragic event. We must demonstrate that Hitler was wrong when he said the world would forget the Armenian genocide. In short, we must show that genocide anywhere will be neither tolerated nor forgotten.

America's devotion to human rights requires us to commemorate past abuses of human rights. It also requires us to highlight and criticize current abuses so that tragedies like the Armenian genocide do not reoccur.

Unfortunately, today a tragedy is unfolding in Nagorno-Karabagh. The government of

Azerbaijan is waging a war against ethnic Armenians in the enclave which used to be part of greater Armenia. The Armenians of Nagorno-Karabagh are struggling for political freedom and the right to self-determination. They are fighting to regain the religious and cultural liberties that were denied them when Azerbaijan assumed control of the region nearly 70 years ago.

The people of Armenia have long endured hardship and human suffering and continue to do so today. In commemorating the Armenian genocide, we cannot lose sight of the thousands of Armenians that continue to suffer under Azerbaijani repression. We must put an end to their persecution and resolve the situation in Nagorno-Karabagh.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in commemorating the 77th anniversary of the Armenian genocide. On April 24, 1915, the rulers of the Ottoman Empire began the premeditated, systematic extermination of the Armenian people. From 1915 to 1923, the Ottoman government carried out a bloodthirsty campaign to wipe out any vestige of the Armenian people, language and culture. The ruthless marches of forced starvation and endless massacres consumed the lives of 1½ million Armenians.

It is hard to comprehend that man is capable of such a barbarous monstrosity, of such ruthless depravity. But yet this century is littered with the victims of racial hatred and intolerance. The tragic fact that the Armenian genocide was followed by the Holocaust and the Cambodian conflagration stands as a stark testimonial that mankind is capable of the most unspeakable and heinous atrocities.

We all bear some culpability and lose part of our humanity when defenseless men, women, and children can be slaughtered with impunity. The silence and indifference that greeted the Armenian genocide 77 years ago may have made it easier for the likes of Hitler, Stalin, and Pol Pot to destroy the lives of millions upon millions of people.

We observe the horrific events that engulfed the lives of the Armenian people not only to pay homage to these fallen victims but to keep their memory alive in the consciousness of mankind. We remember so not to forget. We stand with history in condemning the first genocide of the 20th century—the first bloody effort to exterminate a people because of their race.

Mr. BONIOR. Mr. Speaker, I thank my colleague, the gentleman from California, for holding today's special order to remember this most historic and tragic event. At this time, I'd like to submit remarks I gave to the Greater Detroit Armenian Genocide Commemoration in Dearborn, MI, last week.

REMARKS BY CONGRESSMAN DAVID E. BONIOR
There is an old saying that history is written by the winners.

Certainly Turkey thought it could do that after April 24, 1915, when it began the process that would murder 250,000 Armenians serving in the Ottoman Army * * * then uproot and kill a million and a half more.

For a while it looked like they might succeed. In the 1930s, before exterminating the Jews, Hitler said: "Who remembers the Armenians?"

In those days it seemed like few would. Well, we remember.

Your vigilance guarantees that the genocide will not be swept under the rug.

The members of the Armenian Diaspora, while living thousands of miles from their homeland, have never distanced themselves from this issue.

It is almost as if by scattering, you have brought knowledge to those of us who might not pay attention, insulated by distance and the tendency to ignore events far from home.

That's why I've always been so proud to introduce legislation making sure America continues to mark the Armenian genocide. Because of your work, America remembers April 24, 1915.

There are those who say there was no genocide.

This is a point completely refuted by history—and by the living memory of those who lived through it.

Others say, "Yes, there was a genocide but it was a long time ago. Armenians should let bygones be bygones."

They point to the compelling economic need for Turkey and Armenia to work together—Armenian access to the Black Sea, or Turkish access to Central Asia.

Well, the need exists. I hope there is a thaw. After all, the Soviet Union is dead and with it the restrictions they imposed.

But not everything takes a back seat to trade. Armenia should not be compelled to forget genocide in the interest of getting along.

And just as you have not let America forget, America should not let the world forget.

I want America to lead in the great economic battles of the decades ahead.

And when it comes to human rights and to helping those who want to emulate this 200-year-old experiment in democracy, America must also lead.

After all, the Cold War is over. There is a single superpower in the world.

Us.
To shrink from leadership would be to abdicate at the moment of our greatest triumph.

For that reason, I am convinced America must lead when it comes to Nagorno-Karabagh.

One way of remembering the tragedies of the past, after all, is to make sure that we don't repeat it.

If there is a lesson of the 20th Century surely it is to respect the human rights of people, whether in the Middle East, in Latin America * * * or in Asia.

People all over the world have the right to representative government—and so do the people of Nagorno-Karabagh.

People all over the world have the right to live in peace with their families. And so do the people of Nagorno-Karabagh.

People all over the world have the right to free speech and to due process—and so do the people of Nagorno-Karabagh.

Can they win those rights?
The road ahead isn't easy. Turkey is under domestic pressure to aid Azerbaijan.

What can we do?
First, we must keep trade and economic sanctions on Azerbaijan until the President certifies that the Azerbaijani blockade has lifted.

Second, the United States must urge Turkey to behave itself * * * to stay neutral and to allow U.S. aid to be distributed in Armenia.

We need more international involvement. The Peace Corps is likely to start sending volunteers to Armenia this Fall—a great step.

But we must keep the pressure on.

Last Fall I hosted a luncheon for Lady Caroline Cox and Yelena Bonner who are championing the cause of Nagorno-Karabagh. Watching Dr. Bonner speak I remembered how hopeless her cause had seemed even five years ago.

She persisted. She and her husband marched on unswervingly, through intimidation and isolation and repression.

Her cause won.
So it will be with us.

And the reason?

One reason is simply the fact of today's ceremony.

There is a story about an ancient wise man who could answer any riddle of life.

One day a young boy decided to play a trick on the old man.

"I will capture a bird," he said to his friends, "hold it cupped in my hands, then ask whether it is dead or alive. If he says 'Dead' I'll let the bird fly away. If he says 'alive' I'll crush it before opening my hands."

Holding the bird, the boy went to the old man and asked: "Is the bird I have dead or alive?"

The old man replied, "The answer * * * is in your hands."

It is very easy to believe the riddles of a better society can't be solved. It's easy to say "I'm not involved."

You have rejected that course.

Instead, you have taken matters into your own hands.

We are commemorating today your forebears and reaffirming our fight for the rights of people half a world away.

It is a rare and courageous thing.

And I am convinced that when the final chapters of history are written, your courage will be remembered.

History rewards those who get involved.

History rewards those who don't let the obstacles * * * the delays * * * the bureaucracy * * * the compromise * * * get them down.

So, keep fighting.

History may indeed be written by winners.

But you—and we—will be among those who won.

Mr. CARDIN. Mr. Speaker, I join my distinguished colleague from California, Congressman RICHARD LEHMAN, in commemorating the tragedy of the Armenian genocide.

Between 1915 and 1923, a systematic and deliberate campaign of mass genocide by the Ottoman Turkish Empire resulted in the deaths of over 1½ million Armenians and the exile of a nation from its historic homeland.

We have a dual purpose today in recalling the catastrophic events surrounding the Armenian genocide. First, we are here to pay our respects to the 2 million Armenians who were killed or driven into exile simply because they shared a common ethnic heritage. Second, we are here today to educate future generations to the reality of what occurred from 1915 to 1923. "Nothing," it has been said, "is more distressing than to see history repeating itself."

Silence in the face of genocide only encourages those who would commit such atrocities. Adolph Hitler used the Armenian genocide as a precedent for his efforts to exterminate Jews from the face of this planet.

Mr. Speaker, let us never fall silent again. We must be vociferous in guarding against those who would promulgate such calamity upon any segment, however small, of the human race.

Mr. FORD of Michigan. Mr. Speaker, April 24, 1915, marked the start of the horrendous Armenian genocide. On that day, the government of the Ottoman Empire rounded up the leadership of the Armenian community and executed them as the first step of a premeditated massacre of 1½ million people. Only a few hundred thousand Armenians were able to escape this attempt to erase the Armenian people and their culture from the planet. Many of those Armenians who did escape settled in my district and throughout the United States, and have become an integral part of American society.

This past year we have witnessed tremendous changes in the world. The end of the cold war has sparked a new sense of honesty about past mistakes, opening up the possibility of a stronger and more cooperative future. This new spirit of openness asks us to acknowledge and accept responsibility for the mistakes of the past as insurance that they will not be repeated in the future.

Now is a time for moving forward, but in our prosperous ascension let us not forget those who suffered enormous tragedy in the past. Today, I join those proud Armenian-Americans, survivors and their descendants, and all Americans in commemorating the inhumanity inflicted upon the Armenian people. As the victims of the first mass effort of a government to exterminate a nation, the Armenians serve as a reminder to the world that, unless we learn from the past, we will be doomed to repeat it.

Mr. BILIRAKIS. Mr. Speaker, I rise today to join my colleague from California, Mr. LEHMAN, in commemoration of one of the saddest and most tragic events of human history: the genocide of the Armenian people during the latter half of the 19th century.

In joining my colleague, I also want to heartily commend him for taking this time today that we may speak about this very disturbing chapter in world history. For, while it may be painful to review these events, as long as this is the case—as long as we experience this discomfort and pain—there is hope for humanity.

It is, in fact, the day that we can comprehend these events and not feel pain that I fear. It will be on that day that the worth of human dignity and the human spirit will have been lost.

In few other instances has man's inhumanity to man been demonstrated so starkly than in the persecution of the Armenians by the Ottoman Empire. And while some 1,500,000 Armenian people died and another 500,000 were exiled between 1915 and 1923, this was but the brutal culmination of events stretching back to 1894.

In that year, 300,000 Armenians were massacred, and in 1909, a further 21,000 perished—all before what is generally considered to be the true genocide beginning 6 years later.

As an American of Greek descent, I always have felt a special tie to the Armenian people, because the land of my ancestors also suffered at the hands of the Ottoman Turks. My colleagues may know that every March, I sponsor a special order in this Chamber to commemorate Greek Independence Day on March 25.

That date marks the beginning of Greece's struggle for independence from more than 400

years of domination by the Ottoman Empire. It was on that day that the Greek people began a series of uprisings against their Turkish oppressors, uprisings which soon turned into a revolution.

Greece was more fortunate than Armenia. It did not suffer the dark events that we commemorate today: Whole villages exterminated, thousands and thousands rounded up and literally worked to death. However, Greeks, too, know what it means to labor under oppression.

The Greek struggle for independence and the Armenian genocide are two events that erupted in the same region of the world and that fit neatly together to form a message.

It is a message that rings down through the ages and must never be ignored. The message is this: we must continue to speak out, to raise our voices in protest of the mistreatment of our fellow human beings. This is a simple matter of right versus wrong.

It is our duty to call attention to human rights abuses on any scale until the world is united in revulsion for these atrocities; until those yearning only to live free are allowed to do so.

Mr. LIPINSKI. Mr. Speaker, the history of the Armenian people is a long and bitter story marked by repression and genocide. I'm speaking of course about the Armenian genocide of 1915 to 1923 carried out by the Ottoman Empire.

It is not a story that is widely known. There is little mention of it in our history books. It is not taught to our children in school. And it is not commemorated on the kind of scale it deserves. On behalf of the Armenians who live in my community, I am proud to take a few minutes to honor the victims of the genocide. I also want to thank the gentleman from California for sponsoring this important special order.

The Armenian genocide was the culmination of a long effort by the Ottoman Turks to destroy the Armenian people. During the decades preceding the First World War, the Ottoman government tried repeatedly to achieve this goal. In 1895 300,000 died. In 1909 another 30,000 died before the Western powers intervened to stop the bloodshed.

Unfortunately, World War I provided the cover they needed. With Europe and the United States preoccupied by war, the Ottoman Turks carried out their massacre without outside attention or interference. The genocide began on April 24, 1915, with a sweep of Armenian leaders. It did not end until 1923 when the entire Armenian population of 2 million had been killed or deported. Very few survived.

It is estimated that 1.5 million Armenians died at the hands of the Ottoman Turks—half of the world's Armenian population at the time. By 1923 the Turks had successfully erased nearly all remnants of the Armenian culture which had existed in their homeland for 3,000 years.

As we look back on this tragedy today, we see the memory of the victims insulted by those who say the genocide did not happen. A well-funded propaganda campaign forces the Armenian community to prove and reprove the facts of the genocide. This is itself a tragedy for a people who would rather devote their energy to commemorating the past and building the future.

I stand here today to say the genocide did happen. Nobody can erase the painful memories of the Armenian community. Nobody can deny the photos and historical references. Nobody can deny that few Armenians live where millions lived 80 years ago.

It is our responsibility and our duty to keep the memories of the genocide alive. A world that forgets these tragedies is a world that will see them repeated again and again. The story of this and other genocide must be known by all.

We must also honor the victims who perished so brutally. We cannot right the terrible injustice inflicted upon the Armenian community and we can never heal the wounds. But by properly commemorating this tragedy, Armenians will at least know the world has not forgotten the misery of those years. Only then will Armenians begin to receive the justice they deserve.

Mr. PALLONE. Mr. Speaker, this year Armenians throughout the world had much to celebrate on the occasion of the rebirth of their nation. The Republic of Armenia has risen from the ashes of history once again to take its place in the community of nations. The Armenian people have struggled for this independence for over 70 years. Today the world community recognizes the Republic of Armenia as a free and independent nation with full rights and privileges, including a voting seat in the United Nations.

For Armenian-Americans in the United States, however, a sad shadow clouds this joy and celebration. To this day, the United States Government has refused to recognize the historical fact of the 1915 genocide of Armenians by Ottoman Turkey. On April 24, in churches and gathering halls throughout the United States, Armenian-Americans came together to remember the 1½ million Armenians who were massacred during the 1915 genocide.

Nearly every one of those gathering had family members who were killed in the genocide. Some of those gathered are survivors from this horrific example in history of man's inhumanity to man. These survivors are witnesses to history. Ask them and they will tell you of the atrocities which befell the Armenian people in Ottoman Turkey in 1915. The examples of brutal inhumanity and savagery recounted by these witnesses are sadly attested to by United States, German, French, and various other scholars including United States diplomatic officers and Ambassadors. As each year passes there are fewer and fewer of these eyewitnesses alive to sit before you and tell you about the events which transpired in 1915.

Every year, the Republic of Turkey spends vast sums of money to cover up these atrocities perpetrated by Ottoman Turkey. The Republic of Turkey pours money into various Washington DC, lobbying firms to stop the United States Government from recognizing and remembering the 1915 genocide of Armenians by Ottoman Turkey.

Money and public relations, however, cannot change the truth of history. Truth is an awesome power. In the end, truth broke apart the lie that was the U.S.S.R. Truth tore down the lie that was the Berlin Wall. Truth evidenced to the world the atrocities perpetrated by Nazi Germany. And someday, truth will

move our Government to recognize the horrific event known as the Armenian Genocide of 1915. Let us hope some survivors are still alive to witness that act.

Mr. EARLY. Mr. Speaker, today I rise to join my colleagues to remember an event which has undoubtedly left a mark on history as one of the great tragedies. Seventy-seven years ago the Armenian population of the Ottoman Turkish Empire became the target of heightened persecution by the Ottoman government.

This horrifying genocide began on April 24, 1915, with an event in Constantinople that took the lives of 200 Armenian religious, political, and intellectual leaders. As a result, similar executions took place in all Armenian centers throughout the empire. Unfolding next was the edict of deportation which ordered the deportation of Armenians on a moment's notice. Men usually became separated from the group, while the remaining women, children, and elderly were marched across Asia Minor and Turkish Armenia to the Syrian desert. These innocent people became victims of the Ottoman government, thousands were massacred while others were left to die of starvation, disease, and exposure.

These are just some of the grueling incidents which document the premeditated extermination of the Armenian people. One must never forget the three-decade period of inhumane treatment and brutality which led to the death of 1.5 million Armenians, while more than 500,000 were systematically uprooted from their homeland of 3,000 years.

Mr. Speaker, I stand here today to pay tribute to all those Armenians who senselessly lost their lives to a genocide that has plagued the 20th century. It is my hope that we have learned from this experience and that we will continue our commitment to prevent such tragedies in the future.

Mr. MOAKLEY. Mr. Speaker, just over 77 years ago, on April 24, 1915, the Ottoman Empire took advantage of the confusion of war to arrest and murder nearly 200 leaders of the Armenian population living in its borders. I rise today to commemorate that event which marked the beginning of the Armenian genocide and the near extermination of a community of 1.5 million people within the boundaries of modern-day Turkey.

The massacre of Armenians at the hands of the Ottomans occupies a strange place in our consciousness. Very few such events are so well documented, and very few received such wide acknowledgement at the time when they occurred. Ambassadors from all over the world wrote to their governments and families about the tragedy. The U.S. Senate formally recognized the nature of the massacres in 1920.

There is no doubt, but that these massacres were a systematic attempt to wipe an area clean of a 1,000-year-old culture. But, unlike its legacy, the Holocaust, it is seldom talked about in the media, or in our homes. Because of this, it seems vague and unimportant sometimes, almost as if it were just some nightmare—someone else's nightmare.

The nightmare is, of course, that genocide only sleeps. There is evidence that the Armenian genocide provided textbook inspiration for Hitler's final solution, 20 years later. This is a terrifying connection and it is frightening to think there could be such linkage through the

Gang of Four to the Killing Fields to Saddam Hussein's massacres of the Kurds.

Intolerance and prejudice sustain genocide, when its does sleep. In this year of increased racial violence and crimes of hate in America, this special order is not only a commemoration, it is a warning.

Mr. WEISS. Mr. Speaker, I rise today to join Armenians around the world in commemorating the 77th anniversary of the Armenian genocide. I am proud to be a regular participant of this annual event and I would like to thank my colleague from California, Mr. LEHMAN, for his commitment to consistently raising the awareness of this very important issue.

As the symbolic beginning of an 8-year reign of terror by the Ottoman Empire three-quarters of a century ago, April 24 serves as a day of solidarity for millions of Armenian men, women, and children. It is an event that remains deeply ingrained in consciousness of every Armenian no matter where he or she now lives.

In a Broader sense, however, this commemoration is a reminder to the world that apathy and ignorance facilitated a period of unchecked tyranny which spanned four earlier decades of this century. Today the contemporary world is no less insulated from the threat of genocide, but the lessons of such acts are tough weapons against the strong tendencies that continue to lay dormant in the regimes of Saddam Hussein, Hafez al-Asad, Li Peng, and many other dictatorial governments.

Our time here tonight is not only to commemorate to memory of a heinous historic event, it is also a time for us as a global village to reflect on the past and look toward the future. It is a time for us to make a commitment to erase the blight that took lives of 1 million Armenians, 2 million Cambodians and 6 million Jews. It is a time to turn the evil of these events into a valuable leverage for our posterity.

April 24 is a day when tens of thousands Armenian-Americans commemorate this day as Martyr's Day, and give thanks that they live in a land where their fundamental rights are protected by law. But in other parts of the world many people still live in constant state of fear for their lives. As we join the Armenian community in commemorating this day, we should also begin to consider a process whereby all people can one day truly identify the act of genocide as a extinct practice in a distant memory.

Mr. GILMAN. Mr. Speaker, I would like to thank the distinguished gentleman from California [Mr. LEHMAN] for holding a special order on this important topic at this time.

Mr. Speaker, 77 years ago, on April 24, 1915, a horrible crime was committed. Over 200 political, intellectual, religious, and cultural leaders of the Armenian community in Turkey were arrested and later put to death. This terrible day marked the beginning of 8 years of cruelty and fear in Turkey. From 1915 to 1923, 1.5 million Armenians were led to their deaths by the Turkish Government, either through starvation or outright execution. Through this systematic murder, the Armenian community in Turkey was reduced from around 2 million in 1914 to just over 100,000 in 1923.

In 1923, the world turned its back on the Armenians. No one spoke out for them and no

one came to their aid. In 1939 Hitler, when he was beginning to accelerate his atrocities, scoffed, "World opinion? Who remembers the Armenians?" Indeed, no one did. That is why, today, we come here to commemorate that horrible crime that began on April 24, 1915; it must not be forgotten again. Every time we forget an atrocity, every time we overlook a crime against humanity, we move one step closer to seeing it repeated.

More concretely, Mr. Speaker, we have come here today to speak of the murder of two-thirds of the Armenian population of Turkey because even today the Turkish Government refuses to acknowledge that it ever happened. The Turkish Government today is not the medieval autocracy that committed this crime. Today's Turkey is a modern, civilized state that need not be embarrassed to admit the mistakes in its past. The Turkish Government can end the cycle of denial by simply admitting what the evidence already shows beyond a doubt: that Turkey pursued, for 8 years, a policy of genocide against the Armenian people.

Miraculously, Armenia has survived. A stateless people, Armenians have preserved their unique culture and religion in Turkey, in the Armenian republic of the former Soviet Union, and here in the United States. Strong Armenian-American communities have kept the heritage of Armenia alive to the present day. Elsewhere, the Armenian people have continued to struggle against oppression and hatred, particularly in Nagorno-Karabakh, where the Armenian population has been locked in a bitter struggle with the surrounding Republic of Azerbaijan. I commend the Armenian community in our country and around the world for their courage as they commemorate this anniversary that reminds them of the crimes against Armenia and of their strength in surviving their terrible ordeals.

Mr. HUGHES. Mr. Speaker, I rise today to participate in this special order commemorating the Armenian genocide. Between 1915 and 1923 over 1 million Armenians were killed while others were forcibly exiled from their homeland by the Ottoman Turkish Government.

Since that time, the world has changed several times over. Turkey is a vastly different country today, and no one should claim that the current Turkish Government is somehow responsible for what happened over 70 years ago. In that time Nazi Germany came and went, communism expanded to its greatest reach and is now fading fast, and inventions like the computer and the jet engine revolutionized the world.

Unfortunately, the one thing that has not changed is senseless killing due to ethnic hatred. The brutal conflict in the Nagorno Karabagh region is taking the lives of innocent Armenians and Azeris alike. Ethnic strife in Yugoslavia has resulted in tragedy for members of all of its ethnic groups and destroyed the economy and many of the cultural and historic sites in the region.

The time has come to admit that wrongs of the past, to recognize the validity of other ethnic cultures, and to appreciate the benefits that can be gained from working together rather than building walls of hatred. The time has come to acknowledge the wrongful deaths of

so many Armenians. Admitting you were wrong—for individuals as well as nations—is a sign of strength and a step that must be taken to avoid repeating the mistakes of the past.

Mr. REED. Mr. Speaker, I rise today to commemorate the 77th anniversary of the Armenian genocide. On April 24, 1915, the Government of the Ottoman Empire rounded up approximately 200 Armenian religious, political, and intellectual leaders who were either arrested, exiled, or murdered. For the next 8 years this regime was responsible for the deaths of over 1.5 million Armenians. Those who survived were exiled from their homeland of 3,000 years.

The Armenians are an ancient and a proud people. Tragically, this vibrant culture, its history and all of its accomplishments were brought to the brink of extinction. By 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported. The Ottoman Empire's attempt to eliminate a culture, a language, and an entire race of people from the face of the Earth set a tragic precedent for Hitler's persecution of European Jews.

The horror of the Armenian genocide is made worse by the refusal of the current Government of the Republic of Turkey to acknowledge that this tragedy ever happened. We must not deny the massacre. If we are to avoid a repetition of past mistakes, the United States must expose the truth.

Today, over 1 million Armenian-Americans contribute to the richness of American culture and the diversity of our Nation.

I join the Armenian-Americans of Rhode Island, and throughout the Nation, in observance of this anniversary to keep the memory and truth of the Armenian genocide alive.

Mr. PORTER. Mr. Speaker, every year, Members of Congress dedicated to promoting human rights around the globe come to the House floor on the anniversary of the Armenian genocide to remember this tragic page in history in order to ensure that it is not forgotten and will never be repeated.

This year, it is especially important for Congress to state loud and clear that human rights are at the very foundation of our Nation's foreign policy. As the states of the former Soviet Union throw off central control and begin to form governments of their own, it is essential that the United States continue to loudly proclaim that it is an absolute necessity that all nations respect basic human rights. If this message is sent clearly now, perhaps it will take hold and become the bedrock of those nation's values, too.

Human rights violations cannot be hidden behind the cloak of internal policy. We are all human beings, regardless of nationality, and the violation of human rights anywhere is a violation of the human rights of each of us.

To fail to acknowledge the genocide of the Armenians would be to do an incredible disservice to those who died and to those who endured the horror and lived to tell the world. In the 1930's, Adolf Hitler used the lack of world outrage over the Armenian genocide as an indication that he could get away with the extermination of Jews in Eastern Europe. He said, "Who today remembers the Armenians?" We must remember the Armenians. We must hear the tale of the Armenian genocide and

amplify it. Only when the world becomes fully aware of the magnitude of the genocide in Armenia—as well as the Holocaust in Europe two decades later—can we hope to end these types of atrocities.

While it is important that we remember the lessons of the Armenian genocide and dedicate ourselves to bringing all human rights abuses to light, we must not let the transgressions of bygone days poison the future for ourselves and our children. We must use this memory as a launchpad for improving our relations with our fellow men and women and for building trust between us. Only then will the type of thinking that fueled the genocide against the Armenian people shrivel and die and become a memory of yesterday rather than a reality of tomorrow.

Mr. PANETTA. Mr. Speaker, I rise to join in the commemoration of the 77th anniversary of the Armenian genocide. That infamous nationwide massacre of Armenians was an unspeakable horror in human history too often forgotten and ignored, and it is with a heavy sense of the lessons of history that I join in commemorating it today.

We are compelled to recall the horrific attempt to annihilate a people by our duties both to honor the dead and to prevent the replication of the genocide. Indeed, by acting against hate and fear, we honor those who died so unjustly. We are grateful for the peace and stability enjoyed in the United States in 1992, and we cannot imagine the depths to which human nature plunged in Armenia and Turkey in 1915.

Embarked as we are upon an era marked by the emergence of new nations, nations struggling toward democracy, it is more important than ever that we reaffirm our tradition of respect for human rights and opposition to the use of violence as a tool of government. Happily, this year marks the first year of the newly independent Armenia. Unfortunately, even today Armenians are not free from the prejudice and attacks of neighboring states and peoples. We are hopeful that the situation in Nagorno-Karabakh will be resolved soon.

April 24, 1915, signified the beginning of a systematic attempt by the Ottoman regime to deport and exterminate Armenians from the Anatolian Peninsula. Over the next 8 years, 1½ million Armenian people were murdered by minions of the Ottoman Empire. Those who were spared were driven from their homes. It is for those victims, and it is for all oppressed peoples today, those who have died and those who survived, that we take time to reflect on the Armenian genocide and its implications for all of us today.

Mr. CAMPBELL of California. Mr. Speaker, the Armenian genocide was one of the greatest tragedies in the 20th century. No episode of human suffering up until that time troubled the conscience of America more. Over 1.5 million Armenians were killed and over half-a-million were exiled from their homes in an 8-year period.

Beginning in 1915, hundreds of Armenian religious, political and intellectual leaders were rounded up, exiled and eventually murdered in remote places in Anatolia. Within several months, 250,000 serving in the Ottoman army were disarmed and placed in forced labor battalions, where they either starved or were exe-

cut. This marked a series of events which culminated into the first genocide of the 20th century.

The killing of these innocent Armenians was a premeditated act by the Ottoman government to eliminate a Christian minority within the Moslem empire. It was in effort to create a homogeneous society. The elimination of whole races of people because of language, religion or culture is the most unjust and heinous crime that can be perpetrated against humanity. We have a moral and absolute obligation to make sure that such atrocities never happen again. Every people has the right to be protected against the sin of genocide.

I commend my colleague, RICHARD LEHMAN, for bringing us together to day to remember this important chapter in the history of the Armenian people. It will not only serve as a reminder of the unspeakable suffering of the Armenian genocide, but reaffirm our resolve to work for the plight of Armenians in Nagorno-Karabagh, who today are being persecuted by the Azerbaijanis.

Mr. FEIGHAN. Mr. Speaker, today we commemorate the events of 77 years ago in eastern Anatolia, a tragedy which to this day is a black mark in world history.

From 1915 to 1923, the leaders of this disintegrating Ottoman Empire assisted in the execution of a genocidal campaign against the Armenian people. The forced marches, deportations and mass executions resulted in 1.5 million deaths.

Although some, most notably the Turkish Government and its supporters, choose to dispute the facts in this case, the facts are really indisputable. Major newspapers of the time, the diplomatic archives of the United States, Great Britain and Germany, and the United Nations Subcommittee on Prevention of Discrimination and Protection of Minorities all provide evidence of the existence of the slaughter.

We should turn our attention today to remembering the facts of those who suffered and died in Armenia those many years ago, and to helping make sure that such a tragedy does not ever happen again.

For 77 years, the world—and, sadly, the United States is no exception—has failed to recognize adequately the brutal and senseless slaughter of some 1.5 million innocent Armenian people. It is time for us in America to recognize these atrocities. For it is only through recognition of past wrongs can we hope to avoid similar tragedies in the future.

We cannot afford to be complacent, we should recognize that the potential for repetition of the past is still great. As the stability of the former Soviet system disintegrates, the vacuum of power brings with it ethnic tension. We are still too familiar now with the violence between Armenians and Azerbaijanis. Unfortunately, many world leaders have not accorded this unfolding crisis the attention it deserves.

We owe it to the victims of the past to prevent the murder of their descendants. That is why I call on the President and Secretary of State to denounce those who conduct aggression against the Armenian people today and to engage actively in the search for a solution to the crisis in Armenia. Doing this would be the most fitting way to honor those who the world failed to save those 77 years ago.

Mr. WOLF. Mr. Speaker, the saddest date on the Armenian calendar is April 24, when a scattered people remember a catastrophe most of us have forgotten.

In 1915, an ancient Indo-European people claiming descent from Noah, who maintained their identity through waves of invasions and centuries of rule by other peoples, experienced their worst disaster when Christian Russia invaded the Muslim Ottoman Empire which was allied with Germany. Amid the fighting Ottoman forces, fearing military defeat, ordered the deportation of every Armenian in the region. Ottoman authorities marched the Armenians from the Anatolia highlands to the Syrian deserts, in inhumane conditions of plague, starvation and sheer exhaustion. The gruesome campaign resulted in the death or deportations of between 1 million and 1.5 million Armenians. About half the Armenian population died. The remainder of the population was incorporated into current Armenia or settled in Europe, the Middle East and the United States.

The Armenian-American community has made an impressive contribution to this country. They have produced a disproportionately large number of artists and writers; they have worked hard to reach positions of leadership, scholarship and politics which is recognized by all. The concerted effort to eliminate this proud community, in one of history's greatest tragedies must not be dismissed. I thank my colleague, Mr. LEHMAN, for recognizing the present contributions of the Armenian community and for insuring that the tragedy of 1915 is not forgotten.

Mr. DURBIN. Mr. Speaker, I rise today to commemorate the memory of 1.5 million Armenian men, women and children who perished at the hand of the Ottoman government in the years 1915 to 1923. This memorial is usually carried out on April 24, 1915, for on that day, the Ottoman Empire began the systematic massacre of the Armenian people which lead to genocide. Over 200 Armenian religious, political and intellectual leaders were arrested, exiled, and executed on that night and by 1923, over 70 percent of the Armenian community of the Ottoman Empire had been exterminated.

As we commemorate the 77th anniversary of the Armenian genocide we bring attention to an atrocity that most of the world knows very little about. This is a part of history that should not be ignored. Therefore, as we mourn for those Armenians whose lives were brutally taken during this terrible 7-year period of Armenian history, we must also pay tribute to the survivors—the living testimony of this horrible event—and to their families, many of whom are now Armenian-Americans. We must assure them that we, as the leaders of the democratic world, will not forget this tragedy, but rather gain strength and knowledge so that we can put a stop to the genocides that plagued the 20th century.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in paying tribute to the memories of the Armenians who perished in the first genocide of the 20th century which was organized by the young Turk Government 76 years ago.

Today, even as we pause to commemorate the tragic deaths of the Armenian genocide,

we are faced with a campaign of denials, and an effort by the present Turkish Government to rewrite the history of that era.

While we cannot alter the facts of the Armenian genocide, which took some 1.5 million lives and exiled a nation from its homeland of 3,000 years, we can reject the attempts to deny this terrible crime. Only by speaking out against genocide can we hope to eradicate the policies of genocide which still exist in some parts of the world.

Today history may be repeating itself. Armenians in the Republic of Karabagh are under seige. In 1920, Karabagh was part of the Republic of Armenia, with an Armenian population of over 80 percent. However, in 1921 Karabagh was transferred by Stalin to Soviet Azerbaijan's control. It was separated from the Armenian mainland by a narrow strip in order to minimize contact with Armenia. This arbitrary territorial rearrangement by Stalin remained in place until the disintegration of the U.S.S.R. and the creation of the Commonwealth of Independent States. Subsequently, on January 6, 1992, Karabagh declared its independence from Azerbaijan.

Since that time, as the Washington Post pointed out editorially on March 31, "the dirtiest war left from the Soviet Union is the struggle over Nagorno-Karabagh between its Azerbaijani administration and its Armenian majority." The Post described fruitless efforts by the Conference on Security and Cooperation in Europe to implement a cease-fire, and concluded, "the point remains that Karabagh cannot be left to a worsening fate. Its plight shames the ideals and institutions which the new Europe claims as its inspiration."

Two weeks later, however, the Christian Science Monitor of April 14 reported that the Azeris had rejected proposals for deploying United Nations' troops in order to keep the peace in Karabagh and had also rejected proposals for an international peacekeeping force. In the meantime, British human rights activist Baroness Carolyn Cox, accompanied by a team of doctors and journalists, reported witnessing on April 12, the aftermath of a massacre of 50 Armenians, mostly civilians in a border village in Karabagh. The group was shown the bodies of Armenians who had been beheaded and burned as well as other evidence of human rights violations claimed to be carried out by attacking Azerbaijan forces. Armenian homes and businesses had been destroyed, according to the report of the team, and a school was destroyed by Grad rocket attacks 30 minutes before the team arrived on April 11.

Appalling living conditions were observed everywhere. Casualties were being treated in makeshift hospitals and basements. There was a severe shortage of food and fuel because of the ongoing Azeri blockade which is cutting off running water and electrical power. There is presently a serious risk of an epidemic and most of the remaining inhabitants in the capital, Stepanakert, now live in dark, overcrowded cellars in order to avoid further bombardment by Grad rocket attacks. On April 14, the president of the Republic of Karabagh was assassinated on the steps of his home. Escalation of the conflict continues with the acquisition by Azerbaijan of a combat plane and additional military equipment.

The Christian Science Monitor stated that "the Karabagh war is the most intense inter-ethnic conflict among the former republics of the Soviet Union. It is a war that many fear could widen to include neighboring states, including Turkey or Iran, and could threaten the shaky Commonwealth of Independent States."

As the human rights violations and the inhuman blockade against the Armenians in Karabagh continue, the world community, by its very inaction is permitting history to repeat itself. Are we witnessing another Armenian genocide 76 years after the first genocide? Will democratic nations passively permit atrocities and random killings of civilians to continue? I agree that Karabagh's plight shames the lofty ideals of the new world order. The time is long overdue for the community of free nations to intercede in order to stop the killing and to support the just quest for liberty and self-determination of the Armenians in Karabagh.

Mr. MAVROULES. Mr. Speaker, I rise today to commemorate the 77th anniversary of the Armenian genocide. I believe we in America should be sensitive to this tragedy, appreciate its historical significance and deduce lessons for the future. Between 1915 and 1923, a million and a half men, women and children were systematically murdered by the rulers of the Ottoman Empire. This was an attempt to obliterate a culture which traces its roots back 2,500 years and formed one of the great empires which so proudly resisted Roman aggression. The Armenians were one of the first nations to adopt Christianity and were for many years a shining example of a highly-cultured civilization. It was their fortitude in the face of adversity and refusal to renounce their culture and assimilate that led the Turks to countenance genocide.

Unfortunately, crimes against humanity are still occurring in this region. I hope that remembering this tragic event in 1915 will lead all sides in the Nagorno-Karabakh dispute to better understand the devastation and futility of indiscriminate violence. This enclave is historically Armenian yet was illegally granted to Azerbaijan in 1921 by Joseph Stalin. It is now the scene of vicious internecine fighting between Armenians and Azeris in which hundreds of people were killed last year. I believe both sides should use the sad memory of the Armenian genocide to take their places at the negotiating table and ensure that history does not repeat itself.

Mr. Speaker, I urge you to consider the plight of Armenians, both in Armenia and in the global community, who have endured so much violent aggression in their history. We now have a unique opportunity to create the political climate for peace in this troubled region. By commemorating the Armenian genocide of 1915, we comfort the survivors, keep alive the memories of those who perished, and strive for a better future for their children.

Mr. MANTON. Mr. Speaker, I would like to thank Mr. LEHMAN for reserving this special order to commemorate the tragic events that took place in the Ottoman Empire from 1915 to 1923. I am honored to join my colleagues today to remember and honor the 1½ million victims of the Armenian genocide and their survivors. Unfortunately, today Armenians are still subject to persecution and oppression. In

that regard, I am proud to be a cosponsor of H.R. 4161 introduced by Congressman WAYNE OWENS which will limit Azerbaijani relations with the United States until they cease their policy of aggression against Armenia and Nagorno-Karabagh, and afford Armenians basic human rights protections. I urge my colleagues to join me in cosponsoring this important resolution to help all Armenians fight for the democratic principles and human rights they deserve.

Mr. Speaker, most of us here today are familiar with the events of 1915–23. There are those, however, who would deny the genocide ever occurred. Thus, today it is indeed appropriate to recall the details of the crimes committed against the Armenian people from 1915 to 1923. We cannot allow time to obscure or fade the truth in the genocide. We must remember that in 1915 the Armenian members of the Ottoman Turkish Army were segregated, disarmed, and worked to death or massacred. We must recall the villages whose entire populations were murdered. We must remember the Armenian religious, political and intellectual leaders who were systematically killed. Finally, we must remember the mass deportations and deaths of thousands of Armenians.

Mr. Speaker, on this solemn occasion, Americans pause to remember a terrible chapter in this history of mankind. Today, Armenian-Americans will remember their relatives and friends who perished more than 70 years ago. These survivors and their families have helped to build the United States into a strong, prosperous, and free nation.

Finally, let no one doubt we will continue to remember our duty to the victims of the Armenian genocide. Their deaths have meaning because we will not let the world forget them, and because we will never cease to mourn them. The events of the Armenian genocide must never be repeated. I personally pledge to continue my efforts to end the crimes of prejudice and ignorance so the victims of the genocide did not die in vain. The principles upon which our Nation was founded compel us to remember and honor all victims of tyranny and injustice. Today we remind the world a senseless tragedy was allowed to happen, but it must never be repeated.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to express my appreciation to our colleague the gentleman from California [Mr. LEHMAN] for giving us this opportunity to express our solidarity with the people of Armenia in this troubled time. It is a terrible irony that as we commemorate the outrageous acts which we know as the Armenian genocide, the people of Armenia today continue to face unjustified violence in their homeland, particularly in the Nagorno-Karabakh.

Mr. Speaker, like many of my colleagues I am extremely disappointed in this attitude of the Turkish Government. It is not the responsibility of Turks who are today in power that Armenians were slaughtered between 1915 and 1923. But it is their responsibility that they fail to acknowledge this terrible act, and that they fail to recognize that we are seeking not simply an acknowledgement of Turkey's role, but that we are asking them to join in a worldwide affirmation that genocide must never be allowed to happen again.

Those who seek to rewrite history, to deny the facts of genocide, undercut our efforts to commit humanity steadfastly to a determination that this sort of thing must never again be allowed to happen.

Mr. Speaker, Armenians throughout the world and especially here in the United States who take the lead in commemorating this genocide put all of us in their debt, because they give us the chance to express our outrage at one of the truly terrible acts of history, and at the same time to affirm our commitment to preventing any such set of events in the future. Mr. Speaker, I am proud to join in this commemoration of the 77th anniversary of the genocide of the Armenian people, to express my support for the legitimate aspirations of the people in Armenia today, and to congratulate the Armenian-Americans for their valiant effort to prevent history from forgetting what it must remember.

Ms. PELOSI. Mr. Speaker, I join today with my colleagues to commemorate the 77th anniversary of the Armenian genocide. I commend Congressman LEHMAN for calling this special order to bring attention to an important issue. As we commemorate the Armenian genocide and pause to remember the million and a half men, women, and children who were brutally murdered, we must regroup our energies for the continuing fight to insist that the tragedies of the past are acknowledged in the rush to the new world of the future.

From 1915 to 1923, two out of every three Armenians then living in their homeland were killed in the 20th century's first act of genocide. Unfortunately, the Government of Turkey still refuses to acknowledge that this tragedy ever happened.

The world today is in an almost unprecedented state of turbulence and change. Whole peoples living under authoritarianism, communism and dictatorship are freeing themselves, reshaping the face of the globe and changing the very course of history.

At all times, we should be working for an acknowledgment and an understanding of the realities of the past. This activity is often painful, but in times like these, it is especially important to fight for historical accuracy. Revisionism threatens to run rampant in the race for change.

Unless we acknowledge the tragedies of the past, we cannot move unencumbered into the future. Denying the tragedies of the past dooms us to building new relationships on false and shaky foundations.

Today's world illustrates that the Armenian struggle is not only one for historical recognition, but sadly in some places, also still for survival. The Azerbaijani's, like the Ottoman Turks in the early 20th century, are attempting to solve a political problem with a violent solution.

But I believe that the spirit and the resilience of the Armenian people, epitomized by the on-going efforts of the Armenian community here in the United States in the fight for recognition of the Armenian Genocide, will ultimately prevail.

As we face the 21st century, we must insist that people stop using violence and repression as tools of government. We must insist that all governments acknowledge and come to terms with their pasts, even though the past is pain-

ful. And, we must insist on the simple dignity of truthful recognition of historical fact.

I join with the Armenian community in its sorrow, its determination to keep the memories of the lost generation of Armenians alive and its struggle for the rightful place of Armenians in history and in the new world.

Mr. TRAFICANT. Mr. Speaker, I would like to take this opportunity to remind the Members of Congress of a recurring travesty enlivened three times in the first 50 years of this century alone. Those years witnessed the annihilation of over 20 million people.

Inevitably, the Holocaust and Stalin's massive killing rampage come to mind. However, before these atrocities, the last of the great empires, the Ottoman Empire, embarked on a policy of calculated genocide against its Armenian people. This policy began as early as 1894 when 300,000 Armenians were massacred at the order of Sultan Abdul Hamid II. The Ottoman Empire continued the systematic elimination of the Armenians through 1923. The Ottoman's raided the houses of intellectuals and sent them off to be murdered; enlisted thousands of men for excruciating labor and executed them; kidnaped the remaining women and children and left them to die by starvation and abuse.

Mr. Speaker, the 77th anniversary of such terror marks an optimistic tone for the future. As we remind each other of the human propensity to annihilate its own, we embark on a new mission for humankind to avoid the recurring cycle. Ambassador Morgenthau, the American Ambassador to the Ottoman Empire during the years of the Armenian genocide, marked the first of many to make the world aware of such behavior. His efforts to assist the exiled Armenians and to condemn the Ottomans have multiplied into the movements to prevent human rights abuses. Today, the United Nations and other international organizations work to improve the treatment of citizens. Mr. Speaker, I am honored to participate in the remembrance of the Armenian genocide so that we constantly remember the value of preserving the sanctity of humankind.

Mr. Speaker, I ask my colleagues to take a moment to remember this tragedy as we mark this date the 77th anniversary of the deaths of over 2 million very special individuals lost by the hand of killers.

Mr. TOWNS. Mr. Speaker, today I join with my colleagues in remembrance of the 77th anniversary of the Armenian genocide, cited as the first genocide of the 20th century. It began on the evening of April 24, 1915 when over 200 Armenian intellectual, religious, and political leaders in Istanbul were imprisoned and later killed. In the following years from 1915 to 1923, Armenians were forcibly removed from their ancestral lands in eastern Turkey under the pretense of being removed from war zones and an invading Russian Army. The Turkish Government deported thousands of Armenians to the deserts of Syrian and surrounding regions. Typically, men and teenage boys were separated from the caravans very early in the deportation journey and were shot or butchered. The women and children continued on foot, sometimes for months. Along the way they were robbed, raped, and murdered. Those who were not killed died of starvation, disease or exposure. In the years surrounding

1920, the newspapers were filled with stories of the plight of the starving Armenians who were reduced to eating grass. Before 1914, over 2 million Armenians lived in Turkey. By the end of 1923, the entire Armenian population of Anatolia and western Armenia had either been killed or deported. The calculated policy of deportation and extermination implemented by the governments of the Ottoman Empire resulted in the genocide of 1½ million men, women, and children. It is only fitting that we take the time to remember these victims to give some comfort to their survivors and to ensure that this example of man's inhumanity to man will never be repeated.

Mr. DINGELL. Mr. Speaker, I rise today to call attention to the events of 77 years ago, when Armenian people were slaughtered by the last remnants of the Ottoman Empire.

On April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled, tortured, and murdered in remote places in Anatolia. Over a million others would also soon perish. Despite these mass murders, almost half a million Armenians escaped north across the Russian border, south into Arab countries, on westward Europe and the United States. It was not the last time this century that the world would endure the barbarism of mass extermination.

Through the last couple of years, the end of the cold war has given new hope for a great stride toward the elimination of human rights abuses. Unfortunately, the world has not learned completely how to reverse this dark side of human conduct. With the continued brutality of Saddam Hussein in Iraq, as well as the continued ethnic violence in Eastern Europe, it is clear that the battle for human rights and basic individual dignity is not yet won.

To question the authenticity of the tragic events of 77 years ago is a pathetic attempt to alter the records of history. American Presidents and statesmen from our Nation and from across the world have stated that these crimes against humanity truly occurred. It is time that all members of the world community acknowledge the truth.

Mr. Speaker, I join my colleagues today to pay tribute to those Americans of Armenian descent who have worked so hard to contribute their talents to this Nation, while working to ensure that the world never forgets the atrocious fate met by their ancestors.

Mr. BLILEY. Mr. Speaker, every year throughout my entire tenure in the House of Representatives, I have taken to the floor to urge my colleagues to recognize the genocide of the Armenian people at the hands of the Ottoman Turks. I have done this because this democratic body, long the symbol of liberty and justice to the world, has lacked the courage to tell the truth. I am saddened that this year I must once again deliver the same speech. My words have not changed and the facts surrounding these atrocities have not changed.

In the shadow of World War I, the Ottoman Turk Government embarked on a plan to systematically eliminate the Armenian people from their ancestral homeland.

The Armenian men who had answered the call to join their country's armed forces were isolated and shot. On orders from the central government, Turkish soldiers rampaged from

town to town, brutalizing and butchering the remaining Armenian population. Women and children were then forced on a death-march into the Syrian desert. By the end of the war, the Ottoman Turks had been successful in exterminating 2 out of every 3 Armenians. A million and a half Armenians had perished at the hands of the Ottoman Turks.

Henry Morgenthau, Sr., then United States Ambassador to Turkey, wrote:

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

Only 20 years later, Adolf Hitler asked rhetorically, "Who remembers the Armenians?" as he began his master plan to annihilate the Jews. Those who fail to remember history are condemned to repeat it.

The years cannot mute the voice of those Armenian survivors whose individual accounts of savagery combine to form a bedrock of irrefutable evidence. Despite the attempts to hide the records and to distort the facts; despite the world's preoccupation with politics and strategy, the truth of the Armenian genocide remains.

We commemorate April 24 as the National Day of Remembrance of the Armenian Genocide of 1915-23, and pledge that their deaths were not in vain, that their suffering will not be forgotten. We must use the truth of the Armenian genocide to help prevent such a tragic event from ever occurring again.

But we also use this day to rejoice in the continued survival of the Armenian people, for while the Turks crushed the fruit, the seed remained. I am reminded of a passage that William Saroyan wrote:

I should like to see any power in this world destroy this race, this small tribe of unimportant people whose history has ended, whose wars have been fought and lost, whose structures have crumbled, whose literature is unread, and whose prayers are no more answered. Go ahead, destroy this race! Destroy Armenia! See if you can do it. Send them from their homes into the desert. Let them have neither bread nor water. Burn their home and churches. Then, see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia.

Mr. Speaker, thank you for allowing me the opportunity to honor both the victims and the survivors of the Armenian genocide.

Mr. CONDIT. Mr. Speaker, I rise today to join my colleagues in tribute to the more than 1.5 million Armenians who lost their lives at the hands of the Ottoman Turks from 1915-23 and in strong support of designating April 24 as a day of remembrance of the Armenian genocide.

In this world of changing politics and ideologies, one thing must remain constant: the fight for basic human decency for all, no matter where they live, no matter what type of government they choose. This changing world also allows us the opportunity to look at our past, admit our mistakes and work to change them and ourselves.

By setting April 24th as a day of remembrance, we will not only remember the genocide of the Armenian people, but we will send

a signal to the world that human rights must, and will be protected. We, as a people, are recognized as defenders of human rights around the round. We must remain a constant champion of human rights, a beacon in what can sometimes be a sea of darkness and despair.

I stand here before you today as a representative of a significant Armenian community in the central San Joaquin Valley of California. I honor them for their courage and for the many valuable contributions they have made to our society and to our world.

Although the designation of April 24 as a day of remembrance will not bring back the more than 1 million Armenians taken from their families, it will send a message to the world that this cannot and will not happen again. This sends a message to our children and the children around the world that we must recognize our mistakes and ensure that history does not repeat itself.

I urge you to join me in support of this day of remembrance.

Mr. ROHRBACHER. Mr. Speaker, I would like to join my voice with those of my colleagues who commemorate the tragic death of approximately 1.5 million Armenians during the period 1915 to 1923.

The lesson we learn by remembering the loss of so many human lives is that genocide is gravely evil and must never be allowed to occur again. We should focus our attention on those places in the world where genocidal forces are still strong: The Khmer Rouge in Cambodia, the Burmese regime in Burma, Milosevic's Serbia, in the Middle East, and throughout Africa. But the Cambodian, Burmese, Serbian, et cetera people are not the enemies of mankind. The leadership of these nations must bear the responsibility. Saddam Hussein is guilty of crimes against the Kurdish people, but his children should not be shackled by his sins.

Hopefully, the scars of hatred can be healed. Today in Azerbaijan the Turkish Government could play a constructive role in mediating the conflict between Armenians and Azerbaijan. Only through forgiveness, prayer, reparation and a spirit of hope in looking forward to avoiding yesterday's mistakes tomorrow can these human tragedies be put behind us.

I visited Armenia last August. Early one evening, as the sun was setting I walked up the hill on the outskirts of Yerevan to the memorial built to honor the slain. I left flowers near the flame of the memorial, and walked the grounds of this sacred place dedicated to the memory of victims of this brutal savagery. It is an impressive memorial, and evoked a powerful emotional experience for me. I felt how deeply this event has affected the Armenian people, and I pray that neither they nor anyone else will ever have to experience so much hatred again.

Mr. OWENS of Utah. Mr. Speaker, I commend my friend from California, Mr. LEHMAN, for again this year requesting this special order and helping us to commemorate a tragic, unspeakable loss.

Mr. Speaker, for the first time ever we commemorate the events of 1915 through 1923, which claimed the lives of 1½ million Armenians, while an independent Republic of Arme-

nia faces the trials and tribulations of its rebirth. How ironic, how tragic, that today, as we rise to express outrage, regret, and sorrow for the mass murder perpetrated by the Ottoman Empire, the Republic of Armenia and the inhabitants of Nagorno-Karabakh face an uncertain future and a recognizable aggressor.

Is history repeating itself? Will we let the next genocide happen? I find myself at this time of year, as I reflect today on the Armenian genocide and on the Holocaust, rededicating myself to two things: First, never forgetting, and second, acting.

We must not forget man's inhumanity to man, for genocide is humanity at its worst. Forgetting genocide is man failing to learn from its past. Remembering genocide is vital to protecting the future.

And we must rededicate ourselves to acting. We cannot afford to be bystanders to evil. We must have the courage and the strength of our convictions. We must not allow this genocide to be forgotten by the American people or be whitewashed and denied by the Turkish Government.

Today, in Armenia and in Nagorno-Karabakh a terrible war rages. Civilians are deprived of food, medicine, and their dignity, as the Azeri blockade continues to take a toll. The United States of America is strong enough and caring enough to prevent more death, injury, and suffering in this troubled region.

The Armenian people have seen much tragedy. As their celebration of freedom and renewal continues, we pause today to consider the price and to remember the terrible brutality of this persistent and unique people endured and, ultimately conquered.

Mr. LEVIN of Michigan. Mr. Speaker, I thank my colleague, Representative RICHARD LEHMAN, for calling this special order so that we may pay a solemn tribute to the millions of Armenians who perished during the reign of the Ottoman empire.

For over seven decades generations have heard overwhelming testimony substantiating the Armenian genocide of 1915-23. Each anniversary commemorating this tragedy we recall the evidence: documentation duly recorded by distinguished scholars and historians; official acknowledgement from ambassadors, United States Presidents, and the United Nations; and hundreds of news stories printed in the New York Times during the period of this systematic persecution and massacre of the Armenian minority within Turkey.

Last week, I attended a remembrance at the St. Sarkis Church in Dearborn, MI in observance of the 77th anniversary of the genocide. Here were gathered over 30 survivors, real life people with unfortunately real, horrendous stories of atrocities and death. To those who suggest that this ruthless genocide of a people and culture did not happen, I ask, what further testimony could we possibly want?

This year our remembrance is even more somber. The survivors of the Armenian genocide now living in the United States must bear the daily reports of the bloodbath in Nagorno-Karabakh. Their people are suffering greatly.

The lessons of the Armenian genocide have grave meaning today. In light of the current disdain for human rights in this tortured region, it is even more important that we emphasize

the sanctity of human rights and insist upon a peaceful conclusion to the ongoing Armenian struggle for self-preservation.

Mr. DOOLEY. Mr. Speaker, I rise today to join my colleagues in solemn remembrance of a great human tragedy, the Armenian genocide.

This near extinction of a race of people parallels the chilling Nazi Holocaust, but much of the world is still unaware of the suffering and misery that the Armenian people endured.

The details and numbers are shocking. One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years.

As a result of the killings and deportations, the Armenian population in the Ottoman Empire was reduced from 2½ million to fewer than 100,000. A race of people was nearly eliminated, and the Turkish Government to this day refuses to acknowledge that this genocide ever happened.

Today, 78 years later, we commemorate those who lost their lives, and we urge the modern Turkish Government to acknowledge the atrocities of the past.

The world has witnessed remarkable change in the past year and a half. The nation of Armenia declared independence on September 23, 1991, and the United States recognized Armenia's sovereignty on December 25.

However, the people of Armenia are still mired in tragedy and violence. As we remember today one of mankind's greatest atrocities, there is still unrest between Armenia and Azerbaijan in Nagorno-Karabakh. Thousands of innocent people already have perished in this dispute and still many more have been displaced and are homeless.

The Turkish Government of today is far removed from the Ottoman Empire of the early 20th century, and the modern Turkish Government should be commended for its humanitarian gestures and relief toward the Kurdish refugees as a result of Saddam Hussein's continued aggression in Iraq.

But part of growing as a nation in credibility and integrity is recognition of events of the past—just as Germany has admitted its culpability in the Nazi Holocaust, and just as the United States Government has come to grips with its own atrocities against native Americans and the internment of Japanese-Americans during World War II.

The enduring tragedy of the Armenian genocide is that to this day the Government of the modern Turkish State refuses to acknowledge that this crime ever took place.

With Turkey's admission of culpability, there is no question that Armenia and Turkey could begin to address long-term mutual interests brought about by new political and economic boundaries.

Just a few months ago negotiations were beginning to explore expansion of the Turkish Port of Trabzon, allowing Armenian access to it while opening Armenian roads to Turkish commercial traffic. The plan would have solved Armenia's devastating transport and fuel-supply problems. However, in the end, Turkey's denials of any wrongdoing during World War I prevented negotiations from going forward.

The world is not searching for an indictment of Turkey, just an acknowledgment of a shameful era, whereby Turkey and the rest of the world can make a commitment that such events will never happen again.

The Armenian people are resilient and determined. The tragic 1988 earthquake left 30,000 dead and more than 500,000 homeless, but they are rebuilding their region and are committed to preserving their heritage and culture.

The Armenian-American community today now numbers nearly 1 million people. They deserve to know that the modern Turkish Government, having acknowledged the sins of the past, will work with other nations to ensure that similar atrocities never occur again.

Mr. KENNEDY. Mr. Speaker, last Friday, April 24, marked the anniversary of a tragic period in the history of Europe and, indeed, all mankind. On the night of April 24, 1915, over 200 religious, political, and intellectual leaders were executed by the Turkish administration. In a single night's sweep, the voice of the representatives of the Armenian nation was silenced. This event marked the beginning of an 8-year policy of deportation and extermination of an entire minority population. From 1915 to 1923, 1½ million Armenian men, women, and children had perished, and more than half a million were exiled from their homes in the Ottoman Empire. Since that time, April 24 has been considered the symbolic date to remember the Armenian genocide.

Despite being subjected to this persecution and hatred, the Armenian people never lost heart. They held tenaciously to their heritage and came to America. Here they preserved their religious traditions, their language, and their cultural identity. In the process, they have kept the history of their people alive, and have given much to America. There are Armenian churches, where age-old religious traditions continue. There are Armenian schools, where children learn the Armenian language and history. And there are Armenian newspapers spreading the news—good and bad—of Armenia and affairs of interest to Armenians wherever Armenian-Americans live. Armenian-Americans have taught us much about the importance of remembering, and of building hope in the future.

The Armenian people, however, remain a persecuted group. The modern world now witnesses the current crisis in Nogorno-Karabakh. It is appropriate, therefore, that we take the time today to revisit the tragedy of the Armenian genocide in the hope that America will know, understand, and seek to prevent a similar tragedy from happening in Nogorno-Karabakh. As I speak, the residents of the Karabakh, which was unjustly severed from Armenia by Stalin in 1923, are surrounded by and are at war with a hostile Azerbaijani nation. They are routinely subjected and remain vulnerable to prejudice, hatred, and naked aggression. While Armenians represent a clear majority of the population in the Karabakh, they are still forced to bear the repressive yoke of the Azerbaijani Government and denied their right to self-determination and freedom. I think that we in the United States should not allow the chance for peace and justice to continue to slip away or to allow the slaughter in Nogorno-Karabakh to continue.

Mr. Speaker, history is replete with the folly of nations and countless examples of missed opportunities. A few years ago, our own State Department, during the Reagan administration, refused to accept the full truth about the Armenian genocide. When a simple resolution to commemorate the genocide was before the Congress, then-Secretary of State Shultz wrote to every Member of Congress to ask for its defeat.

In addition, there are those who would look us in the eye today and say that this atrocity never occurred. But you and I know the truth. Some of the greatest leaders of this century have told it to us. Winston Churchill called it "the clearance of the race from Asia Minor." Lord Kinross called it, "a premeditated internal policy for the final elimination of the Armenian race." President Theodore Roosevelt said, "The Armenian massacre was the greatest crime of the War." And historian Arnold Toynbee said it most plainly of all: "In the first World War the Turks committed genocide against the Armenians."

As a nation, we can no longer afford to deny the past or stand on the sidelines hoping that the current conflict in the Karabakh will play itself out. In a world where ancient hatreds die hard, passive remembrance is no guarantee of justice. That is why Congresswoman BOXER and I are currently circulating a letter in the House which calls on the administration to become more involved in trying to find a just and viable solution to the problems in the Karabakh. Our letter calls on the President to press for an immediate and unconditional cease-fire between the warring parties, to unequivocally support the deployment of United Nation troops in and around the Karabakh, and to facilitate a guaranteed corridor between Armenia and the Karabakh to allow humanitarian assistance to pass through freely. These are fundamental steps that Congresswoman BOXER, myself, and many others believe the administration should support if it is serious about finding a solution to the conflict going on in Nogorno-Karabakh. I hope my other colleagues in the House will support this important letter to the President.

So today, let us take the time to keep the memories of our fallen Armenian brothers and sisters alive. Let us remember the survivors of this dark period in Armenian history. And let us pay tribute to the strength and resilience that the people of Armenia have consistently demonstrated throughout their history. They have survived attacks in the past and continue to be resilient even now in the face of stark Azeri aggression. The goals of peace, self-determination, and an end to aggression are held steadfast by all Armenians. In the new world order, these must no longer remain ideals, but become tangible realities for the people of Nogorno-Karabakh and Armenia.

Mr. STOKES. Mr. Speaker, first I must commend my colleague, the gentleman from California, Mr. LEHMAN, for taking the initiative to arrange this special order.

Mr. Speaker, I rise today in remembrance of the victims of the Armenian genocide and to recognize the tremendous loss suffered by the Armenian people as a result of this horrible example of man's inhumanity to man.

Beginning during the second half of the 19th century, the Armenian people of the Ottoman

Turkish empire became the target of heightened persecution by the Ottoman government. This persecution culminated in the period between 1915 and 1923, in which two million Armenians were systematically uprooted from their homeland of 3,000 years and murdered or exiled. Prior to World War I, the Armenian population of the Ottoman Turkish empire numbered 2.5 million. Between 1915 and 1923, 1.5 million Armenians were killed, and 500,000 more were exiled from their homeland.

April 24, 1915 symbolically marks the beginning of the systematic policy of deportation and murder which characterizes the Armenian genocide. It was on the night of April 24, 1915, that over 200 Armenian religious, political and intellectual leaders of the Armenian community in Istanbul were rounded up, arrested, exiled and murdered; thus suppressing the most vocal voices of the Armenian people in just one night.

Today, many people do not know about the Armenian genocide. In fact, the Government of Turkey continues to deny the fact that it occurred. However, according to Henry Morgenthau, our Ambassador to Turkey between 1913 and 1916, "when the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race: they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact." Likewise, other eye witnesses, survivors and correspondents provide compelling documentation of this dreadful episode in history.

Mr. Speaker, it is important today that we acknowledge what happened to the Armenians and remember those who suffered and lost their lives between 1915 and 1923. With the dawn of the post-cold-war era and the new world order, characterized by the outbreak of democracy in emerging nations across the world, it is vital that we in the United States help convey our cherished tradition of respect for fundamental human rights and opposition to the use of violence and repression as tools of any government against its people. It is important today that we remember the Armenian people, as well as other victims of genocide, and renew our commitment to never allow such atrocities to be repeated.

Mr. Speaker, it is in this spirit of remembrance that we commemorate the 78th anniversary of the Armenian genocide and keep alive the memories of those who were murdered and honor those survivors who undoubtedly endured unspeakable horrors. Likewise, we commend the enduring strength and fortitude of the Armenian people who continue to preserve their heritage and culture despite the overwhelming loss suffered by them as a result of this infamous period in history.

Mr. RANGEL. Mr. Speaker, I rise in support of the special order proposed by my colleague from California [Mr. LEHMAN] concerning the Armenian genocide of 1915.

Between 1915 and 1923, 1½ million Armenian men, women, and children were murdered by the Ottoman Empire, and ½ million more exiled. This is one of the most horrific acts of violence witnessed this century and should rightly be commemorated.

Events of such horror and scale should always be remembered. Everyone remembers

the Holocaust suffered by the Jewish population in Europe in the Second World War, but how many remember the holocaust carried out against the Armenians during the First World War?

Our Nation spoke out against these atrocities, but our words were ignored by the Ottoman Government at the time, and even today the Turkish Government refuses to acknowledge the genocide carried out by its predecessor.

As a nation, we have frequently commemorated these terrible events, and we should continue to do so. It is incomprehensible why the Turkish Government still refuses to accept or admit that these events took place when the evidence is incontrovertible, and its failure to do so merely increases the sorrow felt by the survivors and families of those who were murdered.

I urge my colleagues to support this worthy special order, and I also urge the President to try to convince the Turkish Government that it is time to accept this terrible chapter in its history.

I would like to congratulate Mr. LEHMAN for his leadership on this issue and join him in strong support for this special order.

GENERAL LEAVE

Mr. LEHMAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE LONG-TERM HEALTH CARE MARKETS DEVELOPMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, today I am introducing H.R. 5007, the Long-Term Health Care Markets Development Act. It is a comprehensive bill to expand access to long-term care and encourage private sector development of long-term health care insurance. The development of such a market is the key to ensuring the availability and affordability of insurance products to protect all Americans against catastrophic costs associated with extended hospital stays and custodial care.

To accomplish this objective, H.R. 5007 permits a full capital gains tax exclusion for individuals over the age of 55 who sell their principal residence to pay for designated long-term care expenses. For many older Americans, equity in the home makes up a significant portion of a person's assets. In many instances, selling that home is the only way one can pay for nursing home or other long-term care costs.

Unfortunately, capital gains taxes claim much of that equity. As health

care costs continue to rise, this provision will help older Americans pay for needed care—including home care or catastrophic insurance—without becoming dependent on direct government assistance.

In addition, H.R. 5007 allows for tax-exempt withdrawals from IRA's to purchase long-term care insurance. It would allow a company to offer a higher deductible health insurance package and contribute the premium savings to an employee IRA, whereby the funds could be withdrawn tax-free to purchase catastrophic or long-term health care insurance.

H.R. 5007 also eliminates the Certificate of Public Need Program, which many States use to limit competition in the nursing home industry and keep costs artificially high. The bill also allows for the conversion of life insurance policies to long-term care insurance, and provides preferential tax treatment of long-term care insurance reserves similar to the tax treatment of life insurance reserves.

With the elderly population increasing in numbers, efforts must be made to address the long-term care problem before it becomes a national crisis. We should not fill the long-term care void by expanding the Medicare Program, which will prove too expensive for working and elderly taxpayers. A massive federally sponsored long-term care program is doomed to failure, and Congress should not mislead the elderly by exaggerating the limits of a Federal response. Instead, Congress should encourage a market solution to this serious and growing problem.

The Long-Term Health Care Markets Development Act offers a number of incentives for the health insurance industry to create efficient, competitive, and cost-effective long-term care insurance products. We need to move forward on this issue, and I urge my colleagues to join me in this effort by cosponsoring the Long-Term Health Care Markets Development Act.

□ 2400

RIGHTS OF HOUSE SHOULD NOT AND CANNOT BE WAIVED BY THOSE LOOKING FOR PARTISAN GAIN

The SPEAKER pro tempore (Mr. LAROCO). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I am sure I will not use 30 minutes, but I wanted to make sure that we would proceed in what I thought would be a manner consistent with the importance of the issue which I think is of such gravity that brings me to the well of the House at this time.

Mr. Speaker, I wanted to advise the membership that as of tonight I, to-

gether with my very distinguished colleague, the honorable gentleman from Illinois [Mr. YATES], have filed a memorandum or a motion to quash the subpoenas of the Special Counsel Wilkey dated April 21 for the production of documents directed to the chairman or acting chairman of the Committee on Standards of Official Conduct.

In this motion I have filed tonight I have set forth a memorandum of law in support of the motion to quash which I will place at the end of my remarks tonight, together with a copy of the letter that I addressed to the leadership, both the Honorable THOMAS S. FOLEY, the Speaker, and the Honorable ROBERT H. MICHEL, the minority leader, and also a copy of the news release that I issued concurrent with the delivery of the letters to the leadership of the House.

Mr. Speaker, I rise tonight in order to place in the RECORD my objections upon which I have based my action of filing the motion to quash before the District Court of the District of Columbia.

Tonight has been, I think, without any fear of rebuttal, the most abject surrender of the independence, coequality, and separateness of this body since the founding of the Congress in 1789 pursuant to the adoption of the Constitution of the United States.

If there be, and I think there is considerable ignorance, if not such fear as has clutched at the minds and hearts of so many Members tonight, that it has led to something that has never happened before in the history of the U.S. House of Representatives. Even during very great times of stress, such as civil war, and even during the time when we had the pendulum swinging the opposite direction and the so-called strong Presidents, the House, and the Senate, I might say, upheld the independence of the body known as the legislative branch or the Congress of the United States.

In my letter to the leadership yesterday I stated that these rights should not and could not be waived by those looking for partisan gain or those that are afraid to stand up to the fear-driven stampede of the uninformed.

We are actually undergoing a new form of McCarthyism at this time, and it is most dangerous to the well-being of the national interest.

These rights I speak of should not be waived by actions of the leaders or even by the vote registered tonight by the House as a whole. The Congress, and the House in particular, is a coequal and independent branch of this great Government of the United States. We cannot simply deny our duty to defend the first principles of the Constitution and the primary principles of representative government, which is an independent and free legislature. These constitutional principles

are far more important than any particular complaint or any current scandal.

These principles underlie and give authority to our form of government. Sacrifice them today for expediency and they will be gone when they are needed most desperately to retain the moral authority and the integrity of the Congress as one of the three branches of this Government.

Indeed, the American system is an elaborate system of checks and balances. John Adams described them as follows:

First, the States are balanced against the general government; second, the House of Representatives is balanced against the Senate and the Senate against the House; third, the executive authority is balanced against the legislature; fourth, the judiciary is balanced against the legislature, the executive, and the State governments; fifth, the Senate is balanced against the President and all appointments to office and in all treaties; sixth, the people hold in their own hands the balance against their own representatives by periodic elections; seventh the legislature of the several States are balanced against the Congress; and eighth, the President and Vice President are balanced by votes of the people.

□ 0010

All these are described in historic detail in checks and balances in government from the General Principles of Constitutional Law published in 1898 by the very distinguished Thomas Cooley and beginning on page 160 of that treatise.

My point that I have made in my letter to the leaderships and in the memorandum of law in support of my motion to quash the indictments is simply based on the fact that not any one of us can waive the right that the Constitution grants by way of immunities, privileges, and rights to the congressional branch of the Government.

It is the only defined privilege in the entire Constitution, and that those privileges and immunities that are specifically reserved for members of the legislative body for support against the encroachment of the executive branch or any other branch, including the judiciary.

It is what we inherited from the mother country and the mother parliament, when through centuries it had to defend itself against the encroachment of the king and the crown. And no matter what vote by the collective body, known as the House, it cannot waive my rights as a Representative of the particular constituency which is the one that has this inherent right.

I am just the agent. It is not my right as an individual, but it is the right of the citizens who elected me and their right to demand that I not waive for them this precious liberty.

If the court, for whatever reason, willy-nilly supports the action of the vote taken tonight, it will indeed be, as I said at the outset, the end of the independence and freedom, and eventually this body will be enthralled by its very actions taken tonight which are unprecedented. Tonight's action is not a simple precedent, it is unprecedented. That is why I rise tonight in the small hours of the night to speak out.

My objection, of course, are constitutional in nature. I have objections to the subpoena based on the specifics of this case.

What follows, and I will submit this, is simply a summary to help guide us during the deliberations on this matter. The authority of the courts to coordinate with that of the legislature neither superior or inferior but each with equal dignity and must move in the appointed sphere, in the words of Judge Cooley. The leading feature of the Constitution is a separation and distribution of the powers of Government.

The natural classification of governmental powers is in the legislation, executive, and judiciary. Each House of the Congress is a judge of the election returns, qualifications of its own Members and may determine the rules of its proceedings, punish its Members for disorderly behavior and, with the concurrence of two-thirds, expelling that Member.

Let us remember first and foremost that any questions about the so-called House bank, which of course we know was never a bank, are questions only this body can and must resolve. No other branch of Government has any inherent right to intrude, no matter what.

What to me was the most alarming statements that I heard from the lips of some of the Members who obviously do not understand their oath of office, who obviously do not understand any more than the frightening statements made during the course of the committee, the special committee, the joint committee commonly known as the Iran-Contra Committee, in which we heard Colonel North, under oath, saying, "My first and foremost and chief allegiance is to my Commander in Chief."

He obviously never understood the oath of office he took as an officer of the armed services of this country, which is essentially the same as ours. And that is to uphold and defend the Constitution against all enemies, domestic as well as foreign, and to take that oath without any mental reservations whatsoever and to then, in our case, faithfully and well serve.

That is the reason I rise, because I am merely complying with my oath of office and in an honest attempt, which I have done my utmost for 30 years. Never once, through word or deed and,

as I said, utterance, ever brought any kind of shame or any kind of demotion to the well-established name, integrity, and prestige of this great body that I belong to and to which the people in my district have elected me.

The House bank, as I said, was never a bank in the legal sense of the word. We know that. It was not federally insured or chartered and, in fact, operated in what I have said from the outset as a cooperative or pool for the Members.

The history of its activities go to the very roots and beginnings of the history of the House. When the Congress first met in those beginning years in New York, the Treasury was very poor. Members received vouchers, as we do today. We do not get checks. The constitutional word is voucher from the Treasury. But in that day and time, the voucher was for the per diem. That is, what the Constitution provides will be paid a duly elected delegate and then sworn in as a Member of the House or the Senate to the opening of a session of the Congress, and then therein at the closing of a session of a Congress, to defray his per diem cost of travel from the district to the capital.

At that time there was no structure known as a salary emolument of office. It was that per diem paid at the outset under the mandate of the Constitution that enabled those delegates to live. But the merchants in New York did not trust that voucher for they knew that the Treasury was weak and impoverished. So the Sergeant at Arms then negotiated with the merchants, and the Members turned their vouchers over to the Sergeant at Arms who then was able to negotiate the cashing of the vouchers. And therein was the beginning, from the very beginning, not a Senate. Remember, it was not until 1913 that the people elected Senators directly in their States.

□ 0020

In the beginning and until 1913 and the constitutional amendment that was approved that year, Senators had 4-year terms but they were selected by three-fourths vote in the respective legislatures of each State, so they tended to be Members who were affluent, did not have to worry about their vouchers.

But the Members of the House today, because the Members of the House were intended to be—as far as humankind could devise—holders of an office in trust for a period of 2 years, and to which office in the U.S. House of Representatives they could not be appointed. We cannot be appointed to the U.S. House of Representatives. We can get here only by being elected in our districts, unlike the Senate, where if some vacancy occurs the Governor of that State can name an interim Senator.

So given that history, and then later with the elaborate system that devel-

oped where the Members just became inured to the tradition of turning over their vouchers to the Sergeant at Arms, grew what in the 20th century became indeed a very, very elaborate system.

I want to point out something here that I think is not only tragic, it is insidious, it is disgusting, and it is demeaning to try to make the fall guys and fall women of this scandal the poor workers who worked under the office of the Sergeant at Arms in the so-called bank.

Let me say this, that when I saw statements to the effect that the Members complaining that one reason they had trouble was because they got late recording of their deposits, or did not get their statements until late, let me say I have used that facility and did use it since the first day I came here over 30½ years ago.

After I was given an explanation by the then-Sergeant at Arms and the Clerk of the House, I thought, given their explanation, that it was a useful facility. Only Members could have accounts. Only Members had access to the convenience of that facility. So even I was surprised to hear that a Sergeant at Arms was able to float a check on the bank for \$10,000 at a time. The explanation I got 30½ years ago was that that was absolutely impossible of happening, so something happened in the interim.

I will say this, I have all of my statements and all of my cancelled checks for over the last 20 years. I have had very few accounts in my lifetime. I have had to work hard for every penny I have earned, and therefore I am very careful, so I have kept my records.

Let me tell the Members, I had better service as far as promptness in getting my statement from this so-called House bank in a very, very excellent and efficient manner with a total bill of statement or outline statement as to the deposits I made during the month and the checks I issued during that month. I even had periodically a summary of the withdrawals on account of the withholding tax, my payments for the health insurance, and the other withdrawals or deductions very clearly set out.

I never found any kind of an inefficient presentation, and in a timely fashion, so timely that no other bank account that I have had, either demand or other, and even now the credit union gives me a statement, on such a timely basis as I would get from that banking facility of the House.

So I would think it is scurvy, I think it is demeaning for Members now to cast aspersions on the very, very hard-working staff that I saw. As to the Sergeant at Arms, I always had my doubts, but then, I had nothing to do with his nomination or anything else.

I never knew that there were such things as others cashing checks until

years later when I think, properly, some of the lowly paid employees of the House would use that to cash their pay vouchers. But up to the most recent times it used to be that only with the signature or initialing of a Member could any staff cash a check, and not over the amount of \$35.

So whenever these malpractices crept in had to be only relatively recently, and being that, there was no interest paid. The only time I ever had my doubts about the wisdom of keeping my money was that when the banks did begin to pay interest on demand deposits, and remember, this did not happen until the Congress acted just about some 10 or 12 years ago in the deregulatory mania, plus some of the so-called powers had been prohibited since the 1932 act and the 1935 Banking Act that banks pay interest on demand accounts. I was one of those that did not agree with the change.

So I was used to having a demand account that did not pay interest, but when it did begin to pay interest I began to wonder if maybe I should put it in a facility that would pay me interest. But that is the only time I ever had any question about the removal of my account. Never once was there any kind of doubt in mind as to exactly what it was I had, because I have always made it a principle that at no time would I expend the full range of my monthly stipend. I would always manage to have at least 10 percent of my take-home pay left in that bank account, and that accumulated over 30 years because sometimes—and as my children grew and left the house and my demand lessened—I was able to have more than 10 percent of my take-home pay.

I just want to explain this in order to remove the onus and the dark clouds that have been cast over some poor and low-echelon employee in that facility, because they worked very well, they were very efficient, and I hope that this notion that they can be made fall guys will cease.

What I do think is that what this House has done tonight has been worse, a worse blow to the stability of this body and our Government than anything I have seen done in the 30½ years I have had the privilege of serving as a Member of this House.

□ 0030

This is why for the first time in my life I go to court. I have not gone to court even though I have been invited in the case of some other issues involving a conflict between the executive branch and the Congress, because I said the court is going to simply dismiss it by saying that it is a political issue between these two bodies, and the court is not going to get involved.

That is why I have not joined my colleagues who went to court before the resolution on the Persian Gulf. But I

did introduce a resolution of impeachment 16 hours before the shooting started. I was hoping that maybe perhaps we could have some real debate before shooting did start, and that did not happen.

I wanted to give this an explanation that I hope my colleagues will read in the RECORD when it is printed tomorrow, because I think that they were not aware of the dangerous precedent that in effect has reduced this House's independence, coequality, and separateness.

It is neither standard nor common practice for the Justice Department to ask for the records of all the account holders of any financial institution. I am chairman of the Committee on Banking, Finance and Urban Affairs of the U.S. House of Representatives, and I can tell you that it just does not happen. Those are shotgun subpoenas, and they are abhorrent in law. You have to have specificity, and this is what shocks me in the present case affecting the House.

So with that, I will summarize by saying that the privileges and the immunities of this great legislature have always been resented, as all free parliamentary and legislative bodies have been resented by kings and would-be kings. We are attacked precisely because of our independence, and if we give it away here under a spurious obviously political convenient subpoena from a man whose own early writings and judgments as a judge concede the issue and, therefore, underlie his error in this subpoena; we are the worst of cowards, and we betray our trust as keepers of the Constitution.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1992.

Hon. THOMAS S. FOLEY,
Hon. ROBERT H. MICHEL,
*House of Representatives, Speaker of the House/
Republican Leader, Washington, DC.*

DEAR FRIENDS: I am putting you on notice. You cannot waive my rights no matter what you do and no matter what the collective vote of the House may be on the matter of the subpoena issued by former judge Malcolm R. Wilkey with regard to the House "bank."

I will go to court; I will be a party intervenor; and I will do whatever it takes to protect my rights, privileges and immunities under the Constitution. It is ironic that the Constitution is just barely over 200 years old, and now the House is about to abdicate and vitiate it. Almost without a whimper, the House is about to surrender the coequality and independence of the legislative branch of government.

With every good wish, I remain
Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

REPRESENTATIVE GONZALEZ BLASTS HOUSE
"BANK" PROBE

In a preemptive move, Representative Henry B. Gonzalez today blasted efforts by former judge Malcolm R. Wilkey to subpoena House "bank" records and warned that he will go to court to stop the unconstitutional intrusion into the constitutional rights, privileges, and immunities of Members of

Congress. Gonzalez labeled Wilkey "an unscrupulous opportunist" who is trying to bring down the House of Representatives because of his failure to do so in his one previous confrontation with the House—over the Nixon Watergate tapes. "He is on a fishing expedition and he is trying to destroy the fragile co-equality of the federal balance of powers. This system is already more fragile now than it has ever been because of the recent tremendous gains in power of the presidency. Wilkey failed to get his way when he ruled that only President Nixon could determine which tapes to release during the Watergate scandal, and now he is back to try once again to destroy Congress."

Gonzalez asserted that a vote in the House on the issue of the subpoena cannot waive the privileges and immunities of individual Members of Congress. He said, "These rights belong to individual Members, and only individual Members can waive their rights. I have written to the House leadership, to Speaker Foley and Minority Leader Michel, and I have put them on notice that nothing they or the collective House does in this matter can waive my rights. I will fight in court if I have to to preserve the integrity of this institution."

Gonzalez attributed to Judge Wilkey "malice aforethought" in his "attempt to carry out Representative Newt Gingrich's 'hit man' tactics." He is acting as a "surrogate hit man for Newt Gingrich," said Gonzalez. Gonzalez threatened, "I will go to court and unmask the insidiousness of this so-called ex-judge and his overreaching. I have my records and statements and cancelled checks for the last twenty years. I am not one of those who, at any time in the 30 years I used that facility, abused that privilege. Therefore, this overweening malicious-minded ex-judge has no right, without my consent, to any of my records."

"I am not going to sit here and watch the cowering Democrats and the unscrupulous and faithless likes of Newt Gingrich, who has already poisoned the well of the House with his hate-filled unparliamentary and bitter partisan tactics, destroy the House of Representatives. I will protest this and do everything within my power to preserve and protect the Constitution of the United States against this malicious premeditated insidious scalawag of an ex-judge who is handmaiden of the most partisan Republican wing."

[In the U.S. District Court for the District of Columbia]

In re Grand Jury Subpoena dated April 21, 1992; Grand Jury No. 90-4

MOTION TO QUASH

Now come the Honorable Henry B. Gonzalez, the Honorable Sidney R. Yates, and other interested Members of the House of Representatives of the United States, and hereby request that the Court issue an order quashing the subpoenas dated April 21, 1992 for the production of documents directed to the Honorable Matthew F. McHugh, Acting Chairman, Committee on Standards of Official Conduct, United States House of Representatives, and to The Honorable Werner W. Brandt, Sergeant-At-Arms of the United States House of Representatives. The Court is respectfully referred to the accompanying Memorandum of Law in support of this motion.

Respectfully submitted,

HENRY B. GONZALEZ,
Member of Congress.
SIDNEY R. YATES,
Member of Congress.

REQUEST FOR IMMEDIATE HEARING

Petitioners respectfully request an immediate hearing on this Motion to Quash.

CERTIFICATE OF SERVICE

I, Henry B. Gonzalez, do hereby certify that I have caused to be delivered by facsimile one copy of the Motion to Quash, Memorandum in Support Thereof, and the Proposed Order this 29 day of April 1992, to the following:

Malcolm R. Wilkey, Special Counsel to the Attorney General, U.S. Department of Justice, 10th & Constitution Avenue, NW., Washington, DC 20530.

The Honorable Matthew F. McHugh, Acting Chairman, Committee on Standards of Official Conduct, U.S. House of Representatives, Suite HT-2, U.S. Capitol, Washington, DC 20515-6328.

The Honorable Werner W. Brandt, Sergeant-At-Arms, House of Representatives, HOB-124, Washington, DC 20515.

HENRY B. GONZALEZ,
Member of Congress.

[In the U.S. District Court for the District of Columbia]

In re Grand Jury Subpoena for documents dated April 21, 1992; Grand Jury No. 90-4

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO QUASH

Two subpoenas have been served (the "Wilkey subpoenas") on the Honorable Matthew F. McHugh, Acting Chairman, Committee on Standards of Official Conduct, United States House of Representatives, and on the Honorable Werner W. Brandt, Sergeant-At-Arms of the United States House of Representatives, dated April 21, 1992, for the production of documents. The subpoenas were issued at the request of Malcolm R. Wilkey, the Special Counsel to the Attorney General.

These subpoenas seek every financial record of every transaction of the office that has been called "the House bank," the Sergeant-at-Arms facility used by various Members of the House and others, primarily as a check cashing and payroll facility.

House Rule L(50) governs the House's response to all subpoenas, including these, pursuant to the Constitutional principle of separation of powers and the Constitution's Rulemaking Clause.

These subpoenas raise questions pursuant to Rule L(50)'s provisions regarding "relevance and materiality," in that they seek the complete production of the total set of records in their entirety for all Members (and non-Members), rather than any particular records for any specific reasons. See, e.g., Judge Wilkey's opinion in *Nixon v. Sirica*, 487 F.2d 700, 773 & n.45 (D.C. Cir. 1973) (which gives a judicial warning of the impropriety of a subpoena such as "a grand jury demand for the records of the Senate as a whole," since it would seek records of a "whole independent Branch of Government"); *United States v. Poindexter*, 727 F.Supp. 1501 (D.D.C. 1989) (explaining that a criminal subpoena must be narrowed in the light of the separation of powers).

In fact, the subpoena would include the records of Members such as the petitioner Henry B. Gonzalez who has used the facility for thirty years and never had an overdraft or was notified of a problem of any type with his account, and the records of Members, who, although they may have had one or more overdrafts, have engaged in no illegal activity of any nature.

These subpoenas also raise fundamental questions about the separation of powers under the Constitution of the United States.

Petitioners argue that their transactions with the facility are private, protected and privileged. They also argue that the subpoenas are overbroad, vague and an illegitimate incursion into matters of the House of Representatives. These arguments are addressed in the attachment, the statement of petitioner Gonzalez dated April 29, 1992, on the importance and primary principle of representative government—an independent legislature.

DISCUSSION

The Wilkey subpoenas call for the production of the following:

"Any and all original microfilm or microfiche of records of the banking facility of the Sergeant-At-Arms of the House of Representatives for the period July 1, 1988 through December 31, 1991, reputed to consist of 41 rolls."

It is the understanding and belief of the petitioners that Special Counsel has not asked to examine the General Ledger, which contains the facility's overall finances, but rather wants only the copies of all the individual transactions. The subpoenas seek without distinction all those individual transactions, regardless of whether the check was an overdraft or whether an individual ever had an overdraft.

Rule L(50) of the Rules of the House of Representatives governs the House's responses to all subpoenas, including these. The Rule provides, in subsection three:

"Once notification has been laid before the House, the Member, officer, or employee shall determine whether the issuance of the subpoena or other judicial order is a proper exercise of the court's jurisdiction, is material and relevant, and is consistent with the privileges and rights of the House. The Member, officer, or employee shall notify the Speaker prior to seeking judicial determination of these matters."

In fact, the importance of materiality and relevance is reiterated four times in the Rule, in subsections three, four, five, and six. Those are the standards which must be applied to these subpoenas.

The authority for Rule L(50) derives from the Constitutional doctrine of separation of powers, in general, and the Rulemaking Clause, in particular. As the courts have consistently held, the doctrine of separation of powers applies as a barrier to efforts by the Executive Branch to improperly interfere with Houses of Congress. See, e.g., *United States v. House of Representatives*, 566 F. Supp. 150 (D.D.C. 1983) (dismissing an improper suit by the Justice Department).

The Rulemaking Clause, Article I, section 5, clause 2 of the Constitution prescribes: "Each House may determine the Rules of its Proceedings * * *." The Supreme Court has acknowledged the specific force of the Rulemaking Clause:

"The Constitution empowers each House to determine its rules of proceedings * * *. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal." *United States v. Ballin*, 144 U.S. 1, 5 (1892).

At no time has the Supreme Court wavered in its clear expression of the House's "absolute" power, "beyond the challenge of any other body or tribunal," just as is being attempted here. Relying on *Ballin*, the courts have consistently honored Rule L(50) regarding subpoenas for House documents as having "the force of law." *Shape of Things to Come, Inc. v. County of Kane*, 588 F.Supp. 1192 (N.D. Ill. 1984).

The Court of Appeals in this Circuit has upheld the Rulemaking Clause and Ballin. *Nixon v. United States*, 938 F.2d 239 (D.C. Cir. 1991). Three recent cases have noted that the Rulemaking Clause "create[d] a 'specific constitutional base' which requires [the courts] to 'take special care to avoid intruding into a constitutionally delineated prerogative of the Legislative Branch.'" *Vander Jagt v. O'Neill*, 699 F.2d 1166, 1173 (D.C. Cir.) (quoting *Harrington v. Bush*, 553 F.2d 190, 214 (D.C. Cir. 1977)), cert. denied, 104 S.Ct. 91 (1983); *Metzenbaum v. FERC*, 675 F.2d 1282, 1287 (D.C. Cir. 1982).

Rule L(50) encompasses and codifies a long history of standards of the Houses of Congress, going back to and even preceding the Constitution, for subpoenas of records and testimony. Parliament and colonial and State legislatures successfully resisted numerous demands by kings and would-be kings, often made by subpoenas; the Framers of the Constitution followed that important history and precedent in creating three coequal branches of government. In *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803), the plaintiff sought Senate records, and the Senate, after extensive debate on the application of its version of an early rule akin to Rule L(50), voted to deny the records to him.

Over the years, the House has developed extensive precedents of considering subpoenas, including grand jury subpoenas for records of the Sergeant-At-Arms facility, and granting, denying, or narrowing them. 3 Hinds' Precedents of the House of Representatives of the United States, Sections 2661, 2662 (D.C. grand jury), 2664 (1907); 6 Cannon's Precedents of the House of Representatives of the United States, Section 586 (1935) (grand jury); 3 Deschler's Precedents of the United States House of Representatives, ch. 11 Section 16.15 (1976) (grand jury subpoenas for Sergeant-At-Arms facility). Over time, the House codified its precedents in a succession of rules ending in the present Rule L(50).

Judge Wilkey himself has noted the difference between a subpoena for the records of a particular Member as opposed to a subpoena for all the records of all the Members. *Nixon v. Sirica*, 487 F.2d 700, 773 & n.45 (D.C. Cir. 1973) (Wilkey, J., dissenting).

This accords with the principle, even in ordinary cases not involving the separation of powers, that "the compelled production before a grand jury of all of one's books and papers en masse, where they constitute a substantial body, a variety of accumulation, or an extensive-period product, and the subpoena is without indication or limitation as to class of persons, or type of transaction, or extent of period, to which the production is intended to be related, will judicially impress as not constituting a reasonable search and seizure." *Schwimmer v. United States*, 232 F.2d 855, 862-63 (8th Cir. 1956), cert. denied, 352 U.S. 833 (1956).

Under actual practice it is the belief and understanding of the petitioners that where Federal grand juries have subpoenaed the entire records of a Member's account, subpoenas have been either narrowed or denied. In fact, a New York grand jury investigating Adam Clayton Powell subpoenaed records from the Sergeant-At-Arms. The House adopted a resolution directing the Sergeant-At-Arms not to provide any records until a "court determines upon the materiality and the relevancy of the papers and documents called for in the subpoena. * * *" H. Res. 279, 89th Cong., 1st Sess., 111 Cong. Rec. 5338 (1965); 3 Deschler's Precedents of the United States House of Representatives, ch. 11 Section 16.15 (1976).

In fact, the court has held that the "Congress has undoubted authority to keep its records secret, authority rooted in the Constitution, longstanding practice, and current congressional rules." *Goland v. CIA*, 607 F.2d 339, 346 (D.C. Cir. 1978) (Wilkey, J.), citing the House Rule which was the version at that time of Rule L(50), namely, "H.R. Rule XI(2)(k)(7)."

"Grand juries are not licensed to engage in arbitrary fishing expeditions, nor may they select targets of investigation out of malice of an intent to harass." *United States v. R. Enterprises, Inc. et al*, 111 S.Ct. 722 (1991).

The broad subpoena power in ordinary judicial cases does not apply where the subpoenas implicate the separation of powers concerns of a Branch of Government; rather, in those cases, the subpoenas must be narrowed based on principles of materiality and relevancy. *United States v. Poindexter*, 727 F. Supp. 1501 (D.D.C. 1989) (Greene, H., J.). See also *United States v. Haldeman*, 559 F.2d 31, 76 (D.D.Cir. 1976); *In re Grand Jury Subpoena; Subpoena Duces Tecum*, 829 F.2d 1291, 1300 (4th Cr. 1987).

CONCLUSION

The petitioner respectfully requests that the subpoena be quashed.

Respectfully submitted,

HENRY B. GONZALEZ,

Petitioner, Member of Congress.

Date: April 29, 1992.

ATTACHMENT

STATEMENT OF HENRY B. GONZALEZ, MEMBER, U.S. HOUSE OF REPRESENTATIVES, APRIL 29, 1992

I rise to place on the record my objections to any procedure which waives the privileges and immunities of Members of Congress, including myself. I rise to stand for and support the independence and constitutional authority of the Congress and this House of Representatives as a coequal branch of this government.

As I wrote in a letter to the joint House leadership yesterday, April 28, 1992, these rights should not be waived by those looking for partisan gain or those afraid to stand up to the fear-driven stampede of the uninformed. And in fact, these rights should not be waived by actions of our leaders or even a vote of the House as a whole. The Congress, and particularly this House of Representatives, is a coequal and independent branch of the government of the United States. We cannot simply deny our duty to defend the first principle of the Constitution and the primary principle of representative government—an independent legislature.

These constitutional principles are far more important than any particular complaint or any current scandal—these principles underlie and give authority to our form of government. Sacrifice them today for expediency and they will be gone when they are needed most desperately, to retain the moral authority and integrity of the Congress as one of three branches of this government.

Indeed, the American system is an elaborate system of checks and balances. John Adams described them as follows: First, the States are balanced against the general government. Second, the House of Representatives is balanced against the Senate, and the Senate against the House. Third, the executive authority is balanced against the legislature. Fourth, the judiciary is balanced against the legislature, the executive, and the State governments. Fifth, the Senate is balanced against the President in all ap-

pointments to office, and in all treaties. Sixth, the people hold in their own hands the balance against their own representatives by periodic elections. Seventh, the legislatures of the several States are balanced against the Congress and eighth, the President and Vice President are balanced by votes of the people. All these are described in historic detail in "Checks and Balances in Government," from *The General Principles of Constitutional Law*, published in 1898, by Thomas Cooley, beginning p. 160.

These checks and balances are essential; they are also delicate and must be protected by each of us. In fact, when we took our oath to uphold the Constitution of the United States, we took an oath to uphold the constitutional coequality of the legislative branch.

This business before us now, a subpoena for our own documents and records, is not some unimportant precedent. It tramples on our individual rights and on the rights of the body we represent. We must not yield to this demand.

I have objections which are constitutional in nature and I have objections to this subpoena based on the specifics of this case. What follows is simply a summary to help guide us during our deliberations on these matters.

First, let me quote again from *The General Principles of Constitutional Law*, by Thomas Cooley, written almost 100 years ago;

"The authority of the courts 'is co-ordinate with that of the legislature, neither superior nor inferior; but each with equal dignity must move in its appointed sphere. * * *"

"The leading feature of the Constitution is the separation and distribution of the powers of government."

The natural classification of governmental powers is into legislative, executive, and judicial. Each house of the Congress is the judge of the elections, returns, and qualifications of its own members, and may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

Let us remember, first and foremost, any questions about the "House bank" are questions this body can and must resolve, no other branch of the government.

In addition, I also have a number of very specific complaints about the process in which we find ourselves and let me simply enumerate them now for the record before I come back to the most important objections, the constitutional issues raised by this subpoena:

1. The House "Bank" was never a bank in the legal sense of the word. It was not federally insured and in fact, operated as a cooperative or pool for the members. Therefore, the records of the "bank", including the records of my own transactions, are still my records and cannot be turned over to anyone by the "bank", which does not even exist anymore.

2. It is neither standard nor common practice for the Justice Department to ask for the records of all of the accountholders of any financial institution, even if the institution has failed. In fact, even requests for the records of all of the borrowers of a failed institution have been held to be overbroad. See *Bank of American National Trust & Savings Association v. Douglas*, 105 F.2d 100, 106, 107, D.C. (1939).

3. It is standard procedure for banks or banking agencies (if a conservator or receiver has been appointed) to cooperate with

a criminal subpoena if a particular individual is named and an allegation of specific criminal activity has been made. This subpoena, if do we go beyond the constitutional issues, does not distinguish among Members who have had overdrafts or who haven't and even among those who have had overdrafts, does not distinguish among those Members with regard to any alleged illegal activity. The charge of "check kiting" is simply an attempt to label the overdrafts with another name—it would only be a sufficient allegation of criminal activity if this was a real bank and a particular account holder with the intent to defraud the institution, caused a loss for the institution. None of those facts are present here.

In fact this request for documents is so overbroad as to be unconstitutional on its face. Yes, grand juries have broad powers—they are not, however, unlimited and they cannot override the Constitution.

4. If the House Bank was a bank for the purposes of the Right to Financial Privacy Act, any subpoena would have to state the "legitimate law enforcement inquiry" and why a particular user of the Bank was a target. Judge Wilkey does not even comply with this broad standard. And if he did, any Member would have the right under RFPA to challenge the subpoena in court under a procedure laid out in the law.

5. Even if RFPA does not apply, the historic common law right of privacy in the relationship between the user of a financial institution and the institution would protect Members in a case like this. The Members who used the cooperative (more properly described), like the account holders of any institution, will have made checks out to religious, charitable and political organizations which they presumed would remain private and protected under their First Amendment and privacy rights.

6. In one of the most important cases decided on this point, a subpoena from one branch of the government to another, the Supreme Court said specifically that the subpoena would have to be drawn as narrowly as possible to meet constitutional scrutiny. See *U.S. v. Poindexter*, 727 F. Supp. 1501 (D.D.C. 1989) in which the issue was the Court's consideration of a subpoena for documents from former President Reagan. The Court said:

"What is here involved is a clash between two sets of rights * * * the subject is one of both delicacy and difficulty, for significant constitutional and public policy considerations underlie both sets of rights* * *."

"For the constitutional and privacy reasons alluded to above, the Court is not disposed to requiring President Reagan to make wholesale production of documents which ultimately may turn out to contain little or no material evidence." *Id.*, at p. 1510 (emphasis supplied).

Let me return, as this last case has pointed us, to the more important constitutional issues presented to us here.

We are all familiar with the "speech and debate" clause. This provision, case law teaches us, "not only removes every restriction upon freedom of utterance on the floor of the houses by the members thereof * * * but also applies in short, to things generally done in a session of the House by one of its members in relation to the business before it."

See *Kilbourn v. Thompson*, 103 U.S. at pp. 203-204 (1880), cited in *The Constitution and What It Means Today*, Edward S. Corwin, Princeton University Press, 1948.

In fact, the protections of the speech and debate clause represents the culmination of a long struggle between the Commons and

the King. See *United State v. Johnson*, 383 U.S. 169, 178 (1966); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491 (1975).

The immunities of the speech and debate clause "were not written into the Constitution simply for the personal or private benefit of Members of Congress, but to protect the integrity of the legislative process by insuring the independence of individual legislators." Cited in *United States v. Brewster*, 408 U.S. 501, 507 (1972), from *Coffin v. Coffin*, 4 Mass. 1, 28 (1808).

In fact, on this very important issue of privilege, let me cite this very same Judge Wilkey, using his own words, from his dissent in *Nixon v. Sirica*, 487 F2d 700, beginning at p. 772:

"The Senate, a Branch of the Government co-equal under our Constitution, decided what would be furnished the court and what retained as confidential, precisely as has the Chief Executive in the case at bar."

"To cite but two of the best known recent examples, similar assertions of Legislative privilege took place with reference to criminal prosecution in *United States v. Calley* (citations omitted) and *United States v. Hoffa* (citations omitted). Other similar precedents in both Houses are ancient, numerous, and established beyond question in the Legislative Branch." (citations omitted).

"The principle of separation of powers, with a resulting Judicial privilege, works reciprocally when the demand is made by the Congress instead of to the Congress. In 1953 Mr. Justice Tom Clark refused to respond to a subpoena to appear before the House Un-American Activities Committee, on the ground that the 'complete independence of the Judiciary is necessary to the proper administration of justice.'" (emphasis supplied)

I only wish Judge Wilkey remembered his own words from 1973. This independence cannot be a one way street. If any one of the branches loses its independence, they are each truly diminished.

I also contend that these materials are privileged because they are my documents as a Member of the House of Representatives, not simply because they are "House documents". At the most this "bank" was a cooperative; by using the bank I let them keep, temporarily, some of my records. The bottom line is they are my records and I do not give my permission for anyone to turn them over to another branch of the government.

I could go on and on about the various legal defects in the actions taken by Judge Wilkey. But these arguments only take away from the far more important arguments which the Members of this body must uphold: The duties we perform here are of a public nature and we are responsible to the public, to our electorate. This public accountability is our master and only the public has the right to judge our actions, not an arm of the Administration, the Republicans in this House, not even the media (which since it holds a privileged position under the Constitution itself, should be more aware of and sensitive to the protections the Constitution provides).

Let us not forget the very preamble of the Constitution itself which states specifically that the blessings of liberty for ourselves and our posterity flow from this union, this order, this constitutional structure. When the people created separate legislative and judicial departments of the government, by implication they limited the one from exercising the powers of or over the other. Just as the legislature is forbidden from being judge and jury, this judge or "special prosecutor" is prohibited from interfering with our business.

Let me close with a reminder of the difference between a representative democracy and the monarchy or dictatorships we have rejected:

"When all the powers of sovereignty are exercised by a single person or body, who alone makes laws, determines complaints of their violation, and attends to their execution, the question of a classification of powers can have only a theoretical importance * * *. But inasmuch as a government with all its powers thus concentrated must of necessity be an arbitrary government, in which passion and caprice is as likely to dictate the course of public affairs as a sense of right and justice, it is a maxim in political science that, in order to the recognition and protection of rights, the powers of government must be classified according to their nature, and each class intrusted for exercise to a different department of the government."

"This arrangement gives each department a certain independence, which operates as a restraint upon such action of the others as might encroach on the rights and liberties of the people, and makes it possible to establish and enforce guaranties against attempts at tyranny. We thus have the checks and balances of government, which are supposed to be essential to free institutions."

From Cooley's *Constitutional Principles*, at p. 44.

I call upon the Speaker of the House, in his capacity as the spokesman for individual Members and their rights, not in his capacity as spokesman for any consensus we reach during our debates on legislation, to just say "no" to Judge Wilkey on my behalf and on the behalf of any other individual Members of this body with a similar request.

I say again, we are dealing with matters of the gravest constitutional importance—principles that date back to Runymede and the Magna Carta—principles that are at the root of free, representative government. We cannot give these principles away, as Judge Wilkey himself has written.

The privileges and immunities of the legislature have always been resented by kings and would-be kings. We are attacked precisely because of our independence. And if we give it away here under a spurious, politically convenient subpoena from a man whose own earlier writings concede the issue (and underlie his error), we are the worst of cowards and we betray our trust as keepers of the Constitution.

[U.S. District Court for the District of Columbia, Grand Jury No. 90-4]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: The Honorable Werner W. Brandt, Sergeant-at-Arms, House of Representatives, HOB-124, Washington, D.C. 20515

Subpoena for: document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

Place: U.S. Courthouse, 3rd & Constitution Avenue, N.W., Washington, D.C. 20001
Courtroom: Grand Jury Room No. 3.

Date and time: April 28, 1992, 10:00 a.m.

You are also commanded to bring with you the following document(s) or object(s): Any and all original microfilm or microfiche of records of the banking facility of the Sergeant-at-Arms of the House of Representatives for the period July 1, 1988 through December 31, 1991, reputed to consist of 41 rolls.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

U.S. Magistrate Clerk of Court: _____, Clerk.

Date: April 21, 1992.

Name, address and phone number of Assistant U.S. Attorney: Malcolm R. Wilkey, Special Counsel to the Attorney General, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530 (202) 616-2300.

[U.S. District Court for the District of Columbia, Grand Jury No. 90-4]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

To: The Honorable Mathew F. McHugh, Acting Chairman, Committee on Standards of Official Conduct, U.S. House of Representatives, Suite HT-2, U.S. Capitol, Washington, D.C. 20515-6328

Subpoena for: document(s) or object(s).

You are hereby commanded to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

Place: U.S. Courthouse, 3rd & Constitution Avenue, N.W., Washington, D.C. 20001

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U.S. Magistrate Clerk of Court: _____, Clerk.

Date: April 21, 1992.

Name, address and phone number of Assistant U.S. Attorney: Malcolm R. Wilkey, Special Counsel to the Attorney General, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530 (202) 616-2300.

[In the United States District Court for the District of Columbia]

In re Grand Jury Subpoena dated April 21, 1992; Grand Jury No. 90-4

ORDER

Upon consideration of the Motion to Quash, the memorandum in support thereof, and the entire record herein, it is this _____ day of _____, 1992,

Ordered and adjudged that the subpoena is hereby quashed.

U.S. District Judge.

THE 201ST ANNIVERSARY OF THE POLISH CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, May 3, 1992, marks the 201st anniversary of the signing of the Polish Constitution of 1791. It is fitting that on this special day we pause to reflect on Poland's tradition of democratic ideals and her struggle to overcome totalitarianism.

Mr. Speaker, the Polish Constitution, approved in 1791, was extremely significant be-

cause it was the first such document of its kind enacted in Europe. The Polish patriots who led that 18th century democracy movement were inspired by America's Founding Fathers, who signed our own Constitution in 1787. And just as George Washington, Benjamin Franklin, Thomas Jefferson, and other American patriots struggled to throw off the yoke of British tyranny, so, too, were the Poles determined to establish liberty and the rule of law in their own country.

Regrettably, the drive to achieve Polish democracy stalled shortly after the signing of the Constitution of 1791. Poland quickly fell victim to the imperial armies of Catherine the Great of Russia. In succeeding decades, Poland suffered repeated occupations and partitions by foreign powers who exploited her resources and people. Hopes for a triumph of democracy in Poland were frustrated for nearly two centuries until the collapse of communism in 1989 paved the way to freedom.

To commemorate Poland's long struggle for freedom, a consortium of over 30 Polish-American organizations in the Chicago area have organized a parade in honor of the Polish Constitution of 1791. The Alliance of Polish Clubs is directing this outstanding event, which has as its theme, "Freedom and Unity." The parade through downtown Chicago will step off at noon Saturday from Dearborn Street and Wacker Drive. Eugene Urbaszewski of Portage Park will serve as Grand Marshal. The parade will feature bands, floats, drum and bugle corps and other attractions. Live television coverage will be provided by channel 7, WLS-TV.

Other Polish Constitution Day events this weekend in Chicago will include a soccer tournament Saturday at Hanson Park and an art exhibit Sunday at the Copernicus Center. In addition, the Polish National Alliance is sponsoring a banquet Sunday at the Chicago Hilton and Towers, 720 South Michigan Avenue at which I shall be in attendance.

Mr. Speaker, I am proud that throughout my 28 years in Congress, I have always supported efforts to help the Poles regain control of their national destiny. Now that Poland is free, it is critical that America continue to assist her efforts to establish a market economy. Millions of Polish workers and their families are suffering as a result of this painful transition, which has exposed weaknesses in state-run industries. Many large factories, including the Gdansk shipyards, are facing bankruptcy, while the Polish people are strapped with 12 percent unemployment and 70 percent inflation.

Poland needs America's help to reorganize her factories and establish efficient systems for banking, communications, and other services. For these reasons, I voted to provide Poland with hundreds of millions of dollars in aid from 1990 to 1992. I expect to support similar aid requests this year, and to this end I have cosponsored H.R. 4738, the Polish Housing Guarantee Act of 1992, which would provide credit guarantees to Poland to help stimulate the economy and give relief in the Polish housing shortage. We must help Poland, if she is to overcome the devastating legacy of over 40 years of communism.

In closing, I would like to offer my best wishes to the people of Poland on the 201st anni-

versary of the Polish Constitution of 1791, to people of Polish descent all over the world, and especially to those from the 11th Congressional District of Illinois, which I am honored to represent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CALLAHAN (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. ALEXANDER (at the request of Mr. GEPHARDT), for today, on account of birth of child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, on May 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, and 28.

Mr. DREIER of California, for 5 minutes, today.

Mr. FAWELL, for 60 minutes, on May 5.

Mr. SCHIFF, for 5 minutes, today. (The following Members (at the request of Mr. LEHMAN of California) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 60 minutes, on April 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. DORNAN of California, on the Roemer amendment on H.R. 4364, today, in the Committee of the Whole.) (The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

- Mr. BILIRAKIS in two instances.
- Mrs. MORELLA.
- Mr. SOLOMON in six instances.
- Mr. HENRY in two instances.
- Mr. LAGOMARSINO in two instances.
- Mr. GALLO in three instances.
- Mr. DANNEMEYER.
- Mr. MCEWEN.
- Mr. GILMAN in three instances.
- Mr. GEKAS.
- Mr. DELAY in two instances.
- Mr. FISH.
- Mr. ROHRBACHER in two instances.
- Mr. PACKARD in two instances.
- Ms. ROS-LEHTINEN in 10 instances.
- Mr. ZIMMER.
- Mr. DREIER of California.
- Mr. HANSEN.
- Mr. COX of California.
- Mr. HERGER.

Mr. FAWELL.
Mr. WOLF.
Mr. SPENCE.
Mr. LEWIS of California.
Mr. RHODES.
Mr. CAMP.

(The following Members (at the request of Mr. LEHMAN of California) and to include extraneous matter:)

Mr. YATRON in two instances.
Mr. ANDREWS of Texas.
Mr. DORGAN of North Dakota.
Mr. FRANK of Massachusetts.
Mr. DOWNEY.
Mr. SANDERS.
Mr. BARNARD.
Mr. HAMILTON.
Mr. OBERSTAR.
Mr. TRAFICANT in three instances.
Mr. BONIOR.
Mr. FALCOMA in five instances.
Mr. SCHUMER.
Mr. DINGELL.
Mr. TALLON.
Mr. TORRICELLI.
Mr. FAZIO.
Mr. LEHMAN of Florida.
Mr. MATSUI.
Mr. OBEY.
Mr. RANGEL.
Mr. LIPINSKI.
Mr. DWYER of New Jersey.
Mr. HAMILTON in four instances.
Mr. COLEMAN of Texas in two instances.
Mr. ROE in two instances.
Mr. HUCKABY.
Mr. PANETTA.
Mr. MFUME.
Ms. SLAUGHTER.
Mr. WHEAT.
Mr. SOLARZ.
Mr. BRYANT.
Mr. KILDEE.
Mr. WEISS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2620. An act to amend title VII of the Public Health Service Act to correct a technical oversight in the Disadvantaged Minority Health Improvement Act of 1990 (Public law 101-527) by making schools of osteopathic medicine eligible to participate in the Centers of Excellence program, and for other purposes; to the Committee on Energy and Commerce.

S. 2569. An act to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; to provide joint duty credit for certain service; and to provide for the temporary continuation of the current Deputy National Security Advisor in a flag officer grade in the Navy; to the Committee on Armed Services.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes

a.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 30, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3356. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1991, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

3357. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled, "Food Stamp Amendments of 1992"; to the Committee on Agriculture.

3358. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's third special impoundment message for fiscal year 1992, pursuant to 2 U.S.C. 685 (H. Doc. No. 102-322); to the Committee on Appropriations and ordered to be printed.

3359. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's fourth special impoundment message for fiscal year 1992, pursuant to 2 U.S.C. 685 (H. Doc. No. 102-323); to the Committee on Appropriations and ordered to be printed.

3360. A letter from the Secretary of Veterans Affairs, transmitting one report of violation that occurred in the Department Veterans Affairs, pursuant to 31 U.S.C. 1517; to the Committee on Appropriations.

3361. A letter from the Secretary, Department of Defense, transmitting a report on the use of Mayport Naval Station as homeport for nuclear aircraft carriers, pursuant to Public Law 101-510, section 1423 (104 Stat. 1682); to the Committee on Armed Services.

3362. A letter from the Under Secretary of Defense (Acquisition), transmitting notification that a major defense acquisition program has breached the unit cost by more than 25 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

3363. A letter from the Under Secretary of Defense (Acquisition), transmitting notification that a major defense acquisition program has breached the unit cost by more than 25 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

3364. A letter from the Secretary of Defense, transmitting certification that the current Future Years Defense Program fully funds the support costs associated with the UH-60L blackhawk helicopter, pursuant to 10 U.S.C. 2306(h); to the Committee on Armed Services.

3365. A letter from the Secretary of Defense, transmitting notification that the President is establishing the U.S. Strategic Command as a new combatant command, pursuant to 10 U.S.C. 161(b)(2); to the Committee on Armed Services.

3366. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the following transaction involving United States exports to Venezuela, pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

3367. A letter from the Chairman, Board of Governors, Federal Reserve System, trans-

mitting the 78th annual report of the Board of Governors, pursuant to 12 U.S.C. 247; to the Committee on Banking, Finance and Urban Affairs.

3368. A letter from the Secretary of Housing and Urban Development, transmitting the second annual report on progress on HUD's program monitoring and evaluation initiative; to the Committee on Banking, Finance and Urban Affairs.

3369. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-188, "Health Care Benefits Expansion Act of 1992," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3370. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-189, "Illegal Firearms Sale and Distribution Strict Liability Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3371. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-190, "Real Property Lease Authorization Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3372. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-191, "Carbery Place Designation Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3373. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-192 "District of Columbia Government Employer-Assisted Housing Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3374. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-193, "Closing of Public Alleys in Square 1204, S.O. 90-192, Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3375. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-194, "Public Housing Homeownership Tax Abatement Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3376. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-195, "Wage Order for Clerical and Semi-Technical Occupations Recession Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3377. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-196, "Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3378. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-197, "District of Columbia Uniform Controlled Substances Act of 1981 Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3379. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-198, "District of Columbia Gross Receipts and Toll Telecommunication Service Tax Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3380. A letter from the Secretary of Labor, transmitting the Department's annual report on the administration of the Longshoremen's and Harbor Workers' Compensation Act for the period October 1, 1990, through September 30, 1991, pursuant to 33 U.S.C. 942; to the Committee on Education and Labor.

3381. A letter from the Solicitor, Commission on Civil Rights, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552, 552(e); to the Committee on Government Operations.

3382. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(b)(1); to the Committee on Government Operations.

3383. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

3384. A letter from the Secretary of the Interior, transmitting a letter in reference to enrolled bill House Joint Resolution 402, "Approving the location of a memorial to George Mason," pursuant to 40 U.S.C. 1006; to the Committee on Interior and Insular Affairs.

3385. A letter from the Chairman, State Justice Institute, transmitting the Institute's report to Congress, 1987-92, a summary of SJI's accomplishments during its first 5 years; to the Committee on the Judiciary.

3386. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration for fiscal year 1991, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

3387. A letter from the Assistant Secretary (Civil Works) Department of the Army, transmitting a report on possible flood damage reduction improvements at eastern North Carolina above Cape Lookout, NC; to the Committee on Public Works and Transportation.

3388. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of a report entitled, "Geographic Index of Environmental Articles 1990; to the Committee on Science, Space, and Technology.

3389. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering the disposition of cases granted relief from administrative error, overpayment, and forfeiture by the Administrator in 1991, pursuant to 38 U.S.C. 503; to the Committee on Veterans' Affairs.

3390. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to abolish the position and Office of Federal Inspector for the Alaska Natural Gas Transportation System, to transfer its functions to the Secretary of Energy, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3391. A letter from the Secretary of Transportation, transmitting the National Transportation Safety Board's recommendations to the Secretary regarding transportation safety, pursuant to 49 U.S.C. 1901; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

3392. A letter from the Assistant Attorney General, Department of Justice, transmit-

ting a draft of proposed legislation to repeal acts extending the coverage of the Federal Tort Claims Act to include Indian tribes, tribal contractors, and others; jointly, to the Committees on the Judiciary, Interior and Insular Affairs, and Education and Labor.

3393. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the annual report on the Panama Canal treaties, fiscal year 1991, pursuant to 22 U.S.C. 3871; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, the Judiciary, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SWIFT: Committee on House Administration. H.R. 4116. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1993 (Rept. 102-504). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 4990. A bill rescinding certain budget authority, and for other purposes; with an amendment (Rept. 102-505). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SLAUGHTER of New York: Committee on Rules. House Resolution 442. Resolution providing for the consideration of the bill (H.R. 3090) to amend the Public Health Service Act to revise and extend the program of assistance for family planning services (Rept. 102-506). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 443. Resolution providing for the consideration of the bill (H.R. 2056) to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped (Rept. 102-507). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. DICKINSON) (both by request):

H.R. 5006. A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

By Mr. DREIER of California:
H.R. 5007. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the use of long-term health care insurance and group health insurance with a high deductible; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. APPLIGATE:
H.R. 5008. A bill to amend title 38, United States Code, to reform the formula for payment of dependency and indemnity compensation to survivors of veterans dying from service-connected causes, and for other

purposes; to the Committee on Veterans' Affairs.

By Mr. AUCCOIN:
H.R. 5009. A bill to provide for procedures for the review of Federal department and agency regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. GEPHARDT (for himself, Mrs. BOXER, Ms. HORN, and Mr. GEJDE-SON):

H.R. 5010. A bill to provide for the revitalization of the U.S. aerospace and other industries that have been adversely affected by defense spending reductions and foreign subsidies; jointly, to the Committees on Banking, Finance and Urban Affairs, Ways and Means, Science, Space, and Technology, and Education and Labor.

By Mr. BARNARD (for himself, Mr. SISISKY, and Mr. JENKINS):

H.R. 5011. A bill to amend the Internal Revenue Code of 1986 to revise the procedures applicable to the determination of employment status for purposes of the employment taxes and to increase information reporting by businesses and corresponding compliance by individuals treated as independent contractors; to the Committee on Ways and Means.

By Mr. BROWN (for himself, Mr. STARK, Mr. PANETTA, Mr. TORRES, Mr. CUNNINGHAM, Mr. HERGER, Mr. MORRISON, Mr. LOWERY of California, Mr. HUNTER, Mr. CONDIT, Mr. DANNE-MEYER, Mr. MARLENEE, Mr. MCCANDLESS, Mr. MATSUI, Mr. FAZIO, Mr. JONES of North Carolina, and Mr. DOOLEY):

H.R. 5012. A bill to extend emergency crop loss assistance to agricultural producers who suffered crop losses in 1991 and 1992 due to infestations of sweetpotato whitefly and to authorize research to minimize or prevent future infestations; to the Committee on Agriculture.

By Mr. STUDDS:
H.R. 5013. A bill to promote the conservation of exotic wild birds; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. DORGAN of North Dakota:
H.R. 5014. A bill to amend the Internal Revenue Code of 1986 to provide that the one-time exclusion of gain from sale of a principal residence shall apply to a portion of the farmland on which the residence is located; to the Committee on Ways and Means.

H.R. 5015. A bill to repeal the provision of the Tax Reform Act of 1986 which limits the benefits to consumers from the effect of the corporate rate reduction on deferred tax reserves of public utilities; to the Committee on Ways and Means.

By Mr. GALLO:
H.R. 5016. A bill to encourage the use of clean fuels, encourage the development of a clean fuels refueling infrastructure, and reduce the dependency on foreign oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEJDESON (for himself and Mr. REED):

H.R. 5017. A bill to amend the Job Training Partnership Act to provide employment and training assistance to workers in substantially and seriously affected defense communities; to the Committee on Education and Labor.

By Mr. LEVINE of California:
H.R. 5018. A bill to amend the Internal Revenue Code of 1986 to allow a refund of the excise tax on ozone-depleting chemicals to producers that cease producing such a chemical before the date the production of the chemical is prohibited; to the Committee on Ways and Means.

By Mr. PACKARD:

H.R. 5019. A bill to require the Congress to enter into contracts with the lowest qualified bidders for the procurement of certain services and to end the current system of patronage, and for other purposes; to the Committee on House Administration.

By Mr. PETERSON of Florida:

H.R. 5020. A bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RAHALL:

H.R. 5021. A bill to amend the Wild and Scenic Rivers Act for the purposes of determining the eligibility and suitability of designating a segment of the New River as a national wild and scenic river; to the Committee on Interior and Insular Affairs.

By Mrs. SCHROEDER (for herself and Mr. MARTIN) (by request):

H.R. 5022. A bill to authorize certain construction at military installations for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

By Mr. SOLOMON:

H.R. 5023. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Ways and Means.

By Mr. TALLON (for himself, Mr. WHEAT, Mr. HUBBARD, Mr. DICKINSON, Mr. MAZZOLI, Mr. HUTTO, Mr. MCCOLLUM, Mrs. LOWEY of New York, Mr. MURPHY, Mr. MCGRATH, Mr. PALLONE, Mr. ROSE, Mr. TOWNS, Mr. MURTHA, Mr. GORDON, Mr. HANCOCK, Mr. HORTON, Mr. MCCLOSKEY, Mr. OBEY, and Mr. RANGEL):

H.R. 5024. A bill to establish a Commission on the airplane crash at Gander, NF; jointly, to the Committees on Public Works and Transportation and Foreign Affairs.

By Mr. BRYANT:

H.R. 5025. A bill to amend title 18, United States Code, to prohibit the practice by mental health care providers of using bounty hunters to attract patients for treatment; to the Committee on the Judiciary.

By Mr. GORDON:

H.R. 5026. A bill to amend the Communications Act of 1934 to prohibit billing for telephone calls in response to sweepstakes solicitations; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H.R. 5027. A bill to amend the Internal Revenue Code of 1986 to impose a minimum tax on certain foreign or foreign controlled corporations; to the Committee on Ways and Means.

By Mr. REED (for himself and Mr. GEJDENSON):

H.R. 5028. A bill to extend to displaced defense workers the protection against eviction and foreclosure that is provided to members of the Armed Forces under the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on the Judiciary.

By Mr. STUMP (by request):

H.R. 5029. A bill to declare that the United States holds certain lands in trust for the Camp Verde Yavapai-Apache Indian Community, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RHODES:

H.J. Res. 475. Joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day"; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself, Mr. BREWSTER, Mr. STARK, Mr. ROE, Mr.

BROOMFIELD, Mr. KOPETSKI, Mr. LAGOMARSINO, Mr. McMILLEN of Maryland, Mr. MARKEY, Mr. PALLONE, Mr. CARR, Mr. MOAKLEY, Mr. ENGEL, Mr. McDERMOTT, Mrs. PATTERSON, Mr. MOODY, Mr. BILIRAKIS, Mr. STUDDS, Mr. COLEMAN of Texas, Mr. BERMAN, Ms. SLAUGHTER, Mr. GEJDENSON, Mr. SMITH of Florida, Ms. DELAURO, Mr. SIKORSKI, Mrs. MORELLA, Mrs. MINK, Mr. LEVINE of California, Mr. CARDIN, Mr. ANDREWS of New Jersey, Mr. OWENS of Utah, Mr. HOAGLAND, Mr. LEVIN of Michigan, Mrs. LOWEY of New York, Mr. BACCHUS, Mr. WAXMAN, Ms. LONG, Mr. INHOFE, Mr. SANGMEISTER, Mr. SCHEUER, Mr. FAZIO, Mrs. ROUKEMA, Mr. WEBER, Mr. PETERSON of Florida, Mr. WISE, Mr. MCEWEN, Mr. ACKERMAN, Mr. STAGGERS, Mr. SAVAGE, Mrs. UNSOELD, Mr. ERDREICH, Mr. DWYER of New Jersey, Mr. GUARINI, Mr. LEHMAN of Florida, Mr. MORAN, Mr. LANTOS, Mr. WEISS, Mr. TOWNS, Mr. LAFALCE, Mr. RANGEL, Mr. BLACKWELL, Mr. MARTINEZ, Mr. MATSUI, Mr. HOCHBRUECKNER, Mr. HOBSON, Mr. SWETT, Mr. PETERSON of Minnesota, Mr. CRAMER, Mr. RAHALL, Mr. KOLTER, Mr. WOLPE, Mr. MRAZEK, Mr. MACHTELEY, Mr. CLEMENT, Mr. HARRIS, Mr. POSHARD, Mr. BILBRAY, Mr. FORD of Tennessee, Mr. HORTON, Mr. VIS-CLOSKEY, Mr. HERTEL, Mr. SPRATT, Mr. MILLER of Washington, Mr. WOLF, Mr. MILLER of California, Mr. LIPINSKI, Ms. HORN, Mr. CARPER, Mr. ROWLAND, Mr. HAYES of Illinois, Mr. FRANK of Massachusetts, Mr. MCCRERY, Ms. OAKAR, Mr. JONES of Georgia, Mr. DYMALLY, Mr. AU COIN, Mr. SMITH of New Jersey, Mr. JEFFERSON, Mr. NEAL of Massachusetts, Ms. PELOSI, Mrs. VUCANOVICH, Mr. MANTON, Mr. ABERCROMBIE, Mr. RINALDO, Mr. LOWERY of California, Mr. FALCOMAVARGA, Mr. HUNTER, Mr. TAUZIN, Mr. JONTZ, Mr. GONZALEZ, Mr. REED, Mr. WHEAT, Ms. NORTON, Mr. SPENCE, Mr. SERRANO, Ms. MOLINARI, Mr. SMITH of Oregon, and Ms. KAPTURI):

H.J. Res. 476. Joint resolution to designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Con. Res. 312. Concurrent resolution authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Public Works and Transportation.

By Mr. MANTON:

H. Con. Res. 313. Concurrent resolution expressing the sense of the Congress that the United States should not recognize the Government of the former Yugoslavian Republic under the name Macedonia; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Mississippi:

H. Res. 439. Resolution amending the Rules of the House of Representatives to direct the Speaker to provide for the televising of special order speeches of Members at a location in the Capitol other than the Hall of the House, and to eliminate the televising of these speeches as part of the proceedings of the House; to the Committee on Rules.

By Mr. GEPHARDT:

H. Res. 440. Resolution directing the release of certain materials relating to the inquiry of the operation of the bank of the Ser-

geant at Arms pursuant to House Resolution 236 in a manner consistent with enforcement of criminal law and procedure, respect for the constitutional structure of government and the individual rights assured to all citizens, and the expectation of the public that the legal process will be impartial and fair; considered and not agreed to.

By Mr. MICHEL:

H. Res. 441. Resolution directing the release of certain materials relating to the inquiry of the operation of the bank of the Sergeant at Arms pursuant to House Resolution 236; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

394. By the SPEAKER: Memorial of the Senate of the State of Idaho, relative to the timber industry; to the Committee on Agriculture.

395. Also, memorial of the Senate of the State of Idaho, relative to breast cancer; to the Committee on Energy and Commerce.

396. Also, memorial of the Senate of the State of Idaho, relative to Federal mandates to State governments; to the Committee on Government Operations.

397. Also, memorial of the Senate of the State of Idaho, relative to Federal demands on the States; to the Committee on Government Operations.

398. Also, memorial of the House of Representatives of the State of Idaho, relative to Senator Symms; to the Committee on House Administration.

399. Also, memorial of the House of Representatives of the State of Idaho, relative to payment in lieu of tax/cty payment; to the Committee on Interior and Insular Affairs.

400. Also, memorial of the Senate of the State of Idaho, relative to the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

401. Also, memorial of the Senate of the State of Idaho, relative to election to Congress; to the Committee on the Judiciary.

402. Also, memorial of the House of Representatives of the State of Idaho, relative to the Endangered Species Act; to the Committee on Merchant Marine and Fisheries.

403. Also, memorial of the Senate of the State of Idaho, relative to the educational community; to the Committee on Science, Space, and Technology.

404. Also, memorial of the House of Representatives of the State of Idaho, relative to Medicare payments, VA hospitals; to the Committee on Veterans' Affairs.

405. Also, memorial of the Senate of the State of Idaho, relative to Veterans Administration; to the Committee on Veterans' Affairs.

406. Also, memorial of the General Assembly of the State of New Jersey, relative to the Low-Income Tax Credit Program; to the Committee on Ways and Means.

407. Also, memorial of the General Assembly of the State of New Jersey, relative to tax-exempt mortgage revenue bonds; to the Committee on Ways and Means.

408. Also, memorial of the House of Representatives of the State of Idaho, relative to POW's, MIA's, declassify information; jointly, to the Committees on Armed Services and Intelligence (Permanent Select).

409. Also, memorial of the Senate of the State of Idaho, relative to Medicare; jointly, to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLORADO:

H.R. 5030. A bill to establish an alternative penalty for operation of certain vessels in the coastwise trade between the United States and Puerto Rico; to the Committee on Merchant Marine and Fisheries.

By Mr. DANNEMEYER:

H.R. 5031. A bill for the relief of Wayne J. Phillips; to the Committee on the Judiciary.

By Mr. SCHIFF:

H.R. 5032. A bill for the relief of Arsenio F. Sanchez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 104: Mr. TOWNS, Mr. MINETA, Mr. BLAZ, and Mr. GUARINI.
- H.R. 301: Mr. ARMEY.
- H.R. 731: Ms. DELAURO.
- H.R. 744: Mr. MANTON.
- H.R. 815: Mr. MARTINEZ.
- H.R. 840: Mr. ASPIN, Mr. EVANS, and Mr. BROOMFIELD.
- H.R. 843: Mr. DOOLEY.
- H.R. 911: Mr. CALLAHAN, Mr. SHUSTER, and Mr. THOMAS of Georgia.
- H.R. 918: Mr. DORGAN of North Dakota, Mr. BEILINSON, and Mr. EVANS.
- H.R. 945: Mr. McMILLAN of North Carolina and Mr. ROSE.
- H.R. 1004: Mr. SHAYS.
- H.R. 1134: Mr. TOWNS, Mr. CHAPMAN, and Mr. BLACKWELL.
- H.R. 1222: Mr. OWENS of New York.
- H.R. 1241: Mr. LEACH, Mr. SLATTERY, Mr. FLAKE, Mr. SWETT, and Mr. MOODY.
- H.R. 1259: Mr. CHAPMAN.
- H.R. 1303: Mr. SOLOMON.
- H.R. 1311: Mrs. BENTLEY, Mr. MARKEY, Mr. OWENS of New York, Mr. COUGHLIN, Mr. TRAXLER, Ms. KAPTUR, Mr. FOGLIETTA, Mr. GALLEGLY, and Mr. LENT.
- H.R. 1312: Mrs. BENTLEY, Mr. GALLEGLY, Mr. MARKEY, Mr. OWENS of New York, Mr. COUGHLIN, Mr. FOGLIETTA, Ms. KAPTUR, Mr. TRAXLER, and Mr. LENT.
- H.R. 1330: Mr. ROHRBACHER.
- H.R. 1411: Mr. MARLENEE, Mrs. LLOYD, Mr. INHOFE, Mr. PICKETT, and Mr. YOUNG of Alaska.
- H.R. 1414: Mr. BARRETT, Mr. YOUNG of Alaska, and Mr. ANDREWS of Maine.
- H.R. 1456: Mr. DREIER of California.
- H.R. 1485: Mr. RICHARDSON, Mr. KLECZKA, Mr. MACHTLEY, Mr. LIPINSKI, Mr. DOOLEY, Mr. WILSON, Mr. SHAYS, Mr. NEAL of Massachusetts, Mr. MOORHEAD, and Mr. PALLONE.
- H.R. 1536: Mr. FEIGHAN and Mr. BLACKWELL.
- H.R. 1573: Mr. DE LA GARZA, Mr. BUSTAMANTE, Mr. BRYANT, Mr. PRICE, Mr. CHAPMAN, Mr. HALL of Texas, Mr. GEREN of Texas, and Mr. STENHOLM.
- H.R. 1601: Mr. BARNARD.
- H.R. 1790: Mr. KILDEE.
- H.R. 2008: Mr. BURTON of Indiana.
- H.R. 2452: Mr. PERKINS.
- H.R. 2595: Mr. ARMEY.
- H.R. 2633: Mr. DICKINSON.
- H.R. 2706: Mr. BERREUTER.
- H.R. 2755: Mr. PAYNE of New Jersey.
- H.R. 2797: Mr. STUMP, Mr. SWIFT, Mr. THORNTON, Mr. WELDON, and Mr. WILSON.
- H.R. 2855: Mr. FRANK of Massachusetts, Mr. STAGGERS, Mr. WISE, Mr. RANGEL, Mr. BLACKWELL, Mr. MARKEY, and Mr. HORTON.

- H.R. 2872: Mrs. LOWEY of New York, Mr. BAKER, Mr. GORDON, Mr. OWENS of Utah, Mr. BARTON of Texas, and Mr. STUMP.
- H.R. 2966: Mr. NEAL of North Carolina, Mr. DERRICK, and Mr. CRAMER.
- H.R. 3082: Ms. PELOSI and Mr. EVANS.
- H.R. 3164: Mr. JONES of North Carolina, Ms. OAKAR, Mr. GEJENSON, Mr. MOLLOHAN, Mr. ORTIZ, and Mr. ANNUNZIO.
- H.R. 3221: Mr. BILIRAKIS.
- H.R. 3253: Mr. MOAKLEY.
- H.R. 3258: Mr. EVANS, Mr. FRANK of Massachusetts, Mr. DWYER of New Jersey, Mr. FROST, and Mr. SPRATT.
- H.R. 3360: Mr. OLVER, Mr. MFUME, Mr. CLAY, Mr. BILIRAKIS, and Mr. KILDEE.
- H.R. 3420: Mr. ALEXANDER and Mr. EDWARDS of Oklahoma.
- H.R. 3425: Mr. OLVER, Mr. MAVROULES, Mr. FOGLIETTA, and Mr. MFUME.
- H.R. 3451: Mr. LEWIS of Florida.
- H.R. 3501: Mr. FEIGHAN.
- H.R. 3516: Mr. NICHOLS.
- H.R. 3555: Ms. DELAURO, Mr. STEARNS, Mr. DORGAN of North Dakota, and Mr. PETRI.
- H.R. 3598: Mr. PETRI, Mr. SAXTON, and Mr. JONES of Georgia.
- H.R. 3602: Mrs. BYRON, Mr. SCHIFF, and Mr. KLECZKA.
- H.R. 3613: Mr. EDWARDS of California, Ms. PELOSI, Mr. OBERSTAR, Mr. DORGAN of North Dakota, Mr. HUGHES, Mr. BLACKWELL, Mr. MCNULTY, Ms. KAPTUR, Mr. SCHIFF, Mr. MINETA, Mr. SCHEUER, and Mr. BERMAN.
- H.R. 3649: Mr. MARKEY.
- H.R. 3662: Mr. BRYANT, Mr. ALLEN, Mr. WYLIE, and Mr. JONES of North Carolina.
- H.R. 3801: Mrs. PATTERSON and Mr. WISE.
- H.R. 3812: Mr. MURTHA.
- H.R. 3857: Mr. GUNDERSON.
- H.R. 3939: Mr. ENGEL, Mr. JONES of Georgia, Mr. OLVER, and Mr. McMILLEN of Maryland.
- H.R. 3943: Mr. GINGRICH, Mr. SMITH of New Jersey, Mr. SLATTERY, Mr. GUNDERSON, Mr. VALENTINE, Mr. RAY, Mr. McMILLAN of North Carolina, Mr. OBERSTAR, and Mr. MCCLOSKEY.
- H.R. 4016: Mr. BLACKWELL, Mrs. BOXER, Ms. HORN, Mr. JENKINS, and Ms. PELOSI.
- H.R. 4034: Mr. UPTON.
- H.R. 4040: Mr. ROTH and Mr. MCEWEN.
- H.R. 4061: Mr. CAMPBELL of Colorado and Mr. CHAPMAN.
- H.R. 4073: Mr. DOWNEY and Mr. BLACKWELL.
- H.R. 4083: Mr. ESPY.
- H.R. 4094: Mr. DIXON, Mrs. LOWEY of New York, and Ms. PELOSI.
- H.R. 4100: Mr. FORD of Tennessee, Mr. ROSE, Mr. LUKE, Mr. ATKINS, Mr. SAVAGE, Mr. JOHNSON of South Dakota, Mr. YATES, Mr. BREWSTER, Mr. HUBBARD, and Mr. KOSTMAYER.
- H.R. 4104: Mr. ANDREWS of Maine and Mr. SWETT.
- H.R. 4130: Mr. RIGGS and Mr. HANCOCK.
- H.R. 4149: Mr. BLACKWELL.
- H.R. 4159: Mr. SANDERS, Mr. SCHIFF, Mr. JOHNSON of South Dakota, and Mr. QUILLEN.
- H.R. 4169: Mr. PETERSON of Minnesota and Mr. BAKER.
- H.R. 4207: Mrs. VUCANOVICH, Mr. LIGHTFOOT, Mr. HASTERT, Mrs. UNSOELD, Mr. MCEWEN, Mr. COX of California, Mr. FRANKS of Connecticut, and Mr. NAGLE.
- H.R. 4239: Mr. MARTINEZ.
- H.R. 4256: Mr. EVANS.
- H.R. 4275: Mr. FAWELL, Mr. RIGGS, Mr. CHANDLER, Ms. OAKAR, and Mr. ANDREWS of Maine.
- H.R. 4279: Mr. KOPETSKI and Mr. LEHMAN of California.
- H.R. 4304: Mr. PETERSON of Minnesota, Mr. BLBRAY, and Mr. MCCLOSKEY.
- H.R. 4312: Mrs. KENNELLY, Mr. FROST, Ms. KAPTUR, Mr. FOGLIETTA, Mr. PENNY, Mr. WYDEN, Mr. LAFALCE, and Mr. EVANS.

- H.R. 4319: Mr. INHOFE.
- H.R. 4343: Mr. LIPINSKI and Mr. ACKERMAN.
- H.R. 4351: Mr. SANTORUM and Mr. MINETA.
- H.R. 4399: Mr. ATKINS, Mr. ANDREWS of Maine, Mr. FEIGHAN, Mr. BUSTAMANTE, Mr. MCNULTY, Mr. LANCASTER, Mr. GUARINI, Mr. DOWNEY, Mrs. BOXER, Mr. KENNEDY, Mr. AUCOIN, and Mr. TRAFICANT.
- H.R. 4400: Mr. LIPINSKI, Mrs. MEYERS of Kansas, Mr. ZELIFF, Mr. DOWNEY, Mr. ATKINS, Mr. KOPETSKI, Mr. SARPALIUS, Mr. SMITH of Oregon, Mr. FAZIO, Mr. HUGHES, Ms. HORN, Mr. GALLO, Mr. EVANS, Ms. NORTON, Mr. PAXON, and Mr. KOSTMAYER.
- H.R. 4420: Ms. HORN.
- H.R. 4464: Mr. LANCASTER.
- H.R. 4476: Mr. GEREN of Texas.
- H.R. 4482: Mr. GALLEGLY and Mr. OWENS of New York.
- H.R. 4488: Mr. HARRIS, Mr. CRAMER, Mr. DARDEN, Mr. MURPHY, Mr. TALLON, Mr. BARNARD, Mr. TAUZIN, Mr. HALL of Texas, Mr. HUCKABY, Mrs. LLOYD, Mr. FIELDS, Mr. OXLEY, Mr. HALLOWAY, Mr. HANSEN, Mr. YOUNG of Alaska, Mr. EMERSON, Mr. DELAY, Mr. LOWERY of California, Mr. LIVINGSTON, Mr. TAYLOR of North Carolina, Mr. DICKINSON, Mr. SOLOMON, Mr. MORRISON, Mr. RHODES, Mr. BLAZ, Mr. BLILEY, Mr. KYL, Mr. BALLENGER, Mr. ESPY, Mr. GEREN of Texas, Mr. DREIER of California, Mr. HANCOCK, Mr. GALLO, Mr. HASTERT, Mr. CHAPMAN, Mr. PETERSON of Florida, and Mr. STALLINGS.
- H.R. 4528: Mr. FROST, Mr. ESPY, and Mr. FEIGHAN.
- H.R. 4537: Mr. GIBBONS, Mr. VENTO, Mr. MILLER of Washington, Mr. SMITH of Florida, Mr. NEAL of North Carolina, and Mr. COLORADO.
- H.R. 4585: Mr. WYDEN, Mr. YATES, Mr. OWENS of New York, Mr. GREEN of New York, Mr. ESPY, Mr. WOLPE, Mr. LIPINSKI, Mr. FORD of Tennessee, Mr. LEHMAN of California, Mr. MRAZEK, Mr. MILLER of Washington, Mr. HORTON, Mr. MARTINEZ, Ms. SLAUGHTER, Mr. McMILLAN of North Carolina, Mr. WEISS, Mrs. UNSOELD, Mrs. BOXER, Mr. BLACKWELL, Mr. GUARINI, Mr. SERRANO, Mr. GEREN of Texas, Mr. LEVINE of California, and Mr. PERKINS.
- H.R. 4617: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
- H.R. 4618: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
- H.R. 4619: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
- H.R. 4620: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
- H.R. 4621: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
- H.R. 4622: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
- H.R. 4623: Mr. RIGGS and Mr. JONTZ.
- H.R. 4624: Mr. RIGGS and Mr. JONTZ.
- H.R. 4625: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
- H.R. 4626: Mr. RIGGS and Mr. JONTZ.
- H.R. 4627: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
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- H.R. 4631: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
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- H.R. 4679: Mr. RIGGS and Mr. JONTZ.
 H.R. 4680: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
 H.R. 4681: Mr. RIGGS and Mr. JONTZ.
 H.R. 4682: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
 H.R. 4683: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
 H.R. 4684: Mr. RIGGS, Mr. JONTZ, and Mr. GILCHREST.
 H.R. 4713: Mr. BATEMAN.
 H.R. 4724: Mr. DEFAZIO, Mr. ALEXANDER, Mr. CAMPBELL of Colorado, Mr. DARDEN, Mr. GLICKMAN, Mr. HARRIS, Mr. HATCHER, Mr. HEFNER, Mr. HOYER, Mr. JACOBS, Mr. JONES of Georgia, Ms. KAPTUR, Mr. LANCASTER, Mrs. LLOYD, Mr. McMILLEN of Maryland, Mr. PAYNE of New Jersey, Mr. ROWLAND, Mr. SAWYER, Mr. STALLINGS, and Mrs. UNSOELD.
 H.R. 4725: Mr. LENT, Mr. RICHARDSON, Mr. QUILLEN, Mr. TOWNS, Mr. MCGRATH, Mr. SAXTON, Mr. CHAPMAN, Mr. RANGEL, Mr. JEFFERSON, Mr. ERDREICH, and Mr. MILLER of Washington.
 H.R. 4754: Mr. CHAPMAN.
 H.R. 4755: Mr. GLICKMAN, Mr. CAMP, Mr. SCHIFF, and Mr. NAGLE.
 H.R. 4761: Mr. PAYNE of New Jersey.
 H.R. 4786: Mr. ORTON and Mr. OWENS of Utah.
 H.R. 4961: Mr. ZIMMER.
 H.R. 4980: Mr. HUCKABY, and Mr. LEHMAN of California.
 H.J. Res. 121: Mr. SWIFT, Mr. SOLARZ, Mr. KOSTMAYER, Mr. WISE, Mr. HEFNER, Mr. WOLF, Mr. LIGHTFOOT, Mr. JACOBS, Mr. PRICE, Mr. BOEHLERT, Mr. FASCELL, Mr. LEVIN of Michigan, Mrs. UNSOELD, Mr. HAMILTON, Mr. MFUME, Mr. SUNQUIST, Mr. SPRATT, Mr. COLEMAN of Texas, Mr. GUARINI, Mr. CLAY, Mr. PORTER, Mrs. PATTERSON, Mr. EARLY, Mrs. MINK, Mr. DOWNEY, Mr. MOAKLEY, Mr. HUCKABY, Mr. MYERS of Indiana, Mr. MCEWEN, Mr. BROOKS, Mr. SYNAR, Mr. ASPIN, Mr. DINGELL, Mr. HOAGLAND, Mr. WEISS, Mr. NEAL of North Carolina, Mrs. KENNELLY, Mr. FORD of Tennessee, Mr. MORAN, Mr. SHAW, Mr. ANDERSON, and Mr. TAYLOR of Mississippi.
 H.J. Res. 192: Mr. EWING, Ms. MOLINARI, Mr. FAWELL, and Mr. DANNEMEYER.
 H.J. Res. 271: Mr. ATKINS, Mr. BUSTAMANTE, Mr. GUARINI, Mr. FALCOMA, Mr. ENGEL, Mr. BENNETT, Mr. PETRI, Mr. EVANS, Mr. BROWN, Mr. KENNEDY, and Mr. CHANDLER.
 H.J. Res. 336: Mr. FROST, Mr. ACKERMAN, Ms. KAPTUR, Mr. MANTON, Mr. MATSUI, Mr. MCEWEN, and Mr. BLACKWELL.
 H.J. Res. 371: Mr. BILBRAY, Mr. BOUCHER, Mrs. BYRON, Mr. COBLE, Mr. DANNEMEYER, Mr. DE LA GARZA, Mr. FISH, Mr. GEKAS, Mr. GIBBONS, Mr. HANSEN, Mr. HOUGHTON, Mr. HUGHES, Mr. HUTTO, Mr. JOHNSON of South Dakota, Mr. MANTON, Mr. MINETA, Ms. MOLINARI, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mrs. PATTERSON, Mr. POSHARD, Mr. PURSELL, Mr. SERRANO, Mr. SOLARZ, Mr. STOKES, Mr. YOUNG of Florida, Mr. ROGERS, and Mrs. VUCANOVICH.
 H.J. Res. 378: Mr. MORAN and Mr. YOUNG of Florida.
 H.J. Res. 388: Mrs. BOXER, Mr. SMITH of New Jersey, Mr. MURTHA, Mrs. BYRON, Mr. MCGRATH, Mr. JEFFERSON, Mr. INHOPE, Mr. RIGGS, Mr. STARK, Mr. LEACH, Mr. HANSEN, Mr. CHAPMAN, Mr. RAHALL, Mrs. BENTLEY, Mr. BROOMFIELD, Mr. RANGEL, Mr. HAYES of Illinois, Mr. LEWIS of California, Mr. MANTON, Mr. CONYERS, and Mr. OLVER.
 H.J. Res. 406: Mr. FIELDS, Mr. NUSSLE, Mr. SABO, Mr. SERRANO, Mrs. MORELLA, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. HYDE, Mr. KOSTMAYER, Mr. JONES of Georgia, Ms. LONG, Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. ROSE, Mr. DICKINSON, Mr. PICKLE, Mr. SPRATT, Mrs. BOXER, Mr. MCCLOSKEY, Mr. LANTOS, Mr. ACKERMAN, Mr. GORDON, Mr. MARTINEZ, Mr. SHAW, Mr. PELOSI, Mr. OWENS of Utah, Mr. MANTON, Mr. FAWELL, Mr. WYDEN, Mr. KLUG, Mr. PRICE, Mr. YOUNG of Florida, Mr. FALCOMA, Mr. COLORADO, Mr. ANDREWS of Maine, Mr. DE LUGO, Mr. BOUCHER, Mr. DORNAN of California, Mr. LANCASTER, Mr. MCDADE, Mr. PERKINS, Mr. MCDERMOTT, Mr. MARTIN, Mr. MRAZEK, Mr. FISH, Mr. JONTZ, Mr. MURTHA, Mr. WISE, Mr. KILDEE, Mr. SCHUMER, Mr. MCCOLLUM, Mr. DOWNEY, Mr. RINALDO, Mr. ROBERTS, Mr. COYNE, Mr. DELLUMS, Mr. BROOMFIELD, Mr. GALLO, Ms. WATERS, and Mr. EWING.
 H.J. Res. 425: Mr. WOLF, Mr. BONIOR, Mr. GUARINI, Mrs. MINK, and Mr. MACHTLEY.
 H.J. Res. 426: Mr. SKELTON, Mr. DWYER of New Jersey, Mr. GRANDY, Mr. SLATTERY, Mr. EVANS, and Mr. MCDERMOTT.
 H.J. Res. 429: Mr. COYNE, Mr. DONNELLY, Mr. FORD of Tennessee, Mr. SAVAGE, Mr. DAVIS, Mr. DICKS, Mr. DWYER of New Jersey, Mr. FEIGHAN, Mr. EVANS, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. GEKAS, Mr. COSTELLO, Mr. WILSON, Mr. JOHNSON of South Dakota, Mr. HOCHBRUECKNER, Ms. MOLINARI, Ms. NORTON, Mr. SMITH of Florida, Mr. HOBSON, Mr. TRAXLER, Mr. HAMILTON, Mr. MCDERMOTT, Ms. HORN, Mr. MCCLOSKEY, Mr. CLEMENT, Mr. GINGRICH, and Mr. JONTZ.
 H.J. Res. 432: Mr. LANCASTER, Mr. LIPINSKI, Ms. NORTON, Mr. JONTZ, Mr. MURPHY, Mr. QUILLEN, Mr. FROST, Ms. SLAUGHTER, Mr. EMERSON, Mrs. MINK, and Mr. BONIOR.
 H.J. Res. 440: Mr. BERMAN, Mr. COX of Illinois, Mr. HUGHES, Mr. HUTTO, Mr. KLUG, Mr. LEWIS of Georgia, Ms. LONG, Mr. MINETA, Mrs. MORELLA, Mr. SCHIFF, and Mr. SHARP.
 H.J. Res. 444: Mr. JONTZ, Mr. FROST, Mr. ANNUNZIO, Mr. BILIRAKIS, Mr. ASPIN, Mr. SPRATT, Mr. CLINGER, Mr. ACKERMAN, Mr. DE LUGO, Mr. FRANK of Massachusetts, Mr. TRAFICANT, Mr. SWETT, Mr. GORDON, Mr. GONZALEZ, Mr. CALLAHAN, Mr. JONES of North Carolina, Mr. COSTELLO, Mr. HEFNER, Mr. CARPER, Mr. SAXTON, Mrs. LOWEY of New York, Mr. NEAL of Massachusetts, Mr. STAGGERS, Mr. LENT, Mr. GUARINI, Mr. VOLKMER, Ms. OAKAR, Mr. MFUME, Ms. NORTON, Mr. IRELAND, Mr. HOBSON, Ms. PELOSI, Mr. STUDDS, Mr. WAXMAN, Mr. FORD of Tennessee, Mr. HAMMERSCHMIDT, Mr. OWENS of Utah, Mrs. BYRON, Mrs. JOHNSON of Connecticut, Mr. RICHARDSON, Mr. YOUNG of Florida, Mr. MARTINEZ, Mr. TOWNS, Mr. ROYBAL, Mr. YATES, and Mr. MCGRATH.
 H.J. Res. 458: Mr. ENGEL, Mr. McMILLEN of Maryland, Mr. MORAN, Mr. NEAL of Massachusetts, and Mr. SCHUMER.
 H.J. Res. 459: Mr. MARTINEZ, Mrs. ROUKEMA, Mr. SKENEN, Mr. ESPY, Mr. GUARINI, Mr. JOHNSON of South Dakota, Mr. SCHUMER, Mr. TORRES, Ms. PELOSI, and Mr. SERRANO.
 H.J. Res. 463: Mr. BLACKWELL, Mr. CLEMENT, Mr. DINGELL, Mr. FASCELL, Mr. GUARINI, Mr. JACOBS, Mr. LEHMAN of Florida, Mr. MCDERMOTT, Mr. McMILLEN of Maryland, Mr. MARTINEZ, Mr. MORAN, Mr. RANGEL, Mrs. ROUKEMA, Mr. TOWNS, Mr. WEBER, and Mr. WEISS.
 H.J. Res. 466: Mr. PERKINS, Mrs. BYRON, Mr. LAROCCO, Mr. LEWIS of Georgia, Mr. ALLEN, and Mr. TORRICELLI.
 H. Con. Res. 11: Mr. SMITH of Oregon.
 H. Con. Res. 256: Mr. MINETA.
 H. Con. Res. 276: Mr. MORAN, Mr. GEKAS, and Mr. SISISKY.
 H. Con. Res. 307: Mr. GUNDERSON, Mr. GINGRICH, Mr. QUILLEN, Mr. NUSSLE, Mr. CHANDLER, Mr. MARLENEE, and Mr. RAMSTAD.
 H. Con. Res. 311: Mr. BEREUTER, Mr. BLAZ, and Mr. BROOMFIELD.

H. Res. 26: Mr. ALLEN.
 H. Res. 368: Mr. JOHNSON of Texas, Mr. SPENCE, Mr. HOLLOWAY and Mr. THOMAS of Wyoming.
 H. Res. 372: Mr. CAMPBELL of California.
 H. Res. 376: Mr. STUMP.
 H. Res. 384: Mr. MACHTLEY, Mr. SANDERS, and Mr. MORRISON.
 H. Res. 411: Mr. BUSTAMANTE, Mr. DE LUGO, Mr. GUARINI, Mr. HUGHES, Mr. DICKINSON, Mr. DORGAN of North Dakota, and Mr. SHAYS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2840: Mr. SCHIFF.
 H.R. 3438: Mr. RANGEL.
 H.R. 3439: Mr. RANGEL.
 H.R. 3440: Mr. RANGEL.

H.R. 3441: Mr. RANGEL.
 H.R. 3442: Mr. RANGEL.
 H.R. 3605: Mr. RANGEL.
 H.R. 4750: Mrs. COLLINS of Michigan.
 H. Res. 194: Mr. SCHIFF.

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EXTENSIONS OF REMARKS

AMERICAN LEGION SPEECH BY
KEVIN MERCURE HIGHLIGHTS
SPECIAL NATURE OF U.S. CON-
STITUTION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SOLOMON. Mr. Speaker, Kevin Mercure of Hudson Falls, NY, is the son of Tom and Terry Mercure, two very close friends of mine. They're very proud of Kevin, and so am I.

He was the runner-up in Washington County in the recent American Legion Oratorical Contest. With great pleasure, I place his speech in today's RECORD:

SPEECH BY KEVIN MERCURE

At the Constitutional Convention held in Philadelphia, Pennsylvania in 1787 the phrase, "We the People of the United States" applied to little more than the ratifiers of the Constitution. But through two of the most dynamic centuries in world history this phrase has come to include every American citizen. Prior to the writing of the Constitution the United States functioned by the weak Articles of Confederation. The Articles were established in such a way that safeguarded against the rise of a monarch. After all, that is why the Revolution was fought in the first place. Under this government the thirteen "United States" were actually thirteen individual countries. Each state had adopted its own voting qualifications and in some instances these qualifications limited the right to vote to only those that owned property, or to those that subscribed to a certain religion, or only to those that believed in God and Jesus Christ. During the birth of our Constitution almost no one conceived that anyone but sufficiently wealthy white men would be able to elect public officials. Earlier, the Declaration of Independence declared that "all Men are created equal." However, this only meant that people are equal before the law. Qualifications to become a public official in the young states were even more stringent, almost to the point where it was an issue of birthright.

Unfortunately a majority of today's society which has been presented with few voting restrictions as a result of the amendment process chooses to not exercise their greatest privilege and duty. The Voting Right Act of 1965 suspended all literacy tests and similar devices restricting the right to vote. Later amendments to this act forbade the requirement of a citizen to speak English in order to vote. More recent amendments have required states to print bilingual ballots if at least five percent of a district's population speaks a primary language other than English and if a citizen's primary language is not written, as is true with several Native Americans, than it is required that the state provides someone to explain the ballot to them. Even with the lifting of several voting restrictions throughout the past decades there has consistently been only about a

fifty percent turn out of the total voting age population and only about a seventy percent turn out of the registered voters in every presidential election since 1928. Of course in years without a presidential election voter turnout has been even lower.

In the original Constitution Article I, Section 3 called for the election of the members of the Senate to be done by State Legislatures. Article II, Section 1 stated that the executive power shall be vested in a President that shall be chosen in a manner directed by the State Legislatures. The members of the federal judicial system were to be appointed by the President, subject to confirmation by the Senate. Pursuant to Article I, Section 2, the only officials in the newly formed government that were to be elected by the People were the members of the less influential House of Representatives. The Framers of the Constitution did not have great confidence in the American people. For example, Alexander Hamilton of New York submitted a plan on June 18, 1787 calling for the most influential bodies in the government, the Senate, the Chief Executive, and the Supreme Judicial Court, to be elected by Electors or by a legislative body. The people would be responsible for electing the members of the less important Assembly. Hamilton's plan was similar in philosophy to the Constitution itself. It was not until April 8, 1913 when the Seventeenth Amendment was ratified that the people were responsible for the election of Senators.

As the Constitution settled into use and certain amendments were adopted, Americans, whom the Farmers never dreamed would be involved in politics, were included in the national political community. On February 3, 1870 the Fifteenth Amendment guaranteed African-Americans (most of whom were newly freed slaves) the right to vote. Although whites were able to keep African-Americans from voting in several southern states, the Fifteenth Amendment was a historic victory in our nation's struggle for civil rights.

As early as the American Revolution when Abigail Adams urged her husband John Adams to "remember the ladies", women have fought to play a full role in American politics. Prior to 1920 the issue of women's suffrage was left to the states. Wyoming became the first state to allow permanent female suffrage in 1869. Wyoming shrewdly gave women the right to vote because the number of voters (not the number of citizens) was used to determine whether a territory could become a state. Several western states followed Wyoming's example. Nonetheless, even in 1919, one year prior to the ratification of the Nineteenth Amendment, only thirty out of the forty-eight states allowed women the right to vote. Finally, on August 18, 1920 the Nineteenth Amendment declared that a citizen's right to vote shall not be denied or abridged on account of sex.

The Twenty-third Amendment which was ratified on March 29, 1961 established the right to vote for residents of the District of Columbia. The Framers could have never envisioned that their seat of government would evolve into one of the ten largest cities in the nation with hundreds of thousands of

residents ineligible to vote because they did not live in a state. This amendment is also an excellent example of our Constitution's flexibility. As our nation expands and experiences innovation the Constitution is able to adapt and not become obsolete.

The ratification of the Twenty-fourth Amendment on January 23, 1964 abolished the poll tax. Although African-Americans were given the right to vote several southern states effectively used a poll tax to disenfranchise African-Americans of low economic standing. This amendment once and for all rejected the old doctrine that voting eligibility was based on a citizen's wealth.

On July 1, 1971, the Twenty-sixth Amendment guaranteed suffrage for persons of eighteen years or more. Prior to this amendment the individual states determined the minimum voting age, thus, only four states in the Union had a minimum voting age under twenty-one. At the time of the ratification of the Twenty-sixth Amendment the United States was embroiled in the Vietnam Conflict and Americans that weren't old enough to vote were being drafted into the armed forces. College campuses across the country cried out the popular slogan, "Old enough to fight, old enough to vote."

The people of the United States are no longer discriminated against because of the color of their skin or the God they worship. And no longer are Americans asked to sacrifice their lives in defense of our nation and then told they are not old enough to vote. And no longer are Americans refused the right to vote because they were born of the "wrong" sex. Of course there remains certain necessary voting restrictions. Citizens that have been convicted of certain crimes or have a specified mental condition are not allowed to vote.

Little did the Framers know that their Constitution would be one of the most highly regarded documents in world history. Little did they know that because of its flexibility it would endure two centuries of growth with only twenty-six amendments. Two centuries later, "We the People of the United States" means far more than it did in 1787 and the United States itself is far more than ever a democracy.

SMALL BUSINESSES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 8, 1992, into the CONGRESSIONAL RECORD.

SMALL BUSINESSES

Small businesses are the backbone of the American economy. They provide a majority of our new jobs and provide many important technological innovations. They also play a vital role in satisfying the country's need for diversity, choice, and opportunity. For years, small businesses have repeatedly led

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this country out of troubled economic times and into prosperity. However, the current recession is posing new challenges and threats to the small business community. Congress has a role to play in addressing the challenges facing small firms today.

OVERVIEW

The term "small business" is defined in different ways—based on the number of employees or the amount of revenue generated by the business. By any definition, small businesses represent an important cog in this nation's economic machine. More than 97 percent of U.S. businesses—some 20 million firms—have fewer than 100 employees. These businesses provide three times more jobs than the Fortune 500 companies and ten times more than the federal government. Further, more than half of all new jobs are created by small businesses. Nearly half of this nation's Gross Domestic Product is produced by small businesses.

Small firms contribute products and ideas to all segments of our society. Over the last thirty-five years half of all new product and service innovations have been derived from small companies. Almost all of our large corporations look to small businesses as their suppliers, manufacturers, and distributors. Some three-fourths of future employment in the nation's fastest growing industries is likely to come from small firms.

The recession has hurt thousands of small businesses throughout Indiana and the nation. During the last few years, the failure rate of small business has remained high. Further, small firms, while not as visible as General Motors or IBM, have been forced to cut their payrolls and lay off workers.

ACCESS TO CAPITAL

One of the largest problems facing the small business community today is the lack of capital to start new activities and to modernize facilities and equipment. The rush to re-regulate the troubled thrift industry and the efforts by most banks and thrifts to rebuild their reserves have led to extremely tight credit.

The Federal Reserve's recent cuts in interest rates will help ease the credit crunch. Also, bank regulators have eased some of the restrictions to encourage more lending. One proposal before Congress would create a government sponsored enterprise (GSE) to help establish a national secondary market for private sector loans to small businesses (similar to "Sallie Mae" for student loans), in order to make it easier for small firms to obtain lower cost loans.

HEALTH CARE

Another challenge facing the small business community is the cost of health care. Owners and managers of small firms are facing soaring health care costs, and many are being forced to choose between buying health insurance for their employees, which they would like to do, and keeping the business running. A recent study found that nearly half of all uninsured workers were either self-employed or working in firms with fewer than 25 employees.

Several health care initiatives have been proposed to help the small business community. They include expanding the income tax deduction for health care costs of self-employed persons, providing new tax incentives for individuals and small businesses to purchase private insurance coverage, and allowing small businesses to combine to purchase large group health insurance policies.

REGULATIONS

Government rules and regulations also impact small businesses greatly. The cost per

employee of meeting these requirements is nearly three times higher for small firms than large ones. While government regulation can improve workplace safety and the environment, regulatory costs and paperwork burdens can be substantial. A recent study predicts that the regulatory costs for all businesses will increase 25 percent by the year 2000. The Administration is undertaking a review of proposed and existing regulations in order to eliminate those that are burdensome and outdated.

TECHNOLOGY

Recent studies indicate that smaller firms lag behind larger firms in the adoption and development of new technology. In 1982 Congress passed the Small Business Innovation Research Act (SBIR) to increase small business participation in the federal research and development (R&D) procurement process and increase commercial spinoffs from the federal government's billions of R&D dollars. Yet even with the SBIR program, small business' share of federal R&D spending remained relatively unchanged throughout the 1980s, so one proposal is to expand the SBIR program. Another proposal is to set up a federal "manufacturing extension" service, similar to the successful agricultural extension program. The idea would be to assist smaller firms adopt the latest manufacturing technologies.

CONCLUSION

My impression is that while the small business community is a strong lobbying force, it probably can become more effective, it certainly has political access: every congressional district has thousands of small business owners and many of them are community leaders who are plugged into local politics. The task of the small business community is to organize itself and focus its resources and efforts. When small business flexes its political muscle, the results can be impressive. For example, it quickly persuaded Congress to repeal an obscure Internal Revenue Service regulation requiring businesses to keep automobile mileage logs to document tax deduction claims. The problem in the small business community is that its members are so numerous and diverse that it is difficult to find the issues that everyone agrees upon.

Congress should take steps to assist small business, such as adopting meaningful health care reforms and improving small business access to the latest research and technology. Congress should avoid excessive regulation and burdensome paperwork requirements, which add significantly to the cost of doing business, and should avoid repeated overhauls of the tax code, which undermine the ability of business to do long-term planning. Yet my sense is that Congress could best serve the interests of small business by putting the nation's fiscal house in order. Federal budget deficits hurt especially small business by reducing the amount of capital for expansion, keeping real interest rates high, and limiting the ability of consumers to purchase the goods and services from small business.

CONGRESSMAN BILL YOUNG'S PERSISTENCE SAVES LIVES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to one of our colleagues, my

fellow Member from Florida, the Honorable C.W. BILL YOUNG. All of us come to Congress with the hope of making life better for the people of our district and of our country. Congressman YOUNG should take well deserved pride in his accomplishment in the successful creation of National Marrow Donor Program [NMDP]. The registry has facilitated over 1,100 marrow transplants that would have been impossible without the resource provided by NMDP. The precious bone marrow provides hope for those suffering from some 60 blood diseases. Some of these diseases have less than a 1-percent survival rate without matching marrow. The following article in the newsletter of the National Marrow Donor spoke about his efforts:

BILL YOUNG MILITARY DONOR CENTER HONORS PATIENT CRUSADER

The National Marrow Donor Program (NMDP) has become a national treasure because of the generosity of many volunteers and contributors, the sense of urgency of parents and physicians and the vision of a few.

The clear and unwavering vision of Congressman C.W. Bill Young is well known on Capitol Hill. In 1986, Congressman Young told his colleagues that he had watched a little girl die who had no hope of a matched donor. His testimony was instrumental in the Act of Congress which established the NMDP. Since then, the Congressman has continued to inform and challenge his colleagues in Washington and his constituents in St. Petersburg, Florida, never wavering in his belief in the goodness of American volunteers or lessening his advocacy for individuals patients.

To recognize his undaunted efforts, Congress established a military donor center which is named for Bill Young. Congress also appropriated funds to tissue type active military and civilian personnel willing to join the NMDP. The Bill Young Marrow Donor Center (BYMDC) is headquartered in Bethesda, Maryland, but conducts education and recruitment efforts at military bases across the country.

For more information about military marrow donor recruitment, contact the BYMDC at 800-MARROW-3.

Mr. Speaker, I commend Congressman YOUNG's selfless devotion to this neglected cause. When he was told that the goal of 50,000 volunteers was out of the reach—he pressed forward. His faith in American volunteerism has been vindicated by the 520,000 volunteers who have registered thus far. A job well done.

SUMMARY OF 1991 TAX RETURN DATA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DOWNEY. Mr. Speaker, I am once again making a summary of my income tax return public because I believe that Federal officeholders should be forthcoming about the sources of their income. Therefore, I ask that the following summary be printed in the official RECORD of the day's proceedings:

Hon. Thomas J. Downey summary of 1991 tax return data
 Salary—U.S. House of Representatives \$122,725

Less: Contributions to sec. 401(k) plan	-6,136
Salary—U.S. House of Representatives (Mrs. Downey)	37,693
Interest income	1,260
Dividend income	27
Rental and partnership losses (after application of passive loss limitations)	0
Total income	155,569
Less: Adjustments to income	
Adjusted gross income	155,569
Itemized deductions:	
Taxes	15,282
Interest expense	16,154
Contributions	594
Miscellaneous deductions (after 2 percent AGI limitation)	5,021
Less: Excess AGI limit	-1,667
Total itemized deductions	35,384
Subtotal	120,185
Less: Personal exemptions	8,084
1991 taxable income	112,101
Federal income tax	27,867
New York State income tax	10,206

**NEW JERSEY PRIDE HONOR ROLL:
DR. JAMES L. BREEN**

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. GALLO. Mr. Speaker, today, James L. Breen, M.D., chairman of the Department of Obstetrics and Gynecology at Saint Barnabas Medical Center in Livingston, NJ, is receiving the most prestigious honor awarded by the American College of Obstetrics and Gynecology [ACOG] at its 40th annual clinical meeting.

In addition to his many duties and responsibilities at Saint Barnabas, Dr. Breen is a clinical professor at Jefferson Medical College in Philadelphia and the University of Medicine and Dentistry of New Jersey/New Jersey Medical School.

Dr. Breen is a past president of the ACOG and of the Society of Gynecologic Surgeons. As a member of 56 professional societies and as editorial consultant to five journals, Dr. Breen travels throughout the United States, Europe and the Far East as a guest lecturer.

The ACOG Distinguished Service Award for outstanding contributions in the field of obstetrics and gynecology is being presented to Dr. Breen for his leadership and for his many contributions to the specialty as a distinguished educator, lecturer and surgeon.

Mr. Speaker, I am always pleased and proud to learn that my constituents have been recognized by their peers throughout the Nation for their outstanding professional achievements.

It is worthy of note also that Dr. Breen has the friendship and respect of his colleagues and coworkers, one of whom took the time to bring to my attention the fact that he is being honored today.

I ask my colleagues in the U.S. House of Representatives to join with me today in offer-

ing our congratulations to Dr. James L. Breen on the day that he receives this national honor from his peers, and to recognize all of the dedicated men and women within the medical profession who have made saving lives their life's work.

TRIBUTE TO THE 30TH ANNIVERSARY OF THE JOHN F. KENNEDY FEDERATED DEMOCRATIC WOMEN'S CLUB

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. TRAFICANT. Mr. Speaker, I rise to pay tribute to the dedicated women of the John F. Kennedy Federated Democratic Women's Club. This group of hard workers committed to the Democratic Party in my 17th District of Ohio celebrated its 30th anniversary on April 25, 1992.

Thirty years ago when Secretary of State Ted W. Brown gave the group its charter of incorporation, I'm sure he had no idea that the newborn organization would be such a success. The dedicated women of the group, including the original organizer, Ruth Grombacher, the original trustees, Mary Jane VanSuch, Marean Splain and Betty Jane Stanton, and the subsequent three presidents; Ruth Grombacher, Sadie Hoagland, and Delores Cummings led the group through the early years making the operations of the club fine tuned and experienced.

I commend these women in their efforts to enliven their purpose to "promote the cause; to advance the ideas; and to aid and assist the Democratic Party to the best of its members' ability." Mr. Speaker, I applaud the John F. Kennedy Federated Democratic Women's Club as it celebrate its 30th anniversary.

THE UTILITY RATEPAYER REFUND ACT OF 1992

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DORGAN of North Dakota. Mr. Speaker, when Congress passed the Tax Reform Act of 1986, there was a wrinkle hidden in an obscure section which is preventing utility customers from receiving a timely refund of an estimated \$19 billion in excess deferred taxes. Under section 203(e), utilities may normalize the return of this \$19 billion, which means that consumers will wait as long as 30 years for a full refund.

Today, Congressman MATSUI and I are introducing the Utility Ratepayer Refund Act of 1992 to repeal section 203(e) of the Internal Revenue Code. As a result, Federal and State regulatory authorities would be able to decide on a case-by-case basis when ratepayers should be refunded the remainder of this \$19 billion.

For years the tax laws have allowed utilities—gas, electric, telephone, water—to de-

preciate plant and equipment over different lengths of time for income tax purposes. Utilities also collect through today's rates Federal income taxes that will not be owed to the Treasury for many years. These are called deferred taxes.

Prior to the Tax Reform Act of 1986 consumers had been paying utility bills based upon the anticipation that utilities would eventually pay Federal income taxes at 46 percent on corporate earnings, but the Tax Reform Act of 1986 reduced the rate from 46 percent to 34 percent. Thus, utilities no longer owe the Federal Government all of the deferred taxes previously collected from consumers. The utilities must return to the consumers about \$19 billion in excess taxes paid. And the utilities acknowledge that this money must be returned to the ratepayers, but the utilities want to hold on to this money for as long as possible, and section 203(e) allows them to do just that.

Section 203(e) should be repealed because it is unfair to utility customers and it usurps State regulatory authority. This section makes some customers wait up to 30 years to get the final installment of their refund from a utility company. This is of little comfort to our senior citizens who are on tight budgets.

Generally, this legislation would allow State utility regulators to decide on a case-by-case basis when the \$19 billion in excess deferred taxes should go back to the ratepayers. The bill does not mandate any return schedule; it simply leaves it up to the State regulators to decide. After all, it is the State regulators who know best the financial conditions of their State utilities. The State regulators are in the best position to decide how quickly these overpaid taxes should go back to the customers.

Let's get the Federal Government out of an area of regulation in which it does not belong. And this is reasonable legislation needed to untie the hands of the State regulatory authorities and treats consumers fairly. That's why a broad coalition of consumer groups, industrial users, regulatory authorities, and others support this bill. I urge my colleagues to cosponsor the Utility Ratepayer Refund Act of 1992.

TRIBUTE TO JOSEPH DINHOFER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is my honor to pay tribute today to a truly outstanding citizen, Joseph Dinhofer. Mr. Dinhofer, at the age of 93 has been a resident of Miami Beach and a member of the National Association of Letter Carriers [NALC] for over 70 years. He has been a shining example to all of us of the service and dedication that characterizes the American spirit.

Born in June 1898, Mr. Dinhofer has seen America, his community, and the Postal Service grow and flourish by leaps and bounds. He worked in an ammunition factory during World War I and by 1920 he was working at the U.S. Post Office from where he retired in 1957. As an active member of NALC, he was appointed

legislative liaison for the 18th Congressional District of Florida in January 1990 at the young age of 91. He has received honors from the National Association of Retired Federal Employees and remains involved with his community as a fund raiser for Muscular Dystrophy, March of Dimes, and the United Jewish Appeal. Mr. Dinhofer has been president and councilman of JVL Barnett, aside from being a very dedicated participant in the Jewish community center meetings. Outside of his accomplishments in his community, Mr. Dinhofer remains active by walking and jogging daily and by being committed to his five sons, one of whom is a PhD physicist.

Mr. Joseph Dinhofer has gladly given much more than his share to our community and America. As a man of true character and with the spirit of a 20-year-old, we know that he will continue to give to our citizenry although he is owed much more than we ever pay back. It is my deep pleasure to bring this man to the attention of the Congress of the United States and the American public.

HOLLAND HOME CELEBRATES CENTENNIAL

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HENRY. Mr. Speaker, 1992 marks the 100th year of existence for the Holland Home, an outstanding institution providing quality retirement care to the elderly of Grand Rapids. Holland Home is a caring and compassionate ministry tracing its origin to the Third Reformed Church in Grand Rapids and its minister's concern for eight poor widows. Beginning in a single, renovated homestead, Holland Home has become the largest nonprofit retirement facility in the State of Michigan, operating six residences in the Grand Rapids area serving over 900 people. Holland Home now serves churches from 30 different denominations. The steady growth and expansion of the Holland Home is attributed to its strong base of supporters who believe that Christians will encourage and sustain each member of the fellowship of believers. Not only does the Holland Home offer a wide range of services to its residents based on their varied needs, but it extends a continuing care agreement to each resident. This agreement guarantees medical care for all Holland Home residents—regardless of their ability to pay for such care.

The Holland Home began in response to needs that were going unmet and is committed to providing loving care and support to the elderly. Compassion, sensitivity, and constancy are characteristics that formed the foundation on which the Holland Home was built, and are characteristics that have persevered for a century. I am confident that Holland Home will continue to be a leader in meeting the needs of the elderly. Emma Ruiters, a Holland Home resident, wrote a centennial hymn that accurately portrays the mission of the Holland Home: "From humble, small beginnings with dedicated plan to serve God's aging children, the Holland Home

began * * * I am proud to highlight the Holland Home as an exemplary institution—creatively and compassionately meeting the needs of the elderly.

Mr. Speaker, please join me in honoring and commending the Holland Home on the occasion of its 100th anniversary.

TRIBUTE TO VFW PRIVATE HENRY OSTENDORF POST 1300 ON THEIR 60TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the 60th anniversary of the Veterans of Foreign Wars, Private Henry Ostendorf Post 1300 in Granite City, IL. This post of the VFW and the auxiliary will celebrate their 60th anniversary on June 6, 1992.

The Private Henry Ostendorf Post has been dedicated in its service to the community through the past 60 years. Numerous current and former residents of Southwestern Illinois greatly appreciate the activism of this organization.

A VFW post plays a significant role in every community. By bringing recognition to veterans and remembering past conflicts, U.S. citizens learn to respect the history that allows us to live in freedom.

I ask my colleagues to join me as I salute the VFW Private Henry Ostendorf Post 1300 on their 60th anniversary for their contribution to our Nation as well as their exceptional dedication to the community of Southwestern Illinois.

TRIBUTE TO MAJOR GENERAL WILLIAM N. ROWLEY

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. ROHRBACHER. Mr. Speaker, I would like to take a moment to recognize an outstanding patriot and a decorated military officer who has served our country admirably for nearly four decades. America has benefited tremendously by the military and leadership expertise as well as the scientific and aeronautical proficiency of Maj. Gen. William N. Rowley. As the major general begins a new phase of his life with retirement, his contributions will not be forgotten.

William Rowley was commissioned as a second lieutenant through the Air Force Reserve Officer Training Corps Program in 1955 and was called to active duty a year later to serve the 7312th Air Base Squadron in West Germany. After being released from active duty in 1958, Mr. Rowley has served in Air Reserve squadrons from California to Ohio.

With his bachelor's degree in mechanical engineering and a master of science degree in mechanical engineering, William Rowley has worked on fly-by-wire flight control systems and in launch vehicle and program control areas.

As well as being a senior missileman, he holds a civilian single- and multi-engine instrument instructor aeronautical rating and a commercial helicopter rating.

Do not think for a moment that Major General Rowley will sit by idly and watch the world pass by from his porch in Palos Verdes, CA. Major General Rowley will continue to lead the United States into the next century with the company he founded, Rowley International, Inc., a multidisciplinary consulting engineering firm.

I wish to commend Maj. Gen. William Rowley for all his contributions to society. I also extend a big thank you to his lovely wife Ruth Ann and their two children Christopher and Heidi who have given William guidance and inspiration throughout his distinguished career.

TRIBUTE TO CONGRESSMAN WILLIAM S. BROOMFIELD

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. YATRON. Mr. Speaker, during the district work period one of the finest Members ever to have served in the House, Congressman WILLIAM S. BROOMFIELD, announced his retirement.

Elected to Congress in 1956, BILL BROOMFIELD has represented that great State of Michigan and the Nation with an unparalleled degree of integrity and excellence.

During my tenure in Congress, I have had the honor and privilege of working with BILL on the House Foreign Affairs Committee where he serves as the ranking Republican. He has successfully led his colleagues in resolving some of the most difficult foreign policy dilemmas ever to confront our country.

He has long known the key to success in the conduct of American foreign policy: bipartisanship. When both Congress and the executive branch speak with one voice there is no more powerful advocate of human rights and democracy in the world than the United States. In this connection, BILL BROOMFIELD deserves much of the credit for our success in the international arena.

Over the years, Congressman BROOMFIELD has worked tirelessly to find a solution to the conflict on Cyprus. Should there be a peaceful settlement to the dispute in that country, the people of Cyprus will have BILL BROOMFIELD to thank.

BILL BROOMFIELD is a great American who richly deserves to be called a statesman. I am proud to have served with BILL for all these years and I am even prouder to call him my friend. I know I speak for all my colleagues in wishing BILL the best in his future endeavors. His leadership in Congress will be greatly missed.

IN SUPPORT OF TRI-COUNTIES
OUTREACH NETWORK

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. LAGOMARSINO. Mr. Speaker, today I rise in recognition of an outstanding business association in my California congressional district that dedicates itself to the advancement of opportunities for small businesses owned by minorities and women. I am referring to the Tri-Counties Purchasing Outreach Network.

Everyone knows that small business truly is big business. A successful small business community will be the foundation on which any economic recovery will stand. Economic recovery necessitates job-creation, and two-thirds of the new jobs created in America will be created in small businesses. Currently, small businesses contribute 44 percent of all sales in the United States and are responsible for 38 percent of the U.S. GNP.

The Tri-Counties Purchasing Outreach Network bolsters economic growth on a local level by encouraging entrepreneurial spirit. Through sponsoring events such as the Small Business Opportunity Day and Trade Fair at the University of California Santa Barbara on June 16, the Tri-Counties Purchasing Outreach Network offers access to the opportunity for participants to do business with other member companies as well as with government agencies. Last year's Opportunity Day and Trade Fair was very successful, attracting over 80 exhibitors and 300 participants.

On the Federal level, I will continue my record of protecting the interests of small business and promoting economic growth in Congress. However, while I work in Congress to promote an economic environment in which small businesses can flourish, I will also support the efforts of the Tri-Counties Purchasing Outreach Network and its upcoming Small Business Opportunity Day and Trade Fair.

EDWARD G. MCHALE, JR., IS STORY
BEHIND SHENENDE-HOWA'S ACADEMIC
EXCELLENCE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SOLOMON. Mr. Speaker, we hear a lot about the declining performance of American students. What we don't hear so much about are those schools that not only maintain a high level of excellence, but actually seem to get better every year.

I've got one of them in our 24th New York District, the Shenendehowa Central School of Clifton Park, where awards for excellence have become routine.

When you find an outstanding school system, you usually find that the high standards come from the very top. Such is the case at Shenendehowa, where Edward G. McHale, Jr., has been superintendent of schools since 1985.

Superintendent McHale is retiring this year, but his legacy is such that high academic

standards and performance will continue at Shenendehowa for many years.

Mr. McHale is a graduate of SUNY Binghamton and has done extensive postgraduate work at Cornell University and the University of Michigan. After 7 years of experience teaching English and Latin and another year as a guidance counselor, Mr. McHale served 6 years as executive director at Schuyler-Chemung-Tioga BOCES, the State's outstanding vocational education system.

He first came to our area in 1973, as superintendent of the Whitehall school system. In 1979 he accepted the challenge to head the larger Newark Central School District, but he returned to our district in 1985 for what might be the greatest school administration challenge in New York State, Shenendehowa.

He earned this privilege of heading the greatest school system in the State by constantly updating his skills and knowledge, and by establishing a reputation for creative innovation and the expansion of educational opportunities.

During his career he has been singled out for such honors as the U.S. Department of Education Select Seminar on School Restructuring in 1989, and Kettering Foundation Fellowships in 1981, 1982, 1983, 1986, and 1989.

Superintendent McHale is listed in "Who's Who in the East." His memberships include the American Association of School Administrators, the Association for Supervision and Curriculum Development, the New York State Council of School Superintendents, the Association for School, College and University Staffing, and the College of St. Rose Graduate Program Advisory Committee.

He has served as a consultant throughout the area, the State, and the East.

Mr. McHale and his wife are the parents of five adult children and reside in Ballston Lake.

Mr. Speaker, I've spoken on this floor many times about the Shenendehowa school system, either about teacher awards, student achievement awards, or for recognition of the school's outstanding programs. Today, I would ask all Members to join me in paying tribute to one of the individuals responsible, Edward G. McHale, Jr., and to wish him well whatever his retirement plans.

AMERICAN BANKERS' SUCCESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize American Bankers, whose intelligent marketing and conservative portfolio management led it to become one of Florida's strongest companies in 1991. The Miami-based insurance company, who last year enjoyed a net income of over \$37 million, owes its success to smart investment in real estate and quality bonds. It also gives credit to its 36 percent minority work force. The company was recently in the Miami Herald for its outstanding growth. The article "American Bankers: Conservative Investing Pays Off" tells of its accomplishments:

While much of the insurance industry slogged through recession, American Bankers was posting record financial results in 1991.

How? Smart marketing and conservative portfolio management, the judges said.

The latter was particularly important to the company's success, and to its selection as a finalist in the Florida Company of the Year competition. American Bankers invested in a minimum of troubled real estate and stayed out of junk bonds, opting for investment-quality bonds, they said.

The company's numbers reflect the strategy's success. Net income for 1991 reached a record \$37.4 million, or \$2.53 cents per share, compared with \$27.8 million, or \$1.92 per share, in 1990.

Fourth-quarter results were particularly strong. Profits rose 23 percent to \$9.8 million, or 66 cents per share, from the same period in 1990.

"They've come through a period of time when no one in the insurance business looks like they are worth a damn," Hille said. "I didn't expect to see that kind of performance."

Mobley said she was impressed with minority participation at American Bankers. Minorities make up about 36 percent of the company's work force, she said.

"The company is a well-kept secret in Florida," added Kraft.

Mr. Speaker, I commend American Bankers and its talented management for its prosperous efforts in becoming a better company. In these difficult economic times, the company's great success is admirable to all in the business world.

IN HONOR OF THE RETIREMENT
OF MELVIN P. STRAUS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to honor a good friend to the political world of west Texas and the United States. Dr. Melvin P. Straus has been teaching government and political science at the University of Texas at El Paso—formerly Texas Western College—since 1961. During that time he educated many elected officials, both in his official position as professor at the university and in his more important positions, political advisor and member of the community.

Today, Mr. Chairman, I would like to commemorate Dr. Straus' retirement from the University of Texas at El Paso by speaking of some of his many successful endeavors while becoming a part of the Southwest.

Professionally, Dr. Straus has served the governmental community by testifying before Federal and local government committees and agencies, and publishing book chapters, articles, reviews, and papers. In addition, Dr. Straus has served as a consultant to a large number of attorneys in the preparation of criminal cases and members of the news media throughout the State of Texas.

Dr. Straus also served as a consultant to the spokesperson for the National Action Party in Mexico on problems confronting the political party in Ciudad Juarez and Chihuahua City in 1984 and 1985. He served Of Counsel to an

El Paso attorney representing the plaintiff-in-error in *Karo versus United States* before the U.S. Supreme Court and is believed to be the first layman ever to receive such acknowledgment in the history of the Court. He also served as a member of the board of directors of the El Paso chapter of the American Trial Lawyers Association—the only layman in the United States who held such an office.

He has also been active in the American Civil Liberties Union, serving as president of the Texas ACLU from 1980 to 1990 and the founding chairman of the El Paso chapter.

I got to know Dr. Straus and the principles he stood for when I served as an assistant prosecutor in El Paso County and he testified on the constitutional laws in question on behalf of the defendant. I learned from Dr. Straus how important it is to be committed to the precepts of the U.S. Constitution.

Mr. Speaker, as you can see, time does not allow me to do more than scratch the surface in illustrating Dr. Straus' integrity, leadership, and service to the community. Mr. Speaker, Dr. Straus must be recognized for his commitment to improving the lives of all Americans, and all west Texans. He responds when anyone in the community calls, but I am not certain that he has received the thanks he deserves. That is why, Mr. Speaker, in honor of his retirement from the University of Texas at El Paso, I invite my colleagues to join with me in applauding Dr. Straus for all his years of service and, just as importantly, friendship. However, these accolades do not mean he should expect an easy retirement. The people of west Texas and the United States have relied on his expertise and commitment in the past, and I am certain he will continue to contribute to our community in the future.

TRIBUTE TO PAMELA MILES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. TRAFICANT. Mr. Speaker, today I rise to pay tribute to a very bright, energetic, and dynamic woman from Youngstown, OH in my 17th Congressional District. Ms. Pamela Miles has made it her life goal to be a leader and participant in combating addiction and crime.

Pamela Miles has recently been chosen "Woman of the Year" by the Truman-Johnson Democratic Woman's Club for her service to the community. It is my wish to honor her today.

Ms. Miles graduated from Kent State University with a major in political science and a minor in psychology in 1975.

Pamela Miles soon began her distinguished career as a broadcaster at WMFJ-TV 21, the local NBC affiliate. She has delivered the news on television and radio ever since while becoming involved in special programs concerning crime and community issues. Her popularity and exposure helped push her week-end show ratings from No. 3 to No. 1. In the past she has focused on such key issues as "Children in Crisis—Problems Faced by Teens; Homosexuality: Is There a Choice; Battered Women; Youngstown Vice—Miami Style."

As if researching, producing, booking and hosting her own television talk show were not enough, Pamela Miles also chairs the local March of Dimes organization and is a Telethon host for the Children's Miracle Network. Ms. Miles lectures at two local universities about women's concerns, and she advises students in the Youngstown City School System.

Her self-described goals are to develop an effective community network for resolving problems, creating a positive and effective image and atmosphere within the workplace. Pamela Miles exemplifies service to our youth and community. She has successfully used the medium of television to address issues and help to educate the Mahoning Valley. She brings to television intellectual discussion about vital problems.

I hope that she finds time in her future to fish and write some poetry, two of her hobbies. She certainly does deserve some free time to reflect on her achievements.

So it is with great pleasure, Mr. Speaker, that I rise here today to honor Pamela Miles, outstanding citizen and "Truman-Johnson Woman of the Year."

TAX FAIRNESS FOR FAMILY FARMERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DORGAN of North Dakota. Mr. Speaker, today Congressman SLATTERY and I are introducing legislation to change a provision in the Tax Code that is unfair to family farmers who retire and sell their farms.

Current law allows taxpayers over the age of 55 to exclude from Federal income tax \$125,000 of gain on the sale of their principal residence. That is fair treatment for most urban dwellers who typically benefit from most of that tax exclusion.

But, family farmers are not able to receive much of that benefit because the IRS separates the value of their home from the value of the quarter section of land the home sits on. As people from my State of North Dakota know, houses out on the farmsteads of rural America are more commonly sold for \$5,000 to \$40,000. Most farmers are plowing their retirement savings into the whole farm rather than into a house that will hold little value at retirement time. And as a result, homes far out in the country are frequently judged by the IRS to have very little value and thus farmers receive much less benefit from this exclusion than others who sell their principal residences in town.

This legislation would redefine current law's tax exclusion to apply to the farm home and the quarter section of land that the home sits on. It's identical to my amendment to the Tax Fairness and Economic Growth Act of 1992 that was passed by Congress early this year, but vetoed by the President. Specifically, the provision will allow a person who is actively engaged in farming, and over 55 years old, to exclude the gain on up to 160 acres of land contiguous to the farm house and the structure thereon.

I believe that this legislation will finally allow retiring farmers the same type of tax exclusion that others have received for decades. And I urge my colleagues to support this proposal to ensure that farmers get a more equitable share of the personal residence tax exclusion.

CHAPLAINCY MINISTRY MARKS 50TH YEAR

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HENRY. Mr. Speaker, 1992 marks 50 years of chaplaincy ministry supported by the Christian Reformed Church in North America. Fifty years ago, during the Second World War, the Christian Reformed Church of North America quickly responded to an urgent request from the War Department for chaplains to minister to the military. From this request, the chaplaincy program has grown to an effort that places chaplains not only in military settings, but extends its outreach efforts to VA medical centers, hospitals and prisons, business and industry, counselling centers, centers for the developmentally disabled, and centers for the rehabilitation of drug abusers.

Chaplaincy service is based on the belief that Christians are commanded to serve the brokenhearted, orphaned, sick, oppressed, and imprisoned. The Christian Reformed Church, through its chaplains, proclaims Christ's presence in a broken world. In the name of Christ, chaplains minister to persons in this world because these individuals belong to God and bear His image. Chaplains provide a caring human environment in settings that are often lonely, unpleasant, or dehumanizing.

I have great admiration for the chaplaincy mission of the Christian Reformed Church. Each of us, as individuals in our daily lives, would do well to adopt the chaplains' statement of mission: "To bring the Lord's comfort, compassion and hope to people who suffer and seek direction." The Christian Reformed Church Chaplain Committee enables this vital ministry to take place in Canada and the United States, and I ask you, Mr. Speaker and colleagues, to join me on the occasion of its 50th anniversary in commending the chaplaincy ministry for the outstanding and much needed humanitarian service this ministry provides.

TRIBUTE TO JOHNNY SCOTT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. COSTELLO. Mr. Speaker, I rise today and ask my colleagues' attention as I pay tribute to Mr. Johnny Scott, the president of the East St. Louis, IL, chapter of the NAACP.

The Urban League of Metropolitan St. Louis has recognized Mr. Scott as a leader of the community and has presented him with an award of merit. It is indeed fitting that he be honored for his activism.

As President of the NAACP chapter in East St. Louis, a city in my congressional district, Mr. Scott has worked very hard and has dedicated himself to the improvement of race relations. His concern for the poor and disenfranchised has enabled him to make a distinct difference in the lives of many residents of southwestern Illinois.

Because of Mr. Scott's collaboration with numerous local, county, and other officials, the economic outlook for East St. Louis is improving. As a community leader, Mr. Scott acknowledges the need for increased economic development to create opportunity for the city's residents.

I ask my colleagues to join me in commending Mr. Johnny Scott for the positive role he plays in striving for equal opportunity and improved relations between all people.

CONGRESSIONAL CASEWORK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 15, 1992 into the CONGRESSIONAL RECORD:

CONGRESSIONAL CASEWORK

Last year, a resident of the Ninth District, an older man who requires kidney dialysis, discovered that he would no longer be receiving medicare because the Social Security Administration thought he was dead. Like many residents of southern Indiana who have problems dealing with the federal bureaucracy, this man contacted my district office and asked for help. Without difficulty he convinced my staff that he was indeed alive, and we in turn convinced the Social Security Administration to resume sending him benefits. Although Members of Congress are often criticized for providing constituent services, also called casework, this example shows why these activities are a vital aspect of representation.

Background: There are two forms of casework—individual and community. Individual casework refers to assistance provided to individual citizens. For example, congressional offices regularly help constituents deal with the U.S. Postal Service, the Veterans Administration, the Department of Agriculture, the Social Security Administration, and other federal, state, and local agencies. The kinds of cases handled will range from people who do not receive their disability or veterans checks to farmers needing assistance in securing a loan when their crops have been damaged by flooding.

Other casework efforts assist entire communities. Many congressional offices fulfill a liaison function between the federal bureaucracy and local governments concerned about water, sewers, airports, highways, and housing. Members of Congress regularly support towns, cities, and non-profit organizations that are seeking federal grants and assistance. My staff and I periodically contact local government officials, asking if they are experiencing any difficulties with Washington.

The Process: Requests for casework come to me by letter, by phone, and by personal contacts with constituents. My staff and I will then contact the relevant agency or ex-

ecutive department, asking that the constituent's problem be given full consideration. After the agency has acted on a request, the constituent is usually informed about the outcome and provided with information about appeal rights if there are any, as well as alternative opportunities for assistance. Often, these alternatives do not provide what the constituent originally desired, but they may address the underlying need. For instance, an impoverished constituent with a dependent child, denied social security benefits, may be eligible for some other program.

I receive approximately 80 new requests for help each week, although that number will vary depending on the time of the year and the state of the economy. For some reason, requests tend to decrease in quantity as the weather gets warmer. And the number of people asking for help can rise significantly during a recession. The potential volume of casework is unlimited.

Some may view casework requests from Members of Congress as attempts by legislators to secure for their constituents benefits they do not deserve. My view is that the emphasis should be as much on providing information and facilitating communication between constituents and the bureaucracy as it is on securing benefits. Constituents should receive exactly what they deserve under the law and public policy—no more and no less.

Benefits: Casework is important, first, because individual citizens need help in dealing with the federal bureaucracy. As the size of the government has increased, so has its impact on the daily lives of individual Americans. It is amazing the number of ways that government now affects citizens—both favorably and unfavorably. Many of the cases brought to my attention are severe. Families might lack food, housing, medical care—people in desperate situations who feel they have no other place to go. It is one tough case after another. Many people lack an understanding of federal programs, and do not apply for benefits for which they are eligible. Casework is crucial because it addresses the real needs of people.

Second, members of the bureaucracy can make mistakes. For instance, it is fairly common for people in the Ninth District to be treated by more than one physician, with one located in southern Indiana and another practicing in Kentucky. As a result, some of these people end up paying twice for the deductible on their medicare benefits. My office can straighten that out for them. Also, files are lost or misplaced in even the most efficient bureaucracy. Casework helps reduce the frustration people feel toward what appears to be a massive, impersonal government.

Third, constituent service cannot be separated from legislative work. Often the anecdotes provided by constituents alert Congress to limitations in a law. For example, a woman recently asked for my assistance in securing benefits from the Social Security Administration for her grandson. The child's mother is deceased, and his father is in prison. But because the father refuses to allow the grandmother to adopt the boy, she is ineligible for additional disability benefits to care for the child. Clearly, existing policy does not adequately address this woman's concerns and should be changed to do so. A number of programs, ranging from veterans benefits to regulatory policy, have been amended by Congress because of problems first brought to our attention by individual constituents asking for help.

One reason why Members of Congress can be particularly effective spokesmen for their

constituents is that the electoral stakes are high. When constituents feel their cases are given sympathetic consideration by their Member of Congress, they are likely to support that individual. Members of this bureaucracy may have less to gain from efficiently processing a request for help.

Constituent service is tough work for Members of Congress. It is an unrelenting demand on our time. When you listen to people talk about their problems for two or three hours at a time, those are hard hours. But in many ways, casework is the most rewarding part of the job. Passing legislation usually requires compromise. It can take years. With casework, Members of Congress can see the impact of their work on the daily lives of individual citizens. We can see that our efforts do make a difference.

TRIBUTE TO JAMES W. CLEARY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise to acknowledge the retirement of James W. Cleary, president, California State University, Northridge. On June 30, 1992, Dr. Cleary will retire as president of California State University, after 23 years of outstanding service.

Dr. Cleary was born on April 16, 1927, in Milwaukee, WI. He served in the U.S. Army for 3 years from 1945 to 1947. In 1950 he received his Ph.B. from Marquette University. A year later he received his A.M. In 1956 he then successfully completed his Ph.D from the University of Wisconsin.

James started his career in the teaching field by becoming a university fellow in 1954. Between the years of 1954 and 1969, he achieved such assignments as a teaching assistant, instructor, assistant professor, associate professor, and professor: Department of Speech, University of Wisconsin.

In addition to his teaching positions, Dr. Cleary has also served as a member of various advisory groups, he has received many special awards, and has written numerous publications.

Dr. Cleary is happily married to Mary Augustyne and is the father of Colleen, Patricia, and Janet. I ask my colleagues to join me in congratulating James on this joyous occasion of his retirement as president of California State University, Northridge, where his impeccable accomplishments and years of dedicated service will never be forgotten.

BEN PASHLEY OF CHARLTON, NY
HAS BEEN A FIREMAN LONGER
THAN ANYONE IN AMERICA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SOLOMON. Mr. Speaker, I'd like to tell you all about one of the most extraordinary people in my district, or in America, for that matter.

His name is Ben Pashley of Charlton, NY, and he's 97 years old. There are plenty of 97-

year-olds, I'll admit. But how many of them are still active firemen?

Ben Pashley has been a volunteer fireman with the Charlton No. 1 Fire Department for 70 years, longer than anyone in America has been a fireman. It's understandable that because of his age he has restricted his involvement these last few years to directing traffic at the sites of fires, but his dedication remains as strong as ever.

He was a fireman when all his company had was a water tank on top of a Model-T Ford. At fires, they poured baking soda into the tank, which created enough pressure to force the water out. If that isn't typical American ingenuity, I don't know what is.

Things have changed since then, but some things never change. In many of our rural areas, like the one I represent, volunteer firemen offer the only available fire protection. In the State of New York alone, they save countless lives and billions of dollars in property equipment.

Ben Pashley has been a part of that tradition for 70 years. The younger men in the department all look up to him, and his entire community is proud of him.

And as a long-time volunteer fireman myself, so am I.

That's why, Mr. Speaker, I ask you and other Members to join with me in paying tribute to Ben Pashley, a great American for every one of his 97 years. May he enjoy many more in good health.

JOSE MARTI YMCA PROVIDES EXERCISE FOR THE MIND AS WELL AS THE BODY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the efforts of executive director Mr. Jose Pinera and the rest of his staff at the International Jose Marti YMCA for their participation in the writer's voice project. As one of six national sites, the International Jose Marti YMCA has hosted lectures by novelist and film critic Guillermo Cabrera Infante and poet Angel Cuadra. The significance and scope of the project was described in the following recent Miami Herald article, "New Challenge for YMCA: Becoming Literary Center":

NEW CHALLENGE FOR YMCA: BECOMING LITERARY CENTER
(By Marilyn Garateix)

Since October, the International Jose Marti YMCA in Little Havana has been trying to send a message to the community: The Y is a literary center too.

"We're still building our reputation," said Jose Piñera, executive director of the Jose Marti Y, 450 SW 16th Ave.

The branch, closed for renovations and expansion, should reopen by April in time to host four lectures and readings of the National Writer's Voice Project.

For now, events are being held elsewhere throughout the community. The next one, featuring four Caribbean authors who will talk about their work, is Tuesday at the G.W. Carver YMCA.

Last June, the National Writer's Voice Project, chaired by author E.L. Doctorow,

chose the Jose Marti YMCA branch as one of six literary centers nationwide. The other centers are in Arizona, Kentucky, Montana, New York, and Missouri.

The project is funded by a six-year, \$2.75 million grant from the Lila Wallace-Reader's Digest Fund to the YMCAs of the nation.

There has been low turnout at several of the events already held, but YMCA officials hope things will improve. Piñera said.

"It's our first year," he said. "It is a matter of opening the eyes of the public to attend these programs. The community will benefit greatly from this."

Miami's Writer's Voice Project kicked off in October with Cuban novelist and film critic Guillermo Cabrera Infante. Cuban poet Angel Cuadra appeared in December.

Last Tuesday, children's writer Walter Dean Myers appeared at the African Heritage Cultural Center as part of the guest lecture series.

Also part of Writer's Voice: workshops with students to help them acquire interviewing skills. Students at the Little Havana Institute, an alternative school, videotaped the life stories of several elderly residents.

"One of them was in his 90s and he remembers things that happened to him when he was 10," said Principal Martha Young. "The students were amazed because they don't remember things that happened to them two months ago."

The students eagerly listened to what the seniors, many who were born in Cuba, had to say, Young said.

"Some of them were bringing up political topics," she said. "If the kids were listening to us talk about the topics, they wouldn't be interested."

Piñera hopes the life stories, and other Writer's Voice projects, will help people look at the International Jose Marti YMCA in a new way.

"It's more than just fitness," he said. "It's body, mind and spirit."

Mr. Speaker, I commend the work of the International Jose Marti YMCA for expanding the intellectual frontiers of our youth and I wish them every success.

LONG BEACH NAVAL SHIPYARD—BEST IN THE NAVY

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. ROHRBACHER. Mr. Speaker, I have just received the net operating results [NOR] for the eight naval shipyards. Again Long Beach Naval Shipyard in my district is the best in the Navy.

Net operating results are like a baseball team's won/lost record. It is the Navy's way of measuring whether a public shipyard is under or over budget.

There are eight U.S. Navy shipyards. In fiscal year 1991 only three shipyards had net operating results in the black under budget.

Long Beach Naval Shipyard saved the taxpayers \$16,782,000 in fiscal year 1991—the savings were actually \$20,745,963 if you exclude the extraordinary expenses. The only other yards in the black were Mare Island—\$1,187,000 in savings—and Philadelphia—\$239,000 in savings. The other five naval shipyards had losses. Four of those had losses exceeding \$46,000,000 each.

The fact that some yards had such huge losses shows what a superb accomplishment the \$16,782,000 in savings by Long Beach is.

Mr. Speaker, this is the third year in a row that Long Beach Naval Shipyard has led the Navy as the most cost effective shipyard in the Navy. The net operating results, excluding extraordinary expenses, show that Long Beach saved the taxpayers \$23,201,659 in fiscal year 1989, \$22,308,340 in fiscal year 1990—excluding an inventory writeoff of almost \$25,000,000—and \$20,745,963 in fiscal year 1991. That is a grand total of \$66,255,962 in savings to the American taxpayer.

Great job, Long Beach.

I call this record to the attention of Navy Secretary Garrett. Recently I and 10 of our colleagues wrote the Secretary asking him to implement a regulation change so that Long Beach Naval Shipyard can be included in homeport bidding for ship repairs on ships homeported in San Diego as well as Long Beach.

Mr. Secretary: Make the necessary regulation change now—it will save the taxpayers a bundle if Long Beach can do some of this work.

THE 175TH ANNIVERSARY OF THE NEW YORK SCHOOL FOR THE DEAF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. GILMAN. Mr. Speaker, on April 21, 1992, I was privileged to attend a celebration at Peet Hall auditorium of the New York School for the Deaf in White Plains, NY, commemorating the 175th anniversary of the establishment of that school for the deaf.

The New York School for the Deaf was established by a chapter signed by New York Governor Dewitt Clinton on April 15, 1817 as the first special educational facility in New York State. The school's commitment to bringing education to the hearing-impaired began with its founder, Rev. Dr. John Stanford, who was moved to open the school when he discovered six deaf children living in the city almshouse behind New York City Hall and receiving no education. Reverend Stanford began teaching the children in 1808, becoming the first American to teach deaf children.

The original facility operated out of the Almshouse, where classes were taught by Rev. Abraham Stansbury. The first permanent location for the school was established in 1829 on 50th Street between 4th and 5th Avenues, on the sites of what are now St. Patrick's Cathedral and Saks Fifth Avenue. In 1856, the school was moved to Carmanville, now known as Washington Heights, on the site currently occupied by Columbia Presbyterian Hospital. At that time the location, on an estate owned by Col. James Monroe, a cousin of our fifth President, was known as Fanwood.

Fanwood became an important center for the education of the hearing-impaired during the 61 years, 1831–92, that the school was

run by Dr. Harvey Prindle Peet and his son, Dr. Isaac Lewis Peet. Under their leadership, the school hosted the first Convention of American Instructors of the Deaf and the first International Congress for the Deaf. One hundred years ago, the school's 75th anniversary celebration was attended by such notables as Helen Keller, Dr. Alexander Graham Bell, and Dr. E.M. Gallaudet.

The current location of the School for the Deaf in White Plains goes back to 1938. Over the last two decades, the school's role has expanded to include a total communication philosophy, a BOCES, basic occupational education program, an alternate high school program accredited by the Board of Regents, a National Honor Society chapter, computer courses, comprehensive birth to employment services, and infant-parent education. I have been informed that over the last 175 years, 12,000 students ranging in age from infancy to 21 have passed through the doors of this institution at its various locations, drawing strength and wisdom from the school's committed and compassionate staff, whose mission is to educate and nurture deaf students to allow them to reach their maximum potential. The academic and vocational training provided by the school gives hearing-impaired students a chance to lead productive and fulfilling lives.

I commend the staff and students of the New York School for the Deaf, and I am pleased to inform our colleagues about the significant work of the New York School for the Deaf. This is an institution that has truly made a difference in the lives of thousands of Americans. I invite my colleagues to join in congratulating and wishing the staff of the school and its current headmaster, Thomas F. Colasuonno, PhD, the very best wishes in continuing their significant work in providing this invaluable service.

TRIBUTE TO REV. ANDREW L.
FOSTER, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. PALLONE. Mr. Speaker, on Saturday, May 2, 1992, the Reverend Andrew L. Foster, Jr., will celebrate his 10th anniversary as pastor of the Shrewsbury Avenue African Methodist Episcopal Zion Church in Red Bank, NJ.

In his 10 years as Shrewsbury AME Zion Church, Reverend Foster has overseen impressive growth in the congregation. In addition, Reverend Foster has emerged as one of the most prominent and dedicated leaders in the community. There is hardly an issue of importance to the greater Red Bank area, and, indeed, to the entire Monmouth County community, where the positive contributions of Reverend Foster have not been felt.

Reverend Foster is a native of Philadelphia, and served in both his home city and in Greensboro, NC, prior to his arrival in Red Bank. He holds degrees from Antioch University, Hood Seminary in North Carolina, and Drew University in New Jersey. He is currently a Ph.D. candidate at Drew, and was listed in 1992's "Who's Who in Religion."

In the 10 years that Reverend Foster has been pastor, the congregation at Shrewsbury AME Zion has grown to 350 strong while the church has added a major addition to its facility. The church has truly emerged as a hub of the African-American community, coordinating a wide range of activities ranging from educational support services to programs dealing with AIDS. The reverend works closely with the Red Bank NAACP chapter, and currently serves as vice president of the West Side Ministerium. He is a board member of the Monmouth County Arts Council, the County Fair Housing Board, the Salvation Army in Fair Haven, NJ, and is a leading member of the National Conference of Christians and Jews.

Reverend Foster and his wife Bobbi have five sons and two daughters, eight grandsons and one granddaughter. In addition, reverend and Mrs. Foster have been adopted by countless children from the church community to whom they are a constant source of inspiration, leadership, and strength.

CONGRESS AND POLITICS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 22, 1992, into the CONGRESSIONAL RECORD:

CONGRESS AND POLITICS

The healthy skepticism about the American political system that has always been a characteristic of our system has given way to a corrosive cynicism that threatens to undermine American politics and representative government.

SYSTEM NOT WORKING WELL

People increasingly doubt that our political system works. They think that the problems that concern them the most are just not being solved. They think politicians do not have the courage to do the right thing, are too heavily obligated to interest groups, are too partisan, and will do almost anything to get elected and stay elected. Ordinary citizens think there is a very wide gulf between them and their representatives.

It probably comes as a surprise to them that Members of Congress are as deeply disturbed about the performance of Congress in the current political environment as they are. Members understand the deep worries of their constituents about jobs, health care, housing, and education, and their fears that the nation's preeminence is slipping away. Members understand that voters are deeply concerned that events seem to be drifting out of control and that voters put much of the responsibility on Congress.

DIALOGUE OF DEMOCRACY

Most elected representatives believe that the dialogue between themselves and citizens has to be improved. The problem is not so much the frequency or the volume of the communication, but its quality. The dialogue is not as in depth and honest as it should be.

I think politicians are unwilling to be as blunt and candid as they should be in discussing the seriousness and magnitude of problems because they believe that they will

be politically punished if they are totally honest. And for their part, citizens are sometimes not as candid as they should be, pressing for benefits as special interests and not taking the perspective of the public good, latching on to a small part of the national agenda, and failing to acknowledge that solutions to complex problems may not be clear cut. For our political system to function better, the dialogue has to be more complete and candid than it has been. I am increasingly impressed by Jefferson's statement that the art of government is the art of being honest.

LIMITATIONS OF CONGRESS

Most voters do not realize that the job of Congress is to build a consensus behind a solution, and that its work will never be neat and tidy or characterized by speed and efficiency. It is a very large and diverse body, reflecting deep divisions in the country, and reaching a consensus on controversial issues does not come easily. Americans like quick results and they seldom find that quality in Congress. They have expectations that government can act much more quickly and decisively than it is able to do.

Most Members agree that Congress acts best and most productively when it is responding to strong presidential leadership. On occasion Congress initiates, but more frequently it reacts to presidential proposals. It is much easier for the President to put forward a national vision than Congress.

RESPONSIVENESS

Voters often say to me that Members of Congress are not in touch with the American people. Frequently that is true, but it is also true that on occasion Members are excessively responsive to their constituencies. Most Members of Congress are good politicians. They continuously check public opinion through one means or another and they are generally keenly aware of how people in their districts think on most matters. They certainly know which votes are likely to offend or upset their constituents.

Members of Congress are generally very accessible to groups and individuals in their district but, unfortunately, they are even more sensitive to those who contribute to their campaigns. Members recognize that special interest groups have made it difficult for Congress to do its work, but because of the expense of campaigning, Members have become less dependent on their political parties and on individuals and more dependent on interest groups for funding. Contributions do not bribe Members and do not guarantee a vote in a particular way, but money does play a disproportionate role in American politics and permits access to members at important times when decisions are being made.

HARD CHOICES

In today's political climate it is very difficult for Members of Congress to prescribe strong medicine for solutions that will cause the public pain. Politicians often comment that there is little compelling evidence that voters are ready to confront hard choices. To their mind, voters often support cuts in benefits and programs just so long as their programs and benefits remain intact, and are prepared to see sacrifices made to meet urgent national goals but do not want to be personally burdened. Some feel that voters, like politicians, seem to want all gain and no pain. Yet my sense is that this view may be underestimating the public's capacity to deal with difficult choices.

STAYING INFORMED

There is no substitute for informed voters. It is very refreshing to me to go to a public

meeting and find citizens who have studied issues carefully and are very well informed, even though I may not always agree with them.

Yet keeping informed about the major issues of the day is difficult, and I can readily understand why people get discouraged. The quantity of information is immense and the quality varies enormously. Most of us in Congress think that, with a few exceptions, the news media does not cover Congress very well. It tends to focus on the White House, and for Congress often emphasizes personalities and differences and does not present the complexity and the subtleties of issues. It frequently focuses on the extremes and ignores the broad middle that is necessary for consensus-building.

CONCLUSION

Members of Congress recognize that Congress itself has to be fundamentally reformed if it is to do a better job with the nation's business. The number of congressional committees and subcommittees has to be reduced, committee jurisdictions changed, the budget process simplified, and the power of congressional leaders strengthened in order to make the institution more efficient and accountable. Almost all Members of Congress express support for campaign reform.

Restoring confidence in the political system is a formidable task. It will require fundamental changes in attitudes and habits for the voter, the news media, organized interest groups, and certainly politicians themselves. The focus must be on the public good. We all share a responsibility for the success or failure of government. We are all a part of self-government.

LUIS CARRANZA: A DIFFERENT KIND OF CPA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN Mr. Speaker, I would like to recognize Luis Carranza, a CPA and the managing partner at Campos & Stratis, an accounting firm which specializes in forensic auditing and the quantifying and verifying of losses for insurance claims. As auditors, Mr. Carranza and his team of accountants must testify as expert witnesses for bankruptcy and insurance claim cases. They become private investigators of insurance mysteries. Mr. Carranza was recently featured in the Miami Herald for his company's unique style of accounting. The article "Gumshoe Accountant Specializes in Solving Insurance Mysteries" follows:

In the midst of a recession, the staff of six at the Miami office of Campos & Stratis is generally overworked.

According to managing partner Luis Carranza, during downturns in the economy, there are more burglaries, bankruptcies and insurance claims. And that suits him just fine.

Campos & Stratis isn't your typical certified public accounting firm. It specializes in forensic auditing and the quantifying and verifying of losses for insurance claims. In essence, they're CPAs doing the work of private investigators.

"We don't do normal accounting," Carranza said. "We're CPAs because we're auditors and must testify as expert witnesses in court."

Carranza, 36, who graduated with a business degree from the University of Miami, says the work is more exciting than filing people's tax forms.

Carranza joined the accounting firm of Ernst & Whinney in San Juan, Puerto Rico, right after college and remained there until 1982. While there, he became familiar with forensic auditing, decided it was for him, and hooked up with Matson Driscoll & Damico, a competitor of Campos & Stratis.

By the end of 1987, seeking greener pastures and a path back to Miami, Carranza contacted New Jersey-based Campos & Stratis. Soon after, he helped the company open a San Juan office. Carranza remained there until January, when Campos & Stratis opened its Miami office.

"What we needed was the right person in there [Miami]," said Chris Campos, the company's senior founding partner. "We didn't transfer Luis sooner because we had to wait for the San Juan position to be filled. But he has always wanted to be in Miami."

Campos & Stratis now has 24 offices throughout the United States as well as offices in London, Paris, Australia and Canada. There are plans for additional expansion, Campos said.

Formed in 1933, the firm was originally called Johnson Atwater & Co. Eventually Chris Campos and Elia Stratis took over for Johnson and Atwater. Stratis was killed in 1988 on Pan American World Airways Flight 103, which blew up over Lockerbie, Scotland. Today, Campos, 62, runs the company from his Teaneck, N.J., office.

Carranza said the Miami office is intended to serve as a gateway to the Caribbean and South America. Already, he said, American interests have hired the company for work in South America.

Returning to Miami, his home, was important to Carranza.

"I'm happy with the way things are going," he said. "We're going to continue to develop the South Florida and Caribbean basin and I can't see beyond that."

Mr. Speaker, I commend Luis Carranza and Campos & Stratis for their outstanding efforts to grow as a different kind of accounting firm. In these difficult economic times, their work as forensic auditors is cut out for them.

IN HONOR OF FIRE AND EMERGENCY SERVICES PERSONNEL IN EL PASO, TX

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. COLEMAN of Texas. Mr. Speaker, I rise to honor the men and women of the fire and emergency services in El Paso, TX today, the day of the fourth annual National Fire and Emergency Services Dinner.

The fire and emergency services personnel in El Paso must be recognized for their efforts in protecting the lives and property of thousands of west Texans every year.

The El Paso Fire Department employs a total of 543 firefighters and civilians staffing 26 stations that serve 249.5 square miles of the desert southwest. Working with only 30 fire engines who have been on the streets an average of 9.3 years, the firefighters can respond to emergencies within 4.3 minutes.

In 1991, the fire department responded to a total of 44,598 calls, which averages to 1 call every 11.78 minutes. Included in that total was 30,283 emergency medical responses; 4,566 fire calls; 1,218 hazardous materials incidents; and 8,531 miscellaneous responses such as providing assistance to police officers, bomb scares, and rescuing animals.

Similarly, the El Paso Department of Emergency Medical Services also provides services above the call of duty. Ninety-six emergency medical technicians [EMT] and 12 communications officers were able to respond to 37,900 runs in 1991 within an average of 6.4 minutes.

From 11 stations, including one located at the El Paso International Airport, the EMT's participate in a number of other community programs which benefit the entire community, including: medical management of hazardous materials; the coordination of the city of El Paso combined search and rescue team—formerly the mountain rescue team—which provides search and rescue for persons lost in the desert or on the mountain located in the center of the city; cooperative efforts with EMT's in Ciudad Juarez, Mexico; and establishment and staffing of an adolescent DWI and occupant restraint program.

Due in part to these efforts, the department was named the top Texas Association of Emergency Medical Technicians Advance Life Support Agency in 1991, an award that is well deserved.

In addition to these two local community-funded departments, I would also like to show my support for the 507th MAST unit at Fort Bliss, TX, which also acts as a first responder to medical emergencies throughout the west Texas-southern New Mexico region.

Mr. Chairman, I ask all my colleagues in this House to join with me to honor all the firefighters and emergency medical technicians who have worked hard to save the lives of thousands of west Texans and southern New Mexicans through the years. I would also like to thank them in advance for their efforts in the future.

CLEAN FUELS INFRASTRUCTURE AND INCENTIVES ACT

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. GALLO. Mr. Speaker, today, I rise to introduce legislation to establish a 3-year grant program for States and qualified private businesses to develop clean fuels distribution outlets in areas with severe ozone problems under the Clean Air Act.

When Congress passed the Clean Air Act we required all fleet vehicle operators and States with severe ozone problems to promote the use of cleaner burning fuels, but where in northern New Jersey would you go to buy such fuels? We can't expect people to comply with the law when no one is selling fuels of this type to the public.

My bill creates a pilot program giving incentives to States or private individuals to build the facilities needed to provide these fuels to the public at a competitive cost.

This legislation called the Clean Fuels Infrastructure and Incentives Act of 1992 combines environmental protection with sound energy policy in a way that is also progrowth. States like New Jersey are going to have a tough time meeting Clean Air Act requirements, unless we take aggressive action now to promote cleaner fuels. We cannot afford to do nothing.

This bill does not create another Federal mandate. Instead, it allows States and individuals to use their expertise to meet the requirements. It provides resources, not mandates. We need to emphasize the importance of alternative fuels as part of our goal of energy independence.

As Congress once again takes up the question of national energy policy, we must reduce our dependence on foreign energy sources with cleaner, domestic alternatives.

My conversion initiative creates a partnership between government and the private sector to promote energy efficiency and cleaner air. This bill will be good for the environment and good for the U.S. economy.

The time has come for the United States to become more energy efficient as a Nation if we hope to remain competitive in the international marketplace. In order to continue to be successful and to protect American jobs in the future, we must invest in environmentally safe domestic energy technologies today.

An energy policy is needed that puts the emphasis on innovation and new technology, if we are going to be successful as a Nation in the next century.

In the all to recent future we were reminded by the gulf war that we are slipping back into a situation where we depend too heavily on foreign oil. Right now, 42 percent of our energy supply comes from foreign sources and if we do nothing, that level will increase to 65 percent by the year 2010.

This year, Congress is considering an energy policy bill that will set the tone for the future and as a member of the Energy and Water Development Subcommittee of the House Appropriations Committee, I have been fighting for continuation of some critical research projects in solar and fusion energy which hold great promise for the future. However, we need to do more.

We must promote innovation in the private sector and more realistic government regulations to get the job done. If we cooperate, we can ensure dependable sources of clean energy for the foreseeable future and rebuild our economy at the same time.

TRIBUTE TO BASEBALL OLDTIMERS ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Greater Youngstown Baseball Oldtimers Association which is celebrating its 30th anniversary Hall of Fame banquet. This collection of athletes drawn at an early age to the field of dreams has not lost the fire for America's pastime.

Every year the association holds spring try-outs, schedules games, and holds season-ending banquets. The members all played semipro and local minor league ball during their youths. Today, most volunteer their time or energy to local Little Leagues.

This year, the Baseball Oldtimers Association inducts 11 new members at its annual banquet on May 6. They are: Bill Melago, Nick Gratiotto, Donald Labruzzo, Andrew Hvizdak, Jack Moran, John Stanko, Steve Babich, Raul Hernandez, Joe Stacey, Joe Hvizdak, and George Petrus. Each of these men holds stories of great games, batting power and finesse, and fielding prowess.

The Philadelphia Athletics offered Andrew Hvizdak a contract but he declined. Jack Moran tried out for the Chicago Cubs around the time that Nick Gratiotto tried out for the Pittsburgh Pirates. Joe Stacey's fast rising career with the Detroit Tigers ended in the minors when he injured his knee. Donald Labruzzo served as a manager around the country for various minor league teams. Raul Hernandez, a physician, is instrumental in bringing class AA World Series to Youngstown. John Stanko, George Petrus, Steve Babich, and John Hvizdak all made their marks on the local diamonds with their play and help. Finally, Bill Melago is known as the King of the Realm, leading his Jednota teams to three national titles.

As you can see, Mr. Speaker, each of these men was a legend in the Mahoning Valley baseball circles. The Baseball Oldtimer's Association's inductees truly cherish the game of baseball.

Mr. Speaker, it gives me great pleasure to rise here today to honor these great citizens and athletes. I hope that they are able to play often this summer into the cool Ohio dusk.

RADIOVISION'S 12TH ANNUAL VOLUNTEER RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. GILMAN. Mr. Speaker, on Saturday, May 2, 1992, Radiovision, a closed circuit radio broadcasting service for our blind and sight impaired in the Hudson Valley region of New York will be celebrating its 12th annual "Volunteer Recognition Day" at the Ramapo Catskill library system headquarters in Middletown, NY. This celebration is part of national volunteer week, which runs from April 26 through May 2.

Radiovision is truly one of the most impressive organizations in my 22d Congressional District of New York. It is composed entirely of volunteers who read local news, topical literature, shopping hints, and other vital information that is unavailable through the mass media to the legally blind and others who possess disabilities that make it difficult or impossible to hold or read a newspaper, book, or magazine. Radiovision gives these people access to valuable information that would otherwise be denied to them.

Radiovision's director, Daniel Hulse, and volunteer coordinator, Carol Cleveland, have

done a tremendous job throughout the past 12 years of keeping blind and disabled individuals in touch with their communities. Their tireless efforts have made Radiovision a dependable source and a friend to all who need its services. The volunteers at Radiovision are giving their valuable time this week and every week throughout the year to helping those who are less fortunate live better, more fulfilling lives. Their efforts are a model of caring and community spirit.

Those of us who have the gift of sight often take for granted the vast pools of information and entertainment that are literally at our fingertips every day. Televised news, newspapers, magazines—all these sources are denied to those who are vision-impaired. While radio news and the audio portions of telecasts can fill some of this void, there are still vast amounts left untouched: Neighborhood news, new literature, sales in local stores, all the things that make towns and communities distinctive. Radiovision covers all of this and more, bringing the news in the same day rather than weeks later. It serves as a window on the world for all its subscribers, who receive Radiovision services free of charge.

Hudson Valley's Radiovision serves an audience of about 650 listeners living in our region who rely on what the volunteers can collect from the local newspapers, news releases, and other visual sources. The 117 volunteers who contribute their time and energy to Radiovision are truly, as the saying goes, "reaching out and touching someone." They are doing their part to improve the quality of life for vision-impaired residents of the Hudson Valley area.

Accordingly, Mr. Speaker, I invite my colleagues to join me in commending the efforts of all the Radiovision volunteers on their 12th anniversary.

WERNER ROSACKER DAY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen, Mr. Werner Rosacker, of Reiffton, PA. Mr. Rosacker is being honored by the Grace Lutheran Church through the designation of May 3, 1992, as Werner Rosacker Day.

Mr. Rosacker's contributions to the people of Pennsylvania and to the Nation at large, along with his devotion to the church and his family, deserve recognition and much commendation. After serving his Nation during World War II as a military serviceman, Mr. Rosacker dedicated his career to enriching the lives of many through his work for Central Brass Works.

Central Brass Works remained a Rosacker family business for 80 years and, under Werner Rosacker's direction, was responsible for creating and restoring lighting and ornamental brass for projects ranging from Reading, PA's YMCA to Washington, DC's Union Station. Mr. Rosacker has worked on churches, train stations, theaters, banks, and government buildings—improving vital community structures.

Mr. Rosacker's expertise has been called upon by restoration and fabrication projects for Pittsburgh's Benedum Theatre, Mellon Bank, and Union National Bank; Philadelphia's 30th Street Station, Provident Bank, Reading Terminal, and Locust Street Theatre; Harrisburg's Pennsylvania Capital Building, North and South Office Buildings, and Finance Building; and our Nation's Library of Congress, Lincoln Theatre, and Senate caucus room. Mr. Rosacker's work can also be found in the capitols of Arizona, Mississippi, and Virginia. Clearly, Mr. Rosacker's knowledge and skill are unique and invaluable to the creation, preservation, and restoration of our Nation's most treasured structures.

Mr. Rosacker has also put unparalleled energy into his church and family. His concern for the well-being of those around him has been expressed through Mr. Rosacker's hard work for the Reading Emergency Shelter and the Rainbow Home.

Mr. Speaker, it is an honor for me to share the accomplishments of Mr. Rosacker with you and my colleagues. It is with much pleasure that I congratulate him today for being honored by the Grace Lutheran Church. Indeed, he has enhanced our living environment enormously and served as a role model for us all. Mr. Rosacker deserves the highest commendation.

TRIBUTE TO LOUISE COURTELIS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to pay tribute to Mrs. Louise Courtelis, who graciously has been leading a massive fundraising effort to rebuild the University of Florida's College of Veterinary Medicine. Mrs. Courtelis began her mission when 5 years ago, the vet school endured a virus lodged in the main building's ventilating system, creating "sick building syndrome." In a Miami Herald article entitled, "Without Fanfare, Developer's Wife Leads a Bold Fund Drive to Rebuild UF Vet School, Louise Courtelis' Crowning Crusade," Elinor Burkett reports on the wonderful aims of Mrs. Louise Courtelis. I commend the following article to my colleagues:

Any self-respecting Miami Grande Dame already would have hunted down her dream gown at Martha or Lillie Rubin. By now, she'd have only to agonize over whether to wear diamonds or rubies for the Florida Derby Gala, the state's oldest black-tie ball.

But less than a week before the event, the woman running the show hadn't the foggiest idea what she'd pull out of her closet Thursday night.

Louise Courtelis was simply too busy raising money to concern herself with frills.

"We're still \$200,000 shy," she says, sitting in La Brasserie Le Coze in Coconut Grove in white slacks, a simple red sweater and red flats. The only jewel dripping on the wife of developer Alec Courtelis, one of Florida's wealthiest men—and one of the Republican Party's most effective fund-raisers—was a tiny reminder of the game she loved to play with her children: a single gold jack, the points studded with diamonds.

For many of the gentry who've shelled out \$250 to \$25,000 for the festivities at Turnberry Isle, the 38th Annual Florida Derby Gala is just another big-time social event, a chance to rub shoulders with Gen. Alexander and Pat Haig, Jeb and Columba Bush, Dru and Michael Hammer.

For Courtelis—who rubs shoulders with folks like the king of Greece, and George and Barbara Bush—the gala isn't about seeing and being seen.

It's about her mission: raising money to rebuild the University of Florida College of Veterinary Medicine, one of only 27 vet schools in the country.

Courtelis began drumming up support for the vet school five years ago after a virus lodged in the main building's ventilating system, creating "sick building syndrome." Mold or fungus was making faculty and students sick. The American Veterinary Medical Association declared the place a disaster area, limited its accreditation and gave UF until 1992 to clean up the ventilation and solve their space problems—or else.

Enter Louise Courtelis, who was not about to allow the 17-year-old program to fold. She knew firsthand what it was like not to have a vet school in Florida. When her first Arabian horse fell sick in Miami, her vet had to take it to Auburn University in Alabama.

"Twenty years ago, there was no operating table in the state, no surgery table for a horse," she recalls

HOBBY GREW

By the time the accreditation crisis occurred, Courtelis and her husband were hardly disinterested spectators: Their one Arabian had become 400 Arabians. Their backyard hobby had become a \$50 million business. Courtelis went into high gear.

"I did just what it says in the children's rhyme: 'Who put the overalls in Mrs. Murphy's chowder. No one heard us so we said it a little louder.'"

Finally, last year Courtelis managed to turn the annual Derby Gala into a fund-raiser for the vet school. She shook \$400,000 out of the well-endowed to help pay for a new Large Animal Hospital. She and her husband broke ground for that building—literally—last March.

This year, she's trying to pay for the bricks and mortar for a new Academic Building, the last step in meeting accreditation requirements.

"Then I'll turn the banner over to someone new and go on to something else," she says.

Louise Courtelis, 60, is not just another rich guy's wife. When she's not planning the Derby Gala, lobbying for contributions or sitting on the state Board of Veterinary Medicine, she's busy at the family farm near Ocala. Mowing the pastures, pitching hay, digging ditches, birthing foals.

"You can't ask anyone to do anything for you you haven't done yourself," she says. "Anyway, you never know when the stall cleaner might not show up."

Courtelis comes by the grit under her nails naturally. She grew up on a potato farm near Erie, Penn., where her father ran the local Buick dealership.

Until 1987, Courtelis was the wife at her husband's side as he pried \$100,000 in donations out of the state's Republicans. "A spectator in Alec's stuff," she calls it. Her only experience in fund-raising was "pie socials, where you decorate the box and auction it off," she laughs.

YEARS OF LEARNING

But all those years watching Alec fill Republican coffers rubbed off. When she decided

to become a fund-raiser herself, her husband gave her one piece of advice: "Know all the facts and believe in them 100 percent."

Courtelis has her pitch down to perfection. She reminds anyone who will listen that Florida has a \$2.5 billion horse industry and another \$2.5 billion in food animals. She points out that it was a veterinarian who invented a new inexpensive saliva test for HIV and hepatitis in humans. She brags about the school's research into tumors threatening Florida's sea turtles and the impact of racing on greyhound reproduction.

In the end, the spiel is probably irrelevant. It is the bearer—not the message—who brings in the bucks.

"I'm not an animal person, I'm a Louise Courtelis person," said Jeb Bush, explaining his presence at a recent pre-Derby Gala fundraiser.

I wish to thank Mrs. Courtelis for extending her love and support for the well being of animals, and especially for her contributions in ensuring the livelihood of the University of Florida's College of Veterinary Medicine. We need many more involved citizens like Louise Courtelis.

TRIBUTE TO LILLIAN EDWARDS UPON HER RETIREMENT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to a very special lady whose career has epitomized the highest standards of public service that we in Government can ever hope to attain.

Today marks the retirement of Mrs. Lillian Edwards of my Long Branch, NJ, district office. Mrs. Edwards' service to the people of the Jersey shore area goes back well before I, and indeed most of my colleagues, were elected to this body. On September 21, 1970, Lillian Edwards began working for my distinguished predecessor, the late James J. Howard. During Congressman Howard's many years as New Jersey's Third District Representative, Mrs. Edwards staffed his district office in Belmar, NJ. After Jim Howard's untimely death, when I was elected as his successor, I asked Mrs. Edwards to continue on the job that she had performed so wonderfully and through which she had built up so much good will. It was one of the best hiring decisions I have ever made.

Lillian Edwards' energetic and conscientious work has earned her the respect and gratitude of countless residents of Monmouth and Ocean Counties who have benefited from her knowledge of Federal agencies, programs, and regulations. What has truly distinguished Mrs. Edwards' work has been her recognition that the services of the Federal Government exist for the people, and that these services must be tailored to make a positive difference in real people's lives. She has the true gift of compassion and an ability to make people feel comfortable when faced with often intimidating Government procedures. People like her so much because she really listens to them, and tenaciously pursues their cases until it is solved.

Mrs. Edwards has more than earned the right to a rewarding and enjoyable retirement, and we wish Lillian and her husband, Garland, well. But it is with a sense of regret that we bid her farewell today. She will be missed—by me, my staff, and the people of the Jersey shore whom she has so ably and lovingly served.

**RED HOOK'S MORGAN KNULL,
ONLY A SOPHOMORE, WINS NATIONAL
ESSAY CONTEST**

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SOLOMON. Mr. Speaker, I'd like to tell you about a rather extraordinary young man in the 24th New York District.

His name is Morgan Knull of Red Hook, NY, and I wouldn't be too surprised if it's a name we all hear a lot about in the future.

Morgan was one of 6,327 high school students whose names were submitted by their teachers to compete in the senior contest, which involved writing an essay on the global challenge.

He was not only first among sophomores, he was first in the Nation.

Morgan has had some practice. He ranked 10th in the 8th grade and 2d place last year.

His secret apparently is voracious reading. He still finds time to be president of his class and a member of the student council executive committee. He was also the Dutchess County Formal Debate Top Speaker in Division I. He is on the Mid-Hudson Athletic League All Academic Team and was a delegate to Cornell University Model Congress III. And finally, he is on the varsity track and field team.

He's a very mature and self-possessed young man. His family, his teachers, his classmates and his neighbors are all very proud of him. So am I.

Mr. Speaker, I ask you and all other members to join me in rising to pay tribute to a very exceptional young man, Morgan Knull of Red Hook.

**JAMES H. BELL: A TIRELESS
FIGHTER FOR THE UNITED AUTO
WORKERS**

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the late James H. Bell, who was born in Harlem, the heart of my congressional district, and grew up to be a dedicated trade unionist in the United Auto Workers. A political activist, he also played important roles in the 1989 election of Mayor David Dinkins and the 1988 Presidential primary campaign of the Reverend Jesse Jackson.

Mr. Bell was eulogized by family, friends, and colleagues attending his funeral at the Riverside Church in New York City on Tues-

day, April 7. On April 8, he was remembered by Earl Caldwell in the New York Daily News.

REQUIEM FOR A FIGHTER OF GOOD CAUSES

Yesterday morning, when he was bid a last goodbye, the picture of Jim Bell that came to mind was from a wintry day last December. It was not much after 7 a.m. and he was at the UN Plaza Hotel, in Nelson Mandela's suite.

That morning Mandela was in the midst of a hectic trip across the United States. His schedule was filled with days that started early and ran late into the night. As long as he was in New York, one of the people Mandela leaned on was Jim Bell. Early that morning the two of them stood before the picture window that framed the room and as Mandela would ask about various buildings in the Manhattan skyline, Jim Bell would explain.

As the two of them stood there, it was another of those times when Bell showed himself to be a classic model of the kind of greatness Dr. Martin Luther King, Jr. championed. "Everybody can be great," King said, "because anybody can serve." And that was Jim Bell. He was great, because he was always there, always serving.

Bell, who died April 1, was, by title, a vice president of District 65 of the United Auto Workers, AFL-CIO. He was also president of the New York City chapter of the Coalition of Black Trade Unionists. He used those positions to work toward accomplishing a lot of what he believed in as a trade unionist. He was at the center of creating and building educational programs. He was in the forefront of organizing political coalitions. He was an activist in politics, both from the ground floor of voter registration and from the leadership ranks of Jesse Jackson's New York campaign for the presidency.

That wasn't all. Jim Bell was also a staunch fighter in the movement against South African apartheid. In 1986, there was a huge rally against apartheid held in Central Park. At the time, it was perhaps the single largest mobilization in New York against the evil and oppressive system in South Africa. Maybe nobody worked harder or did more to make the rally work than Jim Bell.

At one level Jim Bell held important titles and mixed with many of the most powerful leaders in the city. But at another level, he was highly respected for his willingness to do what so many others shun—he was always there and ready to serve. He was there, his sleeves rolled up ready for the kind of work that does not draw a lot of credit or get attention in the media. It was like the morning at the UN Plaza with Mandela. By 7 a.m. he had been up for hours and made his way to the hotel, making certain that he was there and ready to serve in whatever way was needed to aid Mandela.

So much of the time, especially for African-Americans, sports stars and entertainers are looked on as role models and heroes. People like Jim Bell are often overlooked. Because it is that way, it is said that there aren't enough role models for the young. Jim Bell was one to point to. Yesterday, when a big crowd gathered at Riverside Church for his funeral, Mayor Dinkins was among those to accord him his due. Dinkins knew what Jim Bell was all about. Bell worked in the mayor's campaign but more than that, the two worked side by side on a lot of other projects, from fighting apartheid to voter registration. Dinkins called Bell "a warrior in the struggle." In his life, Jim Bell did not get a lot of time. He had but 48 years and then he fell victim to lung cancer. "He was like a brother," Deputy Mayor Bill Lynch

said. "What was it that made him special?" Lynch was asked. "He knew how to bring people together," he said. "He had that kind of respect." At Bell's funeral, Jesse Jackson delivered the eulogy. He looked at the life Jim Bell, a native of Harlem, had made for himself and Jackson declared that his was "a performance deserving of an Oscar and an Emmy."

**APRIL 24, A DAY OF
REMEMBRANCE**

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HAMILTON. Mr. Speaker, I want to join my colleagues today in remembering the tragedy that overtook the Armenian people in the years 1915-23.

Extensive massacres of Armenians took place during that period in eastern Anatolian plains in an atmosphere akin to a horrible civil war. Those events have indelibly and permanently marked the consciousness of many Americans, including Americans of Armenian descent, who are commemorating April 24, 1992, as a national day of remembrance of man's inhumanity to man and a special day of remembrance for the Armenian victims of strife in the early years of this century.

April 24 this year marked the 77th anniversary of the calamity. It is appropriate on this occasion to direct our attention and prayers to the memory of the thousands of men, women, and children who died in these tragic events.

It is in the interest of all of us and in the interest of mankind that this type of tragedy not occur again. The leading organizations of the Armenian-American community have been seeking to work within our political system for a statement concerning these critical events in their heritage. I feel we should work with them in a constructive fashion and this is why it is important for us to recognize this day of remembrance. No one can deny these events and the centrality of these events in modern Armenian history. I am proud to be associated today with my colleagues in this important day of remembrance.

This year we can also salute the Republic of Armenia which has joined the commonwealth of nations. This country of 3.3 million people is already developing important ties with the United States. Americans have an interest in the economic development of Armenia, its progress toward a free market economy, and its development of democratic institutions. We want to work with Armenia and its neighbors to insure peace, stability, and progress in their search for greater freedom and security. There is no better way to honor the misdeeds of the past than rededicating ourselves to a better future.

With the end of the cold war, we have a chance to advance the cause of human rights more vigorously and on a wider international scale than ever before. I salute all governments, private organizations, and individuals, including the Armenians, who are working toward this end. I hope that their efforts will make the world a safer place, where innocent people no longer suffer the unspeakable crimes of war and terror.

A TRIBUTE TO RAV TOV

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to Rav Tov an international Jewish rescue organization, celebrating its 19th year of existence.

Rav Tov was first founded in 1973 as a local resettlement agency, and since has moved into the international arena. In doing so, Rav Tov has increasingly become a gateway to freedom; providing Russian and Eastern European refugees with programs ranging from education to housing—all programs geared toward easing the resettlement process.

Rav Tov has opened resettlement offices in Vienna, Austria, and Rome, and during the Iran-Iraq war was instrumental in arranging for the security of Iranian Jews as they were initially prevented from leaving Iran legally.

Accordingly, Mr. Speaker, I am honored to pay tribute to Rav Tov for its invaluable education, housing, medical, and immigrant refugee services and I offer my congratulations to Rabbi David Niederman, its executive director and founder. I trust that Rav Tov will continue to play an important role in the resettlement of Jewish refugees throughout the world.

THE REGENERATION MEN SING FOR A BETTER LIFE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Regeneration Men, a gospel singing group whose members have received a second chance on life. These men, who once were drug users, in jail or homeless, now sing and tell their stories at churches and civic centers. Through the help of the Miami Rescue Mission, the year-old group is received with joy everywhere they go. The group was recently featured in the Miami Herald for their inspirational stories. The article "Members Find Joy in Performing" follows:

Life hasn't been a bed of roses for The Regeneration Men.

It has been trips on drugs for some and jail for others. It's been times of unemployment and homelessness.

But now, through the help of the Miami Rescue Mission, the men who make up the gospel singing group The Regeneration Men are just what their name implies.

RECEIVED WITH JOY

Now they are going to churches and civic groups throughout the county singing and telling their stories.

"I'm elated about the group," said Frank Jacobs, the executive director of the Miami Rescue Mission. "It is a great outreach group. Everywhere they go the men have been received with joy."

"When Denis [Dubuche] sings the song, *There is Nothing as Precious As You, Lord, Holy Ghost goose bumps sort of pop out on you.*"

Dubuche, a native of Port-au-Prince, Haiti, has been at the mission for seven months and is a security guard trainee.

SINGING A WAY TO "OPEN UP"

At 30, Dubuche has seen the lowest side of life. A former drug user—he had used drugs since he was a teenager—Dubuche said his addiction caused him to lose his job. He ended up on the street and someone told him about the Rescue Mission, 2010 NW First Ave.

"The first night I was here, Dr. Jacobs was doing a service. They were singing the hymn *Blessed Assurance*. While Dr. Jacobs was talking, I felt he was speaking directly to me and I started crying. It was a blessing, praise God."

Being in the choir has done wonders for him, he said. "I don't speak English very well, and I am shy. But when I am singing, I can open up * * * I am no longer shy."

DEDICATED DIRECTOR

The Regeneration Men were formed a year ago by Dan Ozee to perform for a one-time-only program in Liberty City, said Ozee, who came to the mission as a homeless drug addict about a year ago.

"It was such a joy, doing that program, we decided to continue singing together," he said.

Ozee said it is because of the help he got at the mission that he has dedicated his life to the Lord. He now works full time at the mission as a cook and as director of the musical group.

Jacobs said Ozee, who is from Fort Worth, Texas, was "picked by the Lord" for the music ministry.

"A lot of the guys here wanted a special singing group, but I just didn't have the time to do it. Then Danny came along," Jacobs said.

The singers usually perform whenever they are invited. "We do a lot of praise songs and also a lot of good old gospel," Ozee said.

The group is named for the Rescue Mission's Regeneration Program, which is a two-phase rehabilitation program.

ONCE DOWN, BUT NOT OUT

Spencer Sanders, 31, came to Miami just before Thanksgiving. A stranger in town and depressed because his girlfriend had left him, Sanders said he turned to a life of drugs.

Then one day, he told a neighbor about his problems, and learned about the Rescue Mission.

"I felt something from that old lady * * * like God was trying to tell me something through her," he said.

Sanders found his way from Homestead to the center and signed up for the Alpha phase of the mission's Regeneration Program, a six-month, residential program that stresses education, along with inspirational messages and counseling.

"This part of the program is designed to help build the men into disciples for the Lord," Jacobs said. "The next phase, Omega, is geared to job development and is a time of transition where the men learn how to get a job, money management and how to set up savings accounts."

"Basically the program is designed to help these men become solid, productive citizens in the community."

The program has about 100 men and a waiting list of about 25 to 50, he said.

Mr. Speaker, I commend the Regeneration Men and the Miami Rescue Mission for their outstanding efforts in helping others. The group confirms the belief that there is a solution to every dilemma. It was with good faith that the members of the Regeneration Men

found the courage to start a new life, an accomplishment so meaningful to them and to others.

PRESERVING THE VIABILITY OF AMERICA'S DOMESTIC URANIUM ENRICHMENT CAPABILITY

HON. BOB MCEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. MCEWEN. Mr. Speaker, as the House of Representatives further debates comprehensive national energy strategy legislation, I would like to call the attention of my colleagues to an important element of that debate: restructuring the Nation's ailing uranium enrichment enterprise.

Having sponsored legislation designed to revitalize America's domestic uranium enrichment capacity, I recognize the vital role that a secure, affordable supply of enriched uranium plays in meeting the country's national and energy security needs. At the same time, however, it is imperative that we develop sound legislation to ensure the future viability and competitiveness of any uranium enrichment corporation. In my view, this includes not only endowing the corporation with assets necessary to attract adequate capital financing from the private sector, but also developing an equitable means by which funds are collected for the eventual decontamination and decommissioning of uranium enrichment plants across the country.

With this in mind, I commend the following news articles, from the Sacramento Bee and the Washington Times, to my colleagues.

[From The Washington Times, Apr. 2, 1992]

HERE COMES MORE NEW TAXES

Talk of higher gas taxes having gone the way of Paul Tsongas' presidential campaign, folks inside the Beltway are looking for other ways to protect consumers from low energy prices. Both the administration and federal lawmakers now want to increase costs through what they call "user fees." In general, it's a good idea to charge the people who benefit for the things of value they receive—and not to make everybody pay. The problem is, these proposals can't pass the proverbial "duck test." They quack like a tax.

Perhaps the most obvious tax increase comes from Indiana Rep. Philip Sharp, a key player on the House Energy and Commerce Committee. Earlier this month, the committee approved his bill to impose a "fee" on oil refiners and importers to fund the stockpiling of oil in the government's Strategic Petroleum Reserve. The government manages the reserve to protect this country from the sort of economic shocks that occurred almost two decades ago when the oil sheiks raised their prices sharply.

One can only hope government energy management is better today than it was then. After all, government management in the form of domestic oil and gas price controls limited domestic supplies and helped the sheiks corner the market. But even if the government now knows what it's doing, the public "benefit" from filling the strategic reserve is a cost that the general public—not just people who count on gasoline to run their cars or heating oil to warm their homes—should bear.

And they will bear it. As Mr Sharp casually mentioned in the trade publication Oil Daily recently, refiners have nothing to worry about from his proposed "fee." Ultimately, consumers will shoulder the cost that refiners pass on to them, he said.

Another new tax under consideration comes from the no-new-taxes Bush administration. The Department of Energy wants to charge citizens relying on nuclear-generated electricity for the cost of cleaning up the government's uranium enrichment facilities. The government built such facilities in places like Portsmouth, Ohio, and Paducah, Ky., to support this country's atomic weapons program. Later, the facilities sold enriched uranium to both domestic and foreign utilities operating nuclear energy plants.

That was then. Today the enrichment facilities have gotten uncompetitive—as foreign producers began doing the job more cheaply—and very messy. Environmental clean-up costs at the enrichment plants will run an estimated \$18.5 billion. How the feds will restructure the enrichment facilities to make them competitive again remains to be seen. But charging utility ratepayers for the entire clean-up of a mess that the government itself made is not a "fee." It's a tax.

The impact of both these taxes is relatively small in the context of the federal budget—\$400 million annually for the utility tax and \$1 billion a year for the fuel tax—but then again, what isn't? And both these little provisions say a lot about the way Washington does business. If the feds think these projects are so great, they should put them in the budget where everyone can see them and perhaps support them. The fact that they are trying to hide their cost under the guise of "user fees" suggests the feds suspect the projects couldn't meet that test.

DUNNING ELECTRICITY USERS FOR URANIUM (By John R. Longenecker)

In an era in which "no new taxes" is a sacred cow, Congress is inventing other, creative ways to raise the funds it needs, at the expense of the American public.

This time, the American consumer will not be victimized as a taxpayer, but as a utility ratepayer. Key congressional committees are debating ways to fund the multibillion-dollar effort required to decontaminate and decommission the nation's aging uranium enrichment sites. Uranium is processed for both defense and commercial purposes at these locations. If some members of Congress have their way, unknowing consumers are about to be "taxed" from another direction: through their electric bills.

One proposal considered by a congressional committee is to collect fees from electric ratepayers—as much as \$500 million a year—to clean up enrichment facilities in Portsmouth, Ohio; Oak Ridge, Tenn.; and Paducah, Ky. The theory is that utilities like Pacific Gas & Electric, Southern California Edison and the Sacramento Municipal Utility District should pay millions in fees based on the amount of enriched uranium they have purchased from these facilities in the past.

What that really means is that by collecting such fees, Congress is placing an unfair share of the burden on ratepayers' shoulders to clean up the sites. It is no wonder that the National Association of Regulatory Utility Commissioners has passed a formal resolution stating its opposition to such proposals.

More than 70 percent of the uranium enriched at these sites was produced for defense purposes and for foreign customers, not for U.S. utility companies. America's elec-

tric utilities were not the polluters who contaminated the sites. Most of the environmental damage occurred before 1969; the sites during that period were used exclusively for defense purposes. And since then, electric utilities have used only 29 percent of the uranium produced.

In reality, some members of Congress actually are recommending an almost open-ended collection of fees from ratepayers. The assumption is that utilities, whose only source of revenue in many cases is the ratepayers, are a bottomless pit of funding.

Electric ratepayers should pay their fair share of the cleanup, but the proposed fees far exceed that. The frightening part is that we still do not have a credible cost estimate for the cleanup effort. Just two years ago, estimates were about \$3 billion; more recently, they have been as high as \$45 billion. Before we arrive at any credible estimate, a responsible entity like the National Academy of Sciences must study what are reasonable expenditures given the relative risks involved.

Startlingly, no concrete plans are in the works to collect additional fees from foreign customers who also buy U.S.-enriched uranium. If we penalize our own utilities for buying an American product, why should we exempt foreign industrial competitors from that requirement? In effect, by collecting fees from American ratepayers only, we are subsidizing our foreign competitors at our own expense.

It is time we developed a fair payment structure. That means, first, gauging the real costs involved in the cleanup, and then setting a clearly defined limit on what American ratepayers owe.

FORT ANN VOLUNTEER FIRE COMPANY CELEBRATES 50 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SOLOMON. Mr. Speaker, on June 6, I will be presenting the Stars and Stripes—a U.S. flag that flew over this Capitol Building—to some very special people in the 24th District of New York.

I'm speaking about members of the Fort Ann Volunteer Fire Co., Inc., which will celebrate its 50th year of service.

Why are they so special to me? Mr. Speaker, as someone who was a volunteer fireman myself for 20 years in my hometown, I certainly can appreciate everything they do and the sacrifices they make.

These volunteers often are the only available fire protection in most rural areas, like our district. And they do a fantastic job. They are always updating their skills by attending training schools, and they take their responsibilities seriously. Every year, they save countless lives and billions of dollars' worth of property. To do this, they often put their own lives at risk, and give up a lot of their own free time.

Among these volunteers you'll find doctors, lawyers, teachers, businessmen, students, farmers, blue-collar workers—people from every imaginable walk of life and income level. But what binds them is a common desire to serve their community.

And the Fort Ann firefighters are among the best. For half a century they have been serv-

ing the people of Fort Ann at a high level of professionalism. The people of Fort Ann are grateful, and I'm proud of them.

Mr. Speaker, I ask you and every other Member to join me in paying tribute to the volunteer firefighters of Fort Ann and wishing them another half century of outstanding service.

MANAGED COMPETITION HEALTH PROPOSAL WINS ENDORSEMENT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. ANDREWS of Texas. Mr. Speaker, the New York Times on Saturday, April 25, ran an editorial in support of the health care proposal of the Conservative Democratic Forum. This proposal has been developed by Congressmen JIM COOPER, CHARLIE STENHOLM, and myself. I am pleased to enter the editorial into the RECORD.

IS IT JACKSON HOLE-COMPATIBLE?

(By Michael M. Weinstein)

When choosing a computer to run personal software programs, I look for an all-important label: I.B.M.-compatible. When choosing among proposals to reform the national health care system, there's good reason to look for the reassurance of this label: *Jackson Hole-compatible*.

Jackson Hole refers to a self-selected group of health care executives, scholars and physicians that meets each year in Jackson Hole, Wyoming. This is the group, led by Dr. Paul Ellwood of Minnesota and Prof. Alain Enthoven of Stanford, that formulated the shrewd plan known as managed competition.

Under this plan, individuals would be organized into large groups—usually at work—and represented by a sophisticated buyer, called a sponsor. The sponsor would solicit bids from competing insurance companies and health care providers. The idea is to control costs through tightly managed competition, rather than price controls, thereby preserving the crowning glory of U.S. health care: its endless capacity for innovation. Dr. Ellwood and friends have spent 25 years working out each of the details.

The Sponsors. They would standardize the contracts that insurers offer members so the members could choose simply, and wisely, on the basis of lowest price. Sponsors would monitor treatment outcomes and prevent discrimination against the chronically ill.

Under the plan, sponsors would be able to improve care in ways individuals could not on their own. They would, for example, concentrate specific procedures, like heart bypass surgery, in a particular regional hospital—the best way, studies show, to cut down mishaps.

The idea of sponsors isn't new. The Federal Government runs a sponsored program for its employees, offering a choice of about 400 different plans. But the Federal program is only partly successful because it hasn't followed sensible rules outlined by Jackson Hole.

Tax Consequences. Jackson Hole-compatible plans require two changes in Federal tax law. They would limit how much in the way of premiums employees are allowed to provide tax-free. Currently, employer-paid premiums are fully deductible, no matter how

wasteful. By imposing a tax cap, employers and employees would be encouraged to choose low-cost managed care plans, like health maintenance organizations, over high-cost fee-for-service plans. Under managed care, providers are paid capitated fees independent of how many services they actually provide. That's an important brake on runaway billings.

Second, Jackson Hole-compatible plans would deny tax deductibility to small employers that refuse to join large groups to buy medical insurance. Small employers going it alone pay premiums according to their claims, compelling them to discriminate against job applicants who seem likely to become chronically ill.

For nearly 25 years, the Jackson Hole gang had little to show for its thoughtful work. But suddenly, the ground is starting to shake.

In January John Garamendi, California's Insurance Commissioner, proposed a Jackson Hole-compatible plan that would include every Californian and could be instituted with only minimal help from Washington.

At the Federal level, Representative Jim Cooper, Democrat of Tennessee, has announced a Jackson Hole-compatible plan that limits tax deductions to the cost of basic coverage. Small businesses that refuse to join a large purchasing group would be denied tax-deductible insurance. Universal coverage would be provided by transforming Medicaid into a managed care program for every uninsured American.

The longer Congress keeps looking vainly to national insurance, universal tax credits or employer-paid plans, the better managed competition looks. All at once, two managed competition plans have become part of the debate. Jackson Hole-compatible deserves to be the standard by which to judge all the rest.

INTRODUCTION OF LEGISLATION REGARDING MARITIME TRADE IN PUERTO RICO

HON. ANTONIO J. COLORADO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. COLORADO. Mr. Speaker, today, I rise to introduce legislation to provide much needed assistance to the people of Puerto Rico by aiding our small Puerto Rico Maritime Shipping Authority in providing continued service to the citizens of our Commonwealth and to the people in the mainland United States.

Mr. Speaker, the bill I introduce today would provide relief to this agency from further regulatory interpretations which could threaten our economic well being in the future. Specifically, it would amend section 506 of the Merchant Marine Act of 1936 (46 App. U.S.C. 1156) by allowing nine vessels built with construction differential subsidy [CDS] and which are currently operating from the mainland United States to the Commonwealth of Puerto Rico, to be exempt from any provisions of section 506 or from future regulatory interpretations which would require a foreign voyage when carrying maritime cargo to and from our Commonwealth.

These so-called regulatory interpretations involving exclusively maritime trade to and from the Commonwealth of Puerto Rico began over

4 years ago—in 1988—when our Puerto Rico Maritime Shipping Authority [PRMSA] purchased five Lancer class containerhips to replace our aging, small fleet of roll-on/roll-off carriers for use in the Jones Act trade. Shortly after PRMSA obtained the vessels, the Maritime Administration issued a ruling solely interpreting how section 506 was to be applied to Puerto Rico. From 1988 through February 1990, four subsequent interpretations were issued. Early in 1991, the U.S. District Court for the District of Columbia ruled that MarAd had been arbitrary and capricious in its interpretations of its rulings, and sent the matter back to MarAd for further consideration. This is where the matter rests, but only for the moment.

For over 50 years, section 506 of the Merchant Marine Act defines certain permitted combined foreign/domestic trades which could be served by vessels built with construction-differential subsidy without any percentage limitations on the amount of domestic cargoes to be carried on those trades. There was an automatic payback requirement for the subsidy, a payback proportional to the amount of domestic revenue earned compared to total revenues. In prior MarAd opinions, MarAd had specifically stated that this payback mechanism constituted the sole obligation of the subsidized vessel operators, and was the specific method chosen by Congress to reconcile the interests of all parties. Then, by a series of rulings starting in 1989, MarAd singled out Puerto Rico and imposed a minimum foreign cargo requirement of 25 percent. This proposed requirement renders operations extremely inefficient and is potentially devastating to PRMSA. These rulings were recently rejected by a district court decision, and the whole matter now stands in limbo, back before the agency.

It is the stated purpose of the Puerto Rico Maritime Shipping Authority to provide low-cost quality intermodal transportation service to Puerto Rico. The Authority has existed solely to insure that the island Commonwealth will always have a viable transportation alternative, never to be held hostage to other shipping interests. The economy of Puerto Rico has always been sensitive to the slightest economic change, and any legislative initiative or regulatory action, particularly concerning our shipping capability, can have a profound impact upon the island.

Recognizing this reality, not only in Puerto Rico, but also in other island nations and provinces as well, the Congress passed the Caribbean Basin Initiative to help develop economies in this region. The CBI has meant much to our region of the world, and to Puerto Rico in particular. It continues to remain difficult, however, to attract business to Puerto Rico, or to have new enterprises locate there when over 70 percent of the vessel cargo carrying capacity to Puerto Rico remains subject to the uncertainty posed by 506 for the last 3 years. Mr. Speaker, the removal of this uncertainty will surely help this development and the reduction of the chronic unemployment rate in Puerto Rico, now at 17.5 percent.

Mr. Speaker, who will benefit from enactment of this legislation? The most obvious and most immediate beneficiaries of any legislative exemption to section 506 will be the American flag operators which service the island: The

Puerto Rico Maritime Shipping Authority, and its agent, Puerto Rico Marine Management, Inc.; and Sea-Land Service, Inc. The real beneficiaries of a change in this ruling, however, will be the people in the mainland United States of America and in the Commonwealth of Puerto Rico who are the recipients of cargo between these two locations.

Commercial products come to Puerto Rico from almost every State in the Nation, and our cargo moves through many ports of call: New Orleans, LA; Jacksonville, FL; Charleston, SC; Baltimore, MD; and Edison, NJ. In fact, sea-borne transportation of goods purchased by the citizens of Puerto Rico accounts for over \$11 billion in revenue and generates well over 160,000 jobs in the continental United States. Another interesting point is that Puerto Rico is currently carrying a disproportionate burden share of the transportation costs associated with financing the U.S. merchant marine. This represents an additional cost of 5 percent of all goods purchased in Puerto Rico. To the extent that an exemption of the 506 requirement—which also affects trade to these areas—will be granted, the entire Commonwealth and its people will benefit.

Mr. Speaker, this amendment will not cost the U.S. Government any funds. On the contrary, as proposed, for an operator to take advantage of this grandfather clause for Puerto Rico, an operator will have to repay the then current outstanding unamortized CDS amount. In the case of the five vessels operated by PRMSA, that will be approximately \$4.5 million.

Will this legislation cause the loss of jobs? To the contrary, this legislation will save jobs. If our shipping authority is forced to go out of business because this problem is not corrected, all of our ports of call will be impacted, as will the shipping workers on the mainland and in Puerto Rico. Jobs will be lost in San Juan, New Orleans, Jacksonville, Charleston, Baltimore, and Edison, NJ.

Mr. Speaker, we cannot allow this injustice to continue. We need a legislative remedy now to insure that the Commonwealth of Puerto Rico will be protected against any further potential arbitrary and capricious rulings from MarAd in the future. I call upon my distinguished colleagues on the House Merchant Marine and Fisheries Committee to help us solve this serious problem. The text of my bill is enclosed.

VOCATIONAL EDUCATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington report for Wednesday, April 29, 1992, into the CONGRESSIONAL RECORD:

VOCATIONAL EDUCATION

Preparing people to be part of the workforce is a complex and constantly changing process. Vocational education is based on the idea that the educational system should help people prepare for employment. It has not received the support and attention it deserves. Some view vocational education as a positive way of educating

non-college bound youth. Others view it as a convenient place for unmotivated and troubled youth to spend their high school years. The quality of vocational education varies from state to state and school district to school district. Communities around the country have at times responded to tighter budgets by cutting funding for vocational education.

The nation's challenge is to create a widely respected vocational alternative to college that will train a highly skilled and educated workforce, boost our nation's productivity and meet the economic challenges from abroad. Vocational education has to focus on meeting the most critical employment needs facing the community and the country. It must not be thought of as "only" a secondary school program, but rather one that trains highly skilled workers for the economy. Neither should it be thought of as only for people who are just entering the workforce. Vocational education retrains workers affected by industry shutdowns and upgrades older workers' skills so that they can keep pace with changing technology.

Employers in the Ninth Congressional District emphasize to me the need for skilled workers. They often prefer to hire graduates of vocational schools. They like the greater emphasis on the positive attitude to work, on the fundamental or foundation skills rather than on specific training for a single job. Vocational education schools try to stress good attitudes, teamwork, pride in work and a willingness to learn new skills.

Objectives: This country's educational system has been primarily geared toward educating the 30 percent of high school students who will be attending a four-year college. More attention needs to be given to the education of the 70 percent of our youth who do not go into college. These youths increasingly are having trouble in the workforce. Many of these students turn to vocational training classes.

A recent government report by a committee of business, union and teacher representatives concluded that more than half of young people leaving schools lack the skills needed for productive employment. The report urged high schools to teach several practical skill areas alongside the traditional academic skills. These are the ability to manage resources; to acquire and evaluate information; to use and maintain modern technology; to work in teams, teach others, lead and negotiate. These "skills", while different from standard college curricula, are vital for success in the workplace.

European Models: American educators have looked to Europe for successful vocational education programs. There are two primary methods of vocational education in Europe. The first is the German "dual system" model under which 70 percent of 16-year olds are apprenticed in 378 industrial occupations. Apprentices typically spend three days a week in on-the-job training with employers. Employers pay for this program, and standards are developed by local chambers of commerce. The employer-based vocational system offers the advantage of training apprentices for the current needs of industry. Students receive the skills that they need to compete in the marketplace. The second model, common in Sweden and France, relies more heavily on school-based vocational study. It can include two-year programs in commerce or four-year technical programs, and involve a more modest amount of on-the-job training.

The U.S. system has generally followed the Swedish model, but is considered to be of

lesser quality. Many of the current vocational programs could be improved in the areas of teaching skills or training on the latest equipment. The employer-based system has never been popular in the United States. U.S. business leaders have shown little interest in placing resources into any apprenticeship system. Formal apprenticeships in the U.S. are now offered to less than 1 percent of the civilian workforce.

Innovations: In order to remain competitive, the U.S. will need to significantly improve its vocational education and training in high schools and in the post-secondary area. Many school districts are working to improve these programs.

Indiana has one of the better vocational education programs in the country. In 1991, Indiana moved to improve, among other things, its vocational education by combining several state agencies into the Indiana Department of Workforce Development. The new Department has initiated several new high-tech vocational education programs. The Department is pioneering a "Tech Prep" program at five demonstration sites in the state. This program, which will be offered state-wide in 1994, trains students in fields that require skilled workers, including high-tech computer aided manufacturing and computer aided design. The "Tech Prep" program is just one of several programs that enroll nearly 180,000 students and adults in Indiana. The state will spend nearly \$300 million on vocational and technical training this year.

The federal government has taken some steps to assist states in improving vocational education. Last year Congress appropriated over \$1.1 billion for vocational education, most of which is allocated to states in block grants. Indiana will receive more than \$23 million this fiscal year.

Outlook: This country must recognize the importance of a healthy vocational education system. The key to the quality of vocational education is the support it receives at the local, state, and national levels. Leaders in labor, management, and education must recognize the value of vocational education and take the necessary steps to assure that the programs are in tune with the needs of the business and industrial communities.

A well educated, well trained work force has to be a top national priority. Education must serve those of the work force that do not graduate from college. Our society must adopt a philosophy of life-long learning and training for workers. Without well-trained workers, this country will become a second-rate economy.

THE RETIREMENT OF DR. EUGENE SMITH AS PRESIDENT OF A.S.U.

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. ALEXANDER. Mr. Speaker, I rise in tribute to my friend Dr. Eugene Smith who is retiring as president of Arkansas State University at Jonesboro.

I can think of no better use of one's life than devoting it to education—to a pursuit which broadens the mind and equips our young people to better compete in this most competitive world.

Gene Smith leads in a quiet but determined and productive way.

And because of his tireless efforts, he can leave his post for a well deserved retirement knowing that he has made a real difference—both on individual lives and on society.

Joining Gene in retirement will be his wife, Ann.

Gene and Ann are a team in every sense of the word.

She has the same devotion to duty, the same willingness to give of herself and the same laudable goals for both education and the State of Arkansas.

Arkansas State University truly got a two-for-one deal when they hired Gene Smith.

Mr. Speaker, Gene Smith is not one dimensional. While education is his field, he understands that if there are no jobs for his graduates to take, our State will never develop as it should.

Therefore, he has labored long and hard to bring industry and jobs to Arkansas.

This multidimensional approach is typical of Gene Smith. While he could be well satisfied only with the fine job he does at ASU—that is not how Gene operates. That is why he has worked in so many civic organizations and appointed positions in State government.

One of his many accomplishments is to make Arkansas State University relevant to the region it serves, bringing his vision of the future both to the university he heads and the region in which he lives.

For example, Gene readily understood my push for a national energy policy which would expand the use of alternative energy, such as "farm-grown" ethanol. He embraced the goal of opening the \$100 billion transportation fuel market to farmers.

Because he has a far reaching vision of the future, Gene has seen to it that ASU is involved in this important work.

It is this type thinking that has made him an outstanding administrator and an outstanding citizen.

Gene became the eighth president of Arkansas State University on February 15, 1984, after serving in various positions at the school since first joining the faculty in 1958.

No matter where he served, he served well.

Mr. Speaker, teaching runs in Gene Smith's family.

Gene's father was superintendent of the Forrest City school system for 40 years and his mother taught in the same system.

Gene takes into retirement the knowledge that his family has touched the lives of thousands of young people in a most meaningful way.

We are indeed fortunate that Gene Smith devoted his life to Arkansas and its young people.

Now, Gene and Ann are headed for retirement. I am sure, however, that they won't be spending all their time relaxing.

Because of their knowledge, dedication and willingness to give of themselves, they will well.

And, to say thank you for a lifetime of service.

MIAMI BEACH HIGH SCHOOL
ROLLS THE DICE ON BUSINESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Miami Beach High School chapter of the Future Business Leaders of America, who by using their business-oriented ingenuity have created a game designed to entertain and educate. The game consists of a game board, four game pieces for each group of players, a pair of dice, and plenty of business smarts. The object of the game is to answer the most questions correctly about business-related topics, such as debts and credit. As a 50th anniversary gift, the students will send the game to the organization's national headquarters. The students were recently featured in the Miami Herald for this achievement. The article "Board Game Gets Down to Business" follows:

Business-oriented students at Miami Beach High School have developed a board game designed to entertain while it educates.

The students, members of the Beach High chapter of Future Business Leaders of America, played their FBLA 50th Anniversary Challenge game for the first time last week. It turned into a raucous affair.

A dozen students, divided into four teams, clustered around the game board, with space for each team's four pieces (marked F, B, L, and A) on the outer edge and a grid leading to the center. In turn, they rolled dice and peppered each other with questions about debts, credit, economics, etiquette and other business-related topics.

One player sputtered through a question filled with terms such as "guarantor" and "principal debtor."

A confused Linda Merus interrupted, shouting, "Speak English!"

Michael Shafir posed a true-or-false question to another team, asking whether a budget and a spending plan are basically the same. He felt the response was obvious, and said so when his opponents answered correctly.

"Of course it's true," Michael said.

With each correct answer, a team moved one or two of its four game pieces toward the center, according to the roll of the dice. With each incorrect answer, the teams retracted their pieces. After an hour's play, no one had won.

Although the game needs some refinement, students said their first effort exceeded expectations.

"I found it surprisingly fun and interesting. Having teams instead of individuals made it more enjoyable," said Linda, one of 176 FBLA members. "It's teaching you to work together."

But more important, Linda said she remembered answers to the questions when the topics came up in other classes.

"Everybody said, 'Hey, how did you know the answer to that?'" she said.

"That's the point of the game, said James Orlovsky, club president.

"You practice and you study without really thinking about it," he said.

After some tinkering, the Beach chapter plans to send the game to FBLA national headquarters in Virginia as a 50th anniversary gift, said club sponsor Tonya Alvarez.

The Beach High club hopes the national organization will disseminate the game.

"We'd love for children to get into it and play it as if they were playing Monopoly," said Sandra Pierre, club secretary.

Mr. Speaker, I commend these bright young people for their accomplishments. Their business smarts and great ambitions will undoubtedly prove successful in future endeavors. It is reassuring to know that students like these will lead our Nation into a prosperous future.

CONGRESSIONAL TRIBUTE FOR
MARC C. FREDSON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. OBERSTAR. Mr. Speaker, I am pleased to take this opportunity to praise Mr. Marc Charles Fredson from the Eighth District of Minnesota. The Veterans of Foreign Wars and its ladies auxiliary conducted the Voice of Democracy broadcast scriptwriting contest, and this great American wrote a fabulous script concerning the long-term vision of the United States and "Meeting America's Challenge." I am excited to recognize this exceptional young student who has superbly addressed the challenges which face the United States today and in the 21st century. I recommend to my colleagues the fantastic script of Mr. Marc C. Fredson.

MEETING AMERICA'S CHALLENGE

(By Marc C. Fredson, Minnesota Winner, 1991-92 VFW Voice of Democracy Scholarship Program)

America has always been a nation faced with great challenges, but the strength and pride of a tireless, resilient population has yielded us with innumerable benefits.

The founding of America in the late 1700s brought incredible adversity to the colonists. The challenge for this nation during Revolutionary times was broad-based. These early Americans had to accomplish far-reaching goals and face new challenges, because the very survival of the nation was at stake. But the colonists had met the challenge to establish a new country because they were survivors and crusaders. They had within them an enflamed and burning desire to succeed. They were the first Americans.

These Americans met in Philadelphia with a huge task—a great challenge. Their solution for securing the safety and liberty of every citizen of this nation—the Constitution of the United States—has stood firm against over two hundred years of radical change and technical advancement. The first Americans knew the challenges of their day, and they faced them with wonderful, intellectual, timeless solutions.

We, the Americans of the twentieth century, are enviable people. We have stood at the forefront of a globe-encompassing democratic movement. We have maintained American beliefs and preserved the dreams of the founders of this nation to the best of our abilities, and the world has finally taken notice. Democracy is spreading like wildfire. The sparks from the eternally glowing embers of American freedom are igniting new, bright flames in nations throughout the world. And although these newly free countries are struggling against great adversity, they will triumph. For they now face the challenges that America also faced two hundred years ago.

But even though we are enviable, even though we are strong and proud, we have an obligation as a world leader to remain that way. If we are to be examples to the world, then we must be truly good examples.

We are not vulnerable to the evils of the world, and we do not shrink from big-chested foreign adversaries. But today we have new fears, because today, we are vulnerable to the evils of ourselves. We are vulnerable to the greed and racism and cruelty that exist in our own cities and towns. These evils are as devastating as any foreign enemy.

If we are to be proud of our nation, then we must be willing to care for and nurture and protect it. We must keep interest in our home front, as well as the foreign front. As pride in the effectiveness and strength of our nation increases, so, too, should the interest to keep it strong.

So, this is our challenge. A challenge of maintaining a strong, admirable, caring country. A nation safe for every single individual living in it. A nation where each and every person has what he or she needs to lead a productive, good life. A nation where not one citizen is discriminated against. A nation of which the citizens can financially afford to be citizens. A nation that protects the flourishing system of democracy.

These are our challenges. Each and every one of them is so vitally important. Each is so crucial to our survival and health.

Our challenge today is to challenge ourselves.

To challenge ourselves to think, to care, to listen, to be aware, and to act in ways that will benefit the welfare of everyone here who views the stars and stripes with great pride. Of everyone who cries at the death of servicemen, and cheers for the world series champion. We have so much for which to be thankful.

Our challenge is to make the most of our fortunate existence in the United States of America, and to strengthen that existence with all of the pride, and all of the work, that we can bear to give. We must, as the Americans of today, continue to stoke the fires of hope and persistence that our forefathers and mothers kindled so very long ago.

ARTHUR H. FULTON

HON. GEORGE ALLEN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. ALLEN. Mr. Speaker, I rise today to pay tribute to Arthur Fulton, president of Arthur H. Fulton, Inc. of Stephens City, VA. On April 1, Mr. Fulton was elected president of the Interstate Truckload Carriers Conference [ITCC], representing the truckload, common and contract motor carriers in the United States.

Mr. Fulton has built a career representing a strong commitment to hard work, discipline, integrity, and family values.

As ITCC president, Mr. Fulton will serve as the voice to an important advocate and information source for the \$50 billion per year truckload motor carrier industry.

I ask that my colleagues join me in congratulating Arthur Fulton for his election as president of the Interstate Truckload Carriers Conference. This is yet another accomplishment of a man who is a monument to entrepreneurial spirit and determination. Arthur Ful-

ton is a tribute to Stephens City, to the trucking industry, and to this Nation.

CONGRESSMAN KILDEE HONORS
ALFRED LABRECQUE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. KILDEE. Mr. Speaker, it is a great honor for me to rise before you to recognize the lifetime achievements of Alfred T. LaBrecque, a pioneer in the field of labor. Mr. LaBrecque is retiring after more than 30 years of exemplary service to the membership of the American Postal Workers Union and the U.S. Postal Service.

Al was born to Alma and Wilfred LaBrecque on April 18, 1937. At the time of his birth and infancy, his father, Wilfred, was involved in the Flint sitdown strike against General Motors. Twenty years later Al would continue his father's commitment to his fellow workers as an advocate in the labor movement.

Al LaBrecque graduated from Flint's St. Mary's High School in 1955. He served 2 years in the U.S. Army and was honorably discharged in 1957. After a brief stint working with General Motors, Al was hired by the U.S. Postal Service in 1959.

From the day he joined the ranks of the Flint area local of the American Postal Workers Union, Al has worked tirelessly as an advocate for his fellow postal workers. His efforts have gained the admiration and respect of management as well as the union membership. Always willing to listen, he has not only been a union official, but also a brother, friend, and confidant for countless workers.

Alfred LaBrecque has held a variety of positions at the Flint local, with the majority of his service being spent in the position of executive vice president. His administrative and organizational skills are the primary reason the Flint local has a paid membership dues record of 96 percent in an open shop.

An advocate for women, Al LaBrecque was instrumental in the passage of a resolution which reclassified breast prosthesis from cosmetic to needed appliance for the purposes of medical insurance coverage. He has also touched the lives of numerous children as a football coach for Blessed Sacrament Elementary School, Holy Rosary High School, and E.A. Johnson High School in Mt. Morris.

Al LaBrecque is married to Michelle LaBrecque and has seven children, Paul, Eric, Laura, Lisa, Gayle, Noel, and Christina.

Mr. Speaker, I ask you and my fellow Members of Congress to join me in honoring Al LaBrecque. He has spent 30 years of his life working on behalf of postal workers. His contributions on behalf of his fellow Americans will never be forgotten.

EXTENSIONS OF REMARKS

BAKER FAMILY HERITAGE
PRESERVED IN ANNUAL REUNIONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SOLOMON. Mr. Speaker, in 1630, three brothers emigrated to these shores from England to escape religious persecution.

That was the beginning of one of the most close-knit families in America, the Baker family, which is planning its 128th family reunion. It is, the Bakers believe, the oldest continuous family reunion in America.

Family members tell me that James Baker, who was born in 1765, married a Dutchess County woman after the death of his first wife. Added to a son from his first marriage were 15 more sons, which may explain why there are so many Bakers in the area. The Capital district telephone book has 380 Bakers listed, many of them descendants of James Baker.

The old Baker homestead still stands in Stillwater, where the Bakers moved in 1800.

The Bakers were hardworking farmers, merchants, and professional people. They kept what one ancestor described in a newspaper article as a low profile. Nevertheless, family historians have found enough information to keep the tradition going and capture the interest of younger members.

Mr. Speaker, there is something distinctly American about the way this family has preserved its heritage, which is so closely related to the heritage of this country. I ask you to join with me in saluting this family and wishing all members not only an enjoyable 128th reunion but many, many more in the future.

THOMAS MOTION TO RECOMMIT
CONFERENCE REPORT ON S. 3

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. CRANE. Mr. Speaker, I want to state for the RECORD my strong support for the amendment offered by my colleague from California, Representative THOMAS. Mr. THOMAS has offered an amendment which would ensure that U.S. Representatives could not send mass mailings into areas outside of their current congressional districts.

Adopted by the Continental Congress in 1775, franking is, in many ways, one of the oldest congressional perks. Designed to assist and expedite the conduct of the official business, activities, and duties of the Congress, the franking privilege has since been perverted to subsidize the reelection efforts of incumbent Members. By law, mailings to specifically solicit political support are prohibited but due to an intentional election-year loophole, Members can blanket potential constituents—voters in newly drawn districts—with mass mailings. Although outrageous in principle alone, this most vulgar and arrogant practice is totally financed with taxpayer monies.

This kind of widespread abuse of the frank clearly grants an unfair political advantage to

incumbents. It amounts to nothing less than a campaign subsidy siphoned from the pockets of American taxpayers into already bulging campaign accounts of incumbents. Indeed, Federal Election Commission figures show that House incumbents in 1990 already outpace their challengers four to one.

In light of our country's \$4 trillion debt, can this body in good faith continue to waste the hard-earned dollars of Americans everywhere on the ignominious task of getting reelected? If this House wants true reform, I implore my colleagues to support Mr. Thomas' amendment and eliminate this egregious practice that squanders taxpayer dollars, perverts the franking privilege, and distorts the democratic process of fair elections.

HOW ABOUT A MAXIMUM WAGE

HON. BERNIE SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SANDERS. Monday, April 27, was the 50th anniversary of one of the most provocative proposals ever advanced by a President of the United States. In 1942, President Roosevelt called for a cap on the incomes of the wealthy, essentially, a maximum wage.

Earlier this month, noted author Sam Pizzigati published his new book, "The Maximum Wage," where he elaborates a "common sense prescription for revitalizing America, by taxing the very rich." The Los Angeles Times published the following op ed column to recalling Roosevelt's proposal, which I now offer for the RECORD.

Tax-the-rich rhetoric is back in style—for good reason. The average after-tax income of America's richest 1% has soared 136% for the past 15 years, after adjusting for inflation. In 1990, the chief executive officers of America's 200 largest companies averaged \$2.8 million in compensation.

Average Americans are angry, and politicians are responding. Congressional leaders are even pushing for surtaxes on millionaires.

But rhetoric can be deceiving. Even if President Bush signed, instead of vetoed, the tax-the-rich package Congress enacted in March, America's wealthiest 1% would still be paying less of their income in taxes than they did 15 years ago.

At times like these, we need to remember that America's political leaders weren't always so timid about taxing the very wealthy. In fact, 50 years ago this month, a President proposed the ultimate antidote to overcompensation: a maximum wage.

On April 27, 1942, President Franklin D. Roosevelt asked Congress to cap the income that any one American could claim and keep. With the United States in "grave national danger," said Roosevelt, "no American citizen ought to have a net income, after he has paid his taxes, of more than \$25,000 a year." That would be the equivalent of an income a bit above \$200,000 today.

The Treasury Department subsequently fleshed out F.D.R.'s proposal in testimony before Congress. If his "100% war supertax" was enacted, Treasury officials testified, single persons whose before-tax income was \$40,000 would be left with \$25,000 after the standard tax rates had been applied. Any dol-

lar of income above the \$40,000 would be taxed away. For married couples, Roosevelt's 100% supertax would have kicked in on all income of more than \$110,000.

General public reaction to Roosevelt's proposal was positive. Average Americans seemed delighted. Quipped actress Ann Sheridan, then earning considerably more than \$100,000, the equivalent of more than \$800,000 today: "I regret that I have only one salary to give to my country."

In the end, Roosevelt's maximum-wage proposal proved too radical for Congress to swallow. But Roosevelt's 100% supertax proposal did have a powerful impact on congressional debate.

By the end of the war, Congress had raised the tax rate to a record 94% on all income of more than \$200,000. In 1943, Internal Revenue Service statistics show, millionaire taxpayers paid 78% of their total incomes in federal taxes. Today, by comparison in federal taxes. Today, by comparison, the top federal income-tax rate on the wealthy is only 34%.

Could a maximum-wage proposal ever get a hearing today? Stranger things have happened. Between 1894 and 1917, for instance, the top federal tax rate on the income of the wealthy rose from 2% to 88%. If the nation's top marginal tax rate could jump by that much, why not a jump from 31%, the current top rate, to the 100% necessary to create a maximum wage?

An impossible pipe dream? The minimum wage must have once seemed equally fantastic. Yet today we take the concept for granted. Decency demands, we believe, a floor on income. Why not a ceiling? Why not a maximum wage?

Sam Pizzigati is a trade-union journalist in Washington. His new book, "The Maximum Wage" (Apex Press), has just been published by the Council on International and Public Affairs in New York.

A TRIBUTE TO FELIX AND CONCHI RAMIREZ-SEIJAS' ROSES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to pay tribute to Dr. Felix and Conchi Ramirez-Seijas, whose roses recently swept more than half the major awards in the annual rose show at Fairchild Tropical Garden in Coral Gables, FL. In an article entitled, "Blue-Ribbon Roses, Blooms Grown by Gables Doctor Reap a Gardenful of Top Prizes," Donna Gehrke reports on the exquisite roses of Felix and Conchi Ramirez-Seijas. I commend the following article to my colleagues:

Dr. Felix Ramirez-Seijas walks in his rose garden morning and night—so attentive, his wife claims, he can spot if one of his beloved flowers have been touched.

This weekend, the attentive doctor took home half the major awards in the annual rose show at Fairchild Tropical Garden in South Dade.

"He swept the show," said Margarita Calvet, president of the Tropical Rose Society that sponsors the 1,000-rose exhibit.

"Beginner's luck," Ramirez-Seijas modestly said.

He and his wife, Conchi, have only been growing roses for four years, but already they have a reputation for having some of the loveliest blooms in the county.

They have more than 100 bushes at their Coral Gables home and have fashioned a rose garden in their back yard.

Their favorites include the pink-tinged Princess of Monaco—examples of their Princess roses won the Queen award of the show, as well as a blue ribbon.

Another of their favorites, the fragrant, light pink Birde's Dream, took a runner-up award in the grand-prize division.

Several other roses from the Ramirez-Seijas garden won prizes, but the family hadn't counted all the ribbons Sunday.

The doctor, a kidney specialist who directs the pediatric nephrology unit at Miami Children's Hospital, said he liked to walk in his garden every day.

"It's quiet and peaceful" he said. "It's a nice break."

I would like to congratulate Felix and Conchi Ramirez-Seijas on the achievements of their green thumbs, and I would like to wish them much success with their rosy future.

DR. IRVING J. SELIKOFF, A TRUE CHAMPION OF PUBLIC HEALTH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. OBEY. Mr. Speaker, I want to take a moment to recognize a man who has done an incredible amount for the general good in the field of occupational and environmental medicine.

Science is no different than any other area of human endeavor. You can find people in the field whose involvement is simply because of their fascination with data and their fascination with the learning process itself, but you also find people who are fascinated with data and the learning process because of what they can mean to human beings. Dr. Irving Selikoff is one of the latter. He has contributed an incredible amount to our understanding of tuberculosis and diseases related to exposure to a number of dangerous compounds or products, including asbestos.

I have known Dr. Selikoff for more than 20 years. I have worked with him closely on occupational and environmental issues, largely through the National Institute of Environmental Health Sciences. What separates him from so many others is that he has taken an interest, not only in the scientific aspects of those problems, but also in the human aspect as well. He, for instance, was instrumental in helping to arrange an epidemiological review of a number of grain elevator workers in my congressional district a few years ago.

He has done much to remind the world of science that it is, after all, human beings who are affected by what we learn. He has been one of those who recognized the need for epidemiological detective work to supplement other techniques in expanding our knowledge of what chemicals and other environmental agents do to human beings. He was not just interested from a clinical standpoint; he cared. And that is why he means so much to so many of us.

On May 1, 1992, the Irving J. Selikoff Archives and Research Center will be dedicated at the Mount Sinai Medical Center in New

York. The following is a brief history describing Dr. Selikoff's life and work:

PROF. EMERITUS IRVING J. SELIKOFF, M.D.

Prof. Irving J. Selikoff is one of the greatest physicians ever to have been associated with the Mount Sinai Medical Center of New York City. Dr. Selikoff was associated with Mount Sinai for a total of 51 years—from 1941 to 1992.

In his years at Mount Sinai, Dr. Selikoff pursued two brilliant careers. He initially became an internationally recognized expert in the diagnosis and treatment of tuberculosis and later he became one of the world's leaders in occupational and environmental medicine. In each of these areas, he contributed substantially to the growth of medical knowledge; he also contributed enormously to the saving of lives and to the prevention of disease.

Dr. Selikoff's initial achievements in the control and treatment of tuberculosis were based on his solid training and great experience as a chest physician. He was vastly knowledgeable about the treatment, clinical management and prevention of tuberculosis. Dr. Selikoff's most important achievement in this field was his discovery along with Dr. E.H. Robitzek of the value of isoniazid therapy in the treatment of tuberculosis. Drs. Selikoff and Robitzek observed that isoniazid caused prompt resolution of the signs and symptoms of tuberculosis and that it therefore opened vast perspectives for the effective cure of tuberculosis, that had long been a mostly incurable disease.

In recognition of their work in developing isoniazid therapy, Drs. Selikoff and Robitzek in 1955 received the Albert Lasker Award of the American Public Health Association; this award is the highest recognition given for achievement in public health in the United States. It has been described as the "Nobel Prize of Public Health."

Dr. Selikoff's second major area of interest and major achievements was in occupational medicine, and particularly in the recognition of the entire spectrum of the diseases caused by asbestos, including carcinogenicity. Dr. Selikoff first encountered patients with asbestos-induced disease in 1954. In his practice of pulmonary medicine, he noted an unexpectedly high incidence of unusual lung disease in persons who had worked at the United Asbestos and Rubber Company in Paterson, New Jersey. This plant had produced asbestos-containing materials during World War II. Dr. Selikoff, through his detailed examination and astute interpretation of the findings in these patients, realized that their lung disease had been caused by their occupational exposure to asbestos.

Dr. Selikoff pursued further his work on asbestos, and in 1962 he began his long association with the members of Locals 12 and 32 of the Asbestos Workers Union in New York City and in Newark, New Jersey. Dr. Selikoff initiated fundamental long-term health studies of these workers that eventually resulted in recognition of the spectrum of disease due to their occupational exposure to asbestos.

The first public presentation of the results of Dr. Selikoff's studies was made at a landmark 1964 Conference of the New York Academy of Sciences entitled "Biological Effects of Asbestos," that was organized and chaired by Dr. Selikoff. The data made public at this conference demonstrated the extent of the health hazards of asbestos. Dr. Selikoff and colleagues established beyond any shadow of a doubt that three major diseases were caused by exposure to asbestos—mesothelioma, lung cancer and asbestosis.

Following upon this work and in association with the American Cancer Society, Dr. Selikoff then began a massive evaluation of the epidemiology of asbestos disease in all of the 17,800 members of the AFL-CIO International Union of Heat and Frost Insulators and Asbestos Workers throughout the United States and Canada. All workers who were on the rolls of that union on January 1, 1967 were enrolled in Dr. Selikoff's study. Prospective medical evaluation of these workers continues to the present. This investigation has provided the most detailed knowledge available anywhere in the world of the chronic health effects of exposure to asbestos.

Since those early years, the staff of the Environmental Sciences Laboratory that Dr. Selikoff formed at the Mount Sinai School of Medicine have continued his work in environmental and occupational disease. They have examined tens of thousands of workers at risk of occupational disease. These workers have come from such diverse settings as asbestos mines, shipyards, building trades, firefighting units, chemical plants, petroleum refineries, cotton textile plants, transformer manufacturing plants, secondary lead smelters, automobile assembly plants, copper smelters, tannery workers, etc. Persons suffering ill effects from environmental as well as from occupational hazards have been evaluated. Most notable among these were residents in Michigan exposed to PBBs [polybrominated biphenyls] in contaminated animal feed, electrical workers exposed to PCBs [polychlorinated biphenyls], brake repair workers, plumbers, sheet metal workers, workers exposed to dioxins, populations exposed to mercury and fluorides, workers exposed to vinyl chloride, and most recently carpenters exposed to asbestos and to lead.

Dr. Selikoff's academic acumen knew no bounds. He organized and chaired conferences in the United States, Canada, Europe, South Africa and Japan. These colloquia provided meeting grounds for scientists from around the world for dissemination of knowledge on prevention of the diseases caused by minerals, dusts, chemicals, solvents and other physical or chemical agents. His interests extended also to an appreciation of the serious impact on public health of the acquired immune deficiency syndrome [AIDS] and he chaired one of the earliest conferences in the United States detailing the tragic health effects of the AIDS epidemic.

In October 1990, to mark the 900th Anniversary of the University of Bologna Dr. Selikoff organized a convocation held under the sponsorship of the Collegium Ramazzini, and international assembly of scientists involved in the prevention of occupational disease that he founded in 1983. This landmark conference was entitled "Scientific Issues of the Next Century: Convocation of World Academies." It was published that same year. In June 1991, a symposium, entitled "The Third Wave of Asbestos Disease: Exposure to Asbestos in Place. Public Health Control" was held in New York City. This conference demonstrated conclusively that asbestos in place in buildings across the United States poses a significant hazard to workers, to children, to building occupants, and to members of the public. It underscored the need for rational and widespread preventive action to control exposure. The results of this conference will soon be published by the New York Academy of Sciences. They will represent the Eleventh Annals of the New York Academy of Sciences that was edited by Dr. Selikoff.

The Mount Sinai-Irving J. Selikoff Clinical Center in Occupational Medicine at the Mount Sinai School of Medicine is living testimony of Dr. Selikoff's constant concern for the welfare of people everywhere, at work and in the environment. This clinical center evaluates several thousand patients with occupational and environmental illness every year and has been influential in the prevention of occupational disease in New York, New Jersey, and across the United States.

To honor Dr. Selikoff and to promote the research and education that are the cornerstones of the prevention of environmental and occupational disease, the Division of Environmental and Occupational Medicine at Mount Sinai is committed to continuing his work with vigor in spite of his loss. Our goal is to prevent all occupational and environmental disease in workers and other persons in the United States and throughout the world.

OPPOSING TACTICS OF OPERATION RESCUE IN BUFFALO, NY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. SLAUGHTER. Mr. Speaker, today 36 of our colleagues have joined me in signing a statement expressing our strong opposition to the illegal tactics being used by those who are trying to close down abortion clinics in Buffalo, NY. These lawbreakers have been unsuccessful in their goal, but their actions have hurt the people of western New York.

People have the right to demonstrate but not to break the law or deprive others of their freedoms. This staged event by Operation Rescue has had no positive result but many negative ones for the people of Buffalo.

To show our support for the people of Buffalo, I am including the congressional statement in the RECORD with the full list of signatories:

HOUSE OF REPRESENTATIVES,

Washington, DC, April 29, 1992.

We, the undersigned Members of Congress, strongly oppose the illegal tactics of Operation Rescue protesters in Buffalo, New York. In flagrant disregard for the law, these fanatics are trying to stop lawfully operating clinics from staying open. They have failed in their goal but they are hurting the people of Buffalo.

While they have a right to protest, they have no right to deprive other citizens of their freedoms. By targeting clinics that offer a range of reproductive health services, they infringe on women's rights to health care. This may have tragic results.

The protesters' disregard for the well-being of Buffalo citizens monopolizes police resources to the extent of limiting backup for officers responding to crime reports. The illegal actions result in high costs for arresting and incarcerating hundreds of zealots who refuse to post bail; their presence is estimated to cost the County almost \$200,000 over two weeks. Those who came to Buffalo intending to break the law should be held responsible for the cost they incur.

Blocking the streets hurts nearby Buffalo residents and businesses whose employees and clients have trouble getting access. These include a hospital, a post office, stores, offices and other health care facilities.

This will not be an isolated phenomenon afflicting only Buffalo; last year's action in Wichita sets an example for what Operation Rescue is threatening for this summer in Pennsylvania, Wisconsin, and the cities hosting our national political conventions.

These actions benefit nobody but have great potential for harm. We hope this important demonstration will stop immediately and that the people of Buffalo can return to normalcy.

Neil Abercrombie, Don Edwards, Chester G. Atkins, Louise M. Slaughter, Howard Wolpe, Nancy Pelosi, Donald M. Payne, Robert T. Matsui, Harold E. Ford, Edolphus Towns, Ben Nighthorse Campbell, Edward J. Markey, Mel Levine, Tom Campbell, Thomas H. Andrews, Ronald D. Coleman, Charles A. Hayes.

Les AuCoin, Ted Weiss, Nita M. Lowey, Craig A. Washington, Edward F. Feighan, Eliot L. Engel, Barbara Boxer, Harry Johnston, Lawrence J. Smith, Major R. Owens, Norman Y. Mineta, Anthony C. Bellenson, Roy Wyden, Jolene Unsoeld, Michael J. Kopetski, Steny Hoyer, Peter A. DeFazio, Michael A. Andrews, Jim McDermott, Robert J. Mrazek.

HELP FOR DEFENSE WORKERS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. REED. Mr. Speaker, today I join Mr. GEJDENSON in jointly introducing two pieces of legislation which will help defense workers in Rhode Island, Connecticut, and the entire United States.

The world has drastically changed in the last year. We can and should begin the process of prudently reducing our defense budget. However, we must recognize the most immediate impact that defense cuts will have, the loss of high-paying, high-skilled jobs throughout the country. It has been estimated that up to 1.5 million civilian workers will lose their jobs as a result of the defense drawdown.

Our first bill, the Defense Workers Bill of Rights Act of 1992 will provide laid-off defense workers with 1 year of protection from losing their home or apartment. Employees who are laid-off because of defense cuts at a company or subcontractor where at least 80 percent of the firm's revenue is from work for the U.S. Government are eligible, if a court finds the displaced worker or his or her spouse unable to pay their mortgage or rent. Owners of property rented to eligible defense workers would qualify for the same protection from foreclosure as the defense worker.

This legislation is based on the Soldiers and Sailors Civil Relief Act of 1940 which helped to protect the families of soldiers during World War II and was most recently invoked during Operations Desert Shield and Desert Storm.

Our second bill would make every worker in a defense reliant community eligible for job training assistance before they are laid-off to allow them to plan and train for work in a peacetime economy.

Defense cutbacks will not only effect workers employed by major defense contractors, but also workers in small businesses working with and for the major contractors. This bill en-

ables all workers in a defense-dependent community to take advantage of the job search counseling and retraining offered under the Job Training and Partnership Act. The bill makes this training available immediately, before mass layoffs take place to facilitate conversion and diversification efforts.

Defense workers are heroes of the cold war. Without their unique capabilities and the advanced technology they helped to develop, the end of the cold war might never have occurred. Today, for too many of these hard-working men and women the peace dividend seems like no more than a pink slip.

The legislation I and Mr. GEJDENSON have introduced would help ease some of the bumps defense workers will face on the road to peacetime employment, and I urge my colleagues to cosponsor these two bills.

TRIBUTE TO FOUR-MEMBER TEAM
FROM IBM'S THOMAS J. WATSON
RESEARCH CENTER

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to a four-member team from IBM's Thomas J. Watson Research Center in Yorktown Heights, NY who are being honored tonight as 1992 Inventors of the Year. The inventors will receive the award from Senator DENNIS DECONCINI this evening in a formal ceremony in the caucus room of the Russell Senate Office Building.

This award recognizes the inventors who have improved the welfare of the Nation through technological innovation and commercialization and highlights the vital roles of creativity and invention in fueling our Nation's economy and in maintaining technological supremacy. Recipients are selected from public and private laboratories; large businesses, small companies, universities, government, and independent inventors.

The team consists of John Cocke, George Radin, Norman H. Kreitzer, and Francis P. Carrubba. They have invented the Reduced Instruction Set Computing [RISC], a broad computing concept which has revolutionized the computer industry worldwide. RISC allows for greater computing systems performance through a smaller set of instructions and simpler addressing modes.

The technical and economic implications of this technology are significant, with RISC processors and microprocessors functioning as key components of emerging machine designs, heralded as the vanguard of the next generation of computers. The RISC-based design is licensed extensively in the United States and abroad, with both domestic and foreign manufacturers basing entire product lines on variants and extensions of the RISC principles.

John Cocke, an IBM fellow, has been a research staff member at the IBM Thomas J. Watson Research Center since 1956. Among numerous industry honors, he was awarded the National Medal of Technology by President Bush in 1991 for his role in the development of RISC.

George Radin, an employee of the company since 1963, is an IBM fellow from the Santa Teresa Laboratory in San Jose, CA. He also works at the Watson Research Center.

Norman H. Kreitzer has been at the Watson Research Center since 1962. His research activities have concentrated on experimental and exploratory systems designs, and he has participated in several leading research activities including the design of the cache subsystem for the RISC project.

Francis P. Carrubba is a former IBM employee who is currently executive vice president and chief technical officer at Phillips Electronics N.V., in Eindhoven, the Netherlands. He was a member of the technical staff of IBM for 22 years.

The inventor of the year honor is presented by Intellectual Property Owners [IPO], a non-profit organization founded to strengthen the rights of patents, trademark, copyright, and trade secret owners. IPO works to protect and improve the intellectual property systems that are vital to America's technological and economic leadership by combining the voices of large, medium, and small businesses; universities; independent inventors and patent attorneys.

My congratulations to my fellow mid-Hudson Valley neighbors and IPO for fostering American ingenuity and technological advances.

TRIBUTE TO GLENN HEMMINGER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Glenn Hemminger of Port Clinton, OH, who recently accepted an appointment to the U.S. Military Academy as a member of the class of 1996.

When I nominated Glenn Hemminger for admission to West Point, I knew I was nominating a young man with great potential for leadership. Whether as an All-Conference baseball player, an All-Academic football player, or a straight A student in Port Clinton High School's accelerated classes, Glenn Hemminger has demonstrated the ability to achieve excellence in all that he does.

In recent years, America has experienced the end of the cold war between the superpowers and defended self-determination in the Persian Gulf. American resolve has resulted in the new embrace of freedom and peace around the globe. These victories for our principles occurred in large part due to the honor, talent, and dedication of the men and women who serve this country in the U.S. Armed Forces. And the service academies are the linchpin of this distinguished military tradition.

By accepting his appointment to West Point, Glenn Hemminger is preparing to make a valued contribution to that tradition. I congratulate him, and wish him and his family all the best.

A TRIBUTE TO JACK BROWN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of my good friend, Jack Brown of Redlands, CA. For years, his experience and commonsense approach to problem solving has made a real difference to the people of our community and the State of California. Jack will be appropriately recognized as a member of the Horatio Alger Association of Distinguished Americans at a dinner in his honor on May 1.

Many people know Jack as the chairman, president, and chief executive officer of Stater Brothers Markets. But Jack is also known as a man with a gift for giving. Among other things, he is proud that his grocery chain is the largest contributor to feeding the homeless in San Bernardino and Riverside Counties in California. One need only ask those who run the county food banks, or the hundreds of local agencies who serve the homeless, about Jack's commitment to people to get a true measure of the man.

Jack's success can be traced to his early days. He was the only child of a deputy sheriff who died when Jack was only 8 years old. His mom, who worked as a clerk for \$12.50 a week and made a few extra dollars by sewing, provided inspiration and determination to her young son. He began mowing lawns and delivering newspapers at 10, and got his first big break at 13 when he was hired to stock shelves at the local grocery store. Little did he know at the time that this beginning would launch him into a career rich with promise and possibilities.

Following college and a stint with the Navy, he resumed his climb up the career ladder at Sage's Complete Market. At 28, he was the youngest vice president in the history of the store. After completing new challenges in Indiana, Texas, and Nebraska, Jack returned to San Bernardino in 1981 as president of Stater Brothers Markets. Today, with 10,000 employees and annual sales of \$1.5 billion, Stater Brothers is the 30th largest retail chain in the country.

One of Jack's greatest contributions has been to the community he knows so well. He has embraced the local YMCA and Boy's Clubs, turned a hard-luck high school football program into a winner, and given generously of his time and energy as a coach and mentor and friend.

Jack Brown is one of those rare individuals who defines success by his ability to help others. Even today, as he inspires others to work hard and take risks, he continues to foster dreams and goals. Mr. Speaker, I ask that you join me, our colleagues, and friends in recognizing one of our country's finest. Jack's years of selfless dedication has made a real difference in the lives of many people and he is certainly worthy of recognition by the House of Representatives today.

INTRODUCTION OF LEGISLATION
TO ESTABLISH A COMMISSION
TO INVESTIGATE THE GANDER
PLANE CRASH

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. TALLON. Mr. Speaker, I along with 18 House colleagues will introduce legislation to establish a commission to reopen the investigation into the Gander plane crash.

The commission will look into the many unanswered questions which surround the cause of the crash and the botched investigation which followed.

Seven years ago a military charter bringing 248 American soldiers home from a peace-keeping mission in the Middle East crashed over Gander, NF. It remains this country's worst military peace-time disaster, killing more soldiers than the military conflicts of Desert Storm, the Panama invasion and Grenada combined.

Questions still persist as to the cause of this tragedy. Rather than initiating its own investigation, the U.S. Government chooses to accept a disputed report from the deeply divided Canadian Commission. Almost half of the Canadian Board claimed that an explosion caused the plane to crash.

Even though it is standard procedure to investigate terrorism as a cause in any air disaster, no U.S. agency, including the Vice President's Task Force on Combating Terrorism and its chairman at the time, George Bush, ever investigated for the possibility of terrorism or foul play. This despite the fact that the terrorist group, Islamic Jihad, tried four times to take credit for the crash.

This government disregard for the evidence led to increased speculation as to the cause of the crash. It prompted an Arts and Entertainment Network documentary and a Time magazine feature article—both citing sabotage as the probable cause of the crash. Because the ongoing controversy interferes with the victims' families ability to go forward with their lives, I, along with 103 fellow Members of Congress, wrote to President Bush, asking for his help in investigating these claims. It is 2 years later and Mr. Bush still has not responded. The silence is inexcusable.

I am not here to endorse any theories. I simply want to do what I can to see that the crash is investigated the way it should have been done years ago.

The commission will study all the remaining evidence and outstanding issues regarding the plane crash. It will study the crash in the context of our heightened concern for terrorism in 1985. It will also establish the connection, if any, with the Iran-Contra network.

In addition it will investigate the performance of each U.S. Federal Government department or agency which was, or should have been, involved with the flight and the investigation of the crash.

Upon completion of this inquiry, the commission will issue a report detailing the events leading up to the plane crash, the crash itself and assign blame for the botched investigation which followed. The commission will have the

power to hold hearings and subpoena information related to the crash.

It is time to honor the men and women who died in service to their country by doing what we can to end the speculation around their deaths. I hope this commission will provide the answers for the families and fellow Americans who have been unable to put this tragedy behind them.

I am submitting for the RECORD a copy of the Time magazine article and a summary of my bill.

[From Time magazine, Apr. 27, 1992]

GANDER: DIFFERENT CRASH, SAME QUESTIONS

(By Roy Rowan)

Flying home for Christmas in 1985, three years before the Pan Am bombing, 248 American soldiers and eight crew members died when their chartered DC-8 jet plunged to earth just after taking off from a refueling stop in Gander, Newfoundland. It was the worst U.S. military air disaster ever. Icing of the wings was immediately suggested as the cause, although Islamic Jihad terrorists just as quickly boasted of blowing up the jet.

It wasn't until 1989 that an Iran-contra connection to the tragedy was revealed. Arrow Air, the charter company, turned out to be one of Lieut. Colonel Oliver North's regular arms shippers. Although most of the crash victims belonged to the U.S. 101st Airborne Division, returning from six months' duty with the multinational peacekeeping force in the Sinai, more than 20 Special Forces personnel trained for counterterrorist missions were also on board. Suspicions have recently deepened that they, like Charles McKee and the members of his hostage-rescue team on Pan Am Flight 103, were the target of an attack.

Both the U.S. and Canadian governments seemed determined to literally bury any evidence that might point to such a conclusion. Major General John Crosby, then the U.S. Army's deputy chief of staff for personnel, arrived in Gander within hours of the tragedy. He was quoted by the Arrow Air maintenance chief as wanting to "bulldoze over the crash site immediately," although Crosby has denied it. Just as quickly, White House spokesman Larry Speakes assured the world there was "no evidence of sabotage or an explosion in flight."

In 1988, after interminable foot dragging and infighting, the nine-member Canadian Aviation Safety Board issued a split verdict. Five attributed the crash to ice formation and not to an explosion. But four, including two aeronautical engineers, disagreed so vociferously that a former Canadian supreme court justice was appointed to see if a new investigation should be opened. The evidence, wrote Justice Willard Estey, "does not support ice contamination." Nevertheless, he advised that further probing would be unfair to the victims' families. "It's for their sake that the case should be reopened," counters George Baker, the Liberal Party Member of Parliament from Gander, who lives one mile (1.6 km) from the crash site.

A new book titled *Improbable Cause*, written by Les Filotas, one of the dissenting air-safety board members, promises on its cover to expose the "deceit and dissent in the investigation." Filotas does that with a devastating accumulation of evidence spanning 553 pages. "Many of the experts involved in the investigation," says Filotas, "didn't realize they were participating in a cover-up."

Even sharper accusations are being leveled by M. Gene Wheaton, the private investigator appointed by the Families for Truth

about Gander, Inc. The organization was founded in 1989 by Dr. J.D. Phillips and his wife Zona of St. Petersburg, Florida. As father and stepmother of one of the victims, they charged the U.S. with "failing to conduct a full inquest, or even revealing the facts it does possess."

As he pored over the forensic evidence, Wheaton became convinced that the plane had suffered a precrash explosion—and that there had been a U.S.-Canadian conspiracy to conceal the cause of the accident. "If the truth about this crash had gotten out in 1985," he says, "it would have exposed the Iran-contra scandal one year before it became public."

Wheaton knew many of the Iran-contra conspirators personally and had tracked their planes and pilots, making him a valuable source for congressional investigators trying to unravel the secret arms deals of Oliver North. Arrow Air, Wheaton instantly recognized, was a CIA-operated company.

To him, the evidence of a precrash explosion is overwhelming. The Royal Canadian Mounted Police obtained sworn statements from five witnesses who saw the DC-8 spewing flames before it fell. Judith Parsons, an airport rental-car agent, was warming up her automobiles out in the parking lot when she saw the sky light up. Suddenly "a large orange oval" appeared above the ground, she reported. "It just blew up and went everywhere, burning like cinders falling to the earth."

Rescue workers described charred bodies hanging from unscorched trees, indicating that some of the victims were already burned when they fell out of the sky. Autopsies also disclosed lethal doses of carbon monoxide and hydrogen cyanide in body tissues proving that the fire and explosion occurred while the passengers were still breathing. I. Irving Pinkel, a former NASA expert who also investigated Apollo 1's fatal fire, found two fuselage holes with an "outward pucker," indicating an explosion from within. Finally, four members of the refueling crew swore there was no icing problem before the plane took off.

Although the U.S. government stated that no explosives were aboard, fire fighters heard small arms popping all over the place and saw debris flying into the air from delayed explosions. "There were 30 to 40 such explosions," the Gander fire chief reported. Later, live rocket rounds were found among the wreckage, as was an 80-lb. (32-kg) duffel bag stuffed with U.S. currency.

As Wheaton probed deeper, he discovered that six heavy crates, which he suspects contained contraband arms, had been loaded into the jet's cargo bay in Cairo without military customs clearance. To squeeze them onto the plane required removing some of the soldiers' duffel bags. Gerald De Porter, the former Army customs inspector there, who is now working as a pharmacist in Fayetteville, North Carolina, says, "I couldn't check the cargo because I wasn't issued a pass to go out on the tarmac."

Wheaton also located witnesses who confirmed that weapons, including TOW anti-tank missiles, were being stockpiled in the Sinai. When he scrutinized Arrow Air's manifest, he discovered a mysterious Company E, consisting of 22 men who were not part of the 101st Airborne. All had the same MOS (Military Occupational Specialty) 11-H, indicating they were TOW gunners.

"At that moment the U.S. was in the process of selling thousands of TOW's to Iran," says Wheaton. "Since it's unlikely that we'd sell such sophisticated weapons without pro-

viding instructors, Company E may have been part of the arms-for-hostages deal."

Also aboard the doomed jet were about 20 members of Task Forces 160 and 163. These elite counterterrorist units included helicopter pilots, crew chiefs, mechanics and other support personnel often used on hostage-rescue missions. Zona Phillips picked up an intelligence report suggesting that they belonged to Seal Team 6, the commando unit poised to recapture the *Achille Lauro* off the Egyptian coast before the cruise ship's hijackers surrendered.

"Task Force 160 may have actually attempted but failed to free the hostages," says Wheaton. He points out that North had precise intelligence on the hostages' location. Five of the six Americans were being held in Building No. 18 in the Sheik Abdullah barracks in the Baalbek region of Lebanon. "Very possible," adds Wheaton. "North ordered the raid after irate Iranian officials threatened to retaliate for a shipment of the wrong Hawk missiles." In fact, three days before the Gander crash, North revealed both his determination to continue the Iranian arms shipments and his concern for the hostages' safety. "To stop now in midstream," he wrote, "would ignite Iranian fire. Hostages would be our minimum losses."

Another mystery surrounding the Gander crash are the lingering ailments that plague many of the fire fighters and other rescue workers, whose liver enzyme rate was found to be abnormally high. They had been warned to watch out for nerve-gas canisters. However, Wheaton says, "the real hazard was possible radiation poisoning from nuclear backpacks, portable units with timing devices that Special Forces personnel sometimes carry to blow up bridges and block their pursuers."

The suspicious symptoms of the rescue workers have been hotly debated in Canada. A Health and Welfare department study attributed the illnesses to "mass hysteria," "post-traumatic syndrome" and "eating too much moose meat," since many of the men were avid hunters. But M.P. George Baker claims that the investigating physicians took no blood samples or X rays, attempting merely to compile what he called a "theoretical study." He also asserts that two of the three doctors refused to sign the final report. The threat of radiation poisoning may explain why General Crosby wanted to bulldoze over the wreckage so quickly.

While the wreckage in Lockerbie was meticulously sifted for bomb clues, no such effort was made in Gander. Yet there was good reason to take seriously the Islamic Jihad's boast that it had blown up the Arrow Air jet. Telephone calls claiming responsibility for the crash were immediately received by both the U.S. consulate in Oran, Algeria, and Reuters news agency in Beirut. The Beirut caller even knew that the plane had been delayed for five hours in Cologne, and explained that was why it blew up over Canada instead of over the U.S. He said the Shi'ite Muslim extremist group planted a bomb on board to prove "our ability to strike at the Americans anywhere."

A bomb, Wheaton contends, could have been planted on the plane in the Cairo airport, where a 30-minute blackout occurred during loading and where, he says, Egyptian baggage handlers were unsupervised by Americans. One month after the crash, the American embassy in Mauritius received a letter signed "Sons of Zion." It described how the Arrow Air jet was "sabotaged" by a "cold-blooded, premeditated act *** a few hours before take-off with the complicity of several Egyptian and Libyan mechanics."

Repeated efforts by the Families for Truth About Gander to open FBI files about the crash have failed. Democratic Congressman Robin Tallon of South Carolina has tried to help. Two years ago, he persuaded 103 other members of the House of Representatives to petition President Bush to initiate an "investigation to explore all possible crash theories." Bush never responded. Tallon, who says that up until then he had frequently visited the White House, says he was never invited back. "The FBI and CIA have also sealed me off," Tallon complains. "They don't even answer my phone calls."

The House Judiciary Subcommittee on Crime and Criminal Justice held a two-day hearing on the crash in December 1990. It ended without a call for action, despite surprising revelations of FBI apathy. Last week Tallon announced that he would introduce a bill to establish a commission with full subpoena power to investigate the crash the way it should have been examined seven years ago.

At that time the FBI's forensic team had flown to Newfoundland on the day of the crash, then sat in a Gander motel, the subcommittee found, awaiting "whatever reports or conclusions Canadian authorities saw fit to share with them. After a mere 36 hours the agents accepted a declaration that 'terrorism was not involved,' and returned home." The FBI claimed the Canadians did not allow its agents to visit the crash site or to participate in the investigation. But nothing prevented the bureau from launching a worldwide hunt for terrorist involvement, as it did after the Pan Am bombing.

SUMMARY: COMMISSION ON THE AIRPLANE CRASH AT GANDER, NEWFOUNDLAND, ACT DUTIES OF THE COMMISSION

The duties of the commission will be to address:

The mechanical condition and soundness of the aircraft during the course of its flight and crash.

The weather conditions encountered by the aircraft during the course of its flight and crash.

The scope and adequacy of the investigation conducted and the conclusions reached by the Canadian Aviation Safety Board regarding the crash of the aircraft.

The role of each Federal agency that was or should have been involved in the flight or in an investigation of the crash of the aircraft.

The connection, if any, between the crash of the aircraft and terrorism against Federal Government or people from the United States.

The connection, if any, between the crash of the aircraft and any matter authorized to be investigated by the Select Committee to investigate Covert Arms Transactions with Iran.

MEMBERSHIP OF THE COMMISSION

Three members appointed by the Speaker of the House.

Three members appointed by the Minority Leader of the House.

Three members appointed by the Majority Leader of the Senate.

Three members appointed by the Minority Leader of the Senate.

One member appointed by the bi-partisan leadership of both Houses who will be affiliated with Families for the Truth About Gander.

POWERS OF THE COMMISSION

The commission will have the authority to hold hearings, take testimony, receive evi-

dence, issue subpoenas, receive classified documents, obtain evidence from a foreign country with the cooperation of that government.

REPORT BY THE COMMISSION

Within 18 months of the formation of the commission, it will release a report including:

A detailed chronology of the relevant events that took place before, during and after the crash of the aircraft, including the sequential development of the investigation conducted by the Canadian Aviation Safety Board.

The findings and conclusions the cause of the crash of the aircraft and the person or persons responsible for the crash, if any, the adequacy of the Canadian investigation and the adequacy of the U.S. government participation.

Specific recommendations for legislative, executive or judicial actions that the commission determines to be appropriate.

LA CASONA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the La Casona Restaurant, which was recently featured in the Miami Herald. The article, "Valls Family's La Casona Offers 'Creative Cuisine'" by Marilyn Garateix tells about this latest addition to Miami's many fine restaurants:

When Felipe Valls Jr. and his dad decided to open another Cuban restaurant, this time they took a new tack.

"Most typical Cuban restaurants are more casual," said Felipe Valls Jr. He and his dad already own such a place, the landmark Versailles Restaurant on Southwest Eighth Street.

"We wanted an elegant Cuban restaurant with a twist," Valls Jr. said.

So La Casona at 6355 SW Eighth St. offers what he calls "creative Cuban cuisine," basic Cuban dishes with different touches.

There's breaded steak with tomato sauce, ham and cheese gratin; crispy rounds of green plantains with caviar, sour cream and garnish; and creamy rice pudding served in a crunchy almond petal.

But some of the classics still remain. Like black beans, arroz con pollo, tamales, masitas de puerco (fried pork chunks) and flan.

The restaurant's two chefs are Cuban and Spanish, Valls Jr. said. Entree prices range from \$11 to \$25.

"It's fantastic," said Rebeca Sosa, a West Miami council member who has eaten at La Casona. "It's very cozy, there is good parking and the service is good. I think they have a good opportunity there."

La Casona, which opened Feb. 20, is the fourth restaurant owned or co-owned by the Vallses on Southwest Eighth Street. They co-own La Casona with Jose More, the restaurateur responsible for several El Segundo Viajantes, another well-known chain of Cuban restaurants.

In addition to La Casona and the Versailles Restaurant at 3555 SW Eighth St., the Vallses also own La Carreta, 3632 SW Eighth St., and Casa Juancho Spanish restaurant at 2436 SW Eighth St.

In all, the Vallses own 10 restaurants in Dade County.

They spent \$500,000 renovating the 200-seat La Casona and making it look like the Spanish haciendas that used to grace Cuba. Valls Jr. said. The designer who did the work used old photographs, he said.

The restaurant features stately columns on the outside. A lithograph showing a panoramic view of 1854 Cuba adorns a wall in the restaurant's foyer.

Paintings by Felix Ramos, Francisco Casas and other Cuban artists hang on the walls, and a musician at a grand piano entertains diners.

I am happy to pay tribute to Felipe Valls, Jr., his father, and Jose More for their latest contribution to Miami's wide variety of ethnic cuisine. The Valls family have a long tradition of helping our community and we all wish them much success in this new venture.

TRIBUTE TO JOAN HERTZMARK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, we in this House talk a great deal about the virtues of voluntarism. Today I want to talk about the enormous dedication, hard work, and creativity of one outstanding volunteer—Joan Hertzmark who has just stepped down as chair of the Democratic town committee of the town of Brookline. For as long as most of us now active in politics can remember, Joan Hertzmark has been the model of a good citizen in a democracy. Serving in the volunteer position as chair of one of the most active, best organized local party organizations anywhere in America, Joan Hertzmark has selflessly dedicated her time and energies to trying to make this a better country and better world. Joan Hertzmark brought to the job of chairing a local party committee an inexhaustible supply of energy, a limitless store of integrity, a selflessness rare in or out of politics, and an unbounded commitment to social justice and fairness in American life. The list of those of us who have been the beneficiaries of her great work is a very long one. It would be a mistake for me to try to recreate it here, but one example of a man who gladly tells people of his enormous debt to Joan will, I think, demonstrate the point: Michael Dukakis was a young, upcoming town political figure when he first became the recipient of Joan Hertzmark's help, and I have frequently heard him talk movingly of the debt he feels to her unselfish political commitment.

Joan Hertzmark is of course a great liberal, Mr. Speaker, but the value of her example to others transcends any particular ideology. Many people today object that they feel unrepresented, unheard, and thus dissatisfied with the political process. No better antidote to those sorts of feelings exist than the kind of activity that has been—and will continue to be—central to the life of Joan Hertzmark. She made her presence felt, helped make her values a reality, and has contributed as much as anyone I ever met to making the democracy of America a reality. I regret her very understandable decision to step down as local party chair after all these years. And I rejoice in

knowing that her energies will still be available on behalf of the causes she cares so deeply about.

HEATHWOOD HALL EPISCOPAL SCHOOL OF COLUMBIA: A STRAIGHT "A" REPORT CARD

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SPENCE. Mr. Speaker, we are confronted every day with reports on the dire condition and problems facing education in America. Rarely are we offered any news of a program that works or a school that excels. Thus, I am heartily pleased to share with my colleagues the name of one such exemplary school: the Heathwood Hall Episcopal School of Columbia.

Located in my district of Columbia, SC, the Heathwood Hall Episcopal School of Columbia, was founded 40 years ago. Now four decades later, this school has received State and national recognition for its fine programs, an exemplary scholastic record, and the contributions its students make to the community. For example, one of the graduation requirements the school has implemented is 80 hours of volunteer service by each student. The success of this initiative has been extraordinary; students take an active role in caring for the less fortunate and thereby improve their community, but it also instills the student with the first hand knowledge of the merits and rewards of volunteer service.

The recognition of the innovative programs the Heathwood Hall Episcopal School of Columbia is not limited to South Carolina; Heathwood has received national accolades and was one of the first 60 schools in the United States to receive citation as an "Exemplary School" by the National Commission on Excellence in Education and the Council for Advancement of Private Education.

Mr. Speaker, I know that my colleagues will want to join me in congratulating the Heathwood Hall Episcopal School of Columbia on 40 years of providing award-winning education in Columbia, SC, and will join me in wishing them continued success in the years ahead.

JEAN MAYER TRIBUTE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. RICHARDSON. Mr. Speaker, it is with great pride that I bring to my colleagues' attention the outstanding work of a devoted educator at my alma mater, Tufts University in Medford, MA. Tufts University President Jean Mayer was recently honored with a rousing tribute in the New York Times.

Reporter Fox Butterfield eloquently and accurately describes how Dr. Mayer single-handedly transformed Tufts from a small liberal arts college into a research university of

world renown. Dr. Meyer, who has served as president since 1976, will resign at the end of the next academic year to take on the new post of chancellor.

Mr. Speaker, as Dr. Meyer prepares for his transition from president to chancellor, I invite my colleagues to wish Dr. Meyer well as he continues his pursuit to bring excellence to Tufts University. I have attached Mr. Butterfield's article for my colleagues' review.

TUFTS PRESIDENT HELPS HIS UNIVERSITY STAND TALL AMID GIANTS OF ACADEME

(By Fox Butterfield)

MEDFORD, MASS.—When Jean Mayer became president of Tufts University in 1976 it had never had a capital fund-raising campaign, and university administrators counseled him to limit a drive he was planning to \$14 million. "Nonsense," Dr. Mayer said. "Let's make it \$140 million."

In the end Dr. Mayer, a French-born scientist and expert on nutrition, raised \$145 million. The drive was only one of several important steps Dr. Mayer has taken to help transform Tufts from a small, once-overlooked liberal arts college into a research university with a growing international reputation and a much-improved faculty and student body.

Dr. Mayer, who is 72 years old, has announced that he will resign at the end of the 1993 academic year and be elevated to the new post of chancellor. And there is widespread agreement here that the charming, talkative and often-stubborn Dr. Mayer has helped give Tufts a new sense of identity, bringing it out from under the shadow of neighboring universities like Harvard and the Massachusetts Institute of Technology.

A HIGHER PUBLIC PROFILE

"Jean has made some substantial achievements," said James O. Freedman, the president of Dartmouth College. In addition to helping Tufts raise the academic quality of its incoming freshmen, Mr. Freedman said, Dr. Mayer has used his own "well-established reputation to give Tufts a higher public profile."

Last Friday, for example, Mr. Freedman and Dr. Mayer announced an agreement to establish an innovative program under which students at Tufts' Fletcher School of Business Administration can earn a joint degree in international business.

Dr. Allan Callow, a professor of surgery at Washington University in St. Louis who is chairman of the Council of the Boards of Overseers of Tufts, said that one of Dr. Mayer's most important contributions was that he had "convinced the faculty and the administrators that they had the potential for being a world-class university."

"There is a bit of the evangelist about him," Dr. Callow said of Dr. Mayer (pronounced my-YAIR).

LIST OF ACCOMPLISHMENTS

Among Dr. Mayer's most important accomplishments have been the creation of a graduate school of nutrition, the building of New England's only school of veterinary medicine and the establishment of a center for environmental management. Tufts has also become less of a parochial New England institution; the number of foreign students has doubled since 1986 and the university now runs a popular European center in a converted 11th-century monastery at Talloires, France.

The university's financial condition has greatly improved; Dr. Mayer has seen the endowment increase to \$200 million from \$30

million when he arrived. This year Tufts, which has 4,300 undergraduates and 2,200 graduate students, is scheduled to complete a second capital campaign with a goal of \$250 million.

In addition, Tufts has become much more selective in its admissions policy. University officials said that the percentage of incoming freshmen who ranked in the top 10 percent of their high school graduating class rose to 74 percent last year from 38 percent in 1976, and that the Scholastic Aptitude Test scores of students admitted to Tufts had increased, too.

Luck has played a role, too. Medford, where Tufts is situated, is only five miles northwest of Boston, which has become an increasingly popular mecca for college students in recent years and has helped make the university more attractive than other colleges and universities in rural parts of the country.

ON PAR WITH NORTHWESTERN

Tufts may not yet have the prestige of the top Ivy League schools. Its yield—the percentage of applicants it admits who actually accept—was 35 percent last year. At Brown and Dartmouth, by comparison, the yield was 52 percent, officials there said.

But that yield puts Tufts on a par with such highly regarded schools as Carleton College in Minnesota or Northwestern University in Illinois, according to several admissions officials at other universities.

Despite his achievements, Dr. Mayer has not escaped criticism. The most persistent complaint is that to attract more money and raise the university's reputation he has favored its graduate schools, slighting the original liberal arts college.

In particular, there is broad resentment among many faculty members over the veterinary school, which is in Grafton, 40 miles west of Medford. Although it is partly financed by the state, the school has run deficits of as much as \$3 million a year, university officials say, and many professors believe the arts and sciences college has had to make up the debt.

COVERING THE DEFICIT

In a recent interview Dr. Mayer acknowledged that about half of Tufts' current budget is devoted to the university's health schools, including an expanded medical school in downtown Boston. But he insisted, "We have never taken money from another school and put it in the veterinary school."

Instead, said Steve Manos, the executive vice president of Tufts, the deficit has been covered by money from the university's reserves or annual earnings.

Dr. Mayer sees the veterinary school as a major investment that will eventually pay big dividends. When he retires next year and becomes chancellor, he said, he plans to oversee the development of a large industrial park next to the veterinary school for biotechnology companies, a rapidly growing industry in Massachusetts.

Dr. Mayer has also begun work on a \$1 billion project near the railroad yards behind Boston's South Station, adjacent to Tufts' medical school, for pharmaceutical research and manufacturing. "This will bring in a replacement industry for defense electronics for Massachusetts," he predicted.

In an effort to redress the balance between the graduate schools and the college, Dr. Mayer has built a series of new facilities for undergraduates in the last few years, including an arts center, a language center, a science center and a dormitory.

But many undergraduates still feel that Dr. Mayer's emphasis on the graduate

schools has taken a toll on their education. In a speech last week to the trustees, Alexa Leon-Prado, the president of the student government, said students "are made aware of this each time they call a friend at Harvard to borrow a book," because of the lack of an adequate library.

Nevertheless, Ms. Leon-Prado, a senior from Irvine, Calif., credited Dr. Mayer with having done "an amazing job" in building up the university's reputation. "I don't think I would have come to Tufts if he hadn't made it what it is," she said.

LET'S RECOGNIZE OUR VOLUNTEERS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DREIER of California. Mr. Speaker, President Bush's call for increased voluntarism in America has rejuvenated our country's commitment to assisting those in need. From Big Brother and Big Sister programs, to efforts which combat illiteracy, a surge in voluntarism throughout our country is clearly evident.

In my district, many private organizations are reaching out to help their fellow citizens. One such group, the Volunteer Center of the Greater Pomona Valley, has traditionally sponsored an annual Blue Ribbon Week, which is running now from April 26 through May 2.

Throughout this week, volunteers and others are wearing blue ribbons in an effort to recognize the significant and unselfish contributions that volunteers make to their communities. On my end, I'm currently conducting my annual youth volunteer award program which draws attention to the many dedicated young people in my district who routinely volunteer their services to many causes.

We all need to do our part to improve our communities and help our fellow citizens. It's the private organizations, like the Greater Pomona Volunteer Center, that help pave the way toward success for many needy individuals.

INTRODUCTION OF RESOLUTION TO RE-OPEN THE INVESTIGATION OF THE 1985 U.S. MILITARY CRASH IN GANDER, NF

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. WHEAT. Mr. Speaker, on December 12, 1985, 248 U.S. soldiers lost their lives over the predawn skies of Gander, NF. It was the worst military aircraft disaster in U.S. history.

Among the many soldiers aboard that ill-fated flight was a young staff sergeant by the name of Brian Easley, a son of James and Shirley Easley of Independence MO. Like the rest of the passengers, Brian was looking forward to spending Christmas with his family after a long tour of duty in the Middle East. But that was not to be.

Since the tragedy, the Easleys, like scores of other families around the country, have

been seeking the answer to one seemingly simple but elusive question: Why did my child die? Over 6 years later, they have yet to get an answer.

Despite the unprecedented nature of this tragedy, troubling questions about the cause of the crash remain unaddressed. Today, we still have no clear idea what brought the plane down. The only thing we do know is that from virtually the time that the crash occurred, our Government has failed to make a complete effort to get to the bottom of this tragedy.

Although icing on the wings of the plane was originally cited as the cause of the crash, that theory was roundly refuted by a host of credible experts. Although terrorist groups initially took responsibility for the crash, these claims were never fully investigated by our Government.

Over 100 Members of Congress wrote to the President in 1989 urging the administration to undertake a full-scale investigation; we are still waiting to receive a substantive response. Indeed, despite repeated attempts, Congressman ROBIN TALLON and I, and many other Members of Congress have been either rebuffed or ignored by the administration.

Now we are convinced that the only way to begin to answer some of the painful and troubling questions about the crash is by establishing an independent commission to re-open the investigation.

After all, in order to get answers, the right questions must first be asked. At this point in time, I am not at all convinced that the administration will ever begin a serious attempt to ask the hard questions, let alone seek out the answers.

It is our hope and expectation that the commission will be able to do both.

The Easleys and other families of the victims of the crash demand and deserve nothing less. And the citizens of our country expect the fullest possible explanation of what happened at Gander to help ensure that another tragedy like this never occurs again.

RENAMING THE BEAVER, UT, POST OFFICE TO HONOR ABE MURDOCK

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HANSEN. Mr. Speaker, I rise today on behalf of the citizens of Beaver, UT, to introduce H.R. 4786. This legislation pays tribute to an extraordinary man—Mr. Abe Murdock. Indeed, it is an honor to bring a bill to the floor which proposes to rename Beaver's post office as the Abe Murdock United States Post Office Building.

Abe Murdock was elected county attorney of Beaver County in 1923 and established a respected reputation as a specialist in irrigation law. He held this position until he was elected to the House of Representatives in 1932. He served three terms as a Representative, where he was a strong defender of working people and organized labor. In 1941, Abe Murdock won a seat in the Senate. As a Senator, he was actively involved in guaranteeing Utah was granted its fair share of water from

the Colorado River. He was a member of the Senate Committees on Public Lands and Surveys; Territories and Insular Affairs; Post Offices and Post Roads; Banking and Commerce; and Judiciary. His influence contributed greatly to Utah's becoming a leading State in the West.

In 1949, President Truman appointed him to the National Labor Relations board where he served two 5-year terms. He was then appointed to a Presidential panel which addressed labor-management relations in the atomic energy industry, where he made a significant contribution.

Abe Murdock was a man of integrity and fortitude. He represented Utah with strength and dignity. His family, friends, and associates urge your support in placing his name on the Beaver City Post Office to honor his many years of public services.

SUNSWEEP GROWERS CELEBRATES 75TH ANNIVERSARY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. FAZIO. Mr. Speaker, I rise today to honor one of California's and America's finest farmer-owned and operated cooperatives, Sunsweet Growers. This year Sunsweet celebrates 75 years of growth and prosperity. Founded in 1917, Sunsweet has since confronted and overcome hard economic times and an increasingly competitive market. Today, Sunsweet is the world's largest prune producer and handler, as well as a stabilizing force for the entire industry.

At the heart of Sunsweet are the 603 farm family members in my Congressional district and in other areas who farm over 41,000 acres of prune trees. These small, family farms are not only a vital and integral part of the Sunsweet cooperative, but are key elements of local communities and economies in my Congressional district. Their efforts and dedication to the production and marketing of a quality product is evident from the success and growth of Sunsweet.

Sunsweet's processing facilities, located in Yuba City, CA, have efficiently and effectively met the growing demands and needs of domestic and international markets. With over 22 acres under roof, the Yuba City plant is the world's largest, employing over 400 local citizens and making a vital contribution to the regional economy, as well as the economies of California and the Nation.

Sunsweet looks optimistically toward a future of continued growth as consumers become aware of the considerable nutritional value and many health benefits provided by prunes. High in fiber and iron, prunes also supplement a diet with Vitamin A and potassium. Increased consumer demand and over \$200 million in annual sales in more than 30 countries has resulted from a combination of heightened public health awareness and prudent marketing strategies. For instance, a new marketing campaign has advanced the sale of prunes by promoting prune puree as a baking substitute for butter, margarine, and oil. The

prune puree cuts the percentage of fat by 70 to 90 percent, calories by 20 to 30 percent, and cholesterol to zero.

I am proud to represent such a successful and praiseworthy enterprise. Sunsweet Growers represent the best that America has to offer. It is people-based cooperatives such as Sunsweet Growers that deserve our recognition and respect for their years of commitment to preserving our agricultural heritage and farm-based communities. So, Mr. Speaker, it is with great pleasure that I take this opportunity to salute Sunsweet Growers and congratulate them for 75 years of success and prosperity.

TIME TO START HEALING PROCESS IN THE BALKANS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. OWENS of Utah. Mr. Speaker, as I rise today, the Serbian Army, backed by the federal forces of the former country of Yugoslavia, is killing innocent civilians in Bosnia-Herzegovina. Since April 7, over 190,000 people have fled their homes in the wake of bombing, shelling, gunfire, and deprivation.

We hear of a cease-fire, yet see the continued suffering. After nearly a year of violence, where is the State Department? As a recent New York Times editorial pointed out, what would we do if Bosnia had oil?

Mr. Speaker, I will soon be introducing legislation to ban United States assistance for Serbia and Montenegro, and to call on the President to derecognize Yugoslavia. In addition, my legislation will free Yugoslavian assets in the United States.

It is time to end the killing and start a healing process in the Balkans. But this will only be successful if Serbia is convinced to participate. I hope my legislation will be persuasive and I urge the administration to act, not just talk.

CONGRESSIONAL BOON-DOGGLE AT HARVARD

HON. TOM DELAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DELAY. Mr. Speaker, recent polls show that less than 20 percent of the American people trust the U.S. Congress. And it's no wonder. One of the first acts a Representative-elect does is to attend a seminar put on by a liberal Ivy League school. Members-elect attending this partially tax-funded seminar at Harvard, soon after congressional elections, get an unhealthy dose of liberal opinions on a wide variety of subjects. They are already spending tax dollars on themselves and they have not even been sworn in as Members of Congress.

Mr. Speaker, is this Harvard tax-funded boondoggle for congressional freshmen really the best way to orient a new Representative to

the U.S. Congress? Earlier this month, we learned about similar junkets by Members of Congress in a General Accounting Office report which stated that Air Congress has been flying out of control. Hundreds of noncongressional official trips each year all over the world and the United States are taken by Members of Congress costing the taxpayers an estimated \$50 million a year.

The Washington Times has run a series of articles showing how Congress, especially Members of this House, tap into a stealthlike budget of free travel services plus free accommodations at hotels, meals, and even cash per diems for their trips. Yes, the congressional freshmen orientation at Harvard doesn't cost millions of dollars. But even the thousands of dollars of tax money used for this congressional boondoggle sets a bad example for new Members of Congress.

Mr. Speaker, grass-roots organizations have conducted orientations which did not cost the American taxpayers one dollar. Some of these have been set up by Coalitions for America, the Council for National Policy, Free Congress, and Free the Eagle. Members of Congress and heads of these grass-roots organizations give a thoroughly professional and informative orientation. This is the approach that the American people would expect new Members of Congress to take.

SALUTE TO ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the celebration of Asian Pacific American Heritage Month during the month of May. In Sacramento on Friday, May 1, 1992, the Asian Pacific State Employees Association [APSEA] and numerous other community organizations will gather at a reception at the Sacramento History Museum to kick off a month-long calendar of activities.

This year's theme, "A Decade of Change," aptly reflects the growing Asian and Pacific cultural and ethnic diversity in California and Sacramento. This year, Asian and Pacific Islander Americans number nearly 3 million in California and over 7 million in the Nation. Whether here for many generations or newly arrived—we celebrate and share the richness that our diversity has to offer. Along with the social, political, and economic contributions that such diversity brings, we must stand vigilant in the face of those who would misunderstand diversity as a threat and who would translate that misunderstanding into racial hatred. We must move beyond embracing the cultural diversity of California and the Nation as a whole and act as an agent of education and positive change in America.

Mr. Speaker, the Sacramento community is in a far better position for ethnic understanding thanks to the commitment of co-chairs Elaine T. Chiao and Theresa Lee, APSEA president Jim Kahue, and numerous other individuals and organizations. I ask that my colleagues join me in saluting Asian Pacific American

Heritage Month and the fine work of Asian Pacific Americans in Sacramento.

FIRST PRESBYTERIAN CHURCH:
CELEBRATING 170 YEARS OF
SERVICE TO FAITH AND COMMUNITY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to the First Presbyterian Church of Brooklyn on the magnificent occasion of its 170th anniversary.

Located in the historic Brooklyn Heights section of my district, First Presbyterian Church was founded by 10 Brooklyn residents on April 16, 1822. It was originally known as the Brick Church and was then situated on the site where Plymouth Church now stands. It soon became the central meeting house of the young village of Brooklyn and, on April 8, 1934, the church was used to celebrate the incorporation of Brooklyn.

In 1846, the noted architect, W.B. Olmstead designed the present magnificent edifice on 124 Henry Street. Anyone who has been privileged to visit this building can understand why it is often described as a "tower of inspiration and visual beauty." Until the 20th century, when new buildings sprung up in Brooklyn, the church's 90-foot tower was a beacon clearly visible from lower Manhattan, New York Harbor, and the far reaches of our borough.

Through the generosity of its many well-served friends and supporters, Brooklyn Heights Presbyterian has received a number of gifts over the years. In addition to its beautiful building, the church is blessed by an array of artifacts of great artistic and historic significance. I can't count the number of times that I have stood and gazed with awe and wonder at the Tiffany windows and the Van Zoeren organ, to name but two examples.

I would also like to pay tribute to an individual who is truly the heart and soul of this vibrant congregation. My dear friend, Dr. Paul Smith, is one of New York's most respected and admired religious and community leaders. He is the first African-American preacher to serve a Brooklyn Heights congregation. His leadership has inspired the members of the church to spearhead efforts to address not only their spiritual needs, but the needs of the community. I am proud of the programs that deal with adult education, youth enrichment, supporting the elderly, and aiding the homeless that have been run with great success by Brooklyn Heights Presbyterian.

And I would be remiss if I didn't also note that the congregants of this church are among the most committed individuals to the causes of world peace and social justice of any that I have ever known.

First Presbyterian continues to build on its proud and distinguished history of service to its faith and to the rich, diverse communities of Brooklyn. The congregation is still growing and attracting people of all races and cultures. Its physical tower served for decades as a visible beacon in the community. Now, the congrega-

tion serves as an example of the promise and possibilities of a group of people—different and diverse as they may be—who are united by their faith and their commitment to humanity.

DICK ZIMMER SALUTES THE
MORRIS COUNTY HOSPICE

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. ZIMMER. Mr. Speaker, on May 2, 1992, the Hospice of Morris County will be celebrating the successful culmination of its first 10 years of service to the terminally ill and their loved ones.

Since it was established in 1982, the Hospice of Morris County has given sensitive care and comfort to more than 2,000 patients and their families. Through a combination of trained staff and volunteers, the recipients of their services are provided with appropriate nursing care, emotional support, transportation, companionship, and respite care to ease the pain when cure no longer seems a realistic expectation. The Hospice workers are available 24 hours a day, 7 days a week, 365 days a year.

The same high-quality services are always provided, regardless of a family's financial status. Committed leadership, community involvement, and the support of Federal, State, and county legislators have enabled the Hospice of Morris County to celebrate this milestone and look forward to entering its "Second Decade of Caring."

Mr. Speaker, I ask my colleagues to join me and the many whose lives have been touched by its care in saluting the Hospice of Morris County for its dedication to the families it serves.

THE 90TH ANNIVERSARY OF
CONGREGATION POILE ZEDEK

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DWYER of New Jersey. Mr. Speaker, on Sunday May 3, 1992, Congregation Poile Zedek will be celebrating its 90th anniversary.

The Congregation Poile Zedek is an Orthodox Jewish Congregation and is the oldest Orthodox Jewish Synagogue in New Brunswick, NJ. It is a successor to the Independent Laborer's Benefit Association of the city of New Brunswick, NJ, which was incorporated in accordance with the laws of our State, on November 18, 1901.

On August 24, 1924, the name was formally changed to Poile Zedek Congregation. The congregation is self-sustaining and has been an integral part of the Jewish Community of the city of New Brunswick, as well as the State of New Jersey, since its inception.

The congregation has existed at its present location since 1925, where religious services are held daily.

A vital part of Poile Zedek Congregation is the sisterhood of the congregation, which engages in fundraising functions for the congregation and donates proceeds to Jewish religious organizations and charities, such as its recent contribution for the benefit of the Ethiopian tragedy.

The 90 years of service provided to the community by the Poile Zedek Congregation, Mr. Speaker, will hopefully continue to enrich the lives of the many people who are the recipients of its work.

THE DEFENSE COMMUNITIES JOB
TRAINING ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. GEJDENSON. Mr. Speaker, reductions in the national defense budget are having a devastating effect on defense dependent communities across the country. As contracts to major defense facilities are slashed, thousands of workers are being laid off not only in the defense industry but in the surrounding community as well. Defense engineers to area teachers will be needing job search counseling and job retraining to survive.

Under the Job Training Partnership Act [JTPA], these workers can only qualify for counseling and retraining services once they receive notification that they are going to be laid off. In most cases, that gives them a mere 60 days to be retrained and find a new job. This is simply not enough time for workers to take classes, learn a new trade, and market their skills in a sluggish economy.

It would be much more effective then, for people working in defense dependent communities to receive counseling and training services before they are laid off so they can prepare themselves for other forms of employment as the defense industry scales down.

Instead of sending workers off an economic cliff without a safety net as the President would like, Congressman JACK REED of Rhode Island and I are introducing a bill that expands the JTPA to allow workers in defense dependent communities to get the job-search counseling and retraining they need before they receive their lay off notice. Since defense cutbacks will not only affect workers employed by defense contractors, but also those in businesses surrounding big defense facilities, this bill allows all workers in a defense-dependent community to be eligible for the job-search counseling and retraining services offered under the JTPA. This legislation is a cost-effective way to approach the scaling down of the Nation's defense budget. Money spent on job training and job-search counseling will prevent more costly outlays in unemployment compensation, food stamps, and Aid to Families with Dependent Children [AFDC].

The heroes of the cold war have spent the last 40 years producing state-of-the-art defense systems which proved their success countless times—most recently in the Persian Gulf war. While this legislation is not the sole answer to the problems facing defense-dependent communities in these times of shrink-

ing defense budgets, it is an important start. We must assist those communities, who have given so much to the defense of our Nation, to diversify and convert their economic bases. The people in these communities deserve more than a layoff notice for their tireless dedication to this Nation's defense. This legislation gives them the tools they need to rebuild their lives.

I urge my colleagues on both sides of the aisle to support this legislation which aims to give American workers the help they need to become and remain competitive in the post-cold-war work force.

CONGRESS IS OUT OF CONTROL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday April 29, 1992

Mr. PACKARD. Mr. Speaker, Congress is out of control. It has been mired in scandal after scandal; it continues to exempt itself from the laws it passes for the rest of the country; it spends the taxpayers' hard earned money foolishly and indiscriminately.

I rise today to urge the leadership to act in the fight against wasteful spending. Congress has failed to balance the budget for the last 23 years. Our budget deficit is expected to reach \$401 billion and the national debt is projected to climb to \$4.1 trillion. This is the direct by-product of irresponsible spending.

The President transmitted three separate rescission messages to Congress. As a Member of congressional porkbusters, I ask the Speaker to acknowledge the bipartisan support for an up or down vote for every one of these rescissions, which have been introduced as 96 individual bills. I am an original cosponsor of these bills, and believe that Congress should go on record on this issue. We must cut pork from the Federal budget. It is the only way to begin to combat the mountain of debt we have built.

I urge my colleagues today to rescind the funds for these foolish projects which serve no other purpose than to add fat and largesse to an already bloated Federal budget.

AST RESEARCH NAMED TO FORTUNE 500, FORBES PROFITS 500 LISTS

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. COX of California. Mr. Speaker, it gives me great pleasure to honor a company that is blazing new trails in the personal computer industry. AST Research, a personal computer manufacturer headquartered in my district in Irvine, CA, last week was named the 431st largest U.S. industrial corporation by Fortune magazine in its renowned "Fortune 500" list. AST is the first personal computer company to be added to the list since 1986.

AST's performance over the last year has been nothing short of extraordinary. AST's

ranking is based on sales of \$688.5 million for the fiscal year ending June 30, 1991, a 29-percent gain over the previous year. Net earnings increased 84 percent to \$64.7 million during that same period.

More important, this fabulous record shows that America can compete in international markets. European revenues for AST Research increased more than 60 percent in fiscal year 1991. AST recently became the No. 1 PC supplier to the Hong Kong market, surpassing IBM. And AST is also one of the first U.S. personal computer manufacturers to enter the Japanese market with a system that operates in both English and Japanese. Mr. Speaker, this fine company wears the "Made in America" label proudly and profitably around the world.

Perhaps more impressive than its inclusion in the Fortune 500 list is AST's ascension to Forbes magazine's list of the 500 most profitable U.S. corporations. AST Research was ranked No. 451 in this year's "Forbes Profits 500" list, making it the only personal computer company to be added to both of these prestigious lists this year.

During this difficult period of recession and intense competition among PC vendors, AST's inclusion in the Forbes Profits 500 list is even more remarkable than making the Fortune 500 list, which is based solely on sales. AST's ranking resulted from its net earnings of \$70.1 million for calendar year 1991, a 34 percent gain over 1990. Total revenues increased 41 percent to \$827.3 million in 1991.

AST's formula for success includes a sound business model based on years of investment in research and development, and manufacturing efficiency that provides customers with state-of-the-art products at affordable prices. But, without a doubt, its biggest asset is the hard working and dedicated team that has allowed the company to go so far since it was founded just over 10 years ago. It gives me great pleasure, Mr. Speaker, to extend my congratulations to the folks at AST Research for a job well done, and to offer my colleagues in the Congress a helpful tip: Keep your eyes on AST Research. They are going places.

THE NEW SCOOP ON VITAMINS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. GALLO. Mr. Speaker, the following is a recent article from Time magazine entitled "The New Scoop on Vitamins" by Anastasia Toufexis. I commend it to my colleagues as one of the most comprehensive and balanced pieces of journalism I have seen on this subject.

[From Time magazine, Apr. 6, 1992]

THE NEW SCOOP ON VITAMINS

(By Anastasia Toufexis)

It's raining. Flooding, to be precise. But business is as brisk as ever at Mrs. Gooch's natural-foods market in West Los Angeles. As usual, traffic is backed up along Palms Boulevard as drivers wait for a spot in the store's parking lot. Inside, crowds jam the supplement section, which gleams with row

upon row of small, white-capped vials. Here the true believers in the gospel of vitamins linger over labels, comparing brand names and dosages, trading health sermons and nutritional arcana. They discuss the relative merits of Buffered C and Lysine, as opposed to Bio-C Plus Rose Hips, or perhaps Bio-Absorbate Vitamin C Complex capsules. There are no fewer than 10 types and dosages of vitamin C to choose from, not to mention eight of vitamin E.

Maryanne Latimer is among the faithful. A middle-age massage therapist, she has been plagued by chronic fatigue syndrome and has therefore expanded her usual menu of vitamins and minerals. She shops at Mrs. Gooch's about once a week, in addition to other vitamin shops. "I take tons of vitamin C and E," she admits, plus calcium and a daily vitamin-mineral complex. Recently she added to her regimen three tablets a day of pantothenic acid (a lesser-known vitamin) "to help me wake up." Basically, says Latimer, "I'm looking for anything to make me feel better."

But for every true believer in the power of vitamins—and the U.S. has more devotees than any other country—there is an agnostic, a skeptic who insists that vitamins are the opiate of the people. Among the doubters are many doctors. They have been persuaded by decades of public-health pronouncements, endorsed by the U.S. National Academy of Sciences and the National Institutes of Health, that claim people can get every nutrient they need from the food they eat. Popping vitamins "doesn't do you any good," sniffs Dr. Victor Herbert, a professor of medicine at New York City's Mount Sinai medical school. "We get all the vitamins we need in our diets. Taking supplements just gives you expensive urine."

Wavering in confusion between these two schools of thought are the vast majority of Americans, wondering whom to believe. They have heard the gospel of vitamin C as preached by the great chemist Linus Pauling, but they have also heard him ridiculed by health authorities. They may feed their children chewable vitamin tablets, but they question whether the pills are worth the high price. "I'd be thrilled to know what's right and to have someone tell me what to do," says Jane Traulsen, a mother of two who lives in White Plains, NY. "But all the information is so contradictory. It's like trying to make your way through a fog."

But now, thanks to new research, the haze is beginning to lift. And it unveils a surprise: more and more scientists are starting to suspect that traditional medical views of vitamins and minerals have been too limited. While researchers may not endorse the expansive claims of hard-core vitamin enthusiasts, evidence suggests that the nutrients play a much more complex role in assuring vitality and optimal health than was previously thought. Vitamins—often in doses much higher than those usually recommended—may protect against a host of ills ranging from birth defects and cataracts to heart disease and cancer. Even more provocative are glimmerings that vitamins can stave off the normal ravages of aging.

"The field is currently undergoing a paradigm shift," says Catherine Woteki, director of the food and nutrition board at the Institute of Medicine of the National Academy of Sciences. "We are now entering the second wave of vitamin research," explains Jeffrey Blumberg, associate director of the Human Nutrition Research Center on Aging at Tufts University. "The first wave was the discovery of vitamins and their role in combatting

nutritional deficiencies such as rickets and beriberi. That occurred in the first half of the century. Now we're on the second wave. You don't need to take vitamin C to prevent scurvy in this country today. But you could need it for optimal health and the prevention of some chronic disease."

Scientists have so far identified 13 organic substances that are commonly labeled vitamins. In the human body, they play a vital role in helping regulate the chemical reactions that protect cells and convert food into energy and living tissue. Some vitamins are produced within the body. Vitamin D, for example, is manufactured in the skin during exposure to sunlight, and three other vitamins (K, biotin and pantothenic acid) are made inside the human gut by resident bacteria. But most vitamins must be ingested.

Mystique and faddish lore have long surrounded these essential biochemical compounds. Consider vitamins C and E. "Somebody has made practically every claim you could dream of about these vitamins," points out John Hathcock, chief of the experimental-nutrition branch of the Food and Drug Administration. People have been gobbling vitamin C for 20 years in the certainty that it can cure the common cold, though evidence is still lacking. Vitamin E has been wildly popular for four decades because of its putative power to enhance sexual performance. In fact, studies indicate only that it is necessary for normal fertility in lab animals.

More recently, B₆ has won favor as a relief for premenstrual syndrome. Vitamin A is touted as a rejuvenator by people who mistakenly believe that it, like its synthetic relative Retin-A, can give wrinkled, mottled skin that youthful rosy glow. "We never know what next year's fad is going to be," says Hathcock.

It is just this whiff of quackery that made vitamins a research backwater for years. Most reputable scientists steered clear, viewing the field as fringe medicine awash with kooks and fanatics. A researcher who showed interest could lose respect and funding. Certainly Linus Pauling lost much of his Nobel-laureate luster when he began championing vitamin C back in 1970 as a panacea for everything from the common cold to cancer. Drug companies too have been leery of committing substantial energy and money to studies, since the payoff is relatively small: vitamin chemical formulas are in the public domain and cannot be patented.

But attitudes have been shifting over the past few decades. Despite all the sneering, Pauling's speculations did get more scientists thinking about vitamins' impressive powers. As a class of compounds, they are known to produce hugely dramatic effects when missing from the diet: scurvy, pernicious anemia, rickets. What other exciting properties might they—or related compounds—have?

Another driving force in the U.S. is the new "demographic imperative." With a rapidly aging population, America has moved its medical focus from treating acute illness to caring for chronic maladies like heart disease and cancer—a shift that has sent health-care costs skyward. "There's a growing appreciation of the need to find the most economical way to treat and prevent chronic disease," notes Dr. Charles Butterworth Jr. of the University of Alabama. "Food and vitamins are not that expensive." Calculated Tufts' Blumberg: "We could save billions of dollars if we could delay the onset of chronic diseases by as little as 10 years."

Overriding all else, however, is the impact of scientific studies. Beginning in the 1970s,

population surveys worldwide started to uncover a consistent link between diet and health. A diet rich in fruits and vegetables, for instance, became associated with a lowered incidence of cancer and heart disease. Researchers then turned to examining the data nutrient by nutrient, looking at minerals as well as vitamins, to see which are tied most closely with specific ailments. Low vitamin C intake appears to be associated with a higher risk of cancer; low levels of folic acid with a greater chance of birth defects, and high calcium consumption with a decreased danger of osteoporosis.

Intrigued by such clues, the National Institutes of Health, universities and other research organizations began funding laboratory and clinical investigations. By the late '80s, research exploring vitamins' potential in protecting against disease was on its way to respectability. Though the evidence is still preliminary, scientists are excited about several nutrients.

One vitamin attracting attention is folic acid, also known as folate, which was first isolated from spinach. This B vitamin appears to guard against two of the most common and devastating neurological defects afflicting newborns in the U.S.: spina bifida, in which there is incomplete closure of the spine, and anencephaly, in which the brain fails to develop fully. British researchers found that when women who had already given birth to a malformed child received folic acid supplements during a subsequent pregnancy, the chances of a second tragic birth fell sharply.

Another enticing finding reported last January established a link between folic acid and prevention of cervical cancer. According to a study at the University of Alabama's medical school, women who have been exposed to a virus that causes this cancer are five times as likely to develop precancerous lesions if they have low blood levels of folic acid. The discovery may help explain why cervical cancer is more common among the poor. Indigent women usually eat few vegetables and fruits, which are prime sources of folate. Says Butterworth, head of the research team: "It looks like many cases of cervical dysplasia [a precancerous condition] could be prevented with a healthy diet."

Vitamin K, long known to promote blood clotting, appears to help bones retain calcium. Rapid calcium loss is a major plague among postmenopausal women, giving rise to the fragilebones syndrome called osteoporosis. A recent Dutch study of 1,500 women ages 45 to 80 found that calcium loss (as measured in urine samples) could be halved with daily supplements of vitamin K.

Most of the excitement, however, is being generated by a group of vitamins—C, E and beta carotene, the chemical parent of vitamin A—that are known as antioxidants. These nutrients appear to be able to defuse the volatile toxic molecules, known as oxygen-free radicals, that are a byproduct of normal metabolism in cells. These molecules are also created in the body by exposure to sunlight, X rays, ozone, tobacco smoke, car exhaust and other environmental pollutants.

Free radicals are cellular renegades; they wreak havoc by damaging DNA, altering biochemical compounds, corroding cell membranes and killing cells outright. Such molecular mayhem, scientists increasingly believe, plays a major role in the development of ailments like cancer, heart or lung disease and cataracts. Many researchers are convinced that the cumulative effects of free radicals also underlie the gradual deterioration that is the hallmark of aging in all indi-

viduals, healthy as well as sick. Antioxidants, studies suggest, might help stem the damage by neutralizing free radicals. In effect they perform as cellular sheriffs, collar the radicals and hauling them away.

Supporters of this theory speculate that antioxidants may one day revolutionize health care. Biochemist William Pryor, director of the Biodynamics Institute at Louisiana State University, foresees screening people through a simple urine, blood or breath test to assess how much damage free radicals have done to tissue, much as patients today are screened for high cholesterol. "If you can predict who is most susceptible to oxidative stress," notes Pryor, "you can treat them with antioxidants more effectively." Ultimately, says biochemist Bruce Ames at the University of California, Berkeley, "we're going to be able to get people to live a lot longer than anyone thinks."

In that brave new world, people might pop vitamins C and E to deter the development of cataracts, the clouding of the lens in the eye that afflicts 20% of Americans over 65. Patients taking high doses of both vitamins appear to reduce the risk of cataracts by at least 50%, according to a Canadian study. Vitamin C may be especially efficient because it concentrates in the eye. Scientists at the National Eye Institute estimate that if cataract development could be delayed by 10 years, about half of cataract surgery could be eliminated.

Vitamin E may be particularly helpful in preventing free radicals from injuring the heart. Doctors speculate that giving the vitamin to patients during or shortly after a heart attack might help preserve heart muscle. One clue from a study at Toronto General Hospital: rabbits injected with Vitamin E within two hours of a heart attack showed 75% less damage to heart tissue than was expected. The vitamin appears to speed recovery in patients who have had coronary-bypass operations, suggesting that nutrient supplements may one day become part of standard pre-op procedures.

Chugging vitamin E seems to boost the immune system in healthy old people, raising the possibility that supplements could help thwart life-threatening infections. The nutrient may also turn out to be a potent lung saver, warding off the depredations of cigarette smoke, car exhaust and other pollutants. "The effects of air pollution are chronic," says Dr. Daniel Menzel of the University of California at Irvine. "Over a lifetime people develop serious diseases like bronchitis and emphysema. We have fed animals in our labs vitamin E and have found that they have fewer lung lesions and that they live longer." Menzel suggests that priming children with doses of antioxidants could protect them against lung disease as adults, much the way fluoridated water protects them against tooth decay.

For patients found to have Parkinson's disease, vitamin E may hold special promise. The nutrient seems to delay the appearance of tremors, rigidity and loss of balance, thus postponing the need for therapy with dopamine. The vitamin also appears to alleviate some of the unpleasant side effects of antipsychotic drugs, such as twitchy hands, face and feet.

Holding center stage in antioxidant circles, however, is beta carotene, a complex deep orange compound that is naturally abundant in sweet potatoes, carrots and cantaloupes. Beta carotene is turned into vitamin A by the body as needed. That makes it impossible to overdose on beta carotene, even though taking too much vitamin A can lead to liver damage and other effects.

Doctors at Harvard Medical School, who have been following 22,000 male physicians as part of a 10-year health study, have made a stunning discovery about beta carotene. They found that men with a history of cardiac disease who were given beta carotene supplements of 50 mg every other day suffered half as many heart attacks, strokes and deaths as those popping placebo pills. No heart attacks occurred among those in this group who received aspirin along with the beta carotene capsules. The Harvard researchers have begun a trial in 45,000 postmenopausal women to see if a similar effect occurs in women. Scientists speculate that the antioxidant helps prevent those nasty oxygen-free radicals from transforming LDL, the bad form of cholesterol, into an even more menacing artery clogger.

Beta carotene may prove powerful in combatting cancer as well. In countries such as Japan and Norway, where diets are rich in beta carotene, the populations have a low incidence of lung, colon, prostate, cervical and breast cancer. And a study at the University of Arizona Cancer Center found that three to six months of daily beta carotene pills dramatically reduced precancerous mouth lesions in 70% of patients. Pharmaceutical giant Hoffmann-La Roche is so enamored with beta carotene that it plans to open a Freeport, Texas, plant next year that will churn out 350 tons of the nutrient annually, or enough to supply a daily 6 mg capsule to virtually every American adult.

As vitamin research surges, confusion swirls around two basic questions: How much of these nutrients is needed, and what's the best way to get them—in food or in supplements? For half a century, Americans' vitamin intake has been guided by the Recommended Daily Allowances, or RDAs. Introduced during World War II as a way to ensure that military recruits did not suffer from malnutrition, the levels quickly became a standard for the general population. Technically the National Academy of Sciences sets different RDAs for people of different ages and sexes, but to simplify matters, the FDA has since 1968 taken the highest RDA—those appropriate for teenage boys—and endorsed them as the national standard. These are the numbers that appear on cereal boxes.

Two years ago, the FDA announced plans to change this policy. Instead of endorsing an allotment appropriate to ravenous, fast-growing teenage males, it would simply average the RDAs for different age groups. The new figures are considerably lower and, says the agency, are a better barometer of the typical American's nutritional needs. Essentially they reflect the requirements of adult women. The agency has proposed slashing the RDAs for many vitamins, including A, B, C and E, as well as nutrients such as iron, by 10% to 80%. The RDA would also acquire a new name: the Reference Daily Intake, or RDI. (On food labels the RDI would be listed as the Daily Value, or DV.) "By using the old RDAs, you're trying to make the entire population consume more nutrients than it needs," explains John Vanderveen, director of the FDA's nutrition division. "Young males need more nutrients than women, children and the elderly."

But the move to slash RDAs, scheduled to go into effect next year, flies in the face of research that suggests benefits from higher doses of vitamins. The current RDA for vitamin C, for example, is 60 mg. But to get a protective effect against cataracts or cancer may require as much as 100 mg. Similarly, vitamin E may need a boost from the RDA of

10 mg to 100 mg. (There is no RDA for beta carotene, but scientists speculate that 25 mg or more a day could be needed.)

Already many people consider the old RDAs, with their focus on preventing scurvy and other rare deficiency problems, to be irrelevant to real health needs. "Our clientele generally thinks of the RDA as a kind of joke," says Sandy Gooch, owner of the chain of seven Mrs. Gooch's markets in Southern California. What's actually needed, vitamin advocates suggest, is guidelines for optimal consumption. That amount may very well depend upon age, sex and life-style habits.

Do people have to take supplements to get enough vitamins? Nutritionists and doctors agree that everyone's basic needs could be met by eating a diet rich in vegetables and fruits. The U.S. government's 1990 dietary guidelines urge an ambitiously varied meal plan: three to five servings daily of vegetables, two to four of fruit, as well as six to 11 of breads, rice, pasta and grains and two to three of meat, eggs, poultry and dried beans.

As far as America is concerned, most people don't even come close. A mere 9% of adults manage to consume five servings of fruits and vegetables each day, according to the National Center for Health Statistics. By and large, Americans simply don't like vegetables. The most prominent example: President Bush, who once admitted he detested broccoli, now has taken to deriding carrots as "orange broccoli."

Nonetheless, failing to match daily dietary guidelines is no reason to go running for the vitamin bottle. "What you do one day or one week isn't the whole," stresses Jeanne Goldberg, assistant professor of nutrition at Tufts. "It's what your general eating patterns are." Blitzing on junk food for a day or two is no problem if over the long haul a diet regularly contains fruits and veggies. If it does not, popping pills is a good insurance policy, especially important for those who reject greens outright. Supplements are also useful to people with special conditions, including shut-ins, alcoholics and those on very restrictive diets, who tend to be poorly nourished.

Virtually all experts agree that a daily multivitamin won't hurt anybody. Opinion is divided, however, about whether people should be taking doses of vitamins to prevent chronic disease or delay aging. Some argue that enough evidence is in to justify taking moderately high amounts of antioxidants. Several researchers admit they are already doing so.

Others believe it is too soon to be making recommendations to the public. The long-term effects of high-dose supplements are still unknown, and doctors warn of dangers even in the short term. Too much vitamin D, for example, can cause damaging calcium deposits in muscle tissue, including the heart.

Last February the FDA rejected as premature applications by vitamin makers to promote folic acid as a means of preventing neural-tube birth defects, antioxidants as a hedge against cancer, and zinc as a booster of aging immune systems. Both federal and state regulatory agencies have been cracking down on nutrient health claims. The FDA says it will hold label claims to standards similar to those applied to drugs. Advises Dr. Walter Willett of the Harvard School of Public Health: "At this time I say don't take megadoses, but I'm not ruling out that in two or three years we might change our mind."

The wisest strategy right now may be to redouble those efforts to eat more broccoli and carrots, spinach and squash. And to fol-

low the familiar exhortations: get up and get moving, cut down fat and cut out smoking. No matter how powerful antioxidants and the other nutrients turn out to be, they will never be a substitute for salutary habits. But stay tuned. Vitamins promise to continue to unfold as one of the great and hopeful health stories of our day.

A CONGRESSIONAL SALUTE TO MAYOR WILLIAM J. "BILL" PENDLETON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a remarkable man who has served the city of Bellflower with great distinction, Mayor William J. Pendleton. On Monday, April 27, 1992, Bill will be honored by the Bellflower City Council as his term as mayor concludes. Fortunately for the city of Bellflower, he will still serve as a member of the city council.

Born in Phoenix, AZ in 1941, Bill and his family moved to Long Beach, CA, in 1943, settling shortly thereafter in the friendly city of Bellflower. Bill attended the Woodruff Elementary School, Washington Junior High School, St. John Bosco High School, and Bellflower High School. Upon graduation from Bellflower High, Mayor Pendleton earned his associate of arts degree in mathematics, science, and engineering from Cerritos Community College.

Not only has the city of Bellflower been home to Mayor Pendleton for over 46 years but, it was also his first employer as Bill began his career in the Public Works Department. Following his employment with the city of Bellflower, Bill has worked for the Southern California Edison Co. for the past 26 years. He is currently a service crew foreman for the Long Beach district.

Mayor Pendleton's introduction to politics began in 1986 following his election to the city council. Chosen by his fellow council members in April 1991 to serve as mayor, Bill will be remembered as an honest and fair civic leader who did not pull any punches. Bill will also be remembered as the Cruisin' Mayor, a monicker given to him by his good friend, Ron Johnson, due to his love of antique cars. On any given day, Mayor Pendleton can be seen cruising his district in his '39 Ford coupe or his '88 Chevy pickup.

In addition to his commitment and service to the city council of Bellflower, Bill has devoted countless hours and much of his energy to a wide variety of community activities. He has worked with the Boy Scouts of America, Bellflower Sister City Committee, Los Cerritos Y.M.C.A., Indian Guides, and as president of the Bellflower Bobby Sox and the Bellflower Youth Football Booster Club. He has been the recipient of many honors most recently he received the Honorary Service Award from Woodruff Elementary School Parent-Teacher Association.

Mr. Speaker, it is not often that a man with such a dedicated commitment to making our community a better place to live comes to my attention. Therefore, on this most special oc-

casian, my wife, Lee, joins me in extending our heartfelt thanks to Mayor William J. "Bill" Pendleton. We wish Bill and his children, Cynthia and William Jr., all the best in the years to come.

TRIBUTE TO SUNSWEET GROWERS
ON THEIR 75TH ANNIVERSARY

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. HERGER. Mr. Speaker, I am honored to acknowledge the 75th anniversary of Sunsweet Growers, the world's largest producer and handler of prunes. In its 75-year history, Sunsweet has survived two world wars, the Depression and numerous unfair foreign trade practices, and has emerged as a prosperous and competitive player in the world market. The stakes are high for Sunsweet as California prune growers produce more than twice as many prunes as the rest of the world combined. This includes approximately 99 percent of U.S. production and an average of 70 percent of the world supply.

Contributing to Sunsweet's success is a dedicated work force and highly advanced processing plant in Yuba City, CA. Sunsweet employs over 400 local citizens at the Yuba City plant, which, with over 22 acres under one roof, is the world's largest prune processing plant. Prunes are transported to the facility from 603 farming families who tend to and harvest over 41,000 acres of prune trees.

Future economic growth is forecasted for Sunsweet as the public becomes aware of the benefits of a high-fiber diet provided by prunes, and also as East European nations open their markets to foreign products. In recent years, Sunsweet Growers has increased annual sales to \$200 million in over 30 countries worldwide, and commands a majority share of the prune market.

I applaud the growers and employers of Sunsweet and wish them 75 more years of growth and prosperity.

THE RETIREMENT OF JIM CLARK

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. FAWELL. Mr. Speaker, it is a pleasure and a privilege for me to ask my colleagues in the U.S. House of Representatives to join me in congratulating Jim Clark, Superintendent of Schools of District 203 in Naperville, IL. After almost 35 years in the teaching profession, the last 22 as a superintendent, Jim is taking a richly earned retirement.

As a young man, Jim Clark made a commitment to excellence in the teaching of boys and girls, of young men and women. After graduating from Illinois Wesleyan College, and while a teacher and head football coach in Plainfield, IL, he completed work for his master's degree from the University of Illinois. Later, in 1967, he took a leave of absence from teach-

ing to earn his doctorate at Northwestern University.

In 1984, after serving as school superintendent in Cambridge, OH and Batavia, IL, Jim was chosen to be Superintendent of Schools in District 203 in Naperville, IL. Here in Naperville, we feel he made his most valuable contributions as he guided the education of our children. With skill and energy, he created new programs and, working with faculty and parents, achieved success in curriculum development and strategic planning. He promoted the recognition of both students and teachers by establishing an annual Excellence in Education Banquet, to which top graduates invited the teachers who influenced them most. Recognizing that the development of a broad range of interests is essential to a healthy personality, he provided enhanced opportunities in both the arts and athletics.

Jim Clark has long recognized the crucial importance of the teaching of science and technology in the modern world. Under his encouragement and leadership, Naperville School District 203 achieved national recognition when four of its teachers were designated as recipients of the Christa McAuliffe Fellowship by the National Foundation for Improvement of Education, one of six school systems in the nation to be so honored. Two of his most farsighted activities have been to serve as a founding board member for the Corridor Partnership for Excellence in Education and for the Golden Apple Foundation. The partnership promotes business-education cooperation and Golden Apple recognizes exemplary teacher performance.

Through the better part of his career, Jim had at his side his wife, Jean, and their two sons. As he was committed to the high calling of education, he has been devoted to this family. And as a family, they have been energetically involved in the activities of their community—church, civic organizations, and athletics.

Now, as Jim Clark steps back from his more than three decades of distinguished service to the teaching profession, I am confident that he will step forward to a retirement that is equally creative, equally energetic, and equally productive. In whatever he may choose to undertake, his host of friends wish him many years of challenge and contentment.

INTRODUCTION OF NATIONAL BATTLE OF GUADALCANAL REMEMBRANCE DAY

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. RHODES. Mr. Speaker, today I introduced a bill to honor those veterans of the Guadalcanal campaign with the designation of August 2, 1992, as "National Battle of Guadalcanal Remembrance Day."

I was recently contacted by one of my constituents from the First District of Arizona, Mr. Charles F. Sievers. I would like to quote from a portion of his letter.

Said Mr. Sievers, "It was at Guadalcanal where the Japanese advance in the Pacific

was stopped and was, truly, the turning point of the war in the Pacific." Indeed, the landings of Guadalcanal represented the first United States offensive in the Pacific following the fall of Corregidor. During the 6-month campaign between October 13, 1942, and February 9, 1943, there were over 9,000 casualties, including more than 4,300 Army, Navy, and Marine Corps forces killed in action.

Mr. Speaker, it is my great honor to introduce this day of remembrance for those who fought bravely, especially those who never left the field of battle. Their testimony to freedom, to which thousands would ultimately bear witness through the sacrificing of their own lives, should never be forgotten.

TRIBUTE TO MELVIN LINDSEY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. MFUME. Mr. Speaker, I rise today to pay tribute to one of the true innovators of the broadcast industry whose life work will leave a great impression on radio listeners everywhere. The person I am referring to is Melvin Lindsey. Mr. Lindsey had often been called the "voice of evening radio" in Washington, DC because of the ever-popular program he created, the "Quiet Storm."

This mellow music format, established by Mr. Lindsey in the mid-1970's, at Howard University's WHUR-FM, was so successful that it was soon adopted by a variety of radio programmers across the country. During this time Mr. Lindsey also attended Howard University. In 1977 he graduated cum laude with a degree in Journalism. Since then Mr. Lindsey has hosted several programs on various stations throughout the Baltimore/Washington area, including WKYS and WPGC.

Mr. Lindsey never limited himself to radio. In 1989, his talent allowed him to embark into the world of television. Mr. Lindsey became the cohost of "On Time," a television show originating in my district of Baltimore and he also cohosted "Screen Scene," a daily entertainment news program aired nationally on Black Entertainment Television.

Melvin Lindsey enjoyed life and took pride in his many endeavors. Mr. Lindsey found time to take part in numerous civic and community organizations, such as the United Negro College Fund, and the American Cancer Society.

While at the height of his career, Melvin Lindsey discovered that he had acquired the AIDS virus. Because of society's cruelty to AIDS victims, especially public figures, Mr. Lindsey initially decided to keep his illness quiet. His desire to further public awareness about AIDS, finally convinced him to publicly announce his disease.

During the last weeks of his life, Mr. Lindsey, spoke out for AIDS victims everywhere. He allowed several local radio stations and newspapers to interview him about the disease, even as his health was clearly deteriorating. His message to society was that AIDS is not a disease which condemns people to isolation. In fact, Mr. Lindsey continued to work his local radio positions until just before his untimely death.

Mr. Speaker, AIDS is a disease that does not know prejudice. It has claimed the lives of people from many different races, colors, and creeds. In order for there to be any hope for a cure more funding must be provided for research, testing, and treatment. So many precious lives are being lost because of a lack of knowledge about the disease. The young people of this Nation are our future, and unless something is done to encourage them to protect themselves from this disease, they may not live long enough to see a future.

Thus, Mr. Speaker, I would like to join the Melvin Lindsey Appreciation Day Committee in commending Mr. Lindsey for all of his life works. Even though he is no longer with us, people from all over the Nation will gather on April 29, 1992 to pay tribute to this exceptional man.

Mr. Lindsey made sure that this love lives on by requesting that all proceeds from his appreciation event would be donated to his favorite charities: For Love of Children, Inner City AIDS Network and Best Friends, and The Howard University School of Communications. Melvin Lindsey will be sorely missed, but as long as there is the "Quiet Storm," and memories of his unselfish fight to make a difference in the way people treat AIDS victims, his legacy will never die.

MENTAL HEALTH CARE PROVIDERS BOUNTY PREVENTION ACT OF 1992

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. BRYANT. Mr. Speaker, I have become concerned about the increasing reports of abuse and mistreatment of minor psychiatric patients. Therefore, I am introducing legislation to end this practice. Since I started looking into this matter last fall, I have been amazed at both the lengths to which some of those in the health care industry are willing to go and the perversity of such abusive schemes—driven by a commitment to greed, rather than the Hippocratic Oath.

My limited investigation leads me to believe that a private, for-profit psychiatric hospital can be a very dangerous place. In their zeal to compete for dwindling insurance dollars, some of those institutions apparently have been involved in a win-at-any-cost war for patients.

Estimates put the fraud perpetrated by certain actors in the health care industry at \$80 billion. This figure dwarfs the estimated \$5 billion lost through criminal fraud in the entire savings and loan debacle. Most authorities estimate that health care fraud and abuse encompasses 5 to 15 percent of this Nation's overall medical costs—this at a time when health insurance premiums have skyrocketed and become out of reach for a significant portion of our citizens.

These private psychiatric corporations are listed on our major stock exchanges and are almost exclusively motivated by profit because shareholders demand high investment returns, apparently with little management regard for the fact that mistreatment of human beings

can be the cornerstone for generating even greater profits. This bottom line crunch is forcing many for-profit psychiatric hospitals to engage in aggressive—and what should be illegal—recruitment and referral practices that totally ignore the needs of the young people they pretend to serve.

For-profit psychiatric patients have been bought and sold, like so many troubled, but defenseless, slaves, through a plethora of cleverly designed schemes—each scheme more diabolical than the last. I have become aware of instances where bounties have been offered to police, probation officers, and school counselors to recommend patients. Particularly insidious was the situation in which one psychiatric hospital marketing director was on the local school board which determined the fate of errant children.

In many cases, children are transported out-of-State for treatment, a practice which increases reimbursement payments and evades the regulation of any local or State government entity. As one advocate put it: "The Department of Agriculture keeps tabs on every single chicken sent out of State, but nobody can tell you how many kids have been sent to psychiatric facilities out-of-State."

Current Federal laws have not curbed the abuses wrought by those who do not fall within the purview of the Medicaid and Medicare illegal remuneration statutes. That is why I am today introducing legislation to prohibit for-profit patient referrals. Patient referrals should be dictated by patient need and nothing else. To enslave troubled young people out of greed, fueled by our tax dollars, as has so often happened in recent years in my home State of Texas and elsewhere, is an abomination. Those who do so are nothing less than criminals.

The legislation I am offering prohibits intentional solicitation or offers for payment for patient referrals to mental health facilities. The legislation does not prohibit legitimate patient referrals—only the unscrupulous ones simultaneously violating the patients' needs and the taxpayers' pocketbooks. This is a cost containment measure to protect our children from unconscionable abuse. This measure is meant to cover all forms of payment for referral—not merely traditional methods of referral payment. It further provides for criminal penalties; and violations are punishable by fines in excess of \$250,000 and imprisonment of up to 5 years.

I urge my colleagues to join me in supporting this measure and ending this egregious patient abuse.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Care Providers Bounty Prevention Act of 1992".

SEC. 2. TITLE 18 AMENDMENT.

(a) IN GENERAL.—Chapter 89 of title 18, United States Code, is amended by adding at the end the following:

"§ 1822. Mental health care provider bounties prohibited

"(a) Whoever knowingly and willfully solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

"(1) in return for referring an individual to a mental health care provider for the furnishing or arranging for the furnishing of any item or service; or

"(2) in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, or service, or item from a mental health care provider;

shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) Whoever knowingly and willfully offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

"(1) to refer an individual to a mental health care provider for the furnishing or arranging for the furnishing of any item or service; or

"(2) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, or service, or item from a mental health care provider:

shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) Any conduct which under section 1128B(b)(3) of the Social Security Act is precluded from being a violation of that section is not a violation of this section.

"(d) As used in this section, the term 'mental health care provider' means any provider of goods or services for the diagnosis and treatment of mental illness, if the provider operates in or affects interstate or foreign commerce."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 89 of title 18, United States Code, is amended by adding at the end the following:

"1822. Mental health care provider bounties prohibited."

TRIBUTE TO JOHN G. MULHERN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. LEVIN of Michigan. Mr. Speaker, I rise to pay tribute to John G. Mulhern, who today celebrates his retirement from the Ford Motor Co.

For three and a half decades, Jack unselfishly gave of himself. He has contributed with creativity and counseled with compassion. He has performed his various jobs with dedication and determination. He will be remembered and missed for his intellect and expertise. With his quick mind and tremendous knowledge, he has been a ready resource for a wide circle of coworkers.

Ford Motor Co. says goodbye today, not to a useful cog in its impressive machinery, but to a great human being. Jack will be remembered as a man profoundly involved in and in love with life. He will be remembered by his fellow workers for the daily lunchtime phone call he shared with his wife. You could not work with him without seeing his love for his children and grandchildren—his worries about their difficulties and his joys at their good fortunes. He has been an invaluable model in his ability to balance his work with the demands of raising seven children.

Nor was that all Jack modeled in his graceful balancing act. For 7 years he served cou-

rageously on the city council in Inkster. Indeed, in 1969, Ford proudly recognized Jack as a credit to the company, awarding him with the Ford Citizen of the Year Award. Long after he had left politics, he maintained his great interest in government and was always ready to listen and to speak intelligently and passionately on the great issues of the day.

Most of all, Ford will miss the steady goodness of Jack Mulhern. His door was always open, his resourceful mind available for others, and his great goodness towards people was unwavering.

What Ford will miss, others will now gain. His wife, Mary, seven children, and eight-plus granddaughters will enjoy his company. He will feed the homeless. He will counsel the young. He will continue to learn and love, and many will be so much better for it.

IN HONOR OF 20 YEARS—SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. PANETTA. Mr. Speaker, I rise today to congratulate the Santa Cruz County Regional Transportation Commission [SCCRTC] on commemorating its 20 year anniversary.

Since its creation in 1972, the SCCRTC has contended with the doubling of vehicle miles traveled in Santa Cruz County and the doubling of registered motor vehicles in the county. This includes at least a 70-percent growth in county residents and over 80-percent growth in licensed drivers. The occasion of its 20th anniversary is truly a cause for celebration, one that should be enjoyed by both the dedicated employees of SCCRTC and the travelers they have assisted.

Over the last 20 years, the SCCRTC has significantly contributed to the community of Santa Cruz. The accomplishments of this agency have truly been beneficial to the entire area on many different levels. In 1977, the SCCRTC established two ad hoc citizen committees to address the unique transportation concerns of the elderly and handicapped, in addition to the bicycling communities. Today, these citizen committees include over 40 community representatives. In 1979, they initiated the Share-A-Ride Program placing thousands of people in carpools and vanpools. This has proven to have saved millions of dollars and has reduced fuel consumption and vehicle miles. In 1989, the office played a key role in coordinating the recovery of the transportation network severely crippled by the Loma Prieta Earthquake. One of the most salient aspects of this program was the reorganization of the home-to-work trips. During the reconstruction of Highway 17, over 24,000 over-the-hill commuters were assisted with this program.

The SCCRTC has helped to preserve and enhance the quality of life in Santa Cruz County over the past two decades through the dedicated work and contributions of its commissioners, members of the advisory committee, and the staff. Mr. Speaker, I ask my colleagues to join me now in saluting the 20

years of exemplary performance by the Santa Cruz County Regional Transportation Commission.

THE INTRODUCTION OF THE REGULATORY REVIEW SUNSHINE ACT OF 1992

HON. LES AU COIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. AU COIN. Mr. Speaker, many Americans think Vice President DAN QUAYLE is a joke. But when it comes to worker health and safety, clean air, and dozens of other public interest laws, DAN QUAYLE and his so-called Competitiveness Council are no laughing matter.

This panel has become the command center for a war on worker health and safety and environmental standards. It works not for you or me, but only for a select few, above the law and behind closed doors.

Today, at the recommendation of the Quayle council, George Bush is again blocking enforcement of vital health, safety, and environmental laws for another 90 days. This moratorium has already threatened the public by killing warning labels on toys that small kids could choke on, delaying new automatic brake requirements for tractor trailers, and halting safety labels on meat and poultry products.

This panel's—and this administration's—aggressive stand against consumer and environmental laws could carry a big warning label of its own: Caution, the Quayle council can be hazardous to your health.

The next item on the Quayle council's hit list is Clean Air Act, a bill Bush himself once hailed as a major achievement. The President is currently pondering whether to allow industrial polluters to contaminate our environment even more than the law allows—without public hearings or Environmental Protection Agency review.

Hidden behind the veil of executive privilege, the council is not subject to the public accountability laws that govern other agencies. No public record of its communications or decisions is required. As DAN QUAYLE is fond of boasting cynically, the council "leaves no fingerprints," just the wreckage of laws weakened by new loopholes and exemptions for corporate fat cats and polluters.

The Quayle council operates primarily for DAN QUAYLE's big business golfing buddies who, having failed in public debate in Congress, use the council as a secret back door to undermine health, safety, and environmental laws.

It's no coincidence that as the council pushes for a regulation to prevent the public or the EPA from stopping Clean Air Act violations, its staff director was forced to step aside for being a part owner of a chemical company that would profit from the new rule. This star chamber is by definition a conflict of interest.

Well, enough is enough. Today I'm introducing legislation to rip open the curtains and let the light of public scrutiny into this Chamber. This bill, in conjunction with legislation already introduced in the Senate by JOHN GLENN, will require the Quayle council to conform with the

procedures and openness that governs all other government rulemaking agencies.

Specifically, my bill will require the Quayle council to provide public access to all its written communications, provide summaries of oral communications, and explain the reasons for its intervention in the normal rulemaking process.

No longer will the public be shut out. No longer will big business have another chance to change laws that no one else has. It's time to shed some sunlight on George Bush and DAN QUAYLE's secret dealings. Let's make sure the public has the last laugh.

TRIBUTE TO THE INAUGURAL SOUTH CAROLINA'S WASHINGTON SEMESTER PROGRAM

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DERRICK. Mr. Speaker, the members of the South Carolina congressional delegation would like to recognize and commend the 1991-92 inaugural Washington Semester Internship Program sponsored by the University of South Carolina.

This program provides South Carolina's outstanding students with an opportunity to work as congressional interns while pursuing an academically rigorous program of study.

The University of South Carolina's Washington Semester Program joins a number of other prestigious programs sponsored by colleges and universities from across the Nation. These programs provide an invaluable service to the Congress and to the citizens of the United States. Not only do the interns assist us in taking care of the Nation's business, but these students represent the future of governance and public service in America.

The South Carolina delegation would like to recognize the first internship class of the University of South Carolina's Washington Semester Program: Ms. Heidi M. Brooks from Spartanburg, SC; Mr. David T. O'Berry from Graniteville, SC; and Mr. Lee M. Royall from Mt. Pleasant, SC. We congratulate these students on the successful completion of their internship program.

Mr. Speaker, by initiating this program, the University of South Carolina, through its Institute of Public Affairs and South Carolina College, is providing an outstanding educational opportunity for the State and Nation's future leaders. The South Carolina delegation wholeheartedly supports this endeavor, and we look forward to our continued association with this statewide intern program under the auspices of the University of South Carolina.

TRIBUTE TO MARY AND FRED EXUM: CITIZENS OF THE YEAR

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. LEHMAN of Florida. Mr. Speaker, on Friday, May 8, the Hialeah-Miami Springs

Kiwanis Club will honor one of our community's most outstanding couples, Mary and Fred Exum, as 1992 Citizens of the Year. They are a fitting choice.

Mary and Fred Exum are the kind of people every community wants and needs. Besides being generous and caring, they are volunteers and organizers who know how to get things done.

For example, the Exums did 58 voluntary engagements last December as Mr. and Mrs. Santa Claus. They arrived on fire trucks and brought cheer to area hospitals, day-care centers, and nursing homes.

They are also founders of the Miami-Edison Senior High School Over the Hill Gang, an alumni group which, through their efforts, has grown over the years to over 9,000. Fred is also an excellent public speaker who is in great demand at public meetings and private ceremonies.

Mr. Speaker, on behalf of everyone in our community, I want to thank Mary and Fred Exum for the contributions they have made and to congratulate them for a job well done.

ENSURING THE PRESERVATION OF HOUSTON'S HERITAGE

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. ANDREWS of Texas. Mr. Speaker, "the past is never dead; it is not even past," wrote William Faulkner. For those of us who share a love of history and preserving its significance, history's landmarks are the surest guide to understanding our Nation's inheritance. Our landmarks also define us—who we are, what we have done and where we may be going.

During the German bombing of London during World War II, Winston Churchill said, "We shape our buildings, and afterwards our buildings shape us." Recent events in the Houston area, though, should make us pause and reflect upon the shape of our historic future. We have been unfortunate witnesses to historic demolitions accomplished with none of the wartime bombings the Germans inflicted upon London.

Just last week, the 124-year-old John Baker Building in historic Market Square was leveled in the dark of night. The Baker Building had contributed to the development of the neighborhood and was recognized as having significant architectural integrity and historical standing. Indeed, it was a contributing building on the National Historic Register and was a solid citizen of the Market Square Historical District.

The wealthy owner of the building has refused to comment since its destruction, and I do not blame him. There really is no excuse for such indifferent regard for our city's history. What we must promise ourselves is that such an act of historic vandalism cannot happen again in Houston.

Yet this event is not an isolated one. We have also seen the demolition of the Kennedy Corner Building on Market Square and the Case Mare, the so-called Big House on Galveston Bay. Private buildings that nonetheless

possesses historic significance have been razed and I am concerned that we are setting a dangerous and irreversible precedent.

Preservation became a passion for me 4 years ago. During that summer, I wandered across fields of golden rod at the foot of Stuart's Hill on the battlefield of Second Manassas and learned of its historic role. So I was more prepared than most when I read a small announcement months later that a shopping mall larger than the Galleria would be built on Stuart's Hill, bringing 80,000 cars a day to the national park and forever changing it.

The fight that followed to preserve the park taught me a great deal. A national constituency of preservationists, historians, veterans and, finally, a majority of Congress joined the debate. The victory ultimately saved one of America's most important national treasures. While I doubt that the next battle will be so successful, the lessons of Manassas are clear.

There remains no national strategy or system for protecting our most historic national landmarks. There is no clear and understandable legal framework from which to work. Jackson Walker, the past president of the National Trust for Historic Preservation, stated, "We have more statutory protection for the snail darter or the spotted owl than we have for our endangered historic sites."

Despite our victory in saving Manassas, Congress appears to be moving in the wrong direction. The 1986 Tax Reform Act greatly cut back tax credits and incentives for restoring historic buildings after a decade of revitalization projects. There is a direct correlation between changes in the Tax Code and what a developer does with a historic building. In 1985, there were some 3,000 urban restoration projects worth \$2 billion in private investment. Last year, after the changes in the code took effect, there were fewer than 1,000 projects worth less than \$900 million.

Recent administrations share part of the blame. For instance, the Bush administration requested just \$34 million for the Historic Preservation Fund. The Reagan years saw no request for needed preservation dollars. In fact, Donald Hodel, President Reagan's Secretary of the Interior, worked with the developer trying to build the shopping mall at Manassas instead of with those in Congress trying to prevent its construction. His actions only helped to increase the ultimate costs to the taxpayer.

The most important step at the national level is passage of the Heritage Conservation Act. This legislation—affecting some 2,000 sites near our National Parks, monuments, and important battlefields—would freeze private development for 210 days to encourage planning and compromise. It will also establish an emergency acquisition fund.

I am also a cosponsor of the National Historic Preservation Act Amendments of 1991. This measure will help us more clearly define the necessary relationships between Federal, State, and local preservation agencies. It will create a comprehensive and coordinated historic preservation education and training program and establish a National Center for Preservation Technology.

But the most aggressive initiatives must be taken locally. It is a local community that bears much of the responsibility for preserving

its past. The most endangered list will change over time and it is primarily the responsibility of local leaders to decide whether treasures like the Brachus House near Gonzales or the Pilot Building in Houston will be saved and endure or be removed from the endangered list, destroyed by neglect or bad intentions.

In the city of Houston, the absence of zoning laws has helped our city grow with reckless energy. It is time to reexamine how growth can be accomplished and our heritage preserved. These goals are not incompatible, and together they can ultimately mean a richer economy.

The Texas Historical Commission and local organizations like the Greater Houston Preservation Alliance can make a valuable contribution by identifying sites that matter most. All too often city leaders and developers cannot distinguish the important sites from those not worth preserving. There is a need in Texas for a more public designation of our best landmarks, especially in growing urban areas like Houston.

The preservation movement must be more coordinated and creative, combining private, local, State, and Federal remedies. But time is running out. For every Manassas there are many more John Baker Buildings, nearing destruction. But we can summon new energy, renewed determination and a coherent strategy to preservation efforts across our State and still save our historic treasures and fragile heritage for future generations.

INTRODUCTION OF THE EMPLOYMENT TAX IMPROVEMENT ACT OF 1992

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. BARNARD. Mr. Speaker, I have introduced a bill today entitled the Employment Tax Improvement Act of 1992. It is intended to revise the procedures applicable to the determination of employment status for the purposes of employment taxes, while at the same time providing incentives to increase the compliance with information reporting by businesses and the individuals they treat as independent contractors. My cosponsors on this legislation, Mr. SISISKY from Virginia, and Mr. JENKINS from Georgia have worked diligently with me to put this important legislation together. I applaud them and their fine staffs for the hard work behind this bill, and look forward to participating with them in a Ways and Means Subcommittee hearing on this issue this summer.

Specifically, the bill will take the heat off of those undergoing intense scrutiny by IRS for their classification of workers as independent contractors, while at the same time significantly increasing the compliance of those independent contractors who abuse the system and do not pay their fair share of taxes.

For those employers who have mistakenly classified their workers as independent contractors while filing the proper information returns, the bill would allow a limited waiver period for prospective reclassification with no

massive back taxes, interest, or penalties. This would, therefore, allow for reclassification without the fear of putting a company out of business. Once this waiver period is over, those employers that do not wilfully misclassify their workers would be subject to a significantly reduced penalty. This penalty would sting, but in most cases would not put a company out of business, unlike the current massive penalties.

On the compliance side of the legislation, the goal is to reduce the \$20 billion tax gap related to workers not paying their correct amount of taxes. We believe that this bill has a chance to recover more than \$2 billion per year of this gap from the employers of independent contractors who do not provide them with information returns.

In addition, the bill also brings section 530 into the Tax Code, and eliminates the indefinite protection of prior audits in section 530, except in the case of a previous employment classification audit. Codifying section 530 will make its provisions determinative for worker classification decisions, rather than a clause to protect a business from IRS' reclassification of workers. The impact of codification also lifts the ban on the guidance by the service for clarification purposes and eliminates the exception of its coverage for brokered technical service workers.

I urge my fellow members to support this important piece of legislation. Thank you, Mr. Speaker.

TRIBUTE TO MSGR. JOHN G. KURTY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Msgr. John Kurty of Chicago, IL. On Sunday, May 24, Monsignor Kurty will celebrate his 50th anniversary to the priesthood.

Monsignor Kurty has a long and distinguished career as a priest. He was ordained in 1942 in the Ruthenian College Chapel in Rome. Since then, he served as associate pastor and pastor of congregations throughout the Nation.

Father Kurty joined our Chicago community in 1963 as the pastor of Saint Mary's. He became the dean of the Chicago area Byzantine Catholics in 1969 and in 1978 established St. Mary's Mission in Oak Lawn, IL. Pope John Paul II elevated Father Kurty to monsignor in 1983.

Throughout his career, Monsignor Kurty has demonstrated true commitment to God and the community. I ask my colleagues to join me in congratulating Monsignor Kurty on this milestone event. His dedication and service should serve as a model to all Americans.

EXTENSIONS OF REMARKS

FOLGER SHAKESPEARE LIBRARY CELEBRATES 60TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mrs. MORELLA. Mr. Speaker, to the Folger and to the Bard:

To me, fair friend, you never can be old,
For as you were when first your eye I eyed,
Such seems your beauty still.—Sonnet

Mr. Speaker, I rise to congratulate the Folger Shakespeare Library on its 60th anniversary. The Folger opened its doors on April 23, 1932, William Shakespeare's birthday, and has made outstanding contributions to our Nation's cultural community and to American education for the last six decades.

A major center for scholarly research, the Folger houses the largest collection of Shakespeare's printed works, in addition to a magnificent selection of other rare Renaissance books and manuscripts on all disciplines—history and politics, theology and exploration, law and the arts. The Folger is a museum devoted to Shakespeare's legacy, a lively center for the performing arts, and a center for the revitalization of the humanities in our schools.

Each year, some 200,000 people enjoy Folger Library exhibits, medieval and Renaissance music by the Folger consort and readings of poetry and fiction by internationally known writers. Public lectures on current topics as well as Renaissance literature, history, and art reflect the Folger's commitment to preservation of the humanities. The Folger also offers a wide variety of educational programs for both students and teachers.

On April 25, the Folger hosted an open house in celebration of its 60th anniversary and the 428th birthday of Shakespeare. It is a pleasure for me to bring this noteworthy event to the attention of the Congress and I know my colleagues will join me in warmly congratulating the Folger on its 60th anniversary.

HUMAN RIGHTS ABUSE IN INDIA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. TORRICELLI. Mr. Speaker, I would like to bring to your attention a topic of grave concern: Human rights abuse and political deterioration in India.

There has been an increase in social unrest in India over the past few years, particularly in the States of Punjab, Kashmir, Uttar Pradesh, Madhya Pradesh, Haryana, Rajasthan and Maharashtra. People from these regions struggle for religious, ethnic, and cultural freedom of expression in a largely Hindu and often intolerant country. Religious and ethnic minorities are treated like second-class citizens and have watched the desecration of their places of worship.

As a result, residents of the Punjab, Jammu, Kashmir, and Assam have organized themselves into separatist movements, seeking political self-determination for their people. Their

move has often been met with violence, persecution, and the denial of basic human rights, including the right to live without fear.

Last month, the Senate Committee on Foreign Affairs issued a report highlighting the human rights abuses in India. It describes how the state security forces use their offices to systematically torture and kill citizens who are allegedly involved with separatist groups. One practice, called encounter killings, is particularly heinous. State security forces murder suspected militants without filing official records of their detention or death.

The report further describes corruption in the Indian prison system, where detainees are often raped, beaten, and forced to perform menial labor by their jailers. The victims of this system generally seek no judicial recourse since they are often denied or not informed of their civil rights.

What is most reprehensible is that the Indian Federal Government sanctions this inhumanity. Over the last decade, the Government in New Delhi has passed a series of laws that authorize the security forces to disregard the most basic of human rights. The Disturbed Areas Act, the Armed Forces Special Powers Act, and the Terrorist and Disruptive Activities Prevention Act have enabled law enforcement personnel to detain people without trial for extended lengths of time, allow confessions that have been forced, destroy homes, hideouts, or suspected militants and kill with impunity.

As a result, there is a growing distrust of the Indian Security Forces and the Federal Government. People are beginning to take justice into their own hands. The Washington Post reported on November 13, that a man in Lucknow was nearly killed by a mob of citizens who suspected him of kidnaping a young boy. The young boy turned out to be his son.

Last month in the Punjab, Sikhs boycotted an election to choose their own government. They feared the election would be rigged by Federal authorities. New Delhi reacted to the boycott by sending 300,000 soldiers and police to the region, censoring the press and arresting numerous Sikh leaders. The 22-percent voter turnout translated into a vote of no-confidence for the Federal Government.

In a meeting of the United Nation's Security Council in January, Prime Minister P.V. Narsimha Rao indicated his desire to work with the United Nations to improve, among other things, the observance of human rights in India. I urge my colleagues and the Bush administration to hold him to this pledge, urge him to restore public confidence in his government, and insist upon India's compliance with international standards of human rights.

THE NEW RIVER

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. RAHALL. Mr. Speaker, 1 week ago today, at about this very time, I stood on the banks of the New River in southern West Virginia at a place known as Shanklins Ferry. There, flanked by a good number of locally elected officials and amidst a crowd of over

100 concerned citizens, we set in motion a chain of events that may lead to the designation of that segment of the New River under the Wild and Scenic Rivers Act.

Today, I am introducing legislation, the New River Wild and Scenic River Study Act of 1992, toward that end. This bill would cause an eligibility study to be conducted on a 17-mile segment of the New River that extends from the West Virginia-Virginia State line to the maximum pool elevation of Bluestone Lake. All of the land within this segment is in Summers County, WV, and is owned by the Federal Government.

Certain portions of the New River are well known. North and downstream of the segment that is the subject of this legislation lies the New River Gorge National River, established in 1978 as a unit of the National Park System. Often referred to as the grand canyon of the East, this portion of the river is famous for its whitewater rapids, small-mouth bass fishing, and historic coal towns. And, in North Carolina where the headwaters of the New River are found, a segment of the river known as the South Fork has been protected under the Wild and Scenic Rivers Act.

The segment of the New River that is the subject of this legislation, however, is extremely remote. Known primarily by fishermen, hunters, and canoeists, it is an incredibly beautiful free-flowing segment of river. We want to keep it that way. Our intent is to preserve the rural characteristics of the New River valley. In effect, to insure that the New River stays like it is, wild and scenic.

It is my desire to see this legislation through during this session of the Congress. I commend it to the House.

CROP LOSS ASSISTANCE AND RESEARCH TO CONTROL FUTURE SWEETPOTATO WHITEFLY INFESTATIONS

HON. GEORGE E. BROWN, JR.
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. BROWN. Mr. Speaker, in the fall of 1991 agriculture communities throughout Riverside and Imperial Counties in southern California were devastated by an invasion of the sweetpotato whitefly. Imperial County lost over 95 percent of early planted winter vegetables. The Coachella and Palo Verde Valleys in Riverside County lost 59 percent of the green bean crop, 65 percent of the cucumber crop, and 29 percent of the mixed melon crop. The Mexicali Valley lost all of the fall melon crop and much of the sesame crop.

Figures to date show that Imperial County farmers lost over \$125 million. This direct loss to farmers has translated into related losses throughout the communities of \$170 million in private sector sales and \$30 million in personal income. In addition, over 3,400 jobs were lost as a direct result of the sweetpotato whitefly invasion. Food banks were stretched to the limit. Migrant workers—with no place to turn—were left stranded, many of them resorting to living and sleeping in their automobiles. And the resources of the affected communities

were severely impacted. A disaster situation by anyone's definition, except—I must point out—the definition currently used by the U.S. Department of Agriculture.

I understand—although I do not agree with—USDA's decision not to approve a disaster designation for Imperial and Riverside Counties. Under USDA's interpretation of current law, the "flourishing of insects" must be the result of "a severe weather pattern." While one might not be convinced that the sweetpotato whitefly invasion was the result of a "severe weather pattern," there is no doubt that the farmers in Riverside and Imperial Counties were faced with a naturally occurring disaster that could not be brought under control by any known device.

Instead of a week-long freeze, like the one that took place in California in December 1990 and resulted in a disaster declaration by the USDA, farmers in Riverside and Imperial Counties were hit with a prolonged weather pattern that allowed the sweetpotato whitefly to flourish over an extended time period. While the sweetpotato whitefly has been around for over 60 years, this unseasonably hot and humid weather pattern allowed the sweetpotato whitefly to multiply exponentially and ravage crops throughout these two southern California counties. We are lucky, I believe, that the infestation has not yet caused similar damage to other valuable farmland in California, or to farming areas throughout the South.

To rectify this inequity in the law and allow the affected farmers to qualify under the disaster assistance program of the USDA, today I am introducing legislation to clarify the law and put these farmers on even footing with their colleagues across the country who have suffered crop losses due to natural disasters. The legislation has a \$30 million cap and would take effect only if an emergency appropriation is approved by Congress.

In addition, there is a great fear throughout the Southern States that the sweetpotato whitefly will cause similar damage if not brought under control. Of greater importance to the agricultural communities throughout the Nation, the bill I am introducing authorizes \$3 million through the Cooperative State Research Service for whitefly control efforts. These additional funds are needed to accelerate the research efforts focused on biological, chemical, and cropping practice controls related to minimizing or eliminating future crop losses that may result from infestations of the sweetpotato whitefly.

I look forward to my colleagues' support for this effort to deal effectively and quickly with this dangerous pest. I am especially pleased at the bipartisan group of Members who have joined me as original cosponsors of this legislation. The farm communities of Riverside and Imperial Counties are in need of Federal assistance, and nationwide we must get a handle on this insect before it wreaks havoc with agriculture production throughout the Southwest.

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. MARKEY. Mr. Speaker, I would like to call my colleagues' attention to the Nation's recent celebration of National Public Safety Telecommunicators Week. During the week beginning April 12, 1992, Americans honored the thousands of public safety officers and employees whose job it is to coordinate, dispatch, and facilitate the execution of law enforcement and emergency response activities in all of our districts.

Each day, Americans place over 1 million calls to 911 services. In order for emergency services to respond promptly, public safety telecommunicators swiftly and efficiently direct appropriate law enforcement, medical, rescue, or fire-fighting teams where they are needed. The daily regimen of these public safety officers is filled with life-or-death crisis situations to which they must respond calmly, confidently, and with utmost precision. And though untold numbers of Americans owe their lives to their heroic efforts, public safety telecommunicators are not in the limelight. Rather, these dedicated individuals work behind the scenes, with little public recognition of the tremendous value of their service.

This year, Congress showed its appreciation for public safety telecommunicators by passing and enacting House Joint Resolution 284, which designated the second week of April as "National Public Safety Telecommunicators Week." This commemorative not only heightened public awareness of the life-saving communications services provided by public safety telecommunicators but also recognized the leadership of the Associated Public-Safety Communications Officers [APCO] in ensuring the continued quality of these services. With a national membership of 9,000 public safety telecommunicators, APCO is a unified voice for the public safety community in advising Federal, State, and local government agencies on ways to improve emergency response. The Subcommittee on Telecommunications and Finance, which I chair, has benefited from APCO's input on a number of important issues, ranging from spectrum allocation to telephone privacy. I hope that the subcommittee will continue to have the benefit of APCO's views in the future.

Moreover, as we progress further into the information age, advanced communications technologies will increase tremendously the life-saving capabilities of public safety telecommunicators. The emergency telecommunications systems of the future will incorporate new technologies such as digital mapping, solar-powered cellular public rescue phones, and E-911 that will permit dispatchers to respond to emergency calls with greater speed and precision. Judging by their past performance, APCO and public safety telecommunicators will be on the cutting edge in employing these new technologies and services to save lives.

Mr. Speaker, in recognition of National Public Safety Telecommunicators Week, I want to

express my enduring appreciation and gratitude to the thousands of men and women whose efforts on our behalf have long gone without appropriate public recognition.

PERSONAL EXPLANATION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably absent for rollcall votes 67 through 70. Had I been present during these votes, I would have voted "nay" on rollcall 67, "yea" on rollcall 68, "nay" on rollcall 69, and "yea" on rollcall 70.

TRIBUTE TO GUIDO LOMBARDI, SR., JOHN SCACCIA, AND DR. MICHAEL NIGRO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to pay tribute to three citizens of Oakland County, MI, who are being honored by the Italian study group of Troy, MI, for reflecting the highest tradition of the Italian-American heritage: God, country, and family.

The three recipients of the 1992 Italian-American of the year award bestowed by the Italian study group of Troy are: Guido Lombardi, Sr., of Novi, MI, John Scaccia of Rochester Hills, MI, and Dr. Michael Nigro of Farmington Hills, MI.

Guido Lombardi, Sr., was born in Flint, MI, in 1914. His father was from Bagolino in the region of Lombardia, and his mother, Maria, was born near Brescia. Guido's father emigrated to the United States in 1910 with two brothers. Guido, Senior, was only 13 years old when his mother died and 15 years old when his father returned to Italy leaving Guido to care for his younger brother, Modesto. At 17 years of age, Guido Lombardi started loading boxcars at Chevrolet and from that position, advanced to become general foreman, retiring after 47 productive years. Guido married Adelia in 1939 and they had four children, Guy, Gino, Susan, and Dennis. Guido demonstrated a simple faith and trust in God which enabled him to give generously of himself to others. Proud to be an American, he served in the Army in World War II. He encouraged his children to obtain a higher education and contributed his own labor at various schools in partial tuition payment for his children's education. He served as a Boy Scout master and, in his free time, constructed five homes, two for himself and three for his extended family. Guido Lombardi, Sr., is a member of the Venetian Club of Mutual Aid and the Fogola Furlan.

Dr. Michael Nigro was born in Jersey City, NJ, and traces his roots to Avellino, Italy. For the past 6 years, Dr. Nigro has been chief, division of neurology, Children's Hospital in Detroit. He has been medical director for the

muscular dystrophy clinic of Greater Detroit and is a board certified neurologist and clinical professor in neurology at the Michigan State University College of Osteopathic Medicine, as well as Wayne State University. For 20 years, Dr. Nigro has engaged in clinical research and has published scientific papers in prestigious medical journals. He has interacted with Italian University professors and has delivered papers on pediatric neurology in Italy. Dr. Nigro served with a task force on Reye's Syndrome for the Department of Health and is a consultant to the Macomb Intermediate School District and the Epilepsy Center of Michigan.

John Scaccia, a native of Broccostella, Frosinone, was born in 1943 during World War II; his father was released from a German prisoner of war camp in 1948 and the family emigrated to the United States in 1954. Settling in Hazel Park, John graduated from Hazel Park High School and worked for Lombardi Foods, later forming a building company with his brother-in-law, Vittorio Polsinelli. After working as a bricklayer for 9 years, he founded the Scaccia Building Co. which has built homes in Troy and over 1,000 homes in the Detroit area. A member of the Builder's Association of Southeastern Michigan, Scaccia was "Builder of the Year" in 1988 and recently represented the Italian-American Builders Association at its convention in Las Vegas. Mr. Scaccia is married to Lucia Polsinelli and they have three children, Tony, Cindy, and David. He has actively supported programs for the mentally impaired at Our Lady of Providence in Northville; he is an active member of St. Anne Parish in Warren and has raised funds to rebuild the bell tower and altar in his hometown parish in Broccostella, Italy.

I commend all three recipients of this important award for their contributions and their accomplishments.

TRIBUTE TO THE BRONX SHEPHERDS RESTORATION CORPORATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to an important institution of the South Bronx community: Bronx Shepherds Restoration Corp. On April 23, Bronx Shepherds celebrated its 13th anniversary, and it is with great pleasure that I congratulate Bronx Shepherds for over a decade of invaluable service to the South Bronx.

Bronx Shepherds was founded during a period of severe social and economic decline in the South Bronx to rehabilitate and uplift the South Bronx physically, spiritually, socially, and economically. The clergy and lay people who founded Bronx Shepherds Restoration Corp. intended to stimulate change and redevelopment while improving the opportunities and potential for all residents of the community. There is no question that, throughout the 13 years of its existence, Bronx Shepherds has achieved all that it set out to do and much, much more.

In order to carry out its plan for rehabilitation, Bronx Shepherds has sponsored a New

York State Weatherization Program that has weatherized more than 2,000 units and renovated over 166 apartments in the Bronx over the last 8 years. Bronx Shepherds recently has also begun the development of 55 units of low/moderate income housing using the Local Initiative Support Corporation/Housing Preservation & Development. As a result, low/moderate income families will be able to enjoy excellent housing they would not otherwise be able to afford. In addition, Bronx Shepherds is presently conducting a search for other buildings that might be available for rehabilitation.

Through various construction projects that Bronx Shepherds is currently sponsoring, the corporation is initiating the execution of its other goal: The revitalization of the Bronx. Two of the projects, Shepherd Townhouses and Lloyd Pryce Houses, will provide excellent quality two-family brick homes to families of moderate income. The first project is being carried out under the New York City Partnership Small Homes Program and the second project will provide built-in subsidies to help moderate/low-income individuals purchase their own homes. Bronx Shepherds' third and most ambitious project is Melrose Court. This project consists of 3- and 4-story buildings, containing 263 duplex residences, built of concrete and steel construction. The design includes private landscaped courtyards with sitting areas and walking paths.

Bronx Shepherds has also directed its efforts toward the construction of senior citizen housing to serve the substantial senior citizen population in the Bronx. The Shepherds expect to build 69 units of senior citizen housing, with 5 percent of the units equipped for handicapped or disabled residents. The facilities will include a club room, art and game room, activity room, laundry room, meeting hall, outdoor sitting areas, and parking lot.

Through all of these projects—and countless others, such as the On the Job Training Program which provides training in the areas of building maintenance, computer skills and the culinary arts for youths 16 to 21 years old—the Bronx Shepherds Restoration Corp. has worked tirelessly to stimulate job creation and improve the quality of life for residents of the Bronx. It has provided numerous people with opportunities they would otherwise never have enjoyed and with the inspiration to themselves create and pursue opportunities.

Mr. Speaker, please join me in congratulating the Bronx Shepherds on its 13th anniversary and expressing, on behalf of the South Bronx community, my deep gratitude for the valuable role the corporation plays in helping the Bronx overcome the many obstacles in its way to becoming a happy, productive and prosperous neighborhood.

TRIBUTE TO JOE SACCENTE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. SCHUMER. Mr. Speaker, today I would like to call your attention to Mr. Joe Saccente who is retiring after 42 years of service to the New York City Board of Education.

Mr. Saccente was born and raised in Brooklyn. He received his bachelors and masters degrees in education from City College and a professional diploma in administration from St. John's University.

In his numerous teaching and leadership roles with the New York City Public School System, Mr. Saccente played a vital part in achieving integration in various schools and districts in the face of intense opposition from large segments of the community.

We must never forget, nor underestimate, the contribution educators make to the lives of our children and to the health of our community. It is an honor to be given the opportunity to thank an individual who dedicated 42 years of his life to improve the very fabric of our society, to foster understanding and acceptance amongst our children.

Mr. Speaker, my colleagues, please join me in saluting this fine man and his wife of 35 years, Dorothy, and his two sons, Joseph and Jamie, on the occasion of his retirement from his long life of serving and educating our children.

TRIBUTE TO THE EDUCATIONAL OPPORTUNITY PROGRAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to take this opportunity to share with my colleagues the 24th anniversary of the Educational Opportunity Program at the College of Science and Liberal Arts at the New Jersey Institute of Technology.

This wonderful program provides comprehensive educational and support services to academically and economically disadvantaged students. Founded in 1968 as the Engineering Opportunity Program, it has steadily grown and is considered a national leader among technologically oriented enrichment programs offered at the university level.

Each year approximately 550 New Jersey Institute of Technology students participate in educational opportunity programs [EOP] while advancing toward their desired careers. Essentially, these are young women and men who are believed to have the potential for success, but lack the finances or grades that would normally be sufficient for regular admission to NJIT. The EOP works with high school teachers and counselors to identify potential candidates who they feel would benefit from such a program.

In conjunction with the anniversary of the Educational Opportunity Program is the 20th annual awards banquet, which honors the graduating seniors and other students who have shown improvement and to express appreciation to industry and community supporters.

Mr. Speaker, so many high school students want to go to college but simply do not have the resources to continue their education. I have long held to the belief that given the chance to succeed, our youth will succeed, and lead our country into the future. I am sure my colleagues will join me in congratulating

the Educational Opportunity Program of the College of Science and Liberal Arts at the New Jersey Institute of Technology. I am proud to have this wonderful university in my congressional district.

OUR PRAYERS ARE WITH BETH MERRITT

HON. TOM DELAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. DELAY. Mr. Speaker, as former Republican Study Committee and Policy Committee staffer Beth Merritt recovers from her brain tumor surgery last week, I would like to take a moment to let her know that our prayers are with her for her complete recovery.

Beth was a tireless advocate and supporter for pro-family values and legislation as director of communications for the Republican Study Committee and a research analyst for the Republican Policy Committee. In addition to the very commendable job she accomplished in these positions, Beth was very much involved in the activities of her church.

All the members of the Republican Study Committee who know Beth want to wish her the best as she faces the challenges toward full recovery. And we wish to let her know that she, her husband, Mark, and 7-month-old son, Mark David, Jr., are in our prayers.

SEVENTY-FIFTH ANNIVERSARY OF THE MICHIGAN STATE POLICE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. CAMP. Mr. Speaker, I rise today to recognize the 75th anniversary of the Michigan State Police. Established in 1917 as the Michigan State Troops, this organization's original purpose was to protect the home front while the National Guard fought in World War I. Originally, this 300-member mounted force was organized to protect the State in situations where order was needed. Having gone through many transformations, this organization is now known as the Michigan State Police, one of the most respected law enforcement organizations in the country.

Throughout its history, the Michigan State Police have provided the people of Michigan with superior protection using up-to-date training and technology to protect the citizens of Michigan. The Michigan State Police membership has grown from 300 to 3,000, and at the same time their commitment to quality through excellence, integrity, and courtesy has been retained. Indeed, these individuals have been fighting crime and preserving the peace throughout Michigan for 75 years. Members of the Michigan State Police have a devotion to our State and pride in their work.

Mr. Speaker, it is a privilege to recognize the Michigan State Police for their unstinting efforts to serve the people of Michigan, and I ask you and my colleagues to join me in salut-

ing them on the occasion of their 75th anniversary.

TRIBUTE TO SANDRA ROCHELLE SCHACHTER

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1992

Mr. WEISS. Mr. Speaker, on April 15, 1992, it was my honor to pay tribute to my constituent Sandra Rochelle Schachter, who was named New York State Mother of the Year by American Mothers, Inc. At this special event, friends and family, colleagues and community leaders praised this accomplished woman. In addition to raising, with her husband Alan, their deaf and autistic son David, Mrs. Schachter is a graduate of the American Academy of Dramatic Arts in New York City. She is an award-winning, internationally published poet, as well as the host, executive producer, and writer of three different PBS series. She is also the vice chair of the Manhattan Disabilities Council.

Mrs. Schachter represented New York State at the American Mothers Inc., national convention which was held last week in Los Angeles. I am pleased to have as a constituent such a dynamic and caring woman as Mrs. Schachter and offer her my sincerest congratulations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 30, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 1

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1993 for foreign assistance programs, focusing on Agency for International Development management and reform issues.

SD-192

10:00 a.m.
 Finance
 Deficits, Debt Management, and International Debt Subcommittee
 To hold hearings to examine the debt crisis in the newly independent states of the former Soviet Union.

SD-215

Foreign Relations
 To hold hearings to examine chemical weapons ban negotiation issues.

SD-419

MAY 4

10:00 a.m.
 Appropriations
 Military Construction Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1993 for Army and Navy military construction programs.

SD-192

4:00 p.m.
 Foreign Relations
 To hold hearings on the Protocol on Environmental Protection to the Antarctic Treaty (Treaty Doc. 102-22).

SD-419

MAY 5

9:30 a.m.
 Armed Services
 Projection Forces and Regional Defense Subcommittee
 To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the near and long-term outlook for the United States Marine Corps.

SR-232A

Commerce, Science, and Transportation
 Aviation Subcommittee
 To hold hearings on proposed legislation authorizing funds for the Federal Aviation Administration, Department of Transportation.

SR-253

Governmental Affairs
 To resume hearings on S. 20, to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget.

SD-342

Judiciary
 Antitrust, Monopolies and Business Rights Subcommittee
 To hold hearings on the involuntary transfer of insurance policies.

SD-226

Small Business
 To hold hearings on the nomination of Thomas P. Kerester, of Virginia, to be Chief Counsel for Advocacy, Small Business Administration.

SR-428A

2:00 p.m.
 Appropriations
 Interior Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1993 for the National Park Service, Department of the Interior.

S-128, Capitol

Foreign Relations
 European Affairs Subcommittee
 To hold hearings on protecting minority rights in the new independent states and eastern Europe, focusing on the role of the United States.

SD-419

Judiciary
 Constitution Subcommittee
 To hold hearings on S. 2304, to revise title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony.

SD-226

MAY 6

9:30 a.m.
 Commerce, Science, and Transportation
 Science, Technology, and Space Subcommittee
 To hold hearings on S. 2297, to enable the United States to maintain its leadership in land remote sensing by providing data continuity for the Landsat program, by establishing a new national land remote sensing policy.

SR-253

Energy and Natural Resources
 To hold hearings on the science concerning global climate change.

SD-366

Rules and Administration
 To hold hearings on S.J. Res. 221, providing for the appointment of Hanna Holborn Gray, of Illinois, as a citizen regent of the Smithsonian Institution, S.J. Res. 275, providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution, and other pending regent appointments.

SR-301

Select on Indian Affairs
 To resume oversight hearings on the implementation of the Indian Gaming Regulatory Act (IGRA).

SR-485

10:00 a.m.
 Appropriations
 Transportation Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1993 for the U.S. Coast Guard, Department of Transportation.

SD-138

Environment and Public Works
 Nuclear Regulation Subcommittee
 To hold hearings to examine nuclear waste and nuclear power plant safety in Russia.

SD-406

Finance
 To hold hearings to examine proposals on comprehensive health care cost reform.

SD-215

Governmental Affairs
 Business meeting, to consider pending calendar business.

SD-342

Labor and Human Resources
 To resume hearings on S. 1622, to revise the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees.

SD-430

10:30 a.m.
 Judiciary
 Antitrust, Monopolies and Business Rights Subcommittee
 To hold hearings to examine retail gasoline marketing, focusing on gasoline company and station owner competition.

SD-226

2:00 p.m.
 Labor and Human Resources
 To hold hearings on S. 492, to revise the National Labor Relations Act to ex-

empt employers engaged primarily in the live performing arts from certain unfair labor practice prohibitions relating to specified types of agreements with labor organizations.

SD-430

MAY 7

9:30 a.m.
 Appropriations
 VA, HUD, and Independent Agencies Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Veterans Affairs, and the Court of Veterans Affairs.

SD-124

Energy and Natural Resources
 To hold hearings on the nomination of Linda G. Stuntz, of Virginia, to be Deputy Secretary of Energy.

SD-366

10:00 a.m.
 Appropriations
 Commerce, Justice, State, and Judiciary Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1993 for the Supreme Court of the United States, the Legal Services Corporation, and the Federal Trade Commission.

S-146, Capitol

Finance
 To continue hearings to examine proposals on comprehensive health care cost reform.

SD-215

Judiciary
 Business meeting, to consider pending calendar business.

SD-226

MAY 11

9:30 a.m.
 Governmental Affairs
 To hold hearings on implementation of provisions of the Endangered Species Act relating to native Hawaiian wildlife.

SD-342

MAY 12

9:00 a.m.
 Energy and Natural Resources
 To hold hearings on energy policy implications of global climate change and international agreements regarding carbon dioxide emissions.

SD-366

9:30 a.m.
 Appropriations
 Interior Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Energy.

SD-116

2:30 p.m.
 Energy and Natural Resources
 Public Lands, National Parks and Forests Subcommittee
 To hold hearings on S. 2021, to designate a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, S. 2045, to authorize a study of the prehistoric Casas Grandes Culture in the State of New Mexico, S. 2178 and H.R. 2502, to establish the Jemez National Recreation Area in the State of New Mexico, and S. 2544, to establish in the Department of the Interior the Colonial New Mexico Preservation Commission.

SD-366

- MAY 13**
- 9:30 a.m.
Rules and Administration
Business meeting, to consider pending calendar and administrative business.
SR-301
- Select on Indian Affairs
To hold joint oversight hearings with the House Committee on Education and Labor to examine proposed budget requests by the Bureau of Indian Affairs for the Indian School Equalization Program.
SR-485
- 10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to the education and employment of veterans.
SR-418
- 1:30 p.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings to examine the conservation of the northern spotted owl and the ecosystem upon which it depends under the Endangered Species Act and other Federal laws.
SH-216
- 2:00 p.m.
Select on Indian Affairs
Business meeting, to mark up proposed legislation on improving native Hawaiian health care.
SR-485
- MAY 14**
- 9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Emergency Management Agency.
SD-124
- Energy and Natural Resources
To hold hearings on S. 2607, to authorize regional integrated resource planning by registered holding companies and state regulatory commissions.
SD-366
- Governmental Affairs
To hold oversight hearings on S. 2624, authorizing funds for the Interagency Council on the Homeless and the Federal Emergency Management Food and Shelter Program.
SD-342
- 10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Aviation Administration, Department of Transportation.
SD-138
- 10:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold oversight hearings on the activities of U.S. and Foreign Commercial Service, Department of Commerce.
SR-253
- 2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1624, to revise the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park, and S. 2321, to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan.
SD-366
- Governmental Affairs
To hold hearings on the nominations of Judith E. Retchin, Ann O'Regan Keary, William M. Jackson, and Stephanie Duncan-Peters, each to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342
- Select on Indian Affairs
To hold hearings on proposed legislation to increase the capacity of Indian tribal governments for waste management on Indian lands.
SR-485
- MAY 19**
- 10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Bureau of Indian Affairs, Department of the Interior.
SD-116
- MAY 20**
- 2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol
- MAY 21**
- 9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the National Community Service, and the Points of Light Foundation.
SD-116
- Armed Services
To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the use of advanced simulation technology.
SD-G50
- Energy and Natural Resources
To hold hearings on the Department of Energy's program for environmental restoration and waste management.
SD-366
- 6:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the General Accounting Office.
SD-138
- MAY 22**
- 9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Housing and Urban Development and certain related agencies.
SD-138
- JUNE 4**
- 10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings to examine issues relating to maritime reform.
SR-253
- JUNE 9**
- 10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for the Department of the Interior.
S-128, Capitol
- 2:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.
S-128, Capitol
- CANCELLATIONS**
- APRIL 30**
- 2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1993 for the Department of Energy.
SD-116
- Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219
- MAY 6**
- 10:00 a.m.
Rules and Administration
To hold oversight hearings on the Smithsonian Institution.
SR-301

HOUSE OF REPRESENTATIVES—Thursday, April 30, 1992

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us we pray, O God, the gift of faithfulness. We recognize the demands for decisions that are on every side and we experience the competing voices and the range of motivations that call for our attention. Yet, we earnestly pray, gracious God, that in our thoughts and words and actions we will, above all else, be faithful to the high calling that Your Word has given to us. For You have shown us, O God, what is good—to do justice, to love mercy, and to walk humbly with You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from Mississippi [Mr. MONTGOMERY] to lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRESIDENT BUSH'S EXTENSION OF MORATORIUM

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, Government regulations levied on American businesses cost taxpayers \$400 to \$500 billion every year sucking precious resources and vitality out of our economy. Congress passes these regulations in the name of the American consumer who picks up the tab for Government's great ideas each time a product is purchased whose price includes the rising expense of complying with an ever-increasing array of Government requirements.

President Bush has made a commitment to reducing the regulatory burden on our economy. Yesterday, he announced the extension of the moratorium for another 4 months.

The success of the moratorium is undeniable. The number of rules proposed by Federal regulators has been cut in half. This cut, combined with an aggressive effort to revise current regulations, could save \$10 to \$20 billion in business costs passed on to consumers. Reforms that have taken place since January 28 will save Americans at least \$15 to \$20 billion per year or \$225 to \$300 per family per year.

I applaud President Bush for taking this critical action and commend Vice President DAN QUAYLE for the good hard work of the Council on Competitiveness in working to restore fairness to American consumers and competitiveness to American businesses.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Richard von Weizsaecker, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, April 9, 1992, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY PRESIDENT RICHARD VON WEIZSAECKER OF THE FEDERAL REPUBLIC OF GERMANY

The Speaker of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort His Excellency Richard von Weizsaecker into the Chamber:

The gentleman from Missouri, Mr. GEPHARDT;

The gentleman from Michigan, Mr. BONIOR;

The gentleman from Maryland, Mr. HOYER;

The gentleman from Florida, Mr. FASCELL;

The gentleman from Illinois, Mr. MICHEL;

The gentleman from Georgia, Mr. GINGRICH;

The gentleman from California, Mr. LEWIS; and

The gentleman from Michigan, Mr. BROOMFIELD.

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Richard von Weizsaecker into the Chamber:

The Senator from Maine, Mr. MITCHELL;

The Senator from Rhode Island, Mr. PELL;

The Senator from Illinois, Mr. SIMON;

The Senator from Virginia, Mr. ROBB;

The Senator from Hawaii, Mr. AKAKA;

The Senator from Kansas, Mr. DOLE;

The Senator from Mississippi, Mr. COCHRAN;

The Senator from Indiana, Mr. LUGAR; and

The Senator from South Dakota, Mr. PRESSLER.

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments. The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 3 minutes a.m., the Doorkeeper announced the President of the Federal Republic of Germany.

The President of the Federal Republic of Germany, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency Richard von Weizsaecker, President of the Federal Republic of Germany.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY
PRESIDENT RICHARD VON
WEIZSÄCKER OF THE FEDERAL
REPUBLIC OF GERMANY

President VON WEIZSÄCKER. Mr. Speaker, Mr. President, distinguished Members of Congress, honored guests, may I, to start with, refer to the "Sleeping Beauty," by which, of course, I do not mean this august assembly after having been exposed to a few sentences of mine, but the classical ballet which will be presented tonight as part of my invitation to the Kennedy Center for the Performing Arts. What is the significance, so I have been repeatedly asked of showing this ballet tonight?

I will not venture to renarrate that age-old German fairytale, but let me try to give you a parable: You might, if you like, attribute the active role of the story, that of the prince, to America. For the "Sleeping Beauty" I leave the role for your imagination to pick, but here is my offer for this morning:

The "Sleeping Beauty" is "life, liberty and the pursuit of happiness" for all mankind, kissed awake by the prince. Following his first astonishing success more than 200 years ago, he moved on to continue his blissful mission and reached—about 2 years ago—Eastern Europe including the eastern part of my own country. As we all know, some more kisses may be needed to unveil the full beauty, but there is confidence in his ongoing irresistible drive.

[Applause.]

Mr. Speaker and Mr. President, thank you for giving me the floor. It is an outstanding honor for me to speak as the first head of state of United Germany to the Congress of the United States of America. I will say a few words about American-German relations, past, present, and future.

It is an exceptional story. Back in 1867, Senator Charles Sumner from Massachusetts wrote: "God grant that the day may soon dawn when all Germany shall be one." At the time, your Nation had just concluded a bitter civil war. In the meantime, my country and its neighbors had been through a period of sharp divisions, ideological struggle, devastating nationalism, dictatorship, and crime against humanity. But in the light of recent developments, Senator Sumner's vision reflects the inspiration and assistance we, Germans, have received in the lifetime of my generation from you, from America and its people.

When misery prevailed in Europe after World War II, America reached out and helped in a magnanimous way unparalleled in the history of victorious world powers. That support was intended for everyone, including defeated enemies. America gave expression to

its own dignity by honoring the dignity of other peoples.

More than 10 million soldiers served far away from home in Europe over the span of half a century, on watch for liberty, culminating in the unforgettable Berlin airlift when that city was cut off from its supplies by Stalin's blockade.

You helped us recover and rebuild a solid democracy. Together we grew into a reliable partnership and forceful alliance that finally helped in a crucial way to bring about the end of the division of Europe. We, Germans, will never forget the warm wave of sympathy among American citizens when the wall in Berlin came down. And then for the first time in my country's history unity was achieved without threat or violence, in accord with all neighbors and in unfaltering continuation of our values and alliances. This development exceeded all dreams and expectations. It would never have been accomplished without the decisive support and leadership of the United States of America.

I have come today to express the gratitude of the German people to you, Mr. Speaker and Mr. President, and through you to the citizens of this great Nation: Thank you, America.

[Applause.]

With the successful end of the cold war fundamental changes come about. Centralized Soviet rule and the last colonial empire have gone. A vacuum both of power and order seems to emerge. The heavy hand of social, economic and political suppression rested on Eastern Europe for the longer part of this century. It left peoples renowned in history for their outstanding contribution to culture and humanity out of step with our times. Now we are trying to catch up with admirable energy and endurance, often in desperate need and in all cases with great expectancy.

That expectancy is largely addressed to us in the West. But in our part of the world, too, there is change. Some deeper rooted misgivings and claims which remained under the surface during the overriding East-West conflict are now appearing. In all our domestic debates new quests for orientation arise. Priorities are being reviewed. Governments and parliaments are having a hard time explaining to their constituents wherever and why commitments outside their own society are called for.

Such legitimate challenges have to be taken very seriously. We will need open minds and strong convictions, and to that end a sober and candid assessment of our lasting interests.

As for my country, we all agree that it was the dramatic division between East and West which made it possible soon after the war to bring the Federal Republic into the European and Atlantic partnership and to incorporate it in

the world trade and monetary system. For the first time in our history, we became a western state. But the nation remained divided. While we, in West Germany, were able to build a stable democratic society, a reassuring social market economy and strong ties with western friends, the East Germans were left to go on losing the war for decades.

Finally, against all odds, unification came true. What is to be expected now? A domestically preoccupied, inward-looking Germany not fully appreciating her international obligations? A Germany too populous and economically too strong for a balance in Europe, a Germany tempted to look east again, to seek a revitalized ambiguity in the continental center, to go it alone as a nation? Or simply an unpredictable Germany still too uncertain of herself, too evasive one day, too self-assertive the next? All such kinds of speculation are in the air. In all our domestic debates now, let us look at the realities more closely and step by step.

Germany has achieved political unification. Now we have to accomplish economic, social and mental unity. There is a long way to go. Much sensitivity is called for. Coping with the legacy of the past, then an oppressive burden on the people in the East, remains a tremendous task. To transform a command economy right away into a market economy is an adventure never experienced so far. It will take more time and money than was realized or admitted initially.

We are learning. Unification is the most important domestic task. Any German Government failing in it would create disorder and would be no reliable partner able to play its proper role in meeting international responsibilities.

But, Mr. Speaker and Mr. President, it will not fail. Despite all our difficulties we realize how fortunate we are when we consider the much larger problems east of us. East Germans will work hard, West Germans will contribute their share, and investors, including 140 companies of America so far, and I would like to invite your country's business community most cordially to increase this number.

We never looked upon Germany's unity as an aim in itself. Both German and European division and unity belong together. We owe German unity to the peaceful revolution and change in Europe. And to Europe's further progress we devote our national efforts. The challenge confronting the West today is not primarily the military strength of the former Soviet Union but its economic weakness and disorder. Naturally, the former Eastern bloc countries will have to do most of the reforming work themselves, but the people in Eastern Europe want to be free. If the lack of food becomes their prime concern, freedom, and de-

mocracy may, however, be lost once again.

We have to accept, I think, the message of Vaclav Havel who warned, years before he addressed this assembly as head of state, that Western happiness would be fragile and ambivalent if it were permanently to be protected against Eastern misery. We have no choice but to help people in Eastern Europe, in their interest as in ours. The airlift to Moscow and St. Petersburg that started out of Frankfurt in February this year symbolizes our joint resolve. And more action has to follow.

The end of Europe's division has not pushed Germany further east. It means rather that the European Community has moved to the center of the continent. The Germans, and especially those in former East Germany, feel not the slightest temptation to risk losing the beneficial status of the West Germans, that is to say, their place in the Western World.

In the West, we have won partners and friends. We share with them our values, our constitutional principles, and our way of life. We have gained success and respect. It is no coincidence that, as we are achieving national unity, Germany and France, whose close cooperation has been so important for Europe, seized the initiative to bring the European Community closer to its principal goal: political union.

[Applause.]

Those familiar with our history are well aware that, if anything, unification has made us Germans even more European than before. Not long after the time when Senator Sumner spoke the words I quoted earlier on, Germany found herself in a precarious position in the geographic center of Europe. She was too small to play a hegemonic role, but too strong not to disturb the balance among Europe's powers. She was unable somehow to define herself and her environment.

It was this unclear position in the center of Europe that spelled catastrophe for Germany in the first half of this century. Now European Union is at long last liberating us from that vague position. We, Germans, know precisely that we ourselves would be the ones to suffer the most if we were to relapse into a nationalistic approach. It is a great fortune of history that unification of our country this time falls into an epoch when European unity is approaching reality.

There remains the relationship between America and Europe. Hasn't the United States done enough in support of Europe's reconstruction? Can this vast and ever young Nation—a nation constantly heading for new frontiers—find something still worth aiming for, something which serves its own interests, when it looks back to good old Europe? Isn't it time the Europeans

were able to cope with their all too familiar and their new problems themselves?

Of course, it is not for me to define American interests. I only have wishes. And in this respect, I am glad to note how keenly America is watching to ensure that the various European institutions and initiatives—from the European Community to Western European Union and the Conference on Security and Cooperation in Europe—do not impair the Atlantic Alliance. This is an indication of America's continuing interest in Europe, isn't it? Perhaps it is hard for some Americans to imagine how close to one another again we are on this point.

We may no longer find agreement on everything as easily as we used to during the cold war, when Soviet pressure almost automatically ensured cohesion and discipline within the Alliance. Moreover, we are well aware of your tight budgetary situation, which explains the strong pressure for drastic reductions of your forces stationed abroad.

However, I am wholly confident about the future of the Atlantic Alliance. The reasons for our mutual interests are obvious, the first one being security. Nuclear remnants in the former Eastern bloc could pose a more serious threat than the familiar balance of terror. There is no national security, no intercontinental deterrence against wayward nuclear warheads. And somehow or other we share the risks inherent in Chernobyl-type nuclear power stations.

Apart from the danger of nuclear proliferation, there is also unrest of a national, ethnic, social, and religious nature. Overpopulation and ecological dangers, famines and droughts, family-planning, and fundamentalism. But also how to handle properly self-determination and minorities—all are terms to be included in the security vocabulary. If we do not help solve the problems in the regions where they arise, those problems, and their consequences, will find their way to us.

All these are tasks which we can only master together, and it is the Atlantic community that forms the basis for our joint efforts. We, Germans, want the Europeans to adopt a more active, a more distinct role in terms of security and defense. But we are among the ones most clearly aware of how necessary America's continuing presence in Europe is. Forces operating independently and on a mere basis of friendly arrangements will not do. To guarantee nuclear security we need a system that is fully integrated, right down to logistics. To maintain such a system your country depends in my view on capacities in Europe, as the gulf war has shown anew. Regional systems functioning side by side are unlikely to meet the needs of global nuclear security in our time.

The United States must remain the team leader in coping with a both liberating and chaotic situation following the dissolution of the Soviet Empire. I hardly need remind you of the vital interest our immediate neighbors in the East—Poland, Czechoslovakia, Hungary, and the Baltic States—have in a tangible American participation in European security. We shall only achieve a new order in our part of the world if we have a system of crisis management in which the United States continues to play its due role.

United States involvement is vital to both of us. It has been immensely successful in the past. It may undergo changes in number but I venture to say not in substance. To reduce the American share of the burden will not alter the deep significance of the American presence in Europe. Germany, now undivided but not uncommitted, stands by America in a partnership of responsibility, adding her greater weight, her better knowledge of Eastern Europe and her more central geographical position. Without Germany, some vital American interests in Europe and beyond would perhaps be more difficult to look after.

In addition, I see mutual interests among the industrial powers. We need openness in the field of world trade, world development, world ecology. I do not consider it our main concern today in that well-known competition of profits to forecast whose nation or region the next century is going to be named after. What is more urgent now is to avoid departmentalization and fortress-like regionalism. Mutual education may be useful in helping us find and stick to the narrow path of economic virtue. For that task a balance in Europe is indispensable, and a contribution to it through the American presence is vital—and I think some might say no less to you than to us.

Democracies share their basis values and, to a certain extent, their temptations. Everywhere it seems to pay in the short run to gild the present day at the expense of tomorrow. All over the globe, we hear about corruption, about political parties extending their influence into every corner of society and considering the state their spoil. We hear of political exhibitionism and of political slander.

Under such impressions the people's trust is shrinking. In many cases among our citizens, this happens to coincide with helplessness in the face of economic crises and unemployment, a lacking sense of purpose, a growing predisposition for fictitious answers and remedies, and a tendency to turn even to drugs in desperation. Democracy is no substitute for religion, and as politicians, we are no medicine men. But I believe we can learn from one another how to contribute to a vitally important regeneration of our societies. The history of our common civ-

ilization is full of encouraging examples on both sides of the Atlantic.

What can be done? I beg the question, not knowing and, in fact, not believing in a general answer. But most of all I wish we could rekindle attractiveness of unselfish public service among the best of our younger generations.

Maybe for us in politics there is only one effective way to achieve this: By setting a persuasive personal example.

There are convincing examples given by American citizens which are admired in Germany. Time and again when traveling in your country, we come across a pursuit of happiness that is not confined to satisfying selfish desires and amassing material riches. It embraces neighborly support, social engagement and public responsibility. The term "charity begins at home" includes the readiness to give help instead of calling for higher authority or legislation. Your communities are full of private initiative and life.

It is this sense of personal dedication that will help us to stand up to the epochal changes and chances of our time. [Applause.]

In the words of an outstanding American statesman, West Germany has been throughout a long period "an economy in search of a political purpose." That is no longer so. Today we are free and united. We are one of the driving forces of European Union. And we belong to the Atlantic community in all its aspects.

[Applause.]

Mr. Speaker and Mr. President, this development began with a gift: The hand of friendship extended to us across the ocean and was followed by others in Europe. It is this concept of understanding, of cooperation and friendship which we cherish as the single most valuable asset that evolved from centuries of strife and turmoil in Europe, from ages of revolution, civil war and constraint, from generations of hegemony, zones of influence, and diplomatic balancing.

Keeping that concept of friendship alive and well, particularly in American-German relations, I see as my most noble task. Its future is in the hands of our children. It depends on their willingness to continue the knowledge of, the understanding for, and the friendship with, the transatlantic partner.

I wish to encourage the younger generation, and dear Members of Congress, I do feel encouraged myself here today on Capitol Hill.

Thank you, Mr. Speaker.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., His Excellency President Richard von Weizsaecker of the Federal Republic of Germany, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The ambassadors, ministers, and chargés d' affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 41 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will stand in recess until 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FUNDS FOR CONTINUING EXPENSES OF STANDING AND SELECT COMMITTEES OF THE HOUSE

The SPEAKER pro tempore. The unfinished business is a vote on agreeing on House Resolution 429.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 312, nays 86, not voting 36, as follows:

[Roll No. 93]

YEAS—312

Abercrombie	Beilenson	Brown
Ackerman	Bennett	Bruce
Alexander	Bentley	Bryant
Anderson	Bereuter	Bustamante
Andrews (ME)	Berman	Byron
Andrews (NJ)	Bevill	Cardin
Andrews (TX)	Billbray	Carper
Annunzio	Bliley	Carr
Anthony	Boehrlert	Chapman
Applegate	Bonior	Clay
Archer	Borski	Clement
Aspin	Boucher	Clinger
AuCoin	Boxer	Coleman (MO)
Bacchus	Brewster	Coleman (TX)
Barrett	Brooks	Collins (IL)
Barton	Broomfield	Combest
Bateman	Browder	Condit

Conyers	Kennelly	Quillen
Cooper	Kildee	Rahall
Costello	Kieccka	Rangel
Coughlin	Kopetski	Ravenel
Cox (IL)	Kostmayer	Ray
Coyne	LaFalce	Reed
Cramer	Lancaster	Regula
Darden	Lantos	Richardson
Davis	LaRocco	Rinaldo
de la Garza	Laughlin	Roe
DeFazio	Lehman (CA)	Roemer
DeLauro	Lent	Rogers
Derrick	Levin (MI)	Rose
Dicks	Levine (CA)	Rostenkowski
Dingell	Lewis (CA)	Roth
Donnelly	Lewis (FL)	Roukema
Dooley	Lewis (GA)	Rowland
Dorgan (ND)	Lipinski	Roybal
Downey	Livingston	Russo
Durbin	Long	Sabo
Dwyer	Lowery (CA)	Sanders
Early	Lowey (NY)	Sangmeister
Eckart	Luken	Santorum
Edwards (CA)	Manton	Sarpalus
Edwards (TX)	Markey	Sawyer
Emerson	Martin	Saxton
Engel	Martinez	Scheuer
English	Matsui	Schiff
Espy	Mavroules	Schroeder
Evans	Mazzoli	Schulze
Fascell	McCandless	Serrano
Fazio	McCloskey	Sharp
Fish	McGrath	Shuster
Flake	McHugh	Sikorski
Foglietta	McMillan (NC)	Sisisky
Ford (MI)	McMillen (MD)	Skaggs
Ford (TN)	McNulty	Skelton
Frank (MA)	Meyers	Skelton
Frost	Mfume	Slattery
Gallo	Michel	Slaughter
Gaydos	Miller (OH)	Smith (IA)
Gejdenson	Miller (WA)	Smith (NJ)
Gephardt	Mineta	Smith (TX)
Geren	Mink	Snowe
Gibbons	Moakley	Solarz
Gilchrest	Mollohan	Spence
Gillmor	Montgomery	Spratt
Gilman	Moody	Staggers
Gingrich	Moran	Stallings
Glickman	Morella	Stark
Gonzalez	Morrison	Stenholm
Gordon	Mrazek	Stokes
Grandy	Murtha	Studds
Green	Myers	Swett
Guarini	Nagle	Swift
Gunderson	Natcher	Synar
Hall (OH)	Neal (MA)	Tallon
Hall (TX)	Neal (NC)	Tanner
Hamilton	Nowak	Tauzin
Hammerschmidt	Oakar	Taylor (MS)
Hansen	Oberstar	Thomas (GA)
Harris	Obey	Thornton
Hastert	Olin	Torres
Hatcher	Olver	Torricelli
Hayes (IL)	Ortiz	Traficant
Hayes (LA)	Orton	Traxler
Hefner	Owens (NY)	Unsoeld
Hertel	Owens (UT)	Valentine
Hoagland	Oxley	Vander Jagt
Hochbrueckner	Pallone	Vento
Horton	Panetta	Volkmer
Houghton	Parker	Vucanovich
Hoyer	Pastor	Walsh
Hubbard	Patterson	Washington
Huckaby	Payne (NJ)	Waters
Hughes	Payne (VA)	Waxman
Jefferson	Pease	Weiss
Jenkins	Pelosi	Whitten
Johnson (SD)	Penny	Williams
Johnson (TX)	Perkins	Wilson
Johnston	Peterson (FL)	Wise
Jones (GA)	Peterson (MN)	Wyden
Jones (NC)	Pickett	Yatron
Jontz	Pickle	Young (AK)
Kanjorski	Poshard	Young (FL)
Kaptur	Price	Zeliff
Kennedy	Pursell	

NAYS—86

Allard	Boehner	Coble
Allen	Bunning	Cox (CA)
Armey	Burton	Crane
Atkins	Camp	Cunningham
Baker	Campbell (CA)	DeLay
Bilirakis	Chandler	Doolittle

Dornan (CA)	Kasich	Ritter
Dreier	Klug	Roberts
Duncan	Kolbe	Rohrabacher
Erdreich	Kyl	Ros-Lehtinen
Ewing	Lagomarsino	Schaefer
Fawell	Leach	Sensenbrenner
Franks (CT)	Lightfoot	Shaw
Gallagher	Machtley	Shays
Goodling	McCollum	Smith (OR)
Goss	McCreery	Solomon
Gradison	McEwen	Stearns
Hancock	Molinari	Stump
Hefley	Moorhead	Sundquist
Henry	Murphy	Taylor (NC)
Herger	Nichols	Thomas (WY)
Hobson	Nussle	Upton
Holloway	Packard	Visclosky
Hopkins	Paxon	Walker
Horn	Petri	Weber
Hunter	Porter	Weldon
Inhofe	Ramstad	Wolf
Jacobs	Rhodes	Zimmer
James	Ridge	

NOT VOTING—36

Ballenger	Feighan	McDade
Barnard	FIELDS	McDermott
Blackwell	Gekas	Miller (CA)
Callahan	Hutto	Riggs
Campbell (CO)	Hyde	Savage
Collins (MI)	Ireland	Smith (FL)
Dannemeyer	Johnson (CT)	Thomas (CA)
Dellums	Kolter	Towns
Dickinson	Lehman (FL)	Wheat
Dixon	Lloyd	Wolpe
Dymally	Marlenee	Wyllie
Edwards (OK)	McCurdy	Yates

□ 1239

Mr. WOLF changed his vote from "yea" to "nay."

Mr. GILCREST changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3221

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3221.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1240

PROVIDING FOR CONSIDERATION OF H.R. 3090, FAMILY PLANNING AMENDMENTS ACT OF 1991

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 442 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 442

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3090) to amend the Public Health Service Act to revise and extend the program of assistance for family planning services, and the first read-

ing of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment. It shall then be in order to consider en bloc the amendments offered by Representative Waxman of California, and said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After passage of H.R. 3090, it shall then be in order to take from the Speaker's table the bill S. 323 and to consider said bill in the House. It shall then be in order to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions of H.R. 3090 as passed by the House. All points of order against the motion for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. It shall then be in order to move to insist on the House amendment to S. 323 and request a conference with the Senate.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. Mr. Speaker, during the consideration of the resolution, all time is yielded for the purposes of debate only.

(By unanimous consent, Mr. TRAXLER was allowed to speak out of order.)

ANNOUNCEMENT OF RETIREMENT BY HON. BOB TRAXLER

Mr. TRAXLER. Mr. Speaker, I take this opportunity to advise the membership that after considerable deliberations going back over a long period of time, even with hope that in the course of reapportionment I could be restricted out of my seat, that did not happen and I ended up with this safe seat, this wonderful Democrat district, based on my old district population which I have represented now for over 18 years. I have no opponent for the November election. So, as I came up to that moment of "go, no go," the moment of truth, that moment when you have to sign that affidavit of candidacy in our State that says you are officially running, I paused during the recess, took personal inventory of where

I was, where I wanted to be, who I was, what I was, and where I wanted to go.

Mr. Speaker, weighing and measuring all of those factors, the decision was very clear to me that I would not seek reelection to this House. And that is not an easy choice, you know, because being elected to this body I know, that it is the greatest honor that could befall one, perhaps with the exception of being elected President or Pope.

So this choice did not come easily. But most especially, Mr. Speaker, I want the Members to know and my constituents, and I must say something about them because they have tolerated me for 18 years and we have had this marvelous love affair, all of us, all 600,000 of them and myself, and it is very difficult to leave this position without saying to them how grateful I am for the trust, the faith, and the honor that they bestowed upon me.

For that I will be eternally grateful.

But there is more to the story than that. The rest of it is very simply my deep gratitude and appreciation for the Members of this body, the greatest deliberative body in the world, composed of outstanding individuals, each of whom in their own way seek to do what is right for the Nation and for the people that they represent.

Many of you have been my personal friends, on both sides of the aisle, Republican and Democrat alike. It is true I am not going to be in Washington. I am going back to where I always have been and never have left, and that is my hometown, Kawkawlin, MI. And I look forward to that.

But, in conclusion, I must also tell you that without the able support of the staff of the full Committee on Appropriations and the staff of the Subcommittee on VA, HUD and Independent Agencies, and my office staff. I have the great honor to have been elected chairman of the VA, HUD Subcommittee by all of you, my task would have been made especially more difficult.

So, to that wonderful staff behind me, to the people who run the elevators, operate the trolley cars, do all of the things that make our work possible here, who make us effective and efficient, and allow us to conduct the business of the Nation, who are unnamed and who labor so quietly and so intently, I want to express my deep gratitude and, I am sure, not only of myself but of all Members.

I want to wish each and every one of you well in the coming months. I will be with you until January, and I wish you well after that. I do not know many of you who do not deserve reelection. I want to assure the American public that in this institution there are very fine and many, many decent, decent, people on both sides of the aisle that I will long remember and always call my friend.

Thank you all.

Today I am announcing my decision not to run again for the U.S. House of Representatives. My reasons are not political; they are strictly philosophical and personal. I have a safe Democratic district and no opponent in either the primary or the general election. With the filing deadline just 12 days away, the go-no-go decision could not be delayed.

I began my life in public service 32 years ago as an assistant prosecutor, and then served over 11 years in the State legislature. It has been my privilege to represent the finest constituency in the world for the past 18 years as a Member of Congress. No greater honor could be bestowed upon any American.

In 1974, our country was ripe for a change after being duped by the Nixon administration and the Watergate scandal which had created a fundamental distrust of representative government. I was elected to the Congress as part of a class of reformers who set out to change the system. We did that.

We succeeded in implementing change and restoring leadership in our country to put it on a path to a productive and positive future. Unfortunately, however, we have derailed off that path.

We have become a country which has fallen victim to the greed and excesses of the Reagan-Bush years. We have allowed ourselves to be governed by Reaganomics—a policy that George Bush called voodoo economics 12 years ago. The Federal budget is out of control, our deficit continues to grow to alarming proportions while at the same time health care costs, illiteracy rates, poverty, and crime are all escalating to enormous levels. The United States is in slow decline as the world's leading economic power and our middle class is eroding bit by bit. We are all nervous, and justifiably so.

In the midst of all these disturbing troubles, the President refuses to lead on the domestic front, the Congress is gridlocked and stymied by political maneuvering and moneyed interest groups, and the national media is intent on focusing on conflict rather than content, offering no serious discussion of the Nation's problems or potential solutions. This only serves to create an atmosphere in which it becomes nearly impossible for public officials to carry on a substantive debate on the resolution of our country's problems. There is a lack of national unity and purpose. We have no sense of nationhood. As a Midwest populist and economic nationalist, I have witnessed our free-trade policies do great harm to our industrial base. I have seen multinational corporations' economic interests succeed in overriding the national interests and no relief is in sight.

I no longer have the wherewithal to fight the great fight. I have a sense of powerlessness. Like my constituents, I too am frustrated and angry. I am so deeply grieved by what I have seen happen to our country that I have, on several occasions, privately been driven to tears. It is as if I am hemorrhaging inside. I can no longer endure the pain.

I have fought for change for the past 32 years. Now it is time for me to make a change and open the door for someone new—someone whom I hope will carry great energy, ideals, and vision for our country. I want my constituents and the American public to know that their vote is the most powerful weapon for

change. Unless they vote and select the right candidates, they will get more of the same. Our country is ripe for another renewal, just like the one I was a part of 18 years ago. Renewal is a good thing—we must be reborn with a sense of common purpose to make our country a better place for our future generations.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 442 is a modified open rule providing for the consideration of H.R. 3090, the Family Planning Amendments of 1991.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

No amendments to the bill are to be in order except those printed in the report of the Committee on Rules. The amendments are to be considered in the order and manner specified and debated for the time specified in the report. The amendments are not subject to amendment. The Waxman amendments may be offered en bloc and are not subject to a demand for a division.

The rule makes in order all amendments submitted to the Rules Committee. H.R. 3090 was reported from the Energy and Commerce Committee on September 13, 1991, more than 7 months ago. On April 6, the Rules Committee requested that members submit potential amendments by 5 p.m. on April 9, 1992. Members had ample time to study the reported bill and draft amendments, as well as sufficient notice to submit them to the committee.

The rule provides for one motion to recommit with or without instructions.

After the passage of the bill, it shall be in order to take the Senate companion bill, S. 323, from the Speaker's table and consider it in the House. The rule also makes in order a motion to strike out all after the enacting clause of the Senate bill and insert the provisions of H.R. 3090 as passed by the House. Clause 7 of House rule 16, prohibiting nongermane amendments, is waived against this motion.

Finally, the rule makes in order a motion to insist on the House amendment and request a conference.

Mr. Speaker, H.R. 3090, the bill for which the Rules Committee has recommended this rule, reauthorizes a variety of essential family planning programs and activities. Later in this debate I will have more to say about the substance of the underlying bill.

For now, I will simply commend Chairman WAXMAN for bringing to the floor this vital legislation to ensure American women have access to all relevant medical information when making reproductive choices.

I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this important legislation.

□ 1250

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we go again. Yesterday we celebrated a completely open rule, the first for this year, and today we have on the floor a closed rule. I do not know how in the world we operate without giving the Members full time for debate. I oppose the rule.

Mr. Speaker, this is the authorization for title X of the Public Health Service Act of 1970, the Federal Family Planning Program. The authorization for the title X program expired in 1985. Since then Congress has been unable to reach a consensus on a number of controversial issues. The program has been funded through continuing resolutions and appropriations.

H.R. 3090 reverses the Department of Health and Human Services' abortion counseling restrictions, the so-called gag rule, which was upheld last year by the Supreme Court. This gag rule prohibits clinics that receive Federal funds from counseling patients on abortion and providing referrals for pregnancy termination.

H.R. 3090 also requires that grant recipients comply with State parental notification and consent law regarding minors' access to abortion.

Mr. Speaker, I would like to note that the administration is opposed to this bill. We all know that. The administration finds that this legislation is totally alien to the mission of the title X program. It believes that the 1988 regulations are essential to protect the integrity of title X as a pre-pregnancy family planning program in implementing the program's mandate that none of the funds appropriated shall be used in programs where abortion is used as a method of family planning.

Again, I am opposed to this controversial rule even though it does make in order all of the amendments submitted to the Committee on Rules. I think we are going down the wrong path and that we need to get back on track with more open rules.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, I find it somewhat ironic that we have opposition to a closed rule time and time again when we have a bill that is addressing the worst closed rule of all, the gag rule.

Mr. Speaker, America is choking on President Bush's gag rule, and at stake are, not only the basic rights of women across this country to get the information that they need to make decisions about their own bodies and their own lives, but we are talking about a gag rule that is strangling some basic principles and values of America: the right to privacy, respect for the individual, the need for government to know its place and to know that it has no place in a clinic interfering in the private conversations between a woman and her doctor or her clinician.

Mr. Speaker, in George Orwell's "1984" citizens were told, "Big Brother is watching." Well, in George Bush's 1992 we are being told, "Big Brother is listening," and the effect is the same: The corrosive interference of Government on the individual liberties of Americans, the inability of Government to understand and respect the rights of citizens to make personal, intimate decisions for themselves based upon the best information available to them.

The gag rule prevents that, Mr. Speaker. The gag rule has no place in our government, and we are being called upon, as a House of Representatives, to be the last line of defense for the women of this country.

The Supreme Court has spoken already on the gag rule. It has said it is OK to gag information, vital information, for American women. We know that it is about to make a very important decision upon the fundamental rights of women to control their own bodies.

This is the people's House, and it means that it is the last defense of the people of America to have their basic liberties respected and defended, and, Mr. Speaker, the people of America in 1992 are calling upon the people's House of America to defend those basic rights and those basic freedoms. If the people's House means anything, let us give that definition the most meaning we can give it by defending the rights of women, respecting their privacy, respecting their dignity and respecting physicians and clinics all across this country to provide the information that they deem necessary for the women of America to make the right choice for themselves and their bodies.

My colleagues, let us support this rule and go on to overturn the gag rule, and let us go on further this session, Mr. Speaker, and support the Freedom of Choice Act so that we can respect the rights, the dignity and the quality of life of every woman in this country.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

□ 1300

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I really want to say that there has been a lot of bad news around this place, but today there is some very good news, and that is that I think under the leadership of the gentleman from California [Mr. WAXMAN], this House is about to undo a very fundamental wrong, a fundamental wrong that the administration tried to layer up on top of over half its population. That fundamental wrong was to say that women could not hear the full range of legal options that they might have vis-a-vis their health care. It is otherwise known as the gag rule.

This says that we are going to treat all people equally, and that is what this Government is all about. I must say there has been a lot of days of late I have not been proud to take this well, but I am proud today that we are going to treat over half our citizens as adults and as full-fledged citizens, and because they pay equal taxes, they are going to be able to be treated fairly if we pass this and lift the gag rule.

I am also very pleased that we have family planning up today, because we have not been able to bring the family planning bill to this House floor for many years. As a consequence, family planning money has been stalled. More and more women have tried to seek family planning, but because we could not get an authorization through, there was no way to even consider the requests that many of the clinics have.

When you look at the numbers, one out of five American women rely on federally funded family planning clinics. That is a very, very high number. We have been doing a very poor job of reaching out and giving them access.

Mr. Speaker, there has been this incredible raging abortion debate that has kind of shadowed over all of this and made it one of the reasons it has been so difficult to get consensus on it. But I want to compliment this body today, because I think this body is really standing up and saying one of the ways you deal with abortion is to make sure that there is more available family planning, that family planning becomes available to more American women. Then they can be responsible for their lives, have the full knowledge that they need, and be able to make the choices we hope they will make, rather than being forced to make choices they may not want to make, or all the other things that happen.

Mr. Speaker, I am so old and have been around here so long that I remember back in the seventies when we tried to reach out to the antichoice factors and say, "Let's all work together to increase family planning so that abortion is never even needed in this country again."

That did not work. But gradually it is beginning to work now, because I think people realize that this is the choice that everybody should have, proper information, user-friendly family planning, available family planning. It does not do any good if it is not available.

The other thing that people are becoming more and more aware of are these clinics are the primary health delivery mechanism. Not just on family planning, but on very important things such as pap smears and cancer checks, anemia checks and blood tests, a whole range of things. This is the main place that women go for their health care.

Women are very often care givers in their families. If they are not getting good health care, then we all suffer, be-

cause the whole family suffers if they are not getting it.

So I want to say today that the gentleman from California [Mr. WAXMAN] has been out there fighting for a very long time. But many of the rest of the people in this body have, too, and people in our communities have, too. They have been standing up and saying the women of America are now going to be treated as adults and it is time to lift the gag rule. It is time to be able to debate family planning, as we are going to do today.

Mr. Speaker, I really want to compliment this body for moving forward on it and the Committee on Rules for coming forward with this very good rule. I hope all Members support the rule and the bill. I thank the gentlewoman from New York [Ms. SLAUGHTER] for her part in bringing this to her committee.

Mr. Speaker, we are here today to vote to reauthorize the title X family planning program. This program is vital to the health of American women. One out of every five women receiving family planning services relies on a title X clinic. For 83 percent of these women, title X clinics are their only source of family planning services. In addition to contraceptive services, these clinics offer diabetes, anemia, and breast and cervical cancer screening, as well as screening for sexually transmitted diseases, including HIV.

In 4 days, on May 4, the administration will begin to enforce the administration prohibition on abortion counseling: the gag rule. Enforcement of the gag rule will severely limit access to family planning services, prenatal care, and basic health care for women across the country.

On March 20 Health and Human Services issued the final guidance on implementation of the gag rule. This guidance, according to President Bush fixed everything. Well, President Bush was wrong. HHS's guidance created a doctors only policy that rescues doctors from the counseling ban, but leaves nurses gagged—nurses provide the majority of care in a title X clinic. Gaggling nurses threatens the effectiveness of the title X system.

Enforcement of the ban on nondirective abortion counseling will compel many of these clinics to reject Federal funds. In many cases these title X clinics will be forced to close. Thousands of women will be denied basic health care services. Vote "yes" on H.R. 3090. Reauthorize the title X program, and overturn the gag rule. American women can't wait much longer.

Mr. QUILLLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, abortion is not family planning. Planning is something you do before the fact. Abortion is family cancellation. It occurs after the fact. It has no place in a family planning program. Title X is a family planning program, and it should not funnel taxpayer dollars into abortion advocacy.

Abortion supporters have managed to cloud much of the debate so far. First,

they said that the regulations were untenable because they violated the doctor-patient relationship. But they were wrong—under the regulations, doctors must give patients complete medical information about their condition. Next, they conceded that the regulations had no effect on the physician-patient relationship, but they said that fact was unimportant. What was important, they said, is that women could never hear about abortion, regardless of her circumstance. Well, they were wrong about that, too. If a pregnant woman has a medical problem, she is to be deferred for complete medical care, even if the ultimate result is an abortion.

The regulations only prohibit clinic staff from referring a woman to an entity whose primary business is abortion. We're talking about abortion mills, Mr. Speaker. We're not talking about health clinics, in the primary sense of the word. We're talking about the multimillion dollars business of abortion in this country. The title X regulations prohibit the spending of taxpayers' dollars to send a woman to a profit-motivated abortion mill. This is not family planning. Vote "no" on this bill, and let's authorize a family planning bill that won't deal in the cancellation business instead.

Mr. Speaker, I included for the RECORD an article by Colman McCarthy entitled, "The Court's Consistency."

[From the Washington Post, May 30, 1991]

THE COURT'S CONSISTENCY

(By Colman McCarthy)

A number of medical officials reacted to the Supreme Court ruling that upheld a federal ban against funding family-planning clinics that include abortion counseling by saying, okay, we disagree with the decision but we'll soldier on without the government's money.

That principled response can be respected, unlike the shrillness of some abortion-rights groups that want it both ways: Take the money but grouse like sore losers about anti-abortion courts inflicting their agendas on the clinics.

Federal grants to some 4,000 family-planning clinics, including Planned Parenthood, amount to \$144 million annually, with an estimated 4 million women being served. The congressionally approved regulations—Title X of the Public Health Services Act—prohibit money to programs "where abortion is a method of family planning." The legislation, written in 1970, was the basis for the 1988 Health and Human Services regulations that speak of the welfare of "the unborn child." Under Title X, that welfare is a legitimate concern for governmental protection, meaning that counseling "abortion as a method of family planning" is forbidden.

Critics of the 5-4 ruling in *Rust v. Sullivan* are arguing the free-speech issue, that the regulations, in the language of Justice Harry Blackmun, one of the four dissenters, are "clearly viewpoint based. While suppressing speech favorable to abortion with one hand, [the government] compels antiabortion speech with the other."

What's the problem with a two-handed government? Are the anglings of Planned Par-

enthood to replace the vision of Thomas Jefferson, who wrote: "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government." The destruction of fetal life—abortion—is not a role in which Congress or a succession of administrations has chosen to play a monied part.

At the least, the ruling honors accurate language. A family-planning clinic isn't a family-destruction clinic. Words either mean something, or they don't. Health care for the unborn doesn't mean death care. If Planned Parenthood believes in counseling pregnant women about the benefits of ending the life of a fetus, then it should consider a name change: Planned Against Parenthood. A touch of candor is in order.

The strength of the court's ruling is in its constitutional consistency. No federal program currently subsidizes abortions. Pro-choicers have repeatedly failed to persuade Congress to spend money to destroy fetal life. The courts have not been convinced either that abortion contractors ought to be on the federal payroll. Chief Justice Rehnquist writes in *Rust v. Sullivan*: "The government can, without violating the Constitution, selectively fund a program to encourage certain activities it believes to be in the public interest, without at the same time funding an alternate program which seeks to deal with the problem in another way."

The thought is consistent with the 1977 case, *Maher v. Roe*: The government "may make a value judgment favoring childbirth over abortion, and * * * implement that judgment by the allocation of public funds."

Whatever the cause, ample ways exist to redirect "a value judgment" of the government, starting with convincing the public that it should persuade Congress to spend money this way, not that way. This is the arduous work of democratic reform, a toil that abortion-rights groups have either not tried or failed at if they did.

The image of the friendly neighborhood abortionist doing nothing more than broadening the choices of women has not been bought. If it was, public money would have been forthcoming by now. Along with the surgeon general, we would have the abortionist general. That this hasn't come to pass suggests that most of the public doesn't want its money spent on abortionists, those whom Margaret Sanger called in 1914 "the blood-sucking men with M.D. after their names who perform operations for the price of so-and-so."

In the United States, for every three lives conceived, two are allowed to survive to birth, one is destroyed by abortion. In *Rust v. Sullivan* the court ruled that it's constitutional for the government, guided by its chief public-health official, to spend money on enhancing life, not taking it.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today we have the opportunity to take a stand on two of the fundamental principles upon which our society is founded, the right of free speech and equal treatment under the law.

The administration's gag rule is an invasion of free speech that will prevent women from receiving medical advice on all their needs and options, including information about abortion. And it is an invasion of women's rights to equal treatment by our Government.

The gag rule sets a dangerous precedent. Instead of a policy that aims to protect the rights of all, it marks a slide into tyranny where Government uses its coercive power to gag doctors and to limit the rights of women. Despite the administration's legislative attempts to clarify the gag rule, many have been clearly through this policy.

The administration is pursuing an offensive, unprincipled, and ill-conceived policy that gags doctors and health care professionals and limits the rights of women to complete an uncensored medical advice.

Accepting the gag rule says that this country cares not a whit about free speech, not a whit about doctor-patient confidentiality. It says we have little respect for the judgment of women. Not teenagers, but women.

This regulation creates a two-tier system for medical advice. Americans who can afford private health care will get it. Those who cannot, will not.

Our obligation today is clear: We have the opportunity and the responsibility to reinstate the protection of our right to free expression, and we must overturn this rule.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I am pro-life. I have never voted for abortion. I strongly oppose public funding for abortion. I believe we must do more to protect the unborn and to care for those children once they are born.

I also believe that if we are opposed to abortion, then we must support family planning as a means of reducing unwanted pregnancies. Without the availability of title X family planning services, it is estimated that there would be at least 1.2 million additional unwanted pregnancies each year, leading to perhaps as many as 500,000 additional abortions each year.

□ 1310

I am greatly disappointed that a program which clearly prevents half a million abortions each year is being opposed by many of my pro-life colleagues. I am further disappointed that instead of preparing and offering amendments to address concerns with this legislation, we are being urged to vote no. That is not responsible.

We ought to be working together to construct a family planning policy that all of us can support. We will have two opportunities under this rule to improve this bill in a way that ought to make pro-lifers content.

First of all, will consider the Regula amendment. The Regula amendment will make it absolutely clear that options will not be presented to a patient unless that patient requests the information. So we are not going to force a discussion of abortion on any patient that is not interested in that material.

And even then, upon that patient's request, that information must be non-directive in nature. There cannot be any steering or encouragement. It must be the patient's decision.

Second, we will have an opportunity to vote on the Durbin amendment. The Durbin amendment will make it absolutely clear that individual counselors in a family planning clinic do not have to discuss abortion, if they choose not to. It will also make it clear that an entire project or clinic site can be exempted from discussing that issue, if that site, by basis of religious conviction or philosophy, is opposed to abortion.

That is the best we are going to get in terms of the amendments that are offered today. I think they are steps in the right direction. I think we ought to support these amendments and move this bill along because family planning will stop abortions.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the bill and of the underlying rule. Title X is an important source of low-cost primary health care services for many poor women. The gag rule is offensive to American values, contrary to sound medical practice, and must be reversed by legislation.

Most Americans, Mr. Speaker, oppose the gag rule. And I would point out to my friends on this side of the aisle that most Republicans oppose the gag rule as well.

The American people do understand what the Office of Population Policy at HHS does not. A system of regulatory controls on factual information, controls on medical professionals and abrogation of the rights of poor women does great damage to the fabric of our democracy and cannot be tolerated.

The gag rule has recently undergone some subtle reworking in the form of guidances issued to regional health administrators, but do not be fooled. There has been no significant change in the original gag rule at all.

Doctors still may not refer those patients to what they deem to be appropriate service providers. They remain bound by a list of a referral organizations, many of whom do not provide abortion. And this list provided to the patient without comment does not differentiate between those that might and those that might not provide abortion.

As a result, the professional judgment and professional responsibility of doctors is directly attacked by the regulations.

Allied health professionals, nurses and nurse practitioners are still gagged. These personnel are forced to tell pregnant women who ask that abortion is not an appropriate method

of family planning and to send them away with a confusing and undifferentiated list that I mentioned.

Mr. Speaker, it is important to note that we are not here talking about secretaries and receptionists providing counseling. We are talking about nurse practitioners, health professionals who typically have had at least 4 years of education, who are universally recognized as a critical part of the solution to providing health services in rural and poor, underserved areas of the country, and who are required by licensing statutes of most States to educate and inform their patients.

That is why the AMA, the Association of Medical Women, the College of Obstetricians and Gynecologists, and several nursing organizations all continue to oppose the gag rule regulation.

Mr. Speaker, the administration's decision is unfortunate because they discarded serious efforts by the Senators to reach a compromise on the issue of abortion counseling. We are here at this stage because the administration did not make the effort they should have made to compromise. The administration is insisting on the gag rule. The gag rule creates numerous problems, and there is little evidence that any real consideration of these problems has been undertaken by those who intend to impose the rule.

The regulations force health care providers to violate their legal and ethical obligations to tell the truth. This means bad medicine, and bad medicine means malpractice.

The gag rule violates State standards of licensure. State officials have indicated that the gag rule appears in direct conflict with their State's decisional and statutory law on civil liability and licensure with respect to the obligation to abide by the dictates of informed consent.

Finally and ultimately, Mr. Speaker, the gag rule is un-American. It destroys the bond of faith that must exist in a democratic society between the governed and their government. The rule imposes systematic damage on our society, well beyond its impact on poor women. It cannot be allowed to stand.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 3 minutes and 30 seconds to the gentleman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I believe freedom is under attack in our country and freedom comes in different packages. If we were to ask the people during the years in Europe that gave birth to Adolf Hitler, what was the very day that they lost their freedom, what day was it, I do not think they could point to one particular day because freedom comes in different packages. And right now in 1992, we find ourselves fighting for freedom. And today we find ourselves fighting for freedom of speech.

Mr. Speaker, this issue has nothing to do, in my opinion, with abortion. It

has to do with freedom of speech. Imagine this Government telling individual, hard-working citizens of our Nation that they cannot tell their patients the truth, that they have to be gagged, that they have to be told that if they tell a patient that she has a right to choose an abortion in this country that they will lose their Federal funds and worse could happen to them.

To me, it is extraordinary that we are fighting this. Actually, we fought it once before, and the President vetoed our efforts. Maybe now he will see better. He will see the issue in a clearer fashion.

So freedom comes in different packages, and we are talking about freedom of speech.

I would ask each and every one of my colleagues here that if this Government can gag a social worker, if this Government can gag a nurse, if this Government can gag a health care professional, why cannot this Government gag each and every one of us?

When the Justice Department spoke out in favor of the gag rule, do my colleagues know what they said? They said, "If we give the money, we can control what is said. If we give the money," meaning the Government, "We can control what is said."

I did not know about my colleagues, but that is not why I ran for office, to control what is said by the free-thinking people of this great Nation. I have too much respect for them, and I hope that this institution today will act firmly to tell the administration that we came here to defend freedom, freedom of speech. And we will not allow this administration to tell any citizen that they cannot tell the truth.

And it is amazing to me that this administration would want to keep women in our society ignorant of their rights.

□ 1320

Why are women second-class citizens? They have a right to know that abortion is legal. We have a Supreme Court that is narrowing the right to choose to a very dangerous place, to a place where we may have to go back to the days of darkness, and many of us will fight that with every ounce of strength we have. But right now abortion is legal and if this administration does not like it, let them try to take that right away, but do not allow them to do it by gagging the citizens of this country and keeping our people ignorant. That is beneath the dignity of this great United States of America.

Mr. QUILLEN. Mr. Speaker, I urge that the rule be defeated.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 273, nays 146, not voting 15, as follows:

[Roll No. 94]

YEAS—273

Abercrombie	Edwards (TX)	Levine (CA)
Ackerman	Engel	Lewis (GA)
Alexander	English	Lipinski
Anderson	Erdreich	Lloyd
Andrews (ME)	Espy	Long
Andrews (NJ)	Evans	Lowe (NY)
Andrews (TX)	Fascell	Luken
Annunzio	Fazio	Machtley
Anthony	Feighan	Manton
Aspin	Fish	Markey
Atkins	Flake	Martinez
AuCoin	Foglietta	Matsui
Bacchus	Ford (MI)	Mazzoli
Bellenson	Ford (TN)	McCloskey
Berman	Frank (MA)	McCurdy
Bevill	Frost	McDermott
Bilbray	Gallo	McHugh
Blackwell	Gaydos	McMillan (NC)
Boehert	Gedenson	McMillen (MD)
Bonior	Gephardt	McNulty
Borski	Geren	Meyers
Boucher	Gibbons	Mfume
Boxer	Gilman	Miller (CA)
Brewster	Glickman	Miller (WA)
Brooks	Gonzalez	Mineta
Browder	Gordon	Mink
Brown	Green	Moakley
Bruce	Guarini	Montgomery
Bryant	Hall (OH)	Moody
Bustamante	Hamilton	Moran
Byron	Harris	Morella
Campbell (CA)	Hatcher	Morrison
Cardin	Hayes (IL)	Mrazek
Carper	Hayes (LA)	Murtha
Carr	Hefner	Nagle
Chandler	Hoagland	Natcher
Chapman	Hochbrueckner	Neal (MA)
Clay	Horn	Neal (NC)
Clement	Horton	Nowak
Coleman (TX)	Houghton	Oakar
Collins (IL)	Hoyer	Obey
Collins (MI)	Hubbard	Olin
Condit	Huckaby	Olver
Conyers	Hughes	Ortiz
Cooper	Jefferson	Orton
Coughlin	Jenkins	Owens (NY)
Cox (IL)	Johnson (CT)	Owens (UT)
Coyne	Johnson (SD)	Pallone
Cramer	Johnston	Panetta
Darden	Jones (GA)	Parker
de la Garza	Jones (NC)	Pastor
DeFazio	Jontz	Patterson
DeLauro	Kaptur	Payne (NJ)
Dellums	Kennedy	Payne (VA)
Derrick	Kennelly	Pease
Dickinson	Kildee	Pelosi
Dicks	Kleczka	Penny
Dingell	Klug	Perkins
Dixon	Kolbe	Peterson (FL)
Donnelly	Kopetski	Pickett
Dooley	Kostmayer	Pickle
Dorgan (ND)	LaFalce	Price
Downey	Lancaster	Pursell
Durbin	Lantos	Rahall
Dwyer	LaRocco	Ramstad
Dymally	Laughlin	Rangel
Early	Lehman (CA)	Ravenel
Eckart	Lehman (FL)	Ray
Edwards (CA)	Levin (MI)	Reed

Regula	Sikorski
Richardson	Sisisky
Roe	Skaggs
Roemer	Skelton
Rose	Slattery
Rostenkowski	Slaughter
Roukema	Smith (IA)
Rowland	Snowe
Roybal	Solarz
Russo	Spratt
Sabo	Staggers
Sanders	Stallings
Sangmeister	Stark
Sarpalius	Stokes
Savage	Studds
Sawyer	Sweet
Scheuer	Swift
Schroeder	Synar
Schumer	Tanner
Serrano	Thomas (GA)
Sharp	Thornton
Shays	Torres

Torricelli
Towns
Trafficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—146

Allard	Hammerschmidt	Poshard
Allen	Hancock	Quillen
Applegate	Hansen	Rhodes
Archer	Hastert	Ridge
Armey	Hefley	Rinaldo
Baker	Henry	Ritter
Ballenger	Herger	Roberts
Barrett	Hobson	Rogers
Barton	Holloway	Rohrabacher
Bateman	Hopkins	Ros-Lehtinen
Bennett	Hunter	Roth
Bentley	Hutto	Santorum
Bereuter	Hyde	Saxton
Billrakis	Inhofe	Schaefer
Billie	Jacobs	Schiff
Boehner	James	Schulze
Broomfield	Johnson (TX)	Sensenbrenner
Bunning	Kanjorski	Shaw
Burton	Kasich	Shuster
Callahan	Kyl	Skeen
Camp	Lagomarsino	Smith (NJ)
Clinger	Leach	Smith (OR)
Coble	Lent	Smith (TX)
Coleman (MO)	Lewis (CA)	Solomon
Combest	Lewis (FL)	Spence
Costello	Lightfoot	Stearns
Cox (CA)	Livingston	Stenholm
Crane	Martin	Stump
Cunningham	Mauroles	Sundquist
Davis	McCandless	Tallon
DeLay	McCollum	Tauzin
Doolittle	McCreery	Taylor (MS)
Dornan (CA)	McEwen	Taylor (NC)
Dreier	McGrath	Thomas (CA)
Duncan	Miller (OH)	Thomas (WY)
Edwards (OK)	Mollinari	Upton
Emerson	Mollohan	Vander Jagt
Ewing	Moorhead	Volkmer
Fawell	Murphy	Vucanovich
Franks (CT)	Myers	Walker
Galleghy	Nichols	Walsh
Gekas	Nussle	Weber
Gillmor	Oberstar	Weldon
Gingrich	Oxley	Wolf
Goodling	Packard	Wyllie
Goss	Paxon	Young (FL)
Grandy	Peterson (MN)	Zeliff
Gunderson	Petri	Zimmer
Hall (TX)	Porter	

NOT VOTING—15

Barnard	Gradison	Marlenee
Campbell (CO)	Hertel	McDade
Dannemeyer	Ireland	Michel
Flelds	Kolter	Riggs
Gilchrest	Lowery (CA)	Smith (FL)

□ 1344

Mr. COSTELLO changed his vote from "yea" to "nay."

The resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2797

Mr. JACOBS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 2797.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Indiana?

There was no objection.

FAMILY PLANNING AMENDMENTS ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3090.

□ 1345

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3090) to amend the Public Health Service Act to revise and extend the program of assistance for family planning services, with Ms. SLAUGHTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentlemen from Virginia [Mr. BLILEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, H.R. 3090 is a bill to reauthorize the Federal family planning program, to overturn the gag rule on health professionals in family planning clinics, and to require that these clinics comply with State law that is in force regarding parental notification or consent for minors seeking an abortion.

ON REAUTHORIZATION

The Federal family planning program is a key element in the Nation's effort to improve maternal and child health, lower infant mortality, and lower the rates of unwanted pregnancy and abortion in the United States. Over the years, expert review and medical research have always arrived at the same commonsense conclusion: The best solution to unwanted pregnancy is to prevent the pregnancy.

Unfortunately, this program has been held hostage in the abortion debate for too long. The program has been proposed for repeals, block grants, freezes, and restrictions. It has not been reauthorized since 1985 and has not had significant funding increases since its last authorization.

The tragic result is that routine contraception services have been limited

over the last decade, and that has meant unwanted pregnancy and, in turn, unnecessarily high rates of both low birthweight babies and abortions.

With this legislation, I hope that we can expand these services and move beyond the abortion debate to the health debate. The continued use of the family planning program as a pawn in this debate is self-defeating, leaving poor women with fewer and fewer ways to prevent pregnancy.

ON THE GAG RULE

We should also move to eliminate restrictions on the ability of poor women to get the best medical advice of the health professionals that provide them services. The administration has proposed regulations to limit the ability of doctors and nurses to counsel and refer patients or even to answer point blank questions with truthful answers. This regulation—which is known as the gag rule—is bad medicine, bad law, and bad precedent.

This legislation would reverse the gag rule and replace it with a codification of the guidelines that were issued by the Reagan administration on how a family planning clinic should deal with a pregnant woman. This is a simple approach: If a patient requests information on pregnancy options, she should be given that information. It should be non-directive, it should be complete, and it should be true.

This has been the practice of the program practically from the time that then-Congressman Bush first spoke in favor of it and voted for it. It was formalized by the Reagan administration. It is supported by all health provider groups, including the American Medical Association and the American Nurses Association. It should continue to be the policy of the program.

ON PARENTAL NOTIFICATION

Finally, this bill contains an amendment added in the Commerce Committee to require that clinics receiving funds under this program comply with any State law in force that provides for parental notification or consent for minors seeking abortions.

The first thing that I want to make explicit is that title X funds cannot be used to perform abortions. Nothing in this bill changes that policy. This amendment affects only title X clinics that provide abortions with totally separate, non-Federal funds.

The amendment requires that these clinics comply with State law that is in force on parental notification and consent. The committee took this approach because of the widely varying provisions of State parental involvement law. Some States require it, some States do not. Some States make exceptions for medical emergencies. Some States allow notification to grandparents. Some States allow counseling by clergy instead.

Rather than superceding this variety of laws, the committee chose to recog-

nize these laws in a States rights manner. It would be inappropriate to override State laws in this extremely complex area through a small grants program.

CONCLUSION

In closing, I would simply reemphasize that the Federal family planning program is our best hope to achieve many maternal and child health goals. To reduce unwanted pregnancy we should make family planning widely available. To lower abortion rates we should give women the ability to prevent pregnancy. Family planning is not the problem. It is the solution.

□ 1350

Mr. BLILEY, Madam Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey, Madam Chairman, I thank the gentleman from Virginia for yielding this time to me.

Madam Chairman, today pro-abortion Members of the House are attempting to overturn the 1988 title X regulations, designed to separate abortion from birth control in America's family planning clinics.

These pro-life, pro-family planning regulations have withstood the test of judicial scrutiny by the highest court in the land and are strongly backed by President Bush, Dr. Sullivan, Secretary of Health and Human Services, and Dr. Archer, who heads the Nation's family planning program. These modest rules are strongly supported by every pro-life organization in America.

Last year, pro-abortion Members sought to stymie the regulations using the very popular HHS appropriations bill as a vehicle. You will recall that the President vetoed the entire appropriations measure over this singular issue. And despite millions in advertising by Planned Parenthood and others who have a direct financial interest in gutting these regulations, the House courageously sustained that veto choosing to safeguard unborn babies from the butchery of abortion.

This bill, too, will be vetoed by the President, notwithstanding passage of any or all of the fig leaf-like pending amendments, which I hasten to add, do nothing to correct this egregiously flawed piece of legislation before us today.

Madam Chairman and members of the committee, the title X regulations we seek to preserve are sound, balanced, humane and fully consistent with the original intent of the title X program—preventive family planning services.

Members may recall that the original conference report in 1970 accompanying the enactment of the title X program said: "It is and has been the intent of both Houses that funds authorized under this legislation be used only to support preventive planning services."

Let me just say at this point that if Members buy into the notion that

abortion can be used as a method of family planning; if Members subscribe to advocating and facilitating—with fat grants from Uncle Sam—the violent destruction of unborn babies by way of counseling and referral, your vote is in favor of H.R. 3090.

But make no mistake about it, hundreds of thousands of helpless infants will die if these humanitarian regulations are overturned. I urge Members and encourage you to remember, the very next time you hold a baby in your arms, and look into an infant's eyes, to think back on this strategic opportunity offered to you today to save countless lives. We're not talking about eradicating cancers or diseases here, we're talking about slaughtering our offspring.

By now you may know that Planned Parenthood—a major recipient of the title X funds—performs, counsels and refers for over 200,000 abortions per year. In my view that's an outrage and in my view a national scandal. At a minimum the facilitation of this child abuse with Federal funding must stop.

Some Members may argue that abortion ought to be treated just like any other medical procedure.

I respectfully submit that if pregnancy were a disease and abortion its cure, counseling and referring mothers to abortion mills would be the moral equivalent of excising a tumor.

But each of us knows, in our heart of hearts, that abortion methods rip and tear and dismember the fragile bodies of children while other methods of abortion kill innocent children with a variety of poisons.

Each of us knows in our hearts that every single, solitary abortion stops a beating heart.

There is absolutely nothing humane or compassionate about injecting salt water into a child or using a razor blade-tipped suction machine to dismember that baby.

That is child abuse.

Madam Chairman, all this talk of free speech in the form of counseling and referring for abortions, I would submit, is an affront to human dignity and the special preciousness of children.

The policy-changing language in H.R. 3090 is antichild. And if you can live with your own conscience in sending these babies and their vulnerable mothers, very often teenagers, to abortion mills, I guess that is your burden to carry. But I must say that after 12 years as a Member of Congress I continue to be profoundly shocked, deeply dismayed and more often these days just plain saddened that highly intelligent and capable people, men and women in this Chamber that I deeply respect, could fail to see that abortion on demand is child abuse. It truly sickens the heart.

I urge defeat of this antichild legislation, vote "no" on H.R. 3090.

Mr. BLILEY. Madam Chairman, I yield 3½ minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. LENT. Madam Chairman, will the gentleman yield?

Mr. HOLLOWAY. I yield to the gentleman from New York.

(Mr. LENT asked and was given permission to revise and extend his remarks.)

Mr. LENT. Madam Chairman, I thank the gentleman for yielding, and I rise to oppose this legislation.

Madam Chairman, last year, the Supreme Court upheld the Department of Health and Human Services family planning regulations in *Rust versus Sullivan*. In that case the court stated that:

The Government can, without violating the Constitution, selectively fund a program to encourage certain activities it believes to be in the public interest, without at the same time funding an alternate program which seeks to deal with the problem in another way. In doing so, the Government has not discriminated on the basis of viewpoint; it has merely chosen to fund one activity to the exclusion of the other.

When the Government appropriates public funds to establish a program it is entitled to define the limits of that program. Defining limits and conditioning the receipt of funds is something that this Congress does constantly when legislating. The regulations prohibiting abortion advocacy are merely conditions on the receipt of funds. By accepting title X funds, a recipient is voluntarily consenting to any restrictions placed on those funds. Potential grant recipients can choose between accepting title X funds—subject to the condition that they not engage in abortion counseling—or declining the funds and financing their own program. They can't have it both ways.

It should be pointed out that the regulations were promulgated because title X grantees were not properly implementing the statute. This was revealed in studies conducted by the General Accounting Office and the Office of the Inspector General. Title X grantees were imposing their point of view on title X clients to the exclusion of other viewpoints—that abortion was a valid and preferred method of family planning.

Abortion as a method of family planning encourages irresponsibility. I urge those Members who want to promote traditional family values and true family planning to oppose this legislation and uphold the regulations.

Mr. HOLLOWAY. Madam Chairman, this bill, clearly and simply, would require counseling and referral for abortion as an option in federally funded clinics. Make no mistake about it, this bill would remove pro-life regulations which separate abortion from birth control. This bill would require that abortion be presented as a birth control option in over 4,000 Government-funded clinics—even though 88 percent of Americans consider this unacceptable.

Some have said that this is a restriction of the flow of information between a patient and her physician. However, there is another side to the issue that deserves mention. It is clear that the

majority of Americans consider it immoral to use abortion as a method of family planning.

A 1991 poll revealed that a full 88 percent of Americans oppose the use of abortion as a method of birth control. American taxpayers feel strongly that they should not be forced to subsidize abortion advocacy of any kind. Legal abortion is no secret. On the contrary, abortion clinics advertise openly and are easy to locate. It is one thing for a woman to choose an abortion. It is quite another for clinic personnel to strongly suggest it.

It's time to tell the truth about the title X regulations. It is clearly an issue of taxpayer's choice. It is wrong to expect the majority of Americans who oppose abortion as family planning to support a program that makes no distinction between the two. It also provides no way for parents to have input in their daughter's decisions. In this bill, abortion counseling and referral can be given to a child under age 18 without the parents' knowledge. At a time when a child must have parental permission to get her ears pierced or go on a field trip, it is wrong to exclude parents from having input into a decision as important as abortion.

The fact is that title X was created as a pregnancy prevention program. It was intended to help poor women avoid unplanned pregnancy and plan for the arrival of each child. All discussion regarding title X makes it very clear that there was never intended to be any connection between title X activities and abortion-related activities. The title X program is not a full-service health program. Once a woman is found to be pregnant she no longer needs or is eligible for these services. She must then be referred to prenatal and social service providers.

Madam Chairman, it just does not make sense for the Federal Government to subsidize the promotion, counseling, and referral for abortion in a program that was created to help reduce the number of abortions.

We must remember that the Federal Government is not obligated to subsidize all legal activities. It is all right for the Federal Government to pay for antismoking campaigns. This does not violate the first amendment rights of those denied Government funds to promote smoking.

In 1991, the Supreme Court concluded that "the Government may make a value judgment favoring childbirth over abortion, and *** implement that judgment by the allocation of public funds." Critics of this decision have argued that the Court is encouraging a lack of communication between the doctor and patient. That is misleading. We can never give more consideration to one person's right to freedom of speech than we do to the other person's right to be born.

Finally, this bill would mandate speech by requiring the title X provider

to offer abortion counseling even if it is against their religious or moral beliefs.

It is difficult to understand why some Members feel that the taxpayers are somehow obligated to fund an activity that most Americans find morally wrong—the promotion of abortion as family planning. Family planning prevents pregnancy. Abortion stops a beating heart.

At a time when the Congress has lost the trust of the American people, we must do what is right.

The taxpayers, not pro-abortion forces, pay for title X. I ask my colleagues to support family planning with integrity and oppose this bill.

□ 1400

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN], the author of the legislation to overturn the rule.

Mr. WYDEN. Madam Chairman, I would just make three points.

First and foremost, in the next few days, family planning clinics all across this country are going to have to decide whether to comply with the gag order or give up critical Federal funds. So we are going to see medical programs faced with a very simple choice: Tell the truth and give up essential medical services that our citizens need. I think it is clear that, when those clinics have to make the decisions, they understand what is really at issue is the well-being of the poor.

Despite the administration's position to the contrary, the gag rule is alive and well. I would say to all my colleagues the Congressional Research Service, the legal research division, has given us an opinion indicating that doctors are still gagged. The American Medical Association wants the gag rule to go. But the law as it is stated on paper keeps the gag rule alive.

Finally, I would ask my colleagues to support this legislation because without it we will take another step toward two-tier health care in America. Already the gap in health care is widening between the haves and have nots. Without this legislation the gap will get wider.

Madam Chairman, I urge my colleagues to support the bill.

Mr. BLILEY. Madam Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Madam Chairman, it's time to focus on the truth about the title X family planning regulations. In the year since the Supreme Court's decision, there has been an incessant smokescreen of distortions about the regulations and what they do.

The Court upheld these regulations because they properly interpret the Congress' 21-year exclusion of abortion as a method of family planning in federally funded clinics. The truth is sim-

ply this: The Congress and the American public do not equate elective abortion with birth control.

Title X was enacted over 2 years before the Roe versus Wade decision; however, its relationship to abortion was a matter of controversy from the beginning. At the time, some backers of the legislation wanted abortion present in the program as a method of family planning, but the House and Senate, through section 1008, rejected this direction.

Why is it then, that abortion is suggested again as a component of the family planning program? Why is abortion presented in a slightly different manner each time that title X comes up for consideration?

We must keep the important but limited role of the family planning program clear: it is a preconception prevention program. We have always defined and structured it in this manner. When a client is diagnosed pregnant she must be referred for continuing care. It is inappropriate for title X clinics to advise women on pregnancy decisions.

We must maintain a wall of separation between abortion and family planning. Abortion is not family planning. It is family cancellation. It is that simple.

I include for the RECORD a letter signed by a number of organizations in opposition to H.R. 3090.

THE ABORTION IS NOT FAMILY PLANNING
COALITION

APRIL 30, 1992.

DEAR MEMBER OF CONGRESS: We, the undersigned national grassroots organizations, want you to know that we consider the upcoming vote on the Title X reauthorization bill (H.R. 3090) to be a crucial pro-life vote of this session. Our voting records and our grassroots activities will reflect the importance we assign this issue.

Last year, President Bush vetoed the entire \$204 billion Labor/HHS appropriations bill because of a provision to overturn the Title X regulations. The President will veto H.R. 3090.

H.R. 3090 would overturn the regulations maintaining the Title X program's statutory separation of abortion and family planning methods, and would also mandate counseling and referral for abortion as a routine method of family planning in Title X clinics.

From its inception, this family planning program was intended to promote preventative family planning options. This was made crystal clear in its 1970 statute and conference report. These common sense regulations were necessary only when it became clear that taxpayer funding was being used to funnel tens of thousands of women and young girls to abortion clinics each year.

Planned Parenthood, the nation's leading abortion provider and leading recipient of these funds, has spent millions of dollars to convince you that this is not an abortion issue—this, from an organization whose abortion to prenatal care ratio is 32:1 (according to 1988 statistics). And, in 1989 Planned Parenthood performed 122,191 abortions in their own facilities and referred women and girls for another 100,000 abortions.

While Planned Parenthood has marketed the "free speech" argument quite aggressively—and misleadingly—it has not been disclosed the fact that it stands to lose \$37 million a year, should abortion promotion be excluded from the Title X program. As Planned Parenthood pushed the "free speech" button publicly, it quietly demands that our members pay millions and millions of dollars to subsidize its abortion promotion through abortion referrals, counseling for abortion, scheduling clients for abortion, arranging transportation to abortion clinics, and abortion follow-up.

We ask you to oppose H.R. 3090 and to sustain President Bush's anticipated veto. We will consider every vote in favor of H.R. 3090 a vote for abortion promotion in family planning clinics funded with our members' tax dollars.

Sincerely,

Wanda Franz, Ph.D., President, National Right to Life Committee; Pat Robertson, President, Christian Coalition; Beverly LaHaye, President, Concerned Women for America; Tom Glessner, President, Christian Action Council; Louis P. Sheldon, Chairman, Traditional Values Coalition; Gary Bauer, President, Family Research Council; Carl G. Anderson, Vice President for Public Policy, Knights of Columbus; Phyllis Schlafley, President, Eagle Forum; and Richard Land, Executive Director, Christian Life Commission, Southern Baptist Convention.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Madam Chairman, I rise in support of H.R. 3090, a 5-year reauthorization of the Federal Family Planning Program, title X of the Public Health Service Act. Title X is a primary health care program intended to make family planning services available to low-income women. The program funds about 4,000 clinics that provide services to 4 million women annually.

Title X services are provided at approximately 141 clinic sites throughout Tennessee. The third district has 14 clinics that are partially funded by title X: 10 health department clinics, 2 planned parenthoods, and 2 others. On average, each clinic serves 1,088 patients per year. Title X funds comprise 36 percent of each clinic's family planning budget.

This is not a debate about abortion—as its proponents claim. I've worked as a voice for those who have had none throughout the years I've served in the Congress. Since the inception of the title X program in 1970, there has been a prohibition of title X funds for abortion services. Reports by the General Accounting Office and the Department of Health and Human Service's inspector general have substantiated that title X funds are not used to perform abortions.

The issue at stake here is providing adequate resources for family planning programs which serve women seeking to avoid unplanned pregnancies. Title X is the only major Federal program for this purpose. Through access to the

services provided by title X clinics, countless pregnancies, and abortions have been prevented.

This is an important health care issue. Far too many low-income women are medically underserved because they don't have adequate health insurance or can't afford the services of a private physician. Many low-income women depend on title X funded clinics as their primary entry into the health care system. For a large number of title X clients, family planning clinics are their only source of primary health care.

Most women who receive contraceptive services are also provided with a range of other preventive health care services, including screening or referral for cervical and breast cancer, anemia, hypertension, kidney dysfunction, diabetes, and HIV. Without title X clinics, many women would not receive adequate care and treatment in these vital areas.

The bill includes a provision to overturn the gag rule forbidding family planning personnel from counseling or referring pregnant women on the option of abortion. Unless Congress acts, title X clinics have until early May to comply or lose their Federal funds.

If family planning clinics lose their Federal funding for noncompliance with these restrictive regulations, some will be forced to limit their services severely or close entirely. If this happens, many low-income women will not be able to receive comprehensive, quality health care—further exacerbating the Nation's already burgeoning health care crisis.

Recently, the administration modified the gag rule to allow physicians to mention all legal options available to clients. However, the vast majority of clinics do not have a physician on site. Most family counseling and medical services are provided by specially trained nurses and counselors under standing orders from a physician who serves as medical director.

Hiring physicians to perform counseling would cost a great deal more than most of these clinics can afford, and may very well result in decreasing the number of low-income women title X clinics can serve. Clearly, nurses, nurse practitioners, physicians assistants, and trained counselors, which provide over 95 percent of the care in family planning clinics, should not be forbidden from responding to a woman's questions regarding abortion. There are instances when a woman's health may be compromised by pregnancy and an informed decision is essential. Health care professionals must be free to provide all the information that sound medical practice requires. This is fundamentally a free-speech issue.

Prohibiting health care professionals from all available options with title X clients would establish one set of criteria for low-income women and a dif-

ferent set for women who are financially secure—in effect establishing a two-tier system for health care. This is unfair. Poor women should have access to the same information as women who can afford the services of a private physician.

The bill requires that family planning personnel provide counseling and referral services on all pregnancy options, including prenatal care and delivery, infant care, foster care, and adoption; and pregnancy termination. Such information is to be provided only at the client's request and only in a nondirective manner—not suggesting or advising one option over another. Abortion cannot be advocated. This would write into law guidelines in effect since 1981.

The bill also contains an important provision to require entities that both receive title X funds for family planning services, and also use non-Federal funds to provide abortion services at separate facilities, to certify that in providing abortion services with non-Federal funds, they are in compliance with enforced State laws regarding parental notification or consent for the performance of an abortion on a minor.

Title X is a valuable, preventive health care program. Support the passage of H.R. 3090.

Mr. BLILEY. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, we can couch this debate in freedom of speech and the so-called gag rule all we want. We are back here discussing abortion, and we are going to be discussing that until every Member in this Chamber is facing St. Peter at the golden gates.

I have before me here all of the statements of my beloved and distinguished colleagues. Here is the original CONGRESSIONAL RECORD. I have got all the extracts where during prior debates on this they couched everything in terms of the sacred doctor-patient relationship. Now that that has been solved by the administration, my beloved colleagues are still claiming and twisting the truth, saying that it is other things. We have heard from some; we will hear from others: the gentlewoman from Maine [Ms. SNOWE], the gentlewoman from California [Mrs. BOXER], the gentlewoman from California [Ms. PELOSI], the gentlewoman from Hawaii [Mrs. MINK], the gentlewoman from Connecticut [Mrs. KENNELLY], the gentlewoman from Tennessee [Mrs. LLOYD], the gentlewoman from New York [Mrs. LOWEY], the gentleman from Pennsylvania [Mr. KOSTMAYER], the gentleman from Maryland [Mr. McMILLEN], the gentleman from Washington [Mr. McDERMOTT], the gentleman from California [Mr. ROYBAL]; all of these people, and I have got their statements right here: doctor-patient relationship.

Madam Chairman, it is solved. That is solved. So what are we really fighting here?

To have a high school volunteer kid who is all enamored up in this abortion cult thing, they want that high school kid to be able to advise other high school kids, or anybody, even if they have been convicted of felonies like this woman who is not a doctor that has had people killed in her abortion clinic out in Maryland who is now back operating. They want anybody in one of these abortuaries to be able to counsel frightened young girls, or confused other people, that they should go to an abortion referral, and in my own county of Orange in California where Planned Parenthood does not perform abortions, they send them right over to beautiful San Bernardino County where Planned Parenthood, with our tax dollars, performs abortions claiming the money is separated from the tax dollars.

I just got off the phone with my wife, Sally, a pro-life activist. She said, "Remind them again the lie and all this talk on the abortion issue, about the word 'viability.'"

□ 1410

If you leave a 1-year-old child alone in the house, that is not viable; that child will either starve to death or electrocute itself to death. No woman has a right to kill a baby that is 1 minute old, 1 week old, or 1 month old, and no woman should have the right to kill a baby 1 minute before birth, 1 month before birth, or 4 months before birth. You stop a beating heart. You stop brain waves. You kill a child in the protection of its mother's womb.

You folks ought to stop twisting the truth on this so-called gag rule. We do not use family planning money to kill babies.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON], an important member of the subcommittee and a strong supporter of the family planning program.

Mr. RICHARDSON. Madam Chairman, this bill reauthorizes the Federal family planning program. It deals with infant mortality and with maternal child health.

Our statistics in this country are of a Third World nation, and we must change that.

Madam Chairman, the bill overturns the gag rule. The gag rule is not about abortion, it is about freedom of speech. It is about violating the doctor-patient relationship. It is about providing pregnancy information to all women, regardless of income.

The bill makes no change in the legal prohibition against providing abortions with family planning money. The bill requires that family planning clinics comply with State laws on parental notification of minors seeking privately funded abortions.

The fundamental premise of this bill is that preventing pregnancy by providing all information prevents abortion.

I rise today to express my strong support for H.R. 3090, legislation reauthorizing the program that provides funding to family planning services all across the country. This legislation also contains a very important provision—it overturns the administration's gag rule.

Since the administration published regulations in 1988 gagging family planning clinics from providing complete information on all pregnancy options, women have been plagued by the fear that their right to choose would be abolished. Since then, a more conservative Supreme Court upheld both the Webster and Rust cases providing an additional opportunity for States to chip away at the constitutional right to choose.

Just recently, the Supreme Court heard the Pennsylvania case which contains some of the most restrictive anti-choice provisions ever passed. The Court is expected to reach a decision on this case sometime this summer. If this case is upheld, it will effectively overturn Roe versus Wade, thus eliminating a woman's right to choose.

The legislation before us today, is the first step toward protecting a woman's right to choose. In order for a woman to make a choice, she will have all the information regarding pregnancy options. The current regulations violate the confidentiality of the doctor-patient relationship by prohibiting the dissemination of information. Furthermore, even if a woman asks or if her life were in danger she could not be provided with information regarding abortion. Considering the majority of women who receive services from family planning clinics are low to moderate income, these regulations discriminate against poor women. If you're rich, a private physician can and will provide you with all the information regarding your pregnancy options, including termination of the pregnancy. But if you're poor, the information provided to you will be restricted thus restricting your options.

I think we should take the opportunity presented to us today to send a message to our constituents and to the White House—that we are not going to stand by and support regulations that deny poor women information about their health and their options. Every woman in America, regardless of income, is entitled to receive all the information about her pregnancy options.

Madam Chairman, I am proud to stand before my colleagues today and express my strong support for this important legislation affecting women's health. I believe the passage of this bill will show that Congress supports equal access to pregnancy information for all women and that we will not tolerate the revoking of constitutional rights simply because our judicial body consists of new Members.

Mr. BLILEY. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Madam Chairman, title X was set up to assist people with preconception services. It is tragic that now we are hearing advocated a change which would require the taxpayers of the United States, many of whom,

most of whom, oppose abortion as a method of family planning, to have their tax dollars involved in this awful business.

Title X should be preserved as it is. Under H.R. 3090, abortion counseling and referral can be given to a child under the age of 18 without the knowledge of the parents. This represents a major Federal intrusion into the parent-child relationship.

Furthermore, yes, this bill is somewhat about speech, but not in the fashion we have heard represented. Because this bill would mandate speech, even when it affronts the beliefs of those who are being compelled to offer it, by requiring that the title X provider offer abortion counseling, even if abortion is contrary to the religious or moral beliefs of the provider and its employees.

Madam Chairman, in clear contrast to the objective of the reform regulations, H.R. 3090 would provide that personnel who were not trained in the full range of obstetrical care could counsel women for post-pregnancy care.

Madam Chairman, the existing program was designed to assist people with family planning information. Eighty percent of the people staffing those clinics are volunteers. It is not desirable or appropriate to make the changes in H.R. 3090 which basically are going to have these volunteers involved in the very sensitive issues of referring people and counseling people with reference to abortion.

Madam Chairman, I urge the defeat of H.R. 3090.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Madam Chairman, this legislation overturns the administration's so-called gag rule in family planning clinics. We must overturn this rule, in order to retain the credibility of medical professionals and to provide patients with appropriate, complete, and necessary medical care.

The President has tried to deflect criticism of the gag rule with a new interpretation that is vague, contradictory, and ultimately meaningless. The bottom line is, the President and the Government should not be in the business of determining medical ethics. Either health professionals may tell the truth to their patients, or they may not.

Madam Chairman, I am one physician who has read those rules, and they still prohibit you from telling a woman what she needs to know. The President's attempt to weasel around fundamental medical ethics represents cynical politics at its worst. The gag rule is nothing but voodoo medicine. It is dishonest, it will not work, and it is the wrong prescription for the country. It is unworthy of the health care professionals who serve in these clinics and the women who depend upon them.

Madam Chairman, I urge my colleagues to support H.R. 3090.

Mr. BLILEY. Madam Chairman, could I inquire of the time remaining on both sides?

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] has 15 minutes remaining, and the gentleman from California [Mr. WAXMAN] has 23 minutes remaining.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Madam Chairman, since the gentleman from California [Mr. DORNAN] mentioned a number of Members of Congress by name, particularly a group of women, saying that these Members, myself included, no longer have an argument concerning the patient-physician relationship, I feel I must set my own remarks aside to read from a letter from the American Medical Association.

The interpretive guidelines issued by the Department of Health and Human Services on March 20, 1992 for implementation of the regulations also fail to fully clarify how physicians are to counsel their patients. They expressly limit the substantive scope of counseling that may be provided in a title X clinic and artificially constrict the physician-patient dialog in ways that are inconsistent with sound medical care. Additionally, physicians are concerned that the regulations fail to define both their supervisory role and their ability to delegate authority to other members of the health care team who also bear substantial responsibility for the delivery of patient care.

Madam Chairman, we certainly still have an argument. There certainly is still a gag rule that should not be there.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Madam Chairman, today we have the opportunity to restore integrity to our Nation's family planning program. Integrity that has been stripped away by a Bush administration dictum, known as the gag rule, which restricts medical professionals except for physicians working at title X clinics from offering patients counseling about, or referral for, pregnancy termination—counseling that had been required by the title X program since its inception in 1970.

In attempting to show that this gag rule does not truly restrict information given to patients, the administration has begun issuing statements that have been both disingenuous and misleading. Most recently, after receiving hundreds of thousands of negative comments regarding the gag rule, the administration issued guidance stating that "doctors may be permitted to counsel pregnant women about their right to an abortion."

This is a red herring. The administration knows full well that the vast majority of title X clinics, chronically un-

derfunded and largely ignored by this administration, cannot afford to have a full-time physician on staff. Counseling services and routine exams are normally performed by nurse practitioners who still fall under the restrictive regulations of the gag rule. If nonphysician practitioners are not allowed to provide family planning counseling and referrals, many low-income women will not receive the information that they want and need.

Clinics across this country have already pledged to forfeit their Federal funds rather than abide by a regulation they feel is unjust, medically unsound, and contrary to their professional integrity. That means, for the more than 4 million women currently served by title X clinics, access to health care services will be made difficult, if not impossible.

The family planning program was established by Congress to allow women to prepare for pregnancy, prevent unwanted pregnancy, and gain access to preventive health care. This mission is being subverted by the administration and sets a terrible precedent for future health care services in this country. If these restrictions are allowed today, more restrictions can go into effect tomorrow limiting the practice of all Government funded programs with which this administration does not agree.

I urge each of my colleagues to support H.R. 3090. Allow free speech for all medical professionals and reauthorize this important program.

Mr. BLILEY. Madam Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Madam Chairman, I have consistently in the past supported and voted for family planning. However, the legislation we are considering today would mandate counseling referral for abortion as a pregnancy management option.

I am opposed to repealing the regulation which places limitations on abortion counseling referral by Federal family planning programs. Abortion is not and should not be a part of family planning. Madam Chairman, to me abortion is the termination of life, the killing of life. I cannot support that. As a result, I will have to vote against H.R. 3090.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Madam Chairman, today I rise in support of H.R. 3090, the Federal family planning reauthorization. We have tried since 1985 to reauthorize this program, and for 7 years in a row, despite overwhelming bipartisan support, this crucial program has been thwarted by a callous and obdurate Republican White House. This program provides Federal funds to over 4,000 family planning clinics which offer vital services, training, and education

to over 4 million low-income women who may have no other access to pregnancy-related health care. Unfortunately, because this measure seeks to overturn the diabolic gag rule regulations, the funding of these necessary services is threatened with a Presidential veto.

We can no longer allow a cold-hearted Bush administration to insidiously destroy one of our most fundamental democratic rights: the right to speak freely. Yes, the gag rule is an infringement of this right. And today we must reclaim this freedom by passing this bill with a veto proof majority.

Last month, in an attempt to delude the American people, the President of the United States introduced a modified version of the title X regulations and he hailed them as a repeal of the gag rule. However, under these so-called clarified title X regulations, physicians continue to be restricted from supplying their patients with complete reproductive information. The doctor still may not counsel or refer a patient for an abortion; so much for the President's promise not to interfere with the doctor-patient relationship. Obviously, this is just another failed attempt by Mr. Bush to talk out of both sides of his mouth.

Furthermore, the original language of the gag rule remains applicable to all title X staff. It is these health care providers who most interact with patients and provide 90 percent of the counseling and referral of pregnancy options. By limiting the speech of these trained professionals, the patient is at risk of not receiving complete information, even if she asks for it.

The gag rule will impact all women in this country, yet its most devastating affect will be on women and teenagers from low-income families who rely on Government assistance to obtain their health care. Bush is telling American women, that the freedom to choose an abortion has a high price; and those who can pay, can choose. Abortion is still a legal medical procedure in this country; and if a woman has the money to pay for private health care, she will still have every pregnancy option available to her. Sadly, economically vulnerable women, will lose their access to information regarding their reproductive choices.

Complete pregnancy option information is not all that will be denied to these 4 million women. Continued underfunding of this program deprives women of other vital health care services provided by these federally funded clinics. For 83 percent of the women and teenagers who visit a title X clinic, these family planning centers are their only source of primary health care. Title X's goal is preventive care. Yet, how can this goal be attained if breast and cervical cancer detection examinations, tests for sexually transmitted

diseases, and HIV screenings are not available to those who need them.

These title X restrictions will jeopardize the health of millions of poor women, young and old. The family planning program must be reauthorized so that we can continue to provide economically disadvantaged women their fundamental right to unrestricted health care services and their constitutional right to choose an abortion. I urge my colleagues to overturn the gag rule by overwhelmingly showing support for H.R. 3090.

□ 1420

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Madam Chairman reauthorizing our Nation's family planning program is of critical importance. The title X program has not been reauthorized since 1985. Moreover funding for the program has declined from \$162 million to \$150 million over the last 10 years. Yet over 3 million unplanned pregnancies occur annually in the United States. Sixty-five percent of those women eligible for family planning services do not receive them because of inadequate resources. As a result, the United States leads all Western countries in teen pregnancy and childbearing rates. We are the only developed country that has an increasing teen pregnancy rate.

Title X clinics have proven successful at attacking these problems by providing contraceptive services and preventive health services to low-income women who would otherwise be forced to go without any gynecological health care altogether. In fact, for 83 percent of title X clients, their title X clinic is their primary health care provider.

In addition to serving the needs of nearly 4 million low-income individuals, the title X program saves health care dollars by diagnosing and treating sexually transmitted diseases [STD's], cancer, anemia and other health problems early. These clinics also teach individuals how to prevent unintended pregnancies and the spread of STD's including AIDS. For every public dollar spent on family planning services, \$4.40 is saved in medical, welfare and social services related to a lack of such services.

Regardless of a person's position on the abortion debate, family planning makes enormous sense. After all, it is the key method of preventing unintended pregnancies. If we can effectively prevent pregnancies, we reduce the need for abortion. That's a goal with which everyone can agree.

The title X program has been one of the most highly respected and successful Federal health programs, but the integrity of the program has been put at risk by the administration's continued insistence on gagging health care providers and restricting patients' access to full medical information.

When George Bush acted to modify the gag rule, he was right in understanding that this policy does not have public support. But he was wrong to think that cosmetic changes would make a bad rule right.

He may have removed the gag, but he has replaced it with a muzzle. While the wording may have changed, the impact remains the same: The freedom of speech of health care providers is stifled, and the health of women across America is endangered. Americans have made it clear that they cherish these constitutional rights and will not tolerate the censorship of medical information.

H.R. 3090 will restore the title X program's counseling provisions to their pre-gag-rule state by overturning the gag rule regulations and allowing all health care professionals to provide nondirective counseling on all options available to pregnant women.

Why is the gag rule unacceptable?

Because restrictions on the content of counseling between patient and physician are contrary to the ethical practice of medicine and compromise a patient's legal right to give informed consent.

Because quality patient care will be severely impaired if physicians are prohibited from sharing counseling responsibilities with other health professionals.

Most importantly, the gag rule discriminates against low-income women by creating a two-tiered health care system. Under the rule, low-income women receive censored medical information while women who can afford private insurance have access to counseling on all of their legal, medical options.

Many title X clinics will choose not to comply with the gag rule, and thus be forced to forgo Federal funds. This will put poor women at a higher risk for unplanned pregnancies and sexually transmitted diseases.

The planned parenthood clinic in my district, which was a plaintiff in the Rust versus Sullivan case, has told me that if they are denied Federal funds, they will be forced to increase fees for birth control and gynecological services and close two of their satellite offices which are located in areas of my district where these services are most needed.

Who will be affected by these cut backs? Women who have no where else to go for health care services. The average woman in my district earns \$165 a week—that is barely enough to live on. They certainly cannot afford to purchase private health insurance or pay for a visit to a private gynecologist which could cost their entire weekly salary.

And it is not just abortion information that they will be refused. They will not get sexually transmitted disease diagnoses, pregnancy tests, HIV

testing, prenatal care, and cancer screening tests. This can only exacerbate our Nation's health care crisis by putting women's lives in danger.

For a President who says he wants to do more for health care in this country, it makes no sense to gag doctors and to move our low-income health care services into the dark ages. But that is precisely what the gag rule does. I am committed to reversing this onerous decision for the sake of women's lives and for the future of this country's health system.

Mr. BLILEY. Madam Chairman, I yield myself such time as I may consume, and I rise in opposition to this legislation.

Madam Chairman, I rise in opposition to this bill.

As we debate H.R. 3090 and the title X regulations, let us remember the history of these regulations. Remember that in 1982, the Government Accounting Office [GAO] and the inspector general [IG] completed investigations into alleged misuse of title X funds. The GAO found that a number of clinics were: First, providing both family planning services and separately funded, abortion-related activities at a single site; second, providing family planning services that did not present alternatives to abortion; third, providing literature that promoted abortion as a backup method of family planning; and fourth, engaging in abortion lobbying activities. Both the GAO and the IG came to the same conclusion—that the Department of Health and Human Services [HHS] needed to give more specific direction and guidance to the program.

Also, let us remember that section 1008 of title X included a prohibition on the use of title X funds in programs where abortion is a method of family planning. Accordingly, to provide more specific direction to grantees and to remain faithful to the underlying congressional intent of the program, the Secretary adopted the 1988 regulations to prevent the abuses that the GAO and inspector general had documented.

The 1988 regulation restored the integrity of the family planning program to what Congress intended it to be. It establishes a standard for what is permissible in a federally sponsored title X program. Moreover, it only applies to the activities of that part of a family planning project supported with title X funds.

And, as the Supreme Court has recently ruled in *Rust versus Sullivan*, the Secretary's regulations do not restrict the grant recipient's freedom of expression, but instead restrict the content of a specific, federally subsidized project. And certainly, the Government can limit the use of its funds, and selectively fund programs which encourage activities in the public interest. In this situation, the Federal Government has made the value judgment favoring childbirth over abortion, and is furthering that objective by the allocation of public funds.

In the press flurry since the *Rust* decision, there have been many inaccurate statements concerning the regulations. Let me try to clear some of this up.

First, the regulations do not govern grantee activities that are not part of the title X project.

It does not affect State or private family planning programs if they are funded by non-Federal funds.

Second, this regulation does not prevent a woman from seeking and obtaining an abortion outside the title X program. The regulation merely assures that Federal moneys do not go for the purposes of promoting, encouraging, or advocating abortion.

Third, if a woman's pregnancy threatens her health, she will be immediately referred to proper treatment. If the title X clinic identifies a medical emergency, the client will be referred to an appropriate medical provider for treatment of that condition.

Finally, on March 20, 1992, the Department of Health and Human Services issued a guidance document that clarified concerns that have been raised concerning the doctor-patient relationship. The memorandum states:

Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

And the clarification further requires that physicians refer a pregnant woman with a health problem to medical care appropriate to her particular health problem, even if that referral results in an abortion.

Madam Chairman, I oppose this attempt to overturn the Secretary's regulations. It does not make sense to have a federally sponsored program providing information on abortion, when it is the one and only method of family planning specifically prohibited under its statute. It does not make sense that a program originally intended to reduce abortion should provide counseling and refer women for abortions.

Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Chairman, once again the debate over Federal funding for family planning clinics under the title X program is upon us. And, once again, the issues are being clouded by those who want to include abortion as part of the program's referral and counseling services.

In the first place, no one ever seems to remember that the purpose of the title X family planning program is to provide preconception care. In other words, it is meant to assist women either to become pregnant or to avoid becoming pregnant. However, once a woman actually is diagnosed to be pregnant, title X clinics are no longer the appropriate care provider—their work is over.

Congress specially designed this program to be a link to continuing care programs, and it was not intended to be a comprehensive care program. If a family planning clinic were to discover a health problem such as diabetes or high blood pressure in a woman during the course of regular contraceptive procedures, the clinic would be compelled to refer the woman to a comprehensive health care provider. Likewise, if a woman participating in the program is found to be pregnant, title X clinics are required to refer her elsewhere for further assistance.

Those who oppose the regulations prohibiting counseling for abortion need to remember that from its creation one of the mandates of the title X program has been that no title X funds may be used in programs where abortion is a method of family planning because abortion is simply not considered to be an acceptable method of family planning. Counseling about abortion, therefore, appropriately is prohibited as well because it would suggest that abortion is a valid method of family planning and that the Federal Government is willing to fund it.

Proponents of abortion continue to cloud the debate by claiming that this is a free speech issue, when in fact their own actions demonstrate that it is not. If this debate were over the issue of freedom of speech, then advocates of abortion would not be pushing for greater restrictions on abortion alternatives.

I will point out two court cases to my colleagues which serve as good examples. One is *Akron v. Akron Center for Reproductive Health, Inc.*, 462 U.S. at 446-49, where advocates of abortion have vigorously sought to have laws that would require physicians to counsel their patients about the risk of abortion declared unconstitutional. In the second case, *Bowen v. Kendrick*, 487 U.S. 589, 1988, advocates of abortion sought to restrict recipients of Federal funds from counseling teenagers about alternatives to abortion. Where is their free speech argument in these two cases?

We are encountering this situation even now in the Pennsylvania case being argued before the Supreme Court, as abortion advocates are adamantly opposed to the concept of giving a woman full information on the abortion procedure and the development of her baby so that she can make an informed decision. Does this mean abortion advocates have something to hide?

I urge my colleagues to separate the issues, to recognize the purpose of the title X family planning program, and to oppose H.R. 3090, which is a huge distortion of it.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Madam Chairman, the legislation that we are dealing with today is really a class issue. This vote today is really about whether we are going to side with women in this country or side with the President and the Supreme Court, who are telling working and poor women that they are second class citizens. They are telling women that they are not entitled to know the full range of health care options. If you are a wealthy woman you can get all the advice that you need with regard to your pregnancy. But unless we pass H.R. 3090 today, the poor women of this country will not have

that right. Free speech will be a question of class status.

In decision after decision, the Supreme Court and the President continue their assault on women's rights. Poor women, sick women, and young women are having their reproductive choices taken away from them. The gag rule denies women access to information about decisions that will affect their entire lives. If we do not pass this legislation, today, we will be denying low-income adults and teenagers access to information that could prevent the continued feminization of poverty.

Sixty-seven percent of teenage mothers and children live in poverty and only 1 teenage mother in 50 will finish college. When children have children, there is no escaping poverty. Forty percent of all American women become pregnant in their teenage years, and most of them and their children join the ranks of the poor, which costs us \$20 billion annually. Yet before us today we have a chance to prevent that from happening by passing H.R. 3090.

By reauthorizing the title X family planning program we will restore some of the drastic cuts that have occurred since 1985. These dollars are essential so that we can assist adult and adolescent women in planning their pregnancies and avoiding unwanted pregnancies. When 65 percent of those eligible for services cannot get them, and when 83 percent of title X clients rely on the clinics as their only source for primary health care, it becomes imperative that we restore funding.

If information and access to safe and legal abortions is denied, women will have to put their lives on the line. We must guarantee the 3.7 million low-income women who depend on title X services that their confidentiality with their health care practitioners is secure. Their health care providers cannot be gagged. Let us not insult our health care providers, let us not insult women, let us not insult all Americans with a gag order on medicine.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Madam Chairman, I rise in support of the family planning reauthorization, H.R. 3090. Since its enactment in 1970, title X has provided a critical source of Federal funding for family planning and has been one of our Nation's most successful health care programs. This legislation to reauthorize the program is even more crucial because it calls for the overturn of the gag rule.

Title X clinics provide family planning services for over 4 million low-income women each year. In the State of Texas, over 200,000 women go to clinics that receive title X funds. Many of these women have a history of health problems, such as diabetes or hypertension, that might make a pregnancy dangerous for them. More and more of

these women are testing positive for AIDS. Not to inform these women of the dangers associated with pregnancy is not only bad medicine, but an invitation to medical malpractice. Under these regulations, physicians are potentially endangering the health of pregnant women by being prevented from telling them the truth about what may be in their best medical interests.

We must take action now, and send a clear message to the President that he is out of step with the Nation on this issue. American women who seek medical counsel deserve to be told the truth about all of their pregnancy options. I urge my colleagues to support the family planning reauthorization and overturn the gag rule.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Madam Chairman, when I was practicing medicine, I never differentiated between patients as to whether they could pay or not for the information or care that I provided to them. My point in arriving here is the gag rule creates two standards, is exactly what it does. It makes a differentiation between those people who can pay and those who cannot pay.

This is not an issue about abortion, not an issue about a decision as to whether or not to have an abortion. This is about Government interference with a doctor-patient relationship.

We have seen too often in the last several years the Government interfering, micromanaging the delivery of health care, and this is just another instance of that. This is about removing and taking care of those providers who provide health care to patients, removing them from that liability or threat that is posed to them by the gag rule.

I urge passage of this legislation, particularly from that standpoint.

Mrs. ROUKEMA. Madam Chairman, will the gentleman yield?

Mr. ROWLAND. I yield to the gentleman from New Jersey.

Mrs. ROUKEMA. Madam Chairman, I rise today in strong support of H.R. 3090, the title X reauthorization bill and want to associate myself with the fine statement of our colleague Dr. ROWLAND. I do so as a Republican, as a woman and as a mother of three, and I do so in the name of simple decency.

The Federal Family Planning Program, since its inception, has operated under a policy of providing not only a plethora of health care services but has done so under a policy of providing their clients full information regarding all medical pregnancy discussions.

My colleagues, as you are aware this bill contains language that would prohibit regulations that deny Federal support to family planning programs that use other resources to provide abortion services, information or referrals. In other words, we act today to lift the gag rule.

This issue is the most intimate and most profound moral issue that a woman has to face. Do we really want to put Government into the position of making these decisions? Rather than the decision made by the woman in consultation with her family, her doctor, and her spiritual counselor?

I also want to refute the allegations of my colleague from New Jersey, Mr. SMITH, who characterizes this bill as advocacy for abortion. It is no such thing. It is keeping government out of dictating to women what her choice should be even in the most difficult of medical circumstances.

There is nothing in this legislation that prohibits a State from enforcing a parental notification requirement under the laws of the State. Madam Chairman, during this debate a number of Members have falsely asserted that this bill prohibits parental notification. It does not.

It is unfortunate that opponents must use specious arguments and scare tactics in opposing this medical choice option.

The real issue I say to my colleagues is that without the language in the conference report we are saying that we support a two-class system. A system which denies the women the consultation with a doctor. A two-class system in this society that is: those who have the money to make the choice can make their own moral choice for themselves; but those who do have the money to make the medical choice for themselves, will have to continue to be victimized. In other words, those who cannot afford the legal right to an abortion are victimized for the rest of their lives. In my own district, family planning services which rely on Federal funding, would lose 12 percent of their budget, forcing them to close clinics, thus reducing the number of women for whom they can care.

I also warn my colleagues that without this language, physician-patient relationships are in jeopardy. The need for open dialog between patient and physician is crucial. Constraints on what a physician can say to a patient can only result in serious medical implications for the patient.

Mr. Speaker, in the name of simple decency I say to my Republican colleagues that we must keep Government out of this moral decision and I urge them to vote in favor of H.R. 3090.

Mr. BLILEY. Madam Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Chairman, it is time to tell the truth about title X regulations. The truth is that this is an issue of taxpayers' choice. It is simply unconscionable that the tax dollars of the overwhelming majority of Americans who reject the notion of abortion as birth control would be used to fund a family planning program that

makes no distinction between the two, and that provides no role for parents in the crisis pregnancy decisions of their daughters.

The fact is that the title X program was created as a preventive family planning program, intended to help poor women avoid unplanned pregnancy and to plan the timing and spacing of their children. The statute, conference report, and floor debate before their passage in 1970 all made it excruciatingly clear that there was never to be an entanglement between title X activities and abortion-related activities. The regulations have corrected abuses of taxpayer dollars and have restored integrity to the program.

What is perplexing, Madam Chairman, is the insistence by some members of Congress that somehow taxpayers suddenly have the obligation to fund activity that the vast majority of Americans find morally wrong—the promotion of abortion as a method of family planning and the exclusion of parents from their daughters' crisis pregnancy decisions. The taxpayers, not pro-abortion lobbyists, pay for the title X program.

In addition, Madam Chairman, parents need the title X regulations in order to protect parents' right to know. Simply stated, the health and welfare of our children is threatened by attempts to overturn safeguards in the title X program, a program that sees in excess of 1 million teenagers a year.

In their efforts to push a pro-abortion agenda, the abortion lobby has tried to muffle the voices of mom and dad—the only gag in this debate. All of our rights as parents are certainly more fundamental than those of an abortionist.

I ask my colleagues to support taxpayer choice, parents' rights and support family planning with integrity.

I urge a "no" vote on H.R. 3090.

□ 1430

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Madam Chairman, the reauthorization of title X and the repeal of the gag rule is our last opportunity to put an end to the appalling and humiliating second class treatment women will receive beginning in May under the administration's regulations.

Make no mistake about it, women clearly comprehend that the gag rule regulations translate into taking a backseat to men in their medical care. They are rightfully angry and frustrated, and I have no doubt this will manifest itself in the November elections. I for one don't believe women will sit idly by any longer and watch as a male dominated Congress continues to advance an imprudent and harmful trend.

Your vote on this legislation will clearly show whether or not you be-

lieve women deserve complete medical information; whether or not you believe that a woman's economic status should determine the degree to which she is protected by the U.S. Constitution; whether or not you believe that the Government has the authority to censor the speech of medical professionals.

In addition to repealing the gag rule, this bill reauthorizes title X and provides \$180 million in 1993 to family planning clinics. These funds enable family planning clinics to provide contraceptive, family planning education, and gynecological exams to approximately 4 million low-income women.

Every day, thanks to the guidance and resources of family planning clinics, thousands of low-income women are protected against sexually transmitted diseases and unwanted pregnancy. Therefore, there is no better investment for both sides of the abortion debate than strongly supporting family planning programs.

Madam Chairman, those who support both antiabortion and anticontraception policies leave women with no realistic alternative to unwanted pregnancy. This position only exacerbates the current crisis of unwanted pregnancy and abortion and does nothing to solve these problems.

The entire thrust of the title X bill is solving this crisis through prevention: prevention of sexually transmitted diseases, prevention of reproductive cancers, and prevention of unwanted pregnancy. Additionally, there are significant savings in public dollars—every public dollar spent on family planning saves \$4.40 in public health and welfare costs.

Family planning is one of the most significant tools in reducing the incidence of abortion and should be recognized as such. I urge my colleagues to vote in favor of the reauthorization of title X and the reversal of the gag rule.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Madam Chairman, I rise in strong support of this bill. We have heard a lot today from the antichoice crowd, most of it wildly erroneous. I would like to refocus this debate and bring it back to the real world.

The title X program is the only source of health care for hundreds of thousands of American women. In my home State of Oregon alone, more than 50,000 people are served by title X programs. Family planning is only one feature of title X, which includes breast cancer screening and pap tests, as well as treatment for sexually transmitted diseases.

The health care professionals who run title X clinics are enormously committed to the work they do. They know that they are part of a government program that actually works and they're proud of it.

I have talked to people like Allie Stickney, director of Planned Parenthood of the Columbia/Willamette, about what this bill means to the future of title X. Her answer is that without this bill, this important women's health program has no future.

Not only are the current funding levels woefully inadequate to the growing need, but we must deal with the ethical and practical problems posed by the infamous regulations that have come to be known as the gag rule.

The administration's shameful wrangling over which health care professionals are permitted to say what to whom about abortion has undermined the program immeasurably.

Yesterday, the board of Planned Parenthood of the Columbia/Willamette voted to give up its \$512,000 title X grant—one-quarter of its budget—rather than comply with the institutionalized medical malpractice the White House is imposing.

Why is the gag rule institutionalized medical malpractice? Because health care professionals at title X clinics aren't permitted to give pregnant women the information they need to make informed medical decisions. Even HHS' recent directive to title X clinics only allows abortion referrals when a doctor knows a woman's health is threatened by the pregnancy. That's often irrelevant—not to mention impossible.

Finally, to top it all off, it only allows a poor woman to be referred to a health care provider whose primary activity isn't providing abortion services. That may sound fine, until one considers that most States do not have a full service health care facility that performs abortions.

In the coming weeks, other family planning clinics that stand by their patients' right to know all their medical options will join Planned Parenthood of the Columbia/Willamette in turning down title X funds. Some clinics will be forced to close their doors as a result. That's just plain wrong, and we can stop it by voting today to pass this urgently needed bill.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Chairman, I thank the gentleman from California for yielding time to me. I also commend him for his efforts on behalf of the women who do not have the power or the authority or the confidence to speak for themselves.

Madam Chairman, I want to talk a little bit about the Planned Parenthood in New York that is located in the South Bronx. It bases nearly 27 percent of its operating budget on Federal funds. It has decided it would rather close its doors than comply with Federal regulations. Did it make that decision because they are pro-abortion? Of course not. It made that decision be-

cause abortion is the legal law of the land, and they feel compelled to inform women of their legitimate legal rights.

I have a quote from a woman who has been going to the Planned Parenthood. She is age 28. She said to me that she has been coming here for many years. She came with her boy friend, who is now her husband. They had sex for the first time and they were very naive about it. She said:

I just could not speak to my mother and my friends. They were not the best people for me to take advice from. They didn't know more than me. I have also been coming to the clinic for my regular gynecological care. I get checkups and pap smears.

In conclusion, she said

People will not bother to find another place if this place closes, and a lot of mistakes will be made.

I urge my colleagues not to let these mistakes be made.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Chairman, I rise in strong support of H.R. 3090, the Family Planning Amendments Act. Because title X has not been reauthorized since 1985, funding for family planning programs has been cut. Family planning services are critical in reducing the incidence of teen pregnancy, unwanted pregnancies, and abortion, and is an integral element of our worldwide efforts to slow population growth. Title X provides health care services to 3.7 million low-income women and adolescents each year, often serving as the sole health care provider to this population. In addition to contraceptive services, preventive health care services, such as screening and referrals for HIV, and breast and cervical cancer, are provided. No title X funding is used to pay for abortions.

Family planning clinics have been burdened not only by the lack of a reauthorization, but also by the outrageous restrictions of the gag rule. Family planning clinic health professionals must be able to give their clients complete information about their legal reproductive options. To deny this process represents a clear violation of the first amendment, will lead to defensive medicine, and will create a class system for women's health. Women who can afford private physician care will have complete information and access to these health services, while low-income women will be denied the same services, even when they are the victims of rape, incest, or life-threatening illnesses.

The administration's guidance memorandum continues to provide restrictions on physicians, despite reports to the contrary. Other title X staff, such as nurses, nurse midwives, and physician assistants, are still completely gagged; these health care professionals provide the vast majority of physical exams and counseling in family planning clinics.

The gag rule is patronizing to women, and it must be repealed. H.R. 3090 reverses the gag rule and finally reauthorizes title X. Today's vote is one of the most important votes of this session for women, and I urge my colleagues to support the bill.

Mr. BLILEY. Madam Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Madam Chairman, I thank the gentleman from Virginia for yielding time to me.

Madam Chairman, the central issue in this debate is who should be counseled, by whom, and for what purpose. If the proponents of this legislation were serious about advocacy of the sanctity of the doctor-patient relationship, they would have brought to us legislation that provides only for counseling by doctors to the patient, but that is not what this legislation does. It provides for a range of people who do not have medical qualifications to counsel frightened, confused, and emotionally vulnerable women coming into a counseling center, expecting—but not getting—solid doctor-patient medical advice but, more likely, getting a range of other kinds of advice.

That is what troubles me about this legislation.

I could support a provision allowing doctors to counsel clients at a clinic affected by his legislation, but limiting such counseling authority only to a doctor. It is not right to create, with Federal funds, conditions under which a pregnant woman may be guided in a direction that professional medical advice may not take her. That is why I am opposed to this legislation.

Mr. WAXMAN. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Madam Chairman, it is with no light feeling of emotion that I come to the floor and discuss a very important piece of this issue that I would like to share with my colleagues and those who would listen.

A young woman, living with my wife and I, not so long ago came to my wife to tell her that she was pregnant and that she was going to have an abortion. We are a pro-life family. My wife, after some discussion, referred this young woman to a title X clinic. Following that session she asked Arlene to talk with me, for she did not want to tell me of this circumstance. She saw me to tell me of the counseling session and that she was going to have this child.

I visited Sacramento not very long ago. A 6-year-old girl is alive today, I believe, because that counseling was available to her. I have examined this as deeply as I can and can only conclude that if we close the door to such counsel that many a life will be lost, so as a pro-life member I urge you to consider voting for this amendment.

□ 1440

Mr. BLILEY. Madam Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Madam Chairman, normally around here when one side suggests loudly that the debate is not about something that is a pretty good indicator that that is exactly what the debate is about. And Member after Member on the other side of the aisle has come up and said this debate is not about abortion. Ladies and gentleman, that is a pretty good indicator, because that is exactly what this debate is about. That is all that this debate is about. It is about abortion.

The facts have been clarified since we last debated this on the appropriation bill. So the rhetoric has changed. The doctor-patient relationship, so sacred throughout all of the debate just last year, now has been replaced with the medical team, which is somehow sacrosanct. But the objective is the same.

My colleagues, the question we face really is simple: Should the taxpayers subsidize the promotion and facilitating of abortion? Perhaps that word "facilitating" in my view best illustrates the differences between Members whenever we approach an issue related to abortion on the floor of this House. No one on either side of the debate seriously doubts that a woman who wants an abortion in this country, who decides she wants one, is going to get one. But what about the woman, or dare I suggest the couple that is not so sure, that are troubled, stressed, on the horns of a dilemma?

No one ever comes to this floor and says abortion is a good thing. In fact, most people come to the floor and say they are personally opposed to abortion, but—yet, whenever an issue of public policy is involved, we bend every rule, spend every dollar, and contrive every excuse to make abortion a more likely decision rather than a less likely decision.

That is what this is about, using taxpayers' money to help tip the scales for that troubled, stressed woman in favor of a decision to abort her baby. Federal dollars are precious. We should be spending them on prenatal care and neonatal care and maternal help and adoption. We should not be subsidizing a nationwide system of abortion promotion centers and referral centers.

It is bad enough that this country has an inability to come to grips with the fact that the unborn deserve some measure of legal protection and cannot find the courage to protect the unborn outright, those who have no one to speak for him or her.

That unborn child already faces a cultural bias against children that sees people as pollution. Let us not add to that unborn child's difficulties the obstacle of a Federal counselor urging his or her troubled, fearful mother to have an abortion.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Madam Chairman, I rise in support of H.R. 3090, the title X family planning reauthorization bill. This legislation is extremely important, and I urge my colleagues to join me in supporting it.

Let us make sure we understand that there is no tax dollars in this bill for abortion. Whether or not people decide to have an abortion on their own, they will have to finance it on their own, and none of this money will go to pay for it.

But it is about family planning and financing, and every study shows that the availability of family planning services reduces the incidence of abortion. Oh, yes, if you want to have the discussion be about abortion, fine, I can agree with the gentleman from Minnesota, VIN WEBER. But it is not increasing abortions, it is reducing abortions, and that is what family planning services do.

But what this bill is also about is not what women can hear, it is about what low-income women can hear, because high-income women, moderate-income women have no trouble hearing the full range of options, and if she is a woman who decides to have an abortion, she will find a way to do it. But there is one group in society that may not hear about every option that they may have, and they may not be able to make their own decisions, and that is low-income-women. This is a bill about what low-income women can hear, and if we say that they cannot hear what everybody else hears, then this really is a political bill. This is really political medicine at its worst, and I think that is no role for medicine. Let people make their own decisions. Let us support family planning and not confuse it with subsidizing abortions, which this bill does not do.

Funding for this valuable program, which provides family planning services along with related preventive health services to low-income women, has fallen by over two-thirds in inflation adjusted dollars over the last decade. About 3.7 million low-income women and adolescents every year use services from title X funds and for about 83 percent of these clients, these clinics are their only source of primary health care.

H.R. 3090 is not only important because it reauthorizes title X, but it also eliminates the administrations gag rule to outlaw the discussion of all family planning options in clinics supported by title X funds.

The Bush administration's gag rule is poor health policy, it discriminates against poor women, and it denies health care professionals the right of free speech. The gag rule sets up a two-tiered system of medicine based solely on income and violates the original in-

tent of title X. This program's goal, when enacted was to provide complete information to low-income women and help them prevent unwanted pregnancies. We are not achieving this goal if we have a gag rule policy on these clinics.

Over 3 million unplanned pregnancies occur each year and this number will only increase if we do not eliminate the gag rule. Many family planning clinics will no longer accept title X funds if they have to comply with this restriction because they want to provide the best possible health care to those they treat. The result will be that these clinics will be forced to serve fewer clients.

We should not support any program that gags a health care professional from giving all legal medical options to a patient. To do so would be both unethical and immoral. With the gag rule, health care professionals would be forced, in effect, to practice political medicine.

The even greater danger of this policy is its broader implications. We should not allow the administration to gag free speech in order to pursue a specific political agenda: ending legal abortions.

A policy of politically controlled speech could be applied to other programs such as doctors receiving Medicare funds, lawyers receiving public defender funds, or schoolteachers receiving Federal funds. I fear where this policy could eventually lead.

Today with this legislation we have an opportunity to strengthen a good Federal program and also to eliminate the gag rule policy. By passing this legislation we can confirm our commitment to helping poor women and also preserving free speech. We can also remove the shackles of political control over professional medical opinion. And finally, we can erase the proposed two-tier system whereby low income women receive different medical advice than all others when facing crucial personal decisions on pregnancy.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I rise to share my views and my position, not to seek to persuade or to argue for it.

I rise in behalf of family planning, and indeed in support of the Family Planning Act before us. I have thought about it a great deal, as I think we all have. I am opposed to abortion. I am a right-to-life advocate, actually.

But I have checked this thoroughly in the clinics in Wyoming. None are managed by Planned Parenthood. None have an affiliation with an abortion clinic. But they do provide an opportunity for counseling for poor women.

I have concluded that local people do have a good deal to say about what goes on through their contracts. The

States can make rules, as we did in Wyoming on parental notification, which I support. So I believe the real answer falls with trying to avoid or to educate in a way to avoid unwanted pregnancies.

I rise in favor of family planning, unrestricted.

Mr. BLILEY. Madam Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia has 6 minutes remaining.

Mr. BLILEY. Madam Chairman, I yield the balance of our time to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I am saddened by the turn of this debate, because so many good people, sincere people have such widely divergent ideas about what this is all about.

First of all, everyone has begun to accept the surgical procedure called abortion as though it was another surgical procedure, an ordinary one, an appendectomy, except for the fact that it is an extermination of a little human life, a little defenseless, voiceless, voteless human life. And it is one of the most serious things that can be done.

I also resist the notion of some of our wonderful speakers here that this is antiwoman. It certainly is not antimillions of women in this country who bitterly oppose abortion. It is certainly not against the millions, and I mean millions of tiny, unborn children who are female. So to arrogate to yourself the authority to speak for women it seems to me is quite elite, and it is something that I resist.

There is an enormous difference between family planning, which we are supportive of, which we want to pay for, which we want to flourish, and abortion. That is fundamental to this discussion. Abortion is not a part of family planning. Family planning has to do with fertility and contraception, getting pregnant or not getting pregnant. But once you are pregnant, you leave the area of family planning and you go into prenatal care.

Your definition of prenatal care is really prenatal destruction, because you do not want to care for that little child that has been conceived. You want to eliminate that child as though it were a used Kleenex, and that is the tragedy, and that is the sad part of this.

The gag rule, and if I hear that again I will probably gag, I want to run to the rail, because every proponent of this legislation I am sure opposes the Pennsylvania legislation that is now before the Supreme Court which calls for informed consent. The last thing they want is a woman seeking an abortion to know exactly the consequences of what she is doing. The last thing they want, and listen to their arguments, is for parental notification, much less parental consent. So who is for the gag rule around here?

And this bill is a massive infringement on freedom of speech, because this bill mandates that people in the clinic tell women of the option of abortion. If you forbid someone from saying something or if you mandate that they say something else, you are interfering with their free speech.

The real question is in a program that is designed specifically for family planning do they have to be made a promotion, a distribution center and commercial outlet for abortion?

Many of us want to support family planning. We cannot support abortion. The two are dissimilar, but you hang abortion on every legislative vehicle you can.

□ 1450

That is what is wrong.

Say, if you think abortion is a good thing, if you think exterminating defenseless unborn children is a benign thing or a neutral thing, then support this bill.

The tragedy is you are taking my tax dollars and making me pay for your promotion of a surgical procedure that kills, that kills. Forgive me if this is ungenerous, but I do not know how else to say it and be honest myself, you do not have the intellectual honesty to talk about abortion. You talk about reproductive rights. You talk about choice.

We were originally told that this issue concerned the sacred relationship between doctor and patient. I even heard gentleman talking on this issue who do not know that the doctor is freed up under the regulations to talk to the patient about anything he wants or she wants; that doctor-patient relationship is inviolable.

But the question is: Should counselors, should untrained volunteers, should receptionists provide medical advice to people? Oh, yes, you say so long as they are steering people to an abortion. That is wrong.

We were told the last time we debated this issue that this whole thing was about the doctor-patient relationship. The gentleman from Washington [Mr. MCDERMOTT], whom I listened to with great interest, said, and I quote:

The concept of a President saying to me, as a physician, what I can and cannot tell a patient of mine about life-and-death issues is the worst sort of Government intrusion into people's private lives. Today the President wants to step between a physician and a woman faced with a critical medical decision.

The distinguished gentlewoman from Connecticut [Mrs. KENNELLY] says, "Yet under the gag rule, a doctor is barred from telling a woman all her medical options, even if she has cancer, diabetes, or AIDS. Can you imagine what a dilemma this poses for a doctor, whose professional responsibility it is to provide sound advice for his or her patient?" And it goes on and on and on.

Well now, today it is not doctor-patient relationship. That has been taken

care of. It is counselors. It is nonphysician staff that are involved in this. And I am also upset when it is painted as a class issue: poor women do not get to share in the federally paid for vices that rich women have, exterminate their young. If a rich woman can kill her baby, a poor woman ought to be able to kill her baby. Say, it is the children of the poor that we get to save a few of by denying Federal funds for them to kill their children. It is the poor of the rich that are at risk and are vulnerable.

Abortion is not a boon, something to be sought after. Abortion is an evil, and it is something to be avoided.

Mr. WAXMAN. Madam Chairman, I yield myself 2 minutes to take exception with the remarks that have just been made by the gentleman from Illinois.

This gag rule would, in fact, prevent a doctor who knew that a woman may not survive her pregnancy from even knowing where she could get services to deal with that life-threatening condition.

The rules that we should put in place would be to give her the truth, to be honest, not to direct her, not to refer her if she did not want a referral. But if a woman wants to know the truth, she should be told the truth. She should be told the truth by a doctor, a nurse, a nurse practitioner, a counselor, or any other able person there who is a health professional.

Let me assure people here that doctors are not protected under this gag rule to do what they think is best in their medical judgment. Let me also assure the Members that most people do not get to see doctors, especially low-income people. Generally, they get to see a trained nurse or other appropriate health professional.

A nurse practitioner who works in a title X clinic can counsel a woman on any gynecological problem, on any sexually transmitted disease, on any cancer or any other medical situation and refer her to an appropriate place for a needed service.

These family planning clinics do not do abortions. They may not. They can only tell a woman, if we allow them to, that she has to go to another place for that service.

But under the gag rule, they cannot even talk about the word "abortion" or tell her where she can get that service.

Madam Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I rise to express my strong support for H.R. 3090, the Family Planning Amendments of 1991, and once and for all removing President Bush's gag from thousands of health care workers across the country.

Yesterday, Madam Chairman, the House all but shredded that section of the Constitution which lays out the

separation of powers, and today some of my colleagues want to strike down the first amendment. That's certainly not a legacy I want to be remembered for: Two of the most basic tenets of our democracy being subjected to the political whims and posturing of George Bush.

President Bush is once again training his gun sights on American women and their fundamental right to make informed reproductive decisions, and to control the destiny of their own bodies. After filing a brief before the Supreme Court earlier this month in support of Pennsylvania's anti-abortion law, the President is now ready to assure that he has a say in the reproductive decisions of low-income women who use title X services.

Title X has provided family planning assistance to clinics across the country for over 20 years and it is unfortunate that President Bush found it necessary to cave in on his once staunch support of planned parenthood.

The gag rule, Madam Chairman, does not equally touch all American women, but unfairly targets those women who cannot afford to go to private physicians, and thus must rely on the government for advice and assistance. It says that poor women shouldn't be able to have the same reproductive options as their wealthier sisters, simply because they cannot afford it. And it says that women are not capable of making this most personal of decisions without George Bush's Orwellian guidance.

Let us not be fooled by the President's apparent backtracking by saying that the gag rule doesn't apply to doctors. Doctors still will not be allowed to make referrals. And worse yet, he smugly knows that such family planning clinics are primarily staffed by nurses and counselors who will still be gagged.

Madam Chairman, the world is not crisp and clean and pastel like a Brady Bunch episode. When is the President going to realize that young women get pregnant and sometimes find it necessary to have an abortion. It is not something revolutionary. It is just a fact of life.

The problem of unwanted pregnancy plaguing our Nation is indeed a tragedy. And so is the tragedy of unwanted children, and child abuse, and incest, and children living in poverty. Let us concentrate on the illness, Madam Chairman, not the symptoms. Let us educate our youth, and rebuild our cities, and clean drugs out of our city neighborhoods. But let us not continue to pare down the individual's right to privacy in a misguided self-righteousness.

Just what is the President afraid of? Information and facts, Madam Chairman, will not result in a greater number of abortions. But the lack of appropriate counseling will once again relegate women to the status of second-class citizens.

I urge my colleagues to help in overturning the gag rule. Support this legislation.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Chairman, I thank the gentleman for yielding me this time, and I also thank him for his leadership in bringing this important legislation to the floor.

Madam Chairman, I rise in strong support of H.R. 3090, the title X reauthorization bill, to increase funding for the Nation's family planning program and overturning the administration's gag rule regulations prohibiting federally funded clinics to advise women of every medical option available to them.

In listening to the gentleman from Illinois [Mr. HYDE], our colleague, earlier, it seems he thinks that in these clinics there are two categories: doctors and receptionists. There are many health professionals in between who would be deprived of the right to tell women what their options are.

Again, I want to thank the distinguished chairman, the gentleman from California [Mr. WAXMAN], for this hard work. This is a freedom-of-speech issue, and it is an issue of fairness.

Many of my colleagues have already spoken about this legislation.

I just want to add in closing that I have said to my colleagues, please, affirm the women's constitutional right to freedom of speech and all medical personnel having the ability of letting the women of America know that we will not let their rights be taken away from them. I say this to you, my colleagues, not as a threat but as a prediction: The women of America will not allow this Congress to take away their ability to think, to hear, and to decide for themselves.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, title X of the Public Health Service Act of 1970 hasn't been reauthorized since 1985 and has suffered as a result.

Before you vote today, once again consider the services the 4,000 title X clinics now provide to over 4 million patients, most of whom can't afford to go to private physicians. They screen for breast and cervical cancer, diabetes, anemia, and HIV. They provide treatment of sexually transmitted diseases, community education on health issues, and, yes, reproductive health information and contraceptive services.

This gag rule is totally unacceptable in a free and open society. Moreover, it is contrary to public health interests and violates all rules of common sense. It must be overturned.

Many title X clinics have already announced they will forego Federal funds rather than submit to the HHS regulations prohibiting clinic personnel from

offering clients complete abortion-related information. The consequent reduction in clinics' operating budgets will lead to fewer services and an increase in fees. This can only exacerbate the core controversy surrounding this legislation, by taking away affordable access to contraceptives; the number of unintended pregnancies in this Nation will skyrocket.

Title X recipients provide needed, valuable services to economically disadvantaged women. The gag rule blocks their ability to provide full and accurate medical information to these women, and it must be overturned.

Let me say that continually throughout this debate opponents of this legislation have talked in terms of those who favor abortion. Let me assure them that there are a lot of us who do not favor abortion, but we for darn sure want choice in America.

Mr. HUGHES. Madam Chairman, I rise in strong support of H.R. 3090, legislation reauthorizing title X of the Public Health Service.

Title X provides grants to clinics across the country which perform a wide range of valuable family planning services, including fertility counseling for couples unable to conceive, prenatal care, contraceptive assistance, sterilization, and treatment of sexually transmitted diseases. Title X funds cannot be used to finance the performance of abortions or any abortion-related activity.

Services provided by family planning clinics are a necessary and valuable component of our country's health care system. As we seek ways to expand the availability of health care to all our citizens, it would be a huge mistake to reduce or eliminate title X which currently serves approximately 4 million women per year.

I also wholeheartedly believe that patients who rely on title X clinics for health care services are entitled to receive information about the same legal medical options available to them as are available to every citizen of this country. Anything less represents an unequal treatment of citizens under the law.

Some of our colleagues raise concerns about the morals and values reflected in a Federal policy which funds services that provide complete medical information to all clients—including information about abortion. They are particularly concerned about the message this policy sends to our Nation's young people.

However, I do not believe that the Federal Government, or organizations to which it provides funding, should be charged with the responsibility of moral arbiter in these very personal and private matters. Rather, the goal of the Federal Government is to provide the necessary funding so important, accurate health care information is available to every citizen so they can make their own best and most appropriate personal health care decisions.

It is the responsibility of our Nation's parents to instill their own system of values in their children. Armed with the teachings of their parents, children can then understand the information they receive—from whatever source—about very sensitive issues including abortion, aids, contraception, and other reproductive-related issues.

I urge my colleagues to vote for this important piece of legislation, which includes the provision overturning the so-called gag-rule, so millions of women may continue to receive important health care services and in the process make well-informed medical decisions.

Mr. WILLIAMS. Madam Chairman, I want to commend the chairman for bringing this bill to the floor. I know it has been a long time since this important program has been reauthorized and I am grateful for the chairman's and the committee's work on the bill.

I rise to speak today because there is a critical issue at stake, a basic tenet of our Constitution, freedom of speech. When the administration issued regulations limiting health care professionals from expressing their professional guidance and advice and the Supreme Court upheld those regulations I believe it sent two clear messages, the first being that physicians did not have the right to express their medical opinions to patients. The second message is that low-income women are second-class citizens and, therefore, deserve incomplete medical information from their doctors.

Medical professionals working in Government-sponsored family planning clinics could not longer rely on having a confidential relationship with their patients. They no longer could use their professional judgment to offer advice and counsel to a low-income pregnant woman seeking guidance about her medical options. Instead they would be forced to offer a political answer, one that had been handcrafted by the White House—abortion is not to be discussed by the Federal Government.

The gag rule, as the President's title X regulations have become known, was modified by President Bush in March. Now doctors are allowed limited freedoms in mentioning abortion but remain gagged when discussing abortion providers or making abortion referrals. They also cannot delegate their counseling authority to anyone who is not a doctor. It is clear that the decision to modify the regulations was again based on political advice from the White House. The modified regulations are the administration's latest attempt at smoke and mirrors to lull the public into believing that the gag rule really doesn't interfere with the doctor-patient relationship.

The regulations still prevent nurse practitioners, physician assistants, and nurses from speaking about abortion. The fact of the matter is that these folks provide the vast majority of the counselling in federally funded family planning clinics. The President's regulations are an insult to all medical professionals but especially to these fine men and women—suggesting that they don't have the expertise or professional ethics to provide complete medical information to their patients.

The President has certainly made his point that low-income women should not have the privilege of being fully informed about their own medical condition. He does this by limiting the actions and words of health care professional if their clinic receives Federal funds. I think it is high time that we act to protect the rights of health care professionals and the lives of low-income women.

I encourage you to vote for H.R. 3090.

Mr. GILMAN. Madam Chairman, I rise in support of H.R. 3090, the family planning amendments of 1991. I commend the distin-

guished chairman of the Subcommittee on Health and the Environment, Mr. WAXMAN, for introducing this measure.

The title X National Family Planning Program was signed into law in 1970. This program annually provides funds for about 4,000 family planning organizations that serve nearly 5 million low-income women. Title X funds provide poor women with general reproductive health care and information about family planning.

Madam Chairman, the title X program has functioned effectively for over 20 years. Family planning clinic health professionals must be able to provide their clients with all available information regarding their health options. This important program has proven to be highly cost effective. With every public dollar spent on family planning services, an average of \$4.40 in short-term costs is saved in medical care, welfare, and other social services.

For those concerned about the inclusion of abortion funding in this measure, it should be noted that this bill makes no change in the legal prohibition against providing abortions with family planning money.

In addition H.R. 3090 includes a reversal of the gag rule. Currently, health care workers in family planning clinics can't counsel their patients as they see fit. They can't discuss abortion at all unless they have an M.D., and even doctors can't refer patients to abortion clinics for needed services. The nurses and counselors who see the vast majority of title X patients still can't provide the professional services women expect and deserve.

Madam Chairman, it is time to overturn the gag rule, a policy which violates a woman's right to privacy and reproductive choice, as well as interferes with the doctor/patient relationship.

Accordingly, I urge all of my colleagues to support H.R. 3090.

Mr. STUDDS. Madam Chairman, I rise today in strong support of this bill. The House has an opportunity to take two important steps—to reauthorize the title X family planning program, and to rescind the administration's gag rule, which would undo so many of the gains that we have made in family planning over the past 20 years.

In 1981, the title X program received \$162 million in funding. In the current fiscal year, it has been allocated only \$150 million. The bill before us today authorizes \$189 million for the next fiscal year, increasing to \$237 million in 1997.

The need to fund the program at higher levels—to provide services for more eligible low-income women and teenagers—is clearer than ever. Over 3 million unplanned pregnancies occur in the United States every year. We have the dubious distinction of leading all Western countries in teen pregnancy and childbearing rates that have, distressingly, been increasing in recent years.

The cost to taxpayers of teen childbearing is high—over \$22 billion annually in AFDC, Medicaid, and food stamp payments. But pregnancy prevention is much cheaper. For every \$1 that a title X family clinic spends, the taxpayer saves \$4.40 that would otherwise be spent on medical care, welfare, and other social services.

Reauthorizing the title X program today will only do half the job. We must also take that

crucial second step—to overturn the administration's gag rule. This regulation prevents medical personnel in title X clinics from advising a woman about her right to an abortion—even if an abortion is medically indicated by physical conditions that may threaten her life.

This administration is deathly afraid of the virulent antichoice minority in its party—a small minority, but a vocal one. So it goes to extraordinary lengths to placate them, including this gag order that denies to low-income women and teenagers complete information about their medical condition, and their medical options.

But the President is also afraid to further alienate the pro-choice majority of Americans. So guidance was issued last month that the administration trumpeted as a loosening of the restrictions. But I say to my colleagues: Do not be fooled.

Physicians are still free to tell a patient where she can obtain an abortion, if that is her decision. Nurses and physician assistants—who perform over 90 percent of the counseling in family planning clinics—still cannot provide complete medical information to their patients.

The gag rule establishes a dangerous medical precedent. It says that ignorance can masquerade as medical care and that a physician's oath can be circumscribed by the Government.

The American public overwhelmingly rejects this notion. This Congress has already voted resoundingly to overturn the gag rule and I urge my colleagues to do so once again. When we created the title X program 20 years ago, we did not intend to muzzle health care providers. But we didn't say that loudly and clearly enough.

But this time, let there be no mistake. Title X providers must be able to inform individuals of all pregnancy management options and we must write this explicitly into law. I urge my colleagues to support this bill so that we can send an unequivocal message to this administration that it cannot get away with distorting the laws we pass for its crass political purposes.

Mr. GREEN of New York. Madam Chairman, I rise to express my strong support for H.R. 3090, the Family Planning Amendments of 1991. One thing that must be absolutely clear as we debate this bill today is that H.R. 3090 reauthorizes the title X family planning programs. It will provide desperately needed contraceptive information and services to low- and moderate-income women so that they can prevent unplanned pregnancies. It will also enable clinics to provide screening services for high blood pressure, breast and cervical cancer, sexually transmitted diseases, and HIV infection, because these services are necessarily part of providing medically responsible contraceptive advice. H.R. 3090 is about providing those services to women who may not have any other contact with the medical establishment. And because H.R. 3090 overturns the gag rule, title X patients will receive all the necessary information that they need to make medically responsible decisions.

It must also be made clear that the title X program does not now and never has provided abortion services. It is time for us to tell the extremists who not only oppose abortion but also oppose efforts to prevent abortions

that we will no longer allow them to define the terms of our debate. It is time for us to provide the leadership that the American people desperately seek and support programs that, in the words of the Preamble to the Constitution, " * * * promote the general Welfare."

I also should like to remind my Republican colleagues that the title X reauthorization bill builds on a commitment that another Republican administration made in 1970 when it created the title X program to encourage family planning. I urge my colleagues on both sides of the aisle to renew that very worthy commitment and vote for H.R. 3090.

Mr. SYNAR. Madam Chairman, I strongly support H.R. 3090, the Family Planning Amendments of 1991. It is regrettable that a program which is dedicated to eliminating unwanted pregnancies through counseling and access to contraception is mired in controversy over the abortion issue. The raison d'être of family planning programs is to prevent abortions. Family planning clinics which receive Federal funds are prohibited by law from using those funds to provide abortions. Those laws are strictly enforced. There has been no instance of a clinic violating this law. Thus, issues related to abortion are simply not germane to the debate over funding for family planning clinics. The only legitimate objection which can be made about Federal funding of family planning clinics is that the Government has no business helping low-income women obtain access to pregnancy counseling and contraception. I strongly disagree.

There are over 3 million unplanned pregnancies in the United States each year. Approximately one-third of those pregnancies involve teenagers. Oklahoma has higher than national average rates of teenage pregnancy. Unplanned pregnancies have tremendous social and medical costs. Only 54 percent of all teen mothers in 1983 began prenatal care in the first 3 months of pregnancy. Babies born to mothers who don't receive prenatal care are three times more likely to die in their first year of life. In 1989, 7 percent of all newborns were born with low birthweight. Teen pregnancies account for about one-fifth of all low birthweight births. Infants born with low birthweight are 40 times more likely to die in the first month of life than other babies. Sixty percent of infant deaths occur among low birthweight babies. The hospital-related costs of caring for low birthweight babies are more than \$21,000 per child as compared to the \$2,800 per child delivery cost for other newborns. Medicaid pays for 30 percent of all hospital deliveries involving pregnant teens, at an annual cost of about \$200 million.

Medical research has shown that children born low birthweight are more likely to have hearing, vision, or learning problems and many will require special education services. Low birthweight babies have also been shown to do worse in school than babies born with normal weights. In short, it's estimated that for each \$1 spent on family planning services, \$4 is saved in costs related to unintended pregnancies.

Moreover, family planning clinics do much more than advise clients with unintended pregnancies. They contribute to the health and well being of women and their babies. For 83 percent of the women who obtain services at

family planning clinics it is their only source of primary health care. Women are provided a wide range of preventive health care services including screening or referral for cervical cancer and breast cancer—the leading cause of death for women—as well as for anemia, hypertension, kidney dysfunction, diabetes, and HIV.

Controversy over the family planning program has centered on the so-called gag rule which regulates what health care professionals can say to their patients. This issue is not relevant to funding of family planning programs since family planning clinics are prohibited from using Federal funds to provide abortion services. Furthermore, no family planning clinic ever has violated this law.

Rather, the gag rule is an unprecedented and completely unjustified intrusion on the rights of doctors and other health care professionals to practice medicine and on the rights of women to receive health care. The Supreme Court's decision in *Rust versus Sullivan* could well lead to Government regulation of the doctor-patient relationship any time the Government provides funding, including for example, the Medicare Program. Regardless of one's personal view of a woman's right to choose abortion, this right exists. It is inappropriate for the Government to deliberately conceal legal health care information from women.

It has been 7 years since the title X program was reauthorized. Consequently, Congress has been unable to increase funding to meet the serious health care needs of women and their families. Sixty-five percent of the women eligible for family planning services do not receive them because the program is not adequately funded. The number of unplanned pregnancies, particularly to teenagers, continues to increase as does the number of low birthweight children born each year. It is time to reverse this trend and to reauthorize the title X program.

Mr. DOWNEY. Madam Chairman, imagine going to your health care provider with a serious problem, seeking professional medical advice and counseling. You are told that there are three legal, medical alternatives available to you, and then because of a restrictive regulation, your health care provider can only tell you about two of them. This is the scenario that will become reality for the over 4 million American women who rely on title X clinics if the administration's gag rule is not overturned.

Since the enactment of the Federal Family Planning Program in 1970, title X health care providers were required by law to provide full information regarding pregnancy options; including prenatal care and delivery, infant care, foster care and adoption, and termination of pregnancy. In 1981, the Department of Health and Human Services issued regulations which specifically stated this was the policy of title X clinics. However, in 1988, the administration issued its infamous gag rule which reversed this longstanding policy and prevented title X clinics from providing complete medical information to their clients. H.R. 3090, the Family Planning Amendments Act of 1991, reverses the gag rule by codifying the 1981 regulations and requiring title X projects to provide their clients complete information regarding all their medical options.

For more than 4 million American women, title X health care clinics represent the only source of health care available to them, providing reproductive health services, family planning counseling, screening for cancer and other diseases, and treatment of sexually transmitted diseases.

This vital program, which was last reauthorized in 1984, has fallen victim to controversy, particularly the controversy created over abortion counseling provisions. As a result, the program has lost funds and has been forced to reduce services. Only 35 percent of the women eligible for family planning services currently receive them. We have before us today not only an opportunity to reauthorize this program at increased funding levels through fiscal year 1996, but an opportunity to clear up the controversy surrounding the administration's gag rule governing abortion counseling.

The controversy surrounding the gag rule involves much more than the issue of abortion. The gag rule is a violation of the first amendment right to free speech and it infringes on health professionals' responsibility to provide their patients with the most complete and accurate medical information available concerning a woman's reproductive rights. In addition, the gag rule violates the laws of New York State, which require fully informed consent for every medical service. Failure to give information on all options is grounds for medical malpractice in New York.

The gag rule also creates an unfair two-tiered system of medical care throughout the country. Women who can bear the expense of health care will receive necessary information and medically appropriate referrals; women who are poor and must rely on Government-subsidized family planning clinics will receive distorted and incomplete advice. Whether one is for or against reproductive choice, we must not allow the Federal Government to violate or unnecessarily restrict the physician-patient relationship.

It is time to reauthorize and increase Federal funding for title X programs; allow title X projects to provide the health care so many low-income American women desperately need, and once and for all, overturn the administration's gag rule which has bound and gagged title X health care professionals. I urge my colleagues to join together and pass this much needed legislation.

Mr. ATKINS. Madam Chairman, a couple of months ago it was rumored that President Bush was finally backing down on the gag rule.

Then we found out that the gag rule would be applied only to health professionals who were not doctors, rendering the exception useless to nearly all clinics.

But even this is not the full truth.

In fact, according to the American Bar Association and others, the new regulations do not even sufficiently clarify what communication may be permissible between doctor and patient.

So we are left with a so-called compromise that does not provide any compromise.

The gag rule prevents people in the United States of America from speaking freely.

It is cruel and insulting to women and to all Americans.

Madam Chairman, the gag rule is monumentally stupid.

But the real issue here is health care.

The vast majority of title X patients go to family planning clinics for primary health care.

They use clinics for family planning services, screening and referrals for breast and cervical cancer, AIDS, and a whole range of other preventative services.

By reauthorizing title X, we are helping these clinics to continue such services.

But by shrouding this debate with the abortion issue, the President is attempting to limit basic health services to women.

The President can no longer attempt to appear moderate while clinging to extremism.

The President is holding up AIDS tests, mammograms, and Pap tests because of his desire to play election year abortion politics with poor women.

This is one more example of discrimination against women's health issues so that the President can pay off a political debt to a handful of extremists.

And that's immoral.

Ms. SLAUGHTER. Madam Chairman, at long last, 7 years after it expired, we have before us a bill to renew and strengthen one of the Nation's most important public health programs. Despite such neglect by Congress, Title X has managed to assist 4 million women each year in about 4,000 publicly funded health clinics.

The program has been unauthorized largely because Congress has been unable to resolve issues of how abortion relates to title X funding. The easy answer is that it doesn't: Since the program's inception in 1970, not a single penny of public funding has been spent on an abortion in a title X clinic.

The 4 million women who go to title X clinics each year do so to get services and information on a range of reproductive health needs: basic gynecologic care, contraception, infertility, pregnancy tests, and sexually transmitted diseases. Yet under the gag rule regulations about to be enforced by the Bush administration, title X clients will not be provided with information or options that could dramatically affect their lives.

The Bush administration wants to provide this type of incomplete service to the millions of generally low-income women who rely on title X clinics for reproductive health services.

H.R. 3090, the bill we will vote on today, will reverse the administration's ill-advised gag rule and reinstate the law that has worked successfully for more than 20 years. It will ensure that all clients can receive all information from all the trained professionals working in title X clinics.

The gag rule is supported by the administration and by organizations seeking to eliminate women's reproductive choices. Nobody else.

H.R. 3090 and its repeal of the gag rule is supported by medical groups including the American Medical Association, the American Nurses Association, and the American Public Health Association. It is also supported by a plethora of unions, good government advocacy groups, and women's rights organizations.

The gag rule has set a dangerous precedent. It says that those organizations that accept Federal funds must be subject to the

whims of the administration's ideology, that their employees are not free to provide information that all other similar, not Federally funded organizations, provide as a matter of course.

This is not a question about abortion because title X clinics don't use their Federal funds for abortion. It's a question about free speech, and whether the Government has the right to gag medical professions from giving their clients full medical information.

Our Constitution established safeguards to keep intrusive government out of our private lives. The gag rule violates that concept in a way that interferes with a patient's ability to receive full medical care.

The gag rule gags clinic employees. If we do not overturn it, we signal our compliance to the administration, which might then decide it wants to gag employees in Veteran Administration hospitals, in Social Security offices, or any other organization that accepts Federal funds.

Will the United States muzzle its outrage when it is not just poor women who are the victims of a gag rule? I think not.

A majority in Congress has already voted not to implement the gag rule and we owe it to American women to vote today to overturn it completely.

I urge my colleagues to vote for this critically needed bill. The women of this Nation are depending upon it.

Mr. PASTOR. Madam Chairman, today I rise in support of H.R. 3090, the Family Planning Reauthorization Act. This bill contains vital language that will overturn the administration's gag rule.

It is important to fund this program as it is currently providing title X services to approximately 4 million women per year through approximately 4,000 clinics. This legislation has the endorsement of every major medical organization in the United States. Medical professionals assert that the gag rule regulations are an unwarranted intrusion into private relationship between patient and health care professional. The current regulations deny women access to complete information on reproductive matters.

The gag rule has done great harm to women in need of thorough information on reproductive matters. It has significantly stifled a medical professional's freedom of speech. The gag rule dictates that only a physician can discuss certain subjects such as abortion with a patient. Yet, over 90 percent of the counseling in family planning clinics is provided by medical professionals that are not physicians.

My colleagues, I ask that you join with me in repealing the unfair regulations that the administration has placed on title X clinics. There regulations violate a physician's fundamental right to freedom of speech and prevent the patient from receiving full and accurate information on reproductive matters. I urge my colleagues to preserve the integrity of this fundamental right and to join me in supporting this bill.

Mr. FORD of Tennessee. Madam Chairman, I reserve the right to object to the House resolution that the chairman of the congressional Committee on Health and Environment, Mr. WAXMAN, is proposing. I will yield my right to object as long as my colleague, Mr. WAXMAN,

recognizes his understanding that there are also other urban-centered health maintenance organizations that have the same inability to meet the 75/25 waiver requirement. Currently the U.S. Department of Health and Human Services and these health plans are also in need of waiver ability as it pertains to the now deemed inappropriate 75/25 legislation. I will yield my right to object to the House resolution providing that my colleague, Mr. WAXMAN, states his intention to sometime in the future look at the needs of specifically, DC. Chartered Health Plan, Inc. [Chartered] in facilitating legislation that will enable Chartered to continue operations without any interruption of services. As my colleague, Mr. WAXMAN, has indicated that the U.S. Department of Health and Human Services has stated that it has no intentions of interrupting the services of Chartered which would result in a health care crisis in the city of Washington, DC, I will yield my right to object in that it is understood that the chairman will cause a review of policy by his committee. It is hoped that he will find a way to establish a waiver specifically for Chartered and that it is his understanding that between he and the U.S. Department of Health and Human Services, Chartered does not have to consider any possibility of an interruption of services as a result of the 75/25 rule; that Chartered now can freely focus on providing the quality health care services that it currently provides in Washington, DC, and can continue to make the significant contribution to the community at large in Washington, DC; and that the District of Columbia is assured that Chartered can remain a viable managed care operation that is working so very hard to provide quality health care services to the Medicaid population in the District of Columbia which is helping to relieve the health care services burden faced by the District.

With this understanding, Madam Chairman, I will state "no objection" to the House resolution concerning the Dayton area health maintenance organization per, again, this understanding of D.C. Chartered Health Plan, Inc., its relationship with the D.C. Department of Health and Human Services, the U.S. Department of Health and Human Services. The future consideration of the operations of D.C. Chartered Health Plan, Inc. by the Congressional Committee with oversight of the legislation of the 75/25 rule is our understanding.

Mr. FRANKS of Connecticut. Madam Chairman, I rise today in support of reauthorization of the title X program. Reauthorization of this bill is even more imperative today because we are confronted with an increase in teen pregnancy, the AIDS epidemic, and an ongoing battle with sexually transmitted diseases. Although this program has been funded through continuing appropriations, I believe this is a half-hearted approach to dealing with the devastating reality of these problems. Today we can change this. Madam Chairman, we have a program before us designed to promote family planning and health care, especially among low-income women. This program must be authorized and legitimized to insure these services remain available, accessible, and affordable to women.

Title X funds over 4,000 clinics providing services to 4 million women. In addition to contraceptive services, family planning clinics

provide health services and counseling to women who have nowhere else to go. In many cases these clinics are the only places low-income women can go to receive primary health care. Unfortunately, the issues surrounding reauthorization of the title X program have been constantly focused on the abortion debate. But there is much more to title X than this debate. How many people talk about how well-designed the program is to target low-income women and teenagers, the two groups at highest risk for poor pregnancy outcomes? How many people talk about the information these clinics put together to educate people about family planning? How many people talk about the preventive health services available to women at these clinics? What about screenings for cervical cancer and sexually transmitted diseases? Title X clinics should be applauded for their efforts to address all aspects of a woman's health care needs. On a visit to a planned parenthood clinic in my hometown of Waterbury, CT, I was able to see the care and effort these professionals put into making the clinic accessible and supportive for women.

Aside from providing authorization for all these services, this bill includes language that would reverse the administration's title X regulations, the gag rule, on abortion counseling and referral for title X clinics. Since the inception of the title X program in 1970, title X clinics have provided women with full information regarding all their legal options in the case of an unplanned pregnancy. Between 1981 and 1988 this policy was set down in regulations. Now the professionals in these clinics; nurse practitioners, physicians' assistants and other counselors who sit down with the women and provide the actual counseling, are confronted with a regulation that goes against the original policy of this program. The gag rule will impede the ability of these professionals to do the jobs for which they have been trained. More importantly, it will impede them from giving the care and information women have a right and a need to know.

Madam Chairman, I feel we need to encourage and support family planning clinics, not obstruct and deter what is known to be a successful program of family planning and health care. It is time to reauthorize this program, the only major Federal program we have that goes directly to the need of family planning and avoiding unwanted pregnancies. Madam Chairman, I support this bill, but more importantly I support the clinics and the women who will benefit from passage of this bill.

Mr. BRYANT. Madam Chairman, I am an original cosponsor of H.R. 3090, the family planning reauthorization legislation, which contains provisions that, if passed today, would overturn the administration's so-called gag rule regulations.

I submit, for the RECORD, the following column by one of Texas—indeed the Nation's—most lucid voices: Molly Ivins. As usual, Molly paints a perceptive picture of the ridiculous notion that government can regulate family values and women's bodies.

LEGAL ANSWERS WON'T RESOLVE ABORTION
FIGHT

AUSTIN.—Far away from the screaming demonstrators and screaming counterdemonstrators so hopelessly divided

over a woman's right to choose to have an abortion, away from the television cameras and the posturing, away from the pushing and shoving and the harassed cops, in the solemn, quiet hush of the Supreme Court, the only action that really counts on abortion took place last week.

Those who witnessed it said the atmosphere was curiously deflated, they felt none of the tension and suppressed excitement that normally accompanies major arguments before the court. The Pennsylvania case, *Planned Parenthood vs. Casey*, turns on five restrictions on women who choose to have abortions—one of them patently silly, one potentially devastating for a few minors and the others apparently reasonable, or at least, as the law puts it, "not unduly burdensome" on the surface.

On reading the transcript of that argument I felt—and Sarah Weddington, the Texas lawyer who argued *Roe vs. Wade* in 1972 and who was in the court last week, confirms—that perhaps the critical moments occurred when two judges asked essentially the same question. Justice Sandra Day O'Connor asked the woman lawyer for the American Civil Liberties Union and Justice Harry Blackmun asked the male attorney general of Pennsylvania, in Blackmun's words: "Have you read *Roe*?"

It is a bit like trying to bail out the ocean with a teaspoon to make this point again and again in the face of so many people who are convinced otherwise, but *Roe v. Wade* did not give women the right to abortion on demand. *Roe* sets up a trimester framework, in which the state's interest in protecting fetal life increases as the fetus becomes viable (able to live outside the womb). Only the mother's life or health takes precedence over the fetal life in the third trimester.

The two most troubling restrictions in the Pennsylvania law are the requirements that a married woman inform her husband and that minor women get the consent of their parents before they can have abortions. You could sort of see the justices goggling at the first requirement: O'Connor wanted to know if there were First Amendment implications in compelling speech. She also asked about the First Amendment implications of compelling doctors, as the Pennsylvania law does, to describe a great long list of fetal development, options and social services.

The best information available indicates that 95 percent of married women seeking abortions do inform their husbands, as the vast majority of teen-agers also inform at least one parent—if they have one they can find. The problem is with the exceptions and the sometimes tragic consequences of state-ordered communication. A woman legislator in Pennsylvania, when the notify-your-husband provision was being debated, proposed a law that would require husbands to notify their wives before having an affair. Her point, of course, was the absurdity of the law requiring communication in a family where communication has broken down.

The Pennsylvania law is silly in that it violates its own requirements. The exceptions to the husband-notification requirement are medical emergency, when the husband is not the father of the child ("I'm going to have an abortion, dear, but don't worry, it's not your child"), when the husband cannot be found, when the pregnancy is the result of a reported sexual assault or when the woman believes it is likely she will be physically abused. Somehow all this, according to the Pennsylvania attorney general, will "further the integrity of marriages." O'Connor was clearly intrigued by the odd discrimination

involved—unmarried women in Pennsylvania are not required to notify the fathers.

If you have ever talked with minor girls who apply for the court's consent to get an abortion rather than notify their parents, you understand something of the wretched tangle of violence, incest and physical abuse that afflicts so many families. When legislatures go about putting restrictions on abortion as though every family consisted of Ozzie and Harriet and two darling children, they add another terrible burden to lives that are already almost unbearable. You cannot save the life of an unborn child by driving its mother to suicide.

A particularly thoughtful letter-to-the-editor last week noted that those on both sides of this issue who harass others and break the law "do not have a commitment to the movement beyond meanness and revenge against uppity women and/or super-righteous Christians." The feminists' claim that many who profess to care for "unborn children" are actually more interested in controlling the behavior of women is sometimes evidenced in the most comical ways. The *Wall Street Journal* carried an account of the *Battle of Buffalo* last week that included a vignette of a 69-year-old man shouting at a pro-choice woman: "You have a choice: Stop screwing around." Oh dear. Well, there are still a few people who think that's what's at stake.

But far from the maddening crowd, where the majesty of the law comes into play, the issues, oddly, seem more nakedly clear. The only question is: Who is to decide? The government or the individual? A government that has the power to make a woman bear a child she does not want also has the power to make her abort a child she does want. The two apparently polar opposites here—actually flip sides of the same coin—are China and Romania. In China, the government forces women to have abortions; in Romania, until recently, the government forced women to have one child after another after another, with awful results. In both countries, there was state control over women's wombs.

I would love to be able to "split the difference" on this terrible question, to be able to say, in gooey Pollyana fashion, "Let's all work together to prevent unwanted pregnancies." Settling the legal questions on this issue will not settle the moral ones, but I cannot believe it is wise to give government the power to make these decisions.

Mr. ENGEL. Madam Chairman, I rise today in support of H.R. 3090, the reauthorization of the Title X Family Planning Program. The fact that this legislation even needs to be debated undermines the basic constitutional rights guaranteed to each American citizen. I'm talking about a woman's right to choose and a doctor's right to free speech.

Restricting a woman from making private decisions concerning her own body is an insult to this country's basic belief in every individual's right to privacy. Women deserve access to the most complete information available so they have the opportunity to make the most knowledgeable choice possible. An unwanted pregnancy is a tragedy that no woman should have to face. It is a disgrace that the leaders of this country are trying to make that decision even more difficult, by threatening to strip away women's inalienable rights to lead their own, autonomous lives.

Opposing this legislation will not result in discouraging women from having abortions. Opposing this legislation will result in women

having to make uneducated and ill-advised decisions, for which they will not be prepared. My colleagues, it is foolish to spite the women of this country and force them to resort to illegal and unsafe abortions. It will be impossible to turn a blind eye to the outrage that will ensue if these rights are not secured for women. I urge you not to insult the intelligence of the women in this country. Women must have the chance to learn their options so they can make fully informed, educated choices about how to treat their bodies.

In addition, it is imperative that we defend physicians' rights to uphold their legal and ethical duties to their patients. Healthcare workers must be free to fulfill their professional obligations to provide the best medical treatment they can. They must be free to speak honestly and openly to women in order to offer their most prudent advice and guidance. Every person has the right to full medical knowledge, regardless of their age, sex, or financial well-being.

This legislation is a comprehensive plan that provides family health care services through a national network of 4,500 public and private community based clinics. If passed, each public \$1 spent to provide contraception services will save \$4.40 in first year taxpayer costs for services associated with unintended pregnancies; an overall of \$1.8 billion in savings annually. Not only does it help women plan their pregnancies, but it also helps them avoid unwanted pregnancies. I urge you to defend free speech for the medical community, to recognize women as equals who are capable of making decisions free of governmental interference, and to support H.R. 3090, a Family Planning Program that this country cannot afford to dismiss.

Mr. PALLONE. Madam Chairman, I rise in support of overturning the so-called gag rule promulgated by the anti-choice forces in the administration. When first enacted by Congress, the title X Family Planning Program was designed to provide clients with a full range of information on pregnancy options—prenatal care, delivery, pediatric care for newborns and infants, foster care and adoption, and termination of pregnancy. The intent of the enacting Congress has been twisted by an administration in the thrall of the powerful right-to-life lobby. Today we vote to restore sanity to the title X program.

As the abortion debate in this country becomes increasingly emotional and vituperative, we lose sight of true democracy. A woman who can afford to see a private doctor, or who is one of the increasingly few Americans covered by a comprehensive, quality health care plan—that woman gets to hear the full range of options. A woman who must depend on a title X clinic is denied information. Is that democracy? Is that the American way?

Under the gag rule, a woman whose life may be endangered by carrying a pregnancy to term will be prevented from hearing information about the option of terminating her pregnancy and possibly, saving her life. Is that the American way? Or is that an extreme position, which the majority of Americans do not support, which their elected representatives did not enact, but which a single-mindedly antichoice administration has tried to push through the regulatory back door?

Every woman has a right to make an informed choice. That is what democracy means—or should mean. And that is why I urge my colleagues to vote to overturn the gag rule.

Mr. OLVER. Madam Chairman, when the title X Family Planning Program was put in place 20 years ago, its purpose was to provide grants to clinics for family planning services. Clients were offered full information regarding pregnancy options. In 1981, regulations stated that full information should be disclosed but only at the patient's request and in a "nondirective" manner. At least women still knew their options.

In 1988, the administration decided that they knew what was best for the women of America who are seeking information about their pregnancy. Regulations were issued stating that no title X project may provide counseling concerning abortion.

It is bad enough that the Government of the United States of America is trying to control conversations between women and their health care professionals in the medical setting. But worse, the Government of this country is singling out those who obtain health care from a title X clinic.

It is very obvious that if a woman has enough money to obtain a private physician and pay for private counseling, she is once again able to obtain the privileged information of all of her options. With enough money, she can be in control of her reproductive life. A woman's right to choose should never depend upon her economic status.

Eliminating Federal funding from family planning clinics that give information about abortion is an outrageous violation of the right of a woman to make family planning decisions. It also happens to be a serious encroachment of the right of free speech in this country.

When a woman goes to a private doctor's office or a public or private clinic, she expects to hear all of her options—not just those that the present administration of our Government believes she should be told.

I am a cosponsor of H.R. 3090, and I hope that this body will recognize a woman's right to know, a professional's right to discuss, and this country's guaranteed right to free speech, by passing the Family Planning Amendments Act of 1991 and overturning the gag rule.

Mr. KOPETSKI. Madam Chairman, I rise today in support of H.R. 3090, the Family Planning Reauthorization Act. This bill overturns the administration's 1988 regulations which prohibits title X family planning clinics, including the doctors within the clinics, from counseling women about their legal rights to abortions. Unfortunately, the administration's regulations were upheld in the Supreme Court's *Rust versus Sullivan* decision.

I believe the gag rule is among the most serious issues addressed by this body this year. In my opinion, the gag rule abridges first amendment free speech rights and ignores completely this country's strong tradition of doctor-patient confidentiality.

The gag rule endangers women's lives and blatantly discriminates against poor women. Poor women are most likely to rely on the services of a title X clinic and under the rule, a pregnant woman with a serious medical con-

dition such as diabetes cannot be told that she may need an abortion to save her life.

Madam Chairman, more than 20 medical and nursing organizations expressed their opposition to the gag rule in a recent letter to all Members of Congress. In this letter, the groups succinctly make the case for this legislation:

We believe that the "gag rule" should be rescinded because it prohibits full and free exchange of complete medical information between patients and health professionals in federally assisted family-planning clinics. The "gag rule" precludes physicians and health care professionals who work in federally funded facilities from disclosing all medically relevant information to patients, even in response to direct questions, about managing an unwanted pregnancy.

The letter continues by pointing out that the gag rule expressly prohibits physicians and health care professionals from speaking openly to their patients about the full range of available medical options. Madam Chairman, the gag rule requires medical professionals to violate their legal and ethical duties to provide complete and objective counseling about health risks, treatment options, and appropriate followup referrals.

Madam Chairman, it is time for this Chamber to overturn the gag rule once and for all. I commend the hard work Chairman WAXMAN and members of the Energy and Commerce Committee for righting this fundamental wrong through H.R. 3090. I urge my colleagues to support this bill.

Mr. SCHEUER. Madam Chairman, we are faced with an enormously important issue here today. We must move ahead with a family-planning reauthorization, which is the antidote to abortion. In 1970, the Congress enacted the Federal Family Planning Program to provide grants to family-planning clinics across the country. I am extremely proud to be one of the authors of this vital piece of legislation that is a triumph for low-income women in this Nation because it provides them with valuable, low-cost family-planning services.

Countries that have adequate, professionally run, and organized family-planning services have a much lesser rate of abortion than countries that have inadequate family planning and where, sadly enough, abortion has to be the method of choice for women who urgently need to control the size of their families.

We have an important constitutional issue on which we have to bite the bullet and settle here today. The gag rule looms over the heads of the title X doctors who will be forced to gag themselves and refrain from providing women with information about pregnancy termination. It looms over the heads of the poor women who have sought information on pregnancy options, but who must be told that, in effect, their options only begin once the child has been carried to full term.

Even if she requests information about abortion services, she can only be referred for prenatal care. This regulation requires health professionals to violate their code of ethics and to expose themselves to malpractice lawsuits. This perversion of medical practice has frightening implications, both in our country and around the world.

In June, a number of us are going to attend the UNCED Earth Summit Conference in Rio.

Current projections suggest that, given present trends in fertility, world population will grow to more than 11 billion before it stabilizes, more than double the current population. Unless the driving force of human population expansion is recognized and seriously addressed, no amount of effort to control the greenhouse effect is likely to prevent substantial global warming and climate disruption.

The Washington Post this morning quoted the Executive Director of the U.N. Population Fund, Nafis Sadik, as saying that world population is a crucial factor in environmental destruction and must be considered at the UNCED Earth Summit Conference. She complained that the Roman Catholic Church was involved in blocking inclusion of family planning in the major documents prepared for signing at the Conference in June. "Unless you really deal with population, you can forget about the environment or development."

About a week ago Prince Charles attacked the Vatican for blocking attempts to have population be treated as a separate issue at the conference, obviously stressing the importance of the impact of population growth on the environment.

I don't, in all logic, see how any society can hope to improve its lot when population growth regularly exceeds economic growth. We will not slow the birth rate until we address poverty, and we will not protect the environment until we address the issues of population growth and poverty in the same breath. I do wish that these simple and incontestable truths could find greater prominence on the Rio agenda.

These two perceptive leaders make the point all too clearly. Worldwide, achieving sustainable development will require significant progress toward stable populations. In the United States, our support for a strong, un gagged, family-planning assistance program can serve as a model for other nations as they grapple with this dilemma.

I urge my colleagues to vote for this authorization of the family-planning amendments.

Mr. LEVINE of California. Madam Chairman, I rise in full support of H.R. 3090, the Family Planning Amendments Act and urge my colleagues to join me. Not only does this bill overturn the obnoxious gag rule written by the Bush administration, but it provides desperately needed funding for family planning programs to local community health care clinics.

The President's most recent interpretation of his gag rule is a desperate attempt by antichoice forces in the White House to put a more moderate face on the extreme position they advocate. They knew that the gag rule was so unpopular with the vast majority of the American public, even those that do not support a woman's right to choose the health care she wants, that they had to modify it to try and make it something other than what it is.

Madam Chairman, it is sad that the administration insists on constantly underestimating the intelligence of the American public. They know, just as every Member of Congress knows, that this latest version of someone's official interpretation of the gag rule is no less egregious than the original gag rule. It is an attempt to placate the public by using smoke and mirrors without changing the fundamental problem underneath. Neither the public nor the

majority of my colleagues in Congress will stand for it.

Allowing only physicians to discuss medical options in title X clinics, as this new gag rule does, is offensive in the most extreme sense. The administration is fully aware that many title X clinics employ no physicians on a full-time basis. Nor do patients receive counseling from physicians—they are counseled by nurse practitioners and licensed counselors. This is simply a smoke screen used by the President to appease the victims of the gag rule.

What these regulations have done is to force clinics to choose between receiving Federal funds and serving their clients. As a result, clinics across the country are announcing that they will no longer accept Federal funding. Instead, they are turning away poor women because they are not willing to succumb to the Orwellian notions of the supporters of the gag rule.

The administration and its allies are asking women to rely on their compassion and understanding in the implementation of these guidelines. It is hard to believe that an administration which has refused to show any compassion even to women have become pregnant as the result of such violent crimes as rape and incest can suddenly be trusted to do the right thing.

The fact is that Congress cannot have women's rights in this country up to the whims of the administration. This gag rule is abominable and repugnant. It must be repealed totally, not simply rewritten in a shallow attempt to limit its devastating impact. I commend my colleague Mr. WAXMAN and my colleague on the other side of the aisle, Mr. PORTER, for their insight and compassion and urge Members on both sides of the aisle to support this bill.

Mr. McMILLEN of Maryland. Madam Chairman, I rise in support of H.R. 3090, the family planning reauthorization bill. This legislation provides grants to clinics across the Nation to assist in providing family planning services to poor women. In addition, this legislation contains provisions to overturn the Bush administration's gag rule and requires that recipients of title X funds certify their compliance with State parental notification laws.

Madam Chairman, I support this legislation for a number of reasons. First, and foremost, I support this legislation because I believe that the Federal Government should be involved in family planning. The Federal Government should work to prevent unwanted pregnancies through education, counseling, and contraceptive distribution. Statutorily, title X clinics are prohibited from performing abortions. The only function they serve is to provide women, who cannot otherwise afford it, with counseling and with access to contraceptives. These are the very services that will help reduce unwanted pregnancies and reduce the need for abortion in this country.

The second reason that I support this legislation is because I believe that if the Federal Government is going to be involved in family planning then it should provide quality services without a political agenda. This legislation will prevent the intervention of the Federal Government into the physician-patient relationship, and ensures that women who seek counseling services at a title X clinic will receive all pertinent health information. I have been opposed

to the gag rule since its inception because it amounts to no less than federally supported censorship. The minimal changes that the administration has made to this regulation in no way change this fact. Despite the smoke and mirrors the administration has used to try and confuse this issue the reality is that under the administration's guidance for implementing the gag rule physicians at title X clinics are still prevented from counseling on or providing any information about abortion. A physician may not even answer a direct question on abortion if it is asked.

The final reason that I support this legislation is because it leaves to the States the ability to implement their own parental notification laws. The Maryland General Assembly has passed legislation on this issue and that law is on the ballot this November for a direct vote by the people. I cannot support any efforts which would preempt this action.

Madam Chairman, the last time this legislation was reauthorized was in 1984. It is time for this Congress to pass legislation to provide family planning services to those women who cannot afford to secure these services from private sources. In addition, it is well past time for this Congress to repeal the gag rule. The administration has made women's health a campaign issue. The women of this Nation deserve better. They deserve to have information on all legal and medical options concerning their health. They deserve access to quality health care and they deserve to have this Congress protect these rights by supporting H.R. 3090. Thank you.

Ms. DELAURO. Madam Chairman, today we have debated an issue of vital importance to the rights of women and all Americans.

There is no principle more fundamental to maintaining a democracy than free speech. This has been the foundation of our country, our representative government, and our very way of life for more than 200 years.

This right that has stood as the bedrock of our democracy has been placed in jeopardy by an administration more intent of advancing its political cause than protecting our constitutional rights.

The gag rule would limit speech and cripple the power of women to make informed choices about some of the deepest and most personal issues they face.

The administration's gag rule represents an invasion. It is an invasion of free speech that will prevent women from receiving medical advice on all their needs and options—including information about abortion. And it is an invasion of women's rights to equal treatment by our Government.

Accepting the gag rule says this country cares not a whit about free speech. Not a whit about doctor-patient confidentiality. It says we have little respect for the judgment of women. This regulation will create a two-tier system for medical advice. Americans who can afford private health care will get it. Those who can't won't.

We must overturn this rule and protect the rights of all American women to receive complete and accurate medical advice. Only then will we ensure a truly equal system of justice that allows all Americans to receive the same medical advice, and most of all, only then will we have reaffirmed the importance of our sacred right of speech in a free society.

Regrettably, I will miss the opportunity to vote to pass the reauthorization of the title X programs and overturn the gag rule. The sudden death of a dear friend's child has made it necessary for me to leave Washington to be with them in this time of tragedy.

But despite my absence, I want the record to reflect clearly my strong opposition to this gag rule and my strong support for passage of H.R. 3090. Had I been present, my vote would have been in favor of passage, as it has been on every occasion that this issue has come before the House. I am committed to the effort to overturn any potential veto of this vital legislation.

Mr. WAXMAN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5 minute rule.

The text of H.R. 3090 is as follows:

H.R. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning Amendments Act of 1991".

SEC. 2. PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES.

(a) **REQUIRING CERTAIN NONDIRECTIVE COUNSELING AND REFERRAL SERVICES.**—Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2)(A) The Secretary may not provide financial assistance under this section for the provision of family planning methods or services unless the applicant for the assistance agrees that the family planning project involved will offer to individuals information regarding pregnancy management options, and will provide the information upon request of the individuals.

"(B) For purposes of subparagraph (A), the term 'information regarding pregnancy management options' means nondirective counseling and referrals regarding—

"(i) prenatal care and delivery;

"(ii) infant care, foster care, and adoption; and

"(iii) termination of pregnancy."

(b) **COMPLIANCE WITH STATE LAWS ON PARENTAL NOTIFICATION AND CONSENT.**—Section 1008 of the Public Health Service Act (42 U.S.C. 300a-6) is amended by inserting "(a)" before "None" and by adding at the end the following:

"(b)(1) No public or nonprofit private entity that performs abortions shall be eligible for financial assistance under section 1001 unless the entity has certified to the Secretary that the entity is in compliance with State law regarding parental notification of or consent for the performance of an abortion on a minor which is enforced in the State in which the entity is located.

"(2) Paragraph (1) shall not be construed to require or prohibit a State's adoption of parental notification or parental consent laws regarding the performance of an abortion on a minor, or to require or prohibit the enforcement by a State of such laws."

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(d) of the Public Health Service

Act (42 U.S.C. 300(d)) is amended to read as follows:

"(d) For the purpose of grants and contracts under subsection (a), there are authorized to be appropriated \$180,000,000 for fiscal year 1992, \$189,000,000 for fiscal year 1993, \$198,500,000 for fiscal year 1994, \$208,500,000 for fiscal year 1995, and \$219,000,000 for fiscal year 1996."

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR TRAINING GRANTS AND CONTRACTS.

Section 1003(b) of the Public Health Service Act (42 U.S.C. 300a-1(b)) is amended to read as follows:

"(b) For the purpose of grants and contracts under subsection (a), there are authorized to be appropriated \$5,000,000 for fiscal year 1992, \$5,250,000 for fiscal year 1993, \$5,512,500 for fiscal year 1994, \$5,788,125 for fiscal year 1995, and \$6,077,530 for fiscal year 1996."

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR INFORMATIONAL AND EDUCATIONAL MATERIALS.

Section 1005(b) of the Public Health Service Act (42 U.S.C. 300a-3(b)) is amended to read as follows:

"(b) For the purpose of grants and contracts under subsection (a), there are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1996."

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

The CHAIRMAN. No amendments to the bill are in order except the amendments printed in House Report 102-506. Said amendments shall be considered in the order and manner specified, shall be considered as having been read, and shall not be subject to amendment. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

PREFERENTIAL MOTION OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Madam Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mrs. JOHNSON of Connecticut moves that the Committee do now rise and report the bill to the House with a recommendation that the enacting clause be stricken out.

□ 1500

Mrs. JOHNSON of Connecticut. Madam Chairman, I regret having to use this unusual parliamentary procedure to gain my right to be heard. But I do not think this is a partisan issue. I think it is very, very important that Republicans who differ on this matter be able to speak from Republican time and that the dialog within my party, as well as the dialog on this floor, be the dialog of honest difference that will enable this body, as policymaker, to adopt laws that serve our people well.

Madam Chairman, I support this bill and do not support my procedural mo-

tion; because I believe that we as leaders must face squarely the great importance of family planning.

Family planning is both a right and a responsibility. We are keenly aware of data linking poverty and teen pregnancy. You have a baby when you are a teenager, and you have a very high possibility of spending the rest of your life in poverty. We know that poverty, that teen pregnancy, that child abuse are also closely linked. Preventing inappropriate pregnancies is critical to our succeeding as a nation in reducing poverty amongst women and children, addressing the stunning rise in child abuse with all its tragic consequences, and creating healthy communities in our Nation.

Madam Chairman, title X agencies provide family planning services and other critical health services for women, and they provide these services primarily to poor women. Thirty percent of the women who go to family planning clinics have incomes under our Federal poverty levels; 30 percent have incomes barely above that level. We all know from the work we are doing on health care that people at those income levels have no insurance. They have no access to care; they have no alternatives. And those who have preceded me saying that to fail to pass this bill would discriminate against poor women are deeply, truly right.

Madam Chairman, the 34 million uninsured in America are poor. The great majority are working poor or the children of such good folks and they depend on title X agency services for very critical care.

In this bill, we are returning to the law and Reagan guidelines that governed from 1981 to 1988. We are only going to provide information that women request. We do not force this information on anyone.

If the information is requested about options, women received information on all three options, as in a free society they should. If the information is requested only about prenatal care, that is the information they get. There is nothing in this law or these regulations that has ever forced information on women that those women did not want.

But, Madam Chairman, I ask you to take seriously what we are doing here today, for another reason. I have argued, we have all discussed, the gag rule, title X regulations, over the years, but we discuss them today in a different context. Americans are angry, and they are angry because we in Congress say one thing and do another. The Congress pretends that the reality in the Beltway is the reality of the neighborhoods of America.

What is so really wrong about the gag rule is that it allows doctors to tell you everything, but there are no doctors. The gag rule says, "We don't mind if you get full information, you

just have to get it from a doctor." But the reality is that in these clinics, there are no doctors. The gag rule is a cruel hoax that offers services it does not provide. Such policy is simply dishonest.

Then the rule says the doctor can refer you to a full-service provider. But the reality is that you are poor and have no insurance, so they refer you * * * and there is no one there, no doctor who will accept you as a patient.

Madam Chairman, this is a fantasy. What is wrong about the gag rule is that it is dishonest, though not intentionally. I have talked to those who wrote it. They have only the finest vision. They would like to see all women deal only with doctors. That is fine, but it is not the reality.

What is wrong with this policy is that it is deeply dishonest because it does not deal with the real world that people live in, and particularly that poor women in America live in.

So, I ask you to join with me in making the policy that will serve, join me in making policy that will help poor women plan families, take responsibility for their children.

Madam Chairman, honesty is a critical component of good policy. I urge support of the reauthorization of the Nations' family planning service law.

The CHAIRMAN. The time of the gentleman from Connecticut [Mrs. JOHNSON] has expired.

For what purpose does the gentleman from California [Mr. WAXMAN] rise?

Mr. WAXMAN. Madam Chairman, I rise in opposition to the motion.

Madam Chairman, I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman from California for yielding this time to me.

Madam Chairman, I rise in strong support of H.R. 3090. I think this is a vote today that will truly determine among the Members who profess to be concerned about unwanted pregnancies and unfortunate abortions, this is a vote that will truly determine those who really intend to take action to help make it possible for people by providing contraceptive counseling and supplies to help people who wish not to have unwanted pregnancies to avoid them.

So, for that reason, I am in strong support of this bill.

Madam Chairman, I rise in support of H.R. 3090, the Family Planning Amendments of 1991. This is the bill that will reauthorize funding for title X of the Public Health Service Act, the Federal program that provides family planning and other preventive health care services to approximately 4 million low-income women and teenagers at 4,000 clinics across America.

First, however, let me commend Chairman WAXMAN of the House Subcommittee on Health and the Environment, as well as his staff, for their efforts in developing and finalizing the reauthorization of this vital program.

They are all to be applauded for their perseverance in bringing this bill before us.

The United States is the only developed country where teen pregnancy has been increasing in recent years. But, the title X family planning program has not been authorized by Congress since 1985. At least in part because title X has not been reauthorized for 7 years, its funding has decreased by two-thirds between 1980 and 1990.

The title X program is sometimes controversial. But, this controversy is due to misconceptions about the program's role, in addition to a lack of information about its actual scope and the effect that it has on the lives of millions of Americans.

For example, the use of title X funds for abortion has always been prohibited. And there is nothing in the bill before us that changes this established ban on the use of these funds for abortion.

What a lot of us also do not realize is that title X does more than assist women with family planning by providing contraceptive counseling and supplies. It also provides infertility services, as well as counseling, screening, and referral for basic gynecologic care, breast and cervical cancer, hypertension, diabetes, anemia, kidney dysfunction, diabetes, sexually transmitted diseases and HIV. Without title X, millions of American women would have no other accessible, affordable source for quality, comprehensive health care services. It is the only source of health care for 83 percent of its clients and for many of them it is the single entry point into the entire health care system.

Title X supports public health departments; Indian nations; statewide, regional and local family planning councils; hospitals; university medical centers; community action organizations; neighborhood health centers; nursing services; and, yes, Planned Parenthood affiliates.

California has received title X funds since the Public Health Services Act was passed in 1970. Last year, California clinics used these funds to provide services to approximately 450,000 clients; 26 percent of these clients are under 20 years of age, and 58 percent are aged 20 to 29. This year, California family planning clinics will receive approximately \$11 million in title X funds.

When we support contraceptive services—both care and supplies—we thwart unwanted pregnancies and, ultimately, the need for abortion. For example, according to the California Family Planning Council, an estimated 138,000 unintended pregnancies are averted in California every year as a result of publicly funded contraception. Each client seen at a title X funded clinic costs the Federal Government approximately \$35 annually. And, every one of these dollars spent on family planning programs in California saves \$11.20 in public costs associated with unintended pregnancy—such as Medi-Cal delivery and continuing maternity and infant care, Medi-Cal abortions, aid to families with dependent children, food stamps and other social service costs. But the annual costs of unintended pregnancies for clients eligible for Medi-Cal coverage for maternity and infant care, AFDC, WIC and food stamps average \$9,383 for those women who carry their pregnancies to term.

H.R. 3090 also reinforces the status quo when it comes to parental notification. It re-

quires that clinics certify their compliance with State laws regarding parental notification or consent for the performance of an abortion on a minor, even though such abortions would only be performed with non-Federal funds. The bill therefore does not change any State laws regarding parental notification.

Yet, there are some of us who—in spite of the fact that we support providing accessible, high quality, affordable health care to women who could not otherwise afford to have it—will oppose this bill because it overturns the Bush administration's so-called gag rule. If H.R. 3090 is not enacted, the gag rule will go into effect early next month.

The gag rule prevents health care providers in federally supported family planning clinics from simply informing a pregnancy woman of all her options. Even if a woman has been raped, is a victim of incest, or her health is seriously threatened by her pregnancy, her health care provider would not be able to tell her the truth about her choices.

This restraint is even more alarming because it goes beyond interference with a woman's reproductive health care. This burdensome regulation is a direct assault on our first amendment right to freedom of speech. The gag rule is unprecedented Government interference with the confidential doctor-patient relationship, and has been denounced by every major medical group. The gag rule dictates to our Nation's medical community what they can and cannot talk about with their own patients. The gag rule blocks women knowing about their legal medical options.

But H.R. 3090 clarifies the authority of family planning clinics to provide information and counseling regarding family planning. It requires them to provide a patient with complete, nondirective information about her pregnancy, if she asks for it.

H.R. 3090 has the support of all major medical groups, including the American Medical Association, the American Nurses Association, the American College of Obstetricians and Gynecologists, and the American Public Health Association. How can we here in this Congress not support and defend a woman's right to complete, accurate information about all of her health care options?

If we truly care about the health and welfare of our people, we have no choice but to support this reauthorization of America's family planning program. Mr. Speaker, I urge my colleagues on both sides of the aisle to support final passage of this important legislation.

Mr. WAXMAN. Madam Chairman, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Madam Chairman, I want to say that the remarks of the gentlewoman from Connecticut [Mrs. JOHNSON] are ones with which I agree.

Madam Chairman, I rise in strong support of this legislation. As a member of the Committee on Appropriations and as a strong supporter of the family planning programs, I have eagerly anticipated this opportunity to validate the strength and the importance of this program through the reauthorization process.

Madam Chairman, the title X family planning program annually provides services to nearly 4 million poor women who need access to reproductive health care services and information about family planning.

The gentleman from Wisconsin [Mr. MOODY], a little while earlier said that more advice and counsel on family planning issues would indeed reduce, not increase, the incidence of abortion, for which I think we are all advocates.

Let me say again, Madam Chairman, that these people who would be served are women and they are poor, two factors that I believe contribute mightily to the fact that their unfettered right to information as independent decisionmakers and their access to health care is periodically threatened by regulations and legislative proposals like the gag rule.

The gag rule is not a problem which has been solved, as the gentlewoman from Connecticut so pointedly made clear. In the real world it is estimated that the title X program prevents 1.2 million unintended pregnancies in the United States alone which would otherwise result in a half million additional abortions. That is the real world, the genuinely positive impact of this nondirective program for family planning.

This is a critical piece of legislation. We must pass it, and I rise in very strong support of H.R. 3090.

Madam Chairman, let me also congratulate the committee, and the subcommittee chairman, Mr. WAXMAN, for bringing this bill to the floor.

In the real world—there are estimates that project approximately \$4.40 in savings in short term medical care, welfare and other social services expenditures for every dollar spent on family planning services.

In the real world, this program is critically important to poor women because it is their primary entry point to our health care system. Almost 90 percent of all poor women live in a county where there is a title X clinic. The title X program is the only available source of these services for 80 percent of the women served in these clinics.

This program has functioned effectively for over 20 years, providing many of our citizens their primary point of access for receiving medical care.

Many clinics that receive title X funds routinely provide other basic clinical care, including screening for breast and cervical cancer, diabetes, anemia, hypertension, sexually transmitted diseases, and counseling and testing for AIDS and HIV.

One statistic, in particular, illustrates how critically important it is that we protect the ability of the health care professionals in these family planning clinics to provide the best and most complete health care information—as many as 15 percent or 750,000 of these participants in the fam-

ily planning programs have health conditions which could be life threatening should pregnancy occur.

Federally mandated censorship and manipulation of health care information is wrong. The gag rule is wrong. Despite the policy guidance issued by the White House, the fact is that health care professionals are prohibited from employing their best judgment in counseling their patients as they determine may be necessary.

Let me close Madam Chairman with one additional fact and an important principle:

First, Federal funds are not used to provide abortion services.

Second, health care professionals and their patients have a right to the exchange of all available medical information pertaining to health care options without the expectation of Government interference.

I strongly support the H.R. 3090, and I urge each of my colleagues to do so, as well.

Mr. WAXMAN. Madam Chairman, I yield to the gentlewoman from Michigan [Mrs. COLLINS].

Mrs. COLLINS of Michigan, Madam Chairman, I rise in support of the long awaited reauthorization of title X and its amendments. The title X program has not been authorized for 7 years, and its beneficiaries, the federally assisted family planning clinics, have suffered as a result. In addition these clinics face a needless restriction, commonly called the gag rule.

These clinics play a vital role in the provision of beneficial health services to poor and needy families. Many women seek their primary health care from the gynecological service providers at title X clinics. It is time to provide this important service with the funding it deserves.

In addition, these clinics are to be restricted in the performance of their duties if there is full imposition of the administration's gag rule.

This rule increases health care provider's confusion of the law's stance on postconception counseling. The recent DHHS' interpretive guidelines only served to complicate the issue. The gag rule presents an impediment to the effective dispersal of health services. H.R. 3090 must stand.

□ 1510

The CHAIRMAN. All time has expired.

Mrs. JOHNSON of Connecticut, Madam Chairman, I believe I still have a little time remaining.

The CHAIRMAN. All time has expired.

Mrs. JOHNSON of Connecticut. I thought that I had time. Did I use my entire 5 minutes?

The CHAIRMAN. The time is under the 5-minute rule and may not be served.

Mrs. JOHNSON of Connecticut. My misunderstanding, Madam Chairman.

The CHAIRMAN. Does the gentlewoman from Connecticut [Mrs. JOHNSON] have a request?

Mrs. JOHNSON of Connecticut, Madam Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. HYDE
Mr. HYDE, Madam Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. HYDE moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. SMITH of New Jersey, Madam Chairman, I rise in opposition to the motion.

Mr. WAXMAN, Madam Chairman, as the manager of the bill, I was on my feet.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes. He controls the time.

Mr. HYDE, Madam Chairman, I just want to straighten out what I think is some disinformation, certainly not intentional, but I think the doctor-patient relationship, we ought to put that to rest, and I leave it to anybody who cares to listen while I read from the regulations, and my colleagues can decide whether the doctor-patient relationship is unimpaired.

The regulations say, and I quote:

Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

So, Madam Chairman, I submit that the doctor-patient relationship is unimpaired.

Now, when we get to the real nub of this controversy, we get to counsellors, we get to receptionists, we get to volunteers, we get to other people who are operating within this family planning clinic who are not physicians. Now we have heard there are not a lot of physicians around and so it is the counsellors who give this advice about life and death, about one of the most emotional and important decisions a woman is going to make, and we are told it is a medical decision and, therefore, it is medical advice from counsellors, from whoever else is in the office.

Now I have here a report prepared by the Planned Parenthood Federation of America, prepared by Sandra Grymes, G-r-y-m-e-s, director of long-range planning, and it is a preliminary report on the counselling function in affiliates of the Planned Parenthood Federation of America. May I just read a few little trenchant sentences?

The fact that many affiliates rely to a large extent on unpaid part-time counsellors is documented."

Data from nearly 500 individual counsellor profiles gives a clear picture of a counselling

staff which is largely young and inexperienced, much of it working unpaid, and probably using PFFA employment for training, experience and preparation for other jobs in the future. Counsellors formal training is relatively modest.

Now these are the people my colleagues want advising a woman who had a pregnancy where she can get her abortion. They are all largely pro-abortion. They are largely in favor of sending this woman on to the nearest abortion clinic.

So, I think we ought to make it clear. In the guise of passing a family planning bill, which we are for, we are going to promote abortion by letting counsellors and volunteers, young and largely untrained volunteers, to provide disinformation to a pregnant woman where she can go get her unborn child killed. Now I do not want to do that, and I know there are millions of Americans who do not want their tax money to go for that purpose.

The distinguished and learned gentleman from New York who is no longer here talked about choice. He said, "I'm pro-life, but I'm for choice." Well, we are all for choice. If someone is an American, they want options, they want pluralism, they want people to vote for and against.

But what choice? Chocolate or vanilla? What choice? Does anyone have the right to choose to push me in front of a train? Does anyone have the right to choose to go beat up on their little infant child? What choice? The use of the word "choice" just blurs coherence on this subject.

Now one is either for abortion or they are against it, and do not say, "I'm pro-life, but I'm for choice." That is an oxymoron.

Mr. HUNTER, Madam Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. HUNTER, Madam Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding, and let me just go a little further on the point that he has made.

I used to practice law in the barrios with the poorest of people, many of whom would be recipients of this advice, and, when they come into an office, they are absolutely intimidated by the professionalism. They think of it as an extension of the Government, and, if they are told, "Yes, Mrs. Gonzalez, I think maybe you should settle this case," they will say immediately, "Yes, yes, we will settle the case," and we say, "Wait a minute. I want you to look at all the choices. Maybe we should take this case to trial," and then she will say, "Yes, yes, we will take it to trial."

Madam Chairman, they are ready to accept anything, and the idea of having untrained people in that position to give advice that will be taken because of a function of intimidation by the poor people in the barrios throughout

this country is an absolute disservice being done by this Congress. We are establishing a rule of dissemination, and, believe me, when these mothers, many of them very poor and very much intimidated by professional people, comes into these clinics, they are not going to see the type of a debate that we have in this House forum. They are going to see a one-sided editorial on the side of abortion.

Madam Chairman, it is going to be wrong.

Mr. WAXMAN. Madam Chairman, I rise in opposition to the preferential motion offered by the gentleman from Illinois [Mr. HYDE].

POINT OF ORDER

Mr. HYDE. Madam Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HYDE. Madam Chairman, as I recall, the Chair recognized the gentleman from New Jersey [Mr. SMITH] before she recognized the learned gentleman from California [Mr. WAXMAN], and I just wondered what happened.

The CHAIRMAN. The Chair has yet to recognize anyone in opposition. The gentleman from California [Mr. WAXMAN] is managing the bill for the committee and is rising in opposition to the motion.

Mr. SMITH of New Jersey. Madam Chairman, I rose in opposition to the motion as well.

Mr. WAXMAN. Madam Chairman, as the manager of the bill, I think I have the right to be recognized.

The CHAIRMAN. Without question, the Chair asked the gentleman from New Jersey [Mr. SMITH] for what purpose he rose, but did not recognize him in opposition. Recognition in opposition to the preferential motion is only conferred after debate in favor of the motion.

Mr. HYDE. No matter what he said, the Chair did not recognize him.

The CHAIRMAN. The point of order, is something the Chair wants to deal with, and the chairman of the committee, the gentleman from California [Mr. WAXMAN], will be recognized in opposition. The gentleman from Illinois [Mr. HYDE] was given his full time to present his case. The gentleman from California [Mr. WAXMAN] is now recognized in opposition.

Mr. HYDE. If that is the ruling of the Chair, I accede with some dismay.

The CHAIRMAN. It is the recognition of the Chair.

The gentleman from California [Mr. WAXMAN] will be recognized for 5 minutes.

Mr. WAXMAN. Madam Chairman, in rising in opposition to the preferential motion of the gentleman from Illinois [Mr. HYDE], I take this time to discuss this matter and wonder why two people on the same side of the issue want to keep talking and not hear anybody else. Perhaps because they do not want

to get more information. But let me give my colleagues some information.

The American Medical Association, which speaks for doctors, tells us they do not think this regulation has been clarified at all. They think their professional rights have been curtailed by this gag rule.

But let me also say to my colleagues that most women who go to clinics, who are low-income women, do not get to see doctors. They see nurse practitioners and other nurses. Those nurses may advise that woman and refer her to a cancer specialist, someone who deals with sexually transmitted diseases, or any other medical problem. What that gag rule says is that nurse suddenly is not capable of referring this woman to some other place where she may seek abortion services.

I think that woman or man is fully competent, who is licensed as a health professional, as a nurse, nurse practitioner, or counselor.

Mr. WYDEN. Madam Chairman, will the gentleman yield?

Mr. WAXMAN. Madam Chairman, I yield to the gentleman from Oregon to go further on this point. I think it is an important point because I think this gag rule is nothing but a gag rule. It is a gag on everybody involved, and it is a way to keep women from getting truthful information, not directive, but information upon which they can then make a decision.

□ 1520

Mr. WYDEN. Madam Chairman, I associate myself with the remarks of the gentleman from California [Mr. WAXMAN], but I think my colleagues ought to hear exactly what the American Medical Association has said about the gag rule.

In an April 22 letter, talking about the regulations, they state:

They expressly limit the substantive scope of counseling that may be provided in the title X clinic and artificially constrict the physician/patient dialogue in ways that are inconsistent with sound medical care.

The AMA is explicitly on record as saying that these guidelines would artificially constrict the physician-patient relationship.

What is going to happen in these clinics if they tell the truth is these clinics will end up restricting anti-abortion services, as the gentlewoman from Connecticut [Mrs. JOHNSON] has said so well.

Mr. WAXMAN. Madam Chairman, at this time I wish to yield to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, earlier, the gentleman from California [Mr. WAXMAN] was again—and this happens so often in this debate—comparing a pregnancy and the taking of the life of that unborn child to a whole myriad of diseases.

That is precisely our point. Abortion is not a method of family planning. It certainly does not cure any known disease.

Pregnancy is not a disease. It is fundamentally different than any other condition that a woman in her lifetime will experience.

Mr. WAXMAN. Madam Chairman, reclaiming my time, the gentleman from New Jersey [Mr. SMITH] is correct. That is why the law states specifically that no title X grantee may perform abortion services. Family planning and contraception are not abortion services.

But the issue comes up when the woman wants to know, "If you do not provide abortion services and I want to have those services, where can I go?" The gag rule would prevent a doctor, a nurse practitioner, a nurse, or a counselor from even telling her where she could go to pay for the abortion with her own funds.

Mrs. JOHNSON of Connecticut. Madam Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Chairman, I think it is important to be clear about what services we are talking about. Title X clinics provide family planning services, contraceptive services, pap smears, cervical cancer checks, and free cancer testing and screening. When you find out you are pregnant through one of their services what you get is rather simple.

We are not talking about medical advice. We are talking about in my small towns pamphlets about the adoption agencies in town, pamphlets about prenatal care, what physicians will accept Medicaid or people without insurance or what clinics are associated with hospitals nearby where you would get prenatal care.

Then there is a list of providers who will provide termination, if that is what you want. But all these people are getting from these counselors are lists of providers in the option area they ask about.

Mr. WAXMAN. Madam Chairman, Reclaiming my time, I yield further to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, the point I am making is once a woman has been confirmed pregnant and is in that title X clinic, she is then out of that program and referred for prenatal care. In other words, there is a higher propensity and a higher possibility than that both mother and baby will receive maternal/prenatal care so that both patients will be as healthy as is humanly possible.

It is contradictory to say on one hand we provide prenatal care, and on the other hand we say just the oppo-

site, chemical poisonings and literal dismemberment are equally viable options that can be promoted.

This is a value judgment by this House that yes, that child has value and worth, and we are going to put the full weight of Federal funding toward making sure that when there is a referral and counseling, it is going to be for prenatal care. The woman may decide to have the abortion at the end of the day, but we are trying to put the full weight on the Government behind prenatal care.

Mr. HYDE. Madam Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. HUNTER

Mr. HUNTER. Madam Chairman, I have a preferential motion at the desk.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. HUNTER moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. WAXMAN. Madam Chairman, if I need to, I will ask at this time for the opportunity to oppose this preferential motion.

The CHAIRMAN. The Chair will wait for that at the appropriate time.

The gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Madam Chairman, I am glad we have sharpened the debate on this issue, because I think it is important for the entire House and Members on both sides to understand what we are talking about.

Madam Chairman, I wanted to expand just a little bit on the effect we are going to have on people's lives, the lives of unborn children, and the lives of mothers, in communities throughout America if we pass H.R. 3090.

I want to relate to Members as a Member of this House and as a colleague my own experience with respect to advising people in the barrios of America from which I practiced law in San Diego, CA, and the amount of influence, in fact in some cases undue influence, we have over people's lives and the opportunity for abuse that will arise in my estimation from 3090.

Madam Chairman, a lot of people came into my law office in my early days in practice with no money and with a request for legal help. Many of those people were unsophisticated. In fact, I guess that is why they came to me. They thought I was not too bad a trial lawyer. I handled a lot of cases.

Madam Chairman, I noticed when people came in who had not been in the community for a long time or who did not have any money or who were not sophisticated, in some cases they did

not speak English very well, they gave great credence to whatever the professional, that was me as an attorney in my storefront law office, told them.

Madam Chairman, they were willing to accept almost any statement or offer or alternative I would give them as absolute gospel. That means if I suggested to Mrs. Gonzalez that maybe she should take her case to trial, she would say, "Yes, yes, let us go to trial." If I suggested to Mrs. Gonzalez maybe she should try to settle the case, she would say, "Yes, yes, let us settle the case."

I want to suggest that you are going to have a parallel situation with respect to counseling for abortion. You are not going to be able to clear the office of the Planned Parenthood institutions throughout this country of people who people who believe very strongly in the right to an abortion, and who therefore, whether they are receptionists, volunteers, or helpers, are going to editorialize in favor of abortion to unsophisticated people who come into that office.

Madam Chairman, it is entirely wrong for us as a Congress to place in those little waiting rooms a forum in which the life or death of someone is going to be decided.

A lot of Members on the other side have tried to parallel this and equate this with a doctor giving his advice on cancer, diabetes, AIDS, or something else. There is a difference. In no other medical operation known to man is the life of another human being decided.

Mrs. JOHNSON of Connecticut. Madam Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Chairman, I think there is a difference between a woman coming into a lawyer's office about something that involves statutory law about which she knows nothing and her coming into a situation where she has found she is pregnant. She knows about that.

If she has children, which she often does, she knows about the emotional and economic responsibilities of children.

It is very important I think in a free society that women have access to the knowledge that they need to make decisions about themselves and their families. The Government does not know whether she became pregnant because she was raped or abused. You see, without that knowledge, you should not be steering her to prenatal care. The gentleman before you recognized that you are steering. I do not want Government to steer either way.

Mr. HUNTER. Madam Chairman, reclaiming my time, I have listened to the gentlewoman from Connecticut [Mrs. JOHNSON], whom I respect very much. I have seen it time and again. For people who are coming in in a situ-

ation of extreme poverty or being unable to speak the language well and having extreme regard for the people who sit behind the desk in that office, even if it is a receptionist or counselor, you cannot have that situation without having undue pressure, without having intimidation, whether it is intended or not. You are going to have an editorializing, if you will, a pressure, for abortion.

If you have the finest training courses in the world to try to undo that, you are not going to be able to do that. To have that forum deciding the life of another person is absolutely wrong.

So in an ideal world everything would work out as the gentlewoman from Connecticut [Mrs. JOHNSON] has stated. These little Planned Parenthood centers in the barrios of this Nation are not ideal worlds, and it is a tremendous disservice to us, both to the mother and to the unborn child, to put them in that position where they are going to receive advice from people who are not disciplined, who are not doctors, and who, in fact, are there partly because they believe strongly in their souls that abortion is absolutely the right thing to do in many cases.

□ 1530

It is sad that that is a reality. Unfortunately that is the reality, and we need to provide a professional forum and need to have a situation where people have also moral guidance, where they have guidance and perhaps from the church, where they have two sides.

This is one side, and that pressure is going to be unbearable for many families. And they are going to accede to what they think this quasi-governmental institution wants them to do.

Mr. WAXMAN. Madam Chairman, I rise in opposition to the motion, and I would like us to move on with the amendments before us.

Mr. HUNTER. Madam Chairman, I ask unanimous consent that my motion be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 1, printed in House Report 102-506.

AMENDMENTS EN BLOC OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. WAXMAN: Page 1, line 5, strike "1991" and insert "1992".

Page 3, line 23, strike "1996" and insert "1997".

Page 3, line 22, strike "1995" and insert "1996".

Page 3, line 21, strike '1994' and insert '1995'.

Page 3, line 21, strike '1993' and insert '1994'.

Page 3, line 20, strike '1992' and insert '1993'.

Page 4, line 9, strike '1996' and insert '1997'.

Page 4, line 9, strike '1995' and insert '1996'.

Page 4, line 8, strike '1994' and insert '1995'.

Page 4, line 8, strike '1993' and insert '1994'.

Page 4, line 7, strike '1992' and insert '1993'.

Page 4, line 18, strike "1996" and insert "1997".

Page 4, line 17, strike "1993" and insert "1994".

Page 4, line 16, strike "1992" and insert "1993".

The CHAIRMAN. Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, this amendment simply updates the authorization years of the bill, as it was passed by the committee. The bill itself authorizes appropriations for fiscal years 1992 to 1996. Clearly, since the time of the committee action, fiscal year 1992 has come and gone.

This amendment would update the bill to authorize appropriations for fiscal years 1993 to 1997. It makes no change in the amounts authorized, and I know of no opposition to the amendment and would urge its adoption.

Mr. BLILEY. Madam Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Virginia.

Mr. BLILEY. Madam Chairman, I thank the gentleman for yielding to me.

We have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from California [Mr. WAXMAN].

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2, printed in House Report 102-506.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REGULA: Page 2, strike lines 15 through 17 and insert the following: "will provide to individuals information regarding pregnancy management options upon request of the individuals."

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. REGULA] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Madam Chairman, I am offering an amendment today to address the issue of forced speech.

My amendment clarifies that title X

clinics will provide information about

a woman's pregnancy options upon her

request. The language states that clinics

wishing to receive Federal moneys,

"will provide to individuals information

regarding pregnancy management

options upon request of the individuals."

This is a simple change offered be-

cause some feel that the title X lan-

guage as it now reads would "require"

speech. Forced speech is not the intent

of the title X program. My amendment

would make that clear.

I have been asked what women must

say to indicate that they want infor-

mation. I am not requiring that they

say any magic words—that is the point

after all—speech should not be re-

quired.

We should provide all of the informa-

tion the woman wants, but only what

she wants.

This amendment will release the

nurse or doctor from the legal obliga-

tion to tell every woman about abor-

tion when the woman may be seriously

opposed to abortion and highly dis-

tressed by the information.

This amendment fits nicely with

Representative DURBIN's amendment

releasing title X practitioners who are

personally opposed to abortion from

talking about it, although they would

of course be required by law to refer

the woman to someone who would. The

"conscience clause" and my amend-

ment release people from forced con-

versations.

These are reasonable amendments

which make sense.

In my opinion, we should, we should

not gag medical information, neither

should we force information upon a

woman when it is neither requested nor

wanted.

I fully support title X—providing

medical screening and contraceptive

information are essential services. For

many women this is the only medical

care they will seek or receive.

This is a contraceptive program, and

a medical screening program—not an

abortion program. Title X money can-

not be used to fund abortion services—

the charter specifically prohibits the

use of Federal funds for this use.

Mr. WAXMAN. Madam Chairman,

will the gentleman yield?

Mr. REGULA. I yield to the gen-

tleman from California.

Mr. WAXMAN. Madam Chairman, I

thank the gentleman for yielding to

me.

We have reviewed the gentleman's

amendment. We think it is a good clar-

ification and would certainly support

it.

Mr. SMITH of New Jersey. Madam

Chairman, I am opposed to the amend-

ment.

The CHAIRMAN. The Chair recog-

nizes the gentleman from New Jersey

[Mr. SMITH] for 10 minutes.

Mr. SMITH of New Jersey. Madam

Chairman, I do want to make one or

two points about this amendment just

to underscore what I think is its flaw.

I would like to ask the distinguished

author if his amendment were enacted

into law, would a title X recipient

which, let us say, provides extensive

family-planning services to an area but

refused to counsel and refer for abor-

tion as a method of family planning,

would such a provider lose Federal

funding if one or more pregnant women

came forward, sought abortion counsel-

ing and requested a referral to an abor-

tion clinic.

Would that pro-life title X provider

then lose their money?

Mr. REGULA. Madam Chairman, will

the gentleman yield?

Mr. SMITH of New Jersey. I yield to

the gentleman from Ohio.

Mr. REGULA. Madam Chairman, I

am not sure that would happen. What

we are simply trying to do in this

amendment is ensure that the coun-

selor is not mandated to mention abor-

tion.

I think the present situation is a re-

verse of freedom of speech. It is a free-

dom not to make that statement, un-

less the client requests it.

The Durbin amendment or the con-

science amendment, I think, will ad-

dress the problem that the gentleman

is alluding to.

Mr. SMITH of New Jersey. Madam

Chairman, this looks, standing on its

own, and even with the Durbin amend-

ment, which requires a title X recipi-

ent to refer, which makes that person,

if he or she is a very staunch anti-

abortionist or pro-lifer or, if that en-

tire title X recipient feels likewise,

they then still, under both of those

amendments, if adopted, which I be-

lieve they will be, as I said, we will not

ask for a vote on it, but would still re-

quire that person to say, "Yes, this is

where you can get the abortion and,

yes, we will provide counseling to

you," if she asks for it. What I am sug-

gesting is that then forces, as a condi-

tion of receipt of those funds, the title

X project and the personnel therein

to discuss and refer for abortion. So it

is like they are being required to engage

in abortion counseling.

And if the Durbin amendment is

passed, which again, I believe it will be,

they are then also required, maybe not

to counsel, but to refer to some pro-

abortionist counselor who will counsel.

So it makes me a part or makes that

title X recipient, who is pro-life, and

there are many title X people who be-

lieve in family planning but categori-

cally reject abortion, who then will

have to say, "I can't do it here in this

clinic, but this is where you go to get

the abortion."

Mr. REGULA. Madam Chairman, if

the gentleman will continue to yield,

we are trying to avoid that problem ex-

actly. That is the intent of this lan-

guage, to prevent that happening. Because the gentleman is right, there are people who are counselors who are pro-life. And we do not want to mandate informing a woman about abortion unless the client requests it.

I think it actually accomplishes what the gentleman is saying.

Certainly, I would hope, and I have suggested to those who I deal with that we have a crisis pregnancy center operated by the pro-life group. It does a great job, and women ought to be referred to those kinds of agencies, if that is their desire.

But the function of the title X program is to serve the individual, not to serve the counselor, not to serve the outsiders, but to serve the individual.

Therefore, we are saying, respond to the individual's concerns.

Mr. SMITH of New Jersey. Madam Chairman, the counselor or if a group of counselors, the entirety of that title X project will not be party to facilitating the abortion, either by referral and/or by counseling, they then will lose every dime from the Federal Government under the specific language of the amendment, especially if we refer back to lines 11 through 14, which immediately precede the gentleman's own amendment.

So effectively this would gut every pro-life title X recipient who says, "We just want to do family planning. We don't want to do abortion," because they are still required to counsel and refer for abortion as a condition of receipt of those funds according to the plain language of the amendment.

Mr. REGULA. Madam Chairman, if the gentleman will continue to yield, I am trying to make it easier for them by saying they are not required. They only respond to a request.

There is some question that they might be required under the existing language to counsel in that direction, which we do not want to happen and I do not want to happen.

Therefore, to clarify it, and that is what this does, we say it would only be a mention of that if the client herself would make the request.

I would think the gentleman would support that.

Mr. SMITH of New Jersey. Madam Chairman, I think the gentleman would have to agree, in all candor and frankness, that if a woman walks into a pro-life, pro-family planning title X recipient and says, "I want a referral for an abortion," and they say, conscientiously, "We cannot do it," they do not get a dime from the Government.

Mr. REGULA. Madam Chairman, I am not sure that would happen.

Mr. SMITH of New Jersey. Madam Chairman, the plain language of the amendment would say that, juxtaposed with the amendment immediately preceding it.

Mr. REGULA. Madam Chairman, I think this would help the bill accom-

plish the goals. I know the gentleman does not support the bill, but I think it is a better bill from the gentleman's standpoint with this language than without it. That is the reason that we had support for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. REGULA].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3, printed in House Report 102-506.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 2, after line 23, add the following subparagraph:

"(C) With respect to compliance with the agreement made under subparagraph (A), the family planning project involved, and any provider of services in the project, may not be required to provide information regarding a pregnancy management option if—

"(i) the project or provider (as the case may be) objects to doing so on grounds of religious beliefs or moral convictions; and

"(ii) the project or provider refers the individual seeking services to another provider in the project, or to another project in the geographic area involved, as the case may be, that will provide such information."

Page 2, line 23, strike the ending quotation marks and the final period.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. DURBIN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Chairman, we are now engaged in a debate on the issue of abortion. It is a debate which has gone on for the 10 years that I have served in Congress and will probably go on for many years to come.

A few days ago the streets of Buffalo were divided. On one side Operation Rescue, those fervently opposed to abortion; on the other side, the pro-choice forces, believing that the decision should be made between a doctor and his patient.

Many of the Members in this Chamber who have spoken on both sides of the issue would find it very easy to decide on which side of the street they would be most comfortable. There are many of us, though, who address this issue with some uncertainty and who strive with each bill and each amendment to find a sensible and responsible course to follow.

□ 1540

I am envious of those who see this issue in terms of black and white, who find it all right or all wrong when it comes to abortion. I have tried to find a middle course for my own conscience and my own legislative record.

This amendment which I am offering today is an attempt to strike a bal-

ance, a balance between the right of a patient to be fully informed of her legal medical choices when she visits a federally funded family planning clinic, and also the right of an individual working in that clinic who, because of moral or religious convictions, cannot refer for abortion to be protected under the law.

What I am proposing today is not new. In 1973 the Church amendment to the Public Service Act established a conscience clause regarding the performance of abortion in federally funded facilities. The referral requirement under title X gave to those institutions which, because of moral or religious convictions, could not recommend some forms of contraception, the right to refer patients to another title X setting where they could be so informed.

As a consequence, many clinics and many Catholic hospitals which could not through their staff in good conscience recommend certain forms of contraception followed the conscience clause and referred the patients to another clinic that would.

We have just adopted an amendment by the gentleman from Ohio [Mr. REGULA] which I think makes it clear that in the first instance a patient must request some form of abortion counseling. That is when this amendment would come into effect. If the person to whom the request is made cannot in good moral or religious conscience refer the person for abortion counseling or treatment, they have the option to say, "You need to go to another clinic."

Similarly, if a clinic is in existence which does not in conscience recognize the right to abortion, that clinic can still stay in the business under title X, and if patient should request abortion counseling, that clinic can refer to another that gives the full range of options available under the law.

I am troubled by the fact that many of the organizations which identify themselves as against abortion are both against this bill and against my amendment. In the first instance, many of us believe that in order to diminish the number of abortions we must make family planning options available to woman of America short of abortion. Title X is a successful program. Over 1 million women each year avoid unintended pregnancies because of title X. Those so-called antiabortion forces that want to close down the title X program are in effect inviting at least a half a million more abortions a year. That in my mind is totally counterproductive to their stated philosophy.

Second, many people on the floor argue, and I accept their arguments, that in good conscience they cannot support abortion or the funding of it. This amendment specifically addresses not only their feelings but the feelings of men and women who work in these

clinics that are exactly the same. We are saying to them. "We will not force you, we will not mandate, we will instead say to you you have the same option of the conscience clause available to you as has been under the law for almost 20 years."

This particular amendment has been supported by many professional groups, including the American Medical Women's Association, the American Nurses Association, and the American College of Physicians. I quote from the ethics manual of the latter group:

When a physician objects to a treatment desired by the patient, the physician has a duty to assure that the patient is provided the option of receiving competent medical advice and care from a qualified colleague.

The Durbin conscience amendment would do just that.

Madam Chairman, I reserve the balance of my time.

Mr. HYDE. Madam Chairman, I rise in opposition to the Durbin amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] will be recognized for 10 minutes.

Mr. HYDE. Madam Chairman, I yield myself such time as I may consume.

First of all, Madam Chairman, I say to the learned gentleman from central Illinois, who has become one of the legendary Planned Parenthood superstars in latter days, for which I stand in awe, nobody that I have heard today or in this Chamber any day has stood up to oppose title X. If we, the so-called pro-life forces, were opposed to title X, we would go after the funding. We have not. I personally am for title X. I think we need a family planning program, so the gentleman indeed sets up a straw man and then knocks him down when he talks about opposition to title X.

Possibly it was a tactic to make pro-life forces, or as the distinguished gentleman from Oregon, and not Mr. WYDEN, the other distinguished gentleman from Oregon, and there are two, at least, refers to us as the pro-life mob or the anti-choice mob, that is the new epithet, we are not against title X, so let us not use that straw man.

The trouble with the Durbin amendment is, it is all windup and no pitch. There is nothing there. There is no there there. The gentleman's amendment requires that a conscientious objector to abortion find someone else to promote the abortion. I do not quite see how that assuages the moral concern of somebody who says, "I cannot steer you to an abortion clinic, but go talk to Tom. He will." That does not do anything at all. That is called forced complicity. That is almost Pontius Pilate-like. Washing one's hands of it does not absolve one of moral complicity, so what the gentleman is doing does not help the situation at all.

I heard the gentleman talk about Catholic hospitals. I do not stand here

as a spokesman for Catholic hospitals or anything, or anybody, but I did get a statement from Cardinal Joseph Bernardin, who really opposes your amendment. He is speaking on behalf of the Catholic bishops. So lest anybody be confused that Catholic hospitals are advantaged by the Durbin amendment, they are not.

Lastly, one of the serious problems with the Durbin amendment is that conscientiously opposed grantees in the title X program in rural areas would be very hard-hit by the Durbin requirement because they are certainly going to have difficulty in finding other individuals who are willing to be a party to abortion within their geographic area.

Lastly, I must compliment the National Abortion Rights Action League and the Religious Coalition for Abortion Rights. They are two organizations that have the courage to say they are for abortion, they are not for choice or reproductive rights, they are for abortion.

It is like thinking of the National Rifle Association as if they were for the right to choose to own a rifle. No, they are for owing a rifle. So I hope someday that we will have the intellectual honesty to say, "I am for abortions" or "I want abortions" or "I want them to be available" because in the words of the immortal Margaret Sanger, "Perhaps there are too many unsuitable people." That was her premise. Reading her literature is a real revelation, by the way, the predecessor organization to Planned Parenthood.

I guess if the Members think getting rid of unborn children or unwanted pregnancies is a good, then I suppose Mr. Durbin's amendment is benign. It does not do anything. But lest it masquerade as something that helps the conscience of somebody, I would suggest if I steer somebody to somebody who will steer them to an abortion mill, that would not assuage my moral scruples.

Madam Chairman, I reserve the balance of my time.

Mr. DURBIN. Madam Chairman, I yield myself such time as I may consume for the purpose of a colloquy with the gentleman from California [Mr. WAXMAN] and I yield to him for that purpose.

Mr. WAXMAN. Madam Chairman, this amendment is a restatement of what has long been known as the conscience clause. It makes clear that if a doctor, a nurse, or even an entire clinic has reservations about performing full pregnancy counseling, they may decline to do so and refer the patient elsewhere.

I'd like to engage the gentleman from Illinois [Mr. DURBIN] in a colloquy on the amendment.

As I understand it, under the family planning program, programs may pro-

vide some services and refer elsewhere for others. For instance, some programs that may be run by institutions with reservations about contraception may provide only natural family planning services and refer a patient elsewhere if she wishes to have other contraceptive methods.

Is it your intention with this amendment to mirror the current practices of the family planning program for referral practices—allowing some practitioners or programs to refer patients elsewhere for counseling on abortion?

Mr. DURBIN. Yes, it is.

Mr. WAXMAN. Is it your intention to allow individual providers—such as a doctor or a nurse in a clinic—to refer to other providers in the project?

Mr. DURBIN. Yes, it is.

Mr. WAXMAN. If there is no one in the project that is willing to provide full counseling, is it your intention to allow the project to refer to other projects in the vicinity for abortion counseling?

Mr. DURBIN. Yes.

Mr. WAXMAN. I thank the gentleman.

This amendment is a useful clarification of the bill. The conscience clause has been a reasonable and practical policy for years in the Public Health Service, and its application here is appropriate.

I support the Durbin amendment, and I urge all Members to do so.

□ 1550

Mr. HYDE. Madam Chairman, I yield such time as he may consume to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I thank my friend for yielding time to me.

I rise in opposition to the Durbin amendment because, in my view, it just is not a conscience clause, but it is masquerading as a conscience clause when it would actually require, mandate and force a counselor opposed to abortion for moral or religious reasons to refer a mother to a pro-abortionist for abortion counseling. That is the simple language of the amendment if Members will look at it. It reads:

The project or provider refers the individual seeking services to another provider in the project, or to another project in the geographic area, as the case may be, that will provide such information.

That, as I think the gentleman from Illinois [Mr. HYDE], so eloquently put it, is forced complicity.

In other words, a title X recipient that does not want to be promoting, advocating, counseling or referring for abortion would be required to become part of the process, of the facilitation of that child's demise.

Mr. DURBIN. Madam Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. Very briefly, yes, I yield to the gentleman from Illinois.

Mr. DURBIN. Let me say that now that we have adopted the amendment of the gentleman from Ohio, if a person came into a title X clinic and asked for abortion counseling, under the gentleman from New Jersey's interpretations, what then should occur if the person who is to give the counseling cannot in good conscience offer that counseling?

Mr. SMITH of New Jersey. I would hope that they would refer them to the title X regulations under the Bush Administration which would suggest prenatal care, which would say that this is not a pregnancy management type of operation, this is a preconception title X program.

Mr. DURBIN. If the patient returned and said they did not want that, they want abortion counseling at a title X clinic, then what would the gentleman have them do?

Mr. SMITH of New Jersey. Reclaiming my time, very simply, we would have them say we do not counsel or refer for abortions, very simply, because it takes a life of an unborn child.

Let me just also say this scheme would force pro-life title X counselors to help facilitate an abortion, putting hundreds, thousands and perhaps even millions over the years of unborn children at great risk. It turns conscientious objection right on its head.

Furthermore, under Durbin, the taxpayers could continue to subsidize and pay for counseling and referring for abortion as a method of family planning in clear violation of the consciences of hundreds of thousands and tens of millions of Americans who do not want to have their tax funds being used to refer these women for abortion.

Conscience clause? Give me a break.

Mr. HYDE. Madam Chairman, I yield the balance of our time, 3½ minutes, to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Madam Chairman, I am one of those that the author of this amendment said he envies in this Chamber because I know which side of the street I want to stand on, and I feel sorry that when he looks at or hears about a "Phil Donohue show" where a 6-month-old baby is there named Rosa with one arm gone because it was ripped off in an abortion process, that he does not have it clear in his head that that is a child in the womb; when he sees little Jennifer from southern Orange County, a 16-year-old who gave up high school to travel the country because she is terribly handicapped and burned from an attempted saline abortion that he does not understand that Jennifer is a human being who was born.

I am glad you were born. I am glad everybody was born to participate in this debate. But I still do not understand the handful, the small handful of people in this Chamber who act like they are tortured because they cannot

make up their mind whether that is a baby in the womb or not.

I have seen some ugly euphemisms in my 15 years around this Hill, but pregnancy management option? It is not a management option of family planning to kill the baby. And I do not understand why the abortion, gigantic multibillion dollar abortion industry and its defenders in this House, and the tortured handful of people who pretend they want to have it both ways, do not understand the passion of the people who believe these babies have a human soul.

Mr. HYDE. Madam Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Illinois.

Mr. HYDE. Madam Chairman, the Bloomington baby which was born with Down's syndrome, which the parents were given the management option of starvation rather than connecting the esophagus to the stomach, a common situation which easily was remedied by surgery, the doctors gave the parents a management option of not making that surgery, not making that connection, and the baby starved to death. So do not be shocked at the term "management option." It is something that I dare say Hitler wishes he could have thought of to use it at Auschwitz.

Mr. DORNAN of California. Auschwitz. I am glad I heard that word. I would like everybody in this Chamber, every visitor, Madam Chairman, and everybody across the country to absorb this fact that was just suppressed by the dominant media culture. The angel of death should have been called the devil of death on rail lines at Birkenau, the adjunct satellite camp to Auschwitz which the gentleman mentioned, which actually killed 4 million people, that angel of death, Dr. Mengele, who did in fact escape justice until God finally took him in a drowning accident on a Brazilian beach in 1979, guess what Dr. Mengele, the devil of Auschwitz and Birkenau did when he went to South America to hide from justice, guess what he practiced as a medical doctor, again disregarding his hypocritical oath and any sense of Christian or Jewish decency in this all over Europe, surprise, surprise, surprise, Dr. Mengele was an abortionist in Argentina and Brazil.

We are killing innocent human life. Leave these Bush regulations alone, and let these family clinics function on planned parenthood that does not involve the death of an existing human being with an immortal soul. And Moses agrees with it, and Theramenes does. And in fact, all 23 of these lawmakers on our walls, including the infamous Napoleon, at least those who chose to speak out in the pages of history believed that that child moving in there was a live human being.

And I visited Dr. Killer Tiller's abortuary in Wichita, KS, 2 weeks ago

and I watched the taxicab driver arrive with a mother-to-be who was showing, showing. Showing what? A human being with a soul.

Mr. DURBIN. Madam Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise today in strong support of Mr. DURBIN's amendment to exempt title X projects and individuals from the counseling mandate on the basis of religious beliefs or moral convictions, while mandating that in such cases, women be referred to clinics or individuals that will provide them with information on all of their pregnancy management options. I commend my colleague from Illinois for offering this amendment.

Madam Chairman, this amendment is quite appropriate in the context of today's debate. It would allow individuals and projects to act in compliance with the law, while not compromising their own moral convictions or religious beliefs. But even more important, this amendment further protects the woman's right to know; her right to have all the available information regarding her pregnancy options. As always in this Chamber we must seek a balance regarding the rights of individuals. We must be sure that in the interest of preserving one personal right, we do not put other rights in jeopardy. I believe this amendment achieves such a balance.

Madam Chairman, I would also like to remind my colleagues that Mr. DURBIN's amendment is not a dramatic or radical change in the title X program. This same provision exists now in the program guidelines as they pertain to birth control. If a woman enters a Catholic clinic and requests information on birth control she is referred to another local clinic that will provide that information to her.

This amendment is good, responsible policymaking; getting at an issue of concern for many Members when mandating counseling on such a sensitive subject. I urge my colleagues to support this amendment and to support this bill to overturn the gag rule, which if allowed to stand, would deceptively deny women complete information regarding her medical condition.

□ 1600

Mr. DURBIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the previous speaker to the gentleman from Arizona made some comments relative to the tragedies associated with abortion. For many of us who struggle with this issue, we acknowledge those tragedies, but I would say to the gentleman and to those on the other side who believe that they are opposed to abortion in all

circumstances other than life of the mother that I only wish they could have been with me in Quincy, IL, at a home for abused children as I sat across the table from two 14-year-old girls who had been victimized by rape and incest, whose lives had been broken at an age far too young, who faced the kind of fragile emotional state where any parent could look into their eyes and wonder if they would survive to adulthood and say to them, "Under no circumstances could you have terminated your pregnancy." I could not say that.

Some of the people on the other side could say it easily. I am not one of them.

Second, this conscience clause has been in the law for almost 20 years. It has been accepted by those on both sides of the issue as a legitimate way to give people with moral and religious convictions a way to exercise a conscience responsibly.

Today in the name of killing this family planning authorization bill, now we find people arguing that a conscience clause should not be included in it. Why is it that whenever a family planning issue comes to this floor those who have spoken today always find a reason to oppose it, and yet stand and pronounce that they are for family planning?

This is the test. This is the bill. I urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 102-506.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 4, after line 18, insert the following sections (and redesignate subsequent sections accordingly):

SEC. 5. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized in title X of the Public Health Service Act to be purchased with financial assistance provided under such title, it is the sense of the Congress that entitles receiving such assistance should in expending the assistance purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under title X of the Public Health Service Act, the Secretary of Health and Human Services shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT. Madam Chairman, I would like to say that this is a Buy

American amendment that would require, in fact, a sense of the Congress to encourage anyone who receives financial assistance under this act to purchase American-made goods, and the second part of it would require notice.

Now, they say there is not an awful lot of money here, but I am just going to take a minute and talk to the Members about what I think is wrong with our economy and why I want this type of amendment, because I think every American must now play a part in our recovery, if there is to be one.

I would like to give the Members an analogy, just real briefly, one that many of the Members in the House will understand about heavyweight fighters.

They said that Muhammad Ali was not a great heavyweight because he could not punch. He did not knock you out with one punch. That is not true. They said Foreman was great, Mike Tyson was great, Joe Louis was great, one punch, knock you out.

Folks, our economy is suffering from the Muhammad Ali syndrome. Here is how it works: Muhammad Ali would place a well-planned strategic blow round by round in accumulating numbers, round 2, round 3, round 5, round 7, and from the accumulation of those well-planned blows, his opponent was subdued and ultimately knocked cold.

Now, folks, let us look at the facts. George Foreman almost won the heavyweight championship about 6 months ago at the age of 44. Twenty years ago in his prime, Muhammad Ali knocked him out cold.

Since World War II, we have been taking strategic blows to our economy. Jobs have been going overseas. Dollars have been going overseas. It is now at a point when every company goes overseas and our economy is beginning to feel it.

So this little humble amendment just says this: Anyone who is getting money under this act, that Congress encourages them, because the Congress does not want to do anything more than encourage perhaps some recycling of our dollars at this point, but the second point is, and I would like this to remain after conference, and I would like the respective teams to consider this: It calls for a notice for all of the recipients of this assistance, that they be given a notice of the Congress' intention under the bill encouraging them to buy American, and if each and every American just does this and Congress is consistent, I think our economy, little by little, will start to come back if there is any hope at all.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from California, the subcommittee chairman, and I appreciate his consideration.

Mr. WAXMAN. Madam Chairman, I thank the gentleman for yielding.

I want to indicate I have no objection to this amendment.

Mr. BLILEY. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from Virginia, the ranking minority member.

Mr. BLILEY. Madam Chairman, we have read the amendment, and we have no objection on this side.

Mr. TRAFICANT. Madam Chairman, I appreciate the gentleman's support, and thank him for his consideration.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GEPHARDT] having assumed the chair, Ms. SLAUGHTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3090) to amend the Public Health Service Act to revise and extend the program of assistance for family planning services, pursuant to House Resolution 442 she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 268, nays 150, not voting 16, as follows:

[Roll No. 95]

YEAS—268

Abercrombie	Aspin	Bilbray
Ackerman	Atkins	Blackwell
Alexander	AuCoin	Boehlert
Allen	Bacchus	Bonior
Anderson	Ballenger	Boucher
Andrews (ME)	Bellenson	Boxer
Andrews (NJ)	Bereuter	Brewster
Andrews (TX)	Berman	Brooks
Anthony	Bevill	Browder

Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Carlin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Condit
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochrueckner

Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Klecicka
Klug
Kolbe
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Machtley
Markey
Martin
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Obey
Olin
Oliver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease

Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Porter
Price
Pursell
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Riggs
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skean
Slattery
Slaughter
Smith (IA)
Smith (TX)
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torrice
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Washington
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Zeliff
Zimmer

Galleghy
Gillmor
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kanjorski
Kasich
Kildee
Kyl
LaFalce
Lagomarsino
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)

Luken
Manton
Mavroules
Mazzoli
McColum
McCrery
McGrath
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nowak
Nussle
Oakar
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Perkins
Peterson (MN)
Petri
Poshard
Quillen
Rahall
Ray
Rhodes
Rinaldo
Ritter
Roberts
Roe
Rogers

Rohrabacher
Ros-Lehtinen
Roth
Santorum
Sarpallus
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skelton
Smith (NJ)
Smith (OR)
Solomon
Spence
Staggers
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

The text of the Senate bill is as follows:

S. 323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title X Pregnancy Counseling Act of 1991".

SEC. 2. PROVISION OF INFORMATION, NONDIRECTIVE COUNSELING AND REFERRAL SERVICES REGARDING PREGNANCIES.

Title X of the Public Health Service Act (42 U.S.C. 300 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1010. PROVISION OF INFORMATION, NONDIRECTIVE COUNSELING AND REFERRAL SERVICES REGARDING PREGNANCIES.

"(a) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that pregnant women receiving services from projects funded under this title are provided with information and nondirective counseling services, and referral services upon request, concerning all legal and medical options regarding their pregnancies. Women requesting information or nondirective counseling under this section regarding the options for the management of an unintended pregnancy shall be provided with nondirective counseling, and referral on request, concerning alternative courses of action that may include—

"(1) prenatal care and delivery; and
"(2) infant care, foster care, or adoption services; and
"(3) pregnancy termination.

If, in the case of a woman requesting such information and nondirective counseling, an ectopic pregnancy or other immediate threat to the women's health is suspected, such woman must be referred for immediate diagnosis and therapy.

"(b) EXEMPTION FOR RELIGIOUS BELIEFS OR MORAL CONVICTIONS.—

"(1) IN GENERAL.—No project, or individual employed or associated with such project, may decline to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), except where the provision of such information, nondirective counseling or referral services would be contrary to the religious beliefs or moral convictions of the project or individual.

"(2) FACILITIES AND PERSONNEL.—A project that, as provided for in paragraph (1), declines to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), may not be required to—

"(A) make its facilities available for the provision of such information, nondirective counseling or referral services; or

"(B) provide any personnel for the provision of such information, nondirective counseling or referral services.

"(c) REQUIREMENT OF REFERRAL.—If a project or individual is exempt pursuant to subsection (b) from the requirement of providing information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), such project or individual shall advise the patient of that fact and refer such patient to another individual within the same project, or if another such individual is unavailable, to another project, that provides such information, nondirective counseling or referral services.

"(d) PROHIBITION AGAINST DISCRIMINATION.—A project receiving assistance under

NOT VOTING—16

Barnard
Bentley
Campbell (CO)
Collins (MI)
Dannemeyer
DeLauro
Dooley
Fields
Gaydos
Kolter
Marlenee
McDade
McEwen
Smith (FL)
Traxler
Waters

□ 1628

The Clerk announced the following pairs:

On this vote:
Ms. DeLauro of Connecticut for, with Mr. Marlenee against.
Mr. Smith of Florida for, with Mr. McEwen against.

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3090, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, pursuant to the provisions of House Resolution 442, I call up from the Speaker's table the Senate bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

NAYS—150

Allard
Annunzio
Applegate
Archer
Army
Baker
Barrett
Barton
Bateman
Bennett
Billirakis
Bliley
Boehner
Borski
Broomfield
Bunning
Burton
Callahan
Camp
Coble
Combest
Costello
Cox (CA)
Crane
Cunningham
Davis
de la Garza
DeLay
Donnelly
Doolittle
Dorman (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing

this title after the date of enactment of this section shall not—

“(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel; or

“(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel;

because such physician or other health care personnel has provided information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2), or (3) of subsection (a) or refused to provide such information, nondirective counseling or referral services on the grounds that such information, nondirective counseling or referral services would be contrary to the religious beliefs or moral convictions of the physician or health care personnel, or because of the religious beliefs or moral convictions of the physician or health care personnel with respect to such information, nondirective counseling or referral services.

“(e) NON-TERMINATION OF GRANT.—No project may be denied funding, or be terminated, under this title based on the decision of such project to provide or decline to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a). The burden of proof shall be on the entity or official making the determination to deny funding or terminate the project to demonstrate that such denial or termination is not based on the decision by such project to provide or decline to provide such information, nondirective counseling or referral services.

“(f) ACCESSIBILITY OF SERVICE.—A grantee under this title shall ensure that information, nondirective counseling or referral services on each of the subjects described in paragraphs (1), (2) or (3) of subsection (a) is available at an adequate number of projects assisted by such grantee under the grant within the geographic area served, or otherwise provide access to such information, nondirective counseling or referral services at another entity within the grantee's geographic area which will provide such services under the same financial eligibility criteria as projects assisted under this title.

“(g) DEFINITION.—For purposes of this section, the term ‘project’ means an entity that provides family planning services with funds received under this title under a negotiated, written agreement with a grantee.

“(h) PROVISION OF STATISTICS.—A project receiving assistance under title X of the Public Health Service Act shall maintain statistics concerning the referrals of pregnant women to whom such project has provided information, counseling or referral under subsection (a). Such project shall, on a quarterly basis, prepare and submit to the Secretary of Health and Human Services a report containing the statistics maintained by the project under this subsection for the quarter for which such report is submitted. The Secretary shall ensure that no records are maintained by such project which include the names of individual women and the referrals requested by such women.”

SEC. 3. ABORTION SERVICES PROVIDED TO MINORS.

Section 1001 of the Public Health Service Act (42 U.S.C. 300) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d)(1) No entity that receives a grant or enters into a contract under this section

shall provide an abortion for an unemancipated minor under the age of 18 unless—

“(A) the attending physician has received and will make part of the medical record of such minor the written consent of the minor and one parent, guardian, or adult family member of the minor;

“(B) the attending physician has given prior notice to a parent or guardian of the minor 48 hours prior to the performance of the abortion;

“(C)(i) the minor has received the information and counseling required under paragraph (2);

“(ii) the minor has provided a written verification of receiving such information and counseling and the attending physician has received and will make part of the medical record of the minor the written consent and written verification of the minor; and

“(iii) the attending physician has determined that—

“(I) the minor is mature enough and competent to provide consent; or

“(II) the involvement of a parent or guardian of the minor may lead to the physical or emotional abuse of the minor or is otherwise not in the best interest of the minor; or

“(D) a court of competent jurisdiction has issued an order, as described in paragraph (3), granting the minor the right to consent to the abortion.

“(2)(A) The information and counseling required under paragraph (1)(C) shall, in a manner that will be understood by the minor—

“(i) provide the minor with information concerning the alternative choices available for managing the minor's pregnancy, including prenatal care and delivery, infant care, foster care, or adoption, and pregnancy termination;

“(ii) include a discussion of the possibility of involving the minor's parents, guardian or other adult family members in the decision of the minor concerning the pregnancy and whether the minor believes that such involvement would be in the best interest of the minor; and

“(iii) provide an adequate opportunity for the minor to ask any questions concerning the pregnancy and the options available for the management of the pregnancy.

“(B) The individual providing the information and counseling to the minor as provided for under paragraph (1)(C) shall obtain the signature of the minor on a dated form that—

“(i) states that the minor has received the information and counseling described in subparagraph (A); and

“(ii) sets forth the reasons, if any, for not involving the parents, guardian or other adult family members of the minor in the decision of the minor concerning the pregnancy.

The individual providing the information and counseling shall sign and date the form, maintain a copy of the form and provide the original form to the minor or, if the minor so requests and the individual providing the information and counseling is not the attending physician, transmit the original form or a copy of such form to the attending physician of the minor.

“(C) The information and counseling required under paragraph (1)(C) may be provided by a physician, psychiatrist, psychologist, social worker, physician's assistant, nurse practitioner, guidance counselor, registered professional nurse or practical nurse licensed or registered to practice under applicable State laws, or an ordained member of the clergy.

“(3) This subsection shall not be applicable in any State that fails to provide a pregnant unemancipated minor under the age of 18 with a confidential, expedited judicial procedure that enables such a minor to obtain a judicial determination that the minor is mature enough and well enough informed to make the abortion decision, in consultation with the physician of the minor, independently, or that the abortion would be in the best interests of the minor.

“(4) This subsection shall not be applicable in any State—

“(i) in which the State law prescribes the conditions or circumstances under which abortions may be provided to unemancipated minors under the age of 16;

“(ii) to the extent that this subsection would conflict with the provisions of the constitution of such State; or

“(iii) in which a referendum or initiative has been held concerning the conditions or circumstances under which abortions may be provided to unemancipated minors and such referendum or initiative has been subjected to a popular vote.

“(5) For purposes of this subsection, the term ‘adult family member’ means an individual over the age of 18 who is a sibling, grandparent, or aunt or uncle of the minor.

“(6) A postal receipt that shows an article of mail was sent by certified mail, return receipt requested, delivery restricted to the addressee, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a copy of the notice that was sent in that article of mail, shall be conclusive evidence of the notice described in paragraph (1)(B). The notice, if sent by certified mail, shall be deemed to have been received at 12:00 post meridian on the next day on which regular mail delivery takes place, subsequent to the mailing.”

SEC. 4. PARENTAL NOTIFICATION REGARDING ABORTION.

Section 1001 of the Public Health Service Act (42 U.S.C. 300) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) The Secretary may not make a grant under this section unless the entity applying for the grant agrees that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform any abortion on such a minor, without regard to whether the abortion is to be performed with any financial assistance provided by the Secretary, unless there has been compliance with one of the following:

“(1) A written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent, except that notification may be delivered personally by a physician or the physician's agent, in which case 48 hours elapses from the time of making personal delivery, or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts), in which case 48 hours elapses from 12 o'clock noon on the second day of regular mail delivery that follows the day on which the notification is posted.

"(2) The physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice.

"(3) The minor declares that the pregnancy resulted from incest with a parent or guardian of the minor or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law, provided that in any such case the physician notifies the authorities specified by such State law to receive reports of child abuse or neglect of the known or suspected abuse or neglect before the abortion is performed.

"(4) The entity complies with an applicable State or local law that requires that one or both parents or a guardian either be notified or give consent before an abortion is performed on an unemancipated minor under the age of 18, whether or not the State law provides that parental notification or consent may be waived through judicial proceedings."

SEC. 5. TITLE 10 PROJECTS SEPARATE FROM CLINICS THAT PERFORM ABORTIONS.

Nothing in this Act shall be construed to invalidate, nullify or amend regulations published at 42 CFR 59.9 and 59.10.

SEC. 6. PARENTAL NOTICE.

Notwithstanding any other provision in this Act, a requirement of parental notice or consent shall not be applicable in any State in which has held a referendum or initiative before December 1990 concerning the conditions or circumstances under which abortions may be provided to unemancipated minors and such referendum or initiative has been subjected to a popular vote.

SEC. 7. STATE LAW NOT SUPERSEDED.

Title X of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. _____. STATE LAW NOT SUPERSEDED.

"(a) Notwithstanding any other provision of law, no State may be denied funds under this Act because it requires health care providers to obtain the consent or notification of the parent of a minor before providing any health care service to such minor.

"(b) Such law must be enacted prior to April 1, 1981."

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, pursuant to House Resolution 442, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike all after the enacting clause of the Senate bill, S. 323, and to insert the provisions of the bill, H.R. 3090, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to revise and extend the program of assistance for family planning services."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3090) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 323, TITLE X PREGNANCY COUNSELLING ACT OF 1991

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. WAXMAN moves the House insist on its amendment to the Senate bill, S. 323, and request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Resolution 442, and without objection, the Chair appoints the following conferees and without objection reserves the right to appoint additional conferees: Messrs. DINGELL, WAXMAN, WYDEN, LENT, and BLILEY.

There was no objection.

AUTHORIZING CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 323, TITLE X PREGNANCY COUNSELLING ACT OF 1991

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the House amendment to the Senate bill, S. 323, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, due to the events in Los Angeles, and in particular the 29th Congressional District, I was unavoidably detained during regular business. Had I been present for the vote I missed I would have voted as follows:

Rollcall vote 95: "Yes."

□ 1630

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of ascertaining the schedule for the rest of the week and for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the distinguished majority leader to tell us about the schedule for the remainder of this week and for next week.

Mr. GEPHARDT. Mr. Speaker, there will be no more votes today. There will be no votes tomorrow.

On Monday, May 4, the House will meet at noon. There will be no legislative business.

On Tuesday, May 5, the House will meet at noon and will consider on sus-

pension three bills, but the recorded votes on these bills will be postponed until Wednesday, May 6.

Mr. Speaker, we will consider the following bills:

H.R. 4485, to authorize reimbursement of expenses for overseas inspections and examinations of foreign vessels;

H.R. 3247, National Undersea Research Program Act of 1991; and

H.R. 4774, to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries.

Mr. Speaker, we will also attempt to consider again H.R. 4364, the NASA authorization, but we will not entertain votes on that day. We are now in consultation with the gentleman from Pennsylvania [Mr. WALKER] and others on the committee to determine whether or not they can be accomplished and whether or not votes can be avoided. If they cannot be, we will have to find another time for that consideration.

On Wednesday, May 6, and Thursday, May 7, the House will meet at 10 a.m. and will take up H.R. 2039, the Legal Services Reauthorization Act, complete consideration, and H.R. 4990, rescinding certain budgetary authority, subject to a rule.

On Friday, May 8, the House will meet at 11 a.m. but there will be no legislative business.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri. There was a question I wanted to ask about the negotiations on the NASA bill. It is my understanding we are going to attempt to finish the NASA bill if we can, but that we would have to roll votes on that, which means that if there were votes on amendments, that could be a problem. So we are trying to work that out.

Mr. Speaker, could the gentleman from Missouri [Mr. GEPHARDT] tell me, on H.R. 4990, it says "rescinding certain budget authority." Could the gentleman tell me what the exact nature of that bill is?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, as I understand it it is a bill from the Committee on Appropriations.

Mr. WALKER. Is this the rescission bill?

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri.

ADJOURNMENT TO MONDAY, MAY 4, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON WEDNES-
DAY, MAY 6, 1992, AND THURS-
DAY, MAY 7, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 5, 1992, it adjourn to meet at 10 a.m. on Wednesday, May 6, 1992, and that when the House Adjourns on Wednesday, May 6, 1992, it adjourn to meet at 10 a.m. on Thursday, May 7, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WITHDRAWAL OF NAME OF MEM-
BER AS COSPONSOR OF H.R. 4617
THROUGH H.R. 4684 INCLUSIVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent to withdraw the name of the gentleman from Rhode Island [Mr. MACHTLEY] as cosponsor of H.R. 4617 through H.R. 4684, inclusive. He was inadvertently named as a cosponsor of these bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, I was unable to vote today on rollcall vote 93, on House Resolution 429. If I were here I would have voted for this resolution.

Mr. Speaker, I was also detained from voting on rollcall vote 94, the rule on House Resolution 442. Had I been present I would have voted for this rule.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 3626

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3626.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

NATIONAL GEOLOGIC MAPPING
ACT OF 1991

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 2763) to enhance geologic mapping of the United States, and for other purposes, with Senate amendments thereto, and to concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, line 5, strike out "1991" and insert: "1992".

Page 2, strike out lines 8 to 10, and insert: "(C) land use evaluation and planning for environmental protection;"

Page 5, line 11, strike out "210" and insert: "300".

Page 5, strike out lines 17, 18, and 19 and insert:

"(C) within 210 days after the date of enactment of this Act, submit a report to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the House of Representatives identifying—"

Page 6, line 2, strike out "and".

Page 6, line 6, strike out "program." and insert: "program; and".

Page 6, after line 6, insert:

"(iv) the degree to which geologic mapping activities traditionally funded by the Survey, including the use of commercially available aerial photography, geodesy, professional land surveying, photogrammetric mapping, cartography, photographic processing, and related services, can be contracted to professional private mapping firms."

Page 6, strike out lines 18 to 23, and insert:

"(1) determining the Nation's geologic framework through systematic development of geologic maps at scales appropriate to the geologic setting and the perceived applications, such maps to be contributed to the national geologic map data base;"

Page 7, line 19, strike out all after "priorities" down to and including "and" in line 20

Page 10, line 1, strike out all after "priorities" down to and including "Survey" in line 2

Page 10, strike out all after line 20 over to and including line 7 on page 11 and insert:

"(a) ESTABLISHMENT.—There shall be established a sixteen member geologic mapping advisory committee to advise the Director on planning and implementation of the geologic mapping program. The President shall appoint one representative each from the Environmental Protection Agency, the Department of Energy, the Department of Agriculture, and the Office of Science and Technology Policy. Within 90 days and with the advice and consultation of the State Geological Surveys, the Secretary shall appoint to the advisory committee 2 representatives from the Survey (including the Chief Geologist, as Chairman), 4 representatives from the State geological surveys, 3 representatives from academia, and 3 representatives from the private sector."

Page 12, line 12, strike out all after "priorities" down to and including "(Revised)" in line 13

Page 13, strike out lines 14 to 20, and insert:

"(4) a description of the degree to which the Survey can acquire, archive, and use Side-Looking Airborne Radar (SLAR) or Interferometric Synthetic Aperture Radar (IFSAR) data in a manner that is technically appropriate for geologic or related mapping studies;"

Page 15, line 11, strike out "\$11,500,000" and insert: "\$12,000,000".

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent

that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from West Virginia?

Mrs. VUCANOVICH. Mr. Speaker, reserving the right to object, I will not object, but would like to ask the gentleman from West Virginia [Mr. RAHALL] to explain the motion.

Mr. RAHALL. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I am happy to yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, the National Geologic Mapping Act of 1991 passed the House on November 19, 1992, by voice vote. On March 31, 1991, the Senate passed H.R. 2763 with several technical amendments which we are agreeable to.

By way of explanation, the purpose of the National Geologic Mapping Act of 1991 is to enhance and expedite the large-scale mapping of the Nation's geologic resources.

Less than 20 percent of the United States has been mapped at a scale appropriate for use in environmental and energy policy. Although the Department of Interior's Geological Survey is the Nation's premier mapping agency, the Survey is not doing an adequate job.

The Survey has shifted its priorities to more high-science projects, leaving geologic mapping in the lurch. What geologic mapping is done by the Survey is usually at a scale so small that it is useless for local and regional decision-making.

H.R. 2763 would increase the amount of funding available to the Survey for geologic mapping. It also would provide for a substantial infusion of funds to be spent by States for cooperative geologic mapping projects. This funding has waned significantly in the last several years.

In addition, clear-cut guidance will be provided to the Survey in an effort to beef up and enhance the existing geologic mapping program.

Large-scale geologic mapping represents an important step in protecting the environment. Furthermore, without the funding and guidance provided in this bill, it is possible that our Nation's geology and mineral resources could remain a mystery.

That concludes my explanation of the bill.

Mrs. VUCANOVICH. Mr. Speaker, reclaiming my time, I thank the gentleman from West Virginia [Mr. RAHALL] for his explanation. I do support the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from West Virginia?

There was no objection.
A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2763.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

MODIFICATION IN APPOINTMENT OF CONFEREES ON S. 1150, HIGHER EDUCATION AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to the authority granted on March 26, 1992, and without objection the Chair announces the following modifications in the appointment of conferees on S. 1150:

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 427 and 1405 of the Senate bill, and sections 499A, 499B, and 499C of the House amendment, and modifications committed to conference: Messrs. BROWN, BOUCHER, THORNTON, WALKER, and PACKARD.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the changes in conferees.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

YEAR OF RECONCILIATION BETWEEN AMERICAN INDIANS AND NON-INDIANS

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 222) to designate 1992 as the "Year of Reconciliation Between American Indians and Non-Indians," and asked for its immediate consideration.

□ 1640

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I yield to the gentleman from South Dakota [Mr. JOHNSON], who is the chief sponsor of this resolution.

Mr. JOHNSON of South Dakota. Madam Speaker, I have introduced House Joint Resolution 358, a bill which authorizes the President to declare 1992 as a National Year of Reconciliation Between American Indians and Non-Indians. The companion to this bill, Senate Joint Resolution 222, has already passed the other body.

It is my hope that this bill will call attention to the need to improve relations between American Indians and non-Indians so that substantive issues can be addressed in a helpful manner. This bill obviously should not be viewed as a cure-all to the problems that plague the relationship between the Indian and non-Indian communities. Yet it is only fitting that as we celebrate the quinquennial of Columbus' arrival in America, we also honor this country's native peoples and commit our Nation to an effort to reconcile our differences. One thing is clear: Until we improve relations between these two groups, there will be little success in addressing the important issues of promoting tribal economic development or in improving quality health care and education in the Indian community.

The idea of this bill came from Tim Giago, the founder and publisher of the Lakota Times newspaper in Rapid City, SD. He paved the way for 1991 to be declared a Year of Reconciliation in South Dakota and he was the one who urged the South Dakota congressional delegation to do the same nationally. Tim has been in the forefront of sensitizing us all to the needs of the American Indian community and we owe him a great deal of praise for his efforts.

Last, I would like to thank all of my colleagues who cosponsored House Joint Resolution 358. Thank you as well to subcommittee Chairman TOM SAWYER and his staff, ranking minority member TOM RIDGE, and full committee Chairman BILL CLAY for shepherding this measure through the House. I would also be remiss if I neglected to thank the students at the Sacred Heart School in Yankton, SD, who urged many of our colleagues to support this measure.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 222

Whereas 1992 will be recognized as the quinquennial anniversary of the arrival of Christopher Columbus to this continent;

Whereas this 500th anniversary offers an opportunity for the United States to honor the indigenous peoples of this continent;

Whereas strife between American Indian and non-Indian cultures is of grave concern to the people of the United States;

Whereas in the past, improvement in cultural understanding has been achieved by in-

dividuals who have striven to understand the differences between cultures and to educate others;

Whereas a national effort to develop trust and respect between American Indians and non-Indians must include participation from the private and public sectors, churches and church associations, the Federal Government, Tribal governments and State governments, individuals, communities, and community organizations;

Whereas mutual trust and respect provides a sound basis for constructive change, given a shared commitment to achieving the goals of equal opportunity, social justice and economic prosperity; and

Whereas the celebration of our cultural differences can lead to a new respect for American Indians and their culture among non-Indians: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1992 is designated as the "Year of Reconciliation Between American Indians and non-Indians". The President is authorized and requested to issue a proclamation calling upon the people of the United States, both Indian and non-Indian, to lay aside fears and mistrust of one another, to build friendships, to join together and take part in shared cultural activities, and to strive towards mutual respect and understanding.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 466) designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so to yield to the gentleman from Pennsylvania [Mr. GEKAS], the chief sponsor of this resolution, an outspoken advocate on behalf of the rights of the victims of crimes.

Mr. GEKAS. Madam Speaker, I thank the gentleman for yielding to me.

This year, just as in the past, we observe, we cannot say celebrate and we cannot say honor, but we observe crime victims' week. Because inherent in the observation is the recognition that crimes are being committed at a rapid rate. Even as we speak, in Los Angeles the incidents that we see so vividly on the TV screen sadly tell us the statistics are mounting.

But it is important not just for the statistics themselves to be revealed every year during this crime victims'

week, because statistics are just numbers, but each one of them represents, of course, a tragedy to not just one person but in most cases to hundreds or perhaps thousands of people.

One rape, one would think, affects only one victim. But can we count in that systematic counting of victims the victim's family? Of course. And how about the people who rush to that victim's aid? The various associations and entities which have been set up to come to the side of such a victim? And how about the taxpayers, who have to in one way or another foot the bill for the investigation and the apprehension and the conviction, hopefully, of the perpetrator?

This kind of example can go on and on and on in every single assault or burglary or larceny that occurs across the land. So we honor today not victims; we hold their hands. What we do is to honor those organizations.

I would like to tick off a few for the purposes of the RECORD who are actively engaged on a daily basis in the cause of crime victims, real quickly:

The AARP, of course, the American Probation and Parole Association, Concerns of Police Survivors, General Federation of Women's Clubs, International Association of Chiefs of Police, Mothers Against Drunk Driving, National Association of Crime Victim Compensation Boards, National Center for Missing and Exploited Children, National Child Advocacy Center, National Crime Prevention Council, National Committee for the Prevention of Elderly Abuse, National Organization for Victim Assistance, National Sheriffs' Association, National Victims Centers, Parents of Murdered Children, Spirited Dimension and Victims Services, et cetera, et cetera.

Let us use the occasion again to focus on crime victims and, more importantly, to try to prevent newer and more horrific statistics by concentrating on the prevention of crime and the swift apprehension of those who perpetrate crimes in our society.

Madam Speaker, this week, from Sunday, April 26, through May 2, 1992, the United States will celebrate National Crime Victims' Rights Week. For the past several years I have introduced and Congress has passed a commemorative honoring the victims of crime and the organizations who help such victims in their greatest time of need.

Across the country, nearly 8,000 victims' service organizations, such as the National Victims Center and the National Organization for Victims Assistance, are organizing press conferences, events, and other activities to publicize the importance and availability of victim assistance and victims' rights.

Only last Thursday, April 23, 1992, the National Victim Center released a brandnew study of women across the country to find out the latest rape statistics. The results were shocking. For example, more women than previously assessed are forcibly raped each year. Now, the figure is 683,000 adult American

women per year. A new longitudinal study within this same release revealed that 13 percent of all women—12 million, or 1 out of 8—have been victimized by forcible rape in their lifetime. Also, 6 out of 10—60 percent—of all rapes occur before the age of 18. Of all the rape victims across our country, only 16 percent—1 out of five—will report their rape.

At the beginning of National Crime Victims' Rights Week, or this past Sunday, the FBI also released statistics, theirs being the annual uniform crime reporting statistics. Based on an index of selected offenses, the uniform crime reporting figures measure changes in the level of crimes reported to law enforcement agencies across the country. Unfortunately, the number of serious crimes in the Nation rose 3 percent from 1990 to 1991. In fact, the index has shown increases since 1985—5 percent in 1985, 6 percent in 1986, 2 percent in 1987, 3 percent in 1988, and 2 percent in both 1989 and 1990.

Overall, violent crime rose 5 percent in 1991 as compared to 1990. Among the reported violent crimes, robbery showed the greatest increase, 8 percent. Murder was up 7 percent, and forcible rape and aggravated assault each increased 3 percent.

The property crime total increased 2 percent in 1991. Of the property crimes reported, burglary was up 3 percent; both larceny-theft and motor vehicle theft rose 2 percent. Arson showed no change.

Geographically, three of the four regions recorded increases in the crime index total, 1991 versus 1990. The Midwest reported a 4-percent rise, and the South and the West registered 3-percent upswings. The Northeast showed no change.

Both suburban county and rural county law enforcement agencies experienced increases in crime index offenses reported, 4 and 5 percent respectively. Cities outside of metropolitan areas recorded an upswing of 4 percent. By population size, the Nation's cities showed crime index increases of 4 percent in all groups except cities from 25,000 to 49,999, which recorded a 3-percent rise, and cities with 500,000 or more inhabitants, which showed no change. Final statistics will be released later this summer.

Of course, we all have heard the following basic crime statistics. Every 17 seconds, there is one violent crime, including: One murder every 22 minutes; one forcible rape every 5 minutes; one robbery every 49 seconds; and one aggravated assault every 30 seconds.

Also, every minute there are 25 thefts, 10 burglaries, and 9 assaults. Every day there are 1,400 children abused, 356 women raped, 64 people murdered; and 62 killed due to drunk driving. Every year one in four American households is victimized by a serious crime, and close to \$15 billion is bled from the national economy by the predations of crime.

Remember, five out of six individuals in the United States will be the victims, or intended victims, of crime during their lifetimes. Some 35 million Americans are victimized by crime every year, 6 million Americans fall prey yearly to violent crime, and 23 million American families—that's one out of every four—were affected in 1988 by either a crime of rape, robbery, assault, burglary, household theft, or motor vehicle theft.

We can never forget that statistics are real people, not just numbers. No matter what one's political affiliation is, or to what ideology one subscribes, we are all concerned about the devastating impact crime has upon its victims and their families. The emotional scars from violent crimes can last a lifetime.

This year, we commemorate the 20th anniversary of the victims' rights movement. It still seems, however, that many Americans don't realize that such a movement exists. Also, crime victims do not know that the rights and services that do exist are insufficient in many areas. That is the reasoning behind my resolution, to enlist congressional and public support for the movement advocating victims' justice.

We have come a long way in the past 20 years. While there were only 3 victim service agencies in 1972, there are now 8,000 service programs nationwide. The number of organizations that have helped push victims' rights awareness is growing every year—and it is very diverse: AARP; American Probation and Parole Association; Concerns of Police Survivors; General Federation of Women's Clubs; International Association of Chiefs of Police; Mothers Against Drunk Driving; National Association of Crime Victim Compensation Boards; National Center for Missing and Exploited Children; National Child Advocacy Center; National Crime Prevention Council; National Committee for the Prevention of Elderly Abuse; National Organization for Victim Assistance; National Sheriffs' Association; National Victims Center; Parents of Murdered Children; and Spirited Dimension and Victims Services. This wide-ranging support is invaluable.

I have strongly supported measures in the Congress to protect the victims of crime rather than the perpetrators of crime. This annual National Crime Victims' Rights Week is valuable and necessary to promote the plight and rights of crime victims. It is my hope that the activity generated in this special week will translate into national support for passage of a crime bill that adds to the progress made thus far on behalf of crime victims. Hopefully, this Congress will craft a comprehensive crime bill in 1992 that will meet that definition. Only then will we put action behind our words.

Mr. RIDGE. Madam Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I am pleased to rise in strong support of House Joint Resolution 466, which designates the week of April 26, 1992, to May 2, 1992, as "National Crime Victims' Rights Week." I wish to commend the gentleman from Pennsylvania [Mr. GEKAS] for his efforts to bring this important issue before us and the Nation.

While we must strengthen our efforts to reduce crime through a combination of education, treatment, and law enforcement, we must never forget the victims of crime. As a recent Justice Department report noted, violent crime increased 3 percent last year; right here on Capitol Hill we have been witness to a number of violent and shocking criminal acts.

Madam Speaker, by supporting National Crime Victims' Rights Week, we help to make both the victims and the general public aware of the suffering crime victims must endure. In addition, victims and concerned citizens become aware of the many support organizations for victims of crime.

The Justice Department estimates that over 35 million Americans are victims of crime each year, while nearly one-fifth of these are violent crimes such as rape, assault, child abuse, drunken driving assault, and murder. It is victims of all crimes, but especially the victims of violent crimes, who must be educated as to their rights and to the means through which the often long lingering emotional and physical scars from violent crime may be treated and healed.

In addition, it is important that we honor crime victims who continue to persevere despite their losses, whether physical or emotional, and we must honor those advocates who dedicate time toward aiding the victims or crime. These advocates of crime victims stress the important point that all crime victims have equal rights, no matter what socioeconomic, religious, ethnic, or racial background they come from.

By designating the week beginning April 26, 1991, as "National Crime Victims' Rights Week," we take the important step of recognizing the victims of crime and of highlighting the importance of victims' rights and victims' treatment, both for the victims and for all American people.

Accordingly, Madam Speaker, I urge my colleagues to join in supporting this important legislation.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 466

Whereas almost 35,000,000 individuals in the United States are victimized by crime each year, with 6,000,000 falling prey to violence;

Whereas the victims of violent crime need and deserve quality programs and services to help them recover from the devastating psychological, physical, and emotional hardships resulting from their victimization;

Whereas 1992 marks the 20th anniversary of the combined efforts of crime victims, victim services providers, criminal justice officials, and concerned citizens to make victims' rights and services a reality in the Nation, and the 10th anniversary of the historic passage of the Victim and Witness Protection Act of 1982 by the Congress;

Whereas over the past 2 decades the road to justice for the victims of crime has been paved with the commitment, perseverance, and spirit of millions of victims who have proudly carried the banner of justice in our Nation; and

Whereas all Americans should join together to fight the continuing threat of

crime and victimization by committing their individual and collective resources to crime prevention and victim services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 26, 1992, through May 2, 1992, is designated as "National Crime Victims' Rights Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 174) designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so to acknowledge Members who have asked to speak on this resolution. I yield to the gentleman from Ohio [Mr. SAWYER].

□ 1650

Mr. SAWYER. Madam Speaker, I thank my friend, the gentleman from Pennsylvania for yielding. I rise today on behalf of the sponsor of the measure, the gentleman from Florida, the Honorable DANTE FASCELL, who is unable to be with us to share with us his comments on this particular measure, but to thank him nonetheless for his efforts to bring it before us.

Mr. RIDGE. Madam Speaker, continuing my reservation of objection, I have been reminded that Republicans still do not have enough votes on that subcommittee. I am the ranking member, so I was pleased to yield to the chairman.

Continuing my reservation of objection, I yield to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I rise in strong support of Senate Joint Resolution 174, a joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month." I commend the gentleman from Florida [Mr. FASCELL] for introducing this important measure.

Amyotrophic Lateral Sclerosis [ALS], more commonly known as Lou Gehrig's disease affects 5,000 people

each year. This disease is always fatal, and its victims always suffer.

ALS was first discovered more than 100 years ago, and there is still no known cure or cause for this degenerative disease. This neuro-muscular disease is characterized by a deterioration of a select group of nerve cells and a pathway to the brain and spinal cord which leads to a progressive paralysis of the body's muscles.

This disease affects every muscle in its victim's body, from the loss of total movement of one's arms, legs, fingers, and toes, as well as the ability to speak, swallow, or breathe. People who suffer from ALS are often characterized as being a victim in one's own body, because the disease does not affect one's mental capacities.

ALS can strike anyone. Last year, researchers found the location and identified a gene responsible for one type of ALS. This has been the first major breakthrough in the search for a cure for this debilitating disease.

Madam Speaker, May 1992 marks the 51st anniversary of the death of Lou Gehrig who was a victim of ALS and one of our Nation's greatest major league baseball players. It is important that Congress raise the public's awareness of this horrible disease, so more can be done to halt its progress.

Accordingly, I urge my colleagues to support this joint resolution.

Mr. FASCELL. Madam Speaker, I rise in support of House Joint Resolution 318, to designate May, 1992, as "National Amyotrophic Lateral Sclerosis [ALS] Month." ALS is better known as Lou Gehrig's disease. Gehrig, a member of baseball's Hall of Fame who is best remembered for holding the all-time record of consecutive games played, was a victim of this physically debilitating disease which now bears his name.

ALS is characterized by a deterioration of a select group of nerve cells and the pathway to the brain and spinal cord which leads to progressive paralysis of the victim's muscles. This means that ALS patients lose total movement of their arms, legs, fingers, and toes as well as their ability to speak, breathe, and swallow. The average life expectancy of an ALS patient, once diagnosed, is 2 to 3 years. One of the most devastating aspects of this disease is the fact that one's mental capacities are never affected even while the rest of the body deteriorates.

Although ALS can strike anyone, the National Institutes of Health are finding that many victims are being stricken increasingly younger, with many in their teens and twenties. Under the age of 50, ALS strikes an equal number of men and women. However, once over 50 years of age, the ratio of men to women increases to 3-to-1.

In May 1991, an article in the New England Journal of Medicine reported both the location and identification of the gene responsible for one of the two types of ALS had been found. This is the first major breakthrough in the search for a cure for this debilitating disease.

I want to take a moment to thank our colleagues TOM SAWYER, the chairman of the

Subcommittee on Population and Census, TOM RIDGE, the ranking minority member of the Subcommittee on Population and Census, BILL CLAY, the chairman of the Post Office and Civil Service Committee, and BEN GILMAN, the ranking minority member of the Post Office and Civil Service Committee. I appreciate their support and assistance with this measure and I am certain that those interested in ALS appreciate their efforts as well.

During the month of May, the ALS Association will march on Washington and visit many of our offices. As a sign of our recognition of this disease and our support for finding a cure, I urge our colleagues to support House Joint Resolution 318.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S. J. RES. 174

Whereas over 300,000 people alive today will eventually die from Amyotrophic Lateral Sclerosis ("ALS"), commonly known as "Lou Gehrig's Disease", which afflicts the motor-neuron system of the human body;

Whereas at least 5,000 people will be diagnosed this year as having ALS, or an average of 13 cases per day;

Whereas there is still no known cause or cure for ALS despite the fact that the disease was discovered in 1869;

Whereas victims of this disease may lose total movement of their arms, legs, fingers, and toes, as well as the ability to speak, swallow, or breathe;

Whereas ALS patients have an average life expectancy of between 2 and 5 years after being diagnosed as having the disease;

Whereas wheelchairs, respirators, and feeding tubes are often necessary to assist those who outlive the average life expectancy;

Whereas the National Institutes of Health have found that victims of ALS are increasingly younger, with many in their 20's and 30's, and some mere teenagers;

Whereas ALS strikes people regardless of race, sex, age, or ethnicity;

Whereas the number of male victims of ALS under the age of 50 equals the number of female victims, but over the age of 50, male victims outnumber female victims by a ratio of 3 to 1;

Whereas finding the causes of, and the cure for, ALS will prevent the disease from robbing hundreds of thousands of Americans of their dignity and lives;

Whereas 1992 marks the 51st anniversary of the death of one of America's greatest baseball players, Lou Gehrig, for whom the disease was named; and

Whereas raising public awareness of this disease will facilitate the discovery of a cure; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992, is designated as "National Amyotrophic Lateral Sclerosis Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a mo-

tion to reconsider was laid on the table.

WEEK FOR THE NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 371) designating May 31 through June 6, 1992, as a "Week for the National Observance of the 50th Anniversary of World War II" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so in order to yield to our colleague, the gentleman from Indiana [Mr. MYERS], the chief sponsor of this resolution.

Mr. MYERS of Indiana. Madam Speaker, I rise to speak on House Joint Resolution 371, a "Week for the National Observance of the 50th Anniversary of World War II." This legislation designates the week of May 31 through June 6, 1992, as the commemorative week.

The 50th anniversary observance began last year and events and activities will be taking place all over the world during this year and in 1993 and 1994. I introduced this bill for a second year because World War II was a central event of the 20th century and as this century draws to a close it is important to remind all Americans of the many men and women who bravely fought for democracy and freedom.

War is not a cause for celebration and this resolution does not celebrate World War II or any war. This legislation commemorates the United States' involvement in the war and serves to recognize the people who fought for freedom. I have stories I could recount about my time in the Army over in Europe and anyone who lived through that period of time has stories about our Nation's involvement in the war. These stories should be retold, especially to the younger generations, who may only know about World War II from their history books.

The commemorative week includes the June 6 D-day landing, the historic day when the Allied forces began the invasion of France. Also included is June 4 which is the date of the Battle of Midway. A "Week for a National Observance of the 50th Anniversary of World War II" lends support to the many people across America who are planning reunions or organizing conferences and special events.

The senior Senator from Kansas, who is a World War II veteran, has again sponsored this legislation in the Senate

and I appreciate his fine efforts. I urge the passage of this measure and also appreciate the effort of so many Members of Congress who have supported this commemorative legislation to bring attention to the 50th anniversary of World War II.

Mr. RIDGE. Madam Speaker, continuing my reservation of objection, I yield to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I rise in strong support of House Joint Resolution 371, to designate the week of May 31, through June 6, 1992, as "Week for the National Observance of the Fiftieth Anniversary of World War II," and I wish to commend the gentleman from Indiana [Mr. MYERS] for bringing this important resolution before us.

Madam Speaker, World War II shaped the political framework of the world for over 45 years. This framework pitted East against West, democracy against communism. It has only been in the last few years that the nations of Eastern Europe, subjected to the heavy yoke of communism, have shaken their burdens and embraced democracy and the free exchange of goods and ideas.

Madam Speaker, while there are those of us who have experienced the horrors of war first hand, many Americans today are poorly informed of the tremendous upheavals, the tragedies, the atrocities, and the causes of World War II. How many Americans are aware that over 400,000 servicemen and women gave their lives, on the fields and in the forests of northern Europe, on the seas, in the steamy jungles of Asia, in the air and ground battles in our fight against tyranny and oppression? How many are aware of the immense destruction, of the revolutions, of the migrations this war caused?

As the wave of democracy sweeps through once oppressed countries, bringing hope along with great challenges, it is the duty of those of us who did experience the events of those years to pass on to future generations the lessons we learned; it is the duty of those of us who experienced life and combat during total war, who appreciate the horrors of total war, to ensure that the present and future generations never allow it to happen again.

It also remains to those of us who live through the war to ensure that America remains strong in its defense, steadfast in its support of freedom and democracy. Only those of us who witnessed the horrors of the Holocaust and the devastating inhumanity of ruthless totalitarianism can understand the need for human rights.

Mr. Speaker, I believe it is fitting that June 4, 1992, the anniversary of the Battle of Midway, and June 6, 1992, the anniversary of D-Day, fall within the week which this measure would designate as a week of national observance.

ance of the 50th anniversary of World War II. At the Battle of Midway, American naval forces turned the tide of the war in the Pacific, and never looked back, while on June 6, 1944, the long-awaited invasion of Europe took place, as Allied forces stormed the beaches at Normandy, establishing a foothold on the Continent that they would never relinquish.

In closing, Madam Speaker, I wish to emphasize the importance of keeping alive the memory and the lessons of World War II. It is the duty of those who have experienced total war to make certain that it never occurs again, by educating the younger generations and by not permitting the conditions that led to World War II to occur again.

Mr. RIDGE. Madam Speaker, continuing my reservation of objection, I want to thank and congratulate our colleague, the gentleman from Indiana [Mr. MYERS] for his sponsorship of this resolution.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 371

Whereas the brave men and women of the United States of America made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million American veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1992, marks the anniversary of the Battle of Midway, and June 6, 1992, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 31, 1992, through June 6, 1992, is designated as a "Week for the National Observance of the 50th Anniversary of World War", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a

motion to reconsider was laid on the table.

INFANT MORTALITY AWARENESS DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 425) to designate May 10, 1992, as "Infant Mortality Awareness Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

□ 1700

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so first to acknowledge the work of our colleague, the gentleman from Alabama [Mr. HARRIS], who is the chief sponsor of this joint resolution.

Madam Speaker, further reserving the right to object, I yield to my friend and colleague, the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I want to express my gratitude and appreciation to Messrs. SAWYER and RIDGE on the House Post Office and Civil Service Committee for their support in bringing to the floor this evening, House Joint Resolution 425, which would designate May 10, Mother's Day, as "Infant Mortality Awareness Day."

I also want to take this opportunity to commend my colleague, CLAUDE HARRIS, who has been the primary sponsor of this legislation for the last 3 years. His leadership in this area has been outstanding, both on the House Energy and Commerce Committee and the House congressional Sun Belt task force on infant mortality.

Since 1989, I have served as the co-chairman of the infant mortality task force, with my good friend, ROY ROWLAND. All task force members are personally committed to lowering our Nation's infant mortality statistics. The infant mortality task force serves as a clearinghouse for information on the infant mortality issue—in the past, the task force has held informational seminars on issues surrounding infant mortality, such as medical malpractice and early child development.

The task force also arranged for its members to discuss their concerns with Health and Human Services Secretary Louis Sullivan about the alarming infant mortality statistics in the Sun Belt region. These sessions, in my opinion, have been instrumental in raising awareness among Members of Congress on the importance of adequate prenatal and postnatal care.

According to the National Commission to Prevent Infant Mortality, out

of 24 industrialized countries, the United States ranks 22nd in infant mortality statistics. Only two countries have higher infant mortality rates than our Nation. While the United States has seen some progress in lowering infant mortality statistics, Madam Speaker, we have a long way to go.

The Sun Belt region of our country has the highest infant mortality rates in the Nation. As cochairman of the Sun Belt caucus' task force on infant mortality, I feel it is the duty of Congress to raise public awareness and encourage solutions at all levels of government—Federal, State, and local.

We can begin by making nutrition services and prenatal and postnatal care accessible to all pregnant women. Some women are intimidated by the numerous forms they are required to fill out, or the many offices they must visit. I believe centralizing these services through programs such as one-stop shopping would be the answer for those pregnant women desiring assistance but not knowing where to begin.

To resolve the problem of access, I have introduced legislation with my cochairman, ROY ROWLAND, and a number of my colleagues from the Sun Belt caucus, that is designed to expand access to obstetric services, particularly in medically underserved areas.

H.R. 3089, the Access to Obstetrical Care Act, will provide funds for a number of Medicaid demonstration projects designed to increase access to obstetrical care for women in medically underserved areas.

These demonstration projects will enable States to design and implement projects sensitive to their particular needs. Improved access to health care will result, hopefully, in lower infant mortality rates.

The demonstration projects may address several access issues, including expediting and enhancing reimbursement for obstetric providers. Skyrocketing malpractice premiums have forced many family practitioners to discontinue obstetric services and prompted many to refuse to accept Medicaid recipients as patients. These developments have severely restricted the availability of obstetric services to many women.

The bill will also amend the Public Health Service Act to provide protection for legal liability to employees of community and migrant health centers; these centers are important sources of health care to the poor and underserved. I believe this legislation could lower our country's disturbing infant mortality statistics, thus saving the lives of many infants.

If we could encourage all pregnant women, through community service and education, to utilize prenatal and postnatal care programs, not only will we have healthier babies but we will also have healthier mothers. Mother's Day is an appropriate time to reflect

on our Nation's infant mortality rates. Hopefully, our discussion on infant mortality will send a message to all Americans on the importance of this issue to Members of Congress.

Mr. RIDGE. Madam Speaker, further reserving the right to object, I yield to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of House Joint Resolution 425. A joint resolution designating May 10, 1992, as "infant mortality awareness day." I would like to commend the gentleman from Alabama [Mr. HARRIS] for introducing this important measure.

While most children who are born remain healthy, far too many are vulnerable to problems that lead to serious illness, disability, and even death. The United States has the knowledge and the tools to save children's lives and improve their physical and mental health. Yet in recent decades, the Nation's progress in improving child health has not kept pace with scientific knowledge and health care technology.

America's health care system is in a crisis. Many Americans are effectively denied health care because they have no way to pay their medical bills or because services are not accessible. This neglect is most troubling in the case of pregnant women and children, who cannot get care on their own, and for whom the lack of access to health care can lead to unnecessary illness, disability, and death, as well as unnecessary financial costs.

Although the United States is among the wealthiest of nations, when it comes to providing basic health care to pregnant women and children, our Nation fails miserably. The United States' infant mortality currently rates 21st in the world. Every year, 40,000 babies born in America die before their first birthday.

The President developed the healthy start initiative, last year, which is designed to reduce infant mortality and improve maternal and infant health and well-being by targeting communities with high infant mortality rates and directing resources and interventions to improve access to, utilization of, and full participation in comprehensive maternity and infant care services.

Madam Speaker, it is time for Congress to make our children our No. 1 priority. We need to reduce infant mortality rates to an all time low.

Accordingly, I urge my colleagues to support this important measure.

Mr. ERDREICH. Madam Speaker, there is nothing so tragic as the needless death of an innocent, helpless child. Yet, this year alone, 38,000 helpless children will die before reaching their first birthday due to lack of adequate prenatal care. Tens of thousands more will suffer permanent complications resulting from

low birthweight. Thousands more will be born addicts to crack cocaine, alcohol, or other deadly drugs.

The tragedy of infant mortality is not new to this Nation. On the contrary, for the past several years the United States has consistently ranked behind more than 20 other industrialized nations in the rates of annual infant deaths within the first 28 days of life. Despite the fact that we are world leaders in technology and medical research and despite the fact that we spend more per capita on health care, the United States continues to lag behind in decreasing this rate.

My home State of Alabama is particularly hard-hit by infant deaths, and as a member of the congressional sunbelt caucus task force on infant mortality, I have long been interested in finding a solution to this problem. In 1988, I asked a congressional committee to hold a hearing in my own district of Jefferson County to shed light on the causes of these deaths. In so doing, we have discovered that Alabama's high infant mortality rate is directly linked to the high percentage of women who receive inadequate or no prenatal care.

In 1987, Congress established the National Commission To Prevent Infant Mortality and that group is leading the way toward reversing this distressing trend. My colleagues and I have also worked to pass the Health Birth Act as part of the maternal and child health block grant, we have initiated the Healthy Start Program, and we have increased eligibility of pregnant women and their children under the Medicaid Program. All of these actions have been taken to help women who cannot afford adequate prenatal care.

Still, our legislative efforts are to no avail if we do not succeed in increasing public awareness of this ongoing problem. We must reach directly into the community to educate, to inform, and to prevent these deaths from continuing.

It is only fitting that we use Mothers' Day, May 10, 1992, to remember those children who have not survived in the past and, more importantly, to enable thousands more to survive to see another Mothers' Day again in the future.

Mr. HARRIS. Madam Speaker, as chief sponsor of House Joint Resolution 425, I am pleased to be given this opportunity to address the House.

House Joint Resolution 425 designates May 10, 1992, as "Infant Mortality Awareness Day." This designation is part of my efforts to educate more Americans about our Nation's deplorable infant mortality rate. In the past year, our national rate of infant mortality has improved. According to the National Commission on Infant Mortality, there were 9.8 deaths per one thousand live births in 1989. It is my hope that this year, our Nation will continue this steady progress.

I am, however, mindful that each death of a child represents not only a personal tragedy for a family, but also the loss of the potential achievement of that individual for our Nation. No one wants their child to die. Early, regularly scheduled prenatal care is one of the easiest methods to lower the incidence of infant mortality. It is always better to encourage pregnant women to seek prenatal care, than to care for prematurely born infants in a hospital setting.

In my home State, Alabama, we have one of the highest infant mortality rates in our country. In fact, during the past 5 years, the rate in Alabama has exceeded that of many Third World nations. It is my hope that this measure will encourage more individuals in my State and elsewhere to dedicate themselves to saving infants and their mothers. In a Nation of such immense wealth, it is disturbing that so many babies continue to die needlessly.

I also want to take this opportunity to express my sincere gratitude to several Members of Congress who contributed to the success of this project. Chairman Sawyer of the Subcommittee on Census and Population was instrumental in obtaining expedited review of the legislation. Congressman J. ROY ROWLAND and MICHAEL BILIRAKIS, cochairman of the task force on infant mortality in the sunbelt caucus, dedicated personal time to this effort. With their help, the goal of more than 218 cosponsors was achieved within several legislative days. I would also like to thank the staff of the sunbelt caucus for their assistance.

It is my hope that passage of this measure will remind us all of what must be done to ensure the birth of healthy babies to healthy mothers. During this year's Mother's Day, I hope more people will be mindful of how important the birth of healthy babies should be to all of us.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 425

Whereas, in 1989, the infant mortality rate in the United States decreased from 10.0 to 9.8 infant deaths per 1000 live births;

Whereas, despite such decrease, nearly 38,000 infants in the United States will die in 1992 before they reach their 1st birthday;

Whereas thousands of infants will suffer lifelong disabilities resulting from low birthweight and other complications;

Whereas thousands of pregnant women, especially low-income women, cannot receive adequate prenatal care because they lack access to providers of obstetrical care;

Whereas infant mortality is a widespread problem which afflicts both urban and rural areas in all geographic regions of the United States;

Whereas the number of births to teenage mothers, who have a greater risk of giving birth to sick infants, has increased by 20 percent in the last 3 years;

Whereas the high number of deaths, disabilities, and illnesses among infants in the United States is deplorable; and

Whereas expectant parents in the United States should work toward the birth of healthy babies: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 10, 1992, is designated as "Infant Mortality Awareness Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was

read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLIC SERVICE RECOGNITION WEEK

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 430) to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so first of all to acknowledge the work of our colleague, the gentleman from Virginia [Mr. MORAN], who is the chief sponsor of this joint resolution.

Madam Speaker, I yield to our colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding.

I rise in strong support of House Joint Resolution 430 which designates the week of May 4-10, 1992 as "Public Service Recognition Week," and I commend my good friend, the gentleman from Virginia [Mr. MORAN], for introducing this legislation.

Madam Speaker, as the ranking Republican on the House Post Office and Civil Service Committee it gives me great pleasure to join with my colleague today in congratulating the dedicated men and women who have chosen a career in public service. Public employees have always been and continue to be an integral part of the American work force. The importance of their total commitment and outstanding skills cannot be overstated. Public employees hold an important part of our public trust and perform a vital service to all Americans each day. They have invested many years developing the expertise and experience necessary to ensure that our needs, which are so often taken for granted, are met in the most efficient way possible.

Madam Speaker, in recent years public employees have taken the brunt of criticism aimed at the Government. There have been repeated attempts to cut pay and benefits while their salaries lag 25 percent behind the private sector. Yet, Madam Speaker, our public employees find Government service to be an honorable and rewarding career and continue to serve our country with dedication and distinction.

Madam Speaker, "Public Service Recognition Week" provides the American people and this body with the opportunity to thank the men and women

in public service, as well as to acknowledge their contributions to our Nation. Good government is a reflection of the men and women who make it that way, and I am grateful that so many qualified men and women have chosen careers in public service. According, I urge my colleagues to join me in supporting this legislation.

Mr. YATRON. Mr. Speaker, I rise today to ask my colleagues to join me in commemorating "Public Service Recognition Week," which is May 4-10, 1992.

"Public Service Recognition Week" gives us all a chance to express our appreciation for the outstanding contributions made by Government employees. I salute the 9 million city and county employees, the 4 million State government employees and the 4 million Federal Government employees. Millions of Americans are helped every day through the fine work of Government workers. It is the work of these public servants that allows our great Nation to operate.

I ask all of my colleagues to join me in paying tribute to America's public service employees. I would like to thank them, on behalf of all Americans, for the great job that they do and wish them the greatest success in the future. I am sure that they will continue the high level of public service that American citizens have become accustomed to.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 430

Whereas public employees at every level of government faithfully serve their fellow Americans, and there are now nine million employees in city and county government, four million employees in State government, and over four million Federal civilian and military employees;

Whereas Americans are aware of the many contributions public employees have made to the quality of their lives, in occupations that run the gamut from astronauts to zoologists, including scientists, police officers, teachers, doctors, forest rangers, engineers, food inspectors, researchers, and foreign service agents, among others;

Whereas the Nation should value a professional civil service whose highest principle is one of patriotism, whose foremost commitment is to excellence, and whose experience and expertise are a national resource to be used and respected;

Whereas the millions of workers who serve the Nation are men and women of knowledge, ability, and integrity who deserve to be recognized for their dedicated service; and

Whereas designating a week to honor these employees will provide a dual opportunity to pay tribute to our public employees and importance of public service, including the range of employment opportunities available to our young people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 4 through May 10, 1992, is designated as "Public Service Recognition Week". The President is authorized and requested to issue a proclamation calling upon the people of the

United States to observe such week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1710

NATIONAL FOSTER CARE MONTH

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 388) designating the month of May 1992, as "National Foster Care Month" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, we do so simply to acknowledge the good work of our colleague, the gentleman from California [Mr. MATSUI], who is the chief sponsor of this resolution. Certainly we support his efforts on this side of the aisle.

Mr. MATSUI. Madam Speaker, I rise today to thank the 221 Members who have joined me in cosponsoring House Joint Resolution 388, designating May 1992 as "National Foster Care Month." By passing this resolution we are demonstrating our support for foster care families who continue to make our children a national priority.

Over 250,000 foster families across the Nation have opened their homes and their hearts to thousands of young children who do not have the benefit of a traditional family and a nurturing home. These families offer many children, who would otherwise fall through the cracks, the emotional support they need to grow up and reach their highest potential.

In the past decade a dramatic increase in the number of children entering the foster care system has made the role of the foster family even more essential. Foster care caseloads rose from 280,000 to 360,000 between 1986 and 1989. This increase has put tremendous stress on the foster care system and increased awareness of its role is critical for its continued success.

By passing this resolution we are not only paying tribute to foster families, we are also providing an opportunity to bring extra attention to hundreds of thousands of children who need the guidance and love that only a family environment can provide. There are many worthwhile causes in our country, but those that address the needs of our children are among the most important. Foster care families deserve our highest commendation for providing quality home care and guidance to our youth.

Madam Speaker, I would like to thank Chairman SAWYER of the Subcommittee on Census and Population, the cosponsoring Members, and the organizations that have

supported House Joint Resolution 388. It is their support that has given us this opportunity to pay tribute to all those who lend their hearts and homes to the Nation's most vulnerable citizens.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 388

Whereas today there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their homes and family lives to foster children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May 1992: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992, is designated as "National Foster Care Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed, and read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. SAWYER. Madam Speaker, I ask, unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the various joint resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISTRICT OF COLUMBIA GOVERNMENT'S 1993 BUDGET REQUEST AND 1992 BUDGET SUPPLEMENTAL REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-325)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together

with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1993 budget request and 1992 budget supplemental request.

The District of Columbia Government has submitted two alternative 1993 budget requests. The *first alternative* is for \$3,311 million in 1993 and includes a Federal payment of \$656 million, the amount authorized and requested by the D.C. Mayor and City Council. The *second alternative* is for \$3,286 million and includes a Federal payment of \$631 million, which is the amount contained in the 1993 Federal budget. My transmittal of this District budget, as required by law, does not represent an endorsement of the contents.

As the Congress considers the District's 1993 budget, I urge continuation of the policy enacted in the District's appropriations laws for fiscal years 1989-1992 of prohibiting the use of both Federal and local funds for abortions, except when the life of the mother would be endangered if the fetus were carried to term.

GEORGE BUSH.

THE WHITE HOUSE, April 30, 1992.

TIME TO STREAMLINE GOVERNMENT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extensions material.)

Mr. PANETTA. Mr. Speaker, it is no secret that the American people are upset with their government. Most Americans feel that government simply is not working. Much of their anger is directed at the most visible elements of government—the President and their elected representatives in the House and Senate. But there is also a very strong feeling that the mechanisms of government do not work—that the departments and agencies that carry out the law and implement programs are unresponsive to the needs of our people.

My constituents have come to me more and more in recent years with complaints about inaction, insensitivity, and incompetence by the Federal bureaucracy. Today, when an individual deals with the Federal Government, he far too often encounters delays or is put on a bureaucratic merry-go-round. He is told he is in the wrong building, or he is directed to the wrong room. Social Security checks are frequently lost or delayed, and records that should be readily available

in this computerized age cannot be found. The list goes on and on, and it expands every time I have an opportunity to talk with constituents.

In addition to the problems faced by individual Americans, a Budget Committee staff study that I directed found that over the past decade or more there has been widespread mismanagement in the executive branch. The study, entitled "Management Reform: A Top Priority For the Federal Executive Branch," revealed that mismanagement was not an isolated phenomenon. In fact, management problems emerged in major departments, independent agencies, Government corporations, and Government-sponsored enterprises. That study indicated that over \$100 billion has been lost or drained from the Treasury as a result of mismanagement just in the cases our staff studied. Clearly, mismanagement in the executive branch is a major, costly problem. I have introduced legislation to create a separate Office of Federal Management in an effort to address that problem.

Finally, there is widespread duplication of services in the executive branch. We experience the problem here in Congress when we seek to focus on a particular issue and must deal with several departments and agencies. Individual Americans face the same problem. In areas ranging from education to safety to environmental protection, duplication makes it extremely difficult, if not impossible, to target resources and direct attention for the maximum efficient result.

There is, of course, no perfect organization structure to guarantee effectiveness and efficiency. But there is a widespread belief that consolidation of the major departments—except State, Defense, Justice, and Treasury—would make it possible to target resources in a cost-effective manner. I believe consolidation of departments in the executive branch and an investigation of other Government functions, especially independent regulatory agencies, can lead to a better system of executive management. This was a conclusion reached by the Budget Committee in our report entitled "Restoring America's Future: Preparing the Nation for the 21st Century."

For all of these reasons, I am today introducing legislation to establish an Executive Branch Commission to begin a broad reorganization of the executive branch of our Federal Government.

Under my legislation, the commission would prepare a plan within 6 months which the President would be required to implement soon thereafter by Executive order.

The plan would do the following:

First, consolidate executive cabinet-level departments from 14 down to 8 and improve the structure of the cabinet;

Second, reorganize independent agencies and Government corporations;

Third, improve the structure of the executive office of the President for conducting oversight of the executive branch in order to improve executive branch management;

Fourth, determine what functions being performed by the Federal Government should be performed by the private sector or by State and local governments; and

Fifth, establish criteria for use by the President and the Congress in evaluating proposals for changes in the structure of the executive branch.

In addition to submitting this plan, the commission would submit a report to the President outlining legislative changes necessary to implement its recommendations. The President, in turn, would transmit to Congress a report containing the proposed legislative changes.

The commission would have as one of its goals a 5-percent reduction in the total number of Federal employees.

The seven-member commission would be made up of the Secretaries of State, Defense, and Treasury, the Attorney General, the Director of the Office of Management and Budget, and two other executive branch officials appointed by the President.

Mr. Speaker, this is a controversial subject. We will hear from some that reorganization will make government less efficient, not more. Some have legitimate concerns, and there is no doubt about the need to make sure that this exercise is carried out responsibly and constructively. I think the composition of the commission assures that that will be the case.

But many of the objections will come from those seeking to protect some of the sacred cows that many people in Washington earn a living defending. We in the Congress ought to ignore such cries of anguish. We owe it to the American people to make their government as effective and as efficient as it can possibly be.

Mr. Speaker, there is growing support in the Congress for reorganizing our own structure. And we should. But that is the tip of the iceberg. If we ignore the need for executive branch reorganization, the vast iceberg of mismanagement and overgrown bureaucracy that lies below the sea will surely sink us. By passing this legislation, we can begin the process of addressing one of the most serious problems facing the American people.

Following is the text of my legislation:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Executive Organization Act".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the "Commission on Executive Or-

ganization" (hereinafter in this Act referred to as the "Commission").

SEC. 3. FUNCTIONS OF COMMISSION; REPORT; IMPLEMENTATION OF RECOMMENDATIONS.

(a) FUNCTIONS.—The Commission shall examine and make recommendations with respect to an effective and practicable organization of the executive branch of the Federal Government, including recommendations regarding—

(1) criteria for use by the President and the Congress in evaluating proposals for changes in the structure of the executive branch of the Federal Government, including criteria for use by the President and the Congress in evaluating and overseeing Government-sponsored enterprises, Government corporations, and independent agencies;

(2) the organization of the executive branch into not more than 8 departments, which shall include the Department of State, the Department of the Treasury, the Department of Justice, and the Department of Defense;

(3) the reorganization of independent agencies and Government corporations;

(4) the most effective and practicable structure of the Executive Office of the President for conducting oversight of the executive branch, and criteria for use by such Office in evaluating and overseeing the performance of the executive branch;

(5) the most effective and practicable structure of the President's cabinet and means of operation of such cabinet, including recommendations concerning the number, composition, and duties of the members of such cabinet; and

(6) functions being performed by Federal Government agencies as of the effective date of this Act that should be performed by State or local agencies or by the private sector.

The Commission shall seek to reduce the total number of individuals employed by the Federal Government by 5 percent within 5 years after the effective date of this Act.

(b) REPORT.—The Commission, by not later than 6 months after the completion of appointment of the members of the Commission, shall submit a report to the President which contains a detailed statement of—

(1) its recommendations under subsection (a); and

(2) legislative changes necessary to implement such recommendations.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—

(1) EXECUTIVE ORDER.—The President, by as soon as practicable after the date of the receipt by the President of the Commission report under subsection (b), shall issue an Executive order which implements the recommendations made in the report.

(2) REPORT TO CONGRESS.—The President, by not later than the date the President issues an Executive order under paragraph (1), shall transmit to the Congress a report containing the recommendations for legislation submitted by the Commission under subsection (b)(2).

SEC. 4. MEMBERSHIP OF COMMISSION.

(a) IN GENERAL.—The Commission shall consist of 7 members, as follows:

- (1) The Secretary of State.
- (2) The Secretary of the Treasury.
- (3) The Attorney General of the United States.
- (4) The Secretary of Defense.
- (5) The Director of the Office of Management and Budget.

(6) 2 members appointed by the President from among other officials in the executive branch of the Federal Government.

(b) COMPLETION OF APPOINTMENTS.—The President, by not later than 30 days after the effective date of this Act, shall complete appointment of members of the Commission pursuant to subsection (a)(6) and identify those appointees to the Congress.

(c) CHAIRMAN.—The President shall designate a member of the Commission to be its Chairman.

SEC. 5. RESTRICTION ON PAY, ALLOWANCES, AND BENEFITS.

A member of the Commission shall receive no pay, allowances, or benefits by reason of his or her service on the Commission.

SEC. 6. POWERS OF COMMISSION.

(a) MEETINGS.—The Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, as the Commission considers appropriate.

(b) RULES.—The Commission may adopt such rules as may be necessary to establish procedures and to govern the manner of the operation, organization, and personnel of the Commission.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any department, agency, or other instrumentality of the Federal Government such information as the Commission may require for the purpose of carrying out this Act. The head of such department, agency, or instrumentality shall, to the extent otherwise permitted by law, furnish such information to the Commission upon request made by the Chairman.

(2) FACILITIES, SERVICES, AND PERSONNEL.—Upon request of the Chairman of the Commission, the head of any department, agency, or other instrumentality of the Federal Government shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such department, agency, or instrumentality available to the Commission; and

(B) detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the duties of the Commission under this Act.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(e) CONTRACTS FOR RESEARCH AND SURVEYS.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the duties of the Commission under this Act.

(f) EXECUTIVE DIRECTOR AND STAFF.—Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission may appoint, terminate, and fix the pay of an Executive Director and of such additional staff as the Chairman considers appropriate to assist the Commission. The Chairman may fix the pay of personnel appointed under this subsection without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to the number or classification of employees and to rates of pay), the provisions of such title governing appointments in the competitive service, and any other similar provision of law; except that no rate of pay fixed under this subsection may exceed a rate equal to the rate of pay payable for grade GS-18 of the General Schedule under section 5332 of such title.

SEC. 7. APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.

The Commission shall be an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 30 days after the date on which the Commission submits the report required under section 3(b).

SEC. 9. PREPARATION FOR THE COMMISSION.

Not later than 90 days after the effective date of this Act, the Comptroller General of the United States, the Director of the Congressional Research Service, the Director of the Congressional Budget Office, and the Director of the Office of Technology Assessment shall each submit to the Commission an index to, and synopses of, materials on executive organization that such official considers useful to the Commission. Subject to laws governing the disclosure of classified or otherwise restricted information, such materials may include reports, analyses, recommendations, and results of research of such organizations.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission not more than \$1,500,000 for carrying out this Act.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on February 1, 1993.

IMPLEMENTATION OF THE RULE OF LAW

Mr. DREIER of California. Mr. Speaker, shock, frustration, and, yes, even anger are understandable feelings following the announced verdict in the Rodney King beating trial that took place yesterday in southern California.

I represent Los Angeles County, and I have to say that when we look at what has transpired since that ruling it has been embarrassing, tragic, and sad. There are people who, as I said, understandably are very unhappy with that verdict, but at the same time we must recognize that this Congress and the United States of America have tried to encourage worldwide the implementation of the rule of law, and it is apparent that with the developments that we have witnessed over the past 24 hours that the rule of law has been thrown out the window.

We have now observed the terrible riots that have expanded from southern California to Atlanta and New Orleans, and it seems to me that we are at a point today where, rather than increasing the level of intensity, now is the time for us to quietly look at a way in which we can deal with this very serious problem.

Attorney General William Barr and President Bush have stepped forward to ensure that the constitutional rights of Rodney King were not violated, and they desperately want to see whatever violations have taken place to be rectified.

Mr. Speaker, it seems to me that now we have to, as a model for the world, do everything that we can to work to bring about calm, and there are unfor-

tunately many people who are doing the opposite. There are many people who have been inciting the actions which we have witnessed.

So I am imploring the people whom I represent in California and those around the Nation to try desperately to be as calm as possible and to see if we cannot bring about a peaceful resolution to what is clearly a very serious problem.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING ALLOCATIONS FOR APPROPRIATIONS COMMITTEE FOR FISCAL YEAR 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, section 603 of the Congressional Budget Act, as amended by the Budget Enforcement Act of 1990, requires the chairman of the Committee on the Budget to submit to the House a spending allocation for the Committee on Appropriations if Congress has not completed action on the budget resolution by April 15.

The House passed its budget resolution on March 5, and the Senate passed its budget resolution on April 10. However, differences between the two resolutions still need to be resolved in conference. Therefore, pursuant to section 603 of the Congressional Budget Act, I hereby submit the section 602(a) allocation for the House Committee on Appropriations:

[In millions of dollars]

	New budget authority	Outlays
Mandatory programs	247,301	235,598
Discretionary programs	517,922	542,698
Total	765,223	778,296

As required by the act, the allocation is consistent with the discretionary spending limits—appropriation caps—contained in the President's Budget. I am attaching an explanation of these figures, prepared by the staff of the Budget Committee.

Finally, I wish to remind you that, as a matter of policy, House Concurrent Resolution 287 as adopted by the House assumes funding levels that are below the appropriation caps by \$14 billion in discretionary new budget authority and \$9 billion in outlays for the defense category and by \$597 million in new budget authority in the international category. The conference agreement on the budget resolution will establish the ultimate level of the total allocation. I expect that a conference agreement can be reached before the Appropriations Committee is permitted to bring bills to the floor after May 15. Therefore, it is likely that the figures in this allocation will be superseded and reduced before they become fully effective.

EXPLANATION OF ALLOCATION UNDER SECTION 603 OF THE CONGRESSIONAL BUDGET ACT

The allocation meets the requirements of the Congressional Budget Act and the Balanced Budget and Emergency Deficit Control Act.

As required by Section 603, for all three categories of discretionary programs (defense, international, and domestic), the amount to be allocated is computed by starting with the caps as stated in the "preview report" prepared by the Office of Management and Budget (OMB) and included in Part Four of the February supplement to the Budget of the United States Government, Fiscal Year 1992.

To those amounts are added the special budget authority allowances described in Sections 251(b)(2)(E) (i) and (ii) of the Balanced Budget and Emergency Deficit Control Act. These amounts will, by law, cause an upward adjustment of the caps by the end of this session of Congress. By including them, the allocation will be consistent with the figures that will be used for fiscal year 1993 sequester calculations. (Also, it should be noted that the special budget authority allowance is explicitly permitted to be included in budget resolutions under Section 606(d)(1) of the Congressional Budget Act.)

The special budget authority allowance is a specified percent of the total end-of-session caps, for all three categories over all three years (fiscal years 1991 through 1993). The specified figure is 0.079 percent for the international category and 0.1 percent for the domestic category. The end-of-session caps to which these percents are applied are OMB's caps plus adjustments for 1) the \$183 million in new budget authority requested by the President for the fiscal year 1993 IRS "hold harmless increment"; 2) the \$107 million supplemental appropriation of new budget authority for the SBA disaster loan program, included in the recent continuing resolution for foreign assistance and designated as an "emergency"; and 3) the \$12,314 million in new budget authority for the IMF quota increase requested by the President for fiscal year 1992.

The three items just listed cause an upward adjustment to the end-of-session caps; these "hold-harmless" adjustments are specified in Sections 251(b)(2)(A), (C), and (D) of the Balanced Budget and Emergency Deficit Control Act. While they are assumed for purposes of computing the special budget authority allowance, they are not directly included in this allocation. Section 606(d)(2) of the Congressional Budget Act holds harmless for these three items by providing that any such funding may not be counted for purposes of the Congressional Budget Act.

This computation of the discretionary caps for purposes of the Congressional Budget Act was used by CBO in computing its current estimate of the maximum deficit amount and by both the House and Senate Budget Committees in computing the caps applicable to the fiscal year 1993 budget resolution.

For mandatory programs funded by the Appropriations Committee, the amount allocated equals CBO's current estimate of the fiscal year 1993 baseline level of those programs.

FURTHER DETAIL REGARDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS UNDER SECTION 603 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1993

[In millions of dollars]

	Budget Authority	Outlays
Mandatory programs:		
Current level (existing law)	245,149	234,589
Assumed legislation (in baseline)	2,152	1,009
Subtotal	247,301	235,598
Discretionary programs:		
Defense	289,035	296,839
International	22,758	20,591

FURTHER DETAIL REGARDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS UNDER SECTION 603 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1993—Continued

[In millions of dollars]

	Budget Authority	Outlays
Domestic	206,129	225,268
Subtotal	517,922	542,698
Appropriations Committee total	765,223	778,296

□ 1720

NORTH AMERICAN FREE-TRADE AGREEMENT—PRISON LABOR IN MEXICO

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I am fully cognizant of the fact that some of my colleagues are waiting here on their own special order, I believe, that was postponed from last night. However, it is not my intention to stay here anywhere near 60 minutes. But I do think it is essential that I no longer postpone reporting to the House and the colleagues a very troubling development.

Mr. Speaker, this particular situation I have in fact discussed and solicited the cooperation and help of one of our distinguished colleagues, the gentlewoman from Ohio [Ms. KAPTUR], who is here on her own special order, and also two other Members who I understand did make contact with the Commissioner of Customs.

Mr. Speaker, this has to do with the use of prison labor in Mexican prisons in employment and doing jobs for American corporations.

Now, under the laws that we have now, as I understand it and read it, the Customs would be bounden to make a negative decision on the permission requested by a lawyer in El Paso, across from Ciudad Juarez, where this particular prison labor enterprise is taking place.

Naturally, there is a pecuniary and financial interest on the part of that attorney, but I think that under the law, and one would think under the law, the plain letter of the law, that the Customs would decide almost immediately that they could not make an exception or give an exemption or allow the importation of those processed goods or labor services.

However, it seems that Customs has been about to give an affirmative decision, and I think that the only thing that held them up for a while was the fact that I intervened, when I was informed by virtue of one of my very young, and very, very active staffers on my district staff, who happens to be a highly prepared young man and probably one of the best research legislative assistants I have ever had the good

fortune and blessing to count on the staff, and his deriving this information from another source in El Paso.

I immediately contacted and wrote, followed not only verbal contact but a written message to the Commissioner, protesting the fact that this was even being considered. Now, this is actually considered part of the enterprise that would be involved on top of the so-called Maquiladora enterprises that now consist of over 2,500, all up and down that 2,000-mile border between the United States and Mexico, from Brownsville/Matamoros to Calexico and way over to Baja California, across from the California border.

That now is a substantial enterprise that has subtracted thousands of jobs from the United States. As a matter of fact, in Cleveland alone we had a tremendous drainage of jobs that went directly to the Maquiladoras across the border. Now these are being dovetailed into what is now an ongoing process known as the North American Free Trade Agreement, Mexico, Canada, United States, or North American Free Trade Agreement. But it goes beyond that.

What I am speaking of today is just one little detail that has absolutely alarming proportions to me for the insidious insidiousness of this practice and what, once the door opened, it will lead to.

The main fault is that this House and the Senate passed the fast-track resolution which gives the President carte blanche to enter into trade agreements with over 150 nations if he so saw fit, but particularly targeting the North American Free Trade Agreement, so-called free trade agreement.

What that fast-track vote meant was that the House and the Senate will have no opportunity to review or amend whatever agreement President Bush enters into.

Now, in our decisionmaking levels, in the higher echelons of our power centers, it is not the concern for employment opportunities in Mexico and helping our neighbor, as we properly should, in the right fashions, elevate a disastrous level of existence where you have at least 40 percent inflation, almost that percentage of unemployment and potential disaster in the making not only for Mexico but for us.

After all, we are the next-door neighbor.

But I have always said that in order to prove that you are a good neighbor you do not have to give the family jewels away. It seems to me that what the full understanding of the so-called NAFTA, or North American Free Trade Agreement, would be, because it is not just free trade, it is free trade and finance. That means banks, and that is why I have been involved in the beginning and cast my negative vote on the so-called fast track resolution.

Behind all of this is the fact that Mexico has a very deeply rooted in-

debtedness to our private banks, one which is festering still, even though you hear talk about how it has been resolved. It has not. Mexico had to roll over even the interest payments, as well as other sovereign Latin American nations. These are what is known as sovereign debts. That is, they are debts on the part of a government of a country to not another sovereign country like the United States or the United States Treasury, but a private banking system. So the bankers actually stimulate, through their absolute power which they have over the producing and manufacturing corporate structure, to move into these areas like Mexico with the hope and the promise that whatever activity they generate will bring their estimate of \$10 billion-a-year payment back on these bank debts. This is the untold story. I am reporting this, the fact of the use of prison labor in Mexican prisons is just one of the most dramatic and startling aspects of what is, obviously, a disastrous policy on the part of our Government and our private enterprise and our system.

The expendable factor all along, and for at least three decades, in America has been American labor. This has been the expendable. And what it means now is that we in the United States have sold off our inheritance for what I am sure will be an illusory mess of potage.

In the case of this prison labor, I was amazed when I made the inquiry, half believing that maybe perhaps the information was faulty and that there was just some talk about the possibility, to find that the negotiations had gone pretty far and they were about to be approved. My inquiry and, I think, the inquiries made by other Members at my request kind of held up things.

□ 1730

But, as I understand it, Customs probably would be making a decision today, even as I am speaking in the well of the House this afternoon.

I am going to read, and I am going to place into the RECORD, my letters to the Honorable Carol Hallett who is a U.S. Commissioner of Customs, the letter to the editor of the San Antonio Express and News this week with respect to a story that they had picked up from the Associated Press which, in turn, had picked it up from the El Paso Times. I say that what this essentially is the use of slave labor. If my colleagues will read in the RECORD tomorrow when the RECORD is printed and delivered, they will find excerpts of the stories that have been written describing this particular enterprise that wish to provide the labor in Ciudad Juarez prison or pen. My colleagues will see that they are saying that this is a humanitarian effort. At no time when the attorney was asked on my prompting, "Well, what is the level of salary or

compensation that this prison labor gets?" The answer was, "I don't know."

But I do, and that is the reason I call it slave labor. At no time, even in the so-called private maquiladora; that is, these enterprises that have gone just across the border obviously to get around the standards of labor that we have in our country, and they do not even pay on an average \$4 a day. That is average, but there are exceptions.

Now how in the world can American labor ever compete? How can that segment of our labor force that is in need of these manufacturing jobs in which unskilled labor performs its part compete with that kind of slave labor? It cannot, and we should not, and it is outrageous that we should even have to argue with the director of Customs about the impropriety of possibly approving this arrangement.

In my letter I am going to read excerpts. I said:

It has come to my attention that the U.S. Customs Service is about to decide whether to allow the importation of goods or services produced by prisoners at the CERESO facility in Juarez, Mexico, into the United States. A affirmative decision would violate U.S. law and I demand that the law be strictly observed and the importation disallowed. As our trade with Mexico continues to expand, and as negotiations for the creation of a North American Free Trade Area proceed, we must know if any of the goods or services that are being exported to the U.S. from Mexico are produced with the labor of incarcerated Mexican workers.

Now in the United States, even in a non-minimum-wage State, if such there is, you know you would have to pay more than whatever the lodging costs and the food given to the prisoners in a Mexican jail entails, plus a minimum payment, which has to be revealed to us, but what I would estimate is not even 60 cents an hour.

There has never been any possibility that United States laborers could compete with prison labor and still receive a viable living wage, and now it appears that our workers are going to have a choice—compete with serf labor in the maquiladoras or compete with slave labor from the prisons. The use of Mexican prisoners by U.S. or Mexican-owned maquiladoras to make or assemble goods for export to the U.S. is an explicit violation of U.S. law and has been prohibited for over fifty years. If convict labor is being used to produce a service that is then exported back into the U.S., it is a violation of the spirit and intent of the law and, if allowed, I will do everything possible to close this loophole.

As I pledged to do—

The use of convict labor is not only morally repugnant, but it sets a dangerous precedent. Trade with Mexico has more than doubled over the past decade. Mexico is now our third largest trading partner behind Japan and Canada, and almost 40% of U.S. imports from Mexico come from maquiladoras.

On top of this, the tax breaks the American corporation gets involved in that maquiladora is extraordinarily high. Mexico is now our third largest

trading partner behind Japan and Canada, and 40 percent of United States imports from Mexico come from maquiladoras.

Our trade with Mexico will only expand further, especially with the pending North American Free Trade Agreement. The proponents of this expanded trade tout its great benefits, and it does in fact hold great opportunity for economic prosperity. But if the expansion of trade is based on such things as the forced labor of convicts, it will only perpetuate the poverty of Mexican workers and deepen the economic distress faced by workers in the U.S.

It is astoundingly ironic that so-called "free trade" may be based in part on prison labor. So much emphasis these days is placed on being competitive in the global market. But how can American workers compete with Mexican prisoners? Already, according to the U.S. Department of Labor, Mexican maquiladora workers make only one paltry dollar an hour, with benefits this can reach two dollars an hour.

That is average. There are some that earn considerably less, some perhaps a fraction more.

How can American workers compete against people who have to work for one tenth of our wages, especially if they are incarcerated and have no recourse to even Mexican labor law? Furthermore, the conditions faced by workers in the maquiladoras are deplorable, a far cry from decent conditions in or out of prison. The use of convict labor would not only perpetuate this poverty, but would make it worse. And at a time when working people in the United States are being laid off by the thousands, it would be unconscionable to allow the employment of Mexican prisoners in commerce conducted by the U.S. Is free trade going to mean the replacement of serf-labor with slave-labor?

With that, Mr. Speaker, I will place in the RECORD the pertinent sections of the U.S. Code and the copies of the letters I have mentioned before.

The material referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 1992.

The EDITOR,
San Antonio Express-News,
San Antonio, TX.

DEAR EDITOR: Although the recent article "Mexican prison labor focus of trade controversy" (*Express-News* 4/26/92) raises an issue of vital importance, I must clarify my concerns about the use prison labor in Mexico as I believe the article misses the point of the questions I have raised.

I am concerned first and foremost about what the use of prison labor in Mexico will mean for the jobs of working people in the United States. This is especially important as negotiations for a North American Free Trade Agreement (NAFTA) continue. If the use of Mexican prison labor in commerce between the U.S. and Mexico is allowed, it would set a dangerous precedent, especially as cross-border trade is set to expand at an unprecedented rate. Is free trade going to be based on incarcerated labor?

It is difficult enough for American workers to compete with two-dollar-an-hour labor in Mexico, let alone the labor of Mexican prisoners. With over nine million people out of work in this country, it is unconscionable that we even consider opening up our borders to commerce based on convict labor. In Texas, where we are supposed to reap the benefits of expanded trade with Mexico more

than most states, the unemployment rate is even higher than the national average.

The article creates the false impression that my concerns have more to do with keeping Mexican prisoners from putting food on their families' tables. By continually missing the point of the questions I have raised and by making one spurious comparison after another, the article presents a mischaracterization of my concerns and belittles the seriousness of the issue at hand.

First, the article equates the skills of craftsmanship with the drudgery of sorting coupons for hours on end by comparing furniture carving by one prisoner with the proposed coupon-sorting operation by hundreds of prisoners. Second, it falsely compares work done by Mexican convicts involved in the production of goods for use or sale in Mexico, to which U.S. law does not apply, to a coupon-sorting enterprise engaged in international commerce between Mexico and the U.S., which is explicitly covered by the laws of the United States. This law not only bans the import of goods made with slave or forced labor, as pointed out in the article, but all goods made from any convict labor.

Taken as a whole, the article would have us believe that Mexican prison labor is to be used for the benefit of the convicts out of the goodness of the company owners' hearts. Why then do they need to send this work across the border in the first place? In the United States, the federal prison population is expected to exceed 100,000 in just a few years, yet less than a quarter of the current 63,500 federal prisoners participate in the prison industries program. In Texas, over eight thousand prisoners fill federal facilities and another fifty thousand are incarcerated in state prisons. Are these prisoners less in need of work and job training than their Mexican counterparts?

I am also gravely concerned about Mexican prison labor perpetuating the poverty faced by many Mexican workers. In a country where over twenty percent of the population is unemployed, there is obviously no shortage of labor. Why then are these operations being set up inside the prisons of Mexico? Are Mexican workers along the border now going to have to get themselves arrested to get a job? The bottom line is that the companies want to be able to set up maquiladora operations in prisons across the border because they can make more money by using incarcerated Mexican labor.

Having been born and raised in San Antonio, I am keenly aware that the economies of South Texas and Mexico are inexorably intertwined. I have always done and will continue to do everything possible to make sure that these ties between Texas and Mexico are protected and expanded in the most mutually beneficial manner possible. However, the proposed use of prison labor as part of the ongoing expansion of cross-border commerce bodes most ill for the health of this trade.

Far beyond the quaint descriptions of work in Mexican prisons in the article, the approval by U.S. Customs of the use of prison labor would set a dangerous precedent. My concern is whether the benefits of the expansion of trade being negotiated right now in NAFTA will be available to everyone, or whether the fears of the critics of expanded trade with Mexico will come true—that the benefits of this trade will be concentrated, at the expense of working people on both sides of the border, in multi-million dollar contracts between international corporations

more interested in the bottom line than in putting food on anyone's table.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 18, 1992.

Hon. CAROL HALLETT,

The Commissioner of Customs, U.S. Customs Service, Washington, DC.

DEAR COMMISSIONER HALLETT: I have received some most disturbing information about forced labor in Mexico, and sadly it is something that I have anticipated all along. What I have heard is that prison labor is being used in Mexico for the production of goods which are then exported to the United States.

It has come to my attention that the U.S. Customs Service is about to decide whether to allow the importation of goods or services produced by prisoners at the CERESO facility in Juarez, Mexico, into the United States. An affirmative decision would violate U.S. law and I demand that the law be strictly observed and the importation disallowed. As our trade with Mexico continues to expand, and as negotiations for the creation of a North American Free Trade Area proceed, we must know if any of the goods or services that are being exported to the U.S. from Mexico are produced with the labor of incarcerated Mexican workers.

There has never been any possibility that United States laborers could compete with prison labor and still receive a viable living wage, and now it appears that our workers are going to have a choice—compete with serf labor in the maquiladoras or compete with slave labor from the prisons. The use of Mexican prisoners by U.S. or Mexican-owned maquiladoras to make or assemble goods for export to the U.S. is an explicit violation of U.S. law and has been prohibited for over fifty years. If convict labor is being used to produce a service that is then exported back into the U.S., it is a violation of the spirit and intent of the law and, if allowed, I will do everything possible to close this loophole.

The use of convict labor is not only morally repugnant, but it sets a dangerous precedent. Trade with Mexico has more than doubled over the past decade. Mexico is now our third largest trading partner behind Japan and Canada, and almost 40% of U.S. imports from Mexico come from maquiladoras. Our trade with Mexico will only expand further, especially with the pending North American Free Trade Agreement. The proponents of this expanded trade tout its great benefits, and it does in fact hold great opportunity for economic prosperity. But if the expansion of trade is based on such things as the forced labor of convicts, it will only perpetuate the poverty of Mexican workers deepening the economic distress faced by workers in the U.S.

It is astoundingly ironic that so-called "free trade" may be based in part on prison labor. So much emphasis these days is placed on being competitive in the global market. But how can American workers compete with Mexican prisoners? Already, according to the U.S. Department of Labor, Mexican maquiladora workers make only one paltry dollar an hour, with benefits this can reach two dollars an hour. How can American workers compete against people who have to work for one tenth of our wages, especially if they are incarcerated and have no recourse to even Mexican labor law? Furthermore, the conditions faced by workers in the

maquiladoras are deplorable, a far cry from decent conditions in or out of prison. The use of convict labor would not only perpetuate this poverty, but would make it worse. And at a time when working people in the United States are being laid off by the thousands, it would be unconscionable to allow the employment of Mexican prisoners in commerce conducted by the U.S. Is free trade going to mean the replacement of serf-labor with slave-labor?

I look forward to your prompt reply to my concerns.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

MEXICAN PRISON LABOR FOCUS OF TRADE CONTROVERSY

CIUDAD JUAREZ, MEXICO.—Sawdust, floating on air, drifts from the cracked window in Tito Guzman Peralta's jailhouse workshop and settles on the concrete sidewalk and white stuccoed windowsill.

It stirs again only when prisoners rush past on their way to jobs in a trinket factory, a leather shop or another work place in the Juarez federal prison's labor quarter.

"I can make anything to order," says Guzman, who has learned to carve ornate wooden furniture in the traditional Mexican style while serving time for dealing heroin.

Guzman, like roughly half the prison's 1,100 inmates, works eight hours a day in an effort to keep food on his family's table while he's in jail, and to make a little extra money to buy comfort in a prison where most things, including conjugal visits from his wife, are allowed.

But a proposal to expand the work program by having a coupon-sorting company set up shop in the prison has drawn the anger of San Antonio Rep. Henry B. Gonzalez, who denounces the coupon work as slave labor that will take jobs from the United States.

Prison officials defend the program, saying it provides vital skills that can turn inmates' lives around.

Guzman has been one of the beneficiaries. Inside his concrete block workshop, Guzman, considered the prison's master wood craftsman after four years in the slammer, whipped out a plastic binder and showed a visitor photographs of the ornate wooden tables, chairs, cabinets and bed frames he carves.

"Just bring me a magazine picture of what you want, and I'll make it—mirror frames, bird cages, whatever you want," he said. Guzman's steady hands have won him business from a Juarez home decorator and a job offer from the owner of a woodworking shop on the outside—a proposition he plans to accept when he's released from jail in about six months.

Work space and resources are limited and job training inside the prison, known as CeReSo, mostly happens only when an older inmate is willing to pass the secrets of his trade to an apprentice before he's done serving his time. CeReSo is a Spanish acronym for Social Rehabilitation Center.

Though the prison is trying to drum up sewing and manufacturing contracts from private business, only about half of the prisoners who work there do so through the prison's organized labor programs, work therapy manager Gilberto Enriquez Miranda said. Dozens more shine shoes for prisoners and visitors who wander daily through the maze of fences in the prison yard.

They weave leather belts at makeshift work benches in their cells or on open patios. They cut teardrop-shaped leather key chains

to sell on Sunday—family day—or they cook, cut hair, mend clothing and bake for other prisoners willing to pay for the services.

The prison has recently tried to expand its work program and give it more structure by inviting a Mexican coupon-sorting company that would eventually employ hundreds of inmates on prison grounds. The company would supply supervision and training to turn inmates into maquiladora workers, the prison would supply the manpower, and the company would keep the profits.

The company, Tecnicas Unidas de Mexico, wants to rent a newly constructed warehouse, on a corner of the prison grounds, hire prisoners to sort coupons collected by U.S. retailers, then ship the coupons back to the United States for disposal or further processing.

But Gonzalez has asked the U.S. Customs Service to deny the company's request for import permits under a 50-year-old federal law that forbids the importation of products made with slave or forced labor.

Gonzalez worries that cheap prison labor would quicken the flight of U.S. jobs to Mexico where workers in assembly plants for years, have supplied low-cost manpower to U.S. and other foreign corporations.

Gonzalez's accusations have frustrated officials at the prison, where some work programs—a sewing shop where guard uniforms and intramural sports T-shirts are made—already, are idle for lack of work. Prison officials say a structured maquiladora-like factory such as the one Tecnicas Unidas has proposed would give inmates training that could help them find jobs, and legally support their families when they are released.

"I don't know this congressman personally," jail administrator Jose Grajeda said. "But I'm sure that if he came, he'd see what was going on and he'd stop making these accusations. We aren't cutting cocaine or growing marijuana. This is clean, honest work. The salary that we pay here is the same as what they'd get on the outside."

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1992.

Mr. THOMAS FENTON,
Editor and Publisher, El Paso Times,
El Paso, TX.

DEAR MR. FENTON: In anticipation of the pending release this weekend of an Associated Press story by Denise Bezick on prison labor in Mexico, I must express my deep concern about the article.

Contrary to the implication of Denise Bezick's article, my concern about prison labor in Mexico has nothing to do with keeping Mexican convicts from putting food on their families' tables, but has everything to do with whether so-called "free trade" between the U.S. and Mexico is going to be based on imprisoned labor.

By continually missing the point of the questions I have raised with U.S. Customs and by making one spurious comparison after another, the article presents a mischaracterization of my concerns and belies the seriousness of issue at hand. First, by talking about the carving of furniture by one Mexican prisoner in the same breath as the proposed sorting of coupons by hundreds of convicts, Mr. Bezick equates the skill of carpentry with the drudgery of sorting clipped coupons for hours on end.

The article continues by comparing work done by Mexican convicts in the production of goods for use or sale in Mexico to a coupon-sorting operation to be engaged in international commerce. The proposed coupon-sorting operation or any other such inter-

national operation is not like the stamping of license plates by prisoners here in the U.S., as stated by Ms. Bezick. This is because work done by prison labor in Mexico for goods that stay in Mexico is not covered by U.S. law, but Mexican convict labor that is part of commerce between the U.S. and Mexico is explicitly covered by the laws of the United States. Furthermore, the incomplete description of the 1930 trade law governing this matter provided in the article leaves the impression that only goods made with forced labor are prohibited from entry into the U.S. In fact, the law covers all goods produced by any convict labor.

The article also creates the false impression that Mexican prison labor is being employed for the benefit of the convicts out of the goodness of the company owners' hearts. If this were so, why do these companies need to send this work across the border in the first place? Don't convicts in American jails need the jobs just as much as their Mexican counterparts? And if these companies are so concerned about the well-being of the people of Mexico, why are they setting up operations in prisons in a country where over a fifth of the total population is unemployed? Are unemployed maquiladora workers now going to have to get themselves arrested to get a job? And just what are the much-touted skills that a prisoner gains by standing in one place for hours and hours sorting coupons? The bottom line is that the companies want to be able to set up maquiladora operations within Mexican prisons because they can make more money by using incarcerated labor.

What this adds up to, whether by intentional action or not, is a misrepresentation of my concerns. Having been born and raised in San Antonio, I know that the economies of South Texas and Mexico are inexorably intertwined. Our futures are just as interconnected. I have always and will continue to do everything possible to make sure that the ties between Mexico and South Texas are protected and expanded in the healthiest, most mutually beneficial manner possible. However, the specter raised by the proposed use of prison labor as part of the ongoing expansion of international trade bodes most ill for the health of this trade as well as for the well-being of working people on both sides of the border.

Far beyond the quaint descriptions provided in the article, if U.S. Customs approves the use of prison labor in trade between the U.S. and Mexico, it would set a dangerous precedent. My concern is whether the benefits of the expansion of trade being negotiated right now in the North American Free Trade Agreement will be broadly distributed or if the worst fears of the critics of expanded trade with Mexico will come true—that the benefits of this trade will be concentrated at the expense of working people, through the use of such things as prison labor, in multi-million dollar contracts between international corporations more interested in the bottom line than in putting food on anyone's table.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

[From the El Paso Times, Apr. 25, 1992]

MEXICAN PRISON LABOR IN BORDER INSTITUTION FOCUS OF TRADE CONTROVERSY

(By Denise Bezink)

CIUDAD JUAREZ, MEXICO.—Sawdust, floating on air, drifts from the cracked window in Tito Guzman Peralta's jailhouse workshop and settles on the concrete sidewalk and white stuccoed windowsill.

It stirs again only when prisoners rush past on their way to jobs in a trinket factory, a leather shop or another work place in the Juarez federal prison's labor quarter.

"I can make anything to order," says Guzman, who has learned to carve ornate wooden furniture in the traditional Mexican style while serving time for dealing heroin.

Guzman, like roughly half the prison's 1,100 inmates, works eight hours a day in an effort to keep food on his family's table while he's in jail, and to make a little extra money to buy comfort in a prison where most things, including conjugal visits from his wife, are allowed.

But a proposal to expand the work program by having a coupon-sorting company set up shop in the prison has drawn the anger of a San Antonio congressman, who denounces the coupon work as slave labor that will take jobs from the United States.

Prison officials defend the program, saying it provides vital skills that can turn inmates' lives around.

Guzman has been one of the beneficiaries. Inside his concrete block workshop, Guzman, considered the prison's master wood craftsman after four years in the slammer, whipped out a plastic binder and showed a visitor photographs of the ornate wooden tables, chairs, cabinets and bed frames he carves.

"Just bring me a magazine picture of what you want, and I'll make it mirror frames, bird cages, whatever you want," he said. Guzman's steady hands have won him business from a Juarez home decorator and a job offer from the owner of a woodworking shop on the outside a proposition he plans to accept when he's released from jail in about six months.

Work space and resources are limited and job training inside the prison, known as CeReSo, mostly happens only when an older inmate is willing to pass the secrets of his trade to an apprentice before he's done serving his time. CeReSo is a Spanish acronym for Social Rehabilitation Center.

Though the prison is trying to drum up sewing and manufacturing contracts from private business, only about half of the prisoners who work there do so through the prison's organized labor programs, work therapy manager Gilberto Enriquez Miranda said. Dozens more shine shoes for prisoners and visitors who wander daily through the maze of fences in the prison yard.

They weave leather belts at makeshift work benches in their cells or on open patios. They cut teardrop-shaped leather key chains to sell on Sunday family day or they cook, cut hair, mend clothing and bake for other prisoners willing to pay for the services.

The prison has recently tried to expand its work program and give it more structure by inviting a Mexican coupon-sorting company that would eventually employ hundreds of inmates on prison grounds. The company would supply supervision and training to turn inmates into maquiladora workers, the prison would supply the manpower, and the company would keep the profits.

The company, Tecnicas Unidas de Mexico, wants to rent a newly constructed warehouse on a corner of the prison grounds, hire prisoners to sort coupons collected by U.S. retailers, then ship the coupons back to the United States for disposal or further processing.

But U.S. Rep. Henry B. Gonzalez, D-Texas, has asked the U.S. Customs Service to deny the company's request for import permits under a 50-year-old federal law that forbids the importation of products made with slave or forced labor.

Gonzalez worries that cheap prison labor would quicken the flight of U.S. jobs to Mexico, where workers in assembly plants for years have supplied low-cost manpower to U.S. and other foreign corporations.

Gonzalez's accusations have frustrated officials at the prison, where some work programs a sewing shop where guard uniforms and intramural sports T-shirts are made already are idle for lack of work. Prison officials say a structured maquiladora-like factory such as the one Tecnicas Unidas has proposed would give inmates training that could help them find jobs and legally support their families when they are released.

"I don't know this congressman personally," jail administrator Jose Grajeda said. "But I'm sure that if he came, he'd see what was going on and he'd stop making those accusations. We aren't cutting cocaine or growing marijuana. This is clean, honest work. The salary that we pay here is the same as what they'd get on the outside."

The work programs at the Juarez prison are similar to those in U.S. prisons, where inmates make street signs, license plates and furniture for government office buildings. But at the Juarez prison, the inmate is mostly in charge of his own business. In all but a few lines of work, the profit belongs to the craftsman. And the prisoner gets out of jail one day early for every two days that he works.

Guzman makes furniture and decorative items for a handful of clients in the private sector and for people who hear about his work through word of mouth. His wife brings him the materials for each order, he draws his own blueprints and uses simple carving tools and a saw made of a thin wire stretched between the ends of a metal bow to cut scalloped edges into the soft wood.

Guzman keeps his profits \$20 or \$30 for small bird cages, and up to \$1,000 for a dining room table and eight chairs.

"Right now we don't have much work," Guzman said. "I just finished some kitchen cabinets and a bookcase and a bird cage that I designed from this magazine clipping."

The business comes and goes. In some of the more structured programs sewing, baking and block making the prison supplies the materials and starts prisoners at minimum wage, which at about \$4 a day is less than the average factory worker outside the prison makes. But prisoners say there's opportunity for raises and advancement.

"I'm making about \$35 a week now, and some of my men make as much or more than I do," said Cesar Morales, who is in charge of a small shop where about a dozen men carve chunks of shell, stone and plastic into tiny colored animal shapes that are sold to a company that uses them in costume jewelry. "That's as much as I could make doing this on the outside."

[From the San Antonio Express News, Mar. 29, 1992.]

HBG CLAIMS FIRM USING SLAVE LABOR

(By Gray Martin)

WASHINGTON.—Calling the practice "slave labor," U.S. Rep. Henry B. Gonzalez is trying to block a Mexican firm's application to use inmates in a Juarez prison to sort retail store coupons for American companies.

In a letter to Customs Commissioner Carol Hallett, Gonzalez, D-San Antonio, said approval of the application would violate trade laws in effect for 50 years.

"There has never been any possibility that United States laborers could compete with prison labor and still receive a viable living wage, and now it appears that our workers

are going to have a choice—compete with serf labor in the maquiladoras or compete with slave labor from the prisons." Gonzalez said.

"The use of convict labor is not only morally repugnant but it sets a dangerous precedent," he said.

But Kathleen Walker, the El Paso lawyer who filed the application, shot back angrily: "Obviously, it's always interesting to make up your own facts.

"But no, it's not slave labor. No, it's not forced labor. And no, it's not importation of goods," Walker said.

The application asks Custom to allow Tecnicas Unidas of Juarez to farm out retail coupon sorting to convicts who volunteer to work in a rehabilitation program.

The pilot project is planned for the Prison Center for Adult Social Rehabilitation, a \$330,000 facility built inside the prison.

Walker, who called the congressman's protest "totally ridiculous," said the volunteer program was designed by the city of Juarez, the state of Chihuahua and the Mexican federal government.

She said convicts would be paid for work in the prison factory. Although she did not know the amount, she said it would be close to the prevailing wage for maquiladora workers.

"This is really a beneficial program for these prisoners," Walker said.

Tecnicas Unidas, a private company in Juarez, contracts with American firms to sort consumer discount coupons collected at cash registers. The coupons arrive in bulk, are sorted by manufacturer and are tabulated for the amount that manufacturers owe retailers for handling them.

But the use of prisoners to sort coupons collected by U.S. grocery and retail stores and then provide the data to American firms has Gonzalez crying foul. He said it would set precedent at a time the two nations are trying to liberalize trade laws.

If the proposed North American Free Trade Agreement is approved, Gonzalez said, bilateral commerce between the United States and Mexico is expected to increase dramatically.

"But if the expansion of trade is based on such things as the forced labor of convicts, it will only perpetuate the poverty of Mexican workers and deepen the economic distress faced by workers in the U.S.," he complained to the Customs chief.

Tecnicas Unidas' application is being reviewed by the Intellectual Property Rights branch of Customs.

The agency is trying to determine whether sorting coupons falls under the category of a product made by prison labor, which would be prohibited from entry into the United States.

Tecnicas Unidas is arguing that coupons brought back and forth across the border do not constitute a product from an altered resource and therefore not prohibited by trade law.

A source close to the case said Customs is expected to rule within the next few weeks, and favorably.

Gonzalez has vowed to fight a favorable ruling.

"If convict labor is being used to produce a service that is then exported back into the U.S., it is a violation of the spirit and intent of the law, and if (it is) allowed, I will do everything possible to close this loophole," Gonzalez said.

According to the application by Tecnicas Unidas, the coupon sorting would take place in a 12,000-square-foot plant recently erected inside the Juarez prison.

[From the U.S. Code]

SECTION 1307. CONVICT-MADE GOODS;
IMPORTATION PROHIBITED

All goods, wares, articles and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its performance and for which the worker does not offer himself voluntarily.—June 17, 1930, c. 497, Title III, §307, 46 Stat. 689.

MARCH 27, 1992.

To: HBG.

From: Tod.

Re: Tecnicas Unidas Request for Customs Ruling.

Kathleen Walker, attorney for Tecnicas Unidas, the Mexican owned contractor employing prison labor in Juarez, sent a copy of their request for a ruling from Customs on the facility they have operated in the CERESO prison in Juarez.

THE PRISON FACILITY

12,000 square feet—the use of prison labor in Juarez will greatly expand beyond the 100 convict labor force of the past; pilot project—if "successful" the Mexican gov't plans to expand this convict labor program throughout Mexico; cost \$330,000—(50 percent by federal gov't; 25 percent by Chihuahua state; and 25 percent by the city of Juarez) the government in Mexico has a vested interest in ensuring the continuation of this program. Tecnicas contracted with these authorities to pay \$2,000 a month in rent on the facility and 10 percent of total labor payroll.

THE USE OF CONVICT LABOR

Coupons sorting.—the convicts are used to sort coupons bought by a US clearing house from a US retailer, shipped to the clearing-house subsidiary in Mexico that operates maquilas, and are contracted out to a Mexican subcontractor, Tecnicas, for sorting. The information compiled is to determine the actual value of the coupons for purposes of the transaction between the US clearinghouse and retailer and to provide consumer information. The information is sent back to the US by microwave. The coupons are either disposed of in Mexico or the US. Tecnicas contracted with the prison in 1990 as soon as the facility was completed and has already contracted with the US owned company to sort the coupons.

Shifts.—under the contract between Tecnicas and the prison, there will be three work shifts in a day, meaning the sorting would go on virtually around the clock.

ARGUMENTS

Benefits to prisoners.—Tecnicas argues that this "rehabilitation" program is vol-

untary and provides benefits to workers such as "job training", though I'm not sure what sort of skill coupon sorting imparts to a worker.

Not covered by existing law.—this may be the case as the operation does not actually produce anything or export anything of value back to the US. In this case a new law will be needed to end this practice.

Labor.—if all these low end maquila jobs move into prisons, workers will have to get themselves arrested to find work. They will then be essentially indentured workers. Local authorities may also round up people to arrest to keep enough workers in the prison plants. This also undermines any collective bargaining ability of other maquila workers and Mexican workers in general.

□ 1740

RESOLUTION TRUST CORPORATION
REFORM

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, this evening my colleagues and I have gathered here to draw attention to a quiet robbery that is taking place here in Washington. This is an ideal time of the day, after regular business is over, to help educate ourselves and the American people about what is happening on one of the most important issues in our country related to the savings and loan crisis.

Billions of tax dollars are being diverted every month to pay for the savings and loan situation. Most people in America and most people not directly involved here in Washington are not paying any attention at all. Barely a peep about this important overriding financial issue is heard here in Congress, and very little from the American people.

Soon we can expect the administration to ask Congress again to refund the boondoggle agency, the RTC. The RTC has already spent \$88 billion of taxpayer money since its inception in 1989.

Now, how much would \$88 billion have bought if it had been used for something else? It would have bought us over 1 million more jobs under the Surface Transportation Act passed last November. It could have increased by over 87 times this year the amount of funds that we put into the McKinney homelessness programs. It could have multiplied by 10 NASA's Research and Development Program so important to civilian research and development in this country.

Indeed, the House Committee on the Budget estimates that funding for the savings and loan cleanup now accounts for the fifth largest item in the U.S. budget, behind programs like Medicare, defense, and interest on the national debt itself.

In fact, the entire mechanism for bailing out the savings and loans is an-

other method of creating more debt in this society because of the bond scheme being used for borrowing.

In perspective, the \$88 billion is just a fraction of the \$372 billion that the General Accounting Office estimates the total bailout price tag will cost. One leading Stanford economist indicates that the interest costs on the borrowing being used to pay for this situation may ring in at over \$900 billion, nearly \$1 trillion, over the 30-year duration of the bailout. That is nearly triple GAO's estimate. So no one really knows.

One thing we can say for certain is it always has cost most than the administration told us in the first place.

Thus, America has floated the RTC a huge piece of the shrinking budget pie. We will be expected here in the Congress to do more of the same very soon. Astonishingly, with these vast sums of taxpayer money at stake, the last bill brought to this floor on the RTC was clean of important reforms that need to be taken in order to assure that this agency functions properly.

We were asked to refund the RTC without the requisite scrutiny of its qualifications for receiving that additional funding. We were asked to rehire the RTC without a glance at its current résumé.

Mr. Speaker, I and my colleagues did not have to look far for problems that would make any taxpayer pause. Headlines in both the Washington Post and the New York Times this week report the fact that the RTC had \$2 billion in its coffers last fall when it was crying broke and asking for billions more from the Congress.

Since the RTC has not talked straight to Congress about its past balance, how can we really trust its estimates for future needs? More importantly, how much should we trust the RTC with any more funding at all?

Along with half-truths at the national level, RTC is saddled with inefficiency on the local level. Recently we heard a firsthand account from a resident in my district that tried to bid on properties that the RTC was auctioning off. It occurred that there was a bidder who offered to buy all the remaining properties in this particular area for just \$3,200 each.

My constituent called my office and said he was prepared to bid twice that amount, which would have been closer to the fair market estimate on these properties, but in fact the auction was closed. He asked me why did that happen.

Another citizen from my district made a market price bid on an RTC condominium for sale and waited 3 months to purchase it. He could not ever get an answer back from the RTC. The RTC never called, so he went off and purchased a condominium on the private market.

Mr. Speaker, you cannot seem to get an answer out of the RTC when you

telephone these local and regional offices. Perhaps worst of all, the RTC has been slow to process pension forms for the former employees of two failed savings and loans in my region, robbing them for more than 6 months already of pension checks so valuable during these hard economic times.

Again, there never seems to be a reply from the RTC.

In response to glaring problems, like these, and with acute awareness of the vast sums at stake, my colleagues who are here tonight and I have introduced the RTC Reform Act of 1992, H.R. 4924.

The act proposes major administration and alternative financing reforms designed to work for the Nation's interest, along with two main themes that structure the bill. The first is serving the real economy, and the other is promoting accountability to taxpayers and consumers.

For example, under serving the real economy, the bill requires a current appraisal on each RTC asset for sale so fair return is received on assets sold.

It also reworks the RTC Affordable Housing Program so that qualified low- and moderate-income buyers can use it. It directs the RTC to transfer its environmentally sensitive land to Federal and State environmental agencies. We will hear more about this very shortly from our esteemed colleague from Illinois [Mr. EVANS].

Under the accountability section it improves the prosecutions of the S&L fraud criminals to recoup more of the money rightfully due to victims and the U.S. Treasury.

It is incredible that our own Justice Department has recovered less than 1 percent of the ordered collections of those cases that have gone to trial.

The bill also makes interest, up to \$1,000 in savings accounts, tax-free to stimulate a flow of capital to make the sick S&Ls healthy. The gentleman from Louisiana [Mr. TAUZIN] very thoughtfully said, "Why are we only worrying about propping up sick institutions? Why don't we try to put the economic incentives in a reform of the S&L situation to promote deposit inflows into these institutions, to help make institutions healthy?" He will be talking about that in a little while.

The bill also requires the RTC to publish the examination of failed banks and thrifts if taxpayer funds were used during the examination.

Mr. Speaker, I am going to yield at this time to the gentleman from Illinois [Mr. EVANS] to share more details about worthwhile provisions in H.R. 2924.

Mr. EVANS. Mr. Speaker, I appreciate the leadership of the gentleman from Ohio [Ms. KAPTUR] on this issue.

Mr. Speaker, I am here today to speak in support of Representative JONTZ'S package, the Resolution Trust Corporation Reform Act of 1992, H.R.

4924. I support these reforms because I do not believe that the RTC is currently serving the real economic needs of a broad sector of the public.

H.R. 4924 includes a number of important reforms in the operation of the RTC. However, this afternoon I would like to particularly address those provisions dealing with affordable housing and environmentally sensitive lands.

To date, the RTC's cleanup of the S&L debacle has cost the American taxpayer approximately \$150 billion. In attempt to see that the taxpayers at least received some benefit from this mess, Congress imposed requirements in RTC legislation for programs like affordable housing and environmentally sensitive lands. However, despite these provisions, the RTC has failed to make affordable housing accessible to those who need it most and has also failed to preserve environmentally sensitive lands under its control.

The Jontz's reform legislation would require that the RTC guarantee loans for affordable housing. This would make more loans available for low-income people who qualify under this program.

As to the environmental requirements, the 1989 bailout bill required the RTC to identify properties with natural, cultural, recreational, or scientific values of special importance. Since the law did not require the RTC to preserve any properties of environmental significance, the RTC has been focusing on disposing of its properties and the environmental significance of them has been of little concern. The RTC reform bill would require that the RTC transfer sensitive lands under its control to the appropriate Federal or State environmental agencies.

I believe that these reforms are the least the American taxpayer should expect if they are to be asked to continue to fund this bailout. For that reason, I strongly support this legislation.

□ 1750

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Illinois for his participation in these efforts and encouragement along the way and his help in drafting several of these provisions. I am glad the gentleman acknowledged the gentleman from Indiana [Mr. JONTZ], who has been able to organize all of us and put together a comprehensive bill which has been sadly lacking over the months.

It is especially difficult for those of us who are not on the Committee on Banking, Finance and Urban Affairs to try to influence this body, and we thank the gentleman for participating this evening and for his leadership and interest all along.

One of the Members who is here this evening, who serves on the committee and has been a lonely voice and who has continued the struggle to make

sure that the RTC properly performs and holds itself accountable to the American people, the gentleman from Minnesota, Congressman BRUCE VENTO, is here. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentlewoman for yielding to me.

I am very interested in the package of reform legislation that the gentleman from Indiana [Mr. JONTZ] and others, the gentlewoman from Ohio [Ms. KAPTUR] included, and the gentleman from Illinois [Mr. EVANS] have put forth. In fact, many of these same provisions in the first session of this Congress were deliberated and considered on during the banking consideration of additional funding for the RTC.

I would, just to review the bidding with my colleagues, I would point out that we are talking about S&L's that have failed since 1989. We are not talking about those that failed prior to that, because that is another group of S&L's that has a cost to taxpayers of \$60 billion to \$70 billion, according to the GAO. So we are really talking about that group that has failed since then.

I know that my colleagues will recall that initially then President Bush rose and met us at the beginning of the 101st Congress and suggested a partnership, that we ought to deal with this. It is a \$50 billion problem in terms of lost funds.

Since then, of course, we have learned regrettably that the problems with S&L's, of course, are much deeper. Now the calculations are at least \$160 billion in lost funds in terms of costs, not including the interest on these institutions that have failed since 1989.

I know that the numbers are very confusing. They are big numbers. They have a big impact in terms of the performance of our economy. I think as we dissect the events of the past few years, I think that anyone would recognize the serious impact that the S&L failures have had on the general health of our economy. It is perhaps the most salient element in the performance of the economy in the 1990's. So it is something that should occupy great attention in this House and certainly the attention of the President.

What I fear and what I want to convey today is, first of all, my recognition of the work that these band of Members are putting together to focus on some of the concerns that they have with the RTC management. I think it is absolutely essential. They have dealt with in excess of \$350 billion worth of assets. They have disposed of or at least collected on some \$250 billion, and they, of course, in the future will deal with hundreds of billions of more sale of assets. And these are, of course, the assets that are most difficult to sell.

So they have a profound impact on our economy.

What really is concerning me today is that when the President rose in 1989, to deal with this issue, he said,

Never again will we let financial institutions, S&L's or banks, function when they don't have any of their own dollars at risk. Never again will we permit them to be gathering deposits without investment from the private sector and the taxpayer bearing the brunt of the risk in the equation of that financial institution.

Unfortunately, I think that "never again" has come to mean "or until the next Presidential election," because in Director Reischauer reporting to the Committee on the Budget and the Senate, he pointed out that the phenomena that is now going on in the administration in terms of the conduct and regulation of the S&L's and banks is unprecedented in terms of the regulation that took place. He had to go all the way back to 1988 to find the same phenomena going on. So I think it is not a coincidence that 1988 was a Presidential election year and 1992, of course, as we all know, is a Presidential election year.

I think this speaks to a very dramatic concern, as the administration attempts to portray to us the fact that the S&L issue, the troubled S&L problems are nearly over. Clearly, there are a number of elements that have resulted in bank profitability and S&L profitability to date that are unheralded. The 3½-percent discount rate, the number of refinancing, the amount of refinancing that is going on.

My concern is that the administration today seems willing to participate in restarting up the forebearance merry-go-round with regard to regulation that persisted and caused us great difficulty during the 1980's. I think we all ought to look back on that, whatever the good intentions, as a result, I think, have been very profound and a very big problem in the 1990's in terms of its impact on our economy and on certainly our national budget.

The concern today, I think, persists. I think it is important that we point out, when we talk about the troubled S&L's and the lost funds that are going in have been placed and expended to defend and to make good on over \$20 million taxpayers' savings that were in these S&L's. Twenty million people have had their savings safeguarded in the process. So there is, I think, at the base of this a justification, a very important responsibility that all of us bear in terms of trying to resolve and address ourselves.

We are not up here, I do not think anyone is suggesting that we are voting for or asking others to vote for dollars to help the S&L's alone. We are trying to help the depositors that in good faith relied on the commitment of the Deposit Insurance in those S&L's and are today still relying on that.

I would suggest to my colleagues, if, but for the fact that we had met that particular responsibility in commit-

ment, that our economy would be in much more difficult shape today than what it is. We would not be in a recession or a structural economic recovery, as we are in today, which still has structural problems in our economy. But perhaps we would be in something far worse. So I just want to add, I think the RTC and the lamentable fact this week, when we learned that the RTC still has \$3 billion remaining from funds that they had not expended, at the same time they are playing political games, jerking Congress around, quite frankly, providing half-truths and bits of information is not helpful. They are unhelpful to providing clarity and building the type of credibility and confidence that we need in this Congress and this House to act on and pass additional funding dollars.

Obviously, I think that we would go to other reforms. There are many, though, that have picked up the signals and the uncertainty and the unfocused policy of the administration at a point where they are suggesting that if the dialog and change in policy is going to be one of forebearance, they have a menu of items that they would like to reconstitute, to recycle. Bad ideas of the 1980's are coming back in the 1990's like a bad penny.

I suggest that if it has been unconscionable to pay for this once, it would certainly be inappropriate to have to pay twice. So I hope that this week, with this latest revelation, we can begin to see the end of the game playing with Congress in terms of this issue and the American public.

We need the President involved in this and focused on this particular problem. This is an enormously important problem to our economy and to the welfare and future of this Nation.

I know what his views are on broccoli. I know that he is angry with some Lawrence Welk appropriations, and asparagus. I guess the guy just does not like vegetables.

The problem that we really have to face up to here are these billion dollar decisions that are being made with regard to how we regulate S&L's, whether or not, for instance, financial institutions, through regulation, should be exempt broadly from, for instance, environmental Superfund laws.

□ 1800

Where is that money going to come from in terms of that rule and regulation change? It is going to come out of the taxpayers' pockets. Who is going to be accountable as to the types of loans that were made when we remove accountability in the process?

These are the questions that should be asked, not suggested as a quick-fix solution to credit availability and to the growth of the economy, because the election is going to be over in November and somebody is going to have to be here to pick up the pieces.

I am very concerned that these quick-fix decisions today that are being made to give back to some of the same special interests the benefits that existed during the 1980's are going to cost us again, and it again just becomes another rhetorical salvo in the Presidential election, so I am very concerned about the direction we are going. I see some hopeful signs this week in terms of the administration directing themselves to the discussion of good will in a forceful way, I think, to put that issue at rest.

I hope that that continues, because if it does not, the administration and the RTC bill got 125 votes the last time it was on the floor. We need 218. The way they are working, we are going to end up with 25 votes, not 218. So I think that this can serve notice that the Members that want to work in good faith on these problems, that want to work for a more efficient and streamlined sales process, that want to eliminate some of these bulk sales that are going on with the RTC where they are not following the game plan but are proposing sales that override and disregard both an open bidding process and financing schemes that they have, the special bulk sales they are providing in Patriot and other issues are undermining the confidence of the general public, and those that are best suited to deal with them in terms of the purchase of many of these assets.

They need that type of rapport. They need that type of effort. I think they should recognize that a considerable amount of work still needs to be done on this, according to their own estimates. As the gentlewoman has indicated, they supposedly have expended \$88 billion or \$85 billion, if they have \$3 billion remaining, as they have suggested. They have asked for \$160 billion. If we add that up, that means they have \$75 billion more of expenditure that has to go on in terms of lost funds in terms of the RTC based on their own estimates. That means they are in midstream.

This is not the time to lose the focus of where we are headed to the other side of the bank, because we are likely to get floated downriver and out into deeper problems, as my friend, the gentleman from New Orleans, can attest, when you lose your way trying to cross the river.

The point is, I think they need to retain that focus on where they are going, and to engage the Congress and the American people in an honest dialog about the nature of the problems and what has to be done rather than trying to gloss over it until after the November election. I think that is one of the reasons we find a great credibility gap and the great concern among our constituencies, is because of the lack of candid discussion, the lack of discussion of real issues in this body, in this administration, and in this country.

These are the issues that should be discussed. They are not popular. I understand that nobody is going to strew rose petals in George Bush's path or anybody else's path, Governor Clinton or Congressman VENTO, or the path of the gentlewoman from Ohio, MARCY KAPTUR, for dealing with these issues. They are tough to deal with.

There are no easy answers, but the fact of the matter is our economy is dependent upon sound decisionmaking on these issues, and I think the public needs to be engaged in this process. I am pleased that the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from Indiana [Mr. JONTZ], and others are going to provide some focus and attention to this issue, and I am glad to join with them in that spirit this afternoon.

Ms. KAPTUR. Mr. Speaker, would the gentleman yield?

Mr. VENTO. I am happy to yield.

Ms. KAPTUR. I wanted to follow up on the gentleman's comments. He has been so diligent as a member of the Committee on Banking, trying to bring these issues forward.

For those of us who do not serve on the committee and who are forced to sit in this House and watch this RTC legislation slip through after midnight on unanimous-consent requests, where we try to get discussion going and there are not enough votes left on the floor, if it is 2 or 3 o'clock in the morning, I think one of the most discouraging aspects of this bill is that the points the gentleman raises in subcommittee and in full committee, and you know the details of this legislation, that the vast majority of Members are never afforded the opportunity to debate this openly on this floor, and rules are written and procedures followed that literally muzzle the vast majority of the Members of this institution who do not sit on the Committee on Banking, and we have to resort to time periods like this one in order to deal with of the most important financial issues facing the country.

I know we all want to support the gentleman [Mr. VENTO] in his important reform efforts for the RTC, and we are really honored by your presence this evening and the guidance you have given to so many of us.

Mr. VENTO. If the gentlewoman will yield briefly, those of us on the committee on Banking have to vote on this day in and day out, and the gentleman in the chair, the gentleman from Delaware [Mr. CARPER], myself, and others, and the gentleman from Massachusetts [Mr. KENNEDY], who is here this evening, we want to develop a dialog and understanding. I think we all want to meet our responsibilities, and obviously to have these issues brought up forthrightly and presented.

I think we also want the administration to follow the game plan that they outlined in 1989, rather than almost on a monthly basis to be reinventing some

new scheme as to why they are dealing with the RTC and how. We have specific provisions in the RTC for the disposition of low-income or moderate-income housing. That has been a silver lining, quite candidly, in many areas. I hope it could work better in others.

We had provisions for providing opportunities for employment to those that are disadvantaged. We had worked through some of the other issues in terms of reform. There are other things that can be done, but I think what really has pulled the rug out from under much of this is the fact that the administration keeps coming up with new schemes. They cannot juggle three balls, so now they have decided to juggle five in terms of many of the RTC programs. Frankly, it is unfair and it is proving to be unwieldy and unworkable.

I hope this dialog that we have initiated this evening will help to provide a constructive framework so we can move ahead with needed legislation and meet our responsibilities and the needs of our constituency.

Ms. KAPTUR. I again thank the gentleman from Minnesota [Mr. VENTO], and I think for dutiful Members like yourself who are trying to make a two-legged camel walk forward, one of the real problems with this legislation in the beginning, in my own view, is that the Bush administration has chosen to finance this by slapping a mortgage on the American people, their children and grandchildren, for several generations to come.

Our responsibility must be to assure the depositors of their funds. However, the way we are choosing to pay for this, and I will say more about that in a second, is truly wrong.

I see that the gentleman from Massachusetts, Congressman KENNEDY, is asking for time to be yielded, and we are so pleased, knowing the herculean fight that he has put on in the Committee on Banking on this issue, we are really pleased that the gentleman can join us this evening.

Mr. KENNEDY. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR], and I first and foremost want to thank her and congratulate her on the vigilance that she has shown, not only in the years she has spent on the Committee on Banking trying to look out for the interests of the taxpayers of the great State of Ohio, but really throughout the country in making sure that those individuals that perpetrated crimes in terms of S&L administrators were brought to justice, that the regulators that dropped the ball were also questioned in a very aggressive manner, and I thank the gentlewoman for her forthrightness in pointing out some of the weaknesses that Congress itself

has to bear on its own shoulders for some of the problems that took place within the savings and loan industry.

I also want to acknowledge the presence of the gentleman from Minnesota [Mr. VENTO] who I think has, probably more than any single Member of Congress, looked out after the interests of the people of this country, and for his work, the thankless job, really, of running the RTC Task Force on the Committee on Banking. This is a job that really you make no friends on; you can never please the people of the country, because all they see is the fact that half a trillion dollars is coming out of their pockets that could have otherwise gone to affordable health care or energy, education, and other badly needed programs in this country.

The reality is that the gentleman from Minnesota [Mr. VENTO] has been, I think, just a hound dog in terms of the way he has gone after an agency that I believe is out of control.

I also see the gentleman from Louisiana [Mr. TAUZIN], who has always shown an interest for the people of the State of Louisiana and has helped considerably in the work of the Congress in general in speaking out on the issues of savings and loans.

The reality is that the situation that we are in today I think is sitting and watching an agency out of control. The RTC at this particular time has just, as the gentleman, Mr. VENTO, and I understand on the task force, we have just been given a report by the GAO which indicates that one office of the Denver regional office has lost \$7 billion in taxpayer money and they cannot find out where it is. They hired a consulting firm that was paid something like \$15 million or \$20 million to determine where the \$7 billion went, and the consulting firm could not find where the money is.

This is an agency that sold the building out of one regional office one day and the same building was then sold to another company out of another regional office the next day. It is an agency that I believe, despite the efforts, the best efforts of the Congress of the United States, is extremely difficult to get a handle on. The lack of oversight by the Justice Department I think has been appalling.

Many of the Members that are in the Chamber right now, the three or four or us that are here, worked very hard to increase allocations of the Justice Department from the \$70 million they use on an annual basis to investigative white-collar crime. I think the four of us worked very hard to increase the allocation by \$35 million to \$105 million, which President Bush, as I recall, resisted.

□ 1810

We have since learned that in the 2 subsequent years after that, \$105 million was allocated, and they did not use

the money. It is not like there were not crooks out there to go find.

We see Michael Milken walking away from a crime that Bill Seidman estimated would cost the American taxpayer between \$5 and \$7 billion, walking away with a \$500 million fine, leaving himself with \$500 million in his back pocket to squeeze by for the rest of his life.

It just seems to me that with 25,000 cases filed in the Justice Department, about 2,000 of them have been acted upon, and we see the average length of jail time served in the United States for white-collar crime, and when you rob a bank in this country with a fountain pen, you serve about 2 years. If you rob a 7-Eleven or a bank with a gun, you serve five times as long. It is about time, I think, this country begins to get serious about where the real crime is in this country.

We are going to hear great debates in the next few months about fat black women on welfare that are considered the problem, when the reality is there are an awful lot of white-collar criminals that are ripping this system far beyond what any welfare mother with dependent children might be taking the system for that are going to be walking away scot-free.

I think if we are serious about getting the RTC under control, and this is an agency, that as I recall in 1990 came before the Chamber, and saying they were going to be bankrupt without a penny to bail out savings and loans unless we gave them, I believe it was \$25 billion. That amendment was defeated on the floor of the Congress shortly before the Christmas break. Somehow or another they found \$18 billion in their back pocket to get them through between, I believe, October and the following April or March. This time they tell us, "We are about to go bankrupt." They find not only the \$3 billion, and first, about 3 days ago, they found \$2 billion, and today they released the fact that it was \$3 billion that they had in their back pocket, and they also, as I understand, as of this afternoon they now claim they have 5 billion dollars' worth of borrowing authority, and Treasury this evening says that they can sell off their working assets to increase their working capital.

So we are left this evening with the notion that they have \$8 billion despite the fact they came before our committee and came before the Congress of the United States indicating that they would be bankrupt unless we acted on their issues just last week.

I think that it is very important that we begin to take some action. My own sense is that we ought to keep this agency on a very short leash. Either they are the worst bookkeepers, the worst accountants in the history of the world, or else they are simply corrupt, and I would tend to believe that it is gross incompetence, or real deceit, that

is taking place on behalf of that agency with regard to their complete disdain for the congressional oversight.

I would like to take this opportunity to remind colleagues that might not be in the Chamber but might be listening that the reality of what we are looking at here is an agency that right now we do not hear a lot about, but believe me, when the reporters of this country 3, 4, 5 years from now, when investigators from various judicial offices have an opportunity to go and investigate this agency, we are going to find case after case of needless waste of taxpayer dollars as a result of either incompetence or perhaps even corruption on behalf of this agency.

I believe that it is incumbent on us to keep them on as short a leash as we possibly can. I feel strongly we ought to endorse the notion of the financial consumer associations around this country to give local jurisdictions, to give ordinary people a right to oversee what is going on in local neighborhoods, to oversee what is going on by this agency in terms of how it disposes of property and to give direct input so that people can have an understanding of how fast real estate is being sold, how slow it is being sold, to whom it gets sold. They are going to have a better idea of who these developers are than we have here in the Congress of the United States.

I also think that it is time that we get the RTC to fully streamline its operations and computerize its operations.

Last but not least, I appreciate the time the gentlewoman is providing me here this evening, but I just think that this notion that we are going through right at the moment that in the case that somehow or another it is up to the Congress of the United States, particularly the Democrats who control the Congress of the United States, to come up with the funding mechanism that is necessary to keep the RTC going while every single time we provide that funding mechanism, the Republicans do not give us a single vote to get the bill passed.

The reality is that if they have got some problem and they are not just trying to play a political game with the American people and on their emotions about the cost of this bill, they ought to tell us up front, both the White House as well as the ranking Republicans on the Banking Committee or the ranking Republicans on this side of the aisle ought to be willing to come forth and lay out to us what conditions they want. If they want the McCollum amendment to say they want the opportunity of bailing out brain-dead savings and loans, savings and loans that are technically bankrupt but they want to infuse into those institutions taxpayer dollars and take the chance that somehow they are going to resurrect themselves and grow out of this

problem, if they want to do that, then I think our chairman, the gentleman from Texas [Mr. GONZALEZ], ought to give them the opportunity. Let them have the vote, and we will see whether or not 2 or 3 years from now the American people feel that that was the right and proper thing to do. I am not going to vote for it, but I believe they ought to be given their day in court.

We ought to go on and get this bill passed. Keep them on a very short leash by providing them with short amounts of dollars and make certain that those dollars are paid for on a pay-as-you-go basis. And while every other program in this Congress, if we are providing health care, housing, or education or energy or crime has to be paid for this year, but somehow we can sit back and allow the savings and loans to be paid for not by our children but by our grandchildren, because our generation of Americans is unwilling to stand up to the plate and pay for our bills as they come due today. I think that is outrageous. I think we ought to stand up and get the job done.

I thank the gentlewoman very much. Ms. KAPTUR. I thank the gentleman. You know, two of the points the gentleman raised as far as paying the bills on this, my problem with this entire bailout scheme from the day it started, the pre-1989 institutions and the post-1989 institutions, was the fact that the Banking Committee did not have jurisdiction on the financing issue. That was in the Committee on Ways and Means, a committee that was never engaged as we moved forward to try to find a solution to this.

So what happened was the Bush administration's bond scheme where they literally put a mortgage on the people of the United States of America for 30 years costing us over \$4 billion just to pay interest due on the bonds that have been floated, that is the way that they chose to finance the bailout of depositors in this country, and yet there were so many alternatives that were available in order to find money to bail out depositors, but they did not choose to do that because it was a lot easier to try to hide the financing scheme in the general Treasury securities offerings which were bought by the bond houses, and only about 10 percent of the American people, as well as foreign bond buyers who can bid on those Treasury security offerings. So what we have done is we have taken a tremendous transfer of wealth that comes from taxpayer dollars that are inflowing into the Treasury, and then they go right back out to pay the interest to the bondholders.

I just stress again that this is now the fifth largest item in the budget of the United States. The transfer of wealth here that is occurring is absolutely historic. It is an untold story, and the Members who are here this evening long past the dinner hour in

Washington, DC, are trying to help enlighten the American public on what is really going on here.

What we are talking about is a solution that was imposed several years ago when the Bush administration first sat in office, and one that has fundamentally never been changed.

Rather than just trying to prop up sick institutions through this bond scheme where we are taking money out of the pockets of the American people and giving it to the bond houses, and then the bond houses providing immediate cash for depositors through those bond sales, there are other ways to go about solving this problem. This House never debated other solutions.

The bond solution was the only one that was presented on this floor.

I will be offering later this evening as a part of this bill an alternative financing mechanism, but in addition to what I will offer, there have been proposals offered to impose taxes on those responsible for much of the mess that we are facing.

The gentleman from New Jersey [Mr. GUARINI] and the gentleman from Massachusetts [Mr. DONNELLY] have a bill to impose taxes to prohibit the double-dipping that is occurring by savings and loan institutions through our Tax Code. That could recover several billion dollars over the next 5 years. The gentleman from Pennsylvania [Mr. KANJORSKI], also a member of the Banking Committee, has proposed an alternative minimum tax that would be placed on foreign corporations operating in this country, not just banking corporations, but other corporations. At a minimum, he projects that that could raise \$30 billion, companies that are not now paying taxes because of transfer pricing mechanisms.

□ 1820

That is a method of getting revenue that could be devoted toward the savings and loan bailout. In addition to that, Congressman HOWARD WOLPE and myself and others sponsored legislation that would ask States that were truly negligent in regulating their savings and loans to pay a small portion of the cost of the bailout. But we were never permitted to consider alternative financing schemes. That is one of the tragedies of this legislation that history will tell.

One of the other major initiatives that has been introduced in the Congress by Congressman BILLY TAUZIN of Louisiana is really, in a way, so profound and yet so simple, and that is we spent so much time trying to get money to prop up sick institutions while at the same time we have done very little to make institutions healthy. Part of this legislation incorporates his bill that would provide a sentence in the Tax Code to permit individual citizens to accrue funds in tax-free savings accounts that would help

stimulate a flow of capital to make sick S&L's healthy and to make healthy S&L's even healthier.

I was astounded—and I see Congressman TAUZIN joining us this evening—to look at the amount of money that has moved out of savings and loans in this country and into credit unions, for example—and I am not against credit unions by any stretch of the imagination, I am a big supporter—but the entire system is working against deposit inflows into savings and loans. The gentleman's idea is so critical, so important, it is amazing to me that the leadership of this institution would not have brought it up the day it was introduced.

Mr. Speaker, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentlewoman for this time and I thank the gentleman for taking this special order and for the attention and the enormous energy she has paid to this problem that seems to grow rather than to go away, and also acknowledge the excellent work of the chairman of the Task Force on Banking, the gentleman from Minnesota [Mr. VENTO] and for his excellent statement today.

If there is one group of Americans who is most at risk here in this debate, it is the American taxpayer. As the gentlewoman has pointed out, we have begun to finance this bailout not simply upon the taxpayers of today but upon the taxpayers of tomorrow and tomorrow and tomorrow by bonding out this debt. We have literally condemned our children and grandchildren to pay for this enormous bailout because we made a commitment to the depositors in the S&L's and banks that failed in America.

How do we go about rescuing them? How do we go about insuring that this does not happen again? That is very important. It occurred to us several years ago, in fact the then-Speaker of the House, Jim Wright, was a cosponsor of the bill then, that one of the ways to insure healthy savings and loans, healthy banks, healthy credit unions for that matter would be to insure that those institutions insured with taxpayer dollars had a ready source of, indeed, money that would be available to loan out at respectable rates to the American public in the course and scope of their businesses. S&L's, banks and credit unions are just like other businesses in America, they deal in a product and a service. Their product happens to be money.

The margin of profit is determined by the difference between the cost of their money and the price at which they loaned out to the American public. That differential is what makes them profitable and keeps them sound.

If the cost of their money is exorbitant, if it is too high and they cannot loan it out at rates in order to make a profit, they fail. In essence it is that

simple a mechanism, although there are much more complex mechanisms involved in the process of running an S&L or bank or credit union. It is that simple difference, the cost of money and the price of money when you loan it out.

Now the cost of money is the interest they pay on the accounts; the price of the money is the mortgage rates they charge us when they loan it back to us. That differential is their profit.

S&L's used to have a thing called regulation Q. That guaranteed to them they would always have a low-cost source of money. Regulation Q was a set rate by which S&L's paid interest to us on the thing we most loved in America called our passbook accounts.

The passbook account was loved by Americans because it was a simple account. There were no restrictions on it. We could put money in it when we could afford to and if we needed it we could withdraw money. The Government did not tell us we had to keep it in for so long, it did not tell us why we had to keep it there and it did not tell us when we could take it out and it did not penalize us for taking it out when we needed to.

So it was a good, simple and very effective means by which Americans saved money and S&L's got low-cost money with which to make low-cost loans available to us for housing and the other things that S&L's loaned us money for.

Regulation Q, as you know, was repealed, all of this effort to change the structure of the S&L's, the banks and to make them all look alike in America.

Part of the result was that the cost of money went up dramatically to S&L's in America. The cost of money to bank's, S&L's, reached astronomical heights with inflation. The result was high mortgage rates, with one chasing the other to the point where this country felt an awful situation about 1980 when inflation was running at about 15 percent, 13, 14, and interest rates were running on the prime at 21½. We were in an awful mess.

Well, one of the things we thought might really work again, not only for American taxpayers but American savers and for banks and S&L's, was to give them a chance once again to have a low-cost source of money. If they only had that guaranteed low cost source of money regularly flowing in maybe they could make low-cost loans available to us, maybe in fact they could survive at a healthy pace instead of collapsing as they have and this up and down interest rate inflation pace we have been in.

And so we offered a bill sometime ago called the save America plan. What it simply did was to say if Americans have the chance again to save in a tax-free interest account, a tax-free passbook account, that the tradeoff would

be that the interest on that passbook, that tax-free passbook account would be regulated, controlled. It would never exceed the T-bill rate in America. In fact, it would always be some factor below the T-bill rate so there would always be a low-cost source of money for banks and S&L's and credit unions, but it would always in fact be an interest-free account and an account that would have all the flexibility of a regular passbook account that we grew so used to, the kind of flexibility that Americans need frankly in this kind of an economy: Put it in when you can, take it out when you need it, no Government restrictions on time, no Government restrictions on when or how you use your money.

So we offered this bill, the save America plan, with the notion that if we could give American savers the chance to earn some tax-free interest in a passbook account that was purely flexible and indeed the kind they were accustomed to, simple in nature, yet one that Americans knew, loved and understood, that it could provide the source of low-cost money to banks, S&L's and credit unions, that would keep them sound, allow them to make low-cost mortgages available to us in America so that we could continue to grow; grow houses, grow businesses, grow farms, grow factories, grow jobs.

Mr. Speaker, it makes sense. So we proposed it several years ago. Many co-sponsors came on board. Everybody at the Committee on Ways and Means said, "What a nice idea, but this is never going to happen."

Well, I want to congratulate the gentlewoman from Ohio and the gentleman from Indiana [Mr. JONTZ] for picking up on what I think is a good idea, for picking up on it because it serves I think a purpose that the bill reforming the RTC is all about. It serves the purpose of in fact providing help to S&L's, so that taxpayers do not have to come in and rush into the emergency room with another infusion of \$100 billion more. Rather, when we provide help to S&L's with a low-cost source of money derived from savers in America who desperately would love to have a place to save money without paying taxes on the interest, something we ought to encourage in America, if we can put that plan together than we can create healthier S&L's. Healthier S&L's mean less RTC money for bailouts, less failures in S&L's, banks and credit unions, it means a sound economy for us all.

So I want to congratulate the gentlewoman for picking up on the idea, for including it in this reform package because it is the kind of idea, I think, as the gentlewoman spoke just a minute ago, an idea that says there are alternative ways of protecting, enhancing and saving the S&L business in America without bonding and mortgaging the future of our children and grand-

children into a debt they may never come out from under.

I again congratulate the gentlewoman for picking up on the idea. I think frankly if this Congress ever had a chance to vote on a simple thing like that, a simple plan to give American savers a tax-free interest account to save their money, a simple one that they understand and one that would provide low-cost money to banks and S&L's in America, a lot of these problems could have been avoided and certainly would be avoided in the future.

Ms. KAPTUR. I thank the gentleman very much. I think the gentleman's explanation was so clear. It also provides equity to the American people. They are the ones that are being asked to pay the cost of this. What are they getting in return? If they are a depositor, yes, their account is being bailed out in essence. But the rest of the people are not benefiting from the enormous burden that they are being asked to bear. I really do not think the people fully understand how many years they are going to bear this burden, and that the wealth is being transferred from them to very few bondholders of this country.

□ 1830

What the gentleman is talking about is providing equity and some return to the very people who are paying the bill. Why is that a revolutionary idea? It is the type of reason we had the Boston Tea Party in this country, and it is the reason that savings and loans were first set up, to provide a form of savings, which is another issue that we seem to have forgotten about in this country. Everyone talks about it. The gentleman's bill would create the incentive for savings.

Mr. Speaker, I say to the gentleman from Louisiana [Mr. TAUZIN] that I wanted to mention I checked over at the Treasury before this special order this evening because I had this feeling that there is a desire to move away from providing financial benefits to other citizens, and I checked the U.S. savings bonds sales over at the U.S. Department of Treasury because they have changed the way they sell these bonds. They are no longer available in banks, and savings and loans, and credit unions. It is very hard to buy a savings bond, to walk in any place now, get it and walk out with it.

In fact, in my State of Ohio one cannot do that anymore. The individual sales of savings bonds has been cut in half. The Bush administration, at the same time as it favors its bond buddies on Wall Street, and even over in Tokyo, is restricting the sales of U.S. savings bonds to the American people. The average citizen cannot buy these securities that are generally offered in \$10,000 denominations and above. My neighbors in Ohio, they cannot go in and buy those securities. They do not have enough money.

Yet, Mr. Speaker, the gentleman has an idea that would benefit the average citizen, the kind of idea that Washington does not want to accept because he is trying to turn the system back to the American people, and I want to compliment him for being on board early on with that idea and not giving up on it over the years in the face of enormous opposition in this Nation's Capital.

I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the paybacks are enormous. The first payback is that, while we tell our children it is a good idea to save money, in the current Tax Code we penalize them. We tax the interest they earn. We encourage consumption rather than savings.

Second, by creating low-cost money for banks and S&L's, the amount we save in RTC bailouts will more than cover what we lose in Treasury collections from the interest on those accounts.

We have got some CBO numbers on that that illustrate that. When we create a source of money for S&L's at several points below the T-bill rate, we create a pulled-down pressure on mortgage rates in America and, thereby, save money for mortgage holders. Those of us who hold adjustable rate mortgages find our mortgage rates coming down, and guess who the biggest mortgage holder in America is. It is the American Government.

Mr. Speaker, the rate of financing our own debt comes down if we make low-cost money available in America again instead of high-cost money. This simple mechanism can have a 10-to-1 or better payback to the American Treasury if we simply give Americans, all of us, workers all, a chance to save some of our income in a tax-free account, and what it does for S&L's, and banks and credit unions is it gives them low-cost money they need to return to us low-cost mortgages and a growth economy.

Again, Mr. Speaker, I am delighted the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from Indiana [Mr. JONTZ] have agreed to include this part in their reform bill to make the S&L's, and banks and credit unions safer places, healthier places, for us to deposit our funds.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Louisiana [Mr. TAUZIN] for those citizens who are listening in order to promote his piece of this legislation, as well as the entire reform bill.

The number of the bill is H.R. 4924, the RTC Reform Act of 1992, and I wanted to in addition highlight the gentleman's savings proposal, and I wanted to highlight just one additional portion of the RTC reform bill, which is the Citizen Restitution Bond Act which has been separately introduced by myself and has several cosponsors in

the Congress, and the purpose of this provision of the bill is to democratize the current bond offering that is being floated to fund the RTC and to let the American people earn some of the interest from this whole mess rather than just taking their tax dollars and paying that interest to bond holders.

Now the bond scheme is not my favorite way to finance the RTC bailout. However I think a piece of the financing should come from bond sales, but I think those bond sales should be to the average citizen. In fact, if it were up to me, I would order the U.S. Post Office, which has the capability of selling this within 30 seconds over their teller windows, to sell these bonds to the American people, as well as every other financial institution in the country.

As the many listening tonight know, the securities that are now financing the RTC are a mix of Treasury notes, bills, and bonds with a disproportionate emphasis on those securities available in denominations of \$1,000 to \$10,000. To refocus that emphasis, the portion of the bill that I have offered, the Citizen Restitution Bond Act, directs the treasury to issue and advertise bonds to finance the bailout that average citizens can buy in denominations as small as \$100. The citizens' restitution bonds would yield 5 percent more than the standard return on U.S. savings bonds to make them an appealing investment and to furnish the small investor with the return closer to the rate that even foreign investors and big bond buyers get with the current Treasury offerings. Also the bonds would be available through the payroll and Treasury direct systems to encourage a regular pattern of savings critical to raising our low savings rate and freeing us from dependence on foreign sources of borrowing.

Most important, Mr. Speaker, the bonds would allow the small saver to benefit first from the interest on the bailout borrowings. That means average citizens of this country would benefit, not the big bond buyers on Wall Street, and so cumulatively what we are offering as a set of Members this evening with H.R. 4924, the RTC Reform Act of 1992, makes common sense, but it makes common sense for the average citizen, not the wealthiest of our citizens, not the most capital rich of our citizens who sit on Wall Street, but the average American taxpayer.

Mr. Speaker, we know we have to take care of depositors, but we feel that, if we have to help pay for it, then, in fact, they should more directly benefit and have a chance to earn the interest that others are earning now. They should have a chance to be able to create a savings account where they do not have to pay the interest on the first \$1,000. They should also have the right, as taxpayers, to have the Justice Department bring to trial and prosecute those who have done wrong in

this situation, and our own Justice Department has only recovered 1 percent of the restitutions ordered in the cases that have gone to trial. That is wrong.

We have heard support this evening for the affordable housing provisions of this bill. We have heard support for the environmental provisions of the bill. And we have also heard from the gentleman from Massachusetts [Mr. KENNEDY] about creating a citizens financial system within the country similar to our PUCO's, our regulatory agencies for utilities, so citizens would have some voice over the regulations and operations of the financial institutions across this country. The average American taxpayer did not cause this mess. If they have to pay for it, they should benefit directly, and that is what this bill is all about.

I challenge those in power in this institution and those who want to be to seriously consider the RTC Reform Act of 1992. It is a great way to say, "Thank you," to average taxpayers for the multibillion-dollar burden Uncle Sam is asking them to bear. I invite my colleagues to join us in cosponsorship of this legislation, and I thank all of those who have participated with us this evening.

OUR NATION IS IN GREAT PAIN

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 60 minutes.

Mr. MFUME. Mr. Speaker, I will not take the entire 60 minutes this evening, but I will take the time that is required to talk this evening to try to make a point about this very, very ugly situation that we have come to know as the Rodney King affair and the fact that, as a nation, we are troubled this evening and in great pain. That pain is born out of the seeming inability, after almost 200 years, to come to grips with the issues of race in this country and to find a better and brighter way for all Americans to live, but, more importantly, to live together.

When an injustice goes uncorrected, it becomes an evil.

□ 1840

In my opinion, the Rodney King verdict is evil. Only the most foolish among us could say that 56 blows with a metal baton is not excessive force for a swarm of officers trying to fix handcuffs on a kneeling man who was already dazed from the shock of a stun gun.

The fact that the jury reportedly came to its conclusions early makes all of this even more revolting. This is one of the most disgusting displays of courtroom injustice since 1955, when a Southern jury set free two men who later, once they were beyond the reach

of the law, casually confessed to the lynching, to the murder, of Emmet Till.

Still the particulars of this case are not so important as the reverberations that are occurring across this country today. For if we are lucky, this might in fact cause all of America to take a fresh and a new look at racism, long after it has grown weary of black charges of discrimination and second-class citizenship.

I believe that there has always been the expectation on the part of the larger society that if in fact opportunities were provided, African-ancestored Americans could work their way out of poverty. But some Americans who feel that we have been given that opportunity and who feel that racism has been subdued in this country and that affirmative action is sufficient to overcome the residue of past discrimination is no longer needed, may in fact be alarmed to see one of the most obvious examples of overt institutional racism since the 1960's.

Perhaps this event might in fact persuade them that we have not graduated from the entrenched racism of the past, because anyone who saw the Rodney King beating and heard the verdict knows, unfortunately, that racism is still alive in America, and knows also that it imposes enormous barriers to African-ancestored Americans seeking, as we do in this country, some semblance of justice.

Among some there seems to be even today a conspiracy to deny this. Recent Federal court cases show the Reagan-Bush judiciary now requiring African-Americans to prove that affirmative action programs and that minority set-asides and scholarship programs and court desegregation orders redress inequities. They have to prove now they are due to past discrimination.

In my own State of Maryland the University of Maryland at College Park has been told by the Fourth Circuit Court of Appeals that its race-based scholarship program is unconstitutional, and that unless the school can prove that the scholarships remedy the lingering effects of past discrimination, that they ought to be abolished.

How in the world can people prove that they are the victims of past discrimination, if in fact Rodney King cannot prove he was the victim of excessive force?

Second, the language of recent court opinions focuses on remedying past discrimination, as if in fact that was the only kind that exists. The King verdict has shown us today's discrimination, and it has shown it to us in the criminal justice system.

Elsewhere, a recent Federal Reserve Board report shows that same kind of discrimination in mortgage lending. The Home Mortgage Disclosure Act revealed evidence that in this country

African-Americans are two to four times more likely to be rejected for mortgages than similarly situated whites, and that higher income black people are rejected for mortgages more often than low-income whites. Disparities exist that cry for attention.

Right now we know regardless of where we are in this country that public school funding formulas nationwide are rigged to guarantee rich schools for rich students and poor schools for poor students, regardless of their color.

Among the few weapons that we have to combat this persuasive institutionalized discrimination are affirmative action programs, the scholarships that I spoke of earlier, all of which is under fire from a growing segment of our Nation and under fire from an increasingly conservative judiciary.

Rodney King was beaten excessively for no good reason. So if there is to be any good to come at all from his beating and this acquittal, let it be that all of us in America stop talking about past discrimination and past racism. Let this trial force all of us today to confront the racism of today and understand the affirmative action programs, and understand that minority set-asides and desegregation plans are not meant to redress only some kind of past racism. Let us also understand that in many respects they are not even sufficient enough to redress the racism of today.

In fact, many of us of African ancestry would happily sacrifice all of those programs if we could be guaranteed, as all Americans should, that from this point forward there would be no more discrimination in school funding, mortgage lending, employment opportunity, and other traditional paths that lead out of poverty.

I looked at the television today and, like most of you around this country, was pained by the awful displays of violence that too often mar the landscape of this Nation. I pain like most of you at the fact that it even had to occur at all.

I remember, like some of you, the riots of 1968, when as a young man, feeling the pain and anguish of a murder of a leader which would well up in me, running out on the streets of my neighborhood and seeing fires, looking at my friends and seeing them sitting on curbs crying, and looking outwardly to this Capitol for some sign of relief. Those were terrible and awful days.

All of us in some kind of way, whether we are linked to them or not, would like to believe that they are in fact behind us. But we look at television tonight and we know that they are not.

What is even more tragic for still others is the kind of pain that I felt, talking to my oldest son, 22 years of age, trembling, upset, not understanding and not being able to come to grips with a verdict that cries out for some sort of explanation, and seeing myself

again 24 years later represented in him understanding that as we are all being called to our graves, I do not want to go there knowing that nothing has changed in this Nation. I do not want to go knowing that this Nation has not learned the lessons of the past.

There has to be an end to the violence that is taking place on the streets of Los Angeles, the wanton indiscriminate acts of violence against innocent people who have done nothing more than what Rodney King did—they happened to be in the wrong place at the wrong time.

We have to find ways to channel that anger, which is justified and understandable, in ways to creatively come up with ideas and action plans that move us beyond this point, and hopefully move us beyond forever, so we are able to effectuate real change.

□ 1850

I understand that anger. I understand that frustration. I understand even more that unless we do something to change the situation that we face, we will, in fact, be doomed to repeat it.

Today many of us called on the President of our Nation and on the Attorney General to immediately institute charges against the officers following this acquittal based on the fact that we clearly believe that there was a violation of Mr. King's civil rights and the civil rights laws of this Nation. We expect due process, and we expect this Attorney General and this President to hear those pleas, to recognize the need now for some sort of action and then to move with great dispatch.

Too many feel that justice still wears a blindfold in too many instances. Too many know that pain is real, that the misery index in our country is increasing, not decreasing.

Some of us came to this body, coming here as we did believing that we would effectuate change for all of America, not the least of which are the downtrodden and the disposed and the dispossessed, people who despair and who look with disdain at the dangerous drift that this Nation has given itself into. They do not want educational shell games. They cannot understand inadequate, unaffordable housing. They do not understand the lack of concern about the need to have adequate prenatal care and nutrition programs for women and children in this Nation. They do not understand the concept or the academic arguments put forth that justify our deliberations hour after hour to find money for the space station and to bail out the S&L's but not time and money or debate to deal with the serious issues of drugs and disease that are wracking the bodies of millions of Americans, even as I speak, the problem of crime, the problem of misguided priorities.

The President says in those respects we have more will than wallet. The

President lies. It is a misnomer. If we had that will, we surely would demonstrate it, and we have not. So the real fight this evening and the evenings beyond this is for the heart and soul of America, but an America where all people have due process and equal justice, to fight for the soul of all of us who live and breathe in this day and age and who know better.

We must be open and honest with our hurt and our pain. We have to have avenues to vent this frustration but they must be creative avenues. We must take time to talk with one another, old and young, black and white, from every section of this country, to talk about this tragedy that grips us as a Nation and to be able, out of those discussions, to move beyond it, not to hide things as if they do not exist.

We know that racial polarization in America is increasing, not decreasing. We have to talk about that. We have to confront that. We know that racial disparities in mortality tables and income and education and health access, those disparities are real.

We have to confront them. We have to learn the awful lesson of the Kerner Commission, that 24 years ago, in its report to President Lyndon Baines Johnson, said, "We are quickly moving towards two societies: one black, one white, separate and unequal," and that we still have the power and the capacity to prevent that.

Twenty-four years later, we have yet to come to grips with that report.

We all hurt, black, white, brown, red, and yellow, those of us who have come to this country freely and those who came against our will, those of us who believe that justice for all must be justice for each one of us.

We hurt, and we cry out for change. We wonder when that change will come.

But for some of us, we must be prepared also never ever to give in. This issue, this acquittal in the Rodney King case is a burden that we all must bear. It is also perhaps the greatest challenge that God has put before us. It is a challenge to take a situation that is real and ugly and to find a way to correct it and to set and make it right again.

I come here, Mr. Speaker, not necessarily with words to talk about programs and initiatives this evening, although I believe they are necessary and long overdue. I come to challenge all of us in this body, and more importantly all of us around this country, to take this understandable anger that we feel and to join hands and to find a way to make it right and to make sure that

not just Rodney King but that everybody and everybody's child grows up in an America where they do not expect and will not come to expect that for them there will be a double standard of justice and for them a vulnerability that dares to threaten their survival in this Nation that I believe is the greatest nation on the face of the Earth.

We have to live up to the true meaning of our legacy when we say that we hold these truths to be self-evident that all people are created equal and that they are endowed by their Creator with certain unalienable rights and that among these shall be life and liberty and the pursuit of happiness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

Mr. PAXON, for 60 minutes, on May 6.

Mr. RIGGS, for 60 minutes, each day on May 5, 6, and 7.

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MFUME, for 60 minutes, today.

Mr. REED, for 60 minutes, on May 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. CLINGER.

Mr. BROOMFIELD.

Mr. MCGRATH.

Mr. MICHEL.

Ms. ROS-LEHTINEN in 10 instances.

Mr. SAXTON.

Mr. RINALDO.

Mr. SCHAEFER.

Mr. THOMAS of California.

Mr. REGULA.

Mr. GALLO.

Mr. GILMAN in 2 instances.

Mr. SMITH of New Jersey.

Mr. SENSENBRENNER in two instances.

Mr. LAGOMARSINO.

Mr. GOODLING.

Mr. BATEMAN in two instances.

(The following Members (at the request of Mr. McNULTY) and to include extraneous matter:)

Mr. PETERSON of Florida.

Mr. LEVIN of Michigan.

Mr. SAWYER.

Mr. DINGELL.

Mr. YATRON.

Mr. CLEMENT in two instances.

Mr. BONIOR in two instances.

Mr. MAZZOLI in two instances.

Mr. ROWLAND.

Mr. ROE in two instances.

Mr. LEHMAN of California.

Mr. FRANK of Massachusetts.

Ms. OAKAR.

Mr. STOKES.

Mr. DELUGO.

Mr. THOMAS of Georgia.

Mr. HALL of Ohio.

Mr. MATSUI.

Mr. BROOKS.

Mr. GORDON.

Mr. DOWNEY.

Mr. LIPINSKI.

Mrs. BOXER.

Mrs. LOWEY of New York.

Mr. ROYBAL.

Ms. HORN.

Mr. FAZIO.

Mr. HAYES of Illinois.

Mr. HERTEL.

Mr. MANTON.

Mr. STARK.

Mr. SANGMEISTER.

Mr. SWETT in two instances.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2454. An act to authorize the Secretary of Health and Human Services to impose debarments and to take other action to ensure the integrity of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes, and

H.R. 3337. An act to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes.

ADJOURNMENT

Mr. MFUME. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.) under its previous order the House adjourned until Monday, May 4, 1992, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of committees of the U.S. House of Representatives concerning the foreign currencies used by them for official foreign travel during the fourth quarter of 1991 and the first quarter of 1992 pursuant to Public

Law 95-354, as well as reports of miscellaneous groups concerning foreign currencies used by them during the 1991 calendar year are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
David Evans	12/12	12/11 12/14	United States Poland								2,639.60 384.00
Committee total					384.00		2,639.60				3,023.60

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY HOYER, Apr. 27, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Esteban Torres	1/5 1/8	1/8 1/12	Russia Portugal		1,264.00 1,100.00						
Committee total					2,364.00		(³)				1,100.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Returned \$246.

⁴ Military transportation.

HENRY GONZALEZ, Apr. 3, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
LaQuietta J. Hardy-Davis	2/4	2/12	France	4,827.27	889.00		387.86	3,648.96	672.00	8,476.23	1,948.86
Committee total					889.00		387.86		672.00		1,948.86

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. CHARLIE RO

CHARLIE ROSE, Apr. 10, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Bob McEwen	1/5 1/8	1/8 1/12	Russia Portugal		1,018.00 1,110.00						
Committee total					2,118.00		(³) (³)				1,018.00 1,110.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military transportation.

JOE MOAKLEY, Apr. 5, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Michael Amitay		2/7	United States				3,730.60				3,730.60
		2/8	Cyprus		500.00						500.00
		2/12	Greece		370.00						370.00
		2/14	Turkey		342.00				78.01		420.01
Elez Biberaj		3/17	United States				1,812.70				1,812.70
		3/18	Albania		496.00						496.00
		3/25	Belgium		218.00						218.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
David Evans	2/26	2/25	United States				3,305.00				3,305.00
	3/3	3/3	Yugoslavia		778.00						778.00
	3/18	3/4	United Kingdom		237.00		109.19				346.19
John Finerty	3/18	3/17	United States				3,663.70				3,663.70
Mary Sue Hafner	2/7	3/24	Russian Federation		1,017.00						1,017.00
	2/8	2/7	United States				3,730.60				3,730.60
	2/12	2/12	Cyprus		500.00						500.00
	2/14	2/14	Greece		370.00						370.00
	2/14	2/16	Turkey		342.00				78.01		420.01
Robert Hand	2/25	2/25	United States				1,756.70				1,756.70
	2/26	3/3	Yugoslavia		508.97						508.97
	3/3	3/4	Germany		188.00						188.00
	3/18	3/17	United States				1,812.70				1,812.70
	3/25	3/25	Albania		782.00						782.00
	3/25	3/26	Belgium		218.00						218.00
Representative Steny Hoyer	1/12	1/11	United States				(?)				
	1/12	1/14	Spain		526.00						526.00
Heather Hurlburt	1/18	1/5	United States				1,057.00				1,057.00
	1/11	1/11	Czechoslovakia		630.00						630.00
	1/19	1/19	Austria		1,424.00						1,424.00
	1/20	1/20	Russian Federation		297.33		(?)				297.33
	1/21	1/21	Byelarus		68.00		(?)				68.00
	1/21	1/22	Ukraine		208.00		(?)				208.00
	1/22	1/24	Turkey		253.40		(?)				253.40
	1/24	1/25	Austria		178.00						178.00
	1/25	2/1	Czechoslovakia		1,470.00						1,470.00
	2/1	2/11	Austria		1,340.10		1,041.11				2,381.21
	2/11	2/12	France		223.00						223.00
	2/12	2/14	Belgium		573.00						573.00
	2/14	3/7	Austria		2,832.21						2,832.21
	3/16	3/15	United States				1,253.00				1,253.00
	3/16	3/19	Austria		543.00						543.00
Michael Ochs	3/18	3/17	United States				3,663.70				3,663.70
	3/18	3/24	Russian Federation		1,070.00						1,070.00
Erika Schlager	3/7	3/6	United States				3,309.90				3,309.90
	3/11	3/11	Austria		684.00		59.73		124.00		867.73
	3/11	3/18	Czechoslovakia		1,820.00						1,820.00
Victoria Showalter	1/13	1/12	United States				3,676.00				3,676.00
	1/20	1/20	Romania		987.80						987.80
	2/5	1/21	Germany		238.00						238.00
	2/11	2/4	United States				1,955.60				1,955.60
	2/11	2/11	Romania		898.06						898.06
	1/18	2/12	Germany		238.00						238.00
Samuel Wise	1/18	1/7	United States				1,537.00				1,537.00
	1/11	1/11	Czechoslovakia		430.00		42.65				472.65
	1/11	1/14	Spain		513.00		15.65				528.65
	1/29	1/28	United States				3,220.60				3,220.60
	2/1	2/1	Czechoslovakia		530.00						530.00
	3/10	2/4	Finland		475.00						475.00
	3/11	3/10	United States				1,981.40				1,981.40
	3/11	3/18	Finland		1,584.00						1,584.00
Committee total					26,900.87		41,725.34		389.21		69,915.42

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³ Military aircraft.

STENY HOYER, Apr. 27, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO—UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. E de la Garza, Chairman	5/10	5/13	Mexico		565.50		(?)				565.50
Hon. Ronald D. Coleman	5/10	5/13	Mexico		322.00		(?)				322.00
Hon. David Dreier	5/10	5/13	Mexico		314.58		(?)				314.58
Hon. William F. Goodling	5/10	5/13	Mexico		322.00		(?)				322.00
Hon. Jerry Huckaby	5/10	5/13	Mexico		399.75		(?)				399.75
Hon. Jim Kolbe	5/10	5/13	Mexico		300.00		(?)				300.00
Hon. Robert J. Lagomarsino	5/10	5/13	Mexico		312.54		(?)				312.54
Hon. Sid Morrison	5/10	5/13	Mexico		311.00		(?)				311.00
Hon. Charles W. Stenholm	5/10	5/12	Mexico		217.00		332.90				549.90
Hon. Robin Tallon	5/10	5/13	Mexico		311.00		(?)				311.00
Hon. Gus Yatron, Vice Chairman	5/10	5/13	Mexico		360.08		(?)				360.08
Elizabeth Daoust	5/10	5/13	Mexico		311.00		(?)				311.00
Marshall Livingston	10/28	10/31	United States		520.01		4388.00				908.01
Shelly Livingston	5/10	5/13	Mexico		321.77		(?)				321.77
	5/10	5/13	Mexico		321.78		(?)				321.78
	10/28	10/13	United States		489.97		4388.00				877.97
Milagros Martinez	5/10	5/13	Mexico		311.00		(?)				311.00
Gerald Pitchford	5/10	5/13	Mexico		311.00		(?)				311.00
Randall Scheunemann	5/10	5/13	Mexico		300.00		(?)				300.00
Mark Tavlarides	5/10	5/13	Mexico		366.90		(?)				366.90
Delegation expenses:											
Control room and inflight expenses									1,762.51		
Department of State language services and other administrative charges									2,609.72		
Supplies and other stationery charges									870.37		
Official delegation functions									928.21		
Committee total					6,988.88		1,108.90		6,170.81		14,268.59

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO—UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1991—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

¹Department of Defense.
²Commercial transportation.

E de la GARZA, Chairman, Mar. 26, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA—UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. E de la Garza	5/23	5/24	Canada		331.61		³ 517.87				849.48
Hon. Sam Gejdenson	5/23	5/25	Canada		1,108.57		(⁴)				1,108.57
Hon. Sam Gibbons	5/23	5/27	Canada		1,200.93		(⁴)				1,200.93
Hon. Harry Johnston	5/23	5/27	Canada		825.39		(⁴)				825.39
Hon. John Miller	5/23	5/27	Canada		833.79		(⁴)				833.79
Hon. Jim Oberstar	5/23	5/26	Canada		482.23		(⁴)				482.23
Hon. Louise Slaughter	5/23	5/26	Canada		466.12		(⁴)				466.12
Hon. Frederick Upton	5/23	5/27	Canada		853.22		(⁴)				853.22
Hon. James Walsh	5/23	5/26	Canada		643.43		(⁴)				643.43
Andrea Adelman	5/23	5/27	Canada		621.73		(⁴)				621.73
Kathleen Bertelsen	5/23	5/27	Canada		651.50		(⁴)				651.50
Elizabeth Daoust	5/23	5/26	Canada		465.77		(⁴)				465.77
Advance trip Naples and Captiva Island, FL	8/6	8/8	United States		277.31		³ 548.00				825.31
Advance trip to Boca Raton, FL	8/22	8/26	United States		397.88		³ 502.00				899.88
Deborah Hickey	5/23	5/27	Canada		648.99		(⁴)				648.99
George Ingram	5/23	5/27	Canada		821.90		(⁴)				821.90
Vic Johnson	5/23	5/25	Canada		483.82		(⁴)				483.82
Randy Scheuermann	5/23	5/25	Canada		478.66		(⁴)				478.66
Michael Van Dusen	5/23	5/25	Canada		482.47		(⁴)				482.47
Miscellaneous delegation expenses									1,365.30		1,365.30
Reimbursable expenses									30.52		30.52
Committee total					12,075.32		1,567.87		1,395.82		15,039.01

¹Per diem constitutes lodging and meals.
²If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³Department of Defense.
⁴Commercial transportation.

SAM GEJDENSON, Apr. 15, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, UNITED STATES/EUROPEAN PARLIAMENT EXCHANGE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Gary L. Ackerman	6/21	6/22	United States		49.00		366.00				415.00
Hon. Doug Bereuter	6/21	6/24	United States		439.92		(⁴)				439.92
Hon. James Billington	6/21	6/24	United States		428.12		(⁴)				428.12
Hon. Thomas E. Coleman	6/21	6/24	United States		424.62		(⁴)				424.62
Dr. James Ford	6/21	6/24	United States		195.00		(⁴)				195.00
Hon. Sam Gibbons, cochairman	6/21	6/24	United States		435.93		(⁴)				435.93
Hon. Ben A. Gilman, cochairman	6/21	6/23	United States		280.17		(⁴)				280.17
Hon. Frank Guarini	6/21	6/23	United States		290.62		³ 183.00				473.62
Hon. Marcy Kaptur	6/21	6/23	United States		268.00		(⁴)				268.00
Hon. Tom Lantos, chairman	6/21	6/24	United States		452.86		(⁴)				452.86
Hon. Bob McEwen	6/21	6/24	United States		414.81		(⁴)				414.81
Hon. Donald J. Pease	6/21	6/24	United States		195.00		(⁴)				195.00
Hon. Thomas C. Sawyer	6/21	6/24	United States		130.00		(⁴)				130.00
Hon. Dick Swift	6/21	6/23	United States		130.00		(⁴)				130.00
Hon. William M. Thomas	6/21	6/24	United States		413.31		(⁴)				413.31
Hon. Guy Vander Jagt	6/21	6/24	United States		280.31		(⁴)				280.31
Hon. Bruce Vento	6/21	6/24	United States		436.43		(⁴)				436.43
Hon. Robert Boyce	6/21	6/24	United States		147.00		(⁴)				147.00
Laura Byrne	6/20	6/24	United States		225.90		³ 205.50				431.40
Elizabeth Daoust	3/04	3/05	United States		72.20		4 226.00				298.20
	5/30	5/31	United States		182.66		4 386.50				569.16
	6/21	6/24	United States		147.00		(⁴)				147.00
	12/11	12/11	United States		99.50		(⁴)				99.50
Elizabeth Davidson	6/20	6/24	United States		229.43		³ 205.50				434.93
Michael Ennis	6/21	6/24	United States		147.00		(⁴)				147.00
Chris Kojm	6/21	6/23	United States		98.00		³ 124.00				222.00
Kay King	6/21	6/24	United States		147.00		(⁴)				147.00
Katherine Wilkens	6/21	6/24	United States		147.00		(⁴)				147.00
Kristine Willie	6/21	6/24	United States		147.00		(⁴)				147.00
Russell Wilson	6/21	6/23	United States		98.00		(⁴)				98.00
Official delegation expenses:											
Interpreting assistance									4,695.84		4,695.84
Ground transportation									4,330.00		4,330.00
Official delegation functions and administrative expenses									29,200.95		29,200.95
Committee total					7,449.41				38,226.49		47,442.40

¹Per diem constitutes lodging and meals.
²If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³Department of Defense.
⁴Commercial transportation.

TOM LANTOS, Apr. 1, 1992.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3394. A letter from the Secretary of Housing and Urban Development, transmitting a report entitled "Public Housing Child Care Demonstration Program—Program Assessment: First Round," pursuant to 12 U.S.C. 1701z-6 note; to the Committee on Banking, Finance and Urban Affairs.

3395. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 13th report on applications for delays of notice and customer challenges under provisions of the Right to Financial Privacy Act of 1978, pursuant to 12 U.S.C. 3421; to the Committee on Banking, Finance and Urban Affairs.

3396. A letter from the Director, Office of Thrift Supervision, transmitting the 1991 annual report on enforcement actions and initiatives, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

3397. A letter from the Director, Office of Thrift Supervision, transmitting the 1991 annual report on implementation of the Community Reinvestment Act; to the Committee on Banking, Finance and Urban Affairs.

3398. A letter from the Director, Office of Thrift Supervision, transmitting the 1991 annual report on the preservation of minority savings associations; to the Committee on Banking, Finance and Urban Affairs.

3399. A letter from the President and CEO, Resolution Trust Corporation, transmitting a report entitled, "Progress of Investigations of Professional Conduct through December 31, 1991," pursuant to Public Law 101-647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

3400. A letter from the President, Resolution Trust Corporation, transmitting a report on the Affordable Housing Disposition Program, pursuant to Public Law 102-233, section 616 (105 Stat. 1787); to the Committee on Banking, Finance and Urban Affairs.

3401. A letter from the Secretary of Health and Human Services, transmitting a report on the effectiveness of State programs and technical assistance relating to child abuse and neglect, pursuant to 42 U.S.C. 5106f; to the Committee on Education and Labor.

3402. A letter from the President, Institute of American Indian Arts, transmitting the 1991 Institute of American Indian and Alaska Native Culture and Arts Development annual report, pursuant to 20 U.S.C. 4422; to the Committee on Education and Labor.

3403. A letter from the Chairman, National Council on Disability, transmitting the Council's annual report covering the period from October 1, 1990, through September 30, 1991, pursuant to 29 U.S.C. 781(b); to the Committee on Education and Labor.

3404. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to authorize the Secretary of Labor to accept and utilize gifts, and for other purposes; to the Committee on Education and Labor.

3405. A letter from the Secretary of Transportation, transmitting the 16th annual report on the Automotive Fuel Economy Program, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

3406. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend certain provisions of the Safe

Drinking Water Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3407. A communication from the President of the United States, transmitting a copy of his executive order taking additional steps pursuant to the national emergency declared in Executive Order No. 12543 of January 7, 1986, as a consequence of Libya's continued support for international terrorism, pursuant to 50 U.S.C. 1641(b) (H. Doc. No. 102-324); to the Committee on Foreign Affairs and ordered to be printed.

3408. A letter from the Inspector General, Commerce, Department of Commerce, transmitting the audit reports on the International Trade Administration's management of its Foreign and Domestic Service Personnel Systems, pursuant to 15 U.S.C. 4721; to the Committee on Foreign Affairs.

3409. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Israel that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

3410. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in March 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3411. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3412. A letter from the Director, Office of Management and Budget, transmitting the financial management status report and Governmentwide 5-year financial management plan, pursuant to Public Law 101-576, section 301(a) (104 Stat. 2849); to the Committee on Government Operations.

3413. A letter from the Secretary of Housing and Urban Development, transmitting the Government National Mortgage Association's [GNMA] management report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3414. A letter from the Chairman, Tennessee Valley Authority, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3415. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Commerce on Interior and Insular Affairs.

3416. A letter from the Chairman, National Indian Gaming Commission, transmitting the Commission's final rule on key terms under the Indian Gaming Regulatory Act, pursuant to Public Law 100-497, section 7(c) (102 Stat. 2471); to the Committee on Interior and Insular Affairs.

3417. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1991, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

3418. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the annual report of the activi-

ties of the Academy-Institute during the year ending December 31, 1991, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

3419. A letter from the Treasurer General, National Society Daughters of the American Revolution, transmitting the report of the audit of the society for the fiscal year ended February 29, 1992, pursuant to 36 U.S.C. 1101(20), 1103; to the Committee on the Judiciary.

3420. A letter from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1993 and 1994 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3421. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Affirmative Employment Program Accomplishments Report, fiscal year 1991; to the Committee on Post Office and Civil Service.

3422. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3423. A letter from the Assistant Secretary of Defense for Production and Logistics transmitting a report on DOD's Metric Transition Program during fiscal year 1991 and on future plans under the metric transition plan; to the Committee on Science, Space, and Technology.

3424. A letter from the Administrator, Small Business Administration, transmitting the annual report for fiscal year 1991, pursuant to 15 U.S.C. 639(b); to the Committee on Small Business.

3425. A letter from the Secretary of Veterans Affairs transmitting a draft of proposed legislation to amend title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

3426. A letter from the Secretary of Health and Human Services transmitting the Department's 1992 Social Security annual report including financial statements, pursuant to 42 U.S.C. 904; 30 U.S.C. 936(b); and 42 U.S.C. 1382(e)(3)(B); to the Committee on Ways and Means.

3427. A letter from the Secretary of Labor transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974 for period ending December 31, 1991, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

3428. A letter from the Acting General Sales Manager, Department of Agriculture, transmitting two additional commodities determined to be available for programming under Public Law 480 during fiscal year 1992, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

3429. A letter from the Director, Office of Management and Budget, transmitting the 14th report on United States costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

3430. A letter from the Secretary of Energy transmitting recommendations by the Defense Nuclear Facilities Safety Board with respect to public health and safety at DOE defense nuclear facilities; jointly, to the

Committees on Armed Services and Energy and Commerce.

3431. A letter from the President, Export-Import Bank, transmitting a summary report reviewing its overall small business programs; jointly, to the Committee on Banking, Finance and Urban Affairs and Small Business.

3432. A letter from the President, Resolution Trust Corporation, transmitting the March 1992 report on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section, pursuant to Public Law 101-507, section 519(a) (104 Stat. 1386); jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

3433. A letter from the Secretary of Health and Human Services transmitting a report on the Indian Health Service with regard to health status and health care needs of American Indians in California, pursuant to Public Law 100-713, section 703 (102 Stat. 4827); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3434. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

3435. A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting notification of a proposed reorganization of the National Technical Information Service, pursuant to Public Law 100-519, section 212(f)(3) (102 Stat. 2596); jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 2936. A bill to establish programs at the National Science Foundation for the advancement of technical education and training in advanced-technology occupations, and for other purposes; with amendment (S. Rept. 102-508, Pt. 1). Ordered to be printed.

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 3360. A bill to amend the Federal Fire Prevention and Control Act of 1974 to promote the use of automatic sprinklers, or an equivalent level of fire safety, and for other purposes; with an amendment (Rept. 102-509, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRUCE:

H.R. 5033. A bill to reliquidate certain entries on which excessive countervailing duties were paid, and for other purposes; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself, Mr. MICHEL, Mr. ANNUNZIO, Mr. POSHARD,

Mr. HASTERT, Mr. LIPINSKI, Mr. HAYES of Illinois, Mr. SANGMEISTER, Mr. EVANS, and Ms. HORN):

H.R. 5034. A bill to amend the National Trails System Act to designate the Illinois National Historic Trail as a component of the National Trails System; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA:

H.R. 5035. A bill to establish the Commission on Executive Organization; to the Committee on Government Operations.

By Mr. DYMALLY:

H.R. 5036. A bill to establish a South African-American Enterprise Fund; to the Committee on Foreign Affairs.

By Mr. GALLO:

H.R. 5037. A bill to amend the Truth in Lending Act to prohibit creditors from extending credit for any residential mortgage transactions under terms and conditions which are less favorable to the consumer than the terms and conditions disclosed to the consumer at the time of application for such credit, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING (for himself, Mr. MICHEL, and Mr. GUNDERSON):

H.R. 5038. A bill to revise the Federal vocational training system to meet the Nation's work force needs into the 21st century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality programs, and a voucher system to enhance participant choice, and for other purposes; to the Committee on Education and Labor.

By Mr. HALL of Ohio:

H.R. 5039. A bill to ensure fair treatment of Department of Energy employees during the restructuring of the Department of Energy defense nuclear facilities work force, to provide assistance to communities affected by such restructuring, to provide medical examinations to certain current and former employees, to provide medical reinsurance for certain former employees, and for other purposes; jointly, to the Committees on Armed Services, Energy and Commerce, Education and Labor, and Post Office and Civil Service.

By Mr. HORTON (for himself, Mr. MCGRATH, and Ms. SLAUGHTER):

H.R. 5040. A bill to reduce until January 1, 1995, the duty on certain watch glasses; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 5041. A bill to prohibit the lifting of the United States embargo of Vietnam; to the Committee on Foreign Affairs.

By Mr. JONTZ:

H.R. 5042. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for equipment or personnel moved outside the United States in connection with closing a business in the United States and to repeal the foreign tax credit; to the Committee on Ways and Means.

By Mr. KENNEDY:

H.R. 5043. A bill to reduce and standardize the leverage limit capital standard applicable to qualified banks on a temporary basis to stimulate the economy by encouraging bank lending to small- and medium-size businesses and to consumers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCGRATH (for himself and Mr. BOEHLERT):

H.R. 5044. A bill to provide for a temporary suspension for certain glass articles; to the Committee on Ways and Means.

By Mr. MCGRATH (for himself, Mr. GEPHARDT, and Mr. LEVIN of Michigan):

H.R. 5045. A bill to improve the enforcement of the antidumping and countervailing duty laws, and for other purposes; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 5046. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction from gross income for contributions to health services savings account; to amend the Social Security Act to provide for universal coverage of basic health needs for all Americans to expand Medicare to include preventive and long-term care services; and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. SAWYER:

H.R. 5047. A bill to amend title 13, United States Code, to require the Secretary of Commerce to prepare annual assessments of the progress being made by the former Soviet Republics and the Baltic States in establishing a free market economy, and for other purposes; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. SCHULZE (for himself, Mr. BUNNING, Mr. ANTHONY, Mr. MCGRATH, Mr. NOWAK, and Mr. MRAZEK):

H.R. 5048. A bill to amend the Internal Revenue Code of 1986 to provide the same amount of exemption from income tax withholding for all gambling winnings subject to withholding; to the Committee on Ways and Means.

By Mr. SLATTERY:

H.R. 5049. A bill to provide for improvements in access and affordability of health insurance coverage through small employer health insurance reform, for improvements in the portability of health insurance, and for health care cost containment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan (for himself, Mr. MARTINEZ, and Mr. SAWYER):

H.R. 5050. A bill to amend the Employee Retirement Income Security Act of 1974 to ensure basic, affordable health insurance is available to all citizens through a UniMed Program; to the Committee on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. STARK (for himself and Mr. BREWSTER):

H.R. 5051. A bill to prevent and detect illegal and inappropriate drug distribution leading to increased health costs and drug abuse by allowing information on prescription of drugs that are controlled substances in schedules II, III, and IV, to be electronically transmitted to and collected by central repositories of designated State health agencies, to improve the confidentiality of patient records, and to ensure improved treatment of pain, mental health related needs, and other patient prescribing needs; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. SCHUMER, Mr. SCHEUER, and Mr. TOWNS):

H.R. 5052. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for the prevention, control, and elimination of tuberculosis; to the Committee on Energy and Commerce.

By Mr. REGULA:

H.J. Res. 477. Joint resolution designating May 14, 1992, as "50th Anniversary of the Women's Army Corps Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H. Con. Res. 314. Concurrent resolution expressing the sense of the Congress that long-term care benefits must be included in any health care reform legislation passed by the Congress; jointly, to the Committees on Energy and Commerce and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

410. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to small issue industrial development bonds; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. HUCKABY, Mr. ZELIFF, Mr. HAMMERSCHMIDT, Mr. GILCHREST, and Mr. PARKER.

H.R. 66: Mr. WEISS, Mr. AU COIN, Mr. JONES of North Carolina, Mr. CLEMENT, Mr. ACKERMAN, Mr. TOWNS, Mr. MANTON, Mr. SERRANO, Mr. MCGRATH, Mr. JEFFERSON, and Mr. CRAMER.

H.R. 187: Mr. FORD of Tennessee, Mr. MRAZEK, and Mr. MAVROULES.

H.R. 428: Mr. NEAL of North Carolina.

H.R. 431: Mr. BAKER, and Mr. WILLIAMS.

H.R. 501: Mr. BLACKWELL, Mr. FASCELL, Mr. RAHALL, and Mrs. COLLINS of Michigan.

H.R. 617: Mr. PENNY, and Ms. HORN.

H.R. 643: Mr. RICHARDSON.

H.R. 747: Mr. SWETT, Mr. DWYER of New Jersey, and Mr. LEHMAN of California.

H.R. 780: Mr. BEILENSEN, Ms. PELOSI, and Mr. COX of California.

H.R. 784: Mr. KILDEE and Mr. GILCHREST.

H.R. 793: Mr. CONYERS.

H.R. 815: Mr. MANTON.

H.R. 917: Mr. LIVINGSTON, Mr. CAMPBELL of Colorado, Mr. ATKINS, and Mr. EDWARDS of Texas.

H.R. 1003: Mr. COBLE.

H.R. 1133: Mr. ATKINS.

H.R. 1200: Mr. TAYLOR of North Carolina.

H.R. 1218: Mr. GUARINI, Mr. ACKERMAN, Mr. GORDON, Mr. SYNAR, Mr. RAVENEL, Ms. OAKAR, Mrs. LLOYD, Mr. LUKEN, and Ms. HORN.

H.R. 1300: Mr. SAWYER.

H.R. 1335: Mr. MURTHA, Mr. DEFAZIO, and Mr. AU COIN.

H.R. 1385: Mr. GEPHARDT.

H.R. 1472: Mr. LEHMAN of California.

H.R. 1497: Mr. NEAL of North Carolina.

H.R. 1502: Mr. PASTOR, Mr. TRAFICANT, Mr. SOLARZ, Mr. CAMPBELL of Colorado, and Mr. PETERSON of Minnesota.

H.R. 1536: Mr. SCHAEFER.

H.R. 1572: Mr. ORTON.

H.R. 1598: Mr. SPENCE and Mr. ACKERMAN.

H.R. 1624: Mr. KOPETSKI and Mr. GILMAN.

H.R. 1771: Mr. ABERCROMBIE, Mr. DOWNEY, Mr. ESPY, Mr. MAVROULES, Mr. ORTON, Mr. SISISKY, Mr. SOLARZ, and Mr. THOMAS of Georgia.

H.R. 1774: Mrs. BOXER.

H.R. 1943: Mr. BALLENGER.

H.R. 1992: Mr. WILLIAMS.

H.R. 2149: Mrs. MEYERS of Kansas, Mr. WILLIAMS, and Mr. MARLENEE.

H.R. 2782: Mr. MORAN, Mr. FEIGHAN, Mr. GEJDENSON, Mr. DICKS, Mr. ANDREWS of Maine, Mr. SWETT, and Mr. RINALDO.

H.R. 3138: Mr. ANDREWS of Maine and Mr. LANTOS.

H.R. 3250: Mr. HUGHES.

H.R. 3395: Mr. SHAYS.

H.R. 3450: Mr. RAHALL.

H.R. 3454: Mr. PERKINS.

H.R. 3459: Mr. BROWN and Mr. DURBIN.

H.R. 3470: Mr. NEAL of Massachusetts.

H.R. 3748: Mr. GEJDENSON, Mr. NEAL of Massachusetts, Mr. BROWN, Mr. PETERSON of Minnesota, Mr. ANDERSON, Ms. KAPTUR, Mr. LANTOS, and Mr. JONTZ.

H.R. 3876: Mr. FAZIO.

H.R. 3981: Mr. ATKINS and Mrs. BOXER.

H.R. 4076: Mr. OWENS of New York.

H.R. 4124: Mrs. LOWEY of New York.

H.R. 4136: Mr. MCCANDLESS, Mr. GUARINI, Mr. TOWNS, Ms. NORTON, and Mr. FOGLIETTA. H.R. 4161: Mr. AU COIN, Mr. SANGMEISTER, Mrs. MORELLA, Mr. DREIER of California, and Mr. EARLY.

H.R. 4175: Mr. SAWYER, Mr. SANDERS, Mr. PALLONE, Mr. ACKERMAN, and Mr. WISE.

H.R. 4190: Mr. PARKER, Mr. MARLENEE, and Mr. CLINGER.

H.R. 4213: Mr. OLVER and Mr. SAXTON.

H.R. 4218: Mr. CARPER and Mrs. UNSOELD.

H.R. 4244: Mr. RHODES and Mr. MCCLOSKEY.

H.R. 4253: Mr. HUCKABY, Mrs. BOXER, Mr. BROWN, Mr. CHAPMAN, Mr. ATKINS, Mr. BLACKWELL, Mr. BUSTAMANTE, Mr. EMERSON, Mr. TOWNS, Ms. PELOSI, Mr. JACOBS, Mr. DAVIS, and Mrs. UNSOELD.

H.R. 4259: Mr. KLECZKA, Mr. MATSUI, Mr. TRAFICANT, Mr. GEJDENSON, Mr. BROWN, Mr. SKAGGS, Mrs. LLOYD, Mr. WEBER, Mr. LEWIS of Florida, Mr. VOLKMER, Mr. MCCREERY, Mr. SKELTON, Mr. KANJORSKI, and Mr. TAUZIN.

H.R. 4271: Mr. MACHTLEY, Ms. MOLINARI, Mr. PERKINS, Mr. GILMAN, Mrs. COLLINS of Illinois, and Mr. BLACKWELL.

H.R. 4333: Mr. PAXON, Mr. RITTER, Mr. MACHTLEY, and Mrs. LOWEY of New York.

H.R. 4341: Mr. SENSENBRENER.

H.R. 4406: Mr. GRADISON.

H.R. 4436: Mr. LIPINSKI, Mr. NOWAK, Mr. PERKINS, Mr. NAGLE, Mr. TRAFICANT, Mr. BACCHUS, and Mr. OLVER.

H.R. 4455: Mr. GUARINI and Mr. STOKES.

H.R. 4476: Mr. CHAPMAN.

H.R. 4482: Mr. SWETT.

H.R. 4493: Mr. FROST and Mr. GUNDERSON.

H.R. 4526: Mr. FROST, Mr. KOLBE, Mr. LANCASTER, and Mr. ROE.

H.R. 4529: Mr. SWETT and Mr. MINETA.

H.R. 4551: Mr. GUARINI, Mr. WYDEN, Mr. ROYBAL, Mr. CONYERS, Mr. EVANS, Mr. OWENS of New York, Mr. WALSH, Mr. ATKINS, and Mr. KOSTMAYER.

H.R. 4599: Mr. HORTON, Mr. MCMILLEN of Maryland, Ms. PELOSI, Mr. MARTINEZ, and Mr. PERKINS.

H.R. 4611: Mr. BALLENGER, Mr. MCCREERY, Mrs. MEYERS of Kansas, Mr. CUNNINGHAM, Mrs. VUCANOVICH, Mr. LIVINGSTON, Mr. RIGGS, Mr. ALLEN, and Mr. DORNAN of California.

H.R. 4613: Mr. ROHRBACHER.

H.R. 4711: Mr. BLAZ.

H.R. 4720: Mr. DONNELLY.

H.R. 4750: Mr. FALCOMA VEGA.

H.R. 4764: Mr. OLIN, Mr. PETERSON of Florida, Mr. ESPY, Mr. SWIFT, Mr. DORGAN of North Dakota, Mr. THOMAS of California, Mr. HUGHES, Mr. LOWERY of California, Mr. NAGLE, Mr. BARNARD, Mr. HAYES of Louisiana, and Mr. VANDER JAGT.

H.R. 4779: Mr. WILLIAMS and Mr. SANDERS.

H.R. 4838: Mr. PAXON.

H.R. 4902: Mr. BERTEUTER and Mr. MCGRATH.

H.R. 5010: Mr. GLICKMAN.

H.R. 5014: Mr. SLATTERY.

H.R. 5017: Mr. FRANK of Massachusetts and Mr. SHAYS.

H.J. Res. 271: Mr. SOLARZ and Mr. BROOMFIELD.

H.J. Res. 290: Mr. MCCLOSKEY, Mr. WISE, Mr. LANTOS, Mr. SHARP, Mr. PETERSON of Minnesota, Mr. MORAN, Mr. VOLKMER, and Mr. TORRICELLI.

H.J. Res. 351: Ms. NORTON.

H.J. Res. 380: Mr. WYLIE, Mr. MATSUI, Mr. SMITH of Oregon, Mr. MONTGOMERY, Mr. ROSE, and Mr. DEFAZIO.

H.J. Res. 388: Mr. JOHNSTON of Florida, Mr. LEHMAN of California, Mrs. COLLINS of Michigan, Mr. VALENTINE, Mr. KASICH, Ms. DELAURO, Mr. PASTOR, Mr. WOLPE, Mr. LEWIS of Florida, Mr. BERMAN, Mr. BRYANT, and Mr. BALLENGER.

H.J. Res. 391: Mr. MCDADE, Mr. JEFFERSON, Mrs. COLLINS of Michigan, Mr. HUBBARD, and Mr. UPTON.

H.J. Res. 393: Mrs. LOWEY of New York, Mr. CARPER, Mr. WEISS, Mr. STALLINGS, and Mr. EVANS.

H.J. Res. 399: Mr. BALLENGER, Mr. MORAN, Mrs. MEYERS of Kansas, Mr. DURBIN, and Mr. SKEEN.

H.J. Res. 411: Mr. LEWIS of Florida, Mr. LUKEN, Mr. RAHALL, Ms. LONG, Mr. HUTTO, Mr. MONTGOMERY, Mr. MOODY, Mr. NEAL of Massachusetts, Mr. FOGLIETTA, Mr. MOAKLEY, Mr. MRAZEK, Mr. MARKEY, Mr. BROOMFIELD, Mr. ORTON, Mr. OWENS of Utah, and Mr. PARKER.

H.J. Res. 422: Mr. CAMP, Mr. GEREN of Texas, Mr. ENGEL, Mr. GREEN of New York, Mr. ACKERMAN, Mr. KILDEE, Mr. TOWNS, Mr. HORTON, Mr. YOUNG of Florida, Mr. GEKAS, Mr. QUILLLEN, Mr. PURSELL, Mr. HENRY, Mr. MORAN, Ms. HORN, Mrs. LLOYD, Mr. WOLPE, Mr. CARR, Mr. CONYERS, and Mr. FORD of Michigan.

H.J. Res. 425: Mr. CAMP, Mr. RANGEL, and Mr. VANDER JAGT.

H.J. Res. 429: Mr. GILCHREST, Mr. CONDIT Ms. KAPTUR, Mr. LANCASTER, Mr. LEACH, Mr. RUSSO, Mrs. MORELLA, Mr. FRANK of Massachusetts, Mr. RINALDO, Mr. MINETA, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. MORAN, Mr. OWENS of Utah, Mr. REGULA, Mr. KASICH, Mr. KENNEDY, Mr. SMITH of New Jersey, and Mr. HERGER.

H.J. Res. 430: Mr. MOODY, Mr. GEKAS, Mrs. MEYERS of Kansas, Mr. SANDERS, Mr. HANSEN, Mr. STAGGERS, Mr. ANNUNZIO, Mr. MANTON, Mr. SLATTERY, Mr. SAWYER, Mr. PAYNE of Virginia, Mr. RIDGE, Mr. FLAKE, Mr. SWETT, Mr. HOAGLAND, Mr. LAFALCE, Mrs. PATTERSON, Mr. MARKEY, Mr. SARPALIU, Ms. SNOWE, Mr. LUKEN, Mr. TORRES, Mr. MAZZOLI, Mr. VENTO, Mr. OBEY, Mr. CONDIT, Ms. DELAURO, Mr. FORD of Michigan, Mr. ROEMER, Mr. HEFLEY, Mr. JENKINS, Mr. MCGRATH, Mr. ROSE, Mr. OLVER, Mr. PETERSON of Minnesota, Mrs. LOWEY of New York, Ms. MOLINARI, Mr. ECKART, Mr. COX of Illinois, Mr. NEAL of North Carolina, Mr. DONNELLY, Mr. GONZALEZ, and Mrs. KENNELLY.

H.J. Res. 442: Mr. VANDER JAGT, Mr. HANSEN, Mr. VALENTINE, Mr. CARPER, Mr. SERRANO, Mr. PICKLE, Ms. SNOWE, Mr. WISE, Mr. RAHALL, Mr. BONIOR, and Mr. SLATTERY.

H.J. Res. 444: Mr. DE LA GARZA, Mr. JACOBS, Mr. EMERSON, Mr. MACHTLEY, Mr. FAWELL, Mr. YATRON, Mr. PERKINS, Mr. DY-MALLY, Mr. DONNELLY, Mr. JEFFERSON, Mrs. MEYERS of Kansas, Mr. MURPHY, Mr. MANTON, Mrs. UNSOELD, Mr. PANETTA, Ms. MOLINARI, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. CARDIN, Mr. BARNARD, Mrs. MORELLA, Mr. QUILLLEN, Mr. DORGAN of North Dakota, Mr. HALL of Ohio, Mr. FISH, Mr. MILLER of California, Mr. HOYER, Mr. MCHUGH, and Mr. GEREN of Texas.

H.J. Res. 445: Mr. GUARINI, Mr. GALLO, Mr. HUGHES, Mr. CLINGER, Mr. FASCELL, Mr. MARTINEZ, Mr. MCGRATH, Mr. DORNAN of California, Mr. GEJDENSON, Mr. RANGEL, Mr.

WEISS, Mr. MAZZOLI, Ms. PELOSI, Mr. McDERMOTT, Mr. TOWNS, Mr. FISH, Mr. HARRIS, Mr. SABO, Mr. LIPINSKI, Mr. MCNUITY, Mr. MCEWEN, Mrs. BOXER, and Mr. HYDE.

H.J. Res. 466: Mrs. JOHNSON of Connecticut and Mr. PANETTA.

H.J. Res. 470: Mr. MAZZOLI, Mr. DORNAN of California, Mr. MATSUI, Mr. GUARINI, Mr. TOWNS, Mr. MORAN, Mrs. MEYERS of Kansas, Mr. GILMAN, Mr. WALSH, Mr. GILLMOR, Mr. NATCHER, Mr. VANDER JAGT, Mr. COX of California, Mr. PERKINS, Ms. LONG, Mrs. BENTLEY, Mr. HUNTER, Mr. SAVAGE, Mr. MCDADE, Mr. COLEMAN of Texas, Mr. CALLAHAN, Mr. CARR, Mr. COSTELLO, Mr. MILLER of Ohio, Mr. DELLUMS, Mr. DE LUGO, Mr. MAVROULES, Mr. EVANS, Mr. ESPY, Mr. HUBBARD, Mr. LAGOMARSINO, Mr. KLECZKA, and Mr. HAMILTON.

H.J. Res. 473: Mr. SCHUMER, Mr. GREEN of New York, Mr. MRAZEK, and Mr. BEILSON.

H. Con. Res. 42: Mr. HEFLEY, Mr. TANNER, Mr. VALENTINE, Mr. SHAYS, Mr. HOPKINS, Mr.

MCDADE, Ms. HORN, and Mr. LEWIS of Florida.

H. Con. Res. 104: Mr. MONTGOMERY and Mr. RITTER.

H. Con. Res. 246: Mrs. BENTLEY, Mr. ROWLAND, Mr. RAHALL, Mr. MCEWEN, Mr. POSHARD, Mr. BRUCE, Mr. SWIFT, and Mr. PASTOR.

H. Con. Res. 310: Mr. RINALDO, Mr. OWENS of New York, Mr. PETRI, Mr. GUARINI, Mr. GEJDENSON, Mr. SWETT, and Mr. HUGHES.

H. Res. 180: Mr. McDERMOTT.

H. Res. 234: Mr. PAYNE of Virginia.

H. Res. 271: Mrs. COLLINS of Michigan, Mr. WASHINGTON, Mr. PALLONE, Mr. SABO, Mr. PASTOR, and Ms. WATERS.

H. Res. 388: Mr. TOWNS, Mr. SCHEUER, Mr. WOLPE, Mr. VENTO, Mr. OWENS of Utah, Mr. WAXMAN, Mrs. MORELLA, Mr. BATEMAN, and Mr. HORTON.

H. Res. 415: Mr. HORTON, Mr. DWYER of New Jersey, Mr. MRAZEK, Mrs. MEYERS of Kansas,

Mr. TOWNS, Mr. MCNUITY, Mr. MCHUGH, Mr. WAXMAN, Mr. DORNAN of California, Mr. BERMAN, Mr. DELLUMS, Mr. JACOBS, Mr. SAXTON, Mr. HUGHES, Mr. SCHUMER, Ms. NORTON, and Mr. FAWELL.

H. Res. 417: Mr. LANCASTER, Mr. DEFazio, Mrs. MINK, Mr. GUARINI, Mr. TORRES, Mr. BERMAN, Mr. DINGELL, Mr. GLICKMAN, and Mr. FOGLIETTA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

- H.R. 2797: Mr. JACOBS.
- H.R. 3221: Mr. RAMSTAD.
- H.R. 3626: Mr. JOHNSON of South Dakota.
- H.R. 4617 through H.R. 4684: Mr. MACHTLEY.

SENATE—Thursday, April 30, 1992

(Legislative day of Thursday, March 26, 1992)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The prayer will be led today by guest chaplain, the Reverend Donal M. Squires, national chaplain of the American Legion, from Fairmont, WV.

Mr. Squires.

PRAYER

The guest chaplain, the Reverend Donal M. Squires, national chaplain, the American Legion, Fairmont, WV, offered the following prayer.

O God, we acknowledge our dependence upon Thee, and once again seek Thy guidance in our decisionmaking process. May we be mindful that the choices we make will have an effect upon someone in this great Nation of ours; therefore, we seek Thy direction that our decisions will be the correct ones.

We pray for each other and for all those with whom we associate this day. Continue to bless this great Nation with leaders possessing wisdom and strength of character. And may we always be mindful of our veterans and the sacrifices which they have made throughout the years. God bless America and the Members and staff of this distinguished body. Amen.

RECOGNITION OF THE
REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, parliamentary inquiry. Has leader time been reserved?

The PRESIDENT pro tempore. Leader time has been reserved.

RESOLUTION ON CONDITIONING
UNITED STATES RECOGNITION
OF SERBIA

Mr. DOLE. Mr. President, events in Bosnia-Herzegovina are an instant replay; the scenes broadcast from that newly independent state are virtually identical to scenes we have seen from Croatia over the last 10 months, only the names of the people killed and the places destroyed are different. In Croatia, the cities targeted were Dubrovnik and Osijek; in Bosnia-Herzegovina, they are Mostar and Sarajevo. In Croatia, churches were destroyed. In Bosnia, mosques are being destroyed.

Mr. President, events in Bosnia-Herzegovina have made absolutely

clear what some of us have known since Slovenia was attacked in June—the aggressor is Serbia, whose ruler, Slobodan Milosevic is a tyrant out of control, and whose murderous rampage needs to be put to an end.

Two weeks ago, the New York Times ran an editorial entitled "Stop the Butcher of the Balkans." I ask unanimous consent that this editorial be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 15, 1992]

STOP THE BUTCHER OF THE BALKANS

Slobodan Milosevic, strongman of Serbia and wrecker of Yugoslavia, may not be as ruthless and reckless as Saddam Hussein. But his aggression against the newly independent republic of Bosnia and Herzegovina has become just as blatant—and just as urgently requires a stern response. Unless the international community acts against him now, thousands may die.

The U.S. and European powers can do much to stop the slaughter: Refuse to recognize Serbia's claims as heir to Yugoslavia, tighten their economic embargo on Serbia and make clear that Serbs face years of international isolation if they allow Mr. Milosevic to remain on the rampage.

Even conscientious outsiders have grown confused and weary by the ceaseless, complex civil warfare. But there's nothing confusing or complex about how much of it arises from the Serbian nationalism whipped up by Mr. Milosevic, Europe's last Communist tyrant.

When the Iron Curtain came down, he rejected a confederation that could have held Yugoslavia together. He resorted to force in a vain attempt to keep Slovenia and Croatia from breaking away. And now, ironically, the blue-helmeted United Nations peacekeepers protecting Croatia free his forces to attack elsewhere.

Now he has wheeled and lashed out mercilessly at Muslim-majority towns in Bosnia. From the hillsides, Serb irregulars, backed by the Serb-led remnants of the Yugoslav Army, indiscriminately blast round after round into Bosnia's defenseless communities.

The multi-ethnic character of those communities is evident in their skylines. The minarets of Muslim mosques and spires of Eastern Orthodox and Roman Catholic churches stand side by side. Bosnia's people—44 percent Muslims, 31 percent Serbs and 17 percent Croats—live side by side. Now, by the tens of thousands, they are fleeing the artillery barrages side by side.

In contrast to Mr. Milosevic's divisiveness, Bosnia's freely elected leaders formed an ethnic coalition to try to hold Yugoslavia together. They broadcast news free of the bilious nationalism that poisons the airwaves of neighboring Serbia. They moved to break free of a Serbian-run Yugoslavia only after Slovenia and Croatia declared independence.

Stymied in Croatia and watching rampant inflation and stagnation sap his popularity,

Mr. Milosevic has aroused Serbia to yet another dubious cause—defending Bosnia's Serb minority against a supposed militant Muslim onslaught.

At home in Serbia, an increasingly vocal opposition resists Mr. Milosevic and his bloody policies. They need the firm backing of the international community. Once again, the world has been slow to react. The U.N. is just now dispatching more blue helmets to Bosnia. The U.S. and the European Community have yet to send a strong enough message to Mr. Milosevic: Get out.

Mr. DOLE. Mr. President, the list of Milosevic's victims grows daily—Muslims, Croats, Albanians, Slovenians, Hungarians, and even Serbs who have the courage to stand up against his warring tactics.

Two days ago, Serbia and its ally Montenegro, proclaimed a new Yugoslavia. Well, in my view, the United States and the international community should not grant this new Yugoslavia diplomatic recognition until it ceases its aggressive activities and repressive policies.

That is why I sponsored a resolution yesterday—that cleared both sides and passed last night—that calls for the United States to withhold diplomatic recognition until Serbia withdraws its forces from Bosnia-Herzegovina and Croatia and until it ceases its brutal repression of the Albanian people and allows them to have a say in their future.

Mr. President, I am pleased that I was joined in offering this resolution by the distinguished chairman of the Foreign Relations Committee, Senator PELL, and the distinguished ranking member on the Foreign Relations Committee, Senator HELMS, as well as the following distinguished Senators: Senator D'AMATO, Senator PRESSLER, Senator GORE, Senator GORTON, Senator MCCAIN, Senator BREAU, Senator GARN, Senator SEYMOUR, Senator MACK, Senator DIXON, and Senator JOHNSTON.

At this very moment, the cease-fires in Bosnia and Croatia are being violated; Serbian forces are occupying significant portions of Bosnian and Croatian territory; and Serbian forces are stealing humanitarian aid sent to Bosnia by the United States and other countries to help the tens of thousands of people who have fled their homes in fear of the broadening Serbian offensive. Meanwhile, there are reports that Serbia is sending a growing number of forces into Kosova, in what appears to be a prelude to even greater brutality against the 2 million Albanians who have lived under the crushing weight of martial law for 3 years.

I think, and the cosponsors of this resolution think, that it is essential that the United States send a message to Serbia, and to Milosevic, that Serbia will be treated as a pariah as long as it behaves in a criminal manner. Secretary Baker has clearly communicated that Serbia's respect or lack of respect for the territorial integrity of the former Yugoslav Republics and for human rights will be the key factor in determining whether or not the United States will recognize Serbia and Montenegro.

This is the right policy to pursue—it puts the United States on the side of freedom, democracy, and peace. I hope that the administration will stick to this course and encourage our allies to do the same. Moreover, if Milosevic does not soon respond, other measures to isolate Serbia will have to be considered.

Mr. President, Serbia's aggression has gone on long enough; we have watched as thousands of innocent civilians have been uprooted from their homes, wounded, and killed. The United States must take a firm stand. This resolution signals such a stand.

This was a bipartisan resolution. I was joined by the distinguished chairman of the Foreign Relations Committee, Senator PELL, and I think about an equal number of Republicans and Democrats. I thank my colleagues for their prompt action on this resolution.

Mr. President, I yield the remainder of my leader time to the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Pennsylvania has 7 minutes, 46 seconds.

THE LOS ANGELES POLICE BRUTALITY CASE

Mr. SPECTER. Mr. President, I urge the Federal Government to act promptly in the wake of the acquittals last night in the Los Angeles police brutality case. Justice must be done in that specific case to give public assurance that there will be appropriate action taken by the Federal Government.

Notwithstanding last night's verdict of acquittal, a criminal prosecution may be brought under the Federal Civil Rights Act without any issue at all of double jeopardy. Beyond that, the Congress ought to be taking a close look, as a matter of oversight, as to what happened in the Los Angeles case with the view to broadening and strengthening the criminal process under the Federal Civil Rights Act.

In hearing the accounts of the jurors as published by the news media today, I believe that the verdict was unjustifiable. The jurors seek to explain their ruling by claiming that when the victim came out of the car, had he responded as the other two occupants, there would not have been any injuries.

However, the standards on police brutality, reasonable force, and excessive force depends upon what happens at each stage of the proceeding.

During my tenure as district attorney of Philadelphia in the late sixties and early seventies, my office brought numerous prosecutions for police brutality and police misconduct. The law states emphatically that only reasonable force may be used to restrain a prospective defendant. The standard for reasonable force has to be judged at every step of the proceeding. So that when an individual is on the ground, subdued, and no longer a threat, there is absolutely no legal justification for repeated pummeling of that individual.

The laws of double jeopardy do not apply when there has been an acquittal under State law. There still may be a prosecution under the criminal provisions of the Federal Civil Rights Act. It has long been my view that there should be review of the adequacy of those provisions. The efficacy of those provisions came sharply into focus in Philadelphia on May 13, 1985, when the police released an incendiary device and a fire engulfed an entire block, burning down a house where a MOVE resistance group was located, and killing 11 people, including 5 children.

When local authorities failed and refused to act on that clear-cut case of excessive governmental force, I called upon Attorney General Edwin Meese in 1985, by letter and personally to act. Again, in 1990, before the statute of limitations expired, I called upon the Attorney General and the Assistant Attorney General in charge of the Civil Rights Division, Mr. Dunn, to move ahead with that kind of a prosecution. For a variety of technical reasons, no prosecution was brought at that time. The incident has led this Senator to conclude that it may be necessary to broaden and to strengthen the Civil Rights Act and the Federal prosecutions thereunder.

In the late sixties when I was district attorney of Philadelphia, there were major problems of excessive police force in many cities in the United States, Philadelphia was no exception. That kind of conduct is obviously not to be tolerated and must be brought into the criminal courts.

It is my hope that action will be taken promptly by the U.S. Department of Justice to initiate criminal prosecution under the United States Civil Rights Act because that may be done without regard to double jeopardy, notwithstanding the acquittal last night.

Beyond the prosecution under the Civil Rights Act, I believe that in the Congress we ought to review that case as a matter of oversight of the judicial system, and take another close look at the Civil Rights Act with the possible view to broadening and strengthening the criminal prosecution procedures.

I thank our leader, Senator DOLE, for relinquishing that time to me.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator from Vermont rise?

Mr. LEAHY. Mr. President, I rise to ask the Senator from Oklahoma if he would yield me some time.

SENATE ELECTION ETHICS ACT— CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now resume consideration of the conference report on S. 3, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany S. 3, a bill to amend the Federal Election Campaign Act of 1971, to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The time between now and 3 p.m. is to be divided and under the control of Senator BOREN and Senator MCCONNELL, each having 55 minutes.

Mr. BOREN. Mr. President, I ask unanimous consent that I might lodge a unanimous-consent request on behalf of the leadership, not related to this matter, and the time not to count against either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOREN. I ask unanimous consent that following disposition of the conference report accompanying S. 3, the Senate Election Ethics Act, there be a period of morning business with Senators permitted to speak therein for up to 5 minutes each; that during the period for morning business, the majority leader or his designee control up to 1 hour; with Senator CHAFFEE recognized for up to 90 minutes; that Senators FORD, KENNEDY, and GRAMM of Texas be recognized for up to 10 minutes each; Senators PRYOR and INOUE for up to 15 minutes each; and Senators BRADLEY and GORE be recognized for up to 20 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATE ELECTION ETHICS ACT— CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. BOREN. Mr. President, it has come to my attention that there is some uncertainty with regard to one portion of the joint explanatory statement of the committee of conference, and I wish to clarify that for the Sen-

ate. Section 102 of the bill places aggregate limits on contributions from political action committees for Senate races, and section 122 contains similar provisions for House contests. These limitations are in addition to the existing limitations on the amount that a single PAC can give to a candidate during an election cycle, as modified in the bill. The conference report discusses the new limitation and the reason for it, but I am afraid that we may have succeeded more in achieving brevity than completeness.

The report refers to the problem that individual PAC limits alone still "result in a number of PAC's with the same interest playing too large a role in funding a congressional campaign." This somewhat cryptic reference was to the well-known problem of PAC proliferation; that is, a group of, say, automobile dealers or real estate brokers dividing themselves into multiple PAC's so that each PAC is able to give the maximum to selected candidates, thereby multiplying the leverage of a particular interest group and doing an end-run on individual PAC limitations.

Obviously, individuals can't do the same thing, although gifts from minor children are something close to it, and we have taken steps to prevent that kind of proliferation as well. Thus, what sections 102 and 122 do is try to stop proliferation by setting outer limits on the amount that a candidate may receive in any election cycle from all PAC's. While the conferees recognized that the fit between the problem and the solution was not perfect, they did not believe that they could responsibly ignore the problem, which has been increasing, and any other method of attacking PAC proliferation would create an enforcement nightmare or simply lead to new ways of evading any limits that we might impose.

This is a very important provision, and it is essential that everyone understand what we were trying to do and why we chose this method of doing it.

Mr. President, I yield 8 minutes from my time on the pending conference report to the distinguished Senator from Vermont [Mr. LEAHY].

VERDICT IN THE RODNEY KING CASE

Mr. LEAHY. Mr. President, first let me say this, before I get to the subject at hand: As an American, as a Vermonter, as a lawyer, and as a U.S. Senator, I know I am bound by the verdict in the Rodney King beating case. I accept that as part of our jurisprudence and court system. But as a human being, I am appalled by this outrageous, obscene verdict which does not appear to comport with the facts, or to be supported by them.

I cannot understand how the jury reached the verdict it did. I spent 8½ years in law enforcement as a prosecu-

tor, as a chief law enforcement officer of my jurisdiction. I cannot imagine anybody accepting the conduct that was brought forward in this trial.

As one who has prosecuted many, many cases and defended many cases in trials, I cannot see how any jury, unless swayed by some motivation of bias, or unbelievable ignorance of the facts, could have reached the decision it did. As Americans, we are bound by the jury verdict and by our system of criminal jurisprudence. I would not change that system. For all its faults and occasional mistakes, it is still the best.

Nonviolent protest is also part of our system, and for the sake of those who have already suffered so much, I urge that whatever protests are mounted be nonviolent.

Mr. President, I wanted to register that, as one human being, I cannot accept what we saw in the Rodney King beating, and I am appalled by the outcome of that case.

SENATE ELECTION ETHICS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. LEAHY. Mr. President, we know there is a wide gap between the rhetoric in Washington and the reality of this place.

The rhetoric always sounds great. We will balance the budget by passing a constitutional amendment. We will end crime by tripling the number of crimes punishable by the death penalty. We will reform political campaigns by getting rid of the special interest groups.

Today we get a chance to actually act instead of talking. The campaign finance reform bill before us would be the first major overhaul of our election laws since I came to the Senate in 1975.

We need this bill. It is a modest, useful first step. It sets minimum standards which candidates can and ought to live by: Total spending is capped; PAC contributions are cut in half; the pernicious practice of bundling is halted; and candidates are required to raise small donations from their home States.

The bill also contains incentives to candidates who comply, including broadcast rates being lowered, and some public financing is contained in the bill.

If you listen to President Bush, however, and his loyal lieutenants who are here in the Senate, you would think this bill is a disaster.

President Bush has singled out the public financing components of the bill—this despite the fact that by the time this Presidential campaign is over, President Bush will have accepted over \$200 million in the same kind of public financing which he says is so terrible.

I think the real problem that appears to my friends on the other side is that

they feel this bill will limit campaign spending. The concept is so threatening to the national Republican Party that it has fueled years of filibusters and veto threats.

It is no wonder. We saw that happened two nights ago; they raised \$10 million in one dinner.

Since I came to the Senate, I have believed that those of us who pass laws should live by their terms. Fourteen years ago, I introduced legislation to do just that, to apply the laws that we pass in Congress to the Congress. I intend to live by the terms of this campaign finance reform bill, whether it is vetoed or not. If we pass it out of here, I will live by the bill. For me, this is the first step—it is not the last—in doing my part to clean up the way the campaign system works.

I grew up in a one-party State, where no Democrat had been elected Governor for more than a century. One Democrat had been elected to the U.S. House of Representatives, but he only served one term before he was taken out. In fact, no Democrat had ever served our State in the U.S. Senate at the time I ran. We were the only State in the Union that never elected a Democrat. I grew up in a family of Democrats. I wanted to be a U.S. Senator. It was an impossible quest and even members of my family felt my ambition exceeded my grasp of reality. They felt a little sorry for me. I am glad my parents saw me sworn into the U.S. Senate.

We had a time in Vermont where the Republican primary was the general election. We were outnumbered in both houses of the general assembly by better than 5 to 1, and outspent by far more than that.

The Republicans kept a State office open 52 weeks a year. We sort of opened up one in the last 3 weeks of each election. Vermonters often did not even know who the Democratic candidate for Senator or Representative or Governor was until they got into the polling booth. That is when they would see the name for the first time on the ballot. It did not matter an awful lot at that point.

The spending that went into maintaining a one-party State was not disclosed in those days, and the way most of the newspapers were controlled, they did not want to look into where the money came from.

But times change. After more than a century, Democrats in Vermont are almost at a parity with Republicans, and for the first time in our State's history it is not just the Democrats calling for election reforms. Some Republicans, to their credit, are right there beside them, because parity has almost been achieved in the Vermont General Assembly.

I find myself in agreement with the Democrats and Republicans in Vermont in asking for this campaign fi-

nance reform, even though the Republicans Party in Washington is not getting the message.

So I am proud Congress is about to pass the first comprehensive campaign spending reform bill since 1974. It is a bill I support. But, unfortunately, it is a bill that is going to be vetoed as soon as the President gets ahold of it.

It is not a perfect bill, but it is a start. I remember very vividly from my own experiences in 1986 just how easily our present campaign laws can be corrupted. When in-kind contributions from the National Republican Senatorial Committee were illegally used to provide my opponent with services and free polling information, my campaign filed a complaint with the FEC. But it took 3 years for the FEC to adjudicate the case, and then to fine the National Republican Senatorial Committee \$5,000 for breaking the rules. Our case was not unique.

Other campaigns also received contributions over the limits. In my case, it did not make any difference because the race was not even close. It is not of much solace to a candidate who does lose a close election.

In 1986 the National Republican Senatorial Committee raised over \$80 million. The Democratic Senate Campaign Committee raised \$13 million. The NRSC committed funds to Vermont and other States both openly and clandestinely, and it took the FEC years to rule on the violations which included accepting and failing to properly report in-kind contributions on excess of the legal limits.

In 1986, the costs of the Vermont Senate election—including the hidden costs that were later found in violation of the law—topped \$3 million—far too much for a small State like ours.

I reported every single dime I received—and every single dime I spent in my reelection campaign. I have followed the same practice this year and hope others will do the same. Whether the contribution is \$1 or \$1,000, the name and address of that contributor is reported in my FEC filing. Every dime of it. I do not know of any other candidate who has followed this practice, but if he or she has—I compliment them for making full disclosure.

In the spirit of open and full disclosure, pledging fully to continue this practice which I must also note has resulted in my recording the greatest number of individual contributions from Vermonters of any candidate who has ever run for office in Vermont—I am also announcing today my intention to voluntarily abide by the law that we approve today—whether the President signs it or not.

As one of the first Senators to voluntarily end the practice of accepting honoraria—before any passage of a pay raise or other incentive—I now prepare to accept the campaign limits contained in this legislation.

Within a few days, I will outline the details of this plan.

Senate campaigns should be about issues—about our vision of the future. This is how I intend to run my campaign again this year.

The limits set by the campaign reform bill mean I can raise for a Vermont Senate election are already too high—\$1.58 million—and I will spend far less than that.

I will put my case for reelection squarely before the Vermonters who have known me all my life. They know where I stand and they know I keep my word.

Mr. President, I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 54 minutes.

Mr. McCONNELL. I yield 6 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank our colleague.

Mr. President, I rise today to address a matter which is of utmost importance to our system of Government. We have before the Senate today a conference report which purports to deal with the issue of campaign finance reform. It does nothing, however, to resolve a major flaw in the system regarding the use and reporting of union funds used for political purposes.

Last May, while the Senate was considering this legislation I offered a simple and straightforward amendment which was rejected largely along party lines. Curiously and significantly, the one of two Democratic Senators to support my amendment was the distinguished Senator from Oklahoma [Mr. BOREN] who advocated for this bill and is a principal advocate for campaign finance change.

I start with the basic premise that no person should be required to support, or forced to give money to, political causes and activities to which that person is opposed. As Thomas Jefferson stated in 1779.

To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical.

My amendment attempted to deal with just one small aspect of the enormous problem of union sewer money being spent for political purposes. That aspect involved the right of American workers who pay union dues or so-called agency shop fees to be informed about the extent to which their unions are spending those dues and fees for political purposes, causes, or activities.

This amendment was basic and limited; it did not restrict or dictate how unions could spend this dues money, it simply required disclosure.

Millions of workers, who may now be in the dark about how their hard-

earned money is being spent in the political process, have the right to this basic information. They should not have to beg for it. Nor should they have to hire an army of lawyers and resort to litigation to obtain it. There is no conceivable reason why it should not be freely provided.

Mr. President, this is a very, very important issue. I remember back in 1982 when I was the No. 1 target of the Democratic National Committee and of the national trade union leadership, I presume because I led the fight against labor law reform in 1978. I can remember raising \$4.3 million to run that race. My opponent had \$2.3 million up front when he had to disclose. Long after that race; we became very good friends, during the race. Afterwards, long afterwards, he came up to me and said, "Orrin, I really did not lack any money in that race." Now translation.

These unions' soft money or sewer moneys are used for voter registration, get out the vote, door-to-door activities, graphics and signs, telephone banks, driving people to the polls, almost everything I had to pay for and disclose fully. None of that was disclosed.

I was beaten up by some in the media for outspending him almost 2 to 1 on what we reported. But there is a real question whether he did not outspend me by quite a bit more because of these moneys he did not have to report that basically were dues-paid moneys that 90 percent of which, or thereabouts, go to liberal Democrats and the other 10 percent go to independent and liberal Republicans.

Mr. President, I have to tell you that that is the scummiest approach toward campaign finance that I have seen in all of my time here on this Earth. The fact of the matter is that neither should be able to use sewer moneys like this.

I have seen the Republicans beaten up this week because they raised a considerable number of millions of dollars, \$9 million to be exact, in a dinner this week. That is a drop in the bucket compared to what the unions are spending without anybody ever knowing you are spending one single nickel.

I have to tell you there is a very decided advantage to those who are arguing campaign reform here today on the other side and that advantage is this: \$200 to \$300 million every year that is going for no other reason, dues money of everybody, 30 percent of them Republicans, going to their party, and to the liberal people in their party primarily. It is wrong. It should not happen. It should not be.

I simply cannot believe that the union leaderships in this country have a legitimate interest in keeping secret what political causes and activities employee dues are being spent to support.

Frankly, I was astounded that my amendment was rejected. Why would

unions have an interest in keeping this information a secret from those employees it represents? After all, if employees are better informed of the political candidates, causes, and activities they are supporting through their dues and fees, the union leadership might enjoy an even greater confidence level in its decisionmaking.

We constantly hear about the decline of the union movement in this country which, not surprisingly, is always blamed on someone else. Perhaps some of those in the union movement should take a careful look at the openness of their own internal processes as a means of retarding this decline.

Even assuming that employees might not like what they see, is that any reason they shouldn't see it?

I must admit that I was frankly shocked to hear the argument made against this amendment that its disclosure requirements would "place an enormous, onerous burden" on unions. After the numerous paperwork burdens that this Congress has freely imposed not only on small businesses in this country, but also on all taxpaying citizens, how could any Member of this body object to ensuring that workers are informed about how their money is being spent on the most fundamental of all American activities, the political process.

How could this be overly burdensome? I doubt that anyone would suggest that unions, even at the local level, do not keep these records anyway. They must, for how else can any organization that represents employees be effective and accountable if it doesn't even know how the dues and fees collected from employees it represents are expended?

This just doesn't sound right to me. I cannot believe that labor organizations—advocates for the rights of working men and women—do not keep track of how they are spending the money collected from those they represent or that they think that simple disclosure to their memberships is overly burdensome.

This modest step, Mr. President, to bring commonsense reform to our campaign laws, as I have previously noted, was rejected last year.

Nevertheless, I am pleased to take note of the fact that recent actions by President Bush have moved this country an important step forward in protecting workers' rights.

As part of a continuing effort to reform the political process, the President several weeks ago undertook significant steps to protect workers' rights recognized by the Supreme Court in *Communications Workers versus Beck*, a landmark decision authored by Justice William Brennan.

This opinion sought to protect workers from being compelled, against their will, to pay fees to unions for activities outside of the collective bargaining

process. Specifically, the Court held that a union may not spend an objecting employee's agency fees to fund political candidates or causes.

As a recent editorial in the *Wall Street Journal* stated quite rightly, "the Supreme Court's message (in *Beck*) was that Americans who belong to unions are entitled to form their own opinions about the political life in this country, rather than have the unions do their thinking for them."

Many have recognized the difficulties workers have faced in exercising the *Beck* rights even after the Supreme Court's decision in 1988. First and foremost, many employees are not aware of their rights. Further, as I argued with regard to the amendment I offered last year, many employees have been kept in the dark with respect to how their fees are being spent.

Steps recently undertaken by President Bush included an Executive order that ensured that employees of Federal contractors are made aware of their rights under the *Beck* decision.

Once again, I cite with amazement the fact that at least one major labor organization criticized this Executive order as "unnecessary and intrusive." A union leader objecting to accountability to his own membership? It is simply incredible.

The *Wall Street Journal* editorial, to which I earlier referred, described the dimensions of this issue as follows:

Since many unions spend 75 percent or more of their dues income on political or other nonbargaining activities, the 15 million Americans under union contracts may soon have the right to withhold most of the \$350 a year they average in dues.

By my calculations, we are talking about over \$5 billion collected annually from working men and women in the form of union dues, a large portion of which goes to activities unrelated to collective bargaining.

Of course, there are some who dispute this figure. Some say it is higher in many cases. And, not unexpectedly, some claim that it is much lower. It is unfortunate that those who argue it is lower could not have persuaded my Senate colleagues to support the disclosure amendment I offered last year which may have resolved this question once and for all.

The relevant inquiry in connection with our consideration of campaign finance reform is simply this: Where on earth does all of this money go?

The figures are quite astounding. It is estimated that in 1988, unions gave \$35.5 million to political candidates. But these numbers hardly tell the whole story. Beyond this \$35.5 million, the unions in this country plowed an estimated \$200 million more into the political process in such in-kind help as free printing and voter registration drives. And you wonder why Democrats have controlled the House of Representatives for 67 of the last 60 years?

The true size of this problem, of course, is difficult if not impossible to calculate, largely because of lax reporting and disclosure requirements. That is why these funds are called union sewer moneys.

Unlike PAC contributions, this soft money does not go directly to candidates in the form of cash contributions. Instead, the money we are talking about pays for indirect benefits for political parties and campaigns.

This money is spent in two ways. Some of it is contributed directly to political parties by the unions. These are known as external contributions. Because this money is undisclosed and unregulated, many reformers would like to see this type of soft money banned. I understand that the conference report does address the external spending issue.

As bad as external spending is, Mr. President, the other type of union spending, called internal spending, is much worse. First, the amount of the internal spending greatly overshadows the external spending amounts. The National Right to Work Committee estimates that the total value of internal union soft money is \$300 million per election cycle.

Internal union spending is focused on three areas. First, a union can spend its treasury funds to pay the overhead cost of operating its political action committee. This, of course, frees up PAC dollars for direct contribution to candidates. There is no limit on this subsidization, and no disclosure.

Second, internal union sewer money is spent on communications to union members and their families. In these, the unions can expressly advocate the election or defeat of candidates for Federal offices. While this type of spending is technically subject to disclosure rules, gaping loopholes allow many union communications to report nothing to the Federal Election Commission.

The third type of internal union sewer money allowed is that spent for supposedly nonpartisan voter education, registration, and turnout programs targeting union members and their families. Unfortunately, many expenditures of this type are not bipartisan, and examples of favoritism to one party abound.

Mr. President, all of this union soft money—or sewer money—creates a twofold problem. First, the huge amounts of undisclosed money being spent to influence Federal elections should alarm every American. This must be a part of any campaign for real reform of campaign finances. Second, the manner in which union sewer money is collected, through the coercion of union—and in some cases non-union—members, tramples the first amendment rights of every individual who is forced to contribute.

As everyone in this Chamber recognizes, virtually all of this money and

assistance goes to one party—the Democratic Party.

Figures indicate that while union members divide roughly into 30 percent Republican and 40 percent Democrat, unions consistently and overwhelmingly support and contribute to Democratic candidates and liberal issues. During 1988, union money went to Democrats over Republicans by a ratio of 10 to 1.

The Wall Street Journal editorial I have cited, closed by accurately describing the impact of the Beck decision and the President's recent actions as follows:

Enforcing the Beck decision doesn't mean that unions will no longer have an active voice in politics. It simply requires them to better separate their political activities from more traditional functions, something that is long overdue. Forcing workers to spend part of their paychecks on causes that violate their beliefs is a crude form of coercion. * * * It is in the long-term interest of both unions and workers that such practices not remain a part of a legitimate union movement.

I commend the President for his efforts, but more needs to be done. Real campaign finance reform must address and limit this union sewer money.

Mr. President, in closing I ask unanimous consent that a copy of the Wall Street Journal editorial to which I have referred, be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 24, 1992]

CHOICE FOR WORKERS

President Bush has finally acted to implement the Supreme Court's landmark 1988 Beck decision, which held that workers can be required by their unions to pay dues only if the money is spent on such job-related services as collective bargaining. The Supreme Court's message was that Americans who belong to unions are entitled to form their own opinions about the political life of their country; rather than have the union do their thinking for them. Since many unions spend 75% or more of their dues income on political or other non-bargaining activities, the 15 million Americans under union contracts may soon have the right to withhold most of the \$350 a year they average in dues.

In his speech last week attacking Congress's failure to pass his economic program, Mr. Bush said "no American should be compelled to give money to a candidate against his or her will" and promised that he would issue regulations to ensure that it doesn't happen.

Codifying the Beck decision involves far more than saving some union members money. Forcing people to contribute portions of their earnings to political causes they oppose violates their First Amendment rights. Or so thought Supreme Court Justice William Brennan. In his Beck opinion, Justice Brennan cited Thomas Jefferson's view that forcing people to finance opinions they disagreed with was "sinful and tyrannical."

The stakes involved in Beck are huge. A special master in the Beck case found that only 21% of the dues collected by the Communications Workers of America went for bargaining-related activities. This meant

that Harry Beck, the former Maryland union shop steward who spent 13 years fighting his case in the courts, was entitled to get 79% of his dues money back, plus interest. Other refunds could be larger. A Michigan judge found a National Education Association affiliate spent 90% of its dues money on non-bargaining activities.

Where does all the extra money go? Much of it is plowed into political causes. In 1988, unions gave \$35.5 million to political candidates and about \$200 million more in such in-kind help as free printing and voter-registration drives. Almost all of this money flowed to liberal Democrats, even though some 40% of union members voted for George Bush in 1988.

Informing workers of their Beck rights could have dramatic results. Currently, some 2.5 million Americans working in union shops have already chosen not to join their union and instead pay only "agency" fees. If just half of them decided not to pay that portion of their fees being used for non-bargaining purposes, labor's political funds would fall by hundreds of millions of dollars.

That explains why unions have vigorously opposed letting workers be informed of their Beck rights. Unions have also blocked efforts to force changes in their accounting procedures so workers can easily learn how much of their dues money goes to politics. Grover Norquist, an activist who has crusaded for implementation of Beck, says that up to now, some Bush administration officials have been intimidated into not enforcing the Supreme Court's ruling, which is now the law of the land.

All this has now changed. President Bush may start implementing Beck by first requiring that all employees of government contractors be informed of their legal rights. He may also press the National Labor Relations Board into expediting hearings into the 250 Beck-related cases pending before it.

Enforcing the Beck decision doesn't mean that unions will no longer have an active voice in politics. It simply requires them to better separate their political activities from more traditional functions, something that is long overdue. Forcing workers to spend part of their paychecks on causes that violate their beliefs is a crude form of coercion (practiced, we might add, at the corporate level by heavy-handed executive collections for Pacs). It is in the long-term interests of both unions and workers that such practices not remain a part of a legitimate union movement.

Mr. HATCH. One last word. This bill does absolutely nothing about this decided loophole advantage to Democrats, not a thing. They are yelling and screaming all the time about Republicans raising money, soft money. I tell you 70 percent of business money goes to Democrats, and almost 100 percent of the union money.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma is recognized.

Mr. BOREN. I yield 8 minutes to the Senator from Kentucky, the chairman of the Rules Committee.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 8 minutes.

Mr. FORD. I thank our colleague.

Mr. President, it is always dangerous on this floor when old arguments are

repeated. If old misleading arguments are not rebutted, there is a danger they will be believed. If old truthful arguments are not repeated, there is a danger they will be forgotten. Therefore, I would like to briefly rebut a few old arguments which have been repeated in the last few days and repeat a few which have not.

It has been suggested on the other side of the aisle that this conference report is unconstitutional. Our bill resembles the Presidential system, which has been held constitutional. But on the other side of the aisle, they say our so-called contingent public financing makes it unconstitutional. Mr. President, I ask unanimous consent to print in the RECORD a nonpartisan opinion obtained last year from the Congressional Research Service which says the contingent public financing in this bill is constitutional.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,

Washington, DC, May 17, 1991.

To: Senate Committee on Rules and Administration. Attention: Thomas E. Zoeller, Counsel.

From: American Law Division.

Subject: Constitutionality of a Provision in S. 3 (102d Cong.) That A Candidate Complying With Spending Limits, Whose Opponent Does Not Comply, Shall Receive Additional Public Financing in the Amount of the Excess Expenditure.

This memorandum responds to your request for a discussion of the constitutionality of a provision in S. 3, the "Senate Election Ethics Act of 1991," 102d Cong., 1st Sess., that a candidate complying with spending limits, whose opponent does not comply, shall receive additional public financing in the amount of the excess expenditure.

In the 1976 landmark case of *Buckley v. Valeo*,¹ the Supreme Court held that spending limitations violate the First Amendment because they impose direct, substantial restraints on the quantity of political speech. The Court found that expenditure limitations fail to serve any substantial government interest in stemming the reality of corruption or the appearance thereof and that they heavily burden political expression.² As a result of *Buckley*, spending limits may only be imposed if they are voluntary.

It appears that the provision in question would pass constitutional muster for the same reasons that the public financing scheme for presidential elections was found to be constitutional in *Buckley*. The Court in *Buckley* concluded that presidential public financing was within the constitutional powers of Congress to reform the electoral process and that public financing provisions did not violate any First Amendment rights by abridging, restricting, or censoring speech, expression, and association, but rather encouraged public discussion and participation in the electoral process.³ Indeed, the Court succinctly stated:

"Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expendi-

¹424 U.S. 1 (1976).

²*Id.* at 39.

³*Id.* at 90-93.

ture limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding."⁴

Because the subject provision does not require a candidate to comply with spending limits, the proposal appears to be voluntary. Even though compensation paid to a complying candidate, in the amount of excess expenditures made by a non-complying candidate, serves as an incentive to limit spending, it does not jeopardize the voluntary nature of the limitation. That is, a candidate could legally choose not to comply with the limitation by opting not to accept public financing. Therefore, it appears that the proposal would be found to be constitutional under *Buckley*.

L. PAIGE WHITAKER,
Legislative Attorney.

Mr. FORD. Mr. President, we have also heard the argument that spending on political campaigns has gone down. Mr. President, as the saying goes, there are "lies, damn lies, and statistics." Every one knows that spending per voter keeps going up. In fact, with the number of large States having Senate races this year, spending is certain to shoot up dramatically this year. I do not hear anyone predicting a decrease.

There is an obvious reason why aggregate spending has leveled off in the last cycle. Fewer and fewer people care to run for Congress. Mr. President, our current system is an incumbency protection system. Our current system scares off challengers. Look at the facts. In 1980, there were 2,288 candidates for House and Senate seats. In 1982, this fell to 2,240. In 1984, this fell to 2,036. In 1986, this fell to 1,873. In 1988, there was another drop in candidates, to 1,792. And in 1990, there were only 1,759 total candidates for Congress.

The number has declined each election cycle. Over the 10-year period, this is a 23-percent reduction in the number of people who even care to run for office. Americans are being given fewer and fewer choices under the current system.

Now, I believe redistricting and the current series of retirements will make this number somewhat higher in 1992. But the long-term trend is clear. Our current system scares away qualified candidates. The money chase limits the choices for voters.

The only way to rectify this is by leveling the playing field for challengers. Under our current system, it is a rare occasion when challengers have the ability to compete with incumbents in fundraising. In 1990, challengers were able to outspend incumbents in only 2 Senate races out of 28. Under our current system, incumbents outspend challengers by a 3-to-1 ratio. Challengers rarely have a fair chance to compete.

But what do the incumbents on the other side of the aisle say? They say

spending limits protect incumbents by restricting the ability of challengers to mount effective campaigns. Mr. President, the fact is that the current system restricts the ability of challengers to mount effective campaigns. Incumbents on the other side of the aisle say it is not in and of itself significant that incumbents outspend challengers. Incumbents on the other side of the aisle say "of course we do." Incumbents on the other side of the aisle say there is no need for a limit because spending beyond a certain point for an incumbent does not make any difference. It is hard to believe that we have actually heard these arguments in the last few days on this floor.

Mr. President, challengers on the other side of the aisle do not say these things. They do not agree with these misleading statements. Thirty-three Republican challengers on the other side of the aisle have written the President and asked him to sign this bill. That is what Republican challengers say.

Mr. President, the current system protects incumbents. The conference report levels the playing field. The arguments we have heard from Republican incumbents simply do not hold water.

But Mr. President, there is something behind these misleading arguments we are hearing. There is something more than what we are hearing. Several weeks ago, another Member from the other side of the aisle made a very revealing comment. It surprised me at the time, Mr. President, but I believe at least it was honest. A Member from the other side of the aisle told me some of his Republican colleagues might have a little paranoia, but that they have identified something called the troika.

Many colleagues on the other side of the aisle apparently believe that this troika will hurt their party more than ours. The troika has three legs. The first leg is this bill, campaign finance reform. The second leg is the motor-voter bill. And Mr. President, the third leg is the Hatch Act reform. I believe this analysis is flawed in many respects, Mr. President. But it is very revealing. Partisan opposition to this bill, the motor-voter bill, and the Hatch Act is virtually assured because of the perceived political impact.

Which leads us to a larger issue. Campaign finance reform in some ways is a good example of why we reach a stalemate so often around here. It is a good example of why Americans are so frustrated with the ability of this Congress to address important issues.

Mr. President, yesterday it was also stated on the other side of the aisle that a Bluegrass poll conducted in my State found that about 60 percent of the people in the poll opposed public financing. Of course many people oppose public financing. They would rather see

us pass a law which simply imposes spending limits on political campaigns. I wish it were that simple. But, Mr. President, section 902 of this bill provides for budget neutrality. It provides that this bill will not become effective until it is funded, and that it should not be funded through general revenue increases, reduced expenditures, or an increase in the budget deficit. So we share the same opinion as those who were mentioned in that Bluegrass poll. In that same poll, an astonishing 88 percent of Kentuckians favor spending limits.

Mr. President, let me refer to another Bluegrass poll conducted in my State. It was discussed a few months ago on this floor—85 percent of the people in my State in that poll believed campaign spending should be limited. It is overwhelming. Since we are so concerned with the polls, Mr. President, I am pleased that this legislation does exactly what the majority of my constituents want.

That poll also said that 86 percent believe the large amounts of money it takes to run a political campaign are a source of corruption in government—86 percent. The Bluegrass poll also said that 76 percent of my constituents believe the large amounts of money necessary for major elections in my State keeps the best qualified people from running from office. I am pleased that this legislation will do what my constituents want by reducing the large amounts of money necessary to run a campaign. The writing is on the wall.

Mr. President, I ask unanimous consent that an article describing this poll be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FORD. Mr. President, the issue is not a simple one. It cannot be explained in less than 30 seconds. But it can be distorted in a phrase. We can call it "food stamps for politicians." Or we can try to find a way to give our constituents the limits on spending they want. We can try to reduce the influence of big money that they feel corrupts the system. I am pleased that the campaign finance reform legislation before us responds to the overwhelming wishes of my constituents in Kentucky. I am proud to support legislation which is so strongly supported in my State. I hope other Senators will reach a similar conclusion about their constituents.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Courier-Journal, Mar. 3, 1991]

ELECTION SPENDING LIMITS SUPPORTED

(By Ira Simmons)

As candidates for governor and other statewide offices continue to raise millions for their campaigns, a large majority of Kentucky voters would like to see campaign spending limited, according to the latest Bluegrass State poll.

⁴ *Id.* at 57, fn. 65.

Wide majorities also think that the large amounts of money required to run a campaign are a major source of political corruption in the state and that high campaign costs keep the best candidates from running for office.

Framing these issues seems to be a general pessimism about government. Asked about the level of ethics and honesty in Kentucky politics, nearly three times as many people said it dropped during the past decade as said it improved.

The poll, conducted Feb. 6-13 by The Courier-Journal, surveyed 605 adult Kentuckians, including 626 who said they were registered to vote.

"It's really clear that the big dollars in elections have gotten people's attention," said Robert F. Sexton, chairman of the Kentucky Center for Public Issues, a non-profit research institution in Lexington. "They are obviously highly frustrated and cynical about the results."

Among registered voters, the poll found that about three in five think the large amount of money needed to run the campaigns is a major cause of corruption in Kentucky politics.

About the same number said large contributors who are seeking influence in government after an election also are a major cause of corruption.

And three in four voters said they think high campaign costs keep the best candidates from seeking public office.

An overwhelming number of Kentucky voters—85 percent—believe that campaign spending should be limited. But they also oppose the public financing of elections as a solution.

Those who said they wanted limits were asked if they supported or opposed giving candidates some tax money if the candidates agreed to limit their spending. The courts have ruled that such limits can't be forced, but states have used public funding to encourage voluntary compliance. Of those asked about the public financing, 51 percent were opposed, 36 percent supported it, and the remainder had no opinion or gave other answers.

"People tend to be very suspicious about public financing," said Richard Morin, director of polling for The Washington Post. "It smacks of Big Brotherism."

Sexton added that people also object to having their tax money support political views they may disagree with.

But state Sen. Michael R. Moloney said, "By the end of this governor's race, with the amounts of money being raised and spent, I believe the people of Kentucky will be willing to say 'stop.' In 1992, they will support campaign-financing laws."

Moloney, D-Lexington, said spending increases with each election. "The figure this year will approach \$25 million, and that is criminal," he said.

Moloney has proposed partial public financing, limits on non-bid state contracts and limits on party contributions used to skirt contributions to individual candidates.

Along with the concern about money and politics, the poll found widespread pessimism about government.

Among all adults polled, almost half said they thought local elected officials cared more about making things better for a few special interests than for the majority of the people.

Asked about the level of ethics and honesty in Kentucky politics, only 11 percent said the level had improved in the past 10 years; 47 percent said it had stayed the same; and 30 percent said it had fallen.

On all questions, the percentages were similar for Democrats and Republicans.

Kentuckians' views may not be as pessimistic as the nation's.

In an ABC News/Washington Post national poll in September, 61 percent said the chief elected officials in their areas cared more about special interests than the majority of the people—compared with 49 percent in the Bluegrass poll, which asked a similar question.

But Morin said the overall findings about attitudes toward government in the state poll were roughly consistent with national findings.

Generally, he said, people have "a profoundly cynical view of government." This has been a long-term polling trend, even though trust in government improved significantly during the 1980s. Trust was high during the 1950s and 1960s, he said, but declined sharply from the mid-1970s to the early 1980s, a period bracketed by the Watergate scandal and the Iranian hostage crisis.

The poll found that blacks were more likely to feel local officials were looking out for special interests—78 percent, contrasted with 47 percent for whites.

In the economic breakdown, those with total household incomes of less than \$15,000 annually were more likely to feel officials were most concerned with special interests than were people in higher-income households.

The poll's margin of error means that, in theory, in 19 of 20 cases the poll results would differ by no more than 3.5 percentage points from the results that would have been obtained by questioning all Kentucky adults with telephones. The margin for the 626 registered voters is 3.9 points.

Q. Do you think the large amounts of money it takes to run a political campaign are a major cause of corruption, a minor cause, or not a cause of corruption in Kentucky politics and government?

Major cause of corruption, 62%.

Minor cause of corruption, 24%.

Not a cause of corruption, 4%.

No opinion, 10%.

Q. Do you agree or disagree that large amounts of money necessary for major statewide election campaigns in Kentucky have kept the best qualified people from running for office?

Agree, 76%.

Disagree, 14%.

No opinion, 10%.

Q. Would you say the local elected officials where you live care more about making things better for the majority of the people there, or care more about serving a few special interests?

Care more for majority of people, 35%.

Care more for special interests, 49%.

No opinion, 16%.

The PRESIDING OFFICER. The junior Senator from Kentucky is recognized.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. PRESSLER. Mr. President, I am very much in favor of campaign reform. But this legislation is a tragedy—a partisan bill in a partisan year. It is what is wrong with Washington. It is why Congress is not respected.

We all know that this bill has been written by members of the majority

party to favor them. For example, it does not eliminate political action committees [PAC's]. The conference report in fact will encourage the development of and proliferation of labor union PAC's. It does not eliminate "sewer money" spent by labor unions, though it does for the political parties. Most unsettling is this legislation's heavy reliance on taxpayer dollars to fund campaigns. The American people cannot afford the tax dollars this legislation proposes to spend on congressional campaigns.

I hope the President vetoes this legislation, as he has indicated he will. I shall support the President on that veto.

This is quite a different bill than the one the Senate passed last year. It is a travesty that an attempt will be made to use this legislation as an example of campaign reform when in fact it is not. I think the American people will see through it.

The bill the Senate passed last May eliminated PAC's entirely. The conference report does not. The conference report does not eliminate "soft money" or "sewer money" spent by labor unions.

It will put our Nation deeper in debt by causing the taxpayers to subsidize political campaigns to the tune of \$250 million per election. It also taxes broadcasters about \$50 million per election by requiring price discounts for politicians to run their commercials.

The conference committee cut and pasted together two separate sets of campaign rules, one for the Senate and one for the House. Furthermore, the conference committee throws wide open the doors to public financing of congressional campaigns. Estimates place the cost of public financing and broadcaster subsidization at nearly \$1 billion over a 6-year Senate election cycle. In this time of record Federal deficits, I cannot support that type of spending.

Moreover, the conference report supports campaign spending limits, which principally favor incumbents.

Because of the different campaign rules of the Senate and the House, costly public financing and spending limits, S. 3 will be vetoed by the President. There are not enough votes to override the President's veto.

I am committed to responsible campaign reform, but this legislation is not true campaign reform. I cannot support the conference report. I continue to support real campaign reform.

Congress will visit this issue again. When it does, I hope we can write legislation that has a real chance to become law and brings true reform to campaigns for the U.S. Senate and House of Representatives. In my book that includes eliminating PAC's and eliminating sewer money, not only for political parties, but also for labor unions.

Mr. President, I have several questions I would like to submit to my col-

league from Kentucky in the form of a colloquy. Perhaps we can do that at this point. Proponents of the conference report state this legislation is a start toward controlling the influence of political action committees. Is that an accurate reading of this legislation.

Mr. MCCONNELL. I say to my friend from South Dakota, absolutely not. If anything, PAC's are going to have more important Senate legislation. To the extent this legislation allows private funding at all, that portion will be completely dominated by PAC's, on the House side continuing with the \$5,000 per election; on the Senate side, as my friend pointed out in his statement earlier, we had in the Senate version adopted the position previously advocated by myself and subsequently most Republicans of eliminating PAC's altogether. They are back in the conference report. Now it is \$2,500 allowable in the Senate. Clearly, PAC's will be a bigger factor under this conference report than they are at the present time.

Mr. PRESSLER. Those in favor of the conference report hail the spending limits it contains. Are these spending limits subject to any loopholes?

Mr. MCCONNELL. Massive loopholes. The first loophole referred to by Senator HATCH earlier, and yourself, does absolutely nothing about nonparty soft money, the real sewer money in the system, labor union spending, tax exempt organization spending and the rest. In addition to that, written into the conference report there is a major loophole for what is called compliance costs in House races. This will be a massive loophole through which you could drive a truckload of lawyers and CPA's. So these are spending limits that clearly will not work.

Mr. PRESSLER. Last May I voted for S. 3, which was called the Senate Ethics Election Act of 1991. Proponents of the conference report claim this is the same legislation the Senate passed last year. Is that a fair reading of the legislation we will vote on today?

Mr. MCCONNELL. This is a very different piece of legislation. The most significant way in which it varies from the bill you voted for last summer is that it does not in any way abolish PAC's. In fact, it strengthens PAC's.

Mr. PRESSLER. Finally, does this bill go far enough in stopping the use and abuse of "soft money," commonly known as "sewer money?"

Mr. MCCONNELL. Absolutely not. This bill seeks to restrict political party activities, something David Broder, probably the most famous political reporter in the country, thinks is a terrible disaster. As I indicated earlier, it does absolutely nothing to restrict the activities of groups that hide behind the Tax Code and spend unlimited and undisclosed amounts in behalf of campaigns, so it has massive loopholes and does nothing about nonparty soft money.

Mr. PRESSLER. Does this legislation treat candidates for the Senate and the House of Representatives equally?

Mr. MCCONNELL. It has two sets of rules. An interesting question is what happens when you have a Congressman running for the Senate? It is absolutely insane to have two different sets of campaign standards for Federal office, one for the House and one for the Senate.

Mr. PRESSLER. I thank my colleague.

Mr. MCCONNELL. I thank my friend from South Dakota for his excellent statement as well.

Mr. BOREN. I yield 7 minutes to the Senator from Tennessee [Mr. SASSER].

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 7 minutes.

Mr. SASSER. I thank my friend from Oklahoma.

Mr. President, I want to congratulate and commend the distinguished Senator from Oklahoma [Mr. BOREN] for the splendid job that he has done in putting this campaign finance reform bill together. I think it is a landmark bill and a landmark effort on the part of our friend from Oklahoma, and I think the entire U.S. Senate and certainly the American people should be grateful to him for his efforts.

Passage of this legislation is long overdue. The money chase that candidates for public office must engage in has to come to a halt. We need a voluntary limit on campaign spending. We need a limit for a lot of reasons, ranging from the need to encourage more of our citizens to run for elected office to the need for elected representatives of the people to have more time to do the peoples' business of governing this country as opposed to running nonstop all over the country from one part to another raising money so they can run for reelection.

This legislation has a number of features which I think merit our support. One, it places voluntary limits on campaign spending. It provides incentives through reduced mailing rates and cheaper broadcast time for candidates to accept these voluntary campaign spending limits. It does require that a candidate for the Senate, for example, to raise from \$90,000 to \$250,000 in funding in order to qualify, but it also enables a candidate to have the wherewithal to respond to independent, third party expenditures that might be made against him or her.

Limits on personal contributions to a campaign that are contained in this bill prevent a wealthy candidate from simply spending millions of dollars of his or her own money to buy their way into an election and to, in essence, purchase a seat in the Congress.

Congressional leadership PAC's are also prohibited and there are new restrictions on the so-called bundling of campaign contributions to candidates

for Federal offices. We recently saw the most flagrant of use and abuse of the bundling concept in the \$9 million fundraiser that the Republican Party hosted just the night before last and, according to news accounts, if you raised \$92,000 through bundling or some other way, then you had the right to get your picture made with the President of the United States. I hope that those news accounts are wrong, but I suspect they are not.

We do know the beneficial effects of campaign financing reform at the Presidential level. Presidential candidates, once they receive their party's nomination, receive full public funding after that date if they agree to spending limits. As of 1992, when George Herbert Bush receives his party's nomination, he will have received over \$200 million in campaign funds from the Treasury fund which provides for public financing of Presidential elections. I see nothing wrong with that. I applaud the public financing of Presidential elections and I do not understand why the President thinks it is all right for his election or reelection effort to be funded out of the Treasury but thinks it is evil in some way for the campaigns of Senators or those who aspire to the House of Representatives to be partially funded out of the Treasury.

What is the benefit of a system such as that which covers the election for Presidential office? I think it ought to be obvious to everyone that it frees the candidate for the highest office in this land to discuss the issues with the American people, to lay out his platform or her platform, to engage in public debate about the values and the policies that the candidate stands for, rather than spending most or all of their time running around the country seeking to raise excessive amounts of political money.

This bill does not provide for direct public financing of Senate and House candidates, but it does set spending limits on campaign funding, and it does provide benefits to candidates in the form of reduced broadcast rates, broadcast vouchers and low-cost mail rates.

It does free the candidate to attend to the most important part of the election process, setting forth the policies and the programs that he or she believes are best for the country.

Some ask, well, why should we go forward with this bill? It is obvious the President is going to veto it. It is obvious the veto is going to be sustained here in the Senate. I think the American people are growing very weary indeed of Government by minority, and that is what we are seeing every time this President vetoes a meritorious bill here in the Congress.

People know that this veto is simply an affirmation of the status quo. It is an affirmation of Government by the minority. It is business as usual, and that is what they are sick and tired of.

Yes, we need to move forward with this bill. Changes are desperately needed in our system of campaign financing. When you have a system where the average cost of winning a seat in the House of Representatives costs \$400,000, and the average cost of winning a seat in the U.S. Senate is \$4 million, the American public knows it is time for a change.

So we can take a major step toward campaign financing reform by supporting this conference report and by restoring the power of the people over the power of the special or monied interests in the current electoral process.

I urge a vote in support of the conference report.

Mr. MCCONNELL. Mr. President, I yield 4 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 4 minutes.

Mr. KASTEN. I thank the Senator.

Mr. President, I rise today in opposition to the conference report on S. 3, the Election Reform Act of 1992. I believe that the people of America are right to be angry—damn angry—about the way that our political process is working. In my view, and I think in the view of the people all across the State of Wisconsin, genuine campaign reform is absolutely essential. We have to rescue the democratic process from the abuses that are now eroding public confidence.

That is why it is essential that we oppose any so-called reform that only codifies and perpetuates the cynicism of the current process. This bill does nothing, nothing at all, to address the real malfunctions of the system. Instead, it asks U.S. taxpayers to subsidize the current system.

S. 3 is a fig leaf, a disguise to cover up the unwillingness of the majority party to consider genuine reform.

What does this bill actually do? First of all, it says it limits campaign spending and claims that this will result in a more free and fair election process. This is absolutely false. You might as well call this part of the bill the "Incumbent Protection Act of 1992," because to equalize spending by both challengers and incumbents leaves the incumbents with huge advantages in any campaign. A challenger does not have staff assistants paid for by the taxpayers, or free office space, or the privilege of sending franked mail, or the substantial name ID, the name recognition enjoyed by most incumbents.

So to insist on dollar equity in campaign spending is to essentially lock out these challengers, to deny them an even playing field in the elections. Because it is an effective denial of free speech, it impinges on the first amendment. And that is why, in a letter to all Senators dated April 27, 1992, the American Civil Liberties Union has expressed its strong opposition to this

bill; because it denies challengers the effective rights of free speech.

Second, as if to add insult to injury, the bill asks taxpayers to subsidize the very system that denies them a fair choice. Public funding of these congressional campaigns is expected to cost \$250 million in Treasury funds for the 1994 congressional elections alone.

The American people are, frankly, fed up with the current campaign process. And what this bill does is ask the American people to subsidize the very system that they are fed up with.

This is unacceptable. It is the equivalent of welfare for political candidates. But actually, that comparison might be unfair to welfare recipients, because in many States, welfare recipients have to meet a work requirement in return for a taxpayer subsidy.

This bill would make a taxpayer subsidy available to any lunatic-fringe candidate without regard to his or her affiliations or beliefs. This is already happening on the Presidential level. Taxpayers have funded Lyndon LaRouche, a convicted felon, to the tune of \$1.78 million since 1980; and we have funded Lenora Fulani, an obscure Marxist professor, to the tune of \$2 million since 1988. And most of us cannot name or do not know who this individual, Lenora Fulani, is.

The American people think—and I agree with them—that this is simply an outrage. On all of our tax forms, there is a little box we can check if we want to subsidize the Presidential campaign. Currently, 84 percent of Wisconsin taxpayers are checking off "no" in response to the subsidy on Presidential campaigns. They are saying: No; we will not subsidize political campaigns.

In 1990, which was the last year for which records are complete in Wisconsin, 2,252,000 Wisconsin taxpayers filed tax returns. Only 359,000—that is 16 percent—checked the box saying they wanted to subsidize Presidential campaigns.

The fringe candidates that we have lured into the Presidential race are bad enough. Just imagine how many more of them will climb out of the woodwork to run for Congress and the Senate if we encourage them through taxpayer subsidies. This bill does not ask what you think about David Duke, Lyndon LaRouche, or Lenora Fulani. It just says: Congratulations, Mr. and Mrs. Taxpayer; you are now a contributor to these fringe campaigns.

Mr. President, the American people demand genuine campaign reform. This bill is just not good enough. That is why I urge my colleagues to oppose this conference report and work together in a bipartisan manner to pass meaningful, workable, sensible campaign finance reform.

I ask unanimous consent that the letter from the American Civil Liberties Union, along with an outline of the spending by the fringe candidates, be printed in the RECORD as part of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, April 27, 1992.

DEAR SENATOR: The American Civil Liberties Union opposes the campaign financing legislation that will be considered this week by the Senate. The limitations on campaign contributions and expenditures contained in the conference bill impinge directly on freedom of speech and association and will not solve the problems of fairness and financial equity that the legislation is intended to remedy. Moreover, in our view, the legislation's imposition of contribution and expenditure caps in return for partial public financing amount to an unconstitutional condition on freedom of speech. In essence, it amounts to government buying an agreement from candidates that they will not speak as freely and frequently as they otherwise might and that they will impose additional limits on the expressions of support they will accept from others.

It is true that the current system of private campaign financing does cause disparities in the ability of different groups, individuals, and candidates to communicate their views on politics and government. However, the appropriate response in keeping with our nation's constitutional commitment to civil liberties is to expand, rather than limit, the resources available for political advocacy. Public financing can play a powerful role in expanding political participation and understanding, but it should not be used as a device to give the government a restrictive power over political speech and association.

We urge you to reject the campaign finance package that emerged from the conference and instead focus on meaningful reforms that would facilitate the candidacies of those who might not otherwise run and broaden the spectrum of campaign debate.

Sincerely,

MORTON H. HALPERIN,
ROBERT S. PECK,
Legislative Counsel.

Total sums of public matching funds received by third party candidates

Sonia Johnson:	
1984	\$193,734
Lyndon LaRouche:	
1980	470,501
1984	494,145
1988	820,781
	1,785,427
Lenora Fulani:	
1988	922,106
1992	1,174,329
	2,096,435

¹Effective April 29, 1992.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I yield 7 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 7 minutes.

Mr. WELLSTONE. Mr. President, I thank the Chair.

Problem: New York Times: "Bush Earns \$8 Million For Party and Criticism For Himself; \$1,500 to \$400,000 Contributed by Individuals, Groups, and Organizations."

Mr. President, I will not just talk about this fundraiser. I will talk about the raising of money as it applies to Republicans and Democrats in a moment. But this is really obscene. It undercuts the whole idea of democracy. That is what we are talking about here.

In a democracy, so my father taught me, each and every person counts as one and no more than one. Marlin Fitzwater says it is "buying access to the system."

Yes, it is buying access to the system. But that is not the way it is supposed to work. Too many people are left out. This is government to the highest bidder. This is checkbook democracy. This is auction-block democracy. This is not what this country is all about. It is also precisely what people are angry about, and where and why people are calling for change.

Now, Mr. President, I went through this in my own campaign. We did not raise a lot of money. As a matter of fact, when I came here to the Senate, I received advice from a very fine colleague that I needed to get serious about raising, roughly speaking, \$10,000 a week for reelection. By the way, Mr. President, I am way far behind; way behind. It does not make any sense.

I ran for office. I approached people here in Washington, DC: Were they interested? I talked about my ideas. I talked about my hopes for the country. They were not really interested. It was a matter of was I wealthy; how much money did I have. This is what it has come down to.

Moreover, not only does money determine who gets to run or who gets elected; I have been hearing some of my colleagues on the other side of the aisle saying that S. 3, the piece of legislation that Senator BOREN has worked on so hard, would really lock it in for incumbents. I am under the impression that from 1990—and I was lucky enough to be the only person to defeat an incumbent in the 1990 Senate races—the incumbents have already an overwhelming advantage in terms of raising this money; they were the ones tied into the PAC's; that they were the ones tied into the huge war chests.

That, I think, is what the evidence suggests. What is worse is its effect on policy when we get here. I am not talking about the corruption of an individual officeholder. I am talking about something much more serious. I am talking about systemic corruption, wherein too few people, because of their economic resources, have too much access and too many people are left out of the picture. I am talking about money affecting policy performance here.

You and I both, Mr. President, have introduced health care legislation. I read in the papers that sweeping national health insurance may not have much of a chance because the health

industry in the last 10 years has poured in \$60 million to Representatives and Senators—that is what we are trying to deal with—in the last 2 years, \$20 million.

That is not the way we are supposed to conduct government. Let me repeat that that is not the way we are supposed to conduct government. I really think that this is about as fundamental a debate as we will have and as fundamental a vote as we will take.

Mr. President, it is hard—and the Senator from Oklahoma knows this—for me to talk about this in 7 minutes. This is such an important issue. I think it is whether we are going to have a functional democracy or real representative democracy.

Does S. 3 go far enough? No; I thought it was about compromise. I will tell you something. I would like to eliminate all the big money out of politics. If I get my day, sometime I will introduce that kind of legislation.

I will tell you something else. I think the threshold test is too high for a candidate to qualify. We now have lowered the limit to between \$250,000 and \$90,000. I think something like that, for an individual depending upon population of State. My point of view is most regular people could never raise \$90,000, myself included, of their own money, much less \$2,000.

But is S. 3 a step in the right direction? Let me repeat that. Is S. 3 in the right direction? People on the other side of the aisle keep dancing all around and keep telling us this bill is not the right piece of legislation for this reason, the right piece of legislation for that reason. They have all sorts of reasons for opposing some effort to finally at least take a step—let me repeat, a step—toward reducing this obscene expenditure of money which so severely undercuts democracy.

Mr. President, let me conclude by quoting Haynes Johnson in his fine book "Sleepwalking Through History." In Midland, TX, entrepreneurs in the Nation's oil production capital gathered at the Holiday Inn to celebrate Reagan's inaugural. On a buffet table they placed a cutout of the Capitol dome in Washington. On it was one word, "Ours." For too many people in this country, they do not consider the U.S. Capitol to be theirs.

This piece of legislation is an important step in giving people some assurance and reassurance that we will finally do something about the money chase. We are going to get serious about maximizing democracy, and we are going to finally make sure that people have more say and more control over their own Capitol and their own Government. For the life of me, I cannot understand why any of my colleagues would vote against such an important step.

I yield the remainder of my time.

Mr. MCCONNELL. Mr. President, I yield 3 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the real aim of Federal election campaign reform ought to be to help make campaigns more competitive. This conference report only helps Senators and Congressmen keep their jobs.

The limits this bill places on contributions for challengers will make it harder for them to win campaigns against incumbents.

The public financing authorized in this bill makes Americans foot the bill for many political campaigns and candidates they would not otherwise support.

A look at the estimates that I have seen about the cost in each election cycle of this bill indicates that in each election year between \$245 million and \$364 million will be spent subsidizing Senate and House campaigns. A mid-way estimate is about \$300 million for the 1994 elections. The cost, therefore, of subsidizing these elections over a 6-year Senate election cycle would be about \$1 billion.

The Federal Election Commission has estimated in testimony before the Rules Committee that it would cost at least \$2 million each year to oversee and administer the program that is authorized in this legislation. They are already spending \$18 million each year in administrative costs at the FEC, and I doubt very seriously, if you look at the complexity of this legislation, that they could do it for \$2 million per year.

The Appropriations Committee is convening right now downstairs on the first floor to consider a rescission bill that will cancel funding for a multitude of Federal programs for this fiscal year to try to reduce the deficit in this current year's budget. It is the height of irony that the Senate is being asked here on the floor, at the same time that that meeting is taking place, to create a new spending program that will add to the deficit. They have said that sometimes the left hand does not know what the right hand is doing. That is obviously true here in the Senate today, or maybe it should be said that the left hand does not know what the farther left hand is doing today in the Senate.

Mr. President, we should vote "no" on this conference report.

Mr. MCCONNELL. Mr. President, I thank my friend from Mississippi for his outstanding statement. I yield 5 minutes to the distinguished Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to thank my colleague and friend from Kentucky, Senator MCCONNELL, for his leadership on this issue. And, likewise, I would like to compliment my friend and colleague, Senator

BOREN. I compliment him for his dedication on this issue.

I do not agree with the final product of the conference. I think the final product leaves a lot to be desired. I urge my colleague from Oklahoma to take up Senator DOLE on his request that he made yesterday that we work together in a bipartisan fashion to pass a bill that could pass and be signed by the President of the United States. This bill does not meet that criteria. This bill is not a bipartisan bill. It is a bill that was passed by the Democrats in both the House and the Senate, and it is fatally flawed. It will be vetoed and the veto will be sustained.

It is like the tax bill. It may be good for politics, I do not know. But we are wasting our time. There is not any person in Washington, DC, or probably the country that thinks this bill has any chance of becoming law. The President is going to veto it. We will sustain his veto.

So I urge those people who are involved in leadership on this issue. Let us work together in a bipartisan fashion and see if we cannot pass a bill that the President can sign.

In this Senator's opinion this bill is fatally flawed for several reasons. First and foremost, it has public financing. It has taxpayer financing of several provisions that enhance politicians running for reelection. The President stated he would veto it.

Many of us stood on the floor and said we will support a bill, but we do not want the taxpayers picking up the tab. They should not subsidize my race or anybody's race running for the U.S. Senate or the U.S. Congress. The cost of this bill is enormous. We have estimated the cost of this bill—I say "we" talking about the Republican Policy Committee—to the tune of over \$300 million per election cycle, over \$1 billion over a 6-year period of time.

I am putting into the RECORD a very significant statement that details, with footnotes, how we came up with those calculations. It has several subsidies. I heard one of my colleagues say, well, there are incentives to participate, one of which is broadcast vouchers. In small States the bill gives a broadcast voucher, paid for by the taxpayers, worth \$190,000, to go out and have free TV or radio time. The bill goes further. It mandates to the broadcasters that they have to provide rates of one-half the lowest rate of anybody. That means this bill is going to give politicians, candidates for the U.S. Senate, rates one-half the rate that they charge for churches.

I talked last night to a broadcaster from Ardmore, OK. He said, "We give the lowest rate basically to charitable organizations and churches. If you tell us that we have to offer politicians one-half of that rate, we are going to raise the lowest rate because, frankly, we do not make money on the church ads," and so on.

The net result of this bill is that we are going to raise the rates for charitable organizations, those minimum rates; if we have to give Senate candidates one-half of the lowest rate, we are going to have a much higher charitable organization rate. I think we need to think about this, because we are going to be increasing the advertising rates for a lot of charitable organizations. I know that is not the intention, but I think it will be the result.

Then I might mention public financing—I have heard my colleagues talk about it a little bit—we are going to say that politicians can mail at a special third-class rate. Why in the world should politicians be able to mail at 9.8 cents when most third-class mail costs 16.5 cents? I do not think we should have that kind of "entitlement."

Then when we get into broadcast discounts, why in the world should we be so special to have one-half the rate of anybody else? Certainly, if it applies to U.S. Senate and U.S. congressional candidates, it has to apply to any other candidate such as for city council, county commissioner, or State Governor. So we are going to be mandating a much lower rate than anybody else in the country. I think advertisers are going to have real trouble with that.

I happen to be in a State where we have a lot of broadcasters, small radio stations and TV stations that are not making any money. Why in the world should we go and tell them that we deserve something special, we deserve a lower rate than any of your commercial customers or then even your charitable organizations?

Then I heard some of my colleagues say these are voluntary spending limits. I beg to differ.

Mr. President, if it is voluntary and a person elects not to comply, then his opponent, if the general election limit is \$950,000, that is the minimum amount, if the noneligible candidate exceeds his spending limit by that amount, his eligible opponent is going to get a million dollars. If it is one of the larger States like California, if the noneligible candidate exceeds it by \$5 million, the eligible candidate is going to get \$5 million. That is not voluntary. Eligible candidates receive taxpayer subsidies of \$1 million or \$5 million. Because another person elects not to participate, they can take that money and buy twice as much advertising for the same dollar.

So you are turning a subsidy into a massive advantage, even for a small State, the smallest of States. With \$950,000, if your opponent does not participate, then you can look at a tax subsidy of \$950,000. You will have that matched, \$950,000. You get to buy broadcast at one-half the rate. That is equal to \$1.8 million. Add in the vouchers, add in the mail subsidy, and you are talking about subsidizing, even in the smallest State, to a tune of \$2.5 million.

We need to reject this bill. I yield.

Mr. BOREN. Mr. President, there are a lot of factors here and a lot of complications, because we have Supreme Court decisions to deal with. We can argue back and forth about fine tuning this bill, what the broadcast rates ought to be, how we can keep the cost to the taxpayers down.

The bill provides that there will be no general revenues selected from the taxpayers at large to finance the bill. That ought to be on the record.

Let us deal with the essential issue and the reason why we have not been able to work out a compromise that would satisfy both sides of the aisle. That all comes down to one issue on which there is a fundamental disagreement. That issue is: Should we try to place limits on the amount of spending in campaigns? That is the issue.

Those on the other on the other side of the aisle say "no," that somehow restricts the freedom of Americans. Those of us who crafted this bill believe that the most important thing we can do to turn Government back to the people is to put a limit on campaign spending.

In over 95 percent of all of the elections in this country for the Congress, for national office, the candidate that raises the most money wins. It does not matter if it is a Democrat or a Republican. The candidate that raises the most money wins. It is no wonder that in the latest Gallup poll 71 percent of the American people said: We believe that Congress represents special interests, those who have the ability to pour money into campaigns, instead of representing us.

Mr. President, many of us in this body believe enough is enough. Let us stop the money chase. Let us bring competition and politics back on the issues, on the qualifications of the candidates, and not on the basis of who can raise the most money.

Incumbents in the last election cycle were able to raise eight times as much as challengers in the House, three times as much money as challengers in the Senate. No wonder the people believe that the deck is stacked in favor of incumbents, because those people who are here have the ability to raise more money than those people who are trying to get here. If our bill had been in effect with its spending limits during the last election cycle, almost no challengers—only a handful—would have been able to come up with that limit. The average challenger would still be \$800,000 below the limit, but the average incumbent would have exceeded the limits by \$1.5 million.

I think this chart explains it very clearly. If the limits had been in effect under this bill—the spending limit—in 1990, incumbents would have gone over the limit by a total of \$45 million. The very few challengers who went over the limit, went over the limit by only \$3.6

million. The deck is being stacked against the challengers, and it is being stacked because of the power of money. Where is that money coming from?

More than half of all the money poured into campaigns did not come from the people back home at the grassroots; it came from the special interest groups, the political action committees, the lobbying groups of both labor and business.

Where do they give their money? In 1990, they gave \$16 in the House—the political action committees—to incumbents for every \$1 they gave for challengers. In the Senate they gave \$4 to every incumbent—Republican or Democrat, it did not matter—versus \$1 per challenger.

The problem is not getting better. It is getting worse. So far in this election cycle, the special interest money, the PAC money, is going 25 to 1 to incumbents over challengers, and 15 to 1 for incumbents over challengers in the Senate.

Enough is enough. The people are right. We need change. This institution needs to be put back in the hands of the people, and not kept in the hands of those who have the power to pour more and more and more money into the political process. The issue is spending limits. Let us stop this money chase, which has taken the average cost of a campaign in this country from \$600,000 to win a U.S. Senate race just 12 years ago to \$4 million this year.

Are we going to wait, Mr. President, until it takes \$10 million to win a Senate race, or \$20 million or \$50 million? How much is enough? When will we return this Government back to the people where it belongs? When will we start to merit the confidence of the American people, 80 percent of whom said last week they had no confidence in the Congress?

We can take no more important action than to pass this bill by an overwhelming majority and say let us begin to squeeze excessive special interest money out of the political process.

I yield to the Senator from Massachusetts 8 minutes.

Mr. NICKLES. Will the Senator yield for a second?

Mr. KERRY. Not on my time. Mr. President, I am happy to yield for a question or a comment, as long as it is not on the time of the Senator from Oklahoma.

Mr. NICKLES. If I could ask the Senator for 2 minutes and add that to my statement, then I will yield.

Mr. McCONNELL. Mr. President, let me say the problem is that we had two speakers in a row on this side, and I assume they are taking two in a row on the other side.

Mr. NICKLES. I would like to complete my statement.

Mr. KERRY. Mr. President, I have no objection to the Senator from Oklahoma completing his statement.

Mr. NICKLES. Mr. President, when we are talking about limiting special interests, when we passed the bill in the Senate we spent zero on PAC's, and some of us think that might be unconstitutional. So then we said PAC's will be limited to \$1,000. When the bill came back from conference all of a sudden PAC's can give Senators \$5,000.

Many think PAC's should not be able to give fully more than individuals can give. The bill did not come back limiting special interests. It came back expanding special interests. The House cap is the same as under current law, \$10,000. The PAC's can still give \$10,000.

Many of us are interested in limiting PAC's and maybe that is what we can do in bipartisan fashion, one of the things we should do.

I want to point out some of the inequities from this bill.

I see my colleague from North Carolina is here and he has a State which has a voting-age population of 5 million. The State of New Jersey has a voting-age population, 5.9 million, and the spending limit is almost \$7.6 million. And the State of North Carolina has a spending limit of \$3 million. Actually I look at the State of New York voting age population of 13.6 million and the limit is \$6.7 million. In other words, New Jersey gets to spend more than New York. Page 7 of the bill is where New Jersey gets a heck of a deal. They get a higher rate than any other State in the Nation. That is interesting. I look at other States and see Wyoming has one-fourth of the population of West Virginia but have the same spending amounts. There are a lot of gross inequities in here. I do not know how people were able to put in there a little special interest provisions, whatever Senator or House Member, but these inequities should not become law, this bill should not become law.

Again I thank my colleague from Kentucky for his yielding, and also my friend and colleague from Massachusetts as well.

Mr. President, on April 10 the Senate passed a budget resolution that contains a deficit of \$394 billion for fiscal year 1993. Most Members of Congress will be amazed if the actual deficit for fiscal year 1993 is less than \$400 billion.

Now, a majority of the House of Representatives has passed, and I suppose a majority of the Senate will soon pass, a bill that proposes to give out hundreds of millions of dollars to subsidize our own reelection campaigns for the Senate and the House. Over the Senate's 6-year election cycle, S. 3 could cost taxpayers and the private sector \$1 billion. It is hard for me to think of a program that is less worthy of public funds.

For that reason, and others, I am confident that the President will veto this bill. The President has promised to veto any bill that contains taxpayer financing of congressional campaigns.

And this bill, S. 3, is the first of two steps toward taxpayer financing for our political campaigns.

S. 3 has been cleverly drafted: it authorizes taxpayer financing without actually handing over the dough. It was written that way so that Members who vote for the bill can claim both to have supported taxpayer financing and to have opposed it.

For example, in an editorial of April 6 the New York Times said, S. 3 contains "sensible public financing." The same day, the Washington Post said, S. 3 "provide[s] partial public funding." Members who agree with the opinions of the New York Times and the Washington Post can vote for this bill and say they supported a bill with public financing. For example, on the House floor Congressman TED WEISS, Democrat of New York, said, S. 3 "includes public financing provisions similar to those instituted for Presidential elections in 1974. * * *" [138 Cong. Rec. 9009 (daily ed. April 9, 1992)] Congressman WEISS voted for the conference report on S. 3.

At the same time, because S. 3 does not actually say how its subsidies are going to be paid for, Members can vote for this bill and say they are opposed to taxpayer subsidies. For example, Democratic Representative MARILYN LLOYD of Tennessee submitted a floor statement that contains this remarkable sentence: "The conference agreement does not contain public financing which I strongly oppose." [138 Cong. Rec. H2518 (daily ed. April 9, 1992)] Congresswoman LLOYD voted for the conference report on S. 3.

The conference report on S. 3 attempts to provide political cover to congressional candidates who want to feed at the Federal trough but know the taxpayers won't stand for it. Here is how it works:

First, the conference report takes some 30 pages to explain how candidates for the Senate and the House of Representatives can qualify for subsidies of one sort or another. Then, the conference report takes a handful of words to say, "Hold on, we haven't yet figured out who we are going to tax to pay for these benefits so the provisions of this bill are not effective until we figure that out. Section 902 is where the bill says, Hold on * * *." Subsection (a) of section 902 provides in its entirety,

The provisions of this Act (other than this section) shall not be effective until the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of subsequent legislation effectuating this Act.

This sleight of hand allows Members to claim that the bill both does and does not provide taxpayer financing for political campaigns. It really does provide subsidies, of course, but not just yet.

Subsection (b) of section 902 is equally creative. It provides in its entirety,

It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

Note that only "general revenue increases" are mentioned. If general revenue increases are out that leaves only particular and specific revenue increases—which is the way most taxes are paid anyway. The sponsors of this boondoggle are afraid to tax the general public to pay for their reelection campaigns so they are hoping to find some small and unpopular group to tax.

Since the whole purpose of S. 3 is to provide subsidies to candidates running for Congress, it is virtually certain that if S. 3 is enacted Congress will find some group to tax to pay for the costs of S. 3.

And those costs are substantial: The Congressional Budget Office [CBO] estimates that just for the 1994 elections S. 3 will cost the public sector between \$93 million and \$170 million. The Republican Policy Committee [RPC] estimates that for just the 1994 elections S. 3 will cost the public sector about \$250 million and the private sector about \$50 million. The private sector subsidies are provided directly by broadcasters in the form of half-price broadcast rates.

If candidates participate in the subsidy system of S. 3 at the rates assumed by the RPC, for Senate and House elections both S. 3 will cost taxpayers and broadcasters about \$1 billion over the 6 years of a Senate election cycle.

I ask unanimous consent that a table comparing the CBO and RPC estimates be included at the end of my statement, see appendix A.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. Mr. President, of course, S. 3 provides subsidies to candidates for both the Senate and the House. I will not talk about the benefits available to candidates for the House, but those benefits are summarized in appendix B, and I ask unanimous consent that appendix B be included in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NICKLES. Mr. President, candidates for the U.S. Senate are eligible for the benefits of S. 3 if they:

First, agree to limit their spending in primary, runoff, and general elections;

Second, meet requirements related to timely filing, recordkeeping, money management; and other matters; and

Third, raise 10 percent of the general election expenditure limit—or \$250,000,

whichever is less—in contributions of \$250 or less from individuals, one-half of whom must reside in the candidate's State.

The general election expenditure limit [GEEL] is based on population and runs from \$950,000 in smaller States to \$5.5 million in California. A State-by-State list of spending limits and benefits for eligible candidates may be found in appendix C. I ask unanimous consent that appendix C be included in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. NICKLES. Mr. President, once a Senate candidate has met the qualifications of S. 3, he or she becomes an eligible candidate who is entitled to:

First, a voter communication voucher equal to 20 percent of the spending limit, 10 percent of the limit for a minor party candidate;

Second, the excess expenditure amount which is doled out on a sliding scale according to the amount raised by a noneligible opponent;

Third, the independent expenditure amount which is given to an eligible candidate to counter independent expenditures that are made for his or her opponent or against him or her if the expenditures are above a trigger amount. The trigger amount is \$10,000 up until the 20th day before an election when the trigger amount falls to \$1,000;

Fourth, special mailing rates that allow the candidate to mail at a reduced rate the number of pieces of mail that is equal to the voting age population [VAP] in the State; and

Fifth, broadcast media rates that are not greater than 50 percent of the "lowest charge of the station for the same amount of time for the same period on the same date."

Needless to say, these benefits are going to cost millions and millions of dollars. In my State of Oklahoma, for example, if my opponent were to become an eligible candidate under S. 3 he would receive something like \$1.2 million in subsidies from taxpayers and something like \$556,000 in subsidies from broadcasters—and I am convinced that those estimates are low.

To begin with, my Oklahoma opponent would get media vouchers worth \$220,000. The vouchers are issued by the Federal Government and can only be spent on buying ads.

Next, my eligible opponent would receive something called the excess expenditure amount to match donations given to me on a private, voluntary basis which exceed S. 3's spending limits. In the RPC estimate of S. 3's costs, my opponent was assumed to be eligible for a subsidy equal to 67 percent of the general election expenditure limit. That estimate is going to be too low; however, if I raise or spend more than 67 percent above the spending limit,

which most likely would be the case. Therefore, in the RPC estimate my opponent was assumed to receive a subsidy of about \$741,000 for the excess expenditure amount, but that amount could increase to about \$1,111,000. That subsidy to my opponent comes from taxpayers in Oklahoma and throughout the Nation.

My eligible opponent then gets money to answer independent expenditures that are made against him or for me. Such a provision may have serious constitutional problems, but it certainly has serious fiscal implications because this subsidy is unlimited. RPC assumed independent expenditures of about 5 percent of the general election spending limit and estimated a subsidy to my opponent of \$55,600. That subsidy comes from the Federal Government.

Then, my eligible opponent gets to send 2,370,000 pieces of mail at a reduced rate. The tab for this mail subsidy will be picked up by taxpayers. In Oklahoma, the bill amounts to about \$159,000.

In short, my opponent gets about \$1.2 million from the taxpayers to run against me.

That is not enough for the proponents of S. 3, of course. My opponent also gets a subsidy provided directly by the broadcast industry: Eligible candidates must be given broadcast rates that are one-half of the rates charged to noneligible candidates like me.

The RPC estimate figured that an eligible candidate would receive a total broadcast subsidy equal to one-half of the general election spending limit. In Oklahoma, a 50 percent broadcast subsidy would amount to \$556,000. I think that estimate is low: To begin with, my eligible opponent gets a broadcast voucher equal to 20 percent of the spending limit which can be spent only on purchases of broadcast time. Since he gets half-price rates, the broadcasters will match that 20 percent. The RPC then assumed that my eligible opponent would spend just another 30 percent of the spending limit on purchases of broadcast time—which of course would be matched, dollar-for-dollar at the half-price rates, by the broadcast industry. I expect RPC's assumptions will prove low. Anytime a candidate for public office can buy a highly valuable commodity like broadcast time for one-half the going rate, he or she is going to spend plenty of money on the subsidized commodity.

In total, therefore, my subsidized, eligible opponent will receive about \$1.2 million or more from taxpayers and about \$556,000 or more from broadcasters.

Mr. President, taxpayer subsidies for congressional campaigns is an expensive idea. Additionally, it is a bad idea. I am going to vote against the conference report, and I will be pleased to help the President put a stop to this attempt to give taxpayers' moneys to

politicians for their political campaigns.

EXHIBIT 1

APPENDIX A—COMPARING THE RPC AND CBO COST ESTIMATES FOR THE CONFERENCE REPORT ON S. 3

TABLE 1.—1994 SENATE RACES (34 STATES)—ONE MAJOR PARTY CANDIDATE IN EACH STATE ELIGIBLE, TOTAL OF 12 MINOR PARTY CANDIDATES ELIGIBLE

	RPC estimate—			CBO estimate (does not count minor parties)
	Major parties	Total	Minor parties	
Voter communication vouchers	11.8	.....	4.6	12.0
Excess expenditure amount	39.0	.....	9.1	50.0
Independent expenditure amount	2.9	.....	2.3	(1)
Special mailing rates	9.3	.....	9.9	6.0
Administrative cost	2.0	.....	.....	2.0
Total	65.0	.....	25.9	.....
Combined total, Government	.....	90.9	.....	70.0
Private sector subsidy	29.3	.....	9.1	(2)
Combined total, private	.....	38.4	.....	.....
Combined total, all	.....	129.3	.....	.....

¹ No estimate.
² No estimate Government.

TABLE 2.—1994 SENATE RACES (34 STATES)—TWO MAJOR PARTY CANDIDATES IN EACH STATE ELIGIBLE, TOTAL OF 12 MINOR PARTY CANDIDATES ELIGIBLE

	RPC estimate—			CBO estimate (does not count minor parties)
	Major parties	Total	Minor parties	
Voter communication vouchers	23.6	.....	4.6	24.0
Excess expenditure amount	.....	.....	.....	.....
Independent expenditure amount	5.8	.....	2.3	(1)
Special mailing rates	18.6	.....	9.9	12.0
Administrative cost	2.0	.....	.....	2.0
Total	50.0	.....	16.8	.....
Combined total, Government	.....	66.8	.....	38.0
Private sector subsidy	58.6	.....	9.1	(2)
Combined total, private	.....	67.7	.....	.....
Combined total, all	.....	134.5	.....	.....

¹ No estimate.
² No estimate Government.

NOTES FOR SENATE ESTIMATES (TABLES 1 & 2)

The Republican Policy Committee, unlike the Congressional Budget Office, includes costs imposed directly on the private sector. S. 3 requires broadcasters to sell time to eligible Senate candidates at 50 percent of an already-reduced rate. When a bill requires an industry to sell its product to Senate candidates at one-half the going rate, we refuse to count that cost as a nullity merely because it does not fall on a government account.

RPC, unlike CBO, includes an estimated cost of minor party participation in Senate races. We acknowledge that these estimates are based on assumptions that are little more than educated guesses. However, S. 3 provides strong incentives for participation by candidates of minor parties and costs will indeed be incurred. Our estimates will prove to be a great deal closer to the mark than nothingness—which is the typical way these

minor party costs are handled. For the 1994 Senate races, we assumed there will be three minor party candidates in California, two minor party candidates in New York, and one minor party candidate in each of Florida, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Texas.

RPC, unlike CBO, makes an estimate for the independent expenditure amount. We assume the independent expenditure amount will be five percent of the general election expenditure limit. In the past, independent expenditures equaled about two percent of all spending in Senate campaigns. "FEC Final Report on 1988 Congressional Campaigns Shows \$459 Million Spent," F.E.C. press release, Oct. 31, 1989, pp. 5, 13 (1987-88 election cycle). Five percent seems to be a conservative assumption in a campaign environment in which direct spending will be capped.

The RPC concluded on the basis of information provided by the U.S. Postal Service that the special mail rate provided by S. 3 would be worth 6.7 cents per piece. U.S.P.S., "Memorandum of Postal Provisions of Campaign Reform Bill" (Mar. 30, 1992). CBO used a figure of 4.3 cents per piece.

The RPC estimates and the CBO estimates depend first on participation rates. Those rates may be speculated on, see, e.g., the helpful CBO Cost Estimate on H.R. 3750, H. Rpt. no. 102-340, pt. 1, 102d Cong., 1st Sess. 62-66 (1991), but they cannot be known ahead of time. Increased participation rates do not necessarily increase costs: Because of the excess expenditure amount which goes to eligible candidates who run against noneligible candidates, a race may actually impose greater costs on the Federal treasury if one candidate does not participate in the funding scheme.

The rough cost of subsidizing Senate races over a six-year election cycle can be obtained by multiplying the 1994 costs by three. The actual cost of subsidies for the Senate will vary from election to election because of elections featuring large States are more expensive.

Benefits under S. 3 are indexed and will increase with the rate of inflation.

TABLE 3.—1994 HOUSE OF REPRESENTATIVES RACES

	RPC estimate—		CBO estimate	Unitary estimate
	Only one major party candidate eligible	Two major party candidates eligible		
Matching funds	88.0	176.0	45.0	90.0
Independent expenditure amount	13.2	26.4	(1)	(1)
Special mailing rates	12.5	25.0	8.0	.....
Administrative cost	2.0	.....	2.0	.....
Totals	115.7	229.4	55.0	100.0

¹ Not estimated.

NOTES FOR HOUSE OF REPRESENTATIVES ESTIMATES (TABLE 3)

The Republican Policy Committee did not calculate three costs that will be attributable to House races and paid from the Federal treasury: first, the cost of subsidies to minor party candidates; second, the cost of the "triple match" subsidy which is given to

an eligible candidate when his nonparticipating opponent contributes large sums of money to his own campaign; and third, the cost of the \$50,000 subsidy for House candidates in closely contested primary elections.

Benefits under S. 3 are indexed and will increase with the rate of inflation.

Costs in the House of Representatives were calculated on the basis of 440 elections, not 435. There are 435 Representatives in the House, four delegates, and one resident commissioner. All are eligible for subsidies.

The differences between the RPC estimates for the House and the CBO estimates are largely the result of different assumptions about participation rates. RPC made calculations for one eligible candidate in every race and for two eligible candidates in every race. CBO doubts that participation rates will be that high: "Although the maximum cost of the matching payments [in House races] would be about \$176 million every two years, a more likely range for this benefit would be \$45 million to \$90 million, assuming about half of the candidates become eligible for benefits. In addition, the same eligible candidate would receive a postal subsidy. The cost of these benefits would ultimately depend on the number of candidates who participate, which is difficult to estimate with precision." CBO Cost Estimate on H.R. 3750, H. Rpt. no. 102-340, pt. 1, 102d Cong., 1st Sess. 62, 63 (1991).

EXHIBIT 2

APPENDIX B—BENEFITS TO ELIGIBLE HOUSE CANDIDATES

In general, candidates for election to the House of Representatives become eligible for the benefits of S. 3 if they agree to limit their spending to \$600,000 and raise at least \$60,000 in contributions from individuals, with not more than \$250 to be taken into account for each individual contribution. Sec. 121-"601(a)" & 121-"604(c)". They must also qualify for the ballot, have an opponent, and agree to comply with disclosure rules, contribution limits, spending limits, and so on. This general rule is subject to numerous variations and waivers, however. In addition, legal and accounting fees and taxes are not subject to expenditure limits, sec. 121-"601(e)", and up to five percent of fundraising costs (which may include salaries of the campaign staff and overhead expenditures for the campaign office) are not subject to the limits, sec. 121-"601(f)".

Under the provisions of S. 3, eligible House candidates are entitled to—

Up to \$200,000 in matching funds, sec. 121-"601(a)" (the \$200,000 ceiling is waived if a noneligible opponent spends more than 80 percent of the spending limit, sec. 121-"601(d)");

A subsidy to match independent expenditures above \$10,000, sec. 121-"604(d)";

A special mail rate for the number of pieces of mail that is equal to the voting age population (VAP) in the district, sec. 132;

A "triple match" subsidy to counter large contributions made personally by a non-eligible candidate, sec. 121-"603(e)(3)"; and

A \$50,000 subsidy if there is a closely contested primary election, sec. 121-"604(f)".

EXHIBIT 3

APPENDIX C.—ESTIMATED SUBSIDIES TO ELIGIBLE MAJOR PARTY CANDIDATES RUNNING AGAINST A NONELIGIBLE MAJOR PARTY CANDIDATE BY STATE

(Current dollars)

	Population of voting age (1990) (VAP)	General election expenditure limit (GEEL)	Voter communication vouchers (20 percent GEEL)	Estimate excess expenditure amount (67 percent GEEL)	Estimate independent expenditures (5 percent GEEL)	Special mailing rates (6.7 cents times VAP)	Estimate total Government subsidies	Private sector subsidy (50 percent GEEL)	Total of all subsidies
Alabama	3,010,000	1,303,000	260,600	868,667	65,150	201,670	1,396,087	651,500	2,047,587
Alaska	362,000	950,000	190,000	633,333	47,500	24,254	895,087	475,000	1,370,087
Arizona	2,575,000	1,172,500	234,500	781,667	58,625	172,525	1,247,317	586,250	1,833,567
Arkansas	1,756,000	950,000	190,000	633,333	47,500	117,652	988,485	475,000	1,463,485
California	21,350,000	5,500,000	1,100,000	3,666,667	275,000	1,430,450	6,472,117	2,750,000	9,222,117
Colorado	2,453,000	1,135,900	227,180	757,267	56,795	164,351	1,205,593	567,950	1,773,543
Connecticut	2,479,000	1,143,700	228,740	762,467	57,185	166,093	1,214,485	571,850	1,786,335
Delaware	504,000	950,000	190,000	633,333	47,500	33,768	904,601	475,000	1,379,601
Florida	9,799,000	3,049,750	609,950	2,033,167	152,488	656,533	3,452,137	1,524,875	4,977,012
Georgia	4,639,000	1,759,750	351,950	1,173,167	87,988	310,813	1,923,917	879,875	2,803,792
Hawaii	825,000	950,000	190,000	633,333	47,500	55,275	926,108	475,000	1,401,108
Idaho	710,000	950,000	190,000	633,333	47,500	47,570	918,403	475,000	1,393,403
Illinois	8,678,000	2,769,500	553,900	1,846,333	138,475	581,426	3,120,134	1,384,750	4,504,884
Indiana	4,133,000	1,633,250	326,650	1,088,833	81,663	276,911	1,774,057	816,625	2,590,682
Iowa	2,132,000	1,039,600	207,920	693,067	51,980	142,844	1,095,811	519,800	1,615,611
Kansas	1,854,000	956,200	191,240	637,467	47,810	124,218	1,000,735	478,100	1,478,835
Kentucky	2,760,000	1,228,000	245,600	818,667	61,400	184,920	1,310,587	614,000	1,924,587
Louisiana	3,109,000	1,332,700	266,540	888,467	66,635	208,303	1,429,945	666,350	2,096,295
Maine	917,000	950,000	190,000	633,333	47,500	61,439	932,272	475,000	1,407,272
Maryland	5,333,000	1,459,900	291,980	973,267	72,995	236,711	1,574,963	729,950	2,304,913
Massachusetts	4,576,000	1,744,000	348,800	1,162,667	87,200	306,592	1,905,259	872,000	2,777,259
Michigan	6,829,000	2,307,250	461,450	1,538,167	115,363	457,543	2,572,522	1,153,625	3,726,147
Minnesota	3,224,000	1,367,200	273,440	911,467	68,360	216,008	1,469,275	683,600	2,152,875
Mississippi	1,852,000	955,600	191,120	637,067	47,780	124,084	1,000,051	477,800	1,477,851
Missouri	3,854,000	1,556,200	311,240	1,037,467	77,810	258,218	1,684,735	778,100	2,462,835
Montana	588,000	950,000	190,000	633,000	47,500	39,396	910,000	475,000	1,385,229
Nebraska	1,187,000	950,000	190,000	633,333	47,500	79,529	950,362	475,000	1,425,362
Nevada	833,000	950,000	190,000	633,333	47,500	55,811	926,644	475,000	1,401,644
New Hampshire	828,000	950,000	190,000	633,333	47,500	55,476	926,309	475,000	1,401,309
New Jersey	5,903,000	4,931,100	986,420	3,288,067	246,605	395,501	4,916,593	2,466,050	7,382,643
New Mexico	1,074,000	950,000	190,000	633,333	47,500	71,958	942,791	475,000	1,417,791
New York	13,600,000	4,000,000	800,000	2,666,667	200,000	911,200	4,577,867	2,000,000	6,577,867
North Carolina	4,929,000	1,832,250	366,450	1,221,500	91,613	330,243	2, * 9,806	916,125	2,925,931
North Dakota	481,000	950,000	190,000	633,333	47,500	32,227	903,606	475,000	1,378,606
Ohio	8,090,000	2,622,500	524,500	1,748,333	131,125	542,030	2,945,988	1,311,250	4,257,238
Oklahoma	2,371,000	1,111,300	222,260	740,867	55,565	158,857	1,177,549	555,650	1,733,199
Oregon	2,123,000	1,036,900	207,380	691,267	51,845	142,241	1,052,733	518,450	1,571,183
Pennsylvania	9,199,000	2,899,750	579,950	1,933,167	144,988	616,333	3,274,437	1,449,875	4,724,312
Rhode Island	767,000	950,000	190,000	633,333	47,500	51,389	922,222	475,000	1,397,222
South Carolina	2,558,000	1,167,400	233,480	778,267	58,370	171,386	1,241,503	583,700	1,825,203
South Dakota	519,000	950,000	190,000	633,333	47,500	34,773	905,606	475,000	1,380,606
Tennessee	3,685,000	1,505,500	301,100	1,003,667	75,275	246,895	1,626,337	752,750	2,379,087
Texas	12,038,000	3,609,500	721,900	2,406,333	180,475	806,546	4,115,254	1,804,750	5,920,004
Utah	1,076,000	950,000	190,000	633,333	47,500	72,092	942,925	475,000	1,417,925
Vermont	425,000	950,000	190,000	633,333	47,500	28,475	899,308	475,000	1,374,308
Virginia	4,615,000	1,753,750	350,750	1,169,167	87,688	309,205	1,916,809	876,875	2,793,684
Washington	3,545,000	1,463,500	292,700	975,667	73,175	237,515	1,579,057	731,750	2,310,807
West Virginia	1,394,000	950,000	190,000	633,333	47,500	93,398	964,231	475,000	1,439,231
Wisconsin	3,612,000	1,483,600	296,720	989,067	74,180	242,004	1,601,971	741,800	2,343,771
Wyoming	339,000	950,000	190,000	633,333	47,500	22,713	893,546	475,000	1,368,546

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 8 minutes.

Mr. KERRY. Mr. President, today, at a time when the American public is so angry about the Congress, the U.S. Senate has a choice to make—a choice for reform, or against it.

Everyone knows that something is wrong in Washington—that too often, the Congress is paralyzed and cannot do anything that matters to people.

It is obvious that a major factor in that paralysis is the way we raise our campaign funds. Every year millions of dollars flow to elected officials. A lot of it is big money, a thousand dollars at a time, from the wealthy, in a never-ending stream from people who want to make sure that when they talk, Congress listens.

It is obvious that a major factor in the anger directed toward Congress is the sense that once someone is first elected, opponents thereafter do not have a chance to raise the kind of money an incumbent can raise, with his ability to reward supporters for their contributions.

Ask any number of people what is wrong with the current system of congressional and Senate elections and most of them will tell you it is the incumbent's advantage in attracting and

raising significant amounts of money from large contributors. In nearly all of the races, the incumbent has an enormous fund-raising advantage. Only a small fraction of the races are even competitive.

Our bill—the bill before us today—would change that, attacking the big money and the incumbent advantage at the same time.

Under the spending limits of this bill, the nominees, incumbent and challenger, would have equal access to public funds. The nominees, incumbent and challenger, if they agreed to abide by them and to accept public funds and lower television and prices, would be barred from exceeding overall spending limits. The result would be a far more equal, far more competitive electoral system than we have today.

The bill, in effect, guarantees that both parties will have adequately funded nominees in almost every race. That means two candidates, with two messages, and a real choice for voters. That is democracy. That is real reform.

A challenger who knows he or she will be able to qualify for matching funds and who knows that the incumbent's expenditures will be limited to a certain amount is far more likely to attempt a race, and far more likely to succeed, than a challenger facing the

rules of the game as they are played today.

Mr. President, it is very important to understand that it is the current system, not our alternative, that is most protective of incumbents.

Now some Republicans argue that public funds should not be used to finance election campaigns in our democracy. President Bush has made that very claim. This argument is nonsense; it is also hypocritical. It is an argument, unfortunately, that has been made once again this week by President Bush.

The President would have us believe that it is wrong for us to use tax money to finance an election campaign—after he himself has done so in four successful elections, becoming the country's first \$200 million campaign public finance man—the total in public funds President Bush has taken for his Presidential races.

I suppose if he really thought it is wrong, George Bush would refuse to take the money. But candidate Bush knows that President Bush refuses to acknowledge—this public funding, paid for through voluntary checkoffs on the tax returns of millions of Americans, has freed him and other Presidential candidates from the demeaning and dangerous occupation of having to so-

licit all of that money from private interests, mostly the wealthy.

Back in 1972, when Mr. Bush headed the Republican National Committee, the Nation saw firsthand what out-of-control solicitations of private contributions could do. The Committee to Re-elect the President raised corruption and influence-peddling to new heights. As a result, we voted to reform Presidential campaign financing in the same way we are now proposing to reform Senate campaigns. It has worked at the Presidential level; it can work for Congress.

What is most important to remember, and what the comments of the junior Senator from Kentucky indicate he would like us to forget, is that public financing is not politician-financing. Politicians will find the money for their races somewhere; that is precisely the problem. What the public is paying for through public financing is a cleaner, more accountable, less corruptible political system. It is paying for a better democracy. Anyone surveying the political scene today who does not believe that this should be one of our highest priorities simply does not understand what is happening in America, or does not understand how important it is to restore deserved trust and faith in our Government.

Under this conference report bill, we will cut PAC contributions in half, end sewer money contributions, and finally see an end to the never-ending spiral of the chase for big money that has so damaged public perceptions of this institution.

This bill is not perfect. It does not move as far from the current system as I would like. I would have liked to see PAC money removed from the system entirely, as in the bill I filed last year. I would have liked to see a system of full public funding to remove all of the big-time money from the system. But this bill still gets rid of the worst evils of the current system—unrestrained, the-sky-is-the-limit campaign fundraising and spending, and the influence of big-time big-money.

It is time to establish a system of spending limits that substantially will curb the degree to which candidates must run to the rich like pigs to a trough.

Twenty-five years ago, Robert Kennedy warned that "we are in danger of creating a situation in which our candidates must be chosen from among the rich * * * or those willing to be beholden to others." I fear that we are closer to that point than ever before.

We no longer can afford to tinker around the edges of the problem, engage in a protracted debate that resolves few of the real issues, or protect our own parochial reelection campaign interests. The time has come to pass a law that limits campaign spending and replaces special interest campaign dollars with untainted public funds.

The time has come to create a better, more accountable democracy. The time has come for action to clean up our political system. The time has come for President Bush to put down his veto pen and lead this country forward, to apply the same standard to Congress he long has applied to himself as a recipient of \$200 million in public financing, and to seize the opportunity to approve and sign comprehensive campaign finance reform this year.

Mr. President, shortly before I began my remarks, the junior Senator from Oklahoma [Mr. NICKLES] addressed the Senate. I want to respond briefly to his comments. This bill does not accord special treatment to New Jersey and other States for the sake of giving them, or persons running for office in those States, some advantage. The provision to which Senator NICKLES refers is an effort to treat New Jersey equitably. The fact is that the State of New Jersey has the highest priced media markets in the country. To advertise by television or radio in New Jersey you do not have to buy just the New York City media market, one of the Nation's most expensive, you also have to buy the Philadelphia market, which also is very expensive. Failure to adjust this legislation to take account of that reality would be egregiously inequitable.

Looking more generally at the arguments made against this bill, what is really astounding is the duplicity of the arguments. The senior Senator from Oklahoma [Mr. BOREN], who has labored so tirelessly to enact this bill, correctly has said that the fundamental objection of the bill's opponents is an objection to setting spending limits. What is especially interesting is to hear colleagues like the junior Senator from Oklahoma, Mr. NICKLES, talk about taxpayer funding of campaigns and how evil it is.

Not one of the Members of the Republican Party has criticized President Bush for spending \$200 million of taxpayers' money to get elected Vice President and now President of the United States. He has spent more taxpayer money on campaigns in the course of his career than any other person in the history of this Nation. I have not heard even one Member of the Republican Party on the floor criticizing him for that or suggesting that the Presidential system of spending limits and public financing of campaigns does not work.

In fact, our esteemed former colleague, Senator Paul Laxalt of Nevada, made it very clear when he left the U.S. Senate that there was no greater problem facing this country. Senator Laxalt, who was a prominent Republican leader and national chairman of the Reagan Presidential campaigns in 1976, 1980, and 1984, said, and I quote:

There's far too much emphasis on money and far too much time spent collecting it.

It's the most corrupting thing I see on the congressional scene. * * * The problem is so bad that we ought to start thinking about Federal financing of House and Senate campaigns. It was anathema to me. * * * but in my experience with Presidential campaigns it worked—

He was, of course, referring to public financing—
and it was a breath of fresh air.

I heard my friend from Oklahoma, Mr. NICKLES, talk about this legislation providing "money for politicians." What a terrible thing it is to be a politician in America today. And, boy, you can really cast a curse on a piece of legislation by saying it is to benefit politicians.

Mr. President, that is a specious argument. This legislation is not to benefit politicians. It is to benefit the people of this country—by liberating the politicians of this Nation from the corrupting system of fundraising that exists today.

If my colleague thinks that our existing system of political fundraising in America works to the benefit of the citizens and taxpayers, all you have to do to obliterate that fallacy is to examine the savings and loan crisis. It will have cost America far more money than we would ever spend in scores of years of public financing of elections through a structure such as the one contained in this legislation. Billions of dollars are wasted on various tax havens, various giveaways, various useless programs year after year because special interests have the ear of the Congress. The American people are fed up with it.

They want their democracy back. They want their country back. They want their Congress back. And the way to do it is to pass this bill to reform the process, set limits on campaign spending, and equalize the capacity of everybody to run.

It was not long ago that we spent large sums of money to subsidize Federal elections. Nobody complained. We had a tax credit, a maximum of \$50 for single returns, \$100 for joint returns, for political contributions. For years the U.S. Congress, including most of my Republican colleagues, supported this tax credit which cost the Federal Treasury \$528 million a year. I heard no complaints.

When we repealed the credit in 1986, it was not because of excited complaints from Republicans about supporting election campaigns with Federal dollars; it was because there was an imperative to repeal tax expenditures to cover the costs of tax simplification and rate reduction. Repeal of the campaign contribution tax credit had nothing to do with philosophical questions about tax dollar support of campaigns.

If we want to go to the root of why campaigning today is so expensive, it is that we have become collectors of

money for the broadcast media. That is essentially all we do. We go out and indebt ourselves to various people and interests in the Nation and we turn the money over to the broadcast media.

All over-the-air broadcasters are licensed by the Government of the United States. Individuals and corporations are granted permission to use the airwaves that are owned collectively by the American people—in order that the licensees can go out and make a profit.

Don't mistake my comments. I am all for fairly won profit. Free enterprise and the profit incentive have made significant contributions to our standard of living. But there is something truly, bizzarely absurd about establishing a system of broadcast spectrum licensure, and then regularly, repeatedly, as candidates for Federal elective office, to go into debt to special interests in order to collect millions of dollars just to turn over to those to whom the Government has granted those lucrative broadcast licenses. This perverted process cheapens and diminishes our democracy. We ought to stop it.

The legislation we are considering today will enhance our democracy by minimizing the need of politicians to raise the money to be turned over to the broadcast media, and the process of becoming indebted for so doing.

There is not one of us serving in this institution who cannot find innumerable parts of our legal code that serve one special interest or another. Many of us—most of us—understand very well exactly what the process of fundraising is and how it works, and what gets attended to in the Senate as a consequence of it.

The American people want reform. It requires no genius to trace the origins of the efforts to "throw the rascals out" to term limitation movement and the gridlock in Washington. And, in my judgment, the gridlock often is a logical consequence of the way we finance our election campaigns and our method of fundraising.

When you get two powerful interests lined up on opposite sides of an issue, the easiest thing to do for those who have to raise money from those interests is to do nothing. Do not make a decision between the two. That is a recipe for gridlock, and we have exactly that.

I believe fervently—and I believe many others who serve here also believe—that the job of a United States Senator is not to represent one State but yet to spend time traveling to many other States asking for money weekend after weekend during the course of a 6-year term. We and our constituents would be far better off if that time were spent listening to and talking to those constituents and devoting ourselves to our legislative responsibilities.

Mr. President, the choice we have today is a choice for reform, urgently

needed reform. I hope nobody will be hoodwinked by the opposition to spending limits and public financing of campaigns. We have heard from opponents of this legislation in the last several days. This bill should be overwhelmingly passed, and enthusiastically signed by the President.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. DANFORTH. Mr. President, we are missing the point if we think that the financing of political campaigns is the problem with America's political system today. And we are missing the point if we believe that a campaign finance bill is going to fix American politics.

The problem is not the financing of political campaigns. The problem is the nature of political campaigns. What good does it do to change the financing mechanism if the candidates are going to talk in 30-second sound bites about trivial matters?

What is not being debated today in any forum, whether it is in the commercials or in the speeches, is the issue of the deficit in the Federal budget, what candidates intend to do about it, and the reason why candidates are evading the principal issue is that it is just too tough to deal with.

It is too tough because it tends to offend the American people to talk about practical matters to reduce the size of the Federal deficit.

The issue is not special interest groups located in Washington who are paying \$2,000 for a \$5 million election. That is not going to corrupt anybody. The issue is that all of us, all Americans, are being treated as though they are no more than members of interest groups.

The case in point, I suggest, occurred just 3 weeks ago. Three weeks ago, we will remember, there was a modest proposal on the floor of the Senate to deal with the problem of the Federal deficit. It was offered by Senator DOMENICI. The proposal by Senator DOMENICI was, very simply, to get some handle on the entitlement programs to provide some sort of discipline for dealing with the problems of the entitlements.

The immediate reaction by the majority leader—and it was a very astute reaction—was to announce he was prepared to offer a series of amendments, beginning with one amendment to exempt the disabled veterans and he was going to go from there to the elderly and from one group to another.

I suggest the corruption in American politics is not that there are interest groups and lobbyists here in Washington but that we who are in politics are

dealing with all of the American people as though they are no more than members of interest groups. That is what is preventing us from dealing with the problem of the Federal deficit.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, it has been my privilege to serve in the Senate for 8 years, and in the 8 years I have been in the Senate, there have been few bills that have come to the floor of the Senate that have had no redeeming value. This is one of them.

First of all, I think it is important to know that we do not have just one campaign reform bill here. We have two bills. The Democrats in the Senate wrote a bill that was aimed at tilting the process toward themselves. The Democrats in the House wrote a bill that was aimed at tilting the process toward House Democrats. When they got to conference, Democrats could not agree, and so, as a result, for the first time in my 8 years in the Senate, we have a Federal campaign bill that applies differently to Members of Congress, based on which side of the Capitol they serve on.

There is a difference in the way we treat PAC's. In fact, in a great moment of zeal here, we voted to eliminate PAC's. But did the final bill eliminate PAC's? No. PAC's are back. But you have one set of PAC rules for the Senate and another set of rules for the House.

In regard to limits on expenditures, there is no coordination whatsoever between the two Houses. In terms of the use of taxpayer money to fund elections—two totally different systems.

This is, at its very root, a partisan measure that was aimed to benefit Democrats, depending on their circumstances. It is not a unified election law, and deserves our laughter but not our vote.

Second, in an era where everybody in Congress and America is talking about perks, this bill represents the greatest congressional perk yet to come along. It is ridiculous when we are debating putting pay toilets into the Senate to be opening up a massive new perk that will let Members of Congress who have just shut down the House bank open up a campaign bank to reach into the taxpayers' pocket to take the taxpayers' money. I cannot improve on Thomas Jefferson on this subject.

On this subject Thomas Jefferson said:

To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.

I am absolutely opposed to using the police power of government to take taxpayer money to spend it on trying to elect people that the taxpayer does not support.

I think those who own television stations in America will be shocked to find out that our colleague from Massachusetts believes that the public owns those television stations. I see no logic to giving politicians cheaper rates to advertise than those given to auto dealers or anyone else. I see no logic to letting politicians mail at the cheapest rates. That represents a perk that is unjustified and it represents an exploitation of the American taxpayer. And I am not for it. Those who are voting for this bill are voting for the largest congressional perk in the history of our country.

Let me talk about fundraising limits. It is easy for me to understand why some people are for limits on fundraising.

As best I can figure, the Democratic Senatorial Campaign Committee thus far this year has raised \$2 million from 4,000 donors with an average contribution of about \$500.

The Republican Senatorial Committee, which I head, has raised \$17 million from 314,000 donors with an average contribution of \$54.05.

Our colleagues on the other side of the aisle want taxpayer funding because the American people will not voluntarily give to their campaigns. I reject that notion, and the American people will as well.

At the very time we want political parties involved in politics, this bill limits the ability of political parties to be involved but it does nothing effective to keep special interest groups from being involved. I think that is a major flaw.

Finally, this is a partisan measure that deserves to be defeated. I urge my colleagues to vote against this new congressional perk. It is outrageous, given the state of affairs in America, given the budget deficit, given the abuses that have occurred in Congress for us to be voting today on opening up a campaign bank to fund Members of Congress, to fund politicians, at the taxpayers' expense at the very moment we are trying to do something about the abuses of the House bank. I think our choice is clear here. I urge my colleagues to vote no on this bill.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. BOREN. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. DODD. Mr. President, first let me commend the Senator from Oklahoma and the others who have worked so tirelessly over a number of years, to

bring us so close to comprehensive campaign finance reform.

Mr. President, in the 1990 election cycle, \$445 million was spent on congressional campaigns. The system is broke. And the truth is that if we do not fix this problem, it is going to absolutely destroy our system of government.

Americans are fed up with the present campaign system. Recent elections have been marred by low voter turnout. Throughout the Nation, there is continuing dissatisfaction with Congress, the President, and politics and politicians in general. Clearly the citizens of this country are losing confidence in our institutions of government.

And no wonder. All of us know the reality of running for reelection. I know what it is like. Day after day, event after event, Members of Congress scrape around for a dollar here and a dollar there, when that time could be better spent working on the critical problems that face this Nation.

And the President is certainly not clean in all this, though he might like us to believe otherwise. Just the other night, he raised \$9 million at \$1,500 a clip at an exclusive "President's dinner."

How many hours were spent chasing those dollars? How many arms were twisted in order to get every special interest group imaginable to belly up to that feast at the trough?

This is why Americans are angry. Most cannot afford to spend 3 weeks' salary to attend a Presidential supper.

Mr. President, many of us have been trying for years to rehabilitate our campaign finance system. Last year, the Congress passed the ban on honoraria which I first introduced in 1988. As a result Senators cannot accept speaking fees from special interests.

And today's debate gives me a sense of *deja vu*. In 1985, I introduced the Senate Campaign Finance Reform Act but that bill was not enacted into law. Many of us also supported the campaign reform legislation that was introduced during the 100th Congress—legislation that was filibustered by our Republican colleagues. And again in the 101st Congress we fought unsuccessfully for campaign finance reform.

But today we have another chance. And so I hope we will do the right thing by approving the conference report before us.

Because this legislation deals with all methods of campaign finance, it will go a long way toward addressing the public's concerns and improving our election system. Anything less—any piecemeal approach—will only lead to more problems.

The provisions of the act relating to spending limits are critically important. The spending limits will help level the playing field and control the excessive costs of campaigns. Under

present law, a congressional candidate must raise as much money as possible because there is no satisfactory way to ensure that an opponent will abide by a spending limit.

The act will provide incentives for candidates to cap spending. With a cap in place, challengers and incumbents will have an equal opportunity to reach the voters. Furthermore, congressional incumbents can minimize the amount of time they devote to fundraising—time which would be better spent dealing with the major issues which confront our Nation.

Furthermore, the act deals with the problems caused by what is referred to as soft money—money raised and distributed by national and State party committees. It would prohibit the use of soft money for activities which may affect a Federal election.

Perhaps most importantly, this legislation will limit involvement by political action committees. It limits both the amount that PAC's can contribute to campaigns and the aggregate amount that candidates can accept from PAC's.

In fact, Mr. President, had Senator BOREN's legislation been adopted 3 years ago and been in effect in the 1990 legislative cycle, we would have reduced the involvement of PAC's by 53 percent in the last election cycle.

Mr. President, is this a perfect bill? Absolutely not. Is it a bill based on compromise between the House and the Senate. Yes.

But this bill is a concrete step we can take to clean up the election process and help restore some of the confidence in our political institutions.

Americans want a change in this country. This bill represents real change. One could sit here and quibble and nitpick and provide one little argument after another against it. But if we do not pass this legislation, we are going to continue to lose the people's confidence.

So, Mr. President, I have two hopes today. First, I hope that we will pass this legislation.

Second, I hope that the President will abandon his veto threat and work with us on this legislation, which can do so much for the American public.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, before I yield 2 minutes to the distinguished assistant Republican leader, with reference to the extraordinarily successful President's dinner 2 nights ago, I ask unanimous consent there be printed in the RECORD an article in the Washington Post of April 9 about the Democrats' similar dinner earlier this month which unfortunately was not nearly as successful.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 9, 1992]
 DEMOCRATS' BALMY MOOD: THE UPBEAT
 CONGRESSIONAL FUND-RAISER
 (By Roxanne Roberts)

And the Democratic candidate is: Alfred E. Neumann!

Just kidding. It looks like Bill Clinton has the party nomination locked up and there was positively a "What, me worry?" atmosphere at last night's Democratic Congressional Dinner at the Washington Hilton.

Maybe it was the balmy spring day, maybe it was Tuesday's primary results, maybe it was the open bar—but 1,800 party loyalists who brought in \$2.5 million for Democratic Senate and House races at the annual black-tie fund-raiser were in an awfully good mood.

"Well, we raised a lot of money—more than people expected—and Clinton won four primaries yesterday, and Bush is at, what . . . 40 percent, 38 percent popularity?" said West Virginia Sen. Jay Rockefeller. "That's the making of a nice dinner."

"I think Democrats are always upbeat," said House Majority Leader Dick Gephardt with a smile. "It's a beautiful spring day, the blossoms are out. Why shouldn't you be upbeat?"

Well, there's the recession and voter anger and the House banking scandal and that nasty Democratic habit of fratricide—for starters.

"We've had our share of problems in the Congress in the past months, but I've never believed you get anywhere by being negative and downcast," he said. "You only get somewhere by fighting back and being strong and being positive."

And boy, were they positive. None of the Democratic candidates attended the dinner. Bill Clinton was resting his voice, non-candidate Paul Tsongas was considering re-entry and Jerry Brown was having an out-of-body experience somewhere. Probably just as well. Everyone else, including the top Democratic leadership, was absolutely oozing goodwill and confidence.

"I think it's a mixture of belief that we have been good for the country so many times and that all the wheels turn," said Lady Bird Johnson. "It's just a natural feeling."

The former First Lady, making a rare Washington appearance, accompanied her daughter, Lynda Robb, and son-in-law Sen. Chuck Robb, the Democratic Senatorial Campaign Committee chairman.

"I think Democrats care about people," said Lynda Robb. "That's a very optimistic feeling."

Whether people care about the Democrats is another question. Tuesday's exit polls said 65 percent of Democrats and 50 percent of Republicans who voted said they had doubts about their candidate.

"There's the traditional desire for something other than what you have," said a calm Sen. Robb. "It's a natural human instinct that is universal. You can see it's happening on both sides of the equation. But the nominees are clear and everyone will soon rally around their respective flags and we'll have an election in November."

With Clinton, presumably, as the nominee. There was no talk of any other candidate; no late entry into the race. What lurks in the heart of Gephardt or Sen. Lloyd Bentsen remains a mystery. Bentsen kept quiet; earlier in the day, Gephardt stopped short of endorsing Clinton but dismissed talk of a brokered convention.

"The last brokered convention was in 1924," said former Democratic National Committee chairman Chuck Manatt. "One hun-

dred four ballots and we lost rather handily to Calvin Coolidge."

Besides, the dinner was to raise money for congressional races—assuming the Democrats can get their guys to stay in office. Colorado Sen. Tim Wirth announced Tuesday he was resigning; Robb spent yesterday on the phone with the rest of the gang. "I can't afford to lose any more senators in my class of '92."

Rep. Vic Fazio, chairman of the Democratic Congressional Campaign Committee, said the House banking scandal hurts—but not just his party. "I think it's going to hurt Congress and it's going to hurt incumbents. But we've seen some polls that show that the wrath—and there is some—is fairly uniformly applied."

So what's a few setbacks? San Francisco real estate developer Walter Shorenstein, a megabucks Democratic fund-raiser for more than 20 years, is still pouring money into the Democrats. "My very nature is to be optimistic," he said. "I wouldn't be in the kind of business I'm in unless I was optimistic. When you look ahead, you have a tremendous feeling that so much is needed and the best way it can be done is through the Democratic Party."

No wonder DNC Chairman Ron Brown was in such a good mood. Okay, he's always in a good mood, but he was especially cheery last night.

"I have said for a long time that we enhance our chances of beating George Bush in November if we have an early nominee so we can focus all of our time, attention, resources and energy on defeating Bush rather than beating up on each other," he said, smiling broadly. "The closer we get to that, the happier Democrats are."

"People are saying, 'This could be the year,'" agreed Colorado Rep. Pat Schroeder. "It could be the year. Absolutely. We're thinking positive."

Or as Fazio put it, "After 12 years of the same song out of the White House, we think the American public is looking for a new tune."

"One of the great songs is 'Happy Days Are Here Again'" whistled West Virginia Sen. Robert Byrd. "No matter what party you're in, I think that's just a great song."

It must be spring.

Mr. MCCONNELL. Mr. President, I yield 2 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. SIMPSON. Mr. President, I want to commend our floor manager, Senator McConnell. He had done a superb job. He has learned this issue and mastered it and presents it on behalf of those on our side of the aisle with great skill and ability. I think we should also heed what Senator DANFORTH said a few minutes ago, and I wholly concur with his remarks.

Mr. President, I rise in strong opposition to this hypocritical and fatally flawed conference report. This has nothing to do with reform. It is a cynical, election year attempt that stacks the deck in favor of Democrat incumbents in the House and Democrat incumbents in the Senate. In fact, this legislation sets up different rules in each body for what constitutes reform in the House and Senate. At a time when the voters

are demonstrating their desire for change, the Democrat authors of the bill have decided to create a new fortification for their fortress of incumbent status.

This legislation calls for public financing, which is bad enough, but insult is added to injury because it does not include any way to pay for it. It is estimated that should this conference report become law—it would cost \$300 million in the 1994 election cycle alone. At a time when the House bank and House Post Office scandals are tainting this entire institution—can we seriously be considering asking taxpayers to subsidize the costs of our campaigns? As it applies to the House, this conference report would give members who spend less than \$600,000 an additional \$200,000 check from the Federal Treasury for their next election.

Under the pay as you go restrictions of the budget act, domestic spending increases must be deficit neutral. The conference report here says that we will just pay for this later. It also includes some nonbinding language that says the alleged funding source will not come from a tax increase, or from cuts in other programs, or from an increase in the deficit. I have more confidence in the intelligence of the American people than to ask them to believe that.

An area in desperate need of true reform is the level of PAC contributions in elections. Republicans continue to call for the elimination of special interest PAC's, the elimination of soft money or sewer money as it is called—and the reduction of out-of-state money which a candidate can raise from individuals. American voters have become disgusted with the power of special interests, and the Democrats who control Congress receive two-thirds of all of the PAC money contributed. It is no wonder that this legislation revives the alternative of PAC financing which Republicans, along with some Democrats, joined together to kill in the Senate version of the bill.

I also oppose the spending limits which will effectively stop challengers from raising enough money to attempt to level the playing field that currently favors incumbents. The Senate took the right step in eliminating the incumbent perk of taxpayer-funded mass mailings for an entire election year. The House has refused to follow suit, and this is certainly unacceptable. The House is telling challengers that they cannot spend more than \$600,000 in an election, but incumbents can spend that much plus free election year mass mailings, plus all the other perks of incumbency. If this isn't a stacked deck, then what is?

If there was ever a scandal in American politics, unlimited and unreported special interest soft money is it. The Republicans would ban all soft money from all special interest groups. The

Democrats claim to have solved the soft money problem in this bill, and if you listen to the debate without looking at the text of the bill, you would think that soft money has been banned. In reality union soft money, that money used most frequently by our Democrat friends, is not banned—in any way.

When Democrat politician's give special treatment to one interest group, labor unions, by allowing them to set up phone banks on the outskirts of towns and engage in character assassination of candidates—then we have a real problem. Furthermore, all of this is funded by contributions that aren't even required to be disclosed to the Federal Election Commission. This is a terrible abuse of the system that the authors have failed to correct in the conference report. It is sewer money and no matter how you dress it up—it makes this conference report olfactorily challenging—using the vernacular of political correctness. But it still stinks—no matter how you might want to phrase it.

The President said he would not sign a bill that contains public financing, spending limits, and that treated the two bodies differently. This bill does all three. A real triple play. Since no effort was made in any way to address the concerns of the Republican conferees, and since the Democrats are intractable, this bill will never become law. But that has never been the intention of it. Instead, the game is to throw this one up to the President for a veto; have it sustained; and then make hysterical campaign ads denouncing the President for failure to reform the system. It is time to stop this plain foolishness. I urge the rejection of this conference report. Maybe when we are not in an election year, the majority party in Congress will be more reasonable and thoughtful in helping us to craft a real reform package.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Mr. President, I yield 1 minute to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 minute.

Mr. EXON. I thank my friend. Mr. President, as my colleague from Oklahoma knows very well, I will simply cite the fact that this Senator has always been concerned about general taxpayer financing of campaigns. In the CONGRESSIONAL RECORD on May 23, 1991 on page S. 6536, there is an amendment offered by this Senator, who worked very closely with the Senator from Oklahoma on this. I am against taxpayer financing of campaigns and he knows that.

I have been listening to comments from the other side that this allows general taxpayer financing of campaigns. I think it is a smokescreen for those on that side who fundamentally

want no limit on the amount of money that can be used or raised to spend on campaigns. I am against that.

Can the Senator from Oklahoma, my friend, who I have served as Governor with, assure me the thrust of the Exon amendment is still a part of this bill?

Mr. BOREN. Mr. President, I will be happy to respond to my colleague. We can look at section 902 of the conference report, and I quote it:

"It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases"—that means general taxes on the American people—"reduce expenditures for any existing Federal program, or increase the Federal budget deficit."

I ask unanimous consent to print that section in the RECORD and also to print in the RECORD pages 47 and 48 of the report of managers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(b) SENSE OF CONGRESS.—It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

CONFERENCE SUBSTITUTE

The Conference agreement does not provide for any source of funds to pay for the benefits contemplated under Title I. Since the conference vehicle is a Senate bill, it would violate Article I, Section 7 of the United States Constitution which requires that all bills which affect revenues must originate in the U.S. House of Representatives. Consequently, the Conferees have omitted any statutory language linking the establishment or administration of any account to the United States Government.

The Conferees have adopted the authorization approach of title III of the House amendment. Section 902 of the Agreement specifies that none of the provisions of the conference agreement shall be effective until the Congress enacts subsequent legislation effectuating this Act. This provision prohibits any estimated costs of the bill from being counted towards the pay-as-you-go scorecard for sequestration purposes. Furthermore, the conferees intend that this provision creates an open-ended authorization framework for campaign finance reform. And that designating the source of financing is an issue to be decided in subsequent legislation.

The Conference agreement also provides for a Sense of the Congress resolution that subsequent legislation effectuating this act shall not provide for any general revenue increase, reduce expenditures for any existing federal program, or increase the federal budget deficit. The Conferees believe that this Sense of the Congress approach best reflects the desire of both Houses to avoid the commitment of public resources to financing any part of Congressional campaigns.

Mr. BOREN. Mr. President, let me indicate the report of managers accompanying the conference report indicate since the conference vehicle is a Senate bill, it would violate article I of the Constitution, section 7, which requires that all bills affecting revenue origi-

nate in the House of Representatives. Consequently, the conferees have omitted any statutory language linking the establishment or administration of any account to the U.S. Government. But we did then adopt the sense-of-the-Congress statement which I just quoted which indicates that it is not our intent to use general revenues to finance this bill. So I would agree.

I know the Senator's long interest in this matter of not burdening the general taxpayers additionally to finance this program. I would say that is not the intent of this piece of legislation.

Mr. EXON. I thank my friend from Oklahoma.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Do we have 1 additional minute remaining on this side?

The PRESIDING OFFICER. The Senator from Oklahoma has 1 minute remaining.

Mr. BOREN. If it is agreeable to my colleague, we will complete action on this side by yielding 1 additional last minute to the Senator from Florida.

Mr. MCCONNELL. How much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes and 20 seconds.

Mr. MCCONNELL. That is fine.

Mr. BOREN. I yield the remaining time on this side to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is yielded 1 minute.

Mr. GRAHAM. Mr. President, I express my appreciation to my colleague from Oklahoma and commend him for the outstanding work he has done for many years on this important issue.

Mr. President, we have had much discussion about what is the pathology of American politics, why have we arrived at the point we have today in which there seems to be so much public cynicism, distrust, a lack of an affinity between the people and their Government. I believe that a substantial part of that reason goes to the nature of our current campaigns and is more than just the amount of money or the way in which the money is raised. It is what the money does to that special relationship between the people and their Government.

The tremendous amount of money has caused many people to equate access to Government with money for political purposes.

It has caused the communication between the public and their elected representatives to be confined to packaged 30-second television spots. To that end—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Mr. President, if I could ask for an additional 30 seconds.

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes and 20 seconds remaining.

Mr. MCCONNELL. I will be happy to yield to the Senator from Florida 20 seconds.

Mr. GRAHAM. To that extent, Mr. President, I would like to point to one particular provision of this bill which I think is especially salutary, and that is the provision requiring four Presidential debates and one Vice Presidential debate as a condition for the continuation of the present program of public funding of Presidential elections.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. MCCONNELL] is recognized.

Mr. MCCONNELL. Mr. President, once again we have reached the end of a lengthy debate on a very, very partisan issue. I have noted with some interest in the course of the debate charts and other observations about how this particular bill would benefit challengers.

The first observation I would make is it seems to me that is rather curious coming from the majority which, after all, has the most incumbents. And so I think it is reasonable for people to be somewhat skeptical about the majority's arguments that this measure would help challengers.

In fact, Mr. President, if you look out at the academic world, those who do not have a partisan ax to grind one way or the other on the issue of these kinds of bills—that is, spending-limits-type measures—I defy anybody to name a credible academic anywhere in America, Republican or Democrat, who believes that a spending-limit bill benefits challengers. In short, the experts do not believe that at all.

So let us at the outset put aside the notion that this is some kind of generous gesture on the part of the majority to help all of those Republican challengers out there around America running for office. It clearly is not, and the people who do not have an ax to grind know it is not.

So what does the bill do, Mr. President? No. 1, it clearly does not address the one issue that the American people would like us to address, and that is the question of special interest influence or contributing to Congress. I was the first to advocate, some 4 years ago now, elimination of political action committees altogether. Last summer, the day before this measure was to come to the floor, the majority adopted that position, presumably in order to avoid having to vote on the question of eliminating PAC's.

But, aha, Mr. President, the PAC's are back. In this conference report, on which we will vote at 3:30, the PAC's are back. Not only did the House not do anything about the PAC's, the PAC's are back in for the Senate. So it is pretty clear that the Congress is unwilling to wean itself from this type of contributor that overwhelmingly supports people who are here regardless of party. PAC's love incumbents.

In addition, Mr. President, there has been a lot of talk about sewer money. There has not been much, however, in the way of definition. The majority defines sewer money as anything the parties do effectively in terms of raising money and influencing elections.

David Broder, probably the most eminent political commentator in the country, in an article last summer, made his principal argument against this bill, that it restricts the activities of parties. Parties are the one entity, Mr. President, the one entity that can be counted on in the American political system to support challengers, and this bill nails the parties. Why? Because the Republican Party has done a better job of raising money from a whole lot of people—as Senator GRAMM pointed out, 314,000 contributors this year to the Republican senatorial committee at an average of \$54.

Because we have done that better, they want to take that away from us, and they do not want to address the real sewer money in politics. The real sewer money, Mr. President, are those hiding behind the Tax Code—labor unions, environmental groups, and all the rest hiding behind the Tax Code—actively involved in the political process, almost all of which are operating on behalf of Democrats and not Republicans. And this bill does not do anything to even disclose, much less limit, the activities of these tax exempt groups. That is the sewer money, Mr. President; that is the sewer money. This bill does nothing about sewer money.

In addition, I think it is important occasionally to make reference, when we are talking about tampering with people's first amendment rights, to the Constitution of the United States. We are dealing here, Mr. President, with the first amendment. The Supreme Court made it very clear in the Buckley case that spending is speech, and that it is constitutionally impermissible to dole out speech in equal amounts to candidates: Candidate A, you can only have this much speech; and candidate B, you can only have this much speech; and if there is somebody else who qualifies, you can only have this much speech.

You cannot quantify speech in America. And so the Court said if you are going to seek to quantify speech, it has to be truly voluntary. And that is what the Presidential system is. Why have people like George Bush accepted spending limits in public finance and people like Ronald Reagan, both of whom despise the notion? It is generous. It is an enormous entitlement program set up in such a way that it is incredibly enticing to all candidates, but you do not get punished if you do not accept it. One candidate had the courage to say: "I will not accept public funding"—John Connally. He did not get many delegates, but he did not get

punished. Nothing bad happened to him.

But under this bill, if you are so brash as to say: I am not going to limit my speech; I am going to go out and speak as much as I want to, all kinds of bad things happen to you. No. 1, you lose your broadcast voucher. No. 2, when you speak too much and get above the limit, the taxpayers subsidize your opponent. You are punished for speaking too much under this bill.

The other absurd aspect of this bill, Mr. President, that I think is interesting, is how the Treasury is used to oppose independent expenditures. Let me give you a hypothetical, Mr. President. Let us say—and this is not too far-fetched, by the way—that David Duke is running in Louisiana, and let us just pick a group. Let us say B'nai B'rith decided it was in the best interests of America to stand up to David Duke, to oppose him, and so they went into Louisiana and made independent expenditures against David Duke. Now, most Americans would say that is a perfectly appropriate thing for B'nai B'rith to do.

Aha, but under this bill, David Duke will be able to reach into the Treasury and get my tax dollar and your tax dollar to combat B'nai B'rith. This is absurd. This bill is a turkey, and this bill is clearly unconstitutional.

Now, if per chance anything like this ever becomes law—and it is not going to, as you know. The President is going to veto this the minute it hits his desk. It is going to be sustained—it is a comfort to this Senator to know this monstrosity could not survive the courts anyway. So it is clearly unconstitutional.

Finally, let us talk a little bit about public funding. The President has been criticized for saying he is against this bill while he has accepted public money for Presidential races. Mr. President, that is about like saying that because the House has a bank, the Senate ought to have a bank. That is how ridiculous that is. The worst thing to do would be to extend this public funding monstrosity further.

As this check points out pretty well, we have "insufficient funds." This is a large rubber check on the Treasury to pay for our campaigns.

The other thing you have to remember, Mr. President, when you reach into the Treasury, all that money has to be audited, and pretty soon the FEC would be the size of the Veterans' Administration, with auditors crawling all around America, looking at all of these reports, all of these fringe candidates like David Duke and Lenora Fulani reaching into the Treasury to fund their campaigns.

This will be a massive program, \$250 million to \$300 million in the beginning. But just wait until all the fringe candidates find about it. It is going to grow like kudzu, Mr. President—grow like kudzu.

So make no mistake about it, at a time when the American public would really like to deal with something real, like the deficit, we are here contemplating writing a big rubber check for us. Mr. President, because it is unconstitutional, because it does nothing about special interest contributions, because it does nothing about sewer money, because it wastes an enormous amount of the taxpayers' money, I respectfully urge my colleagues to oppose this turkey one more time.

Mr. SEYMOUR. Mr. President, I rise today to oppose the conference report to S. 3, the so-called Congressional Campaign Limit and Election Reform Act of 1992. My opposition is simple: This is not reform. No Member of Congress, after reading this conference report, can look at an average American with a straight face and call this bill "reform."

The political philosopher Machiavelli once said that it is important for politicians to appear to do good, rather than actually do good itself. The American people have already seen sad examples that the spirit of Machiavelli is alive and well. They saw it when the Senate Democrats tried to ram through a crime bill to create the appearance that they were hard on crime when in fact their watered-down version was and is crime.

We saw it again when Democrats in Congress tried to force through a so-called economic growth proposal that in reality would shackle struggling small business with high taxes.

Well, here we go again. Those in the majority party who support this conference report do not want reform today. They want yet another issue. This report was drafted with no real participation by the Republican members of the conference committee. The Democrats know this report will be vetoed. They are counting on it. They know this bill is far, far short of the support needed to override the President's certain veto.

They accept that. It is all a part of an attempt to create the appearance that they are for reforming our campaign finance system when in reality they are for incumbency protection and getting the taxpayers to finance it.

I am confident the American people will look beyond appearances and focus on reality. And the reality is that this conference report will do more to further the American people's already hostile belief that we in Congress are not serious in enacting accountable measures that put an end to nonstop campaign money grabs, and excessive special interest contributions. Rather than a step forward, this conference report is a feeble sidestep that dodges the tough choices that must be made to achieve real reform.

What do I mean by tough choices? Tough choices mean a system that reduces the advantages of incumbency,

and provides uniform, equitable rules across the board for all Members of Congress.

Tough choices mean disclosure of soft or sewer money, but not just by the political parties, but other special interests, including labor unions.

Tough choices mean real, voluntary spending limits that are fair and equitable for all Members of Congress.

Finally, tough choices mean not to impose the cost of campaign finance reform on the backs of the American people.

It is easy to see that this conference report is lacking in tough choices, making it all but certain that the challenge of reform rests with the 103d Congress. Let me cite just a few examples, Mr. President. First, what we really have are two campaign finance bills. One for the House, one for the Senate. The report avoids uniform, equitable rules that should apply to both Houses of Congress. For example, the conference report bans a Senator from sending taxpayer-funded mass mailings during his or her election year, but places no limitations on such mailings by incumbents in the House. A modest reform in the Senate, but the status quo in the House.

Though the conference report's supporters claim this bill strikes at the excessive influence of political action committees [PAC's], why are the only real limitations in the Senate? Mr. President, this is worth closer examination. Under the conference report, a single PAC can contribute no more than \$2,500 to a Senate candidate. And the total amount that he or she can receive from PAC's is 20 percent of the total expenditure limit, or \$825,000, whichever is less. In other words, for a California Senate candidate who spends the full expenditure limit of \$8.25 million for the entire election cycle, he or she can only receive PAC contributions totaling \$825,000, which is 10 percent of the limit.

However, individual PAC contributions to House candidates remain at \$5,000. And if a House candidate abides by the \$600,000 campaign spending limit, \$200,000 or 33 percent of the amount can come from PAC's. But take out the maximum Government freebie of \$200,000 and you have a more glaring statistic: of the \$400,000 a House candidate can raise in private contributions, half—50 percent—can come from PAC's.

Why the different rules? The reason is simple: The majority party in the House does not want to cure itself of its addiction on PAC contributions. From 1982 to 1990, the PAC portion of the House democrats' total campaign war chest rose from 38 to 52 percent. Think of it: The House Democrats receive just as much, if not more funding from inside-the-beltway special interests than from voters in their own district.

It is that degree of influence that perpetuates the congressional careers of incumbents and limits the opportunity of challengers. So rather than institute real change, the House Democrats simply put the status quo in this bill.

The total PAC contribution ceiling is just slightly lower than the average amount a House member currently receives from PAC's, leaving in place the already high degree of influence exerted by special interest PAC's.

But there is more that is wrong with this report. The so-called spending limits and other restrictions on fund raising are not equitable for House and Senate candidates.

Let me use California as an example. A California Senate candidate seeking public assistance under this bill must raise a portion of his or her funds from Californians. By contrast, a House incumbent can receive taxpayer funds without receiving a dime from a voter in his or her own district.

Also, a California Senate candidate seeking to abide by this bill is limited to a total of \$5.5 million for the general election. If you divide this amount by California's current voting age population, a Senate candidate can spend only 25 cents per voter. Yet, a House candidate in California, with a \$500,000 limit in the general election, can spend \$1.21 per voter in the district.

How can even the strongest proponent of these so-called voluntary spending limits support such a gross inequity between House and Senate? I understand that the House and Senate operate under different administrative rules, but let us be clear what is behind this inequity. First, while the American people want a change in special-interest fundraising that perpetuates incumbent advantage, the Democrats do nothing to truly reduce PAC influence in the House.

Second, when Americans want an end to the overall money chase that also favors incumbents, the Democrats set a spending limit for House races that is well above the average that House incumbents spent in the last election in 1990.

But that is not the worst of it. In return for abiding by these cosmetic reforms, candidates are given a series of freebies and benefits that could cost American taxpayers \$1 billion over the next decade. At a time when the American people have had enough of perks for politicians, we have before us a conference report that may stir new life in the House bank.

Mr. President, real reform, real constructive efforts to change our campaign system must not be done on the backs of the American taxpayer. Each year, the Federal Government provides funds for many worthy programs ranging from Head Start to AIDS and cancer research. The last individuals who deserve to compete for these scarce

funds are we, the politicians. It is just common sense. A taxpayer should not have to see his or her hard-earned tax dollars going to crackpot politicians like David Duke and Lyndon LaRouche.

The American people agree. In virtually every poll taken on this issue, the American people are strongly against taxpayer-financed elections.

Now there is some confusion among the supporters of the conference report about the presence or lack of a public financing component. The chairman of the House Administration Committee said recently that the most important aspect of the conference report is that it does not take funds from taxpayers or increase the deficit. Meanwhile, the Washington Post and New York Times are lauding the Democrats for including public financing in their bill.

The Democrats are attempting to pull a fast one on the American people by not providing a public funding mechanism even though their bill will not work without it. How can we restore the trust in the American people with this lame game of good news/bad news: America, the good news is that we in Congress will not take a dime of your hard-earned dollars for our campaigns today. The bad news is we will be back to get you later.

And for yet another example of why this conference report cannot be taken seriously, I direct my colleagues' attention to section 902(b) of the conference report, which states that it is the "sense of the Congress" that any future funding mechanism cannot increase general revenues, reduce expenditures for any existing Federal program, or increase the Federal budget deficit. Unless the Democrats have discovered the goose that lays golden eggs, I cannot see how they can institute their plan for hocus-pocus public financing without raising general revenues or shifting funds from existing programs.

Mr. President, I do not know what it is going to take to wake up the U.S. Congress. This conference report is further evidence to the American people that those who are at the helm are out of touch and out of control. The American voter wants an end to the inside-the-beltway bank of the Potomac mentality. This conference report does not do it. The American people want an end to soft money abuses by labor unions and other special interests. This conference report does not do it. The American people want campaign finance reform, but not at the expense of their hard-earned funds. This conference report does not do that either. Instead, it creates another taxpayer-financed perk for politicians.

I would think that given the current mood of the country, a more serious, less politically motivated effort toward reform of our campaign process would have occurred. I am sorry to see that

what we have before us is yet another argument for the term limits movement in this country.

Mr. President, it all adds up to one simple premise: The Democrats underestimate the intelligence of the American people to look at the real issues. I am confident that the American people will look beyond this Machiavellian charade and see this conference report for what it is: a sham.

Mr. BRYAN. Mr. President, every American knows that there is too much money in the political process. Like an ever escalating arms race, the costs of House and Senate campaigns have quadrupled since 1976, from \$115.5 million to \$445 million in 1990. There is simply too much money in the system.

The key to turning this situation around and making the number of dollars raised less of a factor in campaigns is to impose spending limits. If less money can be spent, then less money will have to be raised and more time can be spent working on more worthwhile endeavors.

Mr. President, I support an outright law dictating how much candidates may spend. Unfortunately, the Supreme Court does not agree. In what I consider to be an ill-conceived decision, the Supreme Court decided in Buckley versus Valeo that limitations on overall campaign expenditures restrict a candidate's right to free speech. The Court said that only voluntary limits could be upheld. For this reason, I am a cosponsor of a resolution authored by the Senator from South Carolina to amend the Constitution to allow a cap on campaign spending. The resolution was approved by the Judiciary Committee and is awaiting action by the full Senate. Many, including entrenched special interests, do not support such a cap on campaign spending, and unfortunately, prospects for swift passage are not likely.

In the meantime, as this amendment makes its way through the time-consuming process to amend the Constitution, I support a comprehensive campaign finance reform bill which contains fundamental reforms to the campaign finance system. This bill represents the most far reaching attempt by Congress to overhaul the system.

Under the voluntary spending limits in S. 3, the cost of running for the Senate in my home State of Nevada would be cut roughly in half. This bill would cut by half the amount of money candidates may receive from political action committees. It also eliminates bundling of contributions and will drastically reduce the amount of so-called soft money that can be pumped into elections.

Campaign reform has unfortunately been locked in partisan gridlock as each side believes changes will benefit the other party. Now, some 32 past and present Republican challengers have announced their support for this re-

form bill. In a letter to President Bush, these challengers urged the President to sign the campaign finance reform legislation because they say it will benefit challengers. "Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our electoral process," the letter stated. President Bush has vowed to veto the bill.

Mr. President, I was recently a challenger myself. In the Senate elections of 1988, challengers spent \$49 million while their incumbent opponents outspent them by more than double that—\$101 million.

It is obvious to everyone involved in the process of electing public officials from incumbents and challengers to voters that something needs to be done about the way campaigns are funded. If we are serious about campaign finance reform, we need to limit the cost of election to the U.S. Senate, ending the money chase and providing a level playing field for all candidates.

Mr. MIKULSKI. Mr. President, I am going to vote for the conference report on the campaign finance reform bill. I will vote for it because the campaign finance system is out of control. I will vote for it because the people of the United States are fed up. And I will vote for it because I believe we can have a political process which is better and fairer and more open than the one we have today.

The campaign finance system is out of control. Under the current system, members of Congress must constantly raise large sums of money to finance their campaigns. In the last Senate election in 1990, the average winner spent \$4 million on his election. Without spending limits, it will cost more this year and even more in 1994.

When average Americans—the corner grocer or the cop on the beat—see spending like that, they become discouraged and cynical. They feel they cannot compete with the big dollars and they do not even try to get involved.

Mr. President, it is time to fix the system. On Tuesday, the Republicans held a campaign dinner and encouraged supporters to raise \$92,000 apiece. This was the price for having their picture taken with President Bush. How many ordinary folks do you know who can raise \$92,000? When that fancy letterhead crowd writes those big checks, do you think they do it because they want to make sure the average American's hopes and fears are addressed? The people know better.

The people believe that under our current political system, a few fat cats have far too much power over what gets done and, more importantly, what does not get done.

We have gridlock in Washington. We are not getting action on health care reform. We are not taking the steps necessary to make our economy com-

petitive. We are not getting the job done, and part of the reason is that the big fat cats who pay for the high campaign costs prefer the status quo. It has been good to them, but the people want change.

The people of the United States are fed up with a political system that does not act on our Nation's problems, does not put the concerns of ordinary working families first, does not listen to them. They are fed up with negative ads instead of positive programs, with sound bites instead of solutions, with politicians who are more concerned about how they look than with what they accomplish. In primary elections across America this year, the voters have called for change.

Newcomers like Carol Moseley Braun of Illinois and Lynn Yeakel of Pennsylvania have become the nominees of their party. Why? Because they represent a change in the old way of doing things, and so do I.

The voters want change. This campaign finance reform legislation is one way we can respond to this call for change. It limits campaign spending, limits campaigns' cost, and limits the ability of PAC's to influence the process.

It helps to bring us back to a level playing field, where average moms and dads have as much opportunity to be heard as the big fat cats do, because Mr. President, I think we all believe we can do better than we're doing.

I got my start in politics as a community activist, working to prevent a highway from demolishing my neighborhood. Today, I am a U.S. Senator.

I do not want to see the next generation of community activists shut out of the process. I want people at the grassroots in communities across America to have an opportunity to participate. I want to see us restore the faith and trust we all believe Americans should have in their government; give them a reason to get involved. I want to limit the influence of big dollars and increase the influence of people with big hearts, people who care, people who want to make a difference and people who are angry. I want to see us give our Government back to the people. Campaign finance reform will help us do that.

I yield the floor.

Mr. BREAUX. I would like to pose a question to the majority leader concerning one aspect of this legislation. As the majority leader knows, Louisiana has a unique election process which involves an open primary system for the election of Federal candidates and I am concerned about how this legislation applies to that process.

Other States hold primaries for the selection of candidates for the general election representing each party. In contrast, Louisiana conducts an open primary where candidates representing all parties run at the same time in one

election. That open primary election occurs in October and if no candidate receives at least one half of the vote, the top two vote-getters run in the November election.

Mr. MITCHELL. Yes; I am aware of the Louisiana open primary system and I agree that any legislation establishing a system of voluntary spending limits should be crafted to take into account the Louisiana system. As the Senator knows, the conference report the Senate is now considering would establish State-by-State voluntary spending limits for general and primary elections based on the voting age population of the States. A limit is established for the general election and 67 percent of that amount may be spent in the primary election.

Mr. BREAUX. I understand the conference report includes definitions of "primary election" and "general election." A primary election is an election which "may result in the selection of a candidate for the ballot in a general election." A general election is an "election which will directly result in the election of a person to a Federal office but does not include an open primary election."

As I interpret this language, the Louisiana open primary, even though it may result in the direct election of a candidate for the U.S. Senate, would be considered a primary for purposes of applying the lower spending limit to the election contest.

Mr. MITCHELL. That is correct. The Louisiana open primary would be subject to a voluntary spending limit which is 67 percent of the spending limit that would apply to the runoff election if no candidate receives at least 50 percent of the vote.

Mr. BREAUX. That is a problem for Louisiana. In order to ensure the fairest election contests the open primary should be treated as a general election for purposes of using the higher spending limit. The open primary is a longer election contest and should be subject to the general election spending limits.

Mr. MITCHELL. I agree with the Senator from Louisiana and would be pleased to make such a change in the bill language. The Louisiana election system is unique and special rules should govern those elections to ensure the fairest and most appropriate treatment to all candidates. If the President signs this legislation, the provisions in the conference report we are considering today will not go into effect until subsequent legislation is enacted which funds the program. At that time, refinements to the bill can be made to modify the definitions of general election and primary election to recognize the special situation that applies in Louisiana. If the President vetoes this conference report we will make the appropriate changes when this issue is considered again in the future.

Mr. BREAUX. I intend to vote for this legislation although I am opposed

to the effect it has on the Louisiana open primary and believe this language must be changed. I appreciate receiving the majority leader's assurances on this matter.

Mr. SANFORD. Mr. President, by passing S. 3, the conference report on the Congressional Campaign Spending Limit and Election Reform Act of 1992, the Senate has an opportunity to let the American people know that we have heard their message and that we are as tired as they are of big money politics and the endless chase for money in congressional campaigns.

Today, the Senate can address in a serious way the public's frustration with politics as usual. The Senate can reform a campaign system that is too dependent on large sums of money and that gives the appearance of corruption. Today, we can begin the process of restoring the public's confidence in the Congress.

There is no doubt that the amount and importance of money in our campaign system taints the reputation of public service. Elected officials are consistently accused of being bought by their campaign contributors. My strong feeling is that Members of the Senate and the House take special care not to be influenced by campaign contributions. But there is the appearance of corruption and it has been enough to erode public confidence.

Today the Senate can send to the President a reform measure that has taken a long time to develop. The fact that we are here voting on a conference report on campaign finance reform speaks to the hard work and perseverance of the senior Senator from Oklahoma who has been tireless in his efforts to reform a sick campaign system. For 5 years, he has led the charge. He is to be commended.

In August of 1987, I came to the floor of the Senate to speak in favor of S. 2, the first of the campaign reform bills that preceded and helped to form the bill in front of us today. As a cosponsor of S. 2, I pointed out that there was a judgment felt widely across the land that far too much money is spent for political campaigns, and that the American political system was the worse for it. I had been in the Senate for just 6 months and it was already painfully obvious that Senators had to spend far too much time being professional fundraisers. A Republican filibuster prevented a vote on S. 2.

In the 101st Congress, the Senate revisited this issue and passed S. 137, the Senatorial Election Campaign Act of 1989, legislation nearly identical to S. 3 before us today. Again, a campaign finance reform measure failed to become law. This time because of a threatened veto by President Bush.

Last year, the Senate took up consideration of S. 3, then known as the Senate Elections Ethics Act, out of which came the conference report before us.

For the first time, despite 5 years of Republican opposition and obstacles, the President can be sent a tough campaign finance reform measure—one that the people support.

If the development of this bill has been difficult and full of roadblocks, the future of this bill looks even more bleak. President Bush has indicated his intention to veto S. 3. He will choose political expedience over sound public policy. For if we pass this conference report, the President's options are clear. One option is for him to do what he knows is right and sign a bill that the public supports. His other option is to veto S. 3, and to keep a campaign issue at hand. On the campaign trail he will rail against a do-nothing Congress. It will be another in a series of cynical moves by the President to defeat real reform in order to keep alive his hollow argument that the Congress is not able to address the pressing issues of the day.

Mr. President, we all know how the public views the Congress. The approval rating for the Congress is at an all time low. It is my conviction that this lack of respect for the Congress is in large measure due to our system of campaign finance. I do not believe that the Members of this body are corrupt. Clearly, however, our campaign system gives the appearance of corruption. The excessive spending on campaigns puts a real strain on elected officials at all levels of government. The status quo, our current campaign system, requires ever increasing campaign spending by Members of Congress. This gives the appearance to the public that we are dependent on private funds, special interests, and rich friends to finance our campaigns. Bill Moyers interviewed a mechanic recently who said something to the effect that he felt that the Government is of the people, by the special interests, and for the few. The Congress is not corrupt, but it sure looks that way.

We have an opportunity to say to that mechanic, and to all citizens across the land, that we have gotten the message. We can prove that reform is an issue we are serious about by passing S. 3. President Bush can provide real leadership by signing this bill into law.

S. 3 provides a comprehensive approach to campaign finance reform. This conference report establishes a system of voluntary spending limits. In my home State of North Carolina, just over \$3 million could be spent in a Senate election cycle. That would cut for example over \$19 million out of the \$25 million estimated spending in the 1990 North Carolina Senate race. When our Nation faces all the problems that it does, funds could be put to much better use than excessive campaign spending.

The spending limits are voluntary because the Supreme Court ruled in 1976 in the case of Buckley versus Valeo

that mandatory expenditure limits are unconstitutional. In order to deal with this Court case, incentives or punishments must be offered to induce candidates to accept spending limits. S. 3 offers incentives in the form of limited public financing. Candidates who agree to spending limits will receive free and reduced-rate broadcast time and discounted mailing rates.

S. 3 also addresses the difficult issue of contributions by political action committees. In the Buckley case, the Supreme Court ruled that the right to associate is a fundamental constitutional freedom. It seems nearly certain that a total ban on PAC contributions would be ruled unconstitutional. Although we cannot ban total contributions by political action committees, we can take steps to reduce the influence of special interest money. This bill does just that. No Senate candidate could accept more than 20 percent of the total spending limit from PAC contributions. The amount of money a political action committee could contribute is reduced by half under this bill.

The conference report also addresses the issue of soft money and bundling. Soft money is that money which indirectly influences Federal elections but is raised outside the restrictions of Federal law. S. 3 subjects this often abused campaign practice to Federal law. Money raised and spent by party committees solely in connection with a Federal election would be subject to limits and reporting rules under Federal law, not simply State laws.

Bundling allows an individual to solicit a number of checks for a candidate without the total amount of those donations counting against the contribution limits of the individual. This conference agreement will prohibit bundling and would require all contributions made through intermediaries, such as professional fundraisers or house party hosts, to be fully disclosed. These are all important and necessary provisions if our campaign system is to be truly reformed.

While there are other important provisions within S. 3, one deserves special mention. A major complaint I have heard from one end of North Carolina to the other is that people are sick and tired of negative, mean-spirited campaign advertisements. These advertisements add nothing to the public debate. The conference report before us requires that television advertisements include a prominent and identifiable image of the candidate and a statement that the candidate takes full responsibility for the content of the advertisement. This will force candidates to take personal responsibility for the statements made in television advertisements, a most welcome development.

If people have made clear their disdain for negative campaign commercials, they have also indicated their

strong support for campaign spending limits and campaign finance reform. On average a Senator spends \$4 million to campaign for a Senate seat. This does not sit well with North Carolinians. In the last Senate campaign in my State the challenger spent \$7.7 million in a losing effort. The winner spent \$17 million or \$15.50 for each vote he received. This also illustrates very well the fact that spending limits help challengers by creating a level playing field. Under S. 3, incumbents will not be able to amass huge war chests. Spending limits also serve to reform a campaign system that is so exorbitantly expensive that many qualified challengers simply decline to seek office.

Mr. President, it bears repeating: The amount of money needed for a viable campaign in this television dominated era is disgraceful. There is no other word for it. We must enact significant reform so we can cease being part-time legislators and full-time fundraisers.

Nonetheless, the President will veto this bill. He will veto S. 3 because he says that he cannot in good faith sign a bill that includes public financing provisions. It is difficult to miss the hypocrisy of this position. The President has benefited more from public financing than any other elected official in our Nation's history. At the end of this Presidential campaign, Mr. Bush will have collected \$200 million in Federal matching funds, an all time high.

It seems that the Senate will not have enough votes to override this expected veto. If S. 3 does not become law, I will once again advocate a new direction for campaign finance reform. I have introduced Senate Resolution 70 which recognizes that the Senate should make and enforce its own Campaign Code of Conduct for the dignified election of its Members. My resolution does not offer limited public financing in exchange for compliance of spending limits. Instead, it offers sanctions, in some cases mandatory, ranging from loss of seniority advantages to censure, and even expulsion for failure to abide by the rules. That discussion, however, can wait.

Perhaps my resolution will not be necessary. Perhaps President Bush will sign S. 3 into law. Perhaps, after hearing from so many of our fine citizens across the land who are disgusted with dinners that raise \$9 million in one night, President Bush will see the need to reform this campaign system. It is not too late for the President to show real leadership and to follow the will of the people, but I hold out little hope.

Thank you, and I yield the floor.

Mr. BIDEN. Mr. President, I will support the conference report before the Senate, but I do so with the knowledge that it represents only a partial response to much needed reform of our campaign finance laws.

For nearly two decades, I have argued in support of public financing of

congressional campaigns. The conference report does not include full public financing. But if the President signs this conference report into law, something he unfortunately is not expected to do, it would represent an improvement over the current system.

However, with or without the President's signature, I believe we will return again to the subject of campaign finances, and perhaps then we will put aside attempts at moderate reform and adopt a true overhaul of our elective process.

In this conference report, we are rightly acting to address the nagging feeling of the American public that they have no voice with their elected representatives, that they have little role in determining who those representatives are.

The public seems convinced that they play no real part in a candidate's efforts to get to Congress or to stay in Congress. Decisions seem to be made by heavy-hitters or insiders, not through a reflection of the electorate's wishes. This has bred a cynicism that goes to the heart of our democratic government.

Earlier this month, the Wall Street Journal and NBC conducted a nationwide poll. Nearly 60 percent of the respondents agreed with the statement that "the economic and political systems in this country are stacked against people like me." Nearly two-thirds of the respondents believed that quite a few people in Government are a little crooked.

There are undoubtedly dozens of factors that contribute to the public's distrust or alienation from Government, but one factor has to be the election process.

When I first ran for the Senate in 1972, I was a little naive about the process. After I received the nomination, I went to the chairman of the Democratic Party and said, "Do you write me a check?" He looked at me and said "you are 29, aren't you?"

I thought the parties would help their nominees. I found out quick that the costs of my campaign were covered by me knocking on doors and asking for contributions to help me run for office. But for most candidates, knocking on doors won't be enough. Like it or not, they will have to chase bigger campaign contributions. Public financing would end the spectacle of good candidates having to pander to special interest groups, and of other candidates who never make the effort because the financial requirements are so demanding.

The chase for dollars dominates the electoral process we have today. This conference report will move us closer to the goal of deemphasizing the importance of raising money. Unfortunately, it does not completely end that influence.

It is interesting how opponents try to characterize any use of public funds for

election campaigns. Listening to them, one would think that campaigns are most commonly financed through small individual contributions, and that this grassroots effort would be completely destroyed by a reform of the system.

But is that what the American public is expressing their outrage at? That they believe their voice would be lost through a public financing system? This assertion of opponents completely distorts the picture. The public believes their voice is lost now, under existing rules. What public financing would do is eliminate the excessive influence of the fat cats in deciding who runs and who doesn't. The American people rightly believe they should be the ones to make that decision.

The President has said he will veto a bill that includes spending limits and public financing. Two crucial components of campaign finance reform, and the President wants to take them off the discussion table. It is a defense of a system that the American public clearly rejects as inequitable.

Opposition to spending caps? In 1974, I wrote an article on campaign finance reform for the Northwestern University Law Review. In that article, I noted that certain individual races cost as much as \$320,000 for the House and \$2,300,000 for the Senate. Those were exorbitant figures for the time.

Now we have reached spending levels that can only be termed astronomical. In 1990, the average winning House race cost \$400,000—the average cost is now well above what was considered an exceedingly expensive race when I first entered Congress. The average cost for a Senate seat showed the same trend. The Senate average for 1990 was \$4,000,000, nearly double the highest cost in 1974.

Opposition to public financing? Concern over the costs of campaigns and how they can change the nature of representative politics is not limited to the national level. Last week the Governor of Delaware, Michael Castle, signed legislation to allow counties and municipalities to pass public financing laws. In signing the bill into law, Governor Castle, a Republican Governor I might add, had some observations about the Delaware law that could just as easily apply to what we are acting on today.

In a letter to the Delaware Legislature, Governor Castle said:

I support this legislation because I believe that public financing of local elections can lead to a more competitive system where challengers as well as incumbents have access to adequate resources with which to run effective campaigns. The impact which a system of public financing can have on elections to local office is particularly significant where large individual contributions can be disproportionate to the total amount of campaign contributions received by a candidate. In such elections, public financing can diminish the influence of special interest

money, encourage the participation of small contributions and reduce the need for candidates to spend significant amounts of time soliciting money from large contributors. * * *

If those observations can be made about local races, imagine what can be said about House or Statewide Senate races. The fact is that the same influences that Governor Castle cited in local elections are writ large in elections at the Federal level.

The conference report we will vote on later today represents only a first step in dealing with this issue. I continue to believe that while moderate reform may take eliminate some of the excesses, we should not stop here. We should go further and pass total public financing for Senate campaigns. Only this step would completely return the process to citizens, where it belongs.

Mr. SMITH of Oregon. Mr. President, I will vote against this conference report with pleasure. If ever there was a misbegotten example of legislation which purports to deal with a problem, while making it worse, this is it.

Our system of regulating elections is far from perfect. But this conference report will ensure that there will be no changes in our campaign finance laws during the 102d Congress—good, bad, or indifferent.

Mr. President, the reason this conference report will kill campaign reform for the 102d Congress is that, rather than attempting to come to grips with the inadequacies of the way we conduct and fund campaigns, it is little more than a cynical effort to manipulate the rules to benefit selected participants in the political process.

This will not be the first time that architects of so-called campaign reform proposals have attempted to undermine the very fabric of our democratic system for political gain.

For example, the Campaign Reform Act of 1974 was a monumental effort in incumbent protection. In the 16 years following the 1974 enactment, incumbent reelection rates rose from 85 to 97 percent in the Senate and from 80 to 96 percent in the House. In 1988, in fact, the House reelection rate was a startling 98 percent. In a vicious cycle, greater incumbent protection dried up sources of financing, with challengers receiving only 6 percent of the \$108.6 million PAC's contributed to House candidates in 1990.

The 1974 act was dysfunctional in a number of other ways: Following the 1976 Buckley versus Valeo decision, wealthy candidates were allowed to make unlimited contributions from their personal wealth, while poor- and middle-income candidates were disadvantaged in their efforts to raise the seed money they needed to seek reelection. The reason for this is simple: While a wealthy candidate can throw \$100,000 or \$500,000 or \$1,000,000 into his campaign, it is virtually impossible for

a candidate without wealth or name recognition to raise this amount of money in \$1,000 increments.

Ironically, as well, the decline in individual participation in election funding has led to an increasing dominance of the much-maligned political action committee, which grew in numbers from 608 in 1974 to 4,268 in 1988.

Given this history, it is not surprising that the cornerstone of this conference report before us is an attempt to further skew the system by creating an entitlement program for politicians. In 1984, this entitlement program would take an estimated \$300 million out of the pockets of taxpayers and place it in the hands of anyone who qualified for matching funds. Should taxpayers be required to fund Lyndon Larouche? Or David Duke? Should tax dollars subsidize the bigoted advocacy of neo-nazis? Of anti-Semites? Of Maoist revolutionaries? Or terrorist fringe groups? That is exactly what is happening with the Presidential campaign fund, and this nutty proposal would extend this problem to all Federal elections.

The American people understand the fundamental unfairness of requiring them to subsidize political campaigns, and they have, in fact, repudiated the Presidential campaign financing system every time they have been given an opportunity. Over the past decade, the total percentage of tax filers who check off the \$1 set-aside for Presidential campaigns has plummeted from a high of 29 percent in 1976 to 19 percent in the most recent taxable year for which figures are available.

Furthermore, since this new entitlement is to be funded without "reducing expenditures for any existing Federal program," we can surmise that funding will come from increased taxes.

It is also not surprising that the conference report jettisons the Senate's elimination of political action committees. One would hope that this move to preserve PAC's was motivated by those who, like myself, believe PAC's are a constitutionally protected outlet for small contributors to flex their political muscle. But it is clear that the jury-rigged system, with some rules for the House and other rules for the Senate, is a product, not of principle, but of political expediency.

So, Mr. President, campaign reform will die with today's vote on this conference report. The bill will be vetoed, and the veto will be sustained, probably by a party-line vote. But those who believe that this exercise will shield them from voter cynicism are in for a rude awakening.

In the end, good policy is good politics. Conversely, policymaking with a political objective will ultimately inure to the political benefit of no one.

Mr. CHAFEE. Mr. President, today as the Senate considers whether to approve the conference report of S. 3, I

must express my opposition to this measure.

We are debating this bill at a time when public confidence in our electoral system is lower than ever. One principal reason for this erosion in confidence is the perception that special interests exert an undue amount of influence, through political campaign contributions, upon the actions of those in government. Increasingly, the financing of campaigns is being supported not by the voters who reside in a candidate's State or by the political parties, but by outside individuals and organizations.

Another reason for the public's lack of confidence is the perception that we in Congress are more interested in being able to claim credit for solving problems than in actually doing something about them. This conference report will do nothing to address the voters' uneasiness in these areas.

What will it take to restore balance to our system of campaign finance?

Some suggest campaign spending limits and the use of taxpayer subsidies. Spending limits, however, are not a panacea for improving our campaign system. Moreover, while the legislation before us sets a voluntary cap in the range of \$950,000 to \$5.5 million for Senate candidates—based on a State's voting-age population—and a \$600,000 limit for House candidates, it still fails to fully control money spent by outsiders to influence elections. With regard to taxpayer subsidies, given our overwhelming budget deficit and the many areas of dire financial need—such as education and health care—it is difficult to justify the spending of taxpayer money on congressional campaigns.

This conference report would impose arbitrary limits on the amount to be spent by candidates in Federal elections, and would cost taxpayers an estimated \$300 million for the 1994 elections alone. It would be a dramatic step in a democracy to thus circumscribe freedom of expression, and indeed a dramatic step in a nation with a staggering budget to consider tax subsidies for campaign expenses.

Perhaps these dramatic steps are worth considering. However, if we do we'd better make sure they will result in a system that treats the House and the Senate equally, that is truly fair and evenhanded in the restrictions it imposes, and that improves competition in election campaigns.

What would the country get in return for these extraordinary steps?

There are three areas I believe we need to examine in order to evaluate this conference report:

First, restrictions and regulations should apply equally to both Houses of Congress. The conference report fails to measure up to this standard.

The Senate-passed bill, for example, contained a universal ban on Political

Action Committee [PAC] contributions. This provision received strong support from Republicans and was a central feature of our bill. In the conference, however, the ban on PAC's was eliminated. Under the current proposal, PAC contributions to Senate candidates would be limited to \$2,500 per election whereas the present limit of \$5,000 would continue to apply to House candidates. This is an inexplicable disparity.

Another shortcoming is the revised prohibition on franked mass-mailings by incumbent candidates. Instead of prohibiting such mailing during the election year for all Members of Congress, the conference report applies this provision to the Senate but fails to apply it to the House. What is the explanation for this inconsistency? For I cannot fathom any difference between a Senate and House franked mass mailing.

Second, it should limit the ability of special interests to influence the actions of those in Government through soft money contributions.

What is soft money? It is money used to influence Federal elections that is raised outside the purview of Federal election regulations. In short, it is money that does not have to be reported.

Again, the conference report does not address this matter in a comprehensive fashion. While it does require money that is solicited, contributed, and spent in a Federal election to meet the requirements of the Federal Election Campaign Act, it does maintain a rather large loophole; namely, while limiting the activities of State and national party committees, it allows special interest soft money—like contributions from labor unions or from corporations—to flow freely into the coffers of incumbents.

Therefore, this bill would place limits on the funding by the two major political parties—Republicans and Democrats—to which a majority of Americans belong. Unfortunately, the bill would not affect the soft money of the powerful special interests groups who make their homes here in Washington pursuing a narrow political agenda that includes maintaining access to and influence on government. How can they do this? Through large soft-money contributions.

Third, it should improve competition in congressional campaigns, in which incumbents currently enjoy a number of advantages which inhibit the ability of challengers to compete. Given inconsistencies in this legislation there is no doubt in my mind that under the provisions of this agreement, incumbents would again win the day at the expense of fair competition.

In the Republican bill there were a number of significant provisions to promote competition: for example, restrictions on gerrymandering, the com-

prehensive ban on PAC's, the ban on election-year franked mass mailings—for both Houses of Congress—and the tighter limit on contributions from individuals who reside outside a candidate's State, bringing the maximum down from \$1,000 to \$500. These are effective and necessary elements to campaign finance reform. Yet they are not to be found in this conference report.

I am also troubled by the potential cost of the bill. It has been estimated that, when applied to both House and Senate candidates, the Federal funds to be made available by this legislation could total upward of \$300 million for the 1994 elections.

At a time when the intractable budget deficit is constraining our spending in a number of worthwhile areas—such as health care, education, and drug treatment—I find it difficult to explain to the taxpayers that we can afford to embark on a new program offering Federal subsidies for congressional candidates, especially to support a system as flawed as the one set forth in this bill.

Proponents of this measure have cited section 902 which calls for "Budget Neutrality." The conference report states that this or any subsequent act "shall not provide for any general revenue increase, reduce expenditures for any existing Federal program, or increase the Federal budget deficit."

That's all well and good if proponents are looking for an answer to the taxpayer's fair and honest question: Are we going to pay for this financing scheme? The conference report provides the following enigmatic and hollow answer: "*** designating the source of financing is an issue to be decided in subsequent legislation."

The fundamental feature of this measure is taxpayer-financing of congressional races, which will require hundreds of millions of dollars under the proposal we are debating today. Yet this conference report fails to tell us—and fails to tell the American people—how this will be paid for.

It is easy to come up with appealing and popular ways to spend money on new programs like public financing of elections. The difficult part of the equation is deciding how to pay for it. The promise of campaign finance reform contained in this bill thus rings hollow.

Again, we have taken up the Senate's valuable time on a measure that we all know will be vetoed by the President. There is no Member of this body who sincerely believes that this bill will become law. Taking into consideration the way the conference report is crafted, it appears designed more for the purpose of handing an issue to President Bush's opponents than for achieving a truly bipartisan and comprehensive reform package.

Given this pattern into which we have fallen, it comes as no surprise

that the American people have expressed their dissatisfaction with Congress and we have seen the tide of anti-incumbent sentiment rise to levels unforeseen.

Campaign finance reform is a perfect example of an issue that must—absolutely must—be dealt with in a bipartisan fashion. When amending the laws that govern our electoral system and affect the balance of power in Congress, we must check politics and partisanship at the door and be guided by principle.

Can we not do better than this?

I am indeed disappointed that again we come together to approve legislation that will meet the same fate as other political gestures fashioned for partisan advantage and disguised as real reform. It is my hope that someday soon we will be able to enact a truly bipartisan and evenhanded bill. The American people deserve our best; and unfortunately, with this bill, we give them Congress at its worst: Partisanship, jockeying for advantage in a Presidential election year, empty promises, and the all-too-present political gridlock that has paralyzed our Government.

Mr. RUDMAN. Mr. President, I rise in opposition to the conference report on S. 3, the partisan Democratic campaign finance bill now pending before the Senate.

Let me just start by affirming my belief that the current system of campaign financing is sorely in need of change. Since coming to the Senate nearly 12 years ago, I have advocated campaign finance reform, especially a ban on political action committees. I also tried to set an example in this area, refusing to accept contributions from non-New Hampshire PAC's in both of my Senate campaigns.

I believe that campaign finance reform is one of the most important issues facing Congress today. At a time when the public perceives the level of honor and integrity in this institution to be waning, inaccurately in my view, and the influence of special interests to be excessive, it is our duty to provide campaign finance reform. But it must be real and it must not be partisan. Just as important, it must not cost the American taxpayer.

Regrettably, the bill we are debating today will not offer the American public real reform. Nor will it restore the confidence of the American people. Instead, this bill hoodwinks the people into thinking there will be change. They will not be fooled for long when they see the price tag. They will not be fooled for long when they see that reform created a system which encourages undisclosed campaign spending. We are in difficult economic times. Americans are forced to cut back on their own spending and our country faces massive Federal budget deficits. Yet, this Democratic bill would take

millions of dollars from taxpayers and put it into the pockets of congressional candidates, while establishing a system even more favorable to incumbents than what now exists. This is not reform and this is not right.

First, this bill would force the American taxpayers to pay for excessive costs for the political activities of candidates. The Congressional Budget Office estimates that this bill will have a biennial cost of \$100 million to \$150 million, while the Senate Republican Policy Committee estimates the direct biennial cost to the taxpayer at between \$182 and \$320 million. Whichever is right, and I suspect it is the latter, this is quite a tab to force down the public's throat when we offer them nothing in the way of real reform. My colleague from Kentucky referred to this as food stamps for politicians. I am not sure I agree with that characterization; but, when the people of New Hampshire talk about campaign finance reform, I know they are not volunteering to give political candidates almost \$1 billion in every 6-year Senate election cycle.

Parenthetically, the conference report to S. 3 would expand public financing of campaigns at the same time that the existing system for Presidential campaigns is falling apart. Under current law, individual taxpayers can, at no direct cost to themselves, choose to authorize \$1 to be pulled from general Federal revenues to be used to finance Presidential campaigns. As a result, every year since 1976, we have had a national referendum of sorts on the issue of the public financing of Federal elections. Only 27.5 percent of the taxpayers chose to support this idea at its inception, and that number has declined ever since. Only 17 percent of all taxpayers, fewer than 1 out of 5, are currently willing to agree to the \$1 checkoff even though it does not affect their tax liability. There can be no more graphic evidence of the fact that most Americans oppose public campaign financing. And yet, in the name of saving the public, this bill arrogantly proposes to geometrically increase use of their money for that purpose.

Worse still, the Democratic sponsors of this measure are unwilling to put forward any sort of funding mechanism to pay for this. What programs will be cut? What taxes will they raise? Or, are they proposing to just add to the already record Federal budget deficits and make this country more bankrupt than it already is.

Second, this bill is designed to protect incumbents, and Democratic incumbents in particular. Under S. 3, voluntary spending limits would be established for Senate races, based on a State's voting age population, ranging from \$950,000 to \$5.5 million for general elections. Supporters of this bill allege that these limits will help to make the system work more fairly for incum-

bents and challengers alike. However, the reality is that these limits will actually hurt challengers and hinder their ability to mount a credible campaign against incumbents.

Long before the election year arrives, incumbents are able to gain an advantage over challengers. By virtue of holding office, incumbents are able to build a support staff, media contracts, and more importantly, name recognition. As a result, the challengers usually find themselves behind the eight ball at the outset of a campaign. These inevitable incumbent advantages can be overcome, but only if challengers are given the opportunity to do so.

Contrary to the impression being fostered by Common Cause and other supporters of this bill, this does not mean that spending by challengers must equal or exceed that of incumbents. It does mean that challengers must be able to spend a certain threshold amount in order to run a competitive race. The spending limits proposed by the Democrats in this bill, should they prove to be enforceable, are so low that challengers will be unable to compete effectively. This of course, suits the Democratic Party, the party with the most incumbents just perfectly.

A few simple facts demonstrate the effects of S. 3's proposed spending limits. In the 1988 Senate elections, 95 percent of the challengers who spent under the limits set out in this bill lost. In 1986, when campaign costs were much lower than they are now, 90 percent of the challengers who spent within the limits lost, while 63 percent of those exceeding the limits won. In my State of New Hampshire, it costs nearly \$500,000 for many challengers to get their name recognition up to 40 or 50 percent—just enough to appear credible but not enough to win a race. However, under the conference report, a candidate would only have \$950,000 for the general election. If incumbents and challengers are forced to abide by these spending limits, the incumbent will almost always win. The game will be fixed.

This analysis, of course, presumes that limits of this nature are workable. That is by no means clear. Supporters of the conference report constantly cite the Presidential election spending limits in support of this bill's spending limits. In fact, that system has failed miserably. Any serious student of Presidential elections knows that millions of dollars above the limits are being filtered into those campaigns from sources that do not legally have to be disclosed. Both parties have exploited loopholes in the law to such an extent that more private than public money was spent on the 1988 Presidential race. The Bush and Dukakis campaigns each raised nearly \$50 million which was raised and spent outside the legal limits, and the sources of which did not have to be disclosed.

The pending measure proposes to take the same kind of deceptive system that now exists for Presidential campaigns and extend it to congressional campaigns, misleading the American public into believing private contributions to campaigns have been restricted. It then goes on, in a blatantly partisan fashion, to try to exploit differences in the operation of the two major parties by restricting Republican soft money efforts while leaving similar Democratic efforts unimpeded. The key to understanding this is that the Republicans tend at present to channel all their funds through party coffers, while the Democrats operate through an extensive network of affiliated but technically independent groups, including labor unions.

Soft money, referred to as sewer money by one newspaper, is the type of money which sneaks into the system and turns it rotten. There are no disclosure requirements and no limits on the size of the contributions. It is estimated that over \$100 million in soft money is spent in support of congressional campaigns during each election cycle. To limit candidate spending while not touching soft money is to drive more contributions into this hidden, uncontrolled area of political activity. Yet, Republican efforts to regulate these expenditures in an across-the-board fashion are unacceptable to the Democrats who control the Congress.

Instead, the Democratic conference report tries to limit and control party spending while making no effort to control soft money expenditures by labor unions and other tax exempt organizations. It is a crass effort to try to hurt the Republicans and protect the Democrats. It will also, ultimately, have the same effect on campaign spending as a person does when squeezing a balloon—push in one place and the balloon pops out in another.

Worse still, while rejecting meaningful controls on soft money, some supporters of this conference report have engaged in egregious false advertising by invoking the special interest contributions made by Charles Keating in support of this bill. But over 80 percent of the donations made by Charles Keating would be unaffected by the provisions of this bill. Rather than make matters better, this bill will encourage more undisclosed campaign activity and foster more Keating-like problems.

The conference report on S. 3 contains to other major flaws. The ban on political actions committees which passed the Senate has been deleted. The bill continues to allow PAC's to contribute \$5,000 each to House races, as under current law, and simply drops the maximum contribution in Senate races to \$2,500. In other words, the most significant problem that the public has with the existing campaign fi-

nance system, and rightfully so, is essentially unaddressed. The reason for this is simple, but sad. So many Democrat Congressmen, especially in the House of Representatives, are so dependent on PAC's that they are unwilling to agree to get rid of them.

In short, the Democrats have brought a conference report before this body which will cost the taxpayers nearly \$1 billion in every 6-year Senate election cycle, leaves PAC's essentially untouched, encourages more unregulated and unrestricted soft money spending, and protects incumbents. This is not campaign reform.

There is one provision worthy of passage and I regret that the Democrats will not agree to address it as a separate measure. It is the provision that gives candidates reduced broadcast rates.

Under S. 3, candidates who comply with the spending limits will be eligible to buy broadcast advertising time at one-half the lowest unit rate, rather than the actual lowest unit rate. This provision recognizes that the cost of television advertising is the single most significant reason for the explosion in campaign spending.

In the Senate today, at least 55 to 70 percent of the cost of a campaign goes toward advertising. Democratic media consultant Frank Greer believes the figure is even higher: "In any competitive campaign, 75 to 80 percent of the budget is going to go into television. There is one overwhelming factor in the growing cost, * * * and that is the increased rates of radio and television advertising."

In my own State of New Hampshire, we must purchase time on Boston television markets to get our message out to the public. The National Journal published statistics in 1990 on the cost of a 30-second commercial spot as measured by cost per rating point [CRP] in prime time. In 1982, the cost per rating point of a 30-second ad in prime time was \$350. In 1986, the same ad cost \$414, an 18.2-percent increase. More startling still is that in 1990, the cost per rating point has risen to \$610, 47.3 percent more than the 1986 price and 74.3 percent over the 1982 cost.

In fact, political candidates have had to pay more for commercial time than any other advertiser. Congress tried to address this problem in 1971 by establishing a broadcast discount for candidates. It was intended to provide candidates the lowest unit rate for advertising during the 45-day period prior to the primary election and 60 days before the general election.

Broadcasters, however, quickly found a way around this rule by establishing different classes of time. The broadcasters now sell time in two forms—preemptible and nonpreemptible. Candidates, who must get their message to specified groups of voters at specific times, must purchase nonpreemptible

or fixed time. This nonpreemptible time is three to five times more expensive than preemptible time. It is sold almost exclusively to political advertisers. Rather than getting a break on advertising, candidates currently pay more than virtually any other advertiser.

A one-half of lowest unit rate provision, along the lines found in this bill, extended to all congressional candidates would alleviate a tremendous financial strain on campaigns, particularly those of underfunded challengers. This more than any other single step, could help make races more competitive. Challengers do not need to be able to outspend incumbents to win races, but they need to be able to buy enough air time to get their message across. Reducing the cost advertising will do that.

This step would affect only a small portion of the three-fourths of 1 percent of broadcasters' revenue that is attributable to political advertising. Moreover, it is important to remember that a television station's revenue is made possible by the Government grant of a scarce public resource: the airwaves.

The Senate could be debating legislation which reduces the political advertising rate in its own right. Such a bill need not provide the right to unlimited advertising at a reduced rate; I am mindful of the concerns expressed by some that reducing the rate would only lead to more advertising, not less spending. I am deeply disappointed we cannot vote on this issue separately.

Mr. President, I would like to see a campaign finance system which the American people can trust and which will not take money from their pockets. This bill costs too much, imposes unrealistic spending limits, keeps incumbents in office, and fails to cure the problem of PAC's and soft money. S. 3 is not reform, and I cannot support it.

Mr. DURENBERGER. Mr. President, I rise today to briefly state my reasons for supporting the campaign finance reform conference report.

A lot of people on this floor are arguing about the problems with this bill, and clearly there are some. But for me, that's like debating which bucket to use to throw water on a burning house.

We have a system that is being destroyed. Public confidence is eroding. Voter turn out is declining. Cynicism with leaders and politics is rising.

We may be able to survive a recession or an S&L debacle, but once we lose faith in our political system as the way to make decisions and solve problems, America is lost. Period.

I'm not voting for a perfect bill. But I sure am voting for progress. I hope the opponents of this bill in both parties, in both Houses and at both ends of Pennsylvania Avenue will stop quibbling and grab a bucket and start fighting the fire before we are all burned.

Nearly a year ago, I voted for final passage of the Senate bill because I believed it has potential to address real concerns expressed by the American people. Today we are considering a conference report on campaign finance reform that is weaker than the bill we passed in May 1991. In addition, the President has promised to veto any campaign finance reform package that contains spending limits, public financing, or different standards for the House and Senate; this conference fails the President's test on all three counts.

I had hoped that the conference committee would have worked to address some of the concerns of the President and gain strong bipartisan support. But we are operating in a highly partisan atmosphere, so I'm not surprised that for one reason or another this matter wasn't resolved.

Although the legislation before us today is a more flawed bill than the legislation we passed last year, I will nonetheless vote to support the conference report.

Campaign finance reform should accomplish four things. First, it should encourage contributions from clean sources and discourage contributions from special interests. Second, it should give a fair shake to challengers. Third, campaign finance reform should control the escalating costs of campaigns. Last, and most difficult to accomplish, campaign finance reform should improve the quality of the substantive debate on issues, so voters can make decisions based on things that really matter.

I believe that the conference report will bring us closer to the first three goals than our current system of campaigns. My basic choice today is not based on whether the conferees did a good job of holding on to the Senate's position—which I don't believe they did—but whether the bill before me now will improve House and Senate campaigns. It will.

First, the conference report encourages contributions from clean sources by requiring that candidates who want to be eligible for benefits raise a threshold amount of individual contributions of \$250 or less. House candidates will be eligible to receive a third of the spending limit in matching funds for individual contributions of \$200 or less. I am disappointed that further incentives for these sources are not in this conference report—a 25-percent extension of the spending cap or small in-State contributions and a restoration of a tax credit for these contributions I introduced as S. 1075.

The conference report places stricter limits on contributions from special interests. Maximum political action committee [AC] contributions to Senate candidates will be cut from \$5,000 to \$2,500, with an aggregate limit of 20 percent of the election cycle limit.

House candidates will still be able to receive \$5,000 from each PAC but will have an aggregate limit of 33 percent of the election cycle limit.

Last year's Senate bill was a much better alternative, eliminating PAC contributions altogether. The conference failed when they restored PAC contributions. But they did eliminate leader's PAC's. That's good. Taking the next logical step to prohibit transfers between candidate campaign committees should have been done. The corner has been turned on reducing the role of PAC's.

The conference report will help challengers by removing some of the unfair advantages of incumbents. PAC contributions, which tend to flow disproportionately toward incumbents, as I have said will be somewhat limited. Senate incumbents will not be able to send franked mass mailings during an election year. Unfortunately, House Members, who have received greater criticism for abusing the franking system, will not be under this restriction.

The conference report helps to level the candidate playing field in other respects, and simultaneously helps to control the skyrocketing costs of campaigns. Candidates who agree to abide by the spending limits will be eligible for low cost mail and lower broadcast vouchers, up to 20 percent of the election limit, to purchase advertising.

I must say I am disappointed that the requirement that these advertisements be from 1 to 5 minutes long was dropped from the conference report. I had hoped the time had come to depose the 30-second ad as the king of congressional campaigns. Under this conference report, candidates will be able to use public funds to purchase 30-second negative ads. That's a shame. However, I am encouraged by the condition that a photograph identifying the candidate and an audio statement that the candidate approved the communication must appear in each campaign advertisement.

I must restate my position that public financing of campaigns is not the panacea that its proponents believe it to be. Experience in my home state of Minnesota, with its public financing system of state campaigns, has suggested that public financing can actually work to the advantage of incumbents and does not necessarily curb the influence of special interests.

I am sobered by the fact that the Senate Watergate Committee in its final report specifically recommended against public financing because of its potential to corrupt the process. And in addition to those shortcomings, I can find very little enthusiasm, even among my constituents who favor campaign finance reform, for using taxpayer funded subsidies to reform the system.

With the exception of the public financing system, my consistent prob-

lem with the conference report is not the direction it goes on these matters, but that it does not go far enough. We must not oversell the virtues of this bill to the American people. It is not sweeping reform. It leaves plenty of room to game the system. It may not change the behavior of candidates in very obvious ways.

But it is progress. The house of this democracy is burning down. This bill will not extinguish the flames, but it will slow the damage.

To do nothing is to accept the fact that damage will continue. I cannot do that.

We have a stewardship responsibility as the temporary occupants of these chairs to pass on a system to our children that is as vital and workable as the one we inherited. This bill, in my judgment, helps serve that purpose.

After almost two decades of failure, we are sending a campaign reform bill to the President's desk. It has been a difficult task to get this far. The distance we still need to travel is very long. But success breeds success. I hope that we will be able to use the debate and disagreements on this legislation constructively, as the foundation for future efforts to reform the system.

Regardless of the vote on this particular piece of legislation today, I encourage my colleagues on both sides of the aisle to put aside partisan differences and sincerely work to restore public faith in the political process, not for own sakes and self-interest, but for those who will live in this house of democracy decades from now.

Mr. GLENN. Mr. President, the Senator from Oklahoma [Mr. BOREN] first brought the necessity of campaign finance reform to the attention of the Senate in 1985. He has continued to lead this effort for many years through all the difficulties. I congratulate him on his work and am pleased to be a co-sponsor of this legislation.

In 1985 and 1986 even its consideration was a battle. In 1987, we had a record number of cloture votes to end the filibuster. In 1988, we saw a scene right out of Frank Capra's "Mr. Smith Goes to Washington," an all night filibuster with the Sergeant at Arms arresting absent Senators and bringing them to the Senate chamber. In the 101st Congress, the Senate finally passed a bill only to see it die at the end of the Congress.

In this 102d Congress we have a great opportunity. Both the House and the Senate have agreed to this conference report. Perhaps this is not a perfect bill, but the legislative process has worked its will. The next roadblock to needed reform appears to be a Presidential veto.

This is a major overhaul of the way in which candidates for the U.S. Senate and House of Representatives raise and spend money for election campaigns.

Nothing is more important to our system of representative government

than the guarantee of free and fair elections. Many citizens in our Nation feel that the credibility of elections has been eroded by election campaigns whose costs have skyrocketed and whose public purposes are paid by private dollars. I believe that the bill before the Senate brings vast improvement to our current system. It will provide many of the improvements we brought to Presidential elections in the 1970's.

In my early campaigns, less money was raised and spent, political action committees were few, contributions were almost unrestricted, and reporting requirements were all but nonexistent. Today, millions of dollars are raised through direct mail, PAC's, and endless dinners, receptions, and telephone calls.

Once raised, extraordinary amounts of money are spent on consultants, polling, computerized demographic analyses of constituencies, and television advertising.

We all remember the Watergate era that led to the current campaign finance rules. Reform was long overdue at that time. Now, we again confront the question of money in politics. In the 1970's we sought to reduce the impact of special interests by limiting contributions. The rise of PAC's, bundling, and soft money, has seriously eroded the credibility of past reform.

Campaigns are too expensive and fundraising detracts from the main purpose of the campaign. Let's restrict campaign spending through voluntary limits. No meaningful reform can be enacted without limits.

Political action committees [PAC's] play too large a role in campaigns. Let's reduce the role of PAC's.

Soft money and bundling have undermined reporting requirements and allowed large contributions to go unreported. Let's eliminate these loopholes.

Our current campaign finance structure is flawed. It encourages suspicion. It distracts candidates and voters from the issues that are truly important in a campaign.

Mr. President, it is past time to act. Public confidence in our electoral processes has been seriously damaged. Let's correct those shortcomings through the passage of this conference report. I call upon the President to carefully review this legislation and it is my hope that he will have the wisdom to sign this bill into law.

Mr. GRASSLEY. Mr. President, my colleagues earlier mentioned that the American Civil Liberties Union opposes the conference report to S. 3, the so-called campaign reform bill.

The ACLU says this bill "will not solve the problems of fairness and financial equity" that proponents of this legislation claim.

Even more interesting is that the ACLU points out that the limits on campaign contributions and expendi-

tures "impinge directly on freedom of speech and association."

This is an important point to understand. Speech is what is really restricted by this legislation, our constitutionally protected right to free speech.

Proponents of S. 3 argue in terms of contributions, money, and runaway spending. But in reality, it is speech, not spending, that is under attack by S. 3.

And if incumbents can pass legislation such as S. 3, that restricts the ability of challengers and their supporters to speak out against the incumbent, what better incumbent protection could you ask for?

The Supreme Court long ago settled this issue in its Buckley versus Valeo decision. The Court stated that "no Government interest that has been suggested is sufficient to justify the restriction on the quantity of political expression imposed by campaign expenditure limitations." The Court also underscored that such restrictions would actually hurt challengers with little name recognition.

Four years ago, Senate Democrats attempted to overturn the Buckley versus Valeo decision through a constitutional amendment. This legislation was understandably nicknamed the "Democrat incumbent protection bill." This legislation would have allowed Congress and the States to virtually prohibit all campaign expenditures. Now that's the ultimate in incumbent protection.

During the 101st Congress, a similar resolution was introduced, but with some modifications. This new version was not quite so draconian because it stipulated restrictions had to be reasonable, whatever that means.

And now, according to the American Civil Liberties Union, S. 3, this campaign reform package presented by the Democrats in both the Senate and House, represents another unconstitutional attack against freedom of speech.

Mr. President, I cannot help but be reminded of the embarrassing moment for this body last Congress when its Members wrapped themselves in the Bill of Rights to fight our efforts to protect the American flag from desecration.

We were told we must not risk tampering with the speech clause to protect the American flag from flag burners. Yet these same Senators thought it was just fine, to tamper with freedom of speech in order to protect their own incumbency, their own reelections.

Is it any wonder Americans are getting sick and tired of Congress? What does it say about values and integrity? How out of touch has Congress become? Is it that difficult to understand? Where are our priorities? It is as simple as this:

If freedom of speech should be restricted at all, should it be to protect the American flag? Or to protect political incumbents?

Should it be to prohibit the physical burning of the flag, or the verbal burning of politicians?

Mr. President, I hope our colleagues who opposed a constitutional amendment to protect America's flag, do not make the mistake of supporting S. 3, which will protect incumbents, by unconstitutionally restricting speech.

During the debate last Congress over protecting the flag, I raised this question about this self-serving, double standard.

At least one outspoken opponent to our flag efforts was shook up enough to withdraw his cosponsorship to Senate Joint Resolution 48, which amended the Constitution to protect incumbents.

Today, others should be so moved as well, and should vote against S. 3.

Mr. President, if you cut off spending, you cut off speech. It takes money to deliver your message through print and broadcast media. It takes money to pay for political travel to speak with voters. And if you cut that spending off, the one hurt most is the challenger who has no established name recognition and who has no adequate forum to express and disseminate the challenger's views.

Mr. President, the problems with taxpayer funding of campaigns should be equally obvious to this body. Our budget deficit could reach \$400 billion this year. Our national debt is at \$4 trillion. Voluntary taxpayer contributions to the Presidential election fund is dropping off.

Yet proponents of S. 3 expect us to believe Americans want to be forced to spend hundreds of millions of their tax dollars to assure the reelection of incumbent politicians. Amazing!

Mr. President, campaign reform may be warranted, but it should be a product of bipartisan support. It should not be a product, such as S. 3, which provides incumbent protection for the political party that has exercised a virtual lock on control of Congress for the most part of four decades.

Mr. MCCAIN. Mr. President, it is with serious reservations that I am today supporting the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992.

Since coming to Congress, I have consistently called for institutional and campaign reform. The Congress is out of touch with the American people. The Congress' insistence on the status quo, and blatant disregard for public opinion—such as when it voted itself a payraise—is evidence that something must be done.

Our constituents have justifiably grown angry.

I share the public's frustration. I have again and again sought to bring

reform to this institution. Unfortunately, institutional zealots and inside-the-beltway, entrenched politicians have put self-interest ahead of the public good.

Mr. President, I am here to once again clearly state that the public will not long tolerate an imperial Congress.

I am supporting the Campaign Spending Limit and Election Reform Act of 1992 conference report, not because it is the best bill the Congress could pass—it is far from it—but because it is the only bill before us.

Mr. President, the bill before us does have many laudable features. First, and most importantly, the bill seeks to curb the money chase. It is unfortunate, but the focus of modern campaigns has shifted from issues to fundraising. This change has served neither the public nor the candidates themselves.

Candidates for the Senate now on the average must raise \$15,000 per week, each week, for 6 years in order to fund a viable campaign. This must be ended, and this bill makes great steps in that direction.

The conference report contains voluntary spending limits which will do much to end the excessive search for campaign funds. These spending limits will also serve to lessen the influence of big-money contributors and special interests.

The spending limits and benefits system in the bill also does much to level the playing field for challengers. Currently, incumbents receive the vast majority of special interest PAC money. This bill will limit the amount of money any PAC can give to a Senate candidate. Additionally, the spending limits prevent incumbents from amassing huge campaign war chests that enable them to outspend challengers by excessive, and often unfair, amounts.

Further, the conference report ends the practice known as bundling. Many special interest groups have continually engaged in this abuse of the campaign system. I am very pleased that the conference report bans this objectionable practice.

The bill also mandates candidate debates and forces candidates themselves, not actors, to appear in any negative television advertising they may broadcast.

However, Mr. President, this conference report is also severely flawed.

First, the conferees, of which I was not one, blatantly disregarded the President's counsel and agreed to one set of rules for the Senate, and a completely different set for the House. This action has for all practical purposes ensured that the bill will be vetoed. Any one interested in passing a bill into law would have sought to work toward a compromise on this issue.

Second, the bill the Senate originally passed called for a complete ban on political action committees [PAC's]. I

support such a ban. However, the conferees disregarded the Senate ban and merely readjusted the PAC limit for the Senate. The bill maintains the status quo for the House of Representatives.

Third, the bill does little or nothing to ban soft, or sewer money in political campaigns. Sewer money is corrupting the campaign system. The bill before us limits the soft money that political parties can contribute to any given campaign, but in a purely political move, ignores union labor soft money.

Fourth, I believe that any real campaign reform must codify the Beck decision. It is a violation of the civil liberties of union and nonunion members alike when forced union dues are used in the political system. I will be working to ensure that the Senate does at a later time, codify into law the Beck decision.

Mr. President, the public is demanding real reform. It will soon see through the facade of reform that is before us in this conference report.

To be fair, the conference report does seek to curb the money chase and limit excessive campaign spending. It is a step in the right direction. However, as I have said, more, much more, must be done before this bill lives up to its title.

For example, during Senate consideration of S. 3, I offered an amendment to prohibit the rollover of huge incumbent campaign war chests. Incumbents have traditionally used left over money from one campaign to the next, usually using it to dissuade and intimidate potential challengers. My amendment would have required that at the end of each election, all leftover funds would either have to be returned to contributors or turned over to the Treasury to relieve the deficit. My amendment would have ensured a much more level playing field between challengers and incumbents in Federal elections.

If my colleagues had truly wanted to pass reform, they would have supported my amendment. However, on a mostly party line vote, my amendment was defeated.

Mr. President, I will not end my crusade for full reform. I have promised my constituents that I will again and again, as long as it takes, make the Senate address the issues of true, comprehensive reform. We are a Congress of the people, not above the people. We should act as such.

Mr. BINGAMAN. Mr. President, in this debate on the conference report on campaign finance reform, it is important to cut through the knot of rhetoric and complicated reform schemes to the central question: what is the fundamental problem we're trying to fix?

As one who has run two Senate campaigns, first as a challenger and second as an incumbent, I believe the problem is clear and simple. The skyrocketing

cost of Senate campaigns—\$2.8 million spent on average for major party candidates in 1988, which is 2½ times what it was in 1980 and more than 5 times what it was during the mid 1970's—has made running for office just too expensive. It's too expensive for the candidate. And, more importantly, it's too expensive for the citizens, voters and taxpayers of this Nation. The costs everywhere are enormous.

First, it's too expensive in the time required of our elected officials for a seemingly endless array of fundraising activities. As the expected cost of an election campaign soars, office holders are forced to divert more and more of their time, energy and worry from attending to crucial public-policy problems to raising more and more money for their campaign coffers.

When you have to raise an average of \$1800 a day, every day for 6 years for your next reelection battle, you are not spending the time you should, listening to your constituents, studying the dimensions of the challenges facing the Nation, working out with your colleagues the details of legislation which produces real solutions to real problems.

Second, the current system is too expensive in the perceived loss of integrity of our elected officials, of the Senate itself. Under the current system of ever more costly campaigns, candidates are forced to accept more and more money from wealthy individuals, networks of powerful business figures and special-interest lobbies. With each \$1,000 increase in the expected cost of a campaign, it becomes harder and harder to turn down a proposed contribution. This is an unfortunate fact of life, but it doesn't have to be this way. We do have a choice.

I am a strong supporter of the conference report because it addresses this very serious problem head-on. The bill attempts to limit overall campaign spending to \$950,000 in smaller States, such as my home State of New Mexico, and up to \$5.5 million in California—levels clearly below what would otherwise prevail.

A limit on overall spending cuts to the very heart of the problem we face. It is the key ingredient, in my view, to any serious reform proposal. It would create fair and competitive races between the two major parties in every race across the country.

Unfortunately, the implementation of spending limits has been complicated by the Supreme Court decision in Buckley versus Valeo. This case, from 1976, says that the free-speech clause of the Constitution requires that no individual candidate be forced to stop spending at a certain dollar amount. The conference report, in an attempt to balance free-speech considerations with the need for spending limits, addresses this complication in both a creative and constructive way.

The bill says that if a candidate agrees voluntarily to the specified spending limits, he or she is entitled to several benefits. First, a candidate who agrees to the spending limits will be entitled to reduced mailing and broadcast rates, and to receive vouchers equivalent to 20 percent of the spending limit for prime-time television advertising. This incentive is coupled with the requirement that at the end of the candidate's TV ads, the candidate must appear on the screen to take responsibility for the ad. This encourages substantive ads, not the negative, 30-second hit and run ads that now bombard our airwaves.

Second, public funding would be made available if an opposing candidate exceeds the spending limits. This provision is clearly designed to provide the necessary incentive for candidates to abide by the spending limits that we need.

Finally, the conference report contains severe restrictions on political action committees, or PAC's. It limits contributions from PAC's to 20 percent of the spending limits, and it cuts the maximum PAC contribution by 50 percent to \$2,500. The conference report also encourages small, in-State contributions from individuals by requiring that no less than 10 percent of the spending limit come from home-State voters that are \$100 or less.

The conference report also contains other provisions that address past and continuing abuses of our campaign finance system:

Restrictions on and full disclosure regarding the raising and use of soft money by the political parties;

The prohibition of bundling, a practice by which parties channel bundles of supposed individual contributions to their candidates nationwide; and

Solutions to so-called independent expenditures from out-of-State special interest groups, which in effect can destroy any campaign spending limit arrangement. Candidates in smaller states are particularly vulnerable to such practices.

These are all good provisions, and they dovetail to achieve one objective—to stop the skyrocketing spending that now mars the campaign process in the Senate.

By adopting spending limits, the Senate would send a clear message that we intend to level the playing field. The spending limits under the conference report are high enough to allow challengers to mount effective campaigns, while keeping either side from gaining an unacceptable advantage. I also believe that spending limits would work to encourage challengers, who so often are scared off by the natural advantage that incumbency gives to office holders when it comes to raising money.

Achieving our objective of reining in the unacceptable cost of running our office would return our elected leaders

to minding the business of governing—the work we send them to Washington to do. And it will reinforce to them the idea that the only people they need depend on are not the wealthy, or the powerful, or the special interests, but rather the citizens, the voters and the taxpayers they were elected to serve. This is why the vast majority of Americans support such spending limits. We can no longer afford to have it any other way. It's just too expensive.

In conclusion, Mr. President, I note that we have heard a lot recently about what is wrong with the Congress of the United States. And a lot of attention has been paid to the so-called House banking scandal. But I believe that if we were to identify the single most important obstacle to improving the responsiveness and the effectiveness of the Congress, it would be the way in which we finance campaigns. And while the conference report before is not a perfect bill or a final solution—no bill ever is—it is the one real, concrete proposal for action which will in fact cause drastic change in the way Congress will work for years to come.

Therefore, the choice today is as follows. Are you committed to fundamental change in the way which Congress works? Or, are you for the status quo in the Congress? If you are committed to change, you have no alternative but to vote for this conference report. If you are not committed to change, if you are satisfied with the status quo, vote "no."

But if you vote "no," I for one do not want to hear any more rhetoric bemoaning the need to reform Congress, lamentations about the inability of Congress to be effective, or the further wringing of hands and gnashing of teeth about Congress' becoming an obstacle to progress. This is our one, real, concrete chance to take action for fundamental change for Congress. I will take this chance. To those who choose not to take it, spare us in the future all those heart-felt speeches about how we could cut the budget, if only Congress could act; or about how we could provide affordable health care for every American, if only Congress could act; or about how we could turn this economy around, if only Congress could act. This is our chance to act for change in Congress—now.

I urge my colleagues to vote for this conference report—to vote for the change which will reinvigorate our democracy.

The PRESIDING OFFICER. All time has expired.

Mr. BOREN. Mr. President, I ask unanimous consent that I might be allowed to proceed for 1 minute without it counting against the time remaining for the two leaders on the bill.

The PRESIDING OFFICER. Is it the Senator's intention to push back the vote from 3:30 p.m.?

Mr. BOREN. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, it may not take as long as 1 minute. This has been an effort that has gone on for a number of years going back to the time that Senator Goldwater and I first introduced a bill to try to limit the influence of PAC's on the political process almost 10 years ago, and this legislation which now seeks to limit total campaign spending in the amount of money coming into campaigns.

THANKS TO THE STAFF

I especially want to thank those staff members, both present members of the staff and former members of the staff, on this side of the aisle who have contributed to this effort over time on our side. And my own office staff, Greg Kubiak and John Deeken have both played roles over the years in helping to research the need for this legislation; Dan Webber and also Joe Harroz, current members of my staff.

From the majority leader's office, Bobby Rozen has been active not only in helping to draft this legislation this year, but in prior years as well.

From Senator FORD's staff, personal staff and the Rules Committee staff, including Jim King, Jack Sousa, and Tom Zoeller, all deserve special mention for the effort which they have made in helping to craft this particular piece of legislation, and in assisting us in preparing it and assisting us also on the Senate side in the conference negotiations.

So I simply want to express my appreciation as manager on this side to those members of the staff who have given us invaluable assistance on this measure.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I ask unanimous consent for 1 minute for the same purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that some documents on this issue be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT ON S. 3—NOT

LEGISLATIVE HISTORY

A year ago, Senate Democrats pushed through S. 3, legislation to impose mandatory spending limits and forced taxpayer financing of congressional campaigns. They fended off amendments requiring public reporting of special interest soft money and disclosure of taxpayer-funded broadcast ads. The House passed a markedly different bill just before adjourning last year.

Early this year, House and Senate Democrats began meeting by themselves to craft a Conference Report. The Conference on S. 3, which the House has approved and the Senate will vote on this week, is entirely a Democratic product. More importantly, the Conference Report on S. 3 is completely dif-

ferent from the bill passed by the Senate last year, in the following ways:

THE PACS ARE BACK

After belatedly adopting the Republican PAC ban in S. 3, the Democrats reversed themselves in conference, adopted a slightly lower PAC contribution limit (\$2,500 in Senate races), and left the House untouched except for the comfortably high aggregate limits.

PSEUDO-SPENDING LIMITS

The presidential system illustrates the folly of spending limits: presidential spending far outpaces spending in "unlimited" congressional races, while fat cats and special interests openly circumvent the limits through endless loopholes. Yet even if you believe in spending limits, the Conference Report contains only pseudo-limits. This legislation has the loopholes built-in, like unlimited compliance costs in House races, through which you could drive a truck full of lawyers and CPAs.

BALKANIZED REFORMS

The Report haphazardly sets different rules for the House and Senate, like conflicting PAC limits, franked mail rules, taxpayer financing mechanisms, and exemptions from spending limits—without any rationale. The Report drops an amendment to S. 3 requiring identical PAC limits for House and Senate.

VETO-BAITING

Democratic conferees have loaded up the Report at the last minute with provisions attacking administration "perks", all outside the scope of conference. Presumably, the purpose is to ensure a veto at all costs in order to score political points and prevent this disastrous bill from becoming law.

SOFT-MONEY SOFT-SHOE

Pretending to ban "soft money", the Conference Report instead throttles political party activity in federal elections, including voter registration and turnout. As Washington Post columnist David Broder argues, parties are "the only institutions in America that have an interest in electing non-incumbents". Yet the Report does absolutely nothing about special interest soft money. A phone bank run by your campaign or the party would face draconian limits; but the labor-operated phone bank next door would go scot-free.

BUT SOME THINGS NEVER CHANGE

Despite overwhelming public opposition, taxpayer financing is still in the Conference Report. PACs are back; special interest soft money is above the law; and spending limits have been replaced with spending sieves—which filter out the non-corrupting sources of Republican support, like small private donations, and protect the invidiously corrupting sources of Democratic support, like labor soft money and beltway PACs.

The S. 3 Conference Report is like closing the House bank just for Republicans, but keeping it open for Democrats. Compare the Democrats' Conference Report to the "old" S. 3 and to the Republican alternative bill, and vote "yes" for reform—by voting "no" on the Democrats' anti-reform Conference Report.

[From the Christian Science Monitor, Feb. 25, 1992]

PUBLIC FUNDING—A FAILED REFORM (By Eugene McCarthy and Mitch McConnell)

The First Amendment to the Constitution, which guarantees Americans the right of free speech, was the most important electoral reform ever enacted.

So why, two centuries later, is the United States government bribing people to give up this right through the Presidential Election Campaign Fund?

And why are candidates who refuse to participate in this billion-dollar boomdoggle being discriminated against, excluded from debates, and kept off state ballots?

Our answers could fill a book. They point to two conclusions concerning the Presidential Election Campaign Fund: (1) it should not be used as a measure of political viability; and (2) it should be abolished.

The Presidential Election Campaign Fund was created by the Federal Election Campaign Act of 1974 (FECA). This law, passed in the "reform-mania" that gripped Congress in the wake of the Watergate scandal, advanced two key changes in the country's electoral system: public financing and mandatory limits on campaign spending.

The US Supreme Court in the landmark 1976 *Buckley v. Valeo* decision, struck down the mandatory spending limits as an unconstitutional restriction on free speech. The high court ruled that the only constitutional way for the federal government to limit speech was to, in effect, bribe people to limit their speech voluntarily.

If Congress wanted to limit campaign spending it was going to have to use taxpayers' money, through public financing of campaigns, to do it. And so the court allowed the Presidential Election Campaign Fund to stand as a means of enticing candidates into accepting voluntary spending limits.

Since 1976, the Presidential Election Campaign Fund has provided presidential candidates grants drawn on the US Treasury to pay for their campaigns. In return for this generous public subsidy, candidates must agree to limit their campaign spending to an amount prescribed by the government.

The subsidy is so generous that most major candidates cannot afford to refuse it. The two major candidates in the 1992 general election each will receive grants of \$55 million. Only two major candidates, not wanting to use taxpayers' money for their campaigns, have declined: John Connally in 1980 and Eugene McCarthy in 1992.

A reformer's dream when it was enacted, the Presidential Election Campaign Fund has become the taxpayers' nightmare. The fund props up a failed system of spending limits, in which special interest soft money (off-the-books, unregulated, and unlimited) flows through innumerable loopholes by the hundreds of millions of dollars.

Further, the fund has devoured half a billion taxpayer dollars that could have been put to infinitely more worthwhile uses. And taxpayers have been forced to financially support the causes of candidates they otherwise would not support.

Not only are participating candidates being bribed to restrict their First Amendment freedoms, but even those candidates who refuse this bribe on principle are finding their rights infringed by this fund. That is what is happening to the McCarthy '92 presidential campaign.

The Presidential Election Campaign Fund is now being used to gauge whether a candidacy is serious. The national media are using it to determine which candidates merit being seen, heard, or written about.

The fund is also used by some states to determine whether a candidate will be placed on the ballot in primary elections.

In other words, if a candidate refuses to sign up for the fund, or is not "generally recognized in the national news media" (often two sides of the same coin), then that can-

didate can be denied the right even to run. Such a candidate is subject to exclusion from some state primary election ballots and is not invited to appear or participate in media-sponsored "candidate debates."

It is absurd—if not unconstitutional—to punish candidates for turning down taxpayer funds to pay for their campaigns. The Presidential Election Campaign Fund should not even exist, let alone be used as a political credibility barometer.

[From the Wall Street Journal, Feb. 5, 1992]

TAXPAYER-FUNDED CULT

You may never have heard of Lenora B. Fulani, the presidential candidate of the New Alliance Party, but your tax dollars are paying for her anti-Jewish and pro-Libyan campaign. So far Ms. Fulani's tiny party has collected checks totaling \$763,928 in federal matching funds. The story of the New Alliance Party is a cautionary tale for those who think public financing of elections would invigorate U.S. politics. More likely, it would only make it fringier.

The New Alliance Party's windfall comes from a federal law that requires the government to match dollar-for-dollar up to \$250 of contributions to any presidential candidate who can raise \$5,000 in each of 20 states. This isn't the first time the NAP has cashed in on the ability of its fanatical followers to raise money door-to-door. In 1988, Ms. Fulani collected nearly \$900,000 in federal matching funds.

The New Alliance Party was founded by Fred Newman, a former philosophy professor, who in 1974 joined the conspiracy-obsessed party of Lyndon LaRouche. Mr. Newman broke with LaRouche to form the New Alliance Party. Mr. Newman's 15 "therapy centers" teach that every person is dominated by "a dictatorship of the bourgeois ego" that must be overthrown in a personal revolution so as to liberate the proletarian ego. Patients at the therapy centers often become devoted workers in the New Alliance Party.

At a 1988 event Ms. Fulani accused Israel of "genocidal policies" and ripped off portions of an Israeli flag. Mr. Newman has said Jews have "sold their souls to the devil—international capitalism." In 1987, the Libyans paid for Ms. Fulani and other NAP members to go to Libya and protest "genocidal U.S. bombing" of that country. At the same time NAP members held a pro-Libyan rally in front of the White House.

We seem to be living through a time that breeds groups of people who have marginalized themselves well beyond the norms of American-political and cultural life. While it is in the U.S. tradition to give them a wide berth, it is by no means clear that taxpayers should have to pay for their political campaigns. Mr. LaRouche's many campaigns for President were also lavishly funded by the federal government until his fraud conviction. No one doubts that David Duke, whose campaigns for office are his livelihood, will soon successfully apply for federal matching funds.

The closest thing the U.S. has to a nationwide referendum on public financing of campaigns comes when Americans check a box on their tax form that asks if they want \$1 of their taxes to go to a presidential election fund. Even though it's made clear no one's taxes will go up, the results are overwhelming. Every year the number willing to use tax dollars to bankroll political candidates declines; last year only 21 percent agreed. Despite all this, the Federal Election Commission last month decided to spend \$120,000

to hire a PR agency to urge people to send \$1 to the same fund from which Ms. Fulani's subsidies flow.

Election reforms are certainly needed to restore competition in politics. It would help if we scrapped the \$1,000 limit on individual contributions imposed in 1974, or at least raised it to \$3,500 to account for inflation since then. Term limits would bring new blood to politics. Offering voters a None of the Above option on the ballot would make many routine elections more meaningful. But outside the Beltway, almost no one believes the public-financing schemes being debated in Congress are any solution.

[From the Washington Post, May 16, 1991]

ELECTION REFORM THAT FETTERS FREE SPEECH

(By Mitch McConnell)

There are plenty of good reasons to be against S. 3, the huge campaign finance bill lumbering through the Senate: It's a politicians' entitlement program, it's rigged for incumbents, and experts say it won't do anything to reduce campaign spending or special interest influences.

But the most serious reason for opposing S. 3 is that this bill is the most aggressive attack on free speech since the Alien and Sedition laws. Even if the bill limps through both houses and survives an expected presidential veto, it will be pronounced DOA on the steps of the Supreme Court.

S. 3 enforces spending limits in Senate election campaigns by imposing Draconian penalties on anyone who refuses to comply. This runs headlong into the Supreme Court case *Buckley v. Valeo*, which held that spending limits are essentially a limit on speech and therefore cannot be coerced.

The *Buckley* decision did allow Congress to offer candidates public money as an incentive to limit spending—provided that the system was completely voluntary. That is how presidential elections work: Candidates may forgo the subsidy (John Connally did in 1980), but they are not punished for ignoring the limits.

S. 3 is completely different: Nonparticipating candidates not only forgo public financing, but they also lose a valuable discount rate for their TV ads. And if they exceed the spending limit—even by \$1—they trigger an avalanche of public money for their opponents. In a perverse twist on *Buckley*, S. 3 makes spending limits the "deal you can't refuse," using public money and other benefits to bludgeon candidates into submission.

S. 3's constitutional problems don't stop there. The bill gives candidates cold cash to battle "independent expenditures," efforts by private citizens to affect an election. Thus, David Duke could get millions of tax dollars to combat efforts against him by the NAACP and B'nai B'rith. In effect, S. 3 uses the power of the public purse to overwhelm private political speech.

The bill also discriminates against citizens who want to support candidates in other states. This ignores the fact that members of Congress are national figures. Many members, because of committee post or personal crusade, are leaders on issues of national significance. To draw state lines around the right to support candidates is to restrict every citizen's right—as an American—to participate in national issues and ideas. It is simply insane that KKK member in David Duke's home state should have more right to contribute to him than an out-of-state civil rights worker would have to help his opponent.

It is also unconstitutional. The *Buckley* court found only one acceptable reason to re-

strict contributions: to prevent the appearance or reality of corruption. There is nothing about out-of-state money that makes it more corrupting than in-state money. If the Keating Five scandal taught us anything, it is that when a contribution has some connection to the state, even the most blatant quid pro quo can be justified as "constituent service."

Finally, S. 3 gets downright nasty in regulating political advertising. The bill forces all nonparticipating candidates to declare in their ads: "This candidate has not agreed to abide by the spending limits * * * set forth in the Federal Election Campaign Act." This disclaimer clearly is designed to embarrass such candidates, and implies that they are scoundrels when their only "crime" is the full exercise of their First Amendment freedoms.

Like the McCarthy era's "loyalty oaths," S. 3's degrading disclaimer would be struck down by the Supreme Court as an impermissible speech content requirement.

S. 3 has as much chance of surviving the Supreme Court as Saddam Hussein would have at an Army-Navy game. Before it gets that far, however, Congress should act responsibly regarding the bill's unconstitutionality. Members of Congress swear to uphold and protect the Constitution. If a bill's unconstitutionality is firmly established under legal precedents, as it is with S. 3, then it is the duty of every member to stand by the principles they have sworn to protect.

Advocates of a flag-burning ban went to extreme lengths to ensure its constitutionality, checking with legal scholars and adding language to require expedited Supreme Court review. No such efforts have been made regarding S. 3. So before this bill is passed out of the Senate, I will offer an amendment requiring expedited Supreme Court review of any constitutional challenge to it.

Congress should take special precautions with S. 3 precisely because it is not just another flag-burning bill that restricts the trivial right to torch Old Glory. S. 3 is a neutron bomb of a bill, aimed at the heart of political participation in America. By forcibly limiting campaign spending, S. 3 squeezes out small donors and handicaps challengers with broad support. If it ever became law, this bill would noticeably shrink very American's right to be involved in politics.

The most revolutionary election reform ever enacted in this country was the First Amendment. The core of that reform was the ideal of unlimited, unfettered, unregulated speech. It would be a tragic irony to compromise that ideal in the name of election reform.

[From the Washington Post, June 5, 1991]

POWER TO THE PARTIES

(By David S. Broder)

Perhaps because he came to office as an unelected president, perhaps because he had been so close for so many years in Congress to his own western Michigan constituents, Gerald Ford worried even more than most politicians about staying in touch with grass-roots America.

The secretary of health, education and welfare in his administration, former University of Alabama president David Matthews, shared Ford's understanding of the importance of being connected to Main Street thinking. As president of the Kettering Foundation, he has kept his focus on the damaged links between the governed and those governing in this republic.

The foundation has just published the latest and most important in a series of reports

on that topic, called "Citizens and Politics: A View From Main Street America." It is so right on so many fundamental matters that its silence on one vital topic is all the more astounding.

The body of the report is a summary and analysis of 10 focus groups, with cross-sections of people, held in scattered cities across the nation. Six were held in the middle of last year; four others, this spring. But the Harwood Group, which conducted the sessions, found no significant shift from prewar to postwar attitudes on politics.

In both time periods, and in all 10 sessions, those interviewed expressed a disdain and distrust for politics so deep that Mathews is well-justified in saying that "the legitimacy of our political institutions is more at issue than our leaders imagine."

That view is amply confirmed by the experiences I have had in the last five years when interviewing voters for *The Post*. Those interviews also bear out two other points emphasized in this report that contradict some of the conventional wisdom.

First, the problem is not voter apathy—but frustration. Citizens "argue that politics has been taken away from them—that they have been pushed out of the political process. They want to participate, but they believe there is no room for them," the report says.

Second, fears that this generation of Americans has become selfish, self-centered and devoid of concern for community and country are unfounded. On the contrary, millions of people are actively involved in neighborhood or community efforts. These require political skills (organizing, agenda-setting, negotiating), but they sharply separate them from the politics they despise. At the level at which they are personally involved, they see a possibility of change and accomplishment. Politics—which to them means mostly national and state government—is beyond their influence and, therefore, they believe, beyond redemption.

"Politics," said a Los Angeles woman, "is rules, laws, policies. This has nothing to do with why I am involved in my community."

All that, from my experience, is on target and has important implications. It means, among other things, that good-government reforms like public financing of campaigns or a ban on politicians' honoraria address only symptoms, not causes, of public disillusionment.

The root cause is that people have lost their belief that as individuals they can influence the distant decision-makers in Washington or the state capital. "They believe they have been squeezed out," the report said, and the system they should control has been usurped by "politicians, powerful lobbyists and the media," who communicate and negotiate with each other but ignore the concerns the citizens want addressed.

The report suggests a variety of ways that the shattered connection between citizens and governments might be rebuilt. But, astonishingly, its analysis does not even mention that in the last 40 years, we have seen the steady decline of the political party organizations that once functioned as the links between local citizens and governments at all levels.

Do elected officials no longer hear or heed what citizens think? It is largely because the political networks, from precinct captains to county and state chairmen, that once carried those messages, no longer exist.

Do interest groups and political action committees now dominate the governmental process? It is largely because aspiring candidates and elected officials no longer can

look to their parties for financial and grassroots organizational support.

Do the mass media now play an exaggerated role in promoting or crippling political careers and in setting the issues agenda? It is largely because communication moves almost exclusively through the media, not up and down the party networks from precincts to Capitol Hill and the White House.

Disillusioned citizens are right in thinking that individuals are nearly powerless in a mass society's politics. This report tells us, sadly, that they have entirely forgotten that parties existed to inform, to mobilize and to empower them—the very thing they want but no longer know how to get.

The report correctly emphasizes that American democracy can only be rebuilt from the bottom up. Now someone needs to remind people that we don't need to invent a solution. We need only to remember what it was like when Republican and Democratic precinct captains worked and organized neighborhoods across America.

[From the Washington Post, Feb. 13, 1992]

IN DEFENSE OF "SOFT MONEY"

(By James J. Brady and Joseph E. Sandler)

Strengthening the role of state and local political parties is one of the best antidotes to the special interest, big money, big media politics that has poisoned our democracy. State parties have to forge candidates of different backgrounds and ideologies into a winning ticket, forcing them to find common ground, to articulate broad themes that resonate with the greater public good. Because the benefit of money contributed to state parties is diffused among many candidates, such contributions are generally useless for "buying influence" over particular elected officials.

And little if any state and local party money goes to expensive negative media campaigns. Rather it is used for grass-roots volunteer activity that involves ordinary people in politics on a continuing basis. Such activity gives people a chance to make a difference in the political process and thereby helps combat the widespread alienation from and cynicism about politics that currently plague our system.

How ironic, then, that in the name of reform, proposals have been advanced that would severely weaken, if not destroy, state and local party organizations. The target of these proposals is so-called "soft money."

Perhaps no political term is more often misused or misunderstood than "soft money." At bottom, "soft money" is nothing more than money contributed to political parties subject to regulation by state law, rather than federal law. When a state sponsors activity that benefits both federal and state or local candidates—for example, a telephone bank or brochure that promotes the party's candidates both for governor and for U.S. Senate—part has to be paid with state-regulated funds and part with federally regulated funds. Makes sense, right?

Not according to the would-be reformers. They claim that, where state laws permit large individual or corporate contributions, the state-regulated portion has turned into a giant loophole for contributions by the wealthy—allowing them to put huge sums of money into the electoral process to try to win the favor of federal candidates. And they are particularly galled that this appears to take place in presidential elections, which are supposed to be publicly financed.

This horror story has become, through repetition, a virtual catechism among some reform groups and their supporters in the

press. But it bears only the slightest resemblance to the truth.

First, much "soft money" is used to pay a portion of the normal operating expenses of state and local parties, which, after all, have to stay in business year-round, every year, election or no election. This kind of "soft money" is the lifeblood of state and local parties; there are few alternatives.

Should we be concerned about the use of large individual, union or corporate contributions for this purpose? Not at all. In real life, corporate lobbyists don't try to influence federal legislation by paying the electric bill for the local county Democratic Party—not when their PACs can simply give \$10,000 a pop to members of powerful congressional committees.

Second, most "soft" (i.e., state-regulated) money really is raised and spent to help elect state and local candidates. Much of the benefit from party-wide activity goes to the bottom of the ticket, where candidate identification is lowest and party identification matters the most. Handing out a paper ballot at the polls really doesn't influence many votes for president in the wake of a \$50 million media campaign—but it influences a lot of voters for sheriff. Thus the justification for federal limits on "soft money"—that it affects and corrupts the presidential race—is largely nonsense.

Third, these state and local races really do matter to state and local parties, contrary to the myopic Washington-oriented perspective of some of the reformers. At stake in the 1992 elections will be 12 governorships, nearly 6,000 state legislative positions and tens of thousands of local offices. These officials are on the front line in confronting the problems of jobs, education, health care and the environment. Their election campaigns are not mere "excuses" to spend money for congressional or presidential candidates. It should be up to the state—not Congress—to decide the role of state parties in the financing of campaigns of these states and local officials.

Finally, the critics who say that only public funds should be spent in presidential election campaigns misunderstand the way the current law works. National parties can spend only federally regulated funds to help the presidential campaign, subject to strict spending caps. State parties can also sponsor certain grass-roots activity on behalf of the presidential candidate—using only federally regulated funds, or a mix of state and federal funds if state candidates are also benefited.

It is through this privately funded, party-sponsored activity that ordinary citizens and volunteers can still play a role in presidential campaigns. If we eliminate that role, we will be left with only an expensive (and mostly negative) media extravaganza—a battle of the big gurus. That's supposedly just what the reformers want to avoid.

If the reformers want to improve politics in America, they should be looking for ways to strengthen state and local political parties, not tear them down. It's time to bring the "soft money" debate back to reality.

James J. Brady is chairman of the Louisiana Democratic Party and president of the Association of State Democratic Chairs. Joseph E. Sandler is counsel to the association.

[From the Washington Post, Dec. 1, 1991]

WE NEED LOUD, MEAN CAMPAIGNS

(By Samuel L. Popkin)

If the David Duke campaign had any enduring message for America, it was this: Competing with demagogues is expensive. Office-seekers who wish to sell a complicated message to an increasingly diffuse electorate must outspend their brassier opponents.

Only a "cheap" message can get through in a "cheap" campaign. It takes more time and money to communicate about complicated issues of governance than to communicate about race. Yet critics are once again calling for reforms that would curb campaign advertising and spending to protect gullible Americans from the spiritual pollution of political snake-oil merchants.

The fact is, our campaigns aren't broken, and don't need that kind of fixing. Voters are not passive victims of mass-media manipulators, and it is dangerous to assume that low-key "politically correct" campaigns would somehow eliminate the power of the visceral image. Restricting television news to the MacNeil/Lehrer format—and requiring all the candidates to model their speeches on the Lincoln-Douglas debates—won't solve America's problems.

David Duke, loathsome and frightening though he may be, is neither an argument that campaigns don't work nor that campaign advertising should be restricted. In fact, Louisiana voters knew all about Duke's past and his associations with racist and antisemitic causes; Duke was able to communicate his message just as effectively—perhaps more effectively—in interviews and debates.

Reformers say they want to turn down the volume, discuss more important issues and turn out more voters—worthy goals, but also contradictory. Decorous campaigns will not raise more important issues. Neither will they mobilize more voters nor overcome off-stage mutterings about race and other social issues. It was not worthiness and refinement that got 80 percent of Louisiana's voters to turn out.

If government is going to be able to solve our problems, we need bigger and noisier campaigns to rouse voters. It takes bigger, costlier campaigns to sell health insurance than to sell the death penalty; the cheaper the campaign, the cheaper the issue. Big Brother is gaining on the public. Surveys show that voter perceptions about presidential candidates and their positions are more accurate at the end of campaigns than at the beginning; there is no evidence that people learn less from campaigns today than they did in past years. That brilliant 1988 team, Roger Ailes and Robert Teeter, could not recycle Dick Thornburgh; the road to Washington is littered with the geniuses of campaigns past.

Many critics argue that congressional elections do not work because a lack of competition isolates Congress from the electorate; they argue that Democratic control of Congress is based upon incumbency advantage, not the will of the voters. They are wrong. In races for 567 open congressional seats since 1968, the GOP has lost a net of nine. In the 244 open-seat races since 1980, the GOP made no net gains. Democrats won as many previously GOP seats as Republicans won previously Democratic seats.

In fact, the inability of Republicans to capture Congress attests to the limits of voter manipulation. People tend to rate the Democrats higher on issues with which Congress deals, and the GOP higher on issues with which the president deals. Divided government may be slow, cumbersome and confrontational, but it rests upon the divided preferences of the voters—not slick ads or a lack of competition.

It is also argued that campaigns influence voters to take a "pox on both houses" attitude—i.e., that informed voters will be less likely to vote. This theory is easy to test: First, take a sample of people across the

country and ask what they consider to be the most important issues, where the candidates stand and what they like and dislike about the office-seekers.

Then, after the election, find whether the interviewees, who have been forced to think about the issues, were more or less likely to vote than other people. If they voted less often, there is clear support for the claim that negativism and irrelevancy are turning off American voters. If the people vote more than others, though the problem is not that people are being turned off but that they are not getting turned on enough.

In fact, there is such an experiment. In every election since 1952, people interviewed in the University of Michigan's benchmark National Election Survey are asked such questions; after the election, actual voting records are checked to see whether the respondents did indeed vote.

The results demolish the trivia-and-negativism hypothesis. Respondents in national studies, after two hours of thinking about the candidates, the issues and the campaign were more likely than other people to actually vote. Indeed, the Duke-Edwards election shows that people will turn out to choose between a Nazi and a crook when the campaign is big enough to keep them mobilized.

The real reason that voter turnout is down is that campaigns are not big enough to keep them tuned in. Changes in government, in society and in the role of the mass media in politics have made campaigns more important today than they were 50 years ago, when modern studies of them began. But the scale of the campaigns have not risen to their larger task.

Campaigns attempt to simplify politics, to achieve a common focus, to make one question and one distinction paramount in voters' minds. But the spread of education has both broadened and segmented the electorate, thereby making it more difficult to assemble a winning coalition. Educated voters pay attention to more problems and are more sensitive to connections between their lives and national and international events. The more divided an electorate, and the more money available to advocates of specific issues or causes, the more time and communication it takes for a candidate to assemble people around a single distinction.

Even as unifying forces in our society—for example, the proportion of people watching mainstream network programming and news—have waned, forces tending to fractionalize the electorate have been on the rise. For example, today they include: more government programs—Medicare, Social Security, welfare and farm supports are obvious examples—that have a direct impact on certain groups; coalition organized around policies toward specific countries, such as Israel or Cuba; various conservation and environmental groups; and groups concerned with social issues, such as abortion and gun control.

Furthermore, there are now a great many more specialized radio and TV programs and channels, magazines, newsletters and even computer bulletin boards with which persons can keep in touch with like-minded people outside their immediate neighborhoods or communities.

At the same time, phenomena such as expanded use of primaries have increased the need for unifying mechanisms. Primaries mean that parties have had to deal with the additional task of closing ranks after the campaign has pitted factions against each other. Finally, campaigning under divided government is also more difficult; it is hard-

er to justify a compromise between competing political principles—the 1990 budget deal is an example—than to reiterate one's own principles.

What this suggests is that if we really want to increase voter interest and participation—as well as the capacity of government to tackle our problems—the best strategy may well be to increase our spending on campaign activities that stimulate voter involvement. In this regard, it is important to note the clear relation that exists between turnout and social stimulation. There is, for example, a large gap between the turnout of educated and uneducated voters; married persons at all ages vote more than people of the same age who live alone; and much of the increase in likelihood of voting seen over one's life is due to increases in church attendance and community involvement.

As for the argument that America already spends too much on elections, the fact is that American elections are not costly by comparison with those in other countries. Comparisons are difficult, especially since most countries have parliamentary systems, but it is worth noting that reelection campaigns to the Japanese Diet, their equivalent to our House of Representatives, cost at least eight times as much per vote as our congressional elections. Indeed scholars estimate that Diet elections cost between \$50 and \$100 per constituent, while incumbent congressmen here spend an average of \$1 per constituent. It is food for thought that a country with a self-image so different from America's spends so much more on campaigning.

Our campaigns are criticized as pointless affairs, full of dirty tricks and mudslinging that ought to be cleaned up, if not eliminated from the system. But the use of sanitary metaphors to condemn politicians and their campaigns says more about the people using the metaphors than it does about the failings of our politics.

Before we attempt to take the passions and stimulation out of politics we ought to be sure that we are not removing the lifeblood as well. Ask not for more sobriety and piety from citizens, for they are voters, not judges; offer them instead cues and signals which connect their world with the world of politics. The challenge to the future of American campaigns—and hence to American democracy—is how to bring back the brass bands and excitement in an age of electronic campaigning.

(Samuel Popkin, professor of political science at the University of California San Diego, is author of "The Reasoning Voter, Communication and Persuasion in Presidential Campaigns," University of Chicago Press, from which this article is adapted.)

AMERICAN CIVIL LIBERTIES UNION,

Washington, April 27, 1992.

DEAR SENATOR: The American Civil Liberties Union opposes the campaign financing legislation that will be considered this week by the Senate. The limitations on campaign contributions and expenditures contained in the conference bill impinge directly on freedom of speech and association and will not solve the problems of fairness and financial equity that the legislation is intended to remedy. Moreover, in our view, the legislation's imposition of contribution and expenditure caps in return for partial public financing amount to an unconstitutional condition on freedom of speech. In essence, it amounts to government buying an agreement from candidates that they will not speak as freely and frequently as they otherwise might and

that they will impose additional limits on the expressions of support they will accept from others.

It is true that the current system of private campaign financing does cause disparities in the ability of different groups, individuals, and candidates to communicate their views on politics and government. However, the appropriate response in keeping with our nation's constitutional commitment to civil liberties is to expand, rather than limit, the resources available for political advocacy. Public financing can play a powerful role in expanding political participation and understanding, but it should not be used as a device to give the government a restrictive power over political speech and association.

We urge you to reject the campaign finance package that emerged from the conference and instead focus on meaningful reforms that would facilitate the candidacies of those who might not otherwise run and broaden the spectrum of campaign debate.

Sincerely,

MORTON H. HALPERIN,
ROBERT S. PECK,
Legislative Counsel.

THANKS TO STAFF

Mr. MCCONNELL. Mr. President, I express my gratitude to my chief of staff and long-time associate, Steven Law, for his ingenious contribution to this issue over the years, and to Tam Somerville, who has also been an inspired part of the hit squad on this side of the aisle, as well as Kurt Branham, of my staff, and Lincoln Oliphant, of the GOP Policy Committee; Dick Ribbentrop, from Senator GRAMM's office; a former staffer of mine, Neal Holch, who was also heavily involved in this issue last year.

It has been a fascinating experience, and it would not have been possible to craft all of these ingenious arguments that we have used on this issue over the last 4 or 5 years without the able assistance of these wonderful public servants, and I want to thank them in front of the entire Senate.

Mr. BOREN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum might be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMM). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand I have until 3:15 and then the majority leader has from 3:15 until 3:30.

The PRESIDING OFFICER. The Republican leader controls 12 minutes, 30 seconds.

Mr. DOLE. Thank you.

Mr. President, I think we are going to vote here in about 30 minutes on something we debated for 3 days knowing at the outset it was not going anywhere.

Maybe that is a good use of the Senate's time; we might have been doing something more destructive in that 3-day period. But nobody believes this is going anywhere.

This is the best of the Democratic House bill and the best of the Democratic Senate bill to get Democrats re-elected, and they put it together. And I noticed the New York Times editorial said it is painstaking. They must have been painstaking; Republicans were not even consulted. The Senator from Kentucky was a conferee. I do not think they asked him for much input.

I will say, as I have said before, we still have time for campaign finance reform this year. Just take this bill off the floor. Had we spent the last 3 days, instead of debating a dead-end bill, debating true campaign finance reform, we might have gotten somewhere.

So to exclude Republicans from the discussions, it passes, send it down to the President, he vetoes it, they have the votes to pass the bill, we know we have the votes to sustain a veto, and nothing has changed in the past 3 days.

So I just say, as we prepare to go through the motions of this political exercise, it reminds me pretty much of the political exercise we had on the growth package. Both sides had a growth package. Democrats had the votes to pass their tax-raising package, the President vetoed it, the veto was sustained, and the economy has not gotten any help at all from Congress. Campaign finance reform is not going to get any help from Congress if this is passed, vetoed, and the veto is sustained.

So I want to make it clear—it is pretty hard to make it clear to the liberal press because they adopt anything that comes from the other side.

But if they want meaningful campaign reform, we can have campaign reform, bipartisan, nonpartisan, Democrats, and Republicans working together. We are ready to adopt real reforms. We are ready to abolish political action committees. We are willing to have the same bill apply to the House that applies to the Senate or vice versa, not to have sort of a cafeteria approach where the House had one version and the Senate has another, neither of which make a great deal of sense.

We stand ready to support innovations developed and proposed in 1990—1990, 2 years ago—by a nonpartisan commission of election experts who were appointed by the distinguished majority leader and myself. As I said, we stand ready to rid ourselves of political action committees which contribute \$130 million to campaigns in 1990. Nearly \$300,000 each and every day, \$300,000 each and every day. Most of that money goes to incumbents, those of us here right now. Of course, most of the incumbents at the present time happen to be in the other party.

The bill before us takes some small steps, very small steps, to limit the political action committee, but does not go nearly as far as President Bush and the Republicans and, I believe, some Democrats would want to go. It does not go far enough to change the status quo.

Let me comment also for a minute on the little fundraising event we had this week in Washington, the one the Republicans had the other night. My friends on the other side of the aisle keep expressing their shock over this event which raised money for congressional campaigns. It did not raise any for the President. He is taking all the heat. He did not get any money.

Let us look at the facts and find out who should be shocked. Recent records show that the Democratic Senatorial Campaign Committee raised \$2 million from roughly 4,000 contributors. That is an average contribution of \$500 per contributor, and 33 percent of those contributions came from political action committees. Think about that for a minute; \$2 million, 4,000 contributors, a \$500-average, one-third from PAC's.

In the same time period, there were 314,000 contributors to the Republican Senatorial Campaign Committee. Only 3 percent—not 33 percent—of the donations came from PAC's, and the average contribution was just \$45.

Who is the party of the fat cats?

Let us face it, when it comes to big taxes and the big PAC dollars and special interests such as big labor, it is the Democratic Party that has the big, big, big advantage. In other words, Democrats have a hard time getting support and contributions from average Americans, the little guy. Well, the Democrats put their needs together and decided if the people would not become involved in the political system by contributing their hard-earned money to campaigns, they would simply get their money by increasing taxes and let the public pay for it.

I must say, as I said the other day, I have not had many people writing in saying we would like to help our Congressman. We would like to help you out—out of office. But I do not think many people in my State, or any State that is represented on this floor, is anxious about putting public money into our campaign, public money, tax money, their money. What they would like is a little reform of Congress, the Senate, the House, and the executive branch, as far as that is concerned.

It seems to me that from New Hampshire to Pennsylvania, the voters have been sending two messages this year. First, they are tired of the ruling class in Congress, and they think taxes are too high. I thought those messages were pretty loud and clear. Either I was wrong, or else the Democrats who wrote this bill held their meetings in the biosphere, that plastic bubble in Arizona where people are completely

cut off from the outside world. That may have been where this bill was drafted. Not much air getting in there, not much time to think.

The American people are thinking, and they understand. They know all about this bill, that it is going to raise their taxes, and how it promotes protection of incumbents. Most people do not like incumbents. We are incumbents. So this is an incumbent-protection bill. That is all it is. Let us face it.

One way to protect incumbency is to spend more money, to make certain that we are not getting any challengers from the opposition. In this care, it is Republicans. They want to have spending limits, which would make it certain that Democrats remain in the majority. My friend from Kentucky made that argument time and time again in a very appropriate way.

So I say again, as I said on the first day this bill was on the Senate floor, Tuesday, why not just take it down, take it off, have a conference, have the four leaders show up and say, OK, we are going to stay here until we get campaign reform? No public financing. Do not raise anybody's taxes. Let us go after soft money. Let us go after all of it. Let us give the challengers an opportunity. Let us make the party stronger. What is wrong with that? The Democratic Party or the Republican Party. It is an idea that we have proposed. What is wrong with having people in our own States? Why should we limit contributions on people in our States, as far as total amount is concerned? We have ideas about out-of-State contributions.

Mr. President, for all the reasons that have been stated on this floor, again, I think we have had a good debate. I do not think anybody is really enthusiastic about this bill. But I think my colleagues on the other side have to act as though they are. They know it is a bad bill. Not many people have said it is a good bill, and it certainly is not bipartisan. If we want bipartisan campaign finance reform, there is still time in 1992.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, many important issues come before the Senate each year. We debate legislation that affects millions of Americans in their daily lives.

One issue broadly important to everything we do is how we finance election campaigns for Federal office. The way we finance campaigns ultimately legitimizes our governmental respon-

sibilities. The financing of campaigns determines who is elected to office, how legislation is considered, and the degree to which the public supports our decisions.

The conference report before the Senate today represents a truly historic opportunity to enact legislation that would fundamentally reform the way Federal elections are financed. It is a bill that directly attacks the most serious problem in the election process: The dominant, the overwhelming role of money in Federal election campaigns.

For 10 years I have advocated legislation to reform our campaign finance system. I have introduced legislation in every Congress since my first election to the Senate in 1982. Many other Members of this body have worked for years in support of campaign finance reform legislation.

No one has done more than the distinguished senior Senator from Oklahoma, DAVID BOREN. He has indisputably been the national leader on this issue. Senators BYRD and FORD have also played a major leadership role in support of this legislation over the years.

Those of us who have worked for years to change this system have been motivated by a concern for the effect the current system has on the operation of Congress, on public attitudes toward this institution and the Federal Government. Unfortunately, our greatest fears have been realized. There is a significant change in the way the public views this institution and the way in which we run for election.

The American people hold Congress in low esteem. The American people also believe that their President does not care about their concerns. What has historically been healthy skepticism has unfortunately given way to an alarming degree of cynicism by the American people about the ability of their Government to deal with our Nation's problems.

There is far greater public scrutiny of the campaign finance process today. Most Senators are demeaned by the process and the extent to which we must search for money to fund our campaigns.

As distasteful as the process is to us, it is even more distasteful to the American people.

They see a campaign finance process that with each election cycle is becoming ever more reliant on money, in congressional elections and in Presidential elections. Increasingly the American people have come to see their Government as no longer responsive to their needs. They believe their Government acts to fulfill commitments to campaign contributors rather than to serve the interests of the people. And they believe we have created a campaign finance system that is stacked against challengers and designed especially to keep incumbents in office forever.

In large part, this is due to the overwhelming role of money in the American election process. And none of this is surprising given the huge cost of running for office today; the thousands of PAC's that have organized to fund campaigns; the scores of wealthy individuals and corporations that line up to make contributions of \$100,000 and more to the President of the United States.

In recent years, money has come to dominate the Federal election campaign process. This has provided protection to incumbents. It has dissuaded many able persons from seeking public office. It has favored wealthy office seekers who can finance their own campaigns. And, at the same time, it has increased the influence of wealthy special interest contributors and severely undermined public confidence in our Government.

Any Senator, any American who cares about our country, who cares about our system of government must deploy this situation. If there is one thing that is clear it is that we must change the way we finance campaigns in America.

This conference report offers us that opportunity. It will make dramatic changes in the way Federal election campaigns are financed.

The conference report will substantially reduce the role of money in the election process and help restore public confidence in our political process by making elections more competitive.

This legislation includes the fundamental reform necessary to clean up the current system and restore public trust in our election process: Limits on campaign spending. American political campaigns are too long and too expensive. This is the essence of reform: Limits on campaign spending. It also limits the role of political action committees, cleans up the soft money mess, prohibits bundling of campaign contributions, encourages less negative campaign advertisements, and gives challengers the resources to mount effective campaigns.

The only meaningful way to reform the Senate election finance system is to limit campaign spending. Anything less avoids the real issues and simply creates the appearance of reform.

Since 1976, congressional election spending has increased almost fourfold, requiring that Members of Congress devote a far greater amount of time to fundraising activities. This trend toward ever higher costs has favored incumbents over challengers. In the most recent Senate elections in 1990, incumbents spent \$138 million, almost three times as much as the \$51 million spent by challengers. Winning Senate incumbents spent an average of almost \$4 million for their reelection campaigns. That requires raising \$13,000 a week, 52 weeks a year, for the 6 years of a Senate term.

Spending will continue to escalate still higher until reasonable limits are placed on campaign spending. No matter what other changes are adopted, without spending limits we will not have addressed the real problem, and the real problem will remain.

This conference report establishes an alternative campaign finance system for candidates who agree to voluntarily limit their spending for House and Senate campaigns. Senate candidates will be encouraged to agree to such limits by having available to them broadcast vouchers, lower broadcast rates, and discounted mail. House candidates will be encouraged to agree to such limits by having available to them matching funds and discounted mail. In addition, contingent public financing will be available to Senate candidates who agree to a spending limit if their opponent exceeds the limit.

The participation of political action committees in Federal election campaigns will be curtailed. House candidates will be limited to raising \$200,000 each election cycle from political action committees. Senate candidates will not be permitted to raise more than 20 percent of their election limit from PAC's, and the maximum PAC contribution to a candidate will be cut in half. If these rules had been in effect for the 1990 election, PAC contributions to Senate incumbents would have been reduced by 53 percent.

The conference report includes tough new rules prohibiting the use of soft money to affect Federal elections and severely limiting the practice of bundling. In recent years, our campaign finance laws have been undermined by the practice of raising large sums of money from individuals, corporations, and labor unions not otherwise permitted under Federal law. A large portion of these funds have been used by party committees to fund activities that support Federal elections.

The use of soft money has been a particular problem in Presidential races. In the last Presidential election both candidates raised tens of millions of dollars in campaign contributions not permitted under Federal law. Although they participated in the publicly financed Presidential campaign system and agreed not to raise private contributions for their general election campaigns, their agents were, in fact, out raising enormous sums of money.

We have seen a return to the pre-Watergate, Presidential campaign finance era. Wealthy individuals and corporations contribute enormous sums of money to fund Presidential candidates. In 1988 alone, 249 individuals and corporations contributed at least \$100,000 each to the campaign of George Bush. Some were awarded with ambassadorships. Some were beneficiaries of legislative initiatives proposed by the President. Most of them have been given special access to Cabinet mem-

bers and other important Government officials. And, all of the \$100,000 contributors were invited to the White House, not the President's house, the people's house, where they were thanked by their President for their \$100,000 contribution.

These practices continue today. The Bush campaign has been embarrassed by recent reports on fundraising techniques that involve avoidance of the contribution limits of the law through the practice of raising soft money and bundled contributions. Corporations were listed as sponsors of a fundraising event in Michigan even though corporations have been prohibited from giving to Federal election campaigns since 1907. It is the law for 85 years, and yet, just last week corporations were listed, printed as sponsors of the program. The Bush campaign pointed out that the listed corporations did not really make direct contributions but instead contributions were bundled on behalf of the executives of the corporation.

But whether the corporations were contributing soft money directly or making bundled contributions indirectly through their employees, there is no question they have been involved in an effort to legally avoid the requirements of the Federal election laws.

And it must be said, and I say this as a Democrat and as the Democratic Leader in the Senate, Democrats also use these deplorable tactics to raise campaign funds. This is not a problem that is limited to one party. It involves both parties. It infects the entire system. And that is what it is—an infection from which we are all suffering.

The legislation we are debating today closes down these loopholes. Under this conference report, political party committees would be prohibited from using soft money on activities that affect a Federal election. Federal candidates and officeholders would be prohibited from raising soft money. Bundling of contributions in order to avoid the contribution limits of the law would also be prohibited.

This is tough legislation that would dramatically change the way Federal elections are financed. It is good legislation that directly responds to the public's anger about Federal election campaigns.

And most importantly, it is balanced legislation that treats Republicans and Democrats alike and fairly, while leveling the playing field to give challengers a better opportunity to mount effective campaigns.

We have heard from those who oppose reform of our campaign finance laws. They oppose any reform. They like the present system. They have advanced arguments, all of them without any merit: It is too costly, it does not go far enough, it protects incumbents. In all of the opposition to this bill the

most transparently inconsistent position is that of President Bush. He has run in four Presidential elections in which he has voluntarily participated in a system of spending limits and public funding. He has voluntarily participated. President Bush was not required to participate in this system. He chose to do so. And by the end of this year he will have received more than \$200 million in taxpayer's money, public funds, more than any person in all of American history. And yet the President says he opposes this legislation because it includes spending limits and partial public funding of elections. In all of American politics there is not a more clear example of saying one thing and doing another.

We in public life take stands on many issues and we are often accused of being inconsistent, but the President's position goes well beyond that. He says he opposes this bill because it includes spending limits and public benefits and at the same time he is this day running for election and participating voluntarily in a system which has both of these things, public funding and spending limits.

In fact, in the same week in April, just a week ago, within the same week, President Bush asked the Federal Elections Commission for \$2 million of public funds for his campaign and then said he will veto this bill because it includes public funds for campaigns.

The President cannot have it both ways. He cannot voluntarily accept public benefits in spending limits while vetoing this legislation because it provides just what he himself has been accepting. And I emphasize his acceptance is voluntary. The President does not have to participate in this system. He has chosen to participate. And, as a consequence, as I said earlier, before this year is out, President Bush will have accepted \$200 million in taxpayers' money for his campaign.

What are the opponents of this bill afraid of? That we might clean up the system? That we might distance large money interests from the political process? This legislation creates a voluntary system. If they do not like it, they do not have to participate in it. But why not let those of us who want to operate in a clean system, who want to have a distance between large money interests and the legislative process—why not let us proceed in that system in a voluntary way?

Mr. President, the most common complaint from opponents of campaign finance reform is that spending limits benefit incumbents. That argument is just plain wrong. And it is directly contradicted by the facts and all of the evidence of recent years.

Mr. President, let us look at the record of what would happen to incumbents if this bill is enacted.

In the 28 Senate races where an incumbent faced a challenger in 1990,

challengers were outspent in 26 of those races; 26 out of 28 races the incumbent spent more than the challenger, and the total margin between incumbents and challengers was three to one in favor of incumbents.

Go back a little further. Since 1986 there have been 83 Senate elections between incumbents and challengers. Incumbents have spent more money in 93 percent of those elections and incumbents have won 85 percent of those elections.

Mr. President, it is very clear this legislation limits the spending of Senate incumbents, not Senate challengers, because in almost all races it is only incumbents who spent more than the limits in this bill.

If you say to a challenger who can only raise \$500,000 that there is a limit of \$2 million, how is he hurt? The answer is, he is obviously not. But in almost every race, the incumbent spends more than the limit and so the incumbent would be limited, the challenger would not.

It is nonsense to suggest that this bill helps incumbents. There is absolutely no evidence to support that, and all of the facts are to the contrary. The fact is the opponents of this bill are incumbents and they want to stay in office no matter what kind of system they have to operate under. That is the fact.

Another argument the opponents of reform make is that this legislation does not go far enough because it does not completely eliminate political action committees. That is a phony argument. That cannot legally be done.

The bill, as passed in the Senate, did propose to eliminate political action committees. There was a lot of discussion at the time and the legislation, as proposed both by Democrats and Republicans, included a backup provision anticipating the possibility that an outright ban on PAC's would be unconstitutional.

Since then, there has been a great deal of legal advice received to that effect. And, so, although I expect we will hear speeches suggesting the opposite, it should be made clear—and every Senator should understand the President has never advocated eliminating political action committees. He has tried to create the impression that he has, but he has never advocated that. Despite those assertions to the contrary, what the President has proposed is the elimination of some political action committees, those connected directly with a labor union, corporation, or trade association.

But under the President's proposal, unconnected PAC's, those who hold some ideology in common, would continue to thrive. The problem with this approach, of course, is that we will end up with more PAC's than we now have. Those who are banned will simply reform under a different heading or sym-

bol or name or ideology, and we will have the same situation we have now made worse.

The effective way to limit the role of PAC's is to propose an aggregate limitation on the amount of money that any one candidate can receive from all political action committees. And this bill does that. It is tough legislation. It will cut in half the overall amount of PAC contributions to incumbent Senators.

I close with these words to my colleagues in the Senate. We have heard it said often in recent days that Congress lacks the ability and the will to pass tough legislation that may be good for the Nation; that Congress cannot pass legislation because it bends to the will of money and special interests; that we are too worried about reelection to support legislation that is in the public interest because it might have some unpopular aspect.

This is the opportunity to disprove those allegations. If you want to prove that you are willing to stand up to the special interests, the large money interests, vote for this conference report. If you want to stand up for something that you know is the right thing to do, vote for this conference report. If you believe in our democratic system of Government and are genuinely disturbed by the low esteem in which Congress is held by the American people, vote for this conference report.

The American people have lost confidence in the Federal election process. They question the very integrity of this institution, the integrity of the individual Members of the Senate. Every Senator, every single Senator without regard to party, deplors this result. Almost every Senator agrees that our campaign finance laws must be rewritten.

We cannot let those, the few who are opposed to any reform, who like the current system, who want above all else to protect their position in office no matter what system they must operate under—we cannot let them block this reform. We must restore the integrity of this institution and its Members and we can make a start on that by voting for this conference report.

I urge my colleagues to vote for it and send a clear and unmistakable message that this system must be changed.

Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report on S. 3, the Congressional Campaign Spending Limit Election Reform Act of 1992.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 58, nays 42, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—58

Adams	Exon	Metzenbaum
Alaka	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Graham	Pell
Boren	Harkin	Pryor
Bradley	Hefflin	Reid
Breaux	Inouye	Riegle
Bryan	Jeffords	Robb
Bumpers	Johnston	Rockefeller
Burdick	Kennedy	Sanford
Byrd	Kerrey	Sarbanes
Conrad	Kerry	Sasser
Cranston	Kohl	Simon
Daschle	Lautenberg	Wellstone
DeConcini	Leahy	Wirth
Dixon	Levin	Wofford
Dodd	Lieberman	
Durenberger	McCain	

NAYS—42

Bond	Gramm	Packwood
Brown	Grassley	Pressler
Burns	Hatch	Roth
Chafee	Hatfield	Rudman
Coats	Helms	Seymour
Cochran	Hollings	Shelby
Cohen	Kassebaum	Simpson
Craig	Kasten	Smith
D'Amato	Lott	Specter
Danforth	Lugar	Stevens
Dole	Mack	Symms
Domenici	McConnell	Thurmond
Garn	Murkowski	Wallop
Gorton	Nickles	Warner

So the conference report was agreed to.

Mr. MITCHELL. I move to reconsider the vote.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, am I correct in my understanding that under the previous order, there is now to be a period for morning business with Senators permitted to speak therein?

The PRESIDING OFFICER. The majority leader is correct.

LOS ANGELES RIOT

Mr. MITCHELL. Mr. President, the pall of smoke that hangs over Los Angeles today hangs over our Nation as well.

The acquittals in the police beating of Rodney King have surprised and shocked Americans of all races and in every part of the Nation.

Americans expect the police to do their jobs in accordance with the law. The verdict makes many Americans wonder if the system of justice works, as it should have in this case.

Whatever the verdict, looting and violence are not reactions that can be tolerated. No one can or should condone riots or sniper fire or looting. Rioting damages neighborhoods, takes innocent lives, and injures bystanders. Violence inevitably leads to more violence. So the violence must be ended.

But the end of a riot does not mean that the cause of the riot is over. Fac-

Mr. RIEGLE. Madam President, first of all, let me associate myself with the remarks of Senator BRADLEY. I think he speaks for many of us. He certainly speaks the sentiments that I have in his very eloquent, and powerful, and important remarks now.

I want to cite another example in this same vein. In the Senate Banking Committee recently, we had a hearing of the Twenty-first Century Commission on African-American males and the problems facing young black men in our society today. And the statistics are truly horrifying, in terms of the death rates, the unemployment rates—even those with college degrees are finding in many cases they cannot find work in our society.

One of our witnesses to talk about this problem, was a person known by many, a very able and outstanding television personality named Blair Underwood, who appeared on the TV show "L.A. Law." He told us a personal story, not terribly different in some important respects from the Rodney King story.

I am going to paraphrase what he told us. In his situation he described one day leaving the movie lot where he had been filming an episode of "L.A. Law," and he was driving, I believe, a very nice sports car—that he owns—to his home, somewhere in the Hollywood area, but in a very nice and exclusive neighborhood. He pulled up in front of his own home to get out of his car, and he had been followed by a police car that had come up behind him. As he was sitting in his own car, in front of his own house and was about to get out, a police officer came around and approached him and in a very hostile way, asked him what he was doing in this neighborhood. Before he could answer, there was a very tense moment and the police officer in this case ordered him to get out of the car. The police officer drew a gun, ordered him to get out of the car and to get down on the ground and to prepare to be inspected in some fashion by the police officer.

Obviously, he was totally taken aback by this incident. He was frightened by it, as any of us would be, to have a police officer in front of our own home pointing a pistol at us in a confrontational fashion of that kind.

This is not ancient history and this is not make-believe. This is a real situation of another American citizen of color who had this happen, as it turns out, in the same general area of the country not all that long ago.

The Rodney King beating trial, as others have said, is a serious miscarriage of justice, the verdict in that trial. In fact, Federal law protects every citizen of America from racially motivated violent beatings by police officers. We have written laws in this country that are on the books right now that prohibit that kind of thing

from happening. And that law has to be enforced. The President has an obligation to see that it is enforced and that his Attorney General move immediately to see that the law is enforced, as had just been suggested by the Senator from New Jersey.

Senator METZENBAUM is drafting a letter in conjunction with several of us, to put that request in a written form so that it might be transmitted to the administration and to the President today.

On the basis of the evidence that we all saw of the beating that took place of Rodney King, there is no question in my mind that his Federal civil rights were violated. Other evidence beyond the videotape bears that out in terms of statements that were made by some of the police officers that participated in that beating and the fact that even other police officers to their great credit were willing to testify that what happened here was wrong and beyond the bounds of any kind of reasonable conduct by police officers.

If what happened to Rodney King is allowed to stand it can happen to anybody, anywhere, most often to minority persons be they black or brown, Afro-Americans, Hispanics, Asian persons, but it can also happen to anybody else in the society and that kind of brutality and violence cannot be tolerated even in one case.

It does not justify violence in response. What we have seen over the last several hours in terms of the rioting and the beatings of innocent people, the scene that many of us saw, the truck that was stopped and the truck driver who was pulled out and assaulted and who later died, is as horrifying a scene as I think I have ever seen. There is no justification for that violence, violence does not justify violence, and it does not solve anything. And we see innocent victims accumulating almost everywhere we look.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes. Does he wish to extend the time?

Mr. RIEGLE. Two additional minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. RIEGLE. The cycle of violence has to be stopped whether by those in uniforms or citizens at large. I urge every citizen to exercise their own capacity for leadership, leadership by example, leadership by understanding, leadership by caring about other people, across racial lines, across any other lines that might otherwise divide people or be the basis of people not coming together. I think we have to come together as a society. I think we have to address these issues and we have to address them in order to achieve a measure of racial and economic justice in America that deals with underlying problems that otherwise I think will continue to have the effect of pulling our society apart.

But in this case, the Federal Government under the laws of this land has an obligation to act, not weeks or months from now, but to act now. I call upon the President, the Attorney General—who is responsible for enforcing those laws—to move at this time to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I join many of my colleagues in expressing our dismay at the shocking miscarriage of justice in the Rodney King case in California. The Federal Government has its own obligations to see that justice is done in cases such as this. I urge the Justice Department to expedite its criminal investigation with a view toward Federal prosecution. Appalling as this verdict is, there is no justification for resorting to violence. I urge all those troubled by this deplorable verdict to use peaceful means to express their concerns and work together to address the issues that divide our society and deny hope to many of our citizens.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am assigned 10 minutes under the previous order. Would that apply to this portion?

The PRESIDING OFFICER. The 10 minutes will apply.

Mr. FORD. I thank the Chair.

Madam President, we wish to close out shortly and we have not quite wrapped that up. They will be here in just a minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 2642 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Senator WELLSTONE is recognized.

RODNEY KING INCIDENT: A BETRAYAL OF JUSTICE

Mr. WELLSTONE. Madam President, I am saddened and shocked by the verdict in the Rodney King case. As I watched the verdict being read in the courtroom and the aftermath on the streets, I kept thinking what a huge step backwards this verdict represents for race relations and civil rights. African-Americans are angry. All Americans are angry. And this anger is legitimate. This verdict represents a betrayal of justice. We need to right the wrong that has been done.

When we all saw the videotape of Los Angeles policemen beating Rodney King last year, we were shocked. An unarmed African-American civilian being clubbed and beaten by four policemen as others looked on. What is

happening to America, 25 years after the civil rights revolution? Many in the African-American community are saying that the only thing different this time was that the beating was captured on tape and the perpetrators could not escape justice.

So America assured itself that a public, televised trial would bring justice to Mr. King and to the African-American community. Political leaders urged patience and confidence in the judicial system. They said this case would expose police brutality. They said this case would make white America more aware of the problems people of color face every day on the streets of their communities. They said let the system work.

Well, now what do we say? This verdict is a travesty. Not just because four policemen whom the whole world saw brutally beat an unarmed man walked free. No, that is only part of the problem. The verdict is a travesty because of what it says to the members of the African-American community and other communities of color. It says that even when there is videotaped evidence of brutality, it is very difficult to get justice. It says that despite 25 years of changes in civil rights, we have not come very far at all. It says that for all the progress in legislation and court rulings, yesterday we took a giant step backwards.

But we can not let the outrage and indignation about the verdict lead to more violence. Violence begets violence. It is not the answer. It will not bring justice. As angry and as upset as people are, beating and murdering innocent people and burning community buildings will not redress grievances. There has to be a better way.

Nobody wants to defend violence and I will not. But no one should be comfortable with the violence of homelessness, with the violence of joblessness, with the violence of hunger.

I have been talking today with members of the African-American community in my State of Minnesota. Like Americans everywhere, they are outraged about what has happened. They are agonizing about what to do and how to respond in a constructive way. What I am hearing them say is that we must redress this injustice.

What we need to do is to demand action by Federal officials. Policing in the community requires sensitivity, respect, fairness, and justice. I urge the Justice Department to expedite its review of this case for violations of the civil rights laws. The American people deserve an accounting of what happened in Los Angeles. I urge that the department prosecute violations to the fullest extent of the law. I urge President Bush to make sure that such a review is completed as quickly and comprehensively as he said he would this morning.

I also urge him to treat the case with the gravity and respect it deserves and to provide the leadership on civil rights that has been lacking in recent years.

I will be offering the mayors of both Minneapolis and St. Paul as well as members of the African-American communities of both cities any assistance they need at the Federal level.

And, finally, I ask that all Americans come together over this incident and work to bridge our differences and solve our problems. We cannot afford as a nation, as a people, to continue to tear ourselves apart. We must stand together to demand justice and equality.

I yield the remainder of my time, and I thank the Senator.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

DISMAYED WITH THE JURY VERDICT

Mr. CHAFEE. Madam President, I am totally dismayed with the jury verdict in the case involving Rodney King. We who believe so strongly in rule of law and who believe in the inherent fairness of juries are dumbfounded. How can this be? How can a jury find four policemen innocent of a beating which we all saw on videotape? Can anyone believe that those four officers were frightened into taking defensive protection measures against a single man who is lying prostrate on the ground?

The defendant was a black man. The police officers were white. The jury was nonblack. So we ask ourselves, was racism an aspect in this case? And we cannot help but believe that it affected the verdict.

I strongly believe that this case should be reviewed by Federal authorities, Madam President, and I commend the U.S. Attorney General for initiating such a review.

In addition, Madam President, I would like to commend the actions of Mayor Bradley, the mayor of Los Angeles, and Gov. Pete Wilson, the Governor of California, for their efforts to attempt to restore calm following this dismaying case that has brought tragedy on top of tragedy.

EXTENDING CERTAIN EXPIRED VA AUTHORITIES

Mr. FORD. Madam President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 2378, a bill to extend certain expired VA authorities.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2378) to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CRANSTON. Madam President, as the chairman of the Committee on Veterans' Affairs, I urge Senate adoption of the pending measure, S. 2378, as it will be amended by an amendment that I will describe in more detail in a moment.

This legislation, which is cosponsored by the committee's ranking Republican member, Senator SPECTER, would extend certain expired VA authorities.

Last fall, at the close of the first session of this Congress, the Senate was precluded from acting on H.R. 2280, compromise legislation developed by our committee in conjunction with the House Veterans' Affairs Committee. Among other things, that compromise included provisions which extended certain expiring VA authorities.

Last month, I introduced and the Senate passed S. 2344, the proposed Veterans Health Care Amendments Act of 1992, for the express purpose of beginning anew the process of developing and enacting comprehensive veterans health-care legislation. However, as my colleagues appreciate, it is not possible to predict with any accuracy how long that process will take nor the ultimate outcome of that effort.

Thus Madam President, rather than rely on that more comprehensive bill to address the expired authorities, I introduced this legislation that includes only extensions of expired authorities. Once the Senate acts on this measure, I will work with Chairman MONTGOMERY and other members of the House Committee to secure its prompt enactment.

DESCRIPTION OF PROVISIONS

Madam President, S. 2378 would extend authorities in three areas—VA's authority to maintain an office in the Philippines, to conduct certain temporary vocational rehabilitation and training programs, and to establish research corporations—which I will describe in more detail in a moment, ratify any actions taken pursuant to these now-expired authorities between their expiration dates and the date of enactment of this legislation, and finally, extend an expired requirement for VA to submit a report to the Congress.

REGIONAL OFFICE IN THE PHILIPPINES

Section 315(b) of title 38, United States Code, authorizes VA to maintain a regional office in the Republic of the Philippines. Pursuant to this authority, VA operates an office in Manila. This authority expired on September 30, 1991.

Section 1 of the bill would extend this authority until March 31, 1994, and would expressly ratify any actions taken by VA to maintain the regional office in Manila between October 1, 1991

and the date of the enactment of this legislation.

CERTAIN VOCATIONAL REHABILITATION AND TRAINING PROGRAMS

Madam President, section 2 of the bill would extend certain temporary vocational rehabilitation programs and authorities which expired on January 31, 1992. These specific programs and authorities are as follows. First, section 1163 of title 38 provides for a temporary program of trial work periods and vocational rehabilitation evaluations for veterans receiving VA compensation at the total-disability rate based on a determination of individual employability. Second, section 1524 of title 38 provides for a program of vocational training for certain nonservice-disabled wartime veterans awarded a pension. Third, section 1525 provides for a program of time-limited protection of VA health-care eligibility for a veteran whose entitlement to pension is termination by reason of income from work or training. Each of these provisions would be extended until December 31, 1992, so as to enable the committee to receive and review VA evaluations on the effectiveness of each program or authority. Provisions in the bill would ratify any actions taken by VA under these authorities between their expiration and the effective date of the legislation.

RESEARCH CORPORATIONS

Madam President, subchapter IV of chapter 73 of title 38 authorizes VA to establish at VA medical centers non-profit corporations to provide a flexible funding mechanism for the conduct of medical research at the centers. This subchapter also requires VA to dissolve any such corporation that fails to obtain, within 3 years after establishment, recognition from the Internal Revenue Service as a tax-exempt entity under section 501(c)(3) of the IRS Code. Finally, this subchapter requires any research corporation to be established no later than September 30, 1991.

Section 3 of the bill would extend from 3 to 4 years the time period after establishment that a research corporation has to obtain IRS recognition as a tax-exempt entity and also extends VA's authority to establish research corporations until December 31, 1992. As with the other provisions, the bill includes an express ratification provision relating to VA actions under the subchapter between the expiration date and the date of the enactment of this legislation.

ANNUAL REPORT ON FURNISHING HEALTH CARE

Section 19011(e)(1) of Public Law 99-272, as amended, requires VA to submit, not later than February 1 following the end of the fiscal year covered by report, to the House and Senate Veterans' Affairs Committees annual reports on the furnishing of hospital care in fiscal years 1986 through 1991. Section 4 of the bill would amend that requirement so as to extend the

reporting requirement through fiscal year 1992.

AMENDMENT: GUARANTY OF PAYMENTS ON VA MORTGAGE-BACKED SECURITIES

Madam President, in order to offset the very minor fiscal year 1992 direct-spending costs that the bill would entail, I am proposing an amendment that would allow VA during calendar year 1992 to issue guaranties of timely principal and interest payments on securities backed by a special type of VA direct loans known as vendee loans. These are loans VA extends to those who purchase houses that VA has acquired as a result of the foreclosure of a VA-guaranteed loan. VA pools these loans and sells them to a trust that issues mortgage-backed securities. These securities pass through to the investors who buy them with the income generated by the loans.

Currently, VA guarantees the loan payments to the trust but not the payments on the securities issued by the trust. The direct Government guaranty provided by this provision would qualify these mortgage-backed securities to be purchased by certain institutional and other investors whose own rules allow investments only in Government securities or similar assets.

Since the underlying loans already are guaranteed by VA, the direct Government guaranty on the securities should not add any additional risk of losses to the Government. However, the increased market for the direct-guaranteed securities would make these securities relatively more valuable, thereby increasing VA's income from these loan-asset sales by approximately \$5 million a year.

The savings provided by this increased revenue thus will more than offset the small fiscal year 1992 direct-spending costs, \$400,000, of the rest of the bill. Thus, the net budget effect of the bill will be a substantial savings to the Government.

This provision is derived from the administration-requested legislation, S. 1517, which would provide VA with permanent authority to issue guaranties of this nature.

CONCLUSION

Madam President, I urge my colleagues to give this measure their unanimous support. As I mentioned earlier, my intention, as soon as the Senate acts, is to seek work with our colleagues on the House committee to ensure this measure's prompt enactment.

AMENDMENT NO. 1788

(Purpose: To provide for the authority of the Secretary of Veterans Affairs to issue and guarantee the payment of certain securities backed by mortgages)

Mr. FORD. Madam President, on behalf of Senator CRANSTON, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. CRANSTON, proposes an amendment numbered 1788.

Mr. FORD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, below line 2, add the following new section:

SEC. 5. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, upon such terms and conditions as the Secretary considers appropriate, issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certificates or other securities evidencing an interest in a pool of mortgage loans made in connection with the sale of properties acquired under this chapter.

"(2) The Secretary may not under this subsection guarantee the payment of principal and interest on certificates or other securities issued or approved after December 31, 1992."

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of such title is amended by inserting "and the amount received from the sale of securities under section 3720(h) of this title," after "subsection (a)(1) of this section".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1788) was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill, as amended.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as amended, as follows:

S. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO MAINTAIN THE REGIONAL OFFICE IN THE PHILIPPINES.

(a) EXTENSION.—Section 315(b) of title 38, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "March 31, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1991.

(c) RETIFICATION OF MAINTENANCE OF OFFICE DURING LAPSED PERIOD.—Any action of the Secretary of Veterans Affairs in maintaining a Department of Veterans Affairs Regional Office in the Republic of the Philippines under section 315(b) of title 38, United States Code, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act is hereby ratified with respect to that period.

SEC. 2. AUTHORITIES RELATING TO CERTAIN TEMPORARY PROGRAMS.

(a) PROGRAM FOR TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION.—Section 1163(a)(2)(B) of title 38, United States Code, is

amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(b) PROGRAM OF VOCATIONAL TRAINING FOR NEW PENSION RECIPIENTS.—Section 1524(a)(4) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(c) PROTECTION OF HEALTH-CARE ELIGIBILITY.—Section 1525(b)(2) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) through (c) shall take effect as of January 31, 1992.

(e) RATIFICATION OF ACTIONS DURING LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on February 1, 1992, and ending on the date of the enactment of this Act are hereby ratified with respect to that period:

(1) A failure to reduce the disability rating of a veteran who began to engage in a substantially gainful occupation during that period.

(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United States Code, and the making of related determinations under that section.

(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.

SEC. 3. AUTHORITIES RELATING TO RESEARCH CORPORATIONS.

(a) PERIOD FOR OBTAINING RECOGNITION AS TAX EXEMPT ENTITY.—Section 7361(b) of title 38, United States Code, is amended by striking out "three-year period" and inserting in lieu thereof "four-year period".

(b) ESTABLISHMENT OF CORPORATION.—Section 7368 of such title is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1992".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1991.

(d) RATIFICATION FOR LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act are hereby ratified:

(1) A failure to dissolve a nonprofit corporation established under section 7361(a) of title 38, United States Code, that, within the three-year period beginning on the date of the establishment of the corporation, was not recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The establishment of a nonprofit corporation for approved research under section 7361(a) of title 38, United States Code.

SEC. 4. REQUIREMENT OF ANNUAL REPORT ON FURNISHING HEALTH CARE.

Section 19011(e)(1) of the Veterans' Health-Care Amendments of 1986 (38 U.S.C. 1710 note) is amended by striking out "fiscal year 1991" and inserting in lieu thereof "fiscal year 1992".

SEC. 5. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, upon such terms and conditions as the Secretary considers appropriate, issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certificates or other securities evidencing an interest in a

pool of mortgage loans made in connection with the sale of properties acquired under this chapter.

"(2) The Secretary may not under this subsection guarantee the payment of principal and interest on certificates or other securities issued or approved after December 31, 1992."

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of such title is amended by inserting "and the amount received from the sale of securities under section 3720(h) of this title," after "subsection (a)(1) of this section".

Mr. FORD. Madam President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDWARD P. BOLAND DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. FORD. Madam President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 4184, designating the "Edward P. Boland Department of Veterans Affairs Medical Center" in Northampton, MA; that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; and that a statement by Senator KENNEDY be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4184) was deemed read the third time and passed.

Mr. KENNEDY. Madam President, it is an honor to join in supporting this well-deserved measure to designate the VA Medical Center in Northampton, MA, as the "Edward P. Boland Department Of Veterans Affairs Medical Center."

This designation is a most fitting tribute to our highly respected friend and former colleague from Massachusetts, Eddie Boland. For more than half a century, Congressman Boland devoted his life to public service. First elected to the Massachusetts House of Representatives in 1935, he came to Congress in 1953, and by the time he retired at the end of 1988, he had compiled an outstanding record of achievement for his district and the Nation.

For the last 18 years of his service in the House, until his retirement at the end of 1988, he provided extraordinary leadership for veterans as chairman of the Appropriations Subcommittee on VA-HUD-Independent Agencies. It is especially appropriate, therefore, that the VA Medical Center in Northampton will bear his name.

In his effective way, with great diligence, wisdom, and compassion, Eddie Boland became a champion of veterans across the country. As a veteran himself, he had served in the Pacific thea-

ter for 4 years during World War II, and he never forgot the enormous debt that our Nation owes to all its veterans. He worked tirelessly and with great skill and dedication to ensure that their needs were met, particularly with respect to health care. His achievements are all the more remarkable, given the budget constraints and the many competing needs facing the country.

It is a tribute to his record and his reputation that this bill has the strong support of veterans groups throughout Massachusetts, including the American Legion, the Veterans of Foreign Wars, AMVETS, and the Disabled American Veterans. He has also received the highest honors from several national veterans organizations, such as the American Legion's Distinguished Public Service Award, and AMVETS' Silver Helmet Award.

Those of us who know Congressman Boland are well aware that he does not seek recognition for his success, but he deserves it. It is fitting that Congress is taking action now to name this veterans hospital in his honor, as a symbol of his enduring contribution to the lives and well-being of veterans in Massachusetts and across the country.

I commend Chairman ALAN CRANSTON and all the members of the Senate Veterans' Affairs Committee for their cooperation in expediting this tribute to one of the finest public servants that Massachusetts and the Nation have ever had.

JOB TRAINING PARTNERSHIP ACT

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 279, H.R. 3033, a bill to amend the Job Training Partnership Act; that all after enacting clause be stricken; that the text of S. 2055, as passed by the Senate on April 9, be substituted in lieu thereof; that the bill be deemed read a third time and passed; that the title be appropriately amended; that the motion to reconsider be laid upon the table; that the Senate insists on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3033) was deemed read the third time and passed.

The title was deemed amended so as to read:

Amend the title so as to read: "An Act to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under the Act, and for other purposes."

APPOINTMENT OF CONFEREES

There being no objection, the Presiding Officer (Ms. MIKULSKI) appointed Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mr. HATCH, and Mr. THURMOND conferees on the part of the Senate.

PARTIALLY RESTORING OBLIGATION AUTHORITY AUTHORIZED IN THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1992

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2641, a bill to partially restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1992, introduced earlier today by Senator MOYNIHAN and others; that the bill be deemed read the third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2641) was deemed read the third time and passed, as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF OBLIGATIONAL AUTHORITY.

(a) IN GENERAL.—\$369,000,000 of the reduction in obligation authority for fiscal year 1992 required by section 1004 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) as a result of the enactment of section 1095 of the Intermodal Surface Transportation Efficiency Act of 1991 is restored for programs subject to the obligation ceiling.

(b) CLARIFICATION.—Section 1095 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the first sentence by inserting “, subject to appropriations,” after “is authorized”.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-201, appoints Carolyn Hecker, of Maine, to the Board of Trustees of the American Folklife Center.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, reappoints the Senator from Maryland [Mr. SARBANES] to the National Historical Publications and Records Commission.

Mr. FORD. Madam President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

NATIONAL FIREARMS POLICY

Mr. CHAFEE. Madam President, on Tuesday of this week, the Senate spent 4 hours debating whether or not to approve the minting of new coins. Yet, on that very day, as is the case every day,

an average of 27 adults and children across our Nation were killed by a handgun, and 39 individuals, Americans, went to the hospital to be treated for handgun wounds.

Of those 39 patients, some will be permanently and severely disabled the rest of their lives. Others will go back to their homes and families wondering what kind of a society, what kind of a nation do we have where handguns are so commonplace.

We have many demands and many challenges and many problems facing the Senate and our Nation, and we need to spend far more of our valuable time and of our scarce resources focusing not on parochial or petty or political matters, but on those which are most critical to the well-being of this country of ours.

Two among the most pressing issues facing the United States of America are, first, the need to improve the quality of our education; and, second, the need to reduce the costs of our health care systems. But tied inexorably to progress on both of these matters is recognition of the costs placed on the United States of America and its citizens and its taxpayers by our national firearms policy. And that is what I wish to discuss for a few minutes this afternoon.

If we hope to achieve progress on education, it is imperative that educators be able to spend their time and their resources on their principal task, which is educating our young people. Likewise, if we are to move forward on health care, it is critical that we ensure our population is as healthy and as fit as possible, and thus reduce the demand for expensive health care services.

Yet today, educators are distracted from educating and pupils are distracted from learning by the ever-increasing and frightening presence of handguns within our schools.

And our efforts to hold down health care costs literally are being shot down by the more than \$4 billion required to be spent every year on the ghastly woundings and deaths from handguns.

How many handguns are there in this country? It is estimated that there are roughly 66 million of these deadly weapons in the United States today. In 1982, there were only 53 million. That is a 25-percent increase in 10 years. According to the Bureau of Alcohol, Tobacco, and Firearms [BATF], we can expect to add 2 million handguns every year. That is hardly a comforting thought.

Handguns—these guns so easily concealed under a jacket or in a shoulderbag—cause untold damage and suffering in this Nation. The statistics are staggering, frightening, and shameful. Every year, handguns are estimated to be involved in at least 10,000 murders and 15,000 woundings—that translates to about 27 persons killed

and 41 persons injured every day. Every year, we set a new record in handgun deaths: since 1988, handgun murders—which represent 75 percent of all firearms murders—have gone up each year by nearly 1,000 deaths.

Handguns are involved in an average of 33 rapes, 575 robberies, and 1,116 assaults every day. Handguns are responsible for 70 percent of all firearms suicides, about 3,200 of which every year are teen suicides; and it is a disgusting, terrible fact that these guns constitute the most efficient, effective, and lethal suicide method.

I. GUNS AND EDUCATION

Yet access to handguns has become easier, not more difficult; and their owners, younger. Children not yet old enough to drive are matter-of-factly carrying guns on their person every day. Children take guns to school as if they were lunchboxes; they go to gun-sellers, not to their teacher, to settle a fight with another student; and they bring guns, not toys, to classroom show-and-tell.

Can children obtain handguns? The answer clearly is “yes.” In 1989, in a national student survey, nearly half of all tenth-grade boys and about one-third of eighth-grade boys said “yes,” they could obtain a handgun. Eighth-graders are 12 years old.

Not only do these youngsters carry guns, they take these guns to school. Five years ago, an estimated 270,000 students carried handguns to school at least once; and roughly 135,000 boys—whom research reveals are far more likely than girls to choose guns as their weapon—carried guns to school every day.

And that was 5 years ago. Since then, the problem has become worse. According to a 1990 national survey, one out of every five eighth graders say that he or she has witnessed weapons at school. That should come as no surprise, considering the number of youngsters that pack a gun to go to school. In Illinois, 33 percent of high school students have carried guns to school. Texas reports that 40 percent of 8th- and 10-grade boys who were surveyed had carried a gun to school at least once.

Nationwide, a full 19 percent of some 11,000 students—again, one in every five students—surveyed by the Centers for Disease Control admitted that “yes,” they had carried a gun to school just in the past month.

I find these statistics to be absolutely stunning—and incredibly depressing. We are talking about young children.

Given the number of gun-toting youngsters, it is no wonder that gun incidents at school are becoming far more frequent. California officials have reported a 200-percent increase in student gun possession incidents between 1986 and 1990; Florida, too, has reported a sharp jump in student gun incidents. Here in the Washington area, in nearby

Prince Georges County, 23 incidents—more than twice the number of last year—involving guns, on school property have occurred since July, and we have not even finished the school year yet.

In nearly every instance these guns were handguns.

Right now, there is so much violence, and so many guns, at schools that some students are scared to go to school. According to the Department of Justice, 37 percent of public school students nationwide fear they will be the subject of an attack at or on the way to school. So what do these children do?

One method of protection is simply to stay away from school, and some children do. An Illinois study reports that 1 in 12 students is so scared of someone hurting them at school that they are staying home to avoid facing that risk.

But students cannot play hockey forever, and another, increasingly popular, way students conquer their fear is to carry a handgun for protection. They take their new-found security blanket to school; and the presence of that gun in turn feeds the very fear it was meant to assuage. Other students are driven to take their own protective measures; and the whole horrible ripple effect goes on.

The end result? Our schools, designed as places of learning, now are becoming places of tension and violence. It has come to the point where many urban schools conduct random gun searches, and safety drills include dropping to the floor at the first sound of gunfire. Meager school budgets must find money for metal-detectors, and for security guards to monitor the equipment. That is the last thing on which our schools should have to spend limited resources—those funds should be going toward textbooks, more teachers, or classroom and sports equipment.

But what choice do school administrators have? Children are learning to believe that guns are a way to resolve their problems. In earlier times, a student dispute might mean a fistfight after class. Now the quarrel often is settled—quite openly—with a gun. Just over a month ago, a 16-year-old boldly walked into a Potomac, MD, high school chemistry class and fired his handgun at point-blank range at his intended student victim, who somehow miraculously escaped the bullet.

This is an ever-more common pattern. Look at Jefferson High School in Brooklyn, where in the course of a dispute, a student killed one teen and another young innocent bystander, bringing the death toll—a death toll for schools—for this school year to 56. Look at the Crosby, TX, high school, where a 15-year-old girl shot a 17-year-old boy in the lunchroom for insulting her. Look at the third-grader in Chicago who pulled a handgun from his bookbag and shot a student in the

spine. Look at the 11-year-old in Clinton, MD, who brought a fully loaded .38 caliber revolver to school to “impress his friends.” And look at my own State of Rhode Island, where 3 weeks ago police confiscated a handgun from a 15-year-old junior high school boy who was waving it in front of other students in the school hallway.

“We’ve never seen a year like 1991–92,” says the head of the National School Safety Center, referring to new highs in school gun violence.

No wonder 10 percent of parents at every income level worry about their children’s physical safety. No wonder a recent “Dear Ann Landers” column on guns in schools provoked more than 12,000 responses from angry and worried parents, and resulted in a second day’s column devoted solely to the printing some of these responses.

Children who are not yet 18 years old are becoming inured to the violence that is not only on the streets, but in their schools. They are becoming accustomed to the notion that guns help you get what you want—be it an added measure of safety, new respect, or some quick cash.

That acceptance is dangerous. We cannot afford to bring up future generations who are hardened and deadened to a culture of violence.

Let me share with my colleagues a story so bizarre, so horrifying, that it seems more like a fiction than fact. In my State of Rhode Island, just a few weeks ago, a teenage boy was given a class assignment to “write an interesting story.” The three-paragraph essay he turned in was entitled “Man Killer.” It consisted of an interview with his 14-year-old friend about what it felt like to kill a local shopkeeper. Let me read (verbatim) the first few lines:

What it feel like thinking how a killer feel like. Well, it feel normal, said the “killer.” Its just like stepping on a cockroach. * * * I feel bad for the guy said the killer. But I had to do it.

The boy’s teacher, uneasy, and not sure that the story was actually fiction, turned the paper over to the police. With it, they were able to arrest the 14-year-old suspect.

I warn my colleagues: increasingly in our schools children are exposed to guns, children are becoming used to guns, and children are using guns, and these are children—gun use can start as early as at 8 years old.

This is appalling. We are desperately trying to improve our educational system. Schools, already burdened with many responsibilities, have more than enough problems to deal with right now. We have youngsters with learning difficulties, youngsters who do not get enough to eat, youngsters with drug problems, youngsters from totally shattered families. And now it appears that we cannot even guarantee children a safe place to work and to learn. This is outrageous. And it is simply intolerable.

How exactly are children to learn anything if they live in fear of walking down the hall and walking into some fatal, senseless dispute? They can’t. If we cannot even guarantee children, parents, and teachers that they will be safe in school, any new and innovative ways of improving our education system will be useless.

Is this the way our Nation becomes competitive? Is this the way we prepare for the next century? No.

II. GUNS AND HEALTH CARE

Let me turn to the cost exacted by guns to our health care system.

Gun-related violence is choking city emergency departments, hospital resources, and indeed our entire health care system. We pay dearly—not only in terms of moneys, but in terms of precious time and resources—to patch up those who have been shot by a gun. Often, the more serious the wound, the higher the costs—and the higher the likelihood that the person will not make it. Bone-shattering, nerve-cutting gunshot wounds and gunshot deaths place incredible stress on our health care system and are major contributors to its ever-escalating costs.

What are the health care burdens and costs associated with gunshot wounds? Let us take a look at the number of firearms deaths and injuries.

How many firearms-related deaths do we suffer each year? Thousands: about 60 percent of the 23,000 annual homicides are firearms-related, and 75 percent—or around 10,000—of these involve handguns. And these account only for those deaths that are willful and intentional; adding in the accidental firearms deaths boosts the annual number by another 7 percent or 1,500.

Now let us turn to firearms injuries. According to a 1991 General Accounting Office estimate, every year more than 65,000 Americans—180 per day—are injured seriously enough to be hospitalized for firearms injuries. About 12,000 of these are estimated to be victims of accidental injury; the remaining 53,000 or so are thought to have received intentional injury.

I want to again emphasize here that handguns play a particularly prominent role in firearms deaths and injuries. In 1990, handguns were the weapon used in at least 10,000 murders, which is about 43 percent of all murders. As for handgun injuries, an estimated 15,000 persons are shot and injured by handguns during the course of a crime; virtually all—95.5 percent—of those wounded required medical attention and care.

These injuries place a huge burden on health care providers. “We used to see one or two major trauma victims a day * * * usually car accidents or falls,” says the chairman of the emergency medicine department at a major California hospital. “Now, we see probably four to eight every day, and of those, 30 to 40 percent are gunshot wounds or

stabblings. The other evening, we had five gunshot wounds in 3 hours, and the ages were 12, 15, 16, 19, and 22." An emergency room doctor in New York adds: "Knives are passe. Today, everybody has a gun. * * * As proud as I am of the advances of trauma technology, I must tell you that the weapons technology has outstripped our therapeutic skills."

Emergency rooms and hospitals providing trauma care are reeling from the added demands of gunshot victims to the overwhelming caseload they already carry. One-third of community hospitals now are reporting emergency department gridlock at least weekly. They just cannot handle it. Gun wounds increasingly contribute to this turmoil.

No wonder the American Medical Association, the American College of Emergency Physicians, and the Emergency Nurses Association all endorse handgun control provisions. Their members have the grisly job of cleaning up the bloody mess of gunshot wounds.

The financial drain caused by this carnage is staggering. A 1990 Bureau of Justice Statistics report concluded that 68 percent of victims of handgun injuries incurred during a crime required overnight hospital care; 32 percent remained in the hospital for 8 days or more.

Hence, the costs associated with gunshot wounds are tremendous. Eight years ago, three researchers at San Francisco General Hospital calculated that the hospital bill for patching up gunshot victims—80 percent of whom had handgun wounds—ranged from \$559 to \$64,470 per patient. The average cost was \$6,915; and the average stay, 6.2 days.

Recent data, compiled in the past few years, reveals even greater costs: the American College of Emergency Physicians reports that based on data collected at a major hospital during the 1989-91 period, the cost per gunshot victim ranged from \$402 to \$274,189. The average cost? \$9,646. The average stay? About 7 days. Another study, conducted during 1988-90 at the University of Arizona Emergency Medical Research Center, concluded that gunshot costs ranged from \$9,800 to \$125,300 per victim. Again, the average cost per gunshot victim was high: \$16,704.

Think of that: if the average cost is \$16,704, and the estimated number of total gunshot injuries is 65,000, the annual cost of hospitalization for firearms injury is at least \$1.1 billion. And this amount does not include additional charges, such as those for physician services, ambulance services, follow up care, and rehabilitation.

This is an important point: health care for gunshot victims does not stop when they are discharged from the hospital. For some, it is just the beginning. In too many cases, the bullet or

bullets cause permanent damage for which intensive rehabilitation is necessary.

Thus, up the costs go again. Since firearms are responsible for a substantial number of all traumatic spinal cord injuries, let's take as an example spinal cord injury rehabilitation. At one typical rehabilitation center specializing in spinal-injury treatment, a full 35 percent of the spinal patients are gunshot victims, second only to the 40 percent of automobile victims. The center's daily—daily—per patient rate for care is \$1,500.

How many days do these patients stay? Depending on how fully or cleanly the bullet has severed the spinal code, the spinal injury patients suffer partial or complete paralysis. Paraplegic, or partially paralyzed, patients usually receive around 75 days of care, during which time they receive intensive occupational and physical therapy. Cost: \$112,500. Quadriplegic patients, those paralyzed in all four limbs, usually stay for 5 months. Cost: \$225,000. This cost is incurred in addition to the \$100,000 that is commonly required for acute care of such serious injuries.

Amazingly, and sadly, fully half of the gunshot spinal injury patients at that rehabilitation center are under age 25.

When you add up the costs, from the initial emergency room care and accompanying hospital stay, to the ambulance services, follow-up visits, and rehabilitation treatment, the overall cost of firearms to our health care system is colossal: an estimated \$4 billion, according to the chair of the 1991 Advisory Council on Social Security.

Who pays this monumental bill? Who else?—the taxpayers. An estimated 86 percent of the staggering costs associated with firearm injury are paid by Government sources.

What people just do not seem to realize, or to think much about, is that guns are as significant a cause of harm, and expense, to individuals as are motor vehicles. We hear quite often that injuries are a leading cause of death in the United States, and that motor vehicle injuries account for a significant portion of these injuries. Yet most don't realize that guns rank right up there with motor vehicles.

According to data compiled by the injury prevention network, 32 percent of all fatal injuries are caused by motor vehicles; firearms follow in second place with 22 percent. Combined, the two account for over half of all injury-related fatalities in the United States.

In fact, in 1990, firearms overtook motor vehicles to claim the dubious honor of being the leading cause of injury-related death in Louisiana and for the first time in Texas. In other words, gunshot wounds in those two States cause more deaths than automobile accidents. And while the incidence of

motor vehicle deaths is going down, that of firearms deaths is going up.

Let us face the facts: guns cause great physical damage. That damage, in turn, is forcing the ever-rising costs of health care up, up, up.

III. SUMMARY: WHAT CAN WE DO?

In sum, we have scared children, we have scared parents, we have terrible, bloody violence, and we have terrible gun-related health and societal costs.

It is time to wake up. This is a matter that affects all of us. There are many who think: "Well, that gun problem is limited to drug dealers killing other drug dealers, and anyway, it only happens in those low-income neighborhoods."

To those who comfort themselves that this is someone else's problem—a low-income neighborhood's problem, an urban problem, a minority problem—to them I say, "Wake up!" We all need to care, and not just because the problem is spreading, but because we are talking about children to whom we as a society have a responsibility. They deserve our protection.

Other industrialized nations do not tolerate handgun slaughter. Canada, which like the United States has a Wild West pioneer heritage, has stronger gun control laws and an annual firearm-related death rate of around 1,400—only about 180 of which are gun homicides. Those statistics are much higher than those in European nations, but they are negligible in comparison to our 23,000 firearms murders. As for handguns, less than 300,000 Canadians own one. We Americans own 66 million, and if handgun manufacturers like the Jennings family have their way, we can look forward to being flooded with thousands more cheap \$35 models in the near future.

Guns cause terrible damage in this country, yet we do little to prevent it. Have we simply become accustomed to the killings? Are we compliant witnesses to the "terrible stillness of death"—as one witness to a violent shooting called it—now being heard around the country?

We are a caring nation; a nation of people who are appalled at these acts of devastation. We must not become inoculated to such violence.

Steps have to be taken in this country. I am going on record today to say that more must be done—and I am talking about measures to restrict the incredibly, insanely easy access to guns in this country. In the next week or so I will present to my colleagues what I consider to be the best solution. It is time to act. We cannot go on this way.

I thank the Chair. And I thank the distinguished Senator from Hawaii for waiting.

Mr. INOUE. Madam President, will the Senator yield?

Mr. CHAFEE. I yield.

Mr. INOUE. I commend my friend from Rhode Island for this extraor-

dinary statement. I am glad I was here to listen to him.

I just hope that my colleagues in the U.S. Senate will take the time to acquaint themselves with the horrendous statistics that the Senator presented today. It must be made must reading because I thought I knew just about anything that can be known about handguns. I did not realize it was this bad.

I commend the Senator.

Mr. CHAFEE. I thank the distinguished Senator very much.

I do not know what they do in this area where they have a relatively confined and I suppose controllable situation where they can take measures at the State level which we would find difficult in the continental United States where our borders, any State's borders, are so relatively accessible to another State's borders. In other words, to go from the central part of any State to the next State, in most parts of the United States it is pretty easy and so getting control of this situation is extremely difficult on a statewide basis, but in Hawaii it is somewhat easier. I assume. I do not know what measures they are taking. But I am going to address the solution to this problem next week.

Mr. INOUE. I am pleased to tell the Senator that last year Hawaii had 29 homicides, as compared to nearly 500 in this city.

Mr. CHAFEE. That is a remarkable record for Hawaii. They have such fine people out there that they do not go out around shooting each other. The Senator said 29 homicides out of a population of what?

Mr. INOUE. Over a million.

Mr. CHAFEE. Just a million. That is a remarkable record, particularly when we look around this city that we live in, Washington DC, whereas as the Senator points out there were over 400.

Mr. INOUE. I think it is 469.

Mr. CHAFEE. Something like that already this year.

I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Hawaii.

THE FUTURE OF AMERICAN SUBMARINE PRODUCTION THE SSN21—"SEAWOLF"

Mr. INOUE. Mr. President, I support the *Seawolf*. I think President Bush was wrong to ask the Congress to rescind the funds it had appropriated for the production of the second and third ship in this modern, technologically advanced class of nuclear attack submarines. I believe the Secretary of Defense was mistakenly led to recommend that rescission to the President. To put the matter directly, it now appears that both the President and the Secretary of Defense were misinformed. The rescission, and not the submarine should be canceled.

Let me be clear: With the demise of the Soviet Union, the decision to cancel future funding of the *Seawolf* program may be appropriate; I will agree that we could stop the program after three submarines have been built. That would make the *Seawolf* a viable class of submarines. It could operate effectively, crews could be trained, maintenance could be scheduled to achieve cost efficiencies, and missions—which only the *Seawolf* can perform—could be successfully engaged. Yes, we could stop after three.

But to take away the funds already provided, to incur huge costs and have nothing to show for it, to threaten the industrial base for submarine production while endangering American technological leadership in nuclear submarines is a mistake. I know that. The Navy knows that. Americans who build submarines for our country and Americans who go under the sea in them, know the decision is a mistake.

Mr. President, I suspect that today both the President of the United States and the Secretary of Defense would, perhaps in a private moment, admit that it is a mistake.

Let us examine the facts. The President has proposed the rescission of \$2,765,900,000 previously appropriated for the procurement of two SSN-21's. In addition, the President proposes the rescission of \$189,400,000 already provided for SSN-21 training and support equipment. These rescissions are proposed as deficit reducing measures and, in each case, the President's rescission message said, "The Navy's ability to accomplish its mission successfully would not be affected by this rescission proposal."

Are these the real facts? No. Upon close examination they appear to be shadows in the smoke and mirrors game being played at the White House and the Office of Management and the Budget. The rescission of funds already provided by the Congress for the *Seawolf* would not save money. When the details are reviewed, Navy papers show little costs can be recovered. Moreover, with little budgetary savings to be achieved, this decision would rob the Navy of a significant capability and would have a pronounced negative effect on the Navy of the future and its ability to meet the objectives we will expect of it. Work on these submarines is underway, contracts have been awarded, and there are substantial contract liabilities which must be met if they are terminated.

When the fiscal year 1993 budget was sent to the Congress, supposed savings were identified. Later, when the Pentagon leadership began to more carefully examine the costs of terminating contracts—contracts which it had itself signed—it was found that savings would not occur. Oh, at first, it was said that substantial savings could be achieved because termination costs

would be no more than \$450 million. Then the estimate of these costs grew to \$900 million, and more. Indeed, the most recent calculation by the Assistant Secretary of the Navy for Acquisition shows that termination costs will exceed \$1.9 billion.

This is not just a matter of faulty estimating. In point of fact, the Navy did not know what the termination costs would be when the decision to rescind funding was made. In a hearing before the Senate Armed Services Committee on April 1 of this year, the Assistant Secretary for Acquisition was asked by Senator LEVIN if he knew what the termination costs would be when he recommended termination. The answer was "No."

Mr. President, some Members may wonder why money cannot be saved. Well, the answer is that the funds to build the second and third *Seawolf* submarines have not only been appropriated, but binding contractual commitments have been made by the Pentagon for advance procurement of equipment for these ships. Funds already so committed and expended cannot be saved by a decision not to build these ships. I have read the Navy documents which, in the clipped phrasing of Navy memos, state "Substantial majority of effort already expended." These documents show that little or nothing will be saved in equipment contracts.

For example, on ship sets of the *Seawolf* fire control system, the AN/BSY-2, the Navy says: "SSN-22 unit is required to complete R&D and insure timely delivery of lead ship set, estimated net recovery for termination of SSN-23 ship is negligible, however, due to anticipated cost impact to remaining R&D and SCN efforts." In other words, we could terminate the ships and have a lot of parts lying around, but we would not save money.

Mr. President, I do not believe that is what the Senate wants to do. It does not make any sense. The expenditures for equipment already procured and the costs of contract terminations are substantially greater than any savings assumed by the Pentagon. These are their contracts; they should know better.

Senators should ask themselves, if this were our idea, if we in the Senate suggested that the Department of Defense terminate a procurement program, and if we suggested that it do so even if that meant breaking contracts and absorbing the costs of equipment procured in advance of production, what could we expect? Surely, the President would rail against us and decry our actions; we would be accused of micromanagement. Well, Mr. President, the decision to terminate the *Seawolf* is not micromanagement on the part of the Pentagon—it is not management.

The proposed rescission of funds for the *Seawolf* will not save money; It will

cost money. Furthermore, it is clear that, if carried out, the decision would cost American technological leadership in Submarine warfare, it would endanger our industrial base, and it would place our naval forces in danger.

Mr. President, I am not alone in this belief. The former Chief of Naval Operations, the most senior military officer in our Navy has said:

With termination of the *Seawolf* and cancellation of funds, President Bush and Defense Secretary Dick Cheney have put the future of submarine warfare and submarine technology in turmoil or a one-timer saving that gets smaller with every estimate.

Indeed, Mr. President, as I review the proposed rescission, I think the Secretary of Defense and the President ought to admit that they were mistaken.

Mr. President, I have made some broad assertions. Let me substantiate them. I wish to address three aspects of the rescission proposal:

First, I will add to what I have said already and address the question of costs and savings;

Second, I will address the question of American technological leadership and nuclear submarine construction; and

Third, I will address the importance of the *Seawolf* to future submarine warfare.

First, the costs.

The President proposes to save \$2.9 billion through the rescission of funds provided for the *Seawolf*. The Navy now calculates that termination costs will be \$1.9 billion. Without new submarine production, the shipyard which is now under contract for the SSN-21, Electric Boat, will go out of business. The Government will face additional shutdown costs of somewhere between \$500 million and \$1.5 billion. To this we must also add the sunk costs of approximately \$1 billion already expended on design and construction of the SSN-22 and SSN-23 and on equipment procured in advance of production.

So, to save \$2.9 billion, we would lose at least \$3.4 billion and, perhaps, as much as \$4.4 billion. The costs of this decision far outweigh the supposed savings. And we would have nothing to show for it. On the other hand, without the appropriation of additional funds, we can complete the production of SSN-22 and SSN-23, which, together with SSN-21, can form a valued and viable military asset.

Second, the industrial base and preservation of American technological leadership.

The *Seawolf* is the newest attack submarine in the world. It incorporates significant technological advances developed since completing the Los Angeles class design in the 1970's. Adm. Bruce Demars, the Director of Naval Nuclear Propulsion, has testified that, "the *Seawolf* will operate more quietly over the ship's entire speed range than the Los Angeles class submarine does

sitting alongside the pier." Admiral Trost has testified that the attributes of the *Seawolf* "constitute major advances in submarine mobility, combat effectiveness, and survivability."

There is no question that the United States is the world leader in nuclear submarine construction. That commanding position will be eroded and, perhaps, lost forever, if the *Seawolf* is not built as a technological bridge to the future. As Admiral Trost has said:

Unilaterally forfeiting world leadership in submarine design and construction, with the knowledge that it will be required in the future, is irresponsible. * * * The imperative to design, build and operate the most capable submarines has not changed. Today that existing submarine design is *Seawolf*.

In testimony before the Armed Services Committee on April 1 of this year, both Admirals Demars and Trost had similar observations about the need to actually build and operate submarines. In essence each said, you cannot maintain the construction and production skills required for submarines with design exercises or surface ship construction.

Mr. President, I do not believe anyone in this Chamber can fully appreciate the complex engineering, precision manufacturing, rigorous and comprehensive training and formal operating procedures which go into the production and operation of nuclear submarines. The fact is our country has done this and done it very, very well.

We have all seen the pictures of Soviet nuclear submarines limping along on the surface with smoke billowing out of reactor compartments. That American nuclear powered ships have steamed nearly 90 million miles and accumulated 4,000 years of operations without a reactor accident or release of radioactivity which has had an adverse effect on the crews, the public, or the environment is a tribute both to the Navy and to the contractors who have built them for us.

The preservation of the American technological advantage is not just a matter of building nuclear submarines. If costs were not a factor, we could restart the line and build more of the Los Angeles-class submarine. A restart, however, would be more costly than completing the three *Seawolf* ships. It is not just a matter of building nuclear powered ships. If rising costs do not prevent us from doing so, we will build nuclear powered carriers. But that would not maintain the unique skills and the manufacturing and testing regimes which submarines require. It is a question of building this class of submarines—the *Seawolf*—as a means of preserving both the base of skilled workers and the manufacturing capacities for submarine production.

It is a question of maintaining the technology as a bridge to the future. Paper designs alone will not work. We have to build to preserve.

Mr. President, last fall, Navy Secretary Garrett wrote to Senator LIEBERMAN urging him to support the *Seawolf*. He told Senator LIEBERMAN, "the *Seawolf* is absolutely vital to maintain our Nation's technological superiority in undersea warfare." In intensive discussions on the eve of our full committee markup of the fiscal year 1992 defense appropriations bill, Navy Secretary Garrett personally intervened and asked me to restore funding for the *Seawolf*. As has been noted, that was just 3 months before the President's State of the Union announcement that he would rescind funding for the *Seawolf*.

Mr. President, the senior civilian and military leaders of the Navy have testified to the importance of *Seawolf* construction to the preservation of the submarine industrial base and the protection of American technological superiority. The principal designer and manufacturer of nuclear submarines has testified on the importance of continuing *Seawolf* production. Electric Boat has offered unchallenged testimony that, without the *Seawolf*, submarine production at the yard will be finished—for all time, Mr. President, for all time. These are the people who have delivered the safest, most effective submarines in the world. I believe them.

On the other side of the scale is a hastily contrived decision which is justified as a cost saving measure and which does not measure up. How many here know that the Deputy Secretary of Defense, Mr. Atwood, commissioned a study on submarine industrial requirements after the termination of *Seawolf* was announced. The decision was unfortunately made before the study was begun and before the submarine industrial base options were understood. Mr. President, I think that is a telling indictment of the process which led to the decision to rescind funds for the *Seawolf* and put America's submarine industrial base in peril.

And now, Mr. President, I come to my third assertion, that the *Seawolf* is important to the future of submarine warfare.

In a very courageous statement before the Armed Services Committee, Admiral Demars said that in his personal professional opinion we should continue production of the *Seawolf*. As the director of naval nuclear propulsion he was concerned about maintaining the nuclear submarine industrial base, particularly the base of sub-vendors, many of whom make limited quantities of items uniquely designed for nuclear submarine propulsion units. But he also spoke of the military utility of the *Seawolf* in the context of the post-cold war environment. Admiral Demars said, "the former Soviet fleet is intact and still the world's largest submarine force. And their third generation submarines are significantly better than their predecessors."

He also said, "attack submarines, because of their stealth, mobility, and endurance, are also ideal platforms to help deal with regional conflicts. Attack submarines can arrive on station unsupported, without risk to escorts and need for logistic trains. They can collect intelligence, launch cruise missiles ashore, land special forces, lay mines, and clear the area of enemy ships." Mr. President, I hope we will never have to make use of these capabilities, but history would indicate that we must be prepared.

Mr. President, many attributes of the *Seawolf* are and must remain classified. However, expert witnesses have told the Senate in open hearings that the *Seawolf* has:

A tenfold improvement in stealth—that is, quietness—over the improved SSN-688 class, a major increase in tactical speed, the maximum speed at which the submarine's sensors are fully effective, and a highly automated combat system with rapid target localization, a key feature when up against very quiet diesel-electric or nuclear submarines.

These are significant improvements because they will permit the *Seawolf* to operate effectively against the very quiet diesel-electric submarines presently being acquired by regional powers who may one day be hostile towards the United States. Because of its improved technologies, the *Seawolf* can operate more effectively in shallow waters, a not inconsequential consideration when the depth of the Straits of Hormuz or much of the Indian Ocean or the South China Sea is measured.

Mr. President, 90 percent of the supplies for Operation Desert Storm moved by sea—over 8,700 miles one way. Because Iraq did not have a navy of any consequence, this was a logistics rather than a military problem. But we will not always be so lucky, Mr. President. Our geographic position dictates the requirement that we maintain the wherewithal to control the seas or risk becoming isolated. We are a maritime nation. Exports now comprise 25 percent of our manufacturing output, up from 10 percent in the 1970s. The United States must maintain a strong Navy capable of protecting our national interests, our allies, the sea lines of communication so vital to our economic well-being.

Mr. President, I will conclude my remarks. I believe I have demonstrated that the decision to rescind funds appropriated for the *Seawolf* was an ill-considered decision which we should reject because cancellation of the *Seawolf* will not save money; it will destroy the submarine industrial base and irresponsibly surrender the American technological advantage in nuclear submarine production and design; and it would rob the Navy of a significant capability and would have a pronounced negative effect on the Navy of the fu-

ture and its ability to meet the objectives we will expect of it.

And so, Mr. President, I support the *Seawolf*.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first of all, before the distinguished Senator from Hawaii leaves, I would like to commend him on his statement. I heard his entire statement and that is the reason I stayed, because I wanted to hear what he had to say. It seems to me he laid out the arguments as well as anybody possibly could.

What particularly appealed to me was the accent that he made on what we call the industrial base, which is a term that is kicked around a lot around this place, but it seems to me what the Senator from Hawaii was saying is that these are very unique skills that are not readily transferable to something else.

As I understand it, and certainly I firmly believe it, if we do not continue to build these *Seawolfs* at a very modest rate—I think the original goal was something like 14 and now it is down to 3—so there is no question but that there is a peace dividend there. I thought the point the Senator made was that he pays tribute not just to the U.S. Navy and the safety record that has been achieved, but he also pointed out the suppliers, the record that they have achieved in supplying the U.S. Navy with these goods that meet very high tolerances.

And thus we have had this remarkable record. I could not repeat how many million miles of steaming hours the Senator said they have had and how many, I believe the Senator said ship years.

Mr. INOUE. 4,000.

Mr. CHAFEE. 4,000 ship years without any—

Mr. INOUE. Without a single accident.

Mr. CHAFEE. Without a single accident, which is remarkable. And as, of course, the Senator has pointed out, we have, indeed, seen pictures of these Soviet submarines under tow or just simply limping along, as the Senator pointed out, with the smoke billowing from them.

I commend the Senator from Hawaii for his very fine statement; and second, I thank him for the wonderful support he has given in furtherance of the points he is making toward this *Seawolf* program. The Senator has been a stalwart, and all of us from the States affected are very grateful to him.

Mr. INOUE. Mr. President, I am most grateful for the gracious remarks. But as chairman of the Defense Appropriations Subcommittee, may I assure my colleagues that I would not be here supporting the *Seawolf* if I did not believe it was in our national interest. It is in our national interest.

If I may respectfully correct my colleague, the original plan was to build 29 *Seawolfs*, and we are just building 3; just about 10 percent. This is a major departure from our original plan. Without the three, we will not have a working unit to bring about cost effectiveness. But all in all, just from the standpoint of money, because that is our major concern at this moment, we would be saving money by building these three. If we followed the President's recommendation, it would cost the taxpayers \$4.4 billion. There will not be any savings.

So I thank my colleague.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I also commend and congratulate the Senator from Hawaii on his thoughts and express my delight and joy at his conclusion that the *Seawolf* is very much in the national interest. I appreciate that.

I think that the influence of sea power on history, as was written by Alfred Thayer Mahan about 100 years ago, is just as valid today as it was when he wrote it 100 years ago. And in the end, it is not the airplanes that control the military position of one's adversary as much as the sealanes.

I am also, speaking parochially, delighted with Senator INOUE's conclusions about the national interest, because that also is a great source of comfort to my constituents in Rhode Island.

Mr. INOUE. I thank the chairman of the Foreign Relations Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Chair.

Mr. President, I see my distinguished colleague from the State of Washington, Senator GORTON. I wonder if he, too, was seeking recognition at this time. I am in no hurry if he desires to go before me.

Mr. GORTON. He was, but he recognizes that his friend from Arkansas was here first.

DIRECT ELECTION OF THE PRESIDENT

Mr. PRYOR. I thank my friend from Washington.

Mr. President, I am going to speak just a few moments this afternoon. The hour is late. But I did want to inform my colleagues, Mr. President, through this very short presentation, that on Tuesday or Wednesday of next week I will be introducing a Senate joint resolution that would abolish the electoral college and provide for the direct election of the President and Vice President in this country.

This is a Presidential election year. As we know, it happens each 4 years. And during that time, it serves not

only as a rare but, I must say, a precious opportunity that we as Americans in the democratic system are granted to choose a new leader, and sometimes to retain our present leader. But what we lose sight of in this country is that actually we as Americans and we as voters do not directly elect our leader. We do not directly elect our President. We vote for electors, a mysterious group of citizens. We do not know their names. They meet, and they cast their vote in a very, very fascinating environment, creatively called the electoral college.

Mr. President, under the present law and the two constitutional provisions which generally guide us in this process—that would be the 12th amendment to the Constitution; and parts of that amendment, Mr. President, have now been superseded by the 20th amendment to the Constitution—they furnish us the cornerstone of our Presidential election process that is unique to our system.

Each of us in this body is elected directly by the people; the other body is also elected directly by the people to membership therein. Members of our school boards, our city councils, our country officials, our State Governors, our State legislators, everywhere throughout our system we find that our officials and our leaders are elected directly by the people.

When I first came to this body in 1979, one of the first debates I had the privilege to have been engaged in was on this very issue, the issue that I point up this afternoon, whether or not our democracy should have a direct election for President, or whether we should retain that mysterious electoral college system that we have had for almost 200 years.

Mr. President, after the debate in 1979, ultimately that question was resolved by fewer than enough Senators. Some 51 Senators voted in favor of abolishing the electoral college and 48 voted in opposition. However, it takes two-thirds of this body and the other body to refer such a resolution to our respective State legislatures, and then three-fourths of those bodies must ratify our action.

This resolution is something, Mr. President, that would not affect the election for President in 1992. This is an issue, Mr. President, that I bring before the Senate and will bring before the Senate in a more detailed fashion early next week because I think it is time once again, for the first time since 1979, that the U.S. Senate involve itself in debating this issue whether or not we should elect our Presidents by a direct popular vote.

In 1969, there was another debate, Mr. President. This debate centered in the House of Representatives where an overwhelming number of the Members of the House—I was a Member of that body at that time—voted in favor of a

direct election for President of the United States.

I might add, as a little bit of trivia for late Thursday afternoon, that one of the Members of the other body, the House of Representatives, who voted for the abolition of the electoral college and in favor of the principle of a direct popular vote was then a young Congressman from the Houston area, Congressman George Bush, who supported the direct election for President of the United States.

Mr. President, I think that our democracy and our country and our people, with our system of communication, our system of transportation, with our system of being able to be made instantly aware of events, instantly aware of positions, with the coming of C-SPAN, all the cable systems, the evolution of television, and all of the rest of those occurrences and events in our generation—I think that our democracy and our country have reached the maturity where today the people themselves, in a direct popular vote, should choose the President of the United States.

We have 538 electoral votes. There are 100 from the Senate, 435 from the House of Representatives, and 3 for the District of Columbia, making a total of 538 electoral votes. If a candidate seeking the Presidency does not receive at least 270 of those electoral votes, then Mr. President, this election is still not placed directly in the hands of the people, this decision is placed in the House of Representatives. In the House of Representatives, should that event occur—and it has occurred in the past—each State is given one vote. And when one candidate receives 26 votes, that candidate is the President of the United States.

Further, Mr. President, under our present system, the U.S. Senate, not the House of Representatives, chooses the Vice President of the United States.

So we could have an event or an occurrence where the Vice President of the United States would be chosen by the Senate, and it could be a Democrat. Over in the House of Representatives, the other body, the President of the United States could be a Republican.

There are all kinds of scenarios that make us wonder why in the world we risk this potential constitutional crisis and dilemma. Why gamble, when I think we have in our country the wisdom and, once again, the maturity to directly vote for President of the United States.

Mr. President, in 1979, as a matter once again of information for our colleagues, the idea of a direct popular vote was supported by liberal and conservative groups. For example, the American Bar Association, the U.S. Chamber of Commerce, the United Auto Workers, the League of Women Voters, the National Federation of

Independent Businesses, National Small Business Association, American Federation of Teachers, AFL-CIO, Common Cause—a whole host of organizations representing several aspects and segments of our society and our economy supported a direct election.

So, Mr. President, next week I am going to further discuss why I believe that we should have a direct election for the President. I will be discussing some of the aspects of a Senate joint resolution that I will be introducing. In fact, this afternoon while visiting with my colleague from Oklahoma, Senator BOREN, I was asked if I would not include him as an original cosponsor.

I certainly will be proud to have his support because, once again, in 1979 when he, too, was a very new Member, only having arrived a few months before, this was one of the very first major votes that the Senator from Oklahoma and the Senator from Arkansas, and others during that period, had the opportunity to deal with and to vote for or against. Senator BOREN joined the majority of the Senate in supporting a direct election for President.

Mr. President, it is now time to revisit this issue. It is the proper time. It is an election year for President. And it is a time when we should rethink this. This is a serious question. It should not be taken lightly.

I think it is time we have not only a debate in this body, but we need to have a debate in this country to see whether or not it is time to make this change, and vote for our President directly without having Presidential electors cast our vote in our behalf.

Mr. President, I thank the Chair.

I yield the floor.

Mr. CRANSTON addressed the Chair. The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise to speak very briefly. First, I thank the Senator from Arkansas for his very fascinating remarks. I look forward eagerly to seeing the resolution and to hearing the further arguments. We certainly have to make some changes in the way we select our Presidents. I am eager to look at the polls by the Senator from Arkansas.

THE RODNEY KING VERDICT

Mr. CRANSTON. Mr. President, nearly 127 years have passed since slavery was abolished. Yet our country still suffers, almost daily, from the remnants of that great evil. Only strong, courageous, moral leadership can bring it to an end.

By now, we have all seen the images of a smoldering, charred, and smoke-filled south central Los Angeles where the Watts riots occurred almost three decades ago. We all wonder what progress there has been since that unhappy time. We know about the tragic

deaths and destruction of property that have occurred within the past 24 hours. And while I decry the senseless destruction of life and property, I am also stunned that the four officers charged with viciously assaulting Rodney King were acquitted on virtually all counts.

Racism is a cancer in the very soul of America. It besmirches everything good that America stands for. It diminishes us not only in the eyes of the world, but in our own self-esteem. I join with my Senate colleagues who urge Federal action in this matter.

We call on President Bush, as the leader of our country, to condemn, unequivocally, racism in all its evil forms. Our President should solemnly pledge to do all in his power to root out racism in America. Similarly, Bill Clinton, Jerry Brown, Ross Perot, and others who aspire to the Presidency should speak out loud and clear now and through the rest of the campaign against the un-Americanism of racism.

They should tell us in specific terms what they intend to do, what they will do, to eliminate racism in our land, if they are elected.

Earlier today, I wrote to Attorney General Barr and encouraged his investigation into this matter. I add my voice to those who understand that while our system of justice has performed, justice has not been served.

Mr. President, I ask unanimous consent that the full text of my letter to Attorney General Barr be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 30, 1992.

HON. WILLIAM P. BARR,
Attorney General, Department of Justice, Washington, DC.

DEAR WILLIAM: I am writing with deep concern about the current status of the case involving the video-taped beating of Rodney King by four Los Angeles Police Department officers.

On March 25, 1991, I contacted then-Attorney General Thornburgh to request that the Justice Department review policy brutality complaints against both the Los Angeles Police Department and the Los Angeles County Sheriff's Department. Then, as now, I unequivocally encourage and support your Department's investigation into possible violations of Mr. King's civil rights.

By now, most of us have seen the savage and unmitigated beating suffered by Mr. King at the hands of the four officers. The computer messages transmitted between officers on the night of Mr. King's thrashing reveal callousness and racial bias among some police officers. Though a jury has definitively spoken with regard to the state criminal charges against the four officers, I hope that a prompt and serious federal investigation under your direction will answer the questions that many Americans have regarding this matter.

Cordially,

ALAN CRANSTON.

Mr. CRANSTON. Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.
The PRESIDING OFFICER. The Senator from Washington.

HOMELESS VETERANS

Mr. GORTON. Mr. President, the men and women who serve in the Armed Forces are, to this Senator, heroes of the highest order. They have risked, and all too frequently sacrificed, their lives for their fellow soldiers, sailors, and airmen, for the principles for which this Nation stands.

The discipline and pride gained while serving in the Armed Forces helped many veterans adjust to a prosperous life outside of the military. After serving their country on the battlefield, most of these veterans came home to pursue careers and raise families. Many of these veterans settled in my home State of Washington and are outstanding citizens.

Unfortunately, Mr. President, some have not been so fortunate.

I speak of the thousands of veterans who, although they sought both a career and a family, have been unable to adjust to the world off of the battlefield. As a result, many have taken to the streets and are now part of the growing homeless population in the United States.

As one of the four States of the Nation with the largest numbers of veterans and active-duty military personnel, Washington State is home to more than 500,000 veterans. I have recently come to discover, however, that veterans comprise some 35 percent of the homeless population of my State. I consider this a disgrace.

Four years ago, a Homeless Veterans Reintegration Program was established to provide needed assistance to homeless veterans in 15 cities across the Nation. Since its genesis, the Homeless Reintegration Program has had tremendous success in locating and helping homeless veterans reintegrate themselves into the labor force by teaching them important job skills.

Washington State has been cited as the "national model" for homeless reintegration. Projects in Seattle, Tacoma, and Olympia are showing overwhelming success in seeking out homeless veterans, successfully placing more than 1,600 of them in the past 4 years at a cost of about \$470 per placement. The overall placement percentage is about 40 percent.

The average amount of time spent training these veterans is 41 to 45 days. In other words, Mr. President, outreach workers are literally taking veterans off the streets and, after not much more than 1 month, returning them to society, which is a truly exceptional accomplishment.

The National Coalition for the Homeless reported that HVRP outreach workers located 10,000 homeless veterans and found jobs for 2,200 of them in

their first year of operation. These numbers are a good indication that HVRP is making a dent in our homeless population all across America and should be given the opportunity to continue at its current pace.

The administration and Congress approved funding for HVRP at just more than \$2 million in fiscal year 1991, and then cut funding to \$1.36 million in fiscal year 1992. Although the Senate Veterans' Affairs Committee recently introduced legislation to increase funding for HVRP in the upcoming fiscal years, this 1-year shortfall of \$652,000 will seriously curtail, if not close, some of the HVRP programs just as they are gaining momentum.

Although the HVRP funding uses a relatively small amount of money, that modest amount is what keeps these programs alive. In Washington State, for instance, one of the three programs may be forced to close if those funds are not reinstated. If these funds are restored, however, and additional funds approved, the HVRP program in Washington can continue to operate at its current level and perhaps expand its operations to the eastern part of the State where it could attend to the needs of Native American and Hispanic veterans, among others. The men and women who work with our homeless veterans, many of whom were once homeless veterans themselves, tell of how establishing trust is critical in the process of getting the veterans off the streets and bringing them back into a productive role in society.

Outreach workers in Washington State and across the Nation are gaining this trust and helping homeless veterans to find the self-esteem necessary to become contributing citizens in our society.

Mr. President, it is never too late to recognize the invaluable contributions of anyone who has risked his or her life to protect and promote democracy. These veterans deserve a second chance. The homeless veterans reintegration projects are giving them this chance and should receive our enthusiastic support.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I may speak as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SEAWOLF PROGRAM

Mr. DODD. Mr. President, I want to thank the distinguished Senator from Hawaii [Mr. INOUE] for his recent remarks on the floor of the Senate regarding the *Seawolf* program and the proposed rescission of that program by the President and the Pentagon.

Today, the full Appropriations Committee voted out a rescission package.

which does not include the second and third *Seawolf*. That is largely due to the leadership of the Senator from Hawaii, who is chairman of the Defense Appropriations Subcommittee, and I might say, as well, members of that committee on both sides of the aisle, who have the chance to hear the arguments and to discuss the importance of that program.

Mr. President, I will make a longer statement next week regarding this program but I did not want to miss the opportunity this afternoon to commend the Appropriations Committee for their decision.

Clearly, as the Senator from Hawaii has pointed out, if there were a case where the dollars were to be saved as the President had suggested then this would be a difficult call, and I suspect most of my colleagues here might support that proposal, but as we know how with the Pentagon's numbers changing by the hour the cost of terminating that program could vastly exceed the cost of completing the program and maintaining our industrial base which is a critical issue as we try to maintain our technology in this vitally important area not only for the remainder of this decade but into the next century.

The Senator from Hawaii laid out those arguments and the numbers in detail, and I will expand on those comments later next week. I wanted to thank him and his staff, Richard Collins, and others, for doing the number crunching, and the hard work, and asking the tougher questions to determine whether or not this program deserved the support of this institution and the American public. They have made that case not on the basis of any other reasons than they felt this was in the best interest of our country, and I believe that to be the case.

It is always, I suppose, a little more difficult if you are a representative from the State where the affected program is involved, and I realize that there is always a degree of suspicion about a Senator from any State arguing on behalf of a product that is made in that State.

I realize and appreciate the willingness of my colleagues to listen to those arguments, but when the Senator from Hawaii who is as far away from my State as you can geographically be makes the case as the chairman of the Defense Appropriations Subcommittee with no ax to grind whatsoever in this particular matter other than trying to do what he thinks is in the best interest of maintaining that industrial base and maintaining that critical force, then I think the arguments carry that much more weight.

So, again I thank my colleagues on the committee. I particularly thank Senator INOUE, and look forward to the debate next week when the rescission package comes to the floor of the Senate.

Again I thank my distinguished colleague from New Jersey for his generosity in allowing me to speak these few moments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

INJUSTICE IN LOS ANGELES

Mr. LAUTENBERG. Mr. President, I want to talk about something that stunned the Nation in the last 24 hours, the decision by the jury in Simi Valley, CA. My colleague, Senator BRADLEY, made remarks on the floor that eloquently discussed the injustice that seems to have been done.

We know that there was a jury of peers that made the decision. We were not there to listen to all of the arguments. We were not there to see how the defense presented the evidence. And so we don't know exactly how the jury reached its conclusion. But most Americans have repeatedly viewed the shocking and horrifying tape of the assault on Rodney King that fateful day more than a year ago.

We do not know what he might have done to threaten or frighten the police officers. But one thing was obvious. This man was on the ground. He was being brutally beaten. He obviously had seen subdued, and yet the blows continued on and on.

Again, not having been there to hear the defense present its case, we cannot say what controlled the jury's decision. But no one who saw those tapes, who witnessed that beating through the video pictures, could be other than shocked and horrified by the outcome.

It is my understanding that the Attorney General will be reviewing the case. I hope so. Because the message that unfortunately emerges from this trial loudly and clearly is that sometimes justice is administered based not on the law, but on who you are.

I know many people here in the Senate have been stunned by the trial's outcome. When I told some about the verdict, people who believe that fair justice, equal justice, is at the core of our democratic society, you could see their back stiffen and their head go erect. There is a sense of shock, disbelief, and, frankly despair at what looks like a total miscarriage of justice.

Mr. President, it is worth noting that our system does work, most of the time. But, like any system, occasionally it goes awry. And certainly, from all appearances this seems to be one such time, based on the video tape, the cynical, sarcastic jokes and remarks of the policemen afterward, and the testimony of one policeman who agreed that the force used was excessive. Clearly, Mr. President, something went wrong, very wrong. And the whole Nation must reflect long and hard about that.

AVIATION NOISE IMPROVEMENT AND CAPACITY ACT

Mr. LAUTENBERG. Mr. President, I want to talk about a statement that Senator FORD from Kentucky made earlier today. Senator FORD made several statements relating to a matter of great importance to me and to many residents of the State of New Jersey and the New York-New Jersey metropolitan area.

He spoke specifically about the plans of the Port Authority of New York and New Jersey. That is the agency that runs the principal commercial airports in our region: John F. Kennedy International Airport, LaGuardia Airport, and Newark International Airport. It also owns Teterboro Airport, one of the largest generation aviation airports in the country.

The port authority wants to accelerate the pace of noise reduction in our area. New Jersey is the most densely populated State in the Union. We pack in more people per square inch of property than does any other State. We fight very hard for a decent quality of life as a result of that crowding and one of the most unbearable things is noise as aircraft take off and land at our airports.

I happen to live in a flight path to Newark Airport. I can tell you at night I hear noises that remind me of noises that I heard when I was a young man in World War II listening to the buzz bombs overhead. They would come screaming in at targets. And to me this is reminiscent of that volume and that type of noise.

It is an outrageous condition to have to live under when there is, in fact, something that can be done about it.

The port authority has attempted to alleviate the noise problem for our citizens by proposing a plan to phaseout stage 2 aircraft at a faster rate than the national timetable. This is a program that says we should get to stage 3 aircraft, whose engines are considerably quieter, more efficient than the existing ones. But change is being resisted because airlines have an investment in aircraft that still has the stage 2 type engine.

What we are saying is use them in other parts of the country, please, where there may be more room, and less noise impact but take them out of our area as quickly as possible.

When we were working on the 1990 aviation reauthorization, I worked to ensure that local airport operators retained the authority to impose restrictions on noise. In a colloquy on the Senate floor at that time that Senator FORD concurred in, we had a very specific review of the ability of airports to restrict noise.

I said, and Mr. FORD ultimately agreed, that "under this proposal an airport operator would be allowed to impose restrictions on the stage 2 operations without the approval of the

FAA, and without risking the loss of AIP"—Airport Improvement Program money. "This is particularly important as reducing the number of stage 2 plans serving Newark International is a critical part of our efforts to reduce noise in New Jersey."

Mr. FORD responded to the list of points that I made. He said "The Senator"—referring to my comments—"is correct on each of these points. He has made the case for his constituents, and I believe that we have taken the steps in this legislation to protect the efforts that he has been making to reduce aviation noise in New Jersey."

Why then, Mr. President—frankly, without announcement, which disappointed me—was a statement made on the floor of the U.S. Senate this afternoon that contradicts that position?

With regard to phasing out stage 2 aircraft, the 1990 act did not impose new restrictions on the rights of local airport operators, with the exception of certain procedural requirements. This is attested to in an April 1, 1991 letter to me from then-FAA Administrator Busey—and I will quote from the letter. He writes to me as chairman of the Transportation and Related Agencies Subcommittee of Senate Appropriations.

"We also agree,"—in reference to an earlier paragraph—"except for specific responsibilities imposed by airport proprietors by the act, that legislation did not change previous substantive legal requirements affecting the authority of airport proprietors to limit stage 2 aircraft operations to control noise. This is consistent"—he goes on to say—"with legislative history set forth"—in a letter I sent to him. He goes on.

"My letter of January 15, 1991, to the New Jersey and New York leadership did not question this aspect of the act, nor did it address the limitations that would apply to the Port Authority of New York and New Jersey as airport proprietor if it proposes to limit stage 2 operations."

Mr. President, I ask unanimous consent that the full letter sent to me dated April 1, 1991, from Administrator Busey be printed in the RECORD.

I also ask unanimous consent to have printed a letter to Mr. Busey dated January 30, 1991 and a letter from me to Andrew Card, Jr., dated March 19, 1992 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION,
Washington, DC, April 1, 1991.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Senate Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter, cosigned by members of the New Jersey Delegation, concerning the effect of the Airport Noise and Capacity Act of 1990 (Act) on proposed New Jersey legislation. We are

in complete agreement with your concern that the new Act be applied to afford meaningful noise relief to communities affected by aircraft noise.

We also agree that, except for the specific responsibilities imposed on airport proprietors by the Act, that legislation did not change previous substantive legal requirements affecting the authority of airport proprietors to limit Stage 2 aircraft operations to control noise. This is consistent with the legislative history set forth in your letter. My letter of January 15, 1991, to the New Jersey and New York leadership did not question this aspect of the Act, nor did it address the limitations that would apply to the Port Authority of New York and New Jersey, as airport proprietor, if it proposes to limit Stage 2 operations.

Instead, my letter stressed the lack of authority in the State of New Jersey to control airport access by regulating the Port Authority. Bill No. 4386 asserts the power of the State to ban aircraft operations at airports owned by the Port Authority. The courts have made it clear, however, that the airport owner is the only non-Federal authority that may control airport access for noise purposes. The courts have stated that the otherwise total Federal preemption of airport access matters—including aircraft noise abatement—is essential to the maintenance of a unified and coordinated national air transportation system.

It is well-settled that the pervasive nature of Federal regulation in the field of air commerce, the intensity of the national interest in this regulation, and the nature of air commerce itself require the conclusion that State and local regulation in air commerce has been preempted. Courts have created the limited proprietary exception to total Federal preemption because airport authorities, as the owners of airports, remain liable for noise damages. Even though New Jersey has important responsibilities with respect to its relationship to the Authority, that does not confer airport proprietorship status on the State itself with respect to aircraft noise liability.

Action by the State to restrict aircraft access to the Port Authority's airports by regulating the Port Authority would therefore be inconsistent with the well-established doctrine of Federal preemption in the field of aircraft noise regulation. This is true even where a State attempts to control aircraft operations through regulation of an airport proprietor that is a political subdivision of the State. Only the Port Authority itself is the proprietor under the controlling case law.

This critical distinction between the authority of airport proprietors and that of other non-Federal authorities is a fundamental aspect of "existing law with respect to airport noise or access restrictions by local government," and was not changed by the Airport Act (Section 9304(h)(I)).

The bill also ignores long-established duties resting on the Port Authority, as proprietor, to determine the need for, and the impacts of, any denial of access to air commerce. The discharge of these duties requires that the Port Authority have the discretion to establish the necessary basis for proposed aircraft noise regulations, and justify them in accordance with standards recognized by the courts. With respect to the reasonableness of the Port Authority's regulations, it is important that they be based on substantial evidence demonstrating that the proposed use would not jeopardize the health, safety, or welfare of the public. The bill shortcuts

this entire process of justification. In addition, by mandating specific regulation of Stage 2 aircraft, it mandates the decision to ban such aircraft before the Port Authority could comply with its duties under the Act, including the extensive public notice and review process. This result would be inconsistent with the express provisions of the Act.

The Port Authority is also required to consider the international implications of airport use restrictions, since equal, non-discriminatory treatment of domestic and foreign air commerce is an important aspect of the complex network of international air transportation agreements of which the United States is a major beneficiary. Bill No. 4386 removes all discretion from the Port Authority to reserve decision concerning airport access control while international implications are considered.

Finally, the bill ties the hands of the Port Authority with respect to its continuing compliance with its airport development grant agreements, which requires that its airports be open to air commerce under fair, reasonable, and nondiscriminatory conditions. These obligations are imposed pursuant to applicable airport grant legislation and are an important aspect of the limitations on an airport sponsor's authority to control airport access.

In summary, I believe that the concerns expressed in my letter regarding any attempt by the State of New Jersey to deny access to John F. Kennedy International Airport, Newark International Airport, and LaGuardia Airport for noise purposes, by regulating the Port Authority, are consistent with the Act and properly reflect the controlling case law.

Identical letters have been sent to the other signatories of your letter.

Sincerely,

JAMES B. BUSEY,
Administrator.

U.S. SENATE,
Washington, DC, January 30, 1991.

Hon. JAMES B. BUSEY,
Administrator, Federal Aviation Administration,
Washington, DC

DEAR ADMINISTRATOR BUSEY: We are writing to express our concerns about your apparent interpretation of the Airport Noise and Capacity Act of 1990 ("Airport Noise Act").

Based on our review of statements you made in a recent letter to New Jersey State Senator Walter Rand, we believe that you have misconstrued the law, which Congress drafted with the specific intention of permitting local or State initiatives to combat airport noise.

While the Airport Noise Act mandates that the FAA phase out Stage 2 aircraft by 2003, it specifically permits local authorities to act sooner. The law protected local initiatives already underway as of the date of enactment, and it permitted new Stage 2 initiatives, subject to procedural requirements. These include the provision of 180 days notice for public comment, and the consideration and preparation of an impact statement.

As members of the New Jersey Congressional delegation, we were intensely interested in assuring that contemplated noise initiatives would be permitted under the legislation. Our constituents had this noise thrust upon them by the FAA's alteration of air traffic routes. They have sought relief from the FAA and at the local level. We were committed to assuring their ability to get relief under the terms of the noise legislation before us.

The clear meaning and intent of the legislation was discussed in debate between senator Lautenberg, chairman of the Senate Transportation Appropriations Subcommittee, and Senator Wendell Ford, chairman of the Senate Aviation Subcommittee and sponsor of the legislation. In this discussion, Senator Ford stated that the conference agreement on the legislation did not restrict the ability of local airport operators to regulate the use of Stage 2 aircraft at their facilities. The debate included, in part, the following colloquy:

"Senator LAUTENBERG. With regard to the modified proposal, I ask the Senator from Kentucky if he would confirm these points to be true: First, this agreement would not affect noise control programs now in effect, such as those that have been adopted by the Port Authority of New York and New Jersey. Second, that, under this proposal, an airport operator would be allowed to impose restrictions on stage 2 operations, without the approval of the FAA, and without risking the loss of AIP money. This is particularly important, as reducing the number of stage 2 planes serving Newark International is a critical part of our efforts to reduce noise in New Jersey. Third, that the FAA or airport operator would not be prevented from working our operational changes, such as random vectoring, variation in runway use, or altitude requirements, that are designed to reduce noise impacts. And, an airport operator could impose restrictions on the use of stage 3 planes, by barring certain types, for example, or limiting them to certain hours of operation, subject to review and approval by the FAA.

"Senator FORD. The Senator is correct on each of those points . . . we have taken the steps in this legislation to protect the efforts that he has been making to reduce aviation noise in New Jersey." (October 27, 1990 CONGRESSIONAL RECORD, page S17543)

The continuing authority of local airport operators to regulate Stage 2 operations was further clarified in a November 28, 1990 letter from Congressman James Oberstar, chairman of the House Aviation Subcommittee, and the lead negotiator for the House of Representatives in finalizing this legislation. In this correspondence to Port Authority of New York and New Jersey chairman Richard Leone, Congressman Oberstar made two statements of particular interest: first, that,

" . . . I must note that this Stage 2 phase-out is a national standard, and in no way infringes upon local airports' ability to set even more stringent phaseout standards if they wish."

Second, he wrote that,

"It should also be noted that this new approval process does not restrict a local airport's rights and authority to regulate the noisier Stage 2 aircraft, so long as any airport gives 180 days advance notice of future restriction. Nor does the provision call into question any Stage 2 or Stage 3 restriction currently in effect. The only restrictions subjected to the new DOT approval process are new local restrictions on Stage 3 aircraft."

In spite of clear Congressional intent, your letter insinuates that restrictions on Stage 2 aircraft operations at our region's airports would be contrary to Federal law, and even threatens the potential loss of Federal funds if such measures are enacted.

This is of concern not only because of the impact that such a position would have on programs in place or under consideration for Port Authority airports, but also in light of the FAA's development of regulations to im-

plement the Airport Noise Act. Those regulations could govern Federal policy on noise control for years to come. If the FAA persists in its mistaken positions as reflected in your letter, the regulations could have impacts on local communities never intended by the Congress.

For some time, we have been working with the Port Authority to see tougher, more effective noise control measures implemented. Enactment of the Airport Noise and Capacity Act did not preclude such efforts, and any assertion to the contrary is incorrect and counterproductive.

We strongly urge you to reconsider your position, and clarify any misunderstandings that may exist as a result of your letter. We further request that you work to see that regulations being developing by the FAA accurately reflect Congressional intent, and do not restrict the ability of local airport operators to impose restrictions on Stage 2 operations.

Frank R. Lautenberg, Chairman, Senate Appropriations, Subcommittee on Transportation & Related Agencies; Robert A. Roe, Chairman, House Committee on Public Works & Transportation; Bill Bradley; Dick Zimmer; Frank Pallone, Jr., Robert Torricelli; Dean Gallo; Frank J. Guarini; Marge Roukema; Robert E. Andrews; Matt Rinaldo; Chris Smith; Bernard J. Dwyer.

U.S. SENATE,

Washington, DC, March 19, 1992.

Hon. ANDREW H. CARD, Jr.,
Secretary, Department of Transportation,
Washington, DC.

DEAR SECRETARY CARD: I am writing to express my disappointment and outrage at the Federal Aviation Administration's attempt to coerce the Port Authority of New York and New Jersey to abandon its attempts to provide relief to noise-impact residents of New Jersey.

In a recent letter to the Port Authority, Assistant FAA Administrator Michael C. Moffet threatened that implementation of a staff recommendation for noise restrictions by the Port Authority could jeopardize approval of the Port Authority's application for passenger facility charges. This proposed linkage is inappropriate, and tantamount to blackmail. I will strongly oppose any efforts by the FAA to carry through with it.

As you know, some controversy has arisen over the authority of airport operators to impose noise restrictions more aggressive than the Federal program. However, I believe that the legislative history surrounding enactment of the Airport Safety and Capacity Expansion Act of 1990 is clear on this point: airport operators retained their rights to impose such restrictions. Certainly, the Act requires that certain procedural requirements be met; but, no new limitations on their authority were imposed by the Act.

Since the FAA implemented the Expanded East Coast Plan in 1987, I have sought to provide relief to those citizens of New Jersey who are impacted by aircraft noise. By the FAA's own estimates, fully one-third of the noise impacted population of the United States resides in the New Jersey-New York region. In your statements at your February 19, 1992 appearance before the Committee on Environment and Public Works, you indicated that you are sympathetic with the concerns of those affected by noise, and that you would not support actions to unreasonably restrict the ability of an airport operator to provide relief from noise.

As a matter of policy, it is unacceptable to link the Port Authority's passenger facility charge application with its plans for noise mitigation, and, as chairman of the Transportation Appropriations Subcommittee, I will fight any such efforts.

Sincerely,

FRANK R. LAUTENBERG,

Chairman, Subcommittee on Transportation
and Related Agencies.

Mr. LAUTENBERG. Mr. President, we want to work with Senator FORD as he approaches the reauthorization of the aviation bill, and I agree with him on many points. Together, we have tried to depoliticize the FAA, try to make it more active in its mission, to provide funds for building a healthier, more technologically up-to-date aviation system. But to say that we cannot use our PFC's—passenger facility charges—to improve our airport structure without sacrificing our right to limit noise is unfair. It misinterprets the statute.

There is a debate about what the 1990 act really meant. Chairman OBERSTAR, the chairman of the House Aviation subcommittee, negotiated the agreement, shares my view that local airport operators retain control over efforts to limit noise. He also supports the Port Authority of New York-New Jersey's PFC application.

Of course, Senator FORD stated clearly that he disagrees. It is a fight that may ultimately find its way to the courts.

I will continue to work to see that new legislative hurdles are not thrown in the way of our efforts to control the noise. And I will continue to press the FAA to act.

Mr. President, aircraft noise is a difficult and unpleasant condition. We in New Jersey have been fighting for relief for years and I will continue to work to see that local airport operators, like the Port Authority of New York and New Jersey, retain their rights to control noise and protect our citizens.

Senator FORD in his comments today said that the colloquy that we had referred to restrictions, not to an early phaseout.

But I do not know what restrictions mean. Do restrictions mean that while you cannot phase out the stage 2 aircraft, maybe you can restrict them from flying any time from 12 noon or until 11 the next morning, giving them a window of 1 hour a day in which to operate?

I disagree sharply with Senator FORD. He uses as examples what happened, in Boone County, KY, when new runways were introduced. He says, "Thousands of Boone County citizens now experience noise from this new runway."

I do not know Boone County specifically, but I would venture to say there is a lot more room in Boone County than there is in the New Jersey-New York area. One cannot escape the over-

burdening noise factor that we run into, and I am going to do whatever I can, including to use the opportunity in the appropriations bills, to make sure that no airport is unfairly penalized as it tries to reduce noise.

I have tried to be very accommodating with my counterpart in the authorizing subcommittee. And we have worked together successfully in the past. I hope we will be able to continue to do so when it comes to New Jersey.

But I want the record to reflect that this Senator from New Jersey believes that the Port Authority has the right to demand an earlier phaseout of stage 2 equipment and not risk its PFC's. This Senator believes that the residents in my area, the New Jersey-New York metropolitan region, have a right to a quieter, saner lifestyle—not to have to hang on to the window shades every time an airplane passes by.

There are other ways to solve the problems. Perhaps we can get use of more of the military airspace that is off of our coast.

Maybe we can use the water approaches more readily. The FAA has to find other ways to do it and I will hold them to that responsibility. We will not be stymied from alleviating the noise problem that exists in our community. I thank the Chair for his indulgence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRS EVALUATION OF THE GAO LINE-ITEM VETO REPORT

Mr. BYRD. Mr. President, last January, the General Accounting Office issued an unsolicited report entitled, "Line Item Veto—Estimating Potential Savings," which made exaggerated claims of the budgetary savings that would have occurred if President Reagan had had line-item veto authority for fiscal years 1984 through 1989. On March 17, I asked the Congressional Research Service to evaluate the GAO report, and on March 23, the CRS responded with a detailed analysis.

The Congressional Research Service found such serious flaws in the GAO report as to invalidate its results. In summary, CRS said:

We believe that a more realistic and more useful estimate of savings would be \$2-3 billion over a six-year period and probably less. The following considerations lead us to the more modest figure for savings from an item veto. The report reaches the \$70 billion figure by making a series of assumptions that inflate the estimated savings: (1) accepting SAPs prepared early in the process as a reli-

able guide to what happens later when Presidents receive appropriations bills, (2) giving Congress no credit for deleting items through the alternative rescission process, (3) double-counting program terminations, (4) assuming that a one-time "saving" from an item veto is not used elsewhere for another program or activity, (5) ignoring presidential use of item-veto authority to promote executive spending initiatives, (6) giving inadequate attention to the modest record of item-veto savings at the state level, and (7) assuming that Congress never overrides an item veto (pages 4 and 7).

Estimated line-item veto savings of \$2-\$3 billion over 6 years works out to between \$333 and \$500 million a year. Such savings would amount to between two and three one-hundredths of 1 percent of Federal outlays.

The most fundamental flaw, among the seven found by CRS, was the use of selected OMB Statements of Administration Policy [SAP's] as the basis for estimating potential line-item veto savings. GAO chose SAP's reacting to House and Senate Appropriations Committee actions, and not later SAP's sent just prior to House-Senate conferences, because they maximized the potential savings. As GAO noted, those later SAP's are usually much smaller than the earlier ones. CRS found that:

To be precise, SAP-based estimates overstate savings by a factor of 23 for 1988. If that ratio is applied to the six-year period, likely savings drop from \$70.6 billion to \$3.03 billion.

Curiously, the report "judged that SAPs are a reasonable indicator of the maximum savings that might have been achieved if a President had used line item veto authority in the period we studied" (p.9). From its own analysis, SAPs appear to be an unreasonable indicator, unless they are used solely for the purpose of estimating "maximum" savings rather than likely savings. Also on page 9, the report states that "it is impossible to determine conclusively whether or not the SAP-based estimates developed for this report accurately reflect the way a President who had actually had line item veto authority in the period 1984 through 1989 would have used that authority." If the analysis is that difficult to prove conclusively, why release a report that gives readers the impression that \$70 billion could have been saved over a six-year period?

Why indeed, Mr. President? CRS finds that GAO estimate to be unfounded in the extreme, so I caution those who may read the GAO study to avoid leaping to the same conclusions as GAO has.

I ask unanimous consent that my letter and the CRS analysis be entered into the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 23, 1992.
To: Senator Robert C. Byrd, Chairman, Senate Committee on Appropriations.
From: Louis Fisher, Senior Specialist in Separation of Powers.
Subject: GAO's report on "Line Item Veto" (January 1992).

This memorandum responds to your letter of March 17, requesting us to evaluate a General Accounting Office report entitled "Line Item Veto—Estimating Potential Savings" (January 1992).

The report estimates that a presidential line item veto, applied to fiscal years 1984 through 1989, could have saved \$70 billion over the 6-year period. The report's methodology rests primarily on an examination of Statements of Administration Policy (SAPs) that OMB provides to Congress, stating administration objections to specific items in appropriations bills being considered.

As indicated in the title and explained in the text, the report was intended to discover the maximum possible savings that could be achieved through an item veto. As noted on page 3: "The objectives of this study were to estimate the maximum savings likely . . ." And on page 14: "In all cases, we tried to give the benefit of the doubt to the President; that is, we used the broadest possible interpretation of SAP items to show the maximum possible savings estimates."

We believe that a more realistic and more useful estimate of savings would be \$2-3 billion over the six-year period and probably less. The following considerations lead us to the more modest figure for savings from an item veto. The report reaches the \$70 billion figure by making a series of assumptions that inflate the estimated savings: (1) accepting SAPs prepared early in the process as a reliable guide to what happens later when Presidents receive appropriations bills, (2) giving Congress no credit for deleting items through the alternative rescission process, (3) double-counting program terminations, (4) assuming that a one-time "saving" from an item veto is not used elsewhere for another program or activity, (5) ignoring presidential use of item-veto authority to promote executive spending initiatives, (6) giving inadequate attention to the modest record of item-veto savings at the state level, and (7) assuming that Congress never overrides an item veto (pages 4 and 7).

1. Use of SAPs. The \$70 billion estimate results primarily from the way the report relies on SAPs. The report assumes that the President "would have used line item authority successfully to reject each and every specific item to which objections were raised in the SAPs" (p. 4). The report selected a SAP reacting to a House appropriations action and a SAP reacting to a Senate appropriations action for each of the appropriations bills. However, the report did not use SAPs "sent just prior to House-Senate conferences" (p. 14). Had it done so, estimated savings would have been less. As the report explains, SAPs sent just prior to House-Senate conferences are not "as inclusive as SAPs sent earlier in the process. The administration sometimes 'gives up' on objectionable items that will not be affected by conference action and dwells only on those which can still be altered (so-called 'conferenceable' items)" (p. 14). The selection of early SAPs inflates potential savings from an item veto.

SAPs are not a reliable guide to what Presidents might item veto. As appropriations bills move through the legislative process, the President's position on specific items shifts in many cases from a firm No to an accommodation. In the end, what counts are not the SAPs produced when a bill clears a committee or passes one of the chambers. The crucial point is the President's position when a bill is in conference. At that stage, the administration hangs tough on some items and acquiesces on others. As the re-

port later states, "the SAP-based estimates might have overstated the potential savings from a presidential line item veto. For example, a President might have chosen not to exercise the veto on all items to which objections were raised in the SAPs" (p. 8).

2. Theoretical vs. Realistic Savings. The report estimates savings that "might have occurred" or spending that "could have been reduced" (p. 1). This choice of "might" and "could" tilts the analysis toward the maximum highest number. Available data clearly indicates that a \$70 billion saving over a six-year period is unrealistic. The report acknowledges that other administration documents reveal that an analysis based on SAPs "may overstate the savings that would have occurred" (p. 2). There is a substantial difference in moving from might/could (theoretically possible) to would (likely to occur).

The report notes that an OMB report in 1988 "indicated that the President would have vetoed much smaller amounts than those the SAPs identified as objectionable for that year" (p. 2). The OMB report is a valuable guide to what Presidents are likely to do with item-veto authority. The SAP-based estimate of line item veto savings for 1988 is \$12.6 billion in budget authority. The OMB report identified only \$540 million in potential savings from item vetoes (p. 9). The GAO study admits that the SAP-based estimates "may overstate" the potential savings from a line item veto (p. 9).

To be precise, SAP-based estimates overstate savings by a factor of 23 for 1988. If that ratio is applied to the six-year period, likely savings drop from \$70.6 billion to \$3.03 billion.

Curiously, the report "judged that the SAPs are a reasonable indicator of the maximum savings that might have been achieved if a President had used line item veto authority in the period we studied" (p. 9). From its own analysis, SAPs appear to be an unreasonable indicator, unless they are used solely for the purpose of estimating "maximum" savings rather than likely savings. Also on page 9, the report states that "it is impossible to determine conclusively whether or not the SAP-based estimates developed for this report accurately reflect the way a President who had actually had line item veto authority in the period 1984 through 1989 would have used that authority." If the analysis is that difficult to prove conclusively, why release a report that gives readers the impression that \$70 billion could have been saved over a six-year period?

3. Double-counting (rescissions). Even a figure of \$3 billion over the six-year period probably overstates what might have been saved through an item veto. The report does not deduct from its \$70 billion estimate the savings that result from the President's current authority to rescind appropriations. For the years in question, President Reagan asked Congress to rescind \$18.6 billion from fiscal years 1984 through 1989. Congress rescinded \$0.4 billion. However, over that same period of time, Congress initiated and enacted 144 rescission actions totaling \$24 billion. It can be assumed that some of the items rescinded appeared earlier in SAPs. The report therefore credits the item veto for some savings that were achieved by existing rescission procedures.

The potential of rescission authority for deleting appropriations items is borne out by the first three years of the Reagan administration. From fiscal 1981 through fiscal 1983, President Reagan proposed \$24.8 billion in rescissions and Congress approved \$16.1 billion. In addition to rescissions proposed by the

President, Congress has initiated and enacted a total of \$36.2 billion in rescissions since the Budget Act of 1974.

4. Double-counting (Program Terminations). The report estimates that 71 federal programs would have been terminated with an item veto, including the Economic Development Administration, Legal Services Corporation, and Amtrak. Those programs were "repeatedly proposed" for termination in SAPs during that period (page 8). To the extent that programs were recommended for termination in more than one of the six years of SAPs, did the report rely on double-counting?

If the President had item-vetoed Amtrak in fiscal 1984 and Congress failed to override, it might be proper to credit the President with \$716.4 million in savings for that year. But is it proper to credit the President with savings for the next five years (fiscal 1985 through fiscal 1989)? Suppose the President recommended no funds for Amtrak in his fiscal 1985 budget, Congress inserted the money against his wishes, the President item vetoed that amount and Congress failed to override. Again the President is credited with savings for fiscal 1985. Will that scenario be repeated for the next four years? It is reasonable to assume that Congress will always reintroduce funds for programs that had been terminated? That assumption seems unreasonable. Operating under that assumption, a President receives credit for a savings in one year, no matter how long ago, and receives perpetual credit thereafter. According to that scenario, a President could terminate a program in 1812 and receive credit every year after that.

It is not even clear that the President should be credited with \$716.4 million in savings for the first year. In terminating an agency like Amtrak, are there no termination costs for outstanding contracts and severance pay for agency personnel? Can those costs be absorbed by the previous appropriation or will supplemental appropriations be needed for the phase-out? In case of an agency like the Economic Development Administration, if it is legally impossible to fire all of the employees, will other agencies be required to absorb these people? Because of these considerations, net savings will be less than the report indicates.

5. Assuming that "Savings" are Permanent. The report assumes that each presidential saving, obtained through the item veto, is permanent and will remain untouched by other governmental pressures. That assumption is contradicted by the experience of the budget process. Under Section 302(b) of the Budget Act of 1974, Congress allocates ceilings to the appropriations subcommittees. It is well-known that if the subcommittees report a bill substantially under the allocation, it invites amendments on the floor that bring the aggregate back toward the ceiling. Thus, a "savings" by the subcommittee is quite temporary and is unlikely to last.

Why assume that "savings" from a presidential item veto will be any more permanent? It is more likely that a successful item veto (say of Amtrak in the above example) will unleash spending proposals by the executive and legislative branches. The savings might be transitory, quickly neutralized by a spending initiative in a forthcoming supplemental appropriations bill.

6. Presidential Spending Initiatives. The figure of \$3 billion also overstates savings because the study assumes that Presidents are interested only in reduced federal expenditures. Yet Presidents have their own pro-

grams and activities that they advocate, and the availability of an item veto could be an important weapon in coercing legislators to support White House spending priorities. Armed with an item veto, a President could tell legislators that a project or program in their district or state will be item-vetoed unless they support the President's spending goals. If the legislators and the President reach an amicable agreement, legislative add-ons would be preserved along with presidential add-ons. Since these interbranch conversations would likely remain confidential, the public would never know that the item veto can increase federal spending. A balanced assessment of the item veto must take into account this dynamic in executive-legislative relations.

7. Studies at the State Level. Appendix III of the report summarizes the studies at the state level that estimate spending reductions from an item veto. The report states that this literature "exhibits no apparent consensus" on the budgetary impact of an item veto, and yet the consensus in Appendix III seems clearly that the item veto yields no fiscal restraint. Of the eight studies summarized, seven conclude that the item veto is not a tool for fiscal restraint. Instead, it is used primarily to advance partisan interests and executive spending programs. The only study that is optimistic about potential savings from an item veto was coauthored by James C. Miller III, who served as OMB Director in the Reagan administration. These studies should have cautioned against announcing a \$70 billion federal saving over a six-year period.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 17, 1992.

Mr. JOSEPH ROSS,
Director, Congressional Research Service, the
Library of Congress, Washington, DC.

DEAR MR. ROSS: This is to request that the Congressional Research Service provide an evaluation of a recent General Accounting Office report entitled "Line Item Veto—Estimating Potential Savings". I have enclosed a copy of this report and a subsequent letter that I sent to the General Accounting Office expressing my concerns about the report, to which I have not yet received a reply.

If you have any questions regarding this request, please do not hesitate to contact me or Jim English, Staff Director of the Appropriations Committee, at 224-7200.

With kind regards, I am
Sincerely,

ROBERT C. BYRD,
Chairman.

STATEMENT ON CBO'S LETTER RESPONDING TO SENATOR BYRD'S CONCERNS ABOUT THE CBO STUDY ON REDUCED DEFENSE SPENDING

Mr. BYRD. Mr. President, last February, the Congressional Budget Office released a study, entitled "The Economic Effects of Reduced Defense Spending," which omitted several important points. I raised these points with the CBO Director, Dr. Robert D. Reischauer, in a letter on March 9. On March 17, Dr. Reischauer responded to my concerns promptly and forthrightly, for which I commend him.

The study estimated the economic impact of two hypothetical defense

spending reductions. It concluded that real GNP would rise permanently by the end of the next decade by about \$50 billion a year, in 1992 dollars, if defense spending were cut 20 percent by fiscal 1997. However, in the short run, it estimated the loss of 600,000 defense related jobs and described worst case scenarios for three selected communities heavily dependent upon defense industry.

My letter of March 9 listed several concerns. First, the study ignored the expressed intent of the Budget Enforcement Act of 1990 by assuming future defense spending reductions will be used for deficit reduction. The act allows defense spending reductions in fiscal year 1994 and fiscal year 1995 to be used for domestic discretionary spending, as long as the overall spending caps are met.

Second, the study lumps together defense spending reductions enacted in fiscal years 1991 and 1992 with the reductions under consideration now for fiscal years 1993 through 1997. This gives the appearance of larger economic impact than would result from the reductions in fiscal years 1993 through 1997 alone.

Third, the study ignores already enacted programs which will ease the economic impact of defense spending reductions. As noted in a February 6, 1992, Congressional Research Service Issue Brief, "Defense Budget Cuts and the Economy," economic adjustment assistance programs already in existence under present law include: over half a billion dollars each year set aside specifically to help military and defense workers through the Economic Dislocation and Worker Adjustment Assistance [EDWAA] Program; job training under title III of the Job Training Partnership Act; unemployment insurance; and support for impacted communities under title IX of the Public Works and Economic Development Act of 1965, including \$50 million appropriated under the Defense Authorization and Appropriations Acts of 1991.

Fourth, the study could better explain that most defense workers threatened with job loss will switch to civilian production, retrain, or retire without entering the ranks of the long-term unemployed.

Fifth, and finally, the study takes a worst case look at defense spending reductions without considering a best case.

In his response to my concerns, Dr. Reischauer agreed that, even though the CBO study assumed defense reductions would be used for deficit reduction, defense spending reductions may be used for domestic discretionary spending in fiscal year 1994 and fiscal year 1995. In fact, he observed that the defense savings contemplated in the CBO study "would be required simply to avoid real reductions in nondefense discretionary spending." He added, "In

the long run, increased spending on carefully chosen public investment projects would work to increase the potential growth of the economy in just the same way as a reduction in the Federal deficit." " * * * on average, public investments in the past do seem to have been as worthwhile as private investments. * * * "

Dr. Reischauer also said that CBO "should have acknowledged existing Federal programs aimed at mitigating the effects of defense cutbacks and provided more discussion of other actions that could be taken to mitigate the effects of defense spending cutbacks." He reiterated the study's finding that "growth in nondefense jobs would eventually offset the adverse effects of defense cutbacks." Finally, Dr. Reischauer noted that "the study clearly acknowledged that the calculations reflected a worst-case assessment. * * * "

I thank Dr. Reischauer for his timely response. His letter casts the CBO study in a more balanced light, and I commend it to my colleagues for their consideration.

I ask unanimous consent that this correspondence be entered into the RECORD, so that my colleagues and other interested readers might be better informed about this study.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 17, 1992.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your recent letter noted that several topics of interest and concern to you were omitted from our February 1992 study entitled, "The Economic Effects of Reduced Defense Spending." Overall, I believe the study represented a balanced response to the Minority Leader's request. But, as you suggest, several aspects of the analysis could have been explained more fully.

The study focused on the economic effects associated with cutting defense spending and using the savings to reduce the federal deficit. The peace dividend could, of course, be put to other uses. As you note, under the provisions of the current Budget Enforcement Act [BEA], defense cuts in 1994 and 1995 can be devoted to augmenting nondefense discretionary spending, including spending on public investment, so long as overall limits on discretionary spending are met. Our study discussed the effects of devoting the peace dividend to public investment in general terms, but did not analyze those effects in detail.

We chose this focus because the size of the defense options analyzed in our study seemed consistent with the overall spending limits in the BEA. The BEA requires rather substantial reductions in total federal discretionary spending, particularly in 1994 and 1995. Compared with 1992 levels, the real cuts in defense spending discussed in our study are no larger in 1994 and 1995 than the overall cuts in discretionary spending mandated in the BEA. Thus, the defense savings analyzed in our study would be required simply to avoid real reductions in nondefense discre-

tionary spending. This reasoning was not adequately explained in the study, however, and therefore your criticism is well taken.

Leaving aside issues of compliance with the BEA limits, how would devoting the peace dividend to public investments affect the economy? In the long run, increased spending on carefully-chosen public investment projects would work to increase the potential growth of the economy in just the same way as a reduction in the federal deficit, as we stated in our report (see page 6). In the short run, devoting defense spending cuts to public investment might avoid the temporary GNP loss that is likely to occur if the deficit is cut. Whether this favorable short-run outcome could be achieved depends on how quickly governments could arrange to spend additional funds on investment projects, as those funds are withdrawn from the defense sector.

The favorable long-run effects of investment spending also depend on how carefully projects are chosen. Additions to the already extensive infrastructure of roads, rivers, and airports, for example, are not likely to have such a favorable payoff as those undertaken in the past, and some may not easily pass a careful cost-benefit analysis. And some investments, such as additional federal spending on education, may prove worthwhile in the long run but take a long time to yield benefits. But on average, public investments in the past do seem to have been as worthwhile as private investments, and with sufficient care, could continue to contribute to productivity growth.

You also expressed concern that the estimates in our study included job losses associated with cuts enacted in 1990 and 1991, rather than focusing on the losses associated with the cut that may be enacted for fiscal 1993. At the time the detailed computer simulations used in the study were completed, 1991 was the latest year for which enacted appropriations were available. Thus, we used that year as a base. If you wish, we would be glad to update our macroeconomic analyses for you.

Finally, you note several changes that could have been made in our study that might have resulted in a less gloomy short-run picture. These changes include more mention of federal programs to alleviate the impact of defense cutbacks on local economies, better explanation of the ability of defense workers to switch to civilian jobs, and less emphasis on worst-case analyses of local area impacts.

The best solution for a displaced defense worker is a new job, and our study emphasized that growth in nondefense jobs would eventually offset the adverse effects of defense cutbacks. Indeed, we argued that defense spending cuts could eventually benefit the economy. Thus, I think we did emphasize that displaced defense workers could be absorbed into the civilian sector. As you note, our analyses of local-area effects began with a worst-case assessment. Such an assessment is analytically feasible and suggests the magnitude of the short-term problems facing local communities after a major base closes or defense companies scale back production. But the study clearly acknowledged that the calculations reflected a worst-case assessment and noted factors that might ameliorate short-term problems (see pages 33 and 41). In addition, our study was generally positive about the long-term prospects for recovery in communities affected by defense cuts.

These points notwithstanding, I understand the concern in the Congress about the

job losses associated with defense spending cutbacks, particularly in a period of recession. I accept your point that we should have acknowledged existing federal programs aimed at mitigating the effects of defense cutbacks and provided more discussion of other actions that could be taken to mitigate the effects of defense spending cutbacks.

I appreciate constructive criticism of the sort that you offered. It helps to improve the quality and clarity of our analysis. I hope my response is an adequate explanation of our reasoning and provides some additional information. If I can be of further assistance, please let me know.

Sincerely,

ROBERT D. REISCHAUER,
Director.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 9, 1992.

Dr. ROBERT D. REISCHAUER,
Director, Congressional Budget Office, Wash-
ington, DC.

DEAR DR. REISCHAUER: Recently, the Congressional Budget Office published a study, "The Economic Effects of Reduced Defense Spending." Some key areas in which I have interest and concern were omitted from your analysis.

First, the study assumes that all future defense spending reductions will be devoted to deficit reduction. Rather, for fiscal 1994 and 1995, Congress will determine the allocation of defense and other discretionary funds under one spending cap. Beyond fiscal 1995, there is no cap at all. Therefore, your assumption regarding the use of defense reductions is just that—an assumption. That fact makes it impossible for you to predict with any certainty the economic effects. This assumption puts other uses of the defense reduction, like public investment, at a disadvantage in future debate.

Second, the study lumps together defense reductions enacted in 1990 and 1991 with those which may be enacted this year. No analysis is presented of the potential job loss attributable to just the defense reduction which may be enacted for fiscal 1993.

Third, the study makes no mention of the previously enacted federal programs to alleviate the impact of defense reductions upon local economies. Aside from unemployment benefits, dislocated defense workers qualify for job training under Title III of the Job Training Partnership Act (JTPA), as amended by the Omnibus Trade and Competitiveness Act of 1988. The fiscal 1991 Defense Authorization and Appropriations Acts (P.L. 101-510 and P.L. 101-511) provided \$150 million of adjustment assistance under JTPA for the Department of Defense. These Acts also provided \$50 million specifically for funding Title IX assistance to communities impacted by defense cuts under the Public Works and Economic Development Act of 1965. The Office of Economic Adjustment within the Defense Department and the President's Economic Adjustment Committee will both help minimize economic dislocation from defense reductions.

Fourth, the study could better explain that most threatened defense workers will switch to civilian production, retrain, or retire without entering the ranks of the long-term unemployed. This country experienced far larger defense cutbacks following World War II, Korea, and Vietnam. Much could be learned from the success we had in transforming our economy following those conflicts, but the report makes no mention of this.

Fifth and finally, certain parts of the study "represent a worst case." When analyzing uncertain future economic events in response to defense reductions, the results would be more fairly presented if they were accompanied by a sensitivity analysis which also assumes a "best case." By focusing on three local economies, the study gives the impression of devastating impact despite statements to the effect that the nationwide effect is small.

I would like to have your views on these points as soon as possible.

Sincerely,

ROBERT C. BYRD,
Chairman.

PRESIDENT'S TRADE MISSION IS CREATING JOBS

Mr. DOLE. Mr. President, when President Bush returned from his trade mission to the Pacific this past January, he was greeted by criticism and jokes from Democrats who said the mission had failed and that the President made a mistake in bringing American business leaders along on the mission.

I don't expect these same critics to now issue an apology, but that is certainly what the President deserves.

According to a recent Detroit Free Press article, Chrysler Chairman Lee Iacocca has announced a deal where Chrysler will sell \$1.3 billion in engines and transmissions to Mitsubishi Motors Corp.

Chairman Iacocca said—and I quote:

These negotiations were proceeding at a snail's pace until the Tokyo trip. We would still be at the table without a firm prospect for selling large quantities of components * * * if the President and the Department of Commerce had not gotten involved.

Mr. President, I want to congratulate President Bush and the Commerce Department for their vision in the trade area, and I am confident that his trade mission will continue to bring jobs to America—and provide an opportunity for Democrats to eat their words—for many years to come.

Mr. President, I ask for unanimous consent that the entire Detroit Free Press article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Apr. 24, 1992]

IACocca SAYS JAPAN TRIP IS PAYING OFF

(By David Everett)

WASHINGTON.—A new Chrysler Corp. deal to sell a whopping \$1.2 billion in engines and transmissions to a Japanese car company indicates President George Bush's controversial trade mission to Japan has paid off for the American automobile industry.

Chrysler Chairman Lee Iacocca disclosed details of the engine deal in a letter sent Wednesday to Commerce Secretary Barbara Franklin. The Free Press obtained the letter Thursday.

Thanks in part to the Bush trip, Iacocca said, Mitsubishi Motors Corp. will buy the Chrysler parts, made in North America, for vehicles the Japanese auto maker assembles in Normal, Ill.

"These negotiations were proceeding at a snail's pace until the Tokyo trip," said Iacocca, America's best known critic of Japanese trade policies. "We would still be at the table without a firm prospect for selling large quantities of components . . . if the president and the Department of Commerce had not gotten involved."

Iacocca ended his letter with his customary urging that the government continue to press Japan to change unfair trade tactics.

But his comments about the engine contract show that despite criticism of Bush's trade mission, it may have results for American business.

The evidence: Executives in the U.S. glass and computer industries and some in the auto parts industry say Japanese buyers are approaching them with more than talk. Michigan-based Guardian Industries Corp. recently set up an office in Japan to handle exported new glass business.

David Cole, an automotive industry expert at the University of Michigan, said the Iacocca comments and Chrysler engine deal are examples of a trend that began with the Japan trip. "Yes, we are making progress in penetrating the Japanese market. We have seen evidence of this in terms of dramatic increases of supplier contacts from the Japanese to American companies."

The Chrysler engines and transmissions will be used for vehicles that will replace the Chrysler Laser/Eagle Talon and Mitsubishi Eclipse sports models in the mid-1990s. Those vehicles are now made with Japanese engines at the Mitsubishi Diamond-Star Motors factory in Normal, Ill.

Japanese automakers have been criticized for using Japanese suppliers for the highest-value parts in their U.S. factories, thus hurting U.S. suppliers and American jobs.

Citing business confidentiality, Chrysler executives would not disclose Thursday where the firm would get the engines and transmissions to sell to Mitsubishi. The engines would be purchased over several years.

The No. 3 automaker has engine plants in Detroit and Trenton and a transmission plant in Kokomo, Ind. Chrysler buys transmissions from other sources, including joint venture factories with General Motors Corp. in Muncie, Ind., and Syracuse, N.Y.

It's unclear whether Chrysler would use any Mexican-built parts for the deal with Mitsubishi.

Chrysler and Mitsubishi once ran the Diamond-Star plant as a joint venture, but Chrysler sold its interest to the Japanese firm last year. It was announced then that Mitsubishi might buy American engines, but Iacocca, in his letter Wednesday, said the Japanese firm at first "wanted to maximize sales from Japan."

"But the resulting attention from the trip and the commitment which the Japanese government made to increase North American content at transplant facilities . . . has meant that these high-value components will be sourced from Chrysler," Iacocca said.

Iacocca told Franklin that U.S. officials must continue to press Japan to open its automotive markets. Chrysler has spent \$35 million to build right-hand-drive Jeep Cherokees to sell in Japan later this year; the Japanese drive on the left side of the road.

Japan also needs to cut its unfairly high distribution costs for U.S. vehicles, Iacocca said, and the Justice Department should continue to investigate Japan's closed supplier systems.

The U.S.-Japan auto trade deficit will not be reduced unless Bush administration offi-

cial "make the Japanese understand that the president meant what he said when he went to Japan stating that bottom line results are necessary if the relationship between our two nations is to remain firm and positive."

Iacocca's optimism is especially noteworthy considering the trans-Pacific publicity he received for blasting Japan's trade tactics in a January speech to the Detroit Economic Club.

Iacocca and his counterpart chairmen at General Motors and Ford Motor Co. had just returned from the trade mission, and Iacocca's speech was widely seen as a verbal escalation of U.S.-Japan trade friction.

A VIEW FROM TAIPEI BY DR. FREDRICK CHIEN

Mr. AKAKA. Mr. President, Dr. Fredrick Chien was a representative of the Coordination Council of North American Affairs here in Washington from 1983 to 1988. While in Washington, he extended the friendly relationship between Taiwan and the United States. A statesman of keen intelligence, extraordinary tact, and rare administrative ability, he has—along with his charming wife, Julie, who was noted all over Washington for her hospitality—left an indelible mark on Capitol Hill.

After his return to Taiwan, Fred Chien first served in a Cabinet position as Chairman of the Council of Economic Planning and Development. In 1990 he was appointed to the position of Foreign Minister.

In a recent issue of Foreign Affairs Fred Chien has written a concise essay, "A View From Taipei," in which he elucidates Taiwan's role in the new, post-cold war era. He asks other nations not to look at Taiwan through the old stereotypical prism, either as a bulwark of anticommunism or an obstacle to China's unification.

"A View From Taipei" is insightful, timely, and useful. I urge my distinguished colleagues to review this thoughtful article.

I thank Dr. Fredrick Chien for sharing his views with us.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Foreign Affairs, Winter, 1991-92]

A VIEW FROM TAIPEI (By Fredrick F. Chien)

Developments in East Asia may appear sluggish compared to the momentous changes in Europe and the Soviet Union. The Cold War lines that divide both China and Korea remain firmly in place, although rendered more permeable by flexible policies. East Asia's three communist countries—mainland China, North Korea and Vietnam—are still ruled by first-generation revolutionary leaders. In stark contrast to the peaceful unification of Germany, Vietnam was unified by a vast communist army. And mainland China (the People's Republic of China) is soon to extend its domination to Hong Kong—the citadel of capitalism in the East.

Moreover the string of arms control measures achieved in the West has not found a counterpart in East Asia. Soviet President Mikhail Gorbachev's policy of accommodation, sweeping as it is, has only begun to thaw the chilly relations between the Soviet Union and Japan. For different reasons the major powers in this area appear unwilling or unable to change the current situation.

Yet beneath the surface important currents of change are discernible. First, East Asia ranks as the fastest growing area of the world in terms of economic output. Japan's gross national product, 50 years after Pearl Harbor, is double that of Germany. Japan is now the world's largest creditor, while its victorious World War II adversary, the United States, has slipped into being the world's largest debtor. Other East Asian economies are also doing well, with average growth rates that far outstrip those of the European Community.

Second, the process of democratization is moving apace in the Republic of China (R.O.C.) on Taiwan, the Republic of Korea and the Philippines. The light of democracy that flickered to life in 1989 on the Chinese mainland has only been dimmed, not extinguished. In fact the collapse of communism in the Soviet Union and eastern Europe may portend similar developments in mainland China after the passing of its first-generation leaders.

Finally, a spirit of reconciliation seems to be prevailing in East Asia as well. The normalization of relations between mainland China and the Soviet Union and also Vietnam, as well as the establishment of diplomatic ties between Moscow and Seoul and expanding people-to-people interchanges between the two sides of the Taiwan Straits are but a few examples. In short, while the Cold War structure remains largely intact in East Asia, global trends toward democratization, development and détente have deeply penetrated the area, and there are grounds for optimism about the future.

Since its withdrawal from the United Nations in 1971, the R.O.C. has aimed to maintain and expand its substantive relations with other countries. It has also sought to upgrade its economic structure and make itself more democratic. Today it is the fifteenth largest trading nation in the world, with a GNP more than one-third that of mainland China. The R.O.C. is widely recognized as having emerged from an era of isolation and irrelevance to become a potentially valuable contributor to the emerging new world order. By furthering trends toward democratization, development, international integration and détente, Taiwan may play an important role in promoting stability and prosperity in East Asia. In fact Taiwan's experience may someday be especially relevant to the future of a unified and democratic China.

II

The 1911 evolution led by Dr. Sun Yat-sen brought the Ching dynasty to an end, but failed to create a suitable environment for economic and political development. The following four decades were marked by fierce fighting among rival warlords, a communist insurgency and a Japanese invasion that eventually helped lead to the communist conquest of the mainland.

Since 1949 Taiwan has made slow progress toward democratization, the timing and direction of which was narrowly controlled by the government, taking into account the threat from mainland China and Taiwan's own socioeconomic development. By the mid-1980s Taiwan and Singapore had become

the only non-oil exporting countries in the world with per capita incomes of at least \$5,000 a year that did not have fully competitive democratic systems. But today Taiwan has finally developed the proper economic and social base for successful democracy.

An important step toward Taiwan's political reform came in 1986, when opposition forces formed the Democratic Progressive Party (DPP), defying a government ban on new political parties. The ruling Kuomintang (DMT, or Nationalist Party) not only refrained from taking action against the opposition but made a series of moves in the following years that decidedly liberalized and democratized the nature of Taiwan's political system. The liberalization measures adopted by the KMT included replacing martial law with a new national security law, lifting press restrictions, revamping the judiciary and promulgating laws on assembly, demonstration and civil organization. The democratization measures legalized opposition parties, redefined the rules for political participation—such as the electoral law—and include the ongoing reform of the legislature (the Legislative Yuan), the electoral college (the National Assembly) and the R.O.C. constitution.

This process of democratization, begun by President Chiang Ching-kuo before his death in January 1988, was given further impetus by his successor, Dr. Lee Teng-hui. At his inauguration in May 1990, President Lee set a two-year timetable to complete the country's democratic transformation, including major structural and procedural reforms. A National Affairs Conference was convened in June 1990 with delegates drawn from all major political and social forces. After much public debate the NAC decided to end Taiwan's "mobilization period," begun in 1949, which had allowed the government extraordinary national security powers.

A declaration to this effect, made by President Lee in May 1991, also included recognition that a "political entity" in Peking controls the mainland area. On the recommendation of the NAC the "temporary provisions" appended in May 1949 to the 1947 constitution, giving the government sweeping powers to deal with external and internal threats, were abrogated in early 1991. By the end of the year all the senior members of the Legislative Yuan and National Assembly elected on the mainland prior to 1949, and who have never been subject to reelection, will have retired. A new National Assembly composed exclusively of representatives elected in Taiwan will then undertake the final phase of democratic reform: revision of the R.O.C. constitution. Upon its completion in mid-1992, and after Legislative Yuan elections scheduled for the end of that same year, the R.O.C. will have become by any standard a full-fledged democracy.

The R.O.C.'s democratization process is unique. It has not been initiated or monitored by external forces, as it was in Japan and West Germany. Nor was it undertaken after political or social upheavals, as the Greece or Argentina and lately in the Soviet Union. Rather it has evolved peacefully within the country and is mainly the result of prosperity. Tensions and divergent views exist, to be sure. For example, although both sides of the Taiwan Straits maintain that Taiwan has been, legally and historically, an integral part of China, the Democratic Progressive Party insists that Taiwan is a sovereign, independent entity. The DPP's position is contrary to the R.O.C. government's claim to represent all of China. Furthermore the DPP's foreign-policy platform holds that

Taiwan should develop its own international relations, including membership in the United Nations and all other international organizations, on the basis of independent sovereignty and under the name "Taiwan." The R.O.C. government, however, maintains that "Taiwan," as a geographical area, is merely an island province of the R.O.C.

These kinds of differences are inevitable in an open society. But the point is that the government of the R.O.C. itself has largely set the timing for its own democratization; the clock cannot and will not be turned back. It is worth noting that the R.O.C. is the first Chinese-dominated society to practice pluralistic party politics. In that sense what we have been witnessing is truly revolutionary. It realizes the dreams of many of our founding fathers—a dream for which many have sacrificed their lives. And yet R.O.C. prosperity and democratization have been achieved without bloodshed and without overturning the existing socioeconomic order.

These changes, however, do not come without a price. They have unleashed societal forces that present new challenges to the government, which still needs to coordinate reforms in other areas, such as economic policy, mainland policy and foreign affairs. As various societal interest groups stake their claims on public policymaking, the quality of government will increasingly have to rise to meet the needs of its various constituents.

III

Despite Taiwan's economic miracle, rapid social change and political liberalization, the R.O.C. has an artificially low international status and remains an outsider to the emerging international order. Between the urgent necessity for greater integration into the international community and an underlying desire not to forsake the future reunification of China, the R.O.C. has adopted a flexible approach to foreign relations, commonly called "pragmatic diplomacy."

Pragmatic diplomacy did not emerge overnight. The R.O.C.'s diplomatic fortunes suffered their first major setback in 1971, when its seat in the U.N. General Assembly and Security Council were taken by mainland China. Its diplomacy reached its lowest point in 1979, when the United States switched diplomatic recognition to Peking. At that time the R.O.C. maintained formal diplomatic relations with only 21 countries and had only 60 offices abroad, and it feared that other nations would follow Washington's lead. Taiwan suffered yet another blow in 1982 with the "August 17 Communiqué," signed by Washington and Peking, which committed the United States to reducing the quantity and quality of arms sold to Taiwan.

But Taipei learned much from these reversals. A spirit of pragmatism emerged among its foreign-policy makers as well as the nation's public. Amid increasingly strident popular calls for change, the government chose on several occasions to adopt a more flexible approach. For instance, the R.O.C. agreed to participate in the 1984 Los Angeles Olympics under the title "Chinese Taipei," not "Republic of China," as in previous games. It protested Peking's entry in 1986 into the Asian Development Bank (ADB), but refrained from withdrawing itself.

Under President Lee the R.O.C.'s search for international visibility and participation became more vigorous. In April 1988 an official delegation was sent to Manila to attend the annual ADB meeting under the name "Taipei, China." This was the first time that the R.O.C. and mainland China had both attended a meeting of an international govern-

mental organization. In his opening address to the KMT's Thirteenth Party Congress in July 1988, President Lee urged the party to "strive with greater determination, pragmatism, flexibility and vision in order to develop a foreign policy based primarily on substantive relations," a passage incorporated into the party's new platform.

In March 1989 President Lee led an official delegation on a highly successful visit to Singapore, where he was referred to in the local press as "the President from Taiwan." That May the R.O.C. made an even more dramatic decision to dispatch its finance minister, Dr. Shirley Kuo, to the annual ADB meeting, this time in Peking. President Lee explained the decision in a June 3, 1989, speech to the Second Plenum of the KMT's Thirteenth Central Committee: "The ultimate goal of the foreign policy of the R.O.C. is to safeguard the integrity of the nation's sovereignty. We should have the courage to face the reality that we are unable for the time being to exercise effective jurisdiction on the mainland. Only in that way will we not inflate ourselves and entrap ourselves, and be able to come up with pragmatic plans appropriate to the changing times and environment."

In 1988 Taipei established an International Economic Cooperation and Development Fund and appropriated \$1.2 billion for economic aid to Third World countries. This new foreign aid program, plus the 43 teams of technical experts already working in 31 countries, places the R.O.C. firmly in the ranks of significant aid-providing nations. Moreover 1989 saw the establishment of the Chiang Ching-kuo Foundation for International Scholarly Exchange with an endowment of over \$100 million. A fund for International Disaster Relief also provided tens of millions of dollars to the Philippines, the Kurdish refugees and others who suffered during the Gulf War.

These and other efforts resulted in a sharp increase in the R.O.C.'s international ties. As of 1991 the R.O.C. has formal diplomatic relations with 29 countries and maintains 79 representative offices in 51 countries with which it has no diplomatic relations. These offices, some of which bear the Republic of China's official name, facilitate bilateral cooperation in areas such as trade, culture, technology and environmental protection. The R.O.C. is also a formal participant in the newly formed ministerial-level organization, the Asian Pacific Economic Cooperation, and has been active in regional groupings such as the Pacific Basin Economic Cooperation and the Pacific Economic Cooperation Council. It also stands ready to join the General Agreement on Tariffs and Trade as the representative government of the "customs territory of Taiwan, Penghu, Kinmen and Matsu," not the whole of China.

While pragmatic diplomacy enjoys wide support at home—so much so that the country's foreign relations were not an issue during the hotly contested 1989 election campaign—it has invited relentless criticism from mainland China. Characterizing it as a plot to create "one China, one Taiwan," or "two Chinas," Peking has taken a number of steps to forestall the R.O.C.'s international integration. Those countries that have shown interest in establishing air links with Taipei, receiving or sending official delegations, setting up offices in Taiwan or simply striking major business deals are warned of "deleterious consequences." In 1991 along twenty countries, including Poland, Hungary, the Philippines, Malaysia and the Soviet Union, have been forced to reaffirm that

"the P.R.C. is the sole legitimate government of China, and Taiwan is part of China."

This has not deterred the R.O.C. from its charted course. Pragmatic diplomacy is part and parcel of the R.O.C.'s democratic transformation, reflecting the nation's collective yearning for change. Just as the domestic political process is being democratized and its economy opened to the world, so its foreign relations must become more flexible as well.

IV

Taiwan is directly susceptible to winds of change from the Chinese mainland. In recent years the relationship between the two sides of the Taiwan Straits has undergone a sea change. From 1949 to 1979 Taiwan was constantly threatened by direct military invasion. The shelling of Kinmen and Matsu in 1958, which almost brought the two superpowers into confrontation, was a dangerous example.

But beginning in 1979, when Deng Xiaoping led the Peking leadership to embark on its "four modernizations" program mainland China's need to maintain a peaceful image eased its hard-line policy. The new goal was not to coerce but to cajole Taipei back into the fold with a variety of devices, such as the "one country, two systems" formula advanced by Deng in 1984. According to this formula, Taiwan would be downgraded to a "highly autonomous region," thus conceding the right to conduct its own foreign relations and national defense. The R.O.C. resisted by adopting its "three nos" stance toward mainland China: no contact, no compromise, no negotiations.

This deadlock was broken in November 1987 when President Chiang Ching-kuo decided to allow people on Taiwan to visit family members on the mainland. Subsequently, long-standing bans on indirect trade and investment, academic, sports and cultural exchanges, tourist visits and direct mail and telephone links were lifted in rapid succession. This opened the floodgates to people-to-people exchanges between the two sides of the straits, unprecedented at any period of Chinese history. In the early part of this year alone, an estimated two million people from Taiwan visited the mainland, more than 28 million letters were sent in both directions—an average of 40,000 per day—and telephone, fax and telex exchanges numbered five million. Moreover, by conservative estimates, indirect trade reached \$4.04 billion in 1990 and investment topped \$2 billion.

In November 1990 a cabinet-level Mainland Affairs Commission was established. At the same time the R.O.C. created the Straits Exchange Foundation, an organization funded primarily by private money. The SEF serves as an intermediary between the peoples of Taiwan and the mainland on an entire range of functional issues. If necessary the SEF may engage mainland representatives in non-political negotiations. Thus far SEF personnel have visited the mainland on three occasions and received one Red Cross delegation from mainland China—events all highly publicized by the R.O.C. press. The two sides have agreed on procedures for the repatriation of criminals and have indicated an interest in the joint prevention of crimes committed on the high seas. It is hoped, at least by the R.O.C., that through these exchanges "peace by pieces" may be achieved.

A National Unification Council was set up in October 1990 with President Lee as its chairman. To further clarify the R.O.C.'s stance on mainland-Taiwan relations, new Guidelines for National Reunification were proposed by this council and accepted by the

Executive Yuan (Cabinet) in March 1991. The guidelines state: "After an appropriate period of forthright exchange, cooperation and consultation conducted under the principles of reason, peace, equity and reciprocity, the two sides of the Taiwan Straits should foster a consensus on democracy, freedom and equal prosperity, and together build anew a single unified China."

The guidelines envision unification after three consecutive phases. For the immediate future is a phase of exchanges and reciprocity, during which the two sides are to carry out political and economic reforms at home and "set up an order for exchanges across the straits * * * [to] solve all disputes through peaceful means and furthermore respect, not reject, the other in the international community," and "not deny the other's existence as a political entity."

In the medium term a phase of mutual trust and cooperation is envisioned, in which "official communications channels should be established on an equal footing," direct trade and other links should be allowed, and "both sides should jointly develop the southeast coastal areas of the mainland." Both sides should also "assist each other in taking part in international organizations and activities" and promote an exchange of visits by high-ranking officials to create favorable conditions for consultation.

In the final phase both sides may jointly discuss the grand task of unification and map out a constitutional system built on the principles of democracy, economic freedom, social justice and nationalization of the armed forces. In today's Taiwan context "nationalization" means enhancement of the nonpartisanship of the armed forces.

Public opinion polls show a hard core of "unification" supporters in Taiwan, amounting to about 10 percent of the population. There is also a group of "independence" advocates whose strength ranges between 5 and 12 percent of the population. In between is a silent majority whose views tend toward the R.O.C. government's long-standing position of "one China, but not now" and its emphasis on phased advances toward the goal of unification. However, as in other democracies, the minority may be vocal and aggressive, and their voices are often amplified through the democratic process, thus complicating the formulation of mainland policy. While the push and pull involved in formulating the R.O.C.'s mainland policy may seem natural to those familiar with Taiwan's increasingly democratic political system, it at times appears inscrutable to the aged leaders in Peking.

Given the widening gap—politically, socially and psychologically—between the two sides of the straits, the danger for the R.O.C. appears to stem not so much from Peking's capricious and expansionist tendencies as from its unwillingness or inability to comprehend the changes in the R.O.C. The mainland's aged leaders seem all too ready to take extreme positions by drawing parallels between the R.O.C.'s democratization and what is derisively called "Taiwanization," and between "pragmatic diplomacy" and "two Chinas." At the heart of these misperceptions is Peking's stereotype of Taiwan as a small island province located on the Chinese periphery and ruled by mainland China's defeated civil war enemies. From this vantage point there is no way Peking can treat Taipei as an equal. The same attitude seems to have led the Peking leadership to deny, or at least suppress, the fact that the R.O.C. has come far in the last four decades in overcoming age-old feudalism, pov-

erty and the last vestiges of imperialism. One hopes that in time the Peking leadership will realize that the R.O.C., as a dynamic polity and vibrant economy with ideals, hopes and fears of its own, likewise cannot agree to hold political negotiations with Peking from an unequal position and while mainland China continues to rattle its saber.

v

For too long too many foreign observers have cast the R.O.C. in a unidimensional mold. For those who hailed the R.O.C. as a bulwark of anticommunism, it was to be supported at any price. For those who favored better relations with mainland China, Taiwan was viewed as a "problem" or an "obstacle" to China's unification. When many in the United States were obsessed with the deteriorating bilateral trade situation, Taiwan even became a "threat" to be curbed by protectionist legislation.

Yet the Republic of China is rapidly coming of age. It is evolving into something that fits none of the old stereotypes. Along with the old stereotypes, we must throw out the old prism through which events on the island were once perceived. No analysis of issues relating to China is complete if it fails to take into account the views, ideals, aspirations and fears of the people of Taiwan.

Just as Taiwan is a part of China, so is the mainland. Neither should seek to lord it over the other or to claim superiority by dint of size, population or past performance. Both should instead recognize the fact that two different systems exist in these separate parts of China. While unification is the ultimate goal of Chinese on both sides of the Taiwan Straits, it should not be pursued simply for its own sake. As the breakup of the Soviet Union has shown, a forced union will ultimately end in divorce. The primary task for both governments in the next few years is therefore not to accelerate artificially the wheels of history, but to carry out reforms at home in order to narrow the political and economic gaps between the two sides. Most important, the unification process should be peaceful and voluntary, so that it will neither constitute an imposition by one side on the other nor cause undue concern among China's neighbors.

As the world celebrates the end of the Cold War, the people of the Republic of China are looking forward to making greater contributions to a new world order. Taiwan's experience shows that the Chinese people, like any other people, are fully capable of practicing democracy, promoting rapid economic growth with equitable income distribution and living peacefully with their neighbors. For this the R.O.C. welcomes the arrival of the global tides of democratization, development, international integration and detente in East Asia.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at \$3,884,477,478,442.98, as of the close of business on Tuesday, April 28, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending ap-

proved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or \$785 million every day.

On a per capita basis, every man, woman, and child owes \$15,123—thanks to the big-spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to \$1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab, to pay the interest alone, comes to \$4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

THE ARMENIAN GENOCIDE

Mr. DECONCINI. Mr. President, April 24 is the day Armenians commemorate the massacres, deportations, and other horrors that befell their people in 1915 and later during World War I. It is a day of remembering, of solemn reflection.

As Armenians mourn, it has become customary for their friends in the U.S. Congress to mark the day with them, to express their solidarity, to share their outrage, and to join their voices in unified resolve to make sure that the world does not forget the genocide which took place at that time.

Such annual commemorations do not mean that we think about the victims only once a year.

Rather, they are a way of focusing our thoughts and feelings at a particular moment in an ongoing remembrance by relatives and friends. Nor is the sole purpose of such institutionalized commemoration to recall the tragic fate of the victims; for while it may seem paradoxical, the concentration on the sufferings of a specific people—Armenians—also lends a universal meaning to their loss and sacrifice by emphasizing the oneness of humanity and of all peoples.

Raffi Hovannisian, Armenia's Foreign Minister, expressed this idea in his remarks at the opening of the CSCE followup meeting in Helsinki on March 26, 1992, when he said:

Armenians have a keen sense of their history, and we are determined to see that the massacres, deportations, genocide and other atrocities which have befallen our people in the last one hundred years never happens again—to anyone.

Everyone can support this noble sentiment and all of us should work to ensure its realization.

This year, Armenians commemorate their loss while celebrating the rebirth of Armenian statehood. After 70 years of Soviet oppression, Armenia is an independent country, recognized as such by other countries, which have established diplomatic relations with it.

I am proud to have been recently in Armenia, where President Levon Ter-Petrosyan and Catholicos Vazgen stressed their appreciation of United States support and traditional warm ties with Armenia.

Armenia today is a new state, struggling to overcome the legacy of communism and adapting to life in a troubled region. Armenia faces many problems, the most vexing of which is the conflict in Nagorno-Karabakh.

But international mediation efforts, spearheaded by the Conference on Security and Cooperation in Europe, are in motion. I am hopeful that the upcoming CSCE peace conference on Nagorno-Karabakh will bring an end to the bloodshed.

A secure peace and the establishment of mutually beneficial relations with neighboring states at the end of the 20th century—that, Mr. President, would be the best way to honor Armenia's grievous loss in this century's earlier years.

UNITED STATES SHOULD APPLY EQUAL STANDARDS IN ESTABLISHING DIPLOMATIC RECOGNITION TO COUNTRIES OF FORMER YUGOSLAVIA

Mr. PELL. Mr. President, yesterday I joined with Senator DOLE and others to introduce a resolution that urges the United States to withhold diplomatic recognition of Serbia and Montenegro until Serbia meets certain conditions. I am pleased that the Senate passed this resolution last night.

There are special circumstances in the former Yugoslavia that warrant such action on the part of the United States and its allies. I do not usually advocate that the United States delay in establishing a diplomatic relationship with another country. But in this case, the country with which we had diplomatic relations and to which our current Ambassador is assigned—the Socialist Federal Republic of Yugoslavia—has ceased to exist. In its place a new country has emerged, proclaimed by Serbia and Montenegro on April 27 to be the Federal Republic of Yugoslavia, and comprising the territory of those two former Republics.

The new Yugoslavia, subjected to the leadership of Serbian President Slobodan Milosovic, is currently engaged in aggression against its neighbors. It has initiated war against the newly independent states of Bosnia-Herzegovina and Croatia, and is brutally repressing the Albanian population in Kosova, which was once an independent province.

Mr. President, earlier this month, the United States at long last recognized the independence of Slovenia, Croatia, and Bosnia-Herzegovina. These countries had to jump through proverbial hoops before the United States would recognize their independ-

ence. In making his announcement, President Bush said:

We take this step because we are satisfied that these states meet the requisite criteria for recognition (of their independence).

He also said that the United States would begin consultations to establish full diplomatic relations with those countries.

However, the United States has put the leaders of these states on notice that they must make certain commitments before the United States will take that next step and establish diplomatic relations with them. These commitments include: Adherence to CSCE principles and implementation of CSCE commitments; respect for the independence and territorial integrity of other former Yugoslav republics; implementation of commitments made at the EC negotiation conference; fulfillment of treaty obligations of the former Yugoslavia, including assumption of appropriate share of international financial obligations; commitment to responsible security policies including adherence to the Nuclear Nonproliferation Treaty as a non-nuclear state; adherence to other international agreements relating to weapons of mass destruction and destabilizing military technologies; and finally, commitment to the establishment of a market economy and cooperative trade relations with other former Yugoslav republics.

Apparently, Mr. Milosovic, the Serbian leader, has been informed that United States relations with Serbia will depend upon his Government's meeting certain requirements as well. In a statement earlier this week, State Department spokesperson, Margaret Tutwiler said: " * * * the U.S. attitude about future relations with Serbia and Montenegro will be framed by their demonstrated respect for the territorial integrity of the other former Yugoslav republics and for the rights of minorities on their territory." However, in the meantime, the U.S. Ambassador continues to remain in Belgrade, and Belgrade continues to have a seat at the United Nations, the Commission on Security and Cooperation in Europe, and other international organizations.

The other countries have been told that before the U.S. Government will set up a diplomatic mission, they must meet certain standards. However, Mr. Milosovic and his cronies are—astonishingly—enjoying the fruits of diplomatic relations without having done anything of the sort. In fact, the Serbian leaders are taking actions that should preclude diplomatic recognition. The brutal military actions of the Serb-dominated Yugoslav Army and Serbian militants have resulted in the death of innocent civilians and the destruction of homes, schools, churches, and mosques. The town of Medjugorje, to which millions of Americans and Western Europeans have been making

pilgrimages in recent years, is threatened by destruction. The Albanians of Kosova continue to be denied their basic human rights.

Mr. President, last week the New York Times published an editorial entitled "What if Bosnia Had Oil?" This piece argues that Mr. Milosovic bears the lion's share of the blame for the current cycle of violence in the former Yugoslavia. It also suggests several concrete ways for the United States to express its opposition to Serbia's actions. I ask unanimous consent that it be printed in the RECORD at the end of my remarks, and I commend it to my colleagues. I also wish to thank my colleagues for their support of the resolution.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 23, 1992]

WHAT IF BOSNIA HAD OIL?

When Saddam Hussein sent his divisions plunging into helpless little Kuwait, President Bush proclaimed an inviolable principle: Aggression would not stand. Hah, cynics said, the issue is not principle but oil. If Kuwait were not rich in oil, the West would have not rushed half a million soldiers to the Persian Gulf.

Was the President following a double standard? The world now looks to the aggression, every bit as cruel and unprovoked, by Serbia's Slobodan Milosevic against Bosnia and Herzegovina. That newborn state has no oil—and no defenses. Will the U.S. and Europe stand up for principle as strongly as they did for petroleum?

Bosnia is just the place for the Administration to show it means what Secretary of State Baker says about collective engagement to secure peace. Yet the State Department does no more than mumble, as if innocent Bosnians were equally to blame. How much more Serbian terror is required to get the Administration to talk and act sternly, to turn Serbia into a pariah until it lets go of Bosnia?

Mr. Milosevic bears chief blame for the bloodletting. Bosnia preferred to remain in a loosely confederal Yugoslavia. But when he whipped up Serbian nationalism, driving out other republics, Bosnia was forced to flee a Serb-dominated rump state. Now, ignoring the latest U.S. entreaty, he seems determined to dismember Bosnia. Serb irregulars and the Serb-led Yugoslav Army are stepping up their barrages against Bosnia's defenseless towns. They have seized two-thirds of Bosnia and driven tens of thousands from their homes.

There are several concrete ways for the United States to take the lead now:

Deny recognition to Serbia as Yugoslavia's legal heir; break relations with the Yugoslav shell; expel the Milosevic gang from international organizations like the United Nations.

Work to increase U.N. peacekeeping forces in Sarajevo and disperse them through Bosnia.

Tighten, and enforce, the economic blockade on landlocked Serbia. Without oil, weapons, ammunition and spare parts, Serbia's war machine will eventually grind down.

To be effective, these diplomatic and economic pressures require full cooperation from Europe. Much as it did in the Persian Gulf war, Washington can mobilize a unified

Europe. No one has a greater stake in territorial integrity than the rest of Europe, East and West. Europeans cannot—dare not—tolerate Mr. Milosevic's dangerous attempt to change Bosnia's borders by force.

Stepping up the pressure may at a minimum rouse Serbs opposed to aggressive Milosevic nationalism. Many have fled or gone into hiding rather than march with a marauding Yugoslav Army. If the rest truly care about protecting kinsmen in Bosnia and elsewhere, they will press their Government to stop the terror and get out of Bosnia. If Americans believe in the principle that aggression is intolerable, they will stand up for it, oil or no oil.

EARTHQUAKE HAZARDS IN NEVADA

Mr. REID. Mr. President, I rise today to offer my condolences to the citizens of our sister State of California after this past week's two severe earthquakes. These two events illustrate two points concerning the hazards earthquakes pose to our Nation.

First, while both of these events, the magnitude 6.1 on last Wednesday and the 7.0 on Saturday, caused structural damage in the quake region, the lack of any loss of life from these tremblers demonstrates that the efforts of the entire earthquake mitigation community has succeeded to a large measure in preparing the population about earthquake hazards in California. Decades of work on local planning boards, building code committees, and public awareness initiatives have reduced the human cost of earthquakes.

These two most recent disasters must remind citizens in many other States that they also live in earthquake country and need to be as prepared as California. We should take a page from California's record on this issue and redouble efforts outside California to increase earthquake hazard mitigation funding.

My second point is that both of these earthquakes were also felt in Nevada. My State has had a long history of earthquakes. While not as often, still as large. In 1872, the Owens Valley earthquakes in California, magnitude 7.8, caused strong shaking and damage in Nevada. The population of my State at that time was only a fraction of what it is today. In 1954, over only a 4-month period, four large earthquakes shook western and central Nevada; the largest of these had a magnitude of 7.2. Today the Reno-Carson City urban corridor is home to one-third of my State's population. A severe earthquake occurs in Nevada, on average every 27 years, and it has been more than that length of time since the last one.

Earthquakes occur without warning. No organization like the National Weather Service can beam information out to the public to tell citizens when a quake is imminent. This means we must maintain our virgil and readiness. Earthquake awareness week has

just been completed in Nevada. For the first time, children in schools across Nevada participated in earthquake drills. Preparation is important, but earthquake mitigation is key.

We need to continue mapping active faults as part of a geologic mapping and land-use planning program. We must maintain and upgrade seismographic stations which show the faults that are active. Finally, we need to assess in detail earthquake hazards in States outside California.

I urge my colleagues to join me in: First, supporting Senator INOUE's earthquake and volcano hazard bill; second, support full funding at authorized levels the National Earthquake Hazard Reduction Program [NEHRP]; and third, urge the Federal Emergency Management Agency [FEMA] to direct funding to where the earthquake hazard is the greatest, not solely based on population.

Nevada, like California and Alaska are located in Uniform Building Code [UBC] earthquake risk zone 4, the highest level of risk. As a percentage of population, Nevada has the highest percentage of its population in risk zone 4 of any other State. My State has the fewest number of unevaluated bridges in risk zone 4. We have the lowest number of FEMA grants to perform earthquake education, earthquake risk evaluation and mitigation studies by congressional district in risk zone 4.

Let us learn from the earthquakes in California and work toward a safer future for all citizens in this great country by striving to mitigate the earthquake hazards across this land now.

THE BANK OF GRANITE: MOST PROFITABLE IN THE UNITED STATES

Mr. HELMS. Mr. President, before coming to the Senate, I had the privilege of serving as executive director of the North Carolina Bankers Association. In that capacity, I had a unique opportunity to work with some extraordinary individuals whose lives and careers embodied the American dream.

During the recess, I ran across an article in the Hickory News about one such individual, John A. Forlines, Jr. John is chairman and chief executive officer of the Bank of Granite, at Granite Falls, NC.

The article notes that the Bank of Granite has been rated by the United States Banker magazine as America's most profitable bank based on its average return on investment and adjusted returns on average assets. Incidentally, 2 other North Carolina banks are among the magazine's top 60 as well—LSB Bancshares in Lexington, and First Security Financial in Salisbury.

When asked by the magazine about his bank's success, John Forlines observed that the Bank of Granite serves "the garden spot of the world."

But John also credited the bank's operating philosophy. "We don't have any automatic formula," he noted, "we run a lean ship * * * we don't have excess people around here." He cited his "largely consumer and small business" base and the fact that the bank's employees pride themselves "on giving good personal service." Obviously, the people in the communities John serves respond to this kind of service.

Mr. President, I congratulate John on this remarkable achievement. Moreover, the designation of the Bank of Granite as our Nation's most profitable bank illustrates two points which all Senators would do well to keep in mind when we consider legislation affecting our Nation's banks, as well as other businesses: First, that adherence to the business fundamentals of efficiency, quality, integrity, and service is still a certain formula for success; and second, that even with the growth of large national and regional banks, there is still a place in our economy for smaller, community-based banks.

Mr. President, I ask unanimous consent that the Hickory News article of April 16, "Nation's most profitable bank," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hickory News, Apr. 16, 1992]

NATION'S MOST PROFITABLE BANK

Bank of Granite, headquartered at nearby Granite Falls, is not only listed among the 60 most profitable banks in the USA in the April issue of United States Banker—but heads the list as the most profitable in the nation.

The banking magazine, in business since 1891, had the bank's chairman and chief executive officer, John A. Forlines Jr., on the cover—sharing the honors with three other leaders in the industry.

Based on its survey, "the \$335 million-asset Bank of Granite Corp. of Granite Falls, N.C., is America's most profitable bank. The reason: its adjusted return on average assets never dipped below 1 percent in the four years from 1988 through 1991, and its average return on investment for those four years, at 2.09 percent, was the highest of all the banks that met the basic criteria," the magazine reported.

To qualify for the survey, banks had to earn at least 1 percent on assets for each of the four years and its equity/asset ratio had to be at least 5 percent.

In the old days, the article stated, it was customary to separate small banks from large banks because regulars demanded that small banks have higher capital ratios than big banks. The theory: small banks were less diversified and therefore needed a bigger capital cushion. That philosophy has changed and regulars no longer discriminate against small banks.

Bank of Granite, used as an example, was at the small end of the size spectrum, while its equity/asset ratio of 12.7 percent was among the highest. And because earnings were so high, its return on equity was "still a hearty 17.2 percent."

In the report, Mr. Forlines, 73, refers to the area as "the garden spot of the world." From

a banker's perspective, "no wonder," the magazine reported. "The company's return on investment has exceeded 2 percent on average assets for six years."

A dozen years ago, Mr. Forlines stated, "we didn't know whether we'd survive or prosper. Strangely, we had the best years ever."

Asked if he had a secret, the banker said he didn't have any. "We don't have any automatic formula. We run a lean ship. We don't have excess people around here."

"We pride ourselves on giving good personal service. We don't waste our time with big, big companies; they want everything for free."

BANKER "AWFULLY PROUD * * *

"Awwfully proud, proud of our people," is how John Forlines reacted to being named at the top of the 60 most profitable banks in the USA.

The chairman of the board and CEO of the bank wasn't surprised the bank was among the 60 most profitable, but was "somewhat surprised" to be at the top of the list.

ORDER FOR STAR PRINT—S. 2461

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 2461 be star printed to reflect a change I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FISCAL YEAR 1993 BUDGET AND REVISED FISCAL YEAR 1992 BUDGET—MESSAGE FROM THE PRESIDENT—PM 233

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1993 budget request and 1992 budget supplemental request.

The District of Columbia Government has submitted two alternative 1993 budget requests. The *first alternative* is for \$3,311 million in 1993 and

includes a Federal payment of \$656 million, the amount authorized and requested by the D.C. Mayor and City Council. The *second alternative* is for \$3,286 million and includes a Federal payment of \$631 million, which is the amount contained in the 1993 Federal budget. My transmittal of this District budget, as required by law, does not represent an endorsement of the contents.

As the Congress considers the District's 1993 budget, I urge continuation of the policy enacted in the District's appropriations laws for fiscal years 1989-1992 of prohibiting the use of both Federal and local funds for abortions, except when the life of the mother would be endangered if the fetus were carried to term.

GEORGE BUSH.

THE WHITE HOUSE, April 30, 1992.

MESSAGES FROM THE HOUSE

At 6:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 174. Joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month"; and

S. J. Res. 222. Joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and non-Indians."

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2763) to enhance geological mapping of the United States, and for other purposes.

The message further announced that the Speaker makes the following modifications in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1150) entitled "An act to reauthorize the Higher Education Act of 1965, and for other purposes":

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 427 and 1405 of the Senate bill, and sections 499A, 499B, and 499C of the House amendments and modifications committed to conference: Mr. BROWN, Mr. BOUCHER, Mr. THORNTON, Mr. WALKER, and Mr. PACKARD.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 383. Joint resolution designating the month of May 1992, as "National Foster Care Month";

H.J. Res. 425. Joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day";

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week"; and

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week."

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2454. An act to authorize the Secretary of Health and Human Services to impose disbarments and to take other action to ensure the integrity of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H.R. 3337. An act to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3066. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the annual wildfire rehabilitation report for calendar year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3067. A communication from the Acting General Sales Manager of the Foreign Agricultural Service, transmitting, pursuant to law, amendments to the previous determination of the agricultural commodities and qualities available for programing under Public Law 480 during fiscal year 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3068. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the status of certain budget authority proposed for rescission in his third special impoundment message for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations.

EC-3069. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the proposed rescission of certain budget authority proposed by the President in his fourth special impoundment message for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation.

EC-3070. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on a violation of the Anti-Deficiency Act; to the Committee on Appropriations.

EC-3071. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize civilian students to attend the United States Naval Postgraduate School; to the Committee on Armed Services.

EC-3072. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report covering certain properties to be transferred to

the Republic of Panama in accordance with the Panama Canal Treaty of 1977 and related agreements; to the Committee on Armed Services.

EC-3073. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the President's annual report on the Panama Canal Treaties for fiscal year 1991; to the Committee on Armed Services.

EC-3074. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the biennial President's Report on National Urban Policy; to the Committee on Banking, Housing, and Urban Affairs.

EC-3075. A communication from the Director of the Office of Thrift Supervision, transmitting, pursuant to law, the annual report on the preservation of minority savings associations for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3076. A communication from the Acting Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the annual report on the effectiveness of the Civil Aviation Security Program for calendar year 1990; to the Committee on Commerce, Science, and Transportation.

EC-3077. A communication from the President of the United States, transmitting, pursuant to law, an executive order barring overflight, takeoff, and landing of aircraft flying to or from Libya; to the Committee on Commerce, Science, and Transportation.

EC-3078. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3079. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual report of the Energy Information Administration for calendar year 1991; to the Committee on Energy and Natural Resources.

EC-3080. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on National Historical Landmarks that have been damaged or to which damage to their integrity is anticipated; to the Committee on Energy and Natural Resources.

EC-3081. A communication from the Secretary of the Interior, transmitting, pursuant to law, a recommendation with respect to the location of a memorial to George Mason; to the Committee on Energy and Natural Resources.

EC-3082. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3083. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3084. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, notice on leasing systems for the

Central Gulf of Mexico, Sale 139, scheduled for May 1992; to the Committee on Energy and Natural Resources.

EC-3085. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3086. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3087. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to abolish the position and Office of the Federal Inspector for the Alaska Natural Gas Transportation System, to transfer its functions to the Secretary of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

EC-3088. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notice of a delay in the submission of recommendations under the Medicare prospective payment system; to the Committee on Finance.

EC-3089. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the annual report of the Commission for calendar year 1991; to the Committee on Finance.

EC-3090. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the taxation of Social Security and Railroad Retirement Benefits in calendar year 1989; to the Committee on Finance.

EC-3091. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974 for the quarter ended December 31, 1991; to the Committee on Finance.

EC-3092. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, General Services Administration for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC-3093. A communication from the Executive Director of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3094. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3095. A communication from the Employee Benefits Manager of the Farm Credit Bank of Columbia, transmitting, pursuant to law, the annual audited financial statements of the Bank for the plan year ended August 31, 1991; to the Committee on Governmental Affairs.

EC-3096. A communication from the Chairman of the Board of Directors of the Rural Telephone Bank, Department of Agriculture, transmitting, pursuant to law, the annual report on the financial management systems of the Bank in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3097. A communication from the Chairman of the Board of Directors of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report on the financial management systems of the Corporation in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC-3098. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3099. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on Indian Health Service tribal contract costs; to the Select Committee on Indian Affairs.

EC-3100. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on actions taken to recruit and train Indians to qualify for positions which are subject to preference under Indian preference laws; to the Select Committee on Indian Affairs.

EC-3101. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to repeal Acts extending the coverage of the Federal Tort Claims Act to include Indian tribes, tribal contractors, and others; to the Select Committee on Indian Affairs.

EC-3102. A communication from the Assistant Vice President of the National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3103. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3104. A communication from the General Counsel of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report of the Service under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3105. A communication from the Executive Director of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3106. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend the programs under the Runaway and Homeless Youth Act and the Program for Runaway and Homeless Youth under the Anti-Drug Abuse Act of 1988; to consolidate authorities for programs for runaway and homeless youth, and for other purposes; to the Committee on the Judiciary.

EC-3107. A communication from the Attorney General of the United States, transmitting, pursuant to law, recommendations concerning the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities; to the Committee on the Judiciary.

EC-3108. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for the remedy of a civil injunction for the violations of counterfeiting and forgery, and for other purposes; to the Committee on the Judiciary.

EC-3109. A communication from the Solicitor of the United States Commission on Civil Rights, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3110. A communication from the Deputy Secretary of Education, transmitting, pursuant to law, final regulations—Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children where Local Educational Agencies Cannot Provide Free Suitable Public Education; to the Committee on Labor and Human Resources.

EC-3111. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on literacy and education needs in public and Indian housing; to the Committee on Labor and Human Resources.

EC-3112. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1991 Annual Report on the National Institutes of Health AIDS Research Loan Repayment Program; to the Committee on Labor and Human Resources.

EC-3113. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a revised National Strategic Research Plan for Balance and the Vestibular System and Language and Language Impairments; to the Committee on Labor and Human Resources.

EC-3114. A communication from the Chairman of the Board of the Student Loan Marketing Association, transmitting, pursuant to law, the annual report of the Association for calendar year 1991; to the Committee on Labor and Human Resources.

EC-3115. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for certain new direct grant awards under the Office of Special Education Programs; to the Committee on Labor and Human Resources.

EC-3116. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Secretary of Veterans Affairs for fiscal year 1991; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-324. A resolution adopted by the Senate of the State of Alaska to the Committee on Appropriations.

"SENATE RESOLVE NO. 8

"Whereas the United States Geological Survey Volcano Hazards Program in the Department of Interior, through its Alaska Volcano Observatory, provides warnings and advisories concerning impending and ongoing volcanic eruptions in Alaska to business, government, and the public; and

Whereas these warnings and advisories save lives and property in Alaska and in aircraft flying over Alaska; and

"Whereas the future of Alaska depends upon a safe environment for business and commerce and a growing role as a stopping place for the world's airlines; and

"Whereas the airline industry has voiced its concern about proper monitoring of Alaska's volcanoes; and

"Whereas Alaska contains most of the hazardous volcanoes in the United States; and

"Whereas the Alaska Volcano Observatory is the only source of volcano hazard expertise in Alaska;

"Be it resolved that the Alaska Senate respectfully requests the United States Congress to restore funding in fiscal year 1993 for the Alaska Volcano Observatory to the 1992 level, and to appropriate sufficient additional funds to include the heavily traveled Aleutian region in the volcano monitoring effort; and

"Be it further resolved that the Alaska Senate respectfully requests the Department of Interior to include the Alaska Volcano Observatory in its budget for the U.S. Geological Survey Volcano Hazards Program at a level that provides for the safety of the public and commerce in Alaska."

POM-325. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Appropriations.

"SENATE CONCURRENT RESOLUTION NO. 110

"Whereas, breast cancer strikes one in nine women in the United States today, and it is estimated that breast cancer has taken the lives of 44,500 women in 1991 alone; and

"Whereas, in 1992, an estimated 2,300 women in Iowa will be diagnosed with breast cancer and 600 will die; and

"Whereas, there has been a 3 percent increase in the incidence of breast cancer since 1980; and

"Whereas, while the incidence of breast cancer is highest among older women, the incidence is rapidly increasing in women under 40, making breast cancer a concern for women of all ages; and

"Whereas, while it is known what characteristics place some women at greater risk for developing breast cancer, experts still do not completely understand the cause of breast cancer or how to prevent its occurrence; and

"Whereas, despite advancements in detection and treatment methods, the mortality rate from breast cancer has remained essentially unchanged; and

"Whereas, screening mammography plays a vital role in early diagnosis when breast cancer is in the most curable state; and

"Whereas, low income, minority status, and lack of health insurance affect the ability of many women to obtain screening services, making it more likely they will not be diagnosed until in the advanced stages of breast cancer, significantly reducing their chances of survival; Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring, That the General Assembly supports efforts to promote early detection of and effective treatment modalities for breast cancer in Iowa.

"Be it further resolved, That the General Assembly urges the Congress of the United States to enact legislation to ensure adequate funds to advance efforts to find a cure and effective preventive measures for breast cancer.

"Be it further resolved, That the Secretary of the Senate send copies of this Resolution to the Governor of the State of Iowa, to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the United States Senate, to the Chief Clerk of the United States House of Representatives, to each member of the Iowa congressional delegation, and to the presiding officer of each house of the legislature in each state in the union."

POM-326. A resolution adopted by the Senate of the General Assembly of the State of

Connecticut; to the Committee on Armed Services.

"SENATE RESOLUTION NO. 5

"Resolved by the Senate:

"Whereas, the Seawolf is our first line of defense and discontinuance of the Seawolf program is being considered by President Bush, Defense Secretary Cheney and the Congress; and

"Whereas, shutting down the Seawolf program will, in addition to crippling our security program, result in the loss of thousands of Connecticut jobs at a time when our economy is already suffering from excessive unemployment; and

"Whereas, members of Connecticut's Congressional delegation are leading the drive to convince President Bush, Secretary Cheney and Congress to continue the Seawolf program; and

"Whereas, discontinuance of the Seawolf program will mean that our country will lose the technological and production capabilities which have made the American submarine program the envy of the world; and

"Whereas, the men and women of Electric Boat are conducting a petition drive calling on President Bush, Secretary Cheney and the Congress to continue the Seawolf program.

"Now, therefore, be it resolved, That the Connecticut State Senate joins in and supports the efforts of the Connecticut Congressional delegation and the men and women of Electric Boat to save the Seawolf program; and

"Be it further resolved, That copies of this resolution be forwarded to President Bush, Secretary Cheney, the members of the Armed Services and Appropriations Committees of the United States Congress and to the members of the Connecticut Congressional delegation."

POM-327. A resolution adopted by the Academic Senate of California State University, Hayward opposing the Department of Defense's discriminatory practices in the Reserve Officers Training Corps; to the Committee on Armed Services.

POM-328. A resolution adopted by the New York State Nurses Association commending the outstanding service and contribution rendered by New York state military nurses; to the Committee on Armed Services.

POM-329. A resolution adopted by the Senate of the State of Florida; to the Committee on Armed Services.

"SENATE MEMORIAL NO. 8F

"Whereas, the United States Government is proposing to severely reduce the number of National Guard units serving this country, and

"Whereas, the Department of Defense has specifically recommended eliminating several distinguished Florida National Guard units, and

"Whereas, Florida National Guard units have served the United States of America and Florida as an intrinsic, cost-effective component of the military and civil defense forces, and

"Whereas, Florida National Guard units have played important roles in military actions since 1636, when the first Spanish militia units were formed in St. Augustine, and

"Whereas, most recently, Florida National Guard units were vital components of Operation Desert Storm, and

"Whereas, the Florida National Guard is active in the war on drugs, both in this state and throughout this hemisphere, and

"Whereas, National Guard troops and armories are a significant part of the communities in which they are located, and

"Whereas, these Florida units should continue to be able to serve their state and their country in times of peace and war, Now, therefore,

"Be It Resolved by the Legislature of the State of Florida: That the Congress of the United States is urged, when debating restructuring of the Armed Forces, to consider a balanced approach to the force reductions brought about by the end of the cold war; to consider the impact of the National Guard as a component of the state's civil defense forces; to consider the consequences to the economic recovery of communities that host National Guard units; and to honor the dedication and sacrifice made by our citizen soldiers.

"Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-330. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Armed Services.

"SENATE JOINT RESOLUTION NO. 159

"Whereas, as part of its force reduction, the National Guard Bureau has selected the 276th Engineer Battalion of the Virginia National Guard for deactivation during 1992; and

"Whereas, given recent events in Eastern Europe and elsewhere, such a force reduction effort is both appropriate and necessary; and

"Whereas, the decision to make one of the best units among the first to be eliminated is nevertheless highly questionable; and

"Whereas, the 276th Engineer Battalion is clearly one of the best, recently named by the U.S. First Army as the best of the twelve such units in the First Army area; and

"Whereas, the 276th Engineer Battalion is also one of the oldest in the nation, tracing its linkage back to the First Virginia Regiment, once commanded by George Washington and Patrick Henry; and

"Whereas, this clearly superior and historic unit has performed yeoman service to the citizens of Virginia as the single most capable and effective unit in the state to respond to civil emergencies caused by floods and other natural disasters; and

"Whereas, the 276th Engineer Battalion has served the citizens of the Commonwealth in diverse and valuable ways and in all areas of the state; and

"Whereas, the Governor of Virginia, L. Douglas Wilder, has expressed serious reservations regarding the decision to eliminate the 276th Engineer Battalion; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the General Assembly hereby strongly urge the reconsideration of the decision to eliminate the 276th Engineer Battalion as part of the nationwide force reduction program; and, be it

"Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, the members of the Virginia Congressional delegation, the United States Secretary of Defense, the Secretary of the Army, and the Chief of the National Guard Bureau so that they may be apprised of the sense of the General Assembly of Virginia."

POM-331. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"JOINT RESOLUTION

"Whereas, the movement toward democratization in Eastern Europe and the reconstruction of the Soviet Union into the Commonwealth of Independent States has been truly historic and promises to open a new chapter between East and West as the current climate in international relations is conducive to cooperation and continuing the relaxation of tensions; and

"Whereas, traditional defense postures, strategies and commitments should be re-evaluated in light of the change of events; and

"Whereas, power in today's world is increasingly measured in terms of a balance of economic, humanitarian and military power and as during the 1980's, the United States was transformed from the world's largest creditor nation into the world's largest debtor nation; and

"Whereas, the policies of the 1980's relied upon a massive peacetime military buildup and a consequent federal disinvestment in important domestic programs concerning housing, economic and community development, the environment, education, transportation and the basic social and physical infrastructure of our society; and

"Whereas, local elected officials and state governments have consistently urged Congress and the administration to set its fiscal house in order while balancing its budgetary priorities to address the crucial domestic needs of this nation and achieve significant reductions in debt and deficit spending and reasonable military spending without compromising our national military security; now, therefore, be it

"Resolved: That We, you Memorialists, endorse economic diversification and conversion legislation and long-term national strategy that includes a comprehensive plan preparing defense-related industries, bases and laboratories to diversify and convert to civilian production with a minimum loss of jobs; provides economic adjustment assistance to workers and businesses in the defense industry; and provides grants to local and state governments to aid communities that would be severely impacted by cuts in defense expenditures; and be it further

"Resolved: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to reorder their budgetary priorities in a way that addresses the key urban and rural problems facing our nation, including a commitment to quality education, environmental protection, winning the war on drugs, economic health and opportunity, affordable health care and housing, infrastructure repair and maintenance and viable public transportation systems; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-332. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"JOINT RESOLUTION

"Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

"Whereas, the United States Naval Shipyard at Kittery has performed in an exemplary manner throughout its almost 2 centuries of history; and

"Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

"Whereas, the communities located near the Kittery yard in Maine, New Hampshire and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

"Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

"Resolved: That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-333. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"JOINT RESOLUTION

"Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

"Whereas, the United States Naval Shipyard at Kittery has performed in an exemplary manner throughout its almost 2 centuries of history; and

"Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

"Whereas, the communities located near the Kittery yard in Maine, New Hampshire and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

"Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; Now, therefore, be it

"Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

"Resolved: That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-334. A resolution adopted by the Senate of the State of Georgia; to the Committee on Banking, Housing and Urban Affairs.

"SENATE RESOLUTION 429

"Whereas, the 1988 amendments to the federal Fair Housing Act expressly prohibited discriminatory housing practices against individuals with handicaps and required that future multifamily dwellings be accessible and adaptable to the needs of persons with mobility impairments or physical disabilities; and

"Whereas, the 1988 amendments greatly expanded the number of younger mentally and physically handicapped persons who qualify for residency in housing which was previously seniors-only housing; and

"Whereas, in many previously safe senior citizen communities, the elderly residents feel terrorized and threatened by persons who could present a physical danger to them; and

"Whereas, the special housing needs of the mentally handicapped and physically disabled are specifically recognized and protected under the Fair Housing Act, but the act should also ensure the adequate protection and safety of older persons and permit certain public housing to be limited to seniors only.

"Now, therefore, be it resolved by the Senate, That the members of this body urge the United States Congress to amend the federal Fair Housing Act to permit certain public housing to be limited to seniors only.

"Be it further resolved, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Secretary of the Senate of the United States Congress, to the Clerk of the House of Representatives of the United States Congress, and to each member of the Georgia congressional delegation."

POM-335. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Commerce, Science and Transportation.

"SENATE JOINT RESOLUTION 92-4

"Whereas, The electromagnetic spectrum, as managed by the federal government, is of vital importance and a national resource for public, as well as private, sector radio frequency needs; and

"Whereas, Electromagnetic spectrum resources are utilized at the state and local level as a reliable means of communication in matters of public safety and interest, such as state and local law enforcement operations and emergency responders; and

"Whereas, Public utilities have made substantial investments in facilities and equipment necessary for accessing the allocated frequencies assigned to them in the electromagnetic spectrum, such investments having been made in recognition of the limitations of alternative methods of transmission for public purposes; and

"Whereas, The United States Congress, the Federal Communications Commission, and the National Telecommunications and Information Administration are in the process of examining current and future radio frequency spectrum requirements and uses, including the possibility of allocating part of current frequencies for emerging technologies, forcing radio frequencies currently allocated to state and local government and public utility uses to be shared with such emerging technologies; and

"Whereas, The potential cost to public utilities alone in Colorado to relocate radio frequencies to other technologies as a result of such federal actions could reach approximately one hundred twenty-six million dollars, with a total cost nationally rising to over eight hundred million dollars, with col-

lective investments of existing users approaching four billion dollars; now, therefore,

"Be it resolved by the Senate of the fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"(1) That, in view of the limitations of the radio frequency spectrum, management reforms should be instituted to improve the current allocation and frequency assignment process, with such process being weighted toward relative merit of intended use and not random chance or financial ability, with access being provided to all users of the spectrum.

"(2) That proposals allowing developing technologies to share the same bandwidth presently utilized by state and local government and public utilities should not be adopted until such time as transmission can sufficiently be assured to avoid signal interference with public users.

"(3) That the General Assembly opposes any effort to provide additional frequency by means of reallocating what is currently allocated for state and local government and public utility uses until such time as the impact on current users is adequately addressed at the federal level.

"(4) That the General Assembly urges the United States Congress to hold public oversight hearings as soon as possible on Federal Communications Commission and National Telecommunications and Information Administration activities in the area of radio spectrum management.

"Be it further resolved, That copies of this Resolution be sent to the Honorable Dan Quayle, the President of the United States Senate; the Honorable Thomas Foley, the Speaker of the United States House of Representatives; and to Colorado's delegation in the United States Congress."

POM-336. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Energy and Natural Resources.

"JOINT RESOLUTION

"Whereas, women are an integral and important part of the military; and

"Whereas, over 1,600,000 women have served in the nation's armed forces; and

"Whereas, there is a need to honor women for their fine performance in and outstanding contributions to the nation's armed forces throughout history; and

"Whereas, the Members of the Legislature and the people of the State of Maine have the greatest pride in the women of the United States Armed Forces and support them in their efforts; now, therefore, be it

"Resolved: That We, your Memorialists, support the Congress of the United States in its efforts to construct a memorial to the women who have served in the United States Armed Forces and respectfully urge and request that the Congress of the United States provide funding for the project; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; the secretary of Defense; the Honorable John R. McKernan, Jr., Governor of the State of Maine; and each member of the Maine Congressional Delegation."

POM-337. A joint resolution adopted by the Legislature of the State of Washington; to

the Committee on Energy and Natural Resources.

"SUBSTITUTE SENATE JOINT MEMORIAL 8024

"Whereas, The timber industry in the State of Washington is in serious economic decline; and

"Whereas, Timber jobs, which support the communities, families, and related businesses, are in jeopardy due to altered policies caused by the program for the protection of the spotted owl and changes in the timber industry; and

"Whereas, Timber which has been blown down in several national forests in this state can be salvaged and consists of an estimated total of seventy million one hundred thirty thousand board feet; and

"Whereas, A carefully supervised removal of downed trees using environmentally sound silviculture methods can produce timber for local mills while at the same time leaving an undamaged old growth forest; and

"Whereas, Some logs can be left to decay and contribute to rich, fresh soil; and

"Whereas, Careful removal of the timber using existing roads will reduce the potential for extensive bug infestation and major wildfires that could damage the forest; and

"Whereas, Salvage sales could provide fifteen to twenty jobs per million board feet of salvaged timber; and

"Whereas, The sales are supported by the Governor's Timber Policy Team as well as the legislature;

"Now, therefore, Your Memorialists respectfully pray that the President and Congress pass legislation authorizing the United States Forest Service to offer salvage sales of blown down timber in the Pacific Northwest National Forests allowing the state to reap the economic and environmental benefits.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the United States Forest Service, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington."

POM-338. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION 92-9

"Whereas, There is currently pending before the United States Congress legislation to establish wilderness areas in Colorado; and

"Whereas, The benefits of designating wilderness areas must be balanced against the consequences of such designation upon the economic and social welfare of the citizens of Colorado; and

"Whereas, The designation of wilderness areas may significantly affect the economic health of this state by adversely impacting private and public property interests and rights in land, water, and mineral resources, by establishing barriers to access to such property interests, by preempting existing private property rights, and in other ways; and

"Whereas, Readily available and reliable water supplies are absolutely vital to the health and economic development of the people of this state; and

"Whereas, Uncertainty relative to the existence of implied federal reserved water rights for existing and new wilderness areas clouds property titles, discourages natural resources management and development, and

disrupts the State's water rights administration system, resulting in economic stagnation and unproductive litigation; and

"Whereas, Federal reserved water rights for wilderness areas in Colorado are inconsistent with the right and ability of Colorado to effectively manage and fully utilize the valuable water resources allocated to it by interstate compacts and equitable apportionment decrees; and

"Whereas, The laws of Colorado and the instream flow program of the Colorado Water Conservation Board are adequate to protect water resource values in wilderness areas in Colorado; and

"Whereas, National forest lands are foreclosed from multiple use while they retain a wilderness study status, resulting in loss of economic and recreational opportunities, and sufficient time has passed for study of the suitability of such lands for wilderness designation; and

"Whereas, Congress is considering S. 1029 which represents a legitimate and good-faith balancing of the issues involved in the designation of wilderness, and the compromise inherent in S. 1029 cannot and should not be changed without destroying the consensus which supports this legislation; and

"Whereas, S. 1029 will result in the designation of an area larger than the entire state of Rhode Island as wilderness; and

"Whereas, The opposition to S. 1029 by extremists on both sides of the issue should not be allowed to jeopardize this unique opportunity for a resolution of this important issue; now, therefore,

Be It Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That Congress is urged to adopt only such wilderness legislation as embodies the following principles:

"(1) Wilderness legislation must fully protect private property rights;

"(2) Boundaries for wilderness areas must be drawn so as to include only those areas which are suitable for such designation, while excluding conflicting uses within such boundaries to the extent possible;

"(3) Reasonable rights of access for private property must be reconfirmed and maintained;

"(4) Federal reserved water rights for all existing and new wilderness areas must be expressly disclaimed;

"(5) Water resource values in wilderness areas in this state should be protected through the Colorado instream flow program;

"(6) The designation of wilderness areas should not interfere with state water allocation and administration, or limit existing or future development and use of Colorado's interstate water allocations; and

"(7) Public lands which have been studied for possible designation as wilderness areas and which are not being designated as wilderness areas at this time should be released from study status and returned to multiple use.

Be It Further Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, each Member of Congress from the State of Colorado, the Chairman of the United States Senate Energy and Natural Resources Committee, and the Chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives."

POM-339. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Finance.

"HOUSE RESOLUTION NO. 1546

"Whereas, for years, revenue sharing programs of the United States government have returned tax dollars to State and local governments for use in fulfilling a variety of capital, service and project needs; and

"Whereas the reduction and elimination of revenue sharing programs have withdrawn a source of State and local government funding at a time when these entities' other financial resources are dwindling; and

"Whereas Illinois and its units of local government are suffering the loss of revenue sharing monies while forced to bear the consequences of decreased federal programs and services; therefore be it

Resolved, by the House of Representatives of the Eighty-seventh General Assembly of the State of Illinois, That we urge reinstatement by the federal government of revenue sharing programs and that we strongly support the necessary presidential and congressional action required to return much needed funds to the State and local governments; and be it further

Resolved, That suitable copies of this resolution be presented to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and each member of the Illinois congressional delegation."

POM-340. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance.

"JOINT RESOLUTION

"Whereas, current federal law provides for the elimination of the tax-exempt status for small issue industrial development bonds sold by states to provide capital at reduced interest rate for establishment and expansion of manufacturing enterprises; and

"Whereas, the availability of small issue industrial development bonds is critical to the economic development of Maine, providing expansion, diversification of the manufacturing sector and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity and quality critical to the long-term stability of the State's manufacturing base, and

"Whereas, in the past 7 years, small issue industrial development bonds resulted in investments of approximately \$500,000,000 in Maine and the retention or creation of over 35,000 jobs in the State and enhanced the tax base of municipalities throughout the State; and

"Whereas, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress enact legislation forthwith to eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to

each Member of the Maine Congressional Delegation."

POM-341. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Finance.

"SENATE CONCURRENT RESOLUTION NO. 395

"Whereas Michigan may be assessed \$12-13 million by the Internal Revenue Service in excise surtaxes on DTP (diphtheria, tetanus, and pertussis) vaccines it manufactures and provides to local health departments free of charge for infants and children; and

"Whereas Massachusetts also produces its own vaccines for infants and children and has been assessed millions of dollars in federal excise taxes (FET); and

"Whereas the state of Michigan does not directly use or sell these vaccines, but gives them to local health departments or through other public programs which, in turn, administer them or give them to doctors to administer them; and

"Whereas charging the state \$4.56 per dose for supplying these life-saving vaccines is clearly bad public policy; and

"Whereas many parents could not have their children vaccinated without this valuable program; and

"Whereas the state provides this service at no cost to the federal government; and

"Whereas Congress has appropriated funds which may be utilized by the states of Michigan and Massachusetts for the partial payment of the excise tax claimed due; and

"Whereas these appropriations only cover forty percent of the tax liability; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to take further action to assist these states in this worthwhile endeavor by specifically exempting Michigan and Massachusetts from the federal excise tax on vaccine production when the vaccines are provided free of charge to local health departments or alternatively to increase the funds appropriated to assist these states so that the full tax liability is covered; and be it further

Resolved, That a copy of his resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Michigan and Massachusetts congressional delegations."

POM-342. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Governmental Affairs.

"HOUSE CONCURRENT RESOLUTION

"Whereas, nearly 30 years after the event, the assassination of President John F. Kennedy on November 22, 1963, continues to stand as one of the most troubling chapters in our nation's history; and

"Whereas, immediately following the assassination, the Warren Commission was established under the direction of then Supreme Court Chief Justice Earl Warren to inquire into the circumstances surrounding the president's murder; in its final report issued in 1964, the commission concluded that Kennedy's death was the work of a lone assassin, Lee Harvey Oswald, who himself had been killed by Dallas nightclub owner Jack Ruby two days after the president's demise; and

"Whereas, since that time, a number of scholars and legal experts have contended that the Warren Commission ignored vital evidence, kept relevant documents secret, and published a report contradictory to

many of the known facts of the case; continuing questions about the assassination eventually led to the creation of the House Select Committee on Assassinations, a 12-member panel established by house resolution in 1976 and specifically charged with investigating the circumstances of President Kennedy's assassination, as well as those of other political murders; and

"Whereas, on December 30, 1978, the committee released a statement to the press concluding that President Kennedy "was probably assassinated as a result of conspiracy"; at the same time, it recommended that the Justice Department review its findings to determine "whether further official investigation is warranted"; and

"Whereas, despite the committee's strongly worded statement, its actual report, issued six months later, was held by many critics to reflect serious shortcomings in the investigation; experts who have reviewed the lengthy document have questioned whether the published report accurately represented the evidence and testimony presented to the committee; and

"Whereas, contributing to this climate of distrust is the fact that a substantial number of documents used by both the Warren Commission and the House Select Committee on Assassinations have never been released for public inspection; the failure to disclose such evidence, particularly disputed autopsy photographs, has been seen by many citizens as an effort to obscure the facts surrounding the president's death; and

"Whereas, only in an atmosphere of full disclosure can the questions regarding this tragic event be finally put to rest; we owe it to ourselves, and to all citizens of this land, to seek the truth with the openness and honesty that justice demands; now, therefore, be it

Resolved, That the 72nd Legislature of the State of Texas, 3rd Called Session, 1992, hereby request the Congress of the United States to immediately make public all files pertaining to the assassination of President John F. Kennedy used by the Warren Commission and the House Select Committee on Assassinations; and be it further

Resolved, That if certain files cannot be made public, Congress be requested to prepare a report explaining specifically why individual documents must be withheld; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the United States house of representatives, to the president of the senate of the United States Congress, and to all members of the Texas delegation to Congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States."

POM-343. A resolution adopted by the Legislature of the State of New Mexico; to the Committee on the Judiciary.

"SENATE MEMORIAL 27

"Whereas, Freedom of Speech is a cherished right conferred by the First Amendment to the Constitution of the United States; and

"Whereas, the guarantee of Freedom of Speech is not absolute but must be balanced against threats to the National peace and to the maintenance of local order; and

"Whereas, the American Flag is a cherished symbol of our Nation's history and the struggle for liberty, freedom and justice in our world, and the desecration of that Flag

is the desecration of those basic ideals upon which our Country is based; and

"Whereas, the American Flag has symbolized hope for a brighter future and a chance for equal justice and opportunity for all; and

"Whereas, the American Flag has rallied our troops in times of peril and overwhelming odds; and

"Whereas, Americans have died defending the Freedoms represented by the Flag, and in their honor the dignity of the Flag should not be demeaned, but the Flag should be treated with respect; and

"Whereas, the American Flag symbolizes our National unity and inspires others to pursue the goals of Democracy, Liberty and Justice;

"Now, therefore, be it resolved by the Senate of the State of New Mexico that the United States Congress be requested to propose an Amendment to the Constitution of the United States to be ratified by the States specifying that Congress and the States shall have the power to prohibit the physical desecration of the Flag of the United States; and

"Be it further resolved that copies of this Memorial be transmitted to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and all members of the New Mexico Congressional Delegation."

POM-344. A resolution adopted by the Vermont Democratic Party opposing the forcible repatriation of the Haitian refugees and favoring temporary protected status for the refugees; to the Committee on the Judiciary.

POM-345. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on the Judiciary.

JOINT RESOLUTION 27

"Whereas, although the right of free expression is part of the foundation of the United States constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington monument, the United States capitol building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States supreme court no longer accords to the stars and stripes that reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the stars and stripes of a proper station under law and decency; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin proposes to the congress of the United States that procedures be instituted

in the congress to add a new article to the constitution of the United States, and that the state of Wisconsin requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, prohibiting the physical desecration of the flag of the United States; and, be it further

Resolved, That a duly attested copy of this joint resolution be immediately transmitted to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, to each member of the congressional delegation from this state, and to the presiding officer of each house of each state legislature in the United States, attesting the adoption of this joint resolution of the 1991 legislature of the state of Wisconsin."

POM-346. A joint resolution adopted by the Legislature of the State of Vermont; to the Committee on the Labor and Human Resources.

"JOINT RESOLUTION 74

"Whereas, every 12 minutes a woman dies of breast cancer in the United States; and

"Whereas, the National Cancer Institute estimates that approximately one in ten American women can expect to contract breast cancer during her lifetime; and

"Whereas, 44,500 American women died from breast cancer in 1991; and

"Whereas, approximately 100 Vermont women die from breast cancer each year; and

"Whereas, during the 1980's funding for federal cancer research decreased by six percent in real dollars overall and as much as 34 percent in some programs; and

"Whereas, in 1990, less than five percent of all federal cancer research dollars were targeted for breast cancer research; and

"Whereas, despite over 20 years of great concern and rhetoric about fighting the war on cancer in the United States, the amount of breast cancer research has not been commensurate with the need that statistics indicate and there is still no certain cure for, or known cause of, breast cancer; and

"Whereas, increased federal and state commitments to breast cancer prevention and cure will in the long run not only save millions of women's lives but also reduce the economic costs associated with the disease, now therefore be it

Resolved by the Senate and House of Representatives:

"That the General Assembly declares and directs the Governor to designate that Mother's Day 1992 shall also be a date of remembrance and recovery and a day of resolution to join in the fight against breast cancer, and be it further

Resolved: That the General Assembly strongly urges the United States Congress to enact legislation recommending that the Secretary of Health and Human Services declare breast cancer a public health emergency for the purpose of accelerating investigation into its cause, treatment, and prevention, and urge the President of the United States to sign the legislation into law, and be it further

Resolved: That the Secretary of State transmit copies of this resolution to the Governor of the State of Vermont, to the President and Vice-President of the United States, to the Speaker of the United States House of Representatives, to the President [I[Pro Tempore]] of the United States Senate, to each Senator and Representative from Vermont in the Congress of the United States, to the Chief Clerk of the United

States House of Representatives, to the Secretary of the United States Senate, and to the presiding officer of each of the other states' Houses in the Union."

POM-347. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on the Veterans' Affairs.

"JOINT RESOLUTION

"Whereas, there will be an event commemorating the 10th anniversary of the Vietnam Veterans Memorial in Washington, D.C. from November 7 to November 11, 1992; and

"Whereas, this event will present an opportunity for our nation, which was too long divided over the Vietnam War, to join together in remembrance and reflection and to honor those who lost their lives in that conflict; and

"Whereas, the Legislature and the people of the State of Maine wish to express their support for this commemorative event; now, therefore, be it

Resolved: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to express our support for the event recognizing the 10th anniversary of the Vietnam Veterans Memorial; and be it further

Resolved: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; each Member of the Maine Congressional Delegation; Jan Craig Scruggs, President of the Vietnam Veterans Memorial Fund; and Barbara Bush, Honorary Chair of the Vietnam Veterans Memorial 10th Anniversary Advisory Committee."

POM-348. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on the Veterans' Affairs.

"JOINT RESOLUTION

"Whereas, there exists a gross inequity in the federal statutes that denies disabled career military retirees the right to receive Veterans Administration disability compensation concurrently with the receipt of earned retirement pay due on the basis of 20 or more years of service in the Armed Forces of the United States; and

"Whereas, the career military retiree is the only government employee who is now required to waive a portion or all of the retiree's earned retirement pay in order to receive Veterans Administration disability compensation due for loss of earning capacity and for pain and suffering as a result of a service-connected disability; and

"Whereas, a change in the federal statutes is required to ensure equitable treatment for the many disabled career military retirees who served this country faithfully and with dedication for at least 20 years and now bear the burden of loss of earning capacity and endure pain and suffering as a result of their service-connected disability; and

"Whereas, the prevailing idea that military retirement pay is free is false. There is an important contribution to retirement pay that is calculated to reduce military pay by approximately 7% when pay, base and allowance, are computed and approved by Congress; and

"Whereas, traditionally, a career military retiree receives a lower salary than the retiree's civilian counterpart; now, therefore, be it

Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to amend 38 United States Code, Section 3104(a) to permit veterans with service-connected disabilities and who are retired members of the United States Armed Forces to receive Veterans Administration service-connected disability compensation with earned longevity retirement pay without deduction from either; and be it further

Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 826. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes (Rept. No. 102-272).

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

S. 2402. A bill to rescind certain budget authority proposed to be rescinded in a special message transmitted to the Congress by the President on March 10, 1992, in accordance with Title X of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. No. 102-273).

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

S. 2403. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, in accordance with Title X of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. No. 102-274).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 2551. A bill to rescind certain budget authority proposed to be rescinded in a special message transmitted to the Congress by the President on April 8, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. No. 102-275).

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

S. 2570. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on April 9, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. No. 102-276).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2638. A bill to extend until December 31, 1994, the existing suspensions of duty on

iohexol, iopamidol, and ioxaglic acid; to the Committee on Finance.

By Mr. NICKLES:

S. 2639. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of dividends and interest received by individuals; to the Committee on Finance.

By Mr. CRANSTON (by request):

S. 2640. A bill to amend title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans Affairs.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, Mr. BURDICK, Mr. CHAFEE, Mr. SASSER, and Mr. DOMENICI):

S. 2641. A bill to partially restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1992; considered and passed.

By Mr. FORD:

S. 2642. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993, 1994, 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENTSEN (for himself, Mr. PACKWOOD, Mr. DOLE, Mr. ROCKEFELLER, Mr. DURENBERGER, Mr. RIEGLE, and Mr. CHAFEE):

S. 2643. A bill to amend title XVIII of the Social Security Act to limit modification of the methodology for determining the amount of time that may be billed for anesthesia services under such title, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM:

S. 2644. A bill to require the Secretary of Transportation to require passenger and freight trains to install and use certain lights for purposes of safety; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. D'AMATO):

S. 2645. A bill to require the promulgation of regulations to improve aviation safety in adverse weather conditions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. LEAHY, Mr. COCHRAN, and Mr. HEFLIN):

S. 2646. A bill to amend the Rural Electrification Act of 1936 to provide eligible rural electric borrowers with the means to secure necessary financing from private sources, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON (for himself, Mr. DECONCINI, and Mr. AKAKA):

S. 2647. A bill to amend title 38, United States Code, and title 10, United States Code, to revise and improve educational assistance programs for veterans and members of the Armed Forces, to improve certain vocational assistance programs for veterans, and for other purposes; to the Committee on Veterans Affairs.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. THURMOND, Mr. GRAHAM, Mr. DIXON, Mr. HOLLINGS, Mr. KOHL, Mr. JOHNSTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SHELBY, Mr. SANFORD, Mr. RIEGLE, Mr. WARNER, Mr. GRASSLEY, and Mr. COATS):

S.J. Res. 295. A joint resolution designating September 10, 1992, as "National D.A.R.E. Day"; to the Committee on the Judiciary.

By Mr. ADAMS (for himself, Mr. BINGAMAN, Mr. COCHRAN, Mr. COHEN,

Mr. CRANSTON, Mr. DECONCINI, Mr. DODD, Mr. GARN, Mr. GRASSLEY, Mr. JOHNSTON, and Mr. REID):

S.J. Res. 296. A joint resolution to designate the week of May 17, 1992, through May 23, 1992, as "National Senior Nutrition Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2638. A bill to extend until December 31, 1994, the existing suspensions of duty on iohexol, iopamidol, and ioxaglic acid; to the Committee on Finance.

EXTENSION OF DUTY SUSPENSIONS

• Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill to suspend duties on several chemical compounds used in the manufacture of products important to the health care of many Americans. I am joined today by my friend and colleague, the senior Senator from New Jersey [Mr. BRADLEY]. A companion bill has already been introduced in the House of Representatives by Mr. FORD.

Iopamidol, iohexol and ioxaglic acid are state-of-the-art, nonionic diagnostic imaging agents—dyes injected into a patient to help physicians better visualize certain organs and tissues—primarily used in cardiology and radiology. Bristol-Meyers-Squibb cites reports which claim that these agents lessen the chances of severe and potentially life-threatening reactions by 70 to 80 percent.

Iopamidol and related nonionic contrast agents are used especially for the most fragile patients, including those with heart disease and the elderly. Nonionic contrast media, such as iopamidol, are also used in CAT scans to detect cancer and abnormalities of the anatomy, and in cardiac catheterization to diagnose life-threatening blockages of arteries and to provide vital information to heart surgeons.

This bill would suspend for 3 years the duty on these chemical compounds. According to the ITC's draft report these chemicals are not manufactured in the United States and must be imported from Italy, France, and Norway to meet United States demand. We understand that there is no opposition to this legislation from other domestic chemical companies. These imports are critical to the U.S. manufacture of these important health care products. The tariff merely adds additional costs to the manufacturing process without protecting U.S. industry.

By suspending these tariffs, we can assist in promoting the competitiveness of U.S. manufacturers and protecting the jobs of American workers who turn these imported materials into finished products. In New Jersey, 800 workers at Bristol-Meyers-Squibb are engaged in the production of the diag-

nostic products which are manufactured from the chemical compounds as treated in this legislation. With the duty suspension, the company expects to continue to expand its operations, which could result in the creation of new jobs.

For these reasons, I urge my colleagues to act swiftly to pass this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IOHEXOL, IOPAMIDOL, AND IOXAGLIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking out "9/30/91" and inserting "12/31/94" in each of the following headings:

(1) Heading 9902.30.64 (relating to iohexol).

(2) Heading 9902.30.65 (relating to iopamidol).

(3) Heading 9902.30.66 (relating to ioxaglic acid).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(c) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer not later than 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.64, 9902.30.65, or 9902.30.66 of the Harmonized Tariff Schedule of the United States that was made—

(1) after September 30, 1991, and

(2) before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.♦

By Mr. NICKLES:

S. 2639. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of dividends and interest received by individuals; to the Committee on Finance.

EXEMPTION OF CERTAIN INTEREST AND DIVIDEND INCOME FROM TAXATION

Mr. NICKLES. Mr. President, common logic in this town is that an economic stimulus package is dead. I happen to be of the opinion that there is plenty we can do to get our economy moving again. Recently, 100 of the Nation's leading economists called on Congress and the administration to provide an economic stimulus this year. While I may not agree with every one of their suggestions, I believe they are correct in calling for action.

Among the primary factors contributing to our economic stagnation is the low savings rate among Americans. Those who create jobs depend upon investment capital which comes from people who save and invest. According

to the National Center for Policy Analysis, for every \$1 billion cut in taxes on investment income there will be a \$25 billion increase in the output of goods and services and workers will get about \$12 billion in increased after-tax wages.

Since 1975, the savings rate in the United States has dropped significantly. According to the "Economic Report of the President" for 1992, personal savings as a percentage of disposable income has fallen from 8.7 percent in 1975 to 5.3 percent in 1990.

According to the Competitiveness Policy Council, a Federal bipartisan advisory group divided equally among business, labor, government, and the public, reported that the American household savings rate is the "lowest by far of any major country in the world." In 1990 American consumers saved less than 5 cents out of every dollar earned, compared to Japan, where they save the equivalent of 16 cents on the dollar.

Right now the Federal Government is penalizing the American family for saving and investing. Government has ignored the decline in personal savings rates demonstrated by the figures I have mentioned. There is something we can do to change this.

Today, I am introducing legislation which will allow taxpayers to exclude up to \$500 of interest and dividends for an individual return and \$1,000 for a joint return. This legislation removes the tax penalty on interest and dividends and creates the incentive for individuals and families to start saving and investing.

This proposal will benefit over 93 million taxpayers, which translates into 82 percent of all Americans filing tax returns. This proposal will benefit all taxpayers and not just those with IRA's. The interest and dividend exclusion will help the senior who is dependent on the interest earned on a certificate of deposit which represents his or her life savings. It will also help the young couple with simply a savings account that earns interest. I hope to encourage people to put more in that savings account or CD.

The exclusion of interest and dividends is not an original or new idea. In 1981 a combined exclusion of \$200-\$400 on a joint return—was in effect. The personal savings rate as a percentage of gross domestic product was 6.3 percent during 1981. Subsequently, the Economic Recovery Tax Act of 1981 repealed the \$200/\$400 exclusion. During the period following repeal, the personal savings rate as a percentage of GDP fell from 5 percent in 1983 to 4.4 percent in 1986. The Tax Reform Act of 1986 repealed the remaining \$100 dividend exclusion and similarly the personal savings rate as a percentage of GDP fell again in 1987 to 3.1 percent and has remained consistently low.

This concept of encouraging savings through the Tax Code not only has his-

torical success in this country but in other countries as well. This concept was part of the tax system set up by American economists sent to rebuild Japan after World War II. Under this rebuild system, Japan exempted all savings from taxation and currently has the best savings rate of any industrialized nation. By creating capital for investment, they provided the foundation for the economic prowess of the Japan we know today.

Mr. President, with the introduction of this legislation I hope to begin the debate on the urgent need to provide an incentive to increase savings in this country. I recognize there are many obstacles ahead and much convincing to do. But it is time we turn to proven economic policies that increase savings, stimulate the economy, and create jobs.

By Mr. CRANSTON (by request):
S. 2640. A bill to amend title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2640, the proposed Veterans' Educational Assistance Improvements Act of 1992. The Secretary of Veterans Affairs submitted this legislation by letter dated April 23, 1992, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter, and enclosed section-by-section analysis.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans' Educational Assistance Improvements Act of 1992."

(b) **REFERENCES TO TITLE 38.**—Except as otherwise may be specifically provided, whenever in the Act an amendment or repeal of, a section or other provision, the reference shall be considered to be made to a section

or other provision of title 38, United States Code.

(c) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

TABLE OF CONTENTS

- Sec. 1. Short title; references to title 38, United States Code; table of contents.
- Sec. 2. Provision for Permanent Program of Trial Work Periods and Vocational Rehabilitation for Certain Veterans With Total Disability Ratings.
- Sec. 3. Provision for Permanent Program of Vocational Training for Certain Pension Recipients.
- Sec. 4. Pilot Program of Nonpay or Nominal Pay Training in the Private Sector.
- Sec. 5. Continuity of Service for Montgomery GI Bill Eligibility.
- Sec. 6. Clarifying Amendment to Montgomery GI Bill Active Duty Program "Open Period".

SEC. 2. PROVISION FOR PERMANENT PROGRAM OF TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION FOR CERTAIN VETERANS WITH TOTAL DISABILITY RATINGS.

(a) **IN GENERAL.**—(1) Section 1163(a) is amended—

(A) in paragraph (1), by—
(i) striking out "during the" and inserting in lieu thereof "during and after the initial"; and
(ii) striking out "a period of 12 consecutive months" and inserting in lieu thereof "the period described in paragraph (3) of this subsection";

(B) in paragraph (2)(B), by inserting "initial" before "program"; and
(C) by adding at the end the following new paragraph:

"(3) The period referred to in paragraph (1) of this subsection for maintaining an occupation shall be 12 consecutive months in the case of a qualified veteran who begins such occupation during the initial program period or 6 consecutive months if the veteran begins his or her occupation after the initial program period."

(2) Section 1163(b) is amended by striking out "During the program period, the" and inserting in lieu thereof "The".

(3) Section 1163(c)(1) is amended by striking out "In the case" and all that follows through "providing—" and inserting in lieu thereof the following:

"The Secretary shall provide to each qualified veteran awarded a rating of total disability described in subsection (a)(2)(A) of this section, at the time notice of each such award is given to the veteran, a statement containing—"

(b) **CLERICAL AMENDMENT.**—(1) The table of sections at the beginning of chapter 11 is amended by striking out "1163. Temporary Program" and inserting in lieu thereof "1163. Program".

(2) The catch line at the beginning of section 1163 is amended by striking out "Temporary program" and inserting in lieu thereof "Program".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall be effective on the date of enactment of this Act.

SEC. 3. PROVISION FOR PERMANENT PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN PENSION RECIPIENTS.

(a) **IN GENERAL.**—Section 1524 is amended—
(1) By amending subsection (a) to read as follows:

"(a) A veteran awarded pension may apply for vocational training under this section

and, if the Secretary makes a preliminary finding on the basis of information in the application and otherwise on file with the Department of Veterans Affairs that, with the assistance of a vocational training program under subsection (b) of this section, the veteran has a good potential for achieving employment, the Secretary shall provide the veteran with an evaluation to determine whether the veteran's achievement of a vocational goal is reasonably feasible. Any such evaluation shall include a personal interview by a Department of Veterans Affairs employee trained in vocational counseling unless, in the Secretary's judgment, such an evaluation is not feasible or not necessary to make the determination required by this subsection."

(2) In subsection (b), by striking out paragraph (4); and

(3) By amending subsection (d) to read as follows:

"(d) Notwithstanding section 1525 of this title, a veteran who pursues a vocational training program under subsection (b) of this section shall have the benefit of the 3-year health-care eligibility protection provisions of section 1525 without regard to whether the veteran's entitlement to pension is terminated by reason of income from work or training (as defined in subsection (b)(1) of that section) during or after the program period applicable to such section."

(b) **CONFORMING AMENDMENTS.**—Chapter 15 of such title is amended—

(1) In the table of sections of such chapter, by striking out "1524. Temporary program" and inserting in lieu thereof "1524. Program";

(2) In the catch line at the beginning of section 1524, by striking out "Temporary program" and inserting in lieu thereof "Program"; and

(3) In section 1525(a) by—
(A) Inserting "(except as provided in section 1524(c) of this title)" after "program period"; and

(B) Striking out "such chapter" and inserting in lieu thereof "chapter 17 of this title".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall be effective as of January 31, 1992.

SEC. 4. PILOT PROGRAM OF NONPAY OR NOMINAL PAY TRAINING IN THE PRIVATE SECTOR.

(a) **IN GENERAL.**—Section 3115 is amended—
(1) in subsection (a)(1), by—

(A) inserting "(A)" after "(1)"; and
(B) striking out "training or work experience" the first place it appears and inserting in lieu thereof the following: "non-job training or work experience; or
(B) during the three-year period beginning on October 1, 1992, subject to subsection (c) of this section, conduct a pilot program for using any other public or any private entity or employer to provide on-job training,";

(2) in subsection (b), by—
(A) amending paragraph (1) by striking out "(a)(1)" and inserting in lieu thereof "(a)(1)(A)";
(B) amending paragraph (3) by striking out "of a State or local government agency"; and

(C) amending paragraph (4) by striking out "of training" and all that follows through "agencies" and inserting in lieu thereof "(to include on-site monitoring) of on-job training and work experience provided under such subsection (a)(1)"; and

(3) by adding at the end the following new subsection:

(C) The Secretary shall not approve, nor enter into any contract, agreement, or cooperative arrangement under subsection (b)(3) of this section providing for pursuit of any program of on-job training under subsection (a)(1)(B) of this section which commences after the later of (1) September 30, 1995, or (2) if a written vocational rehabilitation plan for such training for a veteran is executed prior to September 30, 1995, within a reasonable period of time as determined by the Secretary, not exceeding six months, after execution of such plan."

(b) CONFORMING AMENDMENT.—Section 3108(c)(2) is amended by striking out "in a Federal, State, or local government agency" and inserting in lieu thereof "using the facilities of a Federal, State, or local government agency or of any other entity or employer".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on October 1, 1992.

SEC. 5. CONTINUITY OF SERVICE FOR MONTGOMERY GI BILL ELIGIBILITY.

(a) IN GENERAL.—Section 3011 is amended by adding at the end the following new subsection:

"(e) Whenever in this chapter active duty service is required to be consecutive, continuous, and/or without a break, such required continuity of service shall not be considered broken by any period during which an individual is assigned by the Armed Forces to a civilian institution as described in section 3002(6)(A) of this title, notwithstanding that the period of such assignment is not active duty for purposes of this chapter."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as of October 19, 1984.

SEC. 6. CLARIFYING AMENDMENT TO MONTGOMERY GI BILL ACTIVE DUTY PROGRAM "OPEN PERIOD"

(a) IN GENERAL.—Section 3018(b)(3)(B) is amended—

(1) by striking out "or (iii)" and inserting in lieu thereof "(iii)"; and

(2) by inserting after "hardship" and before the semicolon the following:

", or (iv) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 19, 1984.

SECTION-BY-SECTION ANALYSIS

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

Section 1

Subsection (a) provides that the draft bill may be cited as the "Veterans' Educational Assistance Improvement Act of 1992."

Subsection (b) provides that, unless otherwise specified, whenever in the draft bill an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Subsection (c) sets forth the table of contents for the draft bill.

Section 2

This section would amend section 1163 of title 38 to modify and make permanent the

current temporary program of trial work periods and vocational rehabilitation for certain veterans with total disability ratings authorized by that section.

This temporary program was established in 1984 and initially ran from February 1, 1988, through January 31, 1989. It was intended as a test to motivate service-disabled veterans awarded a total rating based on individual Unemployability (IU) to either participate in a vocational rehabilitation program, or utilize existing skills to secure employment.

As motivation, the program required that a veteran awarded an IU rating during the program period had to undergo an evaluation to determine rehabilitation potential or risk termination of the award. If achievement of a vocational goal was found reasonably feasible, an individualized written rehabilitation plan was developed for and with the veteran.

While failure to cooperate in or complete the plan could result in reconsideration of the veteran's continued eligibility for the IU rating based on evaluation findings, successful program pursuit would protect the IU rating unless and until the veteran maintained substantially gainful employment for 12 consecutive months. (Veterans awarded the IU rating before commencement of the program period could request an evaluation and voluntarily participate in a rehabilitation program.)

Public Law 100-687 (Nov. 18, 1988) extended the program through January 31, 1992, and made it completely voluntary after study results showed that those whose participation was voluntary displayed the greatest motivation and the best outcomes. It maintained the trial work period feature of rating protection.

The amendments made by this section would make the section 1163 program permanent, but with a programmatic adjustment: the trial work period protection would be reduced from 12 to 6 consecutive months of substantially gainful employment.

Conceptually, the trial work period feature is consistent with current rehabilitation philosophy and practice, and clearly is an essential element of the program. A six-month period of protection will provide sufficient time to establish a sound adjustment to employment. Hence, the proposed adjustment.

With this improvement, it is appropriate that this program, which has been shown to have positive results, should be made permanent.

Section 3

This section would amend 38 U.S.C. §1524(a)(4) to delete the termination date for the vocational training program for certain veterans awarded VA pension benefits, as well as the program's requirement that veterans under age 45 participate in an evaluation of vocational potential. Further, this section would provide that a personal interview by a VA counselor is not required as part of the veteran's evaluation when such an interview is not practical or necessary for the feasibility determination. Last, the section would maintain, as a permanent feature of the program, protection of health-care eligibility for program participants whose pension is terminated by reason of income from work or training as described in 38 U.S.C. §1525.

Congress established this temporary program of vocational training for certain new pension recipients in 1984. The program period initially ran from February 1, 1985, through January 31, 1989, and later was extended through January 31, 1992. Under current law, a veteran below age 45 awarded

pension during the program period had to participate in an evaluation of his or her vocational potential, unless VA found the veteran was unable to do so for reasons beyond his or her control. If the evaluation disclosed that it was reasonably feasible for the veteran to achieve a vocational goal, the veteran was offered a program of vocational rehabilitation as provided under chapter 31, with certain restrictions.

The section 1524 temporary program clearly has been beneficial. VA finds that approximately one-third of the veterans provided an evaluation are capable of pursuing a vocational program and becoming suitably employed. Further, the proportion of veterans with earnings is an estimated four times higher for veterans who pursue a vocational training program under VA auspices than for veterans who are otherwise capable but do not elect to do so.

VA also has found, however, that providing required evaluations for veterans under age 45 imposes a major administrative burden without commensurate benefit to the veteran or the Government. In fact, a substantially higher proportion of veterans who can participate in the program on a voluntary basis do so in comparison with veterans for whom participation in an evaluation is required. Reducing the administrative burden by eliminating the mandatory requirement for evaluation will improve program effectiveness and conserve staff time without impairing a veteran's access to program services. VA does not believe that reinstatement of the vocational training program is warranted unless this change is made.

Additionally, while the provision affording each veteran the opportunity for a personal interview with a VA employee trained in vocational counseling is retained for the permanent program, an exclusion is made for cases where it is apparent that such an interview would not be productive or where information plainly shows that achievement of a vocational goal is not reasonably feasible.

Finally, the health-care eligibility protection feature is a valuable incentive to program participation and its retention is in the veteran's and the Government's interest.

Section 4

This section would amend section 3115(a)(1) of title 38 to establish a 3-year pilot program that would expand the types of facilities the Secretary could use to provide on-job training at no or nominal pay for veterans as part of their vocational rehabilitation programs under chapter 31 of title 38. The purpose of the pilot program would be to ascertain whether use of the additional (e.g., private sector) facilities to provide such on-job training is feasible, will significantly expand training and employment opportunities, and will result in permanent and stable employment for disabled veterans.

Public Law 100-689 authorized VA to use facilities of Federal agencies and certain State and local agencies to provide nonpay or nominal pay training or work experience as all or part of a veteran's chapter 31 vocational rehabilitation program. Generally, veterans participating in such on-job training become employed in the position for which they trained by the agency providing the training. This, thus, is a valuable tool in providing increased employment opportunities for disabled veterans.

Under the pilot program created by this amendment, the facilities of any private sector entity or employer, as well as of any public entity or employer other than enumerated in the existing statute, also could be used for these purposes.

The pilot program would run from October 1, 1992, to September 31, 1995. However, while no individual would be permitted to begin an on-job training program under the pilot program after September 31, 1995, an individual who began such training during the program period would be allowed to continuously pursue the training program to completion.

Participants in training under the pilot program would be authorized chapter 31 subsistence allowance at the same rates (i.e., the institutional rates under section 3108(b)) as are currently authorized for nonpay or nominal pay training or work experience in a Federal, State, or local agency under section 3115(a)(1). Moreover, the same administrative requirements (procurement of facilities, monitoring of training, and ensuring the training is in the veteran's and Government's best interest) as apply to the latter training would apply to the pilot program.

The pilot program enacted by this section would be effective October 1, 1992.

Section 5

This section would add a subsection (e) to section 3011 of title 30 to provide that a period during which a chapter 30 Montgomery GI Bill (MGIB) participant is assigned full time by the Armed Forces to a civilian institution for educational pursuit will not be considered a break in the continuity of the individual's active duty service.

Under existing law, an MGIB participant's initial period of obligated active service must be continuous to establish entitlement under that program. Chapter 30 also variously requires continuous active duty service without a break, as well as consecutive years of active duty for eligibility in other areas; e.g., inservice enrollment, "open period" enrollment, and supplemental educational assistance. However, the term "active duty" as defined by section 3002 of title 38 expressly excludes a period when an individual is assigned full time to a civilian institution for substantially the same course of education offered to civilians. Consequently, an MGIB participant who is assigned to such an institution during the period of active duty service required to establish chapter 30 entitlement loses that entitlement.

This amendment would prevent an MGIB participant from being so divested of entitlement under the MGIB. It should be emphasized, however, that the amendment only deems that the period of assignment to a civilian institution shall not interrupt the continuity of the active duty required to establish MGIB entitlement; it does not deem such assignment to be "active duty" countable toward meeting entitlement requirements.

Section 6

This section would enable individuals who enrolled as MGIB participants during the "open period" provided under section 3018 to become entitled to educational assistance thereunder when separated early from the obligated period of military service due to certain physical or mental conditions impeding satisfactory military performance.

Public Law 101-510 authorized most chapter 30 MGIB participants to establish entitlement under that chapter based on a period of otherwise qualifying active duty or Selected Reserve service from which they were separated early for a physical or mental condition, not the result of the individual's own willful misconduct which, though not characterized as a disability, nevertheless, prevented the individual from satisfactorily performing his or her military duties. This

provision inadvertently excluded individuals who became MGIB participants under section 3018. The amendment made by this section would correct that oversight.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, April 23, 1992.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to make certain improvements in the vocational rehabilitation and educational assistance programs for veterans, and for other purposes." I request that this measure be referred to the appropriate committee and promptly enacted.

This measure, entitled the "Veterans' Educational Assistance Improvements Act of 1992," would make a number of amendments to improve the vocational rehabilitation and education benefit programs administered by the Department of Veterans Affairs. The former amendments include two proposals which would reinstate, amend, and make permanent both the Temporary Program of Trial Work Periods and Vocational Rehabilitation for Certain Veterans with Total Disability Ratings and the Temporary Program of Vocational Training for Certain Pension Recipients, as well as a proposal to establish a 3-year pilot program of nonpay or nominal pay training in the private sector for service-disabled veterans as part of their vocational rehabilitation programs.

Please note that VA submitted legislation during the last session of this Congress that included provisions to make the above-mentioned temporary programs permanent, but the session ended without enactment of such legislation or legislation extending the programs. As a result, both programs lapsed as of January 31, 1992. Accordingly, the provisions for permanency of such programs contained in this measure have been redrafted to account for the lapse.

The measure's education benefit proposals would make two amendments to improve the chapter 30 Montgomery GI Bill. The first would clarify the continuity of active duty service required for program eligibility. The second would make a technical amendment to conform the discharge provisions for "Open Period" enrollees with those for other program participants.

The effect of this draft bill on the deficit is:

Fiscal years
(In thousands of dollars)

Outlays:	
1992	
1993	314
1994	548
1995	816
1996	782
1997	748
1992-97	3,208

The Omnibus Budget Reconciliation Act of 1990 (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and, if it does, it must trigger a sequester if it is not fully offset. Since the Veterans' Educational Assistance Improvement Act of 1992 would increase direct spending, it must be offset.

The President's FY 1993 Budget includes several proposals that are subject to the pay-as-you-go requirement. Considered individually, the proposals that increase direct spending or decrease receipts would fail to meet the OBRA requirement. However, the sum of all of the spending and revenue pro-

posals in the President's Budget would reduce the deficit. Therefore, this bill should be considered in conjunction with the other proposals in the FY 1993 Budget that together meet the OBRA pay-as-you-go requirement.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,
EDWARD J. DERWINSKI.

By Mr. FORD:

S. 2642. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993, 1994, and 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AVIATION NOISE IMPROVEMENT AND CAPACITY ACT

Mr. FORD. Mr. President, today I am introducing a bill to reauthorize the programs of the Federal Aviation Administration for 3 years, and to try to help the citizens of this country affected by airport noise. In 1990, I introduced legislation to address aircraft noise. This bill is a continuation of my noise efforts with the emphasis on noise abatement at airports. This bill will provide unprecedented levels of grant funding for the airport improvement program, and will earmark 20 percent of those funds for noise compatibility projects at the nation's airports. The bill would require that no money may be spent for runway extension or construction unless the airport has submitted a noise compatibility program to the FAA. I have also directed the FAA to undertake research on engine and airframe noise. This bill represents a logical extension of the 1990 noise bill by addressing the problem on the ground.

There are other important aspects of the bill which I will address in a few moments, but first I want to make my own noise on the subject of noise. In the fall of 1990, the Congress passed, as part of the omnibus budget resolution, a bill which mandated the phase-out of stage II aircraft, and authorized the imposition of airport head taxes, or passenger facility charges [PFC's]. I was the principal author of the so-called noise legislation, because I thought it was critical that airlines be able to plan with certainty for an orderly fleet reduction that would assure the citizens living around an airport, quieter skies by the year 2000. The Secretary published a national noise policy to implement the bill. There are three crucial aspects of this law: First, the reduction in stage II aircraft is to be accomplished in stages up to December, 1999; second, any restrictions placed on stage III aircraft by an airport are subject to review by the FAA; and third, any restrictions on the operation of stage II aircraft must be posted for airport users for 180 days.

Much has been made of this last provision. Some say this permits them to

phase out stage II aircraft before the national date. This is simply wrong. A restriction is not a phaseout. A restriction may be permitted; an early phaseout is not. There are a number of restrictions an airport can implement such as a limit on the frequency of operations, time of day restrictions, curfews, noise allocations, preferential runway use, and landing and departure modifications.

We have heard a great deal lately from and about the Port Authority of New York and New Jersey, who are threatening to implement an early phaseout of stage II aircraft. The port authority fails to see the distinction between a restriction and a phaseout. As I have said before, there is no reason to have a national phaseout date if airports can still do anything they want.

In this debate, there is constant reference to a colloquy between Senator LAUTENBERG and me at the time of the Senate passage of the conference report. It has been suggested that I agreed that airports could phaseout stage II aircraft at an earlier date. This thinking defies simple logic. I knew at the time I engaged in the colloquy that I was referring to restrictions, not an early phaseout. I am now being referred to as a revisionist because of my insistence that there is a difference between restrictions and early phaseouts.

Contrary to the House report on the FAA reauthorization bill, the legislation does not and did not permit a phaseout at Newark or any place else which is earlier than the national phaseout date. Newark may, as anyone may, impose restrictions on stage II aircraft.

Another issue that continues to be misunderstood is the linkage between the national noise policy and the PFC. The heart of the 1990 bill was that linkage. I understand that the port authority is astonished that they cannot levy a PFC if they choose to violate the national noise policy with an early stage II phaseout. The law is very clear—if an airport does not comply with the national noise policy, then the airport will relinquish their right to impose a PFC, as well as to receive airport grants.

The 1990 legislation grandfathered airport noise restrictions that were already in place. During the formulation of the bill and up until the conference, various airports with noise restrictions in progress approached me to seek accommodation of their situations. No one from the port authority ever contacted me. If they contemplated such restrictions at that time—as the colloquy suggests—it would have been wise for them to have approached us to deal with it then.

Other airports with noise problems seem to be working out solutions with the neighbors of the airports without the need to have an early phaseout.

Just last week, the Minneapolis/St. Paul Metropolitan Airport Commission agreed to a voluntary plan with their cargo carriers on night flights. I commend Minneapolis for this agreement, as it proves that noise problems can be addressed if carriers, airports, and communities work together.

My suggestions to the port authority are to consider using the PFC to deal with the noise problems they have. The authority may improve their relations with airport neighbors if they conduct part 150 studies, or use some of the noise money in this bill I am introducing today for noise abatement. They could soundproof homes and work on noise compatibility programs in the communities, talk to the air carriers and try to workout restrictions, and look at other airports that have successful noise abatement programs for solutions.

Since I mentioned PFC's, I want to take this opportunity to commend Col. Leonard Griggs and his excellent staff in the FAA airports office for the good job they have done implementing the PFC regulations.

Mr. President, many of the provisions of the bill have come about due to the noise problems being experienced at the Greater Cincinnati/Northern Kentucky Airport located in Boone County, KY. On January 10, 1991, a new north/south runway was opened and takeoff procedures to the south shifted due to air traffic control regulations on simultaneous takeoffs. These departure procedures were not instituted for noise abatement reasons. Thousands of Boone County citizens now experience noise from this new runway. Most of these neighborhoods never before experienced aircraft noise. Increasing the set aside for noise abatement programs will certainly assist the Greater Cincinnati/Northern Kentucky Airport in resolving the noise issue.

There have been a number of complaints from northern Kentucky citizens that financial information is not readily available for the community to review. Since airports receive Federal funds, I do not believe it is an imposition to require the airport to make their budgets public. This should help communities participate in the development and operation of airports and make the airport a better community citizen.

My bill increases the cargo formula percentage from 3 to 4 percent, and also lifts the cap available for cargo airports from \$50 to \$100 million. I had started the cargo entitlement in the 1987 FAA reauthorization bill. Runways have no idea whether the planes landing on them contain passengers or packages. Since the cargo carriers were paying into the trust fund, it seemed logical that airports should receive an entitlement for cargo usage as well as passenger entitlements.

Another provision which was initiated in the 1987 bill was the establish-

ment of the minimum AIP entitlement for primary airports. This was a provision that I added as a result of my experiences with two small airports in Kentucky in Owensboro, my hometown, and Paducah. It has worked extremely well so the bill I am introducing today increases the minimum entitlement for these airports from \$300,000 to \$400,000.

I said there were other important aspects of the bill and I don't want to neglect those. Since I have been chairman of the Aviation Subcommittee, I have seen three FAA Administrators. That is not counting Barry Harris who is acting in the position now, and may I add he is doing a fine job. I have worked well with all of the administrators, but there just have been too many. No sooner do we get one who knows the ropes, learns his way around, than he is out of there. Political differences, changes of administration, secretarial-inspired moves—all have contributed to the short tenure of the Administrators. I want to change that. My bill gives the FAA Administrator tenure of 5 years. This provision is modeled on the FBI statute and would be effective for an Administrator appointed after March 1993.

My bill authorizes about \$25 billion from the airport and airway trust fund over a 3-year period to cover 75 percent of the FAA's costs. As I have already mentioned, there are significant increases in the Airport Grant Program. I have continued the Essential Air Service Program, and have linked the authority to impose PFC's to the funding level for essential air service.

Sufficient funds are provided in the FAA capital account to assure continuation of the Capital Investment Program to modernize the air traffic control system. I have increased funding for research and development in accordance with recent recommendations from the Augustine Commission, and have directed the FAA to assure that sufficient funds be directed to research on engine and aircraft noise, as well as on aircraft emissions.

I have directed that the FAA continue to hire safety inspectors to accommodate the commercial and commuter airline fleet. The tragic air crash at La Guardia a few weeks ago has brought the subject of aircraft deicing to the fore. My bill directs the FAA to implement regulations by November 1 to improve the safety of operations during winter conditions.

Mr. President, this is an important bill, a necessary bill, a bill which I ask the support of my colleagues in passing. It will help communities around the country deal with airport noise, and it will allow the FAA to continue its important mission and programs without interruption.

Mr. President, I ask unanimous consent the bill, along with a summary of the bill, be placed in the RECORD. I also

ask unanimous consent that a copy of the colloquy of October 27, 1990, between Senator LAUTENBERG and me be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Aviation Noise Improvement and Capacity Act of 1992".

FINDINGS

SEC. 2. The Congress finds the following:

(1) Noise associated with the use of our Nation's airports must be reduced and efforts to mitigate noise must be continued.

(2) Airports must use the airport noise planning program to ensure that capacity expansion minimizes noise to the surrounding community.

(3) The Nation's air traffic control system must be modernized with the most advanced technology, and the necessary capital equipment must be developed and procured, in order to continue the safe and efficient operation of the national airspace system.

(4) There will need to be a continuing increase in the number of aviation safety inspectors to handle the current and future workload of the air carrier and commuter industry.

(5) The United States airline industry lost more than \$6 billion in 1990 and 1991. The number of air carriers serving the public has declined substantially as a result of the industry's financial distress and the absence of governmental policies to promote competition. Continued financial losses could result in the further loss of competition and service to the traveling public.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

DECLARATION OF POLICY

SEC. 101. Section 502 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201) is amended by adding at the end the following new subsection:

"(c) CAPACITY EXPANSION AND NOISE ABATEMENT.—It is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Noncompatible land uses around airports must be reduced, and efforts to mitigate noise must be given a high priority."

AIRPORT IMPROVEMENT PROGRAM

SEC. 102. (a) AUTHORIZATION OF APPROPRIATIONS.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended by striking "\$5,116,700,000" and all that follows and inserting in lieu thereof "\$13,916,700,000 for fiscal years ending before October 1, 1992, \$16,416,700,000 for fiscal years ending before October 1, 1993, \$18,916,700,000 for fiscal years ending before October 1, 1994, and \$21,416,700,000 for fiscal years ending October 1, 1995."

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "1992" and inserting in lieu thereof "1995".

AIRWAY IMPROVEMENT PROGRAM

SEC. 103. (a) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 506(a)(1)

of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)(1)) is amended by striking all after "Trust Fund" and inserting in lieu thereof "\$5,500,000,000 for the fiscal years ending before October 1, 1992, \$8,200,000,000 for the fiscal years ending before October 1, 1993, \$11,100,000,000 for the fiscal years ending before October 1, 1994, and \$14,000,000,000 for the fiscal years ending before October 1, 1995."

(b) WEATHER SERVICES.—Section 506(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(d)) is amended by striking the second sentence and inserting in lieu thereof the following new sentence: "Expenditures for the purposes of carrying out this subsection shall be limited to \$35,596,000 for fiscal year 1993, \$37,800,000 for fiscal year 1994, and \$39,000,000 for fiscal year 1995."

AVIATION RESEARCH

SEC. 104. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)(2)) is amended by striking subparagraph (A) and all that follows and inserting in lieu thereof the following:

- "(A) for fiscal year 1993, \$300,000,000;
- "(B) for fiscal year 1994, \$350,000,000; and
- "(C) for fiscal year 1995, \$400,000,000.

Not less than 15 percent of the amount appropriated under this paragraph shall be for long-term research projects, and not less than 3 percent of the amount appropriated under this paragraph shall be available to the Administrator for making grants under section 312(g) of the Federal Aviation Act of 1958."

(b) AIRCRAFT NOISE REDUCTION TECHNOLOGY.—Section 506(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)) is amended by striking paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) AIRCRAFT NOISE REDUCTION TECHNOLOGY.—The Administrator shall assure that sufficient resources are available to ensure a significant national commitment to develop improved technology for reduction in engine and airframe noise and aircraft emissions. Such development efforts should be undertaken in conjunction with the National Aeronautics and Space Administration."

(c) FUNDING FOR ENHANCING AIRPORT CAPACITY.—Section 506(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)(4)) is amended by striking "and 1992" each place it appears and inserting in lieu thereof "1992, 1993, 1994, and 1995".

OPERATIONS OF FEDERAL AVIATION ADMINISTRATION

SEC. 105. Section 106(k) of title 49, United States Code, is amended by striking all after "Administration" and inserting in lieu thereof "\$4,412,600,000 for fiscal year 1992, \$4,716,500,000 for fiscal year 1993, \$5,100,000,000 for fiscal year 1994, and \$5,520,000,000 for fiscal year 1995."

LINKAGE WITH PASSENGER FACILITY CHARGES PROGRAM

SEC. 106. Section 1113(e)(4) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1513(e)(4)) is amended by striking "under this subsection on or before" and all that follows and inserting in lieu thereof the following:

"under this section—
 "(A) on or before September 30, 1993, if, during fiscal year 1993, the amount available for obligation under section 419 of this Act is less than \$38,600,000;
 "(B) on or before September 30, 1994, if, during fiscal year 1994, the amount available

for obligation under section 419 of this Act is less than \$38,600,000; or

"(C) on or before September 30, 1995, if, during fiscal year 1995, the amount available for obligation under section 419 of this Act is less than \$38,600,000."

APPORTIONMENTS

SEC. 107. (a) INCREASE FOR CARGO HUBS.—Section 507(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(a)(2)) is amended—

(1) by striking "3 percent" and inserting in lieu thereof "4 percent"; and

(2) by striking "(but not to exceed \$50,000,000)".

(b) APPORTIONMENT FOR STATES.—Section 507(a)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(a)(3)) is amended by striking "12 percent" and inserting in lieu thereof "11 percent".

(c) APPORTIONMENTS FOR PRIMARY AND CARGO SERVICE AIRPORTS.—(1) Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(1)) is amended by striking "\$300,000" and inserting in lieu thereof "\$400,000".

(2) Section 507(b)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(3)) is amended by striking "49.5 percent" each place it appears and inserting in lieu thereof "44 percent".

MILITARY AIRPORTS

SEC. 108. Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(5)) is amended—

- (1) by striking "1991 and"; and
- (2) by inserting ", 1993, 1994, and 1995" immediately after "1992".

AIRPORT NOISE COMPATIBILITY PROGRAM

SEC. 109. (a) NOISE SET-ASIDE.—Section 508(d)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(2)) is amended by striking "10 percent" and inserting in lieu thereof "20 percent".

(b) RESTRICTION ON AIRPORT DEVELOPMENT.—Section 505(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)) is amended by adding at the end the following new paragraph:

"(3) No obligation shall be incurred by the Secretary for airport development involving a project for the construction or extension of a runway to be used for air carrier operations involving large aircraft at an airport unless that airport has a noise compatibility program, submitted under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979, which takes into account such runway extension or construction."

MAXIMUM OBLIGATION OF THE UNITED STATES

SEC. 110. Section 512(b)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2211(b)(3)) is amended by striking the period at the end and inserting in lieu thereof the following: "; except that, for fiscal year 1993 and thereafter, the maximum obligation of the United States may be increased for an airport, other than a primary airport, by an amount not to exceed 25 percent of the total increase in allowable project costs attributable to an acquisition of land or interests in land, based on current credible appraisals or a court award in a condemnation proceeding."

CONTROL TOWER RELOCATION; COMPLIANCE WITH CERTAIN LAWS

SEC. 111. Section 503(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(E) the relocation of an air traffic control tower if such relocation is necessary to carry out a project approved by the Secretary under this title; and

"(F) if funded by grant under this title, any construction, reconstruction, repair, or improvement of an airport (or any purchase of capital equipment for an airport), which is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, and the Federal Water Pollution Control Act with respect to the airport, other than construction or purchase of capital equipment which would primarily benefit a revenue producing area of the airport used by a nonaeronautical business."

PUBLIC ACCESS TO AIRPORT BUDGETS

SEC. 112. Section 511(a)(11) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)(11)) is amended by inserting "and a report of the airport budget will be available to the public at reasonable times and places" immediately before the semicolon at the end.

AVIATION SAFETY INSPECTORS

SEC. 113. The Administrator of the Federal Aviation Administration shall, within authorized levels, increase the employment of aviation safety inspectors so that by the end of fiscal year 1995 the ratio of employed safety inspectors to authorized positions is not less than 95 percent. The Administrator shall ensure that the current backlog in inspector training is eliminated by the end of fiscal year 1995, and that adequate administrative and clerical support is made available, from appropriations for Federal Aviation Administration operations, to support the inspector workforce.

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

TENURE OF THE ADMINISTRATOR

SEC. 201. Section 106(b) of title 49, United States Code, is amended by inserting immediately after the fourth sentence the following new sentence: "An individual appointed as Administrator after March 1, 1993, serves for a term of 5 years and may not serve more than one term."

AIRCRAFT OPERATIONS IN WINTER CONDITIONS

SEC. 202. (a) IN GENERAL.—Before November 1, 1992, the Administrator of the Federal Aviation Administration shall require, by regulation, procedures to improve safety of aircraft operations during winter conditions.

(b) FACTORS TO BE CONSIDERED.—In determining procedures to be required under subsection (a), the Administrator shall consider, among other things, aircraft and air traffic control modifications, the availability of different types of deicing fluids (taking into account their efficacy and environmental limitations), the types of deicing equipment available, and the feasibility and desirability of establishing timeframes within which deicing must occur under certain types of inclement weather.

PILOT TRAINING

SEC. 203. Not less than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to consider whether it is advisable to require enhanced training or education, especially on the use of autopilot and high altitude flight, for pilots operating high performance, single engine, propeller driven aircraft.

PROCUREMENT REFORM

SEC. 204. Section 303 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1344) is

amended by adding at the end the following new subsections:

"(g) LIMITED SOURCES OF PROCUREMENT.—The Administrator shall have the same authority as the Administrator would have under section 2304(c)(1) of title 10, United States Code, if the Federal Aviation Administration were an agency listed under section 2303(a) of title 10, United States Code.

"(h) CONTRACT TOWER PROGRAM.—The Administrator may enter into a contract, on a sole source basis, with a State or political subdivision thereof for the purpose of permitting such State or political subdivision to operate an airport traffic control tower classified by the Administrator as a level I visual flight rules tower. Such contract shall require that the State or political subdivision comply with all applicable safety regulations in its operation of the facility and with applicable competition requirements in the subcontracting of any work to be performed under the contract. The Administrator shall not enter into a contract under this subsection unless the Administrator determines that the State or political subdivision has the capability to comply with such requirements."

CREDIT FOR FEES

SEC. 205. Section 313(f)(4) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354(f)(4)) is amended by inserting "or as a charge permitted under section 334(1) of title 49, United States Code," immediately after "subsection".

NOTICE OF CONSTRUCTION

SEC. 206. Section 1101(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1501(a)) is amended—

(1) by inserting "or the establishment or expansion," immediately after "of the construction or alteration,";

(2) by inserting "or the proposed establishment or expansion," immediately after "or of the proposed construction or alteration,"; and

(3) by inserting "or sanitary landfill" immediately after "structure".

TITLE III—AIRLINE CONSUMER PROTECTION AND COMPETITION EMERGENCY COMMISSION

SHORT TITLE

SEC. 301. This title may be cited as the "Airline Consumer Protection and Competition Emergency Commission Act of 1992".

ESTABLISHMENT OF COMMISSION

SEC. 302. There is established the Emergency Commission on Airline Consumer Protection and Competition (hereinafter referred to as the "Commission"). Appointments to the Commission shall be made within 30 days after the date of enactment of this Act.

PURPOSE

SEC. 303. The purpose of this title is to provide for an assessment of the adverse condition of the United States airline industry and aircraft manufacturing industry and to provide for recommendations to be made to the President and the Congress.

MEMBERSHIP OF COMMISSION

SEC. 304. (a) COMPOSITION.—The Commission shall be composed of seven members who shall be appointed as follows:

(1) One member shall be appointed by the President.

(2) Three members shall be appointed by the Committee on Commerce, Science, and Transportation of the Senate.

(3) Three members shall be appointed by the Committee on Public Works and Transportation of the House of Representatives.

(b) SECTORS REPRESENTED.—Appointments shall be coordinated so that one or more of the members of the Commission are drawn from business, labor, academia, and government and are knowledgeable of the United States airline industry or United States aircraft manufacturing industry.

(c) LEADERSHIP.—The Commission shall elect a Chairman and Vice Chairman.

(d) QUORUM.—Five members of the Commission shall constitute a quorum.

(e) EFFECT OF VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(f) COMPENSATION AND EXPENSES.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in United States Government service, to the extent such funds are available for such expenses.

FUNCTIONS OF THE COMMISSION

SEC. 305. (a) ASSESSMENT OF AIRLINE INDUSTRY.—The Commission shall assess the state of the United States airline industry, shall explore the full implications of foreign ownership of United States air carriers, and shall make specific recommendations to the President and the Congress concerning what governmental policies should be adopted to—

(1) improve the competitive environment for the United States airline industry;

(2) retard the flow of United States air carrier bankruptcies and accompanying loss of jobs for United States citizens;

(3) assure continued ownership and control of United States air carriers by United States citizens;

(4) promote adequate levels of competition and service with reasonable fares in all geographical areas of the Nation; and

(5) stabilize the work environment of airline industry employees.

(b) ASSESSMENT OF AIRCRAFT MANUFACTURING INDUSTRY.—The Commission shall also assess the state of the United States aircraft manufacturing industry and make recommendations to the President and the Congress concerning policies that will help foster a healthy, competitive aircraft manufacturing industry which is owned and controlled by the United States citizens.

REPORT

SEC. 306. Not later than 3 months after the date on which initial appointments to the Commission are completed, the Commission shall submit a report to the President and the Congress on its activities and containing the recommendations required by section 306.

POWERS OF THE COMMISSION

SEC. 307. (a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission finds advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—(1) The Commission may request from any Federal agency or instrumentality such information as the Commission may require to carry out its functions under this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the

exceptions set forth in section 552 of title 5, United States Code, furnish that information to the Commission upon the request of the Chairman of the Commission.

(2) Upon request of the Chairman of the Commission, any Federal agency or instrumentality shall, to the extent reasonably practicable—

(A) make any of the facilities and services of that agency or instrumentality available to the Commission; and

(B) detail personnel of that agency or instrumentality to the Commission on a non-reimbursable basis, to assist the Commission in carrying out its functions under this title, except that any expenses of the Commission incurred under this subparagraph shall be subject to the limitation on total expenses set forth in section 309(b).

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) **CONTRACTING.**—The Commission may, to such extent and in such amounts as are provided in advance in appropriations Acts, enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to carry out its functions under this title, subject to the limitation on total expenses set forth in section 309(b).

(f) **STAFF.**—Subject to the rules and regulations adopted by the Commission, the Chairman of the Commission (subject to the limitation on total expenses set forth in section 309(b)) shall have the power to appoint, terminate, and fix the compensation (without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairman considers advisable, at rates not to exceed the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(g) **EFFECT OF FEDERAL COMMITTEE ACT.**—The Commission shall be considered an advisory committee under the Federal Advisory Committee Act (5 App U.S.C.).

EXPENSES OF COMMISSION

SEC. 308. (a) AVAILABILITY OF FUNDS.—Any expenses of the Commission shall be paid from such funds as may be available to the President.

(b) **LIMITATION ON EXPENSES.**—The total expenses of the Commission (excluding salaries) shall not exceed \$500,000.

(c) **AUDITING REQUIREMENT.**—Before the termination of the Commission, the Comptroller General shall audit the financial books and records of the Commission to determine whether the limitation on expenses has been met.

TERMINATION

SEC. 309. The Commission shall cease to exist 9 months after the date of enactment of this Act.

FAA REAUTHORIZATION BILL

MAJOR POINTS: 3-YR REAUTHORIZATION BILL

	1993	1994	1995
Airport grants (billions)	\$2.5	\$2.5	\$2.5
Capital (F&E)	2.7	2.9	2.9
Research	3	350	4
Operations	4.7	5.1	5.5

Authorizes recovery from Trust Fund of 75 percent of FAA costs.

Increases set-aside for noise projects from 10 percent to 20 percent.

Mandates Noise Compatibility Programs (Part 150) for runway extension projects.

Establishes new Research set-aside for aircraft noise reduction technology.

Increases percentage set-aside for cargo airports and eliminates cap of \$50 million.

Increases minimum amount for primary airports from \$300 thousand to \$400 thousand. Provides more money for states.

Continues Essential Air Service Program and military airports program.

Links PFC authority to Essential Air Service Program.

Requires airports to make their budgets available to the public.

Extends AIP (not PFC) eligibility to federally mandated costs at airports.

Gives the FAA Administrator tenure of 5 years for administrators appointed after March 1, 1993.

Mandates FAA de-icing procedures effective 11/1/93.

Increases hiring of FAA safety inspectors.

Directs FAA to undertake rulemaking to consider more training for pilots of single engine, high performance aircraft.

Establishes Airline Consumer Protection & Competition Commission to assess the condition of the U.S. airline and aircraft industry and to make recommendations to the President and the Congress.

AIRPORT GRANTS PROGRAM

Legislation proposes changes in airport grants program formula and set-asides:

	Current	Proposed
Primary airports (percent)	46.5	40.0
Cargo States ¹	13.0	24.0
States ²	12.0	11.0
Set-asides:		
Noise	10.0	20.0
Relievers	10.0	10.0
Military airports	1.5	1.5
Non-primary comm.	2.5	2.5
System planning	.5	.5

¹ With \$50 million cap.

² No cap.

³ Current dollar set-aside for Alaska remains unchanged.

Primary Airports.—Current formula is based on enplaned passengers with a per airport cap of \$16 million. To date only three airports bump up against the cap. Formula money or 1992 only reaches 32.7 percent—a long way from 46.5 percent. The bill increases the minimum entitlement amount at primary airports from \$300 thousand to \$400 thousand. This will affect about 50 airports who currently are receiving the minimum, and will amount to about \$5 million. Lowering the overall cap to 40.0 percent will not reduce the amounts received primary airports at least for the life of the bill.

Cargo.—Raising the cargo formula percentage by 1 percent from 3 percent to 4 percent, and lifting the \$50 million cap, will increase the amount available for cargo from \$50 million to \$100 million.

States.—Reducing the formula percentage from 12 percent to 11 percent will not reduce the amount of money available to states because of higher overall grant levels. For example, 12 percent of the 1992 level is \$228 million; 11 percent of the proposed level would be \$275 million.

Noise.—The proposed increase would dramatically increase the amount of money available for noise compatibility planning. Current amount in 1992 is \$190 million; proposed level would be \$500 million

[From the CONGRESSIONAL RECORD, Oct. 27, 1990]

Mr. FORD. Mr. President, I urge my colleagues to pass this reconciliation measure

which includes a very important aviation package. After more than a week of difficult negotiations, the conference has produced legislation which will establish a national noise policy and provide for the phaseout by the end of this century of the noisy stage 2 aircraft. The bill also prohibits the addition of stage 2 aircraft to existing fleets.

The conference on the aviation issues has not been an easy one. My colleague in the House, Jim Oberstar, and I have worked more than a week crafting a compromise. Senate and House staff have met around the clock to complete the title in time. The issues we were dealing with are critical to our airlines and our airports, as well as to our citizens. I often say there are no victories in Washington, just degrees of defeat. But I don't feel defeated by the compromises in this bill. This measure will give the air carriers the assurance they need to go forward with the modernization of their fleets, to borrow money to buy the stage 3 aircraft which, ultimately, will improve the quality of life for those citizens living near airports.

After this noise policy is in place, the Secretary may grant authority to airports to impose passenger facility charges [PFC's] for specific airport projects. Before submitting an application to the Department of Transportation, airports must confer with their users and agree on the project to be funded by the additional fees. I hope that the PFC will increase airport capacity and promote growth in a system which is straining to accommodate the needs of the flying public. Provisions of the legislation require a turn back of 50 percent of entitlements by an airport which chooses to charge a PFC. This turn back money will be used to fund small hubs, small airports and general aviation airports.

The bill also authorizes contract authority from the Airport and Airway Trust Fund for the Essential Air Service Program. This will assure continued air service to small communities around the country. The aviation title continues important programs of the Federal Aviation Administration: research, capital development and airport grants, as well as the operation of the air traffic control and aircraft inspection systems.

I urge the Senate to pass this reconciliation package and I appreciate the support of my colleagues in including this aviation package.

Mr. BRADLEY. Mr. President, I thank the Senator from Kentucky, and appreciate his clarifications. I would like to ask further clarification on how the national noise policy will be implemented.

The inclusion of the national noise policy as part of budget reconciliation prevented the committee from holding public hearings and establishing congressional priorities for the policy. The bill provides for the policy to be written by the Secretary of Transportation with opportunities for involvement by citizens through public hearings and a comment period.

Through the course of the hearing process a national noise policy will be developed which will reflect a broad spectrum of interests. The people who are directly affected by aircraft noise have a special understanding of its consequences and therefore must play a part in crafting a national noise policy. It is vital that the local authorities and citizen's groups have a role in developing this policy.

I hope that the committee will exercise rigorous oversight of the development of the national noise policy to make sure that adequate public participation is granted by the Secretary.

Mr. FORD. The Senator can be assured that the committee will monitor the development of the national noise policy. One of the things we will look for is adequate citizen input. The law requires the Secretary to conduct hearings and provide for a public comment period. Congress will also have the authority to make recommendations.

I want to assure my colleagues from New Jersey that the local authorities and citizen groups will play a significant part in this process. The National noise policy should be developed with full opportunity for Federal, local, and civic input.

Mr. LAUTENBERG. Mr. President, I would like to ask the Senator from Kentucky, the chairman of the Aviation Subcommittee, for some clarification on the aviation noise provision included in this proposal.

As my colleague knows, Senator Bradley and I have been working hard to address this problem. It has been a difficult task, but we are making progress. An important part of this progress has been getting the Port Authority of New York and New Jersey, which operates the major airports in our region, to start working with us.

We oppose any policy that would preempt the accomplishments we've made, or efforts we are making. That is why we opposed the original aviation noise policy proposal.

The Senator from Kentucky acknowledged the concerns we and others raised, and has worked to modify the proposal. It is that modification that is now in this reconciliation package.

With regard to the modified proposal, I ask the Senator from Kentucky if he would confirm these points to be true:

First, this agreement would not affect noise control programs now in effect, such as those that have been adopted by the Port Authority of New York and New Jersey.

Second, that, under this proposal, an airport operator would be allowed to impose restrictions on stage 2 operations, without the approval of the FAA, and without risking the loss of AIP money. This is particularly important, as reducing the number of stage 2 planes serving Newark International is a critical part of our efforts to reduce noise in New Jersey.

Third, that the FAA or airport operator would not be prevented from working out operational changes, such as random vectoring, variation in runway use, or altitude requirements, that are designed to reduce noise impacts.

And, an airport operator could impose restrictions on the use of stage 3 planes, by barring certain types, for example, or limiting them to certain hours of operation, subject to review and approval by the FAA.

Mr. FORD. The Senator is correct on each of those points. He has made the case for his constituents, and I believe that we have taken the steps in this legislation to protect the efforts that he has been making to reduce aviation noise in New Jersey.

I also would note that this package contains, at the request of the two distinguished Senators from New Jersey, a requirement for the FAA to conduct an environmental impact statement on the expanded east coast plan. In response to concerns that have been voiced by his constituents, the bill also would not give legislative backing to the 65 Ldn standard as a measure of noise impact.

Mr. LAUTENBERG. I appreciate the clarification made by the distinguished senior Senator from Kentucky, and thank him for his efforts to modify this provision.

By Mr. BENTSEN (for himself,
Mr. PACKWOOD, Mr. DOLE, Mr.

ROCKEFELLER, Mr. DURENBERGER, Mr. RIEGLE, and Mr. CHAFFEE);

S. 2643. A bill to amend title XVIII of the Social Security Act to limit modification of the methodology for determining the amount of time that may be billed for anesthesia services under such title, and for other purposes; to the Committee on Finance.

BILLING FOR ANESTHESIA UNDER MEDICAID

Mr. BENTSEN. Mr. President, I am introducing today a bill to resolve, at least temporarily, the issue of whether Medicare will continue to base payments for anesthesia services on the time practitioners actually spend on a case. By any standard, this is an extremely narrow and technical issue, one that should not require a legislative solution.

Unfortunately, the Health Care Financing Administration [HCFA], which administers the Medicare Program, has repeatedly expressed its intention to shift to a new system under which payment for these services would be based on the average time per case.

HCFA has adhered to this approach despite serious concerns on the part of many in Congress about its potential redistributive effects, particularly on practitioners in teaching hospitals and rural facilities, whose cases typically take longer.

The agency has advanced three main reasons for eliminating the use of actual time: Administrative simplicity; uniform treatment of all physicians; and elimination of an opportunity for practitioners to game the system by billing for excess time.

Simplicity and uniformity are laudable goals—particularly in a program as complex as Medicare—but they should not be pursued to the exclusion of other, equally important policy objectives, such as the accuracy and adequacy of payments.

Although any system dependent on self-reporting raises legitimate concerns about abuse, the entire Medicare Program relies on practitioners and providers to submit claims only for those services they actually provide. Anesthesiologists and nurse anesthetists are no different in this respect.

Moreover, a 1991 General Accounting Office [GAO] study identified no cases of fraudulent billing for anesthesia time during the period that was examined. Indeed, GAO suggests that errors in billing for actual time may have resulted in almost as many underpayments as overpayments by Medicare.

In order to guard against potential abuse in the future, this bill would require GAO to monitor and report to Congress on any changes in billing patterns for anesthesia time in the years ahead. If practitioners pad their reported times in order to offset anticipated payment reductions under the new Medicare physician fee schedule—as HCFA apparently fears they will—I

stand ready to work with the agency to eliminate such abuse.

In the absence of documented problems, however, HCFA's proposed change is premature—a solution to a problem that may never arise, and one that may create as many problems as it solves. This bill would defer the solution until there is evidence a problem exists.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BASING MEDICARE PAYMENTS FOR ANESTHESIA SERVICES ON ACTUAL TIME.

(a) PHYSICIANS' SERVICES.—Section 1848 (b)(2)(B) of the Social Security Act (42 U.S.C. 1395w-4(b)(2)(B)) is amended by adding at the end the following: "Notwithstanding any other provision of law, for anesthesia services furnished on or after January 1, 1992, and before January 1, 1997, the Secretary may not modify the methodology in effect as of January 1, 1992, for determining the amount of time that may be billed for such services under this section."

(b) SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS.—Section 1833(l)(1)(B) of the Social Security Act (42 U.S.C.) 1395l(l)(1)(B)) is amended by adding at the end the following: "Notwithstanding any other provision of law, for anesthesia services furnished on or after January 1, 1992, and before January 1, 1997, the Secretary may not modify the methodology in effect as of January 1, 1992, for determining the amount of time that may be billed for such services under this subsection."

(c) STUDY ON TIME REPORTED FOR ANESTHESIA SERVICES.—

(1) CONTENTS OF STUDY.—The Comptroller General shall—

(A) study the actual time reported for anesthesia services furnished under title XVIII of the Social Security Act for high-volume surgical procedures,

(B) compare the actual time reported for a procedure during 1991 with the time reported for the same procedure during each of the 4 succeeding years,

(C) evaluate the extent to which the actual time reported for a procedure has increased or decreased during such period, and

(D) determine (to the extent practicable)—
(i) whether any increases or decreases identified under subparagraph (C) are the result of changes in patterns of medical practice, physician responses to reductions in payments for anesthesia services, or other factors, and

(ii) the effect of such increases or decreases on the total amount expended under title XVIII of the Social Security Act for anesthesia services.

(2) DESIGN OF STUDY.—The Comptroller General shall consult with the Physician Payment Review Commission (hereafter referred to as the "Commission") in designing the study required under paragraph (1).

(3) REPORTS.—

(A) INTERIM REPORT.—The Comptroller General shall transmit an interim report on the progress of the study to the Commission, the Committee on Finance of the Senate and

the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives not later than July 1, 1994.

(B) FINAL REPORT.—The Comptroller General shall report the results of the study to the Commission and the committees referred to in subparagraph (A) not later than July 1, 1996.

(4) EVALUATION OF REPORTS BY THE COMMISSION.—The Commission shall evaluate each report required under paragraph (3) and transmit comments on the report to the committees referred to in paragraph (3)(A) not later than 90 days after the report is received by the Commission.

Mr. PACKWOOD. Mr. President, the bill we are introducing today is very important to assure the stability of the Medicare Program. Payment reforms for physician services enacted during the 1980's have negatively impacted anesthesiologists. Making further changes in the payment methodology for anesthesia before the new Medicare fee schedule has been fully implemented may have serious effects on access to services by the Medicare population. The intent of the legislation we are introducing today is to prohibit any further changes in anesthesia payments during the 5 year transition to the new Medicare fee schedule.

An important part of this legislation is mandating that the Comptroller General conduct a study to determine if there have been any changes in billing for anesthesia time over the transition period. This study will provide us with the information we need to determine whether a change in the methodology for paying for anesthesia is warranted.

The resource based relative value scale [RBRVS] payment reforms mark the most comprehensive change to the Medicare law relating to physician payment undertaken since the Medicare law was enacted. Implementation of the new payment system involves numerous complex and difficult issues. Refinements will be necessary throughout the 5-year transition period. In light of this, I am concerned that we do not further complicate the situation with changes that could have a negative impact on access to medical services.

Mr. DOLE. Mr. President, in 1989, Congress passed and President Bush signed landmark legislation, to be implemented during a 5-year period, beginning January 1 of this year. That legislation changed, or was intended to change, how physicians would be reimbursed for treating Medicare beneficiaries. Eventually, the effects of this legislation will affect virtually every reimbursed procedure performed by a physician. This law represents the most significant change in physician payment since Medicare was originally enacted in 1965.

However, try as we may, the law was not perfect. We are, however, learning as we go, and making changes as necessary. But, one area where there ap-

pears to be no problem with the existing regulations is in the area of the reimbursement for anesthesia services.

Today, I join with Senators PACKWOOD, BENTSEN, and others in introducing a bill that would preserve the existing system and the use of actual time. I would also prohibit any further changes in payments to anesthesiologists during the 5-year transition period to full implementation of the fee schedule.

Included specifically in our bill is a mandated study by the Comptroller General to determine the extent of changes in billing, if any, for anesthesia time during this 5-year transition period. The results of the study will enable us to determine if, indeed, a change in the reimbursement method for anesthesiologists is beneficial and warranted in the future.

The changes in the payments to physicians will take place within the context of a system of many movable parts. In light of this fact, I believe that it is best right now that we not further complicate the process by fixing something before we even know if it's broken.

By Mrs. KASSEBAUM:

S. 2644. A bill to require the Secretary of Transportation to require passenger and freight trains to install and use certain lights for the purposes of safety; to the Committee on Commerce, Science, and Transportation.

LEGISLATION TO REQUIRE TRAIN DITCH LIGHTS

Mrs. KASSEBAUM. Mr. President, on the evening of February 14, three Kansas teenagers were tragically killed when the car they were driving was broadsided by a freight train. Witnesses to the accident say the car's brake lights did not even flash prior to the accident. Apparently, despite the fact that its whistle was sounding and its headlight was illuminated, the teenagers had no idea of the train's presence.

Frankly, car/train accidents that occur because a motorist does not see or does not recognize an oncoming train are all too frequent. In 1991, in the State of Kansas, which is one of the best in terms of grade crossing safety, there were 102 car/train accidents. Twenty-two of these accidents occurred at night at grade crossings that were not protected by drop arms and flashing lights. I am convinced that the majority of these accidents happened because the motorist did not realize a train was approaching the crossing.

At the present time, Federal regulations require all trains in route to have one illuminated headlight, and to sound their whistle at grade crossings. While one headlight and a loud whistle may have enough to warn motorists of an approaching train at one point in our Nation's history, I do not believe these warning devices are sufficient today. The vast number of bright lights

that are now so common in our night sky have diluted the effectiveness of a train's headlight. In addition, car stereos now can make train whistles inaudible.

In order to give motorists more warning of an approaching train, I am introducing legislation today that will require all trains to have their engines equipped with ditch lights. These are lights which illuminate the sides of the engine and the areas contiguous to the tracks. Such lights are already being used on an experimental basis by two of our Nation's railroad companies—the Union Pacific and Burlington Northern—and they appear to make it easier for motorists to recognize trains and judge their speed and distance.

Mr. President, requiring ditch lights on train engines is not prohibitively expensive and can save lives. It is my sincere hope that the Senate will move quickly to pass this legislation so that accidents, similar to the one that claimed the lives of three Kansas teenagers on Valentine's Day, can be prevented.

By Mr. LAUTENBERG (for himself and Mr. D'AMATO):

S. 2645. A bill to require the promulgation of regulations to improve aviation safety in adverse weather conditions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REGULATIONS TO IMPROVE WINTER WEATHER FLYING SAFETY

Mr. LAUTENBERG. Mr. President, today I am introducing legislation to improve the safety of airline passengers in winter weather conditions. Specifically, this legislation would require the Federal Aviation Administration to fulfill neglected responsibilities, and promulgate regulations to address shortcomings in the area of airplane deicing. I am pleased to be joined in introducing this bill by Senator D'AMATO.

The recent crash of USAir flight 405 at LaGuardia Airport on March 22, 1992 again focused attention on the potential dangers of winter flying. Although the exact cause of the crash is yet to be determined by the National Transportation Safety Board, the apparent role of ice on the wing of the aircraft has raised serious concerns about existing deicing procedures.

As chairman of the Transportation Appropriations Subcommittee, I have held two hearings to look into these concerns. The purpose was not to fix blame. My goal is to see that everything possible is done to prevent this type of tragedy from happening again. Our hearings showed clearly that not enough has been done.

On April 2, I held a hearing on the fiscal year 1993 budget request for the National Transportation Safety Board. As part of that hearing, the subcommittee heard about the progress of

the NTSB's investigation into this crash. In her testimony, acting NTSB Chairman Susan Coughlin said that the most troubling thing that they've learned so far is that, despite the fact that the crew of flight 405 appears to have done everything it was supposed to do, the crash still happened.

Therefore, the focus of our attention should be on the shortcomings of the procedures approved and required by the FAA for winter flying.

On April 16, I chaired a hearing to look more closely into those procedures. It is absolutely clear that improvements need to be made.

Current procedures, under regulations issued in the 1950's, put the major and final burden for determining whether or not a plane can safely leave the ground with the pilot. Under existing situations, it's a burden that's unfairly placed. Certainly, the pilot has the responsibility for operating his or her aircraft safely, and that authority should not be restricted. But, we have to ensure that the pilot has the information needed to make the best judgment possible.

It's absurd to think that, on a snowy or rainy night, a pilot can look out the cockpit window at a dark wing and determine that it is free of any buildup of ice. But, that is just what happens today.

There is little or no coordination among the various parties involved. The airport operators are responsible for keeping the runways clear and free of ice or snow, but they have little or no role in keeping traffic moving on the ground. The FAA, through the air traffic control system, is responsible for moving that traffic from the gates to the taxiways and runways, and, of course, in the air. But, the FAA seems to have paid little or no attention to when planes are deiced, and doesn't work to get those planes off the ground as quickly as necessary.

Although we don't know everything that happened on the night of March 22, and what may have contributed to the crash, we do know these facts. First, that weather conditions were sufficiently bad to require deicing, and that this plane was deiced. Second, that the type of deicer used has a hold-over, or effective, time of only 15 minutes under conditions existing on that night. Third, that the aircraft manufacturer had recommended that absolutely no more than that amount of time should be allowed to elapse between deicing and takeoff. Fourth, that the plane was held on the ground for more than twice the recommended time before being cleared for takeoff.

What this amounted to is a system that didn't work; whose parts were unconnected, and inattentive to each others' needs. Although the FAA is the one entity that can bring together the needs, interests, and responsibilities of pilots, airlines, airports, and the air

traffic control system, it has failed to do so. Under this legislation, the FAA would no longer be able to avoid that responsibility.

If an airline uses a deicer with a very limited holdover time, it should only be allowed to do so if it knows that its planes will be able to takeoff within the prescribed time, while the deicer is working. That will require the cooperation of a number of parties, including the airline, the pilot, the airport operator, and the FAA's air traffic control system. It may require the use of centralized deicing facilities, located nearer the runways. It may require ground personnel to conduct physical inspections of wings, rather than just relying on a visual inspection from inside the cockpit.

The legislation I'm introducing today will require the FAA to initiate a rulemaking on these and other deicing issues. And, before the next winter season hits, we'll have the results of that rulemaking. An interim final rule would be issued by October 1, and a final rule no more than 60 days after that.

While we look back and mourn the tragic deaths of the 27 passengers and crew aboard USAir flight 405, we must also look ahead, to protect the thousands of people who may board planes under similar weather conditions in the years to come. When people sit down on a plane and buckle their seatbelts, they have a right to expect that everything possible has been done to assure their safe passage. My concern is that everything is not being done. By carrying out the mandates of this legislation, the FAA can take a major step forward in providing passengers with the safety and peace of mind that they deserve.

I ask unanimous consent that the text of this legislation be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2645

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAFETY RULEMAKING.

(a) NOTICE OF PROPOSED RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") shall issue a notice of proposed rulemaking to require improved measures to enhance the safety of aircraft operations in adverse winter weather conditions. Such notice of proposed rulemaking shall address, but not be limited to—

(1) the need to require uniform procedures and standards for deicing aircraft prior to takeoff, including the use of particular deicing agents;

(2) limitations on elapsed time allowed between deicing and takeoff, and improvements in coordination between air traffic control procedures and air carrier operations

to minimize such elapsed time, and ensure that aircraft are not cleared for takeoff if the holdover time of their deicing procedure has been exceeded;

(3) requirements for deicing facilities, and the use thereof, in close proximity to the point of takeoff at United States airports;

(4) modifications to Federal Aviation Administration procedures for certifying aircraft for operation in the United States, to require notification to operators of such aircraft of applicable safety recommendations made by the manufacturers of such aircraft;

(5) the implementation of relevant recommendations issued by the National Transportation Safety Board; and

(6) modifications to procedures for determining when aircraft require deicing and whether such aircraft can safely operate under conditions which compel the use of deicing agents.

(b) INTERIM REGULATIONS.—Not later than October 1, 1992, the Administrator shall issue interim final regulations regarding the items referred to in subsection (a).

(c) FINAL REGULATIONS.—Not later than 60 days after the issuance of interim final regulations, the Administrator shall issue final regulations regarding the items referred to in subsection (a).•

• Mr. D'AMATO. Mr. President, I rise to join my distinguished colleague, Senator LAUTENBERG, in introducing a bill to improve the safety of winter operations at our Nation's airports. We pledged to introduce this bill at a field hearing of the Appropriations Subcommittee on Transportation and Related Agencies, which was held in New York City on April 16. This hearing focused on the tragic crash of USAir flight 405, at LaGuardia Airport on March 22, 1992.

USAir flight 405 crashed while attempting to take off in a snowstorm. The aircraft had been deiced twice; however, clearance to take off was not given until over 30 minutes from the last deicing; 27 of the 51 people aboard flight 405 were killed.

Many questions have arisen as to the role ice and snow played in this tragedy. Formal findings from the National Transportation Safety Board [NTSB] will require months of investigation.

There have been eight major takeoff accidents/incidents involving commercial aircraft over the past 15 years whose causes are traced to ice buildup while on the ground. According to NTSB, ice has been a factor in 24 crashes and 138 fatalities over the past 10 years—these data include general aviation. By next winter, I believe concrete measures can and must be taken by FAA to ensure safer air travel.

There are some weather-related problems from which aircraft cannot be protected—deicing is not one of them. Aircraft deicing issues have little to do with "Nature" with a capital "N," and more to do with "human nature"—which is subject to pressures to meet airline schedules, to reduce aircraft flow congestion, to keep airport operations moving, and to keep costs down.

Under Federal aviation regulations, pilots make the final decision whether

or not to take off. These rules, which became effective in 1950, also require pilots to assure that frost, ice, or snow are not adhering to the wings, control surfaces, or propellers of the aircraft. After the 1982 Air Florida crash, FAA called for pilots to follow this clean aircraft approach.

Pilots sometimes cannot be sure that an aircraft is clean of snow/ice due to factors such as: nighttime operations; poor light/visibility conditions; lack of overwing windows on some cargo flights; and inability to make close inspection (sandpaper thin layers of ice could reduce lift). It is not within pilots' capabilities to meet FAA's standards at all times. Pilots often make judgments that snow/ice will blow off during takeoffs without having the facts needed to make those calls.

It is more than 10 years since Air Florida crashed—killing 78 people—about a mile from the White House. Its wings and engine intakes were loaded with ice, and it had waited 49 minutes after deicing to take off. In 1982, FAA issued an advisory circular on "clean aircraft procedures," followed in 1987 by an operations bulletin. These measures have not been sufficient.

Strict guidelines on deicing procedures, fluids, maximum holdover times, locations of deicing equipment, training of employees, et cetera, have been bottled up in industry task forces since 1988. Safety has taken a back seat while industry groups have debated these guidelines, and FAA has done nothing to accelerate the process: No sanctions, no deadlines, no leadership.

FAA has neglected to take steps within its power. It is time for action. FAA must enact strict, objective deicing standards that interweave air traffic control, pilots, airports, and airlines. It can be done. Indeed, FAA has now promised that it will take the steps needed. Congress must ensure that FAA accomplishes this task.

It is time to take the guesswork out of aircraft winter operations. I urge my colleagues to support this bill.●

By Mr. LUGAR (for himself, Mr. LEAHY, Mr. COCHRAN, and Mr. HEFLIN):

S. 2646. A bill to amend the Rural Electrification Act of 1936 to provide eligible rural electric borrowers with the means to secure necessary financing from private sources; to the Committee on Agriculture, Nutrition, and Forestry.

ELECTRIC FINANCING AMENDMENTS ACT

● Mr. LUGAR. Mr. President, I am pleased to join with Senators LEAHY, HEFLIN, and COCHRAN in sponsoring this legislation, the Rural Electric Financing Amendments Act of 1992.

This legislation is designed to make needed reforms to the rural electric financing programs of the Rural Electrification Administration [REA]. All of these changes are necessary to mod-

ernize and strengthen the REA program, and to encourage and facilitate the obtaining of private capital by rural electric cooperatives. Importantly, this legislation will offer distribution borrowers who are not in default on the repayment of their loans the opportunity to prepay their loans and seek financing from other commercial sources.

This legislation will reinstate a general funds policy that will place limitations on the amount of capital that a rural electric cooperative can have and still obtain an REA insured loan. REA had such a policy until the mid-1980's. The proposed legislation states that a rural electric cooperative will be unable to obtain an REA loan if it has general funds that exceed 8 percent of its total utility plant plus its highest wholesale power bill during the most recent 12-month period. I believe that this is a reasonable restriction. It strikes a reasonable balance: cooperatives will be able to retain sufficient capital to meet their cash needs, and those cooperatives that choose to retain more than this amount will be required to first use these excess reserves before applying for an REA loan. This policy will help to reduce the current backlog of REA loan applications, and thereby reduce the amount of time—currently more than one full year—that a borrower will have to wait between the time of applying for and receiving an REA loan.

This legislation also will require REA to provide lien accommodations for private loans. Today there are rural electric cooperatives that would like to obtain private loans to construct electric lines or to make needed improvements in their electric facilities. These cooperatives are willing to pay the higher cost of a private loan, but have often been unable to get the loan. The problem is that the private lender must have some security for the loan. Such security most often is the same property securing the REA loan. Without such security the private lender is unwilling or unable to make the loan.

The proposed provision will provide the private lender with a lien on the borrower's property on an equal and pro rata basis with REA's lien. REA will grant such a lien, unless it determines that the borrower will be unable to repay its Government loans and guarantees. The REA should be willing, in the absence of adverse financial considerations, to accommodate its lien on an equal and pro rata basis in order to facilitate the obtaining of private capital by rural electric cooperatives.

There are some who will argue that REA has the authority under current law to grant lien accommodations and that because this can be done administratively no legislation is required. While administratively it may be true that REA is empowered to grant such lien accommodations, the facts show

that the red tape and long delays have made this private capital option not a viable one. Legislation to mandate these lien accommodations is fully consistent with the administration's long-standing policy of encouraging private capital where it is reasonable and affordable.

Last, this legislation will permit rural electric systems to prepay their insured electric loans. These prepayments will be discounted to account for the fact that REA loans are at a 5-percent interest rate and are therefore not worth their face value. The Administrator of REA will determine the discount rate, but the rate cannot be less than the Government's cost of money. The legislation recognizes that if the discount rate is above the cost of money to the Government, the Government would incur a loss, and an appropriation would be required before such a discount could occur. A borrower that receives a discount that results in a loss to the Government would be ineligible to obtain future REA insured loans.

I am pleased that this provision is included in the legislation being introduced today. It will enable those borrowers who choose to prepay their REA loans to escape from the many requirements and restrictions imposed by REA.

Before I conclude this introductory statement, I would like to commend the rural electric cooperatives for the time and effort they have devoted to developing the ideas included in this bill. This is a very progressive, responsible and practical measure. I believe that the proposed legislation will help to strengthen REA because it will give rural electric cooperatives more flexibility in meeting their financing needs and in serving their customers. Rural America is diverse and complex and Government programs must reflect and accommodate this.

This is important legislation. It already enjoys the endorsement of the National Rural Electric Cooperative Association. I believe that its provisions are fully consistent with long-standing administration policy and that it will be favorably viewed by the administration. While some minor modifications to the statutory language may be necessary to acquire the complete support of all interested parties, I have no doubt that the President will sign this measure when it reaches his desk. I am committed to working hard to ensure that this bill is enacted before the end of this year, and I urge my colleagues to join me in this effort.●

By Mr. CRANSTON (for himself, Mr. DECONCINI, and Mr. AKAKA):

S. 2647. A bill to amend title 38, United States Code, and title 10, United States Code, to revise and improve educational assistance programs for veter-

ans and members of the Armed Forces, to improve certain vocational assistance programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' READJUSTMENT BENEFITS
IMPROVEMENT ACT OF 1992

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced S. 2647, the proposed Veterans' Readjustment Benefits Improvement Act of 1992. This bill would revise and improve educational assistance programs for veterans and members of the Armed Forces, improve certain pension and vocational assistance programs for veterans, and expand the job counseling, training, and placement service for veterans. I am pleased to be joined in introducing this bill by committee members DECONCINI and AKAKA.

Mr. President, while our bill would bring many substantive improvements to veteran benefits, I wish to note particularly two cost-of-living provisions which are very much needed but for which there is as yet no established funding offset to meet the pay-as-you-go requirements of the Budget Enforcement Act. Our bill would, first, provide an increase in the educational assistance allowance under the Montgomery GI bill [MGIB] and, second, provide an increase in the subsistence allowance for service-disabled veterans participating in a program of vocational rehabilitation. Both increases are clearly needed in order to counter the effects of inflation on the value of the benefits.

Mr. President, because of the importance of educational assistance benefits in helping former service members in their transition to civilian life, and because of the fundamental obligation we have to assist disabled veterans in their pursuit of vocational rehabilitation, I am introducing these cost-of-living provisions in the bill that will be considered at a hearing of the Veterans' Affairs Committee on May 13. I believe it is important that we receive testimony on these provisions while we continue our efforts to develop the means of bringing them into budgetary compliance.

SUMMARY OF MAJOR PROVISIONS

Mr. President, our bill contains substantive provisions that would:

First, increase the MGIB basic monthly benefit for active-duty service members from \$350 to \$450 and the basic monthly benefit for reservists from \$170 to \$200—with proportional increases for part-time study in both cases.

Second, permit reservists to pursue graduate training under the MGIB.

Third, permit reservists to receive tutorial assistance under the MGIB.

Fourth, provide that individuals who are discharged after less than 12 months of active duty and later reenlist or later reenter on active duty are

eligible to participate in the MGIB. Any reductions in basic pay during a prior period of service would be counted toward the \$1,200 pay reduction required for MGIB eligibility.

Fifth, permit active duty participations in the MGIB to receive benefits at the same rate as veterans when training on a half-time or more basis.

Sixth, provide that an individual who initially serves a continuous period of at least 3 years of active-duty service, even though he or she was initially obligated to serve less than 3 years of active duty, is eligible for the same level of MGIB benefits as an individual whose initial obligated period of active-duty service was for 3 years or more.

Seventh, eliminate the requirement for the Department of Veterans Affairs to pay work-study participants their work-study allowance in advance of the performance of services.

Eighth, modify the accredited-school-approval requirements by (a) repealing the requirement that elementary and secondary schools furnish a copy of a catalog in applying for approval of an accredited course by a State approving agency [SSA], and (b) adding a requirement that schools that have and enforce standards of attendance must submit these standards to the SAA for approval.

Ninth, bar veterans' educational assistance for a course paid for under the Government Employees Training Act.

Tenth, provide that the effective date of termination of an educational assistance allowance by reason of the death of the payee of an advance payment would be the last date of the period for which the advance payment was made.

Eleventh, allow a student who successfully completed a program of education with VA benefits to pursue another program of education and allow a change in the type of training pursued if there is no change in the vocational objective.

Twelfth, amend course measurement requirements to (a) eliminate the benefit differential for independent study and other nontraditional types of training in accredited undergraduate degree programs that have been approved by SAA's; (b) prohibit the use of benefits for nonaccredited independent study; (c) eliminate the standard class-session requirement; (d) base benefit payments for concurrent pursuit of graduate and undergraduate training on the training time certified by the school, rather than the current conversion computations; (e) replace a complex statutory measurement criterion for the payment of benefits for study at institutions of higher learning with a benefit based on the school's measurement system; and (f) eliminate the benefit differential for accredited and non-accredited non-college-degree courses.

Thirteenth, permit refresher training for the service-disabled veterans' survi-

vors and dependents who are eligible for educational assistance under chapter 35 of title 38, United States Code.

Fourteenth, permit participation in the MGIB for an individual who after September 30, 1992, receives a commission as an officer in the Armed Forces upon graduation from a military academy or upon completion of a senior ROTC program.

Fifteenth, make permanent the programs of 12-month trial work periods and vocational rehabilitation outreach for veterans who have total disability ratings based on individual unemployability.

Sixteenth, make permanent and totally voluntary the program of vocational evaluation and training for pension recipients and the 3-year protection of VA health-care eligibility for veterans who lose their pension due to employment income.

Seventeenth, increase by 10 percent the subsistence allowance for veterans with service-related disabilities who participate in a training and vocational rehabilitation program under chapter 31 of title 38.

Eighteenth, restore vocational rehabilitation for veterans rated 10-percent disabled who the Secretary of Veterans Affairs determines have serious employment handicaps resulting from their service-connected disability.

Nineteenth, provide that, where a new application for pension or for parents' dependency and indemnity compensation is filed within 1 year after renouncement of that benefit, the application shall not be treated as an original application and benefits will be payable as if the renouncement had not occurred.

Twentieth, expand the formula for the appointment of disabled veterans' outreach program specialists to include Vietnam-era veterans, veterans who first entered on active duty after the end of the Vietnam era, May 7, 1975, and disabled veterans.

CONCLUSION

Mr. President, I urge my colleagues to support this legislation to improve veterans' readjustment benefits.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD. •

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Veterans' Readjustment Benefits Improvement Act of 1992".

TITLE I—EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 101. INCREASE IN AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.

(a) ALL VOLUNTEER FORCE.—(1) Subsection (a) of section 3015 of title 38, United States Code, is amended—

(A) in the matter above paragraph (1), by striking out "(e), and (f)" and inserting in lieu thereof "(e)"; and

(B) in paragraph (1), by striking out "\$300" and inserting in lieu thereof "\$450";

(2) Subsection (b) of such section is amended—

(A) in the matter above paragraph (1), by striking out "(e), and (f)" and inserting in lieu thereof "(e)"; and

(B) in paragraph (1), by striking out "\$250" and inserting in lieu thereof "\$375";

(3) Subsection (c) of such section is amended by striking out "\$400" and "\$700" and inserting in lieu thereof "\$550" and "\$850", respectively.

(4) Subsection (f) of such section is repealed.

(b) **SELECTED RESERVE.**—Subsection (b) of section 2131 of title 10, United States Code, is amended—

(1) by striking out "(b)(1) Except as provided in paragraph (2) and" and inserting in lieu thereof "(b) Except as provided in";

(2) by striking out paragraph (2);

(3) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(4) in paragraph (1), as redesignated by paragraph (3) of this subsection, by striking out "\$140" and inserting in lieu thereof "\$200";

(5) in paragraph (2), as redesignated by paragraph (3) of this subsection, by striking out "\$105" and inserting in lieu thereof "\$150"; and

(6) in paragraph (3), as redesignated by paragraph (3) of this subsection, by striking out "\$70" and inserting in lieu thereof "\$100";

(c) **CONFORMING AMENDMENTS.**—(1) Subsection (f)(2) of such section is amended by striking out "(b)(1)(A)" and inserting in lieu thereof "(b)(1)".

(2) Subsection (g)(3) of such section is amended by striking out "(b)(1)(A)" and inserting in lieu thereof "(b)(1)".

(d) **EFFECTIVE DATES.**—The amendments made by subsections (a), (b), and (c) shall take effect on September 31, 1992, and shall apply to amounts of educational assistance paid for education or training pursued on or after that date.

SEC. 102. AUTHORITY OF MEMBERS OF SELECTED RESERVE TO PURSUE GRADUATE COURSES OF EDUCATION.

Section 2131(c)(1) of title 10, United States Code, is amended by striking out "other than a program" and all that follows through the end of the sentence and inserting in lieu thereof a period.

SEC. 103. AUTHORITY OF MEMBERS OF SELECTED RESERVE TO RECEIVE TUTORIAL ASSISTANCE.

Section 2131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h)(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this chapter who—

"(i) is enrolled in and pursuing a post-secondary course of education on a half-time or more basis at an educational institution; and

"(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

"(B) The Secretary of Veterans Affairs shall not approve tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance

is necessary for the person to successfully complete the program of education.

"(2) The Secretary concerned, through the Secretary of Veterans Affairs, shall pay to a person receiving tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed \$100 per month, for a maximum of twelve months, or until a maximum of \$1,200 is utilized. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this chapter.

"(3)(A) A person's period of entitlement to educational assistance under this chapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of \$600.

"(B) A person's period of entitlement to educational assistance under this chapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of \$600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this chapter."

SEC. 104. TREATMENT OF CERTAIN ACTIVE DUTY SERVICE TOWARD ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.

(a) **TREATMENT OF SERVICE.**—Subsection (d) of section 3011 of title 38, United States Code, is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), and (4)"; and

(2) by adding at the end the following new paragraph:

"(4) The period of service referred to in paragraph (1) of this subsection, in the case of a member referred to in subclause (I) or (III) of subsection (a)(1)(A)(ii) of this section who reenlists or re-enters on active duty, also includes any period, not exceeding 12 months of continuous active duty, from which the member was discharged as described in such subclause (I) or (III)."

(b) **ADJUSTMENT IN REDUCTION OF BASIC PAY.**—Subsection (b) of such section is amended—

(1) by striking out "(b) The" and inserting in lieu thereof "(b)(1) The"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The number of months of basic pay of a member referred to in subparagraph (B) of this paragraph that shall be reduced under paragraph (1) of this subsection shall be 12 minus the number of months that the member's basic pay was reduced during the member's preceding period or periods of active duty.

"(B) Subparagraph (A) of this paragraph applies to a member of the Armed Forces—

"(i) whose basic pay was reduced under paragraph (1) of this subsection for any period of active duty service referred to in paragraph (4) of subsection (d) that the member served prior to the member's reenlistment or reentry on active duty; and

"(ii) who does not make an election under subsection (c)(1) of this section upon such reenlistment or reentry."

SEC. 105. EDUCATIONAL ASSISTANCE FOR ACTIVE DUTY MEMBERS PURSUING PROGRAM OF EDUCATION ON MORE THAN HALF-TIME BASIS.

Subsection (a) of section 3032 of title 38, United States Code, is amended to read as follows:

"(a) The amount of the monthly educational assistance allowance payable to an

individual entitled to educational assistance under this chapter who pursues a program of education on less than half-time basis is the amount determined under subsection (b) of this section."

SEC. 106. EDUCATIONAL ASSISTANCE FOR CERTAIN PERSONS WHOSE INITIAL PERIOD OF OBLIGATED SERVICE WAS LESS THAN THREE YEARS.

Section 3015 of title 38, United States Code (as amended by section 101), is amended—

(1) in subsection (a), by inserting ", and (f)" after "(e)";

(2) in subsection (b), by inserting ", and (f)" after "(e)";

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(4) in subsection (d) (as redesignated by paragraph (3)), by striking out "(a) and (b)" and inserting in lieu thereof "(a), (b), and (c)"; and

(5) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The amount of basic educational allowance payable under this chapter to an individual referred to in paragraph (2) of this subsection is the amount determined under subsection (a) of this section.

"(2) Paragraph (1) of this subsection applies to an individual entitled to an educational assistance allowance under section 3011 of this title—

"(A) whose initial obligated period of active duty is less than three years;

"(B) who, beginning on the date of the commencement of the person's initial obligated period of such duty, serves a continuous period of active duty of not less than three years; and

"(C) who, after the completion of such period of active duty, meets one of the conditions set forth in subsection (a)(3) of such section 3011."

SEC. 107. REPEAL OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.

Section 3485(a) of title 38, United States Code, is amended by striking out the third sentence.

SEC. 108. REVISION OF REQUIREMENTS RELATING TO APPROVAL OF ACCREDITED COURSES.

(a) **REVISION OF REQUIREMENTS.**—Subsection (a) of section 3675 of title 38, United States Code, is amended—

(1) by striking out "(a)" and inserting in lieu thereof "(a)(1)";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(3) by striking out the matter below subparagraph (C) (as so redesignated) and inserting in lieu thereof the following new paragraphs:

"(2)(A) For the purposes of this chapter, the Secretary of Education shall publish a list of nationally recognized accrediting agencies and associations which that Secretary determines to be reliable authority as to the quality of training offered by an educational institution.

"(B) A State approving agency may, upon concurrence, utilize the accreditation of any accrediting association or agency listed pursuant to subparagraph (A) of this paragraph for approval of courses specifically accredited and approved by such accrediting association or agency.

"(3)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the

State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

"(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

"(i) state with specificity the requirements of the institution with respect to graduation;

"(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

"(iii) include any attendance standards of the institution, if the institution has and enforces such standards."

(b) TECHNICAL AMENDMENT.—Subsection (a)(1)(B) of such section (as redesignated by subsection (a)(2)) is amended by striking out "sections 11–28 of title 20;" and inserting in lieu thereof "the Act of February 23, 1917 (20 U.S.C. 11 et seq.);".

SEC. 109. BAR OF ASSISTANCE FOR PERSONS WHOSE EDUCATION IS PAID FOR AS FEDERAL EMPLOYEE TRAINING.

Section 3681(a) of title 38, United States Code, is amended by striking out "and whose full salary" and all that follows through the period and inserting in lieu thereof a period.

SEC. 110. TREATMENT OF ADVANCE PAYMENTS OF CERTAIN ASSISTANCE TO VETERANS WHO DIE.

(a) TREATMENT.—Section 3680(e) of title 38, United States Code, is amended—

(1) by striking out "(e) If" and inserting in lieu thereof "(e)(1) Subject to paragraph (2), if"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply to the recovery of an overpayment of an educational allowance or subsistence allowance advance payment to an eligible veteran or eligible person who fails to pursue a course of education for which the payment is made if such failure is due to the death of the veteran or person."

(b) TECHNICAL AMENDMENT.—Section 3680(e) of such title (as amended by subsection (a)) is further amended by striking out "eligible person," and inserting in lieu thereof "eligible person".

SEC. 111. CLARIFICATION OF PERMITTED CHANGES IN PROGRAMS OF EDUCATION.

Subsection (d) of section 3691 of title 38, United States Code, is amended to read as follows:

"(d) For the purposes of this section, the term 'change of program of education' shall not be deemed to include a change by a veteran or eligible person from the pursuit of one program to the pursuit of another if—

"(1) the veteran or eligible person has successfully completed the first program;

"(2) the second program leads to a vocational, educational, or professional objective in the same general field as the first program; or

"(3) the first program is a prerequisite to, or generally required for, pursuit of the second program."

SEC. 112. DISAPPROVAL OF NONACCREDITED INDEPENDENT STUDY.

(a) PROHIBITION OF APPROVAL OF NONACCREDITED COURSES.—Section 3676 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of this title, a course of education which has not been approved by a State approving agency pursuant to section 3675 of this title may not be approved under this section if it is to be pursued, in whole or in part, by independent study."

(b) REQUIREMENT OF DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—

(1) IN GENERAL.—Section 3473 of title 38, United States Code, is—

(A) transferred to chapter 36 and inserted after section 3679; and

(B) redesignated as section 3679A.

(2) APPLICATION.—Such section 3679A is amended—

(A) in subsection (a)(4), by striking out "one" and inserting in lieu thereof "an accredited independent study program";

(B) in subsection (d)(1), by striking out "32, 35, or 36" in the third sentence and inserting in lieu thereof "32, or 35"; and

(C) by striking out paragraph (2) of subsection (d) and inserting in lieu thereof the following new paragraph (2):

"(2) Paragraph (1) of this subsection does not apply with respect to the enrollment of a veteran—

"(A) in a course offered pursuant to section 3019, 3034(a)(3), 3234, 3241(a)(2), or 3533 of this title;

"(B) in a farm cooperative training course; or

"(C) in a course described in section 3689(b)(6) of this title."

(3) SURVIVORS' AND DEPENDENTS' ASSISTANCE.—Section 3523(a)(4) of such title is amended by striking out "one" and inserting in lieu thereof "an accredited independent study program".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 38.—(A) Section 3034 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by striking out "3473,"; and

(ii) in subsection (d)(1), by striking out "3473(b)" and inserting in lieu thereof "3679A(b)".

(B) Section 3241 of such title is amended—

(i) in subsection (a)(1), by striking out "3473,";

(ii) in subsection (b)(1), by striking out "3473(b)" and inserting in lieu thereof "3679A(b)"; and

(iii) in subsection (c), by striking out "3473,".

(2) TITLE 10.—Section 2136 of title 10, United States Code, is amended—

(A) in subsection (b), by striking out "1673,"; and

(B) in subsection (c)(1), by striking out "3679A(b)" and inserting in lieu thereof "3679A(b)".

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out the item relating to section 3473.

(2) The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3679 the following new item:

"3679A. Disapproval of enrollment in certain courses."

(e) SAVINGS PROVISION.—The amendments made by subsections (a) and (b) shall not apply to any person who is receiving educational assistance under chapter 30, 32, or 35 of title 38, United States Code, or chapter 106 of title 10, United States Code, on the date of the enactment of this Act for pursuit of an independent study program—

(1) in which the person is enrolled on that date;

(2) in which the person remains continuously enrolled thereafter (until completion of the program by the person); and

(3) for which the person continues to meet the eligibility requirements for such assistance that apply to the person on that date.

SEC. 113. REVISIONS IN MEASUREMENT OF COURSES.

(a) ELIMINATION OF STANDARD CLASS SESSION REQUIREMENT.—

(1) TRADE OR TECHNICAL COURSES.—Subsection (a)(1) of section 3688 of title 38, United States Code, is amended by striking out "thirty hours" and all that follows through "full time" and inserting in lieu thereof "22 hours per week of attendance (excluding supervised study) is required, with no more than 2½ hours per week of rest periods allowed".

(2) COURSES LEADING TO STANDARD COLLEGE DEGREES.—Subsection (a)(2) of such section is amended by striking out "twenty-five hours" and all that follows through "full time" and inserting in lieu thereof "18 hours per week net of instruction (which shall exclude supervised study but may include customary intervals not to exceed 10 minutes between hours of instruction) is required".

(b) TREATMENT OF CERTAIN COURSES OFFERED BY INSTITUTIONS OF HIGHER LEARNING.—

(1) GRADUATE COURSES.—Subsection (a)(4) of such section is amended—

(A) by striking out "in residence"; and

(B) by inserting "(other than a course pursued as part of a program of education beyond the baccalaureate level)" after "semester-hour basis".

(2) COURSES NOT LEADING TO COLLEGE DEGREES.—Subsection (a)(7) of such section is amended to read as follows:

"(7) an institutional course not leading to a standard college degree offered by an institution of higher learning on a standard quarter- or semester-hour basis shall be measured as full time on the same basis as provided for in clause (4) of this subsection, except that such a course may not be measured as full time if the course requires less than the minimum weekly hours of attendance required for full-time measurement under clause (1) or (2) of this subsection, as the case may be."

(c) MEASUREMENT OF REFRESHER COURSES.—Subsection (a)(6) of such section is amended by striking out "an institutional course" and all that follows through "of this title" and inserting in lieu thereof "an institutional course offered by an educational institution under section 3034(a)(3), 3241(a)(2), or 3533(a) of this title as part of a program of education not leading to a standard college degree".

(d) MEASUREMENT OF PART-TIME TRAINING.—Subsection (b) of such section is amended by striking out "34 or 35" and inserting in lieu thereof "30, 32, or 35".

(e) CONFORMING AMENDMENTS.—(1) Section 3688 of title 38, United States Code (as amended by subsections (a) through (d)), is further amended—

(A) in subsection (a), by striking out the flush material that follows paragraph (7); and

(B) by striking out subsections (c), (d), and (e).

(2) Section 3532(c) of such title is amended by striking out paragraphs (3) and (4).

SEC. 114. REFRESHER TRAINING FOR SURVIVORS AND DEPENDENTS.

Section 3532 of title 38, United States Code, is amended by adding at the end the following new subsection (f):

"(f)(1) Notwithstanding the prohibition in section 3521(2) of this title (relating to the enrollment of an eligible person in a program of education in which such person is 'already qualified'), an eligible person shall be allowed up to six months of educational assistance (or the equivalent thereof in part-

time assistance) for the pursuit of refresher training to permit the person to update the person's knowledge and skills.

"(2) An eligible person pursuing refresher training under this subsection shall be paid an educational assistance allowance based upon the rate prescribed in subsection (a) or (c) of this section, whichever is applicable.

"(3) The educational assistance allowance paid to an eligible person under the authority of this subsection shall be charged against the period of entitlement of the person under section 3511 of this title."

SEC. 115. ELIGIBILITY OF CERTAIN OFFICERS FOR EDUCATIONAL ASSISTANCE.

(a) ACTIVE DUTY.—Section 3011(c)(2) of title 38, United States Code, is amended by inserting "but before October 1, 1992," after December 31, 1976."

(b) SELECTED RESERVE.—Section 3012(d)(2) of such title is amended by inserting "but before October 1, 1992," after December 31, 1976."

SEC. 116. TECHNICAL AMENDMENTS.

(a) TITLE 10.—Chapter 106 of title 10, United States Code, is amended—

(1) in section 2131(c)(2), by striking out "section 1795" and inserting in lieu thereof "section 3695";

(2) in section 2131(c)(3)(A)(ii), by striking out "section 1795" and inserting in lieu thereof "section 3695";

(3) in section 2131(c)(3)(C), by striking out "section 1795" and inserting in lieu thereof "section 3695";

(4) in section 2133(b)(2), by striking out "section 1431(f)" and inserting in lieu thereof "section 3031(f)";

(5) in section 2133(b)(3), by striking out "section 1431(d)" and inserting in lieu thereof "section 3031(d)"; and

(6) in section 2136(b) (as amended by section 112(c)(2))—

(A) by striking out "sections 1670," and all that follows through "and 1685" and inserting in lieu thereof "sections 3470, 3471, 3474, 3476, 3682(g), 3683, and 3685";

(B) by striking out "1780(c)"; and

(C) by striking out "1786(a), 1787, and 1792" and inserting in lieu thereof "3686(a), 3687, and 3692".

(b) TITLE 38.—Section 3679A of title 38, United States Code (as redesignated and amended by section 112(a)) is further amended in subsection (b) by striking out "The Secretary" and inserting in lieu thereof "Except as provided in this title or chapter 106 of title 10, the Secretary".

TITLE II—VOCATIONAL REHABILITATION AND PENSION PROGRAMS

SEC. 201. PERMANENT PROGRAMS OF VOCATIONAL REHABILITATION FOR CERTAIN VETERANS.

(a) PERMANENT PROGRAM.—(1) Subsection (a)(1) of section 1163 of title 38, United States Code, is amended by striking out "during the program period" and inserting in lieu thereof "after January 31, 1985,".

(2) Subsection (a)(2) of such section is amended to read as follows:

"(2) For the purposes of this section, the term 'qualified veteran' means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability of disabilities."

(b) COUNSELING SERVICES.—Subsection (b) of such section is amended by striking out "During the program period, the Secretary" and inserting in lieu thereof "The Secretary".

(c) NOTICE.—Subsection (c)(1) of such section is amended by striking out "during the

program period" and all that follows through "(a)(2)(A)" and inserting in lieu thereof "after January 31, 1985, of a rating of total disability described in subsection (a)(2)".

(d) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings".

(2) The table of sections at the beginning of chapter 11 of title 38, United States Code, is amended by striking out the item relating to section 1163 and inserting in lieu thereof the following:

"1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings."

SEC. 202. PERMANENT PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN PENSION RECIPIENTS.

(a) PERMANENT PROGRAM.—Subsection (a) of section 1524 of title 38, United States Code, is amended to read as follows:

"(a)(1) A veteran who has been awarded pension under this chapter may submit to the Secretary an application for vocational training under this section.

"(2) Subject to paragraph (4) of this subsection, upon the submittal of an application by a veteran under paragraph (1) of this subsection, the Secretary shall—

"(A) make a preliminary finding (on the basis of information contained in the application or otherwise in the possession of the Secretary) whether the veteran has good potential for achieving employment after pursuing a vocational training program under this section; and

"(B) if the Secretary makes a preliminary finding that the veteran has such potential, provide the veteran with an evaluation to determine whether the veteran's achievement of a vocational goal is reasonably feasible.

"(3) An evaluation of a veteran under subparagraph (B) of paragraph (2) shall include a personal interview of the veteran carried out by a Department employee who is trained in vocational counseling (as determined by the Secretary) unless the Secretary determines that such an evaluation is not feasible or is not necessary to make the determination referred to in that subparagraph."

(b) CONFORMING AMENDMENTS.—(1) Subsection (b)(4) of such section is amended by striking out "the later of (A)" and all that follows through the period at the end of the first sentence and by inserting in lieu thereof "the end of a reasonable period of time (as determined by the Secretary) following the evaluation of the veteran under subsection (a)(2)(B) of this section".

(2)(A) The heading of such section is amended to read as follows:

"§ 1524. Vocational training for certain pension recipients".

(B) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended by striking out the item relating to section 1524 and inserting in lieu thereof the following:

"1524. Vocational training for certain pension recipients."

SEC. 203. PROTECTION OF HEALTH-CARE ELIGIBILITY.

(a) PERMANENT PROTECTION.—Section 1525 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "during the program period" and inserting in lieu thereof "after January 31, 1985,"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) For the purposes of this section, the term 'terminated by reason of income from work or training' means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or with gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension."

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1525. Protection of health-care eligibility".

(2) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended by striking out the item relating to section 1525 and inserting in lieu thereof the following:

"1525. Protection of health-care eligibility."

SEC. 204. INCREASE IN SUBSISTENCE ALLOWANCE FOR VETERANS RECEIVING VOCATIONAL OR REHABILITATIVE TRAINING.

Section 3108(b) of title 38, United States Code, is amended by striking out the table at the end and inserting in lieu thereof the following new table:

	Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents	The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:					
Full-time	\$366	\$454	\$535	\$39	
Three-quarter-time	275	341	400	30	
Half-time	184	228	268	20	
Farm cooperative, apprentice, or other on-job training:					
Full-time	320	387	446	29	
Extended evaluation:					
Full-time	366	454	535	39	
Independent living training:					
Full-time	366	454	535	39	
Three-quarter-time	275	341	400	30	
Half-time	184	228	268	20	

SEC. 205. VOCATIONAL REHABILITATION FOR CERTAIN DISABLED VETERANS WITH SERIOUS EMPLOYMENT HANDICAPS.

Section 3102 of title 38, United States Code, is amended to read as follows:

"A person shall be entitled to a rehabilitation program under the terms and conditions of this chapter if—

"(1) the person is—

"(A)(i) a veteran who has a service-connected disability which is, or but for the receipt of retired pay would be, compensable at a rate of 20 percent or more under chapter 11 of this title and which was incurred or aggravated in service on or after September 16, 1940; or

"(ii) hospitalized or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that—

"(I) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment is doing so under contract or

agreement with the Secretary concerned, or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned; and

"(II) the person is suffering from a disability which will likely be compensable at a rate of 20 percent or more under chapter 11 of this title; and

"(B) determined by the Secretary to be in need of rehabilitation because of an employment handicap; or

"(2) the person is a veteran who—
 "(A) has a service-connected disability which is, or but for the receipt of retired pay would be, compensable at a rate of 10 percent under chapter 11 of this title and which was incurred or aggravated in service on or after September 16, 1940; and
 "(B) has a serious employment handicap."

SEC. 206. TREATMENT OF CERTAIN APPLICATIONS FOR PENSION AND DISABILITY AND INDEMNITY COMPENSATION.

Section 5306(b) of title 38, United States Code, is amended to read as follows:

"(b)(1) Renunciation of rights shall not preclude any person from filing a new application for pension, compensation, or dependency and indemnity compensation at a later date.

"(2) Except as provided in paragraph (3), a new application for pension, compensation, or dependency and indemnity compensation under this subsection shall be treated as an original application, and no payments shall be made for any period before the date such application is filed.

"(3) An application for dependency and indemnity compensation to parents payable under section 1315 of this title or for pension payable under chapter 15 of this title that is filed during the one-year period beginning on the date that a renunciation thereto was filed by the person pursuant to subsection (a) shall not be considered an original application, and payment of such benefits shall be made as if the renunciation had not occurred."

SEC. 207. STYLISTIC AMENDMENT.

(a) IN GENERAL.—Section 5110(h) of title 38, United States Code, is amended by striking out "calendar".

(b) RULE OF CONSTRUCTION.—The purpose of subsection (a) is to make a nonsubstantive stylistic amendment that conforms the terminology used in section 5110(h) of title 38, United States Code, to that used in such title.

TITLE III—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICES FOR VETERANS

SEC. 301. IMPROVEMENT OF DISABLED VETERANS' OUTREACH PROGRAM.

Section 4103A(a)(1) of title 38, United States Code, is amended in the first sentence by striking out "specialist for each 5,300 veterans" and all that follows through the end of the sentence and inserting in lieu thereof "specialist for each 6,900 veterans residing in such State who either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans."

SEC. 302. REPEAL OF DELIMITING DATE RELATING TO TREATMENT OF VETERANS OF THE VIETNAM ERA FOR EMPLOYMENT AND TRAINING PURPOSES.

Section 4211(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking out "(A) Subject to subparagraph (B) of this paragraph, the term" and inserting in lieu thereof "The term"; and

(2) by striking out subparagraph (B).

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. THURMOND, Mr. GRAHAM, Mr. DIXON, Mr. HOLLINGS, Mr. KOHL, Mr. JOHNSTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SHELBY, Mr. SANFORD, Mr. RIEGLE, Mr. WARNER, Mr. GRASSLEY, and Mr. COATS):

S.J. Res. 295. Joint resolution designating September 10, 1992, as "National D.A.R.E. Day"; to the Committee on the Judiciary.

NATIONAL D.A.R.E. DAY

• Mr. DECONCINI. Mr. President, for the 5th year in a row I am pleased to introduce, along with Senators D'AMATO, THURMOND, GRAHAM, DIXON, HOLLINGS, KOHL, JOHNSTON, CHAFEE, MIKULSKI, JEFFORDS, SHELBY, SANFORD, RIEGLE, WARNER, GRASSLEY, and COATS, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day." D.A.R.E., an acronym for drug abuse resistance education, is an educational program designed to teach students the skills necessary to resist pressure to experiment with drugs and alcohol. This joint resolution acknowledges the accomplishments of this effective drug education program.

D.A.R.E. was originally developed as a cooperative effort between the Los Angeles Police Department and the Los Angeles Unified School District. Initially, the program began with 10 Los Angeles police officers teaching at 50 local elementary schools. Today the program is taught by more than 12,000 officers in over 200,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Puerto Rico, Costa Rica, Mexico, and Department of Defense Dependent Schools worldwide.

Originally taught to 5th- and 6th-grade children, D.A.R.E. has been expanded to include all grades K-12 as a result of its success. The program effectively targets children who are young enough not to have received maximum exposure to illegal drugs, yet are old enough to fully comprehend the dangers of drug use. In addition, the program provides parents with the skills necessary to reinforce the decision of their children to lead drug-free lives.

In my home State of Arizona, we now have 84 separate agencies that are involved in D.A.R.E. and nearly 240 trained officers. During this school year alone, these officers will reach over 40,000 students in 500 Arizona public schools. Still, we have a long way to go. According to evaluations obtained by the State D.A.R.E. office, only 38 percent of the 5th- and 6th-grade students in Arizona are receiving the D.A.R.E. Program.

When the University of Michigan's 17th annual national survey of high school seniors was recently released, the report showed a continuing decline in drug and alcohol use from 1990 to

1991. The rate of any illicit drug use within the past year declined from 33 percent to 29 percent—approximately half the 1980 rate. The Michigan survey, funded by the National Institute on Drug Abuse, reported that alcohol use was down from 57 percent in 1990 to 54 percent in 1991, a 25-percent drop since 1980. Cocaine use fell from 1.9 percent in 1990 to 1.4 percent in 1991, a drop of 73 percent since 1980.

I think we can reasonably conclude from these encouraging results that illegal drug use by our youth is slowly declining. However, to keep the momentum going in the right direction, an effective, long-term commitment to the education of our young people on the dangers of illegal drugs is essential. We must fight harder—implementing greater preventive measures and creating greater community awareness. President Bush has requested \$12.7 billion in his fiscal year 1993 budget for antidrug programs. Although the President's budget increases this year's overall funding level by 6 percent, spending for drug-free schools State grants is frozen at last year's level. This is the primary Federal account for funding drug education in the Nation's classrooms. The President's budget request is simply inadequate. It falls far short of what is needed in this country to provide a drug education curriculum for every child, in every classroom, in every school in America. Programs like D.A.R.E. have proven effective and must be expanded.

Independent studies show that the D.A.R.E. Program has had a significant impact on the rates of drug and alcohol use among students who have studied D.A.R.E. versus those who have not. Moreover, educators are finding that the D.A.R.E. Program has contributed to improved study habits and grades, decreased vandalism and gang activity, and a better rapport between children and police officers.

Mr. President, the D.A.R.E. Program is a program that works. It is producing unprecedented results. Hopefully, we will acknowledge the merit of this program for the 15th straight year by designating September 10, 1992, as "National D.A.R.E. Day." I urge my colleagues to show their support by cosponsoring this resolution. I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 295

Whereas D.A.R.E. (Drug Abuse Resistance Education) is the largest and most effective drug-use prevention education program in the United States, and is now taught to 20 million youths in grades K-12;

Whereas D.A.R.E. is taught in more than 200,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Puerto Rico, Costa Rica, Mexico and Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decision-making skills and the consequences of their behavior and by building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further their children's development and to reinforce their decisions to lead drug-free lives;

Whereas the D.A.R.E. Program is taught by veteran police officers who come straight from the streets with years of direct experience with ruined lives caused by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches the D.A.R.E. Program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communications skills; and

Whereas D.A.R.E. according to independent research, substantially impacts students' attitudes toward substance use and contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 10, 1992 is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.●

By Mr. ADAMS (for himself, Mr. BINGAMAN, Mr. COCHRAN, Mr. COHEN, Mr. CRANSTON, Mr. DECONCINI, Mr. DODD, Mr. GARN, Mr. GRASSLEY, Mr. JOHNSTON, and Mr. REID):

S.J. Res. 296. Joint resolution to designate the week of May 17, 1992, through May 23, 1992, as "National Senior Nutrition Week"; to the Committee on the Judiciary.

NATIONAL SENIOR NUTRITION WEEK

● Mr. ADAMS. Mr. President, I rise today to honor a group of dedicated individuals who perform an essential and life-sustaining service for older Americans. I am speaking of the thousands of volunteers and professionals who serve nutritious meals to our Nation's seniors in both congregate and home settings. Their daily commitment ensures the continued well-being and independence of many senior individuals, both through nutritional sustenance and social contact.

I proudly commend their dedication by introducing legislation that would designate the week of May 17, 1992, through May 23, 1992, as "National Senior Nutrition Week."

Nutrition services comprise a vital part of the Older Americans Act [OAA]. Meal programs have been included in the Act since they were first incorporated as a demonstration project in 1968. Due to the success of this program, nutrition services were fully authorized in the Act in 1972. Since then,

the program has consistently been the best known and most widely supported part of the OAA.

In 1991, over 145 million meals were served in congregate settings to approximately 2.7 million seniors and over 115 million home-delivered meals were served to approximately 728,000 older Americans.

These meals are vital. Sound nutrition is essential to good health. And, sadly, malnutrition among the elderly is a serious problem. I recently held a hearing on this topic that revealed shocking numbers of malnourished seniors. Witnesses testified that this problem has social as well as financial roots. Seniors who live alone often lack the ability or motivation to prepare meals for themselves. This is where services such as congregate and home delivered meals play such an essential role. They facilitate the social interaction that many seniors need as well as provide meals to those who are physically or financially unable to prepare nutritious meals for themselves.

As chairman of the Committee on Labor and Human Resources Subcommittee on Aging, I intend for the Subcommittee to keep the nutritional concerns of our older citizens at the forefront of our national agenda.

I ask my colleagues to join me in recognizing the contributions of those who serve meals to the Nation's elderly by supporting this legislation to proclaim the week of May 17, 1992, as "National Senior Nutrition Week."●

ADDITIONAL COSPONSORS

S. 391

At the request of Mr. REID, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 391, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 847

At the request of Mr. BURNS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 847, a bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent.

S. 1130

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from sale of farm assets into an individual retirement account.

S. 1213

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1213, a bill to amend title IX of the Public Health Service Act to require the Director of the Centers for Disease Control to acquire and evaluate data concerning preventative

health and health promotion, and for other purposes.

S. 1731

At the request of Mr. MCCONNELL, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

S. 1862

At the request of Mr. GRAHAM, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1862, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Rhode Island [Mr. CHAFFEE] were added as cosponsors of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2113

At the request of Mr. SMITH, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2113, a bill to restore the Second Amendment rights of all Americans.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2489

At the request of Mr. DOMENICI, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2489, a bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 2624, a bill to authorize

appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19-25, 1992, as "National Credit Education Week".

SENATE JOINT RESOLUTION 258

At the request of Mr. RIEGLE, the names of the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. HEFLIN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 258, a joint resolution designating the week commencing May 3, 1992, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 263

At the request of Mr. SARBANES, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 263, a joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week".

SENATE JOINT RESOLUTION 266

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 266, a joint resolution designating the week of April 26-May 2, 1992, as "National Crime Victims' Rights Week".

At the request of Mr. THURMOND, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Vermont [Mr. LEAHY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Wisconsin [Mr. KOHL], the Senator from Florida [Mr. GRAHAM], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. HATFIELD], the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. MCCAIN], the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS], the Senator from Vermont [Mr. JEFFORDS], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 266, supra.

SENATE JOINT RESOLUTION 268

At the request of Mr. GARN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Montana [Mr. BURNS], the Senator from Maine [Mr. COHEN], the Senator from Rhode Island [Mr. CHAFEE], the Senator

from Connecticut [Mr. DODD], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Virginia [Mr. ROBB], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 268, a joint resolution designating May 1992, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 292

At the request of Mr. SMITH, the names of the Senator from Colorado [Mr. BROWN], the Senator from Nevada [Mr. BRYAN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 292, a joint resolution to provide for the issuance of a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. SEYMOUR, the names of the Senator from Nevada [Mr. REID], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye.

SENATE RESOLUTION 279

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Resolution 279, a resolution to prohibit the provision to members and employees of the Senate, at Government expense, of unnecessary or inappropriate services and other benefits.

SENATE RESOLUTION 289

At the request of Mr. D'AMATO, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 289, a resolution honoring the "Righteous Gentiles" of the Holocaust during WW II.

SENATE RESOLUTION 290

At the request of Mr. DOLE, the names of the Senator from Illinois [Mr.

DIXON], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Resolution 290, a resolution regarding the aggression against Bosnia-Herzegovina and conditioning U.S. recognition of Serbia.

AMENDMENTS SUBMITTED

ADMINISTRATION OF VETERANS LAWS

CRANSTON AMENDMENT NO. 1788

Mr. FORD (for Mr. CRANSTON) proposed an amendment to the bill (S. 2378) to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes; as follows:

On page 5, below line 2, add the following new section:

SEC. 5. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, upon such terms and conditions as the Secretary considers appropriate, issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certificates or other securities evidencing an interest in a pool of mortgage loans made in connection with the sale of properties acquired under this chapter.

"(2) The Secretary may not under this subsection guarantee the payment of principal and interest on certificates or other securities issued or approved after December 31, 1992."

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of such title is amended by inserting ", and the amount received from the sale of securities under section 3720(h) of this title," after "subsection (a)(1) of this section".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on S. 2631, the Used Oil Energy Production Act.

The hearing will take place on May 20, 1992, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, 1st and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Allen Stayman.

For further information, please contact Allen Stayman of the committee staff at 202-224-7865.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND APPROPRIATIONS SUBCOMMITTEE ON FOREIGN AFFAIRS

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations Subcommittee on Foreign Affairs will hold a hearing on aid to the Soviet Union, Wednesday, May 6, 1992, at 10 a.m., in SD-628.

For further information please contact Janet Breslin of the Agriculture Committee staff at extension 4-5207 or Eric Newsom of the Foreign Operations Subcommittee staff at extension 4-7209.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Conservation and Forestry will hold an oversight hearing on the Forest Service's proposed changes in the administrative appeals process. The hearing will be held on Thursday, May 21, 1992, at 2 p.m. in SR-332. Senator WYCHE FOWLER will preside.

For further information please contact Woody Vaughan at 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 30, 1992 at 2 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, April 30, 1992 at 2 p.m. to hold a hearing on "Patent Harmonization."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate, 2 p.m., April 30, 1992, to receive testimony on S. 21, to provide for the protection of the public lands in the California desert, H.R. 2929, the California Desert Protection Act of 1991, and S. 2393, a bill to designate certain lands in the State of California as wilderness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 30, 1992 at 10:30 a.m. to hold a hearing on the nomination of John P. Walters, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy, and Kay Cole James, to be Associate Director for National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 30, 1992, to hold a hearing on "Efforts to Combat Fraud and Abuse in the Insurance Industry: Part 5."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet on Thursday, April 30, 1992, at 2:30 p.m., in open session, to receive testimony on the national security implications of the proposed sale of the aircraft and missile divisions of the LTV Corp.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED STATES MUST PLAY ROLE IN BRINGING YUGOSLAV VIOLENCE TO END

• Mr. DECONCINI. Mr. President, finally, the European Community, the Conference on Security and Cooperation in Europe [CSCE], and the United Nations are taking steps to stop the bloodshed in Bosnia-Herzegovina. In a three-pronged approach, the CSCE has admitted Bosnia-Herzegovina as a participant, and has questioned Serbia's right to represent Yugoslavia in an assembly of states committed to peace and democracy; the European Community has successfully brought together representatives of the Muslim, Serb, and Croat communities and sees "a light at the end of the tunnel" in discussions on autonomy within a united Bosnia-Herzegovina; and the United Nations will send peacekeeping operations director Robert Goulding to the region and consider sending peacekeeping forces to Bosnia-Herzegovina.

Finally, after 300 deaths and 400,000 refugees in a month of fighting, the United States is prepared to face the issue; 300 deaths after a free and fair referendum showed popular support for

independence for Bosnia-Herzegovina, we are prepared to recognize the imminent threat to its existence, and to the lives of its citizens of all ethnic groups.

Let us just hope that it is not too late. I, in my capacity of cochairman of the Helsinki Commission, have been calling for special attention to Bosnia-Herzegovina, including CSCE monitors, since last year, before the conflict had spread from Slovenia and Croatia. Unfortunately, not only were the Community, CSCE, and United Nations uninterested or actively opposed to getting involved in Bosnia-Herzegovina, but Bush administration policies actively discouraged the search for reasonable solutions for all parties.

As happened during the evolution and dissolution of the former Soviet Union, we witnessed a United States response conditioned on nostalgia for the old, simple order in Yugoslavia. The United States was unwilling to confront, until events and the determined peoples of the former Yugoslavia forced us to do so, the possibility that Yugoslavia's constituent republics might be better off apart. How many lives might have been saved by the timely deployment of interposition forces, or even by early recognition of the sovereign republics—a recognition which, bowing to the most groundless fears of one European Community country, we still have not granted to Macedonia? My Commission office has received dozens of phone calls from Americans—some of Croatian descent, some not—asking the same questions. I must admit I share their sense of frustration.

But now the people have taken self-determination into their own hands, and, finally, the Bush administration has recognized the correctness of their struggles—and in this regard I would not want to forget the severe repression of the Albanian population of the Serbian province of Kosovo—and has called into question the legitimacy of the Serbian institutions claiming to represent Yugoslavia abroad. We must not cease the pressure on Serbia and on all parties to live up to international standards regarding democracy, human rights, and territorial integrity; and we must do all we can, including proposing and supporting peacekeeping forces, to promote an end to violence and a lasting solution.●

IN RECOGNITION OF "THE SORGENFREI CREW"

• Mr. GORTON. Mr. President, on July 19, 1944, pilot Kennon Sorgenfrei and his bomber crew were scheduled to fly their next-to-last combat mission of World War II. Today I rise to commend this brave pilot, and his courageous crew, for their efforts during that difficult time, and to honor the occasion of their meeting with the French Maquis—a resistance group which assisted their safe return to the United States.

"The Sorgenfrei Crew," as they were known, had been forced to bail out of their downed plane over German-occupied Vichy France. With the assistance of Le Maquisards—the French resistance—the American troops were lead to safety. By combating the many barriers to language and communication, the two distinguished groups worked together to ensure the crew's survival.

Mr. President, a tribute will take place in late June of this year honoring the fraternal relationship between The Sorgenfrei Crew and the French Maquis. This reunion will take place between French Government representatives and the Maquis, honoring the American crew for their courage, bravery, and heroism.

Mr. President, while I rise today to honor the tremendous valor of Pilot Sorgenfrei and his crew, there is more. Had it not been for the selfless courage of the French Maquis, this reunion would not be possible. This courage transcends people, transcends borders, and transcends nations. It is the rare manifestation of the intangible spirit that makes us one in the pursuit of freedom and justice. Mr. President, it is in recognition of this spirit that I rise to commend Pilot Sorgenfrei and his crew on the occasion of this anniversary. ●

HONORING SPACE SHUTTLE PROJECT

● Mr. KASTEN. Mr. President, it has always been a part of the American spirit to reach beyond distant frontiers. I want to bring to the attention of my colleagues today a very interesting way in which some Wisconsin young people are reaching beyond these frontiers.

The Wausau School District in Wausau, WI, is celebrating the 500th anniversary of the discovery of America with a project called International Space Year. This project involves converting a schoolbus into a space shuttle for use as an educational tool.

This space shuttle will visit area elementary schools designated as planets and other celestial destinations. The shuttle will conduct experiments at each school to broaden student awareness of astronomy.

Another aspect of this project—to be implemented this fall—is the conversion of a trailer house into a space science station by the Wausau Area Builders Association.

This creative project is a marvelous way to get Wausau students excited about America's challenge in science and in space. I ask my colleagues to join me in expressing our admiration for the efforts of project coordinator Sharon Ryan and the Wausau School District in making the project a reality. ●

THE NEW YORK PHILHARMONIC

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a truly extraordinary organization, the New York Philharmonic, on the occasion of their sesquicentennial. The New York Philharmonic is the oldest symphony orchestra in the United States and one of the oldest in the world. It has played a leading role in American musical life and development since its founding in 1842. I ask that my colleagues join me in commending the New York Philharmonic on their 150th anniversary and wishing them many more prosperous years.

Since its inception, the orchestra has championed the new music of its time, giving many important works, such as Dvorak's "New World Symphony," their premier performances. This pioneering tradition has continued to the present day with works of major contemporary composers regularly scheduled each session.

In 1957, Dimitri Meitropoulos and Leonard Bernstein served together as principal conductors until, in the course of the season, Bernstein was appointed music director, thus becoming the first American-born and trained conductor to head the Philharmonic. Mr. Bernstein remained music director for 11 years and then was given the lifetime position of laureate conductor, the first in the orchestra's history.

After more than 70 years in Carnegie Hall, the Philharmonic moved in 1962 to Philharmonic Hall at Lincoln Center. In 1973, Philharmonic Hall was renamed Avery Fisher Hall in recognition of a major gift from Avery Fisher, a long-time supporter of the orchestra. A portion of this gift was later used to completely redesign the auditorium to an improved acoustical standard.

Today, the Philharmonic plays some 200 concerts a year, most of them in Avery Fisher Hall, Lincoln Center, during the 35 weeks of its subscription season. On March 7, 1982, the Philharmonic performed its 10,000th concert, a milestone reached by no other orchestra in the world.

Kurt Masur, music director of the Gewandhaus Orchestra of Leipzig, became music director of the New York Philharmonic in September 1991, succeeding Zubin Mehta, the longest tenured Philharmonic music director in this century.

The roster of composers and conductors who have led the Philharmonic include such historic figures as Anton Rubinstein, Tchaikovsky, Dvorak, Weingartner, Mahler, Rachmaninoff, Richard Strauss, Mengelberg, Furtwangler, Toscanini, Stravinsky, Koussevitzky, and Walter. Many great instrumentalists and singers of many generations have performed with the orchestra.

Since making its first recording in 1917, the Philharmonic has recorded more than 800 albums; currently over

200 recordings are available. Beginning in 1950 television further expanded the Philharmonic's audience and through this medium they reach millions of people each year.

In 1965, the Philharmonic launched a series of free public concerts in the parks of New York City. Since then, more than 11 million people have attended these concerts. On July 5, 1986, the Philharmonic's Liberty Weekend Concert in Central Park drew 800,000 listeners, the largest audience for a classical music concert in history.

New York has been blessed with a rich assortment of art, theatre, and music of every variety. The New York Philharmonic provides a great value to New Yorkers, and, indeed, the whole world. Their capacity to stir people's imaginations and affect their souls is greatly appreciated today; as it was in 1842 when a group of leading New York musicians organized for the purpose of advancing instrumental music. Their legacy is profound and is deserving of standing ovations. It is my hope that my colleagues will join me in commending this momentous achievement and in wishing the New York Philharmonic many more prosperous years. ●

RECOGNIZING THE AIR FORCE TECHNICAL APPLICATION CENTER

● Mr. WARNER. Mr. President, I rise today on behalf of myself, and Senator DANFORTH to recognize the Air Force Technical Application Center, headquartered at Patrick Air Force Base, FL, on the occasion of its 1992 reunion. For more than 40 years, the men and women of AFTAC and its predecessor organizations have vigilantly provided our Nation's policymakers with reliable, sophisticated and scientific information concerning the proliferation of nuclear arms.

Soon after World War II, it became apparent to military and civilian leaders that other nations would eventually gain the awesome power of nuclear weapons. Recognizing that it was in the best national interest to monitor that growth, Gen. Dwight Eisenhower directed the Army Air Force to develop a program with the ability to "detect atomic explosions anywhere in the world," in 1947.

In 1949, sensors aboard an RB-29 flying between Alaska and Japan detected debris from the first Russian atomic test. Since then, AFTAC has evolved into a unique national resource that monitors compliance with nuclear treaties, supports our Nation's space program, and provides critical public safety information during emergencies involving nuclear materials.

Over the years, AFTAC has made significant contributions to the deterrence of nuclear aggression. At its heart is the U.S. atomic energy detec-

tion system, a worldwide system of sensors capable of detecting nuclear weapons or explosions underground, underwater, in the atmosphere, or in space. To accomplish its mission, AFTAC has a network of 14 manned detachments and more than 70 unmanned equipment locations.

AFTAC has also used its unique capabilities to support other national programs. The U.S. manned space flight program utilizes AFTAC's expertise to provide warning of potential radiation exposure to astronauts. AFTAC tracked debris from the 1986 nuclear reactor accident at Chernobyl, and worked closely with the Environmental Protection Agency, Federal Aviation Administration, and other agencies to document the radiological health hazards overseas and in the United States. Today, AFTAC continues to explore ways to employ its unique technological capabilities in other specialized mission areas.

The men and women of AFTAC throughout the last 40 years have helped protect this Nation—and indeed the world—from nuclear disaster by providing hard, highly reliable scientific information to our Nation's leaders. Among the many other benefits of this program, it has, first and foremost, helped to bring world nuclear powers to the negotiating table, resulting in landmark nuclear arms treaties, and reducing the threat of nuclear war.●

IN TRIBUTE TO GERHARD RIEGNER FOR THE ANNUAL DAYS OF REMEMBRANCE CEREMONY

● Mr. DODD. Mr. President, I rise today to join my colleagues in tribute to Dr. Gerhard Riegner, who will receive the U.S. Holocaust Memorial Museum's Eisenhower Liberation Medal at the annual Days of Remembrance ceremony held today in the U.S. Capitol.

Fifty years ago, as the World Jewish Congress representative in Geneva, Dr. Riegner was the source for a chilling cable that was sent from the British offices of the WJC to headquarters in New York. It is a cable whose reading today awakens long-shrouded images of an unthinkable atrocity.

The cable read, in part:

Have received through foreign office following message from Riegner Geneva STOP Received alarming report that in Fuhrers headquarters plan discussed and under consideration all Jews in countries occupied or controlled Germany number 3½ to 4 million should after deportation and concentration in East at one blow exterminated to resolve once and for all Jewish question in Europe.

What happened during the Holocaust, of course, surpassed the worst predictions of Dr. Riegner himself. The mindless hatred of the Nazi regime, and the unspeakable horrors it perpetuated, left an incorrigible mark on an entire episode of history. The Holo-

caust and its torturous memories are inextricably woven into the social fabric of an entire generation.

For the last half a decade, Mr. President, Dr. Riegner has helped to ensure that this tragic episode in world history not be repeated. Since the Holocaust, Dr. Riegner has devoted much of his life to strengthening the relationship between the world Jewish community and the several Christian denominations. For this remarkable mission of humanity, we honor Dr. Riegner today.

Dr. Riegner has also taken on another mission of equal importance: to ensure that the Holocaust and its bitter lessons are never forgotten. Such is the noble cause of the institution that honors Dr. Riegner today, the U.S. Holocaust Memorial Museum.

The unceasing efforts of Dr. Riegner have helped Holocaust survivors come to terms with the appalling legacy of the past. And they have ensured that a new generation of citizens experience firsthand the mindless horror of an era, so they may silently vow to themselves: "never again."●

HUTCHINSON SENIOR HIGH SCHOOL

● Mr. DURENBERGER. Mr. President, I rise today in order to commend an outstanding group of students from Hutchinson Senior High School in my home State Minnesota. For the fifth year in a row they have proudly represented the people of Minnesota in the "We the People * * * National Bicentennial Competition." The 1992 competition was held this past weekend in Washington, DC, and I am proud to say that the students from Hutchinson once again came through with another outstanding performance.

As participants in this program, students are judged on their knowledge and understanding of the Constitution and its relationship to both historical and contemporary issues. As a result, high school students across the Nation have developed a better understanding of the American constitutional system and its application to our everyday lives.

However, the continued success which has been displayed by the students from Hutchinson Senior High School has not come without much hard work and sacrifice. Countless hours of study and preparation have resulted in the following students contributing to an increased understanding of our U.S. Constitution: Corrie Blegen, Cory Block, Justin Burgart, Damen Cornell, Ryan Cox, Sara Duesterhoeft, Michael Gilbertson, Kelly Hoversten, Darin Lind, Matt Martin, Paul Moehring, Jeffery Mumm, Andy Nelson, Donnie Prellwitz, Michele Ruskamp, Brian Thul, and Peter Van Overbeke.

Finally, I cannot conclude this statement without words of praise for the

students' instructor, Mike Carls. His dedication and encouragement have been a major factor during Hutchinson's 5-year reign as Minnesota State champions in the "We the People Competition."

Mr. President, again I congratulate these students on their marvelous achievement, and I wish them the best of luck in all their future endeavors.●

EARTHQUAKE INSURANCE AND HAZARD REDUCTION LEGISLATION

● Mr. SEYMOUR. Mr. President, California residents again were reminded this past weekend of their vulnerability to the unpredictable movements of the tectonic plates that occasionally buckle beneath the surface of our land.

The 6.9 Richter scale quake and subsequent aftershocks that battered Humboldt County along the northern California coast inflicted damages which are now estimated in excess of \$50 million. Even that figure cannot begin to take into account the impacts that will be felt by individuals, families and entire communities where residences and work places were either destroyed or damaged. Now to place this earthquake in perspective, it was almost as powerful as the 7.1 magnitude 1989 Loma Prieta that caused over \$5 billion in damage.

But northern California is not the only place in my State experiencing earthquakes. Just last week, the area north of Palm Springs was shaken by a 6.0 magnitude quake that was felt throughout much of Los Angeles.

These events also should serve to remind us of the need to come forth with a plan that will enable Californians and residents of other earthquake-prone States to have the resources and help that is necessary to rebuild and recover from the devastation which nature is capable of inflicting in at least 39 of our 50 States.

Such a plan has indeed been drafted, and it should be considered by this Congress at the earliest possible date. Just before the Easter recess on April 7, I joined with the senior Senator from Hawaii, Senator INOUE, in introducing S. 2533, a bill which better prepares our Nation to respond to the ever-present risk of earthquakes. Our legislation is very similar to a bill introduced in the House, H.R. 2806; that legislation enjoys the support of more than 50 Members of that body.

S. 2533 creates two programs: an insurance program to make earthquake insurance more available and affordable, and a hazard-reduction program to mitigate losses from future earthquakes.

I cannot overemphasize the importance of making earthquake insurance more readily available at affordable rates to all Californians. Press accounts indicate that fewer than 10 per-

cent of the homeowners and renters in Humboldt County had earthquake insurance. The major reason so few Californians are covered is the high premiums and deductibles. Our bill addresses both of these issues.

The average home owner in California today pays approximately \$200 to \$300 annually for earthquake insurance, and the high deductibles, usually 10 percent of the house's value, means that an overwhelming burden must be met—up to \$20,000 on a \$200,000 home—before the owner can recover anything.

Our bill, if enacted, would reduce dramatically both the rates and the deductibles because the insurance coverage would spread the costs and risks over a national base. Obviously those with less risk would pay low premiums, but those located in greater risk areas would have the protection which only the very wealthy can now afford. Computer studies conclude that the national earthquake insurance program envisioned in S. 2533 will lower rates to about \$50 to \$100 per year and deductibles can drop to as low as 2 to 5 percent.

Mr. President, a Federal role is required to help the States respond fully to catastrophic earthquakes and ensure the rebuilding of entire communities. California recently enacted a limited State earthquake insurance program which could cover up to \$15,000 in damages. But this program is under fire for several reasons, primarily because of the difficulties in adequately capitalizing a State-only insurance program. As a result, State officials have recommended repeal of the California State program and extended their support for a Federal program such as S. 2533.

The mitigation program in the legislation also represents a forward looking effort to better prepare for the inevitability of earthquakes. The program works constructively with earthquake-prone States to ensure that cost-effective loss reduction measures are adopted and enforced by local communities. Although California has among the most stringent seismic building standards in the country, more can be done. For example, simple and inexpensive measures such as bolting the foundation of wood frame structures could have saved a number of the older Victorian homes that were severely damaged over the weekend in California's Humboldt County.

We must act to consider and bring about a responsible approach to earthquake protection and insurance. Such an approach now exists in S. 2533, and I urge the Senate leadership to give this legislation the high priority which events have shown it deserves.

Mr. President, the quakes that rocked California's northern coast, just like the ones that shook the bay area during game 3 of the 1989 World Series, inflict great pain and suffering. We all

know that at any time, and at almost any place, an earthquake of far greater magnitude will strike—the so-called Big One. The question is not whether such an earthquake will occur, but when. There is nothing we mortals can do to prevent such an event from occurring. We can on the other hand enact a program which will insure our ability as a Nation to survive and recover from such an unpredictable event. Let us get about the business of putting the mechanism in place to deal with such an event.●

ANTI-SEMITISM IN GERMANY

● Mr. SIMON. Mr. President, before I begin, I would like to preface my remarks by calling attention to today's designation as the Day of Remembrance of Victims of the Holocaust. In accordance with the intent of the U.S. Holocaust Memorial Council formed in 1980, April 30 has been set aside since 1984 for this poignant day of recognition and remembrance.

In honor of those who suffered and those who died, we must take this day to assure that they are not forgotten. In their memory, we must strengthen our commitment to liberty and justice everywhere and pledge that such a tragedy will never be allowed again. We simply cannot allow the memories to fade. We must always remember, and in remembering, remain true to our role as protectors of democracy.

For the past few months, I have detailed the status of anti-Semitic sentiment in the states of the former Soviet Union. Today and over the next several weeks, I plan to shift attention to the problems facing Jewish citizens in other countries. I turn first to Germany, where Jewish-German relations have suffered greatly from the strains of a tradition that has evolved from the Holocaust to the emergence of neo-Nazis.

Any examination of anti-Semitism in Germany must necessarily begin with the Holocaust and how the German people have come to terms with its legacy. The American Institute for Contemporary German Studies [AICGS] conducted a symposium in December 15-17, 1991, in which Germans, Israelis and American Jews examined the issue of "German-Jewish Reconciliation? Facing the Past and Looking to the Future." The frank, open dialog clearly outlined the difficulties facing this country.

During the symposium, German author Peter Schneider painted a vivid picture of the paradoxical situation confronting Jews and Germans in the modern world as they confront their past.

There is no such highly charged issue in Germany, loaded with mines, traps and poison, as the issue of Germans and Jews * * * As long as we Germans try to escape this whole crime of the Holocaust in dealing with

Jewish friends or people we know, there is no hope. As long as we limit ourselves to look back to the Holocaust, there is no hope either.

Deputy Secretary of State Lawrence Eagleburger spoke to the threat of not only a power vacuum due to the end of the cold war, but also a "moral vacuum—a vacuum ready to be filled by nationalist and racist sentiments." And just as we strive to ensure that the power vacuum is not filled by groups hostile to the burgeoning democracies, so too must we ensure that the moral vacuum is not left open to domination by those who would subvert the freedoms and liberties of others. As Eagleburger stated:

Our obligation is not to overcome the Holocaust, it is to live with the Holocaust and to learn from it. Only by embracing the past and accepting responsibility for what went before is there any hope to avoid, at some point, a repetition of history. This is the wisdom of the Holocaust, which a world now convulsed by history needs to remember.

It is my belief that we cannot hold the children, grandchildren and subsequent generations responsible for the actions of their parents and grandparents. What we can do, however, is hold them responsible for maintaining the memory of what happened and for guaranteeing that it will never happen again. This is their legacy. We owe the victims as well as the survivors of the Holocaust that duty. As Tom Mathews of Newsweek explained, there is a distinction between guilt, which is individual, and responsibility, which is collective. In those terms, present-day Germans are responsible for resolving the issues of the Holocaust and their nation's anti-Semitic past, but at the same time they are not guilty of the crimes of their fathers. The Holocaust must remain forever as a reminder of the vile and bitter hatred residing within the breasts of some people, which must be eternally guarded against.

Nevertheless, signs of a dangerous nationalism, embracing antiforeigner and anti-Semitic sentiments, have gained momentum in Germany. As Prof. George Mosse describes, in the 20th century, the governments of the world made concerted efforts to integrate the masses. But, with time, those governments have become nationalistic, political foundations in which the irrational and the emotional predominate.

Agnieszka Holland, Polish director of the recently released film "Europa, Europa," which retells the true story of a Jewish child who escaped the Holocaust by posing as an Aryan and serving with the Nazis, described nationalism as a virus that has "defrosted and resurfaced" after 40 years. Nowhere is that defrosting more evident than in the emergence of neo-Nazis in Germany.

The face of neo-Nazism has changed. Whereas they used to be scattered

numbers of misguided older men, neo-Nazis have now been transformed into growing ranks of politically active young Catholic Church officials in June of last year in which he stated:

We should not close our eyes before the danger that in some places, the old demons—nationalism, racism, and anti-Semitism—are being revived. . . I am outraged by the shameless actions by Neo-Nazis. . . These people have learned nothing from the history of this century.

Others, though, point to Kohl's recent meeting with Austrian President Kurt Waldheim, whose German Army unit was accused of wartime atrocities in the Balkans. As Israel's foreign minister David Levy said:

The Germans should be more sensitive than any other nation, especially the German Chancellor. Only decades have passed. We're still very sensitive, and we expect not only understanding but also that the sanctity of memory should always be before the Germans.

More and more that so-called sanctity of memory is coming under fire by rightwing extremists. Whether it is the desecration of Jewish cemeteries throughout Germany or vandalism at former concentration camps, such as Bergen-Belsen, the rhetoric is turning to hostile action. And, most recently, a German construction firm plans to build a shopping mall on the site of the ancient Ottensen Jewish Cemetery in Hamburg. The cemetery, which is nearly four centuries old, is the final resting place of more than 4,000 Jews. These events highlight the need for more sensitivity on the part of Germans and Germany when dealing with Jews.

Germany cannot wholly be characterized by these extremist elements. Major synagogue restoration projects, construction of national Holocaust memorials, the adoption of resolutions intended to cement relations with the Israeli State and permitted emigration of Soviet Jews are indicators that there is substantial understanding on the part of Germany in clearing a path for better relations between Germans and Jews.

Still, a survey conducted earlier this year in part by the Bielefeld Emnid Institute and released in the German weekly *Der Spiegel*, caused quite a stir among Germans and Jews alike. Thirty-two percent of those Germans surveyed replied "yes" when asked if Jews are partly to blame for why they are hated and persecuted, while 36 percent said Jews have too much influence in the world. But far from implicating only Germans, the survey also lent insight into the biases of Israeli Jews. One thousand Israelis were asked to rate how they viewed Germans by using a scale with plus five being the most positive image and minus five the most negative. Thirty percent rated Germans the lowest possible.

There are no easy solutions. Conferences such as the one sponsored by

the AICGS and surveys such as the one released by *Der Spiegel* suggest that the issue of German-Jewish relations cuts both ways. A concerted effort by both parties is necessary if there is to be hope for reconciliation. It is our responsibility to see that this reconciliation takes place, for only when the rights of everyone are ensured can we be certain that democracy will prevail.●

IN THE WAKE OF THE LOS ANGELES JURY'S VERDICT

● Mr. KOHL. Mr. President, I have received a number of calls from constituents today seeking some reassurance, some words of comfort, in the wake of the jury's verdict in the Rodney King case and the subsequent riots in Los Angeles.

I am not sure I can offer that reassurance. I am not sure there are any words that can bring comfort.

But I am sure that it is time we faced some fundamental truths. First, racism is present in every community in this country; it is woven into the fabric of our society; it is part of our perception of every event in our daily lives.

Second, despite the threat to the very existence of our Nation, we continue to fan the flames of racism. The last Presidential campaign did with its Willie Horton ads. David Duke's run for Governor of Louisiana did it 2 years ago. Last year's debate over the civil rights bill created more racial tension. And this year, the campaigns of both David Duke and Pat Buchanan have made overt and covert appeals to our worst racist tendencies.

Third, while we are shocked by the verdict and horrified by the riots which followed, we ought to be even more appalled by our collective failure to address the underlying problem—the real cause—which gives rise to these events. It was almost 30 years ago that we saw cities burning, and neighbor fighting neighbor. It was almost 30 years since the Kerner Commission told us that we were becoming two societies, separate and unequal; 30 years. Three decades.

And today, as we watch the frustrations boil over again, we stand as silent witnesses and realize that, in truth, we really have not dealt with the problem at all. We only denied its existence until it cannot be ignored. That, Mr. President, is what should be shocking our country at least as much as the verdict and riots. We cannot reverse the jury's decision. We cannot undo the grief that has been created in Los Angeles and throughout the country. But we can correct our failure. Indeed we must. We must act, now, to prevent another 30 years of inaction and another outburst of violence and rage.●

ADMINISTRATION'S ACTIONS TO PROTECT INTELLECTUAL PROPERTY

● Mr. SEYMOUR. Mr. President, I rise today to applaud the U.S. Trade Representative's announcement yesterday listing its annual decisions required under the special 301 procedures of our trade laws. This statute requires the identification and designation of those countries which deny adequate and effective protection for U.S. intellectual property rights, such as copyrights, patents, and trademarks.

USTR identified three countries—Taiwan, India, and Thailand—as priority foreign countries, the category reserved for the most serious offenders.

Since special 301 was enacted as a provision of the Trade Act of 1974, only four countries have received this designation and commensurate USTR investigation—India, the People's Republic of China, Taiwan, and Thailand. India, Thailand, and the People's Republic of China were investigated last year. The People's Republic of China was removed from the list earlier this year after negotiators reached agreement shortly before United States retaliatory tariffs were scheduled to take effect.

I am particularly gratified that USTR has designated Taiwan. Earlier this month, several of my California colleagues joined me in urging a special 301 designation and investigation of Taiwan because of its lack of enforcement of widespread illegal infringement of video game software. This designation is clearly necessary because, while the USTR has noted significant improvements in pending and proposed intellectual property law legislation, Taiwan has made little concrete progress toward effective enforcement.

Mr. President, intellectual property rights violations are particularly devastating to California business. As a center for IPR-sensitive industries, my State is home to more than 50 percent of U.S. video game software development companies. Moreover, many characters in video games are licensed from major California movie and television studios. Three of them, Walt Disney, Universal Studios, and Lucasfilm, joined Nintendo of America and numerous other licensees and developers of video games in requesting the priority country designation for Taiwan.

The administration estimates the piracy of American patents and copyrights, and the counterfeiting of American trademarks costs our economy \$60 billion annually. Since these illegal activities take place primarily in foreign countries, significant progress in reducing this problem would yield tremendous benefits for our economy and our international trade balance.

Mr. President, a designation as priority country does not end the process. Rather, it is a beginning. The USTR

now will make a decision within 30 days whether to initiate an investigation into each country's acts, policies, and practices that underlie the designation. Following such an investigation, the USTR can take trade action under section 301 if violations persist.

Certainly it is all of our hope the special 301 designation and potential investigations will be sufficient warning to bring Taiwan and the other countries to act to protect intellectual property rights. However, I firmly believe the USTR must take strong action if these problems persist and if we are to show the world that we are serious about protecting United States intellectual property.

In closing, Mr. President, I would like to note in particular the strong leadership of U.S. Trade Ambassador Carla Hills. Ambassador Hills has continued to focus on this critical issue, most recently in her successful conclusion of negotiations with the People's Republic of China, and she has made clear to our trading partners our commitment in this area.

Again, Mr. President, I applaud the administration's announcement, and I look forward to working with USTR to ensure greater respect for U.S. intellectual property rights.●

FINANCIAL DISCLOSURE REPORTS

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended and Senate rule 34 must be filed no later than close of business on Friday, May 15, 1992. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings; and will provide automatic written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 12. Advance requests for copies of full sets of 100 Senators' reports are

now being accepted by the Public Records Office. Any questions regarding the availability of reports or their purchase should be directed to that office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

ORDERS FOR FRIDAY, MAY 1 AND TUESDAY, MAY 5, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Friday, May 1; that when the Senate meets on Friday, it meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9:30 a.m. on Tuesday, May 5; that on Tuesday May 5, following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators ROTH and DURENBERGER recognized to speak for up to 10 minutes each; and that on Tuesday, May 5, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the regular party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, on Tuesday, May 5, at 10 a.m., it is my intention that the Senate will begin consideration of the rescission bill, S. 2403, reported earlier today by the Appropriations Committee. Rollcall votes may occur at any time during the day on Tuesday.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:45 p.m., recessed until 11 a.m., Friday, May 1, 1992.

NOMINATIONS

Executive nominations received by the Senate April 30, 1992:

THE JUDICIARY

RONALD B. LEIGHTON, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE JACK E. TANNER, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. THOMAS J. MCINERNEY, xxx-xx-xxxx, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH W. RALSTON, xxx-xx-xxxx, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. JOHN M. SHALIKASHVILI, xxx-xx-xx, U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT J. WINGLASS, xxx-xx-xx, USMC.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RICHARD M. DUNLEAVY, xxx-xx-xx, U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. WILLIAM A. OWENS, xxx-xx-x, U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) THOMAS J. LOPEZ, xxx-xx-xxxx, U.S. NAVY.

EXTENSIONS OF REMARKS

CATSKILL ELKS ARE LEADERS IN
RECOGNIZING VOLUNTEER CON-
TRIBUTIONS OF YOUTH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SOLOMON. Mr. Speaker, I would like to pay tribute today to the Benevolent and Protective Order of Elks, Catskill Lodge No. 1341 for its leadership role in a very important undertaking.

In conjunction with the Greene County Youth Bureau, Catskill Elks are designating the month of May as Youth Month. This gesture will recognize the significant contribution youths in Greene County have made as part of the National Youth Service America Project and in general throughout the year.

Mr. Speaker, I am a big fan of the youth of this country. When given proper guidance and the right opportunities, they jump right in with all the energy and enthusiasm of which they are capable and make a difference in their communities. There has been a new spirit of voluntarism in this country, and our youth were the first to respond.

National Youth Service Day is a way to recognize these contributions from young people. With their participation, including their May 8 awards dinner, Catskill Elks are demonstrating their partnership with youth and their own commitment to community service.

Let us all rise, Mr. Speaker, to salute the youth of this country and the Elks of Catskill for encouraging them.

LENNAR'S SUCCESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Lennar, whose sound strategic planning led it to become Florida's largest residential builder. The Miami-based company, who in 1991 enjoyed a net income of over \$21 million, has remained strong in an industry hit hard by troubled times. In recent years, it has maintained a high-quality operation and has successfully tapped into consumer-oriented services such as financing. The company was featured in the Miami Herald for its impressive achievements. The article "Lennar: Bright Spot in Troubled Industry" follows:

Talk about bucking the trend.

While national housing starts recently have hit their lowest levels in decades, Miami-based home builder Lennar continued to rack up impressive results.

For the year ended Nov. 30, net earnings at Florida's largest residential builder were

\$21.1 million, or \$2.10 a share. That's a 55 percent increase over the previous year, when net income was \$13.7 million, or \$1.36 a share.

While revenues of \$325.7 million were down \$25 million from 1990, they still were remarkable in an industry hit hard by recession.

Those numbers, and the company's resilience in a down market, reflect smart management and sound strategic planning, the panel of judges said. The company easily earned a place among the five finalists.

"Any home builder that's doing as well as they are deserves to be on the list," Kraft said.

He said the company has successfully maintained a high-quality operation and broadened its product line into consumer-oriented services such as financing.

Hille described the company's performance as "almost unbelievable. It has truly gone against trends in the industry."

He praised Lennar's management.

"They have a group of people who know when to retrench and how to keep overheads low," he said.

Three years ago, when the market was healthy, Lennar trimmed overhead and debt and boosted liquidity. It reduced its inventory of unsold homes. To assure income when home sales slumped, it accelerated the growth of its financial-services business.

"They're a very strategically oriented company," Wyman said. "They're looking to the next phase of the market, not just reacting to the current market."

Mr. Speaker, I commend Lennar and its talented management for its prosperous efforts in becoming a better company. In these difficult economic times, the company's great success is admirable to all in the business world.

TRIBUTE TO VICKI DOBBS: A PRO-
FESSIONAL TEACHER AND A
FRIEND TO STUDENTS

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CRAMER. Mr. Speaker, I rise today to pay a most deserving tribute to Vicki Dobbs, a professional and caring teacher at Monrovia Elementary School in Huntsville.

Mrs. Dobbs is a truly unique teacher who is a part of the broad educational spectrum. By motivating young children to meet their expectations, her influence and desire for excellence has changed the lives of many of her students.

Mrs. Dobbs believes communication with parents and students is the strong link that allows parents and children to be active participants in education. To facilitate this, she has developed her own checklist of academic and behavioral standards which is completed every week on each child. This report then goes home at the end of the week to show parents the areas where their children have suc-

ceeded. Being praised for a job well done spurs children to continue their educational efforts.

"The love for teaching children is not found in any book," as Mrs. Dobbs has so eloquently written in her biography. "Teaching is a difficult juggling act of many multiple factors including human, social and economic issues. Children are affected by divorce, poverty, drugs, abuse, and many other countless factors. These varied hurdling blocks are as different from one child to the next."

Mrs. Dobbs' view of teaching is that an excellent teacher must see the child and his total needs. "Education," she writes, "must be a three-fold effort involving the parents, the teacher, and the child."

This great teacher, who has served our children in the classroom for 12 years, demands that teachers represent the best in academics. She calls on capable students to enter the teaching profession and strengthen our solid foundation in education.

Mrs. Dobbs is a credit to the Huntsville-Madison County education system and to the many students who were fortunate to have her as an instructor and role model.

Mrs. Dobbs is proof perfect that one person can make a difference. Thanks to her success in the classroom, a next generation will be highly motivated and professionally educated.

BELLEVUE JUNIOR PRO GIRL'S
ALL STAR TEAM: NATIONAL
CHAMPIONS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CLEMENT. Mr. Speaker, today I rise to congratulate an outstanding group of 11- and 12-year-old girls from the Nashville area who recently emerged with the national championship in the National Junior Pro Basketball Tournament in Knoxville, TN.

The Bellevue Junior Pro Girl's All Star Team won the State championship on March 28, and played three difficult games over the Easter weekend to emerge with the national title. In addition to winning the championship, the Bellevue team also gained the Sportsmanship Award, a wonderful tribute to their team spirit and graciousness on and off the basketball court.

The team roster includes: Tiffany Luma, Kerri Helton, Jenni Bradley, Cary Blount, Katie Sulkowski, Kathryn Baker, Jessica Hamilton, Elizabeth Traugott, Beth Baker, Kim Hamilton, and Coaches Richie Hamilton and Dale Hamilton.

Mr. Speaker, I ask that you and the rest of our colleagues join with me in recognizing the tremendous achievement of this special group

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of young athletes, and the parents and community who so vigorously supported their efforts.

DRUG COMPANIES COMMENDED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. STARK. Mr. Speaker, congressional efforts to address problems of skyrocketing prescription drug prices—a serious barrier to access to health care—have produced some positive results, as several companies have acted to improve access to drug therapies through discounts to the Government, donor programs for low income and the poor, and taking a pledge to hold prices at or near the inflation rate. For those responsible acts, I wish to recognize several pharmaceutical companies. They are: Johnson & Johnson, Searle, Pfizer, Abbott, Bristol-Myers Squibb, Merck, Burroughs-Wellcome, Glaxo, SmithKline Beecham, Hoffmann-LaRoche, ICI, and Genentech.

Huge problems remain. Prescription drug prices industrywide continue to outpace the consumer price index, creating a serious barrier to access to health care. A small handful of orphan drug manufacturers are, bluntly, quite immoral in their pricing policies. And too much R&D is devoted to so-called me-too drugs instead of needed remedies to other health care needs, most notably AIDS, cancer, Alzheimers, and mental health care needs. The list of problems, of course, could go on and on.

But at least some companies in the industry are quick to recognize its faults and to act to self-correct. I encourage the responsible pharmaceutical companies to set an example for those companies who have until now failed to recognize that private sector self-correction may be their best friend yet.

TRIBUTE TO MARY RIO ON HER 80TH BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Mary Rio who will be celebrating her 80th birthday on May 17, 1992. A lifelong resident of Chicago, Mrs. Rio should be a source of pride to all who live in that great city and throughout the Nation.

Mary Rio's greatest accomplishment and source of pride is her wonderful family. She has two children, James Rio and Marie Mazzuca, and three grandchildren, Frank James, Diane Lynn, and Laura Ann. Her six great-grandchildren are Kelly Marie Ray, Kristin Marie Ray, Rebecca Ray, Frank Joseph Mazzuca, Anthony Mazzuca, and Nicholas Mazzuca.

In addition to raising a fine family, Mrs. Rio had a long and distinguished career before her retirement in 1974. During World War II,

she worked at various war plants, and in the years since she has worked at various candy companies including Walter Burke and Fannie May. Before retirement, Mary worked at the Elmcraft Card Co. in Bedford Park, IL, for 10 years.

Since her retirement, Mary Rio has devoted her time to her family and the Chicago Cubs. She is an avid fan who could teach each of us a lesson in devotion. I am pleased to honor Mary Rio on this special day. I know my colleagues will join me in congratulating her on this milestone and wishing her many more years of happiness.

TRIBUTE TO PORT HURON LITTLE LEAGUES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BONIOR. Mr. Speaker, this year Port Huron Little Leagues will celebrate their 40th year in the community. Back in 1952, fewer than 100 youngsters and adult volunteers were involved in the league. This summer there will be over 600 youngsters and adults participating for the season.

As a youngster, I played in summer baseball leagues and learned teamwork, discipline, healthy competition, and the pure joy of the sport. Those games are special memories that I still treasure. And those skills and experiences have proved invaluable to me throughout my life.

Your efforts to assure that all children between the ages of 8 to 12 have the chance to play are very commendable. The Port Huron Little Leagues is a model to others; it offers the opportunity to play baseball regardless of ability to pay, athletic skill, or sex.

In closing, Mr. Speaker, the dedication and commitment of the Port Huron Little Leagues offer the children of my district the opportunity to play America's great pastime.

On this special occasion, I ask that my colleagues join me in congratulating Port Huron Little Leagues on their 40th anniversary.

HOLLIS AREA HIGH SCHOOL WINS NEW HAMPSHIRE BICENTENNIAL COMPETITION

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SWETT. Mr. Speaker, I rise today to congratulate the students and faculty of Hollis Area High School, Hollis, NH, the New Hampshire State winner of the "We the People" National Bicentennial Competition on the Constitution and the Bill of Rights.

I would like to commend Ray Neeland, who is responsible for implementing and supervising the national bicentennial competition in my district. Also deserving of recognition is the State coordinator, Carter Hart, Jr., who is responsible for the administration of the program at the State level.

I especially want to congratulate the teachers, Joel Mitchell and Helen Melanson, who did an outstanding job of working with these students to prepare them for this competition.

The names of the students from the distinguished winning class from Hollis Area High School are: Jennifer Araujo, Carolyn Archer, Lyn Baranowski, Carl Bjerke, Brian Bosworth, James Brannigan, Ann Burgher, Josh Clark, Tina Franklin, Meghan Fuller, David Goodchild, Adrienne Gross, Derek Hoffman, Clancey Jackson, Scott Kelley, Russell Kellner, Christopher Loveland, Christiann McCabe, Camden Mitchell, David Napier, Angela Norton, Nieta Panagoulis, Tia Rheume, Geoffrey Stenzel, Margaret Wheeler, Scott Wifholm, David Yager, and Jessica Zall.

This class from Hollis just completed the national competition held here in Washington, DC. They displayed a strong understanding of our Government and its foundation and performed admirably against difficult competition.

Mr. Speaker, the national bicentennial competition is an exceptional education program developed by the Center for Civic Education and cosponsored by the Commission on the Bicentennial of the United States Constitution. This advanced program provides high school students with a course of instruction on the development of our Constitution and the basic principles of a constitutional democracy. In both the instructional and the competitive segments of the program, students work together to strengthen their understanding of the American constitutional system.

The instructional materials developed by the Center for Civic Education which prepare students for the competition are being used throughout our Nation. While the competitive part of the program advances the winning teams at various levels, the benefits of this excellent educational project are extended to every student who participates. In this respect, all the students are winners, because they gain valuable civic and intellectual skills enabling them to make informed and reasoned political decisions in today's society.

Mr. Speaker, I ask my colleagues to join me in congratulating Hollis Area High School on their noteworthy achievement.

IT IS TIME TO END THE KILLING IN THE BALKANS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. OWENS of Utah. Mr. Speaker, as I rise today, the Serbian Army, backed by the federal forces of the former country of Yugoslavia, is killing innocent civilians in Bosnia-Herzegovina. Since April 7, over 190,000 people have fled their homes in the wake of bombing, shelling, gunfire, and deprivation.

We hear of a cease-fire, yet see the continued bloodshed and suffering. After nearly a year of violence, where is the State Department? As a recent New York Times editorial pointed out, what would we do if Bosnia had oil? Is oil the only factor that motivates the Bush administration?

While the entire world is watching, Croatia and Bosnia are being strangled. If this sounds

hauntingly familiar, it should. The world has been a witness to inhumanity before only to discover when it was too late that we could have prevented the horrors of war if we only had acted.

Mr. Speaker, I will soon be introducing legislation to ban United States assistance for Serbia and Montenegro, and to call on the President to derecognize Yugoslavia. In addition, my legislation will freeze Yugoslavian assets in the United States.

It is time to end the killing and start a healing process in the Balkans. But this will only be successful if we act to convince Serbia to participate and to stop the violence. I hope my legislation will be persuasive and I urge the administration to act, not just talk.

ABSTRACT OF THE ASTROLABE SHUTTLE PROJECT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. COSTELLO. Mr. Speaker, I would like to take this opportunity to enter into the CONGRESSIONAL RECORD, as an extension of remarks, information on the Astrolabe shuttle project given to me by an interested constituent. I urge my colleagues to carefully consider these comments.

ABSTRACT OF THE ASTROLABE SHUTTLE PROJECT

At no time in our history has education been so prominent on the national agenda. Our country urgently needs a continuing supply of young scientists, engineers and technicians to keep our nation economically and technologically competitive. Therefore, it is important that this country have a strong educational program to capture a student's interest in science, mathematics and technology at the elementary and middle school levels by using aeronautics and space as a vehicle of excitement.

Space captures the imagination of every young mind and heart. The Astrolabe Shuttle Project will provide the kind of captivating educational program that John Hartsfield, aerospace educational specialist and representative of the National Aeronautics and Space Administration, has recommended.

Astrolabe, a mini mathematics/science center, will be developed to allow the 170 sixth graders at Castlio Elementary School to experience the excitement that the shuttle creates. A mobile classroom, simulating a space shuttle, will be created with hands-on learning centers emphasizing mathematics, science, and computer science. The six learning centers in the simulated shuttle will give students mathematics and science experiences in each of these areas: Food, Clothing, Health, Housing, Working, and Communication. Four teachers will attend NASA's Space Camp, upon returning they will then train the other teachers. A Make-it and Take-it workshop, for the eight sixth grade teachers under the guidance of a NASA consultant, will focus on making such things as a space suit, a space helmet, and food trays for use in the shuttle. The consultant will bring a one-half size nose cone of a shuttle to the school so students can experience a simulated mission from launch to splash-down. Chapters of the national Young Astro-

naut's club will be formed to expand interest in the Astrolabe project beyond the normal school day. It will also promote parent participation in the education of their children by serving as co-leaders with teachers. Females will be targeted to increase their interest, abilities, and participation in the areas of mathematics, science, and computer science and to increase their awareness of career opportunities in these non-traditional fields where they are under-represented.

Crawley and Coe's research, written in the Journal of Research in Science Teaching, May 1990, found that, "The best predictor of science career interest of females is a positive feeling about science classes." This project will promote a positive feeling about science and mathematics by allowing all students to feel success and accomplishment in the shuttle activities.

To quote Astronaut Mike Mullane, "The first Astronauts to land on Mars are walking the earth today as elementary grade boys and girls. Let's make certain they are American boys and girls with projects like Astrolabe."

PLAN OF OPERATION

The Astrolabe Shuttle project will be created at Castlio Elementary School in the county of St. Charles, Missouri, a residential area approximately twenty miles west of St. Louis, Missouri. Castlio is a year-round elementary school of approximately 1,200 students. It is a part of the Francis Howell School District which has the oldest year-round elementary program in the nation. The Francis Howell School District meets all the requirements of Title IX of the Education Amendments of 1972 and is non-discriminatory in hiring on the basis of sex. At Castlio Elementary School three cycles of students are in session at one time, receiving nine weeks of instruction while the fourth cycle is on a three week break. Each time a cycle returns from break, the students are assigned a different classroom making the creation of Astrolabe in a particular classroom impossible. There are, at the present time, no empty classrooms available in which to create the Astrolabe Shuttle Project in and little prospect for empty rooms in the near future. For these reasons an alternative housing facility is needed and desired.

Six learning centers will be created in a mobile classroom unit which will replicate a simulated space shuttle. Students will participate in mathematics and science experiences in each of these areas: Food, Clothing, Health, Housing, Communication, and Working. Astrolabe will be created in a 12' 60" mobile classroom unit. The exterior will be painted to resemble a shuttle with a plywood "tail fin" and trash can "engines" added for realism. An entry ramp will be provided for easy access by physically impaired students. Inside there will be a 12' 12" media/conference room. Here students will don their space suits, remove their shoes, and prepare for their missions. This room will also be used for debriefing astronauts after their missions, guest speaker appearances, and viewing NASA videos. The remainder of the unit will be visually divided into six learning centers. Attempts will be made to achieve as much realism as possible through equipment purchased and interior designs.

The Food center will deal with the concepts of: eating in a weightless environment, food preparation in a limited space, and preparing safe and nutritious foods.

The Clothing center will deal with the concepts of: the relationship between colors and temperature, the insulation qualities of dif-

ferent materials, and the particular needs of clothing worn on board the shuttle as well as in outer space.

The Health center will deal with the concepts of: the importance of regular exercise to counteract the effects of living in a weightless environment, the disorientation caused by living in a weightless environment, the importance of cleanliness aboard the shuttle, and simple emergency medical procedures.

The Housing center will deal with the concepts of: the complexity of the space shuttle, the importance of following step-by-step instructions, the protective packaging required for all elements aboard the shuttle, living arrangements aboard the shuttle, and spacelab as a completely furnished laboratory.

The Communication center will deal with the concepts of: essential effective communication between the shuttle and earth and within the shuttle for successful missions, the importance of computers to control and to process the tremendous volume of information and data needed for each flight, and the use of the binary number system in computers.

The Working center will deal with the concepts of: weightlessness effects on the human body, the effects of gravity, and magnetism and electricity.

The activities in these six centers will be matched to the existing curriculum objectives. They will enhance and reinforce learning skills required by the district and the state. They will specifically address the learning objectives identified as weak by the MMAT results and the current CTBS results. Each sixth grade class will spend two hours a day during their mathematics and science periods in the Astrolabe Shuttle for a two week period. One week prior to their Astrolabe experience the unit will be available for teacher preparation, the week following student's Astrolabe experience will be for make-up of any missed days or to complete any long term projects.

Castlio's unique year-round school program affords a rare opportunity for year long continual use of the planned Astrolabe Shuttle Project. The project is designed to fully involve females in leadership roles, reduce competition between students, and encourage student cooperation, interaction, and discussion. This will reduce feelings of lack of self-confidence in abilities often felt by females in these areas of study. Hands-on activities will allow females the opportunity to develop spatial abilities which often fall below male abilities and are so critical in learning mathematics and science. Working small crews of four or five students, they will share leadership, knowledge, and gain mutual respect for each other through peer teaching. This will boost the low self-esteem often felt by females in these areas. Astrolabe will involve every student, not just those who are currently interested in mathematics, science, and computer science and will develop an interest where none exists. Females will not be allowed to become passive recorders of information, as often happens, but will be required to participate in every aspect of learning as active crew members. This will promote their interest in mathematics and science. Astrolabe has the potential of being implemented in elementary schools across the nation and impacting females nationwide.

A Young Astronauts club will be formed with parents and teachers serving as leaders. Parents, especially women, will be actively sought to serve as co-leaders and role models

for students. The Young Astronauts program is a national educational enrichment program for elementary, middle, and junior high school students designed to promote the study of science, mathematics, and technology. Its primary purpose is to raise the proficiency levels of students in these areas. The program has proved effective with girls and boys. The curriculum is centered on hands-on, self-explanatory, fun activities. Corporate support will be sought from agencies such as McDonalds, Toys 'R' Us, McDonnell Douglas, and Pepsi which are located in or serve the area. These corporations support and promote the Young Astronauts program and will be asked to cover a portion of the cost of production of program materials.

A scholarship fund will be created to send two students to Space Camp. They will be chosen from students who participated in the Astrolabe Shuttle Project. It will be an incentive reward to those students who would benefit most from further space experiences. A committee made up of teachers, principals, superintendents, local business persons, and community members will interview applicants and make the selections. It will be based on a numerical rating system covering knowledge, desire, attitude, and willingness to work. Grade averages will not be as important as whether a student is working to her potential. Social behavior and work habits will be considered. Each year two students will be selected to attend Space Camp. At the conclusion of the grant period the Parent Teacher Organization, local businesses, and the Young Astronauts club will continue to fund the project.

The week prior to "lift off" teachers will help students prepare for their space adventure. Each teacher will divide their class into crews of four to five students. Emphasis will be on placing girls in each crew. Each shuttle crew will consist of a commander, pilot, mission specialist, and a payload specialist. Any additional students will be assigned the position of payload specialist. Students will research their positions to find out what duties and obligations are required in their job descriptions and write a one page report. They will be encouraged to share information with other students holding the same job. This will promote knowledge of occupational opportunities for females in the fields of mathematics and science.

Classes will then begin a study of, "On The Wings of a Dream." This book, about the shuttle, was written and prepared by NASA for students at about the sixth grade. Crews will design an insignia patch to be worn at all times while on-board Astrolabe. One extra insignia will be created for inclusion in the Astrolabe Shuttle Hall of Fame album. During reading class two space related stories from the basal reader will be used during the two week mission period.

Day 0: Entering the shuttle for the first time.—Students will always remove their shoes upon entering the shuttle since no shoes are worn aboard the real shuttle and the desire is for as much realism as possible. Each crew member will be issued a flight suit to wear during their two week Astrolabe experience, a clipboard, and a pen with velcro on them, so they do not "float off into space." They will also receive a folder, in which to keep all assignments for the two weeks. These will remain aboard the shuttle at all times except for extravehicular activities (EVA's).

Teachers will give a brief overview of each of the six work stations and assign each crew a starting location for the next day's activities. Each of the six work stations will be

designated as under the command of a particular crew member. For example, the pilot will be in command when her/his crew is in the Communications station. At each station, crews will engage in hands-on mathematics and science activities. Crews will be strongly encouraged to assist their members so all are successful in completing the assignments.

Day 1: Students will proceed to their assigned work station for the day. All students will do the Day 1 activities in their area. As an example, they will explore why astronauts wear white and reflective clothing while on EVA's.

Students will wrap jars of water in a variety of materials and record their temperature variations over time. Students will then compare the decimal temperature variations of each jar to determine which stayed the coolest. All mathematics and science activities will be written in a format easy enough for students to follow with little, if any, teacher intervention.

All experiments will follow the five steps in the scientific method of learning: state the problem, form a hypothesis, experiment, record the data, and form a conclusion. The crew member in charge for the day will be responsible for the group and the satisfactory completion of that day's mission. All students will write up their experiences and keep them in their journal notebooks. At the completion of their assigned mission, crew leaders will be certain that their work station is clean and all garbage is bagged for removal, as in the real shuttle.

At the end of the period, about one and one-half hours, the crews will reconvene in the media/conference room in the shuttle for a debriefing session. The crew leaders for the day will then describe their crew's mission and what conclusions they were able to draw from their experiences. Students will then disembark the shuttle taking their garbage with them for "disposal on Earth."

Days 2-6: Crews move to their new assigned work station and a new crew leader is designated. Each crew will then proceed with Days 2-6 activities. New crew leaders are assigned each day and are responsible for that day's mission. Again at the end of the period a debriefing session is held before "return to Earth."

Day 7: Culminating activity.—On this day, crews will prepare a "Space Meal" of typical shuttle fare and eat while standing or sitting on the floor in Astrolabe, much the same way as the real astronauts do.

A NASA video such as "The Dream is Alive" will be shown. Each crew will give a brief summary of their week's missions and long term experiments will be presented. Long term experiments will include growing plants and bacteria to determine their life requirements.

Insignias will be mounted in the "Astrolabe Shuttle Hall of Fame" album and each crew member will sign her/his name and title next to their insignia. A group photograph will be taken, a video made for viewing by parents and interested community members, and a congratulatory word of achievement will be given by the "President" (principal) to all crews. Notebooks will be collected for the last time for a "Job Well Done" written statement by the "Mission Director" (classroom teacher).

Students will feel success in mathematics and science in the Astrolabe Shuttle Project and will therefore have a positive attitude towards them. Successful females in the fields of mathematics, science, and computer science will be invited to speak to students

to build student's interest in their particular occupations. Females that are Hispanic or African-American, such as Dr. Mae C. Jemison the first female African-American astronaut, will especially be sought out as speakers to encourage minorities to enter these fields.

As quoted from the Spring 1990 "Challenger Log"

By the year 2000, the U.S. will face a critical shortage of scientists and engineers. By that same year, 85% of all new workers will be women, minorities and immigrants, yet today few from these groups consider science or engineering career choices.

Astrolabe will endeavor to eliminate some of these problems of women not entering into the fields of mathematics, science, and computer technology by reaching female students before they feel that they just can't "do" mathematics and science.

TRIBUTE TO FRANCES HENDERSON

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. WELDON. Mr. Speaker, it is with great pleasure that I rise today to recognize Mrs. Frances Henderson, of Chester, PA, who will be receiving President Bush's Annual Points of Light Award. Mrs. Henderson is one of 21 individuals selected from over 500 applicants nationwide. She was chosen to be a recipient of this award as a result of dedication and commitment to making the city of Chester a drug-free and safe community. For the past 2 years Mrs. Henderson has been involved in various activities to improve the city of Chester, and her efforts reflect well on all of Delaware County.

Mrs. Henderson is an active volunteer leader in the Delaware County Cooperative Extension Urban Gardening Program and a member of the Delaware County Cooperative Extension Association of Board of Directors. As an active volunteer in her community, she has coordinated numerous activities to improve the Chester community. Working in conjunction with the city and other volunteers, Frances Henderson organized neighborhood children to participate in an area cleanup. The children who participated were rewarded with a block party, to thank these hard-working youngsters for a job well done. Her involvement with the Urban Gardening Program promoted her to transform a trash-filled lot into a vegetable garden for the entire community.

The Points of Light Foundation was established in March 1990 to help call the Nation to engage in volunteer community service aimed at solving social problems. President Bush's Annual Points of Light Award is awarded to individuals, groups, and institutions in America who engage voluntarily in direct and consequential community service to solve serious social problems in their own community. When a neighborhood, town, or city meets the challenge of creating Points of Light everywhere it will become a "Community of Light." Thanks to Mrs. Henderson, all of Chester is a "Community of Light." Frances Henderson's hard work has paid off for the city of Chester, and she

is an inspiration for all of us. My heartiest congratulations go out to Mrs. Henderson for her acceptance of this honor, as well as my thanks for her hard work and dedication to making Chester a "Community of Light."

THE ADVANTAGES OF SUBSTANTIAL REDUCTIONS IN THE MILITARY BUDGET

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, the board of aldermen of the city of Newton recently adopted a very sensible and thoughtful resolution about the advantages of substantial reductions in the military budget. It is very appropriate that the board of aldermen picked Patriots' Day to issue this affirmation of a policy which is very much in the interest of a strong and prosperous America. Mr. Speaker I ask that this very thoughtful resolution be printed here.

RESOLUTION

Whereas: the Cold War has ended and the threat from the former Soviet Union is greatly diminished, and

Whereas: the United States government continues to spend almost \$300 billion a year on the defense budget, while reducing expenditures for education, housing, infrastructure and human services, and

Whereas: the absence of adequate federal funding is making it difficult for the city of Newton to provide adequate education, housing, infrastructure and other services, and

Whereas: the Newton Board of Aldermen is desirous of seeing additional federal funds be committed to cities and towns across the Commonwealth and nation, and

Whereas: April 20th, 1992 is the date upon which the citizens of Massachusetts celebrate Patriots' Day in honor of our country's greatness, and

Whereas: that greatness cannot be defined solely in military terms, but also by the economic and educational well-being of our citizens,

Now, therefore let it be resolved that the Newton Board of Aldermen congratulate our Representative in Congress and U.S. Senators for supporting substantial cuts in military spending, reductions in the gross Federal debt, and increases in spending for domestic needs and urge their continued leadership, and

Let it be further resolved that the Newton Board of Aldermen endorses the effort to use the occasion of Patriots' Day, April 20, 1992 to bring this important issue to the attention of Newton citizens.

SALUTING RICHMOND COUNTY'S TRICENTENNIAL

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BATEMAN. Mr. Speaker, I wish to salute the 300th anniversary of the creation of Richmond County, located in the First District of Virginia. A charming coastal farming com-

munity, Richmond County is truly a pleasure to represent.

Richmond County traces its history to the early 1600's with explorations of the Rappahannock River by Capt. John Smith. Although this beautiful and relatively untouched land was inhabited by hostile Indians, people flocked to the area to utilize the rich land that was available. In addition, the miles of inland waterways provided countless opportunity and still do today.

As population grew in what was then Rappahannock County, it became apparent that governing an area divided by the Rappahannock River posed a problem. The Colonial Assembly in 1692, therefore, divided the area into two separate counties. The land on the east bank became known as Richmond County, after the Duke of Richmond, a favorite of the ruling monarchs. The land on the west bank became Essex County.

Richmond County has made many contributions to the area and the Nation. It was home to Judge Cyrus Griffin, the last President of the United States under the Articles of Confederation. He held the position until the Constitution was adopted. Congressman William A. Jones, the author of a bill guaranteeing independence for the Philippines, is also from the area. These fine citizens serve as examples of the tradition and values held by the inhabitants of Richmond County.

With its location, heritage, simple lifestyle and sincere citizens, Richmond County is proud to celebrate itself as a community. Descendants of those who first settled the region continue to live here and are proud to have been a part of this Nation from its inception.

TRIBUTE TO MRS. ROCCHINA SANTINI OF NUTLEY, NJ 1992 ITALIAN TRIBUTE "MOTHER OF THE YEAR"

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROE. Mr. Speaker, on Friday, May 8, residents of my Eighth Congressional District and the friends and family of the Italian Tribune News will join together in testimony to an esteemed restaurateur, distinguished citizen and charming lady, Mrs. Rocchina DeMasi Santini of Nutley, NJ, the 1992 Italian Tribune "Mother of the Year."

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Mamma Santini, her sons Piero and Carlo, her 10 grandchildren and 7 great-grandchildren, on this milestone of achievement in testimony to her standards of excellence in our American way of life.

Mr. Speaker, the pleasure of great personal dedication and always working to the peak of one's ability with sincerity of purpose and determination to fulfill a life's dream, that is the success of the opportunity of America, and the mark of distinction in our society of the self-made person. The aspirations and success of Rocchina Santini in the mainstream of America's restaurant industry does, indeed, portray a great America success story.

In 1968, Rocchina Demasi Santini immigrated to America and opened a restaurant and pizzeria in Nutley, NJ called Santini Brothers. It was an instant success, and which came as no surprise to those who knew Signore Santini's past.

Born in the Little South-Central, Italian town of Alberona Foggia, little Rocchina came from a long line of prestigious restaurant owners and hoteliers. Alberona Foggia is noted for its pure air, and it's surrounding countryside filled with natural foods that have always marked this area with the culinary delights. With the unfortunate death of her parents at the age of 11, little Rocchina learned early the toughness it took to manage the hotel and restaurant left in her name.

It is a tribute to this gritty, yet accommodating woman, that she was able to keep the customers coming in for her delectable meals and appetizers. She remained in Italy, enjoying the fruits of her hard work, and probably would still be in Alberona Foggia if the horrors of World War II had not descended upon all of Italy in the early 1940's.

After moving to Ancona, a small city in the north of Italy in the region known as Le Marche, she acquired a special touch for the preparation of seafood dishes. Always a willing learner, she soon mastered this new cuisine, and opened a restaurant, Capannina, in the Via Flaminia Falconara. There followed a full decade of critical acclaim for her spectacular cooking; Capannina was always filled to capacity with eager tourists and returning locals and each time she introduced a new dish, European critics from all over the continent would flock to her door to try it and write about her latest accomplishment.

In 1968 Rocchina Santini immigrated to the United States and established residence in Brooklyn, NY where she remained with her four children until later that year when she moved to Nutley, NJ. In Nutley, Rocchina opened yet another restaurant, her first in the United States. After 14 years of success in Santini Brothers, Mamma Santini and her children decided to open another restaurant devoted not only to Rocchina's spectacular dishes, but one which would become a landmark of excellent cuisine and entertainment known throughout the New York metropolitan area. The new restaurant, Nutley's Gondola, not only serves her wonderful delights, such as the famous Malafemmina, but is a place for local businessmen and politicians.

Rocchina Santini feeds her patrons with the same kind of attention that she has shown her own children. Because of her devotion to everyone who comes to her for good food and tender care, Rocchina has become Mamma Santini to all who know her.

Mr. Speaker it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America. I am sure that there is much to be said for the friendship and goodwill that Rocchina Santini has so willingly and abundantly given over the years that means so much to the lives of many, many people. As we join together in celebration of this wonderful lady, Rocchina Santini, and her accomplishments, I salute her the 1992 Italian Tribune News' Mother of the Year.

HAM OPERATOR LAYTON RUSE
PROVIDES VITAL LINK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Layton Ruse for his devotion to helping people through the use of his ham radio. For three decades, Layton Ruse has traveled the world from his radio console, helping folks in trouble, and giving vital information. He has kept communication alive when natural and other disasters have severed normal lines of communication. The Miami Herald profiled his work in the follow article:

You can tell where Layton Ruse lives. His is the house with the 60-foot-tall antennas reaching to the sky to touch the world.

He has good friends he has never met, and yet at times the world beats a path to his door.

Ruse 71, has been a ham radio operator for more than 30 years. Through his call letters, W4VBQ, he has talked to other hams—he won't hazard a guess as to how many—in hundreds of countries, including Russia, Finland, Africa, Burman and China.

"You make a lot of friends, but you nearly never get to meet or see them," he says.

In the specially built garage room at his West Miami home, Ruse has power supplies, antenna controls, a phone patch control and a transceiver for transmitting and receiving calls.

As a ham, a licensed operator of an amateur radio station, he sometimes spends up to four hours a day scanning the radio bands designated for hams by the Federal Communications Commission.

"It's something that just grows on you," said Ruse, who worked for the Dictaphone company for 33 years until he retired at 65.

He gets the most satisfaction as amateur radio coordinator for the National Hurricane Center in Coral Gables. He's in charge of 18 hams who work in shifts and relay information to weather forecasters when hurricanes threaten within 300 miles of a land mass. They pick up weather information from islands, ships and planes.

"Many areas, especially islands, have no other way of communicating or learning of hurricanes except through hams," said Ruse, who has worked with the center for 12 years.

Vivian Jorge, administrative officer at the center, said the hams were a big help when communications were cut.

"They get through, and they'll have information before anybody else," she said. "They definitely perform a valuable service."

One of Ruse's most trying times came during three weeks in September 1965, when an army general in the Dominican Republic rebelled against the government.

"There was rioting, our government lost contact with officials and it relied on amateur radio operators for communications," said Ruse.

His wife, Virginia Mae, his XYL—ex-young lady in ham parlance—is supportive.

"A lot of wives don't like it," says Ruse's wife of 50 years. "But it keeps him out of trouble."

And it gets other people out of trouble, too.

"You help a lot of people," Ruse said, "and probably save a lot of lives

EXTENSIONS OF REMARKS

Mr. Speaker, I commend Layton Ruse for turning his hobby into a means of community service. I wish W4VBQ many more years on the air.

MS. MARGARET BROLLY LEONARD
RECEIVES MADELEINE A. GARDNER
SCHOLARSHIP AWARD

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SCHEUER. Mr. Speaker, I would like to share with the Congress my sincere pleasure at the selection of Ms. Margaret Brolly Leonard to receive this year's Madeleine A. Gardner Scholarship Award of the Long Island Center for Business and Professional Women.

The award will be presented on May 7 at the center's 13th annual awards dinner.

The award is used to defray the costs of a year of study at a higher education institution. Ms. Leonard will be entering Adelphi's Nursing Doctoral Program in September.

Mr. Speaker, Margaret Leonard is the embodiment of American spirit and determination. Ms. Leonard returned to school in 1980 to study nursing part time while continuing to work full time as a licensed real estate broker. Her husband, Ron, and her wonderful children, Denise and Billy, gave her the support she needed to make her dream of becoming a nurse a reality.

A magna cum laude graduate from Adelphi University's School of Nursing's accelerated baccalaureate/master's degree program, Ms. Leonard is a member of the nursing honor society, Sigma Theta Tau International, and has received several awards for her leadership ability. She serves on a number of committees of the New York State Nurse's Association [NYSNA] and is one of NYSNA's first leadership fellows. In addition, Ms. Leonard proudly coproduces and cohosts a radio program, "Nursing News for the Community."

It is certainly good to know that a woman as talented as Margaret Leonard wants to use her time and energy to care for the health of our Nation's people. Nurses are a critical national resource, and I am sure that she is very valuable to the nursing profession. I know my colleagues join me in saluting her, not just for receiving this prestigious award, but also for the selfless plans she has for her education. For all of Margaret Leonard's hard work, dedication to her family and her future, she deserves not only our congratulations, but our respect as well.

Mr. Speaker, I would also like to congratulate the Long Island Center for Business and Professional Women for this and their many other community services. They work tirelessly to make Long Island a better place to live and work. Special congratulations must go to the scholarship committee. They had an extraordinarily difficult task, but have made an excellent choice.

It is an honor and a privilege to join Margaret Leonard's family, friends, and colleagues in saluting her on this special occasion.

THE RODNEY KING VERDICT—A
MISCARRIAGE OF JUSTICE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday April 30, 1992

Mr. DYMALLY. Mr. Speaker, I rise with a sense of sadness and outrage at the latest demonstration of unequal justice which has just come to us from Simi Valley. A predominantly white jury issued a verdict that we have forgotten was regularly issued by all white juries in the days of the Jim Crow South. That such a verdict could have been handed down in 1992 in southern California reminds us that racism is alive and all too well in our society. A jury's fear and hatred of blacks has led them to accept the most outrageous claims of the defense. They believed that the victim, Rodney King, deserved what had happened to him because he, and not his attackers, had it in his power to stop the beating at any time he wanted.

Mr. Speaker, George Orwells 1984 is here in 1992. Just replace newspeak with new sight in which we are told that what we have seen is not reality when it is contradicted by the word of the police. The truth is turned upside down when a black man's evidence in court counts for nothing on the scales of justice when weighed against the denials of white cops.

Since we can not get justice in Simi Valley, I have called upon the Attorney General of the United States to accelerate the Justice Department's investigation in order to bring swift and effective prosecution in the Federal courts against the law officers who so outrageously violated the civil rights of Rodney King.

Mr. Speaker, we cannot afford to let this situation fester. The national government must show now its moral outrage at this terrible miscarriage of justice. We cannot be effective champions of democracy abroad if we tolerate this kind of undemocratic, racist administration of justice at home.

WASHINGTON, DC, April 30, 1992.

HON. WILLIAM P. BARR,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL BARR: I am writing to express my dire concern about the decision in the Rodney King case in California. In view of such strong evidence of outrageous police behavior, I find it impossible to believe that such behavior will go unpunished.

I am, therefore, writing to ask you to intervene on the grounds that Mr. King's civil rights were violated. Because of the explosive nature of this case, I urge you to intervene right away. It is important for the public to know that the U.S. Department of Justice is concerned about the civil rights of all Americans—especially when they are unable to find relief in our criminal court system with such clear evidence of wrongdoing.

If you have any questions, please call me or have your staff call my Staff Counsel, E. Faye Williams at 202/225-1612.

Sincerely,

MERVYN M. DYMALLY
Chairman, Subcommittee on Judiciary and
Education, Committee on District of Columbia.

CBC BLASTS LOS ANGELES JURY VERDICT IN KING CASE—OUTRAGED AT TRAVESTY OF JUSTICE

WASHINGTON, DC.—The Chairman of the twenty-six member Congressional Black Caucus, responded with anger and outrage on behalf of the Caucus on learning of the acquittal of the officers charged in the beating of Los Angeles motorist Rodney King. Calling the action a travesty of justice and a blot on the American jurisprudential system, Brooklyn Congressman Ed Towns assailed the decision as a callous disregard for justice and a failure to protect even the most basic human rights. Speaking from the nation's capital, Towns said: "This is an abomination—we have sent a message to the world that America will allow the total abridgement of the freedoms upon which she was founded—and the exacting of prejudice and racism in their most violent and virulent forms. This is a sad day for California—for America—and for people of conscience throughout the world. Apparently, for African Americans, a bloody assault captured on film does not violate this nation's standard of justice". He continued: "I am today requesting, on behalf of the Congressional Black Caucus, the commencing of an immediate investigation by the Civil Rights Division of the Department of Justice of the violation of federal civil rights laws in this case."

TRIBUTE TO MACOMB COUNTY COUNCIL VETERANS OF FOREIGN WARS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BONIOR. Mr. Speaker, tomorrow, May 1, marks a very proud day for all Veterans of Foreign Wars who reside in Michigan's 12th Congressional District, in Michigan and the United States. On this occasion, the Macomb County Council Veterans of Foreign Wars will be observing Loyalty Day with its annual parade.

The Loyalty Day Parade is in recognition of our troops' patriotism and bravery that has preserved American freedom and democracy worldwide.

The Macomb County Council Veterans of Foreign Wars for many years has held a parade in varying locations throughout Macomb County in recognition of this patriotic holiday.

This year Loyalty Day will serve as a prelude to the Vietnam Veterans of America, Region 5 POW/MIA Conference to be held May 2 in the 12th Congressional District. As long as there is a possibility any one of our soldiers is still alive we must do all we can to find them.

In closing, Mr. Speaker, I believe that Loyalty Day has helped to instill in our children a feeling of pride in our country. On this special day, I ask that my colleagues join me in paying tribute to our POW/MIA's, veterans of all wars and the patriotic citizens of our community.

TRIBUTE TO FATHER PAUL MARSZALEK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding individual, Father Paul B. Marszalek, the pastor of St. Jane de Chantal Church in Chicago. He will be celebrating his 40th year of priesthood this Sunday, May 3, 1992.

There have been few who have given such extraordinary service to the church and community as Father Marszalek. He began his vocation by attending Five Holy Martyrs and Quigley Preparatory Seminary. In 1945, he entered St. Mary of the Lake Seminary in Mundelein, where he was ordained by the late Samuel Cardinal Stritch in 1952. After serving at the Transfiguration and Assumption Churches, Father Marszalek was appointed to the faculty of the Quigley Seminary South and took up residence at Immaculate Conception Church in South Chicago. Father Marszalek furthered his education earning a master of arts degree in classical languages from the University of Notre Dame. He resided at St. Cyril and Methodius Church in Back of the Yards for 13 years while teaching Latin, Greek, Polish, and religion at Quigley South.

In 1978, Father Marszalek was appointed pastor of St. Jane de Chantal. As a dedicated leader at St. Jane, he established the parish's St. Vincent de Paul Society and senior citizen organization and upgraded the building with the installation of air conditioning. Father Marszalek's initiative continues today as he is involved in setting up a parish pastoral council for the church.

Father Marszalek is compassionate and encouraging to all. His commitment to the church and his community is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to Father Marszalek for his many years of selfless dedication, loyalty, and priceless contributions to his community. I wish him the best of luck in years to come.

PASTOR AGUERO TRANSFORMS OLD THEATER INTO NEW CHURCH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the efforts of Pastor Oscar Aguero in transforming an old movie house, via faith and hard work, into a house of worship. Pastor Aguero along with his wife, Estela, looked at the charred, blackened and rundown building and saw the church that lay under the debris. Four years of work and prayer have given the now thriving church a permanent home. Jesucristo El Todopoderoso (Jesus Christ the All Powerful) has grown over years of struggle from 50 members to over 1,000. This church has demonstrated a strong

ministry to teenagers who now comprise a majority of its congregation. This story was recently recounted in the Miami Herald as an example of faith and renewal. That article follows:

NEW CHURCH ATTRACTS TEEN MEMBERS

(By Karla I. Guadamuz)

An abandoned movie theater in Hialeah has been transformed into a church that is attracting teenagers from throughout Northwest Dade.

After holding church services in overcrowded buildings and tents, Oscar Aguero began searching for a permanent home for his church, named Jesucristo El Todopoderoso (Jesus Christ the All Powerful).

Four years ago, Aguero and his wife, Estela, set their sights on the 30-year-old Wometco theater at 463 Hialeah Dr. "I fell in love with the building and knew we could turn it into a beautiful church," said Aguero, the church's pastor.

The work wasn't easy. Parts of the building had been burned and the sticky, black floor needed to be replaced. The dark walls and dim lights made the task seem endless.

With an assist from church members, the Agueros painted the walls with a rainbow of colors and put bright rugs on the floor. Wooden chairs replaced the old ones and the dim lights disappeared.

Since then, the church has grown from 50 members to more than 1,000—the majority teenagers. Pictures of church members and local school children hang outside the church in the old movie display cabinet.

Miami Beach residents Cesar and Mabel Dijkstra heard Aguero on a local radio station and have been going to church ever since.

Roberto Badillo drives from Homestead every Sunday to attend services. "There are many churches in Homestead, but I feel comfortable here," he said.

The church plans to host various activities for the community.

"This is home," Aguero said. "I only hope to continue serving the community and helping those that are looking for a church like ours."

Mr. Speaker, I am pleased to commend the Pastor Aguero, his wife Estela and all members of Jesucristo El Todopoderoso for their inspiring story of faith and dedication. Theirs is a story of renewal, of people as well as buildings, that stands as a model to others.

HONORING AUSTIN & BELL FUNERAL HOME, ONE OF TENNESSEE'S OLDEST COMMERCIAL ESTABLISHMENTS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CLEMENT. Mr. Speaker, I am pleased to recognize today a landmark business in the history of Tennessee.

Before our Nation would add Texas as a State, and while Andrew Jackson was still a national figure, Marion Henry started a business which would become Austin & Bell Funeral Home. It remains a family business 150 years later, and is the oldest family funeral home in Tennessee.

Mr. Henry came to the funeral business in the Turnersville community in 1842 as a sideline to his regular trade as a cabinet maker. In those days, in addition to building furniture, cabinet shops made caskets and buried the dead. Mr. Henry later relocated to the county seat of Springfield, TN and his business flourished.

He was eventually succeeded by his two sons, Joe and W.T. Henry, and the company became widely known for its professional service and stylish livery equipment.

Theirs was one of the few firms to operate with two hearses and two fine teams of horses, one black and one white. One hearse had metal wheels for rough rural roads and the other had rubber wheels to accommodate the smoother paved streets of town.

When the firm was 100 years old in 1942, it merged with another established business, Austin and James Funeral Home, and the partnership relocated to a lovely 19th century dwelling in Springfield, which remains its current location.

Many renovations over the last 50 years have transformed Austin & Bell into one of the most modern and comfortable facilities of its kind in the State. It currently is comprised of 29,000 square feet of operating space and is fully handicapped-accessible.

In spite of the many modern touches, Austin & Bell still maintains its links to the past through such touches as maintaining the 100-year-old coach lights at the entrance which were originally mounted on the Henry & Bell horse-drawn hearse.

Today, the firm is operated by Susie Austin, widow of Tom Austin, and her son Tommy, Carney Bell, and his son, Robert Henry "Bob" Bell, the great-great grandson of Marion Henry. Their staff consists of eight funeral directors and several clerical workers and assistants. Four of the funeral directors are licensed embalmers.

In spite of the many progressive changes instituted over the years, Austin & Bell Funeral Home is still operated by people who believe in the time-honored values of their ancestors who first established the traditions of dignified, caring service and personal attention. These traditions have become the hallmarks of this great company.

Mr. Speaker, I am proud to salute this historic firm that has for so long occupied a respected place in our community.

INTRODUCTION OF HOUSE JOINT RESOLUTION 472, GRANTING THE PRESIDENT LINE-ITEM VETO AUTHORITY

SPEECH OF

HON. CALVIN DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. DOOLEY. Mr. Speaker, today I have introduced House Joint Resolution 472, which proposes an amendment to the Constitution of the United States to grant the President line-item veto authority.

Allowing the President to line out unnecessary expenditures from the Federal budget

would require the Chief Executive and Congress to be more accountable for how taxpayer dollars are spent.

The line-item veto is an attack on the kind of pork barrel spending that routinely takes place in the darkened eleventh hour of the appropriations process. Properly exercised, it cuts frivolous spending and puts the executive and legislative branches of government on record about specific expenditures called into question.

Pork barrel spending isn't the sole culprit for our massive Federal budget deficit, but it is an expensive drain on our country's long-term financial vitality.

House Joint Resolution 472 is slightly different from other line-item veto plans currently under consideration in Congress. It would allow the President's line-item rescissions to be overridden with a three-fifths majority vote of the House and Senate, as opposed to the two-thirds majority necessary to override other vetoes.

Under such a system, it would be easier to override a veto of an appropriations item, but not so easy that an override would be commonplace. A President would line out spending considered the most dubious; Congress could override those line-item decisions, but every member would be on record about supporting or opposing itemized spending.

The line-item veto is an idea worthy of serious consideration and would be another step toward fiscal responsibility. I urge my colleagues to support House Joint Resolution 472.

TRIBUTE TO GEORGE J. LISTER ON HIS RETIREMENT AS CHIEF OF THE BELLEVILLE POLICE DEPARTMENT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROE. Mr. Speaker, on Friday, May 8, 1992 the friends of George J. Lister will host a gala affair in his honor at the Chandelier Restaurant in Belleville, NJ. This tribute will mark the occasion of his retirement as chief of the Belleville Police Department after serving 11 years in that capacity and almost 40 years with the department.

Chief Lister fulfilled a childhood dream in pursuing a career in law enforcement. He followed in the rich tradition established by his grandfather, Officer James Dunn and his uncle, Detective Thomas Dunn, who both served with distinction in the Belleville Police Department. He was inspired to this noble calling through their achievements as well as those of his boyhood neighbor, former Belleville Police Chief Michael Flynn.

Mr. Speaker, a career in law enforcement is extremely rewarding, involving so much more than protecting the citizenry and upholding law and order. It is the policeman who is literally always on duty, anxious to lend assistance whenever that may be necessary. Helping a motorist with a flat tire, a senior citizen crossing the street, or a child who cannot find their parent are just some of the services provided

by the men and women who wear the uniform so proudly. It was in this very spirit that George J. Lister upheld the finest traditions of the Belleville Police Department.

George J. Lister joined the Belleville Police Department in November 1952. He worked his way up through the ranks and was appointed chief in 1981. He is also a former past president of the Essex County Police Chief Association.

The good people of Belleville, which lies in the heart of my Eighth Congressional District, will truly miss the outstanding contributions that George J. Lister has made to their community. Through his leadership and guidance, the citizens of Belleville were assured of a strong public safety program.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of George J. Lister, who has contributed so much to the quality of life of his fellow citizens. It gives me great pleasure in joining you to honor this great American for his august service to the town of Belleville.

FIFTY YEARS OF MEMORIES FOR BISCAYNE ELEMENTARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the faculty and students of Biscayne Elementary, past and present, on the occasion of their school's golden anniversary. Now led by principal Carlos Fernandez, Biscayne Elementary has seen dynamic change in the community it serves. This history was recounted by the Miami Herald in the following article:

ANNIVERSARY BRINGS STUDENTS, TEACHERS BACK TO SCHOOL (By Aaron S. Rubin)

Former students and educators returned to Biscayne Elementary School on Thursday to celebrate the school's 50th anniversary and break ground on a new wing of classrooms.

Mirroring the Miami Beach population, Biscayne has changed in 50 years: From once teaching mainly Jewish students and seasonal visitors, it now serves a predominantly Hispanic, less affluent student body.

The school, 800 77th St., offers English classes for speakers of other languages. It houses four pre-kindergarten programs, including two Head Start portable classrooms. Principal Carlos Fernandez said. And in the past several years, Biscayne has grown from less than 1,000 students to almost 1,200.

Ethel Stratton, a teacher who retired in 1989 after 42 years at Biscayne, had perhaps the best perspective.

"I saw it grow from a very small school," she said, remembering periods when Biscayne rented space in a neighboring synagogue to accommodate students. "Now it has expanded beyond anything in the past."

A \$1.7 million construction project will redo school offices and add five new classrooms, a lounge and work room for teachers. But the construction won't take away from the character of the existing school, one official promised.

"There's a real tradition about Biscayne Elementary," said Marvin Weiner, super-

intendent of the school system's second region, which includes Miami Beach. "It is still a beautiful building, and that will never change."

On Thursday, students buried a time capsule and sang and danced for alumni, former teachers and the past principal. The students then crammed into the auditorium, draped in blue and yellow streamers and banners, to celebrate the anniversary.

Former teachers recalled the school's past glories. Prominent in their memories was a six-year period in the 1970s when Biscayne students led Dade County in math test scores.

Former Principal Harriet Glick gave students two homework assignments.

The first: "Grow up to be wonderful, healthy, happy productive citizens."

The second: Call the school in 48 years and leave a phone number so administrators can be in touch about plans for a 100th anniversary celebration.

"When you're here, give those of us who aren't here a thought," Glick said.

Students said they liked the 50th anniversary celebration.

"You can hear the history about the school. All the old teachers from past history—the '60s—came," said fifth-grader Carlos Aguilera, 11.

Classmate Oscar Castaneda, 10, also enjoyed learning about the school's early days.

"It's nice," he said. "We get to see the teachers who taught here then."

Stratton, the retired teacher, said she savored her time at Biscayne.

"It was fun," she said. "It kept me young."

Mr. Speaker, I congratulate Principal Fernandez and his school for 50 years of service to the community and join with former Principal Harriet Glick in looking forward to the next 50 years.

SALUTING CLARENCE AND PHYLLIS JAMISON ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. STOKES. Mr. Speaker, I rise today to recognize two notable members of the Cleveland community, Lt. Col. Clarence C. Jamison (retired) and Mrs. Phyllis Jamison, who are celebrating their golden wedding anniversary on April 30, 1992. On Saturday, May 2, 1992, family and friends will gather at Vernon's on Shaker Square in Cleveland for a grand reception highlighting this momentous occasion. I am proud to salute Lt. Col. and Mrs. Clarence Jamison as they begin this special anniversary celebration. They have shared a lifetime of experiences together and I am proud to note for my colleagues today some of those experiences.

Mr. Speaker, it was in January 1941 that the War Department announced the formation of the 99th Pursuit Squadron, a black flying unit, to be trained at Tuskegee, AL. Lt. Col. Clarence Jamison, who was reared in the Cleveland area, completed his flight training at Tuskegee Airfield and became one of the first African-American pilots to be commissioned in the Army Air Corps.

The Tuskegee Flyers or Lonely Eagles, as they called themselves, became a respected group of fighter pilots, proving to the world that blacks could fly in combat with the best of pilots from any nation. They began as the 99th Pursuit Squadron and later became the 99th Fighter Squadron.

As an original member of the 99th Pursuit Squadron, Lieutenant Colonel Jamison flew combat missions over North Africa and Italy during World War II. I am proud to report that as the bomber escort group that protected American bombers on their missions deep into Europe, the 99th Squadron never lost a bomber to enemy fighters. It was the 99th Pursuit Squadron that also helped to pave the way for other black Air Corps units, including fighter, bomber and composite squadrons and groups.

During his distinguished military career, Jamison not only helped to dispel the myth that African-Americans were not qualified to fly military aircraft, but he assisted in the integration of Air Force bases around the country. He served his country with distinction and is the recipient of numerous awards and honors for his military accomplishments.

Following his military career, Lieutenant Col. Jamison returned to the Cleveland community. He continued his career in public service with the Social Security Administration, retiring in 1986 as manager of the University Circle Office.

Mr. Speaker, Mrs. Phyllis Jamison traveled with her husband on all noncombat military assignments through the United States and the World. She played an active role in the Officer Wives Club and often, as the wife of the senior black officer, she helped other African-American wives adjust to military life.

Mrs. Jamison also enjoyed a career as a teacher and successfully earned her master's degree. During his career, she held teaching positions in Massachusetts and Michigan. She also served as a junior high school teacher and guidance counselor in the Cleveland Public schools for nearly 20 years.

Both Lieutenant Colonel Jamison and his wife have been strong and positive role models for their family. They are proud parents of two children, Michal J. Offutt of El Cerrito, CA, and Clarence Jamison, Jr., of Wilmington, DE. They are also the proud grandparents of four children.

Mr. Speaker, I am proud of my association with the Jamison family. I take this opportunity to extend my best wishes to Lt. Col. and Mrs. Clarence Jamison as they mark their golden wedding anniversary. They have much to celebrate and I wish them a lifetime of continued happiness and success.

THE LONG ISLAND CENTER FOR BUSINESS AND PROFESSIONAL WOMEN HONORS SEVEN OUTSTANDING CITIZENS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SCHEUER. Mr. Speaker, there is an organization in my district of Nassau County, NY, which is opening doors for women in the

business world. The Long Island Center for Business and Professional Women provides a much-needed resource for these aspiring entrepreneurs. On May 7, this group is holding its 13th Annual Achievers' Awards dinner honoring seven outstanding citizens from Long Island. I would like to pay tribute to these women, and to the center itself.

The 1992 honorees have displayed distinction in a variety of fields. The award for excellence in business goes to Robin Cohen, a senior vice president and division head in charge of real estate lending at EAB. In education, Patricia Hill Williams is honored for her work as an educational administrator at the State University of New York, College of Technology at Farmingdale. Joan Gittleson, who manages her own financial planning firm, Joan Gittleson Consultants, is cited as entrepreneur of the year. In medicine, the honoree is Cathleen L. Raggio for her work as the head of the pediatric orthopaedic spine section at Long Island Jewish Medical Center. In law, Beryl San Blauston is honored, a tenured law professor at the City University of New York [CUNY] Law School at Queens College. The award for community service excellence goes to Suzy Dalton Sonenberg, the executive director of the Long Island Community Foundation.

These honorees reflect the increasing numbers of women who have earned distinction in the professional world. Unfortunately, women still encounter obstacles which can hinder their professional development, particularly at the management level. The Long Island Center for Business and Professional Women is important because it helps women break through these barriers. We should congratulate the center, and these distinguished women, for a job well done.

BOLD LOUISVILLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. MAZZOLI. Mr. Speaker, I submit for the attention of our colleagues an editorial from the Christian Science Monitor which details how Louisville and Jefferson County are addressing two of the Nation's toughest social and economic issues: school desegregation and economic development.

Under the leadership of Louisville Mayor Jerry Abramson, and Jefferson County Judge Dave Armstrong, Louisville and Jefferson County have used the Federal Urban Enterprise Zone Tax Credit to draw industry to Jefferson County. I believe that the Urban Enterprise Zone Tax Credit is a very worthwhile proposal and hope that it will be passed, either on its own, or as part of another tax package, during this Congress.

[From the Christian Science Monitor, Apr. 7, 1992]

BOLD LOUISVILLE

Like many other American cities, Louisville, Ky., has been grappling with two of the nation's most perplexing challenges: school desegregation and economic decline.

Though their basic problems are much alike, few other cities appear to have en-

joyed the degree of success achieved by the Kentucky metropolis.

Neal Pierce, veteran chronicler of America's cities and states, calls it "a thought-provoking model for cities and regions whose leaders feel as if they've slipped their moorings and lost control * * *."

Consider school desegregation and its notorious companion, busing: More than a decade after a federal court order merged the mostly white Jefferson County school system with Louisville's majority-black city schools, the county is embarking on a new venture aimed at deemphasizing busing of elementary school children but maintaining a policy of having no school with less than 15 percent or more than 50 percent black students.

One apparent reason for optimism on the part of Superintendent Donald Ingwerson and his staff is that, in the last decade, some 16,000 black families have moved to the suburbs, an unprecedented migration.

Dr. Ingwerson has been named 1992 Superintendent of the Year by the American Association of School Administrators.

Another key facet of the Louisville-Jefferson County success story is imaginative use of the Federal Urban Enterprise Zone program to help revitalize the county's industrial sector. It has been charged that federal requirements were violated by going outside the inner city. But admirers say it is innovative—and it works.

The story is not over, and no one is claiming that the Louisville-Jefferson County area has solved all its social and economic problems. But the combination of bold leadership and willingness to assay innovative initiatives can still result in success.

DAYS OF REMEMBRANCE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GREEN of New York. Mr. Speaker, I am pleased to share the remarks of my friend, Benjamin Meed, chairman of the Days of Remembrance and member of the U.S. Holocaust Memorial Council, at today's Days of Remembrance national civic ceremony. In addition to Mr. Meed's opening remarks, it is my hope that you will appreciate his touching introductory comments to welcome poet Czeslaw Milosz.

REMARKS BY BENJAMIN MEED, CHAIRMAN,
DAYS OF REMEMBRANCE

Distinguished guests, once again we have come together in this Hall of Democracy to remember; to stand together in tribute to the memory of the 6 million Jews and millions of others who were murdered in the Holocaust; to recall the heroic ghetto fighters and resisters; and to honor the liberators and rescuers.

We meet at a time of great changes. From Johannesburg to Saint Petersburg, there is a new sense of freedom. From Berlin to Vladivostok, the physical and psychological walls dividing peoples have fallen. There is also hope for peace in the Middle East.

But, if there is reason for optimism, there is also reason for deep concern. Blind nationalism, antisemitism, and new forms of Nazism are gathering forces across Europe, and even here in the United States. It is more critical than ever to remember the Holocaust and to draw upon its vital lessons.

We, the Holocaust generation, share our trauma, not to divide, but to unite. We remind the world of the human capacity for evil, not to dwell on darkness, but to energize the struggle to overcome it.

We are grateful that many people have joined with us in this promise never to forget; the promise to remember the millions who were murdered out of senseless hatred. And to remember them as individuals—each with a name, a mind, and a sacred soul. The most recent expression of this commitment to remember was in Argentina, and to the people of Argentina and their President, we say thank you with all our hearts.

As we meet here in this great Hall today, we survivors recall the world as it was fifty years ago, in 1942. It was the year when the Wannsee Conference was called to coordinate the elimination of all the Jews of Europe—the "final solution." It was the year when millions were murdered in the killing centers of Auschwitz-Birkenau, Treblinka, Madjanek, Belzec, Sobibor—and in so many others. It was the year when the Jewish children of Lodz were gassed and murdered at Chelmno. And it was the year when the free world received irrefutable evidence of the extermination program—and did nothing to stop it.

We remember that the murderers were small in number; the victims, many, many more; but the bystanders were the largest group of all. They saw, and did not act; they witnessed, and did not protest. The cost of such silence, such indifference, is beyond measure.

If the greatest weapon in the endless battle for human decency is vigilance, our greatest ally is education. Today, a powerful documentation and educational center is rising only a few blocks away. In 358 days, the United States Holocaust Memorial Museum will open its doors to the public. As the winds of change continue to sweep the world, let this institution stand, not only as a warning beacon against the perils of hatred and prejudice, but also, as a brilliant light of hope for humankind, a symbol of learning and remembrance for all generations to come.

Thank you.

INTRODUCTION OF CZESLAW MILOSZ

It was a Sunday morning in the Spring of 1943. I stood with many others in Krasinski Square, on the "Aryan" side of Warsaw, only a few hundred feet from the wall of the Jewish ghetto. I had just come out of church, a requirement for my assumed identity. I watched a carousel in the Square turn round and round, carrying riders who were laughing and singing along with the music. But my heart was breaking. For before my eyes, the entire Warsaw ghetto was in flames. My friends, my comrades were being rounded up and murdered. The music blurred the sound of rifle shots and explosions, but nothing could mask the smoke rising from burning buildings behind the ghetto wall.

I thought I was alone in my sorrow. But there was another young man watching these events, a young man who did not share my heritage, but who did share my outrage and despair.

Our eyes may have met on that day, or maybe not. Only by reading of poem many years later his presence in that place and at that time was made known to me.

Since those terrible days in Warsaw, the world has recognized this young man as a gifted author and champion of the human spirit. In 1980, he received the Nobel Prize in Literature.

And, today, in our beloved new homeland, the United States, our lives at last have touched directly.

Ladies and gentlemen, it is my honor to introduce to you, the great poet, Czeslaw Milosz.

AMERICANS WITH DISABILITIES ACT, IT'S THE LAW

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. THOMAS of Georgia. Mr. Speaker, as all of my colleagues know, we are blessed in this institution with a cadre of hard-working, underpaid staff assistants who we lean upon and depend upon. They do much of the work in the trenches of public service, while we get most of the credit.

Recently, when I was unable to accept the invitation of an important group in Savannah because of the congressional sessions, I asked my legislative counsel, Mr. Percy Williams, to go in my stead. The sponsors of the event were the National Federation of the Blind, the Savannah Association for the Blind, the City of Savannah, and the Living Independently is For Everyone Organization.

At my request, Percy authored remarks of his own choosing on the subject, "Americans with Disabilities Act, It's the Law."

Because of the power of Percy's message, I strongly commend it to the attention of all of my colleagues in the House:

REMARKS OF ATTORNEY PERCY WILLIAMS

I deeply appreciate the opportunity to speak with you. I believe that it is truly a rare and fortunate confluence of time and circumstance that brings me before a handsome audience such as this, on an auspicious occasion like the one we are here to celebrate.

Thank you Judy Winters for talking with me and allowing me to come speak with you. Thank you Lindsay Thomas for your willingness to unchain me from my desk and for letting me come to this beautiful city.

It's good to be back home.

A wise teacher once told a story about a man that went to his neighbor at midnight. His neighbor did not want to be roused from his bed, but because of the persistent knocking the neighbor got up and answered the call.

Another famous individual took up this story, and although the story relates to prayer, he related midnight to the times in which we live.

Midnight is the time in which everything loses its distinctiveness. There is no black and white—only subtle shades of gray.

It seems that in today's world, we are in a midnight existence. We have taken Einstein's theory of relativity, and applied it to our moral and social order. No right or wrong, no sense of striving, no collective desire to do better.

As a result, when great aspirations are conceived, they are immediately subjected to a bottom-line analysis. And there it stops. Our dreams are deferred and our ideas intimidated.

That is the key word here, "intimidation." Intimidation was a reality that profoundly influenced my life.

I grew up in Orangeburg, South Carolina. My parents were college teachers at South Carolina State, at that time the only state-supported African-American institution in South Carolina.

The college was doing well in the early 1960's, in part, because of the State's desire to enforce its separate but equal policy.

About that time, there were a number of black students that wanted to go to law school. The only law school in the State was at University of South Carolina.

Eager to keep blacks out of the University, the State legislature created a law school at South Carolina State. That's called intimidation.

Frederick Douglas once said "Power makes no concession without demand."

The students were incensed at the treatment they were receiving. So they organized a boycott, demanding the rights of access they saw guaranteed in the Constitution.

The city's businesses, though not understanding the aspirations of a group shut out of mainstream society, understood a boycott. You see, this affected their bottom line.

They demanded that state and local police forces do something about it.

About this time, several students went to a bowling alley next to campus. They were turned away because of their color.

Students demonstrated, and the police were sent in. My grandmother, Mrs. Harriet Stone, visiting from Savannah, noted to my mother that we had "protection" ringing the campus.

Everyone in my household knew what that meant. There was a difference between "protectors" and "protection." The key word is intimidation.

Students continued demonstrating on the grounds of the campus. A confrontation ensued, and the highway patrol opened fire.

This all happened in February, 1968. My brother and sister were in high school during this time. On the night that the shooting took place, my brother, Russell, had been in town with the high school choir. He made it home safely. Some others did not.

Three students were killed. Many others were wounded. At the hospital, doctors removed bullets from injured students. It has been reported that some of them had bullets in the bottoms of their feet.

They had been running away when they were shot.

That summer, we moved to Savannah. I got here just in time for busing.

The key word is "integration."

In April of 1968, Dr. Martin Luther King was shot. He had been trying to get people a seat on the bus. Oh, it was okay to have folks on the bus, just keep them "separate but equal."

After his death, the question was posed, "At what cost integration?"

This time, the bottom line was being examined not in dollars and cents, but in guns and bullets, in assaults and assassinations, in life and death.

If all integration meant was trading life for a seat on the bus, the cost was too high.

But more was at stake. Inherent in the fight for access, was the struggle for freedom. Freedom of association and the bill of rights do not have a price tag. The fight for access is the battle for what is truly American.

That's what makes the ADA right. It is not the "Act," the fact that this has become the law of the land. It is not the "Disability," the fact that those who seek access have already overcome barrier after barrier to participate in the life we take for granted. It is the "American."

It is American to open up your business so that all can patronize it. It is American for the doors of economic opportunity to be opened to all people. It is American for folks to be able to ride on the bus.

Dr. King knew it. And the cost was not too high. The students at South Carolina State knew it, and the cost was not too high.

If Frederick Douglas were here, he would be amazed. I would turn to him and tell him, "We got the ADA, and not a shot was fired."

Lastly, let me say that it has been a delight to work with Congressman Thomas. Those of you who don't know him, you are missing out.

He will be stepping down at the end of the year. So I don't say these things so that I will get a job promotion next year. He won't be in Congress.

But I did want to close by giving you some idea of the issues we will be working on in this final year. The key word is "information."

The first is H. Res. 272, a resolution to call on the film industry to work to develop technology to make films accessible to the hearing impaired.

We will also be looking at President Bush's move to suspend the writing of all regulations for 90 days, and we are keeping an eye on Congressional action on the Equal Remedies Act of 1991, which would address the damages applicable against all those who intentionally discriminate against Americans.

As an attorney, I am particularly interested in Barrier Awareness Day, a proclamation introduced by Congressman Taylor of North Carolina, and supported by one of the largest legal fraternities.

You may be aware of the Disabled Homebuyer's Help Act of 1992. Passage of this bill would mean that totally disabled taxpayers who have to move for medical reasons would have an exclusion from taxation on the gain that they realize on the sale of their homes.

I mention these as information, because although the ADA represents a watershed, it is not a plateau. It is not a "we have arrived bill."

It is a skeletal framework. Only you can make the dry bones of this bill live by fleshing out your commitment to ensuring that the rights of all Americans take precedence in your understanding, in your businesses, and in your lives.

Thank you Judy Winters for having me and may God bless you in all of your endeavors.

SISTER DOROTHY ANN KELLY
HONORED FOR 20 YEARS OF
SERVICE AT THE COLLEGE OF
NEW ROCHELLE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to an extraordinary educational leader. As president of the College of New Rochelle for 20 years, Sister Dorothy Ann Kelly has worked tirelessly for the students of that fine institution and the community at large.

I know I join many others in honoring this remarkable woman who began at the college as a student, receiving her bachelor's degree in 1951. She received a master's degree from the Catholic University and a doctorate from Notre Dame University. Sister Dorothy Ann Kelly has enriched the lives of the students who have been fortunate to attend the College of New Rochelle. She has brought dedication,

commitment, and vision to the college, and in doing so inspired thousands of individuals to pursue academic excellence and to commit themselves to achieve their full potential.

At a time when there is so much talk about our Nation's crisis in education, people like Sister Dorothy Ann give us reason for hope. She is, indeed, a leader in the development of sound educational policies for our Nation. I have been fortunate to have had the benefit of her immense reservoir of knowledge as she has been a close and trusted advisor. Indeed, her guidance has been instrumental in my pursuit of a number of important initiatives through the House Education and Labor Committee.

But while we celebrate her 20 years as president of the College of New Rochelle, we know that her leadership and dedication extend far beyond that campus. She has served on the board of directors of the New Rochelle Community Fund, the Ursuline School in New Rochelle, and the New Rochelle Hospital. Sister Dorothy Ann has become a national leader in the field of higher education, serving as a trustee of the Catholic University, a director of the American Council on Education, and on the executive committee of the Teachers Insurance and Annuity Association of America. In addition, she has been the chairperson of the National Association of Independent Colleges and Universities, and board member of the National Conference of Christians and Jews. Through all of these organizations, Sister Dorothy Ann Kelly's expertise and skills have benefited many throughout our community and this Nation.

I am pleased to have this opportunity to join others in recognizing Sister Dorothy Ann for her commitment to improving education and to serving our society at large. I know that she has dedicated herself to our young people, working tirelessly to improve opportunities to permit them to fulfill their potential. Our Nation faces critical decisions about our future and our competitiveness in the years ahead, and we will need innovative, energetic leaders like Sister Dorothy Ann Kelly to guide us.

Mr. Speaker, we salute Sister Dorothy Ann for the strength of her convictions and the wealth of her abilities. I know my colleagues join me in thanking her for her two decades of service to the College of New Rochelle and wishing her the best as she continues to serve the college and the community.

THE SANTA MARIA AIRPORT
GOLDEN ANNIVERSARY CELEBRATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LAGOMARSINO. Mr. Speaker, today I rise in recognition of a facility in my congressional district that has not only helped me in all my years of service to Santa Barbara County, but has been an important part of the Santa Maria community for five decades. The Santa Maria airport will celebrate 50 years of service to the area on the weekend of May 15-17.

The airport's role over the years has been unique. It is, in a way, a focal point of the community's mystique: globally accessible, yet purposefully small. In this time of rapid change, it serves as an historic anchor in this family-based, American community.

The Santa Maria airport serves local businesses by providing access for overnight mail service; it aids health care facilities with rapid transport for both patients and medical supplies; and it plays a key role in national defense and law enforcement efforts in the area. There is no doubt about the importance of the airport to the surrounding community, and Santa Maria plans a golden anniversary celebration to commemorate the occasion.

For 18 years now, I have been commuting almost weekly between the district and Washington, DC, keeping in touch with my constituents' views. The Santa Maria airport has been a mainstay of my travel itinerary through the years, and I have always been pleased with the service they provide. I urge my colleagues to join me in wishing a successful celebration for the airport's first 50 years, with many more years of service to come.

FINANCIAL STATEMENT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday April 30, 1992

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1992, a matter of public record. I have filed similar statements for each of the 13 preceding years I have served in the Congress:

Assets—Real property:

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at \$619,400.00) Ratio of assessed to market value: 100 percent. (Unencumbered)	\$619,400.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	78,700.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of \$294,900. (Unencumbered)	167,556.81
Total real property	865,656.81

1992 DISCLOSURE

Common and preferred stock	No. of shares	Per share	Value
Firstar Corp	338	\$49.88	\$16,857.75
American Telephone & Telegraph	483,354	40.75	19,696.68
American Information Technologies	155,144	56.50	8,765.64
Bell Atlantic Corp	203,564	41.50	8,447.91
Bell South Corp	231,288	45.00	10,407.96
NYNEX, Inc	106,592	71.13	7,581.36
Pacific Telesis, Inc	148	38.13	5,642.50
Southwest Bell, Inc	159,079	57.50	9,147.04
U.S. West, Inc	211,121	34.13	7,204.50
Tenneco Corp	689,576	38.88	26,807.27
Newell Corp	838	45.13	37,814.75

1992 DISCLOSURE—Continued

Common and preferred stock	No. of shares	Per share	Value
General Mills, Inc	1,440	65.25	93,960.00
Kellogg Corp	1,600	57.63	92,200.00
Dunn & Bradstreet, Inc	2,000	56.13	112,250.00
Halliburton Company	1,000	23.00	23,000.00
Kimberly-Clark Corp	34,952	53.13	1,856,825.00
Minnesota Mining & Manufacturing	500	88.75	44,375.00
Exxon Corp	2,132	54.75	116,727.00
Amoco Corp	1,162	42.88	49,820.75
Eastman Kodak	1,080	40.63	43,875.00
General Electric Co	1,075	75.75	81,431.25
General Motors Corp	408	36.63	14,943.00
Merck & Co., Inc	5,213	147.13	766,962.63
Warner Lambert Co	952	63.75	60,690.00
Sears Roebuck & Co	200	44.88	8,975.00
Ogden Corp	910	22.38	20,361.25
International Business Machines, Inc	418	83.50	34,903.00
Sandusky Voting Trust	26	123.00	3,198.00
Monsanto Corporation	1,422	64.50	91,719.00
E.I. DuPont de Nemours Corp	450	47.63	21,431.25
Wisconsin Energy Corp	512	37.00	18,944.00
Abbott Laboratories, Inc	1,800	61.00	109,800.00
Bank One Corp	1,551	46.38	71,927.63
Unisys, Inc. Preferred	100	28.13	2,812.50
Benton County Mining Company	333		
Total common and preferred stocks			3,899,504.60

Life insurance policies	Face	Surrender
Northwestern Mutual No. 4378000	\$12,000.00	\$22,451.85
Northwestern Mutual No. 4574061	30,000.00	53,598.62
Massachusetts Mutual No. 4116575	10,000.00	4,777.61
Massachusetts Mutual No. 4228344	100,000.00	94,588.63
Old Line Life Ins. No. 5-1607059L	175,000.00	17,968.20
Total life insurance policies		193,384.91

Bank and savings and loan accounts	Account No.	Balance
Bank One, Milwaukee, N.A., checking account	0046-2366	\$2,718.96
Bank One, Milwaukee, N.A., preferred savings	4158-8070	31,035.61
Bank One, Milwaukee, N.A., regular savings	497-525	675.73
Valley Bank, N.A., Hartland, WI, checking account	03056664-06	1,455.35
Valley Bank, N.A., Hartland, WI, savings	03056544-11	560.86
Burke & Herbert Bank, Alexandria, VA, checking account	601-301-5	1,555.09
Federated Bank, FSB, Butler, WI, IRA accounts		36,636.29
Total bank and savings and loan accounts		74,637.89

1992 disclosure

Miscellaneous:	Value
1985 Pontiac 6000 automobile—blue book retail value	\$2,976.00
1991 Buick Century automobile—blue book retail value	11,600.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	125,000.00
Stamp collection (estimated)	32,000.00
Interest in Wisconsin retirement fund	41,260.84
Deposits in Congressional Retirement Fund	69,253.43
Deposits in Federal Thrift Savings Plan	31,278.13
Traveller's checks	6,350.00

	Value
20 ft. Manitou pontoon boat & 35 hp Force outboard motor (estimated)	5,200.00
Total miscellaneous	325,918.40
Total assets	5,359,102.61

Liabilities:

Sovran Mortgage Company, Richmond, VA, on Alexandria, VA residence, loan No. 564377	175,282.66
Miscellaneous charge accounts (estimated)	2,000.00
Total liabilities	177,282.66
Net worth	5,181,819.95

Statement of 1991 taxes

paid:	
Federal income tax	54,039.00
Wisconsin income tax	17,074.00
Menomonee Falls, WI property tax	2,078.64
Chenequa, WI property tax	8,066.94
Alexandria, VA property tax	6,811.31

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trusts. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of our sons and also are custodians of accounts established for the benefit of each son under the uniform Gifts to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

F. JAMES SENSENBRENNER, JR.
Member of Congress.

STEELE REEDER HELPS SOUTH FLORIDA'S INTERNATIONAL COMMERCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Mr. Steele Reeder, president of Florida Customs Brokers & Forwarders Association. In an increasingly integrated global economy, the well-being and livelihoods are dependent on the smooth and efficient transit of goods across national boundaries. Mr. Reeder's family has been helping international commerce into south Florida for over a half a century. A recent article in International Business Chronicle highlighted the scope and importance of Mr. Reeder's work in an article entitled "Steele Reeder: Smoothing the way." The article reads as follows:

Steele Reeder, president of the Florida Customs Brokers & Forwarders Association Inc., is faithful to his family's pioneering spirit.

Long before this town awakened to its role as the gateway of the Americas, his father

founded a business that went beyond domestic interests. In 1940, Howard S. Reeder started a custom-brokerage service as an added service to his stevedoring company. His business, only the second of its kind in Miami, was located in the building presently known as the Freedom Tower. The Port of Miami was just across the street.

When Steele started working in his father's company in 1962, his father had long discarded the stevedoring business and was totally focused on being a customhouse broker and international freight forwarder.

"We were possibly five employees, and I was handling the outside work, which I suppose made me a messenger," says Steele Reeder, now the president of Howard S. Reeder, Inc.

The senior Reeder, who'd come to Miami in the early 1900s from Tennessee, died about five years ago, some years after retiring and leaving Steele and his brother in charge of the company.

"My father was a patient and understanding individual, and I found it very easy to learn the business," says Reeder. "The Customs Service at that point was very instructive, and had the means and the time to answer questions I learned on the job."

Howard S. Reeder, Inc., is the most reputable custom-brokerage business in south Florida, says Alberto J. Marino president of Almar International, custom brokers and international freight forwarders, in Miami.

Speaking of Reeder's involvement in the customs-brokers association, Marino says, "Steele is a very dedicated man to this industry. Every time we have a problem with U.S. Customs, he will bring it up with them and get it solved for the benefit of everyone concerned. He gets things done."

Reeder's main business is handling entry documents for perishable goods shipped into the United States from all over the world, through ports and airports in Miami, Ft. Lauderdale, West Palm Beach, Tampa and Key West.

The company also does considerable business handling entries for pleasure boats imported into the United States. And this, Reeder's favorite part of the business, takes him to ports all over the country.

"You have to physically go to where the boat is to make the entries. Dealing with a man and his yacht is different from dealing with his business. This is his toy and he doesn't want any delay or problems," says Reeder, who is himself an avid yachtsman.

Tremendous values are involved in these entries through Customs. The \$21 million *Destiny*, made by Feadship in Holland, was the most expensive yacht Reeder has ever handled. Among other famous boats he's helped bring in is Malcom Forbes' yacht *The Highlander*.

"There's a lot more to entering a yacht than entering a load of shrimp," Reeder says.

Not that perishable goods require less attention. It's a 24-hour, seven day-a-week job. "We have people on duty around the clock," Reeder says. "When the cargo comes by air, it has to be released immediately because it's not frozen."

Howard S. Reeder's main office is still near the port, a few blocks away from its original site. A second office is located at the Miami International Airport.

Reeder still believes in keeping his company a family business, even though it's grown considerably and now hires about 30 people. "We offer that personal service that's becoming unique in this day and age," Reeder says. "We think it's a successful formula and we continue to grow."

Last year the company recorded close to \$2 million in sales. Customhouse brokerage charges are made on a fee basis, the amount depending on the complexity of the transaction and how many federal agencies are involved in the inspection of the merchandise. Freight-forwarding services, which handle the transportation in or out of the country, are based on commission.

During the first quarter of fiscal year 1992, the company doubled the growth it experienced during the same period last year, Reeder says. "When you consider that our growth rate has continued through the years, even during the recession we are going through, you've got to attribute that to the tremendous opportunities found in international trade in Florida.

"International trade is what has kept Florida financially up in spite of the loss of PanAm, Southeast Bank and others," he adds. "Florida would be crippled if you took international trade out of our economy."

Gilbert Lee Sandler, a partner with the Sandler, Travis & Rosenberg law firm in Miami says, "Steele has been at the forefront of identifying any impediment to the flow of international trade in Florida. He's managed to cure a lot of problems with imagination, hard work and a good sense of humor."

For two consecutive years, Reeder has been president of the 250-member Florida Customs Brokers & Forwarders Association, Inc., in Miami. As such he sits on an advisory group to the Florida International Affairs Commission, which decides which organizations should receive the annual budget funds.

He also serves on the Greater Miami Chamber of Commerce International Cargo Committee and the Dade County International Affairs Commission, a county-level liaison with FIAC.

The Florida Customs Brokers & Forwarders Association was founded in 1960 to deal more efficiently, as a group, with Customs. "We can give Customs an insight into the needs and demands of the public," Reeder says "and create more of a partnership between government and the community."

D. Lynn Gordon, District Director, U.S. Customs Service, Miami District, says Reeder keeps on top of Customs regulations. "But what's really important is that Steele is the major factor in developing a partnership between the Florida customs brokers and the Customs Service in Miami. There's no reason for us to be adversaries or to cause each other problems. The greatest thing is that we have a truly supportive and genuine relationship by which we can resolve issues very quickly and effectively."

Less than 10-percent of the total imports in the United States are handled by the importers themselves, Reeder says. The process of clearing cargo through Customs has become more complex and complicated as time goes by, and now the environment has become fully automated.

Mr. Speaker, I commend Mr. Steele Reeder for helping to build the economy of south Florida and the Nation and for bringing " * * * imagination, hard work and a good sense of humor " to all that he does.

TRIBUTE TO THE CARE ASSURANCE SYSTEM FOR THE AGING AND HOMEBOUND

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CRAMER. Mr. Speaker, I rise today to pay a most deserving tribute to the Care Assurance System for the Aging and Homebound [CASA] of Huntsville, AL.

CASA is a 1992 recipient of the President's Annual Points of Light Awards. This outstanding community service organization, truly represents the spirit of volunteering and giving that has made American communities and neighborhoods great.

Established in 1987, CASA has provided volunteer assistance to thousands of homebound and elderly persons so that they could live more independent lives and avoid premature institutionalization. Volunteers provide transportation, shop for groceries, assist with household chores, and make minor home repairs.

During 1991, more than 3,100 volunteers contributed 900,000 hours, providing over 1,400,000 units of service to 4,655 people. CASA is a vital community service that serves as a lifeline to many elderly citizens.

The volunteers of this fine organization are to be commended. As CASA's congressional Representative, I am most proud of their efforts to help our elders in Huntsville and Madison County. They are the pulse of our community.

SALUTING ESSEX COUNTY'S TRICENTENNIAL

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BATEMAN. Mr. Speaker, 300 years ago, the Colonial Assembly in Jamestown, VA, found it necessary to create smaller, and therefore more manageable, localities because of the popularity and growth of the colony. To this end, the assembly passed an act dividing Rappahannock County, located on the northern neck along the Rappahannock River, and established the county of Essex. As the representative of this tranquil area, I am honored to recognize its tricentennial celebrations which are set to begin Saturday, May 2, 1992.

Located just 100 miles south of the Nation's Capital, Essex County is a symbol of the birth and growth of our great Nation. Originally frontier land, the county's rich history began with explorations by Capt. John Smith, who visited the area and named it Rappahannock after the Indian words "rise and fall of the water."

Early Americans were able to take advantage of the area's rich resources and begin to build a new nation. Today, Essex County continues to provide opportunity and strong sense of community. Agriculture, water-related industry and small-town habits remain the way of life, yet manufacturing and other industry play a role in development.

Essex County's inhabitants maintain a strong sense of history and dedication to the area. Many families have lived there for generations. It is refreshing to know that places still exist where traditional values and neighborly ideals remain an important part of the ethic of the community.

The long heritage of Essex County will be rightfully acknowledged and celebrated in a series of events planned to mark the 300th anniversary of its establishment. I am truly proud to represent an area so rich in tradition and old-fashioned values.

THE JOB TRAINING 2000 ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GOODLING. Mr. Speaker, today my distinguished colleague from Illinois, Mr. MICHEL, my distinguished colleague from Wisconsin, Mr. GUNDERSON, and I, are introducing, by request, the Job Training 2000 Act, a bill proposed by the administration for improving the capability of this country's employment training and vocational education system. I wish to commend the President for his leadership in bringing forth this legislation.

The purpose of this bill is to address problems related to our evolving American work force, a work force which will increasingly require significant investment in human capital, as well as reform in our national human resource investment policies and practices. If the United States hopes to remain a competitive world leader, we are dependent on a well-trained, educated, and well-equipped work force.

The bill makes changes in policy at the Federal, State, and local level. First, it establishes a Federal Vocational Training Council of Federal agency heads to oversee the implementation of this law and promote consistent policies and information exchange among Federal employment training and vocational education programs. The bill with the oversight of the State, first, establishes a network of local skill centers to provide a common point of entry for individuals to vocational training programs and thereby improve access, minimize duplication, and enhance the effectiveness of such programs, second, establishes a system for certification of vocational training programs, and third, provides increased business involvement in vocational education programs by increasing the opportunities of program participants and thereby improving the quality of the training.

While I have reservations about some of the proposed approaches envisioned by this bill, particularly those changes to the postsecondary vocational education programs, I do support strongly the goals set forth of coordinating the education and training system, encouraging greater and more effective private sector involvement, simplifying program services, decentralizing decisionmaking, creating a flexible delivery structure, and ensuring high standards of accountability.

I hope you will join me in working with the administration in meeting these goals.

INTRODUCTION OF THE JOB TRAINING 2000 ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GUNDERSON. Mr. Speaker, I am pleased to join with my distinguished colleague from Pennsylvania, Mr. GOODLING, and with our distinguished minority leader, Mr. MICHEL, in introducing the Job Training 2000 Act at the request of the President. There are few more important issues before us today than determining the education and training needs of our country. I commend President Bush for taking the lead in putting together this innovative legislation that has the goal of revising our U.S. job training system to meet the needs of the 21st century work force. I am honored that I have been asked to join with my colleagues in introducing this bill on his behalf.

Basically, there are four key principles which underlie the Job Training 2000 Act. First, the proposal is designed to simplify and coordinate services for individuals seeking vocational training or information relating to such training. Second, it would decentralize decisionmaking and create a flexible service delivery structure for public programs that reflects local labor market conditions. Third, it would ensure high standards of quality and accountability for federally funded vocational training programs. And fourth, it would encourage greater and more effective private sector involvement in the development and implementation of vocational training programs.

Under our current Federal vocational and job training system in the United States, we have 60 training programs receiving Federal support, administered by seven different Federal agencies, at a cost of \$18 billion per year. Under this system, services are disjointed and duplicative in many instances. Local providers are unable to provide individuals in need of services with sufficient access to information on program quality, job opportunities, or even the range of services available. Eligible populations overlap, and businesses, the ultimate consumers of education and employment training programs, have only limited involvement with the system. Therefore the ultimate goal of this legislation, that of providing a more comprehensive, coordinated, accountable, and easily utilized system, is a good and necessary one.

At the heart of Job Training 2000, is the establishment of a network of local skill centers to provide one-stop shopping or single points of entry for individuals in need of vocational and job training services. These centers would provide students, job seekers, workers, and employers with needed information about the local labor market, training and vocational education programs, and related support services. Under the proposal, skill centers would coordinate local delivery of more than \$12 billion in vocational and job training services currently provided through a range of programs including the Job Training Partnership Act [JTPA], Job Corps, the Employment Service, Veterans' Employment Service, Perkins postsecondary vocational education and training

programs, and Federal student financial aid provided for vocational training programs. Private industry councils, which already coordinate JTPA programs at the local level, would play an expanded role under Job Training 2000, with the goal of ensuring that all vocational education and training providers meet high standards of quality as well as local labor market needs. The legislation also provides for increased coordination between the various vocational and job training programs at the Federal and State levels through the establishment of a Federal Vocational Training Council, and the establishment of State human resource investment councils in each State to oversee implementation of these programs.

While I strongly support the principles underlying the Job Training 2000 Act, I do have serious concerns over certain provisions in the legislation, particularly those resulting in the fundamental restructuring of our existing postsecondary vocational education system. These concerns do not erode my support for the core of this legislation however, which takes bold steps to establish a comprehensive job training system in the United States that will give our working men and women the opportunities they need to be successful in the changing work force. A system which will serve this Nation well, providing workers with the skills that will enable the United States to compete in the international marketplace of the future.

Again, I commend the President for his leadership in the area of work force preparedness. I look forward to working with him, with the U.S. Departments of Labor and Education, and with my colleagues in the Congress as we consider this important legislation in the future.

SUPPORT FOR HOUSE JOINT RESOLUTION 425—INFANT MORTALITY AWARENESS DAY

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ESPY. Mr. Speaker, I rise today in full support of House Joint Resolution 425—which designates Mothers Day, May 10, 1992, as "Infant Mortality Awareness Day." We all must realize that if we let this issue die—so many more of our infants will die.

Currently, nearly 38,000 infants die before their first birthday in the United States. We rank far worse than several other industrialized nations including Japan. In the United States our rate is about 10 while in Japan it's 5.

Closer to home, in my own State of Mississippi, 12 babies out of every 1,000 born die before their first birthday. Our rate worsened from 11.6 in 1989 to 12.4 in 1990. In Humphreys County, the rate is 26.8. In Sharkey County, the rate is 22.9. And in Tallahatchie County, the rate is 21.2. Clearly, much more work needs to be done.

Combating infant mortality isn't a new fight for us. We know some of the solutions—outreach to adolescents, home visiting, one-stop shopping, nutrition education, and increased access to health care. Besides merely designating an awareness day, I also call on my

colleagues to support programs that help address this plague directly.

SOUTH FLORIDA'S BOOKS FOR KIDS OUTLETS PROMOTE READING TO CHILDREN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Michelle Sanchez, Judy Weissman, and Nanci Deutshce, who were recently featured in the Miami Herald for their south Florida book stores, which are designed for children. The article "Doing Business by the Book," by Traci Dyer, tells about the success of Sanchez's book store, ChildRead, and Weissman's and Deutshce's book store, A Likely Story:

Michelle Sanchez has a modest plan for her book business: She wants to be the Toys R Us of children's literature.

Sanchez owns ChildRead at 13619 S. Dixie Hwy., a bookstore that caters exclusively to children. With more than 5,000 square feet of space, it offers a playroom and two floors of merchandise separated by age group.

"Downstairs is for age 7 and under. The bulk of our business is downstairs for toddlers," said Sanchez, 33. The store features everything from educational aids to computer software and nature kits.

"We are unique in that we carry so many things. We started with just books and then really we were responding to the needs of our customers," Sanchez said.

The store now has more than 100,000 book titles and its sales approached \$1 million last year, said Sanchez.

ChildRead is one of two area book stores that cater just to kids. The other, A Likely Story at 5470 Sunset Dr., has been in business 14 years. It offers 50,000 titles.

"The American Book Sellers Association told us a book store just for children wasn't viable. A year later, we were speaking at their meeting," said Judy Weissman, who co-owns A Likely Story with Nanci Deutshce.

It's a growing market, according to Maria Juarez, marketing director for the Children's Book Council, a New York City-based trade association of 65 children's book publishers.

"Publishers' output has nearly doubled in the past five to seven years," said Juarez.

According to a 1991 book industry trends study, total sales of publishers' books in the trade and juvenile section increased from 199.9 million in 1985 to 310.3 million in 1990. The study projects that will increase to 421.1 million books, representing sales of nearly \$2 billion by 1995.

Sanchez says one of her goals is to make reading fun.

Every Saturday between noon and 3 p.m., children come for story time with arts and crafts. During the free program children sing songs, play games, listen to stories and enjoy a simple craft, said Sanchez. Seminars for parents and teachers also are scheduled, and most are free.

"I am proud of the classes and seminars we offer. They are an important part of what this store is about," said Sanchez.

A Likely Story also offers Saturday story hours. In the past six months, it has developed a special section with books for problems dealing with handicapped children, Weissman said.

EXTENSIONS OF REMARKS

At ChildRead, regular customers can buy a \$5 yearly membership entitling them to 10 percent discounts on books, a catalog, a monthly newsletter and free birthday gifts for their kids from the store's "Treasure Chest."

Claudia Ellingwood regularly brings her children, Brian and Brenton, to the store. "They like the toys. We have been coming here for a couple of years. It's a great store," said Ellingwood.

"I wanted to have an impact on the community, to be a resource. I am fascinated by education and how kids learn," said Sanchez, who did everything from modeling to working in the food service industry before turning to retail.

Opening the store was her husband's idea. "I was looking for books before my first son was born and I didn't get much help. He saw the potential," said Sanchez, who now has two sons, ages 5 and 6.

As part of its partnership with Dade schools, ChildRead recently recognized Bradley Horeth as an outstanding reader of the month.

A first-grader at Howard Drive Elementary School, Bradley read 28 books in February. He recommends "What to Do with a Kangaroo" by Mercer Mayer.

"Books are comforting, adventurous and exciting," said Sanchez. "The other day my son asked me to bring him home a book about bones and I felt great that I could get it. I knew exactly the one."

I am happy to pay tribute to Miriam Sanchez, Judy Weissman, and Nanci Deutshce by reprinting this article from the Miami Herald. They are part of a growing number of dedicated citizens throughout the country who are promoting reading among America's children.

CONGRATULATIONS CALIFORNIA CONSTITUTIONAL COGITATORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. STARK. Mr. Speaker, today I rise to extend my congratulations to a group of students from Amador Valley High School in Pleasanton, CA. Skip Mohatt's civics class earned recognition as one of the top 10 teams in the country at the national Bicentennial Civics Competition on the Bill of Rights.

For this, the students, their families, and the community should be very proud. The class exhibited quick thinking, a contagious enthusiasm for learning, and a thorough knowledge of the Constitution.

The competition is part of a nationwide program to reshape the way our Nation's students learn about their Government. Instead of rattling off the date to when this or that constitutional amendment was ratified, these students emphasized the concepts and principles behind the development and implementation of the Constitution. The Amador Valley team showed just how successful this program has been.

At the competition, panels of trial judges, scholars, and lawyers participated in a mock congressional hearing. The students sitting in the witness chairs gave expert testimony on the Constitution. After a prepared presen-

tation, the panel engaged the students in rigorous questioning that challenged the students' assertions and brought out new ideas that the students may have neglected. For instance, the Amador team had to quickly recall what portions of the Constitution reaffirmed the American tradition of laissez-faire, a tradition they had used as part of their discussion about the rights of the individual.

Instead of dates, names, and numbers, these students toyed with thoughts, ideas, and concepts. Undoubtedly, these same students will bring this same critical thinking to college and their careers.

Once again, congratulations to Skip Mohatt's Amador Valley High School civics class.

NATIONAL CHILD ABUSE AND NEGLECT PREVENTION MONTH

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SWETT. Mr. Speaker, I rise today in recognition of April 1992 as Child Abuse and Neglect Prevention Month. This is a time for all Americans to show that they care about eliminating abuse and neglect from the lives of our children. We must all work together in order to eradicate this national tragedy.

The reported incidence of child abuse and neglect have escalated enormously in recent years. During the 1980's, reports of child abuse quadrupled, and in 1990 alone, the National Committee for the Prevention of Child Abuse reports 2.5 million instances of child abuse and neglect. About 1,000 children die as a result of abuse. While only approximately 40-50 percent of reported child abuse and neglect cases are substantiated, the number is far too large and is deeply troubling.

Although child abuse crosses all racial, ethnic, cultural and socioeconomic groups, physical abuse, and neglect are more likely among people living in poverty. The number of children who are poverty-stricken has increased more than 30 percent in the last decade. In my home State of New Hampshire, more children are living in poverty than ever before, and the number of reported child abuse and neglect cases has concurrently risen. Mr. Speaker, something must be done to protect these children.

Many Americans believe that child abuse cannot happen in their neighborhood or among their friends. Child abuse and neglect does occur among the affluent as well as the poor, among the educated as well as the less educated, and among rural communities as well as inner cities. This behavior does not affect just one type of person or ethnic group—it can happen to anyone.

As a politician once said, "Your children need your presence more than your presents." And these children, who are being abused, desperately need our presence. Mr. Speaker, I urge my colleagues to join me in working within our districts to eliminate child abuse and neglect. These children are counting on us. We cannot let them down.

IN MEMORY OF THOSE SLAIN IN
ARMENIA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. OAKAR. Mr. Speaker, I rise today in solemn remembrance of the greatest tragedy for the Armenian people. I want to thank the gentleman from California for organizing this special order.

This anniversary is a somber occasion. While it brings back painful memories for many people, it would be even worse to let the tragic loss of so many lives be left unnoticed. On April 24, 1915, about 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople, exiled, or taken to the interior and murdered. This was only the beginning of the terrible bloodshed and destruction.

I urge my colleagues to pause today and remember the Armenians who lost their lives and were uprooted from their homes. By remembering their suffering and honoring the memory of those who perished, we must make sure that these acts are never repeated.

LONG-TERM CARE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. OWENS of Utah. Mr. Speaker, several weeks ago the New York Times ran a story about John Kingery, the 82-year-old man who suffered from Alzheimer's disease, and who was abandoned by his daughter, in his wheelchair at a dog racing track. This tragic story stirred sympathy among many Americans. However, what is even more tragic is this incident is not an isolated case. Seventy thousand older Americans were abandoned last year. The problem of granny dumping will only get worse if long-term care costs continue to rise.

Today I am introducing legislation calling for the availability of long-term care services to all those who need them, regardless of age or income. Congress must enact a comprehensive health care system which includes benefits for long-term care.

The cost of long-term care, including home health care, respite care, and hospice care is out of reach for so many Americans. For most family caregivers and individuals the price of long-term care is too expensive and inaccessible. These exorbitant costs place a tremendous burden on caregivers, sometimes leading to abuse and neglect.

For almost everyone, the price of long-term care is beyond reach. Today, almost 250 million Americans lack affordable and adequate long-term care insurance. We virtually make no provision for people with disabilities and chronic illnesses. Medicaid picks up the tab for nursing home care, but only once all the resources of an individual or caregiver are depleted. Medicaid also provides very little assistance for in-home care.

Long-term care affects almost all of us. Recent studies have concluded that 80 percent of Americans experienced, or expect to experience in the next 5 years, either in their own families or through close friends, the need for long-term care. We can no longer allow millions of Americans to live in fear of a long-term illness and to live in fear of having their hard-won financial and emotional resources wiped out.

With the number of older Americans soaring, we will undoubtedly see a greater need for long-term care services. Not only are we seeing growth in the 65 and over population, but we are experiencing tremendous growth in those 85 and over, those most likely to need long-term care assistance.

So where do people turn for long-term care assistance? To a nursing home where the average price a year is over \$30,000, where even a short stay could exhaust lifetime savings. For many people this is simply out of the question. Although in-home care services are often less expensive, many people still cannot afford these costs and little public assistance is available. An overwhelming majority of long-term care is provided by family and friends, too often at tremendous emotional and financial expense.

The bottom line is we are not giving individuals and caregivers enough help to provide for long-term care. Perhaps if there was adequate public assistance available, a victim of Alzheimer's, provided with in-home service, could forgo a nursing home. Perhaps a parent caring for a child with cerebral palsy, could be given a few hours of respite care. Perhaps adequate funds could be available to contribute to the cost of nursing home stays, so families would not have to go penniless. As we continue the national debate on health care reform, we must make sure that long-term care is not a neglected topic.

I invite my colleagues to support this initiative calling for the availability and affordability of long-term care service for all Americans.

OLDER AMERICANS MONTH

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROYBAL. Mr. Speaker, the month of May has traditionally been designated by the President as "Older Americans Month." Older Americans are an active and conscientious group of citizens whose sense of public obligation has enriched and strengthened our Nation. Therefore, it is fitting that we set this month aside to honor them and to ensure that all older Americans will have the dignity and quality of life that will make their later years rewarding and meaningful.

Growing old in America must be a concern of the young, as well as the old, the rich, and the poor, in urban and rural America, in Government and the private sector regardless of ethnic or cultural background. We already know that far too many of our elderly are poor, isolated, homeless or ill-housed, and in need of a variety of services.

While we in Congress can look back with pride on the many measures passed to aid

our senior citizens, we must also look ahead and respond to the many problems and challenges facing the elderly. In the last month we were once again challenged with the reauthorization of the Older Americans Act, yet once again we failed.

Across the country, senior citizens await the authorization of new programs which will protect the rights of the thousands of elderly in nursing homes preventing abuse, neglect, and exploitation. Important programs to improve preventive health services for the senior citizen, which would help lower the cost of health care, also await funding. Yet again, the appropriations process is upon us and we have no increase in funds and the new programs with no funding. As chairman of the House Select Committee on Aging, I urge all those involved in the reauthorization of the Older Americans Act to resolve their differences and adopt the act.

Let us renew our determination to ensure that every individual over the age of 60, regardless of income, has accessibility to all the programs in the Older Americans Act. In the coming decades, meeting this goal will be increasingly important and more challenging. Our views of the aging process will affect decisions regarding the many social programs and institutions upon which the elderly depend. Your continued involvement and active participation with the aging network will ensure that older Americans will continue to receive the care and attention that they so well deserve.

SAD TIME IN THE HISTORY OF
THIS INSTITUTION

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday April 30, 1992

Mr. HERTEL. Mr. Speaker, it is a sad time in the history of this institution. Late last night a majority of my colleagues voted to unilaterally surrender the documents requested in the Wilkey subpoena. It's the first time in my experience in this body that I have felt due process was abandoned, and that the Congress went out of its way to destroy the rights of the few because of the fear of the press and public opinion. I vehemently disagree with those who last night characterized constitutional protections, in particular the fourth amendment, as petty legalisms.

As Members of Congress, we're sworn to uphold and defend the Constitution—even for Members of Congress—as politically unpopular as that may be. I couldn't, and I wouldn't support ignoring the fourth amendment and abandoning due process. As is our history, we should have let the courts decide the appropriateness of this subpoena. If they had decided it was legal and necessary, I would willingly support turning over any and all records.

As someone who allegedly had checks held by the House bank, I've got nothing to hide and my conscience is clear. I've always supported full and complete disclosure of relevant information. And I'm not running for reelection, so for me the easy vote was just to turn everything over. But easy is not right. Easy is dangerous and in my opinion the easy vote was unprincipled.

Mr. Speaker, I fear that with last night's votes we may be starting down a slippery slope to mobocracy. It's a path we shouldn't have taken.

ALL CHILDREN IN AMERICA HAVE THE RIGHT TO SAFETY AND SECURITY

HON. PETE PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. PETERSON of Florida. Mr. Speaker, I rise today to speak for a special group of individuals who do not have an opportunity to speak for themselves: The children in America who are abused and neglected. In recognition of the month of April as Child Abuse and Neglect Prevention Month, I bring to your attention these children who need our voices to continue to speak out against those who abuse and neglect them.

Current child abuse and neglect laws have developed from over the past 100 years. Ever since 1874, when a little girl's abuse and neglect case brought about the beginning of protection for children's rights, our country has been struggling against people who deny their children the physical and emotional health and development they need and deserve.

Congress has been seriously concerned about child abuse and neglect over the past 30 years and has passed laws in an attempt to protect children and the American family unit. In 1974, when Congress realized that the child welfare system was not adequately protecting children, it enacted the Child Abuse Prevention and Treatment Act. In 1980, when Congress was concerned about preserving the family structure for children, it passed the Adoption Assistance and Child Welfare Act. In 1984, when Congress turned its attention to family violence, it passed the Family Violence and Prevention and Services Act. Yet, after all of our efforts, we still have not stopped child abuse.

In fact, reports of child abuse and neglect have more than doubled in the past decade to 2.7 million in 1991. This does not account for the number of children involved in each of these cases. Nor does it account for the number of cases that go unreported. A more reprehensible fact is that, in the United States, more than three children die each day from abuse or neglect.

Mr. Speaker, we must make a dramatic shift from government intervention in families after a crisis to government investment in families before a crisis. To preserve the potential of all children, we must create in every community a network of services to strengthen families and to give them the tools they need to support, nurture, and protect their children. This will prevent the vicious cycle that now exists. Those who were abused as children go on to abuse their children. Children who have experienced trauma need counseling to heal from their frightening and painful experiences. But also, children who are abused need to be prepared for family life in the future so they will know that they and their children have the right to live productively and happily. Preven-

tion is the key to serving the future of these children and all of those who will follow. As a former faculty member of Florida State University through the psychology department's special program at Dozier School for Boys in Marianna, FL, I learned first hand the value of prevention.

Mr. Speaker, all children in America have the right to safety and security. As the leaders of our country, we are responsible for their future and it is our duty to see that this right is not taken away. If we serve our children now, we are serving the future.

SHORECREST ASSOCIATION RALLIES TO PROTECT NEIGHBORHOOD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the efforts of the members of the Shorecrest Homeowners Association to preserve and protect their neighborhood. The area covered by the association is bounded by the historic Little River Canal, the northern city limit of Miami and Biscayne Bay, and embraces some 1,300 living units with a population of nearly 4,000. Within the area of concern is a quiet residential area and what was once one of the premier shopping areas of Miami.

Association president Donald J. Hinson stresses the need for local initiative to solve local problems. To this end, he has assembled a team of concerned citizens, including vice president Dr. David Felton and his wife, association secretary Jean Felton, as well as Vi Jacobsen, member-at-large Anthony Dawsey, Ann Carlton, Brian Genty, and Patrick Prudhomme. Mary Louise Hinson, the president's wife, also put in many hours as head of the crime watch committee.

The campaign to revive the Shorecrest community is being waged on a number of fronts. The association concerns itself with zoning matters, crime, and traffic patterns. By focusing on these areas, it is hoped that quality of life in the neighborhood can be restored to its former peaceful status. There is an effort underway to duplicate the sort of traffic barriers that have proven successful, just up the road, in Miami Shores.

Mr. Speaker, I commend the members of the Shorecrest Homeowners Association for their efforts and the commitment of the members to preserve and restore a fine Miami neighborhood.

TRIBUTE TO JOHN EYSTER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ASPIN. Mr. Speaker, today I rise to pay tribute to an outstanding teacher at Parker High School in Janesville, WI—Mr. John Eyster. Twenty years ago John initiated Wash-

ington Seminar, a unique citizenship education program which teaches our students to be strong and effective citizens. This month marks the 20th anniversary of this high caliber Government studies program which is highlighted by a trip to our Nation's Capital. Earlier this month, John brought his 20th group of Parker High School students to Washington. Today I'd like to give a special recognition to John Eyster, Parker High School, and all of the students and staff who have participated in the Washington Seminar program throughout these past 20 years.

John Eyster created Washington Seminar, which provides Parker High School students with a rare opportunity to learn about and personally experience our Government in action. As part of the seminar, students select issues of national importance, conduct indepth studies of the issues, and then travel to Washington, DC to interview national experts on their chosen subjects. Choosing the individuals to be interviewed and obtaining the appointment with officials is, in itself, a sound lesson in citizenship education. The students then write their research papers including their own views and editorial comments.

A few of the topics of study by this year's Washington Seminar students include: national health care, gun control, the Federal debt, funding for AIDS research, and peace in the Middle East.

Eighteen students and several former students who now staff this model program came to Washington, DC during the first week in April. The students exhibited a high degree of inquisitiveness, independence, and professionalism in their approach to understanding how the Federal Government works.

Each year I meet with Janesville's seminar students in Washington. It's obvious that these students put a lot of work into preparing for their trip. The depth of their knowledge and the level of their understanding of the issues is tremendous. If Parker High School students are representative of high school students throughout the Nation, our country is certainly assured a bright future.

Many students have told me that Washington Seminar was an extremely valuable experience in their lives. Further proof of this is the number of alumni who have become effective citizen leaders and public officials in our community.

John Eyster has done a tremendous job in coordinating the Washington Seminar program to enhance our children's education about civic responsibility. John Eyster has demonstrated great determination, hard work, and creativity in developing and maintaining such a successful program which has lasted 20 years. He is a credit and an honor to the entire teaching profession, and I congratulate him for a job well done.

I would like to pay a special congratulations to Washington Seminar's 20th anniversary class of students: Paul Braspenninckx, Christy Crawford, Daniel Graham, Jeffrey James, Adrian Klenz, Brian Melka, Marisol Peinado, Chad Schroeder, Scott Vilbrandt, Elizabeth Bridgham, Antoine Eigenmann, Angela Greenwald, Erik Johnson, Justin Lowman, Bryan Mowry, Eric Peterson, Lyle Shumate, and Christina G. Warren.

And, to the 20th anniversary staff: Mr. John Eyster, Thomas Dubanowich, Randall Radtke,

Troy Udulutch, Rick Rebut, Robert Burke, Jon Jarstad, Gina Rueckert, and Becki Woosley.

INTEREST RATE "LOCK-IN" ABUSE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GALLO. Mr. Speaker, today I have introduced a bill that would solve a problem that continues to plague people who are, in good faith, seeking to buy new homes or refinance their existing mortgages—the problem of interest rate "lock-ins" that are allowed to expire by lenders who wish to take advantage of interest rate increases.

The drop in interest rates 6 months ago brought many people back into the housing market. This drop also encouraged many homeowners to refinance their mortgages to capitalize on lower rates.

Unfortunately, the low rates did not last. As rates started to climb back up, an increasing number of applicants found that the time it was taking their lender to process their loans exceeded the time for which they had "locked-in" an interest rate. Too often to account for coincidence, the delays in bringing these loans to closing lasted just long enough for the "lock-in" period to expire.

As a result, at closing time borrowers are finding that the rate they are being offered is higher than the rate they had counted on when making their application. Through no fault of their own, people are having to pay more than they anticipated to get their loan.

To add insult to injury, they are reminded of this injustice every month when they write the check for their mortgage payment—a check for more money than they expected, and, in some cases, for more than they can afford.

My legislation would require lenders who offer "lock-ins" to honor that commitment until the loan closes, unless the borrower was responsible for loan processing delays. Lenders who failed to fulfill their obligation would be subject to a \$10,000 penalty. This bill does not require a lender to offer a "lock-in," but, if they do not, they must disclose that to the borrower.

I offered this legislation in both the 100th and 101st Congresses. Unfortunately, each time, as interest rates stabilized—or got so high that no one could afford a mortgage—the momentum behind this idea was stalled. I urge my colleagues to take action on this bill before we adjourn for the year. Unless we do, the unfair history of interest rate "lock-in" abuse will continue to repeat itself.

CORRECTION OF THE PERMANENT REMARKS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BONIOR. Mr. Speaker, I rise today to make a correction in the statement I placed in

EXTENSIONS OF REMARKS

the RECORD on November 26, 1991 and again on March 31, 1992. Two of the names should appear in different form from how the list of Pearl Harbor Veterans was sent to me by the U.S. Department of the Navy. I now take this opportunity to enter this tribute once more for the permanent RECORD of the U.S. Congress. The final tribute is as follows:

TRIBUTE TO PEARL HARBOR VETERANS

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a courageous group of Americans who on December 7, 1941 personally experienced the day that will live in infamy. I am, of course, referring to those stationed at Pearl Harbor—our first veterans of World War II.

I would like to officially recognize 16 of these veterans who reside in Michigan's 12th Congressional District. These men will be receiving the Pearl Harbor Commemorative Medal this year:

Thomas Allen, Jr., John Brammell, Homer Good, Lloyd Jaco, Kenneth Klucker, Robert Paul, Charles Sharrow, Marvin Villaire, Robert Boyd, John Fink, Harold Herpel, Frank A. Karl, Arthur Noellert, Gardner Pickering, William Stroud, Jr., and Preston Wolfe.

My deepest gratitude goes out to these proud veterans of Pearl Harbor.

It is appropriate this December 7th that we remember those who served at Pearl Harbor. Their battle was the first salvo in the long fight to bring an end to imperialism, fascism, and communism. Pearl Harbor has become a symbol of America's commitment to defend our values and interests. All our veterans deserve tremendous honor and respect for their efforts in maintaining this commitment. We owe them an enormous debt of gratitude for their valiant service which has made the world a better place to live for everyone.

Today, the veterans of Pearl Harbor can see that war they fought in, and so bravely won, helped, in time, bring freedom to the rest of the World. The sweeping changes in Eastern Europe and the former Soviet Union are a testament to our veterans' resolve to fight for freedom. With each new headline we see that our World War II victory was a victory for all of humanity.

The surprise attack Pearl Harbor veterans endured paved the way for our entry into World War II. In the 50 years since, the World has become a more secure place for freedom and democracy. This is the ultimate tribute to the brave men and women who fought that morning, and each morning thereafter, to keep our great sovereign Nation free.

A TRIBUTE TO PATROLMAN KENNETH R. NOVAK, JR.

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SANGMEISTER. Mr. Speaker, I rise today with a heavy heart, as one of my constituents, Kenneth R. Novak, Jr., an officer with the Lansing, IL, police department, has made the ultimate sacrifice in serving and protecting his fellow citizens.

Kenneth Novak was slain on April 8, 1992, when he and a fellow officer made what they

thought was a routine stop to assist an apparently disabled motorist. The routine became the tragic for Kenneth Novak and officer George Dragicevich when they encountered Kevin Hardy, a fugitive from the law who had stolen the car to commit further crimes. Hardy surprised both officers, mortally wounding Patrolman Novak and then shooting Patrolman Dragicevich, who despite his serious injuries, was able to return fire and kill the assailant.

Kenneth Novak, who was only 27 at the time of his death, was in many ways a veteran around the Lansing Police Department. A part-time officer, Patrolman Novak began his association with the department as a 16-year-old police cadet. After graduating from the cadet program, he began work as a police dispatcher and paramedic with the goal of someday becoming a full-time police officer. He often volunteered for unpaid patrol duty because of his love for police work. In the words of his commander, Capt. Robert Wheaton, "He lived to be a police officer. That's all he wanted to be. And he died doing what he wanted to do."

Mr. Speaker, I would like to express my deepest sympathy to Kenneth Novak's family: His father, Kenneth Sr.; his mother, Patricia; and his sister Kathryn. My sympathy also goes out to Kenneth Novak's "second family"—the men and women of the Lansing Police Department. I hope the grief of all those who loved Kenneth Novak is eased by the understanding that he died pursuing his noble ambition—to serve and protect his fellow citizens.

ATTACKING THE PROBLEM OF INFANT MORTALITY

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GEREN of Texas. Mr. Speaker, I rise in support of House Joint Resolution 425, designating Mother's Day, May 12, 1992 as "Infant Mortality Awareness Day." The problem of infant mortality is one of particular concern to my home town of Fort Worth, TX.

Inc. Magazine, a prestigious business publication, recently named Fort Worth as one of our country's top 10 cities to do business. In the shadows of that announcement, however, is another fact about our city. It can be a perilous place for a child to be born.

For every 1,000 children born here, nearly 10 will die before their first birthday, and depending on where you live within the city, as many as 25 out of every 1,000 die as infants. Sixty percent of them die because they suffer from low-birthweight, their tiny organs unable to overcome the harsh demands of a new life.

We certainly do not know all of the answers about why so many children die in their first year, but we do know many of the contributing factors. The causes of infant mortality range from the behavioral—smoking and substance abuse by the pregnant mother, causing low-birthweight—to underage pregnancies and poor health—children having babies and mothers unhealthy prior to conception and during pregnancy—to the social and educational—lack of education about services for at-risk

pregnant women and poor access to the services.

Whenever government programs fail to have an impact on the problems they are intended to eradicate, we often respond by allocating more money to the program. There is no doubt that our cash-strapped county needs additional funds to provide prenatal care to indigent expectant mothers, but additional money alone will not solve the problem. We must develop innovative approaches in delivering prenatal care, and I am proud to say that Tarrant County is a national leader in this regard.

In 1989, \$14.9 billion was spent on Medicaid services to families with children, the largest Federal-State program for poor families. Money and the technological advances it buys can do a great deal. But, more often than not, these funds arrive at the problem too late, reaching women after their unborn children have been harmed.

Mr. Speaker, the first step that the Federal Government must take to tackle the infant mortality crisis must be a step back. Too many programs to reduce infant mortality are targeted at women who are already pregnant. If we really want to reduce infant mortality, we must attack the problem, not just during pregnancy, but before conception.

Taking responsibility for our infant mortality crisis in Fort Worth and around our country means teaching our children—girls and boys—the dangers of getting pregnant out of wedlock and at a young age. Far too many at-risk mothers are unfortunately also at-risk children. In 1988, 488,941 babies were born to teenage mothers. We will never wipe out our infant mortality crisis until babies stop having babies.

Taking responsibility also means understanding the danger that smoking, substance abuse, and sexual promiscuity pose for our unborn children and making sure that our children also get the message.

The White House Task Force on Infant Mortality estimates that 10 percent of infant deaths and 25 percent of low-weight births are caused by cigarette smoking. The task force also estimates that as much as 10 percent of all pregnant women use alcohol or drugs. The number of babies infected with sexually transmitted diseases is also rising rapidly.

To get this message out, the Federal Government must declare war on infant mortality just as it has on drugs, alcohol abuse and AIDS. It should work with local school districts, national sports and entertainment figures and the media to get out the message about the dangers of smoking and substance abuse and the importance of prenatal care to an unborn child. The purpose is to reach women and girls before they become pregnant.

The campaign should include ad displays in publications geared toward teenage girls and women, mailings to those who benefit from low-income programs, and educational inserts placed in home pregnancy tests. The costs could be lowered if the private sector aided in the effort as they have in the war on substance abuse.

But education is not enough. Access to services is also critical, and the city of Fort Worth and local hospitals have established a new program that could serve as a model for pregnancy services to low-income women

around the country. Services available to pregnant women and infants in Fort Worth have been streamlined so that a woman can now apply for benefits, receive prenatal care and obtain literature and information in one place. Much of the redtape that once stood between pregnant women and the very services that could mean the difference between life and death for her unborn child have been removed.

This year is the second for the Fort Worth program, but the initial assessment is that it is a success. The Federal Government should now earmark funds to help other communities develop similar programs.

To streamline the process does not help women who cannot reach services because of transportation problems or whose responsibilities at home keep them away from the doctor. To tackle this problem, Federal maternal and child health block grants should be earmarked to fund Mom Vans and mobile medical trailers. Mom Vans would help at-risk pregnant women reach the services they need, and mobile medical trailers would take medical services to those women who could not otherwise reach them. These grants could also be used to train community peer volunteers to go into the neighborhoods to encourage women to take advantage of the services. Fort Worth is among the cities currently using Mom Vans to get medical services out to the communities.

Mr. Speaker, any realistic strategy for defeating our infant mortality crisis also must address the financial barriers facing disadvantaged pregnant women. Most at-risk women rely on Medicaid insurance, but an increasing number are caught in the middle—they cannot afford private insurance but they are too well-off to be eligible for Medicaid.

Congress now allows States to provide Medicaid to anyone whose income is 185 percent of poverty or below—\$22,370 or less for a family of four. The Federal Government should encourage State governments to use this option. States would face a short-term cost, but the long-term savings gained from a generation of healthier mothers and children would more than make up the difference.

Compassion is reason enough to care about the infant mortality problem in this country, but in this instance, compassion and fiscal responsibility go hand-in-hand. Hospital costs alone for low-birthweight babies now top \$2 billion every year, while the cost of providing prenatal care to every single woman not currently receiving would be less than \$500 million per year.

Mr. Speaker, no amount of money will save the unborn child whose mother ignores her obligation to care for and nurture that child; the Federal Government cannot mandate love or responsibility. It is a fact that no third party efforts, public or private, regardless of the amount of money spent on the problem, will overcome the damage done by irresponsible behavior. But the Federal Government can do more to foster a national educational campaign and to streamline and fine tune the effective services available to low-income pregnant women who seek them out. It is here where we must focus our energies to make our infant mortality crisis a relic of our past.

CINCO DE MAYO CELEBRATION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. PELOSI. Mr. Speaker, I rise in proud celebration of Cinco de Mayo, one of the great days in Mexican history, and a day of celebration for Latinos in my district and throughout our Nation.

Cinco de Mayo, the 5th of May, is the anniversary of the 1862 battle of Puebla, in which Mexican forces, against overwhelming odds, defeated Napoleon III's army. While the battle itself was not of great military importance, since the victory represented only a temporary setback for the French Army, it gave the Mexican people the moral confidence to strive for and win victory in the long run.

Mr. Speaker, Cinco de Mayo is more than the commemoration of a military victory. Cinco de Mayo symbolizes freedom, self-determination and independence for the people of Mexico and for Mexican-Americans in our Nation. It also presents another occasion to celebrate the cultural diversity of our great Nation. Peoples throughout America will observe Cinco de Mayo with parades, dancing, music, and fiestas in an atmosphere of friendship and cultural pride.

The Mexican-American Community of San Francisco is concentrated in and around the multicultural mission district. I want to take this opportunity to commend the Mission Economic Cultural Association [MECA] for all of their effort in organizing the Cinco de Mayo festivities in San Francisco. The 2-day festival in San Francisco will begin on Saturday, May 2, with a wide variety of entertainment held on three stages in the Civic Center Plaza.

Mr. Speaker, I would like to extend my sincere best wishes to the Republic of Mexico and to all Americans of Mexican descent during this 130th anniversary of Cinco de Mayo. I wish my colleagues and constituents a very happy Cinco de Mayo.

TRIBUTE TO THE HONORABLE RAY ROBERTS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. HALL of Texas. Mr. Speaker, I would like to call to the Members' attention the death of one of our former Members, Hon. Ray Roberts of the Fourth District of Texas. I would like to submit a copy of the eulogy I delivered at Hon. Ray Robert's funeral on April 16, 1992 in Denton, TX, to his loving family and wonderful friends from throughout the years. It is with telling respect that Ray's former colleagues in public service came to pay their last homage to Ray: several Members of Congress, staffers from his days in the Texas Senate and the U.S. Congress, staffers of the late President Lyndon Johnson, and leaders from the Fourth District. Just as they came to pay one last tribute to a great and honorable man, I ask that the RECORD reflect my last tribute to him:

"Ray Roberts was my friend." That is the lead-in everyone present would use if given the honor of reading Ray's eulogy. We meet today to say goodbye to one who lived a life of service. One who meant so much to so many, yet made each of us feel like we were special. A man capable of friendship. Kay—you and Kelly and Tommy have known the warmth of his love. Gelden—you and yours know the closeness of this bedrock family; Jean, you and yours afforded Ray much love—and received love in return. Even when he differed with you, and Ray never kept his differences to himself, you knew where he stood—and my how he stood, so tall—for so many issues and projects that through his leadership became realities: Flood control and clear water, soil conservation, parks, recreative pursuits under LBJ and NYA. Yvonne Jenkins so aptly dubbed Ray "Mr. Water," with Lake Ray Roberts being only one of his many projects.

On occasions like this you ask: "What goes into the making of a man like Ray Roberts?" Well, he was a product of the depression, graduating out of high school into one of the most difficult times our nation has known. Ray's parents, Mr. Roy and Emma, taught Ray, Gelden and Evelyn about family love and the dignity of work because they were born into a generation that knew what it was to go to bed tired at night. And yes, Mr. Roy taught Ray and Gelden and Evelyn something about commerce and the free enterprise system, and as Ray said, the only place that success comes before work is in the dictionary. Ray Roberts was successful at every business and professional crossroads he encountered because he worked.

Ray was an outstanding State Senator: He served as President Pro-Tempore, Third-in-line for the Governorship, and chaired the most important committee, the Senate Committee on Finance. In spite of the following a legend into Congress, he quickly became his own guy—not just the man elected to take Sam Rayburn's place. He became Chairman of Veterans Affairs Committee and the Water Subcommittee for Public Works.

I go back to the Roberts family again: They were a family who also were patriots. Ray heard the call and answered his country locked in a world conflict where names like Hitler, Mussolini, Tojo, Yamamoto, Hirohito and Rommel were threatening the freedom throughout the world. Ray was a participant in a battle that won the war in the Pacific—a battle that spawned more documentaries and more motion picture production than any other battle of W.W. II—the battle of Midway. Ray was a deck officer on the aircraft carrier U.S.S. *Hornet* when it was sunk in the late hours of the battle. After the outcome of the three days and nights of naval battle was a decisive victory at sea that turned the tide of the war. Ray was a young naval officer spared that day to later do so much for our country. Ray prepared himself for his productive years—he was not bashful about standing up for a certain school built on the Brazos River. He was not reluctant to learn from the great Speaker Rayburn—and he honed his skills well—later to serve in the House with the two Presidents to-be.

I learned much from Senator and Congressman Ray Roberts and I benefited much from my friend, Ray Roberts. I followed him into the Texas Senate and the U.S. Congress. I felt a little handpicked in both instances, for Ray guided me, and I benefited from being his friend. It helped me for Ray to pave the way for those who had served with him: John Dingell, Jamie Whitten, Mo Udall, Jack Kemp, Claude Pepper and George Bush.

Until his death, and this testimony of a church-full of friends today, Ray retained his host of friends and a network of admirers. Just last week, the network worked—Jasmine McGee called Mike Allen and Mike Allen called me—all to suggest that our friend, Ray, was home from the hospital and a call would cheer Ray. As did many of you, I called and talked to Ray last week. It was not a call to Senator Roberts about the job of a relative; it was not a call to Congressman Roberts about an amendment to a special bill. It was a call to a wonderful friend. Most of the calls were from those he had helped, those he had befriended, those he comforted when they were down. We tried to impart a poet's thought to Ray, and I paraphrase, "Thanks—for reaching your hand into my heaped-up heart and mind, and finding something there that no one else looked quite far enough to find."

We know that our God in Heaven accepts Ray and we hope that first his family, and then the so many of us who also loved Ray, can find solace in knowing that there is a Lake Ray Roberts in Heaven that Ray and Jake Jacobs are scoping out right now; there is a real-estate deal that Ray and Mr. Roy are studying; and there is a College Station where Hook'em Horns is out and Gig'em Aggies is in. There is a place where the Husband Ray Roberts, the Father Ray Roberts, the Brother Ray Roberts, the Grandfather Ray Roberts, the Relative Ray Roberts, and our friend Ray Roberts no longer has the despair of illness, nor the dread of an attack, nor the agony of a constant gnawing of fear of recurrence, nor the indecision of whether or not an operative procedure would further his life or render his remaining days without the quality of life that he was entitled to. We say good-bye this afternoon to one who accepted his responsibility—and responsibility has been called the response to the ability God has given us.

So, I end this eulogy as it began: "Ray Roberts was a friend of mine."

Mr. Speaker, as we adjourn this day, let us do so in everlasting respect and veneration for the wonderful friendship all had with our friend, Ray Roberts.

HONORING OUR PAGES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. RICHARDSON. Mr. Speaker, every fall, spring, and summer, 66 outstanding young people travel to Washington to serve as pages for the House. During the fall and spring, these teenagers rise before the crack of dawn to attend high school and then report to duty here in the House. These young people perform a wide variety of duties. In addition to helping us, they gain an invaluable insight into how Congress works.

Over the years, I have had the good fortune of nominating several of our pages. My current nominee, Karen Lee Nuckols, was prominently featured in a newspaper profile which appeared in the Portales-News Tribune in Portales, NM. Reporter Janet Bresenham accurately captures Karen's energy, excitement, and hard work in her front page story. In fact, Ms. Bresenham's article is the best story concerning our pages that I have ever read. The

Associated Press in New Mexico was also impressed with Ms. Bresenham's story and carried the article on its statewide wire service.

Mr. Speaker, I would like to bring Ms. Bresenham's excellent story to my colleagues' attention. My colleagues may wish to consider sharing the following news article with future page applicants.

TEEN FINDS CAPITAL LIFE ON THE HILL— PORTALES GIRL ENJOYS WORK AS HOUSE PAGE (By Janet Bresenham)

Portales is making high marks on the floor of the U.S. House of Representatives in Washington, D.C., these days, thanks to one 16-year-old ranking ambassador of Roosevelt County goodwill.

Karen Lee Nuckols has been serving since January 27 as one of the 66 Congressional Pages in the House for the 1992 spring semester.

The Portales High School junior was nominated for the coveted position by Representative Bill Richardson, the Democratic congressman from New Mexico's 3rd Congressional District.

"She's one of the best Pages I've had in my 10 years," Richardson said. "She is doing extremely well. She has really excelled."

In less than two months, Nuckols has already been promoted from "runner" to an honored and sought-after position working in the Cloak Room.

The new position gives her more of a front-row seat for observing debates and legislative action in the House of Representatives and watching politics in action.

"She has gotten floor assignments, working on the floor of the House during debates, which is the prime assignment a Page can get," Richardson said.

The Cloak Room is the room connected to the House floor where U.S. Representatives can take their phone calls when Congress is in session or sit down and talk among themselves without actually being on the floor of the House.

"If a vote is going on, different offices or other people want to talk to the members (of the House)," Nuckols explained. "I will take or receive the call and take a message out to the member."

During important legislative debate, such as the recent vote on the middle-class tax package, Nuckols said adrenaline runs high as the Pages work the same long hours as the congressmen do to keep up with the phones and messages and flurry of activity.

"I love it when there's a vote on; it's stressful, but it's fun and really interesting," Nuckols said. "During votes, it gets very busy. The phones are constantly ringing."

Answering phones in the Cloak Room has allowed Nuckols to talk to a variety of people, from the London Times to Arkansas Governor and Democratic presidential candidate Bill Clinton.

Nuckols was also working as a Page when the scandal broke concerning the check-kiting practices of some members of the House.

"It was really stressful," she said. "There were a lot of phone calls in the Cloak Room. People who were watching everything on C-Span were calling and telling us their opinion. We could just listen, take a message and tell them to call their congressman's office directly."

When she first arrived in Washington, Nuckols' work as a "runner" involved delivering whatever various offices needed, through what she called the "inside mail service at the Capitol." Part of the job entailed a thorough knowledge of the office address numbering system because runners

"have to be able to find any office on Capitol Hill," she said.

"It was scary at first because they would hand us a number between 100 and 2,482, and it's just a number, and you have to know exactly where that is. We had three buildings to choose from and tons of floors."

Her promotion March 16 gave Nuckols a chance to meet more of the members of Congress directly.

"As a runner, I would pass members of Congress in the hall, but I never knew who all of them were," she said. "Now that I work in the Cloak Room, I have to know all their names and faces because I have to be able to find a member at times when there is a vote or someone on the phone for them. It's a lot better; I can go up and say 'hi' and there's more interaction with members of Congress."

Besides learning about how Congress works, Nuckols said she was surprised to learn how members of Congress work.

"I really never thought congressmen did anything," she said. "I thought they were more in the public eye, and the people who work for them did all the real work. Now I realize I was totally wrong. They do a great deal of work. It's really neat to watch all that they do."

Her own work as a Congressional Page takes precedence while she is in Washington, but Nuckols also attends school in the mornings to keep up with her high school studies.

After getting up at 5 a.m. every day and going to breakfast, Nuckols and her fellow Pages walk about a block from their dorms in the old congressional hotel building to the Library of Congress, where the House and Senate Page School classes begin at 6:45 a.m.

"The House Page School is a private school with a faculty of five teachers, a secretary, a principal and a counselor," Nuckols explained. "We have only four classes a day that are 40 minutes long, and school ends at 10 a.m."

Her spring schedule includes courses in Pre-Calculus, U.S. History, Spanish and American Literature.

"It's really neat because every single student is very self-motivated—they want to be here," Nuckols said. "Especially in my English and History classes, we get into really good discussions because most kids here are good speakers and they're on a high intellectual level. Mostly it's a regular school, but it's hard not to talk about politics when we're sitting in the nation's capital."

Among the nation's leaders in Congress and among her fellow Pages, Nuckols has made friends easily, and Richardson credits her "cheeriness" and her ability to learn quickly with helping her rise through the ranks.

"I believe she's one of the most popular Pages, from what I have observed," Richardson said. "Her cheeriness is part of what makes her popular. She's always smiling."

Unlike some Congressional Pages, the daughter of Bonnie Burnworth of Portales and Kent Nuckols of Albuquerque said she never had any previous political aspirations or background.

"I had read about being a Congressional Page in the history books, and now that I'm here, I've learned so much about it," Nuckols said. "I want to thank Bill Richardson for getting me here. A number of Pages have been studying politics for a long time, and a number of them are like me and came here to learn."

Her experiences working with Congress have strengthened the Portales teen-ager's ambitions to become a speech pathologist

and work with the deaf and hearing-impaired, she said.

"I will be able to come back some day and be a better influence for the hearing-impaired, now that I have a better understanding of how the system works," Nuckols said.

Getting a taste of the country's many different cultures through her interaction with various congressional offices has been one of Nuckols' favorite learning experiences while working in Washington.

"I really enjoy going into all the offices," she said. "It's a chance to see all the different cultures, because the offices try to portray the cultures of their particular states, and you hear all the different accents from around the country, too."

Although she has been somewhat dazzled by the newness of being away from home and the excitement of living in the nation's capital, Nuckols never misses a chance to promote her hometown.

The mention of Roosevelt County's trademark Valencia peanuts draws a hearty laugh from Nuckols, as she related her efforts to encourage consumption of the area's favorite commodity.

"My mom sent me some Portales peanuts, and I shared them with everyone here," Nuckols said. "My next goal is to give some Valencia peanuts to the people in the Georgia congressional offices. They talk about how good their peanuts are, and I tell them, 'But you haven't tasted peanuts from Portales.'"

Richardson readily agrees that Nuckols always keeps the interests of New Mexico in mind.

"She's always asking me when I'm going to go to Portales next," he said, with a chuckle.

While she is away from Roosevelt County, Nuckols is taking advantage of the other cultural benefits of life in the big city.

"I really enjoy being able to just walk to any of the Smithsonian's," she said. "I have been really impressed with the Kennedy Center. I saw a play there, and I'm going to the National Symphony. We went to the National Theater and saw 'A Chorus Line.' That was really neat."

Among her other favorite attractions to see during her free time are the zoo and "Embassy Row," where all the foreign embassies are located.

Between the highlights of both work and play on Capitol Hill, Nuckols can foresee only one drawback to living in Washington this year.

Although she says the other Pages "really take care of each other like a close-knit family," her voice grows a little wistful when she talks about spending her 17th birthday on May 26 away from home and the friends and family she has in New Mexico.

She will have a chance to be with them again when she completes her term as a Congressional page on June 6 and returns to Portales to complete her senior year in high school next fall.

In the meantime, while her hometown friends read the latest from Capitol Hill in the newspaper or watch the news on television, Nuckols is grateful she has the once-in-a-lifetime thrill of seeing history in action.

"These things I'm watching are going to be written about in my children's history books," Nuckols said. "Everyone here tries to remind the Pages all the time that we are sitting here and history is being made and we are a part of it."

IN HONOR OF SCHOLASTIC ACHIEVEMENT

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. HORN. Mr. Speaker, I rise today to commend three students from the 2nd Congressional District in Missouri for their scholastic achievements and recent scholarship awards: Alex Cho, Brian Bisig, and Nancy Schaefer. Each has been awarded a scholarship from the Creve Coeur/Olivette area Chamber of Commerce and the Lions Club based on their participation in an annual essay contest and competition, including oral presentation of their essay.

Appropriately, the theme of this year's competition was "What Would You Do To Fix The Economy?" Alex, Brian, and Nancy were challenged by this question, as we in Congress and the executive branch are today. They took the issue on with honesty and maturity to introduce ideas that recognize the need for business growth and development, as well as the social ramifications of our economic policies. The issues they stressed were the need for long-term investments in technologies, research, infrastructure, and—most of all—quality to improve our competitiveness.

These ideas are the seeds of our future growth, Mr. Speaker. These students have worked hard not only on this question and this scholarship, but every day. All three of these students are at the top of their class academically. All have achieved honors in school competitions, extracurricular activities, and as volunteers in their communities. They are an inspiration to our community, and should be a motivation to national policymakers, as well. Clearly, a dedication to education pays off.

First place in the competition, along with a \$2,000 scholarship, went to an essay written by Mr. Alex Cho of Parkway Central High School. Alex's answer to our economic stagnation emphasized long-term investments: tax incentives for manufacturing, targeted to smaller enterprises; expanded research and development; and a better use of Federal research in critical technologies. These are excellent suggestions—ones that have been offered for consideration in Congress and to the administration. The St. Louis metropolitan area is particularly well-suited for these types of activities.

Second and third place in the competition, and scholarships of \$1,250 and \$750, respectively, went to Mr. Brian Bisig of DeSmet Jesuit High School and Miss Nancy Schaefer of Westminster Christian Academy. Brian and Nancy have also focused their essay recommendations on competitive activities, such as research and development, quality enhancements, and productivity. I was very impressed by the ability of these young people to integrate such complex issues into a responsible economic growth strategy.

Clearly, we must invest in the education of our young people to ensure that they are able to advance these ideas in society. I commend the Creve Coeur/Olivette Chamber of Commerce and the Lions Club for their support of these students and higher education within our

community, in general. I hope all of my colleagues will join me in congratulating these young St. Louisans on their achievements. I wish them success in their future endeavors.

**CONDEMNING RODNEY KING
VERDICT**

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROYBAL. Mr. Speaker, I rise today to express my disbelief at the verdict in the trial of the four Los Angeles police officers who beat Rodney King. Except for 12 jurors in Simi Valley, the world was shocked and outraged by the appalling violence which was inflicted upon an unarmed citizen by law enforcement officers.

This verdict has left many law-abiding citizens of Los Angeles wondering who will protect them from the police. One of the defendants in this trial claimed that his use of violence was justified because he mistakenly thought Rodney King was under the influence of drugs. This excuse can be used by any violence-minded officer to justify any level of violence against anyone. It is outrageous to allow this kind of mindset in public servants whose duty it is to protect the public.

I hope that our incoming Chief of Police will not accept this kind of excuse from his officers and will seriously take into account the recommendations made in the Christopher commission's report. Instead of "looking the other way" when brutality reports are filed, these cases need to be thoroughly and vigorously investigated. Our police force needs to end acts of excessive violence committed by its officers.

I urge the Justice Department to vigorously pursue its investigation into the violation of Mr. King's civil rights. Federal charges must be filed against those responsible for this brutal action. This beating was truly a terrible episode, and it was not an isolated case. To watch a man being fearfully beaten, kicked and electrically shocked by police officers was a sickening sight.

We must realize that respect for the law decreases, when our law enforcement officers violate the laws they have sworn to enforce. As citizens of Los Angeles, we must all refrain from violence. We must all work together to effect a positive change in community-police relations and create a climate of understanding.

IN MEMORY OF BILL SADOWSKI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is my sad duty to note sudden and tragic passing of Florida's Department of Community Affairs Secretary, Bill Sadowski. Bill Sadowski was well known in both Miami and Tallahassee for his devotion to public life, as well for having a

gentle sense of humor. While I did not have the pleasure of serving with Bill in the Florida House of Representatives, my husband, Dexter, did. Dexter found him to be a true and dedicated public servant. In recent years, I had dealt with Bill in his final post as Secretary of Community affairs and enjoyed working with him. The Miami Herald summed up the sense of loss in its editorial "Devoted public servant" which follows:

Only one word does justice to the stunning death of Bill Sadowski: tragic. The secretary of the Florida Department of Community Affairs died in a plane crash in St. Augustine early yesterday morning. The plane's pilot also died.

Mr. Sadowski's death is first of all a tragedy for his family. His wife, Jean, and children, Jill and Ryan, were the loves of his life. Nobody doubted it when he said in 1982, at age 38, that he was leaving the state House after six years of service in order to spend more time with his family.

Mr. Sadowski's legislative record is evidence that one effective lawmaker can achieve more in six years than a whole delegation of mediocrities can accomplish in a lifetime. So quickly did he master complex issues such as insurance and banking that he soon was entrusted with major responsibilities in those areas. He was also a force on crucial issues such as education. He helped forge an "urban coalition" to champion the larger counties' interests.

Above all, though, Mr. Sadowski's colleagues respected and liked him as a man of conscience who was never self-righteous. He was "pro-life" on abortion and capital punishment, for instance, but he had friends on both sides of both issues. His dry wit, including frequent self-deprecating allusions to his Polish ancestry, helped him get along well even with lawmakers who often disagreed with him.

His goodbye to the Legislature didn't end Bill Sadowski's public service. Indeed, his record of later achievements is an example for all those elected officials who now cling so desperately to their jobs.

Especially significant was his three-year tenure (1984-87) on the governing board of the South Florida Water Management District. As chairperson during his final two years there, he presided during a challenging period when the district was accelerating its functional evolution from mere water management to a key role in protecting South Florida's fragile environment.

Yet nothing better illustrates Mr. Sadowski's devotion to public service than his 15 months running the agency responsible for enforcing Florida's controversial growth-management laws. He took the job reluctantly, then worked tirelessly to dispel a legacy ill will and to marshal public support to protect the planning process from legislative assault. He was on such a mission when his life was snuffed out. Tragic.

Mr. Speaker, I wish to extend my condolences to his widow, children and all the Sadowski family. He was a presence in Florida that will be greatly missed.

GIRL SCOUT AWARDS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LaFALCE. Mr. Speaker, I would like to pay special recognition this morning to five

girls from my district who have earned the Girl Scout Gold Award, the highest award achievable in Girl Scouting. Each of these recipients has demonstrated a high level of skill and leadership and each has completed a special Gold Award project.

Deborah Apollo, from Kenmore, organized and chaired a Teen Neighborhood Watch Program in conjunction with the Kenmore Police Department's adult program.

Cheryl Benton, also of Kenmore, organized a youth group at her church for children in grades 3-5.

Another Kenmore resident, Kathryn Maragliano, designed and produced a play based on the Dr. Seuss book, "The Lorax."

Finally, but not least, Dina Wilkins and Robin Woolson of Tonawanda developed a camp training program to prepare Brownie Girl Scouts, ages 6-8, for their first outdoor camping experience.

I want to salute each and every one of these girls for their outstanding achievements. They and the Girl Scout Council of Buffalo and Erie County are to be commended for their commitment and dedication to the Scouting experience.

**TRIBUTE TO GARRETTFORD
ELEMENTARY SCHOOL**

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. WELDON. Mr. Speaker, I rise today to recognize Garrettford Elementary School. The school will celebrate the 50th anniversary of the christening of its facility on May 1, 1992. When the first Garrettford Elementary School was built in 1909, it was a small school in a tiny community. Today, Garrettford remains a neighborhood school with a small percentage of the students riding buses to school. While the original school consisted of only three classrooms, a teacher's lounge, and a principal's office, today it is the home for 720 students, including many from various countries around the world. Yet for all that growth, Garrettford remains a neighborhood, a school dedicated to educating the students and the community.

The school boasts a family atmosphere for its 23 regular classrooms and 7 special education classes. Garrettford's recognition in 1990 as a "School of Excellence" on both the State and national levels exemplifies its pride in the attainment of high standards and its part in educating productive citizens for the 21st century. We need more schools like Garrettford.

Since 1983, Wayne McAllister has been the principal of Garrettford Elementary. Under his leadership, with a dedicated faculty, staff, and student body, Garrettford has proven itself a fine educational institution. It is with great pleasure that I congratulate Garrettford Elementary on its 50th anniversary.

TRIBUTE TO THE GERMANTOWN,
IL FIRE DEPARTMENT ON THEIR
100TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to bring my colleagues' attention to the 100th anniversary of the Germantown, IL Fire Department. The Volunteer Fire Department of Germantown, a town in my congressional district, will commemorate 100 years of fighting fires and providing other emergency services on May 2 of this year.

The Germantown Volunteer Fire Co. was established on May 2, 1892, and was comprised of 18 volunteer firefighters. These firemen used a hand-operated pump which was loaded onto a horse-drawn wagon and taken to the site of the fire.

In the early days of the department, all funds and equipment were donated. To support the fire department, the firefighters have held a variety of fundraisers throughout their 100-year history. Platform dances were sponsored weekly in the mid-1900's to raise the necessary funds to purchase a 1941 pumper truck. This truck was in use until 1988!

The fundraisers also enabled the volunteers to build a new fire station and purchase the first fire department radio system in the county. This tradition continues with members raising funds to buy an assortment of equipment. This year the firefighters contributed the funds and manpower to convert a used truck into a water-tanker truck.

As a member of the Congressional Fire Services Caucus, I recognize the importance of fire departments nationwide. Formed in 1987, the caucus addresses issues relating to fire, life safety, and emergency response. The Congress and fire service are united behind a single agenda of concentration on the fundamental goal of a fire safe America.

Today, the Germantown Volunteer Fire Department has 30 members, all volunteers, who contribute their time and talents to their community. A truck mechanic, carpenter, plumber, and electrician work beside a computer programmer, draftsman, and engineer to respond to emergency calls in the southern Illinois community.

The teamwork of this fire department allows their performance to exceed all expectations. In fact, in 1991, the department received the Clinton County Sheriff's Department Distinguished Service Award for their participation in responding to a dramatic multiple-fatality vehicle accident.

I ask my colleagues to join me as I applaud the Germantown Fire Co.'s current and former members who have proudly provided fire and emergency medical services to the Germantown community for the past 100 years.

EXTENSIONS OF REMARKS

TRIBUTE TO KEITH D. WRIGHT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, today I would like to bring to the attention of my colleagues an exceptional individual. His name is Keith D. Wright and he was recently named by the United Way of the Oranges as Volunteer of the Year. Also, he was added to the board of directors of the United Way of the Oranges. The United Way of the Oranges represents the cities of Orange, East Orange, West Orange, and South Orange, NJ, which I have the privilege to represent.

These are impressive accomplishments to be sure, but Keith Wright is a remarkable man, as is made clear by his numerous achievements in business and the community. Keith is currently the assistant manager of computer operations for the Port Authority of New York and New Jersey. He is chairman of the East Orange Parking Authority, the East Orange Economic Development Co. and the Mayor's Community Development 2000 steering committee. He is a past president of the Black Data Processing Association.

Mr. Speaker, I can not help being impressed. In addition, in 1984, while working at Hoffman-LaRoche, Mr. Wright was selected as a Black Achiever. He was nominated an Outstanding Young Man of America and is listed in "Who's Who in Black America."

Other civic responsibilities Keith Wright has taken upon himself include membership on the Martin Luther Commission youth committee, director of the Tri-City People's Corp., and sits on the board of managers for the East Orange YMCA.

Keith Wright has proven himself to be a community leader deserving of recognition. I have known Keith for more than 10 years, and I have always had nothing but respect for him and his endeavors. I am sure my respected colleagues join me in congratulating Mr. Wright on his most recent accomplishment as volunteer of the year for the United Way of the Oranges.

TRIBUTE TO DR. AND MRS. VASCO
SMITH, JR.

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. FORD of Tennessee. Mr. Speaker, I would like to share with my colleagues this proclamation honoring Dr. and Mrs. Vasco Smith, Jr. of Memphis, TN. Mr. Speaker, it is an honored privilege for me to join with the citizens of the Ninth Congressional District, Alpha Phi Alpha Fraternity, Inc. and with citizens throughout this Nation in paying tribute to Dr. and Mrs. Vasco Smith who have dedicated their lives to improving the human condition of those whose lives they have touched in a very special way:

Whereas, Dr. and Mrs. Smith—affectionately referred to as "Vasco and Maxine" are

indeed deserving of the honors extended to them for the all-inclusive services which they have rendered in the religious, civic, educational, cultural and political arenas of the Memphis community and beyond. Their accomplishment and contributions are indeed historic in nature. They dared to dream of a better community, a better nation and a better world where justice and equality for all citizens prevails. But they recognized in their early struggles that freedom for the oppressed is bought with a price, and they dared to pay the price, and

Whereas, these distinguished American citizens are team-players in this "drama of life together", and they serve as an "all-inclusive support system" for each other in times of trial and triumph as well. They are acclaimed for their courageous leadership in the Civil Rights Struggle, and they endured the indignities of being arrested for participation in sit-ins, boycotts and freedom marches, and

Whereas, we pay tribute to the esteemed Mrs. Maxine Smith as a courageous spirit, whose accomplishments and contributions are a matter of international record. She is intellectually and academically accomplished as evidenced by her attainment of a B.A. Degree from Spellman College in Atlanta, Georgia and an M.A. Degree from Middlebury College, Middlebury, Vermont. Her leadership roles in numerous organizations are far too numerous for inclusion in this document. The awards and honors which she has received represent a numerical phenomenon. She presently serves as the Executive Secretary of the local chapter of the NAACP, and the President of the Memphis Board of Education. She is renowned for her supreme articulative skills and her effervescent personality and deportment. She brings zest and vitality to any occasion of which she is a part, and

Whereas, Dr. Vasco Smith is hailed as a "Soldier of Uncommon Valor." I salute him for his noble character and lofty ideals. He served "with honor" in the defense of this nation in World War II and in the Korean War. And, he is equally heroic as a "star performer" in the political arena of Memphis and Shelby County. He has carved for himself a unique place in the history of this community for his exemplary leadership on the Charter Commission of Shelby County which led to legislation resulting in the building of the sixty million dollar medical facility which we refer to with pride as the MED. His legislative agenda of accomplishment and the awards, citation and honors which he has received defy our ability to include them in this document, and

Whereas, Dr. Smith has preserved in academic attainment and in his exemplary performance in the practice of dentistry since 1945. He is a graduate of LeMoyné-Owen College of Memphis, Tennessee and holds the D.D.S. Degree from Meharry Medical College where he attained membership in Kappa Sigma Pi (National Dental Honor Society) and Omicron Kappa Upsilon (International Dental Honor Society).

Dr. and Mrs. Smith are the parent of one son—Dr. Vasco Smith, III.

It is with great personal pleasure and pride that I salute Dr. and Mrs. Vasco Smith as Distinguished Americans, and declare that they are indeed "Citizens Extraordinaire": Now, be it therefore

Resolved, That this proclamation shall become a part of the Congressional Record on this 1st day of May, 1992.

CONGRATULATIONS TO ESPARTO
HIGH SCHOOL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. FAZIO. Mr. Speaker, I would like my colleagues to join me in congratulating Esparto High School of Yolo County, CA, on its centennial anniversary. Since 1892, Esparto High has educated young people from the Capay Valley in northern California.

Esparto, originally called Esperanza, exemplifies the significant impact of railroads on the development of California. When the Southern Pacific Railroad laid its tracks in the valley, the resulting land use created a rapid rise in population. Consequently, the town of Esparto was born.

Early education in the Esparto and Capay Valley areas played a major role in community life. The residents took great pride in their educational system, the center of which was and is Esparto High School. At its inception, the school served eight elementary school districts throughout Yolo County, as one of only two senior high schools.

Esparto High began holding classes in a two-story wood-framed structure. Following a devastating fire in 1939, the residents of Esparto banded together to rebuild the high school. Esparto High has since expanded to meet the growing needs of its students with the addition of an agricultural wing and a business education department.

In short, I know my fellow Members will join me in congratulating Esparto High School on its first 100 years, and extending my best wishes for many more years of quality education in California.

TRIBUTE TO COLUMBIA CARES:
"1992 POINTS OF LIGHT AWARD"
RECIPIENT

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SCHAEFER. Mr. Speaker, I rise today to congratulate Columbia Cares, a nonprofit community service program of the Englewood, CO-based thrift Columbia Savings, which has recently been named recipient of the "1992 President's Annual Points of Light Award." The volunteer program is one of 21 "Points of Light Award" winners chosen nationwide this year from a field of more than 4,500 nominations.

I am proud of the tremendous amount of time and effort that over 890 Columbia Cares volunteers have contributed to educational and environmental projects in Colorado. Despite the demands of their own personal lives, these volunteers devoted hours engaged in company-sponsored volunteer activities, with the sole purpose of helping others. Programs such as Homework Hotline, GED on TV, the Colorado Center for the Book and the Colorado State Library for the Blind and Physically Handicapped are improving our communities

and making Colorado a better place to live for all of us.

At a time when social needs are great, those who freely give their time and talents to help others are a precious resource. It is refreshing to see a group, as dedicated as Columbia Cares, recognized with the Nation's most prestigious community service award. Again, I commend the volunteers of Columbia Cares and their hard work. They truly exemplify dedicated public servants and I applaud them and thank them for their commitment to helping the citizens of Colorado.

THE PRESCRIPTION ACCOUNTABILITY
AND PATIENT CARE IMPROVEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. STARK. Mr. Speaker, I am introducing today a bill designed to help improve the outpatient prescribing of prescription medications. The following outlines more details, background, and an explanation of the Prescription Accountability and Patient Care Improvement Act:

EXPLANATION

BACKGROUND

My legislation calls for the development of 10 State-based demonstration projects administered by states' Departments of Health. The initiative will simply build on three state-wide efforts sponsored and funded by the Bush Administration in Oklahoma, Massachusetts, and Hawaii. It will use existing computer technology to focus attention on cases of under- and over-prescribing of controlled substances. It should be particularly helpful in ending the under-prescribing of painkillers in our society. The Administration, in providing federal block grants through the Department of Health and Human Services (HHS) and the Department of Justice, has developed a model to improve patient care, to better educate physicians and patients, and to address existing fraud. I applaud the Bush Administration's efforts in this area.

APPRECIATION

I am especially grateful to numerous organizations which have helped me in developing this initiative, ranging from national medical membership groups, pharmacy groups, pharmaceutical companies, national and local patient membership groups, various state health agencies, civil liberties advocates, and computer specialists.

In short, this effort is nothing more than an expansion of existing federal law for Drug Utilization Review (DUR) beyond the Medicaid population to the population as a whole. The DUR program enjoys the support of the American Medical Association (AMA), the Pharmaceutical Manufacturers Association (PMA), and the American Pharmaceutical Association (APhA), and I have incorporated into the legislation the detailed DUR principles developed by these three organizations. This idea for a computerized Prescription Accountability program first originated from the American Medical Association (AMA), in an idea called PADS, a paper-based data collection program later upgraded to a computerized version called

PADS 2. I am especially grateful for the AMA's vision and leadership in this area.

According to an AMA spokesperson, as quoted in the March, 1992 Psychiatric Times, the bill is "something we've advocated because it relieves the paperwork burden and brings the whole concept of drug-tracking into the 20th century. Health agencies will screen the data, so there is less likelihood of review by drug enforcement officials. It will also advance patient care due to bad prescribing practices, which will be enhanced and improved through appropriate peer review."

DUPONT-MERCK SUPPORTS OKLAHOMA'S
ELECTRONIC DATA TRANSFER (EDT) PROGRAM

The concept of using computer-based data for the purposes of improving patient care and enhancing enforcement activity appears to have the support of a leading U.S. drug company, Dupont-Merck. Speaking of their experience with the Oklahoma OSTAR program, first begun January 1, 1991, Dupont-Merck stated in a letter to me: "our records indicate very little if any change in the prescribing for our Schedule II products." Dupont-Merck's Schedule II products are the popular pain killers Percodan and Percocet, which account for about half of the pain killer market share. Continuing, Dupont-Merck states:

"Our conjecture is that nothing has changed in the prescribers' practice settings; consequently, practitioners continue to prescribe in a manner they know is appropriate and believe to be in the best interest of patient care."

Furthermore, Dupont-Merck reports:

"it is our understanding that the use of the Oklahoma program, to date, has primarily produced information by which 'doctor shoppers' have been identified and arrested. As stated above, with the use of EDT [Electronic Data Transfer] nothing changes in the prescribers' practice settings. Therefore, we believe it is reasonable to assume that enforcement activity directed towards those who are prescribing for other than legitimate medical reasons will be effective but won't affect legitimate prescribing."

COMPUTERIZATION: IT'S HAPPENED, SO LET'S
MAKE IT WORK FOR PUBLIC POLICY PURPOSES

My legislation would not change the current practice of medicine in any way, shape or form. My legislation would not change the current practice of pharmacy in any way, shape or form. It would, however, change the software in the pharmacist's computer.

Today, at least 95% of all pharmacy operations are computerized, as are 80% of all doctor offices. Whether patients pay cash, are covered under Medicaid, or have prescription drug coverage under an insurance plan, the pharmacist keeps patient records by computer. It has been a trend for ten years now, and by the end of 1992, 100% of all pharmacies will be completely computerized. Why? Because insurance companies require it for efficiency and cost containment purposes and it allows doctors and pharmacists to be reimbursed in 5 days instead of 5 weeks.

President Bush, in announcing his national health care reform proposal in Cleveland in February, 1992, called for all Medicare and Medicaid claims to be made "electronically" and is proposing a "Smart Card" for the health care system. A Prescription Accountability and Patient Care Improvement program is a natural extension of these proposals.

GOALS

The legislation is designed to:

(1) address the underutilization (or overutilization) of controlled substances required for the treatment of special medical needs. It does this by providing State health agencies, medical membership groups, and patient advocacy organizations a means to better educate physicians and patients on ways to prescribe and take needed prescriptions involving controlled substances; and

(2) facilitate the implementation of the physician practice guidelines, particularly the anti-pain guidelines, currently being developed by HHS' Agency for Health Care Policy and Research (AHCPR); and

(3) facilitate needed substance abuse counseling treatment, at the physician's discretion, for those patients who may be needlessly addicted to these classes of drugs; and

(4) improve a State's ability to stop existing fraud and illegal diversion of these potentially dangerous and addictive drugs, estimated by HHS and the DEA to cause hundreds of millions, if not billions, in health care fraud and illegal drug trafficking of legal controlled substances;

These are goals which build on the established DUR principles, and existing data systems should be used to give the state-based DUR Boards the information necessary to do their jobs.

WHAT INFORMATION WOULD BE COLLECTED?

The measure would allow State health agencies to access number-based information on prescriptions of controlled substances in Schedule II, III, and IV through "electronic data transfer" using existing computer technology.

(1) The doctor's assigned Drug Enforcement Administration (DEA) number. Doctors today cannot write a prescription for a controlled substance without including their DEA number on the prescription.

(2) The pharmacy location's National Association of Boards of Pharmacy (NABP) number.

(3) A "unique identifier patient number," which will be coded for privacy reasons, to include, for example, either a Social Security number or a driver's license number. When a patient files a claim with their insurance company, the Social Security number, the driver's license number or some other assigned personal number are used.

(4) The date of birth of the patient recipient. This information will greatly assist the designated health agency in identifying abuses of drugs in certain patient populations. For example, benzodiazepene (tranquillizer) misuse and abuse is a significant problem in the senior citizen population, as can be the misuse of prescribing Ritalin (a Schedule II drug) to children for the treatment of attention deficit hyperactivity disorder.

(5) The National Drug Code (NDC) number for the drug, the quantity, and dosage units.

(6) The home State of the recipient. This helps states deal with the "patient crossing the state border" issue.

(7) The medical specialty of the physician (to be determined by the State licensing board and provided to the designated state health agency). This will help protect from needless audits doctors who write large numbers of legitimate prescriptions of various Schedule II, III or IV controlled substances. For example, oncologists regularly write large dosages of morphine, and for good reason. On the other hand, if a podiatrist writes a prescription for a large dosage of methamphetamine, then something's likely to be suspect.

WHY SHOULD THE INFORMATION BE COLLECTED?

(1) To Address Illegal Diversion

To fight illegal diversion, it's a case of efficiency. A Tulsa [OK] World story of June 21,

1991, "Drug-Tracking System May Be Model for States," explained;

"Illegal use of Schedule II drugs is a greater problem than illegal drugs such as marijuana or cocaine, said Rep. Gary Bastin (D-Del City). 'Prior to the electronic tracking program, investigators attempted to follow paper trails,' said Elaine Dodd, chief agent in the compliance division of the Oklahoma Bureau of Narcotics and Dangerous Drug Control. 'For an investigator to follow leads on a diversion case, he or she had to second-guess which of the 900 pharmacies in Oklahoma might have prescriptions, then spend days manually reviewing files,' she said.

"Diversion investigators were facing an impossible task in trying to identify locations of prescriptions and ultimate consumers," she said. A "combination of intuition and blind luck" was needed to build cases, she said. "The new computerized system allows investigators to quickly locate which pharmacies were visited by abusers."

In other words, a computerized system removes the investigator from the physician's office and pharmacy. Now, when the crack house is raided, and a prescription for a controlled substance is found, the investigator visits 12 doctors and 9 pharmacies to try to build a paper trail. In this process, many law-abiding physicians and pharmacists were needlessly involved. Under a computerized program, the investigators will know where the prescription in question is kept on file. [Note: under current federal law, prescriptions for controlled substances are kept on the pharmacy location for five years (under my bill this would not change).]

(2) To Better Educate Physicians and Patients

For education purposes, the information is a first step for health agencies and medical societies seeking to improve physicians' prescribing practices. For example, Michigan has a statewide multiple-copy prescription program, begun in 1989, where data is collected on Schedule II prescriptions. Michigan's Health Department has built a prescribing profile on physician's use of Ritalin, a Schedule II drug. Ritalin can be used under limited circumstances for the treatment of attention deficit disorder, or hyperactive children. The drug is not recommended by its maker for long periods of time—only in limited circumstances. The Health Department has evidence that a number of pediatricians and school-based nurse clinics prescribe Ritalin beyond the maximum cumulative dosage or exceeding the recommended duration. In cooperation with the Michigan Medical Society, the state Health Department has begun a series of educational seminars.

ASSURING PATIENT AND PHYSICIAN PRIVACY: DATA ENCRYPTION STANDARDS (DES)

My legislation will protect the privacy and rights of patients, physicians, and pharmacists and their ability to have access to needed medications by placing the strictest confidentiality safeguards on the system. I cannot overemphasize the need to protect the confidentiality of all patient and physician information, and I have stressed this in the legislation.

This bill will further enhance the patient confidentiality protections of existing antidiversion programs, called multiple copy prescription programs, that are in place in 10 States (CA, TX, MI, IL, NY, RI, IN, ID, HI, WA). These ten States, covering 45% of the country's population, have operated anti-diversion and anti-fraud programs for years—California, for example, since 1940—without a single case of a privacy violation to the pa-

tient, physician, or pharmacist. Confidentiality and privacy under multiple copy prescription programs has always been guaranteed. Millions of prescriptions are handled under these systems every year, with confidentiality assured. Nevertheless, my bill contains some strengthened provisions. I invite interested parties to participate in these privacy-protection efforts (in separate legislation I will introduce, the sale of all personal prescription and health records to drug companies and other third parties will be prohibited).

Let me be most clear: the Prescription Accountability system is number-based only—no "national data base" as some have mistakenly claimed; no "names in a computer" as some incorrectly assume. My proposal requires Data Encryption Standards (DES) developed by the National Institute of Standards and Technology (NIST), and relies on the highest standard of data security protections.

In layman's terms, all the number-based data attributed to an individual is "scrambled"—the doctor's assigned DEA number, the pharmacists' National Association of Boards of Pharmacy (NABP) number, the State-established patient unique identifier number (most likely the Social Security or state driver's license number) under this system.

For example, suppose a patient's State driver license number was "123456789". Hypothetically, under encryption, the scrambling of that number would be stored in the computer as "935724618". Furthermore, the 9-digit number could be scrambled into a longer string of numerical digits, say a 50-digit string of numbers. This technique is standard for all secured computer systems which require tight controls on data. Unless one knows the full encryption code, even if a "hacker got in the computer," they'd be looking at useless information—a string of numbers with no meaning whatsoever.

Under my proposal, all the data collected by the computer in the designated health agency is administered by a panel of 5 health agency officials: two with solid backgrounds in prescribing, two with solid backgrounds in investigations, and the designated state health agency director. Only the designated state health agency director would know the full encryption code to unscramble the data. The four other panel members would know only 1/2 the encryption code. In other words, the prescribers and the investigators share the responsibility, serving as a "checks and balances." This design protects legitimate prescribing while also properly identifying cases of reasonable cause for further inquiry involving possible illegal activity.

AMERICA'S "OTHER" DRUG PROBLEM: WHY THIS LEGISLATION IS NEEDED

(1) To Address Diversion

Illegal diversion of legal controlled substances is estimated by the Drug Enforcement Administration as a \$25 billion market.

A recent Los Angeles Times article reported the seriousness of illegal diversion:

"Quoting from the FBI, the report outlines a 'typical' Medicaid fraud and diversion scheme: A doctor writes an unnecessary prescription, billing Medicaid for a patient's visit [Note: the billing to Medicaid costs an average of \$150] and for unnecessary tests [Note: x-rays and other tests average \$75] that the physician ordered. The patient then has the prescription filled at a pharmacy that is taking part in the fraud. The pharmacist bills Medicaid after filing the fraudulent prescription."

"The patient then sells the unneeded drug to a drug 'diverter,' often using the money

for his narcotics addiction. After the diverter repackages and sells the drug to a pharmacy, it re-enters the chain of retail sales."

In other cases, the legal prescription is traded on the 'street' for illegal drugs, a practice commonly referred to as the "Valium for crack" drug trade.

Another article in the March 23, 1992 Drug Enforcement Report states:

"Officials from state after state are reporting rampant overprescription of some Schedule IV tranquilizers, well past the short term use recommended by medical experts. Abuse can lead to addiction and even death when overdosed with other drugs. Xanax, a relatively new tranquilizer, is openly sold outside drug treatment clinics because addicts have learned it intensifies the effect of methadone, making efforts to break addiction fruitless."

Drug enforcement officials also inform me that Xanax, Valium and other benzodiazepenes have, unfortunately, become the 'sister drug' to the crack and cocaine highs when used in combination. Xanax and Valium are often found on premises "when the crack house is raided." While these medications clearly have legitimate and meaningful applications for millions of Americans for mental health-related care, they are increasingly becoming subject to abuse and engaged in combination with the illicit drug trade.

(2) To Address Misuse and Abuse

An estimated 2 million seniors are either addicted to or at risk to addiction to tranquilizers. The Bush Administration estimates that 250,000 Medicare rehospitalizations are the result of adverse drug reactions. The National Institute on Drug Abuse (NIDA) reports nearly 90,000 overdoses to legal narcotics, painkillers, sedatives, and tranquilizers.

A HHS Inspector General's report states that between 1.5 and 2 million American seniors—or roughly 1 in 16—are either addicted to or at risk to addiction to benzodiazepenes (tranquilizers like Valium, Librium, Xanax, and Halcion). Inspector General Richard Kusserow refers to such addiction as "America's 'other' drug problem."

(3) To Address the Clear Undertreatment of Patients' Needs

There is also overwhelming evidence showing the undertreatment of certain medical needs, particularly cancer pain, AIDS-related pain, and mental health-related matters. The new Pain Treatment guidelines announced on March 5, 1992, by the Agency for Health Policy and Research and designed to more adequately treat Americans in pain are principles which I have incorporated in this comprehensive approach.

THE SOLUTION

The current system has failed, but new technologies offer opportunities for solutions.

Using existing computer data systems, the health care field will avoid mountains of paperwork, save Medicare and Medicaid hundreds of millions in waste, fraud and abuse, help law enforcement investigate, arrest and convict the Pill Mills, script doctors, and professional doctor shoppers. My proposal protects privacy. My proposal helps address the obvious undertreatment of patient needs by providing needed data to health agencies and medical societies to better educate physicians on proper prescribing practices.

My legislation does not change medical practice. My legislation does not change pharmacy practice. It simply changes the

software at the point-of-sale. It protects patient and practitioner privacy. Legitimate prescribing is secured and the patient in need will not be affected—but the taxpayer will save billions in reduced illegal prescribing and waste, fraud and abuse in the system.

PARIMUTUEL WITHHOLDING

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SCHULZE. Mr. Speaker, today I, together with Mr. BUNNING, Mr. MCGRATH, Mr. MRAZEK and Mr. NOWAK, am introducing legislation to correct an inequity in the Internal Revenue Code that has caused serious problems for a segment of a taxpaying public and a productive and worthwhile industry. This legislation would modify the current parimutuel withholding tax on racing by raising the threshold from \$1,000 to \$5,000. This would make the withholding threshold the same as for other forms of state-sponsored gambling.

Parimutuel horse racing is a sport and recreational activity that is legal in 43 States. Both off-track and inter-track wagering is legal in the United States. In 1989, the latest year for which statistics are available, over 70 million people attended the races, generating nearly \$600 million in direct revenue to the States from parimutuel taxes, track licenses, occupational licenses, admission taxes and miscellaneous fees. As a Member from the State of New York, I should emphasize that racing provides not only millions of tax dollars to our State, but also provides tens of thousands of jobs and pumps in hundreds of millions of dollars to our State economy.

The Internal Revenue Code presently requires racetracks to withhold 20 percent of any winning bets where the payoff is over \$1,000 and the odds on the bet are 300 to 1 or higher. This withholding requirement was added to the law in 1976 at the suggestion of the Treasury Department, which alleged that many bettors were winning substantial amounts at racetracks, but not reporting the proceeds on their income tax forms.

Regardless of whether withholding was necessary or appropriate in 1976, the \$1,000 threshold is, without any question, no longer appropriate. This is made evident by the \$5,000 threshold that applies to State-sponsored and supported lotteries. In response to the tax compliance issue, it is important to emphasize that the Internal Revenue Service now also requires all tracks to report to the Service any payout in excess of \$600 when the odds are 300 to 1 or higher. The legislation introduced today would not change, in any way, that reporting requirement. With the advanced computer compliance systems that are in place today that were not in place in 1976, there is little chance that a taxpayer will attempt to evade paying tax on a payout which is reported to the IRS, with or without withholding.

A significant effect of parimutuel withholding is to reduce the amount of money in circulation at racetracks. Every time a dollar is wagered at a parimutuel racetrack, a certain

percentage is taken out of the betting pool. This "takeout" accounts for State revenues as well as revenues to the track and horsemen racing there. The larger amount bet, the larger the amount that is earned by the State and the track. Any money that is removed from this betting universe, such as by the Federal withholding requirement, reduces State taxes and income to the track and horse owners. It has been estimated by the American Horse Council that withholding reduces State tax revenues and industry receipts by \$47 million annually, based on 1988 data.

Taxpayers generally view the withholding tax as an excise tax having no relation at all to one's true tax liability, which is usually zero. In order to file for a refund a taxpayer must give up the standard deduction and itemize deductions in order to claim offsetting losses and get a refund. This is often not a reasonable choice for lower income individuals. And even if that is possible, the record-keeping demanded by IRS to substantiate losses is equally unreasonable.

In addition, many racing patrons pay Federal income tax at the rate of 15 percent, but are having funds withheld at the racetrack at the rate of 20 percent. This is unfair to these taxpayers and causes racing serious public relations problems.

Unless the withholding threshold is raised to \$5,000 parimutuel racing will not be able to compete on a level playing field with other gaming activities subject to withholding. State-sponsored and supported lotteries must withhold winnings only when they exceed \$5,000. There is no rational basis for providing discriminatory treatment in compliance provisions such as the withholding threshold on winnings from gaming activities.

The racing industry, and the horse industry it supports, including thousands of breeders, trainers, jockeys and others, is having a difficult financial time. The entire equine industry depends on a health racing industry for survival. One factor causing a slump in the industry is the withholding requirement.

Considering the inequity and damage associated with this seemingly insignificant measure, I hope that my colleagues will agree that it is worth correcting.

This approach will eliminate the regressive effects of the tax and the bulk of the reduction in State and industry revenues while still maintaining a withholding assessment on larger payouts more likely to represent net income to the recipient.

This correction is worthwhile, fair and necessary to an industry that has been severely hurt by the present Tax Code. I hope that all Members can recognize this and particularly urge Members from States with racing and breeding industries to join me in this effort.

A TAX LOOPHOLE IS INCREASING THE COST OF THE SAVINGS AND LOAN BAILOUT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. RINALDO. Mr. Speaker, financial takeover artists and tax lawyers in search of a bo-

nanza are latching on to failed savings and loan institutions and striking it rich. For a relatively modest amount of money, some investors have acquired not only an S&L and its assets, but also huge Government subsidies and guarantees spanning a 10-year period.

During banking committee hearings on funding the savings and loan bailout, investigators disclosed that one wealthy investor in Texas put up only \$1,000 of his own money to purchase Bluebonnet Savings. In return, the Government promised almost \$3 billion in tax-free subsidies and guarantees over 10 years. Witnesses testified that the deal was so lucrative that Bluebonnet became one of the most profitable thrifts in the United States, all from tax-free subsidies.

Under the current Tax Code, wealthy thrift operators can make hundreds of millions of dollars on financial losses that are guaranteed by the Government, not lose a penny of their own investment, and still take additional tax deductions for losses incurred as the value of the S&L assets declines.

Congress can save the American taxpayers billions from the cost of the savings and loan bailout by closing this tax loophole. The tax benefits available to federally insured thrift institutions that were taken over by the Resolution Trust Corporation for 1988-89 amounted to \$4.2 billion in lost revenues, according to the Treasury Department.

Shrewd deal makers and tax lawyers are taking the Government for a ride while they play hocus pocus with the Tax Code, and the costs of the S&L bailout continue to escalate. The more you lose, the more you make in tax breaks and subsidies. It is the deal of the century, and we are paying dearly for it.

President Bush's package of tax cuts, which has been stalled in Congress, includes a provision to eliminate tax-free interest payments and to recapture a larger portion of the tax benefits. Mr. Speaker, I urge the Members of this House to close off this loophole and to consider such legislation separately if no action is taken on President Bush's tax cut plan.

The savings and loan bailout has already cost far too much money and has strained the patience of the American taxpayers. We in the House of Representatives should act quickly to stem the losses.

HONORING WILLIAM F. JAIME

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LEHMAN of California. Mr. Speaker, I rise before my colleagues today to pay tribute to and honor a distinguished resident of the 18th Congressional District, William F. Jaime, for his dedicated service to Sanger High School and the community of Sanger over the past three decades.

As this school year draws to a close, Bill Jaime will conclude a long and distinguished career as Sanger High School's music and band director. During his career at Sanger High, he has brought both musical recognition and a love of music to our school and community.

Bill Jaime joined the staff of Sanger High School in 1963, and has since earned the name of Sanger's Music Man. His distinctive talent as a musical director and teacher have shone at various music festivals. During his career Jaime's instrumental music students were awarded 25 superior ratings by the adjudicators of the Music Educators Association, and his jazz bands have had equally impressive showings, consistently earning numerous superior ratings as well.

In addition to his outstanding service to Sanger High School, Bill Jaime has enriched our community through the years with his special talents. Jaime's musicians have participated in civic and military functions throughout the Fresno County area, cementing a positive relationship among the school, students, and the surrounding community.

Though a professional-level performer himself, Bill Jaime never lost sight of his primary goal in music: the development of students' awareness to music and utilizing their skills to express that awareness. Because of his professionalism and dedication to his position, Jaime has become a role model for many of his students who have gone on to distinguished professional and educational music careers. Whatever their future career plans, Jaime has inspired his students, bringing to them his love of the art and appreciation of music.

Mr. Speaker, as an alumnus of Sanger High, I had the opportunity to personally witness the magic of Bill Jaime's music, and it is with great pleasure and pride that I take this opportunity to honor Mr. William F. Jaime on the floor of the House of Representatives. For his 30-year career, he has been a credit to the teaching profession and an inspiration to the local music community. His presence at Sanger High School will be greatly missed, yet I am confident that Jaime will continue to have an influential and inspirational role in the lives of the people and community of Sanger.

CORRECTION TO COSPONSOR LIST
ON H. RES. 271

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mrs. BOXER. Mr. Speaker, I would like to take this opportunity to rectify a clerical error. Representative MAXINE WATERS was inadvertently deleted from the list of original cosponsors on my bill House Resolution 271, calling upon the President to rescind the policy banning gays and lesbians from the military.

Representative WATERS is a leader in the House on this issue, and I would like the record to reflect that she should be considered an original cosponsor of this bill.

I thank MAXINE for her commitment, and look forward to working with her toward passage of this important measure.

DAYS OF REMEMBRANCE OF
VICTIMS OF THE HOLOCAUST

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. McGRATH. Mr. Speaker, I again want to take this opportunity to reflect on the annual Days of Remembrance of Victims of the Holocaust.

During my years as a public office holder in Nassau County, NY, I have had the honor of meeting many Holocaust survivors. Most survivors had relatives who did not return from the Nazi concentration camps. The stories I have heard are the most gut-wrenching and horrible accounts I could ever imagine. Yet, all descriptions of life in these "camps" express heroism and valor. The gallant struggle of the millions of Jews that were herded like cattle to eventually die in the bleakest of conditions is a tribute to the ability of man to overcome all that is terribly wrong with dictatorship regimes and totalitarian rule.

In recent years, we have seen a movement by some fanatical groups in this country claiming that the Holocaust did not even happen, that this dark segment in world history did not even take place. As ludicrous as this initially sounds, it is a reflection of the degree of anti-Semitism that still exists today. That is another reason we observe these Days of Remembrance. To simply let the Holocaust slip into history will only serve the interests of these hate groups.

Additionally, this year's observance comes at a time when we are marking the 50th anniversary of the commencement of the systematic genocide at Auschwitz. Perhaps no place in the history of mankind is as much associated with terror and horror. The mere mention of the word "Auschwitz" stirs memories that pronounce anger and empathy.

Today, thousands of young people from all over the world will march at Auschwitz to mark the steps of the millions that went before them. They will march to proclaim life over death and vigilance in the face of ignorance. I want to offer them my sincere appreciation and heart-felt thanks for understanding the need to keep the lessons of the Holocaust alive.

The Days of Remembrance, observed all this week are designated each year by the United States Holocaust Memorial Council. Next year at this time, we may observe the Days of Remembrance at the Holocaust Memorial on The Mall. With most museums, we can't wait for them to open their doors. However, the Holocaust Memorial is different. The Holocaust Memorial will be a shrine to the 6 million who perished while at the same time be a learning center. Guests will be invited to participate and learn of the stories of individual Holocaust victims. The memorial will be a moving place, indeed.

Mr. Speaker, I urge all Members to please remember the short two-word verse repeated by Jews worldwide: "Never Again!" Never again will anyone strike the terror endured by the Jews during the Holocaust. By observing the Days of Remembrance, we educate our youth of the horror of only 50 years ago and

honor the victims, both living and dead, of the grim exhibit of man's inhumanity to man.

AMERICAN INDIANS MANAGED THE EARTH WITH CARE?

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102-188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an article by Gary Paul Nabhan and Kat Anderson in the fall 1991 edition of *Wilderness* magazine entitled *Gardeners in Eden*. The article suggests that while American Indians did not leave their land untouched, they did manage it very carefully.

GARDENERS IN EDEN

(By Kat Anderson and Gary Paul Nabhan)

A Native American elder sets a fire under the oaks to destroy duff infested with acorn weevil in Yosemite Valley. Edging a nearby stream, a dull-brown, gnarled big-leaf maple is pruned by a basketmaker, so that it will produce straight, siennahued sprouts for her next season's weavings. The sticky rhizomes of a bracken fern are dug up by Miwok Indian women over by Mirror Lake, loosening the soil and transforming the patch into a garden. . .

These Yosemite landscapes, shaped by centuries of Indian burning, pruning, sowing, weeding, coppicing, tillage, and selective harvesting, were the same ones early Europeans and later generations of nature-lovers were wont to view as unmarked by human manipulation. Few whites could recognize the ingenuity of indigenous management practices that encouraged the growth and maintenance of a variety of wild resources—not even John Muir, who spent more time rambling through the region than any other person of his time (and most since). Muir exemplified the Euro-American urge to fully experience the wildness of the Sierra. Yet not only the Yosemite trails he walked upon but the vegetation mosaic he walked through were the legacy of Miwok subsistence ecology; he simply missed all but the most blatant signs of indigenous land management. "How many centuries Indians have roamed these woods nobody knows," he wrote on one occasion, "but it seems strange that heavier masts have not been made. . . . Indians walked softly and hurt the landscape hardly more than the birds and squirrels, and their brush and bark huts last hardly longer than those of wood rats, while their enduring monuments, excepting those wrought on the forests by fires they made to improve their hunting grounds, vanish in a few centuries."

The selective vision of Muir and the other early preservationists influenced an environ-

mental movement that ever since has generally perpetuated the myth of pre-Columbian America as a virgin, nearly uninhabited wilderness. The tradition was echoed in the famous 1963 "Leopold Report" to the National Park Service, which declared that each large national park should maintain or recreate a "vignette of primitive America," seeking to restore "conditions that prevailed when the area was first visited by the white man"—this in spite of the fact that as many as twenty million indigenous people were hunting, gathering, burning, tilling, and otherwise managing North America when Columbus appeared to them.

And, for the most part, doing a better job of it than we have since.

When Hernan DeSoto and his soldiers entered what is now South Carolina in 1540, the chronicler of their adventures noted that they "journeyed a full league in garden-like lands where there were many trees, both those which bore fruit and others; and among these trees one could travel on horseback without any difficulty, for they were so far apart that they appeared to have been planted by hand." Some probably were, as it happened. Careful reconstructions of historic landscape ecology made by ethnohistorian Julia Hammitt has demonstrated that Southeastern Indians managed such landscapes by burning, clearing, and subsequently replanting useful trees into park-like patches. "Apparently," she says, "Native Americans initiated and maintained parklands extending perhaps several miles beyond the obvious limits of their towns."

Ethnobiologist Eugene Hunn believes that enough fragments of these traditions have become known that we can now "firmly reject the stereotype of hunter-gatherers as passive food collectors in opposition to active, food-producing agriculturists." In some scholarly circles, there are those who would go even further, contending that native peoples commonly depleted the most highly valued local fuelwood and wildlife resources before moving on to ravage another area; only when their population densities remained low and their technologies primitive could they escape the consequences of their destructive habits.

This interpretation—like that which holds that the Indians had virtually no impact at all—ignores the vast terrain between the two extremes. If either of these stereotypes were generally true, we would not see the development of the sophisticated taxonomies, taboos, and management practices for key wild resources that were so widespread among Native communities. It is more likely that indigenous cultures developed conservation practices when it became clear that important resources were getting scarce; the more crucial the resource, the stronger the practice became. The Paiute in western Nevada, for example, otherwise would have had no reason to cut bow staves from juniper trees as they did—in a manner that did not kill the trees but instead ensured the continued production of straight-grained wood from the same trees. Other Paiute would not have gone to the effort of irrigating stands of wild hyacinth and yellow nutgrass in the Owens Valley of California, increasing their yields severalfold. Likewise, the Ojibway along Lake Superior's marshlands would have had no reason to replant about a third of their wild-rice harvest to ensure a yearly increase, or to have sown additional stands where they did not formerly exist.

Centuries before the United States Congress passed the Sustained Yield and Multiple Use Act of 1960, the harvesting tech-

niques employed by many Native Americans allowed for the sustained-yield production of wild plants. Rhizomes of bracken ferns used in Pomo basketry and sweet flags used for Pawnee medicines were dug in ways that stimulated new rhizomes to grow into "spur" plants. Mushrooms were gathered in a way that did not disturb the mycelia in order to ensure future production. Subterranean foods, such as groundnuts, yampah, tiger lilies, and Indian celeries, were harvested in quantity, but many bulblet, cormlet, and tuber fragments were purposely left in the loosened earth with less competition to deter their growth the following season. For many curative plants, Navajo medicine men still refrain from harvesting from the same stand two years running, granting periods of rest and regrowth between those of tillage and extraction.

From experimental ecological and horticultural studies on key resource plants, it has become clear that certain traditional gathering methods stimulated and sustained yields much as pruning and fertilizing aid orchard crops. What is intriguing is that the historic levels of production common to well-known subsistence grounds may have been achieved by human mediation. Today, Indian elders across the country remember a more abundant America, before the disruption of their traditional management strategies.

In the absence of human-set fires, for example, the berry bushes of Oregon no longer produce the thick crops of huckleberries recorded in oral histories. The hazelnut and beargrass of northwestern California's forests are regarded by Native basketmakers to be of poorer quality today. In the Sonoran Desert's dunes, an underground parasitic plant called sandfood is now considered endangered in two states, yet it was historically encountered year-round over a large area where Sand O'dham Indians once migrated. The few remaining Sand Indians claim that it has decreased in abundance and quality since their people were no longer able to gather it on a regular basis, which stimulated the branching of sweeter, more tender tissue—though others say it is because of the decline in the O'dham rain-making traditions. "There was plenty of rain in those days," Sand Indian elder Alonso Puffer remembered, "and the desert yielded lots of food. The Sand Indians dug up a sweet potato-like plant with long roots that grew in the sand, and they ate it raw. Now these same plants are very bitter. They don't taste the same."

Conservation biologists have recently come to appreciate the fact that Native Americans not only were stewards of major food resources, they also protected certain plants and animals that were too rare to have ever been valued on utilitarian grounds alone. In New Mexico, prehistoric Indians apparently safeguarded a chance hybrid between two cholla cacti that are seldom found together today. The hybrid cactus, known as *Opuntia viridiflora*, now persists only around ancient pueblo sites in the Upper Rio Grande watershed, where urbanization and other non-Indian land uses currently threaten it.

Similarly, over twenty species of threatened Arizona desert cacti and herbs are known, named, and nursed along by the Tohono O'dham, desert people who protect in natural habitat or in their home gardens some of the few remaining populations of these rarities. Although some of these plants continue to be used occasionally, the O'dham cite reasons other than pure economics for being concerned about the sur-

vival of the species; their importance to cultural identity and history is demonstrated by their association with sacred places and stories.

Indigenous peoples have managed their surroundings on many levels. Often, a woodland was manipulated to encourage the growth of selected species: oaks to produce acorns, mock orange trees to produce arrows, or elderberries to produce flutes. Throughout the Sierra Nevada today, there remain a handful of Maidu, Miwok, and Mono elders who carefully prune individual redbuds to stimulate the production of long, blood-red sprouts, cherished for basketry designs. Old, crooked, insect-infested branches are snipped away. When the women return the following season, each shrub has been miraculously transformed into a storehouse of straight, supple, deep-colored suckers suitable for basket-weaving. "It's like pruning an apple tree to increase your apple supply," one weaver said when interviewed. "Before these tools came along," said another, referring to her pruning shears, "my grandmother used to pile brush onto redbuds, willows, and sourberries, and light them on fire to get the nice sprouts."

While redbud frequently grows singly or in small patches, plants such as sedge, sawgrass, and bracken fern flourish in dense stands that demand another kind of management to sustain their productivity. If you walk with Pomo women into their favorite sedge populations along central California rivers, you will see rigorously weeded gardens of evenly spaced plants that have been carefully tended for the "white root"—a rhizome prized in basketry. These small, single-crop "sedge fields" are managed to produce a continuous supply of long, straight rhizomes with no subsequent branching. Elders of the tribe assert that pruning the white root exposes the plants to no more disturbance than they can tolerate naturally; the impact is not unlike that of periodic flooding or rodent burrowing. "And if we don't use these plants," one Pomo woman said, "they'll die."

The comment was no mere rationalization. It was supported by observation of sedge patches that have not been worked in years. Tangled masses of weedy annuals are mixed with sedges "that are no good"—their white roots are short, with kinks, knots and bends that render them unsuitable for weaving. In contrast, when rhizomes are dug up and pruned off a mother plant, this process reinitiates production of appropriately shaped "white root." Pomo Indians are considered among the best basketmakers in the world, but the quality of their work results from tending plants in the wild quite as much as from meticulous preparation and the actual weaving.

Many indigenous cultures know forests as well as they know individual trees. Certain American cultures are cognizant of "species guilds," associations of flora and fauna that they sometimes manage to their benefit. Indians throughout the arid subtropics and tropics not only know where wild chiles grow, for example, but under what shrubs the peppers grow and which birds disperse the seeds of both. The Chontal Maya of Tabasco, Mexico, conceptually associate the Great Kiskadee with wild peppers, and intentionally open up small patches in the forest to which these birds disperse the chile seeds—which the Mayans can later harvest.

Traditional managers of wildlands also classify and manipulate habitat mixes much as they do plant populations. Some of the habitat mosaics are anthropogenically main-

tained; that is to say, Native managers keep vegetation communities in different stages of succession, in clear proximity to one another, to maintain the heterogeneity of plants and animals that can be gathered there. Through burning or clearing to create "ecotones" or "habitat edges," these people have hit upon the same processes that some professional foresters have discovered to increase wildlife abundance or diversity. (There are, however, key differences: the logging industry often uses "wildlife habitat enhancement" as its obfuscation for simply eliminating old growth and planting uniform stands in its stead.)

Environmental historians Stephen Pyne and Henry T. Lewis have demonstrated that burning to sustain habitat for animal populations critical to tribal subsistence was a widespread tradition in America. On the prairie/woodland edge, fire enhanced buffalo habitat; in the tules of the Colorado River watershed, it favored wood rats and cottontail rabbits; in the Great Basin, deer and antelope increased following burns; and in California, hunters gleaned grasshoppers, hares, and deer from recently burned woodland edges.

The best-known examples of such Indian-created habitat are the twin Sonoran Desert oases of Quitovac and Quitobaquito, the latter in Organpipe Cactus National Monument, Arizona. Through burning, flood-irrigating, transplanting, and seed-sowing to create different contiguous patches of vegetation, O'odham families have nurtured a diversity of plant and bird species far greater than that for any areas of comparable size in the Sonoran Desert.

Yet after the last O'odham left Quitobaquito in the 1950s, a park superintendent decided to deepen the oasis pond, eliminate burning and irrigation for pastures and orchards, and halt any replanting of cottonwood, willows, or other wild plants native or non-native. As the oasis lost its dynamic nature, biologists began to notice declines in the endangered pupfish and mud turtle populations there. Fortunately, subsequent park managers and biologists became concerned and began to look for management options that might reverse the process. Ironically, they independently came upon some of the same management practices that the O'odham had used there in previous decades (and are still used at Quitovac): the periodic flooding of tree stands; diversifying water depths to encourage a wide mix of semi-aquatic plants; transplanting mesquite and other natives; and cleaning out dead fall in microhabitats where it inhibits sprouting of other plants. Quitobaquito is now "recovering"—if not to its pre-human condition, at least to the dynamic commingling of natural and cultural processes that encouraged high biodiversity. The National Park Service recently received the Arizona Regis-Tree Award from a coalition of conservation groups, Native American heritage projects, and sustainable agriculture organizations in gratitude for reversing the loss of plant genetic resources at Quitobaquito.

The Quitobaquito management history is but one example of recent scientific investigations validating the conservation benefits of traditional wildland practices based in indigenous science. Whereas "disturbance" was once categorically considered a dirty word to most conservation biologists and wilderness advocates, it is now recognized that some wild plants and animals require a certain level of exposure to fires, floods, or loosened soils to rejuvenate their populations. For centuries, indigenous cultures

provided low to medium level disturbance in small patches, and in the absence of this, it is probable that a number of disturbance-adapted species have declined. In the Indiana Dunes National Lakeshore, for instance, biologists have confirmed that a large portion of the area's endangered plants require anthropogenic disturbance to persist. Without periodic fires and newly formed blowouts in the dunes, these plants would be locally extirpated.

Western scientists have found several reasons for deferring to the folk science of indigenous peoples. In the Sonoran Desert, only about one fifth of all the endangered plant species have been adequately studied. Government agencies seldom provide more than \$5,000 per species for a year of data-gathering required to locate, protect, or rescue a threatened plant. In contrast, well over a quarter of this endangered desert flora is intimately known by Native American dwellers, who have detailed knowledge of changes in the distribution and abundance of these species. By working with elderly Indian residents, Navajo biologist Donna House has tracked down a number of additional populations of rare desert plants formerly unknown to conservation biologists. Assistance from such Native American consultants can help endangered plant surveys go much further on the little resources available to them.

Indigenous knowledge and management can also help with the reintroduction of wildlife and the restoration of habitats. In central Australia, where a third of all desert mammals have disappeared in the last fifty years, zoologists Ken Johnson and Andrew Burbridge requested assistance from aborigines in reversing this trend. Cognizant that the few mammalogists who had preceded them in the Tanami Desert had left little in the way of distributional records to go by, they began to talk with aboriginal elders who had spent decades in the bush observing wildlife. These elders helped Burbridge and Johnson target microhabitats suitable for translocations of rufous hare-wallabies and bilbies from remnant populations and then offered suggestions about fire management of the vegetation.

Indigenous people of North America have initiated several of their own efforts to better conserve and manage wildlands. The Salish-Kutenai tribes of the Northwest have designated the Mission Mountain wilderness area on reservation lands to protect grizzly bear habitat. Likewise, on the Yakima and Warm Springs reservations, considerable land has been set aside for wildlife reserves, where tribal law forbids hunting. The Navajo Nation has collaborated with the Nature Conservancy as a Natural Heritage program to inventory rare plants, animals, and habitats on the largest reservation in the United States. And recently, the Tohono O'odham Nation followed the lead of their Gila River Pima relatives and has worked to strengthen its native-plant protection laws to preserve both cultural and natural resources. And in reviewing their tribal regulations, Natural Resources committee members discovered that the first act ever passed through their founding Tribal Council a half century ago sought to prohibit the destruction or removal of native cacti from the Tohono O'odham reservation.

We see such efforts as a returning to sources, and it is worth reflecting on the root meaning of the work *resource*. That root is not "an economic commodity" or "raw material," but the Old French *resoudre*, "to rise again," or "to recover." It is often noted

that wilderness is the ultimate wellspring of life, and for that reason we must revive its significance in our modern society. We may also want to recover a sense of how ancient place-based cultures studied, used, managed, and protected wildlands, for those diverse traditions may offer us some options for the future not presently contained in Western schemes for the scientific management of wilderness.

And perhaps there remains the possibility of regaining something still larger: the capacity for future generations to behave as *natives* once more, to belong to particular landscapes, instead of being endlessly adrift in a cosmopolitan sea where each place is treated just like any other. When such a sensibility reemerges among modern cultures, they will have begun restoring their ability to coexist with wild creatures, and wilderness with "not man apart" from it will become more than just another slogan.

A BILL TO PROTECT DEFENSE NUCLEAR WORKERS AND THE SUPPORTING COMMUNITIES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. HALL of Ohio. Mr. Speaker, I rise today to introduce a bill that protects defense nuclear workers. This legislation guarantees that these workers will not be forgotten as we move to reduce our nuclear weapons complex. An identical bill has been introduced in the Senate by Senators GLENN, WIRTH, GORE, and GORTON.

Workers for the Department of Energy nuclear weapons facilities have been building nuclear weapons for over four decades. This is a dangerous line of work, and one of the most important to our national security. But for the foreseeable future, the United States will no longer be in the business of building bombs. And, as a result, thousands of dedicated defense-related workers will be forced to find a new line of work.

Mr. Speaker, I find it unfortunate that the work force that made the cold war victory possible for the United States is the very work force that could suffer the most from this victory. I believe it is essential that we take care of these workers and the supporting communities even after they leave the industry, or the industry leaves them.

My bill does four things. First, it requires the Department of Energy to establish a work force restructuring plan that will minimize the economic impact of reducing our weapons complex. This includes worker retraining and relocation assistance, and economic assistance to affected communities. This section ensures that DOE will utilize the current work force to the extent possible for continuing operations at a smaller complex and for cleaning and restoring the facilities that are closed down.

This legislation also requires DOE contractors to recognize existing collective bargaining agreements and labor organizations, and honor the pensions and insurance programs already in force. This section makes sure that the transition from production to cleanup at DOE facilities will not be used as an opportunity to undercut labor contracts.

My bill requires DOE and the Department of Health and Human Services to establish guidelines for testing employees who have been exposed to dangerous substances. Once these guidelines are in place, DOE must notify employees of the seriousness of their exposure, and continue monitoring their health. This monitoring provision is particularly important because it will allow us to study the long-term effects of exposure to radioactive and hazardous substances.

And finally, my bill establishes a health insurance program that covers work-related illnesses for former DOE defense employees. Defense nuclear workers have special medical needs due to years of exposure to radioactive and hazardous materials. Prospective employers and their insurance carriers recognize that these needs could be a serious liability. This provision ensures DOE workers health coverage even if new employers and their insurance carriers refuse to provide it.

Mr. Speaker, I believe we are all relieved that the cold war has come to a close and that we as a nation can focus on building peace with the former Soviet republics. We should not forget the dedication and hard work of those who helped to bring us where we are today. I encourage my colleagues to join me in recognizing this dedicated work force and the supporting communities by cosponsoring this important piece of legislation.

H.R. 5039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN.

(a) IN GENERAL.—Subject to subsections (b) through (e) and not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall develop, issue, and commence implementation of a plan for the restructuring of the employee work force of the Department of Energy defense nuclear facilities.

(b) PLAN REQUIREMENTS.—In developing and implementing the plan referred to in subsection (a), the Secretary shall provide that—

(1) any changes in the function or mission of the Department of Energy defense nuclear facilities be carried out by means that minimize the economic impacts of such changes on Department of Energy employees at such facilities, including the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located and the use of retraining, early retirement, attrition, and other similar means to minimize the number of layoffs of such employees that result from such changes;

(2) such employees whose employment in positions at such facilities will be terminated as a result of the restructuring plan receive first preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1682)) that occurs after the issuance of the plan;

(3) such employees be retrained in a timely fashion and as necessary for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy;

(4) the Department of Energy provide relocation assistance to such employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) the Department of Energy provide appropriate employment retraining, education, and reemployment assistance (including employment placement assistance) to such employees who express an intent in writing to seek employment outside of the Department of Energy before such employees complete employment with the Department of Energy; and

(6) the Department of Energy provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) a program carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.).

(c) PLAN UPDATES.—Not later than 1 year after issuing the plan referred to in subsection (a) and on annual basis thereafter, the Secretary shall issue an update of the plan. Each updated plan under this subsection shall—

(1) provide for the requirements referred to in subsection (b), taking into account any changes in the function or mission of the Department of Energy defines nuclear facilities and any other changes in circumstances that the Secretary determines to be relevant;

(2) contain an evaluation by the Secretary of the implementation of the plan during the year preceding the report; and

(3) contain such other information and provide for such other matters as the Secretary determines to be relevant.

(d) CONSULTATION.—

(1) IN GENERAL.—In developing the plan referred to in subsection (a) and any updates of the plan under subsection (c), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of Department of Energy employees, appropriate representatives of departments and agencies of State and local governments, appropriate representative of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) APPROPRIATE REPRESENTATIVES.—The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).

(e) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan referred to in subsection (a) and any updates of the plan under subsection (c) to the following:

(1) The Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services of the Senate.

(3) The Committee on Energy and Natural Resources of the Senate.

(4) The Committee on Appropriations of the Senate.

(5) The Committee on Government Operations of the House of Representatives.

(6) The Committee on Armed Services of the House of Representatives.

(7) The Committee on Energy and Commerce of the House of Representatives.

(8) The Committee on Appropriations of the House of Representatives.

SEC. 2. REQUIREMENTS RELATING TO CONTRACTS FOR ENVIRONMENTAL RESTORATION AT DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES.

(a) **CONTRACT REQUIREMENTS.**—Except as provided in subsection (b), in entering into a contract (including a contract entered into as a result of renegotiation) for the procurement of environmental restoration and waste management activities at a Department of Energy nuclear defense facility, the Secretary shall require that the contractor and any subcontractor of the contractor—

(1) recognize—
(A) any collective-bargaining agreements in force at the facility on the date of the contract; and

(B) any labor organizations (as defined in section 2(5) of the Labor Management Relations Act, 1947 (29 U.S.C. 152(5))) or other bargaining agents authorized to act on behalf of the employees of the facility on that date;

(2) employ under that contract any employees in the collective-bargaining units at the facility on that date;

(3) assume the liability and obligations of the pension programs of the preceding employer at the facility, if any, for the employees of that preceding employer (including employees covered by collective-bargaining agreements and employees not so covered) that the contractor retains under the contract;

(4) continue the pension programs in force for such employees; and

(5) credit any period of employment of such employees with the preceding employer toward the requirements of the contract relating to vacations, sick leave, and other employment related benefits (including health insurance benefits).

(b) **LIMITATION.**—The requirement referred to in subsection (a)(5) shall not apply to any severance payment, benefit, bonus, or entitlement of a salaried employee of a preceding employer under that subsection.

SEC. 3. PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.

(a) **IN GENERAL.**—The Secretary shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

(b) **IMPLEMENTATION OF PROGRAM.**—

(1) **IN GENERAL.**—In establishing and carrying out the program referred to in this section, the Secretary shall—

(A) identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as a result of such employment;

(B) prescribe guidelines for determining the levels of exposure to such substances that present such employees with significant health risks;

(C) prescribe guidelines for determining the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to such employees to permit the Secretary to evaluate fully the extent, nature, and medical consequences of such exposure;

(D) identify (pursuant to the guidelines referred to in subparagraph (B)) each employee referred to in subparagraph (A) who received a level of exposure referred to in subparagraph (B); and

(E) provide (pursuant to the guidelines referred to in subparagraph (C)) the evaluations and tests referred to in subparagraph (C) to the employees referred to in subparagraph (D).

(2) **CONSULTATION AND CONCURRENCE REQUIREMENTS.**—

(A) The Secretary carry out his responsibilities under subparagraphs (A) through (C) of paragraph (1) with the concurrence of the Secretary of Health and Human Services.

(B) In prescribing guidelines under paragraph (1)(C), the Secretary shall permit the participation of appropriate representatives of the following entities:

(i) The American College of Physicians.
(ii) The National Academy of Sciences.
(iii) Any labor organization or other bargaining unit authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(C) The Secretary of Health and Human Services shall carry out his responsibilities under this paragraph with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health.

(3) **NOTIFICATION.**—The Secretary shall notify each employee identified under paragraph (1)(D) and provided with any medical examination or test under paragraph (1)(E) of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.

(4) **INFORMATION COLLECTION.**—The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1)(E).

(5) **COMMENCEMENT OF PROGRAM.**—The Secretary shall commence carrying out the program described in this subsection not later than 1 year after the date of the enactment of this Act.

(c) **AGREEMENT WITH SECRETARY OF HEALTH AND HUMAN SERVICES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Secretary of Health and Human Services pursuant to which the Secretary and the Secretary of Health and Human Services shall carry out the respective activities of the Secretary and the Secretary of Health and Human Services under this section.

SEC. 4. HEALTH INSURANCE PROGRAM FOR FORMER DEPARTMENT OF ENERGY EMPLOYEES.

(a) **PROGRAM.**—The Secretary of Energy shall carry out a program to provide for the insurance of the Department of Energy employees referred to in subsection (b) to cover all reasonable expenses for the health care services referred to in subsection (c) incurred (whether through insurance or out-of-pocket) by such employees.

(b) **EMPLOYEES COVERED.**—

(1) **IN GENERAL.**—Subject to subsection (d), employees described in this section are any individuals who—

(A) were (but are no longer) Department of Energy employees employed at defense nuclear facilities;

(B) as a result of such employment, have received a level of exposure to hazardous substances or radioactive substances that poses a significant risk to the health of such employees;

(C) as a result of that level of exposure, have developed a significant illness, disease, or clinical sensitivity; and

(D) are not entitled to benefits relating to the illness, disease, or clinical sensitivity

under the medicare program or any other health insurance plan or program.

(2) **DEFINITION.**—For purposes of this subsection, the term "medicare program" means the program described under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) **REASONABLE EXPENSES FOR CERTAIN HEALTH CARE SERVICES COVERED.**—Subject to subsection (d), reasonable expenses for health care services described in this subsection are expenses in a reasonable amount for health care services that are medically reasonable and necessary for the treatment of any employee referred to in subsection (b) for any illness, disease, or clinical sensitivity developed by that employee (as determined by the Secretary pursuant to subsection (b)(1)(C)).

(d) **STANDARDS FOR DETERMINATIONS.**—

(1) **IN GENERAL.**—The Secretary (with the concurrence of the Secretary of Health and Human Services) shall prescribe any standards that are necessary to facilitate any determinations relating to the eligibility of employees for insurance under subsection (b)(1) and the reasonableness and necessity of services and expenses under subsection (c).

(2) **CONSULTATION REQUIREMENTS.**—

(A) The Secretary of Health and Human Services shall carry out his responsibilities under this subsection with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health.

(B) In establishing standards under this subsection, the Secretary shall permit the participation of appropriate representatives of the following entities:

(i) The American College of Physicians.
(ii) The National Academy of Sciences.
(iii) Any labor organization or other bargaining unit authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(e) **ADMINISTRATION.**—The Secretary of Energy may carry out this section directly, through a memorandum of understanding with an appropriate Federal department or agency, or through a contract with an appropriate health insurance carrier or administrator.

(f) **EFFECTIVE DATE.**—The Secretary of Energy shall establish the reinsurance program under this section not later than 6 months after the date of the enactment of this Act. The program shall apply to expenses incurred for services furnished on or after the date the program first becomes effective.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) **DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY.**—The term "Department of Energy defense nuclear facility" means the following:

(A) A production facility or utilization facility (as such term is defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina, and the Mound Laboratory, Ohio). Such term does not include any facility that does not conduct atomic energy defense activities.

(B) A nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary.

(C) A testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the test site facility

in Nevada, the Pinnellas Plant in Florida, and the Pantex facility in Texas).

(D) A nuclear weapons research facility that is under the control or jurisdiction of the Secretary (including the Lawrence Livermore, Los Alamos, and Sandia National Laboratories).

(E) Any facility described in subparagraphs (A) through (D) that—

(i) is no longer in operation;

(ii) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

(iii) was operated for national security purposes.

(2) DEPARTMENT OF ENERGY EMPLOYEE.—The term "Department of Energy employee" means—

(A) any employee of the Department of Energy employed at a Department of Energy defense nuclear facility; and

(B) any employee of a contractor or subcontractor of the Department of Energy employed at such a facility.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

TRIBUTE TO HON. ANTHONY J.
CEFALI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to an extraordinary man, the Honorable Anthony J. Cefali, former city judge of Hobart, IN.

Judge Cefali devoted his long and distinguished career to public service. As Hobart's first elected city judge, he implemented many innovative programs during his 28 years of service. When budgetary cuts affected the court's funding, he instituted a program to utilize students to assist the court in various capacities. He sought students from Valparaiso University to provide legal representation to indigent defendants. He also recruited students from a local court reporting school to perform various tasks. These programs not only conserved court funds but also provided an excellent opportunity for students to gain actual courtroom experience and receive course credit for work completed.

Prior to his 1991 retirement, Judge Cefali also introduced a court probation program, which allowed many offenders to perform community service at local community organizations. The program has been very popular because the offender is able to make a meaningful contribution to the community, and community organizations gain much needed help.

Judge Cefali's avid support for community service is also reflected in his civic activities. As a past president of the Lake County Library Board, he served as a board member for 19 years. He was also active in the March of Dimes campaign, the American Legion and the Veterans of Foreign Wars. Because of this dedication, he was recently bestowed the honor of receiving the Sagamore of the Wabash Award, the highest honor given by the Governor of Indiana.

I commend and honor Judge Anthony J. Cefali. His lifelong achievements are truly ex-

traordinary. His innovative ideas, social commitment and leadership should be a model and inspiration for us all.

MICHAEL PAPPAS: A NEW
GENERATION OF LEADERSHIP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Michael Pappas, who was recently featured in the South Florida Business Journal upon becoming the new president of the Keyes Company, the largest independent real estate firm in South Florida. The article, "Filling in the blanks" by Melinda Zisser tells how Mr. Pappas, a Miami native, is the second generation of leadership in the company after his father, Ted:

Michael Pappas' job hasn't changed. Just his title.

"I got new business cards," he says. Last month, at 33, an enthusiastic Pappas reached the president's desk in the Keyes Co. where his father Ted emerged as a local industry giant. Fred Smith, Keyes' former president, has moved up to vice chairman, while Pappas' father remains in the chairman's position.

The younger Pappas, a Miami native, is the second generation in a second-generation firm; head of the largest independent residential real estate firm in South Florida with more than 1,700 agents in Dade, Broward and Palm Beach counties. Together, those agents handled more than \$1 billion in sales last year.

He talks quickly and is inquisitive with visitors. He's a people person, interviewing all who enter his 20th floor office across the street from Bayside Marketplace.

He also has his goals set out. "We would like to get to the 2,000 (agents) mark by the end of the year."

Under Michael's leadership, the company is positioning itself for growth—remodeling some of its older offices, filling in the blanks in South Florida and expanding to other regions.

Says Richard Ritchey, regional owner/director of Century 21 Real Estate of South Florida Inc. in Miami: "Michael is certainly following in his father's footsteps."

Ritchey's organization is the area's largest residential real estate firm, with close to 2,000 agents, but it's part of a giant franchise outfit. He's known the elder Pappas for 30 years.

"(Ted Pappas) is one of the top real estate professionals I've ever met, and it's appropriate that his son is following him in his footsteps," Ritchey said, noting Michael's latest appointment is "certainly a showing in his confidence and ability to manage."

Others share Ritchey's admiration. "Mike is one of the most energetic, enthusiastic brokers in our community. He makes our job fun because he's so much fun to be around," said Ronald Shuffield, president of Esslinger-Wooten-Maxwell Inc. of Coral Gables.

"Our business goes up and down and our economy goes up and down and there's always something positive you can say about it and he finds it," Shuffield said. "He's real straight and honest and he doesn't try to puff things up a bit. He says things the way they are."

Shuffield runs into Michael Pappas mostly at Board of Realtor meetings. "He has a solid understanding with God, and that comes across in business too."

Michael Pappas is an elder at Immanuel Presbyterian Church and serves on the Foundation Board for Westminster Christian School.

Michael Pappas always knew he'd make Keyes a career. Ken Keyes started the firm in 1926. His father Ted Pappas bought stock in the Keys Co. in 1962.

Graduates from the company read like a Who's Who in South Florida real estate: W. Allen Morris Sr. who heads his own firm, was president in 1959; and Joe Clock, who sold his firm to Coldwell Banker, worked at Keyes.

Jim Barlow, assistant manager of the Keyes' Boca West office, has been with the company since 1978. He's pleased the younger Pappas has taken over.

"He's very sharp, energetic and enthusiastic. He's a people person," Barlow said. "He visits the offices often, much like his father."

"He spends time talking with associates and that's something you don't see with a large corporation," he continued. "Michael has taken on right where his father left off."

While Michael Pappas studies business and Spanish at Wake Forest, the elder Pappas suggested that if he were to go into sales, he should stick with stocks or real estate.

"My father said if you're going into sales, you might as well sell something people would invest in," Michael said.

He chose real estate.

The younger Pappas started with the company in 1980 as a sales associate in the Fort Lauderdale office. He moved on to manage the Coral Springs office and then the Coral Gables operation.

In 1985, he was promoted to regional manager of Dade County. Three years later he joined Keyes executive ranks as vice president and general sales manager.

He's watched as his father grew the company into the largest independent residential brokerage in South Florida, and is now helping it acquire more firms to fill in the blanks from Jupiter to Homestead and expand into other parts of the state, such as Orlando.

Last year, Keys acquired seven companies. And in January, the Miami-based company anchored itself as a major player in Orlando with the acquisition of Emerson Realty, a firm with 150 associates in half a dozen offices.

Like other large regional concerns, Keys continues looking at other acquisition opportunities.

"We look at South Florida as one central area . . . as one metropolitan area. From Boca down, it's one big network down to Homestead," Michael Pappas says.

He says Keys is concentrating on Coral Gables, Coral Springs and Boca Raton for expansion locally. "We're looking to acquire some firms there."

To the north, Keys is in discussions with smaller brokerage houses in Wellington and West Palm Beach. And the company's looking at Fort Meyers and Naples.

Keys also has become linked with a Canadian network called Southern Exposure, which will put Keys listings into the multiple listing service in Toronto.

The younger Pappas hopes to grow the company mainly by sticking to the basis: selling homes and property. That is divided 75 percent residential, 25 percent commercial.

It's important, Michael Pappas maintains, to keep contact with his offices and personally be involved in associate training—priorities he learned from his father.

"An ingredient that isn't found in many companies because of the corporate buy outs, some which have withstood and some that haven't withstood these recessionary times, is that camaraderie," Barlow says. "I can go up to the Orlando office or down to any Miami office and find that harmony where ever I go."

I am happy to pay tribute to Ted and Michael Pappas by reprinting this article. They represent the best of American free enterprise at work. Both have worked hard to continue to make south Florida one of the best places to live in the world.

KERN COUNTY REGISTERED NURSE OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. THOMAS of California. Mr. Speaker, I would like to recognize the outstanding achievement of Lucinda (Cindy) Wasson, R.N., P.H.N., upon being named the 1992 Kern County Registered Nurse of the Year. This honor is bestowed upon Cindy because of her significant contributions to health care in Kern County, as well as her involvement in the community.

Cindy has served in public health nursing at the Kern County Health Department for 16 years. Starting as a staff public health nurse, she was promoted to supervising public health nurse, and now holds the position of assistant director of public health nursing. In addition, Cindy is a relief supervisor for the disease control program and is a trained pediatric nurse assessor.

During her 16 years with the Kern County Health Department, Cindy has participated in several important public health projects and distinguished herself as a leader, educator, and organizer. As coordinator of the Sudden Infant Death Program, Cindy was an active member of the Southern California Advisory Council on SID's whose support resulted in five State laws addressing SID's that now serve as a model for other States. She has developed programs, lectures, and inservices for health professionals and counselors to help them educate the public about SID's and counsel affected families.

When Kern County experienced a measles epidemic consisting of 986 cases, Cindy networked with State and county agencies to help stop the rapid spread of the disease. As a result of grants written by her it was possible to purchase more vaccine and to develop a task force that sent nurses door to door to immunize the Kern County population. These efforts yielded great results, as the measles rate dropped significantly in 1991-92.

In response to the growing problem of AIDS, Cindy took the lead in writing the State grant application which funded the Case Management Program for Kern County Public Health Nursing in 1988. This program is still growing and thriving, providing weekly visits, emotional support, referrals to appropriate agencies, social services, emergency assistance, and funding for in-home attendant care.

Cindy is also very active in the community. She is a member of the Advisory Council for

the Community Connection for Child Care and the Kern Infant Council and Child Development Advisory Committee for Kern High School District. She is the past president of the Lung Association of Kern County and past chairman of the Maternal Child Adolescent Council of Kern County.

Cindy Wasson's untiring efforts to improve the health and welfare of Kern County residents are certainly worthy of recognition and praise. She is a role model for nurses throughout California and United States and I congratulate her on being named the Kern County Registered Nurse of the Year.

REV. DR. EUGENE COTEY RETIRES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GORDON. Mr. Speaker, on Sunday, May 3, Rev. Dr. H. Eugene Cotey will perform his last service at the First Baptist Church in Murfreesboro, TN, ending a distinguished pastoral career that spans more than 42 years, including 31 in Murfreesboro.

To say that his services will be missed would be an understatement. As he did in Louisville, KY, and Oxford, AL, Rev. Dr. Cotey has provided his congregation in Murfreesboro with the prayer, hope, spiritual sustenance, and timeless, commonsense guidance needed to face both the good and bad times.

He's worked tirelessly for the United Givers Fund and the American Red Cross. The Middle Tennessee Medical Center currently calls on his leadership and knowledge as a member of its board.

In addition, he has unselfishly given of his time and energy as president of the Tennessee Baptist Convention and as a director of the Home Mission Board of the Southern Baptist Convention. He was a trustee of the Baptist Hospital of Nashville for many years and served 4 years on the board of Belmont College, sharing not only his administrative talents but also imparting wisdom and sensitivity to the young and old, the sick and the well.

But Reverend Dr. Cotey's role in our community has gone beyond any official role in his church or other organizations. Over the decades, people from all denominations and faiths and walks of life have turned to this man's steady and trusted advice. With a quiet strength, has had been a rudder of good judgment for all our community.

On Oct. 29, 1985, the U.S. House of Representatives had the privilege of hearing an opening prayer from Rev. Dr. Cotey. He prayed for Members to have "the wisdom to find solutions to complicated problems," to have the "courage to act when fear might lead to inaction," and to have "a sense of mission when it is easier to be self-serving."

Today, those few insightful words reflect the wisdom he has brought to his church and community and are worth heeding by us all.

TRIBUTE TO THE INDEPENDENT INSURANCE AGENTS OF NEW JERSEY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SAXTON. Mr. Speaker, I rise today to salute the Independent Insurance Agents of New Jersey as it begins the celebration of its 100th year of organization.

Since its founding in 1893, the Independent Insurance Agents of New Jersey has been a leader in protecting the rights of consumers and in developing fair solutions to complex issues that carefully balance the interests of consumers and of the insurance companies represented.

The Independent Insurance Agents of New Jersey has more than 1,300 member agencies located in nearly every municipality in our great State. The member interest goes far beyond the sale and service of insurance. Independent agents can be found promoting safety and fighting fraud in the communities in which they live and work. They are active in all areas of civic and community affairs.

I am also pleased to state that a constituent of mine, Jeanne M. Heisler, CPCU, CIC, CLU, CPIW of Toms River will lead the association as its president during the year of its centennial celebration.

I call upon my colleagues in the House to join me in congratulating the Independent Insurance Agents of New Jersey for 100 years of service to the citizens of New Jersey and in wishing the association many more years of continued success.

NATIONAL PROPANE SAFETY WEEK

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CLINGER. Mr. Speaker, I am pleased to take this opportunity to bring to the attention of my colleagues the fact that for over 70 years, the propane gas industry has been making significant contributions to American life with remarkable degrees of dependability, efficiency, and above all, safety.

To highlight the industry's sincere concern with safety, the National Propane Gas Association will be sponsoring National Propane Safety Week from August 24-28, 1992. The Safety Awareness Week will include safety demonstrations and antitampering messages, as well as helpful tips on winterizing propane gas grills, how to prepare for the winter heating season, what to do if a homeowner smells gas, and how to handle a pilot light that won't light.

All across the country, manufacturers, suppliers, and distributors regularly help in educating the over 60 million consumers of propane on the safe use of the gas which they use to heat their homes, and barns, dry their crops, and fuel their vehicles and machinery. National Propane Safety Week will play an im-

portant role in reinforcing the safety education of those who already have access to this pertinent information, as well as in making it available to those who do not.

A home safety audit called the Gas Check Program is another initiative strongly recommended by the Gas Association throughout the Safety Awareness Week. This program stresses consumer education, and after a thorough examination of a homeowner's gas system by a service technician, offers advice on safe and efficient methods of operation of propane appliances. This kind of attention to the safety needs of consumers should not go unrecognized or unappreciated.

Mr. Speaker, I would like to stress my support for all of the propane dealers in my district who put safety first, and I encourage my colleagues to do the same. I would also like to personally commend the National Propane Gas Association and its constituent dealers for their efforts to promote public awareness about propane safety issues through their sponsorship of, and participation in National Propane Safety Week.

JENS HENDRICKS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. DE LUGO. Mr. Speaker, the Virgin Islands community was grieved to learn of the recent death of a dedicated public servant and friend, Jens G. Hendricks. Jens served the people of the Virgin Islands with distinction and honor.

At Jens' funeral the distinguished jurist, former Virgin Islands District Court Chief Judge Almeric Christian, made the following remarks about this wonderful and beloved man, which I wish to read into the CONGRESSIONAL RECORD.

"Even at our birth death does but stand aside a little, and every day he looks towards us and muses somewhat to himself whether that day or the next will draw us nigh." (Robert Bolt)

And so it was that on Saturday last, another once verdant leaf fell from the tree of life as the heart of Jens G. Hendricks throbbed its last. To him came death, as it must to all human kind, for as Horace wrote, "Death approaches with equal steps and knocks indiscriminately at the door of the cottage and the portals of the palace." When death drove away with Jens Hendricks in its heavily curtained carriage, I believe it did so quietly and, I hope quickly.

I will not, for I am sure I need not rehearse a biography of Jens Hendricks. Undoubtedly the program bulletin, and other sources, will adequately do so, and recount the faithful career of service and dedication to his island home and all its people. As to that aspect of his life with and among us I simply affirm that though not "born to the purple," he trod the pathways of this life with royal dignity and grace.

Were proof of this required, one need only consider the encomiums of praise heaped upon him in the media by those whose personal and professional knowledge of him was more intimate than mine.

A few of those accolades appearing in a recent issue of our daily newspaper bags men-

tion: the "consummate public servant," respected by "peers" and "community." "A very good man" who left a lasting and favorable impression on those he touched. A man of "highest devotion to duty," regularly exercising "sound discretion," and "fair and fearless" in the performance of his constabulary and other duties. Extending "warm and welcoming arms" to newcomers to his department, "wholly without rancor or resentment," the "true professional" that he was. "Sound contributor to the rule of justice and efficient law enforcement."

And all these traits and drive, it is clear, he carried with him in his private pursuits after his retirement from the strictly public sphere. Well, and deservedly must we apply to him the wisdom of Carlyle who said: "Blessed is he who has found his work; let him ask no other blessedness." In the public and private sector, as well, Jens indeed found his work.

To all this I add only my one word characterization—friend. That we were. Mutually respectful, with reciprocating admiration. It seems that we both lived by the same maxim, "The only way to have a friend, is to be one."

In all that I have said, I in no way would suggest that our departed brother was without taint of fault. Being of human kind, he must have had his "touch of the earth." I would, and do, say that whatever, and how many his faults, they all pale into insignificance in the bright and abiding light of his many virtues.

As I end these remarks I wish to extend deepest and most sincere condolences to his widow Jean, his daughters, son, other relatives, and host of friends. I urge that you do not overly grieve. You know Jens would have it so. Time will in substantial measure heal all. May you find surcease of sorrow in the words of one Samuel Butler: "To die completely, a person must not only forget but be forgotten, and he who is not forgotten is not dead." Thus because he will never be forgotten, think not of him as dead, but rather that he has "crossed the bar," and passed on to his reward.

May he rest in peace.

SACRAMENTO BEE AWARDED TWO PULITZER PRIZES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the awarding of two Pulitzer Prizes on Tuesday, April 7, 1992, to the Sacramento Bee.

Tom Knudson, who joined the Sacramento Bee as a staff writer in 1988, won the public service award for examining environmental damage to the Sierra Nevadas. In his five-part series, "Majesty and Tragedy: The Sierra in Peril," Knudson describes how this beautiful mountain range has been ravaged by air pollution, overdevelopment and overpopulation. The series, which ran in the Sacramento Bee last June, was Mr. Knudson's second Pulitzer Prize.

Deborah Blum, a science reporter at the Sacramento Bee for the last 8 years, won the Pulitzer Prize for beat reporting for her four-part series, "The Monkey Wars." These articles focused on the ethical choices faced by

scientists who experiment on animals. She was extremely successful in examining and observing the practices and motivations of animal research scientists. "The Monkey Wars" provided one of the most insightful and balanced descriptions of an extremely sensitive, and polarized issue.

The Sacramento Bee is only the second Western newspaper to be awarded two Pulitzer prizes in a year and was the only West Coast newspaper this year to win two prizes. These awards reflect well upon not only Tom Knudson and Deborah Blum, but upon the entire Sacramento Bee organization which daily puts out one of the best newspapers in the Nation.

Mr. Speaker, it is with great pride that I share with you the tremendous achievements of the Sacramento Bee. Day in and day out the Bee is an informative and balanced newspaper that I and the people of Sacramento rely on to get our news. I am thrilled that the Pulitzer panel has recognized its excellence and I invite my colleagues to join me in congratulating Tom Knudson, Deborah Blum, and the entire Sacramento Bee staff.

LESLIE PRESTON WILLIAMS HONORED AS 1992 DISTINGUISHED INVENTOR

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BROOKS. Mr. Speaker, I would like to draw the attention to my honorable colleagues to the fact that today, Leslie Preston Williams of Vidor, TX, will be honored as a 1992 distinguished inventor.

Williams is honored for his invention of the adjustable foaming chamber stem for foam-applying nozzle, a firefighting tool used to extinguish massive industrial-commercial tank and oil field fires. The nozzle was instrumental in fighting the oil well fires in Kuwait.

Cofounded of Williams Fire & Hazard Control Inc. in Port Neches, TX, Williams' operation has provided technical service, training, and firefighting expertise to most U.S. oil and chemical companies, as well as marine interests. His invention permits the extinguishing of fires from a greater distance, minimizing both potential harm to firefighters and loss of resources. The nozzle also helps reduce the environmental pollution caused by massive fires.

The distinguished inventor honor is presented by Intellectual Property Owners (IPO), a nonprofit organization founded to strengthen the rights of patents, trademark, copyright and trade secret owners. IPO works to protect and improve the intellectual property systems that are vital to America's technological and economic leadership by combining the voices of large, medium, and small businesses; universities; independent inventions and patent attorneys.

Williams will receive the award this evening in a formal ceremony in the caucus room of the Russell Senate Office Building.

My congratulations to my fellow Texan and IPO for fostering American ingenuity and technological advances.

INTRODUCTION OF LEGISLATION TO REDUCE THE DUTY ON CERTAIN WATCH CRYSTALS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. HORTON. Mr. Speaker, today I am introducing legislation to amend the harmonized Tariff Schedule of the United States with respect to its treatment of watch crystals. Under current law, the harmonized Tariff Schedule differentiates watch crystals according to their shape. Under heading 2015.90.10, round watch crystals are subject to a duty of 4.9 percent, and under heading 2015.90.20, other (nonround) watch crystals are subject to a 9.6 percent duty. My legislation would reduce until January 1, 1995, the tariff on nonround watch crystals to 4.9 percent, the same as for round watch crystals.

At one time, perhaps circumstances dictated this breakdown in the tariff schedule. Today, however, it appears as though it is outdated. Many companies now merely import round watch crystals, which are subject to a tariff almost 50 percent lower than other watch crystals, and subsequently cut them into what the industry calls fancy shapes. I am told this is a simple, inexpensive process, which makes the subheading 2015.90.20 obsolete.

Initial inquiries I have made with the International Trade Commission and other agencies have uncovered little domestic production of these watch crystals in question. Furthermore, preliminary investigations by the ITC and other agencies were unable to shed light onto the historical reasons for the breakdown in the tariff schedule.

It is my hope that introduction of this legislation will allow the ITC and the Trade Subcommittee to further investigate this section of the tariff schedule. If this investigation confirms what is now known, I urge the committee to expeditiously enact this legislation.

IN HONOR OF THE 50TH
ANNIVERSARY OF CORO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the 50th anniversary of Coro, a nonprofit, nonpartisan, educational institution established in 1942. Its continuing goal is to educate individuals with a broad perspective, interested in public affairs, and committed to improving our Nation's governmental systems. Coro deserves special recognition not only for its longevity but also for its many successes. Today, over 3,000 Coro graduates are the leaders and decisionmakers at local, State, and national levels of government.

Coro's National Fellowship in Public Affairs is conducted each year in four centers, located in Los Angeles, New York, St. Louis, and in my home city of San Francisco where Coro was founded. The annual group of 48 participants ranging from high school students

to senior citizens, contains a broad racial, ethnic, and cultural mix.

Coro stresses the importance of hands-on experience by placing trainees in short internships with business executives, labor leaders, governmental department heads, legislators, community leaders, and many others who play a part in formulating public policy. In seminar settings the trainees work together as a group to find meaning in their individual observations made during the internships. By combining training experience with structured analysis, Coro has developed a balanced approach to educating thousands of individuals on the intricacies of public affairs.

Mr. Speaker, as our world becomes progressively more complex, it is essential that our policymakers have the skills to confront complicated issues and the ability to work with people from all segments of society, including labor, business, and government. Coro teaches participants that public issues are rarely one dimensional, but instead are multifaceted and complex. Coro fellows understand that the best approach to public policy decisionmaking is a flexible approach that takes all sides of an issue into consideration.

Today, it is as important as it was 50 years ago that we encourage talented individuals to pursue a career in public service. And now, more than ever, we need citizens who are interested and involved in the development of good government and sound public policy. While the 3,000 Coro graduates can all attest to how beneficial Coro has been to their own lives, the real beneficiary of Coro's work continues to be our democratic system.

Mr. Speaker, the Coro Foundation will celebrate its 50th-year anniversary with a dinner in San Francisco on Friday, May 1. I commend executive director Ellen Ramsey Sanger and the Coro Foundation and wish them another 50 years of success in training and educating our future leaders.

WE NEED TO DECREASE INFANT
MORTALITY

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROWLAND. Mr. Speaker, this Nation has proven that we have the technology and know-how to address the most complex health care issues. Yet we remain significantly deficient among industrialized nations in our ability to decrease infant mortality. In 1992, nearly 38,000 infants in the United States will die before they reach their first birthday. This is a situation which we cannot tolerate.

Why have we not made the kind of progress that many other industrialized nations have made in this area? What is preventing us from accomplishing goals that are well within our reach? We accept the preeminent benefit of prenatal care yet find that access to these services is hindered by economic barriers, geographic restrictions, or, sadly, by a lack of knowledge of the importance of this care. We have long known the value of adequate nutrition and patient education, yet we again find that this basic health care counselling is not available or not utilized by expectant mothers.

The need for more attention to this problem is also illustrated by the staggering numbers of teenage pregnancies in this country. In 1989, my own State of Georgia was tied for second place in the number of pregnancies per 1,000 girls 15 to 17 years old. We need to educate adolescent girls to the damage that is caused to their own bodies by early pregnancy.

It is imperative that we make the public aware of those issues which surround infant mortality and of the need for adequate prenatal care. It is imperative that we make business, educational systems, communities, churches, and individuals aware of the need for collaboration in order to decrease the number of infant deaths and the number of life long disabilities which result from complications during pregnancy.

Today, Mr. Speaker, I ask my colleagues to join with the members of the Sunbelt Caucus Task Force on Infant Mortality in cosponsoring Infant Mortality Awareness Day on Mothers Day, May 10, 1992. By supporting this effort we will put forth a visible step in the fight to save infant lives in this country.

This is something we must do if we are committed to a healthier, stronger America.

U.S. MUST DERECOGNIZE THE
FORMER YUGOSLAVIA

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SENSENBRENNER. Mr. Speaker, on April 27, the leaderships of Serbia and its ally Montenegro declared themselves successors to the former state of the Socialist Federal Republic of Yugoslavia. The state they wish recognized by the international community has been formally renamed the Federal Republic of Yugoslavia. Mr. Speaker, a rose by any other name will smell as sweet, just as a Yugoslavia by any other name will remain Communist while Serbian President Milosevic is at the helm.

In power since 1987 after ousting his predecessor, Serbian President Milosevic has fanned the flame of nationalism that has to date cost 10,000 lives and produced over 1 million refugees. In only 5 years he precipitated the destruction of an entire state in an effort to build a greater Serbia. There is no civil war in Yugoslavia, but a war of aggression and territorial conquest across internationally recognized borders.

Serbian efforts to consolidate control of Yugoslavia became visible as early as 1988 when the Milosevic regime blatantly and openly reduced substantially the provincial autonomy of Vojvodina and, in 1990, Kosovo. In Kosovo, where the population is 90 percent Albanian, the Serbian parliament simply suspended the assembly and took direct control. Eventually, Belgrade despots focused attention on Slovenia, Croatia and Bosnia-Herzegovina. The result is now before us.

The United States has at last recognized Croatia, Slovenia, and Bosnia-Herzegovina. However, we cannot permit Milosevic's bloody regime claim the former Yugoslavia's United Nations seat as well as membership in other

international organizations such as the IMF or World Bank. Serbia and Montenegro should not be permitted to claim the assets of the former Yugoslavia, much of which belongs to the newly independent republics.

It should also be made clear that the Serbian Army must withdraw into its own borders and respect the sovereignty of Croatia and Bosnia-Herzegovina.

The United States must derecognize the former Yugoslavia and support an international trade embargo and freezing of assets to ensure the Serbian leadership and its puppet in Montenegro understand the implications of their thoughtless conduct.

**BRIAN FOSTER TO HEAD VOCA
OFFICE IN MOSCOW**

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. PENNY. Mr. Speaker, today marks the end of nearly 4 years of service in my office of Brian Foster, who has provided outstanding counsel and support in a number of issue areas, particularly agriculture, hunger, environment, and foreign affairs. He was instrumental in the success of my efforts to establish the Agricultural Research Commercialization Corporation [ARCC], which will promote new uses of agricultural products. It is with regret that we say goodbye to him, but do so with gratitude and many good wishes.

Brian served with the Peace Corps in Costa Rica in the early 1980's, and once again he will be working in international development—this time in the former Soviet Union. In early May, he will become the director of the office of Volunteers in Overseas Cooperative Assistance [VOCA] in Moscow. VOCA, a private nonprofit agency funded through U.S. A.I.D., sponsors such efforts as the Farmer-to-Farmer program which matches American expertise in agricultural production, coop management, and agri-business with technical needs throughout the world. The Farmer-to-Farmer program administered by VOCA is a people-to-people approach to technology transfer that is a most effective way to quickly improve agricultural and food production. In addition, American volunteers bring back valuable first-hand information that they can share with their neighbors, friends, and elected officials.

In keeping with the tradition of Iowa farmers, which is Brian's heritage, he will be breaking new ground in the Commonwealth of Independent States at this historic time. I am confident that Brian will apply the same enthusiasm, hard work, good humor, and astute judgment to his new assignment that he demonstrated in his work on behalf of the people of Minnesota's First District.

I know that the many people on Capitol Hill who have worked with Brian and his spouse, Patricia Koch, will join me in wishing them every success in their new venture in Moscow.

EXTENSIONS OF REMARKS

**A CONGRESSIONAL TRIBUTE TO
THE LIONS CLUB INTERNATIONAL**

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. DINGELL. Mr. Speaker, I rise today to honor the Lions Club International, which began its celebration of 75 years of local and world community service in June 1991. It is with great pride and pleasure that I pay special tribute to the Dearborn Michigan Lions Club, chartered in October 1945, which is celebrating the 75th anniversary on a local level.

The Lions Club International, founded in 1917 in Chicago, IL, is the largest service club organization in the world, with 40,000 clubs in 174 countries. In the United States alone there are 520,000 active members, including women, in 15,000 clubs.

Lions Club members have worked tirelessly on projects in our local communities and abroad. They have been pioneers in the crusade against blindness, consultants to the U.N. Economic and Social Council, and partners in the international effort to provide drug prevention education. The Lions have crossed international boundaries and have put the results of service and hope to work in Hungary, Poland, Estonia, Czechoslovakia, Romania, and Yugoslavia.

The Lions Club of Dearborn has contributed to the betterment of the community through a longstanding commitment to service and excellence. I commend this organization for its significant contributions to our community and to our world. I am sure that Lions across the globe will continue their commitment to excellence for another 75 years to come.

**CHEERING FOR CATERPILLAR?
THINK AGAIN**

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. HAYES of Illinois. Mr. Speaker, the conditions which necessitate unions have not changed; only the Government's stacking of the deck in favor of management has changed. I urge my colleagues to read the attached piece from an editorial writer at the Atlanta Constitution on April 24:

[From the Atlanta Constitution, Apr. 24, 1992]

CHEERING FOR CATERPILLAR? THINK AGAIN

A snapshot of Caterpillar Inc. might give the impression that management was justified in beating down the United Auto Workers (UAW).

The black-and-white facts are: Caterpillar pays workers an average of \$30.69 an hour in wages and benefits. The construction-equipment maker must compete with foreign companies not bound by UAW agreements.

This two-dimensional picture puts the union's demand for higher wages in a bad light. One can see why Caterpillar started hiring replacements April 6 to end the five-month strike.

But to appreciate the complexities of the Caterpillar dispute, one must consider the full-length movie, featuring events leading up to the strike.

The UAW was trying to force the company to accept a contract that conformed to a pattern set last year at rival Deere & Co. The union wanted to protect its policy of obtaining the same deal for all workers in a particular industry.

Pattern bargaining ensures that companies in a single industry compete by emphasizing higher quality and better service. Without a pattern, companies would try to get ahead of each other by slashing wages.

But could they ever get pay low enough? No matter how far U.S. companies push down wages, competitors in Mexico or Brazil or Taiwan could squeeze them even further. Pattern contracts force American companies to focus on improving quality and productivity, not trying to sink to Third World wage levels.

The other big issue at Caterpillar involved the use of replacements. The company hired workers to step in for strikers, a move that would have been virtually unthinkable before 1981.

Though companies have had the right to hire replacements since 1938, few resorted to such harsh measures until President Reagan fired all striking air-traffic controllers 11 years ago.

Inspired by that example, many other companies, such as Eastern Airlines and Greyhound, replaced strikers. Perhaps the most "successful" case was Phelps Dodge, a mining company that replaced 2,000 strikers in 1983. Today, the company remains non-union and pays some of the industry's lowest wages.

In a single stroke, the company threw out decades of struggles by miners who organized to improve job safety and wages.

We're kidding ourselves if we think human nature has changed so much in recent decades that company owners never again would exploit workers.

Even though only 16 percent of U.S. workers belong to unions, all Americans have benefited from the pressure unions have put on companies throughout this century to improve wages and working conditions.

Unfortunately, many labor leaders make it difficult to appreciate the contributions of unions. Excessive demands, high-living officials and arrogance at the bargaining table have given unions a black eye.

But despite their many flaws, unions still provide an important counterbalance to the power of management. If the federal government continues to tip labor law so far in favor of owners, the status of all American workers may well decline.

Before you cheer too loudly for Caterpillar, take another look at turn-of-the-century pictures of children toiling in coal mines and hunching over sewing machines. Remember, that's what a union-free America looked like.

TITLE X AND THE GAG RULE

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. COX of Illinois. Mr. Speaker, I rise today in support of H.R. 3090, the Title X Reauthorization Act, which would restore funding to family planning clinics and eliminate the ad-

administration's gag rule. I find it absolutely reprehensible that, in these socially aware times, these vital services are not being properly funded, and the President has implemented a rule, by which doctors and nurses in these clinics are prohibited from giving their patients honest answers to questions about family planning options.

Clinics that receive title X Federal funds are required to offer a broad range of family planning methods and services to all people desiring such assistance. These services include family planning methods and supplies, physical examinations, preventive screening for breast and cervical cancer, anemia, diabetes, hypertension, and sexually transmitted diseases, infertility examinations, community education and outreach programs and counseling. These vital health services are provided to an estimated \$3.7 million low-income women and adolescents every year. For 83 percent of these patients, family planning clinics are their only source of primary health care. By failing to reauthorize funding for title X programs, we are once again hurting the people who are most in need of our help.

Additionally, the gag rule that will soon be implemented, prohibits clinics that receive title X funding from advising women on all of their options in the case of pregnancy. Not only is this a violation of the freedom of speech, guaranteed by the Constitution, but it also robs women of valuable information they need to make their own educated choices. Perhaps the most appalling aspect of the gag rule is that the women who are most at risk of an unwanted pregnancy, and usually the least educated on family planning methods, will be refused access to information about completely legal services. Upper and middle class women, however, can afford to seek these services for themselves. By passing H.R. 3090, we have a chance to eliminate some of the barriers that exist for lower income people, and set a precedent giving people of all economic groups the right to fundamental assistance.

The ultimate goal of the title X family planning clinics is to prevent unwanted pregnancies. As the United States is the only developed country in the world where the teen pregnancy rate has been increasing steadily in the last few years, this is a necessary goal. However, in the event that preferred methods of birth control do not work, and abortion remains a safe and legal option, women must be made aware of all the alternatives. Title X funds must be reauthorized and the gag rule must be overturned.

HONORING THE EASTCHESTER
PARK NURSING HOME

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ENGEL. Mr. Speaker, I wish today to recognize the 25th anniversary of the Eastchester Park Nursing Home, which provides quality health care to its residents.

For a quarter-century, the staff of Eastchester Nursing Home has exhibited a

special interest in caring for the elderly and working with their families. Each resident receives individualized attention in a home-like atmosphere.

In support of National Nurses Day, the theme of "Nursing Shaping the Future of Health Care" is also being celebrated at the Eastchester Park Nursing Home. Therefore, I pay special tribute to the nurses who have shown great commitment and dedication to their profession. They are a shining example of community service and care for their fellow man from which we can all gain inspiration.

THE INTERNATIONAL STATIS-
TICAL INFORMATION AND ANAL-
YSIS ACT OF 1992

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SAWYER. Mr. Speaker, Today I am introducing legislation that is important both for America and the former Soviet Republics.

The transition from yesterday's Communist dictatorship and centrally planned Marxist economy of the U.S.S.R., to tomorrow's democracy and free-market economy in the republics, will not be an easy one. It is in the best interest of the republics and the United States to ensure that that transition is both orderly and successful. We shouldn't let it fail. Our own national security and future economic prosperity are linked to the ability of the republics to nurture and sustain free societies.

The "International Statistical Information and Analysis Act of 1992" will assist the newly independent republics of the former Soviet Union with the collection, analysis and dissemination of reliable economic data. Without this assistance, the republics will be hard-pressed to employ the statistical means necessary to measure and to guide their movement toward a market economy.

The expertise found at American statistical agencies is unsurpassed in the world. We can use this capability to establish within the republics a statistical foundation with which to guide effectively their economic restructuring.

With a modest investment now, we will reap important benefits in the near future. First, reliable economic statistics will help us measure the concrete benefits of our foreign assistance dollars. That information should help the United States to target its development efforts more effectively.

Second, our investment would ensure American businesses a foot in the door to the largest potential trading partner in the 21st century. Without accurate information, costly mistakes are inevitable.

My legislation would create a coordinating council of the U.S. Government's statistical agencies, comprised of representatives from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, the National Agricultural Statistical Service, the Statistical Policy Office at the Office of Management and Budget, and the Agency for International Development.

The council will determine priorities for providing training and other statistical assistance

to each of the republics. To administer the training, the council would rely on programs already established within each of its member agencies.

The council also would encourage the dissemination of economic information collected by each of the former republics. The council would ensure that data from the republics is made available for analysis and policy determination by the United States, with the assistance of its member agencies. It also will make the information available to American businesses for use in their plans to market products abroad.

Reliable statistical measurements are fundamental to any society. Used to their potential, they guide policy, both in government and in the private sector. In our country, we have come to recognize the value of our own economic indicators, especially in these days of economic hardship for so many. Surely we can appreciate the importance the republics place on the need to develop their own measurements of economic progress. This legislation provides a means to facilitate critical economic information for the republics and for us.

I urge my colleagues to support this legislation.

INTRODUCTION OF LEGISLATION
TO PROVIDE UNIVERSAL ACCESS
TO HEALTH CARE FOR ALL
AMERICANS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. REGULA. Mr. Speaker, today, I am introducing legislation to provide universal access to health care for all Americans. Congress must act to ensure the fundamental right of every American to such care. Our constituents demand that this body move forward on the issue.

Four primary goals provide the foundation for my proposal.

First, every American will be guaranteed coverage of their basic health care needs without denying the ability to choose their own caregiver. This is done through the use of health care vouchers to every American that is funded by employers and government and are used to purchase certified insurance annually. Health care becomes a quantifiable expense for business and no longer puts our companies at a competitive disadvantage to foreign competitors. Special exemptions and considerations are given to small employers.

Second, the bill builds upon the positive benefits of the existing system rather than tossing the good aside with the bad. Access to quality care for our elderly and the very poor will not be changed. In fact, it will be enhanced by a new long-term care benefit for chronic illness and coverage of preventive health care services. Technological development and investment in the buildings, machines, and materials that permit the delivery of quality care are continued and encouraged.

Third, it is based upon the old-fashioned notion of free market enterprise. When the individual purchases their health coverage at the

beginning of each year they are then entitled to any funds remaining in the account. These moneys are tax free and can be used for any purpose by the individual. Self-motivation and a desire to get the best value will result in cost-effective purchases that force insurers to offer competitive policies.

Finally, overly burdensome regulatory red-tape on physicians, hospitals, and the patient are eliminated.

Whether it is this proposal, or some other, now is the time for action.

TRIBUTE TO THE UNITED BLACK FUND

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. NORTON. Mr. Speaker, I rise today to pay tribute to the accomplishments of the United Black Fund, Inc., of Greater Washington, DC, and to recognize the founder and president of this outstanding organization, Dr. Calvin W. Rolark, as they celebrate the success of this year's fundraising campaign with their 20th Annual Victory Luncheon.

The United Black Fund has been an indispensable agent of change in the District of Columbia. For 23 years, the United Black Fund has provided special services to every segment of the Nation's Capital. From early child development to advocacy programs for senior citizens, the United Black Fund has been at the forefront of progressive change and has served this city and its residents well. This vital organization has had a profound impact on enhancing health care, educational opportunities, and the general quality of life for thousands of District of Columbia residents.

Funded through payroll deductions and individual contributions from the community, the United Black Fund offers programmatic and emergency funding to community-based organizations throughout the District of Columbia. Presently, the United Black Fund supports 68 member agencies and assists an average of 200 nonmember agencies on an emergency basis.

Mr. Speaker, I ask my colleagues to join with me in celebrating the achievements of the United Black Fund.

THE VERDICT IN L.A.

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BLACKWELL. Mr. Speaker, it is with the utmost concern that I rise today to address a situation that concerns each and every American citizen. I am speaking of the verdict that was handed down yesterday in the trial of the officers in the Rodney King beating. This decision sends a negative message to all that have placed their belief in ideals of freedom and equality.

I find it ironic that a country whose foundation is built on the principle of justice, that a

man in 1992 may be unmercifully beaten for all the world to see and his assaulters declared innocent. I believe that it is time for each and every one of us in America to wake up and realize what is happening in our communities.

Mr. Speaker, 95 percent of the police officers in this country are good law enforcement officers, but there is a minority who appears to take the law into their own hands.

When we consider what has happened to Rodney King, we do not have to rely on hearsay, or the word of someone else. The unjust, terrible beating is something we all saw for ourselves.

This verdict sends a fatalistic message to people that there is no safe haven in justice. It sends a message to our children that they cannot be treated with dignity and respect. Worst of all, it breeds hopelessness in our society.

This reminds me of a time in our history that I hoped could be left behind us—when a person could be dehumanized and have no legal recourse to protect himself against the offense.

Some may believe that the Rodney King decision is inconsequential, but this attitude will bring us right back to that shameful period in history. Mr. Speaker, we cannot go back to that time and we must not go back on our principles!

WARSAW GHETTO UPRISING COMMEMORATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GILMAN. Mr. Speaker, today many of us gather in the Capitol Rotunda to participate in the national civil commemoration of Holocaust Memorial Day. Indeed, all this week special memorial services and programs are being conducted in memory of the 6 million Jewish men, women and children who perished at the hands of the Nazis.

This past Sunday I was pleased to participate in the Holocaust commemoration which took place in New York City, at which Vice President Dan Quayle was the honored guest speaker. In order to share his remarks I inserted his remarks in the CONGRESSIONAL RECORD earlier this week (E1117, April 28, 1992). He spoke movingly of the need to remember.

The legacy left us by the 6 million who perished includes the awesome task of ensuring that history honestly records their fate. We must continue to guard against revisionists and neo-nazi groups who, through their self-styled blindness and ignorance, attempt to denigrate, dismiss, and ultimately ignore the very existence of our families and friends.

Among the speakers at the New York ceremony was Benjamin Meed, chairman of the Warsaw Ghetto Resistance Organization and one of the organizers of this annual event. Accordingly, Mr. Speaker, I would like to share Benjamin Meed's eloquent remarks with my colleagues, and insert his statement at this point in the CONGRESSIONAL RECORD:

REMARKS BY BENJAMIN MEED

Once again we have gathered together to remember, to recall our Six Million Kadoshim, to recite Kaddish beizbur, to light our memorial candles, to stand together in tribute to the heroic ghetto fighters and all those who resisted the German Nazi murderers physically and spiritually.

We meet at a time of political turmoil in many lands. The world is changing before our eyes. Yet the events we are witnessing today have a threatening familiarity, all too reminiscent of times we have known before.

This year, Jews feel uneasy, something is wrong. We can sense it in the air. Anti-Semitism and hatred are on the rise, one group turning against the other; increased anger, increased resentment. The murder of a yeshiva student in Crown Heights; Statements of a Presidential candidate who deems, if he does not deny the Holocaust; the entry into the mainstream of American politics of the former head of the Ku Klux Klan, the ballot boxes of Germany, where Far Right groups make an alarming showing, and—at the same time—where President Waldheim of Austria is received with honor by Chancellor Kohl of Germany.

In this atmosphere, those who deny the Holocaust are making their voices louder, taking their message of hate and contempt to college campuses with advertisements in student publications demanding a debate on whether the Holocaust did happen. Imagine: All this is happening in our lifetime.

Something is wrong when humanitarian aid to rescue a threatened Jewish community seeking its freedom as Jews in the Jewish homeland is politicized; when humanitarian aid is held hostage to a peace process. Suddenly, Israel is an issue in American national life—and the resettlement of rescued Jews is controversial. It is just wrong.

Bombings of a synagogue in Turkey and the blowing up of the Israeli Embassy in Buenos Aires, Argentines and Israelis killed together by terrorists. The attacks continue, the uncertainty continues, terrorism continues. We must be mindful and grateful for the response of the Argentine President Carlos Menem, who led a demonstration of 100,000 through the streets of the city to denounce terrorism with placards proclaiming, "We are all Jews." We acknowledge with appreciation this noble act by the leader and the people of Argentina.

This is the day of our collective remembrance. We remember because memory is a shield against indifference. Memory kindles solidarity. Memory brings people together. Our pain is not only from a by-gone day. Our wounds bleed anew.

We remember not for ourselves. We could never forget. We remember because this was the desire of those who did not survive; this was their commandment to us: Remember! Gedenk! Remember us! Remember what happened to us! Remember so that the world will never forget.

In remembering the days of our struggles, we recall with grief and love those who fell. In remembering the days of our people's history, we express our unity and solidarity with the Jewish State of Israel, a land near and dear to us, a free and democratic nation, a country whose survival and security are as precious to us as the very air we breathe.

How different our lives and the lives of our loved ones would have been had there been an Israel half a century ago, when in a villa near Berlin the official decision was made by the rulers of Germany to murder the entire Jewish population of Europe—the Final Solution; when the deportations started from

the Warsaw Ghetto and the mass killings began in Vilna, Lublin, Bialystok, Lodz and so many other cities and towns and villages; when an entire Jewish world was brought to an end by starvation and by shootings, by burnings and in gas chambers. And the world was mute.

We remember those years of darkness—how our fear began to build and then how rapidly the world of our youth came to an end. I remember the Warsaw Ghetto when it was crowded with half a million starving Jews. I recall thousands of us, forced to line up in the narrow streets of the ghetto, and a German officer at the head of the line, pointing with a stick, "Left, right, left, left. . . . I can still feel the dread we felt as we stood in that line. Left to death camps. Right, a few more days' survival in the ghetto. I also remember the Ghetto when there were only 50,000 of us left, as the preparation for the Warsaw Ghetto uprising began. We can never forget the indifference of our neighbors, our isolation, our abandonment and betrayal by the world.

Fifty years later, we still feel the pain as if it were yesterday. We still carry the fear that perhaps it could happen again. For those of us who survived the Holocaust, that fear is impossible to ignore because the world let it happen once!

Do not forget that the Germans, the killers, men of culture, masters of technology, used their scientific and psychological knowledge to murder our people: innocent men, women and children. Their engineers designed the crematoria; their psychologists devised the techniques of mass terror. What could we expect now, when the brutal hate-filled murderers of today have more advanced technological and psychological techniques at their disposal, people like Saddam Hussein, with his years' long preparation to destroy our people.

If our tragic past has taught us anything, it is that the unthinkable is indeed possible, that the unbelievable can indeed happen again.

We must not let that happen. We must join with each other, for we are bound together in one fate: Jews in Turkey and Argentina, Jews in Russia and Ethiopia and Crown Heights, Jews in Israel. We must be our brothers' keepers. No Jew can survive if all Jews do not care for one another. No nation can survive if we do not care for each other.

Let us hope that the world will heed the lesson of the Holocaust, and that the unthinkable, will never again come to pass. Let us be on guard. Let us remember, for, in the words of the Baal Shem Tov, "Remembrance is the secret of redemption."

THE SECRET DEPORTATION OF
JOSEPH DOHERTY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. MANTON. Mr. Speaker, today I would like to call my colleagues attention to the continuing story of Mr. Joseph Doherty. As my colleagues may recall, Mr. Doherty, an Irish national, lost his bid for political asylum in January, when the Supreme Court ruled to allow the Attorney General the right to refuse individuals fair hearings on political asylum claims. In particular, I want to draw attention to the unusual circumstances under which Mr.

Doherty was secretly deported to the United Kingdom on February 19, 1992.

Although several of my colleagues and I had personally asked Attorney General Barr to keep us apprised of his actions with regard to Mr. Doherty, on the day he was deported, the Attorney General's office refused to give us any information. The Justice Department would neither confirm nor deny that Mr. Doherty was indeed being deported. However, the Attorney General's office apparently had no problem confirming Mr. Doherty's deportation to the wire services. Two months later we were informed by mail that Mr. Doherty was deported secretly because of security considerations. I regret the Justice Department felt my colleagues and I could not be trusted with that information earlier.

Mr. Speaker, the day Mr. Doherty was deported was a confusing and frustrating day for my colleagues and I who tried without success to determine his whereabouts. However, our situation pales next to the story of the individual who lived through the ordeal. In that regard, I commend my colleagues attention to a compelling article written by Mr. Doherty describing his experiences and I am inserting it in the RECORD at this point:

[From the Irish Voice, Mar. 17, 1992]

JOE DOHERTY: MY JOURNEY "HOME"

(By Joe Doherty)

"I asked the R.U.C. man where I was going. 'Home,' he said. 'Where?' I asked. 'The Crumlin Road Prison,' he smiled. 'You know the place, eh?' he laughed. 'Yeah, I do. I do.'" On Wednesday, February 18 last, IRA prisoner Joe Doherty was deported from the United States after a nearly nine year fight with the U.S. government. Here for the first time he writes of that painful journey back to a prison cell in Belfast.)

THE FEDERAL MARSHALS ARRIVE

Receiving a notice of deportation that day, Tuesday February 18 from the office of the U.S. Attorney General, I knew that I had mere hours before the U.S. federal marshals would "storm" Lewisberg Penitentiary. I told the lads at the prison, and we bade farewell at look-up. Was this really it, this time, as I drifted into an uneasy sleep?

The torch lights shining on my face made my body move and the banging on the cell door told me that, indeed, my time had arrived. I looked up at my watch. It was 3:45 a.m. Wednesday morning, and I was awakening to my last remaining hours in America.

I was told to step into the cell block hallway. Placed against the wall I was abruptly handcuffed from behind. My property was left behind in the cell. Even my watch was taken from me. My demand that I should be allowed to take my personal belongings, including family photos, legal material, and address book were coldly denied. They promised to mail them to the Royal Ulster Constabulary (R.U.C.) in Belfast.

What followed was an insult and an undignified end to my decade in America. I was stripped naked and subjected to a brutal and meticulously long body search. Not an inch of my body or inner cavities were left unsearched.

This again happened when the U.S. federal marshals arrived. My clothes were taken off and I was given a set of clothes chosen for the journey. Watching the array of chains and leg irons before me I was angered at the violent over-reaction to my status.

I was then cuffed, body-chained, belly-chained, and leg-ironed, like some dangerous

animal. The awareness and pain of those chains were to last for the next 16 hours. Fog had set in over the penitentiary; but I could make out the three U.S. marshals' cars and the M.16-carrying marshals who nervously watched my every move as I slowly passed the front gate and watch towers.

The chains and irons made walking an unnatural and arduous feat. As the U.S. marshals carried me into the car I gazed back at the misty wall of Lewisberg and my eight years and eight months, to the day, of penal life. It was a difficult moment, as were the difficult emotional moments that lay ahead of me that day.

DESTINATION: ANDREWS AIR FORCE BASE

The U.S. marshals made haste through the fog to hit the freeways. Passing Harrisburg I tried to figure out my destination. The marshals were tight-lipped. Most of them looked like Special Forces, macho and ready to blow me away at any sudden move.

Watching road signs as the sun fought to break the mist, I calculated that I was heading for Washington, D.C. I was not officially informed that I was going to England. So maybe they want me at the U.S. Justice Department? Mary Pike and Steve Somerstein would be there. So would some U.S. members of Congress. A deal was made, I thought. But my wishful thinking and dying hope gave way as I saw the sign: Andrews Air Force Base.

We had problems entering the base. Apparently the President, George Bush, was flying out on Air Force One at the same time. The Secret Service did not want any problems with me. I guess they did not want me yelling any last pleas.

I looked around for Bush only to see a C-20 jet nearing our car. "That's your jet, Doherty," the head marshal said. "We shall make London, England in seven hours," he added. They are really handing me back to the British, my last breath of hope said.

Climbing aboard, I thought I should make a speech, kiss the ground, say farewell. But the stealthy nature of my departure and the armed farewell committee left me speechless and I dare not look back at a land I came to love and admire. I dared show no emotion. My weeks of media interviews and complaining that I would be taken on an Royal Air Force (R.A.F.) bomber had paid off.

The U.S. Air Force C-20 was the best they had. Called the Gulf Stream, the C-20 was a 20 seat jet. It even had an air hostess (male). Marilyn Quayle and First Lady Barbara Bush often used the jet. Minus the chains and irons the trip would be comfortable.

Next stop, Air Tactical Command at the U.S. Air base at Loring in the State of Maine. The mountains of snow over Maine verified my recollections of yearly news reports.

Refueled, I braced myself for my final departure from America. The Immigration and Naturalization Service (INS) agents came aboard and informed me that I was being deported to London, England. I made an official complaint that I was not being extradited, but rather deported from the U.S.

My arrest at an R.A.F. base outside London would be a violation of the U.S./U.K. Extradition Treaty and the principles of international law. This treaty protected me from arrest, I said. The INS agents said nothing and walked away.

Ten thousand feet up I could see the American coast line. I always thought of the pain I would feel if I saw the New Land for the last time. I tried to keep my mind to the future hours and days. I had no time to be sentimental. My dramatic upcoming arrival in

London braced me into a disciplined and hardened attitude for the tough hours and days ahead. I had trained myself for months for this emotional moment.

Hours went by and I could not escape the thoughts of my life in the States. The legal battles fought and won, the friends I had come to love and the many personal experiences I faced.

GUNS WERE EVERYWHERE

Nearing the English coastline I felt quite proud of the myself and the many things I had achieved in America. I was a winner, giving my every day in the U.S. prisons, struggling to touch people so that they could feel the oppression in Ireland. The enormous support gathered for my plight testified to the work done and the victory achieved. My two attorneys, Mary Pike and Steve Somerstein had a proud client and I was embraced by no finer friends.

Coming to taxi at the R.A.F. base I felt bitter at the U.S. government for this sellout to the British. This affront to the law was an insult to all Americans. The U.S. marshal could not look me in the face. The shame was there.

I looked out the window, guns were everywhere. The U.S. marshal awkwardly said good-bye. I made a last complaint at this middle-of-the-night stage play. It was fruitless. I was carried down the stairway. I was confronted by R.U.C. officers. "We arrest you under the Emergency Provisions Act for escape from lawful custody," they said.

As my American escort backed-off, I knew it was over. Cuffed again on top of the American cuffs, I hobbled 50 yards to an awaiting Islander R.A.F. plane, which looked like a Volkswagen with wings. Two R.U.C. officers looked nervously at me as we struggled to find room. We agreed that we might not make the three hour trip to Belfast. Cuffed to R.U.C. Det. Stewart, I knew that if I fell out of this thing that I would be in good company. I smiled at the thought. But we made the trip across the Irish Sea.

It was approaching 1:00 a.m. Seeing the Ulster coastline and the city lights of Belfast made my heart beat as we got nearer. I was relieved to see land of some kind. I asked the R.U.C. man where I was going. "Home," he said. "Where?" I asked. "The Crumlin Road Prison," he smiled. "You know the place, eh?" he laughed. Yeah I do, I do.

THE CITY OF BELFAST

Watching the city below, my life rolled before me; my childhood playing on those streets; my youth spent behind manned barricades; and my formative years as an Irish republican street guerilla fighter. And finally my departure in 1981 to find refuge in America. My thoughts were a mixture of homecoming joy and sadness of the land and people I left behind in America.

I pressed my face to the window, watching the peacefulness of Belfast below. It was a wondrous paradox. On seeing a military helicopter below us, ominously flying above sleeping rooftops, I was jolted back to the reality. This was war-torn Belfast.

We finally landed to the amazement of all on board. Coming into taxi I could see the heavily armored welcoming party. Lights were kept at a low. I guess the U.S. and British governments did not want the publicity. There went my presentation, defiant clenched fist salute, and all.

An army of heavily armed R.U.C. paramilitary police surrounded the plane immediately. I gazed nervously at their faces. I guess I was more apprehensive than nervous. Gone were my U.S. Bill of Rights protec-

tions. And facing me was an array of guns and men only too willing to use them.

They were all around me, gazing studiously hard into my face like I was some specimen. I also searched their faces. No words were spoken. But I could hear dim whispers. Many were young, maybe in their early twenties. The R.U.C. faces portrayed both fear and hatred. I guess a sense of loss, too. It was indeed a sad and perplexing moment. Some of these faces were born before the conflict. Like many nationalist youth, war became their life. That initial imprint on a darkened airport brought home to me the saddening dilemma of our country: fear, and hatred and a sense of loss for us all.

We sped through the streets to the Crumlin Road prison in Belfast. I dreaded the thought of this moment the US Marshals put the leg irons on. But I was physically and psychologically prepared for my arrival at the prison and the insults and beatings, if need be.

BACK IN THE CRUM

I finally stepped off the armored truck to come face to face with the familiar Crumlin prison court yard. I recognized the traditional stone work of the 18th century relic of Colonial England. Almost twenty years ago, I first encountered this place of imprisonment. Eleven years ago, I walked across this very court yard, prison guard uniform on, escaping to freedom. I felt a sense of jubilant pride as I walked to my cell.

I was taken to B wing for the night. A mug of tea and a jam sandwich was placed in the cell. The warden was not unfriendly. I suspect that they were warned not to be hostile yet! But I did take joy in his typically Belfast humor. My American accent also had him in a fit of laughter. I was home.

It was a familiar Crumlin road prison cell. History was written all over its walls. Republicans have been through B wing for a century or more. Then, as now, there was no toilet. The traditional pot was in the corner, adjacent to a bucket of stale drinking water. A few Ulster cockroaches came forth to greet me, Catholic or Protestant, I don't know. The urine atmosphere greeted me and I missed already the comfort of my U.S. prison cell.

I lay down on top of the bed. After almost twenty hours of leg irons and belly chains I felt tired. But sleep was not easy. My mind was still in the United States and the friends and loved ones I had left behind. It seemed that my whole life was now taken from me, as indeed it had been. Suddenly, within hours I am transformed into a whole different world. But I awakened myself to the necessity to look forward. Tomorrow begins the first day of my life sentence.

The following morning I was interviewed by a class officer. I was to be moved to an assessment unit on D wing. I guess they needed to assess me. For what? Apparently I had to stay on in this unit for one month. Then I was asked if I would be a conforming prisoner and advised that my release would come sooner.

READY TO CONFORM?

It was a real sales pitch. Maghberry was a new prison with state of the art industry training and a school. I didn't like the word "conform" and dived into a typically "Joe Doherty" headstrong political argument with the screw. "Conform to what?" I said. "This repressive state needs to conform to the principles of democracy and justice," I said. OK! I guess he got the point.

My other choice was to go to the Maze-H Blocks and be a non-conforming prisoner. I'd use different terms, but I told him that I

wanted transfer to the H Blocks. I was then located down on D-3 wing and told that I'd be locked in the cell 24 hours per day. I guess they think that a few weeks or months of solitary confinement will change my mind. I told them to read my book, "Standing Proud."

I settled into my cell. At least my window was open. It was partially blocked by a metal plate. This was to stop the vision of snipers. "Great," I said, but a small gap gave me sight of Belfast City Hall. The window was also a source of noise to break the silence of solitary. Daily I could hear gun fire, armored tanks, helicopters and the odd bomb explosion. Crumlin Road prison was also tense. I could hear yells of defiance and screams from A-Wing. The screws were not so friendly on A-Wing.

But I settled in. My first visit was a treat. My mother, father, and sister Ann were there. It was a strange delight to see them all on home turf. I guess we were all pleased that it was over, the many years of anticipation in America.

The visits are only 30 minutes per week, as with my four letters out per week. This was another dissatisfied encounter that I had to face and discipline myself for. But at least I could wear my own clothes, a reminder of our H-Block struggle and victory. Wearing black shoes, tan shirt and a neat pair of denims, all I needed was a pretty girl and a dance floor.

Now I await my transfer to the H-Block prison. News speculation is that British Secretary of State Brooke is reviewing my nine years spent in the U.S. Federal Prisons. What will happen I do not know. Making my choice of the H-Blocks and a status of political prisoner may have sealed my fate. But I am a political prisoner, always have been, always will.

I cannot conform to a system that denies us the fundamental right to freedom. My Irish Republicanism shall never be denied, not under pressure or attack from any source, whether Brooke, Bush, McDonagh or Mullen. I am an Irish Republican.

At this point I wish to follow up my farewell statement. I thank all of you for your steadfast commitment over the years. My stay in the U.S. was a wonderful experience. It certainly gave me and shall continue to give me a great strength to carry on.

Hopefully our nation shall benefit in its freedom. Then I shall revisit my friends in America.

NOTRE DAME HIGH SCHOOL DISPLAYS OUTSTANDING PUBLIC SERVICE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues the public service program of Peoria Notre Dame High School in the 18th Congressional District.

This public service program is part of Notre Dame High School's curriculum. In order to graduate, students must complete 100 hours of public service. No one has failed to meet this requirement thus far. This program is a great success and a wonderful incentive for students to give more of themselves to the community.

At this time I would like to insert into the RECORD articles by Jo Ann Newberg of the

Peoria Journal Star, which detail the great success of this program and the wonderful job the students are doing for our community.

[From the Peoria Journal Star]

HELPING, LEARNING, GRADUATING

(By Jo Ann Newberg)

One elderly resident of St. Joseph's Home can't wait for Mindy Montle to visit.

Montle, a senior at Peoria Notre Dame High School, takes the resident for wheelchair rides and reads to her. She breaks up the monotony of her friend's days.

Montle likes volunteering at the retirement home, because her grandfather once lived there. But she also does it because she wants to graduate.

Such volunteer efforts are part of the curriculum at Peoria Notre Dame, where students must complete 100 hours of public service before they graduate.

The program typifies what's happening across the country, as public high schools encourage students to give of themselves, and more and more parochial schools demand it.

In central Illinois, all high schools within the Peoria diocese require students to perform community service. So far, public schools have stopped short of making volunteerism a graduation requirement—but some believe they have the right to do so.

The state of Maryland and some schools in Atlanta are flirting with a graduation requirement of 75 hours of public service.

"There are good arguments for these kinds of programs," said National Education Association spokesman Charles Erickson. "Local school districts and boards have the power to set curriculum and include it."

LEARNING TO CARE

At Peoria Notre Dame, Assistant Principal Sister Roberta Bussan, coordinator of the school's Christian Service Program, said students help the poor and disadvantaged in our four areas—the parish, the community, the school and independent projects.

"Students learn to live the gospel, to care for one another in the spirit of Christ," Bussan said.

She said the program grew out of separate volunteer projects in religion or sociology classes at Bergan and Academy of Our Lady/Spalding high schools before they merged into Notre Dame.

"I researched schools across the country that had similar programs to see what they do," Bussan said. "We decided 100 hours was manageable for students over a four-year period."

"The 100 hours start with the class of 1993. Other classes already in place had to complete fewer hours. No one has failed to meet the requirements."

Joe Benning, superintendent of schools in the Peoria diocese, said all Catholic high schools in the diocese have volunteer service requirements for graduation.

"They are very similar to the volunteer program at Peoria Notre Dame, but may vary in the number of hours required," he said.

Barbara Keebler of the National Catholic Education Association in Washington, D.C. said compulsory volunteer service in parochial schools is in place across the nation.

"It depends on the individual dioceses," she said, "but the majority of them require it."

The scope of Notre Dame's service to the community is enormous, considering there are 880 students at the school. If each student completes 25 hours of volunteer service each year, the community receives 22,000 service hours annually.

MANY PROGRAMS

Students earn volunteer hours in their churches, teaching CCD classes and assisting in after-care programs in parish schools. They coach grade-schools teams and act as lecturers and servers at mass.

In community programs, volunteers help in nursing homes and hospitals, or at agencies like the Red Cross, March of Dimes, lung and heart associations and St. Jude's. Others help via Lakeview Museum or park district programs.

In-school projects include Kiwanis Key Club community service and the Kids on the Block program, to increase awareness of people with disabilities. Students are peer counselors and retreat ministers, or work on the Christmas food drive or semi-monthly collections for parish food pantries.

"The program is promoted through religion classes," Bussan said. "Some of our students work in areas they are interested in as a future profession. They develop a sense of volunteerism. It's the hallmark of our American society and extremely important to give time, energy and resources to help others."

"It helps the student's self-esteem and sense of outreach to help the community," she said.

DISTRICT 150

In Peoria District 150 high schools, volunteerism is not compulsory, although students perform many hours of community service via clubs and student councils.

John Day, community relations director of Peoria public schools, lauded Peoria High School's recent blood drive organized entirely by students, who donated 100 pints of blood to the Red Cross.

"The schools donated over 24,000 food items last Christmas," he added. "Food went to the Salvation Army, Neighborhood House and several other pantries and agencies. A lot of agencies told us they couldn't meet the demand without help from the schools."

Dick Greene, Peoria High principal, said his students have an active Key Club.

"Ken Stetzler is the sponsor, and they do a great job. Also the Student Council does a lot. They collected and distributed 75 food baskets for the Salvation Army at Christmas."

He said student musicians entertain at nursing homes that are under the umbrella of the Jefferson Bank, Peoria High's Adopt-A-School partner.

At Manual High School, Principal Eric Johnson noted the annual recognition of student volunteers, who are awarded certificates, school letters and plaques for each year that they complete 150 volunteer hours.

Johnson said organizations that foster community service include the National Honor Society and Key Club.

"All the high schools have a pool of kids who volunteer," Johnson said. "It's good for youngsters to give back to the community and help others. It gives them a good feeling. In the metropolitan area, there are a lot of teens reaching out and helping people."

Dave Barnwell, principal at Woodruff High School praised Key Club and its community outreach programs such as food drives for the needy and window washing at London House, the Kiwanis retirement center.

"We have five Adopt-A-School partners. One of them is Methodist Hospital. We have a unique program through Methodist called Kid-Safe. Any Peoria County grade school can bring their first- and second-graders to Woodruff for a program teaching them what to do in emergencies, how to dial 911 and things like that."

"Our students act as guides and hosts and hostesses for the kids. We have 30 to 40 schools here in a two-day period."

Barnwell added that the Woodruff Student Council organizes Christmas food basket collections and outreach projects in the Woodruff community.

Richwoods Student Council and Key Club are core groups for student volunteerism, according to Principal Jay McCormick.

"Key Club is very active with about 100 members. The Student Council has a core group of 25 kids. They sponsor various activities like food drives and the Walk-A-Thon with Proctor Hospital, our Adopt-A-School partner."

Meanwhile, Peoria Christian High Principal Mike Kruger said the annual senior class trip incorporates mission or outreach projects. Bible classes include volunteer service. The school requires no volunteer hours for graduation, but staff is looking into it, he said.

TEACHING, BUILDING, COOKING AMONG STUDENTS' VOLUNTEER EFFORTS

Notre Dame High School students must earn 100 hours of volunteer service to church and community before they graduate.

Here's how a few are completing their service requirement.

Brian Dotzert volunteers at SHARE Foods distribution center for low-income families.

"I count out fresh vegetables and put them in bags, box them up and take them to different parishes," he said.

He works two days a month. "The same guys are there all the time, and I got to be good friends with them. Retired people volunteer there and help out a lot," he said.

Senior Tim Carroll volunteers in the South Side Office of Concern food commodity program for low-income families. He often carries canned foods to cars of elderly clients.

Sister Roberta Bussan, program director, said, "They needed four or five boys for heavy lifting. Two girls work in the office and register families."

Josh Dooley, a junior, has taught CCD (Confraternity of Christian Doctrine) classes to first-graders at St. Edward's parish in Chillicothe for three years. Bussan said Dooley's long-term commitment is typical of many students, especially those who work in their parishes.

Dooley, who hopes to be a math teacher one day, enjoys the children.

Cindy McCabe, a junior, and sophomore Robert Hawks volunteer at hospitals. McCabe has donated 165 hours to Saint Francis Medical Center, transporting patients to rooms, helping discharge patients and running errands for nurses.

"I've met all kinds of different people," she said. "I like discharging new mothers and their babies and seeing the families so happy."

Hawks has volunteered almost 200 hours in the Methodist Medical Center emergency room and is continually learning from doctors. He cleans rooms, transports patients and runs errands.

"One of the doctors asked me to help with sutures and that was pretty neat," he said. "I got to cut the suture for him. Some doctors really help you learn." Hawks plans to be a doctor.

Erin Ness, a junior, worked two summers with a mission to Appalachia, sponsored by his church, Redeemer Lutheran. In North Carolina, he repaired homes of mountain dwellers, helping with plumbing, septic fields, roofing and siding. His sister, Saneer, who graduated from Notre Dame last year, also went on the mission.

"I made a lot of friends," Ness said. "Kids are there from all over. We make fun of each other's accents. The people on the mountain are laid back and happy. One family owns a mountain and invites us every year to spend a day with them. Their family has always lived there."

Sophomore Emily Newson volunteers at St. Patrick's Daycare Center three or four days a week in the summer. "It's really fun," she said. "I went there when I was lit-

tle and now I have a chance to help. I remember a lot of the teachers. I help in the kitchen. I like being with the kids and want to be a child psychologist."

Mark Kraft, a senior, volunteers at Casa de Santa Maria, a Notre Dame Spanish class project that began in February. Marie Traska is the teacher.

Volunteers tutor bilingual pupils, mostly Mexican, through Catholic Social Service in

a building on Bryan Street. Rosa Grow directs the program.

The tutoring project was initiated by students as an outgrowth of a Christmas party the Spanish class hosted for the young children.

"One of the kids never brought his homework, but now he does," Kraft said. "His teachers called us and said he's really improved." Kraft also is a peer tutor in Spanish and a volunteer at wrestling camps.

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